



AMENDED 11-19-21
City of St. Helena
Regular City Council Meeting
Tuesday, November 23, 2021 @ 6:00 PM

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.

This meeting will be conducted pursuant to the provisions of Government Code Section 54953 (as amended by AB 361) which authorizes teleconferenced meetings under the Brown Act during certain proclaimed States of Emergency. The Governor of California proclaimed a State of Emergency related to COVID-19 on March 4, 2020. This teleconferenced meeting is necessary so that the City can conduct essential business and is permitted under Government Code 54953 in order to protect public health and safety of attendees.

Consistent with Government Code Section 54953, this City Council Meeting will be held via teleconference only, and will not be physically open to the public. City Council members and staff will teleconference into the meeting by audio and/or video. The meeting will be conducted via Zoom Webinar.

The City Council meeting will be live-streamed on Comcast Channel 28 and on the City's website, barring technical difficulties. Those members of the public wishing to participate must do so remotely via Zoom electronic meetings in the following ways; by either logging onto the Zoom link located on the meeting agenda (please download the app to your computer or mobile device) and enter the meeting ID or by calling a listed number and enter the meeting ID. Public comment for City Council meetings will be accepted via email to publiccomment@cityofstheleena.org. All public comments must be emailed by 4:00 PM prior to the meeting. Emailed public comments will not be read out loud but will be publicly available and attached to the on-line City Council agenda.

NEW FEATURE FOR ALTERNATIVE PUBLIC COMMENT VIA TELEPHONE BY RESERVATION

If you would like to provide comments via telephone (not using Zoom) during the Council meeting, you can request a reservation from the City Clerk prior to 12:00 p.m. on the meeting day. The reservation request may be submitted to the City Clerk by emailing publiccomment@cityofstheleena.org, or by calling (707) 968-2752. When submitting the request, please identify your name, your telephone number (including the area code first), and the agenda item number you would like to comment on. During the Council meeting, a representative from the City Clerk's Office will call you when public comment is called for the requested item. You will then be able to provide your comments to the Council via telephone.

In the event a quorum of the City Council loses electrical power or suffers an internet connection outage that is not corrected within 10 minutes, the meeting will

automatically be adjourned. Any items noticed as public hearings will be continued to the next regularly scheduled evening meeting of the City Council. Any other items on the agenda that the Council has not taken action on will be placed on a future agenda. Please see the end of the agenda for detailed PUBLIC PARTICIPATION instructions. Spanish translation for this meeting will be offered. To access Spanish translation, you will need to join the meeting using the Zoom app from a computer, iPad or Iphone. You will see an icon on the screen that will allow you to choose Spanish translation. To learn how to use Zoom, please see the instructions below.

Please click the link below to join the meeting:

<https://us02web.zoom.us/j/85940045382>

Or One tap mobile :

US: +16699006833,,85940045382# or +12532158782,,85940045382#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 301 715 8592 or
+1 312 626 6799 or +1 929 205 6099

Meeting ID: 859 4004 5382

International numbers available: <https://us02web.zoom.us/j/85940045382>

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**Esta reunión será realizada conforme a las provisiones del Código de Gobierno Sección 54953 (modificada por AB 361) la cual autoriza las reuniones de teleconferencia bajo el Acta Brown durante ciertos Estados de Emergencia. El gobernador de California proclamó Estado de Emergencia relacionado con el COVID-19 el 4 de marzo del 2020. Esta reunión por teleconferencia es necesaria para que la Ciudad pueda realizar deberes esenciales y es permitido bajo el Código de Gobierno 54953 en orden de proteger la salud pública y seguridad de los asistentes.**

**Consistente con el Código de Gobierno Sección 54953, esta reunión del Consejo de la Cuidad será realizada vía teleconferencia y no será físicamente abierta al público. Miembros del Consejo de la Cuidad y personal atenderán la reunión por audio y/ o video. La reunión será transmitida vía Zoom.**

**La reunión del Consejo de la Cuidad se transmitirá en vivo por el Canal 28 de Comcast y en el sitio web de la Ciudad, salvo dificultades técnicas. Aquellos miembros del público que deseen participar deben hacerlo de forma virtual a través de las reuniones electrónicas de Zoom de las siguientes maneras; iniciando sesión en el enlace Zoom ubicado en la agenda de la reunión (descargue la aplicación en su computadora o dispositivo móvil) e ingrese el ID de la reunión o llamando al número ubicado en la agenda e ingrese el ID de la reunión. Se aceptarán comentarios públicos para la reunión del Consejo de la Cuidad por correo electrónico a [publiccomment@cityofsthelena.org](mailto:publiccomment@cityofsthelena.org). Todos los comentarios públicos se harán públicos y se adjuntarán a la agenda, pero no se leerán en voz alta. Todos los comentarios públicos que se reciban después de las 4:00 PM se adjuntarán a la agenda del Consejo de la Cuidad al día siguiente.**

**Consulte el final de la agenda para obtener instrucciones detalladas de PARTICIPACIÓN PÚBLICA.**

**Se ofrecerá traducción al español para esta reunión. Para acceder a la traducción al español, deberá unirse a la reunión utilizando la aplicación Zoom desde una computadora, iPad o iPhone. Verá un icono en la pantalla que le permitirá elegir la traducción al español. Para aprender como utilizar Zoom, consulte las instrucciones a continuación.**

Habrá traducción en español durante la junta

Haga clic en el enlace a continuación para participar en la reunión:

<https://us02web.zoom.us/j/85940045382>

O por iPhone one-tap:

US:

+16699006833,,85940045382# or +12532158782,,85940045382#

O por Teléfono: Marque(para mejor calidad, marque número basado en su ubicaciónactual):

US:

+1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099

Webinar ID: 859 4004 5382

ID de la Reunión: ID: 859 4004 5382

International numbers available: <https://us02web.zoom.us/j/85940045382>

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1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL  
Mayor: Geoff Ellsworth, Vice Mayor: Paul Dohring, City Council Members: Anna Chouteau, Eric Hall and Lester Hardy
4. ADOPTION OF THE AGENDA
5. 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 Council Members for clarifications may be posed and answered, and Council Members 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.
6. REPORTS BY STAFF AND CITY COUNCIL, FUTURE AGENDA ITEMS, AND AB 1234 REPORTS:  
Reports by staff and/or Council Members on items of general interest. Brief questions for clarification may be posed and answered, and Council Members 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.
7. PRESENTATIONS AND PUBLIC RECOGNITIONS

- 7.1. None
8. STAFF BRIEFING
- 8.1. None
9. 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)
- 9.1. Consideration and proposed approval of Regular Meeting Minutes of November 9, 2021 and Special Meeting Minutes of November 9, 2021. 15 - 23
- CEQA Determination: Not a CEQA project  
 Prepared By: Cindy Tzafoopoulos, City Clerk  
 Recommendation:  
 Adopt  
[11-09-21 Special City Council - Applicant Interview - Minutes](#)  
[11-09-21 Regular City Council - Minutes](#)
- 9.2. Consideration and proposed adoption of a resolution certifying the Measure T Maintenance of Effort (MOE) for Fiscal Year 2021. 25 - 30
- CEQA Determination: Not a CEQA project  
 Prepared By: Mandy Kellogg, Asst. Administrative Services Director  
 Recommendation:  
 Adopt a resolution certifying the Measure T Maintenance of Effort (MOE) for Fiscal Year 2021.  
[Staff Report - Pdf](#)
- 9.3. Consideration and Proposed Adoption of a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Napa County Resource Conservation District, in an amount not-to-exceed \$74,975 for York Creek Project Year 2 Monitoring Services for the Upper York Creek Ecosystem Restoration, City Project No. W-26. 31 - 52
- CEQA Determination: Environmental Impact Report (SCH. No. 2006092096)  
 Prepared By: Martin Beltran, Management Analyst  
 Recommendation:  
 Staff Recommends City Council Adopt the attached Resolution.  
[Staff Report - Pdf](#)
- 9.4. Adoption of Resolution Making Findings and Determinations under AB 361 for the Continuation of Virtual Meetings. 53 - 57
- CEQA Determination: Not a CEQA project  
 Prepared By: Ethan Walsh, City Attorney  
 Recommendation:  
 Approve the Attached Resolution Making Findings and Determinations Under AB 361.  
[Staff Report - Pdf](#)



## 10. PUBLIC HEARINGS

- 10.1. Appeal filed by George Caloyannidis to overturn the October 5, 2021 denial of his applications for demolition permit and design review in order to demolish an existing single-family residence to accommodate the construction of a new single-family home on the property located at 1420/1428 Allyn Avenue in the Medium Density Residential zoning district. The project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301 and Section 15303. 59 - 138

CEQA Determination: Exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301 and Section 15303.

