Mayor: Ann Nevero
Vice Mayor: Sharon Crull
City Council: Greg Pitts
Mario Sculatti
Peter White

REGULAR MEETING
ST. HELENA CITY COUNCIL
VINTAGE HALL BOARD ROOM – SECOND FLOOR
465 MAIN STREET, ST. HELENA
MAY 14, 2013
5:00 PM REGULAR MEETING

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 voluntarily complete a "Speaker Card" and submit it to the City Clerk BEFORE that portion of the agenda is called. Speaker cards are available on the table in back of the room. Please observe the time limit of three minutes.

1. **PLEDGE OF ALLEGIANCE**

2. **ROLL CALL**

3. **PUBLIC FORUM:** Members of the public are entitled to speak on matters of municipal concern not on the agenda during Public Forum. Each person's comments shall be limited to 3 minutes. Each person is entitled to speak on any non-agendized item only once at any meeting. Brief questions by Councilmembers for clarifications may be posed and answered, and Councilmembers may make requests that items be placed on future agendas, but in accordance with State Law, no substantive discussion or action may take place unless and until the matter properly appears on the agenda.

4. **Continued review of Fiscal Year 2013-14 Proposed Budget** (Continued from May 7, 2013 Special meeting) (Finance Director)

5. **REPORTS BY STAFF AND CITY COUNCIL, FUTURE AGENDA ITEMS, and AB 1234 REPORTS:** Reports by staff and/or Councilmembers on items of general interest. Brief questions for clarification may be posed and answered, and Councilmembers may request that items be placed on a future agenda. Except under certain circumstances, the Brown Act prohibits any other discussion or action by the City Council.

6. **PRESENTATIONS AND PUBLIC RECOGNITIONS**

CONSENT ITEMS: Members of the Council 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)

7. City Council Minutes of April 23, 2013 Recommended Action: Approve

8. City Council Minutes of May 7, 2013 Recommended Action: Approve

9. Resolution amending Rules of Procedure for the Conduct of Council Meetings Resolution to require a unanimous Council vote to extend Council meetings beyond 10:30 p.m. Recommended Action: Adopt

10. Resolution approving annexation of territory into the St. Helena Municipal Sewer District No. 1 MSD Annexation No. 114 for 1249 Magnolia Lane APN 009-434-008; 1317 Magnolia Avenue 009-433-019; 1331 Magnolia Avenue APN 009-433-017; and 115 Dahlia Street, APN 009-433-004 Recommended Action: Adopt

11. Resolution accepting Library Services and Technology Act (LSTA) grant funds and approving associated budget adjustment Recommended Action: Adopt

12. Resolution approving professional services agreement with AEC for engineering services and bid document preparation for the FY 2012-13 street paving project
Recommended Action: Adopt

PUBLIC HEARINGS - None

SCHEDULED MATTERS

13. Consideration/Introduction of an ordinance modifying development impact fees (Finance Director)

14. Consideration/Adoption of a resolution adding a 3-hour parking limit on both side of Oak Avenue from Adams Street to Madrona Avenue to the City's list of 3-hour downtown parking time zones and rescinding prior Resolution No. 2010-28, including other Oak Avenue parking related conditions (Public Works Director)

15. Council discussion/authorization for the City Manager/City Attorney to enter into a loan agreement with Presidio Companies related to the Grandview Hotel Project, 1915 Main Street, to allow the developer to borrow up to 75% of project-generated Transient Occupancy Tax (TOT) to the City to offset any cash shortfall during the hotel's initial 3 years of operation. A 5-year repayment period following the 3-year period is proposed. (City Manager)

16. Consideration/action regarding notice of intent to sell 1620 Voorhees Circle and direction as to whether the city desires to exercise its option to purchase said property (Andrea Clark, City of Napa Housing Authority)

17. Review and direction on revisions to the Draft General Plan Update Open Space and Conservation Element **(**Interim Planning Director)

ADJOURNMENT

The next Regular City Council meeting is scheduled for May 28, 2013 at 6:00 p.m. in the Vintage Hall Board Room located at 465 Main Street. This agenda was posted at City Hall, 1480 Main Street, and at Vintage Hall, 465 Main Street, St. Helena, California on May 10, 2013.

____

Delia Guijosa, City Clerk

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

Item No. 7

REGULAR MEETING
ST. HELENA CITY COUNCIL
VINTAGE HALL BOARD ROOM – SECOND FLOOR
465 MAIN STREET, ST. HELENA
APRIL 23, 2013
6:00 P.M. REGULAR MEETING

A complete video recording of this meeting can be found at www.cityofsthelena.org or by calling the City Clerk at (707) 967-2792. The City Council video is the official record of the Council meeting.

Mayor Nevero: Spoke of the Boston Marathon tragedy noting Boston was her hometown and she wanted us to keep in mind the United States of America and want it stands for as the flag is saluted. She said many people are emotionally struggling and many have lost limbs and their lives will be changed forever.

Mayor Nevero called the meeting to order at 6:02 p.m. and the flag was saluted.

ROLL CALL
Present: Councilmembers Sculatti, White, Crull, Pitts, Mayor Nevero
Absent: None

PUBLIC FORUM - None

REPORTS BY STAFF AND CITY COUNCIL AND FUTURE AGENDA ITEMS and AB 1234 REPORTS:

Monthly Police Department Crime Report – Police Chief
Chief Rubin updated the Council on police activity for the month of April 2013.

Town Hall Meeting - City Manager
Town Hall meeting is scheduled for Sunday, April 28, 2013 at the Library.

Economic Summit – Finance Director
An Economic Summit will be he held on Friday, April 26th at the Culinary Institute of America at 10:00 a.m.

Budget Study Session
A budget meeting has been scheduled on May 7, 2013 at the Fire Department Training Room.

Highway 29 Update – Public Works Director
The Council and public were updated on the Highway 29 underground project**.**

Washington DC Trip – Councilmember Pitts

Updated the Council on the Council's (Councilmembers White and Pitts) trip to Washington D.C. regarding the City's comprehensive flood project.

LAFCO Appointment – Mayor Nevero
The Napa Selection Committee appointed Councilmember Pitts to the Local Agency Formation Commission (LAFCO).

PRESENTATIONS AND PUBLIC RECOGNITIONS

Proclamation Recognizing May 2013 as National Mental Health Awareness Month
Presented Napa County Mental Health with a proclamation recognizing May 2013 as National Mental Health Awareness Month. Mr. Roy Hicks accepted the proclamation on behalf of Napa County and thanked the organization, People Empowering People, for all their work.

CONSENT ITEMS

Councilmember Crull moved to approve Consent Items 6 - 10. The motion was seconded by Councilmember White and on roll call carried by the following vote:
AYES: Councilmembers Crull, White, Sculatti, Pitts, Mayor Nevero
NOES: None

Those items approved were as follows:

6. Approve City Council Minutes of April 9, 2013;

7. Adopted Resolution No. 2013-21 accepting the work and directing the filing of the Notice of Completion for the Charter Oak Avenue utilities project;

8. Adopted Resolution No. 2013-22 accepting the work and directing the filing of the Notice of Completion for the Pope Street and Starr Avenue lighted pedestrian crossing project;

9. Adopted Resolution No. 2013-23 approving the plans, specifications and working details and accepting the work and directing the filing of the Notice of Completion for the Charter Oak Avenue and Main Street lighted pedestrian crossing project;

10. Adopted Resolution No. 2013-24 directing the City Manager to inform Solano County of the City's intent to terminate the agreement to provide automation services to the St. Helena Public Library effective June 30, 2014.

PUBLIC HEARINGS - None

SCHEDULED MATTERS

11. Discussion of two potential projects for the City of St. Helena Wastewater Treatment Plant reclamation field used to dispose treated wastewater effluent at 1

Chaix Lane, St. Helena, A.P. Nos. 030-250-018 & 030-240-014: (1) a redwood forest project proposing to plant, grow and sustainably harvest coast redwood trees on approximately 50 acres; and (2) a cattle grazing project proposing to run cattle on approximately 75 acres
Staff was asked to bring back additional information on the two concepts at the May 28, 2013 Council meeting.

12. Appointment of a Councilmember to serve as the second alternate on the Napa County Transportation and Planning Agency (NCTPA)
Councilmember Pitts moved to appoint Councilmember Sculatti as the City of St. Helena's second alternate on the Napa County Transportation and Planning Agency (NCTPA). The motion was seconded by Councilmember Crull and on roll call carried by the following vote:
AYES: Councilmembers Pitts, Crull, Sculatti, White, Mayor Nevero
NOES: None

13. Discussion of Councilmember Crull's request to amend the Rules of Procedure for the Conduct of Council Meetings Resolution to require a unanimous Council vote to extend Council meetings beyond 10:30 p.m.

> It was the Council's consensus to accept Councilmembers Crull's suggestion to amend the policy on adjournment time of Council meetings to reflect, "Council meetings shall adjourn at 10:00 p.m. *However, the Council may by majority vote extend the meeting up to an additional thirty minutes (10:30 p.m.) if the Council deems such extension necessary. A unanimous Council vote shall be required to extend the meeting past 10:30 p.m. and further extensions shall require a unanimous vote every one half hour.* Otherwise, the meeting shall be adjourned to another day acceptable to the Council, or unfinished business may be continued to the next regular meeting."

Staff was asked to bring back the appropriate resolution at the next meeting.

14. Review and direction on revisions to the General Plan Update Public Facilities and Services, and Open Space and Conservation Elements
The Council reviewed the Public Facilities and Services element which had been reviewed and edited by the subcommittee comprised of Councilmembers White and Sculatti.

RECESS
At 9:58 p.m., Councilmember Pitts moved to continue the meeting to 10:30 p.m. The motion was seconded by Councilmember Sculatti and on roll call carried by the following vote:
AYES: Councilmembers Pitts, Sculatti, White, Mayor Nevero
NOES: Councilmembers Crull

The Open Space and Conservation Element was continued to the next meeting.

The Council directed staff to schedule a special meeting in order to move the General Plan Update further along quicker. The Council also suggested that consideration of special council meetings being held on the first and third Tuesday of each month from 5:00 to 7:00 pm (prior to the commencement of the Planning Commission meetings) be looked into.

ADJOURNMENT
Mayor Nevero adjourned the meeting at 10:25 p.m.

APPROVED:	**ATTEST:**
______________________________	_________________________
Ann Nevero, Mayor	Delia Guijosa, City Clerk

Item No. 8

SPECIAL MEETING
ST. HELENA CITY COUNCIL
ST. HELENA FIRE DEPARTMENT TRAINING ROOM
1500 MAIN STREET, ST. HELENA
MAY 7, 2013 - 8:30 A.M.

Mayor Nevero called the meeting to order at 8:35 a.m. and the flag was saluted.

ROLL CALL
Present: Councilmembers Crull, White, Sculatti, Pitts, Mayor Nevero
Absent: None

SCHEDULED MATTERS

A. Review of Fiscal Year 2013-14 Proposed Budget
The Finance Director reviewed the proposed 2013-14 budget. No action taken. It was the Council's consensus that the budget meeting be continued to May 14, 2013 at 5:00 p.m.

RECESS
At 11:48 a.m. Mayor Nevero called for a recess. The meeting was reconvened at 11:55 a.m.

B. **Resolution No. 2013-25 consenting to the form of agreement for a proposed City purchase of 684 McCorkle Avenue identified as Assessor Parcel No. 009-502-007 and authorizing the City Manager to finalize the terms of the property purchase agreement for said real property and to take all other actions necessary to consummate the transactions contemplated by this resolution**
City Manager Broad noted a change necessary to Recital E. The second sentence changed to read, "The City's purchase of the Real Property <u>was and is based on</u> the completion of a real property appraisal of the Real Property—conducted by a ….."

After review and public comment, Councilmember White moved to adopt Resolution No. 2013-25 consenting to the form of agreement for a proposed city purchase of that certain real property commonly known as 684 McCorkle Avenue and identified by Napa County Assessor Parcel No. 009-502-007 and authorizing the City Manager to finalize the terms of the property purchase agreement for said real property and to take all other actions necessary to consummate the transactions contemplated by this resolution. The motion was seconded by Councilmember Pitts and on roll call carried by the following vote:
AYES: Councilmembers White, Pitts, Sculatti
NOES: Councilmember Crull, Mayor Nevero,

ADJOURNMENT
Mayor Nevero adjourned the meeting at 1:05 p.m.

APPROVED:	ATTEST:
___________________________	___________________________
Ann Nevero, Mayor	Delia Guijosa, City Clerk

STAFF REPORT

DATE: May 14, 2013

TO: Mayor and Council

FROM: Delia Guijosa, City Clerk

Item: 9

RE: Resolution amending the Rules of Procedure for the Conduct of Council Meetings requiring a unanimous Council vote to extend Council meetings beyond 10:30 p.m.

BACKGROUND:

At the previous meeting Council agreed to Vice Mayor Crull's request to change the adjournment time of Council meetings.

DISCUSSION/ANALYSIS:

Currently the policy within Resolution No. 2011-17 Rules of Procedure for the Conduct of Council Meetings. Section 8 reads as follows:

- Council meetings shall adjourn at 10:00 p.m. However, the Council may by majority vote extend the meeting if the Council deems such extension necessary. Otherwise, the meeting shall be adjourned to another day acceptable to the Council, or unfinished business may be continued to the next regular meeting.

Council agreed to the following revision:

- Council meetings shall adjourn at 10:00 p.m. *However, the Council may by majority vote extend the meeting up to an additional thirty minutes (10:30 p.m.) if the Council deems such extension necessary. A unanimous Council vote shall be required to extend the meeting past 10:30 p.m. and further extensions shall require a unanimous vote every one half hour.* Otherwise, the meeting shall be adjourned to another day acceptable to the Council, or unfinished business may be continued to the next regular meeting.

FISCAL IMPACT: None

RECOMMENDED COUNCIL ACTION:

Adopt resolution amending the adjournment time of Council meetings.

CITY OF ST. HELENA

RESOLUTION NO.

RESCINDING RESOLUTION NO. 2011-17 ADOPTING RULES OF PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS AND RE-ESTABLISHING SUCH RULES

Section 1. Resolution No. 2009-5 is hereby rescinded.

Section 2. Rules of Procedure for the conduct of Council Meetings are adopted as follows:

1. Regular Meeting

The Council shall hold a Regular Meeting on the second and fourth Tuesday of each month, except that the Council may by motion at a Regular Meeting and with adequate public notice, either cancel that meeting or reschedule it to some other date.

Regular Meetings shall be held at the Vintage Hall Board Room, 465 Main Street, St. Helena, and shall begin at 6:00 p.m. If it is necessary to hold a Closed Session prior to the start of a Regular Meeting, the Closed Session may begin earlier than the normal starting time to allow the Regular Meeting to begin at 6:00 p.m. The Closed Session shall begin in an open meeting and the Council shall adjourn to Closed Session.

2. Special, Emergency, and Adjourned Meetings

(a) **Special Meetings**. The Mayor or the Vice Mayor in the Mayor's absence or a majority of the members of the Council may at any time call a Special Meeting. At least twenty-four hours before a Special Meeting, written notice of the meeting stating its time and place and the subjects to be considered shall be (a) delivered to the Mayor and each Councilmember personally or by any other means; (b) posted on the Council's principal bulletin board; and (c) delivered to each person, newspaper, wire service, and radio or television station who has filed a written request for notice with the City Clerk. Only those items of business specified in the notice may be considered at a Special Meeting called in this manner. The written notice may be dispensed with as to any member who, at or prior to the time of the meeting convenes, files with the City Clerk a written waiver of notice or who is actually present at the meting at the time it convenes.

(b) **Emergency Meeting.** The Council may hold an Emergency Meeting in emergency situations as set forth in the State Law.

(c) **Adjourned Meeting**. A properly called Regular, Special, or Emergency Meeting may be adjourned to a time and place specified. A copy of the notice of adjournment shall be posted as specified on the door of the place where the meeting was held within twenty-four hours after the time of the adjournment. Further notice need not be given of an adjourned session of a properly called Regular, Special, or Emergency Meeting.

3. Regular Meeting Agenda

(a) **Setting and Posting of Agenda.** The agenda of business to come before the Council at a Regular Meeting shall normally be closed as of 12:00 noon on the Wednesday preceding the meeting. Any item of business proposed by any member of the public, Councilmember, or City Staff to be added after the closing time, and prior to the meeting, shall be subject to approval by the City Manager in his or her sole discretion. Under State Law the agenda for a Regular Meeting must be posted at least seventy-two (72) hours prior to the scheduled convening of the Regular Meeting, and no items may be added to the agenda fewer than seventy-two (72) hours prior to the meeting except as may be allowed by State Law.

(b) **Placing Items on the Council Agenda.** The Mayor, any member of the City Council, or Department Head may request that an item be placed on a future agenda provided such request is submitted to the City Clerk by noon of the eighth (8^{th}) day prior to the City Council Meeting. No staff report will be prepared on Mayor and Councilmember requested items, nor will staff time be devoted to the agenda item, until the discussion has occurred and direction provided by the Council. If Council action is contemplated, proposed action shall be included in the staff report.

(c) **Agenda Packet Distribution.** Each Councilmember shall be furnished a copy of the agenda and the package of agenda material by 5:00 p.m., on the Thursday preceding a Regular Meeting, and the agenda and agenda materials shall be available for public inspection and distribution or copying at that time. Any agenda materials not included in the agenda package by 5:00 p.m., that Thursday shall be separately identified, and the Council may by majority vote continue such agenda item until the following meeting to allow for proper study of the materials.

(d) **Order of Agenda.** The business of the Council shall be taken up for consideration in substantially the following order except as may be otherwise ordered:

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

D. Approval of Minutes

E. Reports

F. Public Forum

G. Future Agenda Items

H. Presentations and Public Recognitions

I. Consent Items and Items Removed from Consent

J. Public Hearings

K. Scheduled Items

L. Adjournment

M. Tentative Items for Next Agenda

(e) A copy of the agenda and the package of agenda materials shall be made available for public inspection at City Hall and at the St. Helena Public Library as soon as practicable and in no case later than 10:00 a.m., of the day preceding the meeting.

4. Public Testimony and Comments Before the Council

(a) **Addressing the Council Generally.** Each person addressing the Council may give his or her name and address (optional) in an audible tone of voice for the record. Each person's comments should be limited to three minutes except as provided in section (b) regarding land use Public Hearings. In the further interest of time, speakers may be asked to limit their comments to new materials and not repeat what a prior speaker said. Organized groups may choose a single spokesperson who may speak for the group. Speakers may concede part of their allotted time to another speaker.

(b) **Addressing Council at Land Use Public Hearings.** The applicant at a land use Public Hearing shall be permitted to address the Council for 15 minutes following the staff report. If there is a spokesperson for the opposition, the spokesperson shall be permitted to speak for 15 minutes. All other speakers may be limited to 3 minutes each. Applicant shall be permitted 5 minutes at close of public comments for rebuttal.

(c) **Presentation by Spokesperson.** Whenever any group of persons wishes to address the Council on the same subject matter, it shall be proper for the Mayor to request that a spokesperson be chosen by the group to address the Council, and, in case additional matters are to be presented at the time by any other member of the group, to limit the number of persons so addressing the Council so as to avoid unnecessary repetition before the Council.

(d) **Irrelevant Testimony.** The Mayor shall rule out of order any testimony not relevant to the agenda item then under discussion.

(e) **Protocol.** The purpose of public testimony is for Councilmembers to benefit from the views of the public. Comments from the public should be directed towards the Council. Councilmembers and staff should avoid entering into a dialogue with members of the public who may address the Council. Questions raised by members of the public may be referred to staff.

(f) **Public Comment on Agendized Items.** Members of the public are entitled to speak on any item on the agenda either immediately after the item is called by the Mayor or during a Public Hearing on the subject matter opened by the Mayor. Each person is entitled to speak on any agenda item only once at any meeting, and the right to speak at the appropriate time waives any further right to address the Council on that item at that meeting. Participation in debate on any item before the Council shall be limited to members of the Council, although Councilmembers may ask members of the public for additional information.

(g) **Public Comment on Non-Agendized Items.** Members of the public are entitled to speak on matters of municipal concern not on the agenda, during consideration of that portion of the meeting agenda entitled "Public Comments" when that item is called by the Mayor. Each person is entitled to speak on any non-agendized item only once at any meeting. Brief questions by Councilmembers for clarifications may be posed and answered, and Councilmembers may make requests that items be placed on future agendas, but in accordance with State Law, no substantive discussion may take place unless and until the matter properly appears on the agenda.

5. Roll Call and Voice Votes

A roll call vote shall be taken on the approval of minutes, the introduction of ordinances, and the adoption of ordinances, resolutions, and orders for the payment of money. Roll call votes shall be entered in the minutes of the Council showing those members voting yes, those voting no, and those abstaining or absent.

Any other motion may be passed by voice vote; provided; however, that any Councilmember may request a roll call vote on any items to be voted on.

6. Consent Items

Those items on the Agenda considered routine by the City Manager shall be grouped together under "Consent Items" and the recommended actions approved by a single vote of the Council. At the request of any Councilmember or any other person, a Consent Item shall be considered separately following approval of the remaining "Consent Items." Items approved under the heading "Consent Items" will appear in the Council minutes in their proper form, as if approved item by item.

7. Reports

Under the agenda heading, "Reports" the City Manager, other City Staff, and Councilmembers may make reports on matters not on the agenda. Also at this time, Councilmembers or City Staff may identify issues or agenda items that need to be addressed by the City Attorney during the meeting, and may propose future agenda items.

8. Closing Time of Council Meetings

Council meetings shall adjourn at 10:00 p.m. *However, the Council may by majority vote extend the meeting up to an additional thirty minutes (10:30 p.m.) if the Council deems such extension necessary. A unanimous Council vote shall be required to extend the meeting past 10:30 p.m. and further extensions shall require a unanimous vote every one half hour.* Otherwise, the meeting shall be adjourned to another day acceptable to the Council, or unfinished business may be continued to the next regular meeting.

9. Matters Considered

The Council shall not consider any resolution, motion, or matter which does not affect the conduct of the business of the City of St. Helena or its corporate powers or duties as a municipal corporation nor shall the Council consider any resolution or motion supporting or disapproving any legislation or action pending in the Legislature of the State of California, the Congress of the United States or before any officer or agency of the State or Nation unless such proposed legislation or action, if adopted, will affect the conduct of the municipal business or the powers and duties of the City of St. Helena or its officers or employees as such.

10. Office of the Mayor

The Mayor shall preside at meetings of the Council, shall be entitled to vote on all matters, and shall be considered a Councilmember for all purposes, including the determination of whether a quorum is present. The Mayor will recognize members that wish to speak.

The Mayor shall have the following powers:

(a) To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;

(b) To enforce the Council's rules regarding public testimony and to determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;

(c) To ensure that the public has reasonable opportunity to be heard;

(d) To entertain and answer questions of parliamentary law or procedure;

(e) To call a brief recess at any time;

(f) To adjourn in an emergency.

11. Office of Mayor Pro Tempore (Vice Mayor)

A Councilmember who serves as Mayor pro tempore shall be entitled to vote on all matters and shall be considered a Councilmember for all purposes, including the determination of whether a quorum is present. In the mayor's absence, the Mayor pro tempore shall have the Mayor's powers and duties. If the Mayor should become physically or mentally unable to perform the duties of his or her office, the other Councilmembers may by unanimous vote declare the Mayor is incapacitated and confer any of the Mayor's powers and duties to the Mayor pro tempore.

When the Mayor declares that he or she is no longer incapacitated, and a majority of the Council concurs, the Mayor shall resume the exercise of his or her powers and duties. If both the Mayor and the Mayor pro tempore are absent from a meeting, the Council may elect from among its members a temporary chair to preside at the meeting.

12. Action by the Council

Action by the Council shall be by motions made and voted upon. A motion shall require a second. The Mayor and any other Councilmember may make or second a motion. A substantive motion is out of order while another substantive motion is pending.

13. Adoption by Majority Vote

A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of California. Resolutions, orders for the payment of money, and all ordinances require at least three votes for passage.

14. Debate

The City Council shall address an agenda item as follow:

(a) Staff shall introduce the agenda item and present the staff report.

(b) City Council shall ask questions of staff.

(c) The Mayor will invite public comment on the item.

(d) Having received all public testimony, the Council will deliberate on the matter.

(e) If appropriate, the Mayor will entertain a motion.

(f) If a motion has received a second, the Mayor shall state the motion and open the floor to debate on it.

(g) The Mayor shall preside over the debate according to the following general principles:

(i) The maker of the motion is entitled to speak first;

(ii) A person who has not spoken on the issue shall be recognized before someone who has already spoken;

(iii) To the extent possible, the debate shall alternate between opponents and proponents of the measure.

15. Ratification of Actions

To the extent permitted by law, the Council may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

16. Procedural Motions

In addition to substantive proposals, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption.

(1) To Adjourn. The motion may be made only at the conclusion of action of a pending substantive matter; it cannot interrupt deliberation of a pending matter.

(2) To Take a Brief Recess.

(3) Call to Follow the Agenda. The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.

(4) To Suspend the Rules. The motion requires for adoption a vote of a majority of the quorum of the Council. The Council may not suspend provisions of the rules that are state requirements imposed by law on the Council.

(5) To Divide a Complex Motion and Consider It by Paragraph.

(6) To Call the Previous Question. The motion is not in order until every member has had an opportunity to speak once.

(7) To Continue an Item to a Future Meeting Certain.

(8) To Refer to Staff for Action.

(9) To Amend. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if the amended motion has the same effect as rejection of the original motion. A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last amendment is disposed of by a vote.

(10) To Reconsider. The motion must be made by a member who voted with the prevailing side, and only at the meeting during which the original vote was taken, including any continuation of that meeting through adjournment to a time and place certain, or at the next Regular Meeting unless intervening actions taken based on the original action make such reconsideration impracticable. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.

(11) To Rescind or Repeal a Previous Action. A motion to rescind or repeal a previous action is not in order if the rescission or repeal is forbidden by law or made inappropriate by virtue of actions taken in accordance with the previous action.

(12) To call for a Straw Vote. The Mayor, at his discretion, may call for a Straw Vote among members on any item prior to inviting public testimony or Council comment.

17. Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before a vote, with or without the consent of any "seconder" of the motion. However, any other Councilmember may ask to be considered the introducer of the motion and, if again seconded, debate may continue without further interruption.

18. Duty to Vote

Every member must vote on every item unless prevented from doing so by virtue of an actual or potential conflict of interest under applicable State Law. Any member who believes he or she has a conflict or potential conflict of interest must announce such at the initiation of debate or when such conflict or potential conflict becomes apparent, and shall refrain from any part in the debate, deliberations, or voting on that issue, except as allowed by State Law.

19. Introduction and Passage of Ordinance

A proposed ordinance shall be deemed to be introduced on the date the subject matter is first voted on by the Council. The Mayor shall read the title of the ordinance, after which a roll call vote shall be taken to introduce the ordinance. The City Clerk shall then read the ordinance in its entirety unless such reading is waived by a separate motion adopted by unanimous vote of the Councilmembers present. An ordinance, other than an urgency, may not be passed within five (5) days of its introduction or alteration. Corrections of typographical or clerical errors are not alterations.

20. Closed Sessions

(a) The Council may hold Closed Sessions only as provided for by law and according to the provisions herein.

(b) As part of an agenda for any regular or special City Council meeting as appropriate, the City Council, the City Attorney, and relevant staff will discuss and agree upon the need for any future closed sessions, including the legal authority for the closed session and the nature of the matter to be discussed, in adequate detail to meaningfully inform the public while maintaining required confidentiality and any applicable attorney-client privilege. The City Council Agenda shall include a separate item for this purpose. Where the City Manager and City Attorney agree to the urgent nature of a matter to be properly discussed in closed session, the requirement for prior open session discussion shall not apply.

(c) The City Council Agenda for any regular or special Council meeting shall include general information about closed sessions as follows:

> The City Council will convene in Open Session at the stated time, but will then adjourn to any Closed Sessions(s) listed on the agenda. The public is invited to address the Council with comment on any listed Closed Session item immediately prior to Council's adjournment into Closed Session or consistent with any other provisions permitting public comment. The Council will reconvene in Public

Session at 6:00 p.m. At that time, if appropriate and as required under the Brown Act, any actions taken during the preceding Closed Session will be announced. If necessary, the Council may reconvene in Closed Session to continue discussion of listed items following the completion of other business.

(d) The City Council Agenda for any regular or special Council meeting at which the Council will adjourn to closed session shall provide notice of that closed session as provided for under the Brown Act and shall include a narrative description of the legal authority for the closed session and the nature of the matter to be discussed in adequate detail to meaningfully inform the public while maintaining required confidentiality or any applicable attorney-client privilege. Reporting out of closed session shall be consistent with the requirements of Brown Act, and may be of greater detail than required where the disclosure of such detail is not inconsistent with maintaining required confidentiality and any applicable attorney-client privilege.

21. Quorum

A majority of the actual membership of the Council, including the Mayor but excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

22. Public Hearings

Public Hearings shall be scheduled and notice published without any action required by the City Council, excepting that the Council may, if they so desire, scheduled a Public Hearing on an item of interest for a date certain. In order to accommodate members of the public responding to a noticed Public Hearing, such Hearings will, to the extent practicable, begin at 6:00 p.m.

At the time designated for the Public Hearing, or soon after as is practicable, the Mayor shall direct the attention of a report and respond to questions from Councilmembers, after which the Mayor shall formally open the Public Hearing and members of the public shall be allowed to speak in accordance with the rules set forth elsewhere in these Rules of Procedure. When the allotted time expires, or when no one wishes to speak who has not done so, the Mayor shall declare the hearing closed.

Following the close of the Public Hearing, the Council may debate or take action on the matter in accordance with these rules. The Mayor may in his or her discretion allow questions and/or comments from the public after close of Public Hearing.

23. Appointments to Committees and Boards

Applicants for Commission, Committees and Board shall be interviewed by the City Council, The Mayor shall make appointments to Commissions, Committees and Boards subject to City Council approval.

24. Reference to Robert's Rules of Order

To the extent not provided for in these rules, and to the extent it does not conflict with California's Law or with the spirit of these rules, the Council shall refer to the most recent edition of Robert's Rules of Order, Newly Revised, to answer unresolved procedural questions.

