



AMENDED 10/5/2018
City of St. Helena
Regular City Council Meeting
Tuesday, October 9, 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. None
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 for meeting minutes of: August 30, 2018 Special City Council Rent Stabilization Informational Workshop, September 17, 2018 Special City Council Next Steps

related to the SHAPE Report/City Hall Meeting and September 25, 2018 Regular Meeting Minutes (To be provided prior to the meeting)

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

8.2. *UPDATED ATTACHMENTS 10/3/2018

11 - 51

Second 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

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. Conduct the second reading of the ordinance, by title only and waive further reading of the text.

[Staff Report - Pdf](#)

- 8.3. Second reading of an ordinance amending St. Helena Municipal Code ("SHMC") Title 17, Section 17.148, Signs, as deemed appropriate by the City Council. 53 - 91

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. Conduct the second reading of the ordinance, by title only and waive further reading.

[Staff Report - Pdf](#)

[Public Comment.Norm Manzer](#)

[Public Comment.Norm Manzer Photos](#)

- 8.4. Consideration and proposed approval of Resolutions: 93 - 133
1. Supporting Regional Ballot Measure "I"
 2. Supporting Statewide "Proposition 1"
 3. Supporting Statewide "Proposition 2"
 4. Supporting Statewide "Proposition 3"
 5. Opposing Statewide "Proposition 6"
 6. No position on Statewide Propositions 4, 5, 7, 8, 10, 11, and 12

CEQA Determination: Not a CEQA project

Prepared By: Mark T. Prestwich, City Manager

Recommendation:

Staff recommends adopting the resolutions.

[Staff Report - Pdf](#)

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. 133, 499 Crane Avenue, St. Helena, CA. (APN) 009-350-001-000. 135 - 142

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: Chrissy Cook, Administrative Assistant

Recommendation:

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

[Staff Report - Pdf](#)

- 9.2. Consideration and proposed approval of 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. 143 - 159

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: Chrissy Cook, Administrative Assistant

Recommendation:

Staff recommends the City Council adopt a Resolution Approving the Annexation of Territory to 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](#)

- 9.3. Introduction and first reading of an ordinance amending St. Helena Municipal Code ("SHMC") Title 17, Section 17.48 (Central Business District) and 17.52 (Service Commercial), to modify the list of permitted and conditional uses as deemed appropriate by the City Council. 161 - 190

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: Aaron Hecock, Senior Planner

Recommendation:

Staff recommends the City Council review the Draft Ordinance and proposed text amendments related to permitted and conditional uses in the CB and SC zoning districts and:

1. Determine that the proposed text amendments are exempt from the requirements of CEQA pursuant to CEQA Guidelines

- Section 15061; and
- 2. Review and approve the text amendments to St. Helena Municipal Code Title 17, Sections 17.48 (Central Business District) and 17.52 (Service Commercial), to modify the list of permitted and conditional uses; and
- 3. Introduce and conduct first reading of the ordinance, by title only and waive further reading.

[Staff Report - Pdf](#)

10. NEW BUSINESS

10.1. *NEW ITEM ADDED 10/5/2018

191 - 201

Consideration and proposed approval of a resolution approving appointment of Interim Police Chief and approval of an Employment Agreement between the City of St. Helena and Timothy A. Foley; and in accordance with the requirement of California Code Section 54953(c)(3) the recommended final action for Interim Police Chief beginning October 10, 2018 provides for an annual base salary of \$167,520 with the following benefits, unmarked police vehicle to drive in lieu of a vehicle allowance, Deferred Compensation City match of up to \$200 per month, and will receive retirement benefits at a PEPR member formula of 2.7% at age 57, based on a three year average program. The City Clerk will administer the oath of office.

CEQA Determination: Not a CEQA project

Prepared By: Kathy Robinson, Human Resources & IT Director

Recommendation:

Adopt a Resolution Authorizing an Employment Agreement with Timothy A. Foley for the Position of Interim Police Chief.

[Staff Report - Pdf](#)

10.2. Overview of recycling market changes provided by Upper Valley Disposal Services

203 - 213

[Recycling Market Changes Presentation](#)

10.3. Appeal of the Planning Commission decision to approve a design review exemption to construct two storage sheds near an existing agricultural barn located at 1859 Hillview Place in the Twenty-acre Agriculture (A-20) district.

215 - 312

CEQA Determination: 15303 New Construction or Conversion of Small Structures

Prepared By: Aaron Hecock, Senior Planner

Recommendation:

The Planning Commission recommends that the City Council:

- 1. Find that the project is exempt from the requirements of CEQA pursuant to Section 15303; and
- 2. Deny the appeal and uphold the Planning Commission decision to approve a design review exemption to construct two storage sheds on the property located at 1859 Hillview Place.

[Staff Report - Pdf](#)

[Public Comment.Sue Tipp](#)

[Public Comment.Denis Maynard](#)
[Public Comment.Lenore Maynard](#)
[Public Comment.Dana Gallagher](#)
[Public Comment.David Tipp](#)
[Public Comment.Joy Roades Brown](#)

- 10.4. Discussion and Direction Regarding Policy Options Related to Possible Mobile Home Rent Stabilization Ordinance 313 - 443

CEQA Determination: Not a CEQA project
 Prepared By: Mark T. Prestwich, City Manager
 Recommendation:
 Review, discuss and provide direction to the City Manager.

[Staff Report - Pdf](#)
[Public Comment.Merriman.Dell.Kistner](#)
[Presentation](#)
[Public Comment.Nora O'Neill](#)

- 10.5. Update and Presentation of Cost Allocation Plan Process and consideration and approval of a resolution approving Amendment #2 with Willdan for the Full Cost Services and Development Impact Fee Study in the amount of \$4,500 for a not-to-exceed amount of \$102,390 and use of fund balances and budget increases in the following amounts: General Fund - \$1,500, Water Fund - \$1,500, and Wastewater Fund - \$1,500. 445 - 488

CEQA Determination: Not a CEQA project
 Prepared By: Mandy Kellogg, Admin Services Mgr
 Recommendation:
 1. Staff recommends City Council approve Amendment No. 2 for additional services to update the cost allocation in the amount of \$4,500.

2. Staff is requesting Council direction on the following:
 a. Cost recovery goals and ideas for the user fee study
 b. Development impact fee goals

[Staff Report - Pdf](#)

- 10.6. Disclosure Of Water Customer Usage Data To Verify Water Customers' Compliance With Obligations Imposed By Agreements And/Or Water Neutrality Or Other Conditions of Land Use Approvals 489 - 494

CEQA Determination: Not a CEQA project
 Prepared By: Thomas B. Brown, City Attorney
 Recommendation:
 Staff recommends that the Council consider the issues discussed above, and provide direction as appropriate.

[Staff Report - Pdf](#)

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

- 11.1. **October City Council Meetings:**

10/23 (staff reports due 10/5)
<i>PROCLAMATIONS AND PUBLIC RECOGNITION:</i>
10/23 Library Board Report Out Staff Briefing
10/23 Staff Briefing Parks & Recreation Commission Chair Report Out
10/23 Library Proclamation
10/23 Oath of office for new Dispatcher Robin Frost
<i>CONSENT:</i>
10/23 Amended Coop Agreement with Caltrans for Grayson Signal for electricity(Caltrans to attend)
10/23 City Employee Awards Program
10/23 Award contract to Waterways for Sulphur Creek repair project – Public Works
10/23 Purchase of Ditchwitch - PW
10/23 Railroad curb ramp final completion
10/23 Finance Policies
<i>PH or NEW BUSINESS:</i>
10/23 Flood control project conservation easement
Tennis Court Lighting and Resurfacing - Rec
10/23 Raw Water Use Charges - PW
10/23 1st Reading of Rent Stabilization Ordinance (RSO)
10/23 Calderon Settlement Update
10/23 Non Profit Grant Funding Process
10/23 1st Reading Temporary Use Permit Ordinance
10/23 PH Appeal of Short Term Rental denial at 1610 Kearney Street
10/23 Bimonthly Goals and Objectives Update – Admin
<u>November City Council Meetings:</u>
11/13 (staff reports due 10/26)
11/27 (staff reports due 11/9)
<i>CONSENT:</i>
11/13 Award of downtown restrooms
11/27 Award of downtown sidewalks
11/13 Investment policy - Finance
11/13 2nd Reading of Rent Stabilization Ordinance (RSO)
<i>PH or NEW BUSINESS:</i>
1st Reading Concept Review Ordinance - Planning
11/13 1st Qtr Grant Report
11/13 1st Qtr Finance Update
Draft Truck Ordinance Safety Exception Waiver Process
<u>December City Council Meetings:</u>
12/11 (staff reports due 11/21)
12/25 Cancelled
<i>CONSENT:</i>
12/11 Compensation schedule

<i>PH or NEW BUSINESS:</i>
12/11 Bimonthly Goals and Objectives Update – Admin (Would go 2nd mtg but it's cancelled)

12. ADJOURNMENT

The next Regular City Council meeting is scheduled for October 23, 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 28, 2018.



Cindy Tzaferopoulos, City Clerk

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

CHALLENGING DECISIONS OF CITY ENTITIES

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

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

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the City Council regarding any item on this Agenda, after the posting of the Agenda, will be available for public review in the City Clerk's Office located at 1480 Main

Street, St. Helena, California, during normal business hours. In addition, such writings or documents will be made available on the City's web site at <https://sthelena.civicweb.net> and will be available for public review at the respective meeting.



Report to the City Council
Council Meeting of October 9, 2018

Agenda Section: Consent

Subject: *UPDATED ATTACHMENTS 10/3/2018

Second 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.

On September 25, 2018, the City Council reviewed the draft Ordinance, provided direction to staff to make minor changes to be incorporated into the Design Review applicability revisions and conducted the first reading of the Ordinance.

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.

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 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. Conduct the second reading of the ordinance, by title only and waive further reading of the text.

ATTACHMENTS

[1.Draft DR Ordinance-CC Input Final](#)

[2.Chapter 17.164 Design Review-Exhibit A-CC Input Redline](#)

[3.Chapter 17.164 Design Review-Exhibit A-CC Input Clean](#)
[4.Exhibit B Outdoor Dining and Awning Code Amendment-CC Input Redline](#)
[5.Exhibit B Outdoor Dining and Awning Code Amendment-CC Input Clean](#)
[Letter of Support- Design Review Discussion](#)
[Public Comment Proposed Design Review Process Changes](#)

CITY OF ST. HELENA

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ST. HELENA, CALIFORNIA, AMENDING AND RESTATING 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).

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, procedural requirements and general difficulty in permitting minor modifications to existing single family residential properties and structures.

D. The proposed amendments to Chapter 17.164 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 housing and improving the discretionary review process.

E. The proposed amendments to Chapters 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 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; Chapter 17.112.070 and Chapters 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 proposed amendments 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,, would maintain the uses of said properties would 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.

K. The proposed amendments would further the public necessity, convenience, general welfare and good zoning practice by creating a more efficient and effective regulatory processes 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 17.164 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 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. SHMC Chapter 17.164 "DESIGN REVIEW" is hereby amended and restated as set forth in the attached **Exhibit A**.

SECTION 4. Amendment SHMC Chapter 17.112.070 Projections over easements and sidewalks B. and Chapters 17.48.090 and 17.52.090 Other uses standards and requirements. is hereby amended and restated as set forth in the attached **Exhibit B**.

SECTION 5. The Amendments made through the adoption of Ordinance **X**, modifying 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)

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.

SECTION 6. 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 7. 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 8. Amendment Declarative Of Existing Law. The City Council finds that the amendment of Title 17 by this Ordinance with respect to the imposition of civil penalties, and the right of the City to seek and obtain civil penalties by civil action, is intended to be declarative of existing law.

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 ~~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 ministerial and 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 (which does not result in external modifications which increase the number of floors or stories) to an existing single family residential structure or building.**
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.

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**;
- 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.** ~~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)

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 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.
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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;

C. Structures, buildings or site modifications requiring use permits in any district, excluding fences;

D. 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);

E. Any new public facility, or modification there of;

F. 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. The following activities are subject to all design criteria of the City of St Helena, however the review shall be ministerial and 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 (which does not result in external modifications which increase the number of floors or stories) to an existing single family residential structure or building.
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.

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. Outdoor Seating. ~~Design review~~ 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.

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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. Design and installation of an awning or canopy shall be reviewed as a component of the Review and a building permit process shall be required to erect such 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 B

S.H.M.C. Section 17.48.090 Other standards and uses

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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

From: Joshua Parke
To: [Noah Housh](#)
Subject: Re: Proposed Design Review Process Changes
Date: Tuesday, September 25, 2018 3:03:23 PM

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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On Sep 20, 2018, at 5:50 PM, Noah Housh <NHoush@cityofsthelelena.org> wrote:

Greetings,

Recently, the City Council directed staff to make some modifications to the Design Review process, and these changes are going before the City Council on Sept. 25, 2018.

I am sending this email as it may be of interest to you as a design professional, builder or small business owner working in St Helena.

Please take the time to review these proposed changes and provide the City Council

with your input, as you see fit.

Generally, we are proposing to allow minor level projects to be approved at the staff level (primarily for residential properties), with the intent to streamline the City process for simple projects.

There is a lot of information so you may find it most expeditious to start your review on page 26 of the packet, which is a redline and strikethrough draft of the proposal (link below).

<https://sthelena.civicweb.net/document/24127/Review%20of%20an%20Ordinance%20amending%20and%20restating%20S.pdf?handle=25A2A50DA05A4FB0B93E10195CDD8303>

If you are interested in commenting, you can send an email to myself, the City Clerk, the Council directly or of course come to the meeting in person.

Thank you for your time and attention to this matter.

<image001.png>

NOAH HOUSH
PLANNING & COMMUNITY IMPROVEMENT DIRECTOR
City of St. Helena | Planning & Community Improvement Department
1480 Main Street | St. Helena, CA 94574
Direct: (707) 968-2659 | NHoush@cityofsthelena.org |
<http://cityofsthelena.org/planning>



Report to the City Council
Council Meeting of October 9, 2018

Agenda Section: Public Hearing

Subject: Second 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.

On September 25, 2018, the City Council reviewed the draft ordinance revising Chapter 17.148 'Signs' of the SHMC at a noticed public hearing. After providing direction to staff to make several minor revisions, the Council conducted the first reading of the Ordinance.

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), 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 will 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 for 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

Zoning Code Text 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 recommended 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 recommended 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.

City Council Review

In their review of the proposed sign ordinance on Sept. 25, 2018, the Council identified a number of additional revisions they desired to be made to SHMC Chapter 17.148. Specifically, the Council requested that staff update the Sign code to:

1. Create a 'purpose' section to clarify the intent behind the regulations and allowances for the sign code.
2. Create separate sign code regulations for the winery and agricultural zoning districts.
3. Clarify the election sign posting time frame to acknowledge when voting begins, rather than utilize the actual election day for the sign posting time period.
4. Review and update the allowances for monument signs to provide more specific and prescriptive design criteria.
5. Improve the definitions to clarify between identification signs and temporary signs.
6. Differentiate between temporary sign permits allowed without any City approval, and those that require an Administrative Sign Permit to grant an extended temporary sign posting time frame, with reporting mandates.
7. Allow staff level approval for externally illuminated signs where the illumination is turned off by a set time period, while requiring Planning Commission approval for internally illuminated signs.
8. Create a matrix format to incorporate all sign code regulations to clarify the sign code requirements and allow clear understanding for project applicants and sign designers.

However, in their final motion and vote on the requested revisions, the City Council directed staff to make minor amendments in keeping with the general scope of draft

ordinance in order to move forward with a second reading, and to bring back the remaining revisions in the form of another Ordinance.

In response, staff has modified the existing Ordinance to improve the definitions, allow staff level action on externally illuminated signs and modified the Administrative Sign Permit process to incorporate temporary signs which do not meet the posting limitations identified for temporary signs under Section 17.148.020 Exclusions (subject to reporting requirements). The remaining directed changes will be incorporated into a separate ordinance and brought back before the City Council for review and action to fully implement the provided direction.

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 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 is expected to 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. Conduct the second 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~~ permanently affixed upon the ~~structure or~~ 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 ~~ing~~ 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;

~~EE.~~ 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;

~~FD.~~ 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;

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

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

~~IG.~~ 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;

~~JH.~~ 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;

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

~~LJ.~~ 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;~~

~~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, ~~wind-blown~~ 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.
4. ~~Temporary advertising signs not meeting the display time period limitations specified in Section 17.148.020, may be authorized through the approval of an Administrative Sign Permit. In no case shall such signs be displayed for more 20-weeks within a calendar year, and an annual schedule of all proposed display timeframes shall be submitted with the Administrative Sign Permit application.~~

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. ~~One such sign may be externally illuminated.~~

- 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.~~

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.

~~iv.ii.~~ 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 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. ~~One such sign may be externally illuminated.~~

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.~~

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. ~~One such sign may be externally illuminated.~~

~~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;~~

Commented [AH1]: Added to list of exclusions above.

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.~~

- 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 t~~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. One such sign may be externally illuminated.

- 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 **internally** 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)~~

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.~~

BA. 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.

EB. 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 17.48.130, 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."~~

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.

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 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 permanently affixed upon the structure or 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.

“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.

“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) 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).;
- 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 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;

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, 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, wind-blown 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,

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.
4. Temporary advertising signs not meeting the display time period limitations specified in Section 17.148.020, may be authorized through the approval of an Administrative Sign Permit. In no case shall such signs be displayed for more 20-weeks within a calendar year, and an annual schedule of all proposed display timeframes shall be submitted with the Administrative Sign Permit application.

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 signs (up to 3 total) upon issuance of an administrative permit, provided each sign is in compliance with the specified regulations. One such sign may be externally illuminated.
 - 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 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 (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 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 of the following types of signs (up to 3 total) upon issuance of an administrative permit, provided each sign is in compliance with the specified regulations. One such sign may be externally illuminated.
 - 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 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.
- 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.

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

- 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 of each of the following types of signs (up to 2 total) upon issuance of an administrative permit provided each sign is in compliance with the specified regulations. One such sign may be externally illuminated.
 - 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 (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.

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

- a. Administrative Sign Permit. A total of two (2) of the following types of signs shall be permitted upon issuance of an administrative permit provided each sign is in compliance with the specified regulations. One such sign may be externally illuminated.
 - 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. 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 internally 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.)

October 1, 2018

St Helena City Council

1480 Main Street

St Helena, CA 94574

Re: Sign Ordinance; Major Violator: Treasury Wine Estates DBA: Beringer Winery

Dear Mayor and Council Members:

For several years now Beringer Winery has repeatedly posted HUGE posters on both entrance gates to their winery in the tree tunnel. In November 2017 I spoke with Noah Housh, Planning Director, and he informed me that these signs were in violation of the City's sign ordinance. Unfortunately, their neighbor, the CIA, had noticed this signage and had begun a similar illegal program of their own. Since Noah said that the City only moves ahead on illegal issues like this if a complaint has been filed, on 11/28/17 I filed complaints against Beringer and the CIA with Noah's office. By December 31, 2017 both businesses had removed their illegal signs.

Going into 2018 the same signs reappeared on the gates of Beringer. When I spoke with City Manager Mark Prestwitch he said he had noticed them as well and would talk with a Beringer person with whom he had rapport. He called back and explained that in his conversation with this person he was told that Beringer had a different interpretation of the City's sign ordinance than did the City. He said he was working on convincing them to adhere to the City's interpretation. All seemed to go well until this past week when two HUGE signs reappeared with

TASTE OUR 99PT CABS

When we hear about the takeover of our local wineries by international corporations, just what does that mean? In spite of the fact that these corporations hire local people, the personalities of these former hometown family-owned businesses are greatly compromised. City Manager Prestwich lamented to me that when Beringer went to remove the three ancient Elm trees at their entrance they got a Cal Trans permit but did not let the City know of the tree removal until one hour before they were destroyed. So much for a so-called hometown business.

Currently you are attempting to improve your City sign ordinance to rein in problems like this, and who should appear before you asking for unlimited signage? Your gross violator Beringer Winery. And while you were not in favor of their request for "unlimited" temporary signs, your so-called compromise of twenty weeks of temporary signage is a joke. Twenty weeks – almost half of the year-- that is not a compromise but a huge gift to people like Beringer who would have St Helena looking like Pier 39 if given the opportunity.

If you had a licensed B&B operating in St Helena that was breaking the law, and you went to improve the B&B ordinance to avoid similar problems in the future, would you welcome the request of this B&B violator to allow them to continue operating as they were? I think not. If not, then why Beringer? Do they hold some special sway in St Helena politics that we don't know about?

How sad that Beringer management is unable to appreciate the natural beauty of their facility that is iconic to St Helena and the Napa Valley. Their idea of signage degrades the history of this beautiful winery that is similar to a GOING OUT OF BUSINESS SALE.

Let's not have your intentions to improve the sign ordinance become the next decision akin to the Los Alcobas parking fiasco. Your benevolent intentions towards Beringer will apply to every business from Harvest Inn to Charles Krug. Surely St Helena does not deserve to look like Lombard Street in San Francisco.

And how do you propose to handle enforcement? Must citizens continue as watchdogs for future violations? Or perhaps you have in mind some sort of self-reporting by businesses. Would this be similar to how you and I call the CHP when we discover that we have exceeded the speed limit?

I would ask that you reexamine your propensity to give the town away to Beringer and anyone else who puts their bottom line ahead of the Napa Valley beauty and quality of life we have become known for around the world.

Sincerely,

Norm Manzer, 103 Camino Vista, St Helena, CA 94574

P.S. to Mayor Galbraith – I am wondering if you have given any consideration to recusing yourself from the discussion and vote on the sign ordinance. I understand that Tracy Sweeney spoke on behalf of Beringer regarding signage before the Council, and yet she is participating in fund raising for your re-election campaign. You openly expressed support for unlimited signage. Is this not a conflict of interest, and would this not be the proper thing to do?









Report to the City Council
Council Meeting of October 9, 2018

Agenda Section: New Business

Subject: Consideration and proposed approval of Resolutions:

1. **Supporting Regional Ballot Measure "I"**
2. **Supporting Statewide "Proposition 1"**
3. **Supporting Statewide "Proposition 2"**
4. **Supporting Statewide "Proposition 3"**
5. **Opposing Statewide "Proposition 6"**
6. **No position on Statewide Propositions 4, 5, 7, 8, 10, 11, and 12**

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

At the September 25, 2018 City Council meeting, the City Council considered taking a position of support or opposition on 11 statewide ballot measures and Napa County Measure I scheduled on the November 6, 2018 ballot.

The City Council directed staff to prepare resolutions in support of:

1. Regional ballot Measure "I" - Increases County of Napa Hotel Tax Rate by 1% and Dedicates Funding to Affordable and Workforce Housing Programs and Services
2. Statewide "Proposition 1" - Authorizes Bonds to Fund Specified Housing Assistance Programs
3. Statewide "Proposition 2" - Authorizes Bonds to Fund Existing Housing Programs for Individuals with Mental Illness

4. Statewide "Proposition 3" - Authorizes Bonds to Fund Projects for Water Supply and Quality, Watershed, Fish, Wildlife, Water Conveyance, and Groundwater Sustainability and Storage

The City Council directed staff to prepare a resolution in opposition of:

1. Statewide "Proposition 6" - Eliminates Certain Road Repair and Transportation Funding, Requires Certain Fuel Taxes and Vehicle Fees to be Approved by the Electorate

The Council did not take a position on Propositions 4, 5, 7, 8, 10, 11, and 12.

DISCUSSION

The purpose of this report is to formally adopt resolutions in support of local Measure I and State Propositions 1, 2, 3 and a resolution in opposition of Proposition 6. Additional information is attached regarding other statewide propositions on the November 2018 ballot should the Council express an interest in adopting a formal position on these measures.

FISCAL IMPACT

Fiscal impacts are noted in report attachments.

RECOMMENDED ACTION

Staff recommends adopting the resolutions.

ATTACHMENTS

[Prop 1 Resolution](#)

[Prop. 2 Resolution](#)

[Prop. 3 City Resolution](#)

[Measure I Resolution](#)

[Prop 6 Resolution](#)

[Napa County - Measure I](#)

[Proposition 1](#)

[Proposition 2](#)

[Proposition 3](#)

[Proposition 4](#)

[Proposition 5](#)

[Proposition 6](#)

[Proposition 7](#)

[Proposition 8](#)

[Proposition 10](#)

[Proposition 11](#)

[Proposition 12](#)

CITY OF ST. HELENA

RESOLUTION No. 2018-

**Resolution of the City of St. Helena Supporting Veterans
and Affordable Housing Bond Act 2018**

RECITALS

- A. Housing affordability is an urgent issue facing families and communities across California, and the cost of housing means many people and families can't afford other basics like food and transportation; and
- B. Addressing California's lack of affordable housing must be an urgent priority at a time when more than half of California households that rent (more than 3 million) spend more than 30 percent of their income toward rent and nearly one-third (over 1.5 million households) spend more than 50 percent of their income on rent; and
- C. The devastation of the housing crisis is evident in homelessness in our communities; and
- D. California's homeownership rates are at the lowest point since the 1940s and recent housing production levels are far short of the state's projected housing need for 180,000 new homes per year; and
- E. The proceeds from the 2006 housing bond that helped create and preserve affordable apartments, urban infill infrastructure, and single-family homes have been expended; and
- F. Even though federal funding for affordable housing comprises a significant portion of California's resources to support affordable housing, with a decline of 51 and 66 percent, respectively, in funds allocated to California by the crucial funds from the U.S. Department of Housing and Urban Development's Community Development Block Grant (CDBG) and HOME programs; and
- G. Last year the Legislature passed, and Governor Brown signed SB 3 (Beall) that placed the \$4 billion Veterans and Affordable Housing Bond Act on the November 6, 2018 general election ballot; and

- H. The Veterans and Affordable Housing Act dedicates funding to help military veterans have a safe place to call home, provides stable housing for struggling families, people experiencing homelessness and individuals with disabilities; and
- I. The Veterans and Affordable Housing Act builds affordable homes for hard-working people, enabling them to live in the communities where they work and near transit to reduce long commutes and curb pollution; and
- J. The Veterans and Affordable Housing Act invests in Californians' priorities: building homes, creating jobs and boosting the economy; the initiative is expected to create 137,000 jobs and pump \$23.4 billion into California's economy; and

RESOLUTION

THEREFORE BE IT RESOLVED that the City of St. Helena hereby supports the Veterans and Affordable Housing Bond Act on the November 6, 2018 ballot to infuse much needed funding to support important affordable housing projects and spur housing construction statewide; and

1. That the City of St. Helena supports and can be listed as a member of the Veterans and Affordable Housing Act coalition.

Approved at a Regular Meeting of the St. Helena City Council on October 9th, 2018 by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____

Council Member Dohring: _____

Council Member Koberstein: _____

Council Member Ellsworth: _____

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Tzafopoulos, City Clerk

CITY OF ST. HELENA

RESOLUTION No. 2018-

**Resolution of the City of St. Helena Supporting
Proposition 2 No Place Like Home 2018**

RECITALS

- A. More than 134,000 people are languishing on our streets, huddled on sidewalks, sleeping under freeways and along riverbanks; and
- B. As many as a third of the people living in these unsafe conditions are living with an untreated mental illness; and
- C. Decades of research shows providing people with a stable place to live along with mental health services promotes healthy, stable lives; and
- D. Without the foundation of a stable home connected to mental healthcare, people suffering from serious mental illness are unable to make it to doctors' appointments and specialized counseling services, often showing up in emergency rooms as a last resort; and
- E. Permanent supportive housing significantly reduces public health costs, reduces suffering for patients, and achieves better health outcomes; and
- F. A recent RAND study in Los Angeles County of supportive housing programs – similar to what Proposition 2 will do – found early success with more than 3,000 people moved off the streets, into housing and care, and saving taxpayers more than \$6 million after just one year; and
- G. Proposition 2 uses proven, models of pairing housing and mental health care – keeping Californians experiencing homeless off the streets, out of hospitals and emergency rooms and receiving the mental health services they need, while easing the burden on emergency responders and saving taxpayers millions; and

RESOLUTION

THEREFORE BE IT RESOLVED that the City of St. Helena hereby supports Proposition 2: No Place Like Home on the November 6, 2018 ballot to help end the suffering on our streets and neighborhoods by connecting people who have a serious

mental illness to the supportive housing they need to get treatment and care in the stability of a home; and

1. The City of St. Helena supports and can be listed as a member of the Proposition 2: No Place Like Home coalition.

Approved at a Regular Meeting of the St. Helena City Council on October 9th, 2018 by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____

Council Member Dohring: _____

Council Member Koberstein: _____

Council Member Ellsworth: _____

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Tzaopoulos, City Clerk

CITY OF ST. HELENA

RESOLUTION No. 2018-

**Resolution of the City of St. Helena in support of Proposition 3,
the “Water Supply and Water Quality Act of 2018”**

RECITALS

- A. The Water Supply and Water Quality Act of 2018 has qualified for the November California Statewide ballot as Proposition 3; and
- B. The City of St. Helena, like many other cities across the state seeks to improve the reliability and sustainability of its water supply; and
- C. In many instances the water challenges faced by St. Helena are of regional and statewide interest; and
- D. The Water Supply and Water Quality Act includes important funding for SGMA implementation, groundwater/brackish desalination, stormwater treatment, wastewater recycling, watershed restoration, water conservation, infrastructure repair, in addition to other funds of importance to our city and other local agencies.
- E. These grant funds would result in significant cost savings for cities and ratepayers, healthier watersheds, and improvements in both water supply and quality for urban areas.

RESOLUTION

THEREFORE BE IT RESOLVED, that the City Council of the City of St. Helena endorses Proposition 3, and urges residents of St. Helena to vote for the measure in November.

- 1. The City of St. Helena can be listed as a member of the Yes on Prop 3, supporting “Water Supply and Water Quality Act of 2018”.

Approved at a Regular Meeting of the St. Helena City Council on October 9th, 2018 by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____

Council Member Dohring: _____

Council Member Koberstein: _____

Council Member Ellsworth: _____

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Tzaopoulos, City Clerk

CITY OF ST. HELENA

RESOLUTION No. 2018-

**Resolution of the City of St. Helena Supporting
County of Napa Measure I**

RECITALS

- A. The Board of Supervisors of Napa County finds that 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; and
- B. Measure “I” increases the Transient Occupancy Tax (TOT) on hotels outside city limits in the unincorporated County, from 12% to 13%, and segregates those new funds (over \$1 million annually) for workforce and affordable housing projects, programs, and services; and
- C. Many people that work in Napa County cannot afford to live in Napa County. This forces workers to live outside the County and commute, causing traffic, social, and other environmental impacts. Under Measure “I”, visitors to Napa County hotels will help pay for housing opportunities for our workforce including those employed in hospitality, the wine industry, retail, public safety, and education; and
- D. Measure “I” revenues will be protected and set aside only to provide for programs and services that provide affordable and workforce housing. Funds generated by Measure “I” will be collected and managed by Napa County. Funds can be leveraged with other sources for programs like increasing housing stock for the workforce and down payment assistance programs for home ownership; and

RESOLUTION

THEREFORE BE IT RESOLVED that the City of St. Helena hereby supports Measure I: on the November 6, 2018 ballot to help provide for programs and services that offer affordable and workforce housing.

Approved at a Regular Meeting of the St. Helena City Council on October 9th, 2018 by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____

Council Member Dohring: _____

Council Member Koberstein: _____

Council Member Ellsworth: _____

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Tzaopoulos, City Clerk

CITY OF ST. HELENA

RESOLUTION NO. 2018-

Resolution of the City of St. Helena Opposing Proposition 6

RECITALS

- A. Cities and counties own and operate more than 81 percent of streets and roads in California, and from the moment we open our front door to drive to work, bike to school, or walk to the bus station, people are dependent upon a safe, reliable local transportation network; and
- B. The 2016 California Statewide Local Streets and Roads Needs Assessment, which provides critical analysis and information on the local transportation network's condition and funding needs, indicates that the condition of the local transportation network is deteriorating at an increasing rate; and
- C. California has more than 1,600 bridges and overpasses that are structurally deficient and unsafe and 89% of counties have roads that are in 'poor' or 'at-risk' condition; and
- D. According to the National Highway Traffic Safety Association, there were more than 3,600 fatalities on California roads in 2016, with poor road conditions as a major factor in vehicle collisions and accidents; and
- E. Prop 6 would eliminate more than \$52 billion over the next 10 years in existing transportation funding, including the \$15 billion in direct apportionments, and \$11 billion in available competitive grant funding, to cities and counties statewide; and
- F. Prop 6 would stop funding for more than 6,500 transportation improvement projects currently underway or planned in every California community; and
- G. Prop 6 would jeopardize public safety by eliminating thousands of projects to fix unsafe bridges and overpasses, repair crumbling and unsafe roads, and enhance pedestrian safety; and
- H. Voters overwhelmingly passed Prop 69 in June thereby ensuring transportation funds can only be used for transportation purposes and the State and local governments are accountable to taxpayers; and

- I. Prop 6 would eliminate transportation revenues that are accountable to taxpayers, can't be diverted or borrowed, and that voters overwhelmingly dedicated to fixing our roads.

RESOLUTION

THEREFORE BE IT RESOLVED, that the City of St. Helena hereby opposes Prop 6 on the November 2018 ballot; and

1. The City of St. Helena can be listed as a member of the No on Prop 6 coalition, a diverse coalition of local governments, public safety organizations, business, labor, environmental leaders, transportation advocates and other organizations throughout the state.
2. We direct staff to email a copy of this adopted resolution to Kyle Griffith of the No on Prop 6 campaign at kgriffith@bcfpublicaffairs.com.

Approved at a Regular Meeting of the St. Helena City Council on October 9th, 2018 by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____

Council Member Dohring: _____

Council Member Koberstein: _____

Council Member Ellsworth: _____

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Tzaopoulos, City Clerk

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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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.



Report to the City Council
Council Meeting of October 9, 2018

Agenda Section: Public Hearing

Subject: Consideration and proposed approval 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: 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: Chrissy Cook, Administrative Assistant

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

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

The 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 annexation requirements until after hookup and approve them issuing a permit to replace the septic tank and leach field. The County also inquired if the City's sanitary sewer system 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 upon impending failure.

DISCUSSION

The property has been connected to the sanitary sewer system and on September 25, 2018 the City Council ordered the annexation and set today's hearing to annex the territory into the St. Helena Municipal Sewer District No. 1, MSD Annexation No. 133. The sewer impact fees have been paid and were calculated on the livable area currently on file with the Napa County Assessor's office. At the time of connection to the City sewer, the existing septic system was destroyed in accordance with Napa County Department of Environmental Management guidelines.

On September 25, 2018, in accordance with Health & Safety Code §§ 4641 et seq., the City Council approved via consent to provide notice for this public hearing regarding the proposed annexation. The purpose of the public hearing is to hear from persons interested in the proposed annexation, and consider approval of this resolution to approve the annexation. This resolution for annexation requires at least four affirmative votes. (Health & Saf. Code §§ 4645-47.)

If the City Council approves this 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 and record the resolution.

FISCAL IMPACT

The Applicant has paid all applicable City fees and obtained all required permits.

RECOMMENDED ACTION

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

ATTACHMENTS

[Application](#)

[Map and Description](#)

[RESO-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:

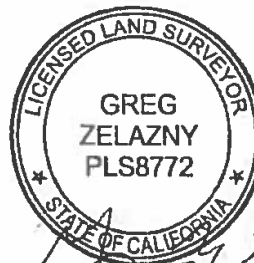
Commencing at the well monument at the centerline intersection of Grayson Avenue with Crane Avenue as shown on said Record of Survey thence along the perimeter of said lands of Marian Scruggs the following courses:

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;

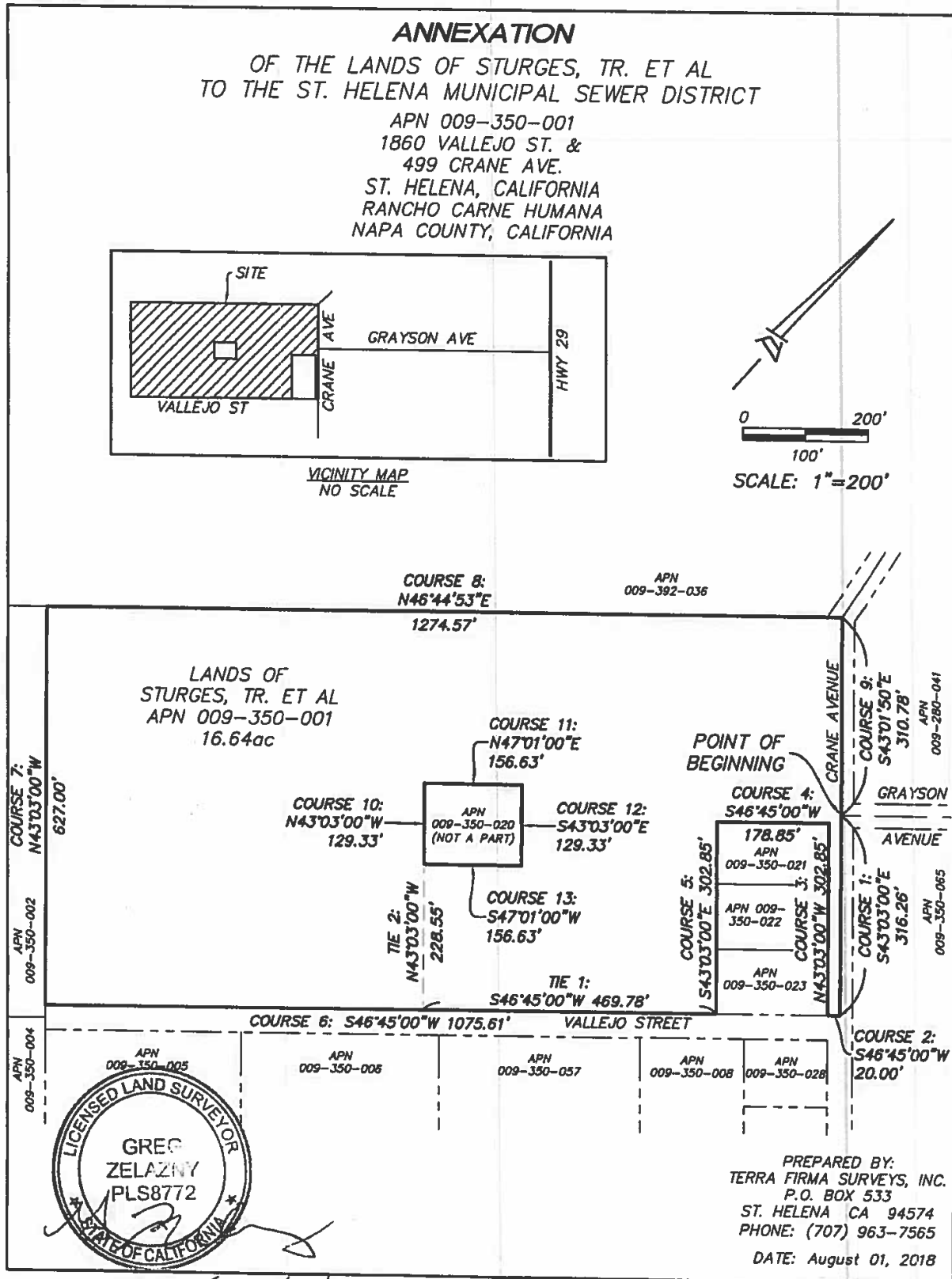
thence leaving said perimeter of said lands North 43°03'00" West for 228.55 feet to the most southerly corner of the lands of M. F. Scruggs, et al, shown on said Record of Survey, said southerly corner being the TRUE POINT OF BEGINNING; thence along the lands of M. F. Scruggs, et al the following courses:

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

**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, St Helena, CA (APN) 009-350-001-000 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 the attached Exhibit A – Annexation Description; and
- D. A public hearing regarding this proposed annexation was ordered on September 25, 2018, and duly noticed and held on October 9, 2018 at a regular meeting of the City Council of the City of St. Helena; and
- E. All annexation fees have been paid.
- F. The City has complied with all laws applicable to these annexation proceedings, including without limitation Health & Safety Code sections 4641 et seq.

RESOLUTION

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

- 1. The territory described in the attached Exhibit A – Annexation Description, commonly known as 499 Crane Avenue, St. Helena, CA., Napa County Assessor Parcel Number (APN) 009-350-001-000 is hereby ordered annexed; and
- 2. The City Clerk shall cause a certified copy of this Resolution to be recorded with the official records of the County of Napa, pursuant to section 4647 of the Health & Safety Code.

Approved at a Regular Meeting of the St. Helena City Council on October 9, 2018 by the following.

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

APPROVED:

ATTEST:

Alan Galbraith
Mayor

Cindy Tzafoopoulos
City Clerk



Report to the City Council
Council Meeting of October 9, 2018

Agenda Section: Public Hearing

Subject: Consideration and proposed approval of 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: 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: Chrissy Cook, Administrative Assistant

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

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. 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 18, 2016 by Resolution NO. PC2016-044, Section F, Item 42. Attachment 1.

DISCUSSION

The property is currently on a septic system and on September 25, 2018 the City Council ordered the annexation and set today's hearing to annex the territory into the St. Helena Municipal Sewer District No. 1, MSD Annexation No. 135. The sewer impact fee has been paid and is calculated on the livable area currently on file with the Napa County Assessor's office. At the time of connection to the City sewer, the existing septic system will be destroyed in accordance with Napa County Department of Environmental Management guidelines.

On September 25, 2018, in accordance with Health & Safety Code §§ 4641 et seq., the City Council approved via consent to provide notice for this public hearing regarding the proposed annexation. The purpose of the public hearing is to hear from persons interested in the proposed annexation, and consider approval of this resolution to approve the annexation. This resolution for annexation requires at least four affirmative votes. (Health & Saf. Code §§ 4645-47.)

If the City Council approves this 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 and record the resolution. 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.

RECOMMENDED ACTION

Staff recommends the City Council adopt a Resolution Approving the Annexation of Territory to 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

[RESO setting condition for annexation](#)

[Map & Description](#)

[Application](#)

[RESO](#)

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.

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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.

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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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:

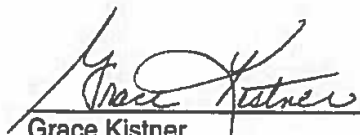
AYES: Commissioners Parker, Sweeney, Koberstein and Kistner

NOES: Commissioner Monnette

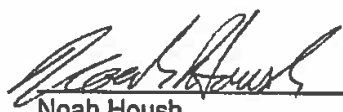
ABSENT: None

ABSTAIN: None

APPROVED:

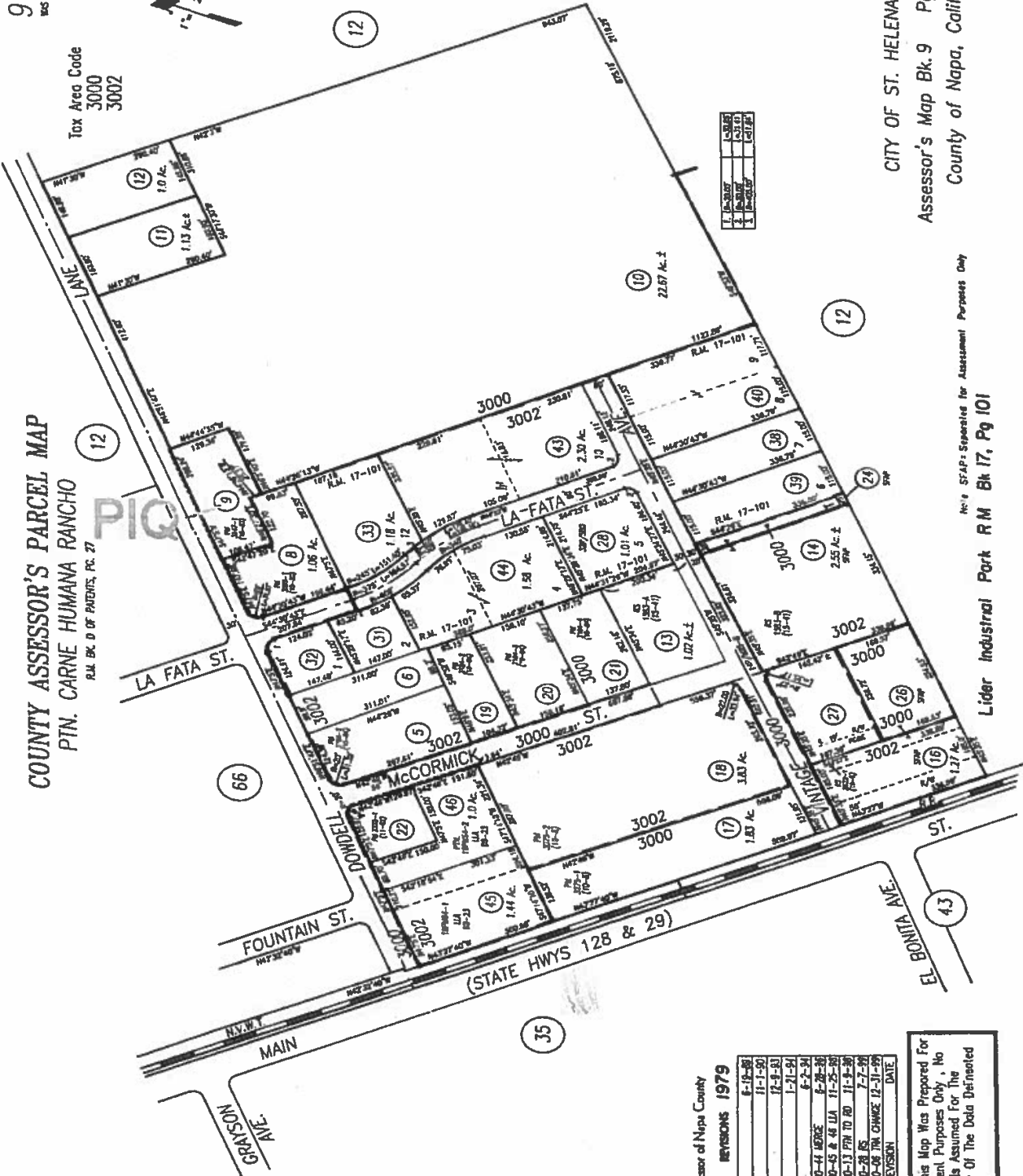

Grace Kistner
Chair, Planning Commission

ATTEST:


Noah Housh
Planning Director

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

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



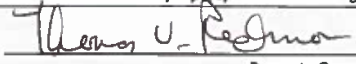
CITY OF ST. HELENA

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 - ELLIEN
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

CITY OF ST. HELENA RESOLUTION NO. 2018

**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, St Helena, CA (APN) 009-580-009-000 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 the attached Exhibit A – Annexation Description; and
- D. A public hearing regarding this proposed annexation was ordered on September 25, 2018, and duly noticed and held on October 9, 2018 at a regular meeting of the City Council of the City of St. Helena; and
- E. All annexation fees have been paid.
- F. The City has complied with all laws applicable to these annexation proceedings, including without limitation Health & Safety Code sections 4641 et seq.

RESOLUTION

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

- 1. The territory described in the attached Exhibit A – Annexation Description, commonly known as 867 and 871 Dowdell Lane, St Helena, CA., Napa County Assessor Parcel Number (APN) 009-580-009-000 are hereby ordered annexed; and
- 2. The City Clerk shall cause a certified copy of this Resolution to be recorded with the official records of the County of Napa, pursuant to section 4647 of the Health & Safety Code.

Approved at a Regular Meeting of the St. Helena City Council on October 9, 2018
by the following.

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

APPROVED:

ATTEST:

Alan Galbraith
Mayor

Cindy Tzaopoulos
City Clerk



Report to the City Council
Council Meeting of October 9, 2018

Agenda Section: Public Hearing

Subject: Introduction and first reading of an ordinance amending St. Helena Municipal Code ("SHMC") Title 17, Section 17.48 (Central Business District) and 17.52 (Service Commercial), to modify the list of permitted and conditional uses as deemed appropriate by the City Council.

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: 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. In addition to addressing the inconsistencies

and improving the usability of the code, the list of prioritized code improvements includes:

1. Review of the Floor Area Ratio (F.A.R.) allowances and exemptions (December 19, 2018; January 16, 2018 and June 19, 2018);
2. Review of the sign standards (February 20, 2018; May 15, 2018 and August 21, 2018);
3. Review of the Use Permit requirements in the Service Commercial and Central Business Zoning Districts (March 20, 2018; April 17, 2018 and September 4, 2018);
4. Review of the small lot zoning standards;
5. Review, clarify and improve the applicability of the non-conforming zoning standards, with particular focus on large industrial users;
6. Review the Demolition permit process and potential increases in limitations on Demolition permit approval;
7. Food Truck Ordinance;
8. Temporary Use Permit process;
9. Update the Daycare regulations to be consistent with State law; and
10. Update Telecommunication regulations to be consistent with State and Federal law.

To date, staff has brought forth and the Commission has discussed items 1, 2 and 3 above (see parentheses for date).

This item was originally presented to the Planning Commission on March 20, 2018 where, due to the volume of potential changes, staff asked the Commission to review the provided information and be prepared to provide direction at a later date. On April 17, 2018 staff brought the item back before the Commission in order to receive feedback on the changes proposed. At that time the Commission expressed general support for the changes; however, they decided to delay any action until completion of the Kosmont & Associates (Kosmont) downtown retail study (attached). The results of the Kosmont study have been made public and the City Council has expressed general support for several recommendations contained therein, including clarifying and broadening the list of permitted uses in the City's primary commercial zoning designations (the Central Business and Service Commercial districts). On September 4, 2018 the Commission reviewed the draft changes, provided direction to staff, and made a recommendation of approval to the City Council.

Additionally, adoption of the draft 2040 General Plan (likely to occur in late 2018) will trigger a comprehensive Zoning Code update to implement the full direction of this policy document. It is important to make the distinction between the comprehensive changes the General Plan update will trigger, and the code modifications proposed

through this process. This effort is intended to consist of minor revisions and modifications to existing policy, not whole-sale policy changes the scope of which were not anticipated or covered in existing adopted policy documents and therefore past California Environmental Quality Act (CEQA) analysis and determinations.

DISCUSSION

Project Description

Staff has identified several issues and concerns in regards 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. In addition, both the City Council and Planning Commission have expressed concerns with these same issues, and their relation to the number of vacant storefronts on Main Street. As an example, clothing stores currently require use permit approval in the CB district. As a very low impact use, it is recommended that a clothing store should be a permitted use (under General Retail) not subject to use permit approval.

In addition, the code is both overly specific and repetitive. Numerous retail uses are individually listed when they could be combined under a “General Retail” category. Furthermore, individual offices uses are listed time and time again when they can be easily classified under a broader “Office Use” category; this is supported by the majority of office uses being required to occupy the second floor of any downtown business location with frontage onto Main Street.

In order to resolve many of these issues, staff has amended the City’s Zoning Code to modify the list of permitted and conditional uses in the CB and SC districts. To address the issues described above, a recommended list of revisions to the Municipal Code is attached for review. Recommended additions are shown in underline and deletions are shown in ~~strike through~~. For example, as shown below, it is recommended that clothing stores be a permitted use in the CB district while tobacco shops should be a conditional use:

Central Business District

17.48.020 Permitted uses.

The following uses are permitted in the CB district within usable floor areas of two hundred (200) square feet or greater. A use permit shall be required when a business consists of two or more of the following permitted uses:

Clothing store, limited to the sale of new clothing and clothing accessories;
~~Tobacconist;~~

17.48.030 Conditional uses.

The following list of uses require approval of a use permit as regulated by Chapter 17.168. A use permit is also required for a business which consists of two or more of the permitted uses listed in Section 17.48.020. Approval of a use permit is subject to finding the use consistent with the policies of the general plan and the purpose of the CB zoning district. When a use permit is considered for a use in the CBD, the standard use permit findings included in Section 17.168.050 shall be made to determine consistency of the use with the policies of the general plan and the purpose of the CB zoning district:

~~Clothing store, limited to the sale of new clothing and clothing accessories;~~
Tobacco/smoke shop, including the sale of tobacco, tobacco products and equipment for smoking;

See the attached Municipal Code sections for a comprehensive list of staff suggested changes as well as issues for the Council to consider.

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 regulations. As such, the proposed text amendments are found to be consistent with the following policies listed in the 1993 City of St. Helena General Plan:

- 2.6.27 – Prohibit commercial uses that are primarily tourist-serving in nature, and that are inconsistent with the community image of St Helena.
- 2.6.35 – Maintain the Central Business District as the City's social/cultural core, and the primary center of retail business.
- 2.6.36 – Limit the expansion of commercial development to the areas immediately east and south of the Central Business District.
- 2.6.38 – Encourage primarily local serving businesses in the CB and SC designated areas.
- 3.4.2 – Support the development of a responsible visitor-serving component to the City's economy as a valuable source of jobs, tax revenues, and cultural amenities.

***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 establishment of new businesses in the CB and SC zoning districts.

CEQA

An action to adopt an Ordinance to amend Chapter 17 of the St. Helena Municipal Code is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.). Specifically, 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, 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

Reducing the administrative process required to open several categories of new businesses (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, 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, 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

Staff recommends the City Council review the Draft Ordinance and proposed text amendments related to permitted and conditional uses in the CB and SC zoning districts and:

1. Determine that the proposed text amendments are exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061; and
2. Review and approve the text amendments to St. Helena Municipal Code Title 17, Sections 17.48 (Central Business District) and 17.52 (Service Commercial), to modify the list of permitted and conditional uses; and
3. Introduce and conduct first reading of the ordinance, by title only and waive further reading.

ATTACHMENTS

[CB and SC Code Sections_redline](#)

[Draft Ordinance update](#)

[Kosmont Exec Summary](#)

[Land Use Map](#)

CENTRAL BUSINESS (CB) DISTRICT

17.48.020 Permitted uses.

The following uses are permitted in the CB district within usable floor areas of two hundred (200) square feet or greater. ~~A use permit shall be required when a business consists of two or more of the following permitted uses:~~

Auto supply store;

Bakery, limited to products baked on the premises ~~subject to the following:~~

~~1. No seating;~~

~~2. Excluding the sale of snack foods prepared off-premises;~~

Bank and savings and loan institutions;

Bicycle and four-stroke moped (that meet standard manufacturer specifications) rental businesses, excluding motorcycles (as a primary or accessory use);

Bicycle store, retail sales, repairs, and rentals;

1. Storage or display of rental vehicles shall not be permitted within the public right-of-way, except where the city has jurisdiction over the sidewalk and as may be allowed by use permit with the following conditions in subsection (2) below.
2. For those vehicle rental businesses that wish to establish storage or display of rental bicycles on a sidewalk, the following will be required:
 - a. One-and-one-half-foot "recovery zone" from the edge of curb that must be kept free of obstructions (CalTrans requirement).
 - b. A four-foot clear path of travel along the sidewalk must be maintained to provide disabled access.
 - c. Bicycles must be brought indoors when the business is closed.
 - d. 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.

Bookstore;

Chamber of Commerce office;

Clothing store, limited to the sale of new clothing and clothing accessories;

Consignment shop;

Computer and computer supply store;

Confectionery shop;

Commented [NH1]: Given that there is no evidence that the combination of 2 permitted uses would create impacts necessitating the approval of a Use Permit, staff is recommending deletion of this provision. Further, this is in keeping with the recommendations of the Kosmont study.

Dry cleaners, drop-off and pick-up only;

~~Electronics store, radio, television, computer, video equipment;~~

Commented [AH2]: Falls under General Retail category.

Florist;

Frame shop (gallery allowed only as accessory to the primary use);

~~Furniture store, new and unfinished;~~

~~General Retail, the sale of goods in small quantities directly to the consumer except those uses prohibited in Section 17.48.060;~~

Hardware store;

Hobby, toy, and game store;

~~Home furnishings and interior decorating stores, limited to establishments engaged in the retail sale of such items as china, glassware, and metalware for kitchen and table use; bedding and linen; brooms and brushes; lamps and shades; mirrors and pictures; carpets and rugs; and window coverings;~~

~~Ice cream, frozen yogurt and shaved ice shops as regulated by Section 17.48.090(C) including sale of these items as accessory to an approved food establishment;~~

~~Household appliance and repair shop;~~

Commented [AH3]: Moved to Conditional Use.

~~Insurance office;~~

Commented [AH4]: Falls under broader Office Use category.

~~Locksmith;~~

Commented [AH5]: Moved to Conditional Use.

~~Medical office;~~

Commented [AH6]: Falls under broader Office Use category.

~~Mortgage company;~~

Commented [AH7]: Falls under broader Office Use category.

Music store;

~~Newspaper office;~~

Commented [AH8]: Falls under broader Office Use category.

Newsstand;

Office use, local-serving business and professional offices, upper floors only for properties with frontage on Main Street unless the access and frontage of the office space is not located on Main Street. Off-site winery offices are permitted with no wine tasting;

Opticians and optometrist shop;

Paint and wallpaper store;

Pharmacy and drugstore;

Photographic supply store;

~~Photography studio;~~

Commented [AH9]: Staff sees this as similar to an art gallery and has moved it to the Conditional Use list.

Postal services;

Printing and copy services;

Real estate services located in spaces without frontage on Main Street;

~~Sewing, needlework, and fabric store;~~

~~Shoe repair and shoeshine shop;~~

~~Shoe store;~~

~~Sporting goods store;~~

~~Stamp and coin store;~~

~~Stationery supply store;~~

Commented [AH10]: Each fall under General Retail category.

~~Stockbrokers;~~

Commented [AH11]: Falls under broader Office Use category.

Tailor and dressmaking;

~~Title companies;~~

Commented [AH12]: Falls under broader Office Use category.

~~Tobacconist;~~

Commented [AH13]: Move to Conditional Use list.

~~Travel agency;~~

Commented [AH14]: Falls under broader Office Use category.

~~Video rental store, including the sale and rental of VCR equipment, video tapes, promotional posters related to the video tapes which are for sale or lease, laser discs, and sale of pre-packaged snack foods not involving preparation or refrigeration on premises;~~

Commented [AH15]: Antiquated use, no longer necessary.

~~Variety store except those uses prohibited in Section 17.48.060;~~

Watch and clock shop, provided the business includes on-premises repair;

Watch, clock, and/or jewelry repair shops;

Other similar uses found consistent with the general plan and the CB district pursuant to Chapter 17.08. (Ord. 11-5 § 2 (Exh. B); Ord. 10-8 § 2 (Exh. A (part)); Ord. 09-6 § 2 (Exh. A (part)); Ord. 04-8 § 2: prior code § 27.71)

17.48.030 Conditional uses.

The following list of uses require approval of a use permit as regulated by Chapter 17.168. A use permit is also required for a business which consists of two or more of the permitted uses listed in Section 17.48.020. Approval of a use permit is subject to finding the use consistent with the policies of the general plan and the purpose of the CB zoning district. When a use permit is considered for a use in the CBD, the standard use permit findings included in Section 17.168.050 shall be made to determine consistency of the use with the policies of the general plan and the purpose of the CB zoning district:

Antique store;

Art gallery;

~~Bakery, limited to products baked on premises subject to the following:~~

Commented [AH16]: Listed as a Permitted Use.

~~1. Seating permitted only as accessory to the primary bakery use and subject to the on-site parking requirements of Chapter 17.124;~~

~~2. Excluding the sale of snack foods prepared off premises;~~

~~3. Regulations as specified in Section 17.48.090;~~

Barber shop/beauty shop, including manicures, pedicures, make-up, facials, waxing, electrolysis, piercing, massage, and tanning when accessory to the primary use of hairstyling;

Catering establishments;

Cleaners and Dry Cleaners;

~~Clothing store, limited to the sale of new clothing and clothing accessories;~~

Commented [AH17]: Moved to Permitted Use list.

~~Consignment shop;~~

Commented [AH18]: Moved to Permitted Use list.

Delicatessen as regulated by Section 17.48.090(C);

Department store;

Drinking establishments serving alcoholic and/or nonalcoholic beverages as regulated by Section 17.48.090(C), provided the following are not allowed:

1. Establishments serving customers within their vehicles on the premises or preparing beverages or food intended for consumption within their vehicles on the premises,
2. Establishments primarily preparing beverages or food for consumption off the premises,
3. Music or entertainment which is not accessory to the approved use and/or audible beyond the confines of the building in which such music or entertainment is being performed,
4. Drive-in or walk-up window for take-out service;

Eating and drinking establishments as regulated by Section 17.48.090(C), provided the following are not allowed:

1. Establishments serving customers within their automobiles on the premises or preparing food intended for consumption within their automobiles on the premises,
2. Establishments primarily preparing food for consumption off the premises,

3. Music or entertainment which is not accessory to the approved use and/or audible beyond the confines of the building in which such music or entertainment is being performed,
4. The addition of on-site general liquor sales to any existing eating establishment when the operation of the eating place has been in violation of any city ordinance or any conditions of a use permit within the preceding two years and the premises do not conform in all respects with municipal code requirements,
5. Drive-in or walk-up window for take-out service,
6. Formula or take-out food establishments;*

Farmers' market;

Foodstore, no seating permitted;

Formula business. "Formula business" (not including formula restaurants, which are prohibited) means a business which is required by contractual or other arrangement to maintain any of the following: standardized services, decor, uniforms, architecture, signs or other similar features. This shall include, but not be limited to, retail sales and service, visitor accommodations, wholesale and industrial operations;

~~Furniture store, new and unfinished;~~

Commented [AH19]: Moved to Permitted Uses.

Health clubs;

~~Home furnishings stores, limited to establishments engaged in the retail sale of such items as china, glassware, and metalware for kitchen and table use; bedding and linen; brooms and brushes; lamps and shades; mirrors and pictures; carpets and rugs; and window coverings;~~

Commented [AH20]: Moved to Permitted Uses and combined with Interior Decorating Shop from below.

Hotel, rental of rooms limited to upper floors;**

~~Household appliance and repair shop;~~

~~Ice cream, frozen yogurt and shaved ice shops as regulated by Section 17.48.090(C) including sale of these items as accessory to an approved food establishment;~~

Commented [AH21]: Moved to Permitted Uses

~~Interior decorating shop;~~

Commented [AH22]: Combined with Home Furnishings stores and moved to permitted uses.

Jewelry store, provided the business includes on-premises repair;

Laundromat ~~or Laundry;~~

~~Laundry;~~

Liquor store;

~~Locksmith;~~

Market;

Massage salon;

Miscellaneous food establishments with no seating where food is not prepared for immediate consumption;

Off-site winery offices with nonpublic wine tasting. Tasting of wine may be offered to wine distributors and wine merchants only;

Parking facilities (including parking for a fee) when not required to serve an approved use;

Pawnshops, subject to police chief review of information included in state or local statutes;

Photography studio;

Real estate services when located on the first floor with access and frontage on Main Street;

Residential units, limited to upper floors only for nontransient occupancy;

Service station, pursuant to Section 17.136.080;

Spa;

Supportive housing, limited to upper floors only;

Tanning salon;

Tattoo and/or piercing salon;

Theaters, movie and legitimate;

Tobacco/smoke shop, including the sale of tobacco, tobacco and/or nicotine products and equipment for smoking;

Transitional housing, limited to upper floors only;

Used merchandise store, including clothing, with no off-hours or exterior drop-off donation areas permitted;

~~Variety store~~;

Wine shops. "Wine shops" are establishments that purchase and sell wines from multiple wineries and distributors. Wines may be made in other counties in California, other states or other countries. Incidental wine tastings may occur in wine shops. Wine shops are not owned by wineries and must possess a Type 20, 21, or 42 license from ABC;

Winery tasting rooms. "Winery tasting rooms" are establishments that sell wines on behalf of one or more wineries and enable consumers to taste wine (with and without charge) as a regular part of the sales process. The wines for tasting and for sale must be made from a minimum of seventy-five percent (75%) Napa Valley grapes and must be labeled Napa Valley or be a subappellation of the Napa Valley. The permit requires a Type 02 ABC license. Food may be provided if it is at no cost to the consumer, is made off premises and the facilities are approved by Napa County Environmental Management;

Other similar uses found consistent with the general plan and the CB district pursuant to procedures in Chapter 17.08.

* Note: The city has established a limit on the number of eating and drinking establishments within such establishments as listed in the regulated food and beverage establishments inventory. This inventory may be amended by action of the city council.

** Note: The city has established a limit on the number of transient occupancy rooms permitted in the city to those existing or approved on September 28, 1993, as listed in the hotel, motel, and B&B inventory. This inventory may be amended by action of the city council.

(Ord. 15-2 § 9: Ord. 10-8 § 2 (Exh. A (part)): Ord. 09-6 § 2 (Exh. A (part)): Ord. 04-8 § 3: Ord. 02-6 § 7: prior code § 27.72)

SERVICE COMMERCIAL (SC) DISTRICT

17.52.020 Permitted uses.

The following uses are permitted in the SC district within usable floor areas of two hundred (200) square feet or greater. ~~A use permit shall be required when a business consists of two or more of the following permitted uses:~~

Accounting, auditing, and bookkeeping;

Appliance store;

~~Architectural office;~~

Audio-visual store;

~~Auditing office;~~

Auto supply store;

Automatic bank teller;

~~Automotive services, including repair;~~

~~Bakery, commercial baking only with no retail sales or seating;~~

~~Bank, credit union or financial institution;~~

~~Beauty shop/barber shop, including manicures, pedicures, make-up, facials, waxing, electrolysis, and piercing, when accessory to the primary use of hairstyling;~~

Boat sales and service;

Bookkeeping services;

~~Cabinet shop;~~

Camera and photo supply store;

Commented [AH23]: Falls under broader Office Use category.

Commented [AH24]: Falls under broader Office Use category.

Commented [AH25]: Moved to Conditional Use and combined with sales.

Commented [AH26]: No Planning Commission consensus on whether this should be permitted or conditional due to chemicals used. Staff needs Council direction on this item.

Commented [AH27]: Moved to Conditional Uses as more appropriate in an industrial area.

Catering establishments, no retail sales;

Child care facilities consistent with state law;

Cleaning and janitorial services;

Clothing store, limited to the sale of new clothing and clothing accessories;

Commercial art/photography service;

Computer supply store and data processing services, including retail sales;

Credit institution;

Credit union office;

Commented [AH28]: Combined with banks above.

Dance studios and schools;

Emergency shelter;

Commented [AH29]: Recommend as a Conditional Use after conferring with state law.

Engineering, architectural and surveying services;

Commented [AH30]: Falls under broader Office Use category.

Engraving services;

Farm supply and Ffeed store;

Florist;

Frame shop;

Fruit and vegetable market;

Furniture stores, new and unfinished;

Glazing businesses;

Graphic design services;

Hardware store;

Hobby store;

~~Home~~ health care equipment and services;

Home furnishings and interior decorating stores, limited to establishments engaged in the retail sale of such items as china, glassware, and metalware for kitchen and table use; bedding and linen; brooms and brushes; lamps and shades; mirrors and pictures; carpets and rugs; and window coverings;

Insurance agents, brokers and service;

Legal services;

Commented [AH31]: Falls under broader Office Use category.

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

St. Helena Municipal Code

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Locksmith;

Luggage store;

~~Media representatives;~~

~~Medical offices;~~

Music recording studio;

Nail salon;

~~Newspaper distribution facilities, no retail sales;~~

Office use, local-serving business and professional offices; off-site winery offices are permitted with no wine tasting;

Opticians and optometrist shop, including repair;

Paint, glass and wallpaper store;

Painting contractor/services;

Party supplies and service;

~~Personnel services;~~

Pet store, services, supplies;

Plumbing and contractor/services;

~~Postal and mail service;~~

Printing and copy service;

~~Real estate services;~~

~~Repair shops, excluding the repair of heavy equipment;~~

Residential units, upper floor only in conjunction with a mixed use project;

Reupholstery and furniture repair;

Saddle and equestrian store and repair;

Saw, knife and tool sharpening shops;

~~Secretarial, mail, message and postal services;~~

Security services;

Shoe repair;

Sign maker;

Commented [AH32]: Falls under broader Office Use category.

Commented [AH33]: Consider moving to Conditional Use?

Commented [AH34]: Added a staffing services use below.

Commented [AH35]: Falls under broader Office Use category.

