



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
SEPTEMBER 10, 2013
6:00 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. 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.
- 5. 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)
- 6. City Council Minutes of August 27, 2013**
Recommended Action: Approve

7. Resolution approving the annual homecoming parade on Main Street for St. Helena High School on October 18, 2013
Recommended Action: Adopt
8. Adoption of an ordinance prohibiting advertisement, possession, use, purchase, or distributing of substituted cathinones (commonly called “bath salts”, jewelry cleaner,” and “glass cleaner”) synthetic cannabinoids (commonly known as “spice” or “K2”), and certain other synthetic drugs and waiving the reading of the full text of the ordinance. (CEQA Exemption Section 15061(b)(3))
Recommended Action: Adopt
9. Approval of Amendment 9 to the Joint Powers Agreement (JPA) for the Napa County Transportation and Planning Agency (NCTPA). The changes are “clean up” including removal of the “second non-voting member appointed by the NCTPA Board,” addition of Section 5 adding the power to apply for, expend and allocate all funds related to Transportation Development Article (TDA) and adding “advances from member jurisdictions allowing for short term advances to meet operational expenses”.
Recommended Action: Approve
10. Resolution approving the Final Map of the Lands of Vintner’s Court, LLC, 1320 Elmhurst Avenue, grant of easements and declaration of restrictions and maintenance of access drive and associated improvements and revision to the conditions of approval (CEQA Exemption Class 15, 15315, Minor Land Divisions)
Recommended Action: Adopt

PUBLIC HEARINGS

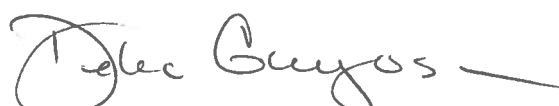
11. Introduce and waive reading of a Zoning Ordinance Text Amendment to Municipal Code Title 17 Zoning, Chapter 17.180: Small Winery Ordinance; and Chapter 17.20 Twenty-acre Agricultural (A-20) District to allow marketing events, tours and tastings and remove the requirement for a residential use (CEQA Exemption Section 15061 (b)(3)) (Interim Planning Director)

SCHEDULED MATTERS

12. Resolution denying appeal from Marden Plant and Thomas Davis regarding request for water service connection at 522 Meadowood Lane located outside of the City Limits (Public Works Director)
13. Appointment to Napa County Gang and Youth Violence Commission (City Clerk)
14. Review and direction on revisions to the Draft General Plan Update Land Use, Circulation and Community Design elements (Interim Planning Director)

ADJOURNMENT

The next Regular City Council meeting is scheduled for September 24, 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 September 5, 2013.



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.

**REGULAR MEETING
ST. HELENA CITY COUNCIL
VINTAGE HALL BOARD ROOM – SECOND FLOOR
465 MAIN STREET, ST. HELENA
AUGUST 27, 2013
6:00 P.M.**

A complete video recording of this meeting can be found at www.cityofsthelema.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 called the meeting to order at 6:00 p.m. and the flag was saluted.

ROLL CALL

Present: Councilmembers Sculatti, White, Crull, Pitts, Mayor Nevero

Absent: None

PUBLIC FORUM

Fines and Penalties for Noise Violations – Darryl Cameron

Requested Council agendize a discussion regarding fines and penalties for noise violations. He expressed concern with construction noise, boom boxes and lack of enforcement. The Council suggested Mr. Cameron contact staff.

Large Trucks on Crane Avenue - John Thoreen

Addressed the significant increase of large trucks on Crane Avenue morning and night starting at 7 a.m. He said he counted large trucks from the Rutherford improvement project to Harold Smith and Sons stating it averaged 10 trucks in 15 minutes and at times he counted one truck every minute for 15 minutes. He said he has spoken to Harold Smith and Sons and said alternate routes need to be explored. He said he shared Mr. Cameron's concern regarding lack of enforcement with regard to noise.

Traffic Safety - Pam Smithers

Addressed her concerns, as well as many community members, about traffic safety on city streets. She said there is a big increase of traffic both commercial and residential automobiles that speed, produce noise and exhaust and are a safety concern particularly with a primary school in the neighborhood.

Allison Street Traffic Concerns -Rick Henry

Stated he agreed with the comments made by Ms. Smithers. He said he resides on Allison Street which has become a shortcut from Howell Mountain to the south side of town. He said speeding is a concern noting there are many children in the neighborhood as well as a bus stop. He pointed out that at one time he spoke to Mayor Britton on this matter and a police vehicle patrolled for a short time. He said he is unaware of the speed limit and noted that Mayor Britton did not know the speed limit on Allison Street either.

Mitchell Drive Traffic Concerns - Lori Yoder

Addressed safety concerns with regard to Mitchell Drive. She said there are speeding trucks going much faster than 25mph. She said she was pleased to hear that traffic issues

are being discussed stating there are simple solutions such as speed bumps, yield signs, buffer zones, etc.

Town Hall Meeting - Jeff Ellsworth

Stated that he felt progress had been made at the August Town Hall meeting. He said everyone supported a new City Hall. The next questions are where will City Hall be built, how will it be paid for and what will become of the existing City Hall site. He suggested the matter be placed on a ballot so that everyone can decide. Personally, he said, he likes the idea of bulldozing the existing site and expanding Lyman Park.

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

Police Department Monthly Crime Report – Police Chief

Reviewed calls for service for the month of August.

Public Works Director – Street Paving Project

Provided an update on the upcoming paving project that will begin in September. He said there is a link on the City home page that identifies the streets to be worked on, the type of work to be done and the work schedule.

CONSENT ITEMS

Councilmember White moved to approve Consent Items 6 – 9 and 12-16 as submitted. The motion was seconded by Councilmember Pitts and on roll call carried by the following vote:

AYES: Councilmembers White, Pitts, Sculatti, Mayor Nevero

NOES: None

ABSENT: Councilmember Crull

Those items approved were as follows:

6. Approved City Council Minutes of July 9, 2013;

7. Approved City Council Minutes of July 23, 2013;

8. Approved City Council Minutes of August 8, 2013;

9. Approved City Council Minutes of August 11 2013;

12. Adopted Resolution No. 2013-54 approving agreement to fund and administer the Napa Countywide Stormwater Management Program;

13. Adopted Resolution No. 2013-55 approving temporary closure of Oak Avenue and Adams Street and authorizing possession of open alcoholic beverages on those streets for the October 19 Hometown Harvest Festival Harvest Festival;

14. Approved Settlement agreement with the County of Napa for release of overpaid administrative fees for property taxes;

15. Adopted Resolution No. 2013-56 establishing a tax rate for servicing debt obligations incurred by the issuance of 1996 General Obligation Fire Bonds to be effective for Fiscal Year 2013-2014; and

16. Adopted Resolution No. 2013-57 awarding informal bid for construction of a biofilter in Pond 4 at the wastewater treatment plant.

ITEMS REMOVED FROM CONSENT

10. Introduced and waived reading of an ordinance prohibiting advertisement, possession, use, purchase, or distributing of substituted cathinones (commonly called “bath salts”, jewelry cleaner,” and “glass cleaner”) synthetic cannabinoids (commonly known as “spice” or “K2”), and certain other synthetic drugs and waiving the reading of the full text of the ordinance; p

Councilmember White moved to introduce and waive the reading of an ordinance prohibiting advertisement, possession, use, purchase, or distributing of substituted cathinones (commonly called “bath salts”, jewelry cleaner,” and “glass cleaner”) synthetic cannabinoids (commonly known as “spice” or “K2”), and certain other synthetic drugs. The motion was seconded by Councilmember Sculatti and on roll call carried by the following vote:

AYES: Councilmembers White, Sculatti, Pitts, Mayor Nevero

NOES: None

ABSENT: Councilmember Crull

11. Consideration of Resolution rescinding Resolution No. 2012-18 thereby removing a water shortage emergency condition based on the annual water supply/deficit calculation

Upon review of rescinding Resolution No. 2012-18, removing a water shortage emergency condition based on the annual water supply/deficit calculation, the Council continued the matter to a September 2013 meeting.

PUBLIC HEARINGS - None

SCHEDULED MATTERS

17. Discussion/approval of matching fund process for Renaissance Committee funding in St. Helena FY 2013-14 Budget

Councilmember White moved to approve an initial \$50,000 matching funds for the Renaissance Committee funding in St. Helena FY 2013-14 budget. The motion was seconded by Councilmember Sculatti and on roll call carried by the following vote:

AYES: Councilmembers White, Sculatti, Pitts, Mayor Nevero

NOES: None

ABSENT: Councilmember Crull

18. Presentation on services provide by Napa/Solano Area Agency on Aging to older Americans

Harriet Dietz reviewed the services provided by Napa/Solano Area Agency on Aging to older Americans.

Napa/Solano Area Agency on Aging provides services to anyone age 55 and older and is a very useful resource providing many services including nutrition programs, family caregiver support programs, transportation assistance, legal services, caregiver referrals,

long term care referrals, health insurance counseling, etc. for various services needed by seniors. They can be reached at (707) 643-1797.

20. Presentation and discussion on proactive City support of non-auto transportation in St. Helena. Consideration/action on next steps to begin coordinated effort

Mike Costanzo, Executive Director of Napa Bike presented a brief PowerPoint on non-auto transportation facts and the benefits of bicycling.

It was the Council's consensus that staff be directed to bring back legislation establishing a bicycle committee.

RECESS

At 8:23 p.m. Mayor Nevero called for a recess. The meeting was reconvened at 8:29 p.m.

19. Discussion/possible next steps for a St. Helena citywide anti-speeding campaign

Council held a discussion on speeding motorist and brainstormed on speeding solutions. It was concluded that Mayor Nevero and Councilmember Sculatti would review all the points made this evening and come back to the Council with a proposal on solutions to speeding motorists.

21. Review and direction on revisions to the Draft General Plan Update Land Use, Circulation and Community Design elements

This matter was continued to the September 10, 2013 meeting.

ADJOURNMENT

Mayor Nevero adjourned the meeting at 9:27 p.m.

APPROVED:

ATTEST:

Ann Nevero, Mayor

Delia Guijosa, City Clerk

CITY OF ST. HELENA
RESOLUTION NO. _____

**APPROVING A HOMECOMING PARADE
FOR ST. HELENA HIGH SCHOOL**

RECITALS

- A. St. Helena High School students have requested authorization to conduct their annual Homecoming Parade on Main Street on Friday, October 18, 2013 at 2:10 p.m. until 2:30 p.m.
- B. The parade shall start at the Sunshine Market Parking Lot and proceed up Main Street to Lyman Park.
- C. The Police Department shall provide the necessary controlling and detouring of traffic on Highway 29, Railroad Avenue, and the parade route.
- D. Section 21101(e) of the California Vehicle Code provides that local authorities may, by resolution, temporarily close a portion of a street for a celebration.

RESOLUTION

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

1. The City Council hereby approves the St. Helena High School request for a Homecoming Parade on Main Street on October 18, 2013 and requests the Police Department to provide necessary traffic control.

Approved at a Regular Meeting of the St. Helena City Council on September 10, 2013 by the following vote:

AYES: Councilmembers

NOES:

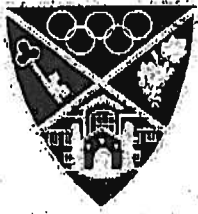
ABSENT:

APPROVED:

ATTEST:

Ann Nevero, Mayor

Delia Guijosa, City Clerk



St. Helena High School

Benjamin L. Scinto,
Principal

Gregory N. Feters,
Vice Principal

1401 Grayson Ave. St. Helena, CA 94574. (P) 707-967-2740, (F) 707-967-2735

August 14, 2013

St. Helena City Council
1480 Main Street
St. Helena, CA 94574

Dear Council Members:

The student government of St. Helena High School would like to have our homecoming parade on Main Street, on Friday, October 18, 2013 ending with a rally at Lyman Park.

Our first step in applying for permission to hold this parade is a resolution from the St. Helena City Council. This resolution should state the name of the organization, the date and time of the parade, the starting and ending points of the parade and a statement that our local police department will do any necessary controlling, or detouring of traffic on Highway 29.

The resolution requesting permission must be addressed to: Permit Section, District 04, Cal Trans, P. O. Box 126, Napa, Ca., 94558. The St. Helena High School Student Body would be most appreciative if the City Council would pass such a resolution at their next meeting as further approval must be obtained from the Napa Office of Highway Patrol and the Napa Office of Cal Trans. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Scinto', is written over the name of the principal.

Benjamin Scinto
Principal

1. Organization: St. Helena High School
2. Date: Friday, October 18, 2013
3. Time: 2:10 p.m. to 2:30 p.m.
4. Starting point: Sunshine Parking Lot (Main & Mitchell)
Ending point: Lyman Park

STAFF REPORT



DATE: September 10, 2013

TO: Mayor and City Council

FROM: Jacqueline Rubin, Chief of Police
Officer Steve Peterson

Item No: 8

RE: Adopt Ordinance Banning Possession of Synthetic Spice and Synthetic Bath Salts

BACKGROUND:

An ordinance to ban possession of Synthetic Spice and Synthetic Bath Salts was introduced at the August 24th, 2013 City Council meeting. The proposed ordinance will ban the possession of Synthetic Spice and Synthetic Bath Salts.

The proposed ordinance was agreed upon by the City Council and posted for public notification.

RECOMMENDED COUNCIL ACTION:

Adopt ordinance adding new Chapter 22 "Substituted cathinones, synthetic cannabinoids, and other synthetic drugs" to the St. Helena Municipal Code.

ATTACHMENTS:

Ordinance adding new Chapter 22 "Substituted cathinones, synthetic cannabinoids, and other synthetic drugs" to the St. Helena Municipal Code

CITY OF ST. HELENA

ORDINANCE NO. ____

**ADDING NEW CHAPTER 9.22 “SUBSTITUTED CATHINONES,
SYNTHETIC CANNABINOIDS, AND OTHER SYNTHETIC DRUGS” TO
THE ST. HELENA MUNICIPAL CODE**

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

SECTION 1: Findings. The City Council hereby determines that:

A. Recreational use of substituted cathinones (commonly called “Bath Salts”, “Jewelry Cleaner”, and Glass Cleaner”), synthetic cannabinoids (commonly known as “Spice” or “K2”), and similar products collectively known as “synthetic drugs” has been documented to cause hallucinations, agitation, psychosis, aggression, suicidal and homicidal ideations, cannibalism, and death. While state and federal laws and regulations prohibit some synthetic drugs, the makers of these drugs continually alter the composition of the compounds in their products so as to escape the scope of those laws and regulations. The purpose and intent of this ordinance is to provide the City with measures to address the dangers to the community posed by synthetic drugs that are not regulated by state or federal law.

B. Synthetic drugs are extremely dangerous, and available statistics demonstrate that these drugs are gaining popularity at an alarming rate among high school and college-aged individuals, as well as among parolees and probationers. Synthetic drugs are widely available in stores throughout the City, despite the State of California’s attempt to ban such drugs under Health & Safety Code sections 11375.5 (banning synthetic stimulant compounds and derivatives) and 11401 (banning “analogs” of controlled substances) (collectively “State Synthetic Drug Laws”), and the Federal Government’s attempt to ban such drugs under the Controlled Substances Act (the “CSA”) (21 U.S.C. § 81, *et seq.*). The City Council further finds that the dangers of synthetic drugs, which have been documented to cause hallucinations, agitations, psychosis, aggression, suicidal and homicidal ideations, cannibalism, and death, require regulation.

C. While the State Synthetic Drug Laws and the CSA prohibit certain compounds that are used to create synthetic drugs, they are not comprehensive enough to eliminate the distribution and sale of all synthetic drugs in the City. Specifically, the City Council finds that the makers of synthetic drugs continually alter the composition of the compounds in their products so as to not come under the prohibition of the State Synthetic Drugs Laws, the CSA, and other laws and regulations that attempt to prohibit the sale of synthetic drugs. In fact, products which plainly are being marketed for use as synthetic drugs are now being packaged with advertisements stating that the product does not contain compounds specifically banned by the State Synthetic Drug Laws. Thus the City Council finds that in order to implement an effective measure prohibiting the

distribution to and sale of synthetic drugs, it is necessary to look at all factors related to the sales and marketing of synthetic drugs. These factors will help City law enforcement officials determine whether a product that does not come under the purview of State Synthetic Drug Laws or the CSA is nevertheless a synthetic drug because it is intended for recreational drug use.

D. While the question of whether a given product is being possessed, distributed, or sold for use as a recreational drug must be determined on a case-by-case basis, the City Council finds that the following evidentiary factors are helpful in determining whether a given product is in fact a synthetic drug:

(1) Marketing: Synthetic drugs are rarely, if ever, suitable for their marketed uses. For example, a synthetic drug in the form of a powder might be marketed as a “glass cleaner,” even though the powder cannot reasonably be used to clean glass.

(2) Sales Location: Synthetic drugs are typically sold in liquor stores, smoke shops and gas stations, yet synthetic drugs are marketed as products that are not typically sold by these businesses. For example, synthetic drugs are often marketed as bath salts, spice, incense, potpourri, skin treatments, cleaning products and plant food; however, these types of products are typically not sold in liquor stores, smoke shops or gas stations.

(3) Warning Labels: Synthetic drugs often use warning labels such as: “not for human consumption” and “not for purchase by minors.” Bona fide bath salts, incense, cleaning products and the like do not typically bear such labels. Of particular relevance are labels that indicate a given product does not contain chemical compounds banned by State Synthetic Drug Laws, which bona fide bath salts, incense, cleaning products and the like would not have any reason to advertise.

(4) Price: Synthetic drugs are typically more expensive than products that are used for the synthetic drug’s marketed use. For example, a synthetic drug marketed as “glass cleaner” might be priced at \$50.00 for an eighth of an ounce, while bona fide glass cleaner is priced at approximately \$5.00 for 26 ounces.

(5) Similarity to Illicit Street Drugs: Synthetic drugs often resemble illicit street drugs and/or use brand names and packaging that are designed to make the product appear similar to illicit drugs. For example, many synthetic drugs are sold as white powders packaged in vials (resembling cocaine) or dyed green to appear similar to marijuana. Additionally, brand names are often similar to street slang for illicit drugs and have no relation to the products that are purportedly being sold. These brand names are always changing, but include “Eight Ballz,” “Spice,” “Black Mamba,” “K-2,” “Puff,” “Sugar Sticks,” “Green Buddha,” “Diable Botanical Incense,” “Scooby Snax Potpourri,” “Grape Ape Herbal Incense,” “Three Monkey Incense,” “Mr. and Mrs. Marley,” “Cloud 9 Incense,” and a group of Synthetic Drugs marketed as from “The Spice Guy.”

E. Effective Abatement: An effective way to prevent and abate the health, safety and welfare concerns that exist as a result of the marketing, distribution, and sale of Synthetic Drugs in manners that brazenly seek to circumvent State and Federal Law is through the administrative, civil and criminal enforcement procedures set forth in Chapters 1.12 of the St. Helena Municipal Code and the additional procedures being enacted by this ordinance.

SECTION 2: Amendment to Municipal Code. Title 9 of the St. Helena Municipal Code is hereby amended to add a new Chapter 9.22, "Synthetic Stimulants and Synthetic Cannabinoids," to read as follows:

"Chapter 9.22

SUBSTITUTED CATHINONES, SYNTHETIC CANNABINOIDS, AND OTHER SYNTHETIC DRUGS

Sections:

- 9.22.010 Purpose.**
- 9.22.020 Definitions.**
- 9.22.030 Possession, Storage, Provision, Sale, Advertisement, Use, Purchase, and/or Distribution of Synthetic Drugs Prohibited.**
- 9.22.040 Declaration of Public Nuisance.**
- 9.22.050 Summary Abatement.**
- 9.22.060 Penalties.**
- 9.22.070 Seizure of Evidence.**
- 9.22.080 Exclusions.**
- 9.22.090 Severability.**

9.22.010 Purpose.

The purpose of this Chapter is to protect the public health and safety of the citizens of St. Helena from the dangers and ill effects of substituted cathinones (commonly called "Bath Salts", "Jewelry Cleaner", and Glass Cleaner"), synthetic cannabinoids (commonly known as "Spice" or "K2"), and other synthetic drugs by declaring certain activities involving these drugs to be a public nuisance and subject to all available civil and criminal remedies. Without the prohibitions enacted by this chapter, these synthetic drugs can be possessed by individuals without the city's ability to control the negative effects to the health, safety and welfare of the citizens of St. Helena. These negative effects include, but are not limited to, psychoactive behavior and reactions, serious injury, and death caused by its consumption. This chapter is not intended to apply to any activity already regulated by the State Synthetic Drug Laws (California Health & Safety Code sections 11375.5 and 11401), the Federal Controlled Substances Act (21 U.S.C. sec. 81, *et seq.*), or any other applicable state or federal law or regulation that would preempt local regulation.

9.22.020 Definitions.

As used in this chapter, the following definitions shall apply, unless the context clearly indicates otherwise. If a word is not defined in this section, the common and ordinary meaning of the word shall apply.

“Business” shall have the same meaning ascribed to that term by Section 5.04.010 of this code.

“City” shall mean the City of St. Helena, California.

“Distribute,” “distributing,” and “distribution” shall mean to furnish, give away, exchange, transfer, deliver, or supply, whether for monetary gain or not, other than by lawfully administering or dispensing a controlled substance.

“Person” shall mean any individual, group of two or more individuals, collective as defined in the Compassionate Use Act, business, company, corporation, firm, public corporation, partnership, association, club, or any other similar organization or entity.

“Possess,” “possessing,” and “possession” shall mean to have for consumption, distribution, or sale in one’s actual or constructive custody or control, or under one’s authority or power, whether such custody, control, authority and/or power be exercised solely or jointly with others.

“Provide,” “providing,” and “provision” shall mean offering to distribute or sell a product or substance to any person.

“Psychoactive or psychotropic stimulant effects” shall mean affecting the central nervous system or brain function to change perception, mood, consciousness, cognition, and/or behavior in ways that are similar to the effects of cocaine, methylphenidate or amphetamines.

“Psychoactive or psychotropic euphoric effects” shall mean affecting the central nervous system or brain function to change perception, mood, consciousness, cognition, and/or behavior in ways that are similar to the effects of cannabis.

“Sell,” “selling,” and “sale” shall mean to furnish, exchange, transfer, deliver, or supply for monetary gain.

“Substituted Cathinones (Bath Salts, Jewelry Cleaner, Glass Cleaner)” shall mean any compound, except bupropion or compounds listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene rings systems, whether or not the compound is further modified in any of the following ways:

- (a) by substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents; or
- (b) by substitution at the 3-position with an acyclic alkyl substituent; by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or
- (c) by inclusion of the 2-amino nitrogen atom in a cyclic structure.

“Synthetic Cannabinoids (Spice or K2)” shall mean any of the following cannabinoids, their salts, isomers and salts of isomers, unless specifically expected, whenever the existence of these salts:

1. Naphthoylindoles: Any compound containing a 3-(1-naphthoyl) indole structure with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.
2. Naphthylmethylindoles: Any compound containing a 1H-indol-3-yl-(1-naphthyl) methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.
3. Naphthoylpyrroles: Any compound containing a 1H-indol-3-yl-(1-naphthyl) methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.
4. Naphthylmethylindenenes: Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent.
5. Phenylacetylindoles: Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent.
6. Cyclohexylphenols: Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted in the cyclohexyl ring extent.
7. Benzoylindoles: Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.
8. 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-de]-1, 4-benzoxazin-6-yl]-1-napthalenylmethanone. Some trade or other names: WIN 55,212-2.
9. 9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methylcatan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol. Some trade or other names: HU-210, HU-211
10. Adamantoylindoles: Any compound containing a 3-(1-adamantoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the adamantyl ring system to any extent.

“Synthetic drug” shall include substituted cathinones and synthetic cannabinoids, as those terms are defined by this section.

9.22.030 Possession, Storage, Provision, Sale, Advertisement, Use, Purchase, and/or Distribution of Synthetic Drugs Prohibited.

A. It is unlawful and a threat to public safety for any person to possess, store, provide, sell, advertise, use, purchase, or distribute any synthetic drug within the city.

B. The fact a synthetic drug is marketed, sold, distributed, delivered, traded, bartered, or labeled as “Not for Human Consumption” (or words of similar effect) or identified as having a lawful use does not exempt a person from the application of this chapter.

C. It is unlawful for any person to store, provide, sell, or distribute or to permit the storage, provision, sale or distribution of synthetic drugs from any real property owned, possessed, managed, or controlled by that person in the city.

D. The law enforcement personnel enforcing this section may consider any of the following evidentiary factors to determine if the product is a synthetic drug:

- (1) The product is not suitable for its marketed use (such as crystalline or powder being marketed as “glass cleaner”);
- (2) The business providing, distributing, or selling the product does not typically provide, distribute, or sell products that are used for that product’s marketed use (such as a liquor store selling “bath salts” or “plant food”);
- (3) The product contains a warning label that is not typically present on products that are used for that product’s marketed use (such as “not for human consumption,” “not for purchase by minors,” or “does not contain chemicals banned by Health & Safety Code section 11357.5”);
- (4) The product is significantly more expensive than products that are used for that product’s marketed use (such as a half of a gram of a substance marketed as “glass cleaner” costing \$50.00);
- (5) The product resembles an illicit street drug (such as cocaine, methamphetamine or marijuana); or
- (6) The product’s name or packaging uses images or slang referencing an illicit drug (such as “Spice,” “K-2,” “Eight Ballz,” or “Green Buddha”).

9.22.040 Declaration of Public Nuisance.

A. The storage, provision, sale, advertisement, purchase, or distribution of any synthetic drug from any property, structure, or building in the city is declared to be a public nuisance.

B. Civil Remedies Available; Remedies Cumulative. In addition to the penalties provided in Section 9.22.060 of this chapter, any property used in violation of any provision of this chapter shall constitute a public nuisance and may be abated by the city by civil process by means of a

restraining order, a preliminary or permanent injunction, or in any manner provided by law for the abatement of such nuisance. All remedies herein are cumulative and non-exclusive.

9.22.050 Summary Abatement.

Because the use of Synthetic Drugs has been documented to cause hallucinations, agitation, psychosis, aggression, suicidal and homicidal ideations, cannibalism and death, any violation of this chapter presents a grave and imminent danger not only to the person consuming the synthetic drug, but also to the public at large. If the law enforcement personnel, based on the facts then known, determines that a violation of this chapter presents an imminent danger or hazard or is imminently injurious to the public health or safety, that violation shall be punishable by the summary abatement procedures set forth Section 1.12.130 of this code, including the immediate seizure of any synthetic drugs. If law enforcement personnel confiscate any synthetic drugs pursuant to this section, such synthetic drugs shall be stored pending the conclusion of a post seizure hearing pursuant to Section 1.12.130 and the conclusion of any related criminal case. Law enforcement personnel shall give notice of a violation of this chapter by issuing a citation to any and all responsible persons identified by law enforcement. The citation shall also give notice of the right to request an administrative hearing to challenge the validity of the citation and the time for requesting that hearing.

9.22.060 Penalties.

A. Misdemeanor Violation. Failure to comply with any of the requirements of this chapter is a misdemeanor punishable by imprisonment in the city or county jail for a period not exceeding six (6) months or by fine not exceeding one thousand dollars (\$1,000.00), or by both such fine and imprisonment, provided that where the city attorney determines that such action would be in the interest of justice, he/she may specify in the accusatory pleading that the offense shall be an infraction. Law enforcement personnel shall give notice of a violation of this chapter by issuing a citation to any and all responsible persons identified by law enforcement.

B. Infraction Violation. Where the city attorney determines that, in the interest of justice, a violation of this chapter is an infraction, such infraction is punishable by a fine not exceeding one hundred dollars (\$100.00) for a first violation, a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same provision within one (1) year, and a fine not exceeding five hundred dollars (\$500.00) for each additional infraction violation of the same provision within one (1) year. An infraction is not punishable by imprisonment. A person charged with an infraction shall not be entitled to a trial by jury and shall not be entitled to have the public defender or other counsel appointed at public expense to represent him/her, unless he/she is arrested and not released on his/her written promise to appear, his/her own recognizance, or a deposit of bail. However, any person who has previously been convicted two (2) or more times during any twelve (12) month period for any violation of this chapter for a crime made punishable as an infraction shall be charged with a misdemeanor upon the third violation.

C. Separate Offense. Each person committing, causing or maintaining a violation of this chapter or failing to comply with the requirements set forth herein shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued, maintained or permitted by such person and shall be punishable accordingly.

D. Civil Remedies Available; Remedies Cumulative. In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any of the provisions of this

chapter shall constitute a public nuisance as provided in Section 9.22.040 and may be abated by the city by civil process by means of a restraining order, preliminary or permanent injunction or in any manner provided by law for the abatement of such nuisance. All remedies herein are cumulative and non-exclusive.

E. Additional Penalties; Costs of Abatement. Nothing in this chapter shall preclude the city from pursuing the remedies made applicable hereto elsewhere in this code or under state law, including but not limited to, as applicable, denial or revocation of certificates of occupancy and injunctive relief. In any administrative or criminal proceeding involving the abatement of a public nuisance, the city shall also be entitled to recover its full reasonable costs of abatement, including, but not limited to, investigation, analysis and prosecuting the enforcement against the guilty party, upon submission of proof of such cost by the city.

F. Public Nuisance Remedies. The prevailing party in any proceeding associated with the abatement of a public nuisance as provided herein, shall be entitled to recovery of attorneys' fees incurred in any such proceeding, where the city has elected, at the initiation of that individual action or proceeding to seek recovery of its own attorneys' fees. In no action, administrative proceeding or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the City in the action or proceeding.

9.22.070 Seizure of Evidence.

Any products or substances stored, possessed, provided, distributed, or sold in violation of any provision of this chapter shall be seized and stored in accordance with law.

9.22.080 Exclusions.

A. This chapter shall not apply to drugs or substances lawfully prescribed or to intoxicating chemical compounds that have been approved by the Federal Food and Drug Administration or are specifically permitted by California law.

B. This chapter shall not apply to drugs or substances that are prohibited by State or Federal law, including without limitation, the State Synthetic Drug Laws (California Health & Safety Code sections 11375.5 and 11401), and the Federal Controlled Substances Act (21 U.S.C. sec. 81, *et seq.*).

C. This chapter shall not be deemed to prohibit any act that is permitted, prohibited, or preempted by any state or federal law or regulation.

9.22.090 Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section or part of this chapter be declared by the courts to be unconstitutional, void or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the part or section declared to be unconstitutional, void or invalid."

SECTION 3: Compliance with CEQA. The City Council hereby finds that the action to adopt this ordinance to add Chapter 9.22 to Title 9 of the Municipal Code is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, *et seq.*)

(CEQA) because the action is exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3). The activity is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. The ordinance regulates certain behavior to protect the health, safety, and public welfare, and does not authorize activities or development that could potential have a physical impact on the environment. Accordingly, the City Council hereby finds that it can be seen with certainty that there is no possibility the adoption and implementation of the proposed ordinance may have a significant effect on the environment.

SECTION 4: Severability. The City Council hereby declares every section, paragraph, sentence, cause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 5: Inclusion in the St. Helena Municipal Code. It is the intention of the St. Helena City Council that the text in Section 2 of this ordinance be made a part of the St. Helena Municipal Code and that the text may be renumbered or relettered and the word "Ordinance" may be changed to "Section," "Chapter," or such other appropriate word or phrase to accomplish this intention.

SECTION 6: Effective Date. This ordinance shall take effect and be in force 30 days after its adoption, and a summary of this ordinance shall be published once with the names of the members of the Council voting for and against the ordinance in the St. Helena Star, a newspaper of general circulation published in the city of St. Helena.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the ____ day of August, 2013, and was adopted at a regular meeting of the St. Helena City Council on the ____ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ann Nevero, Mayor

ATTEST:

Delia Guijosa, City Clerk

STAFF REPORT



DATE: September 10, 2013

TO: Mayor and City Council

FROM: Staff

Item No. 9

RE: Amendment 9 to the Joint Powers Agreement (JPA) for the Napa County Transportation and Planning Agency (NCTPA)

BACKGROUND:

As a result of interest from some member agencies to consider amending the current JPA, which governs the NCTPA, the Board appointed a subcommittee consisting of Members Bennett, Caldwell, Dunbar, Nevero, and Techel, to meet and confer with Legal Counsel in drafting an amendment to the JPA to circulate to member agencies for their approval.