Prepared By: Aaron Hecock, Senior Planner

Recommendation:

The City Council has two actions to take: 1) One relating to CEQA; and 2) Pertaining on whether to approve or deny the appeal:

### CEQA:

1. Determine that the project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301 and Section 15303; and

### Appeal Recommended Action Options:

2a. Approve a resolution granting the appeal thereby approving demolition permit and design review for the proposed demolition and new construction on the property located at 1420/1428 Allyn Avenue.

2b. Approve a resolution denying the appeal based upon specific findings thereby denying demolition permit and design review for the proposed demolition and new construction on the property located at 1420/1428 Allyn Avenue.

[Staff Report - Pdf](#)

## 11. OLD BUSINESS

- 11.1. Staff briefing and City Council discussion and direction regarding the recommended plan of finance for CIP S-52 WWTP Upgrade Project. 139 - 143

CEQA Determination: Not a CEQA project

Prepared By: April Mitts, Administrative Services Director

Recommendation:

Discussion and direction regarding the recommended plan of finance for CIP S-52 WWTP Upgrade Project.

[Staff Report - Pdf](#)

- 11.2. Discussion, Consideration, and Direction of the Following Requests by Our Town St. Helena (OTSH) regarding the property at 963 Pope Street: 145 - 154

1. The City to extend the current acquisition loan (\$450,000 at zero percent interest) for up to 12-months from the current maturity date, extending the maturity date to December 9, 2022 (potential adoption of a resolution); and
2. Effective immediately, the City's Affordable Housing Trust Funds (Funds 751 and 752) will cover the RCAC loan interest payments (approximately \$1,900 per month) while OTSH pursues other financing. This would amount to approximately \$22,800 to cover interest only payments from October 2021 to October 2022 when the RCAC loan comes due; and
3. The City to provide a \$250,000, zero percent interest loan to OTSH to either (a) repay a portion of the RCAC loan, which has a current loan balance of \$543,889, thereby reducing monthly interest payments and debt on the property, or (b) to serve as permanent financing to make the project more competitive for the upcoming HOME funding application.

CEQA Determination: Approval of a resolution amending the Loan Agreement for the acquisition of 963 Pope Street is governed by Section 15310 of State CEQA Guidelines which exempts the approval of mortgages of the purchase of existing structures where the loan will not be used for new construction.

Prepared By: April Mitts, Administrative Services Director

Recommendation:

Discussion and Direction on the request from Our Town St. Helena, and possible adoption of a Resolution.

[Staff Report - Pdf](#)

12. NEW BUSINESS

12.1. None

13. CLOSED SESSION:

PUBLIC COMMENT PERTAINING TO CLOSED SESSION

13.1. \*NEW ITEM ADDED 11-19-21

155 - 163

Conference with Legal Counsel – Existing Litigation (Sec. 54956.9)

Name of Case: Pacaso Inc., et al v. City of St. Helena, Case No. 4:21-cv-02493-WHO (U.S. Dist. Court, N.D. Calif.)

[Public Comment.Clarie Barr](#)

[Public Comment.Connie Wilson](#)

[Public Comment.Nancy Gardner and Carl Sherrill](#)

[Public Comment.Susan McWilliams](#)

[Public Comment.Pattie and Charlie Dullea](#)

13.2. Conference with Legal Counsel - Existing Litigation (Sec. 54956.9)

Name of case: Hall Vineland, LLC et al. v. City of St. Helena et al., Napa County Superior Court Case No. 19CV000897

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

14.1. **December City Council Meetings:**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>12/14 (Staff reports due 11/19)</b>                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>12/28 (Staff reports due 12/10) – MTG CANCELLED</b>                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Presentation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 12/14 Arbor Day Proclamation                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>STAFF BRIEFING:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Update on Waste Water Treatment Plant Upgrade Project (report every other month – January next report out)                                                                                                                                                                                                                                                                                                                                                           |
| <b>CONSENT:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 12/14 Water supply forecasting                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 12/14 Receive and File FY 2020-21 Annual AB 1600 Report on Development Impact Fees.                                                                                                                                                                                                                                                                                                                                                                                  |
| 12/14 Consideration and Proposed Adoption of a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Analytical Environmental Services (AES) a division of Montrose Environmental, in an Amount Not-to-Exceed \$119,112 for Compliance with California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) for the Wastewater Treatment and Reclamation Plant Phase I Upgrades, City Project No. S-52. |
| <b>PH or OLD / NEW BUSINESS:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 12/14 OB Update Presentation on the Vine Trail alignment through St. Helena                                                                                                                                                                                                                                                                                                                                                                                          |
| 12/14 PH - Consideration and proposed adoption of a resolution approving five-year list of projects under Measure T Program; and determining that the actions authorized by this resolution are exempt from CEQA.                                                                                                                                                                                                                                                    |

15. ADJOURNMENT

The next Regular City Council meeting is scheduled for December 14, 2021, at 6:00 p.m.

I do hereby certify that a copy of the foregoing agenda was posted on the City website on November 18, 2021. Republished 11-19-21

Cindy Tzafopoulos, 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.

#### **THE CITY OF ST. HELENA ENCOURAGES ONLINE PUBLIC PARTICIPATION IN VIRTUAL CITY COUNCIL MEETINGS**

St. Helena, CA– The City of St. Helena is committed to public participation in City government in a manner that is consistent with guidance provided by the Napa County Public Health Official and Governor Newsom's Executive Order N-25-20. These guidelines relate to social distancing, and are intended to protect everyone by limiting the spread of COVID-19 in our community. In adherence to these guidelines, the St. Helena City Council will host a Virtual Council Meeting on Zoom; a free teleconferencing tool that enables users to watch and/or call into the meeting from their computers or phones. This meeting will be open to public and allows for live public comment. The meeting will also be recorded, livestreamed, and posted on the City's website after the adjournment of the meeting if technical difficulties occur: <https://sthelena.civicweb.net/Portal/>

**The ZOOM web link, meeting ID, and phone number will be listed at the top of the City Council Meeting Agenda. You will be required to enter the meeting ID, but there will be no password or participant ID.**

#### **How to Watch or Listen to Council Meetings:**

1. Watch on Comcast Channel 28
2. Watch the livestreaming video on the City's website
3. Watch and Listen on Zoom.us by clicking on the link in the Council Agenda
4. Listen only by calling the Zoom number listed on the Council Agenda

#### **Watch Council Meeting by Joining the Zoom Meeting:**

1. **By Computer, Tablet, or Smart Phone:**

1. Before joining the virtual City Council Meeting, it is highly encouraged that you download the Zoom App. To sign up for your own free account, visit [zoom.us/signup](https://zoom.us/signup) and enter your email address. You will receive an email from Zoom (no-reply@zoom.us). In this email, click Activate Account.
2. If you are logged into your account, Enter the **Meeting ID** listed on the City Council Agenda. If you have not created an account go to: <https://zoom.us/join> and enter the **Meeting ID**
3. Select if you would like to connect audio and/or video and tap **Join Meeting**.
4. For specific instructions for your device, go to: <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

**1. Listen Only by Telephone:**

1. **Dial** the number listed on the Council Agenda.
2. At the prompt, enter the **Meeting ID** provided on the top of the City Council Meeting Agenda and **Press #. A participate ID is not required.**
3. To disconnect from the meeting, hang up the phone.

**Ways to Provide Public Comment:**

While attending the virtual City Council Meeting, the public will have the opportunity to provide live public comment during Public Forum and after each agenda item. When it is the appropriate time for public comment the Mayor will verbally open public comment. At this time each individual is permitted 4 minutes to speak.

