



City of St. Helena
Special Joint City Council and Planning
Commission Meeting
Tuesday, August 22, 2017 @ 4:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

PLEASE NOTE: Any person who wishes to speak regarding an item on the agenda or make a comment under the "Oral Communication" portion of the agenda may do so, but please observe the time limit of three minutes.

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1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Mayor: Alan Galbraith, Vice Mayor: Peter White City Council Members: Paul Dohring, Geoff Ellsworth and Mary Koberstein

Chairperson: Grace Kistner, Vice Chair: Lester Hardy Commissioners: David Knudsen, Bobbi Monnette and John Ponte

4. PUBLIC FORUM:

Under California law, public comments at special meetings are limited to subjects on the agenda only. Therefore public comment will take place during consideration of the item. Each person's comments shall be limited to 3 minutes.

5. NEW BUSINESS

5.1. Land Use 101: An interactive presentation on the basics of California Land Use Law as it affects the City of St. Helena

Presented by: Planning and Community Improvement Director Noah Housh and City Attorney Thomas B. Brown

CEQA Determination: Not a CEQA project

Recommendation:

Informational only

5.2. St. Helena 2035 General Plan Environmental Impact Report (EIR) Update

5 - 7

CEQA Determination: Not a CEQA project

Prepared By: Noah Housh, Planning & Community Improvement Director

Recommendation:

It is recommended that the City Council receive the reported information and direct staff to issue a request for proposals (RFP) to have a new EIR written for the City of St Helena 2035 General Plan.

[Staff Report](#)

5.3. Review and discuss Planning Commission priorities

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CEQA Determination: Not a CEQA project

Prepared By: Noah Housh, Planning & Community Improvement
Director

Recommendation:

Provide direction and concurrence with Planning Commission priorities.

[Planning Commission Priorities](#)

6. ADJOURNMENT

The next Regular City Council meeting is scheduled for August 22, 2017, 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 August 17, 2017.



Cindy Black, City Clerk

In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call the City Clerk's Office (707) 967-2792. Notification 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act will enable the City to make reasonable arrangements to ensure accessibility to this meeting

CHALLENGING DECISIONS OF CITY ENTITIES

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City of St. Helena is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision, including without limitation Government Code section 65009 applicable to many land use and zoning decisions, Government Code section 66499.37 applicable to the Subdivision Map Act, and Public Resources Code section 21167 applicable to the California Environmental Quality Act (CEQA). Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. Government Code section 65009 and 66499.37, and Public Resources Code section 21167, impose shorter limitations periods and requirements, including timely service in addition to filing.

If a person wishes to challenge the above actions in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of St. Helena, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE
AGENDA

Any supplemental writings or documents distributed to a majority of the 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 <https://sthelena.civicweb.net> and will be available for public review at the respective meeting.



Report to the City Council
Council Meeting of August 22, 2017

Agenda Section: New Business

Subject: St. Helena 2035 General Plan Environmental Impact Report (EIR) Update

CEQA Determination: Not a CEQA project

Prepared By: Noah Housh, Planning & Community Improvement Director

Reviewed By: Mark Prestwich, City Manager

Approved By: Mark Prestwich, City Manager

BACKGROUND

In approximately May 2007, the City initiated a comprehensive update of the existing 1993 General Plan. A City Council approved sub-committee was created and significant public participation in the process was invited through public workshops, meetings, surveys and written comments.

In May 2008, requests for consultant services to assist the City with drafting the General Plan Update and associated General Plan EIR were sent and received by City staff. These requests anticipated an approximately 2-year process for these documents to be drafted and presented for review and action by the Planning Commission and City Council.

In September 2010, a final draft of both documents was completed by the planning consulting firm LSA, and the documents were brought to the Planning Commission and City Council for their review and action. At this time, concerns over the City's ability to provide adequate water supplies were voiced by the Council, and the EIR was not certified.

From 2011 through 2014, multiple versions of the General Plan Update were drafted and further revised over these years. However, no significant action was taken to formally update the associated EIR, as the focus appears to have been on updating the

General Plan document itself. During this timeframe, the Planning and Community Improvement Department also experienced significant staff turn over, impacting the ability for the City to efficiently manage the EIR and General Plan update process.

In June 2014, the City hired a full time City Planner and a part-time Planning Consultant to staff the Department, after previous staff had resigned and/or retired.