Attached is Napa County Transportation and Planning Agency staff report outlining the changes along with a redlined copy of the proposed amendment.

RECOMMENDED COUNCIL ACTION:

Review and consider approval of Amendment No. 9 to the Joint Powers Agreement (JPA) for the Napa County Transportation Planning Agency

ATTACHMENTS/EXHIBITS:

NCTPA Staff Report
Amendment 9 to the Joint Powers Agreement



July 17, 2013
NCTPA Agenda Item 10.3
Continued From: New
Action Requested: APPROVE

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter

TO: Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Janice Killion, Legal Counsel
(707) 259-8246; Janice.killion@countyofnapa.org
SUBJECT: Amendment No. 9 to the Joint Powers Agreement (JPA) for the
Napa County Transportation and Planning Agency (NCTPA)

RECOMMENDATION

That the NCTPA Board approve Amendment No. 9 to the Joint Powers Agreement (JPA) (Attachment 1) and direct staff to circulate to its member jurisdictions for approval by their respective councils .

COMMITTEE RECOMMENDATION

None.

EXECUTIVE SUMMARY

There has been an interest from some member agencies to consider amending the current JPA, which governs the NCTPA. At the March 20, 2013 meeting, the Board appointed a subcommittee consisting of, Members Bennett, Caldwell, Dunbar, Nevero, and Techel, to meet and confer with Legal Counsel in drafting an amendment the JPA and to circulate to member agencies for their approval.

Other changes were made to the JPA to change NCTPA's address, eliminate references to the Art Council, change the Bicycle Advisory Committee to the Active Transportation Advisory Committee, and to include Transportation Development (TDA) Article 3 to the list of eligible revenues claimed by the agency.

PROCEDURAL REQUIREMENTS

1. Staff Report
2. Public Comment
3. Motion, Second, Discussion and Vote

FISCAL IMPACT

Is there a Fiscal Impact? No

CEQA REQUIREMENTS

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The NCTPA JPA has undergone some amendments over the course of its 15-year history to reflect changing circumstances and new initiatives that arise over time. Currently, the existing JPA has been amended on eight different occasions. There are several "clean up" changes to Amendment 9; however, the significant changes are in Sections 4, 5 and 8.

Section 4 removes Section 4.3.1 (c) Second Non-Voting Member Appointed by the NCTPA Board. The Board has never exercised this clause and the Sub Committee felt it should be removed. Additionally, Section 4 increases the City of American Canyons voting power to four (4) votes, with each member receiving two (2) votes and changes the distribution of the City of Napa's ten (10) votes so that each member receives five (5) votes.

Section 5 adds the power to apply for, expend and allocate all funds related to TDA Article 3 purposes, as set forth in Public Utilities Code section 99234, *et seq.*, as amended from time to time.

Section 8 adds Section 8.3.5 Advances from Member Jurisdictions. This section states that advances from member Jurisdictions may be made on a short term basis to meet operational expenses, which advances shall be repaid from the first available revenues of NCTPA.

SUPPORTING DOCUMENTS

Attachment: (1) Amendment No. 9 to the Joint Powers Agreement for the Napa County Transportation Planning Agency (with tracking)

**AMENDMENT NO. 9
TO THE JOINT POWERS AGREEMENT
FOR THE NAPA COUNTY
TRANSPORTATION AND PLANNING AGENCY**

(ALSO KNOWN AS NAPA COUNTY AGREEMENT NO. 3061; CITY OF NAPA AGREEMENT NO. 6147; CITY OF AMERICAN CANYON RESOLUTION NO. 92-33/AGREEMENT NO. 95-15; TOWN OF YOUNTVILLE RESOLUTION. NO. 868; CITY OF ST. HELENA RESOLUTION NO. 91-32; CITY OF CALISTOGA RESOLUTION NO. 91-19)

THIS AMENDMENT NO. 9 TO THE JOINT POWERS AGREEMENT OF THE NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY (the "Agreement") is entered into as of the effective date determined under (4), below, by and between the COUNTY OF NAPA, CITY OF AMERICAN CANYON, CITY OF NAPA, TOWN OF YOUNTVILLE, CITY OF ST. HELENA, and CITY OF CALISTOGA ("Member Jurisdictions");

RECITALS

WHEREAS, the Napa County Transportation and Planning Agency (the "NCTPA") is a joint powers agency created by the Member Jurisdictions to provide coordinated transportation planning and transportation services within the County of Napa; and

WHEREAS, the Member Jurisdictions desire to amend the Agreement to change the weighted votes amongst the member jurisdictions, to delete one appointed member, and to delete reference to arts and cultural planning.

TERMS

NOW, THEREFORE, THE MEMBER JURISDICTIONS agree as follows:

1. The foregoing Recitals are true and correct.
2. The terms of the Agreement are hereby amended to read in full as set forth in Attachment "A", attached hereto and incorporated by reference herein.
3. By approving this Amendment No. 9 and authorizing execution thereof each Member Jurisdiction hereby reconfirms its prior election to exempt Napa County from the congestion management requirements of Chapter 2.6 of Division 1 of Title 7 of the California Government Code as permitted by Government Code section 65088.3.
4. This Amendment No. 9 and the attached provisions of Attachment "A" shall become effective on the date the documents have been ratified by all of the Member

Jurisdictions. This Amendment may be signed in counterparts by the parties hereto and shall be valid and binding as if fully executed all on one copy.

IN WITNESS WHEREOF, this Amendment No. 9 to the Joint Powers Agreement creating the Napa County Transportation and Planning Agency was executed by the Member Jurisdictions through their duly-authorized representatives as noted below:

COUNTY OF NAPA

By: _____
BRAD WAGENKNECHT, Chair
Napa County Board of Supervisors

Date: _____

ATTEST: GLADYS I. COIL,
Clerk of the Board of Supervisors

APPROVED AS TO FORM:
MINH TRAN
Napa County Counsel

By: _____

By: _____

CITY OF AMERICAN CANYON

By: _____
LEON GARCIA, Mayor

Date: _____

ATTEST: Rebekah Barr ,
American Canyon City Clerk

APPROVED AS TO FORM:
WILLIAM ROSS
American Canyon City Attorney

By: _____

By: _____

CITY OF NAPA

By: _____
JILL TECHEL, Mayor

Date: _____

ATTEST: DOROTHY ROBERTS,
Napa City Clerk

APPROVED AS TO FORM:
MICHAEL BARRETT
Napa City Attorney

By: _____

By: _____

TOWN OF YOUNTVILLE

By: _____
JOHN F. DUNBAR, Mayor

Date: _____

ATTEST: MICHELLE DAHME,
Town Administrator/Town Clerk

APPROVED AS TO FORM:
ARNOLD M. ALVAREZ-
GLASMAN,
Yountville Town Attorney

By: _____

By: _____

CITY OF ST. HELENA

By: _____
ANN NEVERO, Mayor

Date: _____

ATTEST: DELIA GUIJOSA,
St. Helena City Clerk

APPROVED AS TO FORM:
JOHN TRUXAW ,
St. Helena City Attorney

By: _____

By: _____

CITY OF CALISTOGA

By: _____
CHRIS CANNING, Mayor

ATTEST: SUSAN SNEDDON,
Calistoga City Clerk

By: _____

Date: _____

APPROVED AS TO FORM:
MICHELE KENYON,
Calistoga City Attorney

By: _____

ATTACHMENT “A”

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY JOINT EXERCISE OF POWERS AGREEMENT

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NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY
JOINT EXERCISE OF POWERS AGREEMENT

SECTION 1. FORMATION

- 1.1 Creation and Name.** The County of Napa, the Cities of Napa, St. Helena, Calistoga, American Canyon, and the Town of Yountville (hereinafter referred to as “Member Jurisdictions”), pursuant to Article 2 of Chapter 5 of Division 7 of Title 1 (commencing with section 6500) of the California Government Code, do hereby form, establish and create a joint powers agency to be known as “Napa County Transportation and Planning Agency”, hereinafter referred to as “NCTPA”, which shall constitute a public entity separate and distinct from the Member Jurisdictions and shall supersede and replace the Napa County Congestion Management Agency (“CMA”).

SECTION 2. PURPOSE

- 2.1 General.** NCTPA is formed to serve as the countywide transportation planning body for the incorporated and unincorporated areas within Napa County, and as an advisory body for countywide deliberations on land-use, demographics, economic development, community development, and environmental issues, ~~arts and cultural issues~~, which purposes shall include conducting in a coordinated and more simplified way countywide:
- (a) Transportation policy development and planning activities, including those relating to transit on both a short-term and long-term basis and within an intermodal policy framework; improving transit services; providing coordinated and more competitive input to the region’s transportation planning and funding programs; and performing such other transportation related duties and responsibilities as the Member Jurisdictions may delegate to NCTPA by this Agreement or amendment thereto; and
 - (b) Advisory deliberations on land-use, demographics, economic development, community development, and environmental issues, ~~arts and cultural issues~~. Any such deliberations may result in advisory recommendations only, and such recommendations shall not be binding on any Member Jurisdiction.
- 2.2 Chapter 2.6 Compliance Not Included in Purpose.** It is the intention of the Member Jurisdictions in executing the Agreement to exempt Napa County and the Member Jurisdictions from the requirements of Chapter 2.6 of Division 1 of Title 7 (commencing with Government Code section 65088) pertaining to congestion management planning, as permitted by Government Code section 65088.3. For this reason, compliance with Chapter 2.6 shall not be deemed to be a purpose of NCTPA.
- 2.3 Abandoned Vehicle Abatement Authority.** NCTPA shall supersede and replace the CMA as the service authority for the abatement of abandoned vehicles (AVAA) for Napa County and the Member Jurisdictions pursuant to Vehicle Code section 9250 et seq. and

22710 seq. All resolutions, authorizations, funds, imposition of service fees, and responsibilities of the CMA in its capacity as the service authority shall be deemed to be ratified and assumed by and remain thereafter as the resolutions, authorizations, funds, imposition of service fees, and responsibilities of NCTPA as AVAA on and after the effective date of Amendment No. 4 of the Agreement until such time as modified or terminated by the NCTPA Board.

- 2.4 Preparation of County Transportation Plan.** The purposes of NCTPA shall include delegation by the County of Napa to NCTPA of the County's authority under Government Code section 66531 to prepare and submit to the MTC a county transportation plan for the incorporated and unincorporated territory of Napa County which shall include consideration of the planning factors included in Section 134 of the federal Intermodal Surface Transportation Efficiency Act of 1991, as such may be amended from time to time.
- 2.5 Exercise of Common and Additional Powers.** The purposes of NCTPA shall include establishment of NCTPA as an independent joint powers entity to enable the Member Jurisdictions not only to exercise jointly the common powers of the Member Jurisdictions set forth in Section 2.1 but also to exercise such additional powers as are conferred by Section 5 of this Agreement or by the Government Code upon all joint powers agencies.

SECTION 3. ASSUMPTION OF CMA CONTRACTS

- 3.1 Assumption of CMA Contracts.** All contracts between the CMA and any person or entity, public or private, which are in effect as of the effective date of Amendment No. 4 of this Agreement shall be assigned to and assumed by NCTPA on and after that date and all references therein to "CMA", "Congestion Management Agency", or "Napa County Congestion Management Agency" shall thereafter refer to NCTPA.
- 3.2 Delegation of Contract Responsibilities of CMA Manager.** All references in any CMA contracts assumed by NCTPA under Section 3.1 delegating contract responsibilities to the CMA Manager shall refer, on and after the effective date of Amendment No. 4 of the Agreement, to the Executive Director of NCTPA.

SECTION 4. ORGANIZATION

- 4.1 Composition.** NCTPA shall be composed of the Member Jurisdictions, to-wit: the County of Napa, the Cities of American Canyon, Napa, St. Helena, and Calistoga, and the Town of Yountville.
- 4.2 Principal Office.** The principal office of NCTPA shall be established by resolution of the NCTPA Board.
- 4.3 Governing Board.** The powers of NCTPA shall be vested in its governing board (hereinafter referred to as "NCTPA Board").

4.3.1 Appointment, Replacement and Voting Power of NCTPA Board Members (“Members”).

(a) **Voting Members.** Each voting Member of the NCTPA Board shall be an elected official of the governing board of the appointing Member Jurisdiction. One voting Member from each appointing Member Jurisdiction which is a city or town shall be that Member Jurisdiction’s mayor. Any elected official serving as the Napa County representative to the Metropolitan Transportation Commission shall be one of the voting Member’s appointed by that Member Jurisdiction. Members shall continue to serve as such until they cease to hold their elected positions, are removed in the sole discretion of their respective Member Jurisdiction, resign or are otherwise removed from or disqualified from holding their elected positions as a matter of law or by judgment of a court of competent jurisdiction.

(b) **Non-Voting Member Representing the PCC.** The non-voting Member appointed by NCTPA Board upon nomination by the Paratransit Coordinating Council (PCC) shall also be a member or alternate member of the PCC, selected by and serving at the pleasure of the PCC.

~~(c) **Second Non-Voting Member Appointed by the NCTPA Board.** The NCTPA Board may in its sole discretion appoint a second non-voting Member whose appointment shall be made in accordance with the Maddy Local Appointive List Act of 1975, Government Code section 54970 et seq., as such has been and may be amended from time to time. Such non-voting Member shall serve at the pleasure of the NCTPA Board.~~

~~(d)~~ **(dc) Vacancies.** Except for a vacancy in the non-voting position appointed by the NCTPA Board under subsection (c), vacancies on the NCTPA Board shall be filled, to the extent practicable, by the respective Member Jurisdictions within sixty (60) days of the occurrence thereof. NCTPA and the NCTPA Board shall be entitled to rely upon written notice from the clerk of the governing board of the Member Jurisdiction as conclusive evidence of the appointment and removal of all Members and their alternates.

(e) **Composition of Members.** The composition of the Members of the NCTPA Board shall be as follows:

<u>Appointing Entity</u>	<u>Number of Members</u>
City of American Canyon	2
City of Calistoga	2

City of Napa	2
City of St. Helena	2
Town of Yountville	2
County of Napa	2
NCTPA Board (nominated by Paratransit Coordinating Council)	1

~~NCTPA Board Appointment — 1~~

(f) **Voting Power of Members.** The voting power of the Members of the NCTPA Board shall be as follows:

- (1) On all matters concerning powers under Section 5.2 subsections (a) through (~~pg~~), inclusive:

<u>Appointing Entity</u>	<u>Voting Power</u>
City of American Canyon	2 4 (each Member has one two vote)
City of Calistoga	2 (each Member has one vote)
City of Napa	10 (one Member shall have 6 votes and one Member shall have 4 votes; such division to be determined by the appointing entity each Member has <u>five votes</u>)
City of St. Helena	2 (each Member has one vote)
Town of Yountville	2 (each Member has one vote)
County of Napa	4 (each Member has 2 votes)
NCTPA Board (nominated by Paratransit Coordinating Council)	0 (non-voting)

~~NCTPA Board Appointment — 0 (non-voting)~~

- (2) On all matters concerning powers under Section 5.2 subsection (~~pr~~), each voting Member shall have one vote.

(g) **Alternate Members.** Each Member Jurisdiction may, in its discretion, appoint alternate(s) for its Members of the NCTPA Board. An alternate shall be an elected official of the governing board of the appointing Member Jurisdiction. Any appointed alternate Members may attend in place of that jurisdiction's Member and participate in discussions of the NCTPA Board in the same manner as the Members, but an alternate of a voting Member shall vote only when the Member for whom he or she is an alternate is physically absent or cannot vote due to a conflict of interest.

4.3.2 Compensation. No compensation shall be received by any Member of the NCTPA Board unless expressly authorized by unanimous resolution of all of the voting Members of the NCTPA Board.

4.4 Advisory Committees.

4.4.1 Technical Advisory Committee (TAC). A single Technical Advisory Committee (TAC) shall be appointed by the NCTPA Board to advise the NCTPA Board regarding transit and roadway issues, including planning, project, and policy aspects. The TAC members shall include the Executive Director of NCTPA, serving ex-officio; a member nominated by the PCC and appointed by the NCTPA Board; and two members and two alternate members from the technical staffs of each of the Member Jurisdictions, serving ex officio as designated by the chief administrative officers of the respective Member Jurisdictions.

4.4.2 ~~Bicycle Advisory Committee (BAC).~~Active Transportation Advisory Committee. The ~~Bicycle Advisory Committee (BAC)~~Active Transportation Advisory Committee (ATAC) shall be appointed by and serve in an advisory capacity to the NCTPA Board on matters of bicycling and pedestrian issues. By-laws and amendments thereto for the BAC shall be approved by the NCTPA Board.

4.4.3 Paratransit Coordinating Council (PCC). The Paratransit Coordinating Council (PCC) shall be advisory to the NCTPA Board and serve as the social services transportation advisory council for Napa County provided for under Public Utilities Code section 99238 by the MTC, the transportation planning agency designated under Public Utilities Code section 99214 and Government Code section 29523. The PCC shall serve as the primary means of advice to the NCTPA Board regarding, and representation of, the special transportation interests of the disabled and elderly, in order to carry out the intent of the Legislature expressed in Public Utilities Code section 99238(d) to avoid duplicative transit advisory councils whenever possible. By-laws and amendments thereto for the PCC shall be approved by the NCTPA Board.

4.4.4 Other Advisory Committees. The NCTPA Board may create such other advisory committees, both ad hoc and standing, as it sees fit from time to time.

4.4.5 Compliance with Maddy Act. When appointing members to the committees provided for in Sections 3.4.2 and 3.4.4, the NCTPA Board shall comply with the provisions of the Maddy Local Appointive List Act of 1975, Government Code section 54970 et seq., as such has been and may be amended from time to time.

4.4.6 Compliance with Brown Act. Except for ad hoc committees, all advisory committees created pursuant to this Section 4.4 shall be subject to the requirements of the Ralph M. Brown Act, Government Code section 54950 et seq.

SECTION 5. POWERS

5.1 General. NCTPA shall have all powers necessary to carry out the purpose of this Agreement except the power to tax. Such powers shall be subject only to the limitations set forth in this Agreement, applicable laws and regulations, and such restrictions upon the manner of exercising such powers as are imposed by law upon the County of Napa in the exercise of similar powers except where specifically authorized otherwise by the Joint Exercise of Powers Act, Government Code section 6500 et seq.

5.2 Approved Powers. The powers of NCTPA specifically include but are not limited to the following:

- (a) To sue and be sued in its own name;
- (b) To incur debts, liabilities and obligations;
- (c) To employ agents, employees and to contract with third parties for goods and services, including but not limited to the services of engineers, planners, attorneys, accountants, fiscal agents (including auditors, controllers, and treasurers), and providers of transit services;
- (d) To acquire, improve, hold, lease and dispose of real and personal property of all types;
- (e) To undertake the acquisition of real property through the exercise of eminent domain in furtherance of transportation and transit related projects in accordance with State and Federal laws;
- (f) To enact an ordinance for the purpose of adopting the California Uniform Construction Cost Accounting Act procedures and establishing an alternative method of procuring small construction contracts pursuant to California Public Contracts Code sections 22000, *et seq.*, as amended from time to time.

- (g) To make and enter into any contracts with any of the Member Jurisdictions for goods, services, equipment, or real property;
- (h) To assume contracts made by any Member Jurisdiction or made pursuant to joint powers agreement between any of the Member Jurisdictions;
- (i) To apply for and accept grants, advances and contributions;
- (j) To make plans and conduct studies;
- (k) To coordinate efforts with local, regional, state and federal agencies having jurisdiction over matters pertaining to transportation (including roads) and transit;
- (l) To engage in all activities necessary for NCTPA to act as the Abandoned Vehicle Abatement Authority for Napa County;
- (m) To operate, directly or by contract with any person or entity including any Member Jurisdiction, any transit and paratransit services within Napa County in whole or in part and, if so, to submit any corresponding claims for funds or reimbursement under the Transportation Development Act (TDA), Section 29530 et seq. of the Government Code, as such may be amended from time to time;
- (n) To act as the overall program manager within Napa County for the purpose of receiving and reallocating the county's proportionate share of vehicle registration fees collected by the Bay Area Air Quality Management District (BAAQMD) under AB 434 (Chapter 807, Statutes of 1991, set forth in Health and Safety Code section 44241 et seq.);
- (o) To act as, exercise the powers conferred upon, and fulfill the responsibilities of the Consolidated Transportation Service Agency (CTSA) for Napa County as that term is defined in Public Utilities Code section 99204.5 as amended from time to time, if and when appointed as CTSA by the MTC, such appointment being deemed to supersede the appointment of the County of Napa as CTSA;
- (p) To invest any funds in the treasury of NCTPA that are not required for the immediate necessities of NCTPA in such manner as the NCTPA Board deems advisable, in the same manner and upon the same conditions as local agencies pursuant to Section 53601, except where otherwise restricted for particular funds by conditions imposed by the person or agency which is the source of those funds;
- (q) To apply for, expend and allocate all funds related to Transportation Development Act Article Three purposes, as set forth in Public Utilities Code section 99234, et seq., as amended from time to time.
- (r) To act as a countywide advisory deliberative body on issues of land-use, demographics, economic development, community development, and

environmental issues, ~~arts and related cultural~~ issues. Any such deliberations may result in advisory recommendations only, and such recommendations shall not be binding on any Member Jurisdiction.

SECTION 6. PERSONNEL AND ADMINISTRATION

6.1 Employees. NCTPA may appoint, retain and compensate as a charge against the funds of NCTPA employees, whether temporary, probationary, limited term or permanent and/or may contract with any person or entity, including a Member Jurisdiction, for the furnishing of any services, including but not limited to legal, financial, accounting, data processing, secretarial, purchasing, and personnel services, which are necessary to fulfill the powers, duties and responsibilities of NCTPA under this Agreement or as necessary to comply with the laws applicable to joint powers agencies within the State of California, including but not limited to the services described in Sections 6.2 through 6.4, below. Where such services are provided by employees of a Member Jurisdiction by contract between such Member Jurisdiction and NCTPA or pursuant to Section 6.3 or 6.4 of this Agreement, NCTPA and the employing Member Jurisdiction hereby expressly waive any conflict of interest or incompatibility of employment created thereby.

6.2 Executive Director.

6.2.1 General. NCTPA shall hire or contract for the provision of the services of an Executive Director to serve as the chief administrative officer of NCTPA, performing management and other duties which shall be described in a job description/scope of services approved by resolution of the NCTPA Board.

6.2.2 Filings with Secretary of State. In addition to any other duties assigned to the Executive Director or otherwise required by law, the Executive Director is hereby authorized to and shall be responsible for filing on behalf of NCTPA and the NCTPA Board all notices required by Government Code sections 6503.5 and 53051. Notwithstanding the foregoing, unless and until an Executive Director is appointed, such filings are authorized to and shall be made by the Napa County Director of Public Works.

6.3 Treasurer.

6.3.1 General. The Napa County Treasurer-Tax Collector shall serve as the NCTPA Treasurer and in that capacity shall be the depository and have custody of all of the funds of NCTPA, from whatever source, and shall perform the functions described in Government Code section 6505.5 (a) through (e). Notwithstanding the foregoing, the NCTPA Board may retain a certified public accountant to serve as NCTPA Treasurer in lieu of the Napa County Treasurer-Tax Collector.

6.3.2 Bond. The NCTPA Treasurer shall post an official bond in an amount to be fixed by the NCTPA Board. The cost of such bond shall be a charge against NCTPA funds, except that if the NCTPA Treasurer is the Napa County Treasurer-Tax

Collector, the cost of the bond to be borne by NCTPA shall be that amount which is in excess of the cost of the official bond posted by the Napa County Treasurer-Tax Collector for functions unrelated to NCTPA.

6.3.3 Compensation. Pursuant to Section Government Code section 6505.5, the Napa County Board of Supervisors shall determine the charges to be made against NCTPA for the services performed by the Napa County Treasurer-Tax Collector for NCTPA which shall be a charge against NCTPA funds. If the NCTPA Board retains a certified public accountant to be NCTPA Treasurer, the compensation of the NCTPA Treasurer shall be determined by the NCTPA Board and shall be a charge against NCTPA funds.

6.4 Auditor-Controller.

6.4.1 General. The Napa County Auditor-Controller shall serve as the auditor-controller of NCTPA and shall be responsible for drawing warrants to pay demands against NCTPA when the demands have been approved by the NCTPA Board or, upon delegation by the NCTPA Board, by the Executive Director, or the Deputy Executive Director when acting as purchasing agent for NCTPA.

6.4.2 Custodian of Property; Bond. With the exception of NCTPA funds which shall be in the custody of the NCTPA Treasurer, the Napa County Auditor-Controller shall, acting as NCTPA Auditor-Controller, be the public officer designated pursuant to Government Code section 6505.1 to have charge of, handle, have access to, and maintain inventory any property of NCTPA and shall post an official bond in an amount to be fixed by the NCTPA Board. The cost of such bond, to the extent in excess of the cost of the official bond posted by the Napa County Auditor-Controller in connection with functions unrelated to NCTPA, shall be a charge against NCTPA funds.

6.4.3 Compensation. Pursuant to Government Code section 6505.5, the Napa County Board of Supervisors shall determine the charges to be made against the NCTPA for the services performed by the Napa County Auditor-Controller for NCTPA, which shall constitute a charge against the funds of NCTPA.

SECTION 7. DUTIES AND RESPONSIBILITIES

- 7.1 Limitations.** The authority of NCTPA shall be limited to those powers enumerated in Section 5 or as otherwise provided for herein.
- 7.2 Coordination of Transportation Systems.** NCTPA shall facilitate the coordination of transportation systems operated by or on behalf of the Member Jurisdictions with Napa County and adjacent counties.
- 7.3 Coordination of Transportation and Land Use Management.** NCTPA shall develop and implement programs and policies for the coordination of transportation and related

land use management by the Member Jurisdictions. Such programs may include, but shall not be limited to, providing analysis of the impacts of land use decisions by the Member Jurisdictions on regional transportation systems and the costs associated with mitigating those impacts. In carrying out this responsibility, NCTPA shall review and comment on all discretionary projects related to transportation under consideration by any of the Member Jurisdictions and may review and comment on such discretionary projects under consideration by any other public entity which are submitted to NCTPA for review and comment.

- 7.4 **Countywide Transportation Plans.** NCTPA shall develop, adopt, implement, update as necessary, and submit to MTC a county transportation plan under Government Code section 66531 for the incorporated and unincorporated territory of Napa County which shall include consideration of the planning factors included in Section 134 of the federal Intermodal Surface Transportation Efficiency Act of 1991, as such may be amended from time to time.
- 7.5 **Submission of Funding Applications and Claims.** NCTPA may submit applications and funding claims for transportation related purposes to local government, MTC, the State of California, the Federal Government and other entities supporting transportation.
- 7.6 **Intermodal Policies and Programs.** NCTPA may consider and adopt policies and programs for all modes of transportation including but not limited to, transit, paratransit, streets and roads, bicycle and pedestrian facilities, airports, marinas, harbors, and railroads.
- 7.7 **Transportation Development Act (TDA) Claims for Transit and Paratransit Services.** If NCTPA operates directly or by contract with any person or entity including any Member Jurisdiction the operation of any transit and paratransit services within Napa County in whole or in part, NCTPA shall be deemed authorized by this Agreement to submit any corresponding claims for funds or reimbursement under the Transportation Development Act (TDA), Section 29530 et seq. of the Government Code, as such may be amended from time to time.
- 7.8 **Consolidated Transit Services Agency.** If, in the future and with the consent of all of the Member Jurisdictions and MTC, NCTPA is appointed in place of the Napa County Board of Supervisors as the consolidated transportation service agency (CTSA) for Napa County as that term is defined in Public Utilities Code section 99204.5, as such may be amended from time to time, then and only then may NCTPA make claims pursuant to the procedure set forth in Article 7 of Chapter 3 of Title 21 of the California Code of Regulations, commencing with 6680.
- 7.9 **Overall Program Manager (AB 434).** NCTPA shall act as the overall program manager within Napa County for the purpose of receiving and reallocating the county's proportionate share of vehicle registration fees collected by the Bay Area Air Quality Management District (BAAQMD) under AB 434 (Chapter 807, Statutes of 1991, set forth in Health and Safety Code section 44241 et seq.)

- 7.10 **Deliberative Body.** NCTPA shall act as the countywide deliberative body for discussions of interjurisdictional issues relating to land use, infrastructure, the economy and economic development, community development, ~~and~~ environmental issues ~~and culture and the arts~~. No subject may be deliberated unless a majority of votes, as determined by Section 4.3.1 (f) (2) of this Agreement, of the Board has approved such deliberations. The NCTPA may adopt decisions on such matters, but its decisions shall constitute recommendations to the Member Jurisdictions only, and shall have no binding effect. Final decision making on all matters affecting ~~members~~ Member Jurisdictions shall remain with the governing body of each Member, except as provided by Sections 5.2 (a) through ~~(ep)~~ inclusive, of this Joint Powers Agreement, state or federal law, and applicable regulations.
- 7.11 **Other Duties and Responsibilities.** NCTPA shall carry out such other duties and responsibilities as the Member Jurisdictions, by unanimous approval expressed through amendment of this Agreement or resolutions of their respective governing boards, may delegate to NCTPA.

SECTION 8. FINANCE

- 8.1 **Fiscal Year.** The fiscal year for NCTPA shall begin on July 1 and end on June 30.
- 8.2 **Budget.** A budget for NCTPA shall be adopted by the NCTPA Board for each fiscal year prior to June 30 of the preceding fiscal year. The budget shall include sufficient detail to constitute an operating guideline. It shall also include the anticipated sources of funds and the anticipated expenditures to be made for the operations of NCTPA. Approval of the budget by the NCTPA Board shall constitute authority for the Executive Director to expend funds for the purposes outlined in the approved budget, subject to the availability of funds on hand as determined by the NCTPA Auditor-Controller and subject to the constraints imposed upon general law counties pertaining to execution of contracts by purchasing agents. Nothing in this Section 8.2 shall be construed to limit the power of the NCTPA Board to modify the budget in whatever manner it deems appropriate and to instruct the Executive Director accordingly.
- 8.3 **Revenues.**
- 8.3.1 **General.** Unless otherwise agreed by the Member Jurisdictions by amendment of this Agreement, the total expenditures in the annual planning budget shall be paid for with revenues derived from funds paid directly to NCTPA by persons or entities, public or private, other than the Member Jurisdictions and from contributions from the Member Jurisdictions (in money or, upon approval by the NCTPA Board, in kind) based on the relative populations of the Member Jurisdictions. In determining said population ratios the latest population statistics by the State Department of Finance shall be used.

8.3.2 Approval Required for Member Jurisdiction Contributions.

Notwithstanding the foregoing, no Member Jurisdiction shall be required to expend any of its general fund monies to support the operations of NCTPA in any fiscal year unless such expenditure has been first approved by the legislative body of the Member Jurisdiction.

8.3.3 Transportation Funds. In order to carry out the transportation duties and responsibilities of this Agreement, NCTPA shall be empowered to claim all TDA funds under Articles 3.4, 4.5 and/or 8 of Chapter 4 of the Public Utilities Code apportioned within Napa County by the Metropolitan Transportation Commission (MTC) commencing with the fiscal year 2001-2002 apportionment. All TDA funds, excluding those apportioned prior to the 2001-2002 fiscal year, will be used for purposes allowed under TDA regulations with the exception of those funds for streets and roads, Section 99400(a) of the Public Utilities Code. All TDA funds claimed by NCTPA shall be used at the sole discretion of the NCTPA Board of Directors only for transit and paratransit services and capital improvements. TDA funds apportioned or allocated under Section 99233.3 are not subject to this agreement. Member Jurisdictions endorse a single apportionment by MTC, commencing with the 2001-2002 apportionment, under Sections 99233.8 and 99233.9 of the Public Utilities Code to the NCTPA on behalf of the jurisdictions of Napa County. If apportionment under Sections 99233.8 and 99233.9 of the Public Utilities Code are made to any Member Jurisdiction commencing with the fiscal year 2001-2002 apportionment, the NCTPA is authorized to claim all such apportionments for transit purposes without further action by the Member Jurisdiction. Funds available pursuant to Section 99313.6, excluding funds apportioned or allocated under Section 99314.3, shall be claimed solely by the NCTPA for transit purposes. No Member Jurisdiction shall claim funds apportioned or allocated under Section 99313.6, excluding funds apportioned or allocated under Section 99314.3.

