



City of St. Helena
Regular City Council Meeting
Tuesday, March 12, 2019 @ 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: Geoff Ellsworth, Vice Mayor: Paul Dohring, City Council Members: Anna Chouteau, David Knudsen 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.

4.1. Public Comment

9 - 25

[St. Helena Little League - Presentation](#)

[*Bell Canyon - Photo 1](#)

[*Bell Canyon - Photo 2](#)

[*Bell Canyon - Photo 3](#)

[*Bell Canyon - Photo 4](#)

[*Bell Canyon - Photo 5](#)

[*Bell Canyon - Photo 6](#)

[*Bell Canyon - Photo 7](#)

[*Bell Canyon - Photo 8](#)

[*Bell Canyon - Photo 9](#)

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. March is American Red Cross Month 2019 Proclamation Presented to Annie Schaefer, James Jett and Kathleen Scanlon

27

[Proclamation](#)

- 6.2. St. Helena Downtown Streetscape Presentation by Gates and Associates 29 - 58

CEQA Determination: Not a CEQA project

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

Recommendation:
Information Only

[Staff Report - Pdf](#)

[Presentation](#)

[*Updated Presentation at Meeting](#)

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 adoption of a Resolution approving the 2019 Event Rally4Rianda and Rianda House's 11th anniversary on Sunday, April 28, 2019 59 - 68

CEQA Determination: Categorically Exempt, Section 15323

Prepared By: Chrissy Cook, Administrative Assistant

Recommendation:

Staff recommends City Council adopt the attached Resolution approving the 2019 Event Rally4Rianda and Rianda House's 11th anniversary on Sunday April 28, 2019.

[Staff Report - Pdf](#)

- 8.2. Consideration and approval of a Resolution approving Amendment #2 to STH Contract: 2017-012 with Bread of Life in the amount of \$7,500 for a total not-to-exceed amount of \$64,165 for a governance related projects. 69 - 76

CEQA Determination: Not a CEQA project

Prepared By: April Mitts, Finance Director

Recommendation:

Staff recommends City Council approve a Resolution approving Amendment #2 to STH Contract: 2017-012 with Bread of Life for an amount of \$7,500 for a total not-to-exceed amount of \$64,165.

[Staff Report - Pdf](#)

- 8.3. Second Reading and Adoption of an Ordinance Authorizing The City Council To Suspend Enforcement of The City's Curfew Ordinance (SHMC Chapter 9.12) By Suspension Resolution 2018-175 77 - 86

CEQA Determination: Not a CEQA project

Prepared By: Thomas B. Brown, City Attorney

Recommendation:

Conduct the second reading and adopt the ordinance authorizing the City Council to suspend, by resolution, enforcement of the City's Curfew Ordinance, SHMC Chapter 9.12, by title only and waive further reading.

[Staff Report - Pdf](#)

- 8.4. Consideration and Proposed Resolution: (1) Amending the Fiscal Year 2018-2019 adopted Capital Improvement Program Budget to include C19-004, City Hall Emergency Repair Project; (2) Authorizing a budget of \$176,000 for C19-004; (3) Confirmation of STH Contract: FY 19-074 to Bridges Construction, Inc. for an amount of \$130,908.19 for emergency restoration work which took place as a result of a sewer backflow in City Hall for C19-004; and (4) Authorizing the City Manager, or designee, to execute change orders up to \$25,000. 87 - 126

CEQA Determination: The project has been determined to qualify for a Class 30 Categorical Exemption under CEQA Section 15330 and as a Statutory Exemption from the requirements of CEQA, as an Emergency Project as identified under Section(s) 15269 (b) and (c), in that this action is to authorize the funding and to actually conduct remediation and repairs to the St. Helena City Hall which occurred as a result of an unanticipated sanitary sewer over-flow within the building.

Prepared By: April Mitts, Finance Director

Recommendation:

Staff recommends City Council adopt a Resolution: (1) Amending the Fiscal Year 2018-2019 adopted Capital Improvement Program Budget to include C19-004, City Hall Emergency Repair Project; (2) Authorizing a budget of \$176,000 for C19-004; (3) Confirmation of STH Contract: FY 19-074 to Bridges Construction, Inc. for an amount of \$130,908.19 for emergency restoration work which took place as a result of a sewer backflow in City Hall for C19-004; and (4) Authorizing the City Manager, or designee, to execute change orders up to \$25,000.

[Staff Report - Pdf](#)

- 8.5. Consideration and proposed approval of a resolution authorizing the addition of 1.0 Full-Time Equivalent (FTE) to the City Manager's Office and funding the position for the remaining FY 2018-19 budget in amount not to exceed \$37,939, adding the position to the City's current organizational structure and approving the job description, authorize the recruitment; and duly approve and adopt publicly available salary schedule for Mid-Managers in accordance with the requirement of California Code of Regulations Title 2, section 570.5 which includes amended pay schedule for FY 2018-19 to include Assistant to the City Manager position. 127 - 136

CEQA Determination: Not a CEQA project

Prepared By: Kathy Robinson, Human Resources & IT Director

Recommendation:

Approve resolution authorizing the addition of 1.0 FTE to the City Manager's Office, fund the position for the remaining FY 2018-19

budget in amount not to exceed \$37,939, add the position to the City's organizational structure, approve job description, authorize recruitment; and duly approve and adopt publicly available salary schedule for Mid-Managers in accordance with the requirement of California Code of Regulations Title 2, section 570.5 which includes amended pay schedule for FY 2018-19 to include the Assistant to the City Manager position.

[Staff Report - Pdf](#)

9. PUBLIC HEARINGS

- 9.1. Introduction and First Reading of an Ordinance proposing to amend and restate St. Helena Municipal Code (SHMC) Chapter 17.136.050 'Temporary Uses', to create a Temporary Use Permit, an administrative review process and a fee for such permits, citywide.

137 - 189

CEQA Determination: The proposed Ordinance to amend St. Helena Municipal Code Title 17 is exempt from the requirements of CEQA pursuant to Guidelines Sections 15301, 15303, and 15304 as Class 1, Class 3 and Class 4 Categorical Exemptions in that these modifications create an administrative process for the temporary use, conversion or minor alteration of existing properties, which may include the construction, modification or conversion of "Small Structures" as defined in the statute, however only for temporary and set periods of time for the use of the land; that the proposed text amendments are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR, given their intent to facilitate operation of temporary activities at existing facilities, 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 t

Prepared By: Noah Housh, Planning & Community Improvement Director

Recommendation:

It is recommended by the Planning Commission and the Planning and Community Improvement Department, that the City Council:

1. Find that the proposed Ordinance to amend St. Helena Municipal Code Title 17 is exempt from the requirements of CEQA pursuant to Guidelines Sections 15301, 15303, and 15304 as Class 1, Class 3 and Class 4 Categorical Exemptions in that these modifications create an administrative process for the temporary use, conversion or minor alteration of existing properties, which may include the construction, modification or conversion of "Small Structures" as defined in the statute, however only for temporary and set periods of time for the use of the land; that the proposed text amendments are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR, given their intent to facilitate operation of temporary activities at existing facilities, 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. Introduce, conduct First Reading by title only and waive further reading of an Ordinance proposing to amend and restate St. Helena Municipal Code (SHMC) Chapter 17.136.050 'Temporary Uses', to create a Temporary Use Permit, an administrative review process, and a fee for such permits, citywide.

[Staff Report - Pdf](#)

10. OLD BUSINESS

- 10.1. Resolution of the City Council of the City of St. Helena Determining That No Substantial Changes Requiring Preparation of a Subsequent EIR Have Been Made to the Upper York Creek Habitat Restoration Project as a Result of Proposed Modifications and Approving the Addendum Together with the Previously Certified Final EIR as the Appropriate Environmental Document for the Upper York Creek Habitat Restoration Project as Modified 191 - 314

CEQA Determination: Environmental Impact Report

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

Recommendation:

Adopt the Resolution certifying that no substantial changes have been made to the proposed Upper York Creek Habitat Restoration Project and that an Addendum to the Final EIR is the appropriate document under the requirements of the California Environmental Quality Act.

[Staff Report - Pdf](#)

- 10.2. Consideration of a Resolution approving Revision #1 to City Council Policy P-FI-0005 Leak Adjustment Policy and repealing and rescinding Resolution 2016-161 and any previous policies or administrative memoranda which are inconsistent with City Council Policy P-FI-0005 Leak Adjustment Policy 315 - 327

CEQA Determination: Not a CEQA project

Prepared By: April Mitts, Finance Director

Recommendation:

Staff recommends City Council approve a resolution approving Revision #1 to City Council Policy P-FI-0005 Leak Adjustment Policy and repealing and rescinding Resolution 2016-161 and any previous policies or administrative memoranda which are inconsistent with City Council Policy P-FI-0005 Leak Adjustment Policy.

[Staff Report - Pdf](#)

11. NEW BUSINESS

- 11.1. Consideration of: 329 - 369
1. Metropolitan Transportation Commission (MTC) Member Interest
 2. CASA Legislative Task Force Member Interest

CEQA Determination: Not a CEQA project

Prepared By: Cindy Tzafoopoulos, City Clerk

Recommendation:

Identify name(s) of interested Council Member(s) to be considered by the Napa County City Selection Committee as nominees to the:

1. Metropolitan Transportation Commission (MTC)
2. CASA Legislative Task Force

[Staff Report - Pdf](#)

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

12.1.

March City Council Meetings:

3/26 (staff reports due 3/8)

3/26 Special City Council P&R Applicant Interviews

3/14 Special Meeting

Fire Department Informational Update

CONSENT:

3/26 Fire Chief Contract

3/26 Consent-Second Reading of Temp Use Permit Ordinance

PH or NEW BUSINESS:

3/26 Appeal to water back billing

3/26 P&R Work Plan

3/26 Pizzeria Tra Vigne Leak Adjustment

April City Council Meetings:

4/9 (staff reports due 3/22)

4/23 (staff reports due 4/5)

TBD Land Use 101/CEQA

TBD Brown Act Training

TBD PC Governance

PROCLAMATIONS AND PUBLIC RECOGNITION:

4/9 April Arts Month Proclamation

4/23 Building Safety Month

4/9 National Library Week

4/9 National Volunteer Week

CONSENT:

4/9 Fireworks approval of vendor

Library Fines and Fees

On call MPSA

May City Council Meetings:

5/14 (staff reports due 4/26)

5/28 (staff reports due 5/10)

PROCLAMATIONS AND PUBLIC RECOGNITION:

5/14 Mental Health Month Proclamation

National Police Day

5/14 PW Works Week

5/14 Police Department VIP Graduation

5/14 Bike to Work & School Day Friday, May 17th

PH or NEW BUSINESS:
CIP Budget

13. ADJOURNMENT

The next Regular City Council meeting is scheduled for March 26, 2019, 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 March 8, 2019.



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

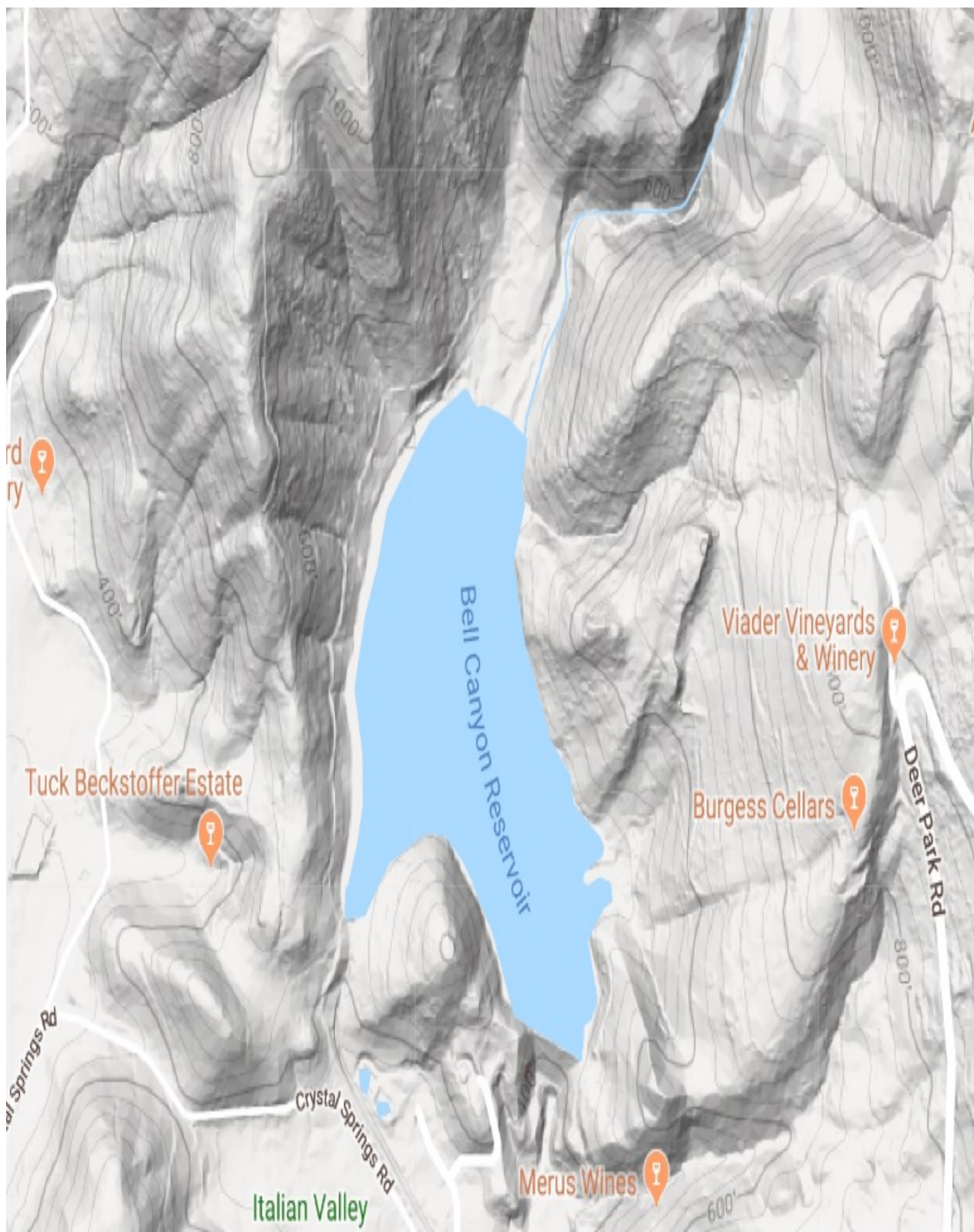
The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City of St. Helena is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision, including without limitation Government 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.

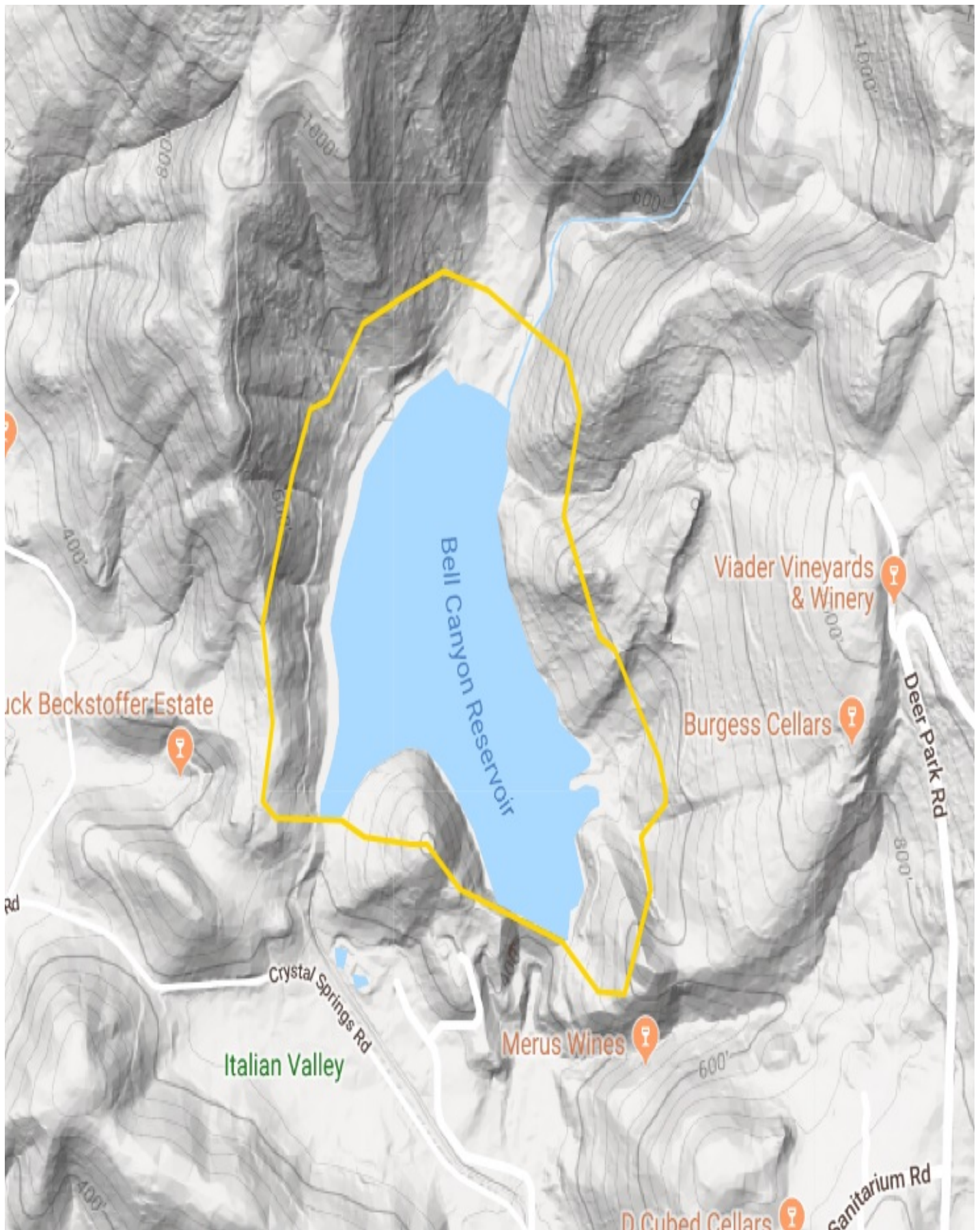
If a person wishes to challenge the above actions in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of St. Helena, at or prior to the meeting. In addition, judicial challenge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

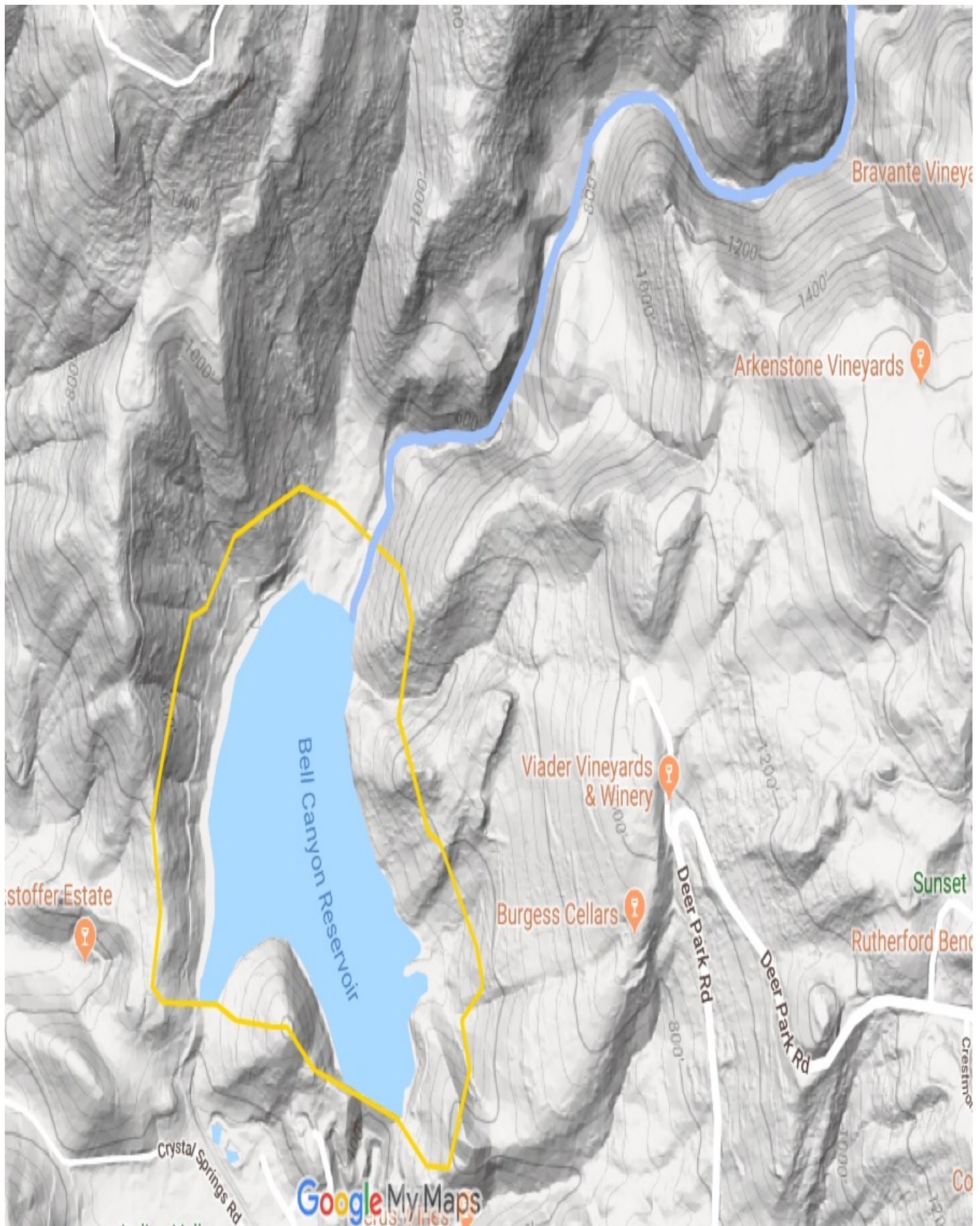
SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

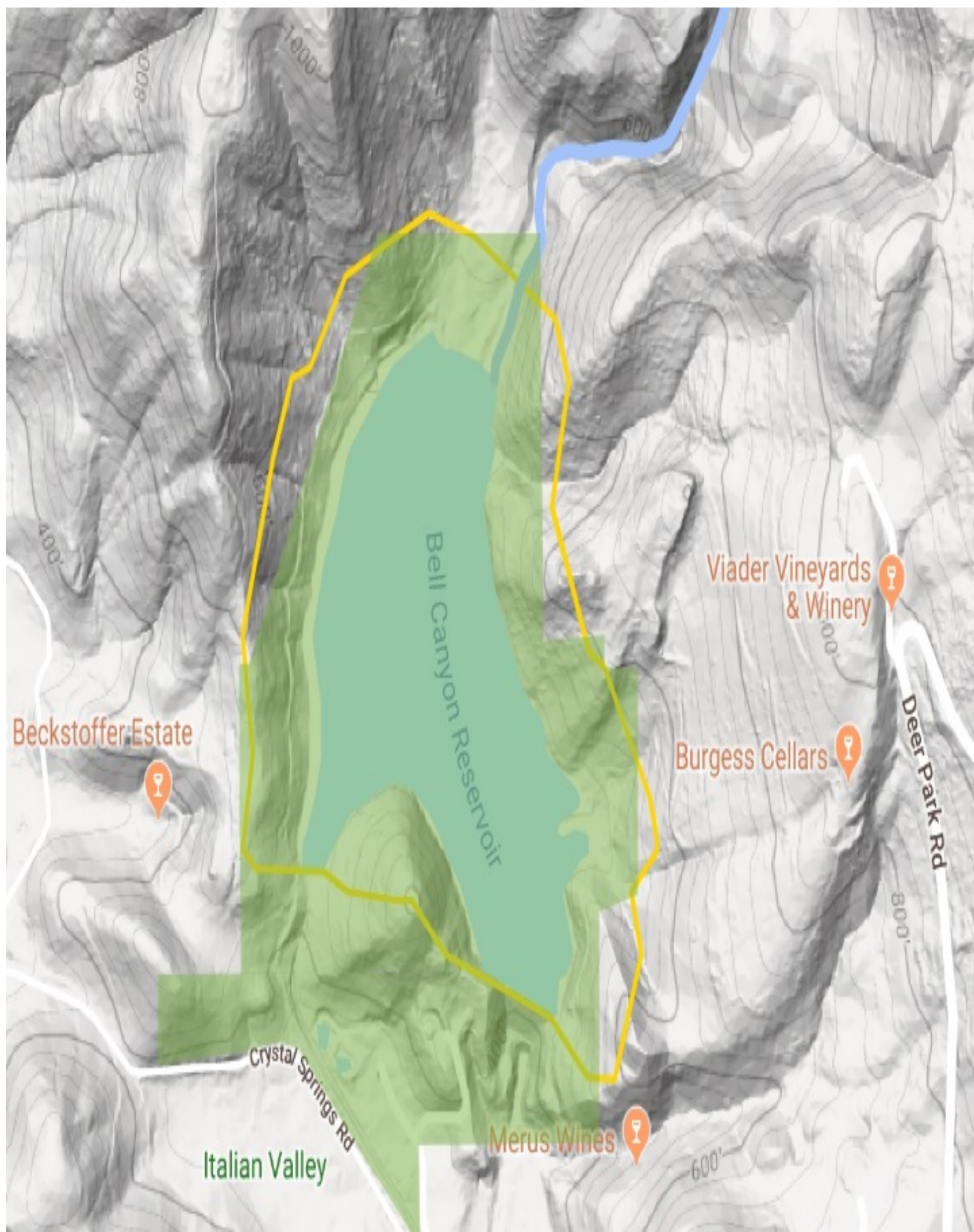
Any supplemental writings or documents distributed to a majority of the City Council regarding any item on this Agenda, after the posting of the Agenda, will be available for public review in the City Clerk's Office located at 1480 Main Street, St. Helena, California, during normal business hours. In addition, such

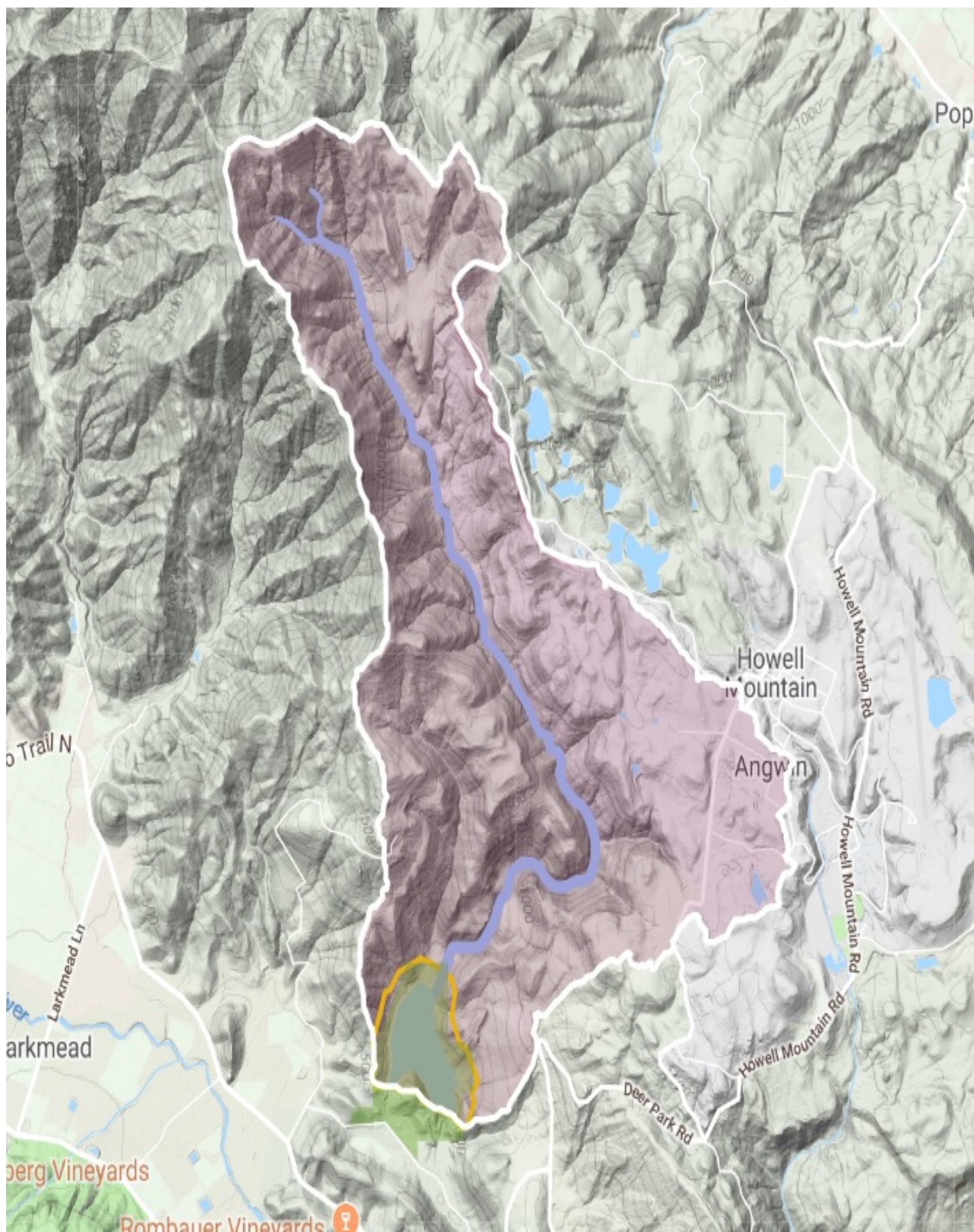
writings or documents will be made available on the City's web site at <https://sthelena.civicweb.net> and will be available for public review at the respective meeting.

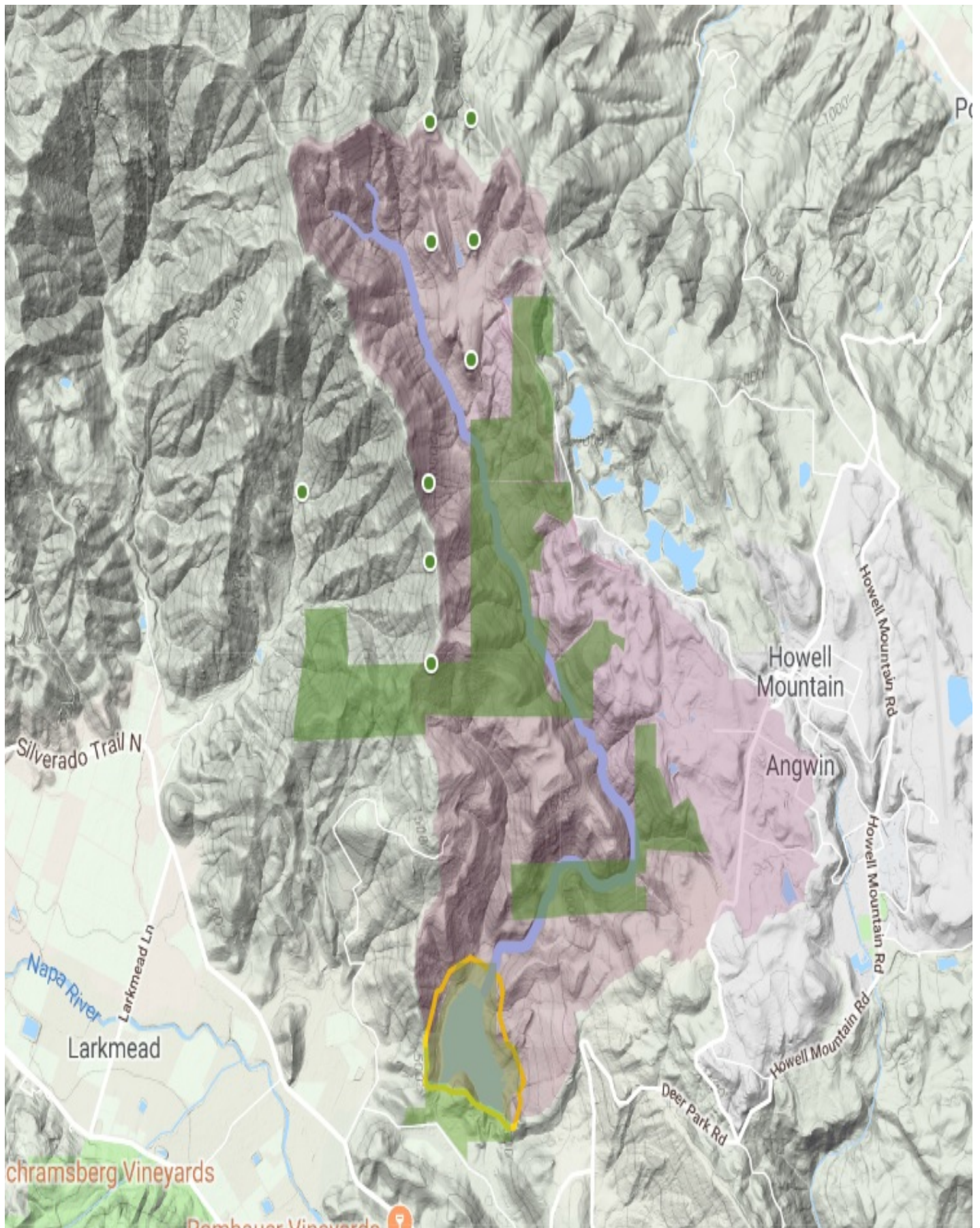


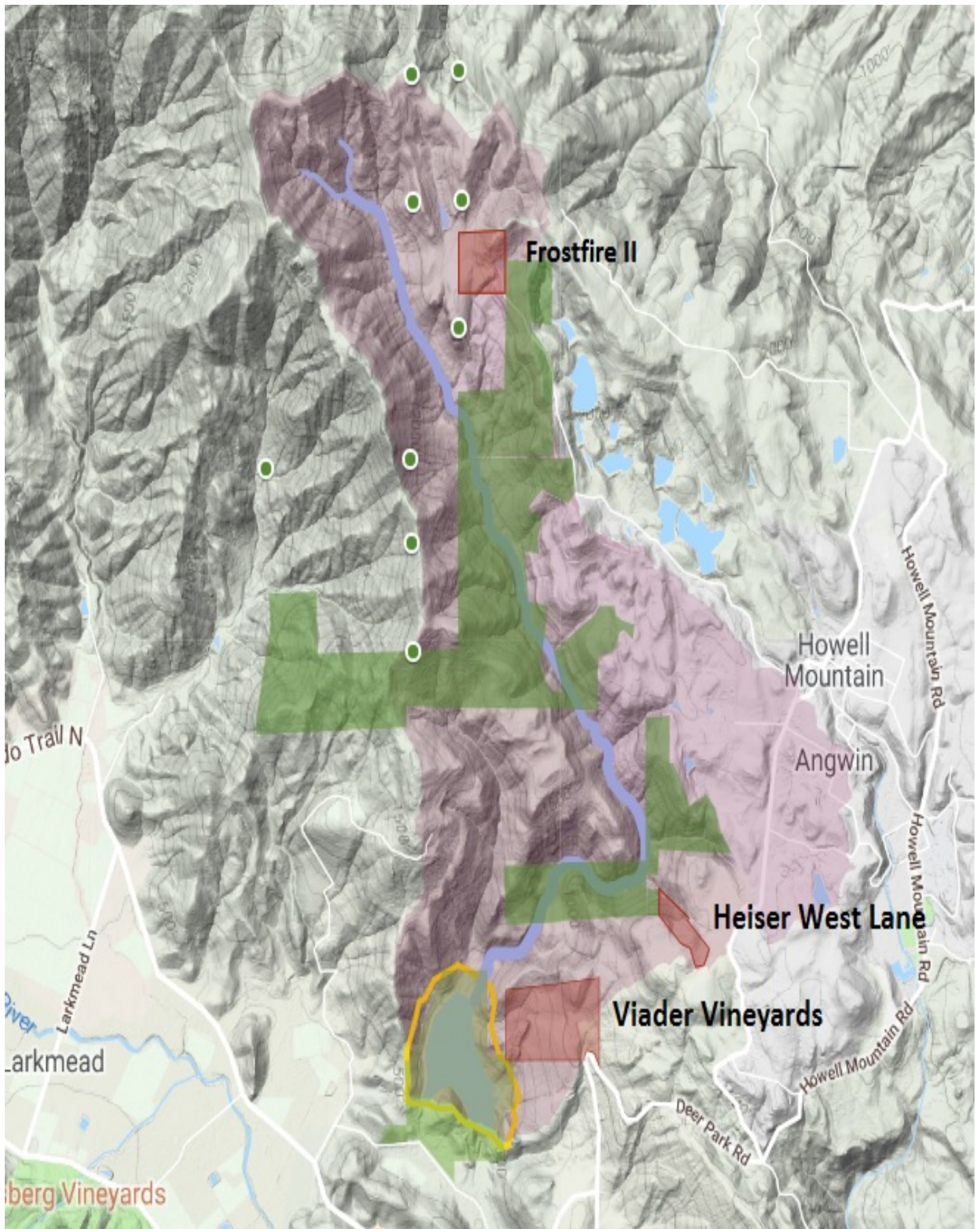


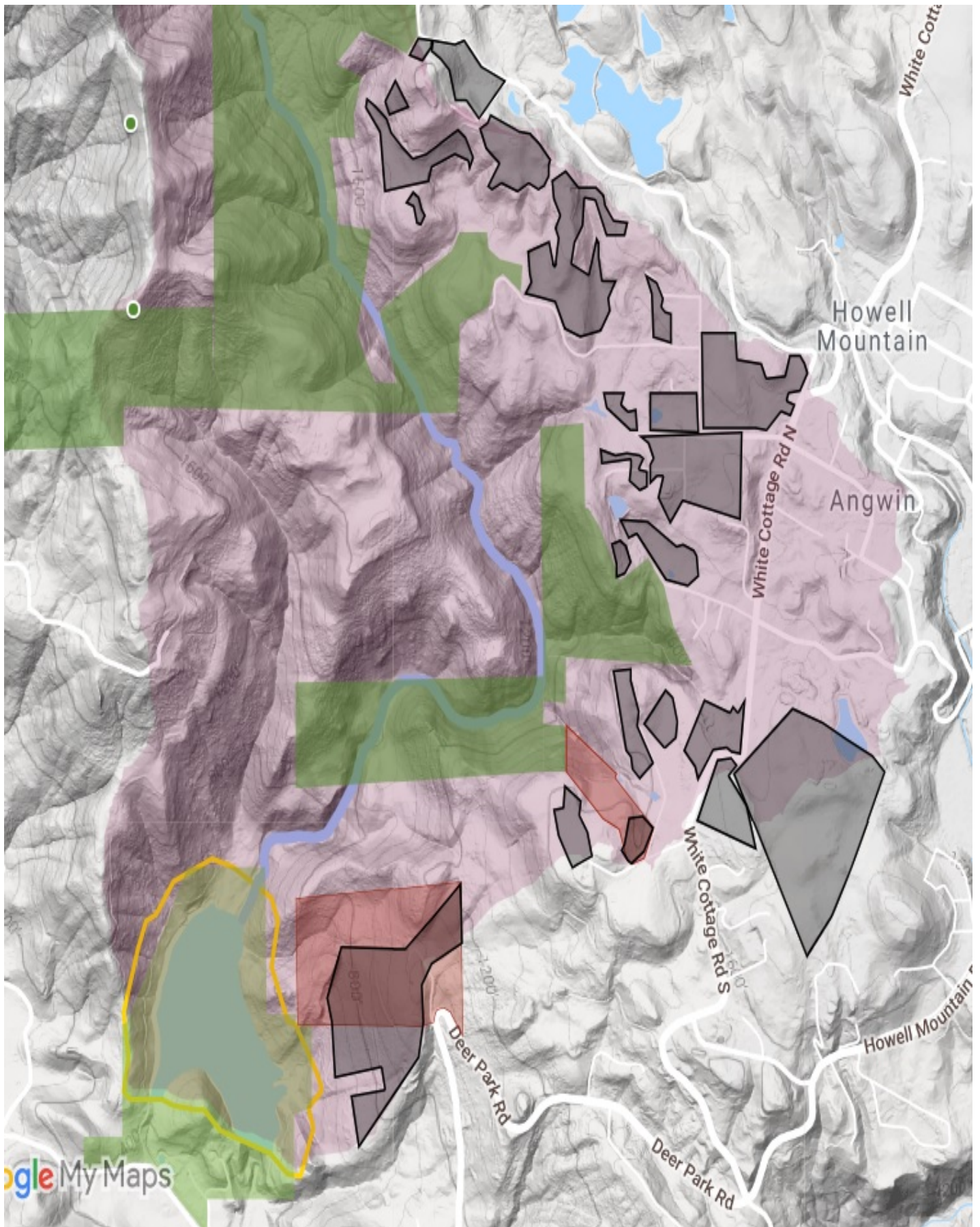


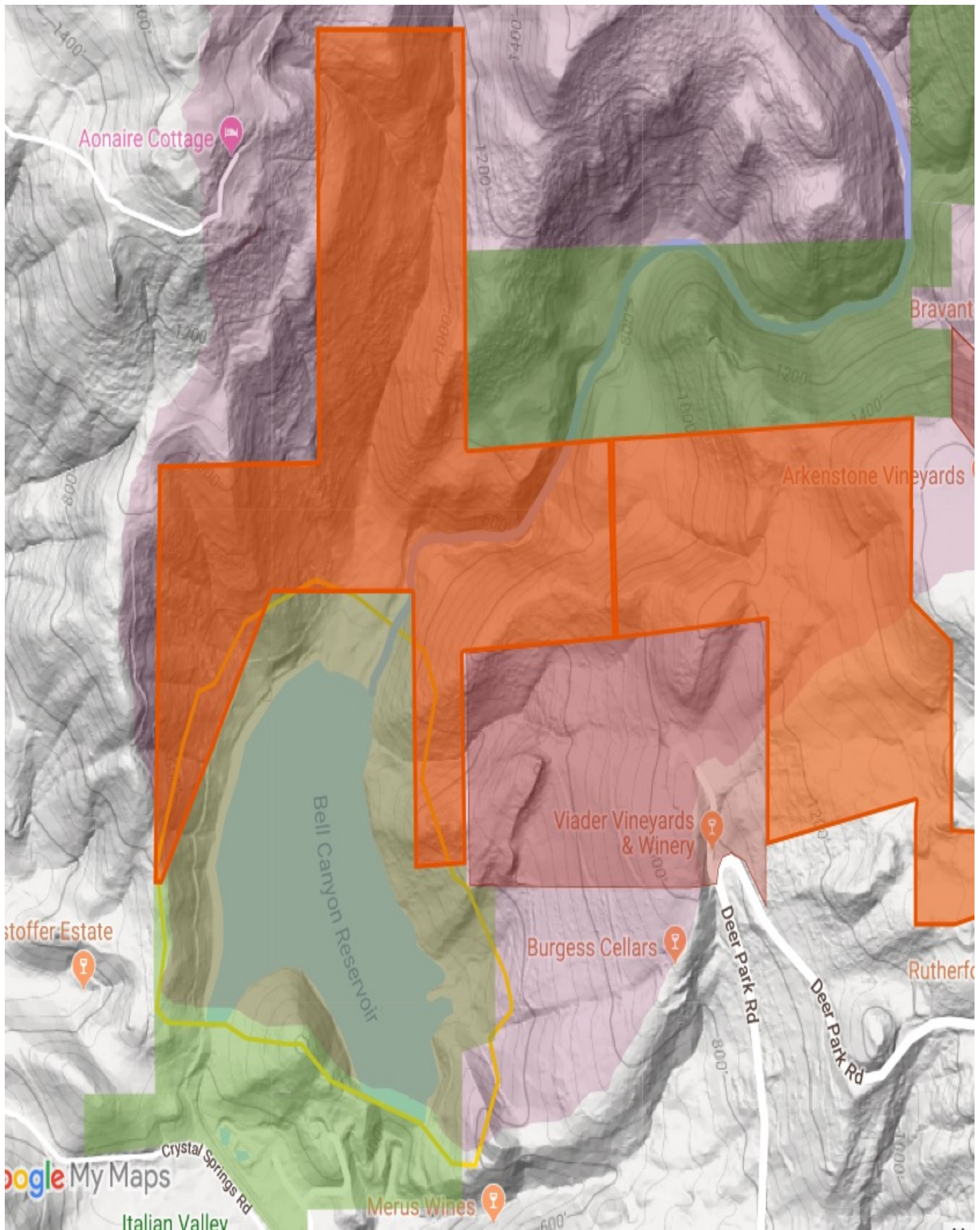












City of St. Helena

PROCLAMATION

AMERICAN RED CROSS MONTH 2019

More than 137 years ago, the American Red Cross was established as a humanitarian organization, guided by seven fundamental principles—including humanity, impartiality and independence—to provide services to those in need regardless of race, religion, gender, sexual orientation or citizenship status. Today, the American Red Cross is one of the largest humanitarian organizations in the world, and delivers its mission every day to prevent and alleviate human suffering in the face of emergencies.

Every year, the American Red Cross responds to an average of more than 62,000 disasters across the country, from small home fires to devastating massive disasters. Last year's large crises included mudslides in California, a volcano in Hawaii, wildfires in Colorado and California, destructive hurricanes in Florida and the Carolinas, and a devastating typhoon in U.S. territories. Thousands of American Red Cross volunteers provided around-the-clock shelter for disaster victims, served millions of meals and snacks with partners, and distributed millions of relief items.

March is Red Cross Month, a special time to recognize and thank the Red Cross volunteers and donors who give of their time and resources to help members of the community. The Red Cross depends on these local heroes to deliver help and hope during a disaster. We applaud our heroes here in the city of Napa who give of themselves to assist their neighbors when they need a helping hand.

The American Red Cross shelters, feeds and provides emotional support to victims of disasters; supplies about 40 percent of the nation's blood; teaches skills that save lives; provides international humanitarian aid; and supports military members and their families.

We dedicate the month of March to all those who support the American Red Cross mission to prevent and alleviate human suffering in the face of emergencies. Our community depends on the American Red Cross, which relies on volunteers and the generosity of the public to perform its mission.

NOW, THEREFORE, I, Geoff Ellsworth, Mayor of St. Helena, by virtue of the authority vested in me by the Constitution and laws of Napa and California, do hereby proclaim March 2019 as Red Cross Month. I encourage all Americans to support this organization and its noble humanitarian mission.

IN WITNESS WHEREOF, I have here unto set my hand this 12th day of March, in the year of our Lord two thousand nineteen, and of the city of St. Helena and state of California.

Geoff Ellsworth, Mayor
City of St. Helena



Report to the City Council
Council Meeting of March 12, 2019

Agenda Section: **Presentation**

Subject: **St. Helena Downtown Streetscape Presentation by Gates and Associates**

CEQA **Not a CEQA project**
Determination:

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

Reviewed By:

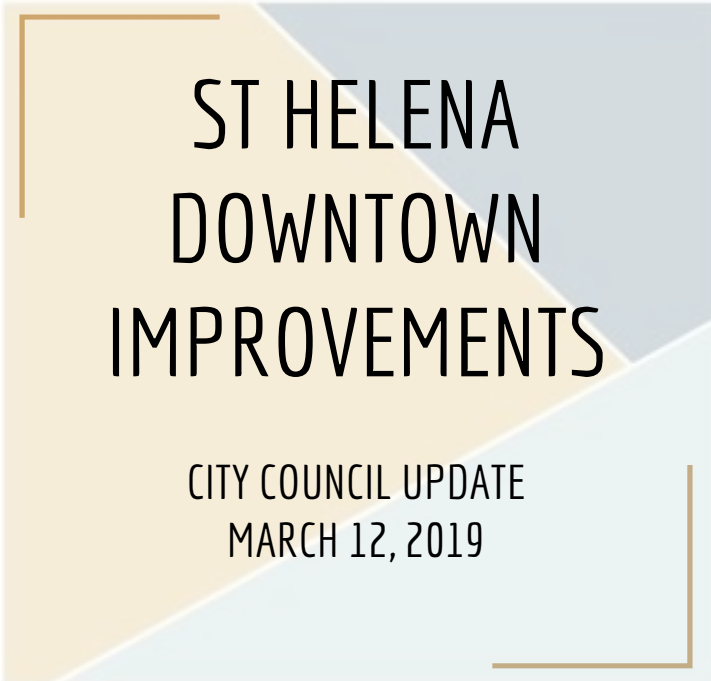
Approved By: Mark T. Prestwich, City Manager

RECOMMENDED ACTION

Information Only

ATTACHMENTS

[St. Helena Downtown Streetscape Presentation](#)



ST HELENA DOWNTOWN IMPROVEMENTS

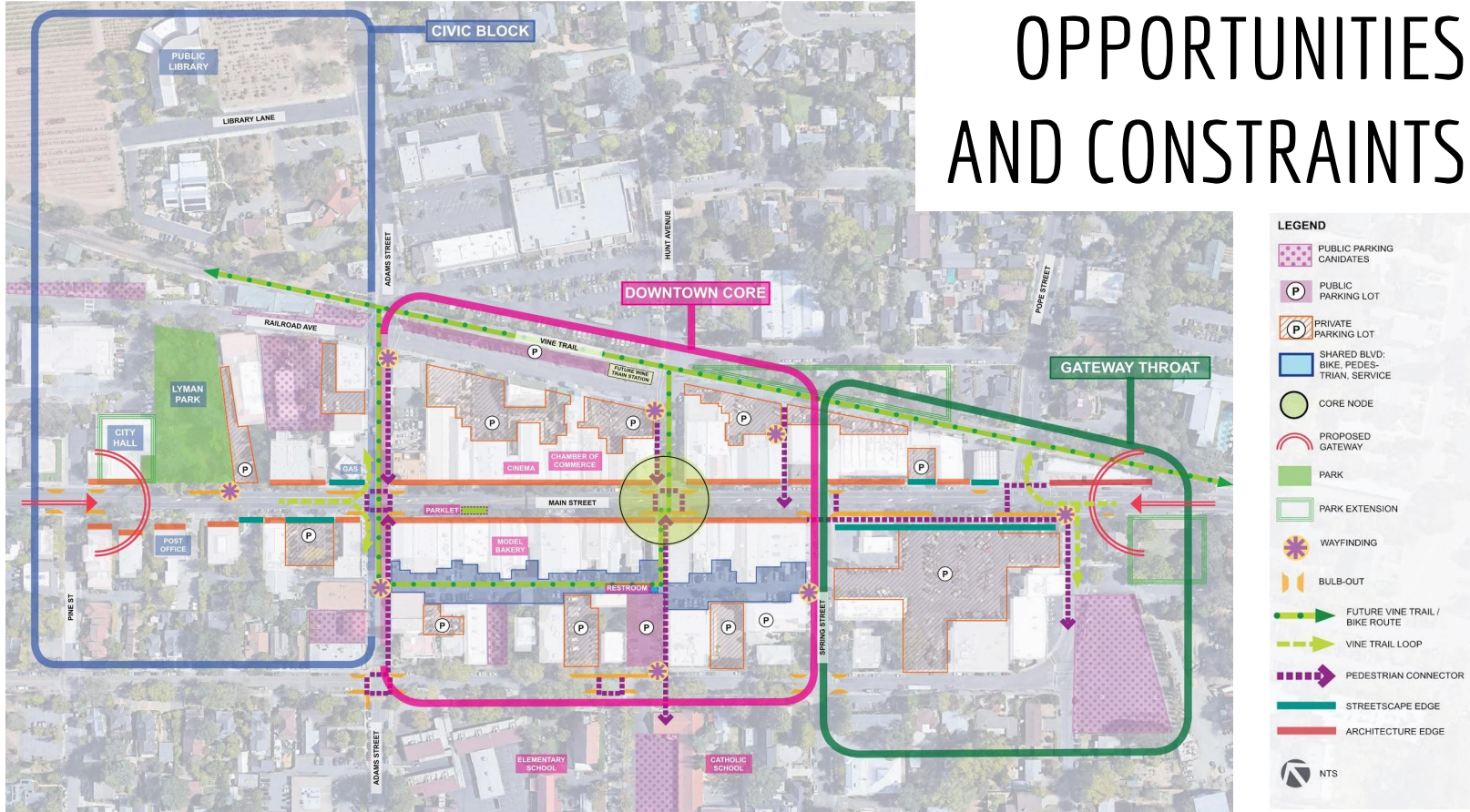
CITY COUNCIL UPDATE
MARCH 12, 2019

INTRODUCTION/PROJECT OVERVIEW

Team:

- BKF - Civil Engineers
- Gates - Landscape Architects, Urban Design & Outreach
- M Group - CEQA

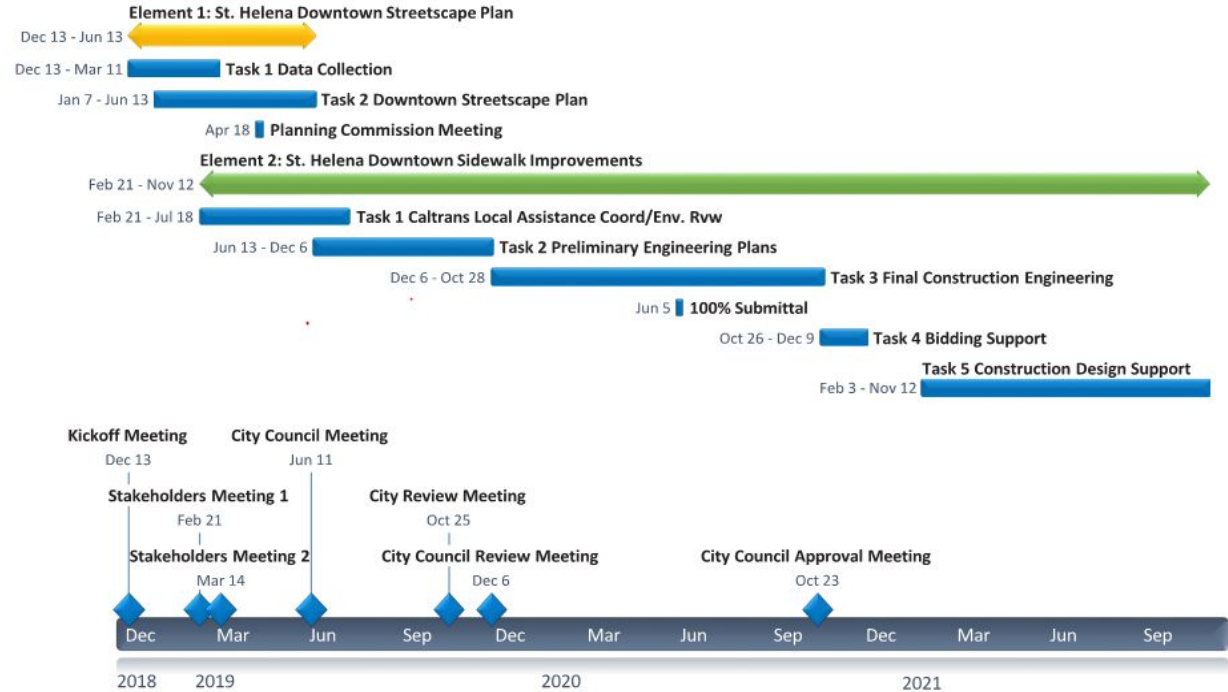
OPPORTUNITIES AND CONSTRAINTS



SCOPE - Component 2 - Downtown Sidewalk Improvements

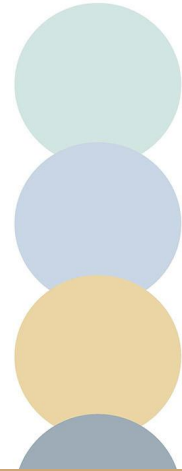


SCHEDULE



PROJECT GOALS

- Create incrementally implementable vision for Downtown
- Build community
- Satisfy grant requirements
- Support economic health of downtown
- Foster 'small town' ambiance
- Respect historic and agrarian heritage
- Promote bike and pedestrian use
- Increase pedestrian dwell time
- Define scope of improvements for Phase I
- Accommodate parking needs



OUTREACH ROUNDS

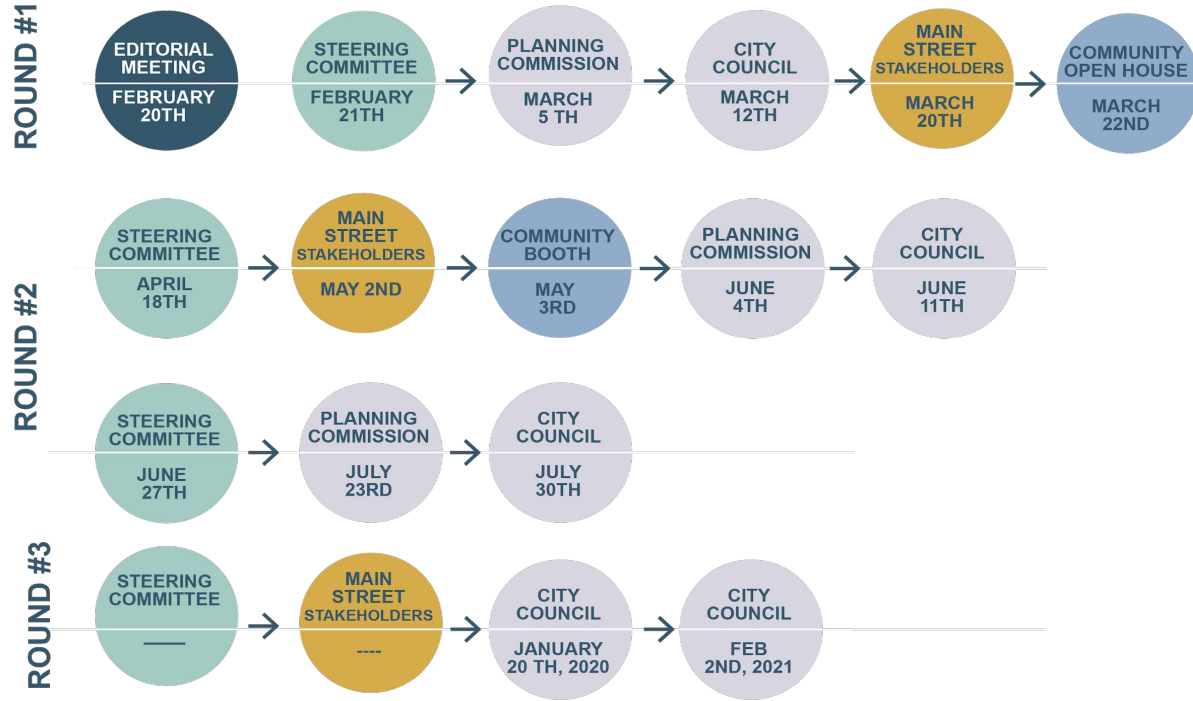
Round 1: Tell us about your Main Street!

What do we like? What could we improve? What do we want to add?"

Round 2: "Downtown Vision & Priorities"

Round 3: "Main Street Phase 1 Improvements"

ENGAGEMENT OPPORTUNITIES



CITY COUNCIL

MARCH 2019



INTRODUCTION

TEAM

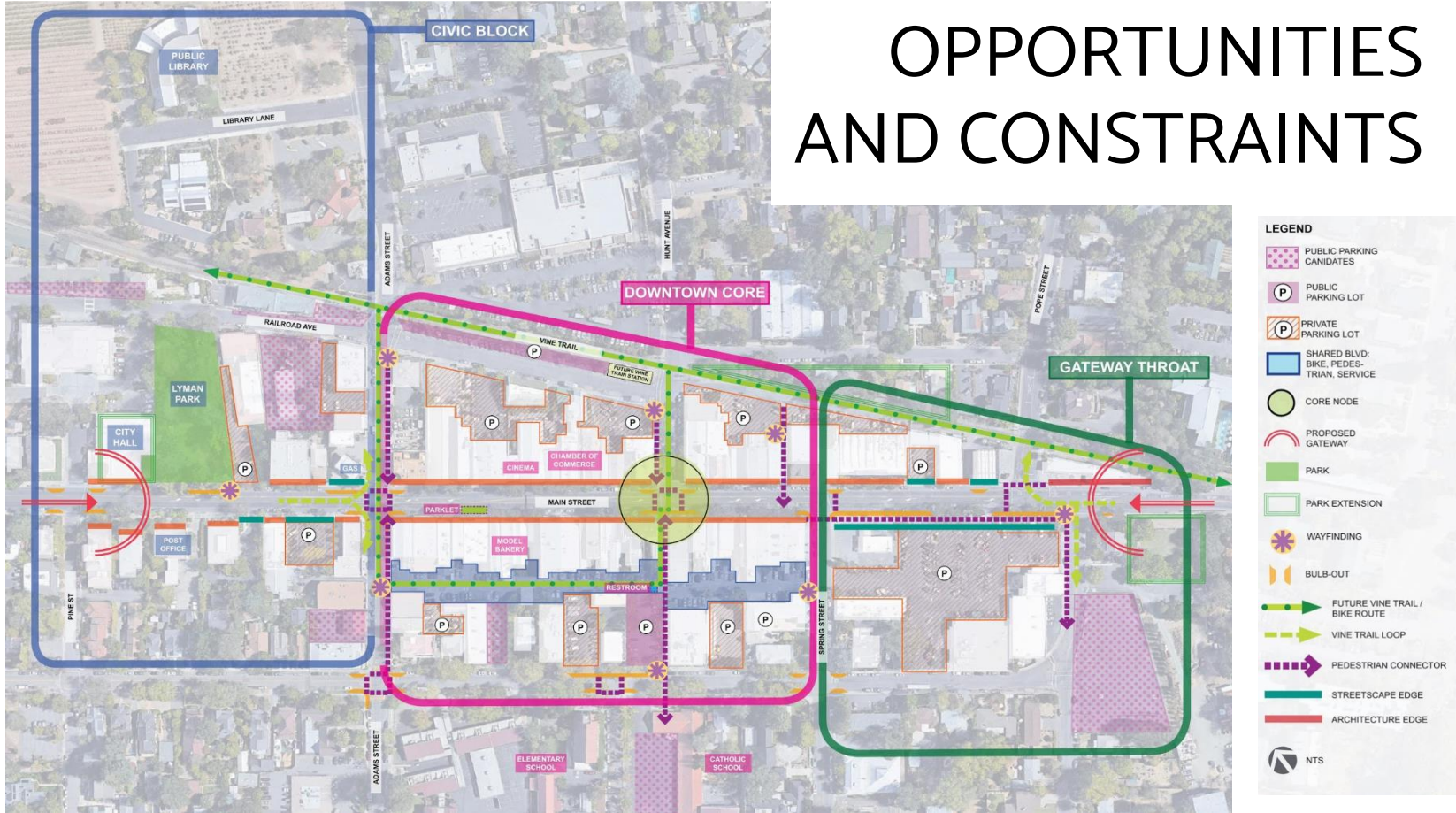
- BKF - Civil Engineers
- Gates + Associates Landscape Architects, Urban Design & Outreach
- M Group - CEQA



PROJECT OVERVIEW



OPPORTUNITIES AND CONSTRAINTS



SCHEDULE

**DOWNTOWN VISION
MASTERPLAN**
JAN 2019 - JULY 2019

PHASE
1

**DOWNTOWN STREETSCAPE
IMPROVEMENT PLAN**
FEB 2019 - NOV 2020

PHASE
2

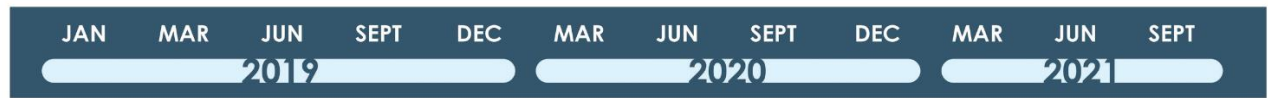
**CALTRANS
COORDINATION**
FEB 2019 - JUL 2019

**PRELIMINARY
ENGINEERING PLAN**
JUN 2019 - DEC 2019

**FINAL CONSTRUCTION
ENGINEERING**
DEC 2019 - OCT 2020

**BIDDING
SUPPORT**
OCT 2020 -
DEC 020

**START
CONSTRUCTION**
SPRING 2021



PROJECT GOALS

- Support Economic Health of Downtown
- Foster Small Town Ambiance
- Respect Historic and Agrarian Heritage
- Create an Incrementally Implementable Vision
- Build Community
- Plan for the Future of St. Helena
- Promote Bike and Pedestrian Use
- Accommodate Parking Needs
- Define Scope of Improvements for Phase 1
- Satisfy Grant Requirements



OUTREACH AND ENGAGEMENT

3 ROUNDS OF OUTREACH

1

Tell us about your Main Street!
What do we want to add?
What do we like?
What could we improve?

2

"Downtown Vision & Priorities"

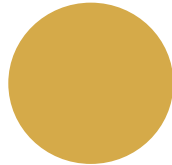
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Main Street Phase 1 Improvements"

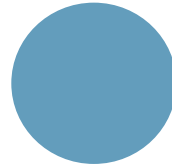
4 GROUPS



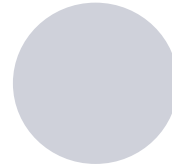
Steering
Committee



Main Street
Stakeholders



Community
of St Helena



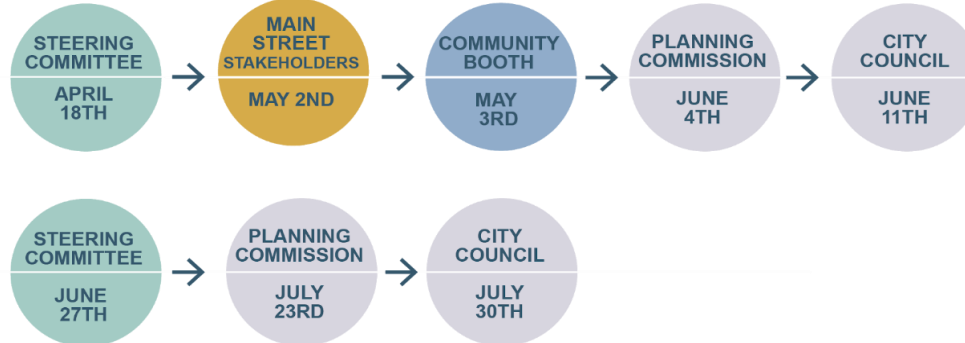
Formal
Presentation

OUTREACH AND ENGAGEMENT

ROUND 1



ROUND 2

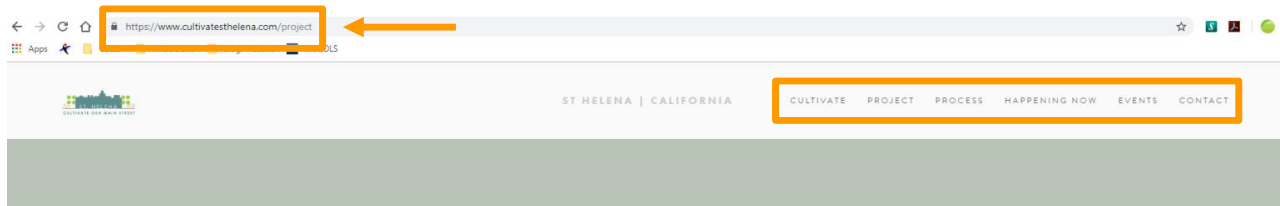


ROUND 3



WEBSITE IS LIVE!

CULTIVATESTHELENA.COM



THE DOWNTOWN STREETScape PLAN

Nestled within the world famous tourist destination, Napa Valley, the City of St. Helena has served as a rural agricultural center and evolved into an important center for the wine industry. St. Helena is the quintessential wine country destination: great restaurants, delightful shops, iconic views, and amazing art galleries. This small town atmosphere is cherished by the local community. The City's "Cultivate our Main Street" project seeks to explore these beloved, unique characteristics of the Downtown center to provide quality services to its citizens and revitalize the Downtown experience for all. This project includes two components:



GET INVOLVED

**COMMUNITY
OPEN HOUSE**

SHARE YOUR
IDEAS FOR
MAIN STREET
+ DOWNTOWN
ST. HELENA, CA

FRIDAY
MARCH 22, 2018
10:00 AM - 2:00 PM
1335 MAIN STREET

**Downtown
Streetscape
Plan**

ST. HELENA
CULTIVATE OUR MAIN STREET

REFRESHMENTS WILL BE PROVIDED
CHILDREN ARE WELCOME TO ATTEND

PROJECT WEBSITE: WWW.CULTIVATESTHELENA.COM

CITY COUNCIL

MARCH 2019



INTRODUCTION

TEAM

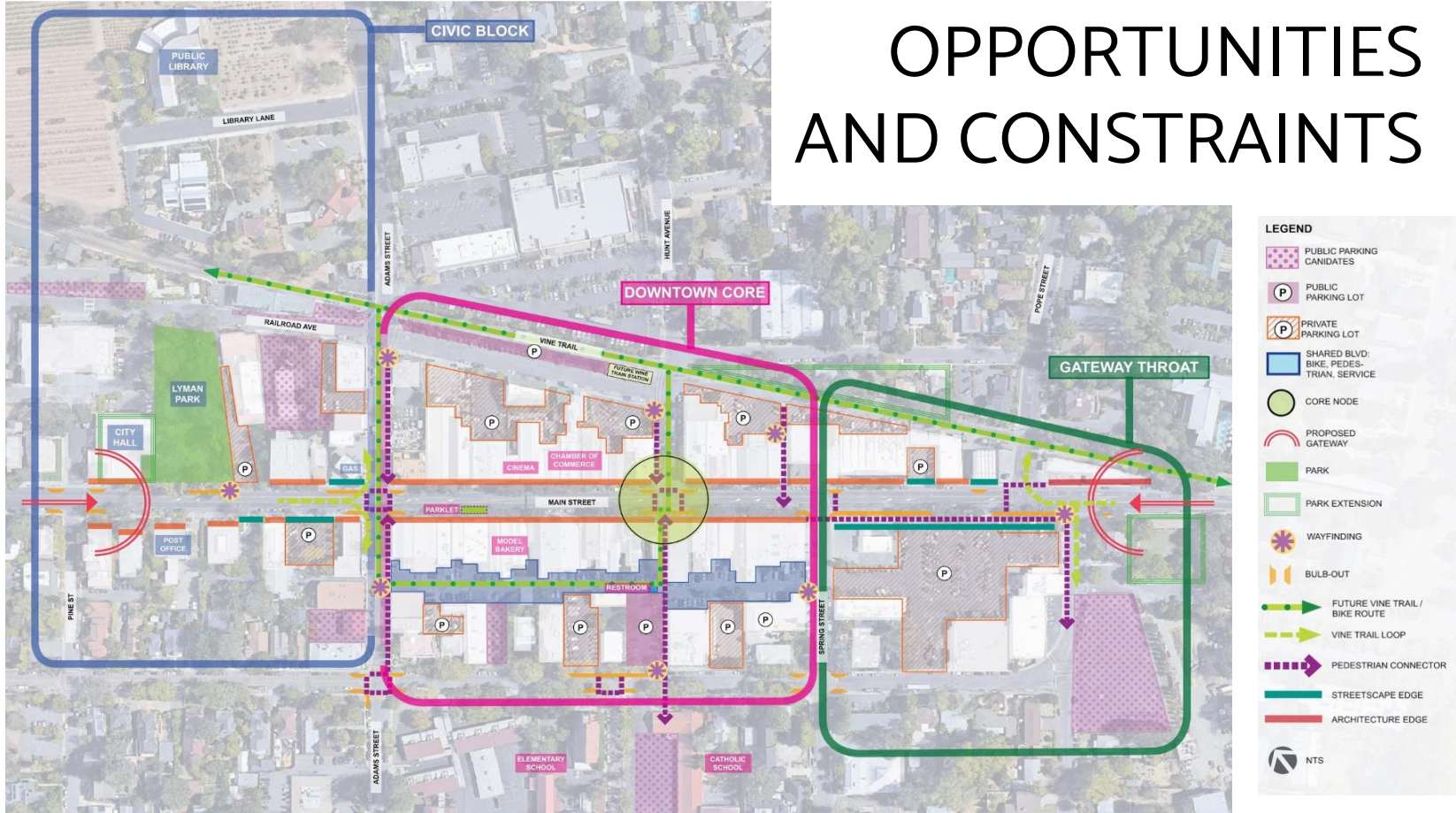
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- M Group - CEQA



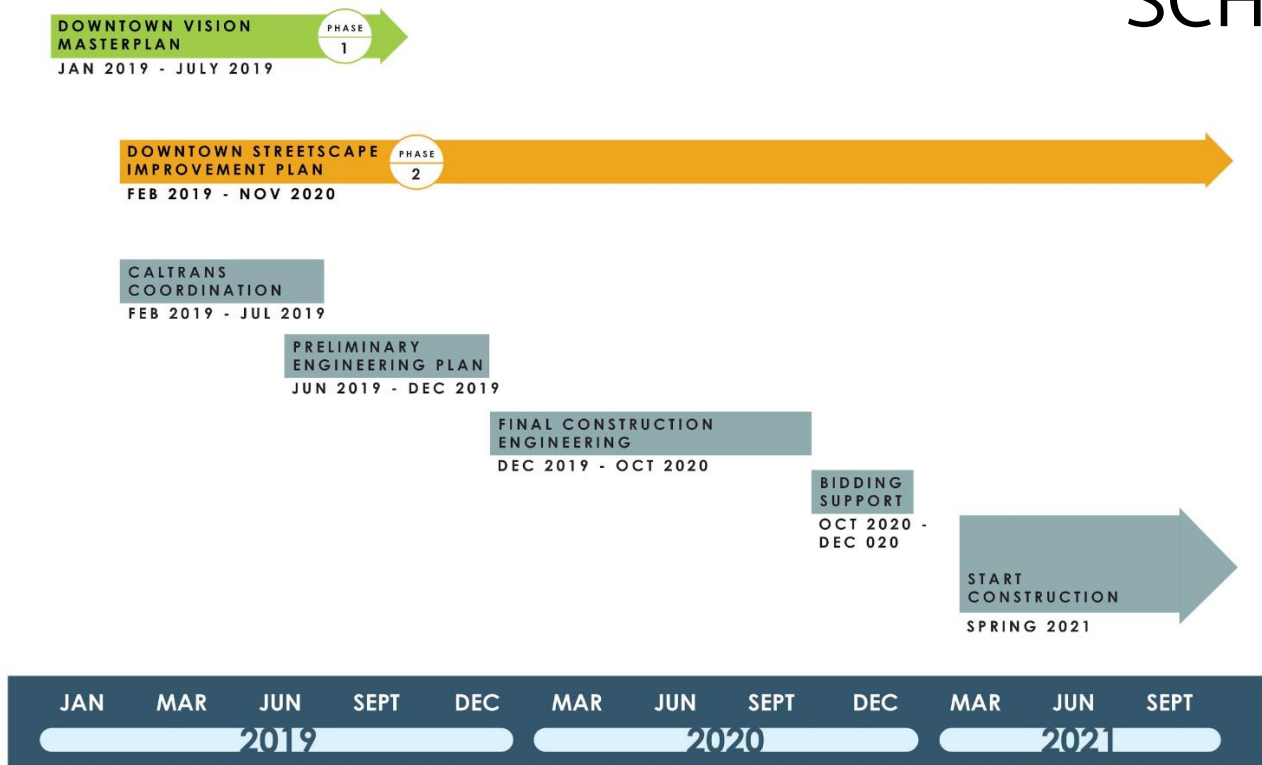
PROJECT OVERVIEW



OPPORTUNITIES AND CONSTRAINTS



SCHEDULE



PROJECT GOALS

- Support Economic Health of Downtown
- Foster Small Town Ambiance
- Respect Historic and Agrarian Heritage
- Create an Incrementally Implementable Vision
- Build Community
- Plan for the Future of St. Helena
- Promote Bike and Pedestrian Use
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- Define Scope of Improvements for Phase 1
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OUTREACH AND ENGAGEMENT

3 ROUNDS OF OUTREACH

1

Tell us about your Main Street!
What do we want to add?
What do we like?
What could we improve?

2

"Downtown Vision & Priorities"

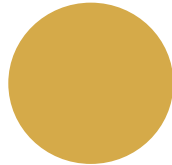
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Main Street Phase 1 Improvements"

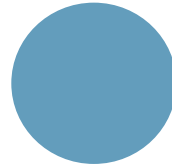
4 GROUPS



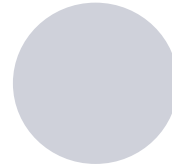
Steering
Committee



Main Street
Stakeholders



Community
of St Helena



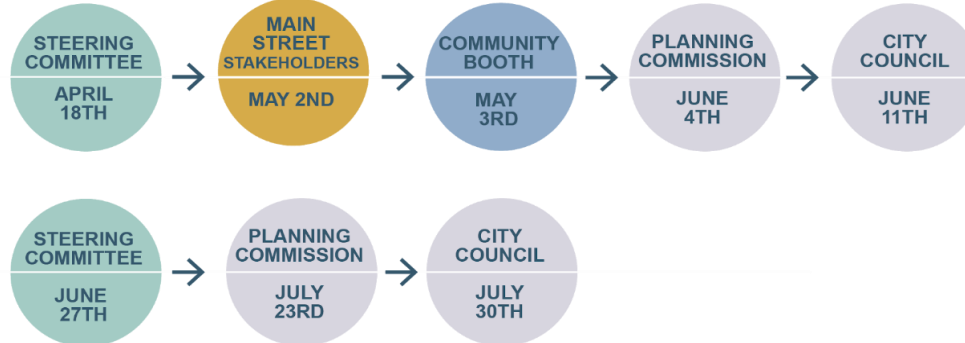
Formal
Presentation

OUTREACH AND ENGAGEMENT

ROUND 1



ROUND 2

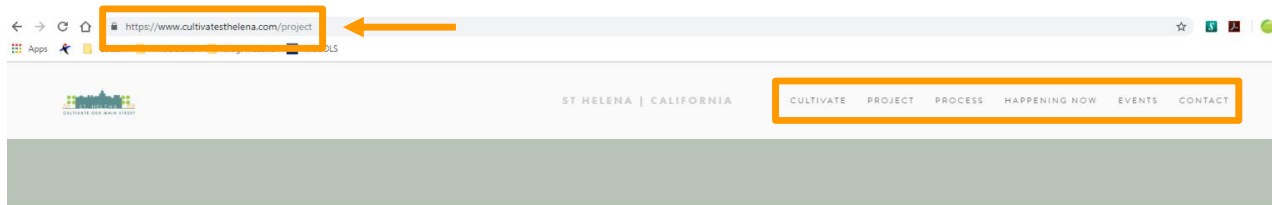


ROUND 3



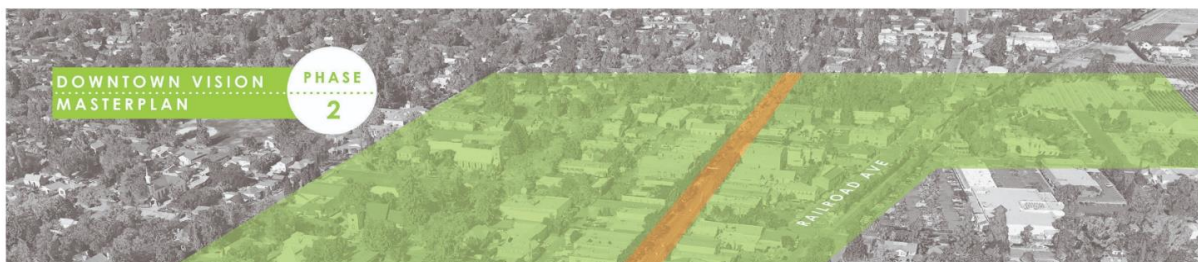
WEBSITE IS LIVE!

CULTIVATESTHELENA.COM



THE DOWNTOWN STREETScape PLAN

Nestled within the world famous tourist destination, Napa Valley, the City of St. Helena has served as a rural agricultural center and evolved into an important center for the wine industry. St. Helena is the quintessential wine country destination: great restaurants, delightful shops, iconic views, and amazing art galleries. This small town atmosphere is cherished by the local community. The City's "Cultivate our Main Street" project seeks to explore these beloved, unique characteristics of the Downtown center to provide quality services to its citizens and revitalize the Downtown experience for all. This project includes two components:



GET INVOLVED

**COMMUNITY
OPEN HOUSE**

SHARE YOUR
IDEAS FOR
MAIN STREET
+ DOWNTOWN
ST. HELENA, CA

FRIDAY
MARCH 22, 2018
10:00 AM - 2:00 PM
1335 MAIN STREET

**Downtown
Streetscape
Plan**

ST. HELENA
CULTIVATE OUR MAIN STREET

REFRESHMENTS WILL BE PROVIDED
CHILDREN ARE WELCOME TO ATTEND

PROJECT WEBSITE: WWW.CULTIVATESTHELENA.COM



Report to the City Council
Council Meeting of March 12, 2019

Agenda Section: Consent Item

Subject: Consideration and proposed adoption of a Resolution approving the 2019 Event Rally4Rianda and Rianda House's 11th anniversary on Sunday, April 28, 2019

CEQA Determination: Categorically Exempt, Section 15323

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

Rianda House is the only UpValley senior activity center. It is a non-profit organization which partners with 24 senior-servicing agencies to create resources serving older adults, their families, and loved ones. The annual Rally4Rianda event attracts visitors of all ages and features collector cars, art and music by local artists, as well as food, wines, and beer created by local businesses.

