



AMENDED 9/21/2018
City of St. Helena
Regular City Council Meeting
Tuesday, September 25, 2018 @ 6:00 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 four minutes.

Page

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
Mayor: Alan Galbraith, Vice Mayor: Peter White, City Council: Paul Dohring, Geoff Ellsworth and Mary Koberstein
4. 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 4 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.
5. REPORTS BY STAFF AND CITY COUNCIL, FUTURE AGENDA ITEMS, AND AB 1234 REPORTS:
Reports by staff and/or Councilmembers on items of general interest. Brief questions for clarification may be posed and answered, and Councilmembers may request that items be placed on a future agenda. Except under certain circumstances, the Brown Act prohibits any other discussion or action by the City Council.
6. PRESENTATIONS AND PUBLIC RECOGNITIONS
6.1. None
7. STAFF BRIEFING
7.1. Hometown Harvest Festival: Thanks & Gratitude Community Potluck
7.2. Jingle All the Way St. Helena
7.3. NEW ITEM ADDED 9/21/2018
Professional Services Agreement with Napa County Resource Conservation District for Mitigation Monitoring on the Upper York Creek Dam Removal Project

9 - 23

CEQA Determination: Environmental Impact Report
Prepared By: Erica Ahmann Smithies, Public Works Director and City

Engineer
Recommendation:
No action required at this time.

[Staff Report - Pdf](#)

8. 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)

- 8.1. Consideration and proposed approval of Special Meeting Minutes of August 30, 2018 and Regular Meeting Minutes of September 11, 2018 (Provided prior to the meeting Provided 9/21/2018) 25 - 35

CEQA Determination: Not a CEQA project
Prepared By: Cindy Tzaferopoulos, City Clerk
Recommendation:
Approve the minutes.

[08.30.2018 Special City Council Workshop - Minutes](#)

[09.11.2018 Regular City Council - Minutes](#)

- 8.2. Consideration and proposed approval of a Resolution Setting a Hearing to Approve the Annexation of Territory into the St. Helena Municipal Sewer District No. 1 MSD Annexation No. 133, 499 Crane Avenue, St. Helena, CA. (APN) 009-350-001-000. 37 - 44

CEQA Determination: It is determined that the Ordinance is exempt from CEQA pursuant to Guidelines Sections 15061(b)(1), 15061(b)(2), and specifically, the "General Rule" Section 15061(b)(3), where it can be seen with certainty that the proposed action will have no significant effect on the environment.

Prepared By: Erica Ahmann Smithies, Public Works Director and City Engineer

Recommendation:

Staff recommends the City Council adopt a Resolution Setting a Hearing to Approve the Annexation of Territory into the St Helena Municipal Sewer District No. 1 MSD Annexation No. 133, 499 Crane Avenue, St Helena, CA. 94574 (APN) 009-350-001-000.

[Staff Report - Pdf](#)

- 8.3. Consideration and proposed approval of a Resolution Setting a Hearing to Approve the Annexation of Territory into the St Helena Municipal Sewer District No. 1 MSD Annexation No. 135, 867 and 871 Dowdell Lane, St Helena, CA. 94574 (APN) 009-580-009-000. 45 - 61

CEQA Determination: It is determined that the Ordinance is exempt from CEQA pursuant to Guidelines Sections 15061(b)(1), 15061(b)(2), and specifically, the "General Rule" Section 15061(b)(3), where it can be seen with certainty that the proposed action will have no significant effect on the environment.

Prepared By: Erica Ahmann Smithies, Public Works Director and City Engineer

Recommendation:

Staff recommends the City Council adopt a Resolution Setting a Hearing to Approve the Annexation of Territory into the St Helena Municipal Sewer District No. 1 MSD Annexation No. 135, 867 and 871 Dowdell Lane, St Helena, CA. 94574 (APN) 009-580-009-000.

[Staff Report - Pdf](#)

- 8.4. Consideration and proposed approval of a resolution: (1) approving temporary closure of Oak Avenue, Adams Street, Tainter Street, and the Oak Avenue City Parking Lot, for the October 20, 2018 Hometown Harvest Festival festivities, (2) authorizing possession of open alcoholic beverages on those public streets, and (3) approving the waiving of the encroachment fee. 63 - 67

CEQA Determination: Categorically Exempt, Section 15323

Prepared By: Andre Pichly, Recreation Director

Recommendation:

Staff recommends the City Council of the City of St. Helena adopt the attached resolution: (1) approving temporary closure of Oak Avenue, Adams Street, Tainter Street, and the Oak Avenue City Parking Lot, for the October 20, 2018 Hometown Harvest Festival festivities, (2) authorizing possession of open alcoholic beverages on those public streets, and (3) approving the waiving of the encroachment fee.

[Staff Report](#)

- 8.5. Adopting a Resolution authorizing the City Manager to Execute a Professional Services Agreement with Oscar Larson and Associates in the Amount of \$145,190 for design, engineering, bid documents and bid support for Rutherford Pump Station Upgrades W-110, Tank 2 Rehabilitation W-101, and Pump Station Upgrades W-106. (Staff report is forthcoming Provided 9/21/2018) 69 - 87

CEQA Determination: CEQA will be completed as part of project design

Prepared By: Tobias Barr, Project Manager

Recommendation:

Adopt a Resolution authorizing the City Manager to Execute a Professional Services Agreement with Oscar Larson and Associates in the Amount of \$145,190 for design, engineering, bid documents and bid support for Rutherford Pump Station Upgrades W-110, Tank 2 Rehabilitation W-101, and Pump Station Upgrades W-106.

[Staff Report - Pdf](#)

- 8.6. NEW ITEM ADDED 9/21/2018 89 - 94
Consideration of Resolution Authorizing the City Manager to execute a Memorandum of Agreement between Lake County Sheriff's Department and Saint Helena Police Department Pertaining to Assistance Under the Law Enforcement Mutual Aid Plan

CEQA Determination: Not a CEQA project

Prepared By: Mandy Kellogg, Admin Services Mgr

Recommendation:

Approve a resolution authorizing the City Manager to execute a Memorandum of Agreement between Lake County Sheriff's Department and Saint Helena Police Department pertaining to assistance under the law enforcement mutual aid plan.

[Staff Report - Pdf](#)

9. PUBLIC HEARINGS

- 9.1. Introduction and first reading of an ordinance amending St. Helena Municipal Code ("SHMC") Title 17, Section 17.148, Signs, as deemed appropriate by the City Council.

95 - 144

CEQA Determination: Exempt from the requirements of CEQA under the "General Rule", Section 15061 (b)(3), in that it can be seen with certainty that the proposed action will have no impact on the environment.

Prepared By: Aaron Hecock, Senior Planner

Recommendation:

It is recommended by the Planning Commission of the City of St. Helena that the City Council review the Draft Ordinance and proposed text amendments to the Sign Ordinance and:

1. Determine that the proposed Zoning Code text amendments are exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15061, 15301, 15302 and 10303; and
2. Review and approve the text amendments to St. Helena Municipal Code Title 17, Chapter 17.148 in order to update and modify existing Zoning Code regulations governing signs; and
3. Introduce and conduct first reading of the ordinance, by title only and waive further reading.

[Staff Report - Pdf](#)

[Public Comment.Debra Dommen](#)

[Public Comment.Robert Torres](#)

[Public Comment.Kristine Waldenburg](#)

[Public Comment.Sign.Debra Dommen](#)

[Signs Presentation](#)

- 9.2. Introduction and first reading of an Ordinance amending and restating St. Helena Municipal Code (SHMC) Chapter 17.164 'Design Review', modifying the requirements and process for Design Review primarily as applied to single family residential projects; proposing to eliminate the requirement for Design Review for "Outdoor Seating" identified in SHMC Chapters 17.48.090 and 17.52.090; and proposing to eliminate the requirement for Design Review for the installation of "Awnings and Canopies", as identified in SHMC Chapter 17.112.070, citywide.

145 - 200

CEQA Determination: The action to adopt this Ordinance amending Chapters 17.164, 17.48.090, 17.52.090 and 17.112.070 of the St. Helena Municipal Code is exempt from the requirements of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) pursuant to Guidelines Sections 15301, 15302 and 15303 in that these modifications reduce the administrative process for modifications to and replacement of existing residential structures and

further allow the construction or conversion of “Small Structures” as defined in the statute. Further the City Council finds that the proposed modifications to the City of St Helena Design Review procedures, Chapter 17.164 of the Municipal Code, are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR. In addition, the Council finds that the proposed changes are exempt from the requirements of CEQA, under Section 15061(b)(3) the “general rule” in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and therefore, the activity is not subject to CEQA.
Prepared By: Noah Housh, Planning & Community Improvement Director

Recommendation:

It is recommended by the Planning Commission that the City Council:

1. Find that the proposed changes are exempt from the requirements of CEQA pursuant to Guidelines Sections 15301, 15302 and 15303 in that these modifications reduce the administrative process for modifications to and replacement of existing single family residential structures and further allow the construction or conversion of “Small Structures” as defined in the statute; that the proposed text amendments are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR, and that the proposed changes are exempt from the requirements of CEQA, under Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and therefore, the activity is not subject to CEQA; and

2. Review, comment and make a recommendation to the City Council on the proposed changes to Chapters 17.164, 17.48.090 C. 6., 17.52.090 D. 6., 17.112.050 B. and 17.112.070 of the St. Helena Municipal Code.

3. Introduce and conduct first reading of the ordinance, by title only and waive further reading.

[Staff Report](#)

[Public Comment.Chuck Dake](#)

[Public Comment.Michael Collins](#)

[Public Comment.Joshua Parke](#)

[Design Review Presentation](#)

10. NEW BUSINESS

- 10.1. Discussion and Direction on the Rehabilitation of the Lyman Park Restrooms

201 - 202

CEQA Determination: Class I Categorical Exemption under Section 15301 of CEQA

Prepared By: Edrees Argand, Junior Assistant Engineer

Recommendation:

Provide direction and action for the rehabilitation of the Lyman Park Restrooms.

[Staff Report](#)

- 10.2. Consideration and proposed adoption of the City of St. Helena Downtown Economic Strategy (~~Staff report forthcoming~~ Provided 9/21/2018) 203 - 222

CEQA Determination: This item is purely an informational discussion to gain Council direction and is therefore not a CEQA project. Any formal decisions on individual projects will be subject to a complete analysis and determination under CEQA.

Prepared By: Mark T. Prestwich, City Manager

Recommendation:

Pass a motion adopting the City of St. Helena Downtown Economic Strategy.

[Staff Report - Pdf](#)

- 10.3. City Positions on November 6, 2018 Statewide and Regional Ballot Measures 223 - 253

CEQA Determination: Not a CEQA project

Prepared By: Mark T. Prestwich, City Manager

Recommendation:

Pass a Motion directing the City Manager to prepare a resolution for City Council consideration on October 9, 2018 noting the City's support, opposition, neutrality, or no position on various state and local November 2018 ballot measures.

[Staff Report](#)

11. ITEMS LIKELY TO BE PLACED ON THE NEXT OR FUTURE MEETING AGENDA:

11.1.	October City Council Meetings:
	10/9 (staff reports due 9/21)
	10/23 (staff reports due 10/5)
	PROCLAMATIONS AND PUBLIC RECOGNITION:
	10/23 Amended Coop Agreement with Caltrans for Grayson Signal for electricity(Caltrans to attend)
	10/9 Staff Briefing Parks & Recreation Commission Chair Report Out
	10/23 Library Proclamation
	CONSENT:
	10/9 2nd Reading Design Review Ordinance - Planning
	10/9 2nd Reading Sign Code Ordinance
	Tennis Court Resurfacing Staff Briefing - Rec
	Award RCD contract for Upper York Creek Monitoring – Public Works
	10/9 Flood control project conservation easement
	10/9 Award contract to Waterways for Sulphur Creek repair

project – Public Works
10/9 Corp Yard Trailer Replacement/Installation
<i>PH or NEW BUSINESS:</i>
10/9 Discussion/direction RSO policy
Raw Water Use Charges - PW
10/9 Hillview Place Design Review Exemption Appeal – Planning
10/9 Clover Flat and Recycling Market Update – Upper Valley Disposal & Recycling
Council Update cost allocation, user fee and impact fee
10/23 1st Reading Concept Review Ordinance - Planning
10/23 1st Reading of RSO
PH 10/9 setting a public hearing for sewer annexation at 499 Crane Avenue
PH 10/9 Award RCD contract for Upper York Creek Monitoring – Public Works
Draft Truck Ordinance Safety Exception Waiver Process
Calderon Settlement Update
Finance fee update
10/27 Non Profit Grant Funding Process
<u>November City Council Meetings:</u>
11/13 (staff reports due 10/26)
11/27 (staff reports due 11/9)
<i>PH or NEW BUSINESS:</i>
1st Qtr Grant Report
1st Qtr Finance Update

12. ADJOURNMENT

The next Regular City Council meeting is scheduled for October 9, 2018, 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 14, 2018.



Cindy Tzaopoulos, 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

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 September 25, 2018

Agenda Section: Staff Briefing

**Subject: Professional Services Agreement with Napa County
Resource Conservation District for Mitigation Monitoring on
the Upper York Creek Dam Removal Project**

**CEQA Environmental Impact Report
Determination:**

Prepared By: Erica Ahmann Smithies, Public Works Director and City Engineer

Reviewed By: April Mitts, Finance Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

The City of St. Helena is in the process of developing plans and securing permits for the Upper York Creek Dam Removal Project. The dam, which is owned by the City, is slated for removal beginning in 2019. As part of the permitting process, the City is required to develop a Mitigation and Monitoring Plan (MMP) to assess and offset the environmental effects of the dam removal work.

DISCUSSION

The Napa County Resource Conservation District (Napa RCD) has extensive knowledge of the York Creek watershed, and a history of assessment and monitoring efforts in York Creek and throughout the greater Napa River basin. In August, City staff requested a proposal from Napa RCD to support the project with input on and technical review of the MMP, participate in meetings with permitting agencies and the City's consultants, and conduct preliminary and/or pre-construction monitoring surveys as needed. The Professional Services Agreement with Napa RCD is within the threshold of the City Manager's authority to sign (\$25,000) and is in the process of being executed.

Napa RCD brings a lot of experience to the project, they are also local and highly regarded by both the grant funding and regulatory agencies. It is City staff's intent to negotiate additional services with Napa RCD to fulfill long term post-construction

monitoring and adaptive management services and reporting that are required for this project. The post-construction services will exceed the initial \$25,000 contract and will require City Council approval at a future date.

FISCAL IMPACT

The total project budget for the Upper York Creek Dam Removal is \$6,455,000. Funding for the project is comprised of State Proposition 84 funds, EPA funds, City Water Bonds, City Water Enterprise Funds and City General Funds.

RECOMMENDED ACTION

No action required at this time.

ATTACHMENTS

[Attachment 1: Napa RCD Professional Services Agreement](#)

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT, made and entered into on _____, 2018, by and between the City of St. Helena, located in the County of Napa, State of California (City), and Napa County Resource Conservation District (Consultant).

RECITALS:

A. City desires to employ Consultant to furnish professional services in connection with the project described as Mitigation Monitoring for Upper York Creek Dam Removal.

B. Consultant has represented that Consultant has the necessary expertise, experience, and qualifications to perform the required duties.

NOW, THEREFORE, in consideration of the mutual premises, covenants, and conditions herein contained, the parties agree as follows:

SECTION 1 – BASIC SERVICES

Consultant agrees to perform the services set forth in **Exhibit A, “Scope of Services”** and made part of this Agreement.

SECTION 2 – ADDITIONAL SERVICES

Consultant shall not be compensated for any services rendered in connection with its performance of this Agreement that are in addition to or outside of those set forth in this Agreement or **Exhibit A, “Scope of Services,”** unless such additional services and compensation are authorized in advance and in writing by the City Council or City Manager of the City.

SECTION 3 – TIME FOR COMPLETION

The time for completion of services shall be as identified in **Exhibit A, “Scope of Services”**.

SECTION 4 – COMPENSATION AND METHOD OF PAYMENT

A. Subject to any limitations set forth in this Agreement, City agrees to pay consultant the amount specified in Exhibit B, “Compensation” attached hereto and made a part hereof. Total compensation shall not exceed \$17,800.00, unless additional compensation is approved in accordance with Section 2.

B. Consultant shall furnish to City an original invoice for all work performed and expenses incurred during the preceding month. The invoice shall detail charges by the following categories if applicable: labor (by sub-category), travel, materials, equipment, supplies, subconsultant contracts, and miscellaneous expenses. Each original invoice furnished shall include the expenses incurred during the preceding month, the cumulative Agreement amount, and the amount remaining on the Agreement. City shall independently review each invoice

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submitted to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. If no charges or expenses are disputed, the invoice shall be approved, and City will use its best efforts to cause Consultant to be paid within 30 days of receipt of invoice. If the City disputes any charges or expenses, the City will return the original invoice to Consultant for correction and resubmission. If the City reasonably determines, in its sole judgment, that the invoiced charges and expenses exceed the value of the services performed to date and that it is probable that the Agreement will not be completed satisfactorily within the contract price, City may retain all or a portion of the invoiced charges and expenses. Within thirty (30) days of satisfactory completion of the project, City shall pay the retained amount, if any, to Consultant.

C. Payment to the Consultant for work performed pursuant to this Agreement shall not be deemed to waive any defects in work performed by Consultant.

SECTION 5 – STANDARD OF PERFORMANCE

Consultant represents and warrants that it has the qualifications, experience and facilities necessary to properly perform the services required under this Agreement in a thorough, competent and professional manner. Consultant shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all services described herein. In meeting its obligations under this Agreement, Consultant shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing services similar to those required of Consultant under this Agreement.

SECTION 6 – INSPECTION AND FINAL ACCEPTANCE

City may inspect and accept or reject any of Consultant's work under this Agreement, either during performance or when completed. City shall reject or finally accept Consultant's work within sixty (60) days after submitted to City, unless the parties mutually agree to extend such deadline. City shall reject work by a timely written explanation, otherwise Consultant's work shall be deemed to have been accepted. City's acceptance shall be conclusive as to such work except with respect to latent defects and fraud. Acceptance of any of Consultant's work by City shall not constitute a waiver of any of the provisions of this Agreement including, but not limited to, the sections pertaining to indemnification and insurance.

SECTION 7 – INSURANCE REQUIRED

Consultant shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees, as indicated:

- A. Minimum Scope of Insurance. Coverage shall be at least as broad as:
 1. Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001).
 2. Insurance Services Office form number CA 0001 (Ed. 1/87) covering Automobile Liability, code 1 (any auto).

3. Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.

B. Minimum Limits of Insurance. Consultant shall maintain limits no less than:

1. General Liability: \$2,000,000 per occurrence for bodily injury, personal injury and property damage including operations, products and completed operations, as applicable. If Commercial General Liability Insurance or other form with a General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability: \$2,000,000 per accident for bodily injury and property damage.
3. Employer's Liability: \$2,000,000 per accident for bodily injury or disease.

C. Professional Liability Insurance. When Consultant under this Agreement is duly licensed under California Business and Professions Code as an architect, landscape architect, environmental engineer or other professional engineer, or land surveyor ("design professional"), Consultant shall maintain at least \$2,000,000 of professional liability insurance.

D. Excess Limits. If Consultant maintains higher limits than the minimums shown above, City requires and shall be entitled to coverage for the higher limits maintained by Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

E. Primary Coverage. For any claims related to this contract the Consultants insurance coverage shall be primary insurance as respects to City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be excess of Consultants insurance and shall not contribute with it.

F. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions of \$25,000 or greater must be declared to and approved by the City.

G. Other Insurance Provisions. The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The City, its agent, officers, officials, employees, and volunteers are to be covered as additional insured as respects: liability arising out of work or operations performed by the Consultant or Consultant's subconsultants; or automobile owned, leased, hired or borrowed by the Consultant.
2. For any claims related to Consultant's conduct while performing the work of this project, the Consultant's insurance coverage shall be primary insurance as respects the City, its agents, officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its agents, officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior

written notice by certified mail, return receipt requested, has been given to the City.

4. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subsection (b) of Section 2782 of the Civil Code.

H. Waiver of Subrogation. Consultant's commercial general liability, automobile liability, workers' compensation, and employer's liability policies shall be endorsed with a waiver of subrogation. The insurance company, in its endorsement, agrees to waive all rights of subrogation against the City, its agents, officers, officials, employees and volunteers for losses paid under the terms of this policy which arises from the work performed by the named insured for the City.

I. The Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to the City.

J. Verification of Coverage. Consultant shall furnish the City with original certificates and amendatory endorsements effecting coverage required by this clause. The endorsements should be on forms provided by the City or on forms that conform to City requirements. All certificates and endorsements are to be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

SECTION 8 – INDEMNIFICATION

A. To the fullest extent allowed by law (including without limitation California Civil Code Sections 2782 and 2782.8), as may be applicable, Consultant shall indemnify and hold harmless City, its agents, officers, officials, employees, and volunteers from any and all claims, demands, suits, loss, damages, injury, and/or liability (including any and all costs and expenses in connection therewith) (collectively, "Liabilities"), incurred by reason of any negligent or otherwise wrongful act or omission of Consultant, its officers, agents, employees, and subcontractors, or any of them, under or in connection with this Agreement; and Consultant agrees at its own cost, expense and risk to defend any and all claims, actions, suits, or other legal proceedings brought or instituted against City, its agents, officers, officials, employees, and volunteers, or any of them, arising out of such negligent or otherwise wrongful act or omission, and to pay and satisfy any resulting judgments.

B. When Consultant under this Agreement is duly licensed under California Business and Professions Code as an architect, landscape architect, professional engineer, or land surveyor ("design professional"), the provisions of this section regarding Consultant's duty to defend and indemnify apply only to claims that arise out of or relate to the negligence, recklessness, or willful misconduct of the design professional.

C. If any action or proceeding is brought against Indemnitees by reason of any of the matters against which Consultant has agreed to indemnify Indemnitees as provided above, Consultant, upon notice from City, shall defend Indemnitees at Consultant's expense by counsel acceptable to City, such acceptance not to be unreasonably withheld. Indemnitees need not have

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first paid for any of the matters to which Indemnitees are entitled to Indemnification in order to be so indemnified. The insurance required to be maintained by Consultant shall ensure Consultant's obligations under this section, but the limits of such insurance shall not limit the liability of Consultant hereunder. The provisions of this section shall survive the expiration or earlier termination of this Agreement.

D. The provisions of this section do not apply to claims to the extent occurring as a result of the City's sole negligence, active negligence, or willful acts or misconduct.

E. Duty to Cooperate. Each party shall notify the other party immediately in writing of any claim or damage related to activities or services performed under this Agreement. The parties shall cooperate with each other in the investigation and disposition of all Liabilities arising out of the activities or services under this Agreement.

SECTION 9 – INDEPENDENT CONTRACTOR STATUS

A. Consultant is and shall at all times remain a wholly independent contractor and not an officer, employee, or agent of City. Consultant shall have no authority to bind City in any manner or to incur an obligation, debt, or liability of any kind on behalf of or against City, whether by contract or otherwise, unless such authority is expressly conferred under this Agreement or is otherwise expressly conferred in writing by City.

B. The personnel performing the services under this Agreement on behalf of Consultant shall at all times be under Consultant's exclusive direction and control. Neither City, nor any elected or appointed boards, officers, officials, employees, or agents of City, shall have control over the conduct of Consultant or any of Consultant's officers, employees or agents, except as set forth in this Agreement. Consultant shall not at any time or in any manner represent that Consultant or any of Consultant's officers, employees, or agents are in any manner officials, officers, employees, or agents of City.

C. Neither Consultant, nor any of Consultant's officers, employees, or agents, shall obtain any rights to retirement, health care or any other benefits which may otherwise accrue to City's employees. Consultant expressly waives any claim Consultant may have to any such rights.

SECTION 10 – CONFLICTS OF INTEREST AND ANTI-FRAUD AND ANTI-CORRUPTION POLICIES

A. Consultant covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of City or which would in any way hinder Consultant's performance of services under this Agreement. Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent, or subcontractor without the express written consent of the City Manager. Consultant agrees to at all times avoid conflicts with the interests of City in the performance of this Agreement.

B. City understands and acknowledges that Consultant is, as of the date of execution of this Agreement, independently involved in the performance of non-related services for other governmental agencies and private parties. Consultant is aware of any stated position of City

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relative to such projects. Any future position of City on such projects shall not be considered a conflict of interest for purposes of this section.

C. Consultant understands and acknowledges City maintains an anti-fraud and anti-corruption policy to protect the City, its operations, and its employees from and against financial risks, operational breaches, and unethical, fraudulent, and corrupt activities. Consultant represents and warrants that Consultant, its subcontractor(s)/subconsultant(s) and their respective employees providing services pursuant to the Agreement are (1) in good standing; (2) have not been previously investigated, convicted, or debarred for fraudulent or corrupt activities; (3) will not participate in fraudulent or corrupt activities, and (4) will take steps to ensure that its employees and subcontractor(s)/subconsultant(s) employees do not participate in any fraudulent or corrupt activities. Consultant acknowledges and agrees further that it has a duty to and will report to City any information or incident(s) about possible fraudulent or corrupt activities Consultant may discover, and will cooperate in any fraud or corruption investigation conducted, with respect to Consultant's service provided pursuant to this Agreement.

SECTION 11 – OWNERSHIP OF DOCUMENTS

A. All original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files, and other documents prepared, developed or discovered by Consultant in the course of providing any services pursuant to this Agreement shall become the sole property of City and may be used, reused, or otherwise disposed of by City without the permission of the Consultant. When requested by City, but no later than three years after project completion, Consultant shall deliver to City all such original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files, and other documents.

B. All copyrights, patents, trade secrets, or other intellectual property rights associated with any ideas, concepts, techniques, inventions, processes, improvements, developments, works of authorship, or other products developed or created by Consultant during the course of providing services (collectively the "Work Product") shall belong exclusively to City. The Work Product shall be considered a "work made for hire" within the meaning of Title 17 of the United States Code. Without reservation, limitation, or condition, Consultant hereby assigns, at the time of creation of the Work Products, without any requirement of further consideration, exclusively and perpetually, any and all right, title, and interest Consultant may have in the Work Product throughout the world, including without limitation any copyrights, patents, trade secrets, or other intellectual property rights, all rights of reproduction, all rights to create derivative works, and the right to secure registrations, renewals, reissues, and extensions thereof.

SECTION 12 – CONFIDENTIAL INFORMATION; RELEASE OF INFORMATION

A. All information gained or work product produced by Consultant in performance of this Agreement shall be considered confidential, unless such information is in the public domain or already known to Consultant. Consultant shall not release or disclose any such information or work product to persons or entities other than City without prior written authorization from the City Manager, except as may be required by law.

B. Consultant, its officers, employees, agents, or subcontractors, shall not, without prior written authorization from the City Manager or unless requested by the City Attorney of City, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories, or other information concerning the work performed under this Agreement. Response to a subpoena or court order shall not be considered “voluntary” provided consultant gives City notice of such court order or subpoena.

C. If Consultant, or any officer, employee, agent, or subcontractor of Consultant, provides any information or work product in violation of this Agreement, then City shall have the right to reimbursement and indemnity from Consultant for any damages, costs, and fees, including attorneys’ fees, caused by or incurred as a result of Consultant’s conduct.

D. Consultant shall promptly notify City should Consultant, its officers, employees, agents, or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions, or other discovery request, court order, or subpoena from any party regarding this Agreement and the work performed thereunder. City retains the right, but has no obligation, to represent Consultant or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery requests provided by Consultant. However, this right to review any such response does not imply or mean the right by City to control, direct, or rewrite such response.

SECTION 13 – SUSPENSION OF WORK

City may, at any time, by ten (10) days written notice suspend further performance by Consultant. All suspensions shall extend the time schedule for performance in a mutually satisfactory manner and Consultant shall be paid for services performed and reimbursable expenses incurred prior to the suspension date.

SECTION 14 – COMPLIANCE WITH LAW

Consultant shall keep itself informed of and comply with all applicable federal, state and local laws, statutes, codes, ordinances, regulations, and rules in effect during the term of this Agreement. Consultant shall obtain any and all licenses, permits and authorizations necessary to perform the services set forth in this Agreement. Neither City, nor any elected or appointed boards, officers, officials, employees, or agents of City, shall be liable, at law or in equity, as a result of any failure of Consultant to comply with this section.

SECTION 15 – COMPLIANCE WITH CIVIL RIGHTS

During the performance of this contract, Consultant agrees as follows:

A. Equal Employment Opportunity. In connection with the execution of this Agreement, Consultant shall not discriminate against any employee or applicant for employment because of race, religion, color, ancestry, age, sexual orientation, gender, gender identity and gender expression as protected categories specifically and expressively in that category, physical handicap, medical condition, marital status, sex, or national origin. Such actions shall include, but not be limited to, the following: employment, promotion, upgrading, demotion, or transfer;

recruitment, or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training including apprenticeship.

B. Nondiscrimination Civil Rights Act of 1964. Consultant will comply with all federal regulations relative to nondiscrimination to federally-assisted programs.

C. Solicitations for Subcontractors including Procurement of Materials and Equipment. In all solicitations, either by competitive bidding or negotiations, made by Consultant for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor, supplier, or lessor shall be notified by Consultant of Consultant's obligations under this Agreement and the regulations relative to nondiscrimination.

SECTION 16 – RECORDS

A. Records of Consultant's direct labor costs, payroll costs, and reimbursable expenses pertaining to this project covered by this Agreement will be kept on a generally recognized accounting basis and made available to City if and when required for a period of up to 3 years from the date of Consultant's final invoice.

B. Consultant's records and design calculations will be available for examination and audit if and as required. The cost of any reproductions shall be paid by City.

SECTION 17 – COOPERATION BY CITY

All public information, data, reports, records, and maps as are existing and available to City as public records, and which are necessary for carrying out the work as outlined in the Exhibit A, "Scope of Services," shall be furnished to Consultant in every reasonable way to facilitate, without undue delay, the work to be performed under this Agreement.

SECTION 18 – NOTICES

All notices required or permitted to be given under this Agreement shall be in writing and shall be personally delivered, or sent by facsimile, first-class mail, or email addressed as follows:

To City: City Manager
 1480 Main Street
 St. Helena, California 94574

To Consultant: Lucas Patzek, General Manager
 1303 Jefferson Street
 Suite 500B
 Napa, California 94559

Notice shall be deemed effective on the date personally delivered or transmitted by facsimile, or, if mailed, three (3) days after deposit in the custody of the U.S. Postal Service.

SECTION 19 – TERMINATION

A. City may terminate this Agreement, with or without cause, at any time by giving ten (10) days written notice of termination to Consultant. If such notice is given, Consultant shall cease immediately all work in progress.

B. If either Consultant or City fail to perform any material obligation under this Agreement, then, in addition to any other remedies, either Consultant, or City may terminate this Agreement immediately upon written notice.

C. Upon termination of this Agreement by either Consultant or City, all property belonging to City which is in Consultant's possession shall be delivered to City. Consultant shall furnish to City a final invoice for work performed and expenses incurred by Consultant, prepared as set forth in this Agreement.

SECTION 20 – ATTORNEYS' FEES

If litigation or other proceeding is required to enforce or interpret any provision of this Agreement, the prevailing party in such litigation or other proceeding shall be entitled to an award of reasonable attorneys' fees, costs, and expenses, in addition to any other relief to which it may be entitled. In addition, any legal fees, costs, and expenses incurred to enforce the provisions of this Agreement shall be reimbursed to the prevailing party.

SECTION 21 – ENTIRE AGREEMENT

This Agreement, including the attached Exhibits, is the entire, complete, final, and exclusive expression of the parties with respect to the matters addressed therein and supersedes all other agreements or understandings, whether oral or written, or entered into between Consultant and City prior to the execution of this Agreement. No statements, representations, or other agreements, whether oral or written, made by any party which are not embodied herein shall be valid and binding unless in writing duly executed by the parties or their authorized representatives.

SECTION 22 – SUCCESSORS AND ASSIGNS

This Agreement shall be binding on the heirs, executors, administrators, successors and assigns of the parties. However, this Agreement shall not be assigned by Consultant without written consent of the City.

SECTION 23 – CONTINUITY OF PERSONNEL

Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff assigned to perform the services required under this Agreement. Consultant shall notify City of any changes in Consultant's staff assigned to perform the services required under this Agreement, prior to any such performance.

///

SECTION 24 – DEFAULT

In the event that Consultant is in default under the terms of this Agreement, the City shall not have any obligation or duty to continue compensating Consultant for any work performed after the date of default and may terminate this Agreement immediately by written notice to Consultant.

SECTION 25 – WAIVER

Waiver by any party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision, or a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by City of any work or services by Consultant shall not constitute a waiver of any of the provisions of this Agreement.

SECTION 26 – LAW TO GOVERN; VENUE

This Agreement shall be interpreted, construed and governed according to the laws of the State of California. In the event of litigation between the parties, venue in state trial courts shall lie exclusively in the County of Napa. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Northern District of California, in San Francisco.

SECTION 27 – SEVERABILITY

If any term, condition or covenant of this Agreement is declared or determined by any court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement shall not be affected thereby and the Agreement shall be read and construed without the invalid, void or unenforceable provision(s).

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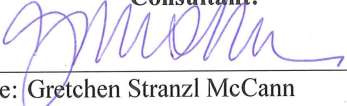
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SECTION 28 – SPECIAL PROVISIONS

This Agreement is subject to the following special provisions: none.

IN WITNESS WHEREOF, the parties hereto have accepted, made, and executed this Agreement upon the terms, conditions, and provisions above stated, the day and year first above written.

Consultant:

By: 
Name: Gretchen Stranzl McCann
Title: President, Board of Directors

Approved as to Form:

By: *Shana A. Bagley (e-sign)*
Name: Shana Bagley
Title: RCD Legal Counsel

City:

By: _____
Name: Mark T. Prestwich
Title: City Manager

Approved as to Form:

By: _____
Name: Thomas B. Brown
Title: City Attorney

EXHIBIT A

“Scope of Services”

I. Background

The City of St. Helena (City) is in the process of developing plans and securing permits for a dam removal project on York Creek. The defunct dam, which is owned by the City, is slated for removal beginning in 2019. As part of the permitting process, the City is required to develop a Mitigation and Monitoring Plan (MMP) to assess and offset the environmental effects of the dam removal work. The Napa County Resource Conservation District (Consultant) has extensive knowledge of the York Creek watershed, and a history of assessment and monitoring efforts in York Creek and throughout the greater Napa River basin. Consultant will support the City with input on and technical review of the MMP, participate in meetings with permitting agencies and the City’s consultants, and conduct preliminary and/or pre-construction monitoring surveys as needed.

II. Work to be Performed

Consultant shall perform the following tasks:

1. Permit Coordination: Provide technical staff (biologist, hydrologist) to participate in permit coordination meetings and correspondences.
2. MMP Development: Provide technical peer review and comments on draft MMP.
3. Pre-Construction Monitoring: Conduct preliminary and/or pre-construction environmental monitoring outlined in the MMP or requested by the City.

III. Deliverables

Monthly invoices and activity reports. Task 3 deliverables (only if implemented) will include a technical memo summarizing monitoring and/or survey results.

IV. Time for Completion

Work will be completed by June 30, 2019.

EXHIBIT B
“Budget & Compensation”

I. Budget

The total payment for services and expenses under this Agreement shall not exceed \$17,800.00, but the presented task budgets are only an estimate, as funding may be allocated differently by tasks depending on the project needs. Expenses include auto mileage (\$0.545 per mile) and daily equipment usage fees.

Task	Labor	Expenses	Budget, Row Total
1. Permit Coordination	\$2,000.00	\$100.00	\$2,100.00
2. MMP Development	\$5,000.00	\$0.00	\$5,000.00
3. Pre-Construction Monitoring	\$10,000.00	\$700.00	\$10,700.00
Budget, Column Total:	\$17,000.00	\$800.00	\$17,800.00

II. Compensation

Consultant shall invoice the City each month, and the City shall compensate Consultant for the services outlined in Exhibit A, in accordance with the following hourly rates for the Consultant employees whose positions are noted:

Position Classification	Work to be Performed	Hourly Rate
Senior Biologist	Project Manager, Technical Review and Monitoring	\$97.35
Senior Hydrologist	Technical Review and Monitoring	\$87.10
General Manager	Administration & Oversight	\$92.64
Office Manager	Bookkeeping	\$72.06

MINUTES
City of St. Helena
Special City Council Meeting
Thursday, August 30, 2018 @ 10:00 AM
Fire Department Training Room, 1480 Main Street
465 Main Street, St. Helena

Present: Mayor Alan Galbraith, Vice Mayor Peter White, Councilmember Paul Dohring, Councilmember Geoff Ellsworth, and Councilmember Mary Koberstein

Absent: None

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT:

4. Rent Stabilization Informational Workshop

4.1 Discuss and provide direction (Added 8/23/18)

City Manager Mark Prestwich provided a presentation. An interactive period of questions and answers ensued.

5. ADJOURNMENT

The August 30, 2018 special meeting minutes were adopted at the September 25, 2018 regular meeting.

Mayor Galbraith adjourned the meeting at 12:19 p.m.

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Tzafopoulos, City Clerk

MINUTES
City of St. Helena
Regular City Council Meeting
Tuesday, September 11, 2018 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

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

Present: Mayor Alan Galbraith, Vice Mayor Peter White, Councilmember Paul Dohring, Councilmember Mary Koberstein, and Councilmember Geoff Ellsworth

Absent: None

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

Mayor Galbraith called for a moment of silence in remembrance of the September 11, 2011 attacks.

3. ROLL CALL

4. PUBLIC FORUM:

Jeff Farmer addressed the City Council.

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

City Attorney Thomas Brown reported that there wasn't any reportable action taken during closed session.

City Manager Mark Prestwich announced the harvest community potluck will be held on October 18, 2018.

Council Member Ellsworth encouraged the community to participate in the Napa County strategic plan survey.

Council Member Dohring requested exercising oversight on water customers and water neutrality be agendized at a future meeting. Mayor Galbraith was also in favor.

Regular City Council
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Mayor Galbraith announced the St. Helena Historical Society is having an event on September 25, 2018.

6. PRESENTATIONS AND PUBLIC RECOGNITIONS

Mayor Galbraith noted item 6.4 would be heard before item 6.3.

- 6.1 Oath of Office for Fire Captain Nicholas Solakian
- 6.2 Oath of Office for Fire Engineer Martin Macias
- 6.4 Proclamation - Suicide Prevention Month 2018
- 6.3 Active Transportation & Sustainability Committee Report Out by Chair Jeff Farmer

7. STAFF BRIEFING

- 7.1 HOME Grant Update by Planning Director Noah Housh

Planning Director Noah Housh reported on this item.

8. 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)

- 8.1 Consideration and proposed approval of a resolution 2018-118 approving the delegation of claims administration and authorizing Redwood Empire Municipal Insurance Fund (REMIF) and the third-party administrator on behalf of REMIF to accept or reject claims filed against the City of St. Helena.

CEQA Determination: Not a CEQA project

Prepared By: Kathy Robinson, Human Resources & IT Director

Recommendation:

Adopt resolution approving the delegation of claims administration and authorizing REMIF and the third-party administrator on behalf of REMIF to accept or reject claims filed against the City of St. Helena.

- 8.2 AMENDED to add the June 25, 2018 Special City Council and SHAPE Committee Joint meeting minutes.

Consideration and proposed approval of Special City Council and SHAPE Committee Joint meeting minutes of June 25, 2018, Regular Meeting Minutes of August 14, 2018, Special Meeting Minutes of August 14, 2018 and Regular Meeting Minutes of August 28, 2018. (Minutes will be provided prior to the meeting-Provided 9/7/18)

- 8.3 Consideration and Proposed Approval of a Resolution 2018-119 of the City Council of the City of St. Helena Authorizing an Agreement for Fire/Emergency

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Dispatch Services

CEQA Determination: Not a CEQA project

Prepared By: John Sorensen, Fire Chief

Recommendation:

Approve the Agreement with the Department of Forestry and Fire Protection/Cal Fire for the term of July 1, 2018 through June 30, 2021 for a maximum of \$108,241.05.

Item 8.4 was removed from consent.

- 8.4 ~~Consideration and Proposed Approval of a Resolution 2018-120-1) Authorizing the City Manager to Execute a Professional Services Agreement with Kosmont Companies to Assist with Implementation of Downtown Economic, City Assets, and Related Housing Strategies in an amount not to exceed \$75,000; and 2) authorizing a Fiscal Year 2018/19 budget increase of \$75,000 to 101-4300-2130 from General Fund Reserves~~
- 8.5 Consideration and proposed approval of a resolution 2018-121: (1) authorizing the City Manager to execute a Professional Services Agreement with Nor-Cal Overhead for the replacement and installation of roll-up apparatus bay doors at the Firehouse for a not-to-exceed amount of \$135,736.27, and (2) approving a budget increase of \$135,736.27 to 420-4800-2630

CEQA Determination: Not a CEQA project

Prepared By: John Sorensen, Fire Chief

Recommendation:

Staff recommends City Council approve a resolution (1) authorizing the purchase and installation of four roll-up apparatus bay doors by Nor-Cal Overhead for the amount of \$135,736.27, and (2) approving a budget increase of \$135,736.27 to 420-4800-2630.

- 8.6 Consideration and proposed approval of a resolution 2018-122 approving the Final Map for the Our Town St. Helena (OTSH) Subdivision. ~~(Attachments will be forthcoming~~ Provided 9/7/18)

CEQA Determination: Exempt from CEQA pursuant to Section 15332, which exempts projects characterized as in-fill development when the project is consistent with the general plan and zoning; occurs within city limits on less than five acres; has no valuable habitat; won't cause any significant environmental effects; and can be served by existing public services

Prepared By: Erica Ahmann Smithies, Public Works Director and City Engineer

Recommendation:

It is recommended the City Council:

1. Adopt the attached resolution approving the Final Map for OTSH Brenkle Court Subdivision Final Map; and

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2. Authorize the City Manager to execute the attached agreements in keeping with the requirements of Chapter 16.24.

Councilmember Paul Dohring moved to approve Consent items 8.1 through 8.3, 8.5 and 8.6. The motion was seconded by Councilmember Mary Koberstein and on roll call carried by the following vote:

AYES: Mayor Alan Galbraith, Vice Mayor Peter White, Councilmember Paul Dohring, Councilmember Mary Koberstein, and Councilmember Geoff Ellsworth

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None

- 8.4 Consideration and Proposed Approval of a Resolution 2018-120 1) Authorizing the City Manager to Execute a Professional Services Agreement with Kosmont Companies to Assist with Implementation of Downtown Economic, City Assets, and Related Housing Strategies in an amount not to exceed \$75,000; and 2) authorizing a Fiscal Year 2018/19 budget increase of \$75,000 to 101-4300-2130 from General Fund Reserves

CEQA Determination: Not a CEQA project

Prepared By: Mark T. Prestwich, City Manager

Recommendation:

Staff recommends City Council approve a Resolution 1) Authorizing the City Manager to execute a Professional Services Agreement with Kosmont Companies to assist with implementation of a Downtown Economic, City Assets, and Related Housing Strategies in an amount not to exceed \$75,000; and 2) authorizing a Fiscal Year 2018/19 budget increase of \$75,000 to 101-4300-2130 from General Fund Reserves.