8.3.4 Standards For Use of TDA Funds. Every two years, the NCTPA will prepare and adopt a Short Range Transit Plan ("Plan"). As warranted, at the discretion of the NCTPA Board, the Plan may be updated annually. The NCTPA Board will adopt the Plan and any updated Plan. The Plan shall provide the basis for evaluating what services are necessary and where services will be provided. Each Member Jurisdiction operating its own transit system during fiscal year 2000-2001 is guaranteed an amount of funding, in addition to TDA funds apportioned to that Member Jurisdiction prior to fiscal year 2001-2002 apportionment if such funds remain unallocated by MTC, sufficient to operate its system at the level of service existing for that system for fiscal year 2000-2001. In the case of a jurisdiction not operating local transit during fiscal year 2000-2001, an equitable amount of funding, in addition to TDA funds apportioned to that Member Jurisdiction prior to the fiscal year 2001-2002 apportionment if such funds remain unallocated by MTC, will be provided to that Member Agency for local transit as determined through a memorandum of understanding with the NCTPA.

8.3.5 Advances from Member Jurisdictions. Advances from member Jurisdictions may be made on a short term basis to meet operational expenses, which advances shall be repaid from the first available revenues of NCTPA.

8.4 Accountability.

8.4.1 Accountable to Member Jurisdictions. NCTPA shall be strictly accountable to the Member Jurisdictions for all receipts and disbursements of NCTPA.

8.4.2 Limitation on Expenditures. NCTPA may not obligate itself beyond the monies due to NCTPA under this Agreement plus any monies on hand or irrevocably pledged to its support from other sources.

8.4.3 Annual Audit. The NCTPA Board shall cause an annual audit to be prepared and filed to the extent required by Government Code section 6505.

8.5 Debts, Liabilities and Obligations.

8.5.1 General. Except as provided in Section 8.4.2, the debts, liabilities, and obligations of NCTPA shall be solely the obligation of NCTPA and not the debts, liabilities, and obligations of the Member Jurisdictions or their respective officers or employees. However, nothing in this Agreement shall prevent any Member Jurisdiction from separately contracting for, or assuming responsibility for, specific debts, liabilities, or obligations of NCTPA, provided that both the NCTPA Board and that Member Jurisdiction give prior approval of such contract or assumption.

8.5.2 Liability.

(a) **Primary Liability.** If liability is imposed upon NCTPA by a court of competent jurisdiction by reason of negligent or willful acts or omissions of NCTPA or any of its officers, employees, agents, volunteers, or contractors, any resulting monetary judgment against NCTPA shall be paid first from the discretionary funds of NCTPA or, if the liability arose from the actions of a contractor, contribution shall be sought from the contractor.

(b) **Insurance.** To comply with subsection (a), above, NCTPA shall obtain and maintain in force during the life of this Agreement insurance for errors and omissions, general liability, and vehicle liability in amounts deemed by the NCTPA Board to be sufficient to fully cover NCTPA, its officers, employees, board members, and agents, and the Member Jurisdictions for any reasonably foreseeable losses. Where services are provided by contract to NCTPA, the contract shall require the contractor to obtain insurance sufficient to hold NCTPA and the Member

Jurisdictions harmless and indemnify them against any claims for liability arising from the provision of the services. The cost of such coverage, whether obtained directly by NCTPA or as any increased in the contract price for services obtained under contract, shall be a charge against NCTPA funds.

(c) **Contribution by Member Jurisdictions.** If NCTPA funds or insurance coverage are insufficient, or if any Member Jurisdiction is sued and found liable for a negligent or willful act or omission of NCTPA or any of its officers, employees, agents, volunteers, or contractors and NCTPA funds or contractor contribution are insufficient to pay the judgment or to reimburse the sued Member Jurisdiction for paying the judgment, the Member Jurisdictions shall be responsible for the liability for purposes of contribution under Government Code section 895.4 in proportion to the voting power of each Member Jurisdiction on the NCTPA Board.

SECTION 9. RULES OF CONDUCT

- 9.1 **Bylaws.** The NCTPA Board may from time to time adopt bylaws for the conduct of the affairs of NCTPA and the NCTPA Board, provided such Rules of Conduct are not inconsistent with this Agreement.
- 9.2 **Quorum.** A majority of the voting power and seven of the twelve voting members (or their alternates) of the NCTPA Board shall constitute a quorum for the transaction of business at any meeting of the NCTPA Board. Notwithstanding the foregoing, if a quorum ~~has been~~is present at the commencement of the meeting, the affirmative vote of a majority of the voting power of the NCTPA Board shall constitute the act of the NCTPA Board even if, at the time of such vote, less than seven voting members (or their alternates) are present.
- 9.3 **Adjournment of Meetings.** Any meeting of the NCTPA Board, whether or not a quorum is present, may be adjourned from time to time by a vote of the majority of the voting members (or their alternates) present or, if no voting members or their alternates are present, may be adjourned by the person appointed to serve as Clerk or Secretary of the NCTPA Board.
- 9.4 **Brown Act.** All meetings of the NCTPA Board shall comply with the requirements of the Ralph M. Brown Act (Government Code section 54950 et seq.).

SECTION 10. NOTICES

- 10.1 **Method.** All notices which any Member Jurisdiction or NCTPA may wish to give in connection with this Agreement shall be in writing and served by personal delivery during business hours at the principal office of the Member Jurisdiction or NCTPA to an officer or person apparently in charge of that office, or by deposit in the United States

mail, postage prepaid, and addressed to the Member Jurisdiction or NCTPA at its principal office or to such other address as the Member Jurisdiction or NCTPA may designate from time to time by written notice to NCTPA and each of the parties. Service of notice shall be deemed complete on the day of personal delivery (or 24 hours after such delivery for notice of special meetings) or three (3) days after mailing if deposited in the United States mail.

10.2 Addresses for Notice. Until changed by written notice to NCTPA and the Member Jurisdictions, notices under this Agreement shall be delivered to the following addresses:

NCTPA:	Executive Director Napa County Transportation and Planning Agency 707 Randolph, Street, Suite 100 625 Burnell <u>Street</u> Napa, California 94559
COUNTY OF NAPA:	Clerk of the Board of Supervisors Room 310, County Administration Building 1195 Third Street Napa, California 94559
CITY OF AMERICAN CANYON:	American Canyon City Clerk 300 Crawford Way American Canyon, California 94503
CITY OF NAPA:	Napa City Clerk 955 School Street Napa, California 94559
TOWN OF YOUNTVILLE:	Yountville Town Clerk 6550 Yount Street Yountville, California 94599
CITY OF ST. HELENA:	St. Helena City Clerk 1480 Main Street St. Helena, California 94574
CITY OF CALISTOGA:	Calistoga City Clerk 1232 Washington Street Calistoga, California 94515

SECTION 11. ASSIGNMENT, WITHDRAWAL AND TERMINATION

11.1 Assignment. This Agreement shall be binding upon and inure to the benefit of the permitted successors and assigns of the Member Jurisdictions, except that no Member Jurisdiction shall assign any of its rights under this Agreement except to a duly-formed

public entity organized and existing under the laws of the State of California and then only when approved by amendment of this Agreement.

- 11.2 Withdrawal.** A Member Jurisdiction may withdraw from NCTPA without the consent of the other Member Jurisdictions by giving no less than ninety (90) days prior written notice to the NCTPA Board. A Member Jurisdiction may withdraw from NCTPA at any time with the written consent of all of the other Member Jurisdictions contained in an amendment of this Agreement. A Member Jurisdiction electing to withdraw prior to termination of the Agreement pursuant to Section 11.3 shall not be entitled to share in the distribution of assets provided for in Section 11.3.
- 11.3 Termination.** The Agreement shall continue in effect until terminated. The Agreement may be terminated at any time and NCTPA dissolved with the written consent of the majority of the then-existing Member Jurisdictions representing a majority of the votes on the NCTPA Board. Such consent shall be expressed in duly-authorized resolutions of the Member Jurisdictions.
- 11.4 Disposition of Assets.** In the event of termination of the Agreement and dissolution of NCTPA, any remaining assets of NCTPA shall be sold or, if sale is prohibited under the terms of original acquisition, returned to or otherwise disposed of at the direction of the party or persons from whom they were obtained. After all liabilities, encumbrances and liens have been paid, the proceeds of such sales shall be allocated proportionately to the Member Jurisdictions based upon their respective populations as determined by the latest California State Department of Finance population figures. Notwithstanding the foregoing, in accordance with Government Code section 6512, any funds remaining at the time of termination which were contributed by the Member Jurisdictions shall be returned to the Member Jurisdictions in proportion to the contributions made.

SECTION 12. AMENDMENTS

- 12.1 Method of Amendment.** Amendments to this Agreement shall be made only with the written consent of all then-existing Member Jurisdictions without regard to voting power on the NCTPA Board.

SECTION 13. WAIVER

- 13.1 Limitation.** Waiver by any Member Jurisdiction of breach of any provision of this Agreement shall not constitute a waiver of any other breach of such provision or of any other provision of this Agreement, nor shall failure to enforce any provision hereof operate as a waiver of such provision or of any other provision.

SECTION 14. SEVERABILITY

- 14.1 General.** Should any part, term or provision of this Agreement be decided by a final judgment of a court of competent jurisdiction to be illegal or in conflict with any State or federal law or regulation or any applicable local ordinance or otherwise be unenforceable

or ineffectual, the validity of the remaining parts, terms and provisions shall not be affected.

SECTION 15. SECTION HEADINGS

- 15.1 Effect.** All section numbers and headings contained in this Agreement are for convenience and reference only and are not intended to define or limit the scope of any provision of this Agreement.

SECTION 16. APPLICABLE LAW AND VENUE

- 16.1 Applicable Law.** The rights, obligations, duties and liabilities of NCTPA and of the Member Jurisdictions under this Agreement shall be interpreted in accordance with and governed by the law of the State of California.
- 16.2 Venue for Disputes.** Venue for any action filed by any Member Jurisdiction under state law to enforce this Agreement or any provision thereof shall be in the courts of Napa County. Venue for any action filed by any Member Jurisdiction under federal law or as a federal action shall be in the federal courts for the Northern District of California.

SECTION 17. NO RIGHTS CREATED IN THIRD PARTIES

- 17.1 No Rights for Third Parties.** The parties to this Agreement hereby expressly agree that it is not the intent of the parties to create, and this Agreement shall not be deemed or construed to create any third party beneficiaries or otherwise inure to the benefit of any third parties.

SECTION 18. ENTIRE AGREEMENT

- 18.1 Integrated Agreement.** The terms and provisions of this Agreement constitute the full and entire agreement between the Member Jurisdictions with respect to the matters covered herein. This Agreement supersedes any and all other communications, representations, proposals, understandings or agreements, either written or oral, between the Member Jurisdictions with respect to such subject matter, including any prior agreement or amendment thereto relating to the CMA.

STAFF REPORT

DATE: September 10, 2013

TO: Mayor and City Council

FROM: Greg Desmond, Interim Planning Director

Item: 10



RE: Resolution Approving the Final Map of the Lands of Vintner's Court, LLC, Grant of Easements and Declaration of Restrictions and Maintenance of Access Drive and Associated Improvements" and authorize the City Clerk to execute the appropriate certificates on the agreement and certificate sheet and transmit the map to the County recorder.

BACKGROUND

On May 15, 2012 the Planning Commission approved a Vesting Tentative Parcel Map for the subject property. The Planning Commission found that the project was exempt from CEQA, the California Environmental Quality Act pursuant to Section 15315, Class 15, Minor Land Divisions. The Commission approved the project with the condition that a joint access, parking, drainage and water/sewer/utility maintenance agreement for the three parcels be recorded with the Final Map and that agreement be approved by the City Attorney.

On August 20, 2013 the Planning Commission recommended City Council approval of the Final Map and Grant of Easements and Declaration of Restrictions and Maintenance of Access Drive and Associated Improvements document for this project.

DISCUSSION/ANALYSIS

The applicant has satisfied the conditions of approval for the Final Parcel Map, prepared and submitted the Final Parcel Map for approval, and paid the required fees.

The City Engineer and City Surveyor have each examined the Final Parcel Map and finds that it complies with St. Helena Municipal Code (SHMC) Section 16.20.040 as to form and Section 16.20.080 as to the requirements and conditions imposed by the State Subdivision Map Act and the SHMC applicable at the time of the approval of the tentative map.

The map is substantially the same as it appeared on the Vesting Tentative Map with approved alterations.

As required by the conditions of approval of the Vesting Tentative Parcel Map, the subdivider has executed a Grant of Easements and Declaration of Restrictions and Maintenance of Access Drive and Associated Improvements (Agreement) to insure future maintenance obligations of the improvements by the future homeowners and the Agreement was reviewed and approved by the City Attorney. Prior to approving the Final Parcel Map, the Planning Commission shall consider approval of the Grant of Easements and Declaration of Restrictions and Maintenance of Access Drive and Associated Improvements.

During the review of the Agreement, the City Attorney was asked to review the inclusion of condition #12 regarding hardscape limitations for Parcel 2. The City Attorney relayed that the Agreement met the intent of the condition and the Planning Commission would need to revise the condition wording to replace CC&Rs with Maintenance Agreement.

As required by SHMC Section 16.20.080 D., the subdivider has submitted the original tracing of the parcel map, corrected to its final form and signed by all parties required to execute the certificates on the map, to the planning department, which has agendized the parcel map for the next succeeding regular planning commission meeting. “The planning commission shall review and approve the parcel map and any subdivision improvement agreement in accordance with Section 16.20.080 and shall have all of the powers and duties of the city council as set forth in that section.”

“Section 16.20.080 E. City Council Review. If a parcel map is approved by the planning commission, the city planner shall make a written report thereof to the city council. Any member of the city council shall have the right to call up the parcel map and any subsection improvement agreement for city council review at a city council meeting or by a request to the planning director, either of which must be within ten (10) days of the final action by the planning commission. If the city council, by a majority vote, decides to review the map it may do so at the same meeting or within thirty (30) days after the city council decides to review the map. The city council shall affirm the planning commission’s approval of the parcel map and any subdivision improvement agreement in accordance with Section 16.20.080.”

RECOMMENDED ACTION

1. Find that the Final Parcel Map meets all of the requirements and conditions imposed by the state Subdivision Map Act and by the City of St. Helena Subdivision Ordinance imposed with the approval of the Tentative Parcel Map.
2. Approve the attached Grant of Easements and Declaration of Restrictions and Maintenance of Access Drive and Associated Improvements and direct the City Clerk to execute the agreement on behalf of the City.
3. Approve attached resolution titled "Approving the Final Parcel Map of the Lands of Vintner’s Court, LLC, Grant of Easements and Declaration of Restrictions and Maintenance of Access Drive and Associated Improvements" and authorize the City Clerk to execute the appropriate certificates on the agreement and certificate sheet and transmit the map to the County recorder.

ATTACHMENTS

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**CITY OF ST. HELENA
RESOLUTION NO. 2013-___**

**APPROVING THE FINAL PARCEL MAP OF THE LANDS OF
VINTNER'S COURT, LLC, A GRANT OF EASEMENTS AND DECLARATION OF
RESTRICTIONS AND MAINTENANCE OF ACCESS DRIVE AND ASSOCIATED
IMPROVEMENTS AND REVISION TO THE CONDITIONS OF APPROVAL**

RECITALS

- A. The Planning Commission adopted Resolution No. 2010-29 Approving a Tentative Subdivision Map, Use Permit, Design Review, and Demolition Permit for the Lands of Vintner's Court, 1320 Elmhurst Avenue at their regular meeting of May 15, 2012.
- B. At their August 20, 2013 meeting the Planning Commission approved the Final Map and amended condition #10 in the Grant of Easements and Declaration of Restrictions and Maintenance of Access Drive and Associated Improvements document to include the following:

In addition to the foregoing restriction, no construction work or landscaping that requires excavation to a depth of greater than one foot (1') shall occur within the drip line area of the Blue Oak tree as shown on said Vesting Tentative Map Grading Plan dated 05-02-12, except under the supervision of a certified arborist.

With that modification the Planning Commission recommends approval of both the Final Map and the Grant of Easements and Declaration of Restrictions and Maintenance of Access Drive and Associated Improvements by the City Council.

RESOLUTION

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

- 1. The City Council hereby approves the Final Map as presented to the City Council on September 10, 2013.
- 2. The City Council hereby approves the Grant of Easements and Declaration of Restrictions and Maintenance of Access Drive and Associated Improvements as presented to the City Council on September 10, 2013.
- 3. That the Mayor and City Clerk are hereby authorized to execute that certain map entitled, "Final Map of the Lands of Vintner's Court, LLC", Project No. 2010-29, and the same is hereby approved as the Final Map of said subdivision.

Approved at a Regular Meeting of the St. Helena City Council on September 10, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Ann Nevero
Mayor

ATTEST:

Delia Guijosa
City Clerk

OWNER’S CERTIFICATE

THE UNDERSIGNED, VINTNER’S COURT, LLC, A CALIFORNIA LIMITED LIABILITY CORPORATION, DOES HEREBY CERTIFY THAT IT IS THE ONLY ENTITY HAVING ANY RECORD TITLE INTEREST IN THE REAL PROPERTY INCLUDED WITHIN THE PARCEL MAP SHOWN HEREON ENTITLED “PARCEL MAP OF THE LANDS OF VINTNER’S COURT, LLC” CONSISTING OF TWO SHEETS INCLUDING THIS ONE, THAT IT DOES HEREBY IRREVOCABLY OFFER FOR DEDICATION TO THE PUBLIC FOR PUBLIC UTILITY PURPOSES THOSE CERTAIN PARCELS OF LAND DESIGNATED ON SAID MAP AS “10’ WIDE PUBLIC UTILITY EASEMENT” AND THAT IT DOES HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF SAID MAP,

IN WITNESS WHEREOF, THE UNDERSIGNED HAVE CAUSED THESE PRESENTS TO BE EXECUTED THIS

_____ DAY OF _____, 20____.

BY: STEVE SHERWIN, MANAGING MEMBER

OWNER’S ACKNOWLEDGEMENT

STATE OF CALIFORNIA)

COUNTY OF NAPA)

ON _____, 20____, BEFORE ME,

_____, A NOTARY PUBLIC,
PERSONALLY APPEARED

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITIES, AND THAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSONS ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND

SIGNATURE: _____

PRINT NAME: _____

COUNTY OF COMISSION: _____

EXPIRATION DATE: _____

COMMISSION NO. _____

SURVEYOR’S CERTIFICATE

I DO HEREBY CERTIFY THAT THE SUBDIVISION SHOWN ON THE MAP ENTITLED “PARCEL MAP OF THE LANDS OF VINTNER’S COURT, LLC” IS BASED UPON A FIELD SURVEY BY ME OR UNDER MY DIRECTION IN AUGUST, 2012, IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF STEVE SHERWIN ON AUGUST 1, 2012, THAT SAID SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT THE MONUMENTS SHOWN ON SAID MAP ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET AT SUCH POSITIONS PRIOR TO ONE YEAR FROM THE DATE OF FILING OF THIS MAP, AND THAT SAID MONUMENTS ARE OR WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

FOR TERRA FIRMA SURVEYS, INC. A CALIFORNIA CORPORATION.

CHRISTOPHER K. COLE, P.L.S. 5769 _____ DATE
LICENSE EXPIRES: JUNE 30, 2014

CITY ENGINEER’S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP ENTITLED “PARCEL MAP OF THE LANDS OF VINTNER’S COURT, LLC”, THAT SAID MAP IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL OF THE PROVISIONS OF THE SUBDIVISION MAP ACT AND ALL LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

JOHN FERONS P.E. C59468 _____ DATE
LICENSE EXPIRES: _____
DIRECTOR OF PUBLIC WORKS
CITY ENGINEER
CITY OF ST. HELENA
STATE OF CALIFORNIA

CITY SURVEYOR’S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP ENTITLED “PARCEL MAP OF THE LANDS OF VINTNER’S COURT, LLC”, AND THAT SAID MAP IS TECHNICALLY CORRECT.

RICHARD E. MARSHALL, P.L.S. 8544 _____ DATE
LICENSE EXPIRES: DECEMBER 31, 2014
CITY SURVEYOR
CITY OF ST. HELENA
STATE OF CALIFORNIA

PLANNING COMMISSION CERTIFICATE

I HEREBY CERTIFY THAT THE CITY OF ST. HELENA PLANNING COMMISSION HAS APPROVED THE TENTATIVE MAP OF THE SUBDIVISION UPON WHICH THIS PARCEL MAP IS BASED.

GREG DESMOND _____ DATE
INTERIM PLANNING DIRECTOR
SECRETARY OF THE CITY OF ST. HELENA PLANNING COMMISSION
STATE OF CALIFORNIA

MAYOR AND CITY CLERK’S CERTIFICATE

WE, ANN NEVERO, MAYOR, AND DELIA GUIJOSA, CITY CLERK, RESPECTIVELY, OF THE CITY OF ST. HELENA, STATE OF CALIFORNIA, DO

HEREBY CERTIFY THAT ON THE _____ DAY OF _____, 2013, THE MAP ENTITLED “PARCEL MAP OF THE LANDS OF VINTNER’S COURT, LLC” WAS FILED WITH THE CITY COUNCIL FOR APPROVAL AS REQUIRED BY LAW. THAT BY RESOLUTION DULY ADOPTED AT A REGULAR MEETING HELD

ON THE _____ DAY OF _____, 2013, SAID COUNCIL APPROVED THE SAID MAP AND ACCEPTED ON BEHALF OF THE PUBLIC, SUBJECT TO IMPROVEMENT, CONSISTENT WITH THE OFFER OF DEDICATION, THOSE CERTAIN PARCELS OF LAND DESIGNATED ON SAID MAP AS “10’ WIDE PUBLIC UTILITY EASEMENT.”
IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HAND

THIS _____ DAY OF _____, 2013.

ANN NEVERO, MAYOR, CITY OF ST. HELENA, STATE OF CALIFORNIA

DELIA GUIJOSA, CITY CLERK, CITY OF ST. HELENA, STATE OF CALIFORNIA

COUNTY TAX COLLECTOR AND REDEMPTION OFFICER CERTIFICATE

I HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF MY OFFICE, THERE ARE NO LIENS FOR UNPAID STATE, COUNTY, MUNICIPAL, LOCAL TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES, EXCEPT TAXES OR SPECIAL ASSESSMENTS NOT YET PAYABLE AGAINST ANY PART OF THE LAND INCLUDED IN THE SUBDIVISION, AND THAT SECURITY IN THE AMOUNT OF \$_____ HAS BEEN FILED WITH THE COUNTY TAX COLLECTOR AND REDEMPTION OFFICER TO GUARANTEE THE PAYMENT OF ALL TAXES AND ASSESSMENTS COLLECTED AS TAXES, WHICH ARE NOW A LIEN AGAINST THE PROPERTY IN THE WITHIN SUBDIVISION BUT WHICH ARE NOT YET PAYABLE.

TAMIE R. FRASIER _____ DATE
COUNTY TAX COLLECTOR AND REDEMPTION OFFICER
COUNTY OF NAPA, STATE OF CALIFORNIA

DEPUTY _____ DATE

COUNTY RECORDER CERTIFICATE

FILED THIS _____ DAY OF _____, 20____

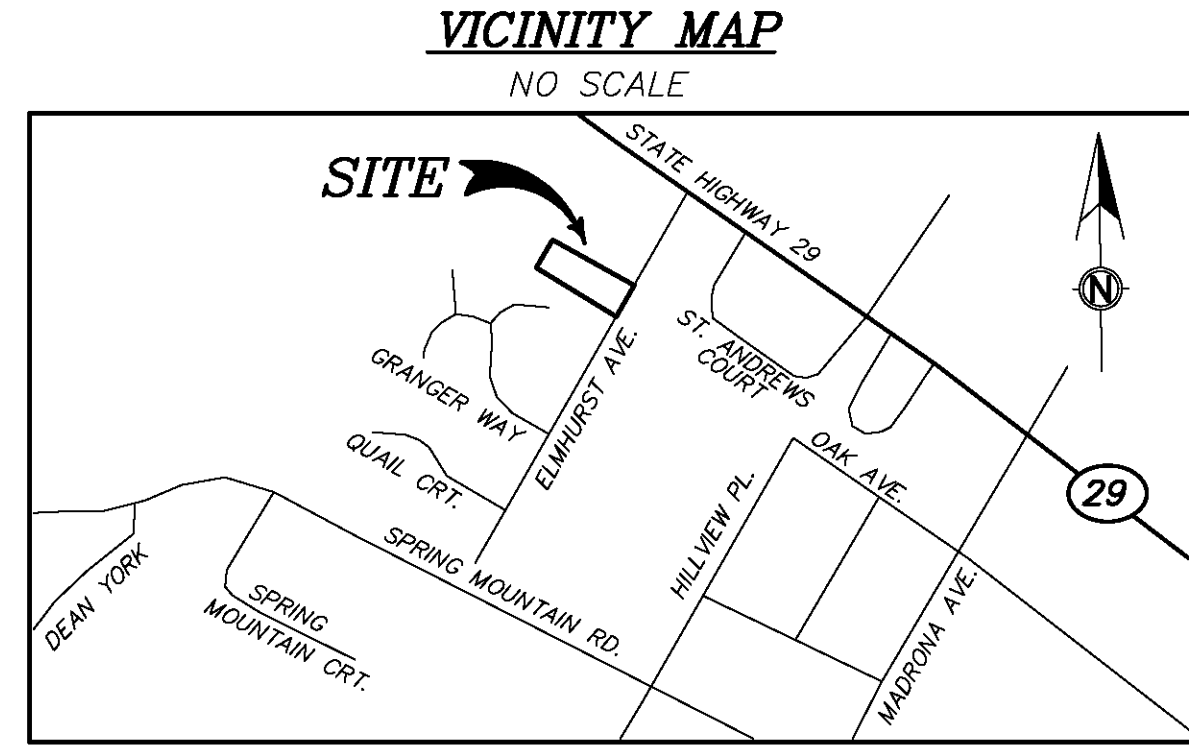
AT _____ M IN BOOK _____ OF PARCEL MAPS, AT PAGES _____

AT THE REQUEST OF _____

RECORDING FEE: _____

JOHN TUTEUR _____
COUNTY RECORDER
COUNTY OF NAPA, STATE OF CALIFORNIA

BY DEPUTY _____



PARCEL MAP
OF THE LANDS OF
VINTNER’S COURT, LLC
OF RECORD DOCUMENT
2009–0017150

BEING PARCEL ONE
OF BOOK 9 OF PARCEL MAPS PAGE 85, N.C.R.

CITY OF ST. HELENA
COUNTY OF NAPA STATE OF CALIFORNIA

BY
TERRA FIRMA SURVEYS, INC.
P.O. BOX 533, ST. HELENA, CALIFORNIA 94574
(707) 963–7565

A.P.N. 009–490–018
JUNE 2013

Upon Recordation, Return to:

City of St. Helena
1480 Main Street
St. Helena CA 94574

Attn: City Clerk

APN 009-490-018

(For Recorder's Use Only)

**GRANT OF EASEMENTS AND DECLARATION OF
RESTRICTIONS AND MAINTENANCE OF ACCESS DRIVE AND
ASSOCIATED IMPROVEMENTS**

This Grant of Easements and Declaration of Restrictions and Maintenance of Access Drive and Associated Improvements (the **"Declaration"**) is executed and entered into this ____ day of _____, 20__ by Vintner's Court, LLC, a California limited liability company (**"Declarant"**).

RECITALS

This Declaration is made and entered into with reference to the following facts:

A. Declarant is currently the owner of all that certain real property (the **"Subject Property"**) located in the City of St. Helena, County of Napa, State of California, and more particularly described in that certain "Final Map of the Lands of Vintner's Court, LLC" recorded on _____, 20__, in Book __ of Record Maps at pages __ through __, inclusive, in the Official Records of the County of Napa, State of California (the **"Map"**).

B. Declarant received entitlements from the City of St. Helena (the **"City"**) allowing the subdivision and development of the Subject Property into three (3) separate parcels (each a **"Parcel"**; collectively, the **"Parcels"**), as more particularly shown on the Map. Said Parcels are referred to as Parcels 1 through 3, respectively, on the Map and in this Declaration, and the owners of said Parcels are referred to herein individually as a **"Parcel Owner"** and collectively as the **"Parcel Owners."**

C. Pursuant to the entitlements, Declarant will construct an access drive (the **"Access Drive"**) on, over, and across, and associated water, sanitary sewer, drainage, and underground utility improvements (the **"Water/Sewer/Drainage/Utility Improvements"**) on, over, under, and across: (i) that portion of Parcel 1 which is labeled as "Easement A" on the Map ((the **"Easement A Strip"**), and (ii) that portion of Parcel 2 which is labeled as "Easement B" on the Map (the **"Easement B Strip"**).

D. Declarant desires: (i) to provide (a) for use by the Parcel Owners of Parcels 1, 2 and 3 of the Access Drive located on, over, and across the Easement A Strip, and of the portion of the Water/Sewer/Drainage/Utility Improvements located on, over, under, and across the Easement A Strip; and (b) for use by the Parcel Owners of Parcels 2 and 3 of the portion of the Access Drive located on, over, and across the Easement B Strip, and of the portion of the Water/Sewer/Drainage/Utility Improvements located on; over, under, and across the Easement B Strip; and (ii) to establish certain maintenance and repair responsibilities relative to the Parcels and said Access Drive and Water/Sewer/Drainage/Utility Improvements in accordance with the terms of this Declaration.

NOW THEREFORE, Declarant declares that the Subject Property and each Parcel constituting a portion thereof shall be held, transferred, encumbered, used, conveyed, leased, and occupied subject to the covenants,

conditions, restrictions, easements, and rights set forth in this Declaration for the use and benefit of each of the other Parcels. All the covenants, conditions, restrictions, easements, and rights stated herein: (a) shall run with the Subject Property and each individual Parcel, (b) shall be binding upon the Declarant, its successors and assigns, and any and all parties having or acquiring any right, title, or interest in the Subject Property or in any part thereof or interest therein, (c) shall be for the benefit of each Parcel Owner, and that Parcel Owner's tenants, subtenants, and invitees, and (d) shall inure to the benefit of and be binding upon each successive owner and assignee of a Parcel in accordance with the terms hereof. Each and every of said covenants, conditions, restrictions, easements, and rights shall be deemed to be and shall be construed as equitable servitudes, enforceable by any of the Parcel Owners, tenants, or subtenants against each of the other Parcel Owners, tenants, or subtenants, and by the City.

1. Grant of Easements as to the Easement A Strip. The Parcel Owner of Parcel 2 and the Parcel Owner of Parcel 3 shall each have, and the Declarant hereby grants to each of them: (a) a perpetual and non-exclusive easement appurtenant to their respective Parcels for vehicular and pedestrian ingress and egress on, over, and across the Easement A Strip (the "**Parcel 1 Access Easement**"), and (b) a perpetual and non-exclusive easement appurtenant to their respective Parcels for use of the Water/Sewer/Drainage/Utility Improvements on, over, under, and across the Easement A Strip (the "**Parcel 1 Water/Sewer/Drainage/Utility Easement**"). (Collectively, the Parcel 1 Access Easement and the Parcel 1 Water/Sewer/Drainage/Utility Easement are referred to herein as the "**Parcel 1 Easements.**") Parcel 1, as servient tenement of the Parcel 1 Easements, shall be subject to (a) the Parcel 1 Access Easement for vehicular and pedestrian ingress and egress enjoyed by each of Parcel 2 and Parcel 3 (each as a dominant tenement) on, over, and across the Easement A Strip and (b) the Parcel 1 Water/Sewer/Drainage/Utility Easement for use of the Water/Sewer/Drainage/Utility Improvements enjoyed by each of Parcel 2 and Parcel 3 (each as a dominant tenement) on, over, under, and across the Easement A Strip. The easements reserved and granted herein as to the Easement A Strip shall be deemed established upon the recordation of this Declaration, whether or not set forth in grant deeds to the Parcels, and shall thenceforth be deemed to be covenants running with the land for the use and benefit of each of Parcel 2 and Parcel 3.