**1. Send a Public Comment in by 4:00 PM Prior to the Meeting to:**  
[publiccomment@cityofsthelena.org](mailto:publiccomment@cityofsthelena.org)

The easiest way to provide public comment is to email your public comment. Public comments may be emailed to [publiccomment@cityofsthelena.org](mailto:publiccomment@cityofsthelena.org). Please include in the subject line "COMMENT TO COUNCIL and the AGENDA ITEM". Any public comment is required to be submitted no later than 2 hours before the scheduled meeting and will be included as an attachment to the agenda. All public comments will be made publicly available and attached to the agenda item and will not be read out loud. All public comments that are received after 4:00 PM will be attached to the agenda the following day.

**2. Provide Comment through Zoom meeting from a computer, tablet, or smart phone**

This option allows the public to virtually attend the meeting as a muted 'attendee' with no video or screen sharing capabilities. You will be able to see and hear those participating in the meeting, but they will not be able to hear you until the host unmutes you.

If you wish to provide public comment during a specific agenda item or during public forum, you can use the **"raise hand"** feature located in the control panel at the bottom of your screen. The icon is a small blue hand. In Windows you can also use the Alt+Y keyboard shortcut to raise or lower your hand. In Mac you can also use the Option+Y keyboard shortcut to raise or lower your hand.

The host will be notified that you've raised your hand and you will be placed in a queue with all incoming requests.

When it is your turn to speak, you will be notified that the host has unmuted you. To be removed from the queue, just click the **'raise hand'** button again.

**3. Call in to the ZOOM meeting from a cell phone or landline phone only**

This option allows the member of the public with the opportunity to verbally participate in public comment.

If you wish to speak during public comment time dial \*9 on your telephone.

The host will be notified that you would like to speak and you will be placed in a queue with all incoming requests.

When it is your turn to speak, you will be notified that the host has unmuted you. You may press \*9 again if you wish to be removed from the queue.

You will be notified at the end of your statement that you have been muted.

#### **4. Alternative Public Comment Via Telephone by Reservation**

If you would like to provide comments via telephone (not using Zoom) during the Council meeting, you can request a reservation from the City Clerk prior to 12:00 p.m. on the meeting day. The reservation request may be submitted to the City Clerk by emailing [publiccomment@cityofsthelena.org](mailto:publiccomment@cityofsthelena.org), or by calling (707) 968-2752. When submitting the request, please identify your name, your telephone number (including the area code first), and the agenda item number you would like to comment on. During the Council meeting, a representative from the City Clerk's Office will call you when public comment is called for the requested item. You will then be able to provide your comments to the Council via telephone.

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En cumplimiento de la Ley de Estadounidenses con Discapacidades, si necesita asistencia especial para participar en esta reunión, llame a la Oficina del Secretaría de la Ciudad (707) 967-2792. La notificación 72 horas antes de la reunión, como lo requiere la Sección 202 de la Ley de Estadounidenses con Discapacidades, permitirá a la Ciudad hacer arreglos razonables para garantizar la accesibilidad a esta reunión.

LA CIUDAD DE ST. HELENA ALIENTA LA PARTICIPACIÓN PÚBLICA EN LÍNEA EN REUNIONES VIRTUALES DEL CONSEJO DE LA CIUDAD

St. Helena, CA– La Ciudad de St. Helena está comprometida con la participación pública en el gobierno de la Ciudad de manera que sea consistente con la guía proporcionada por el Oficial de Salud Pública del Condado de Napa y la Orden Ejecutiva N-25-20 del Gobernador Newsom. Estas pautas se relacionan con el distanciamiento social y están destinadas a proteger a todos al limitar la propagación de COVID-19 en nuestra comunidad. En cumplimiento de estas pautas, el Ayuntamiento de St. Helena organizará una Reunión del Consejo Virtual sobre Zoom; Una herramienta de teleconferencia gratuita que permite a los usuarios mirar y / o llamar a la reunión desde sus computadoras o teléfonos. Esta reunión estará abierta al público y permite comentarios públicos en vivo. La reunión también se grabará, se transmitirá en vivo y se publicará en el sitio web de la Ciudad después de la clausura de la reunión si se presentan dificultades técnicas: <https://sthelena.civicweb.net/Portal/>

El enlace web de ZOOM, la identificación de la reunión y el número de teléfono se enumerarán en la parte superior de la Agenda de la reunión del Ayuntamiento. Se le pedirá que ingrese la ID de la reunión, pero no habrá contraseña ni ID de participante.

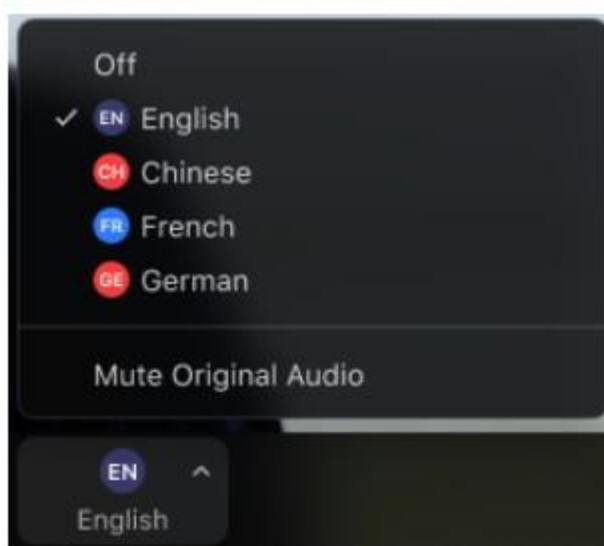
Cómo escuchar la interpretación de un idioma



1. En los controles de la reunión o el seminario web, haga clic en **Interpre**



2. Haga clic en el idioma que desee escuchar.



3. (Opcional) Para escuchar solo el idioma interpretado, haga clic en **Siler**



1. En los controles de la reunión, toque ... Más.



2. Toque **Interpretación de idiomas**.

3. Toque el idioma que desee escuchar.



4. (Opcional) Toque el botón de alternancia **Silenciar audio original**.



5. Haga clic en **Finalizado**.

Cómo ver o escuchar las reuniones del Consejo:

1. Veala a través del canal 28 de Comcast
2. Vea el video de transmisión en vivo en el sitio web de la ciudad
3. Mire y escuche en Zoom.us haciendo clic en el enlace en la Agenda del Consejo
4. Escuche llamando al número de Zoom listado en la Agenda del Consejo

Vea la reunión del Consejo uniéndose a la reunión Zoom:

1. **Por computadora, tableta o teléfono:**
 - a. Antes de unirse a la reunión virtual del Ayuntamiento, le recomendamos que descargue la aplicación Zoom. Para registrarse en su propia cuenta gratuita, visite zoom.us/signup e ingrese su dirección de correo electrónico. Recibirá un correo electrónico de Zoom (no-reply@zoom.us) . En este correo electrónico, haga clic en Activar cuenta.
 - b. Si ha iniciado sesión en su cuenta, ingrese la ID de la reunión que figura en la Agenda del Ayuntamiento. Si no ha creado una cuenta, vaya a: <https://zoom.us/join> e ingrese la ID de la reunión

- c. Seleccione si desea conectar audio y / o video y toque Unirse a la reunión. re. Para obtener instrucciones específicas para su dispositivo, vaya a: <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

2. Escuche solo por teléfono:

- a. **Marque** el número que figura en la Agenda del Consejo.
- b. Cuando se le solicite, ingrese la **ID de la reunión** provista en la parte superior de la Agenda de la reunión del Concejo Municipal **y presione #. No se requiere una identificación de participación.**
- c. Para desconectarse de la reunión, cuelgue el teléfono

Formas de proporcionar comentarios públicos:

Mientras asiste a la reunión virtual del Ayuntamiento, el público tendrá la oportunidad de proporcionar comentarios públicos en vivo durante el Foro Público y después de cada tema de la agenda. Cuando sea el momento apropiado para comentarios públicos, el Alcalde abrirá verbalmente los comentarios públicos. En este momento, cada individuo tiene permitido 4 minutos parahablar.