Commented [AH36]: Moved to conditional uses and clarified.

Commented [AH37]: Created staffing service and postal service uses.

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

Sporting goods store;

Staffing services;

Supportive housing, upper floor only in conjunction with a mixed use project;

Surveyor;

Telephone center, including sales and maintenance;

Title company;

Towing services;

Transitional housing, upper floor only in conjunction with a mixed use project;

Travel agency;

Trophy shop;

Used merchandise stores, including clothing, with no off-hours or exterior drop-off donation areas permitted;

Veterinary services without overnight boarding of animals;

Video rental store, including the sale and rental of VCR equipment, video tapes, promotional posters related to the video tapes which are for sale or lease, laser discs, and sale of pre-packaged snack foods not involving preparation or refrigeration on premises;

Other similar uses found consistent with the general plan and the SC district pursuant to Chapter 17.08. (Ord. 15-2 § 10; Ord. 10-8 § 2 (Exh. B (part)); Ord. 09-6 § 2 (Exh. A (part)); Ord. 04-8 § 5: prior code § 27.81)

17.52.030 Conditional uses.

The following list of uses require approval of a use permit as regulated by Chapter 17.168. A use permit is also required for a business which consists of two or more of the permitted uses listed in Section 17.52.020. Approval of a use permit is subject to finding the use consistent with the policies of the general plan and the purpose of the SC zoning district. When a use permit is considered for a use in the SC district the standard use permit findings included in Section 17.168.050 shall be made to determine consistency of the use with the policies of the general plan and the purpose of the SC zoning district:

Ambulance services;

Animal boarding facility;

Automobile, and truck, and motorcycle rental;

Automobile sales, service and repair;

Beauty shop/barber shop, including manicures, pedicures, make-up, facials, waxing, electrolysis, piercing, massage and tanning when accessory to the primary use of hairstyling;

Commented [AH38]: Falls under broader Office Use category.

Commented [AH39]: Falls under broader Office Use category.

Commented [AH40]: Moved to Conditional Use.

Commented [AH41]: Falls under broader Office Use category.

Commented [AH42]: Antiquated use.

Commented [AH43]: Moved to permitted uses with the exception of massage and tanning which have remained conditional uses.

Breweries, including tasting;

Cabinet making shop;

Car wash;

Catalogue office/retail center, including storage of merchandise;

Commented [AH44]: Remove, modify?

Child care facilities;

Commented [AH45]: Moved to permitted uses per state law.

Clothing store, limited to the sale of new clothing and clothing accessories;

Commented [AH46]: Moved to permitted uses.

Drinking establishments serving alcoholic and/or nonalcoholic beverages as regulated by Section 17.52.090(D), provided the following are not allowed:

1. Establishments serving customers within their vehicles on the premises or preparing beverages/food intended for consumption within their vehicles on the premises,
2. Establishments primarily preparing beverages/food for consumption off the premises,
3. Music/entertainment which is not accessory to the approved use and/or audible beyond the confines of the building in which such music/entertainment is being performed,
4. Drive-in or walk-up window for take-out service;

Eating and drinking establishments as regulated by Section 17.52.090(D), provided the following are not allowed:

1. Establishments serving customers within their automobiles on the premises or preparing food intended for consumption within their automobiles on the premises,
2. Establishments primarily preparing food for consumption off the premises,
3. Music/entertainment which is not accessory to the approved use and/or audible beyond the confines of the building in which such music/entertainment is being performed;
4. The addition of on-site general liquor sales to an existing eating establishment when the operation of the eating place has been in violation of any city ordinance or any conditions of a use permit within the preceding two years and the premises do not conform in all respects with municipal code requirements,
5. Drive-in or walk-up window for take-out service,
6. Formula or take-out food establishments;*

Commented [AH47]: Leave, modify, delete?

Electric and gas utilities;

Equipment rental and leasing;

Farm supply stores;

Commented [AH48]: Moved to permitted uses.

Farmers' market;

Food product development;

Formula business. "Formula business" (not including formula restaurants, which are prohibited) means a business which is required by contractual or other arrangement to maintain any of the following: standardized services, decor, uniforms, architecture, signs or other similar features. This shall include, but not be limited to, retail sales and service, visitor accommodations, wholesale and industrial operations;

~~Furniture stores, new and unfinished;~~

Commented [AH49]: Moved to permitted uses.

Grocery stores; limited to ten thousand (10,000) square feet in size with retail sales of meat, produce, dairy, baked goods, and groceries with accessory sales of household goods and delicatessen items;

Gunsmith;

~~Health club and fitness centers;~~

Commented [AH50]: Allow as a permitted use?

~~Home furnishings stores, limited to establishments engaged in the retail sale of such items as china, glassware, and metal ware for kitchen and table use; bedding and linen; brooms and brushes; lamps and shades; mirrors and pictures; carpets and rugs; and window coverings;~~

Commented [AH51]: Moved to Permitted Use.

Hotels and motels;**

Laundry, self-serve cleaning and garment services;

Light manufacturing uses;

Liquor stores, retail sales only;

Local passenger transportation and services, includes train depot;

Lumber and other building materials business;

~~Massage services;~~

~~Miscellaneous food establishments with no seating where food is not prepared for immediate consumption;~~

Commented [AH52]: Catering businesses are a listed permitted use.

Mortuary and funeral homes;

Motor vehicle sales, new and/or used vehicles;

Nursery, lawn and garden supply stores with retail sales;

Off-site winery offices with nonpublic wine tasting. Tasting of wine may be offered to wine distributors and wine merchants;

Parking facilities, commercial;

Performing arts facility;

~~Plant nurseries, including retail sales;~~

Commented [AH53]: Nursery use provided above.

Pool ~~and spa~~ supply and sales;

~~Sanitary-Janitorial~~ services;

Schools and educational services;

Service station, pursuant to Section 17.136.080;

~~Small engine and/or equipment repair shops, excluding the repair of heavy equipment;~~

~~Tobacco/smoke shop, including the sale of tobacco, tobacco and/or nicotine products and equipment for smoking;~~

Tanning salon;

Taxidermist;

Theater, movie and legitimate;

~~Towing services and yards;~~

~~Used merchandise stores, including clothing, with off-hours or exterior drop-off donation areas;~~

Utilities;

~~Vehicle Bicycle and scooter rental businesses, including trucks, bicycles and four-stroke mopeds (that meet standard manufacturer specifications), but excluding motorcycles;~~

Commented [AH54]: Auto, truck and motorcycle rental uses are listed above. This is specific to bikes and scooters.

1. Storage or display of rental vehicles shall not be permitted within the public right-of-way, except where the city has jurisdiction over the sidewalks and as may be allowed by use permit with the following conditions in subsection (2) below.

2. For those vehicle rental businesses that wish to establish storage or display of rental bicycles/scooters on a sidewalk, the following will be required:

- a. One-and-one-half-foot "recovery zone" from the edge of curb that must be kept free of obstructions (CalTrans requirement).
- b. A four-foot clear path of travel along the sidewalk must be maintained to provide disabled access.
- c. Bicycles/scooters must be brought indoors when the business is closed.
- d. 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.

Warehouse and wholesale business, excluding retail sales;

Wine shops. “Wine shops” are establishments that sell wines from multiple wineries and distributors. Wines may be made in other counties in California, other states or other countries. Incidental wine tastings may occur in wine shops. Wine shops are not owned by wineries and must possess a Type 20, 21, or 42 license from ABC;

Wineries;

Winery tasting rooms. “Winery tasting rooms” are establishments that sell wines on behalf of one or more wineries and enable consumers to taste wine (with and without charge) as a regular part of the sales process. The wines for tasting and for sale must be made from a minimum of seventy-five percent (75%) Napa Valley grapes and must be labeled Napa Valley or be a subappellation of the Napa Valley. The permit requires a Type 02 ABC license. Food may be provided if it is at no cost to the consumer, is made off-premises and the facilities are approved by Napa County Environmental Management;

Other similar uses found consistent with the general plan and the SC district pursuant to Chapter 17.08.

* Note: The city has established a limit on the number of eating and drinking establishments. Such establishments are listed in the regulated food and beverage establishments inventory. This inventory may be amended by action of the city council.

** Note: The city has established a limit on the number of transient occupancy rooms permitted in the city to those existing or approved on September 28, 1993, as listed in the hotel, motel, and B&B inventory. This inventory may be amended by action of the city council.

(Ord. 11-5 § 2 (Exh. A); Ord. 10-8 § 2 (Exh. B (part)): Ord. 10-4 § 5; Ord. 09-6 § 2 (Exh. A (part)): Ord. 04-8 § 6; prior code § 27.82)

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 17.48 (CENTRAL BUSINESS DISTRICT) AND CHAPTER 17.52 (SERVICE COMMERCIAL DISTRICT) TO UPDATE AND MODIFY PERMITTED AND CONDITIONAL USES IN EACH DISTRICT.

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. City of St. Helena Municipal Code Chapters 17.48 and 17.52 regulate permitted and conditional uses in the Central Business (CB) and Service Commercial (SC) zoning districts.

B. The purpose of regulating uses is to allow the proper integration of essential or desirable uses which may only be suitable in certain locations or zoning districts, or to ensure that such uses are designed or arranged appropriately.

C. In order to facilitate a better functioning code and more efficient processes, the City desires to make a number of minor amendments to the SHMC by modifying the lists of permitted and conditional uses in the CB and SC districts.

D. The City's Planning Commission reviewed the amendments proposed by this Ordinance at a duly noticed public hearing on September 4, 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 Chapters 17.48 and 17.52 proposed by this Ordinance.

E. On October 9, 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.

F. The proposed amendments would further the public necessity, convenience, general welfare and good zoning practice by creating more efficient and effective regulatory processes.

SECTION 2. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance to amend Chapters 17.48 and 17.52 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 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. Further the City Council finds that the proposed modifications to City of

St Helena regulations, Chapters 17.48 and 17.52 of the Municipal Code, are consistent with the environmental impact analysis of the 1993 General Plan EIR.

SECTION 3. General Plan Consistency. The proposed amendments are consistent with the General Plan in that they will encourage commercial uses that are compatible and complementary to the image and character of St. Helena (policies 2.6.27, 2.6.35, 2.6.36, 2.6.38 and 3.4.2).

SECTION 4. Amendment. SHMC Chapters 17.48 “Central Business District” and 17.52 “Service Commercial District” are hereby amended and restated as set forth in the attached **Exhibit A.**

SECTION 5. 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 6. Effective Date. This ordinance shall take effect and be in force 30 days after its adoption, and a summary of this ordinance shall be published once with the names of the members of the Council voting for and against the ordinance in the St. Helena Star, a newspaper of general circulation published in the City of St. Helena.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the 9th day of October, 2018 and was adopted at a regular meeting of the St. Helena City Council on the **th 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 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 9th day of October, 2018. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the th day of October, 2018 by the following vote:

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



July 24, 2018

Mr. Mark Prestwich
City Manager
City of St. Helena
1480 Main Street
St. Helena, CA 94574

Re: St. Helena Downtown Retail Analysis

Dear Mr. Prestwich:

Kosmont & Associates ("Consultant" or "Kosmont") was retained by the City of St. Helena ("City" or "St. Helena") for real estate advisory services in connection with a focused retail market analysis of the Downtown area. Kosmont is pleased to present our findings below.

BACKGROUND

Downtown St. Helena is facing significant vacancies as a result of macro changes in the retail industry and competition for retail sales from Calistoga to the north and Yountville and Napa to the south. The City would like to increase the vibrancy and reduce retail vacancies in the historic Downtown.

EXECUTIVE SUMMARY

St. Helena, which lies in the heart of Napa Valley, has flourished for over 140 years embellished by the expansive development of the winery/tourism industries. The City's robust and generally upscale suburban character has several unique features: home to Culinary Institute of America, a major transportation corridor – CA State Highway 29, and is in close proximity to open space and recreational amenities.

The demographics of Napa Valley are changing rapidly with wealth and visitors on the rise. The City is facing competition for sales and hotel tax dollars from Calistoga to the north and Yountville and Napa to the south. The City can mitigate this circumstance by proactively embracing economic opportunities or face potential negative consequences resulting from surrounding area's growth in retail and hospitality industries. Investing in Downtown and creating a business friendly environment will help capture revenue. Prohibiting new development won't stop the traffic.

The City has achieved relative economic success. However, St. Helena will need to evolve as the digital economy converts the lifestyles and social patterns of every generation. With today's consumer's using online websites for purchasing commodities, clothing, and a broad array of soft goods (e.g. Amazon.com), even the most vibrant

communities are exposed to the closure of department stores, reduction in retail store format sizes, trends reinforced by bankruptcies of dozens of major retail store chains. As a result, today's economic forces demand approaches to land use that explore diversification in uses and densities, and concepts for public amenities and private attractions that help cities capture trips and thus "sales" sufficient to retain vibrant commercial districts.

Younger consumers, with their increased use of media and digital communication, seek gathering places with restaurants, entertainment venues and experiential retail, rather than simply a collection of traditional store fronts. Another important group, is the creative class of professionals (artists, designers, scientists, musicians, and programmers) who are an important force in economic development across the United States. This dynamic workforce segment is attracted to communities with urban environments and clustered centers, which provide a sense of vitality, diversity, convenience and balanced mix of work, entertainment, services, arts and culture.

The Millennial population (ages 18-34) also brings opportunities for communities to attract new technology business and create 24/7 live work environments that can revitalize downtowns.

Demographic Summary

- St. Helena is a low density City with approx. 6,000 residents
- It has an aging population - median age of 44 in City and 54 within a 10 mile radius (older than County and State median ages)
- Average household size of 2.38, smaller than County and State averages; Average household income of approx. \$118k for the City is much higher than the County and State
- Well educated population: Educational attainment in St. Helena is higher than that of the County and State, with a majority of residents having completed a bachelor's degree or higher
- St. Helena experiences a larger daytime population, as more people enter the City for work compared to those who leave, resulting in a net inflow of jobs

Retail Market Overview

- Following the Great Recession, vacancy in the City was very low until 2017; but 2017 vacancy is not near the historic highs hit during the Great Recession
- Downtown St. Helena retail vacancy rate (8%) 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 of the neighboring submarkets.
- With average retail rents above \$40 psf, plus NNN costs of \$5 to \$10 psf, store owners typically need to generate sales of \$600 psf to be profitable.
- Most local serving merchants cannot achieve that sales volume from the approx. 2,000 local resident households – thus the critical need for attracting visitors and other Napa Valley residents to shop in St. Helena.

Retail Sales Trends

- Historic growth in retail sales from 2006 to 2016 in St. Helena was 16% compared to Yountville's 82% growth, and Napa County's 35% growth. As a result, City's share of the County's retail sales has declined from 10% in 2006 to 8.6% last year
- Retail sales per capita for the St. Helena in 2016 (~\$28,200) is greater than the retail sales per capita of Calistoga (~\$12,000), Napa County (~\$13,800) and the State (\$11,300), but less than Yountville (~\$30,700)
- Higher performing sales categories for St. Helena include apparel stores, home furnishings and appliance stores, other retail stores, grocery stores, and auto dealers and supply stores
- Lower performing retail categories include restaurants and bars (*relative to Yountville*)

National Retail Trends

Retail is as much about *distribution* of goods as it is *destination* to consume goods. Think: disruption and bifurcation.

Omnichanneling – Consumers have multiple ways to shop for and receive goods:

- **The Traditional Approach** – Buy and pick up in store
- **Buy and Receive** – Buy in store receive at home
- **Click and Collect** – Buy online and pick up in store
- **Click and Receive** – Buy online and receive at home

E-commerce sales to reach \$462 billion in 2018, up 12.8% (U.S.)

- Growth from apparel, sporting goods, electronics, office supply
- Still internet captures only approx. 9% of total retail sales

Kosmont observations based on stakeholder interviews, research and tours:

Kosmont confidentially interviewed approximately one dozen stakeholders, primarily comprised of St. Helena business owners and property owners. There were several themes that came out of the interviews:

- Historic context, changing conditions
- Problems with City zoning code and permit process
- Changing market forces
- Public Investment needs

We have itemized these findings along with our own internal observations and lessons learned from similar downtown revitalization assignments throughout California.

History

- As late as 2007, downtown retail was booming with no vacancies
- Following the 2008-09 Great Recession, businesses recovered until 2013, when Napa County started major road and utility repair work on Highway 29. Three

years of construction made commuting from Napa to St. Helena challenging resulting in lost Bay Area day trippers

- 2nd home buyers are replacing full time residents negatively impacting retail sales
- Resident population is not supporting all existing retail stores
- Few new retail shops opened in recent years
- Zoning code is antiquated and lacks consistent regulations for current retail trends

Market Forces

- Retailers are facing many new challenges – bulk discount centers and online shopping/delivery are cannibalizing conventional in store sales nationwide
- Food service comprises as much as 30% of all shopping center tenants in the industry – “Food and Place are new anchor tenants”
- St. Helena needs more specialty shops that provide unique goods/experience – “Authenticity” and strong Customer Service
- Need to attract visitor spending to improve Downtown retail sales
- Many property owners have high asking rents
- City has lost cache for high end customers
- Yountville attracting Millennials and “foodies” with strong restaurant and hotel options and pristine walking environment

Other Conditions

- City does not have a business-friendly reputation (e.g. difficult entitlement and permitting rules)
- Conditional Use Permit process for new retailers is expensive and high risk (estimated 20% to 30% of applications are rejected by Planning Commission)
- Restaurants and hotels must go through an additional City Council approval process to finalize number of seats/rooms allowed
- Very few retail uses are allowed by right. Permits run with the land – many tenants cannot practically relocate without high cost/risk
- Existence of “do nothing” and “anti-corporate” sentiment in the community
- Hard to maintain quality workforce because high cost of housing
- Some landlords are not motivated to lease buildings because of past high rent expectations
- Planning staff has no discretionary approvals
- Welcome Center has moved to downtown to be more effective

RECOMMENDATIONS

Given today’s economic challenges, the City is faced with a series of choices in planning for its long-term future.

- Does the City want to strategically select and attract types of new retail/entertainments/visitor concepts – or – focus more on retention of existing businesses?

- Does the City want to add and improve community services?
- Does the City want to pursue the status quo approach in which St. Helena is becoming characterized as a “second home” community – or – pursue an approach that allows a residential, live/work/play environment for all generations?

Sustainable economic growth is characterized by a combination of judicious and strategic public policy with private sector investment. When successful, sustainable economic growth provides fundamentally reliable incomes for the labor force, profitable business opportunities for employers, and adequate tax revenues for maintaining services and infrastructure that supports the future needs of the community. When responding to business needs in a fast-paced digital laced world, it is critical that government be able to respond in a timely manner to take advantage of opportunities as they arise and evolve.

Kosmont suggested strategies for consideration:

Marketing / Outreach

- City should consider resolving “anti-business” reputation and image through marketing/branding
- Establish tie-ins with Downtown merchants, Culinary Institute and wineries
- Consider concept of monthly or more frequent community events in Downtown (e.g. First Friday, Art Walks, Music/Food Fests)
- Consider high image or “formula” retail (e.g. Tesla / Nordstrom’s) or Market Hall concepts for vacant Masonic Lodge and other prime locations
- Need to create more experiences for shoppers (e.g. “Pop Ups”, entertainment, breweries, etc)
- Work with landlords on economic market realities and more aggressive leasing campaigns
- Educate landlords/businesses and City Council on experiential, destination and omnichannel retail trends

Capital Investment

- Improve image with infrastructure improvements
- Capitalize on new sidewalk improvement program – encourage facade improvements and add landscape and street art
- Focus construction during morning hours during offseason to minimize downtown business disruption
- Activate Money Way
- Provide more parking and wayfinding signage
- Provide some 20-30 minute parking zones on Main Street to facilitate in and out customers
- Provide valet parking service or shuttles on weekends

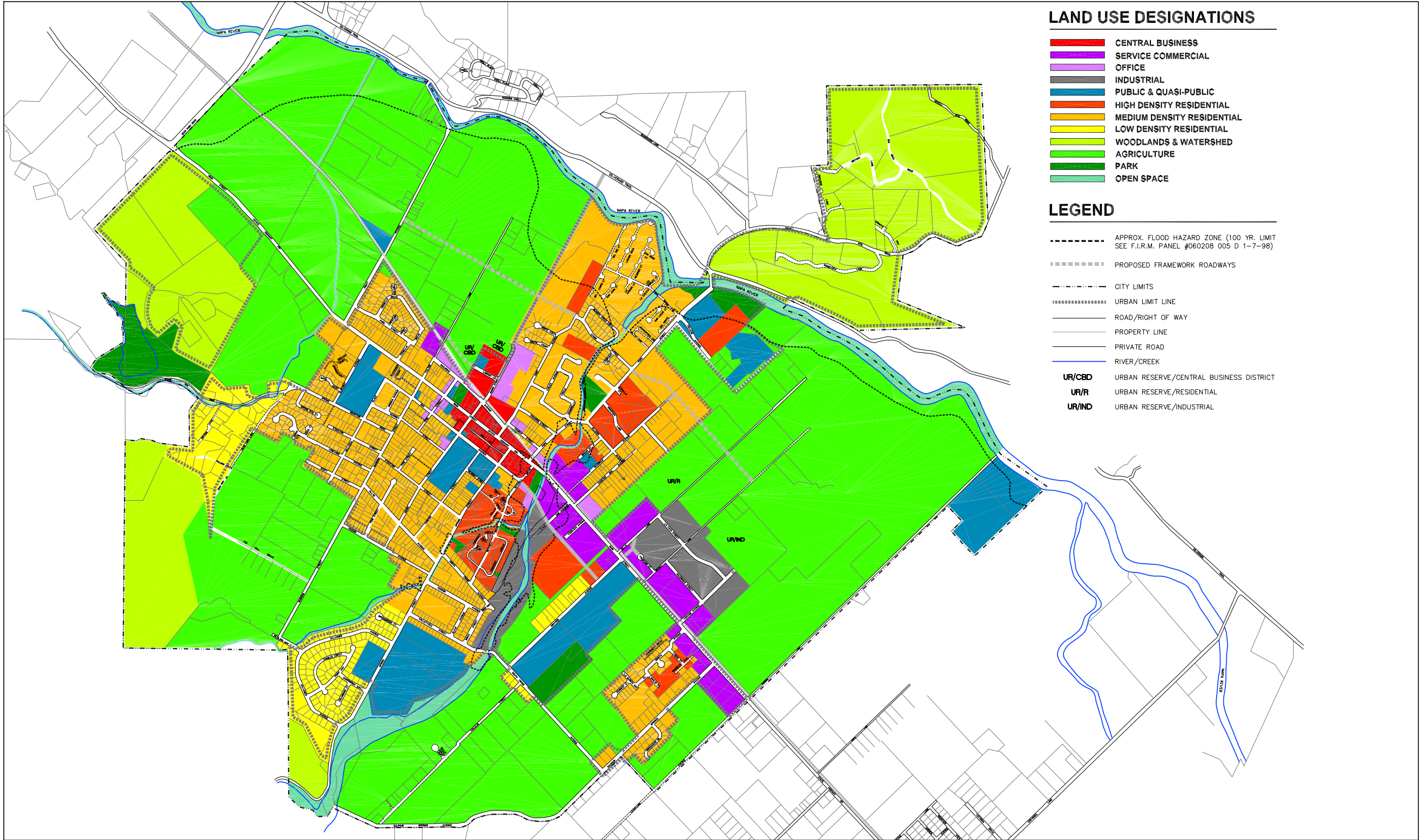
*Downtown St. Helena Retail Analysis
July 24, 2018
Page 6 of 6*

Administrative Actions

- Fundamentally review/revamp zoning and permitting process to be more flexible to accommodate market and changing retailer and customer dynamics
- Identify beneficial retail categories and streamline permit process
- Provide permits for temporary Pop Up users
- Allow high end hotel development – increase evening business and tax revenue
- Consider allowing infill housing or blended use in vacant buildings near Main Street
- Allow ancillary and accessory uses in existing businesses without requiring new conditional use permits
- Provide process to allow for live music/amplified sound to attract customers in evenings (can limit to 9:00 pm or 10:00 pm)
- Allow restaurant and hotel applications with no more than a single CUP process
- Permit some limited high end “formula” retail stores:
 - Small shop owners have high failure rate - don't have adequate financial capital in high cost locations
 - Success breeds success
- Consider allowing Wine Train dropoff to increase business and reduce car traffic and need for parking
- Expand community outreach efforts to get broad feedback on land use issues (e.g. digiConversation^R)
- Consider Specific Plan for zoning strategy/higher density on targeted sites

NEXT STEPS / IMPLEMENTATION

Kosmont is prepared to assist the City in implementing the desired actions.



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General Plan Land Use Map

CITY of ST HELENA

August 2009





Report to the City Council
Council Meeting of October 9, 2018

Agenda Section: New Business

Subject: Consideration and proposed approval of a resolution approving appointment of Interim Police Chief and approval of an Employment Agreement between the City of St. Helena and Timothy A. Foley; and in accordance with the requirement of California Code Section 54953(c)(3) the recommended final action for Interim Police Chief beginning October 10, 2018 provides for an annual base salary of \$167,520 with the following benefits, unmarked police vehicle to drive in lieu of a vehicle allowance, Deferred Compensation City match of up to \$200 per month, and will receive retirement benefits at a PEPRA member formula of 2.7% at age 57, based on a three year average program. The City Clerk will administer the oath of office.

CEQA Not a CEQA project
Determination:

Prepared By: Kathy Robinson, Human Resources & IT Director

Reviewed By: Cindy Tzaopoulos, City Clerk

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

The resignation of Police Chief William Imboden on September 16, 2018 leaves the City of St. Helena with a vacancy in a permanent Police Chief position. Lieutenant Christopher Hartley is currently serving as Acting Police Chief. The City Manager is recommending the City postpone filling the position permanently at this time and appoint an Interim Police Chief for a period of 12 months. This will allow additional time to evaluate options for the permanent replacement of the Chief.

The City has hired CALPERS retired experienced annuitants periodically to fill vacant positions during recruitment for a permanent appointment. Timothy A. Foley, a retired

annuitant and former Commanding Officer of the City and County of San Francisco Police Department Training Division and former Police Chief at Nevada City for four years (who the City Manager previously supervised for more than three years), is recommended to serve as the City's interim Police Chief. Mr. Foley brings more than 36 years of progressively responsible experience to the position. Mr. Foley is a graduate of St. Mary's College and holds an Executive Peace Officer Standards and Training (POST) Certificate and numerous other professional certificates. Because Mr. Foley is a City and County of San Francisco annuitant who is not governed by CALPERS annuitant restrictions, he is available to work full-time through the term of this assignment.

DISCUSSION

Formal appointment of the Interim Police Chief and adoption of the Employment Agreement are proposed for this meeting. As outlined in the attached agreement, the terms of the compensation provide for slight budget savings to the General Fund with the Interim Police Chief waiving medical and dental coverage, his salary placement at Step D, and because he is classified as a CALPERS PEPRA member.

FISCAL IMPACT

The Interim Police Chief will be paid an annual salary of \$167,520 with waived benefits. The FY 2018/2019 adopted budget includes the full-time compensation package of the Police Chief position. The compensation package included in the Employment Agreement does not include benefits and, therefore, will result in a slight savings for the current fiscal year.

RECOMMENDED ACTION

Adopt a Resolution Authorizing an Employment Agreement with Timothy A. Foley for the Position of Interim Police Chief.

ATTACHMENTS

[Exhibit A. Interim Police Chief Employment Contract](#)

[Attachment 1. RESO Approving Interim Police Chief Appointment](#)

Interim Police Chief Employment Agreement
City of St. Helena
Page 1 of 7

EMPLOYMENT AGREEMENT FOR INTERIM POLICE CHIEF

Between

CITY OF ST. HELENA AND TIMOTHY A. FOLEY

THE EMPLOYMENT AGREEMENT (the Agreement) is entered into as of October 10, 2018, between THE CITY OF ST. HELENA, a municipal corporation (City), and Timothy A. Foley (Interim Police Chief or Employee), collectively "the Parties."

RECITALS

WHEREAS, City desires to employ Timothy A. Foley as Interim Police Chief for the City of St. Helena.

WHEREAS, Timothy A. Foley desires to serve as Interim Police Chief of the City of St. Helena beginning on October 10, 2018.

WHEREAS, Timothy A. Foley has the necessary education, experience, skills and expertise to serve as the City's Interim Police Chief; and

WHEREAS, the City Manager, as appointing power, and Timothy A. Foley desire to agree in writing to the terms and conditions of Timothy A. Foley's employment as Interim Police Chief;

NOW, THEREFORE, in consideration of the above recitals, promises and conditions contained herein, the Parties agree as follows:

AGREEMENT

1. Powers and Duties of the Interim Police Chief

(a) Interim Police Chief shall have the powers and shall perform the functions and duties specified in state and federal law, the St. Helena Municipal Code, and the ordinances and resolutions of City, and to perform other legally permissible and proper duties and functions as City Manager may from time to time assign.

(b) Interim Police Chief shall perform his duties to the best of his ability in accordance with the professional and ethical standards of the profession and shall comply with the laws of the State of California, the Municipal Code of the City, and Ordinances and Resolutions of the City, and as they may be amended.

(c) Interim Police Chief shall not engage in any activity which is or may become a conflict of interest, prohibited contract, or which may create an incompatibility of office as defined under

Interim Police Chief Employment Agreement
City of St. Helena
Page 2 of 7

California law. Prior to performing any services under this Agreement and annually thereafter, Employee must complete disclosure forms required by law.

(d) Interim Police Chief shall report to the City Manager who has authority to dismiss, discipline, and give direction to the Interim Police Chief.

(e) Interim Police Chief shall devote full time to the performance of his duties; the Interim Police Chief shall notify the City Manager of any outside employment, which employment shall not interfere with the Interim Police Chief's job duties, pose a conflict of interest, or be inappropriate for a City employee.

(f) Interim Police Chief shall maintain a valid California Driver's License as a condition of his employment unless it is not possible because of a documented medical reason.

2. Term

This Agreement is effective October 10, 2018, and will continue in effect for one (1) year until October 10, 2019 or until terminated as provided herein.

3. At-Will Employment

(a) The Parties recognize and affirm that: (1) the Interim Police Chief is an "at will" employee whose employment may be terminated by the City Manager at any time with or without cause, (2) there is no express or implied promise made to the Interim Police Chief for any form of continued employment and (3) upon termination of this Agreement, the Interim Police Chief understands that he has no right to any further employment, in any capacity, with the City. This Agreement is the sole and exclusive basis for an employment relationship between the Interim Police Chief and the City.

(b) Termination for cause means termination based upon a breach of any of the terms of this Agreement, malfeasance of any nature occurring during the course and scope of the Employee's duties as Interim Police Chief; or a conviction, plea bargain, or personal adverse State or federal determination against Employee individually involving any felony, intentional tort, crime of moral turpitude, violation of statute or law constituting forfeiture of office, misconduct in office for personal gain, misuse of public funds for personal benefit, abuse of office as defined in Government Code § 53243.4, conflict of interest resulting in conviction, or any other incompatible activity or conflict of interest.

4. Termination of Agreement

Interim Police Chief Employment Agreement
City of St. Helena
Page 3 of 7

This Agreement may be terminated as follows:

(a) **By Mutual Agreement.** The City Manager and Interim Police Chief may terminate this Agreement at any time by mutual written agreement.

(b) **Termination by City.** The City Manager may, in his or her sole and unrestricted discretion, terminate this Agreement with or without cause at any time upon written notice to the Interim Police Chief.

(c) **Severance.** If the City Manager terminates this Agreement without cause while the Interim Police Chief is still willing and able to perform the duties of Interim Police Chief, the Interim Police Chief shall be entitled to one (1) month's base salary, less applicable deductions, plus applicable accrued leaves as provided in this Agreement together with any extension of benefits required under California and federal law. No time served by the Interim Police Chief after notice of the termination shall be debited from the period of severance pay. However, in the event the Interim Police Chief is terminated for cause, the Interim Police Chief shall be entitled to only the compensation earned and accrued and such other termination benefits and payments as may be required by law. Interim Police Chief shall not be entitled to any severance benefits. Any severance received by the Interim Police Chief, must be fully reimbursed to the City if the Interim Police Chief is convicted of a crime involving an abuse of his office or position, as defined in Government Code § 53243.4.

(d) **Resignation by Interim Police Chief.** Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of Interim Police Chief to resign at any time from his position as Interim Police Chief. Interim Police Chief may terminate this Agreement by submitting written notice of his resignation to City. As a courtesy, Interim Police Chief shall give the City thirty (30) days written notice of his intention to resign.

(e) **Rights and Remedies of Interim Police Chief upon Termination.** Nothing in this Agreement is intended to, or does, confer upon Interim Police Chief any due process right to a hearing or other administrative process pertaining to termination, before or after a decision by the City to terminate his employment, unless Interim Police Chief is entitled to a name clearing hearing under California or federal law. Interim Police Chief may appeal a determination of for cause termination to the City Council for the sole purpose of qualifying for severance pay; the City Council shall not have the authority to overturn the termination.

(f) **Resignation in Lieu of Termination.** If the Interim Police Chief is terminated without cause, the Interim Police Chief shall have the opportunity to resign in lieu of being terminated. In such an event, any public announcement issued by the City will state that the Interim Police Chief resigned.

Interim Police Chief Employment Agreement
 City of St. Helena
 Page 4 of 7

(g) **Administrative Leave.** The City Manager may place the Interim Police Chief on administrative leave with or without pay pending investigation of any allegations of misconduct. Any paid administrative leave provided to the Interim Police Chief pending an investigation must be fully reimbursed to the City by the I.P.C. if the Interim Police Chief is convicted of a crime involving an abuse of his office or position, as defined in Government Code § 53243.4.

5. Compensation and Benefits.

(a) **Compensation.** The City agrees to pay Interim Police Chief for his services rendered an annual salary of \$167,520.00, payable in installments at the same time as other employees of City are paid and subject to all applicable payroll taxes and withholdings. Such salary may be adjusted from time to time at the sole discretion of the City Manager. The Interim Police Chief shall be an "exempt" employee under all applicable state and federal labor laws, including, but not limited to, the Federal Labor Standards Act and the regulations of the California Industrial Welfare Commission.

(b) **Performance Review.** The City Manager shall evaluate the Interim Police Chief's performance by April 30, 2019.

(c) **CalPERS.** Employee shall be included in the City's Safety Plan with the California Public Employees' Retirement System ("CalPERS") as a PEPRA Member, and continue to be enrolled in the 2.7% at age 57, based on a THREE YEAR average program. Employee shall contribute the total "employee contribution" in the amount of 9%.

(d) The City participates in Social Security; the employee contribution (6.2%) will be deducted from the Interim Police Chief's gross pay.

(e) **Medical and Dental Benefits.** The City shall not provide medical or dental insurance for the Interim Chief.

(e) **Other Benefits.** Interim Police Chief shall be entitled to all benefits, rights and privileges accorded to Department Heads as set forth in the St. Helena Employees' Handbook, and any compensation resolution applicable to unrepresented employees of the City, as each may be amended from time to time, except as otherwise provided in this Agreement or as they may conflict with the Interim Police Chief's status as an "At-will" employee. If there is any conflict between this Agreement and any resolution or policy fixing compensation and benefits for the Interim Police Chief, the Interim Police Chief shall receive the higher of the specified compensation and benefits.

(f) **Accrual.** Interim Police Chief shall accrue vacation at a rate of 120 hours per fiscal year. This amount shall be prorated in the 2018-19 fiscal year to reflect the October 10, 2018 start date. The provisions of Sections 7.2 and 7.3 of the Unrepresented Compensation Program apply to the Interim Police Chief's use of vacation, except the vacation accrual cap for Employee as stated in

Interim Police Chief Employment Agreement
City of St. Helena
Page 5 of 7

this Section 5(f). The maximum vacation that may be accrued by the Interim Police Chief is 240 hours.

(g) **Holiday and Executive Leave.** Interim Police Chief shall receive two (2) days of paid floating holidays annually. Interim Police Chief shall receive five (5) days of executive leave annually. Floating holidays and executive leave must be used in the year accrued or the time shall be forfeited. For purpose of calculating Vacation accruals and Floating Holidays; time shall be based on the Interim Police Chief's initial date of hire with the City, which is October 10, 2018.

(h) **Sick Leave.** Interim Police Chief shall be entitled to twelve (12) days sick leave each year. This amount shall be prorated in the 2018-19 fiscal year to reflect the October 10, 2018 start date.

(i) **Vehicle Allowance.** Interim Police Chief will receive an unmarked Police Vehicle to drive in lieu of a Vehicle Allowance.

(j) **Deferred Compensation.** Interim Police Chief will receive a matching contribution of up to \$200 per month towards his deferred compensation account.

(k) **Communications.** Interim Police Chief will have the use of a City cellular phone and iPad pursuant to policies established by the City.

(l) **Professional Development and Training.** City shall pay for Interim Police Chief's annual training and membership to essential professional associations.

(m) **Hours of Work.** The Interim Police Chief is an exempt employee but is expected to engage in those hours of work that are necessary to fulfill the obligations of the Interim Police Chief position. If mutually agreed to between the City Manager and the Interim Police Chief, the Interim Police Chief may have a modified work schedule.

(n) **Uniform Allowance.** Consistent with the uniform allowance provided to other sworn personnel, the Interim Police Chief shall receive an annual uniform allowance in the amount of \$750.00 paid twice a year in December and June, in equal amounts.

6. **Return of City Property**

In the event of Interim Police Chief's termination, any City equipment or property will be promptly returned to the City. In addition, any and all finished and unfinished documents, data, reports and materials are the property of the City and shall be promptly delivered to the City Manager. Interim Police Chief shall keep all information acquired through his position in the strictest confidence.

Interim Police Chief Employment Agreement
City of St. Helena
Page 6 of 7

7. Indemnification

In accordance with the terms, conditions, and limitations of the Government Claims Act (Gov't Code §§ 810 et seq.), City shall defend, save harmless, and indemnify the Interim Police Chief against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Interim Police Chief's duties as Interim Police Chief. City will determine whether to compromise and settle any such claim or suit and the amount of any settlement or judgment rendered thereon. Any funds provided to the City for the legal criminal defense of the Interim Police Chief must be fully reimbursed to the City if the Interim Police Chief is convicted of a crime involving and abuse of his office or position, as defined in Government Code § 53243.4.

8. Attorney's Fees

In the event of any mediation, arbitration or litigation to enforce any of the provisions of this Agreement, each party shall bear its own attorney's fees and costs.

9. Jurisdiction and Venue

This Agreement shall be construed in accordance with the laws of the State of California, and the Parties agree that venue shall be in Napa County, California.

10. Notices

Any notices required by this Agreement shall be in writing and either given in person or by first class mail with postage prepaid and addressed as follows:

TO CITY: City Manager
City of St. Helena
1480 Main Street
St. Helena, CA 94574

TO EMPLOYEE: Timothy A. Foley
City of St. Helena
1480 Main Street
St. Helena, CA 94574

11. Entire Agreement

This Agreement is the final expression of the complete agreement of the parties with respect

Interim Police Chief Employment Agreement
City of St. Helena
Page 7 of 7

to the matters specified herein and supersedes all prior oral or written understandings. However, the Agreement may be amended or altered by the City Manager at any time. Any such amendments or alterations must be in writing, signed by Interim Police Chief and the City Manager and approved by the City Council.

12. Severability

If any provision of this Agreement is found to be unenforceable by judgment or court order, the remainder of the Agreement shall remain in full force and effect, as if the unenforceable provision had never been included.

13. Assignment

Interim Police Chief may not assign or transfer any rights granted or obligations assumed under this Agreement.

14. Informed and Voluntary Agreement

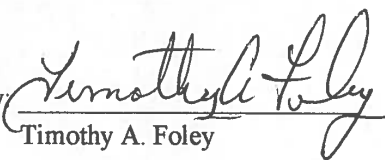
Interim Police Chief acknowledges that he has had the opportunity to receive legal representation and advice in connection with this Agreement and that he voluntarily enters in to his Agreement fully informed about the rights and obligations he assumes and waives by entering into his Agreement.

IN WITNESS WHEREOF, City and the Interim Police Chief have entered into and executed this Agreement as of the ____ day of October 2018.

CITY OF ST. HELENA
A Municipal Corporation

INTERIM POLICE CHIEF

By: _____
Mark T. Prestwich
City Manager

By: 
Timothy A. Foley

Approved as to Form:

By: _____
Thomas B. Brown
City Attorney

CITY OF ST. HELENA

RESOLUTION NO. 2018-XX

Authorizing appointment of Interim Police Chief and approval of an Employment Agreement between the City of St. Helena and Timothy A. Foley ; and in accordance with the requirement of California Code Section 54953(c)(3) the recommended final action for Interim Police Chief beginning October 10, 2018 provides for an annual base salary of \$167,520 with the following benefits, unmarked police vehicle to drive in lieu of a vehicle allowance, Deferred Compensation City match of up to \$200 per month, and will receive retirement benefits at a PEPRA member formula of 2.7% at age 57, based on a three year average program

RECITALS

- A. The City requires the services of a person with proven executive and administrative qualification to fill the position of Police Chief; and
- B. The City Council finds that this position requires specialized skills; and
- C. The City, acting by and through its City Council, desires to employ the services of Timothy A. Foley as Interim Police Chief.

RESOLUTION

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

- 1. Authorizes the execution of the agreement, attached as Exhibit "A", between Timothy A. Foley and the City of St. Helena for Interim Police Chief services and appoints Timothy A. Foley as the Interim Police Chief.

I HEREBY CERTIFY that this Resolution was adopted at a regular meeting of the City Council held on October 9, 2018 by the following roll call vote:

Mayor Galbraith:

—

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

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Tzafofouls, City Clerk

OVERVIEW OF RECYCLING MARKET CHANGES IN THE UPPER VALLEY COMMUNITY

October 2018



CHANGES IN THE RECYCLING MARKETS



China's National Sword, also known as Blue Sky -Excerpts from June 5th Calrecycle Workshop regarding Market Changes: Institute of Scrap Recycling Industries

China's Environmental Challenge



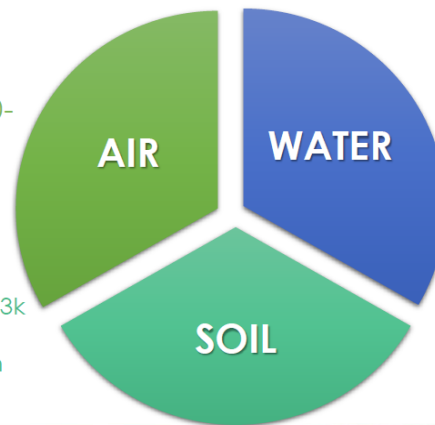
*"The modernization that we pursue is one characterized by **harmonious co-existence between man and nature**...We will launch initiatives to make the party and government offices do better when it comes to conservation, and develop eco-friendly families, schools, communities and transport services."*

Xi Jinping

19th Party Congress
October 18, 2017

Reduce carbon intensity 40-45% below 2005 by 2020

Make 90% of **farmland** safe, return 13k km² of polluted land to **forest and grassland**, and self-sustainability in **recycling** by 2020



Improve quality of >70% of seven key **river basins** and the amount of foul **water in urban areas** not to exceed 10% by 2020

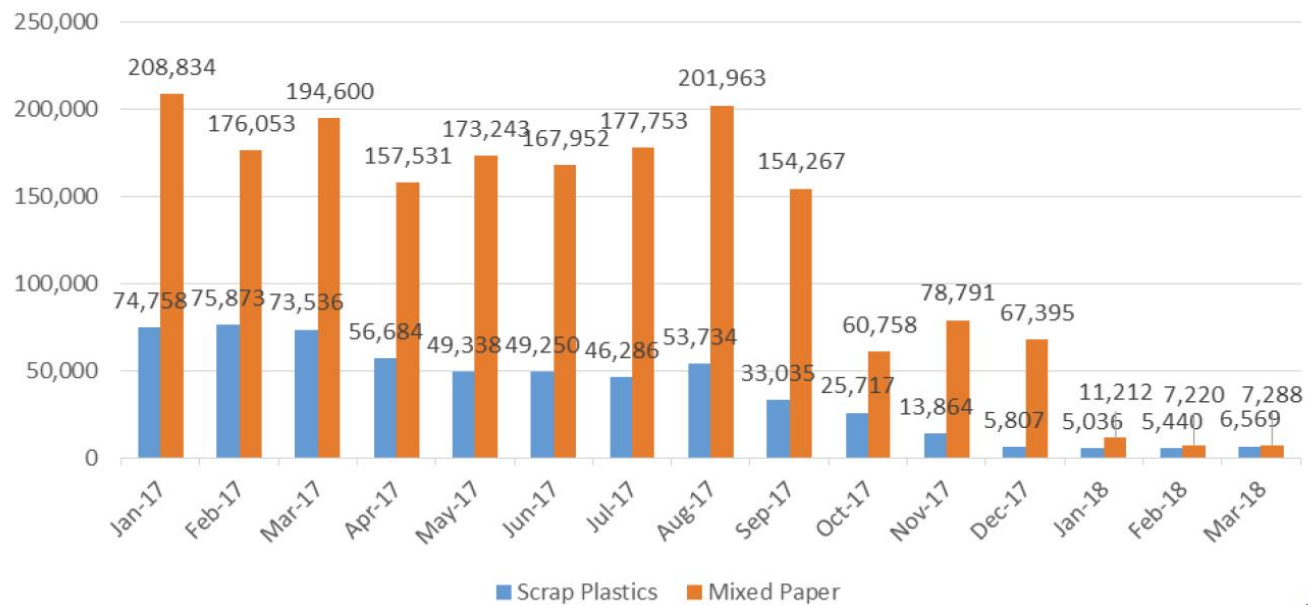
Source: Ministry of Environmental Protection of the People's Republic of China

9
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As a Result...



Decline of Select U.S. Scrap Exports to China (metric tonnage)



Source: U.S. Census Bureau / U.S. International Trade Commission

14
©2018 ISRI, Inc.

TODAY-NO PRODUCTS ARE
GOING TO CHINA. IF AND
WHEN THEY RE-OPEN THEIR
PORTS AND FACILITIES
MATERIALS WILL NEED TO BE
99.95% CLEAN AND A 25%
TARIFF WILL ALSO BE
APPLIED

Our first direction is to clean up the recycling stream and work with our customers to reduce contamination.

19% of the materials we receive in the blue carts or recycling containers is contaminated with items not on the accepted list.



The strategy today is to clean up the recycling waste stream and remove items that are driving contamination.



RECYCLE • RECICLA



Flattened
Aplanado



Place in clear
plastic bag.
Poner en bolsas
de plástico
claras.



No sharp objects
No objetos filosos



Empty only!
Non-hazardous materials.
Solo Vacíos!
Solamente materiales que no
sean peligrosos.

ONLY include ITEMS LISTED ABOVE. Unsure? Call and ask, 707-963-7988.
Solamente incluir los artículos que se encuentran en la lista de arriba.
Si no estas seguro, llama y pregunta 707-963-7988



Please leave 3 FEET between carts and vehicles. Cart lids must fully close.
Por favor, deje un espacio de 1 metro entre tampos y vehículos. Deje la
tapadera completamente cerrada.



707-963-7988

The newest change to our recycling program is that we have discontinued accepting plastic bags. There is not a market for this product in China or in other countries. These are grocery, shopping, zip lock type bags and ones you get in the produce section. They need to go in the trash cart.

SINGLE STREAM RECYCLING DO'S

PAPER

Cardboard – Must Be Flattened
 x Board, Shoes, Cereal & Snack Boxes Flattened
 Newspaper
 Magazines, Catalogs, Glossy Paper
 Paper Bags
 Paper Packaging
 Egg Cartons
 Junk Mail
 Phone Books or Soft Cover Books
 Envelopes, Labels & Windows OK
 Office Paper
 Shredded Paper Placed in Clear Bags

PLASTIC

Plastic Bottles & Jars With Food Removed, Leave
 Caps On
 All Crv Containers
 Plastic Food Containers with Food Removed
 stic Toys, Buckets, Plant Pots & Laundry Baskets

METAL

Aluminum Cans & Clean Foil
 Tin & Steel Cans
 Empty Aerosol Cans
 Scrap Metal up to 36"
 Pots, Pans And Utensils
 Loose Lids from Jars

GLASS

Bottles & Jars,
 Remove Food or Liquid Lids, Caps or Corks



Clear bags may be used to collect
 shredded paper and mixed recycling
 from commercial businesses.
DO NOT USE:
 Brown, Green Or Solid White.

VISIT US @ WWW.UVDS.COM

SINGLE STREAM RECYCLING DONT'S

NO Hardcover Books, Binders, Tissues
NO Towels, Paper with Plastic Coating,
 Photographs or Labels
NO Soiled Paper, Waxed Paper, Foil-lined Paper
NO Waxed Coated Cartons, Milk, Juice, Soups
 or Wine in a Box
NO Plastic Shipping Envelopes
NO Styrofoam
NO Plastic Bags, Sandwich Bags, Produce Bags
NO Bubble Wrap or Plastic Wrap
NO Window Glass, Mirrors, Crystal, Pyrex,
NO Pottery, Ceramics
NO Electronics, Computers, Cell Phones
 or Household Appliances
NO Light Bulbs, Tubes, Fluorescent Lamps or Tubes
NO Hazardous Waste, Motor Oil, Paint, Chemicals
NO Sharps, Needles or Medications
NO Batteries
NO Pens, Pencils, Chap-stick, Cosmetics
NO Clothing
NO Sleeping Bags, Blankets, Pillows
NO Shoes, Belts, Purses, Hand Bags

If You Have Questions About What Is Recyclable
 Please Call Upper Valley Disposal & Recycling
 Open Monday-Friday, 8am-4:30pm
 707-963-7988

Also Visit:

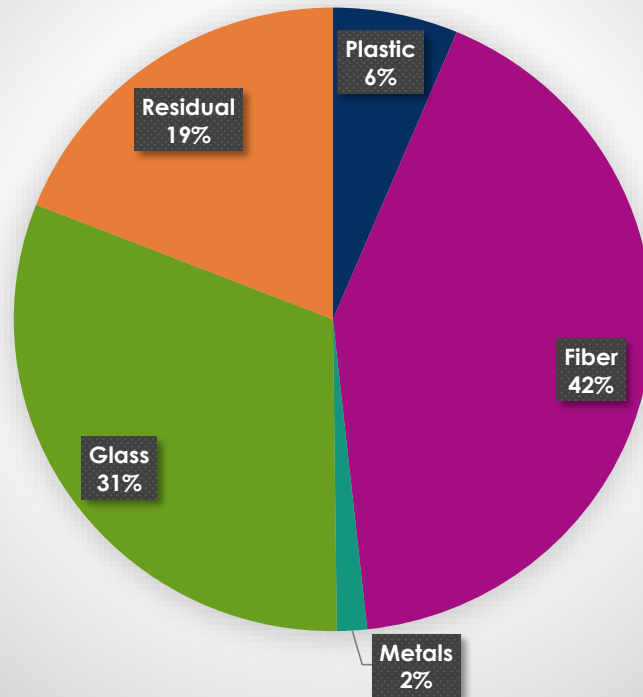
Clover Flat Resource Recovery Park & Landfill
 Tue. - Sat. 9am-4pm & Sun. 9am-3pm.
 4380 Silverado Trail, Calistoga

Free Drop Off-recyclable Paper, Bottles,
 Cans, Crv Buy Back Center, Paint, Batteries,
 Bulbs & Light Tubes, Electronic Waste & Sharps.

VISIT US @ WWW.UVDS.COM



Upper Valley Waste Management Authority Recycling Waste Stream





China was the largest export market for recyclables generated in the US. They receive 13 million tons of paper and 776,000 tons of plastics annually. Now we have to be creative and innovative and think about building infrastructure within California and partnering with neighboring states. Also reducing the amount of plastics and paper we use and working with packing manufactures to use recycled plastics into their packing life cycle.



Report to the City Council
Council Meeting of October 9, 2018

Agenda Section: New Business

Subject: Appeal of the Planning Commission decision to approve a design review exemption to construct two storage sheds near an existing agricultural barn located at 1859 Hillview Place in the Twenty-acre Agriculture (A-20) district.

CEQA Determination: 15303 New Construction or Conversion of Small Structures

Prepared By: Aaron Hecock, Senior Planner

Reviewed By: Noah Housh, Planning & Community Improvement Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

On August 21, 2018, the Planning Commission considered a request for a design review exemption in order to retroactively legitimize two previously constructed storage sheds (Commission staff report attached). The two storage sheds were originally constructed without the benefit of Design Review or a building permit and are located in the center of the 5-acre property and are largely surrounded by existing vineyards. The sheds are constructed of a variety of materials including wood and stone siding and corrugated metal roofing. The larger of the two sheds is approximately 150-sf and 12-feet tall while the smaller of the two sheds is approximately 121-sf and 11'8" tall.

At the August 21, 2018 hearing, the Planning Commission considered all testimony and presentations and voted 3-1 to approve a design review exemption for the two storage sheds. An appeal to this decision was filed by the appellant, Barry Brown and Joy Roades-Brown, on September 4, 2018.*

**The Council recently heard from the parties on an issue involving a fence between the parties' properties, and the Council asked to review the title documents affecting the properties. The fence issue is unrelated to the design review exemption before the City Council, and the City's municipal code does not authorize the City to get involved in*

private disputes over deeds and easements, unless those documents expressly require or authorize such City involvement. The title documents here do not contain such authorization.

DISCUSSION

Zoning Code Section 17.08.180 provides the procedures for an appeal of the Planning Commission and states that an appeal must be scheduled for the earliest regular meeting of the hearing body, not less than 10-days or more than 30-days after the date of the filing of an appeal, "consistent with the agenda preparation procedures and schedule of the hearing body."* In this case however, the appellant was not available for the September 25, 2018, Council meeting and therefore the appeal has been scheduled for October 9, 2018, at their request. Further appeal decisions are generally made "de novo" and therefore the City Council may affirm, reverse or modify the Planning Commissions action.

The appellant's appeal statement (attached below) cites the following factors as the basis for appealing the Planning Commission decision:

- *The Planning Commission would not accept or allow consideration of exhibits presented which is contrary to the bylaws and prevented meaningful discussion and inspection of the facts and handcuffed the Commission.*
- *Rather than narrowing the scope of the inquiry to Design Review Exemption, the Planning Department should have broadened it based on the applicant's history of having violated the City's zoning ordinance by constructing the structures without permits and conducting unpermitted wine tasting.*
- *That one of the storage sheds was designed and built to be a bathroom.*
- *That the applicant's code enforcement case should have been included in the applicant's file and made part of the application.*
- *That the ruling should be overturned due to the applicant's code violations.*

**The City in the past has interpreted this language as allowing the hearing to be set after the 30-day period where necessary due to scheduling, business load and other issues.*

Staff Response: According to Rule 18 in the St. Helena Planning Commission By-laws, "(L)etters, petitions, or other written material pertaining to any item on the agenda may be filed with the secretary of the Commission prior to the time of the public hearing or may be presented to the Commission at the time of the public hearing. The Commission shall consider such material in deciding any issue before it. All written material shall become part of the Commission's file on the agenda item." Staff is not aware of any violations of said by-law occurring at the August 21, 2018 Planning Commission meeting given that all available material pertaining to the Design Review Exemption was provided to the Planning Commission for review prior to their action on the requested project.

Generally, code enforcement occurs separately from permit-related proceedings such as these. City code enforcement actions against the applicant beginning in August 2017 were referenced in the staff report provided to the Planning Commission and discussed during the public hearing. As noted and discussed, staff received a code enforcement complaint regarding unpermitted activities (wine tasting) and structures (storage room and bathroom) on the subject property. As a result, staff sent the property owner a Notice of Violation (attached below) documenting said code violations with an explanation on how to rectify them. The applicant has subsequently filed the appropriate application to legitimize the unpermitted structures. In addition, to staff's knowledge, all wine tasting activities ceased on the site after the Notice of Violation was received and no evidence to the contrary has been provided or made available to staff. Further, staff has made continual effort to verify that no tasting activities are occurring on the project site since the complaint was received and these efforts have not identified any unpermitted tasting activities have occurred.

It should be noted that the existing barn located on-site was approved by the Planning Commission in 2011 (Use Permit and Design Review #2011-59 - attached below) and this structure, along with the pump house, also received all required Building Permits (#BD1201-007) in July 2012. Photos of the approved Building Permit plans are attached to this report and show the location of the barn, pump house, water tank, etc.

The Planning Commission approval of the design review exemption identified that plumbing is prohibited from being included in the accessory structures and any building permits for the structures will be reviewed for compliance with this condition. Further the Napa County Health Department has reviewed the project for violations (at the request of the City) and has initiated separate concurrent action against the property owner for the unpermitted waste-water disposal.

Finally, as noted above, action on the requested design review exemption generally must be based on the criteria and requirements of Design Review (as detailed in the staff report to the Planning Commission and the adopted findings in the approval resolution) and the requirements of that application, and is a separate action from code enforcement related to the other noted violations not being remedied with the design review exemption application. Appellants' nevertheless request that the scope of the project be broadened, and that the Council should deny or take other action on the present application based on the applicant's history of code violations. Although the City's Design Review ordinance does not list past compliance or non-compliance as a factor for consideration, it should be noted that SHMC section 17.04.140 D states that the Planning Commission, and by extension the City Council on appeal, may "make any order it deems appropriate" to address past violations. Under this section, the Council thus may decide whether to include the applicant's history of code violations among the factors for the Commission or Council to consider in this appeal, and whether the City's previous code enforcement efforts adequately address the applicant's past history of violations.

FISCAL IMPACT

There will be no fiscal impact to the General Fund related to Council action on this item.

RECOMMENDED ACTION

The Planning Commission recommends that the City Council:

1. Find that the project is exempt from the requirements of CEQA pursuant to Section 15303; and
2. Deny the appeal and uphold the Planning Commission decision to approve a design review exemption to construct two storage sheds on the property located at 1859 Hillview Place.

ATTACHMENTS

[Resolution](#)

[Appellant's Appeal Package](#)

[August 21, 2018 PC Staff Report](#)

[PC cmnt Brown](#)

[PC cmnt Wilson](#)

[Capture Non-agricultural Coverage](#)

[2011-59 signed final documents](#)

[2011 PC Plan Set](#)

[building permit site plan](#)

[building permit site plan zoomed](#)

[building permit east-west elevations](#)

[building permit north-south elevations](#)

[building permit north elevation zoomed](#)

[Notice of Violation 082417](#)

[1859 Hillview PI Title Report](#)

[1859 Hillview Place Easement Language](#)

CITY OF ST. HELENA

RESOLUTION NO. 2018-

**Resolution of the Council of the City of St. Helena
Denying an Appeal of a Planning Commission Decision to Approve a Design
Review Exemption for Two (2) Accessory Structures located at 1859 Hillview Place
in the in the Twenty-acre Agriculture (A-20) district (File No. PL18-066).**

RECITALS

1. The applicant submitted an application on June 1, 2018 requesting approval of a resolution granting a design review exemption in order to construct two storage sheds near an existing agricultural barn located at 1859 Hillview Place in the Twenty-acre Agriculture (A-20) district;
2. 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 August 21, 2018 where the application was approved by a 3-1 vote;
3. On September 4, 2018, the appellants, Barry Brown and Joy Roades-Brown, filed an appeal of the Planning Commission decision to approve a design review exemption to the City Council in accordance with St. Helena Municipal Code (SHMC) Section 1.16; and
4. The City Council considered the appellant's appeal at a duly noticed public hearing on October 9, 2018 and considered the design review application in its entirety. The City Council, after reviewing materials provided from the Planning Commission public hearing, as well as considering the staff report and record of the proceedings before the City Council, the written evidence submitted for the Council public hearing, and the testimony and other evidence submitted at the Council public hearing, voted to deny the appeal and uphold the Planning Commission's decision to approve the design review exemption application.

RESOLUTION

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

- A. To deny the appeal and affirm the Planning Commission's decision to approve a design review exemption for the construction of two (2) accessory structures at 1859 Hillview Place in the Twenty-acre Agriculture (A-20) district.
- B. That the project is exempt from the requirements of CEQA pursuant to Section 15303 which exempts the new construction or conversion of small structures including accessory structures including garages, carports, patios, pools, etc.
- C. In accordance with the design review criteria identified in Municipal Code Section 17.164.030, the City Council hereby finds that the project demonstrates the following:

1. *Consistency and compatibility with applicable elements of the general plan in that the project consists of constructing two small accessory structures near the center of a large agriculturally designated property;*
2. *Compatibility of design with the immediate environment of the site in that the storage sheds have been designed to be compatible with the surrounding area, are an appropriate size and are not easily visible from neighboring properties;*
3. *Relationship of the design to the site is found to be consistent in that in that the storage sheds have been designed to be compatible with the surrounding area, are an appropriate size and are not easily visible from neighboring properties;*
4. *That the design is compatible in areas considered by the board as having a unified design or historical character in that the structures are not in an area of with a unified design character and have been designed to be compatible with the site and the surrounding area;*
5. *The design promotes harmonious transition in scale and character in areas between different designated land uses in that the storage sheds would be located near the center of a 5-acre agriculturally designated parcel, raise no substantial design problems, and aren't easily visible from adjacent properties;*
6. *Compatibility with future construction both on and off the site in that the project consists of constructing two small accessory structures near the center of a large agriculturally designated property;*
7. *That the architectural design of structures and their materials and colors are appropriate to the function of the project in that the project consists of constructing two small accessory structures near the center of a large agriculturally designated property;*
8. *That the planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community in that the project consists of constructing two small accessory structures near the center of a large agriculturally designated property;*
9. *That the amount and arrangement of open space and landscaping are appropriate to the design and the function of the structures in that the open space and landscaping has been designed to accommodate the site;*
10. *That sufficient ancillary functions are provided to support the main functions of the project and that they are compatible with the project's design concept in that the project meets all City requirements for the construction and placement of accessory structures;*
11. *That access to the property and circulation systems are safe and convenient for pedestrians, cyclists and vehicles in that access to the site will remain from Hillview Place;*
12. *That natural features are appropriately preserved and integrated with the project in that the site is designated for agricultural purposes and is largely planted with grape vines;*

13. *That the materials, textures, colors and details of construction are an appropriate expression of its design concept and function and that they are compatible with the adjacent and neighboring structure and functions in that the storage sheds would be located near the center of a 5-acre agriculturally designated parcel, raise no substantial design problems, and aren't easily visible from adjacent properties;*
 14. *In areas considered by the board as having a unified design character or historical character, whether the design is compatible with such character in that the structures are not in an area of with a unified design character and have been designed to be compatible with the site and the surrounding area;*
 15. *That the landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site in that the site is designated for agricultural purposes and is largely planted with grape vines;*
 16. *That 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 in that the site is designated for agricultural purposes and is largely planted with grape vines;*
 17. *That sustainability and climate protection are promoted through the use of green building practices such as appropriate site/architectural design, use of green building materials, energy efficient systems and water efficient landscape materials in that construction will meet all California Building Codes and City of St. Helena development standards.*
- D. The City Council hereby incorporates as additional findings the recitals set forth above, as well as the remarks and comments of the Planning Commission during its deliberations following the close of the public hearing on August 21, 2018 and the remarks and comments of the City Council during its deliberations following the close of the public hearing on October 9, 2018.

Denied at a Regular Meeting of the St. Helena City Council on October 9, 2018, by the following vote:

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

APPROVED:

Alan Galbraith, Mayor

ATTEST:

Cindy Tzaopoulos, City Clerk

City of St Helena, City Hall
Received

SEP 04 2018

1480 Main St.
St Helena, CA 94574



Planning Department
1480 Main Street
St. Helena, CA 94574
(707) 968-2659

APPEAL APPLICATION

FILE NUMBER PL18-066

For additional information, zoning, forms & documents please visit us on the web at: <http://www.cityofstheleena.org/content/planning>

PLEASE TYPE OR PRINT

Project Name Gallagher Design Review Exemption Resolution
Project Site Address 1859 Hillview
APN 009 - 470 - 019 Additional APN _____

APPELLANT INFORMATION

Name Barry Brown
Address 1815 Hillview
City St. Helena
State CA Zip 94574
Phone 707 963-3711
Email Roadesbrn@aol.com

APPELLANT INFORMATION

Name Joy Roades-Brown
Address Same
City Same
State _____ Zip _____
Phone 963-3131
Email JoyRB@aol.com

NOTE: Additional appellant(s) information (name, address, phone number, email, and signature) shall be attached to the application.

OFFICE USE ONLY

Related files _____
General Plan _____ Zoning _____
Application Fee \$ _____ Public Hearing / Mailing \$ _____
Total Fees Received \$ 1000 Received by SJ

Staff Notes:

REQUIREMENTS FOR A COMPLETE APPEAL APPLICATION:

The following list is not exhaustive, some applications may require additional information. Consult with a planning staff member to determine whether additional materials are required for your appeal.
Incomplete applications will not be accepted.

Please use the space below and/or attach separate sheets.

☒ **ACTION** being appealed, including the name of the commission or board and date the action was taken:

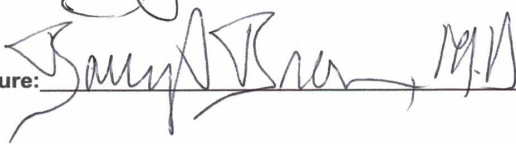
Planning Commission Approval of Design
 Review exemption on 8/21/18

☒ **ACTION** requested by appellant:

- ① OVERTURN APPROVAL ② initiate a more inclusive and accurate DESIGN REVIEW of not only the Buildings constructed without permits but also the modification to the AG BARN and the addition of a third building in the (CHAPTER 17.164) A-20 district ③ Conditional ^{NEW} DESIGN REVIEW FOR Building #2 (A BATHROOM)
- ④ code enforcement ^{HEARING} Ruling REGARDING MIS-USE OF AG BARN AS HOSPITALITY CENTER with penalties and FINES (in A-20 district)
- ⑤ Code enforcement hearing regarding tours and tastings in A-20 district with penalties and fines
- ⑥ pending denial of a Bathroom in the A-20 district - DEMOLITION OF Building

I, _____, hereby file this application for an appeal and agree to pay any and all processing fees imposed by the St. Helena Municipal Code and City Council Resolution(s), or as they may be amended from time to time.

Date: 9/4/2018 Appellant's Signature: 

Date: 9/4/2018 Appellant's Signature: 

Date: _____ Appellant's Signature: _____

PROCESSING FEES:

- | | |
|--|---------|
| ☐ Minor Appeal | \$1,000 |
| ☐ Public Hearing Notice | \$600 |
-

Reasons for appeal:

1) At Planning Commission hearing on 8/21 Chairman Hardy would not accept or allow consideration of exhibits presented. **Bylaws Rule 18:** Written material pertaining to any item on the agenda may be filed with the secretary of the Commission prior to the time of the public hearing or may be presented to the Commission at the time of the public hearing. The Commission shall consider such material in deciding any issue before it. All written material shall become part of the Commission's file on the agenda item.