Traditionally, the Rally4Rianda event is a celebration and thank you to all who contributed to the month-of-May fundraising campaign, which coincides with National Older Americans Month. Their annual fundraising goal for 2019 is to raise \$130,000 to help provide enriching, no-cost programs in St. Helena and Calistoga for 1,000+ adults, 50 to 100 + years young.

DISCUSSION

The 2019 event is planned for Sunday, April 28 at Lyman Park and the surrounding areas from 12:00 p.m. to 3:00 p.m. Rianda House is requesting the use of street parking and parking lot spaces from 10:00 a.m. to 3:30 p.m. and the use of approximately 15 City barricades.

Because the City does not have a formal permit process for reserving Lyman Park, Staff is bringing the formal request to the City Council for approval. Staff is recommending Rianda House be required to submit an encroachment permit along with the required insurance.

The 15-space Lyman Park parking lot is proposed to be closed for the display of classic cars. There will be four parking spaces on the west side of Lyman Park on Main Street that will be reserved for four additional classic cars. On the north side of City Hall, four parking spaces have been reserved for Police Department personnel working the day shift on April 28, 2019. The requested closure of Railroad Avenue and Britton Way was discouraged by the Fire and Police Departments and is therefore not included in the Resolution authorizing use of Lyman Park.

What to expect event day:

- 30 to 40 historic cars and trucks, owned by locals, cavalcade from Calistoga to St. Helena. Cars will arrive at 11:30 a.m. to the event site and will be parked for the duration of the event. Cars are escorted first by Calistoga Police, and then St. Helena Police takes over at the City limits.
- Music in the gazebo for 2-3 hours by the St. Helena Community Band.

FISCAL IMPACT

The City Manager has approved waiver of the following fees pursuant to Ordinance 2018-1 which allows the City Manager to waive fees up to \$2,000 on a case by case basis.

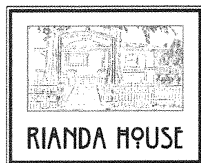
- Banner permit: \$100
- Lyman Park gazebo reservation: \$50
- Park Encroachment Permit: \$200
- Banner hanging Encroachment Permit: \$200

RECOMMENDED ACTION

Staff recommends City Council adopt the attached Resolution approving the 2019 Event Rally4Rianda and Rianda House's 11th anniversary on Sunday April 28, 2019.

ATTACHMENTS

[Rally4Rianda 2019 - Lyman Park permission](#)
[Rianda House 2019 Rally4Rianda Event Details](#)
[Map 2019](#)
[Encroachment Permit Application](#)
[RESO](#)



*A place to Stay Young
in Mind, Body & Soul!*

BOARD OF DIRECTORS

Kristine Coryell
Chairman & Co -Treasurer
Bonnie Thoreen
Co -Treasurer
Stephen Buehl
Secretary
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Carol Gruetzner
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Priscilla Upton
Peter Working

EXECUTIVE DIRECTOR

Julie Spencer

February 21, 2019

Mayor Ellsworth & City Council Members
St. Helena City Hall
1480 Main Street
St. Helena, CA 94574

Dear Mayor Ellsworth and City Council Members,

We are honored and touched by the St. Helena community's enthusiastic support of our annual Rally4Rianda event! Last year, over 200 citizens of all ages visit the fabulous line-up of collector cars, enjoy the art show by local artists, listen to Dixieland music and savor really good food, wines, and beer created by local businesses. We were thrilled that many out-of-town visitors also enjoyed the multifaceted event during the beautiful spring weather. See attached for 2019 event details.

Everyone loved the 2018 venue – Lyman Park - in the heart of our city! It is a perfect place to bring the community together to celebrate and honor our older neighbors, family and friends.

This Rally4Rianda event kicks-off our month-of-May community fundraising campaign and coincides with National Older Americans Month. Our annual fundraising goal is to raise \$130,000 in vital funds which will help provide enriching, no-cost programs in St. Helena and Calistoga for 1,000+ adults, 50 to 100 + years young!

Rianda House, the only UpValley senior activity center, is a non-profit organization which partners with 24 senior-serving agencies to provide a diverse offering of weekly classes, support groups, social gatherings, education and resources assistance for older adults, their families and loved ones.

Community-driven events raise awareness and help build relationships. By partnering with us to hold this community event at Lyman Park, it may also help you foster enthusiasm for your pending park-improvement goals. We invite you to consider joining the celebration by setting up a City booth and adding to the memorable fun.

We appreciate your time and consideration in allowing Rianda House to "Rally" again in Lyman Park. Please reach out to either one of us with any questions or concerns.

Sincerely,


Susan Kenward
Board Member & Rally4Rianda Event Chair


Julie Spencer
Executive Director

Rianda House
1475 Main Street
St. Helena, CA 94574
info@riandahouse.org
707-963-8555

A 501(c)(3) Corporation
Tax ID# 20-2411077

Rianda House's 2019 Rally4Rianda Event – Details & Requests:

History: This will be our fifth “Rally” event and Rianda House’s 11th anniversary.

Date & Time: Sunday, April 28, 2019. Noon – 3:00 pm.

- We would need to start decorating Lyman Park around 8:30 am, and breakdown of the event starts at 3:00 pm. We would then clean and remove all decorations, garbage, etc. and be out by 6:00 pm.

Entry Fee: Free to all!

What happens:

- 30 to 40 historic cars and trucks, owned by locals, cavalcade from Calistoga to St. Helena. Cars will arrive at 11:30 a.m. to the event site, and they are parked for the duration of the event. Cars are escorted first by Calistoga Police, and then St. Helena Police takes over at the city limits.
- Music in the gazebo for 2-3 hours by the St. Helena Community Band.
- Fun for all ages! Interactive activities, roaming magician, portrait artists.
- Food and drinks (for a fee) include beer, wine and soft drinks.
- See the attached site diagram for suggested location details.

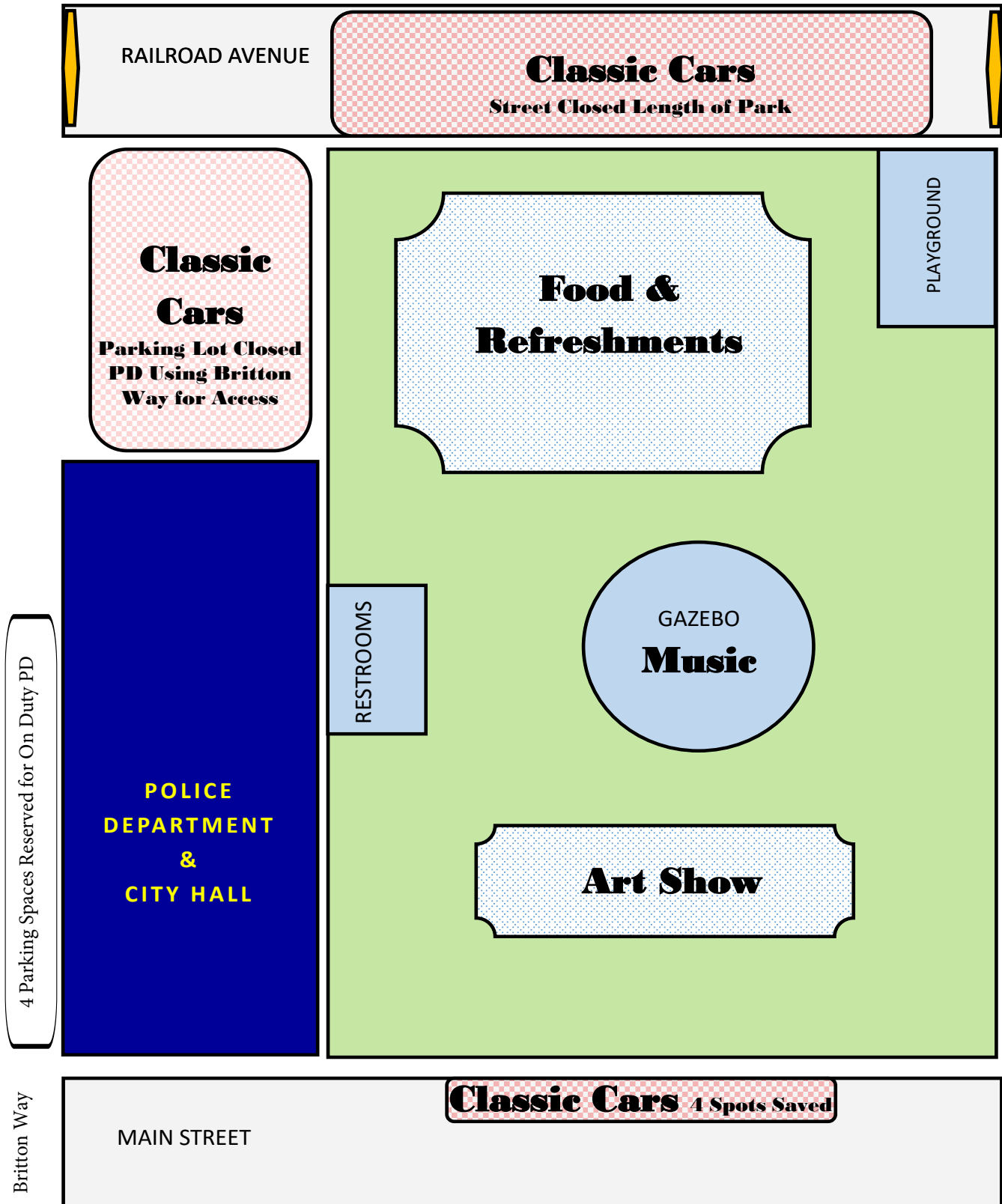
What we provide:

- All event coordination, set-up, break-down, marketing, site management, permitting, insurance coverage, and removal of all garbage.
- Set-up of signs alerting notice of road closures.
- Additional toilet items as needed.

Request:

- Approval from the City of St. Helena to close part of Railroad Avenue between 10 am – 3:30 pm, or TBD. This would allow us to park and display the event cars on Railroad Avenue and in the parking lot between Lyman Park and the fire station.
- Approval from the City of St. Helena to park several (3 – 5 TBD) event cars in front of Lyman Park on Main Street / Highway 29 from 10:00 am – 3:30 pm.
- Day use of Lyman Park at reduced, or no-cost to community non-profit.

2019 Rally4Rianda - Purposed Event Layout at Lyman Park
Sunday April 28th, 2019 Noon - 3 pm



ENCROACHMENT PERMIT APPLICATION

Public Works Department
1572 Railroad Ave.
St. Helena, CA 94574
(707) 968-2658


OFFICE USE ONLY

Encroachment Permit #: _____

Expiration Date: _____

For Additional Information, or Forms and Documents Please Visit the Public Works Website @ <http://www.cityofstheleena.org/publicworks>

Property and Work Description

 Site Address: LYMAN PARK

 Related Building Permit Number _____ Work/Event Description: RAULY & RIANDA

community event to celebrate older adults and all ages - features
a classic car show, interactive events, food, beverages and music

DIAGRAM OF PROPOSED ACTIVITY attach additional sheet if necessary

Estimated Start Date April 28, 2019 8am Estimated Completion Date 5:30pm

Property Owner + Applicant

 Owner Name: RIANDA HOUSE SENIOR ACTIVITY CENTER

 Address: 1475 Main Street

 City: St. Helena State: CA Zip: 94574

 Email: julie@rianda.house.org Phone #: 707 963-8555 ex 105
Contractor/Applicant

All communication from our office will be made to this person via email

Company Name: _____ Contact Name: _____

Contractor License #: _____ Expires: _____

City of St. Helena Business License #: _____ Expires: _____

Address: _____

City: _____ State: _____ Zip: _____

Email: _____ Phone #: _____

Applicant Check Off List Permit fees are due at the time of application and are NON REFUNDABLE . <i>Incomplete submittals will not be accepted. Encroachment Permit applications are reviewed on a weekly basis. Please allow up to TWO (2) weeks for approval.</i>							
<u>Check Off Major</u> \$500.00 fee paid Proof of Insurance Coverage Copy of Civil Plans for Related Building Permit Traffic Control Plans Site Plans USA Tag # Conditions: _____ _____ Standards Attached: _____ _____ Street Supervisor Approval Signature: _____ Date: _____ Water Supervisor Approval Signature: _____ Date: _____	<u>Check Off Minor</u> \$200.00 fee paid Proof of Insurance Coverage Copy of Civil Plans for Related Building Permit Traffic Control Plans Site Plans						
Minimum Insurance Requirements; <table style="width: 100%;"> <tr> <td style="width: 30%;">General Liability</td> <td>Major Permit 2 Million General Liability/4 million Aggregate Minor Permit 1 Million General Liability/2 million Aggregate</td> </tr> <tr> <td>Auto Liability</td> <td>Major/Minor Permit 1 Million Auto Liability</td> </tr> <tr> <td>Workers Comp</td> <td>Required</td> </tr> </table> <i>Special Circumstances May Arise Which Could Cause Changes to These Guidelines</i> Attach Certificate of Insurance (COI) and Endorsements The language in the Description section (bottom middle) must state the following: "The City of St. Helena, its agents, officers, officials, employees and volunteers" are named as additionally insured."		General Liability	Major Permit 2 Million General Liability/4 million Aggregate Minor Permit 1 Million General Liability/2 million Aggregate	Auto Liability	Major/Minor Permit 1 Million Auto Liability	Workers Comp	Required
General Liability	Major Permit 2 Million General Liability/4 million Aggregate Minor Permit 1 Million General Liability/2 million Aggregate						
Auto Liability	Major/Minor Permit 1 Million Auto Liability						
Workers Comp	Required						
Disclosure Statement NOTICE: This application will expire in 180 days from the date of submission if the permit is not pursued in good faith. The permit will expire if work is not started in 180 days or if work is abandoned for more than 180 days. A request for an extension of time must be submitted, in writing, to the Public Works Department within 180 days of issuance, or 180 days from the last approvable inspection. Permit fees are due at the time of application and are NON REFUNDABLE . Incomplete submittals will not be accepted. I CERTIFY THAT IN THE PERFORMANCE OF THE WORK FOR WHICH THE PERMIT IS ISSUED WILL ADHERE TO THE CITY OF ST. HELENA CITY STANDARDS. I (We) agree to save, indemnify, and hold harmless the City of St. Helena, its Agents, Officers, Officials, Employees, and Volunteers against judgments, costs and expenses which may in any way accrue against said City in consequence of the granting of this permit. Signature: <u></u> Date: <u>1/21/2019</u> ☒ Owner ☐ Contractor							



GUNIRIA-01

RCORRIE

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
02/21/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Malloy Imrie & Vasconi Insurance Services, LLC 899 Adams Street Suite C St. Helena, CA 94574		CONTACT NAME: PHONE (A/C, No, Ext): (707) 963-2777 FAX (A/C, No): (707) 963-4073 E-MAIL ADDRESS: myagency@mivinsurance.com	
		INSURER(S) AFFORDING COVERAGE	NAIC #
		INSURER A: Nonprofits' Insurance Alliance of California	NA
		INSURER B:	
		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	

COVERAGES		CERTIFICATE NUMBER:		REVISION NUMBER:			
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.							
INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☒ CLAIMS-MADE ☐ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC OTHER:	X		2019-18803-NPO	01/30/2019	01/30/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Per occurrence) \$ 500,000 MED EXP (Any one person) \$ 20,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/POP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY ☐ ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY			2019-18803-NPO	01/30/2019	01/30/2020	COMBINED SINGLE LIMIT (Per accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE ☒ RETENTIONS \$ 10,000			2019-18803-UMB	01/30/2019	01/30/2020	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in N/A) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 The City of St Helena, its agents, officers, officials, employees and volunteers are named as additional insured per form CG 20 02 11 85 with regards to Insured's request for encroachment permit for Rally 4 Rianda Event at Lyman Park

CERTIFICATE HOLDER City of St Helena 1480 Main Street Saint Helena, CA 94574	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
--	--

ACORD 25 (2016/03)

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CITY OF ST. HELENA

RESOLUTION NO. 2019-

RESOLUTION APPROVING THE 2019 EVENT RALLY4RIANDA AND RIANDA HOUSE'S 11TH ANNIVERSARY ON SUNDAY APRIL 28, 2019.

RECITALS

- A. The St. Helena City Council has the authority to regulate the use of public property, approve road and parking lot closures; and
- B. This event will be open to the general community; and
- C. The event will be held at Lyman Park and the surrounding areas from 12:00 p.m. to 3:00 p.m.
- D. The Rianda House has requested permission to host a classic car show and vendors at Lyman Park. This request includes permission to utilize the Lyman Park parking lot for parking of classic cars. There will be four parking spaces on the west side of Lyman Park on Main Street that will be reserved for classic cars. The north side of City Hall four parking spaces will be reserved for police department personnel working the day shift on April 28.

RESOLUTION

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

- 1. Permission is hereby granted to Rianda House to use Lyman Park and surrounding areas for their Event Rally4Rianda and Rianda House's 11th anniversary.
- 2. The utilization of the Lyman Park parking lot for parking classic cars.
- 3. City staff is authorized to loan 15 barricades for the event.

Approved at a regular meeting of the St. Helena City Council on March 12th, 2019 by the following vote:

Mayor Ellsworth: _____
Vice Mayor Dohring: _____
Councilmember Koberstein: _____
Councilmember Chouteau: _____
Councilmember Knudsen: _____

APPROVED:

ATTEST:

Geoff Ellsworth, Mayor

Cindy Tzafoopoulos, City Clerk



Report to the City Council
Council Meeting of March 12, 2019

Agenda Section: Consent

Subject: Consideration and approval of a Resolution approving Amendment #2 to STH Contract: 2017-012 with Bread of Life in the amount of \$7,500 for a total not-to-exceed amount of \$64,165 for a governance related projects.

CEQA Determination: Not a CEQA project

Prepared By: April Mitts, Finance Director

Reviewed By: April Mitts, Finance Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

On March 14, 2017, the City retained the services of Bread of Life (Consultant) to provide governance and public engagement consulting services for a not-to-exceed amount of \$45,665 via STH Contract: 2017-012. On April 24, 2018 the City executed Amendment #1 to STH Contract: 2017-012, increasing the contract \$11,000 for a not-to-exceed amount of \$56,665.

The Consultant's services have included meetings with the City Council, Planning Commission, Department Heads, and more recently the SHAPE Committee.

DISCUSSION

Staff is recommending Amendment #2 to STH Contract: 2017-012 in the amount of \$7,500 for a not-to-exceed contract amount of \$64,165.

The additional \$7,500 will allow Bread of Life to provide a governance session with the Planning Commission and other team building activities.

FISCAL IMPACT

The cost for Amendment #2 to STH Contract: 2017-012 is \$7,500 for a not-to-exceed contract amount of \$64,165. Funds for the amendment are available in the adopted FY 2018-19 budget.

RECOMMENDED ACTION

Staff recommends City Council approve a Resolution approving Amendment #2 to STH Contract: 2017-012 with Bread of Life for an amount of \$7,500 for a total not-to-exceed amount of \$64,165.

ATTACHMENTS

[Attachment 1 - Bread of Life Resolution No. 2019- Amendment _2](#)
[Amendment _2 STH Contract 2017-012](#)
[St. Helena Planning Commission Governance Scope of Work](#)

Attachment 1

CITY OF ST. HELENA
RESOLUTION NO. 2019-__

Authoring the City Manager to Execute Amendment #2 to the Professional Services Agreement STH Contract: 2017-012 in connection with the project described as Good Governance with Bread of Life in an amount of \$7,500 for a total not-to-exceed amount of \$64,165.

RECITALS

- A. On March 14, 2017, City Council Approved Resolution No. 2017-012, authorizing the City Manager to execute an Agreement with Bread of Life for Good Governance consulting services for not-to-exceed amount of \$45,665; and
- B. Amendment No. 1 in the amount of \$11,000 to the Agreement for Consultant Services with Bread of Life was approved on April 24, 2018 not-to-exceed amount of \$56,665; and
- C. Bread of Life has represented they have the necessary expertise, experience, and qualifications to continue working with the City on governance projects; and
- D. City and Consultant desire to amend the Agreement to provide additional governance work in the amount of \$7,500 for a total not-to-exceed amount of \$64,165; and
- E. Funds for Amendment #2 are available in the adopted FY 2018-19 budget.

RESOLUTION

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

- 1. Authorize the City Manager to execute Amendment #2 to the Professional Services Agreement STH Contract with Bread of Life for \$7,500 for a not-to-exceed amount of \$64,165.

Approved at a Regular Meeting of the St. Helena City Council on March 12, 2019, by the following vote:

Mayor Ellsworth:	_____
Vice Mayor Dohring:	_____
Councilmember Chouteau:	_____
Councilmember Knudsen:	_____

Attachment 1

Councilmember Koberstein: _____

APPROVED:

ATTEST:

Geoff Ellsworth, Mayor

Cindy Tzaopoulos, City Clerk

**AMENDMENT #2
TO PROFESSIONAL SERVICES AGREEMENT WITH BREAD OF LIFE; STH CONTRACT
NO: 2017-012 FOR THE GOOD GOVERNANCE PROJECT 2017.**

This Second Amendment to Professional Services Agreement STH Contract: 2017-012 dated March 14, 2017 ("Agreement") is made as of this 12th day of March, 2019 by and between the City of St. Helena, a municipal corporation ("City"), and Bread of Life ("Consultant").

RECITALS

- A. On March 14, 2017, the City and Consultant entered into the Agreement for Consultant to provide professional services for the Good Governance Project 2017 for a not-to-exceed amount of \$45,665; and
- B. On April 24, 2018, Amendment No. 1 in the amount of \$11,000 was approved for a not-to-exceed amount of \$56,665; and
- C. The Consultant's services have included meetings with the City Council, Planning Commission, Department Heds, and more recently the SHAPE Committee; and
- D. Bread of Life has represented they have the necessary expertise, experience, and qualifications to continue working with the City on governance projects; and
- E. The City and Consultant now desire to amend the Agreement with Consultant for the purpose of providing additional governance work for the Planning Commission and other team building services in the amount of \$7,500 for a total not-to-exceed amount of \$64,165.

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 and Method of Payment

Section 4.A. Total Compensation shall not exceed \$64,165.

- 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

Page 1 of 3

Amendment #2 to Professional Services Agreement STH Contract: 2017-012
Consultant: Bread of Life

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.

3. 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: Jean Holsten

Title: Dialogue Programs Director, Bread of Life

Page 2 of 3

Amendment #2 to Professional Services Agreement STH Contract: 2017-012
Consultant: Bread of Life

APPROVED AS TO FORM:

Thomas B. Brown, City Attorney

ATTEST:

Cindy Tzaopoulos, City Clerk

Attachments:

Exhibit A-1, "Scope of Services"



Cindy Tzaopoulos
City Clerk
City of St. Helena
1480 Main Street
St. Helena, CA 94574

Scope of Work

Governance Meeting and Other Team Building Activities

We will provide the following for the City of St. Helena at a mutually agreed upon time and date.

Facilitate a Planning Commission Governance Meeting @ \$2200.00

Travel and incidentals @ 300.00

Other team building activities @ \$5000.00

Sincerely,

Jean Holsten

Jean Holsten, Director Dialogue, Bread of Life

1260 Fulton Avenue, Suite A, Sacramento CA 95825

(916) 648-1803, Extension 11

www.Dynamicdialogue.org



Report to the City Council
Council Meeting of March 12, 2019

Agenda Section: Consent

Subject: Second Reading and Adoption of an Ordinance Authorizing The City Council To Suspend Enforcement of The City's Curfew Ordinance (SHMC Chapter 9.12) By Suspension Resolution 2018-175

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

At the November 13, 2018 City Council meeting, the Council considered the City's Curfew Ordinance, St. Helena Municipal Code Chapter 9.12. The Council received a staff report (**Attachment 1**) and input from the City Manager and Police Chief. The Council also received testimony and input from the public.

At the conclusion of the presentation from staff and the input from the community, and after Council deliberation, the Council directed staff to prepare an ordinance allowing the Council to suspend the Curfew Ordinance where the Council determines the Curfew Ordinance is not presently needed for the health, safety and welfare of the City.

The attached draft ordinance (**Attachment 2**) provides that authority (as well as the authority to terminate the suspension if the Council later determines the circumstances so warrant), and the attached resolution 2018-175 (**Attachment 3**), which will be effective once the draft ordinance is in effect, would exercise that new authority and suspend the enforcement of the Curfew Ordinance.

The first reading and introduction of this item occurred at the December 11, 2018, regular City Council meeting.

DISCUSSION

FISCAL IMPACT

There will be no direct fiscal impact to the General Fund related to this report.

RECOMMENDED ACTION

Conduct the second reading and adopt the ordinance authorizing the City Council to suspend, by resolution, enforcement of the City's Curfew Ordinance, SHMC Chapter 9.12, by title only and waive further reading.

ATTACHMENTS

[11-13-18 Staff Report - Pdf](#)

[REVISED St. Helena Ordinance Granting Council Authority To Suspend Ordinances and Municipal Code Provisions 4819-1708-2747 v.1](#)

[2018-175 Suspending Enforcement of the City's Curfew Ordinance, SHMC Chapter 9.12](#)



Report to the City Council
Council Meeting of November 13, 2018

Agenda Section: Staff Briefing

Subject: Informational Report on St. Helena Municipal Ordinance 9.12, Curfew, and Police Department Enforcement

CEQA Determination: **Not a CEQA project**

Prepared By: Timothy A. Foley, Chief of Police

Reviewed By: Mark T. Prestwich, City Manager

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

During the City Council meeting on Tuesday October 23, 2018, City Staff was directed to provide an informational report on the City ordinance covering juvenile curfew (St. Helena Municipal Code section 9.12) and the Police Department's enforcement of this section.

DISCUSSION

In general, California curfew laws are regulations that prohibit minors or those under 18 years of age from being in outdoor public places during certain specified times of the day. Several exceptions to curfew laws exist. These exceptions include:

- When accompanied by a parent or guardian
- Running an errand for a parent or guardian
- Working or going to or from a place of employment
- Responding to some type of emergency
- Returning home from a school, cultural or recreational event

Curfew laws vary by jurisdiction both in hours and penalty (see table below).

Agency*	Start	End	Penalty
St. Helena	10:00PM	6:00AM	Infraction
Calistoga	11:00PM	6:00AM	Misdemeanor
Yountville	10:00PM	Sunrise	Misdemeanor
City of Napa	10:00PM	5:00AM	Misdemeanor
Napa County	11:00PM	Daylight	Misdemeanor

**American Canyon does not have a curfew ordinance.*

The City of St. Helena's curfew ordinance is found in Municipal Code Section 9.12. It is similar to other local ordinances except that the penalty for a violation is an infraction (citation) not a misdemeanor as it is in all other Napa county jurisdictions with ordinances. This can apply to both the juvenile and parent. In all cases parental and/or guardian responsibility is stressed.

In the past three years, the St. Helena Police Department has made contact 41 times with juveniles during the hours restricted by curfew. Thirty one of these encounters were for suspected conduct ranging from vehicle code violations, to noise complaints to shoplifting. Only 10 of these contacts were for a curfew violation alone. However, St. Helena has not issued a citation for a curfew violation in at least the last 10 years. Contact with juveniles who are out in public during the hours restricted by curfew have been made as a result of a citizen complaint/concern or other criminal activity is occurring or suspected. The curfew ordinance has provided a useful tool for our officers to contact a parent or guardian to respond to take charge of the minor.

FISCAL IMPACT

Not applicable.

RECOMMENDED ACTION

Receive and file.

ATTACHMENTS

[Exhibit B ST Helena Curfew](#)

EXHIBIT B

St Helena Municipal Code Chapter 9.12 Curfew

9.12.010 Curfew hours.

No person under the age of eighteen (18) years may be in, on or about a public street or other public place or any place open to the public in the city between ten (10) p.m. and sunrise of the following day, unless accompanied by a parent, guardian or other adult person having the care, custody or control of such person. This section shall not apply when the person is returning directly home from a meeting, entertainment, recreational activity or dance; when the person is going directly to or returning from work; when the person is upon an errand or emergency directed by his or her parent or guardian or other adult person having the care, custody or control of such person; or when the person is exercising rights protected by the state or federal constitutions. (Ord. 02-3 § 1 (part): prior code § 11.1.010)

9.12.020 Parental responsibility.

Every parent, guardian or other person having the legal care, custody or control of any person under the age of eighteen (18) years who permits such person to violate the provisions of Section [9.12.010](#) is guilty of an infraction. (Ord. 02-3 § 1 (part): prior code § 11.1.020)

9.12.030 Violators to be detained—Parent or guardian must call for minor.

- A. A person under the age of eighteen (18) years of age who violates Section [9.12.010](#) may be detained until the arrival of a parent, guardian or other proper person having custody or control.
- B. Every parent, guardian or other person having a minor in his or her charge who fails or neglects to go in person or send some suitable person to where the minor is detained, after receiving notice that the minor is detained, is guilty of an infraction. (Ord. 02-3 § 1 (part): prior code § 11.1.030)

9.12.040 Violation—Penalty.

Any person under the age of eighteen (18) years violating the provisions of Section [9.12.010](#) shall be guilty of an infraction and shall be dealt with in accordance with juvenile court law and procedure. (Ord. 02-3 § 1 (part): prior code § 11.1.040)

CITY OF ST. HELENA

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ST. HELENA, CALIFORNIA, ADDING SECTION 9.12.050 TO THE ST. HELENA MUNICIPAL CODE TO AUTHORIZE THE CITY COUNCIL, BY RESOLUTION, TO SUSPEND THE ENFORCEMENT OF ST. HENENA MUNICIPAL CODE CHAPTER 9.12, THE CURFEW ORDINANCE.

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

SECTION 1. Adding Section 9.12.050 to the St. Helena Municipal Code.

Section 9.12.050 is hereby added to the St. Helena Municipal Code to read as set forth in the attached Exhibit A.

SECTION 2. Compliance with CEQA.

The City Council hereby finds that the action to adopt this Ordinance to add Section 9.12.050 to 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 Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment, and therefore, the activity is not subject to CEQA.

SECTION 3. Severability.

The City Council hereby declares every section, paragraph, sentence, cause and phrase in this Ordinance 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 4. 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 5. General Plan Consistency.

The Ordinance is consistent with the General Plan.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the 11th day of December, 2018 and was adopted at a regular meeting of the St. Helena City Council on the 12th day of March, 2019 by the following vote:

Mayor Ellsworth:	_____
Vice Mayor Dohring:	_____
Council Member Chouteau:	_____
Councilmember Knudsen:	_____
Councilmember Koberstein:	_____

APPROVED:

Geoff Ellsworth, Mayor

ATTEST:

CITY OF ST. HELENA

Cindy Tzafoopoulos, City Clerk

I, CINDY TZAFPOPOULOS, 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 11th day of December, 2018 and was adopted at a regular meeting of the St. Helena City Council on the 12th day of March, 2019 by the following vote:

Mayor Ellsworth:	_____
Vice Mayor Dohring:	_____
Council Member Chouteau:	_____
Councilmember Knudsen:	_____
Councilmember Koberstein:	_____

Exhibit A

Section 9.12.050--Suspension by resolution of the effectiveness or enforcement of this chapter.

The City Council shall have the authority, by Resolution, to suspend the enforcement of this Chapter upon a finding that there is no current need for the enforcement of the Chapter and doing so would serve the public health, safety or general welfare. The Council shall have the authority, by Resolution, to lift the suspension of this Chapter upon a finding that there is new or renewed need for the enforcement of the Chapter and doing so would serve the public health, safety or general welfare.

CITY OF ST. HELENA

RESOLUTION NO. 2018-175

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF ST. HELENA SUSPENDING ENFORCEMENT OF THE
CITY'S CURFEW ORDINANCE, SHMC CHAPTER 9.12**

RECITALS

A. St. Helena Municipal Code ("SHMC") Chapter 9.12 contains the City's Curfew Ordinance.

B. At the City Council meeting on November 13, 2018, the City Council received a staff report, as well as input from the public, concerning the City's use and enforcement of, as well as the current need for, the Curfew Ordinance.

C. At the conclusion of the staff report and community input at the November 13, 2018 meeting, the City Council directed staff to prepare an ordinance authorizing the Council to suspend the enforcement of the Curfew Ordinance.

D. On December 11, 2018 the City Council considered and conducted the first reading of the ordinance authorizing the suspension, by resolution, of the Curfew Ordinance; on January 8, 2019, the City Council conducted the second reading of, and adopted the ordinance.

RESOLUTION

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

1. Pursuant to SHMC section 9.12.050, the enforcement of the Curfew Ordinance, SHMC chapter 9.12.050, is hereby suspended. In adopting this resolution, the City Council finds that there is no current need for the enforcement of the Curfew Ordinance, and the suspension of the Curfew Ordinance serves the health, safety and general welfare of the City and its residents.

Approved at a Regular Meeting of the St. Helena City Council on December 11, 2018, by the following vote:

Mayor Ellsworth: Yes

Vice Mayor Dohring: Yes

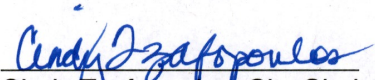
Councilmember Chouteau: Yes

Councilmember Koberstein: Yes

APPROVED:


Geoff Ellsworth, Mayor

ATTEST:


Cindy Tzaferopoulos, City Clerk





Report to the City Council
Council Meeting of March 12, 2019

Agenda Section: Consent

Subject: Consideration and Proposed Resolution: (1) Amending the Fiscal Year 2018-2019 adopted Capital Improvement Program Budget to include C19-004, City Hall Emergency Repair Project; (2) Authorizing a budget of \$176,000 for C19-004; (3) Confirmation of STH Contract: FY 19-074 to Bridges Construction, Inc. for an amount of \$130,908.19 for emergency restoration work which took place as a result of a sewer backflow in City Hall for C19-004; and (4) Authorizing the City Manager, or designee, to execute change orders up to \$25,000.

CEQA Determination: The project has been determined to qualify for a Class 30 Categorical Exemption under CEQA Section 15330 and as a Statutory Exemption from the requirements of CEQA, as an Emergency Project as identified under Section(s) 15269 (b) and (c), in that this action is to authorize the funding and to actually conduct remediation and repairs to the St. Helena City Hall which occurred as a result of an unanticipated sanitary sewer over-flow within the building.

Prepared By: April Mitts, Finance Director

Reviewed By: April Mitts, Finance Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

A long duration Atmospheric River (AR) impacted Northern California between February 25 and 27, 2019. Numerous locations in Northern California experienced a high volume of rainfall within a very short duration, including St. Helena. Due to the AR, the City's storm drain system experienced high volumes and, as a result, a sewer backflow in City Hall occurred. The backflow was discovered at approximately 10:00 p.m. on Tuesday, February 26, 2019 and caused substantial damage to the flooring and walls in City Hall.

Due to the nature of the damages, City Manager Prestwich declared an emergency for the City Hall location and began taking immediate corrective actions for the remediation and restoration of City Hall, including its closure from Wednesday, February 27, 2019 through Friday, March 1, 2019. Corrective actions included: remediation of standing sewer water, remediation of odor, disinfectant of all flooring, file cabinets, desks, etc., removal of carpet throughout City Hall, removal of drywall, asbestos testing and removal, and reconstruction of flooring and walls. Under St. Helena Municipal Code (SHMC) Sections 3.04.170 and 3.04.175 the City Manager has the authority to declare a public emergency if there is an immediate threat to life, public health or safety, or an immediate threat of significant damage to improved public and private property.

DISCUSSION

SHMC Section 3.04.170 Emergencies delegates to the City Manager the authority to declare a public emergency and enter into contracts for any purchase in accordance with Section 3.04.340 and that the City Manager's authority is subject to confirmation by the City Council at its next meeting for any purchase in excess of \$25,000. The attached resolution confirms the City Manager's authority to act in accordance with SHMC Sections 3.04.340 and 3.04.175.

Due to the extensive damages and costs associated with the remediation and restoration of City Hall, it was necessary to establish a Capital Improvement Program (CIP) budget. Staff established CIP C19-004, City Hall Emergency Repair. Costs for the immediate remediation and restoration is estimated to be \$151,000. The City has filed a claim with its insurance carrier to recover damages, less a \$10,000 deductible. Any reimbursed costs will be placed back into the Civic CIP Fund 733. The FY 19 estimated available amount in the Civic CIP Fund is \$240,731.

FISCAL IMPACT

The total contract costs for SERVPRO and Bridges Construction, Inc. is \$151,000. The City has filed a claim with its insurance carrier to recover damages, less a \$10,000 deductible.

RECOMMENDED ACTION

Staff recommends City Council adopt a Resolution: (1) Amending the Fiscal Year 2018-2019 adopted Capital Improvement Program Budget to include C19-004, City Hall Emergency Repair Project; (2) Authorizing a budget of \$176,000 for C19-004; (3) Confirmation of STH Contract: FY 19-074 to Bridges Construction, Inc. for an amount of \$130,908.19 for emergency restoration work which took place as a result of a sewer backflow in City Hall for C19-004; and (4) Authorizing the City Manager, or designee, to execute change orders up to \$25,000.

ATTACHMENTS

[Resolution No. 2019- C19-004.v2](#)

[STH Contract FY19-074](#)

CITY OF ST. HELENA

RESOLUTION NO. 2019-__

Resolution (1) Amending the Fiscal Year 2018-2019 adopted Capital Improvement Program Budget to include C19-004, City Hall Emergency Repair Project; (2) Authorizing a budget of \$176,000 for C19-004; (3) Confirmation of STH Contract: FY 19-074 with Bridges Construction, Inc. for an amount of \$130,908.19 for emergency restoration work which took place as a result of a sewer backflow in City Hall for C19-004; and (4) Authorizing the City Manager, or designee, to execute change orders up to \$25,000.

RECITALS

- A. A long duration Atmospheric River impacted Northern California between February 25 and 27, 2019; and
- B. Numerous locations in Northern California experienced a high volume of rainfall within a very short duration, including St. Helena; and
- C. Due to the Atmospheric River, the City's storm drain system experienced high volumes and, as a result, a sewer backflow in City Hall occurred the evening of February 26, 2019; and
- D. Due to the nature of the damages, the City Manager declared an emergency for the City Hall location and began taking immediate corrective actions for the remediation and restoration of City Hall, including its closure from Wednesday, February 27, 2019 through Friday, March 1, 2019; and
- E. Under St. Helena Municipal Code Sections 3.04.170 and 3.04.175 the City Manager has the authority to declare a public emergency if there is an immediate threat to life, public health or safety, or an immediate threat of significant damage to improved public and private property; and
- F. Immediate remediation and restoration was necessary; and
- G. The City Managers authority is subject to confirmation by the City Council at its next meeting for any purchases in excess of \$25,000; and
- H. Per St. Helena Municipal code Section 3.04.170, the City Manager authorized this as emergency work and is seeking confirmation and ratification of the remediation and construction contracts and budget retroactively.

RESOLUTION

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

1. The project has been determined to qualify for a Class 30 Categorical Exemption under CEQA Section 15330 and as a Statutory Exemption from the requirements of CEQA, as an Emergency Project as identified under Section(s) 15269 (b) and (c), in that this action is to authorize the funding and to actually conduct remediation and repairs to the St. Helena City Hall which occurred as a result of an unanticipated sanitary sewer over-flow within the building.
2. Amending the Fiscal Year 2018-2019 adopted Capital Improvement Program Budget to include C19-004; City Hall Emergency Repair Project; and
3. Authorizing a budget of \$176,000 for C19-004, City Hall Emergency Repair Project; and
4. Awarding the C19-004, City Hall Emergency Repair Project restoration to Bridges Construction, Inc. for an amount of \$130,908.19 retroactively; and
5. Authorizing the City Manager, or designee, to execute the contract with Bridges Construction, Inc.; and
6. Authorizing the City Manager, or designee, to execute change orders up to \$25,000.

Approved at a Regular Meeting of the St. Helena City Council on March 12, 2019, by the following vote:

Mayor Ellsworth:

Vice Mayor Dohring:

Councilmember Koberstein:

Councilmember Chouteau:

Councilmember Knudsen:

APPROVED:

ATTEST:

Geoff Ellsworth, Mayor

Cindy Tzafopoulos, City Clerk

STH Contract FY19-014

Commercial Improvement AGREEMENT

This document, including plans/specifications, if any, and all documents attached hereto shall constitute the Agreement. A "Notice of Cancellation" may be sent to the contractor at the address noted on the contract.

THIS AGREEMENT IS BETWEEN



Bridges Construction Inc.

License # 607223

DIR # 1000035928

923 Parallel Dr, Suite 14

Lakeport, CA 95453

PHONE (707) 263-4000 FAX (888) 447-8641

THIS AGREEMENT IS ENTERED INTO
THIS DATE: Mar. 4, 19

DATE THE BUYER SIGNED
THIS AGREEMENT: Check here to enter a date

and BUYER/ AGENT	NAME			
	City of St. Helena City Hall			
	ADDRESS	CITY	STATE/ZIP	PHONE
	1480 Main Street	St. Helena	CA/95474	707-312-0574
	ALTERNATE ADDRESS (IF ANY)	CITY	STATE/ZIP	PHONE

Hereinafter called "Buyer", "Authorized Agent" and/or "Trustor" agrees to pay therefore the price hereinafter set forth upon the following terms and conditions.

PROJECT

PROJECT ADDRESS - STREET	CITY	STATE	ZIP CODE
1480 Main street	St. Helena	CA	95474

DESCRIPTION OF THE PROJECT AND DESCRIPTION OF THE SIGNIFICANT MATERIALS TO BE USED AND EQUIPMENT TO BE INSTALLED:

THIS CONTRACT SUPERSEDES PREVIOUS SIGNED CONTRACT

- Phase 1: Completed
- Phase 2: See attached scope

☐ Check here if this space insufficient for complete specifications (staple additions to original and each copy).

☐ Check here if there are plans.
If checked, additional specifications or plans are incorporated in this Agreement.

NOT INCLUDED: THE FOLLOWING ITEMS ARE SPECIFICALLY EXCLUDED FROM THIS CONTRACT AND ARE TO BE PROVIDED BY THE AUTHORIZED AGEN

ABCAForms Rev 2011110200001

 3/4/19
Initials Date Initials Date

ALLOWANCES: The following items, where specific prices are indicated, are included in the Contract Price as allowances for the purchase price of those items to be selected by authorized agent. authorized agent and Contractor agree to adjust the Contract Price after verification of actual cost difference (if any) of said items selected by authorized agent.

NO ALLOWANCES NEEDED

TIME FOR STARTING AND COMPLETION: Substantial commencement of work under this contract consists of the first day of delivery of materials to the job site.

APPROXIMATE START DATE

The approximate date on which work will be commenced is Tuesday, March 05, 2019.

APPROXIMATE COMPLETION DATE

The approximate date of completion is Monday, March 11, 2019.

CONTRACT PRICE

PAYMENT: Authorized agent agrees to pay Contractor a total price of One hundred thirty thousand Nine hundred Eight Dollars and Nineteen cents (\$130,908.19)

The Schedule of Progress Payments will be:

Phase 1 total amount due now: \$44,050.26

Phase 2 full balance due upon completion: \$86,857.93

The schedule of progress payments must specifically describe each phase of work, including the type and amount of work or services scheduled to be supplied in each phase, along with the amount of each proposed progress payment.

Upon satisfactory payment being made for any portion of the work performed, the Contractor shall, prior to any further payment being made furnish to the person contracting for the commercial improvement a full and unconditional release from any claim or Mechanic's Lien, pursuant to Sections 8400 and 8404 of the California Civil Code, for that portion of the work for which payment has been made.

All payments will be made within five (5) days after billing. Overdue payments will bear interest at the maximum legal permissible rate. If any payment is not made when due, Contractor may keep the job idle until such time as all payments due have been made. A failure of payment for a period in excess of said five (5) days shall be considered a major breach.

IT IS AGAINST THE LAW FOR A CONTRACTOR TO COLLECT PAYMENT FOR WORK NOT YET COMPLETED, OR FOR MATERIALS NOT YET DELIVERED. HOWEVER, A CONTRACTOR MAY REQUIRE A DOWNPAYMENT

The buyer may not require a contractor to perform extra or change-order work without providing written authorization prior to the commencement of any work covered by the new change order. Extra work or a change order is not enforceable against a buyer unless the change order also identifies all of the following in writing prior to the commencement of any work covered by the new change order: (1) The scope of work encompassed by the order. (2) The amount to be added or subtracted from the contract. (3) The effect the order will make in the progress payments or the completion date. The contractor's failure to comply with the requirements of this paragraph does not preclude the recovery of compensation for work performed based upon legal or equitable remedies designed to prevent unjust enrichment.

Contractor or Authorized Agent prior to commencement of construction and subject to lending institution (if any) approval, may request funds to be placed in an Escrow or Funding Voucher Control Service prior to commencement of work with funds to be disbursed to Contractor in accordance with the escrow instructions or voucher orders signed by the Contractor. In the absence of an Escrow or Funding Control Service, funds will be paid directly to the Contractor in accordance with the progress payments schedule referred to above.

Do not sign this agreement before you read it or if it contains any blank spaces. Authorized Agent acknowledges that Authorized Agent has read and received a legible copy of this agreement signed by Contractor, including all terms and conditions herein included, before any work was done, and that Authorized Agent has read and received a legible copy of every document that Authorized Agent has signed during the negotiation. If Authorized Agent cancels this agreement after the right of recession has expired, and before commencement of construction, Authorized Agent shall pay Contractor the amount of expenses incurred to that date plus loss of profits.

TERMS AND CONDITIONS

The terms and conditions on the following are expressly incorporated into this Agreement. This Agreement constitutes the entire understanding of the parties. No other understanding or representations, verbal or otherwise, shall be binding unless in writing and signed by both parties. This Agreement shall not become effective or binding upon Contractor until signed by Contractor or a principal of Contractor. By signature below, Authorized Agent acknowledges receipt of a fully completed copy of the Agreement.

NOTICE

Contractors are required by law to be licensed and regulated by the Contractors' State License Board which has jurisdiction to investigate complaints against contractors if a complaint regarding a patent act or omission is filed within four years of the date of the alleged violation. A complaint regarding a latent act or omission pertaining to any structural defects must be filed within 10 years of the date of the alleged violation. Any questions concerning a contractor may be referred to the Registrar, Contractors' State License Board, P O Box 26000, Sacramento, California 95826.

List of Documents to be Incorporated into the Contract:

- (1) Construction Plans dated _____, prepared by _____, and initialed by Contractor and Authorized Agent;
- (1A) Or List of Specifications dated _____, initialed by Contractor and Authorized Agent;
- (2) Mechanics Lien Warning;
- (3) Information About Commercial General Liability Insurance (Home Improvement);
- (4) Insurance Notice. A notice concerning commercial general liability insurance is attached to this contract. A notice concerning workers' compensation insurance is attached to this contract;
- (5) Notice About the Three-Day/Seven-Day Right to Cancel (as applicable);
- (6) Notice of Cancellation (two copies);
- (7) Extra Work Order (Change Order) as an example for future use.

You are entitled to a completely filled in copy of this agreement, signed by both you and the contractor, before any work may be started.

The law requires that the contractor give you a notice explaining your right to cancel.

Initial the checkbox if the contractor has given you a Notice of Your Right to Cancel.

☐

You, as Authorized Agent or Tenant, have the right to require the Contractor to have a Performance and Payment Bond, and the expense of the bond may be borne by the Authorized Agent or Tenant. (The Contractor can require you to pay for that bond).

THIS AGREEMENT CONSISTS OF 5 PAGES AND 40 ATTACHMENTS



CONTRACTOR SIGNATURE

X ARMIL MITTS 3/4 /19

AUTHORIZED AGENT SIGNATURE

X /19

AUTHORIZED AGENT SIGNATURE

TERMS AND CONDITIONS

ASBESTOS/HAZARDOUS MATERIALS

Authorized Agent represents that the property being improved does not contain asbestos and / or other hazardous materials. This contract does not contemplate the removal of, testing for appropriate corrective work and any other additional expenses incurred by the corrective work.

CONTRACTOR'S RIGHTS AND RESPONSIBILITIES

1. **SUBCONTRACTORS.** Contractor may subcontract all or any portion of the work.
2. Contractor shall have the right to stop work and keep the job idle if payments are not made when due. Failure to make payment within five (5) days of the date that payment is due will be considered a material breach of this agreement. If the work shall be stopped for any reason, for a period of sixty (60) days, then Contractor may, at Contractor's option, upon five (5) days written notice, demand and receive payment for all work executed and material ordered or supplied and any other loss sustained including Contractor's usual fee for overhead and profit based upon the contract price. Thereafter, Contractor is relieved from any further liability. In the event of work stoppage for any reason, Authorized Agent, shall provide for protection of and be responsible for, any damage, warpage, racking, or loss of material on the premises.
3. Contractor, at Contractor's option, may alter specifications only so as to comply with requirements of governmental agencies having jurisdiction over same. Any alterations or work undertaken to further this end shall be treated as an Extra Work.

CONTRACTOR'S RESPONSIBILITIES AND LIMITED WARRANTY

1. Contractor agrees to furnish the materials for the project and complete the work in a professional manner. All materials furnished under this Agreement shall be construction grade and meet industry standards. Where brand names have been specified, Contractor may select substitutes when such substitutions are due to unavailability or other circumstances beyond Contractor's control. All substitutions shall be consistent in quality and character to the selections previously specified. **THE LIABILITY OF THE CONTRACTOR FOR DEFECTIVE MATERIALS OR INSTALLATION IS HEREBY LIMITED TO THE REPLACEMENT OR CORRECTION OF SAID DEFECTIVE MATERIAL AND / OR INSTALLATION, AND NO OTHER CLAIMS, OR DEMANDS WHATSOEVER SHALL BE MADE UPON OR ALLOWED AGAINST THE CONTRACTOR. THIS LIMITED WARRANTY EXTENDS ONLY TO AUTHORIZED AGENT AND IS NOT TRANSFERABLE. THERE IS NO IMPLIED WARRANTY OR MERCHANTABILITY NOR ANY IMPLIED WARRANTY OF FITNESS FOR ANY PARTICULAR PURPOSE. THERE ARE NO WARRANTIES EITHER EXPRESSED OR IMPLIED WHICH EXTEND BEYOND THE DESCRIPTION WITHIN THIS PARAGRAPH #1. THIS WARRANTY SHALL TERMINATE ONE YEAR FROM FINAL BUILDING INSPECTION OR THE DATE OF THE COMPLETION, WHICHEVER IS FIRST.**

NOTE THAT EQUIPMENT, ASSEMBLIES, OR UNITS PURCHASED BY CONTRACTOR, INCLUDED IN THIS CONTRACT ARE SOLD AND INSTALLED SUBJECT TO THE MANUFACTURER'S OR PROCESSOR'S GUARANTEE OR WARRANTIES, AND NOT CONTRACTOR'S. TO THE EXTENT PERMITTED BY APPLICABLE LAW, ALL WARRANTIES GIVEN BY MANUFACTURERS PERTAINING TO MATERIALS USED BY CONTRACTOR IN CONNECTION WITH THE PROJECT WILL BE PASSED THROUGH AND INURE TO THE BENEFIT OF AUTHORIZED AGENT.

2. Contractor shall pay all subcontractors, laborers and material suppliers. Contractor shall, to the best of Contractor's ability, keep Authorized Agent's property free of valid labor or material suppliers' liens.
3. A notice concerning workers' compensation insurance is attached to this contract.
4. A notice concerning commercial general liability insurance is attached to this contract.

ITEMS NOT RESPONSIBILITY OF CONTRACTOR

1. **EXISTING VIOLATIONS AND CONDITIONS.** Contractor shall not be held responsible for any existing violations of applicable building regulations or ordinances, whether cited by the appropriate authority or not. Contractor is not responsible for any abnormal or unusual preexisting conditions or any unusual or abnormal concrete footings, foundations, retaining walls, or piers required, or any unusual depth required for same, such as, but not limited to that condition caused by poor soil, lack of compaction, hillside, or other slope conditions. Correction of such violations or abnormal conditions by Contractor shall be considered additional work and shall be dealt with as herein provided for under "Extra Work".
2. **DELAYS.** Contractor agrees to start and diligently pursue work through to completion, but shall not be responsible for delays for any of the following reasons: failure of the issuance of all necessary building permits within a

reasonable length of time, funding of loans, disbursement of funds into funding control or escrow, acts of neglect or omission of Authorized Agent or Authorized Agent's employees, acts of God, stormy or inclement weather, strikes, lockouts, boycotts, or other labor union activities, extra work ordered by Authorized Agent, acts of public enemy, riots or civil commotion, inability to secure material through regular recognized channels, imposition of Government priority or allocation of materials, failure of Authorized Agent to make payments when due, or delays caused by inspection or changes ordered by the inspectors of authorized governmental bodies, or for acts of independent contractors, or holidays, or other causes beyond Contractor's reasonable control.

3. Contractor is not responsible for matching existing paint or texture and further, there is no guarantee against hairline cracks or discolorization in stucco or concrete.

AUTHORIZED AGENT'S RESPONSIBILITIES

UTILITIES

1. The Authorized Agent is responsible for water, gas, sewer and electric utilities, from the appropriate agency to the metering device, unless otherwise agreed to in writing. It is the Authorized Agent's responsibility, at Authorized Agent's expense, to provide electricity and water to the site as needed by the Contractor.

ACCESS TO PROPERTY

2. Authorized Agent agrees to keep driveway clear and available for movement and parking of trucks and other equipment during normal working hours. If Authorized Agent denies access to any worker or material supplier during the scheduled working hours, the Authorized Agent will be held in breach of the Agreement and will be liable for such breach.

FINANCING

3. The Authorized Agent is responsible for having sufficient funds to comply with this Agreement.

INSURANCE

4. Authorized Agent will purchase insurance at Authorized Agent's expense before any work begins. Such insurance will have course of construction, fire, vandalism, malicious mischief and other perils, clauses attached. The insurance must be in an amount at least equal to the contract price and provide that any loss be payable to the Contractor. The insurance is to cover the Authorized Agent, Contractor, Subcontractor and Construction Lender in the amount of their respective interests.

If the Authorized Agent does not purchase such insurance, the Contractor, as agent for the Authorized Agent may purchase it and charge such cost to the Authorized Agent.

DAMAGE OR DESTRUCTION

5. If the project or any portion of it is destroyed or damaged by fire, storm, flood, landslide, earthquake, theft, or other disaster or accidents, any work done by the Contractor to rebuild, etc., shall be paid for by Authorized Agent as an Extra and dealt with as herein provided for under "Extra Work".

In the event of any of the above occurrences, If the cost of replacement work, for work already done by the Contractor, exceeds twenty (20) percent of the contract price, the Authorized Agent has the option to cancel the contract but, if the Authorized Agent cancels, the Contractor shall be paid for all costs incurred plus Contractor's usual fee for overhead and profit for all work performed by Contractor to date of cancellation.

AUTHORIZED AGENT'S PROPERTY

6. It is the Authorized Agent's responsibility to remove or protect any personal property including, but not limited to, carpets, drapes, furniture, driveways, lawns, and shrubs, and Contractor will not be held responsible for damages or loss of said items.

NOTICE OF COMPLETION

7. Authorized Agent agrees to sign & record a Notice of Completion within five (5) days after the project is substantially completed and ready for occupancy. Failure by the Authorized Agent to do so authorizes the Contractor to act as the Authorized Agent's agent to sign and record a Notice of Completion. This agency is irrevocable and is an agency coupled with an interest. The Contractor has the right to bar occupancy of the project by Authorized Agent or anyone else until Contractor has received all payments due under the contract and the Notice of Completion is recorded. When the Authorized Agent or another authorized by the Authorized Agent uses and / or occupies the premises then the project is considered completed. If a funding or joint control is used it is agreed that the control shall act as the Authorized Agent's agent and sign and record a Notice of Completion.

BOUNDARY LINES

8. The Authorized Agent represents ownership of the property where construction is to occur. It is the Authorized Agent's duty to point out boundary lines of the property and Authorized Agent is responsible for the accuracy of such lines and

how they are represented on drawings. If required, the Authorized Agent will pay for a survey to chart boundary lines.

EASEMENTS, ETC.

9. Prior to construction the Authorized Agent is to give the Contractor a copy of any easements, restrictions or rights of way relating to the property. If Authorized Agent does not do so, Contractor will assume that none exist.

ENGINEERING AND GEOLOGY

10. Unless specifically agreed upon in writing between Authorized Agent and Contractor, and made a part of this Agreement under "Description of Materials", "Specifications" or "Plans", this agreement does not include any engineering or geology surveys, drawings, studies, reports or calculations as may be required by a public body or building authority as a condition for issuance of building permit or as a condition to securing final building inspection. The cost of any such required professional services shall be paid by Authorized Agent.

OTHER

DRAWINGS AND SPECIFICATIONS

1. The project will be constructed according to drawings and specifications that have been examined by Authorized Agent and that have been or may be signed by the parties to this contract. Unless specifically provided in the drawing or specifications, Contractor will obtain and pay for all required building permits. Authorized Agent will pay any assessments and charges required by public bodies and utilities for financing or repaying the cost of sewers, storm drains, water service, or other utilities including sewer and storm drain reimbursement charges, use fees, revolving fund charges, hookup charges and the like.

ITEMS EXCLUDED

2. Unless specifically agreed upon in writing between Authorized Agent and Contractor and made part of this Agreement, under "Description of Work", "Description of Material", "Specifications", or "Plans", this contract does not include:

- Plumbing, gas, waste and water lines outside foundations of existing buildings or any required relocation or replacement of any such existing lines that may be discovered within the boundaries of any new ground floor addition.
- Electrical service, other than addition of circuit breakers or fuse blocks to distribute electric current to new outlets;
- Any work which may be required regarding cesspools or septic tanks.
- Rerouting, relocating or replacing vents, pipes, ducts or conduits not shown or those encountered during construction or changes required to existing wiring, vents, pipes, ducts or conduits in areas undisturbed by construction. Unless specified elsewhere, existing wiring and electrical systems are represented by the Authorized Agent as adequate to carry load for existing structure and work to be performed herein;
- Any additional work required for excavation or foundations due to inadequate bearing capacity or rock or any other material not removable by ordinary hand tools.
- Any work to correct damage caused by termites or dry rot;
- Changes or alterations from the specifications which may be required by any public body, utility or inspector.
- Painting, preparation, filing, finishing, grading, retaining walls, new or relocating gutters and downspouts, screen doors, weather stripping, staining, seeding, landscaping, or decorating. Any work necessary to correct, change, alter or add the above items will be considered additional work and shall be dealt with as herein provided for under "Extra Work".

MEASUREMENTS

3. Measurements, sizes and shapes in plans and specifications are approximate and subject to field verification. Unless otherwise specified, all dimensions are exterior dimensions. In the event of a conflict between the plans, specifications, etc., and the Agreement, this Agreement is controlling. Contractor is not responsible for any existing illegal conditions.

MATERIAL REMOVED AND DEBRIS

4. Unless specifically designated by Authorized Agent in writing, prior to commencement of construction, Contractor may dispose of all material removed from structures in course of alteration. Also the Contractor is to remove construction debris at the end of the project and leave premises in a neat broom-clean condition.

FLOOR COVERING

5. Unless specifically agreed upon in writing, floor covering is not covered under this Agreement.

ADDITIONAL REQUIREMENTS FOR COMPLETION

6. Contractor shall promptly notify Authorized Agent of any additional requirements necessary to facilitate the project's completion. Any subsequent amendment, modification or agreement, which operates to alter this contract, and which is signed or initialed by Contractor and Authorized Agent, shall be deemed a part of this contract and shall be controlling in case of conflict, to the extent that it alters this contract.

NOTE ABOUT EXTRA WORK AND CHANGE ORDERS

7. Extra Work and Change Orders become part of the contract once the order is prepared in writing and signed by the parties prior to the commencement of any work covered by the new change order. The order must describe the scope of the extra work or change, the cost to be added or subtracted from the contract, and the effect the order will have on the schedule of progress payments. Failure to have written authorization shall not be deemed fatal to the collection of the extra work.

For any extra work performed, Contractor shall be compensated in an amount to be determined before the extra work is performed and such amount including Contractor's usual fee for overhead and profit shall be made as the extra work progresses, concurrently with payments, made under the payments scheduled.

Any change-order forms for changes or extra work shall be incorporated in, and become part of the contract.

STANDARDS FOR SPECIFICATIONS

8. If all or any part of the following is included in this Agreement under Specifications, the following will apply: All cabinets to be paint grade, or if same is noted to be other than paint grade, to be of veneer construction. All cabinet doors to be lipped construction. All inside portions such as shelves, bulkheads, and partitions may be of other species than exposed portions, but not limited to solid stock plywood, or particle board with fixed shelves without backs. All plumbing fixtures to be white in color and selected by Contractor. All appliances and fixtures to be Builders models. Medicine cabinets to be single, recessed, and metal. Tile, if ceramic, to be domestic, non-decorator, 4 1/2" x 4 1/2". All fireplaces to be prefab with a metal flue. All extra materials remain the property of the Contractor. If any of the materials used vary from the above, such variation must be agreed upon between Contractor and Authorized Agent, in writing and listed in this Agreement under "Specifications", "Description of Materials" or attached to this Agreement and initialed by Authorized Agent and Contractor.

CORRECTIVE WORK

9. If minor corrective or repair work remains to be finished after the project is ready for occupancy, Contractor shall perform work expeditiously and Authorized Agent shall not withhold any payment pending completion of such work. If major corrective or repair work remains to be finished after the building is ready for occupancy, and the cost exceeds one (1) percent of the gross contract price, the Authorized Agent may withhold payment sufficient to pay for completion of the work, pending completion of the work, but may not withhold an amount which is greater.

GENERAL

10. This contract, including incorporated documents, constitutes the entire agreement of the parties. No other oral or written agreements between Contractor and Authorized Agent, regarding construction to be performed exist.

11. This Agreement shall be construed in accordance with, and governed by, the laws of the State of California.

NOTICE

Any notice required or permitted under this contract may be given by ordinary mail sent to the address of either the Authorized Agent or Contractor as listed in this contract, but the address may be changed by written notice from one party to the other. Notice is considered received five (5) days after deposited in the mail, postage paid.

ATTORNEY FEES

In the event legal action or arbitration is instituted for the enforcement of any term or condition of this Agreement, the prevailing party shall be entitled to an award of reasonable attorney fees in said action or arbitration, in addition to costs and reasonable expenses incurred in the prosecution or defense of said action or arbitration.



Bridges Construction

Insured: City of St. Helena City Hall C/O April Mitts
Property: 1480 Main Street
St. Helena, CA 95474

Home: (707) 312-0574
E-mail: aprilm@cityofsthela.org

Estimator: Valentin Rivas
Position: Construction Manager
Company: Bridges Construction
Business: 923 Parallel Drive Suite 14
 Lakeport, CA 95451

Business: (707) 349-1731
E-mail: Valentin@BridgesConstruction.com

Claim Number:	Policy Number:	Type of Loss: Sewage
Coverage	Deductible	Policy Limit
Dwelling	\$0.00	\$0.00
Other Structures	\$0.00	\$0.00
Contents	\$0.00	\$0.00

Date of Loss: Date Received:
Date Inspected: Date Entered: 2/28/2019 4:26 PM

Price List:	CASO8X_MAR19	Depreciate Material:	Yes	Depreciate O&P:	No
	Restoration/Service/Remodel	Depreciate Non-material:	Yes	Depreciate Taxes:	Yes
Estimate:	ST_HELENA_OVERALL	Depreciate Removal:	No		

We at Bridges Construction appreciate your business. We Strive for excellence in our work as well as fair, concise and accurate pricing. If you have any questions or concerns, please let us know.

Please find our enclosed bid for the repairs needed due to your loss. Our total estimate for the repairs is \$132,957.44

Respectfully,
Valentin Rivas
Construction Manager
Office: (707) 263-4000
Fax: (888) 447-8641
Cell: (707) 349-1731
Valentin@BridgesConstruction.com



Bridges Construction

ST_HELENA_OVERALL

Main Level

Main Level

CAT	SEL	ACT DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
CALC								
*****General*****								
1. LAB	SUPERR	+ Residential Supervision / Project Management - per hour						
	10*7	70.00 HR		0.00+	65.51 =	0.00	917.14	5,502.84
Full Time Supervisor Estimated to be 14 work days for project								
2. CLN	FINALR	+ Final cleaning - construction - Residential						
	F*4	19388.66 SF		0.00+	0.21 =	0.00	814.32	4,885.94
Constant cleaning will be required after each work day								
3. DMO	DTRLR	- Tandem axle dump trailer - per load - including dump fees						
	7	7.00 EA		312.01+	0.00 =	0.00	436.82	2,620.89
1 Load Per Work day								
4. LAB	LBR	+ General Laborer - per hour						
	611-163	448.00 HR [*]		0.00+	53.00 =	0.00	4,748.80	28,492.80
Add on for Prevailing wage burden for Weekday work during regular business hours								
5. LAB	LBR	+ General Laborer - per hour						
	163*.5	81.50 HR [*]		0.00+	84.50 =	0.00	1,377.36	8,264.11
Saturday Time and a half Overtime Charge								
6. LAB	LBR	+ General Laborer - per hour						
	163*.5	81.50 HR [*]		0.00+	116.00 =	0.00	1,890.80	11,344.80
Sunday = Double Time Pay								
*****Fees / As Incurred Items*****								
7. FEE	ENG	+ Engineering fees (Bid Item)						
	1	1.00 EA					AS INCURRED	
8. FEE	PLAN	+ Architectural/Drafting fees (Bid Item)						
	1	1.00 EA					AS INCURRED	
9. FEE	TIPF	+ Taxes, insurance, permits & fees (Bid Item)						
	1	1.00 EA					AS INCURRED	
10. FEE	DRV	+ Additional driving charge - per mile						
	54*6*2*7	4536.00 EA		0.00+	0.58 =	0.00	526.18	3,157.06
54 Miles Bridges Shop. 6 vehicles 2 days To and From								
11. FEE	DEL	+ Delivery charge (Bid Item)						
	2	2.00 EA [*]		0.00+	300.00 =	0.00	120.00	720.00
Delivery of wood flooring Material Acquired from 2 location in 2 different cities								
*****Important Notes*****:								
12. FCW	LAMT	+ T- molding - for wood flooring						
	16	16.00 LF		0.00+	7.20 =	10.23	25.08	150.51
Additional Strip needed due to starting in different locations of building								
13. FCW	LAMR	+ Reducer strip - for wood flooring						
	16	16.00 LF		0.00+	6.99 =	9.89	24.34	146.07

ST_HELENA_OVERALL

3/4/2019

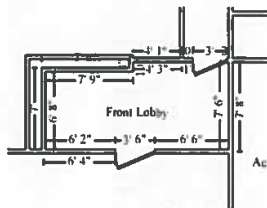
Page: 2



Bridges Construction

CONTINUED - Main Level

CAT	SEL CALC	ACT DESCRIPTION QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
*****Specialty Items*****							
14. WTR	NAFAN	+ Negative air fan/Air scrubber (24 hr period) - No monit.					
	2*7	14.00 DA	0.00+	75.97 =	0.00	212.72	1,276.30
Maintain negative air quality when cutting gypsum products.							
15. WTR	DUCTLF>	+ Ducting - lay-flat - Large					
	30*15	450.00 LF	0.00+	0.45 =	20.76	44.66	267.92
Negative air to be set up and taken down to allow business to continue to operate							
16. WTR	FHEPA	+ Add for HEPA filter (for negative air exhaust fan)					
	2*3	6.00 EA	0.00+	187.31 =	107.63	246.30	1,477.79
Replace filters to air scrubbers 3 times during the course of repairs							
Total: Main Level					148.51	11,384.52	68,307.03



Front Lobby

Height: 8'

378.67 SF Walls	114.79 SF Ceiling
493.46 SF Walls & Ceiling	114.79 SF Floor
12.75 SY Flooring	47.33 LF Floor Perimeter
47.33 LF Ceil. Perimeter	

CAT	SEL CALC	ACT DESCRIPTION QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
Demo / Prep							
17. CON	LAB	+ Content Manipulation charge - per hour					
	1	1.00 HR	0.00+	65.00 =	0.00	13.00	78.00
Remove furnishings for flooring repairs, Put back once done							
18. FNC	B3	- Remove Baseboard - 3 1/4"					
	PF	47.33 LF	0.59+	0.00 =	0.00	5.58	33.50
19. FCC	GD	- Remove Glue down carpet					
	F	114.79 SF	0.82+	0.00 =	0.00	18.82	112.95
20. FCC	FP	+ Floor prep (scrape rubber back residue)					
	F	114.79 SF	0.00+	0.81 =	0.00	18.60	111.58
*****Flooring*****							
21. FCV	PLK+	+ Vinyl plank flooring - High grade					
	F	114.79 SF [*]	0.00+	6.50 =	42.36	157.70	946.20



Bridges Construction

CONTINUED - Front Lobby

CAT	SEL	ACT DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
CALC								
22. FCV	CB4	+ Cove base molding - rubber or vinyl, 4" high						
	PF		47.33 LF	0.00+	2.20 =	5.68	21.96	131.77
23. FCW	LAMR	+ Reducer strip - for wood flooring						
	4		4.00 LF	0.00+	6.99 =	2.47	6.10	36.53
Totals: Front Lobby						50.51	241.76	1,450.53



Ramp Hall

Height: 8'

281.33 SF Walls	61.00 SF Ceiling
342.33 SF Walls & Ceiling	61.00 SF Floor
6.78 SY Flooring	34.50 LF Floor Perimeter
38.50 LF Ceil. Perimeter	

Missing Wall - Goes to Floor

4' X 6' 8"

Opens into FRONT_OFFICE

CAT	SEL	ACT DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
CALC								
Demo / Prep								
24. FNC	B3	- Remove Baseboard - 3 1/4"						
	PF		34.50 LF	0.59+	0.00 =	0.00	4.08	24.44
25. FCC	GD	- Remove Glue down carpet						
	F		61.00 SF	0.82+	0.00 =	0.00	10.00	60.02
26. FCC	FP	+ Floor prep (scrape rubber back residue)						
	F		61.00 SF	0.00+	0.81 =	0.00	9.88	59.29
*****Flooring*****								
27. FCV	PLK+	+ Vinyl plank flooring - High grade						
	F		61.00 SF	0.00+	6.50 =	22.51	83.80	502.81
28. FCV	CB4	+ Cove base molding - rubber or vinyl, 4" high						
	PF		34.50 LF	0.00+	2.20 =	4.14	16.00	96.04
Totals: Ramp Hall						26.65	123.76	742.60



Bridges Construction



Front Office

Height: 8'

620.56 SF Walls	314.42 SF Ceiling
934.97 SF Walls & Ceiling	314.42 SF Floor
34.94 SY Flooring	76.42 LF Floor Perimeter
83.33 LF Ceil. Perimeter	

Missing Wall - Goes to Floor

2' 11" X 6' 8"

Opens into LEFT_HALL

Missing Wall - Goes to Floor

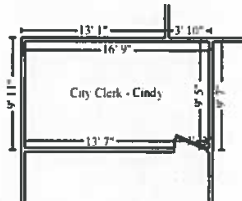
4' X 6' 8"

Opens into RAMP_HALL

CAT	SEL	ACT DESCRIPTION						
	CALC	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL	
Demo / Prep								
29. CON	LAB	+ Content Manipulation charge - per hour						
	2*4	8.00 HR	0.00+	65.00 =	0.00	104.00	624.00	
Remove furnishings for flooring repairs, Put back once done								
30. LAB	CARPMEC	+ Carpenter - Mechanic - per hour						
	3	3.00 HR	0.00+	105.01 =	0.00	63.00	378.03	
Labor for labeling and identifying wiring of office equipment and putting all back together at end of shift								
31. FNC	B3	- Remove Baseboard - 3 1/4"						
	PF	76.42 LF	0.59+	0.00 =	0.00	9.02	54.11	
32. FCC	GD	- Remove Glue down carpet						
	F	314.42 SF	0.82+	0.00 =	0.00	51.56	309.38	
33. FCC	FP	+ Floor prep (scrape rubber back residue)						
	F	314.42 SF	0.00+	0.81 =	0.00	50.94	305.62	
*****Flooring*****								
34. FCV	PLK+	+ Vinyl plank flooring - High grade						
	F	314.42 SF	0.00+	6.50 =	116.02	431.94	2,591.69	
35. FCV	CB4	+ Cove base molding - rubber or vinyl, 4" high						
	PF	76.42 LF	0.00+	2.20 =	9.16	35.46	212.74	
36. ELE	OSF	& R&R Outlet - Floor mounted - brass w/cover - double - 20 amp						
	I	1.00 EA	6.54+	77.49 =	6.17	18.04	108.24	
37. CDC	BX	+ Provide box & tape - medium size						
	16	16.00 EA	0.00+	2.81 =	4.59	9.92	59.47	
Totals: Front Office					135.94	773.88	4,643.28	



Bridges Construction

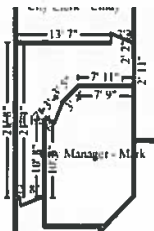


City Clerk - Cindy

Height: 8'

418.67 SF Walls	157.73 SF Ceiling
576.40 SF Walls & Ceiling	157.73 SF Floor
17.53 SY Flooring	52.33 LF Floor Perimeter
52.33 LF Ceil. Perimeter	

CAT	SEL	ACT DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
Demo / Prep								
38. CON	LAB	+ Content Manipulation charge - per hour						
		2*3	6.00 HR	0.00+	65.00 =	0.00	78.00	468.00
Remove furnishings for flooring repairs, Put back once done								
39. LAB	CARPMEC	+ Carpenter - Mechanic - per hour						
		1.5	1.50 HR	0.00+	105.01 =	0.00	31.50	189.02
Labor for labeling and identifying wiring of office equipment and putting all back together at end of shift								
40. FNC	B3	- Remove Baseboard - 3 1/4"						
	PF	52.33 LF		0.59+	0.00 =	0.00	6.18	37.05
41. FCC	GD	- Remove Glue down carpet						
	F	157.73 SF		0.82+	0.00 =	0.00	25.86	155.20
42. FCC	FP	+ Floor prep (scrape rubber back residue)						
	F	157.73 SF		0.00+	0.81 =	0.00	25.56	153.32
*****Flooring*****								
43. FCV	PLK+	+ Vinyl plank flooring - High grade						
	F	157.73 SF [*]		0.00+	6.50 =	58.20	216.70	1,300.15
44. FCV	CB4	+ Cove base molding - rubber or vinyl, 4" high						
	PF	52.33 LF		0.00+	2.20 =	6.28	24.28	145.69
45. CDC	BX	+ Provide box & tape - medium size						
	16	16.00 EA		0.00+	2.81 =	4.59	9.92	59.47
Totals: City Clerk - Cindy						69.07	418.00	2,507.90



Left Hall

Height: 8'

566.50 SF Walls	167.43 SF Ceiling
733.93 SF Walls & Ceiling	167.43 SF Floor
18.60 SY Flooring	70.33 LF Floor Perimeter
73.24 LF Ceil. Perimeter	

Missing Wall - Goes to Floor

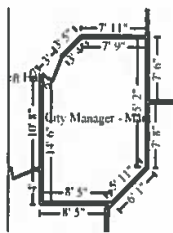
2' 11" X 6' 8"

Opens into FRONT_OFFICE



Bridges Construction

CAT	SEL	ACT DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
CALC								
Demo / Prep								
46. CON	LAB	+ Content Manipulation charge - per hour						
	2	2.00 HR		0.00+	65.00 =	0.00	26.00	156.00
Remove furnishings for flooring repairs, Put back once done								
47. LAB	CARPMEC	+ Carpenter - Mechanic - per hour						
	1	1.00 HR		0.00+	105.01 =	0.00	21.00	126.01
Labor for labeling and identifying wiring of office equipment and putting all back together at end of shift								
48. FNC	B3	- Remove Baseboard - 3 1/4"						
	PF	70.33 LF		0.59+	0.00 =	0.00	8.30	49.79
49. FCC	GD	- Remove Glue down carpet						
	F	167.43 SF		0.82+	0.00 =	0.00	27.46	164.75
50. FCC	FP	+ Floor prep (scrape rubber back residue)						
	F	167.43 SF		0.00+	0.81 =	0.00	27.12	162.74
*****Flooring*****								
51. FCV	PLK+	+ Vinyl plank flooring - High grade						
	F	167.43 SF		0.00+	6.50 =	61.78	230.02	1,380.10
52. FCV	CB4	+ Cove base molding - rubber or vinyl, 4" high						
	PF	70.33 LF		0.00+	2.20 =	8.43	32.62	195.78
53. ELE	OSF	& R&R Outlet - Floor mounted - brass w/cover - double - 20 amp						
	2	2.00 EA		6.54+	77.49 =	12.34	36.08	216.48
54. FCW	LAMR	+ Reducer strip - for wood flooring						
	4	4.00 LF		0.00+	6.99 =	2.47	6.10	36.53
55. CDC	BX	+ Provide box & tape - medium size						
	16	16.00 EA		0.00+	2.81 =	4.59	9.92	59.47
Totals: Left Hall						89.61	424.62	2,547.65



City Manager - Mark

Height: 8'

468.67 SF Walls	223.10 SF Ceiling
691.77 SF Walls & Ceiling	223.10 SF Floor
24.79 SY Flooring	58.58 LF Floor Perimeter
58.58 LF Ceil. Perimeter	

CAT	SEL	ACT DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
CALC								
Demo / Prep								
56. CON	LAB	+ Content Manipulation charge - per hour						
	2*4	8.00 HR		0.00+	65.00 =	0.00	104.00	624.00
Remove furnishings for flooring repairs, Put back once done								
57. LAB	CARPMEC	+ Carpenter - Mechanic - per hour						
	1	1.00 HR		0.00+	105.01 =	0.00	21.00	126.01
ST_HELENA_OVERALL							3/4/2019	Page: 7



Bridges Construction

CONTINUED - City Manager - Mark

CAT	SEL	ACT DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
	CALC							
Labor for labeling and identifying wiring of office equipment and putting all back together at end of shift								
58. FNC	B3	- Remove Baseboard - 3 1/4"						
	PF		58.58 LF	0.59+	0.00 =	0.00	6.92	41.48
59. FCC	GD	- Remove Glue down carpet						
	F		223.10 SF	0.82+	0.00 =	0.00	36.58	219.52
60. FCC	FP	+ Floor prep (scrape rubber back residue)						
	F		223.10 SF	0.00+	0.81 =	0.00	36.14	216.85
*****Flooring*****								
61. FCV	PLK+	+ Vinyl plank flooring - High grade						
	F		223.10 SF	0.00+	6.50 =	82.32	306.50	1,838.97
62. FCV	CB4	+ Cove base molding - rubber or vinyl, 4" high						
	PF		58.58 LF	0.00+	2.20 =	7.03	27.18	163.09
63. CDC	BX	+ Provide box & tape - medium size						
	16		16.00 EA	0.00+	2.81 =	4.59	9.92	59.47
Totals: City Manager - Mark						93.94	548.24	3,289.39



Administrative Records Assistant - Kamille

Height: 8'

439.38 SF Walls	149.53 SF Ceiling
588.91 SF Walls & Ceiling	149.53 SF Floor
16.61 SY Flooring	54.92 LF Floor Perimeter
54.92 LF Ceil. Perimeter	

CAT	SEL	ACT DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
	CALC							
Demo / Prep								
64. CON	LAB	+ Content Manipulation charge - per hour						
	2*3		6.00 HR	0.00+	65.00 =	0.00	78.00	468.00
Remove furnishings for flooring repairs, Put back once done								
65. LAB	CARPMEC	+ Carpenter - Mechanic - per hour						
	1.5		1.50 HR	0.00+	105.01 =	0.00	31.50	189.02
Labor for labeling and identifying wiring of office equipment and putting all back together at end of shift								
66. FNC	B3	- Remove Baseboard - 3 1/4"						
	PF		54.92 LF	0.59+	0.00 =	0.00	6.48	38.88

ST_HELENA_OVERALL

3/4/2019

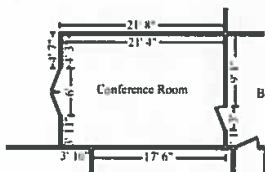
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Bridges Construction

CONTINUED - Administrative Records Assistant - Kamille

CAT	SEL	ACT DESCRIPTION					
	CALC	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
67. FCC	GD						
	F	- Remove Glue down carpet					
		149.53 SF	0.82+	0.00 =	0.00	24.52	147.13
68. FCC	FP						
	F	+ Floor prep (scrape rubber back residue)					
		149.53 SF	0.00+	0.81 =	0.00	24.22	145.34
*****Flooring*****							
69. FCV	PLK+						
	F	+ Vinyl plank flooring - High grade					
		149.53 SF	0.00+	6.50 =	55.18	205.44	1,232.57
70. FCV	CB4						
	PF	+ Cove base molding - rubber or vinyl, 4" high					
		54.92 LF	0.00+	2.20 =	6.59	25.48	152.89
71. ELE	OSF						
	I	& R&R Outlet - Floor mounted - brass w/cover - double - 20 amp					
		1.00 EA	6.54+	77.49 =	6.17	18.04	108.24
72. CDC	BX						
	16	+ Provide box & tape - medium size					
		16.00 EA	0.00+	2.81 =	4.59	9.92	59.47
Totals: Administrative Records Assistant - Kamille					72.53	423.60	2,541.54



Conference Room

Height: 8'

568.00 SF Walls	302.22 SF Ceiling
870.22 SF Walls & Ceiling	302.22 SF Floor
33.58 SY Flooring	71.00 LF Floor Perimeter
71.00 LF Ceil. Perimeter	