2. Grant of Easements as to the Easement B Strip. The Parcel Owner of Parcel 3 shall have, and the Declarant hereby grants to the Parcel Owner of Parcel 3: (a) a perpetual and non-exclusive easement appurtenant to Parcel 3 for vehicular and pedestrian ingress and egress on, over, and across the Easement B Strip (the "**Parcel 2 Access Easement**"), and (b) a perpetual and non-exclusive easement appurtenant to Parcel 3 for use of the Water/Sewer/Drainage/Utility Improvements on, over, under, and across the Easement B Strip (the "**Parcel 2 Water/Sewer/Drainage/Utility Easement**"). (Collectively, the Parcel 2 Access Easement and the Parcel 2 Water/Sewer/Drainage/Utility Easement are referred to herein as the "**Parcel 2 Easements.**") Parcel 2, as servient tenement of the Parcel 2 Easements, shall be subject to (a) the Parcel 2 Access Easement for vehicular and pedestrian ingress and egress enjoyed by Parcel 3 (as a dominant tenement) on, over, and across the Easement B Strip and (b) the Parcel 2 Water/Sewer/Drainage/Utility Easement for use of the Water/Sewer/Drainage/Utility Improvements enjoyed by Parcel 3 (as a dominant tenement) on, over, under, and across the Easement B Strip. The easements reserved and granted herein as to the Easement B Strip shall be deemed established upon the recordation of this Declaration, whether or not set forth in grant deeds to the Parcels, and shall thenceforth be deemed to be covenants running with the land for the use and benefit of Parcel 3.

3. Incidental Easement Rights. The easements granted herein include the incidental rights: (i) of each of the Parcel Owners of Parcel 2 and Parcel 3 to enter upon Parcel 1 for the purpose of maintaining, repairing, and (if necessary) reconstructing/replacing the portions of the Access Drive located on, over, and across the Easement A Strip and the portions of the Water/Sewer/Drainage/Utility Improvements located on, over, under, and across the Easement A Strip, so long as such entry and activities are undertaken in a way that minimizes any adverse impacts upon Parcel 1 and that does not unreasonably interfere with the use of the Parcel 1 Easements and Parcel 1; and (ii) of the Parcel Owner of Parcel 3 to enter upon Parcel 2 for the purpose of maintaining, repairing, and (if necessary) reconstructing/replacing the portions of the Access Drive located on, over, and across the Easement B Strip and the portions of the Water/Sewer/Drainage/Utility Improvements located on, over, under, and across the Easement B Strip, so long as such entry and activities are undertaken in a way that minimizes any adverse impacts upon Parcel 2 and that does not unreasonably interfere with the use of the Parcel 2 Easements and Parcel 2.

4. Public Utility Easements. A 10-foot public utility easement is hereby granted under Parcel 1 along the property line of Parcel 1 that adjoins the public street known as Elmhurst Avenue, which public utility easement is shown on the Map.

5. No Impediments on Access Drive; Parking Restrictions. At all times, the Easement A Strip and the Easement B Strip shall remain free and clear of any impediments (including, but not limited to, parked vehicles) to the use of the Easement A Strip and the Easement B Strip for ingress and egress. No Parcel Owner shall have the right to park on any other Parcel Owner's Parcel.

6. Maintenance.

a. The Parcel Owners of Parcels 1, 2, and 3 shall maintain the portions of the Access Drive and the portions of the Water/Sewer/Drainage/Utility Improvements located on Parcel 1 in good, safe, and useful condition and good repair accessible by police, fire, and emergency vehicles and in compliance with all applicable state, county, and local laws, regulations, and ordinances.

b. The Parcel Owners of Parcel 2 and Parcel 3 shall maintain the portions of the Access Drive and the portions of the Water/Sewer/Drainage/Utility Improvements located on Parcel 2 in good, safe, and useful condition and good repair accessible by police, fire, and emergency vehicles and in compliance with all applicable state, county, and local laws, regulations, and ordinances.

c. Such maintenance responsibility shall include the obligations to repair and (if necessary) reconstruct/replace the applicable portions of the Access Drive and the Water/Sewer/Drainage/Utility Improvements. The Parcel Owners shall contribute to the costs incurred in maintaining, repairing, and (if necessary) reconstructing/replacing the Access Drive and the Water/Sewer/Drainage/Utility Improvements as follows: (i) as to the portions of the Access Drive and the Water/Sewer/Drainage/Utility Improvements located on Parcel 1, the Parcel Owners of Parcels 1, 2, and 3 shall each pay one-third (1/3) of the costs thereof; and (ii) as to the portions of the Access Drive and the Water/Sewer/Drainage/Utility Improvements located on Parcel 2, the Parcel Owners of Parcels 2 and 3 shall each pay one-half (1/2) of the costs thereof. Notwithstanding the preceding sentence, any repair, maintenance, or reconstruction/replacement work that is required as the result of the willful or negligent act of any Parcel Owner, or that Parcel Owner's family, contract purchasers, lessees, tenants, subtenants, licensees, guests, or invitees, shall be the responsibility of that Parcel Owner.

d. Each Parcel Owner covenants and agrees that no maintenance, repair, or reconstruction/replacement work shall be done or caused to be done to the Access Drive or the Water/Sewer/Drainage/Utility Improvements by that Parcel Owner without first obtaining the consent of the other Parcel Owners who are responsible pursuant to this Section 5 for paying part of the costs of the maintenance, repair, or reconstruction/replacement work for the portions of the Access Drive or the Water/Sewer/Drainage/Utility Improvements being worked on. Such consent shall not be unreasonably withheld or delayed.

e. The proposed sewer force main manifold and system on-site shall be maintained collectively by the Parcel Owners. The proposed sewer force main in Elmhurst Avenue shall be maintained collectively by the Parcel Owners.

f. The peak pumping capacity of each Parcel's sewer pump system shall be thirty-nine gallons per minute (39 gpm) as long as the downstream section of sanitary sewer line on Spring Mountain Road at Hillview Place remains a six-inch (6") pipe.

7. Utility Improvements. Each Parcel Owner shall maintain, repair, and replace/reconstruct at that Parcel Owner's expense any utility improvements which serve only that Parcel Owner's Parcel, unless such utility improvements are publicly maintained. After any such maintenance, repair, and replacement/reconstruction, that Parcel Owner shall restore the area in which the work was performed to the condition it was in immediately preceding the work.

8. Water Conservation Measures.

a. The number of square feet of the rear yards of the Parcels that may be allowed in natural lawn/turf with sprinklered irrigation shall be limited to the following: (i) Parcel 1 -- not to exceed five hundred twenty

(520) square feet; (ii) Parcel 2 -- not to exceed five hundred (500) square feet; and Parcel 3 -- not to exceed five hundred (500) square feet. All other irrigation of each of the Parcels shall be performed by drip irrigation.

b. Declarant shall install high efficiency toilets (1.28 gpf), lavatory faucets and kitchen faucets (1.5 gpm), shower heads (1.75 gpm), and clothes washers (<5 gal/cu. ft.) and dishwashers (<4 gal/cycle), and low volume bathtubs in the residences on the Parcels, including the existing residence on Parcel 1 (from which any and all non-conforming appliances and plumbing fixtures and irrigation facilities shall be removed by Declarant), as stated in the Theoretical Water Use Report for the Oak Tree Villas Subdivision, dated May 15, 2012, on file in the City of St. Helena Department of Public Works.

9. Undergrounding of Utility Lines. Declarant shall underground all on-site utility lines per the requirements of the St. Helena Municipal Code, the cost of which undergrounding shall be the responsibility of Declarant; provided, however, that any existing regional serving overhead power lines may remain on overhead power poles.

10. Limitation on Hardscape in Rear Yard of Parcel 2. While the tree located on the neighboring parcel to the east (APN 009-490-006) and referred to in the Pacific Tree Care Stewardship Guidelines dated May 10, 2010, (a copy of which Guidelines is attached hereto as Exhibit "A" and incorporated herein by reference) is living, no hardscape shall be installed in the 16-foot by 8-foot rectangular area in the rear yard of Parcel 2 that is shown on the Vesting Tentative Map Grading Plan dated 05-02-12 (a copy of which Plan is attached hereto as Exhibit "B" and incorporated herein by reference).

In addition to the foregoing restriction, no construction work or landscaping that requires excavation to a depth of greater than one foot (1') shall occur within the drip line area of the Blue Oak tree as shown on said Vesting Tentative Map Grading Plan dated 05-02-12, except under the supervision of a certified arborist.

11. Equitable Servitudes and Covenants Running with the Land. The provisions of this Declaration shall be equitable servitudes and covenants running with the land, binding upon and inuring to the benefit of each Parcel and each successive owner and assignee of a Parcel in accordance with the terms hereof. The provisions of this Declaration are enforceable by the Declarant and any Parcel Owner, tenant, or subtenant against any other Parcel Owner, tenant, or subtenant of a Parcel in accordance with the terms hereof. The City shall have the right to enforce in any manner permitted by law or equity any and all of the provisions of this Declaration upon the Parcel Owners. By recordation of this Declaration, it is the intention of the Declarant to provide notice of its provisions to all future successors and assigns.

12. Dispute Resolution; Attorney's Fees. In the event one or more Parcel Owners initiate litigation or arbitration to interpret this Declaration or to enforce the provisions hereof, the prevailing party or parties in such litigation or arbitration shall be determined by the court or arbitrator and, in addition to any other relief granted, shall be entitled to receive from the losing party or parties the reasonable costs and expenses of the prevailing party or parties, including, but not limited to, reasonable attorney's fees and expert fees. In the event the City initiates litigation or arbitration to interpret this Declaration or to enforce the provisions hereof, the prevailing party or parties in such litigation or arbitration shall be determined by the court or arbitrator and, in addition to any other relief granted, shall be entitled to receive from the losing party or parties the reasonable costs and expenses of the prevailing party or parties, including, but not limited to, reasonable attorney's fees and expert fees.

13. Amendment. This Declaration may be amended or rescinded only by an instrument in writing signed by the Parcel Owners of each of the Parcels and, as to any amendment, modification, or rescission of Section 4, or Section 14, of this Declaration or the obligation of the Parcel Owners pursuant to this Declaration to maintain, repair, and replace/reconstruct, at the Parcel Owners' expense, the Access Drive and the Water/Sewer/Drainage/Utility Improvements, by the City in addition to the Parcel Owners of each of the Parcels.

14. City as Third Party Beneficiary. The provisions of this Declaration are expressly declared to be for the benefit of the City, and the City is hereby named as a third party beneficiary pursuant to California Civil Code Section 1559 with the right, but not the obligation, to enforce the obligations set forth herein. This right of enforcement is in addition to all other legal and equitable remedies available to the City, including the right to refuse to issue building permits for any building or structure not in compliance with all applicable state, county, and local laws, regulations, and permits. Notwithstanding anything else in this Declaration, no amendment, modification, or rescission of this section or

the obligation of the Parcel Owners pursuant to this Declaration to maintain, repair, and replace/reconstruct, at the Parcel Owners' expense, the Access Drive and the Water/Sewer/Drainage/Utility Improvements, shall be enacted or enforced except with the prior written consent of the City as expressed by a resolution of the City Council.

15. Indemnification. Declarant, and its successors and assigns, shall indemnify, hold harmless, and defend the City from and against any and all claims, demands, suits, liabilities, losses, penalties, damages, and payments, including reasonable attorney's fees, claimed or made against the City that are proven to result from Declarant's, or its successors' and assigns', construction of the Access Drive and the Water/Sewer/Drainage/Utility Improvements.

16. Severability. Invalidation of one or more of these covenants by judgment or court order will not affect any of the other provisions, which will remain in full force and effect.

IN WITNESS WHEREOF, Declarant has executed this Declaration this _____ day of _____, 2013.

DECLARANT:

VINTNER'S COURT, LLC,
a California limited liability company

By: Steve Sherwin
Its: Managing Member

By: Linda Sherwin
Its: Managing Member

Mailing Address: 4060 Spring Mountain Road
St. Helena, CA 94574

EXHIBIT "A"

(Copy of the Pacific Tree Care Stewardship Guidelines dated May 10, 2010)

EXHIBIT "B"

009-490-016
EL ATHENA TRUST

009-640-025
MEYERS

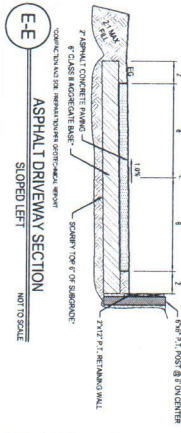
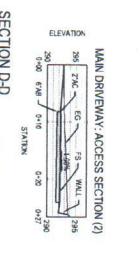
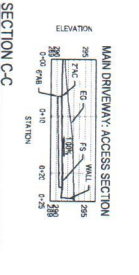
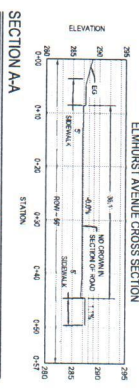
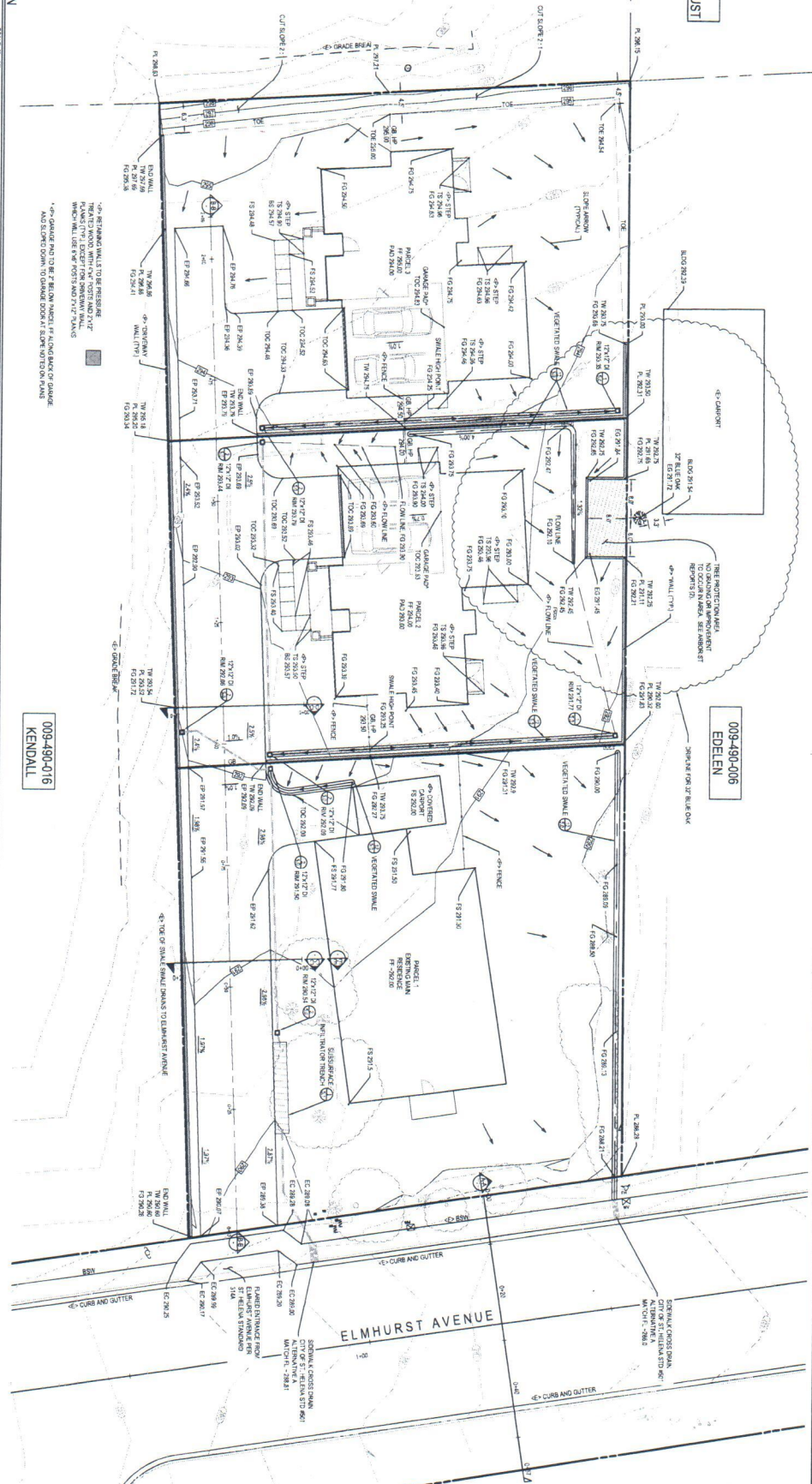
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EDELIN

GRADING PLAN

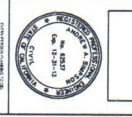
SCALE: 1" = 8'

PROFILE BB: MAIN DRIVEWAY

009-490-016
KENDALL



VTM 2.0



OAK TREE VILLAS
1320 ELMHURST AVENUE
ST. HELENA, CA 94574
009-490-018

VESTING TENTATIVE MAP
GRADING PLAN

DELTA CONSULTING & ENGINEERING
OF ST. HELENA
1104 ADAMS STREET, SUITE 203, ST. HELENA, CALIFORNIA 94574
707.963.8528 • 707.963.8528 FAX

EXHIBIT "A"

PACIFIC TREE CARE

Joseph A. Schneider Certified Arborist WE-0156A
Jacob I. Schneider Certified Arborist WE-5478A

May 10, 2010

Mr. Steven Sherwin

4060 Spring Mt Road
St Helena, CA

RE: Planned Residential Development; 1320 Elmhurst Ave, St. Helena; APN 009-490-018

Dear Mr. Sherwin,

Persuant to your request I have reviewed an Arborist Report dated August 30, 2011 from Maureen Hamb WC-2280A I have also given great attention to three documents that you supplied to me during our first meeting at the development site. The documents I am referring to include an 8.5" x 14" site plan which depicts your future interest as a final development product and two 8.5" x 11" drawings which illustrate the proximity of the existing 32" DBH Blue Oak (*Quercus douglasii*) which is located on your neighbor's property. The two smaller drawings illustrate for the most part the above ground activity that you intend to complete as an as built feature on the land improvement as well as a subsoil drain located south of the mainstem of the tree.

The input from Maureen Hamb covered most of the concerns that you and I discussed during our original meeting dated August 14, 2011; however as we reviewed the site we came up with some other concerns. These concerns along

September 30, 2011

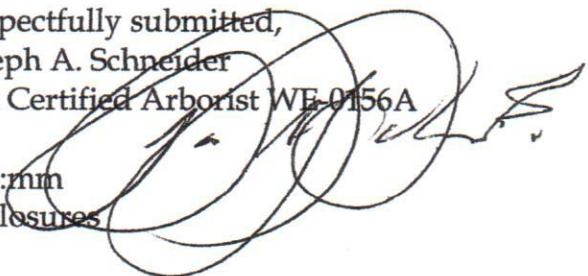
with Arborist Hamb's comments are presented with this cover letter. These specifications and tree preservation guidelines should be reproduced on the front page of the development plans, along with the information that provides an access to myself in the event there is contradiction during the course of improvements.

While we were onsite and reviewing one of the 8.5" x 11" illustrations that you had provided. We came to the agreement that the retaining walls could be moved away from the tree to a greater distance and the drain line could be rerouted in a southerly direction so as not to incur excessive root damage. As we reviewed the upper canopy of the tree it appears that minimal pruning will be necessary to provide adequate clearance to the rooflines and structures themselves.

I am returning these three documents that you had given me during our first visitation along with tree preservation specifications and construction guidelines. Thank you for the opportunity to allow me to assist you in the development of your property. I truly believe that if the specifications and guidelines are followed numerically as they are presented. The existing blue oak on your neighbor's property would be influenced to a very minor degree.

Respectfully submitted,
Joseph A. Schneider
ISA Certified Arborist WE-0156A

JAS:mm
Enclosures



Tree Preservation Guidelines
1320 Elmhurst Ave St Helena APN 009-490-018

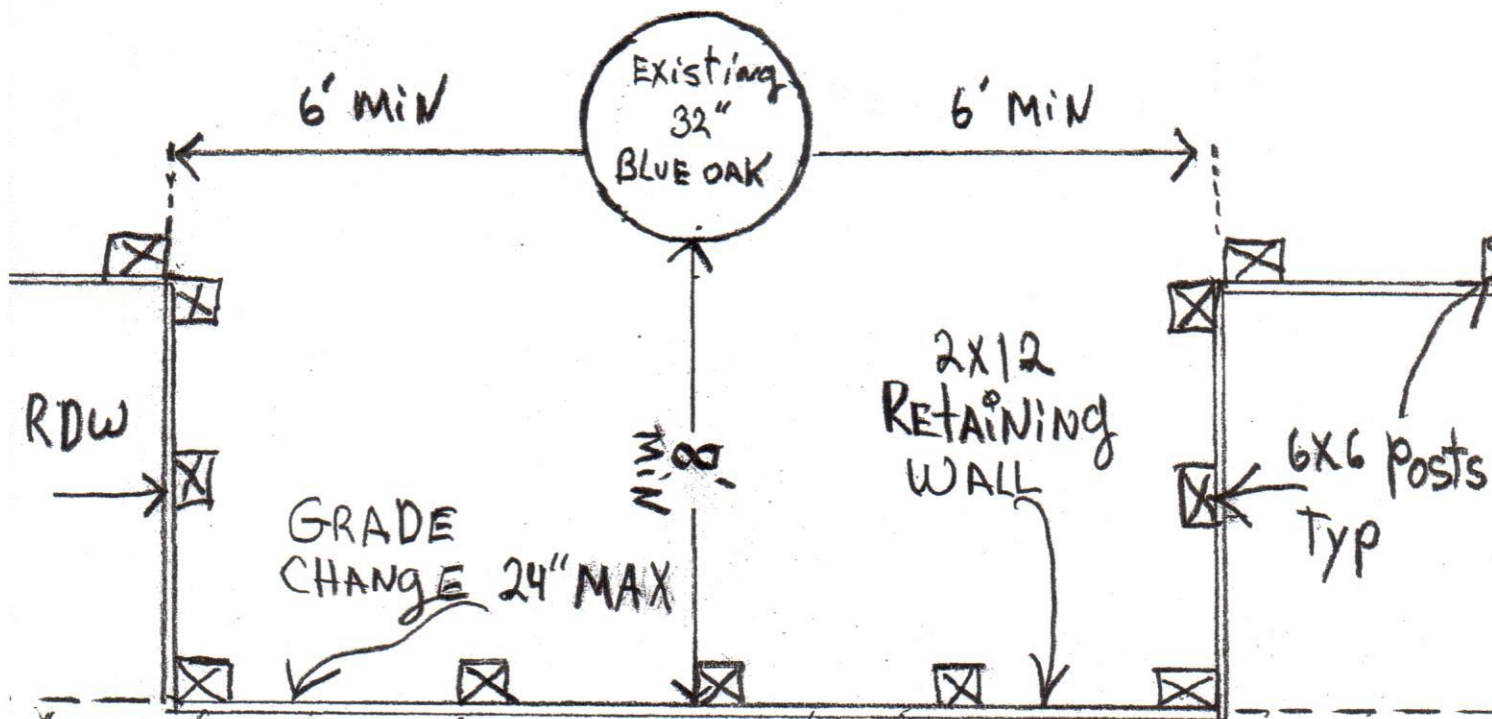
1. The existing asphalt present on the outside of the garage should be removed in a way which is referred to as a peel back. A back hoe may be stationed on the existing hardscape reaching toward the tree stem lifting the asphalt out without excessive disruption of the lower depth. Materials such as the unwanted asphalt and the construction debris shall be off hauled to a site acceptable for such material.
2. Once the asphalt is removed an 8" layer of chip mulch shall be added to the soil surface and a high visibility fence no shorter than 4'-ft be installed at the drip line. The fence is to be considered temporary and be relocated to an area 2-ft behind expected construction activities. This fence shall not be relocated without the consent of the consulting arborist.
3. Foundations for the future residence as well as the anticipated drainline are located beneath the tree. As previously stated the fence can be relocated to allow for the activities of construction to occur. The fence should be placed 2-ft behind the construction envelope. Fence relocation shall be approved by the consulting arborist.
4. Prior to the installation of the hardscape and pavement between the two residences the mulch shall be cleaned off the soil surface and relocated onsite to suitable regions where plant material would benefit from its

presence. The same mulch can be placed closer to the tree opposite the retaining wall; however the material should be tapered so as to not cover the root crown or base of the tree as it descends into the soil. Following the removal of the mulch the protective fence shall be removed entirely to allow for the construction of the retaining wall and fence. The retaining wall shall consist of piers at approximately 4-ft to 6-ft intervals into the native grade. The retaining wall is to be constructed of 2" x 12" treated Redwood and placed no closer than 8-ft from the mainstem of the oak to be preserved.

5. Allowing for mulch within the area of set back from the fence to the mainstem is permissible however no other fill will be allowed within this region.
6. Once the retaining wall is constructed a treatment of mycorrhizae inducing fungi spores shall be injected into the soils between the retaining wall and also if permissible on the neighbor's property.
7. Following all construction, the tree should be pruned to alleviate any close branching so as to coincide with the city of St. Helena Fire Marshall's specifications for residential roof line and tree branch conflicts.



NEIGHBORS PROPERTY
TO THE NORTH



NEW CONC
OR ASPHALT
PAVING

1320 ELMHURST
AVE.

ST. HELENA CA.
OAKTREE VILLAS PROJECT

STAFF REPORT



DATE: September 10, 2013

TO: Mayor and City Council

FROM: Greg Desmond, Interim Planning Director

Item: 11

RE: Introduction of Zoning Ordinance Text Amendments to Municipal Code Title 17 Zoning, Chapter 17.180: Small Winery Ordinance; and Chapter 17.20 Twenty-acre Agricultural (A-20) District.

BACKGROUND

At their meeting on April 16, 2013 planning commissioner Russell requested that the commission consider agendaizing a discussion regarding the Small Winery Ordinance language (Section 17.180). Commissioner Russell explained that the existing ordinance language may require revisions to accommodate the change in market conditions and consumer-direct marketing via the Internet. Both of which were not contemplated when the ordinance was drafted in 1999-2000. The commission agreed to consider and discuss any proposed changes and selected chairperson Heil to assist commissioner Russell and staff with preparing materials for review at a subsequent commission meeting.

At the May 7, 2013 meeting the Planning Commission held an initial discussion regarding the Small Winery Ordinance. There was consensus with both the Planning Commission and via public testimony that the ordinance needed updating.

At the meeting on July 16, 2013 staff received direction from the Planning Commission to continue this item in an effort to obtain more feedback from the public.

On July 25, 2013, commissioner Russell and chairperson Heil attended a stakeholder meeting sponsored by the St Helena Chamber of Commerce. The purpose of the meeting was to review the proposed amendments and propose revisions for further discussion and review by the commission and the public.

At the meeting on July 25 the Planning Commission recommended approval of the proposed and attached amendments to the Chapter 17.180 "Small Wineries" and Chapter 17.20 "Twenty-Acre Agriculture (A-20) District".

DISCUSSION

Winery development in St Helena is possible in the following zoning districts:

SC: Service Commercial: Conditional Use Permit (excludes retail sales and tasting)

I: Industrial: Conditional Use Permit (excludes retail sales and tasting)

A-20: Twenty-Acre Agriculture: Conditional Use Permit subject to the Small Winery Ordinance.

The St Helena Municipal Code includes the W: Winery District which has been applied to the following existing, large scale wineries: Krug, Sutter Home and Beringer. The W: Winery District requires a minimum parcel size of 20.0 acres. The purpose of the Small Winery Ordinance is to allow establishment of small wineries on vineyard property which, in-turn,

supports the continual agricultural use of the land and promotion of the wine industry within the city limits. The purpose of the Small Winery Ordinance Amendment is to update the ordinance and to create consistencies between City of St Helena and County of Napa regulations regarding the entitlement process for winemaking facilities.

The proposed changes are focused on the following topics:

Events – the update will allow marketing events, tours and tastings – all of which are currently prohibited.

Residential Development – the update will remove the requirement that a small winery is subordinate to residential use.

CEQA

Staff finds that the proposed amendments are exempt from the requirements of CEQA, the California Environmental Quality Act, as provided by Section 15061 (b) (3) of the Guidelines. This section advises that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment, the activity is not subject to CEQA. Staff found no evidence that proposed amendments would create a significant adverse effect on the environment.

RECOMENDED COUNCIL ACTION

Staff recommends that the Council introduce the zoning ordinance text amendments, waive the reading of the ordinance amendments and schedule adoption of the ordinance amendments for the Council meeting scheduled on September 24, 2013 meeting.

ATTACHMENTS

Attachment #1 – Proposed Chapter 17.180 Small Winery Ordinance Amendments

Attachment #2 – Proposed Chapter 17.20 Twenty-Acre Agriculture (A-20) District Amendments

Attachment #3 – 5+ Acre Agriculture Parcel Exhibit

CHAPTER 17.180: SMALL WINERIES

- Section 17.180.010. Purpose
- Section 17.180.020. Definitions
- Section 17.181.030. Applicability
- Section 17.182.040. Use Permit Required
- Section 17.183.050. Design Review Required
- Section 17.184.060. Pre-Prohibition Wineries
- Section 17.185.070. Uses Prohibited
- Section 17.186.080. Development and Use Standards
- Section 17.187.090. Application Requirements
- Section 17.188.100. On-Premise Events and Sales
- Section 17.189.110. Inspections, Fees and Licenses

Amendment Notes:

~~Purple strike-out text is original language proposed to be removed.~~

Blue unlined text is proposed new language.

Section 17.180.010. Purpose

The intention of the Small Winery regulations is to promote and implement the policies of the General Plan which aim to preserve agricultural land uses within the City of St. Helena. The establishment of small wineries on vineyard property supports continuing agricultural use of the land ~~because an individual property owner can process his or her grape crop into wine within his or her privately owned facility~~ and promotion of the wine industry within the city limits.

Allowing the development of small wineries is also intended to support the establishment of smaller, locally-owned and operated wineries. The Small Winery is distinguished from the larger wineries that are allowed in the W: Winery zoning district and other specified commercial zoning districts because small wineries are accessory uses to the primary residential use of a property, and because public events and public-oriented uses are not permitted at the small wineries. (Ord. 02-8 § 2 (part): prior code § 27.279)

Allowing the development of small wineries on agricultural parcels 5.0 acres or larger is intended to support the establishment of smaller, locally-owned and operated wineries.

Section 17.180.020. Definitions

Accessory use means any use subordinate to the main use and customarily a part thereof. An accessory use must be clearly incidental, related and subordinate to the main use, reasonably compatible with the other principal uses in the zoning district and with the intent of the zoning district, and cannot change the character of the main use. Unless

provided otherwise in this title, accessory uses may be conducted in the primary structure or in structures other than the primary structure. Where the zoning regulations applicable to a zoning district specifically identify the accessory uses which are permitted in conjunction with a primary use in that zoning district, no other accessory uses in conjunction with the primary use will be permitted in that zoning district.

Agricultural Parcel is any parcel with the A-20: Twenty Acre Agriculture designation.

Contiguous parcel is defined as any parcel whose property lines adjoin the parcel upon which the Small Winery is located, and any parcel that is immediately adjacent to or across any public or private street, excluding Highway 29, from that parcel upon which the winery is located.

Marketing event is defined as any activity ~~conducted at the~~ of a Small Winery ~~for the purpose of educating members of the wine trade and persons who have pre-established business relationships with the Small Winery or its owner/operator about the wine produced at the Small Winery in order to increase the amount of wine sold to those individuals. Marketing activities may include food service without charge when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development.~~ that is conducted at the small winery on a prearranged basis for the education and development of customers and potential customers with respect to wine which can be sold at the winery on a retail basis. Marketing events must be events directly related to the education and development of customers and potential customers provided such events are clearly incidental, related and subordinate to the primary use of the winery. Marketing events may include food service, including food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery.

