



**City of St. Helena
Planning Commission
Regular Meeting
Tuesday, March 1, 2022 @ 6:00 PM**

This meeting will be conducted pursuant to the provisions of Government Code Section 54953 (as amended by AB 361) which authorizes teleconferenced meetings under the Brown Act during certain proclaimed States of Emergency. The Governor of California proclaimed a State of Emergency related to COVID-19 on March 4, 2020. This teleconferenced meeting is necessary so that the city can conduct essential business and is permitted under Government Code 54953 in order to protect public health and safety of attendees.

Consistent with Government Code Section 54953, this City Council Meeting will be held via teleconference only, and will not be physically open to the public. Commission members and staff will teleconference into the meeting by audio and/or video. The meeting will be conducted via Zoom Webinar.

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.

****NEW** - Simultaneous Spanish interpretation services during meetings can be scheduled upon request. To ensure interpreters are available, requests must be made at least 72 hours in advance by calling the Office of the City Clerk at (707) 968-2640 or emailing cityclerk@cityofsthelena.org.

The schedule of upcoming meetings and published meeting agendas can be found on the City of St. Helena website at <https://sthelena.civicweb.net/portal/>.

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

Please click the link below to join the meeting:

<https://us02web.zoom.us/j/88082118641>

Or One tap mobile :

US: +16699006833,,88082118641# or +13462487799,,88082118641#

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 +1 312 626 6799 or +1 929 205 6099
or +1 301 715 8592

Meeting ID: 880 8211 8641

International numbers available: <https://us02web.zoom.us/j/88082118641>

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 Comité de Planificación
1 de marzo @ 6:00 PM**

Esta reunión será realizada conforme a las provisiones del Código de Gobierno Sección 54953 (modificada por AB 361) la cual autoriza las reuniones de teleconferencia bajo el Brown Act durante ciertos Estados de Emergencia. El gobernador de California proclamó Estado de Emergencia relacionado con el COVID-19 el 4 de marzo del 2020. Esta reunión por teleconferencia es necesaria para que la ciudad pueda realizar deberes esenciales y es permitido bajo el Código de Gobierno 54953 en orden de proteger la salud pública y seguridad de los asistentes.

Consistente con el Código de Gobierno Sección 54953, esta reunión del Comité de Planificación será realizada via teleconferencia y no será físicamente abierta al público. Miembros del comité y personal atenderán la reunion por audio y/ o video. La reunion será transmitida via Zoom.

La reunión del Comité 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 Comité 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.

****NUEVO-** Servicios de interpretación en español durante la reunión pueden ser solicitados por el público. Para asegurar que los intérpretes estén disponibles, los servicios tienen que ser solicitados al menos 72 horas antes de la reunión llamando a la oficina de la Secretaria de la Ciudad al (707) 968-2640 o por correo electrónico a cityclerk@cityofsthelena.org.

El horario de las reuniones publicadas y próximas puede ser localizado en el sitio de web de la Ciudad en <https://sthelena.civicweb.net/portal/>.

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

Haga clic en el enlace a continuación para participar en la reunión:
<https://us02web.zoom.us/j/88082118641>

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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 +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592

ID de la Reunión: 880 8211 8641
Números Internacionales Disponibles: <https://us02web.zoom.us/j/88082118641>

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 cuatro 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: November 30, 2021 and January 18, 2022. 9 - 14
[Planning Commission Minutes 11.30.2021](#)
[Planning Commission Minutes 01.18.22](#)
 - 4.2. Request by Backen & Gillam Architects for adoption of a resolution granting a design review exemption in order to make exterior modifications to the front of the existing commercial building located at 1421/1429 Main Street (APN #009-223-006) in the Central Business District. 15 - 51

CEQA Determination: The project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15301.
Prepared By: Aaron Hecock, Senior Planner
Recommendation:
For the reasons described above, staff recommends that the Planning Commission adopt a resolution finding that:

1. 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 a design review exemption for the proposed exterior modifications to the front of the existing building located at 1421/1429 Main Street in the Central Business District.

[1421/ 1429 Main St. - Staff Report](#)

5. PUBLIC HEARINGS

- 5.1. Ordinance Adding Chapter 17.138 "Time Share Uses" and Sections 17.138.060 to Title 17, Zoning, of the St. Helena Municipal Code, and Deleting Section 17.112.130 of the St. Helena Municipal Code.

53 - 121

CEQA Determination: Exempt

Prepared By: Ethan Walsh, City Attorney

Recommendation:

For the reasons described above, staff recommends that the Planning Commission Adopt the Resolution Recommending that the City Council adopt an Ordinance Adding Chapter 17.138 "Time Share Uses" and Sections 17.138.010-17.138.060 to Title 17, Zoning, of the St. Helena Municipal Code and Deleting Section 17.112.130 of the St. Helena Municipal Code.

[Ordinance Chapter 17.138 "Time Share Uses"- Staff Report](#)

[Public Comment Gray\(1\)](#)

[Public Comment Rose\(2\)](#)

[Public Comment Rose\(3\)](#)

[**Public Comment McWilliams\(4\)](#)

[**Public Comment Manzer\(5\)](#)

[**Public Comment Hansen\(6\)](#)

[**Public Comment Barr\(7\)](#)

[**Public Comment Cronin\(8\)](#)

[**Public Comment Hellewell\(9\)](#)

[**Public Comment Lentz\(10\)](#)

[**Public Comment Wilson\(11\)](#)

[**Public Comment Barnett\(12\)](#)

[**Public Comment Wright\(13\)](#)

[**Public Comment Kalscheuer\(14\)](#)

[**Public Comment Weakley\(15\)](#)

[**Public Comment Moeel\(16\)](#)

6. SCHEDULED MATTERS

7. DEPARTMENT REPORTS

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

8. AGENDA FORCAST

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

This is also an opportunity for the Commission as a whole to request items be placed on future agendas for discussion. These items should be consistent with, and work to implement adopted Council Goals.

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

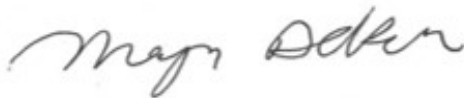
http://www.cityofsthelena.org/projects?term_node_tid_depth=21

Please contact the assigned project Planner for additional questions.

9. **ADJOURNMENT**

The next Regular Planning Commission meeting is scheduled for March 15, at 6:00 pm.

I do hereby certify that a copy of the foregoing agenda was posted on the City website on February 23, 2022.



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://cityofsthenela.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://sthenela.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
Special Planning Commission Meeting
Tuesday, November 30, 2021 @ 6:00 PM
Virtual Meeting

A complete video recording of this meeting, except for closed session, can be found at <https://sthelena.civicweb.net/Portal/> or by calling the City Clerk at (707) 968-2742. The Planning Commission video is the official record of the Planning Commission meeting.

Present: Chair John Ponte, Vice Chair Daniel Hale, Commissioner Autumn Anderson, and Commissioner Marika Rothfeld

Absent: Commissioner Rosaura Segura

Staff Present: Maya DeRosa, Planning & Building Director, Xinia Gamero, Planning Commission Secretary, Eric Norris, City Project Manager and Planning Consultant- Interwest, Christine Kronenberg, EIR Consultant- Dudek, and John Wanger, Principal (Coastland Engineering)

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER AND ROLL CALL

3. PUBLIC FORUM:

No public comment was received as public comment at special meetings is limited to subjects on the agenda only.

4. CONSENT ITEMS

None.

5. PUBLIC HEARINGS

5.1 Receiving Comments on the Draft Environmental Impact Report for the Hunter Subdivision Project

Chair Ponte opened the public hearing.

No ex parte communication was disclosed.

Maya DeRosa, Planning & Building Director addressed the Planning Commission.

Eric Norris, Project Manager and Planning Consultant showed a presentation of the Hunter Subdivision and EIR process and addressed the Planning Commission.

Chair Ponte opened the public hearing.

Tracy McBride, Marina Lavagnino, Anya Courtney, Greg Reynolds, Jenna Lavagnino, and Angela Zivkovik addressed the Planning Commission regarding comments on the Hunter project.

Chair Ponte closed the public hearing.

6. NEW BUSINESS

None.

7. SCHEDULED MATTERS

None.

8. DEPARTMENT REPORTS

Maya DeRosa, Planning and Building Director reported on the following:

- The December 7th Regular Planning Commission meeting is cancelled and has been rescheduled for Thursday, December 9 at 6:00pm.

9. AGENDA FORCAST

10. ADJOURNMENT

Chair Ponte adjourned the meeting at **6:40 p.m.**

The November 30, 2021 minutes were approved at the _____
Planning Commission meeting.

APPROVED:

ATTEST:

John Ponte, Planning Commission Chair

Maya DeRosa, AICP
Planning and Building Director

MINUTES
City of St. Helena
Planning Commission Meeting
Tuesday, January 18, 2022 @ 6:00 PM
Virtual Meeting

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

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

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 December 9, 2021

Commissioner Daniel Hale moved to approve the minutes on the Consent Calendar. The motion was seconded by Commissioner Autumn Anderson and on roll call carried by the following vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None

5. PUBLIC HEARINGS

5.1 Request by Gary Cohn on behalf of Antonio and Rita Castellucci for adoption of a resolution approving a demolition permit and design review in order to demolish an existing single-family residence to accommodate the construction of a new single-family home on the property located at 1547 Allyn Avenue in the Medium Density Residential zoning district.

Prepared By: Aaron Hecock, Senior Planner

Senior Planner Aaron Hecock reported on the item.

Gary Cohn, project architect, addressed the Planning Commission.

No public comment was received.

Vice-Chair Daniel Hale moved to determine that the project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15301, 15303 and 15332; and accept the required findings and approve a resolution granting demolition permit and design review approval for the proposed demolition and new construction on the property located at 1547 Allyn Avenue. The motion was seconded by Commissioner Autumn Anderson and on roll call carried by the following vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None

- 5.2 Request by Megan Collins on behalf of E. & J. Gallo Winery for adoption of a resolution approving a use permit amendment in order to expand wine tasting uses into the entirety of the existing building located at 1321/1325 Main Street in the Central Business zoning district.

Prepared By: Aaron Hecock, Senior Planner

Senior Planner Aaron Hecock showed a presentation and reported on the item.

Jeff Redding, applicant representative, and Megan Collins, applicant, addressed the Planning Commission.

No public comment was received.

Commissioner Autumn Anderson moved to determine that the project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301; and accept the required findings and approve a resolution granting use permit amendment approval for wine tasting, wine sales, accessory art/merchandise sales, and limited special events (up to 6 per year) uses to expand in the building located at 1321/1325 Main Street. The motion was seconded by Vice Chair Daniel Hale and on roll call carried by the following vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None

- 5.3 A request to adopt a resolution approving a demolition permit for existing structures and design review to accommodate the construction of a single family home and accessory structure located at 1504 Stockton Street in the Medium Density Residential (MR) zoning district.

Prepared By: Chantal Power

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

Tim Chappelle, project architect, addressed the Planning Commission.

Chair Ponte opened the public comment.

No public comment was received.

Margarita Chavez, property owner, addressed the Planning Commission.

Planning and Building Director Maya DeRosa shared additional public comment received prior to the meeting from George Myers.

Chris Merritt, landscape architect, addressed the Planning Commission.

Chair Ponte closed the public hearing.

Commissioner Autumn Anderson moved to determine that the project is exempt from the requirements of CEQA pursuant to Section 15303; and accept the required findings and approve a resolution granting demolition permit and design review approval for the proposed construction on the property located at 1504 Stockton Street, subject to the findings of fact contained in the resolution and conditions of approval, as amended with the following two conditions of approval: 14. No new landscaping shall be installed while the city is in a declared Phase II or Phase III water emergency. and 15. Sheet A0.3 of the project plans shall be revised to reflect the addition of the kitchenette to the ADU contained within the accessory structure, upon submittal of the plans to the City for the purpose of obtaining a building permit. The motion was seconded by Commissioner Rosaura Segura and on roll call carried by the following vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None

6. SCHEDULED MATTERS

- 6.1 None

7. DEPARTMENT REPORTS

Senior Planner Aaron Hecock reported on the following:

- Housing & Safety Element Update.
- Community Workshop Thursday, January 20 at 6:00 pm.
- Joint Planning Commission and City Council meeting tentatively scheduled for February 22 at 4:00 pm to finalize housing opportunity sites.
- Draft Housing Element to City for internal review in March.
- Public Review draft at end of May or early June with subsequent public hearing meetings by late 2022.

Planning and Building Director Maya DeRosa reported on the following:

- Zoning Code subcommittee received all sections of zoning code, minus affordable housing section, and received comments back
- Comments for affordable housing section of code due to consultants by end of week.
- Final subcommittee meeting February 9th.
- Comprehensive Zoning Map update.
- Three public workshops for draft zoning code.
- Two Planning Commission and two City Council public hearing meetings to take place for Zoning Code adoption.
- SB9 Ordinance adopted by City Council in December 2021.

8. AGENDA FORCAST

9. ADJOURNMENT

Chair Ponte adjourned the meeting at **7:11 p.m.**

The January 18, 2022 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 March 1, 2022

FILE NUMBER: PL21-037

SUBJECT: Request by Backen & Gillam Architects for adoption of a resolution granting a design review exemption in order to make exterior modifications to the front of the existing commercial building located at 1421/1429 Main Street (APN #009-223-006) in the Central Business District.

PREPARED BY: Aaron Hecock, Senior Planner

REVIEWED BY: Maya DeRosa, Planning & Building Director

APPROVED BY: Maya DeRosa, Planning & Building Director

APPLICATION FILED:10/13/21

ACCEPTED AS COMPLETE:01/25/22

LOCATION OF PROPERTY: 1421/1429 Main Street

APN: 009-223-006

GENERAL PLAN/ZONING: Central Business District (CBD)

APPLICANT: Backen & Gillam Architects

PHONE: (707) 967-1920

BACKGROUND

This item has been recommended for consideration under the Consent Calendar

The following application has been reviewed by the Planning Department for compliance with Design Review regulations. The Planning Department is recommending that this project be found exempt from Design Review pursuant to Section 17.164.060 which states that whenever the city planner finds that a proposal raises no substantial design problems the planner shall place such an exemption recommendation on the Planning Commission's consent agenda.

On January 18, 2011 the Planning Commission approved a use permit and design review (#2010-50 attached for review) to convert an existing 6,300 square foot (sf) retail space to a mix of uses with 51% of the building as office space for Backen Gillam Kroeger Architects and 49% of the building as a 64-seat Café with indoor and outdoor dining. As part of this approval, the Main Street elevation of the existing building was modified in order to provide a landscaped outdoor dining courtyard and to adapt all non-conforming entry and exits to be ADA compliant (a rendering of the approved modification is attached to this report for review however it is important to note that some features shown such as the awning, outdoor fireplace and the shade trellises will not be part of this design). In February 2013, a design review exemption application was submitted to the City in order to enclose the patio space, however, there is no record of the application ever going to the Planning Commission for consideration. Sometime in 2013 or early 2014, the approved outdoor patio space was enclosed without permits to the state that it exists in today (site photos are attached to this report for review). Backen & Gillam's architectural office has operated continually since the 2011 approval.

PROJECT DESCRIPTION

The applicant is now proposing to open the existing enclosed patio back up by removing the porch windows, fireplace and a portion of the brick wall to create an outdoor dining space with a large entry similar to what was originally approved in 2011. Entry from Main Street would be thru a vine covered arch to a courtyard with spaces to enjoy food and beverages beneath an airy shade structure. While not an exterior modification subject to design review, the applicant also plans to relocate the existing internal restaurant bar from the back of the space to adjacent the patio area for a more functional indoor/outdoor experience (internal tenant improvements are subject to building permit review and approval). New windows would be constructed around the bar and a metal framed shade structure would be built overhead. By opening up the currently enclosed patio area, the applicant hopes to reactivate the space and draw pedestrians to St. Helena's northern section of Main Street.

No use changes, additional square footage, or additional seats are being proposed as part of the minor exterior modifications and the applicant will continue to comply with approved Use Permit #2010-50. In fact, the proposed modifications will result in a net decrease in the number of restaurant seats. As part of the City's Business Recovery Strategy, staff is looking to streamline the development review process when appropriate. Because the proposed modifications would restore the site to a similar condition as approved in 2011, are minor in nature, and an improvement over the existing unpermitted condition, staff finds the design review exemption process is appropriate for this project.

ANALYSIS

CEQA

The project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301, which exempts the operation, leasing or minor alteration of existing 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 located on or near an environmentally sensitive area, is not visible from a scenic highway,

is not included on a hazardous waste site, and will not impact historic resources or otherwise generate or contribute to any potentially significant impacts.

GENERAL PLAN

The subject property has a General Plan Land Use designation of Central Business (CB). The CB land use designation 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.*
- *LU3.5 - 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.*
- *LU3.10 - Encourage office development within Mixed-Use, Service Commercial, and Central Business districts to complement the pedestrian orientation of surrounding development.*
- *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.*
- *ES1.6 - 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.

***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. Furthermore, the proposed project is consistent with the General Plan policies listed above in that the project has been professionally designed to suit the site and its surroundings; would not adversely affect a historic resource; and would result in an updated and inviting structure with a more interactive front entry that will serve to strengthen the City's commercial core. 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 17.48.070 establishes the development standards for the Central Business District. The following summarizes the applicable standards and the conformity and compliance of the proposed project:

STANDARD	MIN/MAX	EXISTING	PROPOSED
Lot Size	5,000 sf	9,464 sf	No Change
Front Setback (Main Street)	0 feet	0 feet	No Change
Sidyard Setback (NW)	0 feet	0 feet	No Change
Sidyard Setback (SE)	0 feet	0 feet	No Change
Rear Setback (S)	0 feet	0 feet	No Change
Height	35 feet max	20'10"	No Change
Floor Area Ratio (FAR)	2.0 max	.67	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. Due to existing site constraints the project is unable to accommodate the landscaping as described in SHMC Section 17.48.090(D).

***Staff Response:** Staff recognizes that the existing building was constructed before current landscaping requirements were in place and that the building is legal non-conforming. As the building has zero lot lines on all sides; fronts Main Street's sidewalk; and has parking spaces behind the building, it is incapable of meeting current landscaping requirements and is permitted to remain non-conforming. That said, the proposed enhancements to the*

front patio area will include an increase in on-site landscaping thereby decreasing the degree of non-conformity.

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, without a use permit which regulates wastewater generation.

Staff Response: As noted above, the applicants are not proposing any modifications to their existing use permit. Use Permit #2010-50 does not regulate wastewater generation; therefore, the property is still subject to SHMC Section 17.48.090(E) which limits wastewater generation on-site to 600 gpd. A condition of approval has been added to the attached resolution noting this requirement.

HISTORIC RESOURCES

According to the Napa County Assessor's Office, the subject building was originally built in 1920, however, it has been heavily modified over time, including twice in the past decade, and is not listed on the City's Historic Resources Master List.

Staff Response: The existing building is not an individually significant historic resource nor is it located in the City's Downtown Historic Commercial District. Exterior modifications to the buildings front entry and façade would not have an adverse negative impact on a historic resource or district.

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: Only cosmetic changes are being proposed to the existing building's exterior and no new square footage is being added. The proposed changes do not constitute new development as defined above; therefore, the project is not subject to St. Helena Water neutrality requirements. The proposed project has been reviewed to the satisfaction of the Public Works Department and conditions of approval have been provided by them.

PARKING

The applicant's 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.

Staff Response: As demonstrated on the attached site plan, a private off-street parking lot with four (4) parking spaces including one (1) ADA van accessible space exists on-site. As previously discussed, the applicant is not proposing any changes to the uses approved by Use Permit #2010-50 and existing parking is permitted to remain as it currently exists. It should be noted that Use Permit #2010-50 required that a \$7,000 parking in-lieu fee be paid as part of use permit approval (the in-lieu parking fee established by Resolution #99-22 is \$7,000 per space). Staff confirmed with the Finance Department that on February 22, 2012, Backen & Gillam Architects paid \$7,000 as a parking in-lieu fee payment.