CAT	SEL	ACT DESCRIPTION					
	CALC	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
Demo / Prep							
73. CON	LAB						
	2*I	+ Content Manipulation charge - per hour					
		2.00 HR	0.00+	65.00 =	0.00	26.00	156.00
Remove furnishings for flooring repairs, Put back once done							
74. FCV	CB4						
	PF	- Remove Cove base molding - rubber or vinyl, 4" high					
		71.00 LF	0.39+	0.00 =	0.00	5.54	33.23
75. FCC	GD						
	F	- Remove Glue down carpet					
		302.22 SF	0.82+	0.00 =	0.00	49.56	297.38
76. FCC	FP						
	F	+ Floor prep (scrape rubber back residue)					
		302.22 SF	0.00+	0.81 =	0.00	48.96	293.76
*****Flooring*****							

ST_HELENA_OVERALL

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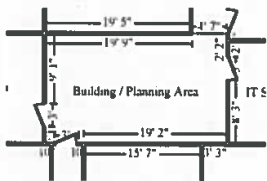
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Bridges Construction

CONTINUED - Conference Room

CAT	SEL CALC	ACT DESCRIPTION QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
77. FCV	PLK+	+ Vinyl plank flooring - High grade					
	F	302.22 SF	0.00+	6.50 =	111.52	415.18	2,491.13
78. FCV	CB4	+ Cove base molding - rubber or vinyl, 4" high					
	PF	71.00 LF	0.00+	2.20 =	8.51	32.94	197.65
79. CDC	BX	+ Provide box & tape - medium size					
	4	4.00 EA	0.00+	2.81 =	1.15	2.48	14.87
80. DOR	DOR-RS	+ Interior door - Detach & reset - slab only					
	1	1.00 EA	0.00+	30.67 =	0.00	6.14	36.81
Totals: Conference Room					121.18	586.80	3,520.83



Building / Planning Area

Height: 8'

580.67 SF Walls
 926.15 SF Walls & Ceiling
 38.39 SY Flooring
 72.58 LF Ceil. Perimeter

345.49 SF Ceiling
 345.49 SF Floor
 72.58 LF Floor Perimeter

Missing Wall

4' 7" X 8'

Opens into BACK_HALL

CAT	SEL CALC	ACT DESCRIPTION QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
Demo / Prep							
81. CON	LAB	+ Content Manipulation charge - per hour					
	2*6	12.00 HR	0.00+	65.00 =	0.00	156.00	936.00
Remove furnishings for flooring repairs, Put back once done							
82. LAB	CARPMEC	+ Carpenter - Mechanic - per hour					
	1	1.00 HR	0.00+	105.01 =	0.00	21.00	126.01
Labor for labeling and identifying wiring of office equipment and putting all back together at end of shift							
83. FCV	CB4	+ Cove base molding - rubber or vinyl, 4" high					
	PF	72.58 LF	0.00+	2.20 =	8.70	33.68	202.06
84. FCC	GD	- Remove Glue down carpet					
	F	345.49 SF	0.82+	0.00 =	0.00	56.66	339.96
85. FCC	FP	+ Floor prep (scrape rubber back residue)					
	F	345.49 SF	0.00+	0.81 =	0.00	55.98	335.83
*****Flooring*****							

ST_HELENA_OVERALL

3/4/2019

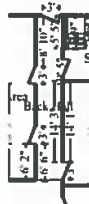
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Bridges Construction

CONTINUED - Building / Planning Area

CAT	SEL CALC	ACT DESCRIPTION QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
86. FCV	PLK+	+ Vinyl plank flooring - High grade					
	F	345.49 SF [*]	0.00+	6.50 =	127.49	474.64	2,847.82
87. FCV	CB4	+ Cove base molding - rubber or vinyl, 4" high					
	PF	72.58 LF	0.00+	2.20 =	8.70	33.68	202.06
88. ELE	OSF	& R&R Outlet - Floor mounted - brass w/cover - double - 20 amp					
	1	1.00 EA	6.54+	77.49 =	6.17	18.04	108.24
89. CDC	BX	+ Provide box & tape - medium size					
	16	16.00 EA	0.00+	2.81 =	4.59	9.92	59.47
90. DOR	DOR-RS	+ Interior door - Detach & reset - slab only					
	1	1.00 EA	0.00+	30.67 =	0.00	6.14	36.81
Totals: Building / Planning Area					155.65	865.74	5,194.26



Back Hall

Height: 8'

507.33 SF Walls	134.93 SF Ceiling
642.26 SF Walls & Ceiling	134.93 SF Floor
14.99 SY Flooring	63.42 LF Floor Perimeter
63.42 LF Ceil. Perimeter	

Missing Wall

4' 7" X 8'

Opens into BUILDING __ P

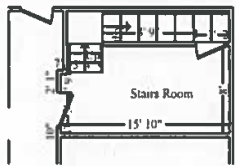
CAT	SEL CALC	ACT DESCRIPTION QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
Demo / Prep							
91. FCV	CB4	- Remove Cove base molding - rubber or vinyl, 4" high					
	F	134.93 LF	0.39+	0.00 =	0.00	10.52	63.14
92. FCC	GD	- Remove Glue down carpet					
	F	134.93 SF	0.82+	0.00 =	0.00	22.12	132.76
93. FCC	FP	+ Floor prep (scrape rubber back residue)					
	F	134.93 SF	0.00+	0.81 =	0.00	21.86	131.15
*****Flooring*****							
94. FCV	PLK+	+ Vinyl plank flooring - High grade					
	F	134.93 SF [*]	0.00+	6.50 =	49.79	185.38	1,112.22
95. FCV	CB4	+ Cove base molding - rubber or vinyl, 4" high					
	PF	63.42 LF	0.00+	2.20 =	7.61	29.42	176.55



Bridges Construction

CONTINUED - Back Hall

CAT	SEL CALC	ACT DESCRIPTION QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
Totals: Back Hall					57.40	269.30	1,615.82



Stairs Room

Height: 8'

334.00 SF Walls	117.10 SF Ceiling
451.10 SF Walls & Ceiling	117.10 SF Floor
13.01 SY Flooring	41.75 LF Floor Perimeter
47.50 LF Ceil. Perimeter	

Missing Wall

3' 4" X 8'

Opens into STAIRS

Missing Wall

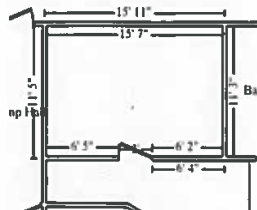
2' 5" X 8'

Opens into STAIRS

CAT	SEL CALC	ACT DESCRIPTION QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
Demo / Prep							
96. CON	LAB	+ Content Manipulation charge - per hour					
	2*1	2.00 HR	0.00+	65.00 =	0.00	26.00	156.00
Remove furnishings for flooring repairs, Put back once done							
97. FCC	GD	- Remove Glue down carpet					
	F	117.10 SF	0.82+	0.00 =	0.00	19.20	115.22
98. FCC	FP	+ Floor prep (scrape rubber back residue)					
	F	117.10 SF	0.00+	0.81 =	0.00	18.98	113.83
*****Flooring*****							
99. FCV	PLK+	+ Vinyl plank flooring - High grade					
	F	117.10 SF	0.00+	6.50 =	43.21	160.88	965.24
100. FCV	CB4	+ Cove base molding - rubber or vinyl, 4" high					
	PF	41.75 LF	0.00+	2.20 =	5.01	19.38	116.24
101. CDC	BX	+ Provide box & tape - medium size					
	3	3.00 EA	0.00+	2.81 =	0.86	1.86	11.15
102. DOR	DOR-RS	+ Interior door - Detach & reset - slab only					
	1	1.00 EA	0.00+	30.67 =	0.00	6.14	36.81
Totals: Stairs Room					49.08	252.44	1,514.49



Bridges Construction

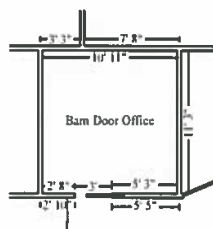


Building Dept.- Philip

Height: 8'

429.33 SF Walls	175.31 SF Ceiling
604.65 SF Walls & Ceiling	175.31 SF Floor
19.48 SY Flooring	53.67 LF Floor Perimeter
53.67 LF Ceil. Perimeter	

CAT	SEL	ACT DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
Demo / Prep								
103. CON	LAB	+ Content Manipulation charge - per hour						
	2*4	8.00 HR	0.00+	65.00 =		0.00	104.00	624.00
Remove furnishings for flooring repairs, Put back once done								
104. LAB	CARPMEC	+ Carpenter - Mechanic - per hour						
	2	2.00 HR	0.00+	105.01 =		0.00	42.00	252.02
Labor for labeling and identifying wiring of office equipment and putting all back together at end of shift								
105. FNC	B3	- Remove Baseboard - 3 1/4"						
	PF	53.67 LF	0.59+	0.00 =		0.00	6.34	38.01
106. FCC	GD	- Remove Glue down carpet						
	F	175.31 SF	0.82+	0.00 =		0.00	28.76	172.51
107. FCC	FP	+ Floor prep (scrape rubber back residue)						
	F	175.31 SF	0.00+	0.81 =		0.00	28.40	170.40
*****Flooring*****								
108. FCV	PLK+	+ Vinyl plank flooring - High grade						
	F	175.31 SF	0.00+	6.50 =		64.69	240.84	1,445.05
109. FCV	CB4	+ Cove base molding - rubber or vinyl, 4" high						
	PF	53.67 LF	0.00+	2.20 =		6.44	24.90	149.41
110. CDC	BX	+ Provide box & tape - medium size						
	10	10.00 EA	0.00+	2.81 =		2.87	6.20	37.17
111. DOR	DOR-RS	+ Interior door - Detach & reset - slab only						
	1	1.00 EA	0.00+	30.67 =		0.00	6.14	36.81
Totals: Building Dept.- Philip						74.00	487.58	2,925.38



Barn Door Office

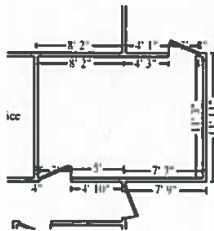
Height: 8'

354.67 SF Walls	122.81 SF Ceiling
477.48 SF Walls & Ceiling	122.81 SF Floor
13.65 SY Flooring	44.33 LF Floor Perimeter
44.33 LF Ceil. Perimeter	



Bridges Construction

CAT	SEL	ACT DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
CALC								
Demo / Prep								
112. CON	LAB	+ Content Manipulation charge - per hour						
	2*4	8.00 HR	0.00+	65.00 =		0.00	104.00	624.00
Remove furnishings for flooring repairs, Put back once done								
113. LAB	CARPMEC	+ Carpenter - Mechanic - per hour						
	2	2.00 HR	0.00+	105.01 =		0.00	42.00	252.02
Labor for labeling and identifying wiring of office equipment and putting all back together at end of shift								
114. FNC	B3	- Remove Baseboard - 3 1/4"						
	PF	44.33 LF	0.59+	0.00 =		0.00	5.24	31.39
115. FCC	GD	- Remove Glue down carpet						
	F	122.81 SF	0.82+	0.00 =		0.00	20.14	120.84
116. FCC	FP	+ Floor prep (scrape rubber back residue)						
	F	122.81 SF	0.00+	0.81 =		0.00	19.90	119.38
*****Flooring*****								
117. FCV	PLK+	+ Vinyl plank flooring - High grade						
	F	122.81 SF	0.00+	6.50 =		45.32	168.72	1,012.31
118. FCV	CB4	+ Cove base molding - rubber or vinyl, 4" high						
	PF	44.33 LF	0.00+	2.20 =		5.32	20.56	123.41
119. CDC	BX	+ Provide box & tape - medium size						
	8	8.00 EA	0.00+	2.81 =		2.30	4.96	29.74
120. DOR	DOR-RS	+ Interior door - Detach & reset - slab only						
	1	1.00 EA	0.00+	30.67 =		0.00	6.14	36.81
Totals: Barn Door Office						52.94	391.66	2,349.90



**Planning & Community Development
Director - Noah**

Height: 8'

432.00 SF Walls	177.19 SF Ceiling
609.19 SF Walls & Ceiling	177.19 SF Floor
19.69 SY Flooring	54.00 LF Floor Perimeter
54.00 LF Ceil. Perimeter	

CAT	SEL	ACT DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
CALC								
Demo / Prep								
121. CON	LAB	+ Content Manipulation charge - per hour						
	2*6	12.00 HR	0.00+	65.00 =		0.00	156.00	936.00
Remove furnishings for flooring repairs, Put back once done								
122. LAB	CARPMEC	+ Carpenter - Mechanic - per hour						
	3	3.00 HR	0.00+	105.01 =		0.00	63.00	378.03
Labor for labeling and identifying wiring of office equipment and putting all back together at end of shift								

ST_HELENA_OVERALL

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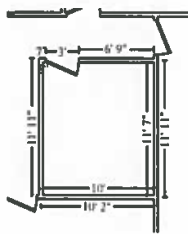
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Bridges Construction

CONTINUED - Planning & Community Development Director - Noah

CAT	SEL	ACT DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
	CALC							
123. FNC	B3	- Remove Baseboard - 3 1/4"						
	PF	54.00 LF		0.59+	0.00 =	0.00	6.38	38.24
124. FCC	GD	- Remove Glue down carpet						
	F	177.19 SF		0.82+	0.00 =	0.00	29.06	174.36
125. FCC	FP	+ Floor prep (scrape rubber back residue)						
	F	177.19 SF		0.00+	0.81 =	0.00	28.70	172.22
*****Flooring*****								
126. FCV	PLK+	+ Vinyl plank flooring - High grade						
	F	177.19 SF [*]		0.00+	6.50 =	65.38	243.42	1,460.54
127. FCV	CB4	+ Cove base molding - rubber or vinyl, 4" high						
	PF	54.00 LF		0.00+	2.20 =	6.48	25.06	150.34
128. CDC	BX	+ Provide box & tape - medium size						
	8	8.00 EA		0.00+	2.81 =	2.30	4.96	29.74
129. DOR	DOR-RS	+ Interior door - Detach & reset - slab only						
	1	1.00 EA		0.00+	30.67 =	0.00	6.14	36.81
Totals: Planning & Community Development Director - Noah						74.16	562.72	3,376.28



Senior Planner - Aaron

Height: 8'

345.33 SF Walls	115.83 SF Ceiling
461.17 SF Walls & Ceiling	115.83 SF Floor
12.87 SY Flooring	43.17 LF Floor Perimeter
43.17 LF Ceil. Perimeter	

CAT	SEL	ACT DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
	CALC							
Demo / Prep								
130. CON	LAB	+ Content Manipulation charge - per hour						
	2*4	8.00 HR		0.00+	65.00 =	0.00	104.00	624.00
Remove furnishings for flooring repairs, Put back once done								
131. LAB	CARPMEC	+ Carpenter - Mechanic - per hour						
	1	1.00 HR		0.00+	105.01 =	0.00	21.00	126.01
Labor for labeling and identifying wiring of office equipment and putting all back together at end of shift								
132. FNC	B3	- Remove Baseboard - 3 1/4"						
	PF	43.17 LF		0.59+	0.00 =	0.00	5.10	30.57

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Bridges Construction

CONTINUED - Senior Planner - Aaron

CAT	SEL	ACT DESCRIPTION					
	CALC	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
133. FCC	GD						
	F	115.83 SF	0.82+	0.00 =	0.00	19.00	113.98
134. FCC	FP						
	F	115.83 SF	0.00+	0.81 =	0.00	18.76	112.58
*****Flooring*****							
135. FCV	PLK+						
	F	115.83 SF	0.00+	6.50 =	42.74	159.12	954.76
136. FCV	CB4						
	PF	43.17 LF	0.00+	2.20 =	5.18	20.04	120.19
137. CDC	BX						
	6	6.00 EA	0.00+	2.81 =	1.72	3.72	22.30
138. DOR	DOR-RS						
	I	1.00 EA	0.00+	30.67 =	0.00	6.14	36.81
Totals: Senior Planner - Aaron					49.64	356.88	2,141.20



Employee Entrance Hall

Height: 8'

789.84 SF Walls	211.03 SF Ceiling
1000.88 SF Walls & Ceiling	211.03 SF Floor
23.45 SY Flooring	98.73 LF Floor Perimeter
98.73 LF Ceil. Perimeter	

CAT	SEL	ACT DESCRIPTION					
	CALC	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
Demo / Prep							
139. CON	LAB						
	2*1.5	3.00 HR	0.00+	65.00 =	0.00	39.00	234.00
Remove furnishings for flooring repairs, Put back once done							
140. FNC	B3						
	PF-25	73.73 LF	0.59+	0.00 =	0.00	8.70	52.20
141. FCC	GD						
	F-(3*24)	139.03 SF	0.82+	0.00 =	0.00	22.80	136.80
142. FCC	FP						
	F	211.03 SF	0.00+	0.81 =	0.00	34.18	205.11
*****Insulation*****							

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Bridges Construction

CONTINUED - Employee Entrance Hall

CAT	SEL CALC	ACT QTY	DESCRIPTION	REMOVE	REPLACE	TAX	O&P	TOTAL
143. INS	BTLF4		+ Batt insulation replacement per LF - 4" - up to 2' tall					
	12	12.00 LF		0.00+	1.71 =	0.84	4.26	25.62
*****Drywall*****								
144. DRY	LF		+ 1/2" - drywall per LF - up to 2' tall					
	12	12.00 LF		0.00+	10.84 =	1.37	26.30	157.75
145. DRY	LF		+ 1/2" - drywall per LF - up to 2' tall					
	5	5.00 LF		0.00+	10.84 =	0.57	10.96	65.73
This is 1/4" paneling with Texture								
146. FRM	UL1/4		M Material Only Underlayment - 1/4" lauan/mahogany plywood					
	32	32.00 SF		0.00+	0.74 =	2.43	5.22	31.33
147. DRY	TEX++		+ Texture drywall - smooth / skim coat					
	(12+5)*7,7	128.92 SF		0.00+	1.51 =	1.19	39.18	235.04
148. DRY	TEX+		+ Texture drywall - heavy hand texture					
	(12+5)*8,7	145.92 SF		0.00+	1.08 =	1.94	31.90	191.43
*****Paint*****								
149. PNT	S-		+ Seal the surface area w/PVA primer - one coat					
	(12+5)*8,7	145.92 SF		0.00+	0.73 =	0.75	21.46	128.73
150. PNT	P2		+ Paint the surface area - two coats					
	(12+5)*8,7	145.92 SF		0.00+	1.14 =	2.99	33.88	203.22
151. PNT	MASKLF		+ Mask and prep for paint - plastic, paper, tape (per LF)					
	(12+5)	17.00 LF		0.00+	1.66 =	0.40	5.72	34.34
*****Cabinetry*****								
152. CAB	CUB		I Install Custom cabinets - base units					
	5,3	5.25 LF	[*]	0.00+	15.00 =	0.00	15.76	94.51
Install Countertop back onto cabinet and place cabinet back in its location. Free Standing Cabinet. No Repairs Accounted for								
*****Finish Woodwork*****								
153. FNC	C		+ Casing - 2 1/4"					
	7*2	14.00 LF		0.00+	2.27 =	1.21	6.60	39.59
2 1/4" Beveled Casing								
154. PNT	DORT		+ Paint door/window trim & jamb - 2 coats (per side)					
	1	1.00 EA		0.00+	37.90 =	0.40	7.66	45.96
*****Flooring*****								
155. FCT	UC1/8		+ Underlayment - 1/8" cork					
	3*32	96.00 SF		0.00+	1.85 =	8.17	37.16	222.93
156. FCV	PREP		+ Floor preparation for resilient flooring					
	F	211.03 SF		0.00+	0.72 =	2.16	30.82	184.92
157. FCV	PLK+		+ Vinyl plank flooring - High grade					
	F	211.03 SF	[*]	0.00+	6.50 =	77.87	289.92	1,739.49

ST_HELENA_OVERALL

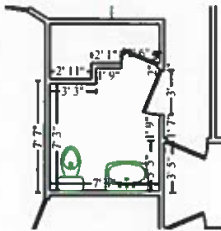
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CONTINUED - Employee Entrance Hall

CAT	SEL	ACT DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
CALC								
158. FCV	CB4	+ Cove base molding - rubber or vinyl, 4" high						
	PF		98.73 LF	0.00+	2.20 =	11.84	45.80	274.85
159. CDC	BX	+ Provide box & tape - medium size						
	6		6.00 EA	0.00+	2.81 =	1.72	3.72	22.30
Totals: Employee Entrance Hall						115.85	721.00	4,325.85



Bathroom

Height: 8'

256.00 SF Walls	60.37 SF Ceiling
316.37 SF Walls & Ceiling	60.37 SF Floor
6.71 SY Flooring	32.00 LF Floor Perimeter
32.00 LF Ceil. Perimeter	

CAT	SEL	ACT DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
CALC								
Demo / Prep								
160. PLM	SNKWM	- Remove Sink - wall mounted						
	1		1.00 EA	48.76+	0.00 =	0.00	9.76	58.52
161. TBA	GBAR>	- Remove Handicap grab bar - Stainless steel, 1 1/2" x 36"						
	1		1.00 EA	19.49+	0.00 =	0.00	3.90	23.39
162. TBA	GBAR>>	- Remove Handicap grab bar - Stainless steel, 1 1/2" x 48"						
	1		1.00 EA	19.49+	0.00 =	0.00	3.90	23.39
163. PLM	STOP	- Remove Angle stop valve						
	3		3.00 EA	6.50+	0.00 =	0.00	3.90	23.40
164. PNL	FRP	- Remove Fiberglass reinforced plastic (FRP) paneling						
	(7,4+4)*4		45.33 SF	1.16+	0.00 =	0.00	10.52	63.10
*****Insulation*****								
165. INS	BTLF4	+ Batt insulation replacement per LF - 4" - up to 2' tall						
	PF-7,3		24.75 LF	0.00+	1.71 =	1.73	8.80	52.85
*****Drywall*****								
166. DRY	LF5/8	+ 5/8" - drywall per LF - up to 2' tall						
	5		5.00 LF	0.00+	11.16 =	0.62	11.28	67.70
167. DRY	LF	+ 1/2" - drywall per LF - up to 2' tall						
	14		14.00 LF	0.00+	10.84 =	1.59	30.68	184.03



CONTINUED - Bathroom

CAT	SEL CALC	ACT DESCRIPTION QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
168. DRY	TEX++	+ Texture drywall - smooth / skim coat					
	W-PF	224.00 SF	0.00+	1.51 =	2.07	68.06	408.37
169. DRY	TEX+	+ Texture drywall - heavy hand texture					
	.5W	128.00 SF	0.00+	1.08 =	1.71	27.98	167.93
Texture above FRP Line							
*****Paint*****							
170. PNT	S-	+ Seal the walls w/PVA primer - one coat					
	W	256.00 SF	0.00+	0.73 =	1.31	37.64	225.83
171. PNT	P2	+ Paint the walls - two coats					
	W	256.00 SF	0.00+	1.14 =	5.25	59.42	356.51
172. PNT	MASKLF	+ Mask and prep for paint - plastic, paper, tape (per LF)					
	PC	32.00 LF	0.00+	1.66 =	0.75	10.78	64.65
*****Finish Woodwork*****							
173. FNC	C	+ Casing - 2 1/4"					
	7*3	21.00 LF	0.00+	2.27 =	1.81	9.90	59.38
2 1/4" Beveled Casing							
174. PNT	DORT	+ Paint door/window trim & jamb - 2 coats (per side)					
	2	2.00 EA	0.00+	37.90 =	0.80	15.32	91.92
*****Flooring*****							
175. FCT	LEVCEM>	+ Floor leveling cement - Heavy					
	F	60.37 SF	0.00+	3.20 =	8.85	40.42	242.45
176. FCV	PREP	+ Floor preparation for resilient flooring					
	F	60.37 SF	0.00+	0.72 =	0.62	8.82	52.91
177. FCV	PLK+	+ Vinyl plank flooring - High grade					
	F	60.37 SF	0.00+	6.50 =	22.28	82.94	497.63
178. FCV	CB4	+ Cove base molding - rubber or vinyl, 4" high					
	PF	32.00 LF	0.00+	2.20 =	3.84	14.84	89.08
*****Finishes*****							
179. PLM	SNKWM	I Install Sink - wall mounted					
	I	1.00 EA	0.00+	252.90 =	0.00	50.58	303.48
180. TBA	GBAR>	I Install Handicap grab bar - Stainless steel, I 1/2" x 36"					
	I	1.00 EA	0.00+	31.01 =	0.00	6.20	37.21
181. TBA	GBAR>>	I Install Handicap grab bar - Stainless steel, I 1/2" x 48"					
	I	1.00 EA	0.00+	31.01 =	0.00	6.20	37.21
182. PLM	STOP	+ Angle stop valve					
	3	3.00 EA	0.00+	37.75 =	2.21	23.10	138.56
183. PNL	FRP	+ Fiberglass reinforced plastic (FRP) paneling					
	4*8*3	96.00 SF	0.00+	8.13 =	15.35	159.18	955.01
184. PLM	SUP	+ Plumbing fixture supply line					
	3	3.00 EA	0.00+	20.89 =	1.72	12.88	77.27

ST_HELENA_OVERALL

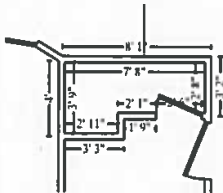
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CONTINUED - Bathroom

CAT	SEL CALC	ACT DESCRIPTION QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
185. PLM	TLT	I Install Toilet					
	I	1.00 EA	0.00+	234.68 =	0.00	46.94	281.62
186. TBA	PTD	I Install Paper towel dispenser					
	I	1.00 EA	0.00+	25.84 =	0.00	5.16	31.00
Totals: Bathroom					72.51	769.10	4,614.40



Equipment Room

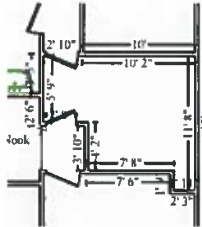
Height: 8'

182.67 SF Walls	23.60 SF Ceiling
206.27 SF Walls & Ceiling	23.60 SF Floor
2.62 SY Flooring	22.83 LF Floor Perimeter
22.83 LF Ceil. Perimeter	

CAT	SEL CALC	ACT DESCRIPTION QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
*****Flooring*****							
187. FCT	UC1/8	+ Underlayment - 1/8" cork					
	F	23.60 SF	0.00+	1.85 =	2.01	9.14	54.81
188. FCV	PLK+	+ Vinyl plank flooring - High grade					
	F	23.60 SF [*]	0.00+	6.50 =	8.71	32.42	194.53
189. FCV	CB4	+ Cove base molding - rubber or vinyl, 4" high					
	PF	22.83 LF	0.00+	2.20 =	2.74	10.58	63.55
190. DOR	DOR-RS	+ Interior door - Detach & reset - slab only					
	I	1.00 EA	0.00+	30.67 =	0.00	6.14	36.81
Totals: Equipment Room					13.46	58.28	349.70



Bridges Construction



Administrative Services Manager - Mandy

Height: 8'

404.00 SF Walls	121.39 SF Ceiling
525.39 SF Walls & Ceiling	121.39 SF Floor
13.49 SY Flooring	50.50 LF Floor Perimeter
50.50 LF Ceil. Perimeter	

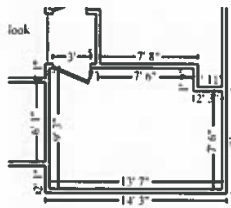
CAT	SEL	ACT DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
Demo / Prep								
191. CON	LAB	+ Content Manipulation charge - per hour	2*3 6.00 HR	0.00+	65.00 =	0.00	78.00	468.00
Remove furnishings for flooring repairs, Put back once done								
192. FNC	B3	- Remove Baseboard - 3 1/4"	50.50 LF	0.59+	0.00 =	0.00	5.96	35.76
193. FCC	GD	- Remove Glue down carpet	.5F 60.69 SF	0.82+	0.00 =	0.00	9.96	59.73
194. FCC	FP	+ Floor prep (scrape rubber back residue)	F 121.39 SF	0.00+	0.81 =	0.00	19.66	117.99
195. DMO	LAB	- General Demolition - per hour	2 2.00 HR	65.00+	0.00 =	0.00	26.00	156.00
Remove Framing								
*****Drywall*****								
196. DRY	PATCH	+ Drywall patch / small repair, ready for paint	3 3.00 EA	0.00+	88.01 =	0.88	52.98	317.89
197. DRY	TEX++	+ Texture drywall - smooth / skim coat	.5W+C 323.39 SF	0.00+	1.51 =	2.98	98.26	589.56
198. DRY	TEX+	+ Texture drywall - heavy hand texture	.5W+C 323.39 SF	0.00+	1.08 =	4.31	70.72	424.29
*****Paint*****								
199. PNT	S-	+ Seal part of the walls w/PVA primer - one coat	.5W+C 323.39 SF	0.00+	0.73 =	1.66	47.56	285.29
200. PNT	P2	+ Paint part of the walls - two coats	.5W+C 323.39 SF	0.00+	1.14 =	6.63	75.06	450.35
201. PNT	MASKLF	+ Mask and prep for paint - plastic, paper, tape (per LF)	PC 50.50 LF	0.00+	1.66 =	1.19	17.00	102.02
*****Finish Woodwork*****								
202. FNC	C	+ Casing - 2 1/4"	7 7.00 LF	0.00+	2.27 =	0.60	3.30	19.79
2 1/4" Beveled Casing								
203. PNT	DORT	+ Paint door/window trim & jamb - 2 coats (per side)	2 2.00 EA	0.00+	37.90 =	0.80	15.32	91.92
*****Flooring*****								
204. FCT	UC1/8	+ Underlayment - 1/8" cork	.5F 60.69 SF	0.00+	1.85 =	5.16	23.50	140.94
ST_HELENA_OVERALL							3/4/2019	Page: 21



Bridges Construction

CONTINUED - Administrative Services Manager - Mandy

CAT	SEL CALC	ACT DESCRIPTION QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
205. FCT	LEVCEM	+ Floor leveling cement - Average					
	.33F	40.06 SF	0.00+	2.51 =	3.90	20.90	125.35
206. FCV	PLK+	+ Vinyl plank flooring - High grade					
	F	121.39 SF [*]	0.00+	6.50 =	44.79	166.76	1,000.59
207. FCV	CB4	+ Cove base molding - rubber or vinyl, 4" high					
	PF	50.50 LF	0.00+	2.20 =	6.06	23.44	140.60
208. CDC	BX	+ Provide box & tape - medium size					
	3	3.00 EA	0.00+	2.81 =	0.86	1.86	11.15
209. DOR	DOR-RS	+ Interior door - Detach & reset - slab only					
	1	1.00 EA	0.00+	30.67 =	0.00	6.14	36.81
Totals: Administrative Services Manager - Mandy					79.82	762.38	4,574.03



Accounting Technician - Jen

Height: 8'

365.33 SF Walls	121.71 SF Ceiling
487.04 SF Walls & Ceiling	121.71 SF Floor
13.52 SY Flooring	45.67 LF Floor Perimeter
45.67 LF Ceil. Perimeter	

CAT	SEL CALC	ACT DESCRIPTION QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
Demo / Prep							
210. CON	LAB	+ Content Manipulation charge - per hour					
	2*3	6.00 HR	0.00+	65.00 =	0.00	78.00	468.00
Remove furnishings for flooring repairs, Put back once done							
211. FNC	B3	- Remove Baseboard - 3 1/4"					
	PF	45.67 LF	0.59+	0.00 =	0.00	5.40	32.35
212. FCC	GD	- Remove Glue down carpet					
	F	121.71 SF	0.82+	0.00 =	0.00	19.96	119.76
213. FCC	FP	+ Floor prep (scrape rubber back residue)					
	F	121.71 SF	0.00+	0.81 =	0.00	19.72	118.31
*****Flooring*****							
214. FCT	UC1/8	+ Underlayment - 1/8" cork					
	2*4	8.00 SF	0.00+	1.85 =	0.68	3.10	18.58

ST_HELENA_OVERALL

3/4/2019

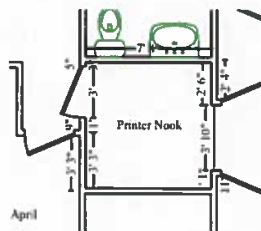
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Bridges Construction

CONTINUED - Accounting Technician - Jen

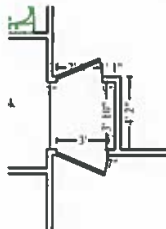
CAT	SEL	ACT DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
CALC								
215. FCV	PLK+	+ Vinyl plank flooring - High grade						
	F	121.71 SF [*]		0.00+	6.50 =	44.91	167.20	1,003.23
216. FCV	CB4	+ Cove base molding - rubber or vinyl, 4" high						
	PF	45.67 LF		0.00+	2.20 =	5.48	21.20	127.15
217. CDC	BX	+ Provide box & tape - medium size						
	6	6.00 EA		0.00+	2.81 =	1.72	3.72	22.30
218. DOR	DOR-RS	+ Interior door - Detach & reset - slab only						
	1	1.00 EA		0.00+	30.67 =	0.00	6.14	36.81
Totals: Accounting Technician - Jen						52.79	324.44	1,946.49



Printer Nook

Height: 8'

210.65 SF Walls	57.49 SF Ceiling
268.14 SF Walls & Ceiling	57.49 SF Floor
6.39 SY Flooring	26.33 LF Floor Perimeter
26.33 LF Ceil. Perimeter	



Subroom: Extention (1)

Height: 8'

94.67 SF Walls	14.69 SF Ceiling
109.36 SF Walls & Ceiling	14.69 SF Floor
1.63 SY Flooring	11.83 LF Floor Perimeter
11.83 LF Ceil. Perimeter	

Missing Wall

3' 10" X 8'

Opens into PRINTER_NOOK

CAT	SEL	ACT DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
CALC								
*****Flooring*****								
219. FCT	LEVCEM	+ Floor leveling cement - Average						
	.5F	36.09 SF		0.00+	2.51 =	3.51	18.82	112.92
220. FCT	UC1/8	+ Underlayment - 1/8" cork						
	F	72.18 SF		0.00+	1.85 =	6.14	27.92	167.59

ST_HELENA_OVERALL

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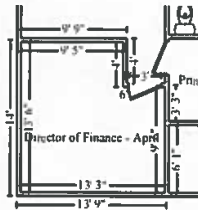
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Bridges Construction

CONTINUED - Printer Nook

CAT	SEL	ACT DESCRIPTION						
	CALC	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL	
221. FCV	PLK+	+ Vinyl plank flooring - High grade						
	F	72.18 SF	0.00+	6.50 =	26.63	99.16	594.96	
222. FCV	CB4	+ Cove base molding - rubber or vinyl, 4" high						
	PF	38.16 LF	0.00+	2.20 =	4.58	17.72	106.25	
Totals: Printer Nook					40.86	163.62	981.72	



Director of Finance - April

Height: 8'

428.00 SF Walls
 591.54 SF Walls & Ceiling
 18.17 SY Flooring
 53.50 LF Ceil. Perimeter

163.54 SF Ceiling
 163.54 SF Floor
 53.50 LF Floor Perimeter

CAT	SEL	ACT DESCRIPTION						
	CALC	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL	
Demo / Prep								
223. CON	LAB	+ Content Manipulation charge - per hour						
	2*3	6.00 HR	0.00+	65.00 =	0.00	78.00	468.00	
Remove furnishings for flooring repairs, Put back once done								
224. LAB	CARPMEC	+ Carpenter - Mechanic - per hour						
	2	2.00 HR	0.00+	105.01 =	0.00	42.00	252.02	
225. FNC	B3	- Remove Baseboard - 3 1/4"						
	PF	53.50 LF	0.59+	0.00 =	0.00	6.32	37.89	
226. FCC	GD	- Remove Glue down carpet						
	F	163.54 SF	0.82+	0.00 =	0.00	26.82	160.92	
227. FCC	FP	+ Floor prep (scrape rubber back residue)						
	F	163.54 SF	0.00+	0.81 =	0.00	26.50	158.97	
*****Flooring*****								
228. FCT	UC1/8	+ Underlayment - 1/8" cork						
	2*4	8.00 SF	0.00+	1.85 =	0.68	3.10	18.58	
229. FCV	PLK+	+ Vinyl plank flooring - High grade						
	F	163.54 SF	[*]	0.00+	6.50 =	60.35	224.68	
230. FCV	CB4	+ Cove base molding - rubber or vinyl, 4" high					1,348.04	
	PF	53.50 LF	0.00+	2.20 =	6.42	24.82	148.94	

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**CONTINUED - Director of Finance - April**

CAT	SEL	ACT DESCRIPTION			TAX	O&P	TOTAL
	CALC	QTY	REMOVE	REPLACE			
231. CDC	BX	+ Provide box & tape - medium size					
	7	7.00 EA	0.00+	2.81 =	2.01	4.34	26.02
232. DOR	DOR-RS	+ Interior door - Detach & reset - slab only					
	1	1.00 EA	0.00+	30.67 =	0.00	6.14	36.81
Totals: Director of Finance - April					69.46	442.72	2,656.19



Accounting Office

Height: 8'

502.31 SF Walls	207.65 SF Ceiling
709.96 SF Walls & Ceiling	207.65 SF Floor
23.07 SY Flooring	62.79 LF Floor Perimeter
62.79 LF Ceil. Perimeter	

CAT	SEL	ACT DESCRIPTION					
	CALC	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
Demo / Prep							
233. CON	LAB	+ Content Manipulation charge - per hour					
	2*4	8.00 HR	0.00+	65.00 =	0.00	104.00	624.00
Remove furnishings for flooring repairs, Put back once done							
234. LAB	CARPMEC	+ Carpenter - Mechanic - per hour					
	2	2.00 HR	0.00+	105.01 =	0.00	42.00	252.02
Labor for labeling and identifying wiring of office equipment and putting all back together at end of shift							
235. FNC	B3	- Remove Baseboard - 3 1/4"					
	PF-15	47.79 LF	0.59+	0.00 =	0.00	5.64	33.84
236. FCC	GD	- Remove Glue down carpet					
	.5F	103.83 SF	0.82+	0.00 =	0.00	17.02	102.16
237. FCC	FP	+ Floor prep (scrape rubber back residue)					
	F	207.65 SF	0.00+	0.81 =	0.00	33.64	201.84
*****Insulation*****							
238. INS	BTLF4	+ Batt insulation replacement per LF - 4" - up to 2' tall					
	6	6.00 LF	0.00+	1.71 =	0.42	2.14	12.82
*****Drywall*****							
239. DRY	LF	+ 1/2" - drywall per LF - up to 2' tall					
	4	4.00 LF	0.00+	10.84 =	0.46	8.78	52.60



Bridges Construction

CONTINUED - Accounting Office

CAT	SEL	ACT DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
CALC								
240. DRY	LF	+ 1/2" - drywall per LF - up to 2' tall						
	11	11.00 LF		0.00+	10.84 =	1.25	24.10	144.59
This is 1/4" paneling with Texture								
241. FRM	UL1/4	M Material Only Underlayment - 1/4" lauan/mahogany plywood						
	32	32.00 SF		0.00+	0.74 =	2.43	5.22	31.33
242. DRY	TEX++	+ Texture drywall - smooth / skim coat						
	WS173.SF+WS191.	157.95 SF		0.00+	1.51 =	1.46	48.00	287.96
	SF+WS199.							
	SF+WS189.SF							
243. DRY	TEX+	+ Texture drywall - heavy hand texture						
	158	158.00 SF		0.00+	1.08 =	2.11	34.54	207.29
*****Paint*****								
244. PNT	S-	+ Seal the surface area w/PVA primer - one coat						
	158	158.00 SF		0.00+	0.73 =	0.81	23.22	139.37
245. PNT	P2	+ Paint the surface area - two coats						
	158	158.00 SF		0.00+	1.14 =	3.24	36.66	220.02
*****Finish Woodwork*****								
246. FNC	C	+ Casing - 2 1/4"						
	1	1.00 LF		0.00+	2.27 =	0.09	0.48	2.84
2 1/4" Beveled Casing								
247. PNT	DORT	+ Paint door/window trim & jamb - 2 coats (per side)						
	1	1.00 EA		0.00+	37.90 =	0.40	7.66	45.96
*****Flooring*****								
248. FCT	UC1/8	+ Underlayment - 1/8" cork						
	17*7	119.00 SF		0.00+	1.85 =	10.12	46.06	276.33
249. FCV	PLK+	+ Vinyl plank flooring - High grade						
	F	207.65 SF		0.00+	6.50 =	76.62	285.26	1,711.61
250. FCV	CB4	+ Cove base molding - rubber or vinyl, 4" high						
	PF	62.79 LF		0.00+	2.20 =	7.53	29.12	174.79
251. CDC	BX	+ Provide box & tape - medium size						
	8	8.00 EA		0.00+	2.81 =	2.30	4.96	29.74
252. DOR	DOR-RS	+ Interior door - Detach & reset - slab only						
	1	1.00 EA		0.00+	30.67 =	0.00	6.14	36.81
Totals: Accounting Office						109.24	764.64	4,587.92
Total: Main Level						1,874.80	22,117.68	132,704.38
Labor Minimums Applied								



Bridges Construction

CAT	SEL	ACT DESCRIPTION	REMOVE	REPLACE	TAX	O&P	TOTAL
	CALC	QTY					
253. INS	MN-A	+ Insulation labor minimum					
	1	1.00 EA	0.00+	143.48 =	0.00	28.70	172.18
254. TBA	MN-A	+ Toilet & bath accessory labor minimum					
	1	1.00 EA	0.00+	66.94 =	0.00	13.38	80.32
Totals: Labor Minimums Applied					0.00	42.08	252.50
Line Item Totals: ST_HELENA_OVERALL					1,874.80	22,159.76	132,956.88

Additional Charges	Charge
California Lumber Assessment Fee	0.46
Additional Charges Total	\$0.46

Grand Total Areas:

12,613.36 SF Walls	4,823.41 SF Ceiling	17,436.77 SF Walls and Ceiling
4,847.17 SF Floor	538.57 SY Flooring	1,562.78 LF Floor Perimeter
0.00 SF Long Wall	0.00 SF Short Wall	1,580.36 LF Ceil. Perimeter
4,847.17 Floor Area	5,154.47 Total Area	12,079.99 Interior Wall Area
3,373.83 Exterior Wall Area	374.87 Exterior Perimeter of Walls	
0.00 Surface Area	0.00 Number of Squares	0.00 Total Perimeter Length
0.00 Total Ridge Length	0.00 Total Hip Length	

Coverage	Item Total	%	ACV Total	%
Dwelling	132,343.58	99.54%	132,344.14	99.54%
Other Structures	0.00	0.00%	0.00	0.00%
Contents	613.30	0.46%	613.30	0.46%
Total	132,956.88	100.00%	132,957.44	100.00%



Recap by Category

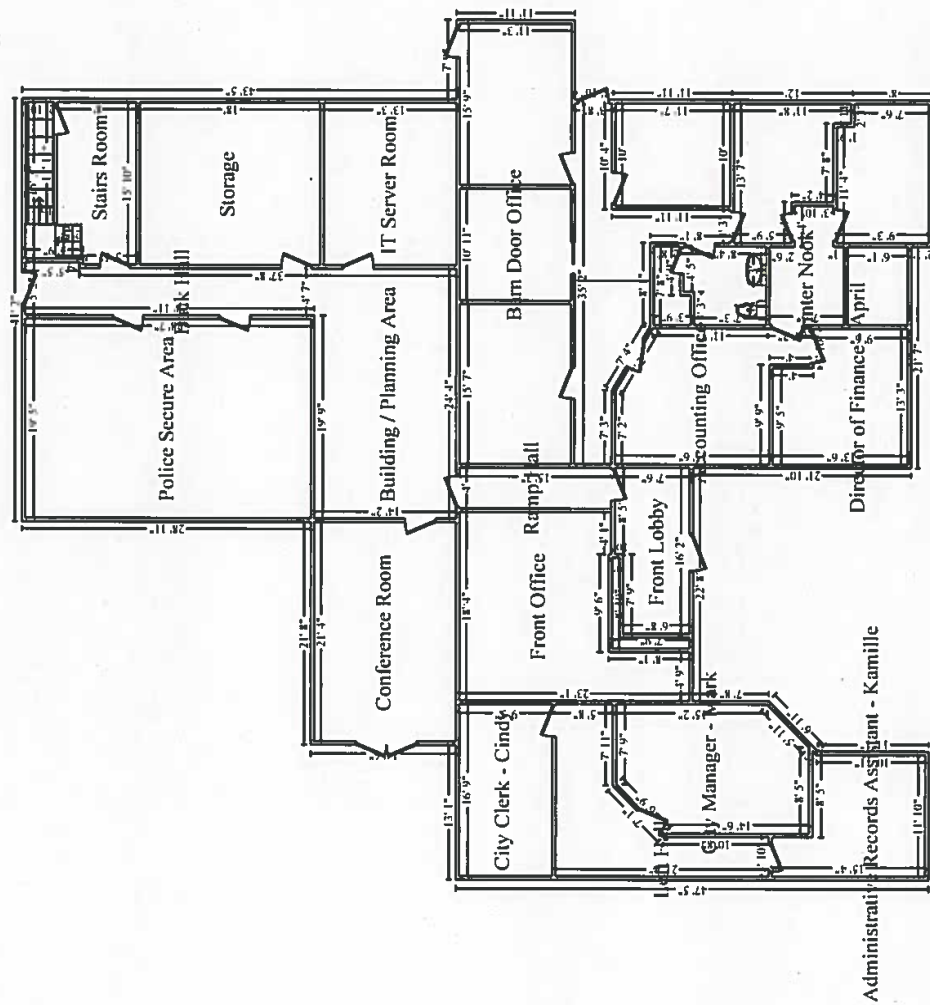
O&P Items			Total	%
CABINETRY			78.75	0.06%
Coverage: Dwelling	@	100.00% =	78.75	
CONT: GARMENT & SOFT GOODS CLN			463.65	0.35%
Coverage: Contents	@	100.00% =	463.65	
CLEANING			4,071.62	3.06%
Coverage: Dwelling	@	100.00% =	4,071.62	
CONTENT MANIPULATION			7,280.00	5.48%
Coverage: Dwelling	@	100.00% =	7,280.00	
GENERAL DEMOLITION			5,774.23	4.34%
Coverage: Dwelling	@	100.00% =	5,774.23	
DOORS			368.04	0.28%
Coverage: Dwelling	@	100.00% =	368.04	
DRYWALL			2,893.93	2.18%
Coverage: Dwelling	@	100.00% =	2,893.93	
ELECTRICAL			387.45	0.29%
Coverage: Dwelling	@	100.00% =	387.45	
FLOOR COVERING - CARPET			2,838.41	2.13%
Coverage: Dwelling	@	100.00% =	2,838.41	
FLOOR COVERING - CERAMIC TILE			1,101.14	0.83%
Coverage: Dwelling	@	100.00% =	1,101.14	
FLOOR COVERING - VINYL			26,880.97	20.22%
Coverage: Dwelling	@	100.00% =	26,880.97	
FLOOR COVERING - WOOD			282.96	0.21%
Coverage: Dwelling	@	100.00% =	282.96	
PERMITS AND FEES			3,230.88	2.43%
Coverage: Dwelling	@	100.00% =	3,230.88	
FINISH CARPENTRY / TRIMWORK			97.61	0.07%
Coverage: Dwelling	@	100.00% =	97.61	
FRAMING & ROUGH CARPENTRY			47.36	0.04%
Coverage: Dwelling	@	100.00% =	47.36	
INSULATION			216.58	0.16%
Coverage: Dwelling	@	100.00% =	216.58	
LABOR ONLY			46,875.67	35.26%
Coverage: Dwelling	@	100.00% =	46,875.67	
PLUMBING			663.50	0.50%
Coverage: Dwelling	@	100.00% =	663.50	
PANELING & WOOD WALL FINISHES			780.48	0.59%
Coverage: Dwelling	@	100.00% =	780.48	
PAINTING			2,044.35	1.54%
Coverage: Dwelling	@	100.00% =	2,044.35	
TOILET & BATH ACCESSORIES			154.80	0.12%
Coverage: Dwelling	@	100.00% =	154.80	
ST_HELENA_OVERALL			3/4/2019	Page: 28



Bridges Construction

O&P Items			Total	%
WATER EXTRACTION & REMEDIATION			2,389.94	1.80%
Coverage: Dwelling	@	100.00% =	2,389.94	
O&P Items Subtotal			108,922.32	81.92%
Permits and Fees			0.46	0.00%
Coverage: Dwelling	@	100.00% =	0.46	
Material Sales Tax			1,874.80	1.41%
Coverage: Dwelling	@	97.47% =	1,827.45	
Coverage: Contents	@	2.53% =	47.35	
Overhead			11,079.93	8.33%
Coverage: Dwelling	@	99.54% =	11,028.78	
Coverage: Contents	@	0.46% =	51.15	
Profit			11,079.93	8.33%
Coverage: Dwelling	@	99.54% =	11,028.78	
Coverage: Contents	@	0.46% =	51.15	
Total			132,957.44	100.00%

Main Level





Report to the City Council
Council Meeting of March 12, 2019

Agenda Section: Consent

Subject: Consideration and proposed approval of a resolution authorizing the addition of 1.0 Full-Time Equivalent (FTE) to the City Manager's Office and funding the position for the remaining FY 2018-19 budget in amount not to exceed \$37,939, adding the position to the City's current organizational structure and approving the job description, authorize the recruitment; and duly approve and adopt publicly available salary schedule for Mid-Managers in accordance with the requirement of California Code of Regulations Title 2, section 570.5 which includes amended pay schedule for FY 2018-19 to include Assistant to the City Manager position.

CEQA Not a CEQA project
Determination:

Prepared By: Kathy Robinson, Human Resources & IT Director

Reviewed By: April Mitts, Finance Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

On Monday, February 4, 2019, the City Council held a goal setting workshop to reaffirm and/or identify broad three-year organizational goals, establish priorities for the coming year, and discuss how the priorities fit with the organization's capacity. Carryover items from last year's list along with new items were discussed at the meeting. The workshop resulted in combining two of the previous broad organizational goals and the addition of new goal related to youth and families. The Council tasked the City Manager to prioritize the list with executive staff and determine how many of the items City staff could realistically accomplish over the next year and bring it back to the City Council to approve. During this goal setting session, the City Council acknowledged and supported the addition of an Assistant to the City Manager position to assist with citywide project

management in support of work plan and organizational goals. A typical way of obtaining the required qualifications includes at least three years of work administrative and analytical experience, and a Bachelor's Degree from an accredited college or university with major course work in public administration, business administration or a related field. A Master's Degree is preferred.

DISCUSSION

Through the combining of two previous broad organizational goals and introduction of one new one, 51 objectives were identified in the work plan for 2019-2020. Of those objectives, 39 were identified by staff to be accomplished in 2019-20 under staffing levels which includes a proposed Public Works reorganization and the addition of 1.0 FTE to the City Manager's Office in FY 2018-19. Given City Council's support for the additional position, the City Manager is formally requesting the City Council allocate an additional 1.0 FTE and fund the position for the remaining FY 2018-19 budget, add the position to the City's current organizational structure, approve the job description, and authorize the recruitment for the Assistant to the City Manager position.

FISCAL IMPACT

Total amount needed to fund the position for the remainder of FY 2018-19 is \$37,939, allocated as follows: \$24,660 General Fund, \$7,588 Water Fund, and \$5,691 Wastewater Fund which can be absorbed in the current year budget. Total amount needed for FY 2019-20 is \$163,374, allocated as follows: \$106,460 General Fund, \$32,517 Water Fund, and \$24,396 Wastewater Fund and is included in the proposed budget to be adopted later this year.

RECOMMENDED ACTION

Approve resolution authorizing the addition of 1.0 FTE to the City Manager's Office, fund the position for the remaining FY 2018-19 budget in amount not to exceed \$37,939, add the position to the City's organizational structure, approve job description, authorize recruitment; and duly approve and adopt publicly available salary schedule for Mid-Managers in accordance with the requirement of California Code of Regulations Title 2, section 570.5 which includes amended pay schedule for FY 2018-19 to include the Assistant to the City Manager position.

ATTACHMENTS

[Assistant to the City Manager Job Description](#)

[2019-03-12 Publicly Availavle Salary Schedule FY 2018-19-Mid-Managers](#)

[Assistant to CM RESOv2](#)

CITY OF ST. HELENA
ASSISTANT TO THE CITY MANAGER

*Class specifications are only intended to present a descriptive summary of the range of duties and responsibilities associated with specified positions. Therefore, specifications **may not include all** duties performed by individuals within a classification. In addition, specifications are intended to outline the **minimum** qualifications necessary for entry into the class and do not necessarily convey the qualifications of incumbents within the position.*

DEFINITION:

Under direction of the City Manager, performs a wide variety of highly responsible, complex, and diverse advanced level professional duties involved in providing administrative, analytical, and technical support to the City Manager's Office; plans, coordinates, and participates in various program and administrative operations and activities including those having a City-wide impact; serves as liaison between the City Manager's Office and the general public, City staff, appointed boards and committees, community organizations, and other governmental agencies seeking interaction with the City Manager and/or City Council; coordinates assigned activities with City departments, outside agencies, and the general public; and provides information and assistance to internal and external customers regarding assigned programs and services.

DISTINGUISHING CHARACTERISTICS:

This classification is distinguished from other City job classifications in that incumbents work as a member of the City Manager's Staff, performing complex and sensitive administrative (and confidential) work on programs with citywide implications. Incumbents assigned to a particular program area have considerable latitude for program administration, policy and procedure development and exercise independent judgment, particularly when representing the City with other agencies, boards and commissions, and community groups. Persons appointed to the Assistant to the City Manager classification are At-Will positions that are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA), exempt from the City's Personnel System Rules and are Designated Management positions.

SUPERVISION RECEIVED/EXERCISED:

Receives direction from the City Manager. May exercise technical and functional supervision over assigned staff.

ESSENTIAL FUNCTIONS: *(include but are not limited to the following)*

- Conducts complex and sensitive administrative, operational, and management analyses, studies, and research projects including those involving City-wide issues, programs, policies, and procedures;

selects, adapts, and applies appropriate research and statistical techniques; gathers and analyzes data and information from various sources on a variety of specialized topics.

- Coordinates assigned services and program/project activities with those of other City programs, functions, departments and staff, boards, committees, and task forces as well as external agencies, groups, and the general public to ensure effective cooperation consistent with optimal efficiency, effectiveness, and economy; assists in the installation of new programs and procedures; develops new and revised programs, systems, procedures, and methods of operation and advises and recommends change and improvements.

- Performs a wide variety of complex and responsible administrative and professional duties for the City Manager and City Council; relieves assigned staff and elected officials of administrative work including investigating and answering complaints and providing assistance in resolving operational and administrative problems.

- Serves as staff liaison, participates on, and provides staff support to a variety of committees; completes specific objects; prepares and presents staff reports and other correspondence as appropriate and necessary.

- Responds to and resolves difficult and sensitive complaints and inquiries with political sensitivity; provides general and specialized information and assistance within area of assignment that may require the use of judgment, tact, and sensitivity and the interpretation of policies, rules, and procedures as appropriate; explains programs, policies, and activities related to specific program area of assignment; prepares responses, writes reports, makes recommendations and reviews with City Manager as appropriate; refers matters to appropriate City staff and/or takes or recommends action to resolve the request or complaint.

- Participates in special projects including planning and implementation of special programs and events and complex research of new programs and services.

- Participates in the development and implementation of goals, objectives, and priorities for assigned functions and programs; recommends and implements resulting policies and procedures.

- Participates in the development and administration of the department budget; submits budget recommendations; monitors expenditures.

- Ensures that assigned program activities and services comply with relevant federal, state, and local laws, policies, and regulations.

- Attends and participates in professional group meetings; stays abreast of new trends and innovations in the fields of business and public administration and issues related to field of expertise.
- May direct the work of support staff on a project or day-to-day basis.
- Establishes positive working relationships with representatives of community organizations, state/local agencies and associations, City management and staff and the public.
- May develop, compile, review, and administer the budget for the City Manager's office.

WORKING CONDITIONS:

Position requires prolonged sitting, standing, walking, kneeling, squatting and stooping in the performance of daily activities. The position also requires repetitive hand movement and fine coordination in data entry and preparing reports using a computer keyboard. Additionally, the position requires near and far vision in reading written reports and work-related documents. Acute hearing is required when providing phone and personal service. The position requires the need to lift, drag and push files, paper and documents weighing up to 25 pounds.

Some of these requirements may be accommodated for otherwise qualified individuals requiring and requesting such accommodations.

QUALIFICATIONS: *(The following are minimal qualifications necessary for entry into the classification.)*

Education and/or Experience:

Any combination of education and experience that has provided the knowledge, skills and abilities necessary for an **Assistant to the City Manager**. A typical way of obtaining the required qualifications is to possess the equivalent of three years of administrative and analytical experience, preferably with a local municipality, and a Bachelor's degree from an accredited college or university with major course work in public administration, business administration or a related field. Master's Degree preferred.

License/Certificate:

Possession of, or ability to obtain, a valid Class C California driver's license.

KNOWLEDGE/ABILITIES/SKILLS: *(The following are a representative sample of the KAS's necessary to perform essential duties of the position.)*

Knowledge of:

Principles and practices of public administration including the organization and functions of municipal government; operations, services, and activities of a municipality; government, council, and legislative processes; operational characteristics, services, and activities of the City Manager's Office; principles and practices of program development and administration;

advanced organizational and management practices as applied to the analysis and evaluation of programs, policies, and operational needs related to area of assignment; principles and applications of critical thinking and analysis; techniques and formulae for administrative, financial, and comparative analyses; methods and techniques of effective technical, administrative, and financial record keeping, report preparation, and presentation; recent developments, research methods, current literature, and sources of information related municipal government operations; principles and practices of budget preparation; finance and accounting systems; principles of business letter writing; principles of lead supervision and training; english usage, spelling, grammar, and punctuation; principles of effective public relations; office procedures, methods, and equipment including computers and applicable software applications such as word processing, spreadsheets, and databases; pertinent federal, state, and local laws, codes, and regulations.

Ability to:

Plan, organize, direct, coordinate, and evaluate assigned programs, projects, events, or technical areas; participate in the development and administration of program goals, objectives, and procedures; perform the full range of complex and difficult professional analytical, programmatic, and administrative duties involving the use of independent judgment and personal initiative; collect, evaluate, and interpret varied information and data; research, analyze, and formulate recommendations, work plans, and activities regarding planning, technical, and administrative issues; analyze complex problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals; develop recommendations for problematic areas and implement and monitor changes; prepare clear and concise technical, administrative, and financial reports; understand the organization and operation of the City, assigned program areas, and of outside agencies as necessary to assume assigned responsibilities; understand, interpret, and apply administrative and departmental policies and procedures as well as pertinent federal, state, and local laws, codes, and regulations; properly interpret, ensure compliance with, and make recommendations in accordance with laws, regulations and policies; identify and respond to community and organizational issues, concerns, and needs; coordinate multiple projects and meet critical deadlines; organize and prioritize timelines and project schedules in an effective and timely manner; plan, schedule, and review the work of assigned staff; participate in the preparation and administration of budgets; work under steady pressure with frequent interruptions and a high degree of public contact by phone or in person; exercise good judgment and maintain confidentiality in maintaining critical and sensitive information, records, and reports; communicate clearly and concisely, both orally and in writing; establish and maintain effective working relationships with those contacted in the course of work.

Skill to:

Operate office equipment including computers and supporting word processing, spreadsheet, and database applications.

CITY OF ST. HELENA PUBLICLY AVAILABLE SALARY SCHEDULE

Mid-Management Exempt

Approved and Adopted March 12, 2019

Includes a 3.5% salary Increase effective July 1, 2018

FY 2018-2019

Position	Timebase*	A	B	Steps C	D	E
Recreation Manager*	Annual	68,394.00	71,814.00	75,405.00	79,176.00	83,134.00
	Monthly	5,699.50	5,984.50	6,283.75	6,598.00	6,927.83
	Bi-weekly	2,630.54	2,762.08	2,900.19	3,045.23	3,197.46
	Hourly	32.88	34.53	36.25	38.07	39.97
Management Analyst	Annual	77,871.00	81,765.00	85,853.00	90,146.00	94,654.00
Public Works Maintenance Manager	Monthly	6,489.25	6,813.75	7,154.42	7,512.17	7,887.83
Public Works Project Manager	Bi-weekly	2,995.04	3,144.81	3,302.04	3,467.15	3,640.54
Water Conservation Coordinator*	Hourly	37.44	39.31	41.28	43.34	45.51
Flood Project Manager*	Annual	80,441.00	84,463.00	88,686.00	93,121.00	97,777.00
	Monthly	6,703.42	7,038.58	7,390.50	7,760.08	8,148.08
	Bi-weekly	3,093.88	3,248.58	3,411.00	3,581.58	3,760.65
	Hourly	38.67	40.61	42.64	44.77	47.01
Senior Management Analyst	Annual	85,149.00	89,406.00	93,878.00	98,570.00	103,499.00
Grants and Finance Manager*	Monthly	7,095.75	7,450.50	7,823.17	8,214.17	8,624.92
Sr. Public Works Maintenance Manager	Bi-weekly	3,274.96	3,438.69	3,610.69	3,791.15	3,980.73
Sr. Public Works Project Manager	Hourly	40.94	42.98	45.13	47.39	49.76
Sr. Water Conservation Coordinator*						
Senior Planner	Annual	92,669.00	97,301.00	102,167.00	107,276.00	112,639.00
	Monthly	7,722.42	8,108.42	8,513.92	8,939.67	9,386.58
	Bi-weekly	3,564.19	3,742.35	3,929.50	4,126.00	4,332.27
	Hourly	44.55	46.78	49.12	51.58	54.15
Library Manager	Annual	94,563.00	99,291.00	104,256.00	109,470.00	114,943.00
	Monthly	7,880.25	8,274.25	8,688.00	9,122.50	9,578.58
	Bi-weekly	3,637.04	3,818.88	4,009.85	4,210.38	4,420.88
	Hourly	45.46	47.74	50.12	52.63	55.26
Utilities Operations Manager	Annual	99,291.00	104,256.00	109,469.00	114,943.00	120,688.00
	Monthly	8,274.25	8,688.00	9,122.42	9,578.58	10,057.33
	Bi-weekly	3,818.88	4,009.85	4,210.35	4,420.88	4,641.85
	Hourly	47.74	50.12	52.63	55.26	58.02
Lieutenant	Annual	99,623.00	104,605.00	109,834.00	115,327.00	121,093.00
	Monthly	8,301.92	8,717.08	9,152.83	9,610.58	10,091.08
	Bi-weekly	3,831.65	4,023.27	4,224.38	4,435.65	4,657.42
	Hourly	47.90	50.29	52.80	55.45	58.22
Assistant Public Works Director	Annual	109,001.00	114,451.00	120,174.00	126,182.00	132,490.00
Chief Building Official	Monthly	9,083.42	9,537.58	10,014.50	10,515.17	11,040.83
	Bi-weekly	4,192.35	4,401.96	4,622.08	4,853.15	5,095.77
	Hourly	52.40	55.02	57.78	60.66	63.70

CITY OF ST. HELENA PUBLICLY AVAILABLE SALARY SCHEDULE

Mid-Management Exempt

Approved and Adopted March 12, 2019

Includes a 3.5% salary Increase effective July 1, 2018

FY 2018-2019

Position	Timebase*	A	B	Steps C	D	E
<u>Confidential Positions</u>						
HR Analyst ⁽¹⁾	Annual	77,871.00	81,765.00	85,853.00	90,146.00	94,654.00
	Monthly	6,489.25	6,813.75	7,154.42	7,512.17	7,887.83
	Bi-weekly	2,995.04	3,144.81	3,302.04	3,467.15	3,640.54
	Hourly	37.44	39.31	41.28	43.34	45.51
Senior HR Analyst ⁽¹⁾	Annual	85,149.00	89,406.00	93,878.00	98,570.00	103,499.00
	Monthly	7,095.75	7,450.50	7,823.17	8,214.17	8,624.92
	Bi-weekly	3,274.96	3,438.69	3,610.69	3,791.15	3,980.73
	Hourly	40.94	42.98	45.13	47.39	49.76
Administrative Services Manager ⁽¹⁾	Annual	99,291.00	104,256.00	109,469.00	114,943.00	120,688.00
Assistant to the City Manager ⁽¹⁾	Monthly	8,274.25	8,688.00	9,122.42	9,578.58	10,057.33
	Bi-weekly	3,818.88	4,009.85	4,210.35	4,420.88	4,641.85
	Hourly	47.74	50.12	52.63	55.26	58.02

(1) Confidential Positions receive a 3% pay differential that is added to the employee's base salary. Confidential as defined is an employee having access in the course of his/her duties to confidential information on the employer's labor relations and consequently excludable from holding Association office and/or divulging confidential employer information to the Association.

*Annual timebase payrate is rounded up to the nearest whole dollar, while all other timebase payrates are rounded to the nearest cent.

CITY OF ST. HELENA

RESOLUTION NO. 2019-XX

Authorize addition of 1.0 Full-Time Equivalent (FTE) to the City Manager's Office, fund the position for the remaining FY 2018-19 budget in amount not to exceed \$37,939 adding the position to the City's current organizational structure, approve the job description, authorize the recruitment; and duly approve and adopt publicly available salary schedule for Mid-Managers in accordance with the requirement of California Code of Regulations Title 2, section 570.5 which includes amended pay schedule for FY 2018-19 to include Assistant to the City Manager position

RECITALS

- A. The City Council held a Priority goal setting workshop to reaffirm and/or identify broad three-year organizational goals, establish priorities for the coming year, and discuss how the priorities fit with the organization's capacity; and
- B. During this goal setting session, the City Council acknowledged and supported the addition of an Assistant to the City Manager position to assist with citywide project management in support of work plan and organizational goals; and
- C. The City Manager is formally requesting that City Council allocate an additional 1.0 FTE and fund the position for the remaining FY 2018-19 budget.
- D. The City of St. Helena contracts with the California Public Employees Retirement System (CalPERS) to provide retirement benefits for its employees; and
- E. Per California Code of Regulations (CCR) Title 2, Section 570.5 the City must abide by the government code when establishing and reporting compensation for its employees; and
- F. Pay schedule must meet the following requirements: must be duly approved and adopted by the employer's governing body in accordance with requirements of applicable public meeting laws, identifies the position title for every employee position, shows the pay rate for each position, and indicates the time base for each pay rate; and
- G. The City Council desires to authorize a position to assist the City Manager.

RESOLUTION

Now, therefore, the City Council of the City of St. Helena resolves as follows:

1. Authorize the addition of 1.0 FTE to the City Manager's office fund the position for the remaining FY 2018-19 budget in amount not to exceed \$37,939;
2. Add the position to the City's organizational structure, approve job description, and authorize recruitment; and
3. Duly approve and adopt publicly available salary schedule for Mid-Managers in accordance with the requirement of California Code of Regulations Title 2, section 570.5 which includes amended pay schedule for FY 2018-19 to include the Assistant to the City Manager position.

Approved at a Regular Meeting of the St. Helena City Council on March 12, 2019, by the following vote:

Mayor Ellsworth:	_____
Vice Mayor Dohring:	_____
Council Member Koberstein:	_____
Council Member Chouteau:	_____
Council Member Knudsen:	_____

APPROVED:

ATTEST:

Geoff Ellsworth, Mayor

Cindy Tzaopoulos, City Clerk



Report to the City Council
Council Meeting of March 12, 2019

Agenda Section: Public Hearing

Subject: Introduction and First Reading of an Ordinance proposing to amend and restate St. Helena Municipal Code (SHMC) Chapter 17.136.050 'Temporary Uses', to create a Temporary Use Permit, an administrative review process and a fee for such permits, citywide.

CEQA Determination: The proposed Ordinance to amend St. Helena Municipal Code Title 17 is exempt from the requirements of CEQA pursuant to Guidelines Sections 15301, 15303, and 15304 as Class 1, Class 3 and Class 4 Categorical Exemptions in that these modifications create an administrative process for the temporary use, conversion or minor alteration of existing properties, which may include the construction, modification or conversion of "Small Structures" as defined in the statute, however only for temporary and set periods of time for the use of the land; that the proposed text amendments are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR, given their intent to facilitate operation of temporary activities at existing facilities, 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 t

Prepared By: Noah Housh, Planning & Community Improvement Director

Reviewed By: Mark T. Prestwich, City Manager

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

In late 2017, the City Council adopted three-year organizational goals including "Ensure the Long-Term Economic Sustainability while Safeguarding St. Helena's Unique Culture

and Quality of Life" with a specific focus on revitalizing downtown to improve its resilience. Continuation of these Goals was re-prioritized by the newly created City Council in early 2019.

In September 2018, the City Council adopted a Downtown Economic Strategy which prioritized initiatives designed to enhance the economic vitality of downtown. One specific initiative was creation of an administrative Temporary Use Permit, in part, to facilitate the ability of pop-up retail for the numerous vacant downtown spaces. This initiative was highlighted as a short-term priority with the hope that these regulations could be in place prior to the holiday shopping season.

At several meetings between October 2, 2018, through February 12, 2019, staff presented a draft Ordinance proposing to create a Temporary Use Permit to the Planning Commission and City Council for review and direction. After providing general feedback and recommending some revision, the Planning Commission (4-0) and then the City Council (5-0) voted unanimously to support adoption of an Ordinance to create of a Temporary Use Permit.

During this review and discussion process, the City Council adopted an Urgency Ordinance as a mechanism to implement Temporary Uses in an effort to support the economic vitality of the downtown while the permanent Ordinance was being finalized. The Urgency Ordinance was adopted in November 2018, and is in effect through March 13, 2019. Since adoption of the Urgency ordinance, the City has processed one Temporary Use Permit for a downtown pop-up retail business.

DISCUSSION

During the February 12, 2019, review of the Temporary Use Permit Ordinance, the City Council provided final direction to staff on the language of the Temporary Use Permit Ordinance. This direction included:

1. Allowing Formula Businesses (excluding restaurants) to be included as allowable Temporary Uses, subject to the requirements of a Temporary Use Permit. Permanent operation of a Formula Business would continue to require Use Permit approval.
2. That temporary (non-formula) "Pop-Up" uses such as restaurants, retail stores and museums be allowed to open and operate for up to 12-months. Formula "Pop-Up" businesses are limited to a maximum of 90-days of operation.
3. Not requiring uses intended to attract a significant number of individuals to automatically be referred to the City Council for authorization. The proposed language does allow elevation of the decision to the Planning Commission at the discretion of the Planning Director.

4. Requiring Temporary Uses to conform to the same sign standards and zoning requirements pertaining to the outdoor storage, display and/or sale of merchandise, as those applied to permanent uses.

As discussed, and consistent with previous presentations to the Planning Commission and City Council, staff finds that the proposed Ordinance creating a Temporary Use Permit and the requisite fee, is consistent with the past environmental analysis conducted for existing City policy documents; is exempt from the requirements of CEQA under several Categorical Exemptions; is consistent with the City's applicable General Plan policies, and has been reviewed and decided in keeping with the City's requirements for Ordinance adoption, as outlined in S.H.M.C. Chapter 17.12.100.

FISCAL IMPACT

The Ordinance proposes to create an administrative review fee of \$500 to cover the staff time associated with the review of the proposed Temporary Use Permit. Based on this, direct fiscal impacts to the General Fund would result in increased permit application fees for each Temporary Use Permit application reviewed by the City. The fee amount was determined utilizing the combined staffing hourly rate identified in the Fee Schedule and based on the anticipated time to review Temporary Use Permit applications. Indirect impacts to the General Fund could result from additional retail activity and sales tax payments occurring from under utilized properties used to house temporary uses.

As previously discussed and supported by the City Council, collection of the fee will be postponed for 12-months from the effective date of the Ordinance, in an effort to allow staff to create a formal administrative review process while still collecting applications and to help stimulate downtown retail activity.

RECOMMENDED ACTION

It is recommended by the Planning Commission and the Planning and Community Improvement Department, that the City Council:

1. Find that the proposed Ordinance to amend St. Helena Municipal Code Title 17 is exempt from the requirements of CEQA pursuant to Guidelines Sections 15301, 15303, and 15304 as Class 1, Class 3 and Class 4 Categorical Exemptions in that these modifications create an administrative process for the temporary use, conversion or minor alteration of existing properties, which may include the construction, modification or conversion of "Small Structures" as defined in the statute, however only for temporary and set periods of time for the use of the land; that the proposed text amendments are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR, given their intent to facilitate operation of temporary activities at existing facilities, 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. Introduce, conduct First Reading by title only and waive further reading of an Ordinance proposing to amend and restate St. Helena Municipal Code (SHMC) Chapter 17.136.050 'Temporary Uses', to create a Temporary Use Permit, an administrative review process, and a fee for such permits, citywide.

ATTACHMENTS

[Draft Temporary Use Permit Ordinance-March 2019](#)

[Draft Exhibit A Temp Use Permit Code Language-Final-Clean-March 2019](#)

[Draft Exhibit A Temp Use Permit Code Language-Final Redline-March 2019](#)

[February 5, 2019 CC Temp Use Report and Packet](#)

[PC Reso-Temp Use Permit](#)

CITY OF ST. HELENA

ORDINANCE NO. X

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ST. HELENA, CALIFORNIA, AMENDING AND RESTATING ST. HELENA MUNICIPAL CODE CHAPTER 17.136.050 (TEMPORARY 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 17.136.050 of the St Helena Municipal Code (SHMC) establishes the City's regulations regarding Temporary Uses 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. In late 2017, the City Council held a strategic planning workshop to discuss three-year organizational goals and 12-month strategic objectives. "Ensure the Long-Term Economic Sustainability while Safeguarding St. Helena's Unique Culture and Quality of Life" emerged as a key goal, along with a desire to revitalize downtown to improve its resilience.

D. On July 24, 2018, the City Council heard a presentation of an Economic and Demographic Profile and a Downtown Retail Market Analysis to evaluate the downtown's retail vitality from economic consultant Kosmont Companies. This analysis and presentation included several recommendations to address concerns with the downtown retail environment. Direction was subsequently provided to the City Manager to prepare a plan and recommended next steps.

E. On September 11, 2018, the City Council reviewed a draft Downtown Economic Strategy prepared by the City Manager and provided recommendations on the prioritization of initiatives, one of which was the creation of a Temporary Use Permit, and administrative review process for such permits. This initiative was highlighted as a short-term priority with the hope that these regulations could be in place prior to the holiday shopping season.

F. The City desires by this Ordinance to make amendments to its Temporary Use regulations with respect to (1) allowing certain use types to operate within permanent commercial business locations which are located in commercial zoning districts, (2) to memorialize that certain not-for-profit activities are permitted activities within certain zoning districts and specific sites, and (3) to limit the allowable timeframe for certain individual temporary uses to operate and (4) to establish the administrative review criteria by which the various Temporary Uses are reviewed and acted upon.

G. Further, the creation of a new Temporary Use Permit requires adoption of a fee which accurately reflects the staff time required to process and evaluate such an administrative Temporary Use Permit.

H. City staff has calculated the overall staff time and effort required to process analyze and issue an administrative Temporary Use 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.

I. Staff has recommended that an Administrative Temporary Use 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 such an administrative 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.

J. However, in an effort to allow the creation of an effective and efficient administrative process while also allowing Temporary Use Permit applications to be filed and acted upon by the City, and to also provide support for the economic and commercial activities of the community, the City Council hereby directs the staff to delay collection of this fee for 12-months from the effective date of this Ordinance.

K. The City's Planning Commission reviewed the amendments proposed by this Ordinance at a duly noticed public hearing on October 2, 2018. After all interested parties were given full opportunity to be heard, and to present evidence, the Planning Commission voted (4-0) to recommend to the City Council that the Council adopt the amendments to Chapter 17.136.050 proposed by this Ordinance.

L. After several publically noticed meetings to discuss the merits of the proposed Ordinance, on March 12, 2019, 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.

M. Further, 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 St. Helena Municipal Code Title 17 Section 17.136.050 is exempt from the requirements of CEQA (Public Resources Code Section 21000, et seq.) pursuant to Guidelines Sections 15301, 15303, and 15304 in that these modifications create an administrative process for the use, conversion or minor alteration of existing properties, which may include the construction, modification or conversion of "Small Structures" as defined in the statute, however only for temporary and set periods of time for the use of the land; that the proposed text amendments are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR, given their intent to facilitate operation of temporary

activities at existing facilities, 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.

SECTION 3. Amendment of SHMC Chapter 17.136.050. SHMC Chapter 17.136.050 “TEMPORARY USES” 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 would preserve and maintain the development standards for permanent uses established to ensure new development occurs in a logical manner; continue to protect historic commercial buildings due to their temporary nature, allow temporary retail and service options to be made available to citizens of the community, create an opportunity for temporary events to request approval from the City, would help to reinvigorate under-utilized parcels, allow temporary uses to expand opportunities for the re-use of existing structures, provide for new opportunities for pedestrian connections and destinations and would to help maintain the St. Helena downtown as the City’s core and primary center of retail business (General Plan Policies 7.5.1, 2.6.1, 2.6.28, 2.6.29, 2.6.30, 206.31 and 2.6.35, 2.6.50).

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the 12th day of March, 2019, and was adopted at a regular meeting of the St. Helena City Council on the 26th day of March, 2019, by the following vote:

Mayor Ellsworth:	_____
Vice Mayor Dohring:	_____
Councilmember Koberstein:	_____
Councilmember Chouteau:	_____
Councilmember Knudsen:	_____

APPROVED:

Geoff Ellsworth, 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 12th day of March, 2019. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 26th day of March, 2019, by the following vote:

Mayor Ellsworth: _____

Vice Mayor Dohring: _____

Councilmember Koberstein: _____

Councilmember Chouteau: _____

Councilmember Knudsen: _____

Exhibit A

17.136.050 Temporary uses.

- A. Purpose. This Section establishes procedures for the granting of ministerial Temporary Use Permits for short-term activities on privately or publicly owned property with appropriate regulations so that such activities will be compatible with surrounding areas.
- B. Applicability. A Temporary Use Permit allows the short-term activities listed in Subsection D (Allowed temporary activities) below that may not comply with the normal development or use standards of the applicable zoning district, but may otherwise be acceptable because of their temporary nature. Temporary Use Permits are not subject to Design Review or standard parking requirements otherwise restricted by this code.
- C. Exempt temporary activities. The following allowed temporary activities are exempt from the requirement for a Temporary Use Permit. Activities that do not fall within the categories defined below shall comply with Subsection D (Allowed temporary activities).
 1. Construction yards—On-site. On-site contractors' storage yards of less than one acre, including a work trailer, only in conjunction with an approved construction project located on the same site. The contractor's storage yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction project, whichever first occurs.
 2. Emergency facilities. Emergency public health and safety needs/activities, as determined by the Council, City Manager or designee.
 3. Location filming. The temporary use of a specific site for the location filming of commercials, movies, videos, etc., as regulated and approved by the City Manager pursuant to SHMC Chapter 5.24.
 4. Garage sales or similar sales activities. The sale of personal goods which are owned by the household, or neighboring households located on residentially zoned property, for up to three consecutive days and three times within a 12-month period.
 5. Public property. Activities conducted on public properties that are approved by the Council.
 6. Nonprofit Special Events. Special events (such as but not limited to carwashes, bake sales, rummage sales or flea markets) conducted by or for a recognized nonprofit or charitable community group may be conducted on the grounds of a religious institution, commercial property, school or other permanent place of public assembly up to three days during any six-month period provided they meet the following standard or provisions:
 - a. Event activities do not block a building exit, present a hazard to pedestrians or vehicles, reduce the width of a pedestrian walkway to less than required ADA access dimensions, significantly reduce onsite parking or occupy a fire lane.
 - b. If the merchandise or activity is proposed for location on any street, sidewalk or public right-of-way, an encroachment permit shall be secured from the Public Works Department.

c. If any commercial vendors are involved in the event, they shall secure a business license from the Finance Department pursuant to SHMC Title 5.

d. Nonprofit special events occurring more frequently than three days during any six-month period shall require a Use Permit or Temporary Use Permit.

D. Allowed temporary activities. The following temporary activities may be allowed within the specified time limits, but in no case for more than 12-months, subject to the issuance of a Temporary Use Permit by the Planning Director. Other temporary or short-term activities that do not fall within the categories defined below shall instead comply with the land use permit requirements and development standards that otherwise apply to the property.

1. Events. Arts and crafts exhibits, carnivals, concerts, fairs, farm stands, festivals, flea markets, food events, outdoor entertainment/sporting events, and swap meets for up to fourteen consecutive days, or six two-day weekends, within a 12-month period, when conducted on non-residential properties. Decisions on large scale Temporary Uses such as concerts or festivals which are intended to draw large numbers of individuals (approximately 400+) to the temporary use in a single day may be elevated to the Planning Commission at the discretion of the Planning Director.

2. Pop-Up Uses. Retail sales, museums, art exhibits, restaurants or cafes for up to 12-months when conducted on non-residential properties.

3. Formula Pop-Up Uses. Pop-up uses meeting the definition of a "formula business" are limited to 90-days of operation when conducted on non-residential properties.

4. Seasonal sales lots. Seasonal sales activities (e.g., Halloween, Thanksgiving, Christmas, etc.) including temporary residence/security trailers, on non-residential properties, for up to 30 days and four times within a 12-month period.

5. Temporary structures. A temporary classroom, office, or similar structure, including a manufactured or mobile unit, may be approved for a maximum of 12-months from the date of approval, to accommodate an existing approved primary or accessory use, or as the first phase of a development project.

6. Similar temporary activities. Similar temporary activities that the Director determines are compatible with the zoning district and surrounding land uses.