Marketing events must be directly related to the education and development of customers and potential customers of the winery and are part of a marketing plan approved as part of the winery's use permit. Marketing plans in their totality must remain clearly incidental, related and subordinate to the primary operation of the winery as a production facility. During the use permit approval process, careful consideration shall be given to the intent of the marketing event, the proportion of the marketing event's non-wine-related content, and the intensity of the overall marketing plan.

~~Phase I Water Availability Analysis (WAA-1) is a report, prepared by a licensed civil engineer or hydrologist that states the proposed development of the parcel and estimates the total water use in acre-feet per year. It includes all water use proposed for the parcel including potential vineyard development.~~

~~Phase II Water Availability Analysis (WAA-2) is an aquifer test conducted by a licensed hydrologist, whereby the subject well is pumped for a prescribed period of time and the impacts on water levels at neighboring or monitoring wells is evaluated.~~

~~Phase III Water Availability Analysis (WAA-3) is a mitigation plan prepared by a licensed civil engineer or hydrologist that proposes changes to the project that will reduce the impacts to the groundwater basin.~~

Pre-prohibition winery (Ghost winery) is defined as a building that was used as a winery prior to Prohibition but has since been abandoned from use as a winery. For purposes of this Section, Prohibition took effect on January 16, 1920.

Premises is defined as the parcel on which the Small Winery is located.

Produced is defined as any aspect of the winemaking process.

Tours and tastings are tours of the Small Winery and/or tastings of wine ~~produced on the premises~~ by the Small Winery. Tours and tastings are limited to persons who have made unsolicited prior appointments for tours or tastings. Tours and tastings may include food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery and is incidental to the tasting of wine. Food service may not involve menu options and meal service such that the Small Winery functions as a café or restaurant.

Winery is defined as an agricultural processing facility used for the fermenting and processing of grape juice into wine, and the re-fermenting of still wine into sparkling wine.

Section 17.180.030. Applicability

Small Wineries shall only be permitted as specifically allowed within the regulations pertaining to the established A-20: Twenty-Acre Agriculture District. The re-establishment of Pre-prohibition Wineries may be permitted within any district, except the W: Winery zoning district, in compliance with the regulations of Section 27.284.

The re-establishment of pre-prohibition wineries in the W: Winery zoning district shall comply with the W: Winery district regulations in Article II, Division 3.

Section 17.180.040. Use Permit Required

A use permit, granted according to the process described in Chapter 17.180 of the St Helena Municipal Code shall be required prior to the establishment of a Small Winery in any agricultural district.

Section 17.180.050. Design Review Required

Pursuant to Chapter 17.164 all signs, new structures or buildings, or exterior revisions (not including change in exterior color) of any existing structures or buildings for both permitted and conditional uses shall require design review.

Section 17.180.060. Uses Permitted Upon Grant of Use Permit.

The following uses may be permitted at the Small Winery, but only upon grant of a use permit pursuant to Section 17.180.040:

- (a) Crushing of grapes outside or within a structure.
- (b) On-Site disposal of waste water generated by the Small Winery.
- (c) Aging, processing, and storage of wine in bulk.
- (d) Bottling and storage of bottled wine; shipping and receiving of bulk and bottled wine, provided the wine bottled or received does not exceed the permitted production capacity.
- (e) Any or all of the following uses provided that, in the aggregate, such uses are clearly incidental, related and subordinate to the primary operation of the winery as a production facility:
 - i. Office and laboratory use.
 - ii. As defined in Section 17.180.020 and pursuant to Section 17.180.100, marketing events.
 - iii. Retail sale of (1) wine fermented or refermented and bottled at the Small Winery, irrespective of the county of origin of the grapes from which the wine was made, providing nothing herein shall excuse the application of Section 17.180.080(d) regulating the source of grapes; and (2) wine produced by or for the Small Winery from grapes grown in Napa County.
- (f) The following uses, when accessory to a Small Winery:
 - i. Tours and Tastings as defined in Section 17.180.020.
 - ii. Display, but not sale, of art.
 - iii. Display, but not sale, of items historical, enological or viticultural significance to the wine industry.
 - iv. Child day centers limited to caring for children of employees at the Small Winery.

Section 17.180.0760. Pre-Prohibition Wineries

- (a) The re-establishment of a pre-prohibition winery may be permitted with approval of a use permit and design review.

- (b) The following findings must be made in order to approve a use permit for the re-establishment of a pre-prohibition winery:
1. There is substantial evidence proving that the subject structure was used as a winery building prior to January 16, 1920.
 2. More than 50% of the exterior of the original historic structure remains standing.
- (c) The appearance of the renovated building must be consistent with the original appearance of the building, as documented by photographs or as recommended by a qualified architectural historian.
- (d) Pre-prohibition winery status may allow modification of regulations of the underlying zoning district to preserve the historic nature of the structure.
- (e) Pre-prohibition wineries shall not be automatically entitled to the prior annual production capacity, or type or intensity of prior social or marketing activities. Pre-prohibition winery operations must be consistent with all Small Winery regulations contained in sections 27.285 through 27.290.
- (f) Conditions of approval for a use permit to re-establish a pre-prohibition winery shall provide for the continued preservation of the historic nature of the structure through rezoning to include an HP: Historic Preservation overlay or other means deemed suitable.
- (g) Construction must comply with the California Uniform Building Code and/or the State Historic Building Code, as amended and adopted by the City of St. Helena.

Section 17.180.080. Development and Use Standards

- (a) Small Wineries shall generally be allowed only on parcels of five (5.0) acres or greater in size; however, exceptions may be granted if it can be demonstrated that there will be minimal impact upon surrounding properties.
- (b) The development of Small Wineries shall be consistent with the development standards outlined in Chapter 17.20.060 A-20: Twenty-Acre Agriculture, except that more restrictive and/or additional standards may be applied depending on the size, scale and location of the Small Winery and if it is determined that the winery building or operations will have a negative impact upon other properties in the vicinity.
- (c) Only one Small Winery is permitted per parcel.
- (d) A minimum of ~~50%~~ 75% of the grape source utilized for the wine produced at the Small Winery shall be grown on the Premises or the Contiguous Parcel(s) and a minimum of 85% of the grape source utilized for the wine produced at the Small Winery shall be grown in Napa County.

- (e) Pursuant to Municipal Code Section 18.10(f), no municipal water may be utilized for the Small Winery operations or vineyard irrigation.
- (f) All employees and winery visitors shall be required to park on-site. The number of on-site parking spaces shall be determined during the use permit process depending on the size, scales, and location of the Small Winery.
- (g) Accessory uses, buildings and structures. The maximum square footage of structures used for accessory uses that are related to a winery shall not exceed forty percent (40%) of the area of the production facility. "Production facility" for the purpose of this section means crushing, fermenting, bottling, bulk and bottle storage, shipping, receiving, laboratory, equipment storage and maintenance facilities, but shall not include wastewater treatment or disposal areas which cannot be used for agricultural purposes.
- (h) Development area. The winery development area of a winery shall be contiguous to and shall not exceed one hundred percent of the winery area calculated according to subsection (i) of this section which is existing as of the date of adoption of the ordinance codified in this section.
- (i) The winery area shall be the aggregate paved or impervious or semipermeable ground surface areas of the production facility, storage areas (except caves), offices, laboratories, kitchens, tasting rooms and paved parking areas for the exclusive use of winery employees.
- (j) Winery Coverage Area. The maximum coverage of new or expanded wineries shall be twenty-five percent of the premises or ten acres, whichever is less. Coverage for the purposes of this measure shall be the aggregate paved or impervious ground surface areas of the production facility, storage areas (except caves), offices, laboratories, kitchens, tasting rooms, paved areas and access roads to public or private roads or rights-of-way and above ground sewage disposal systems.

Section 17.180.090. Application Requirements

- (a) A well water analysis is required to determine if any wells on the property have adequate capacity to support the estimated future water use. If not, the applicant must submit a copy of an approved well expansion plan prior to issuance of a building permit and the expanded well must be installed prior to issuance of a Certificate of Occupancy.
- (b) Application for a Small Winery use permit shall include a Phase I Water Availability Analysis (WAA-1). The report shall describe all current and estimated future water use on the parcel, including residential, Small Winery, and irrigation uses. The WAA-1 shall be reviewed by the City Engineer, and if it is determined that water use is likely to exceed one acre foot of water per acre of

land per year, the applicant shall be required to complete a Phase II Water Availability Analysis (WAA-2) to determine the impact of the proposed water use upon neighboring monitoring wells. If, through the WAA-2, it is determined that the proposed project will have a significant impact on neighboring wells the applicant will be required to mitigate that impact by revising the project. This mitigation plan is a Phase III Water Availability Analysis (WAA-3). Mitigation could include scaling back the size of the winery or phasing the vineyard development. All phases of a Water Availability Analysis shall be prepared or conducted by a licensed civil engineer or hydrologist on forms prescribed by the City or with methodology approved by the City Engineer.

- (c) A grading and drainage plan shall be submitted for review and approval with the use permit application.
- (d) A traffic analysis, completed by a licensed traffic engineer, shall be submitted with the use permit application. The analysis should define the projected Average Daily Trips that will be generated by the new Small Winery traffic, and should include a determination as to whether the estimated increase in traffic will result in a significant adverse impact on the streets and intersections in the vicinity of the project site.
- (e) The use of mobile bottling lines shall be reviewed during the use permit process to determine impact upon residential uses in the vicinity of the property. If the use of mobile bottling lines is to be allowed, the size and parking of trucks, frequency of use and hours of operations shall be subject to limitations established in the use permit process.
- (f) Disposal of pomace and wastewater shall be reviewed during the use permit process. Wastewater treatment and disposal shall occur on the premises or [shall be](#) distributed through the municipal wastewater system. Small Winery operations shall generate no discernible odors of sewerage or putrefying organic material origin, other than normal fermentation odors, at the property line.
- (g) The construction of caves shall require use permit review. Use Permit applications for caves shall include information pertaining to disposal of spoils.

Section 17.180.100. On-Premise Events and Sales.

- (a) [The establishment of on-premise wine sales shall be determined through the use permit process pursuant to Section 17.180.060 \(e\)\(iii\).](#)
- (b) [The hours of sales shall be by appointment only as reviewed during the use permit process.](#)
- (c) [Marketing events are permitted at the Small Winery. During the use permit process careful consideration shall be given to the intent of the marketing event,](#)

the proportion of the marketing event's non-wine-related content, and the intensity of the overall marketing plan.

- (d) Facilities for assembly, sales or entertaining including, but not limited to, retail sales rooms, visitor centers, dining rooms, kitchens or food service facilities shall be permitted.

Section 17.180.110. Inspections, Fees, and Licenses.

- (a) A business license is required prior to the commencement of operation of a Small Winery.
- (b) The City Planning Director, or his or her designee, shall inspect Small Wineries as often as necessary to ensure compliance with this Article and use permit conditions. An inspection fee shall be set by Council resolution.

CHAPTER 17.20 TWENTY-ACRE AGRICULTURE (A-20) DISTRICT

Section 17.20.010.	Purpose.
Section 17.20.020.	Permitted uses.
Section 17.20.030.	Conditional uses.
Section 17.20.040.	Design Review required.
Section 17.20.050.	Accessory uses, buildings and structures.
Section 17.20.060.	Development standards.
Section 17.20.070.	Other uses, standards and requirements.

Amendment Notes:

[Blue unlined text is proposed new language.](#)

Section 17.20.010. Purpose.

The twenty-acre agriculture district (A-20) provides for agricultural and residential uses. With the exception of those hillside areas designated woodlands and watershed, and wineries designated winery, all lands outside the urban limit line are designated A-20 regardless of their size or use. The purpose of the A-20 district is to promote and implement the policies of the general plan to preserve agricultural land uses and provide for future orderly development as the urban limit line is adjusted to accommodate urban growth. This district restricts the density of residential use and stipulates the location and area of residential development to promote preservation of agricultural land use and reduce impacts to the provision of infrastructure as the urban area of the city expands. (Prior code § 27.20)

Sec.17.20.020. Permitted uses.

The following are the permitted uses in the A-20 district:

- A. One single-family dwelling per parcel in existence on October 1, 1993 consistent with the development standards and density regulations of the agriculture general plan land use designation;
- B. Cultivated agriculture including, but not limited to farming, pasturage, horticulture, floriculture and viticulture; retail sales area in excess of two hundred (200) square feet regulated by use permit;
- C. Animal husbandry and livestock farming; provided, that not more than one horse, one mule, one cow, one steer or similar large animal shall be kept for each one-half acre of area;
- D. One second unit, as defined in Section 17.04.160, and consistent with the provisions of 17.116.030.

E. Accessory buildings or structures without toilet plumbing or cooking facilities, consistent with the provisions of 17.116.010.

F. Other similar uses found consistent with the general plan and the A-20 district pursuant to Chapter 17.08. (Prior code § 27.21)

Sec. 17.20.030. Conditional uses.

The following uses require approval of a use permit as regulated by Chapter 17.168. Approval of a use permit is subject to finding the use consistent with the policies of the general plan and the purpose of the A-20 district:

- A. More than one single-family dwelling per parcel in existence on October 1, 1993; provided that the density and development standards of the A-20 District shall be observed;
- B. An accessory building or structure with toilet plumbing and/or cooking facilities, and consistent with the provision of Section 17.116.030.
- C. Buildings for agriculture-related uses on existing or proposed parcels;
- D. Facilities for the processing of agricultural products primarily produced on the premises; excluding large wineries;
- E. Hog farms, dairies, commercial poultry farms and egg ranches;
- F. Roadside stands which exceed two hundred (200) square feet in floor area and/or the sale of agricultural products not produced on the premises;
- G. Kennels, veterinarian hospitals and clinics, public and private stables, riding academies; commercial and agricultural nurseries;
- H. Farm labor housing for transient labor or agricultural employees in excess of the density limitations of the district;
- I. Other similar uses found consistent with the general plan and the A-20 district pursuant to Chapter 17.08;
- J. Flag lot development subject to the provisions of Chapter 17.112.
- K. Pursuant to the provisions of Chapter 17.180, small wineries if one or more of the following circumstances apply:
 - a. The small winery is located in reasonable proximity to a major roadway or highway;
 - b. The small winery demonstrates that there are no potentially significant environmental impacts;

- c. Other land uses in proximity to the winery are other than residential; and/or
- d. The small winery is located on a parcel that is at least 5 acres.

Sec. 17.20.040, Design Review required.

Pursuant to Chapter 17.164 all subdivisions, signs, new structures or buildings, or exterior revisions (not including change in exterior color) of any existing structures or buildings for both permitted and conditional uses shall require design review.

Sec. 17.20.050 Accessory uses, buildings, and structures.

The following are the accessory uses, buildings, and structures permitted in the A-20 district:

- A. Garages, carports, workshops, pool houses, gazebos, patio covers, and other accessory buildings or structures without plumbing or cooking facilities.
- B. Home occupations subject to the provisions of Chapter 17.116;
- C. Roadside stands, not to exceed two hundred (200) square feet in floor area, for the sale of agricultural products produced on site;
- D. Signs subject to the provisions of Chapter 17.148;
- E. Swimming pools when located at least five feet from the property boundary and are fenced in a fashion to protect children in compliance with the Uniform Building Code;
- F. Other uses and structures which are customarily incidental and clearly subordinate to permitted and conditional uses pursuant to Chapter 17.08. (Prior code § 27.23)

Sec. 17.20.060. Development standards.

The following requirements shall be observed in the A-20 district, except as otherwise provided in this title:

- A. Parcel Size.
 - 1. The minimum parcel size for new lots created after October 1, 1993 is twenty (20) acres.
 - 2. Parcels created as a result of lot line adjustments may be less than twenty (20) acres, provided the number of parcels existing prior to the lot line adjustment does not increase.

3. As set forth in Section 17.20.060, the density allowed on a legal parcel ten (10) acres or larger existing on October 1, 1993 shall be limited to one dwelling unit per five acres. The density allowed shall be determined on the basis of parcels existing on October 1, 1993; parcels created after October 1, 1993 shall not be further subdivided unless consistent with density based on the parcel(s) in existence on October 1, 1993. The units allowed in excess of one unit shall be located on parcels of no greater than one-half acre each in compliance with the policies of the agriculture land use designation of the general plan. One of the permitted residential units shall be located on the remainder parcel devoted to agricultural uses and/or a deed restriction shall be placed on the remainder parcel which precludes additional residential use unless consistent with the general plan.
- B. Standards for Lots Less Than Two Acres in Area. Development regulations and floor area ratio shall be the same as those for the LR:1A: low density residential one acre minimum zoning district (Chapter 17.36).
- C. Standards for Lots Two Acres or Greater in Area:

Maximum nonagricultural coverage	1 acre ¹
Floor area ratio (F.A.R.)	Not regulated
Front setback	50 feet ²
Side setback	50 feet ²
Rear yard	20 feet
Side yard	20 feet
Height of buildings/structures	30 feet

¹ Nonagricultural coverage: No more than one acre of any one parcel shall be removed from active agricultural use. "Active agricultural use" means animal husbandry, crop, tree farming, [wine production](#) and viticulture. All structures, driveways (except for a sixteen (16) foot wide driveway no greater than two-thirds the length of the parcel), parking, patios, lawn or other nonagricultural uses shall be limited to the one acre maximum per parcel.

² Measured from the centerline of abutting streets. (Ord. 00-5 § 2: prior code § 27.24)

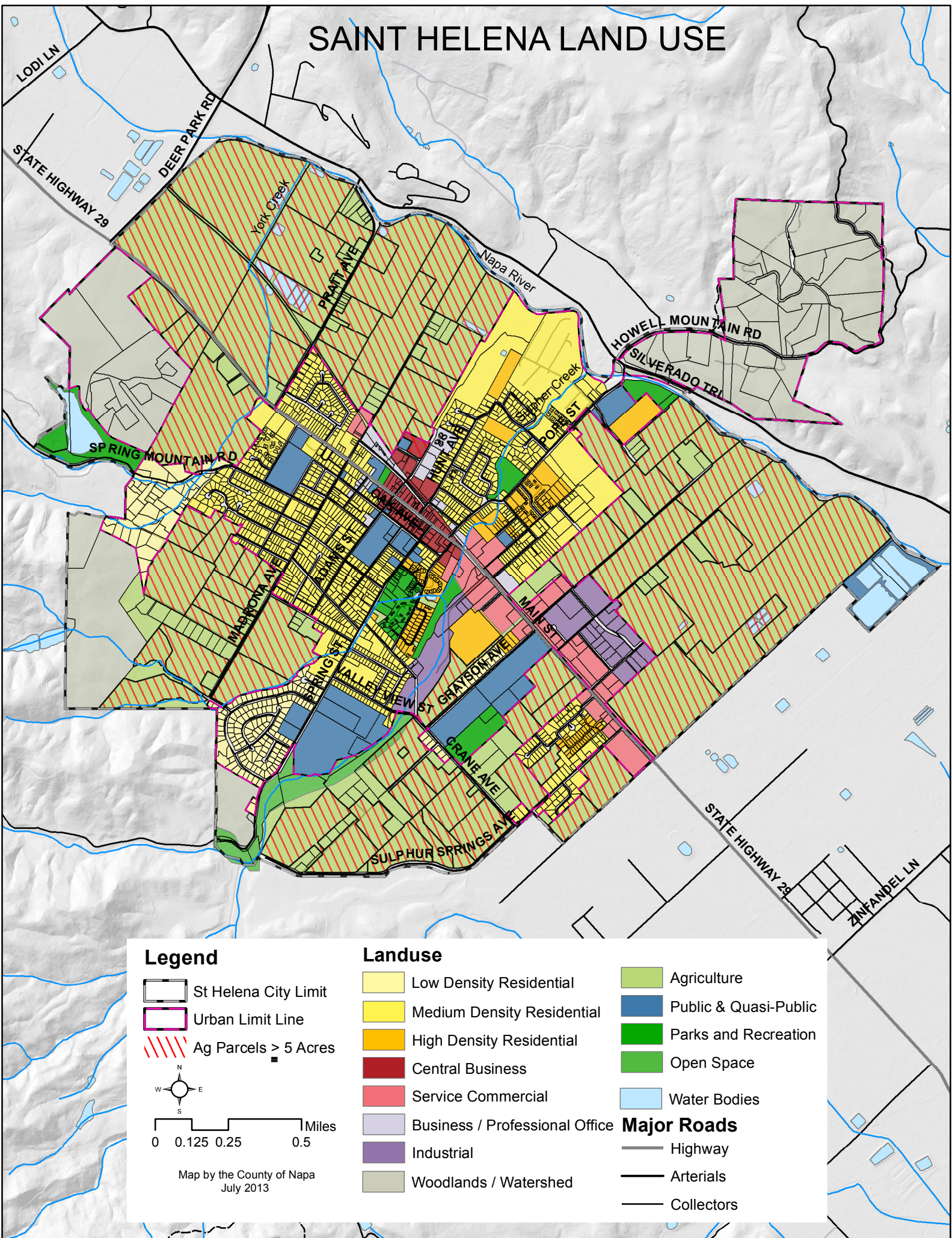
Sec. 17.20.070. Other uses, standards and requirements.

- A. Special Yards and Distances Between Buildings. Barns, stables, chicken houses and similar accessory buildings shall not be less than fifty (50) feet from a street, nor less than forty (40) feet from any dwelling on an adjacent parcel or R district boundary line.
- B. General Plan. General plan policy 2.6.61 limits residential development on properties existing at the time of adoption of the general plan (October 1, 1993) which are

designated agriculture and are outside of the urban limit line in accordance with the following criteria:

1. Maximum density of one unit for every five acres of base parcel area;
 2. New parcels created after October 1, 1993. Parcels created for new development shall not exceed one-half acre in area unless consistent with policy 2.6.62;
 3. For a legal parcel existing on October 1, 1993 the total area for new residential developments shall not exceed a ratio of one-half acre per unit allowed. To determine the area of the parcel which can be used for residential development, the maximum number of units allowed shall be multiplied by one-half acre per unit. After determining the area of the parcel which can be used for residential development, any number of units below the maximum permitted may be located within that area;
 4. Existing unit(s) on the base parcel shall be included when determining compliance with the criteria establishing the permitted number of parcels;
 5. New parcels shall be contiguous and accessible from existing streets;
 6. New parcels shall be located so that they minimize the impact on the agricultural viability of the base parcel and adjoining properties;
 7. Adequate provision of utilities shall be considered prior to approval of creation of new parcels and/or building sites.
- C. Outside Urban Limit Line. In areas outside the urban limit line, new parcels can be created to separate residential development that existed prior to the adoption of the 1993 general plan from remaining agricultural lands. The area of the new parcel on which the existing residential development is located may exceed one-half acre, provided the area does not include existing agricultural land except land which is restricted to agricultural use. The area of the new parcel on which the existing residential development is located and the number of units existing within the area of the new parcel(s) shall be counted against the development potential of the base parcel as set forth in guiding policy 2.6.61. Neither the area (one-half acre per unit) nor the number of units (one unit per five acres) shall be exceeded, except as provided for residential development which existed prior to the adoption of the general plan.
- D. Right to Farm. Property owners within this A-20 district shall recognize that there exists a right to farm properties within the district and in the vicinity of the district. There is a good faith expectation that no complaints will occur regarding legal normal agricultural activities on properties in the district or in the vicinity of the district. Such activities may include day or night disbursement of chemicals, and creation of dust, noise, or fumes. (Prior code § 27.25)

SAINT HELENA LAND USE



Legend

- St Helena City Limit
- Urban Limit Line
- Ag Parcels ≥ 5 Acres
-
- 0 0.125 0.25 0.5 Miles

Map by the County of Napa
July 2013

Landuse

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Central Business
- Service Commercial
- Business / Professional Office
- Industrial
- Woodlands / Watershed

- Agriculture
- Public & Quasi-Public
- Parks and Recreation
- Open Space
- Water Bodies

Major Roads

- Highway
- Arterials
- Collectors

STAFF REPORT



DATE: September 10, 2013

TO: Mayor and City Council

Item No: 12

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

RE: Resolution denying appeal from Marden Plant and Thomas Davis regarding request for water service connection at 522 Meadowood Lane located outside of the City Limits

BACKGROUND

Ms. Plant, the owner of 522 Meadowood Lane located in unincorporated Napa County has requested a water service connection to the city's water system. The city's water distribution system is located within the vicinity of the residence but outside of the city limits within the county.

The city has had a moratorium on new water connections outside the city limits since July 1964 with an ordinance amending that moratorium in August 2003 to allow only private fire service connections outside the city limits. St. Helena Municipal Code [SHMC] states in Section 13.04.050 Water service connections-installations generally; Paragraph H. "Service Outside City Limits. No water service connection or water main extension shall be made or given to premises located outside the city limits except (1) to provide private fire service in accordance with Section 13.04.200 and (2) to provide reclaimed water in accordance with city policies and procedures."

City staff informed the property owner of the current code prohibition on new water service connections to property located outside the city limits. Ms. Plant then submitted an appeal letter on behalf of herself and Thomas Davis requesting their case be presented to City Council.

SHMC Section 1.16.010 maintains that any person excepting to the denial of any administrative decision made by any official of the city pursuant to any of the provisions of the code, may appeal in writing to the city council by filing with the city clerk a written notice of such appeal setting forth the specific grounds thereof. The city clerk shall set the matter for hearing before the city council at a regular meeting and shall cause notice to be given to the applicant prior to such hearing. At such hearing the appellant shall show cause on the grounds specified in the notice of appeal why the denied request be approved. The city council may continue the hearing from time to time if needed and its findings on the appeal shall be final and conclusive in the matter.

DISCUSSION/ANALYSIS

The property is currently served by a well. The current owners purchased the property with the well as the only water source. The property has never had a city water service connection. In the letter Ms. Plant asserts she is concerned that their well is failing. She does not indicate if their well has been serviced or analyzed for potential rehabilitation as an alternative to a city water connection.

The city's water distribution system serving Meadowood Lane consists of small diameter pipes with no potential for expansion without significant upgrades to the pipe network that supplies water to the Meadowood Lane neighborhood. That area is served by a 2-inch diameter water line that begins on the west side of Pope Street Bridge. It crosses the bridge and Silverado Trail then travels up Old Howell Mountain Road. The 2-inch diameter line then travels northerly along Meadowood Lane to approximately 475 Meadowood Lane. There it moves onto private property and reduces to a smaller diameter. By the time it reaches the vicinity of 522 Meadowood Lane it is a 1" diameter pipeline placed there to serve 600 Meadowood Lane the terminus of the water distribution line.

IMPACT

Approval of the water service connection to 522 Meadowood Lane would violate the city's long-standing ordinance prohibiting new connections to the city's water system located outside of the city limits.

Additionally, if the connection were approved, it will require significant improvements to the water distribution network supplying water to the Meadowood Lane region. The cost for such improvements is expected to well exceed the water impact fee that would be charged for the water service connection.

Finally, approval of the a new connection to the city's water distribution system located outside the city limits will set a precedent for the many other requests the city receives for water service outside our city limits. City staff receives numerous such requests and consistently applies the current code denying the requests. Given the current state of the city's water supply, the conservation efforts of our citizens and the direction in the proposed general plan to reduce the City's commitment to outside water customers additional water service is not warranted.

RECOMMENDED COUNCIL ACTION

Adopt resolution denying appeal from Marden Plant regarding request for water service connection at 522 Meadowood Lane located outside of the city limits.

ATTACHMENTS/EXHIBITS

1. Letter correspondence from Marden Plant and Thomas Davis property owners of 522 Meadowood Lane.
2. Resolution denying appeal from Marden Plant regarding request for water service connection at 522 Meadowood Lane located outside of the City Limits.

Marden N. Plant (Davis)
P.O. Box 986, Belvedere, CA 94920 &
522 Meadowood Lane, St. Helena, CA.
VM:415-435-8887 CELL:415-264-9888
Email:ukiyoe3319@gmail.com

CITY OF
ST. HELENA
JUL 15 2013
Finance
Department

Thursday, July 11, 2013

City of St. Helena
Water Department
1480 Main St
St. Helena, CA 94574

RE: Water Meter/City Hook Up - For Immediate Attention

To Whom It May Concern:

Our property located at 522 Meadowood Lane, St. Helena is on a well and it has become imperative to us that we apply to have a water meter installed so we can be on City Water. Most of our neighbors are on City Water and have been since their homes were built.

Quite a few years ago when we purchased this property and researched this issue, the St. Helena Water District told my husband and me that the original owner/builder of our home did not wish to spend the funds in order to be hooked up to City Water. His decision made so many years ago has proven to have a negative effect on us now.

Within the last six months or so, our water pressure has gotten much worse. The other day, we had virtually no water at all.

It has come to our attention that one of our new neighbors installed a huge waterfall in their yard which cascades down the hill. We know that they are using well water for this waterfall and we believe this is affecting our current supply of water. A new home is being constructed just above us on Meadowood Land which has a septic system. This could also affect our well water.

Owning a home with a well and a not *too deep* well has and will have its problems. People building above us can contaminate our drinking water, neighborhood waterfalls can deplete the water supply, etc.

The local paper lists new permits granted for swimming pools and other uses that supply water for purposes other than household living.

An article in the St. Helena Star, July 15, 2010, states "Strict New Water Policies Considered." When I telephoned the office yesterday, I was told that there is a moratorium on new hookups of Water Meters outside the City Limits. Another article in the St. Helena Star, March 01, 2012, states "St Helena could Restrict New Wells." Obviously, there are a lot of issues with water in the Valley.

Marden N. Plant (Davis)
P.O. Box 986, Belvedere, CA 94920 &
522 Meadowood Lane, St. Helena, CA.
VM:415-435-8887 CELL:415-264-9888
Email:ukiyoe3319@gmail.com

It is our understanding that wells in the area are beginning to have an effect on the aquifers in general.
We probably shouldn't be using well water at all.

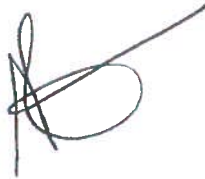
Please let me know to whom I would speak to about getting a City of St. Helena water meter hookup accomplished.

We would like to have our case presented to the City Council for review.

I would appreciate some attention to this matter. Thank you.

Sincerely,

Marden N. Plant and Thomas L. Davis

A handwritten signature in dark ink, consisting of a stylized 'M' and 'P' intertwined, with a long horizontal stroke extending to the right.

CITY OF ST. HELENA

RESOLUTION No. 2013-

**RESOLUTION DENYING APPEAL FROM MARDEN
PLANT AND THOMAS DAVIS REGARDING REQUEST
FOR WATER SERVICE CONNECTION AT 522
MEADOWOOD LANE LOCATED OUTSIDE OF THE CITY
LIMIT**

RECITALS

- A. Marden Plant and Thomas Davis, the owners of 522 Meadowood Lane located in unincorporated Napa County has requested a water service connection to the city's water system; and
- B. The city's water distribution system is located within the vicinity of the residence but outside of the city limits within the county; and
- C. The city has had a moratorium on new water connections outside the city limits since July 1964 with an ordinance amending that moratorium in August 2003 to allow only private fire service connections outside the City Limits; and
- D. St. Helena Municipal Code states in Section 13.04.050 Water service connections- installations generally; Paragraph H. "Service Outside City Limits. No water service connection or water main extension shall be made or given to premises located outside the city limits except (1) to provide private fire service in accordance with Section 13.04.200 and (2) to provide reclaimed water in accordance with city policies and procedures; and
- E. The property is currently served by a well, which was the only water source at time of purchase. The property has never had a city water service connection.

RESOLUTION

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

- 1. Approval of the water service connection to 522 Meadowood Lane would violate the city's long-standing ordinance prohibiting new connections to the city's water system located outside of the city limits; and
- 2. Connection will require significant improvements to the water distribution network supplying water to the Meadowood Lane region. The cost for such improvements is expected to well exceed the water impact fee that would be charged for the water service connection; and
- 3. Approval of the a new connection to the city's water distribution system located outside the city limits will set a precedent for the many other requests the city receives for water service outside our city limits; and

4. Adopt resolution denying appeal from Marden Plant and Thomas Davis regarding request for water service connection at 522 Meadowood Lane located outside of the city limits.