DESIGN REVIEW

The purpose of design review is to, among other things, promote the qualities that bring value to the community and foster attractiveness and functional utility of the community as a place to live and work. The Planning Commission must find that the project takes reasonable account of the design criteria prescribed in SHMC Section 17.164.030 (listed below) in review of this application:

1. Consistency and compatibility with applicable elements of the general plan;
2. Compatibility of design with the immediate environment of the site;
3. Relationship of the design to the site;
4. Determination that the design is compatible in areas considered by the board as having a unified design or historical character;
5. Whether the design promotes harmonious transition in scale and character in areas between different designated land uses;
6. Compatibility with future construction both on and off the site;
7. Whether the architectural design of structures and their materials and colors are appropriate to the function of the project;
8. Whether the planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community;
9. Whether the amount and arrangement of open space and landscaping are appropriate to the design and the function of the structures;
10. Whether access to the property and circulation systems are safe and convenient for pedestrians, cyclists and vehicles;
11. Whether natural features and vegetation are appropriately preserved and integrated with the project;
12. Whether the materials, textures, colors and details of construction are an appropriate expression of its design concept and function and whether they are compatible with the adjacent and neighboring structures and functions;
13. Whether the landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors,

create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site;

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

Staff Response: The proposed project would remove an aesthetically unpleasing, unpermitted, enclosed patio area with an open and inviting, unenclosed patio space that would provide enhanced interaction with Main Street. The proposed project has been professionally designed by a team of architectural professionals to not only improve the physical appearance of the building, but to also provide an improved pedestrian experience which will assist in activating the northern portion of the City's Central Business District. For these reasons, staff believes that the proposed project is consistent with the design review criteria listed above. Per SHMC Section 17.164.040(C), only the proponent's failure to take reasonable account of the items discussed in Sections 17.164.010 through 17.164.030 shall justify the commission's disapproving a proposal solely on the basis of design.

ISSUES

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

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 adopt a resolution finding that:

1. 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 a design review exemption for the proposed exterior modifications to the front of the existing building located at 1421/1429 Main Street in the Central Business District.

ATTACHMENTS

[Resolution](#)

[APN + Aerial](#)

[Plan Set revised 012522](#)

[Site Photos](#)

[Applicant Statement revised 121421](#)

[Resolution #2010-50](#)

[Elevations - 2011](#)

[Exterior Color Rendering - 2011](#)
[8. 22-2-28 - 1429 DR Renderings](#)

**CITY OF ST. HELENA PLANNING COMMISSION
RESOLUTION NO.
GRANTING DESIGN REVIEW EXEMPTION APPROVAL TO
1421/1429 MAIN STREET (File No. PL21-037)**

PROPERTY OWNER: AHA LLC

APN: 009-223-006

Recitals

1. On October 13, 2021, Backen & Gillam Architects submitted an application for a design review exemption in order to make exterior modifications to the front of the existing commercial building located at 1421/1429 Main Street in the Central Business District; and
2. The Planning Commission of the City of St. Helena, State of California, considered the project and staff report on March 1, 2022; and
3. Now, therefore let it be found that, the Planning Commission approves a Design Review Exemption thereby authorizing the modifications contained described in the staff report and the reviewed plans based on the findings below and subject to the conditions of approval enumerated herein.

Resolution

- A. In making the findings in this Resolution, the Planning Commission relied upon and hereby incorporates by reference all of the documents referenced in this Resolution and the associated staff 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 Section 15301, which exempts the operation, leasing or minor alteration of existing private structures.
- C. In accordance with the design review criteria identified in Municipal Code Section 17.164.030, the Planning Commission finds that the project demonstrates the following:
 1. *Consistency and compatibility with applicable elements of the general plan in that the proposed exterior modifications are consistent with the intent of applicable General Plan policies pertaining to development in the Central Business District.*
 2. *Compatibility of design with the immediate environment of the site in that the proposed exterior modifications have been designed by professionals to suite the site and the immediately surrounding area.*
 3. *Relationship of the design to the site is found to be consistent in that the project has been designed to be compatible with the site and the surrounding area.*
 4. *That the design is compatible in areas considered by the board as having a unified design or historical character in that the project has been designed to be compatible with the site and the surrounding area.*

5. *That the design promotes harmonious transition in scale and character in areas between different designated land uses in that the project would improve the scale and transition between the site and surrounding uses.*
6. *Compatibility with future construction both on and off the site in that the proposed site improvements will be compatible with existing and future construction in the immediate vicinity.*
7. *That the architectural design of structures and their materials and colors are appropriate to the function of the project in that the project has been professionally designed to suit the site and its surroundings.*
8. *That the planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community in that the improvements have been designed to be compatible with the site and its surroundings.*
9. *That the amount and arrangement of open space and landscaping are appropriate to the design and the function of the structures in that landscaping and open space, while constrained by the site will enhance the overall appearance of the property and general vicinity.*
10. *That access to the property and circulation systems are safe and convenient for pedestrians, cyclists and vehicles in that access to the site will remain via Main Street.*
11. *That natural features are appropriately preserved and integrated with the project in that the project has been designed to be compatible with the site and its surroundings.*
12. *That the materials, textures, colors and details of construction are an appropriate expression of its design concept and function and whether they are compatible with the adjacent and neighboring structure and functions in that the proposed materials are consistent and compatible with surrounding design.*
13. *That the landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site in that due to the size constraints and location of the property, landscaping will not be extensive. However, it will be consistent with other properties in the Central Business District.*
14. *That sustainability and climate protection are promoted through the use of green building practices such as appropriate site/architectural design, use of green building materials, energy efficient systems and water efficient landscape materials in that project related construction is required to meet all California Building Codes and City of St. Helena development standards.*

Planning Department Conditions of Approval

- D. The Planning Commission approves a design review exemption 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. This approval shall be vested within one (1) year from the date of final action. A building permit for the use allowed under this approval shall have been submitted 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.
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. Pursuant to City Council Resolution 2003-65, the owner and applicant are informed of the following:

In recognition of the need for additional affordable housing, and to mitigate the effects of this development on the supply and demand of affordable housing, the permittee shall be subject to a Housing Impact Fee, an inclusionary requirement, an in-lieu fee, and/or similar fair and appropriate mechanisms, to provide funds for or to develop additional affordable housing. This fee must be paid prior to a certificate of occupancy being issued.
7. 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.
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.
9. Provided they are in general compliance with this approval, minor modifications may be approved by the Planning Director.
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. Construction shall be in compliance with plans submitted and reviewed by the Planning Commission on March 1, 2022, except as modified herein.
12. All requirements and conditions of approval adopted in Use Permit #2010-50 apply unless otherwise superseded herein.
13. The uses at 1421/1429 Main Street are limited to 600 gallons per day of wastewater.
14. A sidewalk dining permit is required per St. Helena Municipal Code Section 17.48.090(C)(6) for any future sidewalk seating proposed.
15. The approved bar location shall not be used for walk-up ordering for takeout service.
16. The City recognizes that the existing building was constructed before current landscaping requirements were in place and that the building is legal non-conforming.
17. A sign permit must be obtained for any new proposed signage on-site.
18. Music is permitted as an accessory to the approved uses on-site however it must not be audible beyond the building.
19. A business license must be obtained prior to a Certificate of Occupancy being issued.
20. During demolition, all debris must be contained on the subject property and removed within 30 days of demolition.
21. The applicant is responsible for any damage to adjacent structures or property that may occur during demolition.
22. During construction, the project site shall be adequately fenced and secured to prevent trespassing.
23. Exterior lighting shall be directed or shielded to prevent glare onto the public roadway or adjacent properties.
24. 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 City Engineer 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

25. The Applicant shall be responsible for all City plan check and inspection costs.
26. All improvements shall be designed in accordance with the City of St. Helena's Construction Standards. Approvals depicting improvements that do not conform to

the City Standards do not constitute approval of an exceptions to this requirement unless explicitly authorized herein or in another City resolution.

27. Applicant shall submit site Improvement Plans, prepared by a registered Civil Engineer, for review and approval of the City. No final grading or other construction shall be performed until the Improvement Plans have been approved. The applicant shall not begin construction at the site prior to approval of the Improvement Plans.
28. If any work occurs within the right-of-way of Main Street, the applicant shall obtain an Encroachment Permit from both the City and Caltrans. The Encroachment Permit will not be issued prior to the approval of the Improvement Plans. For work within the sidewalk area along the project frontage, a pedestrian protection plan showing closures, barricades, etc. shall be submitted as part of the Encroachment Permit process.
29. The Applicant shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period, as is found necessary by the Public Works Director.
30. If any hazardous material is encountered during the construction of this project, all work shall be immediately stopped and the Fire Department, Napa County Department of Environmental Services or other designated agency, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.
31. All streets, curbs, gutters, sidewalks, or other public facilities damaged in the course of construction associated with this Project shall be the responsibility of the Applicant and shall be repaired to the satisfaction of the City at the Applicant's expense.
32. All construction water used for the project shall be obtained from a source other than a City of St. Helena potable water sources. Applicant shall provide verification that an outside source of construction water, e.g., recycled water, has been established and will be available for the duration of the project construction.
33. During construction, dust control must be maintained to the City's satisfaction.
34. If construction occurs during a water emergency, all water use (including domestic and irrigation) shall be subject to the regulations as specified in Article 2 of Chapter 13.04 of the City of St. Helena Municipal Code.

Building Department Conditions of Approval

35. Prior to any proposed onsite demolition, tenant improvements, construction and/or change of occupancy, an approved demolition and/or building permit shall be issued by the City of St. Helena Building Department.
36. 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.
37. When submitting plans for a building permit, the plans shall include all documentation listed on the building permit application checklist.
38. The applicant shall provide a construction waste management plan with the building permit application.

39. 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.
40. When submitting plans, the title page shall include all information referenced on the building permit application checklist Title Page requirements.
41. 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.

Fire Department Conditions of Approval

42. 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.
43. One hour minimum fire resistant construction on all exterior walls within 10' of property boundary is required. Fire resistant construction of interior walls shall be determined by type of occupancy.

I HEREBY CERTIFY that the foregoing design review exemption 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 March 1, 2022 by the following roll call vote:

AYES:

NOES:

ABSENT:

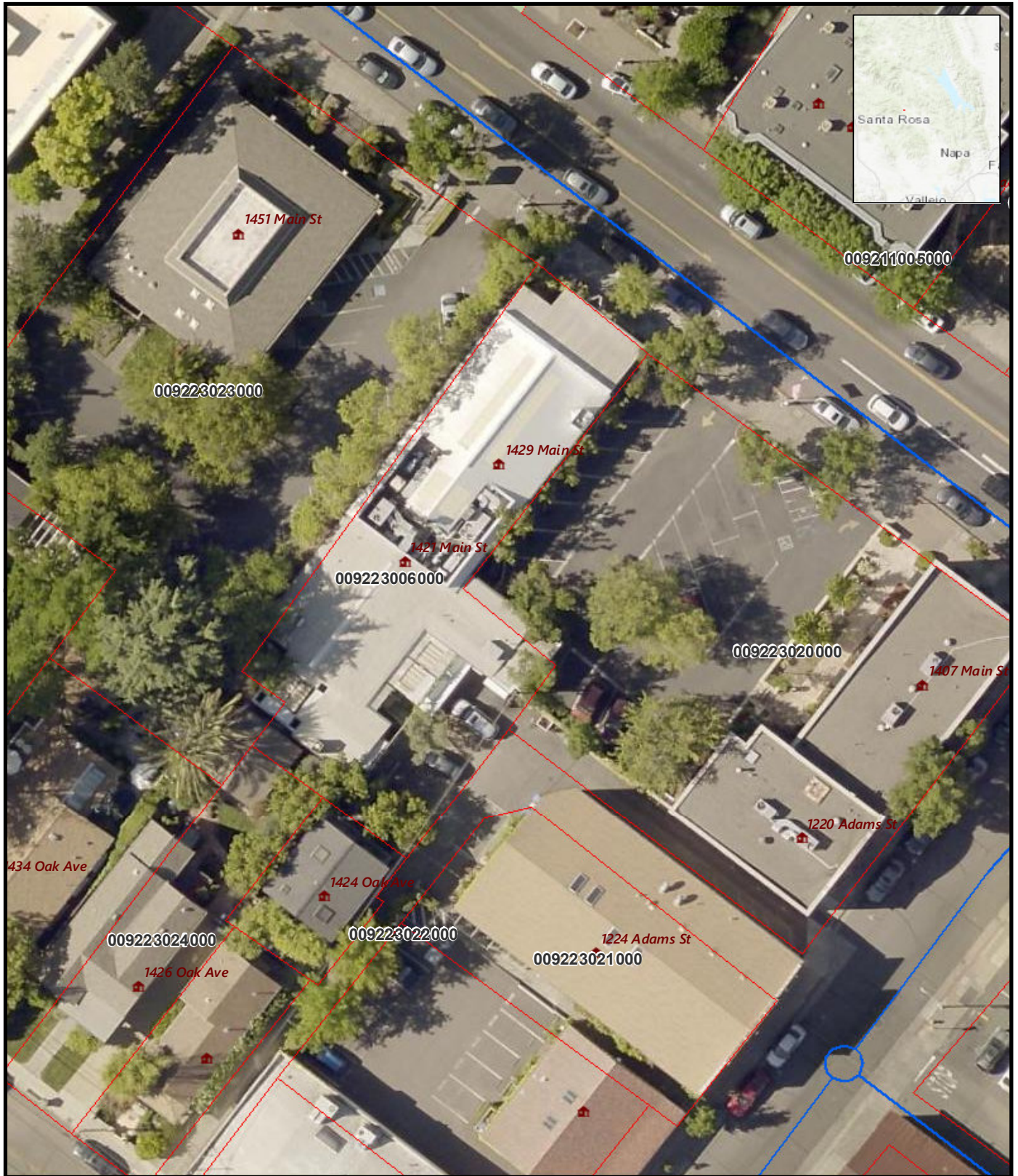
ABSTAIN:

APPROVED:

ATTEST:

John Ponte
Chair, Planning Commission

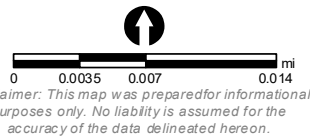
Maya DeRosa, AICP
Planning and Building Director



County of Napa | ITS Dept

1421 -1429 Main Street

Printed On: 1/24/2022



PROJECT DATA:

OWNER:
AHA LLC
ANN & HOWARD BACKEN
1429 MAIN STREET
ST. HELENA, CA. 94574
TEL: (707) 967-1920

PROJECT ADDRESS:
1429 MAIN STREET
ST. HELENA, CA. 94574

APN: 009-223-006
NO. OF STORIES: 1 STORY
OCCUPANCY: MIXED USE, A-2 & B
CONSTRUCTION TYPE: 5-B
SPRINKLERED: YES
CITY WATER: YES
NATURAL GAS: YES
CITY SEWER: YES
CITY OF ST. HELENA ZONING: CENTRAL BUSINESS
LOT AREA: 9,464 SQ. FT.

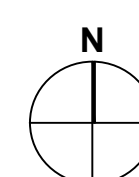
AREA CALCULATIONS:
NO PROPOSED ADDITION OF SQUARE FOOTAGE
EXISTING BUILDING AREA: 5,771 SQ FT

PROJECT DESCRIPTION:

THIS PROJECT PROPOSES THE DEMOLITION OF THE EXISTING ENCLOSURE AT THE FRONT PATIO OF THE EXISTING BUILDING AT 1429 MAIN STREET AND INSTALLATION OF AN OVERHEAD SHADE STRUCTURE. THE EXISTING INTERIOR BAR WILL BE DEMOLISHED AND A NEW BAR WILL BE BUILT AT THE FRONT OF THE BUILDING. EXISTING WINDOWS ON THE STREET SIDE OF THE BUILDING WILL BE REPLACED WITH NEW STEEL HOPPER STYLE WINDOWS. A PORTION OF THE EXISTING SITE WALL WILL BE DEMOLISHED AND A NEW WALL WILL BE BUILT WITH MATERIALS TO MATCH EXISTING. A NEW ARBOR GATE AND PLANTINGS ARE PROPOSED AT THE STREET.

ARCHITECTURAL SHEET INDEX:

- A1.0 SITE PLAN
- A1.1 ENLARGED SITE PLAN
- A2.1 DEMOLITION PLAN
- A2.2 PROPOSED PLAN
- A3.0 EXISTING ELEVATIONS
- A3.1 PROPOSED ELEVATIONS
- A8.0 NEW WALL DETAIL



Door by AEB Collective

Tenant Improvement

Plot Date	1/24/2022
Drawn By	
Checked By	CH
Project No.	202136
Date	Issue
Oct. 2021	Design Review
Dec. 2021	DR Comments
Jan. 2022	DR Comments

SITE PLAN

SCALE: 1/32= 1'-0"

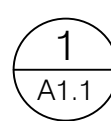
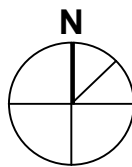
A1.0

B A C K E N
G I L L A M

architects

2152 MARINSHIP WAY
SAUSALITO CALIF 94065
TELEPHONE 415 289 3860
FAX 415 289 3861
TELEPHONE 707 987 1020
FAX 707 987 1021

1079 MAIN STREET
ST. HELENA CALIF 94554
TELEPHONE 707 987 1020
FAX 707 987 1021


$$1/8'' = 1'-0''$$


SCALE : 1/8" = 1'-0"

A1.1

[illegible]

Door by AEB Collective Tenant Improvement

1429 Main Street
St. Helena, CA 94574

B A C K E N
G I L L A M

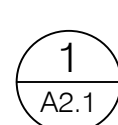
architects

2352 MARINSHIP WAY
SAUSALITO CALIF 94965
TELEPHONE 415 289 3860
FACSIMILE 415 289 3866

DEMOLITION PLAN

SCALE: $1/4" = 1'-0"$

A2.1



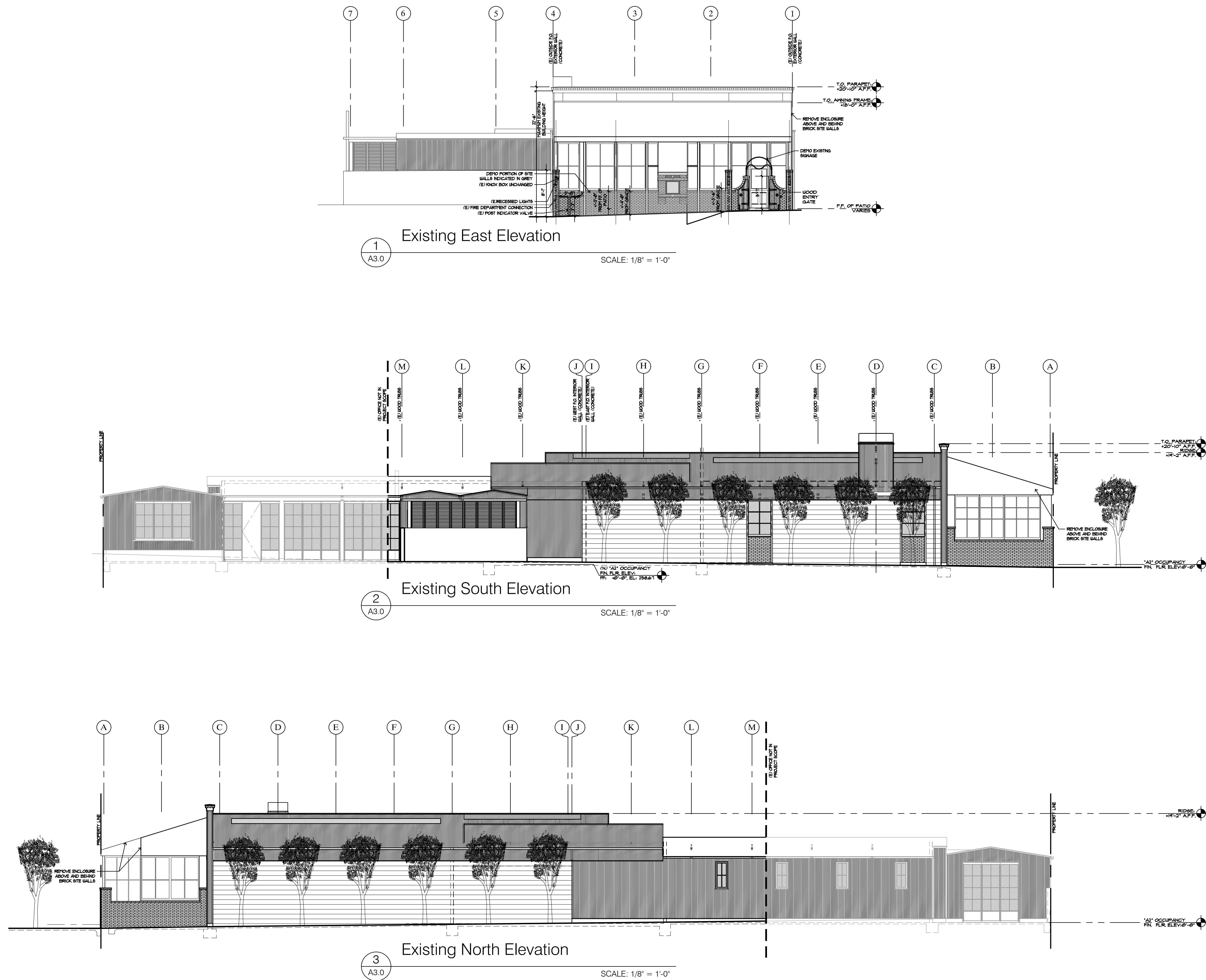
1429 Main Street
St. Helena, CA 94574

[illegible]