1. Envíe un comentario público por adelantado a publiccomment@cityofsthelena.org

La forma más fácil de proporcionar comentarios públicos es enviar su comentario público por correo electrónico. Los comentarios públicos pueden enviarse por correo electrónico a publiccomment@cityofsthelena.org. Incluya en la línea de asunto "COMENTARIO AL CONSEJO y el PUNTO DEL PROGRAMA". Cualquier comentario público debe presentarse a más tardar 2 horas antes de la reunión programada y se incluirá como un archivo adjunto a la agenda. Todos los comentarios públicos se harán públicos y se adjuntarán al artículo de la agenda y no se leerán en voz alta. Todos los comentarios públicos que se reciban después de las 4:00 PM se adjuntarán a la agenda al día siguiente.

- 2. Proporcione comentarios a través de la reunión Zoom desde una computadora, tableta o teléfono inteligente

Esta opción permite que el público asista virtualmente a la reunión como un "asistente" silenciado sin capacidades de video o pantalla compartida. Podrá ver y escuchar a los participantes en la reunión, pero no podrán escucharlo hasta que el anfitrión de permiso.

Si desea proporcionar comentarios públicos durante un elemento específico de la agenda o durante un foro público, puede usar la función "levantar la mano" ubicada en el panel de control en la parte inferior de la pantalla. El icono es una pequeña mano azul. En Windows también puede usar el atajo de teclado Alt + Y para subir o bajar la mano. En Mac también puedes usar el atajo de teclado Alt + Y para subir o bajar la mano.

Se le notificará al anfitrión que ha levantado la mano y se lo colocará en fila con todas las solicitudes entrantes

Cuando sea su turno de hablar, se le notificará que el anfitrión le ha dado permiso de hablar. Para ser retirado de la fila, simplemente haga clic de nuevo el botón "levantar la mano".

3. Llame a la reunión de ZOOM desde un teléfono fijo o móvil solamente

Esta opción le permite al miembro del público la oportunidad de participar verbalmente en comentarios públicos.

Si desea hablar durante el tiempo de comentarios públicos, marque * 9 en su teléfono.

Se le notificará al anfitrión que le gustaría hablar y se colocará en fila con todas las solicitudes entrantes.

Cuando sea su turno de hablar, se le notificará que el anfitrión le ha dado permiso de hablar. Puede presionar * 9 nuevamente si desea ser eliminado de la fila.

MINUTES
City of St. Helena
Special City Council Meeting
Tuesday, November 9, 2021 @ 5:00 PM

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

Present: Mayor Geoff Ellsworth, Vice Mayor Paul Dohring, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Eric Hall

Absent: None

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. ADOPTION OF THE AGENDA**

3.1 Adoption of the agenda

Mayor Ellsworth proposed hearing from Napa County Mosquito Abatement District Committee applicant Brian Cramer first.

Vice Mayor Paul Dohring moved to approve the agenda as amended. The motion was seconded by Council Member Anna Chouteau and on roll call carried by the following vote:

AYES: Mayor Geoff Ellsworth, Vice Mayor Paul Dohring, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Eric Hall

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None

4. PUBLIC COMMENT:

No public comment was received.

5. NEW BUSINESS:

5.1 The City Council may interview the following applicants:

Library Board of Trustees (two vacancies):

Special City Council
November 9, 2021

1. Alexandra Haslip
2. Juliet Valmont
3. Justin Stevens
4. Richard Crebs

Napa County Mosquito Abatement District Committee (one position):

1. Brian Cramer

Brian Cramer, Juliet Valmont and Richard Crebs addressed the City Council.

Richard Crebs requested that his application be withdrawn.

No public comment was received.

6. ADJOURNMENT

Mayor Ellsworth adjourned the meeting at 5:17pm.

The special City Council meeting minutes of November 9, 2021, were approved at the regular City Council meeting of November 23, 2021.

APPROVED:

ATTEST:

Geoff Ellsworth, Mayor

Cindy Tzaopoulos, City Clerk

MINUTES
City of St. Helena
Regular City Council Meeting
Tuesday, November 9, 2021 @ 6:00 PM

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

Present: Mayor Geoff Ellsworth, Vice Mayor Paul Dohring, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Eric Hall

Absent: None

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. ADOPTION OF THE AGENDA**

4.1 Adoption of the agenda

Mayor Ellsworth noted that item 12.1 would be heard after item 7.1 and prior to item 8.1.

Vice Mayor Paul Dohring moved to approve the agenda as amended. The motion was seconded by Council Member Eric Hall and on roll call carried by the following vote:

AYES: Mayor Geoff Ellsworth, Vice Mayor Paul Dohring, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Eric Hall

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None

- 5. PUBLIC FORUM:**
No public comment was received.
- 6. REPORTS BY STAFF AND CITY COUNCIL, FUTURE AGENDA ITEMS, and AB 1234 REPORTS:**

Reports were made by staff and City Council.

Regular City Council
November 9, 2021

City Attorney Ethan Walsh reported the following: As the public is aware, between October 23 and October 25, approximately 10 inches of rain fell in the Bell Canyon watershed, which led to significant inflows into the City's Bell Canyon Reservoir. Prior to the rains, the Reservoir had depleted to 28% capacity. With 25% of total capacity in the reservoir reserved for fire suppression support, that left only 3% of the total capacity of the Reservoir available for City use. The City opened its bypass valves to maximum capacity as soon as it was safe to do so after arrival of the storm inflows and maintained bypass releases at maximum capacity during the rains, and at the rate of inflow thereafter, but even after these releases the Reservoir remains approximately 76.7% full. This additional water could be crucial to the City's ability to meet the health and safety needs of the community, particularly in light of the current, prolonged state of drought and continuation of dry conditions.

In light of the City's desire to preserve water to meet those health and safety needs, we have filed a petition with the State Water Resources Control Board to confirm that the City's water rights permits allow it to retain the recent storm flows that have impounded in the Bell Canyon Reservoir or alternatively, to seek a temporary change to those permits to allow the City to do so. The City's petition to the State Board is being posted on the City's website under the Public Works/Water tab and interested members of the public can refer to the petition for more detail on the City's request to the State Board."

Council Member Hall requested a future agenda item of forming a Sister City with Bellinzona, Switzerland. Vice Mayor Dohring agreed.

7. PRESENTATIONS AND PUBLIC RECOGNITIONS

7.1 Napa Schools for Climate Action Presentation by Alisa Karesh and Emily Bit

Alisa Karesh presented on the item.

Item 12.1 was heard after 7.1

12. NEW BUSINESS:

12.1 *AMENDED 11-5-21 Adding additional Library Board of Trustees vacancy.

Consideration and proposed approval of resolution 2021-138:

1. Appointing two applicants to the Library Board of Trustees; and
2. Consideration of Reappointment of Brian Cramer to the Napa County Mosquito Abatement District

See item 12.1 below for motions.

8. STAFF BRIEFING

Regular City Council
November 9, 2021

8.1 Update on Waste Water Treatment Plant Upgrade Project

Item 8.1 was heard after the consent calendar.

Public Works Director Mark Rincon reported on the item.

9. 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)

- 9.1 Consideration and proposed approval of Regular Meeting Minutes of October 26, 2021.

Prepared By: Cindy Tzaopoulos, City Clerk

- 9.2 Adoption of Resolution 2021-139 Making Findings and Determinations under AB 361 for the Continuation of Virtual Meetings.

CEQA Determination: Not a CEQA project

Prepared By: Ethan Walsh, City Attorney

Recommendation:

Approve the Attached Resolution 2021-139 Making Findings and Determinations Under AB 361.

- 9.3 Consideration and proposed adoption of resolution 2021-140 authorizing the City Manager to execute a Professional Services Agreement with Larry Walker Associates in the amount of \$65,371 to provide regulatory assistance for the City of St. Helena Wastewater Treatment and Reclamation Facility.

CEQA Determination: Not a CEQA project

Prepared By: Martin Beltran, Management Analyst

Recommendation:

Adopt the attached resolution 2021-140.