City Manager Mark Prestwich reported on this item.

Bobbi Monnette and Tracy Sweeney addressed the City Council.

Vice Mayor Peter White moved to approve item 8.4. The motion was seconded by Councilmember Paul Dohring and on roll call carried by the following vote:

AYES: Mayor Alan Galbraith, Vice Mayor Peter White, Councilmember Paul Dohring, Councilmember Mary Koberstein, and Councilmember Geoff Ellsworth

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None

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9. PUBLIC HEARINGS

- 9.1 Consideration and proposed approval the Annexation of Territory into the St. Helena Municipal Sewer District No. 1 MSD Annexation No. 134, 1025 and 1045 Pratt Avenue, St Helena, CA. (APN's) 009-142-023-000 and 009-142-024-000. Resolution 2018-123

CEQA Determination: Exempt from the requirements of CEQA under the "General Rule", Section 15061 (b)(3), in that it can be seen with certainty that the proposed action will have no impact on the environment.

Prepared By: Chrissy Cook, Administrative Assistant

Recommendation:

Adopt Resolution Approving the Annexation of Territory to the St. Helena Municipal Sewer District No. 1, MSD Annexation No. 134, 1025 and 1045 Pratt Avenue, St Helena, CA. Napa County Assessor Parcel Number (APN's) 009-142-023-000 and 009-142-024-000.

Utilities Operations Manager Felix Hernandez III reported on this item.

No public comment was received.

Vice Mayor Peter White moved to adopt a resolution approving the annexation of territory to the St. Helena Municipal Sewer District No. 1, MSD annexation No. 134, 1025 and 1045 Pratt Avenue, St Helena, CA. Napa County Assessor Parcel Number (APN's) 009-142-023-000 and 009-142-024-000. The motion was seconded by Councilmember Geoff Ellsworth and on roll call carried by the following vote:

AYES: Mayor Alan Galbraith, Vice Mayor Peter White, Councilmember Paul Dohring, Councilmember Mary Koberstein, and Councilmember Geoff Ellsworth

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None

10. NEW BUSINESS

- 10.1 Citywide Classification and Compensation Study Update

CEQA Determination: Not a CEQA project

Prepared By: Kathy Robinson, Human Resources & IT Director

Recommendation:

Receive and file an status update on the Classification and Compensation Study.

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Human Resources and IT Director Kathy Robinson reported on this item.

Ralph Anderson & Associates Vice President Doug Johnson provided a presentation.

No public comment was received.

10.2 Review and Prioritization of Draft City of St. Helena Downtown Economic Strategy

CEQA Determination: This item is purely an informational discussion to gain Council direction and is therefore not a CEQA project. Any formal decisions on individual projects will be subject to a complete analysis and determination under CEQA.

Prepared By: Mark T. Prestwich, City Manager

Recommendation:

Review, discuss and provide direction to the City Manager.

City Manager Mark Prestwich reported and provided a presentation on this item.

Bobbi Monnette, Pat Dell, Susan Kenward, Tracy Sweeney, Anthony Micheli, Wayne Armstrong and Vicki Bradshaw addressed the City Council.

The City Council provided City Manager Mark Prestwich with strategy prioritization for the immediate, near term and long term actions.

10.3 Direction to Negotiate a Contract with GHD for the Design of Improvements to the WWTRP, likely to include: Trickling Filter with Bypass Flow and Settling Tank, Tertiary Filtration, Infiltration Storage Pond, Disinfection System Upgrade, WWTRP Electrical System Upgrade, and Reclamation Field Improvements, and Accept the City of St. Helena Wastewater Treatment and Reclamation Plant (WWTRP) Improvements Feasibility Study and Recommendations for the Phase I WWTRP Improvements in Response to San Francisco Bay Regional Water Quality Control Board Order R2-2016-004.

CEQA Determination: Project is exempt from the requirements under Section 15061(b)(3) the "General Rule" in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, Section 15262 Acceptance of Feasibility and Planning Studies and Section 15306 Information Collection in that it is purely the recommendation to negotiate a contract and the acceptance of a feasibility study. Any and all future funding and/or construction activities resulting from this action will be separately reviewed for compliance with CEQA and a formal determination made.

Prepared By: Felix Hernandez III, Utilities Operations Manager

Recommendation:

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In order to meet the St. Helena Wastewater Treatment and Reclamation Plant – Groundwater Investigation and Cease and Desist Order Revised Compliance Schedule and based on the finding of the 2017-08-01 Final Feasibility Study and in an effort to utilize existing reclamation field acreage, Staff recommends Council provide direction to negotiate a contract with GHD for the design of Alternative 2: Trickling Filter with Bypass Flow and Settling Tank; Configuration 4, Tertiary Filtration, Infiltration Storage Pond, Disinfection System Upgrade, WWTRP Electrical System Upgrade, Reclamation Field Improvements, and accept the City of St. Helena Wastewater Treatment and Reclamation Plant (WWTRP) Improvements Feasibility Study and Recommendations for the Phase I WWTRP Improvements.

Utilities Operations Manager Felix Hernandez III reported on this item.

No public comment was received.

Vice Mayor Peter White moved to direct staff to negotiate a contract with GHD for the design of Alternative 2: Trickling Filter with Bypass Flow and Settling Tank; Configuration 4, Tertiary Filtration, Infiltration Storage Pond, Disinfection System Upgrade, WWTRP Electrical System Upgrade, Reclamation Field Improvements, and accept the City of St. Helena Wastewater Treatment and Reclamation Plant (WWTRP) Improvements Feasibility Study. The motion was seconded by Mayor Alan Galbraith and on roll call carried by the following vote:

AYES: Mayor Alan Galbraith, Vice Mayor Peter White, Councilmember Paul Dohring, Councilmember Mary Koberstein, and Councilmember Geoff Ellsworth

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None

11. ITEMS LIKELY TO BE PLACED ON THE NEXT OR FUTURE MEETING AGENDA:

11.1

September City Council Meetings:

9/11 (staff reports due 8/24)

9/17 Next Steps related to the SHAPE Report/City Hall at 6pm at the Fire Training Room

9/25 (staff reports due 9/7)

CONSENT:

9/25 Jingle All the Way St. Helena | Staff Briefing

Fire Out of State Travel

9/25 setting a public hearing for sewer annexation at 867 and 871 Dowdell Lane

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9/25 setting a public hearing for sewer annexation at 499 Crane Avenue
9/25 Award RCD contract for Upper York Creek Monitoring – Public Works
9/25 Award contract to Waterways for Sulphur Creek repair project – Public Works
9/25 Meadowood Tank Upgrade – Public Works
<i>PH or NEW BUSINESS:</i>
St. Helena Resolution for Affordable Housing Bond (SB3)
9/25 Raw Water Use Charges - PW
9/25 1st Reading Design Review Ordinance - Planning
9/25 1st Reading Sign Code Ordinance
PH 9/11 Sewer Annexation 1025 and 1045 Pratt Avenue
<u>October City Council Meetings:</u>
10/9 (staff reports due 9/21)
10/23 (staff reports due 10/5)
<i>PROCLAMATIONS AND PUBLIC RECOGNITION:</i>
10/9 Staff Briefing Parks & Recreation Commission Chair Report Out
<i>CONSENT:</i>
Tennis Court Resurfacing Staff Briefing - Rec
10/9 Flood control project conservation easement
10/23 Amended Coop Agreement with Caltrans for Grayson Signal for electricity(Caltrans to attend)
<i>PH or NEW BUSINESS:</i>
10/9 Clover Flat and Recycling Market Update – Upper Valley Disposal & Recycling
Council Update cost allocation, user fee and impact fee
10/23 1st Reading Concept Review Ordinance - Planning
PH 10/9 setting a public hearing for sewer annexation at 499 Crane Avenue
PH 10/9 Award RCD contract for Upper York Creek Monitoring – Public Works

12. ADJOURNMENT

The September 11, 2018 regular meeting minutes were adopted at the September 25, 2018 regular meeting.

Mayor Galbraith adjourned the meeting at 9:20 p.m.

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September 11, 2018

APPROVED:

Alan Galbraith, Mayor

ATTEST:

Cindy Tzaopoulos, City Clerk



Report to the City Council
Council Meeting of September 25, 2018

Agenda Section: Consent

Subject: Consideration and proposed approval of a Resolution Setting a Hearing to Approve the Annexation of Territory into the St. Helena Municipal Sewer District No. 1 MSD Annexation No. 133, 499 Crane Avenue, St. Helena, CA. (APN) 009-350-001-000.

CEQA Determination: It is determined that the Ordinance is exempt from CEQA pursuant to Guidelines Sections 15061(b)(1), 15061(b)(2), and specifically, the “General Rule” Section 15061(b)(3), where it can be seen with certainty that the proposed action will have no significant effect on the environment.

Prepared By: Erica Ahmann Smithies, Public Works Director and City Engineer

Reviewed By: April Mitts, Finance Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

Scruggs Family Irrevocable Trust, owner of 499 Crane Avenue, St. Helena, CA. Napa County Assessor Parcel Number (APN) 009-350-001-000, has applied to be annexed into the St. Helena Municipal Sewer District No. 1. A location map and description for the property is shown in Attachment 2. City Council approval of the connection is the formal administrative process to change the property's tax rate area code from septic to sanitary sewer for tax purposes.

The City was first notified by the County of Napa's Environmental Health Division on April 12, 2018 that the septic system was failing at subject address. The County asked if the City would waive the connection requirement and approve them issuing a permit to replace the septic tank and leach field or if the City had a connection as well as capacity in close proximity to the parcel. It was determined the City's sanitary sewer system was available and could accommodate the additional hookup and was approved by the City

Engineer pursuant to the City's Municipal Code Section 13.20.070, Compulsory Connection, requiring the property owner to connect.

DISCUSSION

This resolution ordering the public hearing is the first step of the process to annex the property into the District. The resolution requires a vote of at least two-thirds of all the members of the City Council (at least four affirmative votes) to order the public hearing. (Health and Saf. Code § 4643.)

The next step will be to notice and hold a public hearing for objections, if any, from persons interested in the proposed annexation during a regularly scheduled City Council meeting October 9th, 2018. At that time, the City Council will consider a resolution approving the property annexation (which will also require at least four affirmative votes). (Health and Safety Code § 4645-47.)

If the City Council approves the second resolution, City staff will then process the annexation with Napa County and the State Board of Equalization to change the tax rate area code for the property.

FISCAL IMPACT

The Applicant is required to pay the Napa County mapping fees and the State Board of Equalization fees upon final annexation approval. All other Public Works and Building Department fees have been paid.

RECOMMENDED ACTION

Staff recommends the City Council adopt a Resolution Setting a Hearing to Approve the Annexation of Territory into the St Helena Municipal Sewer District No. 1 MSD Annexation No. 133, 499 Crane Avenue, St Helena, CA. 94574 (APN) 009-350-001-000.

ATTACHMENTS

[Application](#)

[Description and Map](#)

[RESO Set Hearing](#)



CITY OF ST. HELENA

DEPARTMENT OF PUBLIC WORKS
1572 RAILROAD AVENUE, ST. HELENA, CA. 94574
707-968-2658

Application for Sewer Annexation

APPLICANT INFORMATION			
Applicant(s) Name <i>Montelli Construction Inc / DAN MONTELLI SR.</i>			Phone <i>9634800</i>
Applicant(s) Street Address <i>436 ST. HELENA HWY SOUTH</i>		City <i>ST. HELENA</i>	State <i>CA</i>
Property Owner Name <i>JOHN SCRUGGS TR/RE (TRUSTE) SCRUGGS FAMILY TR/TER (TRUSTE) (GENE ARMSTEAD)</i>		City <i>ST. HELENA</i>	State <i>CA</i>
Assessor's Parcel No (APN) <i>009-350-001-000</i>		Dwelling Square Footage <i>1740</i>	Existing Land Use <i>VINEYARD</i>
Subsequent Development Plans, if any, and Timing <i>NONE</i>			
REQUIRED SIGNATURE			
I hereby certify that this application and all other documents submitted are true and correct to the best of my knowledge and belief. I also certify that I am the owner of the above property and have full legal rights to the property.			
Property Owner Signature <i>Gene Armstead TR/RE</i>			Date <i>4/27/18</i>
*** FOR OFFICE USE ONLY ***			
Application Received By		Date Application Received	
Present Zoning		General Plan Designation	
Application Checklist	Date Completed	Fee Calculation Worksheet	
St. Helena Application for Sewer Annexation		Sewer Connection Application Fee (St. Helena)	\$900
Statement of Boundary Change Application: BOE		Annexation Process (St. Helena)	\$2000
Fees submitted		Connection Fee Inspection (St. Helena)	\$400
Staff Report/Resolution Drafted		Sewer Impact Fee (St. Helena)	<i>887.40</i>
City Council Approved		State Board of Equalization (BOE) Fee	
Legal Description and Map		Napa County Mapping Flat Fee	\$162
Confirm Tax Area Rate		Total Due at Application	
Submission to BOE		Sewer Impact Fee: \$ * X (Habitable SF)	
Submission to Napa County Auditor		(17/18) * PER SF \$.51 SFR \$.74 MFR \$.49 Office \$.66 Industrial \$.99 Com/Retail \$.98 Lodging	
Submission to Napa County Assessor's office		Total Collected with Application	
Napa County Tax Rate Area Change Received		Date Payment Received	
Grading Permits Approved		Fees to other agencies:	
Encroachment Permits Approved		State Board of Equalization Fee (Check # _____)	
Finance Notified		Napa County Mapping Flat Fee (Check # _____)	
Date Service Began		\$162.00	

Updated 2/2018

Written Description
for the
Annexation of the Lands of Joan Sturges, Trustee, et al
to the
St. Helena Municipal Sewer District

Napa County APN 009-350-001
1860 Vallejo Street and 499 Crane Avenue, St. Helena CA 94574

The real property located in the City of St. Helena, Rancho Carne Humana, County of Napa, State of California, described as follows:

Beginning at the well monument at the centerline intersection of Grayson Avenue with Crane Avenue as shown on the Map entitled "Record of Survey of the Lands of Marian Scruggs" filed April 8, 1983 in Book 23 of Surveys at page 17 in the Office of the Napa County Recorder; thence along the perimeter of said lands of Scruggs the following courses:

1. along the centerline of Crane Avenue South 43°03'00" East for 316.26 feet;
2. thence leaving said centerline South 46°45'00" West for 20.00 feet;
3. thence North 43°03'00" West for 302.85 feet;
4. thence South 46°45'00" West for 178.85 feet;
5. thence South 43°03'00" East for 302.85 feet;
6. thence South 46°45'00" West for 1075.61 feet;
7. thence North 43°03'00" West for 627.00 feet;
8. thence North 46°44'53" East for 1274.57 feet to the centerline of Crane Avenue;
9. thence along the centerline of Crane Avenue South 43°01'50" East for 310.78 feet to the Point of Beginning.

Excepting therefrom that portion described as follows:

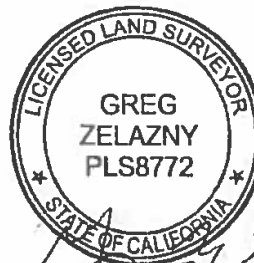
Commencing at the well monument at the centerline intersection of Grayson Avenue with Crane Avenue as shown on said Record of Survey thence along the perimeter of said lands of Marian Scruggs the following courses:

along the centerline of Crane Avenue South 43°03'00" East for 316.26 feet;
thence leaving said centerline South 46°45'00" West for 20.00 feet;
thence North 43°03'00" West for 302.85 feet;
thence South 46°45'00" West for 178.85 feet;
thence South 43°03'00" East for 302.85 feet;
thence South 46°45'00" West for 469.78 feet;

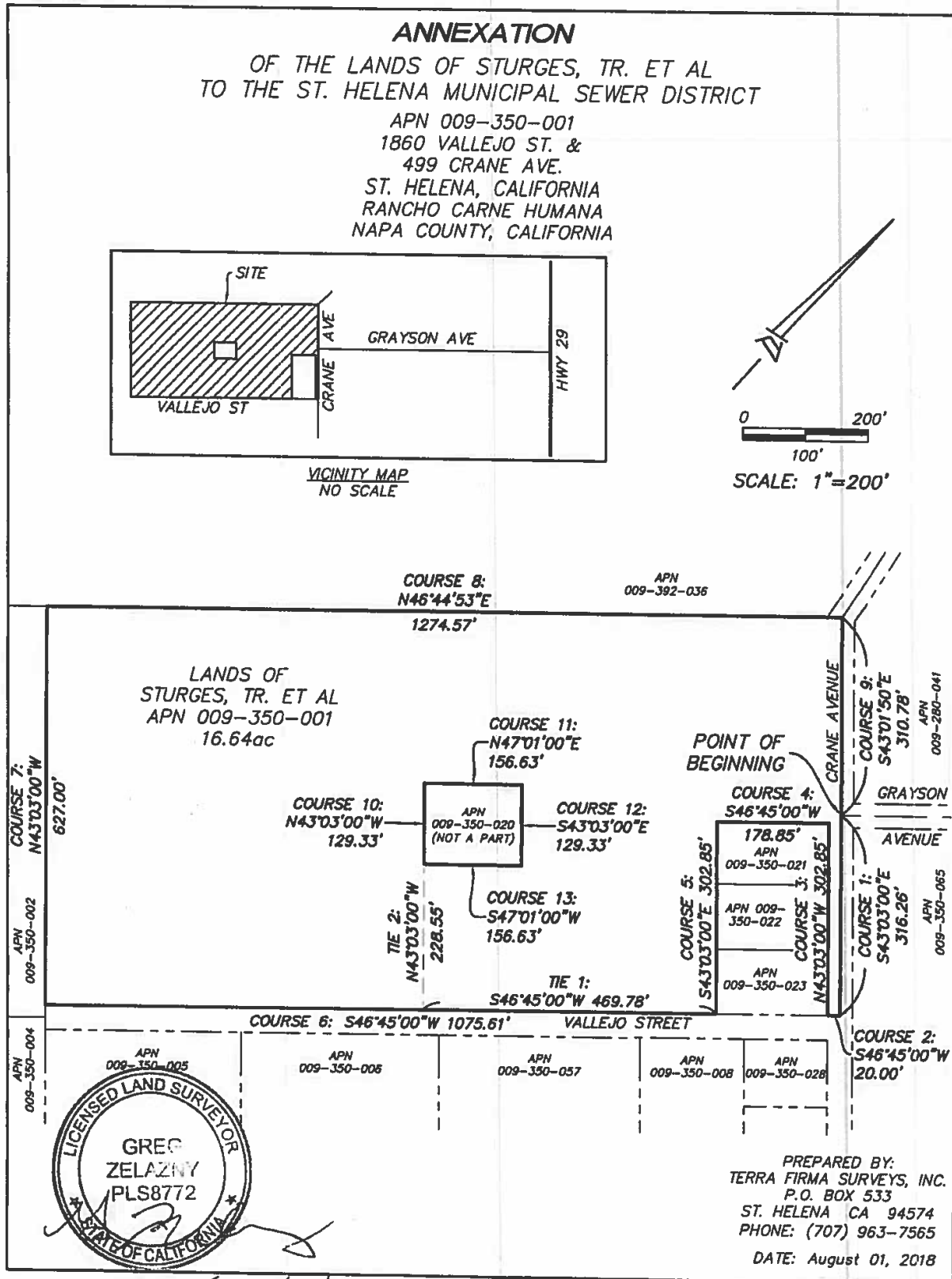
thence leaving said perimeter of said lands North 43°03'00" West for 228.55 feet to the most southerly corner of the lands of M. F. Scruggs, et al, shown on said Record of Survey, said southerly corner being the TRUE POINT OF BEGINNING; thence along the lands of M. F. Scruggs, et al the following courses:

10. North 43°03'00" West for 129.33 feet;
11. thence North 47°01'00" East for 156.63 feet;
12. thence South 43°03'00" East for 129.33 feet;
13. thence South 47°01'00" West for 156.63 feet to the TRUE POINT OF BEGINNING;

Containing 16.64 acres of land, more or less.



[Handwritten signature]
Exp 12/31/13



CITY OF ST. HELENA

RESOLUTION No. 2018-

**Resolution Setting a Hearing to Approve the Annexation of Territory into the St
Helena Municipal Sewer District No. 1 MSD ANNEXATION NO. 133
499 Crane Avenue, St. Helena, CA
(APN) 009-350-001-000**

RECITALS

- A. The property at 499 Crane Avenue, St. Helena, CA (APN) 009-350-001-000 will benefit from annexation into the St. Helena Municipal Sewer District No. 1; and
- B. The owner of 499 Crane Avenue has requested annexation into the St. Helena Municipal Sewer District No. 1; and
- C. The legal description and boundary for the territory to be annexed is described in Attachment 2 – Location Map and Description; and
- D. All annexation fees have been paid.

RESOLUTION

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

- 1. The territory described in Attachment 2 – Location Map and Description, commonly known as 499 Crane Avenue, St Helena, CA (APN) 009-350-001-000; and
- 2. Is hereby ordered for a hearing set; and
- 3. A hearing for objections, if any, by any person interested in the proposed annexation shall be held during the regular meeting of the City Council at 6:00 on October 9th, 2018.

Approved at a Regular Meeting of the St. Helena City Council on September 25th, 2018 by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____

Councilmember Ellsworth: _____

Councilmember Dohring: _____

Councilmember Koberstein: _____

APPROVED:

ATTEST:

Alan Galbraith
Mayor

Cindy Tzafopoulos
City Clerk



Report to the City Council
Council Meeting of September 25, 2018

Agenda Section: Consent

Subject: Consideration and proposed approval of a Resolution Setting a Hearing to Approve the Annexation of Territory into the St Helena Municipal Sewer District No. 1 MSD Annexation No. 135, 867 and 871 Dowdell Lane, St Helena, CA. 94574 (APN) 009-580-009-000.

CEQA Determination: It is determined that the Ordinance is exempt from CEQA pursuant to Guidelines Sections 15061(b)(1), 15061(b)(2), and specifically, the "General Rule" Section 15061(b)(3), where it can be seen with certainty that the proposed action will have no significant effect on the environment.

Prepared By: Erica Ahmann Smithies, Public Works Director and City Engineer

Reviewed By: April Mitts, Finance Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

Thomas Redmon, owner of 867 and 871 Dowdell Lane, St Helena, CA. 94574, Napa County Assessor Parcel Number (APN) 009-580-009-000, has applied to be annexed into the St. Helena Municipal Sewer District No. 1 (District). A location map and description for the property is shown in Attachment 2. City Council approval of the connection is the formal administrative process to change the property's tax rate area code from septic to sanitary sewer for tax purposes.

This annexation was a condition set by City Planning Commission on October 18th, 2016 by Resolution NO. PC2016-044.

DISCUSSION

This resolution ordering the public hearing is the first step of the process to annex the property into the District. The resolution requires a vote of at least two-thirds of all the

members of the City Council (at least four affirmative votes) to order the public hearing. (Health and Saf. Code § 4643.)

The next step will be to notice and hold a public hearing for objections, if any, from persons interested in the proposed annexation during a regularly scheduled City Council meeting October 9th, 2018. At that time, the City Council will consider a resolution approving the property annexation (which will also require at least four affirmative votes). (Health and Safety Code § 4645-47.)

If the City Council approves the second resolution, City staff will then process the annexation with Napa County and the State Board of Equalization to change the tax rate area code for the property. Staff will work with the applicant to obtain required encroachment and building permits.

FISCAL IMPACT

The Applicant is responsible to construct the sewer lateral and connect to the house; pay annexation, connection, and impact fees in addition to any applicable Building Department fees.

RECOMMENDED ACTION

Staff recommends the City Council adopt a Resolution Setting a Hearing to Approve the Annexation of Territory into the St Helena Municipal Sewer District No. 1 MSD Annexation No. 135, 867 and 871 Dowdell Lane, St Helena, CA. 94574 (APN) 009-580-009-000.

ATTACHMENTS

[Application](#)

[Map & Description](#)

[RESO](#)

[RESO Setting Condition for Annexation](#)



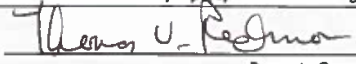
CITY OF ST. HELENA

DEPARTMENT OF PUBLIC WORKS

1572 RAILROAD AVENUE, ST. HELENA, CA. 94574

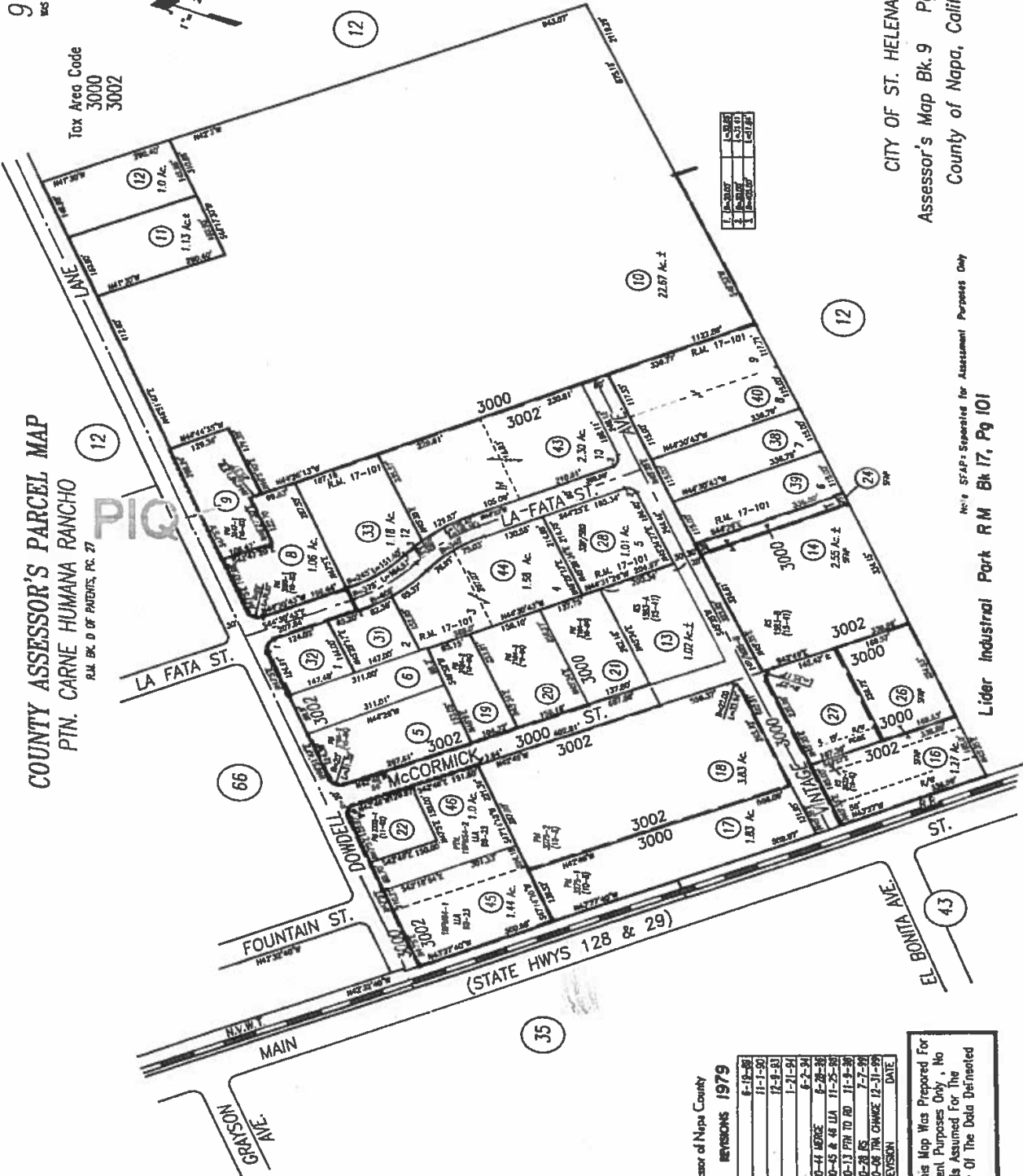
707-968-2658

Application for Sewer Annexation

APPLICANT INFORMATION			
Applicant(s) Name THOMAS REDMON			Phone 707.326.2838 253.797.5614 - ELEAN
Applicant(s) Street Address 1620 SYLVANER AVE	City ST HELENA	State CA	Zip 94574
Property Owner Name TDM REDMON			Phone
PROPERTY INFORMATION			
Property Address seeking sewer annexation 867 & 871 DOWDELL LN		City ST. HELENA	State CA
Assessor's Parcel No (APN) 009-580-009	Dwelling Square Footage 2,856	Existing Land Use INDUSTRIAL	
Subsequent Development Plans, if any, and Timing E-MAIL: TDM@TDMREDMON.COM			
REQUIRED SIGNATURE			
I hereby certify that this application and all other documents submitted are true and correct to the best of my knowledge and belief. I also certify that I am the owner of the above property and have full legal rights to the property.			
		8-13-2018	
Property Owner Signature		Date	
*** FOR OFFICE USE ONLY ***			
Application Received By		Date Application Received	
Present Zoning		General Plan Designation	
Application Checklist	Date Completed	Fee Calculation Worksheet	
St. Helena Application for Sewer Annexation		Sewer Connection Application Fee (St. Helena)	\$900
Statement of Boundary Change Application: BOE		Annexation Process (St. Helena)	\$2000
Fees submitted		Connection Fee Inspection (St. Helena)	\$400
Staff Report/Resolution Drafted		Sewer Impact Fee (St. Helena)	1884.96
City Council Approved		State Board of Equalization (BOE) Fee	
Legal Description and Map		Napa County Mapping Flat Fee	\$162
Confirm Tax Area Rate		Total Due at Application	
Submission to BOE		Sewer Impact Fee: \$ _____ * X _____ (Habitable SF)	
Submission to Napa County Auditor		(17/18) *PER SF \$.51 SFR \$.74 MFR \$.49 Office \$.66 Industrial \$.99 Com/Retail \$.98 Lodging	
Submission to Napa County Assessor's office			
Napa County Tax Rate Area Change Received		Total Collected with Application	
Grading Permits Approved		Date Payment Received	
Encroachment Permits Approved		Fees to other agencies:	
Finance Notified		State Board of Equalization Fee (Check # _____)	
Date Service Began		Napa County Mapping Flat Fee (Check # _____)	\$162.00

Updated 2/2018

9-58
SOS PNL 9-12



This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 009-580-009-000

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAINT HELENA, COUNTY OF NAPA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL 1 ON PARCEL MAP NO. 3147 RECORDED ON MARCH 28, 1979 IN BOOK 10 OF PARCEL MAPS AT PAGE 63 IN THE OFFICIAL RECORDS OF THE COUNTY OF NAPA.

APN: 009-580-009-000

CITY OF ST. HELENA

RESOLUTION NO. 2018-

**Resolution Setting a Hearing to Approve the Annexation of Territory into the St
Helena Municipal Sewer District No. 1 MSD ANNEXATION NO. 135
867 and 871 Dowdell Lane, St. Helena, CA
(APN) 009-580-009-000**

RECITALS

- A. The property at 867 and 871 Dowdell Lane, St. Helena, CA (APN) 009-580-009-000 will benefit from annexation into the St. Helena Municipal Sewer District No. 1; and
- B. The owner of 867 and 871 Dowdell Lane has requested annexation into the St. Helena Municipal Sewer District No.1; and
- C. The legal description and boundary for the territory to be annexed is described in Attachment 2 – Location Map and Description; and
- D. All annexation fees have been paid.

RESOLUTION

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

- 1. The territory described in Attachment 2 – Location Map and Description, commonly known as 867 and 871 Dowdell Lane, St Helena, CA (APN) 009-580-009-000; and
- 2. Is hereby ordered for a hearing set; and
- 3. A hearing for objections, if any, by any person interested in the proposed annexation shall be held during the regular meeting of the City Council at 6:00 on October 9th, 2018.

Approved at a Regular Meeting of the St. Helena City Council on September 25th, 2018 by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____

Councilmember Ellsworth: _____

Councilmember Dohring: _____

Councilmember Koberstein: _____

APPROVED:

ATTEST:

Alan Galbraith
Mayor

Cindy Tzafopoulos
City Clerk

CITY OF ST. HELENA, STATE OF CALIFORNIA

RESOLUTION PC2016-044

**DEMOLITION PERMIT, DESIGN REVIEW AND USE PERMIT NO. PL15-051
GRANTED TO 867 DOWDELL LANE**

PROPERTY OWNER: Tom Redmon

APN: 009-580-009

Recitals

1. Request by Tom Redmon for Demolition Permit, Design Review and Use Permit approval to convert several existing structures on the property located at 867 Dowdell Lane in the Industrial (I) district into a 24,000 gallon per year production winery without tastings or visitation including a commercial kitchen space for uses outside of wine production.
2. Pursuant to CEQA Guidelines Sections 15072 and 15073, a Draft Mitigated Negative Declaration and included Initial Study was circulated for public review and comment from August 12, 2016 until September 1, 2016.
3. The Planning Commission of the City of St. Helena, State of California, considered the project, staff report, and all testimony, written and spoken, at a duly noticed public hearing on October 18, 2016.

Resolution

- A. In making the findings in this Resolution, the Planning Commission relied upon and hereby incorporates by reference all of the documents referenced in this Resolution and the associated staff reports, City files for this matter, correspondence, presentations and other materials.
- B. The Planning Commission, having reviewed the Draft Mitigated Negative Declaration and included Initial Study, and considered all comments related thereto hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.
- C. Pursuant to Municipal Code Section 17.164.050(E), the Planning Commission makes the following findings for the approval of a Demolition Permit:
 1. *That, based on the public record and testimony presented at a public hearing, the building is determined not to be a significant architectural or historical building; and*
 2. *That the demolition does not eliminate elements that are required to maintain the essential character of the neighborhood.*
- D. The Planning Commission determines the project is in compliance with the following Design Review criteria of Municipal Code Section 17.164.030:
 1. *Consistency and compatibility with applicable elements of the general plan;*
 2. *Compatibility of design with the immediate environment of the site;*

867 Dowdell Lane
Demolition Permit, Design Review and Use Permit
October 18, 2016

3. *Relationship of the design to the site;*
 4. *Determination that the design is compatible in areas considered by the board as having a unified design or historical character;*
 5. *Whether the design promotes harmonious transition in scale and character in areas between different designated land use;*
 6. *Compatibility with future construction both on and off the site;*
 7. *Whether the architectural design of structures and their materials and colors are appropriate to the function of the project;*
 8. *Whether the planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community;*
 9. *Whether the amount and arrangement of open space and landscaping are appropriate to the design and the function of the structures;*
 10. *Whether sufficient ancillary functions are provided to support the main functions of the project and whether they are compatible with the project's design concept;*
 11. *Whether access to the property and circulation systems are safe and convenient for pedestrians, cyclists and vehicles;*
 12. *Whether natural features are appropriately preserved and integrated with the project;*
 13. *Whether the materials, textures, colors and details of construction are an appropriate expression of its design concept and function and whether they are compatible with the adjacent and neighboring structure and functions;*
 14. *In areas considered by the board as having a unified design character or historical character, whether the design is compatible with such character;*
 15. *Whether the landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site;*
 16. *Whether plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety which is suitable to the climate of St. Helena;*
 17. *Whether sustainability and climate protection are promoted through the use of green building practices such as appropriate site/architectural design, use of green building materials, energy efficient systems and water efficient landscape materials.*
- E. Pursuant to Municipal Code Section 17.168.050, the Planning Commission makes the following Use Permit findings to support the motion to approve the use permit:
1. *That the proposed use would not generate odors, fumes, dust, light, glare, radiation or refuse that would be injurious to surrounding uses or to the community.*
 2. *That the proposed use would not generate levels of noise that adversely affect the health, safety, or welfare of neighboring properties or uses.*
 3. *That the proposed use would not generate traffic noise in excess of the "normally acceptable" range identified in the General Plan.*

4. *That the proposed use would not make excessive demands on the provision of public services including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection.*
5. *That the proposed use would provide adequate ingress and egress to and from the proposed location.*
6. *That allowing the proposed use would not conflict with the City's goal of maintaining the economic viability of a local serving economy.*
7. *That the proposed use would be compatible with surrounding land uses and would not conflict with the purpose established for the district within which it would be located.*
8. *That the proposed use would not be in conflict with the City's General Plan.*
9. *That the proposed use would not be injurious to public health, safety, or welfare.*
10. *That granting the use permit would not set a precedent for the approval of similar uses whose incremental effect would be detrimental to the City or would be in conflict with the General Plan.*
11. *That, as demonstrated on a detailed plan submitted by the applicant, adequate off-street parking to accommodate the long term parking needs of employees and business owners and customers is available.*
12. *That the capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use.*

Planning Department Conditions of Approval

- F. The Planning Commission approves the demolition permit, design review and use permit for the above-described project with the following conditions of approval. The project shall be in conformance with all city ordinances, rules, regulations and policies in effect at the time of issuance of a building permit. The conditions noted below are particularly pertinent to this permit and shall not be construed to permit violation of other laws and policies not so listed.
 1. Project approvals shall be vested within one (1) year from the date of final action. A building permit for the use allowed under this approval shall have been obtained within one (1) year from the effective date of this action or the approval shall expire, provided however that the approval may be extended for up to two (2) one-year periods pursuant to the St. Helena Municipal Code, Section 17.08.130, Extension of Permits and Approvals. Any request for an extension of this approval shall be justified in writing and received by the Planning Department at least thirty (30) days prior to expiration.
 2. The approvals shall not become effective until fourteen (14) calendar days after approval, providing that the action is not appealed by the City Council or any other interested party within that 14-day period.
 3. All required fees, including planning fees, development impact fees, residential in-lieu housing fees, building fees, toilet retrofit fees, and St. Helena Unified School District fees shall be paid prior to issuance of a building permit. Fees shall be those in effect at the time of the issuance of the building permit.

867 Dowdell Lane
Demolition Permit, Design Review and Use Permit
October 18, 2016

4. In any action or proceeding to attack, challenge, invalidate, set aside, void or annul the City's approval of applicant's Project, in whole or in part, applicant shall defend, at its own expense and without any cost to the City, and with counsel acceptable to the City, and shall fully and completely indemnify and hold the City, its agents, officers, and employees harmless from and against any and all claims, causes of action, damages, costs, attorney's fees and liability of any kind, so long as the City reasonably promptly notifies the applicant of any such claim, action, or proceedings and the City cooperates fully in the defense of the action or proceedings.
5. Provided they are in general compliance with this approval, minor modifications may be approved by the Planning Director.
6. Pursuant to St. Helena Municipal Code Section 17.08.110, this permit shall run with the land and shall be binding upon all parties having any right, title or interest in the real property or any part thereof, their heirs, successors and assigns, and shall inure to their benefit and benefit of the City of St. Helena.
7. The primary purpose of this review is for compliance with the General Plan and Zoning Ordinance. The property owners or their designee shall be responsible for meeting with the Building Official, Fire Inspector and or Public Works Department to review compliance with Building Codes, Fire Codes and specific Public Works Standards including fire protection systems and any applicable accessibility standards of Title 24.
8. Construction shall be in compliance with plans submitted and reviewed by the Planning Commission on October 18, 2016, except as modified herein.
9. Exterior lighting shall be directed or shielded to prevent glare onto the public roadway or adjacent properties.
10. Retail sales and tasting are prohibited at the winery.
11. As there are existing dwelling units on-site, the applicant/owner shall recognize the industrial nature of the area and shall provide for the safety of any children who may reside in the on-site dwelling units by properly securing any potentially dangerous areas or structures.
12. While this use permit legitimizes the on-site dwelling units, they remain non-conforming structures due to their size (Building A) and their non-conforming setbacks.
13. A permanent crush pad cover shall not be constructed on-site. Only a removable crush pad cover that is used seasonally (during harvest) may be used.
14. No inappropriate light fixtures, finishes or materials should be added to the historic barn.
15. The replacement of historic materials should be done where original material has been broken, lost or weathered to an extent making repair infeasible. Replacement features must match the old in design, color, texture, visual qualities, and material.
16. All windows of the barn should be repaired rather than replaced where feasible.

867 Dowdell Lane
Demolition Permit, Design Review and Use Permit
October 18, 2016

17. No fence in the front setback shall exceed three feet in height; all other fencing shall not exceed eight feet in height.
18. A minimum of ten percent (10%) of site shall be landscaped.
19. Water-conserving designs and irrigation systems shall be used.
20. Trash bins shall not be visible from public right-of-way.
21. Materials storage shall be screened from public view.
22. Property owners 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.
23. To reduce disturbance of residents in the project vicinity, construction activities which generate noise that can be heard at the property line of any parcel of real property within the City limits shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Saturday. Delivery of materials/equipment and cleaning and servicing of machines/equipment shall be limited to 7:00 a.m. to 6:00 p.m. Exceptions to these time restrictions may be granted by the Public Works Director for one of the following reasons: (1) inclement weather affecting work, (2) emergency work, or (3) other work, if work and equipment will not create noise that may be unreasonably offensive to neighbors as to constitute a nuisance. The City Engineer must be notified and give approval in advance of such work. No construction activities shall occur on Sundays or federal or local holidays that generate noise that can be heard at the property line of any parcel of real property within the City limits.

Public Works Department Conditions of Approval

24. Approval of this project shall be subject to the requirements of, and all improvements shall be designed and constructed in accordance with, the most current version at the time of improvement plan submittal, Caltrans Standards and Specifications, the City of St. Helena Municipal Code, the St. Helena Water and Sewer Standards, the St. Helena Street, Storm Drain and Sidewalk Standards, and all current federal, state and county codes governing such improvements.
25. For any improvements outside the existing building envelope, a grading and drainage plan showing topographic data, all easements, infrastructure onsite and directly adjoining, and an erosion control plan shall be submitted for review and approval by the City Engineer prior to the issuance of a building permit. If the project entails more than 50 cubic yards of soil disturbance, 10,000 square feet of disturbance area, a cut or fill of 3 feet or more, or alteration of any drainage pattern, a grading permit shall be required.
26. Improvement plans shall incorporate all grading, drainage, and utilities shown on the approved Use Permit package, those improvements agreed to in public hearings,

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- the requirements of these conditions of approval, and those improvements required by any codes in effect at the time of plan submittal.
27. Construct frontage improvements along the Dowdell Lane frontage including curb, gutter, sidewalk, pavement widening (and transitions), necessary longitudinal and transverse drainage, safety-related signage, messaging and parkway landscaping. The face of curb shall be placed approximately 10 feet from the right-of-way line to conform to the improvements along the adjoining frontage.
 28. Drainage needs to be routed to prevent inundation of neighboring properties. Grading and/or site improvement plans shall show how 2-year and 10-year storm flows shall be infiltrated on site and/or diverted at the property lines to prevent inundation of neighboring properties. The applicant shall submit a drainage and hydrology analysis for the project impact, including downstream erosion potential, to the City of St. Helena Public Works Department with the Improvement Plan submittal in accordance with City of St. Helena, Napa County and State of California codes in effect at the time of improvement plan submittal.
 29. Erosion and sediment control plans shall conform to the latest State and City codes at a minimum.
 30. The applicant shall incorporate water conservation practices into the proposed project per the Theoretical Water Use Report prepared by Joel Dickerson of Delta Consulting & Engineering, dated August 28, 2015. Any and all non-conforming appliances and plumbing fixtures shall be removed from the premises. The water conservation requirements shall be replicated in full on the architectural plans.
 31. A detailed Post-Construction Stormwater Control Plan (SWCP) that identifies and sizes all permanent post-construction stormwater treatment BMPs shall be prepared and submitted for review approval. The Plan shall be prepared in accordance with the latest edition of the *Bay Area Stormwater Management Agencies Association (BASMAA) Post-Construction Manual* and the requirements of the State Water Resources Control Board Phase II Municipal Separate Storm Water System (MS4) General Permit (Order 2013-0001 DWQ).
 32. Prior to occupancy the applicant shall enter into and record a Post-Construction Stormwater Operations and Maintenance Agreement with the City.
 33. If the proposed/new landscaping involves an area greater than 500 square feet, the proposed landscaping shall comply with the State's Model Water Efficient Landscape Ordinance (MWELO).
 34. A detailed Soils Investigation/Geotechnical Report shall be prepared and submitted for review. The report shall address, at a minimum, potential for liquefaction, R-values, expansive soils and seismic risk. The improvement plans shall incorporate all design and construction criteria recommended in the Geotechnical Report.