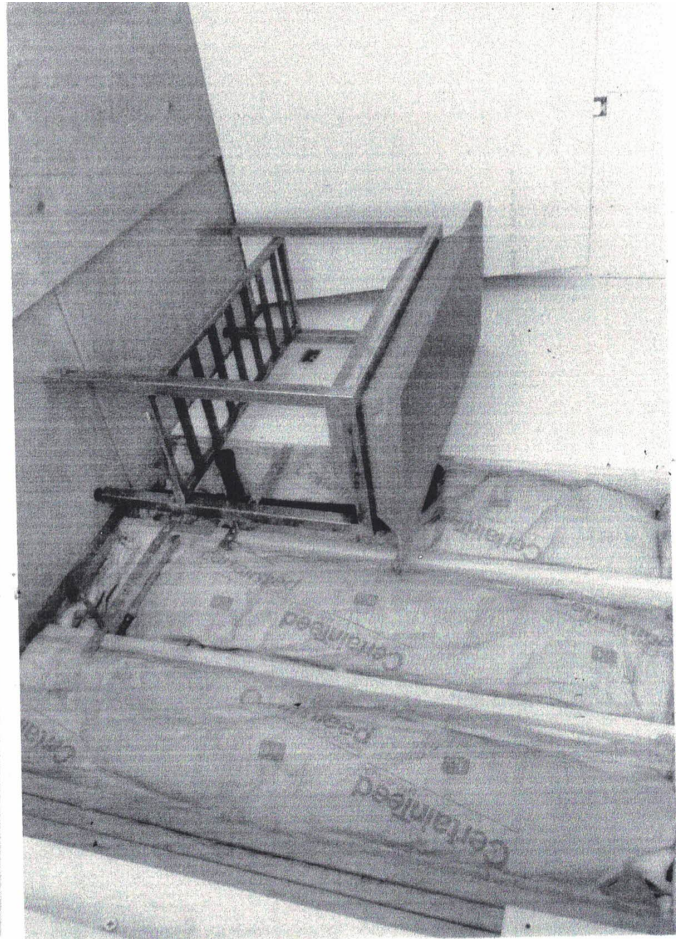
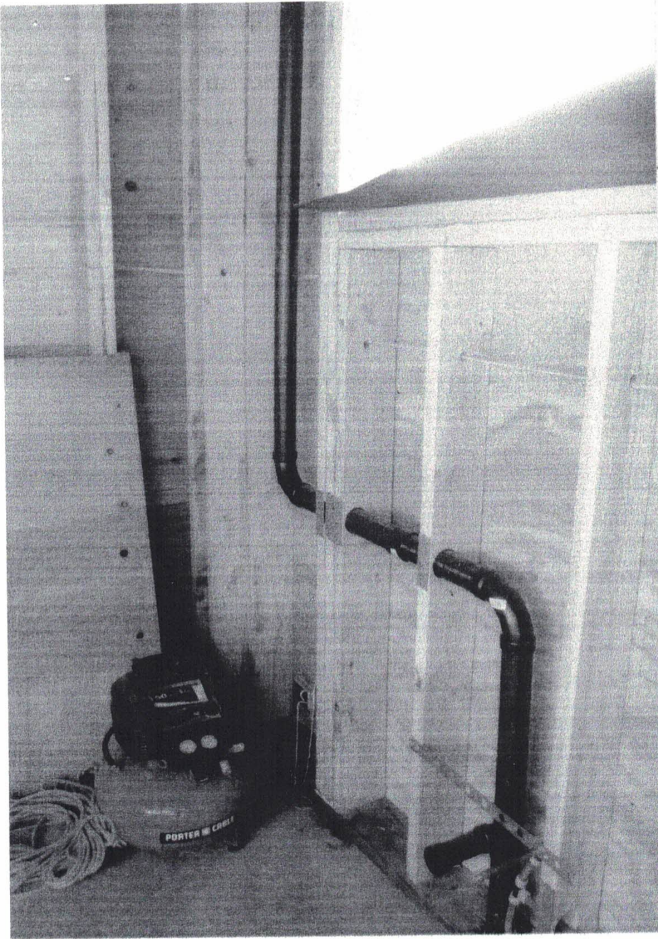
The refusal to consider exhibits was contrary to the bylaws and prevented meaningful discussion and inspection of facts at hand and handcuffed the commission.

2) Rather than narrowing the scope of the inquiry to Design Review Exemption the Planning Department should have broadened it. This applicant has a long history of ignoring and defying the codes and rules of an A-20 parcel. These violations are ongoing and well known to planning. This pattern of conduct should have been passed on to the Planning Commission. An evaluation of past behavior to predict future performance is appropriate in this case.

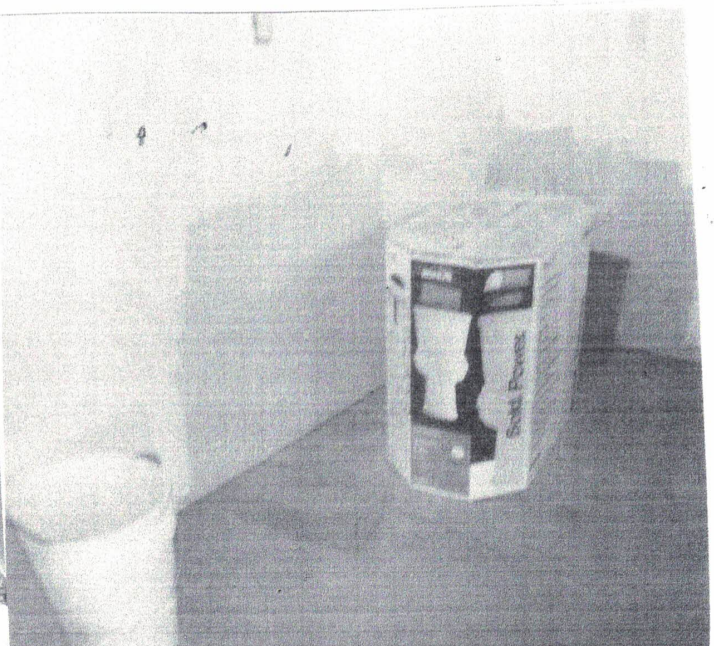
3) The May 31, 2018 statement in the owners' application says that *"they have built two small storage accessory buildings to store vineyard fertilizer, chemicals, paint materials and equipment."* SEE 3
This is a blatant lie. Building #2 was ALWAYS designed and built to be a bathroom. The plumbing for a toilet and sink was in place. With the assistance of heavy equipment they dug and installed a human waste disposal system behind this bathroom and then literally buried the evidence. To later come back and plead for design review exemption and intentionally mislead the commission by calling the fully plumbed restroom a 'shed' is ridiculous. Even taking the commission's heavy work load into consideration, this particular applicant's history of code abuses does not justify this lack of scrutiny.

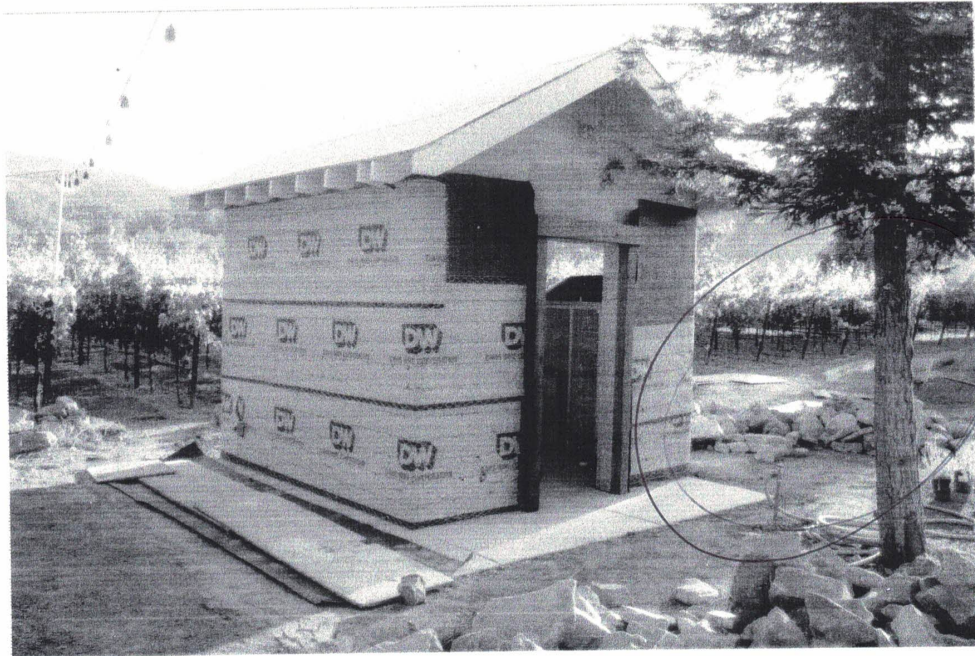
4) An email from Planning Director Housh on 6/14/2018 references not only this bathroom but also building #3 which was attached to the Ag Barn at some point. He also mentions the applicant's code enforcement case. Where is this code enforcement case? To be thorough and complete, it should have been included in the applicant's file and made a part of this application. SEE 4

5) Not only should this ruling be overturned but a thorough and exhaustive review of Trespass Vineyard's years of code violations should be researched. The Ag Barn is not and never has been a barn. Years of tours and tastings in a residential neighborhood have been exhausting and without consideration for the community. By narrowing the scope of the application to Design Review Status the citizens of St. Helena have never been afforded the opportunity to comment on tours, tastings or construction that has never had a permit of any kind. This is totally unjust. SEE 5



(3)





3

HUMAN
WASTE
DISPOSAL
SYSTEM



AFTER

RE: remodel

<https://mail.aol.com/webmail-std/en-us/PrintMessage>

From: Noah Housh <NHoush@cityofsthelelena.org>
To: joyrb <joyrb@aol.com>
Subject: RE: remodel
Date: Thu, Jun 14, 2018 2:05 pm

4

Hi Joy,

It was built without permits (similar to the small bathroom structure) and is part of our Code Enforcement case.



NOAH HOUSH

PLANNING & COMMUNITY IMPROVEMENT DIRECTOR

City of St. Helena | Planning & Community Improvement Department

1480 Main Street | St. Helena, CA 94574

Direct: (707) 968-2659 | NHoush@cityofsthelelena.org | <http://cityofsthelelena.org/planning>

From: joyrb@aol.com [<mailto:joyrb@aol.com>]
Sent: Thursday, June 14, 2018 12:01 PM
To: Noah Housh
Subject: remodel

How did this supplemental building get attached to the barn?

Sent via iPhone



5



Trespass-Vineyard (13) Item 4 of 17

(51)



PLANNING COMMISSION REPORT

Planning Commission Meeting of August 21, 2018

AGENDA SECTION: Consent

FILE NUMBER: PL18-042

SUBJECT: Request by Don Gallagher for adoption of a resolution granting a design review exemption in order to construct two storage sheds near an existing agricultural barn located at 1859 Hillview Place in the Twenty-acre Agriculture (A-20) district.

PREPARED BY: Aaron Hecock, Senior Planner

REVIEWED BY: Noah Housh, Planning & Community Improvement Director

APPROVED BY: Noah Housh, Planning & Community Improvement Director

APPLICATION FILED: 06/01/18

ACCEPTED AS COMPLETE: 06/29/18

LOCATION OF PROPERTY: 1859 Hillview Place

APN: 009-470-019

GENERAL PLAN/ZONING: Agriculture/A-20

APPLICANT: Don Gallagher

PHONE: (707) 963-1421

BACKGROUND

The applicant received use permit and design review approval (#2011-59) in 2011 in order to construct an 800 square foot (sf) agricultural barn on the 5-acre property in order to serve the existing vineyard. Recently, staff became aware of two unpermitted accessory structures on the property and subsequently met with the property owner to let them know that the structures require both planning approval and a building permit. As a result, the property owner/applicant has submitted for a design review exemption in order to retroactively legitimize two previously constructed storage sheds, which did not have the benefit of a permit prior to their construction.

PROJECT DESCRIPTION

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

The two storage sheds are located in the center of the 5-acre property and are largely surrounded by existing vineyards. The sheds are constructed of a variety of materials including wood and stone siding and corrugated metal roofing, in keeping with the design theme of the barn. The larger of the two sheds is approximately 150-sf and 12-feet tall while the smaller of the two sheds is approximately 121-sf and 11'8" tall.

ANALYSIS**CEQA**

Staff has conducted the requisite analysis and concluded that the project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15303 which exempts the new construction or conversion of small structures including accessory structures including garages, carports, patios, pools, etc. The proposed project is not subject to any of the exceptions to the use of a categorical exemption as outlined in CEQA Section 15300.2. The project site is not located on or near an environmentally sensitive area, is not visible from a scenic highway, is not included on a hazardous waste site, and will not impact historic resources or otherwise generate or contribute to any potentially significant impacts.

GENERAL PLAN

The subject property exhibits a General Plan Land Use designation of Agriculture (AG). The AG designation provides for agricultural uses, wineries, single-family residences, and public and quasi-public uses. The AG designation is applied to extensive areas of the valley floor that surround the urban core area. With the exception of those hillside areas designated Woodlands and Watershed (WW), all lands outside the Urban Limit Line are designated AG regardless of their actual size or actual use. General Plan Policies applicable to the proposed project include the following:

- 4.3.4 - *Strengthen community identity by appropriate building design, size, and site landscaping.*
- 7.5.9 - *Require new development in or adjacent to historic areas or buildings to be compatible in pattern and character with existing historic buildings.*

Staff Response: Staff finds that the proposed project is consistent with the General Plan policies listed above in that the storage sheds have been designed to be compatible with the surrounding area, are an appropriate size and are not easily visible from neighboring properties.

ZONING

Consistent with the Agricultural Land Use Designation, the site exhibits a zoning designation of Twenty-Acre Agriculture (A-20). The A-20 designation provides for agricultural and residential uses. With the exception of those hillside areas designated woodlands and watershed, and wineries designated winery, all lands outside the urban limit line are designated A-20 regardless of their size or use. The purpose of the A-20 district is to promote and implement the policies of the general plan to preserve agricultural land uses and provide for future orderly development as the urban limit line is adjusted to accommodate urban growth. This district restricts the density of residential use and stipulates the location and area of residential development to promote preservation of agricultural land use and reduce impacts to the provision of infrastructure as the urban area of the city expands.

Pursuant to Chapter 17.164, all subdivisions, signs, new structures or buildings (except for one accessory dwelling unit which complies with the provisions set forth in Section 17.116.030), or exterior revisions (not including change in exterior color) of any existing structures or buildings for both permitted and conditional uses shall require design review in the A-20 district.

Pursuant to §17.20.060(C) of the St. Helena Municipal Code (SHMC), for lots greater than two acres in area, floor area ratios are not regulated however, non-agricultural coverage is limited to 1-acre. This means that no more than 1-acre of any one parcel shall be removed from active agricultural uses in the A-20 district.

Staff Response: The proposed storage sheds would be located within the 1-acre envelope not in agricultural production on the greater 5-acre parcel. Furthermore, the sheds raise no substantial design problems and are not visible from adjacent properties.

DESIGN REVIEW

The purpose of design review is to, among other things, promote the qualities that bring value to the community and foster attractiveness and functional utility of the community as a place to live and work. Pursuant to Municipal Code Section 17.164.030, the following design criteria should be considered by the Planning Commission in review of this application:

1. Consistency and compatibility with applicable elements of the general plan;
2. Compatibility of design with the immediate environment of the site;
3. Relationship of the design to the site;
4. Determination that the design is compatible in areas considered by the board as having a unified design or historical character;
5. Whether the design promotes harmonious transition in scale and character in areas between different designated land 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;
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.

Staff Response: As previously noted, the proposed storage sheds are constructed of quality materials, in keeping with the design theme of the existing barn on site. They would be located within 1-acre taken out of agricultural production in the center of the greater 5-acre parcel. In addition, the sheds are essentially surrounded by vineyards and are not easily visible from neighboring properties. As such, staff finds that the proposed project meets the design review criteria enumerated above.

WATER

Chapter 13.12 of the SHMC sets forth minimum water efficiency requirements for new development. Amongst these provisions is the requirement that any "new development" (i.e. construction that would introduce any freestanding building that contains water-using fixtures, any floor area additions to existing nonresidential structures; or any residential additions or remodeling that increases the number of independent living units) offset new demand by an amount of water equal to the new demand on the city

water system. The offset must be clearly demonstrated, to the satisfaction of the Director of Public Works.

Staff Response: The proposed storage sheds do not have plumbing, therefore, are not "new development" as defined above is proposed and no increase in the water use for the property is anticipated as a component of the project.

HISTORIC RESOURCES

The existing barn and storage sheds were all constructed in the last 10 years and the property is not listed on the City's Historic Resources Master List. The project site is adjacent to the Adams Street District, one of three geographical areas within which the 1993 General Plan mapped historic and potentially historic resources identified in the City's historic resources survey/inventory. However, the Adams Street District/geographical area has not itself been listed as an area-wide historical resource, nor has the City created a Historic Preservation Overlay Zoning District covering the district or the project site. The construction of two small storage sheds would not detract from or be incompatible with existing historic districts or structures.

ISSUES

Staff has not identified any issues related to the size, design, or placement of the two accessory structures described above. As noted, the application is intended to legitimize the construction of the sheds, which originally occurred without the benefit of a permit. If the design is approved, the structures will then be reviewed and inspected as a part of the building permit process.

CORRESPONDENCE

At the time of packet distribution staff had received no correspondence related to this application.

STAFF RECOMMENDATION

Staff finds that the proposed accessory structures raise no substantial design problems and therefore recommend that the Planning Commission:

1. Determine that the project is exempt from the requirements of CEQA pursuant to Section 15303; and
2. Approve a resolution finding that the project is exempt from design review thereby approving the construction of two storage sheds on the property located at 1859 Hillview Place.

ATTACHMENTS

[Resolution](#)

[APN map](#)

[Aerial View](#)

[Site Plan](#)

[Storage Shed #1](#)

[Storage Shed #2](#)

**CITY OF ST. HELENA PLANNING COMMISSION
RESOLUTION NO.
GRANTING A DESIGN REVIEW EXEMPTION TO
1859 HILLVIEW PLACE (PL18-042)**

PROPERTY OWNER: Don Gallagher

APN: 009-470-019

RECITALS

1. The applicant submitted an application on June 1, 2018 requesting approval of a resolution granting a design review exemption in order to construct two storage sheds near an existing agricultural barn located at 1859 Hillview Place in the Twenty-acre Agriculture (A-20) district.
2. 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 August 21, 2018.

RESOLUTION

The Planning Commission of the City of St. Helena, State of California, approved the design review exemption on the following basis:

- A. In making the findings in this Resolution, the Planning Commission relied upon and hereby incorporates by reference all of the documents referenced in this Resolution and the associated staff reports, City files for this matter, correspondence, presentations and other materials.
- B. The Planning Commission hereby finds that the project is exempt from CEQA pursuant to Section 15303 which exempts the new construction or conversion of small structures including accessory structures including garages, carports, patios, pools, etc.
- C. In accordance with the design review criteria identified in Municipal Code Section 17.164.030, the Planning Commission hereby finds that the project demonstrates the following:
 1. *Consistency and compatibility with applicable elements of the general plan in that the project consists of constructing two small accessory structures near the center of a large agriculturally designated property;*
 2. *Compatibility of design with the immediate environment of the site in that the storage sheds have been designed to be compatible with the surrounding area, are an appropriate size and are not easily visible from neighboring properties;*
 3. *Relationship of the design to the site is found to be consistent in that in that the storage sheds have been designed to be compatible with the surrounding area, are an appropriate size and are not easily visible from neighboring properties;*
 4. *That the design is compatible in areas considered by the board as having a unified design or historical character in that the structures are not in an area of*

1859 Hillview Place
Design Review Exemption
August 21, 2018

with a unified design character and have been designed to be compatible with the site and the surrounding area;

- 5. The design promotes harmonious transition in scale and character in areas between different designated land uses in that the storage sheds would be located near the center of a 5-acre agriculturally designated parcel, raise no substantial design problems, and aren't easily visible from adjacent properties;*
- 6. Compatibility with future construction both on and off the site in that the project consists of constructing two small accessory structures near the center of a large agriculturally designated property;*
- 7. That the architectural design of structures and their materials and colors are appropriate to the function of the project in that the project consists of constructing two small accessory structures near the center of a large agriculturally designated property;*
- 8. That the planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community in that the project consists of constructing two small accessory structures near the center of a large agriculturally designated property;*
- 9. That the amount and arrangement of open space and landscaping are appropriate to the design and the function of the structures in that the open space and landscaping has been designed to accommodate the site;*
- 10. That sufficient ancillary functions are provided to support the main functions of the project and that they are compatible with the project's design concept in that the project meets all City requirements for the construction and placement of accessory structures;*
- 11. That access to the property and circulation systems are safe and convenient for pedestrians, cyclists and vehicles in that access to the site will remain from Hillview Place;*
- 12. That natural features are appropriately preserved and integrated with the project in that the site is designated for agricultural purposes and is largely planted with grape vines;*
- 13. That the materials, textures, colors and details of construction are an appropriate expression of its design concept and function and that they are compatible with the adjacent and neighboring structure and functions in that the storage sheds would be located near the center of a 5-acre agriculturally designated parcel, raise no substantial design problems, and aren't easily visible from adjacent properties;*
- 14. In areas considered by the board as having a unified design character or historical character, whether the design is compatible with such character in that the structures are not in an area of with a unified design character and have been designed to be compatible with the site and the surrounding area;*

15. *That the landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site in that the site is designated for agricultural purposes and is largely planted with grape vines;*
16. *That 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 in that the site is designated for agricultural purposes and is largely planted with grape vines;*
17. *That sustainability and climate protection are promoted through the use of green building practices such as appropriate site/architectural design, use of green building materials, energy efficient systems and water efficient landscape materials in that construction will meet all California Building Codes and City of St. Helena development standards.*

Planning Department Conditions of Approval

- D. The Planning Commission approves the design review exemption for the above-described project with the following conditions of approval. The conditions noted below are particularly pertinent to this permit and shall not be construed to permit violation of other laws and policies not so listed.
 1. The project shall be in conformance with all city ordinances, rules, regulations and policies in effect at the time of issuance of a building permit.
 2. The design review 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.
 3. 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.
 4. 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.
 5. Pursuant to City Council Resolution 2003-65, the owner and applicant are informed of the following:

In recognition of the need for additional affordable housing, and to mitigate the effects of this development on the supply and demand of affordable housing, the permittee shall be subject to a Housing Impact Fee, an inclusionary requirement, an in-lieu fee,

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and/or similar fair and appropriate mechanisms, to provide funds for or to develop additional affordable housing.

6. Compliance with all permit conditions shall be clearly identified on all plans submitted for building permit approval, shall occur in accordance with specific regulations but in all cases no later than prior to occupancy or initiation of use unless another time is set by law or by this approval. Occupancy or final inspection of a project may be withheld if all conditions, including payment of fees for services rendered by the City, are not met.
7. 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.
8. Provided they are in general compliance with this approval, minor modifications may be approved by the Planning Director.
9. 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.
10. The primary purpose of this review is for compliance with the General Plan and Zoning Ordinance. The property owners or their designee shall be responsible for meeting with the Building Official, Fire Inspector and or Public Works Department to review compliance with Building Codes, Fire Codes and specific Public Works Standards including fire protection systems and any applicable accessibility standards of Title 24.
11. Construction shall be in compliance with plans submitted and reviewed by the Planning Commission on August 21, 2018, except as modified herein.
12. Toilet plumbing is not permitted in either accessory structure.
13. During construction, the project site shall be adequately fenced and secured to prevent trespassing.
14. Exterior lighting shall be directed or shielded to prevent glare onto the public roadway or adjacent properties.
15. 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

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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

16. 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.
17. 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.
18. 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.
19. Erosion and sediment control plans shall conform to the latest State and City codes at a minimum.
20. Provide details of any and all proposed fencing, gates, and/or walls on all plans submitted for building permit review.
21. 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.
22. 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.
23. An encroachment permit shall be required for any work performed in the public right of way.

Building Department Conditions of Approval

24. 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 2016 Title 24 codes.
25. When submitting plans for a building permit, the plans shall include all documentation listed on the building permit application checklist.

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26. The applicant shall provide a construction waste management plan with the building permit application.
27. 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.
28. When submitting plans, the title page shall include all information referenced on the building permit application checklist Title Page requirements.
29. 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

30. Fire sprinklers shall be installed as required by the Fire Department and the California Fire Code.

I HEREBY CERTIFY that the foregoing design review exemption 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 August 21, 2018 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Lester Hardy
Chair, Planning Commission

Noah Housh
Planning Director

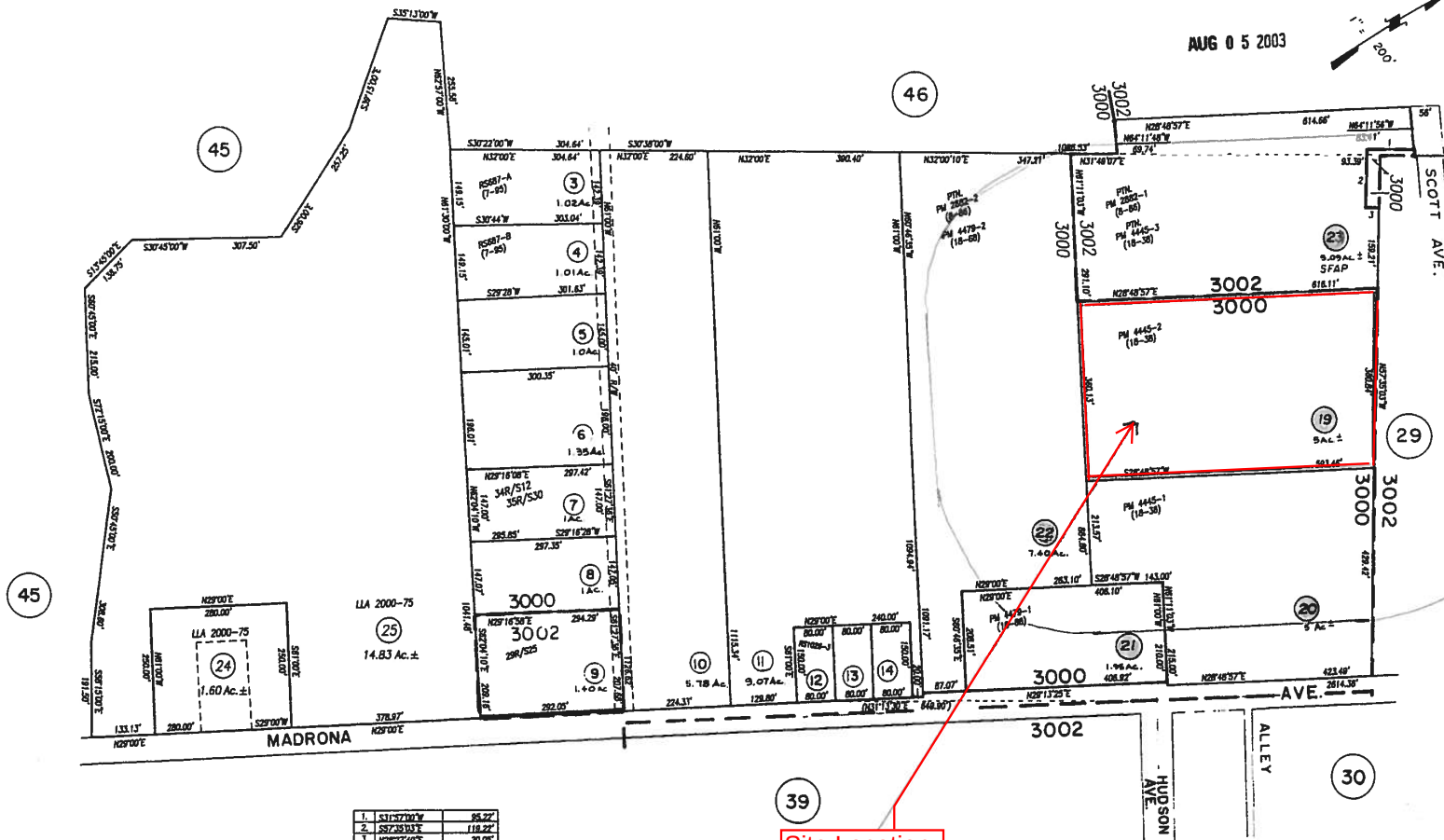
1859 Hillview Place
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August 21, 2018

PTN. RANCHO CARNE HUMANA
R.M. BK. D OF PATENTS, PG.127

Tax Area Code
3000, 3002

9-47
9-38

AUG 05 2003



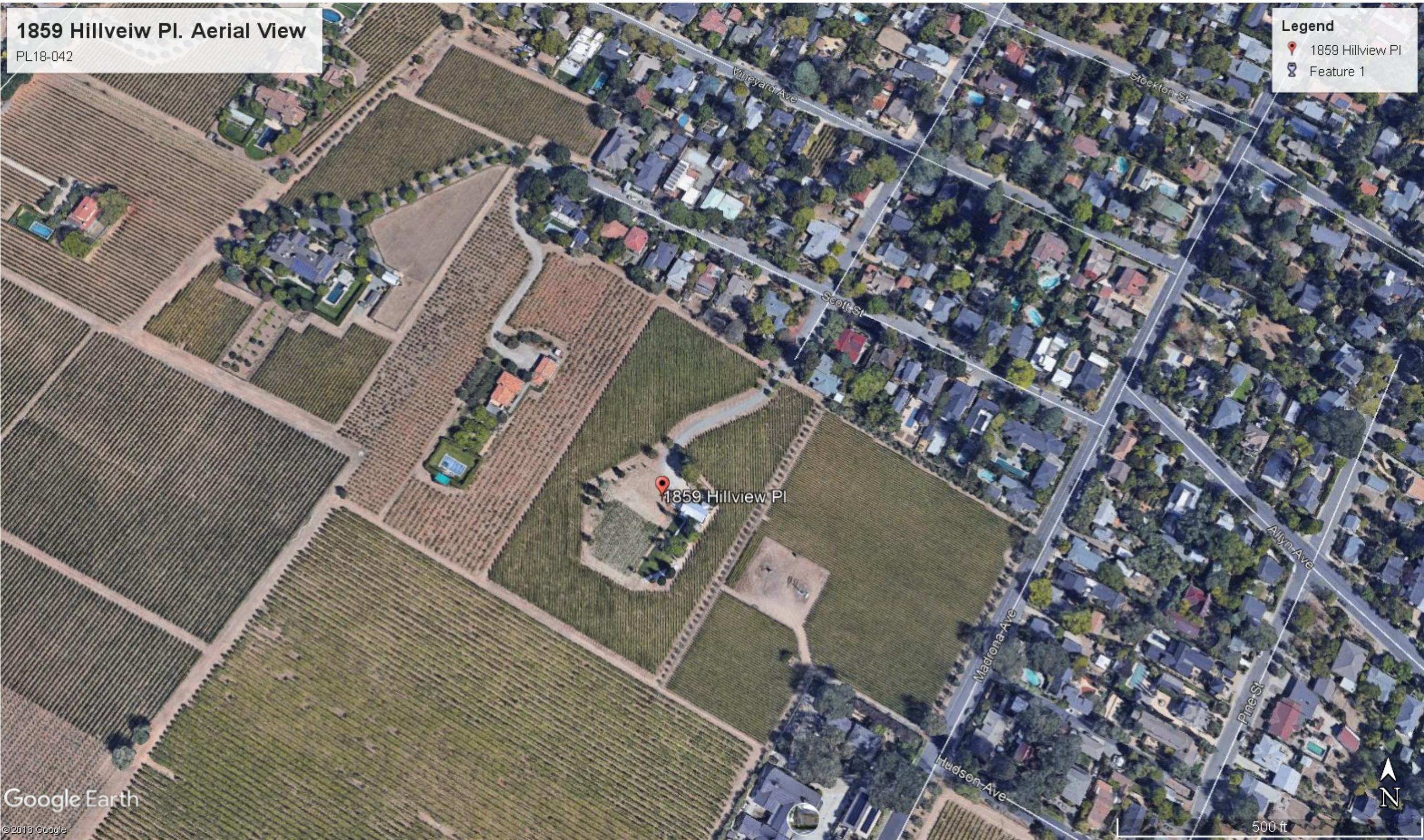
1.	S37°13'00\"	95.22'
2.	S57°23'00\"	118.22'
3.	N28°27'30\"	20.00'

NOTE: This Map Was Prepared For
Assessment Purposes Only. No
Liability Is Assumed For The
Accuracy Of The Data Delineated
Hereon.

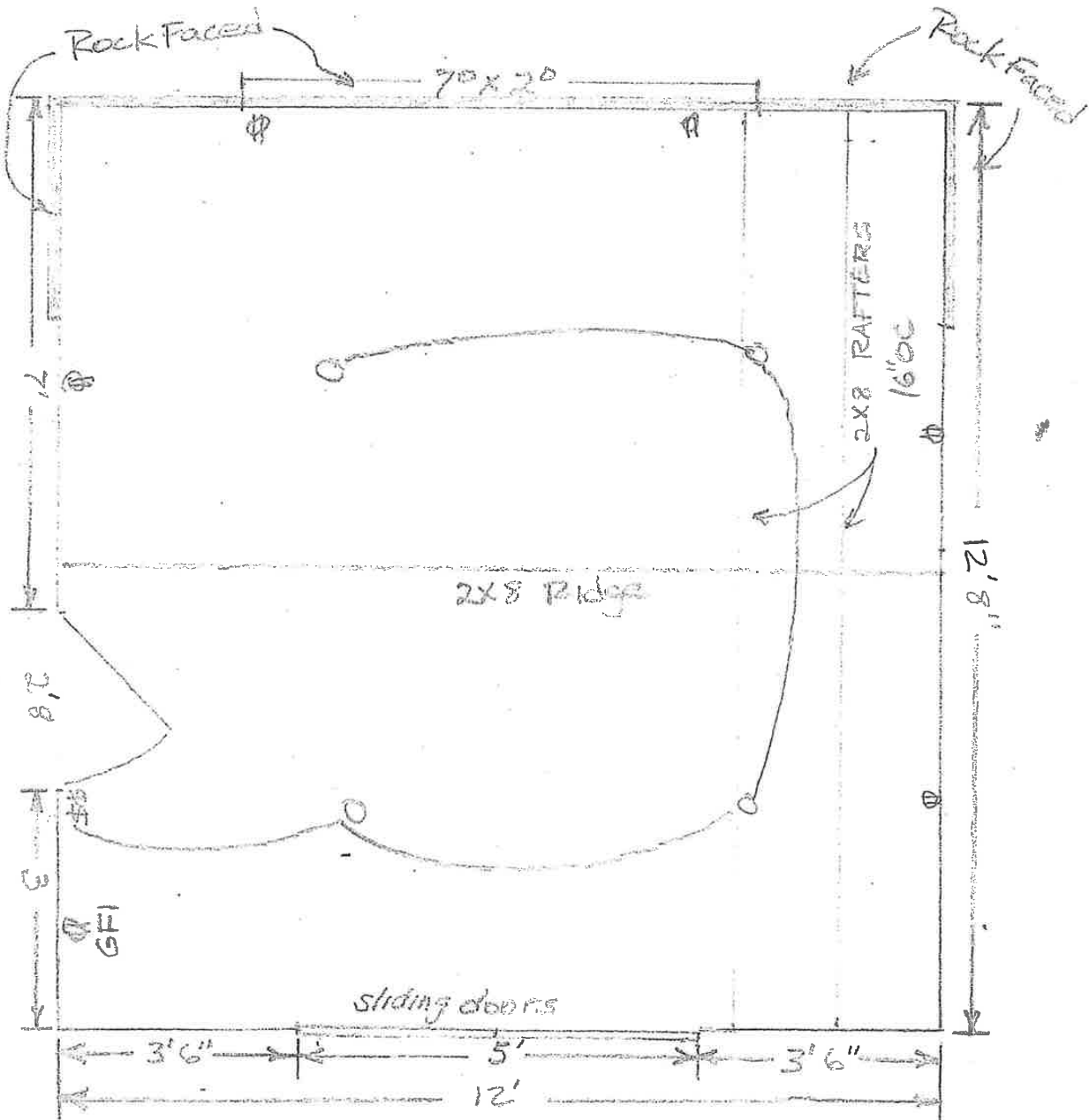
NOTE Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.
SFAP=Separated for Assessment Purposes Only

6-3-94	
470-24 & 25 ULA	6-14-01
470-07 RS	8-1-01
470-07 RS	2-25-03
REVISION	DATE

Assessor's Map Bk. 9 Pg. 47
County of Napa, Calif.



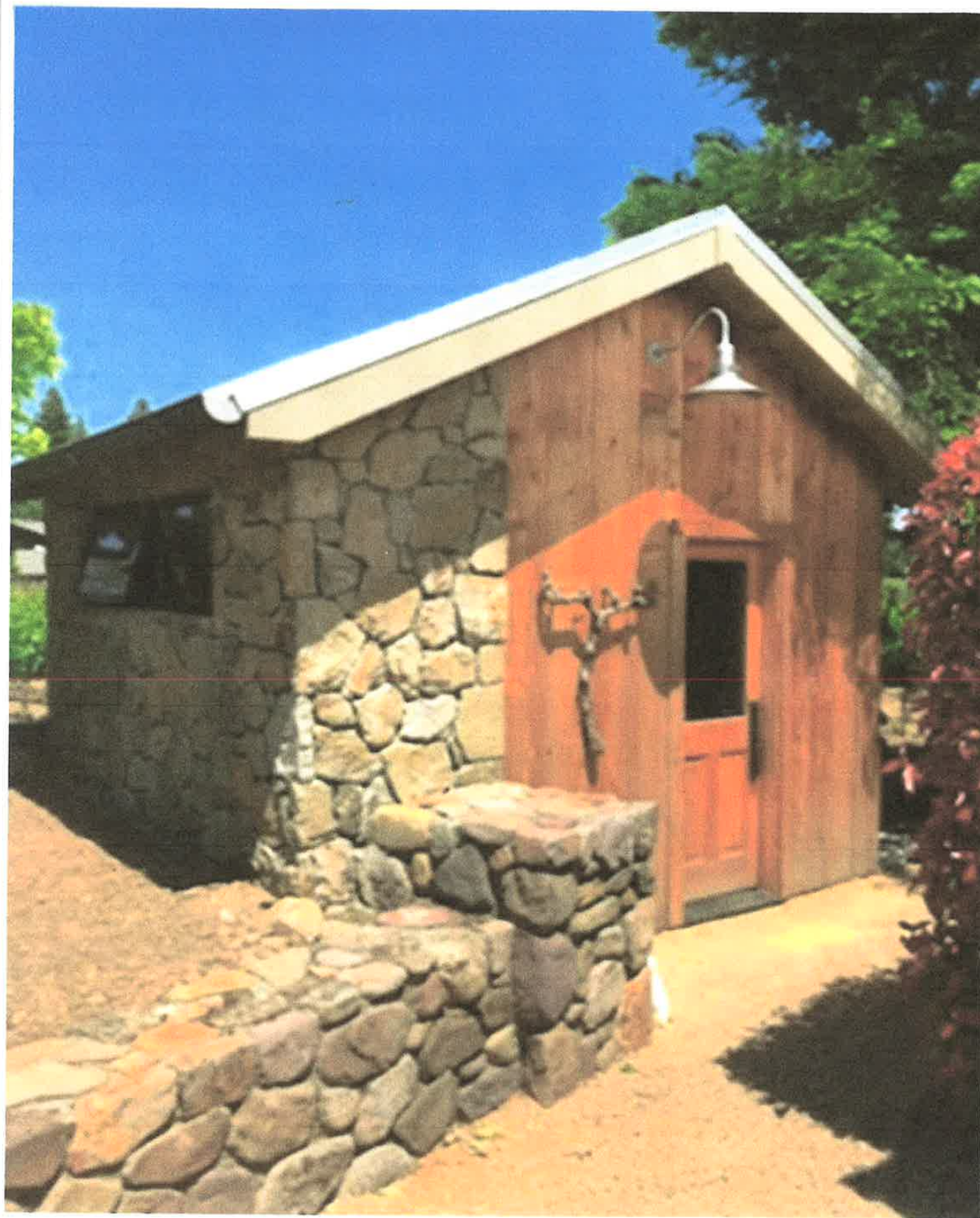
STORAGE SHED #1

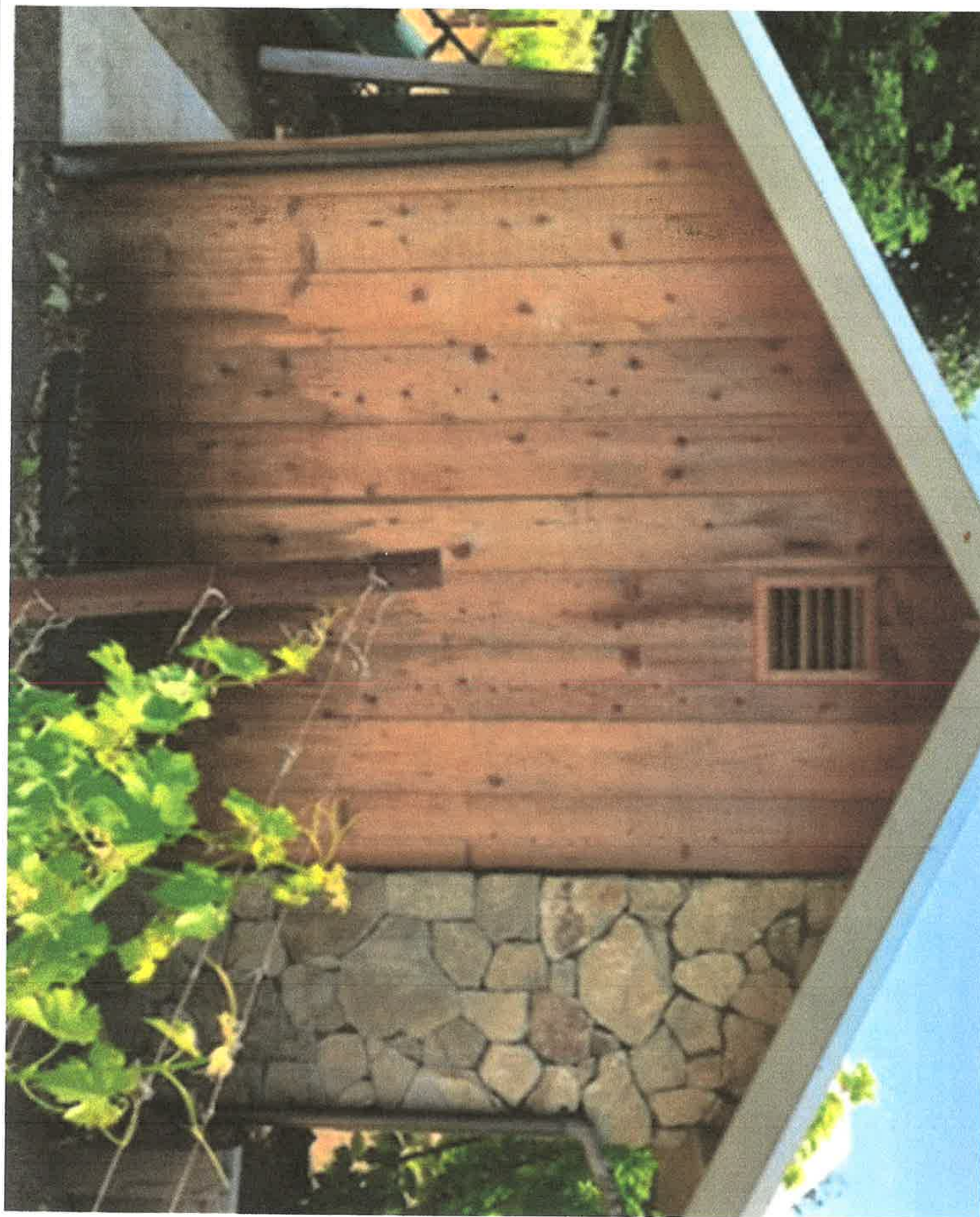


2x6 STUDS 16" OC

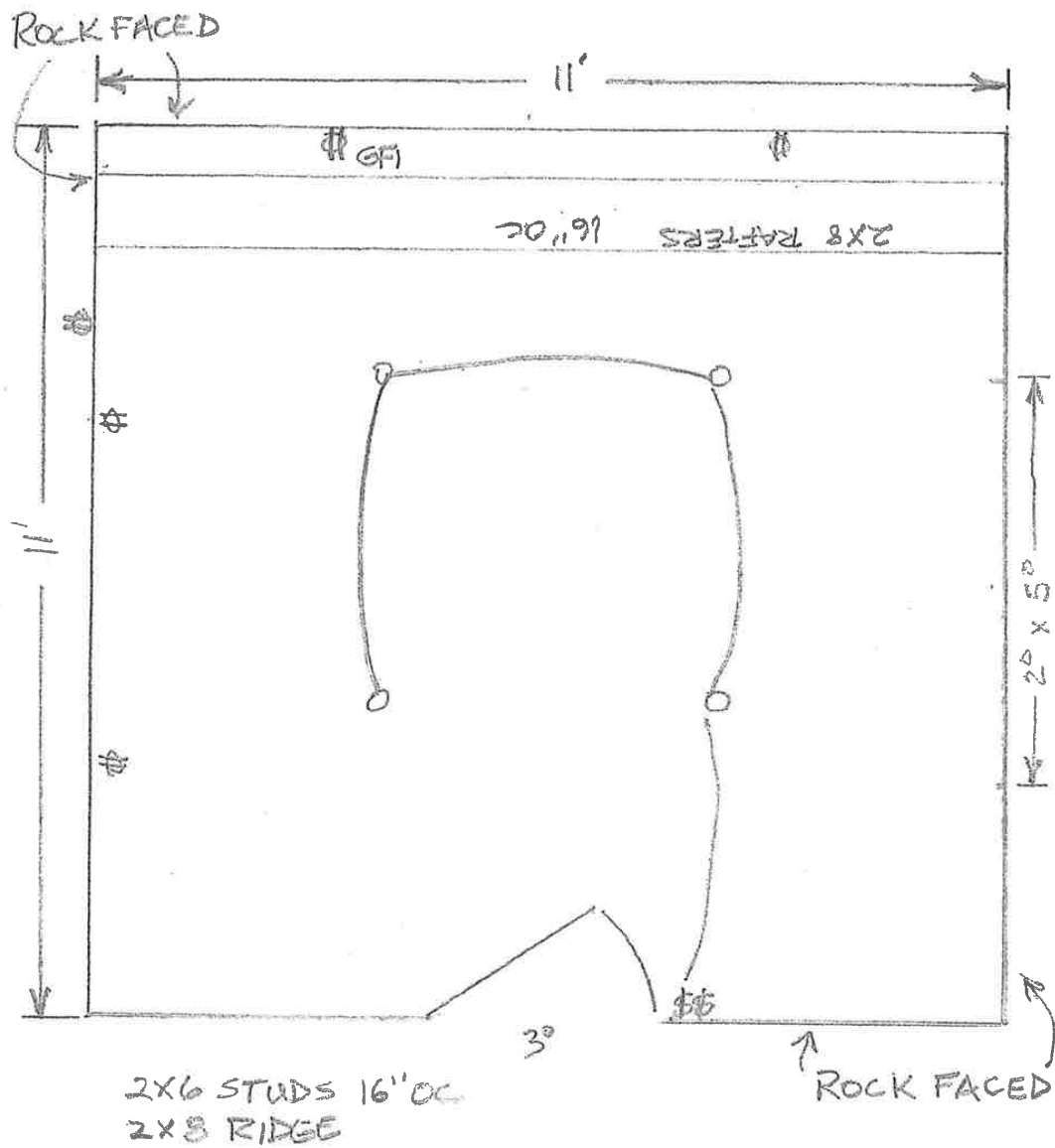
1x12 RR SIDING







STORAGE SHED #2









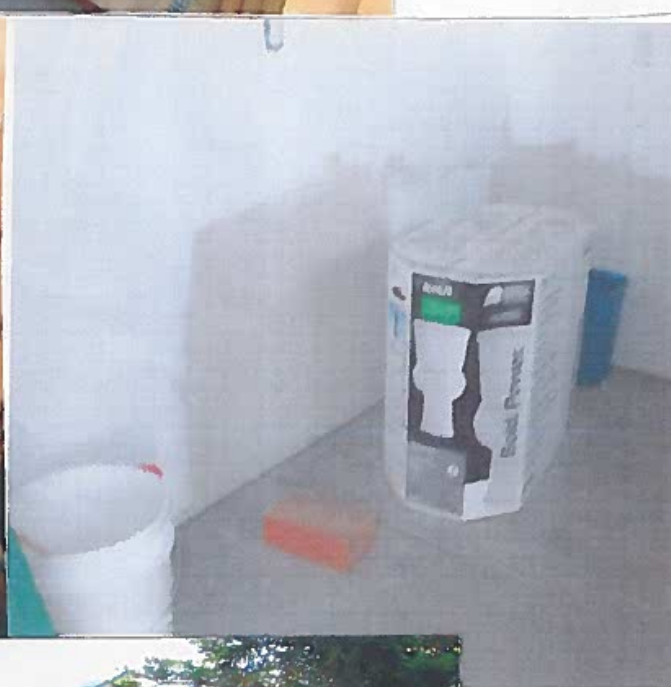


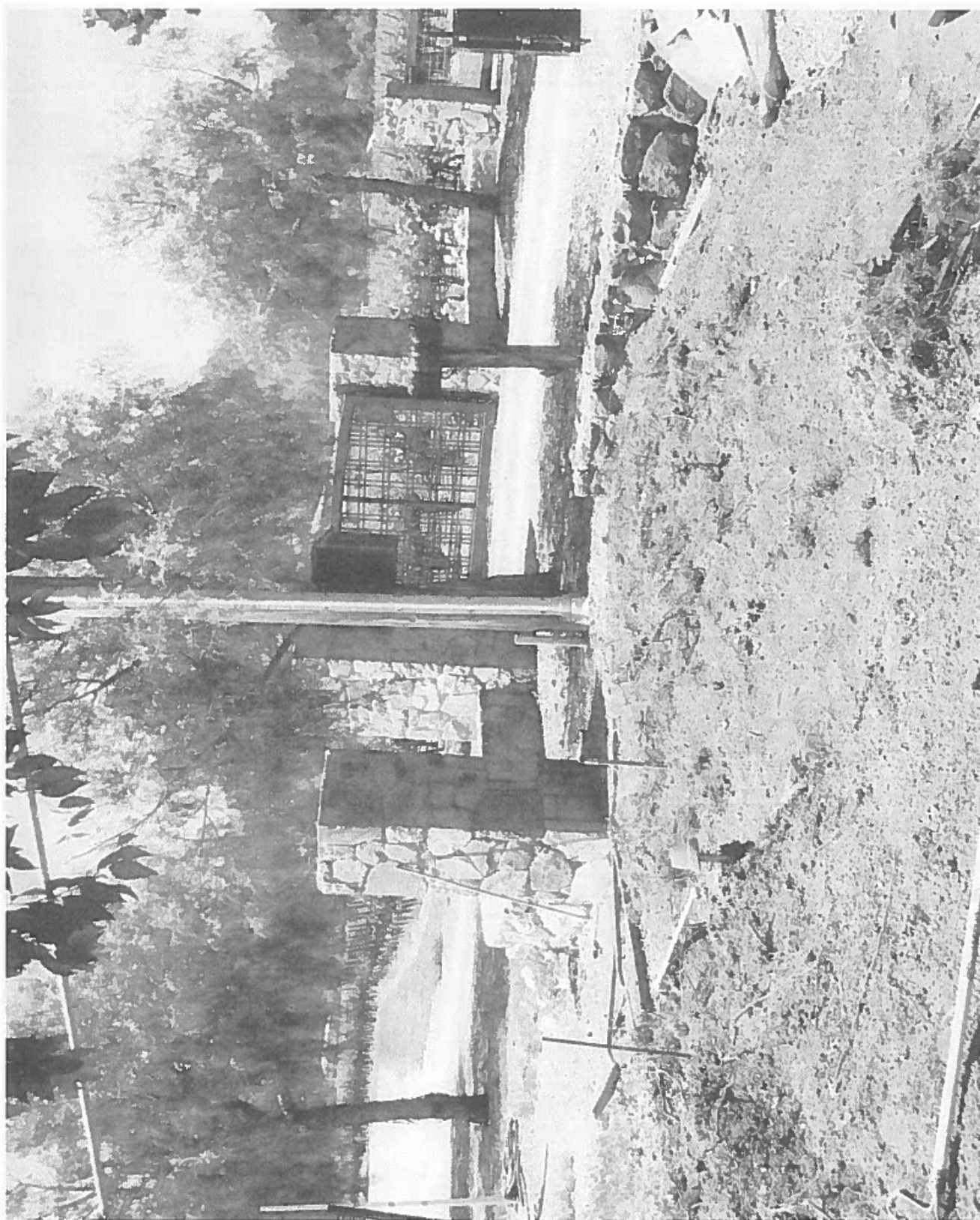


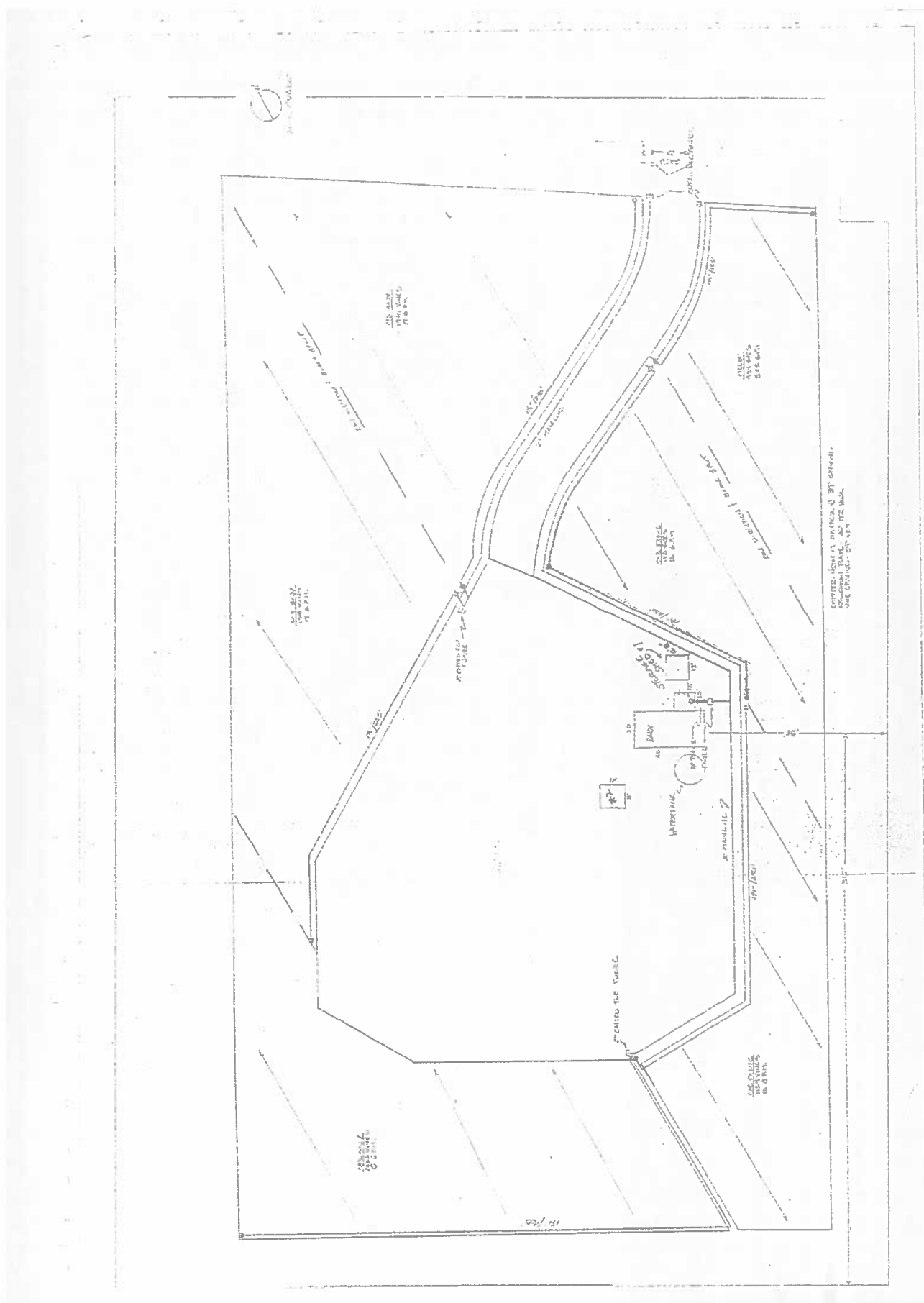
Trespass-Vineyard (13) Item 4 of 17



Donny's self appointed "man cave" is located next to the vineyard and is a great place to relax regardless of what the weather is outside. Features a television and comfortable amenities – including several art pieces that are for sale. To join the mailing list or for more information, visit: www.trespassvineyard.com







On Aug 19, 2018, at 6:43 PM, Connie Wilson <clw1956@comcast.net> wrote:

Dear Mr. Housh,

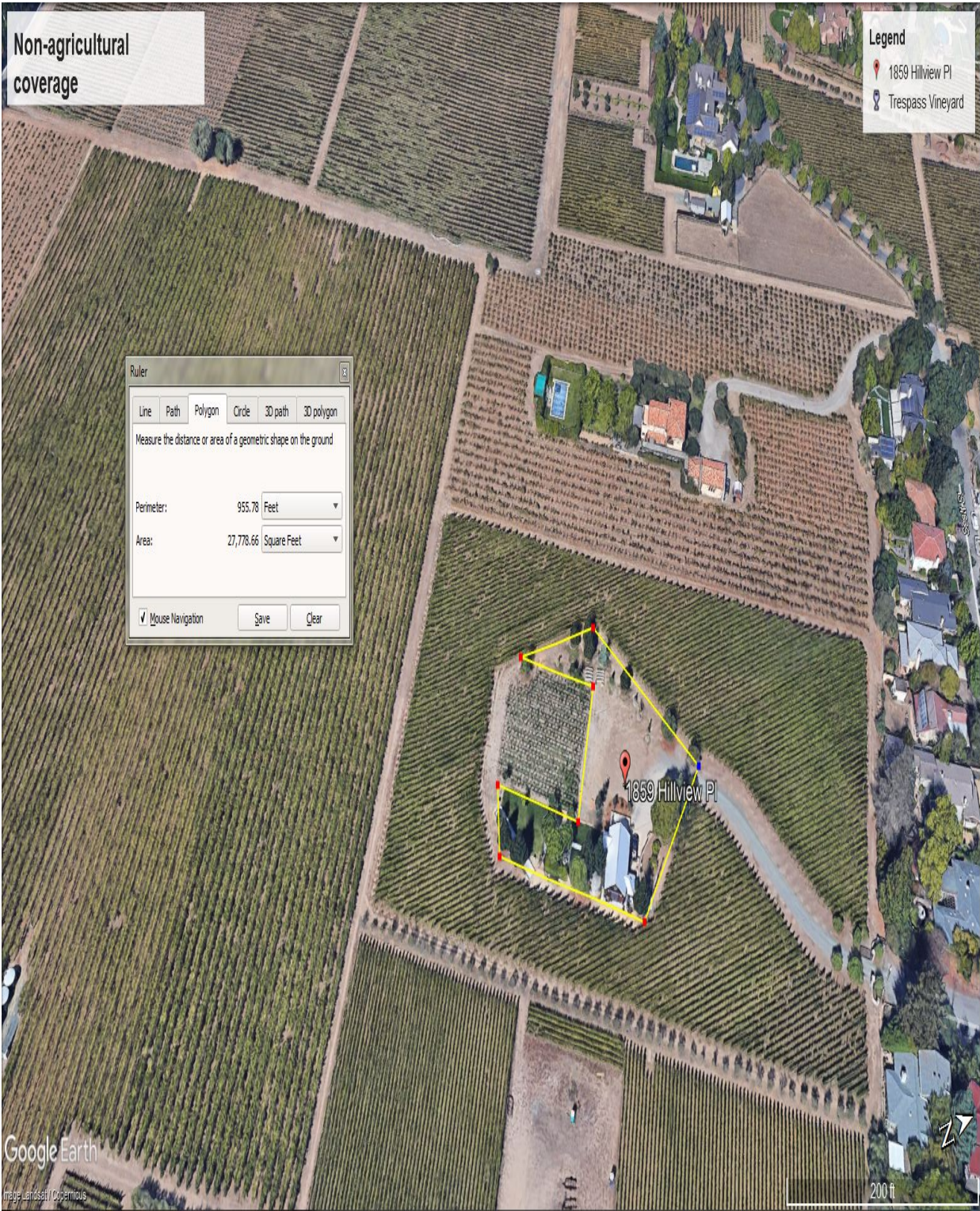
As a longtime resident of Scott Street, I wish to voice my concern for the upcoming Trespass Vineyards hearing.

I have known the Gallagher's for many years, as our children attended local schools together. I support their right to farm their vineyard and produce fine wine. What concerns me, however, is their hearing to right wrongs that have been occurring for many years. What seems to be a regular occurrence in the wine business is to construct buildings and/or host tastings and sales without the proper permits, then ask forgiveness and permission. At some point the city government needs to stop granting design review exemptions when laws have been clearly broken.

Tours and tastings should never be allowed in a medium-density residential district such as ours. Please consider the rights of neighbors to not be subject to increased traffic of tour buses and limos, loud music at events, and general disruption of a very quiet neighborhood.

Thank you very much.

Connie Wilson
1658 Scott Street
St. Helena, CA 94574



**USE PERMIT & DESIGN REVIEW NO. 2011-59
OF THE CITY OF ST. HELENA, STATE OF CALIFORNIA,
GRANTED TO DONALD & DANA GALLAGHER
LOCATED AT 1859 HILLVIEW PLACE**

PROPERTY OWNER: Donald & Dana Gallagher

APN: 009-470-019

Recitals

1. The applicant submitted a request for a Use Permit and Design Review for an 800 square foot agricultural barn needed for storage of farm tools, equipment, fertilizers, a tractor, spraying rig, etc., to serve the existing vineyard use. The new barn will be built to attach to the current 12' x 10" pump house currently on the property. The applicant is also proposing a gate at the entrance to the property for security purposes. The proposed 800 square foot agricultural barn will be 16'-6" in height and will include exterior cedar siding with a stone finish, sliding barn doors, and corrugated metal roofing.
2. The Planning Commission of the City of St. Helena, State of California, held a noticed public hearing on November 1, 2011.

Resolution

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

- A. The Planning Commission hereby finds that this project is exempt from the California Environmental Quality Act pursuant to Section 15303, Class 3 of the CEQA Guidelines which exempts the construction of new residential and appurtenant structures.
- B. The Planning Commission makes the following Use Permit findings, Section 17.168.050, to support the motion to approve the Use Permit:
 1. That the proposed use would not generate odors, fumes, dust, light, glare, radiation or refuse that would be injurious to surrounding uses or to the community.
 2. That the proposed use would not generate levels of noise that adversely affect the health, safety, or welfare of neighboring properties or uses.
 3. That the proposed use would not generate traffic noise in excess of the "normally acceptable" range identified in the General Plan.
 4. That the proposed use would not make excessive demands on the provision of public services including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection.
 5. That the proposed use would provide adequate ingress and egress to and from the proposed location.
 6. That allowing the proposed use would not conflict with the City's goal of maintaining the economic viability of a local serving economy.

- 1 -

7. That the proposed use would be compatible with surrounding land uses and would not conflict with the purpose established for the district within which it would be located.
8. That the proposed use would not be in conflict with the City's General Plan.
9. That the proposed use would not be injurious to public health, safety, or welfare.
10. That granting the use permit would not set a precedent for the approval of similar uses whose incremental effect would be detrimental to the City or would be in conflict with the General Plan.
11. That, as demonstrated on a detailed plan submitted by the applicant, adequate off-street parking to accommodate the long term parking needs of employees and business owners and customers is available.
12. That the capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use.

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

The purpose of Design Review is:

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

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

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

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

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

Planning Conditions:

1. The Use Permit/Design Review approval shall be vested within one (1) year from the date of approval. A building permit for the tenant improvements allowed under this Use Permit shall have been obtained within one (1) year from the effective date of the Use Permit or the Use Permit shall expire; provided however that the Use Permit may be extended for up to two (2) one-year periods pursuant to the St. Helena Municipal Code, Section 17.08.130, Extension of Permits and Approvals.
2. This approval is valid for this use only. New permits must be applied for upon any change in use. This approval will expire if the use is discontinued pursuant to then existing ordinances and regulations.
3. The Use Permit/Design Review approval shall not become effective until fourteen (14) calendar days after approval, providing that the action is not appealed by the City Council or any other interested party within that 14 day period.
4. Any request for an extension of the Use Permit/Design Review approval must be justified in writing and received by the Planning Department at least thirty (30) days prior to expiration.

5. All required fees, including planning fees, development fees, housing fees, building fees toilet retrofit fees, and St. Helena Unified School District fees shall be paid prior to issuance of building permit. Fees shall be those in effect at the time of the issuance of the building permit.
6. Compliance with all permit conditions shall occur in accordance with specific regulations but in all cases no later than prior to occupancy or initiation of use unless another time is set by law or by this approval. Occupancy or final inspection of a project may be withheld if all conditions, including payment of fees for services rendered by the City, are not met.
7. The applicant will defend and indemnify and hold the City, its agents, officers, and employees harmless of any claim, action or proceedings to attack, set aside, void or annul an approval so long as the City promptly notifies the applicant of any such claim, action, or proceedings and the City cooperates fully in the defense of the action or proceedings.
8. Provided they are in general compliance with the Use Permit/Design Review, minor modifications may be approved by the Planning Director.
9. This Use Permit shall run with the land and shall be binding upon all parties having any right, title or interest in the real property or any part thereof, their heirs, successors and assigns, and shall inure to their benefit and benefit of the City of St. Helena.
10. The primary purpose of this review is for compliance with the General Plan and Zoning Ordinance. The owner/applicant is responsible for meeting with the Building Official / Fire Inspector to review compliance with Building and Fire Codes, including fire protection systems and the accessibility standards of Title 24.
11. Construction shall be in compliance with plans submitted and reviewed by the Planning Commission on November 1, 2011. The Planning Director may also authorize minor modifications to the plans.
12. The approved use as a barn shall not require fire sprinklers. Fire sprinklers would be required if the barn is converted to another use or building occupancy.
13. Exterior lighting shall be directed or shielded to prevent glare onto the public roadway or adjacent properties.
14. Installation of a rapid entry Knox Box system is required, unless waived by the Fire Chief.
15. Property owners within the district shall recognize that there exists a right to farm properties within the district and in the vicinity of the district. There is a good faith expectation that no complaints will occur regarding legal, normal agricultural activities on properties in the district or in the vicinity of the district. Such activities may include day or night disbursement of chemicals, and creation of dust, noise, or fumes.
16. 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

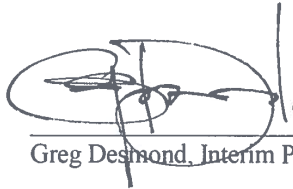
shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Saturday. Delivery of materials/equipment and cleaning and servicing of machines/equipment shall be limited to 7:00 a.m. to 6:00 p.m. Exceptions to these time restrictions may be granted by the Public Works Director for one of the following reasons: (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 Conditions:

1. Approval of this project shall be subject to the requirements of, and designed and constructed in accordance with the most current code versions of all federal, state, county and city codes governing such improvements.
2. For any improvements outside the building envelope, a grading and drainage 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.
3. No added drainage from new hardscape or roofs shall be allowed to leave the site; improvement plan or site plan shall show how drainage will be handled on site and at the property lines to prevent inundation of neighboring properties.
4. No domestic water service shall be added to the structure.
5. Where fire sprinklers are required, applicant shall install an appropriately-sized water service with appropriate backflow, meter devices and agreement prior to Certificate of Occupancy.
6. Where applicable, the applicant shall conform to the City of St. Helena Water and Sewer Standards Section 6-2.10 which may include assessing the adequacy of the lateral and installing needed cleanouts.
7. 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.
8. An encroachment permit shall be required for any work performed in the public right of way.