Approved at a Regular Meeting of the St. Helena City Council on May 14, 2013, by the following vote:

AYES: Councilmembers
NOES:
ABSENT:

APPROVED:	ATTEST:
_______________________	_______________________
Ann Nevero Mayor	Delia Guijosa City Clerk

STAFF REPORT

OFFICE OF THE DIRECTOR OF PUBLIC WORKS

DATE: May 14, 2013

TO: Mayor and City Council **Item No:** 10

FROM: John Ferons, Director of Public Works/City Engineer
Debra Hight, Asst Director of Public Works

RE: Resolution Approving Annexation of Territory into the St. Helena Municipal Sewer District No. 1, MSD Annexation No. 114 for 1249 Magnolia Lane APN 009-434-008, 1317 Magnolia Avenue APN 009-433-019, 1331 Magnolia Avenue APN 009-433-017, and 115 Dahlia Street APN 009-433-004

BACKGROUND

The Martins, the owners of 1249 and 1331 Magnolia Avenue, APNs 009-434-008 and 009-433-017 respectively, the Scotts, the owners of 1317 Magnolia Avenue APN 009-433-019, and the Bittners, the owners of 115 Dalia Street APN 009-433-004, have applied to be annexed to the St. Helena Municipal Sewer District No. 1. City Council approval of the connection is the formal administrative process to change the property's tax rate area code from septic to sanitary sewer for tax purposes.

DISCUSSION /ANALYSIS

The current city sewer system ends at the intersection of Rosebud Lane and Sulphur Springs. The applicants are currently on septic systems. It is city policy and beneficial to the environment and groundwater systems that residential properties be connected to city sewer. At cost to the developer of the Magnolia Oaks Subdivision, the developer has extended the sewer system up Rosebud Lane, Magnolia Avenue, Dahlia Street and westerly on El Bonita to La Quinta. The Magnolia Subdivision was previously annexed through Resolution 2009-91. The four subject parcels lie interspersed within the subdivision and were not annexed at that time due to varying ownership. Since the sewer system within the subdivision is close to acceptance, the owners of the subject properties desire to hook up to the sewer system. At that time the existing septic systems would be destroyed per Napa County Department of Environmental Management guidelines.

Once approved, staff will process the annexation with Napa County and the State Board of Equalization to change the tax rate area code for the properties. The sewer impact fees will be paid before the physical hook-up and is calculated on the livable area currently on file with the Napa County Assessor's office for each property.

FISCAL IMPACT
None. All fees paid by developer/owners.

RECOMMENDED COUNCIL ACTION
Approve the Annexation of Territory into the St. Helena Municipal Sewer District No. 1, MSD Annexation No. 114 for 1249 Magnolia Lane APN 009-434-008, 1317 Magnolia Avenue APN 009-433-019, 1331 Magnolia Avenue APN 009-433-017, and 115 Dahlia Street APN 009-433-004

ATTACHMENTS/EXHIBITS
1. Resolution
2. Exhibit Map of Annexation Area

CITY OF ST. HELENA

RESOLUTION NO. 2013-__

APPROVING ANNEXATION OF TERRITORY INTO THE ST. HELENA MUNICIPAL SEWER DISTRICT NO. 1 MSD ANNEXATION NO. 114

1249 MAGNOLIA AVENUE APN 009-434-008
1317 MAGNOLIA AVENUE APN 009-433-019
1331 MAGNOLIA AVENUE APN 009-433-017
115 DAHLIA STREET APN 009-433-004

RECITALS

A. 1249 Magnolia Lane APN 009-434-008, 1317 Magnolia Avenue APN 009-433-019, 1331 Magnolia Avenue APN 009-433-017, 115 Dahlia Street APN 009-433- will benefit from annexation into St. Helena Municipal Sewer District No. 1; and

B. The owners of 1249 Magnolia Avenue, 1317 Magnolia Avenue, 1331 Magnolia Avenue, and 115 Dahlia Street have requested annexation into the St. Helena Municipal Sewer District No. 1; and

C. All annexation and sewer impact fees required to this point have been paid.

RESOLUTION

NOW, THEREFORE, the City Council of the City of St. Helena resolves as follows:

1. The territory described as 1249 Magnolia Avenue, 1317 Magnolia Avenue, 1331 Magnolia Avenue, and 115 Dahlia Street are hereby ordered annexed.

Approved at a Regular Meeting of the St. Helena City Council on May 14, 2013 by the following vote:

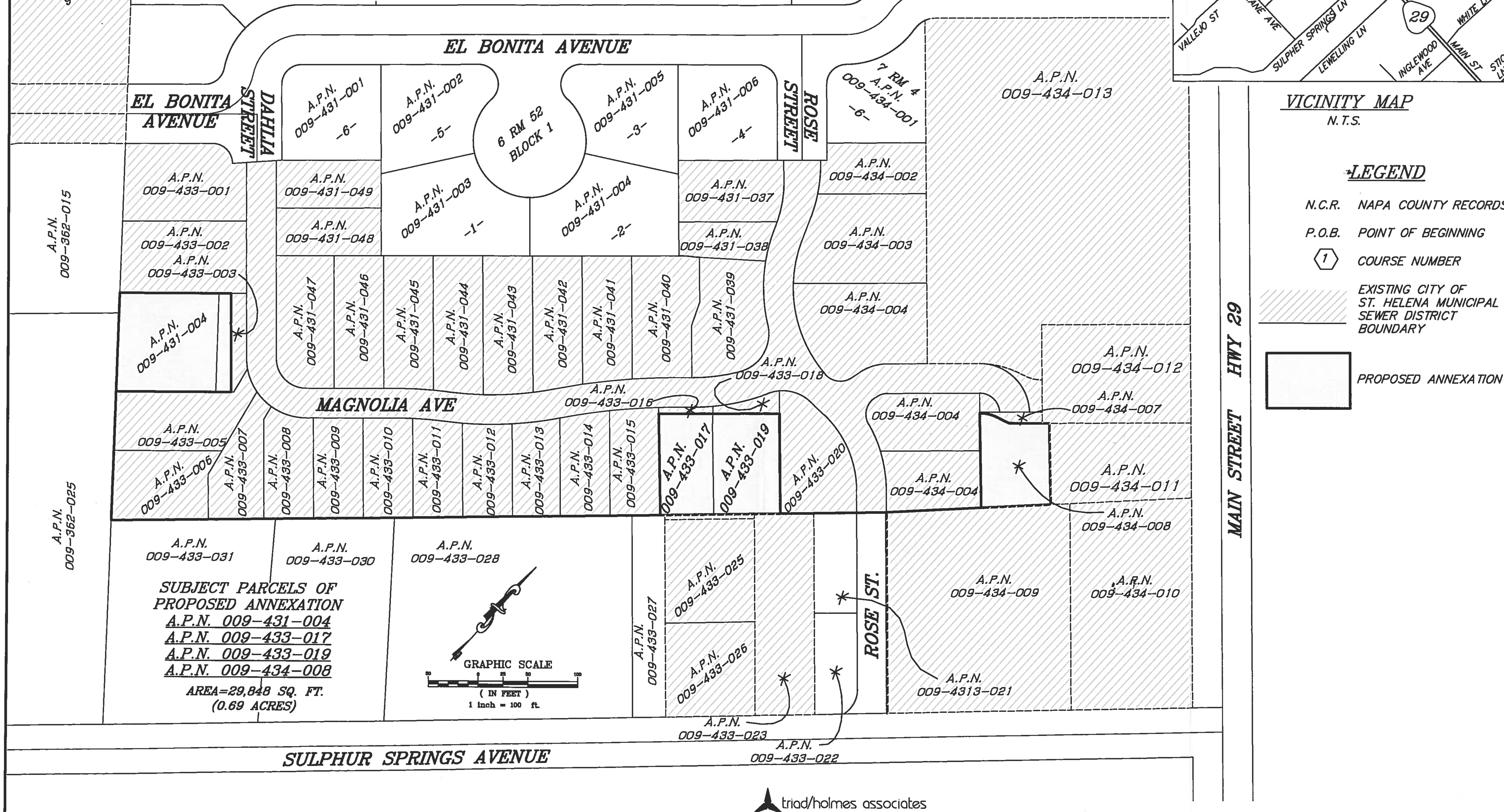
AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:	ATTEST:
______________________________	______________________________
Ann Nevero Mayor	Delia Guijosa City Clerk

EXHIBIT MAP

PROPOSED ANNEXATION TO THE CITY OF ST. HELENA MUNICIPAL SEWER DISTRICT, COUNTY OF NAPA, CALIFORNIA FOR APN'S 009-431-004, 009-433-017, 009-433-019 & 009-434-008

BEING A PORTION OF THE CARNE HUMANA RANCHO



STAFF REPORT

Office of the Library Director

ST. HELENA PUBLIC LIBRARY
GEORGE AND ELSIE WOOD

DATE: May 14, 2013

TO: Mayor and City Council

Item 11

FROM: Jennifer Baker, Library Director

RE: Resolution Accepting LSTA Grant Funds and Approving Associated Budget Adjustment

BACKGROUND:
In spring of 2013 the St. Helena Public Library received federal funding in the form of a Library Services and Technology Act grant from the California State Library. The project associated with this grant was the creation of an online master events calendar to be used throughout the Napa region by all agencies providing events, programs, and activities. The amount awarded is $20,000.

These funds will be used to pay for the calendar start-up (development phase, launch, hosting and support of the software for 12 months), organizational development (including facilitated workshops for pilot partners), and development of initial marketing collateral (logo, web design). Additional funding is being sought to create a bilingual (Spanish) "sister" calendar site.

So far, eight partners have joined the project which has been named *Napa Valley Now*. The current partners are the St. Helena Public Library, County of Napa/Napa County Library, Arts Council Napa Valley (and their partners), St. Helena Chamber of Commerce, Clinic Ole, Napa State Parks, CANVAS (Concierge Alliance of Napa Valley and Sonoma), and SomosNapa.

Through an RFP process conducted by the City of St. Helena Artsopolis was selected to be the calendar provider and host. This contract was awarded by City Council at their meeting on March 26th. The partners met on April 11, 2013 to discuss the organizational structure, implementation of the calendar, financial sustainability, branding, and other issues associated with this project and the calendars. There have been two subsequent meetings.

Summary of Shared Goals--Partners want to:

1) Raise the visibility and profile of the arts, and cultural, community and recreational opportunities available to residents of and visitors to Napa Valley.
2) Create a streamlined process for publicizing programs and services available through multiple agencies and increase awareness of what is being offered in our community.
3) Create an easy-to-use discovery tool for finding events and cultural opportunities in Napa Valley which amounts to "one-stop shopping" for programs offered by multiple agencies.
4) Create opportunities for community engagement and celebration.

5) Create a product that authentically reflects the Napa that residents enjoy and want to share with visitors.
6) Create a product that is accessible to and inclusive of as many members and segments of our community as possible.

FISCAL IMPACT:

The library has received a check for $18,000 and deposited it in the 218 fund, designated for library use. It is being allocated to 2145 "Other Contract Services." The remaining $2,000 will be received after the grant cycle is complete (August 2013).

No funds other than those received from the LSTA grant are currently required or budgeted for this project. As a part of the initial start-up, the partners will agree to an MOU which will provide for varying levels of partnership and different benefits associated with those levels. The general ongoing costs of the operation will be sustained through partnership fees with development options funded through joint grant opportunities. Funds to cover St. Helena's ongoing costs have already been designated in the FY2013/14 library budget.

RECOMMENDED ACTION:

Adopt resolution accepting LSTA funds for the master calendar project and approve budget adjustment to allow expenditure of funds.

CITY OF ST. HELENA

RESOLUTION No. 2013-___

ACCEPTING LSTA GRANT FUNDS AND APPROVING
ASSOCIATED BUDGET ADJUSTMENT

RECITALS

A. The St. Helena Public Library has received a Library Services and Technology Act grant for $20,000 from the California State Library for the purpose of creating an online master events calendar to serve all of Napa Valley,
B. $18,000 of this grant has been received and has been earmarked for spending—an additional $2,000 will be received upon project completion,
C. These funds will be used to pay for the calendar start-up (development phase, launch, hosting and support of the software for 12 months), organizational development (including facilitated workshops for pilot partners), and development of initial marketing collateral (logo, web design).

RESOLUTION

NOW, THEREFORE, the City Council of the City of St. Helena resolves as follows:

1. Accept the LSTA funds in the amount of $18,000.
2. Approve a budget adjustment adding $18,000 to fund 218, line 2145 in the current fiscal year (12/13).

Approved at a Regular Meeting of the St. Helena City Council on May 14, 2013 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED: ATTEST:

______________________________ ______________________________

Ann Nevero
Mayor

Delia Guijósa
City Clerk

STAFF REPORT

DATE: May 14, 2013

TO: Mayor and City Council **Item No:** 12

FROM: John Ferons, Director of Public Works/City Engineer
Kathy Robinson, Senior Management Analyst

RE: Resolution authorizing Professional Services Agreement with AEC for Engineering Services and Bid Document Preparation for the FY 12-13 Street Paving Project

BACKGROUND

With Resolution 2013-19 of March 26, 2013 the City Council gave approval for a list of streets authorized for crack seal, slurry seal and paving as part of the FY 12-13 Street Repair/Rehabilitation project. Staff prepared a Bid Invitation for the Crack Sealing project but received no bids. Due diligence with the bidders and other local agencies who are also bidding paving projects in the Napa Valley indicates that the lack of volume of crack sealing and lack of detail in the bid documents to be the cause. Given the need for more detail in the bid documents, our existing staffing levels & workload, and the lack bids for the crack sealing project, we are recommending approval to retain a consultant to assist with delivery of FY 12-13 Street Paving Project.

DISCUSSION/ANALYSIS

Based on the quality of their service to the City on the Pavement Condition Index Survey (PCI) and their knowledge of our streets from same, staff requested that Associated Engineering Consultants, Inc. (AEC) submit a proposal to provide the required assistance. Staff has reviewed the proposal and concluded that the firm has qualifications, experience and staffing levels to serve the City in the necessary capacity at this time. The proposal is based on many concurrent tasks and staff members being utilized to insure the project is completed in a timely manner, consistent with the City's schedule. The plans produced will be sufficient to bid and build the project.

The services proposed are based on an anticipated three phases of work including deflection testing to determine optimal overlay thickness, preparation of construction plans & special provisions and the final bid package with a bid summary and recommendation for award.

FISCAL IMPACT

Resources available from budgeted FY 12-13 Street Paving Project are adequate for the proposed $44,950 in professional services.

RECOMMENDED COUNCIL ACTION

Adopt a Resolution authorizing Professional Services Agreement with AEC for Engineering Services and Bid Document Preparation for the FY 12-13 Street Paving Project

ATTACHMENTS/EXHIBITS

1. Resolution 2013-___ ; Authorizing Professional Services Agreement with AEC for Engineering Services and Bid Document Preparation for the FY 12-13 Street Paving Project

CITY OF ST. HELENA

RESOLUTION NO. 2013-

AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ASSOCIATED ENGINEERING CONSULTANTS INC. (AEC) FOR ENGINEERING SERVICES AND BID DOCUMENT PREPARATION FOR THE FY 12-13 STREET PAVING PROJECT

RECITALS

A. With Resolution 2013-19 of March 26, 2013 the City Council gave approval for a list of streets authorized for crack seal, slurry seal and paving as part of the FY 12-13 Street Repair/Rehabilitation project.; and

B. The City of St. Helena requested and AEC responded with a proposal for professional services; and

C. Staff has reviewed and evaluated the proposal received and confirmed that AEC has the skills, experience and qualifications to provide the desired services; and

D. Resources available from budgeted FY 12-13 Street Paving Project are adequate for the proposed $44,950 in professional services.

RESOLUTION

NOW, THEREFORE, the City Council of the City of St. Helena resolves as follows:

Authorize professional services agreement with Associated Engineering Consultants Inc. (AEC) for engineering services and bid document preparation for the FY 12-13 Street paving project

Approved at a Regular Meeting of the St. Helena City Council on May 14, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:	ATTEST:
____________________________	____________________________
Ann Nevero, Mayor Mayor	Delia Guijósa, City Clerk City Clerk

STAFF REPORT

DATE: May 14, 2013

TO: Mayor and City Council

FROM: Karen Scalabrini, Finance Director

RE: Review of Impact Fee Study and introduction of new impact fees.

BACKGROUND:

The City retained Colgan Consulting to assist with an update of its development impact fees. The last comprehensive update to the impact fees was completed in 2006.

The City maintains a capital improvement program covering a five-year planning period which includes projects for water, wastewater, public safety, civic improvements, street, and storm drainage. Development impact fees are subject to the provisions of Government Code Section 66000 et seq. Colgan Consulting has completed a study for the purpose of evaluating our existing system for impact fees and rates. The completed study is attached.

DISCUSSION/ANALYSIS:

Colgan Consulting has worked with City Staff and reviewed the City's Capital Improvement Program, master plans and other information describing anticipated new development and the facilities requirement to meet the needs of new development. Joe Colgan has evaluated the demands placed on facilities and infrastructure and recommend methodologies for developing an appropriate and comprehensive impact fee schedule. Both the proposed fee schedule and the current fee schedule are provided.

Summary of Proposed Impact Fees (per Square Foot) Including Administrative Fee

Development Type	Transpor-tation	Parks	Public Safety	Civic Facilities	Water System	WW System	Drainage System	**Total**
Residential, Low Density	$0.83	$7.17	$1.04	$1.39	$3.05	$0.45	$0.73	**$ 14.65**
Res, Med/Higher Density	$1.00	$12.18	$1.04	$1.39	$2.47	$0.65	$0.69	**$ 19.42**
Commercial/Retail	$8.90		$1.04	$1.39	$6.06	$0.88	$1.65	**$ 19.91**
Office	$2.28		$1.04	$1.39	$3.14	$0.45	$1.37	**$ 9.67**
Industrial	$1.45		$1.04	$1.39	$4.18	$0.60	$1.65	**$ 10.31**
Lodging	$3.40		$1.04	$1.39	$6.13	$0.88	$1.28	**$ 14.12**

Summary of Existing Development Impact Fees (per Square Foot)

Development Type	Transpor-tation	Parks	Public Safety	Civic Facilities	Water System	WW System	Drainage System	Total
Residential, Low Density	$4.11		$1.25	$2.73	$6.46	$5.21	$0.02	**$ 19.78**
Residential, Med/Higher De	$2.82	**Included**	$1.25	$2.73	$2.81	$4.15	$0.02	**$ 13.78**
Commercial/Retail	$36.87	**in Civic**	$1.25	$1.68	$10.69	$8.51	$0.04	**$ 59.04**
Office	$9.46	**Imprvmt**	$1.25	$2.27	$7.35	$4.41	$0.03	**$ 24.77**
Industrial	$5.98	**Fees**	$1.25	$1.58	$5.53	$5.85	$0.04	**$ 20.23**
Lodging			**Classified as Commercial/Retail**					

<u>FISCAL IMPACT</u>:

Overall, impact fees are reduced which will reduce the cost to of development to developers significantly in some areas depending on the type of development. A summary based on total fees by development type is provided below.

Development Type	Current Rate Per Square Foot	Proposed Rate Per Square Foot	Increase/(Decrease) Per Square Foot
Residential, Low Density	$19.78	$14.65	($5.13)
Residential, Med/High Density	$13.78	$19.42	$5.64
Commercial Retail	$59.04	$19.91	($39.13)
Office	$24.77	9.67	($15.10)
Industrial	$20.23	10.31	($9.92)
Lodging	$59.04	$14.12	($44.92)

<u>RECOMMENDED COUNCIL ACTION</u>:

Introduce the ordinance reflecting the new impact fees and direct staff to place on the May 28, 2013 Council agenda for adoption.

<u>ATTACHMENTS/EXHIBITS</u>:

Development Impact Fee Draft Report

ORDINANCE NO. 2013-

MODIFYING DEVELOPMENT IMPACT
FEE ORDINANCE NO. 97-4

The City Council of the City of St. Helena does ordain as follows:

Section 1. Findings.

(a) On April 9, 1996, the City Council adopted Ordinance No. 96-2, which established impact fees for new development. The fees established by Ordinance No. 96-2 were based upon an Impact Fee Study issued in March 1996. The new fees became effective on June 9, 1996.

(b) A Revised Impact Fee Study was completed in February 1997. Based upon the revisions to the original Impact Fee Study, the City Council adopted Ordinance No. 97-4 amending Ordinance No. 96-2 consistent with Government Code Section 66000 et. seq.

(c) A Revised Impact Fee Study was completed in August, 2006. Based upon the revisions to the original Impact Fee Study, the City Council adopted Ordinance No. 06-6 amending Ordinance No. 97-4 and modifying the development impact fees for new development consistent with Government Code Section 66000 et. seq. and shall be adopted.

(d) A Revised Impact Fee Study was completed April, 2013. Based upon the April 2013 Impact Fee Study, the Council finds that the following changes to Ordinance No. 97-4, as previously amended by Ordinance No. 06-6, are consistent with Government Code Section 66000 et seq. and shall be adopted.

Section 2. Chapter 3.32 of the St. Helena City Code is amended to read as follows:

Chapter 3.32 Development Impact Fees

Section 3.32.010 Findings

In order to implement the goals and objectives of the General Plan of the City of St. Helena and to mitigate the impacts caused by new development within the City, certain public improvement projects must be or had to be constructed. The City Council determines that development impact fees are needed to finance these public improvements and to pay for development's fair share of the construction costs of these improvements. In establishing the fees described in the following Sections, the City Council finds the fees adopted to be consistent with State law (Cal. Gov't Code § 66000 et seq.) and with the City's General Plan and, pursuant to Government Code Section 65913.2, has considered the effects of the fees and determines that the fees are not material with respect to the City's housing needs as established in the Housing Element of the St. Helena General Plan.

Section 3.32.020 Description of Fees.

(a) Development impact fees are hereby established on new development or conversions within the City of St. Helena to pay for public improvements related to civic improvement projects, public safety, sewer projects, water projects, traffic mitigation, parks and storm

Deleted: 2006

Deleted: ,

Deleted: Application of the new fees to particular projects demonstrated ambiguities in Ordinance No. 96-2. The City Council commissioned a review of the Impact Fee Study to determine if changes could be made to eliminate the particular problems encountered with application of the fees.¶
(c)

Deleted: ,

Formatted: Tab stops: Not at -0.5"

Deleted: finds that the following changes to

Deleted: are

Deleted: and shall be adopted

Deleted: d

Deleted: finds that the following changes to

Deleted: are

Deleted: ¶

Deleted: P

drainage. In the following Sections, the City Council sets forth the specific amount of the development fee for each type of public improvement project.

(b) At least every five years, the City Council shall review these fees to determine whether the fee amounts are reasonably related to the impacts of development and whether the public improvement projects described in the City's Capital Improvement Projects list are still needed. Failure to undertake this review shall not invalidate the imposition of the fees.

Section 3.32.030 Limited Use of Fees.

The revenues raised by payment of these development impact fees shall each be placed in separate and special impact fund accounts, and such revenues, along with any interest earnings on each separate account, shall be used solely to:

(a) pay for the City's future construction of those public improvement projects at least partially allocable to new development or conversions as described in the City's Capital Improvement Projects list, or

(b) reimburse the City for those described or listed projects constructed by the City with funds advanced by the City from other sources, or

(c) reimburse developers who have been required or permitted by Section 22.11 to install such listed facilities which are oversized with supplemental size, length or capacity.

Section 3.32.040 Imposition of Fees.

(a) Development impact fees shall be imposed on:

(1) new development; and

(2) conversions, as provided in this Chapter.

(b) Development impact fees shall be paid by the owner of the property on which new development or conversion is to occur. The fees shall be collected by the City prior to the issuance of the building or development permit(s) for such development or conversion, whichever occurs later, unless payment at a later time is mandated by Government Code Section 66007.

(c) Except as otherwise provided herein, square footage of residential and non-residential buildings shall be measured by exterior dimensions. Unfinished attics, crawlspaces, and basements shall not be assessed until converted and finished as usable floor space.

(d) A building or structure consisting of non-usable floor space, e.g., a garage, carport or storage shed, shall not be deemed to be part of the residential building for the purpose of determining the square footage of the residential building. Such ancillary structures shall require the payment of storm drainage and public safety impact fees; additional impact fees shall not be required until converted to usable floor space.

(e) Each single-family residential unit within a multi-family residential building or development project shall be deemed to be a separate building for which a fee is imposed and shall be paid.

(f) Additions to an existing building shall be deemed to occur whenever the amount of usable floor space is increased, or whenever new building space is constructed where no structures existed as part of the existing building, whether or not the total building floor area is increased by the new construction.

(g) The first 70 square feet of additions or conversions to an existing building in a two year period shall be exempt from all fees except public safety impact fees and storm drainage impact fees.

(h) No development impact fee shall be imposed more than once for the same floor space.

(i) Each tenant space in a multi-use building or development project shall be deemed to be a separate use for which a fee is imposed and shall be paid.

Section 3.32.050 Public Safety Impact Fees

(a) Findings.

The City Council finds:

(1) Numerous items of capital equipment are urgently needed for the City's police and fire protection facilities to maintain the existing level of police and fire protection services to all areas of the City of St. Helena.

(2) New development or conversions within the City of St. Helena results in increased usage of residential, commercial, industrial, and other affected properties, which thereby increases the service requirements and the capital equipment requirements of the City's police and fire safety services. Such increased usage does not ordinarily result from mere subdivision or parcel map divisions of existing properties in the absence of new development or conversions.

(3) The City must continue to fund capital additions to its public safety system. These capital improvements include expanding the police and fire department facilities and equipment. These additional capital expenditures are necessary to maintain an acceptable level of public safety service within the next fifteen years.

(4) In the absence of the imposition of a public safety impact fee upon all building permits, the additional capital expenses necessary to maintain an acceptable level of public safety services for the entire City would be unfairly imposed upon the owners and residents of the existing buildings and improvements within the City of St. Helena.

(5) New development or conversions without the payment of fees imposed by this section would not be fair to the owners and occupants of existing buildings within the City of St. Helena.

(6) The facts and evidence presented in the City's Impact Fee Study establish that there exists a reasonable relationship between the need for the fire and police department and other public safety improvements and the impacts of the types of new development or conversions for which a corresponding fee is charged. A reasonable relationship or nexus also exists between the fee's use and the type of new development or conversions for which the fee is charged.

(b) Schedule of Public Safety Impact Fees. A public safety impact fee of $1.04 per square foot shall be imposed on all new development or conversions. The same impact fee rate shall apply to both residential and non-residential construction within the City of St. Helena.

(c) There is hereby established and created a fund of the City entitled "Public Safety Impact Fund" and all revenues derived from and monies collected under this section, including accrued interest thereon, shall be deposited in such fund. The Public Safety Impact Fund is established for the sole purpose of providing monies for the acquisition, construction, and reconstruction of facilities and equipment and other capital purposes needed for the City's fire department and the City's police department in providing police and fire protection services.

Section 3.32.060 Civic Improvement Impact Fees

Deleted:

(a) Findings.

The City Council finds:

(1) Numerous items of civic improvements are needed to maintain an acceptable level of the existing and future civic activities for all areas of the City of St. Helena.

(2) New development or conversions within the City of St. Helena results in increased usage of residential, commercial, industrial, and other affected properties, which thereby increases the service requirements and the capital equipment requirements of the City's library, administrative facilities, and other civic facilities. Such increased usage does not ordinarily result from mere subdivision or parcel map divisions of existing properties in the absence of new development or conversions.

(3)The City must continue to fund civic improvements within the City. These civic improvements include expanding the City Hall and the library. These additional capital expenditures are necessary to maintain an acceptable level of the civic activities available in St. Helena within the next fifteen years.

(4) In the absence of the imposition of a civic improvement impact fee upon new development or conversions, the additional capital expenses necessary to maintain an acceptable level of civic services for the entire City would be unfairly imposed upon the owners and residents of the existing buildings and improvements within the City of St. Helena.

(5) New development or conversions without the payment of fees imposed by this section would not be fair to the owners and occupants of existing buildings within the City of St. Helena.

(6) The facts and evidence presented in the City's Impact Fee Study establish that there exists a reasonable relationship between the need for libraries, City administration, and other civic improvements and the impacts of the types of new development or conversions for which a corresponding fee is charged. A reasonable relationship or nexus also exists between the fee's use and the type of new development or conversions for which the fee is charged.

(b) Schedule of Civic Improvement Impact Fees.

(1) A civic improvement impact fee of $1.39 per square foot shall be imposed on all new residential development or conversions.

(2) A civic improvement impact fee of $1.39 per square foot shall be imposed on all new Commercial/Retail development and conversions.

(3) A civic improvement impact fee of $1.39 per square foot shall be imposed on all new Office development and conversions.

(4) A civic improvement impact fee of $1.39 per square foot shall be imposed on all new Industrial development and conversions.

(5) A civic improvement impact fee of $1.39 per square foot shall be imposed on all new lodging development and conversions.

(c) There is hereby established and created a fund of the City entitled "Civic Improvement Impact Fund" and all revenues derived from and monies collected under this section, including accrued interest thereon, shall be deposited in such fund. The Civic Improvement Impact Fund is established for the sole purpose of providing monies for the acquisition, construction, and reconstruction of City Hall, the St. Helena library, community facilities, and equipment and other capital purposes needed for providing civic services.

Formatted: Indent: Left: 0", First line: 0.5"

Deleted: ¶

Deleted: parks and recreation

Deleted: and developing additional parklands, open spaces, and recreational facilities

Deleted: parks, recreation facilities,

Deleted: 2.25

Deleted: 1.40

Deleted: 1.87

Deleted: 1.30

Deleted: and public parks,

Deleted: playgrounds, open spaces,

Deleted: recreation facilities

Section 3.32.065 Park Impact Fees

(a) Findings.

The City Council finds:

(1) Additional park facilities are needed to accommodate future growth and maintain an acceptable level of the existing park and recreational facilities for all areas of the City of St. Helena.

(2) New development or conversions within the City of St. Helena results in increased usage of the existing park and recreational facilities throughout the City, which thereby increases the service requirements and the capital equipment requirements of the City's parks and recreation facilities. Such increased usage does not ordinarily result from mere subdivision or parcel map divisions of existing properties in the absence of new development or conversions.