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35. Site plan shall show the location of any trees within the project area.
36. The Applicant shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period, as is found necessary by the City Engineer.
37. Any new and modified existing water laterals, meters and backflow prevention devices shall be required and constructed in accordance with the current requirements of the City of St. Helena's Water Standards and the California Department of Health Standards. Existing meter boxes located within a driveway shall be retrofitted with a traffic-rated box. New laterals shall be located perpendicular to the water main and outside any driveway/drive aisle.
38. The applicant shall be required to submit to the requirements for annual inspections of food/beverage service establishments and businesses that handle hazardous wastes for illicit stormwater discharges as required by the State National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges. The annual stormwater illicit discharge inspections are performed and invoiced to the applicant by Napa County Department of Environmental Management.
39. Remodels or new construction which require fire sprinklers shall install an appropriately-sized water service with appropriate backflow and meter devices prior to Certificate of Occupancy. Fire system calculations shall be submitted with the Grading and Drainage Plan to verify fire service lateral and meter sizing. Deferred submittals are not accepted.
40. No construction may commence until adequate access to fire water supply is available to building sites as approved by the Fire Chief.
41. The existing on-site septic system must be demolished in accordance with the County Department of Environmental Management (DEM).
42. The applicant shall apply for annexation to the St. Helena Municipal Sewer District No. 1 prior to issuance of a Building Permit. The application shall be completed in accordance with the City of St. Helena's Sewer Annexation Procedures including all annexation, impact, connection, and sewer fees.
43. The applicant shall be responsible for the extension of sewer lines to the property.
44. Trash areas, dumpsters and recycling containers shall be enclosed and roofed per State and County standards to prevent water run-on to the trash area and water runoff from the area, to contain litter and trash so that it is not dispersed by the wind or run-off during waste removal. In the event that wine or food is disposed in these areas, the enclosed trash area shall drain to the sanitary sewer system. An area drain connected to the sanitary sewer shall be installed in the enclosure area and a structural control such as an oil/water separator or sand filter shall be included. No

other area shall drain into the trash enclosure. A sign shall be posted prohibiting the dumping of hazardous materials into the sanitary sewer.

45. The applicant shall repair all public improvements that are damaged by the construction process in accordance with the City Water/Sewer/Street/Storm Drain/Sidewalk Standards prior to Certificate of Occupancy.
46. Existing streets being cut by new utility services will require edge grinding and an A.C. overlay per City standards, extent to be determined by the Public Works Department.
47. The applicant shall be required to obtain an encroachment permit for improvements on public right-of-ways prior to receiving a grading or building permit authorizing site work or construction activities on the site.
48. All wastewater lines of the proposed use must be connected to the St. Helena sewer system and designed in accordance with the City sewer system standards. Wastewater shall not contain wine production byproducts. A sewer sampling manhole shall be installed at or near the unit cleanout per City Standards.
49. Wastewater discharged is subject to all of the requirements and limitations set forth in Chapter 13.24, Wastewater Discharge, of the St. Helena Municipal Code.
50. Apply for and obtain a Wastewater Discharge Permit from the Department of Public Works as specified in St Helena Municipal Code Section 13.24.50. The permit conditions will require:
 - a. Discharge flow rate shall not exceed 2,100 gallons per day.
 - b. Pretreatment of winery wastewater is required to achieve the following discharge limits for the following constituents and characteristics:

Constituent or Characteristic	Maximum Allowable Concentration (mg/L)
pH	6.0 < pH < 9.0
BOD	250
TSS	250
FOG	40

- c. Prior to the occupancy and operation of the winery facilities, the owner shall install a pretreatment system consistent with the Wastewater Pretreatment Schematic Flow Diagram provided in the Septic Feasibility Report prepared by Delta Engineering & Consulting Engineers dated August 28, 2015.
 - d. The pretreatment system shall provide protection from accidental discharge of prohibited materials or other wastes regulated as defined in Chapter 13.24,

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October 18, 2016

Wastewater Discharge, of St. Helena Municipal Code. Such facilities shall be provided and maintained at the Owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review and approval prior to building permit approval.

- e. Wastewater with a pH less than 6.0 or greater than 9.0 shall be automatically held in an onsite tank. This wastewater shall only be released after receiving approval to discharge from the wastewater treatment plant operator. Release of said wastewater shall then be limited to the periods from of 6:00 am to 9:00 am and from 5:00 pm to 8:00 pm. The flow rate of the release or discharge shall then not exceed 10 gpm.
- f. At the owner's expense, sampling and discharge water quality analysis shall be performed for the above listed constituents and/or characteristics at monthly intervals by a California-certified laboratory under chain of custody documents. Such reports shall be submitted to the City by the 15th day of the following month.
- g. The owner shall notify the City and take immediate corrective action upon receipt of any laboratory report or other information indicating that the concentration of any constituent listed in the table above exceeded the maximum concentration. Failure to take immediate corrective actions may result in enforcement actions as provided under the St. Helena Municipal Code or other applicable law.
- h. The pretreatment system shall record daily flow totals and pH. Owner shall continuously maintain records of all daily flows and pH and all laboratory reports for a rolling three year period. Said records shall be made available to the City for review upon request.
- i. The owner shall test and calibrate the pH meter and discharge pump lockdown system logic annually to confirm that they still function to hold wastewater with a pH less than 6.0. Written confirmation of the testing and results shall be submitted to the City.
- j. The City shall have the right to randomly sample and test the discharge for the above listed constituents. Owner agrees to reimburse the City for the cost of such testing. The sampling manhole shall be accessible at all times. The City shall have the right to inspect all parts of the pretreatment system at anytime during normal business hours.

Building Department Conditions of Approval

- 51. A building permit is required for all onsite demolition, construction and/or change of occupancy.
- 52. The applicant will be required to comply with the codes adopted at the time the applicant applies for a building permit. At this time the City of St. Helena utilizes the 2013 Title 24 codes.

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53. When submitting plans for a building permit, the plans shall include all documentation listed on the building permit application checklist.
54. The applicant shall provide a construction waste management plan with the building permit application.
55. The plans for construction shall include a checklist for compliance with the California Green Buildings Standards Code, mandatory measures. Provide a reference on the checklist indicating where the mandatory measures can be found on the plans.
56. When submitting plans, the title page shall include all information referenced on the building permit application checklist Title Page requirements.
57. Building Permit application materials and plans shall include any documentation pertaining to special loads applicable to the design and the specified section of the code that addresses the condition; special inspections for any systems or components requiring special inspection; requirements for seismic resistance; and a complete list of deferred submittals at time of application. Any deferral of the required submittal items shall have prior approval of the Building Official however deferral of fire sprinkler design is not allowed.

Fire Department Conditions of Approval

58. Fire sprinklers and fire hydrants shall be installed as required by the Fire Department.

I HEREBY CERTIFY that the foregoing demolition permit, design review, and use permit was duly and regularly approved by the Planning Commission of the City of St. Helena at a regular meeting of said Planning Commission held on October 18, 2016 by the following roll call vote:

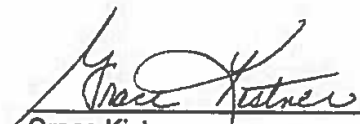
AYES: Commissioners Parker, Sweeney, Koberstein and Kistner

NOES: Commissioner Monnette

ABSENT: None

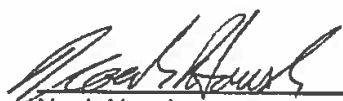
ABSTAIN: None

APPROVED:



Grace Kistner
Chair, Planning Commission

ATTEST:



Noah Housh
Planning Director

867 Dowdell Lane
Demolition Permit, Design Review and Use Permit
October 18, 2016



Report to the City Council
Council Meeting of September 25, 2018

Agenda Section: Consent

Subject: Consideration and proposed approval of a resolution: (1) approving temporary closure of Oak Avenue, Adams Street, Tainter Street, and the Oak Avenue City Parking Lot, for the October 20, 2018 Hometown Harvest Festival festivities, (2) authorizing possession of open alcoholic beverages on those public streets, and (3) approving the waiving of the encroachment fee.

CEQA Determination: Categorically Exempt, Section 15323

Prepared By: Andre Pichly, Recreation Director

Reviewed By: Mark T. Prestwich, City Manager

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

The Hometown Harvest Festival is an annual event put on by the St. Helena Parks & Recreation Department. The event is held on third Saturday of October each year on Oak Avenue and open to the community.

DISCUSSION

This year's annual Hometown Harvest Festival celebration will be held October 20, 2018 including the following festivities:

Fun Run: (5K Run)

Time: 7:00am – 9:00am

Location: Adams St. (between Oak Ave. and Kearney St.)

Organized by the St Helena Montessori School

Pet Parade

Time: 9:00am – 12:00pm

Location: Oak Ave. (between Pine St. and Adams St) & Adams St. (between Oak Ave. and Kearney St.)

Judges: Located on the corner of Oak Ave. and Adams St.

Organized by Parks & Recreation Commissioners; Noelle Strouss and Donna Hinds

Harvest Festival

Time: 11:00am – 4:00pm

Location: Oak Ave. (between Adams St and Spring St., and City Parking Lot)

Includes craft vendors, non-profits food booths, wine tasting, kid zone, and music.

Organized by the St. Helena Parks & Recreation Department

Non-Profits selling alcohol beverages include:

- St. Helena Kiwanis Foundation
- St. Helena Rotary Club
- St. Helena Oddfellows

In consideration for the benefits of this event to the community of St. Helena, staff recommends that the City Council (1) approve temporary closures of Oak Avenue, Adams Street, and Tainter Street for the Hometown Harvest Festival, (2) authorize possession of open alcoholic beverages on those public streets during the event, and (3) waive the Encroachment Permit fee for the event. Permit requirements and the general conditions applicable to the permit still apply although the fee is being waived.

FISCAL IMPACT

While the fiscal impact is minimal, it does include costs for staff time for closures, additional hours for Park Maintenance staff, and the waiving of the encroachment permit fee - all estimated to be less than \$1,000.

RECOMMENDED ACTION

Staff recommends the City Council of the City of St. Helena adopt the attached resolution: (1) approving temporary closure of Oak Avenue, Adams Street, Tainter Street, and the Oak Avenue City Parking Lot, for the October 20, 2018 Hometown Harvest Festival festivities, (2) authorizing possession of open alcoholic beverages on those public streets, and (3) approving the waiving of the encroachment fee.

ATTACHMENTS

[Harvest 2018- RESO Hometown Harvest Festival](#)

CITY OF ST. HELENA

RESOLUTION NO. 2018 - ____

**RESOLUTION (1) APPROVING TEMPORARY CLOSURE OF OAK AVENUE,
ADAMS STREET AND TAITER STREET FOR THE OCTOBER 20, 2018
HOMETOWN HARVEST FESTIVAL FESTIVITIES; (2) AUTHORIZING
POSSESSION OF OPEN ALCOHOLIC BEVERAGES ON THOSE PUBLIC
STREETS; AND (3) WAIVING ENCROACHMENT FEES FOR THE
HOMETOWN HARVEST FESTIVAL FESTIVITIES**

RECITALS

- A. The St. Helena Recreation Department has requested temporary closure of Oak Avenue between Spring St. and Pine St. Adams Street between Oak Ave. and Kearney St., and Tainter Street between Oak Ave. and Kearney St., for the October 20, 2018 Hometown Harvest Festival;
- B. Closure of City streets in the area will provide space for Harvest Festival activities and are situated adjacent to where event will take place;
- C. St. Helena Kiwanis Foundation, St. Helena Oddfellows and St. Helena Rotary Club have requested authorization to sell beer and wine at the event. St. Helena Municipal Code Section 9.04.010 authorizes the Council, by permit, to allow possession of open alcoholic beverages on public streets or any private or public off-street parking lot;
- D. In consideration for the benefits of this event to the community of St. Helena, the City Council desires to waive the Encroachment Permit fee for the event but does not waive the permit requirements and the General Conditions applicable to said permit;
- E. Section 21101(e) of the California Vehicle Code provides the local authorities may, by resolutions, temporarily close a portion of any street for celebrations, parades, local special events, and other purposes when, in the opinion of local authorities having jurisdiction or a public officer of employee that the local authority designated by resolution, the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing;

RESOLUTION

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

1. The City Council finds that the benefits derived from the temporary closing of portions of City streets for the Hometown Harvest Festival outweigh the anticipated inconvenience to the neighborhood and citizens generally, and authorize closure of:
 - Oak Avenue between Spring Street and Pine Street on October 20, 2018 from 6:00 a.m. to 12:00 p.m.
 - Oak Avenue between Spring Street and Adams Street on October 20, 2018 from 6:00 a.m. to 5:00 p.m.
 - Adams Street between Oak Avenue and Kearney Street on October 20, 2018 from 6:00 a.m. to 5:00 p.m.
 - Tainter Street between Oak Avenue and Kearney Street on October 20, 2018 from 6:00 a.m. to 5:00 p.m.
2. The possession of open container of beer and wine is permitted on public streets and parking lots encompassed by this event.
3. Temporarily closing a portion of the subject streets is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.
4. City Council desires to waive the Encroachment Permit fee for the event.
5. The City insurance policy covers this event at no additional cost to the City.
6. The City Manager is directed to provide reasonable levels of City staff support to accomplish closure of streets and related activities.

Approved at a Regular Meeting of the St. Helena City Council on September 25, 2018 by the following vote:

Mayor Galbraith:

Vice Mayor White:

Councilmember Dohring:

Councilmember Ellsworth:

Councilmember Koberstein:

APPROVED:

Alan Galbraith, Mayor

ATTEST:

Cindy Tzafoopoulos, City Clerk



Report to the City Council
Council Meeting of September 25, 2018

Agenda Section: Consent

Subject: Adopting a Resolution authorizing the City Manager to Execute a Professional Services Agreement with Oscar Larson and Associates in the Amount of \$145,190 for design, engineering, bid documents and bid support for Rutherford Pump Station Upgrades W-110, Tank 2 Rehabilitation W-101, and Pump Station Upgrades W-106.

CEQA Determination: CEQA will be completed as part of project design

Prepared By: Tobias Barr, Project Manager

Reviewed By: Erica Ahmann Smithies, Public Works Director and City Engineer

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

City Staff released a Request for Proposals (RFP) for multiple Capital Improvement Program (CIP) Water Projects on Wednesday, February 21, 2018. Due to the number of similar water projects, the Public Works Department determined it would be beneficial and cost effective to coordinate through one design consultant and streamline project delivery. The CIP projects included in the RFP are the Rutherford Pump Station Upgrades W-110, Tank 2 Rehabilitation W-101, and Pump Station Upgrades W-106.

DISCUSSION

Following the release of the RFP, staff received three proposals for the work. The three consulting firms who submitted proposals were GEI Consultants, Bennett Engineering, and Oscar Larson and Associates. The selection committee, comprised of Public Works Director Erica Ahmann Smithies, Utilities & Operations Manager Felix Hernandez, and Project Manager Tobias Barr, evaluated each proposal and determined that Bennett Engineering and Oscar Larson should be interviewed for the work based on experience. Interviews were conducted by Ms. Smithies and Mr. Hernandez and, following the interviews, staff determined that Oscar Larson and Associates had the most applicable

experience and would be the best fit for the projects. Oscar Larson and Associates has extensive experience with municipalities, has experience on similar sized projects within the area, and is the most knowledgeable with pump stations. Additionally, they were the lowest bidder.

FISCAL IMPACT

The Public Works Department negotiated the following costs for the work.

Task	Description	Amount	CIP Project
1	Project Management, Document Review, Topographical Survey, Geotechnical Investigation	\$59,356	Actual hours billed to Project
2	Tank 2 Rehabilitation Plans, Specifications, Bid Documents and Bid Support	\$17,154	W-101
3	Pump Station and Stonebridge Wells Upgrades	\$68,680	W-106 & W-110
Total		\$145,190	

Each task will be billed to its appropriate approved CIP project and is within the current approved budget for each project. The current approved project budgets are summarized below.

Capital Improvement Project	Budget
W-101 Tank 2 Rehabilitation	\$750,000
W-106 Pump Station Upgrades	\$200,000
W-110 Rutherford Pump Station Upgrades	\$500,000

RECOMMENDED ACTION

Adopt a Resolution authorizing the City Manager to Execute a Professional Services Agreement with Oscar Larson and Associates in the Amount of \$145,190 for design, engineering, bid documents and bid support for Rutherford Pump Station Upgrades W-110, Tank 2 Rehabilitation W-101, and Pump Station Upgrades W-106.

ATTACHMENTS

[Oscar Larson PSA RESO](#)

[Oscar Larson PSA 180727](#)

CITY OF ST. HELENA

RESOLUTION No. 2018-

**Resolution authorizing the City
Manager to execute a
Professional Services
Agreement with Oscar Larson
and Associates in the amount
of \$145,190 for design,
engineering, bid documents
and bid support services for
Capital Improvement Projects
Rutherford Pump Station
Upgrades W-110, Tank 2
Rehabilitation W-101, and
Pump Station Upgrades W-106**

RECITALS

- A. The City of St. Helena; maintains and operates water treatment and water distribution utility systems; and
- B. The City is obligated to maintain water distribution infrastructure to current codes and standards; and
- C. The approved 2018/19-2022/23 Capital Improvement Plan identifies the projects as needed improvements to the water distribution system; and
- D. The Public Works Department issued a Request for Proposal for the work on February 21, 2018; and
- E. The Public Works Department received three proposals; and
- F. After evaluating proposals and interviewing consultants the Public Works Department determined Oscar Larson and Associates is highly qualified and has the best applicable experience for the project.

RESOLUTION

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

1. Approves the Professional Services Agreement with Oscar Larson & Associates in the amount of \$145,190 for the design, engineering and bid support services for W-101 Tank 2 Rehabilitation, W-106 Pump Station Upgrades and W-110 Rutherford Pump Station and authorizes the City Manager to execute the agreement on behalf of the City.

Approved at a Regular Meeting of the St. Helena City Council on September 25, 2018, by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____

Councilmember Koberstein: _____

Councilmember Dohring: _____

Councilmember Ellsworth: _____

APPROVED: ATTEST:

Alan Galbraith, Mayor

Cindy Tzafopoulos, City Clerk

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT, made and entered into on _____, 2018 by and between the City of St. Helena, located in the County of Napa, State of California (City), and Oscar Larson and Associates (Consultant).

RECITALS:

- A. City desires to employ Consultant to furnish professional services in connection with the project described as Rutherford Pump Station Upgrades W-110, Tank 2 Rehabilitation W-101, and Pump Station Upgrades W-106.
- B. Consultant has represented that Consultant has the necessary expertise, experience, and qualifications to perform the required duties.

NOW, THEREFORE, in consideration of the mutual premises, covenants, and conditions herein contained, the parties agree as follows:

SECTION 1 – BASIC SERVICES

Consultant agrees to perform the services set forth in Exhibit A, "Scope of Services" and made part of this Agreement.

SECTION 2 – ADDITIONAL SERVICES

Consultant shall not be compensated for any services rendered in connection with its performance of this Agreement that are in addition to or outside of those set forth in this Agreement or Exhibit A, "Scope of Services", unless such additional services and compensation are authorized in advance and in writing by the City Council or City Manager of the City.

SECTION 3 – TIME FOR COMPLETION

The time for completion of services shall be as identified in Exhibit A, "Scope of Services".

SECTION 4 – COMPENSATION AND METHOD OF PAYMENT

A. Subject to any limitations set forth in this Agreement, City agrees to pay consultant the amount specified in Exhibit B, "Compensation" attached hereto and made a part hereof. Total compensation shall not exceed \$145,190 unless additional compensation is approved in accordance with Section 2.

B. Consultant shall furnish to City an original invoice for all work performed and expenses incurred during the preceding month. The invoice shall detail charges by the following categories if applicable: labor (by sub-category), travel, materials, equipment, supplies, subconsultant contracts, and miscellaneous expenses. Each original invoice furnished shall include the expenses incurred during the preceding month, the cumulative Agreement amount,

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and the amount remaining on the Agreement. City shall independently review each invoice submitted to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. If no charges or expenses are disputed, the invoice shall be approved, and City will use its best efforts to cause Consultant to be paid within 30 days of receipt of invoice. If the City disputes any charges or expenses, the City will return the original invoice to Consultant for correction and resubmission. If the City reasonably determines, in its sole judgment, that the invoiced charges and expenses exceed the value of the services performed to date and that it is probable that the Agreement will not be completed satisfactorily within the contract price, City may retain all or a portion of the invoiced charges and expenses. Within thirty (30) days of satisfactory completion of the project, City shall pay the retained amount, if any, to Consultant.

C. Payment to the Consultant for work performed pursuant to this Agreement shall not be deemed to waive any defects in work performed by Consultant.

SECTION 5 – STANDARD OF PERFORMANCE

Consultant represents and warrants that it has the qualifications, experience and facilities necessary to properly perform the services required under this Agreement in a thorough, competent and professional manner. Consultant shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all services described herein. In meeting its obligations under this Agreement, Consultant shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing services similar to those required of Consultant under this Agreement.

SECTION 6 – INSPECTION AND FINAL ACCEPTANCE

City may inspect and accept or reject any of Consultant's work under this Agreement, either during performance or when completed. City shall reject or finally accept Consultant's work within sixty (60) days after submitted to City, unless the parties mutually agree to extend such deadline. City shall reject work by a timely written explanation, otherwise Consultant's work shall be deemed to have been accepted. City's acceptance shall be conclusive as to such work except with respect to latent defects and fraud. Acceptance of any of Consultant's work by City shall not constitute a waiver of any of the provisions of this Agreement including, but not limited to, the sections pertaining to indemnification and insurance.

SECTION 7 – INSURANCE REQUIRED

Consultant shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees, as indicated:

- A. Minimum Scope of Insurance. Coverage shall be at least as broad as:
 1. Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001).
 2. Insurance Services Office form number CA 0001 (Ed. 1/87) covering Automobile Liability, code 1 (any auto).

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3. Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.

B. Minimum Limits of Insurance. Consultant shall maintain limits no less than:

1. General Liability: \$2,000,000 per occurrence for bodily injury, personal injury and property damage including operations, products and completed operations, as applicable. If Commercial General Liability Insurance or other form with a General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability: \$2,000,000 per accident for bodily injury and property damage.
3. Employer's Liability: \$2,000,000 per accident for bodily injury or disease.

C. Professional Liability Insurance. When Consultant under this Agreement is duly licensed under California Business and Professions Code as an architect, landscape architect, environmental engineer or other professional engineer, or land surveyor ("design professional"), Consultant shall maintain at least \$2,000,000 of professional liability insurance.

D. Excess Limits. If Consultant maintains higher limits than the minimums shown above, City requires and shall be entitled to coverage for the higher limits maintained by Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

E. Primary Coverage. For any claims related to this contract the Consultants insurance coverage shall be primary insurance as respects to City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be excess of Consultants insurance and shall not contribute with it.

F. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions of \$25,000 or greater must be declared to and approved by the City.

G. Other Insurance Provisions. The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The City, its agent, officers, officials, employees, and volunteers are to be covered as additional insured as respects: liability arising out of work or operations performed by the Consultant or Consultant's subconsultants; or automobile owned, leased, hired or borrowed by the Consultant.
2. For any claims related to Consultant's conduct while performing the work of this project, the Consultant's insurance coverage shall be primary insurance as respects the City, its agents, officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its agents, officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior

written notice by certified mail, return receipt requested, has been given to the City.

4. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subsection (b) of Section 2782 of the Civil Code.

H. Waiver of Subrogation. Consultant's commercial general liability, automobile liability, workers' compensation, and employer's liability policies shall be endorsed with a waiver of subrogation. The insurance company, in its endorsement, agrees to waive all rights of subrogation against the City, its agents, officers, officials, employees and volunteers for losses paid under the terms of this policy which arises from the work performed by the named insured for the City.

I. The Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to the City.

J. Verification of Coverage. Consultant shall furnish the City with original certificates and amendatory endorsements effecting coverage required by this clause. The endorsements should be on forms provided by the City or on forms that conform to City requirements. All certificates and endorsements are to be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

SECTION 8 – INDEMNIFICATION

A. To the fullest extent allowed by law (including without limitation California Civil Code Sections 2782 and 2782.8), as may be applicable, Consultant shall indemnify and hold harmless City, its agents, officers, officials, employees, and volunteers from any and all claims, demands, suits, loss, damages, injury, and/or liability (including any and all costs and expenses in connection therewith) (collectively, "Liabilities"), incurred by reason of any negligent or otherwise wrongful act or omission of Consultant, its officers, agents, employees and subcontractors, or any of them, under or in connection with this Agreement; and Consultant agrees at its own cost, expense and risk to defend any and all claims, actions, suits, or other legal proceedings brought or instituted against City, its agents, officers, officials, employees and volunteers, or any of them, arising out of such negligent or otherwise wrongful act or omission, and to pay and satisfy any resulting judgments.

B. When Consultant under this Agreement is duly licensed under California Business and Professions Code as an architect, landscape architect, professional engineer, or land surveyor ("design professional"), the provisions of this section regarding Consultant's duty to defend and indemnify apply only to claims that arise out of or relate to the negligence, recklessness, or willful misconduct of the design professional.

C. If any action or proceeding is brought against Indemnitees by reason of any of the matters against which Consultant has agreed to indemnify Indemnitees as provided above, Consultant, upon notice from City, shall defend Indemnitees at Consultant's expense by counsel acceptable to City, such acceptance not to be unreasonably withheld. Indemnitees need not have

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first paid for any of the matters to which Indemnitees are entitled to Indemnification in order to be so indemnified. The insurance required to be maintained by Consultant shall ensure Consultant's obligations under this section, but the limits of such insurance shall not limit the liability of Consultant hereunder. The provisions of this section shall survive the expiration or earlier termination of this Agreement.

D. The provisions of this section do not apply to claims to the extent occurring as a result of the City's sole negligence, active negligence, or willful acts or misconduct.

E. Duty to Cooperate. Each party shall notify the other party immediately in writing of any claim or damage related to activities or services performed under this Agreement. The parties shall cooperate with each other in the investigation and disposition of all Liabilities arising out of the activities or services under this Agreement.

SECTION 9 – INDEPENDENT CONTRACTOR STATUS

A. Consultant is and shall at all times remain a wholly independent contractor and not an officer, employee or agent of City. Consultant shall have no authority to bind City in any manner or to incur an obligation, debt or liability of any kind on behalf of or against City, whether by contract or otherwise, unless such authority is expressly conferred under this Agreement or is otherwise expressly conferred in writing by City.

B. The personnel performing the services under this Agreement on behalf of Consultant shall at all times be under Consultant's exclusive direction and control. Neither City, nor any elected or appointed boards, officers, officials, employees or agents of City, shall have control over the conduct of Consultant or any of Consultant's officers, employees or agents, except as set forth in this Agreement. Consultant shall not at any time or in any manner represent that Consultant or any of Consultant's officers, employees or agents are in any manner officials, officers, employees or agents of City.

C. Neither Consultant, nor any of Consultant's officers, employees or agents, shall obtain any rights to retirement, health care or any other benefits which may otherwise accrue to City's employees. Consultant expressly waives any claim Consultant may have to any such rights.

SECTION 10 – CONFLICTS OF INTEREST AND ANTI-FRAUD AND ANTI-CORRUPTION POLICIES

A. Consultant covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of City or which would in any way hinder Consultant's performance of services under this Agreement. Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent, or subcontractor without the express written consent of the City Manager. Consultant agrees to at all times avoid conflicts with the interests of City in the performance of this Agreement.

B. City understands and acknowledges that Consultant is, as of the date of execution of this Agreement, independently involved in the performance of non-related services for other governmental agencies and private parties. Consultant is aware of any stated position of City

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relative to such projects. Any future position of City on such projects shall not be considered a conflict of interest for purposes of this section.

C. Consultant understands and acknowledges City maintains an anti-fraud and anti-corruption policy to protect the City, its operations, and its employees from and against financial risks, operational breaches, and unethical, fraudulent and corrupt activities. Consultant represents and warrants that Consultant, its subcontractor(s) / subconsultant(s) and their respective employees providing services pursuant to the Agreement are (1) in good standing; (2) have not been previously investigated, convicted, or debarred for fraudulent or corrupt activities; (3) will not participate in fraudulent or corrupt activities, and (4) will take steps to ensure that its employees and subcontractor(s) / subconsultant(s) employees do not participate in any fraudulent or corrupt activities. Consultant acknowledges and agrees further that it has a duty to and will report to City any information or incident(s) about possible fraudulent or corrupt activities Consultant may discover, and will cooperate in any fraud or corruption investigation conducted, with respect to Consultant's service provided pursuant to this Agreement.

SECTION 11 – OWNERSHIP OF DOCUMENTS

A. All original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents prepared, developed or discovered by Consultant in the course of providing any services pursuant to this Agreement shall become the sole property of City and may be used, reused or otherwise disposed of by City without the permission of the Consultant. When requested by City, but no later than three years after project completion, Consultant shall deliver to City all such original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents.

B. All copyrights, patents, trade secrets, or other intellectual property rights associated with any ideas, concepts, techniques, inventions, processes, improvements, developments, works of authorship, or other products developed or created by Consultant during the course of providing services (collectively the "Work Product") shall belong exclusively to City. The Work Product shall be considered a "work made for hire" within the meaning of Title 17 of the United States Code. Without reservation, limitation, or condition, Consultant hereby assigns, at the time of creation of the Work Products, without any requirement of further consideration, exclusively and perpetually, any and all right, title, and interest Consultant may have in the Work Product throughout the world, including without limitation any copyrights, patents, trade secrets, or other intellectual property rights, all rights of reproduction, all rights to create derivative works, and the right to secure registrations, renewals, reissues, and extensions thereof.

SECTION 12 – CONFIDENTIAL INFORMATION; RELEASE OF INFORMATION

A. All information gained or work product produced by Consultant in performance of this Agreement shall be considered confidential, unless such information is in the public domain or already known to Consultant. Consultant shall not release or disclose any such information or work product to persons or entities other than City without prior written authorization from the City Manager, except as may be required by law.

B. Consultant, its officers, employees, agents or subcontractors, shall not, without prior written authorization from the City Manager or unless requested by the City Attorney of City, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this Agreement. Response to a subpoena or court order shall not be considered "voluntary" provided consultant gives City notice of such court order or subpoena.

C. If Consultant, or any officer, employee, agent or subcontractor of Consultant, provides any information or work product in violation of this Agreement, then City shall have the right to reimbursement and indemnity from Consultant for any damages, costs and fees, including attorneys' fees, caused by or incurred as a result of Consultant's conduct.

D. Consultant shall promptly notify City should Consultant, its officers, employees, agents or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any party regarding this Agreement and the work performed thereunder. City retains the right, but has no obligation, to represent Consultant or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery requests provided by Consultant. However, this right to review any such response does not imply or mean the right by City to control, direct, or rewrite such response.

SECTION 13 – SUSPENSION OF WORK

City may, at any time, by ten (10) days written notice suspend further performance by Consultant. All suspensions shall extend the time schedule for performance in a mutually satisfactory manner and Consultant shall be paid for services performed and reimbursable expenses incurred prior to the suspension date.

SECTION 14 – COMPLIANCE WITH LAW

Consultant shall keep itself informed of and comply with all applicable federal, state and local laws, statutes, codes, ordinances, regulations and rules in effect during the term of this Agreement. Consultant shall obtain any and all licenses, permits and authorizations necessary to perform the services set forth in this Agreement. Neither City, nor any elected or appointed boards, officers, officials, employees or agents of City, shall be liable, at law or in equity, as a result of any failure of Consultant to comply with this section.

SECTION 15 – COMPLIANCE WITH CIVIL RIGHTS

During the performance of this contract, Consultant agrees as follows:

A. Equal Employment Opportunity. In connection with the execution of this Agreement, Consultant shall not discriminate against any employee or applicant for employment because of race, religion, color, ancestry, age, sexual orientation, gender, gender identity and gender expression as protected categories specifically and expressively in that category, physical handicap, medical condition, marital status, sex, or national origin. Such actions shall include, but not be limited to, the following: employment, promotion, upgrading, demotion, or transfer;

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recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training including apprenticeship.

B. Nondiscrimination Civil Rights Act of 1964. Consultant will comply with all federal regulations relative to nondiscrimination to federally-assisted programs.

C. Solicitations for Subcontractors including Procurement of Materials and Equipment. In all solicitations, either by competitive bidding or negotiations, made by Consultant for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor, supplier, or lessor shall be notified by Consultant of Consultant's obligations under this Agreement and the regulations relative to nondiscrimination.

SECTION 16 – RECORDS

A. Records of Consultant's direct labor costs, payroll costs, and reimbursable expenses pertaining to this project covered by this Agreement will be kept on a generally recognized accounting basis and made available to City if and when required for a period of up to 3 years from the date of Consultant's final invoice.

B. Consultant's records and design calculations will be available for examination and audit if and as required. The cost of any reproductions shall be paid by City.

SECTION 17 – COOPERATION BY CITY

All public information, data, reports, records, and maps as are existing and available to City as public records, and which are necessary for carrying out the work as outlined in the Exhibit A, "Scope of Services", shall be furnished to Consultant in every reasonable way to facilitate, without undue delay, the work to be performed under this Agreement.

SECTION 18 – NOTICES

All notices required or permitted to be given under this Agreement shall be in writing and shall be personally delivered, or sent by facsimile or first class mail, addressed as follows:

To City: City Manager
1480 Main Street
St. Helena, California 94574

To Consultant: John N. DeBoice, P.E., Ph.D.
317 Third Street
2nd Floor
Eureka, CA 95501

Notice shall be deemed effective on the date personally delivered or transmitted by facsimile, or, if mailed, three (3) days after deposit in the custody of the U.S. Postal Service.

SECTION 19 – TERMINATION

A. City may terminate this Agreement, with or without cause, at any time by giving ten (10) days written notice of termination to Consultant. If such notice is given, Consultant shall cease immediately all work in progress.

B. If either Consultant or City fail to perform any material obligation under this Agreement, then, in addition to any other remedies, either Consultant, or City may terminate this Agreement immediately upon written notice.

C. Upon termination of this Agreement by either Consultant or City, all property belonging to City which is in Consultant's possession shall be delivered to City. Consultant shall furnish to City a final invoice for work performed and expenses incurred by Consultant, prepared as set forth in this Agreement.

SECTION 20 – ATTORNEYS' FEES

If litigation or other proceeding is required to enforce or interpret any provision of this Agreement, the prevailing party in such litigation or other proceeding shall be entitled to an award of reasonable attorneys' fees, costs and expenses, in addition to any other relief to which it may be entitled. In addition, any legal fees, costs and expenses incurred to enforce the provisions of this Agreement shall be reimbursed to the prevailing party.

SECTION 21 – ENTIRE AGREEMENT

This Agreement, including the attached Exhibits, is the entire, complete, final and exclusive expression of the parties with respect to the matters addressed therein and supersedes all other agreements or understandings, whether oral or written, or entered into between Consultant and City prior to the execution of this Agreement. No statements, representations or other agreements, whether oral or written, made by any party which are not embodied herein shall be valid and binding unless in writing duly executed by the parties or their authorized representatives.

SECTION 22 – SUCCESSORS AND ASSIGNS

This Agreement shall be binding on the heirs, executors, administrators, successors and assigns of the parties. However, this Agreement shall not be assigned by Consultant without written consent of the City.

SECTION 23 – CONTINUITY OF PERSONNEL

Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff assigned to perform the services required under this Agreement. Consultant shall notify City of any changes in Consultant's staff assigned to perform the services required under this Agreement, prior to any such performance.

SECTION 24 – DEFAULT

In the event that Consultant is in default under the terms of this Agreement, the City shall not have any obligation or duty to continue compensating Consultant for any work performed after the date of default and may terminate this Agreement immediately by written notice to Consultant.

SECTION 25 – WAIVER

Waiver by any party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision, or a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by City of any work or services by Consultant shall not constitute a waiver of any of the provisions of this Agreement.

SECTION 26 – LAW TO GOVERN; VENUE

This Agreement shall be interpreted, construed and governed according to the laws of the State of California. In the event of litigation between the parties, venue in state trial courts shall lie exclusively in the County of Napa. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Northern District of California, in San Francisco.

SECTION 27 – SEVERABILITY

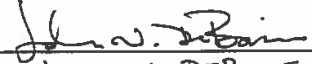
If any term, condition or covenant of this Agreement is declared or determined by any court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement shall not be affected thereby and the Agreement shall be read and construed without the invalid, void or unenforceable provision(s).

SECTION 28 – SPECIAL PROVISIONS

This Agreement is subject to the following special provisions: none.

IN WITNESS WHEREOF, the parties hereto have accepted, made, and executed this Agreement upon the terms, conditions, and provisions above stated, the day and year first above written.

Consultant:

By: 
Name: JOHN N. DEPONCE
Title: SENIOR ENGINEER

City:

By: _____
Name: Mark T. Prestwich
Title: City Manager

Approved as to Form:

By: _____
Name: Thomas B. Brown
Title: City Attorney

Exhibit A

Scope of Services

Task 1 Project Management, Kick-off Meeting, Field Investigation, Document Review and Land Owner Outreach

Task 1 consists of 5 subtask and includes project management, kick off and other meetings, field investigations, document review, topographical surveys for all applicable facilities, geotechnical investigation and technical memorandum, as well as landowner and PG&E coordination.

1.1 Project Management

Consultant to provide overall project management for the duration of the project under this task.

1.2 Kick-off and City Council Meetings

Consultant will initiate the project by having a kick-off meeting with City staff to introduce key staff members, establish communications, obtain all relevant documentation and review the City staff goals for each project. The consultant will participate in a kick-off meeting, regular updates and milestone meetings with city staff to discuss project progress, design and engineering specifics and seek City staff approval. A minimum of one in-person meeting in St. Helena is required and other meetings can be by conference call. If the consultant is required to present at City Council meetings to answer questions from City Council and the public, or additional in person meetings with staff, costs would additional and could be funded through contingency tasks. .

1.3 Field Investigations, Document Review, Site Inspections and Property Survey

Consultants will conduct detailed site inspections of each facility with City staff to further discuss existing conditions and goals for all improvements. City staff will provide consultants with available facility documentation including but not limited to drawings, operations data and property information. The consultant shall perform topographical survey of each of the project sites as required to obtain the necessary information for design improvements. The survey will include:

- Review of City provided base maps and as-built drawings for information of existing structures and utilities.
- Collect survey data on existing features, such as water tanks, fences, structures, access roads, above ground utilities, water features, trees greater than 6" diameter, grade breaks and elevations as necessary.
- Establish true horizontal and vertical datums on site with use of GPS survey techniques.
- Provide location of bench marks for use in the design phase of the project.
- Process and analyze field data for use with computer aided drafting software.
- Prepare a base map and existing ground surface (.dwg format).
- Utilize GIS software to deliver maps of facilities to the City of St. Helena.

Consultant will also perform research into existing easement record data at project locations in order to determine project feasibility and access rights. Tasks include the following:

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Review City provided Preliminary Title Reports, base maps, and as-built drawings for information pertaining to existing easements benefiting the City of St. Helena

- Perform calculations to construct easement locations based on record data
- Incorporate easements into base maps (.dwg format)
- Utilize GIS software to deliver maps of easements to the City of St. Helena

1.4 Geotechnical Investigation

After determining the extent of locations of the tank(s) and other structures, a geotechnical investigation of those location will be performed to obtain information for design of foundations and structures. The geotechnical exploration will address the planned new generator at Madrone Knoll pump station and the new pump station building at Rutherford Pump Station. The following will be performed:

- Review City Projected existing maps and reports regarding geologic/geotechnical conditions in the project vicinity
- Obtain drilling permits with the County of Napa Department of Environmental Health
- Explore subsurface conditions by drilling 2 test borings up to 40 feet deep at new tank site, 2 test borings up to 15 feet deep at Madrone Knoll Pump house, and 2 test borings, up to 15 feet deep at the new Rutherford Pump Station Building.
- Log borings and obtain samples of the soil/rock materials encountered.
- Perform laboratory testing on selected soil/rock samples, including strength, classification, density and moisture content, resistance (R-) value, and maximum density, as necessary.
- Using the results of our field and laboratory tests, perform the necessary geologic and engineering analysis to develop conclusions and recommendations regarding the following:
 - Foundation type and design criteria
 - Estimates of foundation settlement
 - Site preparation and grading
 - Allowable cut and fill inclinations
 - Lateral earth pressures for retaining walls
 - Surface and subsurface drainage
 - Flexible pavement design
 - Construction considerations, including rock excavability
- Consultant to provide City with geotechnical results if a brief technical memorandum.

1.5 Landowner Outreach and PG&E Coordination

Consultant will obtain contact information from the City of the landowners impacted by the projects and write letters to inform them of the project and request any available mapping or other relevant information and documentation. Additionally the consultant shall coordinate all projects with PG&E representative for the City to obtain necessary service, approvals and upgrades from PG&E.

1.6 Contingency for Task 1

The contingency task will cover any unforeseen costs related to Task 1 such as additional in person meetings, presentations by consultant to City Council if needed, additional geotechnical work, etc.

Task 2: Tank 2 Rehabilitation

Task 3 will address the design, engineering, specification and bid supported required for the rehabilitation and recoating Tank 2.

2.1 Plans and Specifications

The consultant will prepare plans and specifications in the City's format to be submitted for review. The final submittal will include full and half sized hard copies and digital copies in both pdf and AutoCAD format. The City will provide comments on the 50 and 90% plan submittals. If necessary, the consultant shall meet with the City to discuss the comments and concerns. The plans will consist of the following at a minimum:

- Cover Sheet
- Site Plan and Details
- Electrical plan and details

The design will address the existing tank mixing issued and include modifications to improve the tank mixing.

Deliverables are as follows:

- 50% Plans and Specification Submittal to City
- 90% Plans and Specification Submittal to the City
- Bid Set Plans and Specifications Submittal to the City

2.2 Prepare Cost Estimate

The consultant will prepare a detailed cost estimate which will be submitted to the City in a preliminary form with the 90% submittal of the plans and in final form with the bid set plans and specifications.