- 9.4 Consideration and Proposed Approval of Resolution 2021-141 authorizing (1) the City Manager to execute Amendment No. 3 to STH Contract: FY 2021-025 in the amount of \$4,000 with EKI Environmental & Water, Inc. for a total not-to-exceed contract of \$151,500 for Engineering Consulting Services for Meadowood Tanks Emergency Replacement Project Due to Glass Fire Incident, City Project No. E21-04 and (2) the Director of Public Works to approve Change Order No. 1 to Construction Contract: STH Contract: FY2021-063 for \$3,114.91 with Taylor Bailey, Inc. for Meadowood Water Tanks Emergency Replacement Project, CIP Project No. E21-04, for a total not-to-exceed contract amount of \$61,030.91

CEQA Determination: Exempt from CEQA pursuant to Sections 21080(b)(3) and (4)

Regular City Council
November 9, 2021

Prepared By: Martin Beltran, Management Analyst

Recommendation:

Consideration and Proposed Approval of Resolution 2021-141 authorizing (1) the City Manager to execute Amendment No. 3 to STH Contract: FY 2021-025 in the amount of \$4,000 with EKI Environmental & Water, Inc. for a total not-to-exceed contract amount not to exceed \$151,500 for Engineering Consulting Services for Meadowood Tanks Emergency Replacement Project Due to Glass Fire Incident, City Project No. E21-04 and (2) the Director of Public Works to approve Change Order No. 1 to Construction Contract: STH Contract: FY2021-063 for \$3,114.91 with Taylor Bailey, Inc. for Meadowood Water Tanks Emergency Replacement Project, CIP Project No. E21-04, for a total not-to-exceed contract amount of \$61,030.91.

- 9.5 Consideration and proposed approval of Resolution 2021-142: (1) Accepting of California Department of Alcoholic Beverage Control grant 22-OTS13, to support programs deterring alcoholic beverage sales to minors; (2) authorizing the City Manager to execute the contract, including any extensions or amendments thereof and any subsequent contract with the State in relation thereto; (3) authorizing a budget increase of \$20,000 to Police Department Overtime (101-4900-2030); and (4) authorizing a budget increase of \$20,000 to General Fund Police Contributions revenue (101-3461-4900).

CEQA Determination: Not a CEQA project

Prepared By: Justin Tharp, Lieutenant

Recommendation:

Staff recommends approval of the attached Resolution 2021-142.

The consent calendar items were heard after item 7.1 and prior to item 8.1.

Council Member Anna Chouteau moved to approve consent items 9.1 through 9.5. The motion was seconded by Council Member Eric Hall and on roll call carried by the following vote:

AYES: Mayor Geoff Ellsworth, Vice Mayor Paul Dohring, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Eric Hall

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None

Item 9.6 was removed from the consent calendar.

- 9.6 Consideration and Proposed Approval of Resolution 2021-143 Affirming Support for the Upper Napa Valley Blue Zones Project and Appointing a Council Representative to Serve on the Upper Napa Valley Blue Zones Steering and Leadership Committee

Regular City Council
November 9, 2021

CEQA Determination: Not a CEQA project
Prepared By: Cindy Tzaopoulos, City Clerk
Recommendation:

Adopt the proposed resolution 2021-143 affirming support for the Upper Napa Valley Blue Zones Project and appointing Vice Mayor Dohring to the Upper Napa Valley Blue Zones Steering and Leadership Committee.

Council Member Hall addressed the City Council.

No public comment was received.

Council Member Lester Hardy moved to approve the resolution affirming support for the Upper Napa Valley Blue Zones Project and appointing Vice Mayor Dohring to the Upper Napa Valley Blue Zones Steering and Leadership Committee. The motion was seconded by Council Member Eric Hall and on roll call carried by the following vote:

AYES: Mayor Geoff Ellsworth, Vice Mayor Paul Dohring, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Eric Hall

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None

10. PUBLIC HEARINGS

- 10.1 Consideration of a resolution to adopt the Mitigated Negative Declaration for the R20-02 Mills Lane Storm Drain Improvements Project.

This item was not heard and continued to the December 14, 2021, regular City Council meeting.

Prepared By: Mark Rincon-Ibarra, Public Works Director and City Engineer

11. OLD BUSINESS

- 11.1 R18-81 Downtown Streetscape Update; Discussion and Direction Regarding Segmenting Project

CEQA Determination: Not a CEQA project

Prepared By: Mark Rincon-Ibarra, Public Works Director and City Engineer

Recommendation:

Provide direction.

City Manager Mark Prestwich addressed the City Council to introduce the item.

Regular City Council
November 9, 2021

Public Works Director Mark Rincon reported on the item.

BKF representative Dan Schaefer addressed the City Council.

No public comment was received.

It was the consensus of the City Council to move forward with the recommended project segmentation.

12. NEW BUSINESS

12.1 *AMENDED 11-5-21 Adding additional Library Board of Trustees vacancy.

Consideration and proposed approval of resolution 2021-138:

1. Appointing two applicants to the Library Board of Trustees; and
2. Consideration of Reappointment of Brian Cramer to the Napa County Mosquito Abatement District

CEQA Determination: Not a CEQA project

Prepared By: Cindy Tzaferopoulos, City Clerk

Recommendation:

Adopt resolution 2021-138 appointing an applicant to the Library Board of Trustees.

Mayor Ellsworth reported on the item.

No public comment was received.

Mayor Geoff Ellsworth moved to appoint Alexander Haslip to serve on the Library Board effective immediately with a term ending June 2022. The motion was seconded by Vice Mayor Paul Dohring and on roll call carried by the following vote:

AYES: Mayor Geoff Ellsworth, Vice Mayor Paul Dohring, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Eric Hall

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None

Mayor Geoff Ellsworth moved to appoint Juliet Valmont to serve on the Library Board beginning December 1, 2021, with a term ending June 2022. The motion was seconded by Council Member Anna Chouteau and on roll call carried by the following vote:

Regular City Council
November 9, 2021

AYES: Mayor Geoff Ellsworth, Vice Mayor Paul Dohring, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Eric Hall
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None

Mayor Geoff Ellsworth moved to reappoint Brian Cramer to the Napa County Mosquito Abatement District Committee. The motion was seconded by Council Member Anna Chouteau and on roll call carried by the following vote:

AYES: Mayor Geoff Ellsworth, Vice Mayor Paul Dohring, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Eric Hall
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None

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

14. ADJOURNMENT

Mayor Ellsworth adjourned the meeting at 7:28 p.m.

The regular City Council meeting minutes of November 9, 2021, were approved at the regular City Council meeting of November 23, 2021.

APPROVED:

ATTEST:

Geoff Ellsworth, Mayor

Cindy Tzaopoulos, City Clerk



Report to the City Council
Regular City Council - 23 Nov 2021

Agenda Section: CONSENT ITEMS

Subject: Consideration and proposed adoption of a resolution certifying the Measure T Maintenance of Effort (MOE) for Fiscal Year 2021.

CEQA Determination: Not a CEQA project

Prepared By: Mandy Kellogg, Asst. Administrative Services Director

Reviewed By: April Mitts, Administrative Services Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

At the General Election held on November 6, 2012, the voters of Napa County approved a ½-cent sales tax increase known as Measure T, the Napa Countywide Road Maintenance Act of 2012. The sales tax is being implemented by the Napa Valley Transportation Authority - Taxing Authority ("NVTA-TA"), and the tax proceeds are allocated among all local agencies within the County.

Measure T funding is to be used for maintenance, reconstruction, and/or rehabilitation of streets, roads, and transportation infrastructure within the public right-of-way including but not limited to: sidewalks, curb and gutters, curb ramps, lighting, traffic signage, striping, and local roadway drainage. Measure T is intended to supplement, not supplant or replace, the City's existing local general fund revenues being used for transportation infrastructure maintenance.

DISCUSSION

On February 13, 2018, City Council established the City's Maintenance of Effort (MOE) at \$379,189, which is a calculation of the average maintenance of effort for the FY 2007/2008, FY 2008/2009 and FY 2009/2010 as required by the Measure T Ordinance. Each year going forward, the City is required to certify that it has met the MOE obligation for the prior fiscal year. The MOE obligation can be met by calculating the average of total

MOE expenses for the designated three-year period, which includes 2018/19, 2019/20, and 2020/21.

For the Fiscal Year 2021, the City's MOE of \$379,189 was met with the designated three-year average expenses to Streets Capital Projects.