E. In reviewing the Temporary Use Permit, the review authority may attach any conditions governing access, hours of operation, parking and circulation, fencing and other temporary structures, drainage, dust control, trash/litter control, public safety and other items as necessary to assure compatibility with surrounding uses and minimize potential adverse effects.

F. Application requirements. An application for a Temporary Use Permit shall be filed in compliance with Chapter 17.08 (Administrative Procedures). The application shall be accompanied by the information identified in the Department handout for Temporary Use Permit applications. It is the

responsibility of the applicant to provide evidence in support of the findings required by Subsection I (Findings and decision), below.

G. Development criteria. The Director shall utilize the following criteria based on the type and duration of the proposed temporary activity, using input from other departments (police, fire, public works, etc.), the requirements and development criteria of the applicable zoning district and use standards as well as Chapter 17.112 (General Site Design and Development Standards) for guidance in the review and approval of Temporary Uses:

1. Floor areas, heights, hours of operation, nuisance controls, off-street parking, setbacks, and other structure and property development features;
2. Measures for removal of the activity and site restoration, to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Zoning Code; and
3. The project's compliance with the requirements of S.H.M.C. Chapter 17.148 'Signs' and the applicable zoning standards pertaining to the outdoor storage, display and/or sale of merchandise.
4. Limitation on the duration of approved "temporary structures," to a maximum of 12 months, so that they shall not become permanent or long-term structures.

H. Findings and decision. A Temporary Use Permit may be approved by the Director only after the Director first finds that the requested activity complies with applicable standards, and therefore the establishment, maintenance, or operation of the temporary activity would not be detrimental to the public health, safety, or welfare of persons residing or working in the neighborhood of the proposed activity.

I. Post approval procedures. The procedures relating to appeals, performance guarantees, and revocation in Chapter 17.08 (Administrative Procedures) shall apply following the approval of a Temporary Use Permit application.

1. Condition of the site following temporary activity. Each site occupied by a temporary activity shall be cleaned of debris, litter, or any other evidence of the temporary activity upon completion or removal of the activity, and shall thereafter be used in compliance with the provisions of this Zoning Code. A performance security (including a Bond or financial deposit) in a form and amount acceptable to the Director may be required before initiation of the activity to ensure cleanup after the activity is finished.
2. Performance security for temporary structures. Before issuance of a Temporary Use Permit the applicant shall provide performance security in a form and amount acceptable to the Director to guarantee removal of all temporary structures within 30 days following the expiration of the Temporary Use Permit.
3. Extensions of Temporary Use Permits prohibited. The term of a Temporary Use Permit may not be extended. Applicants for activities that would exceed the allowed terms identified in Subsection D

(Allowed temporary activities) shall file for a Use Permit, rather than a Temporary Use Permit, in compliance with Chapter 17.168, and all other applicable zoning standards.

4. Required lapse of time for Temporary Use Permits. Except for seasonal sales lots, a minimum of 30-days shall pass between the expiration of a Temporary Use Permit and the issuance of a new and similar Temporary Use Permit the for the same property, or the actual removal of the materials and structures associated with the former activity, whichever last occurs.

Exhibit A

17.136.050 Temporary uses.

- A. Purpose. This Section establishes procedures for the granting of ministerial Temporary Use Permits for short-term activities on privately or publicly owned property with appropriate regulations so that such activities will be compatible with surrounding areas.
- B. Applicability. A Temporary Use Permit allows the short-term activities listed in Subsection D (Allowed temporary activities) below that may not comply with the normal development or use standards of the applicable zoning district, but may otherwise be acceptable because of their temporary nature. Temporary Use Permits are not subject to Design Review or standard parking requirements, ~~sign requirements or the limitations on the placement or location of merchandise~~ otherwise restricted by this code.
- C. Exempt temporary activities. The following allowed temporary activities are exempt from the requirement for a Temporary Use Permit. Activities that do not fall within the categories defined below shall comply with Subsection D (Allowed temporary activities).
1. Construction yards—On-site. On-site contractors' storage yards of less than one acre, including a work trailer, ~~only~~ in conjunction with an approved construction project located on the same site. The contractor's storage yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction project, whichever first occurs.
 2. Emergency facilities. Emergency public health and safety needs/activities, as determined by the Council, ~~City Manager or designee~~.
 3. Location filming. The temporary use of a specific site for the location filming of commercials, movies, videos, etc., as regulated and approved by the City Manager pursuant to SHMC Chapter 5.24.
 4. Garage sales or similar sales activities. The sale of personal goods which are owned by the household, ~~or neighboring households located~~ on residentially zoned property, for up to three consecutive days and three times within a 12-month period.
 5. Public property. Activities conducted on public properties that are approved by the Council.
 6. Nonprofit Special Events. Special events (such as but not limited to carwashes, bake sales, rummage sales or flea markets) conducted by or for a recognized nonprofit or charitable community group may be conducted on the grounds of a religious institution, commercial property, school or other permanent place of public assembly up to three days during any six-month period provided they meet the following standard or provisions:
 - a. Event activities do not block a building exit, present a hazard to pedestrians or vehicles, reduce the width of a pedestrian walkway to less than ~~required ADA access dimensions~~ ~~five feet~~, significantly reduce onsite parking or occupy a fire lane.

- b. If the merchandise or activity is proposed for location on any street, sidewalk or public right-of-way, an encroachment permit shall be secured from the Public Works Department.
 - c. If any commercial vendors are involved in the event, they shall secure a business license from the Finance Department pursuant to SHMC Title 5.
 - d. Nonprofit special events occurring more frequently than three days during any six-month period shall require a Use Permit or Temporary Use Permit.
- D. Allowed temporary activities. The following temporary activities may be allowed within the specified time limits, but in no case for more than 12-months, subject to the issuance of a Temporary Use Permit by the Planning Director. Other temporary or short-term activities that do not fall within the categories defined below shall instead comply with the land use permit requirements and development standards that otherwise apply to the property.
- 1. Events. Arts and crafts exhibits, carnivals, concerts, fairs, farm stands, festivals, flea markets, food events, outdoor entertainment/sporting events , and swap meets for up to fourteen consecutive days, or six two-day weekends, within a 12-month period, when conducted on non-residential properties. Decisions on large scale Temporary Uses such as concerts or festivals which are intended to draw large numbers of individuals (approximately 400+) to the temporary use in a single day may be elevated to the Planning Commission at the discretion of the Planning Director.
 - 2. ~~Indoor~~ Pop-Up Uses. Non-Formula retail sales, museums, art exhibits, restaurants or cafes for up to 12-months when conducted on non-residential properties.
 - 3. Formula Pop-Up Uses. Pop-up uses meeting the definition of a “formula business” are limited to 90-days of operation when conducted on non-residential properties.
 - 4. Seasonal sales lots. Seasonal sales activities (e.g., Halloween, Thanksgiving, Christmas, etc.) including temporary residence/security trailers, on non-residential properties, for up to 30 days and four times within a 12-month period.
 - 5. Temporary structures. A temporary classroom, office, or similar structure, including a manufactured or mobile unit, may be approved for a maximum of 12-months from the date of approval, to accommodate an existing approved primary or accessory use, or as the first phase of a development project.
 - 6. Similar temporary activities. Similar temporary activities that the Director determines are compatible with the zoning district and surrounding land uses.
- ~~E. Large Scale Temporary Uses. Applications for temporary uses such as concerts or festivals which are intended to draw large numbers of individuals (approximately 200+) to the temporary use in a single day shall be approved by the City Council.~~
- E. In reviewing the Temporary Use Permit, the review authority may attach any conditions governing access, hours of operation, parking and circulation, fencing and other temporary structures, drainage,

dust control, trash/litter control, public safety and other items as necessary to assure compatibility with surrounding uses and minimize potential adverse effects.

F. Application requirements. An application for a Temporary Use Permit shall be filed in compliance with Chapter 17.08 (Administrative Procedures). The application shall be accompanied by the information identified in the Department handout for Temporary Use Permit applications. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection G (Findings and decision), below.

G. Development criteria. The Director shall utilize the following criteria based on the type and duration of the proposed temporary activity, using input from other departments (police, fire, public works, etc.), the requirements and development criteria of the applicable zoning district and use standards as well as Chapter 17.112 (General Site Design and Development Standards) for guidance in the review and approval of Temporary Uses:

1. Floor areas, heights, hours of operation, nuisance controls, off-street parking, setbacks, ~~signs~~, and other structure and property development features;
2. Measures for removal of the activity and site restoration, to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Zoning Code; and
3. The project's compliance with the requirements of S.H.M.C. Chapter 17.148 'Signs' and the applicable zoning standards pertaining to the outdoor storage, display and/or sale of merchandise.
4. Limitation on the duration of approved "temporary structures," to a maximum of 12 months, so that they shall not become permanent or long-term structures.

H. Findings and decision. A Temporary Use Permit may be approved by the Director only after the Director first finds that the requested activity complies with applicable standards, and therefore the establishment, maintenance, or operation of the temporary activity would not be detrimental to the public health, safety, or welfare of persons residing or working in the neighborhood of the proposed activity.

I. Post approval procedures. The procedures relating to appeals, performance guarantees, and revocation in Chapter 17.08 (Administrative Procedures) shall apply following the approval of a Temporary Use Permit application.

1. Condition of the site following temporary activity. Each site occupied by a temporary activity shall be cleaned of debris, litter, or any other evidence of the temporary activity upon completion or removal of the activity, and shall thereafter be used in compliance with the provisions of this Zoning Code. A performance security (including a Bond or financial deposit) in a form and amount acceptable to the Director may be required before initiation of the activity to ensure cleanup after the activity is finished.
2. Performance security for temporary structures. Before issuance of a Temporary Use Permit the applicant shall provide performance security in a form and amount acceptable to the Director to

guarantee removal of all temporary structures within 30 days following the expiration of the Temporary Use Permit, and all other applicable zoning standards.

3. Extensions of Temporary Use Permits prohibited. The term of a Temporary Use Permit may not be extended. Applicants for activities that would exceed the allowed terms identified in Subsection D (Allowed temporary activities) shall file for a Use Permit, rather than a Temporary Use Permit, in compliance with Chapter 17.168

4. Required lapse of time for Temporary Use Permits. Except for seasonal sales lots, a minimum of 30-days shall pass between the expiration of a Temporary Use Permit and the issuance of a new and similar Temporary Use Permit the for the same property, or the actual removal of the materials and structures associated with the former activity, whichever last occurs.

*—Code reviser's note: Section 7 of Ordinance ~~X~~, amending and restating existing St. Helena Municipal Code Chapter 17.136.050 (Temporary Uses), includes a provision stating "These amendments are enacted for a period of 120 days and shall terminate on March 13, 2019, unless extended or made permanent by action of the City Council. Any Temporary Use Permits issued prior to the termination date are permitted to operate for the entire approval timeframe they are granted (beyond the March 13, 2019 termination) however in no case shall they be extended."

The following temporary uses shall be permitted as specified by these regulations:

A.—Christmas tree sales;

B.—Fireworks sales;

C.—Garage sales;

D.—Rummage sales conducted by nonprofit organizations. (Prior code § 27.274).



Report to the City Council
Council Meeting of October 23, 2018

Agenda Section: New Business

Subject: Review of a draft Ordinance proposing to amend and restate St. Helena Municipal Code (SHMC) Chapter 17.136.050 'Temporary Uses', to create a Temporary Use Permit and an administrative review process for such permits, citywide.

CEQA Determination: The proposed Ordinance to amend St. Helena Municipal Code Title 17 is exempt from the requirements of CEQA pursuant to Guidelines Sections 15301, 15303, and 15304 as Class 1, Class 3 and Class 4 Categorical Exemptions in that these modifications create an administrative process for the temporary use, conversion or minor alteration of existing properties, which may include the construction, modification or conversion of "Small Structures" as defined in the statute, however only for temporary and set periods of time for the use of the land; that the proposed text amendments are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR, given their intent to facilitate operation of temporary activities at existing facilities, 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.

Prepared By: Noah Housh, Planning & Community Improvement Director

Reviewed By: Mark T. Prestwich, City Manager

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

In late 2017, the City Council held a strategic planning workshop to discuss three-year organizational goals and 12-month strategic objectives. "Ensure the Long-Term Economic Sustainability while Safeguarding St. Helena's Unique Culture and Quality of Life" emerged as a key goal, along with a desire to revitalize downtown to improve its resilience.

On July 24, 2018, the City Council heard a presentation of an Economic and Demographic Profile and a Downtown Retail Market Analysis to evaluate the downtown's retail vitality from economic consultant Kosmont Companies. This analysis and presentation included several recommendations to address concerns with the downtown retail environment. Direction was subsequently provided to the City Manager to prepare a plan and recommended next steps.

On September 11, 2018, the City Council reviewed a draft Downtown Economic Strategy prepared by the City Manager and provided recommendations on the prioritization of initiatives, one of which was the creation of a Temporary Use Permit, and administrative review process for such permits. This initiative was highlighted as a short-term priority with the hope that these regulations could be in place prior to the holiday shopping season.

On October 2, 2018, staff presented a draft Ordinance proposing to create a Temporary Use Permit to the Planning Commission for review and recommendation to the City Council. After providing general feedback and recommending some revision, the Planning Commission voted unanimously (4-0) to recommend adoption of the Ordinance to the City Council.

DISCUSSION

In response to the direction provided by the City Council, staff prepared a draft Ordinance to create a Temporary Use Permit process by which temporary uses may be permitted to operate and occur in limited number throughout the City. Below is a summary of the general elements of the ordinance.

- The ordinance memorializes certain temporary activities as permitted, including construction yards, emergency facilities, filming, garage sales, activities on public property authorized by the City Council, and non-profit special events.
- The ordinance seeks to identify temporarily permitted special events including arts and crafts events, concerts, fairs and festivals, indoor "pop-up" events including retail uses, museums, restaurants and cafes, seasonal sales events (pumpkin patches and Christmas tree lots), and temporary structures. Events are proposed to be limited to fourteen consecutive days, or six two-day weekends, within a 12-month period; "Pop-Up" uses are proposed to be permitted for up to 90 consecutive days; and seasonal sales lots are proposed to be restricted to a maximum of 30 consecutive days, four

times within a 12-month period. A 30-day break is required to occur between individual temporary uses occurring on any individual site.

- The ordinance sets review criteria and identifies that the approval of a Temporary Use Permit may be restricted by any condition deemed necessary to govern access, hours of operation, parking and circulation, fencing and other temporary structures, drainage, dust control, trash/litter control, public safety, and other items as necessary to assure compatibility with surrounding uses and in order to minimize potential adverse effects. Similarly, there are requirements intended to ensure properties proposed to accommodate a temporary use are returned to their original state after the temporary use is concluded.

CEQA

Staff finds that the action to adopt the proposed Ordinance to amend St. Helena Municipal Code Title 17 is exempt from the requirements of CEQA pursuant to Guidelines Sections 15301, 15303, and 15304 as Class 1, Class 3 and Class 4 Categorical Exemptions in that these modifications create an administrative process for the temporary use, conversion or minor alteration of existing properties, which may include the construction, modification or conversion of "Small Structures" as defined in the statute, however only for temporary and set periods of time for the use of the land; that the proposed text amendments are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR, given their intent to facilitate operation of temporary activities at existing facilities, 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.

General Plan

The changes to the Temporary Use section (S.H.M.C. Chapter 17.136.050) are generally proposed to create a process for temporary uses and would apply to all commercial areas of the City, with some non-commercial areas also allowing limited temporary uses as discussed above. These changes would in no way affect zoning requirements governing such permanent uses.

The proposed changes to the zoning code are generally intended to allow administrative review of Temporary Uses primarily on commercial property where none currently exist, or where the code currently identifies a limited list of temporary uses are permitted, but provides no standards or requirements for their operation.

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.

2.6.28 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 has determined the recommended amendments to create a Temporary Use Permit and associated review process are in keeping with the City of St. Helena General Plan in that these changes preserve and maintain the development standards for permanent uses established to ensure new development occurs in a logical manner; continue to protect historic commercial buildings due to their temporary nature; allow temporary retail and service options available to citizens of the community, create an opportunity for temporary events to request approval from the City, would help to reinvigorate under-utilized parcels, allow temporary uses to expand opportunities for the re-use of structures, provide for new opportunities for pedestrian connections, and would to help maintain the St. Helena downtown as the City's core and primary center of retail business 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 being brought before the City Council for further review and action. In considering the proposed changes, both the Commission and the Council shall look for consistency of the proposed amendments with the goals, programs and policies of the General Plan, as well as other existing City policies.

Planning Commission Review

On October 2, 2018, the Planning Commission reviewed a draft ordinance as discussed above. In their review, the Planning Commission requested several changes be incorporated into the Ordinance to improve the applicability and consistency of the draft language. These concerns have been summarized below and the resulting changes have been incorporated into the draft and are highlighted in blue text.

- The Commission wanted to ensure both the applicant and the property owner were responsible for issues with the temporary use operating from an individual site.
- Ensure all temporary uses also receive approval from other jurisdictions with responsibility over the use (such as the County Health Department).
- The uses allowed under the Temporary Use Permit process should be reflective of the underlying zoning district and applicable zoning standards.
- That there was a substantive break between temporary uses and in no case shall one individual location be used for temporary uses for greater than 12 months.
- No permanent pop-up space could be created without Use Permit approval from the Planning Commission.

In addition to the concerns above (for which there was consensus on the Commission), one individual commissioner voiced concerns over the noise, light, and traffic impacts of temporary uses that could be approved under the Temporary Use Permit, especially when viewing these impacts as cumulative. In addition, this commissioner wanted a complaint mechanism to be incorporated to the Temporary Use Permit process.

Issues

Separately staff asked the Commission to provide input on two questions related to the decision process and applicability of Temporary Use Permits.

1. Should the targeted or potential number of patrons affect the review process for a Temporary Use Permit? For a example, a concert or festival although temporary, may create a large draw of individuals to a specific parcel within the community.

The Planning Commission unanimously agreed that a potentially large number of patrons attending a temporary use should effect and/or elevate the review and decision process for such a temporary use. In response, staff has incorporated language requiring events intended for more than 200 individual patrons should be decided by the City Council.

2. Should the Temporary Use Permit apply to a formula business proposing to operate a "pop-up" business within the Community? Currently, a formula business requires Use

Permit approval from the Planning Commission, however such a distinction was not written into the Temporary Use Permit Ordinance.

The Planning Commission unanimously agreed to recommend that a formula business be allowed to operate under a Temporary Use Permit, identifying that the 90-day limitation on "pop-up" uses could be an opportunity for the community to experience a formula business operation, without a significant commitment being made to allow their permanent establishment.

Finally, staff has included several background documents to facilitate Council review of the Ordinance, including an article on the recent trends in retail pop-up uses and example applications and information from other jurisdictions.

FISCAL IMPACT

The Ordinance proposes to create an administrative review fee of \$500.00 to cover the staff time associated with the review of the proposed Temporary Use Permit. Based on this, direct fiscal impacts to the General Fund would result in increased permit application fees for each Temporary Use Permit application reviewed by the City. The fee amount was determined utilizing the combined staffing hourly rate identified in the Fee Schedule and based on the anticipated time to review Temporary Use Permit applications. Indirect impacts to the General Fund could result from additional retail activity and sales tax payments occurring from under utilized properties used to house temporary uses.

RECOMMENDED ACTION

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

1. Find that the proposed Ordinance to amend St. Helena Municipal Code Title 17 is exempt from the requirements of CEQA pursuant to Guidelines Sections 15301, 15303, and 15304 as Class 1, Class 3 and Class 4 Categorical Exemptions in that these modifications create an administrative process for the temporary use, conversion or minor alteration of existing properties, which may include the construction, modification or conversion of "Small Structures" as defined in the statute, however only for temporary and set periods of time for the use of the land; that the proposed text amendments are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR, given their intent to facilitate operation of temporary activities at existing facilities, and that the proposed changes are exempt from the requirements of CEQA, under Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and therefore, the activity is not subject to CEQA; and
2. Review, comment on and make a recommendation to staff regarding preparing an Ordinance making changes to Chapter 17.136.050 of the St. Helena Municipal Code to

create a Temporary Use Permit, the associated review process and the creation of a fee to cover the costs of such a permit, citywide.

ATTACHMENTS

[Draft Exhibit A Temp Use Permit Code Language-PC Input](#)

[Draft Ordinance](#)

[Pop Up Brochure-Fairfax County, VA](#)

[Pop Up Store Article](#)

[PC Reso-Temp Use Permit](#)

[Example Application-City of Napa](#)

[Example Application-City of SR](#)

Exhibit A

17.136.050 Temporary uses.

- A. Purpose. This Section establishes procedures for the granting of ministerial Temporary Use Permits for short-term activities on privately or publicly owned property with appropriate regulations so that such activities will be compatible with surrounding areas.
- B. Applicability. A Temporary Use Permit allows the short-term activities listed in Subsection D (Allowed temporary activities), below that may not comply with the normal development or use standards of the applicable zoning district, but may otherwise be acceptable because of their temporary nature. Temporary Use Permits are not subject to Design Review, standard parking requirements, sign requirements or the limitations on the placement or location of merchandise otherwise restricted by this code.
- C. Exempt temporary activities. The following allowed temporary activities are exempt from the requirement for a Temporary Use Permit. Activities that do not fall within the categories defined below shall comply with Subsection D (Allowed temporary activities).
 1. Construction yards—On-site. On-site contractors' storage yards of less than one acre, including a work trailer, **only** in conjunction with an approved construction project located on the same site. The contractor's storage yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction project, whichever first occurs.
 2. Emergency facilities. Emergency public health and safety needs/activities, as determined by the Council, **City Manager or designee**.
 3. Location filming. The temporary use of a specific site for the location filming of commercials, movies, videos, etc., as regulated and approved by the City Manager pursuant to SHMC Chapter 5.24.
 4. Garage sales or similar sales activities. The sale of personal goods which are owned by the household, **or neighboring households** residing on residentially zoned property, for up to three consecutive days and three times within a 12-month period.
 5. Public property. Activities conducted on public properties that are approved by the Council.
 6. Nonprofit Special Events. Special events (such as but not limited to carwashes, bake sales, rummage sales or flea markets) conducted by or for a recognized nonprofit or charitable community group may be conducted on the grounds of a religious institution, commercial property, school or other permanent place of public assembly up to three days during any six-month period provided they meet the following standard or provisions:
 - a. Event activities do not block a building exit, present a hazard to pedestrians or vehicles, reduce the width of a pedestrian walkway to less than **required ADA access dimensions five feet**, significantly reduce onsite parking or occupy a fire lane.

- b. If the merchandise or activity is proposed for location on any street, sidewalk or public right-of-way, an encroachment permit shall be secured from the Public Works Department.
 - c. If any commercial vendors are involved in the event, they shall secure a business license from the Finance Department pursuant to SHMC Title 5.
 - d. Nonprofit special events occurring more frequently than three days during any six-month period shall require a Use Permit or Temporary Use Permit.
- D. Allowed temporary activities. The following temporary activities may be allowed within the specified time limits, but in no case for more than 12 months, subject to the issuance of a Temporary Use Permit by the Planning Director. Other temporary or short-term activities that do not fall within the categories defined below shall instead comply with the land use permit requirements and development standards that otherwise apply to the property.
- 1. Events. Arts and crafts exhibits, carnivals, concerts, fairs, farm stands, festivals, flea markets, food events, outdoor entertainment/sporting events , and swap meets for up to ~~seven~~ fourteen consecutive days, or six two-day weekends, within a 12-month period, when conducted on non-residential properties.
 - 2. Indoor Pop-Up Uses. Retail sales, museums, art exhibits, restaurants or cafes for up to ninety (90) consecutive days when conducted on non-residential properties. Includes or does not include (non-restaurant) Formula Businesses.
 - 3. Seasonal sales lots. Seasonal sales activities (e.g., Halloween, Thanksgiving, Christmas, etc.) including temporary residence/security trailers, on non-residential properties, for up to 30 days and four times within a 12-month period.
 - 4. Temporary structures. A temporary classroom, office, or similar structure, including a manufactured or mobile unit, may be approved for a maximum of 12 months from the date of approval, to accommodate an existing approved primary or accessory use, or as the first phase of a development project.
 - 5. Similar temporary activities. Similar temporary activities that the Director determines are compatible with the zoning district and surrounding land uses.
- E. Large Scale Temporary Uses. Applications for temporary uses such as concerts or festivals which are intended to draw large numbers of individuals (200+) to the temporary use in a single day shall be approved by the City Council.
- F. In reviewing the Temporary Use Permit, the review authority may attach any conditions governing access, hours of operation, parking and circulation, fencing and other temporary structures, drainage, dust control, trash/litter control, public safety and other items as necessary to assure compatibility with surrounding uses and minimize potential adverse effects.
- G. Application requirements. An application for a Temporary Use Permit shall be filed in compliance with Chapter 17.08 (Administrative Procedures). The application shall be accompanied by

the information identified in the Department handout for Temporary Use Permit applications. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection G (Findings and decision), below.

H. Development criteria. The Director shall ~~consider~~ utilize the following criteria based on the type and duration of the proposed temporary activity, using input from other departments (police, fire public works, etc.), the requirements and development criteria of the applicable zoning district and use standards as well as Chapter 17.112 (General Site Design and Development Standards) for guidance:

1. Floor areas, heights, hours of operation, nuisance controls, off-street parking, setbacks, signs, and other structure and property development features;
2. Measures for removal of the activity and site restoration, to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Zoning Code; and
3. Limitation on the duration of approved "temporary structures," to a maximum of 12 months, so that they shall not become permanent or long-term structures.

I. Findings and decision. A Temporary Use Permit may be approved by the Director only after the Director first finds that the requested activity complies with applicable standards, and therefore the establishment, maintenance, or operation of the temporary activity would not be detrimental to the public health, safety, or welfare of persons residing or working in the neighborhood of the proposed activity.

J. Post approval procedures. The procedures relating to appeals, performance guarantees, and revocation in Chapter 17.08 (Administrative Procedures) shall apply following the approval of a Temporary Use Permit application.

1. Condition of the site following temporary activity. Each site occupied by a temporary activity shall be cleaned of debris, litter, or any other evidence of the temporary activity upon completion or removal of the activity, and shall thereafter be used in compliance with the provisions of this Zoning Code. A performance security (including a Bond or financial deposit) in a form and amount acceptable to the Director may be required before initiation of the activity to ensure cleanup after the activity is finished.
2. Performance security for temporary structures. Before issuance of a Temporary Use Permit the applicant shall provide performance security in a form and amount acceptable to the Director to guarantee removal of all temporary structures within 30 days following the expiration of the Temporary Use Permit.
3. Extensions of Temporary Use Permits prohibited. The term of a Temporary Use Permit may not be extended. Applicants for activities that would exceed the allowed terms identified in Subsection D (Allowed temporary activities) shall file for a Use Permit, rather than a Temporary Use Permit, in compliance with Chapter 17.168

4. Required lapse of time for Temporary Use Permits. Except for seasonal sales lots, a minimum of 30 days shall pass between the expiration of a Temporary Use Permit and the issuance of a new and similar Temporary Use Permit the for the same property, or the actual removal of the materials and structures associated with the former activity, whichever last occurs.

~~The following temporary uses shall be permitted as specified by these regulations:~~

~~A.—Christmas tree sales;~~

~~B.—Fireworks sales;~~

~~C.—Garage sales;~~

~~D.—Rummage sales conducted by nonprofit organizations. (Prior code § 27.274).~~

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 17.136.050 (TEMPORARY 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 17.136.050 of the St Helena Municipal Code (SHMC) establishes the City's regulations regarding Temporary Uses 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 Temporary Use 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 creation of a new Temporary Use Permit requires adoption of a fee which accurately reflects the staff time required to process and evaluate such an administrative Temporary Use Permit.

E. City staff has calculated the overall staff time and effort required to process analyze and issue an administrative Temporary Use 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.

F. Staff has recommended that an Administrative Temporary Use 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 such an administrative 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 October 2, 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 17.136.050 proposed by this Ordinance.

H. On October 23, 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 St. Helena Municipal Code Title 17 Section 17.136.050 is exempt from the requirements of CEQA (Public Resources Code Section 21000, et seq.) pursuant to Guidelines Sections 15301, 15303, and 15304 in that these modifications create an administrative process for the use, conversion or minor alteration of existing properties, which may include the construction, modification or conversion of “Small Structures” as defined in the statute, however only for temporary and set periods of time for the use of the land; that the proposed text amendments are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR, given their intent to facilitate operation of temporary activities at existing facilities, 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.

SECTION 3. Amendment of SHMC Chapter 17.136.050. SHMC Chapter 17.136.050 “TEMPORARY USES” 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 would preserve and maintain the development standards for permanent uses established to ensure new development occurs in a logical manner; continue to protect historic commercial buildings due to their temporary nature, allow temporary retail and service options available to citizens of the community, create an opportunity for temporary events to request approval from the City, would help to reinvigorate under-utilized parcels, allow temporary uses to expand opportunities for the re-use of structures, provide for new opportunities for pedestrian connections and would to help maintain the St. Helena downtown as the City’s core and primary center of retail business (General Plan Policies 7.5.1, 2.6.1, 2.6.28, 2.6.29, 2.6.30, 2.6.31 and 2.6.35, 2.6.50).

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

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



Greensboro Park



Tysons Biergarten



Smart Markets: Oakton



Smart Markets: Springfield



Greensboro Park



Reston Station

This brochure highlights five types of pop-ups and provides contact information for establishing a pop-up in Fairfax County.

Pop-up:

1. a temporary use of a space that can be used to activate an area.
2. a use that appears or occurs suddenly and unexpectedly.
3. a store or other business that opens quickly in a temporary location and operates for only a short period of time.

Pop-ups can last for an hour, a day or for an indefinite period of time. They are a great way to create energy and enthusiasm without a significant expenditure or resources.

October 2016



Tysons Biergarten

This brochure is for general informational purposes only and is not intended to provide a complete step by step guide to establishing a pop-up. The exact process will be determined by the location of the site and type of pop-up uses desired including conformance with any proffers as applicable.

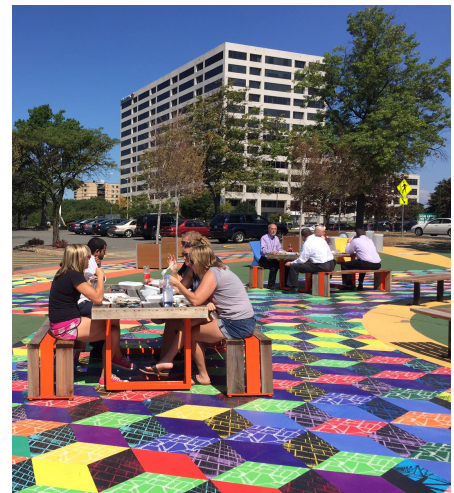
Additional contact information for the various departments and permitting agencies can be found on the back of this brochure.

Pop-Up Type: Parks

The primary purpose of these parks is to provide outdoor space for people to enjoy and generate excitement about a particular project. Pop-up parks can be located on private or public land. Elements in pop-up parks can include movable outdoor seating, shaded areas, planted areas, food trucks, movable planters, and colored pavement. Pop-up parks can also provide space for temporary art installations or gathering space for performances. The permitting requirements for pop-up parks will vary depending on the uses proposed for the space. Examples of pop-up parks include Greensboro Park at The Boro development in Tysons.

Pop-Up Type: Farmers Markets

Farmers markets are located across Fairfax County on a variety of sites, including Park Authority property, parking lots, schools, places of worship, and at metro stations. Farmer's markets are typically held on a weekly basis at each location. Typically they include stands with tents and food trucks and vendors that provide fresh, local produce and goods. A few locations of Farmers Markets are Springfield Town Center, Huntington, McLean, and Annandale. The requirements for permitting a Farmers Market depend on the location and the type of vendors/items provided. However, they do require a temporary special permit through the Zoning Permit Review Branch.



Pop-up Type: In Existing Buildings

This type of pop-up utilizes the inside of an existing vacant structure. It does not involve a long-term retail lease, nor is it envisioned as a permanent site condition; is however envisioned to breathe new life into an existing building until the space is ready for redevelopment or a new permanent tenant. Current examples of pop-ups in existing buildings include the Biergarten at Tysons or an event such as Artomatic. Permitting requirements will vary based on the proposed use.



Pop-up Type: Street Festivals/Fairs

Street Festivals are short term pop-up events that may close parts of road right-of-way to vehicles so that the space can be utilized by people. The operator of the street festival is typically a non-profit community group or organization. Street Festivals vary in type but usually include food vendors and may have a cultural or neighborhood theme. Examples of festivals include the Taste of Annandale on Tom Davis Drive or the Taste of Reston at Reston Town Center. The permitting requirements for a road closure will vary depending on who controls that particular right of way.



Pop-up Type: Interim Buildings

This type of pop-up is located on public or private land that is not yet ready for redevelopment and is typically an interim condition that exists as part of a phased redevelopment. This pop-up primarily includes retail kiosks (interim structures), supportive features such as food trucks, outdoor seating, and programmed events. The uses within the interim structures vary, and permitting requirements will vary depending on the use. Although these are considered interim uses, they can remain in place for an extended period of time but are not considered permanent site structures or uses. Examples of this type of pop-up include the plaza at the Reston Metro Station.



The following county and state agencies play a role in the pop-up permitting process. Most, if not all, pop-ups will need a County permit. Contact information for the various agencies to help with the process:

Temporary Special Permits/Use Permits:

Zoning Permit Review Branch - (703) 222-1082
www.fairfaxcounty.gov/dpz/dpzdivisions/zad.htm

Food/Drink:

Health Department - (703) 653-2444
www.fairfaxcounty.gov/hd/food/permits/

Structures/Mechanical/Plumbing:

Building Plan Review, DPWES - (703) 222-0801
www.fairfaxcounty.gov/dpwes/buildingpermits/

Alcohol:

VA ABC - (703) 313-4432
www.abc.virginia.gov/licenses/get-a-license

Use Determination:

Zoning Administration Division - (703) 324-1314
www.fairfaxcounty.gov/dpz/dpzdivisions/zad.htm

Proffered Conditions:

Zoning Evaluation - (703) 324-1290
www.fairfaxcounty.gov/dpz/dpzdivisions/zed.htm

Life Safety:

Fire Marshal - (703) 246-4803
www.fairfaxcounty.gov/fr/prevention/fmpermits.htm

If you are interested in doing a pop-up in your community, OCR is here to help navigate the process.

Please contact us:

Fairfax County Office of Community Revitalization

12055 Government Center Parkway
 Suite 1048
 Fairfax, VA 22035

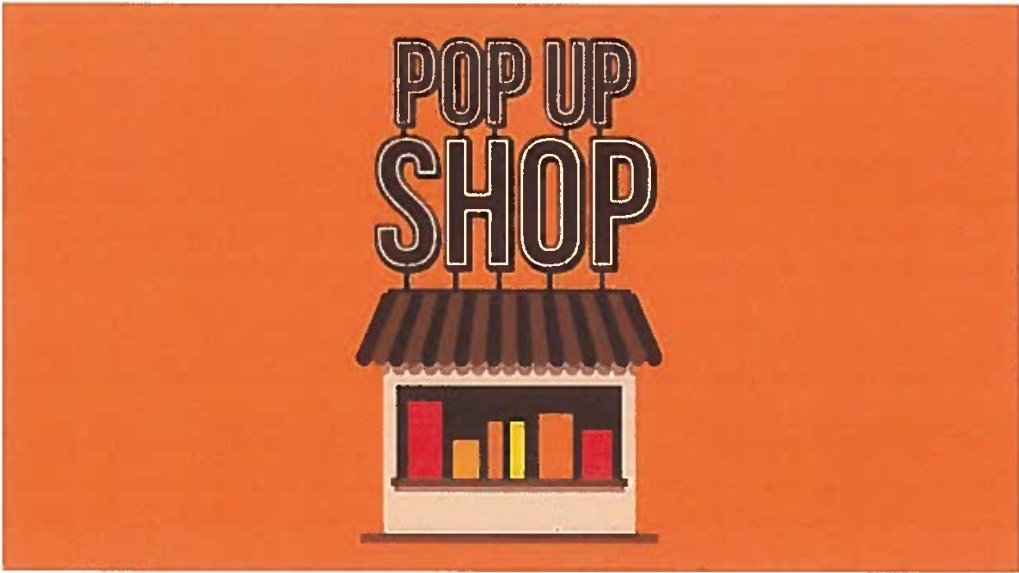
703.324.9300
www.fcrevit.org



Fairfax County is committed to a policy of nondiscrimination in all County programs, services, and activities and will provide reasonable accommodations upon request. To request this information in an alternate format, call 703-324-9300 or TTY 711.



Pop-Up Stores Become More Than Just A Trend



- LinkedIn
- Twitter
- Facebook
- More

The pop-up store has become a go-to marketing strategy for retailers looking to extend the brand and introduce new products. The pop-up industry has grown to approximately \$10 billion in sales, according to **PopUp Republic**.

Pop-up shops are being developed in a variety of shapes and sizes, as well as locations. They can be found in a traditional brick-and-mortar store — as a store-within-a-store — as a

standalone kiosk or even via a motorized vehicle, taking the lead from the food truck craze.

ADVERTISEMEN T Consumers expect that the pop-up shopping experience will be unique — different from the average brick-and-mortar visit. They also look to pop-ups for more specialized shopping. For **example, 61% of shoppers list seasonal products as the main reason to shop at a pop-up store, according to a PopUp Republic poll. Pop-up shoppers also are looking for:**

- Unique services/products (39%);
- Localized assortments (36%);
- Optimal pricing (34%);
- Convenience (33%); and
- A fun experience (30%).

“The great thing about pop-ups that we find all across the board — whether it’s a pop-up store, pop-up restaurant or event — is that they have this ‘fear of missing out’ quality to them,” said Jeremy Baras, the CEO of PopUp Republic. “Customers are attracted to exclusivity. They’re attracted to a ‘here today, gone tomorrow’ type of concept.”

In this feature article, Baras and other industry experts share tips and tactics to help retailers build brand exclusivity and decide if a pop-up store fits into the overall marketing strategy. Topics include:

- Selecting the right pop-up model;
- Planning a standalone pop-up store;
- Attracting the right target shoppers to the pop-up experience; and
- Measuring the success of a pop-up launch.

Retailers including Best Buy, J.Crew and Nordstrom have ventured into the world of pop-ups. Examples from these and other retailers highlight different strategies and scenarios worth exploring.

Choosing A Pop-Up Model That Works

Starting a pop-up shop can serve as a hybrid for businesses looking to ease their way into a new niche while minimizing potential losses. In fact, launching one is approximately 80% less expensive compared to opening up a traditional brick-and-mortar location, according to **StoreFront**.

For retailers unsure about setting up a standalone pop-up location, the store-within-a-store concept can be a viable alternative. Several brands have partnered with major retailers, such as Best Buy, Nordstrom and Sears, to showcase and sell related relevant items via in-store pop-ups. These partnerships enable brands to introduce their products in an atypical store offering, with the goal of broadening their appeal among new consumers.

Best Buy has allowed partner companies to use store floor space to set up store-within-a-store models, such as the Samsung Open Houses recently opened in two Minnesota stores and one Chicago location. The electronics retailer expects to open 200 more Open House pop-ups in different Best Buy locations by the end of 2015.

Nordstrom hosts its own **"Pop-In@Nordstrom"** specialty shops, which are a recurring series of in-store sales on products not typically found in a Nordstrom location. From July 3 to Aug. 2, 2015, the upscale fashion and apparel retailer featured luxury and designer goods from London-based department store **Liberty** in five U.S. Nordstrom locations. This partnership was Liberty's official entrance into the U.S. market via a brick-and-mortar store.

Nordstrom initially launched the "pop-in" concept in late 2013, spearheaded by Olivia Kim, Director of Creative Projects. The concept features unique brands on a near-monthly basis, and Kim curates the brands herself, giving massive exposure to retailers that may not sell often to consumers that purchase at Nordstrom.

Sears also is testing out the store-within-a-store concept, presently working with four independent partner retailers. As part of the deal, Sears will showcase appliances and lawn and garden equipment in the partners' stores. These partners include:

Tri-Fecta Home Center, in Sidney, Mo.;

The Grand Emporium Furniture and Bedding, in Waveland, Miss.;

Paco and Son's Furniture, in Nogales, Ariz.; and

Fremin's Furniture, in New Iberia, La.

The partnership is designed to allow independent furniture and related home category store owners to expand their product lines to better cater to consumer demand without the need to purchase any inventory. Additionally, Sears can expand reach into smaller markets without having to operate a full department store.

Depending on the level of these types of store-within-a-store partnerships, brands have a varying amount of input regarding merchandising and the overall presentation in the host's store. Either way, decreased costs for both inventory and appearance management and fewer labor expenses make the model an intriguing concept for both large and small businesses.

"It comes down to how much the control matters to you as a brand," said Erik Eliason, Co-Founder and CEO of Storefront. "If you have the mindset that 'this is my experience, my store and my customers,' then sure, rent your own space and really control that. We've seen a lot of retailers driven by the collaborative economy that end up partnering with companies with similar customers so they can set up a two-week pop-up inside another store. It's equally as prevalent, just not as well covered, in a lot of mom-and-pop shops. These businesses will have an up-and-coming designer or e-Commerce brand that will come in and use their space. For the brand that's renting, typically that would be at least half the cost than it would to set up a shop, if not less."

Strategizing For Standalone Pop-Ups

Traditional standalone pop-up stores suit retailers that are interested in controlling all aspects of the store and are willing to take the financial chance to rent or purchase real estate. To create the exclusivity and sense of urgency necessary to build a standalone store, these retailers must plan to cover all facets of merchandise buying, location, design and marketing. Since the pop-up concept offers a different retail experience compared to the typical brick-and-mortar location, retailers must start the planning process at least three months before opening a pop-up location.

“The ideation for big companies usually starts very early,” said Melissa Gonzalez, CEO of **The Lion'Esque Group**, a pop-up store architect. “They tend to get projects approved before everything comes together months later. If you were to isolate it, preparation should start a solid three months at minimum, including ideation, approval, finding the location, then rendering 3D mockups of the store. Then we need time for buildout, and decide if we are renting or buying the real estate. We would definitely like to have no less than three months to plan it out, and we’ve had times that were longer that makes the process much better. We’ve worked in less time and it’s a rush game, but even if it works out, it’s not ideal.”

To promote the brand exclusivity of the store, these shops generally remain open for just a few months — making every minute count when it comes to creating brand awareness. For example, **J.Crew** launched a pop-up shop inside its Prince Street store in New York City on June 12 that only lasted 24 hours. At the shop, J.Crew sold merchandise from three brands (Public School, Juan Carlos Obando and Marc Alary) — finalists of The Council of Fashion Designers of America/Vogue Fashion Fund. To promote the event, the retailer launched an online presale of the brands for a few weeks prior to the opening, with some of the pieces nearly selling out.

Attracting The Right Consumers To Your Pop-Up Experience

Location is arguably the most significant factor to consider when building a pop-up shop. With very little time in the spotlight, pop-ups must be located in an area that will attract the right attention from targeted shoppers. By collecting and analyzing shopper data from online purchases, retailers can pinpoint the best location to open a pop-up.

“It’s all about your target market,” Baras said in an interview with **Retail TouchPoints**. “Who do you want to be your ideal customer? If you want your customer to be Millennials, most likely you would set up shop downtown, or set up in a location surrounded by other stores where Millennials shop, or in a shopping mall. Tailor your location not necessarily to heavily populated areas of towns or cities, but rather go into places where your target market exists and build a following that way.”

Marketing also is a crucial element in pop-up store success. As more pop-up shops enter the market, competition is heating up and retailers must push the envelope when it comes to creative campaigns. Some brands have found success tapping social media or events marketing.

When it comes to social media strategy, retailers and brands should focus on their powerful influencers who are advocates of the company's message and products. Influencers can be bloggers or unofficial spokespersons who interact with the brands' social media pages often and generate buzz in the lead up to the store's opening. Gonzalez also recommended retailers to hold cross-promotions with non-competing brands to add value to the experience and introduce the product to a newer audience.

"If you already have a following, have them engaging with you," Gonzalez stated. "You can even invite a major influencer to host a night in your shop, where they can invite their own following. Open up the doors for them for free."

Additionally, Gonzalez noted, look to engage "guerilla marketing street teams. As long as street teams hand out something intriguing and thought-provoking, and will make people want to check out the store."

M&M'S World, a pop-up store in New York City's SoHo district that opened July 17 and is set to run through Sept. 2015, will deploy street teams to distribute coupons that will drive awareness and visits to the store. Also, guests who follow M&M'S World on Instagram will receive a special discount at check-out.

Retailers also can use special events to spread the word about their pop-up. This tactic is called "programming the store," according to Eliason, of Storefront. "It's moving from a pure warehouse retail store to a platform for events," Eliason said. "Every night, what events do you have within the store that can attract your customers?"

For example, in July, Sprite **opened up a corner store in New York City** that only sells Sprite soda. Throughout August, the bodega-styled "Sprite Corner" will hold events including a cooking class taught by celebrity chef Eddie Huang and numerous performances from local hip-hop artists.

How Can Brands Measure Pop-Up Success?

The best metric that truly gauges the success of a pop-up shop is the number of people that visit the store, according to Baras of PopUp Republic.

Store visits outweigh overall revenue and sales, Baras asserts. "Yes, retailers want to make as much money as possible and there's a certain amount of success that's measured through revenues and PNL statements. But the amount of customers walking through your store shows that they are interested in and aware of your brand, which arguably is just as valuable as making that sale, because that means that you have the potential for them to be loyal followers of your specific brand."

Additionally, retailers can measure success via sales lift in both their in-store environment and their e-Commerce site, particularly if they offer deals in the shop that consumers can redeem online, according to Eliason. Not only are retailers looking into how many people enter the store; they also look at how many people sign up for email lists and engage through social media.

"In a digital setting, these pop-ups are ideal for social media," Eliason said. "The brands are looking for compelling content to share and the consumers are looking for compelling content to engage with. They might get 30,000 people to come into the store to come into the event, but there might be another 300,000 impressions online."

Deliver On The Promise Of Unique Pop-Up Experiences

The best way for retailers to approach the launch of successful pop-up shops is to focus on building a combination of a 'can't miss' attitude and making connections beyond the products being sold. As more retailers enter the pop-up space, they must reach for innovative ideas and take more risks to make their pop-up stores relevant and unique.

"The consumer has different expectations from a pop-up than they do from a regular store," Gonzalez stressed. "They go to a pop-up to be surprised and delighted and be able to discover new things. I'd rather retailers go a little bit deeper into their inventory than have a store full of 100 SKUs and a confusing story told in the space, because the pop-up is your opportunity to tell that story to the customer what you offer that's unique and different."

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Phone:
1.888.603.3626

Email:
info [at] retailtouchpoints.com

A DIVISION OF...



CITY OF ST. HELENA PLANNING COMMISSION

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ST. HELENA RECOMMENDING TO THE CITY COUNCIL ADOPTION OF THE ATTACHED ORDINANCE (EXHIBIT 1) AMENDING ST. HELENA MUNICIPAL CODE (S.H.M.C.) TITLE 17, SECTION 17.136.050 'TEMPORARY USES' TO MEMORIALIZE A LIST OF PERMITTED TEMPORARY ACTIVITIES, CRREATE A TEMPORARY USE PERMIT GOVERNING OTHER TEMPORARY USES AND TO CREATE REVIEW CRITERIA AND PROCEDURES BY WHICH SUCH TEMPORARY USES ARE GOVERNED, CITYWIDE.

Recitals

- A.** City of St. Helena Municipal Code (S.H.M.C.) Section 17.136.050 identifies and describes a limited number of Temporary Uses stating said uses “shall be permitted” but provides little to no review criteria or regulations of such uses within the City; and
- B.** S.H.M.C. Chapter 17.08 “Administrative Procedures” identifies procedural requirements for the review and appeal procedures governing administrative decisions (on both public and private property); and
- C.** The City Council has identified a concern and interest in facilitating retail and other business activities in the Central Business District and other commercial parts of the City to support the business community and expand the retail and service options available to citizens of the community, and to help maintain the St. Helena downtown as the City’s core and primary center of retail business. In response the City prepared draft text amendments to modify and expand the existing provisions governing Temporary Uses and to create a Temporary Use Permit process.
- D.** The proposed text amendments are found to be consistent with the goals and objectives of the General Plan, as identified in the staff report; and
- E.** The proposed text amendments are consistent with public necessity, convenience, general welfare, and good zoning practice; and
- F.** The Planning Commission of the City of St. Helena held a duly noticed Public Hearing to review the proposed text amendments on October 2, 2018, at which time all interested parties had the opportunity to be heard.

Resolution

- G. Now, therefore let it be resolved** that, the Planning Commission finds that the action to adopt this Ordinance to amend St. Helena Municipal Code Title 17 Section 17.136.050 is exempt from the requirements of CEQA (Public Resources Code Section 21000, et seq.) pursuant to Guidelines Sections 15301, 15303, and 15304 in

that these modifications create an administrative process for the use, conversion or minor alteration of existing properties, which may include the construction, modification or conversion of “Small Structures” as defined in the statute, however only for temporary and set periods of time for the use of the land; that the proposed text amendments are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR, given their intent to facilitate operation of temporary activities at existing facilities, 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.

H. Now, therefore be it further resolved that the Planning Commission recommends that the City Council adopt the Ordinance attached hereto as **Exhibit A** modifying existing zoning code regulations identified in St. Helena municipal code (S.H.M.C.) Title 17, Chapter 17.136.050 ‘Temporary Uses’ to memorialize a list of permitted temporary activities, create a Temporary Use Permit governing other temporary uses and to create review criteria and procedures by which such temporary uses are governed, citywide.

I HEREBY CERTIFY that the foregoing recommendation to the City Council 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 2, 2018, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Lester Hardy
Chair, Planning Commission

Noah Housh
Planning and Community
Improvement Director



TEMPORARY USE Submittal Requirements

Mailing Address:
PO Box 660
Napa, CA 94559

Planning Division
1600 First Street
707.257.9530

PURPOSE

Temporary or seasonal uses not specifically listed in Section 17.52.490 of the Zoning Ordinance that typically operate less than 45 days, such as Christmas tree or pumpkin sales, require an Administrative Permit in non-residential or mixed-use districts.

PLAN REQUIREMENTS

1. **Size.** 24"x36" trimmed and folded to 9"x12" maximum size.
2. **Scale.** Acceptable site plan scales are 1"=10', 1"=20', 1"=30', or 1"=40'. Acceptable architectural plan scales are 1/4"=1' or 1/8"=1'.
3. **Other.** Include north arrow, date prepared, the scale, bar scale, and legend identifying symbols and abbreviations.
4. **Preparer.** Name, address, phone number, and email of person preparing the plan(s). In many cases, plans must be prepared and signed by a licensed civil engineer, surveyor, licensed architect, landscape architect, and/or building designer.

SUBMITTAL MATERIALS

Some submittal requirements may be waived depending on the type of project. Unless waived on this form with a cross-out/staff initial, all submittal information shall be provided before the application is accepted as complete.

If another City permit or Project entitlement is also required, the materials supporting the added permit or entitlement must also be submitted.

If your application requires multiple permits or entitlements, submit the number of plan sets for the permit or entitlement that requires the largest number of plans sets.

- ☐ 1 **Planning Application Form** - Completed and signed by all property owners holding a title interest.
- ☐ 2 **Fee/Initial Deposit** - Administrative Permits are a \$594 flat fee. Check payable to City of Napa.
- ☐ 3 **Written Project Description** - Shall describe how the proposed temporary use including days and hours operating, how litter and security will be handled, type of fencing if any, signs, and other information to address the standards listed Section 17.52.490 of the Zoning Ordinance.
- ☐ 4 **SITE PLAN DRAWINGS**- (6 full size copies and a reduced set of all plan and map sheets at 8.5" X 11") - fully dimensioned and accurately drawn. Use as many sheets as necessary. Information may be combined as long as the plans are easy to read. Site plan shall include the following basic information:
 - ☐ a **Vicinity map** - Show site in relationship to local and major cross streets, named; include a north arrow.
 - ☐ b **Site and adjacent properties** - Location of all existing structures identified by type and indicating which are proposed to be removed and which will remain. Include the project site *and* adjacent property at least 100 feet beyond site, adjacent building footprints and approximate height, and streets (labeled) leading to the site.
 - ☐ c **Boundaries** - All existing and proposed property lines, tract name, easements (size and type called out), right-of-ways, trails, and the like. Approximate dimensions of all lots, radii of all curves and central angles.
 - ☐ d **Trees** - All trees over 6" in diameter measured 54" above existing grade. Provide their common name, size, condition, drip line and location onsite. Note whether any are "Significant Trees" designated by the City that are strictly protected. Any trees

proposed to be removed shall be identified along with the reasons why they are proposed for removal. In addition, show trees in the adjacent public right-of-way within 30 feet of the area proposed for development, and on adjacent properties with drip lines over the project site. An arborist report and photographs may be required.

- e **Natural features and constraints** - Site features including creeks and adjacent riparian vegetation, wetlands, major rock outcroppings, landslides, flood zones, earthquake faults and related setbacks.
- f **Other site development** - All decks; fences and walls including retaining walls; monument signs; bicycle racks; refuse disposal and outdoor storage areas with proposed screening, etc. The project will need to include detail design and materials.
- 5 **Lighting Plan** -Preliminary plan for any exterior lighting, detailing design, location and height *may* be needed to address project impacts.

ADDITIONAL SUBMITTAL REQUIREMENTS IN CERTAIN CIRCUMSTANCES

- 6 If site is in :FP Floodplain Overlay District, floodway analysis (if applicable) and other materials must be provided to address Floodplain (17.38.050), and potentially floodway (17.38.090) and/or Flood Evacuation Area (17.38.070) requirements. For properties in the floodway area, a detailed development plan and floodway development analysis showing all elements of Title 17 of the Napa Municipal Code. For properties in the flood hazard areas, a development plan indicating the amount of fill required and/or floodproofing measures required by Title 17 of the Napa Municipal Code. The site plan will need to show the approximate location of all areas subject to inundation of stormwater overflow and the location, width and direction of flow of all watercourses, including tidewaters. For residential subdivisions in the flood evacuation area, a flood evacuation plan will be required.
- 7 If site is in the :HS Hillside Overlay District, a slope analysis shall be prepared consistent with the requirements of 17.30.040(H) in order to determine site density. The plans will need to identify any building or access siting concerns and applicants will need to review and provide plans consistent with the city's *Hillside Development Guidelines*. Application submittals must include (unless waived) a site plan with the precise location of existing topography and proposed changes and natural site features; a precise grading and drainage plan; a preliminary landscape plan, construction drawings, and a scale model or visual simulations (17.40.070.B).
- 8 If site is on the City's Historic Resources List, the structure is subject to the City's Historic Preservation Ordinance. (NMC Chapter 15.52). A Certificate of Appropriateness may be required, and city "Rehabilitation Guidelines for Historic Properties" apply. Check with Community Development staff.
- 9 If the Administrative Permit is appealed, the applicant shall provide a mailing list and mailing labels of property owners within a 500 foot radius of project site for public hearing notice per 17.68.070.
- 10 **Environmental Information Form** - To help determine whether any supplemental environmental studies are required, such as a parking, traffic or noise study.
- 11 Other data or information necessary to complete processing of the map and environmental documents.
- 12 Other - _____



PLANNING APPLICATION FORM

Mailing Address:
PO Box 660
Napa, CA 94559

Planning Division
1600 First Street
707.257.9530

APPLICATION TYPE - check all applicable items

- | | |
|---|--|
| ☐ Administrative Permit
☐ Accessory Dwelling Unit (ADU) / Junior ADU
☐ Carports and Shade Structures in Side Yard
☐ Detached Accessory Structure with Plumbing
☐ Temporary Use
☐ Other _____
☐ Annexation
☐ Certificate of Appropriateness
☐ Certificate of Compliance
☐ Design Review
☐ Residential
☐ Non-Residential
☐ Major | ☐ Extensions / Project Modification
☐ General Plan Amendment
☐ Lot Line Adjustment / Lot Merger
☐ Pre-Application
☐ Reasonable Accommodation
☐ Sign Permit
☐ Tentative Map
☐ Use Permit
☐ Variance
☐ Zoning Amendment
☐ Zoning Letter
☐ Other _____ |
|---|--|

SITE INFORMATION - type or print

Address(es) _____
 APN(s) _____
 General Plan _____ Historic _____
 Zoning _____ Size _____

CONTACT INFORMATION - type or print

Applicant _____
 Address _____
 City _____ State _____ ZIP _____
 Phone _____ Email _____
Authorized Agent _____
 Address _____
 City _____ State _____ ZIP _____
 Phone _____ Email _____
Property Owner _____
 Address _____
 City _____ State _____ ZIP _____
 Phone _____ Email _____

Planning Division Use Only

Project Number _____
 Project Name _____
 Project Planner _____

Date Stamp

CONDITIONS OF APPLICATION

1. All materials and representations submitted in conjunction with this form shall be considered a part of this application.
2. The Applicant shall inform the Planning Division in writing of any changes.
3. **Indemnification.** The Applicant(s) agree(s) to defend, indemnify and hold the City, its agents, officers, and employees harmless from any claim, action or proceeding to attack, set aside, void or annul an approval of the City concerning the project, as long as the City promptly notifies the applicant of any such claim, action or proceedings and the City cooperates fully in the defense.
4. **Fees.** The Applicant(s) hereby agree(s) that he/they shall be jointly and severally liable for the payment of any and all processing fees imposed by the Napa Municipal Code Chapter 15.92, "Development Project Processing Fees", and Policy Resolution 16. The applicant(s) hereby represent(s) and warrant(s) that he/they understand that fees include, but are not limited to: staff time billed at an hourly rate; production or reproduction of materials and exhibits; and postage. Failure to pay all accumulated fees by the time of public hearing will result in a continuance.
5. I hereby authorize employees of the City of Napa to enter upon the subject property, as necessary, to inspect the premises and process this application.

I have read and agree with all of the above. The above information and attached documents are true and correct to the best of my knowledge.

Applicant _____	Date _____
Authorized Agent _____	Date _____
Property Owner* _____	Date _____
Property Owner* _____	Date _____

*All property owners holding a title interest must sign the application form. If there are more than two, list name, address, phone number, and signature on a separate sheet.

CONTACT INFORMATION INSTRUCTIONS

An "Applicant" is any person, firm, partnership, association, joint venture, corporation or any entity, combination of entities or consortium who seeks approval of a City permit or other Project entitlement for the use of property. The Applicant shall be the primary billing contact for all processing and development fees associated with the application. The Applicant may additionally identify an "Authorized Agent." An Authorized Agent is any person, firm, partnership, association, joint venture, corporation or any entity, combination of entities or consortium authorized by the Applicant to represent and act on behalf of the Applicant. If identified in this application, the Authorized Agent shall receive all written correspondence from the City regarding the application and any hearings or proceedings scheduled before the Planning Commission, City Council or other appointive City Boards and Commissions, but shall not be responsible for the payment of development or processing fees. The Applicant shall receive all billing invoices for the project, and under the "Conditions" set forth below, shall be liable for the payment of all development and processing fees associated with the application.

The "Property Owner" of property means a person, persons or corporation holding fee title to the real property within the City as shown on the most recent assessor's roll in the County of Napa upon which the Project is proposed. Property Owner and Applicant may be the same person or legal entity, or may be different. For example, in the case of a person or entity holding an option on the land, or other contractual relationship with the property owner, the fee owner(s) of the property would be the Property Owner, and the person or entity seeking the approvals or permits and holding an option to purchase the property would be the Applicant. If Applicant and Property Owner are the same person or entity, please enter "Same as Applicant" in the area provided for Property Owner information. In the event that Applicant and Property Owner are different, all Property Owners must sign on the following page to authorize the Applicant to file an Application for the City permit or Project entitlement on his or her property.

SUBMITTAL REQUIREMENTS

This form must be submitted to the Planning Division with the materials identified in the Submittal Requirements handout(s) for the appropriate City permit or Project entitlement. If your application requires multiple permits or entitlements, submit the number of plan sets for the permit or entitlement that requires the largest number of plans sets.



APPLICATION
CONDITIONAL USE
PERMIT

Please Type or Print

File #:
Related Files:
Set:
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LOCATION OF PROJECT (ADDRESS): NAME OF PROPOSED PROJECT: APPLICANT NAME: APPLICANT ADDRESS: CITY: STATE: ZIP: APPLICANT REPRESENTATIVE: APPLICANT REPRESENTATIVE ADDRESS: CITY: STATE: ZIP: PROPERTY OWNER NAME (SIGNATURE REQUIRED BELOW): PROPERTY OWNER ADDRESS: CITY: STATE: ZIP:	ASSESSOR'S PARCEL NUMBER(S): ☐ CELL ☐ HOME ☐ BUSINESS ☐ FAX ☐ CELL ☐ HOME ☐ BUSINESS ☐ FAX ☐ CELL ☐ HOME ☐ BUSINESS ☐ FAX ☐ CELL ☐ HOME ☐ BUSINESS ☐ FAX	EXISTING ZONING: GENERAL PLAN DESIGNATION: ☐ CELL ☐ HOME ☐ BUSINESS ☐ FAX ☐ CELL ☐ HOME ☐ BUSINESS ☐ FAX ☐ CELL ☐ HOME ☐ BUSINESS ☐ FAX ☐ CELL ☐ HOME ☐ BUSINESS ☐ FAX
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PROJECT/BUSINESS DESCRIPTION -- (Attach separate sheet if necessary.)

SIZE OF PARCEL SQ FT or ACRES	GROSS SQ FT OF PROPOSED USE	PRIOR USE
☐ RESIDENTIAL ☐ EXISTING BUILDING/REOCCUPANCY ☐ NEW CONSTRUCTION # UNITS TOTAL: # BEDROOMS PER UNIT: # PARKING SPACES: TYPE OF UNIT: ☐ SINGLE FAMILY DETACHED ☐ SINGLE FAMILY ATTACHED ☐ SECOND UNIT ☐ MULTI-FAMILY ☐ DUPLEX ☐ MOBILE HOME % LOT COVERAGE:	☐ OFFICE ☐ COMMERCIAL ☐ INDUSTRIAL ☐ OTHER (Please describe) ☐ EXISTING BUILDING/REOCCUPANCY ☐ NEW CONSTRUCTION LIST EXISTING TENANTS: MAX EMPLOYEES/SHIFT: # SEATS/CAPACITY: # PARKING SPACES: % LOT COVERAGE: DAYS/HOURS OF OPERATION:	USE: SQ. FT.:

SUBMITTAL INFORMATION -- THESE ITEMS MUST BE SUBMITTED FOR A COMPLETE APPLICATION UNLESS INITIALED BY A CITY PLANNER

Plan MUST either be reduced to 11 X 17 or folded to 8 1/2 X 14	
10 Copies of SITE PLAN showing all dimensions.	DISCLOSURE FORM
10 Copies of FLOOR PLANS	VICINITY MAP WITH NORTH ARROW
10 Copies of NEIGHBORHOOD CONTEXT MAP	INDEMNIFICATION FORM (Back of sheet)

ADDITIONAL SUBMITTAL INFORMATION -- THESE ITEMS MAY BE REQUIRED FOR A COMPLETE APPLICATION

10 Copies of DIMENSIONED ELEVATIONS (New construction only)	ENVIRONMENTAL ASSESSMENT (New construction only)
10 Copies of SITE ANALYSIS MAP (New construction only)	Completed STORMWATER DETERMINATION WORKSHEET
10 Copies of LANDSCAPE PLANS (New construction only)	Completed ABC APPLICATION WORKSHEET 23958.4 B & P (For sales of alcoholic beverages)

PROPERTY OWNER'S CONSENT -- I declare under penalty of perjury that I am the owner of said property or have written authority from property owner to file this application. I certify that all of the submitted information is true and correct to the best of my knowledge and belief. I understand that any misrepresentation of submitted data may invalidate any approval of this application.

PROPERTY OWNER'S SIGNATURE

APPLICATION	RECEIVED BY	DATE	FEE RECEIVED \$
PUBLIC HEARING		DATE	FEE RECEIVED \$
ENVIRONMENTAL REVIEW ☐ REQUIRED ☐ EXEMPT		DATE	FEE RECEIVED \$

CONDITIONAL USE PERMIT

04/19/2016

CITY OF ST. HELENA PLANNING COMMISSION

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ST. HELENA RECOMMENDING TO THE CITY COUNCIL ADOPTION OF THE ATTACHED ORDINANCE (EXHIBIT 1) AMENDING ST. HELENA MUNICIPAL CODE (S.H.M.C.) TITLE 17, SECTION 17.136.050 'TEMPORARY USES' TO MEMORIALIZE A LIST OF PERMITTED TEMPORARY ACTIVITIES, CRREATE A TEMPORARY USE PERMIT GOVERNING OTHER TEMPORARY USES AND TO CREATE REVIEW CRITERIA AND PROCEDURES BY WHICH SUCH TEMPORARY USES ARE GOVERNED, CITYWIDE.

Recitals

- A.** City of St. Helena Municipal Code (S.H.M.C.) Section 17.136.050 identifies and describes a limited number of Temporary Uses stating said uses “shall be permitted” but provides little to no review criteria or regulations of such uses within the City; and
- B.** S.H.M.C. Chapter 17.08 “Administrative Procedures” identifies procedural requirements for the review and appeal procedures governing administrative decisions (on both public and private property); and
- C.** The City Council has identified a concern and interest in facilitating retail and other business activities in the Central Business District and other commercial parts of the City to support the business community and expand the retail and service options available to citizens of the community, and to help maintain the St. Helena downtown as the City’s core and primary center of retail business. In response the City prepared draft text amendments to modify and expand the existing provisions governing Temporary Uses and to create a Temporary Use Permit process.
- D.** The proposed text amendments are found to be consistent with the goals and objectives of the General Plan, as identified in the staff report; and
- E.** The proposed text amendments are consistent with public necessity, convenience, general welfare, and good zoning practice; and
- F.** The Planning Commission of the City of St. Helena held a duly noticed Public Hearing to review the proposed text amendments on October 2, 2018, at which time all interested parties had the opportunity to be heard.

Resolution

- G. Now, therefore let it be resolved** that, the Planning Commission finds that the action to adopt this Ordinance to amend St. Helena Municipal Code Title 17 Section 17.136.050 is exempt from the requirements of CEQA (Public Resources Code Section 21000, et seq.) pursuant to Guidelines Sections 15301, 15303, and 15304 in

that these modifications create an administrative process for the use, conversion or minor alteration of existing properties, which may include the construction, modification or conversion of “Small Structures” as defined in the statute, however only for temporary and set periods of time for the use of the land; that the proposed text amendments are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR, given their intent to facilitate operation of temporary activities at existing facilities, 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.

H. Now, therefore be it further resolved that the Planning Commission recommends that the City Council adopt the Ordinance attached hereto as **Exhibit A** modifying existing zoning code regulations identified in St. Helena municipal code (S.H.M.C.) Title 17, Chapter 17.136.050 ‘Temporary Uses’ to memorialize a list of permitted temporary activities, create a Temporary Use Permit governing other temporary uses and to create review criteria and procedures by which such temporary uses are governed, citywide.

I HEREBY CERTIFY that the foregoing recommendation to the City Council 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 2, 2018, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Lester Hardy
Chair, Planning Commission

Noah Housh
Planning and Community
Improvement Director



Report to the City Council
Council Meeting of March 12, 2019

Agenda Section: Old Business

Subject: Resolution of the City Council of the City of St. Helena Determining That No Substantial Changes Requiring Preparation of a Subsequent EIR Have Been Made to the Upper York Creek Habitat Restoration Project as a Result of Proposed Modifications and Approving the Addendum Together with the Previously Certified Final EIR as the Appropriate Environmental Document for the Upper York Creek Habitat Restoration Project as Modified

**CEQA Environmental Impact Report
Determination:**

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

Reviewed By: April Mitts, Finance Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

The City has been working for several years to remove the Upper York Creek Dam (UYCD) and restore the riparian habitat of the York Creek watershed. The dam was originally constructed in 1900, and gravel and fine sediments produced by the watershed above UYCD that become trapped behind the dam have reduced the storage capacity of the reservoir. Sediment accumulates in the reservoir at a rate of 1,000 to 5,000 cubic yards per year depending on the magnitude of winter storm events, which necessitates regular maintenance, including annual debris removal and periodic removal of accumulated sediment. Four documented incidents of accidental, catastrophic releases of fine sediment have occurred during maintenance activities. These low-flow sediment discharges have resulted in mortality of fish and other aquatic organisms over the entire stretch of York Creek below the dam.

In 2006, the City entered into a settlement agreement with the Department of Commerce National Oceanic and Atmospheric Administration (NOAA) to remove the

Upper York Creek Dam. The terms of this agreement state that the City must pay to NOAA \$70 per day for each day beyond October 31, 2012 that the dam continues to block fish passage to Upper York Creek.

DISCUSSION

The Project proposes to modify the upper dam to allow for fish passage and habitat connectivity, reduce potential for downstream habitat degradation and fish kills, and restore the local ecology of York Creek. The Project will provide access to spawning and rearing habitat for steelhead trout and habitat connectivity for both anadromous and resident fish and other aquatic and riparian species. Potentially detrimental sediment releases during summer low-flow conditions will be prevented, and the Project will provide a permanent solution to prevent short-term aquatic habitat impairment associated with possible dam breach/failure.

The Project will restore approximately 3.5 acres of degraded riparian and aquatic habitat within the existing upper dam and reservoir area. Two (2) acres of this will be native riparian forest. The Project will also provide access to 1.5 miles of high-quality in-stream habitat. Restoration of natural sediment transport processes will occur through the Project site, with potential habitat improvements occurring in downstream reaches of York Creek and the Napa River. Disturbed areas in the Project site will be revegetated with a palette of multi-story native plants to provide diverse habitats for aquatic, riparian, and terrestrial species.

CEQA ANALYSIS

The Notice of Preparation (NOP) for the Draft Environmental Impact Report (EIR), which initiated the environmental review process for the Project (State Clearinghouse #2006092096) under the requirements of the California Environmental Quality Act (CEQA) was distributed to responsible agencies, interested parties, and the public on September 19, 2006. The 30-day Draft EIR scoping comment period initiated by the NOP was from September 19, 2006 to October 18, 2006.

The Draft EIR was subsequently prepared and circulated for public review from April 19, 2007 to November 14, 2007. The initial public review period was set to close on June 4, 2007. In order to obtain more public participation, the City extended the public comment period four times to November 14, 2007. The Final EIR was then prepared, which includes a summary of the Draft EIR, response to comments received during this extended Draft EIR public review period, as well as minor technical revisions and appendices prepared and added to address the comments.

A total of four publicly noticed meetings were held by the U.S. Army Corps of Engineers and/or the City at either the City of St. Helena public library or the City's fire department public meeting room. The Corps Civil Branch hosted a public scoping meeting in September of 2006, and the City held three public meetings in 2007. The City's first meeting was held on the evening of June 4, 2007 at the St. Helena Fire Department; no

members of the public or agency staff attended the meeting, and no comments were received in response to the initial notice.

In preparing the DEIR, the City considered three action alternatives and a No Project Alternative that would require on-going dredging of materials from behind the dam. A No Project Alternative that would have allowed no maintenance or sediment removal was considered infeasible due to regulatory requirements imposed on the City by California Department of Fish and Wildlife (CDFW), as well as the City's acknowledgement that no maintenance could result in future sediment spills and impacts on sensitive downstream aquatic habitat. Table 1 below is a comparison of the objectives and constraints associated with each alternative that was considered in the DEIR.

Table 1. Comparison of Objectives Met in Relation to Each Alternative

Alternative	Objectives				Constraint
	Improve aquatic passage	Provide natural sediment transport	Reduce future downstream fish kills and habitat degradation	Habitat restoration	Slope stability
No Project	No	No	Somewhat	No	No change
Small Notch	Yes. Equivalent to natural up- and downstream conditions	Yes	Eliminates threat of sediment spill	2.0 acres of restored riparian habitat and 1.5 miles of restored creek in historic channel	Requires road reinforcement measures
Full Removal	Yes. Equivalent to natural up- and downstream conditions	Yes	Eliminates threat of sediment spill	2.2 acres of restored riparian habitat and 1.5 miles of restored creek in historic channel	Requires highest level of road reinforcement
Fish Ladder	Yes for 65%-95% of adults when sufficient flow is present but would continue to be complete barrier for juveniles and other aquatic organisms	Limited, ladder function is dependent on regular maintenance	Eliminates threat of sediment spill	2.0 acres of restored riparian habitat & 1.9 miles of reconstructed channel 10-12 feet above original channel upstream of dam	No change

The Small Notch Alternative was determined to be environmentally superior because it would result in the highest levels of ecosystem restoration and protection, while providing greater stability for Spring Mountain Road. Spring Mountain Road is an important transportation link between Sonoma County and the Napa Valley that is sited on a landslide immediately adjacent to the dam and spillway. Currently, the existing spillway structure and dam embankment help support the road and stabilize the adjacent landslide. Maintaining the stability of Spring Mountain Road at this location is a mandatory design constraint.

A Mitigation Monitoring and Reporting Plan (MMRP) was prepared, which included the mitigation measures from the EIR and is intended to avoid and minimize environmental impacts to the extent feasible during Project construction and operation. Despite these attempts, approval of and proceeding with the Project's Small Notch Alternative will result in four significant and unavoidable impacts even after implementation of the mitigation measures developed in the EIR and incorporated into the MMRP. These significant and unavoidable impacts and the associated mitigation measures are summarized and listed below:

1. Aesthetics: Placement of materials along the shore of the lower reservoir may result in a change in water surface area as viewed from above. In order to mitigate for this impact, the Project proposes to install native vegetation in the disturbed areas.
2. Cultural Resources: Removal of the Upper York Creek Dam and associated structures would have a significant adverse impact on the historic feeling, design, and association of a resource considered eligible for listing in the National Register of Historic Places and the California Register of Historic Resources. As mitigation, the Project will provide graphic and written documentation of the dam's significance on the City's website and displayed in a City building.
3. Hydrology & Hydraulics: Sediment aggradation in Lower York Creek may increase the frequency and severity of flooding. Proposed mitigation is implementation of a channel monitoring program, causative factors analysis, and program to improve channel capacity and promote sediment transport.
4. Noise: Maintenance or construction activities would temporarily increase noise at the dam and disposal sites. Mitigation proposed is to work during daylight hours, and make efforts to efficiently schedule construction activities to limit impacts on neighbors.

On April 28, 2015, the City Council of the City of St. Helena, by resolution, certified the Final Environmental Impact Report (FEIR) for the Upper York Creek Ecosystem Restoration Project, which included the DEIR, specific findings, a statement of overriding considerations, and the adopted mitigation and monitoring plan. According to Section 15090(a) of the CEQA Guidelines, prior to approval of a project, the Lead Agency must certify that:

1. The final EIR has been completed in compliance with CEQA;
2. The final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and
3. The final EIR reflects the lead agency's independent judgment and analysis.

Subsequent to the certification of the FEIR, additional effort regarding the development of Project specifics was conducted, which resulted in consideration of some minor changes to the Project elements. As a part of this effort, the City conducted an analysis

of whether the information contained in the FEIR was still relevant and the conclusions presented in the documents were still correct and supported by the available evidence.

Specifically, Section 15162(a) of the CEQA Guidelines states that when an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15162(b) states that if changes to a project or its circumstances occur or new information becomes available after certification of the FEIR, the lead agency shall prepare a subsequent EIR if the above conditions are present. Otherwise, the Lead Agency needs to make a determination that an Addendum to the EIR is sufficient, or that no further documentation is required.

In either case, Section 15162(c) notes that once a project has been approved, the Lead Agency's role in project approval is completed, unless further discretionary approval on that project is required, and that any information that arises after an approval does not require reopening of that approval.

The City engaged Michael Baker International (Michael Baker), the consultant for the Project, to review the proposed modifications to the Project, as well as the certified FEIR, under the requirements listed above to determine the appropriate level of environmental review required under CEQA. Michael Baker concluded that the proposed modifications did not require the preparation of a Subsequent EIR, and documented this information in the form of an Addendum to the FEIR, as allowed under Section 15164 of the CEQA Guidelines, which states:

1. The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
2. An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
3. An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
4. The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.
5. A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

Here is the statement included in the Introduction to the Addendum:

"Michael Baker International reviewed the Upper York Creek Ecosystem Restoration Project Environmental Impact Report (EIR) (SCH# 2006092096) to determine the appropriate level of environmental review required under the California Environmental Quality Act (CEQA) for the modification to the dam removal option. As documented below, we have determined that additional environmental review (in the form of a new CEQA document) is not required. This review satisfies the scope for an EIR Addendum for the subject project."

As noted above, Michael Baker's review concluded that the analysis considered in the certified FEIR was sufficient based on the requirements under Section 15162, and that no additional environmental review was required. That review (Attachment 2) satisfies the scope for an EIR Addendum as described under Section 15164 of the CEQA Guidelines. As allowed under Section 15164(c), an Addendum does not need to be circulated for public review but can be included in or attached to the FEIR.

RECOMMENDATION

City staff recommends that City Council make the following findings:

1. The Council has considered the evidence in the record and finds that none of the conditions described in Section 15162 of the CEQA Guidelines that call for the preparation of a Subsequent EIR have occurred.
2. The Council has considered the evidence in the record and finds that an Addendum to the Certified FEIR is appropriate as described under Section 15164, as only minor technical changes or additions are proposed to the Project.
3. The Council shall consider the Addendum with the FEIR prior to making a decision on the project.

FISCAL IMPACT

The total estimated project budget is \$6,500,000. However, with the revised design approach outlined in the addendum, the cost to implement the project should result in significant cost savings.

RECOMMENDED ACTION

Adopt the Resolution certifying that no substantial changes have been made to the proposed Upper York Creek Habitat Restoration Project and that an Addendum to the Final EIR is the appropriate document under the requirements of the California Environmental Quality Act.

ATTACHMENTS

[Attachment 1 - EIR Addendum Resolution](#)

[Attachment 2 - UYCD EIR Addendum](#)

[Attachment 2.a. - Technical Memorandum to Addendum - Upper York Creek Dam Removal Sediment Transport Modeling](#)

[Attachment 2.b. - Technical Memorandum to Addendum - Potential Effects of Sediment Release To Steelhead Following York Creek Dam Removal](#)

[Attachment 3: Draft Basis of Design Report](#)

[Attachment 4 - Plans - Phase 1 - Sediment Traps](#)

[Attachment 5 - Plans - Phase 2 - Dam Removal](#)

[Attachment 6 - Plans - Phase 2 - Foothill Yellow Legged Frog Habitat Restoration](#)

CITY OF ST. HELENA

RESOLUTION No. 2019-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. HELENA DETERMINING THAT NO SUBSTANTIAL CHANGES REQUIRING PREPARATION OF A SUBSEQUENT EIR HAVE BEEN MADE TO THE UPPER YORK CREEK HABITAT RESTORATION PROJECT AS A RESULT OF PROPOSED MODIFICATIONS AND APPROVING THE ADDENDUM TOGETHER WITH THE PREVIOUSLY CERTIFIED FINAL EIR AS THE APPROPRIATE ENVIRONMENTAL DOCUMENT FOR THE UPPER YORK CREEK HABITAT RESTORATION PROJECT AS MODIFIED

RECITALS

WHEREAS, in 2006, the City entered into a settlement agreement with the Department of Commerce National Oceanic and Atmospheric Administration (NOAA) to remove the Upper York Creek Dam; and

WHEREAS, a Notice of Preparation (NOP) for the Draft Environmental Impact Report (EIR), which initiated the environmental review process for the Upper York Creek Habitat Restoration Project (State Clearinghouse #2006092096) under the requirements of the California Environmental Quality Act (CEQA), was distributed to responsible agencies, interested parties, and the public on September 19, 2006, and the 30-day Draft EIR scoping comment period concluded in October 18, 2006; and

WHEREAS, the Draft EIR was prepared and circulated for public review from April 19, 2007 to November 14, 2007, and on April 28, 2015, the City Council of the City of St. Helena, by resolution, certified the Final Environmental Impact Report (FEIR) for the Project, which included the DEIR, specific findings, a statement of overriding considerations, and the adopted mitigation and monitoring plan; and

WHEREAS, subsequent to the certification of the FEIR, additional effort regarding the development of Project specifics was conducted, which resulted in consideration of changes to the Project elements, specifically including the construction of a series of sediment traps (up to 30) within

York Creek below the existing dam, as the first phase of the Project, that will serve to capture some of the sediment that will be released through removal of the dam, in the second phase of the Project; and

WHEREAS, Section 15162(a) of the CEQA Guidelines states that when an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be

feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.; and

WHEREAS, Section 15162(b) of the CEQA Guidelines states that if changes to a project or its circumstances occur or new information becomes available after certification of the FEIR, the lead agency shall either prepare a subsequent EIR if the above conditions are present or make a determination that an Addendum to the EIR is sufficient; and

WHEREAS, the City engaged Michael Baker International (Michael Baker) to provide a recommendation as to the appropriate level of environmental review required for the proposed Project modification under CEQA; and

WHEREAS, based on the analysis in the **ADDENDUM TO THE UPPER YORK CREEK RESTORATION PROJECT EIR FOR MODIFICATION TO THE UPPER YORK CREEK ECOSYSTEM RESTORATION PROJECT**, dated March 14, 2018 (the "Addendum"), attached hereto as **Exhibit A** and incorporated herein by this reference, Michael Baker concluded that the proposed modifications to the Project did not require the preparation of a Subsequent EIR and documented this information in the Addendum to the FEIR, as allowed under Section 15164 of the CEQA Guidelines, now, therefore, be it.