2.3 Respond to RFIs & Other Bidding Services

The consultant will be available as necessary to respond to any request for information RFIs during the bidding process and to assist with other aspects of the bidding process.

2.4 Contingency for Task 3

The contingency is intended to cover any additional costs related to Task 3 such as additional meetings, unforeseen changes to plan and specifications, additional bidding support services, etc.

Task 3: Pump Station and Stonebridge Wells Upgrades

Task 4 will integrate back-up generation at the Stonebridge Wells Facility, Crystal Springs Booster Station and a new pumping station with back-up generation at the Rutherford Pump Station. The facilities will be evaluated under Task 1.2 to determine what improvements are needed to streamline back-up generation and replace the existing Rutherford Pump Station.

Task 3.1 Plans and Specifications

Plans and Specifications will be developed under this task. The design will address how to maintain service to customers during construction of the improvements. Plan set will included, at a minimum:

- Notes, symbols & abbreviations

- Site plan – existing
- Site plan – proposed
- Erosion and sediment control plan (if applicable)
 - Pump station site plan & interior
- Standby generator foundation
- Electrical plan and details
- Control details and diagrams

Deliverables include:

- 50% Plans and Specifications Submittal to City
- 90% Plans and Specifications Submittal to City
- Bid Set Plans and Submittals to the City

3.2 Prepare Cost Estimate

The consultant will prepare a detailed cost estimate which will be submitted to the City in preliminary form with the 90% submittal of the plans and in final form with the bid set submittal.

3.3 Respond to RFIs and Other Bidding Services

The consultant shall be available to respond to any information RFI during the bidding process and to assist with other aspects of the bidding process.

3.4 Prepare Record Drawings

At the completion of the construction of the various projects, the consultant will prepare and submit to the City record drawings based on information provided by the City.

Exhibit B

Compensation

Task	Subtask	Description	Total
1	1.1	Project Management	\$2,998
	1.2	Kick-off Meeting	\$3,703
	1.3	Field Investigation and Inspection, Document Review and Property Survey	\$26,572
	1.4	Geotechnical Investigation	\$19,809
	1.5	Landowner Outreach and PG&E Coordination	\$1,274
	1.6	Contingency for Task 1	\$5,000
2	2.1	Plans and Specifications - Tank 2 Rehabilitation	\$12,484
	2.2	Prepare Cost Estimates	\$1,295
	2.3	Respond to RFIs and Other Bidding Services	\$875
	2.4	Contingency for Task 2	\$2,500
3	3.1	Prepare Plans and Specifications	\$53,259
	3.2	Prepare Cost Estimates	\$9,324
	3.3	Respond to RFIs and Other Bidding Services	\$2,646
	3.4	Prepare Record Drawings	\$3,451
TOTAL			\$145,190



Report to the City Council
Council Meeting of September 25, 2018

Agenda Section: Consent

Subject: Consideration of Resolution Authorizing the City Manager to execute a Memorandum of Agreement between Lake County Sheriff's Department and Saint Helena Police Department Pertaining to Assistance Under the Law Enforcement Mutual Aid Plan

CEQA Determination: Not a CEQA project

Prepared By: Mandy Kellogg, Admin Services Mgr

Reviewed By: April Mitts, Finance Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

On July 27, 2018 extreme conditions aided the Mendocino Complex Fire, which was declared a local emergency. Due to the increasing threat it became necessary for the Sheriff of the County of Lake to request mutual aid assistance to support law enforcement services in connection with the Mendocino Fire Complex.

DISCUSSION

The Law Enforcement Mutual Aid Plan delineates the current policy concerning law enforcement mutual aid. It describes standard procedures used to acquire law enforcement mutual aid resources and the method to ensure coordination of law enforcement mutual aid planning and readiness at the local, state, and federal levels. The Law enforcement mutual aid plan states that a request for law enforcement mutual aid requires the approval of the chief law enforcement officer of the requesting jurisdiction. The Lake County Sheriff is the Operational Area Law Enforcement and Mutual Aid Coordinator. The Lake County Sheriff requested mutual aid from the Saint Helena Police Department on July 28, 2018.

The Saint Helena Police Department responded to the request for mutual aid assistance to Lake County Sheriff's Department providing personnel, equipment, and materials from July 31, 2018 through August 7, 2018. In order to receive reimbursement for City expenses related to this response, a Memorandum of Agreement (MOA) between Lake County Sheriff's Department and the Saint Helena Police Department must be approved by the City Council and the County of Lake Board of Supervisors. The attached resolution requests City Council authorization to have the City Manager execute the MOA.

FISCAL IMPACT

Staff is currently compiling a list of costs incurred from July 31, 2018 through August 7, 2018 to request reimbursement from the County of Lake.

RECOMMENDED ACTION

Approve a resolution authorizing the City Manager to execute a Memorandum of Agreement between Lake County Sheriff's Department and Saint Helena Police Department pertaining to assistance under the law enforcement mutual aid plan.

ATTACHMENTS

[Resolution - MOA](#)

[Memorandum of Agreement](#)

CITY OF ST. HELENA

RESOLUTION No. 2018-

Resolution authorizing the City Manager to enter into a memorandum of agreement between Lake County Sheriff's Department and Saint Helena Police Department pertaining to assistance under the law enforcement mutual aid plan.

RECITALS

- A. On July 27, 2018 extreme conditions aided the Mendocino Complex Fire, which was declared a local emergency; and
- B. The Emergency Management Mutual Aid Plan delineates the current state policy concerning Emergency Management Mutual Aid; and
- C. The County Sheriff is the Operational Area Law Enforcement and Mutual Aid Coordinator; and
- D. The Emergency Management Mutual Aid Plan describes the standard procedures used to acquire emergency management mutual aid resources and the method to ensure coordination of emergency management mutual aid planning and readiness; and
- E. Law Enforcement Mutual Aid Plan provides, in pertinent part, "When an emergency develops or appears to be developing which cannot be resolved by a law enforcement agency within an Operational Area, it is the responsibility of the Operational Area Mutual Aid Coordinator to provide assistance and coordination to control the problem; and
- F. The Emergency Management Mutual Aid Plan provides, in pertinent part, "A request for emergency management mutual aid requires the approval of an authorized official of the requesting jurisdiction"; and
- G. The Sheriff of the County of Lake requested the mutual assistance of the Saint Helena Police Department, pursuant to the Law Enforcement Mutual Aid Plan to support law enforcement services in connection with the Mendocino Complex Fire; and
- H. The Saint Helena Police Department agrees to document all of its mutual assistance costs related to the Mendocino Complex Fire as attachments to the MOA and submit to Lake County as soon as practicable.

RESOLUTION

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

1. The City Council authorizes the City Manager the City Manager to enter into a memorandum of agreement between Lake County Sheriff's Department and Saint Helena Police Department pertaining to assistance under the law enforcement mutual aid plan.

Approved at a Regular Meeting of the St. Helena City Council on September 25, 2018,
by the following vote:

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

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Tzaopoulos, City Clerk

**MEMORANDUM OF AGREEMENT BETWEEN LAKE COUNTY SHERIFF'S DEPARTMENT AND
SAINT HELENA POLICE DEPARTMENT PERTAINING TO ASSISTANCE UNDER THE LAW
ENFORCEMENT MUTUAL AID PLAN**

WHEREAS, on July 27, 2018 extreme conditions (that contributed to the disaster such as strong winds and low humidity) aided the Mendocino Complex Fire that swept through the region; and

WHEREAS, on July 28, 2018 in response to the declaration of a local emergency, approved by the Lake County Board of Supervisors on July 30, 2018 as well as Fire Management Assistance Grant (FMAG) #5262; and

WHEREAS, the Law Enforcement Mutual Aid Plan is issued and revised under the authority of Sections 8550, 8569, 8615 and 8668 of the California Government Code, the California Emergency Plan, and the Master Mutual Aid Agreement; and

WHEREAS, the Law Enforcement Mutual Aid Plan delineates the current state of the policy concerning law enforcement mutual aid; and

WHEREAS, the Law Enforcement Mutual Aid Plan describes the standard procedures used to acquire law enforcement mutual aid resources and the method to ensure coordination of law enforcement mutual aid planning and readiness; and

WHEREAS, the County Sheriff is the Operational Area Law Enforcement and Mutual Aid Coordinator; and

WHEREAS, Law Enforcement Mutual Aid Plan provides, in pertinent part, "When an emergency develops or appears to be developing which cannot be resolved by a law enforcement agency within an Operational Area, it is the responsibility of the Operational Area Mutual Aid Coordinator to provide assistance and coordination to control the problem; and

WHEREAS, the Law Enforcement Mutual Aid Plan provides, in pertinent part, "A request for law enforcement mutual aid requires the approval of the chief law enforcement officer of the requesting jurisdiction," and

WHEREAS, the Sheriff of the County of Lake requested the mutual aid assistance of the Saint Helena Police Department, pursuant to the Law Enforcement Mutual Aid Plan to support law enforcement services in connection with the Mendocino Complex Fire; and

WHEREAS, the Saint Helena Police Department provided mutual aid assistance consisting of law enforcement personnel, equipment, and materials from July 28, 2018 through August 8, 2018 to assist with law enforcement services in connection with the Mendocino Complex Fire; and

WHEREAS, the Saint Helena Police Department agrees to document all of its mutual aid assistance costs related to the Mendocino Complex Fire as attachments to this MOA and submit to the County of Lake as soon as practicable; and

NOW, THEREFORE, IT IS HEREBY AGREED, by and between the County of Lake and the Saint Helena Police Department that the County of Lake may reimburse all reasonable costs associated with Saint Helena Police Department law enforcement mutual aid assistance during the Mendocino Complex Fire.

Executed at Lakeport, California, on the day and year first written above.

COUNTY OF LAKE

COUNTY/CITY _____

Jim Steele, Chairman
Board of Supervisors

By: _____

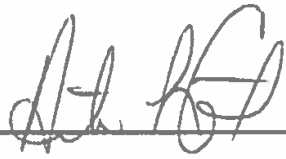
Name
Title
Date

ATTEST: Carol J. Huchingson
Clerk to the Board of Supervisors

BY: _____

APPROVED AS TO FORM:

Anita Grant
County Counsel

BY:  _____



Report to the City Council
Council Meeting of September 25, 2018

Agenda Section: Public Hearing

Subject: Introduction and first reading of an ordinance amending St. Helena Municipal Code ("SHMC") Title 17, Section 17.148, Signs, as deemed appropriate by the City Council.

CEQA Determination: Exempt from the requirements of CEQA under the "General Rule", Section 15061 (b)(3), in that it can be seen with certainty that the proposed action will have no impact on the environment.

Prepared By: Aaron Hecock, Senior Planner

Reviewed By: Noah Housh, Planning & Community Improvement Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

City staff, the Planning Commission, City Council, and project applicants regularly find challenges with the existing Zoning Code, including incomplete requirements, antiquated policies, and a general lack of consistent regulations. In the spring of 2017, City staff worked with the Planning Commission to prioritize an on-going list of potential citywide projects of interest to the Commission. One of the leading priorities identified at this time was initiation of a comprehensive Zoning Code update in order to address a number of problematic issues and inconsistencies.

On August 22, 2017, the City Council and the Planning Commission prioritized an update of the Zoning Code as a top priority to both address these on-going issues, as well as provide an efficient method to tackle a number of other priorities identified by the Planning Commission and City Council.

On October 4, 2017, the Council of the City of St Helena adopted their three year goals which included a goal to Enhance Organizational Performance. Under this goal was a line item directing planning department staff to "Prepare recommended updates to the

City's Sign Ordinance." The Council prioritized preparing recommended updates to the sign ordinance by June 30, 2018.

On February 20, 2018, staff presented a number of suggested sign code changes to the Commission for discussion where the Commission provided general support for the changes.

On May 15, 2018, the Planning Commission decided to segment the discussion of the sign ordinance by moving forward with recommended changes regarding "free speech" signs while postponing other proposed changes for further discussion. Those segmented items were taken before the Council for review and action and are now in place.

On August 21, 2018, staff again presented suggested sign code changes to the Planning Commission where the Commission provided direction and a recommendation of approval to the City Council.

DISCUSSION

Review Municipal Code Section 17.148 (Signs)

Process Improvements

The current sign code has two processes, an administrative sign permit and a Planning Commission sign permit, both of which have prescriptive standards for the number, size, and location of commercial signage. The code also contains language that allows the Planning Commission to consider illuminated signs (including neon), signs that are larger, or signs in addition to those permitted with an administrative sign permit. In addition, signs that exceed the limitations of size, number, or lighting may be approved with the finding that the signs contribute to the historical or architectural character of the community.

Staff finds that the prescriptive limitations in place (currently for both Planning Commission and administrative sign permits), would allow sign permit applications which clearly meet these design criteria applications, to be reviewed at the staff level. Any request for signs which fall outside those prescriptive limitations, would then be elevated to Planning Commission for review. This change would make the sign permit process less cumbersome and more efficient for the public, staff, and the Commission, and therefore work to both encourage compliance and to more efficiently utilize staff resources.

As such, the Planning Commission is recommending amendments to Municipal Code Section 17.148 which would allow signs within the prescriptive standards set forth in Municipal Code Section 17.148.040 to be approved at the staff level with sign permit requests falling outside those prescribed limitations (more or larger signs) requiring Planning Commission approval.

Other Changes

In addition, staff has identified other minor changes that would improve the functionality of the sign ordinance including the following:

- Several definitions have been modified for greater clarity and additional sign types have been added to the list of Exclusions (17.148.020);
- Section 17.148.080 'Real estate signs', has been slightly modified including deletion of the asterisk stating that the section terminates on May 26, 2009, with the intention that the section become permanent;
- In response to the recent Kosmont report on the City's downtown retail environment and suggestions for improvement made therein, staff has included a draft 'way-finding signs' framework and is requesting input from the Council on its contents; and
- Staff is recommending that an administrative sign permit fee of approximately \$500.00 be created and implemented, as the current sign permit application fee of \$1,000.00 does not accurately differentiate between the process required to review an administrative sign permit and that required for Planning Commission sign permit approval. This fee is a conservative estimate of the time required to process such an application and is based on the overall staff blended rate of \$150/hour identified in the fee schedule. Staff recommends that the \$1,000.00 Sign Permit fee remain in place or signs requiring Commission approval.

As previously noted, suggested amendments to Municipal Code Section 17.148 "Signs" are attached for Commission review. Additions are shown in underline and deletions are shown in ~~striketrough~~.

ANALYSIS

Amendments are governed by Municipal Code Section 17.12 and by Government Code Section 65853. Municipal Code Section 17.12 stipulates that text amendments may be recommended by the Planning Commission for approval by the City Council insofar as the Planning Commission finds the proposed amendments are in conformance with the General Plan and consistent with the public necessity, convenience, general welfare, and good zoning practice.

General Plan Consistency

The proposed text amendments are intended to clarify and streamline existing sign regulations and to bring the code into compliance with current state law. As such, the proposed text amendments are found to be consistent with the following policy listed in the in the 1993 City of St. Helena General Plan:

- *2.6.31 – Require the design of all new commercial development to be compatible with and complementary to the image and character of the historic Main Street area.*
- *2.6.50 – Require office development that is located within a commercial district to be similar in appearance and character with surrounding businesses so that it*

does not detract from the design character or pedestrian orientation of the shopping district.

- *4.3.21 – This area (Service Commercial) serves as part of the entry sequence into the city from the south. For this reason care shall be exercised to ensure that this area is attractive and a positive element of the cityscape.*

Staff Response: As detailed under Municipal Code Section 17.12.080, the City Council may, by ordinance, approve Code amendments whenever the public necessity, the general community welfare, and good zoning practice warrant such amendment. Accordingly, the proposed text amendments would further the public necessity, convenience, general and good zoning practice by creating a more efficient and effective process for the administration of sign permits.

CEQA

Staff finds that this action to adopt an Ordinance to amend Chapter 17 of the St. Helena Municipal Code is exempt from the requirements of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) pursuant to Guidelines Sections 15301, 15302 and 15303 in that these modifications reduce the review process for modifications to and replacement of existing sign structures and further allow the construction or conversion of “Small Structures” (signs) as defined in the statute. Further, these changes are found to be exempt under CEQA Guidelines Sections 15061(b)(1), 15061(b)(2), and specifically, the “General Rule” Section 15061(b)(3), where it can be seen with certainty that the proposed action will have no significant effect on the environment, projects are exempt from the requirements of CEQA. Furthermore, these changes are in accordance with the adopted 1993 General Plan Environmental Impact Report (EIR) and 2015 Housing Element Mitigated Negative Declaration (MND).

FISCAL IMPACT

No significant impacts to the General Fund are expected as a result of the the proposed ordinance amendments. The reduced fee could slightly decrease department revenues; however, the concurrent reduction in the staff time needed to process administrative sign permits will offset this reduction by allowing more efficient use of staff resources.

RECOMMENDED ACTION

It is recommended by the Planning Commission of the City of St. Helena that the City Council review the Draft Ordinance and proposed text amendments to the Sign Ordinance and:

1. Determine that the proposed Zoning Code text amendments are exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15061, 15301, 15302 and 10303; and
2. Review and approve the text amendments to St. Helena Municipal Code Title 17, Chapter 17.148 in order to update and modify existing Zoning Code regulations governing signs; and
3. Introduce and conduct first reading of the ordinance, by title only and waive further reading.

ATTACHMENTS

[Chapter 17.148 redline](#)

[Draft Ordinance update](#)

[Exhibit A](#)

Chapter 17.148**SIGNS**

Sections:

- 17.148.010 Definitions.
- 17.148.020 Exclusions.
- 17.148.030 Signs prohibited.
- 17.148.040 Regulated signs.
- 17.148.050 Illumination.
- 17.148.060 Neon signs.
- 17.148.070 Monument signs.
- 17.148.080 Real estate signs.
- 17.148.090 Temporary noncommercial signs.
- 17.148.100 Public information signs.
- 17.148.110 Miscellaneous regulations.
- 17.148.120 Administration.
- 17.148.130 Nonconforming signs.

17.148.010 Definitions.

As used in this chapter:

“Abandoned sign” means any sign which pertains to a business or occupation which is no longer using the particular property, or which relates to a time or event which no longer applies, constitutes abandoned advertising or identification.

“Advertising billboard” means any structure or sign upon which there is any advertising message calling attention to a use, product, service or similar function not conducted or sold upon the site upon which the billboard is located or in the structure to which the billboard is attached or otherwise affixed. Billboards may be freestanding or affixed or otherwise attached to another structure.

“Awning, canopy or marquee” means a permanent roof-like shelter extending from part or all of a building face over a public right-of-way and constructed of a durable material such as metal, wood, glass or plastic or a less permanent hood or cover which projects from the wall of a building and is covered with a rigid or nonrigid material such as canvas.

“Awning, canopy or marquee sign” means any message which is painted on or otherwise affixed to a building awning, canopy or marquee. Each side of an awning with a message shall be counted as a separate sign.

“Balloon sign” means a temporary sign which may or may not contain graphics painted on or affixed to a balloon or inflated character.

“Banner” means a temporary sign for grand openings or special events composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted so as not to allow movement of the sign.

“Building sign” means a sign lettered to give the name of a building itself or the date constructed, as opposed to the name of occupants or services.

“Changeable copy sign” means a sign which, in part or whole, provides for periodic changes in the letters or in the material composing the sign. Signs on which the only change is a periodic price change for the product or products customarily sold on the premises and on which the location, size and color of the numbers remain constant are not to be considered changeable copy signs.

“Commercial message” means any copy that directly or indirectly names, draws attention to, or advertises a business, product, good, service, or other commercial activity, or which proposes a commercial transaction.

“Commercial sign” means a sign with a commercial message.

“Directory sign” means a sign designed and intended to list and/or name any or all of the business firms and/or types of businesses conducted at an office building or shopping-center-type development and which are freestanding or attached to the building or structure in which the use is conducted.

“Election period” means the period commencing 60 days before any national, state, or local election in which city electors may vote up through the date of the election.

“Encroachment” means the extension of any sign over a public right-of-way or private access way.

“Freestanding sign” means a sign that is self-supporting in a fixed location and not attached to a building.

“Home occupation sign” means a sign identifying a home occupation, which is an accessory use of a residential property for gainful employment by the resident of a dwelling.

“Identification sign” means a sign designed and intended to identify the name of a commercial business, professional office use, public use, quasi-public use, or similar use and which sign is located upon the premises to be identified.

“Illegal sign” means any sign which was not lawfully erected or maintained, or was not in conformance with the ordinance in effect at the time of the erection of the sign or advertising statuary, or which was not installed with a valid permit from the city.

“Illuminated awning” means an internally illuminated shelter projecting from and supported by the exterior wall of a building constructed of a nonrigid translucent covering over a supporting framework. This type of sign may or may not contain graphics or copy on the surface of the awning.

“Incidental sign” means a sign pertaining to and advertising goods, products, services or facilities which are available on the premises. Such signing is in addition to the main identification signing.

“Interior sign” means a sign which may be displayed within a business or residence provided it is not displayed so as to be viewed from any public space.

“Internally illuminated sign” means a sign which is illuminated from a lighting source within the internal structure of the sign which illuminates the entire face of the sign; (does not include neon signs or halo illuminated signs).

“Message” means a graphic, letter, numeral, symbol, logo, hallmark, text, insignia, sample, model, picture, drawing, device, or appliance, or combination thereof, affixed to identification, and/or services.

“Monument sign (freestanding or detached or pole)” means a sign supported by structures or supports that are placed on or anchored in the ground that are independent from any building or other structure.

“Neon sign” means a sign which is illuminated in whole or in part by neon or similar gas.

“Nonappurtenant sign” means a sign which advertises a business, products, services or other uses which are not associated with the premises where the sign is located.

“Noncommercial message” means any copy that communicates a message that is not a commercial message. A noncommercial message does not directly or indirectly, name, draw attention to, or advertise a business, product, good, service, or other commercial activity, or propose a commercial transaction.

“Noncommercial sign” means a sign with a noncommercial message.

“Nonprojecting sign” means a sign which uses a building structure as its main source of support and contains copy that is parallel to the wall to which it is affixed.

“Pennant” means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series designed to move in the wind.

“Portable freestanding sign” means a sign that is designed to be movable and is not structurally attached to the ground, a building, a structure or any other sign. Portable freestanding signs include, but are not limited to, sandwich board signs, A-frame signs, and easels.

“Primary frontage” means the side of a building facing a street or, in the case of a building having more than one side facing a street, the side so designated by planning department staff ~~the property owner~~.

“Projecting sign” means a sign which uses a building structure as its main source of support and contains copy that is perpendicular, or at an angle, to the building face.

“Public information sign” means a sign bearing symbols, badges or other messages identifying, stating the location of, or providing information concerning regularly scheduled meetings of civic and community service clubs, churches and religious organizations, hospitals serving the general public, and municipal services and buildings (e.g., fire station, police station, city hall, post office, etc.).

“Real estate open house sign” means a temporary portable freestanding two-sided A-frame sign that directs customers to property where an open house is in progress.

“Real estate sign” means a temporary, on-premises sign, which gives notice offering the sale, rental, or lease of real estate.

“Rider” shall mean additional signs or copy appended or attached to the main sign and frequently provides additional information in the form of text, graphics, and/or logo.

“Roof sign” means any sign placed upon, projecting from, or directly above the roof of a structure or building, or above the ridge of the roof, or above the roof itself, if there is no ridge.

“Secondary frontage” means the sides of a building other than the primary frontage which are visible from a public right-of-way or from adjacent private property or which provide secondary access to the use or activity.

“Shopping center development” means an integrated commercial development larger than one acre in size where two or more commercial uses are conducted and are provided with a common parking lot.

“Shopping center identification sign” means a sign designed and intended to name or identify a shopping-center-type development.

“Sign” means any medium, including its structure and component parts in view of the general public, which is used to attract attention for advertising or identifying purposes.

“Sign area” means that area enclosed in the frame of the sign as measured from the outside of the frame and following the contour of the frame. In those instances where a sign is painted or otherwise affixed or attached to a wall or similar structure or portion thereof, the area of a sign shall be computed by measuring the overall length and width of the message. This computation shall also be utilized when raised or freestanding letters are affixed or attached to a structural surface.

“Street furniture sign” means a sign located on a bench or similar structure which is located within the public right-of-way.

“Subdivision identification sign” means an identification sign with the name of the residential subdivision which is located within the subdivision.

“Temporary sign” means a sign constructed of cloth, canvas, lightweight fabric, cardboard, wallboard, wood or other light materials, with or without frames, which is not intended for or suitable for long-term or permanent display, due to the materials used, the means of display, or the procedures by which it is approved.

“Temporary advertising sign” means a sign used for grand openings or special sales that is attached to the interior of a window.

“Vehicular sign” means a sign affixed on a vehicle or trailer for the purpose of circumventing the regulations within this chapter.

“Wall sign” means a sign which is in any manner affixed to any exterior wall of a building or structure and which projects not more than two feet from the building or structure and does not extend above the roof, parapet, building facade or any outermost edge of the building or structure.

“Window sign” means any sign painted on or attached to a window or located inside a window and designed to be viewed from outside of the building in which the window is located. This term does not include merchandise located in a window. (Ord. 08-2 § 2 (part); Ord. 06-5 § 2 (part); Ord. 02-6 § 14; prior code § 27.320)

17.148.020 Exclusions.

The following signs are not governed by the provisions of this chapter:

A. Official notices posted by any public officer in performance of a public duty or by any person giving legal notice;

B. Business name added to a Directory sign for which a sign permit has previously been authorized.

C. City signs. Signs identifying the department, service, or location of City facilities and operations subject to the location and size limitations in Section 17.148.040.

D. Directional warning or information signs required by law or by governmental authority;

~~E~~. Signs of public utility companies indicating danger or which serve as an aid to public safety or which show the location of underground facilities or public telephones;

~~F~~. Signs advertising a future occupant of a building or noting the contractors, engineers or architects erecting or remodeling a building, provided the same do not exceed sixteen (16) square feet, are single-faced and are removed upon occupancy or completion of erection or remodeling;

~~G~~. Signs which are not visible from a public right-of-way or from other private property in the vicinity;

~~H~~. Signs which are part of a temporary window display and which are not affixed to the window;

~~I~~. Festival/benefit banners on/over public property, or off-premises signs advertising community events sponsored by or for the benefit of nonprofit organizations as approved by resolution of the city council;

~~J~~. No more than one national flag of a country and/or no more than one flag of a state which are displayed in a manner consistent with laws governing respect of such flags, and flown from a pole the height of which is no more than the maximum permitted height for structures in the applicable zoning district. Other types of flags shall be considered signs;

~~K~~. Temporary advertising signs for a business grand opening provided the sign is not displayed for more than thirty (30) days;

~~L~~. Temporary advertising signs, including banners (up to 60 square feet) or balloons (twelve (12) inches or smaller) for a special business sale or promotional event, provided the sign is not displayed for more than two weeks at any one time and for not more than four times per year (maximum of eight weeks of temporary advertising signs being displayed per year). When balloons (twelve (12) inches or smaller) are included as temporary advertising the number of balloons shall be limited so they are not the primary advertising feature;

Commented [AH1]: There was no Planning Commission consensus on maximum size, however staff research indicates an appropriate banner size limitation is in the area of 4 feet x 15 feet (60 square feet).

Commented [AH2]: Again, there was no Planning Commission consensus on duration limitations for temporary signs; some want to leave the limitations as is and others want to increase it up to 4 weeks at a time up to 6 times per year (or a maximum of 24 weeks total).

~~MK.~~ Paper banners attached to the interior of the window advertising weekly specials at grocery stores and variety stores;

~~NL.~~ Real estate signs less than four square feet in size on the property listed for sale or rent as regulated by Section 17.148.080;

~~O.~~ Temporary signs for blood bank, community service club events or similar not for profit community activities, and garage or rummage sale signs pertaining to activity on the property where they are located and displayed on the day of the activity only;

~~PM.~~ Building signs as defined in Section 17.148.010 and less than four square feet in size;

~~QN.~~ Signs required to be posted by law;

~~RO.~~ Holiday lights and decorations. (Ord. 08-2 § 2 (part): Ord. 06-5 § 2 (part): prior code § 27.321)

17.148.030 Signs prohibited.

The following signs shall be prohibited within the city:

- A. Airborne balloons greater than twelve (12) inches in size, banners (except as excluded by Section 17.148.020(~~GL~~)), pennants, valances, propellers, spinners, streamers, lights or similar devices or ornamentation designed for purposes of attracting attention, promotion or advertising;
- B. Signs located within the public right-of-way including any sign or handbill attached to a utility pole or street sign pole except those required or permitted by federal, state or local law;
- C. Revolving, animated or moving signs and signs with flashing illumination, including flashing arrows, blinking lights or other devices. This does not include traditional barber poles which may be allowed in front of barbershops upon approval of sign permit by the planning commission;
- D. Off-premises signs, except those signs approved by a planning commission sign permit to be located on a legal easement for an access way through another property when such access is required for public use;
- E. The following types of signs as defined in Section 17.148.010:
 - 1. Advertising billboards,
 - 2. Balloon signs,
 - 3. Changeable copy signs, except for theater marquees or gas station signs,
 - 4. Home occupation signs,
 - 5. Illuminated awnings,
 - 6. Internally illuminated signs, except for theater marquees,
 - 7. Neon "Open" signs, subject to planning commission review, provided the tubing is white and the neon "Open" sign is located on property where the speed limit is in excess of twenty-five (25) miles per hour,
 - 8. Nonappurtenant signs,
 - 9. Pennants,
 - 10. Portable freestanding signs,
 - 11. Roof signs,
 - 12. Street furniture signs,

13. Subdivision identification signs,
14. Vehicular signs, ~~(Ord. 08-2 § 2 (part); Ord. 06-5 § 2 (part); prior code § 27.322)~~

17.148.040 Regulated signs.

No sign, addition to a sign, alteration of a sign or replacement of a sign, unless specifically excluded in Section 17.148.020, shall be permitted in any district without first obtaining an administrative sign permit or a planning commission sign permit.

A. Administrative Sign Permit.

1. An administrative sign permit shall be reviewed by the planning ~~department director~~ for compliance with the standards set forth for the district in which the sign is to be located.
2. The applicant shall be notified within ~~fourteen (14)~~ thirty (30) days whether or not the administrative sign permit is approved. If the permit is not approved the applicant may either amend the design to comply with the standards or may amend the application to request sign permit approval from the planning commission. If the design of the sign is amended and resubmitted for review the applicant shall be notified within ~~fourteen (14)~~ thirty (30) days from the date the amended design is submitted whether or not the administrative sign permit is approved.
3. Insubstantial changes to existing signs, such as a change in color or business name, may be authorized by an administrative sign permit.

B. Planning Commission Sign Permit.

1. A planning commission sign permit shall be reviewed by the planning commission at a regularly scheduled meeting for compliance with the standards set forth for the district in which the sign is to be located.
2. The purpose of the planning commission sign permit is to allow the consideration of illuminated signs (including neon), signs that are larger, of a unique design or location, or signs in addition to those permitted with an administrative sign permit. The planning commission shall consider the compatibility of the sign to the site, the appropriateness of the materials and colors in relation to the project, the compatibility of the sign to the small town character of St. Helena, and the impact the sign may have on surrounding properties. The commission shall not approve signs which obscure or detract from the architecture of a historic building or structure.
3. A sign program addressing the needs for all businesses within a building with multiple tenants, or within shopping centers or other types of planned commercial developments may be required prior to the approval of any signs for an individual business within that development. The planning commission shall consider the cumulative visual effect of all signs, and may reduce the overall number and/or area of signs allowed for each business or may require that directory signs be used instead of individual signs. A sign program ~~shall be required~~ may be proposed for ~~all businesses within~~ a building with multiple tenants, or ~~within~~ shopping centers or other types of planned commercial developments prior to approval of any signs for an individual business within that development ~~when located on a site of one acre or greater in area~~.
4. The planning commission may approve sign permits within any zoning district to retain historic signs or to approve new signs that are compatible with historic structures or uses. Signs that exceed the limitations of size, number or lighting may be approved with the finding that the signs contribute to the historical or architectural character of the community.
5. Permits shall be subject to general administrative procedures set forth in Chapters 17.04, 17.08, 17.12, 17.168 and 17.172.

C. Standards. The size and number of identification signs for each business on a property shall depend upon the zoning district in which it is located as ~~described below follows: All other signs and illumination for signs, unless noted in Section 17.148.020 or Section 17.148.030 of this chapter, shall be subject to review and approval of a~~ planning commission sign permit.

1. CB Central Business District.

a. Administrative Sign Permit. Each business shall be permitted ~~one of each a total of two~~ of the following types of nonilluminated signs ~~(up to 3 total)~~ upon issuance of an administrative permit, provided each sign is in compliance with the specified regulations.

- i. One identification sign not to exceed five ~~(5)~~ square feet ~~with a six-inch maximum letter size~~ on one side of an awning fascia over the primary frontage of the business;
- ii. One nonprojecting identification sign attached to the primary frontage of the building or painted on a door or window, limited to ~~six-ten (10)~~ square feet in size;
- iii. One projecting identification sign attached to the primary frontage of the building limited to three ~~(3)~~ square feet per side; ~~and~~
- iv. The business name, address, and hours of operation painted on a door or window and limited to four ~~(4)~~ square feet in size; ~~and/or~~

~~v. The business name on a directory sign for which a sign permit has previously been authorized.~~

Commented [AH3]: Added to list of exclusions above.

b. ~~Planning Commission Sign Permit. All other signs and illumination for signs, unless noted in Section 17.148.020 or Section 17.148.030 of this chapter, shall be subject to review and approval of a planning commission sign permit. Limitations. The additional following limitations shall apply to administratively approved signs.~~

- i. The aggregate area of all signs on the primary frontage, including incidental signs, shall not exceed the lesser of forty (40) square feet in sign area or a ratio of one square foot of signage to one linear foot of business frontage.
- ii. ~~No single sign shall exceed twenty (20) square feet in size.~~
- ii. Secondary frontage signs per business: one sign for each secondary frontage.
- ivii. Maximum cumulative sign area for all secondary frontage signs, including both sides of a two-sided sign: twenty (20) square feet.

Commented [AH4]: No longer applies with the restrictions in size above.

c. Permitted Signs. Each business shall be permitted two nonilluminated incidental signs. Each sign shall not exceed two ~~(2)~~ square feet in size.

d. Identifying Information. Each business shall be permitted to paint on a door or window the address and/or hours of operation in an area not to exceed two ~~(2)~~ square feet.

2. SC Service Commercial District and I Industrial District.

a. Administrative Sign Permit. Each business shall be permitted ~~one of each a total of two~~ of the following types of nonilluminated signs ~~(up to 3 total)~~ upon issuance of an administrative permit, provided each sign is in compliance with the specified regulations.

- i. One identification sign not to exceed ten (10) square feet ~~with a six-inch maximum letter size~~ on one side of an awning fascia over the primary frontage of the business;
- ii. One projecting or nonprojecting identification sign attached to the building or painted on a door or window, limited to a total sign area of twelve (12) square feet in size; ~~and~~
- iii. The business name, address, and hours of operation painted on a door or window and limited to four ~~(4)~~ square feet in size; ~~and/or~~

~~iv. The business name on a directory sign for which a sign permit has previously been authorized.~~

Commented [AH5]: Added to list of exclusions above.

The St. Helena Municipal Code is current through Ordinance 17-3, passed October 24, 2017.

~~b. Planning Commission Sign Permit. All other signs, unless noted in Section 17.148.020 or Section 17.148.030 of this chapter, shall be subject to review and approval of a sign permit by the planning commission. Limitations. The additional following limitations shall apply to administratively approved signs.~~

- i. Maximum number of identification signs on the primary frontage per business: two.
- ii. Maximum cumulative sign area, including both sides of a two-sided sign, of all identification signs on the primary frontage per business: sixty (60) square feet.
- iii. Secondary frontage signs per business: one sign for each secondary frontage.
- iv. Maximum cumulative sign area for all secondary frontage signs, including both sides of a two-sided sign: twenty (20) square feet.
- v. The planning commission may approve signs that exceed the height, size and number of signs specified in this district for properties located along Main Street where sign visibility is impaired due to consideration of the following circumstances:
 - (A) The building is set back from the street for a distance of fifty (50) feet or more;
 - (B) The visibility of the building is obscured;
 - (C) The speed limit on Main Street is greater than thirty-five (35) miles per hour; and
 - (D) A sign meeting the standards of this title would create a safety hazard by obscuring the vision of autos exiting the property.

c. Permitted Signs. Each business shall be permitted two nonilluminated incidental signs not more than two (2) square feet in size.

d. Identifying Information. Each business shall be permitted to paint on a door or window the address and hours of operation in an area not to exceed two (2) square feet.

3. BPO Business and Professional Office District.

a. Administrative Sign Permit. ~~Each business shall be permitted one~~One of each of the following types of nonilluminated signs ~~(up to 2 total) shall be permitted~~upon issuance of an administrative permit provided each sign is in compliance with the specified regulations:

- i. ~~One identification sign not to exceed ten (10) square feet on one side of an awning fascia over the primary frontage of the business;~~
- ii. ~~One nonprojecting identification sign attached to the primary frontage of the building or painted on a door or window, limited to ten (10) square feet in size;~~
- iii. ~~One projecting identification sign attached to the primary frontage of the building limited to three (3) square feet per side; and~~

~~The business name on a directory sign for which a sign permit has previously been authorized;~~

- iv. The business name, address, and hours of operation painted on a door or window and limited to four (4) square feet in size.

~~b. Planning Commission Sign Permit. All other signs and illumination for signs, unless noted in Section 17.148.020 or Section 17.148.030 of this chapter, shall be subject to review and approval of a planning commission sign permit. Limitations. The additional following limitations shall apply to administratively approved signs.~~

Commented [AH6]: Added to list of exclusions above.

- i. Maximum number of identification signs on the primary frontage per business: two.
- ii. Maximum cumulative sign area, including both sides of a two-sided sign, of all identification signs on the primary frontage per business: forty (40) square feet.
- iii. Secondary frontage signs per business: one sign for each secondary frontage.
- iv. Maximum cumulative sign area for all secondary frontage signs, including both sides of a two-sided sign: twenty (20) square feet.

4. PQP Public and Quasi-Public Districts.

a. Administrative Sign Permit. ~~A total of two (2) of the~~ The following types of nonilluminated signs shall be permitted upon issuance of an administrative permit provided each sign is in compliance with the specified regulations.

- i. One identification sign not to exceed ten (10) square feet on one side of an awning fascia over the primary frontage of the business;
- ii. One nonprojecting identification sign attached to the primary frontage of the building or painted on a door or window, limited to ten (10) square feet in size;
- iii. One projecting identification sign attached to the primary frontage of the building limited to three (3) square feet per side; and
- iv. The business name, address, and hours of operation painted on a door or window and limited to four square feet in size.

b. ~~Planning Commission Sign Permit. All other signs, unless noted in Section 17.148.020 or Section 17.148.030 of this chapter, shall be subject to review and approval of a sign permit by the planning commission. Limitations. The additional following limitations shall apply to administratively approved signs.~~

- i. Maximum number of identification signs on the primary frontage per business: two.
- ii. Maximum cumulative sign area, including both sides of a two-sided sign, of all identification signs on the primary frontage per business: twenty (20) square feet.
- iii. Secondary frontage signs per business: one sign for each secondary frontage.
- iv. Maximum cumulative sign area for all secondary frontage signs, including both sides of a two-sided sign: twenty (20) square feet.

5. Residential Districts. Signs within residential districts are permitted for identification of multifamily residential developments and bed and breakfast inns upon review and approval of a planning commission sign permit. Subdivision identification signs or home occupation signs are not permitted.

- a. For multifamily residential developments: one sign with a maximum sign area of twenty (20) square feet.
- b. For bed and breakfast inns: one sign attached to the main house with a maximum sign area of eight square feet.

6. Winery and Agricultural Districts. Signs within winery or agricultural districts are permitted only upon review and approval of a planning commission sign permit. When reviewing signs for wineries or other agricultural businesses the commission shall consider the cumulative visual impact of all signs on the property. (Ord. 08-2 § 2 (part); Ord. 06-5 § 2 (part); prior code § 27.323)

17.148.050 Illumination.

All illuminated signs, unless specifically prohibited in Section 17.148.030, shall be subject to review and approval of a planning commission sign permit, who shall review the sign for hours of operation, size, color, intensity of light, and creativity of design. ~~Signs shall not be illuminated when the business is closed. (Ord. 08-2 § 2 (part); Ord. 06-5 § 2 (part); prior code § 27.324)~~

Commented [AH7]: Without consensus, the Planning Commission expressed interest in requiring illuminated signage to be cutoff at 11pm or within 1 hour of closing.

17.148.060 Neon signs.

- A. All neon signs are regulated by planning commission sign permit.
- B. Each business is limited to one neon sign.
- C. No more than twenty-five percent (25%) of the sign area allowed for the primary frontage of a business shall be neon.
- D. Neon may be used for business identification only and shall not be used for incidental signs pertaining to and advertising goods, products, services, brand names or facilities which are available on the premises. Neon "Open" signs are prohibited. (Ord. 08-2 § 2 (part); Ord. 06-5 § 2 (part); prior code § 27.325)

17.148.070 Monument signs.

- A. All monument signs shall be located on the property served by the sign; off-premises signs are not permitted.
- B. The maximum height of a monument sign shall be eight feet, as measured from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be considered to be the grade after construction exclusive of any filling, berming, mounding, or excavating for landscaping or for the purpose of locating the sign.
- C. Monument signs shall be located no closer to the right-of-way than one-half the distance of a required front or side setback. ~~Planning Commission Use permit~~ approval shall be required for any request to locate a monument sign closer to the right-of-way than is permitted above. (Ord. 08-2 § 2 (part); Ord. 06-5 § 2 (part); prior code § 27.326)

17.148.080 Real estate signs.*

~~A. Real estate signs and open house signs that are less than four square feet in size are permitted when located on the property that is listed for sale. These signs are allowed without securing a permit from the city, provided they comply with the requirements of Section 17.148.020, Exclusions.~~

B.A. Real estate open house signs, as defined in Section 17.148.010, may be located off-premises as follows:

1. The use of off-premises open house signs is allowed only on Saturdays and Sundays, between the hours of noon to four p.m.
2. Open house signs that are placed on Main Street include the words "Open House" and may have a directional arrow, but shall not include the address of the property where the open house is located nor any other riders. The signs shall not advertise any particular real estate company or agent.
3. Open house signs that are placed on streets other than Main Street may include the words "Open House," may have a directional arrow, may include the address of the property where the open house is located and may include the name of the real estate company or agent. Only one sign per directional change is allowed.
4. Only one sign is allowed at a street intersection.
5. Signs shall not block sidewalks or pedestrian pathways; a four-foot-wide clear path of travel shall remain open.
6. Signs shall not be placed in a manner that impedes the sight distance and visibility for motorists.
7. No signs shall be placed on private property without the written permission of the property owner.
8. No signs shall be posted on street signs or utility poles.