SCALE: $1/4" = 1'-0"$

A2.2





BACKEN
GILLAM

architects

2352 MARINSHIP WAY
SAUSALITO CALIF 94965
TELEPHONE 415 289 3860
FACSIMILE 415 289 3866

Door by AEB Collective Tenant Improvement

1429 Main Street
St. Helena, CA 94574

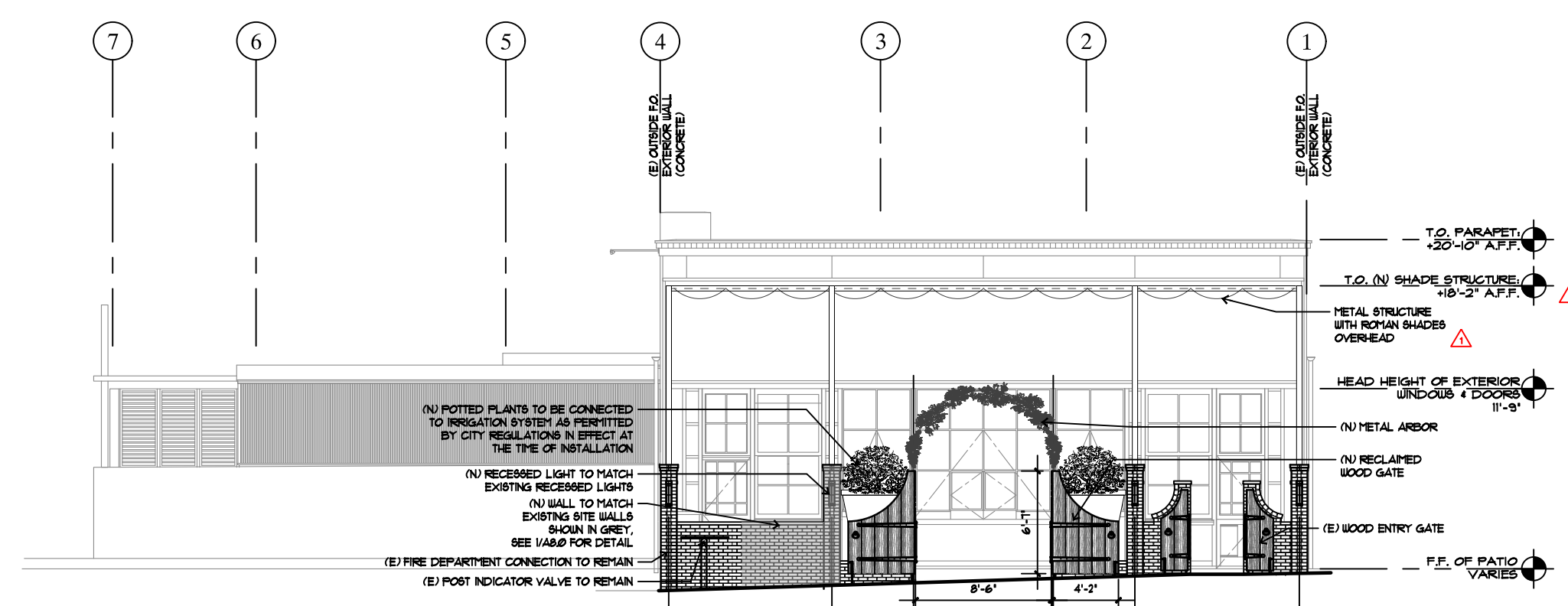
St. Helena, CA 94574

[illegible]

EXISTING NORTH
SOUTH & EAST
ELEVATIONS

SCALE: $1/8" = 1'-0"$

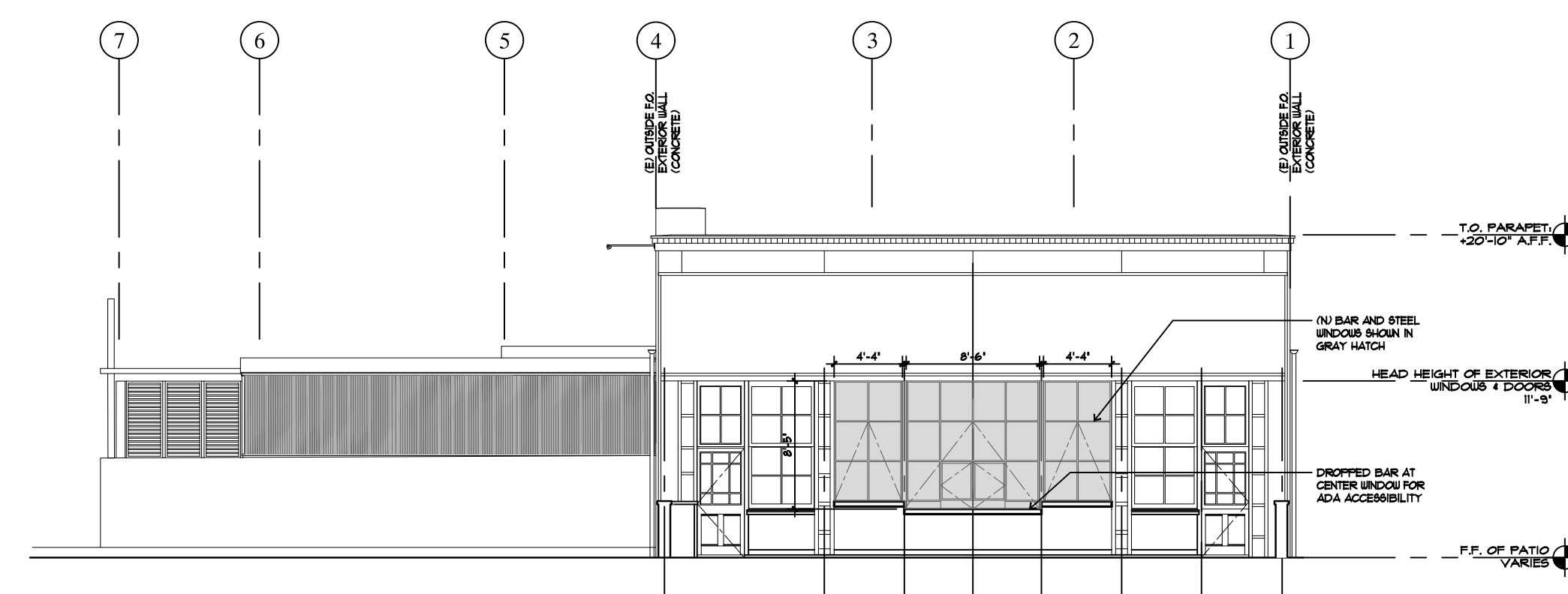
A3.0



1
A3.1

Proposed East Elevation At Street

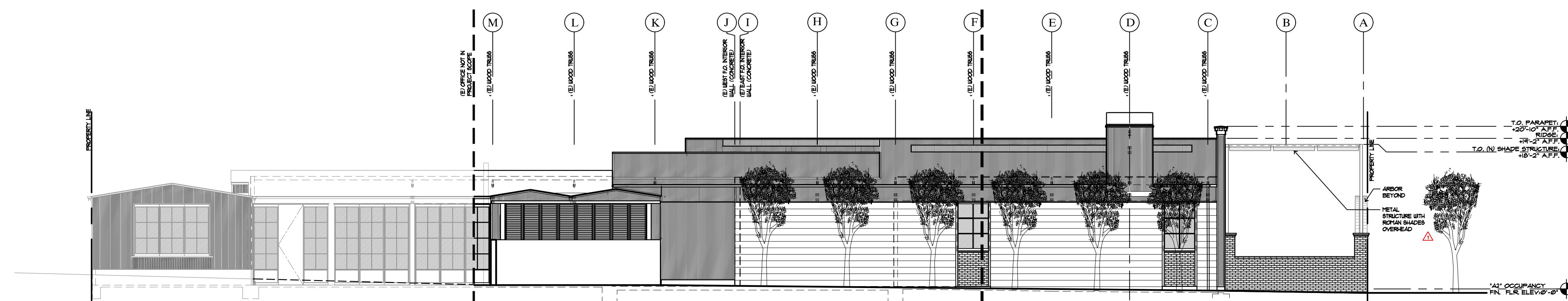
SCALE: 1/8" = 1'-0"



2
A3.1

Proposed East Elevation

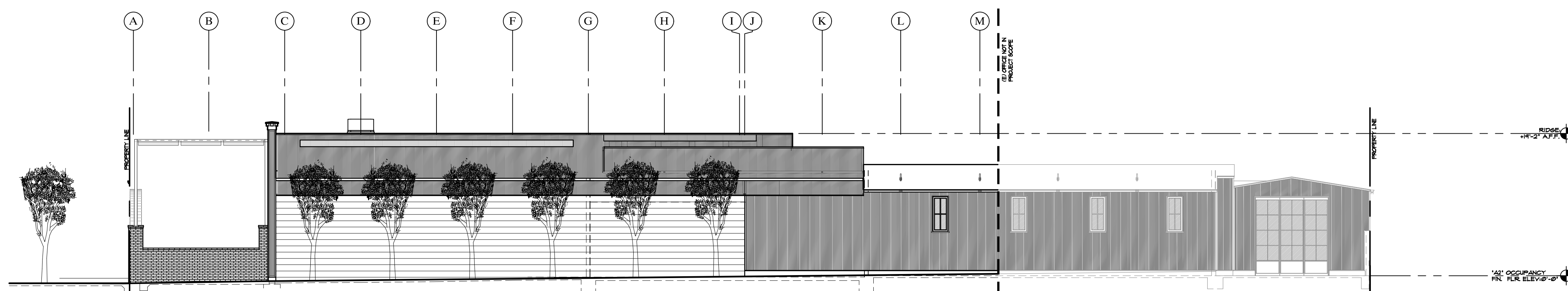
SCALE: 1/8" = 1'-0"



3
A3.1

Proposed South Elevation

SCALE: 1/8" = 1'-0"



4 Proposed North Elevation

A3.1

SCALE: 1/8" = 1'-0"

BACKE N
GILLAM

architects

2352 MARINSHIP WAY
SAUSALITO CALIF 94965
TELEPHONE 415 298 3860

Door by AEB Collective Tenant Improvement

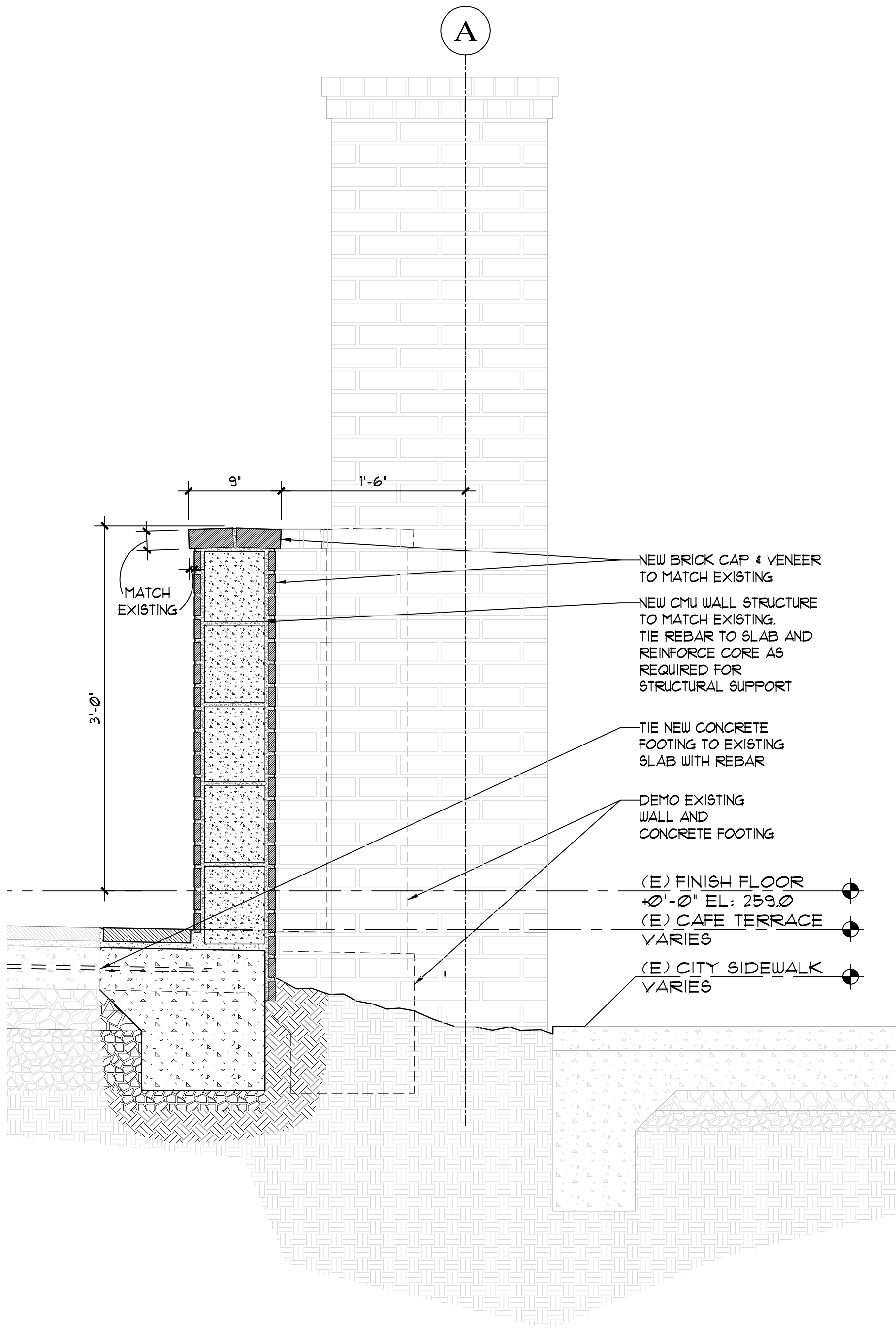
1429 Main Street
St. Helena, CA 94574

[illegible]

PROPOSED NORTH SOUTH & EAST ELEVATIONS

SCALE: 1/8" = 1'-0"

A3.1



1
A8.0

NEW SITE WALL TO MATCH EXISTING

1 1/2" = 1'-0"

NEW WALL SECTIONS

SCALE: 1 1/2" = 1'-0"

A8.0

Door by AEB Collective
Tenant Improvement

1429 Main Street
St. Helena, CA 94574

BACKEN
GILLAM

architects

2001 WILSON WAY
SUITE 100
ST. HELENA, CALIF. 94574
TEL: 707.438.3800
FAX: 707.438.3800
WWW.BACKENGILLAM.COM



DOOR BY AEB COLLECTIVE
1429 MAIN STREET
ST. HELENA, CA 94574
10/7/2021

DOOR BY AEB COLLECTIVE
SITE IMAGE - EAST
SCALE: 1"= 1'-0"

RECEIVED
By xgamero at 11:42 am, Dec 14, 2021

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architects



DOOR BY AEB COLLECTIVE

1429 MAIN STREET
ST. HELENA, CA 94574

10/7/2021

DOOR BY AEB COLLECTIVE
SITE IMAGE - NORTH/EAST CORNER

SCALE: 1"= 1'-0"

RECEIVED

By xgamero at 11:43 am, Dec 14, 2021

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G I L L A M

architects



DOOR BY AEB COLLECTIVE
1429 MAIN STREET
ST. HELENA, CA 94574
10/7/2021

DOOR BY AEB COLLECTIVE
SITE IMAGE - SOUTH/EAST CORNER
SCALE: 1"= 1'-0"

RECEIVED
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BACKEN & BACKEN

ARCHITECTURE | LIFE | STYLE | DESIGN

REVISED
11:35 am, Dec 14, 2021

The Collective Tenant Improvement

Howard and Ann Backen, Property Owners

Project Address: 1429 Main Street
St Helena, CA 94574
A.P.N.: 009-223-006

Design Review Exemption Application Amended Written Statement

December 13th, 2021

The proposed plan envisions a more inviting space for the community to eat, drink and gather. We plan to open the existing enclosed patio by removing the porch windows, fireplace and a portion of the brick wall to create an open-air space with a large entry. Patrons will enter under a vine covered arch to a courtyard with spaces to order food, enjoy beverages, sit beneath an airy shade structure, and watch the happenings of Main Street St. Helena. We also plan to relocate the bar to the front of the building and maintain the existing use permit for a 64 seat cafe which is comprised of interior and exterior seating. A large hopper window that connects the interior space to the courtyard. With the proposed changes we hope to draw pedestrians to St. Helena's northern section of Main Street. Vehicular and pedestrian access will remain on Main Street.

Thank you for your consideration,



Carson Howell

Project Manager
Backen & Backen

MONTECITO

LOS ANGELES

SAINT HELENA

SAUSALITO

1421 MAIN STREET ST. HELENA CALIFORNIA 94574

TELEPHONE 707 967 1920 FACSIMILE 707 967 1924

**USE PERMIT/DESIGN REVIEW NO. 2010-50
CITY OF ST. HELENA, STATE OF CALIFORNIA
GRANTED TO 1429 MAIN STREET**

APPLICANT/PROPERTY OWNER : Howard & Lori Backen

APN: 009-223-006

Recitals

1. On November 8, 2010, Howard & Lori Backen submitted a Use Permit and Design Review application to convert an existing 6,300 square foot retail space to a mixed use with 51% of the building as office space for Backen Gillam Kroeger Architects and 49% of the building as a 64-seat Café with indoor and outdoor dining. The applicant shall apply for a Type 75 ABC License to serve beer, wine and distilled spirits, accessory to the café. The project location is the former Vanderbilt building located at 1429 Main Street.
2. The professional office, located at the rear of the building will be accessed from the rear alleyway. The café, with access from Main Street, will operate to provide sit down breakfast, lunch and dinner, with limited on-site beer brewing.
3. The Planning Commission of the City of St. Helena, State of California, held a noticed public hearing on January 18, 2011.