I HEREBY CERTIFY that the foregoing Use Permit/Design Review 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 November 1, 2011, by the following roll call vote:

AYES: COMMISSIONERS PITTS, HEIL, KISTNER, PARKER, & CHAIRMAN GALBRAITH
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE



Greg Desmond, Interim Planning Director



Donald Gallagher, Property Owner



Dana Gallagher, Property Owner

RECEIVED
PLANNING DEPARTMENT

NOV 28 2011

City of St. Helena

- 6 -

CALIFORNIA ENERGY CONSERVATION REQUIREMENTS

- A: MINIMUM ROOF / CEILING INSULATION = R-30
B: MINIMUM WALL INSULATION IN UNHEATED EXTERIOR WALLS = R-13
C: MINIMUM FLOOR INSULATION OVER CRAWL OR UNOCCUPIED SPACES = R-13
D: ALL INSULATION IS MEET DEC QUALITY STANDARDS
E: INSULATION CONTAINS:
DOORS AND WINDOWS WEATHER-STRIPPED
CHAIRLIFT RYTHIMS DAMPENED
DOORS AND WINDOWS DEC CERTIFIED AND LABELED
ALL JOINTS AND PENETRATIONS CAULKED AND SEALED
F: DUCTS CONSTRUCTED AND INSTALLED PER CURRENT CALIFORNIA MECHANICAL CODE.
G: ELECTRICAL OUTLET PLATES AND SWITCHES SHALL BE INSTALLED ON ALL RECEPTABLE, SWITCHES AND ELECTRICAL BASES ON EXTERIOR WALLS.
H: ALL INS. PLACING IS BE TEMPORARY, LOWE & UHDE (PART D)
I: SEE SHEETS T24.1 & T24.2 FOR TITLE 24 COMPLIANCE

PROJECT DATA

OWNER & PROJECT ADDRESS:

GALLAGHER PROPERTY
1859 HILLVIEW PLACE
ST. HELENA, CALIFORNIA 94574

PROJECT DESCRIPTION:

THE PROJECT CONSISTS OF THE NEW CONSTRUCTION OF A SINGLE-STORY ACCESSORY STRUCTURE LOCATED AT THE PROJECT ADDRESS THAT WILL PROVIDE STORAGE FOR AGRICULTURAL EQUIPMENT AND TOOLS.

ZONING:

GENERAL & NOTES:

DIMENSIONS & EXISTING CONDITIONS SHOWN ARE APPROXIMATE.
VERIFY SITE CONDITIONS PRIOR TO THE START OF WORK.
NOTIFY A N D DESIGN & CONSTRUCTION OF DISCREPANCIES AFFECTING THE PROJECT.
DO NOT MAKE CHANGES TO THESE DRAWINGS WITHOUT NOTIFYING A N D DESIGN & CONSTRUCTION.
A N D DESIGN & CONSTRUCTION IS NOT RESPONSIBLE FOR ANY UNAUTHORIZED MODIFICATIONS.

ALL CONSTRUCTION SHALL CONFORM TO CURRENT CALIFORNIA BUILDING CODES AND ANY OTHER GOVERNING CODES. IN THE EVENT OF A CONFLICT THE MOST STRINGENT REQUIREMENTS SHALL APPLY.

THE GENERAL CONTRACTOR IS RESPONSIBLE FOR CHECKING CONTRACT DOCUMENTS, FIELD CONDITIONS AND DIMENSIONS FOR ACCURACY, AND CONFIRM THAT THE WORK CAN BE BUILT OR DEMOLISHED AS SHOWN PRIOR TO PROCEEDING WITH WORK.

SYMBOL LEGEND:

DEMOLITION PLAN
DRAWING LEGEND:

- == (E) PARTITION & FIXTURES TO REMAIN.
--- (E) PARTITION & FIXTURES TO BE REMOVED.

PARTITION PLAN
DRAWING LEGEND:

- ⬤ ELEVATION SYMBOL
◇ PARTITION TYPE
⊖ DOOR NO.
⊙ WINDOW NO.
▬ (IN) PARTITION
— PROPERTY LINE

REFLECTED CEILING & ELECTRICAL PLAN
DRAWING LEGEND:

- ⌈ ? ⌋ CEILING HEIGHT
⌒ CIRCUIT
⌒ UNDERMOUNT CABINETS LIGHTING
⊕ RECESSED FIXTURE
⊙ PENDANT FIXTURE
⊙ SURFACE-MOUNTED FLUORESCENT
⊙ SURFACE-MTD WALL SCONCE
⊖ RECESSED WALL SCONCE
⊗ VENTED FAN
⊖ ELEC. OUTLET, DUPLEX
⊖ ELEC. OUTLET, DUPLEX, IN FLOOR
⌚ LIGHT SWITCH
⌚ LIGHT SWITCH W/ DIMMER
⌚ LIGHT SWITCH, 3-WAY
⌚ LIGHT SWITCH W/ OCCUPANCY SENSOR

- ⬇ DATA / PHONE
⬇ CABLE / TV
⊖ SMOKE DETECTOR
⊖ CARBON MONOXIDE DETECTOR
A.F.F. ABOVE FINISHED FLOOR
EQ. EQUAL SPACING

DRAWING LIST:

ARCHITECTURAL DRAWINGS

- A0.0 GENERAL NOTES & DRAWING SYMBOLS
A1.0 PROPOSED FLOOR PLAN
A1.1 REFLECTED CEILING PLANS
A2.0 EXTERIOR ELEVATIONS
A2.1 INTERIOR ELEVATIONS
A3.0 SECTIONS
A4.0 EXTERIOR ELEVATIONS
A7.0 SCHEDULES

STRUCTURAL DRAWINGS

TITLE 24 DOCUMENTATION

PROJECT TEAM:

DESIGNER & CONTRACTOR

A N D DESIGN + CONSTRUCTION
1894 GREAT HIGHWAY
SAN FRANCISCO, CALIFORNIA 94122

T (415) 948-7267
F (415) 242-1865

STRUCTURAL ENGINEER

AJ MILLER & ASSOCIATES
STRUCTURAL ENGINEERING CORPORATION
5588 FREMONT STREET
OAKLAND, CALIFORNIA 94608

T (510) 655-8407
F (510) 655-8425

MECHANICAL ENGINEER

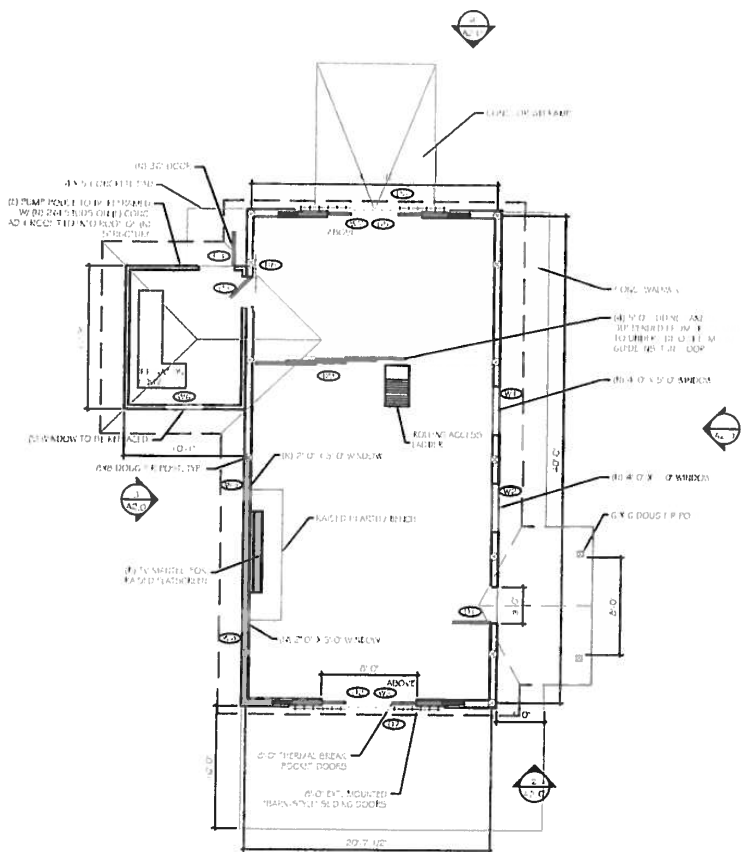
SET & ISSUE DATE:

CLIENT REVIEW SET | SEP 12, 2011
CLIENT REVIEW SET | SEP 29, 2011
CLIENT REVIEW SET | OCT 4, 2011

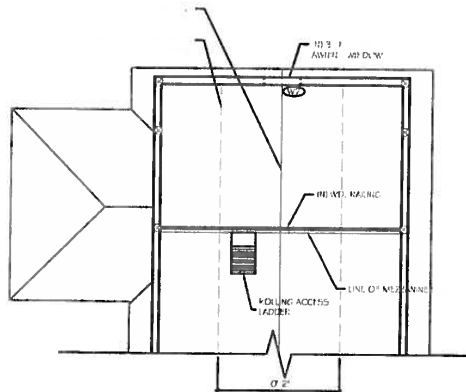
GALLAGHER PROPERTY:

SHEET: A0.0
TITLE SHEET

A N D A N D DESIGN + CONSTRUCTION
1894 GREAT HIGHWAY
SAN FRANCISCO, CALIFORNIA 94122



1 PROPOSED FLOOR PLAN
SCALE: 1/4" = 1'-0"



2 PROPOSED MEZZANINE PLAN
SCALE: 1/4" = 1'-0"

**PROPOSED FLOOR PLAN
GENERAL NOTES:**

1. THE CONTRACTOR IS TO VERIFY ALL (E) DIMENSIONS AND CONDITIONS PRIOR TO CONSTRUCTION.
2. ALL DIMENSIONS ARE TO FACE OF FINISH OR CENTERLINE U.N.D.
3. ALL BLOCKING AND FURRING SHALL BE FIRE TREATED AS REQ. BY BLDG. CODE.
4. ALL PARTITIONS ADJUTING BASE BLDG. CONSTRUCTION SHALL ALIGN FINISH FACE TO FINISH FACE U.N.D.
5. ALL PARTITIONS SHALL BE GRADED PER THE REQUIREMENTS OF CURRENT LOCAL SEISMIC CODE.
6. ALL DOORS TO BE UNDERCUT AS REQ. TO CLEAR FINISH FLOOR BY 1/4".
7. ALL WORK TO BE INSTALLED PLUMB, LEVEL, SQUARE, AND TRUE AND IN PROPER ALIGNMENT.
8. CONTRACTOR TO PROTECT FINISHES IN PATH OF TRAVEL TO AREA OF WORK.
9. ALL NEW WINDOWS ARE TO BE PAINTED ALUMINUM - SEE SCHEDULE FOR FURTHER DETAILS - COLOR TOO.
10. SEALANT, CAULKING, FLASHING ETC TO FOLLOW MANUFACTURER'S RECOMMENDATIONS AND STANDARD INDUSTRY.
11. PROVIDE WOOD BLOCKING AT ALL WALL PANEL, WALL HUNG MIRRORS ETC. LOCATIONS.
12. ALL BASEBOARD & TRIM TO BE PAINTED HARD WOOD.
13. EXTERIOR SIDING TO BE 1" x 6" CEDAR - MATTE BLUE TONE.

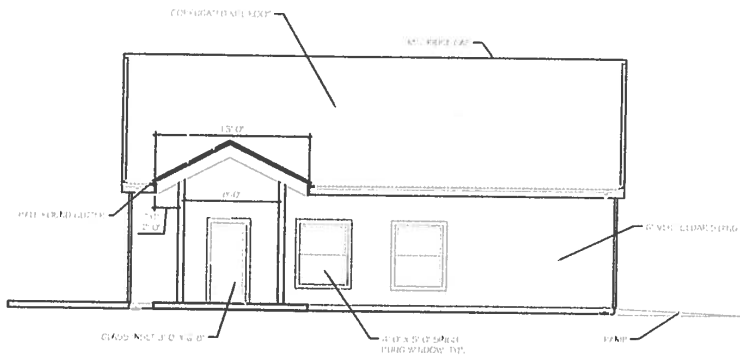
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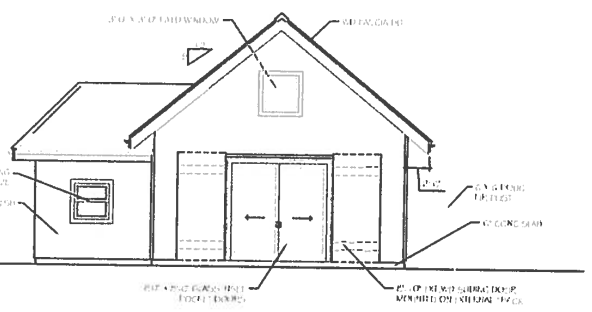
GALLAGHER PROPERTY:

**SHEET: A1.0
FLOOR PLANS**

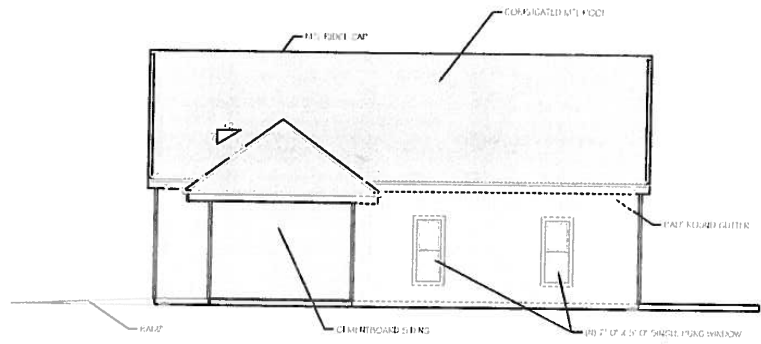
AND **A N D DESIGN + CONSTRUCTION**
1894 GREAT HIGHWAY
SAN FRANCISCO, CALIFORNIA 94122



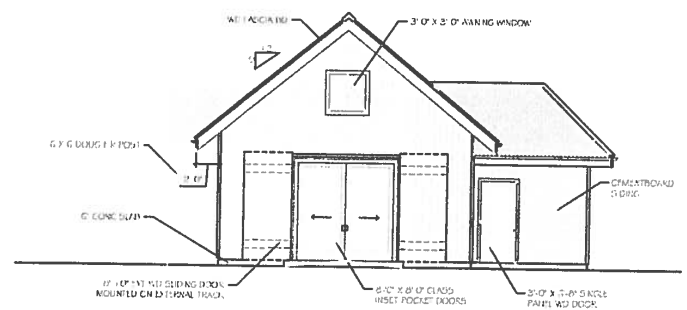
1 EAST ELEVATION
SCALE: 1/4" = 1'-0"



2 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



3 WEST ELEVATION
SCALE: 1/4" = 1'-0"



4 NORTH ELEVATION
SCALE: 1/4" = 1'-0"

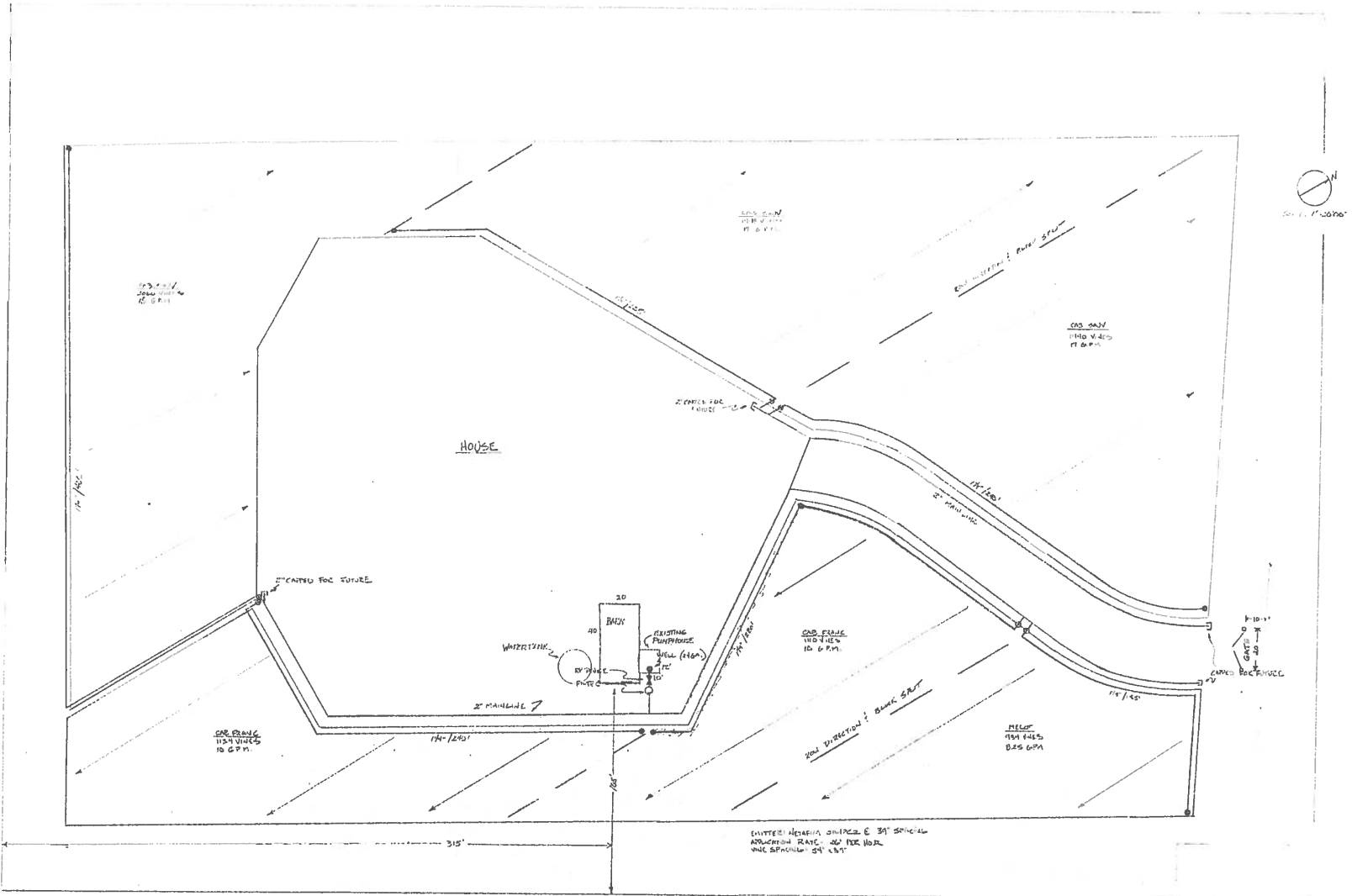
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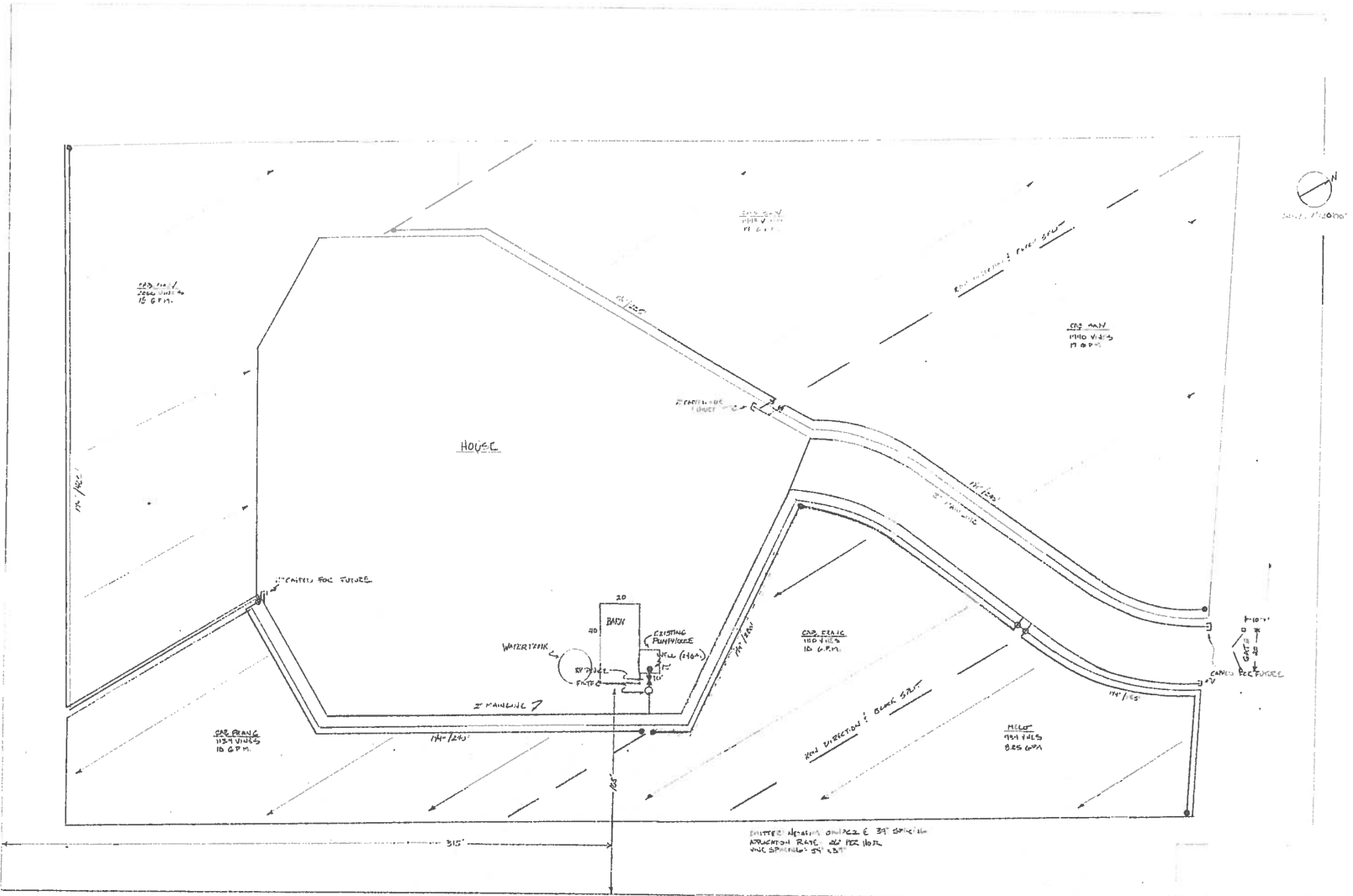
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CLIENT REVIEW SET | OCT 4, 2011

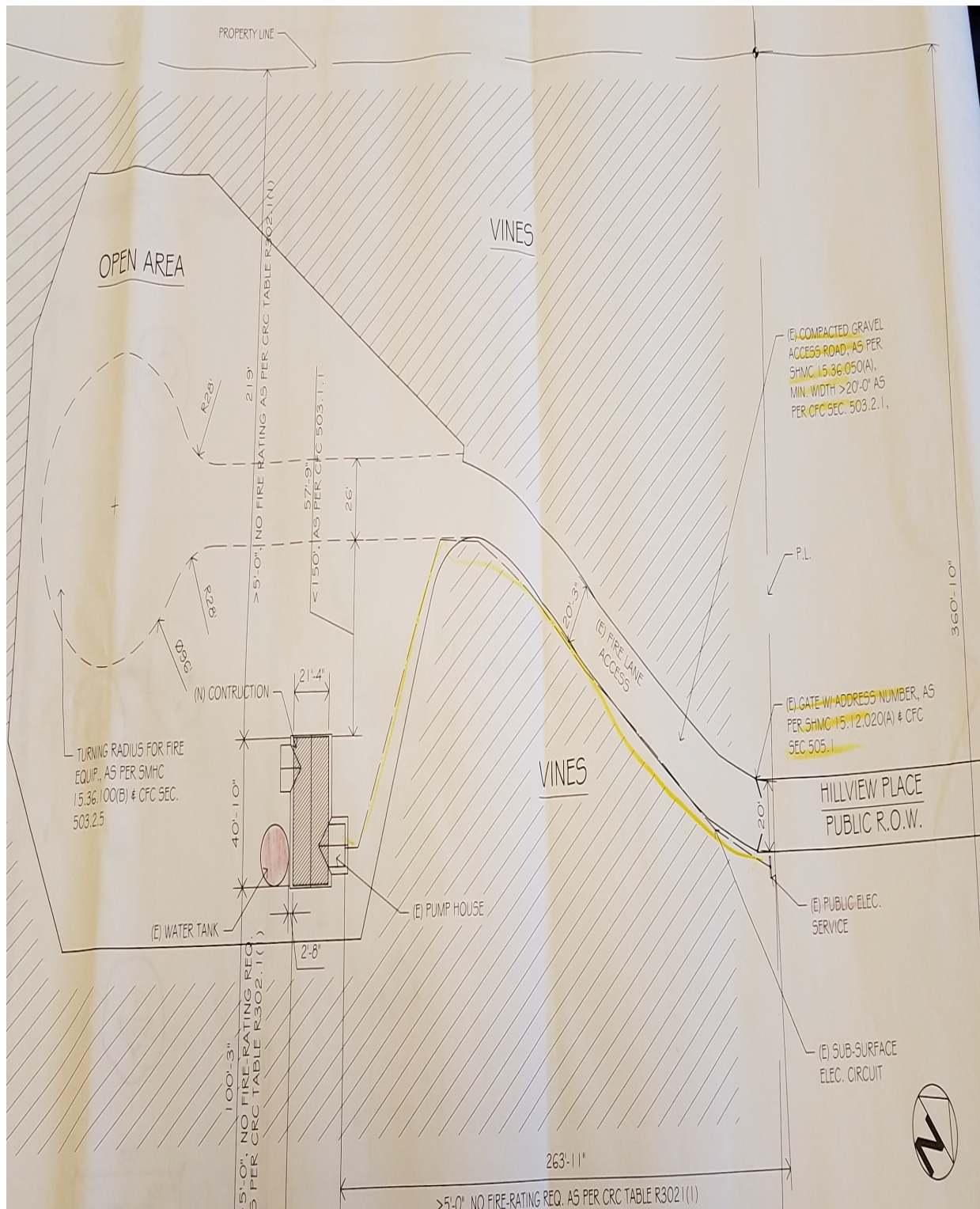
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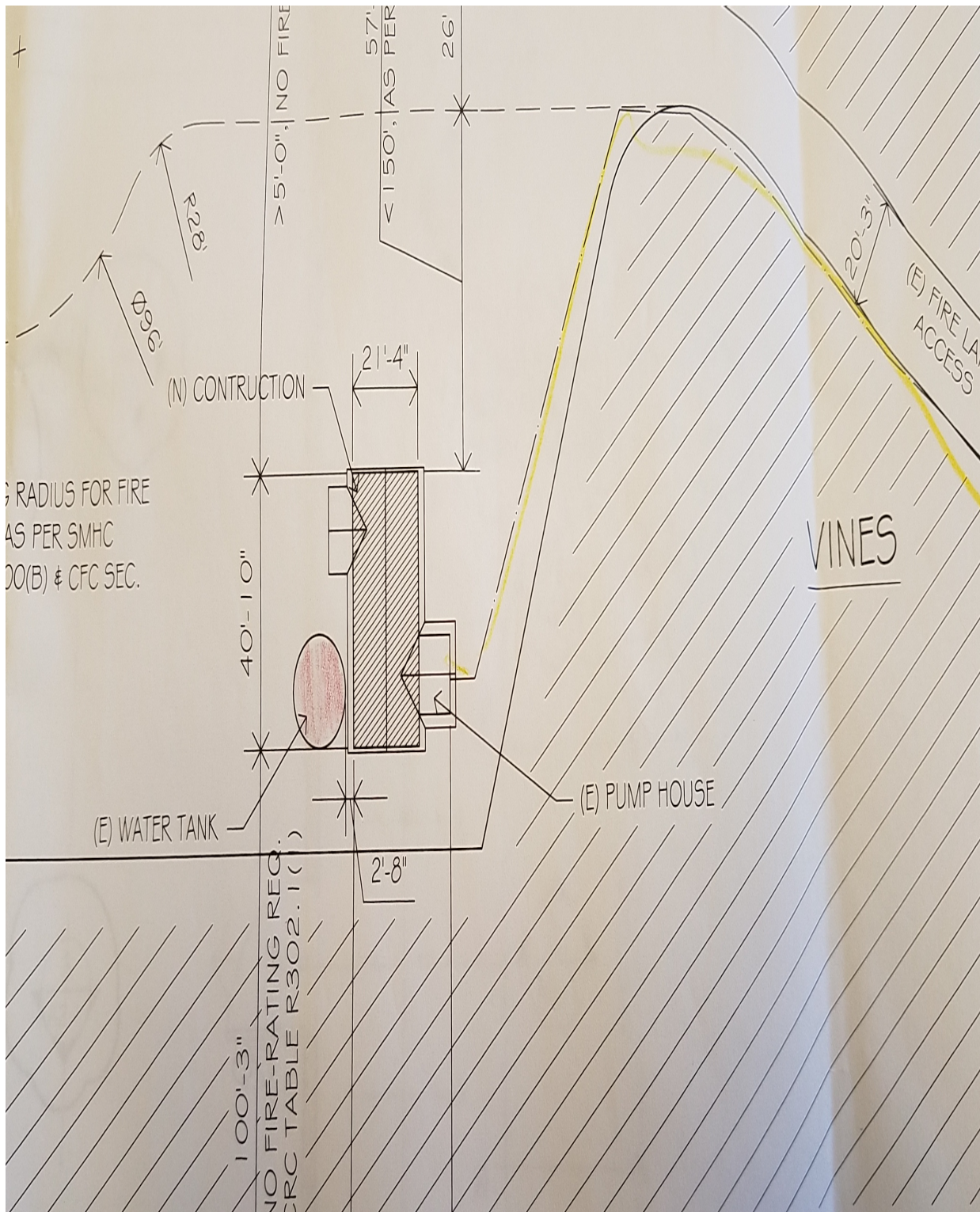
SHEET: A2.0
EXTERIOR ELEVATIONS

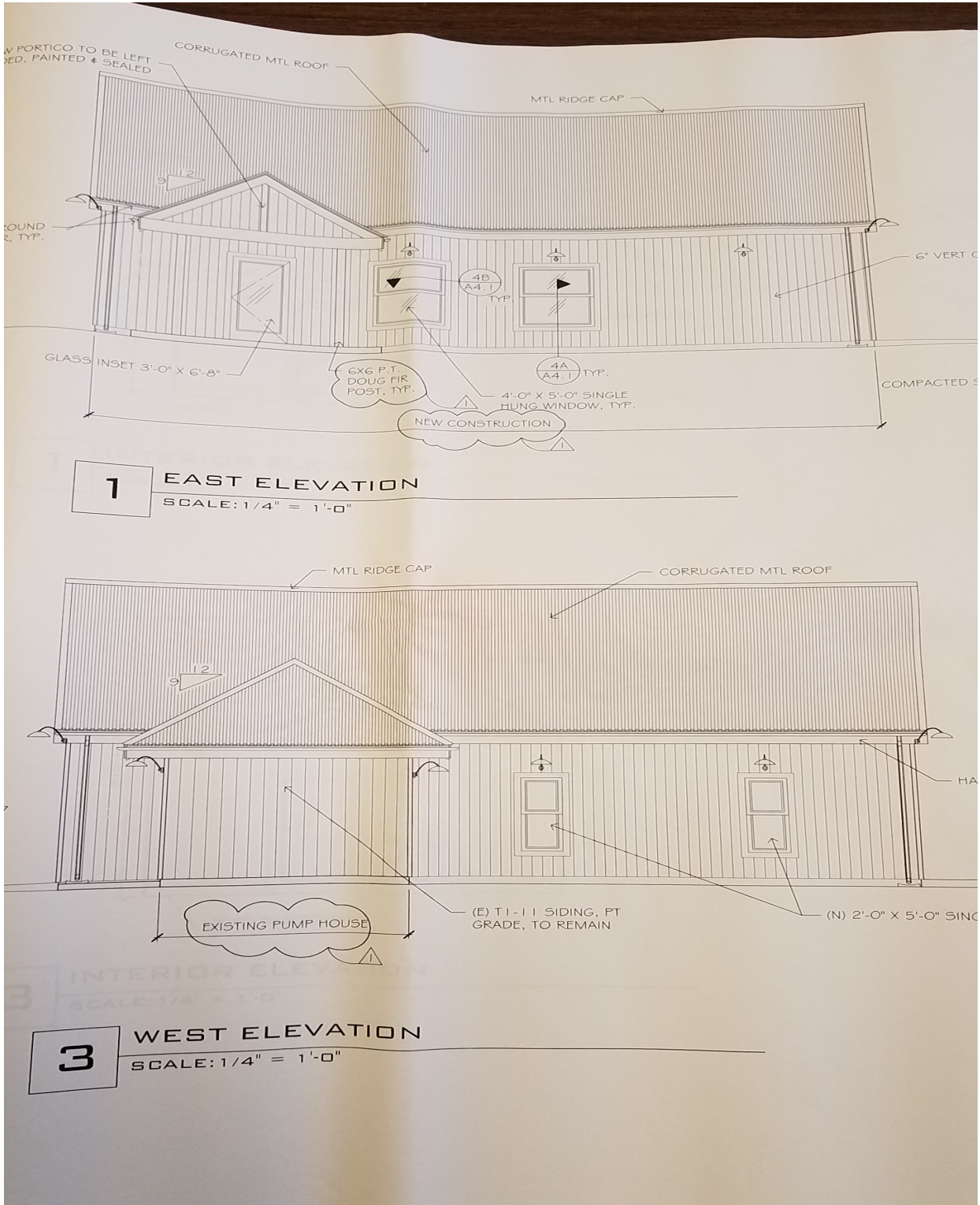
A N D DESIGN + CONSTRUCTION
1894 GREAT HIGHWAY
SAN FRANCISCO, CALIFORNIA 94122

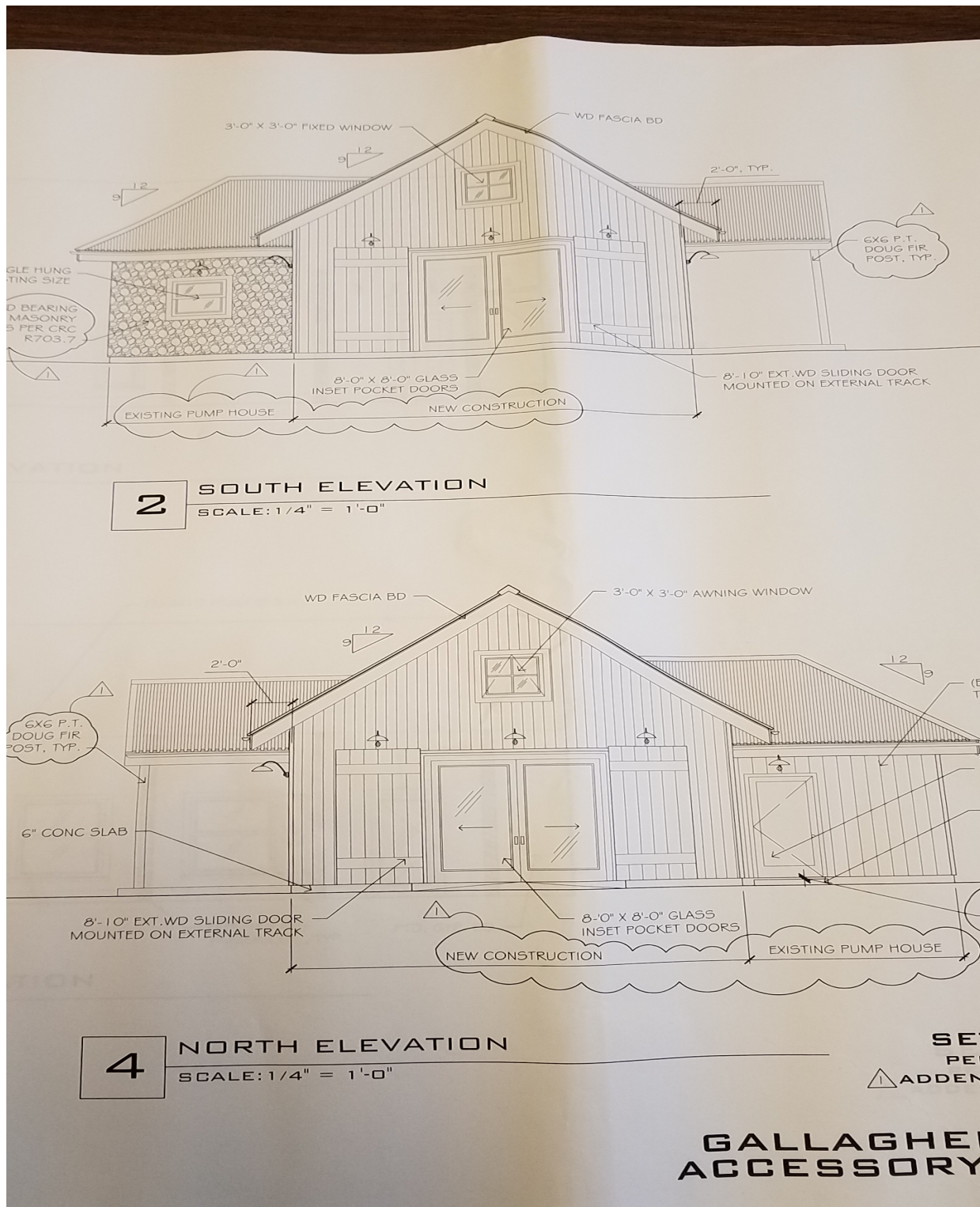


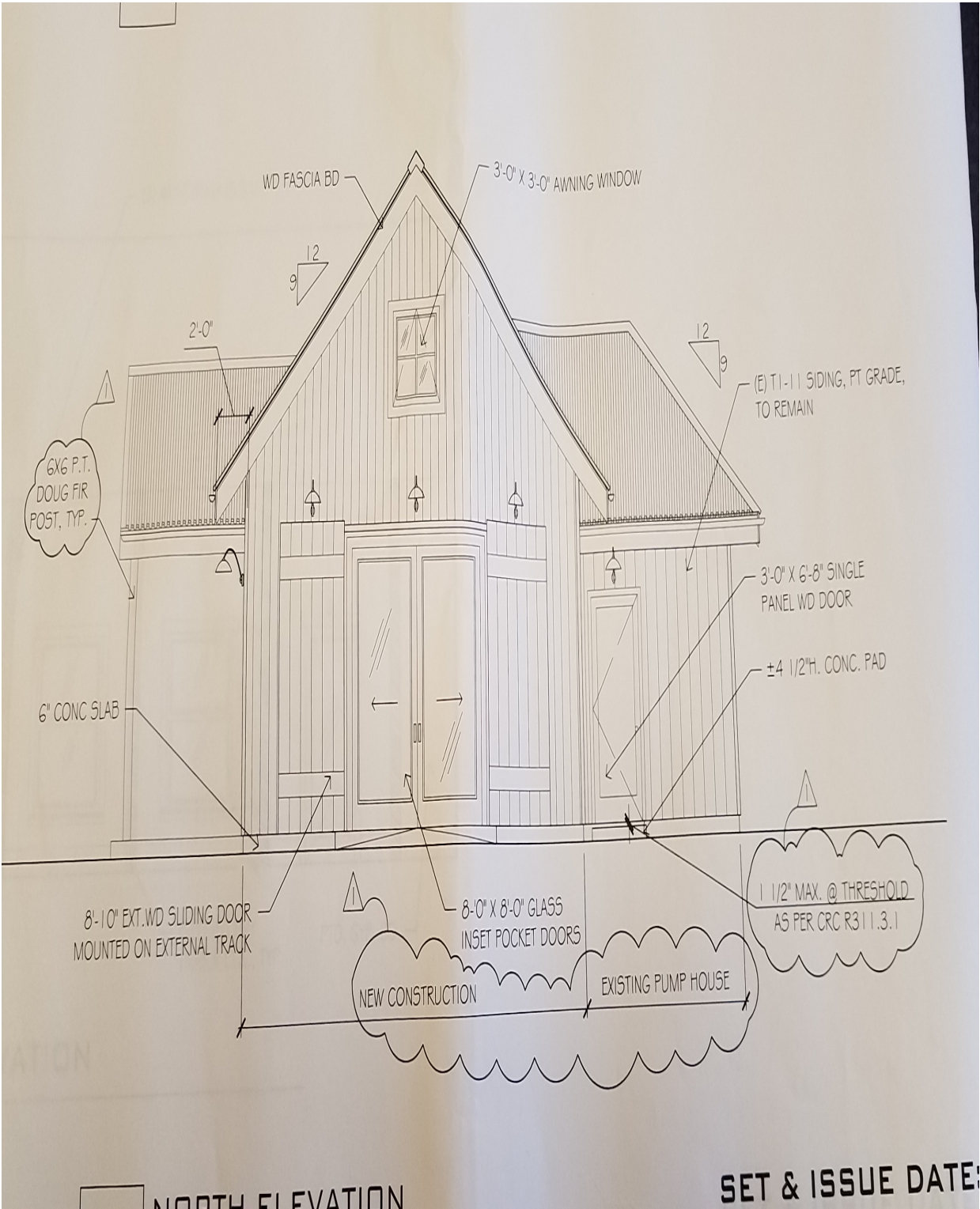














City of St. Helena
Planning and Community Improvement Department
1480 Main Street
St. Helena, CA 94574

NOTICE OF VIOLATION

August 24, 2017

Donald Gallagher
Trespass Vineyard
2624 Colombar Court
St Helena, CA 94574

RE: Unpermitted Construction and Events at 1859 Hillview Place

Dear Mr. Gallagher,

On July 26, 2017, City of St Helena Planning staff made a scheduled inspection of your property located at 1859 Hillview Place. The purpose of the inspection was to respond to a report of unpermitted activities and construction on the property. City of St. Helena Planning Director Noah Housh along with myself and Napa County Environmental Health Supervisor Kim Withrow were present for the inspection. During the inspection, the following conditions were found:

- Unpermitted construction of a restroom building, including the installation of an underground sewage holding tank;
- Unpermitted construction of a storage building;
- Unpermitted minor electrical work providing site lighting to amenities throughout the property; and
- Potentially unpermitted construction and use of a barn previously permitted as an agricultural storage barn (Permit #2011-59), but potentially being used to support a different type of occupancy.

Please be advised that these conditions are a violation of Municipal Code Sections:

- 1504.140-Violations-Penalties
- 17.20.030-A-20 Zoning District Conditional Uses
- 17.20.040 Design Review Required

Further, during this site visit on July 26, 2017, you provided a written statement identifying how the property was utilized. In this statement it was identified that the property is primarily an agricultural vineyard, but that it is also utilized for family

functions and the secure storage of farming and miscellaneous equipment. Your statement also identified the un-permitted construction of a secondary agricultural storage building. No mention of any winery events related to your wine label Trespass Vineyard was mentioned in this written statement.

Upon visiting the site, it was identified that the barn structure originally approved and permitted as an agricultural storage building (Permit #2011-59), was in fact being used to house a different occupancy type, and little to no agricultural equipment or tools were being stored in this structure. Further, a brief on-line investigation conducted by City staff identified significant evidence of un-permitted wine tasting and similar activities occurring on the property at 1859 Hillview Place, in relation to your wine label Trespass Vineyards.

Based on the results of this investigation, **you are hereby directed to remedy these confirmed violations by filing Use Permit and Design Review applications to obtain approval for the unpermitted construction of the agricultural storage building and restroom from the City of St Helena Planning Commission.** If approved, you will be required to obtain building permits for the proposed structures and related site work. **Alternatively, you may file a demolition permit application and demolish the unpermitted construction on the property.**

You are further directed to remove any non-agricultural related uses or features constructed or installed in the agricultural barn approved under Permit #2011-59.

The use of this structure for any occupancy other than agricultural equipment storage is not permitted and may result in the revocation of the Use Permit authorizing the construction of this structure or other actions by the City.

In addition **you are hereby directed to immediately cease and desist all event activities occurring on the subject site.** Any future event activities verified to occur on the property may result in significant fines, additional penalties and potentially the revocation of the Use Permit authorizing the construction of the agricultural barn referenced above.

Applications to remedy these violations must be filed with the City of St Helena Planning and Community Improvement Department within 30-days of the receipt of this letter. If no applications are filed, a formal Notice to Abate will be issued and this matter will be scheduled for an Administrative Hearing with the City Manager. This will likely result in additional fines, penalties and other enforcement actions by the City.

Please contact me if you have any questions regarding this matter or would like to schedule a meeting to discuss this further. I can be reached at (707) 967-2792 and ahcock@cityofsthenana.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Hecock', with a stylized flourish at the end.

Aaron Hecock
Senior Planner

CC: Noah Housh, Planning and Community Improvement Department Director
Phillip Henry, Chief Building Official
Kim Withrow, Napa County Environmental Health Department



***18pm*FIRST AMERICAN TITLE COMPANY OF NAPA**

FIRST LOOK CHECKLIST

Will any of the following situation potentially affect your transaction:

- ☐ Will the principals be using a **POWER OF ATTORNEY**?
- ☐ Are any of the parties in title **INCAPACITATED OR DECEASED**?
- ☐ Has a **CHANGE IN MARITAL STATUS** occurred for any of the principals?
- ☐ Will the property be transferred to a **NEW TRUST, PARTNERSHIP OR CORPORATION**?
- ☐ Do the sellers of the property **RESIDE OUTSIDE OF CALIFORNIA OR THE UNITED STATES**?
- ☐ Have any of the principals **RECENTLY FILED BANKRUPTCY**?
- ☐ Are the principals involved in an **EXCHANGE WITH THIS PROPERTY**?
- ☐ Has there been a **WORK OF IMPROVEMENT, CONSTRUCTION, OR ANY REMODELING** of the subject property in the last 90 days?

If you answered YES to any of these questions, please contact your escrow officer right away, so we can assure a smooth closing.

Remember, all parties signing documents must have a valid photo I.D. or driver's license for a notarial acknowledgment.

Thank you for helping First American Title Company of Napa serve you better.

1700 Second Street, Napa, CA 94559 (707) 254-4500
2390 California Boulevard, Napa, CA 94559 (707) 259-4980
1361 Main Street, St. Helena, CA 94574 (707) 963-7151



**First American Title
Company of Napa**

ORDER NO: **T0018421-006**

PRELIMINARY REPORT

First American Title Insurance Company

First American Title Company of Napa

California Department of Insurance License No. 2553-6

497 Walnut Street, P.O. Box 388, Napa, CA 94559

Tel: (707) 254-4500 - Fax: (707) 226-5452

Property Address:

1859 Hillview Place

Saint Helena, CA 94574

Assessor's Parcel Number:

009-470-019

Buyer/Borrower:

Donald D. Gallagher

Dana K. Gallagher

Seller/Owner:

Direct Title Inquiries to:

Kevin Dornbush

Email: KDornbush@FirstAmNapa.com

Reference Number:

In response to the application for a policy of title insurance referenced herein, First American Title Insurance Company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a policy or policies of title insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Attachment One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Attachment One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

The policy(s) of title insurance to be issued hereunder will be policy(s) of First American Title Insurance Company.

Please read the exceptions shown or referred to herein and the exceptions and exclusions set forth in Attachment One of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

Dated as of May 3, 2018 at 7:30 A.M.

By: _____

Authorized Signatory



ORDER NO: **T0018421-006**

The form of policy or policies of title insurance contemplated by this report is:

ALTA Owner's Policy (6/17/06) with Regional Exceptions (Standard Coverage)
And
ALTA Loan Policy (6/17/06) (Extended Coverage)

A specific request should be made if another form or additional coverage is desired.

TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

**DONALD D. GALLAGHER AND DANA K. GALLAGHER,
AS TRUSTEES OF THE GALLAGHER FAMILY COMMUNITY PROPERTY TRUST
DATED AUGUST 4, 2005**

THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED
BY THIS REPORT IS:

A FEE

THE LAND REFERRED TO IN THIS REPORT IS DESCRIBED AS FOLLOWS:

See Exhibit A attached hereto and made a part hereof.



ORDER NO: **T0018421-006**

EXHIBIT A

LEGAL DESCRIPTION

The land referred to in this report is situated in the City of St. Helena, County of Napa, State of California, and is described as follows:

PARCEL 2, as shown on the map entitled "Parcel Map of the Lands of Robert H. Nicolson, et al", filed February 13, 1991, in [Book 18 of Parcel Maps at page\(s\) 37 – 38](#), in the office of the County Recorder of Napa County.

APN 009-470-019



***First American Title
Company of Napa***

ORDER NO: **T0018421-006**

AT THE DATE HEREOF, EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN SAID POLICY FORM WOULD BE AS FOLLOWS:

1. General and special taxes and assessments for the fiscal year 2018-19, a lien not yet due or payable.
2. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.
3. An easement for water pipe line and incidental purposes in the document recorded December 30, 1873 as [Book S of Deeds at page 129](#) of Official Records.

The location of the easement cannot be determined from the public record.

And as conveyed to John Greer recorded December 14, 1875 in [Book U of Deeds at page 451](#) of Official Records.

4. Any rights, interests or claims which may exist or arise by reason of the following matter(s), as shown on the map entitled, "Parcel Map of the Lands of Robert H. Nicolson et al" filed February 13, 1991 in [Book 18 of Parcel Maps at page\(s\) 37 – 38](#), in the office of the County Recorder of said Napa County:
 - a) Sanitary Sewer and incidental purposes
 - b) Waterline and incidental purposes.
5. The fact that the land lies within the Napa River Watermaster Service Area, as disclosed by an order of the Department of Water Resources of the State of California, a certified copy of which was recorded July 24, 2008 as Series Number [2008-0018850](#) of Official Records.
6. A deed of trust to secure an original indebtedness of \$1,450,000.00 recorded March 20, 2015 as Series Number [2015-0006883](#) of Official Records.

Dated	:	March 13, 2015
Trustor	:	Donald D. Gallagher and Kana K. Gallagher, as Trustees of the Gallagher Family Community Property Trust dated August 4, 2005
Trustee	:	Fidelity National Title Insurance Company, a California corporation
Beneficiary	:	First Republic Bank
Loan No.	:	27-541393-5
7. A document entitled "Assignment of Leases" recorded March 20, 2015 as Series Number [2015-0006884](#) of Official Records, as additional security for the payment of the indebtedness secured by the deed of trust recorded March 20, 2015, as Series Number [2015-0006883](#) of Official Records
8. A financing statement recorded March 20, 2015 as Series Number [2015-0006965](#) of Official Records.

Debtor	:	The Gallagher Family Community Trust dated August 4, 2005
Secured party	:	First Republic Bank
9. Any claim that the Title is subject to a trust or lien created under the Perishable Agricultural Commodities Act (7 U.S.C. §§499a et. seq.) or the Packer and Stockyards Act (7 U.S.C. §§181 et. seq.) or under similar state laws.



ORDER NO: **T0018421-006**

***First American Title
Company of Napa***

10. Water rights, claims or title to water, whether or not shown by the Public Records.
11. The terms, covenants and provisions of the trust referred to in the vesting herein and all supplements, amendments or modifications thereto, and the effect of any failure to comply with such terms, covenants and provisions.
12. Prior to the issuance of any policy of title insurance, the Company will require:

With respect to the trust referred to in the vesting:
 - a. A certification pursuant to Section 18100.5 of the California Probate Code in a form satisfactory to the Company.
13. Rights of parties in possession.

-END OF EXCEPTIONS-



***First American Title
Company of Napa***

ORDER NO: **T0018421-006**

Information Notes:

- a. The following taxes are shown for proration purposes only:

General and special taxes and assessments for the fiscal year 2017-18

First Installment : \$6,129.50 Paid

Second Installment : \$6,129.50 Paid

Tax Rate Area : 3000

A. P. No. : 009-470-019

- b. The Assessor's Parcel Number(s), if any, contained in the legal description herein, are for quick identification purposes only, and are not a part of the actual legal descriptions.
- c. Any statement regarding the acreage of the herein described land contained within the legal description in this report is derived from the public record and is for recorded deed purposes only. The Policy of Title Insurance contemplated by this report provides no insurance with respect to acreage and no acreage statement will appear within the legal description of such policy.
- d. The County Recorder may charge an additional \$20.00 recording fee, if not provided with a "Preliminary Change of Ownership Report" Form, for each Deed to be recorded. The purchaser is responsible for completing and signing this form.
- e. Before an escrow can close, or funds placed in a Savings Account, the Seller must furnish a Taxpayer Identification Number to us so that we can file an IRS Form 1099S or its equivalent, with the Internal Revenue Service. This procedure is required by Section 6045 of the Internal Revenue Code.
- f. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than the certain dollar amount set forth in any applicable arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company of the Insured as the exclusive remedy of the parties. If you desire to review the terms of the policy, including any arbitration clause that may be included, contact the office that issued this Commitment or Report to obtain a sample of the policy jacket for the policy that is to be issued in connection with your transaction.

Lenders Supplemental Report:

- g. This report contemplates the issuance of a Lender's Policy of Title Insurance. We have no knowledge of any fact that would preclude the issuance of CLTA Form 100 Endorsement and a CLTA Form 116 Endorsement in conjunction with said policy.
- h. Said CLTA Form 116 Endorsement will indicate that there is located on the land a Vineyard and Residence, commonly known as: 1859 Hillview Place Saint Helena, CA 94574
- i. According to the public records, there has been no conveyance of the land within a period of two years prior to the date of this report, except as follows:

NONE

esn

exn

05/18/2018

Liz Stanton/sc



***First American Title
Company of Napa***

ORDER NO: T0018421-006

WARNING:

The map attached, if any, may or may not be a survey of the land depicted hereon. First American disclaims any liability for loss or damage which may result from reliance on this map except to the extent coverage for such loss or damage is expressly provided by the terms and provisions of the title insurance policy, if any, to which this map is attached.

[CLICK HERE FOR MAP](#)

Included are the documents that you (or someone on your behalf) requested. As required by Section 12956.1(b) of the Government Code, please take note of the following:

If this document contains any restriction based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.2 of the Government Code. Lawful restriction under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

If this cover page is a copy which has been sent by facsimile, e-mail or other form of electronic transmission, please note that in the original of this page the above notice is printed in 18-point boldface type.

Restrictions indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin are hereby deleted to the extent such restrictions violate 42 U.S.C. §3604(c).



**First American Title
Company of Napa**

ORDER NO: T0018421-006

PRIVACY POLICY

We are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information – particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our parent company, The First American Corporation, we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person on entity. First American has also adopted guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its *Fair Information Values*, a copy of which can be found on our website at www.firstam.com.

Type of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested for us, or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies, and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's *Fair Information Values*. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Escrow No.: **T0018421-006-006**

ATTACHMENT ONE (Revised 06-03-11)

**CALIFORNIA LAND TITLE ASSOCIATION
STANDARD COVERAGE POLICY – 1990**

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE (02-03-10)

ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE

EXCLUSIONS

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of those portions of any law or government regulation concerning:
 - a. building;
 - b. zoning;
 - c. land use;
 - d. improvements on the Land;
 - e. land division; and
 - f. environmental protection.

This Exclusion does not limit the coverage described in Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23 or 27.

2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not limit the coverage described in Covered Risk 14 or 15.
3. The right to take the Land by condemning it. This Exclusion does not limit the coverage described in Covered Risk 17.
4. Risks:
 - a. that are created, allowed, or agreed to by You, whether or not they are recorded in the Public Records;
 - b. that are Known to You at the Policy Date, but not to Us, unless they are recorded in the Public Records at the Policy Date;
 - c. that result in no loss to You; or
 - d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.e., 25, 26, 27 or 28.
5. Failure to pay value for Your Title.
6. Lack of a right:
 - a. to any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
 - b. in streets, alleys, or waterways that touch the Land.
 This Exclusion does not limit the coverage described in Covered Risk 11 or 21.
7. The transfer of the Title to You is invalid as a preferential transfer or as a fraudulent transfer or conveyance under federal bankruptcy, state insolvency, or similar creditors' rights laws.

LIMITATIONS ON COVERED RISKS

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:

- For Covered Risk 16, 18, 19, and 21 Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

		Your Deductible Amount	Our Maximum Dollar Limit of Liability
Covered Risk 16:		1.00% of Policy Amount Shown in Schedule A or \$2,500.00 (whichever is less)	\$10,000.00
Covered Risk 18:		1.00% of Policy Amount Shown in Schedule A or \$5,000.00 (whichever is less)	\$25,000.00
Covered Risk 19:		1.00% of Policy Amount Shown in Schedule A or \$5,000.00 (whichever is less)	\$25,000.00
Covered Risk 21:		1.00% of Policy Amount Shown in Schedule A or \$2,500.00 (whichever is less)	\$5000.00

AMERICAN LAND TITLE ASSOCIATION RESIDENTIAL TITLE INSURANCE POLICY (6-1-87)

EXCLUSIONS

In addition to the Exceptions in Schedule B, you are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes building and zoning ordinances and also laws and regulations concerning:

- * land use
- * improvements on the land
- * land division
- * environmental protection

This exclusion does not apply to violations or the enforcement of these matters which appear in the public records at Policy Date.

This exclusion does not limit the zoning coverage described in Items 12 and 13 of Covered Title Risks.

2. The right to take the land by condemning it, unless:

- * a notice of exercising the right appears in the public records
- * on the Policy Date
- * the taking happened prior to the Policy Date and is binding on you if you bought the land without knowing of the taking

3. Title Risks:

- * that are created, allowed, or agreed to by you
- * that are known to you, but not to us, on the Policy Date – unless they appeared in the public records
- * that result in no loss to you
- * that first affect your title after the Policy Date – this does not limit the labor and material lien coverage in Item 8 of Covered Title Risks

4. Failure to pay value for your title.

5. Lack of a right:

- * to any land outside the area specifically described and referred to in Item 3 of Schedule A

OR

* in streets, alleys, or waterways that touch your land

This exclusion does not limit the access coverage in Item 5 of Covered Title Risks.

2006 ALTA LOAN POLICY (06-17-06)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13 or 14); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records.

2006 ALTA OWNER'S POLICY (06-17-06)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;

- or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
 2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
 3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
 4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
 5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.
- The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown in the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and that are not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records.

ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (07-26-10) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
 - (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27 or 28); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury, or any consumer credit protection or truth-in-lending law. This Exclusion does not modify or limit the coverage provided in Covered Risk 26.

6. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to Advances or modifications made after the Insured has Knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching subsequent to Date of Policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11(b) or 25.
8. The failure of the residential structure, or any portion of it, to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This Exclusion does not modify or limit the coverage provided in Covered Risk 5 or 6.
9. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 27(b) of this policy.

John York ^{2d}
Lucinda York
To
Henry M. McCormick

This Indenture, Made the twenty second day of December, in the year of our Lord one thousand eight hundred and seventy one, Between John York ^{2d} Lucinda York his wife of the State of California ^{2d} County of Napa, the parties of the first part, ^{2d} Henry M. McCormick ^{2d} William M. McCormick of the same

50 Stamps
Dec. 22
1871

County and State, the parties of the second part. Witnesseth That the said parties of the first part, for and in consideration of the sum of six hundred and fifty Dollars gold coin of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged have remise, released and forever quit claimed, and by these presents doth remise, release and forever quit claim unto the said parties of the second part, and to their heirs and assigns forever, All that certain lot, piece or parcel of land, situate lying and being in the County of Napa and State of California, and bounded and particularly described as follows, to wit:

50 Stamps
Dec 22
1871

Beginning at the North westerly corner of the track of land purchased by John Greer of John York at a stake on the Southernly side of the County road near an angle corner of said road, thence north $63\frac{1}{2}^{\circ}$ west 11.66 chains to an angle corner of the road, thence South $32\frac{1}{4}^{\circ}$ west $3\frac{1}{2}$ chains to a gate; thence in the same direction to the North west corner of John Yorks vineyard, thence South $62\frac{1}{4}^{\circ}$ East along the vineyard fence to a corner near the slaughter house; thence North 28° East $5\frac{7}{10}$ chains to the place of beginning - containing in all six and one half acres.

Together with all and singular the tenements, hereditaments and appurtenances therunto belonging, or in any wise appertaining, and the reversion and reversions, remainder ^{2d} remainders, rents, issues and profits thereof, and also all the estate, right title, interest, homestead, property, possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of in or to the said premises and every part and parcel thereof, with the appurtenances,

To have and to hold, all and singular, the said premises, together with the appurtenances, unto the said parties of the second part, and to their heirs and assigns forever, together with the privilege of connecting and attaching a half inch pipe at any place along the pipe of the said York, or at his cistern for the purpose of conveying water to said land.

In Witness Whereof, the said parties of the first part, have hereunto set their hands and seals the day and year first above written.

Signed, Sealed ^{2d} Delivered in the presence of
H. M. McCormick

John ^{his} York ^{mark}
Lucinda York

State of California)
County of Napa

On this twenty second day of December A.D. one thousand eight hundred ^{2d} seventy one personally appeared before me, John H. Allison, a Justice of the Peace in and for the said Napa County, John York ^{2d} Lucinda York his wife whose names are subscribed to a certain instrument as parties thereto, personally known to me to be the same persons described in and who executed the aforesaid instrument as parties thereto, who each of them acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned. And the said Lucinda York wife of the said John York, having been by me first made acquainted with the contents of said instrument acknowledged to me on examination, apart from and without the hearing of her husband, that she executed the same freely and voluntarily, without

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1876
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John York
John Greer

This Indenture, Made the Fourteenth day of December, in the year of our Lord one thousand eight hundred and seventy five, Between John York of the County of Napa and State of California, the party of the first part, and John Greer of the County and State aforesaid, the party of the second part, and John Greer of the gold coin of the United States of America, to him in France paid by the said party of the second part the receipt whereof is hereby acknowledged, hath granted, bargained and sold, conveyed and confirmed and by these presents doth grant, bargain and sell, convey and confirm unto the said party of the first part, and to his heirs and assigns forever all that certain piece parcel or tract of land situate in Hot Springs Township, County of Orapa and State of California and a part of a point where the Southeast corner of the land of Seneca Ewers (formerly belonging to Charles and day of the land of B. Sheehan formerly belonging to Tander and Sheehan), thence N. 62° W. 14¹/₂ chains by John York to H. M. Cornick and now owned by J. A. Kummer 5¹/₂ chains to a corner near the Haughton-house, thence S 62° E. 1¹/₂ chains to a corner, thence S 30° W. 11¹/₂ chains to a corner stake, thence S 58° E. 16¹/₂ chains to a corner stake on the western boundary of land formerly belonging to the estate of John T. Hudson, thence N. 29¹/₂° E. 19¹/₂ chains to the place of beginning, containing Thirty acres, with the right and privilege of connecting and attaching a three quarter inch pipe for the purpose of conveying water to the above described tract of land at any point along the said York's pipe or at the said York's discretion at the discretion of the party of the second part.

This deed is given for the express purpose of correcting an error in the description in a certain Deed made and executed by John York and wife to John Greer, which said Deed is dated December 11th 1871, and recorded in the Office of the County Recorder of Napa County, in Book P of Deeds, page 27.

Together with all and singular the tenements, hereditaments and appurtenances therunto belonging, with any use appertaining, and the reversion and reversion, remainder and remainder, rents issues and profits thereof. To have and to hold all and singular the above mentioned and described premises together with the appurtenances unto the said party of the second part, his heirs and assigns forever. The error above referred to as being made in Deed Deeds 11th 1871, made in the fourth clause S 62° W. 11¹/₂ chs, while it ought to read S 30° W. 11¹/₂ chs as corrected in this Deed.

In Witness Whereof the said party of the first part, hath hereunto set his hand and seal the day and year first above written Signed, Sealed and Delivered in the Presence of }
W. A. Washin } John York
his mark

State of California } ss. On this Third day of January, A.D. One thousand eight hundred and }
County of Napa } Seventy six, before me, W. A. Washin a Notary Public in and for the said }
County of Napa, personally appeared John York, known to me to be the same person }
whose name is subscribed to the annexed instrument, and he acknowledged to me that he }
executed the same.

In Witness Whereof I have hereunto set my hand and affixed my official Seal, at my office in the said County of Napa, the day and year in this Certificate first above written W. A. Washin
Notary Public

A true copy of an original recorded at request of John Greer, Jan'y 5th A.D. 1876 at 5
C. B. Seely, Recorder
Notary Public

451
161

Cindy Tzaopoulos

Subject: FW: Appeal of Trespass Vineyards permitted outbuildings

From: Sue Tipp [<mailto:suetipp1212@gmail.com>]
Sent: Tuesday, October 02, 2018 8:52 AM
To: Noah Housh
Subject: RE: Appeal of Trespass Vineyards permitted outbuildings

My name is Sue Tipp and I have lived at 1721 Scott Street for 32 years. My home backs up to Trespass Vineyards and I have watched Dana and Don Gallagher build this from the dirt up for 22 years. Since the beginning, they have graciously allowed the neighborhood friends, family and pets roam through their beautiful property without complaint and with little or no permission. I was surprised at the amount of people walking by my backyard just assuming it's ok and rarely picking up after their pets. There were times I called the Gallaghers at night, letting them know that people were out using there bocce courts and eating and drinking at their table. Kids would ride motorized bikes through as well. They were always gracious and compliant as to not start any neighborhood feuds. They welcomed them as long as they were respectful.

The issue of a full on vineyard operation with tastings have ceased since last year and is no longer an issue, and never was an issue until this came up. Their only use is running their vineyard, enjoying family, or friends of family events like any other neighbor has the right in their own backyard.

That being said, I watched Dr. and Mrs. Brown vilify The Gallaghers at the August 21st Planning Commission and was stunned by their words. I understand this is about 2 unpermitted utility buildings but it goes beyond that! I had watched through the years, the Browns, in fact use the property for their enjoyment with their friends and family. Playing bocce and using the patio. They also encroached on the property line behind their house by about 10 feet and claimed "adverse possession". You cannot just take someones property. The Gallaghers reacted to their threat and had the property lines surveyed and fenced even back from the property line. As you can see this is not about the buildings. You have voted and accepted his promise to pay the double fee's. I implore you to remain strong on the vote and reject the appeal. You have made the right judgement. This is bullying at it's finest. These are great people and to listen to the Browns personal comments made me realize I had to say something. Thank you for your time.

And as Joy Brown quoted Maya Angelou, I add to that...If you don't like something change it. If you can't change it, change your attitude!(also Maya Angelou)

Regards
 Sue Tipp
 1721 Scott Street
 St Helena, Calif.

Cindy Tzaopoulos

From: denis maynard <denis.maynard@gmail.com>
Sent: Tuesday, October 02, 2018 3:52 PM
To: Cindy Tzaopoulos
Subject: Public Comment for Agenda Item 10.2 of the 10/9/18 City Council Meeting

Cindy Tzaopoulos, Council Clerk, City of St. Helena

RE: Dana and Donny Gallagher; Trespass Vineyard

Dear City Council members,

Please allow me to introduce myself. I am a longtime tech executive, who has visited the Napa Valley for over thirty years, with the dream to someday live in St. Helena. Fortunately, that dream came true a few years back, when we had the opportunity to live at 1721 Scott Street for approximately two years. Which brings me to the subject of this letter.

Upon moving in, we quickly introduced ourselves to many of the neighbors on the street including the Gallagher's. After a few fun conversations over the fence in the vineyard with Dana and Donny, we became fast friends. Being new to the valley, we asked lots of youthful questions, such as, "Why did you name your vineyard Trespass?".

They went on to share with us, that over the 20+ years they had owned and developed the property, it was common that many neighbors and their friends would wander their vineyard as if it was their own. Frequently new faces would walk the property, stop to play bocce or even bring their own picnic (typically without asking). Their neighborly approach lead them to the name; Trespass.

To me, this speaks volumes about the Gallagher's love of place, and willingness to share in a sensible and caring fashion, so long as there was no harm to their property or others. These are the people we got to know, and are the people we now consider our dear friends.

I was motivated to write this letter, after viewing the video(s) of recent Council meetings regarding compliance/approval for development of their property. To my dismay, what I witnessed, was a personal attack (COMPLETELY OFF TOPIC) on the Gallagher's by Dr. and Mrs. Brown. I quickly asked myself, why? Was this not a meeting to determine building compliance? Why would the Brown's choose to use this public forum to humiliate and berate such good people as the Gallagher's? Personal issues are just that...personal. And, in my humble opinion, should be solved outside of Council meetings.

For that, I can only imagine how hard it must be to sit as a Council member through these sessions. You are not counselors, but custodians of our beautiful town of St. Helena, with the responsibility to ensure guidelines are complied with, and to retain and maintain the integrity of the town.

Personally, as a member of the community, I am grateful to have folks like the Gallagher's in town, who handle things the old fashion way, with a hand shake and a gentle persons agreement that works for all parties. Unfortunately the challenge with that is some people will take advantage for their own betterment, and in this case it appears the Brown's are trying to do just that.

I for one, am delighted to have them as friends and neighbors, and believe the City of St. Helena is better for it.