(3)The City must continue to fund park and recreation improvements within the City. These park and recreation improvements include developing additional parklands, open spaces, and recreational facilities. These additional capital expenditures are necessary to maintain the public health, safety, and welfare by assuring tan acceptable level of the park and recreation facilities are available in St. Helena within the next fifteen years.

(4) In the absence of the imposition of a park improvement impact fee upon new development or conversions, the additional capital expenses necessary to maintain an acceptable level of civic services for the entire City would be unfairly imposed upon the owners and residents of the existing buildings and improvements within the City of St. Helena.

(5) New development or conversions without the payment of fees imposed by this section would not be fair to the owners and occupants of existing buildings within the City of St. Helena.

(6) The facts and evidence presented in the City's Impact Fee Study establish that there exists a reasonable relationship between the need for parks and other recreation facilities and the impacts of the types of new development or conversions for which a corresponding fee is charged. A reasonable relationship or nexus also exists between the fee's use and the type of new development or conversions for which the fee is charged.

(b) Schedule of Park and Recreation Impact Fees.

(1) A park and recreation impact fee of $7.17 per square foot shall be imposed on all new low-density (single-family) residential development or conversions.

(2) A park and recreation impact fee of $12.18 per square foot shall be imposed on all new medium and higher density (multi-family) residential development and conversions.

(c) There is hereby established and created a fund of the City entitled "Park and Recreation Impact Fund" and all revenues derived from and monies collected under this section, including accrued interest thereon, shall be deposited in such fund. The Park and Recreation Improvement Impact Fund is established for the sole purpose of providing monies for the acquisition, construction, and reconstruction of playgrounds, community facilities, recreation facilities and equipment and other capital purposes needed for providing park and recreation services.

(d) The park and recreation impact fees imposed by this section shall not apply to residential development that is subject to the dedication of parkland or the imposition of in-lieu fees, or a combination of both, for park and recreational purposes, as a condition of approval of a

Formatted: Keep with next

Formatted: Indent: Left: 0", First line: 0.5"

Formatted: Indent: Left: 0.75", Hanging: 0.5"

Formatted: Not Strikethrough

tentative map or parcel map pursuant to Section 16.28.040 of this Code, adopted in accordance with Government Code section 66477(a), otherwise known as the "Quimby Act."

Section 3.32.070 Water Impact Fees

(a) Findings.

The City Council finds that:

(1) Numerous water system improvements are needed to maintain the existing level of water services for all areas served by the City of St. Helena Water Enterprise.

(2) New development or conversions within the service area of the City of St. Helena Water Enterprise results in increased usage of residential, commercial, industrial, and other affected properties, which thereby increases the water service requirements and the capital equipment requirements for the storage, treatment and transmission of the City's water supply. Such increased usage does not ordinarily result from mere subdivision or parcel map divisions of existing properties in the absence of new development or conversions.

(3) The City must continue to fund capital improvements to its water system. These capital improvements include updating or replacing water distribution lines, and improving current treatment and storage capabilities. These additional capital expenditures are necessary to maintain an acceptable level of water service within the next fifteen years.

(4) In the absence of the imposition of a water impact fee upon new development or conversions, the additional capital expenses necessary to maintain an acceptable level of water service for the entire service area of the City of St. Helena Water Enterprise would be unfairly imposed upon the owners and residents of the existing buildings and improvements within the service area of the City of St. Helena Water Enterprise.

(5) New development or conversions without the payment of fees imposed by this section would not be fair to the owners and occupants of existing buildings within the service area of the City of St. Helena Water Enterprise.

(6) Part of the costs associated with the capital improvements to the water system and the debt service on earlier funded water projects are apportioned to new development or conversions to accommodate increased demand for water by new residents and businesses and the increased need for water for fire protection purposes for the new structures associated with new development or conversions.

(7) The facts and evidence presented in the City's Impact Fee Study establish that there exists a reasonable relationship between the need for the water system improvements and the impacts of the types of new development for which a corresponding fee is charged. A reasonable relationship or nexus also exists between the fee's use and the type of new development and conversions for which the fee is charged.

(b) Schedule of Water Impact Fees.

(1) Every person connecting to the City's water system or converting unusable to usable floor space in or adding to existing buildings which are already connected to the City's water system shall pay to the City a water impact fee in accordance with the following schedule:

Single Family:	$3.05 per sq. ft.
Multi-Family:	$2.47 per sq. ft.
Office:	$3.14 per sq. ft.
Industrial:	$4.18 per sq. ft.
Commercial:	$6.06 per sq. ft.

Deleted: 5.33
Deleted: 2.32
Deleted: 4.56
Deleted: 6.05
Deleted: 8.82

Lodging: $6.13 per sq. ft.

(2) Every person converting an existing use from one use category (residential, commercial, industrial or office) to another use category shall pay a water impact fee equal to the difference, if any, between the fees calculated for the existing and new uses as set forth in subsection (1), except no water impact fee shall be assessed if a “water-oriented” connection fee had been paid for the building or development project pursuant to the City’s former water connection ordinances.

(3) No water impact fee shall be assessed on conversions to another use within the same use category. No person shall be entitled to a refund on conversions from a higher rate use category to a lower rate use category.

(c) In addition to the above charges, all expenses and costs of making a water connection shall be borne by the person making the connection. No connection shall be made to a public water supply except by the City or by written permission from the City.

(d) There is hereby established and created a fund of the City entitled "Water Impact Fund" and all revenues derived from and monies collected under this section, including accrued interest thereon, shall be deposited in such fund. The Water Impact Fund is established for the sole purpose of providing monies for equipment, infrastructure, and other capital facilities needed for the acquisition, storage, treatment, and transmission of water for the City of St. Helena Water Enterprise, to repay principal and interest on bonds issued for the construction or reconstruction of water projects or facilities, and to repay Federal and State loans or advances made to the City for the construction or reconstruction of water supplies facilities or infrastructure.

Section 3.32.080 Sewer Impact Fees

(a) Findings.

The City Council finds:

(1) St. Helena has a sewer system that consists of a collection system including public sewers and interceptors leading to the wastewater treatment plant and to the disposal system.

(2) New development or conversions in the City of St. Helena has a significant impact on the sewer system. St. Helena was previously under a sewer connection moratorium where the State of California effectively prohibited any new development and conversions in the City since no new sewer connections were allowed. In order to have the moratorium lifted and to allow for more development in the City of St. Helena, the City incurred debt to upgrade and expand the capacity of the wastewater treatment plant.

(3) The City must continue to fund capital improvements to its sewer system. These capital improvements include updating or replacing sewer lines, improving current treatment capabilities, and promoting the use of reclaimed water. These additional capital expenditures are necessary to maintain an acceptable level of sewer service and wastewater treatment within the next fifteen years.

(4) New development or conversions within the City result~~s~~ in increased usage of residential, commercial, industrial, and other affected properties, which thereby increases the service requirements and the capital equipment requirements for the City's sewage treatment and disposal system. Such increased usage does not ordinarily result from mere subdivision or parcel map divisions of existing properties in the absence of new development or conversions.

(5) In the absence of the imposition of a sewer impact fee upon new development or

conversions, the additional capital expenses necessary to maintain an acceptable level of sewer service and wastewater treatment for the entire City would be unfairly imposed upon the owners and residents of the existing buildings and improvements within the City of St. Helena.

(6) New development or conversions without the payment of fees imposed this section would not be fair to the owners and occupants of existing buildings within the City of St. Helena.

(7) Part of the costs associated with the capital improvements to the sewer system as well as payments on the wastewater debt service are apportioned to new development and conversions to accommodate increased usage of the sewer system and treatment plant by new residents and businesses.

(8) The facts and evidence presented in the City's Impact Fee Study establish that there exists a reasonable relationship between the need for the sewer system improvements and the impacts of the types of new development or conversions for which a corresponding fee is charged. A reasonable relationship or nexus also exists between the fee's use and the type of new development or conversions for which the fee is charged.

(b) Schedule of Sewer Impact Fees.

(1) Every person connecting to the City's sewer system or converting unusable to usable floor space in or adding to existing buildings which are already connected to the City's sewer system shall pay to the City a sewer impact fee in accordance with the following schedule:

Single Family:	$0.45 per sq. ft.
Multi-Family:	$0.65 per sq. ft.
Office:	$0.45 per sq. ft.
Industrial:	$0.60 per sq. ft.
Commercial:	$0.88 per sq. ft.
Lodging:	$0.88 per sq. ft.

Deleted: 4.30
Deleted: 3.42
Deleted: 3.63
Deleted: 4.82
Deleted: 7.02
Deleted: .

(2) Every person converting an existing use from one use category (residential, commercial, industrial or office) to another use category shall pay a sewer impact fee equal to the difference, if any, between the fees calculated for the existing and new uses as set forth in subsection (1), except no sewer impact fee shall be assessed if a "water-oriented" sewer connection fee had been paid for the building or development project pursuant to the City's former sewer connection ordinances.

(3) No sewer impact fee shall be assessed on conversions to another use within the same use category. No person shall be entitled to a refund on conversions from a higher rate use category to a lower rate use category.

(c) In addition to the above charges, all expenses and costs of making a sewer connection shall be borne by the person making the connection. No connection shall be made to a public sewer except by the City or by written permission from the City.

(d) There is hereby established and created a fund of the City entitled "Sewer Impact Fund" and all revenues derived from and monies collected under this section including accrued interest thereon, shall be deposited in such fund. The Sewer Impact Fund is established for the sole purpose of providing monies for the acquisition, construction, and reconstruction of sanitation and sewage facilities, to repay principal and interest on bonds issued for the construction or reconstruction of such sanitary or sewage facilities, and to repay Federal and State loans or advances made to the City for the construction or reconstruction of sanitary or sewage facilities and infrastructure.

Section 3.32.090 Storm Drainage Impact Fees

(a) Findings.

The City Council finds:

(1) Numerous items of capital infrastructure are urgently needed for the City's drainage system to maintain an acceptable level of storm drainage from all areas of the City of St. Helena.

(2) New development within the City of St. Helena results in increased usage of residential, commercial, industrial, and other affected properties, which thereby increases the amount of impervious surfaces and irrigation of landscaping which create greater need for and usage of drainage systems within the City. Such increased drainage and usage of the system does not ordinarily result from mere subdivision or parcel map divisions of existing properties in the absence of new development.

(3) The City must continue to fund capital improvements to its storm drainage system. These capital improvements include constructing storm drains and storm sewers within the City and conducting a storm drainage and monitoring study. These additional capital expenditures are necessary to maintain an acceptable level of storm drainage within the City in the next fifteen years.

(4) In the absence of the imposition of a storm drainage impact fee upon new development, the additional capital expenses necessary to maintain an acceptable level of the City's drainage system for the entire City would be unfairly imposed upon the owners and residents of the existing buildings and improvements within the City of St. Helena.

(5) New development without the payment of fees imposed by this section would not be fair to the owners and occupants of existing buildings within the City of St. Helena.

(6) The facts and evidence presented in the City's Impact Fee Study establish that there exists a reasonable relationship between the need for the drainage improvements and the impacts of the types of development for which a corresponding fee is charged. A reasonable relationship or nexus also exists between the fee's use and the type of development for which the fee is charged.

(b) Schedule of Storm Drainage Impact Fees.

(1) A storm drainage impact fee shall be imposed on new construction of buildings, driveways, parking lots, sidewalks, walkways, patios, decks, and other similar structures, and upon any construction of additions or conversions to an existing building that increase the impervious surface footprint of the parcel.

Deleted: of $.01 per square foot of impervious area for the parcel

(2) The storm drainage impact fee for new development or conversions shall be as follows:

Single Family:	$0.73 per sq. ft.
Multi-Family:	$0.69 per sq. ft.
Office:	$1.37 per sq. ft.
Industrial:	$1.65 per sq. ft.
Commercial:	$1.65 per sq. ft.
Lodging:	$1.28 per sq. ft.

Deleted: same impact fee rate shall apply to both residential and non-residential construction within the City of St. Helena.

(c) New development constructed, added or converted in the area required to pay the drainage fees imposed under Chapter 24 of the St. Helena City Code shall not be required to pay the Storm Drainage Impact Fee required under this section.

(d) There is hereby established and created a fund of the City entitled "Storm Drainage Impact Fund" and all revenues derived from and monies collected under this section including accrued interest thereon, shall be deposited in such fund. The Storm Drainage Impact Fund is established for the sole purpose of providing monies for the acquisition, construction, and reconstruction of facilities and equipment and for other capital purposes needed for the City's storm drainage system and for additional drainage and monitoring studies.

Section 3.32.100 Traffic Mitigation Impact Fees

(a) Findings.

The City Council finds:

(1) New development or conversions within the City of St. Helena result~~s~~ in increased usage of residential, commercial, industrial, and other affected properties, which thereby generates additional traffic within the City and will contribute to the usage and degradation of the existing street infrastructure in the City of St. Helena.

(2) The purpose of this fee is to finance circulation improvements to reduce the impacts of traffic generated by new development within the City.

(3) The City must continue to fund capital improvements to its traffic circulation system. These capital improvements include building new roads, bridges, and traffic control facilities and equipment. These additional capital expenditures are necessary to maintain an acceptable level of traffic circulation and the City's roadway system within the next fifteen years.

(4) In the absence of the imposition of a traffic mitigation impact new development or conversions, the additional capital expenses necessary to maintain acceptable traffic circulation for the entire City would be unfairly imposed upon the owners and residents of the existing buildings and improvements within the City of St. Helena.

(5) The construction of new development or conversions without the payment of fees imposed by this section would not be fair to the owners and occupants of existing buildings within the City of St. Helena.

(6) The facts and evidence presented in the City's Impact Fee Study establish that there exists a reasonable relationship between the need for the traffic improvements and the impacts of the types of new development or conversions for which a corresponding fee is charged. A reasonable relationship or nexus also exists between the fee's use and the type of new development or conversions for which the fee is charged.

(b) Schedule of Traffic Mitigation Impact Fees.

(1) A traffic mitigation impact fee shall be imposed on new development or conversions within the City of St. Helena.

(2) The traffic mitigation impact fee for new development or conversions shall be as follows:

Single Family Development, Conversions, Additions -	$ 0.83 per square foot
Multi-Family Development, Conversions, Additions -	$ 1.00 per square foot
Industrial Development, Conversions, Additions -	$ 1.45 per square foot
Office Development, Conversions, Additions -	$ 2.28 per square foot
Commercial Development, Conversions, Additions -	$8.90 per square foot
Lodging-	$3.40 per square foot

Deleted: 3.39

Deleted: 2.33

Deleted: 4.94

Deleted: 7.80

Deleted: 30.42

(3) Every person converting an existing use from one use category (residential, commercial, industrial or office) to another use category shall pay a traffic mitigation impact fee equal to the difference, if any, between the fees calculated for the existing and new uses as set forth in subsection (2).

(4) No traffic mitigation impact fee shall be assessed on conversions to another use within the same use category. No person shall be entitled to a refund on conversions from a higher rate use category to a lower rate use category.

(c) There is hereby established and created a fund of the City entitled "Traffic Mitigation Impact Fund" and all revenues derived from and monies collected under this section including accrued interest thereon, shall be deposited in such fund. The Traffic Mitigation Impact Fund is established for the sole purpose of providing monies for the construction and reconstruction of facilities and equipment and other capital purposes needed for traffic circulation improvements in and around the City of St. Helena.

Secttion 3.32.101 Parks impact fee.

Section 3.32.110 Developer Construction of Facilities.

(a) Whenever a developer is required, as a condition of approval of a subdivision, development permit or building permit, to construct a public facility described in the Capital Improvement Projects list, which facility is determined by the City to have supplemental size, length or capacity over that needed to address the impacts of that development, and when construction is necessary to ensure efficient and timely construction of the facilities network, a reimbursement agreement with the developer and a credit against the applicable impact fee, which would otherwise be charged pursuant to this ordinance on the development project, shall be offered. The reimbursement amount shall not include the portion of the improvement needed to provide services or mitigate the need for the facility or the burdens created by the development.

(b) A developer who installs an offsite improvement as a special mitigation measure for a project which is identified on the Capital Improvement Projects list to be funded at least partially by impact fees may claim credit on such a fee not to exceed the impact fee payable for the development project. The City's public works director is authorized to allow such credit.

(c) If a developer is dissatisfied with the decision of the City's public works director regarding a reimbursement agreement or a credit of development impact fees, the developer shall appeal for relief to the City Council by filing a written appeal with the City clerk within fifteen (15) days after the disputed decision. The appeal shall state in sufficient detail the basis for the claimed credit. The decision of the City Council shall be final.

Section 3.32.120 Fee Adjustment.

(a) A developer of any project, including any new building or addition to or conversion of any existing building, subject to the fees described in Sections 22.5 through 22.10 may apply to the City Council for a reduction or adjustment of the fee(s), or a waiver of the fee(s), based upon the absence of any reasonable relationship between the nature of the impact of the development and either the amount of the fee charged or the type of facilities to be financed.

(b) The application for a fee reduction, adjustment, or waiver shall be made in writing and filed with the City Clerk not later than twenty (20) days after the filing of the application for a building permit.

(c) The application shall state in detail the factual basis for the claim of waiver, reduction, or adjustment. The City Council shall consider the application at a hearing held within 30 days after the filing of the fee adjustment application. The decision of the City Council shall be final.

(d) If a reduction, adjustment, or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment or reduction of the fee.

Section 3.32.130 Definitions.

(a) "Building Permit" shall mean the permit required or issued by the City of St. Helena for the construction, improvement or remodeling of any structure pursuant to the City of St. Helena's building codes.

(b) "City" shall mean the governmental body managing the administrative operations of the City of St. Helena.

(c) "City of St. Helena" shall mean all property located within the geographical area within the City of St. Helena's city limit line.

(d) "City of St. Helena Impact Fee Study" shall mean the study, including any amendments or revisions thereto, for the financing of facilities and services designated under the Capital Improvement Projects list for the City of St. Helena. This study includes, but is not limited to, a designation of those facilities to be constructed with the impact fees collected under this chapter, the estimated costs of constructing those facilities or providing the services designated therein, and the total use factors or other criteria utilized to arrive at an allocation of the cost of the facilities to the different types of land uses and to new development.

(e) "Conversion" shall mean converting from unusable to usable floor space, or converting the existing use to another use.

(f) "Developer" shall mean any person who is the owner or authorized agent of an owner of any new development within the City of St. Helena.

(g) "Dwelling Unit" shall mean a residential dwelling within the City of St. Helena. Each single-family residential unit within a multi-family residential building or development project shall be deemed to be a separate dwelling unit.

(h) "New Development" shall mean the original construction of residential, commercial, industrial or other non-residential buildings, or the addition of usable floor space within existing residential or non-residential buildings, or the construction of new accessory buildings.

(i) "Owner" shall mean the legal owner(s) or the authorized agent(s) for any owner of property being developed.

(j) "Usable floor space" shall mean any interior space constructed or converted to be used for human occupancy in accordance with the Uniform Building Code.

Section 3.32.140 Development Agreements.

The terms of any development approvals or building permit(s) may be negotiated as part of a Development Agreement which may require a developer to provide or finance any public projects deemed agreeable to both the developer and the City Council. Development constructed under the terms of a Development Agreement approved pursuant to Article VIII of Chapter 27 may be exempted from the payment of any of the impact fees required under Sections 22.5 through 22.10 of this chapter.

Section 3.32.150 Inflationary Fee Increases

Due to the increases in costs of construction, developing and designing the projects to be financed by the development impact fees set forth herein, such fees shall be automatically adjusted annually commencing July 1, 1998, and every July 1st thereafter. The fee adjustments shall be based on the increase, if any, in the Engineering News Record US20 Cities average construction cost index for the June preceding the increase and the June one year prior thereto.

Section 3. Every person who paid Development Impact Fees at the rates established in Ordinance No. 96-2 shall be given a refund equal to the difference, if any, between the aggregate fees paid and the aggregate fees established by this ordinance; except no refunds will be paid to persons who received City Council approval of a fee adjustment or waiver during the relevant time period.

Section 4. This ordinance was reviewed at a noticed public hearing, for which the ordinance and the associated Impact Fee Study were available to the general public for a period of not less than 14 days prior to the public hearing. These fees shall apply to the issuance of any building permit for any residential and non-residential development issued 60 days following the passage of this ordinance.

Section 5. If any section or portion of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Adopted at a Regular Meeting of the City Council held August 22, 2006, by the following vote:

AYES:

NOES:

ABSENT:

Approved:	Attest:
______________________	________________________
Ann Nevero	Delia Guijosa
Mayor	City Clerk

Introduced:
Adopted:
Published:

City of St. Helena

ST. HELENA
CALIFORNIA

Development Impact Fee Study Report

Final Draft: April 25, 2013

Submitted by:

Colgan Consulting Corporation
3323 Watt Avenue # 131
Sacramento, CA 95821

Table of Contents

Table of Contents (cont'd)

Chapter 5 – Public Safety Impact Fees

Chapter 6 – Civic Facilities Impact Fees

Chapter 7 – Water System Impact Fees

Chapter 8 – Wastewater System Impact Fees

Chapter 9 – Stormwater Drainage System Impact Fees

Chapter 10 – Implementation

Executive Summary

The City of St. Helena has retained Colgan Consulting Corporation to prepare this impact fee study to analyze the impact of development on certain capital facilities and to calculate impact fees based on that analysis. The methods used to calculate impact fees in this study are intended to satisfy all legal requirements of the U. S. Constitution, the California Constitution, the California Mitigation Fee Act (Government Code §§ 66000 *et seq.*) , and where applicable, the Quimby Act (Government Code § 66477) .

Organization of the Report

Chapter 1 of this report provides an overview of impact fees. It discusses legal requirements for establishing and imposing such fees, as well as methods used in this study to calculate the fees.

Chapter 2 contains information on existing and future development in the study area used for this analysis, and organizes that data in a form that can be used in the impact fee analysis. Projections of future development shown in Chapter 2 are based on the Land Use Element of the Draft St. Helena General Plan Update 2030.

Chapters 3 through 9 analyze the impacts of development on specific facility types and calculate impact fees for those facilities, as follows:

Ch. 3. Transportation Improvements
Ch. 4. Parks
Ch. 5. Public Safety Facilities
Ch. 6. Civic Facilities
Ch. 7. Water System
Ch. 8. Wastewater System
Ch. 9. Storm Drainage System

Each of the chapters listed above identifies costs eligible for impact fee funding and calculates the maximum impact fees that can be justified by the data used in this study.

Chapter 10 discusses implementation of the impact fee program including legal requirements for implementing the impact fee program under California law.

Future Development

Forecasts of future development for this study are intended to represent potential development in the City, based on the Draft General Plan Update. Data presented in Chapter 2 of this report indicate that the City has the potential to grow 13- 14% in terms of population, residential units and total square feet of building area.

Impact Fee Analysis

Each type of facility addressed in this report is analyzed individually. In each case, the relationship between development and the need for facilities is quantified in a way that allows the impact of development on facility needs to be measured. Impact fees calculated in this report are based on the capital cost of facilities needed to serve additional development.

Impact fees calculated in this study are summarized in Table S.1 on page S-3. The following paragraphs briefly discuss factors considered in the analysis of each facility type.

Transportation Impact Fees. Traditionally transportation improvements needed to support additional development have been concentrated in street, intersection and traffic control improvements needed to provide capacity for larger volumes of vehicle trips. However, the Draft General Plan Update adopts a more nuanced approach. The Circulation Element focuses extensively on alternatives to road-building, and recommends the use of alternative transportation modes (e.g., walking, cycling, and transit), as well as transportation performance measures and transportation demand management to provide for a more efficient and environmentally friendly circulation system in the City.

The transportation impact fees calculated in Chapter 3 are based on the cost of a very small number of improvements that are needed to support new development, including some intended to support alternative modes of transportation.

The costs attributed to new development in the impact fee analysis are allocated to various types of development based on the estimated number of additional daily vehicle trips they will generate. Then the costs are converted to impact fees per square foot of added building area.

Park In-Lieu Fees and Park Impact Fees. At present, the City's park impact fees are a component of the impact fee for civic Improvements. This report proposes stand-alone fees for parks, and calculates two types of park fees. Park in-lieu fees, or more precisely, fees in-lieu of park land dedication, are levied on residential subdivisions pursuant to the Quimby Act. Those fees are governed by specific rules and standards contained in the Quimby Act, and are based only on the cost of acquiring land for parks.

However, most residential development in St. Helena does not occur in subdivisions, so this report also calculates park impact fees which apply to non-subdivision projects. Those park impact fees cover the cost of both land acquisition and park improvements. As shown in Chapter 4, costs for park land and improvements are allocated to new development on the basis of added population per unit, and then converted into a cost per square foot for each type of residential development. Like park in-lieu fees, park impact fees apply only to residential development.

Public Safety Impact Fees. The public safety impact fees calculated in Chapter 5 are based on new development's proportionate share of the cost of police and fire facilities and equipment serving the City. For the most part, public safety facilities and equipment needed to serve new development are already in place. So the public safety impact fees calculated in this report are intended to recoup new development's proportionate share of the depreciated replacement cost of those facilities and equipment.

New development's share of the cost of public safety facilities is allocated to development based on square feet of added building area.

Civic Facilities Impact Fees. The civic facilities impact fees calculated in Chapter 6 are based on new development's proportionate share of the depreciated replacement cost of a range of facility types including City Hall, corporation yard facilities, as well as library and recreation facilities. For the most part, civic facilities needed to serve new development are already in place, but the cost basis for the civic facilities fees also includes some planned improvements to existing facilities. Civic facilities impact fees calculated in this report are intended to recoup new development's proportionate share of the cost of those facilities and equipment.

New development's share of the cost of civic facilities is allocated to development based on square feet of added building area.

Water System Impact Fees. The water system impact fees calculated in Chapter 7 are based on new development's proportionate share of planned water system improvements. The costs attributed to new development are allocated to various types and amounts of development based on estimated water usage in hundreds of cubic feet (HCF) per year. Costs allocated to each type of development are then converted to impact fees per square foot of building area.

Wastewater System Impact Fees. The wastewater system impact fees calculated in Chapter 8 are based on new development's proportionate share of planned wastewater system improvements. The costs attributed to new development are allocated to various types and amounts of development based on estimated water usage in hundreds of cubic feet (HCF) per year. Costs allocated to each type of development are then converted to impact fees per square foot of building area.

Storm Drainage System Impact Fees. The storm drainage system impact fees calculated in Chapter 9 are based on new development's proportionate share of planned drainage system improvements. The costs attributed to new development are allocated to various types of development based on the estimated amount of impervious surface area added. Costs allocated to each type of development are then converted to impact fees per square foot of building area.

Impact Fee Summary

Table S.1 summarizes the impact fees calculated in this report. Fees shown in Table S.1 are per square foot of building area by development type.

Table S.1: Summary of Development Impact Fees Calculated in This Study (per Square Foot)

Development Type	Transportation	Parks [1]	Public Safety	Civic Facilities	Water System	Wastewtr System	Drainage System	**Total**
Residential, Low Density	$0.81	$6.99	$1.01	$1.36	$2.98	$0.44	$0.71	**$ 14.29**
Residential, Med/Higher Density	$0.98	$11.88	$1.01	$1.36	$2.41	$0.64	$0.67	**$ 18.95**
Commercial/Retail	$8.68		$1.01	$1.36	$5.91	$0.86	$1.61	**$ 19.43**
Office	$2.23		$1.01	$1.36	$3.06	$0.43	$1.34	**$ 9.43**
Industrial	$1.42		$1.01	$1.36	$4.08	$0.58	$1.61	**$ 10.06**
Lodging	$3.32		$1.01	$1.36	$5.98	$0.85	$1.25	**$ 13.77**

[1] Park fees shown in this table are based on the park impact fees rather than the park land in-lieu (Quimby) fees

Table S.2 shows the impact fees from Table S.1 adjusted to include a 2.5% administrative charge to recover the cost of periodic update studies. See Recovery of Study Cost on the next page.

Table S.2: Summary of Development Impact Fees Including Administrative Fee (per Square Foot)

Development Type	Transpor-tation	Parks	Public Safety	Civic Facilities	Water System	Wastewtr System	Drainage System	Total
Residential, Low Density	$0.83	$7.17	$1.04	$1.39	$3.05	$0.45	$0.73	**$ 14.65**
Residential, Med/Higher Density	$1.00	$12.18	$1.04	$1.39	$2.47	$0.65	$0.69	**$ 19.42**
Commercial/Retail	$8.90		$1.04	$1.39	$6.06	$0.88	$1.65	**$ 19.91**
Office	$2.28		$1.04	$1.39	$3.14	$0.45	$1.37	**$ 9.67**
Industrial	$1.45		$1.04	$1.39	$4.18	$0.60	$1.65	**$ 10.31**
Lodging	$3.40		$1.04	$1.39	$6.13	$0.88	$1.28	**$ 14.12**

Note: In Table S.2, fees from Table S.1 are increased by 2.5% to include the cost of impact fee program administration

Table S.3 shows St. Helena's existing impact fees as of March 2013.

Table S.3: Summary of Existing Development Impact Fees (per Square Foot)

Development Type	Transpor-tation	Parks	Public Safety	Civic Imprvmts	Water System	Wastewtr System	Drainage System [1]	Total
Residential, Low Density	$4.11		$1.25	$2.73	$6.46	$5.21	$0.02	**$ 19.78**
Residential, Med/Higher Density	$2.82	**Included**	$1.25	$2.73	$2.81	$4.15	$0.02	**$ 13.78**
Commercial/Retail	$36.87	**in Civic**	$1.25	$1.68	$10.69	$8.51	$0.04	**$ 59.04**
Office	$9.46	**Imprvmt**	$1.25	$2.27	$7.35	$4.41	$0.03	**$ 24.77**
Industrial	$5.98	**Fees**	$1.25	$1.58	$5.53	$5.85	$0.04	**$ 20.23**
Lodging			**Classified as Commercial/Retail**					

[1] The existing drainage fees shown in this table have been converted from square feet of impervious surface area to square feet of building area, based on assumptions used in this study regarding the relationship between impervious surface area and building area

Implementation

Chapter 10 of this report discusses the requirements of the California Mitigation Fee Act and the Quimby Act for adoption and administration of impact fees, including findings required by the Mitigation Fee Act for adoption of the impact fees.