RESOLVED, that the City Council of the City of St. Helena hereby determines as follows:

1. The City Council has independently reviewed, analyzed and considered the Addendum (as corrected to

refer to 30 instead of 38 sediment trap locations in the second full paragraph of page 3 thereof), the staff report and all attachments thereto, as well as all written documentation and public comments thereto; and

2. The Addendum to the Final EIR, as corrected, was prepared and reviewed in compliance with the provisions of CEQA and the CEQA Guidelines; and

3. The information and analysis contained in the Addendum, as corrected, which is attached hereto as **Exhibit A**, reflects the City's independent judgment as to the environmental consequences of the proposed modifications to the Upper York Creek Habitat Restoration Project; and

4. That, based upon the evidence submitted and as demonstrated by the analysis included in the Addendum, as corrected, none of the conditions described in Sections 15162 or 15163 of the CEQA Guidelines calling for the preparation of a subsequent or supplemental EIR or negative declaration have occurred; specifically:

a. There have not been any substantial changes in the Project that require major revisions of the Final EIR because of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

b. There have not been any substantial changes with respect to the circumstances under which the Project is undertaken that require major revisions of the Final EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

c. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Final EIR was certified, that shows any of the following: (a) the Project will have one or more significant effects not discussed in the Final EIR; (b) significant effects previously examined will be substantially more severe than shown in the Final EIR; (c) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the project proponents decline to adopt the mitigation measure

or alternative; or (d) mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR would substantially reduce one or more significant effects on the environment, but the Project proponents decline to adopt the mitigation measure or alternative.

BE IT FURTHER RESOLVED, that, pursuant to the above findings, the City Council of the City of St. Helena determines that the previously-certified Final EIR, together with the Addendum, as corrected, are adequate to serve as the required environmental documentation for the proposed Upper York Creek Habitat Restoration Project, as modified, and thus hereby approves and adopts the Addendum, as corrected; and

BE IT FURTHER RESOLVED, that the City Council of the City of St. Helena shall consider the previously-certified Final EIR, together with the Addendum, as corrected, prior to making a decision on the proposed Upper York Creek Habitat Restoration Project, as modified.

APPROVED AND ADOPTED, by the City Council of the City of St. Helena at a Regular Meeting held on March 12, 2019 by the following vote:

Mayor Ellsworth: _____
 Vice Mayor Dohring: _____
 Councilmember Koberstein: _____
 Councilmember Chouteau: _____
 Councilmember Knudsen: _____

APPROVED: ATTEST:

 Geoff Ellsworth, Mayor

 Cindy Tzafopoulous, City Clerk



We Make a Difference

March 14, 2018

Erica Ahmann Smithies
CITY OF ST. HELENA
 1480 Main Street
 St. Helena, CA 94574

**RE: ADDENDUM TO THE UPPER YORK CREEK RESTORATION PROJECT EIR FOR
 MODIFICATIONS TO THE UPPER YORK CREEK ECOSYSTEM RESTORATION PROJECT**

Dear Ms. Smithies,

Michael Baker International reviewed the Upper York Creek Ecosystem Restoration Project Environmental Impact Report (EIR) (SCH# 2006092096) to determine the appropriate level of environmental review required under the California Environmental Quality Act (CEQA) for the modification to the dam removal option. As documented below, we have determined that additional environmental review (in the form of a new CEQA document) is not required. This review satisfies the scope for an EIR Addendum for the subject project.

PROJECT BACKGROUND

Upper St. Helena Dam (UYCD) is located approximately 1.5 miles upstream of St. Helena on Spring Mountain Road. The reservoir traps the annual supply of gravel and fine sediments produced by the watershed above UYCD. Sediment accumulates in the reservoir at a rate of 1,000 to 5,000 cubic yards per year depending on the magnitude of winter storm events, which necessitates regular maintenance, including annual debris removal and periodic removal of accumulated sediment. Four documented incidents of accidental, catastrophic releases of fine sediment have occurred during maintenance activities. These low-flow sediment discharges have resulted in mortality of fish and other aquatic organisms over the entire stretch of York Creek below the dam. In addition, the EIR disclosed that portions of Lower York Creek through the city have existing flood hazards, with limited areas downstream of Highway 29 regularly experiencing overbank flooding, including a 2005 storm that caused extensive flood damage to wineries, vineyards, and the Culinary Institute of America's dormitories.

The Upper York Creek Ecosystem Restoration Project (project) is sponsored by the City of St. Helena (City). The project involves removal of Upper St. Helena Dam with the overarching goal to restore fish passage for steelhead (*Oncorhynchus mykiss*), reduce potential for future downstream low-flow fine sediment releases and their associated fish kills, and allow for the restoration of approximately 3 acres of degraded riparian and aquatic habitat surrounding the dam and reservoir. Specific project objectives identified in the EIR include:

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Erica Ahmann Smithies

City of St. Helena

RE: Addendum to the Upper York Creek Restoration Project EIR for Modifications to the Upper York Creek Ecosystem Restoration Project

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- **Improved fish passage and habitat connectivity.** The project will provide upstream passage to 1.7 miles of spawning and rearing habitat for steelhead and habitat connectivity for both anadromous and resident fish and for other aquatic and riparian species.
- **Reduced future downstream habitat degradation and fish kills.** The project will prevent potentially detrimental sediment releases during summer low-flow conditions that have caused fish and aquatic organism kills in the past. It will provide a permanent solution to prevent short-term aquatic habitat impairment associated with possible dam breach/failure.
- **Habitat restoration.** The project will restore approximately 3 acres of degraded riparian and aquatic habitat in the existing upper dam and reservoir area. Restoration of natural sediment transport processes will occur through the project site, with potential habitat improvement occurring in downstream reaches of York Creek and the Napa River. Disturbed areas of the project site will be revegetated with a palette of multistory native plants. A diversity of habitats for aquatic, riparian, and terrestrial animals will be enhanced.

In 2006, the USACE conducted a feasibility study for the removal and/or modification of UYCD, in which several approaches to project design were analyzed at a conceptual level. Three alternatives were selected by the USACE and the City for further development during the feasibility analysis:

- Alternative 1: Remove the dam completely to create hydrologic connectivity and build a support structure for slope stability.
- Alternative 2: Modify (notch) the dam to streambed level to create hydrologic connectivity.
- Alternative 3: Modify (notch) the dam partway and build a fish ladder.

Alternative 2 was subsequently split into two possibilities: Alternative 2A, a large notch in the dam that allowed for some floodplain through the dam area; and Alternative 2B, a small notch in the dam that contained a 23-foot-wide channel without a floodplain. After subsequent investigation, Alternative 2A was dropped from additional analysis because it cost more than Alternative 2B and offered no additional ecological benefit.

The small-notch alternative analyzed in the EIR included removal of 100 percent of the dam material and sediment accumulated behind the dam, which was estimated to be 45,000 cubic yards of materials: 1,000 from downstream, 16,000 from the dam area, and 28,000 from reservoir sediments.

PROPOSED CHANGES TO THE APPROVED PROJECT

The Upper York Creek Ecosystem Restoration Project proposes to restore the ecological connectivity between habitats upstream and downstream of UYCD and provide for natural

Erica Ahmann Smithies

City of St. Helena

RE: Addendum to the Upper York Creek Restoration Project EIR for Modifications to the Upper York Creek Ecosystem Restoration Project

Page 3

sediment transport. Steelhead migration would be restored to the level provided by the natural channels above and below the dam. The project would completely remove the inactive spillway and dam embankment to the approximate bedrock elevation.

This project proposes the removal of the constructed dam and selected excavation of approximately 14,000 cubic yards of sediment to facilitate the natural movement of currently impounded sediment material to a 1-mile stretch of currently sediment-starved creek below the dam.

Phase 1 of the project includes construction of up to 38 sediment trap locations downstream of the dam to capture the impounded sediment from upstream of the dam. These large wood structures would be expected to capture a maximum of 25 to 50 cubic yards of sediment per structure. They are proposed to be installed in an incised reach of York Creek where no flooding to adjacent infrastructure would result from increased sediment deposition. The structures consist of timber material recovered from off-site areas and would be placed on top of the channel bed and banks with minimal excavation. The structures are not intended to provide grade control for the channel thalweg at low to moderate flows. They are intended to provide hydraulic control at high flow during periods of active bedload sediment transport, thereby slowing flow velocities and generating depositional conditions upstream from the structure, primarily along the channel margins.

For Phase 2, a temporary low-flow pilot channel would be excavated through the project site to facilitate movement of sediment from the impounded material upstream of the dam. The pilot channel would facilitate a first flush removal of fine sediments downstream of UYCD. This first flush approach would allow limited exposure of fine sediments and turbidity to existing wildlife in the creek's downstream reaches. Boulders recovered during excavation and from an existing pile approximately 600 linear feet above the dam will be placed along the channel to promote natural movement and creation of structure through the project reach.

Upstream of the dam, the project would include restoration of approximately 0.5 acre of aquatic and riparian habitat through the removal of invasive species. Spawning and rearing habitat would be naturally created for steelhead through natural processes over a 5- to 10-year interval.

Additional on-site grading activities may be employed where necessary to augment natural processes in establishing habitat structures. A mitigation and monitoring plan will be established to identify the corrective actions necessary to facilitate fish passage where natural processes have created impediments to their passage. These corrective actions will include grading, sediment removal, erosion control, and bank stabilization.

Erica Ahmann Smithies

City of St. Helena

RE: Addendum to the Upper York Creek Restoration Project EIR for Modifications to the Upper York Creek Ecosystem Restoration Project

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LEGAL STANDARDS

CEQA Guidelines Section 15162 specifies the type of documentation required when changes are proposed to a project. CEQA Guidelines Section 15162 states:

- (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
 - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
 - (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.
- (b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.
- (c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after

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an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

- (d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.

Section 15164 of the CEQA Guidelines includes situations when a subsequent or supplemental EIR is not required. The section states:

- (a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
- (d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.
- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

CEQA Guidelines Section 15162 requires a subsequent environmental document when a project would result in new significant environmental effects or a substantial increase in the severity of significant effects identified in the original environmental document or when substantial changes occur with respect to the circumstances under which the project is undertaken. The analysis below evaluates the potential for changes to the project or its circumstances that result in new significant environmental effects or a substantial increase in the severity of significant effects identified in the EIR.

ANALYSIS OF EFFECTS

CONSTRUCTION IMPACTS

The EIR addressed the construction-related impacts of dam removal and included mitigation measures to reduce these impacts to the extent feasible. The project as proposed would be

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required to comply with all applicable mitigation measures adopted as part of certification of the EIR. Construction of proposed improvements would occur upstream of the dam, as well as improvements and future maintenance downstream of the dam, which is consistent with the assumptions in the EIR. For that reason, construction impacts of the both phases of the project as currently proposed would be the same as those assumed in the EIR, except that because less sediment would be removed from upstream of the dam, there would be less construction activity. Less sediment would be hauled from the site, with less excavation, so there would be a corresponding decrease in construction air emissions. In addition, because construction activities would occur in the same areas analyzed in the EIR, footprint-related impacts of construction would not substantially differ from those assumed in the EIR.

OPERATIONAL IMPACTS

Operational changes to the project are related to the reduction of sediment proposed to be removed upstream of the dam and the transport of that sediment downstream during storm events. The additional sediment transported downstream following dam removal could result in sediment accumulation in the lower reaches of York Creek, which could reduce channel capacity and increase local flood hazards downstream. In addition, the additional sediment could increase the concentration of suspended sediment downstream of the dam, which could negatively affect special-status species, specifically steelhead.

Potential Flood Effects

Stillwater Sciences (2017) performed DREAM-2 sediment transport modeling for York Creek using a range of potential sediment transport scenarios. Modeling results indicated that sediment deposition downstream of Highway 29 is a short-term, transient phenomenon that generally lasts for a few weeks under a condition where there is reasonably high flow in the creek (approximately 250 cubic feet per second, corresponding to approximately a 1.5-year event). For extremely high flow events, such as 50-year or 100-year flows, it can be expected that the sediment pulse resulting from dam removal would have been flushed out of the system by the time the flood reaches its peak. In either of these scenarios, however, there could be some channel aggradation that could increase water surface levels. However, dam removal would not result in long-term channel aggradation downstream. Dam removal would only affect the flood stage immediately following dam removal, because impounded sediment upstream of the dam would be completely removed from a period of a few weeks in a wet year to approximately one year for a dry year. Ultimately, because of the extremely short duration of the channel aggradation and flood peak, sediment transport following dam removal could potentially add an inundation event that would last for a short duration (Stillwater Sciences 2017).

The EIR disclosed that portions of Lower York Creek through the city have existing flood hazards, with limited areas downstream of Highway 29 regularly experiencing overbank flooding, including a 2005 storm that caused extensive flood damage to wineries, vineyards, and the Culinary Institute

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of America's dormitories. The EIR also acknowledged the potential for sediment aggradation in York Creek that could increase the frequency and severity of flooding (Impact H&H PA-1). The EIR determined that temporary, localized changes in existing flood heights and locations may occur and that this impact was significant and unavoidable. While the proposed project would result in the potential for channel aggradation that could increase water surface levels downstream of the dam, it would likely be a single event of short duration. Therefore, because the potential for future sediment aggradation in lower York Creek that could affect flooding was considered in the EIR and the project would not result in long-term changes related to aggradation and flooding, there would be no new significant environmental effects, nor would there be a substantial increase in the severity of previously identified significant effects. No additional analysis related to sediment aggradation or flooding is required.

Potential Effects on Steelhead

Steelhead can exhibit anadromous life history strategies, where juveniles rear in freshwater rivers and creeks, smolts migrate to the ocean where they mature to adults, and adults return to freshwater rivers and creeks to spawn. Steelhead can also exhibit a resident life history, where rearing, maturing, and spawning all occur in fresh water. Both anadromous and resident life histories may be expressed in the same watershed, as is the case in York Creek. Current evidence suggests that the two forms are capable of interbreeding. Upper Creek York Dam forms a barrier to upstream fish migration, which has resulted in a distinct resident population in the upper portion of the watershed and an anadromous and resident population downstream of the dam (Stillwater Sciences 2018).

Stillwater Sciences conducted suspended sediment modeling to simulate sediment transport and concentration scenarios following dam removal. Because the concentration of suspended sediment varies with hydrology, varying hydrologic scenarios, including dry, median, and wet water years, were analyzed to determine the effects on each life stage of steelhead, including adults, juveniles, and eggs/alevins (Stillwater Sciences 2018).

Stillwater Sciences found that steelhead in the Napa River watershed are adapted to periods of high suspended sediment, and the wide spatial distribution of steelhead in the watershed means that most of the population will avoid any impacts of suspended sediment concentrations by remaining in York Creek upstream of the dam, in other tributaries to the Napa River, or within the mainstem where suspended sediment concentrations are anticipated to be less. Thus, while the mobile life history stages of steelhead could be affected by increased suspended sediment, by migrating to areas of lesser concentrations, the fish would be able to avoid peak suspended sediment concentration exposure and the effects would be sublethal. While Stillwater Sciences (2018) identified the potential for nearly complete mortality for eggs and alevins, as noted above, incidents of accidental, catastrophic releases of fine sediment have occurred during maintenance activities under existing conditions, which have resulted in mortality of fish and other aquatic organisms over the entire stretch of York Creek below the dam. The EIR disclosed the potential

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for incidental take of aquatic species, including steelhead, through direct disturbance, displacement, and/or mortality, which was identified in the EIR (Impact BIO-PA2) as an adverse short-term effect. These findings from the EIR are consistent with the potential impact of the project as currently proposed.

As discussed above, the project would include installation of 38 sediment traps that are expected to capture from 25 to 50 cubic yards of impounded sediment from upstream of the dam, which, in the long term, would provide improved fish spawning and rearing habitat in the creek. Further, based on observations following a fish ladder installation project and another dam removal project, Stillwater Sciences found that steelhead recolonization throughout York Creek, including upstream of the dam, would occur rapidly (within months) after dam removal. Stillwater Sciences estimated that initial recolonization upstream of the dam could occur within months of dam removal, and recolonization of anadromous adults would be anticipated within no more than a year—either during the year of cofferdam breaching or the following migration season. For these reasons, Stillwater Sciences (2018) concluded there would not be a substantial adverse effect on steelhead in the short and long term. This is consistent with the findings in the EIR, and no further analysis related to steelhead is required.

Potential Effects on Foothill Yellow-Legged Frog

Stillwater Sciences, Inc conducted a habitat assessment and focused survey for FYLF on November 29, 2017, and while there is suitable habitat in the survey area, FYLF was not detected during the survey. Because there is FYLF habitat present on the project site, the presence of FYLF is assumed. To minimize potential impacts on FYLF, project construction activities will occur only during the summer dry season where flows are low or streams are dry. Consistent with mitigation requirements in the EIR, the project also requires that a qualified biologist conduct a pre-construction survey for FYLF 48 hours prior to construction activities. The biologist will survey for all applicable life stage (eggs, larvae, adults) and document survey results in a letter report that will be submitted to CDFW. In addition, a qualified biological monitor will be on-site during all construction activities work in York Creek and associated riparian habitat to ensure that no individuals of FYLF are harmed during the construction. With these requirements incorporated into project construction procedures, impacts on FYLF would be less than significant and consistent with the conclusions in the EIR.

Potential Effects on Northern Spotted Owl

Based on general biological resources surveys conducted by Michael Baker International on May 15, 2017, for the upstream of the dam portion of the project, and on November 28 and 29, 2017, for the project downstream of the dam, the project site primarily consists of mixed evergreen forest with a canopy dominated by Douglas fir (*Pseudotsuga menziesii*), a subcanopy including tanoak (*Notholithocarpus densiflorus*), big leaf maple (*Acer macrophyllum*), madrone (*Arbutus menziesii*), coast live oak (*Quercus agrifolia*), California black oak (*Q. kelloggii*), and California bay

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laurel (*Umbellularia californica*), and a mixed understory of shrubs, ferns, and forbs. Redwood forest vegetation is prevalent on the surrounding steep slopes. These forests, particularly the old-growth redwood forest, are suitable to support nesting, roosting, and foraging NSO. However, no NSO nests are currently known to occur on the project site and the nearest known activity center (frequently returned nesting or roosting location) recorded in 2008 just over 1 mile to the west upstream of the same York Creek drainage system, with the nearest multiple positive sightings from 2000 to 2005 approximately 0.5 mile to the west. NSO may forage in the area in or surrounding the project site, although they have not been known to do so. The project involves the removal established individuals of coast redwood, which is considered suitable habitat for NSO. To ensure that no individuals are negatively affected by tree removal, the project would be required to implement EIR mitigation measure BIO-NP8, which encourages construction activities to occur outside of the critical breeding period, but if activities must occur during the normal breeding season, work areas must be surveyed by a qualified biologist prior to construction activities (which would include tree removal). If active nests or behavior indicative of nesting birds are encountered, a 250-foot buffer designated by the biologist would be required and on-going construction monitoring will occur to monitor nesting activity within the project area. With regard to long-term effects on NSO habitat, because old-growth redwood forest habitat is prevalent along the hillsides and throughout the project area, the loss of a limited number of individuals of coast redwood would not adversely affect local populations of this species. With implementation of the mitigation identified in the EIR, impacts would remain less than significant, consistent with the findings in the EIR.

CONCLUSION

Based on the above analysis, the project would not result in new significant environmental effects or a substantial increase in the severity of significant effects previously identified in the EIR. No additional environmental analysis is necessary. Please contact me at (916) 361-8384 or phindmarsh@mbakerintl.com with any questions regarding the level of analysis for the project.

Sincerely,



Patrick Hindmarsh
Project Manager

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City of St. Helena

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References

Stillwater Sciences. 2017. *Upper York Creek Dam Removal Sediment Transport Modeling*.

———. 2018. *Potential Effects of Sediment Release to Steelhead Following York Creek Dam Removal*.

TECHNICAL MEMORANDUM • FEBRUARY 2018

Upper York Creek Dam Removal Sediment Transport Modeling



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Suggested citation:

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Cover photos: Upper York Creek Dam spillway near St Helena, California, looking downstream. Photograph was taken on March 16, 2010.

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1 INTRODUCTION

Upper York Creek Dam is a 50-ft tall 140-ft wide earthen dam, which was constructed in 1900 in York Creek, approximately 2.7 river miles (RM) upstream from its confluence with the Napa River near the City of St. Helena, Napa County, California (City of St. Helena 2015) (Figure 1). Michael Baker International, Inc., who is currently working for the City of St. Helena on the engineering design for the removal of the dam, retained Stillwater Sciences to model sediment transport and analyze the impact to fisheries resources due to the release of fine and coarse sediment upon dam removal. This technical memorandum provides the findings of the sediment transport modeling; the analysis of associated impacts to fisheries resources is provided in a separate technical memorandum (Stillwater Sciences 2018) accompanying this document.

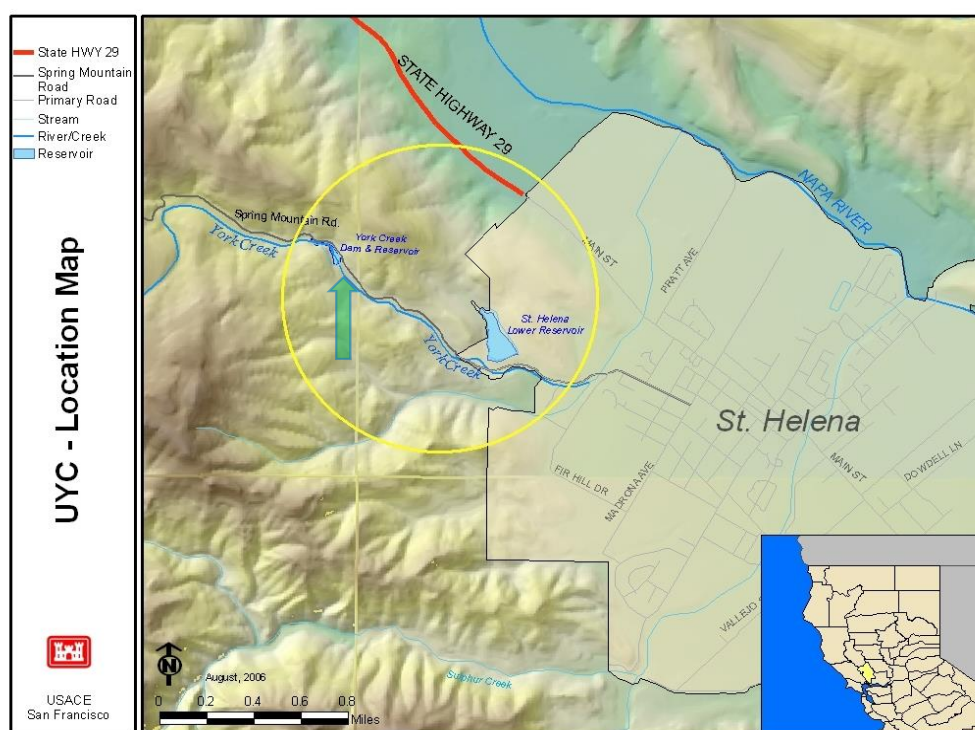


Figure 1. Map of the project area, with the arrow pointing to the Upper York Creek Dam. Map courtesy of USACE & City of St. Helena (2006).

2 HYDROLOGY

Typical of Mediterranean climates, York Creek experiences the dry season during the summer months and wet/rainy season during the winter months. Multiple studies had been conducted to assess peak flows in York Creek (e.g., PCI 2007, USACE 2005) (Table 1). Note the large variation of assessed peak flow values are partially the result of a catchment area that doubles from just downstream of the York Creek Dam to the Napa River confluence (PCI 2007).

Table 1. The range of peak flow values in York Creek assessed by DWR, USACE and PCI. Data obtained from USACE (2005) and PCI (2007).

Return period	2-yr	10-yr	25-yr	50-yr	100-yr
Assessed peak flow ^a (cfs)	115–380	420–960	700–1,440	960–1,850	1,280–2,310

^a One reason for the large range of estimate is that catchment area doubles from just downstream of the Upper York Creek Dam to the Napa River confluence, resulting in significantly increased discharge downstream.

To predict sediment transport following dam removal, it is preferable to have a continuous daily average discharge record in the study reach. The Napa Valley Regional Rainfall and Stream Monitoring System has been monitoring discharge in York Creek at Highway 29 since November 2, 2015 (https://napa.onerain.com/site.php?site_id=14183&view_id=61). The 2-years of continuous discharge data collected on York Creek, is inadequate to assess sediment transport following dam removal under a wide range of flow scenarios. To expand the discharge record, we searched for nearby watersheds similar in size to York Creek. The best match was Sonoma Creek at Agua (USGS 11458500), which has approximately 42 years of record between WY 1956 and 2017. We then correlated the Sonoma Creek at Agua data with the two-year discharge record in York Creek to expand the York Creek record (Figure 2). The recorded and extended daily average discharges at Highway 29 are plotted in Figure 3, showing that our correlation captures the peak discharges well, but is somewhat less accurate at predicting summer low flow. This approach therefore provides reasonable comparisons for sediment transport modeling, because major sediment transport occurs only during high flows.

The statistics of annual runoff and annual maximum daily average discharge for the 42 years of extended record is provided in Table 2, where we selected WY 1972, 1975, and 2017 to represent the dry, median, and wet years, respectively, to serve as input to the sediment transport model. These three years were selected so that their exceedance probabilities for annual runoff and annual maximum daily average discharge are close to 0.9 for a dry year, 0.5 for a median year, and 0.1 for a wet year.

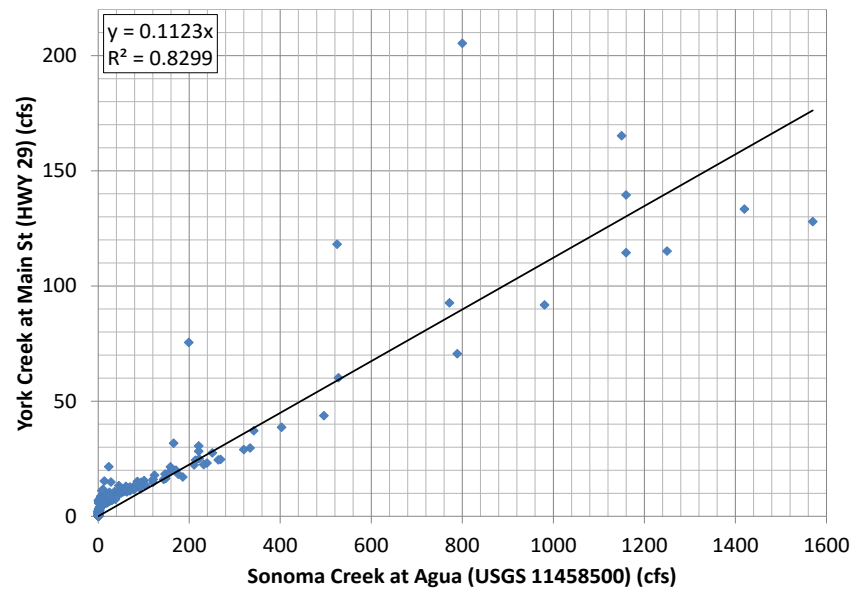


Figure 2. Linear regression establishing daily average discharge relation between York Creek at Highway 29 and Sonoma Creek at Agua (USGS 11458500).

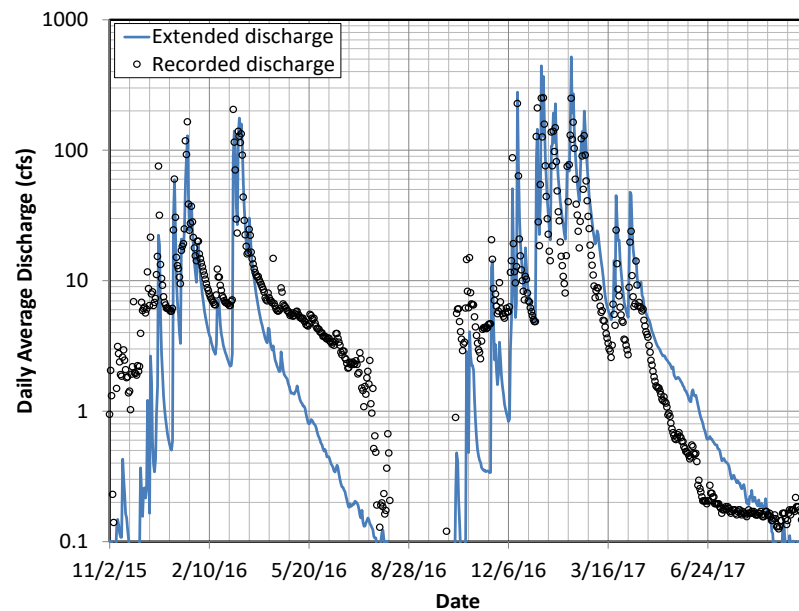


Figure 3. Comparison of recorded York Creek daily average discharge at Highway 29 and discharge extended using Sonoma Creek data.

Table 2. Statistics of estimated annual runoff and annual maximum daily average discharge at Highway 29 based extended discharge record.

Water year	Annual runoff		Max discharge ^a		Water year	Annual runoff		Max discharge ^a	
	Acre-ft	Ex. P. ^b	cfs	Ex. P. ^b		Acre-ft	Ex. P. ^b	cfs	Ex. P. ^b
1956	12780	0.07	563	0.07	1977	110	0.98	6	0.98
1957	2190	0.79	113	0.86	1978	8990	0.21	385	0.23
1958	11830	0.09	319	0.47	1979	3760	0.65	329	0.40
1959	2150	0.81	171	0.77	1980	8750	0.23	314	0.49
1960	3650	0.67	354	0.30	1981	2260	0.77	143	0.81
1961	2120	0.84	96	0.91	2002	6030	0.42	340	0.35
1962	4670	0.56	293	0.56	2003	6380	0.37	410	0.19
1963	7030	0.33	374	0.28	2004	5610	0.49	382	0.26
1964	1480	0.91	135	0.84	2005	7140	0.30	321	0.44
1965	6390	0.35	313	0.51	2006	13820	0.05	919	0.02
1966	4910	0.53	557	0.09	2007	2030	0.86	110	0.88
1967	10270	0.12	695	0.05	2008	4360	0.58	338	0.37
1968	3760	0.63	168	0.79	2009	2520	0.74	181	0.72
1969	9710	0.14	298	0.53	2010	5830	0.47	250	0.63
1970	8550	0.26	464	0.14	2011	8350	0.28	291	0.58
1971	6130	0.40	346	0.33	2012	3140	0.72	189	0.70
1972 ^b	1130	0.93	27	0.93	2013	4090	0.60	327	0.42
1973	9440	0.16	423	0.16	2014	1920	0.88	213	0.67
1974	9210	0.19	228	0.65	2015	3460	0.70	393	0.21
1975 ^c	5980	0.44	267	0.60	2016	5000	0.51	176	0.74
1976	370	0.95	20	0.95	2017 ^d	14930	0.02	520	0.12

^a Annual maximum daily average discharge in the extended discharge record.^b Ex. P. = exceedance probability.^c Selected to represent the dry year.^d Selected to represent the medium year.^e Selected to represent the wet year.

3 CHANNEL MORPHOLOGY

York Creek is a small mountain stream with a coarse bed and steep gradient. Partially due to the trapping of coarse sediment upstream of the Upper York Creek Dam, the channel surface is armored by sediment ranging from coarse gravel to small boulder particles (Figure 4). The bed downstream of the dam is largely immobile and can be considered as non-erodible for sediment transport modeling purposes.

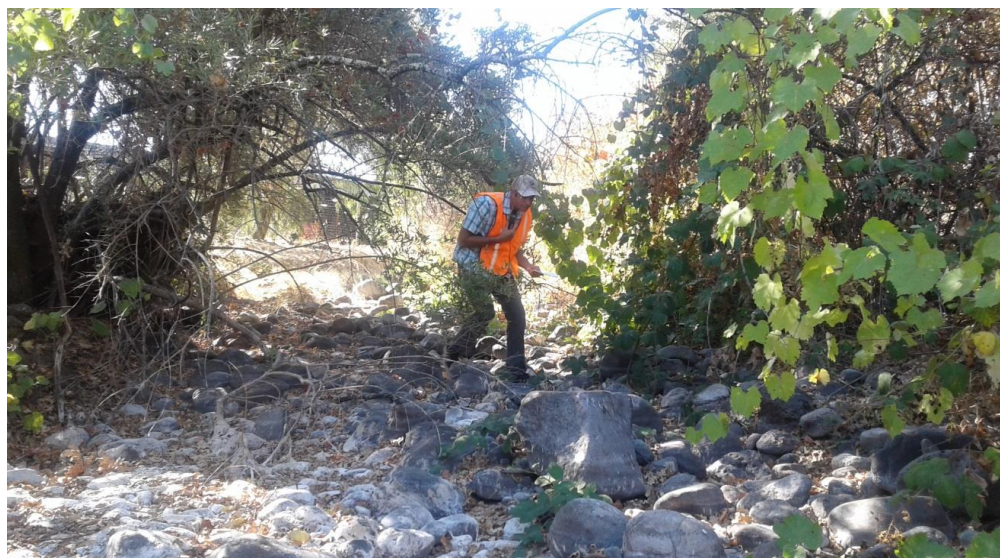


Figure 4. Photograph of York Creek channel bed, showing the armored surface. Photograph was taken on September 26, 2017 approximately 4,000 ft of the Napa River confluence. Photograph was taken facing upstream.

York Creek exhibits typical concave longitudinal profile (Figure 5), with channel gradient decreasing from approximately 4% just downstream of the Upper York Creek Dam, to approximately 1.3% close to Napa River confluence. Associated with the decreasing channel gradient is a generally decreasing bankfull depth. In a short reach approximately 3,000 ft upstream of the Napa River, the bankfull depth is only approximately 3 ft (Figure 6), and it is expected that inundation of the floodplain is rather frequent. Farther downstream, a gravel/boulder berm was placed at the right bank to limit floodplain inundation (Figure 7), although the floodplain is likely inundated during higher discharges.

Note that York Creek channel gradient is the steepest creek that we have modeled sediment transport following dam removal where the reservoir deposit is primarily gravel (Table 3). Because sediment transport capacity is highly non-linearly proportional to channel gradient, sediment transport capacity in York Creek is likely extremely high, and sediment left in the impoundment after dam removal can be expected to be rapidly transported out of the relatively short York Creek.

Table 3. Comparison of channel gradient of this project to some of the other dam removal projects where reservoir deposits are primarily gravel-sized sediment.

Dam	River	Location	Channel gradient ^a
Upper York Creek Dam	York Creek	California	~ 4%
Matilija Dam	Matilija Creek	California	~ 2.3%
Harvey Diversion Structure	Santa Paula Creek	California	~ 1.5%
Marmot Dam	Sandy River	Oregon	~ 0.7%
Iron Gate Dam	Klamath River	California	~ 0.26%
Daguerre Point Dam	Yuba River	California	~ 0.16%

^a Channel gradient immediately downstream of the dam to be removed.

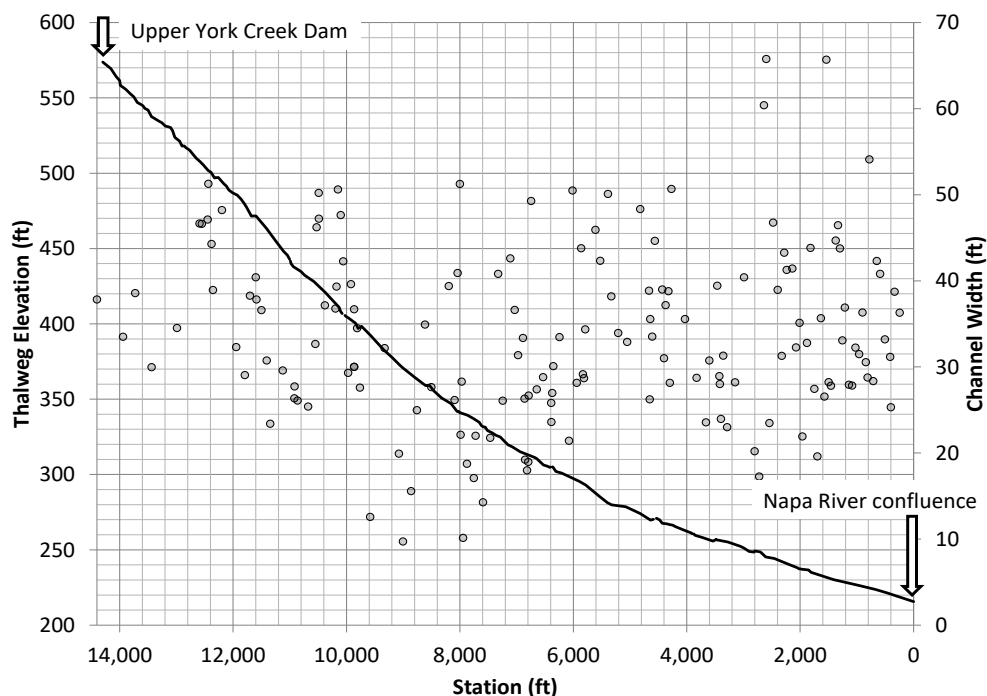


Figure 5. Longitudinal profile (solid line) and channel width (circles) of York Creek downstream of the Upper York Creek Dam, showing decreasing channel gradient in the downstream direction. Diagram was developed based on HEC-RAS model provided by Michael Baker International, Inc. (David Muller, per. comm., Sept. 2017), channel width is calculated as the distance between the left and right bank stations in HEC-RAS file.



Figure 6. Photograph of the York Creek approximately 3,000 ft upstream of the Napa River Confluence, showing the low right bank. Photograph was taken on September 26, 2017, facing downstream.



Figure 7. Photograph of gravel/boulder berm placed at the right bank of York Creek near the Napa River confluence. Photograph was taken on September 26, 2017.

4 IMPOUNDMENT DEPOSIT

PCI (2014) estimated that the Upper York Creek Dam embankment contains 14,000 cubic yards (CY) of material, while the volume of the sediment deposit upstream of the dam is approximately

18,500 CY (Figure 8). An early estimate by USACE and City of St. Helena (2006) put the deposit volume at approximately 28,000 CY. In addition, the City of St. Helena had removed an estimated 10,000 CY of sediment removal between 1992 and 1993 (USACE & City of St. Helena 2006).

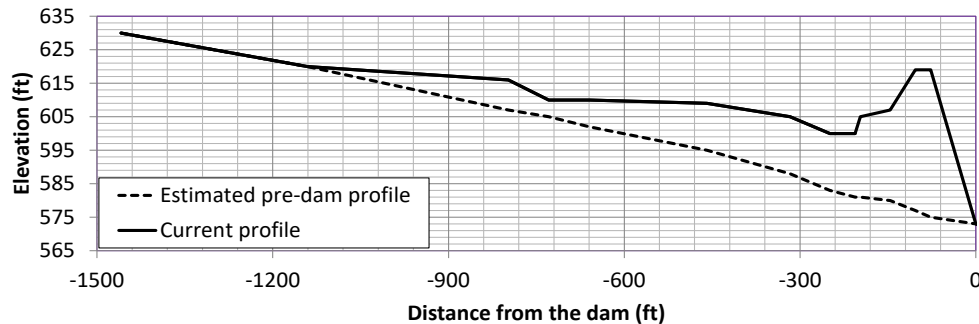


Figure 8. Longitudinal profile of the sediment deposit upstream of the Upper York Creek Dam. Diagram developed based on survey data presented in PCI (2014).

Observations of the impoundment deposits indicate that they are significantly finer than what was observed on the surface of the channel downstream of the dam, as expected (Figure 9). Figure 10 provides the grain size distribution of the three samples collected within the impoundment area by Michael Baker International, Inc. (D. Muller, pers. comm., September 2017), indicating that approximately 60% of the material is gravel (> 2 mm) and 40% is sand (0.0625 – 2 mm) and silt (<0.0625 mm). Note in Figure 10 that the actual fraction of silt-sized sediment is very small ($<10\%$ of the total sediment). This is likely due to the conditions of the impoundment where silt-sized sediments may accumulate during high flow when the pool level is high, but they would be subsequently released downstream through the outlet pipe as the pool level drops during the receding limb of the flood events.



Figure 9. Photographs of the sediment deposits upstream of the Upper York Creek Dam. Both photographs were taken on September 26, 2017 less than 1,000 ft upstream of the dam.

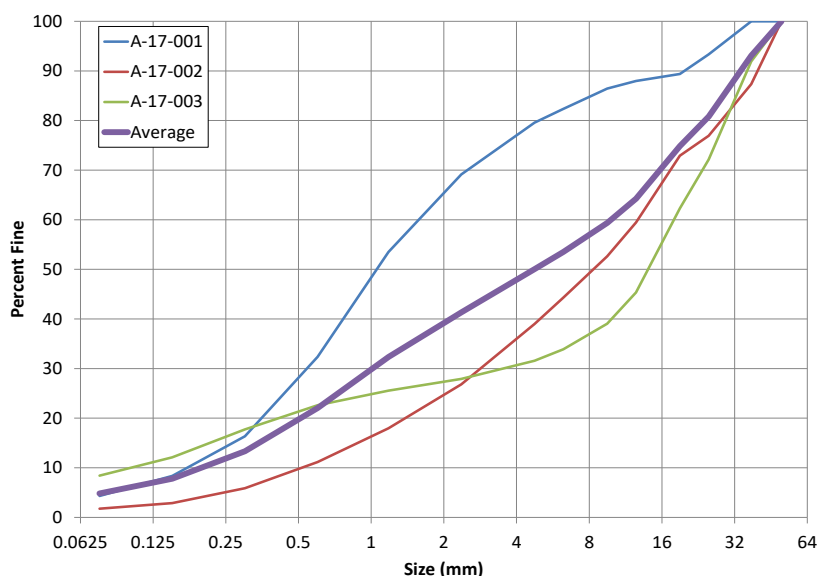


Figure 10. Grain size distributions of the sediment deposit upstream of the Upper York Creek Dam. The three samples were taken by Michael Baker International, Inc. in the summer of 2017 (D. Muller, pers. comm., September 2017).

5 SEDIMENT TRANSPORT FOLLOWING DAM REMOVAL

5.1 Sediment Transport Model and Model Input

We applied Stillwater Sciences' DREAM-2 model (Cui et al. 2006 a,b) to simulate the sediment transport dynamics following the removal of Upper York Creek Dam. DREAM-2 was developed specifically for simulation of sediment transport following dam removal under the condition that most of the top layer of the impoundment deposit is composed of gravel and coarser sediment, a condition met for this study. The model, its predecessors, and sister models have been applied in large (with ~ 2 billion tons of sediment involved) or small (with ~ 100,000 CY of sediment involved) sedimentation projects. The model had been examined with field data, where available, and experimental data and proven to produce satisfactory results (e.g., Sutherland et al. 2002, Cui and Parker 2005, Cui et al. 2008, Cui et al. 2017).

DREAM-2 model input parameters include a longitudinal profile and active channel width downstream of the dam, assumed pre-dam longitudinal profile upstream of the dam, thickness of impoundment sediment deposit, grain size distribution of the impoundment deposit at different locations and depths, a continuous series of daily average discharge, long-term average annual sand and gravel supply and associated grain size distribution, and general channel shape in the impoundment area after dam removal. A brief description of these parameters is provided below in Table 4. Note that "reach average" has applied to channel longitudinal profile and active channel width (Table 4), because 1D sediment transport modeling is accurate only on a reach-averaged basis (e.g., Cui et al. 2008). As a result, we simulate the sediment transport dynamics on a reach-averaged basis and do not attempt to simulate the scour and deposition at any particular

location. A comparison of HEC-RAS channel width and reach averaged channel width used in DREAM-2 model is provided in Figure 11.

Table 4. A brief description of input parameters for York Creek sediment transport DREAM-2 modeling

Parameter	Brief description
Longitudinal profile downstream of the dam	Reach averaged, based on HEC-RAS model cross sections. See Figure 5.
Active channel width downstream of the dam	Reach averaged, based on HEC-RAS model cross sections. Reach average width at a node point was obtained by a double averaging of the 5 neighboring node points (i.e., the node point, plus two upstream and two downstream nodes). That is, $\overline{w}_i = \frac{1}{5} (w_{i-2} + w_{i-1} + w_i + w_{i+1} + w_{i+2})$, and $\overline{\overline{w}}_i = \frac{1}{5} (\overline{w}_{i-2} + \overline{w}_{i-1} + \overline{w}_i + \overline{w}_{i+1} + \overline{w}_{i+2})$, where w_i is channel width obtained from HEC-RAS at node i, and $\overline{w}_i$ is the reach averaged channel width at node i used in DREAM-2 model.
Pre-dam longitudinal profile upstream of the dam	PCI (2014) estimate, as shown in Figure 8.
Thickness of impoundment sediment deposit	PCI (2014) survey/estimate, as shown in Figure 8.
Grain size distribution of the impoundment deposit	The average of the three Michael Baker International, Inc. samples, as shown in Figure 10, applied to the entire deposit.
Continuous series of daily average water discharge	Extended by correlating with Sonoma Creek daily discharge record, as discussed in Section Error! Reference source not found. , then adjusted for catchment area difference along the creek, as discussed below.
Long-term average annual sand and gravel supply and associated grain size distribution	Maximum and minimum values were estimated based on available information as detailed below, and the maximum estimate was applied for model input just to be on the safe side.
General shape formed in the impoundment area following post-dam removal erosion	Trapezoidal channel, with 20 ft base and 35° bank angle, as discussed below.

Two estimates of long-term average annual sand and gravel supply were obtained based on available information. The first estimate assumed that all the sand and gravel is trapped in the reservoir since the dam was constructed in 1900. There is currently 18,500–28,000 CY of sediment trapped in the reservoir, and there was an estimated 10,000 CY of sediment removal between 1992 and 1993. That is, there was approximately a total of 28,500–38,000 CY of gravel and sand accumulation over a 117-year period, resulting in a long-term average gravel and sand supply rate of approximately 244–325 CY/yr. The second estimate comes from USACE & City of St. Helena (2006), where it was estimated that there had been approximately 16,000 CY of sediment accumulation over a 12-year period following the 1992/1993 sediment removal. This would result in a much larger estimate of 1,333 CY/yr of sand and gravel supply. The 244 CY/yr and 1,333 CY/yr estimates likely represent the lowest and highest possible values for the long-term average gravel and sand supply rate. For the purpose of modeling, the high end of 1,333 CY/yr is used for model input because it provides more conservative modeling results (i.e., it provides a higher magnitude of sediment deposition that will last longer than the lower supply estimate).

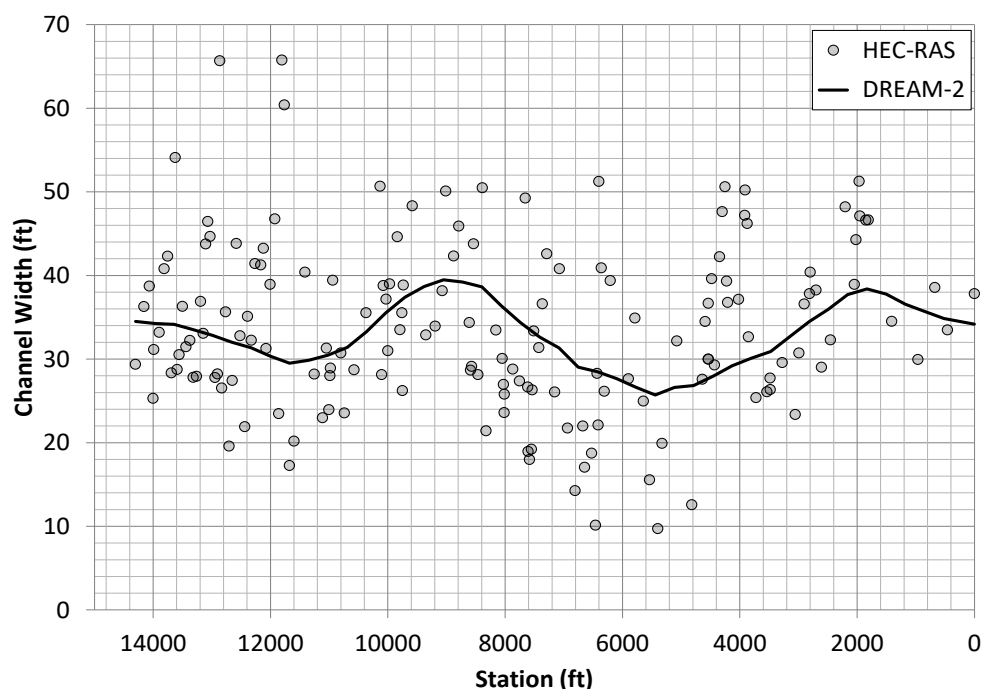


Figure 11. Comparison of HEC-RAS channel width with reach averaged channel width used in DREAM-2 model. Here HEC-RAS channel width is the distance between left and right bank stations directly obtained from the HEC-RAS file provided by Michael Baker International.

The shape of the self-formed channel in the impounded area following dam removal cannot be predicted by current theory. Therefore, the simulation assumed that a trapezoidal channel will form within the impoundment area following dam removal. Based on cross section surveys downstream of the dam, the base of the trapezoidal channel is assumed to be 20 ft wide, and the two banks are assumed to stand at the angle of repose, or roughly 35°. Figure 12 below compares the assumed trapezoidal channel with the surveyed cross sections (which are assumed to be a stable form) within a short distance downstream of the dam. It is likely that the model predicts greater sediment release than the real case after dam removal, at least in the short term. The steep gradient is likely to lead to rapid erosion near the dam site following the removal of the dam. This rapid erosion is likely to promote a narrower and steeper channel than the stable channel form suggested by the downstream cross sections in the short term. The channel may subsequently widen, however, due to future large flood events. Figure 13 shows the steep ($> 60^\circ$) right bank (on the left side of the photograph) many years after the collapse of a dam on Town Creek near Covelo, California. Although we expect the banks of the channel in the Upper York Creek Dam impoundment area to be similar to the right bank in Figure 13 in the short term following dam removal, we assume that the channel is wider to provide more conservative modeling results.

The continuous flow discharge series obtained through correlation with Sonoma Creek discharge record represents York Creek discharge at Highway 29, which is about 2/3 of the distance from the dam to the confluence with the Napa River. The catchment area, however, approximately

doubles from just downstream of the Upper York Creek Dam to the Napa River confluence (PCI 2007). To accommodate the increased catchment area in the downstream direction, we have assumed that water discharge increases linearly along the creek in the downstream direction so that water discharge doubles from just downstream of the Upper York Creek Dam to the Napa River confluence (Figure 14).

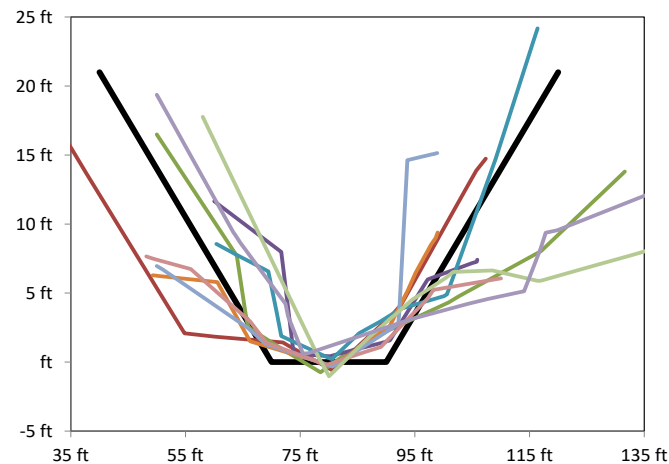


Figure 12. Assumed channel cross section to be formed in the impoundment area after dam removal (the thick black line), in comparison with surveyed cross sections within 1,700 ft downstream of the dam (all colored lines).



Figure 13. Photograph of the impoundment area of Town Creek near Covelo, California, showing the steep right bank (left of the picture) formed following dam collapse. Photograph was taken on February 6, 2002, standing at the dam site looking upstream.

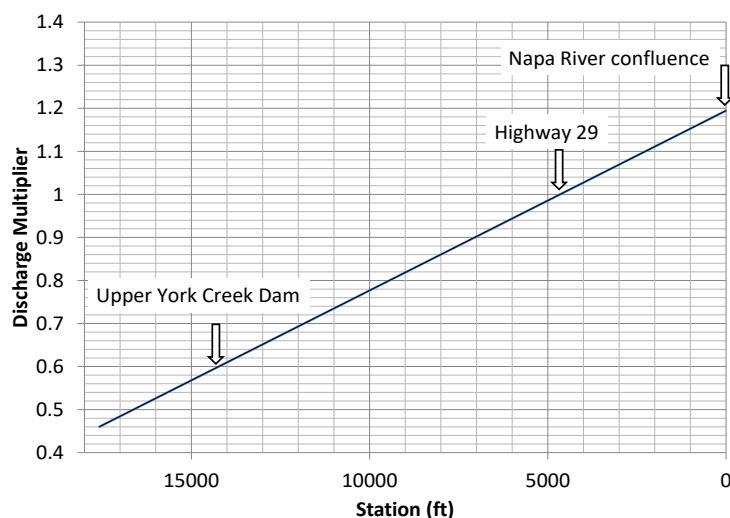


Figure 14. Discharge multiplier applied to water discharge at Highway 29 during DREAM-2 simulation.

5.2 Brief Description of Model Runs

A total of 9 runs were conducted, simulating dam removal in 3 different hydrologic conditions under 3 sediment management scenarios (Table 5). Each simulation continued for three years, but results are presented for up to 1 year, because the sediment pulse from dam removal would have moved out of the system after that. The assumed York Creek daily average discharge at Highway 29 for the three typical years representing dry, median and wet conditions are presented in Figure 15. For sediment management, the first scenario of simulation (Runs 1, 2, and 3) assumed embankment removal while leaving all the impoundment deposit in place for natural erosion; the second scenario (Runs 4, 5, and 6) assumes embankment removal and mechanical removal of 5,000 CY of the impoundment deposit prior to initiation of natural sediment erosion; and the third scenario (Runs 7, 8, and 9) assumes embankment removal and mechanical removal of 8,000 CY of the impoundment deposit prior to initiation of natural sediment erosion. For scenarios 2 and 3, it is assumed that the impoundment deposit will be removed from the downstream, forming a trapezoidal channel 20 ft wide at its base with 35° bank slopes¹. The first scenario of sediment management (no mechanical removal of the impoundment deposit) would result in the erosion of approximately 13,500 CY of sediment, or 48–73% of the 18,500–28,000 CY of the impoundment deposit. Mechanically removing 5,000 CY and 8,000 CY sediment would reduce the natural erosion to 8,500 CY and 5,500 CY, respectively. The effect of construction of sediment traps downstream of the dam rather than directly removing the sediment would have similar results to

¹ A channel gradient is also set following sediment removal for modeling purposes. This channel gradient, however, is not a recommendation for construction to follow. Instead, it is recommended that adaptive management method be applied during construction so that sediment is removed along the pre-dam channel bed that is likely distinguishable by the sediment composition, where the reservoir deposit is relatively fine sediment while the pre-dam channel bed is likely composed of boulders or bedrock outcrops.

mechanical sediment removal, although it cannot be directly simulated due to the limitations of the sediment transport model.

Table 5. Summary of DREAM-2 model runs following Upper York Creek Dam removal.

Run ID	Water year	Q_{w0} (cfs) ^a	Sediment management
Run 1	Dry (WY 1972)	8.1	Remove embankment, leaving all sediment for natural erosion.
Run 2	Median (WY 1975)	33.1	
Run 3	Wet (WY 2017)	25.5	
Run 4	Dry (WY 1972)	8.1	Remove embankment and 5,000 CY sediment to form a trapezoidal channel with 20 ft wide base and 35° bank angle. ^b
Run 5	Median (WY 1975)	33.1	
Run 6	Wet (WY 2017)	25.5	
Run 7	Dry (WY 1972)	8.1	Remove embankment and 8,000 CY sediment to form a trapezoidal channel with 20 ft wide base and 35° bank angle. ^b
Run 8	Median (WY 1975)	33.1	
Run 9	Wet (WY 2017)	25.5	

^a Q_{w0} is daily average discharge at Highway 29 on the day sediment transport is initiated following dam removal.

^b Constructing sediment traps downstream of the dam would have similar effect as sediment removal, but it cannot be directly simulated due to limitations of the sediment transport model.

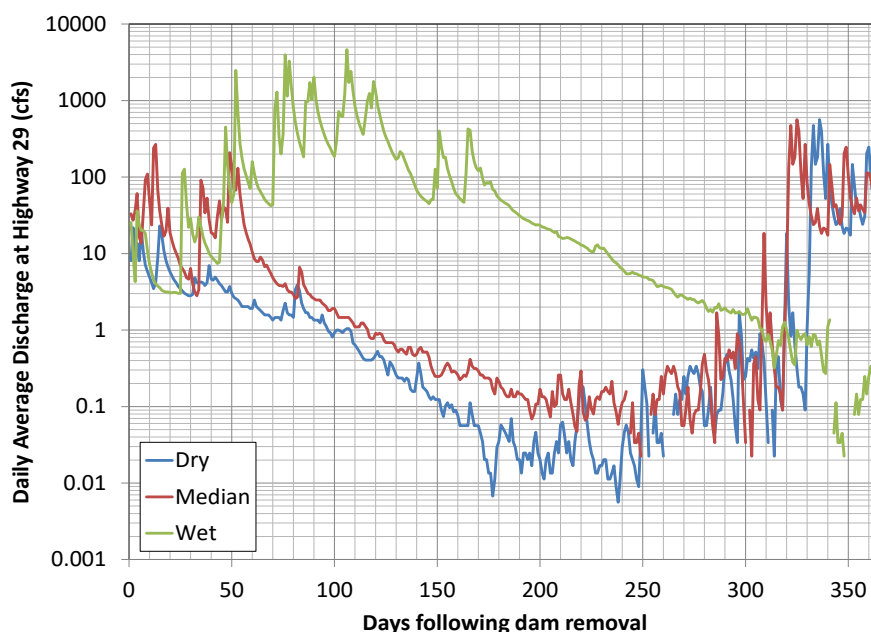


Figure 15. Assumed York Creek daily average discharge for the 1st 365 days at Highway 29 for dry, median and wet years used for DREAM-2 simulation.

5.3 Model Results

A summary of modeling results for the 9 runs listed in Table 5 is presented in Table 6 and in Figure 16 through Figure 20 (Runs 1, 2, 3, 5, and 8, respectively). Each figure includes: (a) the simulated bed elevation from the impoundment reach to approximately 2,200 ft downstream of the dam, (b) the incremental elevation in the downstream-most 22,000 ft of York Creek, and (c) the suspended sediment concentration through time.

Modeling results indicate that, unless the dam is removed in a dry year, the impoundment will be eroded rather quickly (i.e., within two weeks for Run 2, and about a month and a half for Run 3). Following the erosion of the impoundment deposit, sediment deposition occurs in a short reach downstream of the dam (approximately Station 13,500–14,300 ft) as well as the lower reach of the creek (i.e., downstream of Station 9,000 ft) that persists for about 2 weeks for Run 2 and a month and a half for Run 3. Note that water discharge during the period of sediment erosion and deposition is actually higher for Run 2 compared to Run 3 (Table 6), although Run 3 is a wetter year compared to Run 2. Focusing on the reach downstream of Highway 29, where increased floodplain inundation is a concern, the maximum thickness of sediment deposition is less than 1 ft for Run 1, less than 2 ft for Run 2, and less than 3.5 ft for Run 3. In the case where dam removal occurs in a dry year, it will take a longer time to erode the impoundment deposit, and the duration for sediment deposition will also be longer, as shown in Table 6 and Figure 16 for Run 1, and it may need to wait until the next year's high flow to return the channel to the pre-removal condition. Under such a scenario the thickness of sediment deposition is less than if dam removal occurs in a wetter year.

Modeling result for mechanical sediment removal prior to dam removal generally produced less sediment deposition in the lower reach (Table 6). Mechanically removing 5,000 CY of sediment prior to dam removal, for example, would reduce the maximum thickness of sediment deposition in the reach downstream of Hwy 29 to within 2 ft for all the runs (Table 6).

In all the runs dam removal produced increased suspended sediment concentration, with the maximum value on the order of 10^4 mg/L. The elevated suspended sediment concentration generally lasts only for a few days (e.g., 8 days for Runs 1 and 2, and 11 days for Run 3) (Table 6). Also note that removing 5,000 or 8,000 CY of sediment prior to dam removal would not significantly affect the suspended sediment concentration following dam removal, and trapping any amount of sediment should not affect suspended sediment dynamics because only coarse sediment can be trapped in a high gradient stream like the York Creek.

Modeling results indicate that sediment deposition in York Creek following the removal of Upper York Creek Dam is a transient phenomenon, and the deposition will only last for a few weeks as long as there is reasonably high flow (e.g., approximately 250 cfs for Run 2, or even smaller if it last longer) in the creek; and additional channel aggradation due to the reestablishment of upstream sediment supply is unlikely once the sediment pulse as a result of dam removal moves out of the system.

Table 6. Summary of important DREAM-2 modeling results. See **Table 5** for description of model runs.

<i>Run ID</i>	<i>Run 1^c</i>	<i>Run 2^c</i>	<i>Run 3^c</i>	<i>Run 4^c</i>	<i>Run 5^c</i>	<i>Run 6^c</i>	<i>Run 7^c</i>	<i>Run 8^c</i>	<i>Run 9^c</i>
Approximate duration final grade is reached in the impoundment area	~ 1 yr	12 days	47 days	~ 1 yr	11 days	47 days	~ 1 yr	9 days	47 days
Maximum thickness of deposition downstream of Hwy 29	< 1 ft	< 2 ft	<3.5	< 0.5 ft	< 2 ft	< 1 ft	< 1 ft	< 2 ft	< 1 ft
Duration of sediment deposition	~ 1 yr	13 days	47 days	~ 1 yr	12 days	47 days	~ 1 yr	12 days	47 days
Maximum daily average discharge at Highway 29 prior to the clearance of sediment deposition (cfs)	562 ^b	257	451	562 ^b	240	451	562 ^b	240	451
Maximum suspended sediment concentration (mg/L)	28,400	8,250	26,000	27,200	5,350	9,550	25,500	3,740	14,100
Approximate duration when suspended sediment concentration is significantly higher than background conditions ^a	8 days	8 days	11 days	3 days	7 days	9 days	3 days	7 days	7 days
Daily average discharge at Highway 29 during the day of highest suspended sediment concentration (cfs)	10.3	13.6	5.6	7.5	13.6	10.0	7.5	33.1	10.0

^a Here the duration is defined as the day after which the increase in suspended sediment concentration drops to significantly lower than 1,000 mg/L.

^b This maximum flow occurred toward early in the next water year following dam removal.

^c Color coding: runs with same background color have identical discharge as model input.

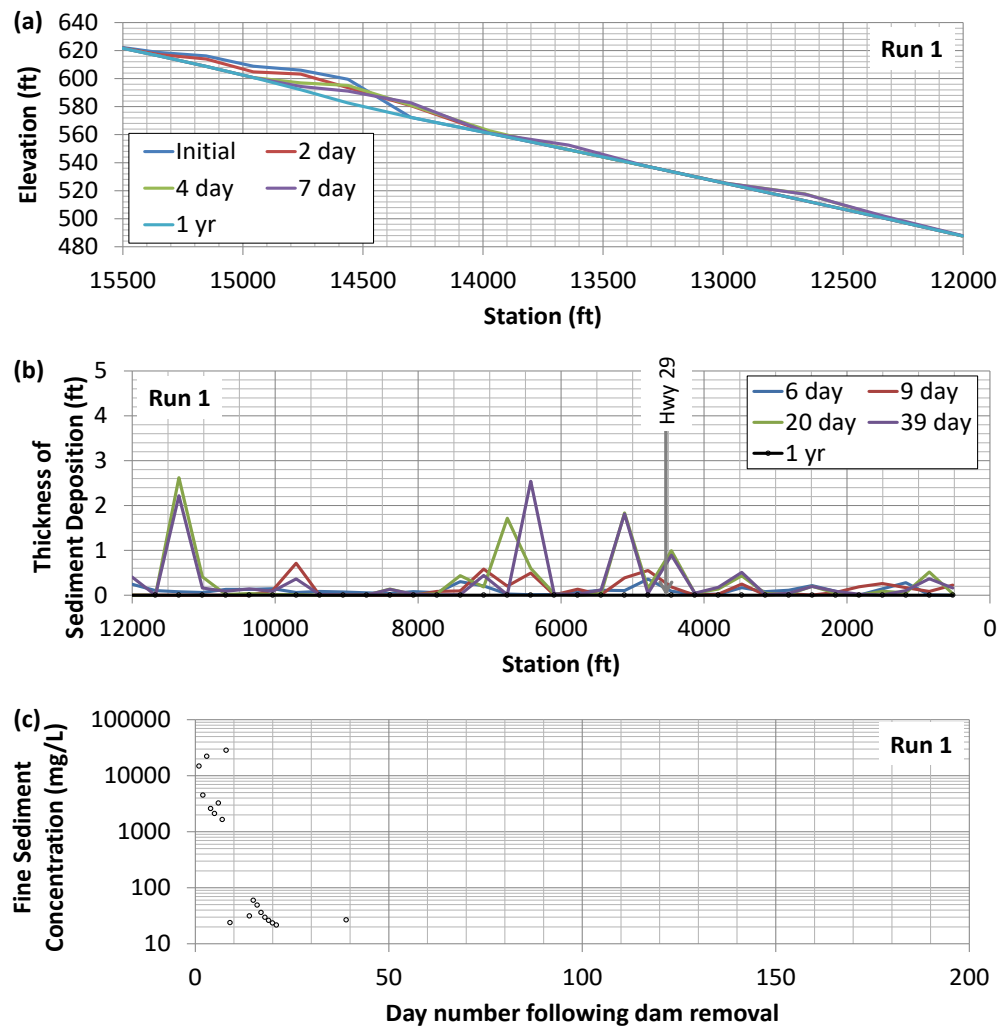


Figure 16. DREAM-2 modeling results for Run 1, showing (a) evolution of bed elevation in the impoundment area and a short distance downstream, (b) incremental bed elevation in the lower reach, and (c) increased suspended sediment concentration due to dam removal.

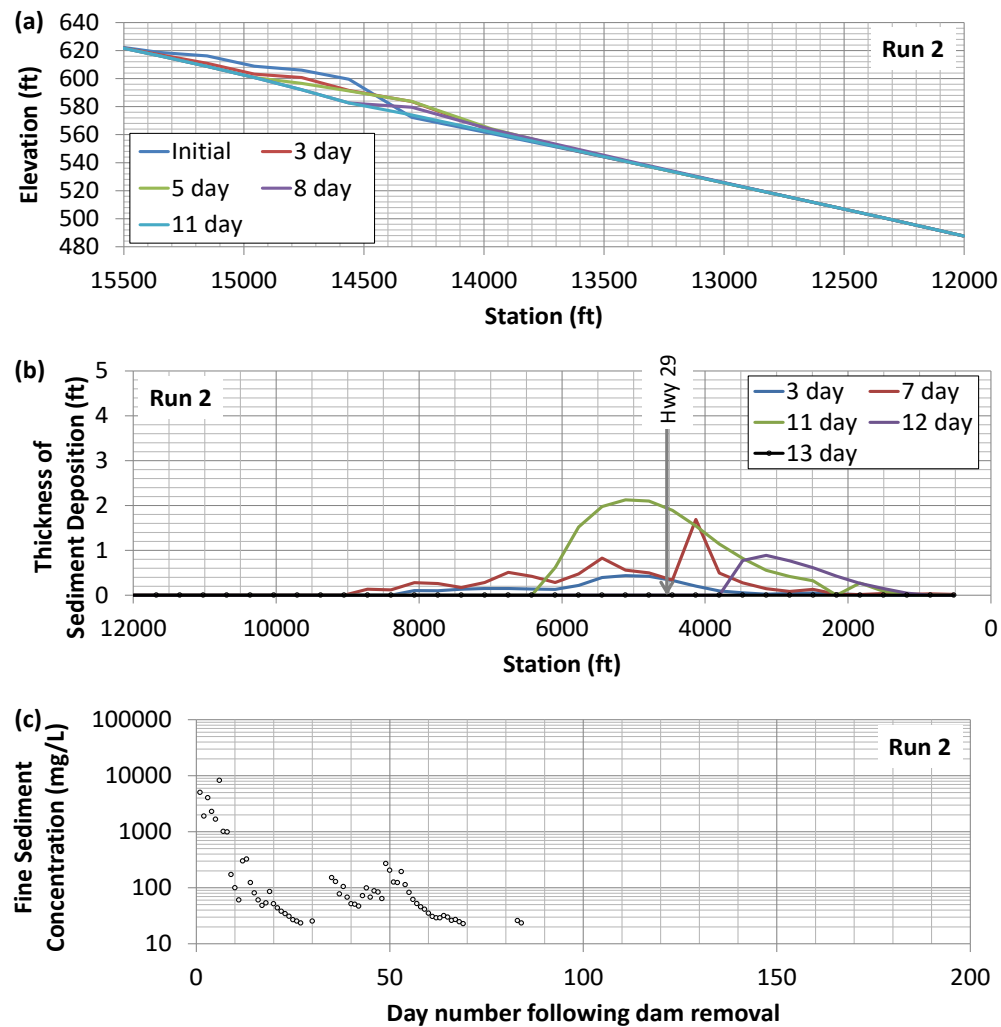


Figure 17. DREAM-2 modeling results for Run 2, showing (a) evolution of bed elevation in the impoundment area and a short distance downstream, (b) incremental bed elevation in the lower reach; and (c) increased suspended sediment concentration due to dam removal.

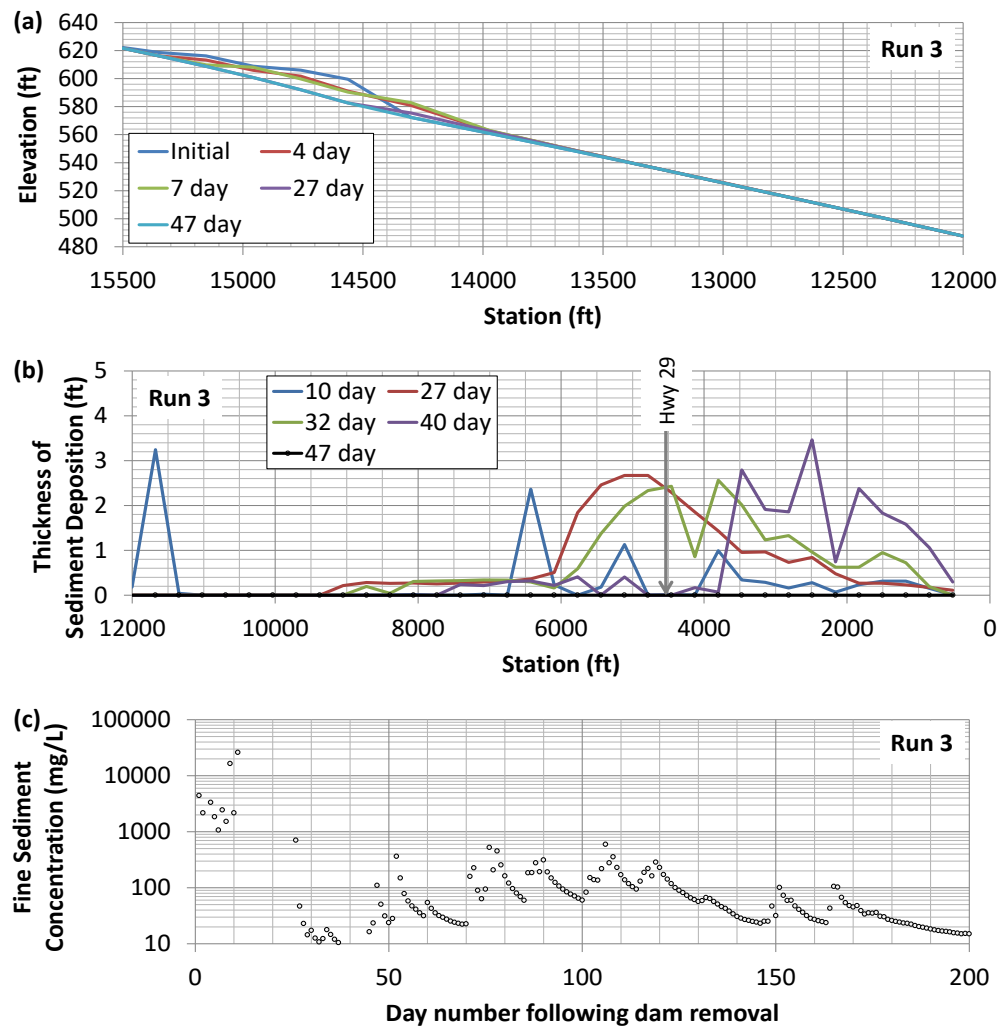


Figure 18. DREAM-2 modeling results for Run 3, showing (a) evolution of bed elevation in the impoundment area and a short distance downstream, (b) incremental bed elevation in the lower reach, and (c) increased suspended sediment concentration due to dam removal.

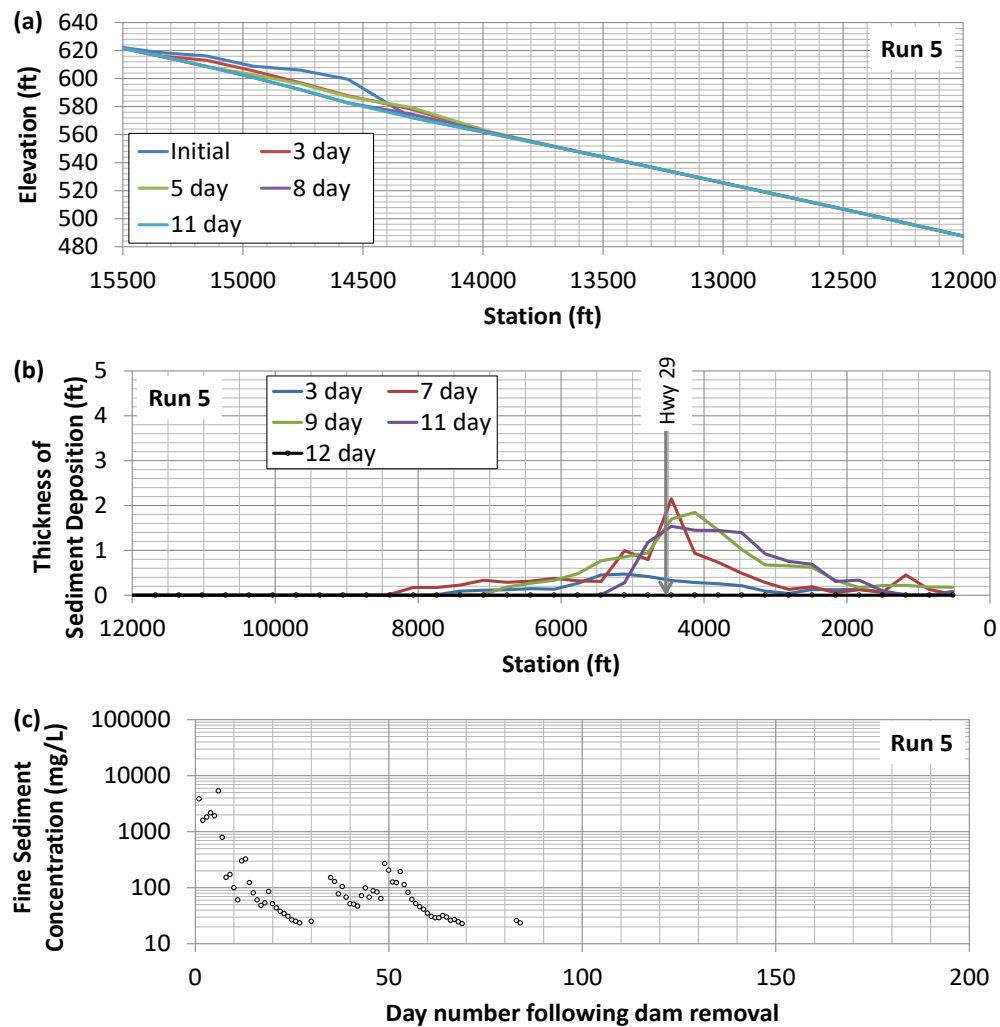


Figure 19. DREAM-2 modeling results for Run 5, showing (a) evolution of bed elevation in the impoundment area and a short distance downstream, (b) incremental bed elevation in the lower reach, and (c) increased suspended sediment concentration due to dam removal.

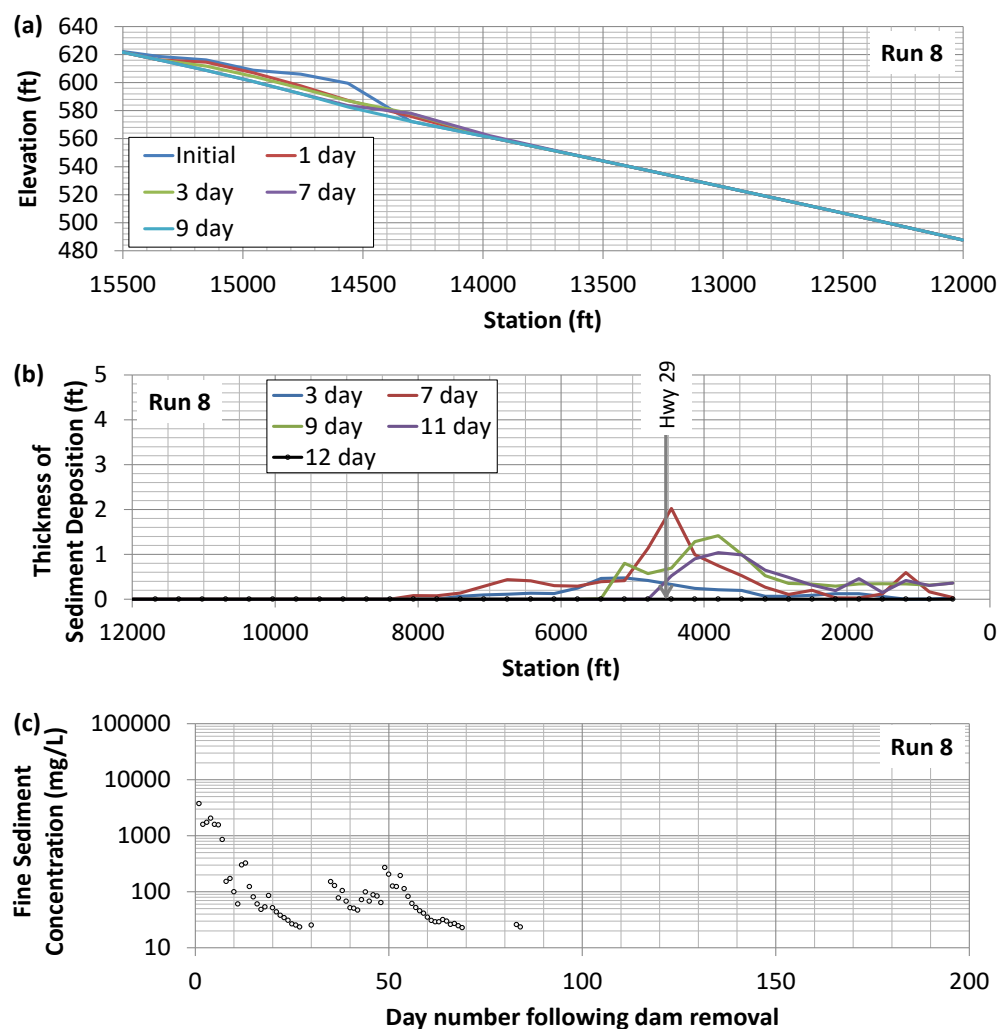


Figure 20. DREAM-2 modeling results for Run 8, showing (a) evolution of bed elevation in the impoundment area and a short distance downstream, (b) incremental bed elevation in the lower reach, and (c) increased suspended sediment concentration due to dam removal.

6 FLOOD STAGE FOLLOWING DAM REMOVAL

DREAM-2 modeling results presented in Section **Error! Reference source not found.** indicate that sediment deposition downstream of Hwy 29, where increased flood inundation has been a concern, is a short-term, transient phenomenon that generally lasts for a few weeks under the condition that there is reasonably high flow (e.g., ~250 cfs for Run 2, or even lower if it lasts longer) in the creek. For extremely high flow events such as 50-yr or 100-yr flows, it can be

expected that the sediment pulse resulting from dam removal would have been flushed out of the system by the time the flood reaches its peak. As a result, we focus our flood stage evaluations on the more frequent 2-yr and 10-yr event (assumed to be 335 cfs and 740 cfs, respectively, Table 1). Note the high flow events evaluated in the DREAM-2 model runs generally fell into this range (Table 6). The evaluation employs the HEC-RAS model prepared by Michael Baker International (D. Muller, pers. comm., September 2017): flood stage profiles following dam removal are simulated by incorporating the DREAM-2 simulated sediment deposition into the cross sections (Figure 21), and the results are compared to the flood stage profile under current conditions to reach useful conclusions.

We explored five DREAM-2 simulated profiles for each of the three sediment management scenarios that would likely result in the highest water stage in the reach downstream of Hwy 29. Note that we have assumed the sediment deposit would fill the cross section bottom up so that the decreased channel cross section area equals to the area of sediment deposition (Figure 21). The actual pattern of sediment deposition over a cross section will likely be different from our assumption, but the distribution of sediment within the cross section does not affect the HEC-RAS modeling results because HEC-RAS is also a 1-dimensional model.