CB. Open house signs in violation of this section may be subject to summary abatement under Section 1.12.130 of this code, Summary abatement of immediate dangers, and a one hundred dollar (\$100.00) penalty to be imposed according to the provisions of Chapter 1.12, Enforcement Procedures. (Ord. 09-1 § 3; Ord. 08-2 § 2 (part))

~~* Code reviser's note: Section 2(B) of Ordinance 08-2, adding Section 17.148.080 and renumbering existing Sections 17.148.080 through 17.148.120 to be 17.148.090 through 17.148.130, provides: "This amendment is enacted for a period of one year and shall terminate on May 26, 2009, unless extended or made permanent by action of the City Council."~~

Commented [AH8]: Staff suggests making this permanent.

17.148.090 Temporary noncommercial signs.

A. General Regulations.

Temporary noncommercial signs in all districts are permitted at all times without a sign permit subject to the following regulations:

- (1) Number. Each parcel is permitted two (2) freestanding or building mounted temporary noncommercial signs at all times. Such signs are in addition to all other signage allowed in this chapter.
- (2) Area. A temporary noncommercial sign may not exceed six (6) square feet in area per side.
- (3) Height. A temporary noncommercial sign may not exceed four (4) feet in height or two (2) feet in height from the top on any wall or fence if posted on a wall or fence. Signs are not permitted on top of walls or fences greater than 42 inches in height. A temporary noncommercial sign mounted, affixed or painted onto a structure may not exceed eight (8) feet in height.
- (4) Location. Temporary noncommercial signs may be placed in the front yard, rear or side yard of any property; provided, that the signs do not encroach into any public right-of-way. Temporary noncommercial signs may not be located in the visibility triangle on corner lots. Temporary noncommercial signs mounted to, affixed or painted to a structure must meet the public right-of-way and vision triangle limitation above and may not impact any character defining element of a historic building or district.
- (5) Lighting. Temporary noncommercial signs may not be illuminated.

B. Election Period Regulations.

During any election period the following additional opportunities for temporary noncommercial signs are provided without a sign permit subject to the following regulations:

- (1) Number. Each parcel in all zoning districts is permitted two (2) temporary noncommercial election period signs. Such signs are in addition to all other signage allowed in this chapter.
- (2) The additional temporary noncommercial election period signs are subject to the area, height, location, and lighting limitations described under §17.148.090(A) above.
- (3) Removal. The additional temporary noncommercial signs permitted during an election period must be removed within seven (7) days following the end of the election period.

17.148.100 Directional Wayfinding Signs

A. Purpose

The Directional Wayfinding Sign Program is intended to increase awareness of prominent business locations, historic points of interest and the location of public facilities within St Helena.

B. Eligibility Criteria

1. The business or facility identified on a sign plaque is likely to be of interest to citizens and/or visitors to St Helena.

2. The business or facility is representative of the civic, commercial, historic or agricultural identity of St Helena.

3. The City Council shall designate, by resolution, a list of the types of uses that may and may not participate in the wayfinding signage program.

C. Design Criteria

To be added based on input from the Planning Commission and/or City Council.

D. Application Process

To be added based on input from the Planning Commission and/or City Council.

17.148.105 Public information signs.

A. Any community service club or organization may erect and maintain a public information sign on the property where they meet without requiring a sign permit. The maximum size for such a sign is five square feet.

B. A public information sign may be maintained along Highway 29 at the south entrance to the community. The maximum area of the public information sign shall be two hundred twenty-five (225) square feet per side, whether single- or double-faced. The sign shall be freestanding, with a maximum height and width of fifteen (15) feet. The sign may be composed of any number of badges, plaques or signs which are either affixed or hanging within the total allowed square footage of the overall sign faces. Only one badge, plaque or sign for each group or organization described within Section 17.148.010 may be mounted on the public information sign. Each such component badge, plaque or sign shall not exceed thirty (30) inches in height, width or diameter, and may be single- or double-faced. Each component badge, plaque or sign of a group or organization may bear an additional attached sign stating only the location and/or times of regularly scheduled meetings of the group or organization, which sign shall not exceed nine inches in height or twenty-four (24) inches in width and may be single- or double-faced.

C. The public information sign must be maintained by the organizations utilizing the sign. The applicable sign permit may be revoked or the sign may be abated by the city council upon the failure to properly maintain such sign.

D. The public information signs shall be considered additional permitted signs which do not reduce nor restrict the signs otherwise permitted on the premises where the organization meets. (Ord. 08-2 § 2 (part); Ord. 06-5 § 2 (part); prior code § 27.328. Formerly 17.148.090.)

17.148.110 Miscellaneous regulations.

A. Continued Maintenance. All signs must be maintained by the property owner, tenant, or permittee. In the event a sign becomes derelict for reasons of lack of maintenance the approval may be revoked and the sign subject to abatement.

B. Abandonment or Termination of Use. A sign shall be removed by the property owner within thirty (30) days of abandonment or termination of the use.

Commented [NH9]: Staff is seeking input from the City Council on the inclusion of a wayfinding sign element to the existing sign regulations. This amendment would occur at a future date and is not included with the attached Ordinance amendment.

C. Obstruction of Pedestrian Ways. No sign shall be permitted that will impede, obstruct or create hazards with respect to pedestrian traffic. The lowest portion of a projecting sign over a pedestrian sidewalk shall be at seven feet six inches above the ground surface.

D. Overhanging Signs. No sign shall be permitted over a highway, street, or driveway, except for a festival or benefit banner as approved by the city council.

E. Conflicting Regulations. Exceptions to this chapter may be made for signs for gasoline service stations and other businesses if signs are subject to federal or state government regulations that may be in conflict with this chapter. (Ord. 08-2 § 2 (part); Ord. 06-5 § 2 (part); prior code § 27.329. Formerly 17.148.100.)

17.148.120 Administration.

A. An application for an administrative sign permit or a planning commission sign permit shall be made by the property owner, or his or her authorized agent, to the planning ~~department director~~ on forms prescribed for this purpose.

B. An applicant for any permit shall file with his or her application a site plan and/or building elevations showing the location of the sign, a sketch or photograph showing the size, coloring, illumination, and manner of construction of the proposed sign and any other matter necessary to a determination of whether or not to issue a permit. When unusual signs are proposed the applicant shall submit a photo montage and/or model which clearly demonstrates the size, shape and location of the sign. (Ord. 08-2 § 2 (part); Ord. 06-5 § 2 (part); prior code § 27.330. Formerly 17.148.110.)

17.148.130 Nonconforming signs.

Nonconforming signs shall be regulated as set forth in Chapter 17.140. (Ord. 08-2 § 2 (part); Ord. 06-5 § 2 (part); prior code § 27.331. Formerly 17.148.120.)

CITY OF ST. HELENA

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ST. HELENA,
CALIFORNIA, AMENDING ST. HELENA MUNICIPAL CODE CHAPTER 17.148
(SIGNS).**

The City Council of the City of the City of St. Helena ordains as follows:

SECTION 1. Findings. The City Council finds as follows:

A. Chapter 17.148 of the St Helena Municipal Code (SHMC) establishes the City's regulations regarding signs primarily located on private property.

B. These regulations further the City's interest in both aesthetics and traffic safety by establishing appropriate limitations on the size, height, number, location and duration of signs so that they are appropriate and in keeping with the zoning district in which the signs are placed and to ensure that the signs do not overly distract, obstruct or otherwise impede traffic circulation.

C. The City desires by this Ordinance to make minor amendments to its sign regulations with respect to (1) certain permanent commercial signs located in commercial zoning districts, (2) the applicable procedures for processing sign permit applications, and (3) the signs designated as exempt from any permit requirement.

D. The current sign permit application fee does not accurately reflect the staff time required to process and evaluate an administrative sign permit.

E. City staff has calculated the overall staff time and effort required to process, analyze and issue an administrative sign permit. Based on that calculation, staff has determined that a minimum of 3.5-hours are required to capture the cost of the staff time and efforts required to process such an application. A resolution will be prepared to formalize this fee and make the necessary revisions to the City's Fee Schedule.

F. Staff has recommended that an Administrative Sign Permit fee of \$500.00 be created and implemented, in an effort to capture and reimburse the City for the staff time required to process, analyze, and issue an administrative sign permit. This fee is a conservative estimate of the time required to process such an application and is based on the overall staff blended rate of \$150/hour identified in the City's fee schedule.

G. The City's Planning Commission reviewed the amendments proposed by this Ordinance at a duly noticed public hearing on August 21, 2018. After all interested parties were given full opportunity to be heard, and to present evidence, the Planning Commission voted to recommend to the City Council that the Council adopt the amendments to Chapter 17.148 proposed by this Ordinance.

H. On September 25, 2018, the City Council conducted a duly noticed public hearing to consider this ordinance, and all interested parties were given full opportunity to be heard and to present evidence.

I. The proposed amendments would further the public necessity, convenience, general welfare and good zoning practice by creating a more efficient and effective regulatory process and adopting regulations that are consistent with current state and federal law.

SECTION 2. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance to amend Chapter 17.148 of the St. Helena Municipal Code is exempt from the requirements of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) pursuant to Guidelines Sections 15301, 15302 and 15303 in that these modifications reduce the administrative process for modifications to and replacement of existing sign structures and further allow the construction or conversion of “Small Structures” (signs) as defined in the statute. Further the City Council finds that the proposed modifications to the City of St Helena sign regulations, Chapter 17.148 of the Municipal Code, are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR. In addition, the Council finds that the proposed changes are exempt from the requirements of CEQA, under Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and therefore, the activity is not subject to CEQA.

SECTION 3. Amendment of SHMC Chapter 17.148. SHMC Chapter 17.148 “SIGNS” is hereby amended to read as set forth in the attached **Exhibit A**.

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. 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.

SECTION 6. General Plan Consistency. The proposed amendments are consistent with the General Plan in that they will encourage signs that are compatible and complementary to the image and character of St. Helena (General Plan Policies 2.6.31, 2.6.50, and 4.3.21).

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the 25th day of September, 2018 and was adopted at a regular meeting of the St. Helena City Council on the 9th day of October, 2018 by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____
Councilmember Koberstein: _____
Councilmember Dohring: _____
Councilmember Ellsworth: _____

APPROVED:

Alan Galbraith, Mayor

ATTEST:

CITY OF ST. HELENA

Cindy Tzafoopoulos, City Clerk

I, CINDY TZAFPOULOS, CITY CLERK of the City of St. Helena, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 25th day of September, 2018. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 9th day of October, 2018 by the following vote:

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

Chapter 17.148**SIGNS**

Sections:

- 17.148.010 Definitions.
- 17.148.020 Exclusions.
- 17.148.030 Signs prohibited.
- 17.148.040 Regulated signs.
- 17.148.050 Illumination.
- 17.148.060 Neon signs.
- 17.148.070 Monument signs.
- 17.148.080 Real estate signs.
- 17.148.090 Temporary noncommercial signs.
- 17.148.100 Public information signs.
- 17.148.110 Miscellaneous regulations.
- 17.148.120 Administration.
- 17.148.130 Nonconforming signs.

17.148.010 Definitions.

As used in this chapter:

“Abandoned sign” means any sign which pertains to a business or occupation which is no longer using the particular property, or which relates to a time or event which no longer applies, constitutes abandoned advertising or identification.

“Advertising billboard” means any structure or sign upon which there is any advertising message calling attention to a use, product, service or similar function not conducted or sold upon the site upon which the billboard is located or in the structure to which the billboard is attached or otherwise affixed. Billboards may be freestanding or affixed or otherwise attached to another structure.

“Awning, canopy or marquee” means a permanent roof-like shelter extending from part or all of a building face over a public right-of-way and constructed of a durable material such as metal, wood, glass or plastic or a less permanent hood or cover which projects from the wall of a building and is covered with a rigid or non-rigid material such as canvas.

“Awning, canopy or marquee sign” means any message which is painted on or otherwise affixed to a building awning, canopy or marquee. Each side of an awning with a message shall be counted as a separate sign.

“Balloon sign” means a temporary sign which may or may not contain graphics painted on or affixed to a balloon or inflated character.

“Banner” means a temporary sign for grand openings or special events composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted so as not to allow movement of the sign.

“Building sign” means a sign lettered to give the name of a building itself or the date constructed, as opposed to the name of occupants or services.

“Changeable copy sign” means a sign which, in part or whole, provides for periodic changes in the letters or in the material composing the sign. Signs on which the only change is a periodic price change for the product or products customarily sold on the premises and on which the location, size and color of the numbers remain constant are not to be considered changeable copy signs.

“Commercial message” means any copy that directly or indirectly names, draws attention to, or advertises a business, product, good, service, or other commercial activity, or which proposes a commercial transaction.

“Commercial sign” means a sign with a commercial message.

“Directory sign” means a sign designed and intended to list and/or name any or all of the business firms and/or types of businesses conducted at an office building or shopping-center-type development and which are freestanding or attached to the building or structure in which the use is conducted.

“Election period” means the period commencing 60 days before any national, state, or local election in which city electors may vote up through the date of the election.

“Encroachment” means the extension of any sign over a public right-of-way or private access way.

“Freestanding sign” means a sign that is self-supporting in a fixed location and not attached to a building.

“Home occupation sign” means a sign identifying a home occupation, which is an accessory use of a residential property for gainful employment by the resident of a dwelling.

“Identification sign” means a sign designed and intended to identify the name of a commercial business, professional office use, public use, quasi-public use, or similar use and which sign is located upon the premises to be identified.

“Illegal sign” means any sign which was not lawfully erected or maintained, or was not in conformance with the ordinance in effect at the time of the erection of the sign or advertising statuary, or which was not installed with a valid permit from the city.

“Illuminated awning” means an internally illuminated shelter projecting from and supported by the exterior wall of a building constructed of a non-rigid translucent covering over a supporting framework. This type of sign may or may not contain graphics or copy on the surface of the awning.

“Incidental sign” means a sign pertaining to and advertising goods, products, services or facilities which are available on the premises. Such signing is in addition to the main identification signing.

“Interior sign” means a sign which may be displayed within a business or residence provided it is not displayed so as to be viewed from any public space.

“Internally illuminated sign” means a sign which is illuminated from a lighting source within the internal structure of the sign which illuminates the entire face of the sign (does not include neon signs or halo illuminated signs).

“Message” means a graphic, letter, numeral, symbol, logo, hallmark, text, insignia, sample, model, picture, drawing, device, or appliance, or combination thereof, affixed to identification, and/or services.

“Monument sign (freestanding or detached or pole)” means a sign supported by structures or supports that are placed on or anchored in the ground that are independent from any building or other structure.

“Neon sign” means a sign which is illuminated in whole or in part by neon or similar gas.

“Non-appurtenant sign” means a sign which advertises a business, products, services or other uses which are not associated with the premises where the sign is located.

“Noncommercial message” means any copy that communicates a message that is not a commercial message. A noncommercial message does not directly or indirectly, name, draw attention to, or advertise a business, product, good, service, or other commercial activity, or propose a commercial transaction.

“Noncommercial sign” means a sign with a noncommercial message.

“Non-projecting sign” means a sign which uses a building structure as its main source of support and contains copy that is parallel to the wall to which it is affixed.

“Pennant” means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series designed to move in the wind.

“Portable freestanding sign” means a sign that is designed to be movable and is not structurally attached to the ground, a building, a structure or any other sign. Portable freestanding signs include, but are not limited to, sandwich board signs, A-frame signs, and easels.

“Primary frontage” means the side of a building facing a street or, in the case of a building having more than one side facing a street, the side so designated by planning department staff.

“Projecting sign” means a sign which uses a building structure as its main source of support and contains copy that is perpendicular, or at an angle, to the building face.

“Public information sign” means a sign bearing symbols, badges or other messages identifying, stating the location of, or providing information concerning regularly scheduled meetings of civic and community service clubs, churches and religious organizations, hospitals serving the general public, and municipal services and buildings (e.g., fire station, police station, city hall, post office, etc.).

“Real estate open house sign” means a temporary portable freestanding two-sided A-frame sign that directs customers to property where an open house is in progress.

“Real estate sign” means a temporary, on-premises sign, which gives notice offering the sale, rental, or lease of real estate.

“Rider” shall mean additional signs or copy appended or attached to the main sign and frequently provides additional information in the form of text, graphics, and/or logo.

“Roof sign” means any sign placed upon, projecting from, or directly above the roof of a structure or building.

“Secondary frontage” means the sides of a building other than the primary frontage which are visible from a public right-of-way or from adjacent private property or which provide secondary access to the use or activity.

“Shopping center development” means an integrated commercial development larger than one acre in size where two or more commercial uses are conducted and are provided with a common parking lot.

“Shopping center identification sign” means a sign designed and intended to name or identify a shopping-center-type development.

“Sign” means any medium, including its structure and component parts in view of the general public, which is used to attract attention for advertising or identifying purposes.

“Sign area” means that area enclosed in the frame of the sign as measured from the outside of the frame and following the contour of the frame. In those instances where a sign is painted or otherwise affixed or attached to a wall or similar structure or portion thereof, the area of a sign shall be computed by measuring the overall length and width of the message. This computation shall also be utilized when raised or freestanding letters are affixed or attached to a structural surface.

“Street furniture sign” means a sign located on a bench or similar structure which is located within the public right-of-way.

“Subdivision identification sign” means an identification sign with the name of the residential subdivision which is located within the subdivision.

“Temporary sign” means a sign constructed of cloth, canvas, lightweight fabric, cardboard, wallboard, wood or other light materials, with or without frames, which is not intended for or suitable for long-term or permanent display, due to the materials used, the means of display, or the procedures by which it is approved.

“Temporary advertising sign” means a sign used for grand openings or special sales that is attached to the interior of a window.

“Vehicular sign” means a sign affixed on a vehicle or trailer for the purpose of circumventing the regulations within this chapter.

“Wall sign” means a sign which is in any manner affixed to any exterior wall of a building or structure and which projects not more than two feet from the building or structure and does not extend above the roof, parapet, building facade or any outermost edge of the building or structure.

“Window sign” means any sign painted on or attached to a window or located inside a window and designed to be viewed from outside of the building in which the window is located. This term does not include merchandise located in a window. (Ord. 08-2 § 2 (part); Ord. 06-5 § 2 (part); Ord. 02-6 § 14; prior code § 27.320)

17.148.020 Exclusions.

The following signs are not governed by the provisions of this chapter:

- A. Official notices posted by any public officer in performance of a public duty or by any person giving legal notice;
- B. Business name added to a Directory sign for which a sign permit has previously been authorized.
- C. City signs. Signs identifying the department, service, or location of City facilities and operations subject to the location and size limitations in Section 17.148.040.
- D. Directional warning or information signs required by law or by governmental authority;
- E. Signs of public utility companies indicating danger or which serve as an aid to public safety or which show the location of underground facilities or public telephones;
- F. Signs advertising a future occupant of a building or noting the contractors, engineers or architects erecting or remodeling a building, provided the same do not exceed sixteen (16) square feet, are single-faced and are removed upon occupancy or completion of erection or remodeling;
- G. Signs which are not visible from a public right-of-way or from other private property in the vicinity;
- H. Signs which are part of a temporary window display and which are not affixed to the window;
- I. Festival/benefit banners on/over public property, or off-premises signs advertising community events sponsored by or for the benefit of nonprofit organizations as approved by resolution of the city council;
- J. No more than one national flag of a country and/or no more than one flag of a state which are displayed in a manner consistent with laws governing respect of such flags, and flown from a pole the height of which is no more than the maximum permitted height for structures in the applicable zoning district. Other types of flags shall be considered signs;
- K. Temporary advertising signs for a business grand opening provided the sign is not displayed for more than thirty (30) days;
- L. Temporary advertising signs, including banners (up to 60 square feet) or balloons (twelve (12) inches or smaller) for a special business sale or promotional event, provided the sign is not displayed for more than two weeks at any one time and for not more than four times per year (maximum of eight weeks of temporary advertising signs being displayed per year). When balloons (twelve (12) inches or smaller) are included as temporary advertising the number of balloons shall be limited so they are not the primary advertising feature;

- M. Paper banners attached to the interior of the window advertising weekly specials at grocery stores and variety stores;
- N. Real estate signs less than four square feet in size on the property listed for sale or rent as regulated by Section 17.148.080;
- O. Temporary signs for community service club events or similar not for profit community activities, and garage or rummage sale signs pertaining to activity on the property where they are located and displayed on the day of the activity only;
- P. Building signs as defined in Section 17.148.010 and less than four square feet in size;
- Q. Signs required to be posted by law;
- R. Holiday lights and decorations. (Ord. 08-2 § 2 (part): Ord. 06-5 § 2 (part): prior code § 27.321)

17.148.030 Signs prohibited.

The following signs shall be prohibited within the city:

- A. Airborne balloons greater than twelve (12) inches in size, banners (except as excluded by Section 17.148.020(L)), pennants, valances, propellers, spinners, streamers, lights or similar devices or ornamentation designed for purposes of attracting attention, promotion or advertising;
- B. Signs located within the public right-of-way including any sign or handbill attached to a utility pole or street sign pole except those required or permitted by federal, state or local law;
- C. Revolving, animated or moving signs and signs with flashing illumination, including flashing arrows, blinking lights or other devices. This does not include traditional barber poles which may be allowed in front of barbershops upon approval of sign permit by the planning commission;
- D. Off-premises signs, except those signs approved by a planning commission sign permit to be located on a legal easement for an access way through another property when such access is required for public use;
- E. The following types of signs as defined in Section 17.148.010:
 - 1. Advertising billboards,
 - 2. Balloon signs,
 - 3. Changeable copy signs, except for theater marquees or gas station signs,
 - 4. Home occupation signs,
 - 5. Illuminated awnings,
 - 6. Internally illuminated signs, except for theater marquees,
 - 7. Neon "Open" signs, subject to planning commission review, provided the tubing is white and the neon "Open" sign is located on property where the speed limit is in excess of twenty-five (25) miles per hour,
 - 8. Non-appurtenant signs,
 - 9. Pennants,
 - 10. Portable freestanding signs,
 - 11. Roof signs,
 - 12. Street furniture signs,

The St. Helena Municipal Code is current through Ordinance 17-3, passed October 24, 2017.

- 13. Subdivision identification signs,
- 14. Vehicular signs,

17.148.040 Regulated signs.

No sign, addition to a sign, alteration of a sign or replacement of a sign, unless specifically excluded in Section 17.148.020, shall be permitted in any district without first obtaining an administrative sign permit or a planning commission sign permit.

A. Administrative Sign Permit.

- 1. An administrative sign permit shall be reviewed by the planning department for compliance with the standards set forth for the district in which the sign is to be located.
- 2. The applicant shall be notified within thirty (30) days whether or not the administrative sign permit is approved. If the permit is not approved the applicant may either amend the design to comply with the standards or may amend the application to request sign permit approval from the planning commission. If the design of the sign is amended and resubmitted for review the applicant shall be notified within thirty (30) days from the date the amended design is submitted whether or not the administrative sign permit is approved.
- 3. Insubstantial changes to existing signs, such as a change in color or business name, may be authorized by an administrative sign permit.

B. Planning Commission Sign Permit.

- 1. A planning commission sign permit shall be reviewed by the planning commission at a regularly scheduled meeting for compliance with the standards set forth for the district in which the sign is to be located.
- 2. The purpose of the planning commission sign permit is to allow the consideration of illuminated signs (including neon), signs that are larger, of a unique design or location, or signs in addition to those permitted with an administrative sign permit. The planning commission shall consider the compatibility of the sign to the site, the appropriateness of the materials and colors in relation to the project, the compatibility of the sign to the small town character of St. Helena, and the impact the sign may have on surrounding properties. The commission shall not approve signs which obscure or detract from the architecture of a historic building or structure.
- 3. A sign program addressing the needs for all businesses within a building with multiple tenants, or within shopping centers or other types of planned commercial developments may be required prior to the approval of any signs for an individual business within that development. The planning commission shall consider the cumulative visual effect of all signs, and may reduce the overall number and/or area of signs allowed for each business or may require that directory signs be used instead of individual signs. A sign program may be proposed for a building with multiple tenants, or shopping centers or other types of planned commercial developments prior to approval of any signs for an individual business within that development.
- 4. The planning commission may approve sign permits within any zoning district to retain historic signs or to approve new signs that are compatible with historic structures or uses. Signs that exceed the limitations of size, number or lighting may be approved with the finding that the signs contribute to the historical or architectural character of the community.
- 5. Permits shall be subject to general administrative procedures set forth in Chapters 17.04, 17.08, 17.12, 17.168 and 17.172.

C. Standards. The size and number of identification signs for each business on a property shall depend upon the zoning district in which it is located as described below. All other signs and illumination for signs, unless noted in Section 17.148.020 or Section 17.148.030 of this chapter, shall be subject to review and approval of a planning commission sign permit.

- 1. CB Central Business District.

- a. Administrative Sign Permit. Each business shall be permitted one of each of the following types of non-illuminated signs (up to 3 total) upon issuance of an administrative permit, provided each sign is in compliance with the specified regulations.
 - i. One identification sign not to exceed five (5) square feet on one side of an awning fascia over the primary frontage of the business;
 - ii. One non-projecting identification sign attached to the primary frontage of the building or painted on a door or window, limited to ten (10) square feet in size;
 - iii. One projecting identification sign attached to the primary frontage of the building limited to three (3) square feet per side; and
 - iv. The business name, address, and hours of operation painted on a door or window and limited to four (4) square feet in size.
 - b. Limitations. The additional following limitations shall apply to administratively approved signs.
 - i. The aggregate area of all signs on the primary frontage, including incidental signs, shall not exceed the lesser of forty (40) square feet in sign area or a ratio of one square foot of signage to one linear foot of business frontage.
 - ii. Secondary frontage signs per business: one sign for each secondary frontage.
 - iii. Maximum cumulative sign area for all secondary frontage signs, including both sides of a two-sided sign: twenty (20) square feet.
 - c. Permitted Signs. Each business shall be permitted two non-illuminated incidental signs. Each sign shall not exceed two (2) square feet in size.
 - d. Identifying Information. Each business shall be permitted to paint on a door or window the address and/or hours of operation in an area not to exceed two (2) square feet.
2. SC Service Commercial District and I Industrial District.
- a. Administrative Sign Permit. Each business shall be permitted one of each of the following types of non-illuminated signs (up to 3 total) upon issuance of an administrative permit, provided each sign is in compliance with the specified regulations.
 - i. One identification sign not to exceed ten (10) square feet on one side of an awning fascia over the primary frontage of the business;
 - ii. One projecting or non-projecting identification sign attached to the building or painted on a door or window, limited to a total sign area of twelve (12) square feet in size; and
 - iii. The business name, address, and hours of operation painted on a door or window and limited to four (4) square feet in size.
 - b. Limitations. The additional following limitations shall apply to administratively approved signs.
 - i. Maximum number of identification signs on the primary frontage per business: two.

- ii. Maximum cumulative sign area, including both sides of a two-sided sign, of all identification signs on the primary frontage per business: sixty (60) square feet.
 - iii. Secondary frontage signs per business: one sign for each secondary frontage.
 - iv. Maximum cumulative sign area for all secondary frontage signs, including both sides of a two-sided sign: twenty (20) square feet.
 - v. The planning commission may approve signs that exceed the height, size and number of signs specified in this district for properties located along Main Street where sign visibility is impaired due to consideration of the following circumstances:
 - (A) The building is set back from the street for a distance of fifty (50) feet or more;
 - (B) The visibility of the building is obscured;
 - (C) The speed limit on Main Street is greater than thirty-five (35) miles per hour; and
 - (D) A sign meeting the standards of this title would create a safety hazard by obscuring the vision of autos exiting the property.
 - c. Permitted Signs. Each business shall be permitted two non-illuminated incidental signs not more than two (2) square feet in size.
 - d. Identifying Information. Each business shall be permitted to paint on a door or window the address and hours of operation in an area not to exceed two (2) square feet.
3. BPO Business and Professional Office District.
- a. Administrative Sign Permit. Each business shall be permitted one of each of the following types of non-illuminated signs (up to 2 total) upon issuance of an administrative permit provided each sign is in compliance with the specified regulations:
 - i. One identification sign not to exceed ten (10) square feet on one side of an awning fascia over the primary frontage of the business;
 - ii. One non-projecting identification sign attached to the primary frontage of the building or painted on a door or window, limited to ten (10) square feet in size;
 - iii. One projecting identification sign attached to the primary frontage of the building limited to three (3) square feet per side; and
 - iv. The business name, address, and hours of operation painted on a door or window and limited to four (4) square feet in size.
 - b. Limitations. The additional following limitations shall apply to administratively approved signs.
 - i. Maximum number of identification signs on the primary frontage per business: two.
 - ii. Maximum cumulative sign area, including both sides of a two-sided sign, of all identification signs on the primary frontage per business: forty (40) square feet.
 - iii. Secondary frontage signs per business: one sign for each secondary frontage.
 - iv. Maximum cumulative sign area for all secondary frontage signs, including both sides of a two-sided sign: twenty (20) square feet.
4. PQP Public and Quasi-Public Districts.

- a. Administrative Sign Permit. A total of two (2) of the following types of non-illuminated signs shall be permitted upon issuance of an administrative permit provided each sign is in compliance with the specified regulations.
 - i. One identification sign not to exceed ten (10) square feet on one side of an awning fascia over the primary frontage of the business;
 - ii. One non-projecting identification sign attached to the primary frontage of the building or painted on a door or window, limited to ten (10) square feet in size;
 - iii. One projecting identification sign attached to the primary frontage of the building limited to three (3) square feet per side; and
 - iv. The business name, address, and hours of operation painted on a door or window and limited to four square feet in size.
 - b. Limitations. The additional following limitations shall apply to administratively approved signs.
 - i. Maximum number of identification signs on the primary frontage per business: two.
 - ii. Maximum cumulative sign area, including both sides of a two-sided sign, of all identification signs on the primary frontage per business: twenty (20) square feet.
 - iii. Secondary frontage signs per business: one sign for each secondary frontage.
 - iv. Maximum cumulative sign area for all secondary frontage signs, including both sides of a two-sided sign: twenty (20) square feet.
5. Residential Districts. Signs within residential districts are permitted for identification of multifamily residential developments and bed and breakfast inns upon review and approval of a planning commission sign permit. Subdivision identification signs or home occupation signs are not permitted.
- a. For multifamily residential developments: one sign with a maximum sign area of twenty (20) square feet.
 - b. For bed and breakfast inns: one sign attached to the main house with a maximum sign area of eight square feet.
6. Winery and Agricultural Districts. Signs within winery or agricultural districts are permitted only upon review and approval of a planning commission sign permit. When reviewing signs for wineries or other agricultural businesses the commission shall consider the cumulative visual impact of all signs on the property. (Ord. 08-2 § 2 (part); Ord. 06-5 § 2 (part); prior code § 27.323)

17.148.050 Illumination.

All illuminated signs, unless specifically prohibited in Section 17.148.030, shall be subject to review and approval of a planning commission sign permit, who shall review the sign for hours of operation, size, color, intensity of light, and creativity of design.

17.148.060 Neon signs.

- A. All neon signs are regulated by planning commission sign permit.
- B. Each business is limited to one neon sign.
- C. No more than twenty-five percent (25%) of the sign area allowed for the primary frontage of a business shall be neon.

D. Neon may be used for business identification only and shall not be used for incidental signs pertaining to and advertising goods, products, services, brand names or facilities which are available on the premises. Neon "Open" signs are prohibited. (Ord. 08-2 § 2 (part); Ord. 06-5 § 2 (part); prior code § 27.325)

17.148.070 Monument signs.

- A. All monument signs shall be located on the property served by the sign; off-premises signs are not permitted.
- B. The maximum height of a monument sign shall be eight feet, as measured from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be considered to be the grade after construction exclusive of any filling, berming, mounding, or excavating for landscaping or for the purpose of locating the sign.
- C. Monument signs shall be located no closer to the right-of-way than one-half the distance of a required front or side setback. Planning Commission approval shall be required for any request to locate a monument sign closer to the right-of-way than is permitted above. (Ord. 08-2 § 2 (part); Ord. 06-5 § 2 (part); prior code § 27.326)

17.148.080 Real estate signs.*

- A. Real estate open house signs, as defined in Section 17.148.010, may be located off-premises as follows:
 - 1. The use of off-premises open house signs is allowed only on Saturdays and Sundays, between the hours of noon to four p.m.
 - 2. Open house signs that are placed on Main Street include the words "Open House" and may have a directional arrow, but shall not include the address of the property where the open house is located nor any other riders. The signs shall not advertise any particular real estate company or agent.
 - 3. Open house signs that are placed on streets other than Main Street may include the words "Open House," may have a directional arrow, may include the address of the property where the open house is located and may include the name of the real estate company or agent. Only one sign per directional change is allowed.
 - 4. Only one sign is allowed at a street intersection.
 - 5. Signs shall not block sidewalks or pedestrian pathways; a four-foot-wide clear path of travel shall remain open.
 - 6. Signs shall not be placed in a manner that impedes the sight distance and visibility for motorists.
 - 7. No signs shall be placed on private property without the written permission of the property owner.
 - 8. No signs shall be posted on street signs or utility poles.
- B. Open house signs in violation of this section may be subject to summary abatement under Section 1.12.130 of this code, Summary abatement of immediate dangers, and a one hundred dollar (\$100.00) penalty to be imposed according to the provisions of Chapter 1.12, Enforcement Procedures. (Ord. 09-1 § 3; Ord. 08-2 § 2 (part))

17.148.090 Temporary noncommercial signs.

A. General Regulations.

Temporary noncommercial signs in all districts are permitted at all times without a sign permit subject to the following regulations:

- (1) Number. Each parcel is permitted two (2) freestanding or building mounted temporary noncommercial signs at all times. Such signs are in addition to all other signage allowed in this chapter.
- (2) Area. A temporary noncommercial sign may not exceed six (6) square feet in area per side.

(3) Height. A temporary noncommercial sign may not exceed four (4) feet in height or two (2) feet in height from the top on any wall or fence if posted on a wall or fence. Signs are not permitted on top of walls or fences greater than 42 inches in height. A temporary noncommercial sign mounted, affixed or painted onto a structure may not exceed eight (8) feet in height.

(4) Location. Temporary noncommercial signs may be placed in the front yard, rear or side yard of any property; provided, that the signs do not encroach into any public right-of-way. Temporary noncommercial signs may not be located in the visibility triangle on corner lots. Temporary noncommercial signs mounted to, affixed or painted to a structure must meet the public right-of-way and vision triangle limitation above and may not impact any character defining element of a historic building or district.

(5) Lighting. Temporary noncommercial signs may not be illuminated.

B. Election Period Regulations.

During any election period the following additional opportunities for temporary noncommercial signs are provided without a sign permit subject to the following regulations:

(1) Number. Each parcel in all zoning districts is permitted two (2) temporary noncommercial election period signs. Such signs are in addition to all other signage allowed in this chapter.

(2) The additional temporary noncommercial election period signs are subject to the area, height, location, and lighting limitations described under §17.148.090(A) above.

(3) Removal. The additional temporary noncommercial signs permitted during an election period must be removed within seven (7) days following the end of the election period.

17.148.105 Public information signs.

A. Any community service club or organization may erect and maintain a public information sign on the property where they meet without requiring a sign permit. The maximum size for such a sign is five square feet.

B. A public information sign may be maintained along Highway 29 at the south entrance to the community. The maximum area of the public information sign shall be two hundred twenty-five (225) square feet per side, whether single- or double-faced. The sign shall be freestanding, with a maximum height and width of fifteen (15) feet. The sign may be composed of any number of badges, plaques or signs which are either affixed or hanging within the total allowed square footage of the overall sign faces. Only one badge, plaque or sign for each group or organization described within Section 17.148.010 may be mounted on the public information sign. Each such component badge, plaque or sign shall not exceed thirty (30) inches in height, width or diameter, and may be single- or double-faced. Each component badge, plaque or sign of a group or organization may bear an additional attached sign stating only the location and/or times of regularly scheduled meetings of the group or organization, which sign shall not exceed nine inches in height or twenty-four (24) inches in width and may be single- or double-faced.

C. The public information sign must be maintained by the organizations utilizing the sign. The applicable sign permit may be revoked or the sign may be abated by the city council upon the failure to properly maintain such sign.

D. The public information signs shall be considered additional permitted signs which do not reduce nor restrict the signs otherwise permitted on the premises where the organization meets. (Ord. 08-2 § 2 (part); Ord. 06-5 § 2 (part); prior code § 27.328. Formerly 17.148.090.)

17.148.110 Miscellaneous regulations.

A. Continued Maintenance. All signs must be maintained by the property owner, tenant, or permittee. In the event a sign becomes derelict for reasons of lack of maintenance the approval may be revoked and the sign subject to abatement.

B. Abandonment or Termination of Use. A sign shall be removed by the property owner within thirty (30) days of abandonment or termination of the use.

C. Obstruction of Pedestrian Ways. No sign shall be permitted that will impede, obstruct or create hazards with respect to pedestrian traffic. The lowest portion of a projecting sign over a pedestrian sidewalk shall be at seven feet six inches above the ground surface.

D. Overhanging Signs. No sign shall be permitted over a highway, street, or driveway, except for a festival or benefit banner as approved by the city council.

E. Conflicting Regulations. Exceptions to this chapter may be made for signs for gasoline service stations and other businesses if signs are subject to federal or state government regulations that may be in conflict with this chapter. (Ord. 08-2 § 2 (part); Ord. 06-5 § 2 (part); prior code § 27.329. Formerly 17.148.100.)

17.148.120 Administration.

A. An application for an administrative sign permit or a planning commission sign permit shall be made by the property owner, or his or her authorized agent, to the planning department on forms prescribed for this purpose.

B. An applicant for any permit shall file with his or her application a site plan and/or building elevations showing the location of the sign, a sketch or photograph showing the size, coloring, illumination, and manner of construction of the proposed sign and any other matter necessary to a determination of whether or not to issue a permit. When unusual signs are proposed the applicant shall submit a photo montage and/or model which clearly demonstrates the size, shape and location of the sign. (Ord. 08-2 § 2 (part); Ord. 06-5 § 2 (part); prior code § 27.330. Formerly 17.148.110.)

17.148.130 Nonconforming signs.

Nonconforming signs shall be regulated as set forth in Chapter 17.140. (Ord. 08-2 § 2 (part); Ord. 06-5 § 2 (part); prior code § 27.331. Formerly 17.148.120.)

Cindy Tzaopoulos

Subject: FW: Sign Ordinance

From: Dommen, Debra [<mailto:Debra.Dommen@tweglobal.com>]
Sent: Wednesday, September 19, 2018 11:16 AM
To: Noah Housh
Subject: Sign Ordinance

Hi Noah – I’m reaching out to you regarding modifications to the sign ordinance that will be heard on Tuesday, September 25th by the City Council. While I support your clarifications to the “Temporary advertising signs, including banners” that adds a reasonable size limitations I’m also requesting that the City be more flexible on the amount of time one is allowed to use banners. My specific request is that temporary banners be allowed for up to 20 weeks in one year, while still maintaining that any one sign cannot be up for more than two weeks. I would also like to be flexible that the two weeks does not mean up continuously for two weeks, just that a sign is not up for more than 14 days (i.e. one can have a sign up on Saturday and Sunday and that would count as two days).

We have found temporary banners at Beringer very to be very effective . For example, when we had our banner “97 Point Wine” on the gate we had 5-8 guests daily on average that mentioned they stopped because of the banner, and that’s only the ones we know about. This represents approximately 7% of our traffic or 2,900 guests. At our average spend of \$125 per guest this extrapolates out to approximately \$362,500 in lost revenue to Beringer and approximately \$7,250 in lost sales tax to the City. The people who see the banners and stop in are already impacting city traffic and roads, but also leave a positive monetary impact.

Thank you for your consideration, I’m hoping you can also share this with City Council members prior to the hearing on September 25th.

Debra



TREASURY WINE ESTATES

Debra Dommen | Vice President, Government & Industry Affairs
 555 Gateway Dr. | Napa | CA | USA 94558
T: +1 707 259 4673 | **M:** +1 707 315 4506
debra.dommen@tweglobal.com
www.treasurywineestates.com



Ask me about my colors!



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Cindy Tzafopoulos

Subject: FW: Sign Ordinance

On Sep 24, 2018, at 2:31 PM, Robert D. Torres <btorres@tfewines.com> wrote:

Noah

I just wanted to chime in on the new sign ordinance proposed for tomorrow night's meeting. I'm in general agreement of Debra Dommen's letter in response to the ordinance. Temporary signs and banners can be highly effective in generating customer traffic. Not just with wineries, but all commercial retail establishments. Thanks for your consideration.

Robert D. Torres | Principal, Vice Chairman & Director
Trinchero Family Estates
Office: 1-707-963-3104 ext. 2820 | Fax: 1-707-963-3829
btorres@tfewines.com

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Cindy Tzaopoulos

Subject: FW: Sign Ordinance

From: Noah Housh
Sent: Tuesday, September 25, 2018 6:23 PM
To: Cindy Tzaopoulos <ctzaopoulos@cityofsthelena.org>
Subject: Fwd: Sign Ordinance

FYI

Sent from my iPad

Begin forwarded message:

From: "Dommen, Debra" <Debra.Dommen@tweglobal.com>
Date: September 25, 2018 at 6:04:54 PM PDT
To: Noah Housh <NHoush@cityofsthelena.org>
Subject: Fwd: Sign Ordinance

And third letter.

Debra Dommen
Treasury Wine Estates

Sent from my iPad

Begin forwarded message:

From: Kristine Waldenburg [<mailto:lolo2nd@gmail.com>]
Sent: Tuesday, September 25, 2018 2:01 PM
To: Alan Galbraith <AGalbraith@cityofsthelena.org>
Cc: Paul Dohring <pdohring@cityofsthelena.org>; mkoberstein@cityofsthelena.org;
gellsworth@cityofsthelena.org; pwhite@cityofsthelena.org
Subject: Re: Sign Ordinance

As a long time merchant in St. Helena, I am writing in support of the proposed changes in the sign ordinance as it relates to banner signs.

Even with our very fortuitous location on Main Street where we are passed by thousands of drivers, in this challenging and changing economy we and other merchants need all the help we can get in getting customers to come in and buy from us.

Signage is the most immediate and noticed marketing tool that we and others have in our advertising arsenal. It would be great if the Commision would help us in our efforts to increase our sales by allowing increased usage of directional and informational banner signs. This one small change would lead to increased sales, thus increased revenue for St. Helena.

Thank you very much for your time and consideration.

Kristine Waldenburg

Lolo's

1120 Main Street

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Cindy Tzaopoulos

From: Noah Housh
Sent: Tuesday, September 25, 2018 6:20 PM
To: Cindy Tzaopoulos
Subject: Fwd: Sign Ordinance - tonight's agenda

FYI

Sent from my iPad

Begin forwarded message:

From: "Dommen, Debra" <Debra.Dommen@tweglobal.com>
Date: September 25, 2018 at 6:04:02 PM PDT
To: Noah Housh <NHoush@cityofsthelena.org>
Subject: Fwd: Sign Ordinance - tonight's agenda

Hi Noah - Cindy is not coming up when I type in her name, please forward. Thanks.

Debra

Dear Mayor Galbraith and Council Members -
It's come to my attention that you will be discussing your sign ordinance again this evening - specifically the amount of time a temporary sign (banners) can be displayed.