Recovery of Study Cost

As discussed in Chapter 10 of this report, Colgan Consulting normally recommends that agencies charging impact fees increase the fees by a small percentage to recover the cost of periodically updating the fees.

One method that can be used for allocating the cost of fee study updates to impact fees is to divide the cost of the current study by the amount of revenue that will be generated by the impact fees before the fees will need to be updated. However, in light of uncertainty regarding the timing of future development that approach does not appear to be appropriate in St. Helena at this time.

A substantial number of California cities add an administrative charge of 2.5% to impact fees to cover the cost of periodic updates, and Colgan Consulting recommends that an increase of

2.5% be applied to the City's impact fees to cover the cost of future updates. Fees including that administrative charge are shown in Table S.2. Any revenue collected as a result of the administrative charge should be used only for the purpose of updating the City's impact fees.

Chapter 1
Introduction

Purpose

The City of St. Helena has retained Colgan Consulting Corporation to prepare this study to analyze the impacts of development on the City's capital facilities needs and to calculate development impact fees based on that analysis. This study updates the City's previous impact fee study which was completed in 2006.

The methods used to calculate impact fees in this study are intended to satisfy all legal requirements governing such fees, including provisions of the U. S. Constitution, the California Constitution, the California Mitigation Fee Act (Government Code Sections 66000 *et seq*.), and, where applicable, the Quimby Act (Government Code Section 66477).

Legal Framework

This brief summary of the legal framework for development impact fees is intended as a general overview. It was not prepared by an attorney, and should not be treated as a legal opinion.

U. S. Constitution. Like all land use regulations, development exactions, including impact fees, are subject to the Fifth Amendment prohibition on taking of private property for public use without just compensation. Both state and federal courts have recognized the imposition of impact fees on development as a legitimate form of land use regulation, provided the fees meet standards intended to protect against "regulatory takings." A regulatory taking occurs when regulations unreasonably deprive landowners of property rights protected by the Constitution.

To comply with the Fifth Amendment, development regulations must be shown to substantially advance a legitimate governmental interest, and must not deprive the owner of all economically viable use of the property. In the case of impact fees, the government's interest is in protecting public health, safety, and welfare by ensuring that development is not detrimental to the quality and availability of essential public services provided to the community at large.

Impact fees that apply to all development in a jurisdiction are not subject to the same level of judicial scrutiny as exactions involving the dedication of land or an interest in land, or a fee imposed as a condition of approval on a single development project. In those cases, heightened scrutiny applies, and a higher standard must be met. The U. S. Supreme Court has found that a government agency must demonstrate an "essential nexus" between such exactions and the interest being protected (See *Nollan v. California Coastal Commission,* 1987). The agency must also demonstrate that the exaction imposed is "roughly proportional" to the burden created by development. (See *Dolan v. City of Tigard,* 1994).

A local legislative body is accorded considerable discretion by the courts when enacting impact fees that apply broadly to development projects within its jurisdiction. However, even where heightened scrutiny does not apply, an agency enacting impact fees should take care to demonstrate a nexus and ensure proportionality in the calculation of its fees.

California Constitution. The California Constitution grants broad police power to local governments, including the authority to regulate land use and development. That police power is the source of authority for local governments in California to impose impact fees on development. Some impact fees have been challenged on grounds that they are special taxes imposed without voter approval in violation of Article XIIIA. However, that objection is valid only if the fees exceed the cost of providing capital facilities needed to serve new development. If that were the case, then the fees would also run afoul of the U. S. Constitution and the Mitigation Fee Act. Articles XIIIC and XIIID, added by Proposition 218 in 1996, require voter approval for some "property-related fees," but exempt "the imposition of fees or charges as a condition of property development."

The Mitigation Fee Act. California's impact fee statute originated in Assembly Bill 1600 during the 1987 session of the Legislature, and took effect in January, 1989. AB 1600 added several sections to the Government Code, beginning with Section 66000. Since that time the impact fee statute has been amended from time to time, and in 1997 was officially titled the "Mitigation Fee Act." Unless otherwise noted, code sections referenced in this report are from the Government Code.

The Mitigation Fee Act does not limit the types of capital improvements for which impact fees may be charged. It defines public facilities very broadly to include "public improvements, public services and community amenities." Although the issue is not specifically addressed in the Mitigation Fee Act, other provisions of the Government Code (see Section 65913.8) prohibit the use of impact fees for maintenance or operating costs. Consequently, the fees calculated in this report are based on capital costs only.

The Mitigation Fee Act does not use the term "mitigation fee" except in its official title. Nor does it use the more common term "impact fee." The Act simply uses the word "fee," which is defined as "a monetary exaction, other than a tax or special assessment…that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project … ."

To avoid confusion with other types of fees, this report uses the widely-accepted terms "impact fee" and "development impact fee" which should both be understood to mean "fee" as defined in the Mitigation Fee Act.

The Mitigation Fee Act contains requirements for establishing, increasing and imposing impact fees. They are summarized below. It also contains provisions that govern the collection and expenditure of fees and require annual reports and periodic re-evaluation of impact fee programs. Those administrative requirements are discussed in the Implementation Chapter of this report.

Required Findings. Section 66001 requires that an agency establishing, increasing or imposing impact fees, must make findings to:

1. Identify the purpose of the fee;
2. Identify the use of the fee; and,
3. Determine that there is a reasonable relationship between:
   a. The use of the fee and the development type on which it is imposed;
   b. The need for the facility and the type of development on which the fee is imposed; and
   c. The amount of the fee and the facility cost attributable to the development project. (Applies when fees are imposed on a specific project.)

Each of those requirements is discussed in more detail below.

Identifying the Purpose of the Fees. The broad purpose of impact fees is to protect public health, safety and general welfare by providing for adequate public facilities. The specific purpose of the fees calculated in this study is to fund construction of certain capital improvements identified in this report. Those improvements will be needed to mitigate the impacts of planned new development on City facilities, and to maintain an acceptable level of public services as the City grows. Findings with respect to the purpose of a fee should define the purpose broadly as providing for the funding of adequate public facilities to serve additional development.

Identifying the Use of the Fees. According to Section 66001, if a fee is used to finance public facilities, those facilities must be identified. A capital improvement plan may be used for that purpose, but is not mandatory if the facilities are identified in a General Plan, a Specific Plan, or in other public documents. In this case, we recommend that the City Council adopt this report as the document that identifies the facilities to be funded by the fees.

Reasonable Relationship Requirement. As discussed above, Section 66001 requires that, for fees subject to its provisions, a "reasonable relationship" must be demonstrated between:

1. the use of the fee and the type of development on which it is imposed;
2. the need for a public facility and the type of development on which a fee is imposed; and,
3. the amount of the fee and the facility cost attributable to the development on which the fee is imposed.

These three reasonable relationship requirements as defined in the statute mirror the nexus and proportionality requirements widely considered to be the standard for defensible impact fees. The term "dual rational nexus" is often used to characterize the standard used by courts in evaluating the legitimacy of impact fees. The "duality" of the nexus refers to (1) an <u>impact</u> or need created by a development project subject to impact fees, and (2) a <u>benefit</u> to the project from the expenditure of the fees. Although proportionality is reasonably implied in the dual rational nexus formulation, it was explicitly required by the Supreme Court in the *Dolan* case, and we prefer to list it as the third element of a complete nexus.

Demonstrating an Impact. All new development in a community creates additional demands on some, or all, public facilities provided by local government. If the supply of facilities is not increased to satisfy the additional demand, the quality or availability of public services for the entire community will deteriorate. Impact fees may be used to recover the cost of development-related facilities, but only to the extent that the need for facilities is occasioned by the development project subject to the fees. The *Nollan* decision reinforced the principle that development exactions may be used only to mitigate impacts created by the development projects upon which they are imposed. In this study, the impact of development on facility needs is analyzed in terms of quantifiable relationships between various types of development and the demand for public facilities, based on applicable level-of-service standards. This report contains all of the information needed to demonstrate this element of the nexus.

Demonstrating a Benefit. A sufficient benefit relationship requires that impact fee revenues be segregated from other funds and expended only on the facilities for which the fees were charged. Fees must be spent in a timely manner and facilities funded by the fees must serve the development projects paying the fees. Nothing in the U.S. Constitution or California law requires that facilities paid for with impact fee revenues be available <u>exclusively</u> to developments paying the fees. Procedures for earmarking and expenditure of fee revenues are mandated by the Mitigation Fee Act, as are procedures to ensure that the fees are expended expeditiously or refunded. Those requirements are intended to ensure that developments benefit from the impact fees they are required to pay. Thus, an adequate showing of benefit must address procedural as well as substantive issues.

Demonstrating Proportionality. Proportionality in impact fees depends on properly identifying development-related facility costs and calculating the fees in such a way that the impact of development is reflected in the allocation of those costs. In calculating impact fees, costs for development-related facilities must be allocated in proportion to the facility needs created by different types and amounts of development. The section on impact fee methodology, below, describes methods used to allocate facility costs and calculate impact fees that meet the proportionality standard.

Impact Fees for Existing Facilities. It is important to note that impact fees may be used to pay for existing facilities, provided those facilities are needed to serve additional development and have the capacity to do so. In other words, it must be possible to show that the fees meet the need and benefit elements of the nexus.

Development Agreements and Reimbursement Agreements. The requirements of the Mitigation Fee Act do not apply to fees collected under development agreements (see Govt. Code Section 66000) or reimbursement agreements (see Govt. Code Section 66003). The same is true of fees in lieu of park land dedication imposed under the Quimby Act (see Govt. Code Section 66477).

Existing Deficiencies. In 2006, Section 66001(g) was added to the Mitigation Fee Act (by AB 2751) to prohibit impact fees from including costs attributable to existing deficiencies in public facilities. The legislature's intent in adopting this amendment, as stated in the bill, was to codify the Holdings of Bixel v. City of Los Angeles (1989), Rohn v. City of Visalia (1989), and Shapell Industries Inc. v. Governing Board (1991). That amendment does not appear to be a substantive change. It is widely understood that other provisions of law make it improper for impact fees to include costs for correcting existing deficiencies.

Impact Fee Calculation Methodology

Any one of several legitimate methods may be used to calculate impact fees. The choice of a particular method depends primarily on the service characteristics and planning requirements for the facility type being addressed. Each method has advantages and disadvantages in a particular situation. To some extent they are interchangeable, because they all allocate facility costs in proportion to the needs created by development.

Reduced to its simplest terms, the process of calculating impact fees involves two steps: determining the cost of development-related capital improvements, and allocating those costs equitably to various types of development. In practice, though, the calculation of impact fees can become quite complicated because of the many factors involved in defining the relationship between development and the need for facilities.

Allocating facility costs to various types and amounts of development is central to all methods of impact fee calculation. Costs are allocated by means of formulas that quantify the relationship between development and the need for facilities. In a cost allocation formula, the impact of development is measured by a "demand variable," which is an attribute of development that represents the facility needs created by different types and amounts of development. Different variables are used in analyzing different types of facilities. Specific demand variables used in this study are discussed in more detail in subsequent chapters.

The following paragraphs discuss three general approaches to calculating impact fees and how they can be applied.

Plan-Based or Improvements-Driven Method. Plan-based impact fee calculations are based on the relationship between a specified set of improvements and a specified increment of development. The improvements are typically identified by a facility plan, while the development is identified by a land use plan that identifies potential development by type and quantity. Facility costs are allocated to various categories of development in proportion to the amount of development and the relative intensity of demand created by each category. To calculate impact fees using this approach, it is necessary to define an end point or "buildout" condition for development, and to determine what facilities will be needed to serve the additional development that occurs from the time of the analysis to buildout. Buildout is a hypothetical condition in which undeveloped land encompassed by the study has been developed to its expected intensity.

Under this approach, the total cost of eligible facilities is divided by the total units of additional demand (based on the demand variable) to calculate a cost per unit of demand. Then, the cost per unit of demand is multiplied by the units of demand per unit of development (e.g. dwelling units or square feet of building area) in each category to arrive at a cost per unit of development. This method is somewhat inflexible in that it is based on the relationship between a particular facility plan and a particular land use plan. If either plan changes significantly, the fees may have to be recalculated.

Capacity-Based or Consumption-Driven Method. This method calculates a cost per unit of capacity based on the relationship between total cost and total capacity of a system. It can be applied to any type of development, provided the capacity required to serve each increment of development can be estimated and the facility has adequate capacity available to serve the development. Since the cost per unit of demand does not depend on the type or quantity of development to be served, this method is flexible with respect to changing development plans.

Under this method, the cost of unused capacity is not allocated to development. Capacity-based fees are most commonly used for water and wastewater systems, where the cost of a system component is divided by the capacity of that component to derive a unit cost. To produce a schedule of impact fees based on standardized units of development (e.g. dwelling units or square feet of non-residential building area), the cost per unit of capacity is multiplied by the amount of capacity required to serve a typical unit of development in each of several land use categories.

Standard-based Method. Standard-based fees are calculated using a specified relationship or standard that determines the number of service units to be provided for each unit of development. The standard can be established as a matter of policy or it can be based on the level of service being provided to existing development in the study area. Using the standard-based method, costs are defined on a generic unit-cost basis and then applied to development according to a standard that sets the amount of service or capacity to be provided for each unit of development. The standard-based method is useful where facility needs are defined directly by a service standard, and where unit costs can be determined without reference to the total size or capacity of a facility or system. Parks fit that description. It is common for cities or counties to establish a service standard for parks in terms of acres per thousand residents. In addition, the cost per acre for parks can usually be estimated without knowing the size of a particular park or the total acreage of parks in the system.

This approach is also useful for facilities such as libraries, where it is possible to estimate a generic cost per square foot before a building is actually designed. One advantage of the standard-based method is that a fee can be established without committing to a particular size of facility, and facility size can be adjusted based on the amount of development that actually occurs.

Facilities Addressed by this Study

Impact fees for the following types of facilities are addressed in this report:

- Transportation System Improvements
- Park Land and Improvements
- Public Safety Facilities, Vehicles, and Equipment
- Civic Facilities
- Water System Improvements
- Sewer System Improvements
- Drainage System Improvements

The impact fee analysis for each facility type is presented in a separate chapter of this report, beginning with Chapter 3. The next chapter, Chapter 2, contains data on land use and development in the City.

Chapter 2
Land Use and Development

This chapter of the report organizes and correlates data on existing and potential development to provide a framework for the impact fee analysis contained in subsequent chapters of the report. The information in this chapter forms a basis for establishing levels of service, analyzing facility needs, and allocating the cost of capital facilities between existing and new development, where appropriate, and among various types of new development.

Data on existing and potential development shown in this report were compiled from the City's Draft General Plan Update, the Draft Program EIR for that Update, the 2009 Housing Element Update, and from additional information provided by the City of St. Helena Planning Department.

Study Area and Time Frame

The study area for the impact fee analysis is the area covered by the Draft General Plan Update. The timeframe for this study extends from the present to buildout of land designated for development within the study area. The term "buildout" is used to describe a hypothetical condition in which currently undeveloped land in the study area has been developed as indicated in the Land Use and Growth Management Element of the Draft General Plan Update.

The time required for buildout will depend on the rate at which development occurs. The timing of development does not enter into the impact fee analysis, so this report does not project the rate of growth or anticipated buildout date.

Development Types

The development types used in this study are based on land use categories defined in the Draft General Plan Update. Impact fees calculated in this report are intended to be based on actual land uses rather than zoning or general plan land use designations.

Residential Development. Residential development types used in this study are:

- Residential, Low Density
- Residential, Medium and Higher Density
- Residential, Mobile Home

The Residential, Low Density category, above, corresponds with the Low Density Residential (LDR) land use designation in the Draft General Plan Update.

The Residential, Medium and Higher Density category encompasses the two higher density residential development categories (MDR and HDR).

The Residential, Mobile Home category is included in this breakdown to properly account for existing mobile homes in the City. The Draft General Plan Update does not include a separate Mobile Home category, and there is no indication in the Housing Element of the Draft General Plan Update that additional mobile home development is expected in the future.

Non-Residential Development. Non-residential development types used in this study are:

- Commercial/Retail
- Office
- Industrial
- Lodging

The Commercial/Retail category covers most commercial development corresponding to the Mixed Use (MU), Central Business (CB), and Service Commercial (SC) land use designations in the Draft General Plan Update.

The Office category corresponds to development covered by the Business and Professional Office (BPO) designation.

The Industrial category corresponds to the Industrial (I) land use designation.

The Lodging category breaks out a sub-category of uses covered by the Central Business (CB) and Service Commercial (SC) designations.

Units of Development

In this study, quantities of existing and potential development are measured in terms of certain units of development. Those units are discussed below.

Dwelling Units. The dwelling unit (DU) is the most commonly used measure of residential development, and is the standard unit for residential development in this study.

Building Area. Gross building area in thousands of square feet (KSF) is used as the standard unit of development for non-residential development, except for Lodging. Most impact fees in this report are stated in terms of a cost per square foot of building area.

Rooms. The standard unit of development for lodging is a single guest accommodation, i.e., a guest room or suite.

Demand Variables

In calculating impact fees, the relationship between facility needs and development must be quantified in cost allocation formulas. Certain measurable attributes of development (e.g., population, vehicle trip generation) are used in those formulas to reflect the impact of different types and amounts of development on the demand for specific public services and the facilities that support those services. Those attributes are referred to in this study as "demand variables."

Demand variables are selected either because they directly measure service demand created by various types of development, or because they are reasonably correlated with that demand.

For example, the need for capacity in a street system depends on the volume of traffic the system must handle. Thus the vehicle trip generation rate (the average number of vehicle trips generated by one unit of development per weekday) is an appropriate demand variable to represent the impact of development on the street system.

Each demand variable has a specific value per unit of development for each type of development. Those values may be referred to as *demand factors.* For example, on average, one single-family detached dwelling unit generates 9.57 vehicle trips each weekday. Consequently, the traffic impact factor for single-family residential development is 9.57 trips per day dwelling unit.

Other land use categories would have different impact factors. Some of the impact factors used in this study are based on widely-accepted standards (e.g., trip generation rates), while others are based on local conditions (e.g., population per dwelling unit).

Specific demand variables used in this study are discussed below. The values of demand factors for each land use category are shown in Table 2.1, later in this chapter.

Population. Population is used as a demand variable to measure the impact of development on certain types of facilities in this study. Because population is tied to residential development only, the value of this variable is zero for all non-residential development types.

Existing and potential population figures used in this study are intended to represent a "zero-vacancy" population, calculated as the number or existing or potential dwelling units in a category multiplied by the average population per unit (see Table 2.1, below).

Colgan Consulting uses this approach because fluctuating vacancy rates can obscure the potential demand for public service represented by existing or potential dwelling units, once they are constructed. In St. Helena, the official vacancy rate, based on the 2010 Census, is unusually high because a relatively large number of existing dwelling units are used as second-homes.

Persons-per-dwelling unit factors used in this study are based on an analysis of data on occupied dwelling units in St. Helena from the 2010 Census.

Vehicle Trips. The impact of development on a City's street and highway system is commonly measured by the number of average daily vehicle trips (ADT) generated by development. In this study, the number of ADT generated by development is used to measure the impact of that development on the City's transportation system. Trip generation rates used in this study are from the Institute of Transportation Engineers (ITE) manual, <u>Trip Generation</u>, 7th Edition. For the Medium and Higher Density development type, the rate used in this study is the average of the ITE rates for apartments and condominiums.

Building Area. In this study, the impact of development on several types of facilities is measured by the square feet of building area added by development. Building area is often used as a broad measure of the service demand created by development and its impact on the facilities supporting those services. Building area is often stated in terms of thousands of square feet of gross building area (KSF).

Water Demand. In this study, the impact of development on the City's water system is measured by the volume of water used by development. Water demand is stated in terms of hundreds of cubic feet per year (HCF). Water demand factors are primarily based on the 2004 Water and Wastewater Rate Study, but factors for Lodging and Schools (K-12) are derived from meter data.

Wastewater Flows. In this study, the impact of development on the City's wastewater system is measured by the volume of wastewater discharged by development. Wastewater flows are stated in terms of hundreds of cubic feet per year (HCF). Flow factors for various types of development are taken from the 2004 Water and Wastewater Rate Study.

Impervious Surface Area. In this study, the impact of development on the City's Storm Drainage System is measured by the amount of impervious surface area added by new development. Additional impervious surface increases the amount of runoff into the drainage system, and increases the need for capacity in the system.

Table 2.1 presents some of the basic demand factors used in this study. Other demand factors are presented in connection with fee calculations for individual facility types.

Table 2.1: Demand Factors Used in This Study

Development Type	Dev Units [1]	Population per Unit [2]	Trips per Unit [3]	Sq Ft per Unit [4]
Residential, Low Density	DUs	2.45	9.57	2,400
Residential, Med/Higher Density	DUs	2.25	6.29	1,300
Residential, Mobile Home	DUs	1.50	4.99	600
Commercial/Retail	KSF		42.94	1,000
Office	KSF		11.01	1,000
Industrial	KSF		6.97	1,000
Lodging	Rooms		8.20	500

[1] Units of development: DU = dwelling unit; KSF = 1,000 gross square feet of building area; Room = hotel/motel room or suite

[2] Estimated population per unit based estimated by Colgan Consulting using data from the 2006 - 2010 U.S. Census Bureau American Community Survey

[3] Average daily trips (ADT) per unit of development based on the Institute of Transportation Engineers (ITE) manual, Trip Generation, 7th Edition

[4] Square feet per unit; average residential square footage per unit estimated by Colgan Consulting

Development Data

Tables 2.2 through 2.4 present data on existing and potential development in the City of St. Helena that will be used throughout this report. Table 2.2 on the next page shows data for existing development as of January 1, 2012.

Table 2.2: City of St Helena - Existing Development - January 2012

Development Types	Dev Units [1]	Estimated Units [2]	Estimated Population [3]	Estimated Trips (ADT) [4]	Estimated Sq Ft [5]
Residential, Low Density	DUs	1,925	4,716	18,422	4,620,000
Residential, Med/Higher Density	DUs	750	1,688	4,718	975,000
Residential, Mobile Home	DUs	156	234	778	93,600
Subtotal Residential		2,831	6,638	23,918	5,688,600
Commercial/Retail	KSF	1,206.0		51,787	1,206,043
Office	KSF	666.8		7,341	666,787
Industrial	KSF	479.7		3,343	479,691
Lodging	Rooms	262		2,148	131,000
Total			**6,638**	**88,537**	**8,172,120**

[1] Units of development: DUs = dwelling units; KSF = 1,000 gross sq. ft. of building area; Rooms = guest rooms or suites

[2] Existing residential units based on California Department of Finance 2012 estimates; existing non-residential units estimated by the City of St. Helena Planning Department

[3] Estimated existing population based on zero vacancy rate = residential units X population per unit from Table 2.1

[4] Estimated average daily vehicle trips (ADT) = estimated units X trips per unit from Table 2.1

[5] Estimated square feet of building area = units of development X sq ft per unit from Table 2.1

Table 2.3 on the next page presents a forecast of potential development in the City, based on the Draft General Plan Update.

Table 2.3: City of St. Helena - Potential Development

Development Types	Dev Units [1]	Potential New Units [2]	Added Population [3]	Added Trips (ADT) [4]	Added Sq Ft [5]
Residential, Low Density	DUs	292	715	2,794	700,800
Residential, Med/Higher Density	DUs	87	196	547	113,100
Residential, Mobile Home	DUs	0	0	0	0
Subtotal Residential		379	911	3,341	813,900
Commercial/Retail	KSF	21.9		938	21,850
Office	KSF	111.9		1,231	111,850
Industrial	KSF	16.0		112	16,000
Lodging	Rooms	220		1,804	110,000
Total			**911**	**7,426**	**1,073,600**

[1] Units of development: DUs = dwelling units; KSF = 1,000 gross sq. ft. of building area; Rooms = guest rooms or suites

[2] Potential new units based on the likely buildout scenario from Draft Program EIR for the Draft General Plan Update

[3] Added population based on zero vacancy rate = potential residential units X population per unit from Table 2.1

[4] Added daily vehicle trips (ADT) = potential units X trips per unit from Table 2.1

[5] Added square feet of building area = units of development X sq ft per unit from Table 2.1

Table 2.4 on the next page sums the data from the previous two tables and represents the total of existing and potential development in the City.

Table 2.4: City of St. Helena - Total of Existing and Potential New Development

Development Types	Dev Units [1]	Total Units [2]	Total Population [3]	Total Trips (ADT) [4]	Total Sq Ft [5]
Residential, Low Density	DUs	2,217	5,431	21,216	5,320,800
Residential, Med/Higher Density	DUs	837	1,884	5,265	1,088,100
Residential, Mobile Home	DUs	156	234	778	93,600
Subtotal Residential		3,210	7,549	27,259	6,502,500
Commercial/Retail	KSF	1,227.9		52,725	1,227,893
Office	KSF	778.6		8,572	778,637
Industrial	KSF	495.7		3,455	495,691
Lodging	Rooms	482		3,952	241,000
Total			**7,549**	**95,963**	**9,245,720**

[1] Units of development: DUs = dwelling units; KSF = 1,000 gross sq. ft. of building area; Rooms = guest rooms or suites

[2] Total units = sum of existing units from Table 2.2 and potential new units from Table 2.3

[3] Total population = sum of existing and added population from Tables 2.2 and 2.3

[4] Total trips = sum of existing and added trips from Tables 2.2 and 2.3

[5] Total square feet = sum of existing and added square feet from Tables 2.2 and 2.3

The potential development shown in Table 2.3 represents approximately a 14% increase in residential units and population, an 8% increase in the number of average daily vehicle trips in the City, and a 13% increase in square feet of building area. These figures give a general picture of the potential impacts of future development on St. Helena. The fees calculated in subsequent chapters are intended to pay for the capital facilities needed to serve that additional demand.

Chapter 3
Transportation Impact Fees

This chapter calculates impact fees for transportation system improvements needed to serve future development in St. Helena. Information about planned improvements was taken from the City's 5-Year Capital Improvement Program Update 2011 (Fiscal Years 2010-2016) and the Circulation Element of the Draft General Plan Update.

Service Area

The impact fees calculated in this chapter are intended to apply to all new development in the City.

Level of Service

Traditionally, the level-of-service classification system (levels A through F) for streets and intersections defined in the Transportation Research Board's Highway Capacity Manual has been widely used to describe existing traffic conditions and set standards for transportation system planning. However, the City has determined that use of those standards would fail to address the complexities of St. Helena's transportation improvement needs.

The Draft General Plan Update adopts a more nuanced approach to establishing transportation improvement needs. The Circulation Element of the Draft General Plan Update focuses extensively on alternatives to road-building, and recommends the use of alternative modes (e.g. walking, cycling and transit), transportation performance measures, and transportation demand management to provide for a more efficient and environmentally-friendly circulation system in the City.

As a result of that approach, the transportation system improvements for which impact fees are calculated in this chapter include improvements intended to support alternative modes of travel. In addition, the cost of the improvements proposed to support future development is quite low compared with the conventional approach to capacity enhancement.

Demand Variable

The demand variable used to measure the impact of development, and to allocate improvement costs for street improvements in this chapter, is average daily vehicle trips (ADT) generated by new development. Trip generation rates for the types of development used in this study are shown in Table 2.1, in Chapter 2 of this report. Those rates are based on the Institute of Transportation Engineers (ITE) manual, Trip Generation, 7th edition.

Even though the Circulation Element does not rely heavily on added street capacity to meet the transportation needs of new development, much of the research on travel demand is reflected in the trip generation rates discussed above, and those rates offer the most readily quantifiable way of measuring the impacts of new development on the City's transportation system.

Methodology

This chapter calculates impact fees using the plan-based method discussed in Chapter 1. Plan-based fees are calculated by allocating costs for a defined set of improvements to a defined set of land uses that will be served by the improvements.

Specifically, costs for improvements eligible to be recovered through impact fees are divided by the added trips associated with new development, and the resulting per-trip cost is applied to additional development in each development type, based on the trips-per-unit factor for that development type. Then costs are assigned to various types of development based on shares of total added trips, and converted to fees per square foot of building area for each development type. Actual fee calculations are shown later in this chapter.

Facility Needs

Table 3.1 lists the transportation system improvements the City has identified as eligible for funding under the development impact fee program.

Table 3.1: Transportation System Improvements

Project Location	Project Description	Estimated Cost [1]
Pope Street/Napa River	New Bridge	$ 1,200,000
Main/Mills/Grayson Intersection	Traffic Signal	$ 201,300
Napa River/Wappo Park	Class I BicycleTrail	$ 95,000
Main Street	Bike Racks	$ 5,000
Total		**$ 1,501,300**

[1] Source: City of St. Helena Capital Improvement Program - Update 2011 and the St. Helena Bicycle Plan, January, 2012

Average Cost per Trip

Table 3.2 shows the average cost per trip for transportation improvements based on the costs shown in Table 3.1 and the number of trips to be added by future development from Table 2.3 in Chapter 2.

Table 3.2: Cost per Trip - Transportation System Improvements

Improvement Costs [1]	Added Trips [2]	Average Cost per Trip [3]
$1,501,300	7,426	$202.17

[1] See Table 3.1

[2] Average daily vehicle trips (ADT) added by new development; see Table 2.3

[3] Cost per trip = improvement costs / new development trips

Impact Fees per Square Foot

Table 3.3 calculates impact fees per square foot by development type. Costs are assigned to various types of development based on the average cost per trip from Table 3.2 and the added trips for each type of development. Then the total cost is divided by the added square feet of building area.

The result is a cost per square foot of building area for each type of development. That square foot cost can be applied to any development project to calculate the impact fee for transportation improvements.

Table 3.3: Cost per Square Foot by Development Type

Development Type	Added Trips [1]	Cost per Trip [2]	Cost by Dev Type [3]	Added Sq Ft by Dev Type [4]	Impact Fee per Sq Ft [5]
Residential, Low Density	2,794	$202.17	$564,858	700,800	$ 0.81
Residential, Med/Higher Density	547	$202.17	$110,586	113,100	$ 0.98
Residential, Mobile Home	0	$202.17	$0	0	$ 1.68
Commercial/Retail	938	$202.17	$189,634	21,850	$ 8.68
Office	1,231	$202.17	$248,869	111,850	$ 2.23
Industrial	112	$202.17	$22,643	16,000	$ 1.42
Lodging	1,804	$202.17	$364,711	110,000	$ 3.32
Total/Average			**$1,501,300**	**1,073,600**	**$ 1.40**

[1] Added trips by development type; see Table 2.3

[2] Cost per trip; see Table 3.2

[2] Cost by development type = added trips X cost per trip

[3] Added square feet of building area by development type; see Table 2.3

[4] Impact fee per square foot = cost by development type / added square feet by development type

Projected Revenue

Potential revenue from the transportation impact fees calculated in this chapter can be projected by applying the fees per square foot from Table 3.3 to added square feet of future development for each development type. The resulting projections are shown in Table 3.4 on the next page.