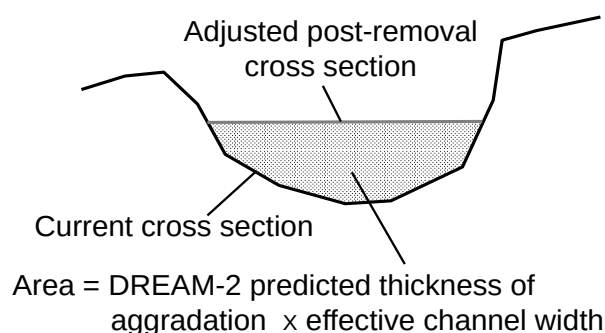


Figure 21. Sketch demonstrating how DREAM-2 predicted channel aggradation is transferred to HEC-RAS cross sections.

Figure 22 and Figure 23 present the simulated maximum increase in water surface elevation following the removal of the Upper York Creek Dam under three sediment management scenarios at 335 and 740 cfs, respectively. As already examined by PWA (2008), the bridges shown in Figure 22 and Figure 23 are all under capacity, resulting in an elevated upstream water surface during floods. The elevated water surface corresponds to reduced flow velocity and shear stress, which leads to increased deposition relative to other reaches. This deposition further reduces the discharge capacity of the channel, causing additionally elevated water surface in the reach. This positive feed is evidenced by the observation that the maximum increase in water surface elevation following dam removal peaks just upstream of the bridges (Figure 22 and Figure 23).

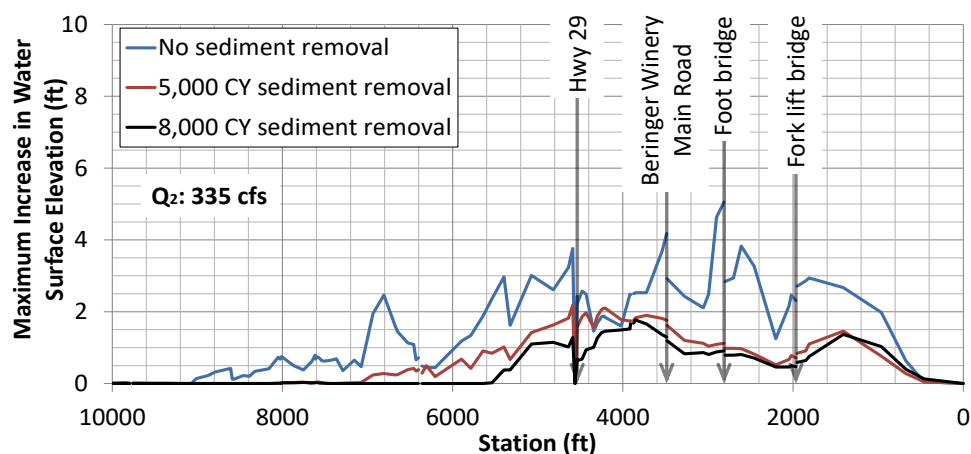


Figure 22. Predicted maximum increase in water surface elevation following dam removal under three sediment management scenarios at 335 cfs, which corresponds to a 2-yr flow event.

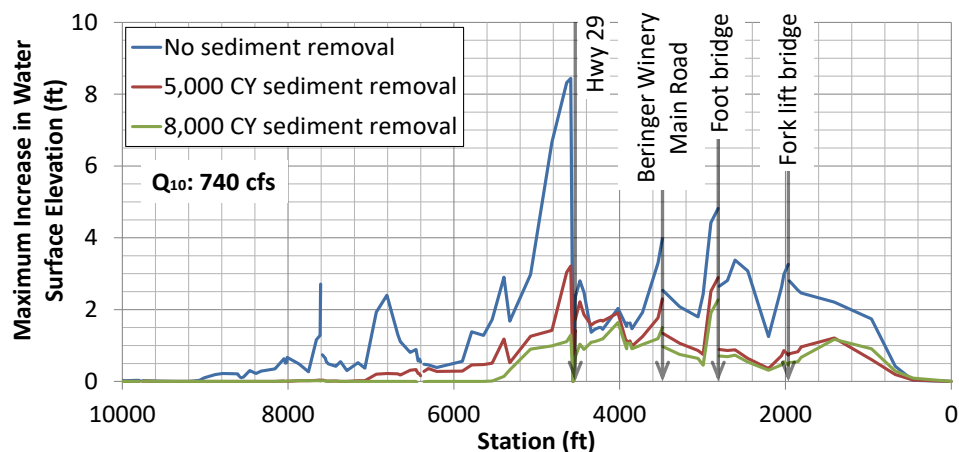


Figure 23. Predicted maximum increase in water surface elevation following dam removal under three sediment management scenarios at 335 cfs, which corresponds to a 10-yr flow event.

Results shown in Figure 22 and Figure 23 indicate that flood stage can potentially increase by up to approximately 5 ft downstream of Hwy 29 following dam removal under the scenario of no sediment management for the flood events examined. Removing or trapping 5,000 CY or 8,000 CY of sediment prior to dam removal would reduce the potential increase in flood stage downstream. For the more frequent 335 cfs flood (a 2-yr event), for example, removing/trapping either 5,000 or 8,000 CY of sediment would reduce the maximum increase in flood stage to within 2 ft in the reach downstream of Hwy 29, and for the rarer 740 cfs (a 10-yr event) removing/trapping 5,000 or 8,000 CY of sediment would reduce the maximum increase in flood stage to within 3 ft in the reach downstream of Hwy 29.

Dam removal will not affect the long-term flood stage, only the flood stage immediately following dam removal, because sediment deposition is a short-term transient phenomenon, and the reestablishment of sediment continuity at the Upper York Creek Dam site does not result in long-term channel aggradation downstream.

7 CONCLUSIONS AND RECOMMENDATIONS

Below is a summary of our conclusions and recommendations from sediment transport modeling and hydraulic analyses:

1. Short-term sediment deposition would occur downstream of the dam following the Upper York Creek Dam removal. Depending on the hydrologic condition following dam removal, sediment deposition could potentially last for a couple of weeks for a wet year to more than a year for a dry year. The sediment pulse from dam removal passes through the system relatively quickly, and there is no long-term channel aggradation as a result of the reestablishment of sediment continuity at the Upper York Creek Dam site.
2. Dam removal will result a short-term (generally less than 2 weeks) increase in suspended sediment concentration in the creek regardless of whether part of the sediment is removed prior to dam removal or trapped in the canyon reach.
3. Up to 3.5 ft of sediment deposition can be expected in the reach downstream of Hwy 29 if no sediment management is applied prior to dam removal, resulting up to 5 ft of increase in flood stage upstream of bridges at certain flow conditions. Removing 5,000 to 8,000 CY of sediment prior to dam removal or trapping the same amount of sediment in the canyon reach would lower the thickness of sediment deposition to within 2 ft of the existing bed elevation downstream of Hwy 29, and limit the corresponding increase in high flow event water surface elevations to within 3 ft of the current level.
4. Downstream of Hwy 29, the highest thickness of sediment deposition and increase in water surface elevation appear to be just upstream of the three bridges (i.e., the main access road to Beringer Winery, the foot bridge, and the fork lift bridge, Figure 22 and Figure 23). Replacing the three under-sized bridges, as recommended by PWA (2008), will likely further reduce the magnitude of sediment deposition and increases in water surface elevation.
5. Replacing the bridges alone would not completely eliminate the increase in water surface elevation during the short time following dam removal. Constructing rock berms or permanent floodwalls will help confine the flow within the main channel, which in turn, will help to move the sediment downstream more quickly. The elevated bank elevation after the construction of rock berms or floodwalls can potentially compensate the increase in water surface elevation shortly after dam removal and reduce the frequency of floodplain inundation thereafter. It is our opinion that rock berm or floodwall construction is the most effective measure in an attempt to relieve the flood inundation pressure to the Beringer Winery property either short- or long-term.
6. Removing some of the fossilized bars in the creek, as recommended by PWA (2008) will likely result in additional lowering of water surface elevation during the short-period following dam removal, although some or all of those bars may grow back in the future if no other measures are taken to change the flow conditions. Even if these bars grow back in the future, their composition will likely change to finer-sized particles due to the reconnection with upstream sediment supply, that may potentially provide fish spawning habitats under certain conditions. Because of the potential benefits, we recommend using

bar removal as a method for material gathering if rock berm or floodwall construction is implemented as the method to combat increased flooding risks following dam removal.

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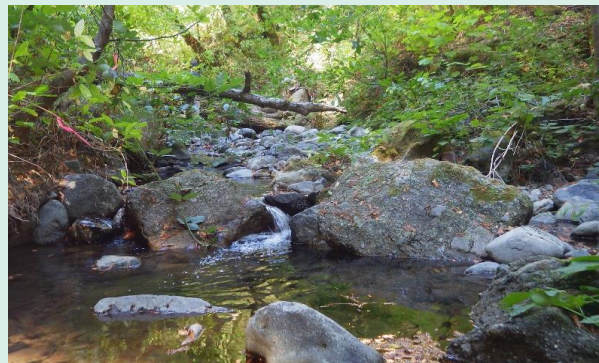
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TECHNICAL MEMORANDUM • FEBRUARY 2018

Potential Effects of Sediment Release to Steelhead Following York Creek Dam Removal



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Technical Memorandum

*Potential Effects of Sediment Release to Steelhead From
York Creek Dam Removal*

Suggested citation:

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Cover photos (clockwise from upper left): Electrofishing York Creek in 2006; York Creek Dam reach during summer low flow; upper York Creek during summer low flows; York Creek Dam spillway.

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1 INTRODUCTION

1.1 Background

The 2.1-acre project site is located at Upper York Creek Dam (“the dam”) and Upper Reservoir, in York Creek Canyon, around 1.25 miles northwest of the city of St. Helena (Figure 1). The 50-foot-high, 140-foot-long structure once impounded water to form the 3-acre upper reservoir and was used for municipal water supply. However, use of the reservoir has since been abandoned due to sedimentation. The dam features two concrete spillways, one built simultaneously with the dam, and the other constructed in 1933.

Numerous native aquatic species occur in York Creek, including Brook Lamprey (*Lampetra richardsoni*), California Roach (*Hesperoleucus symmetricus*), Prickly Sculpin (*Cottus asper*), Three-spine Stickleback, and steelhead (*Oncorhynchus mykiss*) (Koehler, unpublished data from fyke netting on York Creek). This study focuses on the federally threatened Central California Coast (CCC) Steelhead Distinct Population Segment (DPS) (hereafter referred to as “steelhead”), which occur throughout York Creek watershed. The dam is a complete barrier to passage for steelhead, and its removal would provide steelhead access to approximately 1.5 miles of suitable habitat upstream of the dam (City of St. Helena 2015a).

1.2 Project Description

During planning phases, several different alternatives to dam modification/removal were explored, including full dam removal, notching the dam down to the streambed, or creating a shallower notch in the dam and constructing a fish ladder for fish passage upstream. The preferred alternative presented in the EIR (City of St. Helena 2015a) and the CEQA review (City of St. Helena 2015b) was referred to as scenario 2B. Under scenario 2B:

- Approximately 72% of the earthen dam structure would be removed (“notched”) down to the level of the existing streambed;
- The spillway would be backfilled;
- 95% of the accumulated sediment behind the dam would be removed with heavy equipment and deposited in three potential disposal areas;
- The downstream effects of dam removal will occur following the breaching of a temporary cofferdam during the first substantial flow event of the season;
- York Creek would be restored from just below the dam to just above the former reservoir; and
- Two acres of aquatic and riparian habitat would be restored with native vegetation.

PCI (2014) estimated that the volume of the sediment deposit upstream of the dam is approximately 18,500 CY. As stated above, one of the proposed actions under 2B is to remove 95% of the accumulated sediments (17,575 CY) prior to dam breach. However, in numerous previous dam removal projects, sediment has not first been removed, and the subsequent release has not been shown to have lasting deleterious effects to downstream fish populations. Hence, following the selection of the preferred alternative, questions arose about the need to remove the accumulated sediment from behind the dam prior to dam breach. The study presented herein assesses the potential impact to steelhead from increased suspended sediment, if 8,000 CY of sediment are removed and trucked off site prior to dam breaching, and the remainder is left in place.

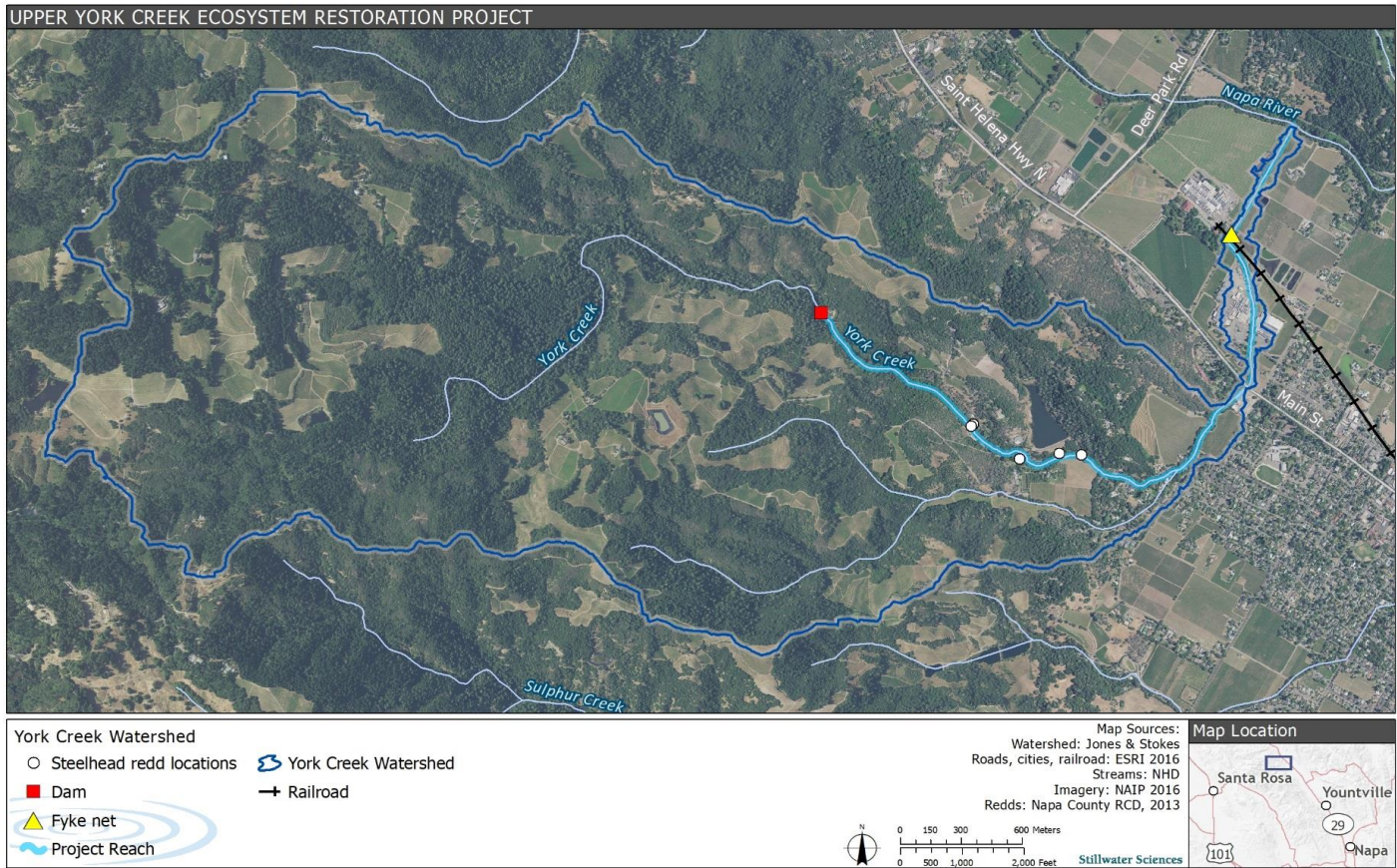


Figure 1. Project location.

1.3 Steelhead in York Creek

O. mykiss can exhibit different life history strategies, including anadromous, where juveniles rear in freshwater rivers and creeks, smolts migrate to the ocean where they mature to adults, and adults return to freshwater rivers and creeks to spawn – usually in their fourth or fifth year of life. They can also exhibit a resident life history, where rearing, maturing, and spawning all occur within freshwater. Steelhead is the term commonly used for the anadromous life history, and rainbow trout is the term for the resident life history. Both anadromous and resident life histories may be expressed in the same watershed, although detailed information on the relative proportion of each life history form is rarely available. The relationship between these two life history forms is the subject of ongoing research. Current evidence suggests that the two forms are capable of interbreeding and that, under some conditions, either life history form can produce offspring that exhibit the alternate form (i.e., resident can produce anadromous progeny and vice-versa) (Courter et al. 2013).

Both anadromous and resident life histories of steelhead occur in the York Creek watershed. The dam forms a barrier to upstream fish migration, which has resulted in a distinct resident population in the upper portion of the watershed and an anadromous and resident population downstream of the dam (USACE 2006). It is unknown if the *O. mykiss* upstream of the dam are genetically similar to the steelhead that occur downstream from the dam (USACE 2006).

Steelhead in York Creek belong to the CCC DPS and were federally listed as threatened in 1997 (NMFS 1997). The designation includes all naturally spawning populations in coastal drainages from the Russian River to Aptos Creek, the drainages of San Francisco Bay, San Pablo Bay, and Suisun Bay to Chips Island. In the greater San Francisco Estuary, the upstream extent of habitat for Central California Coast steelhead is San Pablo Bay and the Napa River (NMFS 2015). Designated critical habitat for CCC steelhead includes the Napa River and York Creek up to the dam. Presumably NOAA Fisheries Service will consider whether to designate the newly available habitat as critical habitat as part of a future status review, or as a separate reconsideration of the critical habitat designation for the species.

CCC steelhead populations have declined substantially in recent years, and have been nearly eliminated from streams tributary to San Pablo and San Francisco bays (Moyle 2002, McEwan and Jackson 1996). Napa River steelhead populations are also much lower than they were historically. Within the last approximately 100 years, the Napa River steelhead population has been reduced from approximately 8,000 adult steelhead to a fraction of that. Comprehensive local data is lacking, but, recent basin wide surveys estimate the population to be between 200 to 1,000 adult fish (Stillwater Sciences 2002, Ecotrust 2001). Nonetheless, the Napa River watershed is considered one of the most significant anadromous fish streams within San Francisco Bay, and York Creek contains some of the best steelhead habitat in the tributaries of the Napa River (Koehler 2005).

2 METHODS

2.1 Species and Life Stage Selection

The approach to the biological analysis was to assess the effects of increased sediments on steelhead downstream of the dam following removal. We have analyzed the effects on each life stage, including adults, eggs/alevins, and juveniles¹. Because it is known that juveniles up to the age of 2+ rear in York

¹ In this report, juvenile steelhead refers to both young-of-the-year (YOY) and age 1+/2+, unless indicated separately. YOY are age 0+ individuals less than one year old that hatched the previous spring or early-summer and are the offspring of adults that spawned the previous winter or early-spring. Age 1+/2+ refers to all pre-smolt juveniles one year old or older. YOY are likely to be between 3 and 6 months old, and age 1+/2+ are likely between 1.25 and 2.5 years old.

Creek (Stillwater 2002), steelhead presence has been assumed to be year-round. There is no documented steelhead rearing in any tributary in York Creek downstream of the dam. All juveniles that would potentially outmigrate as smolts² from York Creek were evaluated as juveniles, and therefore the smolt life stage was not evaluated separately.

2.2 Suspended Sediment Modeling

Stillwater Sciences used DREAM-2 to simulate sediment transport and concentration scenarios following the initiation of impoundment erosion (i.e., cofferdam breaching) following dam removal under varying hydrologic scenarios. Details of the sediment transport modeling and modeling results are described in Stillwater Sciences (2017); a brief summary is provided below.

DREAM-2 is one of the two **Dam Removal Express Assessment Models** developed for simulation of sediment transport following dam removal (Cui et al. 2006a, 2006b). DREAM-2 was developed specifically for simulation of sediment transport following dam removal under the condition that most of the top layer of the impoundment deposit is composed of gravel and coarser sediment, a condition met for this study.

Because the concentration of suspended sediment varies with hydrology, dry, median, and wet water years were analyzed for impacts to steelhead. Water years 1972, 1975, and 2017 were chosen to represent the dry, median, and wet years, respectively, to serve as input to the sediment transport model. These three years were selected because their exceedance probabilities for annual runoff and annual maximum daily average discharge are close to 0.9 for a dry year (90 percent of all years have higher discharge), 0.5 for a median year, and 0.1 for a wet year (90 percent of all years have lower discharge). Figure 2 illustrates the modeled discharges for the three representative water years. After input of required sediment, stream morphology and discharge data, the final sediment transport model predicts suspended sediment concentration (SSC) as a continuous time series following dam removal.

² Smolts are juvenile steelhead migrating to the ocean (i.e., smolting) that exhibit silver coloration and have no parr marks.

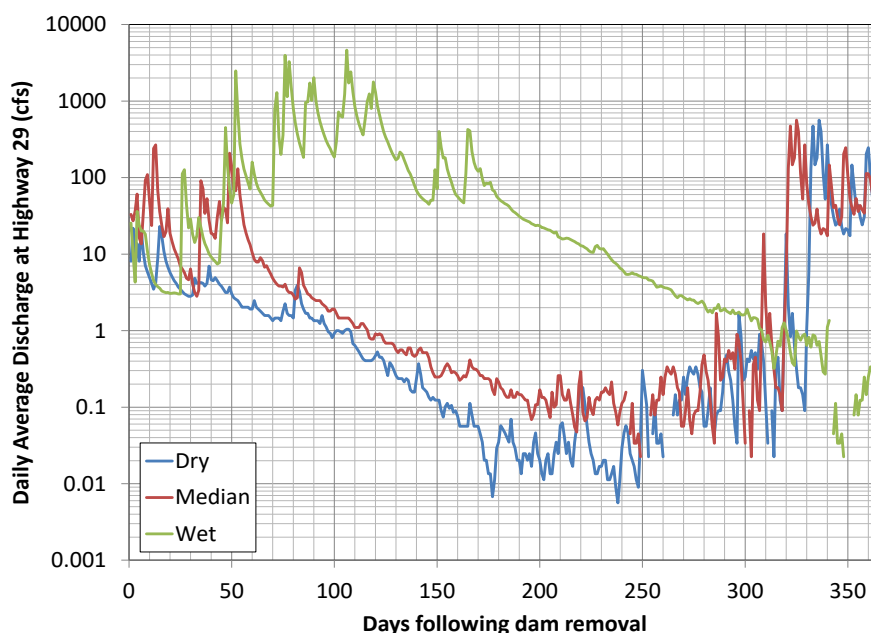


Figure 2. Assumed York Creek daily average discharge for the first 365 days at Highway 29 for dry, median and wet years used for DREAM-2 simulation.

In addition to hydrology, the timing of cofferdam breaching will affect the steelhead population in varying degrees. For example, if cofferdam breaches early in the winter, and some steelhead spawning occurs during late winter, the impacts would be far less for spawning than if cofferdam breach occurred in late winter coincident with spawning. Although the initiation of cofferdam breaching is reliant on the first high flow of the season, the timing of the first high flow appears independent of water year type (Figure 2). Therefore, three potential cofferdam breaching dates were evaluated, including early winter (December 1st), mid-winter (January 15th), and late winter (March 1st).

The model outputs were used to predict the magnitude and duration of suspended sediment concentrations (SSCs) for discrete calendar-year periods corresponding to steelhead life history stages for each water year type and cofferdam breaching, as described below.

2.3 Effects Analysis

Based on review of the scientific literature, the most commonly observed effects of suspended sediment on salmonids include the following: (1) avoidance of turbid waters in homing adult anadromous salmonids, (2) avoidance or alarm reactions by juvenile salmonids, (3) displacement of juvenile salmonids, (4) reduced feeding and growth, (5) physiological stress and respiratory impairment, (6) damage to gills, (7) reduced tolerance to disease and toxicants, (8) reduced survival, and (9) direct mortality (Newcombe and Jensen 1996). Information on both concentration and duration of suspended sediment is important for understanding the potential severity of its effects on salmonids (Newcombe and MacDonald 1991). Herbert and Merckens (1961) stated that “there is no doubt that many species of fresh-water fish can withstand extremely high concentrations of suspended solids for short periods, but this does not mean that much lower concentrations are harmless to fish which remain in contact with them for

a very long time.” Effects of suspended sediment on fish may be increased if toxics or other stressors (e.g., water temperature, disease) are present as well. Turbidity can function as cover to reduce predation at some life stages, not only in riverine, but also in estuary and nearshore marine environments (Gregory and Levings 1998, Wilber and Clarke 2001, Gadowski and Parsley 2005). Some species have been shown to be attracted to turbid water over clear water, which may reflect its use as cover (Gradall and Swenson 1982, Cyrus and Blaber 1992, both as cited in Wilber and Clarke 2001). This analysis will consider these other factors qualitatively, but not quantitatively, in assessing the effects of a sediment pulse to the population.

Determining the concentrations that cause direct lethal effects in salmonids has generally been based on laboratory studies experimenting with exposures to concentrations of suspended sediment over 1,000 ppm and usually much higher. According to Sigler et al. (1984), “yearling and older salmonids can survive high concentrations of suspended sediment for considerable periods, and acute lethal effects generally occur only if concentrations exceed 20,000 ppm (see reviews by Cordone and Kelly 1961, Sorenson et al. 1977).” For 36-hour exposures using juvenile Chinook (*Oncorhynchus tshawytscha*) and Sockeye Salmon (*Oncorhynchus nerka*), Newcomb and Flagg (1983) reported 10% mortality at concentrations of 1,400 ppm, 50% mortality at 9,400 ppm, and 90% mortality at 39,400 ppm. Concentrations of 82,000 ppm resulted in 60% mortality after 6 hours exposure. Estimated concentrations of 207,000 ppm resulted in 100% mortality in one hour. Stober et al. (1981) reported mortality rates of 50% for juvenile Chinook and Coho Salmon exposed to 500–1,000 ppm for 96 hours; however. From the results of these and other studies, it appears that relatively short-term exposures to increases in SSC under 500–600 ppm would not likely result in substantial direct mortality to either juvenile or adult anadromous salmonids in York Creek. If the duration of exposure is extended, however, some direct mortality may be expected. Exposures of 19 days to SSC of 90–270 ppm and higher have been reported as resulting in mortality to juvenile rainbow trout by Herbert and Merckens (1961). Less information is available on the effects of suspended sediment or turbidity on newly emerged salmonid fry (Sigler et al. 1984).

Potential population-level effects of suspended sediment released from dam removal activities for a given species not only depend on their abundance, distribution, and life stages present, but also on the timing, duration, and concentration of suspended sediment released. In this analysis, the results of Newcombe and Jensen (1996) were used to assess impacts of SSC on steelhead. Newcombe and Jensen (1996) reviewed and synthesized 80 published reports of fish responses to suspended sediment in streams and estuaries and established a set of equations to calculate “severity of ill effect (SEV)” indices (Table 1) for various species and life stages based on the duration of exposure and concentration of suspended sediment present. The SEV provides a ranking of the effects of SSC on salmonid species, as calculated by any of six equations that address various taxonomic groups of fishes, life stages of species within those groups, and particle sizes of suspended sediments. Newcombe and Jensen (1996) collected data on fish effects (on the SEV scale), suspended-sediment concentration (C , mg/L), and suspended-sediment exposure time (D , hr), from a large number of papers dealing with many salmonid fishes at various life stages. They fit models of the form $SEV = b_0 + b_1 \log C + b_2 \log D$ to these data for adults, juveniles, and eggs/alevins life stages, where “ b ” are terms for regression coefficients based on selection of the best performing model. These data all consider constant concentration values. However, for this application the effects of concentration levels which change over the exposure period are evaluated. Following Newcombe and MacDonald (1991), models of the form $SEV = b_0 + b_1 \log(CD)$ are applied to varying concentrations by replacing the term CD with the integral of concentration over time.

Table 1. Scale of the severity of ill effects associated with excess suspended sediment (based on Newcombe and Jensen 1996).

Category of effect	Severity	Description
Null effect	0	No behavioral effects
Behavioral effects	1	Alarm reaction
	2	Abandonment of cover
	3	Avoidance response
Sublethal effects	4	Short-term reduction in feeding rates Short-term reduction in feeding success
	5	Minor physiological stress: • Increase in rate of coughing • Increased respiration rate
	6	Moderate physiological stress
	7	Moderate habitat degradation Impaired homing
	8	Indications of major physiological stress: • Long-term reduction in feeding rate • Long-term reduction in feeding success • Poor condition
Lethal effects	9	Reduced growth rate: • Delayed hatching • Reduced fish density
	10	Increased predation of effected fish 0–20% mortality
	11	>20–40% mortality
	12	>40–60% mortality
	13	>60–80% mortality
	14	>80–100% mortality

The result of this approach is a life-stage specific prediction of the severity of ill effects on steelhead in York Creek for each of the water years, and each of the dam initiation start dates evaluated, using the SSC predictions of Stillwater Sciences (2017). In addition, for the time-period each life stage was assessed, it was assumed that steelhead would encounter either the lowest, highest, or median SSC concentration during that period. For example, it was assumed that adults migrating to York Creek to spawn will delay migration in response to the predicted spike in SSC concentration, and thus will be exposed to median SSC concentrations during the period, whereas steelhead that have already spawned in the mainstem will be unable to avoid the highest concentrations during the period.

The indices used by Newcombe and Jensen (1996) have become a standard for selecting management-related turbidity and suspended sediment criteria (e.g., Walters et al. 2001), and their report remains the best available source for determining effects of SSC on salmonids (Berry et al. 2003). However, there are inherent sources of uncertainty in this application of the model. Newcombe and Jensen (1996) base much of their analysis on laboratory studies that were conducted in controlled environments over short-durations, mostly examining acute lethal impacts of non-fluctuating concentrations of suspended sediment. This analysis is a relatively complex application of the Newcombe and Jensen (1996) model, in that temporal variation in SSC within periods is captured by summing continuous days of exposure in various concentration categories of suspended sediment. This means that three occurrences of exposure to extreme sediment each lasting for two days can be, for example, equivalent to a severity of ill effect predicted for 6 continuous days. How the actual outcome will vary from predictions is uncertain. In addition, Newcombe and Jensen (1996) do not explicitly address the translation of sublethal severity

levels into population-level effects. As Gregory et al. (1993) note in their criticism of Newcombe and Jensen (1996), the approach simplifies the effects of suspended sediment and in doing so assumes all effects of suspended sediment are negative, despite literature to the contrary. This exaggerates the effects of suspended sediment, particularly for lower concentrations and durations of exposure. Although the predictions of mortality at high concentrations and durations of exposure are considered more certain than the predictions of sublethal effects, in this application sublethal effects resulting from exposure to lower concentrations are included because of the concern that sublethal impacts of suspended sediment could be adverse in conjunction with high water temperature (Bozek and Young 1994) for some life stages.

3 RESULTS

3.1 Sediment Model Results

The modeling results of Stillwater Sciences (2017) indicate that, unless the dam is removed in a dry year, the impoundment will be eroded rather quickly (i.e., between about one week and six weeks depending on discharge). Following the erosion of the impoundment deposit, sediment deposition occurs in a short reach downstream of the dam as well as the lower reach of the creek downstream of Highway 29 (Figure 1). This deposition persists from about two to six weeks (Table 2), and is highest near Highway 29 bridge, and the reach downstream. In the case where cofferdam breaching occurs in a dry year, it will take a longer time to erode the impoundment deposit, and the duration for sediment deposition will also be longer, as shown in Table 2. In a dry year, the channel may not return to pre-removal condition until the next sufficiently high flow (likely during the next wet season). Under such a scenario the thickness of sediment deposition is less than if cofferdam breaching occurs in a wetter year.

In all the model runs, cofferdam breaching produced increased suspended sediment concentration, with the maximum value on the order of 10^4 mg/L (Table 2 and Figure 3). The elevated suspended sediment concentration generally lasts only for a few days under all scenarios (Table 2 and Figure 3). During this time, the suspended sediment concentration in the Napa River will also be elevated, but to a lesser degree due to the dilution from much larger discharge in the Napa River.

Table 2. Summary of important DREAM-2 modeling results for removing 8,000 CY of deposited reservoir sediment prior to dam removal (Stillwater Sciences 2017).

Model outcomes	Water year type		
	Dry	Median	Wet
Maximum thickness of deposition downstream of Hwy 29	< 1 ft	< 2 ft	< 1 ft
Duration of sediment deposition	~ 1 yr	12 days	47 days
Maximum daily average discharge at Highway 29 prior to the clearance of sediment deposition (cfs)	562 ^a	240	451
Maximum suspended sediment concentration (mg/L)	25,500	3,740	14,100
Approximate duration when suspended sediment concentration is significantly higher than background conditions ^b	3 days	7 days	7 days
Daily average discharge at Highway 29 during the day of highest suspended sediment concentration (cfs)	7.5	33.1	10.0

^a This maximum flow occurred toward early in the next water year following cofferdam breaching

^b Here the duration is defined as the day after which the increase in suspended sediment concentration drops to significantly lower than 1,000 mg/L.

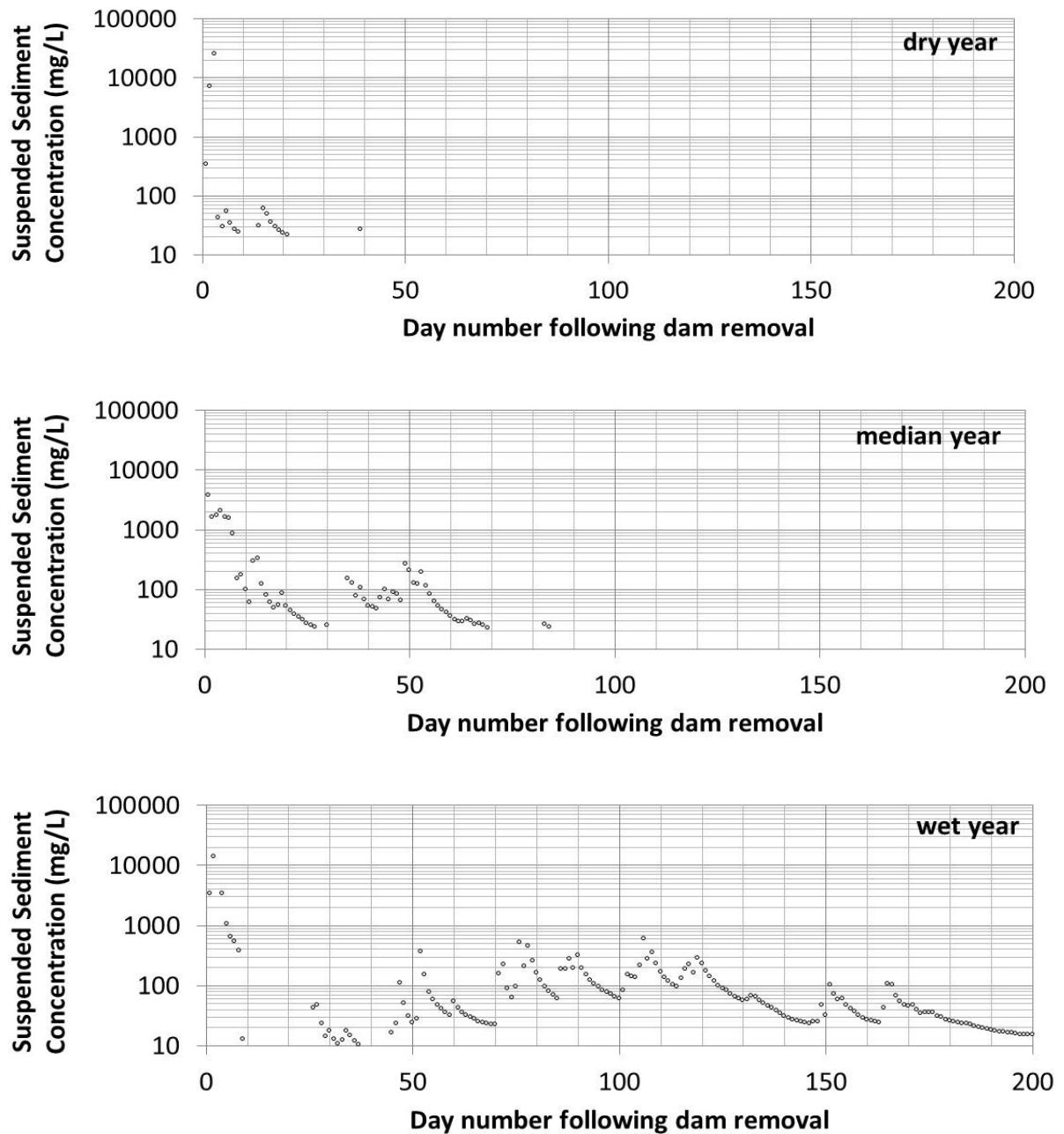


Figure 3. Predicted increase in suspended sediment concentrations by day following cofferdam breaching for dry, median and wet water years.

Figure 3 illustrates that the increased SSC will occur in pulses that quickly dissipate following rainfall events, and that the highest SSC will occur over only a very brief period following the first significant storm of the season. Only during a wet year are there multiple high peaks in the increased SSC that are likely well below the background conditions during these storm events. The hydrograph for each year will be unique and thus these modeled conditions are predictions of what will occur following cofferdam breaching.

Existing SSC in York Creek and the larger Napa River watershed have not been thoroughly investigated. Stillwater (2002) states that “Previous studies indicate that land use activities have increased the supply of fine sediment to channels in the Napa River watershed (e.g., WET, Inc. 1990, USDA-SCS 1994). The USGS gage on the Napa River (USGS 11458000) began recording (and reporting) turbidity on 08 January 2018, but this is too short a period of record to make any general statements on existing turbidity conditions. Between 2001 and 2011 the NCRCD periodically collected grab samples for SSC analysis throughout the Napa River watershed, generally after high water events. Samples were collected on York Creek at least once per year between 2006 and 2011, when stream discharge ranged from 3.4 to 292 cfs. The SSC results ranged from 30 mg/L to 890 mg/L, with the highest concentration being recorded 4 January 2008 at a stream discharge of 292 cfs (Napa County RCD, unpublished data). The highest SSC recorded in the Napa watershed was 7,900 mg/L on Napa Creek on 30 December 2005. Maximum predicted SSCs in York Creek following dam removal range from 3,740 to 25,500 depending on water year type (Table 2). The result from the RCD sampling suggest that at least the lower predicted maximum SSC is well within the range currently experienced by steelhead in the Napa River system.

3.2 Predicted Population Response

The vast majority of existing information in the York Creek watershed addresses steelhead rather than resident rainbow trout. This section primarily addresses steelhead, but it is reasonable to assume that effects of suspended sediment on resident *O. mykiss* would be similar to those found for juvenile steelhead.

3.2.1 Adult migration

Steelhead return to spawn in their natal freshwater stream, usually in their third or fourth year of life, with males typically returning to freshwater earlier than females (Shapovalov and Taft 1954). The timing of upstream migration is correlated with higher flow events, such as freshets, and associated lower water temperatures. Steelhead in California generally enter spawning streams from fall through spring as sexually mature adults, and spawn a few months later in late winter or spring. Based on available data, steelhead adults potentially migrate into York Creek as far upstream as the dam, from December 1 to May 1 (Table 3). We have assumed that adult steelhead hold in the Napa River prior to spawning and are in York Creek for a relatively short period of time (<14 days, Shapovalov and Taft 1954) for spawning (Table 3). When adults are exposed to increasing levels of SSC, they tend to delay migration, and avoid tributaries with increased SSC; For example, Leider (1989) reported steelhead stray rates increasing from 16% to 45% in response to increased SSC following the Mt. Saint Helens eruption. Therefore, this analysis assumes that adults will be exposed to median SSC, and will avoid the highest spike in SSC that occurs during the period (Table 3).

Sediment deposition in association with cofferdam breaching is predicted to be transient and of insufficient depth to affect fish passage, or fish migration. There will be direct impacts from increased SSC for those adults that migrate into York Creek following cofferdam breaching; albeit sublethal in all scenarios (Table 4). If breaching occurs during a dry year, impacts could be nearly indistinguishable from

existing conditions, since the spike in SSC although very high, is very short in duration (Table 4). The most severe impacts would occur if cofferdam breaching occurs during late winter of a median or wet water year, since SSC will be elevated for longer, and thus adults entering York Creek will not be able to avoid impacts. The effect would still be sublethal, with impaired homing, and major physiological stress (Table 5). However, adult steelhead commonly migrate during high flows and are thus adapted to naturally high suspended sediment. Adults that avoid York Creek during cofferdam breaching are anticipated to locate spawning habitat in other suitable tributaries to the upper Napa River. Other Napa River tributaries with available steelhead spawning and rearing habitat include Heath Canyon, Ritchey, Redwood, and Pickle Creeks (Stillwater 2007).

3.2.2 Adult runbacks

After spawning, a proportion of adult steelhead survive and “runback,” downstream in the spring to return to the sea. Runbacks were assumed to be exposed to median SSC for up to seven days from the end of spawning (mid-January) to May 1st (Table 3). As for upstream migration, sediment deposition is not anticipated to affect downstream fish passage. Runbacks could be directly affected by increased SSC during cofferdam breaching, but those impacts are expected to be similar to upstream migrants (Table 5). The most severe effects would be experienced from increased SSC during a median year or wet year with a late winter cofferdam breaching, since the resulting period of increased SSC is longer in duration and thus less likely to be avoided (Table 4 and Figure 3). The effects during a median or wet year are predicted to remain sublethal (Table 5), and consist of major physiological stress. There are little data on downstream-migrating steelhead in the Napa River with which to understand potential consequences of exposure to suspended sediment during this life history phase.

3.2.3 Spawning

Steelhead spawning in York Creek occurs primarily from January 1 through March 30 (Napa RCD 2017), within habitat from the dam downstream to Highway 29 (Koehler 2013, Figure 1). The timing of incubation and emergence is dependent on water temperature (Velson 1987). Based on typical water temperatures at the time of spawning (Napa RCD 2008), it is assumed for this analysis that incubation through emergence would occur for approximately 60 days (Table 3) between January 1st and May 1st (Napa RCD 2008, Table 4). As described above, depending on the timing of dam removal, it is likely that fewer returning adults will spawn in York Creek (more will stray into other, less turbid areas) immediately following dam removal due to high suspended sediment loads. Therefore, there will likely be fewer eggs and alevins present (than there would be otherwise) to be impacted by the resultant high SSC.

Eggs and alevins are unable to migrate in response to elevated SSC, and thus would be subjected to the highest exposure of SSC during this period. Extended exposures to suspended sediment have been reported to result in significant mortality to eggs of salmonids at concentrations of less than 200 ppm (Newcombe and Jensen 1996). The SSC modeling analysis does not account for potential effects that might result from infiltration of fine sediment into the channel bed because no suitable measurements or models were available with which to calculate this component; however, suspended sediment resulting from cofferdam breaching is predicted to result in up to 100% mortality of eggs and fry from all spawning during cofferdam breaching (Table 5), except during a dry year if the cofferdam breaching occurs in early winter, allowing later migrating steelhead to spawn successfully, after the highest SSC concentrations have dissipated (Figure 3). The sediments released during cofferdam breaching would likely be primarily conveyed as wash load and would not fall out of suspension; however, the fraction deposited on spawning gravels would carry high concentrations of very fine sediment. These sediments may smother the eggs by adhering to the chorion³ (Greig et al. 2005, Levasseur et al. 2006). Based on spawning surveys in York

³ The egg envelope of a salmon egg.

Creek (Napa RCD 2008), the complete production from as many as five redds could be lost as a result of cofferdam breaching (Table 5). If adults avoid York Creek from increased SSC, the loss to the Napa River population from egg and alevin mortality would be less significant than predicted.

The loss of incubating eggs during cofferdam breaching is expected to reduce seeding of habitat by fry in the year of cofferdam breaching. However, resident *O. mykiss* spawning upstream of the dam location will not be affected by cofferdam breaching, and thus a proportion of newly emerged fry from upstream are anticipated to migrate downstream of seed habitat following cofferdam breaching. Since the majority of sediment is predicted to be released within the first year following cofferdam breaching (Stillwater Sciences 2017), the effect of fine sediment from the cofferdam breaching on spawning success is unlikely to persist beyond the first year. Furthermore, the deposited sediments are not expected to be of a sufficient depth that late-spawning steelhead would be unable to clear them from spawning gravels during redd construction. In the long-term, steelhead spawning in York Creek will benefit from access to newly available suitable spawning habitat upstream of the dam. In addition, increased deposition of coarse sediment (Stillwater Sciences 2017) in the reach downstream of the dam to Highway 29 is anticipated to improve spawning habitat suitability, ameliorating the current condition of limited suitable spawning habitat (City of St. Helena 2015a).

3.2.4 Juvenile rearing

Upon emergence from the gravel, steelhead fry usually live in small schools in shallow waters along stream banks. Juvenile steelhead in central California typically spend two years in freshwater prior to smolting (Shapovalov and Taft 1954, Table 2). Snorkel surveys of York Creek in 2004 found high to moderate densities of juvenile steelhead, including YOY, age 1+, age 2+, and larger resident rainbow trout throughout York Creek upstream of Highway 29 (Koehler 2005, Figure 1). Therefore, this analysis assumes the presence of all juvenile life stages year-round in the reach downstream of the dam (Table 3).

Sediment deposition resulting from cofferdam breaching may result in temporary (< 30 days) filling of pool habitat used by rearing juvenile steelhead (Stillwater Sciences 2017). This is predicted to be most pronounced for York Creek in the vicinity of Highway 29 and downstream. Since predicted pool filling is short in duration and limited to the downstream portion of York Creek which is not typically occupied by rearing steelhead (Koehler 2005, Figure 1), the overall impact of sediment deposition is not anticipated to be substantial. In the long-term the habitat suitability for steelhead rearing is anticipated to improve from additional coarse sediment supply from areas of upstream of the dam, including improved winter habitat from cobble/boulder habitat (Ligon et al. 2016), and improved food availability from increased cobble/gravel riffle habitat.

Juveniles rearing in York Creek during cofferdam breaching are anticipated to be directly affected. Numerous field and laboratory studies have shown that juvenile salmonids actively avoid exposure to high (> 150 mg/l) SSC, including migrating downstream to seek lower turbidity (Carlson et al. 2001, Kemp et al. 2011, Kjelland et al. 2015). Because rearing juveniles would be able to migrate downstream from the high SSCs in York Creek during cofferdam breaching to more benign conditions in the Napa River, this analysis assumes that juvenile steelhead will respond to increased SSC by migrating downstream out of York Creek after 14 days of exposure to highest SSC during cofferdam breaching (Table 3). If cofferdam breaching occurs during a dry year, impacts from the short duration of increased SSC is anticipated to be sublethal and mostly benign (Table 4). If cofferdam breaching occurs during an average or wet year, the slightly longer duration of increased SSC is anticipated to result in major physiological stress, reduced feeding, and cause migration downstream into the mainstem Napa River; but will remain largely sublethal regardless of breaching timing (Table 5). Due to the “spiky” nature of the SSC peaks during median and wet years (Figures 4 and 5) it may be possible for juvenile steelhead to shelter in place and weather the peaks, returning to active feeding after high SSC have passed. However,

it is also possible (and perhaps likely) that despite the “sublethal” modeling results, a few juvenile steelhead will likely be killed by the high SSC concentrations and associated effects of dam removal. It is anticipated that some mortality will result for juveniles that do not migrate to avoid these peaks in SSC. Although suitable habitat for juvenile rearing occurs in the mainstem Napa River, conditions are not as suitable as within York Creek, and survival and growth may be lower there. If a large proportion of rearing juveniles migrate from York Creek, it may take a few years for rearing densities within the creek to recover to pre-dam removal levels. However, resident *O. mykiss* rearing upstream of the dam (with reported high densities, (USACE 2006) will not be affected by cofferdam breaching, and will have unimpeded access to habitat downstream of the dam following cofferdam breaching, providing opportunities for rapid recolonization.

Table 3. Modeled scenarios for each steelhead life stage.

Life-history Stage	Period	Days of exposure	Level of exposure	Notes
Adult upstream migrants	12/1 to 05/01	14	Median	Adults will hold in Napa River, and run upstream into York Creek to spawn for up to 14 days.
Adult run-backs	1/15 to 05/01	7	Median	Runback begins after spawning, and are likely present in York Creek for less than 7 days after spawning
Spawning through emergence	01/01 to 05/01	60	Highest	Eggs and alevins are immobile and unable to avoid peak SSC exposure.
Juvenile rearing	Year-round	14	Highest	It is assumed that juveniles will respond to increased SSC by migrating downstream out of York Creek after 14 days of exposure to highest SSC during the period.

Table 4. Newcombe and Jensen severity of ill effects for each modeled life stage by water year type and cofferdam breaching date.

Life stage	Coffer Dam Breaching Date Water Year Type								
	Dry			Median			Wet		
	1-Dec	15-Jan	1-Mar	1-Dec	15-Jan	1-Mar	1-Dec	15-Jan	1-Mar
Adults	0.0	0.0	6.0	6.4	7.8	8.4	8.2	8.2	7.4
Runbacks	0.0	0.0	2.9	0.0	7.3	7.8	8.0	7.7	7.0
Eggs and alevins	0.0	11.1	11.2	11.9	12.2	12.3	12.6	12.6	12.5
Juveniles	5.5	6.6	7.0	8.1	8.1	8.2	8.5	8.5	8.5

Table 5. Most severe effects experienced by life stage based on the modeling.

Life-history Stage	Worst-case severity	Expected responses
Adult upstream migrants	8.4	Major physiological stress Impaired homing Long-term reduction in feeding rate Poor condition
Adult run-backs	8.0	Same as for adult upstream migrants
Eggs and alevins	12.6	up to 100% mortality
Juvenile rearing	8.5	Avoidance response Major physiological stress Long-term reduction in feeding rate Poor condition

3.3 Summary

Removal of the dam is predicted to result in minor sediment deposition, which is unlikely to substantially impact rearing juveniles in the short-term, and is likely to benefit spawning and rearing habitat in York Creek in the long-term. Increased SSC following cofferdam breaching is predicted to have a direct impact on adult and runback steelhead, eggs and alevins, and juveniles. Impacts are predicted to be sublethal, with the exception of nearly complete mortality for eggs and alevins. Steelhead in the Napa River watershed are adapted to periods of high suspended sediment (Stillwater Sciences 2002), and the wide spatial distribution of steelhead in the Napa River watershed means that most of the population will avoid any impacts of SSC by remaining in York Creek upstream of the dam, in other tributaries to the Napa River, or within the mainstem where SSC concentrations are anticipated to be more dilute. Following cofferdam breaching, it is anticipated that steelhead recolonization throughout York Creek, including upstream of the dam, would occur rapidly (within months), as was observed for steelhead following fish ladder installation at Landsburg Dam on the Cedar River, Washington (Kiffney et al. 2009), and following removal of Condit Dam on the White Salmon River, Washington (Allen et al. 2016). Initial recolonization from *O. mykiss* upstream of York Creek Dam could occur within months on cofferdam breaching, and recolonization of anadromous adults would be anticipated within no more than a year of breaching (either during the year of cofferdam breaching, or the following migration season).

Overall, the steelhead population is anticipated to be affected by dam removal in the short-term, but has life history characteristics that will support a strong recovery within two years of dam removal. Therefore, there will be no substantial adverse effect on steelhead in the short- and long term. In addition, the removal of Upper York Dam will result in beneficial environmental effects including restored access to 1.5 miles of high-quality habitat for steelhead trout (City of St. Helena 2015a), restored habitat connectivity and unimpeded migration for aquatic and terrestrial organisms, and reestablished natural sediment transport processes to improve in-stream habitat in York Creek and the Napa River.

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UPPER YORK CREEK ECOSYSTEM RESTORATION PROJECT DAM REMOVAL, CHANNEL RESTORATION, AQUATIC HABITAT ENHANCEMENT PROJECT

City of St. Helena, Napa County, California

BASIS OF DESIGN REPORT

February 2019

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Appendix A – Draft Geotechnical Engineering Study

Appendix B – Hydraulic Analysis

Appendix C – Upper York Creek Dam Removal Sediment Transport Modeling Report (Stillwater Sciences)

Appendix D – Phase 1 Basis of Design Report (Stillwater Sciences)

Appendix E – Phase 1 Design Plans (Michael Baker International)

Appendix F – Phase 2 Concept Plans

1 Introduction

The following report represents the basis of design for the development of the Upper York Creek Ecosystem Restoration Project prepared for the City of St. Helena. The project site is located within the Outer North Coast Ranges in unincorporated Napa County, west of the City of St. Helena, California. It is centered near 38°30'50" N, 122°30'10" W, and depicted in the southwest ¼ of Section 26, Range 6 West, Township 8 North, of the U.S. Geological Survey (USGS) Calistoga, California 7.5-minute topographic quadrangle map.

Specifically, the project site is located immediately adjacent to Spring Mountain Road, approximately 0.7-mile southwest of State Route 29 (SR 29) and approximately 0.7-mile northwest of the City of St. Helena limits, which is immediately surrounded by undeveloped, forested land and several vineyards within a few hundred feet in all directions. Napa River runs north to south on the east side of the City, and several of its tributaries flow through the City eastward from the hills of the Mayacamas Mountains. The primary project site is on York Creek, which is one of these tributaries. The proposed project location is shown on Figure 1-1.

The purpose of this report is to develop a comprehensive and technically-based design for the Upper York Creek Dam (UYCD, also known as the Upper St. Helena Dam) Removal. The report will assess the conditions of the existing natural channel including; hydrology, hydraulics, and support the design of the recommended channel restoration improvements.

The project will be implemented in accordance with the permit approvals and input provided from the California Department of Fish and Wildlife (CDFW), US Fish and Wildlife Service (USFWS), Regional Water Quality Control Board and the U.S. Army Corps of Engineers (Corps).

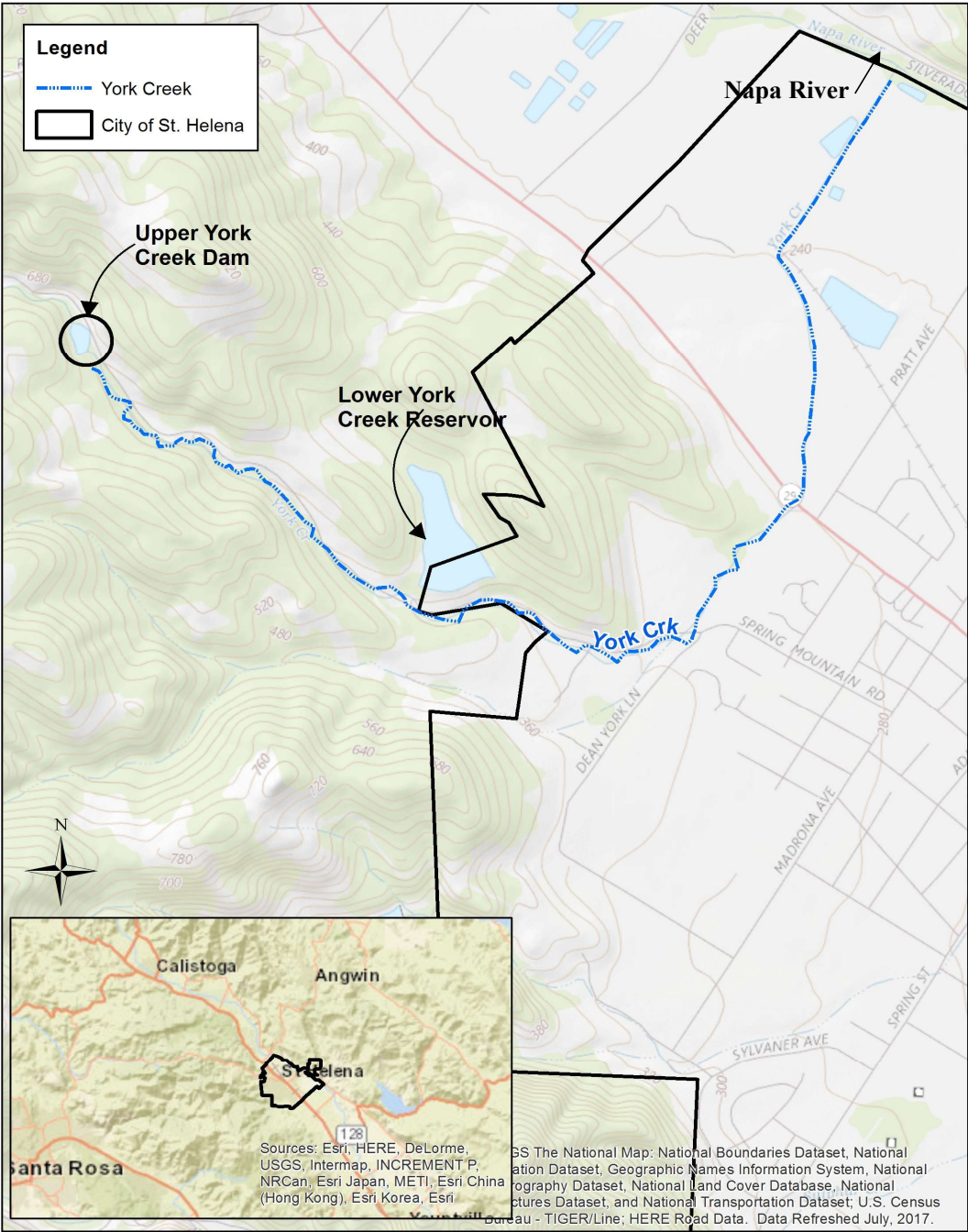


Figure 1-1: Project Location

1.1 Background

York Creek extends approximately 7.24 miles from its headwaters to its confluence with the Napa River (Corps 2006b). It descends steeply over the first portion of its range then flattens out as it crosses the floodplain of the Napa River. It drains a watershed of approximately 4.4 square miles. At the site of the upper dam and reservoir, York Creek traverses a steep valley cut from serpentinite and sheared shale. Vegetation is a mixture of redwood forest, mixed evergreen forest, riparian woodland, foothill pine-oak woodland, freshwater wetland, non-native grassland, vineyards, and ruderal areas. Figure 1-2 shows a picture of the existing creek downstream of the dam. According to the Napa County Resource Conservation District (NCRCD), York Creek is one of the most significant spawning and rearing streams in the Napa River watershed for Central California Coast ESU steelhead, which are listed as threatened under the federal Endangered Species Act. The creek has been designated as critical habitat for steelhead by NOAA Fisheries Service. The Napa River watershed is considered one of the key anadromous fish streams within the San Francisco Bay (NCRCD 2005).



Figure 1-2: York Creek below the Upper York Creek Dam (Date: 5/4/17)

York Creek was first dammed in 1871. The Upper York Creek dam was built upstream of the original reservoir in 1900 to extend the City's water delivery system to match its expanding development (Eastman 2003). In 1933, a new concrete overflow spillway was added along the eastern edge of the reservoir and dam immediately adjacent to Spring Mountain Road, the standpipe outlet was installed, and other incidental modifications were made.

The dam is a total barrier to fish passage. The reservoir behind the dam is full of sediment (approximately 28,000 cubic yards, essentially eliminating any water storage capacity) and is no longer used to provide water for the City's needs. The dam itself contains approximately 12,000 cubic yards of material. (Corps 2006a). Figure 1-3 shows the sediment accumulation behind the dam.



Figure 1-3: Sediment Accumulation from just Upstream of the Existing Spillway (Date: 2/27/17)

On July 28, 1992, during routine maintenance of the reservoir outlet, there was an accidental sediment discharge downstream of the dam. This significant release resulted in a silt discharge within the streambed from the face of the dam to York Creek's confluence with the Napa River.

The depth of the silt varied from heavy deposits (up to 18 inches) just below the dam and continuing downstream for about 0.5 miles, gradually thinning until only a light covering of fine silt was deposited at the confluence with the Napa River. According to a CDFG letter dated July 30, 1992, this sediment release was the fourth since 1965. In each incidence, "dense anaerobic sediments, high in toxic hydrogen sulfide, were released from the dam and deposited in pools and riffle areas downstream, quickly suffocating and burying all fish and aquatic invertebrates within a mile or more of the dam."

After this discharge, CDFG filed a complaint with the Napa County District Attorney. In September of 1992, CDFG and the City concluded that the City should remove the existing earthen dam structure on York Creek. An agreement was signed obligating the City to remove the dam, stabilize silt, remove silt that had filtered downstream, and take certain precautions to preserve the stability and natural character of the area.

Figure 1-4 shows the downside slope of the existing dam with the outlet pipe. Figure 1-5 shows the top of the Upper York Creek Dam and spillway with the access bridge.



Figure 1-4: Downslope Side of the Upper York Creek Dam Showing the Outlet at the Base of the Dam (Date: 10/9/18)



Figure 1-5: The Existing Condition of the Top of Upper York Creek Dam and Spillway with the Access Bridge Shown (Date: 10/9/18)

1.2 Project Description

The overall York Creek Ecosystem Restoration Project proposes to restore the ecological connectivity between habitats upstream and downstream of the Upper York Creek Dam (UYCD) and provide for natural sediment transport. Steelhead migration would be restored to the level provided by the natural channels above and below the dam. The project will be accomplished in two Phases: Phase 1 includes installation of the sediment traps downstream of the existing dam (Figure 1-6); Phase 2 includes the notching of the dam and the restoration of the habitat upstream of the existing dam.

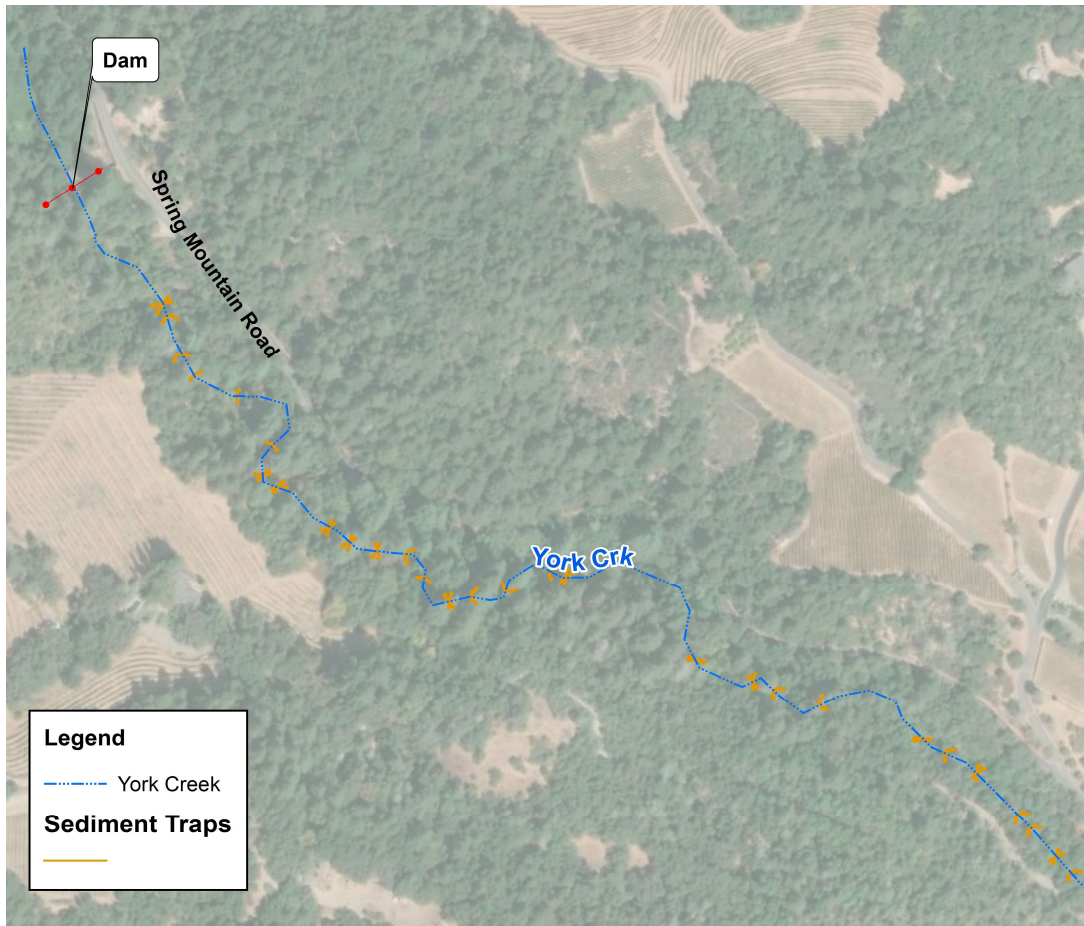


Figure 1-6: Phase 1 Location

1.2.1 Phase 1 Elements

Phase 1 of the project includes construction of up to 30 sediment trap locations downstream of the dam to capture the impounded sediment from upstream of the dam (Figure 1-7). These large wood structures would be expected to capture a maximum of 25 to 50 cubic yards of sediment per structure. They are proposed to be installed in an incised reach of York Creek where no flooding to adjacent infrastructure would result from increased sediment deposition. The structures consist of timber material recovered from off-site areas and would be placed on top of the channel bed and banks with minimal excavation.

There are three (3) types of sediment traps being proposed. These traps are intended to provide hydraulic control at high flow during periods of active bedload sediment transport, thereby slowing flow velocities and generating depositional conditions up-stream from the structure, primarily along the channel margins. Equipment used during construction include rubber-tired Caterpillar 518 Skidder and Caterpillar 416 backhoe. Figure 1-7 shows the extent and components of Phase 1 project.



1.2.2 Phase 2 Elements

Phase 2 of the Project would include: fill of the inactive spillway, construction of a 20-ft notch through the dam embankment to the approximate bedrock elevation, removal of approximately 8,000 cy of sediment behind the dam, channel grading, and stabilization and protection of Spring Mountain Road. The dam notch will consist of a 20-foot wide channel excavated to bedrock and would extend 300-ft upstream (Figure 1-8). The height of the dam will be approximately 46-ft at the dam embankment. A rock wall will be constructed on each side of the channel so that the side slopes can be supported. The stream bank (rock wall) will be placed at the 10-year channel depth. Figure 1-9 shows the location of the Phase 2 project elements at the dam.

A maximum 6% longitudinal channel slope will be maintained through the dam notch which extends 300-ft upstream. If the existing bedrock at the natural creek bottom is greater than a 6% slope, then a rock weir will be constructed downstream of the dam and engineered fill will be placed upstream of the weir to obtain a slope of 5%, +/- 1%. The project proposes no sinuosity through the dam notch reach as the amount of material to be removed upstream of the dam may cause stress on the sides of the channel. The dam reservoir area will be cleared and grubbed, so that root material and larger trees will not prevent the impounded material from being washed away during large storm events.

A temporary low flow “pilot” channel will be excavated through the Project Site to facilitate movement of sediment from the impounded material upstream of the dam (Figure 1-9). The pilot channel will facilitate a first flush removal of fine sediments downstream of the dam. This first flush approach will allow for a limited exposure of fine sediments and turbidity to existing wildlife within downstream reaches of the creek. Boulders recovered during excavation and from an existing pile approximately 600 linear feet above the dam will be placed along the channel to promote natural movement and creation of structure through the project reach. The total amount of material impounded upstream of the dam between existing grade and bedrock and is approximately 28,000 cubic yards (cy), with 8,000 cy removed as part of Phase 2.

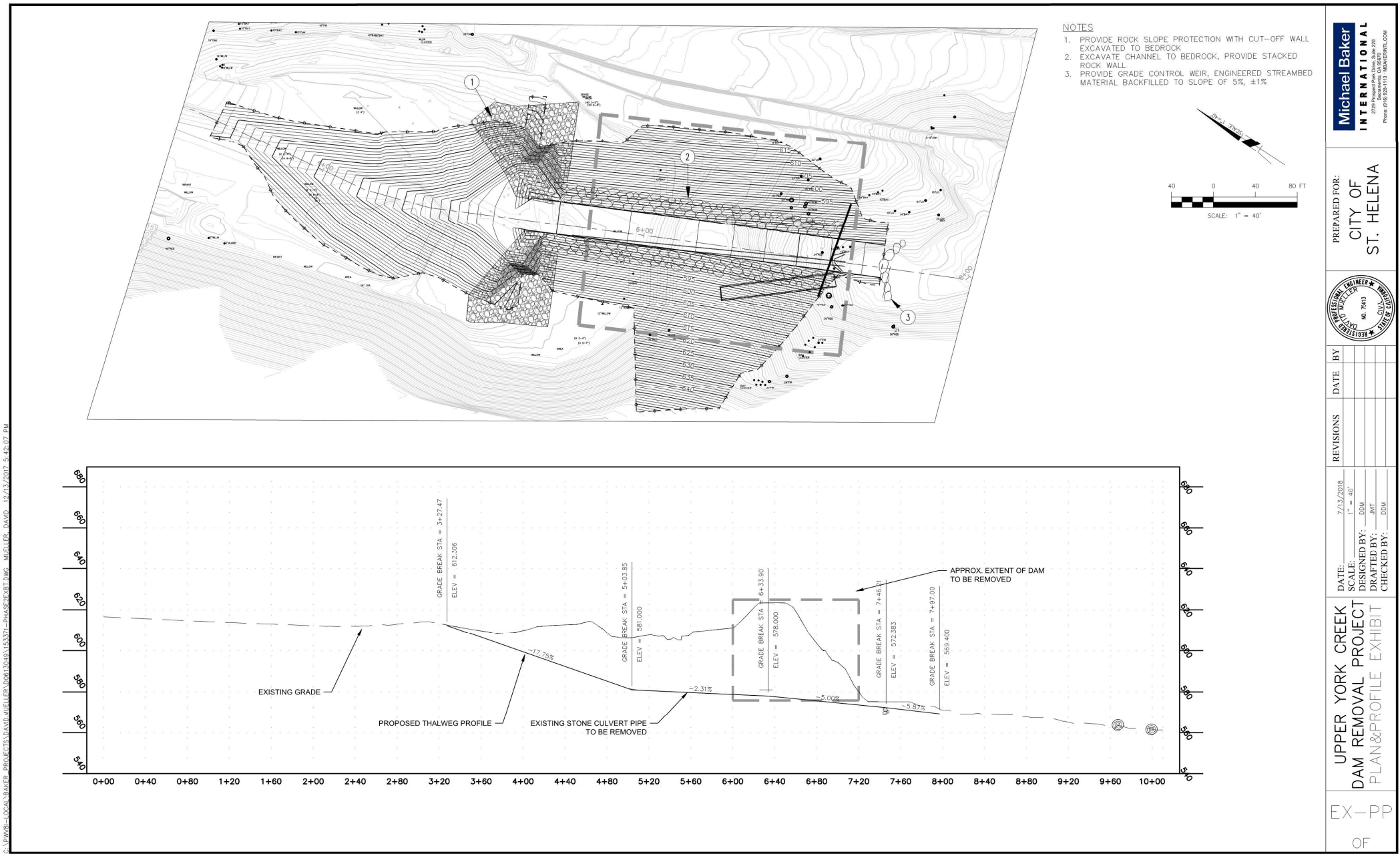


Figure 1-8: Phase 2 Project Location

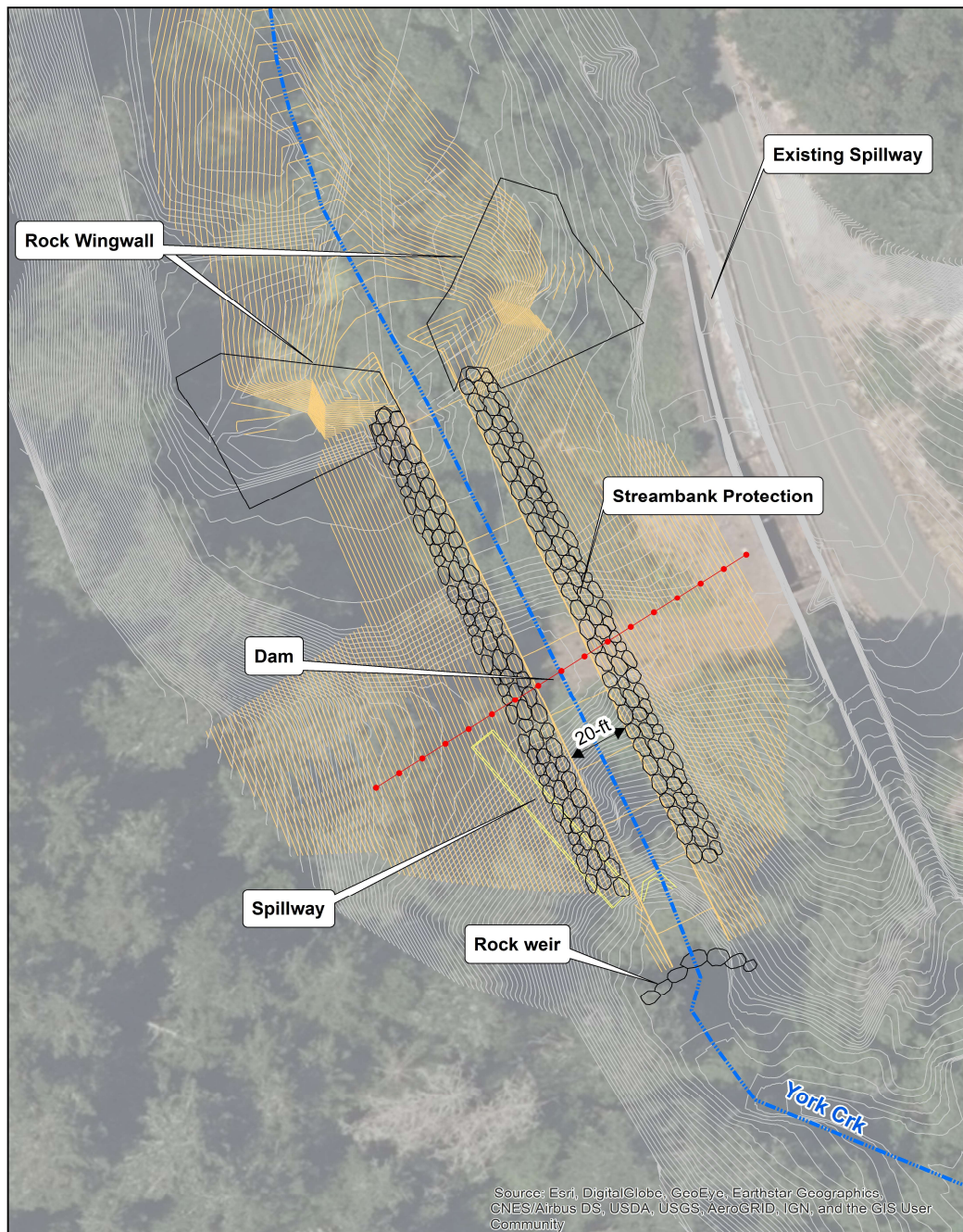


Figure 1-9: Phase 2 Project Elements

1.2.3 Upstream Habitat Restoration

Upstream of the dam, Phase 2 will include restoration of approximately 0.5 acre of aquatic and riparian habitat by removal of invasive species as shown in Figure 1-10. Spawning and rearing habitat would be naturally created for CCC steelhead through natural processes over a 5- to 10-year interval.

Additional grading activities may be employed where necessary to augment natural processes in establishing habitat structures. A mitigation and monitoring plan will be established to identify corrective actions necessary to facilitate fish passage where natural processes have created impediments to fish passage. These corrective actions will include grading, sediment removal, erosion control, and bank stabilization. A detailed discussion of the habitat restoration is included in the *Phase 2 – Upper York Creek Ecosystem Restoration Project Biological Assessment* (October 2018, Revised February 2019).

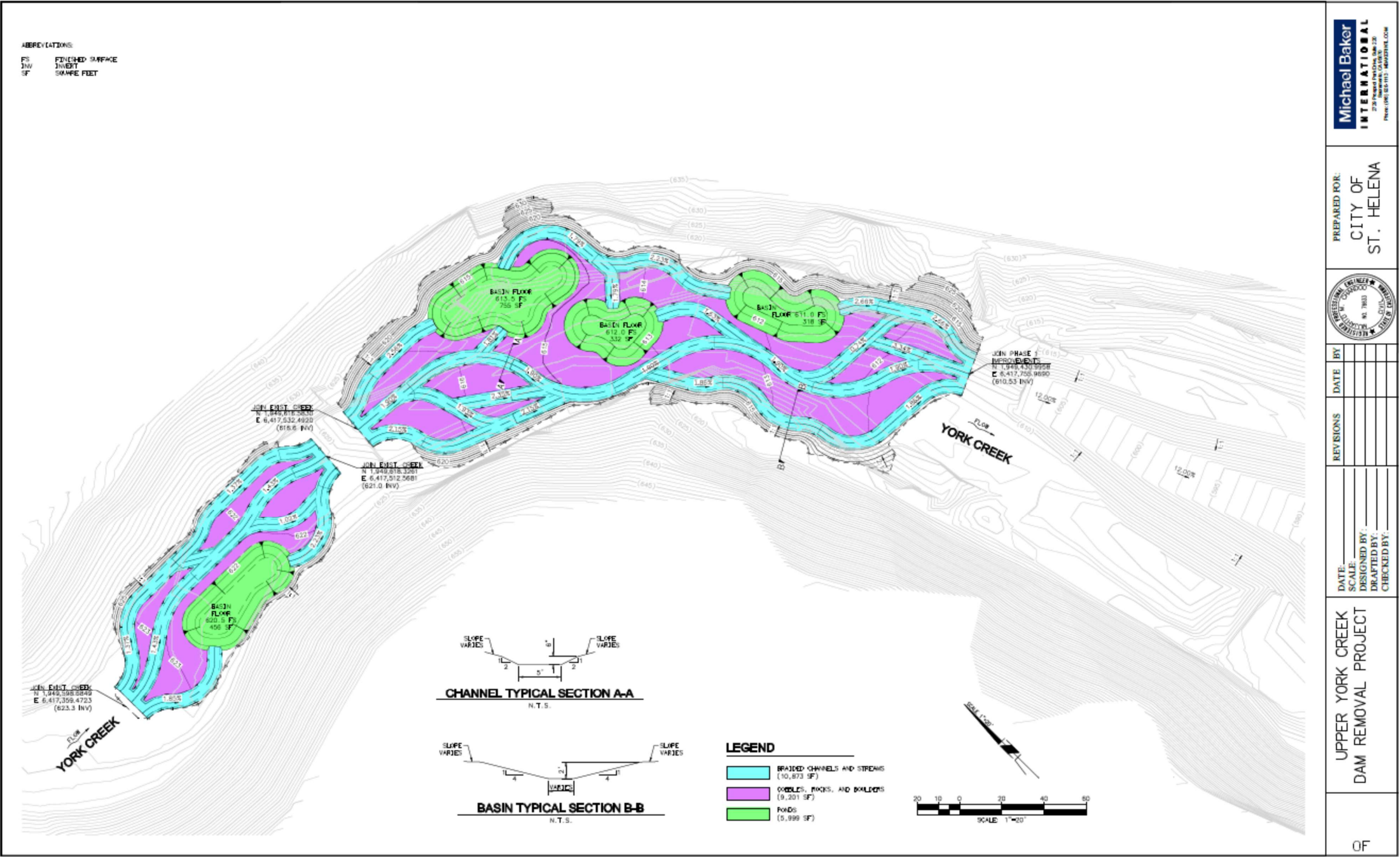


Figure 1-10: Phase 2 Conceptual Habitat Restoration Site

1.3 Goals and Objectives

The primary goals of this Basis of Design Report is to create detailed engineering drawings, cost estimates, and specifications to enable the City to bid and construct the Upper York Creek Ecosystem Restoration Project.

The primary goals of this design study are:

- Modifying Upper York Creek Dam
- Provide hydraulic analysis for the proposed alternative
- Maintain stability of Spring Mountain Road
- Concept plans and final detailed engineering drawings, cost estimate and specifications for the construction of the Upper York Creek Ecosystem Restoration Project.

The objectives of this project are identified below:

1. Restore natural transport of sediment.
2. Restore the ecological connectivity between habitats upstream and downstream of the Upper York Creek Dam.
3. Restore steelhead migration to the level provided by the natural channels above and below the dam.
4. Restore the movements and migration of fish and other aquatic organisms.

1.4 Background/Previous Studies

The following past studies were conducted and served as the foundation for this report:

1. *Final Environmental Impact Report Upper York Creek Ecosystem Restoration Project*, Napa County, California, April 28, 2015.
2. *Upper York Creek Dam Removal Project Basis of Design Report - Draft*, Prunuske Chatham, Inc., March 15, 2014
3. *Draft Environmental Impact Report Upper York Creek Ecosystem Restoration Project*, Napa County, California, April 20, 2007.
4. *Draft Detailed Project Report Upper York Creek Ecosystem Restoration Project (Corps)*, Napa County, California, September 1, 2006.

2 Geotechnical Investigation (WRECO, 2019)

Michael Baker International's subconsultant, WRECO, prepared the "*Draft Geotechnical Engineering Study*" dated January 2019 and is summarized below. This report is included in **Appendix A**.

WRECO performed site reconnaissance on September 12, 2016 and completed one test boring in the vicinity of the proposed retaining wall structure to better evaluate the subsurface conditions at the Project site.

2.1 Surface Conditions

Spring Mountain Road appears founded in cut on the inboard edge with fill along the outboard in the vicinity of the Project site. The subject spillway runs parallel to the roadway along the outboard side and the inboard spillway wall retains the roadway fill along its length. Figure 2-1 shows the existing spillway and the Spring Mountain Road.