Resolution

The Planning Commission of the City of St. Helena, State of California, approved the Use Permit on the following basis:

- A. The Planning Commission hereby finds that this project is exempt from the California Environmental Quality Act pursuant to Section 15303, Class 3(c) of the CEQA Guidelines.
- B. The Planning Commission makes the following Use Permit findings pursuant to Municipal Code Section 17.168.050 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.
 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.

C. The Planning Commission determines the project is in compliance with the following design criteria of Municipal Code Section 17.164.030. Furthermore, the Planning Commission finds that the purposes and criteria support conditions of approval requiring the incorporation of green building practices into project design.

The purpose of Design Review is:

1. *To promote those qualities in the environment which bring value to the community.*
2. *To foster the attractiveness & functional utility of the community as a place to live and work.*
3. *To preserve the character & quality of our heritage by maintaining the integrity of those areas which have a discernible character or are of special historic significance.*
4. *To protect certain public investments in the area.*
5. *To encourage where appropriate, a mix of uses within permissible use zones.*
6. *To raise the level of community expectations for the quality of its environment.*

The following design criteria were considered by the Planning Commission in review of this application:

1. Consistency and compatibility with applicable elements of the general plan;
2. Compatibility of design with the immediate environment of the site;
3. Relationship of the design to the site;
4. Determination that the design is compatible in areas considered by the board as having a unified design or historical character;
5. Whether the design promotes harmonious transition in scale and character in areas between different designated land use;
6. Compatibility with future construction both on and off the site;
7. Whether the architectural design of structures and their materials and colors are appropriate to the function of the project;
8. Whether the planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community;
9. Whether the amount and arrangement of open space and landscaping are appropriate to the design and the function of the structures;
10. Whether sufficient ancillary functions are provided to support the main functions of the project and whether they are compatible with the project's design concept;
11. Whether access to the property and circulation systems are safe and convenient for pedestrians, cyclists and vehicles;

12. Whether natural features are appropriately preserved and integrated with the project;
13. Whether the materials, textures, colors and details of construction are an appropriate expression of its design concept and function and whether they are compatible with the adjacent and neighboring structure and functions;
14. In areas considered by the board as having a unified design character or historical character, whether the design is compatible with such character;
15. Whether the landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site;
16. Whether plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety which is suitable to the climate of St. Helena;
17. Whether sustainability and climate protection are promoted through the use of green building practices such as appropriate site/architectural design, use of green building materials, energy efficient systems and water efficient landscape materials.

Goal 5, Resource Conservation, policies HE5.1 *Encourage alternative energy sources* and HE5.2 *Encourage energy and resource conservation*.

Implementing Action HE5.D *Require cost-effective energy conservation measures in all new and rehabilitated housing to promote long-term affordability for occupants. The City will adopt the State's new Energy Efficiency Standards as part of the 2009 California Building Standards Code and ensure that all new housing units constructed in the City meet or exceed these standards.*

D. The Use Permit and Design Review for the above described use is granted subject to compliance with the following conditions. Permit shall be in conformance with all City ordinances, rules, regulations and policies in effect at the time of issuance of a building permit. The conditions noted below are particularly pertinent to this permit and shall not be construed to permit violation of other laws and policies not so listed.

1. The Use Permit and Design Review permit shall be vested within one (1) year from the date of approval. A building permit for the use allowed under this Use Permit shall have been obtained within one (1) year from the effective date of the Use Permit or the Use Permit shall expire; provided however that the Use Permit 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.
2. The Use Permit and Design Review permit is valid for this use only. New permits must be applied for upon any change in use. The permit will expire if the use is discontinued pursuant to then existing ordinances and regulations.
3. The Use Permit and Design Review permit shall not become effective until fourteen (14) calendar days after approval, providing that the action is not appealed by the City Council or any other interested party within that 14 day period.
4. Any request for an extension of the Use Permit/Design Review permit must be justified in writing and received by the Planning Department at least thirty (30) days prior to expiration.

5. All required fees, including planning fees, development fees, housing fees, building fees toilet retrofit fees, and St. Helena Unified School District fees shall be paid prior to issuance of 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. The applicant will defend and indemnify and hold the City, its agents, officers, and employees harmless of any claim, action or proceedings to attack, set aside, void or annul an approval so long as the City promptly notifies the applicant of any such claim, action, or proceedings and the City cooperates fully in the defense of the action or proceedings.
8. Provided they are in general compliance with the Use Permit/Design Review, minor modifications may be approved by the Planning Director.
9. This Use Permit/Design Review 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.
10. The primary purpose of this review is for compliance with the General Plan and Zoning Ordinance. The owner/applicant is responsible for meeting with the Building Official / Fire Inspector to review compliance with Building and Fire Codes, including fire protection systems and the accessibility standards of Title 24.
11. Fire equipment shall be inspected annually by the Fire Department.
12. No signs, awnings, or facade modifications shall be installed or constructed without approval of a Sign Permit or Design Review.
13. This permit authorizes the conversion of a retail space to a mixed use to include a professional office and a 64-seat café to showcase local chefs, wine, and hand crafted beer for local residents and visitors. Brewing on site will not exceed 450 gallons.
14. Prior to occupancy, the café tenant shall apply for a St. Helena Business License. The business license shall be reviewed by and approved by the Planning Director prior to issuance.
15. Prior to occupancy, a Type 75 ABC License to serve beer, wine and distilled spirits shall be obtained from the Department of Alcohol and Beverage Control (ABC).
16. The applicant shall post a permanent sign at the exit that will state “No Alcohol Can Be Consumed Beyond This Point.” The outdoor seating area in which wine is served shall be approved and meet all requirements of the ABC and as required by the Building Code.

17. Pursuant to Municipal Code Section 17.52.060, “formula restaurants” are prohibited. The Planning Director shall confirm compliance with this regulation prior to issuance of a certificate of occupancy.
18. Construction shall be in compliance with the design plans dated December 7, 2010.
19. Prior to issuance of building permits, the applicant shall pay a fee of \$7,000 in lieu of providing one (1) additional on-site parking space.
20. The owner and tenants of the property will ensure that customers shall not produce any unnecessary noise heard outside of the building which disturbs the peace of nearby residents after 10:00 p.m., consistent with Municipal Code Section 8.24.010, and shall comply with posted parking requirements.
21. Alleged violations concerning noise/parking can be agendized by staff for Planning Commission review at any time and there will be a status report submitted by the first anniversary of the Use Permit approval.
22. Consistent with St. Helena Municipal Code Article IV, Water Conservation Section 18.44, New Development, the applicant shall be required to retrofit 36 single family dwelling units prior to receiving a certificate of occupancy, or an equivalent proposal as approved by the City Engineer. In place of, or in combination with, retrofitting and/or an in-lieu fee, an alternative innovative method of mitigating water use may be proposed by the applicant/owner and approved by the Public Works Director. Appeals to this requirement may be made pursuant to Article IV, Section 18.46.
23. Prior to approval of a building permit, the applicant shall be required to obtain written approval from the Napa County Department of Environmental Management for all interior alterations associated with the café. The applicant shall comply with all Department of Environmental Management conditions of approval throughout operation of the use. A letter of approval from the Department of Environmental Management shall be delivered to the City Planning and Building Department.
24. 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 City Engineer 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:

1. 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 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.

2. The improvement plans shall incorporate all grading, drainage, and utilities shown on the approved Use Permit package, those improvements agreed to in public hearings, the requirements of these conditions of approval, and those improvements required by any codes in effect at the time of plan submittal.
3. 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.
4. 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.
5. 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.
6. No construction may commence until adequate access to fire water supply is available to building sites as approved by the Fire Chief.
7. All wastewater lines of the proposed development must be connected to the St. Helena sewer system and designed in accordance with the City sewer system standards. Any new fixture units added to the existing building will require verification of capacity and adequacy of the existing sewer lateral, verification of an easement to the public right of way, and a possible sewer cleanout at the property line. An oil/grease separator shall be incorporated in to the system.
8. 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 directed to a structural control such as an oil/water separator or sand filter. No other area shall drain into the trash enclosure. A sign shall be posted prohibiting the dumping of hazardous materials into the sanitary sewer.
9. 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.

10. Existing streets being cut by new services will require edge grinding and an A.C. overlay per City standards, extent to be determined by the Public Works Department.
11. 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.
12. Street trees shall be added or replaced as requested by the St. Helena Tree Committee.

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 January 18, 2011 by the following roll call vote:

AYES: **Commissioners Pitts, Parker, Heil & Chairperson Galbraith**
NOES: **None**
ABSENT: **Commissioner Kistner**
ABSTAIN: **None**

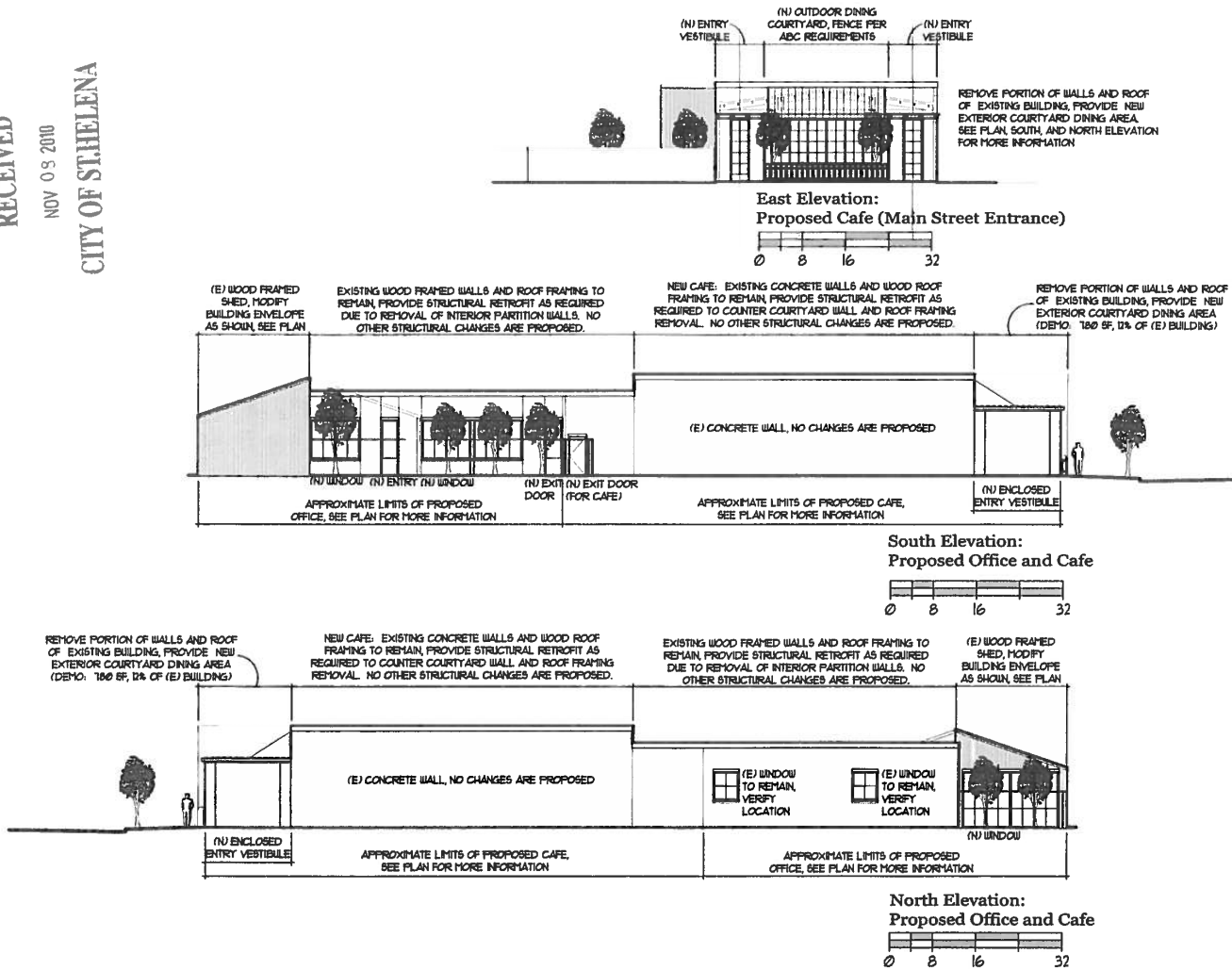
Greg Desmond, Acting Planning Director

Howard Backen, Applicant/Owner

Lori Backen, Applicant/Owner

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TEL: 707.443.1111 FAX: 707.443.1112
WWW.BGKA.COM

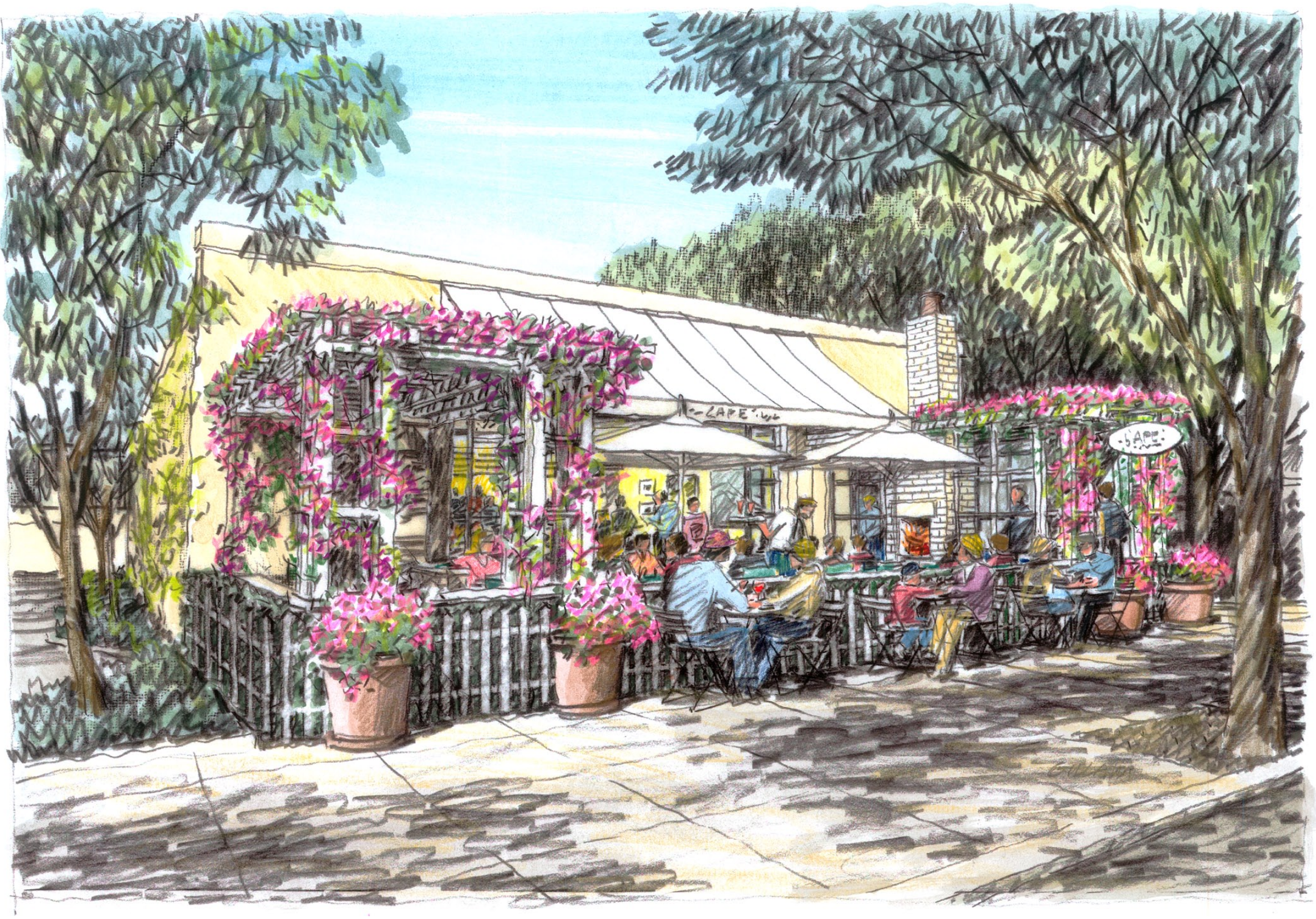
1429 Main Street: Cafe T.I.
1429 Main Street, Suite 100, St. Helena, CA 94574
TEL: 707.443.1111 FAX: 707.443.1112
WWW.BGKA.COM

Date:	December 8, 2010
Drawn By:	Christine E.
Project No.:	201001
Site:	See Plan
Sheet:	See Plan

Exterior Elevations

SCALE: 1/8" = 1'-0"

A3.2





DOOR BY AEB COLLECTIVE
1429 MAIN STREET
ST. HELENA, CA 94574
2/28/2022

DOOR BY AEB COLLECTIVE
DAYTIME RENDERING

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DOOR BY AEB COLLECTIVE
1429 MAIN STREET
ST. HELENA, CA 94574
2/28/2022

DOOR BY AEB COLLECTIVE
EVENING RENDERING

BACKEN
GILLAM
architects



PLANNING COMMISSION REPORT

Planning Commission Meeting of March 1, 2022

SUBJECT: Ordinance Adding Chapter 17.138 "Time Share Uses" and Sections 17.138.060 to Title 17, Zoning, of the St. Helena Municipal Code, and Deleting Section 17.112.130 of the St. Helena Municipal Code.

PREPARED BY: Ethan Walsh, City Attorney

REVIEWED BY: Maya DeRosa, Planning & Building Director

APPROVED BY: Maya DeRosa, Planning & Building Director

APPLICATION FILED:

LOCATION OF PROPERTY: Citywide

APN: n/a

GENERAL PLAN/ZONING: n/a

APPLICANT: n/a

PHONE: n/a

BACKGROUND

Over the past two years, there has been significant discussion in the community regarding Section 17.112.130 of the City's Zoning Code, which prohibits the creation of a time-share project as a means of ownership of any single-family, two-family or multiple-family dwelling or any apartment house in the City (the "Time Share Ordinance"). The City Council discussed the Time Share Ordinance at its July 14, 2020 meeting in response to concerns raised regarding a real estate listing for a fractional or partial ownership interest in a residential home in the City. The prior City Attorney discussed this issue with the City, focusing on the question of the extent to which the City Council could regulate an ownership structure through the City's zoning authority, and noted the challenges of doing so. At the conclusion of the Council's discussion of this issue, Council directed the City Attorney and staff to continue to research its options to address the concerns raised by members of the community in response to the listing of the home at issue.

In the months following the July 2020 Council meeting, the company that had been marketing that original home, now known as Pacaso, began marketing other homes in the City, and the City received additional complaints from members of the community. Based on new information that was available to the City, primarily through Pacaso's marketing materials, the City Attorney's office concluded that the properties being marketed by Pacaso were not just fractional or partial ownership structures, but were also being marketed to be used as a time share project that would be prohibited under the City's ordinance, and informed Pacaso of that conclusion. Pacaso disagreed with the City Attorney's conclusion, and initiated a lawsuit in an effort to compel the City to retract its conclusion. That litigation is ongoing.

When reviewing the Time Share Ordinance in this context, the City Attorney's office found that the substance of the Time Share Ordinance has not been updated since its adoption in 1982. The City Attorney's office concluded that the Time Share Ordinance would benefit from an update to refine the definitions to more directly address the impacts of time-share uses, to clarify the means used by the City to enforce the restrictions on time share uses, and to clarify how time share uses are treated in non-residential districts. City staff initially delayed initiating any changes to the Time Share Ordinance while the litigation was ongoing. However, due to the continued marketing of time share uses within the City, staff has decided to move forward with recommending the proposed updates to the City's ordinance.

PROJECT DESCRIPTION

N/A

ANALYSIS

The Analysis section of the Staff Report is organized as follows: First, the section provides a brief explanation for the City's conclusion that the homes that have been marketed by Pacaso constitute time share projects. While the City's conclusion does not directly affect the changes to the Zoning Code set forth in the proposed ordinance, it is helpful to understand that the Time Share Ordinance, both in its original form and as proposed to be amended, is intended to protect against the impacts that these homes and similar uses could have on the City's housing supply and the character of the City's residential districts. Second, this section discusses the legal basis for the City's Time Share Ordinance, the reasons why the City prohibited time share uses in residential properties, and why those reasons continue to apply today. Third, this section outlines the changes made in the proposed ordinance and the reasons for the proposed changes.