Maintenance of Effort Calculations are as follows:

Measure T MOE Certification					
Project	Description	FY 2018/19	FY 2019/20	FY 2020/21	3-Year Average
R00-0077	Railroad Avenue Curb Ramp	31,068	-	-	
R18-0079	Pavement Restoration	327,500	-	-	
R18-0080	ADA Curb Ramp	47,631	-	-	
R18-0081	Downtown Sidewalk Improvements	73,724	65,776	-	
R19-0005	Grayson & South Crane Rehab	-	47,631	-	
R19-0079	Pavement Restoration	-	326,279	-	
R20-0001	Mitchell/Sulphur Storm Drain	-	52,905	-	
R20-0002	Mills Lane Storm Drain	-	-	165,055	
Total MOE Contribution		479,923	492,591	165,055	379,190

FISCAL IMPACT

There is no financial impact associated with these actions as projects that will be funded by Measure T are eligible for 100% reimbursement of incurred project costs.

RECOMMENDED ACTION

Adopt a resolution certifying the Measure T Maintenance of Effort (MOE) for Fiscal Year 2021.

ATTACHMENTS

[Resolution FY21 Measure T MOE Certification](#)
[MOE Certification Form](#)

CITY OF ST. HELENA

RESOLUTION No. 2021-

Adoption of a resolution certifying the Measure T Maintenance of Effort (MOE) for Fiscal Year 2021 of 379,189 based on the 3-year average MOE expenditures during the designated 3-year period of 2018-19, 2019-20, and 2020-21.

RECITALS

- A. On November 6, 2012, the voters of Napa County passed the Napa Countywide Road Maintenance Act, also known as Measure T, which imposes a half cent transaction and use (sales) tax to provide supplemental funding for road maintenance as detailed in the Measure T Expenditure Plan; and
- B. The Napa Valley Transportation Authority – Taxing Authority (“NVTA-TA”) is the designated agency that administers and oversees the Measure T revenues; and
- C. The City of St. Helena is an eligible recipient of Measure T funds; and
- D. The tax proceeds will be used by the City to pay for the projects outlined in the Measure T Expenditure Plan allocated to the County of Napa and the cities and town within Napa County (“Local Agencies”) as set forth in Measure T; and
- E. Under the Measure T Expenditure Plan, Measure T funds are provided to the Local Agencies to be used for streets and roads projects as defined in the Measure; and
- F. The City of St. Helena has entered into a Master Agreement with NVTA that outlines procedures for Measure T expenditures; and
- G. The City of St. Helena shall determine and certify to NVTA-TA the average maintenance of effort amount for Fiscal Years 2007-08, 2008-09, and 2009-10, consistent with the criteria set forth in Section 9 of Ordinance No. 2012-01, including a memorandum detailing the supporting financial documentation and methodology utilized to calculate the average fiscal year street and roads; and
- H. On February 13, 2018, the City Council adopted Resolution 2018-16, which established the average Maintenance of Effort of \$379,189; and
- I. By January 1st each calendar year, the City of St. Helena must certify to and provide NVTA-TA a copy of supporting documentation as well as a Resolution approved by the governing body of the City of St. Helena, including backup documentation that demonstrates that the Maintenance of Effort was met the prior fiscal year; and
- J. Measure T Project(s) will comply with the requirements under the California Environmental Quality Act (California Code Sections 21000 *et seq.*; as implemented through California Regulations Title 14, Chapter 3, Sections 15000 *et seq.*).

RESOLUTION

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

1. The Recitals set forth above are true and correct and are incorporated herein;
and
2. The City Council hereby determines and certifies that:

(a) the Maintenance of Effort (“MOE”) for the City of St. Helena for Fiscal Year 2020/2021 was met by expending an average of \$379,189 over 2018/19, 2019/20, and 2020/21, as described:

Measure T MOE Certification				
Project	FY 2018/19	FY 2019/20	FY 2020/21	3-Year Average
R00-0077 Railroad Avenue Curb Ramp	31,068	-	-	
R18-0079 Pavement Restoration	327,500	-	-	
R18-0080 ADA Curb Ramp	47,631	-	-	
R18-0081 Downtown Sidewalk Improvements	73,724	65,776	-	
R19-0005 Grayson & South Crane Rehab	-	47,631	-	
R19-0079 Pavement Restoration	-	326,279	-	
R20-0001 Mitchell Sulphur Storm Drain	-	52,905	-	
R20-0002 Mills Lane Storm Drain	-	-	165,055	
Total Expended	479,923	492,591	165,055	379,190

(b) For Fiscal Year 2020/2021, the City of St. Helena met its obligation for an MOE at least \$379,189 as set forth in Resolution 2018-16; and

(c) The City of St. Helena will meet its MOE obligation of at least \$379,189 for Fiscal Year 2021/2022; and

3. This Resolution shall take effect immediately upon adoption.

Approved at a Regular Meeting of the St. Helena City Council on November 23, 2021,
by the following vote:

Mayor Ellsworth:	_____
Vice Mayor Dohring:	_____
Councilmember Chouteau:	_____
Councilmember Hall:	_____
Councilmember Hardy:	_____

APPROVED:

ATTEST:

Geoff Ellsworth, Mayor

Cindy Tzafopoulos, City Clerk

City/County/Town of St. Helena
Measure T Maintenance of Effort (MOE) Certification for
Fiscal Year 2020-2021

NVTA-TA Approved MOE	\$379,189.00
MOE Amount Certified for FY 2019-20	\$479,923.00
MOE Amount Certified for FY 2020-19	\$492,591.00
MOE Amount Certified for FY 2021-20	\$165,055.00
MOE Amount Certified for Designated 3-Year Average (2019-18, 2020-19, 2021-20)	\$379,190.00
Measure T funds Received in FY 2021-20	\$1,202,466.51
Measure T funds Expended in FY 2021-20	\$174,243.67
Measure T funds Balance in Account	\$1,997,714.55



Report to the City Council
Regular City Council - 23 Nov 2021

Agenda Section: CONSENT ITEMS

Subject: Consideration and Proposed Adoption of a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Napa County Resource Conservation District, in an amount not-to-exceed \$74,975 for York Creek Project Year 2 Monitoring Services for the Upper York Creek Ecosystem Restoration, City Project No. W-26.

CEQA Determination: Environmental Impact Report (SCH. No. 2006092096)

Prepared By: Martin Beltran, Management Analyst

Reviewed By: Mark Rincon-Ibarra, Public Works Director and City Engineer

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

On October 16, 2018, the City and Napa County Resource Conservation District (Consultant) entered into a Professional Services Agreement (PSA) STH Contract: FY 2019-036 to provide professional services for the development of a Mitigation and Monitoring Plan (MMP) to address and offset environmental effects of the dam removal work on York Creek. Work performed under the PSA includes: support the City with input on and technical review of the MMP, participate in meetings with permitting agencies and the City's consultants, and conduct preliminary and/or pre-construction monitoring surveys as needed.

On June 23, 2020, the City of St. Helena entered into a Construction Agreement with McCullough Construction, Inc. STH Contract: FY 2020-75 on W-26 Upper York Creek Ecosystem Restoration and Aquatic Habitat Enhancement Project. Construction commenced on June 29, 2020 and was then substantially completed and inspected on September 24, 2020. The Project involved the partial removal of the Upper York Creek Dam with the overarching goal to restore fish passage and habitat connectivity for steelhead trout (*Oncorhynchus mykiss*), reduce potential for future downstream

degradation through low-flow fine sediment releases and their associated fish kills, and allow for the restoration of approximately three acres of degraded riparian and aquatic habitat surrounding the dam and reservoir, including restoration of roughly two acres of native riparian forest. As part of the permitting process, the City is required to develop a Mitigation and Monitoring Plan (MMP) to assess and offset the environmental effects of the dam removal work.

On September 8, 2020, the City and Napa County Resource Conservation District (Consultant) entered into a Professional Services Agreement (PSA) STH Contract: FY 2021-023 to provide professional services for York Creek Project Year 1 Monitoring Services for the Upper York Creek Ecosystem Restoration, City Project No. W-26.