Table 3.4: Projected Revenue - Transportation Impact Fees

Development Type	Impact Fee per Sq Ft [1]	Added Units [2]	Sq Ft per Unit [3]	Total Sq Ft [4]	Projected Revenue [5]
Residential, Low Density	$ 0.81	292	2,400	700,800	$ 564,858
Residential, Med/Higher Density	$ 0.98	87	1,300	113,100	$ 110,586
Residential, Mobile Home	$ 1.68	0	600	0	$ 0
Commercial/Retail	$ 8.68	22	1,000	21,850	$ 189,634
Office	$ 2.23	112	1,000	111,850	$ 248,869
Industrial	$ 1.42	16	1,000	16,000	$ 22,643
Lodging	$ 3.32	220	500	110,000	$ 364,711
Total					**$ 1,501,300**

[1] Fee per square foot; see Table 3.3

[2] Future units; see Table 2.3

[4] Square feet of building area per unit; see Table 2.1

[5] Total square feet of building area = future units X square feet per unit

[6] Projected revenue = fee per square foot X total square feet

The costs and impact fees shown in this report are based on current improvement costs. This study assumes that the projects covered by the transportation impact fees will be constructed on a pay-as-you-go basis. To maintain parity between the impact fees and improvement costs, the impact fees must be adjusted periodically to reflect changes in price levels.

A common practice is to adjust the impact fees annually based on an index such as the *Engineering News Record* Building Cost Index. See the Implementation Chapter for more on indexing of fees.

Assuming future development occurs as anticipated in the Draft General Plan Update and the impact fees are properly indexed to keep pace with construction costs, the impact fees calculated in this chapter would approximately cover the entire cost of the projects shown in Table 3.1.

Chapter 4
Park In-Lieu Fees/Park Impact Fees

This chapter calculates two types of park fees: (1) fees in lieu of park land dedication which apply to residential subdivisions, and (2) park impact fees which apply to residential development not involving a subdivision. The second type would include any residential development on an existing lot or parcel.

Fees in-lieu of park land dedication are imposed under the authority of the Quimby Act (Govt. Code Section 66477), which is part of the Subdivision Map Act. Park impact fees are governed by the Mitigation Fee Act (Govt. Code Sections 66000 et seq.) As detailed below, the in-lieu ("Quimby") fees are subject to different requirements and limitations than park impact fees.

Fees In Lieu of Park Land Dedication. Under the Quimby Act, the City may, by ordinance, "require the dedication of land or impose a requirement of the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition of approval of a tentative map or parcel map…." This provision of the statute applies **only to residential subdivisions**. An ordinance imposing dedication and fee requirements under the Quimby Act must contain "definite standards for determining the proportion of a subdivision to be dedicated and the amount of any fee to be paid in lieu thereof."

Before imposing these requirements, the City must have adopted a general plan or specific plan containing policies and standards for parks and recreation facilities. The dedicated land and/or in-lieu fees "are to be used only for the purpose of developing new or rehabilitating existing neighborhood or community park or recreational facilities to serve the subdivision (paying the fees)." The Quimby Act provides that only in-lieu fees, not land dedication requirements, may be applied to subdivision of less than 50 parcels. Otherwise, the City may choose to require either land dedication or payment of in-lieu fees.

Park Impact Fees. Because the provisions of the Quimby Act apply only to subdivisions, this study calculates separate park impact fees for parks land acquisition and park improvements. Those fees will apply to any residential development that does not involve a subdivision of land.

Service Area

Park in-lieu fees and park impact fees are calculated for a single service area encompassing the entire City.

Demand Variable

Level-of-service standards for parks are almost universally based on population, and the Quimby Act specifies that park land dedication/in-lieu fee standards be based on the relationship between park acreage and population.

In addition, St. Helena's adopted standard for parks is stated in terms of the relationship between acreage and population. Consequently, population is used as the demand variable in calculating park improvement impact fees in this report.

Level of Service

Table 4.1 lists the City's existing parks and shows both total acres and improved acres of park land. With respect to the Quimby Act, the parks classified as mini-parks function as either neighborhood or community parks and are eligible for inclusion in the in-lieu fee calculations.

Table 4.1: Existing Parks

Park Name	Park Type	Total Acres [1]	Improved Acres [1]
Baldwin Park	Mini-Park	1.00	1.00
Lewis Station Park	Mini-Park	0.13	0.13
Lyman Park	Mini-Park	1.00	1.00
Mary Fryer Park	Mini-Park	1.00	1.00
Stonebridge Park	Mini-Park	0.25	0.25
Jacob Meilly Park	Neighborhood Park	4.00	4.00
Wappo Park	Neighborhood Park	6.20	6.20
Crane Park	Community Park	12.00	12.00
Lower Reservoir	Community Park	15.00	0.00
Total		**40.58**	**25.58**

[1] Source: City of St. Helena Draft General Plan Update 2030, Table 12.1 and the City of St. Helena Public Works Department

The Draft General Plan Update specifies a standard of 10.5 acres per thousand residents for all parks. Table 6.2 shows the current ratio of both total park acres and improved park acres per thousand residents.

Table 4.2: Existing Level of Service - Parks

Component	Existing Acres [1]	Existing Population [2]	Acres per Capita [3]	Acres per 1,000 [4]
Total Park Land	40.58	6,638	0.00611	6.11
Improved Park Land	25.58	6,638	0.00385	3.85

[1] See Table 4.1

[2] See Table 2.2

[3] Acres per capita = existing acres / existing population

[4] Acres per 1,000 residents = acres per capita X 1,000

Level-of-Service Standard for In-Lieu Fees. The Quimby Act provides that park land dedication requirements may be based on a minimum ratio of 3.0 acres per thousand residents, and may increase to a maximum of 5.0 acres per thousand to match the actual ratio if that ratio exceeds 3.0 acres per thousand. In this case, as shown in Table 6.2, the current ratio of City-owned park land to population exceeds the five-acre maximum, so the standard used to calculate in-lieu fees here is 5.0 acres per 1,000 residents.

Level-of-Service Standards for Park Impact Fees. The park impact fee has two components: land acquisition and park improvements. Because not all of the park land currently owned by the City is improved, the level of service (LOS) standards used to calculate impact fees for those two components are different.

The standard used for the land acquisition component is 6.0 acres per 1,000 residents, which is slightly below the existing ratio of City-owned park land to population as shown in Table 4.2. The standard used to calculate impact fees for park improvements is the existing ratio of improved park acres per 1,000 residents as shown in Table 4.2.

Methodology

This chapter calculates impact fees using the standard-based method discussed in Chapter 1. Standard-based fees are calculated using a specified relationship or standard that determines the number of service units to be provided for each unit of development. Both in-lieu and impact fees are calculated using ratios of park acreage to population, as discussed in the previous section on level-of-service standards, and are then converted into fees per square foot of building area by development type.

Because population is used as the demand variable in the fee calculations, and population is related to residential development, the fees calculated in this chapter apply only to residential development.

Facility Needs

Because the method used to calculate impact fees in this section is standard-based rather than plan-based, those calculations are not dependent on a list of specific park projects. However, the City does own a substantial amount of undeveloped park land, and the Parks and Recreation Element of the St. Helena General Plan Update 2030 identifies sufficient acreage of future park land to meet the adopted standard of 6.0 acres per 1,000 residents at buildout.

Based on the population forecast shown in Table 2.4 of this report, the City would have to acquire 4.7 acres of additional park land and improve another 19.7 acres of parks to meet the standard of 6.0 acres of parks per 1,000 residents at buildout.

In-lieu fees and impact fees must expended for parks that adequately serve the development projects from which the fees are collected. However, given St. Helena's small size, and the fact that there are no large parcels of undeveloped land where future residential development could be concentrated, the location of future parks is unlikely to be an issue with respect to the expenditure of park impact fees.

Per-Capita Cost

Table 4.3 shows the per-capita cost for park land acquisition and park improvements. Because different standards are used for in-lieu fees and impact fees with respect to land acquisition, per capita cost is calculated separately for those cost components. Estimated per-acre park improvement costs are based on costs for park improvements in the City.

Table 4.3: Cost per Capita - Park In-Lieu and Impact Fees

Cost Component	Acres per 1,000 [1]	Acres per Capita [2]	Cost per Acre [3]	Cost per Capita [4]
Park Land Acquisition (In-lieu Fees)	5.00	0.00500	$ 950,000	$ 4,750.00
Park Land Acquisition (Impact Fees)	6.00	0.00600	$ 950,000	$ 5,700.00
Park Improvements (Impact Fees)	3.85	0.00385	$ 300,000	$ 1,156.08

[1] See Table 4.2; in-lieu fees under the Quimby Act may be based on a maximum of 5 acres per 1,000 residents; the General Plan standard for park acreage is 6.0 acres per 1,000 residents

[2] Acres per capita = acres per 1,000 / 1,000

[3] Estimated cost per acre provided by the City of St. Helena

[4] Acres per 1,000 residents = acres per capita / 1,000

In the next section, the per-capita costs from Table 4.3 are used to calculate in-lieu fees and impact fees per square foot of building area by development type.

In-Lieu/Impact Fees per Square Foot

Fees in Lieu of Park Land Dedication. Table 4.4 shows the calculation of fees in lieu of park land dedication per square foot of building area by development type. Those fees are calculated using per-capita costs from Table 4.3 and added population and square feet of building area from Table 2.3. Fees in lieu of park land dedication under the Quimby Act apply only to residential subdivisions.

Table 4.4: Park Land In-Lieu Fee per Square Foot (Quimby)

Development Type	Added Pop [1]	Cost per Capita [2]	Cost by Dev Type [3]	Added Sq Ft by Type [4]	Cost per Sq Ft [5]
Residential, Low Density	715	$ 4,750.00	$3,396,250	700,800	$ 4.85
Residential, Med/Higher Density	196	$4,750.00	$931,000	113,100	$ 8.23
Residential, Mobile Home	0	$4,750.00	$0	0	$ 0.00
Total/Average			**$4,327,250**	**813,900**	**$ 5.32**

[1] Added population by development type; see Table 2.3

[2] Cost per capita; see Table 4.3

[2] Cost by development type = added population X cost per capita

[3] Added square feet of building area by development type; see Table 2.3

[4] Cost per square foot = cost by development type / added square feet by development type

Impact Fees for Park Improvements. Table 4.5 shows the calculation of impact fees per square foot by development type for the combined land acquisition and park improvement components of the park impact fees. Those fees are calculated using per-capita costs from Table 4.3 and added population and added square feet from Table 2.3.

Table 4.5: Park Impact Fees per Square Foot (Land and Improvements)

Development Type	Added Pop [1]	Cost per Capita [2]	Cost by Dev Type [3]	Added Sq Ft by Type [4]	Cost per Sq Ft [5]
Residential, Low Density	715	$ 6,856.08	$4,902,094	700,800	$ 6.99
Residential, Med/Higher Density	196	$6,856.08	$1,343,791	113,100	$ 11.88
Residential, Mobile Home	0	$6,856.08	$0	0	$ 0.00
Total/Average			**$6,245,885**	**813,900**	**$ 7.67**

[1] Added population by development type; see Table 2.3

[2] Combined cost per capita for land and improvements; see Table 4.3

[2] Cost by development type = added population X cost per capita

[3] Added square feet of building area by development type; see Table 2.3

[4] Cost per square foot = cost by development type / added square feet by development type

Projected Revenue

Estimating potential revenue from the park in-lieu fees and park impact fees is complicated by the fact that there is no way of accurately projecting how much future residential development will involve subdivisions. Since the fees differ for subdivisions and non-subdivision projects, the ultimate mix will affect fee revenue.

St. Helena has few subdivision applications, so the revenue projections in table 4.6 assume that 5% of future residential development will be subject to park in-lieu fees, and 95% will be subject to park impact fees.

Table 4.6: Projected Revenue - Park In-Lieu and Impact Fees

Development Type	Dev Units [1]	Avg Fee per Sq Ft [2]	Future Sq Ft [3]	Projected Revenue [4]
Residential, Low Density	DUs	$ 6.89	700,800	$4,826,802
Residential, Med/Higher Density	DUs	$ 11.70	113,100	$ 1,323,151
Residential, Mobile Home	DUs	$ 0.00	0	$ 0
Total				**$ 6,149,953**

[1] Units of development; DUs = dwelling units

[2] Average fee per unit of development assumes that 5% of future residential development pays in-lieu fees (Table 4.4) and 95% of future development pays impact fees (Table 4.5); average fee per unit = 0.05 X in-lieu fee per unit + 0.95 X impact fee per unit)

[3] Future units; see Table 2.3

[4] Projected revenue = average fee per unit X future units

The costs and impact fees in this chapter are based on current land and improvement costs. This study assumes that the projects covered by park in-lieu fees and park impact fees will be funded on a pay-as-you-go basis. To maintain parity between impact fees and land and improvement costs, the impact fees must be adjusted periodically to reflect changes in price levels.

A common practice is to adjust impact fees annually. Improvement costs can be adjusted using an index such as the *Engineering News Record* Building Cost Index. Adjustments to land costs should be based on local cost data. See the Implementation Chapter for more on indexing of fees.

Chapter 5
Public Safety Impact Fees

This chapter calculates impact fees for public safety facilities and equipment. Since most of the public safety facilities and equipment needed to serve future development in St. Helena are already in place, the impact fees calculated in this chapter are based on future development's proportionate share of the cost of existing and future capital assets that will be used to provide police and fire protection services to the entire City. By paying those impact fees, future development projects are paying their fair share of the cost of public safety assets that will be used to serve them.

Service Area

The Public Safety impact fees calculated in this chapter are for a single Citywide service area, and are intended to apply to all new development in the City.

Level of Service

The level of service standard used to calculate impact fees for public safety facilities and equipment is the relationship between public safety assets and the total projected square footage of development in the City at buildout. Buildout is a hypothetical condition in which the City's remaining development potential, as envisioned in the Draft General Plan Update, has been exhausted. The amount of potential new development anticipated in the City between the time of this study and buildout is shown in Table 2.3, Chapter 2.

Demand Variable

The demand variable used to allocate facility costs in this chapter is square feet of building area. Public Safety impact fees for any development project are based on that project's building area as a share of the total square footage of development in the City at buildout.

Methodology

This chapter calculates impact fees using the plan-based method discussed in Chapter 1. Plan-based fees are calculated by allocating costs for a defined set of facilities to a defined set of land uses that will be served by those facilities.

In this case a proportionate share of the total replacement cost of the City's existing public safety facilities and equipment is allocated to new development based on square feet of new development as a share of total development at buildout. Actual fee calculations are shown later in this chapter.

Facility Needs

Table 5.1 on the next page lists the City's existing Public Safety facilities and equipment with depreciated replacement cost, as well as new development's share of that cost based on the estimated square feet of new development as a percentage of total estimated square feet of development in the City at buildout.

Table 5.1: Public Safety Facilities and Equipment

Asset	Depr Repl Cost [1]	New Dev Share [2]	New Dev Cost [3]
Police Department Remodel	$ 552,772	11.6%	$ 64,187.11
Fire Station Site	$ 1,094,000	11.6%	$ 127,033.75
Fire Station	$ 5,581,956	11.6%	$ 648,168.91
Aerial Ladder Truck	$ 850,000	11.6%	$ 98,700.81
Type I Engine	$ 475,000	11.6%	$ 55,156.33
Type I Engine	$ 475,000	11.6%	$ 55,156.33
Fire Rescue Vehicle	$ 350,000	11.6%	$ 40,641.51
Total	**$ 9,378,728**		**$ 1,089,044.76**

[1] Building replacement cost based on depreciated replacement cost; land cost shown as original cost; vehicle replacement cost baesd on recent purchases by other fire departments

[2] New development's share of the cost is based on the square footage of potential new development as a percentage of total square footage of development (see Tables 2.3 and 2.4)

Impact Fee per Square Foot

Table 5.2 shows the impact fee per square foot of added building area for Public Safety facilities and equipment, based on new development's share of total replacement cost from Table 5.1 and the total square feet of added building area from Table 2.3 in Chapter 2.

Table 5.2: Impact Fee per Square Foot - Public Safety Facilities/Equip't

New Development Cost [1]	New Development Square Feet [2]	Impact Fee per Sq Ft [3]
$1,089,044.76	1,073,600	$1.01

[1] See Table 5.1

[2] Estimated square feet of additional development to buildout; see Table 2.3

[3] Average cost per square foot = new development cost / new development square feet

In the next section, the cost per square foot from Table 5.2 is used to calculate impact fees per unit of development by development type.

Projected Revenue

Potential revenue from the Public Safety impact fee calculated in this chapter can be projected by applying the fee per square foot from Table 5.2 to forecasted square feet of future development. The resulting projections are shown in Table 5.3 on the next page.

Table 5.3: Projected Revenue - Public Safety Impact Fees

Development Type	Impact Fee per Sq Ft [1]	Added Sq Ft [2]	Projected Revenue [3]
Residential, Low Density	$1.01	700,800	$ 707,808.00
Residential, Med/Higher Density	$1.01	113,100	$ 114,231.00
Residential, Mobile Home	$1.01	0	$ 0.00
Commercial/Retail	$1.01	21,850	$ 22,068.50
Office	$1.01	111,850	$ 112,968.50
Industrial	$1.01	16,000	$ 16,160.00
Lodging	$1.01	110,000	$ 111,100.00
Total		**1,073,600**	**$ 1,084,336.00**

[1] Impact fee per square foot; see Table 5.2

[3] Added square feet; see Table 2.3

[4] Projected revenue = impact fee per square foot X added square feet

The projected revenue shown in Table 5.3 assumes that the City builds out as anticipated in the Draft General Plan Update.

Both costs and impact fees shown in this chapter are based on current improvement costs. To maintain parity between the impact fees and improvement costs, the impact fees must be adjusted periodically, to reflect changes in price levels.

A common practice is to adjust impact fees annually based on an index such as the *Engineering News Record* Building Cost Index. See the Implementation Chapter for more on indexing of fees.

Chapter 6
Civic Facilities Impact Fees

This chapter calculates impact fees for civic facilities, including City Hall, the public library, and community centers/recreation facilities. Since most of the civic facilities needed to serve future development in St. Helena are already in place, the impact fees calculated in this chapter are based on future development's proportionate share of the cost of existing and future capital assets that will be used to serve the entire City. By paying those impact fees, future development projects are paying their fair share of the cost of civic facilities used to serve them.

Service Area

The Civic Facilities impact fees calculated in this chapter are for a single Citywide service area, and are intended to apply to all new development in the City.

Level of Service

The level of service standard used to calculate impact fees for civic facilities is implied by the relationship between those facilities and the total projected square footage of development in the City at buildout. Buildout is a hypothetical condition in which the City's remaining development potential, as envisioned in the General Plan, has been exhausted. The amount of additional development anticipated in the City between the time of this study and buildout is shown in Table 2.3, in Chapter 2. For purposes of this study, it is not necessary to estimate the time required for the City to reach buildout.

Demand Variable

The demand variable used to allocate facility costs in this chapter is square feet of building area. Civic Facilities impact fees for any development project are based on that project's building area as a share of the total square footage of development in the City at buildout.

Methodology

This chapter calculates impact fees using the plan-based method discussed in Chapter 1. Plan-based fees are calculated by allocating costs for a defined set of facilities to a defined set of land uses that will be served by those facilities.

In this case, new development's proportionate share of the total cost of existing and planned civic facilities is allocated to new development based on square feet of building area. Actual fee calculations are shown later in this chapter.

Facility Needs

Table 6.1 lists the existing and planned facilities and equipment used in the impact fee calculations.

Table 6.1: Civic Facilities

Asset	Estimated or Repl Cost [1]	New Dev Share [2]	New Dev Cost [3]
City Hall Building and Remodel	$ 366,684	11.6%	$ 42,578.83
Corporation Yard Modular Buildings	$ 143,292	11.6%	$ 16,638.81
Library	$ 2,336,244	11.6%	$ 271,281.41
New Community Center	$ 6,653,000	11.6%	$ 772,537.04
General Plan Update	$ 1,200,000	11.6%	$ 139,342.32
Carnegie Building Seismic Retrofit	$ 1,695,718	11.6%	$ 196,904.40
Signorelli Barn Rehabilitation	$ 185,000	11.6%	$ 21,481.94
Total	**$ 12,579,938**		**$ 1,460,764.76**

[1] Cost for new Community Center is estimated cost; cost for existing buildings is historic cost escalated to current replacement cost using the *Engineering News Record* Building Cost Index; land cost shown as original cost

[2] New development's share of total building area at buildout = added building area from Table 2.3 / total building area at buildout from Table 2.4

[2] New development's share of cost = estimated cost / new development share of total building area at buildout

Impact Fee per Square Foot

Table 6.2 shows the impact fee per square foot which is the average cost per square foot of added building area, based on new development's share of the costs shown in Table 6.1 and added square feet of building area from Table 2.3 in Chapter 2.

Table 6.2: Impact Fee per Square Foot - Civic Facilities

New Development Cost [1]	New Development Square Feet [2]	Impact Fee per Sq Ft [3]
$1,460,764.76	1,073,600	$1.36

[1] See Table 6.1

[2] Estimated square feet of added building area to buildout; see Table 2.3

[3] Average cost per square foot = new development cost / new development square feet

Projected Revenue

Potential revenue from the Civic Facilities impact fees calculated in this chapter can be projected by applying the fees per square foot from Table 6.2 to added square feet of development from Table 2.3. The resulting projections are shown in Table 6.3.

Table 6.3: Projected Revenue - Civic Facilities Impact Fees

Development Type	Impact Fee per Sq Ft [1]	Added Sq Ft [2]	Projected Revenue [3]
Residential, Low Density	$1.36	700,800	$ 953,524.54
Residential, Med/Higher Density	$1.36	113,100	$ 153,886.45
Residential, Mobile Home	$1.36	0	$ 0.00
Commercial/Retail	$1.36	21,850	$ 29,729.61
Office	$1.36	111,850	$ 152,185.67
Industrial	$1.36	16,000	$ 21,769.97
Lodging	$1.36	110,000	$ 149,668.52
Total		**1,073,600**	**$ 1,460,764.76**

[1] Impact fee per square foot; see Table 6.2

[3] Added square feet; see Table 2.3

[4] Projected revenue = impact fee per square foot X added square feet

The projected revenue shown in Table 6.3 assumes that the City builds out as anticipated in the Draft General Plan Update.

Both costs and impact fees shown in this chapter are based on current improvement costs. To maintain parity between the impact fees and improvement costs, the impact fees must be adjusted periodically, to reflect changes in price levels.

A common practice is to adjust impact fees annually based on an index such as the *Engineering News Record* Building Cost Index. See the Implementation Chapter for more on indexing of fees.

Chapter 7
Water System Impact Fees

This chapter calculates impact fees for water system improvements needed to serve future development in St. Helena. The impact fees calculated in this chapter are based on the cost of specific improvements to the City's water system, and those costs are allocated to various types of development based on average water demand for each type of development.

Service Area

The Water System impact fees calculated in this chapter are for a single Citywide service area, and are intended to apply to all new development in the City.

Level of Service

The level of service standard for water system improvements is not addressed explicitly in this study. The appropriate standards are reflected in the engineering studies used to establish the need for the improvements shown in Table 7.1.

Demand Variable

The demand variable used to allocate improvement costs in this chapter is water demand in hundreds of cubic feet (HCF) per year.

Methodology

This chapter calculates impact fees using the plan-based method discussed in Chapter 1. Plan-based fees are calculated by allocating costs for a defined set of improvements to a defined increment of development that will be served by those improvements.

In this case, new development's share of the cost of water system improvements listed in Table 7.1 is allocated to new development based on estimated demand per unit of development by development type.

System Improvements

Table 7.1 on the next page lists the water system improvements used to calculate water system impact fees in this chapter. Table 7.1 also indicates the share of cost for each improvement that is attributed to new development.

As shown in Table 7.1, the share of total improvement costs allocated to new development is 36%.

Table 7.1: Water System Improvements

Improvement Description	Improvement Cost [1]	New Dev Share [2]	New Dev Cost [3]
Bale Slough (Rutherford W-28)	$ 116,367.00	50%	$ 58,183.50
Tank 2 - PAX Mixer	$ 56,398.00	0%	$ -
Pratt Avenue Transmission Bridge	$ 400,000.00	50%	$ 200,000.00
Community Drive	$ 47,000.00	0%	$ -
Howell Mountain Road	$ 135,000.00	0%	$ -
York Creek Upper Dam Removal	$ 3,196,105.00	0%	$ -
Meadowood & Holmes Tank Upgrade	$ 79,630.00	50%	$ 39,815.00
Water Treatment Plant Upgrades	$ -	15%	$ -
Bell Canyon Reservoir Improvements	$ 369,276.00	15%	$ 55,391.40
Corp Yard Improvements	$ 151,444.00	15%	$ 22,716.60
Machinery & Equipment	$ 58,228.00	15%	$ 8,734.20
SCADA	$ 150.00	15%	$ 22.50
WTP Worker Housing	$ 40,000.00	0%	$ -
Water Valve Replacement	$ 12,900.00	0%	$ -
Charter Oak Water Main Replacement	$ 56,206.00	0%	$ -
Groundwater Well Upgrades	$ 70,545.00	100%	$ 70,545.00
Recycled Water Mains	$ 121,309.00	100%	$ 121,309.00
Vehicle Replacement Program (Treatment)	$ 60,000.00	5%	$ 3,000.00
Dwyer Road Booster	$ 1,150,000.00	50%	$ 575,000.00
Water Rights Renewal	$ 136,029.00	0%	$ -
Tank 1A Construction	$ 1,210,230.00	15%	$ 181,534.50
Bell Canyon/Lower Reservoir Intake Towers	$ 302,125.00	15%	$ 45,318.75
Bell Valve House	$ 462,177.00	15%	$ 69,326.55
Surge Protection at LSWTP & SBW	$ 25,000.00	0%	$ -
Fixed Gas Chlorine Analyzer	$ 6,000.00	0%	$ -
High Service Pump	$ 372,030.00	15%	$ 55,804.50
Bell Creek Inflow Weir Design	$ 470,472.00	15%	$ 70,570.80
Sludge Handling Program	$ 62,000.00	0%	$ -
Replace Telemetry at LSWTP	$ 16,000.00	0%	$ -
Influent Valve Actuator	$ 9,000.00	15%	$ 1,350.00
Lower Reservoir Water Treatment	$ 184,000.00	100%	$ 184,000.00
Raw Water Metering Station	$ 25,000.00	15%	$ 3,750.00
Toilet Retrofit Program	$ 25,000.00	100%	$ 25,000.00
Radio Repeater/Infrastructure	$ 2,000.00	15%	$ 300.00
Tank 1 Rehabilitation	$ 300,000.00	15%	$ 45,000.00
Tank 2 Recoating	$ 500,000.00	15%	**$ 1,836,672.30**
Total/Average	**$ 10,227,621.00**	**36%**	**$ 3,673,344.60**

[1] Improvement costs estimated by the City of St. Helena Public Works Department

[2] Share of cost attributable to new development estimated by the City of St. Helena Public Works Department

[3] Cost attributable to new development = project cost X new development %

New Development Water Demand

Table 7.2 projects the added water demand associated with each type of new development. This chapter includes Schools (K-12) as a separate development type.

Schools were not addressed in previous chapters, because they are not subject to other City impact fees. However, because schools connect to the City's water and wastewater systems, they are subject to impact fees for water and wastewater.

Table 7.2: New Development Water Demand

Development Types	Dev Units [1]	Potential New Units [2]	HCF per Unit	Added Demand (HCF per Year)
Residential, Low Density	DUs	292	203.0	59,276
Residential, Med/Higher Density	DUs	87	89.0	7,743
Commercial/Retail	KSF	21.9	168.0	3,671
Office	KSF	111.9	87.0	9,731
Industrial	KSF	16.0	116.0	1,856
Lodging	Rooms	220	85.0	18,700
Schools (K-12)	KSF	35.5	96.0	3,407
Total				**104,384**

[1] Units of development: DUs = dwelling units; KSF = 1,000 gross sq. ft. of building area; Rooms = guest rooms or suites

[2] See Table 2.3 except for Schools (K-12); increase in school square footage estimated at 13.7% based on population growth (See Tables 2.2 and 2.3)

[3] Hundreds of cubic feet (HCF) of water usage per unit, based on the 2004 Water and Wastewater Rate Study, except the rates for Lodging and Schools (K-12), which are based on analysis of water meter records

[4] Added demand in HCF per year by development type = potential new units X HCF per unit

Water System Improvement Cost per HCF

Table 7.3 on the next page calculates the average water system improvement cost per HCF per year for new development, using new development's share of improvement costs from Table 7.1 and the total added demand in HCF from Table 7.2.

Table 7.3: Water System Improvement Cost per HCF per Year

New Development Cost [1]	Added Demand (HCF per Year) [2]	Cost per HCF per Year [3]
$3,673,344.60	104,383.8	$35.19

[1] See Table 7.1

[2] See Table 7.2

[3] Cost per hundred cubic feet (HCF) of added demand per year = new development cost / added demand in HCF

Allocated Cost by Development Type

Table 7.4 calculates the share of new development's improvement cost allocated to each type of development, using the cost per HCF per year from Table 7.3, the demand per unit in HCF by development type, and the added units for each type of development.