A. Current Time Share Ordinance and Application to Pacaso Homes

Section 17.112.130 of the Zoning Code prohibits the creation of a time-share project as a means of ownership of any single-family, two-family or multiple family dwelling or apartment house within the City. A time-share project is defined in that section as any real property that is subject to a time-share program. A time-share program is in turn defined in part as an arrangement whereby the use, occupancy or possession of the

property circulates among purchasers according to a fixed or floating time schedule on a periodic basis for a specific period of time during any given year.

Pacaso provides a significant amount of information on its website regarding the manner in which its homes are used by the purchasers of a Pacaso home. According to Pacaso's website, the single family residences marketed by Pacaso are held by a property-specific limited liability company ("LLC"), and each co-owner purchases a 1/8 share in the LLC. (Pacaso.com/learn) Each 1/8 share entitles the co-owner to 44 stay nights within any 365 day window. Stays can be from 2 to 14 nights in duration for each 1/8 share. Back-to-back stays are not permitted. (Pacaso.com/faq/scheduling) Stays are booked on an app, with specific rules governing the number of "special dates" that each co-owner can book, and the number of stays that each owner can book during "peak seasons." (Id.) Each owner can book the residence to use themselves, or may allow guests to use the residence, whether or not the co-owner is present. (Id.) Between each stay, Pacaso conducts a thorough inspection and cleaning. ("5 reasons Pacaso is better than a timeshare." Pacaso.com/blog/better-than-resort-timeshare)

The Pacaso model grants each 1/8 owner the right to use the property for a specific period of time (44 days in a year) in increments of 2-14 days. The use, occupancy and possession of the property circulates among the co-owners according to a floating time schedule that gives each co-owner exclusive rights to the property for a specific period of time each year. This use structure fits squarely in the City's definition of a time-share program, and the properties operated by Pacaso in this manner would therefore be time-share projects under the existing Time Share Ordinance.

B. Reasons for the Time Share Ordinance

1. The City's General Plan

The City of St. Helena has long been defined by its rural, small town quality and agricultural character. In adopting the St. Helena General Plan Update 2040, the City noted that the defining, unifying goal of all the elements of the 1993 General Plan was:

To protect the rural, small town quality and agricultural character of St. Helena. It is the General Plan's intent that the preservation of this small town character be the unifying philosophy that overlays all other stated goals and policies. (General Plan 2040, p. 1-2.)

While the 2040 General Plan acknowledges that this is no longer the sole, overriding focus of the General Plan, retaining the small town character of St. Helena remains a primary focus of the City's land use planning. (Id.)

A key component of retaining the City's small town character is maintaining a balance between the economic benefits that arise from visitors who come to St. Helena for its wineries, restaurants and historic downtown, and maintaining its authentic small town quality of life for the City's residents. This theme is consistent throughout the City's General Plan, and maintaining this balance is key to the City's long term viability. The General Plan notes in its Introduction that "[t]he community stands out in the Valley for its unique, historic character and its ability to attract visitors while also supporting the needs of its resident population." (General Plan p. 1-8.) The City has set goals to maintain that

balance, striving to achieve an economy that “will meet the basic needs of residents, while balancing the benefits and impacts of visitors and provide better economic opportunities. (General Plan 1-15.) The City further seeks to “promote sustainable tourism practices that allow the City to enjoy the economic benefits of visitors to the region while maintaining the authentic small-town quality of life.” (General Plan p. 3-9.)

St. Helena is a renowned tourist destination, bringing visitors from throughout the world to its wineries, restaurants and downtown, but it is also a functioning City and community, with residents who contribute to its social fabric. Like most communities throughout California, one of the key means that the City utilizes to maintain this balance is through its Zoning Ordinance. The City has commercial districts, like the Service Commercial district and the Central Business district, that provide for uses that serve both visitors and the local community, such as restaurants, retail shops and winery tasting rooms, among others, along with lodging where those visitors can stay. (St. Helena Municipal Code §§17.48.030, 17.52.030.) The City also has residential districts that provide housing for those who live in the community, at varying densities in order to provide a diversity of housing types.

2. Use of Zoning to Preserve Residential Areas

The use of zoning to preserve the character of the residential districts of a City has been common for over a century. In the seminal case of *Euclid v. Ambler* the United State Supreme Court upheld the validity of comprehensive zoning that would set aside residential districts “from which business and trade of every sort, including hotels and apartment houses, are excluded.” (*Euclid v. Ambler Co.* 272 U.S. 365, 390.) The U.S. Supreme Court upheld the Village of Euclid’s zoning ordinance in that instance, noting that the inclusion of non-residential uses in residential districts may have an increasingly deleterious impact on the residential area “until, finally, the residential character of the neighborhood and its desirability as a place of detached residences are utterly destroyed.” (*Id.* at 394.)

The California Court of Appeals followed *Euclid* and subsequent cases in upholding the City of Carmel-by-the-Sea’s zoning restriction on short-term rentals. (*Ewing v. City of Carmel-By-The-Sea* (1991) 234 Cal.App.3d 1579.) In that case, the Court noted that the City’s chief purpose in adopting the short-term rental restriction was “to provide an appropriately zoned land area within the City for permanently single-family residential uses and structures and to enhance and maintain the residential character of the City.” (*Id.* at 1579.) In upholding Carmel’s short-term rental restriction, the Court found that short-term rentals “undoubtedly affect the essential character of a neighborhood and the stability of a community. Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow—without engaging in the sort of activities that weld and strengthen a community.” (*Id.* at 1591.)

3. Impacts of Time Share Uses on Residential Districts

Like Carmel, the City of St. Helena strives to maintain the character of its residential areas in the face of intense demand for accommodations to serve visitors to St. Helena. The Time Share Ordinance is one of the means that the City has in place to ensure that it is able to maintain its existing and limited housing stock for use in long term residency, and to maintain the character of its residential zoning districts. When the City originally adopted the Time Share Ordinance in 1982, the City Council made specific findings based on the impact it foresaw if time share uses were to locate in the residential areas of the City. Those findings were as follows:

1. There is a critical shortage of affordable housing in the city for long-term occupancies (more than six months annually), and the availability of additional residential dwelling units is substantially restricted by the growth management system.
2. The conversion of residential dwelling units within the city to time-sharing projects eliminates residential dwelling units otherwise available for long-term occupancies (more than six months annually) in the city.
3. Time-sharing projects have the same character as commercial hotels, motels and other transient occupancy uses due to their transient nature and to the multiple short-term (less than six months annually) occupancies by those participating in time-sharing projects.
4. Such commercial or quasi-commercial like use is inappropriate in residential areas due to the increased traffic generation and multiple occupancies disturbing the peace and quiet of residential neighborhoods.
5. The city council finds and determines that this section is necessary to protect the public health, safety and welfare of the citizens of the city.

As discussed in more detail below, these findings continue to hold true in St. Helena, and continue to support the City's decision to restrict time-share uses in residential districts.

i. Housing Shortages and Impacts of Time-Share Uses on Existing Housing Stock

In adopting the current Time Share Ordinance, the City Council found that there was a critical shortage of affordable housing in the City for long-term occupancies. That continues to be the case, and is undoubtedly worse than was the case at the time the Time Share Ordinance was originally adopted. The most recent census data lists the median value of owner occupied homes in St. Helena at \$1,112,100 for the period of 2015-2019, while the Zillow Home Value Index estimates medial home values in St. Helena to be approximately \$1,870,000 as of February 2022. (www.census.gov/quickfacts/sthelenacitycalifornia; zillow.com/home-values/.) In contrast, the median household income in St. Helena from 2015-2019 was \$90,031, and the median income for a four person household in Napa County for 2021 is approximately \$109,200. (www.census.gov/quickfacts/sthelenacitycalifornia; www.hcd.ca.gov/grant-funding/income-limits/state-and-federal-income-limits/docs/income-limits-2021.pdf.)

At the time of adoption of the City's Housing Element in 2015, the income necessary to purchase a median priced single family home was nearly \$200,000 per year, and prices have risen dramatically since then. (City of St. Helena Housing Element Update 2015-23, p. 3.) The cost of homes currently in St. Helena are well in excess of what median income residents of St. Helena can afford, as well as median income residents of Napa County generally. Further, as Erika Sklar observed in the St. Helena Housing Update Report that she prepared for the City in April 2018, "St. Helena has more local jobs than people in the labor force, demanding large numbers of commuters to fill local jobs. Workers commute daily into St. Helena, many because there is no local housing that is affordable at the incomes that they make. 36% of St. Helena households cannot afford market rents while 70% of St. Helena households cannot afford to purchase a home. Paramedics and preschool teachers cannot afford St. Helena's market rents. Teachers, registered nurses, winery and hospitality managers and non-profit directors cannot afford homeownership in St. Helena." (St. Helena Housing Update Report, p. 7 (April 2018).)

The City has made and continues to make efforts to address the need for affordable housing in the City, including providing assistance for the Brenkle Court, Turley Flats and 963 Pope Street projects. The City has also ensured that new non-residential development will assist the City in providing adequate affordable housing, as evidenced by the significant contributions to affordable housing made by the Farmstead Lodging project through its development agreement with the City. These efforts, however, have highlighted the challenges of providing housing at all income levels, with the most significant challenge being a limited supply of existing housing stock in the City, and a limited supply of available land for new housing. Given the housing shortage already in existence, losing additional housing stock will only make this problem worse.

The findings in the original Time Share Ordinance also note that the conversion of homes to time sharing projects would eliminate residential dwelling units that would otherwise be available for long term residential use. This continues to be true, as a home that is used for time share purposes will no longer be available for households to use as their long term residence. This threat to the City's existing housing stock is not insignificant. The publicity regarding Pacaso's rise as a company speaks to a pent up demand for homes that could be converted to time share use, reducing available housing stock for long term use. Pacaso's co-founder has indicated that "[t]here are tens of millions of families that aspire to own second homes but are unable to, due to reasons of cost." (Just Five Months Old, Zillow Co-founder's Pacaso Claims It's Already A Unicorn" Noah Kirsch, March 24, 2021 (www.forbes.com/sites/noahkirsch/2021/03/24/just-five-months-old-zillow-cofounders-pacaso-claims-its-alread-a-unicorn/.) In discussing Pacaso's model, Dan Wenhold of the venture capital firm Fifth Wall said "[t]hey were taking a previously illiquid asset, which was a timeshare, and making it affordable for the masses, also making it attainable for folks who wanted to own a second home but previously weren't able to." ("Pacaso, the Proptech Startup Founds by Zillow Alums, Raises \$125M Series C" Sophia Kunthara (September 14, 2021) (news.crunchbase.com/news/proptech-startup-pacaso-raises-125m-series-c.) Creating a new market for these prospective buyers who otherwise would not buy second homes unquestionably increases demand for these

homes by creating an incentive for timeshare companies to buy up residences to meet this market demand. Creating more demand, and reducing supply, will further ratchet up housing costs, exacerbating the already significant housing shortage in the City.

ii. Impacts to Character of the City's Residential Districts

The City Council additionally found as part of the adoption of the original Time Share Ordinance that time-sharing projects have the same character as commercial hotels, motels and other transient occupancy uses due to their transient nature and to the multiple short-term occupancies by those participating in time-sharing projects. The Council concluded that this commercial or quasi-commercial like use is inappropriate in residential areas due to the increased traffic generation and multiple occupancies disturbing the peace and quiet of residential neighborhoods. This continues to be the case, as the nature of time share uses of residential property is different than the typical long term residential uses for which the residential districts of the City are intended.

The complaints that have been made by some local residents regarding the Pacaso homes are illustrative of the distinctions between time share uses and long term residential uses. A sampling of the email complaints received by the City are included in Attachment No. 3 to this Staff Report. The complaints received center on concerns over more intense traffic and parking issues, outdoor parties and conversations going late into the evening, sometimes as late as 2 A.M. One neighbor complained of outdoor lighting shining into her daughter's room at night. They complained of traffic and inadequate parking for the visitors to these homes. Further, neighbors have noted that with each turnover from one stay to another, cleaning and landscaping crews come to clean the unit and prepare it for the next user. While this level of maintenance is appropriate for a commercial vacation property, it impacts the residential character of the surrounding area by adding parking and noise burdens in the neighborhood. Living next door to a home where the residents turnover every 2-14 days, and professional cleaning and landscaping crews come to the property between each visit is much more akin to living by a commercial lodging project than a residential home. This is not at all surprising, given that these time share homes are used by people who are on vacation. While long term residents may have an occasional party at their home, the time share model means that these residences are constantly being used by people who are on vacation, hosting parties or celebrating special occasions. These activities by their nature are more intense than typical residential use of property.

The intensity of this use is a significant reason that these uses can change the character of a residential neighborhood. Long term residents, whether owners or renters, will occasionally have guests, and will occasionally have parties, but these time-share homes are used exclusively by people who are coming to the City on a short term basis for vacation or leisure. People will naturally stay out later, entertain more and gather in larger numbers while on vacation. That is the reason that these uses are more appropriate in non-residential areas that are intended to cater to the City's visitors and tourists. Time share uses can change the character of a residential neighborhood by having it serve not

only as a residential area but also a visitor lodging area, and subjecting it to the impacts that come with that more intense land use.

In their marketing materials, Pacaso cites this intensity of use as a benefit, indicating that having these units filled with visitors seven days a week will benefit the local economy, since these visitors will patronize local businesses. (pacaso.com/communities) However, as noted above, the City strives through its General Plan to achieve a balance between benefits to the local economy and maintaining the character of the City. The City seeks to achieve this balance by promoting “sustainable tourist practices that allow the City to enjoy the economic benefits of visitors to the region while maintaining the authentic small-town quality of life, (General Plan p. 3-9) and striving to achieve a local economy that “will meet the basic needs of residents, while balancing the benefits and impacts of visitors.” (General Plan p. 1-15.) Bringing more visitors into residential neighborhoods to improve the local economy does not help to achieve that balance. It instead tips the scales in favor of the local economy, at the expense of the residential character of these neighborhoods.

The nature of the timeshare use itself can impact the residential character of the City’s residential districts because it will ensure that the time share users can only use their property for a limited amount of time each year. In the case of Pacaso owners, each stay is limited to 2-14 days. As discussed above, in the *Ewing v. City of Carmel-by-the-Sea* case, the California Court of Appeal found that short term rentals would affect the essential character of a neighborhood and the stability of a community. The Court noted that “[s]hort term rentals have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a Scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally they are here today and gone tomorrow—without engaging in the sort of activities that weld and strengthen a community.”

This same problem is present with time-share uses. Each co-owner is in the unit on a short-term basis, and without the time to participate in the types of activities or build the relationships that create the fabric of a community. At the April 28, 2021 council meeting several Pacaso co-owners spoke of their experiences in St. Helena. All of them spoke of their affection for the community and the traditions they had established, but these were centered on attending local events and visiting shops, restaurants and wineries. These types of transactional activities are all beneficial to the City’s local economy and are what the City hopes to see from visitors to the City, but it is not the type of community involvement described in the *Ewing* case that binds and strengthens a residential community. Given the City’s desire to strike a balance between the demands of the City’s visitor and tourist economy, and retaining its small town character and quality of life, the City has an interest in maintaining housing stock in its residential districts for long-term residents who will engage in the community in the manner described by the Court in *Ewing*, to the betterment of the entire community.

C. Proposed Amendments to the Time Share Ordinance

The proposed Ordinance would make certain changes to the City’s Existing Time Share Ordinance, as described below.

1. Findings and Establishment of New Chapter

The proposed Ordinance includes detailed recitals and findings describing the policy bases for the City's regulation of time share uses. The findings are consistent with the findings made as part of the original Time Share Ordinance, but more detail has been added. The policy bases for the proposed Ordinance are discussed in the sections above, and further discussion is not necessary here.

The proposed Ordinance also relocates the restrictions on time share uses to its own chapter at Chapter 17.138. The Time Share Ordinance is currently located in Chapter 17.112, General Site Design and Development Standards. City staff believes that with the added level of detail in the Proposed Ordinance, these provisions merit being located in a separate chapter, and has changed the location of the Timeshare Ordinance accordingly.

2. Definitions

The Proposed Ordinance amends the definitions that are used to define time share uses, with the new definitions set forth in Section 17.138.020. The new definitions are modeled on the definitions utilized by the state to regulate time-shares in the Vacation Ownership and Time-Share Act of 2004 (Bus. & Prof. Code §§11210-11288), but are modified somewhat to better apply in the land use regulation context.

The new ordinance includes a number of definitions that work in concert to define a time-share use. The ordinance defines a "time-share use" as the use of one or more accommodations, or any part thereof, as part of a time-share property pursuant to a time-share plan. An "accommodation" is defined in this Chapter to include a range of residential units that could potentially be used for time-share purposes. The types of residential units that can be accommodations are listed at the beginning of Section 17.138.020 in the proposed ordinance. A "time-share plan" is defined in the ordinance, and generally includes any arrangement, plan, scheme or similar device whereby a purchase receives the right to exclusive use of the accommodation, whether through the granting of ownership rights, possessory rights or otherwise, for a period of time less than a full year during any given year. A "time-share property", in turn is defined as one or more accommodations that are subject to the same time-share plan together with any property rights that are appurtenant to the accommodations. A "time-share instrument", is the document or documents that create or govern the operation of the time-share plan.

Therefore a time-share use is the use of a residential property that fits within the definition of an "accommodation" under the ordinance, pursuant to a "time-share plan", which grants each owner of the time-share property exclusive use of the property for a certain period of time each year, but not the full year.

It is important to note that not all properties with multiple owners or owned by business entities (such as LLCs) would constitute a time-share use under these definitions. The definitions focus on the manner in which the accommodation is used, not how it is owned. A time-share plan allows each owner exclusive use of the property for a specific period of time. This manner of use prevents the property from being used for long term residency, and leads to the continual cycling of visitors through the property and the more intense, constant vacation oriented use that the ordinance seeks to limit in residential districts of the City.

A property that is owned by a group of friends or extended family members, whether through a separate business entity or otherwise, will not necessarily mandate that only one owner will be able to use the property at a time. The more formal arrangement found in time-share uses increases the intensity of use, in that each individual time-share owner cycles through the property, whereas families or friends are more likely to use the property together or in groups leading to less transition in the residential neighborhood. The more formal relationship, use of professional property managers and rights to exclusive use found in time-share uses contributes to the commercial character of the property, with added traffic due to the more frequent turnover of visitors and more frequent cleaning and inspection between each user, which is common for a commercial vacation property, but not for a home owned by family or friends.

3.Enforcement

The new ordinance additionally adopts a new enforcement structure for the City time-share restrictions, modeled on the City's short-term rental ordinance. The ordinance prohibits both the use of accommodations for time-share use, and the advertisement of accommodations for time-share uses. This will better allow the City to prevent time-share uses in residential neighborhoods before they occur. The proposed Ordinance also outlines the process that will be used to enforce this new Chapter, again based on the City's existing short-term rental regulations. This approach has proved to be effective in enforcing the City's short-term rental regulations, and will help the City to take a more preventative approach to enforcing its time-share regulations as well.