DISCUSSION

The City requires a range of environmental services during post-construction phases of the project in order to successfully execute the project and comply with the requirements of the funding agencies. The Napa County Resource Conservation District (Consultant) has extensive knowledge of the York Creek watershed and a history of assessment and monitoring efforts in York Creek and throughout the greater Napa River Basin. All tasks will be executed according to the requirements outlined in the approved Geomorphic and Restoration Monitoring and Adaptive Management Plan for the Upper York Creek Ecosystem Restoration Project.

Napa County RCD will perform all tasks in coordination with City staff as well as with project managing consultant EKI Environment & Water, Inc. Napa County RCD shall perform the following monitoring tasks:

- Project management – Coordination of monitoring activities and attendance of meetings with City of St Helena and consultants, permitting agencies, and landowners.
- Channel Cross Section Surveys – Work to be completed in the late spring/summer, after the rainy season but prior to report submittal for inclusion in the annual report. RCD anticipates surveying all 50 sections following a wet year, and a select subset following a dry year.
- Post-storm reconnaissance surveys/Photo-monitoring – Visual inspection of streambed and banks, log structures, and bridges in Reaches 1-5 following a 2 year magnitude storm or greater. Will be performed concurrently with photomonitoring as applicable. Includes up to two events in Year 2.
- Turbidity Monitoring – Four previously-established sites located along the creek will be visited four times following each event, at approximate 2-3 day intervals.
- Steelhead Spawner Surveys – Up to four spawner surveys, dependent on flow conditions.
- Vegetation Monitoring – RCD subcontract with professional vegetation ecologist/botanist, and assist as necessary. Vegetation surveys will be conducted within Reaches 3 and 4 and will include visual surveys to assess: 1) natural

revegetation of the streambanks, 2) progress of the growth of planted trees and willow stakes, and 3) success of invasive plant removal efforts.

- Annual Report - Prepare and submit an annual monitoring report documenting the methods and results of monitoring activities completed during the previous year.

FISCAL IMPACT

The City's adopted FY 2021-22 Operations Budget allocated \$120,000 for Upper York Creek Dam Monitoring & Maintenance. The Professional Services Agreement with Napa County Resources Conservation District for York Creek Project Year 2 Monitoring Service is for an amount not-to-exceed of \$74,975.

RECOMMENDED ACTION

Staff Recommends City Council Adopt the attached Resolution.

ATTACHMENTS

[Attachment 1: Resolution](#)

[Attachment 2: PSA Napa County Resource Conservation District](#)

CITY OF ST. HELENA

RESOLUTION NO. 2021-

Resolution authorizing the City Manager to Execute a Professional Services Agreement with Napa County Resource Conservation District, in an Amount not-to-exceed \$74,975 for York Creek Project Year 2 Monitoring Services for the Upper York Creek Ecosystem Restoration, City Project No. W-26.

RECITALS

- A. On October 16, 2018, the City and Napa Resource Conservation District (Consultant) entered into the Agreement for Consultant to provide professional services for the development of a Mitigation and Monitoring Plan (MMP) for W-26 Upper York Creek Ecosystem Restoration; and
- B. As part of the permitting process, the City is required to develop a Mitigation and Monitoring Plan (MMP) to assess and offset the environmental effects of the dam removal work; and
- C. The City of St. Helena began the W-26 Upper York Creek Ecosystem Restoration and Aquatic Habitat Enhancement project on June 29, 2020, and notice of completion was filed following the January 12, 2021 City Council meeting; and
- D. The Napa County Resource Conservation District has extensive knowledge of the York Creek watershed and a history of assessment and monitoring efforts in York Creek and throughout the greater Napa River basin; and
- E. Napa County Resource Conservation District will perform all tasks in coordination with City staff as well as with project managing consultant EKI Environment & Water, Inc.; and
- F. Funds for York Creek Project Year 2 Monitoring Services are available and included in adopted FY 2021-22 Operations Budget for Upper York Creek Dam Monitoring & Maintenance.

RESOLUTION

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

1. Authorizing the City Manager to Execute a Professional Services Agreement with Napa County Resource Conservation District, in an Amount not-to-exceed \$74,975 for York Creek Project Year 2 Monitoring Services for the Upper York Creek Ecosystem Restoration, City Project No. W-26.

Approved at a Regular Meeting of the St. Helena City Council on November 23, 2021 by the following vote:

Mayor Ellsworth:	_____
Vice Mayor Dohring:	_____
Councilmember Chouteau:	_____
Councilmember Hall:	_____
Councilmember Hardy:	_____

APPROVED:

ATTEST:

Geoff Ellsworth, Mayor

Cindy Tzafofopoulos, City Clerk

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT, made and entered into on _____, 2021 by and between the City of St. Helena, located in the County of Napa, State of California (City), and Napa County Resource Conservation District (Consultant).

RECITALS:

A. City desires to employ Consultant to furnish professional services in connection with the project described as Upper York Creek Project Year 2 Monitoring.

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

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

SECTION 1 – BASIC SERVICES

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

SECTION 2 – ADDITIONAL SERVICES

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

SECTION 3 – TIME FOR COMPLETION

The time for completion of Services shall be as identified in **Exhibit A, “Scope of Services”**. The parties expressly agree that time is of the essence in the performance of this Agreement.

SECTION 4 – COMPENSATION AND METHOD OF PAYMENT

A. Subject to any limitations set forth in this Agreement, City agrees to pay consultant the amount specified in Exhibit A, “Compensation” attached hereto and made a part hereof. Total compensation shall not exceed \$74,975.00 unless additional compensation is approved in accordance with Section 2.

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

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

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

SECTION 5 – STANDARD OF PERFORMANCE

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

B. In order to induce City to enter into this Agreement, Consultant represents that it is duly organized, existing and in good standing under applicable state law; Consultant is licensed to perform all aspects of the Services; Consultant will employ only persons and Subconsultants with all required licenses and certifications; that Consultant is duly qualified to conduct business in the State; that Consultant has duly authorized the execution, delivery and performance of this Agreement and the Services to be performed herein; and that the Agreement does not violate or create a default under any instrument, agreement, order or decree binding on Consultant.

SECTION 6 – INSPECTION AND FINAL ACCEPTANCE

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

SECTION 7 – INSURANCE REQUIRED

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

- A. Minimum Scope of Insurance. Coverage shall be at least as broad as:
 1. Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001).
 2. Insurance Services Office form number CA 0001 (Ed. 1/87) covering Automobile Liability, code 1 (any auto).
 3. Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.
- B. Minimum Limits of Insurance. Consultant shall maintain limits no less than:
 1. General Liability: \$2,000,000 per occurrence for bodily injury, personal injury and property damage including operations, products and completed operations, as applicable. If Commercial General Liability Insurance or other form with a General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
 2. Automobile Liability: \$2,000,000 per accident for bodily injury and property damage.
 3. Employer's Liability: \$2,000,000 per accident for bodily injury or disease.

C. Professional Liability Insurance. When Consultant under this Agreement is duly licensed under California Business and Professions Code as an architect, landscape architect, environmental engineer or other professional engineer, or land surveyor ("design professional"), Consultant shall maintain at least \$2,000,000 of professional liability insurance. When Consultant is not a design professional, Consultant shall maintain at least \$1,000,000 of professional liability insurance combined single limit for each occurrence, insuring against professional errors and omissions in the Services performed by Consultant under this Agreement, including, without limitation, claims for negligence, misrepresentation, violation of good faith and fair dealing, and inaccurate advice arising out of, resulting from, or in connection with Services performed by Consultant under this Agreement.

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

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

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

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

1. The City, its agent, officers, officials, employees, and volunteers are to be covered as additional insured as respects: liability arising out of work or operations performed by the Consultant or Consultant's subconsultants; or automobile owned, leased, hired or borrowed by the Consultant.
2. For any claims related to Consultant's conduct while performing the work of this project, the Consultant's insurance coverage shall be primary insurance as respects the City, its agents, officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its agents, officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
4. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subsection (b) of Section 2782 of the Civil Code.