Approved at a Regular Meeting of the St. Helena City Council on September 10, 2013 by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

Ann Nevero
Mayor

ATTEST:

Delia Guijónsa
City Clerk

STAFF REPORT



DATE: September 10, 2013

TO: Mayor and Council

FROM: Delia Guijosa, City Clerk

Item No: 13

RE: Appointment to Napa County Gang and Youth Violence Commission

BACKGROUND:

In 2012 the Board of Supervisors created the Napa County Gang and Youth Violence Commission (Commission). On January 24, 2012 former Councilmember Sanchez was appointed as St. Helena's representative. Charlie Rose, Chairman of the Napa County Gang and Youth Violence Commission, is requesting the City Council appoint a replacement for former Councilmember Sanchez on the commission.

The purpose of the commission is to discuss options for consolidated efforts for prevention, intervention, and suppression of gang violence as well as identifying problem and target areas.

Meetings will be held on the following Wednesdays through June 2014 beginning at 5:30 p.m.

- Napa - November 13, 2013
- Calistoga - February 19, 2014
- American Canyon - April 16, 2014
- St. Helena - June 18, 2014

Membership is addressed in the attached bylaws. The City of St. Helena membership includes the Chief of Police or her authorized designee along with a City Councilmember and/or authorized designee.

RECOMMENDED COUNCIL ACTION:

Appoint a councilmember or designee to the Napa County Gang and Youth Violence Commission.

ATTACHMENTS/EXHIBITS:

Commission bylaws

Exhibit A

Napa County Gang and Youth Violence Commission Bylaws

Article I – Name

The Commission shall be designated the Napa County Gang and Youth Violence Commission, referred to hereafter as the "Commission."

Article II – Authority

On April 5, 2011 the Board of Supervisors ("Board") received a report from Members of the Steering Committee that included representatives from each of the Cities and the County, the Sheriff, American Canyon and Napa Chiefs of Police, the District Attorney and the Chief Probation Officer. The Steering Committee presented the Gang and Youth Violence Master Plan ("Master Plan") report and received direction and Board input on the creation of a Gang and Youth Violence Commission responsible for coordinating gang prevention, intervention and suppression activities throughout the County and overseeing the implementation of the Master Plan. On June 28, 2011, the Board approved the resolution establishing the Gang and Youth Violence Commission ("Commission").

Article III – Purpose

The purpose of the Commission is to coordinate gang prevention, intervention and suppression activities throughout the County and oversee the implementation of the Master Plan. The Commission is committed to the belief that prevention and intervention are key to reducing gang activity and youth violence throughout the County. The Commission shall collaborate to foster public and private partnerships to maximize youth development, social services and law enforcement resources through coordination and collaboration.

Article IV – Function

To fulfill its responsibilities, the Commission shall comply with the following provisions:

- A. Provide a forum for the identification of local resources associated with prevention of gang activity and youth violence.
- B. Collaborate with non-profit organizations, school districts, local law enforcement agencies, cultural organizations, parent organizations, and interested parties to reduce gang activity and youth violence.
- C. Prepare implementation plans for the recommendations outlined in the Master Plan, including private and public partnerships to achieve necessary funding.

- D. Meet quarterly in various areas of the County including American Canyon, Calistoga, St. Helena, and Napa to allow for maximum participation from County residents.
- E. Prepare an annual report to be presented to the Napa County Board of Supervisors no later than the end of June in each Fiscal Year to update them on the achievements of the Commission and the progress made in achieving the recommendations of the Master Plan.
- F. Advise the County Board of Supervisors and the County Superintendent of Schools with respect to resources available to reduce gang activity and youth violence.

Article V – Membership

- A. Composition: The Commission shall be comprised of a maximum of 26 members, appointed by the County Board of Supervisors, with the following composition as defined by law.

Standing Members:

- (1) Napa County District Attorney or his/her authorized designee
- (1) Napa County Sheriff or his/her authorized designee
- (1) Napa County Supervisor and/or authorized designee
- (1) Napa County Chief Probation Officer or his/her authorized designee
- (1) American Canyon City Council Member and/or authorized designee
- (1) American Canyon Chief of Police or his/her authorized designee
- (1) Napa City Council Member and/or authorized designee
- (1) Napa City Chief of Police or his/her authorized designee
- (1) Yountville City Council Member and/or authorized designee
- (1) St. Helena City Council Member and/or authorized designee
- (1) St. Helena Chief of Police or his/her authorized designee
- (1) Calistoga City Council Member and/or authorized designee
- (1) Calistoga Chief of Police or his/her authorized designee
- (1) Napa County School District Superintendent or his/her authorized designee
- (1) Napa County Office of Education Director or his/her authorized designee

Appointed Members:

- (6) Community Representatives who represent an agency, business or organization that provides services related to youth development, gang/violence activity suppression, cultural empowerment or other related areas as determined by the Board of Supervisors
- (2) Representatives of parents organizations

(2) At-large members from any of the above categories or outside of these categories at the discretion of the Board of Supervisors

(1) Youth Representative (Napa County Resident between the ages of 14-25)

B. Term: The term of office for appointed members shall be three years, beginning on July 1 and ending on June 30. However, to maintain continuity on the Commission one-half of the appointed members will be appointed to serve for three years and one-half the members will be appointed to serve an initial two-year term as determined by lot by the members of the Commission. All Commission members thereafter shall serve a three year term. Terms are renewable at the request of the Commission and with the approval of the Board of Supervisors, but Commission members must apply for reappointment. A member whose appointment has expired may continue to serve in that capacity until a new appointment is made or until the Board of Supervisors declares that position vacant.

C. Resignation: Any appointed member may resign by giving written notice to the Commission.

D. Vacancies: The Commission shall comply with the system for new appointments, resignations, and replacements as specified by the Napa County Board of Supervisors. Whenever an unscheduled vacancy occurs the Board of Supervisors will appoint the vacancy pursuant to Government Code § 54974. The term for the incoming member will be to fill the vacancy for the remainder of the original term. The Commission may review applications received and make recommendations to the County Board of Supervisors for appointments to fill vacancies.

E. Attendance: Commission members are expected to attend all regular meetings. Members shall notify the Chairperson or Coordinator of any expected absence by 5:00 p.m. of the day prior to the meeting

Any member of the Commission who has two (2) or more unexcused absences within one year shall have his/her appointment reviewed by the Commission, with possible recommendation to the Board of Supervisors for continuation or removal from the Commission. Excused absences will be determined by the Chairperson.

Article VI – Structure

A. Officers: Officers will be elected every year by the Commission members at the last regularly scheduled meeting of the fiscal year. Term of office shall be July 1 through June 30. Officers elected by the Commission shall be the Chair and Vice Chair.

The Vice Chair shall become the Chair for the remainder of the term if the Chair becomes vacant and a new Vice Chair shall be elected to serve in that capacity for the same period.

If the Vice Chair becomes vacant, the Executive Committee may fill the office by appointment subject to ratification by the general membership.

Recommendations for the nomination of officers from the Executive Committee will be presented at the general meeting preceding elections. Nominations may also be taken at this time from the floor of the general membership.

1. Chair: The Chair must have a minimum of one-year active participation in the Commission preceding election to the office of Chair, except for the first Chair of the Commission who does not require any minimum participation. The Chair shall serve a term of one year and may serve consecutive terms. The Chair shall preside over all regular meeting and may call special meetings, if necessary. The Chair shall serve as a member of the executive Committee. Other possible responsibilities include annual reports to the Board of Supervisors and representing the Commission at public functions.
 2. Vice Chair: The Vice Chair shall assume the responsibilities of the Chair in his/her absence and any duties assigned by the Chair. The Vice Chair shall serve as a member of the Executive Committee.
- B. Executive Committee: The voting members of the Executive Committee shall consist of the Commission Chair, Vice Chair, as elected by the general membership, the District Attorney or their appointed designee, and an appointed representative from the Community Representative, and either the At-Large or Parent Organization membership categories. In the case of even numbers of votes, the decision will be taken by the Commission Chair. Nominations for Executive Committee membership representatives will be determined and announced by each membership category at the meeting preceding the last regularly scheduled meeting of each fiscal year. Appointments of nominees will be ratified by Commission approval at the last regularly scheduled meeting of the fiscal year.

The immediate past Chair, if any, shall serve as a non-voting ex officio member of the Executive Committee.

The Executive Committee is delegated the power to act for the Commission between meetings. Such actions shall be in accordance with State and County ordinances and guidelines and will be reviewed at the next Commission meeting. A majority of the Executive Committee shall constitute a quorum of the Executive Committee.

The Executive Committee has responsibility for:

1. Providing leadership and policy recommendations
2. Officer and membership nominations
3. Governance of the Commission, to include but not limited to oversight of mandates, annual report to the Board of Supervisors, and special projects.

C. Committees: The Commission shall establish additional committees on either a permanent (standing) or temporary (ad hoc) basis to address specific issues or concerns. The scope and purpose of these committees shall be reviewed at least annually by the Executive Committee and recommendations for continuation or elimination made to the Commission.

D. Meetings: Meetings shall be convened a minimum of four times per calendar year. Meeting dates, location and time will be established at the last meeting prior to the beginning of each fiscal year and may be changed as needed. However, one meeting per year must be held in each of the following cities: American Canyon, Napa, Calistoga, and St. Helena. Notice of meetings shall be sent to members at least two weeks prior to the meeting date. Public notice shall be made available through local media and posted at the Napa County Administrative Offices and at designated meeting spaces in accordance with the Ralph M. Brown Act (Government Code Sec 54950, 54950(b), et seq.).

Special meetings may be called by the Commission Chair at any time. Each member of the Commission shall be given adequate notice of such meetings. Absence with notification from a special meeting does not count towards attendance requirements outlined in Section IV-E of these bylaws.

1. Quorum – A quorum of the Commission shall be a majority of the members. No action shall be taken unless a quorum is present.
2. Public Access – All meetings of the Commission, including standing committees comprised of at least a quorum of Commission members, shall be open and accessible to the general public in accordance with the Ralph M. Brown Act (Government Code Sec 54950, 54950(b), et seq.). Opportunity for public comment will be included in each agenda with individual presentation being limited to three minutes. The Chair, Commission, or committee, by vote, may close the meeting to the public only if in accordance with the Ralph M. Brown Act, Government Code.
3. Voting – Each member of the Commission has one vote. For official business, a majority vote of the quorum is needed to pass a motion. No member shall participate in a vote if he or she has a proprietary interest in the outcome of the matter being voted on.

4. **Parliamentary Authority** – All proceedings of the Commission and the committees shall be conducted according to the rules contained in the most recent edition of the Standard Code of Parliamentary Procedure (Sturgis) when these do not conflict with these bylaws.

- E. **Administrative:** The Commission shall obtain staff support from the District Attorney's Office. Staff needs will be established at the beginning of each fiscal year. The staff will be responsible for the compilation and distribution of Commission meeting notices, agendas, and minutes. Commission records, meeting minutes, membership and attendance information shall be maintained by the staff. Reports on planning grant expenditures (if applicable) shall be prepared for the Commission by the staff.

Members of the Commission shall serve without compensation and shall not receive reimbursement for any expenses incurred while conducting official business.

Article VII – Scope of Work

- A. **Goals:** The primary goals of the Commission are to provide a forum for the identification of local resources associated with prevention of gang activity and youth violence; to collaborate with non-profit organizations, school districts, local law enforcement agencies, cultural organizations, parent organizations, and interested parties to reduce gang activity and youth violence; and to prepare implementation plans for the recommendations outlined in the Master Plan, including private and public partnerships to achieve necessary funding.

The Commission will also serve as an advisory body to the County Board of Supervisors on gang activity and youth violence issues. Specific work activities will vary depending upon current need and resources available to the Commission.

- B. **Advocacy:** By law, the Commission is advisory to the Board of Supervisors. Due to its mission to provide a forum for the identification of local resources associated with prevention of gang activity and youth violence, to collaborate with other organizations to reduce gang activity and youth violence, and to prepare implementation plans for the recommendations outlined in the Master Plan, including private and public partnerships to achieve necessary funding, the Commission is in a unique position to educate the community and to review and comment upon federal, state and local proposals related to gang activity and youth violence in Napa County. The Commission may review and comment upon proposals which may impact local needs and priorities. The Commission may provide information and educational materials relating to local needs and priorities.

to individuals and organizations in furtherance of developing additional local resources. If the Commission wishes the County to take an official position on legislation relating to gang activity or youth violence, the Commission shall work with County staff to recommend the position be considered by the County's established process.

Article IX- Bylaws

- A. Adoption: Approval by the Board of Supervisors shall be required to adopt changes to these bylaws.
- B. Amendments: These bylaws may be amended or repealed and new bylaws adopted by the vote of two-thirds (2/3) of the Commission at any regular or special meeting, subject to the approval by the County Board of Supervisors. Any member of the Commission may propose amendments to the Bylaws. Written notice of any proposed amendments must be sent to Commission members at least fourteen (14) days prior to the meeting at which the proposed amendments will be voted upon.

STAFF REPORT



DATE: September 10, 2013

TO: Mayor and City Council

FROM: Greg Desmond, Interim Planning Director

Item: 14

RE: Review and direction on revisions to the Draft General Plan Update Land Use, Circulation and Community Design elements.

BACKGROUND

On July 9, 2013, after a brief review of the Draft General Plan Update Growth Management and Land Use element, the Council moved to continue the item to allow Mayor Nevero to participate in the discussion.

At this time it was agreed that Mayor Nevero and Council member Sculatti would review and provide comments to the Growth Management and Land Use element. Council members Pitts and White would review and comment on the Circulation element and Council member Crull would review and provide comments on the Community Design element.

DISCUSSION: ELEMENT REVIEW

The Land Use element may be downloaded via the following link:

- http://www.cityofstheleena.org/sites/default/files/02_land_use_%26_growth_management_revised_07311_0.pdf

The Circulation element may be downloaded via the following link:

- http://www.cityofstheleena.org/sites/default/files/05_circulation_revised_073112.pdf

The Community Design element may be downloaded via the following link:

- http://www.cityofstheleena.org/sites/default/files/07_community_design_revised_073112.pdf

NEXT STEPS

The Council should review and approve revisions to the elements and provide direction to staff regarding the next steps.

ATTACHMENTS:

Circulation Comments – White/Pitts

Land Use Comments – Nevero/Sculatti

Letter from Sheri & Frank Borges re: Land Use

Letter from John Milliken re: Land Use

Letter from Pam Smithers re: Circulation

Circulation Element

5.1 Purpose of the Element

The Circulation Element provides the framework for a comprehensive and multimodal transportation network that supports and integrates with the other elements of the General Plan, especially Land Use and Growth Management. The element identifies the principal components of the circulation system, as well as issues relating to parking, transit, and pedestrian and bicycle routes. Standards and guiding principles for the implementation of transportation facilities are also included.

An increasing demand for non-vehicular alternative modes of transportation has been expressed and demonstrated by citizens of all ages in St. Helena. An increasing number of citizens are interested walking, biking and moving throughout St. Helena in golf carts and other electric non-automobile vehicles. Given the flat topography of St. Helena, the City provides ideal conditions for such alternative modes of transportation. A shift from traditional automobile based transportation to alternative modes of transportation within St. Helena will create many important positive impacts on the community, including but not limited to:

- Decreased automobile traffic throughout the City due to an increased number of citizens choosing to walk or bike within the City
- Increased overall health of the citizens of St. Helena by walking and biking more
- Decreased air pollution due to less automobile operation throughout the City
- Decreased impact and degradation of the streets within St. Helena

The City of St Helena has just recently completed and approved a citywide bicycle and multimodal plan which will be integrated with the Napa County Bicycle Plan and the Napa Vine Trail. The approved plan will provide safe and convenient bicycle, pedestrian and multi-modal access to schools, parks, open spaces, commercial areas, residential neighborhoods and community facilities. With this plan and vision in place, the foundation to create a safer and healthier pedestrian and bicycle environment have been established and the City is focused and committed to turning this plan into reality.

The Circulation Element includes the following sections:

5.2 Circulation and Mobility Framework for St. Helena. Describes a framework for circulation and mobility (p. 5-3).

5.3 Key Findings and Recommendations. Identifies key findings and recommendations based on an existing conditions analysis (p.5-5).

5.4 Goals. Defines goals that focus the direction of changes to St. Helena's transportation infrastructure and mobility and circulation-related policies and programs (p. 5-12).

5.5 St. Helena's Circulation and Mobility Future. Describes St. Helena's transportation future, including the proposed street typology system and network, pedestrian and bicycle network, transportation performance measures, and transportation demand management (TDM) program (p. 5-13).

5.6 Policies and Implementing Actions. Identifies policies and implementing actions to develop an efficient, multimodal transportation network that minimizes impacts to the environment d neighborhoods (p. 5-28).

5.2 Circulation and Mobility Framework for St. Helena

Transportation planning in California is undergoing a broad transformation. A changing demographic, the growing movement to combat climate change, and an increasing focus on the public health benefits of biking and walking all highlight the need to provide greater choice in local and regional travel. Multimodal transportation and the integration of land use and transportation planning, while always important, are central components of this paradigm shift [which has occurred within St. Helena](#). These concepts are widely accepted as essential to creating lasting circulation and mobility improvements. As municipalities and agencies plan for change, individuals too seek to minimize travel costs, and learn more every day about how decreasing their reliance on the automobile can reduce their carbon footprint and improve their physical health and well-being.

Mobility is no longer only about the private automobile and public transit. Increasingly, it is defined by how community members can use alternate modes of transportation efficiently. The size, topography and climate of St. Helena make it an ideal city for both walking and biking. According to the 2000 U.S. Census, approximately seven percent of St. Helena residents walk to work. This is a substantially higher rate than the countywide average of four percent and reflects the City's continuing efforts to create and preserve safe walking environments and a pedestrian-friendly community. At the same time, less than one percent of St. Helena residents travel to work by bike and only 1.3 percent commute by public transit. This reality underscores the importance of continued efforts to build a comprehensive circulation network in support of multiple travel modes (see Table 5.1).

Past transportation planning methods have relied heavily on a traditional street classification and performance measurement system that focuses solely on the capacity of streets to accommodate automobile traffic volume, improve traffic speed and reduce delay time. This narrow approach fails to consider overall mobility, the existing and desired land use character of the community, or conditions for

non-automobile users and must be altered to reflect and promote the paradigm shift towards non-automobile based transportation within St. Helena. Efforts to improve the City's network of streets, sidewalks and services must meet important circulation and mobility goals and also contribute to broader efforts to create safe and attractive environments for human interaction.

In support of these concepts, the General Plan establishes new street typologies and performance measurement system that reflects a balanced approach to maintaining vehicular access and connectivity, while tailoring improvements and mitigations to support multiple modes of travel and enhance surrounding land uses. The Circulation Element sets forth goals, policies and implementing actions that ~~that~~ bolster this place-based approach and will guide decisions about improvements to the public right-of-way to best meet the community's vision.

5.3 Key Findings and Recommendations

There are several challenges and opportunities facing St. Helena related to circulation. The following key findings and recommendations are based upon comprehensive existing conditions analysis and community input.

Street Classification System and Network

St. Helena's street network has largely been developed on a grid. However, some sections of the network, particularly on the east side of State Route 29, are not connected. The lack of a complete traffic circulation system encourages the majority of local trips onto a few streets, particularly when State Route 29 is heavily congested. The 1993 General Plan included plans for multiple street extensions on local roadways to accommodate future development. While a handful of projects have been implemented, ~~most many~~ have not been ~~feasible~~ and given the shift towards non-automobile based transportation, these extensions are an opportunity to create bicycle and pedestrian connections (as well as emergency vehicular access where appropriate and beneficial) to improve the non-automobile circulation and routes throughout the City.

St. Helena residents have raised traffic safety concerns, such as speeding on residential streets. Development of a comprehensive traffic calming program will preserve and enhance the livability of neighborhoods.

Pedestrian and Bicycle Network

According to U.S. Census data, the mode share for bicycle and pedestrian commute trips from St. Helena decreased between 1990 and 2000 (by 1.0 percent and 1.2 percent respectively). In addition, the City of St. Helena ~~does not have a current~~ recently completed and approved a pedestrian ~~and/or~~ bicycle master plan. Developing a comprehensive, safe and accessible pedestrian and bicycle network will promote non-motorized trips and reduce single-occupancy vehicle trips.

St. Helena's senior population will increase substantially by 2030. A pedestrian network that

Comment [GP1]: Do we have more recent data??

accommodates the City's most vulnerable users, such as seniors, children and individuals of limited mobility, will ensure that St. Helena's streets are safe and accessible for all. As of January 2010, the City is creating a transition plan to study Americans with Disabilities Act (ADA) accessibility throughout the City.

Many families live within walking distance of St. Helena's schools. Safe Routes to School is a national program that improves safety and encourages students to walk and bicycle to school. Such programs work to reduce traffic congestion and improve the health of both children and the environment. The City of St. Helena ~~will~~^{may} pursue funding for these efforts through the state and federal Safe Routes to School programs.

Several open spaces and parks located within St. Helena and in the surrounding area, including agricultural areas and the Napa Valley Vine Trail, lack well-defined and accessible connections for both pedestrians and bicyclists. The City also finds a need to explore funding sources for the rehabilitation of existing sidewalks to ensure the safety of our residents and visitors. Future opportunities for the development of multi-use paths with an emphasis on access, wayfinding, signage and parking locations at trailheads should be considered. Similarly, opportunities to provide pedestrian and bicycle access through the Napa Valley are being pursued and will create recreational and commuting opportunities for both visitors and local residents.

Transportation Performance Measures

St. Helena has used traditional Level of Service (LOS) standards for measuring transportation impacts from new development, which account for auto vehicle delay at intersections and roadway segments. This approach does not consider impacts to transit, or the walking and bicycling environment. This General Plan includes policies supporting consideration of all modes of travel when measuring transportation impacts.

To reduce greenhouse gas emissions, regional policies¹ anticipate a continued emphasis on shifting travel from single-occupancy vehicles to carpooling, transit use, and increasing bicycle and pedestrian trips. As part of this regional effort towards sustainable transportation, the City of St. Helena ~~will~~^{should} set targets related to mode shift and vehicle trips (see Table 5.1).

According to U.S. Census data, many more workers are commuting into St. Helena than are living within the City. This suggests a mismatch between the type of employment and residential units in St. Helena. A balanced ratio between jobs and housing can reduce travel times and traffic congestion in a given area (see Tables 5.2 and 5.3).

Transportation Demand Management

¹ The Napa County Transportation and Planning Agency (NCTPA) has adopted five sustainable transportation goals in Napa's Transportation Future Strategic Transportation Plan (2009).

Comment [GP2]: Make certain most up to date info

The primary transit option in the Napa Valley is the VINE bus service. Development and land use patterns in the Napa Valley have resulted in low rates of transit ridership. According to the 2000 Census, 1.4 percent of St. Helena residents commute by transit as compared to 5.0 percent statewide. Additional funding and support for increasing bus service will enhance long-term strategies for a sustainable transportation system.

Parking is a concern in downtown St. Helena. In general, there are few on-street parking restrictions within the City. Creating a Parking Management Program that will include a study of parking demand and turnover in downtown St. Helena can ensure that strategies for optimal use are in place.

A significant portion of Napa County's traffic congestion results from tourists traveling throughout the region. Support for car-free tourism options, including development of the Vine Trail, will help manage congestion in the area.

Regional Coordination

Regional trips to and from St. Helena typically begin or end within Napa County.² The majority of these trips originate and/or terminate in the City of Napa, Calistoga, Yountville and Angwin. Developing viable transportation alternatives to single-occupancy vehicle trips for these regional trips will help to reduce vehicle miles traveled (VMT).

Because State Route 29 is the main route for vehicles traveling from Lake County or Northern Sonoma County to the City of Napa and destinations to the south, inter-county travel results in significant congestion along Main Street. During peak travel times, less than half of all vehicles on State Route 29 are traveling to or from destinations within St. Helena. While intra-city circulation may be improved with the policies and implementing actions recommended in this General Plan, other region-wide housing, employment and public transit policies should be investigated to limit further growth in interregional travel.

Although there is rail service for tourists on the Wine Train, no commuter rail service exists at this time. According to the Napa County Transportation and Planning Agency (NCTPA) 2003 Napa/Solano Passenger/Freight Rail Study, commuter rail and light rail service in the area is not viable due to high costs, a small service population and lack of adequate rail infrastructure to support higher speeds.

(The Napa Valley Wine Train, which operates on the former Southern Pacific Rail line, is a tourist-oriented, recreational ride which carries customers on a round trip between Napa and St. Helena. Due to an agreement with the California Public Utilities Commission (CPUC), though not regulated by the CPUC, the train does not currently stop to board or disembark passengers at any location other than the point of origination in Napa. The City should explore opportunities to integrate the Wine Train into a car-free tourism strategy for St. Helena. If passengers are able to board and disembark in St. Helena, this could potentially decrease automobile traffic demand along the Wine Train Corridor.) let's have

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² The Napa County Transportation and Planning Agency (NCTPA). Napa's Transportation Future Strategic Transportation Plan (2009).

[a discussion regarding the pro's and con's of the Wine Train disembarking passengers.](#)

5.4 Goals

Meet Current and Future Transportation Needs.

Meet the current and future mobility needs of residents, businesses and tourists with a balanced, multimodal transportation system. Transportation performance measures aim to reduce greenhouse gas emissions, manage vehicle congestion along the citywide street network and increase [non-automobile and emergency multimodal](#) connections throughout St. Helena. The City plans and manages the transportation network to achieve the following objectives:

Provide a complete bicycle and pedestrian network between residential areas, downtown and other major activity centers identified by the City.

Reduce transportation-based GHG emissions from City-controlled sources by 30 percent from projected 2020 levels by 2020.

Increase the current mode split for transit, bicycling and walking (as measured by the American Community Survey).

Reduce current peak hour vehicle travel times on Main Street.

Create an Interconnected Multimodal Circulation System.

Increase the City's share of walking, bicycling, transit and carpooling trips, in accordance with NCTPA 2035 goals. As a major part of this effort, the City will continue to develop and maintain a safe and integrated bicycle and pedestrian system throughout St. Helena for people of all ages and abilities.

Provide a Safe, Efficient and Well-Maintained Circulation System.

Develop and manage a transportation network that supports safe and efficient travel for all modes and users.

Ensure a Sustainable Transportation Network.

Reduce congestion and greenhouse gas emissions and increase the mode share for all non-single-occupancy trips. To achieve this goal, the City supports the use of transportation demand management (TDM) strategies that promote sustainable transportation practices through encouragement, education and incentives.

5.5 St. Helena's Circulation and Mobility Future

The existing transportation infrastructure and compact development pattern of St. Helena enable the City

to remain a relatively walkable community in a predominantly rural area, while providing direct access to regional destinations throughout the Napa Valley. However, key constraints include congestion along State Route 29 and regional land use patterns that are not conducive to efficient transit service.

Increasingly, the City of St. Helena and Napa County have expressed the goal of reducing traffic congestion in the region by encouraging the development of a multimodal transportation network, supported by land use decisions that encourage alternatives to single-occupancy vehicle trips. The Circulation Element identifies the key components of a sustainable transportation system, including the following:

Street Typology System and Network;

Pedestrian and Bicycle Network;

Transportation Performance Measures; and

Transportation Demand Management Program.

STREET TYPOLOGY SYSTEM AND NETWORK

Street Typology System

The St. Helena General Plan Circulation Element introduces a new street typology system. The new system of street typologies replaces the previous street classifications, which established one set of design and operation standards based on a rigid, hierarchical classification of roadways. Street typologies consider the street context and alternate travel modes. This helps to ensure that street standards are not uniformly applied, but that they instead consider a roadway's relation to surrounding land uses, appropriate travel speeds and the need to accommodate multiple travel modes.

The streets of a given neighborhood or district have characteristics that generally follow the land use character of that area and the role that its streets play in the greater street network of the surrounding community. For example, a residential street that serves as a collector will have different characteristics and design features than a residential street that provides local access. Similarly, a downtown/mixed-use street and an industrial collector street are different in function. A downtown/mixed-use street emphasizes accommodating several transportation modes, while an industrial collector emphasizes accommodating heavy trucks and automobiles. Consequently, the design features and overall user experience may differ greatly.

The following street typologies are part of the City's new street typology system. Application of these standards should be considered for any new development, street repaving or redevelopment projects.

Open Space/Rural Street – Provides access to open space, vineyard and agricultural areas, and rural residential uses. Sidewalks and curbs are not typically present on rural street types, though bicycle

boulevards and low speed limits may be present on some open space or rural streets.

Industrial Collector Street – Supports truck access to manufacturing and industrial land uses. While sidewalks are present on all streets, bicycle and transit facilities are not typically present for this street typology.

Residential Street – Provides access to neighborhoods. This street type supports local trips, with an emphasis on pedestrian and bicycle amenities and slow driving speeds.

Downtown/Mixed-Use Street – Supports all travel modes. It includes specific design features that promote livable streets and multimodal access such as wide sidewalks, traffic calming features and bicycle boulevards.

Regional Connector Street (Main Street) – Supports all modes, but is primarily designed to provide citywide and regional access for cars, transit and trucks trips. As Main Street/State Route 29 is the key commercial center for St. Helena, specific design features that foster livable streets and multimodal access may be applied, including wide sidewalks with regular street crossings, high-quality pedestrian amenities and enhanced bus transit facilities. At the edge of the downtown area, Main Street/State Route 29 transitions into a more suburban and rural environment. These sections have higher vehicle speeds and less walking and bicycling activity than the center of downtown.

Table 5.4 provides a summary of the features of each street typology. Figure 5.1 provides cross sections of typologies.

Circulation Study Alternatives

In order to manage congestion and provide new connections within the City, several new extensions are proposed as non-automobile connections to promote the increased use of non-automobile based transportation in an effort to reduce auto congestion within the City as part of the General Plan update for further study. These extensions may also serve as emergency vehicular routes to increase the safety of St. Helena. ~~In most cases, the proposed connections will provide alternate routes for residents to travel from one part of town to another without having to travel on State Route 29, which is frequently congested due to high regional traffic demand.~~

In order to manage traffic on local streets, proposed new streets provide for the study ~~street extensions~~ provide for various levels of access to accommodate ~~different modes of travel~~ bicycle, pedestrian, golf cart and other non-automobile electric vehicles. Proposed street ~~The study street~~ extensions, shown in Figure 5.2, include the following:

1. Starr Avenue extension north to Adams Street (concurrent with any potential future extension of Adams Street to the Silverado Trail);

2A/2B/2C. Extension to Mills Lane, by extending either Starr Avenue, College Avenue or Allison Avenue;

3. Oak Avenue from Charter Oak Avenue to Grayson Avenue ~~with limited access (bike, pedestrian and scooters)~~ from Mitchell Drive to Charter Oak Avenue ~~with the intention to build/allow automobile access;~~

4. Adams Street from its current eastern terminus to Starr Avenue; and

5A/5B. Alternative extensions to access the Silverado Trail, by studying potential extensions of Adams Street or Mills Lane or increasing the accessibility to the Silverado Trail via Pratt Avenue from downtown by creating an emergency route through the Crinella area.

~~To reduce the attractiveness of the new streets as cut-through routes, vehicle turn restrictions may be implemented at particular locations.~~ In some locations, new bridges may also be constructed to replace bridges at the end of their design life, or as part of new street connections.

In addition to limiting traffic access, traffic calming strategies are important for ~~both~~ existing ~~and proposed~~ streets and are strongly encouraged. Definitions of traffic calming vary, but they all share the goal of changing driver behavior to reduce vehicle speeds, improve safety and enhance quality of life. Traffic calming design elements include roundabouts and traffic circles, landscaped medians, and curb extensions.

PEDESTRIAN AND BICYCLE NETWORK

Pedestrian Circulation

The Central Business District surrounding Main Street is St. Helena's core pedestrian district. Downtown was originally developed with a grid of streets that includes a comprehensive network of sidewalks. Older neighborhoods surrounding the downtown core generally have well-maintained sidewalks that provide pedestrian access between residential areas and schools, community centers and other walkable destinations. Efforts to maintain and improve the pedestrian environment should be prioritized in this area, where the greatest number of pedestrians will be served.