4.Time Share Uses in Service Commercial and Central Business Districts

Finally, while the City's existing Time Share Ordinance did prohibit time-share projects within certain types of residential dwelling units within the City, it does not make distinctions based on the various zoning districts of the City. Given that the primary concerns and impacts of this use arise from the high intensity use of property that negatively impacts the residential character of residential districts within the City, this use may not have the same impacts in commercial districts where visitors can be closer to the amenities in the City that cater to visitors. The proposed new ordinance would allow time-share uses in the Service Commercial and Central Business Districts as conditional uses, provided that such time-share uses would be limited to accommodations in upper floors in conjunction with a mixed use project, would be required to provide at least one parking space for accommodations of two or fewer bedrooms, and at least two parking

spaces for accommodations of three or more bedrooms, and would be subject to such other conditions imposed by the City as part of the conditional use permit process. As part of the application for a time-share use, the applicant would have to provide specific information including a management plan and specific information on the accommodations and any ancillary uses. The City would then review the application process in accordance with its normal process for review of conditional uses. This would allow the City to address potential impacts associated with this use, similar to the approach that the City uses with hotels and other lodging accommodations in these districts.

CEQA DETERMINATION

The proposed ordinance is not subject to CEQA because the adoption of this ordinance is not a “project” pursuant to Sections 15060(c)(2) and 15060(c)(3) of Title 14 of the California Code of Regulations. Specifically, this ordinance only affirms and clarifies existing regulations regarding timeshare uses within the City and merely authorizes administrative and implementation activities which will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Moreover, under Section 15061(b)(3) of the State CEQA Guidelines, this ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

STAFF RECOMMENDATION

For the reasons described above, staff recommends that the Planning Commission Adopt the Resolution Recommending that the City Council adopt an Ordinance Adding Chapter 17.138 “Time Share Uses” and Sections 17.138.010-17.138.060 to Title 17, Zoning, of the St. Helena Municipal Code and Deleting Section 17.112.130 of the St. Helena Municipal Code.

ATTACHMENTS

[PC2022- 001 Timeshare Resolution 3-1-2022-c1](#)

[St. Helena Time Share Ordinance-c1](#)

[Examples of complaints received regarding timeshare properties-c1](#)

CITY OF ST. HELENA PLANNING COMMISSION

RESOLUTION NO. PC2022-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ST. HELENA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ADDING CHAPTER 17.138 “TIME SHARE USES” AND SECTIONS 17.138.101-17.138.060 TO TITLE 17, ZONING, OF THE ST. HELENA MUNICIPAL CODE AND DELETING SECTION 17.112.130 OF THE ST. HELENA MUNICIPAL CODE

Recitals

WHEREAS, the City of St. Helena is an popular tourist destination, known for its scenic Napa Valley location, exceptional wineries and restaurants, historic Main Street and small town agricultural character; and

WHEREAS, preserving the rural, small town quality and agricultural character of the City of St. Helena has been a focal point of the City’s land use planning for decades, and remains a primary focus in the City’s 2040 General Plan; and

WHEREAS, the City of St. Helena stands out in the Napa Valley for its ability to attract visitors while also supporting the needs of its resident population. Maintaining the balance between the quality of life for residents and those who work in the City and the visitors who help to sustain the City’s tourist economy is key to maintaining a sustainable community and a stable economy; and

WHEREAS, the City values and welcomes all visitors to the City and recognizes their contributions to the City’s economy, but finds that in order to maintain the City’s long term viability as a community where people not only come to visit, but also live, work and contribute to the long term betterment of the community through participation in the City’s schools, local community groups, civic government and local serving businesses, the City must maintain a balance between residential land uses and visitor serving uses; and

WHEREAS, the City’s existing housing stock is significantly impacted, with demand outweighing supply, resulting in extremely high housing prices as detailed in the accompanying staff report. A limited supply of suitable vacant land, exorbitantly high land costs, and limitations in the City’s existing infrastructure, among other factors, have limited the construction of additional housing in the City of St. Helena; and

WHEREAS, according to the U.S. Census Bureau, the current median household income in the City of St. Helena is \$90,031, while the estimated value of owner-occupied housing units from 2015-2019 was approximately \$1,112,100, with current real estate listings suggesting that prices are increasing significantly, meaning that homes in the City are not affordable to the median household in the City; and

WHEREAS, as noted in the St. Helena Housing Update Report prepared for the

City in April 2018, “St. Helena has more local jobs than people in the labor force, demanding large numbers of commuters to fill local jobs. Workers commute daily into St. Helena, many because there is no local housing that is affordable at the incomes that they make. 36% of St. Helena households cannot afford market rents while 70% of St. Helena households cannot afford to purchase a home. Paramedics and preschool teachers cannot afford St. Helena’s market rents. Teachers, registered nurses, winery and hospitality managers and nonprofit directors cannot afford homeownership in St. Helena”; and

WHEREAS, the City has made significant efforts to address the need for housing at lower income levels, of which recent examples include providing assistance to local nonprofit Our Town St. Helena for the Brenkle Court development, a mutual self-help housing development providing homeownership opportunities to eight low income working families, as well as the acquisition of a home located at 963 Pope Street using a charitable sale strategy. The property at 963 Pope Street is being developed with an additional four units to provide a total of five new affordable rental units in the City; and

WHEREAS, further, in connection with the recently approved Farmstead lodging project, the City negotiated with the developer to contribute One Million Dollars toward the purchase of property to be used for the development of not less than twenty units of housing that will be affordable to low and very low income households, and an additional Two Million Two Hundred Thousand Dollars to be used more generally toward the development of affordable housing in the City; and

WHEREAS, the City additionally provided substantial financial assistance to the recently completed Turley Flats Affordable Housing development, which provides eight units of rental affordable housing in a three story building located at 1105 Pope Street; and

WHEREAS, these efforts have helped to address the City’s need for affordable housing, but have also highlighted the challenge of providing sufficient housing to meet demand, particularly at more affordable levels, due to the significant costs of acquiring housing or land for the development of housing in the City and the limited supply of such land; and

WHEREAS, the conversion of existing residential units to uses other than long-term residential use will further reduce the City’s existing long-term housing supply, causing further imbalance between the demand for housing in the City and the existing supply, not only altering the character of the City’s residential neighborhoods, but also presenting further challenges to the City’s efforts to provide affordable housing within the community; and

WHEREAS, the City additionally has, for many years, worked to preserve its existing housing stock for long term residential use, both to maintain the character of its residential neighborhoods and prevent residential districts from becoming visitor and tourist serving districts, and to ensure that it would not be converted to uses other than long-term residential uses; and

WHEREAS, to this end, in 1982 the City adopted Ordinance No. 82-07, which prohibited the creation of time-share projects as a means of ownership of any single-family, two-family or multiple-family dwelling or any apartment house within the City. This

restriction was imposed because the conversion of residential dwelling units to time-sharing projects would eliminate residential dwelling units that would otherwise be available for long-term occupancies, and were inappropriate in residential areas because those uses have the same character as commercial hotels, motels and other transient occupancy uses, and would result in increased traffic generation and multiple occupancies disturbing the peace and quiet of residential neighborhoods; and

WHEREAS, the City has historically not received complaints about time-sharing uses in residential neighborhoods. Commencing in 2020, however, the City began receiving complaints regarding single family homes in the City that were being sold and/or marketed as “fractional ownership” or “co-ownership” homes, wherein each buyer may acquire a one-eighth interest in a limited liability company that will own the home. Under the structure pursuant to which these dwelling units are marketed and sold, each owner gets a one-eighth share along with the right to use the home for one-eighth of each year indefinitely. During each owner’s usage period, that owner has exclusive use of the entire house. All rentals are prohibited; only owners and their guests are permitted to use the house. Each owner pays regular assessments to fund the operating costs of the home and maintenance reserves; and

WHEREAS, this arrangement, which provides that each purchaser is entitled to exclusive use of the property for a fixed number of days each year, is a “time-share plan” as defined in Business and Professions Code section 11212, and a “time share program” as defined in Section 17.112.130 of the City’s Municipal Code; and

WHEREAS, the City has received numerous complaints regarding these properties, including parking impacts from large numbers of people staying at these properties; excessive noise late into the evening due to frequent outdoor parties; traffic due to frequent visitor turnover; traffic, noise and parking concerns due to frequent visits from cleaning, landscape maintenance and pool cleaning services that come to the properties in between each stay to prepare the home for the next guest; and an inability to maintain lines of communication to set community expectations with the users of the unit, as visitors only frequent the homes for short term stays of 2 to 14 days; and

WHEREAS, the complaints received by the City are reflective of the reasons that the City prohibited time-share projects within residential areas of the City. The time-share uses provide a short-term, high impact vacation oriented use of the property, where those that buy into the time-share use the home for entertaining and short term stays while visiting restaurants, wineries and other tourist oriented locations in St. Helena and the surrounding Napa Valley; and

WHEREAS, this high impact use, combined with the frequent turnover and commercial management of these properties is not consistent with the residential districts in which they are located. It is commercial in nature, in that these time-share uses are structured as a short-term, tourist oriented, visitor serving use of the subject properties. The use of these properties as time-shares adds excessive noise and traffic to residential districts by using these properties for high impact tourist oriented uses more appropriately located in commercial districts of the City; and

WHEREAS, expanded use of residential properties for time-share uses will further reduce the availability of housing stock for long-term residential use, and create a new demand for time-share uses of residential properties; and

WHEREAS, this encroachment of tourist oriented, visitor serving uses in residential neighborhoods will not only compromise the residential character of these areas, but will also further increase the costs for housing in the City, undermining the City's efforts to provide a balance of housing for all income levels in the City; and

WHEREAS, the City's authority to enact zoning ordinances is based on the powers accorded cities and counties under the State constitution to make and enforce police regulations. This police power grants the City broad authority to regulate the development and use of real property within its jurisdiction to promote the public welfare; and

WHEREAS, pursuant to and in accordance with this authority, the City desires to reaffirm its restrictions on time-share uses in residential areas, and to update the language of the Zoning Code to provide consistency with the terminology used to define time-share uses in State law. Further, the City desires to provide greater clarity as to the zoning districts in which time-share uses are permitted as conditional uses, and the standards pursuant to which they will be reviewed in those zoning districts; and

WHEREAS, the City gave public notice of the public hearing for the proposed ordinance by publishing in the Napa Valley Register; and

WHEREAS, on March 1, 2022, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning the proposed ordinance.

Resolution

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF ST. HELENA DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

Section 1. This ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The City Council hereby finds that this ordinance is not subject to CEQA because the adoption of this ordinance is not a "project" pursuant to Sections 15060(c)(2) and 15060(c)(3) of Title 14 of the California Code of Regulations. Specifically, this ordinance only affirms and clarifies existing regulations regarding timeshare uses within the City and merely authorizes administrative and implementation activities which will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Moreover, under Section 15061(b)(3) of the State CEQA Guidelines, this ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

Section 2. Based on the entire record before the Planning Commission, and all written and oral evidence presented, the Planning Commission hereby finds that the proposed ordinance is consistent with the City's adopted General Plan and does not conflict with any of the General Plan's goals or policies.

Section 3. The Planning Commission hereby recommends that the City Council

adopt the attached proposed ordinance entitled: “ADDING CHAPTER 17.138, TIME SHARE USES AND SECTIONS 17.138.101-17.138.060 TO TITLE 17, ZONING, OF THE ST. HELENA MUNICIPAL CODE AND DELETING SECTION 17.112.130 OF THE ST. HELENA MUNICIPAL CODE.”

I HEREBY CERTIFY that the foregoing recommendation to the City Council was duly and regularly approved by the Planning Commission of the City of St. Helena at a regular meeting of said Planning Commission held on March 1, 2022, by the following rollcall vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

John Ponte
Planning Commission, Chair

Maya DeRosa, AICP
Planning and Building Director

CITY OF ST. HELENA

ORDINANCE NO. _____

ADDING CHAPTER 17.138 “TIME SHARE USES” AND SECTIONS 17.138.010 – 17.138.060 TO TITLE 17, ZONING, OF THE ST. HELENA MUNICIPAL CODE, AND DELETING SECTION 17.112.130 OF THE ST. HELENA MUNICIPAL CODE

WHEREAS, the City of St. Helena is a popular tourist destination, known for its scenic Napa Valley location, exceptional wineries and restaurants, historic Main Street and small town agricultural character; and

WHEREAS, preserving the rural, small town quality and agricultural character of the City of St. Helena has been a focal point of the City’s land use planning for decades, and remains a primary focus in the City’s 2040 General Plan; and

WHEREAS, the City of St. Helena stands out in the Napa Valley for its ability to attract visitors while also supporting the needs of its resident population. Maintaining the balance between the quality of life for residents and those who work in the City and the visitors who help to sustain the City’s tourist economy is key to maintaining a sustainable community and a stable economy; and

WHEREAS, the City values and welcomes all visitors to the City and recognizes their contributions to the City’s economy, but finds that in order to maintain the City’s long term viability as a community where people not only come to visit, but also live, work and contribute to the long term betterment of the community through participation in the City’s schools, local community groups, civic government and local serving businesses, the City must maintain a balance between residential land uses and visitor serving uses; and

WHEREAS, the City’s existing housing stock is significantly impacted, with demand outweighing supply, resulting in extremely high housing prices as detailed in the accompanying staff report. A limited supply of suitable vacant land, exorbitantly high land costs, and limitations in the City’s existing infrastructure, among other factors, have limited the construction of additional housing in the City of St. Helena; and

WHEREAS, according to the U.S. Census Bureau, the current median household income in the City of St. Helena is \$90,031, while the estimated value of owner-occupied housing units from 2015-2019 was approximately \$1,112,100, with current real estate listings suggesting that prices are increasing significantly, meaning that homes in the City are not affordable to the median household in the City; and

WHEREAS, as noted in the St. Helena Housing Update Report prepared for the City in April 2018, “St. Helena has more local jobs than people in the labor force, demanding large numbers of commuters to fill local jobs. Workers commute daily into St. Helena, many because there is no local housing that is affordable at the incomes

that they make. 36% of St. Helena households cannot afford market rents while 70% of St. Helena households cannot afford to purchase a home. Paramedics and preschool teachers cannot afford St. Helena's market rents. Teachers, registered nurses, winery and hospitality managers and nonprofit directors cannot afford homeownership in St. Helena"; and

WHEREAS, the City has made significant efforts to address the need for housing at lower income levels, of which recent examples include providing assistance to local nonprofit Our Town St. Helena for the Brenkle Court development, a mutual self-help housing development providing homeownership opportunities to eight low income working families, as well as the acquisition of a home located at 963 Pope Street using a charitable sale strategy. The property at 963 Pope Street is being developed with an additional four units to provide a total of five new affordable rental units in the City; and

WHEREAS, further, in connection with the recently approved Farmstead lodging project, the City negotiated with the developer to contribute One Million Dollars toward the purchase of property to be used for the development of not less than twenty units of housing that will be affordable to low and very low income households, and an additional Two Million Two Hundred Thousand Dollars to be used more generally toward the development of affordable housing in the City; and

WHEREAS, the City additionally provided substantial financial assistance to the recently completed Turley Flats Affordable Housing development, which provides eight units of rental affordable housing in a three story building located at 1105 Pope Street; and

WHEREAS, these efforts have helped to address the City's need for affordable housing, but have also highlighted the challenge of providing sufficient housing to meet demand, particularly at more affordable levels, due to the significant costs of acquiring housing or land for the development of housing in the City and the limited supply of such land; and

WHEREAS, the conversion of existing residential units to uses other than long-term residential use will further reduce the City's existing long-term housing supply, causing further imbalance between the demand for housing in the City and the existing supply, not only altering the character of the City's residential neighborhoods, but also presenting further challenges to the City's efforts to provide affordable housing within the community; and

WHEREAS, the City additionally has, for many years, worked to preserve its existing housing stock for long term residential use, both to maintain the character of its residential neighborhoods and prevent residential districts from becoming visitor and tourist serving districts, and to ensure that it would not be converted to uses other than long-term residential uses; and

WHEREAS, to this end, in 1982 the City adopted Ordinance No. 82-07, which prohibited the creation of time-share projects as a means of ownership of any single-family, two-family or multiple-family dwelling or any apartment house within the City. This restriction was imposed because the conversion of residential dwelling units to time-sharing projects would eliminate residential dwelling units that would otherwise be available for long-term occupancies, and were inappropriate in residential areas because those uses have the same character as commercial hotels, motels and other transient occupancy uses, and would result in increased traffic generation and multiple occupancies disturbing the peace and quiet of residential neighborhoods; and

WHEREAS, the City has historically not received complaints about time-sharing uses in residential neighborhoods. Commencing in 2020, however, the City began receiving complaints regarding single family homes in the City that were being sold and/or marketed as “fractional ownership” or “co-ownership” homes, wherein each buyer may acquire a one-eighth interest in a limited liability company that will own the home. Under the structure pursuant to which these dwelling units are marketed and sold, each owner gets a one-eighth share along with the right to use the home for one-eighth of each year indefinitely. During each owner’s usage period, that owner has exclusive use of the entire house. All rentals are prohibited; only owners and their guests are permitted to use the house. Each owner pays regular assessments to fund the operating costs of the home and maintenance reserves; and

WHEREAS, this arrangement, which provides that each purchaser is entitled to exclusive use of the property for a fixed number of days each year, is a “time-share plan” as defined in Business and Professions Code section 11212, and a “time share program” as defined in Section 17.112.130 of the City’s Municipal Code; and

WHEREAS, the City has received numerous complaints regarding these properties, including parking impacts from large numbers of people staying at these properties; excessive noise late into the evening due to frequent outdoor parties; traffic due to frequent visitor turnover; traffic, noise and parking concerns due to frequent visits from cleaning, landscape maintenance and pool cleaning services that come to the properties in between each stay to prepare the home for the next guest; and an inability to maintain lines of communication to set community expectations with the users of the unit, as visitors only frequent the homes for short term stays of 2 to 14 days; and

WHEREAS, the complaints received by the City are reflective of the reasons that the City prohibited time-share projects within residential areas of the City. The time-share uses provide a short-term, high impact vacation oriented use of the property, where those that buy into the time-share use the home for entertaining and short term stays while visiting restaurants, wineries and other tourist oriented locations in St. Helena and the surrounding Napa Valley; and

WHEREAS, this high impact use, combined with the frequent turnover and commercial management of these properties is not consistent with the residential districts in which they are located. It is commercial in nature, in that these time-share

uses are structured as a short-term, tourist oriented, visitor serving use of the subject properties. The use of these properties as time-shares adds excessive noise and traffic to residential districts by using these properties for high impact tourist oriented uses more appropriately located in commercial districts of the City; and

WHEREAS, expanded use of residential properties for time-share uses will further reduce the availability of housing stock for long-term residential use, and create a new demand for time-share uses of residential properties; and

WHEREAS, this encroachment of tourist oriented, visitor serving uses in residential neighborhoods will not only compromise the residential character of these areas, but will also further increase the costs for housing in the City, undermining the City's efforts to provide a balance of housing for all income levels in the City; and

WHEREAS, the City's authority to enact zoning ordinances is based on the powers accorded cities and counties under the State constitution to make and enforce police regulations. This police power grants the City broad authority to regulate the development and use of real property within its jurisdiction to promote the public welfare; and

WHEREAS, pursuant to and in accordance with this authority, the City Council desires to reaffirm its restrictions on time-share uses in residential areas, and to update the language of the Zoning Code to provide consistency with the terminology used to define time-share uses in State law. Further, the City desires to provide greater clarity as to the zoning districts in which time-share uses are permitted as conditional uses, and the standards pursuant to which they will be reviewed in those zoning districts; and

WHEREAS, the Planning Commission of the City of St. Helena held a duly noticed public hearing on March 1, 2021, as required by law to consider all the information presented by staff, and public testimony presented in writing and at the meeting; and

WHEREAS, on _____, 2021, the Planning Commission of the City of St. Helena recommended that the City Council adopt this Ordinance amending the Municipal Code as described herein; and

WHEREAS, on _____, 2021, the City Council held a duly noticed public hearing, accepting testimony from the public, and discussed the proposed amendments and staff's recommended approval of this Ordinance; and

WHEREAS, the proposed zoning amendments are consistent with the General Plan goals, policies and implementation programs as the Ordinance will continue to preserve the agricultural, small town character of the City of St. Helena; will preserve the City's residential districts for residential uses; and will help to preserve the City's existing housing stock for long term residential uses, to avoid further exacerbating the existing impacts on the City's housing supply; and

Now, therefore, the City Council of the City of St. Helena does hereby ordain as follows:

SECTION 1: The above recitals are hereby incorporated as though set forth in this section.