Best regards,
Denis Maynard

Cindy Tzaopoulos

From: Len Maynard <lenmaynard@gmail.com>
Sent: Tuesday, October 02, 2018 1:21 PM
To: Cindy Tzaopoulos
Subject: Public Comment for Agenda Item 10.2 of the 10/9/18 City Council Meeting

Cindy Tzaopoulos, Council Clerk, City of St. Helena

RE: Donny and Dana Gallagher

I have had the pleasure of knowing Donny and Dana Gallagher for just over four and half years. In January of 2014, my husband and I leased 1721 Scott Street in St Helena from Sue Tipp. The Scott Street residence backs up to and has a wonderful view of the Gallagher's Trespass Vineyard property. After years of visiting the area, we wondered if living there would make us love it enough to buy a home. Our experience living at Scott Street showed us that St. Helena was even better as a residence than as a vacation destination. The Gallaghers had a great deal to do with that decision. Very soon it became apparent that these would turn out to be wonderful friends as well as neighbors. Although we left the Scott Street home to purchase another home a couple of years later, we remain very close to the Gallaghers.

During the time we lived at Scott Street, Donny Gallagher was always the first one to lend a hand with anything needing assistance, including checking on the home and property for us during storms when we were in Los Gatos at our other residence. We had the privilege of playing bocce out at the vineyard and enjoying wine and picnics at their vineyard property on several lovely evenings. During this period of time, we noticed the generous and neighborly nature of their relationship with the community, allowing residents to walk their dogs (if on leash so as not to disturb anyone) on the property. During the very few times the Gallaghers entertained family or friends at the Vineyard, if there was going to be any noise we were always asked first and encouraged to let them know if we were bothered in any way. As they enforced both noise restrictions as well as curfew, this was never a problem. The only noise we regularly heard from our backyard were the Friday night football games at St Helena High School.

The Gallaghers are conscientious and loving people with a strong sense of community, family and consideration for those they come into contact with whether in business or as neighbors. We feel fortunate to count them among our dearest friends. St. Helena is a wonderful town filled with close neighborhoods like Scott Street, beautiful views of vineyards and a strong sense of community. The Gallaghers are family people, vintners and hard workers who epitomize what St. Helena is all about.

It is shocking and saddening to see pettiness work it's way into such a special neighborhood. Everyone has disagreements, especially when it comes to our properties that we work so hard for and show pride of ownership in as the Gallaghers show with Trespass. I would encourage you to consider this pride in their family, their property, their wines and their reputation in the community of St. Helena by bringing an appropriate end to the public bullying that has taken place during these hearings. Thank you for your time and consideration.

Sincerely,

Lenore Maynard
 19392 Bainter Avenue
 Los Gatos, CA 95030
 949-521-1242

October 1, 2018

Dear City Council,

We find ourselves back in front of you, this time to address an appeal to a design review exemption that was discussed, voted on and approved by the Planning Commission on August 21, 2018. While previously we felt it best to stay focused on the direct topic at hand, the disgraceful inflammatory remarks made by our property neighbors Dr. and Mrs. Brown at two meetings now and several inaccuracies in the verbiage of their appeal have made us feel you may need to know a little more about who we are.

We have owned the five acre property at the end of Hillview Place for 22 years and, something that is quite unusual in the valley now, have slowly planted and developed the property, much of the work done with the help of family and friends. While we don't yet live on the property, we live just a short mile away and consider the vineyard and extension of our home. We have raised our family in St Helena actually moving to town back in 1983. We are not newcomers, and have a deep respect for our town and valley and the agricultural heritage we are proud to be a part of.

In the entire 22 years we have owned, developed and enjoyed our property we have been unaware of any complaints by any neighbors until August of 2017. In fact, quite to the contrary, all of our neighbors, including the Browns, have enjoyed picnics, walking their dogs, bocce ball games and entertaining their friends on our property without us being present. Whenever we were asked, we were happy to say yes and share. We trusted our neighbors to treat our space respectably.

When we did receive the Notice of Violation over a year ago we immediately took all necessary steps to rectify the situation with input from the Planning Department. We have been open and transparent with all city officials, provided any requested paperwork and allowed any inspections. They seem to be fine with the progress we have made; in fact all six items listed in the appeal have been addressed.

We are now hoping to move forward to rectifying any remaining issues. The two storage sheds under discussion do not in any way impact the Brown's property. Their arguments speak volumes as to the real reason behind their challenge, none of which go to the design of the sheds in question or in any way indicate how the Brown's may have been harmed by their construction. The appeal really seems to harken back to other issues unrelated to the design review that were before the City Council in August. They are not challenging any of the findings in the resolution stated by the Planning Commission in granting the Design Review Exemption. The Planning Department, Planning Commission and staff have spent countless hours researching all of the issues brought before them. We have never tried to be misleading, but followed the Planning Department's requests for both information and correction of any issues.

We look forward to answering any specific questions you may have at the meeting on October 9th.

With Respect,


Don and Dana Gallagher

Cindy Tzafopoulos

Subject: FW: PL18-066 1859 Hillview Pl, Gallagher Design Review Exemption/Appeal

From: David Tipp [<mailto:dtipp@aol.com>]

Sent: Wednesday, October 03, 2018 11:03 AM

To: Noah Housh

Subject: Re: PL18-066 1859 Hillview Pl, Gallagher Design Review Exemption/Appeal

Noah Housh
Planning & Community Improvement Director
City of St. Helena

Dear Noah and Planning Commissioners:

It's very sad that this has become a case of sour grapes. The Gallagher's have been most gracious neighbors. They have shared their vineyard with us on a trespassing basis very freely.

Robert Frost said, "Good neighbors need good fences", and that is a shame that this is how it should be resolved.

But I never attempted to adversely possess a portion of the Gallagher's property.

Respectfully submitted,

David Tipp



Fwd: Naughty Van 1

<https://mail.aol.com/webmail-std/en-us/PrintMessage>

From: joyrb <joyrb@aol.com>
To: roadeshm <roadeshm@aol.com>
Subject: Fwd: Naughty Van 1
Date: Mon, Jun 11, 2018 2:57 pm
Attachments: IMG_9890.JPG (3324K)

Sent via iPhone

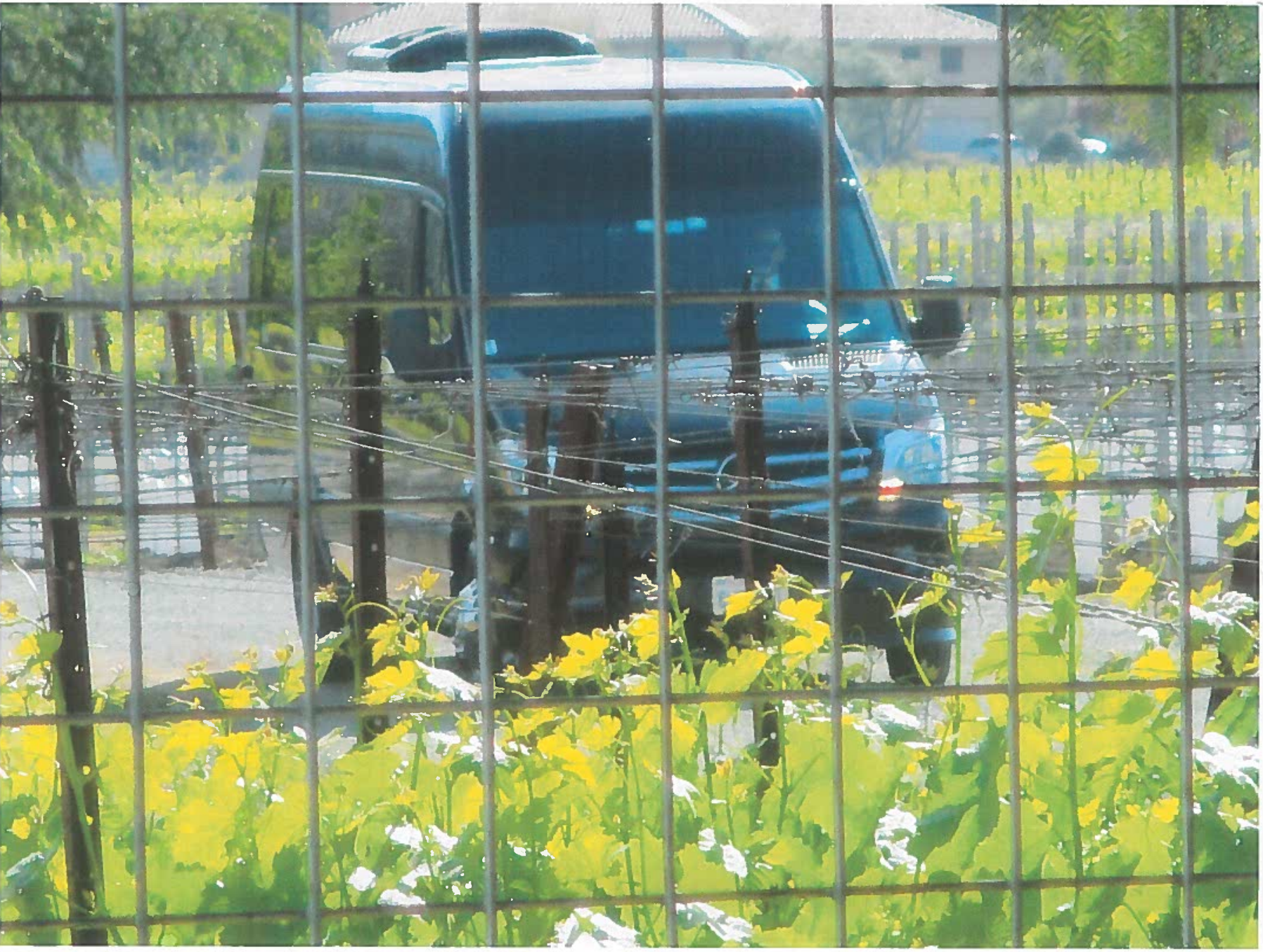
1 Attached Images



1 of 1

10/8/2018, 7:29 PM







Report to the City Council
Council Meeting of October 9, 2018

Agenda Section: New Business

Subject: Discussion and Direction Regarding Policy Options Related to Possible Mobile Home Rent Stabilization Ordinance

CEQA Determination: Not a CEQA project

Prepared By: Mark T. Prestwich, City Manager

Reviewed By: Noah Housh, Planning & Community Improvement Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

In late 2017, the City Council adopted three year goals and 12-month strategic objectives to guide the work of the City. One of the objectives included a request to evaluate and recommend for City Council consideration rent stabilization options to maintain mobile home parks as an affordable housing option. The Housing White Paper transmitted to the City Council on June 26, 2018 identified the critical shortage and rising cost of housing in St. Helena, and recommended consideration of a rent stabilization ordinance for senior housing among numerous other strategies.

California's Mobile Home Residency Law (MRL) governs the relationship between mobile home park owners and tenants. (Civil Code § 798, et seq.) The MRL provides procedures for providing notice of rent increases, and regulates the contents of rental agreements, as well as the termination of tenancies. A park owner may only terminate a lease based on a reason specified in state law. (See Civil Code § 798.56(a)-(i).) These reasons include: a residents failure to comply with the law, comply with a rule or regulation of the park that is a part of the rental agreement, pay rent; or the park owner changes the use of the park after correctly following the specified procedure. (Id.) These "just cause" eviction provisions do not apply to residents who rent mobile homes owned by others.

The MRL does not specifically restrict the amount of rent that a mobile home park owner can charge park residents. (See *Cacho v. Boudreau* (2007) 40 Cal.4th 341, 350.) However, the MRL provides that if a resident signs a long term lease, as defined as longer than twelve (12) months in duration, that lease is exempt from any rent stabilization ordinance. (Civil Code § 798.17(a)(1).) This means that any rent stabilization ordinance, rule, or regulation adopted by the Council would not be applicable to long term leases. Additionally, a rent stabilization ordinance would not be applicable to leases where the mobile home owner is not using the space for his or her primary residence. (Civil Code § 798.17(b)(2).)

Any rent stabilization ordinance must guarantee the land owner a fair return on investment. (See *Galland v. City of Clovis* (2001) 24 Cal.4th 1003, 1021.) A typical rent stabilization ordinance has two rent adjustment procedures: 1) a process whereby a landlord can implement a rent increase that is tied to the percentage increase of the consumer price index without any regulatory review ("Standard Adjustment"); and 2) a petition process that allows the land owner to increase rents above the Standard Adjustment ("Individualized Adjustment"). In this Individualized Adjustment process, ordinances typically include factors to take into consideration in setting a maximum allowable rent. A hearing officer or an arbitrator would then take these factors into account when considering the landlord's petition.

The Council has the option to regulate vacancy control in a mobile home rent stabilization ordinance. A strict vacancy control provision would specify that upon turnover of a space, park owners would be prohibited from increasing rents beyond the maximum allowable amount. This option maintains the affordability of the space permanently. A vacancy decontrol provision, on the other hand, would allow park owners to raise space rents upon the turnover of the space to a new occupant. Vacancy control provisions are important because they impact the affordability of a space over time, and have an effect on mobile home sales prices.

The City Council discussed the elements of a conceptual rent stabilization ordinance at their Council Meeting of July 24, 2018 and provided direction to conduct a community workshop. On August 30, the City held an informational workshop and Special Council Meeting to discuss rent stabilization and provide answers to common questions. The workshop was attended by approximately 50 people. Copies of the July 24 staff report, previously prepared Frequently Asked Questions (FAQ) document, and August 30 PowerPoint presentation are attached to this report for additional background. Correspondence received is also attached to the report.

DISCUSSION

If there is City Council interest in preparing a rent stabilization ordinance, it will be necessary to provide policy direction on the following ordinance elements:

1. Maximum Allowable Annual Rent Adjustments. Cities with Mobile Home Rent Stabilization ordinances calculate maximum allowable adjustments in different ways. Options typically include:

- A set percentage
- Consumer price index (CPI) or a percentage of CPI
- Combination of set percentage or percentage of CPI, whichever is lower (a significant majority of attendees at the workshop preferred this approach)
- By Commission or Board

2. Vacancy Control. With a Vacancy Control provision, a Mobile Home Park Owner is prohibited from increasing the space rent upon sale of a mobile home to a new homeowner. However, a Mobile Home Park Owner is permitted to increase the space rent when a lawful space vacancy occurs (defined as "termination of a tenancy") or a mobile home is voluntarily removed (except when it is removed for rehabilitation purposes). Some cities have considered modified vacancy decontrol options that allow for some limited increases in rent at transfer.

3. Fees. It is a City Council policy choice to either fully absorb or require partial reimbursement of administration, mediation, arbitration and associated costs. For example, it is possible to require a Mobile Home Park Owner to reimburse a portion of City costs (e.g. 35%, 50%, etc.) without passing along any costs to homeowners until a certain percentage of homeowners opted to be governed by a rent stabilization ordinance (e.g. 50%, 75%, etc.).

4. Regulatory and Dispute Processes for Rent Increases. The Council has policy discretion related to the regulatory process governing rent increases. Per State law a written notice to homeowners of at least 90 days is required for the annual general adjustment. This notice period can be extended if desired. Some communities also require an informational meeting, while others only require an informational meeting if the mobile home park owner requests a rent increase larger than the annual general adjustment. Under circumstances where a rent increase is in excess of the annual general adjustment, the City Council has several options related to process. Options include: a) allow the rent increase to proceed unless a petition of a certain number of property owners is filed, b) require mobile home park owner to file financial documentation explaining the rent increase request, c) set up mandatory mediation with homeowners within a certain period of time (e.g. 20 days) and, if dispute is not resolved, allow residents the opportunity to file a petition for arbitration.

For additional information on California agencies with mobile home rent stabilization ordinances and their characteristics, please see the following links:

[Mobile Home Park Home Owners Allegiance](#)

[Golden State Manufactured Home Owners League | Cities and Counties with Mobile Home Park Rent Stabilization](#)

FISCAL IMPACT

Not applicable at this time. Under a Rent Stabilization Ordinance, the City Council may choose to fully absorb or recover a portion of administrative, mediation, arbitration and associated costs.

RECOMMENDED ACTION

Review, discuss and provide direction to the City Manager.

ATTACHMENTS

[Mobile Home Rent Stabilization Ordinance](#)

[Copy of Mobilehome Rent Stabilization Ordinance Comparison Chart_7242018 Meeting](#)

[Public Comments in Support](#)

[Public Comments in Opposition](#)

[Rent Stabilization Q and A's](#)

[July 24, 2018 Rent Stabilization Ordinance Staff Report](#)

[RSO Presentation](#)

Chapter 9.24

Mobile Home Park Rent Stabilization Ordinance

9.24.010 Purpose and Findings.

A. The purpose of this Chapter is to stabilize Mobile Home Space rents by preventing excessive and unreasonable rent increases, and to assure that Mobile Home Park Owners receive a fair and reasonable return on their investment.

B. The City Council finds and declares the following:

1. Mobile homes provide an important alternative form of housing; and
2. Within St. Helena City limits there is one mobile home park with a total of 214 spaces, and presently, approximately 208 of those spaces are occupied, thus resulting in a vacancy rate of just 2.8 percent; and
3. St. Helena's Housing Element Update for 2015-2017 acknowledged that mobile homes constitute an important component of the City's affordable stock; and
5. Market conditions suggest that the high demand for mobile home spaces is likely to persist; and
6. The City of St. Helena currently does not regulate rental amounts or rent increases on mobile homeowners to ensure that that rents stay affordable; and
7. Residents of mobile home parks, unlike apartment tenants or residents of other rental properties, are in a unique position in that they have made a substantial investment in a residence for which space is rented or leased; and
8. The removal or relocation of a mobile home from a park space is generally accomplished at substantial cost depending on how far away the new location is situated; and
9. The removal or relocation of a mobile home may cause extensive damage to the mobile home; and
10. The potential for rents to increase within mobile home parks within the City could cause hardship to a substantial number of mobile homeowners and residents of the parks, many of who are elderly, on fixed incomes, or are persons of low and moderate income; and
11. On multiple occasions, members of the community have expressed concerns to the City Council regarding rising rents citywide, including mobile home rents, and their potential to leave St. Helena residents vulnerable to displacement from the community; and

15. The foregoing conditions create a detrimental effect on substantial numbers of mobile homeowners and residents, and thus constitute a threat to the public health, safety, and welfare; and

16. It is necessary to protect mobile homeowners and residents of mobile home parks from unreasonable rent increases and at the same time recognize the rights of mobile home park owners to receive a reasonable return on their investments.

9.24.020 Definitions.

A. “Administrator” shall refer to the Administrator of the City’s Mobile Home Space Rent Stabilization Program. The Administrator shall be the Planning and Community Improvement Director, or such other City employee as the City Manager may, in the Manager’s discretion, appoint to serve as Administrator.

B. “Affected Homeowners” shall mean those Mobile Homeowners who are subject to a Rent Increase. For purposes of providing notice of any Rent Increase and copies pursuant to this Chapter and calculating the number of Affected Homeowners in support of a rent arbitration petition, each Mobile Home Space subject to a Rent Increase shall be deemed to have only one Affected Homeowner. Reference to “All Affected Homeowners” shall mean one Homeowner from each Mobile Home Space subject to the proposed Rent Increase.

C. “Arbitrator” shall refer to a person who:

1. Is neither a Homeowner nor has an interest in a Mobile Home Park of a nature that would require disqualification under the provisions of the Political Reform Act if the person were an elected State official; and

2. The Administrator determines that the Arbitrator meets one of the following criteria:

a. Completion of a Juris Doctor or equivalent degree from a school of law and completion of a formal course of training in arbitration, which, in the sole judgment of the Administrator, provides that person with the knowledge and skills to conduct a space rent dispute arbitration in a professional and successful manner; or

b. Completion of at least three arbitration proceedings for a Superior Court or other public entity that involved issues the Administrator finds similar to those raised in space rent dispute arbitrations; or

c. Prior service as a Superior Court pro tempore judge.

D. “Arms-Length Transaction” shall refer to a transaction negotiated by unrelated parties, each acting in his or her own self-interest, which serves as a basis for a fair return determination in this Chapter.

E. “Base Rent” shall mean the authorized Rent calculated pursuant to the provisions of Section 9.24.040, plus any Rent Increase allowed under this Chapter, unless it is expressly excluded from Base Rent, plus any adjustment attributable to vacancy decontrol as provided in Section 9.24.050.

F. “Capital Improvements” shall mean those new improvements or replacements that materially add to the value of the property and appreciably prolong its useful life or adapt it to new uses, consist of more than ordinary maintenance and/or repairs, and which may be amortized over the useful remaining life of the improvement to the property. Capital Improvement costs shall include all costs reasonably and necessarily related to the planning, engineering, and construction of the improvement or replacement and shall include debt service costs, if any, incurred as a direct result of the Capital Improvement or replacement.

G. “Consumer Price Index” or “CPI” shall mean the Consumer Price Index for All Urban Consumers, San Francisco-Oakland-San Jose region, or any successor designation of that index that may be adopted by the U.S. Bureau of Labor Statistics as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics.

H. “Gross Income” shall have the meaning set forth in Section 9.24.130.

I. “Homeowner” shall mean an existing Mobile Homeowner.

J. “Homeowner Representative” shall mean a designated homeowner association (HOA) or its designee who shall have the authority to represent the interest of, negotiate on behalf of, and bind the Homeowners.

K. “Housing Service” shall mean a service or facility provided by the Mobile Home Park Owner related to the use or occupancy of a Mobile Home Space, which is neither a Capital Improvement nor a Substantial Rehabilitation. “Housing Service” includes, but is not limited to, repairs (including street repairs), replacement, maintenance, landscaping, painting, lighting, heat, water, utilities, laundry facilities, refuse removal, recreational and meeting facilities, parking, security service, and employee services.

L. “Mediator” shall mean a person who:

1. Is neither a Homeowner nor has an interest in a Mobile Home Park of a nature that would require disqualification under the provisions of the Political Reform Act if the person were an elected State official; and

2. The Administrator determines that the Mediator meets one of the following criteria:

- a. Is a member of the American Arbitration Association and has specific experience in mediating real estate matters; or
- b. Completion of a Juris Doctor or equivalent degree from a school of law and completion of a formal course of training in mediation or arbitration which, in the judgment of the Administrator, provides that person with the knowledge and skills to conduct a space rent dispute mediation in a professional and successful manner; or
- c. Completion of at least three mediation proceedings for a Superior Court or other public entity that involved issues the Administrator finds similar to those raised in space rent dispute mediations; or
- d. Prior service as a Superior Court pro tempore judge.

M. “Mobile home” shall mean structure designed for human habitation and for being moved on a street under permit pursuant to California Vehicle Code section 35790. “Mobile home” includes a manufactured home, as defined in California Health and Safety Code section 18007, and a mobile home, as defined in California Health and Safety Code section 18008.

N. “Mobile Homeowner” shall mean a person who has a tenancy in a Mobile Home Park under a rental agreement that is not otherwise exempt from regulation under this Chapter pursuant to California Civil Code sections 798.17 or 798.45.

O. “Mobile Home Park” shall refer to any area of land within the City where two or more Mobile Home Spaces are rented, or held out for rent, to accommodate mobile homes used for human habitation.

P. “Mobile Home Park Owner” shall mean any park owner, lessor, or sublessor of a Mobile Home Park in the City who receives or is entitled to receive Rent for the use or occupancy of any Mobile Home Space thereof and who reports to the Internal Revenue Service any income received or loss of income resulting from such ownership or claims any expenses, credits, or deductions because of such ownership, and the representative, agent, or successor of such park owner, lessor, or sublessor.

Q. “Mobile Home Space” shall mean any site within a Mobile Home Park located in the City intended, designed, or used for the location or accommodation of a mobile home. “Mobile Home Space” includes any accessory structures or appurtenances attached to the mobile home or used in conjunction therewith. “Mobile Home Space” does not include: 1) sites rented together and concurrently with a Mobile Home provided by the Mobile Home Park Owner; and 2) “New Construction” as defined by California Civil Code section 798.45.

R. “Net Operating Income” shall have the meaning set forth in Section 9.24.120.

S. “Operating Expenses” shall have the meaning set forth in Section 9.24.140.

T. “Park Owner Representative” shall mean a Mobile Home Park Owner or designated representative who shall have the authority to represent the interest of, negotiate on behalf of, and bind park owner parties.

U. “Percent Change in Consumer Price Index” shall mean the annual percent change in the Consumer Price Index, calculated to the nearest tenth, published for the month of [MONTH], or the closest preceding month for which an index is published in the event that an index for the month of [MONTH] is not released.

V. “Prospective Homeowner” shall refer to a person who is not currently a Homeowner in a Mobile Home Park but is a prospective homeowner who desires the use of a Mobile Home Space as defined in this Chapter and has approached the Mobile Home Park Owner as such.

W. “Rent” shall refer to the total consideration, including any bonus, benefit, or gratuity, demanded or received by a Mobile Home Park Owner for or in connection with the use occupancy of a Mobile Home dwelling unit.

X. “Rent Increase” shall mean any additional Rent demanded of, or paid by, a Homeowner for Mobile Home Space. “Rent Increase” includes any reduction in Housing Services without a corresponding reduction in the amount demanded or paid for Rent.

Y. “Rent Stabilization Administration Fee” shall refer to the fee established from time to time by resolution of the City Council in accordance with the provisions of Section 9.24.190.

Z. “Substantial Rehabilitation” shall mean that work done by a Mobile Home Park Owner to a Mobile Home Space or to the common areas of the Mobile Home Park, exclusive of Capital Improvements, which as a value in excess of \$200.00, and is performed either to secure compliance with any State or local law, or to repair damage result from fire, earthquake, or other casualty or natural disaster, to the extent such work is not reimbursed by insurance or other benefits. Costs of substantial rehabilitation include all costs reasonably and necessarily related to the planning, engineering, and construction of the work. Such costs shall also include debt service costs incurred as a direct result of the substantial rehabilitation work, if any.

9.24.030 Applicability.

A. The provisions of this Chapter shall apply to every Mobile Home Park within the City, except that the provisions of this Chapter shall not apply to Mobile Home Spaces which are subject to a written rental agreement that is for more than 12-month duration pursuant to Civil Code section 798.17. The provisions of this Chapter shall also not apply to a newly constructed space initially held out for rent per Civil Code section 798.45.

B. The exceptions provided in this Section 9.24.030(A) shall be effective only until the expiration or other termination of the rental agreement subject to the exception, whereupon all provisions of this Chapter shall immediately be applicable to the Mobile Home Space, unless the rental agreement meets the criteria of Civil Code section 798.17.

C. Forty-eight hours prior to any rental agreement or lease in excess of 12 months being executed by a Homeowner or Prospective Homeowner, the Mobile Home Park Owner shall:

1. Offer any Homeowner or Prospective Homeowner the option of a rental agreement or lease for a term of 12 months or less which will permit such person to receive the benefits of the Mobile Home Space Rent Stabilization Program;
2. Provide the Homeowner or Prospective Homeowner a copy of the City Information Sheet, which provides information about the Mobile Home Park Rent Stabilization Ordinance and includes the Administrator's contact information;
3. Inform the Homeowner or Prospective Homeowner in writing that consultation by the Mobile Home Park's Homeowner Representative is available upon request;
4. Inform the Homeowner or Prospective Homeowner orally and in writing that if the Homeowner or Prospective Homeowner signs a lease or rental agreement with a term in excess of 12 months, and complies with Civil Code Section 798.17, then the lease or rental agreement is not subject to the terms and protections of this Chapter. The written notification shall include a copy of Civil Code section 798.27 and state the following language:

UNDER ST. HELENA MUNICIPAL CODE SECTION 9.24.030, YOU ARE LEGALLY ENTITLED TO A RENTAL AGREEMENT FOR A TERM OF 12 MONTHS OR LESS OR A MONTH-TO-MONTH TENANCY. IF THE TERM OF THE LEASE IS MORE THAN 12 MONTHS IN DURATION, AND THAT LEASE MEETS THE REQUIREMENTS OF CIVIL CODE SECTION 798.17, YOU WILL NOT BE COVERED BY ST. HELENA'S RENT STABILIZATION ORDINANCE.

5. At the time the rental agreement is first offered to the Homeowner or Prospective Homeowner, the Mobile Home Park Owner shall provide written notice to the Homeowner or Prospective Homeowner of the Homeowner's or Prospective Homeowner's right to (1) have at least 30 days to inspect the rental agreement, and (2) void the rental agreement by notifying the Mobile Home Park Owner in writing within 72 hours of the acceptance of a rental agreement. The failure of the Mobile Home Park Owner to provide this written notice shall make the rental agreement voidable at the Homeowner's or Prospective Homeowner's option. The receipt of any written notice provided pursuant to this subsection shall be acknowledged in writing by the Homeowner or Prospective Homeowner.

D. A Mobile Home Park Owner's efforts to circumvent the requirements of this Section 9.24.030 shall be unlawful, as well as an unfair business practice subject to enforcement under California Business and Professions Code Section 17200. A lease or rental agreement in excess of 12 months, executed by a Homeowner or Prospective Homeowner, shall not be exempt from this Chapter unless it complies with each and every requirement of Civil Code Section 798.17.

9.24.040 Base Rent.

A. Initial Calculation.

1. Except as provided herein, a Mobile Home Park Owner shall not demand, accept, or retain Rent for a Mobile Home Space exceeding the Rent in effect for that space on [DATE]. In the event that a Mobile Home Space was not occupied on [DATE], the Base Rent for that Mobile Home Space shall be the highest Mobile Home Space Rent charged by the Mobile Home Park Owner for a comparable space in the Mobile Home Park on [DATE], plus any Rent Increases allowed thereafter pursuant to this Chapter unless otherwise provided.

2. If a Mobile Home Space is exempted from the provisions of this Chapter because it is the subject of a rental agreement pursuant to California Civil Code Section 798.17, and that agreement expires and is not renewed, then the Base Rent, until the next annual adjustment pursuant to this Chapter, shall be the highest Mobile Home Space Rent charged by the Mobile Home Park Owner for a comparable space in the Mobile Home Park on [DATE], plus any Rent Increases allowed thereafter pursuant to this Chapter unless otherwise provided.

3. It shall be presumed that the Base Rent yields a fair return.

B. A Mobile Home Park Owner may seek an adjustment to the initial Base Rent if it can be clearly established that circumstances exist which require an adjustment to assure that the Mobile Home Park Owner is receiving a fair return.

1. In seeking an adjustment to the initial Base Rent under this section, the procedures set forth in Sections 9.24.080 and 9.24.090 shall apply.

2. The guidelines for determining an adjustment to the initial Base Rent are set forth in Section 9.24.150.

9.24.050 Vacancy Control – Establishment of a New Base Rent.

A. A Mobile Home Park Owner is prohibited from increasing the Rent for a Mobile Home Space upon the sale of a mobile home on a site to a Prospective Homeowner or Homeowner.

B. A Mobile Home Park Owner shall be permitted to charge a new Base Rent for a Mobile Home Space whenever a lawful vacancy occurs. For purposes of this Chapter, “lawful space vacancy” shall mean:

1. A vacancy occurring because of the termination of the tenancy of a Mobile Home Homeowner in accordance with California Civil Code sections 798.56 through 798.58; or

2. A vacancy of the Mobile Home Space arising from the voluntary removal of a mobile home from the Mobile Home Space by the Mobile Homeowner. A removal of the mobile home from the Mobile Home Space for the purpose of performing rehabilitation or Capital Improvements to the space or for the purpose of upgrading the mobile home shall not constitute a voluntary removal of the mobile home.

C. Any alleged violation of this Section 9.24.050 shall be subject to automatic arbitration pursuant to Section 9.24.090(F).

9.24.060 Anniversary Date.

The anniversary date for all Rent Increases in the Mobile Home Park Owner's park shall be established by City Council resolution at a public hearing. Rent Increases, if any, except as specified below, shall be enacted only on the anniversary date of a Mobile Home Park. The Mobile Home Park Owner shall post the anniversary date in the park office or areas where it can easily be seen by Homeowners.

9.24.070 Rent Increase Limitations.

A. As of the effective date of this Chapter, no Rent Increases may be implemented within 12 months of the effective date of the preceding Rent Increase unless otherwise authorized under this Chapter. The permissible annual increase shall be the lesser of:

1. One hundred (100) percent of the Percent Change in the Consumer Price Index; or
2. Six percent of the Base Rent.

B. A Mobile Home Park Owner shall not implement a Rent Increase within a 12-month period, unless the Mobile Home Park Owner can clearly establish that the Rent Increase is necessary to cover costs of operation, maintenance, Capital Improvements, or Substantial Rehabilitation that were not reasonably foreseeable at the time notice of the preceding Rent Increase was given. If a Mobile Home Park Owner seeks a Rent Increase pursuant to this Subsection 9.24.070(B), the procedures set forth in Sections 9.24.080 and 9.24.090 shall apply.

C. In the event that a Mobile Home Park Owner wishes to implement a Rent Increase on the anniversary date or within a 12-month period more than the amount permitted in subsection (A) of this Section 9.24.070 and less than 300 percent of the Percent Change in the Consumer Price Index, the procedures set forth in Section 9.24.080 and 9.24.090 shall apply.

D. In the event that a Mobile Home Park Owner wishes to implement a Rent Increase for any Mobile Home Space on the anniversary date or within a 12-month period in an amount equal to or more than 300 percent of the Percent Change in the Consumer Price Index, the procedures set forth in Section 9.24.080 and 9.24.090 shall be followed except that the petition requirements of Section 9.24.090(C)-(D) shall not apply because an arbitration shall automatically be required to show good cause why such an increase is necessary.

E. The Arbitrator may reduce the proposed Rent Increases pursuant to subsections (B), (C) or (D) of this Section 9.24.070 to a figure determined upon the evidence submitted by the Mobile Home Park Owner or the Park Owner Representative to be a fair return.

F. Any notice of a Rent Increase implemented by a Mobile Home Park Owner pursuant to this Section 9.24.070 shall be provided in writing to Affected Homeowners at least 90 days before any Rent Increase is to take effect.

9.24.080 Information Required From Mobile Home Park Owner.

A. Within 30 days after the effective date of this Chapter and upon the re-renting of each Mobile Home Space thereafter, the Mobile Home Park Owner shall supply each Affected Homeowner or Prospective Homeowner with a copy of the City Information Sheet, which provides information about the Mobile Home Park Rent Stabilization Ordinance and includes the Administrator's contact information.

B. Whenever the Mobile Home Park Owner serves a notice of a Rent Increase, except a notice of Rent Increase implemented pursuant to Section 9.24.070(A), the Mobile Home Park Owner shall at the same time and in the same manner serve the Affected Homeowner or Prospective Homeowner with a notice that sets forth all of the following information:

1. The amount of the Rent Increase both in dollars and as a percentage of existing Rent and documentation supporting the level of increase desired, including, but not limited to: a summary of the unavoidable increases in maintenance and Operating Expenses; a statement of the cost, nature, amortization, and allocation among Mobile Home Spaces of any Substantial Rehabilitation or Capital Improvement; a summary of the increased cost of the Mobile Home Park Owner's debt service and the date and nature of the sale or refinancing transaction; a summary of the Mobile Home Park Owner's Net Operating Income of the preceding 24 months and other relevant information that supports the level of Rent Increase desired;

2. A current listing of all other Affected Homeowners and the spaces which they rent may be requested through the Homeowner Representative;

3. The address and telephone number of the Administrator and statement that the Homeowner is encouraged to contact the Administrator for an explanation of the provisions of this Chapter;

4. A copy of the petition form prepared and provided by the Administrator which initiates the process of rent review established by this Chapter;

5. If applicable, notification that the proposed Rent Increase exceeds 300 percent of the change in the Consumer Price Index, and that arbitration is automatically required by the provisions of Section 9.24.070(D) without any need to file an arbitration petition. Such notices shall bear the following language in capital letters: "ARBITRATION OF THE PROPOSED INCREASE IS AUTOMATICALLY REQUIRED IN THIS MATTER BY OPERATION OF LAW." Erroneous use of this notice shall be regarded as an irrevocable stipulation to submit to arbitration;

6. Time and place for a mandatory informational meeting with the Homeowners to be held on the Mobile Home Park premises. The informational meeting shall be held within 10 days from the service of the notice of Rent Increase.

7. The Mobile Home Park Owner shall, at the same time, file with the Administrator two copies of the notice and summary of expenses required in Section 9.24.080(B)(1), along with two copies of all relevant financial records, bills or documents which substantiate the level of increase proposed. This financial information shall be verified in writing by an auditor or certified public accountant or certified in writing as true and correct under penalty of perjury by the Mobile Home Park Owner. This information will be made available at City Hall for inspection and copying by the Affected Homeowners.

D. A Mobile Home Park Owner's failure to provide any information, documents, or notices required by this Section 9.24.080 shall not be entitled to collect any Rent Increase that might otherwise be awarded by an Arbitrator. Such failure by the Mobile Home Park Owner shall be a defense in any action brought by the Mobile Home Park Owner to recover possession of a Mobile Home Space or to collect any Rent Increase from the Homeowner.

E. An Affected Homeowner who is given notice of a Rent Increase is entitled to file a petition for rent review as provided in Section 9.24.090 regardless of whether the Mobile Home Park Owner has failed to provide the Affected Homeowner with all the information, documents and notices required by this Chapter.

9.24.090 Rent Dispute Resolution Process.

A. A Homeowner may contact the Administrator for an explanation of the provisions of this Chapter.

B. If a Rent Increase is proposed pursuant to Section 9.24.070(B)-(D), then after service of the Rent Increase notice and the production of the accompanying information required by Section 9.24.080, the Mobile Home Park Owner shall set a time and place for a informational meeting with the Homeowners and a mediation meeting to be held on the Mobile Home Park premises. The informational meeting shall be held within 10 days from the service of the notice of Rent Increase. The mediation meeting shall be held within 20 days from the service of the notice of Rent Increase or notice from the Administrator that mediation is required pursuant to this Section 9.24.090. The Mobile Home Park Owner shall give Affected Homeowners and the Administrator at least 10 days' advance notice of this meeting. The Mobile Home Park Owner and the Affected Homeowners shall serve any additional documents to be presented at the mediation on the other party and the Administrator at least five days before the meeting.

The purpose of this mediation meeting shall be to allow and encourage the parties to mediate any differences they may have concerning the proposed Rent Increase. At the meeting, the Mobile Home Park Owner or Park Owner Representative shall be available to meet with Affected Homeowners or Homeowner Representative to explain the reasons for the proposed Rent Increase. If the parties agree to a specific Rent Increase, the Mediator shall prepare a mediation agreement setting forth the terms of the agreement between the Mobile Home Park Owner and

the Affected Homeowners. The mediation agreement shall be executed by the parties and a copy of the agreement shall be filed with the Administrator.

C. Petition Procedures.

1. If discussions between the Mobile Home Park Owner and Affected Homeowners, either informally or pursuant to subsection (B) of this Section 9.24.090, do not resolve the dispute, the Homeowners or Homeowner Representative may file with the Administrator a petition for rent review with a copy of the notice of Rent Increase within 30 days after receipt of the Rent Increase notice.

2. The Administrator shall not accept a petition for rent review unless it has been signed by at least 51 percent of All Affected Homeowners.

3. As soon as possible after a petition has been filed with respect to Mobile Home Spaces that are within a Mobile Home Park, the Administrator shall, to the extent possible, consistent with the time limitations provided herein, consolidate petitions involving similarly situated Affected Homeowners.

4. Upon the filing of a petition, the Rent Increase shall not be implemented until and to the extent it is awarded by an Arbitrator or until the petition is abandoned by the Affected Homeowners or the Homeowner Representative. "Abandoned" as used herein shall mean a failure to actively pursue the necessary steps to prepare the Homeowners' case for the arbitration. An automatic arbitration based upon a 300 percent Consumer Price Index increase shall not require active Homeowner participation and shall not be considered abandoned due to lack of Homeowner participation.

D. Contents of Petition.

1. The petition for rent review shall: a) set forth the total number of affected Mobile Home Spaces in the Mobile Home Park; b) identify the name of the Homeowners who occupy each space; and 3) state the date upon which the notice of the Rent Increase was received by the Homeowner.

2. After obtaining the required signatures of Affected Homeowners, the Homeowners shall deliver the petition or mail it by certified mail to the Administrator at the following address: City of St. Helena, 1480 Main Street, St. Helena, California 94574. No petition shall be accepted unless it is accompanied by the requisite number of signatures and is received in the office of the Administrator within the 30-day period set forth in subsection (C) of this Section 9.24.090. The Administrator shall provide a copy of the completed petition to the Mobile Home Park Owner and the Arbitrator.

E. After the Administrator has accepted a petition for rent review, the Administrator shall remit to the Mobile Home Park Owner and petitioning Homeowners or the Homeowner Representative an information questionnaire in such form as the Administrator may prescribe. The completed information questionnaire must be returned to the Administrator at least five

business days prior to the date scheduled for hearing of the petition by the Arbitrator. The Administrator shall provide copies of the completed information questionnaire to the Arbitrator, the Mobile Home Park Owner, and the Affected Homeowners or the Homeowner Representative.

F. Upon receipt of a petition, or in the event of an automatic arbitration pursuant to Section 9.24.070(D), or upon an Affected Homeowner's claim of a vacancy control rent increase violation pursuant to Section 9.24.050, the Administrator shall, within 15 business days, assign an Arbitrator. The Administrator shall set a date for the arbitration hearing no sooner than 10 working days nor later than 30 working days after the Arbitrator is assigned. The Mobile Home Park Owner and All Affected Homeowners shall be notified immediately in writing by the Administrator of the date, time, and place of the hearing either in person or by ordinary mail.

Any additional documents to be presented at the hearing by either the park owner or the Affected Homeowners, other than those previously submitted pursuant to Section 9.24.080(C) or subsection (B) of this Section 9.24.090, shall be served on the other party, the Administrator, and the Arbitrator at least 10 working days before the hearing by mail or in-person delivery. All financial documents submitted shall be verified in writing by an auditor or certified public accountant, or certified in writing as true and correct under penalty of perjury by the Mobile Home Park Owner.

G. Arbitration Hearing.

1. The Mobile Home Park Owner and any Affected Homeowners may appear at the hearing and offer oral and documentary evidence. Both the Mobile Home Park Owner and Homeowners may designate a representative or representatives to appear for them at the hearing. The Arbitrator may grant or order one continuance to each party not to exceed 10 business days from the date of the hearing. A further continuance may be granted if stipulated to by all the parties. The burden of proving that the amount of Rent Increase is reasonable shall be on the Mobile Home Park Owner by a preponderance of the evidence. The hearing need not be conducted according to technical rules relating to evidence and witnesses. The rules of evidence and manner of producing evidence shall be those rules set forth in California Government Code Section 11513 for the conduct of hearings under the Administrative Procedure Act. These rules may be relaxed at the discretion of the Arbitrator in the interests of justice.

2. Any party may have electronic recording equipment or a court reporter present to record and prepare a transcript of the hearing before the Arbitrator. Such equipment or reporter shall be provided at that party's own expense.

3. Any jurisdictional or procedural dispute regarding the process set forth herein may be decided by the Arbitrator.

4. The Arbitrator shall, within 14 days of the conclusion of the hearing, submit by mail a written statement of decision and the reasons for the decision to the Administrator. The Administrator shall mail copies of the decision to the Mobile Home Park Owner and Affected Homeowners.

5. The decision of the Arbitrator, rendered in accordance with this Section 9.24.090, shall be final and binding upon the Mobile Home Park Owner and Affected Homeowners. The decision of the Arbitrator will be subject to the provisions of California Code of Civil Procedure Section 1094.5.

H. It is the intent of the Council to have a final decision rendered within 90 days of the initial notice of the Rent Increase. The Administrator or the Arbitrator may, however, modify the time periods set forth herein at his or her discretion to promote the purposes of this Chapter.

9.24.100 Subpoena Power.

Subpoenas, including subpoenas duces tecum, requiring a person to attend at a particular time and place to testify as a witness, may be issued in connection with any dispute pending before an Arbitrator. Subpoenas shall be issued at the request of the Administrator, an Arbitrator, the Homeowners, or the Mobile Home Park Owners. Subpoenas shall be issued and attested by the City Attorney. A subpoena duces tecum shall be issued only upon the filing with the City Attorney of an affidavit showing good cause for the production of the matters or things desired to be produced, setting forth in full detail the materiality thereof to the issues involved in the proceedings, and stating that the witness has the desired matters or things in his or her possession or under his or her control. A copy of such affidavit shall be served with the subpoena. Any subpoena or subpoena duces tecum issued pursuant to the provisions of this Chapter may be served in person or by certified mail, before the hearing for which attendance is sought. Any subpoena or subpoena duces tecum issued pursuant to the provisions of this Chapter shall be deemed issued by and in the name of the Council.

9.24.110 Standards of Review.

A. The Arbitrator shall determine whether Rent Increases proposed or imposed by the Mobile Home Park Owner are reasonable based upon the circumstances and all the provisions of this Chapter. The Arbitrator shall take into consideration that the purpose of this Chapter is to permit Mobile Home Park Owners a just and reasonable return, while protecting Homeowners from unnecessary or unreasonable Rent Increases.

B. The Arbitrator shall not allow more than one Rent Increase per Mobile Home Space per 12-month period, unless a Mobile Home Park Owner can clearly establish that the Rent Increase is necessary to cover costs of operation, maintenance, Capital Improvements, and/or Substantial Rehabilitation not reasonably foreseeable at the time notice of the preceding Rent Increase was given.

C. Maintenance of Net Operating Income.

1. It shall be presumed that the base year Net Operating Income adjusted by 75 percent of the increase or decrease in the CPI since the base year yields a fair return. Mobile Home Park Owners shall be entitled to maintain and increase their Net Operating Income in

accordance with this Section 9.24.110. The Arbitrator shall make a determination of whether the Mobile Home Park Owner's Net Operating Income yields a fair return under this standard.

2. The formula for calculating the fair NOI return shall be as follows:

$$\text{Fair NOI} = \text{Base Year NOI} \times (1 + .75) \% \text{ change in CPI}$$

3. Except as provided in Section 9.24.150, it shall be presumed that the Net Operating Income produced by the Mobile Home Park during the base year provided a fair return.

4. Calendar year 2017 shall be established as the base year for purposes of determining whether a Mobile Home Park Owner's Net Operating Income provides a fair return. If a satisfactory base year is, in the Arbitrator's opinion, not otherwise available, such as where a Mobile Home Park Owner did not own the subject property in the base year and/or the 2017 Operating Expenses are not available, the Arbitrator may take any relevant evidence into account to construct a base year.

5. The base year CPI shall be the CPI level in June 2017.

6. The percentage change in the CPI shall be calculated by using the CPI as of the month prior to the noticed increase.

7. The comparison NOI year shall be the most recent calendar or fiscal year, unless another period is found by the Arbitrator to be more appropriate.

D. A park owner may seek a Rent Increase based on the cost of a completed new Capital Improvement, as defined in Section 9.24.020(F), together with a reasonable return upon the Capital Improvement investment, only if the Mobile Home Park Owner has:

1. Established by written verification or other competent evidence to the satisfaction of the Arbitrator that the costs of the new Capital Improvement are factually correct as claimed;

2. Cost factored and amortized the costs of the Capital Improvement over the good faith estimate of the remaining life of the improvement, but in no event for a period of less than 60 months; and

3. Allocated the increase among Affected Homeowners on a per space basis and separately itemized such increase on the Rent bill. Such increases shall not be considered included in the Base Rent for purposes of the annual permissible Rent Increases pursuant to Section 9.24.070(A).

E. Mitigating Factors. In evaluating a Rent Increase, the Arbitrator shall also consider the following factors in addition to any other factors the Arbitrator deems relevant in order to determine whether there are any circumstances that may justify a reduction in a proposed Rent Increase:

1. In the event the Mobile Home Park Owner reduces or eliminates any Housing Services, a proportionate share of the cost savings due to such reduction or elimination shall be passed on in the form of a decrease in existing Rent or a decrease in the amount of a Rent Increase otherwise proposed or permitted by this Chapter.

2. The physical condition of the Mobile Home Space or Park of which it is a part, including the quantity and quality of maintenance and repairs performed during the preceding 12 months.

F. Notwithstanding any other provision to the contrary, no provision of this Chapter shall be applied to prohibit the granting of a Rent Increase that is demonstrated to be necessary to provide a Mobile Home Park Owner with a fair and reasonable return.

9.24.120 Net Operating Income.

In evaluating a Rent Increase imposed by a Mobile Home Park Owner to maintain the Mobile Home Park Owner's Net Operating Income, "Net Operating Income" (NOI) shall mean the Gross Income as defined in Section 9.24.130 of the Mobile Home Park less the Operating Expenses as defined in Section 9.24.140.

9.24.130 Gross Income.

For purposes of calculating the Net Operating Income pursuant to Section 9.24.120, "Gross Income" shall mean the sum of the following:

A. Gross Mobile Home Space rents, computed as gross space rental income at 100 percent occupancy; plus

B. Other income generated as a result of the operation of the Mobile Home Park, including, but not limited to, fees for services actually rendered; plus

C. Revenue received by a Mobile Home Park Owner from the sale of gas and electricity to Homeowners where such utilities are billed individually to the Homeowners by the Mobile Home Park Owner. Such revenue shall equal the total cost of the utilities to the Homeowners minus the amount paid by the Mobile Home Park Owner for such utilities to the utility provider; minus

D. Uncollected Mobile Home Space Rents due to vacancy and bad debts to the extent that the same are beyond a Mobile Home Park Owner's control. Uncollected Mobile Home Space Rents in excess of three percent of gross Mobile Home Space Rents shall be presumed to be unreasonable unless established otherwise and shall not be included in computing Gross Income. If uncollected Mobile Home Space Rents must be estimated, then the average of the preceding three years' experience shall be used.

9.24.140 Operating Expenses.

A. For purposes of calculating Net Operating Income pursuant to Section 9.24.120, “Operating Expenses” may include:

1. Real property taxes and assessments.
2. Utility costs to the extent that they represent costs to the Mobile Home Park Owner which are not passed through to Homeowners of the Mobile Home Park.
3. Management expenses (including the compensation of administrative personnel, including the value of any Mobile Home Space offered as part of compensation for such services), reasonable and necessary advertising to ensure occupancy, legal and accounting services as permitted herein, and other managerial expenses. Management expenses are presumed to be not more than five percent of Gross Income, unless established otherwise.
4. In addition to the management expenses listed above, if the Mobile Home Park Owner performs managerial or maintenance services which are uncompensated, the Mobile Home Park Owner may include the reasonable value of such services or Operating Expenses. Mobile Home Park Owner-performed labor shall be limited to five percent of Gross Income unless the Arbitrator finds that such a limitation would be substantially unfair in a given case. A Mobile Home Park Owner must devote substantially all of the Mobile Home Park Owner’s time, that is, at least 40 hours per week, to performing such managerial or maintenance services in order to warrant the full five percent credit as an Operating Expense. No credit for such services shall be authorized unless a Mobile Home Park Owner documents the hours utilized in performing such services and the nature of the services provided.
5. Normal repair and maintenance expenses for the grounds and common facilities, including but not limited to landscaping, cleaning, and repair of equipment and facilities.
6. Operating supplies such as janitorial supplies, gardening supplies, and stationery.
7. Insurance premiums prorated over the life of the policy.
8. Other taxes, fees, and permits, except as provided in Section 9.24.190.
9. Reserves for replacement of long-term improvements or facilities, provided that accumulated reserves shall not exceed five percent of Gross Income.
10. A Mobile Home Park Owner may include the cost of necessary Capital Improvement or Substantial Rehabilitation expenditures which would exceed existing reserves for replacement. A necessary Capital Improvement shall be an improvement required to maintain the common facilities and areas of the Mobile Home Park in a decent, safe, and sanitary condition or to maintain the existing level of Mobile Home Park amenities and services. In the event that the necessary Capital Improvement or Substantial Rehabilitation expenditure is necessitated as the result of an accident, disaster, or other event for which the Mobile Home Park

Owner received insurance or other benefits, only those costs otherwise allowable and exceeding such benefits may be calculated as Operating Expenses.

Expenditures for necessary Capital Improvements to upgrade existing facilities, together with a reasonable return upon the Capital Improvement investment made by the Mobile Home Park Owner, shall be an allowable Operating Expense only if the park owner has:

- a. Informed the Affected Homeowners prior to initiating construction or implementation of the Capital Improvement regarding the nature, purpose and estimated cost of the improvement; and
- b. Established by written verification or other competent evidence to the satisfaction of the Arbitrator that the costs of Capital Improvement provided to the Homeowners for their general use are factually correct as claimed; and
- c. Cost factored and amortized the costs of the improvement over the good faith estimate of the remaining life of the improvement, but in no event for a period of less than 60 months; and
- d. Allocated the increase among Affected Homeowners on a per space basis and separately itemized such increase on the Rent bill. Such increases shall not be considered included in the Base Rent for purposes of the annual permissible Rent Increases pursuant to Section 9.24.070(A).

11. Increases in interest payments which result from one of the following situations or the equivalent thereof:

- a. Refinancing of the outstanding principal owed for the acquisition of a park where such refinancing is mandated by the terms of a financing transaction entered into prior to [DATE, 2018], for instance, termination of a loan with a balloon payment; or
- b. Increased interest costs incurred as a result of a variable interest rate loan used to finance the acquisition of the park and entered into prior to [DATE, 2018].

In refinancing, increased interest shall be permitted to be considered as an Operating Expense only where the Mobile Home Park Owner can show that the terms of the refinancing were reasonable and consistent with prudent business practices under the circumstances.

B. "Operating Expenses" shall not include the following:

1. Debt service expenses, except as provided in subsection (A)(11) of this Section 9.24.140;
2. Depreciation;

3. Any expense for which the Mobile Home Park Owner is reimbursed; or

4. Attorneys' fees and costs (except printing costs and documentation as required by Section 9.24.080) incurred in proceedings before an Arbitrator or in connection with legal proceedings challenging the decision of an Arbitrator or the validity or applicability of this Chapter.

C. Whenever a particular expense exceeds the normal industry or other comparable standard, the Mobile Home Park Owner shall bear the burden of proving the reasonableness of the expense. To the extent that the Arbitrator finds any such expense to be unreasonable, the Arbitrator shall adjust the expense to reflect the normal industry or other comparable standard.

9.24.150 Special Base Year NOI/Base Rent Adjustments.

A. Mobile Home Park Owners may obtain a one-time special adjustment to the base year NOI and/or Base Rent dates if the rebuts the presumption that the base year NOI and/or Base Rent date yielded a fair return. The Arbitrator shall not make such a determination unless the Arbitrator has first made at least one of the following findings:

1. That the Mobile Home Park Owner's Operating Expenses in the base year were unusually high or low in comparison to the three years prior to the base year. The average expenses for this period shall be presumed to reflect reasonable average annual expenses and the average of such expenses shall be used to calculate and adjust the base year NOI.

In determining whether the park owner's Operating Expenses were unusually high or low, the Arbitrator shall consider whether:

a. The park owner made substantial Capital Improvements during the base year, which were not reflected in the Rent levels on the Base Rent date.

b. Substantial repairs were made due to uninsured damage caused by fire, natural disaster or vandalism.

c. Maintenance and repair were below accepted standards so as to cause significant deterioration in the quality of Housing Services.

d. Other expenses were unreasonably high or low notwithstanding the following of prudent business practice.

2. That the Rent was disproportionate due to one of the enumerated factors below:

a. The Rent on the base date was exceptionally high or low due to the fact that the Rent was not established in an Arms-Length Transaction.

b. The Rent on the Base Rent date was substantially higher or lower than at other times of the year by reason of premiums being charged or rebates given for reasons unique to particular spaces.

B. If the circumstances specified in subsection (A)(2) of this Section 9.24.150 are demonstrated, the Base Rent date shall be adjusted to reflect the Rent that would have been received if the Base Rent date had been set under general market conditions. In making this adjustment, the Arbitrator shall utilize the median rent in effect on the Base Rent date, or a good faith estimate of such median rent, for comparable spaces within the Mobile Home Park or, if necessary, other comparable parks. Comparability shall be judged based on the location of the park, services, amenities provided, and other relevant factors.

9.24.160 Obligations of the Parties.

A. After the Mobile Home Park Owner's proposed effective date of a noticed Rent Increase, if the Arbitrator finds that the proposed increase or any portion thereof that was previously inoperative is justified, All Affected Homeowners shall pay the amount found justified to the Mobile Home Park within 30 days after the decision is made.

B. If the Arbitrator finds that an increase or any portion thereof is not justified, the Mobile Home Park Owner shall refund any amount found to be unjustified, but that had been paid, to All Affected Homeowners within 90 days of the Arbitrator's decision. In the event that the tenancy of an Affected Homeowner is terminated for any reason prior to receipt of a refund, the balance of the credit due the Homeowner shall be paid by the Mobile Home Park Owner within 30 days from the date of the termination of the tenancy.

C. Any sum of money that under the provisions of this Section 9.24.160 is the obligation of the Mobile Home Park Owner or Homeowner to pay, as the case may be, shall constitute a debt and, subject to the foregoing provisions of this section, may be collected in any manner provided by law for the collection of debts.

9.24.170 Homeowner's Right of Refusal.

An Affected Homeowner may refuse to pay any increase in Rent which is in violation of this Chapter, provided a petition has been filed and either no final decision has been reached by an Arbitrator or the increase has been determined to violate the provisions of this Chapter. Such right of refusal to pay shall be a defense in any action brought to recover possession of a Mobile Home Space or to collect the Rent Increase.

9.24.180 Retaliatory Acts – Homeowner's Right to Organize.

No Mobile Home Park Owner may retaliate against a Homeowner, Homeowner Representative, or Prospective Homeowner for the assertion or exercise of rights under this Chapter in any manner. This includes, but is not limited to, threatening to bring or bringing an action to recover possession of a Mobile Home Space, engaging in any form of harassment that causes a Homeowner to quit the premises, dissuading a Prospective Homeowner from freely exercising

the Homeowner's legal option to choose a tenancy of a shorter term, decreasing Housing Services, increasing the Mobile Home Space Rent, or imposing or increasing a security deposit or any other charge payable by a Homeowner.

9.24.190 Fees.

- A. The costs of administration of this Chapter, including the costs of mediation and arbitration, shall be borne by the City, subject to reimbursement by imposition of a Rent Stabilization Administration Fee ("Fee") chargeable against each Mobile Home Space in the City.
- B. The Administrator shall recommend to the City from time to time the amount of the Fee and the Council shall adopt such Fee by resolution at a public hearing. A reporting of expenditures and staff time spent on administration of this Chapter shall be conducted during review of the City's budget.
- C. On or before **September 30th** of the fiscal year of the adoption of this Chapter, and thereafter on or before **July 31st** of each subsequent fiscal year, each Mobile Home Park Owner in the City shall register with the City. The Mobile Home Park Owner shall provide, in writing, the name and address of the Mobile Home Park Owner, and a statement of the number of Mobile Home Spaces, including both occupied and unoccupied spaces, contained in that Mobile Home Park Owner's Mobile Home Park. Re-registration and provision of this information must also be made upon change of ownership of the Mobile Home Park, or an increase or a decrease in the number of spaces available at a Mobile Home Park Owner's Mobile Home Park.
- D. On or before **September 30th** of the fiscal year of adoption, and thereafter on or before **July 31st** of each and every subsequent fiscal year, each Mobile Home Park Owner shall pay to the City the Fee then in effect for each Mobile Home Space in the Mobile Home Park Owner's Mobile Home Park, except for those spaces subject to a rental agreement in full compliance with the requirements of California Civil Code Section 798.17(a) and (b).
- E. Allocation of the Fee.
 - 1. A Mobile Home Park Owner may allocate 50 percent of the Fee imposed on a Mobile Home Space to the Homeowners in accordance with the provisions set forth in this Section 9.24.190. This allocation shall be passed on, if at all, no later than the next park anniversary date or within 12 months from the date of payment to the City. The remaining 50 percent of the Fee imposed on a Mobile Home Space shall not be passed on in any way to Homeowners.
 - 2. The Mobile Home Park Owner shall post in a common area for a period of 90 days for All Affected Homeowners to read, documentation supporting the allowable amount to be collected in order for the Mobile Home Park Owner to recover 50 percent of the Fee. At a minimum, such documentation shall include:
 - a. Billing notices or other equivalent documents from the City imposing Fee;

- b. A copy of this Section;
- c. The calculations used by the park owner to apportion the cost of the allowable percentage among the Affected Homeowners;
- d. The address and telephone number of the Administrator; and
- e. Notice to the Affected Homeowners that Homeowners are encouraged to contact the Administrator for an explanation of the provisions of this Chapter.

3. The Fee allocation shall not be considered part of the Base Rent upon which future Rent Increases can be based.

4. The Fee allocation shall be separately listed on any monthly or other periodic billing statement to the Homeowner.

F. A service fee equal to one and one-half percent per month will be charged on Mobile Home Park Owners who make late payments of Fees required under this Chapter. The service fee may not be passed on to Homeowners.

9.24.200 Exemption from Fees.

A. A Mobile Home Park Owner who is eligible for a space fee exemption pursuant to Civil Code Section 798.17 or any other provision of this Chapter, shall provide the Administrator with the following documentation, as appropriate:

1. A listing of long-term executed lease space numbers and spaces used other than for residency;

2. For a newly constructed space, proof that the space was constructed and initially held out for rent after [DATE, 2018]; and

3. A statement of the basis for the exemption.

B. The Administrator's decision as to an exemption shall be final.

9.24.210 Nonwaivable Obligations.

Any provision, whether oral or written, in or pertaining to a rental agreement whereby any provision of this Chapter is waived or modified, is against public policy and void, except with respect to any rental agreement complying with all of the terms and conditions set forth in California Civil Code Section 798.17.

9.24.220 Remedies And Waiver of Rights.

A. In addition to those penalties and remedies set forth in this Chapter, no Mobile Home Park Owner shall demand, accept, receive, or retain any Rent in excess of the amounts allowed under this Chapter. In the event that a Mobile Home Park Owner demands, accepts, receives, or retains any payment in excess of the amounts allowed under this Chapter, the Homeowner may file a civil suit against the Mobile Home Park Owner. A Mobile Home Park Owner who demands, accepts, receives, or retains any payment of Rent in excess of the amounts allowed under this Chapter shall be liable to the Homeowner in the amount by which the payment or payments have exceeded the allowable Rent. In such a case, the Rent shall be adjusted to reflect the lawful Rent pursuant to this Chapter.

B. A Mobile Home Park Owner who willfully demands, accepts, or retains any payment of Rent in violation of the provisions of this Chapter shall be liable in a civil action to the person from whom payment is demanded, accepted or retained for damages in the sum of three times the amount by which payment or payments demanded, accepted or retained exceed the maximum Rent which could lawfully be demanded, accepted or retained. A prevailing Homeowner in a civil action brought to enforce this Chapter shall be awarded reasonable attorneys' fees and costs as determined by the court. No administrative remedy need be exhausted prior to filing suit pursuant to this Section 9.24.220.

C. The remedies available in this Chapter are not exclusive and may be used cumulatively with any other remedies available in this Chapter or at law.

D. Waiver of Rights.

1. Any waiver or purported waiver by a Homeowner of rights granted under this Chapter prior to the time when said rights may be exercised shall be void as contrary to public policy, except as provided in this Section 9.24.220.

2. It shall be unlawful for a Mobile Home Park Owner to require or attempt to require, as a condition of tenancy in a Mobile Home Park, a Homeowner, or Prospective Homeowner, to waive, in a lease or rental agreement, the rights granted to a Homeowner by this Chapter.

3. It shall be unlawful for a Mobile Home Park Owner to deny or threaten to deny a tenancy in a Mobile Home Park to any person on account of such person's refusal to enter into a lease or rental agreement or any other agreement under which such person would waive the rights granted to a tenant by this Chapter.

4. Nothing in this Section 9.24.220 shall preclude a Mobile Home Owner or tenant, or Prospective Homeowner, from entering into a lease or rental agreement; provided, that such lease or rental agreement is not procured by a requirement that it be entered into as a condition of tenancy in the Mobile Home Park, and is not procured under a threat of denial of tenancy in the Mobile Home Park.

E. If a Homeowner fails to bring an action to enforce this Chapter within a reasonable time after the date of the violation, the City Council may bring such an action or settle the claim on

the Homeowner's behalf. If the City Council brings such an action, the Homeowner shall be provided the right to opt in or out of the action. In the case of an opt-in, the Homeowner on whose behalf the City Council acted is barred from bringing a separate action against the Landlord in regard to the same violation, and the City shall be entitled to recupereate the costs it incurred from any monetary recovery from the Mobile Home Park Owner, with the remainder to go to the Homeowner against whom the violation has been committed. In the case of an opt-out, the Homeowner shall retain all rights relating to his or her right to private action. The City Council may take other such enforcement action as necessary to ensure compliance with this Chapter.

9.24.230 Rights of Affected Parties Reserved.

A. This Chapter shall not be construed to limit or curtail any other action or proceeding which may be pursued by an Affected Homeowner or Mobile Home Park Owner before any court or other body having jurisdiction thereof.

B. Defense to Action for Recovery of Possession.

1. A Mobile Home Park Owner's failure to comply with any of the provisions of this Chapter or any regulations promulgated hereunder shall serve as a complete affirmative defense in any action brought to recover possession of a Mobile Home Space.

2. A Homeowner's refusal to pay Rent in excess of the amount allowed under this Chapter shall be a complete affirmative defense in any action brought to: a) recover possession of a Mobile Home Space for nonpayment of Rent; or b) collect Rent in excess of the amount allowed under this Chapter.

9.24.240 Extension of Time Limits.

By written agreement of the parties, upon application to the Administrator, or for good cause shown to the Mediator or Arbitrator, the timeframes provided for under this Chapter may be extended.

9.24.250 Regulations and Review By the City Council.

A. The City Council may issue rules and regulations as necessary to further the purpose of this Chapter. If any portion of this Chapter is declared invalid or unenforceable by decision of a court of competent jurisdiction or rendered invalid or unenforceable by law, the City Council shall have the authority to enact replacement regulations consistent with the intent and purpose of the invalidated or unenforceable provisions of this Chapter to the extent necessary to resolve any inconsistency. The subject matter of such replacement regulations shall be limited to the matters addressed in this Chapter.

B. The Council shall review the effectiveness of this Chapter within five years from the effective date to determine whether a full-scale review of the Ordinance is necessary. Notice of

the time and place of the Council's review shall be published at least 10 days prior to the review date in a newspaper of general circulation in the City.

9.24.260 Environmental Determination.

The City Council finds that the adoption and implementation of this Article are exempt from the provisions of the California Environmental Quality Act under section 15061(b)(3) in that the City Council finds there is no possibility that the implementation of this Article may have significant effects on the environment.

9.24.270 Partial Invalidity.

If any provision of this Chapter or application thereof to any person or circumstances is held invalid, this invalidity shall not affect other provisions or applications of this Chapter that can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared severable. This Chapter shall be liberally construed to achieve the purposes of this Chapter and to preserve its validity.