Figure 2-1: Existing Spillway and Spring Mountain Road

The existing roadway has a several sets of cracks. Cracks that roughly parallel the spillway wall were observed mainly near the wheel tracks of each lane with the most prominent cracks extending along the inboard edge of the eastbound lane. The cracks in the eastbound lane appeared wider and more extensive east of the end of the displaced wall segment to the access bridge. A crack crosses the road roughly perpendicular to the spillway terminating near the end of the displaced portion of the spillway wall.

Numerous other cracks were observed running perpendicular to the spillway wall, but were short in length.

2.2 Subsurface Conditions

Review of borings made for this and previous studies indicates that the site is variously underlain by fill placed for dam and spillway construction, weathered rock, and by apparent rockfall debris. The distribution of these units varies greatly across the site and was affected by the two stages of dam construction.

2.3 Discussion and Conclusions

- WRECO conducted an evaluation for the presence of Naturally occurring asbestos (NOA) within the alluvial sediment that has accumulated upstream of the existing dam. Four borings to approximately 5 feet in depth were advanced and samples were sent for laboratory testing using the CARB 435 method. The NOA test results indicated no asbestos was detected in all four samples.
- The Project site does not lie within or adjacent to an Alquist-Priolo Earthquake Fault Zone. Active faulting has not been mapped as occurring across or adjacent to the Project site. The closest active fault is the Maacama Fault, which is located at a distance of 8.9 miles west of the Project site. Surface rupture due to faulting within the Project site is not expected to occur unless an unknown or previously un-mapped fault were to rupture.
- The site is generally steeply sloping above and below the roadway. Near vertical cliffs exist above the roadway and rockfall/landslides have been observed directly above the subject section of roadway, have been interpreted to extend below portions of the Project site, and within a short distance to the Project site on both sides of the creek channel. A portion of the existing spillway inboard wall has been rotated with top of wall moved to the outboard, though the cause of this movement has not been determined. Based on the above, the potential for rockfall/landslides is considered high.
- The alluvium, fill, and decomposed rock along and adjacent to the channel are considered scour prone. The base of the proposed cut is indicated to include large boulders/rip-rap, which is expected to limit scour in these areas. The existing spillway will be well above the restored channel and will not experience flow in the future. The potential for scour appears to be minimal along the spillway. The potential for scour along the restored creek channel should be evaluated, including a hydraulic study.
- There are several potential methods to abandon the existing spillway. These include backfilling with compacted fill or controlled low strength materials (CLSM), anchoring the existing spillway wall to act as a retaining wall, and replacing the spillway with a retaining wall. Each of these options have benefits and risks which are discussed below.
 - **Backfill Spillway** - Backfilling the existing spillway with compacted fill, rip-rap, or CLSM is the most straightforward alternative. Placing fill within the spillway would provide lateral support of the roadway and would tend to be the least costly alternative.
 - **Anchoring Spillway Liner** - The spillway could be left in place and the liner strengthened using tiebacks or soil nails. Wailers or a reinforced concrete facing would be needed to distribute the forces from the anchors and stabilize the partially damaged spillway wall. The limited room within the spillway may limit the ability to install anchors without modification of the outboard spillway wall.
 - **Retaining Wall** - The spillway could be completely removed and the roadway reconstructed using a retaining wall. Potential wall types include soldier pile, MSE, crib, and cantilever concrete retaining walls. The roadway would need to be closed during construction and likely completely rebuilt during construction.

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Based on the above, it is recommended that the spillway be backfilled. This option requires the least design effort, has few risks, and is generally easy to construct. Rip-rap backfill would likely be the easiest to construct and would provide natural drainage of any water that accumulates within the abandoned spillway.

3 Hydrology and Hydraulic Analysis

3.1 Regional Hydrology

Hydrology discharges were obtained from *Lower York Creek Hydrologic and Hydraulic Assessment* dated July 5, 2007 prepared by Prunuske Chatham, Inc. The hydrology information included, 2-, 10-, 25-, 50- and 100-year storm events. The calculated peak discharges and hydrographs for this project were used as the inputs to the hydraulic model.

The peak discharges are the same for the existing and proposed conditions where the creek is modified. Table 3-1 summarizes the peak hydrograph discharges for each storm return period.

Table 3-1: Regional Hydrology Summary

Location	Area (sq. miles)	Peak Flows (cfs)				
		2-yr	10-yr	25-yr	50-yr	100-yr
Below Upper Reservoir	2.48	235	605	860	1,220	1,550
@ Springs Mountain Rd	-	380	890	1,250	1,660	2,090
@ Napa River	5.01	440	1,030	1,440	1,915	2,400

3.2 Hydraulics

The hydraulic model for York Creek was developed using the Hydraulic Engineering Center – River Analysis System (HEC-RAS 5.05) from the U.S. Army Corps of Engineers. HEC-RAS is a one dimensional, rigid boundary model that assumes that the channel bed does not move. The program is intended for calculating the water surface profile for steady and gradually varied flow in natural and manmade channels.

A hydraulic analysis was performed in order to determine the floodplain and hydraulic characteristics and impacts of the channel under existing and proposed conditions (Phase 1 and Phase 2).

3.2.1 Existing Condition

The hydraulic model was evaluated from the existing Upper York Creek dam to the confluence with Napa River. The HEC-RAS analysis used the following parameters to evaluate the existing and proposed channel hydraulics.

- **Channel Cross Section Data:** The channel geometry information was extracted using existing aerial topography (provided by the County) and field survey. The proposed grading assumes the 20-ft wide embankment notch and channel grading upstream and downstream of the notch.
- **Bridge Geometry** – The Bridge geometry was obtained from field survey and site visit measurements. There are 13 bridges/culvert included in the model from road crossings, railroad and pedestrian bridges.
- **Manning's "n" Value:** The values varied depending on the associated terrain/ground cover
 - Overbank/Floodplain with scattered trees/vineyard: 0.040 – 0.050
 - Channel bed with gravel/cobble substrate: 0.030 – 0.040
 - Channel Banks with dense vegetation: 0.06 – 0.1
- **Design Flowrates:** The discharges are discussed in Section 4.1.

3.2.1.1 Existing Condition Results/Discussion

The results of the HEC-RAS hydraulic analysis were used to evaluate the existing channel hydraulics and the level of flood protection provided by York Creek through the City of St. Helena. The results of these analyses were then used to develop and evaluate potential adaptive measures to improve the level of flood protection provided to the City of St. Helena.

Based on the results of the existing hydraulic analysis, the water surface overtops the banks of the channel at the bridges during the 100-yr frequency storm. There are thirteen private bridges from the downslope side of the Upper York Creek Dam to the confluence with Napa River. The channel overtopping is a combination of undersized crossings (culverts) causing backwater effects, channel capacity and longitudinal slope. The channel is flat (approximate 1%) from SR-29 to Napa River. In the upstream reaches the slope ranges from 2% to 4% (at the Dam).

Figure 3-1 shows the existing water surface elevation (WSE) for York Creek. The summary results of the HEC-RAS baseline condition models are included in **Appendix B**. The HEC-RAS modeling results can only be used to pinpoint areas along the channel reach where flows will overtop the banks. Determining the depth and lateral extent of flooding from York Creek for a given flow would require additional data (such as unsteady flow data) and development of a more detailed 2D hydraulic model, which are beyond the scope of this project.

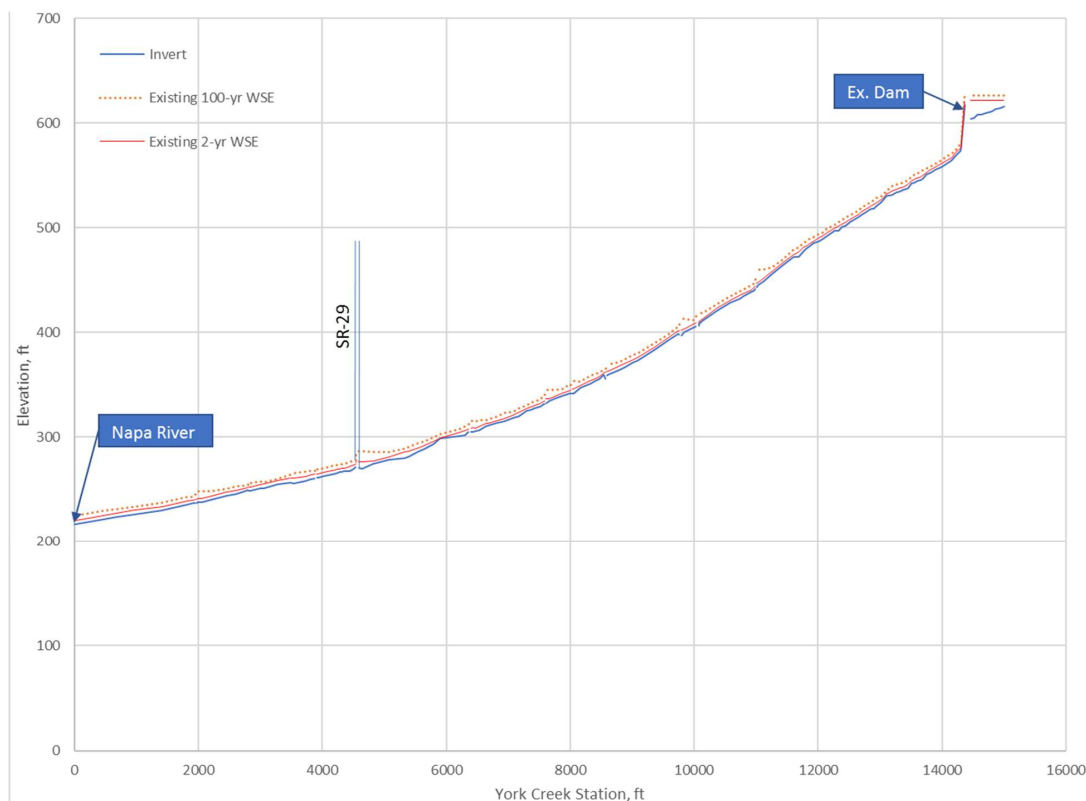


Figure 3-1: York Creek Existing Hydraulic Analysis

Sediment Transport (Existing)

Stillwater Sciences prepared the *Upper York Creek Dam Removal Sediment Transport Modeling* report and is summarized below. This report is included in **Appendix C**.

York Creek is a small mountain stream with a coarse bed and steep gradient. Partially due to the trapping of coarse sediment upstream of the Upper York Creek Dam, the channel surface is armored by sediment ranging from coarse gravel to small boulder particles. The bed downstream of the dam is largely immobile and can be considered as non-erodible for sediment transport modeling purposes. In a short reach approximately 3,000 ft upstream of the Napa River, the bankfull depth is approximately 3 ft (100-year storm) and it is expected that inundation of the floodplain is rather frequent.

York Creek exhibits typical concave longitudinal profile (Figure 3-2) with channel gradient decreasing from approximately 4% just downstream of the Upper York Creek Dam, to approximately 1.3% close to Napa River confluence.

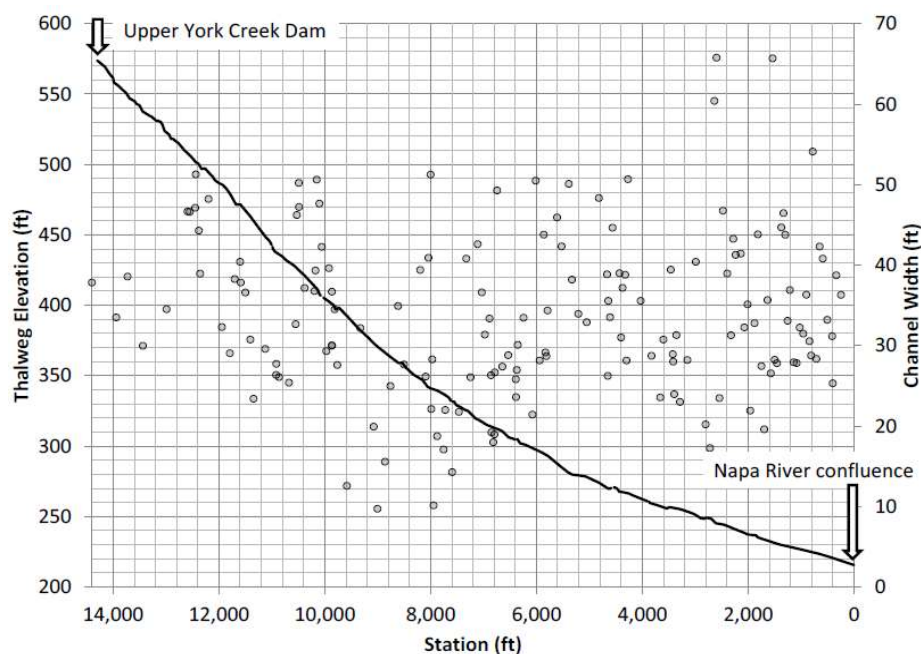


Figure 3-2: York Creek Longitudinal Profile

According to previous studies for the York Creek watershed, the area above the dam represents 55% of the total watershed and 63% of the steep, sediment source zone. The existing dam/reservoir captures the entire coarse bedload and a portion of the suspended load produced in its 4.4 square mile drainage area – approximately 1,000-5,000 cubic yards of material annually depending on the rainfall and runoff patterns. An average hydrologic year with no unusual storm events delivers roughly 1,250 cubic yards of sediment to the reservoir behind the dam. The winter of 2005-2006, an above-average year with the largest storm in recent history, deposited approximately 3,000 cubic yards of material behind the dam.

Because sediment transport capacity is highly non-linearly proportional to channel gradient, sediment transport capacity in York Creek is likely extremely high, and sediment left in the impoundment after dam removal can be expected to be rapidly transported along the relatively short York Creek to the confluence with the Napa River.

3.2.2 Proposed Condition

3.2.2.1 Phase 1 - Sediment Traps

Phase 1 of the project includes construction of up to 30 sediment trap locations downstream of the existing dam (Figure 3-3) to capture the impounded sediment from upstream of the dam. These large wood structures would be expected to capture a maximum of 25 to 50 cubic yards of sediment per structure. They are proposed to be installed in an incised reach of York Creek where no flooding to adjacent infrastructure would result from increased sediment deposition. The structures consist of timber material recovered from off-site areas and would be placed on top of the channel bed and banks with minimal excavation.

The structures would be placed on top of the channel bed and banks as shown on the cross-sections on Figure 3-4 with minimal proposed excavation. The structures are not intended to provide grade control for the channel thalweg at low to moderate flows. They are intended to provide hydraulic control at high flow during periods of active bedload sediment transport, thereby slowing flow velocities and generating depositional conditions upstream from the structure primarily along the channel margins.

Three main types of structures include:

1. Type 1 - Multiple log structure anchored to existing trees
2. Type 2 - One large anchored log
3. Type 3 - Multiple log structure anchored to boulders
4. Combination of Type 1 and Type 3

Exact placement would be based on field conditions with the following guidelines:

- Structures must be anchored and/or composed of large enough wood and wedged into a position such that they will stay in place during high flow events. Anchoring details are described on the top of construction drawings.
- Structures should be placed 6 inches to 1 foot above the thalweg to allow underflow for fish passage, but not so high off the channel bed that they do not provide hydraulic control at high flows.

One significant area of uncertainty that will govern the functionality of the large wood sediment trap structures is the type of storm events that occur immediately following dam removal:

- Moderate intensity/intermittent flow events would have a relatively lower Froude number, allowing sediment to build up higher and over a longer distance behind the sediment traps and thereby capture more sediment.
- High intensity flow events would have a relatively higher Froude number, pushing the hydraulic jump farther downstream and thus reducing the length and depth of captured sediment deposits. During the receding limb of the storm events, however, the incoming sediment will most likely fill the structures with sediment.

In summary, sediment deposition dynamics will be governed by the specific storm flow hydrograph that occurs immediately following dam removal with key drivers including: 1) peak flow magnitude, 2) peak flow duration, and 3) descending limb duration.

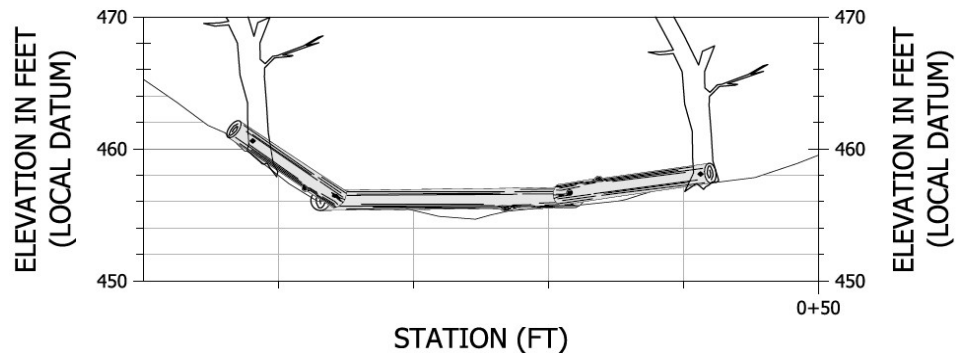
The original Basis of Design report for Phase 1 was prepared by Stillwater Sciences and is included in **Appendix D**. The design Plans are included in **Appendix E**.

The sediment traps were modeled in HEC-RAS as obstructions within the cross-section geometry. The modeling results show a hydraulic jump at each of these sediment traps location where the water surface elevation (WSE) is 1-3 ft higher than the existing condition. The Phase1 WSE normalizes similar to existing condition downstream of the last sediment trap location.

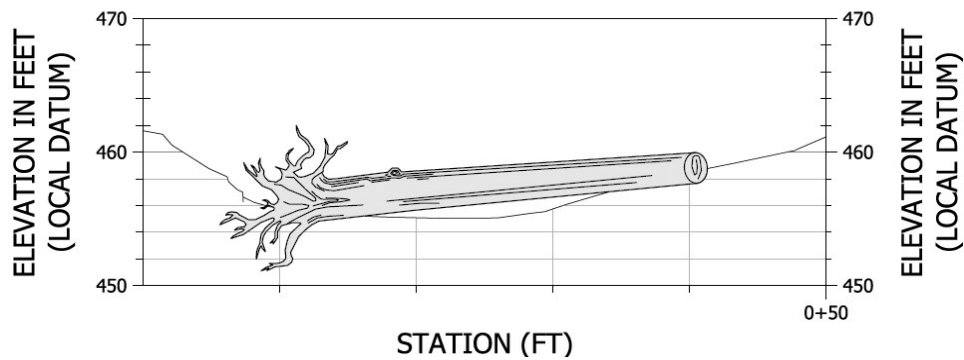


Figure 3-3: York Creek Downstream of the Existing Dam

TYPE 1 CROSS SECTION



TYPE 2 CROSS SECTION



TYPE 3 CROSS SECTION

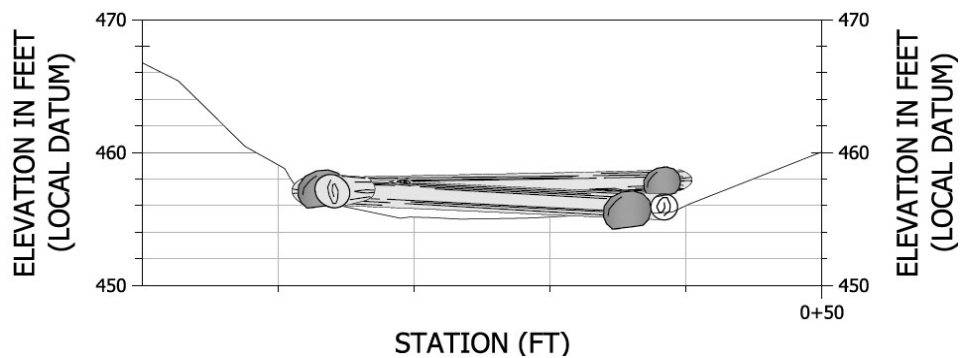


Figure 3-4: Types of Sediment Traps

3.2.2.2 Phase 2 - Dam Removal/Modification

The Phase 2 of the Project would be to fill the inactive spillway and construct a notch through the existing dam embankment to the approximate bedrock elevation. The existing spillway will be filled with material from the excavation. The dam notch will consist of a 20-foot wide channel excavated to bedrock. The longitudinal slope along these channel improvements will be graded to obtain a 5% +/-1% longitudinal slope. A rock wall will be constructed on each side of the channel so that the side slopes can be supported. The rock wall will be at the 10-year water depth. This will be in addition to the Phase 1 project. Phase 2 project will allow for fish passage and habitat connectivity above and below the dam.

Sediment removed (approximate 8,000 cy) from the dam and reservoir may be used as construction material (if suitable) and the excess material will be hauled offsite. The design/Concept Plans are included in **Appendix F**.

3.2.2.2.1 Hydraulics Modeling Results

The Phase 1 HEC-RAS model was used to update to the cross-section geometry to represent the proposed Phase 2 improvements. These include:

- Adding the proposed channel grading (approximately 300 linear feet) thru the existing dam as shown on Figure 3-5.
- Adjusting channel geometry to represent sediment aggradation along the streambed (due to dam removal) as shown on Figure 3-6.

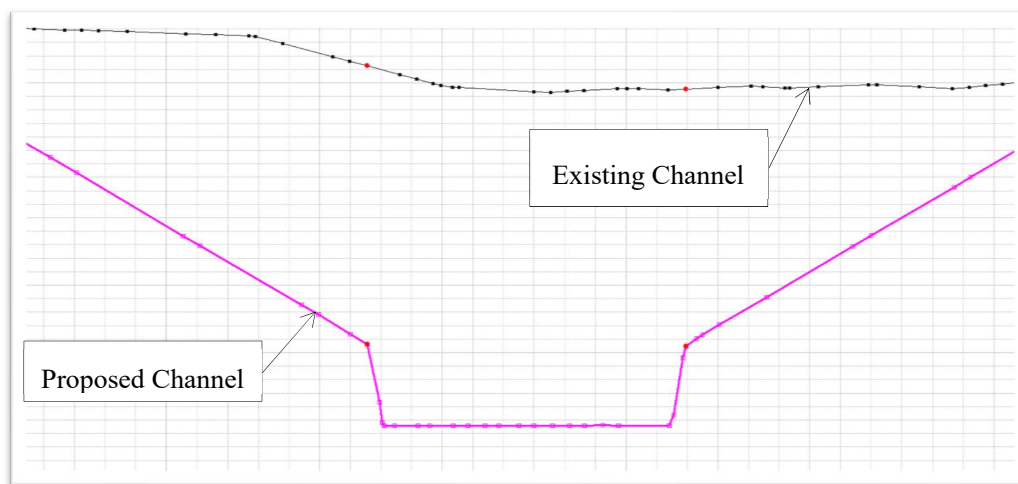


Figure 3-5: Channel Cross-Section

Four (4) alternatives were evaluated to understand the hydraulic impacts along York Creek due to the dam removal. The alternatives include:

1. Alternative 1 – Dam Removal and Channel Improvements
2. Alternative 2 – Alternative 1 + 1-ft sediment aggraded along the entire channel.
3. Alternative 3 – Alternative 1 + 2-ft sediment aggraded along the entire channel.
4. Alternative 4 – Alternative 1 + 3-ft sediment aggraded along the entire channel.

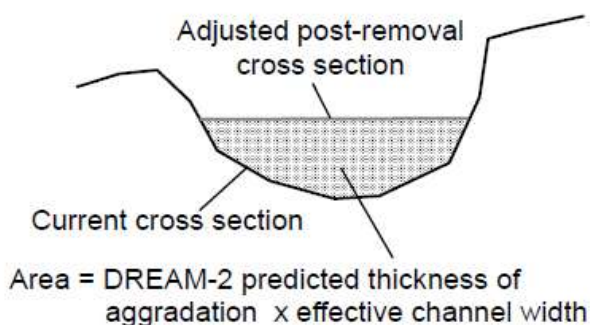


Figure 3-6: Sketch Demonstrating How DREAM-2 Predicted Channel Aggradation is Transferred to HEC-RAS Cross Sections (Source: Stillwater Science)

Alternative 1

The results of the proposed hydraulics along York Creek for Alternative 1 are similar to existing conditions except for the reach along the dam where a 20-ft notch and channel grading is proposed. The velocities at this reach for the 100-year storm event is approximately 14 ft/s and in the 2-year is 8 ft/s. The average flow depth in the 100-year event is 5.9-ft and 3.4-ft in the 10-year storm. The 10-year depth will be used for streambank protection. These velocities are considered erosive.

To mitigate these erosive channel velocities and provide streambed stability, rock protection has been sized along the channel bed and banks as shown in Figure 3-7. During the 100-year storm event, the water surface overtops the banks of the channel at the upstream and downstream end of several private bridges. As shown in Figure 3-8, the water surface overtops the banks of the channel from upstream of SR-29/Main Street (River Station 4563.015) to the confluence with Napa River. The locations where the water surface overtops the bridges are shown in Table 3-2. The backwater effects, channel capacity and longitudinal slope are caused by undersized crossings (culverts) at the bridges as shown in Figure 3-9.

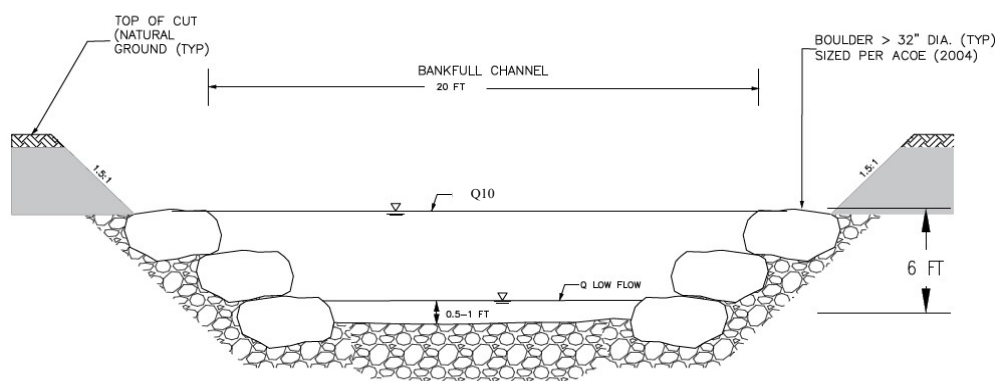


Figure 3-7: Streambed and Bank Protection Along the Proposed Channel

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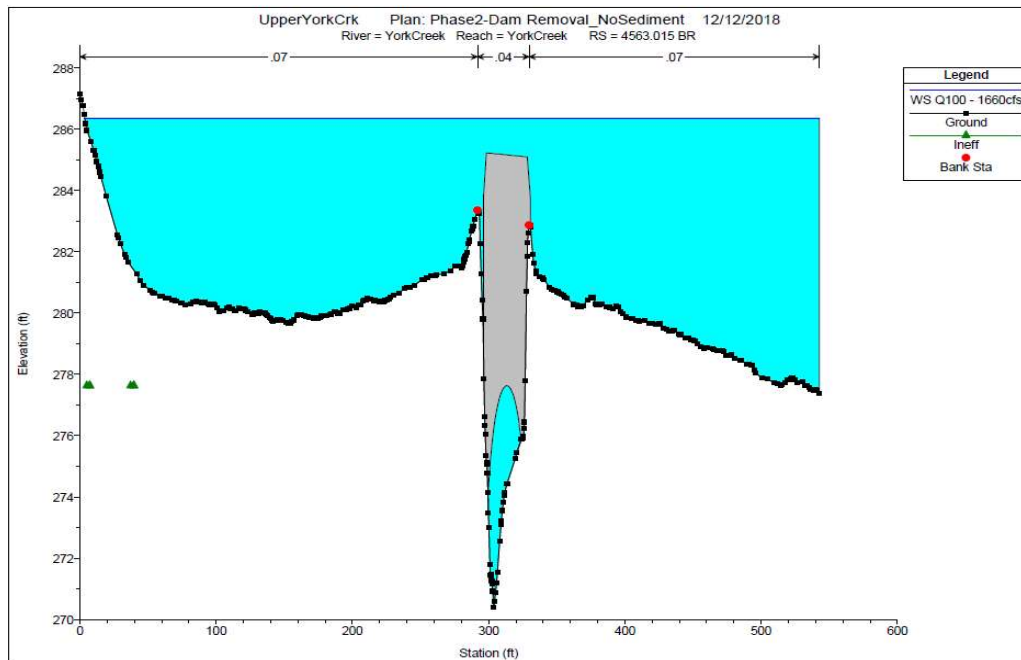


Figure 3-8: SR-29/Main Street Bridge Cross-Section

Table 3-2: Alternative 1 Bridge and Water Surface Elevation for 100-YR Storm Event

Bridge River Station/Location	Deck of Bridge Elevation (ft)	Water Surface Elevation (ft)
10995.32 Downstream	455.50	455.81
9775.449 Upstream	409.34	411.85
7596.431 Upstream	339.96	345.12
7596.431 Downstream	339.83	342.38
4563.015 Upstream	285.23	286.35

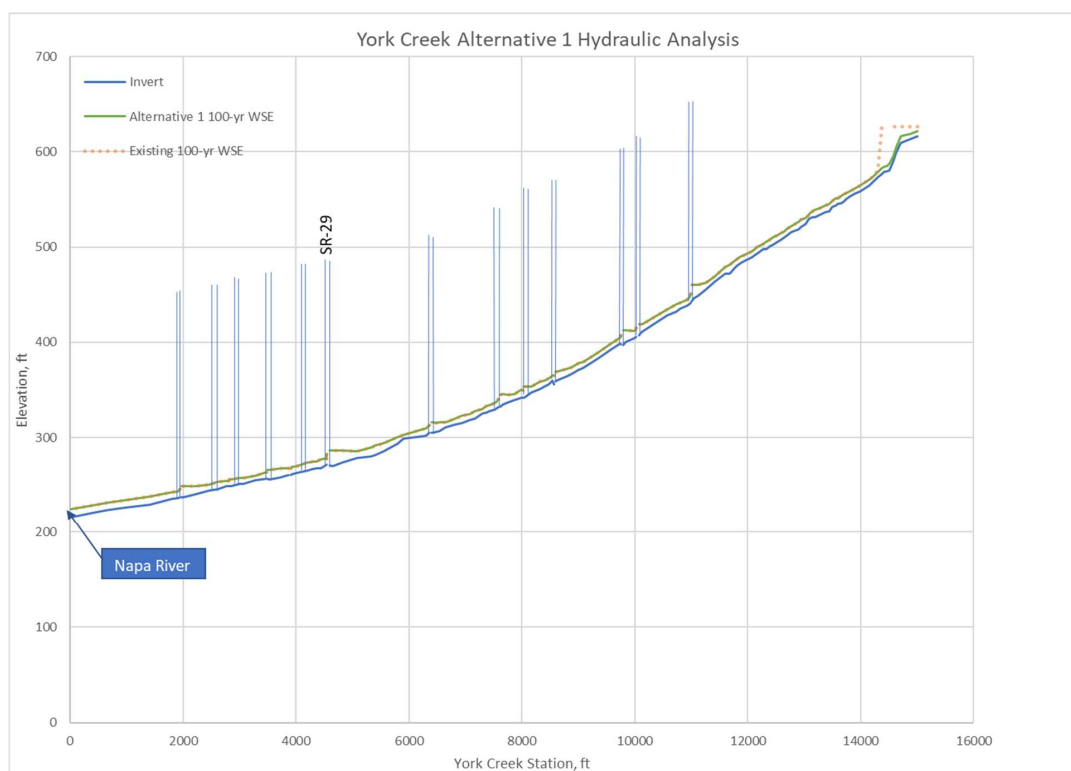


Figure 3-9: York Creek Proposed Alternative 1 (No Sediment) Hydraulic Analysis

Alternative 2

Alternative 2 proposed similar conditions to Alternative 1 except for the addition of a foot of sediment aggraded along the entire channel using Stillwater Sciences' **Dam Removal Express Assessment Models** (DREAM-2, Cui et al. 2006 a,b) as shown in Figure 3-10. DREAM-2 was developed specifically for simulation of sediment transport following dam removal under the condition that most of the top layer of the impoundment deposit is composed of gravel and coarser sediment, a condition met for this study.

The results of the proposed hydraulics along York Creek for Alternative 2 are slightly different to Alternative 1 with the addition of sediment fill. Alternative 2 would result in a 100-yr storm average water surface elevation increase of 0.27-ft. The maximum increase is 2.64-ft downstream of the SR-29 bridge. In the 2-year the maximum increase is 2.32-ft. The velocity increases minimally from Alternative 1. The increase in water surface elevation would result in additional overtopping bridges during the 100-yr storm event. The locations where the water surface overtops the bridges are shown in Table 3-3. The backwater effects, channel capacity and longitudinal slope are caused by undersized crossings (culverts) at the bridges as shown in Figure 3-11.

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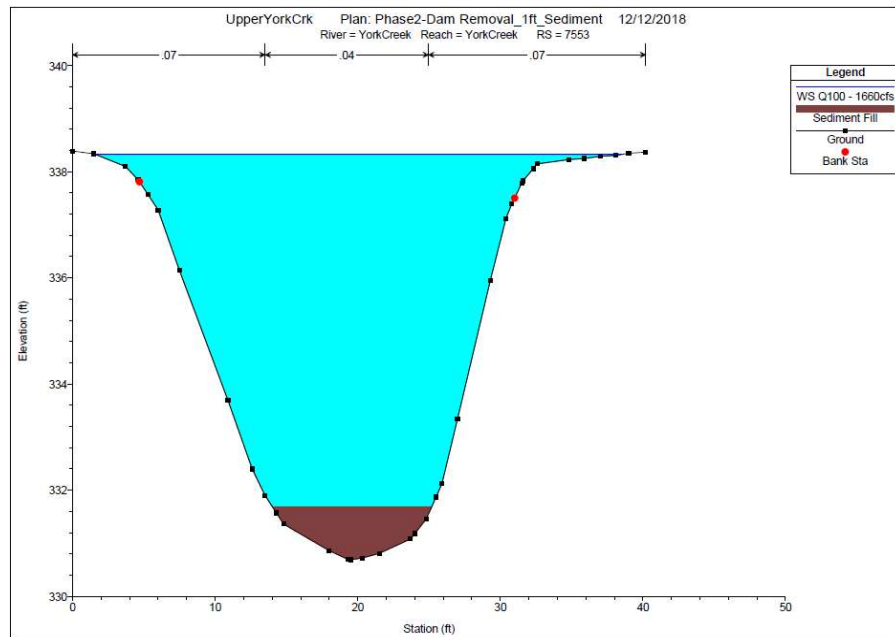


Figure 3-10: Typical York Creek Cross-Section with Sediment Aggraded

Table 3-3: Alternative 2 Bridge and Water Surface Elevation for 100-YR Storm Event

Bridge River Station	Deck of Bridge Elevation (ft)	Water Surface Elevation (ft)
10995.32 Downstream	455.50	456.51
9775.449 Upstream	409.34	413.23
7596.431 Upstream	339.96	345.28
7596.431 Downstream	339.83	342.53
4563.015 Upstream	285.23	286.86
3482.386 Upstream	265.05	266.52
3482.386 Downstream	265.05	266.51

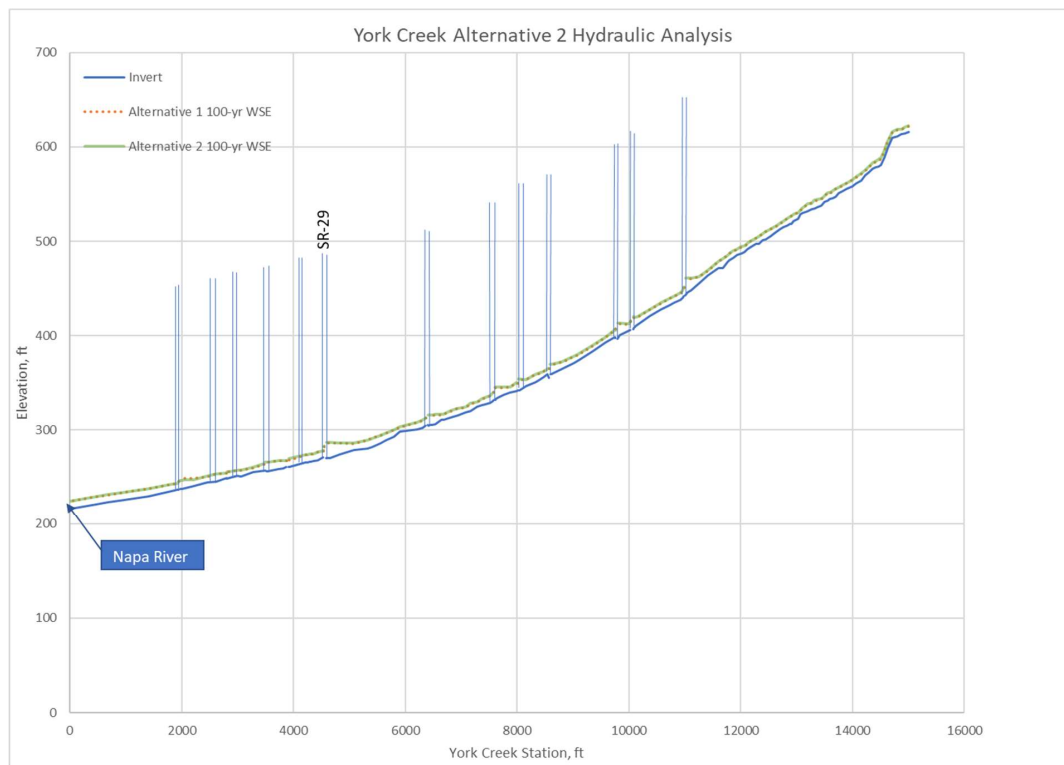


Figure 3-11: York Creek Proposed Alternative 2 (1-ft Sediment Aggraded) Hydraulic Analysis

Alternative 3

Alternative 3 proposed similar conditions to Alternative 1 except for the addition of 2-feet of sediment aggraded along the entire channel using DREAM-2. The results of the proposed hydraulics along York Creek for Alternative 3 are higher than Alternative 1 in terms of water surface elevation. Alternative 3 would result in a 100-yr storm average water surface elevation increase of 0.59-ft. The maximum increase is 4.1-ft at SR-29. In the 2-year the maximum increase is 3.12-ft. The velocity is similar to Alternative 2. The increase in water surface elevation would result in additional overtopping bridges during the 100-yr storm event. The locations where the water surface overtops the bridges are shown in

Table 3-4. The backwater effects, channel capacity and longitudinal slope are caused by undersized crossings (culverts) at the bridges as shown in Figure 3-12.

Table 3-4: Alternative 3 Bridge and Water Surface Elevation for 100-YR Storm Event

Bridge River Station	Deck of Bridge Elevation (ft)	Water Surface Elevation (ft)
10995.32 Upstream	455.50	457.04
10995.32 Downstream	455.50	457.54
9775.449 Downstream	409.34	409.63
8579.139 Upstream	367.35	368.73
8022.208 Upstream	352.34	353.94
8022.208 Downstream	352.34	353.99
7596.431 Upstream	339.96	345.56
7596.431 Downstream	339.96	342.80
4563.015 Upstream	285.23	287.31
3482.386 Upstream	265.05	266.23
3482.386 Downstream	265.05	266.21

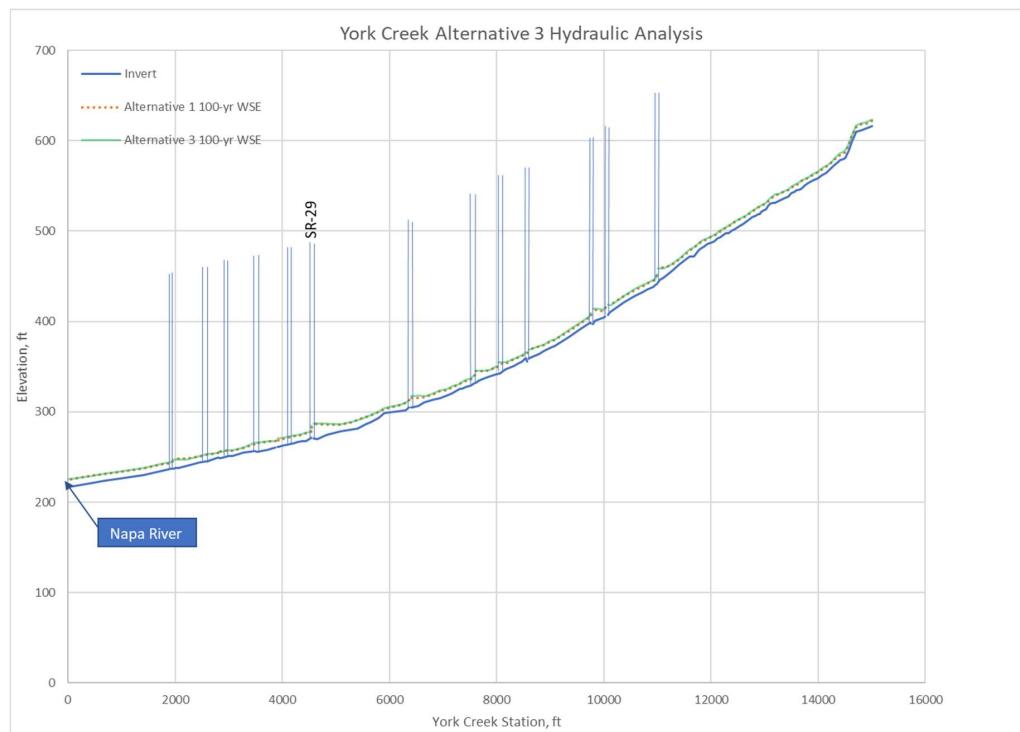


Figure 3-12: York Creek Proposed Alternative 3 (2-ft Sediment Aggraded) Hydraulic Analysis

Alternative 4

Alternative 4 proposed similar conditions to Alternative 1 except for the addition of 3-feet of sediment aggraded along the entire channel using DREAM-2. The results of the proposed hydraulics along York Creek for Alternative 3 are higher to Alternative 1 in terms of water surface elevation. Alternative 4 would result in a 100-yr storm average water surface elevation increase of 0.98-ft. The maximum increase is 5.64-ft at SR-29. In the 2-year the maximum increase is 3.89-ft. The velocity is similar to Alternative 3. The increase in water surface elevation would result in additional overtopping bridges during the 100-yr storm event. The locations where the water surface overtops the bridges are shown in Table 3-5. The backwater effects, channel capacity and longitudinal slope are caused by undersized crossings (culverts) at the bridges as shown in Figure 3-13.

Table 3-5: Alternative 4 Bridge and Water Surface Elevation for 100-YR Storm Event

Bridge River Station	Deck of Bridge Elevation (ft)	Water Surface Elevation (ft)
10995.32 Upstream	455.50	458.38
10995.32 Downstream	455.50	458.59
9775.449 Upstream	409.34	411.15
9775.449 Downstream	409.34	409.78
8579.139 Upstream	367.35	368.84
8022.208 Upstream	352.34	353.12
8022.208 Downstream	352.34	352.97
7596.431 Upstream	339.96	345.86
7596.431 Downstream	339.96	343.09
4563.015 Upstream	285.23	287.64
4563.015 Downstream	285.23	285.35
3482.386 Upstream	265.05	266.32
3482.386 Downstream	265.05	266.30

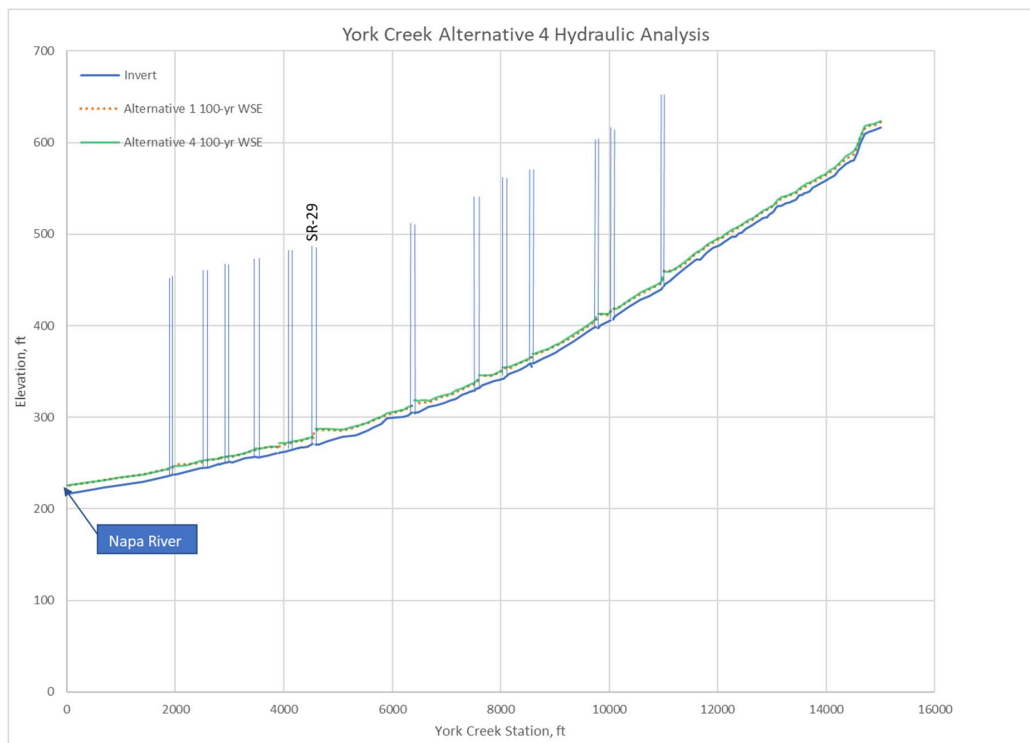


Figure 3-13: York Creek Proposed Alternative 4 (3-ft Sediment Aggraded) Hydraulic Analysis

3.3 Flood Risk

The Upper York Creek Dam and the entire channel reach to the confluence with Napa River is mapped as Zone X as shown on the Federal Emergency Management Agency flood insurance study maps effective 09/26/2008. Areas in Zone X have minimal flood hazard. The only mapped source of flooding affecting St. Helena is the Napa River.

The minimum and maximum inundation depth was mapped using HEC-RAS Mapper for all Alternatives to pinpoint the major inundation areas due to the removal of the dam. The major inundation areas are mainly located at the private bridges. The flood will mainly propagate along the areas parallel to the bridge where ground is lower. With the addition of sediment fill, the areas with major inundations are similar to Alternative 1 except for the inundation depth. The maximum inundation depth shows an increasing difference due to the addition of a foot of sediment fill.

3.3.2 Sediment Transport

Stillwater Sciences' **Dam Removal Express Assessment Models** (DREAM-2, Cui et al. 2006 a,b) was used to simulate the sediment transport dynamics following the removal of Upper York Creek Dam (UYCD). DREAM-2 was developed specifically for simulation of sediment transport following dam removal under the condition that most of the top layer of the impoundment deposit is composed of gravel and coarser sediment, a condition met for this study. The model, its predecessors, and sister models have been applied in large (with ~ 2 billion tons of sediment involved) or small (with ~ 100,000 CY of sediment involved) sedimentation projects. The model had been examined with field data, where available, and experimental data and proven to produce satisfactory results (e.g., Sutherland et al. 2002, Cui and Parker 2005, Cui et al. 2008, Cui et al. 2017).

Increased sediment deposition and resulting increased flooding downstream of Highway 29 due to the removal of the dam is a concern. The model indicates that the deposition is a transient phenomenon, and the deposition will only last for a few weeks as long as there is reasonably high flow (e.g., approximately 250 cfs, or even smaller if it last longer) in the creek. Additional channel aggradation due to the reestablishment of upstream sediment supply is unlikely once the sediment pulse as a result of dam removal moves out of the system. For extremely high flow events such as 50-yr or 100-yr flows, it can be expected that the sediment pulse resulting from dam removal would have been flushed out of the system by the time the flood reaches its peak. As a result, the modeling flood stage is evaluated on the more frequent 2-yr and 10-yr event. Figure 3-14 and Figure 3-15 present the simulated maximum increase in water surface elevation following the removal of the Upper York Creek Dam under three sediment management scenarios at 335 and 740 cfs, respectively. As already examined by PWA (2008), the bridges shown in Figure 3-14 and Figure 3-15 are all under-capacity, resulting in an elevated upstream water surface during floods.

The elevated water surface corresponds to reduced flow velocity and shear stress, which leads to increased deposition relative to other reaches at downstream bridges. This deposition further reduces the discharge capacity of the channel, causing additionally elevated water surface in the reach adjacent to Highway 29 and downstream thru the vineyard facility. This trend is evidenced by the observation that the maximum increase in water surface elevation following dam removal peaks just upstream of the bridges (Figure 3-14 and Figure 3-15).

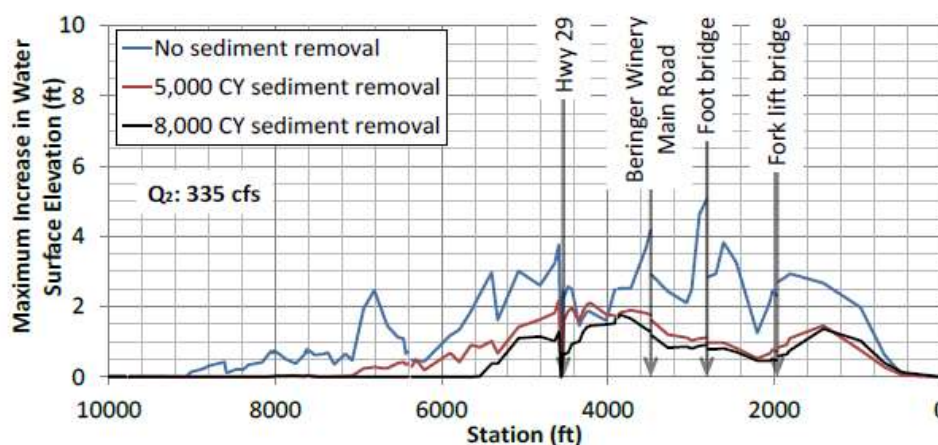


Figure 3-14: Predicted Maximum Increase in WSE Following Dam Removal Under Three Sediment Management Scenarios at 335 cfs, which Corresponds to a 2-yr Flow Event

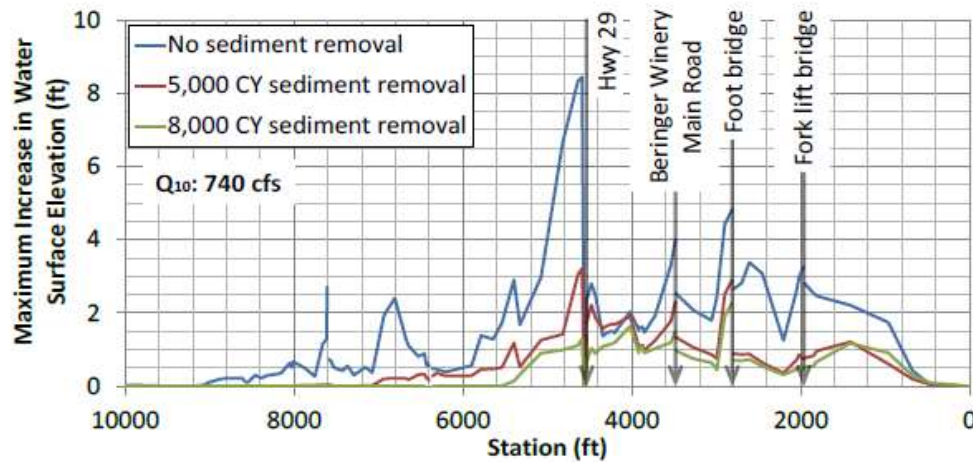


Figure 3-15: Predicted Maximum Increase in Water Surface Elevation Following Dam Removal Under Three Sediment Management Scenarios at 740 cfs, which Corresponds to a 10-yr Flow

Results shown in Figure 3-14 and Figure 3-15 indicate that flood stage (in the 10-year event) can potentially increase by up to approximately 5 ft downstream of Hwy 29 following dam removal under the scenario of no sediment management for the flood events examined. Removing or trapping 5,000 CY or 8,000 CY of sediment prior to dam removal would reduce the potential increase in flood stage downstream. For the more frequent 335 cfs flood (a 2-yr event), for example, removing/trapping either 5,000 or 8,000 CY of sediment would reduce the maximum increase in flood stage to within 2 ft in the reach downstream of Hwy 29, and for the rarer 740 cfs (a 10-yr event) removing/trapping 5,000 or 8,000 CY of sediment would reduce the maximum increase in flood stage to within 3 ft in the reach downstream of Hwy 29. It is recommended to remove 8,000 cubic yards of sediment to minimize the flooding in the lower reaches of York Creek.

Dam removal will not affect the long-term flood stage, only the flood stage immediately following dam removal, because sediment deposition is a short-term transient phenomenon, and the reestablishment of sediment continuity at the Upper York Creek Dam site does not result in long-term channel aggradation downstream.

Streambank Material

The methods listed in the *Fish Passage Evaluation at Stream Crossings* was used to design the rock along the proposed reach of York Creek. The CalTrans Stream Bank Rock Slope Protection (RSP) Design Guidelines (CalTrans 2006) was developed to design rock slope protection along stream banks. The rocks are sized to resist scour and provide additional channel roughness.

$$W_{50} = \frac{0.00002V_b^6 SG}{\sin^3(\beta - \alpha)(SG - 1)^3} \quad \text{Equation XII- 4}$$

Where:

W_{50} weight of the D_{50} rock (lbs)

V_b channel velocity to which bank is exposed (ft/s)

$= V_c \times 0.67$ for parallel flows

$= V_c \times 1.33$ for impinging flows (bends, flow convergence, divergence)

V_c Average cross sectional velocity (ft/s)

SG Specific gravity of rock (Typically 2.65)

b Shape factor constant equal to 70° for broken rock

a Bank angle of RSP slope from horizontal (1.5H:1V slope = 33.7°)

Based on these calculations, the weight of rock is 37.56 lbs. The gradation class is ½ ton rock. This placement will be for the channel bank and bottom (invert) through the dam (20-ft notch, 5% slope, approximately 300-ft).

Rock Weir Sizing

$$D_{75\text{-riprap}} = \frac{3.5wDS}{CK} \quad \text{Equation XII- 8}$$

Where

$D_{75\text{-riprap}}$	D_{75} riprap size in inches
w	channel top width at the design flow (feet)
D	maximum depth of flow in channel (feet)
S	channel slope (feet/feet)
C	coefficient for channel curvature. Ranges from 0.6 to 1 with a value of 1 for straight channels.
K	side slope coefficient. Typically ranges from 0.53 to 0.87 for installed rock slope revetments of 1.5H:1V to 3H:1V, respectively.

$$D_{75\text{-Riprap}} = 1.2D_{50\text{-Riprap}}$$

A half ton rock will be used for the rock weirs downstream of the existing dam embankment.

3.4 Adaptive Management

The Project's Monitoring and Adaptive Management Plan (MAMP) will develop corrective actions in case the sediment trap structures do not initially function as intended. The MAMP will include a schedule for inspection of the structure and potential adaptive management approaches, including notching the logs and/or installing additional large wood structures downstream to reduce fish jump heights at the structures. Therefore, access to the structures will be required for a period of up to 10 years, depending on the monitoring requirements of the various regulatory agencies. The existing condition of York Creek downstream of the Upper York Creek dam is shown in Figure 3-16.



Figure 3-16: Existing Conditions on York Creek Downstream of the Upper York Creek Dam Site

4 Cost Estimate

Engineers construction material quantity and cost estimates were created for the Upper York Creek Dam (UYCD) removal project that includes sediment traps, excavation, channel grading, streambank protection and monitoring program. The total cost estimates are summarized for Phase 1 and Phase 2 in Table 4-1 and Table 4-2, respectively.

Table 4-1: Cost Estimate - Phase 1*

TBD

* Monitoring costs are not included in the cost estimates.

Table 4-2: Cost Estimate - Phase 2*

TBD

* Monitoring costs are not included in the cost estimates.

5 Conclusion

The Upper York Creek Ecosystem Restoration project will be accomplished in two phases. Based on the hydrology, hydraulics and sediment transport analysis, the project components include:

Phase 1

- Construct 30 sediment traps downstream of the Upper York Creek Dam.
- Project Cost: \$XXXXXX.

Phase 2

- Remove embankment and excavate 8,000 cubic yards of sediment behind the dam.
- Construct a 20-ft notch within the existing dam embankment to bedrock elevation. Approximate length is 300-ft.
- Fill or remove existing spillway.
- Grade a rock-lined channel from upstream of the dam to tie-in (daylight) with the existing creek downstream of the dam embankment. Channel length is approximately 200-ft
- The channel will be roughly 5% longitudinal slope.
- Prepare a Monitoring and Adaptive Management Plan (MAMP)
- Project Cost: \$XXXXXX.

5.1 Observations and Recommendations

Based on the hydraulic analyses and sediment transport model, the following are observation and recommendations:

- Short-term sediment deposition would occur downstream of the dam following the Upper York Creek Dam removal. Depending on the hydrologic condition following dam removal, sediment deposition could potentially last for a couple of weeks for a wet year to more than a year for a dry year. The sediment pulse from dam removal passes through the system relatively quickly, and there is no long-term channel aggradation as a result of the reestablishment of sediment continuity at the Upper York Creek Dam site.
- The sediment deposition in York Creek (especially in the lower reaches) has the potential to increase water surface elevation (flooding) by approximately 3-ft at SR 29 and downstream reaches.
- Replacing the bridges alone would not completely eliminate the increase in water surface elevation during the short time following dam removal. Constructing rock berms or permanent floodwalls will help confine the flow within the main channel, which in turn, will help to move the sediment downstream more quickly. The elevated bank elevation after the construction of rock berms or floodwalls can potentially compensate the increase in water surface elevation shortly after dam removal and reduce the frequency of floodplain inundation thereafter. It is our opinion that rock berm or floodwall construction is the most effective measure in an attempt to relieve the flood inundation pressure to the Beringer Winery property either short- or long-term.

- Removing some of the fossilized bars in the creek, as recommended by PWA (2008) will likely result in additional lowering of water surface elevation during the short-period following dam removal, although some or all of those bars may grow back in the future if no other measures are taken to change the flow conditions. Even if these bars grow back in the future, their composition will likely change to finer-sized particles due to the reconnection with upstream sediment supply, that may potentially provide fish spawning habitats under certain conditions. Because of the potential benefits, we recommend using bar removal as a method for material gathering if rock berm or floodwall construction is implemented as the method to combat increased flooding risks following dam removal.

6 References

City of St. Helena, *Final Environmental Impact Report Upper York Creek Ecosystem Restoration Project*, April 28, 2015.

Corps and City of St. Helena, *Draft Detailed Project Report Upper York Creek Ecosystem Restoration Project*, September 1, 2006.

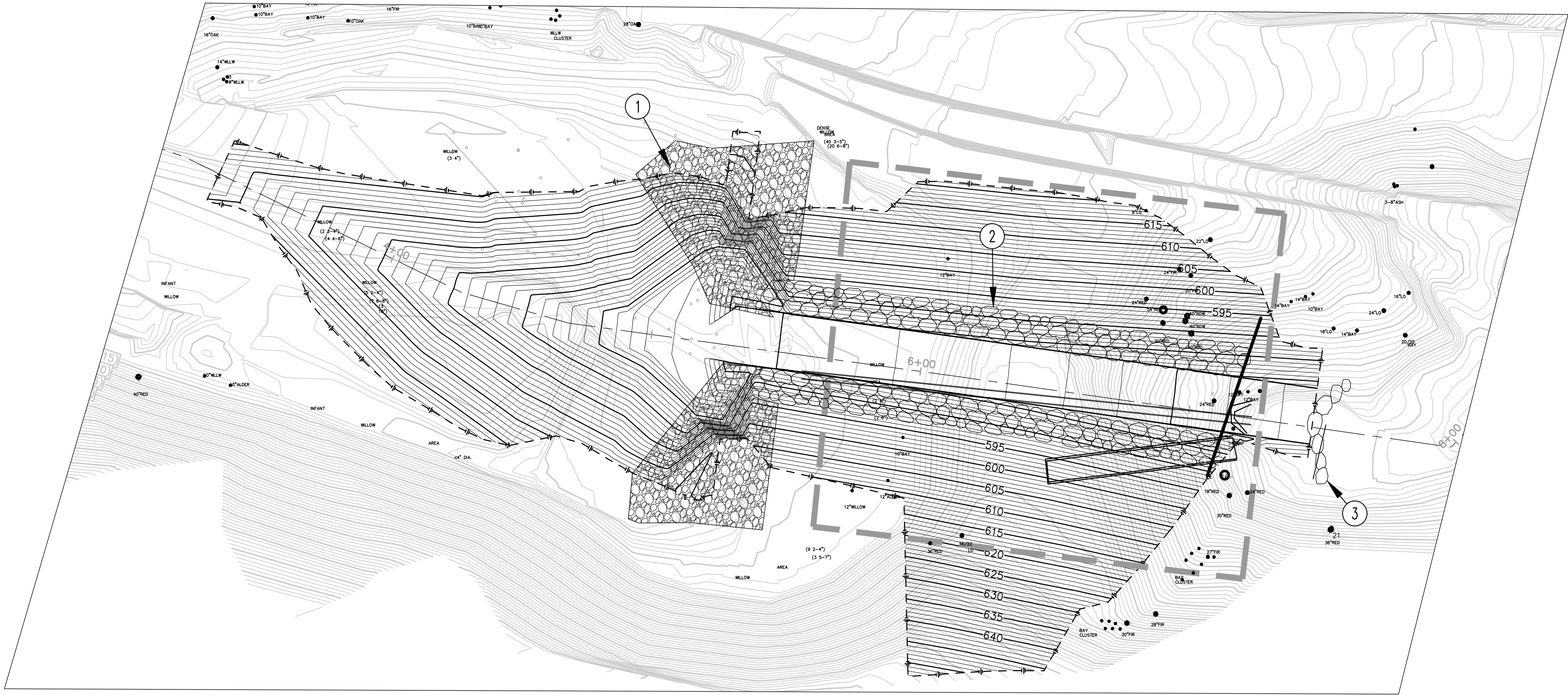
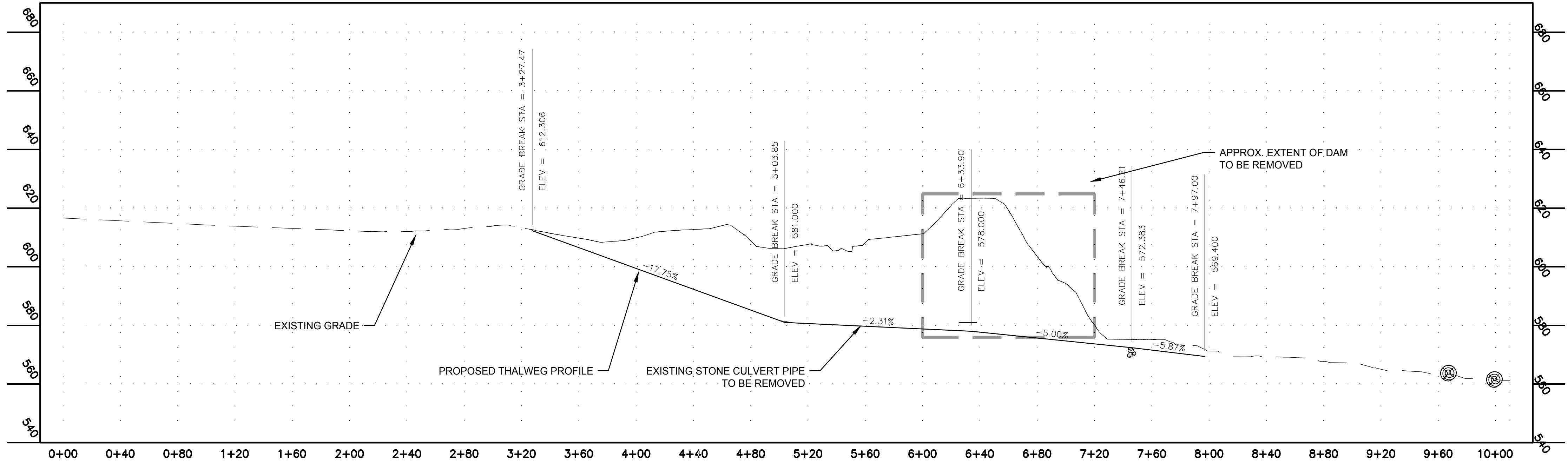
Corps and City of St. Helena, *Draft Environmental Impact Report Upper York Creek Ecosystem Restoration Project*, April 20, 2007.

Fish Passage Evaluation at Stream Crossings, March 2004.

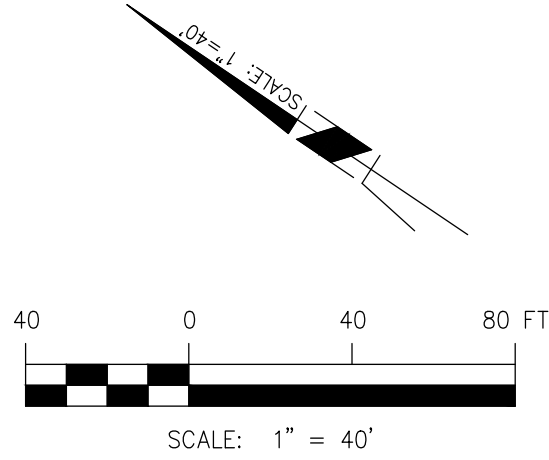
Prunuske Chatham, Inc., *Lower York Creek Hydrologic and Hydraulic Assessment Summary Report*, July 5, 2007.

Prunuske Chatham, Inc., *Upper York Creek Dam Removal Project Basis of Design Report – Draft*, March 15, 2014.

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- NOTES
1. PROVIDE ROCK SLOPE PROTECTION WITH CUT-OFF WALL EXCAVATED TO BEDROCK
 2. EXCAVATE CHANNEL TO BEDROCK, PROVIDE STACKED ROCK WALL
 3. PROVIDE GRADE CONTROL WEIR, ENGINEERED STREAMBED MATERIAL BACKFILLED TO SLOPE OF 5%, ±1%



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PREPARED FOR:
CITY OF
ST. HELENA

REGISTERED PROFESSIONAL ENGINEER
DAVID MUELLER
NO. 75413
CIVIL

DATE: 7/13/2018
SCALE: 1" = 40'
DESIGNED BY: DDM
DRAFTED BY: JMT
CHECKED BY: DDM

REVISIONS

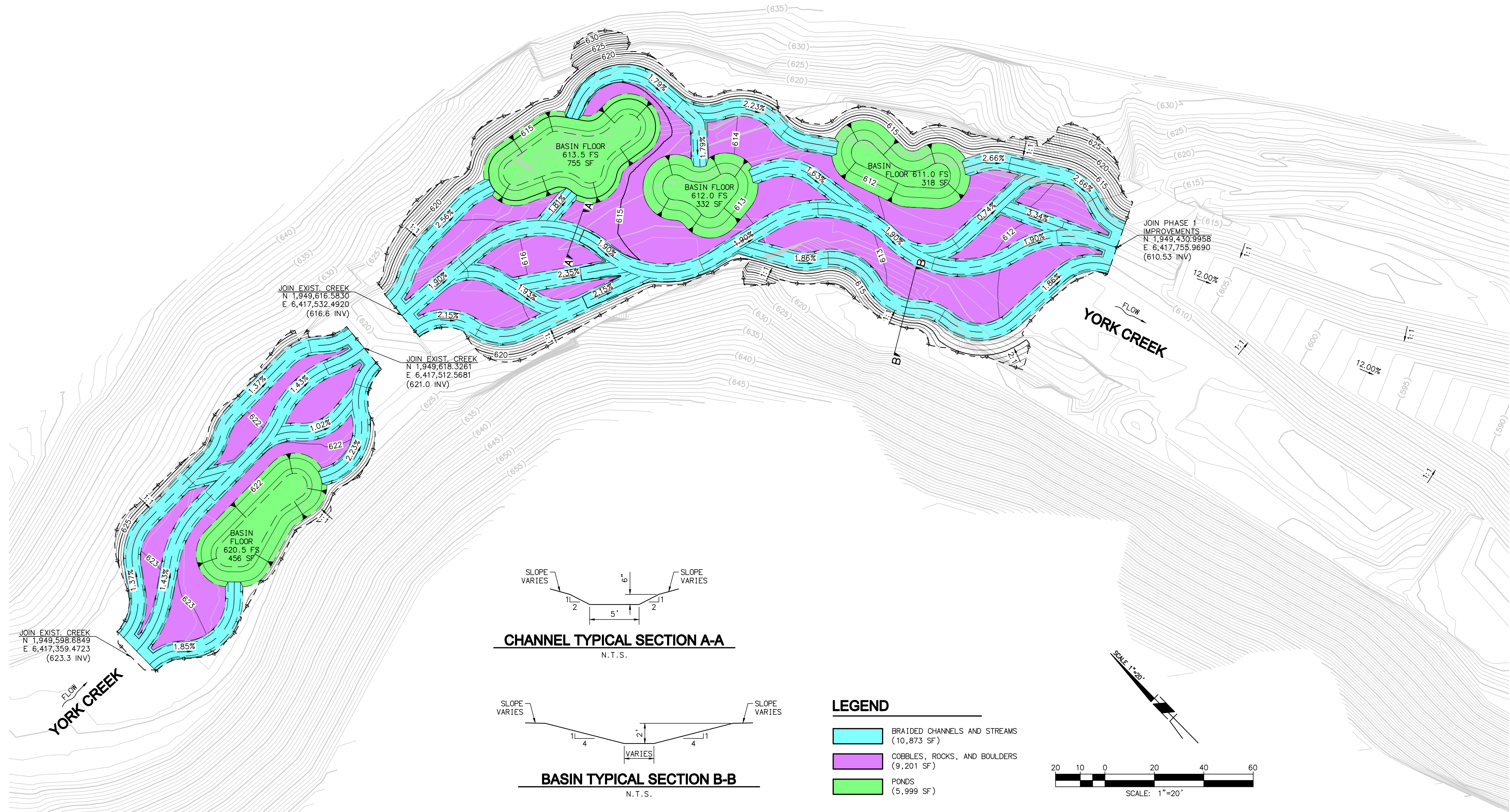
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DATE

UPPER YORK CREEK
DAM REMOVAL PROJECT
PLAN&PROFILE EXHIBIT

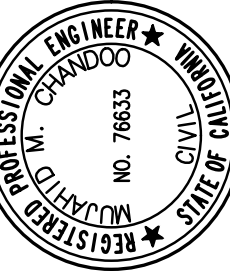
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FS	FINISHED SURFACE
INV	INVERT
SF	SQUARE FEET



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PREPARED FOR:
CITY OF
ST. HELENA



DATE: _____	REVISIONS	DATE	BY
SCALE: _____			
DESIGNED BY: _____			
DRAFTED BY: _____			
CHECKED BY: _____			

UPPER YORK CREEK DAM REMOVAL PROJECT

OF



Report to the City Council
Council Meeting of March 12, 2019

Agenda Section: Old Business

Subject: Consideration of a Resolution approving Revision #1 to City Council Policy P-FI-0005 Leak Adjustment Policy and repealing and rescinding Resolution 2016-161 and any previous policies or administrative memoranda which are inconsistent with City Council Policy P-FI-0005 Leak Adjustment Policy

CEQA Determination: Not a CEQA project

Prepared By: April Mitts, Finance Director

Reviewed By: April Mitts, Finance Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

On November 29, 2016, City Council revised and updated its Water Leak Adjustment Policy P-FI-0005. This policy allows Residential customers experiencing a water leak to seek a leak adjustment of 50% of the difference of the three-year use average. At the January 22, 2019 City Council meeting, Council directed staff to provide policy options to allow for extension of a leak adjustment policy to Non-Residential properties, and at the February 12, 2019 City Council meeting, Council provided staff the policy direction.

DISCUSSION

Following the February 12, 2019 City Council meeting, the following changes have been made to City Council Policy P-FI-0006 Leak Adjustment Policy based on City Council direction:

- Extended the Leak Adjustment Policy to all accounts;
- Expanded language in Policy Section 14 for potential reimbursement back to the City to include reimbursements received from any other entity; and

- Added language in Procedures Section 2 to require Leak Adjustment requests be submitted to the City of St. Helena Finance Department within 30 days of the issuance of the bill in which the leak occurred.

At the February 12, 2019 City Council meeting, Council directed staff to further research the three items below. In order to provide analytics, staff used a one month sample of non-residential customers who received leak letters and, based on use, could potentially have had a leak.

Sewer leak adjustments for Non-Residential properties

Residential customers are not granted leak adjustments for sewer usage because the use is based on winter average where non-residential customers pay usage for sewer based off of actual water consumption. Council asked staff to provide information on various options. Analytics for non-residential customers are presented below:

1. Non-Residential - The City of St. Helena currently has 401 water accounts and 169 sewer accounts.
2. The City surveyed 11 California public agencies and nine of the 11 allow for leak adjustment credits for non-residential sewer accounts. Of the nine, three stipulate a credit is given to sewer only if the leak occurred outdoors and the excess water did not go into the sewer system, thus creating no extra burden on the sewer system.
3. Staff recommends City Council allow sewer leak adjustment for non-residential properties if it is shown the leak occurred outdoors and the excess water never entered the City's sewer system. Under this scenario, the calculated excess water used would be reversed in the City's financial system. This option would not require a transfer of funds from the General Fund because it reduces the amount of units previously shown to have entered the City's sewer system.

Maximum leak adjustment amounts

The current policy does not have a cap on the amount granted per leak adjustment. Information below is for residential and non-residential accounts.

WATER	Ave. Adj. / Month	Ave. Adj.	Ave. Removing and Max.	Adj. Min.	Min/Max Adj.	Ave. Units	% Applied / Eligible
Residential*	2.4	\$301	\$269		\$26/\$2,114	43	2%
Non-Residential**	9	\$78	\$160		\$12/\$350	25	38%

* Based on actual information from July 1, 2016 through December 31, 2018

** Based on one month sample of accounts that may qualify for a leak adjustment, but not necessarily apply

Additionally, staff researched other cities who have maximum amounts in place, the information is presented below:

- American Canyon - Maximum Credit: \$500
- Benicia - Maximum Credit: 18 units (using the current St. Helena peak rate this would equate to: \$117)
- Pleasanton - Maximum Credit Residential: \$200 for water
- Pleasanton - Maximum Credit Commercial: \$800 for water and \$800 for sewer (total \$1,600)

Appeals for bill credits and/or policy exceptions and determine appeal authorization limits

Following the February 12, 2019 City Council meeting, the following Council-directed changes were made to City Council Policy P-FI-0006 Leak Adjustment Policy to expand the ability for appeals.

- Removed language stating, "All decisions from the Finance Director or designee are final. There are no appeals."
- Added the language, "Leak adjustments will be approved by the Finance Director, or designee. If a leak adjustment is denied or outside the scope of the current Leak Adjustment Policy, an appeal may be made to the City Manager for bill credits and/or policy exceptions up to \$5,000. Bill credit and/or policy exception appeals in excess of \$5,000 must be made to the City Council."

As a comparative, the City Manager currently has authority to sign contracts up to \$25,000 and has the authority to execute settlement agreements, waive fees and penalties up to \$2,000.

Additional Recommendations

Based on the additional research and the information presented above, staff recommends the following additional changes to the Leak Adjustment Policy:

1. Allow for sewer adjustments to non-residential customer customers for 100% of the excess use if the leak was outdoors or it can be shown the excess water never entered into the City's sewer system
2. Establish a cap on leak adjustments for all customers:
 - Residential Cap Water: \$300
 - Non-Residential Cap Water: \$500
 - Non-Residential Cap Sewer: Limited to the number of calculated excess units
3. Expand the ability for appeals for bill credits and/or policy exceptions as outlined above

Attachment 1 is the revised leak adjustment policy that incorporates the City Council directed changes and the recommended options above. All changes and new components are highlighted in yellow in the attachment.

FISCAL IMPACT

The fiscal impact is unknown at this time and is dependent on City Council policy direction and number of non-residential applicants.

RECOMMENDED ACTION

Staff recommends City Council approve a resolution approving Revision #1 to City Council Policy P-FI-0005 Leak Adjustment Policy and repealing and rescinding Resolution 2016-161 and any previous policies or administrative memoranda which are inconsistent with City Council Policy P-FI-0005 Leak Adjustment Policy.

ATTACHMENTS

[P-FI-0005 Leak Adjustment Policy Revision #1](#)

[Resolution No. 2019-_____ Amendment to P-FI-0005 Leak Adjustment Policy](#)

	City of St. Helena Council Policy Finance	Policy Water Leak Adjustment Policy Page 1 of 3
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Title: Leak Adjustment Policy	Policy #	P-FI-0005
	Revision #	1
	Implementation Date	2017-01-09
	Last Update Date	2019-02-26
Approval by City Council	Resolution No. 2016-161	Date Approved 2019-02-26

I. Purpose, Overview and Scope of this Policy

The City of St. Helena is committed to preventing water waste but also understands that, infrequently, a water leak may occur. When a leak does occur, customers can request a credit to their utility bill for a portion of the excess water.

This policy rescinds all previous leak adjustment policies and remains in effect until rescinded by City Council.

II. Authority

The City Council has authority to update this policy.

III. Policy - Residential

1. To be eligible for a leak adjustment bill credit, the excess water usage must be 100% higher than normal usage based on an average of the same billing period for the previous three years or the available history for the account.
2. All leak(s) must be beyond the control of the owner, agents, tenants, contractors, or anyone occupying the property or using the property that could have reasonably foreseen such a possible leak.
3. The leak(s) cannot be the result of negligent, willful nor neglectful behavior.
4. Leak adjustments will not be granted if the City is in a Phase I or higher water emergency or subject to water use limitations by the State of California. Leak adjustments will also not be granted if a local natural disaster has been declared.
5. Customers will be reminded that low-flow fixtures such as faucets, toilets and shower heads help save water and will be encouraged to sign up for the developer water retrofit list if fixtures are non-compliant.
6. One leak adjustment may be granted no more than once every 60 months per account.
7. The leak adjustment is in the form of a bill credit. It is 50% of the cost of the excess water usage only. This is determined by finance staff using the three-year average or available account history. There will be no adjustment to the base rate.
8. Bill credits are for water only and not wastewater.
9. The credit is for one month only.
10. The maximum credit amount is \$300.

P-FI-0005

	City of St. Helena Council Policy Finance	Policy Water Leak Adjustment Policy Page 2 of 3
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11. Hardship Agreements may be used to pay the higher bill.
12. Proof that the repairs were completed must be included with all requests for a leak adjustment. Examples include a copy of the plumber's invoice or hardware store receipts showing items purchased.
13. If any insurance payment, reimbursement from any other entity other than the City, or equivalent is received, the customer must immediately notify the City. The customer may be required to pay back the adjustment.
14. Leak adjustments will be funded from the General Fund.
15. Leak Adjustments will be approved by the Finance Director, or designee. If a leak adjustment is denied or outside the scope of the current Leak Adjustment Policy, an appeal may be made to the City Manager for bill credits and/or policy exceptions up to \$5,000. Bill credit and/or policy exception appeals in excess of \$5,000 must be made to the City Council.

IV. Policy – Non-Residential

1. To be eligible for a leak adjustment bill credit, the excess water usage must be 100% higher than normal usage based on an average of the same billing period for the previous three years or the available history for the account.
2. All leak(s) must be beyond the control of the owner, agents, tenants, contractors, or anyone occupying the property or using the property that could have reasonably foreseen such a possible leak.
3. The leak(s) cannot be the result of negligent, willful nor neglectful behavior.
4. Leak adjustments will not be granted if the City is in a Phase I or higher water emergency or subject to water use limitations by the State of California. Leak adjustments will also not be granted if a local natural disaster has been declared.
5. Customers will be reminded that low-flow fixtures such as faucets, toilets and shower heads help save water and will be encouraged to sign up for the developer water retrofit list if fixtures are non-compliant.
6. One leak adjustment may be granted no more than once every 60 months per account.
7. Bill credits for Non-Residential customers are for water and for wastewater.
8. The water leak adjustment is in the form of a bill credit and is 50% of the cost of the excess water usage. This is determined by finance staff using the three-year average or available account history. There will be no adjustment to the base rate.
9. The wastewater adjustment will only be made if the leak occurred outdoors and the water never entered into City's sewer system. This adjustment will be made using the three-year average or available account history for water consumption, the calculated excess water used would be reversed in the City's financial system. There will be no adjustments to the base rate.

P-FI-0005

	City of St. Helena Council Policy Finance	Policy Water Leak Adjustment Policy
		Page 3 of 3

10. The adjustment is for one month only.
11. The maximum adjustment amount for water is \$500.
12. The maximum unit adjustment for wastewater is limited to the calculated excess water use for the one-month period.
13. Hardship Agreements may be used to pay the higher bill.
14. Proof that the repairs were completed must be included with all requests for a leak adjustment. Examples include a copy of the plumber's invoice or hardware store receipts showing items purchased.
15. If any insurance payment, reimbursement from any other entity other than the City, or equivalent is received, the customer must immediately notify the City. The customer may be required to pay back the adjustment.
16. Water leak adjustments will be funded from the General Fund.
17. Leak Adjustments will be approved by the Finance Director, or designee. If a leak adjustment is denied or outside the scope of the current Leak Adjustment Policy, an appeal may be made to the City Manager for bill credits and/or policy exceptions up to \$5,000. Bill credit and/or policy exception appeals in excess of \$5,000 must be made to the City Council.