SECTION 2: Chapter 17.138 and sections 17.138.010 – 17.138.060 are hereby added to Title 17 of the St. Helena Municipal Code, to read as follows:

“Chapter 17.138

TIME-SHARE USES

17.138.010 Purpose and Findings

17.138.020 Definitions

17.138.030 Time-share Uses Restricted to Service Commercial (SC) District

17.138.040 Application Process and Development Standards

17.138.050 Violations, Enforcement and Civil Penalties

17.138.010 Purpose and Findings

A. There is a critical shortage of permanent, long-term housing in the City of St. Helena.

B. A limited supply of suitable vacant land, land values, and market demand for land for other uses, including but not limited to use of property for vineyards, have limited the construction of additional housing in the City of St. Helena.

C. St. Helena is a popular tourist destination known for its scenic Napa Valley location, exceptional wineries and restaurants, historic Main Street and small town agricultural character.

D. The City of St. Helena stands out in the Napa Valley for its ability to attract visitors while also supporting the needs of its resident population. Maintaining the balance between the quality of life for residents and those who work in the City and the visitors who help to sustain the City's tourist economy is key to maintaining a sustainable community and a stable economy.

E. Time-share uses are not an appropriate land use in the City's residential districts due to the multiple occupancy of time-share properties, the short-term, tourist oriented use of such property and commercial management of time-share facilities, all of which create increased traffic generation, excessive noise, disruption to residential

communities through commercial-level maintenance of the time-share facilities, and therefore are appropriately confined to commercial zoning districts.

F. Conversion of permanent housing to time-share facilities removes existing housing units from the City's existing stock and exacerbates an already severe housing shortage.

G. It is therefore in the public interest to prohibit conversions of existing housing units into time-share facilities, as to do so eliminates needed housing stock by diverting those units to a tourist-oriented, commercial use.

17.138.020 Definitions

For purposes of this Chapter, the following words and phrases shall have the meaning respectively ascribed to them by this Section:

"Accommodation" means any dwelling unit, apartment, condominium or cooperative unit, hotel or motel room, or other structure constructed for residential use and occupancy, including but not limited to a single family dwelling, or unit within a two family dwelling, three family dwelling, multiple family dwelling, or townhouse dwelling as defined in Section 17.04.160.

"Building" shall have the meaning ascribed to it by Section 17.04.160.

"Dwelling unit" shall have the meaning ascribed to it by Section 17.04.160.

"Managing entity" means the person who undertakes the duties, responsibilities and obligations of the management of a time-share plan.

"Person" means a natural person, corporation, limited liability company, partnership, joint venture, association, estate, trust, or other legal entity, or any combination thereof.

"Time-share instrument" means one or more documents, by whatever name denominated, creating or governing the operation of a time-share plan and includes the declaration dedicating accommodations to the time-share plan.

"Time-share interest" means the right to exclusively occupy a time-share property for a period of time on a recurring basis pursuant to a time-share plan, regardless of whether or not such right is coupled with a property interest in the time-share property or a specified portion thereof.

"Time-share plan" means any arrangement, plan, scheme, or similar device, whether by membership agreement, bylaws, shareholder agreement, partnership agreement, sale, lease, deed, license, right to use agreement, or by any other means, whereby a purchaser, in exchange for consideration, receives the right to exclusive use of an accommodation or accommodations, whether through the granting of ownership rights, possessory rights or otherwise, for a period of time less than a full year during any given

year, on a recurring basis for more than one year, but not necessarily for consecutive years.

“Time-share property” means one or more accommodations subject to the same time-share plan, together with any other property or rights to property appurtenant to those accommodations.

“Time-share use” means the use of one or more accommodations or any part thereof, as a time-share property pursuant to a time-share plan.

17.138.030 Time-share Uses Restricted to Service Commercial (SC) and Central Business (CB) Districts

Time-share uses are conditional uses within the City’s Service Commercial (SC) District and Central Business (CB) District, subject to approval of a conditional use permit applied for and approved in conformance with this Chapter. Time-share uses are not permitted in all other Zoning Districts in the City.

17.138.040 Application Process and Development Standards

A. Application Process. Approval of a conditional use permit for time-share uses in the Service Commercial District or Central Business District shall be required in accordance with the requirements of Chapter 17.168. In addition to the application requirements contained in Chapter 17.168, an application for a time-share use shall be accompanied by the following documents which shall be subject to the approval of the planning director:

1. Management Plan. A management plan shall describe the methods employed by the applicant to guarantee the future adequacy, stability, and continuity of a satisfactory level of management and maintenance of the time share use.

2. Application Requirements. In addition to any application requirements established by this section and any other applicable requirements of this code, the following information shall be submitted as part of any application to develop or establish a time-share use:

- a. Typical floor plans for each accommodation.
- b. The phasing of the construction of the accommodations on the time-share property, if applicable.
- c. A description of any ancillary uses which are proposed in conjunction with the time share use.
- d. A description of the method of management of the time share use and indication of the management entity for the time-share property.
- e. Any restrictions on the use or occupancy of the accommodations.

f. Any other information or documentation the applicant, city staff or commission deems reasonably necessary to the consideration of the time-share use, including any required environmental documents.

B. Development Standards and Operational Requirements. Notwithstanding any other provision of this chapter, the following conditions must be met by any time-share use in any conditionally permitted zone. Additional requirements may be attached to a conditional use permit or development agreement if found to be necessary to assure that the time-share use meets the intent of this chapter:

1. Time-share uses developed in the Service Commercial District or Central Business District shall be limited to accommodations in upper floors in conjunction with a mixed-use project.

2. No existing residential use in the Service Commercial or Central Business District shall be converted to a time-share use.

3. Development Standards. The time-share use shall comply with all development standards for the zone in which it is located.

4. Parking. Parking shall be provided as follows:

a. For accommodations of two or fewer bedrooms, one parking space shall be provided for each accommodation.

b. For accommodations of three or more bedrooms, two parking spaces shall be provided for each accommodation.

5. Modification or Waiver of Standards. The planning commission may modify or waive one or more of the regulations contained in this section if it determines that strict compliance is not necessary to achieve the purpose and intent of this section.

17.138.060 Violations, Enforcement and Civil Penalties

A. Any responsible person, including but not limited to an owner of a time-share interest, management entity, agent, or broker who uses, or allows the use of, or advertises or causes to be printed, published, advertised or disseminated in any way and through any medium, the availability for sale or use of an accommodation in violation of this chapter is guilty of a misdemeanor for each day in which such accommodation is used, allowed to be used, or advertised for sale or use in violation of this chapter. Such violation shall be punishable pursuant to Chapter [1.20](#).

B. Time-share use, and/or advertisement for time-share use, of an accommodation in violation of this chapter is a threat to public health, safety or welfare and is thus declared to be unlawful and a public nuisance. Any such nuisance may be abated and/or restored by the enforcement official and also may be abated pursuant to Chapter [1.12](#), except that the civil penalty for a violation shall be one thousand dollars (\$1,000.00). Each day the violation occurs shall constitute a separate offense.

C. Any responsible person who violates this chapter shall be liable and responsible for a civil penalty of one thousand dollars (\$1,000.00) per violation per day such violation occurs. The city may recover such civil penalty by either civil action or administrative citation. Such penalty shall be in addition to all other costs incurred by the city, including without limitation the city's staff time, investigation expenses and attorney's fees.

1. Where the city proceeds by civil action, the court shall have discretion to reduce the civil penalty based upon evidence presented by the responsible person that such a reduction is warranted by mitigating factors including, without limitation, lack of culpability and/or inability to pay. Provided, however, that in exercising its discretion the court should consider the purpose of this chapter to prevent and deter violations and whether the reduction of civil penalties will frustrate that purpose by resulting in the responsible person's enrichment or profit as a result of the violation of this chapter. In any such civil action the city also may abate and/or enjoin any violation of this chapter.

2. Where the city proceeds by administrative citation, the city shall provide the responsible person notice of the right to request an administrative hearing to challenge the citation and penalty, and the time for requesting that hearing.

a. The responsible person shall have the right to request the administrative hearing within forty-five (45) days of the issuance of the administrative citation and imposition of the civil penalty. To request such a hearing, the responsible person shall notify the city clerk in writing within forty-five (45) days of the issuance of the citation. The appeal notification shall include all specific facts, circumstances and arguments upon which the appeal is based.

b. The city manager is hereby authorized to designate a hearing officer to hear such appeal. The city hearing officer shall conduct a hearing on the appeal within ninety (90) days of the request for the hearing unless one of the parties requests a continuance for good cause. The hearing officer shall only consider those facts, circumstances or arguments that the property owner or responsible person has presented in the appeal notification.

c. The hearing officer shall render a decision in writing within thirty (30) days of the conclusion of the hearing. The hearing officer shall have discretion to reduce the civil penalty based upon evidence presented by the property owner or responsible person that such a reduction is warranted by mitigating factors including, without limitation, lack of culpability and/or inability to pay. Provided, however, that in exercising its discretion the hearing officer should consider the purpose of this chapter to prevent and deter violations and whether the reduction of civil penalties will frustrate that purpose by resulting in the property owner's or responsible person's enrichment or profit as a result of the violation of this chapter.

d. Any aggrieved party to the hearing officer's decision on the administrative appeal may obtain review of the decision by filing a petition for writ

of mandate with the Napa County superior court in accordance with the timelines and provisions set forth in Government Code Section [53069.4](#).

e. If, following an administrative hearing, appeal, or other final determination, the owner of the property is determined to be the responsible person for the civil penalty imposed by this section, such penalty, if unpaid within forty-five (45) days of the notice of the final determination, shall become a lien to be recorded against the property on which the violation occurred pursuant to Chapter [1.12](#). Such costs shall be collected in the same manner as county taxes, and thereafter the property upon which they are a lien shall be sold in the same manner as property now is sold for delinquent taxes.

D. Any violation of this chapter may also be abated and/or restored by the enforcement official and also may be abated pursuant to Chapter [1.12](#), except that the civil penalty under Chapter [1.12](#) for a violation shall be one thousand dollars (\$1,000.00).

E. Each day the violation of this chapter occurs shall constitute a separate offense.

F. The remedies under this chapter are cumulative and in addition to any and all other remedies available at law and equity.”

SECTION 3: Deletion of Section 17.112.130

Section 17.112.130 is hereby deleted in its entirety.

SECTION 4: CEQA

This ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The City Council hereby finds that this ordinance is not subject to CEQA because the adoption of this ordinance is not a “project” pursuant to Sections 15060(c)(2) and 15060(c)(3) of Title 14 of the California Code of Regulations.

Moreover, under Section 15061(b)(3) of the State CEQA Guidelines, this ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

SECTION 5: Effective Date

This ordinance shall take effect 30 days after its final adoption, and a summary of this ordinance shall be published once with the names of the members of the Council voting for and against the ordinance in the St. Helena Star, a newspaper of general circulation published in the City of St. Helena.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the _____ day of _____, 2021, and was adopted at a regular meeting of the St. Helena City Council on the _____ day of _____, 2021, by the following vote:

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

APPROVED:

Geoff Ellsworth, Mayor

ATTEST:

CITY OF ST. HELENA

Cindy Tzafoopoulos, City Clerk

From: Mari Jansdotter <mjansdotter@yahoo.com>
To: Anna Chouteau
Sent: 6/8/2021 7:25:45 AM
Subject: Re: [External] 1242 Madrona pictures Re: Pacaso

Thank you, Anna, for your kind reply.

I'm sorry you all have to go through this lawsuit by Pacaso and hope the judge find in your favor.

I have a follow-up question. Do you know who I should address it to?

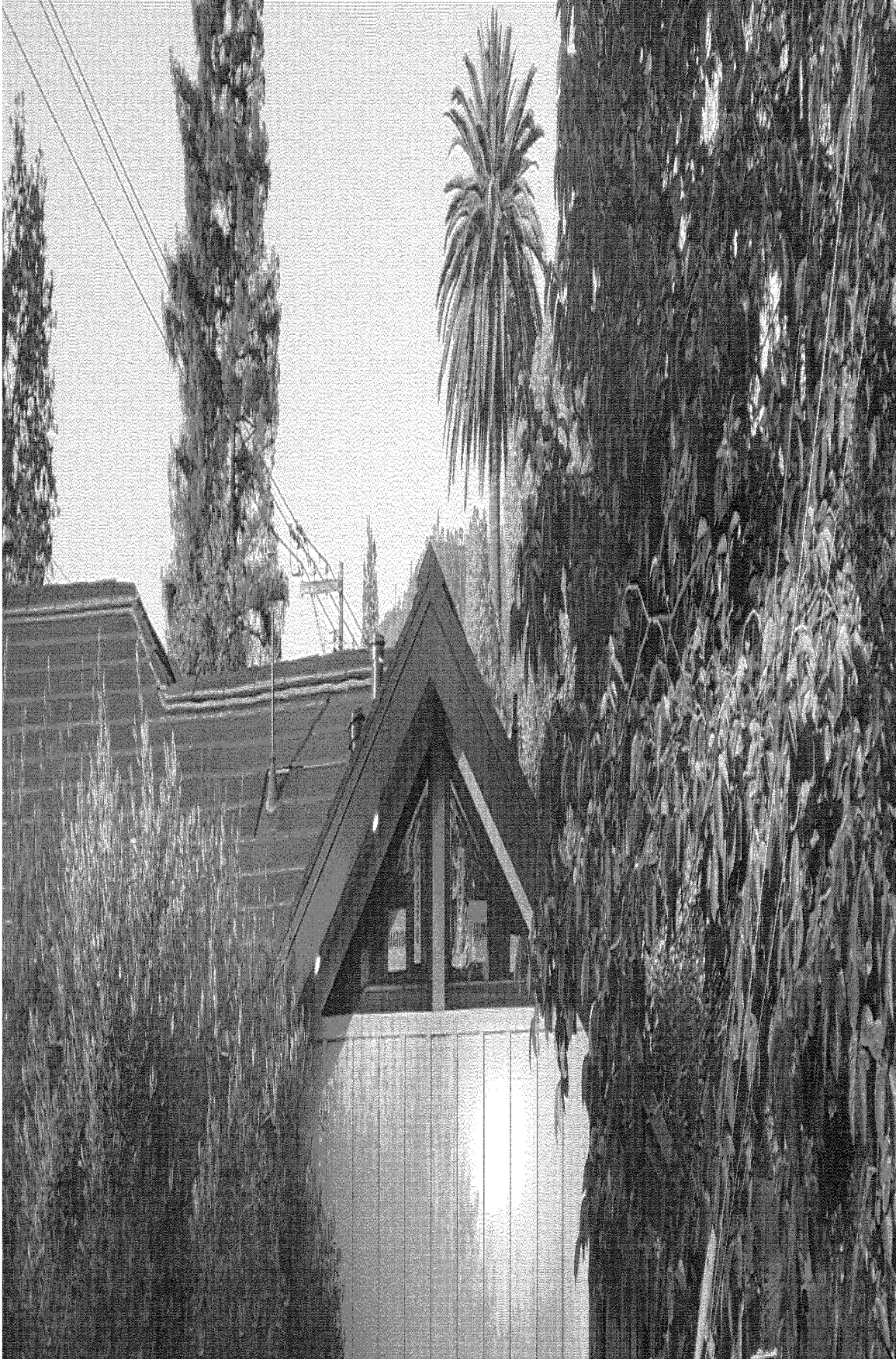
The Pacas house building on Kearney across the street from us has installed lights under the roofline that are on all night and installed in such a way they shine straight into our house, especially my daughter's bedroom.

Are there any ordinances that I could refer to that help me ask them to please cover / redirect those lights or at least turn them off after 10 p.m?

Thank you!

Best
Mari





Sent from Yahoo Mail on Android

On Tue, Jun 8, 2021 at 7:12 AM, Anna Chouteau
<AChouteau@cityofsthelena.org> wrote:

Hi Mari,

Thank you for your email. I forwarded your email to City staff about the specific permitting questions. Our planning director is out of the office this week.

We are defending ourselves in the lawsuit. Our City Attorney filed an anti-SLAPP motion that is now public information and the hearing will be coming up this summer.

All my best,
Anna

Sent from my iPad

On Jun 7, 2021, at 6:01 PM, Mari Jansdotter <mjansdotter@yahoo.com> wrote:

To clarify, do they have permit allowing the new structure going up at 1242 Madrona?

The rendering from original sales listing shows a trellis (see attached) but a structure looking like a live-on unit close to (and taller than) the Oak neighbour' fence is being built. See pictures from today

<20210607_175202.jpg>

<20210607_175219.jpg>

Sent from Yahoo Mail on Android

On Mon, Jun 7, 2021 at 5:38 PM, Mari Jansdotter
<mjansdotter@yahoo.com> wrote:

Thank you for doing all you can to stop Pacaso!

I am not o.k. with Pacaso's violation of city ordinance and I support the city's legal fight.

In addition to signing the petition and putting a No Pacaso sign outside my home, what else can we on the community do to help, please?

I finally afforded my dream home after moving several times the last 10 years, only to a year later have 4! of these Pacaso 'time share' like vacation LLC/commercially owned houses popping up in my neighborhood.

I'm devastated - this is supposed to be a residential area!!

I am very worried about my family's safe & peaceful living situation, now that I'll be impacted by 4 of these houses (one across the street) - each with 8 groups of owners and/or their guests circulating in and out all year round.

Many Pacaso have 4 bedrooms that easily accommodate 8+ people, and pool in the backyards with outdoor areas for gatherings/parties.

It's a huge difference having your neighbor throwing an occasional party versus non-stop having a new group of people next door visiting for thier token time of vacation / partying.

Pacaso houses also come with increased parking problems as these properties tend not have garages or driveways (often transformed into addl bedroom).

Specifically would you mind looking into building code the one at 1242 Madrona / Oak?
Looks like they're adding a guest house with vary narrow set back from the oak side neighbor.
Is that an approved building? Maybe they're getting around that by making it a partial garage?

Add to that, the 4 Pacaso houses are all in close proximity of RLS with kids walking / biking to and from school.

What are the safety concerns that this is imposing with new people circulating in and out all year round and increased car traffic? Worst case scenario there will be a liability situation that will put a stop to Pacaso.

Please, please stop Pacaso before we even get close to that.

Respectfully,

Mari Jansdotter

Sent from Yahoo Mail on Android

PACASO = PARTY HOUSES!

Debbie Polverino 5/11/2021

To the members of the City Council. In the recent Napa Register article, Austin Allison agrees that short term rentals are a problem, that commercial Timeshares are a problem- that's not what Pacaso is he said. Yet, Pacaso listed the Valley View Street "Pool House" as a 1/8 Timeshare Ownership property. After the city was notified by several concerned citizens and myself regarding "timeshares" listed for sale in residential zoned areas, Pacaso changed its online marketing from "1/8 Timeshare Ownership to 1/8 Shared Ownership. Owners who purchase still share the property in available time slots just like a timeshare.

Living next door to a Pacaso home has been living next door to a full-time party house! The constant music with speakers blaring, loud conversations until 2 am and later, noise violations along with excessive vehicles parked on the street or in front of our homes. The additional noise of gardeners blowing dirt and leaves into our yard, Pool service, catering trucks, housekeeping scheduled more frequently. Open houses are held with statements made with, "this is a great place for pool parties and entertaining, it's a perfect place to bring friends and extended family."

This home on Valley View Street was a weekend getaway home for the previous owners who had loud weekend parties. It was a constant nightmare and all the homes nearby complained. Now the property has been split up to 8 owners. The Saint Helena P.D. has already been to this home at least 3 times for noise violations after 10pm. There must be a way to stop these repeated violations and offenders.