Administration								
	Applicability	City Staff Person	City Point Person Responsibilities	Council Responsibilities	Park Owner Implementation of Rent Increase	Financing	Pass Through of Regulatory Fees	Rental Registry
Contra Costa County	State law limits (does not apply to spaces subject to an agreement longer than 12 months per Civil Code Section 798.17; does not apply to newly constructed spaces per CC 798.45) (Sec. 540-2.206(b)(1)); Not applicable to spaces where rent is less than \$350/month (Sec. 540-2.206(b)(2)); Not applicable to parks where the highest rent charged is less than median rent as determined by a City Council program to determine median rents (Sec. 540-2.206(b)(3))	Rent Review Officer as designated by the city administrator (Sec. 540-2.204(p))	Assigns a hearing officer to a petition (Sec. 540-2.204E); Acknowledges receipt of notice from park owner of the list of people impacted by rent increase which is required before a rent increase can be implemented (Sec. 540-2.602); Reviews petitions opposing the implementation of rent increase and verifies petition requirements are met (Sec. 540-2.804, Sec. 540-806); Assigns mediator after valid petition received and convenes meeting btw park owner and homeowner rep. (Sec. 540-2.808); Assigns hearing officer if mediation unsuccessful after 40 days (Sec. 540-2.810); Receives declaration from park owner under penalty of perjury regarding capital improvement increases (Sec. 540-2.1204(c)); Prepares a summary of ordinance that is provided to a prospective homeowner (Sec. 540-2.1408(b)); Award monetary damages for unlawfully received rent (Sec. 540-2.1608); Adopt regulations under Ordinance (Sec. 540-2.1604)	Approve program to determine median mobilehome space rents (Sec. 540-2.206(b)(3)); Establish amount of regulatory fee to cover the costs of hearings (Sec. 540-2.812); Receive annual report from City Administrator regarding amount of administration fee and set administration fee (Sec. 540-2.1602(b)); Review report of vacancy rate and consider appropriateness of ordinance (Sec. 540-2.1610)	1) Provide at least 90 days notice to homeowner in advance of ANY rent increase and notice of informal meeting (Sec. 540-2.602(a)); 2) Set up informational meeting with mobilehome owners to take place 30 days after notice (Sec. 540-2.602(b)); 3) Provide notice to Rent Review Officer and Homeowner's Rep (Sec. 540-2.602(b). Rent increases can proceed unless petition filed for rent review.	Residents pay fee for processing petition (Sec. 540-2.804(d)); Park owner pays a hearing fee (Sec. 540-2.812); Regulatory per-space fee imposed on park owner (Sec. 540-1602)	35% of regulatory fees can be passed through to residents (Sec. 540-2.1602E)	—
Calistoga	State law limits (does not apply to spaces subject to an agreement longer than 12 months per Civil Code Section 798.17; does not apply to newly constructed spaces per CC 798.45)	Planning and Building Director or other designee appointed by City Manager (Sec. 2.22.020)	Obtain petition from homeowners for rent review (2.22.090(D)); Remit "an informational questionnaire" to park owner after receiving petition (2.22.090E)) Assign arbitrator within 15 days (2.22.090(F)); Set hearing date between 10-30 days after assignment of arbitrator (Ibid.)	Set anniversary date for all rent increases (2.22.060); Council's consideration of amount of regulatory fee (2.22.190(B)); Review Ordinance after 5 years (2.22.250)	Provide at least 90 days notice to homeowner in advance of increase (Sec. 2.22.070); If increase larger than annual general adjustment: 1) set up informational meeting with mobilehome owners w/in 10 days of notice (2.22.070(B)(6)); 2) file CPA-verified financial documentation to City (2.22.070(C)); 3) set up mandatory mediation with homeowners w/in 20 days of notice (2.22.090(B)), if dispute not resolved, residents have 30 days to file petition.	City bears the costs but can be reimbursed through the imposition of a regulatory fee against each space (2.22.190(a))	50% of registration fee may pass through to resident (2.22.190(E)(1))	Yes, park owners must register by September 30th and change of ownership (2.22.190C)

<u>Annual General Adjustment</u>		
	Implementation	Banking Increases
Contra Costa County	The greater of: 75% of CPI with a cap of 3% (Sec. 540-2.404(a)(2)); or Two Percent (Sec. 540-2.404(a)(1))	Silent
Calistoga	The lesser of 100% of CPI (Sec. 2.22.070(A)(1) or 6 % of base rent (Sec. 2.22.070(A)(2))	Silent

<u>Individualized Adjustments</u>		
	Definition of Fair Rate of Return	Procedure
Contra Costa County	Generally undefined; "Maintenance of Net Operating Income" when considering Major Rent Increases (Sec. 540-1.1006)	There are procedures for implementing 4 types of rent increases: 1) Annual General Adjustments (Standard annual rent increase) (Sec. 540-2.404); 2) Pass through of regulatory fee (Sec. 540-2.406); 3) Capital improvement increases (Sec. 540-2.408); 4) Major Rent Increase (Sec. 540-2.410; Sec. 540-2.1002). Hearing officer makes determination.
Calistoga	"Maintenance of net operating income" (2.22.110)	Arbitration Hearing (2.22.090(G))

Cindy Tzaopoulos

Subject: FW: Rent Control

From: Christine Talley <talleysaint@aol.com>

Date: July 31, 2018 at 12:40:47 PM PDT

To: mkoberstein@cityofstheleena.org

Subject: Rent Control

Hi Mary,
I live in Vineyard Valley. I was at the meeting in Vineyard Valley where you and Mr. Reynolds attended.

I would like to see the rent control go into affect here in VV. I am a widowed senior living only on my SS and pension.

There are quite a few of us here who are similar.

Lately, the tenants moving in here are couples with 2 incomes coming from expensive homes which they sold and do not care if the rents continue to

go up.

Those of us who have lived here for more years do not have that kind of income, that's why we moved into manufactured homes.

St. Helena needs to have more low income housing and VV should be that way.

Mr. Reynolds the owner just wants to make money. He says he put a lot of money into beautification of the property. However, it is just for his ability to sell

the homes at a higher price.

Thank you for trying to help us.

Christine Talley

Cindy Tzaopoulos

From: Patricia Rardin <patriciarardin@gmail.com>
Sent: Sunday, August 05, 2018 1:40 PM
To: Cindy Tzaopoulos
Subject: Rent Stabilization Ordinance

Attn: Mayor Galbraith, Vice Mayor White, Councilpersons
Dohring, Ellsworth and Koberstein

My name is Patricia Rardin, age 97, tenant of Vineyard Valley
for over 6 years.

I am writing to indicate that I am in favor of the Rent
Stabilization Ordinance. I like the fact that I would have the
choice of signing a long term lease or paying my rent on a month
to month basis.

I like the fact that there is some control in the lot rent that
the owners can charge prospective buyers if I sell my home.
I also like the fact that there is protection of the amount of
my rent if the park were to be sold.

I intend to live the rest of my life here and like the financial
security this ordinance would provide for me.

Thank you for your consideration

--

Carpe Diem

Patricia on Cloud Ten

Robert R. Distad
5 Del Monte Court
St. Helena, Ca.
94574

September 9, 2018

St. Helena City Council
City Hall
1480 Main Street
St. Helena, Ca. 94574

Re: Housing Goals & the proposed Rent Stabilization Ordinance

Dear Mayor Galbraith, Vice Mayor White and Council Members Dohring, Koberstein and Ellsworth:

I write in support of your efforts to accomplish your 2017 Council goal to "Stabilize, Maintain and Improve Access to Housing" in St. Helena.

I have read the White Paper prepared by Ms. Ericka Sklar and am impressed with the breadth of her analysis, and am consequently concerned by the complexity and interrelatedness of the many factors you must deal with in your efforts to address the challenges and recommendations identified in her report.

At the outset of her report one of her phrases that caught my eye and continues to resonate with me is the following:

"It is clear from a review of population, housing and employment data that there is a mismatch between housing affordability and income for both St. Helena residents and employees."

I think we all know what this means, and are also quite aware of what its implications are for St. Helena if no effort is made to address the status quo. While funding mechanisms necessary to undertake the initiatives Ms. Sklar identifies are complex and likely time consuming and costly, some of the regulatory proposals she identifies are less so, and are far more likely to produce a reduction in the cost of permanent resident housing in St. Helena.

Most particularly I call your attention to bullet point #3 on page 5 of the Reports Executive Summary:

- Establish rent stabilization ordinance for senior housing

I am aware of the controversy and concern that the introduction of this topic has made in the lives of Vineyard Valley residents and management. I live in Vineyard Valley and have listened to its residents, both proponents and opponents. It is of little value now to consider how or why the public engagement strategies recommended by Ms. Sklar in her report, and by City Manager Prestwich in his transmittal of that report to you for your June 26th Council Meeting, were not timely implemented. City residents' feelings have been hurt, tempers have flared, council members have been chastised for their efforts, and many minds have been firmly made up one way or the other as to the value and efficacy of the proposed rent stabilization ordinance.

Amidst all this heated discourse I am hopeful you will remain focused on your goal to maintain affordable housing for seniors.....mindful that it is a goal not just for today's challenging circumstances, but for the future as well.

If the past is any indicator of what is to come, what can St. Helena's senior residents expect in terms of future living costs:

-The cost of city provided services will continue to increase (water, sewer, garbage pickup and recycling, etc.)

-Any Social Security increases will be minimal. (2% in 2018, 0.3% in 2017, no increase in 2016, 1.7% in 2015, 1.5% in 2014)

-Medical Care costs will continue to rise. Medical Care inflation has outpaced the inflation calculated by the CPI-W in 33 of the past 35 years.

This is the same index that is used to determine whether and to what extent there will be an increase in Social Security payments.

-The cost of Medicare will rise. Medicare Part B premiums since their introduction 52 years ago in 1966 have risen at an annual compounded rate of roughly 7.7%. While future annual increases may continue to be mitigated by the current "hold harmless" clause (which restricts most enrollees rate increases to whatever the Social Securities COLA is for that year), the practical effect is that any social security increase is taken away by the Part B premium increase.

Here are the factors I believe should be of significance to you in your deliberative processes.

-Any St. Helena Senior on a fixed income will increasingly face agonizing decisions on how to spend their limited resources. Stories abound about seniors going hungry or, as bad, foregoing necessary medications because of their prohibitive costs. While this council is not responsible for addressing these significant public health issues, it certainly must be cognizant of them when considering what impact a rent stabilization ordinance might have on ameliorating these concerns.

-Your ordinance does not affect all Vineyard Valley residents. The Ordinance only applies to leases of 12 months or less. Most of us have long term leases and have every intention of renewing those leases upon their expiration. Since your Ordinance only affects those who choose to be covered by it, there is no meaningful unfairness or tangible harm visited on those of us who choose not to accept its coverage.

-I believe there are residents in Vineyard Valley, current and future, who could and will benefit from the Ordinance.

Do I know who? No—and I do not wish to know. I respect all persons rights to privacy.

Do I know how many? No, but in listening to conversations at gatherings and events, I hear & learn that they are here.

What do I know? I know that for some an acknowledgement of poverty is painful and shaming, and that consequently their support is silent. We should seek to speak for those we know are afraid or ashamed or unable to speak for themselves.

-Finally, and in keeping with both the U. S. and California Constitutions, the park owner is guaranteed a "fair return" on her/his investment.

Rent Stabilization Ordinances have been in existence in California long enough so that this "term of art" is neither amorphous nor ambiguous. This is a very important factor, one the has caused concern for a number of Vineyard Valley residents who fear that this proposed ordinance will somehow cause the park owner to "cut back" or do less by way of maintenance and park beautification. I do not subscribe to that fear. Two of the current owners are children of the Park's founder. They maintain residences here. They have made a commitment to continue to maintain the Park's premiere status. I take them at their word.

Thank you for your time and consideration.

Yours truly



Robert R. Distad

Cindy Tzaopoulos

From: Mark Prestwich
Sent: Monday, August 06, 2018 8:18 AM
To: Cindy Tzaopoulos
Subject: FW: Rent Stabilization

FYI

From: Thomas Pickering <bigpickill@me.com>
Sent: Sunday, August 5, 2018 11:48 AM
To: Alan Galbraith <AGalbraith@cityofsthelena.org>; Mark Prestwich <MPrestwich@cityofsthelena.org>
Cc: Peter White <PWhite@cityofsthelena.org>; Mary Koberstein <MKoberstein@cityofsthelena.org>; Geoff Ellsworth <GEllsworth@cityofsthelena.org>; pdoring@cityofsthelena.org
Subject: Rent Stabilization

August 5, 2018

Saint Helena City Council

Re: Rent Stabilization for Vineyard Valley

I am writing this letter to suggest that rent stabilization for the park seems like a good idea, one that should be discussed in greater detail at the upcoming meetings at Vineyard Valley with Mary Koberstein and Mark Prestwich.

I have read through the note from the City Council titled "Some Questions About Rent Stabilization" dated July 24, 2018. While it answered many of my questions, there are still some I have. Believe me when I say that most people in the park have not read this document and it will be informative for many.

Thomas Pickering

11 La Cuesta Court

Saint Helena, CA 94574

Cindy Tzaopoulos

From: Mark Prestwich
Sent: Wednesday, August 08, 2018 10:48 AM
To: Cindy Tzaopoulos
Subject: FW: RSO

FYI

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

From: pinutbutter2@gmail.com <pinutbutter2@gmail.com>
Sent: Tuesday, August 7, 2018 4:46 PM
To: Mark Prestwich <MPrestwich@cityofsthelena.org>
Subject: RSO

Hi Mark,

I am a Vineyard Valley resident and I am in favor of this ordinance.

Cathy Small

Cindy Tzaopoulos

From: James Wayson <jwandms@pacbell.net>
Sent: Sunday, August 05, 2018 12:44 PM
To: Cindy Tzaopoulos
Subject: Rent stabilization

As residents of St. Helena and Vineyard Valley, we would like to go on record as supporting the proposal for rent stabilization.

Marianne Sylvia, 8 Del Rio Ct., Saint Helena, Ca.
James Wayson, 8 Del Rio Ct., Saint Helena, Ca.

Cindy Tzaopoulos

From: Mark Prestwich
Sent: Tuesday, August 07, 2018 11:23 AM
To: Cindy Tzaopoulos
Subject: FW: Stabilization of Rent

FYI

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

From: Keith Eaton <william1946@comcast.net>
Sent: Monday, August 6, 2018 1:00 PM
To: Mark Prestwich <MPrestwich@cityofsthelena.org>
Subject: Stabilization of Rent

My wife and I have been residents of Vineyard Valley for more than 14 years.

We believe that the Rent Stabilization ordinance will protect our future financial security and keep the homes in Vineyard Valley as an affordable option for Saint Helena seniors.

We are in favor of the Rent Stabilization Ordinance.

Thank you for your work in keeping affordable housing possible in Saint Helena.

Jane and Keith Eaton

Sent from my iPhone

7/23/18

Dear St. Helena City Council Members and City Manager,

I am writing this letter to strongly recommend that you adopt a Rent Stabilization Ordinance (RSO) similar to the one we have in Calistoga to protect the mobile home owners in your community from excessive space rent increases and use of leverage by park owners to increase rents when homes are sold.

I am probably the person most familiar with the RSO in Calistoga, and I could write volumes about its background and history, so I will try to be brief.

For background and updated knowledge concerning mobile home rent control, however, I would recommend the attorney Will Constantine. I have spoken to him on the phone, and paying for an hour of his phone or skype time would, I think you would find, be extremely worthwhile.

William J Constantine Attorney At Law
303 Potrero Street
Santa Cruz, CA 95060-2741
Phone: (831) 420-1238
WConst1238@aol.com

Our ordinance provides protection for homeowners while assuring park owner a fair return on investment.

The idea behind our ordinance is to give park owners a basic market rate at the ordinances inception and then allow annual increases to allow for inflation of their ordinary expenses while considering larger increases for extraordinary expenses when justifiably called for.

The alternative usually amounts to what park owners call “market” increases which amount to competition among parks to raise rents (and an ever changing market rate) to reflect what the market will bear, or as much as they can get to reflect the state of the market - a dizzying process where only the homeowners suffer.

When Chateau Calistoga Mobile Home Park was sold several years ago, the new owner met in mediation with a group representing most of the homeowners in the park. He proposed a \$200/month rent increase over a period of three years. For whatever reason (although RSO arbitrations had succeeded in the past) the homeowners (represented by the GSMOL attorney) agreed.

A dozen homeowners held out, acquired pro bono legal assistance from a large firm, went to arbitration - and won. Rather than a \$200 rent increase over three years, they paid about \$8.00/year annual CPI increases.

In Calistoga, to my understanding, the ordinance has only suffered as a result of the city not keeping tabs on its own attorneys. The city won't look at possible revisions to the ordinance at present for fear of pressure from the park owners. The mayor claims that the city spent over a million dollars fighting appeals made by a park owner - all of which were won by the city.

Although there is a fund supported by park owners and homeowners to pay for the original arbitration, appeals must be paid for by the city.

With this knowledge, homeowners at Rancho acquired pro bono help for the city from a large S.F. Law Firm when the owner appealed an arbitrator's decision. I was informed by a member of that firm that their resources

were not being properly utilized, so the city itself has only itself to blame for the inflated expense.

I am going to propose two changes to our ordinance that you might incorporate into yours if you adopt it. I would consult with Donald P Davis who I believe is still a member of your city attorney's firm concerning these changes. In a manual for Arbitrators written in 1994 Davis indicated that nearly half of an annual CPI increase went beyond inflation to "profit" for the park owner. I would suggest that you change the 100% CPI increase to 50 to 75% in the interest of fairness to the homeowner.

Also, our Social Security increases are based on the national CPI, while the park owner's annual rent increases are based upon the S.F.- Oakland Bay Area CPI which has been on average 20% higher over the past 25 years.

I would be glad to try to answer any other questions you may have.

Marvin Braun
21 Rockrose Lane
Calistoga, CA 94515

Phone 707 942-5317

marvinbraun@sbcglobal.net

Attention Mayor Galbraith, Vice Mayor White, Councilpersons Dohring, Ellsworth and Koberstein

My name is Maureen O'Neill. My husband Tom and I moved to Vineyard Valley in the Year 2000.

We intend to live out our days here and believe the rent stabilization ordinance would give us some financial security we currently do not have.

We like the fact that the ordinance provides some control over the increase in lot rent if we would have to sell our home.

We like the fact that the rent increase is tied to the CPI. Even though our present lease provides only a 3% yearly increase there is no guarantee that at the end of our current lease the owners will not choose to raise it to a much higher level. This would cause a lot of us on fixed incomes to move.

There is no way to guarantee that the current owners will not sell the park. If the property were to be sold it is highly likely that the new owners will raise the rent as much as they want to as soon as our current lease runs out.

For these reasons and the fact that with the ordinance we have a choice of signing a long term lease or renting on a month basis I would ask that you approve this Rent Stabilization ordinance.

Sincerely,

Maureen O'Neill
Maureen O'Neill

6 Del Campo Court
Sain Helena, CA.

Michael Merriman
4 La Cuesta Court
Saint Helena, CA 94574

August 4, 2018

Mark Prestwich
City Manager
City Of St Helena
1480 Main Street
St. Helena, CA 94574

Dear Mark,

As the discussion of the merits of a Rent Stabilization Ordinance (RSO) continues, it is important to point out the often-questionable steps that the owners of Vineyard Valley are taking to combat the passage of such an ordinance.

1. Upon learning of the city's desire to move this ordinance in a meeting with you on Tuesday, July 10, 2018, they embarked on an organized campaign that included the hiring of a paid lobbyist from their powerful park-owners' organization (WMA). [see attached]
2. On Friday, July 13, 2018, at the close of the business day/week, they distributed an inflammatory and divisive letter to all tenants, suggesting that this effort was somehow done in secret and it would behoove the tenants to search out the perpetrator(s). [see attached]
3. Ownership arranged for a meeting of all tenants, so they could present their position on Wednesday, July 18, 2018, a meeting that was chaired by the President of our Homeowners' Association (thereby intimating that the tenants' association was supportive of the owners' position). This meeting was highly contentious and, although Council Member Koberstein represented the city's position in a very logical and clear presentation, ownership played on the emotions of the tenants rather than presenting factual material. [see attached]
4. On Sunday, July 29, 2018, a letter was sent to tenants from ownership characterizing the RSO as "quite the stealth operation..." and asking tenants to begin a letter-writing-campaign to The City in *protest of the proposed RSO*. They even attached three example letters from which to crib. [see attached]
5. Another letter, July 30, 2018, was sent to the 19 lapsed residents that asked them to renew their leases (and waive their right to the RSO) because they might be saddled with a crippling assessment of fees should they operate under the protection of the RSO. [See attached scare tactic letter. I have been approached by two of these confused and panicked residents seeking clarification.]
6. On Friday, August 3, 2018, again at the close of the business day/week (a strategy in-and-of-itself) they sent, to all residents, another, second letter painting themselves as a "family owned and operated business" when, in fact, they are a corporation of faceless investors (LLC). In this letter, they point out that many family-owned wineries are being "scooped up by large corporate entities..." and they try to make the connection that fighting the RSO will prevent that fact here. ***In reality, this is exactly the reason that we NEED the RSO!*** [see attached]

Mark, I expect more action from ownership as they battle against the RSO. I would hope that The City and the Council maintain their firm resolve and move this important ordinance to the finish line. We need it for the protection of our futures and protection of Vineyard Valley as an affordable solution for senior housing.

Sincerely,
Michael Merriman
Vineyard Valley Tenant

July 21, 2018

To: Mayor Galbraith, Vice Mayor White, City Councilmembers Dohring, Koberstein and Ellsworth

CC: City Manager Mark Prestwich, Planning and Community Development Director Noah Housh

We want to thank you for your efforts to establish a Rent Stabilization Ordinance for Mobile Home Parks in St. Helena. We have read and discussed the proposed ordinance and have some questions and some suggestions.

1. Staff Report: The use of the term affordable housing was unfortunate. Some people here in Vineyard Valley thought you were meeting your affordable housing requirements “on the back of Vineyard Valley residents.” The term Senior Housing or Senior Housing that is sustainable would be more acceptable and provide less opportunity for criticism.
2. Page 212 of 328 refers to Homeowners Representative and seems to indicate that this person would be part of a HOA. Our Homeowners Association is strictly social as designated in our Articles of Incorporation. We could find a suitable resident from our residents but he/she would not be part of the HOA.
3. Page 212 of 328 refers to Housing Service and that is a new category to us and likely to the owners. We had streets repaved last year and it was passed through to us as a Capital Improvement. This seems to indicate that it should be Housing Service. Actually, you talk about three classifications. Housing Service, Capital Improvements and Substantial Rehabilitation. This needs to be defined clearly and the definitions need to be located close together in the definitions so they can be compared.
4. Page 216 of 328 item 2 refers to a space being exempted from the provisions of this Chapter because it is the subject of a rental agreement pursuant to California Civil Code Section 798.17. We have read that Civil Code as well and still don't know what you are saying here. Please give us an example of what this means. Does this refer to Homeowners who choose to sign a lease?
5. Page 217 of 328 talks about the permissible annual increase in rent being the lesser of One hundred percent of the Percentage change in the CPI or Six percent of Base Rent. This is contradictory to pages 222 and 223. Please explain
6. Pages 222 and 223 of 328 discusses Net Operating Income adjusted to 75% of the CPI. The formula for Fair NOI is Base year NOI x (1 + .75) % change in CPI.
7. The CPI for June of 2018 for the Bay Area was at 3.9%. If we were to pay 100% of this we would be paying more rent than we do now. We would likely not accept this unless the 75% of the CPI were the metric.
8. Page 229 of 328 talks about fees for administration including the costs of mediation. First it says the City will assume the charges. Then it says the costs will be divided between the owners and the residents who have chosen the RSO program. This could become a stumbling block for people who are unsure whether to enroll in the RSO. In Calistoga they pay .87 monthly and the City uses this money to establish a fund for mediation. If a dispute rises to a higher level and goes to court the City has absorbed the costs. We don't know how you can modify what you have written but this needs to be modified.

9. We need some explanation of 9.24.080 on page 218 of 328. First of all, does this only apply to renters with a lease because it says it applies “except a notice of Rent Increase pursuant to Section 9.24.070?” The second question is whether the owner is required to show things like water and garbage that are passed through to all tenant with absolutely no opportunity to view the original bill? Since we don’t have individual water meters like they have in the Calistoga Mobile Home Parks we have always wanted more information. Again, if you sign up for the RSO you are not privy to this information, right?

We really appreciate your efforts to establish this ordinance and understand that it requires a great deal of research, and expertise to write the same. We would however, be ever so grateful if you could write things like this that consumers should read in some kind of language not requiring a Law degree to understand. This last comment is really directed at the City Attorney but we know he works at the pleasure of the City Council so you would have the power to change this. We remember when insurance companies started to write insurance policies in understandable language. We have encouraged VV residents to read this and after having read it three times without clear understanding it seems like maybe we made a mistake by encouraging people to read the document. It is always good to have a choice and this allows that to happen. It appears that our rent would go up more than it does now but we would have the protection necessary if the Park were sold and the owners would not be able to increase the lot rent if and when we sold this house. So, for people on fixed income they have to consider whether having an annual rent increase greater than it is now could be offset by the other two advantages of the RSO. Even the fees for arbitration as set forth in this ordinance could be a large burden. Once again thank you very much for your efforts.

Pat Dell and Grace Kistner

25 San Juan Court, St. Helena, CA. 94574

Cindy Tzaopoulos

From: Polly Keegan <pkeegan01@gmail.com>
Sent: Thursday, August 16, 2018 11:25 AM
To: Cindy Tzaopoulos
Subject: Mobile Home Rent Stabilization Ordinance

My name is Polly Keegan, I live in the Vineyard Valley Mobile Home Park.

I am FOR the ordinance named above, primarily to keep VV an affordable housing opportunity for many people. It has many options for opting in or out, and I feel it is fair and needed. Every time a new house sells, the owners raise the monthly rent fee significantly.

Some people in the Park are afraid that the owners do not wish to share their financials, and might sell the park rather than deal with government interference. Personally, I would like to view the "books" and understand where the +/- \$2M a year money goes, and wonder why they do not provide this information.

Thanks very much,

Polly

7 San Ardo Court

707-927-6666

Cindy Tzaopoulos

From: Kinney / VanNett <Steveandmae@comcast.net>
Sent: Wednesday, August 15, 2018 8:10 AM
To: Mark Prestwich
Cc: Cindy Tzaopoulos
Subject: Rent Stabilization

August 15, 2018

The City of St. Helena
1480 Main St
St Helena, California

Rent stabilization Ordinance

I am writing in support of the Rent Stabilization Ordinance. I feel this is a very important issue to the longevity of The Park and I would like to share my feelings on the matter.

First, let me state unequivocally that I love Vineyard Valley. Its beauty and sense of community are what attracted me. I am looking forward to spending the rest of my life here.

There has been a lot of talk concerning the Rent Stabilization Ordinance. A lot of it seems to ignore some basic financial issues facing us. In the last two years my fee has increased over 20%! To me this is an unsustainable growth pattern. I am fearful that I may not be able to afford to stay here if this continues

Much of the "maintenance", touted by Ownership, has been long overdue. Much of what's been done, pool, spa, etc., was due to their falling apart. Also, we are bearing a significant part of the tab for these "improvements". Again, look at the added fees for road and water. We have not had much, if any input, on these changes and decisions. Maybe it is the cynic in me, but I also feel that all these projects happening at once, points to a sale or re-organization of ownership.

I am happy that these issues have come to the attention of the city of St. Helena, and that they are working to keep this Park affordable for all of us

Steven Kinney
6 La Canada
St Helena, California

July 31, 2018

City of St Helena
Geoff Ellsworth
1480 Main St.
St. Helena, Ca. 94574

Mr. Ellsworth,

I am writing to you to let you know that as residents of Vineyard Valley we do not support the rent control ordinance that is under consideration by the city council. The park is run beautifully and is the most affordable housing option in St. Helena. We do not need another costly layer of government bureaucracy when there is an existing option of a long term lease that insures affordability. It is my understanding that the vast majority of VV residents are not in favor of rent control.

Tom Corkill

Leanne Corkill

Tom & Leanne Corkill
20 Del Rio Court
St Helena, Ca. 94574

Cindy Tzaopoulos

From: Anita Peters <anitamons@gmail.com>
Sent: Monday, July 23, 2018 9:09 AM
To: Cindy Tzaopoulos
Subject: NEW BUSINESS: Rent Control for Vineyard Valley Mobile Home Park.

>>>> Dear St.Helena City Council Members,

>>>>

>>>> Vineyard Valley has been my residence for over two years. The grounds, amenities, security, improvements and maintenance are excellent.

>>>>

>>>> A resident of one of the Calistoga mobile home parks and an employee of one in Windsor told me that rent control has caused a decline in their services. Enforcement of rules and regulations in these two mobile home parks has also become lax as a result of not having the money to hire managers.

>>>>

>>>> A long term lease is favorable to me. I am worried that rent control may create a myriad of state regulations that will result in the deterioration of all the services I appreciate at Vineyard Valley Mobile Home Park.

>>>>

>>>> Vineyard Valley is a community and all residents must have a voice before the city government decides to impose an ordinance of any type.

>>>>

>>>> Sincerely,

>>>>

>>>> Anita M. Peters

>>>> 8 Los Robles Court

>>>> St. Helena, Ca. 94574

>>>>

>>>>

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>>>>

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August 1, 2018

To the Mayor & City Council of St. Helena,

We absolutely oppose the proposed Rent Stabilization Ordinance for Vineyard Valley Mobile Home Park. The owners & staff of Vineyard Valley are doing their job in maintaining a beautiful Park. This proposed ordinance will only bring discord & distrust.

NO, NO, NO, DO NOT ALLOW THIS ORDINANCE TO PASS!!!

Sincerely,

The image shows two handwritten signatures in blue ink. The first signature, on the left, is 'Ronal J. Burns' and the second, on the right, is 'Stephanie E. Burns'. Both signatures are written in a cursive, flowing style.

Stephanie & Ron Burns
4 Del Campo Court
St. Helena, Ca 94574

Nora O'Neill

37 Laguna Seca Court
St. Helena, CA 94574

July 31, 2018

The City Council
City of St. Helena
1480 Main Street
St. Helena, CA 94547

Members of the City Council:

I am writing to you in connection with your consideration of rent control for Vineyard Valley.

World-renowned economist Thomas Sowell, PhD, Economics, Senior Fellow at the Hoover Institute at Stanford University, has said, *"The biggest economic fallacy of housing is that 'affordable housing' requires government intervention."* Below is a synopsis of Dr. Sowell's comments on rent control, taken from an interview he did on February 10, 2014, in connection with his book, ECONOMIC FACTS AND FALLACIES:

Before rent control was enacted, there were more people living in housing and government housing projects in San Francisco and New York City than there are now. San Francisco and New York City have had rent control for many, many years. Today, these 2 cities have the highest rent prices in the United States.

With rent control, people either reduce the number of houses they build, or they stop building houses altogether because, with rent control, there is no longer an incentive to invest in housing; and, they put their money elsewhere, such as in stocks and bonds.

Rent control leaves political authorities with the predicament of having no new houses being built while, at the same time, the old houses are wearing out, usually wearing out faster under rent control because the landlords don't have the incentive to keep up the properties as much.

So, the politicians say, we are trying to protect the poor, so we won't regulate luxury housing. Of course, affordable housing and luxury housing both use the same labor and materials. Consequently, in this situation, all the labor and materials that would have gone to ordinary housing goes to luxury housing because that is where the money can be made, hence, no new ordinary housing is being built.

Before government intervention became pervasive in the housing markets, we find people were paying a smaller percentage of housing at the beginning of the 20th Century than at the end of the 20th Century.

1901 -- housing was 23% of the average American family's spending

2003 -- housing was 33% of a far larger amount of the average American family's spending

The City Council of St. Helena, CA
 July 31, 2018
 Page 2 of 3

What happens is that the politicians end up restricting the amount of housing that can be built; and, the basic law of supply and demand dictates that if you restrict the supply while the demand is growing, the prices will go through the roof.

WHO BENEFITS FROM THE RENT CONTROL ARRANGEMENT?

The politicians gain most of all – they get the reputation of being for the poor and downtrodden, they are setting aside “affordable housing” units, they are preventing some evil landlord from raising the rent through rent control, and they are able to keep the public paranoid that, if they take away the rent control, there will be sky-high pricing. So, the politicians gain from this.

Both the landlords and the tenants lose. They lose in different ways and to different extents. Tenants lose because they cannot find a place to live; landlords lose because they do not make the profit they would have made otherwise. In addition, the builders lose because there is no demand for building condos and apartments if no one can make a profit from it.

Where builders are allowed to construct homes and apartments without severe government restrictions, even growing populations and rising incomes do not cause housing prices to shoot up because the supply of newly constructed housing keeps up with the growing demand. Example: Contrast Houston vs. San Francisco:

In 2014 it was estimated by a real estate company that the average house in Houston cost \$155,000, while the average house price in San Francisco was \$1.5 million. Houston does not have zoning laws; however, in California, there are many, many laws and regulations, planning commission reviews, hearings, expensive fees every step of the way, etc., etc.

Let’s review why this housing shortage exists in St. Helena. A lot of the problem stems from the Ag Preserve back in the 1980’s, where one of the “selling points” of the Ag Preserve to the voters at the time was to “keep Napa Valley from being filled with condos and apartments, which would make Hwy 29 a parking lot!” Consequently, with the Ag Preserve in place, the development of Napa Valley was practically all focused on vineyards and wineries, with hardly any thought given to the future need for housing.

We have ended up with tons of vineyards and wineries, yet all of their employees (plus the teachers, restaurant workers, general business employees, and city employees) need housing; but, there is no housing because of the Ag Preserve’s resultant limit on condos and apartments. Instead, everyone put in vineyards and wineries, and the builders were left with only building wineries and luxury homes for the rich. Worst of all, not only is Hwy 29 now a parking lot for traffic, but also, the Silverado Trail is now a parking lot because of the employees who have to commute to their jobs due to the lack of housing.

Adding rent control to this mix only makes the housing problem worse – it does not fix the cause of the problem, but only adds a Band-Aid. Thus, no end is in sight for the lack of housing, which will go on, and on, and on.

The City Council of St. Helena, CA
 July 31, 2018
 Page 3 of 3

As I advised you at the July 24, 2018, City Council Meeting, Vineyard Valley is an idyllic setting in this beautiful little town, and the owners are exceptionally good landlords, who work hard to keep the idyllic nature of The Park intact, making residents feel at home and keeping the cost of living there affordable. We enjoy a beautiful swimming pool, hot tub, club house, putting green, walking trails, game rooms, exercise gym, workshop, library, and Park social events, not to mention the beautiful overall garden environment. I have lived in Vineyard Valley for 7 years and have never had a problem. Whenever I have had a question about something, the staff has responded promptly and efficiently to answer it.

At the emergency meeting held at Vineyard Valley to inform us on this subject, it appeared that 90-95% of the homeowners had been blindsided by this whole matter. It seems the rent-control concept came about in response to a small few and not the vast majority of the residents. The residents of Vineyard Valley are in no need of Government intervention and oversight.

The added costs brought on by increased staff time required to handle the regulatory oversight of this rent-control concept would be an unnecessary burden to the City of St. Helena and to the owners of Vineyard Valley and would have a negative effect on our home values and our living environment. None of this is needed, and none of it should be pursued.

Does the City of St. Helena want to lead the whole Napa Valley down the cumbersome, highly regulated, and costly road that rent control would lead to? Rent control is not a good option for St. Helena nor for the Napa Valley.

The housing problem needs to be met head on. I think it would be a good thing for you to investigate encouraging landowners, through tax incentives, etc., to build some apartment buildings on some of their property. Also, I think the wineries should work together to build housing – they have the land, and they are the major cause of this housing shortage. Perhaps they could take half of their proceeds from their wine auction every year and build housing to alleviate the problem they are responsible for creating. If the wineries can afford to pay \$90,000 every year to completely rebuild the 9th hole at Meadowood, after it is damaged from the Wine Auction, they can certainly afford to build housing throughout this Valley. They have a big responsibility for this housing shortage in Napa Valley, and they should be willing to help solve the problem.

Thank you,

Nora O'Neill

St. Helena City Council Meeting, July 24, 2018

I am Nora O'Neill, and I live in the Vineyard Valley Home Park. I am here tonight to support Mr. Greg Reynolds and the owners of Vineyard Valley and to urge the members of this City Council to cease their "Review and Discussion" of unneeded rent control in this privately owned home park.

Vineyard Valley is an idyllic setting in this beautiful little town, and the owners are exceptionally good landlords, who work hard to keep the idyllic nature of The Park intact, making residents feel at home and keeping the cost of living there affordable. We enjoy a beautiful swimming pool, hot tub, club house, putting green, walking trails, game rooms, exercise gym, workshop, library, and Park social events, not to mention the beautiful overall garden environment. I have lived in Vineyard Valley for 7 years and have never had a problem. Whenever I have had a question about something, the staff has responded promptly and efficiently to answer it.

At the emergency meeting in the Park last Wednesday to inform us on this subject, it appeared that 90-95% of the homeowners had been blindsided by this whole matter. It seems the rent-control concept came about in response to a small few and not the vast majority of the residents. The residents of Vineyard Valley are in no need of Government intervention and oversight.

The added costs brought on by increased staff time required to handle the regulatory oversight of this rent-control concept would be an unnecessary burden to the City of St. Helena and to the owners of Vineyard Valley and would have a negative effect on our home values and our living environment.

None of this is needed, and none of it should be pursued. Again, the overwhelming majority of residents in the Park were not aware of and do not support this potential regulation. Thank you.

Cindy Tzaopoulos

From: lupejazz <lupejazz@sbcglobal.net>
Sent: Tuesday, July 24, 2018 4:46 PM
To: Cindy Tzaopoulos
Subject: Rent Stabilization aka Rent Control

Dear Miss. Tzaopoulos,

RE: RENT STABILIZATION AKA RENT CONTROL

Allow me to introduce myself, my name is Lupe Bengel. I, along with my husband David Bengel, are residents of beautiful, Vineyard Valley (VV) here in lovely Saint Helena, since approximately, January 2006. And, I would like to share with you and City Council of St. Helena the following.

Before we purchased our home we read, and then had an in person meeting with Vineyard Valley (VV) mgmt., making sure we understood our lease/rent agreement. We were owners of our house BUT, not the land it sits on.

Our yearly basic base Space rent (MINUS: water, sewer surcharge and garbage) is calculated at 3% per a formula devised to be fair by Owners. And, we agreed, signed and understood what this land lease for our house with VV entailed. So far, the land rent formula is working. And, so far, we are able to financially afford this formula. Also, one can see by the beautification projects of the past, present and current maintenance of VV grounds and amenities, that our current owners and management are fair and diligently work at making and keeping VV a desirable and unique mobile home park. The best in the West!

If you haven't yet had the opportunity to visit our beautiful, peaceful and welcoming Vineyard Valley Mobile Home Park, please do so.

Therefore, in regards to the subject of "Rent Stabilization aka Rent Control" being proposed before the City Council of Saint Helena at tonight's Council meeting, my husband and I, are expressing this proposal is NOT FAVORABLE in our humble opinion.

Respectfully,
Lupe and David Bengel
11 Laguna Seca Court
Saint Helena, CA
707-312-9062

Sent via my Samsung Galaxy, an AT&T 4G LTE smartphone

Cindy Tzaopoulos

From: Mariam Hansen <wartuhi@comcast.net>
Sent: Monday, July 23, 2018 12:57 PM
To: Cindy Tzaopoulos
Subject: July 24 10.1

Dear City Council,

It came as a great shock to most Vineyard Valley residents to learn that a rent control ordinance was to be considered on July 24. Friday 13th July lived up to its name. I'm told that a small group of VV residents have been working on it with the city and that it came about because Erika Sklar from Our Town St. Helena said it should.

According to some, residents of Vineyard Valley are clamoring for rent control. This is probably not the impression Councilwoman Koberstein got when she attended a community meeting at Vineyard Valley on July 18. Almost everyone is very happy with the way Vineyard Valley LLC has treated them. When admonished for not informing the public that a rent control ordinance was being written, Councilwoman Koberstein stated it was the fault of Vineyard Valley residents for not knowing what the city's goals are!! Let the residents have a voice—put it to vote!!

Everyone who moves into Vineyard Valley (VV) signs a lease of at least 7 years. State law says rent control does not apply to mobile home park lots covered by an agreement longer than 12 months.

At the end of each lease term the VV office automatically sends out a new lease to be signed. Tenants have a choice to sign or not. Out of about 250 lots, only 19 do not have a lease.

Leaseholders know with certainty their rent will go up 3% a year.

Just look at the new bureaucracy the city must pay for:

- New rent review officer must be appointed.
- City must register each lot and collect a regulatory fee -set anniversary date for all rent increases
- set regulatory fee
- choose Consumer Price Index date
- verify CPA documentation submitted by landlord
- Accept petitions from tenants objecting to rent increase
- Organize a hearing for petitioners -Collect petitioners and landlord processing fees
- Assign a hearing officer to a petition
- Receive notice from landlord as to which lots are subject to rent increase
- Review petitions and verify requirements are met -Assign mediator and set meeting with tenant and landlord

And more

Keeping St. Helena affordable is certainly a lofty goal, but economic forces beyond the control of the city government are jacking up the cost of living in St. Helena. Every time the Chamber of Commerce sends out an email they advertise St. Helena lifestyle. Visitors become buyers and bid up the cost of even the most modest house. The city itself is responsible for the panic that ensued in VV over the astronomical water and sewer rate increase last year and more increases are yet to come. City is responsible for requirements that jack up the cost of building anything in town. City rules allow multiple middle class

houses to be demolished every week, to be replaced by luxury homes. Example: 1814 Spring, 1504 Stockton, etc. Just walk from Spring down Allyn.

May long time residents are fed up with the growth in tourism, tech millionaires, traffic, living costs. They are tired of the deserted neighborhoods on week days and influx of partiers on the weekend. Yet they are happy to sell their property for an astronomical sum and move out of state. Congressman Mike Thompson's cousin is the latest one to announce his departure.

Rent control in Vineyard Valley will not put a dent in any of this.

Best wishes,
Mariam Hansen

September 18, 2018

To Mayor Alan Galbraith, All Council Members, and Mark Prestwick, City Manager.

We the undersigned, as residents of Vineyard Valley, are against the proposed "Rent Stabilization Ordinance" for the following reasons:

"If it ain't broke don't fix it"

We trust the intentions of park management and feel the improvements that have been made recently were done so out of love for the Park and its residents and NOT because management had any intentions of selling the park. The management has given us no reason to believe they will sell the park. This is a family owned park, with family members living here and encouraging their friends to buy homes here.

The rent stabilization process was flawed from the beginning. Everyone MUST HAVE the same knowledge and input in the beginning for the process to have satisfactory results and for ALL and NOT just a few people with their own views. This did not happen.

Vineyard Valley is not like any other manufactured home park and should be treated as such.

We are unique in that Vineyard Valley is more like a magically landscaped park with amazing amenities that include:

- beautiful landscaping including a total of 815 trees (191 Redwood trees, 139 Maple trees and 485 misc. trees)
- a wonderful pool and pool setting along with water aerobics and a hot tub and spa & newly remodeled bathrooms.
- a sauna
- a bocce court
- a very large landscaped koi pond with water lilies and water fountains
- a well-supplied work-out room (recently upgraded and remodeled) and weekly yoga classes
- a beauty salon
- a wood work shop
- a clubhouse for our social activities
- 4 fulltime gardeners.
- walking paths lined with trees and flowers
- night security
- a library
- a pool room
- kitchen facilities

All of this is paid for and maintained by management. Recent capital improvements include a new emergency pump system, refurbished pool and spa including new bathrooms and showers, newly renovated gym with new equipment, replacement of trees along the main street, and last but not least, management has hired an arborist. All these improvements have been provided by management with no cost to residents

In 2017 the park did a capital improvement by paving our streets and residents were asked to pay a \$8.40 monthly pass through over a period of 15 years.

We believe we are already on rent control. We know every year we pay 3% more annually and can budget accordingly. We also have long term leases ranging from 7 to 15 years. This provides a sense of

security and minimizes anxiety that would come with monthly or annual leases. As seniors, anything that can mitigate fear and anxiety is important to our well-being.

Point of fact: the rate of increases in Vineyard Valley has been 3% for over forty years under the same owners!!!!!!! Now that is data that should matter!

We are not convinced that if the park were sold that rent stabilization would work. Should this happen there would be a property appraisal and the new owners would have the right to make a profit, passing the increase to residents.

And who needs the bureaucracy and hassle of this ordinance? For example:

- New rent review officer must be appointed
- City must register each lot and collect a regulatory fee-set anniversary date for all rent increases
- Set a regulatory fee
- Choose CPI data
- Verify CPA documentation submitted by landlord
- Accept petitions from tenants objecting to rent increase
- Organize a hearing for petitioners and collect petitioners and landlord processing fees
- Assign a hearing office to a petition
- Receive notice from landlord as to which lots are subject to rent increase
- Review petitions and verify requirements are met and assign a mediator.

Sounds like a lot of bureaucracy to us not to mention the expense to the city of Saint Helena, paid for by it's taxpayers.

Because of the constant efforts by the owners and management to care for, beautify, and improve the park, we have been very fortunate to see our homes go up in value. We do not want to do anything that would impact our future.

Also, we do not want to do anything that would impact the quality of care and improvements the management provides currently which has resulted in increasing the value of our homes. If the park owners and management feel that the administration of rent stabilization becomes too burdensome and costly to manage, will this incite them to consider selling Vineyard Valley.

For those long-term residents who are having financial hardships, the management has and would be willing to work with those individuals.

And last, residents in Vineyard Valley represent a significant bloc of voters in Saint Helena. We should have a voice!

Please hear us, we are more than satisfied with what we have in ownership, management and our rent. WE HAVE NO EVIDENCE THAT THIS WILL CHANGE!

First Name	Last Name	Address	Signature
1 Rosalie	Blumberg	2 San Ardo Ct.	Rosalie Blumberg
2. LYDIA	PLOTKIN	27 REDONDO CT.	Lydia Plotkin
3 Carla	Holm	8 San Juan Ct.	Carla C. Holm
4. MYRNA	CARATI	3 SAN JUAN	Myrna Caratti
5. Elizabeth	Green	2 Laguna Seca	Elizabeth Green
6. Lois	Bloom.	21 Redondo Court	Lois Bloom
7. Danny	Bloom.	21 Redondo Court	Danny Bloom
8. JAN	CRADEN	46 LAGUNA SECA	Jan Craden
9. Robert J.	FITZGERALD	6 Del Monte Ct	Robert J. Fitzgerald

First Name	Last Name	Address	Signature
10.	Julie Fitzgerald	6 Del Monte Ct	JULIE FITZGERALD
11.	Linda Messenger	5 Del Monte Ct	LINDA MESSENGER
12.	Paul Giuliani	22 REDONDO CT.	LAUREZ GIULIANI
13.	Sheretana Doron	14 DEL RIO CT, ST HELENA	
14.	Joyce Bobb	15 Redonda Ct.	St. Helena
15.	Ann & Vera Testana	5 DEL RIO CT.	St. Helena
16.	Victor & Pierette Simpson	2 Del Campo Ct	St. Helena
17.	Ronda Urman	1 San Ardo Ct	St. Helena
18.	John Polley	Here Laguna Seca Ct	
19.	George Baba	- 18 San Lucas	
20.	Emmy Bala	18 San Lucas Ct.	
21.	PAUL BLUMBERG	2 San Ardo	Paul Blumberg
22.	Catherine Armody	20 San Juan	
23.	Bill Snyder	20 San Juan Ct	
24.	Robney B. Green	2 LAGUNA SECA COURT.	

First Name	Last Name	Address	Signature
25.	Diana	Mauli 16 Redondo Ct.	Diana Mauli
26.	Diana	Mahoney 10 Del Rio Ct	Diana Mahoney
27.	Janeen	di Rienzo 10 Redondo Ct.	Janeen di Rienzo
28.	Cheryl	Olson 19 Laguna	Cheryl Olson
30.	Ferene	Brunner 19 Laguna Seca	Ferene Brunner
31.	Suzanne	Day James 32 Redondo Ct	Suzanne Day James
32.	Denise	Leone 7 Redondo Ct	Denise Leone
33.	Cameen	Fran 6 Redondo Ct.	Cameen Fran
34.	Marie	Wong 25 Redondo	Marie Wong
35.	Herb	Brook 15 Redondo	Herb Brook
36.	Gary	Giello 7 Del Monte Ct	Gary Giello
37.	Janette	Giello 7 Del Monte Ct.	Janette Giello
38.	Emy	Daniel 11 SAN LUCAS	Emy Daniel

	First Name	Last Name	Address	Signature
39.	Linda Titus	Titus	38 Laguna Seca Ct.	Linda Titus
40.	TOM	VENCE	22 SAN LUCAS CT	Tom Vence
41.	STEVE	McNabb	4 Del Rio CT	Steve McNabb
42.	CHUCK	STEELE	18 LOS ROBLES	Chuck Steele
43.	Edgar	Adams		
44.	MICHAEL	BURNS	11 SAN JUAN CT.	Mike Burns
45.	Jeannie	BURNS	11 SAN JUAN CT	Jeannie Burns
46.	Susan	Ernst	14 San Juan Ct	Susan A. Ernst
47.	NORA	O'Neill	37 Laguna Seca Ct.	Nora O'Neill
48.	Monty	Dehnert	6 San Lucas Ct.	Monty Dehnert
49.	Barbara	Dehnert	6 San Lucas Ct.	Barbara Dehnert
50.	Diana M.	Lagunero	7 LOS ROBLES	DIANA LAVAGNINO
51.	Jeane	Hilson	36 Laguna Seca Ct.	

First Name	Last Name	Address	Signature
52. <u>Lucy</u>	<u>DePuy</u>	<u>4 Laguna Seca</u>	<u>Lucy DePuy</u>
53. <u>MIRIAM</u>	<u>HESS</u>	<u>8 LAGUNA SECA</u>	<u>Miriam Hess</u>
54. <u>Ann Camacho</u>		<u>18 Del Rio Ct.</u>	
55. <u>FRED O CAMACHO</u>		<u>18 Del Rio Ct</u>	<u>Fred Camacho</u>
56. <u>Carol McWilder</u>		<u># 55 Laguna Seca</u>	
57. <u>TOM WILSON</u>		<u># 55 LAGUNA SECA</u>	<u>Tom Wilson</u>
58. <u>John Morrison</u>			
59. <u>Margaret O'Fallon</u>		<u>57 Laguna Seca</u>	
60. <u>Katherine McDonald</u>		<u>14 Redado Ct.</u>	
61. <u>Oleta McGrath</u>		<u>4 San Lucas</u>	
62. <u>H. [Signature]</u>		<u>17 Del Rio Ct.</u>	
63. <u>Lori O. Trask</u>		<u>17 DEL RIO CT.</u>	
64. <u>Julia Pappas</u>		<u>12 San Lucas Ct</u>	
65. <u>[Signature]</u>		<u>1 San Juan Ct</u>	

	First Name	Last Name	Address	Signature
66.	Debra	Auster	1 San Juan Ct	
67.	Andree	Bryan	39 Laguna Seca Court.	Andree U. Bryan.
68.	Gail	Cresick	15 San Juan Ct. St. H.	
69.	Janet W.	Bengel	11 Laguna Seca Ct	
70.	Luz M.	Bengel	11 Laguna Seca Ct	
71	Ken	Young	12 Del Rio Ct.	
72	Diane	BAM	12 Del Rio Ct. St. H.	
73	SHERYL	FOEHN	7 SAN JUAN CT.	Sheryl Foehn
74	Silvia	Segura	1 Laguna Seca Ct.	
75	Michael	Shaw	1 Laguna Seca Ct.	
76.	Doug	Bontje	2 Los Robles Ct.	
77.	Katherine	Bontje	2 Los Robles Ct.	
78	Erna	Muller	16 San Juan.	

	First Name	Last Name	Address	Signature
79.	Paul	Sculatti	1 La Cuesta Ct.	Paul Sculatti
80.	Kay	Fectter	12 La Cuesta	Kay Fectter
81.	Hilda	Bettinelli	" " "	Hilda Bettinelli
82.	Frances	Craw	1 Los Robles Ct	Frances Craw
83.	Anita M.	Peters	8 Los Robles Ct.	Anita M. Peters
84.	Don	CLARK	19 Los Robles Ct.	Don Clark
85.	Victoria A.	Buckle	19 Los Robles Ct. St. Helena	Victoria A. Buckle
86.	Judith	Pohlers	24 San Juan Cr.	Judith Pohler
87.	Janet	Weitz	12 Los Robles Ct.	Janet Weitz
88.	Ingrid	Draun	51 Laguna Seca Ct.	Ingrid Draun
89.	Wendy		51 Laguna Seca Ct	Wendy

	First Name	Last Name	Address	Signature
90.	Mary Ann	Maurer	#19 Redondo Ct. 94574	Mary Ann Maurer
91.	Mary Ann	Maurer	#19 Redondo Ct. 94574	Mary Ann Maurer

First Name	Last Name	Address	Signature
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92. TREVOR BARLOW 14 LOS ROBLES

[Signature]

93. Dennis Mailly 7 SAN LUCAS CT

[Signature]

94. Ann Mailly 7 SAN LUCAS CT

[Signature]

95. Judy Calish 40 Laguna Seca

Judith Calish

100. Thelma Stratton 3223 SAN LUCAS Thelma Stratton

101. Tom CORKILL 20 Del Rio Tom Corkill

102. Leanne CORKILL 20 Del Rio Leanne Corkill

103. Mariam ~~M. Hansen~~ Hansen 5 San Lucas Ct.

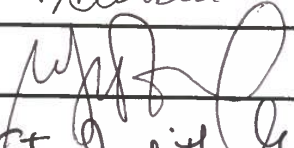
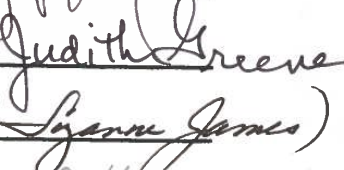
[Signature]

104. DOLANIS Mosler 1 San Lucas Ct

[Signature]

105. Dennis Hansen 5 San Lucas Ct.

[Signature]

First Name	Last Name	Address	Signature
106. TIM	BROWNFIELD	2 SAN LUCAS	
107. CARROLL	COTTEN	1 DEL RIO	Carroll Cotten
108. CAROL	HAVENS	21 LAGUNA SECA	Carol Havens
109. Thomas	Ringenberg	9 Los Robles	Thomas Ringenberg
110. Barbara	Ringenberg	9 Los Robles	Barbara Ringenberg
111. Belinda	June	20 Laguna Seca Ct.	Belinda June
112. GUY	ARONSON	20 Laguna Seca Ct.	Guy Aronson
113. Robyn	Orsini	3 Los Robles Ct.	Robyn Orsini
114. JOSEPH	ORSINI	3 LOS ROBLES CT.	Joseph Orsini
115. MARIL	SIORAL	20 LOS ROBLES	
116. Judith	Greene	20 Redondo Ct.	Judith Greene
117. Gerry	Gallagher	23 San Juan (by Lianne James)	
118. ELLEN	COTTEN	1 Del Rio	Ellen Cotten

	First Name	Last Name	Address	Signature
119.	Ed	STARK	29 Redondo	[Signature]
120.	SUSIE	STARK	29 Redondo	[Signature]
121.	Jenny	Mosher	12 Redondo	[Signature]
122.	Leona	Batchelor	11 Redondo	[Signature]
123.	Enid	Pott	5 San Luis Ct	Enid Pott
124.	JOHN	BRENKLE	8 Redondo Ct.	John Brenkle
125.	ROBERT	WAGGENER	3 REDONDO CT.	Robert Waggener
126.	SHARON	WAGGENER	3 REDONDO CT.	Sharon Waggener
127.	Margaret	O'Flaherty	57 Laguna Seca Ct	[Signature]
128.	Anne	Shirley	6 Laguna Seca Ct	[Signature]
129.	Bert	Shirley	6 Laguna Seca Ct.	[Signature]
130.	Nancy	Dupshaw	2 La Canada Ct	Nancy Calva
131.	John	Rosen	3 La Canada Ct	John Rosen
132.	Lou	Marini	10 Los Robles	[Signature]
133.	LEONAR	MARINI	10 Los Robles	[Signature]
134.	VIVIAN	Robison	35 Redondo Ct	Vivian Robison
135.	Kenneth	Robison	35 Redondo Ct	Kenneth Robison

	First Name	Last Name	Address	Signature
136.	NANCY	BEATON	34 REDONDO CT	Nancy Beaton
137.	Jean	Bianchini	1 Redondo Ct.	Jean H Bianchini
138.	DAUNA	CURRIE	25 REDONDO C.	Dauna R. Currie
139.	Pat + Carl	Myers	3 SanArdo	Patricia Myers Carl K Myers
140.				
141.	Joy A.	Peters	17 Redondo	Joy A. PETERS
142.	Berta	Berger	26 Redondo	Berta Berger
143.	mick	Berger	26 Redondo	mick Berger
144.	Marsha	Maxcy	31 Redondo	MARSHA MAXCY
145.	Norman L.	James		NORMAN L. JAMES

SOME QUESTIONS ABOUT RENT STABILIZATION

July 24, 2018

1. What is Mobile Home Rent Stabilization?

Generally, a local mobile home rent stabilization ordinance regulates the maximum amount of rent that a park owner can charge for a mobile home space. The maximum amount is based on a formula, often the lesser of a set percentage or the annual percentage increase in the Consumer Price Index (CPI). There is no legal requirement that obligates the park owner to impose the maximum amount allowable under a rent stabilization ordinance. In the event that the park owner feels that the maximum amount allowed under an ordinance does not provide the park owner a fair return as is constitutionally required, the park owner can petition for an individualized review process.

2. Why is the St. Helena City Council considering a Mobile Home Rent Stabilization Ordinance?

Mobile home ownership is widely acknowledged to be a less expensive single family housing option for seniors and other populations living on fixed incomes. Mobile homes are unique in that although the resident owns the home, they rent the land that the home sits on from a third party park owner. If the park owner raises space rents to a prohibitive price, mobile home owners may face eviction if they cannot pay the rent.

Although Vineyard Valley is the only mobile home park located within St. Helena, the 215 mobile home spaces account for approximately 9.5% of all the single-family housing stock in St. Helena (based on 2016-17 water rate study data). Approximately one in five households of two persons or less in Vineyard Valley lives on a gross annual income of less than \$33,900 (based on June 2018 participation in the City's St. Helena CARES program that helps low income residents pay utility bills).

In November 2017, the City Council adopted a goal to Maintain, Stabilize and Improve Access to Housing. Approximately 100 counties and cities in California have adopted rent stabilization ordinances. The City Council desired to evaluate rent stabilization to help ensure long term viability of mobile homes as an affordable housing choice in the community.

3. Would Rent Stabilization apply to all leases in Vineyard Valley?

Pursuant to State law, any local rent stabilization ordinance would only apply to leases that are twelve months or less in duration provided that other requirements are also met. (Civil Code section 798.18.) Thus, rent stabilization would apply to leases of twelve months or less upon adoption of such an ordinance.

A resident who currently has a lease of longer than one year would have the option to opt-in to a lease that is subject to rent stabilization at renewal. At that time, if rent stabilization is in place, the landlord is obligated to offer the option of a 12 month lease per Civil Code section 798.18.

4. What are some key characteristics of a Rent Stabilization Ordinance?

- a. The ordinance applies to leases of 12 months or less. Thus, individual mobile homeowners have the choice of whether to opt-in or opt-out of the ordinance. A mobile homeowner opts-in by signing a 12 month lease subject to the limits of rent adjustments prescribed by the ordinance. Any homeowner that does not want to be part of the program can choose to opt-out by signing a space lease that is longer than twelve months.
- b. Under the draft ordinance, if a lease is subject to the ordinance, , the buyer of any home upon sale will be subject to the ordinance. Without rent stabilization, the park owner can increase rent, change rent escalation provisions, or change the terms offered to the buyer.
- c. Under the draft ordinance, upon any sale of the park, the new park owner is required to maintain rent stabilization regulations for those owners that have opted in.
- d. Homeowners with longer term leases have the option to switch to a stabilized lease upon renewal under the draft ordinance.
- e. Under the State's Mobile Home Residency Law, if a mobile homeowner has an issue with a park owner, those disputes are primarily resolved through the courts. The draft ordinance requires that residents and the park owner to go through a dispute resolution process if there is a dispute based on the level of a rent increase.

5. I have a long term lease now with a 3% rent escalation factor. What happens when my lease comes up for renewal?

If a rent stabilization ordinance is not in place, the park owner is under no obligation to offer you a lease at the same rent, for the same term, or subject to the same rent escalation factor. Upon the expiration of the lease term, pursuant to Civil Code sections 798.55 and 798.56, the park owner cannot refuse to offer you an extension of your “tenancy” unless a specified reason exists. Tenancy means your right as the homeowner to the use of a site within a mobile home park on which to locate, maintain, and occupy a mobile home, site improvements, and accessory structures for human habitation, including the use of the services and facilities of the park. (Civil Code section 798.12.)

6. What are the obligations of the landlord under a rent stabilization ordinance upon renewal or offering a new lease?

Under the draft ordinance, 48 hours prior to any rental agreement in excess of 12 months being executed, the Park owner must:

- offer a homeowner the option of a rental agreement or lease of a term of 12 months or less;
- provide a copy of a city information sheet that explains the ordinance
- inform the homeowner that the mobile home park owner representative is available upon request
- inform the homeowner orally and in writing that a lease for longer than 12 months is not subject to rent stabilization.

Upon renewal, the park owner must supply each homeowner that has a rent stabilized lease with a copy of the City Information Sheet and contact information for the City’s Administrator.

7. What is the procedure under the draft Rent Stabilization Ordinance if the landlord proposes an increase that is within the permissible cap on annual increases set forth in 9.24.070(A)?

As provided in Civil Code section 798.30, the park owner must provide a 90 day notice prior to implementing the rent increase.

8. Under the draft Rent Stabilization Ordinance, what is the procedure if the landlord proposes an increase that exceeds the permissible cap in 9.24.070(A)?

- a. The park owner must provide the impacted homeowners with a notice of the rent increase, and that notice must include, among other things, documentation to support the level of rent increase desired. Verified copies of that documentation must also be delivered to the City Administrator.
- b. If the proposed increase exceeds 300 percent of the change in CPI, the park owner shall notify the affected owners that arbitration is required.
- c. The notice must include a list of the affected owners, contact information for the City Administrator and a copy of the form of petition.
- d. The park owner must set a date and time for an informational meeting between the homeowners and the park owner, which must take place on the park premises within 10 days of the notice of the rent increase.
- e. If the parties cannot agree to a resolution at the informational meeting, there must be a mediation meeting that is held within 20 days of the notice of the rent increase. In addition, any affected homeowner is entitled to file a petition with the City requesting review.
- f. If 51% of rent stabilized tenants do not agree with the results of the mediation, they can present petition to the City and the matter goes to arbitration.

9. What Is City's involvement in administering the ordinance?

- a. The City's Planning and Community Improvement Director will have the responsibility to administer the ordinance. Under the draft ordinance, the Administrator has responsibility over the following:
 - i. Maintain a City Information Sheet that provides information about the rent stabilization ordinance and contact information for the Administrator;
 - ii. Receive petitions from affected homeowners for rent review (9.29.090(D));
 - iii. Remit "an informational questionnaire" to the park owner that is delivered to the arbitrator after being completed by the park owner (9.24.090E));

City of St. Helena

- iv. Assign an arbitrator within 15 days upon receiving a petition (9.24.090(F));
- v. Schedule an arbitration hearing date between 10-30 days after assignment of arbitrator (Ibid.).

The City does not have a role in the day-to-day administration of the park aside from setting rent levels and facilitating the dispute process. The City itself does not act as the mediator, arbitrator or as a rent control board.

10. What are the limits on fees that can be passed through to affected homeowners and what discretion does the City have with respect to fee pass throughs?

Litigation costs cannot be passed through to residents under the draft ordinance (See Sec. 9.24.014(B)(4)). The draft ordinance contemplates that costs of administering the ordinance, including the mediation and arbitration of disputes, would be addressed by assessing 50% to the park owner and 50% to homeowners on a per-space basis.

However, the City Council has many legally permissible options regarding whether to pass through fees, how much, and when. For example, the City Council could:

- a. Provide that the fee only comes into effect when a certain percentage of leases are stabilized, say 50%, 66% or 75%.
- b. Eliminate the fee entirely;
- c. Adopt a CARE program to assist with fee payment.

11. Does rent stabilization affect if and how costs for debt service and capital improvements can be passed through to affected homeowners?

- a. Under the draft ordinance, a park owner would be required to follow a procedure before implementing a capital improvement pass through. Currently, park owners can pass these costs to residents without following any procedure.
- b. Under the draft ordinance, expenses related to the park owner's debt are regulated under rent stabilization. Debt is not an eligible operating expense under rent stabilization. Generally, the exclusion of debt from

City of St. Helena

the calculation deters owners from making unnecessary investments that would then be subsidized by park residents. Owners would also be deterred from leveraging the park and passing those costs onto tenants. However, the owner can include the increase in interest expense to the extent that increase relates to refinancing to make a balloon payment, or increased interest due to variable rate financing. Without a local rent stabilization ordinance, there are very few limits on the level of rent that a park owner can impose. Park owners, thus, could pass through debts as desired.

- c. Under the draft ordinance, depreciation is not an allowable operating expense.
- d. As a component of operating expenses, a park owner can include the cost of necessary Capital Improvements or Substantial Rehabilitation expenditures that exceed existing reserves. Capital improvement expenditures to upgrade existing facilities, along with a reasonable return on that investment, are allowable provided that:
 - i. prior to initiating the work, the park owner informs the affected homeowners of the nature, purpose and estimated cost;
 - ii. if resolved through arbitration, the park owner provides the arbitrator with verification that the costs;
 - iii. the park owner cost factors and amortized the costs over the remaining useful life of the improvements but in any case not less than five years;
 - iv. the park owner allocates the cost among affected homeowners on a per space basis and separately itemizes the cost on the rent invoice. The pass through cost is not considered part of base rent for purpose of calculating future rent increases.

12. What are “housing services”?

Under the ordinance, “housing services” are services or facilities provide by the park owner related to use and occupancy of the mobile home space, but that are not capital improvements of substantial rehabilitation. Housing services includes, but is not limited to items such as repairs, replacement, maintenance, landscaping, painting, lighting, utilities refuse removal, recreational and meeting facilities, parking security service and employee services.

In the event the park owner reduces or eliminates any Housing Services, a proportionate share of the cost savings due to such reduction or elimination shall be passed on in the form of a decrease in existing rent or a decrease in the amount of a rent increase otherwise proposed or permitted by the rent stabilization ordinance.

13. What impact does rent stabilization place on a park owner's return on investment?

Park owners are constitutionally required to receive a "fair return" on their investment. The formula provided for in the draft ordinance is a commonly acceptable method that has been upheld by Courts as providing a fair return.

14. Can the landlord retaliate against an affected homeowner for invoking his or her rights under the law?

No. The draft ordinance provides that a park owner cannot retaliate against a resident or prospective resident that invokes his or her rights under the law. If such conduct occurs, the impacted party would have a cause of action against the park owner.



Report to the City Council
Council Meeting of July 24, 2018

Agenda Section: New Business

Subject: Review and Discussion of Conceptual Mobile Home Rent Stabilization Ordinance

CEQA Determination: Not a CEQA project

Prepared By: Mark T. Prestwich, City Manager

Reviewed By: Noah Housh, Planning & Community Improvement Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

In late 2017, the City Council adopted three year goals and 12-month strategic objectives to guide the work of the City. One of the objectives included a request to evaluate and recommend for City Council consideration rent stabilization options to maintain mobile home parks as an affordable housing option. The Housing White Paper transmitted to the City Council on June 26, 2018 identified the critical shortage and rising cost of housing in St. Helena, and recommended establishing a rent stabilization ordinance for senior housing among numerous other strategies.

Residents of mobile home parks, unlike apartment tenants or residents of other rental properties, are uniquely situated because they make a substantial investment in a residence for which a space is rented or leased. Mobile homes are also difficult to relocate. When faced with space rent increases, mobile home residents must make the difficult choice to either pay the rent increase, or spend thousands of dollars to relocate. The City of St. Helena is home to one mobile home park consisting of 214 spaces. Approximately 208 spaces are currently occupied, resulting in a vacancy of just 2.8%. This low vacancy rate is an indicator that there is high demand for affordable housing options.

Residents have expressed concerns to the City regarding rising rents, and many of these residents are elderly, on fixed incomes, or are persons of low and moderate income. Accordingly, residents are requesting action to address these concerns.

DISCUSSION

Recognizing the unique position of mobile home residents and the particular hardship that these residents experience when faced with rising space rents, several public agencies throughout California have enacted mobile home rent stabilization ordinances. To facilitate a discussion of ordinance options, Staff has prepared a draft ordinance modeled after the City of Calistoga.

Legal Landscape

As a starting point, it is helpful to provide some background of California's Mobile Home Residency Law (MRL), which governs the relationship between mobile home park owners and tenants. (Civil Code § 798, et seq.) The MRL provides procedures for providing notice of rent increases, and regulates the contents of rental agreements, as well as the termination of tenancies. A park owner may only terminate a lease based on a reason specified in state law. (See Civil Code § 798.56(a)-(i).) These reasons include: a residents failure to comply with the law, comply with a rule or regulation of the park that is a part of the rental agreement, pay rent; or the park owner changes the use of the park after correctly following the specified procedure. (Id.) These "just cause" eviction provisions do not apply to residents who rent mobile homes owned by others.