Table 7.4: Water System Improvements - Allocated Cost by Development Type

Development Type	Cost per per HCF [1]	HCF per Unit [2]	Potential New Units [3]	Alloc Cost by Dev Type [4]
Residential, Low Density	$35.19	203.0	292	$ 2,085,967.32
Residential, Med/Higher Density	$35.19	89.0	87	$ 272,482.03
Commercial/Retail	$35.19	168.0	21.9	$ 129,178.23
Office	$35.19	87.0	111.9	$ 342,439.50
Industrial	$35.19	116.0	16.0	$ 65,314.05
Lodging	$35.19	85.0	220	$ 658,067.16
Schools (K-12)	$35.19	96.0	35.5	$ 119,896.32
Total				**$ 3,673,344.60**

[1] See Table 7.3

[2] See Table 7.2

[3] See Table 7.2

[4] Allocated cost by development type = cost per HCF X HCF per unit X potential new units

Impact Fee per Square Foot

Table 7.5 calculates the impact fee per square foot of new development for water system improvements using the allocated cost per development type from Table 7.4 and the added square feet by development type.

Table 7.5: Water System Improvements - Impact Fees per Square Foot

Development Type	Alloc Cost by Dev Type [1]	Added Sq Ft by Dev Type [2]	Impact Fee per Sq Ft [3]
Residential, Low Density	$ 2,085,967.32	700,800	$ 2.98
Residential, Med/Higher Density	$ 272,482.03	113,100	$ 2.41
Commercial/Retail	$ 129,178.23	21,850	$ 5.91
Office	$ 342,439.50	111,850	$ 3.06
Industrial	$ 65,314.05	16,000	$ 4.08
Lodging	$ 658,067.16	110,000	$ 5.98
Schools (K-12)	$ 119,896.32	35,490	$ 3.38
Total	**$ 3,673,344.60**	**1,073,600**	

[1] See Table 7.4; allocated cost per development type also equals projected revenue

[2] See Table 2.3 except for Schools (K-12); increase in school square feet based on 13.7% population growth using data from Tables 2.2 and 2.3

[3] Impact fee per square foot = cost per development type / added square feet by development type

Projected Revenue

Potential revenue from the water system impact fees is the same as the total allocated cost per development type shown in Table 7.5. Both costs and impact fees shown in this chapter are based on current improvement costs. To maintain parity between the impact fees and improvement costs, the impact fees must be adjusted periodically, to reflect changes in price levels.

A common practice is to adjust impact fees annually based on an index such as the *Engineering News Record* Building Cost Index. See the Implementation Chapter for more on indexing of fees.

Chapter 8
Wastewater System Impact Fees

This chapter calculates impact fees for wastewater system improvements needed to serve future development in St. Helena. The impact fees calculated in this chapter are based on the cost of specific improvements to the City's wastewater system, and those costs are allocated to various types of development based on average wastewater flows generated by each type of development.

Service Area

The Wastewater System impact fees calculated in this chapter are for a single Citywide service area, and are intended to apply to all new development in the City.

Level of Service

The level of service standard for wastewater system improvements is not addressed explicitly in this study. The appropriate standards are reflected in the engineering studies used to establish the need for the improvements shown in Table 8.1.

Demand Variable

The demand variable used to allocate improvement costs in this chapter is wastewater flow in hundreds of cubic feet (HCF) per year.

Methodology

This chapter calculates impact fees using the plan-based method discussed in Chapter 1. Plan-based fees are calculated by allocating costs for a defined set of improvements to a defined increment of development that will be served by those improvements.

In this case, new development's share of the cost of wastewater system improvements listed in Table 8.1 is allocated to new development based on estimated wastewater flow per unit of development by development type.

System Improvements

Table 8.1 on the next page lists the wastewater system improvements used to calculate wastewater system impact fees in this chapter. Table 8.1 also indicates the share of cost for each improvement that is attributed to new development.

As shown in Table 8.1, the share of total improvement costs allocated to new development is 17%.

Table 8.1: Wastewater System Improvements

Improvement Description	Improvement Cost [1]	New Dev Share [2]	New Dev Cost [3]
Sulphur Springs Sewer Extension	$ 11,000.00	50%	$ 5,500.00
Recycled Water (Teritiary Treatment)	$ 102,962.00	100%	$ 102,962.00
Misc. Maintenance Projects	$ 68,896.00	15%	$ 10,334.40
Chlorine Analyzer/Tank & SCADA System	$ 50,000.00	15%	$ 7,500.00
Pond 2 Walkway	$ 3,608.00	0%	$ -
Rock Slope Protection & Levee Repair	$ 90,778.00	0%	$ -
Charter Oak (SS & FM Construction)	$ 101,704.00	0%	$ -
Sewer Rehabilitation	$ 209,384.00	50%	$ 104,692.00
Brush Aerators	$ 2,288.00	15%	$ 343.20
WWTP Diffuser Permits	$ -	15%	$ -
Front End Loader	$ 170,000.00	0%	$ -
Regulatory Compliance Permit Renewal	$ 163,823.00	15%	$ 24,573.45
Crinella Pump Station	$ -	15%	$ -
Cover Pond 3 for Algae Reduction	$ 542,401.00	15%	$ 81,360.15
Rehabilitation - Pond 1A	$ 600,077.00	15%	$ 90,011.55
Pond 2-Convert, Upgrade & Re-plumb	$ 300,000.00	15%	$ 45,000.00
Reclamation Field Improvements	$ 219,000.00	15%	$ 32,850.00
Security Gate	$ 6,000.00	0%	$ -
Shop HVAC	$ 2,809.00	0%	$ -
Radio Repeater/Infrastructure	$ 3,356.00	15%	$ 503.40
Vehicle Replacement Program (Sewer)	$ 65,000.00	5%	$ 3,250.00
Vehicle Replacement Program (treatment)	$ 30,000.00	5%	$ 1,500.00
Hudson Avenue SS Replacement	$ 182,000.00	0%	$ -
Oak Ave Infrastructure	$ 365,000.00	15%	$ 54,750.00
Total/Average	**$ 3,290,086.00**	**17%**	**$ 565,130.15**

[1] Improvement costs estimated by the City of St. Helena Public Works Department

[2] Share of cost attributable to new development estimated by the City of St. Helena Public Works Department

[3] Cost attributable to new development = project cost X new development %

New Development Wastewater Flows

Table 8.2 projects the added wastewater flow associated with each type of new development. This chapter includes Schools (K-12) as a separate development type.

Except for Chapter 7, schools were not addressed in previous chapters, because they are not subject to most City impact fees. However, because schools connect to the City's water and wastewater systems, they are subject to impact fees for water and wastewater.

Table 8.2: New Development Wastewater Flows

Development Types	Dev Units [1]	Potential New Units [2]	HCF per Unit	Added Flow HCF per Year
Residential, Low Density	DUs	292	77.0	22,484
Residential, Med/Higher Density	DUs	87	61.0	5,307
Commercial/Retail	KSF	21.9	63.0	1,377
Office	KSF	111.9	32.0	3,579
Industrial	KSF	16.0	43.0	688
Lodging	Rooms	220	31.5	6,919
Schools (K-12)	KSF	35.5	35.5	1,261
Total				**41,614**

[1] Units of development: DUs = dwelling units; KSF = 1,000 gross sq. ft. of building area; Rooms = guest rooms or suites

[2] See Table 2.3 except for Schools (K-12); increase in school square footage estimated at 13.7% based on population growth (See Tables 2.2 and 2.3)

[3] Hundreds of cubic feet (HCF) of wastewater flow per unit, based on the 2004 Water and Wastewater Rate Study, except the rates for Lodging and Schools (K-12) which are estimated based on water usage

[4] Added flow in HCF per year by development type = potential new units X HCF per unit

Wastewater System Improvement Cost per HCF

Table 8.3 calculates the average wastewater system improvement cost per HCF per year for new development, using new development's share of improvement costs from Table 8.1 and the total added demand in HCF from Table 8.2.

Table 8.3: Wastewater System Improvement Cost per HCF per Year

New Development Cost [1]	Added Flow (HCF per Year) [2]	Cost per HCF per Year [3]
$565,130.15	41,614	$13.58

[1] See Table 8.1

[2] See Table 8.2

[3] Cost per hundred cubic feet (HCF) of added flow per year

Allocated Cost by Development Type

Table 8.4 calculates the share of new development's improvement cost allocated to each type of development, using the cost per HCF per year from Table 8.3, the flow per unit in HCF by development type, and the added units for each type of development.

Table 8.4: Wastewater System Improvements - Allocated Cost by Development Type

Development Type	Cost per per HCF [1]	HCF per Unit [2]	Potential New Units [3]	Alloc Cost by Dev Type [4]
Residential, Low Density	$13.58	77.0	292	$ 305,336.62
Residential, Med/Higher Density	$13.58	61.0	87	$ 72,069.98
Commercial/Retail	$13.58	63.0	22	$ 18,693.79
Office	$13.58	32.0	112	$ 48,606.16
Industrial	$13.58	43.0	16	$ 9,343.16
Lodging	$13.58	31.5	220	$ 93,961.22
Schools (K-12)	$13.58	35.5	36	$ 17,124.06
Total				**$ 565,134.97**

[1] See Table 8.3

[2] See Table 8.2

[3] See Table 8.2

[4] Allocated cost by development type = cost per HCF X HCF per unit X potential new units

Impact Fee per Square Foot

Table 8.5 calculates the impact fee per square foot of new development for wastewater system improvements using the allocated cost per development type from Table 8.4 and the added square feet by development type.

Table 8.5: Wastewater System Improvements - Impact Fees per Square Foot

Development Type	Alloc Cost by Dev Type [1]	Added Sq Ft by Dev Type [2]	Impact Fee per Sq Ft [3]
Residential, Low Density	$ 305,336.62	700,800	$ 0.44
Residential, Med/Higher Density	$ 72,069.98	113,100	$ 0.64
Commercial/Retail	$ 18,693.79	21,850	$ 0.86
Office	$ 48,606.16	111,850	$ 0.43
Industrial	$ 9,343.16	16,000	$ 0.58
Lodging	$ 93,961.22	110,000	$ 0.85
Schools (K-12)	$ 17,124.06	35,490	$ 0.48
Total	**$ 565,134.97**	**1,109,090**	

[1] See Table 8.4; allocated cost per development type also equals projected revenue
[2] See Table 2.3 except for Schools (K-12); increase in school square feet based on 13.7% population growth using data from Tables 2.2 and 2.3
[3] Impact Fee per square foot = cost per development type / added square feet by development type

Projected Revenue

Potential revenue from the wastewater system impact fees is the same as the total allocated cost per development type shown in Table 8.5. Both costs and impact fees shown in this chapter are based on current improvement costs. To maintain parity between the impact fees and improvement costs, the impact fees must be adjusted periodically, to reflect changes in price levels.

A common practice is to adjust impact fees annually based on an index such as the *Engineering News Record* Building Cost Index. See the Implementation Chapter for more on indexing of fees.

Chapter 9
Storm Drainage System Impact Fees

This chapter calculates impact fees for drainage system improvements needed to serve future development in St. Helena. The impact fees calculated in this chapter are based on the cost of specific improvements to the City's drainage system, and those costs are allocated to various types of development based on square feet of impervious surface area added by each type of development.

Increasing the amount of impervious surface area increases the amount of runoff that must be handled by the drainage system.

Service Area

The Drainage System impact fees calculated in this chapter are for a single Citywide service area, and are intended to apply to all new development in the City.

Level of Service

The level of service standard for drainage system improvements is not addressed explicitly in this study. The appropriate standards are reflected in the engineering studies used to establish the need for the improvements shown in Table 9.1.

Demand Variable

The demand variable used to allocate improvement costs in this chapter is added impervious surface area in square feet.

Methodology

This chapter calculates impact fees using the plan-based method discussed in Chapter 1. Plan-based fees are calculated by allocating costs for a defined set of improvements to a defined increment of development that will be served by those improvements.

In this case, the cost of drainage system improvements listed in Table 9.1 is allocated to new development based on the estimated amount of impervious surface area added per unit of development by development type.

System Improvements

Table 9.1 on the next page lists the drainage system improvements used to calculate storm drainage system impact fees in this chapter, and the estimated cost of those improvements.

Table 9.1: Drainage System Improvements

Improvement Description	Improvement Cost [1]	New Dev Share [2]	New Dev Cost [3]
Storm Drain - Fulton (Crinella to River)	$ 900,000	10%	$ 90,000
Storm Drain - Mitchell/Oak to Sulpher Cr-Oak/Adams to Mitchell	$ 250,000	40%	$ 100,000
Storm Drain - Mills (Main to River)	$ 450,000	100%	$ 450,000
Storm Drain - McCorkle (Stonebridge to River)	$ 350,000	80%	$ 280,000
Total/Average	**$ 1,950,000**	**47%**	**$ 920,000**

[1] Improvement costs estimated by the City of St. Helena Public Works Department
[2] Share of cost attributable to new development estimated by the City of St. Helena Public Works Dept.
[3] Cost attributable to new development = project cost X new development %

New Development Impervious Surface Area

Table 9.2 shows the estimated average square feet of impervious surface area (ISA) added per unit of new development, by development type, as well as the total square feet of ISA added by all potential new development.

Table 9.2: New Development Impervious Surface Area per Unit

Development Types	Dev Units [1]	Potential New Units [2]	ISA per Unit (Sq Ft)	Added ISA
Residential, Low Density	DUs	292	3,800	1,109,600
Residential, Med/Higher Density	DUs	87	1,950	169,650
Commercial/Retail	KSF	21.9	3,600	78,660
Office	KSF	111.9	3,000	335,550
Industrial	KSF	16.0	3,600	57,600
Lodging	Rooms	220	1,400	308,000
Total				**2,059,060**

[1] Units of development: DUs = dwelling units; KSF = 1,000 gross sq. ft. of building area; Rooms = guest rooms or suites
[2] See Table 2.3
[3] Impervious surface area (ISA) per unit estimated by Colgan Consulting
[4] Added ISA = potential units X ISA per unit

Drainage System Improvement Cost per Square Foot of ISA

Table 9.3 calculates the average storm drainage system improvement cost per square foot for new development, using the improvement costs from Table 9.1 and the total added square feet of ISA from Table 9.2.

Table 9.3: Drainage System Improvement Cost per Sq Ft of Added ISA

New Development Cost [1]	Added ISA (Square Feet) [2]	Cost per Square Foot of Added ISA [3]
$920,000.00	2,059,060	$0.45

[1] See Table 9.1

[2] See Table 9.2

[3] Cost per square foot = new development cost / added square feet of ISA

Allocated Cost by Development Type

Table 9.4 calculates the share of new development's improvement cost allocated to each type of development, using the cost per square foot of added ISA from Table 9.3, the square feet of added ISA per unit by development type, and the added units for each type of development.

Table 9.4: Drainage System Improvements - Allocated Cost by Dev Type

Development Type	Cost per per Sq Ft [1]	Sq Ft ISA per Unit [2]	Added Units [3]	Alloc Cost by Dev Type [4]
Residential, Low Density	$0.447	3,800.0	292	$ 495,775.74
Residential, Med/Higher Density	$0.447	1,950.0	87	$ 75,800.61
Commercial/Retail	$0.447	3,600.0	22	$ 35,145.75
Office	$0.447	3,000.0	112	$ 149,925.69
Industrial	$0.447	3,600.0	16	$ 25,736.02
Lodging	$0.447	1,400.0	220	$ 137,616.19
Total				**$ 920,000.00**

[1] See Table 9.3

[2] See Table 9.2

[3] See Table 9.2

[4] Allocated cost by development type = cost per square foot X square feet ISA per Unit X added units

Impact Fee per Square Foot

Table 9.5 calculates the impact fee per square foot of building area for storm drainage system improvements using the allocated cost per development type from Table 9.4 and the added square feet by development type.

Table 9.5: Drainage System Improvements - Impact Fees per Square Foot

Development Type	Alloc Cost by Dev Type [1]	Added Sq Ft by Dev Type [2]	Impact Fee per Sq Ft [3]
Residential, Low Density	$ 495,775.74	700,800	$ 0.71
Residential, Med/Higher Density	$ 75,800.61	113,100	$ 0.67
Commercial/Retail	$ 35,145.75	21,850	$ 1.61
Office	$ 149,925.69	111,850	$ 1.34
Industrial	$ 25,736.02	16,000	$ 1.61
Lodging	$ 137,616.19	110,000	$ 1.25
Total	**$ 920,000.00**	**1,073,600**	

[1] See Table 9.4; allocated cost per development type also equals projected revenue
[2] See Table 2.3
[3] Impact Fee per square foot = cost per development type / added square feet by development type

Projected Revenue

Potential revenue from the storm drainage system impact fees is the same as the total allocated cost per development type shown in Table 9.5. Both costs and impact fees shown in this chapter are based on current improvement costs. To maintain parity between the impact fees and improvement costs, the impact fees must be adjusted periodically, to reflect changes in price levels.

A common practice is to adjust impact fees annually based on an index such as the *Engineering News Record* Building Cost Index. See the Implementation Chapter for more on indexing of fees.

Chapter 10
Implementation

This chapter of the report contains recommendations for adoption and administration of a development impact fee program based on this study, and for the interpretation and application of impact fees recommended herein.

Statutory requirements for the adoption and administration of fees imposed as a condition of development approval are found in the Mitigation Fee Act (Government Code Sections 66000 *et seq.*). For implementation of fees in lieu of park land dedication, see the Quimby Act (Government Code Section 66477).

Adoption

The form in which development impact fees are enacted, whether by ordinance or resolution, should be determined by the City Attorney. Ordinarily, it is desirable that specific fee amounts be set by resolution to facilitate periodic adjustments. Procedures for adoption of fees subject to the Mitigation Fee Act, including notice and public hearing requirements, are specified in Government Code Sections 66016 and 66018. It should be noted that Section 66018 refers to Government Code Section 6062a, which requires that the public hearing notice be published at least twice during the 10-day notice period. Government Code Section 66017 provides that fees subject to the Mitigation Fee Act do not become effective until 60 days after final action by the governing body.

Actions establishing or increasing fees subject to the Mitigation Act require certain findings, as set forth in Government Code Section 66001 and discussed below and in Chapter 1 of this report.

Establishment of Fees. Pursuant to the Mitigation Fee Act (Section 66001(a)), when the City establishes fees to be imposed as a condition of development approval, it must make findings to:

1. Identify the purpose of the fee;
2. Identify the use of the fee; and
3. Determine how there is a reasonable relationship between:
    a. The use of the fee and the type of development project on which it is imposed;
    b. The need for the facility and the type of development project on which the fee is imposed

Examples of findings that could be used for impact fees calculated in this study are shown below. The specific language of such findings should be reviewed and approved by the City Attorney.

Finding: Purpose of the Fee. The City Council finds that the purpose of the impact fees hereby enacted is to prevent new development from reducing the quality and availability of public services provided to residents of the City by requiring new development to contribute to the cost of additional capital assets needed to serve additional development.

Finding: Use of the Fee. The City Council finds that revenue from the impact fees hereby enacted will be used to construct public facilities and pay for other capital assets needed to serve new development. Those public facilities and other assets are identified in the 2013 Development Impact Fee Study prepared by Colgan Consulting Corporation. [1]

Finding: Reasonable Relationship: Based on analysis presented in the 2013 Development Impact Fee Study prepared by Colgan Consulting Corporation, the City Council finds that there is a reasonable relationship between:

a. The use of the fees and the types of development projects on which they are imposed; and,

b. The need for facilities and the types of development projects on which the fees are imposed.

Administration

The California Mitigation Fee Act (Government Code Sections 66000 et seq.) mandates procedures for administration of impact fee programs, including collection and accounting, reporting, and refunds. References to code sections in the following paragraphs pertain to the California Government Code.

Imposition of Fees. Pursuant to the Mitigation Fee Act (Section 66001(a)), when the City imposes an impact fee upon a specific development project, it must make essentially the same findings adopted upon establishment of the fees to:

1. Identify the purpose of the fee;
2. Identify the use of the fee; and
3. Determine how there is a reasonable relationship between:
    a. The use of the fee and the type of development project on which it is imposed;
    b. The need for the facility and the type of development project on which the fee is imposed

[1] According to Gov't Code Section 66001 (a) (2), the use of the fee may be specified in a capital improvement plan, the General Plan, or other public documents that identify the public facilities for which the fee is charged. The findings recommended here identify this impact fee study as the source of that information.

Per Section 66001 (b), at the time when an impact fee is imposed on a specific development project, the City is also required to make a finding to determine how there is a reasonable relationship between:

c. The amount of the fee and the facility cost attributable to the development project on which it is imposed.

In addition, Section 66006 (f) provides that a local agency, at the time it imposes a fee for public improvements on a specific development project, "... shall identify the public improvement that the fee will be used to finance." In this case, the fees will be used to finance public facilities, infrastructure, and other development-related capital expenditures identified in the 2013 Development Impact Fee Study prepared by Colgan Consulting Corporation.

Section 66020 (d) (1) requires that the City, at the time it imposes an impact fee provide a written statement of the amount of the fee and written notice of a 90-day period during which the imposition of the fee can be protested. Failure to protest imposition of the fee during that period may deprive the fee payer of the right to subsequent legal challenge.

Section 66022 (a) provides a separate procedure for challenging the establishment of an impact fee. Such challenges must be filed within 120 days of enactment.

The City should develop procedures for imposing fees that satisfy those requirements for findings and notice.

Collection of Fees. Section 66007 (a), provides that a local agency shall not require payment of fees by developers of residential projects prior to the date of final inspection, or issuance of a certificate of occupancy, whichever occurs first. However, "utility service fees" (not defined) may be collected upon application for utility service. In a residential development project of more than one dwelling unit, Section 66007 (a) allows the agency to choose to collect fees either for individual units or for phases upon final inspection, or for the entire project upon final inspection of the first dwelling unit completed.

Section 66007 (b) provides two exceptions when the local agency may require the payment of fees from developers of residential projects at an earlier time: (1) when the local agency determines that the fees “will be collected for public improvements or facilities for which an account has been established and funds appropriated and for which the local agency has adopted a proposed construction schedule or plan prior to final inspection or issuance of the certificate of occupancy” or (2) the fees are “to reimburse the local agency for expenditures previously made.”

Statutory restrictions on the time at which fees may be collected do not apply to non-residential development.

In cases where the fees are not collected upon issuance of building permits, Sections 66007 (c) (1) and (2) provide that the city may require the property owner to execute a contract to pay the fee, and to record that contract as a lien against the property until the fees are paid.

Earmarking and Expenditure of Fee Revenue. Section 66006 (a) mandates that fees be deposited "with other fees for the improvement" in a separate capital facilities account or fund in a manner to avoid any commingling of the fees with other revenues and funds of the local agency, except for temporary investments and expend those fees solely for the purpose for which the fee was collected. Section 66006 (a) also requires that interest earned on the fee revenues be placed in the capital account and used for the same purpose.

The language of the law is not clear as to whether depositing fees "with other fees for the improvement" refers to a specific capital improvement or a class of improvements (e.g., street improvements). We are not aware of any city that has interpreted that language to mean that funds must be segregated by individual projects.

As a practical matter, that approach is unworkable because it would mean that no pay-as-you-go project could be constructed until all benefiting development had paid the fees. Common practice is to maintain separate funds or accounts for impact fee revenues by facility category (i.e., streets, park improvements), but not for individual projects. We recommend that approach.

It is important that fee revenue be expended so as to provide a reasonable benefit to the development projects from which the fees are collected. Some fees in this report were calculated without knowing the specific locations of all facilities to be funded by the fees. The City should exercise caution in expending such fees to ensure that facilities are located in such as way as to serve the development projects from which the fees were collected.

Impact Fee Exemptions, Reductions, and Waivers. In the event that a development project is found to have no impact on facilities for which impact fees are charged, such project must be exempted from the fees.

If a project has characteristics that indicate its impacts on a particular public facility or infrastructure system will be significantly and permanently smaller than the average impact used to calculate impact fees in this study, the fees should be reduced accordingly. Per Section 66001 (b), there must be a reasonable relationship between the amount of the fee and the cost of the public facility attributable to the development on which the fee is imposed. The fee reduction is required if the fee is not proportional to the impact of the development on relevant public facilities.

In some cases, the City may desire to voluntarily waive or reduce impact fees that would otherwise apply to a project, as a way of promoting goals such as affordable housing or economic development. Such a waiver or reduction may not result in increased costs to other development projects, and are allowable only if the City offsets the lost revenue from other fund sources.

Credit for Improvements Provided by Developers. If the City requires a developer, as a condition of project approval, to dedicate land or construct facilities or improvements for which impact fees are charged, the impact fee imposed on that development project for that type of facility must be adjusted to reflect a credit for such dedication or construction.

In the event that a developer voluntarily offers to dedicate land, or construct facilities or improvements in lieu of paying impact fees, the City may accept or reject such offers, and may negotiate the terms under which such an offer would be accepted.

Credit for Existing Development. If a project involves replacement, redevelopment or intensification of previously existing development, impact fees should be applied only to the portion of the project which represents a net increase in demand for relevant City facilities, applying the measure of demand used in this study to calculate that particular impact fee.

Reporting. Section 66006 (b) (1) requires that once each year, within 180 days of the close of the fiscal year, the local agency must make available to the public the following information for each separate account established to receive impact fee revenues:

1. A brief description of the type of fee in the account or fund;
2. The amount of the fee;
3. The beginning and ending balance of the account or fund;
4. The amount of the fees collected and interest earned;
5. Identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the percentage of the cost of the public improvement that was funded with fees;
6. Identification of the approximate date by which the construction of a public improvement will commence, if the City determines sufficient funds have been collected to complete financing of an incomplete public improvement;
7. A description of each inter-fund transfer or loan made from the account or fund, including interest rates, repayment dates, and a description of the improvement on which the transfer or loan will be expended;
8. The amount of any refunds or allocations made pursuant to Section 66001, paragraphs (e) and (f).

That information must be reviewed by the City Council at its next regularly scheduled public meeting, but not less than 15 days after the statements are made public, per Section 66006 (b) (2).

Refunds. Prior to 1996, a local agency collecting impact fees was required to expend or commit impact fee revenue within five years, or make findings to justify a continued need for the money. Otherwise, those funds had to be refunded. SB 1693, adopted in 1996 as an amendment to the Mitigation Fee Act, changed that requirement in material ways.

Now, Section 66001 (d) requires that, for the fifth fiscal year following the first deposit of any impact fee revenue into an account or fund as required by Section 66006 (b), and every five years thereafter, the local agency shall make all of the following findings for any fee revenue that remains unexpended, whether committed or uncommitted:

1. Identify the purpose to which the fee will be put;
2. Demonstrate the reasonable relationship between the fee and the purpose for which it is charged;
3. Identify all sources and amounts of funding anticipated to complete financing of incomplete improvements for which impact fees are to be used;
4. Designate the approximate dates on which the funding necessary to complete financing of those improvements will be deposited into the appropriate account or fund.

Those findings are to be made in conjunction with the annual reports discussed above. If such findings are not made as required by Section 66001, the local agency could be required to refund the moneys in the account or fund, per Section 66001 (d).

Once the agency determines that sufficient funds have been collected to complete an incomplete improvement for which impact fee revenue is to be used, it must, within 180 days of that determination, identify an approximate date by which construction of the public improvement will be commenced (Section 66001 (e)). If the agency fails to comply with that requirement, it must refund impact fee revenue in the account according to procedures specified in Section 66001 (d).

Annual Update of the Capital Improvement Plan. Section 66002 (b) provides that if a local agency adopts a capital improvement plan to identify the use of impact fees, that plan must be adopted and annually updated by a resolution of the governing body at a noticed public hearing. The alternative, per Section 66001 (a) (2) is to identify improvements by applicable general or specific plans or in other public documents.

In most cases, the CIP identifies projects for a limited number of years and may not include all improvements needed to serve future development covered by the impact fee study. <u>We recommend that this development impact fee study be identified by the City Council as the public document on which the use of the fees is based.</u>

Indexing of Impact Fees. Development impact fees calculated in this report assume the facilities in question will be constructed on a pay-as-you-go basis. Those fees are based on current costs and should be adjusted at least annually to account for inflation. That adjustment is intended to account for future escalation in costs for land and construction. We recommend the *Engineering News Record* Building Cost Index as the basis for indexing construction costs. Where land costs make up a significant portion of the costs covered by a fee, land costs should be adjusted relative to changes in local land prices.

Training and Public Information

Effective administration of an impact fee program requires considerable preparation and training. It is important that those responsible for collecting the fees, and for explaining them to the public, understand both the details of the fee program and its supporting rationale. Before fees are imposed, a staff training workshop is highly desirable if more than a handful of employees will be involved in collecting or accounting for fees.

It is also useful to pay close attention to handouts that provide information to the public regarding impact fees. Impact fees should be clearly distinguished from other fees, such as user fees for application processing, and the purpose and use of particular impact fees should be made clear.

Finally, anyone who is responsible for accounting, capital budgeting, or project management for projects involving impact fees must be fully aware of the restrictions placed on the expenditure of impact fee revenues. The fees recommended in this report are tied to specific improvements and cost estimates. Fees must be expended accordingly and the City must be able to show that funds have been properly expended.

Recovery of Study Cost

Colgan Consulting normally recommends that agencies charging impact fees increase the fees by a small percentage to recover the cost of periodically updating the fees. Section 66014 of the Government Code provides that fees for processing applications related to planning, zoning, subdivisions, building permits and certain other procedures "may include the costs reasonably necessary to prepare and revise the plans and policies that a local agency is required to adopt before it can make any necessary findings and determinations."

Although impact fees are not specifically addressed in that section of the code, Section 66014 is located within the Mitigation Fee Act, and the preparation of an impact fee study is clearly necessary to support the finding required by the Mitigation Fee Act for the adoption and imposition of impact fees.

One method Colgan Consulting often uses for allocating the cost of fee study updates to impact fees is to divide the cost of the current study by the amount of revenue that will be generated by the impact fees before the fees will need to be updated. For example, assuming the impact fees will be updated after five years, the cost of the study would be divided by the amount of impact fee revenue to be generated over that period. The result of that calculation is the percentage by which the impact fees must be increased to recover the cost of the study over two years—assuming the revenue projections are correct.

However, in light of uncertainty regarding the timing of an economic recovery, and the possibility that development may be unusually slow in coming years, that approach does not appear to be appropriate at this time.

A substantial number of California cities add an administrative charge of 2% or 2.5% to impact fees to cover the cost of periodic updates and administration of impact fees. In this case, Colgan Consulting recommends that an increase of 2% be applied to the City's impact fees to cover the cost of future updates. The administrative charge can be built into the fees by increasing each fee by 2% before it is adopted, or added as a surcharge when the fee is collected. For administrative simplicity, we recommend the former. Any revenue collected as a result of the administrative charge should be used only for the purpose of updating the City's impact fees.