Pacaso's has written policies for its owners on their website that they must adhere to. No parking on the street, no parties, no noise after 9pm to 7am, no dogs over 80 pounds. Policies have been broken several times already from each group including the Pacaso's owners.

According to Mr. Allison, Saint Helena is running a dishonest campaign against Pacaso. Pacaso claims discrimination of outside ownership which is not the case. As we all know we welcome all people the opportunity to live in our quiet small town. Pacaso selling an 1,100 square foot home which is smallest of any home on our street for \$1.7M is dishonest in my opinion. This is what he says is affordable housing for second home buyers who are paying in full, plus maintenance fees?

When commercial companies buy a dozen homes in Napa Valley and plans additional purchases to be split up to 8 shares it is not committed to the community or our quiet neighborhoods. Zoning is in place for a reason. Commercial companies operating in full time residential streets should adhere to the rules that are in place and only buy up in areas where other vacation homes are abundant and not a disruption.

What happens should we decide to sell our home? How will people feel about buying next door to a home owned by 8 owners who don't know each other and all come at different time slots for as little as 2 days at a time? We will have to disclose this information. This put a negative mark on our property. This is something I want you to think about! Say NO to Pacaso! Thank you.

From: Amy Caldarola <amycal@comcast.net>
To: Paul Dohring
CC: Anna Chouteau; Lester Hardy; Eric Hall
Sent: 5/23/2021 1:04:24 PM
Subject: [External] Picaso

Dear Council Members,

This is Amy Caldarola here. I am very concerned about Picaso buying property in our residential neighborhoods under the guise of democratizing home ownership. This is not affordable housing. Picaso properties are time-shares and short-term rentals which violate municipal code provisions. The presence of these properties in residential neighborhoods is inappropriate and will degrade the quality of life. It has already done so with Picaso's property on Valley View; those neighbors are suffering with loud noise, music, and parties that go on to after midnight; even calling the police does not seem to stop them. I support the city in doing everything possible to defeat them. I also support a counter law suit against them if it makes legal sense. With that said, we are fighting for the soul of our community and this needs to be a number one priority. Picaso is in Napa, Sonoma, Healdsburg, and probably will move into Calistoga and Yountville. This is a fight worth fighting. It might be helpful for the affected counties and municipalities to join their resources together to oppose them. Please outline for me what the city is doing and what the plan is.

Thank you. I really appreciate you taking the time to keep me informed on this very important and pressing issue. We must act now!

Sincerely,
Amy Caldarola

May 11, 2021

Good evening City Council members. My name is Clare Barr and I live in St. Helena. Tonight I would like to speak about the Pacaso Vacation Share homes.

I listened carefully to the public comments of Pacaso Share owners made at our last City Council meeting. They sounded sincere in their desire to be a part of the St. Helena community. The problem is they have bought into a business model that will make that nearly impossible.

To be a part of a real community means forming bonds with neighbors. How can that come about with a home next door that has possibly dozens of strangers coming and going, with visits no longer than 14 days at a time, a few times a year? And with the likelihood of visits gifted by other share owners, and a cleaning crew who appears before each arrival, the number swells. With the result that a Pacaso share owner, is viewed by their neighbors as only one in a sea of unfamiliar faces.

And though the intentions of some of the share buyers might be good, can we say the same for all 7 of the remaining shareowners? One of whom might gift a weekend to his brother for a blowout bachelor party? Or as was the case in Napa, a single shareowner who conducted retreats in which close to a dozen visitors would come and go within one stay. That particular shareowner was charging her guests, which is a complication on an entirely different level.

Pacaso would have us believe that their sharebuyers are families who simply want a quiet, lovely getaway. But in actuality, a Pacaso home is built for partying. Their own website says of one offering "This home takes entertaining to new heights". And yet another listing says that a

particular home “has been completely re-imagined to accommodate families, friends, and large groups”. Another listing offers “year round fun and adventure”.

Now, none of us resent the visitor who wants to have fun. Indeed, our beautiful valley is an ideal place for celebration. And we all do that on occasion. But when you realize that every single visitor owning a Pacaso share has been wooed with the promise of “fun and adventure” within a house “built for entertaining”, then you have the possibility of major partying with each and every visitor, all crammed into stays that last from 2-14 days. This is transient occupancy in our residential neighborhoods that cannot possibly be regulated under the Pacaso system.

There is a reason why we have ordinances in place that designate where tourists and visitors can stay. It allows us to appreciate our visitors, giving them the space and accommodations in which to party and celebrate, while we ourselves can conduct our daily lives in the sanctuary of our residential neighborhoods. Which in turn, are places where we know our neighbors so well that we trust them with our keys, our pets, and even our children. With whom we share joy and sometimes sorrow, and whom are quick to lend a hand in times of crisis.

And if we have learned anything in the last few years, it is that the ability to know and rely on our neighbors is the very thing that sustains our community through thick and thin. A vacation home with a parade of visitors coming and going, does not belong in our residential neighborhoods. Please Say No to Pacaso.

Clare Barr
St. Helena

From: Beth Gray <bgray14@gmail.com>
To: Geoff Ellsworth
Sent: 5/22/2021 3:01:13 PM
Subject: [External] Pacaso

Dear Mr. Mayor,

I am writing to express my strong opposition against the infiltration of Pacaso and their timeshare strategy in the city of Saint Helena. As a full-time resident here in the city (and as your neighbor), I find it atrocious that the city has not been able to stop the infiltration of this community destroying business model. This business will do nothing but destroy our community. As an example, I witnessed the dumping of water from the pool into the creekbed from a home purchased by Pacaso right on the corner of Sylvaner/Reisling as they began to redevelop the home and expect to list it as fractional ownership. Illegal dumping of the pool water with disregard to any of the environmental consequences demonstrates their utter lack of care about the community. Similarly, hearing from the neighbors who live next to a Pacaso home on Valley View, I can only shake my head and sympathize with the poor neighbors having to deal with multiple cars showing up and loud music being played at all hours.

One of the reasons I moved from San Francisco to Saint Helena was to enjoy the quiet sounds of nature, the beautiful outdoors - not to listen to vacationers who only want to party for the two weeks that they have their time in the home. Please protect our city from these timeshares.

I understand the city is being sued. I hope that we can collectively put the necessary resources behind this lawsuit to stop Pacaso from any more timeshares in St. Helena.

Respectfully,
Beth Gray

Xinia Gamero

From: Beth Gray <bgray14@gmail.com>
Sent: Sunday, February 20, 2022 1:58 PM
To: Public Comment
Subject: [External] Definition of Zoning Ordinance

"Recommendation that the City Council adopt an Ordinance adding chapter 17.138 "Time-Share Uses" and Sections 17.138.010-17.138.060 to Title 17, Zoning of the St. Helena Municipal Code and deleting Section 17.112.130 of the St. Helena Municipal Code. The proposed ordinance would update the City's regulations related to time-share uses in residential districts and allow for time-share uses as a conditional use in certain commercial districts."

As a full time resident of Saint Helena, I strongly encourage the Planning commission to add the words of "fractional ownership" to any new ordinances as Pacaso has repeatedly violated the ordinance that simply refers to Timeshares under the guise that a timeshare is not fractional ownership which we all know is FALSE.

It's outrageous that Pacaso was able to infiltrate the city of Saint Helena and nothing has been done about it. And why would allowing time-share uses be beneficial in commercial districts?

Respectfully,
Beth Gray

-----Original Message-----

From: Linda Rose <linda@mgrose.com>

Sent: Friday, February 18, 2022 1:52 PM

To: Maya DeRosa <MDeRosa@cityofsthelena.org>

Subject: [External] Time share

Hello Maya,

I heard about the proposal regarding Time-shares, and I feel it is extremely important to include fractional ownership. The fractional ownership model is tearing our neighborhoods apart, and raising the price of houses above what any normal family can afford. I'm totally opposed to any timeshares or fractional ownership anywhere in St. Helena, even commercial districts.

Thank you,
Linda Rose

Xinia Gamero

From: Linda Rose <linda@mgrose.com>
Sent: Friday, February 18, 2022 1:55 PM
To: Public Comment
Subject: [External] Timeshares

I am totally opposed to any timeshares in St. Helena, even commercial districts. And any ordinance must also cover fractional ownership, which is tearing our neighborhoods apart .

Thank you,
Linda Rose

Xinia Gamero

From: Susan McWilliams <susanmcwilliams@comcast.net>
Sent: Wednesday, February 23, 2022 5:04 PM
To: Public Comment
Subject: [External] COMMENT TO PLANNING COMMISSION AND THE AGENDA ITEM

You heard us. Those of us who have actively opposed Pacaso's intrusion into our neighborhoods for over a year send our appreciation to the city for drafting the addition to St. Helena's timeshare ordinance to prohibit fractional ownerships in residential neighborhoods. The wording makes it clear that regardless of the company's terminology, these "fractional ownership" homes constitute timeshares. We are pleased to at last see our city join others fighting Pacaso, the pending lawsuit notwithstanding. It is just unfortunate that the ordinance offers no relief to the aggrieved neighbors of existing Pacaso houses, who will continue to suffer the intrusions that living adjacent to a hotel bring.

Thank you.

Susan McWilliams

Xinia Gamero

From: Norman Manzer <manzer103@comcast.net>
Sent: Thursday, February 24, 2022 9:42 AM
To: Public Comment
Subject: [External] Timeshare Ordinance Revisions

Dear members of the St Helena Planning Commission,

Thank you for moving ahead on redefining our City ordinance to better clarify the prohibition of Timeshares and the newly minted name of "Shared Ownership" In St Helena. I encourage you to proceed and approve these changes before you. I do ask, however, that you reconsider allowing the camel's nose under the tent by somehow permitting these prohibited uses within our Commercial District. Allowing these Timeshare activities anywhere within our small town is not in the best interest of our citizens or our commercial establishments. Please delete this Commercial District option from your proposed revision and not allow this activity anywhere within our City Limits. Thank You, Norm and Linda Manzer, St Helena

Xinia Gamero

From: Mariam Hansen <wartuhi@comcast.net>
Sent: Thursday, February 24, 2022 12:20 PM
To: Public Comment
Subject: [External] March 1 timeshares

Dear City Council Members,
Let it be known: timeshares in St. Helena deplete our already scarce housing stock. I urge you to pass a strong ordinance prohibiting such uses.
You all are doing a great job under difficult circumstances!

Best,

Mariam Hansen

Xinia Gamero

From: Clare Barr <clarekb@comcast.net>
Sent: Thursday, February 24, 2022 5:59 PM
To: Public Comment
Subject: [External] Timeshare Ordinance Revision for 3/1/22

To the Planning Commission,

With great pleasure, I read the well-crafted document regarding a revision to our timeshare ordinance. To all in our city governance who listened and noted the concerns of the citizens of St. Helena, please accept a heartfelt thanks.

And it isn't just our town who appreciates your leadership. If you go to our website <https://stoppacasonow.com> you will find that there are more and more communities joining us daily in our fight against this timeshare model that is invading residential neighborhoods. You have a lot of support!

Thank you,
Clare Barr

Xinia Gamero

From: Mora Cronin <morahcronin@gmail.com>
Sent: Sunday, February 27, 2022 8:16 AM
To: Public Comment
Subject: [External] Parasol

Hello,

I'm writing to express my concern about Pacaso encroaching on our neighborhoods in St Helena. I live across the street from a Pacaso home in the Sylvaner neighborhood and have already experienced the insolence of the company and the noise and intrusiveness of the people who stay there, throwing loud late parties, using loud obscene language when there are children next door, etc. There is no place for this commercial enterprise in our residential neighborhood.

Please strengthen the city codes to address Pacaso and keep this scourge out of St. Helena.

Thank you,
Mora Cronin

Xinia Gamero

From: Rita Hellewell <rahellewell@gmail.com>
Sent: Sunday, February 27, 2022 10:03 AM
To: Public Comment
Cc: Christopher Hellewell
Subject: [External] March 1 Meeting - Timeshares and Pacaso

To the planning commission:

Thank you for publishing the draft ordinance on the agenda for March 1st. My husband and I are full time residents of St. Helena, and we've been extremely worried about the encroachment of Pacaso in our neighborhoods, and the flagrant flouting of the zoning ordinance regarding timeshares. As indicated in your research, Picasso is clearly a timeshare and has no business locating in our residential areas. I know that the city had a reluctance to draft the ordinance because of the legal case pending. We felt helpless as we continued to see work and marketing in our neighborhoods. We're so glad that despite the legal case, the city has now taken the step to clarify the original ordinance. We are in favor of its adoption. As for the commercial timeshare use, as long as this is regulated and goes through an approval process, we are not opposed to it.

My only comment is that I hope that not clearly defining fractional ownership as timeshare may come back to bite us. I know that you did except LLCs that are owned, for example, by families. I understand why and I don't disagree in general, but I hope this does not in any way create a loophole. Perhaps you can address that as well as the question below in the meeting.

Thank you for acting now. I wish that we'd done it sooner. I live on a street with a Pacaso house on the corner of Sylvaner and Reisling (and we nearly had 2 on Sylvaner). What will happen to these properties that have already been either partially or totally sold as timeshares? Is there anything that can be done retrospectively?

Thanks for your attention,

Rita & Chris Hellewell
 1575 Sylvaner Ave.

Xinia Gamero

From: Chris <crisofro@comcast.net>
Sent: Monday, February 28, 2022 4:57 AM
To: Public Comment
Subject: [External] Timeshare Ordinance

I urge all members of the Planning Commission to approve the proposed ordinance. Seeing continuing construction and marketing by Pacaso is disheartening. The city needs to use whatever legal tools it can to preserve the character of our residential areas. Thank you.

Christopher J Lentz
Leslie Ross Lentz
1570 Sylvaner Avenue

Sent from my iPhone

Xinia Gamero

From: Connie Wilson <clw1956@comcast.net>
Sent: Monday, February 28, 2022 10:37 AM
To: Public Comment
Subject: [External] Planning Commission Meeting March 1, 2022

Dear Planning Commission Members,

Thank you for your consideration in adopting the thoughtful and correct Timeshare Ordinance proposal. I appreciate the time and effort it took to craft this proposal, and encourage you and the City Council members to adopt the changes. This ordinance fortifies and protects our residential neighborhoods from commercial encroachment from companies such as Pacaso.

In keeping with the spirit of the ordinance and its concerns for balance between citizens and tourism, I would also suggest not allowing timeshares in our commercial districts.

Thank you.

Sincerely,
Connie Wilson
St. Helena

Xinia Gamero

From: Fiona Barnett <fbarnett@barnettvineyards.com>
Sent: Monday, February 28, 2022 3:59 PM
To: Public Comment
Subject: [External] Pacaso

Dear members of the Planning Commission,

I understand that there will be a hearing about Pacaso on March 1. I have attended a few of the rally's against these types of buildings being built and sold in our community. Hearing the stories from the neighbors of these buildings and all the problems that they have to deal with I feel very sorry for them. I am against any Pacaso projects being built in the Napa Valley. My understanding is that there is a constant stream of new people in and out and they tend to be very disruptive to the neighbors with late night partying and no respect for the people that live around them. These types of developments do nothing to protect the community. One of the benefits of living in small towns is that you know most of the people, and having raised children in Saint Helena it brings a sense of security. With the Pacaso projects you would have a constant flow of people from outside the community living in the neighborhoods.

Sincerely,
Fiona Barnett

Fiona Barnett
Barnett Vineyards
4070 Spring Mountain Road
St. Helena, CA 94574
(707)963-7075
fbarnett@barnettvineyards.com
www.barnettvineyards.com

Xinia Gamero

From: Colin Wright <colinembersonwright@gmail.com>
Sent: Tuesday, March 1, 2022 3:42 PM
To: Public Comment
Subject: [External] Pacaso

To Whom it Concerns,

Please note this comment for today's planning meeting regarding Ordinance Adding Chapter 17.138 "Timeshare Uses" and Sections 17.138.060 to Title 17:

My name is Colin Wright and I am a long time Napa Valley resident. I currently consult for a local restaurant in St. Helena.

I do not believe Pacaso is in violation of the current St. Helena ordinance use and welcome their business model and their residents in our community. Of the many homes that sit vacant year round it would be great to see more support downtown and boost our economy post pandemic.

Thank you,
Colin Wright

Xinia Gamero

From: Maria Kalscheuer <1522lincoln@gmail.com>
Sent: Tuesday, March 1, 2022 3:51 PM
To: Public Comment
Subject: [External] Meeting today

To Whom it Concerns,

Please note this comment for today's planning meeting regarding Ordinance Adding Chapter 17.138 "Timeshare Uses" and Sections 17.138.060 to Title 17:

My name is Maria Kalscheuer and I am a 23 year resident of St. Helena. I've spent many years working in local real estate and have owned my own businesses in the Bay Area.

Pacaso has every right to operate in St. Helena under the current ordinance and I support their right to do so. Having to redefine an ordinance in order to specifically keep out a business from operating here will create alternative concerns for other businesses who operate in a similar fashion. I would also be concerned about passing any ordinance without the complete buy-in from the community at large, not a select few.

Thank you,
Maria Kalscheuer

Sent from my iPhone

Xinia Gamero

From: ben weakley <benkweakley@gmail.com>
Sent: Tuesday, March 1, 2022 4:00 PM
To: Public Comment
Subject: [External]

To Whom it Concerns,

Please note this comment for today's planning meeting regarding Ordinance Adding Chapter 17.138 "Timeshare Uses" and Sections 17.138.060 to Title 17:

My name is Benjamin Weakley and I am a 2 year resident of St. Helena and 25 year resident in Napa Valley. I'm a local chef and father with children in the Calistoga Joint Unified School District. I live in St. Helena and work in Napa. I've spent many years supporting local businesses and welcoming guests to Napa Valley.

I fully support Pacaso and their business model. It is an opportunity for us to re-energize our neighborhoods and our community with people who want to be an active part of our community. I live on a street with 7 empty homes, no children playing and a lack of neighbors!! The community is filled with second and third homes as it is. Let's have them filled year round so we have people IN the homes and invested IN our community.

Thank you,
Benjamin Weakley

Sent from my iPhone

Xinia Gamero

From: Naseem Moeel <nmoeel@pacaso.com>
Sent: Tuesday, March 1, 2022 4:16 PM
To: Xinia Gamero; Public Comment
Subject: [External] Public Comment for TimeShare Use

Hello Xinia,

Hello My name is Naseem Moeel and I work for Pacaso in Public Affairs. I have lived in the Napa Valley for nearly 24 years, 20 of those specifically in St. Helena. I have worked in both Calistoga and St. Helena, specifically the last decade in the local wine industry. I have volunteered for the Napa Valley Film Festival and Auction Napa Valley and served as a member for the Napa Valley Hospitality Forum for winery business managers. My partner and I raise our children here and we are active voters and supporters of our neighboring local businesses. I believe redefining this ordinance is an overreaction. Our local economy is built on the service industry, with world-class restaurants, wineries and hotels. The very nature of our operating model encourages co-owners to enjoy our lifestyle and yet, we're now suggesting to those who value our way of life, you're willing to become a part of our community they cannot buy a home here and partake in the Napa Valley lifestyle unless they buy a whole home? And further to that point, we're encouraging the city to spend money to litigate when there are far more important issues at hand.

Consider the water concerns we're facing, not only the lack thereof, but the cost to those of us who live here. We're in the middle of a pandemic with a lack of labor and jobs that pay enough to afford to live here. Consider that fire season will be upon us again - what plans are taking shape to ensure we are mitigating damage to communities on the hillsides? Rather than somehow weave the narrative that Pacaso is responsible for the affordable housing concerns, we should be spending our resources to solve it. St. Helena is rife with second and third home and it's been this way for the last 20+ years. I would ask the council to really think about how this will affect the owners with second and third homes here already. Redefining this ordinance can have unintended consequences for those homeowners and it would be very hard to unequally treat Pacaso one way and those with second and third homes another. Thank you for your time.

Naseem Moeel
 Stockton Street
 St. Helena

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Naseem Moeel
 Public Affairs Manager
 707.266.6883