The MRL does not specifically restrict the amount of rent that a mobile home park owner can charge park residents. (See *Cacho v. Boudreau* (2007) 40 Cal.4th 341, 350.) However, the MRL provides that if a resident signs a long term lease, as defined as longer than twelve (12) months in duration, that lease is exempt from any rent stabilization ordinance. (Civil Code § 798.17(a)(1).) This means that any rent stabilization ordinance, rule, or regulation adopted by the Council would not be applicable to long term leases. Additionally, a rent stabilization ordinance would not be applicable to leases where the mobile home owner is not using the space for his or her primary residence. (Civil Code § 798.17(b)(2).)

Any rent stabilization ordinance must guarantee the land owner a fair return on investment. (See *Galland v. City of Clovis* (2001) 24 Cal.4th 1003, 1021.) A typical rent stabilization ordinance has two rent adjustment procedures: 1) a process whereby a landlord can implement a rent increase that is tied to the percentage increase of the consumer price index without any regulatory review ("Standard Adjustment"); and 2) a petition process that allows the land owner to increase rents above the Standard Adjustment ("Individualized Adjustment"). In this Individualized Adjustment process, ordinances typically include factors to take into consideration in setting a maximum allowable rent. A hearing officer or an arbitrator would then take these factors into account when considering the landlord's petition.

One issue to note is that unlike in the residential rent control context, the Council has the option to regulate vacancy control in a mobile home rent stabilization ordinance. A strict vacancy control provision would specify that upon turnover of a space, park owners would be prohibited from increasing rents beyond the maximum allowable amount. This option maintains the affordability of the space permanently. A vacancy decontrol provision, on the other hand, would allow park owners to raise space rents upon the turnover of the space to a new occupant. Vacancy control provisions are important because they impact the affordability of a space over time, and have an effect on mobile home sales prices.

Staff has prepared three tables to illustrate and contrast procedures related to administration and rent adjustments in both Calistoga and Contra Costa County, as well as various approaches to annual consumer price increase adjustments. The Contra Costa County ordinance includes additional regulatory processes for rent increases and stricter limits on annual increases and pass through regulatory fees. In contrast, the Calistoga ordinance presents fewer regulatory tasks and provides that rent disputes may be referred to an independent arbitrator, whose decision shall be final and binding.

FISCAL IMPACT

Not applicable.

RECOMMENDED ACTION

Review, discuss and provide direction to the City Manager.

ATTACHMENTS

[Mobile Home Rent Stabilization Ordinance](#)

[Copy of Mobilehome Rent Stabilization Ordinance Comparison Chart 7242018 Meeting](#)

Chapter 9.24

Mobile Home Park Rent Stabilization Ordinance

9.24.010 Purpose and Findings.

A. The purpose of this Chapter is to stabilize Mobile Home Space rents by preventing excessive and unreasonable rent increases, and to assure that Mobile Home Park Owners receive a fair and reasonable return on their investment.

B. The City Council finds and declares the following:

1. Mobile homes provide an important alternative form of housing; and
2. Within St. Helena City limits there is one mobile home park with a total of 214 spaces, and presently, approximately 208 of those spaces are occupied, thus resulting in a vacancy rate of just 2.8 percent; and
3. St. Helena's Housing Element Update for 2015-2017 acknowledged that mobile homes constitute an important component of the City's affordable stock; and
5. Market conditions suggest that the high demand for mobile home spaces is likely to persist; and
6. The City of St. Helena currently does not regulate rental amounts or rent increases on mobile homeowners to ensure that that rents stay affordable; and
7. Residents of mobile home parks, unlike apartment tenants or residents of other rental properties, are in a unique position in that they have made a substantial investment in a residence for which space is rented or leased; and
8. The removal or relocation of a mobile home from a park space is generally accomplished at substantial cost depending on how far away the new location is situated; and
9. The removal or relocation of a mobile home may cause extensive damage to the mobile home; and
10. The potential for rents to increase within mobile home parks within the City could cause hardship to a substantial number of mobile homeowners and residents of the parks, many of who are elderly, on fixed incomes, or are persons of low and moderate income; and
11. On multiple occasions, members of the community have expressed concerns to the City Council regarding rising rents citywide, including mobile home rents, and their potential to leave St. Helena residents vulnerable to displacement from the community; and

15. The foregoing conditions create a detrimental effect on substantial numbers of mobile homeowners and residents, and thus constitute a threat to the public health, safety, and welfare; and

16. It is necessary to protect mobile homeowners and residents of mobile home parks from unreasonable rent increases and at the same time recognize the rights of mobile home park owners to receive a reasonable return on their investments.

9.24.020 Definitions.

A. “Administrator” shall refer to the Administrator of the City’s Mobile Home Space Rent Stabilization Program. The Administrator shall be the Planning and Community Improvement Director, or such other City employee as the City Manager may, in the Manager’s discretion, appoint to serve as Administrator.

B. “Affected Homeowners” shall mean those Mobile Homeowners who are subject to a Rent Increase. For purposes of providing notice of any Rent Increase and copies pursuant to this Chapter and calculating the number of Affected Homeowners in support of a rent arbitration petition, each Mobile Home Space subject to a Rent Increase shall be deemed to have only one Affected Homeowner. Reference to “All Affected Homeowners” shall mean one Homeowner from each Mobile Home Space subject to the proposed Rent Increase.

C. “Arbitrator” shall refer to a person who:

1. Is neither a Homeowner nor has an interest in a Mobile Home Park of a nature that would require disqualification under the provisions of the Political Reform Act if the person were an elected State official; and

2. The Administrator determines that the Arbitrator meets one of the following criteria:

a. Completion of a Juris Doctor or equivalent degree from a school of law and completion of a formal course of training in arbitration, which, in the sole judgment of the Administrator, provides that person with the knowledge and skills to conduct a space rent dispute arbitration in a professional and successful manner; or

b. Completion of at least three arbitration proceedings for a Superior Court or other public entity that involved issues the Administrator finds similar to those raised in space rent dispute arbitrations; or

c. Prior service as a Superior Court pro tempore judge.

D. “Arms-Length Transaction” shall refer to a transaction negotiated by unrelated parties, each acting in his or her own self-interest, which serves as a basis for a fair return determination in this Chapter.

E. “Base Rent” shall mean the authorized Rent calculated pursuant to the provisions of Section 9.24.040, plus any Rent Increase allowed under this Chapter, unless it is expressly excluded from Base Rent, plus any adjustment attributable to vacancy decontrol as provided in Section 9.24.050.

F. “Capital Improvements” shall mean those new improvements or replacements that materially add to the value of the property and appreciably prolong its useful life or adapt it to new uses, consist of more than ordinary maintenance and/or repairs, and which may be amortized over the useful remaining life of the improvement to the property. Capital Improvement costs shall include all costs reasonably and necessarily related to the planning, engineering, and construction of the improvement or replacement and shall include debt service costs, if any, incurred as a direct result of the Capital Improvement or replacement.

G. “Consumer Price Index” or “CPI” shall mean the Consumer Price Index for All Urban Consumers, San Francisco-Oakland-San Jose region, or any successor designation of that index that may be adopted by the U.S. Bureau of Labor Statistics as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics.

H. “Gross Income” shall have the meaning set forth in Section 9.24.130.

I. “Homeowner” shall mean an existing Mobile Homeowner.

J. “Homeowner Representative” shall mean a designated homeowner association (HOA) or its designee who shall have the authority to represent the interest of, negotiate on behalf of, and bind the Homeowners.

K. “Housing Service” shall mean a service or facility provided by the Mobile Home Park Owner related to the use or occupancy of a Mobile Home Space, which is neither a Capital Improvement nor a Substantial Rehabilitation. “Housing Service” includes, but is not limited to, repairs (including street repairs), replacement, maintenance, landscaping, painting, lighting, heat, water, utilities, laundry facilities, refuse removal, recreational and meeting facilities, parking, security service, and employee services.

L. “Mediator” shall mean a person who:

1. Is neither a Homeowner nor has an interest in a Mobile Home Park of a nature that would require disqualification under the provisions of the Political Reform Act if the person were an elected State official; and

2. The Administrator determines that the Mediator meets one of the following criteria:

- a. Is a member of the American Arbitration Association and has specific experience in mediating real estate matters; or
- b. Completion of a Juris Doctor or equivalent degree from a school of law and completion of a formal course of training in mediation or arbitration which, in the judgment of the Administrator, provides that person with the knowledge and skills to conduct a space rent dispute mediation in a professional and successful manner; or
- c. Completion of at least three mediation proceedings for a Superior Court or other public entity that involved issues the Administrator finds similar to those raised in space rent dispute mediations; or
- d. Prior service as a Superior Court pro tempore judge.

M. “Mobile home” shall mean structure designed for human habitation and for being moved on a street under permit pursuant to California Vehicle Code section 35790. “Mobile home” includes a manufactured home, as defined in California Health and Safety Code section 18007, and a mobile home, as defined in California Health and Safety Code section 18008.

N. “Mobile Homeowner” shall mean a person who has a tenancy in a Mobile Home Park under a rental agreement that is not otherwise exempt from regulation under this Chapter pursuant to California Civil Code sections 798.17 or 798.45.

O. “Mobile Home Park” shall refer to any area of land within the City where two or more Mobile Home Spaces are rented, or held out for rent, to accommodate mobile homes used for human habitation.

P. “Mobile Home Park Owner” shall mean any park owner, lessor, or sublessor of a Mobile Home Park in the City who receives or is entitled to receive Rent for the use or occupancy of any Mobile Home Space thereof and who reports to the Internal Revenue Service any income received or loss of income resulting from such ownership or claims any expenses, credits, or deductions because of such ownership, and the representative, agent, or successor of such park owner, lessor, or sublessor.

Q. “Mobile Home Space” shall mean any site within a Mobile Home Park located in the City intended, designed, or used for the location or accommodation of a mobile home. “Mobile Home Space” includes any accessory structures or appurtenances attached to the mobile home or used in conjunction therewith. “Mobile Home Space” does not include: 1) sites rented together and concurrently with a Mobile Home provided by the Mobile Home Park Owner; and 2) “New Construction” as defined by California Civil Code section 798.45.

R. “Net Operating Income” shall have the meaning set forth in Section 9.24.120.

S. “Operating Expenses” shall have the meaning set forth in Section 9.24.140.

T. “Park Owner Representative” shall mean a Mobile Home Park Owner or designated representative who shall have the authority to represent the interest of, negotiate on behalf of, and bind park owner parties.

U. “Percent Change in Consumer Price Index” shall mean the annual percent change in the Consumer Price Index, calculated to the nearest tenth, published for the month of [MONTH], or the closest preceding month for which an index is published in the event that an index for the month of [MONTH] is not released.

V. “Prospective Homeowner” shall refer to a person who is not currently a Homeowner in a Mobile Home Park but is a prospective homeowner who desires the use of a Mobile Home Space as defined in this Chapter and has approached the Mobile Home Park Owner as such.

W. “Rent” shall refer to the total consideration, including any bonus, benefit, or gratuity, demanded or received by a Mobile Home Park Owner for or in connection with the use occupancy of a Mobile Home dwelling unit.

X. “Rent Increase” shall mean any additional Rent demanded of, or paid by, a Homeowner for Mobile Home Space. “Rent Increase” includes any reduction in Housing Services without a corresponding reduction in the amount demanded or paid for Rent.

Y. “Rent Stabilization Administration Fee” shall refer to the fee established from time to time by resolution of the City Council in accordance with the provisions of Section 9.24.190.

Z. “Substantial Rehabilitation” shall mean that work done by a Mobile Home Park Owner to a Mobile Home Space or to the common areas of the Mobile Home Park, exclusive of Capital Improvements, which as a value in excess of \$200.00, and is performed either to secure compliance with any State or local law, or to repair damage result from fire, earthquake, or other casualty or natural disaster, to the extent such work is not reimbursed by insurance or other benefits. Costs of substantial rehabilitation include all costs reasonably and necessarily related to the planning, engineering, and construction of the work. Such costs shall also include debt service costs incurred as a direct result of the substantial rehabilitation work, if any.

9.24.030 Applicability.

A. The provisions of this Chapter shall apply to every Mobile Home Park within the City, except that the provisions of this Chapter shall not apply to Mobile Home Spaces which are subject to a written rental agreement that is for more than 12-month duration pursuant to Civil Code section 798.17. The provisions of this Chapter shall also not apply to a newly constructed space initially held out for rent per Civil Code section 798.45.

B. The exceptions provided in this Section 9.24.030(A) shall be effective only until the expiration or other termination of the rental agreement subject to the exception, whereupon all provisions of this Chapter shall immediately be applicable to the Mobile Home Space, unless the rental agreement meets the criteria of Civil Code section 798.17.

C. Forty-eight hours prior to any rental agreement or lease in excess of 12 months being executed by a Homeowner or Prospective Homeowner, the Mobile Home Park Owner shall:

1. Offer any Homeowner or Prospective Homeowner the option of a rental agreement or lease for a term of 12 months or less which will permit such person to receive the benefits of the Mobile Home Space Rent Stabilization Program;
2. Provide the Homeowner or Prospective Homeowner a copy of the City Information Sheet, which provides information about the Mobile Home Park Rent Stabilization Ordinance and includes the Administrator's contact information;
3. Inform the Homeowner or Prospective Homeowner in writing that consultation by the Mobile Home Park's Homeowner Representative is available upon request;
4. Inform the Homeowner or Prospective Homeowner orally and in writing that if the Homeowner or Prospective Homeowner signs a lease or rental agreement with a term in excess of 12 months, and complies with Civil Code Section 798.17, then the lease or rental agreement is not subject to the terms and protections of this Chapter. The written notification shall include a copy of Civil Code section 798.27 and state the following language:

UNDER ST. HELENA MUNICIPAL CODE SECTION 9.24.030, YOU ARE LEGALLY ENTITLED TO A RENTAL AGREEMENT FOR A TERM OF 12 MONTHS OR LESS OR A MONTH-TO-MONTH TENANCY. IF THE TERM OF THE LEASE IS MORE THAN 12 MONTHS IN DURATION, AND THAT LEASE MEETS THE REQUIREMENTS OF CIVIL CODE SECTION 798.17, YOU WILL NOT BE COVERED BY ST. HELENA'S RENT STABILIZATION ORDINANCE.

5. At the time the rental agreement is first offered to the Homeowner or Prospective Homeowner, the Mobile Home Park Owner shall provide written notice to the Homeowner or Prospective Homeowner of the Homeowner's or Prospective Homeowner's right to (1) have at least 30 days to inspect the rental agreement, and (2) void the rental agreement by notifying the Mobile Home Park Owner in writing within 72 hours of the acceptance of a rental agreement. The failure of the Mobile Home Park Owner to provide this written notice shall make the rental agreement voidable at the Homeowner's or Prospective Homeowner's option. The receipt of any written notice provided pursuant to this subsection shall be acknowledged in writing by the Homeowner or Prospective Homeowner.

D. A Mobile Home Park Owner's efforts to circumvent the requirements of this Section 9.24.030 shall be unlawful, as well as an unfair business practice subject to enforcement under California Business and Professions Code Section 17200. A lease or rental agreement in excess of 12 months, executed by a Homeowner or Prospective Homeowner, shall not be exempt from this Chapter unless it complies with each and every requirement of Civil Code Section 798.17.

9.24.040 Base Rent.

A. Initial Calculation.

1. Except as provided herein, a Mobile Home Park Owner shall not demand, accept, or retain Rent for a Mobile Home Space exceeding the Rent in effect for that space on [DATE]. In the event that a Mobile Home Space was not occupied on [DATE], the Base Rent for that Mobile Home Space shall be the highest Mobile Home Space Rent charged by the Mobile Home Park Owner for a comparable space in the Mobile Home Park on [DATE], plus any Rent Increases allowed thereafter pursuant to this Chapter unless otherwise provided.

2. If a Mobile Home Space is exempted from the provisions of this Chapter because it is the subject of a rental agreement pursuant to California Civil Code Section 798.17, and that agreement expires and is not renewed, then the Base Rent, until the next annual adjustment pursuant to this Chapter, shall be the highest Mobile Home Space Rent charged by the Mobile Home Park Owner for a comparable space in the Mobile Home Park on [DATE], plus any Rent Increases allowed thereafter pursuant to this Chapter unless otherwise provided.

3. It shall be presumed that the Base Rent yields a fair return.

B. A Mobile Home Park Owner may seek an adjustment to the initial Base Rent if it can be clearly established that circumstances exist which require an adjustment to assure that the Mobile Home Park Owner is receiving a fair return.

1. In seeking an adjustment to the initial Base Rent under this section, the procedures set forth in Sections 9.24.080 and 9.24.090 shall apply.

2. The guidelines for determining an adjustment to the initial Base Rent are set forth in Section 9.24.150.

9.24.050 Vacancy Control – Establishment of a New Base Rent.

A. A Mobile Home Park Owner is prohibited from increasing the Rent for a Mobile Home Space upon the sale of a mobile home on a site to a Prospective Homeowner or Homeowner.

B. A Mobile Home Park Owner shall be permitted to charge a new Base Rent for a Mobile Home Space whenever a lawful vacancy occurs. For purposes of this Chapter, “lawful space vacancy” shall mean:

1. A vacancy occurring because of the termination of the tenancy of a Mobile Home Homeowner in accordance with California Civil Code sections 798.56 through 798.58; or

2. A vacancy of the Mobile Home Space arising from the voluntary removal of a mobile home from the Mobile Home Space by the Mobile Homeowner. A removal of the mobile home from the Mobile Home Space for the purpose of performing rehabilitation or Capital Improvements to the space or for the purpose of upgrading the mobile home shall not constitute a voluntary removal of the mobile home.

C. Any alleged violation of this Section 9.24.050 shall be subject to automatic arbitration pursuant to Section 9.24.090(F).

9.24.060 Anniversary Date.

The anniversary date for all Rent Increases in the Mobile Home Park Owner's park shall be established by City Council resolution at a public hearing. Rent Increases, if any, except as specified below, shall be enacted only on the anniversary date of a Mobile Home Park. The Mobile Home Park Owner shall post the anniversary date in the park office or areas where it can easily be seen by Homeowners.

9.24.070 Rent Increase Limitations.

A. As of the effective date of this Chapter, no Rent Increases may be implemented within 12 months of the effective date of the preceding Rent Increase unless otherwise authorized under this Chapter. The permissible annual increase shall be the lesser of:

1. One hundred (100) percent of the Percent Change in the Consumer Price Index; or
2. Six percent of the Base Rent.

B. A Mobile Home Park Owner shall not implement a Rent Increase within a 12-month period, unless the Mobile Home Park Owner can clearly establish that the Rent Increase is necessary to cover costs of operation, maintenance, Capital Improvements, or Substantial Rehabilitation that were not reasonably foreseeable at the time notice of the preceding Rent Increase was given. If a Mobile Home Park Owner seeks a Rent Increase pursuant to this Subsection 9.24.070(B), the procedures set forth in Sections 9.24.080 and 9.24.090 shall apply.

C. In the event that a Mobile Home Park Owner wishes to implement a Rent Increase on the anniversary date or within a 12-month period more than the amount permitted in subsection (A) of this Section 9.24.070 and less than 300 percent of the Percent Change in the Consumer Price Index, the procedures set forth in Section 9.24.080 and 9.24.090 shall apply.

D. In the event that a Mobile Home Park Owner wishes to implement a Rent Increase for any Mobile Home Space on the anniversary date or within a 12-month period in an amount equal to or more than 300 percent of the Percent Change in the Consumer Price Index, the procedures set forth in Section 9.24.080 and 9.24.090 shall be followed except that the petition requirements of Section 9.24.090(C)-(D) shall not apply because an arbitration shall automatically be required to show good cause why such an increase is necessary.

E. The Arbitrator may reduce the proposed Rent Increases pursuant to subsections (B), (C) or (D) of this Section 9.24.070 to a figure determined upon the evidence submitted by the Mobile Home Park Owner or the Park Owner Representative to be a fair return.

F. Any notice of a Rent Increase implemented by a Mobile Home Park Owner pursuant to this Section 9.24.070 shall be provided in writing to Affected Homeowners at least 90 days before any Rent Increase is to take effect.

9.24.080 Information Required From Mobile Home Park Owner.

A. Within 30 days after the effective date of this Chapter and upon the re-renting of each Mobile Home Space thereafter, the Mobile Home Park Owner shall supply each Affected Homeowner or Prospective Homeowner with a copy of the City Information Sheet, which provides information about the Mobile Home Park Rent Stabilization Ordinance and includes the Administrator's contact information.

B. Whenever the Mobile Home Park Owner serves a notice of a Rent Increase, except a notice of Rent Increase implemented pursuant to Section 9.24.070(A), the Mobile Home Park Owner shall at the same time and in the same manner serve the Affected Homeowner or Prospective Homeowner with a notice that sets forth all of the following information:

1. The amount of the Rent Increase both in dollars and as a percentage of existing Rent and documentation supporting the level of increase desired, including, but not limited to: a summary of the unavoidable increases in maintenance and Operating Expenses; a statement of the cost, nature, amortization, and allocation among Mobile Home Spaces of any Substantial Rehabilitation or Capital Improvement; a summary of the increased cost of the Mobile Home Park Owner's debt service and the date and nature of the sale or refinancing transaction; a summary of the Mobile Home Park Owner's Net Operating Income of the preceding 24 months and other relevant information that supports the level of Rent Increase desired;

2. A current listing of all other Affected Homeowners and the spaces which they rent may be requested through the Homeowner Representative;

3. The address and telephone number of the Administrator and statement that the Homeowner is encouraged to contact the Administrator for an explanation of the provisions of this Chapter;

4. A copy of the petition form prepared and provided by the Administrator which initiates the process of rent review established by this Chapter;

5. If applicable, notification that the proposed Rent Increase exceeds 300 percent of the change in the Consumer Price Index, and that arbitration is automatically required by the provisions of Section 9.24.070(D) without any need to file an arbitration petition. Such notices shall bear the following language in capital letters: "ARBITRATION OF THE PROPOSED INCREASE IS AUTOMATICALLY REQUIRED IN THIS MATTER BY OPERATION OF LAW." Erroneous use of this notice shall be regarded as an irrevocable stipulation to submit to arbitration;

6. Time and place for a mandatory informational meeting with the Homeowners to be held on the Mobile Home Park premises. The informational meeting shall be held within 10 days from the service of the notice of Rent Increase.

7. The Mobile Home Park Owner shall, at the same time, file with the Administrator two copies of the notice and summary of expenses required in Section 9.24.080(B)(1), along with two copies of all relevant financial records, bills or documents which substantiate the level of increase proposed. This financial information shall be verified in writing by an auditor or certified public accountant or certified in writing as true and correct under penalty of perjury by the Mobile Home Park Owner. This information will be made available at City Hall for inspection and copying by the Affected Homeowners.

D. A Mobile Home Park Owner's failure to provide any information, documents, or notices required by this Section 9.24.080 shall not be entitled to collect any Rent Increase that might otherwise be awarded by an Arbitrator. Such failure by the Mobile Home Park Owner shall be a defense in any action brought by the Mobile Home Park Owner to recover possession of a Mobile Home Space or to collect any Rent Increase from the Homeowner.

E. An Affected Homeowner who is given notice of a Rent Increase is entitled to file a petition for rent review as provided in Section 9.24.090 regardless of whether the Mobile Home Park Owner has failed to provide the Affected Homeowner with all the information, documents and notices required by this Chapter.

9.24.090 Rent Dispute Resolution Process.

A. A Homeowner may contact the Administrator for an explanation of the provisions of this Chapter.

B. If a Rent Increase is proposed pursuant to Section 9.24.070(B)-(D), then after service of the Rent Increase notice and the production of the accompanying information required by Section 9.24.080, the Mobile Home Park Owner shall set a time and place for a informational meeting with the Homeowners and a mediation meeting to be held on the Mobile Home Park premises. The informational meeting shall be held within 10 days from the service of the notice of Rent Increase. The mediation meeting shall be held within 20 days from the service of the notice of Rent Increase or notice from the Administrator that mediation is required pursuant to this Section 9.24.090. The Mobile Home Park Owner shall give Affected Homeowners and the Administrator at least 10 days' advance notice of this meeting. The Mobile Home Park Owner and the Affected Homeowners shall serve any additional documents to be presented at the mediation on the other party and the Administrator at least five days before the meeting.

The purpose of this mediation meeting shall be to allow and encourage the parties to mediate any differences they may have concerning the proposed Rent Increase. At the meeting, the Mobile Home Park Owner or Park Owner Representative shall be available to meet with Affected Homeowners or Homeowner Representative to explain the reasons for the proposed Rent Increase. If the parties agree to a specific Rent Increase, the Mediator shall prepare a mediation agreement setting forth the terms of the agreement between the Mobile Home Park Owner and

the Affected Homeowners. The mediation agreement shall be executed by the parties and a copy of the agreement shall be filed with the Administrator.

C. Petition Procedures.

1. If discussions between the Mobile Home Park Owner and Affected Homeowners, either informally or pursuant to subsection (B) of this Section 9.24.090, do not resolve the dispute, the Homeowners or Homeowner Representative may file with the Administrator a petition for rent review with a copy of the notice of Rent Increase within 30 days after receipt of the Rent Increase notice.

2. The Administrator shall not accept a petition for rent review unless it has been signed by at least 51 percent of All Affected Homeowners.

3. As soon as possible after a petition has been filed with respect to Mobile Home Spaces that are within a Mobile Home Park, the Administrator shall, to the extent possible, consistent with the time limitations provided herein, consolidate petitions involving similarly situated Affected Homeowners.

4. Upon the filing of a petition, the Rent Increase shall not be implemented until and to the extent it is awarded by an Arbitrator or until the petition is abandoned by the Affected Homeowners or the Homeowner Representative. "Abandoned" as used herein shall mean a failure to actively pursue the necessary steps to prepare the Homeowners' case for the arbitration. An automatic arbitration based upon a 300 percent Consumer Price Index increase shall not require active Homeowner participation and shall not be considered abandoned due to lack of Homeowner participation.

D. Contents of Petition.

1. The petition for rent review shall: a) set forth the total number of affected Mobile Home Spaces in the Mobile Home Park; b) identify the name of the Homeowners who occupy each space; and 3) state the date upon which the notice of the Rent Increase was received by the Homeowner.

2. After obtaining the required signatures of Affected Homeowners, the Homeowners shall deliver the petition or mail it by certified mail to the Administrator at the following address: City of St. Helena, 1480 Main Street, St. Helena, California 94574. No petition shall be accepted unless it is accompanied by the requisite number of signatures and is received in the office of the Administrator within the 30-day period set forth in subsection (C) of this Section 9.24.090. The Administrator shall provide a copy of the completed petition to the Mobile Home Park Owner and the Arbitrator.

E. After the Administrator has accepted a petition for rent review, the Administrator shall remit to the Mobile Home Park Owner and petitioning Homeowners or the Homeowner Representative an information questionnaire in such form as the Administrator may prescribe. The completed information questionnaire must be returned to the Administrator at least five

business days prior to the date scheduled for hearing of the petition by the Arbitrator. The Administrator shall provide copies of the completed information questionnaire to the Arbitrator, the Mobile Home Park Owner, and the Affected Homeowners or the Homeowner Representative.

F. Upon receipt of a petition, or in the event of an automatic arbitration pursuant to Section 9.24.070(D), or upon an Affected Homeowner's claim of a vacancy control rent increase violation pursuant to Section 9.24.050, the Administrator shall, within 15 business days, assign an Arbitrator. The Administrator shall set a date for the arbitration hearing no sooner than 10 working days nor later than 30 working days after the Arbitrator is assigned. The Mobile Home Park Owner and All Affected Homeowners shall be notified immediately in writing by the Administrator of the date, time, and place of the hearing either in person or by ordinary mail.

Any additional documents to be presented at the hearing by either the park owner or the Affected Homeowners, other than those previously submitted pursuant to Section 9.24.080(C) or subsection (B) of this Section 9.24.090, shall be served on the other party, the Administrator, and the Arbitrator at least 10 working days before the hearing by mail or in-person delivery. All financial documents submitted shall be verified in writing by an auditor or certified public accountant, or certified in writing as true and correct under penalty of perjury by the Mobile Home Park Owner.

G. Arbitration Hearing.

1. The Mobile Home Park Owner and any Affected Homeowners may appear at the hearing and offer oral and documentary evidence. Both the Mobile Home Park Owner and Homeowners may designate a representative or representatives to appear for them at the hearing. The Arbitrator may grant or order one continuance to each party not to exceed 10 business days from the date of the hearing. A further continuance may be granted if stipulated to by all the parties. The burden of proving that the amount of Rent Increase is reasonable shall be on the Mobile Home Park Owner by a preponderance of the evidence. The hearing need not be conducted according to technical rules relating to evidence and witnesses. The rules of evidence and manner of producing evidence shall be those rules set forth in California Government Code Section 11513 for the conduct of hearings under the Administrative Procedure Act. These rules may be relaxed at the discretion of the Arbitrator in the interests of justice.

2. Any party may have electronic recording equipment or a court reporter present to record and prepare a transcript of the hearing before the Arbitrator. Such equipment or reporter shall be provided at that party's own expense.

3. Any jurisdictional or procedural dispute regarding the process set forth herein may be decided by the Arbitrator.

4. The Arbitrator shall, within 14 days of the conclusion of the hearing, submit by mail a written statement of decision and the reasons for the decision to the Administrator. The Administrator shall mail copies of the decision to the Mobile Home Park Owner and Affected Homeowners.

5. The decision of the Arbitrator, rendered in accordance with this Section 9.24.090, shall be final and binding upon the Mobile Home Park Owner and Affected Homeowners. The decision of the Arbitrator will be subject to the provisions of California Code of Civil Procedure Section 1094.5.

H. It is the intent of the Council to have a final decision rendered within 90 days of the initial notice of the Rent Increase. The Administrator or the Arbitrator may, however, modify the time periods set forth herein at his or her discretion to promote the purposes of this Chapter.

9.24.100 Subpoena Power.

Subpoenas, including subpoenas duces tecum, requiring a person to attend at a particular time and place to testify as a witness, may be issued in connection with any dispute pending before an Arbitrator. Subpoenas shall be issued at the request of the Administrator, an Arbitrator, the Homeowners, or the Mobile Home Park Owners. Subpoenas shall be issued and attested by the City Attorney. A subpoena duces tecum shall be issued only upon the filing with the City Attorney of an affidavit showing good cause for the production of the matters or things desired to be produced, setting forth in full detail the materiality thereof to the issues involved in the proceedings, and stating that the witness has the desired matters or things in his or her possession or under his or her control. A copy of such affidavit shall be served with the subpoena. Any subpoena or subpoena duces tecum issued pursuant to the provisions of this Chapter may be served in person or by certified mail, before the hearing for which attendance is sought. Any subpoena or subpoena duces tecum issued pursuant to the provisions of this Chapter shall be deemed issued by and in the name of the Council.

9.24.110 Standards of Review.

A. The Arbitrator shall determine whether Rent Increases proposed or imposed by the Mobile Home Park Owner are reasonable based upon the circumstances and all the provisions of this Chapter. The Arbitrator shall take into consideration that the purpose of this Chapter is to permit Mobile Home Park Owners a just and reasonable return, while protecting Homeowners from unnecessary or unreasonable Rent Increases.

B. The Arbitrator shall not allow more than one Rent Increase per Mobile Home Space per 12-month period, unless a Mobile Home Park Owner can clearly establish that the Rent Increase is necessary to cover costs of operation, maintenance, Capital Improvements, and/or Substantial Rehabilitation not reasonably foreseeable at the time notice of the preceding Rent Increase was given.

C. Maintenance of Net Operating Income.

1. It shall be presumed that the base year Net Operating Income adjusted by 75 percent of the increase or decrease in the CPI since the base year yields a fair return. Mobile Home Park Owners shall be entitled to maintain and increase their Net Operating Income in

accordance with this Section 9.24.110. The Arbitrator shall make a determination of whether the Mobile Home Park Owner's Net Operating Income yields a fair return under this standard.

2. The formula for calculating the fair NOI return shall be as follows:

$$\text{Fair NOI} = \text{Base Year NOI} \times (1 + .75) \% \text{ change in CPI}$$

3. Except as provided in Section 9.24.150, it shall be presumed that the Net Operating Income produced by the Mobile Home Park during the base year provided a fair return.

4. Calendar year 2017 shall be established as the base year for purposes of determining whether a Mobile Home Park Owner's Net Operating Income provides a fair return. If a satisfactory base year is, in the Arbitrator's opinion, not otherwise available, such as where a Mobile Home Park Owner did not own the subject property in the base year and/or the 2017 Operating Expenses are not available, the Arbitrator may take any relevant evidence into account to construct a base year.

5. The base year CPI shall be the CPI level in June 2017.

6. The percentage change in the CPI shall be calculated by using the CPI as of the month prior to the noticed increase.

7. The comparison NOI year shall be the most recent calendar or fiscal year, unless another period is found by the Arbitrator to be more appropriate.

D. A park owner may seek a Rent Increase based on the cost of a completed new Capital Improvement, as defined in Section 9.24.020(F), together with a reasonable return upon the Capital Improvement investment, only if the Mobile Home Park Owner has:

1. Established by written verification or other competent evidence to the satisfaction of the Arbitrator that the costs of the new Capital Improvement are factually correct as claimed;

2. Cost factored and amortized the costs of the Capital Improvement over the good faith estimate of the remaining life of the improvement, but in no event for a period of less than 60 months; and

3. Allocated the increase among Affected Homeowners on a per space basis and separately itemized such increase on the Rent bill. Such increases shall not be considered included in the Base Rent for purposes of the annual permissible Rent Increases pursuant to Section 9.24.070(A).

E. Mitigating Factors. In evaluating a Rent Increase, the Arbitrator shall also consider the following factors in addition to any other factors the Arbitrator deems relevant in order to determine whether there are any circumstances that may justify a reduction in a proposed Rent Increase:

1. In the event the Mobile Home Park Owner reduces or eliminates any Housing Services, a proportionate share of the cost savings due to such reduction or elimination shall be passed on in the form of a decrease in existing Rent or a decrease in the amount of a Rent Increase otherwise proposed or permitted by this Chapter.

2. The physical condition of the Mobile Home Space or Park of which it is a part, including the quantity and quality of maintenance and repairs performed during the preceding 12 months.

F. Notwithstanding any other provision to the contrary, no provision of this Chapter shall be applied to prohibit the granting of a Rent Increase that is demonstrated to be necessary to provide a Mobile Home Park Owner with a fair and reasonable return.

9.24.120 Net Operating Income.

In evaluating a Rent Increase imposed by a Mobile Home Park Owner to maintain the Mobile Home Park Owner's Net Operating Income, "Net Operating Income" (NOI) shall mean the Gross Income as defined in Section 9.24.130 of the Mobile Home Park less the Operating Expenses as defined in Section 9.24.140.

9.24.130 Gross Income.

For purposes of calculating the Net Operating Income pursuant to Section 9.24.120, "Gross Income" shall mean the sum of the following:

A. Gross Mobile Home Space rents, computed as gross space rental income at 100 percent occupancy; plus

B. Other income generated as a result of the operation of the Mobile Home Park, including, but not limited to, fees for services actually rendered; plus

C. Revenue received by a Mobile Home Park Owner from the sale of gas and electricity to Homeowners where such utilities are billed individually to the Homeowners by the Mobile Home Park Owner. Such revenue shall equal the total cost of the utilities to the Homeowners minus the amount paid by the Mobile Home Park Owner for such utilities to the utility provider; minus

D. Uncollected Mobile Home Space Rents due to vacancy and bad debts to the extent that the same are beyond a Mobile Home Park Owner's control. Uncollected Mobile Home Space Rents in excess of three percent of gross Mobile Home Space Rents shall be presumed to be unreasonable unless established otherwise and shall not be included in computing Gross Income. If uncollected Mobile Home Space Rents must be estimated, then the average of the preceding three years' experience shall be used.

9.24.140 Operating Expenses.

A. For purposes of calculating Net Operating Income pursuant to Section 9.24.120, “Operating Expenses” may include:

1. Real property taxes and assessments.
2. Utility costs to the extent that they represent costs to the Mobile Home Park Owner which are not passed through to Homeowners of the Mobile Home Park.
3. Management expenses (including the compensation of administrative personnel, including the value of any Mobile Home Space offered as part of compensation for such services), reasonable and necessary advertising to ensure occupancy, legal and accounting services as permitted herein, and other managerial expenses. Management expenses are presumed to be not more than five percent of Gross Income, unless established otherwise.
4. In addition to the management expenses listed above, if the Mobile Home Park Owner performs managerial or maintenance services which are uncompensated, the Mobile Home Park Owner may include the reasonable value of such services or Operating Expenses. Mobile Home Park Owner-performed labor shall be limited to five percent of Gross Income unless the Arbitrator finds that such a limitation would be substantially unfair in a given case. A Mobile Home Park Owner must devote substantially all of the Mobile Home Park Owner’s time, that is, at least 40 hours per week, to performing such managerial or maintenance services in order to warrant the full five percent credit as an Operating Expense. No credit for such services shall be authorized unless a Mobile Home Park Owner documents the hours utilized in performing such services and the nature of the services provided.
5. Normal repair and maintenance expenses for the grounds and common facilities, including but not limited to landscaping, cleaning, and repair of equipment and facilities.
6. Operating supplies such as janitorial supplies, gardening supplies, and stationery.
7. Insurance premiums prorated over the life of the policy.
8. Other taxes, fees, and permits, except as provided in Section 9.24.190.
9. Reserves for replacement of long-term improvements or facilities, provided that accumulated reserves shall not exceed five percent of Gross Income.
10. A Mobile Home Park Owner may include the cost of necessary Capital Improvement or Substantial Rehabilitation expenditures which would exceed existing reserves for replacement. A necessary Capital Improvement shall be an improvement required to maintain the common facilities and areas of the Mobile Home Park in a decent, safe, and sanitary condition or to maintain the existing level of Mobile Home Park amenities and services. In the event that the necessary Capital Improvement or Substantial Rehabilitation expenditure is necessitated as the result of an accident, disaster, or other event for which the Mobile Home Park

Owner received insurance or other benefits, only those costs otherwise allowable and exceeding such benefits may be calculated as Operating Expenses.

Expenditures for necessary Capital Improvements to upgrade existing facilities, together with a reasonable return upon the Capital Improvement investment made by the Mobile Home Park Owner, shall be an allowable Operating Expense only if the park owner has:

- a. Informed the Affected Homeowners prior to initiating construction or implementation of the Capital Improvement regarding the nature, purpose and estimated cost of the improvement; and
- b. Established by written verification or other competent evidence to the satisfaction of the Arbitrator that the costs of Capital Improvement provided to the Homeowners for their general use are factually correct as claimed; and
- c. Cost factored and amortized the costs of the improvement over the good faith estimate of the remaining life of the improvement, but in no event for a period of less than 60 months; and
- d. Allocated the increase among Affected Homeowners on a per space basis and separately itemized such increase on the Rent bill. Such increases shall not be considered included in the Base Rent for purposes of the annual permissible Rent Increases pursuant to Section 9.24.070(A).

11. Increases in interest payments which result from one of the following situations or the equivalent thereof:

- a. Refinancing of the outstanding principal owed for the acquisition of a park where such refinancing is mandated by the terms of a financing transaction entered into prior to [DATE, 2018], for instance, termination of a loan with a balloon payment; or
- b. Increased interest costs incurred as a result of a variable interest rate loan used to finance the acquisition of the park and entered into prior to [DATE, 2018].

In refinancing, increased interest shall be permitted to be considered as an Operating Expense only where the Mobile Home Park Owner can show that the terms of the refinancing were reasonable and consistent with prudent business practices under the circumstances.

B. "Operating Expenses" shall not include the following:

1. Debt service expenses, except as provided in subsection (A)(11) of this Section 9.24.140;
2. Depreciation;

3. Any expense for which the Mobile Home Park Owner is reimbursed; or

4. Attorneys' fees and costs (except printing costs and documentation as required by Section 9.24.080) incurred in proceedings before an Arbitrator or in connection with legal proceedings challenging the decision of an Arbitrator or the validity or applicability of this Chapter.

C. Whenever a particular expense exceeds the normal industry or other comparable standard, the Mobile Home Park Owner shall bear the burden of proving the reasonableness of the expense. To the extent that the Arbitrator finds any such expense to be unreasonable, the Arbitrator shall adjust the expense to reflect the normal industry or other comparable standard.

9.24.150 Special Base Year NOI/Base Rent Adjustments.

A. Mobile Home Park Owners may obtain a one-time special adjustment to the base year NOI and/or Base Rent dates if the rebuts the presumption that the base year NOI and/or Base Rent date yielded a fair return. The Arbitrator shall not make such a determination unless the Arbitrator has first made at least one of the following findings:

1. That the Mobile Home Park Owner's Operating Expenses in the base year were unusually high or low in comparison to the three years prior to the base year. The average expenses for this period shall be presumed to reflect reasonable average annual expenses and the average of such expenses shall be used to calculate and adjust the base year NOI.

In determining whether the park owner's Operating Expenses were unusually high or low, the Arbitrator shall consider whether:

a. The park owner made substantial Capital Improvements during the base year, which were not reflected in the Rent levels on the Base Rent date.

b. Substantial repairs were made due to uninsured damage caused by fire, natural disaster or vandalism.

c. Maintenance and repair were below accepted standards so as to cause significant deterioration in the quality of Housing Services.

d. Other expenses were unreasonably high or low notwithstanding the following of prudent business practice.

2. That the Rent was disproportionate due to one of the enumerated factors below:

a. The Rent on the base date was exceptionally high or low due to the fact that the Rent was not established in an Arms-Length Transaction.

b. The Rent on the Base Rent date was substantially higher or lower than at other times of the year by reason of premiums being charged or rebates given for reasons unique to particular spaces.

B. If the circumstances specified in subsection (A)(2) of this Section 9.24.150 are demonstrated, the Base Rent date shall be adjusted to reflect the Rent that would have been received if the Base Rent date had been set under general market conditions. In making this adjustment, the Arbitrator shall utilize the median rent in effect on the Base Rent date, or a good faith estimate of such median rent, for comparable spaces within the Mobile Home Park or, if necessary, other comparable parks. Comparability shall be judged based on the location of the park, services, amenities provided, and other relevant factors.

9.24.160 Obligations of the Parties.

A. After the Mobile Home Park Owner's proposed effective date of a noticed Rent Increase, if the Arbitrator finds that the proposed increase or any portion thereof that was previously inoperative is justified, All Affected Homeowners shall pay the amount found justified to the Mobile Home Park within 30 days after the decision is made.

B. If the Arbitrator finds that an increase or any portion thereof is not justified, the Mobile Home Park Owner shall refund any amount found to be unjustified, but that had been paid, to All Affected Homeowners within 90 days of the Arbitrator's decision. In the event that the tenancy of an Affected Homeowner is terminated for any reason prior to receipt of a refund, the balance of the credit due the Homeowner shall be paid by the Mobile Home Park Owner within 30 days from the date of the termination of the tenancy.

C. Any sum of money that under the provisions of this Section 9.24.160 is the obligation of the Mobile Home Park Owner or Homeowner to pay, as the case may be, shall constitute a debt and, subject to the foregoing provisions of this section, may be collected in any manner provided by law for the collection of debts.

9.24.170 Homeowner's Right of Refusal.

An Affected Homeowner may refuse to pay any increase in Rent which is in violation of this Chapter, provided a petition has been filed and either no final decision has been reached by an Arbitrator or the increase has been determined to violate the provisions of this Chapter. Such right of refusal to pay shall be a defense in any action brought to recover possession of a Mobile Home Space or to collect the Rent Increase.

9.24.180 Retaliatory Acts – Homeowner's Right to Organize.

No Mobile Home Park Owner may retaliate against a Homeowner, Homeowner Representative, or Prospective Homeowner for the assertion or exercise of rights under this Chapter in any manner. This includes, but is not limited to, threatening to bring or bringing an action to recover possession of a Mobile Home Space, engaging in any form of harassment that causes a Homeowner to quit the premises, dissuading a Prospective Homeowner from freely exercising

the Homeowner's legal option to choose a tenancy of a shorter term, decreasing Housing Services, increasing the Mobile Home Space Rent, or imposing or increasing a security deposit or any other charge payable by a Homeowner.

9.24.190 Fees.

A. The costs of administration of this Chapter, including the costs of mediation and arbitration, shall be borne by the City, subject to reimbursement by imposition of a Rent Stabilization Administration Fee ("Fee") chargeable against each Mobile Home Space in the City.

B. The Administrator shall recommend to the City from time to time the amount of the Fee and the Council shall adopt such Fee by resolution at a public hearing. A reporting of expenditures and staff time spent on administration of this Chapter shall be conducted during review of the City's budget.

C. On or before **September 30th** of the fiscal year of the adoption of this Chapter, and thereafter on or before **July 31st** of each subsequent fiscal year, each Mobile Home Park Owner in the City shall register with the City. The Mobile Home Park Owner shall provide, in writing, the name and address of the Mobile Home Park Owner, and a statement of the number of Mobile Home Spaces, including both occupied and unoccupied spaces, contained in that Mobile Home Park Owner's Mobile Home Park. Re-registration and provision of this information must also be made upon change of ownership of the Mobile Home Park, or an increase or a decrease in the number of spaces available at a Mobile Home Park Owner's Mobile Home Park.

D. On or before **September 30th** of the fiscal year of adoption, and thereafter on or before **July 31st** of each and every subsequent fiscal year, each Mobile Home Park Owner shall pay to the City the Fee then in effect for each Mobile Home Space in the Mobile Home Park Owner's Mobile Home Park, except for those spaces subject to a rental agreement in full compliance with the requirements of California Civil Code Section 798.17(a) and (b).

E. Allocation of the Fee.

1. A Mobile Home Park Owner may allocate 50 percent of the Fee imposed on a Mobile Home Space to the Homeowners in accordance with the provisions set forth in this Section 9.24.190. This allocation shall be passed on, if at all, no later than the next park anniversary date or within 12 months from the date of payment to the City. The remaining 50 percent of the Fee imposed on a Mobile Home Space shall not be passed on in any way to Homeowners.

2. The Mobile Home Park Owner shall post in a common area for a period of 90 days for All Affected Homeowners to read, documentation supporting the allowable amount to be collected in order for the Mobile Home Park Owner to recover 50 percent of the Fee. At a minimum, such documentation shall include:

a. Billing notices or other equivalent documents from the City imposing Fee;

- b. A copy of this Section;
 - c. The calculations used by the park owner to apportion the cost of the allowable percentage among the Affected Homeowners;
 - d. The address and telephone number of the Administrator; and
 - e. Notice to the Affected Homeowners that Homeowners are encouraged to contact the Administrator for an explanation of the provisions of this Chapter.
3. The Fee allocation shall not be considered part of the Base Rent upon which future Rent Increases can be based.
4. The Fee allocation shall be separately listed on any monthly or other periodic billing statement to the Homeowner.
- F. A service fee equal to one and one-half percent per month will be charged on Mobile Home Park Owners who make late payments of Fees required under this Chapter. The service fee may not be passed on to Homeowners.

9.24.200 Exemption from Fees.

A. A Mobile Home Park Owner who is eligible for a space fee exemption pursuant to Civil Code Section 798.17 or any other provision of this Chapter, shall provide the Administrator with the following documentation, as appropriate:

- 1. A listing of long-term executed lease space numbers and spaces used other than for residency;
- 2. For a newly constructed space, proof that the space was constructed and initially held out for rent after [DATE, 2018]; and
- 3. A statement of the basis for the exemption.

B. The Administrator's decision as to an exemption shall be final.

9.24.210 Nonwaivable Obligations.

Any provision, whether oral or written, in or pertaining to a rental agreement whereby any provision of this Chapter is waived or modified, is against public policy and void, except with respect to any rental agreement complying with all of the terms and conditions set forth in California Civil Code Section 798.17.

9.24.220 Remedies And Waiver of Rights.

A. In addition to those penalties and remedies set forth in this Chapter, no Mobile Home Park Owner shall demand, accept, receive, or retain any Rent in excess of the amounts allowed under this Chapter. In the event that a Mobile Home Park Owner demands, accepts, receives, or retains any payment in excess of the amounts allowed under this Chapter, the Homeowner may file a civil suit against the Mobile Home Park Owner. A Mobile Home Park Owner who demands, accepts, receives, or retains any payment of Rent in excess of the amounts allowed under this Chapter shall be liable to the Homeowner in the amount by which the payment or payments have exceeded the allowable Rent. In such a case, the Rent shall be adjusted to reflect the lawful Rent pursuant to this Chapter.

B. A Mobile Home Park Owner who willfully demands, accepts, or retains any payment of Rent in violation of the provisions of this Chapter shall be liable in a civil action to the person from whom payment is demanded, accepted or retained for damages in the sum of three times the amount by which payment or payments demanded, accepted or retained exceed the maximum Rent which could lawfully be demanded, accepted or retained. A prevailing Homeowner in a civil action brought to enforce this Chapter shall be awarded reasonable attorneys' fees and costs as determined by the court. No administrative remedy need be exhausted prior to filing suit pursuant to this Section 9.24.220.

C. The remedies available in this Chapter are not exclusive and may be used cumulatively with any other remedies available in this Chapter or at law.

D. Waiver of Rights.

1. Any waiver or purported waiver by a Homeowner of rights granted under this Chapter prior to the time when said rights may be exercised shall be void as contrary to public policy, except as provided in this Section 9.24.220.

2. It shall be unlawful for a Mobile Home Park Owner to require or attempt to require, as a condition of tenancy in a Mobile Home Park, a Homeowner, or Prospective Homeowner, to waive, in a lease or rental agreement, the rights granted to a Homeowner by this Chapter.

3. It shall be unlawful for a Mobile Home Park Owner to deny or threaten to deny a tenancy in a Mobile Home Park to any person on account of such person's refusal to enter into a lease or rental agreement or any other agreement under which such person would waive the rights granted to a tenant by this Chapter.

4. Nothing in this Section 9.24.220 shall preclude a Mobile Home Owner or tenant, or Prospective Homeowner, from entering into a lease or rental agreement; provided, that such lease or rental agreement is not procured by a requirement that it be entered into as a condition of tenancy in the Mobile Home Park, and is not procured under a threat of denial of tenancy in the Mobile Home Park.

E. If a Homeowner fails to bring an action to enforce this Chapter within a reasonable time after the date of the violation, the City Council may bring such an action or settle the claim on

the Homeowner's behalf. If the City Council brings such an action, the Homeowner shall be provided the right to opt in or out of the action. In the case of an opt-in, the Homeowner on whose behalf the City Council acted is barred from bringing a separate action against the Landlord in regard to the same violation, and the City shall be entitled to recupereate the costs it incurred from any monetary recovery from the Mobile Home Park Owner, with the remainder to go to the Homeowner against whom the violation has been committed. In the case of an opt-out, the Homeowner shall retain all rights relating to his or her right to private action. The City Council may take other such enforcement action as necessary to ensure compliance with this Chapter.

9.24.230 Rights of Affected Parties Reserved.

- A. This Chapter shall not be construed to limit or curtail any other action or proceeding which may be pursued by an Affected Homeowner or Mobile Home Park Owner before any court or other body having jurisdiction thereof.
- B. Defense to Action for Recovery of Possession.
 - 1. A Mobile Home Park Owner's failure to comply with any of the provisions of this Chapter or any regulations promulgated hereunder shall serve as a complete affirmative defense in any action brought to recover possession of a Mobile Home Space.
 - 2. A Homeowner's refusal to pay Rent in excess of the amount allowed under this Chapter shall be a complete affirmative defense in any action brought to: a) recover possession of a Mobile Home Space for nonpayment of Rent; or b) collect Rent in excess of the amount allowed under this Chapter.

9.24.240 Extension of Time Limits.

By written agreement of the parties, upon application to the Administrator, or for good cause shown to the Mediator or Arbitrator, the timeframes provided for under this Chapter may be extended.

9.24.250 Regulations and Review By the City Council.

- A. The City Council may issue rules and regulations as necessary to further the purpose of this Chapter. If any portion of this Chapter is declared invalid or unenforceable by decision of a court of competent jurisdiction or rendered invalid or unenforceable by law, the City Council shall have the authority to enact replacement regulations consistent with the intent and purpose of the invalidated or unenforceable provisions of this Chapter to the extent necessary to resolve any inconsistency. The subject matter of such replacement regulations shall be limited to the matters addressed in this Chapter.
- B. The Council shall review the effectiveness of this Chapter within five years from the effective date to determine whether a full-scale review of the Ordinance is necessary. Notice of

the time and place of the Council's review shall be published at least 10 days prior to the review date in a newspaper of general circulation in the City.

9.24.260 Environmental Determination.

The City Council finds that the adoption and implementation of this Article are exempt from the provisions of the California Environmental Quality Act under section 15061(b)(3) in that the City Council finds there is no possibility that the implementation of this Article may have significant effects on the environment.

9.24.270 Partial Invalidity.

If any provision of this Chapter or application thereof to any person or circumstances is held invalid, this invalidity shall not affect other provisions or applications of this Chapter that can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared severable. This Chapter shall be liberally construed to achieve the purposes of this Chapter and to preserve its validity.

Administration								
	Applicability	City Staff Person	City Point Person Responsibilities	Council Responsibilities	Park Owner Implementation of Rent Increase	Financing	Pass Through of Regulatory Fees	Rental Registry
Contra Costa County	State law limits (does not apply to spaces subject to an agreement longer than 12 months per Civil Code Section 798.17; does not apply to newly constructed spaces per CC 798.45) (Sec. 540-2.206(b)(1)); Not applicable to spaces where rent is less than \$350/month (Sec. 540-2.206(b)(2)); Not applicable to parks where the highest rent charged is less than median rent as determined by a City Council program to determine median rents (Sec. 540-2.206(b)(3))	Rent Review Officer as designated by the city administrator (Sec. 540-2.204(p))	Assigns a hearing officer to a petition (Sec. 540-2.204E); Acknowledges receipt of notice from park owner of the list of people impacted by rent increase which is required before a rent increase can be implemented (Sec. 540-2.602); Reviews petitions opposing the implementation of rent increase and verifies petition requirements are met (Sec. 540-2.804, Sec. 540-806); Assigns mediator after valid petition received and convenes meeting btw park owner and homeowner rep. (Sec. 540-2.808); Assigns hearing officer if mediation unsuccessful after 40 days (Sec. 540-2.810); Receives declaration from park owner under penalty of perjury regarding capital improvement increases (Sec. 540-2.1204(c)); Prepares a summary of ordinance that is provided to a prospective homeowner (Sec. 540-2.1408(b)); Award monetary damages for unlawfully received rent (Sec. 540-2.1608); Adopt regulations under Ordinance (Sec. 540-2.1604)	Approve program to determine median mobilehome space rents (Sec. 540-2.206(b)(3)); Establish amount of regulatory fee to cover the costs of hearings (Sec. 540-2.812); Receive annual report from City Administrator regarding amount of administration fee and set administration fee (Sec. 540-2.1602(b)); Review report of vacancy rate and consider appropriateness of ordinance (Sec. 540-2.1610)	1) Provide at least 90 days notice to homeowner in advance of ANY rent increase and notice of informal meeting (Sec. 540-2.602(a)); 2) Set up informational meeting with mobilehome owners to take place 30 days after notice (Sec. 540-2.602(b)); 3) Provide notice to Rent Review Officer and Homeowner's Rep (Sec. 540-2.602(b). Rent increases can proceed unless petition filed for rent review.	Residents pay fee for processing petition (Sec. 540-2.804(d)); Park owner pays a hearing fee (Sec. 540-2.812); Regulatory per-space fee imposed on park owner (Sec. 540-1602)	35% of regulatory fees can be passed through to residents (Sec. 540-2.1602E)	—
Calistoga	State law limits (does not apply to spaces subject to an agreement longer than 12 months per Civil Code Section 798.17; does not apply to newly constructed spaces per CC 798.45)	Planning and Building Director or other designee appointed by City Manager (Sec. 2.22.020)	Obtain petition from homeowners for rent review (2.22.090(D)); Remit "an informational questionnaire" to park owner after receiving petition (2.22.090E)) Assign arbitrator within 15 days (2.22.090(F)); Set hearing date between 10-30 days after assignment of arbitrator (Ibid.)	Set anniversary date for all rent increases (2.22.060); Council's consideration of amount of regulatory fee (2.22.190(B)); Review Ordinance after 5 years (2.22.250)	Provide at least 90 days notice to homeowner in advance of increase (Sec. 2.22.070); If increase larger than annual general adjustment: 1) set up informational meeting with mobilehome owners w/in 10 days of notice (2.22.070(B)(6)); 2) file CPA-verified financial documentation to City (2.22.070(C)); 3) set up mandatory mediation with homeowners w/in 20 days of notice (2.22.090(B)), if dispute not resolved, residents have 30 days to file petition.	City bears the costs but can be reimbursed through the imposition of a regulatory fee against each space (2.22.190(a))	50% of registration fee may pass through to resident (2.22.190(E)(1))	Yes, park owners must register by September 30th and change of ownership (2.22.190C)

<u>Annual General Adjustment</u>		
	Implementation	Banking Increases
Contra Costa County	The greater of: 75% of CPI with a cap of 3% (Sec. 540-2.404(a)(2)); or Two Percent (Sec. 540-2.404(a)(1))	Silent
Calistoga	The lesser of 100% of CPI (Sec. 2.22.070(A)(1) or 6 % of base rent (Sec. 2.22.070(A)(2))	Silent

<u>Individualized Adjustments</u>		
	Definition of Fair Rate of Return	Procedure
Contra Costa County	Generally undefined; "Maintenance of Net Operating Income" when considering Major Rent Increases (Sec. 540-1.1006)	There are procedures for implementing 4 types of rent increases: 1) Annual General Adjustments (Standard annual rent increase) (Sec. 540-2.404); 2) Pass through of regulatory fee (Sec. 540-2.406); 3) Capital improvement increases (Sec. 540-2.408); 4) Major Rent Increase (Sec. 540-2.410; Sec. 540-2.1002). Hearing officer makes determination.
Calistoga	"Maintenance of net operating income" (2.22.110)	Arbitration Hearing (2.22.090(G))



Rent Stabilization Informational Workshop

CITY OF ST. HELENA

Today's Purpose

1. Provide Information
2. Hear Your Perspective & Answer Questions
3. Council Discussion
4. Complete Questionnaire

What is Mobile Home Rent Stabilization?

- An Ordinance that provides limits on rent increases
- NOTE: Mobile Home Park owner can set adjustments lower than maximum allowable
- Mobile Home Park owner may petition for a higher amount if they believe the maximum amount does not allow a fair return as is constitutionally required

How Are Mobile Home Rent Stabilization Ordinances Typically Adopted?

1. Primarily via Ordinance

- (City Council, County Board of Supervisors)

2. Sometimes by Voter Initiative

- Measure M (Santa Cruz) residential rentals/just cause eviction regulations on November 2018 Ballot
- Measure C (Santa Rosa) on June 2017 ballot was defeated 51% to 49% to establish a 3% cap on annual rent increases

Would Such An Ordinance Apply to All Spaces?

State Law only permits a local rent stabilization ordinance to apply to leases that are 12 months or less

- If you have a 7-year lease, then the lease controls your rent adjustments

If the City adopted a rent stabilization ordinance, Residents may “opt in” to a lease at renewal (Civil Code Section 798.18)

- You “opt out” by signing a space lease that is longer than 12 months

Landlord Obligations with Longer Leases (in excess of 12 months)

(Example)

48 hours prior to any rental agreement longer than 12 months, the Park Owner must:

- Offer a homeowner the option of a rental agreement or lease of a term of 12 months or less
- Provide a copy of a City information sheet explaining the ordinance
- Inform the homeowner that the mobile home park owner representative is available upon request
- Inform the homeowner orally and in writing that a lease for longer than 12 months is not subject to rent stabilization

How are Annual Maximum Allowable Adjustments Typically Calculated?

1. Set %

- Example - Cap at 5%

2. Consumer Price Index (CPI) or % of CPI

- Palm Desert = 75% of CPI
- San Luis Obispo County = 60% of CPI

3. Combination of Set % or % of CPI, whichever is higher or lower

- Gilroy = Lesser of 5% or 80% CPI
- Oceanside = Lesser of 8% or CPI
- Petaluma = Lesser of 6% or 100% CPI

4. By Commission or Board

- Rent Review Commission (e.g. Hemet)

(Ordinance would require advance written notice)

Example

	Year 1	Year 2	Year 3	Year 4
Current Vineyard Valley Structure	6.0%	0.0%	6.0%	0.0%
Rent Ordinance with variable CPI	1.0%	1.0%	3.0%	3.0%
Rent Ordinance CPI past 4 years SF Area - June Data	2.3%	2.7%	3.5%	3.9%
Rent Ordinance CPI past 4 years US - June Data	0.1%	1.0%	1.6%	2.9%
Increase based on \$1,000 month base rent	\$1,000			
Current Vineyard Valley Structure	1,060	1,060	1,124	1,124
Rent Ordinance with variable CPI	1,010	1,020	1,051	1,082
Rent Ordinance CPI past 4 years SF Area - June Data	1,023	1,050	1,087	1,130
Rent Ordinance CPI past 4 years US - June Data	1,001	1,011	1,027	1,057

Individualized Adjustments

Landlord required to provide documentation to support increases in excess of figures allowable by cap.

If increase above permissible cap is desired:

- Park owner must provide notice to impacted homeowners and documentation to support the desired increase (e.g. not foreseeable operational, maintenance, capital improvements, and substantial rehabilitation costs)
- If proposed increase exceeds 300% of CPI, arbitration is required

Vacancy Control

With a Vacancy Control provision, a Mobile Home Park Owner is **prohibited** from increasing the space rent **upon sale** of a mobile home to a new homeowner.

Mobile Home Park Owner is permitted to increase the space rent **when a lawful space vacancy occurs defined as “Termination of a Tenancy” or a mobile home is voluntarily removed** (except when mobile home is being rehabilitated offsite).

Fees

It is a City Council policy choice to either absorb or require partial reimbursement of administration, mediation, arbitration and associated costs. This decision and framework would be incorporated into an ordinance.

EXAMPLE:

It is possible to require a Mobile Home Park Owner to reimburse 50% of City costs without passing along any costs to homeowners until a certain % (e.g. 50%, 75%, etc.) of homeowners opted to be governed by a rent stabilization ordinance.

Frequently Asked Questions

1. If the City has a Rent Stabilization Ordinance in place and the Mobile Home Park sells, is the new park owner obligated to maintain rent stabilization regulations for owners that have “opted in” under the draft ordinance?

- Yes, the new owner would be required to maintain rent stabilization regulations for owners that have opted in.

2. I have a long-term lease now with a 3% rent escalation factor. What happens when my lease comes up for renewal?

- With an ordinance – You either negotiate terms with Park Owner **OR** “opt-in” to a lease of 12 months or less subject to rent increase limits.
- Without an ordinance – You negotiate terms with Park Owner – they are under no obligation to maintain the same arrangement (cost, term, etc.)

Frequently Asked Questions (continued)

3. If the City adopts a Mobile Home Rent Stabilization Ordinance, would this require sale to a low income buyer?

➤ No

Thank You!

Questions?

Cindy Tzaopoulos

From: michael@paladinwine.net
Sent: Sunday, September 30, 2018 8:28 AM
To: Mark Prestwich
Cc: Cindy Tzaopoulos; priscillajdell@gmail.com; 'Grace Kistner'
Subject: Proposed changes to the Rent Stabilization Ordinance

Follow Up Flag: Follow up
Flag Status: Flagged

Mark, and members of the city council,

We have spoken with many of our fellow tenants here in Vineyard Valley. We are writing to express our collective critique and comment on the draft Rent Stabilization Ordinance and propose changes to it before it proceeds to a vote.

The metric proposed for the annual rent increase is currently stated as "100% of CPI, or 6%, whichever is lower". We request that you seriously consider following the Contra Costa County model and peg the increase to "75% of CPI with a cap of 3%." Without this change, acceptance of the RSO by the tenants of Vineyard Valley would be limited by the fear of rent increases higher than the current 3% -- as mandated in our long-term-leases. Further, Ownership has long since been happy with this 3% increase, and they also manage two parks in Contra Costa County under this metric.

The "Vacancy Control" module in the ordinance is possibly the most important feature that addresses the city's desire to maintain housing affordability. This should be held fast in future versions of the ordinance.

We look forward to future council meetings to further this effort and look ahead with anticipation to its acceptance into city law.

Thank you for your time and consideration,

Michael Merriman
Priscilla Dell
Grace Kistner



Rent Stabilization Discussion

CITY OF ST. HELENA

Background

1. July 24, 2018 – City Council Discussion
2. August 30, 2018 – Informational Workshop
3. October 9, 2018 – Policy Direction

Policy Issues Requiring Direction

1. Maximum Allowable Annual Rent Adjustments

- A set percentage
- Consumer Price Index (CPI) or a percentage of CPI
- Combination of set percentage or percentage of CPI, whichever is lower
- By Commission or Board

2. Vacancy Control

- Yes, No, or Modified Vacancy Decontrol (e.g. max of 3 times annual CPI)

Policy Issues Requiring Direction (cont.)

3. Fees

- Fully absorb; or
- Require reimbursement of a portion (e.g. 35%, 50%, etc.) without passing along any costs to homeowners until a certain percentage of homeowners opted to be governed by a Rent Stabilization Ordinance (e.g. 50%, 75%, etc.)

4. Regulatory & Dispute Processes for Rent Increases

- Annual increase: Written notice only or required informational meeting?
- Individualized Adjustments under 300% of CPI: Generally informational meeting, 50% protest requirement to force mediation, then possible arbitration
- Individualized Adjustments over 300% of CPI: Arbitration

Policy Issues Requiring Direction (cont.)

5. Timing

- When should initial rent increase under ordinance take place?
- Which month of the CPI index should be used for the ordinance?
- What should be the base rent date?

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St. Helena City Council Meeting, October 9, 2018

My name is Nora O'Neill, and I am a resident of Vineyard Valley.

With this rent control ordinance, you are DISCRIMINATING against one neighborhood in St. Helena that is made up entirely of senior citizens. You are trying to force rent control on a Senior Citizens' mobile home park ONLY! If you are going to implement rent control in St. Helena, it MUST be applied evenly across the whole city. In this rent control ordinance, you are singling out the senior citizens owning homes in the only mobile home park left in St. Helena – Vineyard Valley. The City Council did the same thing to our mobile home park when increasing the water rates – trying to place the bulk of the water increases on the homeowners in Vineyard Valley. We know that discrimination in this country is not tolerated, and I invite you to consider this very serious aspect of your actions if you choose to only establish rent control in the Vineyard Valley Mobile Home Park.

If you want to do something to help senior citizens in St. Helena, why don't you fix the downtown sidewalks. They are extremely dangerous to all citizens and tourists and have been a mess for many years. I, and lots of my friends, avoid downtown St. Helena as much as possible because of the tripping hazards all over the sidewalks on Main Street. This is a serious liability to the City – a genuine problem in St. Helena that needs to be fixed. Vineyard Valley is not a problem, and it needs no fixing.

When asked, at the Fire House meeting, how this rent control matter came to be one of the City Council's goals, Councilwoman Koberstein stated, "it came from anecdotal comments." The definition of "anecdotal" is: NOT NECESSARILY TRUE OR RELIABLE BECAUSE IT IS BASED ON PERSONAL ACCOUNTS RATHER THAN FACTS OR RESEARCH. I fear you have been duped, by the anecdotal comments of a few, into thinking that the majority of the homeowners in Vineyard Valley want rent control. Well, you have our letter signed by 147 full-time residents in Vineyard Valley that proves differently.

I suggest you dismiss this rent control ordinance, at this time, and revisit it when you are ready to implement rent control on all rental properties throughout the City in a fair and just manner – not just implement it in one small neighborhood of senior citizens.

Thank you.