Unfortunately I am not able to attend tonight's council meeting because of a Rianda House program engagement. I would however like to offer an comment about this topic slated in your agenda tonight via this email:

Although Rianda House is not a frequent poster of banners, and yet when we do we value the opportunity to respectfully, creatively and effectively reach out to our supportive community to announce a special event or proud moment. I would like to add an endorsement to the appeal of a long time business partner in our community - Beringer / Treasury Wine Estates who is advocating

for these additions to the ordinance that should help all St. Helena Businesses respectively and proudly reach out: allow business to display banners for 20 weeks total, with a limit of two weeks maximum per sign, though not consecutive days.

Thank you in advance for your thoughtful consideration!
Julie

Julie Spencer, Executive Director
Rianda House
1475 Main Street, St. Helena, CA 94574
julie@riandahouse.org<<mailto:julie@riandahouse.org>> |
www.riandahouse.org<<http://www.riandahouse.org/>> | 707.963.8555 ext. 105

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Review and First Reading of an Ordinance Amending the SHMC Chapter 17.148 'Signs'

Planning and Community Improvement

September 25, 2018



Description

Review and First Reading of an Ordinance modifying the review procedures and requirements for Sign Permits

- Process Modifications-Streamline
- Code Administration and Language
- Fee



Background

August 22, 2017-Commission and Council prioritized a list of Zoning Code Issues for staff to address

October 4, 2017-Council adopted Three Year Goals which included preparing recommended updates to the City's Sign Code

February, May & August 2018-Commission reviewed the proposed changes, providing direction and a recommendation to the City Council



Proposed Changes

- Increases Number of Signs Approved Administratively
 - Generally based on existing prescribed standards
 - More efficient and responsive process
- Definitions/terminology modified to improve clarity
- Fee \$1,000 vs \$500
- Introduces Wayfinding Eligibility Framework



Analysis

Other Minor Changes-Criteria

CEQA

General Plan

Ordinance Process

-PC Recommendation and CC Approval



Planning Commission Recommendation

- Planning Commission Reviewed August 21, 2018
 - Generally Supported but Some Concerns
- Banner Size and Duration-Lack of Consensus
- Illumination of Signs-Lack of Consensus
 - No Comments on Wayfinding Framework



Recommendation

It is recommended by the Planning Commission that the City Council:

1. Find that the proposed changes are exempt from the requirements of CEQA pursuant to Sections 15301, 15302, 15303, and the General Rule; or GP EIR; and
2. Review and conduct a first reading of an ordinance making changes to SHMC Chapter 17.148 'Signs'



Questions?



Report to the City Council
Council Meeting of September 25, 2018

Agenda Section: Public Hearing

Subject: Introduction and first reading of an Ordinance amending and restating St. Helena Municipal Code (SHMC) Chapter 17.164 'Design Review', modifying the requirements and process for Design Review primarily as applied to single family residential projects; proposing to eliminate the requirement for Design Review for "Outdoor Seating" identified in SHMC Chapters 17.48.090 and 17.52.090; and proposing to eliminate the requirement for Design Review for the installation of "Awnings and Canopies", as identified in SHMC Chapter 17.112.070, citywide.

CEQA Determination: The action to adopt this Ordinance amending Chapters 17.164, 17.48.090, 17.52.090 and 17.112.070 of the St. Helena Municipal Code is exempt from the requirements of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) pursuant to Guidelines Sections 15301, 15302 and 15303 in that these modifications reduce the administrative process for modifications to and replacement of existing residential structures and further allow the construction or conversion of "Small Structures" as defined in the statute. Further the City Council finds that the proposed modifications to the City of St Helena Design Review procedures, Chapter 17.164 of the Municipal Code, are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR. In addition, the Council finds that the proposed changes are exempt from the requirements of CEQA, under Section 15061(b)(3) the "general rule" in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and therefore, the activity is not subject to CEQA.

Prepared By: Noah Housh, Planning & Community Improvement Director

Reviewed By: Mark T. Prestwich, City Manager

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

On October 4, 2017, the Council of the City of St Helena adopted their three year goals which included a goal to Enhance Organizational Performance. Under this goal was a line item directing planning department staff to "Draft and present citywide design guidelines to the City Council for adoption and provide recommended improvements to the design review process."

On May 9, 2018, the Council reviewed the City's draft budget proposal which included a recommendation from the Planning Department to reduce the number of projects that require Design Review approval (from the Planning Commission) in an effort to more efficiently utilize staff resources. After reviewing this conceptual proposal, the City Council voted unanimously (5-0) to support the concept for a trial period, and directed staff to prepare an ordinance to reduce the types of single family residential projects that are required to go before the Planning Commission for action prior to issuance of a building permit.

On August 21, 2018, the Planning Commission reviewed a draft Ordinance proposing to make modifications to the Design Review requirements and process, primarily as applied to residential land use, however also including commercial outdoor seating and the installation and replacement of awnings and canopies on commercial properties. After reviewing and making several recommended modifications, the Commission voted to recommend approval of the Ordinance to the City Council.

DISCUSSION

Project Description

The City of St Helena Zoning Code currently identifies that Design Review approval is required for "any new building or structure or for exterior addition to, alteration of, or modification of any existing structure or building as regulated by each of the established zoning districts." Based on this, many small scale residential projects (including accessory buildings, small additions and exterior renovations) are taken before the Planning Commission for review and action, often frustrating property owners and decision makers themselves with the additional time and expense required to make relatively minor improvements to properties within the City. The requirement for these projects to be reviewed by the Planning Commission also takes significant staff resources to review, process and schedule these relatively benign projects, which ultimately are reviewed for such conformance again as an element of the building permit review process.

In response to the May 9, 2018, directive from the City Council mentioned above, a draft Ordinance to implement their direction was brought before the Planning Commission for

review and comment, prior to scheduling it for review and action by the City Council in time to meet the September 30, 2018 deadline.

The recommended changes conceptually supported by the Council primarily included:

- Eliminating the need for Design Review approval for residential accessory buildings (sheds, trellises, arbors, etc.); and
- Eliminating the need for Design Review approval for exterior alterations, modifications and/or additions to an existing (non-historic) single family home.

These proposed changes to the applicability of Design Review are intended to be temporary; maintain the requirement that any changes to designated historic structures be reviewed by the Planning Commission; and allow the Planning Director to elevate any administrative Design Review to the Planning Commission for review and action as a discretionary entitlement.

Separate from the Council direction, other minor changes to the Design Review requirements and process are recommended. These are discussed in more detail below and include minor language clean up for the Design Review criteria (including eliminating redundancy), eliminating the need for Design Review for the installation of outdoor seating and awnings/ canopies in commercial districts and clarifying the applicability of Design Review in light of the proposed changes.

Design Review for Outdoor Seating in the Central Business and Service Commercial Districts

Along with the directed changes, staff seeks Council input on eliminating the current requirement that outdoor seating be required to obtain Design Review approval, even if this seating is not increasing the number of approved restaurant seats. Outdoor seating is often seen as an amenity in commercial districts and generally (when well managed through prescriptive standards) does not create any design issues. Further the existing code provisions provide specific design criteria regarding how outdoor seating is to be designed, mandate that restaurant owners maintain insurance, and include a requirement for obtaining an encroachment permit (if any of the proposed seating is to be located within the public right-of-way). Based on these factors, it is recommended the City eliminate its requirement that the addition of outdoor seating at an existing restaurant requires Design Review approval.

If supported, this change would be achieved through an administrative review of a revocable "Sidewalk Dining Permit" (already referenced in the existing code) to ensure compliance with the standards for these seating areas as set forth in S.H.M.C. Chapter 17.48.090 and 17.52.090 Other uses standards and requirements (see attached Exhibit B for proposed code amendments).

Design Review for the Installation of Awnings and Canopies

Currently, the code requires Design Review approval from the Planning Commission for the installation of a new awning, canopy or marquee (S.H.M.C. Chapter 17.112.070 Projections over easements and sidewalks B.). Similar to the outdoor dining section of the code, this section also provides prescriptive requirements for the vertical clearance required and ongoing maintenance. In addition, the installation of an awning often triggers the need for a building permit, creating an opportunity for planning staff to review the proposal. Based on this, the ability to install or replace these types of accessory building elements with an administrative review of the design would both improvement the process as well as encourage maintenance and upkeep of these often temporary building features. This change is proposed to be accommodated with the addition of one word to the existing code provisions, as detailed below.

SHMC Chapter 17.112.070 Projections over easements and sidewalks

*B.Awnings, canopies, and marquees with a minimum vertical clearance of eight feet and attached to a structure may be allowed to extend over a public sidewalk. **Administrative** Design Review and a building permit shall be required to erect an awning **or** canopy ~~or marquee~~. All awnings, canopies and marquees shall be maintained in good repair and shall be removed when noticeably worn.*

Elimination of some of the Design Review Criteria

In addition to the procedural changes recommended above, there is redundancy within a number of the Design Review criteria, which are the factors to be considered (by the Planning Commission) in reviewing Design Review applications. To further improve the review process for Design Review applications, it is recommended the City eliminate Criteria 10, 14 and 16 from Section 17.164.030, and modify Criterion 12, and requests Council input on these changes.

Specifically, Criterion 10 references "ancillary functions...to support the main functions of the project..." This appears more applicable to the review of the use of a site, rather than the design of the structures upon it.

Criterion 14 is almost identical to the language in Criterion 4 and therefore is also redundant and does not add value to the review process.

Criterion 16 is one of four existing criterion that reference landscaping. By adding "and vegetation" to Criteria 12, this change would further help to eliminate unnecessary redundancy in the review criteria. The State mandated Water Efficient Landscape Ordinance (WELO) requirements and the language in Criterion 17 also help to support this change.

Analysis

CEQA

City staff and the Planning Commission have determined that the action to adopt this Ordinance amending Chapter 17.164 of the St. Helena Municipal Code is exempt from the requirements of the California Environmental Quality Act (CEQA-Public Resources

Code Section 21000, et seq.) pursuant to Guidelines Sections 15301, 15302 and 15303 in that these modifications reduce the administrative process for modifications to and replacement of existing residential structures and further allow the construction or conversion of "Small Structures" as defined in the statute.

Further the recommended modifications to the City of St. Helena Design Review procedures, Chapter 17.164 of the Municipal Code, are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR. In addition, the recommended changes are exempt from the requirements of CEQA, under Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

General Plan

The changes to the Design Review process (S.H.M.C. Chapter 17.164) are generally proposed to modify the process for residential projects and would apply to all areas of the City designated for residential land uses. They would in no way affect zoning requirements for size, location, setbacks, height limits, Floor Area Ratio (F.A.R.) or any other prescribed development standard.

Similarly, the proposed changes to the Central Business, Service Commercial and General Site Design and Development Standards (S.H.M.C. Chapters 17.48.090 C. 6., 17.52.090 D. 6. and 17.112.050 B. respectively), are intended to allow administrative review of relatively benign design features, where the code currently provides prescriptive standards and requirements for their construction, installation and/or use. These changes would in no way affect zoning requirements for size, location, setbacks, height limits, Floor Area Ratio (F.A.R.) or any other prescribed development standard identified in the code.

Specific General Plan policies which relate to the proposed code amendments include:

7.5.1 Preserve the City's Historic and cultural resources as they contribute to the special character and quality of the City and help support its economic base.

2.6.1 New development should be required to occur in a logical and orderly manner within well-defined boundaries, and be consistent with the ability to provide urban services.

2.6.14 Encourage a mix of housing types and price ranges to allow choice for current and future generations of St. Helenans.

2.6.15 Encourage new residential development in all density ranges that is consistent with scale and character' of the older residential districts of the City, particularly the neighborhoods west of Main Street

2.6.28 Maintain the pedestrian-oriented character of the Central Business District and provide for convenient pedestrian connections to encourage walking and reduce vehicle trips within the commercial core area.

2.6.29 Minimize the strip commercial appearance of the area south of the bridge by encouraging the redevelopment of underutilized parcels and poorly designed developments, and by maintaining open space corridors extending from the highway to the east and west as shown on the Land Use Map.

2.6.30 Protect historic resources in the commercial areas, and encourage their rehabilitation and re-use.

2.6.31 Require the design of all new commercial development to be compatible with and complementary to the image and character of the historic Main Street area.

2.6.35 Maintain the Central Business District as the City's social cultural core, and the primary center of retail business.

City staff have determined the recommended amendments to the Design Review process and requirements are in keeping with the City of St. Helena General Plan in that these changes preserve the current Design Review requirements for historic resources; maintain the development standards established to ensure new development occurs in a logical manner; encourages residential development both by making the development review process less expensive and arduous for certain residential projects and by freeing up staff resources to focus on more complicated development proposals; will work to encourage the pedestrian nature of the St. Helena streetscape by facilitating the installation of outdoor amenities in both the Central Business and Service Commercial districts; continues to protect historic commercial buildings; maintains design review requirements for new commercial development to ensure changes are complementary to the image and character of Main Street; and will help to maintain the Central Business District is the social and cultural core of St. Helena by reducing the regulatory burden for outdoor amenities and maintenance of ancillary building features.

Ordinance Process

In keeping with the requirements of S.H.M.C. Chapter 17.12.100, after review and comment by the Planning Commission, the draft Ordinance and proposed changes are now before the City Council for further review and action. In considering the proposed changes, both the Commission and the Council shall look for consistency of the proposed amendments with the goals, programs and policies of the General Plan, as well as other existing City policies.

Planning Commission Review and Recommendation

On August 21, 2018, the Planning Commission reviewed the proposed changes and analysis detailed above and generally supported each of the proposed changes.

However individual Commissioners did have concerns over elements of each proposal, as detailed below.

The entirety of the Planning Commission supported the proposal to allow Administrative Design Review of changes to residential structures, which do not result increases to the square footage of the homes. However individual commissioners expressed concern over allowing residential additions to be approved through an Administrative Design Review process and requested limitations be placed on the size and location of any administratively approved additions (the individual input varied regarding the appropriate size with the recommended ranges being between 5%-20%, and all Commissioners agreed that an administrative permit should not be permitted to create a second or third floor where one does not currently exist). In response, the size of any administratively approved addition has been limited to 20% of the floor area of the existing home, and precluded a proposed addition from significantly increasing the height of the existing building.

The Commission wanted to ensure the process changes clearly delineate between ministerial Administrative Design Review and discretionary Design Review. Changes have been incorporated into the recommended ordinance and code update to more clearly identify the intent and process for each.

The Commission expressed concerns regarding the ability for neighboring residents to be notified when administrative approvals are granted, and for a process (beyond the discretion of the Planning Director) by which projects may be elevated to the Commission for action. It was requested that the Department notify direct neighbors when an administrative Design Review approval is granted under the reduced process, allowing the standard appeal mechanism to elevate projects to the Commission for review and action. Staff has responded to this direction from the Planning Commission by incorporating noticing and appeal provisions (into the draft Ordinance language) for projects granted Administrative Design Review. However, this may not implement the intended direction of the City Council as the intent of this direction was to free staff resources to address other larger Council priorities. The draft noticing and appeal procedure may actually increase the administrative burden on staff (due to the procedural requirements to process an appeal). Therefore, further Council input on this provision is requested to ensure the direction is accurately implemented. Separately, concerns over the cost of an appeal (\$1,000) were voiced by one Commissioner.

The entirety of the Planning Commission support the changes as temporary, with a two-year time frame being recommended. In response, staff has included a two-year "sunset" clause into the Ordinance.

Correspondence

Prior to the Planning Commission review of the proposed changes, staff received one comment letter supporting both the substance and goals of all of the recommended changes. A copy of this comment letter has been attached for Council review prior to acting on the proposed Ordinance.

FISCAL IMPACT

Reducing the administrative process for relatively small Design Review projects (as detailed above) will reduce the total fees received by the Department and therefore will have some impact on the General Fund revenues generated by planning application fees. However, staff finds that the increased efficiencies in the use of staff time will result in an overall improvement to the allocation of staff resources within the Department, allowing more attention to focus on Council and Planning Commission priorities. Further, if the volume of over all projects is reduced, staff may be able to eliminate the use of consultant planning staff thereby reducing the overall staffing costs required to effectively administer the Department.

In addition, these changes will reduce the overall cost and timeline for citizens pursuing relatively small projects, therefore significantly improving the process for staff to serve the needs of the community at a relatively minimal reduction in revenues. Staff will continue to monitor these revenue impacts and report back to the Council as the FY19/20 budget is proposed.

RECOMMENDED ACTION

It is recommended by the Planning Commission that the City Council:

1. Find that the proposed changes are exempt form the requirements of CEQA pursuant to Guidelines Sections 15301, 15302 and 15303 in that these modifications reduce the administrative process for modifications to and replacement of existing single family residential structures and further allow the construction or conversion of "Small Structures" as defined in the statute; that the proposed text amendments are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR, and that the proposed changes are exempt from the requirements of CEQA, under Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and therefore, the activity is not subject to CEQA; and
2. Review, comment and make a recommendation to the City Council on the proposed changes to Chapters 17.164, 17.48.090 C. 6., 17.52.090 D. 6., 17.112.050 B. and 17.112.070 of the St. Helena Municipal Code.
3. Introduce and conduct first reading of the ordinance, by title only and waive further reading.

ATTACHMENTS

[Draft DR Ordinance-PC Input Clean](#)

[Chapter 17.164 Design Review-Exhibit A-PC Input Clean](#)

[Exhibit B Outdoor Dining and Awning Code Amendment-PC Input Clean](#)

[Chapter 17.164 Design Review-Exhibit A-PC Input Redline](#)
[Exhibit B Outdoor Dining and Awning Code Amendment-PC Input Redline](#)
[Letter of Support- Design Review Discussion](#)

CITY OF ST. HELENA

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ST. HELENA, CALIFORNIA, AMENDING ST. HELENA MUNICIPAL CODE CHAPTER 17.164 (DESIGN REVIEW), SECTION 17.112.070 (PROJECTIONS OVER EASEMENTS AND SIDEWALKS) AND SECTIONS 17.48.090 AND 17.52.090 (OTHER STANDARDS AND USES).

The City Council of the City of the City of St. Helena ordains as follows:

SECTION 1. Findings. The City Council finds as follows:

A. Chapter 17.164 of the St Helena Municipal Code (SHMC) establishes the City's regulations regarding Design Review primarily located on private property.

B. The City has for several years required discretionary approval for any addition to, alteration of or modification of any existing structure or building.

C. This policy has created un-necessary administrative costs, unnecessary procedural burden and delay and general difficulty in permitting minor modifications to existing single family residential properties and structures.

D. The amendments to Chapter 17.164 proposed by this Ordinance with respect to the addition to, alteration of or modification of existing residential buildings and/or the construction of accessory residential buildings or structures are intended to further the City's policy of supporting and facilitating housing and improving the discretionary review process.

E. The proposed amendments to SHMC Sections 17.48.090, 17.52.090 and 17.112.070 create an administrative process to facilitate minor improvements to commercial properties and the use of outdoor seating which fully implement the existing prescriptive requirements placed upon such uses.

F. As such, it is the City's intent to temporarily modify the regulation of residential and commercial land uses in an effort to reduce the administrative costs and procedural requirements (and attendant burden and delay) for owners and tenants of these properties, while maintaining the regulatory protections governing each.

G. These regulations further the City's interest in both maintaining the aesthetic qualities and safety considerations of the community by continuing to enforce the appropriate zoning limitations on the size, height, location and lot coverage for residential and commercial properties as appropriate and in keeping with the zoning district in which the buildings are located, while also reducing the process needed to obtain approvals to make modifications to said properties within the City of St. Helena.

H. The City's Planning Commission reviewed the proposed amendments at a duly noticed public hearing on August 21, 2018. After all interested parties were given full opportunity to be heard, and to present evidence, the Planning Commission voted to recommend to the City Council that the Council adopt the amendments to Chapter 17.164; Section 17.112.070 and Sections 17.48.090 and 17.52.090.

I. On September 25, 2018, the City Council conducted a duly noticed public hearing to consider this ordinance, and all interested parties were given full opportunity to be heard and to present evidence.

J. The amendments proposed by this Ordinance will further the public necessity, convenience, general welfare and good zoning practice by creating a more efficient and effective regulatory process.

SECTION 2. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance is exempt from the requirements of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) pursuant to Guidelines Sections 15301, 15302 and 15303 in that these modifications reduce the administrative process for modifications to and replacement of existing single family residential structures and further allow the construction or conversion of "Small Structures" as defined in the statute. Further the City Council finds that the proposed modifications to the City of St Helena Design Review procedures, Chapter 17.164 of the Municipal Code, are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR. In addition, the Council finds that the proposed changes are exempt from the requirements of CEQA, under Section 15061(b)(3) the "general rule" in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and therefore, the activity is not subject to CEQA.

SECTION 3. Amendment of SHMC Chapter 17.164. SHMC Chapter 17.164 "DESIGN REVIEW" is hereby amended to read as set forth in the attached **Exhibit A**.

SECTION 4. Amendment of SHMC Section 17.112.070 B. Subsection B of SHMC Section 17.112.070 is hereby amended to read as set forth in the attached **Exhibit B**.

SECTION 5. Amendment of SHMC Section 17.48.090 C 6. Subsection C 6 of SHMC Section 17.48.090 is hereby amended to read as set forth in the attached **Exhibit B**. **SECTION 6. Amendment of SHMC Section 17.52.090 C 6.** Subsection C 6 of SHMC Section 17.52.090 is hereby amended to read as set forth in the attached **Exhibit B**.

SECTION 7. 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 8. Effective Date and Limited Term.

A. 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.

B. Limited Term Of Amendments. The Amendments made through the adoption of this Ordinance are enacted for a period of two years and shall terminate and be of no further effect on November 8, 2020, unless extended or made permanent by the City Council.

SECTION 9. General Plan Consistency. The amendments proposed by this Ordinance are consistent with the General Plan in that they will encourage residential and commercial building designs and the use of property that are compatible and complementary to the scale and character of St. Helena, will maintain the uses of said properties, will revise the zoning procedures to both maintain the zoning standards while also working to encourage appropriate development and property maintenance by reducing the administrative process for said development (General Plan Policies 2.6.15, 2.6.23, and 2.6.14), and will continue to maintain the zoning and other land use regulations applicable to residential and commercial development within St. Helena.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the 25th day of September, 2018, and was adopted at a regular meeting of the St. Helena City Council on the 9th day of October, 2018, by the following vote:

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

APPROVED:

Alan Galbraith, Mayor

ATTEST:

CITY OF ST. HELENA

Cindy Tzafopoulos, City Clerk

I, CINDY BLACK, CITY CLERK of the City of St. Helena, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 25th day of September, 2018. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 9th day of October, 2018, by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____

Councilmember Koberstein: _____

Councilmember Dohring: _____

Councilmember Ellsworth: _____

EXHIBIT A

Chapter 17.164
DESIGN REVIEW

Sections:

- 17.164.010 Statement of policy.
- 17.164.020 Purpose.
- 17.164.030 Design criteria.
- 17.164.040 Limitations of review.
- 17.164.050 Applicability.
- 17.164.060 Exemptions.
- 17.164.070 Submissions.
- 17.164.080 Stages of inquiry.
- 17.164.090 Statement of minimum conditions.
- 17.164.100 Time limitations.
- 17.164.110 Notice.

17.164.010 Statement of policy.

The city council finds that new development can have a substantial impact on the character of the area in which it is located. Some harmful effects of one land use upon another can be prevented through zoning, subdivision controls and housing and building codes. Other aspects of development are more subtle and less amenable to exacting rules of thumb promulgated without regard to specific development proposals. Among these are the general form of the land before and after development, the spatial relationships of the structures and open spaces to proximate land uses and the appearances of buildings and open spaces as they contribute to an area as it is being developed. (Prior code § 27.375)

17.164.020 Purpose.

The purpose of design review is:

- A. To promote those qualities in the environment which bring value to the community;
- B. To foster the attractiveness and functional utility of the community as a place to live and work;
- C. To preserve the character and quality of our heritage by maintaining the integrity of those areas which have a discernible character or are of special historic significance;
- D. To protect certain public investments in the area;
- E. To encourage where appropriate, a mix of uses within permissible use zones;
- F. To raise the level of community expectations for the quality of its environment. (Prior code § 27.376)

17.164.030 Design criteria.

- A. In addition to the purposes prescribed in Section 17.164.020 the following factors shall be considered by the planning commission in reviewing all applications:
 - 1. Consistency and compatibility with applicable elements of the general plan;
 - 2. Compatibility of design with the immediate environment of the site;
 - 3. Relationship of the design to the site;
 - 4. Determination that the design is compatible in areas considered by the board as having a unified design or historical character;
 - 5. Whether the design promotes harmonious transition in scale and character in areas between different designated land uses;
 - 6. Compatibility with future construction both on and off the site;
 - 7. Whether the architectural design of structures and their materials and colors are appropriate to the function of the project;
 - 8. Whether the planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community;
 - 9. Whether the amount and arrangement of open space and landscaping are appropriate to the design and the function of the structures;

10. Whether access to the property and circulation systems are safe and convenient for pedestrians, cyclists and vehicles;
11. Whether natural features and vegetation are appropriately preserved and integrated with the project;
12. Whether the materials, textures, colors and details of construction are an appropriate expression of its design concept and function and whether they are compatible with the adjacent and neighboring structures and functions;
13. Whether the landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site;
14. Whether sustainability and climate protection are promoted through the use of green building practices such as appropriate site/architectural design, use of green building materials, energy efficient systems and water efficient landscape materials.

B. The planning commission shall develop additional criteria for review of architectural and landscape plans. Such criteria shall be approved by the planning commission and city council and shall be designed to form a basis of understanding between project designers and the commission on design objectives for St. Helena. (Ord. 07-4 § 2 (part); prior code § 27.377)

17.164.040 Limitations of review.

- A. The commission shall not design or assist in the design of any buildings or projects submitted for approval except on request of the proponent or his or her architect. The commission shall restrict its considerations to a reasonable and professional review of the proposal and plans, leaving full responsibility for the design and development to the applicant.
- B. Individual initiative and experimentation are to be encouraged.
- C. Only the proponent's failure to take reasonable account of the items discussed in Sections 17.164.010 through 17.164.030, shall justify the commission's disapproving a proposal solely on the basis of design.
- D. In its endeavor to improve the quality of a design, the commission shall keep considerations of cost in mind. But consideration of cost shall not override the other objectives of this title.
- E. The commission is not to use design review intentionally or inadvertently to exclude housing for minority groups or housing for low and moderate income persons.

F. The commission is not to use design review intentionally or inadvertently to prohibit or unduly restrict building types, materials or methods or to vary the specific allowances or other development controls. (Prior code § 27.378)

17.164.050 Applicability.

A. Any exterior modification to a commercial, multi-family or designated historic building, including new construction;

B. The construction of a new single family home;

B. Structures, buildings or site modifications requiring use permits in any district, excluding fences;

C. Tentative map conditions shall include the requirement for design review approval of any new structure prior to the issuance of any future building permits for structures on the newly created parcels (Note: Effective on maps approved after January 1992);

D. Any new public facility, or modification thereof;

E. Demolition. Except when required for the emergency protection of public health, safety or welfare as determined by the Building Official or to allow the removal of a non-historic accessory structure, no permit authorizing the demolition of any building within any zoning district shall be issued until approved by the planning commission in accordance with the following findings:

1. That, based on the public record and testimony presented at a public hearing, the building is determined not to be a significant architectural or historical building. If a building is determined to be significant by the planning commission, no demolition will be authorized unless the following findings are made by the commission:

a. That the building poses a threat to health, safety and general welfare if it is not demolished,

b. That restoration of the building is not feasible or practicable using current building codes including, but not limited to, the Historic Building Code provisions of the Uniform Building Code of the state of California,

c. That no public or other funding is available for financing renovation or purchase of the building.

2. That the demolition does not eliminate elements that are required to maintain the essential character of the neighborhood;

3. That design review of the proposed replacement structure is approved prior to, **or in conjunction with**, approval of the demolition of a housing structure.

17.164.055 Administrative Design Review

A.F. The following activities are subject to all design criteria of the City of St Helena, however the review shall be conducted administratively by City planning staff as a component of the building permit review:*

1. Those activities not described above;
2. Any form of repair or maintenance where the work solely involves the replacement of materials in like kind and form or to any such work in areas not visible to the public from the public right-of-way or areas accessible to the public;
3. An accessory dwelling unit that meets the requirements of Section 17.116.030. (Ord. 17-2 § 10; Ord. 07-4 § 2 (part): prior code § 27.379);

4. The alteration, modification or addition (proposing to increase the existing building floor area ratio by 20-percent or less and which does not increase the height of the existing building by more than 30-inches) to an existing single family residential structure or building unless it is determined by the Planning Director that there is substantial evidence that the proposed alteration, modification or addition would cause significant concern from, or impacts to, adjacent property owners.

5. The construction of an accessory structure in keeping with all development criteria of the zoning district in which the structure is proposed.

The Planning Director or designee shall review the above project types for conformance with the development criteria of the General Plan, the appropriate zoning district and all other development criteria established by the City as an element of the Administrative Design review process. Approvals granted under provisions 17.164.055 A. 4. and 17.164.055 A. 5. of this Chapter, shall be noticed to all property owners within 300-feet of the subject property.

*The Planning Director reserves the right to elevate any Administrative Design Review granted under provisions 17.164.055 A. 4. and 17.164.055 A. 5. of this Chapter to discretionary Design Review for review and action by the Planning Commission.

17.164.060 Exemptions.

- A. Whenever the city planner finds that a proposal **which requires Planning Commission review and action** raises no substantial design problem of the sort outlined in Sections

17.164.010 through 17.164.030, the planner shall place such an exemption recommendation on the planning commission's consent agenda.

B. The planning commission may delegate to the city planner responsibility for review and recommendation for applications for zoning and building permits in those cases, where in the opinion of the commission, the proposed use or structure would not have a significant impact on neighboring properties or on the entire area, or in cases where the proposed use of structure is clearly consistent with the purposes of Sections 17.164.020 and 17.164.030 and the remaining requirements of this chapter and the general plan.

C. The city planner may review and approve the replacement of existing architectural features that do not involve substantial design changes or changes in materials. (Prior code § 27.380)

17.164.070 Submissions.

The proponent shall submit through the city **planning division** the following:

- A. Preliminary building floor plans and exterior elevations drawn to scale adequate to show clearly the design intent. These plans and exterior elevations shall include structures and significant natural features on abutting properties;
- B. A site plan, or plans, at a scale to show clearly the following:
 - 1. The dimensions, orientation, and acreage of each lot or plot to be built upon or otherwise used,
 - 2. Layout of the entire project, and its relation to surrounding properties and the existing buildings thereon,
 - 3. Location and dimensions of present and proposed street and highway dedication required to handle the traffic generated by the proposed use,
 - 4. Location of points of entry and exit for motor vehicles and internal vehicular circulation patterns,
 - 5. The location and layout of all paved areas including off-street parking and loading facilities,
 - 6. All existing and proposed topography,
 - 7. Location and size of existing and proposed planting and screening,
 - 8. The size, shape and location of existing and proposed construction,
 - 9. Indication of the proposed use of construction shown on the site,

10. Location of walls, fences and railings, and the indication of their height and the materials of their construction,
 11. Indication of exterior lighting adequate to determine its character and to enable review of possible hazards and disturbances to the public and adjacent properties,
 12. Indication of other potential disturbances to the public and adjacent properties due to noise or odors to be emitted by the proposed use,
 13. Location, size and design of exterior signs and outdoor advertising,
 14. A landscape plan showing grading, landscape materials and irrigating system,
 15. A statement of sustainable and green building principles that have been incorporated into the site and/or building design,
 16. A fee as determined by resolution of the city council;
- C. A photocopy reduction of items in subsection B of this section at a minimum of seventeen (17) inches by eleven (11) inches;
- D. The city planner may waive any of the above submissions that are believed unnecessary. The city planner may require such other information and exhibits as is deemed reasonably necessary to enable the planning commission or planning division to reach an informed result. That information may include:
1. Photographs taken on the site showing structures on adjoining property,
 2. Detailed drawings of decorative elements,
 3. Samples of exterior materials and colors,
 4. Location and method of refuse storage,
 5. Scale drawings of signs,
 6. Sectional studies to explain the character of the design,
 7. Scale models and/or perspective drawings and/or perspective drawings superimposed at proper scale on photographs of the property. (Ord. 07-4 § 2 (part): prior code § 27.381)

17.164.080 Stages of inquiry.

Prior to filing any submissions, the proponent and/or their architect are encouraged to meet with the city planner in order to obtain information on the general guidelines which the

commission expects to use. The proponent or architect are entitled to have the commission's guidelines as they apply to their project in writing so that if they wish to rely on them, a permanent record of the basis for their reliance will exist. The commission will ordinarily approve, approve with minor modifications, or disapprove a proposal on the submissions described in Section 17.164.070 and for reasons based upon compliance with Sections 17.164.020 and 17.164.030. The commission may expressly reserve approval of detailed aspects of development not possible to decide on the submissions as provided by the proponent. (Prior code § 27.382)

17.164.090 Statement of minimum conditions.

Whenever the commission disapproves a submission, at the request of the proponent it will be obliged to specify in writing the conditions under which a majority of the commission would accept the submission. However, it is not the intent of this section to require the commission to furnish the applicant with a design. (Prior code § 27.383)

17.164.100 Time limitations.

When the city's only discretionary action is design review, the commission shall take action at the first reasonable opportunity, **following the submittal and review of a complete application.** (Ord. 02-6 § 17: prior code § 27.384)

17.164.110 Notice.

A. Entitlement to, method and time of notice under this chapter shall be determined by the secretary of the commission in consultation with the city attorney. Notice should be circulated to reach all interested members of the community in sufficient time to enable them to participate meaningfully in commission proceedings and at the same time avoid undue expense and delay to the developer. For this purpose, notice may be had by posting, through advertisements in newspapers of general circulation and readership, by postcards, or any other means approved by the commission secretary and the city attorney.

B. Any person or organization desiring to be notified of any or all meetings held pursuant to a submission required by this chapter shall be entitled to notice by filing a request with the secretary and paying a fee reasonably calculated to meet the costs of such notice. (Prior code § 27.385).

* Code reviser's note: Section 6 of Ordinance **X**, amending and restating existing St. Helena Municipal Code Chapter 17.164 (design review), Chapter 17.112.070 (projections over easements and sidewalks) and Chapters 17.48.090 and 17.52.090 (other standards and uses) includes a provision stating "These amendments are enacted for a period of two years and shall terminate on November 8, 2020, unless extended or made permanent by action of the City Council."

Exhibit B

S.H.M.C. Section 17.48.090 Other standards and uses

6. ~~Design review~~ Outdoor Seating. Administrative approval of a Sidewalk Dining Permit is required to establish outdoor seating for dining at restaurants with an approved use permit. Use permit amendment is required for an increase in the number of seats. The ~~design review~~ Sidewalk Dining Permit application shall include a plan showing the number of tables and chairs and the area where the dining will be allowed.

- a. Outdoor dining for seating that results in an increase in the number of seats shall be reviewed by the planning department for compliance with parking standards and by Napa County Environmental Management for compliance with regulations pertaining to food storage, health and safety.
- b. For those restaurants that wish to serve alcohol outside, the licensee must obtain approval for premises expansion from the California Department of Alcoholic Beverage Control.
- c. All entrances and emergency exits shall be kept free of obstructions to ingress and egress.
- d. For those restaurants that wish to establish outdoor seating for dining on a sidewalk, the following will be required:
 - i. A one-and-one-half-foot “recovery zone” from the edge of curb that must be kept free of obstructions (CalTrans requirement).
 - ii. A four-foot clear path of travel, which clearly maintains ADA compliance along the sidewalk must be maintained to provide disabled access.
 - iii. Tables and chairs must be brought indoors when the restaurant is closed.
 - iv. Entertainment shall not be allowed on the sidewalk as part of the restaurant service.
 - v. An encroachment permit must be obtained from the City of St. Helena. Application must include documentation of required liability insurance. The City of St. Helena maintains the preeminent right to use the sidewalk and suspend the right to encroach whenever the City needs use of the sidewalk for other public use or for repair.
 - vi. Sidewalk Dining Permits are revocable at the will of the city, and such revocations do not result in a taking of the owner’s property (i.e., a taking of the restaurant).
 - vii. No more than twenty percent (20%) of a total restaurant seating may be located on the sidewalk or other public property.

e. For those restaurants wishing to allow patrons to bring dogs to the outdoor dining area, the following regulations shall be enforced:

- i. Employees and patrons shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens or any other items involved with food service operations.
- ii. Patrons shall keep their dogs on a leash at all times and shall keep their dogs under control.
- iii. Dogs shall not be allowed on chairs, tables, or other furnishings.
- iv. All table and chair surfaces shall be cleaned and sanitized between seating of patrons.
- v. Dog waste shall be removed immediately and the area immediately cleaned and sanitized with an appropriate product.
- vi. Dogs shall not be permitted to travel through indoor portions of the public food service establishment.

S.H.M.C. Section 17.52.090 Other standards and uses

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S.H.M.C. Section 17.112.070 Projections over easements and sidewalks

B. Awnings, canopies, and marquees with a minimum vertical clearance of eight feet and attached to a structure may be allowed to extend over a public sidewalk. Administrative Design Review and a building permit shall be required to erect an awning or canopy ~~or marquee~~*. All awnings, canopies and marquees shall be maintained in good repair and shall be removed when noticeably worn.

EXHIBIT A

Chapter 17.164
DESIGN REVIEW

Sections:

- 17.164.010 Statement of policy.
- 17.164.020 Purpose.
- 17.164.030 Design criteria.
- 17.164.040 Limitations of review.
- 17.164.050 Applicability.
- 17.164.060 Exemptions.
- 17.164.070 Submissions.
- 17.164.080 Stages of inquiry.
- 17.164.090 Statement of minimum conditions.
- 17.164.100 Time limitations.
- 17.164.110 Notice.

17.164.010 Statement of policy.

The city council finds that new development can have a substantial impact on the character of the area in which it is located. Some harmful effects of one land use upon another can be prevented through zoning, subdivision controls and housing and building codes. Other aspects of development are more subtle and less amenable to exacting rules of thumb promulgated without regard to specific development proposals. Among these are the general form of the land before and after development, the spatial relationships of the structures and open spaces to proximate land uses and the appearances of buildings and open spaces as they contribute to an area as it is being developed. (Prior code § 27.375)

17.164.020 Purpose.

The purpose of design review are is:

- A. To promote those ~~qualifies~~ **qualities** in the environment which bring value to the community;
- B. To foster the attractiveness and functional utility of the community as a place to live and work;
- C. To preserve the character and quality of our heritage by maintaining the integrity of those areas which have a discernible character or are of special historic significance;
- D. To protect certain public investments in the area;
- E. To encourage where appropriate, a mix of uses within permissible use zones;
- F. To raise the level of community expectations for the quality of its environment. (Prior code § 27.376)

17.164.030 Design criteria.

- A. In addition to the purposes prescribed in Section 17.164.020 the following factors shall be considered by the planning commission in reviewing all applications:
 - 1. Consistency and compatibility with applicable elements of the general plan;
 - 2. Compatibility of design with the immediate environment of the site;
 - 3. Relationship of the design to the site;
 - 4. Determination that the design is compatible in areas considered by the board as having a unified design or historical character;
 - 5. Whether the design promotes harmonious transition in scale and character in areas between different designated land uses;
 - 6. Compatibility with future construction both on and off the site;
 - 7. Whether the architectural design of structures and their materials and colors are appropriate to the function of the project;
 - 8. Whether the planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community;

9. Whether the amount and arrangement of open space and landscaping are appropriate to the design and the function of the structures;

~~10. Whether sufficient ancillary functions are provided to support the main functions of the project and whether they are compatible with the project's design concept;~~

10. Whether access to the property and circulation systems are safe and convenient for pedestrians, cyclists and vehicles;

11. Whether natural features **and vegetation** are appropriately preserved and integrated with the project;

12. Whether the materials, textures, colors and details of construction are an appropriate expression of its design concept and function and whether they are compatible with the adjacent and neighboring structures and functions;

~~14. In areas considered by the board as having a unified design character or historical character, whether the design is compatible with such character;~~

13. Whether the landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site;

~~16. Whether plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety which is suitable to the climate of St. Helena;~~

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

B. The planning commission shall develop additional criteria for review of architectural and landscape plans. Such criteria shall be approved by the planning commission and city council and shall be designed to form a basis of understanding between project designers and the commission on design objectives for St. Helena. (Ord. 07-4 § 2 (part); prior code § 27.377)

17.164.040 Limitations of review.

A. The commission shall not design or assist in the design of any buildings or projects submitted for approval except on request of the proponent or his or her architect. The commission shall restrict its considerations to a reasonable and professional review of the proposal and plans, leaving full responsibility for the design and development to the applicant.

- B. Individual initiative and experimentation are to be encouraged.
- C. Only the proponent's failure to take reasonable account of the items discussed in Sections 17.164.010 through 17.164.030, shall justify the commission's disapproving a proposal solely on the basis of design.
- D. In its endeavor to improve the quality of a design, the commission shall keep considerations of cost in mind. But consideration of cost shall not override the other objectives of this title.
- E. The commission is not to use design review intentionally or inadvertently to exclude housing for minority groups or housing for low and moderate income persons.
- F. The commission is not to use design review intentionally or inadvertently to prohibit or unduly restrict building types, materials or methods or to vary the specific allowances or other development controls. (Prior code § 27.378)

17.164.050 Applicability.

- A. Any ~~exterior modification to a commercial, multi-family or designated historic building, including new construction; building or structure or for exterior addition to, alteration of, or modification of any existing structure or building as regulated by each of the established zoning districts;~~
- B. ~~The construction of a new single family home;~~
- B. Structures, ~~or~~ **buildings** or site modifications requiring use permits in any district, **excluding fences;**
- C. Tentative map conditions shall include the requirement for design review **approval of any new structure** prior to the issuance of any future building permits **for structures on the newly created parcels** (Note: Effective on maps approved after January 1992);
- D. Any **new** public facility, **or modification there of;**
- E. Demolition. Except when required for the emergency protection of public health, safety or welfare as determined by the ~~city manager~~ **Building Official** ~~or to allow the removal of a non-historic accessory structure,~~ no permit authorizing the demolition of any building within any zoning district shall be issued until approved by the planning commission in accordance with the following findings:
 - 1. That, based on the public record and testimony presented at a public hearing, the building is determined not to be a significant architectural or historical building. If a building is

determined to be significant by the planning commission, no demolition will be authorized unless the following findings are made by the commission:

- a. That the building poses a threat to health, safety and general welfare if it is not demolished,
 - b. That restoration of the building is not feasible or practicable using current building codes including, but not limited to, the Historic Building Code provisions of the Uniform Building Code of the state of California,
 - c. That no public or other funding is available for financing renovation or purchase of the building.
2. That the demolition does not eliminate elements that are required to maintain the essential character of the neighborhood;
 3. That design review of the proposed replacement structure is approved prior to, **or in conjunction with**, approval of the demolition of a housing structure.