STAFF REPORT

OFFICE OF THE DIRECTOR OF PUBLIC WORKS

DATE: May 14, 2013

TO: Mayor and City Council

Item No: 14

FROM: John Ferons – Director of Public Works and City Engineer
Kathy Robinson – Senior Management Analyst

RE: Consideration/adoption of a resolution adding a 3-hour parking limit on both sides of Oak Avenue from Adams Street to Madrona Avenue to the city's list of 3-hour downtown area parking time zones and rescinding prior Resolution No. 2010-28

BACKGROUND

On November 13, 2012 City Council received the staff presentation of the Parking Study 2012. On January 8, 2013 City Council then had a follow up discussion and follow up furthering the parking discussion for various locations around the City. On April 9, 2013 Council had further detailed discussion surrounding several areas, including parking on Oak Avenue.

DISCUSSION

At the April 9th meeting City Council directed staff to prepare a resolution adding a 3-hour parking limit on both sides of Oak Avenue from Adams Street to Madrona Avenue to the City's list of 3-hour downtown area parking time zones.

On April 19th staff sent a letter to people on Oak Avenue who might be affected by the proposed resolution letting them know the matter is scheduled for the May 14 City Council agenda.

The City Clerk has received correspondence from many individuals regarding this proposed change. That correspondence is attached. The Council should consider what actions, if any, it wishes to take in light of the additional public input.

FISCAL IMPACT

The fiscal impact is limited to the cost for public works to purchase and install appropriate signage.

RECOMMENDED COUNCIL ACTION

Receive public input and consider resolution adding a 3-hour parking limit on both sides of Oak Avenue from Adams Street to Madrona Avenue to the city's list of 3-hour downtown area parking time zones and rescinding prior Resolution No. 2010-28

ATTACHMENTS

1. Resolution adding a 3-hour parking limit on both sides of Oak Avenue from Adams Street to Madrona Avenue to the city's list of 3-hour downtown area parking time zones and rescinding prior resolution no. 2010-28

2. Correspondence received regarding Oak Avenue 3-hour parking revision.

Attachment 1.

Item No: 14

CITY OF ST. HELENA

RESOLUTION NO. 2013 -

RESOLUTION ADDING A 3-HOUR PARKING LIMIT ON BOTH SIDES OF OAK AVENUE FROM ADAMS STREET TO MADRONA AVENUE TO THE CITY'S LIST OF 3-HOUR DOWNTOWN AREA PARKING TIME ZONES AND RESCINDING PRIOR RESOLUTION NO. 2010-28.

RECITALS

Resolution 2010-28 Established 3-Hour Parking Time Limits on Main Street and various side Streets in the Downtown vicinity, and;

The City Council has determined the 3-hour Time Limit that currently exists on Oak Avenue from Spring Street to Adams Street should be extended to also include Oak Avenue from Adams Street to Madrona Avenue, and;

The existing yellow and green loading zones in effect on Oak Avenue at the time of this resolution shall remain and be excluded from the 3-hour Time Limit, and;

The traditional annual holiday four hour parking time limit shall remain in effect and shall replace the 3-hour zones from the day after Thanksgiving to Christmas Eve.

RESOLUTION

1. The following listed locations shall be a three-hour time limit:

   North to South
   (1) Main Street (Pine Street to Pope Street)
   (2) Oak Ave. (Madrona Avenue to Spring St.)
   (3) Railroad Ave. (Lyman Park to Hunt Ave.)

   East to West
   (1) Adams (Library Lane to Oak Avenue)
   (2) Hunt Ave. (Railroad Avenue to Main Street)
   (3) Spring Street (Main Street to Oak Avenue)

2. Per Resolution 89-106, 4-hour parking shall replace the 3-hour zones annually from the day after Thanksgiving to Christmas Eve at above locations.

3. The Director of Public Works shall cause to be placed such signs as may be necessary to indicate the above regulation and allow the Police Department to enforce it.

Approved at a regular meeting of the City Council held on May 14, 2013 by the following vote:

AYES:
NOES:
ABSENT:

APPROVED: ATTEST:

Ann Nevero, Mayor

Delia Guijosa, City Clerk

Delia Guijosa

To: Delia Guijosa
Subject: Oak Avenue Parking Restrictions Issue - Jeff Adams

From: Jeff Adams [mailto:jefadams@napanet.net]
Sent: Thursday, May 02, 2013 9:37 AM
To: Delia Guijosa
Cc: janepepe@napanet.net; mstuard@sbcglobal.net
Subject: Oak Avenue Parking Restrictions Issue

Dear City Clerk,

Here are a few thoughts after my wife (Jane Pepe) and I discussed the issue of 3-hour parking restrictions on Oak Avenue, currently about to be imposed by the City Council. We live at 1467 Oak Avenue.

I think it is accurate to say that we both would want parking permits for residents at the very least (if a visitor is in town, we can always park on the street and allow them the use of our parking on our personal property) if 3-hour restrictions are imposed.

Our time living on San Francisco's crowded Nob Hill gave us our first positive experience with this practice. But perhaps the most relevant example was our 13+ years living on Belvedere Island. If we did not have a resident parking permit neither of us would have been able to park in Tiburon while we took the ferry into San Francisco for work purposes. Or to see a movie and enjoy dinner afterwards without having to build re-parking into our schedule.

In St. Helena, as you know Oak Avenue is jammed with cars during weekdays, most probably from workers at local restaurants, the coffee roastery, and for construction or other needs. But how inconvenient would it be for people needing a full day's parking to go to work to walk an extra block up Madrona, or Adams, to deposit their cars for a full day?

Countless times we have seen cars squeezed into spaces in front of our house and partially block driveways – ours and others – a real nuisance, for entire days at a time. Limited parking could provide real relief.

Bottom line, however, restricted parking without resident parking permits is a non-starter as far as we are concerned.

Feel free to call me if you want to discuss this further.

Kind regards,

Jeff Adams

Jeff Adams
Cell: 707-363-9575

Delia Guijosa

To: Delia Guijosa
Subject: Regarding the Parking Situation on Oak Avenue - Jeff Goodby

-----Original Message-----
From: Jeff Goodby [mailto:jeff_goodby@gspsf.com]
Sent: Sunday, May 05, 2013 8:19 AM
To: Delia Guijosa
Subject: Regarding the Parking Situation on Oak Avenue

Mme. Mayor and the City Council:

We are longtime residents of 1445 Oak Avenue, writing with what we hope is a solution to the parking situation on our street.

We understand the need for limitations on parking, in order to insure access for customers of downtown businesses. But to do this without ALSO providing permits for residents will be unfair and punitive, especially for those without driveways.

Here is a simple system that would be applied ONLY to Oak Avenue at this time (it could be adopted on other streets in time, if the council deems it necessary):

1. Establish Oak Avenue as three hour parking during daylight hours, EXCEPT for residents with stickers, who would be able to park indefinitely.

2. Issue residential parking permits to proven residents, CHARGING a fee of $25 or $50 a year, to cover administrative costs.

By our count, there would be very few residents actually using these permits to park on the street. Most would use them only when guests needed them. But to the ones without driveways, permits are crucial. They could not live here without them.

It is important that our city government consider the three hour limit ONLY in concert with permits. One without the other is patently unfair to dedicated taxpaying residents.

As our town grows, it only makes sense that parking restrictions are going to have to be created on streets beyond Main Street. Let's have them be good, fair ones. Thanks for your time and consideration. We will see you May 14th.

Sincerely,

Jeffrey Goodby
Jan Deming

April 4, 2013

Dear Council Members,

Yesterday evening I noticed in the newspaper that parking will be on the agenda again next Tuesday. Regrettably I am already scheduled to be out of town that day and will be unable to attend the meeting.

However, I wanted to assure you that the overflow parking problem at Hunt's Grove is still alive and well.

I conducted an informal, unscientific survey for twenty days between February 3 and March 4, counting the number of overflow cars on the first block of Meadowcreek Circle and Starr Avenue up to the bridge. The count included cars that were consistently on the street, but would appear in different locations, making it likely that they didn't belong to homeowners. To be consistent, I counted the cars each evening between 9:00 and 10:00 PM. **The average number of overflow cars per day during this period was 16.95.**

As of yesterday the "Visitor Parking" signage at Hunt's Grove had still not been changed. Council Members Crull and Nevero had suggested that, as a first step to remedy overflow parking, "Visitor" parking be converted to resident parking. This would be a simple, cost effective measure to help Hunt's Grove comply with its use agreement, and potentially reduce the negative impact of their non-compliance on neighbors. Please follow through with this recommendation!

If overflow parking still continued to be a problem after changing visitor parking to resident parking, I would ask that you keep open the option of creating additional parking on site as presented by Public Works Director Ferons.

Thank you.

Henry Gundling and neighbors

Delia Guijosa

To: Delia Guijosa
Subject: Oak Ave Parking - Jane Pepe

From: Jane Pepe [mailto:janepepe@napanet.net]
Sent: Thursday, May 02, 2013 12:38 PM
To: Delia Guijosa
Cc: mstuard@sbcglobal.net; 'Jeff Adams'
Subject: parking

Dear City Clerk,

I am a home-owning resident of Oak Avenue and live on the block between Adams and Pine and I wish to comment on the parking situation.

Before taking action, I think that it is important to observe who parks on Oak now, and then consider the priorities for parking and the impact that any change will have on those folks, both positive and negative.

The block between Adams and Pine is a mixed use block including home owners, renters and businesses (Coffee Roastery, Montessori School). The one block proximity to Main Street means that there are other businesses that come into play too – including employees and patrons.

My observation is that the regular daily day-long parkers on the street tend to be current residents (mostly the renters), postal workers and lately construction workers involved in a major remodel on the street. French Blue has meant increased demand for parking as well for employees and patrons. Near the Roastery itself, there is more frequent parking turn-over as patrons move in and out of the limited time spaces.

If a three-hour limit is imposed, it will negatively impact residents and postal workers (and possibly Roastery workers) most, as they will be forced to move their vehicles during the day and/or park farther away. Is this the desired outcome? My guess is that restricted parking will not reduce the congestion on the street. Oak will always be fully parked – just with different parkers and more turn-over.

How do we best accommodate residents? How do we provide parking for employees of the Post Office? Where should visitors park who want to spend the day on Main Street? What possibilities exist for the open lots at the corners of Oak and Pine? What will be the impact of the new offices going into the old Women's Center?

Who gets priority?

Seems we don't need more restricted parking. We need more parking – period. I urge you to consider a more comprehensive plan that addresses the needs of all the parkers on Oak Avenue. If restricted parking is to be implemented, it needs to exempt residents at a minimum.

Jane Pepe
1467 Oak Ave

Delia Guijosa

To: Delia Guijosa
Subject: Parking on Oak Avenue - John Sales

From: John Sales [mailto:jsales57@sbcglobal.net]
Sent: Wednesday, May 01, 2013 12:03 PM
To: Greg Desmond; John Ferons
Cc: mstuard@sbcglobal.net
Subject: Parking on Oak Avenue

Hi Greg/John,

I have some concern for establishing a 3 hour limit on parking on Oak without issuing parking permits for the residents. There are a number of multifamily residences that require one or more cars to be parked on the street during the day and it would be a major inconvenience for them to have to move every 3 hours, especially if they worked a night shift and needed to sleep during the day.

I think the 3 hour limit is appropriate as it will free up parking for the other transitory uses, such as the coffee roasting company and the day care centers, but there needs to be some relief for the residents.

Thanks for your consideration........

John Sales

Delia Guijosa

To:	Delia Guijosa
Subject:	Residential Parking on Oak Avenue - Mary Stuard

-----Original Message-----
From: Mary Stuard [mailto:mstuard@sbcglobal.net]
Sent: Monday, May 06, 2013 8:20 AM
To: Mayor
Cc: Council; Rust Muirhead; Paulina Humeres-Greene
Subject: Residential Parking on Oak Avenue

Dear Mayor Nevero,

Thank you for meeting with Rust Muirhead, Paulina Humeres Greene and myself last week. As Oak Avenue homeowners, we appreciate you taking the time to hear our reasons for not supporting the 3-hour parking limit resolution and for explaining your concerns about issuing residential parking permits.

The Video On Demand feature of the city's website is terrific! As you suggested, listening to the full discussion offers a more complete understanding of the larger parking challenge. We hope the P signs, PG&E lot and merchant education reduce our town's parking problem. As to 3-hour parking limits, Oak Ave residents can't wait six months to see how it all works. There are 17 residential properties (five with rental units) between Adams and Madrona; some do not include off street parking. We cannot support any resolution for 3-hour parking limits without residential permits to protect the quality of daily living and our property values.

Please do not hesitate to contact me if you have any questions.

Sincerely,
Mary Stuard
1531 Oak Avenue

Delia Guijosa

From: Mayor
Sent: Tuesday, April 23, 2013 9:08 AM
To: Lauren Marsh
Cc: Gary Broad; Delia Guijosa
Subject: Re: 1458 Oak Avenue Parking

Ms. Marsh,

Thank you for your excellent review and suggestions. We will of course have your letter at the next Council meeting on parking.

I do also want to let you know we are in hopes of completing an agreement very soon which will provide nearly 50 spaces for employees and visitors within just a few blocks of Oak. We hope that will encourage employees to park away from the area and use a lot that neither restricts short term visitor parking for lunch and shopping or burdens residents with lost street parking opportunities.

Again, thank you for your very useful input. I look forward to seeing you at the Council meeting if you are able to make it. If not, we will have your letter in our packet for the meeting.

Ann Nevero

Sent from my iPad

On Apr 22, 2013, at 10:06 PM, "Lauren Marsh" <laurenhuntmarsh@gmail.com> wrote:

> Dear Mayor Nevero,
>
> I have given this topic a bit more thought and have listed key points advocating against restricted parking along Oak Avenue. Please let me know if you have any questions - I look forward to meeting you in May and again, thank you for your service.
>
> Kindly,
> Lauren Marsh
> 1458 Oak Avenue
> 707-363-7797
>
> NEW BUSINESSES without new DESIGNATED PARKING -
> St. Helena has a new restaurant, new office spaces adjacent to the restaurant, and the conversion of a yoga studio (corner of Oak and Pine) to office space without new off street parking in the area. Where should employees and patrons of the new establishments in the 1400 block of Oak/Main park? (Currently, postal employees also park on Oak) AND has anyone discussed parking with the new landlords of these establishments?
>
> THREE HOUR PARKING INCONVENIENCES RESIDENTS -

Any resident without designated off street parking is inconvenienced if parking restrictions are imposed. EVEN IF the restrictions are during business hours, not all residents work normal business hours/are out of their homes during regular business hours. Restricted parking inconveniences ALL residents who have guests during the day. EVEN IF there are parking permits issued - passing them between vehicles is an inconvenience.

TOURISTS ARE IMPACTED -
Visitors looking for a relatively close location to park while shopping/dining and watching a movie on Main Street will have to worry about moving their car to avoid getting a ticket. Yountville and other surrounding cities encourage visitors to stay and enjoy amenities all day - ample/convenient parking is good for businesses in St. Helena.

RESIDENTIAL STANDARDS VERSUS CBD -
Oak Avenue, between Adams and Madrona is NOT a part of the Central Business District and should not have parking restrictions of a Central Business District. Limiting parking to three hours simply MOVES the problem to another block in town without properly addressing it. Will Kearney be next? Employees and business patrons will seek out the closest, free, long term parking option so they can shop and/or go to work. Are any other residential blocks in St. Helena limited to three hour parking?

COOPERATION CAN PREVAIL -
If the city and residents have a discussion with local businesses and provide alternative parking options, the congestion on Oak Avenue could be reduced. IT IS IMPORTANT to note construction has been underway in the 1400 blocks of Oak and Main for over a year. The increase in long term parking can partially be attributed to numerous construction workers and tradesmen building the restaurant/architectural firm AND a remodeling a residence on Oak Avenue over the past six weeks - completion of these projects will alleviate parking congestion.

IN THE END...
ALL but THREE residents on Oak Avenue have designated off street parking. If a resident anticipates visitors during the day, it is easy to move a personal vehicle onto the street thus reserving a private driveway for guests. Residents choose to live in close proximity to town and local businesses, therefore, parking should remain free and open to the public. Oak Avenue is a safe place for local employees and tourists to leave their vehicle while enjoying St. Helena and all the city has to offer.

On Wed, Apr 17, 2013 at 9:53 AM, Mayor <Mayor@cityofsthelena.org> wrote:
Ms. Marsh,

Thank you for your input. Local government's role is to listen to the people and seek solutions that answer the needs of the community. That is not always easy as you can imagine, since there are many different views on what should be done.

Residents of Oak street have repeatedly complained about the parking issue, have submitted petitions in writing signed by many on Oak St, and one resident attended the meeting to voice his views. We listen and respond based on what we believe to be the preferred and reasonable solution. We want our residents to be happy - we are after all, residents ourselves who have volunteered for these positions to help, not hurt the situations we encounter.

That said, we had no comments from anyone on Oak street who had another view. I suggest that you attend the City Council meeting to speak on the topic and help the council understand that other perspectives may exist. We have had several meetings on this over the course of months, so we of course make decisions based on the input and requests we hear, and what we think makes sense. If you have another view, it is important to us. Perhaps other neighbors feel as you do and would write or preferably attend to let us know their suggestions for improving the situations so all residents are happy. We are focused on solving problems well and strive to do our best always.

Thank you,

Ann Nevero

Sent from my iPad

On Apr 16, 2013, at 1:28 PM, "Lauren Marsh" <laurenhuntmarsh@gmail.com<mailto:laurenhuntmarsh@gmail.com>> wrote:

Dear Mayor Nevero, Vice Mayor Crull, Council Members Pitts, White and Sculatti and City Manager Broad,

I am writing to express concern regarding the parking on Oak Avenue – a topic on your Consent Agenda next Tuesday, April 23rd. As a resident of Oak Avenue (1458) it is evident that parking along the street between Adams and Pine, particularly during business hours, has become challenging due to the high volume of vehicles using the street as long term parking. As businesses thrive and the number of visitors to our city increases, Oak Avenue has become a convenient place to park for workers and tourists alike.

Still, I do not believe short term parking on Oak Avenue is the solution to a problem of more people parking on the street to access work, local shopping and restaurants.

Regarding the residents along Oak Avenue. I work as a national sales manager for a local winery and frequently work from home, where I do not have dedicated off street parking. My next door neighbor is a local school teacher. She walks to school and leaves her car at home. She does not have dedicated off street parking. The single family homes to the north and south both have small families and single lane driveways that can accommodate two cars, but more often than not accommodate one with a car left on the street – as is often the case throughout our town.

Yes, it is an annoyance that if I choose to go home midday, I'll have to walk a block or two to get to my house due to the location of my residence. Still, that pales in comparison to the inconvenience of having to move my car when I work from home or park blocks away everyday. We live in a county that embraces food, wine and hospitality. With that in mind, it is not uncommon that the residents of Oak Avenue have guests visit their home. I can't imagine telling my guests they need to park on the next block when visiting. (Unless it is Pet Parade day!)

If you walk down Oak Avenue, between Adams and Pine, on any given evening, save the delineated parking for the coffee shop, my vehicle, my neighbor's vehicle and a white civic belonging to a resident down the street are generally the ONLY three cars consistently parked along the block. This is indicative of how many residents NEED on street parking. There is no reason workers and tourists should not be able to park along the street. If anything, it slows the flow of traffic and is evidence of a healthy and vibrant community.

I also believe it is important to note that Oak Avenue is not completely within the central business district (based on the map I reviewed at City Hall). It is for this reason and the information stated above that I do NOT wish to see Oak Avenue become a three hour parking zone.

I hope you will contact me with any questions and take this as a request that this topic be removed from the Consent Agenda next week.

I truly appreciate your service to our city and your attention to this matter.

Respectfully,

Lauren

Lauren Marsh

1458 Oak Avenue

Saint Helena, CA

707-363-7797

STAFF REPORT

DATE: May 14, 2013

TO: Mayor and City Council

Item No: 15

FROM: Gary Broad, City Manager

RE: Council discussion/authorization for the City Manager/City Attorney to enter into a loan agreement with Presidio Companies related to the Grandview Hotel Project, 1915 Main Street, to allow the developer to borrow up to 75% of project-generated TOT to the City to offset any cash shortfall during the hotel's initial 3 years of operation

---

BACKGROUND

The City of St. Helena approved a 57-room hotel project in 2011 for the Grandview Hotel Project at 1915 Main Street. City staff and the hotel developer, Presidio Companies, have subsequently been meeting and working through development and financial considerations in an effort to ensure construction of this project. This is one of two entitled hotel projects and would generate substantial TOT revenue for the City.

This item requests the City Council authorize the City Manager/City Attorney to enter into a loan agreement with Presidio Companies related to the Grandview Hotel Project (which would actually be named Las Alcobas St. Helena) to allow the developer to borrow up to 75% of project-generated Transient Occupancy Tax (TOT) paid to the City to offset any cash shortfall during the hotel's initial 3 years of operation. A 5-year repayment period following the 3-year period is proposed.

DISCUSSION/ANALYSIS

Attached please find a letter from Guneet Bajwa, Managing Principal with the Presidio Companies, outlining their rationale for requesting this City loan. The letter mentions that while the developer believes the likelihood of their requiring this loan is low, obtaining the loan is important to a lender as it shows the strong commitment of the City and community to the project. The loan also, of course, reduces a lender's risk of the project being unable to repay its debt service during its initial 3-year ramp up period.

The Presidio Companies has submitted the following "stressed scenario" to demonstrate the shortfall in initial years if occupancy rates were as low as 30-40%, which is well-below their projected levels.

Stressed Scenario	Ramp-up Period		
	Year 1	Year 2	Year 3
Occupancy	30%	35%	40%
ADR	$572	$614	$632
RevPAR	171.6	214.9	252.8
Gross Income	$6,426,248	$8,047,790	$9,467,107
Net Operating Income	$642,625	$965,735	$1,609,408
Annual Debt Service	$1,016,517	$1,016,517	$1,523,398
Shortfall	-$373,892	-$50,782	0
TOT Collected	**$428,417**	**$536,519**	**$631,140**

The City Attorney has no objections to the City entering into such a loan agreement. He has indicated that a more-detailed final agreement would need to include the following provisions:

- The loan agreement will be clearly structured to satisfy restrictions against the gift of public funds
- The City will require a lien against the property to secure the proposed loan
- The developer will reimburse the City for legal costs related to this loan.

The loan terms would allow the developer to borrow up to 75% of project-generated Transient Occupancy Tax (TOT) paid to the City to offset any cash shortfall during the hotel's initial 3 years of operation. A 5-year amortization/repayment period following the 3-year period is proposed. Interest would accrue at the prevailing market rate (e.g. LIBOR plus 2%) as funds were loaned to the project—with loan payments being made following every 6 month period of TOT receipts for the 3 year period.

FISCAL IMPACT

If this agreement helps the Presidio Companies to obtain necessary debt financing in order to construct the hotel, it could ultimate help bring in more than $1 million in annual TOT revenue to the City. A hotel would also generate additional building permit, impact fees, property tax revenue and sales tax revenue.

This loan would limit the City's exposure to the potential loss of TOT revenue it will receive only if this hotel is constructed and operational. The City would only lose this TOT revenue if the developer defaulted on the loan and the City could not recover the loan through a lien on the property.

Recommended Council Action

Recommend that the Council authorize the City Manager/City Attorney proceed with entering into a loan agreement with Presidio Companies subject to the completion of due diligence on behalf of the City and the City Attorney's review of the final agreement.

Attachments/Exhibits

1. Letter from Presidio Companies

presidio companies

7th May, 2013

Gary Broad
City Manager, City of St Helena
St Helena, CA

Dear Gary,

As a follow-up from our last meeting, construction financing is challenging and any uncertainty we can overcome will only increase the probability of construction commencing this year. We are very close to getting 95% Construction Drawing completed in the next coming weeks and currently are in negotiations with a major bank and if things progress according to plan, we should break ground late summer of this year. The 'backstop' facility we have been discussing with you is an extremely important to this lender and moreover shows how committed the community and the people of St Helena are to the development of this project. We feel the likelihood of us ever availing this facility is remote, however optically it shows a tremendous amount of strength for the project. I have revised the concept below based upon our discussions last week –

I. In the event of cash shortfalls at the property, the developer may borrow funds from the city at the prevailing market rate (e.g. LIBOR plus 2).

II. The maximum amount will not exceed 75 % of the TOT collected from the property.

III. This option will only be available during the ramp-up period.

IV. Reasonable payback/term period to be discussed/negotiated.

These are broad principles of the facility and we look forward to further discussions. Again many thanks for your continued support of Las Alcobas St Helena.

Warm Regards,

Guneet Bajwa
Managing Principal
Presidio Companies

1011 10th St. ♦ Sacramento, CA 95814
Phone- 707.429.6000 ♦ Fax- 707.423.4130
www.PresidioCo.com

STAFF REPORT

DATE: May 14, 2013

TO: Mayor and City Council

FROM: Greg Desmond, Interim Planning Director **ITEM: 16**

RE: Consideration/action regarding notice of intent to sell 1620 Voorhees Circle and direction as to whether the city desires to exercise its option to purchase said property

---

BACKGROUND:

On April 17, 2013, the City received notice from St. Helena's affordable housing agency, the Housing Authority of the City of Napa ("Housing Authority") that the home owner, at 1620 Voorhees Circle in St. Helena intends to sell her home. The home is a two bedroom, owner-occupied affordable housing unit in the Wallis Subdivision. The owner, Marilyn Rothfeld has lived in the home since 1996.

DISCUSSION/ANALYSIS:

As an owner-occupied affordable housing unit, 1620 Voorhees Circle was sold to the current owner ("Owner") subject to a Resale Restriction Agreement and Option to Purchase ("Agreement"). The Agreement provides that if Owner no longer wishes to occupy or own the home, the home must be sold to an income-qualified buyer at a price set by the Agreement at either fair market value or restricted sales price, whichever is lower. The restricted sales price is $290,903.00, however all or part of the value of home improvements made by the owner may increase the price to $319,993.00.

The sale of the property would be subject to another agreement to continue restricting resale under similar terms, all intended to keep the home as an affordable housing unit. Alternatively, the Agreement gives the City the opportunity to exercise or assign an option to purchase the property.

Sale by the Owner

If the City does not exercise the option to buy, the sale by the owner would proceed under the Resale Agreement restrictions that were written in 1996. Under these agreements the owner is not required to sell the property subject to the City's Local Preference Policy which was adopted by the St. Helena City Council in 2005 and amended in July 2010.

Sale by the Owner would require that the Owner cooperate with the Housing Authority in finding an income-qualified buyer, who would purchase according to the Agreement (at the restricted sales price, subject to another similar agreement). The owner would have eight (8) months to market and sell the home in this manner.

City's Option

As an alternative to Owner's sale of the home, the Agreement gives the City an opportunity to exercise or assign an option to purchase. This option would need to be exercised in order for the City to insure that the terms of the 2010 Local Preference Policy are followed.

The City has two opportunities to exercise the option; now, upon Owner's notice of intent to sell or later if Owner's eight month marketing period ends without any sale to an income-qualified buyer. If the City exercises its option to purchase the home, either before or after the Owner's marketing, the option can be assigned to a purchaser identified and selected by the Housing Authority through implementation of the City's preference policy.

Factors Affecting Exercise of Option

One factor to consider in the City's decision whether or not to exercise the option in the first instance available is that the first option must be exercised within 45 days of the notice of intent to sell. Therefore, the option must be exercised by May 26, 2013. Further, once the option is exercised, escrow on a sale of the home must close no later than 90 days after the notice of intent to sell, which would be July 10, 2013. The Housing Authority cautions that these time limits may not allow sufficient time to advertise for and then conduct a lottery in order to find an income-qualified buyer under the City's preference policy.

Ideally, the City would exercise its option and then assign the right to purchase before the deadline to close escrow. The 90 day limit for close of escrow would apply to any assignee also. Or, the City could exercise its option, purchase the unit, and enter into a sales and purchase agreement with another buyer before the close of escrow. However, by the terms of the Agreement, if the City exercises its option it must close escrow by July 10, 2013. The chance is high that no buyer will have been identified by then, and the City will have to close escrow and hold the home until a buyer can be found.

FISCAL IMPACT:

If the City exercises its option, the City will pay between $290,903 - $319,993, plus any costs associated with close of escrow according to the terms of the Agreement. Additional costs may be incurred with amending and recording the regulatory agreements to include the provisions of the Local Preference Policy and any costs associated with the resale to an income-qualified buyer identified through implementation of the preference policy.

RECOMMENDED COUNCIL ACTION:

Discuss and provide direction to staff regarding the option or the Owner's attempt to sell.

ATTACHMENTS:

04/17/13 Letter from City of Napa Housing Authority
Minutes from 10/13/09 Council meeting

CITY of NAPA

Housing Authority
Site Address: 1115 Seminary Street
Mailing Address: P.O. Box 660
Napa, CA 94559-0660
Phone: (707) 257-9543
TTY: 711 (Telecommunication Relay Service)
FAX: (707) 257-9239 •
www.cityofnapa.org

April 17, 2013

Greg Desmond, City Planning Director
City of St. Helena
1480 Main Street
St. Helena, CA 94574

Re: Notice of Intent to Sell
1620 Voorhees Circle, St. Helena
Jerome and Marilyn Rothfeld

Dear Greg:

The Housing Authority is in receipt of a letter from Marilyn Rothfeld dated April 6, 2013 and received in this office on April 11, 2013. The letter states that Jerome Rothfeld has passed away and Mrs. Rothfeld intends to sell her home at 1620 Voorhees Circle.

Under the Resale Restriction Agreement and Option to Purchase signed by Jerome and Marilyn Rothfeld and the City of St Helena (the City) on March 20, 1996, the City has "the first right to exercise its option to purchase the property. The City has 45 days from the time it received notification to sell to inform the owner **in writing** whether or not it intends to exercise its option to purchase. Thus, the City must respond to the owner by **May 26, 2013**.