Neighborhoods near the City's periphery have fewer pedestrian amenities, and many lack sidewalks. Some of these neighborhoods have a rural character where sidewalks may not be appropriate, whereas other post-World War II suburban developments were designed primarily for vehicular access and would benefit from improved pedestrian access.

Bicycle Circulation

St. Helena has an extensive network of Class III bicycle routes, which are routes marked for shared use with motor vehicles. However, bike lanes and multi-use paths that provide dedicated space for bicyclists have not yet been developed in St. Helena, and bicycle support facilities, such as bicycle parking, are lacking in many areas. Additionally, both pedestrian and bicycle access to open space and regional destinations throughout the Napa Valley could be improved through a system of off-street multi-use

paths.

Reducing local vehicle trips into downtown St. Helena by shifting those trips to biking or walking would help alleviate congestion and parking concerns and promote increased health. Implementation of a citywide bikeway network that includes the construction of bicycle facilities at activity centers throughout the City could greatly increase the mode share of bicycling. Key activity centers that could be conducive to increased rates of bicycling include the downtown area, bus stops, schools, parks, hotels and local wineries. Development of the Vine Trail and a shared use path along Sulphur Creek will provide greater recreational, tourist and commuting choices by bicycle.

Bicycle Classifications

The City's bikeways include three classifications: bike paths, lanes and routes. These classifications are described below.

Class I Bike Paths (Shared Use Path) are completely separated from motor vehicle traffic, as in the case of an off-street path along a river or railroad corridor, and may be shared with pedestrians. These are often found in park-like or scenic settings. Trails are typically 10 to 12 feet wide. The American Association of State Highway and Transportation Officials (AASHTO) provides dimensional, signage and pavement marking standards.

Class II Bike Lanes are located on streets and allow bicyclists to utilize a separate lane of travel, usually five feet wide, separated from motor vehicle traffic by a six-inch white stripe. Class II lanes include bike lane stencils and signs.

In some cases, a curbside parking lane can be striped to allow a shared parking lane and bicycle travel. This is typically done in areas where a full bicycle lane is not feasible. However it is discouraged where alternative means of providing a bicycle lane are possible.

Class III Bike Routes are designated by signs or pavement markings for shared use with motor vehicles. Cyclists share the travel lane with motor vehicles on these routes. These are often located along roadways where dedicated bicycle lanes cannot fit or are not needed (for example, on a low-volume street), but where providing continuity in a bicycle system is nevertheless important. A shared-use arrow (or "sharrow") can be marked in the outside lane on a Class III route to show the suggested path of travel for bicyclists. This is often done when the route has on-street parking, in order to encourage cyclists to ride a safe distance away from the parked vehicles' "door zone."

Bicycle Boulevards are modified Class III routes that have special treatments such as distinctive signage, traffic calming and vehicle barriers.

~~Proposed~~ Approved Bicycle Network

St. Helena's ~~proposed~~ approved bicycle network includes bikeways within all three bicycle path classifications in order to maximize connectivity throughout the City (see Figure 5.3). The ~~proposed~~ network has been planned to provide safe and convenient bicycle access to parks, open spaces, commercial areas, residential neighborhoods and community facilities. Once completed, the network will play a key role in bolstering the City's efforts to increase the use of bicycles as non-auto modes of transit, and to reduce overall vehicle miles traveled in the City.

Proposed Class I bicycle pathways cross the City, connecting parks and open spaces with multimodal trails that are completely separate from auto traffic. These shared-use pathways provide key cross-City connections, and include the proposed Napa Valley Vine Trail and a shared-use path along Sulphur Creek and the Napa River. Additional Class I pathways connect the Lower Reservoir Park to Spring Mountain Road and Crane Park to Grayson Avenue. Shared-use paths should accommodate all pedestrians, including persons that use an assistive mobility device for a disability or medical condition.

Class II bicycle pathways that provide a designated lane for bicycle travel are proposed along many of St. Helena's streets. Key east-west routes include: Madrona Avenue between Main Street and Sylvaner Avenue; Spring Street between Oak Avenue and Sulphur Creek; Pope Street between Main Street and Silverado Trail; and Grayson Avenue and Sulphur Springs Avenue, between Main Street and Crane Avenue. Key north-south routes are located on Spring Mountain Road, Valley View Street, Crane Avenue, and State Route 29 between Deer Park Road and Pratt Avenue.

The ~~proposed~~ network includes a series of Class III pathways designated for shared-use of vehicles and bicycles. Some of these pathways have an additional designation for use as Bicycle Boulevards. Key Class III pathways include Chaix Lane, Pratt Avenue, and State Route 29 between Pratt and Grayson avenues. Bicycle Boulevards are primarily located in the residential neighborhoods directly east and west of Main Street. Key Bicycle Boulevards include Mitchell Drive, Adams Street and Oak Avenue.

Bicycle Parking and Support Facilities

Every bicycle trip has two main components: the route selected by the bicyclist and the "end-of-trip" facilities at the destinations. The availability of safe bicycle routes and secure and convenient facilities is critical to promoting greater bike usage in St. Helena. Bicycle facilities can include short- and long-term bicycle parking, showers, lockers and good lighting.

Providing short- and long-term bicycle parking at key destinations, such as downtown St. Helena, parks, schools, community facilities, transit stops and shopping areas, will be essential to the development of a complete bicycle network. Parking should be highly visible, accessible and easy to use. In addition, facilities should be located in well-lit areas and covered where possible.

Support facilities for bicyclists should also be provided. Showers are an important amenity for those

bicycle commuters with a rigorous commute and/or formal office attire. Lockers provide a secure place for bicyclists to store their helmets and other gear.

TRANSPORTATION PERFORMANCE MEASURES

The City of St. Helena is considering new transportation performance measures to ensure that the General Plan reflects a balanced perspective on transportation that reflects the full set of community values and interests. As such, the City is considering replacing the traditional automobile Level of Service (LOS) threshold with measures that capture transportation system performance from the perspective of all users and incorporate the environmental consequences of transportation decisions, especially with regard to climate change. A key part of this effort is to better understand how vehicle trips and vehicle-miles-traveled (VMT) relate to greenhouse gas (GHG) emission reduction goals.

A new approach is designed to achieve the following objectives:

Develop an alternative way of evaluating new land use development impacts for automobiles, pedestrians, bicycles and transit.

Develop a quantifiable way of measuring the transportation-related GHG impacts and benefits of new land use development and transportation infrastructure improvements.

The purpose of establishing new transportation performance measures is to develop a meaningful nexus between transportation-related development impacts and the City's desired mitigations. The proposed performance measures aim to reduce GHG emissions, improve multimodal circulation and manage traffic congestion in St. Helena. The reasons for adopting new standards include:

Traditional automobile LOS measures are based largely on driver comfort and convenience, without consideration for other roadway users, including bicyclists, pedestrians and transit riders.

Mitigation measures based on traditional LOS can result in widening roads and intersections in a way that conflicts with community character or other values established in this General Plan. Additionally, such measures can encourage additional vehicle trips and have a negative impact on other travel modes.

Thresholds for traditional LOS standards are not necessarily linked to the City's vitality and quality of life, and can make smart growth projects, such as mixed-use infill development in downtown St. Helena, more difficult.

Several targets, including operating standards for vehicular travel times on Main Street, standards for new auto trips generated by new development, as well as targets for increasing pedestrian and bicycle trips have been set forth in the goals, policies and implementing actions of this element.

TRANSPORTATION DEMAND MANAGEMENT PROGRAM

Transportation Demand Management (TDM) strategies aim to reduce the amount of motor vehicle traffic and manage parking to make travel behaviors more sustainable. TDM policies and programs also encourage the use of modes other than single-occupancy vehicles for travel. Strategies may include carpooling and car-sharing, transit subsidies or reimbursements, paid parking, and the provision of bicycle support facilities at workplaces.

The General Plan supports the establishment of a citywide TDM program to help reduce peak period motor vehicle traffic and manage vehicle parking within St. Helena. NCTPA's Strategic Transportation Plan identifies a number of TDM strategies that are applicable to reducing motor vehicle traffic congestion in St. Helena. Funding for a citywide TDM program should be provided through traffic mitigation fees and in-lieu parking fees. In addition, the City should encourage existing employers to participate in the TDM program.

5.6 Policies and Implementing Actions

A range of policies and implementing actions are outlined below and organized into the following topic areas:

Balanced and Multimodal System;

Safe, Accessible and Comprehensive Bicycle and Pedestrian Network;

Sustainable Mobility Practices;

Safe and Well-Maintained Circulation System;

Parking; and

Improvements and Phasing.

The policies mandate, encourage or allow certain actions to be pursued throughout the duration of the General Plan. Together they provide strategic directions for City staff and partners, high-lighting where time and resources should be focused.

Policies

CR1.1 Promote a connected street and bicycle and pedestrian network within the City to provide better internal automobile, bicycle and pedestrian connections for residents. ~~Where new streets are constructed, ensure they connect to dead-end roads and other streets to create a flexible network for residents.~~

CR1.2 Provide complete streets that balance the diverse needs of users of the public right-of-way, in accordance with the California Complete Streets Act of 2008.

CR1.3 Pursue appropriate funding for the development of a balanced transportation system.

CR1.4 Use performance measures that consider all road users to determine transportation impacts of new development.

CR1.5 Avoid mitigation measures that negatively impact the walking and bicycling environment and encourage driving, such as roadway and intersection widenings.

CR1.6 Continue to support NCTPA in the provision of convenient transit, including regional and local service. Support more frequent and reliable transit service between communities to reduce the number of people traveling to or from St. Helena to work by private vehicle. Promote and encourage use of the St. Helena Vine Shuttle.

CR1.7 Encourage use of the rail corridor to reduce traffic on State Route 29.

CR1.8 Reduce transportation-based GHG emissions from City-controlled sources by employing the following strategies:

Complete the City's bicycle and pedestrian network, which will increase transportation choices in the City and reduce the demand for vehicle travel;

Maximize the overall efficiency of the transportation system, including managing the transportation network through a citywide transportation system management program;

Implement "smart growth" and sustainable planning principles as defined in the Land Use Element;

Encourage jobs/housing match, as defined in the Housing Element; and

Encourage/provide incentives for employee car pools.

CR1.9 Promote a walking and bicycling environment that is comfortable and convenient. Ensure that all St. Helena streets have no more than a single through-automobile lane in each direction, plus a single left-hand turning lane where appropriate, even if this requirement increases vehicle travel times. Allow exceptions if an extra lane would reduce the possibility of collisions.

CR1.10 Strive to maintain a ten minute or less travel time during peak periods along State Route 29, from the northern and southern City boundaries.

CR1.11 Establish a multimodal transportation impact fee program to finance and implement project mitigations that help achieve GHG reduction goals. As part of the impact fee program, require new

development to manage citywide travel demand and finance and construct all off-site circulation improvements necessary to reduce the severity of cumulative transportation impacts to all modes of travel.

Implementing Actions

CR1.A Use the street typologies as defined in the Circulation Element as a basis for improving and managing streets. Improve vehicle, pedestrian and bicycle facilities on streets based on this system.

CR1.B Evaluate Construct the following new ~~roads and connections~~ as any potential new development occurs to promote increased bicycle, pedestrian and non-auto based transportation. Where feasible, preserve existing rights-of-way.

Extend Library Lane concurrent with future development on the Adams Street Property

Starr Avenue extension north to Adams Street

Consider three options for a connection to Mills Lane: a) Starr Avenue extension to Mills Lane; b) College Avenue extension to Mills Lane; or c) Allison Avenue extension to Mills Lane

Oak Avenue from Charter Oak Avenue to Grayson Avenue and limited access from Mitchell Drive to Charter Oak Avenue

Adams Street from its current eastern terminus to Starr Avenue

Consider two options to connect downtown St. Helena to Silverado Trail: a) Adams Street extension to Silverado Trail; b) Mills Lane extension to Silverado Trail

CR1.C Identify streets that should become “more complete,” through consideration of transit priorities, sidewalk gap closures, new bikeways and vehicle traffic calming measures.

CR1.D Use the performance measures defined in the Circulation Element as the basis for evaluating the impacts of development on the street system.

CR1.E Support efforts to secure additional funding for regional transit service to St. Helena for residents, workers and visitors as a viable alternative to travel by private automobile. Focus on improving the bus service for use by commuters.

CR1.F Subject all rail corridor uses to use permit review; locate passenger facilities within zoning districts which minimize impacts to established and proposed land uses.

CR1.G Study the potential for integrating Wine Train activities with car-free tourism strategies to provide an alternative for tourists to visit St. Helena without a car.

CR1.H Measure total automobile trips generated by new developments on a per project basis, to reduce vehicle trips. Maintain a citywide trip generation analysis methodology that evaluates the effects of land use and built environment changes on travel choices and behavior.

CR1.I Evaluate changes to vehicle travel times along State Route 29 on a per-development or per-project basis. Establish significance criteria for determining if an increase in travel time resulting from new development is significant.

CR1.J Ensure that any new land use development provides a continuous path of travel for walking and bicycling from the development site to the center of downtown and other key destinations, as determined by the City. Determine appropriate bicycle and pedestrian routes based on street typologies and the proposed bicycle and pedestrian network. If a path of travel is not continuous, require development to construct improvements and/or contribute to the transportation mitigation fee program.

CR1.K Fund transportation improvements through a citywide, multimodal transportation mitigation fee program. The mitigation fee program will emphasize transportation improvements that reduce citywide automobile trips, including completing the bicycle and pedestrian network, implementing transportation demand and systems management strategies, and improving traffic signal coordination on State Route 29. Ensure that fees are proportional to a development's contribution to changes in net new automobile trips and change in travel time along State Route 29.

CR1.L Work with Caltrans to ensure regional coordination and manage congestion on State Route 29.

Policies

CR2.1 Create a comprehensive bicycle and pedestrian network that enhances neighborhood connectivity. Develop the system as shown in Figure 5.3 to expand and improve the pedestrian and bikeway system.

CR2.2 Promote walking and bicycling as safe and convenient modes of transportation.

CR2.3 Ensure secure, accessible and convenient bicycle parking facilities throughout St. Helena, including downtown, commercial areas, schools and parks.

CR2.4 Preserve and enhance pedestrian connectivity and safety throughout St. Helena.

CR2.5 Improve the pedestrian experience through streetscape enhancements, focusing improvements where there is the greatest need, and by orienting development toward the street.

CR2.6 Encourage walking and bicycling trips to St. Helena schools.

Implementing Actions

CR2.A ~~Develop and adopt a~~Implement the citywide bicycle and pedestrian master plan to improve bicycle and pedestrian safety, and to encourage community members to walk and bike more often. Build on St. Helena's existing partnership with the Napa County Transportation and Planning Agency (NCTPA) to ensure that the City's master plan is consistent with countywide transportation planning efforts. (Also see the following elements: Open Space and Conservation, Topic Area 2; and Parks and Recreation, Topic Area 6)

Note: Subsequent actions in this element may be included in the Bicycle and Pedestrian master plan.

CR2.B Develop guidelines for the design, construction and maintenance of bicycle and pedestrian paths in St. Helena. Coordinate the guidelines with Napa County or regional trail connections.

CR2.C Develop and adopt an ordinance that requires any new development and re-use projects to provide bicycle and pedestrian improvements and amenities.

CR2.D Identify and pursue funding opportunities for bicycle projects on the local, state and federal levels. Update the existing and proposed bicycle system every five years, as required by Caltrans to qualify for Bicycle Transportation Account funds.

CR2.E Allocate funds and/or identify funding sources for pedestrian and streetscape improvements.

CR2.F Improve street crossings and gaps in the sidewalk system through development review and capital improvement projects.

CR2.G Adopt a crosswalk installation policy to promote pedestrian safety and accessibility.

CR2.H Ensure that any new development on collector streets provides sidewalks or walkways to be located with the City's right-of-way for the collector street. Further, unless exempted or deferred by the

City Council, ensure that all residential developments provide sidewalks on all local streets within the development.

CR2.I Review pedestrian-vehicle collision data on an annual basis and identify areas for pedestrian safety improvements.

CR2.J Pursue state and federal grant opportunities to fund a Safe Routes to School program.

CR2.K Consider the feasibility of a citywide bike sharing program for municipal and/or public use.

Policies

CR3.1 Provide incentives and encourage existing major employers to develop and implement transportation demand management (TDM) programs to increase the number of people who bike and walk to work and reduce peak-period trip generation. Strategies include the following:

Transit subsidies or reimbursement to residents and employees (often referred to as “commuter check” or “EcoPass”);

Car-share, car-pooling and neighborhood electric vehicle programs, to reduce the need to have a car or second car;

Integrated bicycle parking and support facilities, primarily to reduce trips within the City;

Modified parking codes to manage the supply of parking that generates frequent turn-over and serves multiple users; and

Marketing and information programs to encourage alternative transportation modes.

CR3.2 Support the implementation of NCTPA goals to reduce/restrain growth of automobile vehicle miles traveled (VMT).

CR3.3 Shift travel from single-occupancy vehicles to other modes so that by 2030, 45 percent of work trips by St. Helena residents and workers are by carpool, transit, walking or bicycling (see Table 5.5 at the end of this section for 2030 commute mode split targets).

CR3.4 Work with the wine and hospitality industries to manage congestion and create and promote car-free tourism services. (Also see the Environmental Sustainability Element, Topic Area 2)

CR3.5 Work with the school district to increase the use of carpooling and the bus system to reduce drive-alone trips to St. Helena schools.

CR3.6 Support development of the bikeway and pedestrian networks to provide a convenient opportunity for at least 20 percent of commuters to get to work by walking or bicycling.

Comment [GP3]: Should we set goal higher? Are these commuters in town or arriving from other communities? Feasibility?

CR3.7 Support compact, mixed-use development as outlined in the Land Use and Housing elements.

Implementing Actions

CR3.A Study the feasibility of a citywide TDM program and review the effectiveness of the existing Traffic Impact Mitigation Fee.

CR3.B As part of the municipal code, require TDM measures for all new non-residential development.

CR3.C Regularly monitor progress toward increasing the number of residents and workers walking, biking and using public transit, in order to achieve the mode split targets outlined in Table 5.5.

CR3.D Work with the wine and hospitality industries, including the Wine Train, to manage congestion and create and promote car-free tourism services.

Policies

CR4.1 Ensure adequate maintenance of transportation facilities such as streets, sidewalks and multi-use paths. Emphasize safety considerations, impacts on non-automobile modes of travel and overall impact on long-term resource needs as maintenance priorities.

CR4.2 Ensure safety on residential neighborhood streets to promote walking and bicycling and preserve neighborhood livability.

CR4.3 Continue efforts to calm traffic, and minimize traffic volumes and speeds in residential areas.

CR4.4 Strive to bring all pedestrian facilities into compliance with Americans with Disabilities Act (ADA) specifications.

CR4.5 Improve traffic safety and encourage walking and bicycling trips to St. Helena schools through a Safe Routes to School program.

Implementing Actions

CR4.A Review and update the Capital Improvement Program on a regular basis to identify and prioritize circulation facility improvements. Ensure that improvements support the goals, policies and implementing

actions identified in the General Plan.

CR4.B Develop strategies to calm traffic on streets that experience speeding or cut-through traffic, such as Starr Avenue. Include a range of solutions including enforcement, engineering and education efforts to calm vehicle traffic.

CR4.C Establish a transition plan that identifies prioritization and funding mechanisms for improving street conditions to meet ADA specifications. Transition plans are an important part of meeting ADA standards.

CR4.D Pursue Safe Routes to School grants to improve safety and encourage bicycling and walking trips to St. Helena schools.

CR4.E To reduce the effect of regional traffic on local streets, monitor traffic volumes and speeds on potential regional cut-through routes, including Oak Avenue and Valley View Street and other problematic streets like Spring, Pope, etc. Due to the forecast potential for traffic volumes to increase on Oak Avenue and Valley View Street, the City shall consider installing traffic calming or traffic diverting devices to discourage regional cut-through traffic with the goal of ensuring that, over the duration of the General Plan, traffic volumes on these streets do not increase by more than 50 percent above current (2010) levels.

CR4.F To ensure the multimodal Transportation Mitigation Fee (TMF) program serves as acceptable mitigation for the increase in traffic volumes resulting from buildout of the General Plan, the City shall prepare and adopt the TMF within 6 months of adoption of the General Plan Update. As part of this effort, the City shall conduct a fee study to ascertain whether the fees designated under the existing fee program should be revised. As part of the fee study development, the City should consult with other local agencies, including Caltrans and the California Public Utilities Commission (CPUC), to identify potential improvements to Main Street and to at-grade railroad crossings that could be incorporated into the TMF program.

CR4.G The City shall consider the use of signal preemption for emergency response or evacuation in locations where Fire Departments response times are not met.

Policies

CR5.1 Ensure an adequate balance of parking demand and supply. Closely manage and track parking supply within the downtown area by developing a parking management program and implementing a “park-once” strategy.

Comment [GP4]: Do we really need to do this??
This should be discussed, the purpose and intent of this action!

CR5.2 Maintain on-street parking on Main Street in the Central Business District for the convenience of shoppers and to provide a physical and psychological buffer between Main Street traffic and pedestrians.

Implementing Actions

CR5.A Develop a “park-once” strategy for visitors to improve air quality, reduce congestion, promote alternatives to driving alone, and educate and involve businesses and residents. Work with employers to encourage employees to park on the fringes of downtown, thereby leaving convenient parking spaces open for shoppers.

~~CR5.B Consider a study for the use of paid on-street parking to encourage parking turn-over, customer access and efficient allocation of parking among diverse users. Consider installing longer-term paid on-street parking along the periphery of Main Street where short-term parking demand is low.~~

CR5.BC Develop and maintain an off-street parking program for the Parking Impact Area. The program will identify and prioritize locations where additional off-street parking can be provided. When sufficient funds have accumulated for the acquisition of a site and construction of parking on that site, commence with implementation of providing parking on that site.

Policies

CR6.1 Prioritize and implement improvements to the circulation system, including ~~street extensions~~, bicycle and pedestrian improvements and extensions, and expanded transit service.

CR6.2 Require concurrent infrastructure development for any new development projects that have impacts on the circulation system, including streets, paths, trails, sidewalks and public transit.

CR6.3 Consider requiring dedications and mitigations beyond traffic mitigation fees for any development that occurs adjacent to proposed street corridors in order to reinforce system continuity. Traffic mitigation fees are necessary to mitigate existing traffic congestion and congestion caused by new development. Consider revising fee schedules to appropriately mitigate impacts. The fee schedule must be based on an established “nexus” between new development and the planned improvements.

Implementing Policies

CR6.A Evaluate and prioritize ~~and construct~~ all new ~~streets~~, paths and trails (identified in Section E: St. Helena’s Circulation and Mobility Future) when adequate funding is secured and concurrent with any new, adjacent developments.

CR6.B Update the existing St. Helena Traffic Mitigation Fee program to provide funding for all new connections ~~streets~~ and trails included in the Circulation Element, in order to ensure new connections ~~streets~~ and trails are constructed in a timely manner.

Land Use & Growth Management

2.1 Purpose of the Element

The Land Use and Growth Management Element presents a framework for governing future decisions about allowable, context-appropriate land use and desirable development patterns to maintain the small town character of St Helena character of St. Helena. This framework aims to effectively manage growth ~~while encouraging the use of innovative approaches, quality design and infill strategies for new development.~~ By drawing from and building upon the community's distinct history, walkable and strong neighborhoods, and active downtown, the Land Use and Growth Management Element sets the stage for maintaining an economically, socially and environmentally sustainable St. Helena.

The Land Use and Growth Management Element includes the following sections.

2.2 Community Development Framework. Describes the framework for community development, including the growth management system and land use classifications (p. 2-3).

2.3 Key Findings and Recommendations. Identifies key findings and recommendations based on an existing conditions analysis and extensive community outreach (p. 2-24).

2.4 Goals. Defines overarching goals to guide policies and implementing actions (p. 2-26).

2.5 Policies and Implementing Actions. Identifies policies and implementing actions to manage growth, maintain community character, ~~and revitalize underutilized areas~~ (p. 2-27).

2.2 Community Development Framework

Famous for its scenic Napa Valley location, fine wineries and historic Main Street, St. Helena seeks to protect its small-town, agricultural character through a coordinated approach to growth management and land use planning. The City has developed an urban limit line to control and limit development in order to ensure that prized agricultural and open space lands both inside and outside the ULL remain for future generations. In addition, it has crafted a land use classification system that works in tandem with its growth management goals, while allowing for targeted development in key areas and maintaining the character of its existing neighborhoods and central commercial areas. Following are detailed descriptions of the City's land use classifications, growth management system and holding capacity. (see 93 GP, pp 2,3 pg 2-6. Consider including a similare statement and use the 2007 Visioning Survey as the update.)

LAND USE CLASSIFICATIONS

Land in St. Helena is classified according to four broad land use categories:

Residential Areas;

Commercial and Mixed-use Areas;

Business and Industrial Areas;

~~and~~ Community and Natural Resource Areas.

Within each of these categories, specific land use designations identify uses and the density and intensity of development allowed in each designation. Table 2.1 and Figure 2.1 outline the City's land use designations as described in the General Plan. For quick comparison and reference, Figure 2.2 includes a menu of St. Helena's land use classifications, allowed building intensities and densities, and examples of potential building types for each land use designation.

Residential Areas

St. Helena has a variety of residential areas that include single family, multi-family and secondary residential housing options. These neighborhoods support a range of lifestyles at a broad range of household income levels. Higher density, infill development can expand housing options citywide and create mixed-use areas with retail in the heart of the City. Residential land use designations should encourage the development of accessible and diverse neighborhoods, where appropriate. Figure 2.3 highlights residential areas. [\(see 93GP pg, 2-19\)](#)

Low Density Residential (LDR). The LDR land use designation includes single family detached homes, secondary residential units, limited agricultural uses, and similar and compatible uses. This category permits residential densities between 1.0 and 5.0 dwelling units per acre. The LDR designation applies to limited areas of the City with large, residentially-subdivided parcels, particularly those near the City's perimeter.

Medium Density Residential (MDR). The MDR land use classification includes single family attached and detached homes, secondary residential units, and similar and compatible uses. MDR residential areas can accommodate more intensive development, with densities of 5.1 to 16.0 [\(consider changes with new ABAG growth process and One Bay Area newly adopted Plan.\)](#) [\(see 93 GP p.2-7\)](#) dwelling units per acre. This land use designation is the City's predominant residential designation and is intended to maintain a development pattern in newly developing areas that is consistent with historic development patterns.

Higher Density Residential (HDR). The HDR land use designation includes single family and multi-family residential housing, apartments and group quarters. This category permits residential densities

between 16.1 and 28.0 [\(where would this ever make sense?\)](#) dwelling units per acre.

Commercial and Mixed-Use Areas

St. Helena has a number of commercial areas that include retail and commercial services. Businesses serve tourists, City residents and residents of the unincorporated agricultural areas that have traditionally traveled to St. Helena to shop for goods and services. [\(really?\)](#) In the City's historic Central Business District, a small amount of higher-density, mixed-use development that is context appropriate can expand housing options while also supporting additional retail and commercial services. Figure 2.4 highlights commercial and mixed-use areas.

Mixed-Use (MU). The MU land use category promotes medium-density residential mixed with retail, office, restaurant or other commercial uses. The maximum allowable residential density in MU areas is 20 dwelling units per acre, and the maximum FAR is 1.0. The intent of this land use is to protect the urban limit line by encouraging a mix of uses at infill locations and reduce greenhouse gas emissions by locating housing opportunities within close proximity to commercial and retail.

Central Business (CB). The CB land use classification includes retail and commercial uses that serve local residents and the surrounding area. Typical CB uses include offices, restaurants, specialty retail and lodging, with particular emphasis on pedestrian-oriented retail and service uses on the ground floor level, and offices located on upper floors. Residential uses can be considered for upper floor areas but are subject to discretionary review and approval. The maximum allowable FAR in CB-designated areas is 2.0, with off-site parking. The CB district extends from Sulphur Springs Creek along Main Street to midway between Adams Street and Pine Street, west to Oak Avenue and along the north side of Adams Street east of Main Street.

Service Commercial (SC). The SC land use designation includes service and retail uses that have larger space needs than are available in the Central Business District. Potential SC uses include offices, restaurants, service stations and lodging, with a maximum allowable FAR of 0.50. The SC designation includes areas fronting State Route 29/Main Street south of Sulphur Springs Creek.

Business and Industrial Areas

St. Helena has limited areas designated for business and industrial uses. These uses are important to the community's economic health, serving residents as well as surrounding agricultural businesses. These uses are located along Adams Street and Library Lane east of Railroad Avenue and on the southern end of the City surrounding Dowdell Lane. Figure 2.5 highlights business and industrial areas. [Where is it zoned industrial and business?](#)

Business and Professional Office (BPO). The BPO classification allows for professional and administrative office uses, including medical, financial and similar uses. Residential uses in this designation can be considered for upper floor areas, subject to discretionary review and approval. The maximum allowable FAR is 0.50. BPO areas are located throughout the City and provide a compatible, transitional use between commercial and residential areas.

Industrial (I). The I land use designation includes industrial parks, warehouses, light manufacturing and auto and farm-related uses. The maximum allowable FAR is 0.50. Designated I areas are located along Sulphur Springs Creek between State Route 29 and Valleyview Street and east of State Route 29, south of Mills Lane. An Urban Reserve Area is designated to the east of the existing industrial area south of Dowdell Lane for future expansion of this area.

In general, we need to consider where we want the bulk of new business and Industrial growth to occur. Along the HGWY 20 corridor wher other industrial exists as well as where the likely growth of a hotel and other non residential projects will occur makes the most sense. 'South of town" on Main streeet makes moe sense for growth than anywhere - it is visisible to visitors, already noisy and already set up for businesses along the Hqwy. Neighborhoods should not begin to take on business center looks. In fact, the businesses occupying Pine Street are not optimizing neighborhood enhancement, nor do they maje sense for traffic, speeds, parking or other issues that develop when commercial Invades residential neighborhoods. The goal should be to re-establish that are as residential, and focus businesses along Hqwy 29.

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Community and Natural Resource Areas

St. Helena has a wide range of agriculture, parks, open spaces and civic uses that serve a diverse range of community needs. Natural areas, such as the creeks and hills, offer opportunities for preservation and conservation. Public facilities provide opportunities for social and community development. Land use planning should aim to improve these amenities and enhance accessibility for all City residents. Figure 2.6 highlights community and natural resource areas.

Woodland and Watershed (WW). The WW classification includes very low density residential that ensures the protection of wildlife, vegetation, open space and watershed resources. This designation applies to steep hillsides at the City's westernmost and easternmost boundaries, with the intent to accommodate low-density, estate type development in locations that are less suitable for agricultural use. The minimum allowable parcel size is five acres.

Agriculture (AG). The AG land use designation includes agricultural and winery uses with restricted single family and public/quasi public uses residential. This classification applies to large areas of the valley floor that surround the City's urban core. With the exception of hillside areas designated WW, all lands outside the Urban Limit Line are designated AG regardless of their size or actual use. Minimum parcel sizes for new parcels in AG areas range from 20 to 40 acres. (see 93 GP p. 2-9) Keep pp1 that says "after one unit is built on a 5 acre lot, any additional units would be restricted to .5 acres. That way, wineries can provide a small amount on land onsite to accommodate affordable worker housing for their employees thus alleviating some of the housing concerns while adhering to the 93 GP.)

Public/Quasi-Public (PQP). The PQP land use designation provides for government-owned facilities,

public and private schools, and quasi-public uses such as churches, [community/public serving endeavors](#), and cemeteries. The maximum FAR for the PQP district is 0.50. The PQP designation occurs throughout the City, and includes City Hall, the City library, all of the public schools, some of the private schools, all churches, cemeteries and the wastewater treatment plant.

Parks and Recreation (PR). The PR land use designation includes public parks with recreation uses. It applies to all existing public parks and proposed park sites.

Open Space (OS). The OS classification includes open spaces that are devoted to natural resource preservation and management, passive outdoor recreation, multi-use trails, public health and safety. All OS areas are associated with stream corridors that pass through or are adjacent to the City, including the Napa River, Sulphur Springs Creek, York Creek and Spring Creek. [Roads are part of Open Space, but are not contributors to natural resource, public health, etc. Should reconsider roads as being a part of Open Space. What percentage are roads now?](#)

GROWTH MANAGEMENT

St. Helena aims to contain development and preserve agricultural lands adjacent to the City. Tools for accomplishing this include the Urban Limit Line, designated Urban Reserve Areas and the Residential Growth Management System. Figure 2.7 illustrates St. Helena's Urban Limit Line and Urban Reserve Areas.