17.164.055 Administrative Design Review

AF. The following activities are subject to all design criteria of the City of St Helena, however the review shall be conducted administratively by City planning staff as a component of the building permit review.* ~~Design review shall not be required for the following:~~

1. Those activities not described above;
2. Any form of repair or maintenance where the work solely involves the replacement of materials in like kind and form or to any such work in areas not visible to the public from the public right-of-way or areas accessible to the public;
3. An accessory dwelling unit that meets the requirements of Section 17.116.030. (Ord. 17-2 § 10; Ord. 07-4 § 2 (part): prior code § 27.379);
4. **The alteration, modification or addition (proposing to increase the existing building floor area ratio by 20-percent or less and which does not increase the height of the existing building by more than 30-inches) to an existing single family residential structure or building unless it is determined by the Planning Director that there is substantial evidence that the proposed alteration, modification or addition would cause significant concern from, or impacts to, adjacent property owners.**
5. **The construction of an accessory structure in keeping with all development criteria of the zoning district in which the structure is proposed.**

The Planning Director or designee shall review the above project types for conformance with the development criteria of the General Plan, the appropriate zoning district and all other development criteria established by the City as an element of the Administrative Design review process. Approvals granted under provisions 17.164.055 A. 4. and 17.164.055 A. 5. of this Chapter, shall be noticed to all property owners within 300-feet of the subject property.

*The Planning Director reserves the right to elevate any Administrative Design Review granted under provisions 17.164.055 A. 4. and 17.164.055 A. 5. of this Chapter to discretionary Design Review for review and action by the Planning Commission.

17.164.060 Exemptions.

A. Whenever the city planner finds that a proposal which requires Planning Commission review and action raises no substantial design problem of the sort outlined in Sections 17.164.010 through 17.164.030, the planner shall place such an exemption recommendation on the planning commission's consent agenda.

B. The planning commission may delegate to the city planner responsibility for review and recommendation for applications for zoning and building permits in those cases, where in the opinion of the commission, the proposed use or structure would not have a significant impact on neighboring properties or on the entire area, or in cases where the proposed use of structure is clearly consistent with the purposes of Sections 17.164.020 and 17.164.030 and the remaining requirements of this chapter and the general plan.

C. The city planner may review and approve the replacement of existing architectural features that do not involve substantial design changes or changes in materials. (Prior code § 27.380)

17.164.070 Submissions.

The proponent shall submit through the city planner planning division the following:

A. Preliminary building floor plans and exterior elevations drawn to scale adequate to show clearly the design intent. These plans and exterior elevations shall include structures and significant natural features on abutting properties;

B. A site plan, or plans, at a scale to show clearly the following:

1. The dimensions, orientation, and acreage of each lot or plot to be built upon or otherwise used,
2. Layout of the entire project, and its relation to surrounding properties and the existing buildings thereon,

3. Location and dimensions of present and proposed street and highway dedication required to handle the traffic generated by the proposed use,
 4. Location of points of entry and exit for motor vehicles and internal vehicular circulation patterns,
 5. The location and layout of all paved areas including off-street parking and loading facilities,
 6. All existing and proposed topography,
 7. Location and size of existing and proposed planting and screening,
 8. The size, shape and location of existing and proposed construction,
 9. Indication of the proposed use of construction shown on the site,
 10. Location of walls, fences and railings, and the indication of their height and the materials of their construction,
 11. Indication of exterior lighting adequate to determine its character and to enable review of possible hazards and disturbances to the public and adjacent properties,
 12. Indication of other potential disturbances to the public and adjacent properties due to noise or odors to be emitted by the proposed use,
 13. Location, size and design of exterior signs and outdoor advertising,
 14. A landscape plan showing grading, landscape materials and irrigating system,
 15. A statement of sustainable and green building principles that have been incorporated into the site and/or building design,
 16. A fee as determined by resolution of the city council;
- C. A photocopy reduction of items in subsection B of this section at **a minimum of eight and one-half seventeen (17) inches by eleven (11) inches**;
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17.164.100 Time limitations.

When the city's only discretionary action is design review, the commission shall take action at the first reasonable opportunity, **following the submittal and review of a complete application.** ~~Unless environmental documentation is required, commission inaction within sixty (60) days of submission of a complete application shall constitute approval. The sixty (60) day review period can be extended by mutual consent of applicant and commission.~~ (Ord. 02-6 § 17: prior code § 27.384)

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From: Heidi Tucker [<mailto:heidi@thesaintnapavalley.com>]
Sent: Monday, August 20, 2018 10:05 PM
To: Noah Housh <NHoush@cityofsthelena.org>
Cc: Aaron Hecock <ahecock@cityofsthelena.org>
Subject: Planning Commission Letter of Support

To:
Noah Housh, Planning and Community Improvement Director
The St. Helena Planning Commission and
the St Helena City Council

I've read through the staff notes of the Planning Commission recommendation to replace the formal Design Review process with an administrative approval process for certain low impact residential and commercial modifications.

I'm very pleased with the report and recommendation, as I believe it will create more efficiency for the city staff and a more business-friendly and cost effective climate for business owners to improve their storefronts for the benefit of all residents and visitors. This will in turn help business owners attract more patrons and ultimately pay more sales tax.

Our community has suffered in recent years, and we have far too many vacant storefronts on Main Street. I fully support and appreciate the Planning Department's goal to streamline excessive red-tape and to use their administrative powers and subject matter expertise to make the best decisions in support of local businesses and our community.

Thank you for bringing forward this recommendation and considering the benefits it will bring to our community.

Cheers,

Heidi



Heidi Bamberg Tucker
The Saint
1351 Main Street, St. Helena CA
707.302.5130
www.thesaintnapavalley.com

City of St Helena, City Hall
Received

SEP 20 2018

1480 Main St.
St Helena, CA 94574

September 19, 2018

Mayor Alan Galbraith
Vice Mayor Peter White
Paul Dohring, Council Member
Mary Koberstein, Council Member
Geoff Ellsworth, Council Member

Council packet 9/25/18 Meeting

Dear Council Members,

The explosion of new construction and remodeling that we are experiencing in our town is burdening our city staff beyond their normal duties. The length of time for design review and building permit(s) has continued to grow and adds to resident's frustration in completing even small projects.

My request is that the council give consideration to granting senior planners, the authority and discretion for approval of small projects. Projects such as garages, carports, storage buildings, barns, etc., that comply with city ordinances and meet building codes would be examples. In the spirit of "full disclosure" our project submitted to the city for approval falls in the above category.

This act could be viewed as another way to enhance the city's reputation that its government continues to be responsive to resident's needs.

Respectfully Submitted,



Chuck Dake
2010 Dean York Ln.
St. Helena
707-963-0888

Cindy Tzafopoulos

Subject: FW: Proposed Modifications to the Requirements and Processes of Design Review

From: Michael Collins [<mailto:collinsmichael2013@gmail.com>]
Sent: Monday, September 24, 2018 11:02 AM
To: Noah Housh
Subject: Proposed Modifications to the Requirements and Processes of Design Review

Noah

I have had a chance to review the proposed modifications of the requirements and processes of Design Review.

I am very supportive of simplifying and enhancing the Design Review process. I recently received Planning Commission approvals to construct a trellis in my backyard. The process to achieve the approvals was lengthy. We initiated the process in late April and received Planning Commission approval on September 21. The process was costly. I incurred application fees as well as engineering costs and other third party costs. To date, I have incurred costs in excess of \$2,500 and I am yet to begin constructing the trellis. As a homeowner, I should have the ability to construct a simple trellis in my backyard without having to go thru the expense, time, uncertainty, etc to obtain Planning Commission approval.

It should be noted that the Planning and Building Department leadership and staff were very helpful and professional throughout the entire approval process.

I strongly encourage the City Council to thoughtfully consider these recommendations. The process needs to be improved for the homeowner and the Planning Department. The Planning Department should be spending more of their time addressing significant projects that meaningfully impact the City of St Helena vs reviewing a simple trellis in a backyard.

Respectfully,

Michael Collins

Cindy Tzafopoulos

Subject: FW: Proposed Design Review Process Changes**From:** Joshua Parke [<mailto:joshua@zwischenstudio.com>]**Sent:** Tuesday, September 25, 2018 3:03 PM**To:** Noah Housh**Subject:** Re: Proposed Design Review Process Changes

Hi Noah,

Thank you for sending over the information regarding the proposed changes to our current design review process. I personally know of many families who have chosen to move rather than face the divisive, unpredictable, arduous, and expensive process the current system promotes.

While I'm happy to see this as a step in the right direction there are a few items that stand out as contrary to the positive intent of the changes. If our regulatory bodies are charged with regulating themselves I'm afraid the predictable outcome is one of self-preservation.

The verbiage "Approvals granted under provisions 17.164.055 A. 4. and 17.164.055 A. 5. of this Chapter, shall be noticed to all property owners within 300-feet of the subject property." effectively means that ALL projects within the city will cause notification to be sent to neighbors within 300'. This clearly will cause more conflict within the community, cause a great deal of confusion, and consume an incredible amount of staff time. If the intent of revisions to the current design system is to de-escalate the amount of staff time and anxiety for home owners, this seems to move things in the opposite direction. Also of considerable concern is that the appeal process would remain the same, which in affect means that any project could be frozen indefinitely, for any reason.

Another item of concern is the verbiage of limiting projects that would be exempt to those that would increase a home size by a maximum of 20% of their existing conditioned square footage or less. While I understand the intent of this as to restrict size of additions it would be better serving to the community if it were eliminated or more rationally based on a metric of consumed percentage of maximum allowed FAR for a given zone within the city. For instance:

If a couple purchases a small home of 1200 square feet in the medium density zone currently the maximum potential size of the home is based on the size of the lot. If the lot is of an average size of 8000 square feet then by code they would be allowed to build a home up to 2640 square feet. If the couple had a baby and needed to add space they would be limited to an addition of 240 square feet for a total of 1440. This is over 1000 square feet less than the allowable FAR for the size of the parcel. Meanwhile a neighboring home on the same size lot could be 2000 square feet and still add 400 square feet for a total of 2400 and still be under the allowable FAR by a significant amount but be about 1000 square feet larger than their neighbor's.

If the intent of this change to the revision by the planning commission is to limit the size of additions then it should be based on a fair and equitable percentage of maximum FAR, not discriminatorily based on the size of a property owners existing home. All that does is limit upward mobility amongst those with limited means. The verbiage "(proposing to increase the existing building floor area ratio by 20-percent or less and which does not increase the height of the existing building by more than 30-inches)" should be removed entirely. Or if the council feels there is justifiable concern reflected in it's intent then the restriction should simply be based on limiting the addition to a certain percentage of allowable FAR. If the example of the 8000

square foot lot is used then a homeowner could add up to (for instance) within 10% of allowable FAR without having to engage the planning commission and have staff do a full report.

The city already has height restrictions as a matter of zoning ordinances, there are also many neighborhoods within the city that currently have civil checks via CCR's that limit height and 2nd story additions. A trigger for design review of a 30" height increase seems arbitrary and not based on a specific rational. Residents should be allowed to build within the established restrictions of the zoning ordinances and legal neighborhood restrictions.

These revisions as worded unfortunately still leave a great deal of ambiguity and uncertainty for applicants. Given that this is proposed as a temporary measure with a sunset of two years it would seem prudent to resolve the ambiguity and make the revisions more comprehensive as they pertain to the ability of property owners in St Helena to improve their assets and build on them as they need for growing families. Remove the design review requirement for residential projects, the sky will not fall, and the types of development projects the city and commission are most concerned about will garner more complete attention.

If the concern is that non resident developers will run rampant, certainly there are better ways of limiting this type of development without penalizing our residents. Perhaps there could be a restriction on the number of single family residential projects any one developer can execute within a certain time period.

Sincerely,

Joshua Parke
Design Principal | Zwischen Studio
206 218 5615

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Review and First Reading of an Ordinance modifying the requirements and process for Design Review

Planning and Community Improvement

September 25, 2018



Description

Review and First Reading of an Ordinance modifying the Design Review requirements for:

- Minor Residential Projects
- Outdoor Seating
- Awning and Canopies

Temporary-Proposed for a Trial Period of 1-2 Years



Background

October 4, 2017, the Council adopted a goal to Enhance Organizational Performance. "Draft Design Guidelines...and provide recommended improvements to the design review process."

May 9, 2018, the Council (as part of the budget process) provided direction to more efficiently utilize staff resources.

- Included a temporary process to reduce the types of residential projects requiring PC approval.



Proposed Changes-Residential

- SHMC 17.164-Design Review required for "any new building or structure or for exterior addition to, alteration of, or modification of any existing structure or building..."
 - Proposed Ordinance eliminates need for PC approval of Design Review for accessory structures and for alterations/modifications to existing homes
 - Creates Administrative Design Review
- *Does not apply to designated Historic homes



Proposed Changes-Outdoor Seating

- SHMC 17.48.090 and 17.52.090-Design Review required for Outdoor Seating & Lists Prescriptive Requirements
 - ABC, Health Dept., Encroachment; ADA; Revocable
 - Proposed Ordinance eliminates need for Design Review for Outdoor Seating in compliance with standards
 - Creates administrative Sidewalk Dining Permit
- *Does not allow expansion of restaurant seats



Proposed Changes-Awnings & Canopies

- SHMC 17.112.070 Design Review required for installation of a new Awning, Canopy or Marquee & Lists Prescriptive Requirements
 - Height; Maintenance Requirements; Building Permit
- Uses proposed Administrative Design Review
- *Does not allow marquee or other integral building changes



Analysis

Other Minor Changes-Criteria

CEQA

General Plan

Ordinance Process

-PC Recommendation and CC Approval



Planning Commission Recommendation

Planning Commission Reviewed August 21, 2018

- Generally Supported but Some Concerns
- Size of Additions
- Creation of a Second or Third Floor
- Clear delineation between Administrative and PC
- Notice to Neighbors
- Temporary Time Frame=Two Years



Recommendation

It is recommended by the Planning Commission that the City Council:

1. Find that the proposed changes are exempt from the requirements of CEQA pursuant to Sections 15301, 15302, 15303, and the General Rule; or GP EIR; and
2. Review and conduct a first reading of an ordinance making changes to the Design Review process for a limited number of projects.



Questions?



Report to the City Council
Council Meeting of September 25, 2018

Agenda Section: New Business

Subject: Discussion and Direction on the Rehabilitation of the Lyman Park Restrooms

CEQA Determination: Class I Categorical Exemption under Section 15301 of CEQA

Prepared By: Edrees Argand, Junior Assistant Engineer

Reviewed By: Erica Ahmann Smithies, Public Works Director and City Engineer

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

St. Helena's Lyman park consists of individual picnic tables, grassy areas, children's play area, and a historic gazebo. The gazebo may be rented for weddings, birthday parties, etc. Lyman Park is host to summer band concerts on Thursday evenings during the months of July and August. The City and residents have long recognized that Lyman Park does not have adequate public restroom facilities for the residents who frequently visit the park. The lack of an acceptable restroom facilities is a frustration to residents and visitors and ultimately reflects poorly on the City as a destination for the public. The bathrooms, dated 1986, are in a state of disrepair in addition to having identified ADA compliance needs that are scheduled to be addressed. On May 8, 2018, City Council adopted the Capital Improvement Program which included Lyman Park Improvements, C19-01 to address these concerns.

DISCUSSION

The proposed project will rehabilitate two single occupancy restrooms in the City owned Lyman Park located immediately adjacent to City Hall between Pine Street and Adams Street, across from the United States Postal Service on the 1300 block of Main Street.

The scope of work for the rehabilitation of the Lyman public restroom building consists of the following items of work:

- 1 - Replacement of the wood siding of the entire building,
- 2 - Removal and replacement of roof and gutter,
- 3 - Removal and replacement of two skylights,
- 4 - Removal and replacement of five interior and two exterior lights,
- 5 - Removal and replacement of exterior privacy screens/fences,
- 6 - Removal and replacement of three doors,
- 7 - Removal and replacement of two sinks,
- 8 - Removal and replacement of two toilets,
- 9 - Removal of paper towels dispensers and replacing them with air dryers,
- 10 - Removal of drinking fountain and replacing it with ADA compliant drinking fountain and dog fountain,
- 11 - Furnishing and installing of mirror above sink,
- 12 - Furnishing and installing of gender neutral signs,
- 13 - Upgrading electricity, repair breakers, and
- 14 - Miscellaneous items of work such as repairing and painting interior and exterior walls, clearing and grubbing surrounding areas of the restroom, and other work not mentioned that is necessary to perform items one through 13.

Upon commencement of construction, it is estimated improvements can be completed within four to six weeks.

FISCAL IMPACT

Current project quotes gathered from local contractors estimate that the budget will be within the \$50,000 approved CIP C19-01 Lyman Park Improvements budget.

RECOMMENDED ACTION

Provide direction and action for the rehabilitation of the Lyman Park Restrooms.



Report to the City Council
Council Meeting of September 25, 2018

Agenda Section: New Business

Subject: Adoption of City of St. Helena Downtown Economic Strategy

CEQA Determination: This item is purely an informational discussion to gain Council direction and is therefore not a CEQA project. Any formal decisions on individual projects will be subject to a complete analysis and determination under CEQA.

Prepared By: Mark T. Prestwich, City Manager

Reviewed By: April Mitts, Finance Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

In late 2017, the City Council held a strategic planning workshop to discuss three-year organizational goals and 12-month strategic objectives. "Ensure the Long-Term Economic Sustainability while Safeguarding St. Helena's Unique Culture and Quality of Life" emerged as a key goal, along with a desire to revitalize downtown to improve its resilience.

The City Council also commissioned the preparation of an Economic and Demographic Profile, and a Downtown Retail Market Analysis to evaluate the downtown's retail vitality. This analysis was prepared by Kosmont Companies and presented to the City Council on July 24, 2018, including several recommendations to address concerns with the downtown. Direction was subsequently provided to the City Manager to prepare a plan and recommended next steps. On September 11, 2018, the City Council reviewed a draft Downtown Economic Strategy and provided recommendations on the prioritization of initiatives.

DISCUSSION

The City of St. Helena Downtown Economic Strategy (attached) organizes strategies to enhance the competitiveness of downtown business and help support the City's economic base. The plan is intentionally crafted with an appreciation for the historic and

cultural resources that contribute to St. Helena's special character and quality of life, while maintaining a local serving perspective.

The Strategy organizes the various initiatives into Place, Process and People. Implementation of the plan will result in public infrastructure improvements to enhance the pedestrian experience, create a responsive and predictable development review process, and cultivate and reinforce the historic downtown's reputation as a distinctive destination.

FISCAL IMPACT

It is likely several initiatives will require new appropriations of City resources. Some initiatives do not require funding while others already have dedicated funding. It is also possible the City may be able to secure grant funding or use other available funding (e.g. Measure T resources) to offset costs.

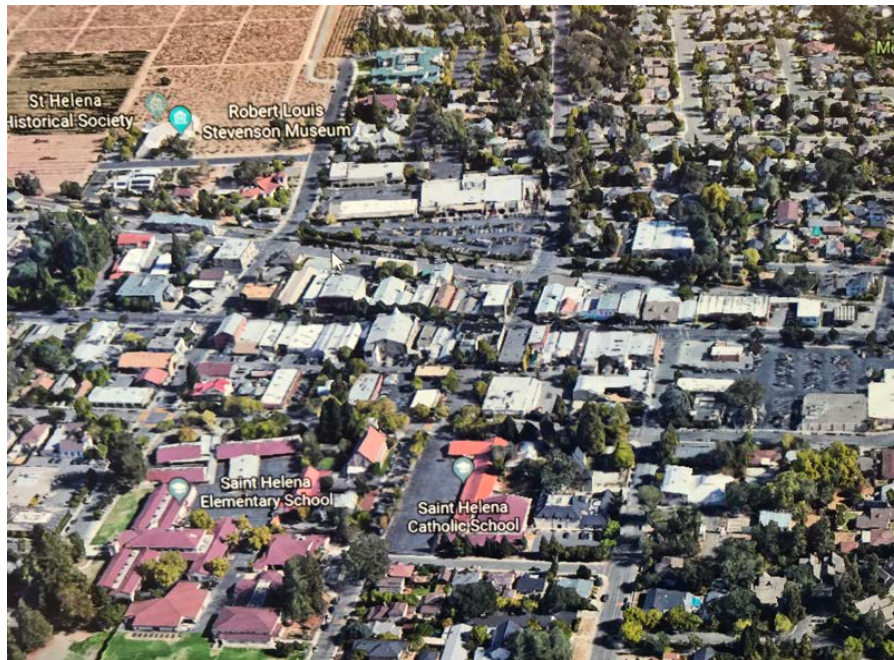
RECOMMENDED ACTION

Pass a motion adopting the City of St. Helena Downtown Economic Strategy.

ATTACHMENTS

[Downtown Econ Plan - Final](#)

City of St. Helena Downtown Economic Strategy



September 2018

City of St. Helena
www.cityofstheleena.org

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Acknowledgements & Credits

City Council

Alan Galbraith, Mayor

Peter White, Vice Mayor

Paul Dohring, Council Member

Geoff Ellsworth, Council Member

Mary Koberstein, Council Member

City Administration

Mark Prestwich, City Manager

Noah Housh, Planning & Community Improvement Director

Erica Ahmann Smithies, PE, Public Works Director/City Engineer

April Mitts, Finance Director

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EXECUTIVE SUMMARY

In late 2017, the City Council held a strategic planning workshop to discuss three-year goals and 12-month strategic objectives for the City. “Ensure the Long-Term Economic Sustainability while Safeguarding St. Helena’s Unique Culture and Quality of Life” emerged as a key goal, along with a desire to revitalize downtown to improve its resilience.

The City Council also commissioned the preparation of an Economic and Demographic Profile, and a Downtown Retail Market Analysis to evaluate the downtown’s retail viability. This analysis was prepared by Kosmont Companies and presented to the City Council on July 24, 2018, including several recommendations to address concerns with its downtown. Key findings of the study included:

- Downtown’s 8% vacancy rate is significantly higher than adjacent markets (2.6%);
- Retail lease rates are at an all time high historically and higher than those for the Napa County submarket, and all of the neighboring submarkets;
- Most local serving merchants cannot achieve the needed sales volume exclusively from resident households to remain profitable;
- The City has an unpredictable decision-making process and does not have a business-friendly reputation (e.g. difficult entitlement and permitting rules);
- Very few retail uses are allowed by right and permits run with the land, meaning tenants cannot relocate without high cost/risk; and
- The City is a net job importer, with approximately 3,000 workers employed in the City but living outside City limits.

Direction was subsequently provided to the City Manager to prepare a plan and recommended next steps.

The resulting plan organizes and prioritizes strategies to enhance the competitiveness of downtown businesses and help support the City’s economic base. The plan is intentionally crafted with an appreciation for the historic and cultural resources that contribute to St. Helena’s special character and quality of life, while maintaining a local serving perspective.

Implementation of the plan will result in public infrastructure improvements to enhance the pedestrian experience, create a responsive and predictable development review process, and cultivate and reinforce the historic downtown’s reputation as a distinctive destination. A summary of the strategy is highlighted on the next page.

STRATEGY AT A GLANCE

PLACE

INVEST IN PUBLIC INFRASTRUCTURE IMPROVEMENTS TO ENHANCE THE PEDESTRIAN EXPERIENCE

- ✓ Complete Downtown Sidewalk and Streetscape Improvement Project
- ✓ Pursue Pedestrian Alley Beautification
- ✓ Launch Downtown Facade and Tenant Improvement Program
- ✓ Complete Downtown Restroom Project
- ✓ Develop Wayfinding Signage Program with Local History
- ✓ Complete Parking Study to Identify Possible Improvements
- ✓ Evaluate Potential Streetscape Improvements to Money Way, Railroad Avenue, and Oak Avenue
- ✓ Rebuild on City Hall Parcel

PROCESS

CREATE A RESPONSIVE AND PREDICTABLE DEVELOPMENT REVIEW PROCESS FOR BUSINESS INVESTMENT

- ✓ Improve Business Certainty by Identifying Community Supported Uses Permitted by Right in the Central Business and Service Commercial Zoning Districts
- ✓ Streamline the Permit Process by Discontinuing Discretionary Review for Certain Permit Types
- ✓ Allow for Temporary Pop-Up Retail Uses

PEOPLE

CULTIVATE AND REINFORCE HISTORIC DOWNTOWN'S REPUTATION AS A DISTINCTIVE DESTINATION

- ✓ Re-Imagine Under-Utilized Properties/Promote In-Fill Housing
- ✓ Enhance Community Event Programming in Partnership with the Chamber of Commerce
- ✓ Refresh Branding and Reputation of Downtown
- ✓ Fund Online Marketing Portal for Vacant Commercial Space & Priority Investment Opportunities
- ✓ Provide Technical Assistance to Businesses/Landlords on Experiential, Destination, and Omnichannel Retail Strategies
- ✓ Explore Possible Wine Train Pilot Project
- ✓ Hotel Considerations
- ✓ Develop a City Parklets Program Policy and Permit Process
- ✓ Maintain a Safe, Clean and Comfortable Downtown Environment

COMMUNITY PROFILE

The City of St. Helena is located in the center of the world-famous wine growing Napa Valley, 65 miles north of San Francisco. The St. Helena area was once home to the Wappo people, a Yukian-speaking group who were the area's earliest inhabitants. Their village was located where Sulphur Creek meets the Napa River. General Vallejo's 1834 land grant led to the community's modern-era development. The City of St. Helena was incorporated as a City on March 24, 1876 and reincorporated on May 14, 1889.

The City from its inception has served as a rural agricultural center. Over the years, with the growth and development of the wine industry, the City became an important business and banking center. The City also receives many visitors as a result of the wine industry and the area's scenic qualities. In 1998, three blocks of St. Helena's downtown commercial district were placed on the National Register of Historic Places and designated a Historic Commercial District. The main goal of the City is to maintain a small-town atmosphere and to provide quality services to its citizens.

Today, the population of the City of St. Helena is 6,118. St. Helena is a full-service City and encompasses an area of four square miles. The City's General Fund Fiscal Year (FY) 2018-19 budget is \$14.3 million with a total operating budget of \$30.5 million. The assessed valuation of the City for FY 2018-19 is \$2.5 billion.

The City of St. Helena is a General Law City and operates under the Council-City Manager form of government. The City Council is the governing body and has the power to make and enforce all laws and set policy related to municipal affairs. The City Manager is responsible for carrying out the policies of the City Council and for the proper and efficient management of municipal activities. The City Manager directs and manages the various departments and municipal services through appointed Department Directors who directly supervise and administer the various City programs, services, and activities.

ST. HELENA ECONOMIC PROFILE

The economic profile of the City of St. Helena has changed greatly in the past few years. The City experienced significant financial challenges with the deep national recession a decade ago, and continued to experience revenue challenges through 2016. Challenges persist for the City's downtown commercial core.

While St. Helena enjoys the highest per capita sales tax revenue of all cities in Napa and Sonoma counties, sales tax revenues in its downtown have declined 15% in the past three years and are well below 2006 levels. The City's recent downtown retail analysis study determined the downtown retail vacancy rate is approximately 8%, which is significantly higher than the vacancy rate of the Napa County submarket (2.6%), and many neighboring submarkets. Asking lease rates in St. Helena are at an all time high historically and higher than those for the Napa County submarket, and all neighboring submarkets.

Contributing to this challenge is the fact that St. Helena has more local jobs than people in the labor force, which requires large numbers of commuters to fill local jobs. Interviews with local employers identified challenges with attracting employees. This is not a surprise given the City experiences a net inflow of approximately 3,000 workers for its estimated 5,700 available jobs.

However, several recent factors have contributed to a more positive financial outlook looking forward. The passage of Measure T, a 25-year ½ cent countywide sales tax, which took effect July 1, 2018, will provide an estimated \$1.2 million annually in additional resources for street maintenance and repair work. Additionally, the passage of Measure D in November 2016, a ½ cent sales tax, has provided an important boost to the City's General Fund and will facilitate the City's ability to improve service levels, reinvest in deteriorating infrastructure, and improve emergency reserve levels.

According to a May 2018 report by the California Employment Development Department, the Napa County unemployment rate has dropped to 2.5%, the lowest figure in 19 years. The statewide unemployment rate is 3.7%, down from a high of 12.2% during the peak of the recession in 2010.

PLACE

INVEST IN PUBLIC INFRASTRUCTURE IMPROVEMENTS TO ENHANCE THE PEDESTRIAN EXPERIENCE

Downtown St. Helena is firmly established as a distinctive and attractive shopping district. However, this nationally recognized treasure is experiencing a need for public investment in sidewalks and associated streetscape improvements. The following investments/strategies are intended to fundamentally enhance public infrastructure, the pedestrian experience, and foster economic vitality through improved placemaking.

A. COMPLETE DOWNTOWN SIDEWALK & STREETScape IMPROVEMENT PROJECT

In 2017, the City of St. Helena was awarded \$1.2 million in federal funds to upgrade its downtown sidewalks. The grant requires a City match of \$400,000, for a total project cost of \$1.6 million. In addition to funding improved sidewalks, the grant will fund wheelchair accessible curb ramps, sidewalk bulb-outs to reduce the distance for pedestrians crossing Main Street, and other streetscape improvements. Design and public engagement is expected to begin in early 2019, and should include consultation with downtown businesses to identify construction strategies and City assistance to mitigate business impacts. Construction is planned for Spring 2021.

B. PURSUE PEDESTRIAN ALLEY BEAUTIFICATION

The City of St. Helena is home to several pedestrian alleys such as Telegraph Alley (currently under-utilized). Enhancing the surface and built environment of these historic corridors present opportunities to improve the pedestrian “experience” of navigating St. Helena’s National Historic Commercial District. It is recommended the City expand the scope of work of the City’s sidewalk project/streetscape project to include options related to beautifying the City’s historic pedestrian alleys/corridors.

C. LAUNCH DOWNTOWN FAÇADE AND TENANT IMPROVEMENT PROGRAM

The appearance of the City’s downtown has a significant influence on its economic success. By improving its physical appearance, the downtown will have a much greater potential for attracting and retaining businesses. To encourage private investment in high-quality improvements that enhance the appearance of retail, commercial and professional buildings and properties (including side and rear facades, and interior tenant improvements), it is recommended the City develop and launch a Downtown Façade and Tenant Improvement Program with dedicated annual funding.

The proposed program will provide a one-time matching reimbursement for eligible façade and tenant improvements up to an established cap. Eligible expenses would include building improvements, signage, lighting, landscaping, exterior painting or surface treatment, decorative awnings, window and/or door replacements or modifications, storefront/interior enhancements, streetscape, outdoor patios and decks, ADA or seismic upgrading, and architectural features. In an effort to accelerate occupancy of existing vacant buildings in the downtown, it is recommended the City fund architectural design services for any downtown space that has been vacant for at least 90 days up to an established cap (excluding formula retail). It is also critical the City ensures general maintenance work (e.g. encroachment permit processing for a painting job) is able to be accomplished expeditiously.

D. COMPLETE DOWNTOWN RESTROOM PROJECT

On April 24, 2018, the City of St. Helena City Council approved the Downtown Restroom Project, authorizing staff to seek construction bids. The project will result in the construction of two unisex restrooms with an adjacent combined water fountain and water filling station. The building will be constructed between the Telegraph Alley sidewalk and public parking lot at 1301 Money Way. Construction is anticipated to begin in fall 2018 and be completed by spring 2019. This facility will serve City residents, downtown businesses, and visitors that have long expressed a need for a public restroom facility in the central business district.

E. DEVELOP WAYFINDING SIGNAGE PROGRAM WITH LOCAL HISTORY

Wayfinding or directional signage assists residents and visitors with locating various community destinations. A wayfinding system also projects a consistent image for the City, reduces visual clutter and promotes walking, bicycling, and use of mass transit. Some cities have also used wayfinding signage to share and document their history. Integrating a wayfinding system with the City's sidewalk and streetscape improvement program will enhance the pedestrian experience.

F. COMPLETE PARKING STUDY TO IDENTIFY POSSIBLE IMPROVEMENTS

The City Council has authorized funding and allocated resources to complete a Parking Study in conjunction with the General Plan. This parking study will evaluate parking availability, and options to improve parking for locals and visitors. This will include an evaluation of parking zones, possible parking expansion opportunities, and alternatives such as shuttles/valet service.

G. EVALUATE POTENTIAL STREETScape IMPROVEMENTS TO MONEY WAY, RAILROAD AVENUE AND OAK AVENUE

As planning efforts begin with the downtown sidewalk project, it is recommended a landscape architect also evaluate Money Way, Railroad Avenue and Oak Avenue to identify potential streetscape improvements that can enhance the downtown experience.

H. REBUILD ON CITY HALL PARCEL

The St. Helena Assets Planning Engagement (SHAPE) Committee Final Report recommends rebuilding on the City Hall parcel rather than rehabilitation of the deteriorating existing asset. The prospect of near-term rebuilding on the parcel creates the opportunity to enhance the new structure's integration with Lyman Park and its ability to serve as an engaging mixed-use community asset anchoring the northern end of the downtown. Discussions of what type of structure is rebuilt on site will begin in September 2018 when the City Council begins to further analyze options presented by the SHAPE Committee.

PROCESS

CREATE A RESPONSIVE AND PREDICTABLE DEVELOPMENT REVIEW PROCESS FOR BUSINESS INVESTMENT

Today's retailers are facing new competition including bulk discount centers and online retail. These macro changes in the retail industry, along with regional competition, costly lease options, expensive and limited housing options, and challenges in attracting employees, are all contributing factors to the significant number of downtown vacancies.

As companies plan their investments, the cost, predictability, and timing of tenant improvement projects and permits become key factors in their decision making. The City's unpredictable development review and permitting process increases project risk, which impacts business willingness to invest in or upgrade commercial space.

By creating a responsive and predictable development review process, and allowing retailers to quickly and creatively respond to market dynamics, the City of St. Helena will increase the probability of business investment, reduce vacancy rates, and contribute to downtown's economic vitality.

A. IMPROVE BUSINESS CERTAINTY BY IDENTIFYING COMMUNITY SUPPORTED USES THAT ARE PERMITTED BY RIGHT IN THE CENTRAL BUSINESS & SERVICE COMMERCIAL ZONING DISTRICTS

Project applicants regularly find challenges with the existing Zoning Code, including conflicting requirements, antiquated policies and a general lack of consistent regulations. Several of these issues and concerns relate to uses that are permitted by right versus those that require a use permit in the Central Business (CB) and Service Commercial (SC) zoning districts.

For example, numerous retail uses are individually listed when they could be combined under a "General Retail" category, including formula retail businesses. Similarly, multiple office uses are listed when they could be easily classified under a broader "Office Use" category, both of which could be by-right in certain districts.

While there is a necessary balance to strike, improving City standards and business certainty by a well-managed identification of acceptable prescriptive rights will address concerns expressed by business interests. It is recommended the Kosmont Companies assist the City with this effort, including identifying the successful mix of local and visitor serving retail strategies used by other vibrant downtowns to aid in developing additional opportunities.

B. STREAMLINE THE PERMIT PROCESS BY DISCONTINUING DISCRETIONARY REVIEW FOR CERTAIN PERMIT TYPES

Currently, several permit activities require applicants to secure Planning Commission approval. In contrast, other communities identify community supported standards and streamline approval

via staff level review. This process expedites the applicant's permit process and reduces staff time associated with preparation of staff reports. Discontinuing discretionary review for signs, awnings and other uses is recommended as a streamlining opportunity. It is also critical to identify process improvements to City procedures to ensure minor activities such as repainting a building may be done quickly.

C. ALLOW FOR TEMPORARY POP-UP RETAIL USES

Pop-up stores are temporary retail spaces selling many kinds of merchandise. These stores and other use types, which come in a variety of shapes, sizes and locations, are attractive marketing strategies for retailers interested in introducing new products, building brand awareness and creating enthusiasm without a significant expenditure of resources. Pop-ups can last for an hour, day or for a set period of time. Establishing an efficient permit process for pop-up uses will encourage additional retail investment in downtown, capitalize on the emerging retail trends, and provide a means of mitigating the impacts of vacant buildings.

PEOPLE

CULTIVATE AND REINFORCE HISTORIC DOWNTOWN'S REPUTATION AS A DISTINCTIVE DESTINATION

While downtown St. Helena is a distinctive destination offering historical assets, culture, and participation in civic activities, businesses report a steady erosion of pedestrian traffic is impacting their success. The planned public infrastructure improvements, in concert with a strategy to create a responsive and predictable development approval process for business investment, positions the City to leverage these changes and refresh the branding and reputation of downtown. Additionally, there are numerous opportunities to creatively cultivate customers to enhance the probability of success for the City's merchants.

A. RE-IMAGINE UNDER-UTILIZED PROPERTIES / PROMOTE IN-FILL HOUSING

As noted in the City's June 2018 "White Paper" informational study, housing production has not kept pace with demand and is no longer aligned with the income levels of local employees. Identifying opportunities and increasing housing production in the immediate downtown via use of incentives (e.g. density bonuses, expedited review, relaxed parking requirements, etc.) was identified as a key housing strategy in the White Paper. In addition to helping to provide needed workforce housing, this strategy would have dual benefit of contributing new local customers to help sustain downtown businesses. It is therefore recommended the City accelerate efforts to develop an In-Fill Housing/Mixed-Use Incentive Program to attract housing and mixed-use investment in the downtown.

B. ENHANCE COMMUNITY EVENT PROGRAMMING IN PARTNERSHIP WITH CHAMBER OF COMMERCE

Consistent with the Kosmont Retail Market Analysis, it is recommended the City work in partnership with the St. Helena Chamber of Commerce to develop and produce additional recurring community event programming. In addition to their impact on local business, events and festivals present a platform for community energy and cultural development by offering opportunities to connect, support and participate. Research suggests that participant-based events may yield greater expenditure per person than spectator-based events.

C. REFRESH BRANDING AND REPUTATION OF DOWNTOWN

The St. Helena Chamber of Commerce currently utilizes the brand "St. Helena's Main Street". Given the infrastructure and regulatory process changes that will be coming soon to downtown St. Helena, it is recommended the City and Chamber of Commerce work together to expeditiously identify branding strategies to reacquaint the business community, prospective retailers, and visitors with improvements to our distinctive downtown and permitting process.

D. FUND ONLINE MARKETING PORTAL FOR VACANT COMMERCIAL SPACE & PRIORITY INVESTMENT OPPORTUNITIES

There are emerging online portals available to promote the availability of vacant commercial space to prospective businesses. Scores of California cities are connecting with real estate professionals and investors interested in commercial space. These tools allow agencies to reach beyond their regional footprint to attract business. Establishing and maintaining an active online presence will allow the City to affordably promote local investment opportunities to a wide audience. An online platform also creates efficiencies by use of filtering tools to narrow the focus to preferred opportunities and will provide the City with analytics to improve our focus. It is anticipated the Kosmont Companies will serve as the City's representative for real estate inquiries.

E. PROVIDE TECHNICAL BUSINESS ASSISTANCE TO BUSINESSES/LANDLORDS ON EXPERIENTIAL, DESTINATION, & OMNICHANNEL RETAIL STRATEGIES

Online retail competition is contributing to transformational changes and pressure in the retail sector. Retailers that embrace integrated retail strategies are experiencing improved customer retention. An "omnichannel" retail strategy is one that integrates the different methods of customer shopping (e.g. in a physical store, online, by phone, etc.). A 2013 study by the Aberdeen Group, Inc. determined that companies with strong omnichannel engagement strategies retain an average of 89% of their customers, compared with 33% for companies with weak omnichannel strategies. To support local retailers, it is recommended the City utilize Kosmont Companies to provide up to three business workshops and technical assistance on experiential, destination, and integrated retail strategies to improve the competitiveness of St. Helena's retailers.

F. EXPLORE POSSIBLE WINE TRAIN PILOT PROJECT

One of the recommendations in the Downtown Retail Analysis included consideration of allowing the Napa Valley Wine Train to drop off customers to expand downtown commerce, while reducing vehicle traffic and the need for parking. This strategy presents an opportunity to confront the dual challenge of dealing with increasing vehicle traffic but declining numbers of Main Street shoppers. In order to test the impact on Main Street business and the community, it is recommended the City explore a 24-month pilot project with the Wine Train to evaluate the impacts of such a policy, with an analysis of impacts report provided to the City Council after the initial 18 months of the pilot.

G. HOTEL CONSIDERATIONS

The Downtown Retail Market Analysis suggested the City consider allowing a high-end hotel development near Main Street to help downtown merchants. The City owns two parcels within

reasonable walking distance of the downtown business district (on Railroad Avenue and Adams Street). If desired by the City Council, either parcel may be suitable as a future hotel site. The SHAPE Committee discussed how a hotel could be placed in discreet areas of these parcels (particularly the Adams Street parcel), while still reserving space for the community. As with in-fill housing opportunities, a walkable hotel site presents the opportunity to help sustain downtown businesses that today already rely on a mix of local and visitor shoppers.

Additionally, it is recommended the City initiate a discussion with its existing downtown hotels to explore opportunities to grow or improve their business.

H. DEVELOP A CITY PARKLETS PROGRAM POLICY AND PERMIT PROCESS

Parklets provide an economical solution to the desire and/or need to provide space and amenities for public recreation or seating for businesses. They are generally extensions from the sidewalk, occupying the width of a parking space. In most cities, parklets are entirely funded by private individuals and/or private businesses. It is recommended the City develop a City Parklets Program Policy and permit process to facilitate consideration of desired parklets.

I. MAINTAIN A SAFE, CLEAN & COMFORTABLE DOWNTOWN ENVIRONMENT

Maintaining a safe, clean and comfortable environment contributes to a positive pedestrian experience. With the planned addition of new downtown amenities, it is critical the City's Public Works Department develop a staffing and maintenance strategy to ensure the City's infrastructure is optimally maintained. The City is currently evaluating the organizational structure of the Public Works Department to consider modifications that will ensure a dedicated staff focus on street cleanliness to improve the shopping experience in our downtown.

J. CONVENE RETAIL MERCHANTS WORKING GROUP TO IDENTIFY PROSPECTIVE RETAILERS & STRATEGIES

St. Helena has many successful retailers and local citizens with extraordinary retail experience and industry contacts. Convening a working group of this volunteer talent to identify prospective retailers and strategies to enhance the downtown retail environment will serve as a force multiplier for the City's efforts. The City Manager will work with volunteers that seek to be part of this effort.