V. Procedures

1. Customers must formally request a leak adjustment by completing the Leak Adjustment Request Form available online and in the Finance Department.
2. Leak Adjustment requests must be submitted to the City of St. Helena Finance Department within thirty days of the issuance of the bill in which the leak occurred.
3. Utility Billing staff verifies a complete request was submitted, and verifies the request meets the terms outlined in the policy such as meeting the required excess water usage, receipts or proof of repairs, low flow fixtures, time since last request, etc. This is completed within 5 business days of receipt by the Finance Department.
4. Finance Director or designee makes determination to grant or deny leak adjustment request within 15 days of a completed form.
5. Customer is notified via phone or email of decision within 3 business days of the decision.
6. If leak adjustment is granted, staff will enter adjustment as a bill credit within 15 days of decision.
7. Quarterly, funds are transferred from the General Fund 101-4000-2408 – Leak Adjustment Contributions to 561-3470-0000 – Water Other Revenue.
8. Leak adjustment transfers are reported in the Finance Department Quarterly Report.

VI. Attachments

1. Leak Adjustment Form

P-FI-0005



Residential Leak Application

DATE SUBMITTED: _____
RECEIVED BY: _____

PROPERTY & BILLING INFORMATION			
Date Applying:			
Account Holders Name	Daytime Phone Number	Other Phone Number	
Service Address			
Email			
Mailing Address (if different than above)	City	State	Zip Code
TYPE OF SERVICE			
☐ Single Family			
☐ Multi-Family			
WATER LEAK DESCRIPTION			
Describe how and where the leak occurred; in addition to how the leak was repaired.			
Billing Period in which leak occurred:	Does Property have Low Flow Fixtures?	Sign up for Developer Water Retrofit Program?	
	☐ Yes ☐ No ☐ Unsure	☐ Yes ☐ No	

PLEASE READ & SIGN THE FOLLOWING STATEMENTS AS ACKNOWLEDGED AND REQUIRED BY THIS AGREEMENT		
I certify that I have read, understand and agree to the terms and conditions of a water leak adjustment policy identified below. - I am aware of and agree to comply with the Water and Waste Water System Rules and Regulations identified in the St. Helena Municipal Code: http://www.codepublishing.com/CA/StHelena - The water meter is property of the City of St. Helena. Turning on or off, tampering with or adjusting the meter is prohibited. - I am aware the excess water usage must be 100% higher than normal usage based on an average of the same billing period for the previous three years or the available account history. - I certify that the leak was not the result of negligent, willful or neglectful behavior. - I am aware leak adjustments will not be granted if the City is in a Phase 1 or higher water emergency or subject to water use limitations by the State of California. Also, leak adjustments will not be granted if a local natural disaster has been declared. - I am aware that one (1) leak adjustment may be granted no more than once every 60 months per account. - I am aware adjustments are for one month only. - I am aware if any insurance payment, reimbursement from any other entity other than the City, or equivalent is received, I must immediately notify the City and may be required to pay back the adjusted amount. If I have received reimbursement for this leak, I must provide copies of the documentation with this form. I am requesting relief under P-FI-0005 Leak Adjustment Policy set by the City of St. Helena. By signing this form, I certify the information provided is accurate and true, and agree to comply with all requirements as set forth in the policy. Failure to comply with Water and Waste Water System Rules and Regulations or falsifying information subjects water/waste water service to termination and possible criminal prosecution.		
Signature	Print Name	Date
PLEASE SUBMIT APPLICATIONS TO:		QUESTIONS?
City of St. Helena: Utility Billing 1480 Main Street St. Helena, CA 95404		Email: water@cityofsthelena.org Website: www.cityofsthelena.org/water Phone: 707-968-2745

STAFF USE ONLY		
Billing month the leak occurred:	Prior Leak adjustment on file: ☐ Yes ☐ No Date:	Documentation of Repair attached? ☐ Yes ☐ No
Leak Verified by City Employee & Date of Verification: ☐ Yes ☐ No ____/____/____	Leak Letter Received? ☐ Yes ☐ No	Average Water Usage calculated for adjustment
Total Water Usage adjusted:	Total Dollar Amount Adjusted:	Verified adjusted dollar amount with customer: ☐ Yes ☐ No
Additional Notes:		
Leak adjustment request is hereby: ☐ Approved ☐ Rejected Reason for rejection: 		
Signature	Print Name (Finance Director)	Date



Non-Residential Leak Application

DATE SUBMITTED: _____
RECEIVED BY: _____

PROPERTY & BILLING INFORMATION			
Date Applying:			
Account Holders Name	Daytime Phone Number	Other Phone Number	
Service Address			
Email			
Mailing Address (if different than above)	City	State	Zip Code
TYPE OF SERVICE			
☐ Water			
☐ Sewer			
WATER LEAK DESCRIPTION			
Did the Leak Occur Outdoors? ☐ Yes ☐ No If Yes, where: _____			
Describe how and where the leak occurred; in addition to how the leak was repaired.			
Billing Period in which leak occurred:	Does Property have Low Flow Fixtures? ☐ Yes ☐ No ☐ Unsure		Sign up for Developer Water Retrofit Program? ☐ Yes ☐ No

PLEASE READ & SIGN THE FOLLOWING STATEMENTS AS ACKNOWLEDGED AND REQUIRED BY THIS AGREEMENT		
I certify that I have read, understand and agree to the terms and conditions of a water leak adjustment policy identified below. - I am aware of and agree to comply with the Water and Waste Water System Rules and Regulations identified in the St. Helena Municipal Code: http://www.codepublishing.com/CA/StHelena - The water meter is property of the City of St. Helena. Turning on or off, tampering with or adjusting the meter is prohibited. - I am aware the excess water usage must be 100% higher than normal usage based on an average of the same billing period for the previous three years or the available account history. - I am aware the excess sewer adjustment only applies to leaks that occurred outdoors. - I certify that the leak was not the result of negligent, willful or neglectful behavior. - I am aware leak adjustments will not be granted if the City is in a Phase 1 or higher water emergency or subject to water use limitations by the State of California. Also, leak adjustments will not be granted if a local natural disaster has been declared. - I am aware that one (1) leak adjustment may be granted no more than once every 60 months per account. - I am aware adjustments are for one month only. - I am aware if any insurance payment, reimbursement from any other entity other than the City, or equivalent is received, I must immediately notify the City and may be required to pay back the adjusted amount. If I have received reimbursement for this leak, I must provide copies of the documentation with this form. I am requesting relief under P-FI-0005 Leak Adjustment Policy set by the City of St. Helena. By signing this form, I certify the information provided is accurate and true, and agree to comply with all requirements as set forth in the policy. Failure to comply with Water and Waste Water System Rules and Regulations or falsifying information subjects water/waste water service to termination and possible criminal prosecution.		
Signature	Print Name	Date
PLEASE SUBMIT APPLICATIONS TO:		QUESTIONS?
City of St. Helena: Utility Billing 1480 Main Street St. Helena, CA 95404		Email: water@cityofsthelena.org Website: www.cityofsthelena.org/water Phone: 707-968-2745
STAFF USE ONLY		
Billing month the leak occurred:	Prior Leak adjustment on file: ☐ Yes ☐ No Date:	Documentation of Repair attached? ☐ Yes ☐ No
Leak Verified by City Employee & Date of Verification: ☐ Yes ☐ No __/__/__	Leak Letter Received? ☐ Yes ☐ No	Average Water Usage calculated for adjustment
Total Water Usage adjusted:	Total Dollar Amount Adjusted:	Verified adjusted dollar amount with customer: ☐ Yes ☐ No
Total Sewer Usage adjusted:		
Additional Notes:		
Leak adjustment request is hereby: ☐ Approved ☐ Rejected Reason for rejection:		
Signature	Print Name (Finance Director)	Date

CITY OF ST. HELENA

RESOLUTION NO. 2019-__

Resolution approving Revision #1 to City of St. Helena City Council Policy P-FI-0005 Leak Adjustment Policy and repealing and rescinding Resolution 2016-161 and any previous policies or administrative memoranda which are inconsistent with City Council Policy P-FI-0005, Revision #1.

RECITALS

- A. On November 29, 2016 via Resolution 2016-161, City Council revised and updated it Water Leak Adjustment Policy; and
- B. This policy allows residential customers experiencing a water leak to seek a leak adjustment of 50% off the difference of the three-year average; and
- C. At the January 22, 2019 City Council meeting, Council directed staff to provide policy options to allow for an extension of a leak adjustment policy to commercial properties; and
- D. At the February 12, 2019 City Council meeting, Council provided staff the policy direction; and
- E. Based on City Council direction P-FI-0005 Leak Adjustment Policy has been updated based on City Council direction and is presented to City Council for adoption; and
- F. To avoid any inconsistencies with policy application, it is necessary to repeal and rescind any previous policies and procedures which conflict with City Council Policy P-FI-0005 Leak Adjustment Policy, Revision #1.

RESOLUTION

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

- 1. Approves Revision #1 to City of St. Helena City Council Policy P-FI-0005 Leak Adjustment Policy; and
- 2. Repeals and rescinds Resolution 2016-161 and any previous policies or administrative memoranda which are inconsistent with City Council Policy P-FI-0005 Leak Adjustment Policy, Revision #1.

Approved at a Regular Meeting of the St. Helena City Council on February 26, 2019, by the following vote:

Mayor Ellsworth:

Vice Mayor Dohring:

Councilmember Koberstein:

Councilmember Chouteau:

Councilmember Knudsen:

APPROVED:

ATTEST:

Geoff Ellsworth, Mayor

Cindy Tzaopoulos, City Clerk



Report to the City Council
Council Meeting of March 12, 2019

Agenda Section: New Business

Subject: Consideration of:

1. **Metropolitan Transportation Commission (MTC)
Member Interest**
2. **CASA Legislative Task Force Member Interest**

CEQA Not a CEQA project
Determination:

Prepared By: Cindy Tzaopoulos, City Clerk

Reviewed By: Noah Housh, Planning & Community Improvement Director

Approved By: Mark T. Prestwich, City Manager

DISCUSSION

The Metropolitan Transportation Commission (MTC) was created as a local area planning agency providing comprehensive regional transportation planning for the region comprised of the City and County of San Francisco and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma. The Commission develops regional transit service objectives, performance measures of efficiency and effectiveness, specifies uniform data requirements to assess public transit service benefits and costs, and establishes procedures for regional transportation priorities.

The Commission consists of 21 members; the County of Napa is allocated one member. Napa County jurisdictions are invited to submit names of individuals from their respective legislative bodies that may wish to be considered. Names are submitted to the Napa County City Selection Committee, which nominates three individuals from names submitted. Nominee names are then submitted to the Napa County Board of Supervisors for final consideration and appointment. The term of office for MTC Commissioners is four years. A Commissioner vacates his or her Commission seat upon ceasing to hold public office unless the appointing authority consents to completion of the MTC term of office.

CASA was convened by MTC following the release of the draft [Plan Bay Area 2040](#). CASA includes leaders from across the Bay Area who in late 2018 developed consensus around a 10-point set of recommendations known as the CASA Compact designed to (1) increase housing production at all levels of affordability, (2) preserve existing affordable housing, and (3) protect vulnerable populations from housing instability and displacement.

CASA is led by three Co-Chairs (Fred Blackwell, CEO of the San Francisco Foundation; Leslye Corsiglia, Executive Director of [SV@Home](#); and Michael Covarrubias, Chairman and CEO of TMG Partners) and Steve Heminger, Executive Director of the Metropolitan Transportation Commission. It is structured around a Steering Committee and Technical Committee composed of leaders from the region's private, philanthropic, governmental and nonprofit sectors, including social equity and environmental advocates, the business and technology communities, labor groups, market rate and affordable housing developers, and representatives from across the region. Napa County local jurisdictions are invited to submit names of individuals from their respective legislative bodies that may wish to be considered to take part on a task force.

The Napa County City Selection Committee will hold a future meeting to nominate the names of three individuals to submit to the Napa County Board of Supervisors for final consideration and appointment. The date of this future meeting is likely to occur in early March, but a date has not been determined yet. The next regularly scheduled meeting for the Napa County City Selection Committee is scheduled to take place in April. However, if there is a consensus among the cities to call a special meeting for the Napa County City Selection Committee before April, then it is possible that the nominations may be made sooner depending on availability of each of the cities.

FISCAL IMPACT

None

RECOMMENDED ACTION

Identify name(s) of interested Council Member(s) to be considered by the Napa County City Selection Committee as nominees to the:

1. Metropolitan Transportation Commission (MTC)
2. CASA Legislative Task Force

ATTACHMENTS

[ATCH 1- History of MTC Appointments](#)

[ATCH 2 - Gov Code Section](#)

[ATCH 3 - Memorandum to the City Selection Committee](#)

[ATCH 4 - Bay Area Transportation Working Group \(BATWG\) Letter](#)

[ATCH 5 - CASA Task Force Letter 20190228 Final](#)

[ATCH 6 - CASA Compact](#)

ATTACHMENT 1

1971-1974	Mayor Ralph Trower (Napa)
1974-1979	Mayor Greta Ericson (St. Helena)
1979-1982	Mayor Ralph Bolin (Napa)
1983-1985	Supervisor Bill Chew
1985-1988	Supervisor Kathleen McCullough
1989-1997	Supervisor Fred Negri
1997-2001	Supervisor Kathryn Winter
2001-2007	Supervisor Bill Dodd
2007-2011	Supervisor Bill Dodd
2011-2015	Supervisor Bill Dodd
2014-2016	Supervisor Mark Luce
2017-2019	Supervisor Alfredo Pedroza

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California

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TITLE 7.1. METROPOLITAN TRANSPORTATION COMMISSION [66500 - 66536.2] (Title 7.1 repealed and added by Stats. 1970, Ch. 891.)

66500. This title shall be known as the Metropolitan Transportation Commission Act.
(Repealed and added by Stats. 1970, Ch. 891.)

66502. There is hereby created, as a local area planning agency and not as a part of the executive branch of the state government, the Metropolitan Transportation Commission to provide comprehensive regional transportation planning for the region comprised of the City and County of San Francisco and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma.

As used in this title, "region" means the region described in this section.
(Amended by Stats. 1971, Ch. 1652.)

66503. The commission shall consist of 21 members as follows:

(a) Two members each from the City and County of San Francisco and the Counties of Contra Costa and San Mateo, and three members each from the Counties of Alameda and Santa Clara. With respect to the members from the City and County of San Francisco, the mayor shall appoint one member and the board of supervisors shall appoint one member. With respect to the members from Alameda, Contra Costa, San Mateo, and Santa Clara Counties, the city selection committee organized in each county pursuant to Article 11 (commencing with Section 50270) of Chapter 1 of Part 1 of Division 1 of Title 5, shall appoint one member and the board of supervisors shall appoint one member. The Mayor of the City of Oakland shall be self-appointed or shall appoint a member of the Oakland City Council to serve as the third member from the County of Alameda. The Mayor of the City of San Jose shall be self-appointed or shall appoint a member of the San Jose City Council to serve as the third member from the County of Santa Clara.

(b) One member each from Marin, Napa, Solano, and Sonoma Counties. The city selection committee of these counties shall furnish to the board of supervisors the names of three nominees and the board of supervisors shall appoint one of the nominees to represent the county.

(c) One representative each appointed by the Association of Bay Area Governments and the San Francisco Bay Conservation and Development Commission. The representative appointed by the San Francisco Bay Conservation and Development Commission shall be a member of the commission and a resident of the City and County of San Francisco, and shall be approved by the Mayor of San Francisco.

(d) One representative, who shall be a nonvoting member, appointed by the Secretary of Transportation.

(e) One representative each appointed by the United States Department of Transportation and Department of Housing and Urban Development. However, these representatives shall serve only if the agencies they represent are amenable to these appointments. These representatives shall be nonvoting members.

(f) Public officers, whether elected or appointed, may be appointed and serve as members of the commission during their terms of public office.

(g) No more than three members appointed pursuant to subdivisions (a), (b), and (c) shall be residents of the same county.

(Amended by Stats. 2013, Ch. 352, Sec. 315. Effective September 26, 2013. Operative July 1, 2013, by Sec. 543 of Ch. 352.)

66504. Each commissioner's term of office is four years; provided, however, that the commissioners appointed by the Mayor of the City of Oakland and the Mayor of the City of San Jose shall have an initial term of office ending in February 2015. A commissioner appointed as a public officer vacates his or her commission seat upon ceasing to

ATTACHMENT 2

hold such public office unless the appointing authority consents to completion of the term of office. Commissioners shall be selected for their special familiarity with the problems and issues in the field of transportation.

(Amended by Stats. 2012, Ch. 88, Sec. 2. Effective January 1, 2013.)

66504.1. The members shall serve without compensation, but shall receive reimbursement for actual and necessary expenses incurred in connection with the performance of their duties. However, in lieu of this reimbursement for attendance at commission or committee meetings, each member of the commission may receive a per diem of one hundred dollars (\$100), but not to exceed a combined total of five meetings in any one calendar month, plus the necessary traveling expenses as may be authorized by the commission. The commission shall pay all costs pursuant to this section.

(Amended by Stats. 1984, Ch. 1257, Sec. 2.)

66505. The commission shall appoint an executive director who shall have charge of administering the affairs of the commission, subject to the direction and policies of the commission.

The executive director shall, subject to the approval of the commission, appoint such employees as may be necessary to carry out the functions of the commission.

(Repealed and added by Stats. 1970, Ch. 891.)

66506. The commission may:

- (a) Accept grants, contributions, and appropriations from any public agency, private foundation, or individual.
- (b) Appoint committees from its membership and appoint advisory committees from other interested public and private groups.
- (c) Contract for or employ any professional services required by the commission or for the performance of work and services which in its opinion cannot satisfactorily be performed by its officers and employees or by other federal, state, or local governmental agencies.
- (d) Do any and all other things necessary to carry out the purposes of this title.

(Repealed and added by Stats. 1970, Ch. 891.)

66507. The commission shall assume the planning and related responsibilities of the Bay Area Transportation Study Commission and its interim successor, the Regional Transportation Planning Committee. The files and planning data of the two organizations shall be transferred to the commission.

(Repealed and added by Stats. 1970, Ch. 891.)

66508. The commission shall adopt, by June 30, 1973, a regional transportation plan for the region. Prior to the adoption of such a plan, the operation, construction, and modification of those transportation systems under the purview of the commission may be undertaken without the approval of the commission.

(Repealed and added by Stats. 1970, Ch. 891.)

66509. In developing the regional transportation plan, the commission shall consider:

- (a) The plan recommended by the Bay Area Transportation Study Commission, with such modifications recommended by the Regional Transportation Planning Committee.
- (b) The ecological, economic, and social impact of existing and future regional transportation systems upon various facets of the region, including, but not limited to, housing, employment, recreation, environment, land-use policies, and the economically disadvantaged.
- (c) The regional plans prepared and adopted by organizations concerned with policies and programs designed to meet the near- and long-term planning needs of the region. Such consideration by the commission shall include, but not be limited to, plans prepared and adopted by the Association of Bay Area Governments, the San Francisco Bay Conservation and Development Commission, and the State Office of Planning.

(Repealed and added by Stats. 1970, Ch. 891.)

66510. The regional transportation plan shall include, but not be limited to, the following segments of the regional transportation system:

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(a) The national system of interstate and defense highways, the California freeway and expressway system, and other highways within the state highway system.

(b) The transbay bridges.

(c) Mass transit systems.

The commission shall pay particular attention to the interfacing of the various modes of transportation.

(Repealed and added by Stats. 1970, Ch. 891.)

66511. The regional transportation plan shall also include an estimate of the regional transportation needs during the ensuing 10 years and a schedule of priorities for the construction, modification, and maintenance of various segments of the regional transportation system on a project basis to meet such needs.

(Repealed and added by Stats. 1970, Ch. 891.)

66512. In addition, the regional transportation plan shall include a financial plan for the regional transportation system. The financial plan shall include a proposal for each segment of the system, including the amount and sources of revenues necessary to construct and operate that segment.

In developing the financial plan, the commission shall consider various sources of revenues, without regard to any constraints imposed by law on expenditures from such sources, necessary to assure adequate financing of the system and, if necessary, recommend appropriate legislation to the Legislature to secure such financing.

(Repealed and added by Stats. 1970, Ch. 891.)

66513. The regional transportation plan shall be subjected to continuous review by the commission, with revisions prepared as the need may arise. The commission shall adopt revisions to the plan, consistent with Section 65080.

(Amended by Stats. 2006, Ch. 673, Sec. 2. Effective January 1, 2007.)

66514. The construction of any transbay bridge in the region shall not be commenced without the approval of the commission. This section shall not apply to modifications of existing bridges, except modifications which provide for the construction of additional lanes of traffic on existing bridges or for the construction of rapid transit facilities on existing bridges.

(Amended by Stats. 1982, Ch. 681, Sec. 23.)

66515. No public multicounty transit system using an exclusive right-of-way which is proposed to be constructed within the region shall be constructed or operated without the approval of the commission.

(Amended by Stats. 1982, Ch. 681, Sec. 24.)

66515.5. Any public multicounty transit system entirely within the region using an exclusive right-of-way shall incorporate physical characteristics compatible with the system of the San Francisco Bay Area Rapid Transit District, and provision shall be made for the unified management and operation of any interconnecting facilities.

(Added by Stats. 1972, Ch. 865.)

66516. The commission, in coordination with the regional transit coordinating council established by the commission pursuant to Section 29142.4 of the Public Utilities Code, shall adopt rules and regulations to promote the coordination of fares and schedules for all public transit systems within its jurisdiction. The commission shall require every system to enter into a joint fare revenue sharing agreement with connecting systems consistent with the commission's rules and regulations.

(Amended by Stats. 1996, Ch. 256, Sec. 1. Effective January 1, 1997.)

66516.5. The commission may do the following:

(a) In consultation with the regional transit coordinating council, identify those functions performed by individual public transit systems that could be consolidated to improve the efficiency of regional transit service, and recommend that those functions be consolidated and performed through inter-operator agreements or as services contracted to a single entity.

(b) Improve service coordination and effectiveness in those transit corridors identified as transit corridors of regional significance by the commission in consultation with the regional transit coordinating council by

ATTACHMENT 2

recommending improvements in those corridors, including, but not limited to, reduction of duplicative service and institution of coordinated service across public transit system boundaries.

(Added by Stats. 1996, Ch. 256, Sec. 2. Effective January 1, 1997.)

66517. The commission shall render all available assistance to transit systems operated within the region by any city or public agency to ensure adequate feeder service to public multicounty transit systems.

(Added by Stats. 1970, Ch. 891.)

66517.5. The commission shall develop regional transit service objectives, develop performance measures of efficiency and effectiveness, specify uniform data requirements to assess public transit service benefits and costs, and formulate procedures for establishing regional transportation priorities in the allocation of funds for transportation purposes.

The commission shall also establish and maintain standards relating to:

(a) A standardized reporting and accounting system under which public transit operators shall make quarterly reports to the commission on their revenues and expenditures and submit their annual proposed and adopted budgets for comment and evaluation. The system shall be consistent with the uniform system of accounts and records adopted by the State Controller pursuant to Section 99243 of the Public Utilities Code.

(b) Maintenance of established levels of local support for public transit system operations.

(c) Operating efficiency and cost control.

(Added by Stats. 1977, Ch. 1204.)

66518. When allocating funds for construction on the state highway system within the region, the California Transportation Commission shall conform to the regional transportation plan and the schedule of priorities for such construction included therein. The California Transportation Commission, however, may deviate from the regional transportation plan and the schedule of priorities established for construction on the interstate system and the state highway system within the region because of an overriding statewide interest.

(Amended by Stats. 1980, Ch. 212.)

66520. Any application to the federal or state government for any grant of money, whether an outright or a matching grant, by any county, city and county, city, or transportation district within the region shall, if it contains a transportation element, first be submitted to the commission for review as to its compatibility with the regional transportation plan. The commission shall approve and forward only those applications that are compatible with the plan.

Review by the commission, however, is not required where revenues derived from the Motor Vehicle Fuel License Tax Law are subvented to local governmental entities in accordance with statutory provisions.

(Added by Stats. 1970, Ch. 891.)

66521. (a) It is the intention of the Legislature that the federal government, the state, and local agencies in the region will participate in support of the commission. The Legislature further intends that financial support of the activities of the commission will be made available from federal, state, and local sources normally available for transportation and general planning purposes in the region.

(b) The commission and the Transportation Agency shall negotiate contracts or agreements whereby federal-aid highway funds available for planning, and the necessary state matching funds from the State Highway Account in the State Transportation Fund, may be made available for support of the activities of the commission insofar as they relate to highway, road, and street planning for the region.

(c) The commission shall also negotiate, either directly or through the Office of Planning and Research or other appropriate agency, with the United States Department of Housing and Urban Development for grants or contributions of federal funds which may be available to support the study and planning activities of the commission.

(d) The commission shall negotiate equitable agreements with the City and County of San Francisco, and other counties and cities within the region, the Association of Bay Area Governments, the San Francisco Bay Area Rapid Transit District, the Alameda-Contra Costa Transit District, and the Golden Gate Bridge, Highway and Transportation District for the contribution of funds or services for the general support of the activities of the commission and for required matching of federal funds as may be made available. Any county, city and county, or city may use its apportionments from the Motor Vehicle License Fee Account in the Transportation Tax Fund for these purposes.

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(Amended by Stats. 2013, Ch. 352, Sec. 316. Effective September 26, 2013. Operative July 1, 2013, by Sec. 543 of Ch. 352.)

66522. The commission shall merge with or otherwise join any multifunctional regional government organization, if it has transportation planning responsibilities, within one year of the creation of such an organization.

(Added by Stats. 1970, Ch. 891.)

66525. The commission shall administer any county transportation expenditure plan which includes a provision that the commission shall implement a retail transactions and use tax pursuant to Division 12.5 (commencing with Section 131000) of the Public Utilities Code.

(Added by Stats. 1986, Ch. 301, Sec. 1. Effective July 14, 1986.)

66530. The commission shall continue to actively, on behalf of the entire region, seek to assist in the development of adequate funding sources to develop, construct, and support transportation projects that it determines essential.

(Added by Stats. 1986, Ch. 301, Sec. 2. Effective July 14, 1986.)

66531. (a) Each county within the jurisdiction of the commission, together with the cities and transit operators within the county, may, every two years, develop and update a transportation plan for the county and the cities within the county. The county transportation plan shall be submitted to the commission by the agency that has been designated as the agency responsible for developing, adopting and updating the county's congestion management program pursuant to Section 65089, unless, not later than January 1, 1995, another public agency is designated by resolutions adopted by the county board of supervisors and the city councils of a majority of the cities representing a majority of the population in the incorporated area of the county. Nothing in this section requires additional action by the cities and county, if a joint powers agreement delegates the responsibility for the county transportation plan to the agency responsible for developing, adopting, and updating the county's congestion management program pursuant to Section 65089.

(b) The county transportation plans shall be consistent with, and provide a long-range vision for, the congestion management programs in the San Francisco Bay area prepared pursuant to Section 65089. The county transportation plans shall also be responsive to the planning factors included in Section 134 of the federal Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240).

(c) The commission, in consultation with local agencies, shall develop guidelines to be used in the preparation of county transportation plans. These guidelines shall be consistent with the commission's preparation of the regional transportation plan pursuant to Section 65081. These plans shall include recommendations for investment necessary to mitigate the impact of congestion caused by an airport that is owned by the county, or city and county, and located in another county. The plans may include, but are not limited to, the following:

(1) Recommendations for investments necessary to sustain the effectiveness and efficiency of the county portion of the metropolitan transportation system, as defined cooperatively by the commission and the agency designated pursuant to Section 65089.

(2) Consideration of transportation system and demand management strategies which reinforce the requirements contained in Section 65089.

(3) Consideration of transportation impacts associated with land use designations embodied in the general plans of the county and cities within the county and projections of economic and population growth available from the Association of Bay Area Governments.

(4) Consideration of strategies that conserve existing transportation system capacity, such as pricing policies or long-term land use and transportation integration policies jointly developed by the commission and the agencies designated pursuant to Section 65089.

(5) Consideration of expected transportation revenues as estimated by the commission, the impact of these estimated revenues on investment recommendations, and options for enhanced transportation revenues.

(d) The commission shall adopt revised guidelines not later than January 1, 1995.

(e) The county transportation plan shall include recommended transportation improvements for the succeeding 10- and 20-year periods.

(f) The county transportation plans shall be the primary basis for the commission's regional transportation plan and shall be considered in the preparation of the regional transportation improvement program. To provide regional consistency, the county transportation plans shall consider the most recent regional transportation plan adopted by the commission. Where the counties' transportation plans conflict, the commission may resolve the differences as

ATTACHMENT 2

part of the regional transportation plan. The commission shall add proposals and policies of regional significance to the regional transportation plan.

(g) With the consent of the commission, a county may have the commission prepare its county transportation plan.

(h) The counties, together with the commission, shall jointly develop a funding strategy for the preparation of each county's transportation plan.

(Amended by Stats. 1994, Ch. 25, Sec. 2. Effective January 1, 1995.)

66532. The commission shall develop an emergency transportation system management plan which defines the continuing emergency services required during reconstruction of highway facilities which have been rendered inoperable by the earthquake.

The plan shall be in effect for the period of time needed to restore the damaged sections of State Route 880 in the County of Alameda and State Route 280 and the Embarcadero Freeway in the City and County of San Francisco.

It is the intent of the Legislature that funding shall be provided for those services by subsequent actions of the Legislature.

(Amended by Stats. 1990, 1st Ex. Sess., Ch. 28, Sec. 2. Effective August 14, 1990.)

66535. (a) Not later than July 1, 2003, the commission shall establish performance measurement criteria on both a project and corridor level to evaluate all new transportation projects and programs (investments) that have not yet been identified as "Track One Investments" in the 2002 regional transportation plan. These performance measures shall apply to proposed projects, and the impact those projects will have on their respective corridors. The commission shall utilize these performance measurements to evaluate and prioritize alternative transportation investments in order to meet the goals and objectives for each corridor for inclusion in the 2004 regional transportation plan.

(b) The commission shall adopt goals and measurable objectives for planning corridors and subcorridors delineated by the commission. These goals and objectives shall be compatible and consistent with the requirements of the performance measurement criteria established by the commission pursuant to subdivision (a) for inclusion in the 2004 regional transportation plan.

(c) Any costs associated with this section incurred by the commission shall be paid solely from funds provided pursuant to Section 99233.2 of the Public Utilities Code. If there is insufficient funding from this source, the commission is not required to perform the functions described in this section.

(Added by Stats. 2002, Ch. 470, Sec. 1. Effective January 1, 2003.)

66536. The Legislature finds and declares the following:

(a) The Association of Bay Area Governments, known as ABAG for the purposes of this section and Section 66536.1, and the Metropolitan Transportation Commission have collaborated on regional coordination.

(b) ABAG and MTC formed the "ABAG-MTC Task Force" in 2003 to review methods to improve comprehensive regional planning, including possible organizational and structural changes to ABAG and MTC.

(c) The ABAG-MTC Task Force agreed to set aside the issue of a merger between the ABAG and MTC and to develop a better structure for coordinated regional planning.

(d) The ABAG-MTC Task Force agreed to create a joint policy committee to develop staff support for that committee and to work on short- and long-term goals. Formation of the joint policy committee can result in substantial real progress in resolving regional transportation problems.

(e) The ABAG-MTC Task Force members agreed that structural changes were required in the working relationship between ABAG and MTC, and that the joint policy committee should have a substantial role in facilitating progress on regional transportation matters.

(f) There is a history of cooperation and coordination among the Bay Area Air Quality Management District, ABAG, and MTC.

(g) The three agencies are collectively responsible for developing and adopting air quality plans for national ambient air quality standards.

(h) Based on this history and collective involvement, and the interrelation between land use, transportation, and air quality, the Bay Area Air Quality Management District should be included as a represented agency on the joint policy committee by June 30, 2005. If the Bay Area Air Quality Management District has not been included by June

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3, 2005, the Bay Area Air Quality Management District shall be included as a represented agency with an equal number of committee members.

(Added by Stats. 2004, Ch. 791, Sec. 1. Effective January 1, 2005.)

66536.1. (a) The joint policy committee shall prepare a report analyzing the feasibility of consolidating functions separately performed by ABAG and MTC. The report shall be reviewed and approved by MTC and the ABAG executive board and submitted to the Legislature by January 1, 2006.

(b) The combined membership of the joint policy committee shall include at least one representative from each of the nine regional counties: Alameda, Contra Costa, Marin, Napa, Sonoma, San Mateo, San Francisco, Santa Clara, and Solano. Effective January 1, 2011, a majority of the representatives appointed to the joint policy committee by the San Francisco Bay Conservation and Development Commission shall be locally elected officials.

(c) The joint policy committee shall coordinate the development and drafting of major planning documents prepared by ABAG, MTC, the Bay Area Air Quality Management District, and the San Francisco Bay Conservation and Development Commission, including reviewing and commenting on major interim work products and the final draft comments prior to action by ABAG, MTC, the Bay Area Air Quality Management District, and the San Francisco Bay Conservation and Development Commission. These documents include, but are not limited to, the following:

(1) Beginning with the next plan update scheduled to be adopted in 2008, the regional transportation plan prepared by MTC and described in Section 66508 of the Government Code.

(2) The ABAG Housing Element planning process for regional housing needs pursuant to Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.

(3) The Bay Area Air Quality Management District's Ozone Attainment Plan and Clean Air Plan.

(4) The San Francisco Bay Plan and related documents.

(Amended by Stats. 2008, Ch. 442, Sec. 1. Effective January 1, 2009.)

66536.2. (a) The Legislature finds and declares:

(1) The Association of Bay Area Governments, the Bay Area Air Quality Management District, and the Metropolitan Transportation Commission have been working together through a joint policy committee to coordinate and improve the quality of land use, transportation, and air quality planning in the Bay Area.

(2) The San Francisco Bay Conservation and Development Commission has comprehensive planning and regulatory authority in all nine Bay Area counties for the San Francisco Bay, Suisun Marsh, their respective shorelines, certain waterways, salt ponds, and managed wetlands, and through that authority plays a critical role in the land use and transportation future of the Bay Area.

(3) The San Francisco Bay Conservation and Development Commission has an active interest in regional planning, as it has expressed a desire to join the joint policy committee, and the joint policy committee has determined it would benefit by adding the San Francisco Bay Conservation and Development Commission as a member.

(b) The joint policy committee shall include the San Francisco Bay Conservation and Development Commission as a represented agency with an equal number of committee members as other represented agencies by January 1, 2009.

(Added by Stats. 2008, Ch. 442, Sec. 2. Effective January 1, 2009.)



**METROPOLITAN
TRANSPORTATION
COMMISSION**

ATTACHMENT 3

Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105
415.778.6700
www.mtc.ca.gov

Jake Mackenzie, Chair
Sonoma County and Cities

Scott Haggerty, Vice Chair
Alameda County

Alicia C. Aguirre
Cities of San Mateo County

Tam Azumbrado
U.S. Department of Housing
and Urban Development

Jeannie Bruins
Cities of Santa Clara County

Damon Connolly
Marin County and Cities

Dave Cortese
Santa Clara County

Carol Dutra-Vernaci
Cities of Alameda County

Dorene M. Giacomini
U.S. Department of Transportation

Federal D. Glover
Contra Costa County

Anne W. Halsted
San Francisco Bay Conservation
and Development Commission

Nick Josefowitz
San Francisco Mayor's Appointee

Jane Kim
City and County of San Francisco

Sam Liccardo
San Jose Mayor's Appointee

Alfredo Pedroza
Napa County and Cities

Julie Pierce
Association of Bay Area Governments

Libby Schaaf
Oakland Mayor's Appointee

Warren Slacum
San Mateo County

James P. Spering
Solano County and Cities

Tony Tavares
California State
Transportation Agency

Amy R. Worth
Cities of Contra Costa County

Steve Heminger
Executive Director

Alix Bockelman
Deputy Executive Director, Policy

Andrew B. Fremier
Deputy Executive Director, Operations

Brad Paul
Deputy Executive Director,
Local Government Services

September 25, 2018

Via U.S. Mail

The Honorable Michael Dunsford
Chair
City Selection Committee for the
Cities of Napa County
Executive Office
1195 Third Street, Room 310
Napa, CA 94559

Dear Chair Dunsford:

Pursuant to the Metropolitan Transportation Commission's (MTC) enabling legislation, all Commissioners are appointed to concurrent four-year terms. The current term of your representative on MTC, the Honorable Alfredo Pedroza, expires on February 9, 2019. I have been asked by the Commission to request that the City Selection Committee for the County of Napa begin consideration of the nomination of Mr. Pedroza for reappointment, and to furnish the Napa County Board of Supervisors with the names of nominees from which the Board shall appoint a representative to serve a four-year term that commences on February 10, 2019.

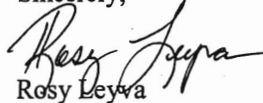
Enclosed for your information is a copy of MTC's enabling legislation. MTC Commission members may be elected or appointed officials, or members of the general public. Pursuant to Government Code Section 66504: "Commissioners shall be selected for their special familiarity with the problems and issues in the field of transportation."

MTC Commissioners should expect to serve on one or more of the Commission's standing, special or advisory committees. Usually, the Commission and each committee meet once a month in San Francisco. From time to time, the Commission may conduct public hearings in the MTC region, which MTC Commissioners may be requested to attend. A \$100 per diem (up to a maximum of \$500 per month), plus Commission-authorized travel expenses, are paid to members for attendance at meetings of their committees, the Commission, and public hearings held by the Commission.

The Honorable Michael Dunsford
September 25, 2018
Page 2

Should you wish additional information concerning the Commission or the responsibilities of its members, please feel free to contact me. The Commission would appreciate being notified of the reappointment or appointment of a representative as soon as possible.

Sincerely,



Rosy Leyva
Secretary to the Commission

RL:rc

Enclosure (1)

cc: The Hon. Brad Wagenknecht, Chair, Napa County Board of Supervisors (no enclosure)
Jose Luis Valdez, Clerk of the Board, Napa County Board of Supervisors (no enclosure)
Commissioner Alfredo Pedroza (no enclosure)

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2019.docx

ATTACHMENT 4



Bay Area Transportation Working Group (BATWG)

February 15, 2019

Commissioners of the Metropolitan Transportation Commission
 Bay Area Metro Center
 375 Beale Street
 San Francisco, CA 94105

Dear Commissioners:

Bay Area Transportation Working Group (BATWG) is an all-volunteer organization formed in 2012 to keep up with and respond to ongoing Bay Area transportation issues and events. We are dedicated to finding ways of easing regional traffic congestion by improving the reliability and general appeal of the Region's passenger rail and bus systems.

This BATWG report will set forth and describe recent instances where some members of the MTC Commission were appointed to their four-year terms by Bay Area's local and county selection process that violated either the MTC Enabling Act or the Brown Act or both.

This unsatisfactory situation has evolved in recent years in part because MTC did not do all it should have done to provide public information about the existence of the once-every-four-years selection process and on how the public could observe and provide input to the proceedings. MTC commissioners are not, after all, like regular employees. They fill important policy-making positions which makes, or should make, both the work they do and their means of selection transparent for all to see. It bears repeating that the decisions made by MTC Commissioners have a direct effect on the mobility and transportation choices of the 7.4 million people living in the nine MTC Bay Area Counties.

BATWG has monitored MTC's website in recent weeks. The "How Commissioners Are Selected" webpage (<https://mtc.ca.gov/about-mtc/what-mtc/commissioners>) said nothing about the 2019-23 commissioner selection process. Nor anything about the specific city and county bodies that make the appointment decisions. Nor about the status of the various appointments. Nor of how citizens may monitor or otherwise involve themselves in the selection process. The webpage was also silent on how a member of the public could communicate his or her desire to be considered for an MTC commissioner appointment to the right parties. (<https://mtc.ca.gov/about-mtc/public-participation/get-involved>).

ATTACHMENT 4

Nor does MTC's website contain copies of the letters dated September 25, 2018 and signed by MTC Secretary Rosy Leyva which stated: "I have been asked by the Commission to request that [appointing authority] begin consideration of the nomination of [name of incumbent MTC commissioner] for reappointment." Some local and county appointing authorities appear to have regarded these letters as official MTC endorsements and made their appointment decisions accordingly. It is not appropriate for MTC to be acting in ways that appear to be seeking to influence the prescribed local selection process for its governing board.

In the four North Bay counties, City Selection Committees are mandated by MTC's enabling act to provide three nominees to the County Boards of Supervisors for final appointment. Yet Ms. Leyva's letters misstated the requirement by saying "furnish the [county] Board of Supervisors with the names of nominees from which the Board shall appoint a representative." At least three of the North Bay City Selection Committees interpreted MTC's letter to mean that one candidate (the incumbent) was all that was necessary.

BATWG representatives have identified the following departures from the required MTC commissioner appointment process:

Alameda County Mayors' Conference: The Conference has a website that cannot be accessed unless a user knows and types in the URL. Major search engines, including Google and Yahoo, do not provide links to this particular website. BATWG learned of the URL only through a Public Records Act request. Communication roadblocks of this type hinder public participation and lead people to believe that the MTC commissioner selection process is proceeding behind closed doors in violation of the Brown Act. Voters in eight of the county's 14 cities voted no on MTC's Regional Measure 3 toll hike last June. Yet the Conference quietly reappointed the incumbent on December 12, 2018, with no real opportunity for the public to participate or comment.

Contra Costa County City Selection Committee: The Committee did not properly convene to make the 2019-23 MTC appointment and the Contra Costa Mayors' Conference did not act in accordance with the Brown Act and the City Selection Committee Act when it proceeded to reappoint the incumbent on February 7th. When a BATWG representative attended the meeting and attempted to address the issue, he was prevented from doing so by the Chair of the committee, who went on to block all public comment before or during the Committee's consideration of the matter. That was a clear violation of the Brown Act, Government Code sec. 54954.3(a). The denial of public participation in the MTC appointment process is documented in this audio recording: <https://vimeo.com/316455011> Yet at no time did any of the mayors present, who should have known better, raise objections to the Chair's stifling of public input. Despite the fact that Government Code sec. 50276 requires the Clerk of the County Board of Supervisors to serve as secretary, no one in this capacity was present at the meeting and as a result there is no official record of the event on file. For these reasons, the Contra Costa County cities have not as yet made a valid MTC appointment for the 2019-23 term. Pursuant to Government Code sec. 1302, BATWG asks that the Contra Costa County Mayors' incumbent selectee be regarded as a "holdover" MTC commissioner until these irregularities are resolved.

ATTACHMENT 4

Contra Costa County Board of Supervisors: The Contra Costa County Board of Supervisors' MTC appointment on January 15th is also compromised because of Brown Act violations. Supervisor John Gioia was not elected Board chair until January 15th. Yet several days before that date, he acted as "2019 Chair" to recommend the re-appointment of the MTC incumbent to the Board. This suggests violations of the Brown Act "serial meeting" prohibitions.

Contra Costa County has appointment procedures in place that include public notice of the right to apply for the position, and submit written applications and participate in interviews before the appropriate Board committee before the full Board confirms an appointment. None of these requirements appears to have been followed. Members of the public were not given the opportunity to apply for the position because the Board did not follow its own multi-step process. Nor was the sole applicant, the incumbent, required to complete a written application. BATWG's attempt to provide a basis for evaluating candidates by asking them to respond to questions about MTC's various activities and policy-decisions was ignored. In fact, the supervisors asked no questions of their appointee. Another BATWG objection to the Contra Costa process relates to the fact that this critically important appointment was "buried" among eighty other names in a seven-page list of appointments associated with the Board's annual organization. For these reasons, BATWG asks that the Contra Costa County incumbent be regarded as a "holdover" MTC commissioner until these irregularities are resolved.

Marin County: TRANSDEF, another volunteer transportation improvement group, has been monitoring developments in Marin County and has cited local governments for similar irregularities. The Marin County City Selection Committee failed to submit three MTC nominees to the Board of Supervisors in accordance with the MTC enabling act, Government Code sec. 66503(b), which says, "The city selection committee of these counties shall furnish to the board of supervisors the names of three nominees and the board of supervisors shall appoint one of the nominees to represent the county." (emphasis added). In violation of the Brown Act and its own bylaws, the Selection Committee announced in its October 24, 2018 meeting agenda that MTC nominations would occur at the November meeting, yet the Selection Committee nominated the incumbent for another term prematurely at its October meeting. The body's bylaws say, "No nominations from the floor will be accepted at a prior meeting." BATWG asks that the Marin County MTC nominee be regarded as a "holdover" until these irregularities are resolved.

Napa County: Following bad advice from MTC and county staff, the Napa County City Selection Committee failed to provide three nominees to the Board of Supervisors and nominated the incumbent when it met on November 13, 2018. Meeting video can be viewed at: http://napa.granicus.com/MediaPlayer.php?view_id=17&clip_id=4227. As the video shows (at 8:50), Molly Rattigan, Deputy County Executive Officer, told the Selection Committee, "We are seeking up to [emphasis added] three names for nominations." She also referred to "a letter from the Metropolitan Transportation Commission recommending [emphasis added] the reappointment of the incumbent Commissioner." (at 9:18). She said that the county had contacted the city clerks in Napa County to seek names for MTC candidates on November 6th, but that no names had been submitted as of November 13th. BATWG is troubled by these assertions. MTC's enabling act requires City Selection Committees to provide three nominees to the Boards of Supervisors in the four North Bay counties. Based upon Ms. Rattigan's

ATTACHMENT 4

interpretation of MTC Secretary Rosy Leyva's September 25th letter as MTC's recommendation [emphasis added] that Napa County reappoint the incumbent. That is simply not how the process is supposed to work. BATWG also notes the inadequacy of Napa County's outreach regarding the nomination process. E-mails to city clerks with a one-week turnaround for citizens to participate in a vaguely-defined nomination process seems unlikely to yield viable candidates. BATWG contends that Napa County's MTC appointment process was not consistent with MTC's enabling act, due to the Selection Committee's failure to properly publicize the process and considering three candidates rather than just the incumbent. BATWG asks that the Napa County MTC incumbent be regarded as a "holdover" until these irregularities are resolved.

Santa Clara County: The Board of Supervisors violated the Brown Act on January 15 by making its MTC appointment as part of dozens of "Board of Supervisors' assignments for 2019," rather than as a separate agenda item. BATWG asks that the Santa Clara County Board of Supervisors MTC incumbent be regarded as a "holdover" until procedural irregularities are resolved.

Solano County: Solano County's MTC appointment process deserves to be a textbook case study of bad government. Last June, Solano County voters rejected Regional Measure 3 (RM3) by 70 percent and Solano County representatives opposed the CASA Compact in the January 17, 2019 ABAG vote, votes which directly contradicted the votes of the incumbent MTC Board member who voted for RM3 and for the CASA Compact. On November 2, 2018 (four days before the November election), the City Selection Committee convened a special meeting in the back room of an Italian restaurant and recommended that this incumbent be appointed to a ninth term as a MTC commissioner. An exposé by reporter Todd Hansen of the Daily Republic and citizen backlash motivated the Board of Supervisors to request that the City Selection Committee repeat its earlier selection process. At a hastily-called special meeting on January 14th, a bare-minimum quorum nominated the incumbent and two of the four mayors in attendance. The two "competing" mayors, Harry Price of Fairfield and Bob Sampayan of Vallejo, were the same individuals who at the November 2nd restaurant meeting moved and seconded that the MTC incumbent be reappointed. BATWG, TRANSDEF and Nine Counties Coalition each submitted questionnaires inviting the three nominees to provide their views on certain critically important MTC policies and issues, and asked the Board of Supervisors to question the three nominees accordingly before the confirmation vote at the February 5, 2019 Board meeting. None of the three candidates responded to the questions and the Board made no attempt to elicit their views. (In fact, the two mayoral candidates were not present at nomination meeting.) BATWG finds no evidence that Solano County ever invited others to apply, nor did it publicize the process in any discernible manner. BATWG asks that the Solano County MTC incumbent be regarded as a "holdover" until these irregularities are resolved.

In sum, the current process by which MTC commissioners are selected is gravely flawed and needs reform. Here is what we think is needed:

- (1) MTC needs to make certain that the local authorities who are selecting its Board members follow both the Brown Act and MTC's enabling legislation. MTC should advertise all future MTC voting commissioner vacancies on its website and through news releases at the appropriate times. MTC should inform the appointing authorities of the

ATTACHMENT 4

full scope of their legal duties to identify and seriously consider at least the requisite number of candidates and to engage in public outreach sufficient to secure candidates from members of the public and to make the public aware of the commissioner selection process and their opportunity to monitor and participate in it. MTC commissioners and staff should refrain from writing about or discussing prospective candidates (especially incumbents) whose nominations lie strictly within the purview of the local and county appointing authorities. MTC commissioners should be assigned MTC e-mail addresses and should conduct all MTC business through such e-mail accounts on MTC computer servers so that concerned citizens can request such records from MTC and review them if and when incumbent commissioners seek re-appointment.

- (2) Where and as necessary, the relevant County District Attorneys should investigate the above described irregularities and undertake appropriate remedial action.
- (3) The State Legislature should investigate irregularities in the 2018-19 MTC commissioner selection process and revise the MTC Enabling Act as appropriate. The recall process should be expanded to permit the removal of MTC commissioners midterm by appointing authorities and by the voters. Using the Bay Area Rapid Transit District inspector general provision in SB 595 as a model, the Legislature should create an MTC inspector general position to oversee MTC's compliance with applicable federal and state laws, including the MTC commissioner appointment process. BATWG will be following through with the region's State Legislators on this matter.
- (4) Congress in its next surface transportation authorization legislation and in its next Metropolitan Planning Organization (MPO) reform legislation should add specific requirements relative to MPO and MTC commissioner selection and it should focus on the need to require MPO's like MTC to have a robust two-way [emphasis added] public outreach program, including in particular during the commissioner selection process. The U.S. Department of Transportation (USDOT) and congressional oversight committees should investigate the 2018-19 MTC commissioner selection process as a case study for legislative and/or regulatory reform. BATWG has begun a dialogue with Congressman Mark DeSaulnier and will be seeking these actions in forthcoming meetings with our local members of Congress and with USDOT.
- (5) MTC's voting commissioners should hold at least one town hall meeting in their counties every year, at which citizens can publicly and directly question them about matters within the jurisdiction of MTC. All 18 voting commissioners should hold town hall meetings with the public in their counties this spring concerning the CASA Compact.

Sincerely,

GP Cauthen

GERALD CAUTHEN, PE
President, Bay Area Transportation Working Group

Jason A. Bezis

JASON A. BEZIS, Esq.
State Bar No. 225641



Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105
415.778.6700

Attachment 5



Bay Area Metro Center
375 Beale Street, Suite 700
San Francisco, CA 94105
415.820.7900

February 28, 2019

Dear Bay Area Local Elected Officials,

The Bay Area faces many pressing regional challenges such as crowded roadways and public transit, the lingering threat of earthquakes and rising tides, to name a few. But the housing shortage has reached crisis proportions. During our remarkable run of economic expansion since the Great Recession ended in 2010, the Bay Area has added 722,000 jobs but constructed only 106,000 housing units. With housing supply and demand that far out of whack, home prices and rental costs have shot through the roof and a wide swath of our fellow Bay Area residents from long-time residents, newcomers and young people are suffering. As well, more people are being forced to move further away in search of affordability and endure crushing long-distance commutes that also exacerbates congestion and GHG production.

The traffic and housing challenge is well known to you. Perhaps less well known is the effort led by ABAG and MTC to bring together a blue-ribbon panel of local elected officials, housing experts, and leaders from across the Bay Area who worked together for almost two years to build an actionable consensus around (1) increasing housing production at all levels of affordability, (2) preserving existing affordable housing, and (3) protecting vulnerable populations from housing instability and displacement.

This group named itself CASA, the Committee to House the Bay Area and the compact the group committed to each other can be found online at <https://mtc.ca.gov/casa>

Both the Metropolitan Transportation Commission and the ABAG Executive Board have authorized their respective Chair and President to sign the compact. In addition, the ABAG Executive Board directed the formation of a task force of elected officials from Bay Area cities and counties to follow, become informed and to engage in the legislative process that is essential for the CASA compact to be implemented. Similarly, MTC's CASA motion included direction to staff to do additional outreach to local elected officials and engage with them during the legislative process.

Accordingly, on behalf of MTC and ABAG, we respectfully invite each county's Boards of Supervisors to appoint one representative and each county's City Selection Committee to appoint two representatives to serve on the CASA Legislative Task Force (Task Force).

To encourage the presence of new perspectives on the Task Force, nominating bodies are encouraged to appoint members who are not currently serving on the ABAG Executive Board or on MTC. The participation of elected officials from a wide range of city sizes is encouraged as well. The Task Force will be chaired by ABAG with a member of MTC serving as the Vice Chair, and each will have an appointment to the Task Force with a goal of creating a well-rounded committee. The Task Force will seek to meet monthly during the current state

Task Force on CASA Compact
February 28, 2019
Page 2

legislative session to receive progress reports and to engage on CASA related legislation. This feedback will be relayed to the Joint ABAG/MTC Legislation Committee, the ABAG Executive Board and MTC. Meetings will be held at the Bay Area Metro Center, 375 Beale Street, San Francisco with telephone participation available. The Task Force is subject to the Brown Act. Task Force members are not eligible for per diem.

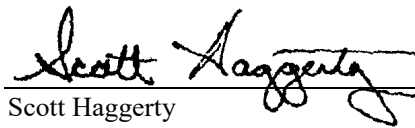
Please submit nominees via email to ABAG Clerk of the Board, Fred Castro, at fcastro@bayareametro.gov and note "CASA Task Force Nomination" in the subject line. Deadline for submitting nominees is March 14, 2019. Appointments to the Task Force will be ratified by the ABAG Executive Board and the Metropolitan Transportation Commission at their March meetings.

Should you have any questions, please contact Alix Bockelman, Deputy Executive Director of Policy, at abockelman@bayareametro.gov.

Sincerely,



David Rabbitt
President
Association of Bay Area Governments



Scott Haggerty
Chair
Metropolitan Transportation Commission

Cc:

County of Alameda, Board of Supervisors
County of Contra Costa, Board of Supervisors
County of Marin, Board of Supervisors
County of Napa, Board of Supervisors
City and County of San Francisco, Board of Supervisors
County of San Mateo, Board of Supervisors
County of Santa Clara, Board of Supervisors
County of Solano, Board of Supervisors
County of Sonoma, Board of Supervisors

Alameda County Mayors Conference
Contra Costa County Mayors Conference
Marin County Council of Mayors and Councilmembers
Napa County City Selection Committee
City and County of San Francisco--Mayor
San Mateo County City Selection Committee
Cities Association of Santa Clara County
Solano County City Selection Committee
Sonoma County City Selection Committee

CASA Compact

First Round - Draft Term Sheets

October 16, 2018

Please note this is not a full draft Compact.

Compact Element #2: Emergency Rent Cap

Brief Summary: Establishes reasonable annual increases in rent.

Desired Effect: High impact. An emergency rent cap would prevent extreme rent increases in rent on a year-to-year basis, thereby decreasing the number of households who are at risk of displacement and homelessness, decreasing the number of households who are rent burdened, and promoting tenant and community stability. Extreme rent increases can pose a particular burden for tenants who are low and fixed income. Can be extended

Scale: State legislation applied to 9 Bay Area Counties

Models: Existing State Anti-Gouging Law in States of Emergency (cite)

References: Action Plans Referenced: 1.1, 1.2, 1.3

Negotiation Points: Annual rent increase limits, vacancy decontrol, define property types excluded; limits on # of years increases can be banked and % of increases banked; enforcement mechanisms; duration: permanent program or tied to emergency declaration w/ sunset provisions

Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
Annual Rent Increase Limits	No landlord shall increase rent by more than the allowable increase, as defined below, in any year of tenancy (yearly increase).	<u>Percentage Increases:</u> Option 1: all units have rent increase caps, e.g. 5%+CPI Option 2: a different cap depending on age of unit, e.g. units 15+ years have CPI cap and newer units have 5%+CPI <u>Term</u> Is there a sunset period?	This applies whether or not Prop 10 passes. Costa Hawkins is irrelevant to state legislation and does not limit coverage in this instance
Vacancy Provision		Vacancy de/control Cap applies to renter not unit -	
Coverage		<i>In addition to exemption of nonprofit/government owned housing,</i>	Costa Hawkins is irrelevant to state legislation and does not

Agenda Item III Attachment 2

		<i>dormitories, ADUs, are there other exceptions?</i>	limit coverage in this instance
Banking and Capital Improvements		Banking cap, cap on annual increases Formula for pass thrus and returns LL can bank 5 years of unused maximum Only increase rents 2x annual maximum eg. CPI+5x2	Some protections need to be in place so that landlords cannot "bank" an unreasonable amount of rent increases and then issue an exorbitant aggregated rent increase all at once.
Preemption of Local Ordinances	This law does not preempt more restrictive local ordinances.		
State of Emergency		What conditions need to exist for this to apply? Who declares the state of emergency? Determine if state of emergency garner any other tools to expedite housing (permitting, etc)	

Compact Element #3: Right to Legal Counsel for Eviction Proceedings			
Brief Summary: All tenants facing eviction would have the right to legal counsel, leveling the playing field and protecting tenants from illegal evictions.			
Desired Effect: Access to a lawyer can be the difference between losing a home and keeping it. Ensuring that all tenants facing eviction have the right to legal counsel would create a fairer justice system; prevent evictions and homelessness; improve health, stability and opportunity for thousands of residents, including children; and preserve existing affordable housing. With proper implementation, research suggests that the right to legal assistance for eviction proceedings can reduce evictions by 77% to upwards of 94% (according to a pilot program in California) and lead to a net savings for local jurisdictions. (e.g. in New York City cost savings are estimated at \$2 for every \$1 spent on legal assistance)			
Scale: State legislation supported by regional funding			
Models: SF Prop F passed in June, New York City			
References: Action Plan 3.1			
Negotiation Points: Funding source, identifying providers/administration; fees: means testing or sliding scale			
Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
Coverage	All tenants who are faced with legal proceedings to evict them from their residence have the right to legal counsel except when eviction proceedings are brought by a landlord or master tenant who resides in the same dwelling unit or property with tenant. The region or city shall have no obligation to provide legal services where a state or federal program already provides full scope legal representation to a tenant facing eviction proceedings. Landlord obligation limited to providing an addendum notice of this rights in lease and eviction notice. Landlord has no payment or any other obligations. Tenant failure to exercise right to counsel will not impede eviction proceedings for landlord.	What is forum for resolution?. Create separate renters court, regional or local? Means tested? At what range?	The term “legal representation” shall mean full scope representation provided to an individual by a designated organization or attorney which includes, but is not limited to, filing responsive pleadings, appearing on behalf of the tenant in court proceedings, and providing legal advice.

*Funding (alternative pathway to achieve right)	Generate approximately \$50 million per year to fund regional right to legal counsel.	What happens in eviction where there is no \$ for attorney? Possible sources include a regional transient occupancy tax, a tax on short-term rentals and vacant units, and a regional mega-measure, among others.	Tenants Together's recent report, <i>California Evictions Are Fast and Frequent</i> found the following 3-year averages for unlawful detainer filings by county: (1) Alameda - 5,467; (2) Contra Costa - 3,928; (3) Marin - 432; (4) Napa - 277; (5) San Francisco - 3,275; (6) San Mateo - 1,516; (7) Santa Clara - 3,515; (8) Solano - 2,321; and (9) Sonoma - 1,195, for a total of 21,926 unlawful detainer filings per year. It should be noted that this number does not include the number of eviction notices prior to the filing of unlawful detainer eviction lawsuits. Therefore, if the region were to provide a right to legal counsel, the number of cases could be much higher; however, as a counterpoint, a right to legal counsel would likely deter landlords from serving tenants with illegal eviction notices.
Providers		Option 1: Each city shall establish, run, and fully fund a program to provide legal representation for all tenants within the city who are faced with legal proceedings to evict them from their residence. Option 2: Each jurisdiction identifies local service providers to provide legal representation. Bay Area Metro distributes funds to local service providers from a regional pool. Bay Area Metro and local jurisdictions fund and conduct education efforts to notify residents of this right. Option 3: Bay Area Metro identifies and funds local service providers to provide legal representation. Bay Area Metro funds and conducts education efforts to notify residents of this right.	<u>NYC's</u> has a coordinator who designates existing organizations that have "the capacity to provide legal services" Annual or bi-annual review of the program

Compact Element #4: Amendments to State Housing Law/RHNA			
Brief Summary: Amend State Housing Law and RHNA to improve 3P policies and performance			
Desired Effect: Require local agencies to analyze the totality of their actions on housing production and preservation, report this to the State, and use this information to evaluate their zoning and programming to improve housing outcomes. Require especially attention to creating 3P policies locally. Require study of how to add zoning for missing middle along with locally established cost reductions such that homes identified in new RHNA reporting category from 120 to 150% AMI that do not require subsidy to be achieved.			
Scale: Statewide legislation. Amend the Housing Element certification process to provide for desired impacts outlined above.			
Models: Forthcoming if available/applicable.			
References: SB 828 Weiner (land use: housing element/RHNA). This compact element to be revised as needed based on SB 828, which was just signed by the Governor. Action Plan 8.1, 12.4			
Negotiation Points: Missing middle definition; impacts on affordable housing			
Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
Housing Element Reporting Requirement	Add: • Site feasibility analysis • Requirement that local agencies have programs in place and are monitored for effectiveness of 3P's: Tenant Protections (including Just Cause), Preservation, and Production including adding missing middle zoning (36', high lot coverage low parking , duplex-8 plex) , easing ADUs and tiny homes. • Reducing locally imposed added costs in excess of State Building Code (fees, process, inclusionary, green building, tax districts, elevated standards other impositions in excess of State Building Code standards to create safe shelter) to a level where new housing be financially feasible and being built in the locality for incomes from 100-150% of median without subsidy.	New reporting requirements on: • ADUs and tiny homes • Reducing locally imposed added costs in excess of State Building Code (fees, process, inclusionary, green building, tax districts, elevated standards other impositions in excess of State Building Code standards to create safe shelter) to a level where new housing is financially feasible and being built for incomes from 100-150% of median without subsidy	

Housing Element Reporting Requirement	Allow Jurisdictions To Count Market-Rate Units that They Convert to Deed-Restricted Affordable Units as Meeting up to 25% of Their Low- and Very-Low-Income RHNA Obligation: As an incentive to encourage jurisdictions to preserve affordable housing, amend Housing Element law (e.g., in Government Code §§ 65583.1 and 65400) to allow jurisdictions that (a) acquire existing market-rate units, (b) rehabilitate those units (if needed), and (c) rent-restricts those units as rental housing affordable to low- and very-low-income households for 55 years, to count those units towards up to 25 percent of their low- and very-low-income RHNA obligation at the end of the RHNA cycle (i.e., in the jurisdiction's reporting requirements).		
RHNA	Require RHNA compliance to include backlog and zoning in excess of RHNA and to add "missing middle" income range without cash subsidy from 120-150% AMI		

Compact Element #5: No Net Loss of Deed Units with Right of First Refusal

Brief Description:

No Net Loss Policy: This policy could be a standalone policy whenever demolition is occurring, or it could be an overlay/subset of other policies recommended on this list that encourage rezoning/upzoning and or intensification of existing uses that currently include housing (example: Redevelopment 2.0, Upzoning on Transit, SB35)

Desired Effect:

The goal of the policy is to preserve opportunities for low income households to return to their communities and prevent the loss of low and middle income housing opportunities in a redevelopment project or area.

Scale: State Legislation Applied to 9 Bay Area Counties

Models:

Public Housing Redevelopment, Former Redevelopment Requirements, City of Portland No Net Loss Policy, City of Arlington, VA Conservation Districts

References:

Action Plan 8.2

<http://www.lesardevelopment.com/2018/03/no-net-loss-action-sb-166/>

<http://www.mapc.org/wp-content/uploads/2017/11/One-for-One-Affordable-Housing-Replacement-Ordinances.pdf>

<https://www.frbsf.org/community-development/publications/community-investments/2014/march/research-briefs-money-mismanagement-correlated-homelessness-municipal-policies-preserve-affordable-housing/>

<https://housing.arlingtonva.us/affordable-housing/housing-conservation-district/>

<https://ahcd.assembly.ca.gov/sites/ahcd.assembly.ca.gov/files/hearings/RoleofLocalRedevelopmentAgenciesinAffordableHousingFeb15.pdf>

Negotiation Points

Does this apply everywhere or only in cases where upzoning or intensification is envisioned; Mechanism for requiring, Relocation assistance; location and amount of replacement housing; right to return; how to pay - funding sources and/or developer incentives; 1:1 replacement definitions and requirements including whether it applies beyond just deed restricted units; balancing size of requirement vis-à-vis having sufficient \$\$ sources and offsets to over the cost

Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
- When “No Net Loss” Required - Relocation assistance	Required in renewed redevelopment areas Required in SB 827 and similar zoning	Will this policy include relocation assistance? Required in SB 35?	

• Right to Return?	This would require new developments to offer displaced residents a right to return to the newly redeveloped projects.		
• How to pay for this?		Should costs be paid for with public dollars or offset by increase in density, tax abatement, or reduction in other impositions? Does it only apply in cases of density bonus and/or upzoning?	

Compact Element #7: Strengthen Utilization of Public Land for Housing Production

Brief Summary: Promote increased utilization of public land for affordable housing through enhancements to a variety of legislation, regulatory tools and regional coordination and planning actions including strengthening the surplus land act, amending housing element law or amending the regulatory certification process, and embedding coordinating, technical support and monitoring functions in a regional housing entity. Goals are to achieve:

- Barrier reduction to developing on public land by ensuring that land is adequately zoned
- Create mechanism for coordination/monitoring of regional public land supply
- Provide technical support and draft legislation that encourages public land to be re-used for housing.

Desired Effect: Encourage the reuse of public land for the creation of mixed-income or affordable housing development.

Scale: State legislation applied to 9 Bay Area Counties; may impacts housing element law; to be addressed in coordination with other CASA policies.

Models: Puget Sound region of WA including Seattle; <https://www.psrc.org/public-land-affordable-housing>; <https://seattle.curbed.com/2017/9/29/16387686/surplus-public-land-affordable-housing>
Enterprise report: <https://www.enterprisecommunity.org/download?fid=3257&nid=3739>

References: Action Plans 16.1; 16.2

Negotiation Points: Intent: is it to “encourage” or to “create stricter requirements for affordability”
Incentive structure options, revenue source to cover localities cost to implement; levels of affordability; pricing and conveyance of land ranging from donated in full to conveying at below-market value

Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
	See (Current bill) Also support changing State Housing Element Law to: A) Require and resource jurisdictions to prepare a full inventory of publicly-owned sites within their boundaries, including current uses, and report this to their Councils of Governments (COGs). B) Allow residential uses on developable public land, regardless of zoning, by establishing a presumption in Housing Element Law that homes may be built on public land meeting certain criteria (eg not parkland). If a jurisdiction prohibits housing on a		

	site, require them to submit a rationale for its exemption, based on strict State-sanctioned standards. Regulatory changes: A) Make public land more competitive for affordable housing funds to incentivize rezoning: Modifications to LIHTC, AHSC, other program requirements. Build in incentives to programs that encourage housing development on public lands. B) Review State's spatial guidelines for public facilities (ie schools) to evaluate potential for changes that could open up land for housing without compromising the quality of on-site public services (e.g. New York allows for vertical mixed use with ground floor public uses)		
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Compact Element #10: Remove Regulatory Barriers to ADUs and Tiny Homes			
Brief Summary: Amend existing state ADU law to remove regulatory barriers to building including ministerial approval for ADUs and Junior ADUs in residential zones, allowance for multiple ADUs in multi-family homes, and creation of a small homes building code (AB 2890 Ting).			
Desired Effect: Extremely High Impact; Short Term. Assuming 20% of 1.5 Million single family homes in Bay Area = 300,000 new homes distributed into existing neighborhoods. In PDAs alone would be 50,000 new homes. Distribute green, more affordable homes quickly and uniformly in region. State must reduce zoning barriers to: (1) Create significant, rapid increase in less costly homes including stabilizing vulnerable households including seniors, disabled, and lower income homeowners in all existing neighborhoods (Missing middle housing, Preservation); (2) Reduce GHG by improving utilization of buildings/land build more small, infill, low GHG/sustainable homes (3) ease codes for ADUs and Tiny Homes . Help expand and stabilize labor force and construction.			
Scale: State legislation applied to 9 Bay Area Counties			
Models: Arlington VA, Portland OR, Seattle WA, Vancouver BC, State of Oregon Tiny Homes Code, (Leslye's work)			
References: Action Plans 10.3, 10.4 UCB Chapple 2015; UCB Turner Center 2017; Legislative history SB 1069, AB 2890			
Negotiation Points:			
Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
Ministerial Approval	Allow ministerial approval regardless of zoning standards for: - Both an ADU and a Junior ADU (JADU), not required to be smaller than 800 sqft in any zone that allows residential uses; in existing or proposed structures including in rear yard cottage not to exceed 800 sqft , 16' tall , with 4' in side or rear yard setbacks - Existing unused spaces in multi-family structures or yards may be converted to multiple ADUs. - ADUs receiving ministerial permits cannot be rented for less than 30 days; subject to local non-zoning housing standards not addressed in this law - Encourage non-safety code forgiveness		

Owner Occupancy	If Owner Occupancy locally required, reasonable annual monitoring based on published documents		
Impact Fees	Cap impact fees on net new living area over 500 sqft per accessory unit A		
Small and Tiny Homes Building Code	Create small homes building code to reduce non-safety code requirements that disproportionately make small homes and tiny homes infeasible including energy standards, appliance and room sizes, and similar.		

Compact Element #11: Align Density Bonus/Inclusionary Laws to Improve Even, Fair Application for ALL Housing Production			
Brief Summary: More on-site affordable housing constructed through creating clear uniform standards for building under the State Density bonus, inclusionary zoning, and housing mitigation impact fees laws.			
Desired Effect: High Impact; Short Term for mixed income projects that that otherwise prevented from advancing due to oversized and conflicting affordability and housing fee requirements. Not possible to document the number of units “not proposed”. Will increase (1) housing production overall and (2) production of affordable units or fees require significant increase in housing production that cannot widely occur without this law change.			
Scale: State legislation applied to 9 Bay Area Counties			
Models: Other regions of US with Inclusionary Zoning programs add incentives not additional costs to deliver more affordable homes (Washington, New York)			
References: LUNA case Action Plan 10.3			
Negotiation Points:			
Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
Density Bonus Clarifications & Administration	- Re-write density bonus law to add clarity, clear implementation guidelines to be developed by HCD including implementing forms, agreements, etc. - Confirm and codify Density Bonus ruling in Latinos Unidos del Valle de Napa y Solano v. County of Napa ("LUNA") as applied to DB units, inclusionary units, and mitigation, SB 35 ie \$ for \$ credit (each is credited all requirements, no double or triple payments) - HCD monitor DB and IZ units	Need draft of proposed clarifications	

Density Bonus Requirements	• Relate Density Bonus Affordability to Palmer Fix (Inclusionary) and disallow separate housing impact fees except as an alternative compliance mechanism • Density bonus affordable housing units can be delivered at a range of income levels up to 120% AMI, as long as overall average target income level for affordable housing units is at 80% AMI level; for example 1/3 at 50%, 1/3 at 80% and 1/3 at 110%. • Subject to Housing Accountability Act protections	• Clarify that mitigation fees for housing may not be charged to Density Bonus or deed restricted units • Discuss rates and affordability levels • Add new density bonus category to significantly increase missing middle housing (Example: 40% increase in density for 30% of units affordable between 80% and 150% AMI) • Add a prohibition on downzoning to avoid compliance with density bonus	
Taxes on Affordable Units	Property taxes on deed restricted (DB or IZ) affordable units shall be set at the affordable rent/sales price that is set by the affordability restrictions not by the market value of the unit.	Confirm whether today this is possible with a non-profit partner	
Equity Sharing	Ownership BMRs should be permanently affordable with limited equity share	Discuss how to set these rules Discuss with Habitat for Humanity how to have workable equity sharing rules that allow owners to receive equity appreciation	

Compact Element #12: Streamline Housing Approvals Through Fair, Predictable, Faster Process			
Brief Summary: Amend State Housing and Permitting Laws (Permit Streamlining Act, Housing Accountability Act, CEQA) to disallow backsliding to avoid compliance with State law, and to restore transparency, certainty, fairness, deadlines, predictability to housing approval process Case-by-case public disputes and opposition to many if not most housing projects, even when these are consistent with local plans and rules,. Good government must be transparent, fair, predictable, and even-handed across the region, with clear rules that apply to everyone equally.			
Desired Effect: High Impact; Short Term for proposed housing or housing stuck in approval pipeline that that otherwise prevented from advancing due. Not possible to document the number of units “not proposed” or “slowed down until became infeasible”. Required precursor to increasing housing production of market rate, affordable, homeless, and all forms of housing.			
Scale: State legislation applied to 9 Bay Area Counties			
Models: Forthcoming if available/applicable.			
References: Action Plans Referenced: 12.1 https://www.law.berkeley.edu/wp-content/uploads/2018/02/Getting_It_Right.pdf			
Negotiation Points: Terms and requirements for a local waiver; monitoring and enforcement to ensure not suppressing production; exploration of “deemed approved” language.			
Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
Local Jurisdictional Requirements	- Disallow height and density reductions, limits, and moratoria in already residentially zoned areas to avoid compliance with State housing law especially the HAA. - Where the general plan or its housing element and zoning already allow housing, HAA shall apply to provide protections to projects consistent with these plan standards despite any locally required rezonings. - Local agency and special district rules, fees, codes, and standards must be made available in writing to an applicant on a written form available at the local agency with clear mechanisms for determining rules, fees, inclusionary standards, community benefits and historic	- Should this apply only to projects of 20 units or less (e.g. “small” projects)? - No net loss provisions on streamlined projects - Additional community engagement and delayed implementation in sensitive communities	

Local Jurisdictional Requirements	status determinations or they cannot be requested by the local agency nor agreed to by the developer. • Historic status must be determined at completeness based on published reports. • Allow no more than 3 de novo public hearings on a housing project (with possibility of appeals). • Report to Bay Area Metro and HCD the length of time from new or renovated housing project application to project approval for all housing projects and remodels, as well as the number of de novo hearings and appeals on each. • Use it or lose it provision such that streamlined permits expire if not used in a timely way (eg 24 months)		
Fees	• For projects consistent with the general plan, any relevant specific plans, and consistent with residential use zoning, LOCK FEES AND RULES AND COMMUNITY BENEFITS AT APPLICATION COMPLETENESS (excepting rule changes for life safety conditions). Lock fees and rules for 100% affordable projects as of the date of application. • These local rules/fees cannot be modified after Application Completeness. Completeness shall be defined as making all the required plan changes in the first zoning completeness letter.		
Parallel Amendments	• Amend Permit Streamlining Act to require approval of all residential projects less than 20 units or 20,000 square feet in size in 6 months. • Make parallel amendments to create CEQA statutory exemptions for housing in urbanized areas that has 20 or fewer units. • Close loopholes in Housing Accountability Act on definitions of objective standards		

Compact Element #14: Improve Effectiveness and Fairness of State Housing Streamlining (SB 35)			
Brief Summary: SB 35 was intended to streamline housing for projects with fully skilled and trained labor and on-site affordable amendments are needed to improve effectiveness so more projects to make use of this section to increase housing production. Amendments proposed: • Allow reasonable local review including design review • Allow smaller projects to access expedited review without added labor or affordability standards • For larger projects add tax 15-year abatement (modeled on New York) and other offsets to pay for labor and affordable requirements			
Desired Effect: Projects that have labor standards should get the benefit of additional tools (benefits/offsets) to pay for living wage jobs. Pre-cursor to achieving expanded housing production with labor standards and on-site affordable throughout the region. Essential to easing construction labor shortage increasing number and predictability of high quality desirable construction jobs.			
Scale: State legislation applied to 9 Bay Area Counties			
Models: New York			
References: SB 35 Action Plans Referenced: 12.2, 12.3, 17.1, 17.2			
Negotiation Points: Deferrals for provisions for communities of concern regarding affordability levels, economic offsets and tools; confirm 15 year time period for real estate tax abatement; define: small project, affordability levels, limits/requirements on use of real estate abatement			
Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
Clarifications to Existing Law	• SB 35 projects are exempt from CEQA • Housing developments of less than 20 units or 20,000 square feet, are eligible for SB 35 expedited approvals without added affordability, wage, apprentice, or labor standards to reduce local planning workload on small but often controversial projects. • SB 35 projects subject to limited local discretionary review as follows: a. 6 months and 1 de novo hearing for projects of 20 units or less		

	b. 12 months and 3 de novo hearings for projects larger than 20 units • Subject to Housing Accountability Act protections. • Deferral option in Sensitive Communities: Local agency may elect in sensitive community designated areas to retain affordability levels for SB 35 projects at current law levels until community planning complete at which point affordability levels may change.		
Developer Incentives	• Cap impact fees on SB 35 projects to \$30 per square feet for over 500 square feet of net new living area • Add 15-year tax relief modeled on NY program to SB 35 projects “reverse redevelopment” • Make SB 35 projects eligible for an automatic 35% Density Bonus	Economic offsets and tools; confirm 15-year time period for real estate tax abatement, limits/requirements on use of real estate abatement	
Changes to Existing Law	• Existing law limits time of SB 35 project approvals. Allow SB 35 projects to provide less than 50% affordable in jurisdictions that have “met” market rate RHNA goals for housing developments <u>outside</u> Sensitive Communities	Proposal: Limit affordability to 15% regional cap, but do not allow waivers In which jurisdictions should the affordability levels be applied? Add affordability category to significantly increase missing middle housing (Example: 30% of units affordable between 80% and 150% AMI) Ensure that total combined proposed changes expand use of this tool significantly to expand production widely	

Compact Element #15: Minimum Zoning on Transit for Housing			
Brief Summary: Increase number of market rate and affordable homes near transit on low density residential, commercial, and public sites with limited parking in a manner that fits in with existing neighborhoods and expands at a <u>minimum</u> missing middle housing (housing built to height of 36', 75% lot coverage, no parking, no density restrictions), to significantly increase overall housing production in areas targeted by Plan Bay Area and Sustainable Communities.			
Desired Effect: High Impact, Medium to Long term but essential to achieve compliance with PBA and SCS. Required precursor to increasing housing production of market rate, affordable, homeless, and all forms of housing.			
Scale: State legislation applied to 9 Bay Area Counties			
Models: Portland OR, Seattle WA pre-zoning infill neighborhoods			
References: Action Plans Referenced: 8.2, 10.3, 10.5, 10.6 SB 827			
Negotiation Points: Temporary delay provisions for communities of concern for 3-5 years; height for added density above missing middle to 75/80', define qualifying transit (bus, rail, ferry, major transit stop?); Refer to last draft of last printed version of SB 827 for all items except those specified here.			
Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
Density Requirements	Modify concepts from last printed version SB 827 only as specified below: • Increase housing densities and allow housing overlay ½ miles "on Transit" (confirm definition) to permit housing uses on commercial and institutional land below a low allowed FAR (1.5) to a missing middle building form or "Minimum Building Density" of 36', lot coverage 75%, 0 parking • Increase densities and create housing overlay on Transit to at least densities above. • In areas closer to major transit corridors (rail corridors, ferry stations, major transit corridors) increase densities to minimum 50' (up to 75' with density bonus excepting that "Sensitive Communities" can delay this	Height for added density above missing middle Define qualifying transit (rail, ferry, bus, major transit stops?); Determine definition of "transit corridors" Determine reduced affordability levels outside "sensitive communities" Determine period of "deferred compliance" and expected planning densities on transit for completed plans.	

	increased Transit Density for projects providing less than 50% affordable housing for up to 4 years at 120% of AMI or less but only if no plan adopted last 5 years ie no downzoning • Sites occupied by a Mobile Home Park, Public Housing, or Single Room Occupancy built prior to Effective Date shall not be eligible for Transit Density. • Subject to Additional Terms from SB 827 (e.g. no net loss, etc.). • No local action required under CEQA for this to take effect • Subject to Housing Accountability Act protections.	Map of sensitive communities (see geography proposal) Add new density bonus category to significantly increase missing middle housing (Example: 40% increase in density for 30% of units affordable between 120 and 150% AMI) Discuss how to ensure that exclusive communities not located on transit are also doing more to add density and a range of housing options	
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Compact Element #16: Amend Product Defect Liability Standards

Brief Summary: Adjust liability standards to make more homes insurable. Home ownership cannot be achieved in infill buildings without modifying existing liability laws that prevent reasonable attached home ownership products because they are uninsurable. See AB 2353 (Frazier)

Desired Effect: Medium to Long term but essential to achieve compliance with PBA and SCS. In regions such as Cascadia which has more reasonable liability laws for ownership, up to 50% of attached housing new construction is in ownership forms. If the Bay Area could increase production by being able to offer homes for sale in addition to for rent, could increase overall housing production significantly. Also may be only way to create new home ownership opportunities in existing developed communities including in small missing middle type projects that could create more ownership opportunities at a range of incomes.

Scale: Liability standards and insurance markets in most US States and Canada

Models: Liability standards and insurance markets in most US States and Canada

References: Action Plans Referenced: 11.3
Legislative History

Negotiation Points:

Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
Amendments	Require licensed inspectors for plaintiffs and builders in construction defect cases to reduce the likelihood and size of class action like suits which prove to be timely and expensive By minimizing costs related to construction defect suits, this will encourage increased production of homes, especially condominiums.		Confirm that this is sufficient to restore insurance availability to designers, contractors, and developers of for sale product.