In May 2015, the City hired a permanent Planning Director and the Planning Consultant was directed to focus on the General Plan and EIR update, with supporting assistance being provided by a second California Environmental Quality Act (CEQA) consultant.

In the fall of 2016, both consultants were released from City employment after an incomplete EIR draft was published for public review and the finalization of the EIR was brought "in-house". Based on the information provided by these consultants, staff intended to update the document to address incomplete or outdated elements of the EIR, ensure internal consistency within the document (necessary as a result of the timeline and numerous parties involved in writing the draft) and incorporate input received from the City Attorney's Office and Public Works Department. At this time, it was not anticipated that significant changes to the technical studies or new technical analysis would be required to finalize the EIR.

In May of 2017, City staff completed the analysis and internal update of the General Plan EIR and identified that significant updates to the technical studies and new technical analysis were in fact required for the document to be deemed adequate under CEQA. After determining a broad scope of concerns and challenges with the document, staff referred the EIR to a qualified CEQA consultant for a professional peer review on the adequacy of the existing EIR. The results of this peer review supported the staff determination that significant and new technical information would be required in order for the EIR analysis to meet the requirements of CEQA.

DISCUSSION

Since the fall of 2016, City staff has reviewed the entire draft EIR and General Plan documents, along with the various technical studies supporting the analysis; has worked to incorporate new and updated information (missing or out of date) due to the age of the previously conducted analysis and changes in the requirements of CEQA; has incorporated the comments made by the Public Works Director and City Attorney's office (but left un-addressed by the previous consultants); and finally worked to update the document in the areas found to be inaccurate and/or inadequate in their level of analysis and technical support.

The results of this analysis have led to the determination by staff that the existing EIR document is still inadequate and will require significant updates to the supporting technical studies in order to meet CEQA requirements. Unfortunately, a substantial number of the technical studies required to support the EIR analysis and findings are inadequate, either by the nature of their age, their scope or changes in the regulations since they were completed. Specifically, the Traffic Impact analysis, Green House Gas

Analysis, Air Quality Analysis and Noise Analysis do not adequately analyze the full scope of the 2035 General Plan build out, and therefore must be updated to meet the Cumulative Impact analysis requirements of an EIR.

Further, just in the last 60-days, the Bay Area Air Quality Management District (BAAQMD), the Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC) and the Office of Planning and Research (OPR) have either updated their respective regional plans to reflect new information, or adopted new guidelines for the preparation of a General Plan Update. These changes to the regional level development regulations and land use requirements add pressure to the need to comprehensively update the General Plan EIR.

In addition the combination of the age of the EIR document, the numerous revisions to the General Plan Update and the number of authors of the EIR document itself, have created inadequacies and legal vulnerabilities in the analysis, which not able to be remedied by staff without additional outside consultant services.

Based on this, it is recommended the City engage the assistance of a qualified CEQA consultant to begin drafting a new EIR for the 2035 General Plan Update.

FISCAL IMPACT

In order to address the issues and challenges identified above, a significant amount of additional CEQA work will need to be done to create an adequate EIR analysis of the 2035 General Plan Update. Further, modifications to the 2035 General Plan itself are likely to be required to address recent changes in state law. While no bids have been received for this work, staff has estimated that a new EIR for the 2035 General Plan will likely cost between \$150k and \$300k, and will take between one to two years to complete.

RECOMMENDED ACTION

It is recommended that the City Council receive the reported information and direct staff to issue a request for proposals (RFP) to have a new EIR written for the City of St Helena 2035 General Plan.

Citywide Planning Commission/City Council Assignments Prioritized by Staff and Planning Commission:

1. General Plan Update and General Plan EIR-On Going
2. Code Enforcement Policy and Procedures Update
3. Initiate Creation and Implementation of Design Guidelines
4. Comprehensive Zoning Code Update-Following General Plan Adoption
 - 4a. F.A.R. Review-To be conducted with Zoning Code Update
 - 4b. Demolition Permit Review/ Limit on Demolition Permits
 - 4c. Temporary Use Permit-Create Process-Ordinance and ZC Amendments
 - 4d. Update Daycare Zoning Regs-Consistent with State Law
 - 4e. Food Truck Ordinance
5. Pre-Application/Concept Design Review Meeting prior to Submittal (CC Assigned 3/28/17)
6. Noise Ordinance Review (CC Assigned 3/28/17)
7. Plan Improvements, Additional Requirements, Application Checklist
8. Pools-Drought Policy Changes. Phase 1?