PRIORITIZATION & IMPLEMENTATION

IMMEDIATE: COMPLETE BY APRIL 2019

✓ Complete Request for Proposal (RFP) and Select Downtown Sidewalk and Streetscape Improvement Project Engineer & Landscape Architect
o Includes Pedestrian Alley Beautification Planning
o Includes Evaluation of Potential Streetscape Improvements to Money Way, Railroad Avenue, and Oak Avenue
✓ Complete Construction of Downtown Restroom
✓ Initiate Parking Study to Identify Possible Improvements
✓ Evaluate Mixed-Use Options for City Hall Parcel
✓ Improve Business Certainty by Identifying Community Supported Uses Permitted by Right in the Central Business and Service Commercial Zoning Districts
✓ Prepare and Recommend Temporary Pop-Up Retail Uses Policy to City Council
✓ Enhance Community Event Programming in Partnership with the Chamber of Commerce
✓ Refresh Branding and Reputation of Downtown
✓ Fund Online Marketing Portal for Vacant Commercial Space & Priority Investment Opportunities
✓ Provide Technical Assistance to Businesses/Landlords on Experiential, Destination, and Omnichannel Retail Strategies
✓ Explore Possible Wine Train Pilot Project
✓ Prepare and Recommend a City Parklets Program Policy and Permit Process
✓ Maintain a Safe, Clean and Comfortable Downtown Environment
✓ Initiate Study of the Adams Street & Railroad Avenue Parcels
✓ Convene Retail Merchants Working Group to Identify Prospective Retailers and Strategies

NEAR TERM: COMPLETE BY OCTOBER 2019

✓ Complete Downtown Sidewalk and Streetscape Improvement Project
✓ Prepare Downtown Facade and Tenant Improvement Program Policy Options for City Council
✓ Initiate Planning for Wayfinding Signage Program
✓ Finalize Discussion on Mixed Use Concepts for Rebuild on City Hall Parcel; Hire Architect to Prepare Design Competition RFP for Rebuild on City Hall Parcel
✓ Improve Business Certainty by Identifying Community Supported Uses Permitted by Right in the Central Business and Service Commercial Zoning Districts
✓ Streamline the Permit Process by Discontinuing Discretionary Review for Certain Permit Types
✓ Re-Imagine Under-Utilized Properties/Promote In-Fill Housing by preparing package of incentives for City Council consideration
✓ Maintain a Safe, Clean and Comfortable Downtown Environment
✓ Initiate Conversation with Existing Hotels to Discuss Opportunities to Grow/Improve their Business

LONGER TERM: COMPLETE 12+ MONTHS

✓ Complete Downtown Sidewalk and Streetscape Improvement Project
✓ Rebuild on City Hall Parcel
✓ Maintain a Safe, Clean and Comfortable Downtown Environment



Report to the City Council
Council Meeting of September 25, 2018

Agenda Section: **New Business**

Subject: **City Positions on November 6, 2018 Statewide and Regional Ballot Measures**

CEQA **Not a CEQA project**
Determination:

Prepared By: Mark T. Prestwich, City Manager

Reviewed By: April Mitts, Finance Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

California voters will consider 11 measures on the November 6, 2018 statewide ballot. This report provides information on each ballot measure and Measure I, a measure on Napa County ballots.

DISCUSSION

A summary of each of the measures is listed below along with a note on the League of California Cities' position (if taken). Additional materials are attached to this report.

STATEWIDE

Proposition 1 - Authorizes Bonds to Fund Specified Housing Assistance Programs

Proposition 2 - Authorizes Bonds to Fund Existing Housing Programs for Individuals with Mental Illness

Proposition 3 - Authorizes Bonds to Fund Projects for Water Supply and Quality, Watershed, Fish, Wildlife, Water Conveyance, and Groundwater Sustainability and Storage

Proposition 4 - Authorizes Bonds Funding Construction at Hospitals Providing Children's Health Care

Proposition 5 - Changes Requirements for Certain Property Owners to Transfer their Property Tax Base to Replacement Property

Proposition 6 - Eliminates Certain Road Repair and Transportation Funding, Requires Certain Fuel Taxes and Vehicle Fees to be Approved by the Electorate

Proposition 7 - Conforms California Daylight Saving Time to Federal Law. Allows Legislature to Change Daylight Saving Time Period

Proposition 8 - Regulates Amounts Outpatient Kidney Dialysis Charge for Dialysis Treatment

Proposition 9 - Removed from Ballot (by order of the California Supreme Court)

Proposition 10 - Expands Local Governments' Authority to Enact Rent Control on Residential Property

Proposition 11 - Requires Private-Sector Emergency Ambulance Employees to Remain On-Call During Work Breaks, Eliminates Certain Employer Liability

Proposition 12 - Establishes New Standards for Confinement of Specified Farm Animals; Bans Sale of Noncomplying Products

The League of California Cities has taken a **SUPPORT** position on Propositions 1, 2 and 3 and an **OPPOSE** position on Proposition 6.

REGIONAL

Measure I - Increases County of Napa Hotel Tax Rate by 1% and Dedicates Funding to Affordable and Workforce Housing Programs and Services

[Link to California Secretary of State website for qualified statewide ballot measures.](#)

FISCAL IMPACT

Fiscal impacts are noted on attached materials.

RECOMMENDED ACTION

Pass a Motion directing the City Manager to prepare a resolution for City Council consideration on October 9, 2018 noting the City's support, opposition, neutrality, or no position on various state and local November 2018 ballot measures.

ATTACHMENTS

[Proposition 1](#)

[Proposition 2](#)

[Proposition 3](#)

[Proposition 4](#)

[Proposition 5](#)

[Proposition 6](#)

[Proposition 7](#)

[Proposition 8](#)

[Proposition 10](#)

[Proposition 11](#)

[Proposition 12](#)

[Napa County - Measure I](#)

Source: League of Women Voters' of California
<https://cavotes.org/vote/elections/ballot-measures>

Proposition 1: Authorizes Bonds to Fund Specified Housing Assistance Programs

The Question:

Should the state issue \$4 billion in bonds for housing programs for low-income residents, veterans, farmworkers, plus for mobile homes and transit-oriented housing?

Measure Identification

Measure ID:

Proposition 1

Measure Name:

Authorizes Bonds to Fund Specified Housing Assistance Programs

Type of Ballot Measure:

Legislative Statute

Assembly Bill Number:

SB 3

Chapter:

365 (2017)

The Situation:

An average house in California costs two and a half times the national average and average rent in California is about 50% higher than the national average. About 100,000 houses and apartments are constructed each year in California, most by private interests, and not by the government. In some instances, the state provides assistance with grants or low-cost loans for construction of housing to be sold or rented to low income individuals. California also receives about \$2 billion each year from the federal government to support housing projects.

General obligation bonds are sold to investors and repaid from the State's General Fund. The State repays the principal and interest over time, which is approximately thirty-five years for these bonds. A general rule is that principal and interest payments usually are about twice the principal amount of the bonds. Bonds used to fund home loans for veterans are repaid by the veterans through their mortgage payments.

The Proposal:

Proposition 1 permits the state to issue \$4 billion in new general obligation bonds for the following housing programs:

- \$1.8 billion for building or renovating affordable multifamily housing (apartments)

- \$450 million for infrastructure (parks, water, sewage and transportation) to support housing construction
- \$450 million for down payment assistance to low and moderate-income home ownership
- \$300 million for farmworker housing (rental and owner-occupied)
- \$1 billion for home loans to eligible veterans.

This proposal would provide assistance to 30,000 multifamily and 7,500 farmworker households as well as home loans to about 3,000 veterans.

Fiscal Effect:

The cost to taxpayers for \$3 billion in bonds would about \$5.9 billion over a 35-year period or approximately \$170 million a year in order to pay back both the principal and the interest on the general obligation bonds. The \$1 billion set aside for veterans' assistance is repaid as the veterans pay off their loans.

What a YES or NO Vote Means

A YES Vote Means:

The state is allowed to sell \$4 billion in general obligation bonds to fund veterans and affordable housing.

A NO Vote Means:

The state can not sell \$4 billion in general obligation bonds to fund veterans and affordable housing.

Support & Opposition

Supporters Say:

- Proposition 1 provides relief from the housing crisis by building some housing and helping those who struggle to buy housing.
- The measure honors veterans by helping them to buy a home.

Opponents Say:

- Proposition 1 will help a very limited number of persons.
- Californians are being asked to borrow more money through these bonds which will end up costing everyone.

Source: League of Women Voters' of California
<https://cavotes.org/vote/elections/ballot-measures>

Proposition 2: Authorizes Bonds to Fund Existing Housing Program for Individuals with Mental Illness.

The Question:

Should \$2 billion in bonds be issued and the Mental Health Services Act be amended to fund the No Place Like Home Program?

Measure Identification

Measure ID:

Proposition 2

Measure Name:

Authorizes Bonds to Fund Existing Housing Program for Individuals with Mental Illness.

Type of Ballot Measure:

Legislative Statute

Assembly Bill Number:

AB 1827

Chapter:

41 (2018)

The Situation:

In 2004 California voters approved Proposition 63 (Prop 63) which was also called the Mental Health Services Act. It provided funding for county mental health services by increasing the income tax paid by people with an income over \$1 million. Counties are responsible for providing mental health care for people that lack private health insurance. Some counties also provide for other housing, substance abuse treatment and other services for those suffering mental illness

The Legislature passed the No Place Like Home Act of 2016 (NPLHA). This Act authorizes \$2 billion in bonds for use by counties for permanent supportive housing to house people who are eligible for treatment under Prop 63 and are homeless or at risk of chronic homelessness. The bonds were to be paid off with interest over 30 years using money from the revenue raised by Prop 63. A system for awarding the bond money to counties and for establishing programs to use it was also created by these bills.

No bonds were issued under the NPLHA because the state must ask for a court decision that the legislation is within the scope of Prop. 63 in extending housing to people with substance abuse and other issues rather than solely for severely mentally ill patients. The court is to determine if voters must approve the bond. The court decision is pending.

The Proposal:

This proposition approves the No Place Like Home Act of 2016 and approves the issuance of \$2 billion in bonds to support the program. It also amends the provisions of Prop 63 to allow use of the revenue for NPLHA. No more than \$140 million each year can be used for this program.

Fiscal Effect:

There is no direct impact on the state budget because the bonds are to be paid back up to \$140 million annually from the funds generated by Prop 63. to repay up to \$2 billion in bonds used to pay for the No Place Like Home programs. It is estimated that the bonds would be paid off in 30 years at 4.2% interest for approximately \$120 million each year.

What a YES or NO Vote Means

A YES Vote Means:

The state could use existing county mental health funds to pay for housing for those with mental illness who are homeless.

A NO Vote Means:

The state's ability to use existing county mental health funds to pay for housing for those with mental illness who are homeless would depend on future court decisions.

Support & Opposition

Supporters Say:

- Prop 2 alleviates the problem of homelessness complicated by mental illness.
- Supportive housing allows coordinated care of individuals who need treatment and housing stability.
- This uses funds already earmarked for mental health services.

Opponents Say:

- Prop 2 spends money on buildings instead of on badly needed treatment.
- Counties already use Prop 63 revenue to offer housing to severely mentally ill patients.
- Restrictive zoning laws that make it difficult to build housing is not addressed.

Source: League of Women Voters' of California
<https://cavotes.org/vote/elections/ballot-measures>

Proposition 3: Authorizes Bonds to Fund Projects for Water Supply and Quality, Watershed, Fish, Wildlife, Water Conveyance, and Groundwater Sustainability and Storage.

The Question:

Should the State sell \$8.9 billion in bonds to fund projects related to water supply and quality, watershed and fisheries restoration, habitat protection, water conveyance and groundwater sustainability and storage?

Measure Identification

Measure ID:

Proposition 3

Measure Name:

Authorizes Bonds to Fund Projects for Water Supply and Quality, Watershed, Fish, Wildlife, Water Conveyance, and Groundwater Sustainability and Storage.

Type of Ballot Measure:

Initiative Statute

The Situation:

California's water supply faces challenges. The amount and location of available water varies widely from year to year. Unusually wet or dry years can result in local flooding or water shortages. Water may be polluted and unsuitable for any use.

Various government agencies in California spend about \$30 billion annually in the water sector. Over three-quarters of that is spent locally and largely paid for by individual ratepayers for water and sewage treatment plants and cleanup of storm runoff. The State and Federal government play a role by creating regional water supply infrastructure and by setting and enforcing water quality standards.

Over the past 17 years voters have approved \$31 billion in general obligation bonds for various natural resource projects, including \$4.1 billion from Prop. 68 in June 2018. The State has several billion dollars available from those measures, mostly to be used for water quality, supply and infrastructure purposes authorized by Proposition 1 in 2014. The principal and interest on general obligation bonds are repaid from the State's General Fund, usually over 40 years.

The Proposal:

This measure authorizes \$8.9 billion in general obligation bonds for various water-related programs and projects. The proposition's broad spending categories include:

- Water supply and quality - \$ 2.1 billion;
- Fish and wildlife habitat \$1.4 billion;
- Water facility upgrades for specific projects in the Central Valley, Bay Area, and Oroville Dam, - \$1.2 billion;
- Groundwater recharge and storage projects - \$1.1 billion;
- Watershed lands improvement - \$2.5 billion

Most funds will be distributed as grants to agencies that must provide equal matching funds. The measure provides reduced cost-sharing requirements for projects benefitting disadvantaged communities.

Fiscal Effect:

Bond repayment is expected to cost the State an estimated \$17.3 billion over 40 years. The effect on local governments will depend on the size of any grant received. Savings are recognized because a grant reduces the local share of a project's cost. However, a project could also increase future operating costs, such as for a new desalination facility. The annual net effect on local governments and ratepayers is likely to be small.

What a YES or NO Vote Means

A YES Vote Means:

The state could sell \$8.9 billion in general obligation bonds to fund various water and environmental projects.

A NO Vote Means:

The state could not sell \$8.9 billion in general obligation bonds to fund various water and environmental projects.

Support & Opposition

Supporters Say:

- Proposition 3 will fund projects to help increase water supply from a variety of sources such as storm water capture and desalination.
- It will help insure that disadvantaged communities can access safe drinking water.
- Watershed restoration will improve water quality and protect agricultural interests.

Opponents Say:

- We need more dams to collect rain and snow melt from the Sierras. Proposition 3 provides no money for new dams.
- It panders to special interests by making recreation and wildlife a priority over farmers.
- Paying back these new bonds will result in raised taxes.

Source: League of Women Voters' of California
<https://cavotes.org/vote/elections/ballot-measures>

Proposition 4: Authorizes bonds funding construction at hospitals providing children's health care.

The Question:

Should the State of California issue \$1.5 billion in general obligation bonds to expand and improve the buildings and equipment at children's hospitals?

Measure Identification

Measure ID:

Proposition 4

Measure Name:

Authorizes bonds funding construction at hospitals providing children's health care.

Type of Ballot Measure:

Initiative Statute

The Situation:

Children's hospitals provide specialized physical and mental healthcare services to infants and children. There are eight private nonprofit hospitals, five University of California children's hospitals, and more than 100 other nonprofit hospitals that serve children with complex chronic health conditions eligible for the California Children's Services program. Over half the patients receive Medi-Cal benefits. Only a small amount of funding remains from the previous bonds and is expected to be used by mid 2018.

The Proposal:

Prop. 4 would raise \$1.5 billion through the sale of general obligation bonds and use the funds to improve and expand children's hospitals. The money could be used to build new facilities, to improve and expand current facilities, and to purchase new equipment. To obtain funding a hospital would apply to the California Health Facilities Financing Authority of the State Treasurer's Office, which would award the grants based on factors such as improving healthcare access and patient outcomes. The eight private nonprofit children's hospitals would be eligible for 72% of the funds. The rest of the funds would go to University of California children's acute care centers and to nonprofit hospitals that care for children eligible for governmental programs.

Fiscal Effect:

The State would need to repay a total of \$2.9 billion. The \$2.9 billion is made up of the original \$1.5 billion bond and \$1.4 billion in interest to be paid back over 35 years. The yearly repayment amount is approximately \$80 million.

What a YES or NO Vote Means

A YES Vote Means:

The state could sell \$1.5 billion in general obligation bonds for the construction, expansion, renovation, and equipping of certain hospitals that treat children.

A NO Vote Means:

The state could not sell the \$1.5 billion in general obligation bonds proposed for these purposes.

Support & Opposition

Supporters Say:

- Prop 4 helps over 2 million sick children each year and leads to better health outcomes.
- Previous bonds have been used to add more beds and purchase new technology.

Opponents Say:

- The bond would need to be repaid, potentially through higher taxes.
- We should first look at improving the entire healthcare system including lower costs.

Source: League of Women Voters' of California
<https://cavotes.org/vote/elections/ballot-measures>

Proposition 5: Changes Requirements for Certain Property Owners to Transfer Their Property Tax Base to Replacement Property.

The Question:

Should the California constitution be amended to increase the ability of certain homeowners to obtain tax relief by transferring their Prop. 13-related tax base to a replacement property?

Measure Identification

Measure ID:

Proposition 5

Measure Name:

Changes Requirements for Certain Property Owners to Transfer Their Property Tax Base to Replacement Property.

Type of Ballot Measure:

Initiative Constitutional Amendment and Statute

The Situation:

Taxes based on the value of real property provide a major revenue source for local governments, schools, and special districts. Such taxes equal a property's assessed value times the applicable tax rate. Proposition 13, as amended, limits property taxes by limiting both value and rates. The tax rate is capped at 1% of the assessed value, which can grow annually by no more than 2%. Reassessment to market value is required for newly purchased or newly constructed property, or if ownership changes.

Exemptions from these reassessment triggers are allowed for homeowners over the age of fifty-five or who have a severe disability. They may transfer the assessed value of a prior home to a replacement residence of equal or lesser market value. The new home must have been purchased within two years of selling the prior home and be located within the same county or in another that permits inter-county transfers. This exemption can be used only once.

The Proposal:

Prop. 5 would expand a homeowner's ability to transfer assessed value to a new home. The market value of the replacement home could be greater or lesser than that of the prior home. The transferred value will be adjusted through the use of a formula. It would be increased if the new home is worth more, or decreased if it is worth less. An increased

value will still be less than that based on the current market value. The house could be anywhere in California and the homeowner is not limited to a single exemption. The new home still must be the owner's principal residence and be acquired within two years of the original home's sale. Prop. 5 also applies to situations in which the original property is damaged by a declared disaster or made unusable by contamination.

Fiscal Effect:

- **Local governments.** Prop. 5 would have a net effect of reducing local revenue by about \$100 million per year at first, growing to \$1 billion over time. Increased sales would generate property transfer taxes of tens of millions of dollars, while county administrative costs would rise by tens of millions of dollars at first.
- **Schools.** Annual reduction in school revenue would begin at about \$100 million and grow to \$1 billion. Most school losses would be offset by equivalent increases in state funding, thereby increasing State spending by the same amounts.

What a YES or NO Vote Means

A YES Vote Means:

All homeowners who are over 55 (or who meet other qualifications) would be eligible for property tax savings when they move to a different home.

A NO Vote Means:

Certain homeowners who are over 55 (or who meet other qualifications) would continue to be eligible for property tax savings when they move to a different home.

Support & Opposition

Supporters Say:

- Older adults on fixed incomes need this protection.
- More houses will become available for younger families.
- Prop. 5 will protect Prop. 13 tax reductions.

Opponents Say:

- Essential local services and schools will be affected.
- Loss of local revenue will become worse every year.
- Seniors already receive Prop. 13 protection.

Source: League of Women Voters' of California
<https://cavotes.org/vote/elections/ballot-measures>

Proposition 6: Eliminates Certain Road Repair and Transportation Funding. Requires Certain Fuel Taxes and Vehicle Fees be Approved by the Electorate.

The Question:

Should the increase in vehicle fuel taxes and fees enacted by the Legislature in 2017 be reversed and should the Constitution be amended to require voter approval of any transportation related taxes and fees?

Measure Identification

Measure ID:

Proposition 6

Measure Name:

Eliminates Certain Road Repair and Transportation Funding. Requires Certain Fuel Taxes and Vehicle Fees be Approved by the Electorate.

Type of Ballot Measure:

Initiative Constitutional Amendment

The Situation:

In 2017 lawmakers passed the Road Repair and Accountability Act (SB 1) increasing state funding for transportation purposes from \$6.6 billion in 2016-17 to \$12.1 billion in 2018-19. By 2020-21 when all the taxes will have been in effect, SB 1 revenue is estimated to total \$5.1 billion annually.

On November 1, 2017 State fuel excise taxes per gallon increased 12 cents for gasoline and 20 cents for diesel. Diesel State sales tax increased by 4 percent. A new transportation fee was added to the cost of registering a vehicle, including a fee for electric cars starting in 2020. After July 1, 2020, fuel excise taxes will be adjusted for inflation.

Voters restricted the new SB 1 tax revenues to transportation purposes by approving Prop 69 in June 2018.

In March 2018 US News & World Report rated California 49th in road quality, 11th in bridge quality, and 46th in commute times among the fifty states.

The Proposal:

Prop 6 would:

- Repeal the fuel tax increases and vehicle fees enacted by SB 1.
- Amend the State Constitution to require any future legislatively-imposed taxes on fuels and vehicles to take effect only if the voters of the state vote to approve it.

Fiscal Effect:

If Prop 6 is approved, SB 1 transportation tax revenues will be reduced in 2018-19 from \$4.4 billion to \$2 billion. After that time SB 1 will no longer exist and transportation tax revenue will be reduced by \$5.1 annually. According to the Legislative Analyst, the loss of funding will affect state highway maintenance and rehabilitation, local streets and roads, and mass transit.

Adding the requirement that most transportation-related taxes must also be approved by the voters will make it more difficult to impose such changes in the future.

What a YES or NO Vote Means

A YES Vote Means:

Fuel and vehicle taxes recently passed by the Legislature would be eliminated, which would reduce funding for highway and road maintenance and repairs, as well as transit programs. The Legislature would be required to get a majority of voters to approve new or increased state fuel and vehicle taxes in the future.

A NO Vote Means:

Fuel and vehicle taxes recently passed by the Legislature would continue to be in effect and pay for highway and road maintenance and repairs, as well as transit programs. The Legislature would continue not to need voter approval for new or increased state fuel and vehicle taxes in the future.

Support & Opposition

Supporters Say:

- Gas taxes and fees are too high, fall the hardest on hardworking families, and are unnecessary in a state that has a budget surplus.
- One third of the gas tax increase will be diverted to non-road related pet projects including building parks and training for formerly incarcerated felons through the Workforce Development Board.
- Tax increases on gasoline that directly affect people's lives are "too big" for just the governor and Legislature to decide.

Opponents Say:

- Cracked, potholed roads pose a major safety threat to California drivers; 89% of counties have roads in poor or at-risk condition and more than 1600 bridges and overpasses are structurally unsafe.
- Reliable transportation infrastructure is critical to get Californians to work, move goods and services to the market, and support our economy.

- Requiring voter approval of fuel taxes or vehicles fees already passed by a supermajority in the Legislature risks the unintended consequences of ballot box budgeting.

Source: League of Women Voters' of California
<https://cavotes.org/vote/elections/ballot-measures>

Proposition 7: Conforms California Daylight Savings Time to Federal Law. Allows Legislature to Change Daylight Savings Time Period.

The Question:

Should the legislature be allowed to change Daylight Savings Time by a two-thirds vote if federal law authorizes it?

Measure Identification

Measure ID:

Proposition 7

Measure Name:

Conforms California Daylight Savings Time to Federal Law. Allows Legislature to Change Daylight Savings Time Period.

Type of Ballot Measure:

Legislative Statute

Assembly Bill Number:

AB 807

Chapter:

60 (2018)

The Situation:

Part-year Daylight Savings Time was started during World War II in order to save energy. California voters approved it in 1949 and for that reason, the voters would have to vote to authorize the legislature to change it to year-round.

Federal law requires states to have Daylight Savings Time from early March to early November and standard time the rest of the year (about four months). However, states are permitted to have standard time all year, without federal approval. Hawaii and Arizona stay on standard time all year. In order for a state to switch to year-round Daylight Savings Time, Congress and the President must approve the proposal.

The Proposal:

Prop. 7 is both an advisory measure and a change in law. It encourages the legislature to consider instituting year-round Daylight Savings Time. It would change current law by requiring a two-thirds vote of the Legislature to change the period of Daylight Savings Time, to make it year round, or to stay on standard time. However, even if two-thirds of the

legislature passes such a bill, the change to year-round Daylight Savings Time would still have to be approved by a vote of Congress and a Presidential signature.

Fiscal Effect:

The proposition has no direct fiscal impact on state and local government because the legislature and the federal government still must act on it. If the change is made, there could be a minor fiscal impact that is unknown at this time.

What a YES or NO Vote Means

A YES Vote Means:

The Legislature, with a two-thirds vote, could change daylight saving time if the change is allowed by the federal government. Absent any legislative change, California would maintain its current daylight saving time period (early March to early November).

A NO Vote Means:

California would maintain its current daylight saving time period.

Support & Opposition

Supporters Say:

- Medical studies show that the risk of heart attacks and strokes increases during the days following a time change.
- Changing clocks twice a year increases our use of electricity by 4%, increases the amount of fuel used by cars and costs \$434 million.

Opponents Say:

- The United States tried year-round Daylight Savings Time in 1974 because of the energy crisis. People hated getting up in the dark in the morning.
- There are no conclusive studies that having Daylight Savings Time year-round saves energy or money.

Source: League of Women Voters' of California
<https://cavotes.org/vote/elections/ballot-measures>

Proposition 8: Regulates Amounts Outpatient Kidney Dialysis Clinics Charge for Dialysis Treatment

The Question:

Should outpatient dialysis clinics be required to rebate money to private insurers if their revenue exceeds allowable costs by more than 15%?

Measure Identification

Measure ID:

Proposition 8

Measure Name:

Regulates Amounts Outpatient Kidney Dialysis Clinics Charge for Dialysis Treatment

Type of Ballot Measure:

Initiative Statute

The Situation:

People suffering from End Stage Renal Disease, the final stage of kidney disease, must receive dialysis to survive. Dialysis filters out waste and toxins from blood. It is typically done in a chronic dialysis clinic three times a week with each treatment lasting up to four hours each time. These clinics are licensed by the California Department of Public Health (DPH) using federal certification standards.

Approximately 588 licensed clinics operate in California. The majority of the clinics are owned and run by one of two private for-profit companies. Estimated annual revenue of the private companies is \$3 billion. Most dialysis is paid for by Medicare and Medi-Cal. These programs pay a fixed rate established by the regulations and are close to the average cost of treatment. Private insurance also covers dialysis with payment rates fixed by negotiation with the providers. On average those rates are multiple times higher than that paid by the government programs.

The Proposal:

This proposition requires the companies that own clinics to rebate certain payers, mostly private insurance companies, if the clinic chains' corporate annual revenues are more than 15 % higher than a cap defined in the proposition. The cap is based on the total allowable costs of "direct patient services care" and "health care quality improvement costs." The costs of non-managerial staff salary and benefits, drugs and medical supplies, staff training, patient education, and electronic health information systems fall within the cap. Certain staff

such as medical directors and nurse managers are required by federal law. It is not clear if such staff falls within the allowable cost category.

Adjustments to the amount of the cap are allowed if the clinic owner operators prove to a court that the revenue cap is so low that it is an unconstitutional taking of the value of the business. The challenger bears the burden of proving what cap would be appropriate.

Fiscal Effect:

The fiscal impacts of this proposition are dependent upon the response of the clinics to it and on interpretations of what allowable costs are by the DPH and the courts. It appears that initially rebates will be paid which reduces the profits of the clinics. The impact on state and local governments varies from a net savings of tens of millions of dollars to a similar net cost.

What a YES or NO Vote Means

A YES Vote Means:

Kidney dialysis clinics would have their revenues limited by a formula and could be required to pay rebates to certain parties (primarily health insurance companies) that pay for dialysis treatment.

A NO Vote Means:

Kidney dialysis clinics would not have their revenues limited by a formula and would not be required to pay rebates.

Support & Opposition

Supporters Say:

- Prop. 8 provides incentive for dialysis clinic companies to lower their costs and improve the quality of patient care.
- When insurance companies are charged less for dialysis the overall cost of insurance will decrease for everyone.

Opponents Say:

- Prop 8 sets arbitrary limits on what insurance companies pay for dialysis treatment will not cover the complete cost of running a clinic.
- Clinics will reduce operations or close, depriving patients of access and increasing the risk of poor medical outcomes.

Source: League of Women Voters' of California
<https://cavotes.org/vote/elections/ballot-measures>

Proposition 10: Expands Local Governments' Authority to Enact Rent Control on Residential Property.

The Question:

Should the current state law that limits the scope of city and county rent-control ordinances be repealed, thereby allowing cities and counties more authority to limit the rental rates that residential property owners may charge for new tenants, new construction, and single-family homes?

Measure Identification

The Situation:

Thirty years ago 14 cities, mostly in the highly populated parts of California, adopted rent control ordinances designed to limit the amounts and frequency with which landlords could increase rents to their existing tenants.

In 1995 the state legislature adopted the Costa Hawkins Rental Housing Act. This law limited the ordinances so that the rent on single family homes and buildings first rented out in 1995 or later could not be controlled; and landlords could raise rent to market rates if a tenant left the rental property.

Court decisions determined that limits on rent increases must not be so low that landlords do not receive a "fair rate of return" on their investments. In other words, the landlords must be allowed to raise rent enough to receive some profit each year.

Renters in California pay 50% more than the national average. About 20% of Californians live in cities that have rent control. In the last two years more cities are seeking to establish rent control ordinances. So far two have done so. Other cities placed rent control initiatives on their local ballots that did not pass.

The Proposal:

This proposition repeals the Costa Hawkins Rental Act. It allows cities and counties to regulate rents for whatever type of housing property they choose, no matter when it was built or what type of building it is. It does not change existing rent control laws. It does not create rent control laws. The proposition retains the landlord's right to a fair rate of return on their investment.

Fiscal Effect:

The fiscal impact of this proposition is difficult to predict because it depends upon the content of any rent control ordinances adopted and upon the reaction of landlords and tenants to them. If rent control is expanded it is likely that landlords will reduce the amount of rental housing offered, the value of rental housing decreases, some renters will pay less for rent, and landlords have less income from rental housing. There will be impact on property, sales, and income tax revenues. Overall, the impact on state and local governments will be reduced revenue in the tens to hundreds of millions of dollars each year. The losses could be less or more.

What a YES or NO Vote Means

A YES Vote Means:

State law would not limit the kinds of rent control laws cities and counties could have.

A NO Vote Means:

State law would continue to limit the kinds of rent control laws cities and counties could have.

Support & Opposition

Supporters Say:

- The high cost of rent hurts seniors, families and anyone with a low or fixed income. This proposition will protect them.
- This proposition will allow local communities to decide whatever makes sense for their rental housing issues.
-

Opponents Say:

- Rent control laws reduce the amount of rental property available because landlords will stop renting and does not encourage more building.
- This proposition allows the creation of new local bureaucracies with power to regulate rents on all types of residential property.

Source: League of Women Voters' of California
<https://cavotes.org/vote/elections/ballot-measures>

Proposition 11: Requires Private-Sector Emergency Ambulance Employees to Remain on Call During Work Breaks. Changes Other Conditions of Employment.

The Question:

Should the Labor Code be amended to allow private ambulance employees to remain on call during work breaks and to exempt their employers from potential liability for violations of existing law regarding work breaks?

Measure Identification

Measure ID:

Proposition 11

Measure Name:

Requires Private-Sector Emergency Ambulance Employees to Remain on Call During Work Breaks. Changes Other Conditions of Employment.

Type of Ballot Measure:

Initiative Statute

The Situation:

California counties oversee local Emergency Medical Services (EMS). Private ambulance providers (Providers) enter into contracts to perform EMS in a specific area, subject to performance requirements. Periodic contract renegotiations address changes in Providers' costs.

Ambulances are geographically positioned based on service demand. When an ambulance is dispatched, other area ambulances are repositioned.

Historically EMS personnel remain "on call" during work breaks, which are often interrupted by 911 calls or repositioning. In a 2016 case (Augustus) involving private security guards required to remain "on call" during rest breaks, the California Supreme Court held that such breaks do not comply with state labor law; rather they must be off-duty and uninterrupted (even in an emergency). The security guards were awarded penalties and damages.

Given the similarity between EMS personnel and Augustus, it appears probable that Provider personnel practices must change. Providers estimate that, relative to current

practice, 25 percent more ambulances would be required to meet the requirements of Augustus.

The Proposal:

Prop.11 would amend state labor laws applicable to Providers' personnel, allowing them to remain on call throughout their breaks. It also would change several other rules regarding meal and rest breaks, while requiring Providers to operate enough ambulances to meet performance requirements.

Prop.11 would limit legal liability that Providers might face if the Augustus decision is applied to Providers' personnel. Several lawsuits regarding the work break practices for ambulance employees are in the court system. The on call rules established by this proposition would be applied retroactively to such lawsuits.

The measure also requires ambulance providers to offer EMS personnel additional training, education, counseling and services.

Fiscal Effect:

The fiscal effects of Prop.11 are calculated on the assumption that Augustus will be held to apply to Provider personnel, including past period legal liability.

Prop. 11 would relieve Providers of the cost of operating more ambulances to cover off-duty breaks—potentially over \$100 million annually. Other provisions might require Providers to ensure that there are more ambulances in an area. Providers that do not offer training and education at the levels required under Prop. 11 would have new costs, likely in the low tens of millions of dollars annually.

Prop. 11 will result in local government net savings, likely in the tens of millions of dollars annually, due to lower emergency ambulance contract costs.

What a YES or NO Vote Means

A YES Vote Means:

Private ambulance companies could continue their current practice of having emergency medical technicians (EMTs) and paramedics stay on-duty during their meal and rest breaks in order to respond to 911 calls. Private ambulance companies would attempt to reschedule meal and rest breaks that are interrupted by a 911 call.

A NO Vote Means:

Private ambulance companies would be subject to labor laws for this industry. Based on a recent court decision, these laws likely would require ambulance companies to provide EMTs and paramedics with off-duty meal and rest breaks that cannot be interrupted by a 911 call.

Support & Opposition

Supporters Say:

- Prop 11 establishes into law the longstanding industry practice of paying medical personnel to be on call during their work breaks.
- It is essential that emergency personnel are able to respond quickly and deliver lifesaving medical care during mass casualty events. Prop 11 mandates that such personnel receive additional training to meet emergency standards.

Opponents Say:

No arguments have been filed against Prop. 11

Source: League of Women Voters' of California
<https://cavotes.org/vote/elections/ballot-measures>

Proposition 12: Establishes New Standards for Confinement of Certain Farm Animals; Bans Sale of Certain Non-Complying Products.

The Question:

Should the State revise its current farm animal confinement laws with new confinement space standards for egg-laying hens, pregnant pigs, and calves raised for veal, and prohibit the sale of eggs and meat that do not comply with these standards, including those produced in other states?

Measure Identification

Measure ID:

Proposition 12

Measure Name:

Establishes New Standards for Confinement of Certain Farm Animals; Bans Sale of Certain Non-Complying Products.

Type of Ballot Measure:

Initiative Statute

The Situation:

In 2008 California voters approved a ballot initiative to ban the confinement of egg-laying hens, pregnant pigs, and calves raised for veal in a manner that did not allow them to "turn around freely, lie down, stand up, and fully extend their wings or limbs." The law took effect in 2015, but problems arose, including complaints that the description of approved confinement space was too vague, and a lack of clarity about implementation and enforcement.

The Proposal:

Proposition 12 would:

- By 2020, comply with the specific standard measurements set out in the proposition for cages of egg-laying hens, and calves raised for veal.
- By 2020, ban the sale of eggs and meat in which egg-laying hens, breeding pigs, and calves raised for veal are confined in areas smaller than a specific measurement by square feet, whether produced within California or originating in other states.

- By 2022, require that egg-laying hens in California be housed in cage-free housing systems, and that eggs from other states conform to California's confinement standards in order to be sold in California.
- Designate the California Department of Food and Agriculture and the California Department of Public Health jointly responsible for the measure's implementation.

Fiscal Effect:

- Potential decrease in state income tax revenues from farm businesses due to expenses incurred to meet the space requirements, likely not more than several million dollars annually costs up to \$10 million annually to enforce the measure.
- State costs up to \$10 million annually to enforce the measure.
- Consumer prices likely to increase for eggs, pork, and veal while farmers in California and other states change their housing systems to meet the measure.

What a YES or NO Vote Means

A YES Vote Means:

There would be new minimum requirements on farmers to provide more space for egg-laying hens, breeding pigs, and calves raised for veal. California businesses would be banned from selling eggs or uncooked pork or veal that came from animals housed in ways that did not meet these requirements.

A NO Vote Means:

Current minimum space requirements for confining egg-laying hens, pregnant pigs, and calves raised for veal would continue to apply. Current ban on businesses in California selling eggs not meeting these space requirements for hens would remain in effect.

Support & Opposition

Supporters Say:

Proposition 12 would –

- Strengthen and clarify California's decade-old farm animal anti-cruelty law.
- Prevent egg-laying hens, breeding pigs, and veal calves from being housed inhumanely in small cages for their entire lives.
- Reduce the risk of people being sickened by food poisoning and factory farm pollution by preventing overcrowding of animals in small spaces.

Opponents Say:

Proposition 12 –

- Is not a truly cruelty-free alternative to current factory farm practices.
- Would face court or legislative challenges from other states regarding the ban on selling non-conforming eggs and meat.
- Mandates full compliance by 2022, a too-narrow timeframe that could result in supply disruptions, price spikes, and shortages of eggs, pork products, and veal.

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF NAPA COUNTY AMENDING SECTION 3.32.030 OF THE NAPA COUNTY CODE FOR THE PURPOSE OF INCREASING THE TRANSIENT OCCUPANCY (HOTEL) TAX RATE FROM TWELVE PERCENT TO THIRTEEN PERCENT, AND REQUIRING ANY FUNDS GENERATED AS A RESULT OF THE IMPOSITION OF THIS INCREASE IN THE TRANSIENT OCCUPANCY (HOTEL) TAX TO BE TREATED AS THE PROCEEDS OF A SPECIAL TAX AND SPENT FOR WORKFORCE HOUSING AND AFFORDABLE HOUSING PURPOSES.

The Board of Supervisors of Napa County ordains as follows:

SECTION 1. Findings. The Board of Supervisors of Napa County finds that:

- (a) Insufficient public funds at the state and federal level have created an unprecedented housing crisis for California. To help alleviate the housing need, and to help improve the quality of life for those working in Napa County, it is important the County find other sources of revenues for workforce and affordable housing.
- (b) Under current state laws and regulations, the Transient Occupancy Tax (hereafter “TOT”), a local tax, is not subject to appropriation by the State of California. Increasing the TOT from 12.0% to 13.0% would be in the best interests of County residents since this source of revenue would be used in the coming years for workforce and affordable housing programs and services as determined by the Board of Supervisors.
- (c) Napa County collects TOT paid by tourists who stay at the hotels within the unincorporated areas. It is not paid by the businesses running the local hotels or the citizens.
- (d) The County has an obligation to provide housing opportunities that are affordable to low income and very low income wage earners. Napa’s tourism industry creates jobs at various income levels, including very low and low income, as well as moderate and above moderate income. Because tourists benefit directly from the hospitality and services provided by the workforce in the lodging industry, and demand for lodging and hospitality workers continues to increase, it is appropriate that tourists visiting Napa pay some of the County’s costs for providing housing for the workforce.
- (e) State law, including but not limited to Sections 53722 et seq. of the Government Code and Article XIIC of the California Constitution (more commonly known as Proposition 218), provides that special taxes may not be imposed unless approved by two thirds vote of the electorate voting on the matter.

SECTION 2. Purpose and Intent. The Board finds that in adopting this increase in the transient occupancy tax, its intent is that the tax revenues to be generated by this increase in the transient

occupancy tax be deemed the proceeds of a special tax and used for workforce and affordable housing.

SECTION 3. Increase in TOT. Commencing January 1, 2019, the transient occupancy tax imposed by Section 3.32.030 is increased from 12% to 13.0% pursuant to the authority set forth in Section 7280 of the California Revenue and Taxation Code and related statutory and constitutional authority. Accordingly, Section 3.32.030, entitled “Tax Imposed-Amount” of Chapter 3.32 (Uniform Transient Occupancy Tax” of Title 3 (Revenue and Finance) of the Napa County Code is hereby revised to read in full as follows (underlined text indicates insertion, crossed out text indicates deletion):

3.32.030 Tax Imposed-Amount.

A. For the privilege of occupancy or the right to occupancy by nonrefundable deposit or guaranteed no-show fee in any hotel, each transient is subject to and shall pay a tax in the amount of twelve-thirteen percent of the rent charged by the operator ~~(effective as of January 1, 2005 with ten and one half percent per annum being the applicable rate for TOT owed prior to that date)~~. The TOT constitutes a debt owed by the transient to the county which is extinguished only by payment to the operator or to the county. The transient shall pay the TOT to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the TOT shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy or failing to occupy the space in the hotel. If for any reason the TOT due is not paid to the operator of the hotel by the transient, the tax administrator may require the operator to pay the TOT directly to the tax administrator.

B. Any tax imposed by this chapter shall be remitted to the county. The amount allocated to room rental rates, number of rooms rented, tax, and products or services shall be readily identifiable in the operator's accounting records. The allocation to non-rent items shall not exceed the prices normally charged for those items.

C. Any operator offering a package rate must assess tax on the entire package rate unless the separate components of the package are clearly identified. Allocation of room rents from the package rate shall not be below prevailing room rates.

D. If for any reason the operator fails to collect tax due at the time of occupancy, the operator becomes liable for the TOT due.

E. Revenues generated from the thirteen percent TOT shall be allocated as follows: twelve percent shall be allocated to the county's general fund discretionary revenues, and one percent shall be deposited and maintained in a segregated account to be used for affordable and workforce housing programs and services.

SECTION 4. An election shall be ordered to enable the voters of Napa County to approve or reject this ordinance. The date of the election shall be November 6, 2018.

SECTION 5. This ordinance shall be considered as adopted in accordance with State law and take effect only after securing an approval by two-thirds of the voters voting on the matter at an election called for that purpose. By its terms, the proposed increase in the TOT would not be implemented, if approved by the voters, until January 1, 2019.

SECTION 6. If any provision of this ordinance or the application thereof to any person or

circumstances is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are severable.

SECTION 7. Consideration and adoption of the proposed ordinance is not a project as defined by 14 California Code of Regulations 15378(b)(4)(State CEQA Guidelines), which excludes from the definition of “project” the “creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment,” and therefore CEQA is not applicable. Additionally, it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. (See State CEQA Guidelines 14 CCR 15061(b)(3).)

SECTION 8. A summary of this ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in the County of Napa, together with the names of members voting for and against the same.

The foregoing ordinance was introduced and read at a regular meeting of the Board of Supervisors of Napa County, State of California, held on the 10th day of July, 2018, and passed at a regular meeting of the Napa County Board of Supervisors, State of California, held on the 31st day of July, 2018, by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSTAIN: SUPERVISORS

ABSENT: SUPERVISORS

BRAD WAGENKNECHT, CHAIR
Napa County Board of Supervisors

APPROVED AS TO FORM Office of County Counsel By: <u>S. Darbinian</u> Deputy County Counsel Date: July 23, 2018	APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS Date: _____ Processed By: _____ Deputy Clerk of the Board	ATTEST: Clerk of the Board of Supervisors By: _____
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As required by State law, including but not limited to Government Code Section 53722, the foregoing ordinance was approved by no less than a two-thirds vote of the people of Napa County, on November 6, 2018, by the following vote:

AYES: _____

NOES: _____

The vote on this ordinance was declared by the Board of Supervisors on ____, 2018.

BRAD WAGENKNECHT, Chair
Board of Supervisors

APPROVED AS TO FORM Office of County Counsel By: <i>S. Darbinian</i> Deputy County Counsel Date: July 23, 2018	APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS Date: _____ Processed By: _____ _____ Deputy Clerk of the Board	ATTEST: Clerk of the Board of Supervisors By: _____
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