Urban Limit Line

The Urban Limit Line is a parcel-specific boundary that marks the limit of where urban development is permitted within the incorporated area. The intent of the Urban Limit Line is to discourage urban sprawl by containing urban development within designated areas during the 2010-2030 planning period (see Figure 2.7).

Land outside the Urban Limit Line, but inside the incorporated area, is designated for agricultural uses.

[Can Ag housing be Ag use?](#) The area within the Urban Limit Line includes land to accommodate projected growth. However, given the long-term nature of the General Plan and the potential for unforeseen circumstances, the Plan anticipates the potential need to expand the urban area by identifying Urban Reserve Areas.

Urban Reserve Areas

Urban Reserve Areas can be considered for urban development after urban sections within the Urban Limit Line are developed and if additional land is needed for urban uses. The Urban Reserve Areas, which are contiguous with the existing urban area, have been carefully located to encourage balanced growth [what does this mean?](#) and to ensure that further urban development will maintain the compact development pattern desired by the community.

Urban Reserve Areas are all designated Agricultural (AG) and are expected to remain in agricultural use or undeveloped for the foreseeable future. Zoning in the Urban Reserve Areas will be the same as in other areas designated for agriculture. Zoning designation changes of any specific Urban Reserve Areas will be determined by the City Council at the time of incorporation within the Urban Limit Line. Such changes will depend upon many factors, including: compatibility with existing or proposed surrounding uses; availability of services; demand for the proposed uses; the availability of other suitable areas; and the agricultural resource value of the land.

Locational suitability and timing will be considered when considering changes to the Urban Limit Line and incorporation of Urban Reserve Areas. Requests for expansion of the Urban Limit Line will be considered in logical groupings that reflect the best long-term interests of the City, and will not be considered on a parcel-by-parcel basis, or in a manner that would permit non-contiguous development.

Residential Growth Management System

The Residential Growth Management System limits the number of building permits available for ~~market residential growth rate homes~~ each year. ~~Affordable housing and second units are exempt from the program. The GMS should reflect the ABAG RHNA number. This will serve to ensure alignment with the larger Bay Area's growth direction which encourages development near transit and service centers (PDA = Preferred Development Area). Development outside the non-targeted PDA's encourages growth and sprawl, contributes to traffic congestion and environmental impacts such as reduced air quality and loss of open space and Agricultural lands.~~

GENERAL PLAN STRATEGY

The General Plan strategy presents an outline for the evolution of the City. This strategy is grounded in a set of planning principles and describes General Plan Change Areas and land use capacity. Each of these topics is described in more detail below.

Growth Strategy Principles

The principles for guiding future growth in St. Helena are based upon the City's unique development pattern, vision for a sustainable future and its growth management. The following planning principles apply to the land use development strategy:

Protect agricultural lands located outside the Urban Limit Line;

Preserve agricultural, green and open space within the ULL to ensure the City maintains a rural and small town character with sufficient "fingers of green", particularly in light of St Helena's inadequate park land.

Focus new residential and commercial growth inward at appropriate infill sites; and

Maintain community character by requiring high-quality design and ~~management of new growth~~. guard against "big box" development patterns and styles for commercial, industrial, and residential growth

General Plan Change Areas

During the General Plan Update process [12](#) sites were identified for land use change, including sites for Mixed-Use, which is a new land use designation. These sites are located within the Urban Limit Line (with some minor shifts) and include parcels with commercial, mixed-use and residential designations. Figure 2.8 shows the land use change areas that correspond to the list below.

Adams Street and Library Lane (5.66 acres): The proposed development program for the Adams Street property includes a mix of public/quasi-public, residential and retail uses. A modification of the Urban Limit Line is also proposed, which will increase the developable area by 0.83 acres and orient development along Adams Street.

Main Street, Spring Street and Oak Avenue (2.61 acres): Mixed-Use is proposed for this area to allow a mix of commercial, office and residential development.

Mitchell Drive and Oak Avenue-Northwest (2.04 acres): High Density Residential is proposed for this area to allow for higher density development within walking distance to downtown.

Mitchell Drive and Oak Avenue-Southeast Side (1.58 acres): Mixed-Use is proposed for this area to allow a mix of commercial, office and residential development.

Main Street and Charter Oak Avenue (12.12 acres): Mixed-Use is proposed for the eastern portion of the parcel and Industrial for the western portion of the property.

Main Street and Vidovich Avenue (14.44 acres): This parcel has a mixed-use General Plan land use designation, and the Vineland Station Hotel Project, a mixed-use project, has been approved for the location.

Spring Street and St. James Drive (4.65 acres): Medium Density Residential is proposed for this area to accurately reflect existing densities.

Grayson Avenue (7.01 Acres): Medium Density Residential is proposed on these parcels to allow more flexibility in density for this area.

West end of Spring Street (14.31 acres): This area includes a modification to the Urban Limit Line and an identical shift expanding the Low Density Residential area by 1.49 acres. This change is made to better reflect the flat portion of this parcel.

Systematically re-zone the area on Pine/Oak from commercial to residential. This area was originally residential, but encroachment of businesses into existing homes has changed the use causing parking, traffic and speeding issues in the proximal residential areas.

Mills Lane and Highway 29. (10.3 acres): Adjust Urban Limit Line, General Plan and Zoning Designations to allow the parcel fronting on to Main Street/Hwy 29 to change from Service Commercial to Agriculture. This change will require that the parcels fronting on to Mills Lane and the Urban Limit Line be reconfigured to allow them to encompass the Service Commercial area (1.58 acres) that was converted to Agriculture. ??? Why???

Neiman Parking Lot Parcels is this the real name? (0.39 acres): Rezone the 4 mid-block parcels adjacent to the railroad from Medium Density Residential to Mixed Use or other designation that would allow the parcels to be developed as a parking lot.

Flood Control Project Site (15.7 acres): Rezone this parcel (the flood control project site) from Medium Density Residential to Open Space. (can't comment here)

Land Use Capacity

Several factors contribute to managing and guiding new growth in St. Helena. The General Plan Land Use and Zoning maps describe where different land uses are permitted and the intensity of development that they allow. The Land Use Change Areas map (Figure 2.8) and Housing Opportunity Site map (see Housing Element Figure 11.1) present locations where there is potential for new development to occur in the next 20 years. Existing approved and pipeline projects represent sites where development is already proposed and/or underway. And finally, the Growth Management System limits the allowed number of new residential permits, ~~with exceptions for affordable and secondary dwelling units.~~ allow secondary units since they are on existing parcels since they often only extend the existing house capacity?

California State requirements also influence how St. Helena considers population growth. The Regional Housing Needs Allocation administered by the Association of Bay Area Governments (ABAG) and the State Housing and Community Development Department (HCD) identifies and allocates the supply of housing necessary to meet the existing and projected growth in population and households in California (also see the Housing Element). Therefore, St Helena has adopted the RHNA numbers as the target for Growth Management.

2.3 Key Findings and Recommendations

There are several challenges and opportunities facing St. Helena related to land use and growth management. The following key findings and recommendations are based upon comprehensive existing conditions analysis and community input.

The Association of Bay Area Governments (ABAG) projects that St. Helena's population will increase by more than 250 (Housing Needs Assessment doc shows 100 people - p25) people to approximately 6,200 by the year 2030 (4.6 percent). The City should be aware of the limitations of long-term population projections when developing General Plan land use policies.

Implemented in 1986, the City's Residential Growth Management System limits residential growth in order to protect agricultural land and ensure that the City can provide adequate public services and infrastructure necessary to meet increased need. The 2000 [new census numbers?](#) Census found that the City had 2,707 total dwelling units. ~~With a limitation of nine building permits for market rate housing per year issued over 10 years, the number of dwelling units will be approximately 2,800 in the year 2010, not including regulated affordable units, guest cottages, accessory dwelling units or second units, all of which are exempt from the Growth Management System.~~ [Following the RHNA numbers, St Helena will increase housing units by 31 through 2022.](#)

St. Helena experiences high commercial rents and, until the 2008 and 2009 recession, relatively high demand for additional commercial and office space in the City. [The demand for office space is again increasing, and commercial rents are increasing as well.](#)

There are a number of light industrial and commercial areas with a potential for development or redevelopment, particularly in the vicinity of State Route 29 south of Sulphur Creek. [\(near Gotts?\)](#)

In February 2005, the City adopted the Highway 29 Specific Plan, which outlines circulation changes, roadways extensions, traffic signal installations and streetscape improvements along the State Route 29 corridor west of the Sulphur Creek bridge. [The implementation of the Highway 29 Specific Plan has been controversial during project review and the City may want to revisit the Specific Plan to insure that it contains policies that accurately reflect the community need. Remove or re-visit this whole thing.](#)

Despite its relatively small population, St. Helena functions as a service center for surrounding towns and unincorporated areas, including [Meadowood](#), Calistoga, [\(really?\)](#) Angwin, Deer Park, Rutherford and the unincorporated area south of St. Helena. Through efficient land use planning, the City can ensure that St. Helena continues to serve this function while meeting the needs of its residents.

Land use conditions and projected changes in the unincorporated areas outside of the City limits can have a significant impact on St. Helena. Maintaining and strengthening collaboration with Napa County will ensure coordinated and effective land use decisions.

St. Helena has been successful in preserving agricultural lands within the City limits. The California Department of Conservation and Farmland Mapping and Monitoring Program identifies only one significant incidence of land converted from farmland to an urbanized use, which was the conversion of eight acres of farmland into an expansion of Crane Park. County-wide, most agricultural land conversions have been from rangeland or lower-value uses, such as orchards, to vineyards for wine production. [We need to map our prime farmland within the City so we know how much we have and where it is - this country is losing tens of thousands of farmland every year, and it is becoming a serious issue for the US.](#)

2.4 Goals

The goals of the Land Use and Growth Management Element are:

Manage Growth and Maintain Community Character. St. Helena is committed to preserving its existing community character, maintaining agricultural lands, managing growth, and ensuring that adequate infrastructure and facilities are provided.

Promote High-Quality and Sustainable Development. St. Helena is dedicated to a high standard of quality, economic viability and ecological sustainability with respect to the design, planning and construction of new and renovated public and private facilities.

2.5 Policies and Implementing Actions

A range of policies and implementing actions are outlined below and organized into the following topic areas:

Growth Management;

Residential Neighborhoods;

Commercial Districts;

Industrial Districts;

Agricultural Uses; and

Public Facilities.

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.

Policies

LU1.1 Require new development to occur in a logical and orderly ([what does this imply? - urban or suburbanization of the City?](#)) manner within well-defined boundaries and be consistent with the ability to provide urban services. New development should mitigate infrastructure impacts by using sustainable, best management practices in green building and stormwater management, while minimizing affects on sewer, water and energy resources.

LU1.2 Allow urban development to occur only within the Urban Limit Line. [Consider and exception for worker housing on less than .5 acre of winery Ag lands.](#) Urban services, such as sewer, water and storm drainage will only be extended to development within the Urban Limit Line.

The Urban Limit Line may only expand when the amount of developable land within the Urban Limit Line is insufficient to implement the General Plan policies. Expansion outside the Urban Limit Line should first be considered in Urban Reserve Areas. Expansion into other areas outside the Urban Limit Line should be considered only when the proposed land use is found to further the goals and long-term objectives of the City and does not result in adverse impacts to adjacent uses in either the urban or rural areas. [Not sure about his whole philosophy.](#)

LU1.3 Support agricultural and low-intensity uses beyond the Urban Limit Line.

LU1.4 Encourage infill development ~~and higher densities~~ within currently developed areas ~~wherever possible~~ in order to minimize and postpone the need for expansion of the Urban Limit Line.

LU1.5 ~~Limit the approval of new market rate residential development to a maximum rate of nine dwelling units per year. Regulated affordable units, guest cottages, accessory units or second units are exempt from this limitation.~~ [Use the RHNA number to guide the new GMS for the City.](#)

~~LU1.6 Require new development to occur in a logical and orderly manner within well-defined boundaries and be subject to the ability to provide urban services, including the policies and implementing actions affecting new development as set forth in Chapter 4.~~

LU1.7 Support the redevelopment of vacant and underutilized sites within the downtown area to mixed-use development opportunities. Encouraging infill development with a mix of uses will support a pedestrian-oriented, vibrant retail and commercial district that is centrally located and easily accessible to residents and neighborhoods.

Implementing Actions

LU1.A Allow the construction of second units – also known as “granny flats” or accessory dwelling units – and the division of single family homes into two or more units, in order to increase residential density and housing availability without requiring an extension of the Urban Limit Line. ~~Particular emphasis should be placed on those neighborhoods located within walking and bicycling distance to recreation and commercial areas.~~

LU1.B Rezone appropriate sites with land use designated as Central Business and Service Commercial as Mixed-Use, in accordance with the General Plan Land Use Map. Include provisions to allow for compatible uses on the same site, either in the one structure or adjacent structures. The mix of uses can

be vertical or horizontal, and can include attached residential development in keeping with the integrity of historic structures and historic districts.

LU1.C Adjust the Residential Growth Management System that regulates the issuance of building permits to ~~ensure the dwelling unit count does not exceed 2,840 units in 2015, not including regulated affordable units, guest cottages, accessory dwelling units or second units. follow the ABAG RHNA number.~~ This number shall not be construed as a goal, but as a maximum number of units. ~~When 2010 United States Census data is available, reevaluate the total number of units allowed within the Growth Management System and potentially amend this section based on this data. (Also see the Housing Element, Topic Area 1)~~

LU1.D Continue to update the City's housing inventory to track the status of residential growth by unit type and affordability level.

LU1.E Review the City's housing needs every five years in conjunction with updates to the Housing Element to reassess housing priorities for the future years.

LU1.F Prohibit the use of housing units as short-term rentals except for those in the in order to preserve housing for full-time residents and the city will provide enforcement mechanism.

LU1.G During the next Housing Element adoption cycle, the City shall make changes to the Growth Management System and the Housing Element that would limit the total number of new units to those included in the Regional Housing Needs Allocation (RHNA), with the addition of replacement housing if affordable housing units are lost as part of new project development.

Policies

LU2.1 ~~Promote a mix of housing types and price ranges to allow choice for current and future residents. is already the focus of the RHNA percentages.~~

LU2.2 Encourage new residential development that is consistent in design, size, color and footprint with the older residences in the neighborhood. What is the purpose of this?

LU2.3 Protect residential neighborhood views of surrounding vineyards and mountains.

LU2.4 Discourage development at low densities (i.e. one dwelling unit per acre or less), except where

development protects agricultural uses or woodlands and watershed habitat and efficiently uses land.

LU2.5 Encourage the subdivision of larger parcels (three acres or more) as planned unit developments to ensure a more comprehensive and creative approach to planning the development as a single unit.

This is not St Helena style - not representative of older neighborhoods. This conflicts with LU2. 2

LU2.6 Encourage the development of higher density housing in areas near the center of the City and close to recreation and services, such as transit, retail and public facilities.

LU2.7 Allow higher density housing in single family neighborhoods as long as the development character of the single family area is maintained, including lot widths, orientation to street and building heights, parking, traffic, among other considerations.

LU2.8 Promote safe, walkable and bikeable residential neighborhoods and vibrant, livable streets.

LU2.9 Promote walkable and accessible neighborhoods through mixed-use development.

Implementing Actions

LU2.A Update the zoning ordinance and map to be compatible with the General Plan land use map and designations.

LU2.B Develop and implement residential design guidelines and/or form-based codes, to provide oversight and guidance for new buildings and renovations. Guidelines should ensure that new residential development is consistent with the design, size and footprint of older residences in the neighborhood. Be clear on this - see above comments. Consider the impact of new development on surrounding residences, such as solar access. Explore opportunities to establish a neighborhood categorization system that allows for strict design standards in historic neighborhoods and more relaxed or creative standards in others. We don't want to create a "2-faced" St Helena with one place being old and charming and the other all new modern construction. (Also see the following elements: Community Design, Topic Area 3; and Economic Sustainability, Topic Area 3)

LU2.C Continue to implement watershed protection review for residential development as part of a revised design review process.

LU2.D Continue to require residential developers to contribute to the provision of community facilities and services (e.g. parks, recreation facilities and programs, education facilities, traffic and transportation facilities and services), consistent with State law requiring a nexus between project impacts and required

mitigation.

LU2.E Update zoning standards to encourage the following criteria:

A variety of lot widths and sizes, such as that found in the older areas of town;

Garages at the rear of lots rather than on the street; or are designed to mask the "garage door" frontage appearance.

Lot coverage that is consistent with the scale of historic and older areas; ???

Planting of street trees and planting berms along sidewalks; and

Setbacks, building massing and configuration consistent with older parts of town.

Policies

LU3.1 Strengthen the downtown as the City's social and cultural core, and as the primary center of retail services. Facilitate a healthy mix of retail and commercial uses, residential development, entertainment and lodging.

LU3.2 Enhance the pedestrian-oriented character of commercial areas and provide for convenient pedestrian and bicycle connections to encourage walking and reduce vehicle trips within the commercial area.

LU3.3 Support the redevelopment of auto-oriented commercial areas into pedestrian-friendly commercial uses.

LU3.4 Protect historic resources in the commercial areas, and encourage appropriate rehabilitation and adaptive reuse.

LU3.5 Ensure that new retail and commercial development is compatible with and complementary to St. Helena's small-town image. In addition, within the City's Central Business District, new retail and commercial development should be of a scale and type that complements the historic character.

LU3.6 Continue to work with the County of Napa to review land use and design changes for projects in the unincorporated areas at the City's gateways.

LU3.7 Provide sufficient auto and bicycle parking in order to serve local businesses in the commercial districts. Ensure that all parking areas are well-designed, and that auto parking spaces are hidden from pedestrian view, whenever possible.

LU3.8 Provide sufficient opportunities for offices that support the regional, agricultural-based economy and the local needs of the community.

LU3.9 In Mixed-Use, Service Commercial and Central Business districts encourage residential and office uses in upper-story locations or locations along the periphery of the retail district. This will facilitate active and pedestrian-oriented commercial areas.

LU3.10 Require office development in Mixed-Use, Service Commercial and Central Business districts to complement the pedestrian orientation of surrounding development.

LU3.11 Ensure that new commercial development maintains view corridors to the mountains.

Implementing Actions

LU3.A Identify sites in the Central Business and Service Commercial districts for mixed-use development that are close to services and facilitate walking, bicycling and transit use.

LU3.B Update the zoning ordinance and map to be compatible with the General Plan land use map and designations.

LU3.C Establish an inventory of all non-residential uses in the City and a program for monitoring future non-residential development. Combine this inventory with efforts to balance jobs and housing.

LU3.D Encourage retail services which do not require a consumer base larger than the population of St. Helena and its vicinity. For the purposes of the General Plan, "vicinity" is defined as the surrounding agricultural area for which St. Helena has historically provided goods and services, including Calistoga, Angwin, Deer Park, Rutherford and the unincorporated area south of St. Helena.

LU3.E Develop and implement commercial design guidelines and/or form-based codes, to provide oversight and guidance for new buildings and renovations. Guidelines should ensure that new commercial development is consistent with the City's character, particularly in historic districts. (Also see the Community Design Element, Topic Area 2)

LU3.F Prohibit retail commercial zoning on Main Street north of Pine Street.

LU3.G Limit the floor area and size of buildings in the Central Business and Service Commercial districts to ensure that new buildings are in scale with typical older buildings in the district.

LU3.H The potential for sources of odors that could include restaurants, auto body shops or waste treatment facilities shall be considered when evaluating proposed residential developments and other projects with sensitive receptors. The potential for exposure to odors from sources that could include restaurants, auto body shops, or waste treatment facilities should be considered when evaluating proposed residential developments and other projects with sensitive receptors.

Policies

LU4.1 Maintain a transitional zone around industrial areas to protect the health and safety of residential neighborhoods.

LU4.2 Support the development of industries that are consistent with viticulture and winery support services and similar, compatible uses. Support the role of the City as an agriculturally-based service center for the surrounding area, including Calistoga, Angwin, Deer Park, Rutherford and the unincorporated area south of St. Helena. ??

LU4.3 Ensure that industrial projects are designed and sited to provide a positive image of the community. Landscaping and setbacks should be used to enhance industrial buildings.

LU4.4 Ensure access to and from industrial areas that allows for safe and efficient circulation of goods and people. Use Harold Smith and AJ Vineyard entrances as an example of bad planning affecting neighborhoods.

Implementing Actions

LU4.A Update the zoning ordinance and map to be compatible with the General Plan land use map and designations.

LU4.B Develop and implement industrial design guidelines and/or form-based codes, to provide oversight and guidance for new buildings and renovations. Guidelines should ensure that new industrial development is consistent with the City's character.

LU4.C Develop alternate automobile, pedestrian and bicycle routes to and from the Industrial District in order to facilitate access to the area and decrease the need to use State Route 29.

LU4.D Implement appropriate traffic improvements to provide safe ingress and egress to the industrial areas from State Route 29. Like what?

Policies

LU5.1 Support and protect agricultural uses within and adjacent to the City. Catalog all ag uses and State classified farmland. Do not give up existing farmland to non-ag uses whenever possible.

LU5.2 Encourage the County to continue to promote agricultural uses and to strictly limit further development in unincorporated areas surrounding the City, and in ag or potentially ag lands within the City.

LU5.3 Limit development on properties existing at the time of the adoption of this General Plan that are designated or used as agricultural land, and are outside of the Urban Limit Line.

LU5.4 Support community-based agricultural uses within the City, including community gardens.

LU5.5 Encourage the use of sustainable agricultural practices.

Implementing Actions

LU5.A Update the zoning ordinance and map to be compatible with the General Plan land use map and designations.

LU5.B Continue to enforce the City's "right to farm" ordinance that protects the right of agricultural operations in agriculturally-designated areas to continue their operations, even though such practices may generate complaints from nearby established urban uses. Consider a "warning" notification system for spraying so proximal residences can close windows before spraying occurs.

LU5.C Initiate studies to explore the feasibility and desirability of implementing permanent agricultural protection for lands within the Urban Limit Line in the form of agricultural preserves.

LU5.D Identify sites for community gardens. Establish a program to maintain public areas within and surrounding community gardens and to administer the assignment of garden spaces and collection of use fees.

LU5.E Encourage local farmers to employ sustainable agricultural practices wherever possible. Support agricultural activities that incorporate best 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.

LU5.F Evaluate discretionary, rezonings, or General Plan amendments outside the Urban Limit Line to

determine their potential for impacts on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance mapped by the State Farmland Mapping and Monitoring Program and avoid converting these farmlands where feasible. ~~Where conversion of farmlands mapped by the state cannot be avoided, require long-term preservation of one acre of existing farmland of equal or higher quality for each acre of state-designated farmland that would be rezoned or redesignated to non-agricultural uses. This protection may consist of establishment of farmland easements or other similar mechanism, and the farmland to be preserved shall be located within the City and preserved prior to approval of the proposed rezoning or General Plan amendment.~~ Why would we want to lose our prime farmland so another are can benefit from our loss?

LU5.G Where proposed residential, commercial, or industrial development abuts lands devoted to agricultural use, require the non-agricultural uses to incorporate buffer areas to mitigate potential land use conflicts as a condition of approval for subdivision or use permit. The type and width of buffer areas shall be determined based on the character, intensity, and sensitivity of the abutting land uses.

LU5.H Prepare and adopt guidelines and regulations to assist in the determination of the appropriate type and scope of agricultural buffer areas needed in circumstances that warrant the creation of such buffer areas.

Policies

LU6.1 Provide a wide-range of high-quality public facilities, including parks, multi-use trails, schools, fire and police services, water and wastewater systems, and community centers.

Implementing Actions

LU6.A Pursue sites for future public facilities, including parks, consistent with projected growth.

LU6.B Explore the feasibility and desirability of moving public facilities to the Adams Street property.

LU6.C Install community amenities, such as public restrooms, drinking fountains, benches, and trash and recycling containers in commercial districts. Ensure that community amenities are designed and installed to complement surrounding businesses and support the pedestrian-orientation of the street.

LU6.D Require safe and accessible bicycle and pedestrian access for all newly-developed public facilities.

LU6.E Provide for capital needs of water and wastewater systems.

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Frank & Sheri Borges
1855 Lydia Lane St. Helena, Ca 94574

August 16, 2013

City of St. Helena
City Council Members
1480 Main St.
St. Helena, CA 94574

Re: Land Use & Zoning Section of the General Plan 2030 Update

Dear City Council Members,

We write to you as the property owners of the parcels located along the northwest end of Railroad Avenue here in St. Helena.

In advance of your discussions on land Use and the Zoning section of the General Plan 2030 update, during your upcoming August 27th council meeting, we would like to propose that our homes be summarily rezoned from Medium Density Residential to Mixed Use.

Considering that our properties are in fact the only non-commercial properties on Railroad Avenue, and that the City potentially intends to relocate the police department to the old CDF building that is currently owned by the city, we feel this would be a prudent city planning and more in line with the overall commercial nature of the Railroad Avenue as a whole. Our reference points for this feeling include the Sherry House, Mel Varrelman's office and also the former Morrison buildings.

The reason we are asking for Mixed Use instead of Business Professional zoning however is because we feel while it is good to be able to expand the potential of office space in St. Helena, it is clear that we also need to consider the need for quality and marketable housing needs. Mixed Use zoning therefore lends itself for future remodel or renovations that while potentially adding a commercial element also presents potentially no net loss of livable units too. It just makes sense that the City could benefit by having a more Mixed Use zoning for our properties in the future as the town grows into further commercial and housing needs.

With a potential increase in police vehicle traffic at the old CDF and the existing fire department use of Railroad Avenue a more complete Mix Use atmosphere on Railroad Ave. just seems to fit.

Thank you for your consideration,

Frank & Sheri Borges, owners of 1547 Railroad Ave.

Doug Champaign, owner of 1567 Railroad Ave.

Ron and Gary Menegon, owners of 1569 Railroad Ave.

To St. Helena City Council
September 3, 2013

Since the City Council is in the process of discussing traffic circulation, now is the time to bring up a concern of my neighbors, and that is traffic safety on many of our residential streets, including mine, S Crane.

The excess traffic issue has made life in many neighborhoods quite unpleasant due to excessive noise and exhaust. This is also a hazard issue for many of the residents who have small children and for parents who are trying to set a good example for their kids by walking or riding their bikes to school. The cut through traffic streets are bearing a huge burden. These include Spring, Allyn, Madrone, Stockton, Mitchell, Allyson, Grayson, S. Crane and Sulphur Springs, but the list grows all the time. Maybe you have noticed all the 12 foot hedges popping up around town. People are doing this as a sound barrier against speeding vehicles which are much louder than vehicles going the limit, as well as big commercial trucks which are not only loud but also polluting. We really need Council's help to return our neighborhoods to livability.

We need to make it less desirable for people and commercial vehicles to cut through residential areas. Solutions include speed limit enforcement and more stop signs on the cut through streets. This can be done immediately. Neighbors on S Crane would like a stop sign where the vineyards stop and Crane Park and the residential area begins (as suggested by the Police Chief). To the extent that this discourages drivers from our street, those drivers also will not be cutting through other streets in town since our street is a feeder street, so, good for many.

We also are in favor of a truck ordinance to limit commercial truck traffic on residential streets. Many small towns have truck ordinances in order to protect the residents but also to save money. 20 ton trucks ruin residential streets over time. Truck ordinances limit truck traffic to highways or industrial streets and if they must use residential streets to do deliveries, they are required to go the shortest distance over residential streets to their destination rather than weave through town to avoid congested highways. This limits danger to residents and limits the costs to the taxpayers when roads are degraded. Living in the residential area across from the primary school affords me opportunities to see 4-7 year olds wait for the school bus as 20 ton trucks rumble past. This is an untenable situation, a potential community disaster.

The expert at the last council meeting stated that the main reason people don't ride their bikes is safety. Things are out of balance. Let's get the trucks off our residential streets before someone gets hurt and before the paving money we are about to spend is wasted as the streets are degraded once again by unreasonable amounts and types of residential street traffic. Let's return our neighborhoods to livability. Thank you in advance for your time and attention to our concerns.

Pam Smithers
1819 Vallejo Street
707-696-0530

Greg Desmond

From: John Milliken <jmzin@comcast.net>
Sent: Monday, August 19, 2013 12:46 PM
To: Delia Guijosa
Cc: Greg Desmond; Gary Broad
Subject: Adjusting Land Use Designations and the Urban Limit Line

Delia,

Could you please distribute this e-mail to the members of the City Council and Planning Commission?

Thanks,

JM

August 19, 2013

Land Use Designations for the New General Plan (GP)

To: St. Helena City Council

Since the completion of the Flood Project in the fall of 2010, I have been requesting that the City owned parcel at the end of Starr and the agricultural parcel owned by Dennis Hunter have their land use designations revised from Medium Density Residential (MDR) to Ag/Open Space. In light of the Council's recent recommendation to not include automobile road extensions from the termini of Adams and Starr Avenues in the next GP, there is certainly a stronger case for adjusting the land use designations for both these parcels in the next GP. If there are no plans to extend automobile roads to service these parcels that are currently and historically have been agricultural/open space, then why should the zoning be continue to be MDR in the next GP?

It is important to note that a revised land use designation would be going forward with the new GP. Hunter's current application for development would still be evaluated in terms of 1993 GP that was in effect when his application was accepted as complete. However, if Hunter has to change his project and re-apply, or, he decides to cancel his project and sell the land to another developer (or to a gaming entity, like he did in Rohnert Park), this would no longer be the case, the designations in the new GP would be in effect.

As in my original request (see below) I am also requesting that the Urban Limit Line be pulled back in to reflect the revised land use designations. Protecting open space and agricultural land from needless development should be a primary planning goal for our next GP. Fair analysis will show that the number of opportunity sites for development within an adjusted ULL will still far exceed our anticipated RHNA housing quota for the next seven years by a factor of 25 times or more. Taxpayers should be allowed to realize the environmental and open space benefits promised with the Flood Project and the land use and ULL should be codified in the new General Plan to reflect post project conditions as well as historical uses.

Thank you for attention in this matter.

John Milliken
1256 Hudson, St. Helena, CA 94574
707-963-8134
707-486-4266 (Mobile)
jmzin@comcast.net

Original Request from Fall of 2010

Request to Review and Update St. Helena Flood Project Area Land Use Definitions and Urban Limit Line (ULL) Boundaries

Now that the St. Helena Flood Project has been completed for several months, it is requested that City Council introduce a General Plan amendment to update land use definitions and urban limit boundaries to reflect actual post project conditions and further the City's desire to establish and protect agricultural and open space resources. The current designation (established almost 20 years ago) has this entire area as Medium Density Residential(MDR) and within the Urban Limit Line (ULL). The Public should now gain the environmental benefits promised with the Flood Project and the land use and ULL should be codified to reflect post project conditions as well as historical uses.

Also, the City should consider designating the portions of the flood project next to the river as protected river habitat and wildlife corridor in accordance with the application for State funding for this purpose.

Following are suggested land use designations for the areas in and around the completed flood project.

Area : Land Use Designation

City owned Terrace B Area between Napa River Bank and Flood Wall : Woodlands and Watershed/Open Space

City owned Terrace B Area between Napa River Bank, Levee, and Northern Vineyard : Woodlands and Watershed/Open Space/Public (Public Path)

City owned area comprising Levee, Storm Water Detention Basin, Basin Pumping and Diversion Structures and Access Roads: Public/Open Space

Vineyard commencing at the terminus of Adams and agricultural land behind the newly constructed levee: Agriculture

City owned land between the terminus of Adams and the western end of the levee : Public/Open Space

City owned land between the end of Starr and parcel planted to vineyard: Public/Open Space

Urban Limit Line: Pull back to the flood wall, the Northern border of Vineyard Valley and Hunts Grove, and the Southern border of land currently in vineyard to an intersection of the existing ULL at the southeast corner the Adams St. property. The goal here is to promote and preserve the historic agricultural and open space use of the land.