Report to the City Council
Council Meeting of October 9, 2018

Agenda Section: New Business

Subject: Update and Presentation of Cost Allocation Plan Process and consideration and approval of a resolution approving Amendment #2 with Willdan for the Full Cost Services and Development Impact Fee Study in the amount of \$4,500 for a not-to-exceed amount of \$102,390 and use of fund balances and budget increases in the following amounts: General Fund - \$1,500, Water Fund - \$1,500, and Wastewater Fund - \$1,500.

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

The last full cost recovery study for the City was completed in November 2011 and an updated fee schedule was adopted by City Council on March 27, 2012 by Resolution 2012-21. The last development impact fee study was completed in April 2013 and an updated development impact fee schedule was adopted by the City Council on November 12, 2013 through Ordinance 2013-2.

During the 2015 Council Goal Setting Session, the Council included reviewing rates and fees as a strategic objective.

In September 2015, staff issued a Request for Proposals for a Full Cost Services and Development Impact Fee Study to include a cost allocation plan, user fee study, and a development impact fee study. On October 9, 2015 the City received four proposal which were reviewed by City staff and an outside consultant. In November 2015, the City selected Willdan Financial Services to conduct a Full Cost Services and

Development Impact Fee Study and entered in to a professional services agreement on November 24, 2015 by Resolution 2015-146.

DISCUSSION

As indicated in the background Willdan Financial Services was selected to conduct a cost allocation plan, user fee study, and a development fee study. The cost allocation plan is completed prior to the user fee study, as it is used to guide the cost recovery of the fees. The development impact fee study can be completed in conjunction with the cost allocation plan and the user fee study.

Cost Allocation Plan

The first phase of the Full Cost Services Study was to prepare a cost allocation plan, also referred to as CAP. The purpose of the CAP is to ensure that the City is maximizing the recovery of direct and indirect costs from specific operating departments, as well as enterprise and capital projects. Indirect costs are costs incurred for common or joint objectives and therefore cannot be readily and specifically identified with a particular project or activity. The plan provides a systematic and rational methodology for identifying and distributing administrative costs that is fair, comprehensive, well documented, and fully defensible. Willdan Financial Services has completed the cost allocation plan, however during the preparation the City approved the addition of two full-time firefighters and is currently in the process of a compensation and classification study and a management review of the Public Works Department. These changes can dramatically impact the allocation of cost recovery and therefore the plan must be amended once the changes are solidified.

User Fee Study

State and local governments use charges and fees to help fund services. When certain services provided especially benefit a particular group, then governments typically consider charges and fees on the direct recipient of those that receive benefits from such services. However, many governments provide subsidies to various users for policy reasons, including the ability of residents or businesses to pay. Well-designed charges and fees not only reduce the need for additional revenues sources, but promote service efficiency.

User fees being reviewed by City staff and Willdan Financial Services include, but are not limited to: permits, recreation, inspection, planning, administrative, engineering, library, fines, permits, fire alarm, abatement, etc. Staff has reviewed their departments existing fee schedules and made recommendations to the types of fees currently charged on the attached schedule, this does not include the amount to charge. In order to proceed with the review of the City's current user fees, staff is requesting policy direction from City Council regarding charges and fees. Items to consider are:

1. Identify cost recovery goals. Does the City intend to recover the full cost of providing goods and services and under what circumstances the City may set a charge or fee for less than 100 percent of full cost? If the full cost of a good or service is not recovered, then an explanation of the City's rationale for this deviation should be provided.

2. Identify the considerations that may influence pricing decisions. Such policy concerns might include the need to regulate demand, affordability, inflation, the desire to subsidize a certain product, economic development, demand for the particular service, and visibility of the service to the community.

Following direction from City Council, Willdan Financial Services will work directly with City staff to develop proposed user fees to bring to City Council for consideration and adoption.

Development Impact Fee Study

The City imposes development impact fees on development projects in order to mitigate the impacts caused by new development on public services, infrastructure, and facilities. Development impact fees are subject to Government Code §§66000-66025 known as "the Mitigation Fee Act" and commonly referred to as "AB 1600 Requirements." Adoption of a development impact fee requires compliance with the Mitigation Fee Act and prior to any action establishing, increasing, or imposing a fee as a condition of approval of a development project, a local agency must:

1. Identify the purpose of the fee;
2. Identify the specific uses of the fee;
3. Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed;
4. Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed; and
5. Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility attributable to the development on which the fee is imposed.

City staff have been working with Willdan Financial Services to review current impact fees and the Capital Improvement Projects (CIP) list. These documents are used as a base for preparation of the development impact fees.

Following direction from City Council, Willdan Financial Services will work directly with City staff to develop proposed development fees to bring to City Council for consideration and adoption.

Contract Amendment

During the preparation of the cost allocation plan the City approved the addition of two full-time firefighters and is currently in the process of a compensation and classification study and a management review of the Public Works Department. It is anticipated these factors will impact the data previously provided to Willdan Financial Services as part of the cost allocation plan. It is the City's responsibility to ensure that the costs are being allocated most appropriately to the different funds.

Due to these updates, City staff is requesting Contract Amendment No. 2 in the amount of \$4,500 for additional services to update the cost allocation plan based on the adopted FY 2018/19 budget and potential realignment of the Public Works Department.

FISCAL IMPACT

Amendment No. 2 of \$4,500 will be paid for with reserves as follows; \$1,500 from 101-43-00-21-45, \$1,500 561-43-00-21-45, and \$1,500 from 571-43-00-21-45. This will amend the existing contract from \$97,890 to a not to exceed amount of \$102,390. The amount of Amendment #2 will have a minor effect on the overall fund balances for the General Fund, Water Fund, or Wastewater Fund and will not change the percentage available in each of the funds.

RECOMMENDED ACTION

1. Staff recommends City Council approve Amendment No. 2 for additional services to update the cost allocation in the amount of \$4,500.
2. Staff is requesting Council direction on the following:
 - a. Cost recovery goals and ideas for the user fee study
 - b. Development impact fee goals

ATTACHMENTS

[Attachment 1 - Resolution Approving Amendment #2 Willdan](#)

[Willdan Amendment #2](#)

[User Fees List](#)

[St Helena CAP and User Fee Presentation](#)

[St Helena Development Impact Fee Presentation](#)

Attachment 1

CITY OF ST. HELENA

RESOLUTION NO. 2018-_____

Resolution of the Council of the City of St. Helena authorizing: (1) Amendment #2 to the Contract with Willdan Financial Services for an amount of \$4,500.00 for Full Cost Services and Development Impact Fee Study for a total not to exceed amount of \$102,390.00, and (2) Use of fund balances and budget increases in the following amounts: General Fund - \$1,500.00, Water Fund - \$1,500.00, and Wastewater Fund - \$1,500.00.

RECITALS

WHEREAS, on November 24, 2015 City Council approved Resolution No 2015-146 approving a Professional Services Agreement with Willdan Financial Services to provide a Full Cost Services and Development Impact Fee Study for an amount not to exceed \$81,540.00; and

WHEREAS, In November 2017, the City Council approved Amendment No. 1 via resolution No. 2017-51 to this agreement to increase the contract amount by \$16,350.00 for a total not to exceed amount of \$97,890.00 to include impact fee studies of the water and wastewater systems which were not included in the initial agreement; and

WHEREAS, During the preparation of the cost allocation plan the City approved the addition of two full-time firefighters and is currently in the process of a compensation and classification study and a management review of the Public Works Department; and

WHEREAS, It is anticipated these factors will impact the data previously provided to Willdan Financial Services as part of the cost allocation plan; and

WHEREAS, the City and Consultant desire to amend the Agreement to to update the cost allocation plan for an additional cost of \$4,500.00; and

WHEREAS, the total amended contract with Willdan Financial Services will not exceed \$102,390.00; and

WHEREAS, funds for Amendment #2 are available and will be split equally from the General Fund, Water Fund and Wastewater Fund.

RESOLUTION

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

1. The City approves the Amendment #2 to the contract with Willdan Financial Services for an additional \$4,500.00 for a total not to exceed amount of \$102,390.00.
2. City Council authorizes use of fund balances and budget increases in the following amounts: General Fund - \$1,500.00, Water Fund - \$1,500.00, and Wastewater Fund - \$1,500.00.
3. The City Council authorizes the City Manager to execute Amendment #2 to the Agreement on behalf of the City.

Approved at a Regular Meeting of the St. Helena City Council on October 9, 2018, by the following vote:

Mayor Galbraith:

Vice Mayor White:

Councilmember Dohring:

Councilmember Koberstein:

Councilmember Ellsworth:

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Tzaopoulos, City Clerk

**SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL
SERVICES WITH WILLDAN FINANCIAL SERVICES.**

This Second Amendment to Professional Services Agreement dated November 24, 2015 ("Agreement") is made as of this 9th day of October, 2018 by and between the City of St. Helena, a municipal corporation ("City"), and Willdan Financial Services. ("Consultant").

RECITALS

- A. On November 24, 2015, the City and Willdan Financial Services (Consultant) entered into the Professional Services Agreement ("Agreement") for a Full Cost Services and Development Impact Fee Study for an amount not to exceed \$81,540.00; and
- B. In November 2017, the City Council approved Amendment No. 1 via resolution No. 2017-51 to this agreement to increase the contract amount by \$16,350.00 for a total not to exceed amount of \$97,890.00 to include impact fee studies for the water and wastewater systems which were not included in the initial agreement; and
- C. During the preparation of the cost allocation plan the City approved the addition of two full-time firefighters and is currently in the process of a compensation and classification study and a management review of the Public Works Department; and
- D. It is anticipated these factors will impact the data previously provided to Willdan Financial Services as part of the cost allocation plan; and
- E. City and Consultant desire to amend the Agreement to update the cost allocation plan for an additional cost of \$4,500.00; and
- F. Amendment No. 2 in the amount of \$4,500.00 to the Agreement for Consultant Services with Willdan Financial Services is hereby approved and entered into on October 9, 2018; and
- G. The total amended contract not to exceed \$102,390.00.

AGREEMENT

NOW, THEREFORE, in consideration of the promises and of the mutual covenants and agreements herein contained, for good and valuable consideration, the adequacy of which is hereby acknowledged, the parties agree to amend the Agreement as follows:

- 1. Section 4. Compensation
Amendment No. 2 in the amount of \$4,500.00 to the Agreement for Consultant Services with Willdan Financial Services for a total amended contract not to exceed \$102,390.00.
- 2. Section 4. Compensation and Method of Payment
On August 14, 2018, the City updated Section 4.B requiring all invoices to include the cumulative total of the Agreement and the remaining balance of the Agreement. Section 4.B has been updated and is amended to as follows:

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 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. Section 10. Conflicts of Interest

On May 8, 2018 City Council adopted Finance Policy P-FI-0013 establishing a Fraud Prevention and Detection Policy and in accordance with this policy the 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; and

All other terms of the Agreement shall remain in full force and effect.

Entered as of the day and year first above stated.

CONSULTANT:

CITY OF ST. HELENA
a Municipal Corporation

Signatures of Authorized Persons:

By: _____

By: _____

Print Name: Mark T. Prestwich
Title: City Manager

Print Name: _____

APPROVED AS TO FORM:

Title: _____

City Attorney

ATTEST:

City Clerk

General						
Department	Fee Type	City of St. Helena	Calistoga	Yountville	City of Napa	American Canyon
Current Fees						
Finance	Returned Check Fee - Admin	✓	✓	✓		
Finance	Returned Check Fee - Police	✓				✓
Admin	Copies of Documents - Black & White	✓	✓	✓	✓	✓
Finance	Annual Budget	✓		✓	✓	✓
Finance	Annual Financial Reports	✓		✓	✓	✓
Planning	General Plan Printing Fee	✓	✓	✓	✓	✓
Planning	Zoning Ordinance Printing Fee	✓	✓	✓	✓	✓
Planning	General Plan Map Printing Fee	✓	✓	✓	✓	✓
Planning	Subdivision Ordinance Printing Fee	✓	✓	✓	✓	✓
Admin	Audio Tape of Meeting - Remove	✓	✓			✓
Admin	Video Tape of Meeting	✓	✓	✓	✓	✓
Finance	Late Charges on City Invoices	✓		✓		
Admin	Filming Fees within City Limits - Recommend Review	✓	✓	✓	✓	
Requested Fees						
Admin	Copies of Documents - Color		✓			
Admin	Administrative Hearing Fee		Appeal -Public Hearing Fee			

Building (Miscellaneous)						
Department	Fee Type	City of St. Helena	Calistoga	Yountville	City of Napa	American Canyon
Current Fees						
Building	MISCELLANEOUS ITEMS:					
Building	Antennas - (each)	✓			✓	
Building	Awnings / Shade Structures / Canopies - First 100 sf	✓			✓	
Building	Each additional 50 sf	✓				
Building	Balcony - First 100 sf	✓				
Building	Each additional 50 sf	✓				
Building	Cave	✓				
Building	Cellular / Mobile Phone Tower - New - Each	✓			✓	
Building	Cellular / Mobile Phone Tower - Addition/Alteration - Each	✓			✓	
Building	Certificate of Occupancy	✓	✓			
Building	Change of Occupancy	✓				
Building	Temporary Occupancy Permit	✓				
Building	Construction Trailer (anchored)	✓			✓	
Building	Deck - First 150 sf	✓			✓	
Building	Each additional 50 sf	✓			✓	
Building	Demolition - Total	✓	✓	✓	✓	✓
Building	Demolition - Partial / Exploratory Demolition	✓		✓		
Building	Fence (wood, chain link, wrought iron, vinyl) - First 100 lf	✓			✓	✓
Building	Each additional 50 lf	✓			✓	
Building	Flag pole >6 feet - Each	✓			✓	
Building	Freestanding Wall (masonry):					
Building	Up to 6' - First 100 lf	✓				
Building	Each additional 50 lf	✓				
Building	Greater than 6' (engineered) - First 100 lf	✓				
Building	Each additional 50 lf	✓				
Building	Fireplace / Pizza Oven / BBQ - Masonry - Each	✓			✓	
Building	Foundation and/or Slab Repair - First 100 sf	✓			✓	
Building	Each additional 100 sf	✓				
Building	Greywater System	✓				
Building	Light Standards - Each	✓				
Building	Manufactured / Pre-fab Buildings (foundation and utility connections)	✓			✓	
Building	Move House / Building	✓			✓	✓
Building	Outdoor Kitchen	✓				

Building	Partition-commercial - First 100 lf	✓			✓	
Building	Each additional 50 lf	✓				
Building	Patio Cover - First 100 sf	✓			✓	
Building	Each additional 50 sf	✓				
Building	Patio Room - First 100 sf	✓			✓	
Building	Each additional 50 sf	✓				
Building	Pile Foundation - Each	✓				
Building	Remodel - Bathroom (plus MPE permits)	✓			✓	
Building	Remodel - Kitchen (plus MPE permits)	✓			✓	
Building	Repairs - Minor	✓			✓	
Building	Repairs - Major	✓				
Building	Re-roofing - Residential - First 10 Squares	✓			✓	
Building	Each additional 10 squares	✓				
Building	Re-roofing - Commercial - First 10 Squares	✓			✓	
Building	Each additional 10 squares	✓			✓	
Building	Roof structure replacement - Per 100 sf	✓				
Building	Retaining Wall - City Standard - First 100 lf	✓			✓	
Building	Each additional 50 lf	✓				
Building	Retaining Wall w/Calcs - First 100 lf	✓			✓	
Building	Each additional 50 lf	✓				
Building	Sauna - Each	✓				
Building	Siding / stucco / veneer - First 100 sf	✓			✓	
Building	Each additional 100 sf	✓				
Building	Signs (plus electrical permits, if necessary):					
Building	Pole Monument, and Wall or Roof Signs - Each	✓			✓	✓
Building	Skylight Each	✓				
Building	Solar: (Currently all solar fees are waived)					
Building	Solar Water Heating Sys - roof mounted - Each System	✓				
Building	Solar Water Heating Sys - ground mounted - Each System	✓				
Building	Solar Photovoltaic Sys - roof mounted - Per Residential System	✓			✓	
Building	Solar PV - Commercial System - First 300 sfs	✓			✓	
Building	Each additional 150 sf	✓				
Building	Storage Shed / Misc Structure - First 150 sf	✓				
Building	Each additional 100 sf	✓				
Building	Suspended Ceiling - First 100 sf	✓				
Building	Each additional 100 sf	✓				

Building	Swimming Pool / Spa:					
Building	Vinyl-lined / fiberglass - up to 800 sf	✓				✓
Building	Each additional 100 sf	✓				✓
Building	Gunite/Shotcrete - up to 800 sf	✓				✓
Building	Each additional 100 sf	✓				✓
Building	Swimming Pool/Spa remodel - up to 800 sf	✓			✓	✓
Building	Each additional 100 sf	✓				✓
Building	Tents	✓	✓		✓	
Building	Water Tanks	✓				
Building	Window/Door replacement w/ structural modification - First 5	✓			✓	
Building	Each additional window / door	✓				
Building	FEES WITHOUT COST CALCULATIONS					
Building	Expedited Plan Check Fee [no cost analysis]	✓		✓		
Building	Expired Permit Fee [at the discretion of the Director]	✓				
Building	MECHANICAL PERMITS:					
Building	Heating and/or AC - Residential	✓	✓		✓	✓
Building	Heating and/or AC - Commercial	✓	✓		✓	✓
Building	Minor - Residential	✓	✓		✓	✓
Building	Major - Residential (see Remodel or TI Fee Schedule)	✓	✓		✓	✓
Building	Minor - Commercial / Non-Residential	✓	✓		✓	✓
Building	Major - Commercial / Non-Residential (see Remodel or TI Fee Schedule)	✓	✓		✓	✓
Building	PLUMBING PERMITS:					
Building	Water Heater - Residential	✓	✓		✓	✓
Building	Water Heater - Commercial	✓	✓		✓	✓
Building	Minor - Residential	✓	✓		✓	✓
Building	Major - Residential (see Remodel or TI Fee Schedule)	✓	✓		✓	✓
Building	Minor - Commercial / Non-Residential	✓	✓		✓	✓
Building	Major - Commercial / Non-Residential (see Remodel or TI Fee Schedule)	✓	✓		✓	✓
Building	ELECTRICAL PERMITS:					
Building	Service Change - Residential	✓	✓		✓	✓
Building	Service Change - Commercial	✓	✓		✓	✓
Building	Temp Power Pole - Residential	✓	✓		✓	✓
Building	Temp Power Pole - Commercial	✓	✓		✓	✓
Building	Minor - Residential	✓	✓		✓	✓
Building	Major - Residential (see Remodel or TI Fee Schedule)	✓	✓		✓	✓
Building	Minor - Commercial / Non-Residential	✓			✓	✓

Building	Major - Commercial / Non-Residential (see Remodel or TI Fee Schedule)	✓			✓	✓
Building	FIRE:					
Building	Ansul - Commercial / Non-Residential	✓			✓	
Building	Sprinklers - Residential System (up to 20 heads)	✓			✓	
Building	Sprinklers - Commercial / Non-Residential System (up to 20 heads)	✓			✓	
Building	Sprinklers - Additional Heads (each 10)	✓			✓	
Building	Alarm System	✓			✓	
Building	HOURLY RATES:					
Building	Services Beyond Standard Fee (per the Director) (hourly rate)	✓		✓		
Building	After Hours Inspection Fee (4 hours minimum) - per hour	✓		✓	✓	✓
Building	Records Research (first 1/2 hour)	✓				✓
Building	Each Additional 1/2 hour (or portion thereof)	✓				
Building	Supplemental Plan Check Fee (first 1/2 hour)	✓		✓	Per Hour	✓
Building	Each Additional 1/2 hour (or portion thereof)	✓				
Building	Supplemental Inspection Fee (first 1/2 hour)	✓		✓	Per Hour	✓
Building	Each Additional 1/2 hour (or portion thereof)	✓				
Requested Fees						
Building	Accessory Dwelling Unit (needs breakdown, new, remodel, addition)				✓	
Building	Dry Rot- each				✓	
Building	Sign (non illuminated)-each				✓	
Building	Sign (monument)- each				✓	
Building	Window/Door like-for-like replace- first 5				✓	
Building	Each additional window / door				✓	
Building	Commercial Access Upgrade- First Ramp				✓	
Building	Stair Repair/replace-each				✓	
Building	Fireplace retrofit/chimney repair- each				✓	
Building	carport (new/replacement)- each					
Building	Solar Photovoltaic Sys - roof mounted (under 15Kw)- each				Fees for Res & Non-Res & KVV	
Building	Solar Photovoltaic Sys - ground mounted-each				Fees for Res & Non-Res & KVV	
Building	Hourly plan check rate- Building Official					
Building	Hourly inspection rate-Building Official					

Building						
Department	Fee Type	City of St. Helena	Calistoga	Yountville	City of Napa	American Canyon
Current Fees						
Building	Assembly and Educational Occ - New	✓	✓	✓	✓	✓
Building	400 square feet	✓	✓	✓	✓	✓
Building	1,000 square feet	✓	✓	✓	✓	✓
Building	2,000 square feet	✓	✓	✓	✓	✓
Building	4,000 square feet	✓	✓	✓	✓	✓
Building	10,000 square feet	✓	✓	✓	✓	✓
Building	Assembly and Educational Occ - Addition	✓	✓	✓	✓	✓
Building	200 square feet	✓	✓	✓	✓	✓
Building	500 square feet	✓	✓	✓	✓	✓
Building	1,000 square feet	✓	✓	✓	✓	✓
Building	2,000 square feet	✓	✓	✓	✓	✓
Building	5,000 square feet	✓	✓	✓	✓	✓
Building	Assembly and Educational Occ - Remodel/T	✓	✓	✓	✓	✓
Building	200 square feet	✓	✓	✓	✓	✓
Building	500 square feet	✓	✓	✓	✓	✓
Building	1,000 square feet	✓	✓	✓	✓	✓
Building	2,000 square feet	✓	✓	✓	✓	✓
Building	5,000 square feet	✓	✓	✓	✓	✓
Building	Business and Mercantile Occ - New	✓	✓	✓	✓	✓
Building	400 square feet	✓	✓	✓	✓	✓
Building	1,000 square feet	✓	✓	✓	✓	✓
Building	2,000 square feet	✓	✓	✓	✓	✓
Building	4,000 square feet	✓	✓	✓	✓	✓
Building	10,000 square feet	✓	✓	✓	✓	✓
Building	Business and Mercantile Occ - Addition	✓	✓	✓	✓	✓
Building	200 square feet	✓	✓	✓	✓	✓
Building	500 square feet	✓	✓	✓	✓	✓
Building	1,000 square feet	✓	✓	✓	✓	✓
Building	2,000 square feet	✓	✓	✓	✓	✓
Building	5,000 square feet	✓	✓	✓	✓	✓
Building	Business and Mercantile Occ - Remodel/TI	✓	✓	✓	✓	✓
Building	200 square feet	✓	✓	✓	✓	✓
Building	500 square feet	✓	✓	✓	✓	✓

Building	1,000 square feet	✓	✓	✓	✓	✓
Building	2,000 square feet	✓	✓	✓	✓	✓
Building	5,000 square feet	✓	✓	✓	✓	✓
Building	Factory and Storage Occ - New	✓	✓	✓	✓	✓
Building	1,000 square feet	✓	✓	✓	✓	✓
Building	2,500 square feet	✓	✓	✓	✓	✓
Building	5,000 square feet	✓	✓	✓	✓	✓
Building	10,000 square feet	✓	✓	✓	✓	✓
Building	25,000 square feet	✓	✓	✓	✓	✓
Building	Factory and Storage Occ - Addition	✓	✓	✓	✓	✓
Building	200 square feet	✓	✓	✓	✓	✓
Building	500 square feet	✓	✓	✓	✓	✓
Building	1,000 square feet	✓	✓	✓	✓	✓
Building	2,000 square feet	✓	✓	✓	✓	✓
Building	5,000 square feet	✓	✓	✓	✓	✓
Building	Factory and Storage Occ - Remodel/TI	✓	✓	✓	✓	✓
Building	200 square feet	✓	✓	✓	✓	✓
Building	500 square feet	✓	✓	✓	✓	✓
Building	1,000 square feet	✓	✓	✓	✓	✓
Building	2,000 square feet	✓	✓	✓	✓	✓
Building	5,000 square feet	✓	✓	✓	✓	✓
Building	Hazardous and Industrial Occ - New	✓	✓	✓	✓	✓
Building	400 square feet	✓	✓	✓	✓	✓
Building	1,000 square feet	✓	✓	✓	✓	✓
Building	2,000 square feet	✓	✓	✓	✓	✓
Building	4,000 square feet	✓	✓	✓	✓	✓
Building	10,000 square feet	✓	✓	✓	✓	✓
Building	Hazardous and Industrial Occ - Addition	✓	✓	✓	✓	✓
Building	200 square feet	✓	✓	✓	✓	✓
Building	500 square feet	✓	✓	✓	✓	✓
Building	1,000 square feet	✓	✓	✓	✓	✓
Building	2,000 square feet	✓	✓	✓	✓	✓
Building	5,000 square feet	✓	✓	✓	✓	✓
Building	Hazardous and Industrial Occ - Remodel/TI	✓	✓	✓	✓	✓
Building	200 square feet	✓	✓	✓	✓	✓
Building	500 square feet	✓	✓	✓	✓	✓

Building	1,000 square feet	✓	✓	✓	✓	✓
Building	2,000 square feet	✓	✓	✓	✓	✓
Building	5,000 square feet	✓	✓	✓	✓	✓
Building	Accessory Buildings Occ - New	✓	✓	✓	✓	✓
Building	200 square feet	✓	✓	✓	✓	✓
Building	500 square feet	✓	✓	✓	✓	✓
Building	1,000 square feet	✓	✓	✓	✓	✓
Building	2,000 square feet	✓	✓	✓	✓	✓
Building	5,000 square feet	✓	✓	✓	✓	✓
Building	Accessory Buildings Occ - Addition	✓	✓	✓	✓	✓
Building	100 square feet	✓	✓	✓	✓	✓
Building	250 square feet	✓	✓	✓	✓	✓
Building	500 square feet	✓	✓	✓	✓	✓
Building	1,000 square feet	✓	✓	✓	✓	✓
Building	2,500 square feet	✓	✓	✓	✓	✓
Building	Accessory Buildings Occ - Remodel/TI	✓	✓	✓	✓	✓
Building	100 square feet	✓	✓	✓	✓	✓
Building	250 square feet	✓	✓	✓	✓	✓
Building	500 square feet	✓	✓	✓	✓	✓
Building	1,000 square feet	✓	✓	✓	✓	✓
Building	2,500 square feet	✓	✓	✓	✓	✓
Building	Single-Family Residence (Typical) - New	✓	✓	✓	✓	✓
Building	1,000 square feet	✓	✓	✓	✓	✓
Building	2,000 square feet	✓	✓	✓	✓	✓
Building	4,000 square feet	✓	✓	✓	✓	✓
Building	7,000 square feet	✓	✓	✓	✓	✓
Building	10,000 square feet	✓	✓	✓	✓	✓
Building	Single-Family Residence (Typical) - Addition	✓	✓	✓	✓	✓
Building	250 square feet	✓	✓	✓	✓	✓
Building	500 square feet	✓	✓	✓	✓	✓
Building	1,000 square feet	✓	✓	✓	✓	✓
Building	1,750 square feet	✓	✓	✓	✓	✓
Building	2,500 square feet	✓	✓	✓	✓	✓
Building	Single-Family Residence (Typical) - Remodel	✓	✓	✓	✓	✓
Building	250 square feet	✓	✓	✓	✓	✓
Building	500 square feet	✓	✓	✓	✓	✓

Building	1,000 square feet	✓	✓	✓	✓	✓
Building	1,750 square feet	✓	✓	✓	✓	✓
Building	2,500 square feet	✓	✓	✓	✓	✓
Building	Multifamily Residential / Hotel / Care Occ - New	✓	✓	✓	✓	✓
Building	1,000 square feet	✓	✓	✓	✓	✓
Building	2,000 square feet	✓	✓	✓	✓	✓
Building	4,000 square feet	✓	✓	✓	✓	✓
Building	7,000 square feet	✓	✓	✓	✓	✓
Building	10,000 square feet	✓	✓	✓	✓	✓
Building	Multifamily Residential / Hotel / Care Occ - Addition	✓	✓	✓	✓	✓
Building	250 square feet	✓	✓	✓	✓	✓
Building	500 square feet	✓	✓	✓	✓	✓
Building	1,000 square feet	✓	✓	✓	✓	✓
Building	1,750 square feet	✓	✓	✓	✓	✓
Building	2,500 square feet	✓	✓	✓	✓	✓
Building	Multifamily Residential / Hotel / Care Occ - Remodel	✓	✓	✓	✓	✓
Building	250 square feet	✓	✓	✓	✓	✓
Building	500 square feet	✓	✓	✓	✓	✓
Building	1,000 square feet	✓	✓	✓	✓	✓
Building	1,750 square feet	✓	✓	✓	✓	✓
Building	2,500 square feet	✓	✓	✓	✓	✓
Requested Fees						
*None Requested. Would like to review how the fees are being calculated the methodology be replaced with either a price per square foot calculation a percentage of the job calculation.						

Fire						
Department	Fee Type	City of St. Helena	Calistoga	Yountville	City of Napa	American Canyon
Current Fees						
Fire	Annual Fire Inspection Fee - Half Hour Minimum	✓			✓	
Requested Fees						
Fire	False Fire Alarm Fee					
Fire	Fire Sprinkler Inspection Fee					

Library						
Department	Fee Type	City of St. Helena	Calistoga	Yountville	City of Napa	American Canyon
Current Fees						
Library	Adult materials and juvenile films fine per day	✓	✓	✓	✓	✓
Library	Children's materials: No fines charged	✓	✓	✓	✓	✓
Library	Completed interlibrary loan requests - Remove	✓	✓	✓	✓	✓
Library	Photocopies and computer printouts (Black & White)	✓	✓	✓	✓	✓
Library	Meeting room use	✓			✓	✓
Library	Microfilm reader/printer copies	✓				
Library	Lost or damaged material	✓	✓	✓	✓	✓
Requested Fees						
<i>*None Requested</i>						

Planning						
Department	Fee Type	City of St. Helena	Calistoga	Yountville	City of Napa	American Canyon
Current Fees						
Planning	ABC Compliance letter	✓			✓	
Planning	Appeals - minor	✓				
Planning	Appeals - major	✓				
Planning	Administrative Determination	✓			✓	
Planning	Affordable Housing Agreement	✓				
Planning	Certificate of Compliance	✓	✓		✓	
Planning	Code Enforcement	✓			✓	✓
Planning	CEQA Documents:					
Planning	Negative Declaration (Actual Time @ Staff Hourly Rates w/Deposit)	✓				
Planning	Mitigated Negative Declaration - in-house (Actual Time @ Staff Hourly Rates w/Deposit)	✓				
Planning	Mit Neg Dec Consultant Contract Management (Actual Time @ Staff Hourly Rates w/Deposit)	✓				
Planning	EIR Consultant Contract Management (Actual Time @ Staff Hourly Rates w/Deposit)	✓			✓	
Planning	Discretionary Demolition Permit	✓				
Planning	Design Review:					
Planning	Residential <1,000 sq ft	✓	✓	✓	✓	✓
Planning	Residential >1,000 sq ft	✓	✓	✓	✓	✓
Planning	Commercial <5,000 sq ft	✓	✓	✓	✓	✓
Planning	Commercial >5,000 sq ft	✓	✓	✓	✓	✓
Planning	Historic Structure	✓	✓			
Planning	Design Review Exemption	✓				
Planning	Development Agreement	✓	✓		✓	✓
Planning	General Plan Amendment / Map Change (Actual Time @ Staff Hourly Rates)	✓	✓	✓	✓	✓
Planning	General Plan Maintenance surcharge	✓		✓		
Planning	Home Occupation Permit	✓	✓	✓	✓	✓
Planning	Home Occupation Expanded Permit - Remove	✓				
Planning	Landscape Plan Review - Remove	✓				
Planning	Lot Line Adjustment	✓	✓	✓	✓	✓
Planning	Lot Merger / Reversion to Acreage	✓	✓		✓	✓
Planning	Mills Act	✓				
Planning	Minor Subdivision	✓	✓		✓	
Planning	Major Subdivision	✓			✓	

Planning	Pre-Application Review - Council Requesting a Pre-Application Process	✓			✓	
Planning	Planned Development Rezoning(Actual Time @ Staff Hourly Rates w/Deposit)- Rezoning - Text Amendment	✓			✓	
Planning	Property Profile Letter	✓				
Planning	Public Hearing Noticing Fee –legal	✓				
Planning	Public Hearing Noticing Fee –display	✓				
Planning	Public Hearing Mailing Label Preparation	✓				
Planning	Permit Condition Compliance Review	✓				✓
Planning	Political Sign Cash Bond	✓				
Planning	Sign Permit	✓	✓	✓	✓	✓
Planning	Specific Plan (Actual Time @ Staff Hourly Rates w/Deposit)	✓				✓
Planning	Specific Plan Amendment	✓			✓	✓
Planning	Temporary Use Permit / Special Event	✓				✓
Planning	Use Permit (Minor/Major)	✓	✓	✓	✓	✓
Planning	Use Permit Amendment	✓	✓	✓	✓	
Planning	Use Permit Extension of Time-	✓			✓	
Planning	Variance	✓	✓	✓		✓
Planning	Williamson Act Contract	✓				
Planning	Zoning Ordinance Text Amendment	✓	✓	✓		✓
Planning	Zoning Compliance letter	✓	✓		✓	
Planning	Short Term Rental Permit & Renewal	✓		✓	Vacation Rental Program Fee	
Planning	Hourly Rates:					
Planning	Planning Director (hourly rate)	✓		✓		
Planning	Senior Planner (hourly rate)	✓		✓		
Planning	Associate Planner (hourly rate)	✓		✓		
Planning	Administrative Assistant Secretary (hourly rate)	✓		✓		
Planning	Building Permit Technician (hourly rate)	✓				
Planning	Standard (Blended) Planning Staff Rate (hourly rate)	✓				
Requested Fees						
Planning	Administrative Sign Permit		✓		✓	
Planning	CEQA Deposit					
Planning	Certification of Compliance		✓		✓	
Planning	Cottage Food Operation					
Planning	Permit Extension		✓		✓	
Planning	Rezoning - Map Amendment		✓		✓	
Planning	Short Term Renewal Permit				Vacation Rental Program Fee	

Public Works						
Department	Fee Type	City of St. Helena	Calistoga	Yountville	City of Napa	American Canyon
Current Fees						
Public Works	Land Subdivisions					
Public Works	Tentative Parcel Map	✓	✓	✓		✓
Public Works	Final Parcel Map - up to 5 parcels	✓	✓	✓		✓
Public Works	Tentative Tract Map Tentative Subdivision Map	✓	✓	✓		✓
Public Works	Final Tract Map Final Subdivision Map - 5+ parcels	✓	✓	✓		✓
Public Works	County Final Map Fee (in addition to all City fees)	✓				✓
Public Works	Grading Permit - Plan Check (Up to 3 reviews)	✓	✓	✓		✓
Public Works	MAPS Hard Copy: Print/Photocopy (color, up to D-size) (per print)	✓		✓		✓
Public Works	Stand-Alone Sanitary Sewer Inspection	✓				✓
Public Works	Video Review of Existing Sewer Lateral	✓				
Public Works	Abandonment of R/W or Easement	✓		✓		✓
Public Works	R/W or Easement acceptance review/approval	✓	✓			
Public Works	Copy of Standard Specifications	✓				
Public Works	Permit Application/Review Process					
Public Works	Encroachment Permit Minor	✓	✓	✓	✓	✓
Public Works	Encroachment Permit Major	✓	✓	✓	✓	✓
Public Works	Outside Fire Service Agreement Fee	✓				
Public Works	Community Banner	✓	✓			✓
Public Works	Driveway Approach Inspection	✓				
Public Works	Raw Water permits (each)	✓		✓		
Public Works	Sidewalk Dining Approval	✓				
Public Works	Street Closure for Non-City Events	✓				✓
Public Works	Transportation Permit - Per Day	✓			✓	
Public Works	Transportation Permit - 1 Week	✓				
Public Works	Transportation Permit - 1 year	✓			✓	
Public Works	Tree Permit Application/Review/Approval	✓	✓	✓		
Public Works	Flood Certification Application/Review	✓				
Public Works	Stormwater Illicit Discharge Event and Reinspection	✓				
Public Works	Sidewalk Trip Hazard and Repair	✓				
Public Works	Sewer Connection:					
Public Works	Application Fee (new connection, existing occupancy)	✓				
Public Works	Connection Fee (inspection) - New Occupancy	✓		✓		
Public Works	Connection Fee (inspection) - Existing Occupancy	✓		✓		

Public Works	[Impact and State Fees are additional]	✓		✓		
Public Works	Video Review of Existing Sewer Lateral	✓				
Public Works	Annexation Process	✓				
Public Works	Water Misc.:					
Public Works	Well Permit Application/Review Process	✓				
Public Works	Leak detection request	✓	✓			✓
Public Works	Non Owner Deposit	✓	✓	✓	✓	
Public Works	Call Out Fee	✓				
Public Works	Service Restoration - During Business Hours	✓	✓	✓	✓	
Public Works	Service Restoration - Non Business Hours	✓	✓		✓	
Public Works	Non-Treated (Raw Water) Fees	✓		✓	✓	
Public Works	Water Meter Test Fee	✓	✓		✓	
Public Works	WATER METER INSTALLATION :	✓	✓	✓	✓	
Public Works	Standard Service Connection - 3/4" or 5/8" Meter	✓	✓		✓	
Public Works	Standard Service Connection - 1" Meter	✓	✓		✓	
Public Works	Standard Service Connection - 1 1/2" Meter	✓	✓		✓	
Public Works	Meter Set Fee (Staff time only)	✓	✓	✓	✓	
Public Works	First backflow test for meter set if necessary	✓				
Public Works	Additional Backflow Test (each)	✓			✓	✓
Public Works	Fire Service Residential:					
Public Works	Inspection by City Staff (includes first backflow test)	✓			✓	
Public Works	Additional Backflow Test (each)	✓				
Public Works	Commercial Water Supply:					
Public Works	Inspection by City Staff (includes first backflow test)	✓				
Public Works	Additional Backflow Test (each)	✓				
Public Works	Fire Service Commercial:					
Public Works	Inspection by City Staff (includes first backflow test)	✓				
Public Works	Additional Backflow Test (each)	✓				
Public Works	Staff Billable Hourly Rates:					
Public Works	Public Works Director / City Eng. (per hour)	✓				
Public Works	Assistant PW Director / City Eng. (per hour)	✓				
Public Works	Associate Engineer (per hour)	✓				
Public Works	Management Analyst (per hour)	✓				
Public Works	Administrative Assistant (per hour)	✓				
Requested Fees						
Public Works	Meter Lock Fee				Fee to replace damaged Lock	

Public Works	Request Same-Day Service					
Public Works	Will Serve Letter/Water Demand Analysis					

Police						
Department	Fee Type	City of St. Helena	Calistoga	Yountville	City of Napa	American Canyon
Current Fees						
Police	Traffic Accident Report	✓			✓	
Police	Accident Photos - Staff Service	✓			✓	
Police	Accident Photos - Reproduction (actual cost of photo lab)	✓			✓	
Police	Photo Enlargement - Staff Service	✓			✓	
Police	Photo Enlargement - Lab Services (actual cost of photo lab)	✓			✓	
Police	Crime Report	✓			✓	
Police	Clearance Letters	✓			✓	
Police	Verification Letters and Forms Completion	✓				
Police	ABC Letter Fee	✓	✓	✓	✓	
Police	Police Services Application Processing	✓				
Police	Fingerprints - Resident	✓		✓	✓	
Police	Fingerprints - Non-Resident	✓		✓	✓	
Police	Bike License	✓				
Police	Dance Permit / Noise Permit	✓		✓	✓	
Police	Bingo Permit	✓		✓		
Police	Solicitor Permit Processing - Initial	✓	✓	✓	✓	
Police	Solicitor Permit Processing - Renewal	✓	✓	✓	✓	
Police	Alarm Permit	✓			✓	
Police	Excessive False Alarms (after 4 in 30 days)	✓			✓	
Police	Live Scan - Resident	✓	✓		✓	
Police	Live Scan - Non-Resident	✓	✓		✓	
Police	Vehicle Repossession Fee	✓			✓	
Police	Vehicle Collision Report Processing	✓				
Police	Firearms Retail Sales Permit Annual Fee	✓				
Police	Concealed Weapon Permit (plus DOJ & FBI fees)	✓			✓	
Police	Abandoned Vehicle Abatement	✓			✓	
Police	Loud Party Response	✓			✓	
Police	Social Host Ordinance Fine - 1st/2nd/3rd	✓				
Police	Recovery of Abandoned Bikes	✓				
Police	DUI Cost Recovery (Actual time @ staff hourly rates) - \$12,000 maximum	✓			✓	
Police	Dog Recovery Fee	✓				
Police	Vehicle / Equipment Violation Signoff Fee	✓				
Police	Vehicle Release from Storage / Impound - Felony	✓	✓		✓	

Police	Property Release (non-victim)	✓				
Police	Firearms Release Fee	✓			✓	
Police	4000(a)(1) Unregistered Vehicle/Expired Registration	✓			✓	
Police	5200(a) Front and rear license plates required	✓			✓	
Police	5201 License plate not securely fastened	✓				
Police	5201(f) License plate covered	✓				
Police	5204(a) Current vehicle registration tab improperly attached	✓				
Police	21113(a) On public grounds (must be posted)	✓			✓	
Police	21210 Bicycle on sidewalk (blocking pedestrians)	✓				
Police	21211(a) Parking in bike lane	✓			✓	
Police	22500(a) Within an intersection	✓				
Police	22500(b) On a crosswalk	✓				
Police	22500(d) Within 15 feet of a fire station driveway	✓				
Police	22500(e) In front of public/private driveway	✓			✓	
Police	22500(f) On a sidewalk	✓			✓	
Police	22500(g) As to obstruct traffic	✓				
Police	22500(h) Double parking	✓			✓	
Police	22500(i) In posted or marked bus zone	✓			✓	
Police	22500(k) On a bridge	✓				
Police	22500(l) In wheelchair access	✓			✓	
Police	22502(a) On right within 18" of curb	✓			✓	
Police	22502(e) On left within 18" of curb (on one-way streets only)	✓			✓	
Police	22505(b) Failure to obey posted parking sign (state highway only)	✓			✓	
Police	22507.8(a) Blue/handicap zone (private property only)	✓			✓	
Police	22507.8(b) As to block access to handicap stall/space	✓			✓	
Police	22507.8(c)(1) Parking on handicap stall blue lines	✓			✓	
Police	22507.8(c)(2) Parking on crosshatched lines	✓			✓	
Police	22514 By fire hydrant	✓			✓	
Police	22514(a) Motor running and brake not set (motor vehicle)	✓				
Police	22517 Opening door on traffic side (hazard)	✓				
Police	22518 Vehicle 30+ fee parked in Park & Ride Lot	✓				
Police	22521 On/about railroad tracks within 7 1/2 feet)	✓			✓	
Police	22522 Within 3 feet of handicapped access ramp	✓			✓	
Police	22523(a) Abandoned vehicle (City Streets)	✓			✓	
Police	22523(b) Abandoned vehicle (private property)	✓			✓	
Police	23333 Parking on bridge/vehicular crossing	✓				

Requested Fees						
Police	Vehicle Release from Storage / Impound					

Recreation						
Department	Fee Type	City of St. Helena	Calistoga	Yountville	City of Napa	American Canyon
Current Fees						
Recreation	Adult Services					
Recreation	Adult/Senior Special Interest Classes	✓		✓	✓	✓
Recreation	Sports Programs - Adults					
Recreation	Adult Co-Ed Softball - Per Team	✓	✓		✓	✓
Recreation	Adult Men's Open Softball - Per Team	✓				
Recreation	Adult Bocce League - Per Team	✓			✓	
Recreation	Individual Tennis Fee - Per Year	✓			✓	
Recreation	Sports Programs - Youth					
Recreation	Youth Soccer League - Per Session	✓	✓		✓	✓
Recreation	Youth Basketball League - Per Session	✓	✓		✓	✓
Recreation	Youth Volleyball League - Per Session	✓	✓		✓	✓
Recreation	Little Sluggers League - Per Session	✓			✓	
Recreation	Youth Services					
Recreation	Youth/Teen Special Classes (i.e. Dance, Karate) - Per Session	✓		✓	✓	✓
Recreation	Youth Sports Clinics/Camps (i.e. Basketball Camp, Challenger Sports) - Per Session	✓	✓	✓	✓	
Recreation	Special Events - Teens	✓		✓		
Recreation	Fieldtrips - Youth/Teens	✓		✓		
Recreation	Summer Camps - Youth/Teens	✓	✓	✓	✓	✓
Recreation	Special Events					
Recreation	Harvest Festival Vendor Fee	✓				
Recreation	Harvest Festival Non-Profit Fee	✓				
Recreation	Harvest Festival Game Wristband	✓				
Recreation	Harvest Festival Pet Parade Registration	✓				
Recreation	4th of July Tennis Court Rental	✓				
Recreation	4th of July Bocce Court Rental	✓				
Recreation	Facilities - Carnegie Building					
Recreation	Great Room - Public Resident Rental Fee Per Hour	✓	✓	✓	✓	✓
Recreation	Great Room - Local Non-Profit (94574 only) Rental Fee Per Hour	✓	✓	✓	✓	✓
Recreation	Meeting Room - Public Resident Rental Fee Per Hour	✓	✓	✓	✓	✓
Recreation	Meeting Room - Local Non-Profit (94574 only) Rental Fee Per Hour	✓	✓	✓	✓	✓
Recreation	Upstairs Classroom - Public Resident Rental Fee Per Hour	✓				✓
Recreation	Upstairs Classroom - Local Non-Profit (94574 only) Rental Fee Per Hour	✓				✓
Recreation	Kitchen - Cleaning Deposit	✓	✓	✓	✓	

Recreation	Parks & Fields - Lyman Park Gazebo					
Recreation	Resident Rental Rate	✓	✓	✓	✓	✓
Recreation	Non-Resident Rental Rate	✓	✓	✓	✓	✓
Recreation	Cleaning Deposit (1-50 Persons)	✓	✓		✓	✓
Recreation	Cleaning Deposit (50+ Persons)	✓	✓		✓	✓
Recreation	Parks & Fields - Crane Park					
Recreation	Area # 1-3 Resident Rental Rate	✓	✓	✓	✓	✓
Recreation	Area # 1-3 Non-Resident Rental Rate (1-50 Persons)	✓	✓	✓	✓	✓
Recreation	Area # 1-3 Non-Resident Rental Rate (50-100 Persons)	✓	✓	✓	✓	✓
Recreation	Area # 1-3 Non-Resident Rental Rate (100+ Persons)	✓	✓	✓	✓	✓
Recreation	Covered Shelter Area #4 Resident Rental Rate	✓	✓		✓	✓
Recreation	Covered Shelter Area #4 Non-Resident Rental Rate (1-50 Persons)	✓	✓			✓
Recreation	Covered Shelter Area #4 Non-Resident Rental Rate (50-100 Persons)	✓	✓			✓
Recreation	Covered Shelter Area #4 Non-Resident Rental Rate (100+ Persons)	✓	✓			✓
Recreation	Cleaning Deposit Resident Rate	✓				✓
Recreation	Cleaning Deposit Non-Resident Rate (1-50 Persons)	✓				✓
Recreation	Cleaning Deposit Non-Resident Rate (50+ Persons)	✓				✓
Recreation	Bocce Ball Courts Rental Fee - Per Court	✓		✓	✓	✓
Recreation	Bocce Ball Cleaning Deposit - Per Court	✓			✓	✓
Recreation	Bocce Ball Tournament Play - Flat Rate	✓				
Recreation	Bocce Ball Cleaning Deposit for Tournament - Flat Rate	✓				
Recreation	Horse Shoe Rental - Per Set	✓				
Requested Fees						
Recreation	Tennis Court Lights - Per Hour Per Court				✓	
Recreation	Tennis Court Rental - Per Hour Per Court			✓	✓	✓
Recreation	Great Room - Public Non-Resident Rental Fee Per Hour	✓		✓	✓	✓
Recreation	Meeting Room - Public Non-Resident Rental Fee Per Hour	✓		✓	✓	✓
Recreation	Upstairs Classroom - Non-Resident Rental Fee Per Hour	✓			✓	✓
Recreation	Carnegie Building (entire facility) - Resident Rental Fee Per Hour			✓	✓	✓
Recreation	Carnegie Building (entire facility) - Local Non-Profit (94574) Rental Fee Per Hour			✓	✓	✓
Recreation	Carnegie Building Kitchen - Resident Rental Fee Per Hour			✓		
Recreation	Carnegie Building Kitchen - Non-Resident Rental Fee Per Hour			✓	✓	
Recreation	Carnegie Building Kitchen - Local Non-Profit (94574 only) Rental Fee Per Hour			✓	✓	
Recreation	Valley Oak Room - Resident Rental Fee Per Hour	✓		✓	✓	✓
Recreation	Valley Oak Room - Non-Resident Rental Fee Per Hour	✓		✓	✓	✓

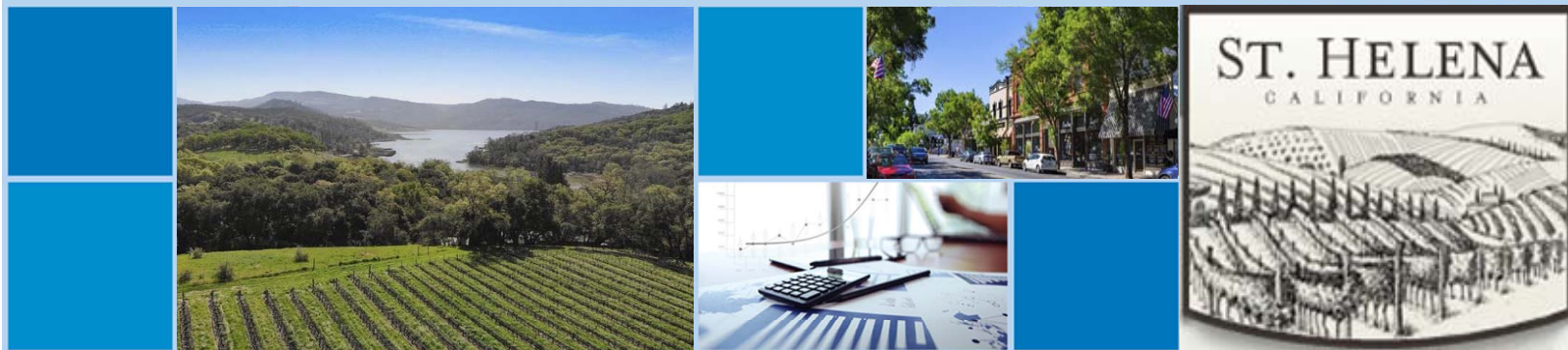
Recreation	Valley Oak Room - Local Non-Profit (94574 only) Rental Fee Per Hour	✓		✓	✓	✓
Recreation	Valley Oak Room + Kitchen - Resident Rental Fee Per Hour	✓		✓	✓	✓
Recreation	Valley Oak Room + Kitchen - Non-Resident Rental Fee Per Hour	✓		✓	✓	✓
Recreation	Valley Oak Room + Kitchen - Local Non-Profit (94574 only) Rental Fee Per Hour	✓		✓	✓	✓
Recreation	Valley Oak Room + Kitchen+ Patio - Resident Rental Fee Per Hour	✓		✓	✓	✓
Recreation	Valley Oak Room + Kitchen+ Patio - Non-Resident Rental Fee Per Hour	✓		✓	✓	✓
Recreation	Valley Oak Room + Kitchen+ Patio - Local Non-Profit (94574 only) Rental Fee Per	✓		✓	✓	✓
Recreation	Valley Oak Room Kitchen - Cleaning Deposit	✓		✓		
Recreation	Crane Baseball Field East - Rental Fee Per Hour (minimum 2-hours)				✓	✓
Recreation	Crane Baseball Field West - Rental Fee Per Hour (minimum 2-hours)				✓	✓
Recreation	Crane Baseball Sand Volleyball Court - Rental Fee Per Hour (minimum 2-hours)			✓	✓	
Recreation	Lyman Park Lawn Area Only - Rental Fee Per Hour	✓		✓	✓	✓
Recreation	Lyman Park Gazebo + Lawn Area Rental Fee Per Hour	✓		✓	Half Day Rental	✓
Recreation	Bocce Ball Set - Rental Fee Per Day			✓		

Presentation to the City of St Helena

Cost Allocation Plan and User Fee Study Discussion

Process and Methodology

October 9, 2018



What is a Cost Allocation Plan?

- Cost Allocation Plan (CAP) ensures that costs associated with City central service departments are appropriately allocated to respective City operating functions.
- Tool that formulates an equitable methodology to identify and allocate indirect costs to direct cost programs.
- Allocations should represent how operating departments use and benefit from central support services.
- Used in the formation of personnel rates, budgeting and cost reimbursement.

Building Blocks of a Cost Allocation Plan

- Evaluate costs of central service departments to determine which amounts are appropriately allocable to each operating department and fund.
- Identify the major functions of each central service.
- Determine how branches utilize and benefit from central overhead service functions.
- Identify distribution bases that best represent those functions and collect necessary data.
- Allocate the cost of central services using the distribution bases.

OMB Compliance Option Included

- Grant, federal, and state funding programs often require compliance with the Super Circular and 2 CFR 200 Cost Principles for cost reimbursement:
 - The Cost Principles identify additional cost types that are unallowable for reimbursement through a cost allocation plan. Examples Include.
 - o City Council, advertising, lobbying, contingencies, idle capacity, litigation, bad debt, etc.
 - The model can switch compliance for these purposes on and off as needed.
- The report provided details both plans and the results for the Full or non OMB compliant plan.

What is a User Fee Study?

- Objective of a User Fee Study is to determine the “reasonable” full cost of providing services
- Each fee or service’s cost is calculated individually when possible
- Develop fully burdened hourly rates (FBHR) for personnel
 - Salary & Benefit cost divided by billable hours
 - Layer on direct and indirect overhead as applicable to the position’s department and services provided
- Calculate the full cost of services provided utilizing FBHR’s or program cost analysis
- Up to 100% of the full cost may be recovered
 - Identify current and continuing subsidies

Example of Hourly Rate Calculation

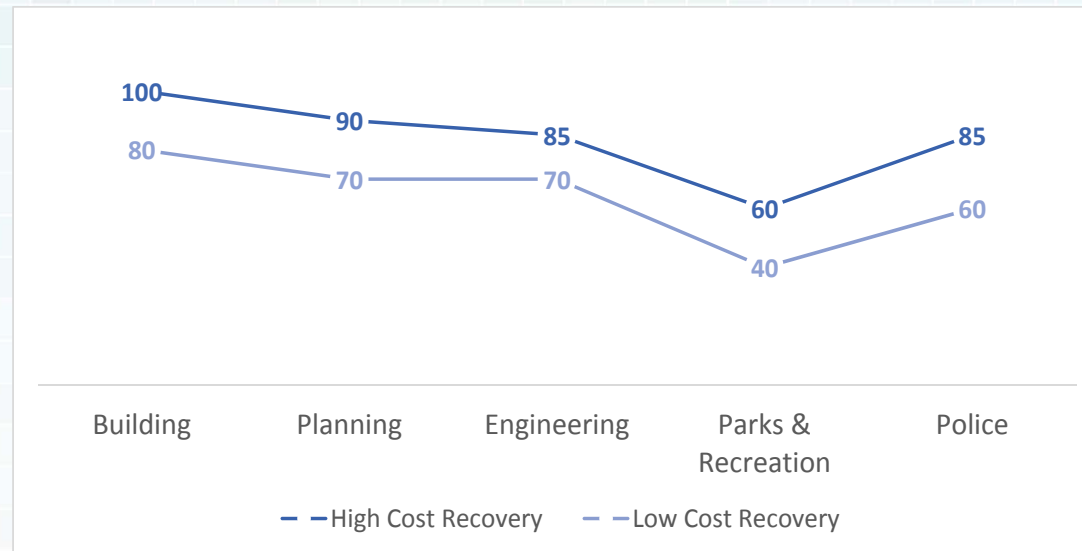
	A	B	A/B = C	D	E	C*(1+D)*(1+E)
			S&B			
Dept - Position	Average S&B	Productive Hours	Hourly Rate	Direct %	Indirect %	Fully Burdened Hourly Rate
Building & Safety - Building & Safety Manager	222,411	1,680	132.39	112%	21%	340.02
Building & Safety - Building Inspector	116,152	1,680	69.14	112%	21%	177.57
Building & Safety - Building Inspector - Pt	36,993	1,050	56.37	112%	21%	144.78
Building & Safety - Community Development Technician	104,625	1,680	62.28	112%	21%	159.95
Building & Safety - Director Of Community Development	122,738	1,680	146.12	112%	21%	375.28
Building & Safety - Office Specialist I	46,483	840	55.34	112%	21%	142.13
Building & Safety - Sr. Community Development Technician	130,014	1,680	77.39	112%	21%	198.77

- S&B and Productive hours tie to budgeted FTE's for partial apportionments.
- Hourly rates are used in User Fee Study to determine the cost of providing service.

User Fee Cost Recovery Policy Considerations

- General standard: individuals or groups who receive private benefit from service should pay 100% of cost
- In certain situations, subsidization is an effective public policy tool:
 - Encourage participation and allow access to services
 - Ensure compliance when cost is prohibitive to residents
 - Promote City policy objectives
- Typically cities utilize an annual inflation factor which will allow City Council by resolution to annually adjust fees based on CPI or other factor

Typical Cost Recovery Ranges



- Above ranges are based on past experience with other California cities
- Above cost recovery doesn't include non User Fee cost/revenue activity
- Current cost recovery typically has largest affect on adopted cost recovery levels
 - Recommend multi year increases for larger fee "jumps"
 - Utilize yearly inflators to prevent large fee increases in between full study years

Questions



Presentation to the City of St. Helena

Development Impact Fee Study



August 2018



What are impact fees?

- One-time fees charged to new development, usually at building permit
 - Not an ongoing fee charged to residents or business owners
- May be used to fund facilities needed to serve new development
 - Not for operations and maintenance costs
 - Not for the share of facilities serving existing development

Mitigation Fee Act Findings (Govt. Code §66001)

- Key findings
 - **Need:** Development $\approx$ Need for facilities
 - **Benefit:** Development $\approx$ Use of revenue
 - **Rough proportionality:** Fee amount $\approx$ development's share of facility costs
- Other findings
 - Purpose of fee
 - Use of fee revenue

Use of Impact Fee Revenue

- **Impact fees fund facilities and infrastructure**
- **Revenue must be spent on:**
 - **List of projects identified in impact fee study**
 - **Projects that benefit new development**
 - **Projects corresponding with the facility category for which it was collected (i.e. parks, sewer, etc.)**
- **The City must make an annual report on the use of fee revenues**

QUESTIONS



Report to the City Council
Council Meeting of October 9, 2018

Agenda Section: New Business

Subject: Disclosure Of Water Customer Usage Data To Verify Water Customers' Compliance With Obligations Imposed By Agreements And/Or Water Neutrality Or Other Conditions of Land Use Approvals

CEQA Determination: Not a CEQA project

Prepared By: Thomas B. Brown, City Attorney

Reviewed By: Mark T. Prestwich, City Manager

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

This report is in response to the City Council's request at its regular meeting on September 11, 2018 to agendize a discussion concerning the possible disclosure of water customer usage data for purposes of verifying the customer's compliance with obligations imposed by contract or water neutrality or other conditions of land use project approval. Water neutrality is required of all new development pursuant to St. Helena Municipal Code (SHMC) section 13.12.030, and compliance with water neutrality is generally imposed on new development projects as a standard condition of all new development. Under the City's ordinance and practice, water neutrality is generally achieved by retrofitting/replacing existing high use toilets, faucets and other features.

As we discuss below, this report offers the following considerations:

- Under the PRA, Council members have no greater access to public records than the public;
- Under the PRA, documents containing water customers' water usage information are confidential;

- Section 6254.16(f) of the PRA authorizes the Council to disclose such information to the public generally upon the finding that the public interest in such disclosure clearly outweighs the interest in nondisclosure;
- Section 6254.16(f) does not authorize the Council to limit the disclosure to Council members;
- Apart from Section 6254.16 or the PRA, the Council has the constitutional police power to take appropriate action to vest itself with the ability to independently verify water customers' compliance with water use agreements and/or project conditions/representations concerning use of City water and/or water neutrality;
- Section 6252.5 of the PRA allows the Council the attendant right to inspect otherwise confidential documents containing water customers' water use data for the purpose of carrying out such duty to independently verify customers' compliance with water use agreements or project conditions/representations concerning water neutrality and/or water use; and
- Where Council members inspect such otherwise confidential documents, they have the obligation to maintain the confidentiality of those documents and the confidential information they contain.

DISCUSSION

A. Under The Public Records Act, City Council Members Have No Greater Right To Inspect Public Records Than Members Of The Public.

"Local agencies and their officials (i.e. City Council members) are entitled to access public records on the same basis as any other persons." (Government Code §6252.5.) Thus, Council members have no greater right of access to public records than does the public. (Los Angeles Unified School Dist. v.. Superior Ct. (2007) 151 Cal.App.4th 759, 773.) However, officials "might be authorized to access public records of their own agency that are otherwise exempt if such access is permitted by law as part of their official duties." (League of California Cities, The People's Business: A Guide to the Public Records Act (April 2017) ("People's Business"), p. 16; see also Government Code §6252.5.)

B. Government Code Section 6254.16 Makes Customers' Water Usage Data Confidential Unless One Of Its Exceptions Applies.

As the City Council has previously discussed at its meeting on August 8, 2017 (a copy of the staff report for that matter is attached as Exhibit 1), Government Code section 6254.16 generally makes "the disclosure of the name, credit history, utility usage data, home address, or telephone number of utility customers of local agencies" exempt from inspection under the PRA. However, Section 6254.16 recognizes an exception for the

“disclosure of name, utility usage data, and the home address of utility customers” under the following situations:

- (a) To an agent or authorized family member of the person to whom the information pertains.
- (b) To an officer or employee of another governmental agency when necessary for the performance of its official duties.
- (c) Upon court order or the request of a law enforcement agency relative to an ongoing investigation.
- (d) Upon determination by the local agency that the utility customer who is the subject of the request has used utility services in a manner inconsistent with applicable local utility usage policies.
- (e) Upon determination by the local agency that the utility customer who is the subject of the request is an elected or appointed official with authority to determine the utility usage policies of the local agency, provided that the home address of an appointed official shall not be disclosed without his or her consent.
- (f) Upon determination by the local agency that the public interest in disclosure of the information clearly outweighs the public interest in nondisclosure.”

Subsections (a), (b), (c), (d), and (e) do not appear to apply to the current scenario because the question does not involve the user, another agency, a court order, local utility usage policies, or a public official. Subsection (f), however, is applicable, and authorizes the Council to override the otherwise general confidentiality of water usage data by finding that the public interest in the disclosure of customers’ water usage data “clearly outweighs” the interest in nondisclosure. When the City Council previously addressed this question, the Council did not vote to make the determination under Section 6254.16(f). The staff report for that meeting sets forth some of the competing issues the Council considered in making its decision.

The language of the exception under Section 6254.16(f)--the information “shall be made available upon request”--would appear to envision a broad, general “override” for the public generally. That language does not explicitly state, nor does it appear to envision, that Section 6254.16(f) may be used to authorize a “limited” override for access only by all or part of the City Council. Thus, it is our view that Section 6254.16(f) may only be invoked by the Council to authorize the broader access for the public generally.

However, another section of the PRA, Section 6252.5, in our view authorizes the Council to grant such limited access by all or part of the Council. In our view, Section 6252.5 allows the Council to grant Council members limited access to otherwise confidential customer water usage data where the Council determines that its duties, or

the duties of a Council subcommittee, include and require the independent verification of customers' compliance with water use agreements or project conditions or representations.

C. The Council May Grant Its Members The Right And Duty To Inspect Otherwise Confidential Documents Containing Customers' Water Use Data For The Limited Purpose Of Independently Verifying Those Customers' Compliance With Water Use Agreements Or Project Conditions/Representations Under The "Administration of Official Duty" Exception.

Again, Council members generally have no greater right of access to public records than does the public generally. (PRA, §6252.5.) However, the PRA also provides that Council members may "access public records of their own agency that are otherwise exempt if such access is permitted by law as part of their official duties." (See People's Business, p.16; see also Government Code §§ 6252.5, 6252.7.) Currently, there is no explicit authority that establishes that Council members have either the duty or the authority to review, verify or audit water customers' compliance with water use agreements or water neutrality or other project conditions/representations. Both the St. Helena Municipal Code and the Government Code are silent on this matter. (See generally Government Code §§37100 et seq. (setting forth the powers of City Councils); St. Helena Municipal Code, Chapter 2.04.)

However, under the California Constitution, the City Council has broad police power authority "to make and enforce all local, police, sanitary, and other ordinances and regulations not in conflict with general laws." (Cal. Const. art. XI, section 7.) We are aware of no state (general) law that would prohibit the City Council from granting itself, or a subcommittee, the authority and duty to take actions it deems necessary and appropriate to independently verify compliance with City laws, agreements and resolutions. The police power is deemed to encompass such actions.

Accordingly, if the City Council desires, it may vest the City Council as a whole with the duty to review documents necessary for purposes of independently verifying water customers' compliance with the terms of water use agreements or project water neutrality or other conditions/representations. Alternatively, the Council has similar authority to create a Council subcommittee by which appointed Council members would be charged with such a duty to review customers' compliance.

Such a subcommittee would be subject to the Brown Act unless it had only a limited duration and function. (See Government Code §54952.) The subcommittee would not be subject to the Brown Act only if it were "advisory" only, consisted only of two Council members, and was addressing a limited, "ad hoc" task only and was not "standing" (i.e. ongoing).

D. If The Council Does Not Make The Broad Determination Under Section 6254.16(f), But Instead Only Grants Council Members The Right And Duty To

Inspect Documents Containing Water Customers' Otherwise Confidential Water Usage Data, Council Members Must Maintain The Confidentiality Of The Documents And Data.

If the City Council authorizes some or all Council members to inspect customers' water usage data, such documents and information would remain confidential from disclosure to the public, in contrast with the Section 6254.16 exemption discussed above. This is because when Council members act within the scope of their office and administering their duty to verify water customers' compliance, they are not considered to be accessing such documents as a "member of the public." (See Government Code §6252(b) ("Member of the public' means any person, except a member, agent, officer, or employee of a federal, state, or local agency acting within the scope of his or her membership, agency, office, or employment.")) As such, all Council members whom the Council may authorize to inspect such otherwise confidential records for the limited purpose of independently verifying customers' compliance with water use agreements or project conditions/representations would be prohibited from disclosing to any person the otherwise confidential documents and the confidential information they contain. Council members would be required to maintain the confidentiality of such documents and information to the same extent as staff.

E. Conclusions.

In short, the following considerations should help to inform the Council's consideration of these issues:

- Under the PRA, Council members have no greater access to public records than the public;
- Under the PRA, documents containing water customers water usage information is confidential;
- Section 6254.16(f) of the PRA authorizes the Council to establish policy for the City to disclose such information to the public generally upon the finding that the public interest in such disclosure clearly outweighs the interest in nondisclosure, but does not authorize the Council to limit the disclosure to Council members;
- The Council has the constitutional police power to vest itself with the right and duty to independently verify water customers' compliance with water use agreements and/or project conditions/representations concerning water neutrality and/or use of City water;
- Section 6252.5 of the PRA allows the Council the attendant right to inspect otherwise confidential documents containing water customers' water use data for the purpose of carrying out the duty to independently verify customers' compliance with water use agreements or project conditions/representations; and

- Where Council members inspect such otherwise confidential documents, they have the obligation to maintain the confidentiality of those documents and the confidential information they contain.

FISCAL IMPACT

There will be no Council action nor fiscal impact to the General Fund related to this item.

RECOMMENDED ACTION

Staff recommends that the Council consider the issues discussed above, and provide direction as appropriate.