Should the City exercise its option, the City should be prepared to purchase the home at the fair market value or restricted sales price of $290,903.00, whichever is lower. If the City elects to exercise its option to purchase it has 90 days from the receipt of Owner's notice of intent to sell to close the escrow. The 90-day period commenced when the City received the owner's notice to sell, which was April 11, 2013 with the period ending on **July 10, 2013**.

Under the current owner's Resale Agreement, the owner of the property is not required to sell the property under the terms of the Local Preference Policy. In order for the City to insure that terms of the Local Preference Policy are being followed, the City may want to exercise their option to purchase the property and assign the sale to an eligible purchaser under the terms of the Local Preference Policy.

The Housing Authority is prepared to assist the City in locating an eligible purchaser for the property under the terms of the Local Preference Policy however; this process may take longer than the allowable 90 days the City would have to actually close the escrow. Please contact me to discuss how the City wants to proceed and how the Housing Authority may assist you.

Sincerely,

Andrea Clark

Andrea Clark
Affordable Housing Representative

Attachments: Copy of Resale Restriction Agreement
Rothfeld April 6, 2013 letter

cc: Delia Guijosa, City Clerk
Lark Ferrell, Housing Manager

April 6, 2013

City Of St. Helena
C/O Housing Authority
P.O. Box 660
Napa, CA 94559

Dear Housing Authority,

My husband Jerome B. Rothfeld recently passed away and I would like to sell our below market rate/affordable housing unit at 1620 Voorhees Circle, St. Helena, CA 94574.

Please accept this letter as notification of my intent to sell our home and let me know as soon as possible if the city wishes to exercise its option to buy it.

Sincerely,

Marilyn Rothfeld

Marilyn Rothfeld
1620 Voorhees Circle
St. Helena, CA 94574

11 APR 2013

REGULAR MEETING

ST. HELENA CITY COUNCIL

VINTAGE HALL BOARD ROOM – SECOND FLOOR

465 MAIN STREET, ST. HELENA

OCTOBER 13, 2009

20. Review, Discussion, and Direction Re: Notice from Affordable Housing Agency Re: Home Owner Notice of Intent to Sell Property at 1641 Voorhees Circle

Attorney Valukevich reviewed that the City had received notice from the Housing Authority of the City of Napa, St. Helena's affordable housing agency, that the home owner at 1641 Voorhees Circle intends to sell her home. She reviewed that as an owner occupied affordable housing unit the home was sold to the current owner subject to a resale restriction agreement and option to purchase agreement. The agreement provides that if the owner no longer wished to occupy or own the home, the home must be sold to an income qualified buyer at a price set by the agreement at either fair market value or restricted sale price (whichever is lower). The restricted sale price is $275,161; however, all or part of the value of the home improvements made by the owners may increase the price to $295,161.

After review of the matter and options, it was the Council's general consensus that the best option at this time would be to allow the Housing Authority to find an income qualified buyer who could purchase the unit according to the agreement. The Council considered the options for the tenants at the Hall Winery Mobile Home Park to be able to have an opportunity to purchase the unit and considered the City's local preference policy which involves a lottery process.

Andrea Clark, Napa Valley Housing Authority, responding to Council inquiry stated that there is nothing in the agreement that prohibits the home owner from choosing an applicant provided they are income eligible and credit worthy. She also stated that the realtor representing the property was aware of the Hall Mobile Home tenant's situation and did advise the Hall's of the homeowners intent to sell. She said the property owner would very much like to be able to find a first time home buyer who lives and works in St. Helena because she would like that family to have the same opportunity that was provided to her. Councilmember Sklar asked that the City convey to the seller the City's appreciation for her interest in doing so.

Councilmember Sklar moved that the City not exercise its option to purchase the home at 1641 Voorhees Circle. The motion was seconded by Councilmember Crull and on roll call carried by the following vote:

AYES: Councilmembers Sklar, Crull, Sanchez, Schoch, Mayor Britton NOES: None

STAFF REPORT

DATE: May 14, 2013

TO: Mayor and City Council

FROM: Greg Desmond, Interim Planning Director **Item:** 17

RE: Review and direction on revisions to the Open Space and Conservation Element

BACKGROUND

At the meeting on April 23, 2013, Council reviewed the Public Facilities & Services element of the General Plan Update (GPU) document. At this meeting the Council did not review the Open Space and Conservation element.

Mayor Nevero has provided comments to the Open Space and Conservation element.

DISCUSSION: ELEMENT REVIEW

The Open Space and Conservation element may be downloaded via the following link:

Open Space & Conservation:
http://www.cityofsthelena.org/sites/default/files/08_open_space_%26_conservation_revised_073112_0.pdf

NEXT STEPS

The Council should review and approve revisions to Open Space and Conservation element and provide direction to staff regarding the next elements to review.

ATTACHMENTS

- Open Space & Conservation proposed revisions – Mayor Ann Nevero

Open Space & Conservation

8.1 Purpose of the Element

The Open Space and Conservation Element presents a framework for governing future decisions about how St. Helena will sustain ~~a healthy network of~~ open space and natural resources for today's residents, as well as future generations. It aims to protect, maintain and enhance St. Helena's natural resources and open spaces, while balancing ~~current~~ community ~~resource~~ needs with conservation ~~initiatives~~ to benefit the common good.

The Open Space and Conservation Element includes the following sections.

• 8.2 Open Space and Conservation in St. Helena. Identifies key open space and conservation areas and resources ~~issues~~ in St. Helena (p. 8-3).

• 8.3 Key Findings and Recommendations. Identify key findings and recommendations based on an existing conditions analysis and extensive community outreach (p. 8-16).

• 8.4 Goals. Defines overarching goals to guide policies and implementing actions (p. 8-19).

• 8.5 Policies and Implementing Actions. Identifies policies and implementing actions to protect the City's natural areas and resources and expand and maintain a comprehensive open space and~~,~~ parks ~~and recreation~~ system (p. 8-20).

As a complement to the City's Open Space and Conservation Element, the Parks and Recreation Element includes detailed descriptions of existing parks and recreational facilities, as well as policies and implementing actions related to their programming and improvement.

8.2 Open Space and Conservation in St. Helena

St. Helena boasts many natural resources and environments that contribute greatly to its biological health and the high quality of life enjoyed by its residents. Within its City limits, St. Helena encompasses a mix of agricultural uses, urban development and wooded hillsides. It incorporates a diverse array of vegetation communities, including aquatic, grassland, chaparral, oak woodland, riparian woodland, coniferous forest, agricultural croplands and developed lands.

Figure 8.1 illustrates St. Helena's open space, parks and recreation areas and existing agricultural areas. Table 8.1 and Figure 8.2 depict the City's predominant natural land cover types located within City boundaries

The Napa River defines much of the City's northern and eastern boundary, and its surrounding riparian corridor provides critical habitat for many plant and wildlife species. Two creeks, York Creek and Sulphur Creek, join the Napa River within the City limits to form an interconnected aquatic ecosystem. ~~Figure 8.1 illustrates St. Helena's open space, parks and recreation areas and existing agricultural areas. Table 8.1 and Figure 8.2 depict the City's predominant natural land cover types located within City boundaries~~.

St. Helena's diverse natural communities host a number of sensitive ecological and biological resources, including eight plant species and 32 wildlife deemed "special-status" species by the state and federal government. Special-status species are defined as plants and animals that are legally protected under the Endangered Species Act (ESA), California Endangered Species Act (CESA), or other regulations, and species that are considered sufficiently rare by the scientific community to qualify for such listing.

Key special-status wildlife species known to occur within a five-mile radius of St. Helena include:

- -T~~t~~he northern spotted owl (Strix occidentalis caurina)
- T~~, t~~he bald eagle (Haliaeetus leucocephalus)~~, and~~
- T~~t~~he northwestern pond turtle (Clemmys marmorata marmorata), ~~as well as~~

- T~~t~~he central California Central Valley steelhead (Oncorhynchus mykiss) ~~and~~
- T~~t~~he California freshwater shrimp (Syncaris pacifica).

In addition, the California Native Plant Society has identified a number of special- status native plant species in the St. Helena area, including:

- T~~t~~he Napa false indigo (Amorpha californica var. napensis),
- T~~t~~he holly-leaf ceanothus (Ceanothus purpureus) and
- T~~t~~he colusa layia (Layia septentrionalis).

Clara Hunt's milk-vetch (Astragalus claranus), a federally and state-listed threatened plant species, is found in a limited number of locations just outside the City limits.

Figure 8.3 outlines where special-status species are known to exist in St. Helena. Tables 8.2 and 8.3 provide a list of special-status plant and wildlife species known to occur or potentially occur in St. Helena.

Conservation of Natural Resources

Creating effective policies to guide land use and open space planning is essential to conserving St. Helena's important natural resources. For instance, establishing policies and actions to protect wildlife corridors can help mitigate constraints to wildlife movement and migration posed by development, such as the loss of cover, fencing barriers, increased noise and the presence of domestic animals. Proactively addressing the need to protect wildlife habitat and migration corridors can have a broad impact on the area's biological diversity and the viability of local species. Moreover, ensuring that the Napa River and its tributaries flow continuously and function as a cohesive ecosystem will support the health of the City's aquatic species and riparian corridors, while providing additional support for local wildlife and contributing positively to the San Francisco Bay watershed.

Open Space for Outdoor Recreation

St. Helena seeks to make full use of its open space resources to support public recreation while protecting the integrity of its natural habitats. The City envisions developing a comprehensive, integrated open space system that includes parks, trails and open spaces to serve the needs of residents and visitors. In particular, it also seeks to improve circulation and create opportunities for residents to walk and bicycle safely throughout the City by locating multi-modal trails along stream corridors. These corridors are important open space amenities that can provide additional opportunities for public access and recreation.

Developing a multi-modal trail network along stream corridors can enable the City to increase the amount of open space acreage available to residents for outdoor recreation use. It can also provide opportunities to draw attention to the important role that the Napa River and its tributaries play in maintaining a high quality of life in the City. However, ensuring that these are designed and developed to protect critical riparian habitats and species is essential for the City to meet its long-term conservation goals.

The Open Space and Conservation Element contains goals, policies and implementing actions that seek to balance the City's commitment to protecting its natural resources with its desire to expand residents' access to open space amenities. As a complement to the City's open space and conservation policy framework, the Parks and Recreation Element includes detailed descriptions of existing parks and recreational facilities, as well as policies and implementing actions related to their enhancement moving forward.

Open Space, Conservation and Healthy Environments

Additional opportunities to both utilize and protect open space resources can be found in St. Helena's developed commercial and residential areas. For instance, street trees and urban forests, though not located in designated open space areas, increase habitat for local and migratory birds, contribute to improved air quality and provide shade. Expanding efforts to maintain and increase street trees can support the City's broader conservation goals.

~~Further~~ W~~w~~ater conservation and habitat protection concerns result from soil contamination generated by industrial, agricultural or other uses that produce or utilize hazardous substances. Incorrect handling or disposal of these substances can compromise St. Helena's water quality, particularly when stormwater runoff occurs on contaminated sites. By promoting the clean-up of contaminated sites~~, and~~ ensuring new projects have environmentally responsible stromwater runoff systems and strengthening outreach efforts to educate the public about proper use and disposal of hazardous materials, the City can bolster its citywide conservation efforts and meet its long-term goals.

8.3 Key Findings and Recommendations

There are several challenges and opportunities facing St. Helena related to open space and conservation. The following key findings and recommendations are based upon comprehensive existing conditions analysis and community input.

- St. Helena enjoys a wealth of open space resources, ranging from wooded hillsides and cultivated agricultural areas to stream corridors.
- Many years of intensive use (what use?) have adversely affected some of the City's natural resources. Recent efforts by local wineries to institute sustainable agricultural practices have contributed to the improvement of these resources. Through continued cooperation with the local farming and winemaking communities, St. Helena can ensure that its abundant natural resources are sustained, the quality of life in the City is improved, and it can meet its long-term sustainability goals.
- St. Helena's natural areas provide important wildlife habitat for 18 special status plant species and 19 special-status wildlife species. Urban encroachment and development have resulted in habitat loss and fragmentation. Protecting these lands can safeguard the City's and the region's natural rural heritage for future generations. As a City surrounded by mountains, streams, fields and agricultural lands, o~~O~~pportunities still exist to ~~enhance~~ protect, restore and enhance the quality of these areas and ensure that they continue to support the area's extensive wildlife and native vegetation, particularly in the City's riparian corridors. ~~Protecting these lands can safeguard the City's and the region's natural heritage for future generations.~~
- The Napa River and its tributaries are key components of the City's open space network. The corridors surrounding these waterways provide important wildlife habitat and play an integral role in the City's natural flood protection~~, system~~. Preserving and protecting the Napa River, its tributaries and surrounding corridors is essential to maintaining these resources as healthy ecosystems, critical habitats and valuable open spaces.
- Agriculture is an essential part of St. Helena's history and identity. Agricultural lands comprise 42 percent of the City's incorporated area, with most acreage actively cultivated with vineyards. Preserving agricultural uses and protecting agricultural lands from urban encroachment are important steps to maintaining these highly productive and valuable open space resources.
- Creating a system of integrated parks and open space areas that serve the recreation needs of residents and visitors is essential ~~will contribute positively~~ to community well-being.
- Trees are an important part of St. Helena's ~~open space and~~ natural character. Trees ~~can~~ cool streets and public spaces, help control erosion, improve air quality and add to the aesthetics of the community. Preserving the City's tree resources, while p~~P~~lanting new trees ~~and preserving the City's tree resources~~ will ~~can~~ enhance the high quality of life enjoyed by residents.

8.4 Goals

The goals of the Open Space and Conservation Element are:

1 - **Preserve, Enhance and Restore Natural Resources.**
St. Helena is committed to preserving, enhancing and restoring its abundance of natural habitat, wildlife and open space resources.

2 - **Ensure Stewardship of Water Resources.**

St. Helena is dedicated to promoting water conservation and ensuring its natural supply of water is properly managed and securely maintained. improving water quality.

3 - Expand Sustainable Agricultural Practices.
St. Helena is committed to continuing and enhancing its agricultural traditions by ~~encouraging~~ promoting and re-inforcing sustainable agricultural practices.

8.5 Policies and Implementing Actions

A range of policies and implementing actions are outlined below and organized into the following topic areas:

1. Natural Habitat and Biodiversity;
2. Open Space;
3. Water Resource ~~Quality~~ Protection and Conservation; and
4. A Healthy Living Environment.

The policies ~~mandate, encourage or allow certain actions to be pursued throughout the duration of the General Plan. Together they~~ serve as strategic directions for City staff and partners, highlighting where time and resources should be focused.

1 Natural Habitat and Biodiversity

Policies

OS1.1 Preserve and enhance St. Helena's riparian corridors for their value in providing wildlife habitat, biodiversity, natural drainage and visual amenity.

> ~~OS1.2~~ Prohibit development, alteration and/or removal of native vegetation from riparian areas. Disallow invasive species that degrade habitat quality.

> ~~OS1.3~~ Protect and enhance contiguous corridors of riparian vegetation along the Napa River and its tributaries in order to support regional wildlife movement and enhance aquatic habitat.

OS1.4 Protect natural habitats that have the potential to support rare, endangered or special-status wildlife and plant species. Discourage invasive species that degrade habitat quality.

OS1.5 Restrict development of hillside areas in order to protect wildlife, vegetation, viewsheds and open space characteristics.

~~OS1.6 Discourage invasive species that degrade habitat quality, especially along the Napa River and its tributaries.~~

OS1.7 Promote~~, and~~ encourage and require when appropriate, sustainable agricultural practices that are sensitive to natural habitat and do not harm wildlife.

Implementing Actions

OS1.A Develop and adopt an ordinance for the protection, restoration and enhancement of creek corridors. The ordinance should consider the following:

• Establish setbacks to allow for all new development projects and replanted agricultural land to protect stream function and riparian habitat, while allowing for limited recreational uses,~~ and access of the stream corridor for maintenance and flood control~~???;

• Restrict use of herbicides and insecticides associated with aquatic toxicity in areas near and adjacent to creeks, and ensure best environmental management practices for all developments and industries;

• Provide access for creek maintenance and public use through easements and cooperative agreements with landowners;

• Establish sufficient buffer width adjacent to waterways to allow for wildlife habitats, trails and greenbelts;

• Adhere to Living River Principles that allow the river to meander, ~~reconnect to~~ maintain its natural ~~historic~~ floodplain and retain natural channel features to support continuous fish migration and the health of riparian corridors; and

• Encourage the use of bioswales, off-stream detention ponds and other green best practices for stormwater management.

• Implement an Integrated Pest Management ordinance that includes provisions to minimize the reliance on pesticides that threaten water quality and to require the use of integrated pest management in municipal operations.

• Incorporate relevant actions and performance standards in TMDL implementation strategies for the Napa River to control discharges of pathogens and sediment.

OS1.B Restrict development on open space-designated parcels along Sulphur Springs Creek west of the Crane Avenue Bridge. All development must be outside the stream corridor and structures must be set back from the creek's edge, consistent with California Department of Fish and Game standards. Is this still petinent? Already developed?

OS1.C Coordinate with the California Department of Fish and Game, the Living
Rivers Council, the Regional Water Quality Control Board and other federal, state and local regional agencies with regulatory authority for water quality, protected plant and animal species, and streams and wetlands ~~to develop standards and implement a program~~ to restore and maintain creek corridors.

OS1.D Coordinate with the California Department of Fish and Game, the Living Rivers Council and other regional agencies ~~to develop standards and implement a program~~ to restore and maintain creek corridors.

OS1.E Coordinate with the County, the California Department of Fish and Game and other regional agencies to augment water flow in the Napa River and its tributaries in order to enhance year-round fish habitat and minimize stagnation and pollution.

OS1.F Create a work plan for restoring sensitive habitat that has been degraded by agriculture or other past practices. Where applicable, encourage agricultural enterprises to participate in restoration efforts and in efforts to prevent further degradation.Is this on City land? If not, isn't this a private property clean-up?

OS1.G Use the most recent? Create a set of guidelines for the protection of special-status species and sensitive natural communities. Guidelines can include appropriate survey methods consistent with the California Department of Fish and Game, the U.S. Fish and Wildlife Service, NOAA Fisheries and CEQA requirements.

OS1.H Require a biological assessment of any proposed project site where species or the habitat defined as sensitive or special-status by the California Department of Fish and Game, NOAA Fisheries or the U.S. Fish and Wildlife Service might be present. ~~Avoid~~to eliminate potential impacts on sensitive resources as part of new development. ~~to the maximum extent feasible. Where complete avoidance is not possible, the project applicant must secure any required authorizations from jurisdictional agencies and provide adequate replacement mitigation to ensure there is no net loss in habitat acreage or values.~~

OS1.I Require all proposed projects adjacent to a creek corridor or located in the City's hillside areas to submit a management plan for protecting natural habitats, including provisions to:

• Employ supplemental planting and maintenance of grasses, shrubs and trees of similar quality and quantity to provide adequate vegetation cover to keep the watersheds on steep slopes and along streams in good condition, and to provide shelter and food for wildlife;
• Provide protection for wildlife habitat; and
• ~~Provide replacement habitat of like quantity and quality.~~ Already mentioned above and implies that removal will be allowed, which is opposite of protecting natural resources.

OS1.J Require new development to be sited to maximize the protection of native tree species, riparian vegetation, important concentrations of natural plants and sensitive wildlife habitat.

OS1.K Discourage and m~~M~~inimize the installation of deer fencing to maintain wildlife corridors and support regional wildlife movement.

OS1.L Require environmental review of new agricultural uses, including, but not limited to, farming, horticulture, floriculture and viticulture, animal husbandry and livestock farming. The environmental review shall ensure that no sensitive biological resources would be adversely affected. Viticulture review must include the replanting of existing vineyards in accordance with County regulations. ~~Establish a review process for vineyard replanting that is consistent with County regulations. The process should exempt projects with less than 5% slope, allow for ministerial review of projects with slopes between 5-15% and require a discretionary process for projects with slopes greater than 15%.~~ (This part is deleted in the latetst bound version – should it be?)
OS1.M Discourage removal of trees for agricultural or other development in hillside areas. Ensure Woodlands and Watershed restrictions are followed.

OS1.N Encourage local farmers to employ sustainable agricultural practices wherever possible. ~~Ensure that implementation measures contribute positively to the preservation of the creek and its corridor, potential effects on anadromous fish such as steelhead and Chinook salmon are fully addressed, adequate mitigation is provided for any potentially significant impacts, and that any required authorizations from resource agencies is secured prior to any inchannel disturbance~~ (Deleted because Ag practices will not contribute positively, and if impact is significant, then don't do it. Does this sentence even belong here? Somewhere else?). Support agricultural activities that incorporate best sustainable agricultural management practices ~~related to sustainable agriculture,~~ including participation in local programs such as the Napa Valley Vintners - Napa Green Program and the California Certified Organic Farmers certification program.

OS1.O Conduct a study to determine if the natural ~~the most appropriate method for managing and mitigating the~~ build-up of gravel in Sulphur Springs Creek ~~to avoid the~~will result in a high risk of flooding. ~~Ensure that implementation measures contribute positively to the preservation of the creek and its corridor.~~ Limit development to non-flood risk areas using FEMA's 200 year flood zone at minimum, and help educate existing development to be aware of flood risks and available State and Federal insurance opportunities.

OS1.P As part of new development, avoid disturbance to and loss of bird nests in active use by scheduling vegetation removal and new construction during the non-nesting season (September through January) or by conducting a preconstruction survey by a qualified biologist if vegetation removal and construction is initiated during the nesting season (February through August). Surveys for nesting birds will be conducted no earlier than 14 days prior to tree removal and/or breaking ground, 2) in the event that nesting birds are found, the project applicant will consult with CDFG and obtain approval for nest-protection buffers prior to tree removal and/or ground-breeding activities, and 3) nest protection buffers will remain in effect until the young have fledged. When was this added? Why? Is this in numerous places in SH?

OS1.Q Avoid potential impacts on jurisdictional wetlands and other waters as part of new development to the maximum extent feasible. Where complete avoidance is not possible, the project applicant must secure any required authorizations from jurisdictional agencies and provide adequate replacement mitigation within the City limits to ensure there is no net loss in habitat acreage or values. When was this added? Why would wetlands and waters be allowed to have negative impacts – shouldn't this say it won't be allowed? Does "replacement mitigation" mean somewhere other than SH? If so, not acceptable.

OS1.R Carry out as a sponsor agency, in partnership with the Army Corps of Engineers, the removal of the Upper Dam on York Creek sufficient to allow the passage of fish, especially Central California steelhead, a threatened species, and complete the restoration of historical fish habitat above the dam. This may not be pertinent any longer, and if not, why not?

2 Open Space

Policies

OS2.1 Maintain agriculture as the mainstay of the local economy by preserving agricultural~~ly-designated~~ lands as an invaluable and irreplaceable open space resource. (Also see the Land Use and Growth Management Element for additional policies and implementing actions relating to agriculture.)

OS2.2 Preserve open space for mineral (???) resources. Ensure compliance with State requirements in the preservation of known locations of mineral resources.

OS2.3 Preserve open space for recreational uses, including a bicycle and pedestrian trail system along creek corridors when compatible with riparian vegetation and wildlife habitat. Where possible, integrate stream corridors with trails and other recreational open space, provided that the vegetation, habitat value and water quality is not significantly impacted.

OS2.4 Ensure convenient public access between developed areas and stream corridors by providing access at frequent intervals.

OS2.5 Limit public access to habitat areas when public access will significantly impact the ~~value~~ sensitivity of the habitat area.

OS2.6 Support floodplain management strategies that ensure adequate open space for flood management consistent with Living River Principles, FEMA and State requirements at a minimum. (Also see the Public Health, Safety and Noise Element for additional policies and implementing actions relating to flood management.)

Implementing Actions

OS2.A Develop a bicycle and pedestrian master plan to establish alignments for proposed trails, design standards, amenities and phasing. Determine and pursue the appropriate funding mechanisms for initial improvements and the long-term maintenance of the trail system, such as a landscape assessment district, real estate transfer tax, transient-occupancy tax or bond measure. (Also see the following elements: Circulation, Topic Area 2; and Parks and Recreation, Topic Area 6)

OS2.B Adopt a land dedication ordinance that requires developers to provide land and improvements, such as trails and re-vegetation, along both sides of water~~creek~~ corridors as a condition of subdivision approval for areas adjacent or in the vicinity of St Helena waterways. The width of dedicated corridors should be established in consultation with the California Department of Fish and Game.

OS 2.C Pursue easements to open space areas that do not have adequate access for maintenance and management purposes.

OS2.D Provide for open space opportunities by including passive and active recreation areas within projects as they develop.

OS2.E Explore the possibility of public use of the wastewater treatment plant spray field in the form of trails and passive open space or other agricultural option. Is this clearer for the Redwoods idea?

3 Water Quality and Conservation

Policies

OS3.1 Promote stormwater management techniques that minimize surface water runoff in public and private developments. Utilize low impact development techniques to best manage stormwater through conservation, on-site filtration and water recycling, and ensure compliance with the National Pollution Discharge Elimination System (NPDES) permit.

OS3.2 Reduce stormwater runoff in developed areas to protect water quality in creeks. Incorporate sustainable low impact design features in the design of infrastructure.

OS3.3 Promote water conservation through the policies and implementing actions in Chapter 4 (name the correct Element).

Implementing Actions

OS3.A Manage stormwater runoff in compliance with the City's Stormwater and Runoff Pollution Control Ordinance, Stormwater Management Standards for Construction and Post-Construction, and the Development Manual Stormwater Standards, to ensure compliance with the City's NPDES permit. Implement a surface water quality monitoring program to evaluate the effectiveness of stormwater management program activities in reducing the discharge of pollutants to receiving waters to the maximum extent practicable.

OS3.B Prevent water pollution from point and non-point sources, including runoff from agriculture, through implementation of required Best Management Practices (is this defined somewhere?) in applicable permits, TMDLs (defined somewhere?), and the Plan for California's Nonpoint Source Pollution Control Program. Continue to adopt new and more effective and efficient best practices and programs.

OS3.C Minimize stormwater runoff and pollution by encouraging low impact design features, such as pervious parking surfaces, bioswales and filter strips in new development projects. The City should be a model for incorporating low impact design elements as it implements streetscape and landscape improvements. In addition, The City should retrofit the existing public landscape with natural vegetative coverings or drainage systems that promote infiltration into the ground (like a frech drain?)that can help detain stormwater and reduce pollution attributable to runoff. (Also see the Community Design Element, Topic Area 1)

OS3.D Create a program for implementing water conservation efforts for households, businesses, industries, public infrastructure and agricultural activities. This program ~~should~~ could include the following measures:
• Identify building, plumbing and landscaping standards and technologies that conserve water;
• ~~Restrict water usage through metering or establishing designated watering days for the City's residences and businesses~~during water shortages~~;~~ (did this originally intend to restrict it every day?)
• Implement standards that require low-flow appliances and fixtures in all new developments; and
• Encourage and model the use of drought tolerant and native vegetation in landscaping~~.~~

OS3.E Promote ~~household and business participation in the City's efforts to increase~~ the installation of drought tolerant and native plants in landscaping throughout the City. Potential measures include:
• ~~Launching a citywide publicity~~ An education program that details water conservation measures for use in local landscaping;

• ~~Creating a City-sponsored demonstration garden that highlights water-wise landscaping and plant selections and sustainable gardening practices; and~~

• ~~Working with~~ Working withlocal nurseries to encourage education, demonstration and sales of drought tolerant and native plants, and water-wise irrigation systems. (Also see the Public Facilities and Services Element for additional policies and implementing actions relating to water conservation).

require City parks and properties to be landscaped with drought tolerant native plants that allow for high shade capacity wherever possible, and use water-wise irrigation systems as a model for residents and businesses.

OS3.F Provide appropriate permitting documents for project applicants requiring coverage under the Statewide National Pollutant Discharge Elimination System (NPDES) General Construction and Industrial Permits. What is this? Does it go here?

4 A Healthy Living Environment

Policies

OS4.1 Protect and enhance tree resources in developed and undeveloped areas. Efforts should~~may~~ include: adequate maintenance of street trees; requiring replacement trees where existing significant trees cannot be saved; and requiring street trees as a condition of new development.

OS4.2 Promote require? the clean-up of contaminated sites to protect the environment and public well-being.

OS4.3 Promote best management practices (how is this defined?) Require ~~to protect~~protection of soil, groundwater and surface water resources from industrial, agricultural and other uses that produce or dispose of hazardous or toxic substances.

Implementing Actions

OS4.A Establish an urban forestry program to ensure a coordinated and comprehensive approach to maintaining and increasing the City's trees. ~~Monitor and enforce compliance with program guidelines.~~ Key program aspects will include the following:

• A master tree list to guide the choice of tree varieties;

• A tree planting program to ensure that new trees are planted regularly;

• A tree maintenance program to ensure that existing trees are healthy and pruned;

• A tree inventory to create a comprehensive listing of the City's trees and tree-related needs;

• A Tree Committee to oversee the implementation of the urban forestry program and approval of tree removals; and

• A landmark tree list that identifies trees that require additional protection from damage and/or removal.

OS4.B Until implementation of the City-sponsored urban forestry program occurs, continue to use the Master Street Tree List as a guideline for all street tree plantings. (How does all this work with Renassaince and the Tunnel of Elms, etc.?)

OS4.C Develop and adopt a Tree Ordinance for the purpose of protecting trees and identifying replacement trees. In coordination with an urban forestry program, existing, significant trees should be integrated into future development. In cases where existing trees cannot be saved, require the planting of replacement trees consistent with guidelines included in the Master Tree List. How is the Master List and Urban Forestry program different from a Tree Ordinance?

OS4.D Create a citywide ~~program~~ education opportunity for residents, businesses, industries and agricultural uses ~~that provides~~to obtain information on pollution prevention, disposal of hazardous waste and chemicals, liability and clean-up.

OS4.E Create a remediation plan which will include a comprehensive site identification, inventory and prioritization schedule, as well as a strategy for coordinating with State and Federal agencies, as necessary to identify the location and extent of contaminated sites in St. Helena don't we know this?~~ and~~ D~~develop a strategy to e~~ncourage Require? property owners to address any necessary clean-up. ~~The plan will include a comprehensive site identification, inventory and prioritization schedule, as well as a strategy for coordinating with State and Federal agencies, as necessary~~.