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

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

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

SECTION 8 – INDEMNIFICATION

A. To the fullest extent allowed by law (including without limitation California Civil Code Sections 2782 and 2782.8), as may be applicable, Consultant shall indemnify, defend, and hold harmless City, its agents, officers, officials, employees, representatives, and volunteers from any and all claims, demands, suits, loss, damages, injury, and/or liability (including any and all costs and expenses in connection therewith, including legal fees and expert witness costs)

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(collectively, “Liabilities”), incurred by reason of any negligent or otherwise wrongful act or omission of Consultant, its officers, agents, employees, subconsultants, and subcontractors, or any of them, under or in connection with this Agreement; and Consultant agrees at its own cost, expense and risk to defend any and all claims, actions, suits, or other legal proceedings brought or instituted against City, its agents, officers, officials, employees and volunteers, or any of them, arising out of, pertaining to, or relating to such negligent or otherwise wrongful act or omission, and to pay and satisfy any resulting judgments.

B. When Consultant under this Agreement is duly licensed under California Business and Professions Code as an architect, landscape architect, professional engineer, or land surveyor (i.e., a “design professional,” pursuant to Civil Code § 2782.8(c)), the provisions of this section regarding Consultant’s duty to defend and indemnify apply only to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of Consultant.

C. If any action or proceeding is brought against Indemnitees by reason of any of the matters against which Consultant has agreed to indemnify Indemnitees as provided above, Consultant, upon notice from City, shall defend Indemnitees at Consultant’s expense by counsel acceptable to City, such acceptance not to be unreasonably withheld. Indemnitees need not have first paid for any of the matters to which Indemnitees are entitled to Indemnification in order to be so indemnified. The insurance required to be maintained by Consultant shall ensure Consultant’s obligations under this section, but the limits of such insurance shall not limit the liability of Consultant hereunder. The provisions of this section shall survive the expiration or earlier termination of this Agreement.

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

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

F. In the event that Consultant executes any subconsulting agreements in connection with the Services performed under this Agreement, Consultant shall place in all such subconsulting agreements, and cause its subconsultants to agree to, the indemnity and insurance obligations in favor of City and other Indemnitees, as provided herein, in the exact form and substance of those contained in this Agreement.

SECTION 9 – INDEPENDENT CONTRACTOR STATUS

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

B. The personnel performing the Services under this Agreement on behalf of Consultant shall at all times be under Consultant’s exclusive direction and control. Neither City, nor any

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elected or appointed boards, officers, officials, employees or agents of City, shall have control over the conduct of Consultant or any of Consultant's officers, employees or agents, except as set forth in this Agreement. Consultant shall not at any time or in any manner represent that Consultant or any of Consultant's officers, employees or agents are in any manner officials, officers, employees or agents of City.

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

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

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

B. City understands and acknowledges that Consultant is, as of the date of execution of this Agreement, independently involved in the performance of non-related Services for other governmental agencies and private parties. Consultant is aware of any stated position of City relative to such projects. Any future position of City on such projects shall not be considered a conflict of interest for purposes of this section.

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

SECTION 11 – OWNERSHIP OF DOCUMENTS

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

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completion, Consultant shall deliver to City all such original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents.

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

SECTION 12 – CONFIDENTIAL INFORMATION; RELEASE OF INFORMATION

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

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

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

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

SECTION 13 – SUSPENSION OF WORK

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

SECTION 14 – COMPLIANCE WITH LAW

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

SECTION 15 – COMPLIANCE WITH CIVIL RIGHTS

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

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

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

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

SECTION 16 – COMPLIANCE WITH CALIFORNIA LABOR CODE REQUIREMENTS

A. Consultant is aware of the requirements of California Labor Code Sections 1720 et seq. and 1770 et seq., which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects ("Prevailing Wage Laws"). If the services are being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, Consultant agrees to fully comply with such Prevailing Wage Laws. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and

harmless from any claims, liabilities, costs, penalties or interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. It shall be mandatory upon the Consultant and all subconsultants to comply with all California Labor Code provisions, which include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll records (Labor Code Sections 1771.4 and 1776), hours of labor (Labor Code Sections 1813 and 1815) and debarment of contractors and subcontractors (Labor Code Section 1777.1). The requirement to submit certified payroll records directly to the Labor Commissioner under Labor Code section 1771.4 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Section 1771.4.

B. If the services are being performed as part of an applicable “public works” or “maintenance” project, then pursuant to Labor Code Sections 1725.5 and 1771.1, the Consultant and all subconsultants performing such services must be registered with the Department of Industrial Relations. Consultant shall maintain registration for the duration of the Project and require the same of any subconsultants, as applicable. Notwithstanding the foregoing, the contractor registration requirements mandated by Labor Code Sections 1725.5 and 1771.1 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Sections 1725.5 and 1771.1.

C. This Agreement may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Consultant’s sole responsibility to comply with all applicable registration and labor compliance requirements. Any stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor that affect Consultant’s performance of services, including any delay, shall be Consultant’s sole responsibility. Any delay arising out of or resulting from such stop orders shall be considered Consultant caused delay and shall not be compensable by the City. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claim or liability arising out of stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor.

SECTION 17 – AUDIT AND INSPECTION OF RECORDS

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

B. Consultant shall maintain all documents and records prepared by or furnished to Consultant during the course of performing the Services for at least three (3) years following completion of the Services. Such records include, but are not limited to, correspondence, internal memoranda, technical reports and investigations, calculations, books and accounts, accounting records documenting its work under its Agreement, and invoices, payrolls, records and all other data related to matters covered by this Agreement.

C. Consultant shall permit City to audit, examine and make copies, excerpts and transcripts from such records, and the Consultant shall in no event dispose of, destroy, alter, or mutilate said books, records, accounts, and data in any manner whatsoever for three (3) years

after City makes the final or last payment or within three (3) years after any pending issues between City and Consultant with respect to this Agreement are closed, whichever is later.

SECTION 18 – LIMITATION OF LIABILITY

A. Consultant agrees that any liability of City arising in connection with this Agreement shall be limited exclusively to the City-entity identified as the “City” under this Contract. Under no circumstance shall any other City-entity be liable to Consultant under any theory, whether in contract, tort, or otherwise, and Consultant waives unconditionally any such claims. Consultant hereby waives and release other City-entites from any liability under this Agreement.

B. Notwithstanding any other provision of this Agreement, in no event shall City be liable, regardless of whether any claim is based on contract or tort, for any special, consequential, indirect or incidental damages, including, but not limited to, lost profits or revenue, arising out of or in connection with this Agreement or the Services performed hereunder.

SECTION 19 – COOPERATION BY CITY

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

SECTION 20 – NOTICES

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

To City: City Manager
 City of St. Helena
 1572 Railroad Avenue
 St. Helena, California 94574

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

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

SECTION 21 – TERMINATION

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

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

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

SECTION 22 – ATTORNEYS' FEES

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

SECTION 23 – ENTIRE AGREEMENT

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

SECTION 24 – SUCCESSORS AND ASSIGNS

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

SECTION 25 – CONTINUITY OF PERSONNEL

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

SECTION 26 – DEFAULT

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

SECTION 27 – WAIVER

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

SECTION 28 – LAW TO GOVERN; VENUE

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

SECTION 29 – SEVERABILITY

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

SECTION 30 – THIRD PARTY BENEFICIARIES

Consultant's subconsultants shall agree to be bound to the terms of the Agreement to the extent of their scope of Services, including but not limited to, terms regarding indemnity and dispute resolution, and shall agree that City is deemed an express third party beneficiary of their subconsultant agreements. Nothing contained in this Agreement, however, shall operate to confer such or similar rights or benefits on persons or entities not party to this Agreement.

SECTION 31 – STATUTES OF LIMITATION

As between the parties to this Agreement, any applicable statute of limitations for action arising out of, pertaining to, or relating to any act or failure to act in connection with this Agreement shall commence to run on the date of City's issuance of the final Certificate for Payment, or termination of this Agreement, whichever is earlier, except for latent defects and/or deficiencies, for which the applicable statute of limitation shall begin to run upon discovery of the defect and/or deficiency and its cause.

SECTION 32 – SPECIAL PROVISIONS

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

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

Consultant:

City:

By: _____
Name: _____
Title: _____

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

Approved as to Form:

By: _____
Name: _____
Title: Consultant Attorney

By: _____
Name: Ethan Walsh
Title: City Attorney

Exhibit A
“Scope of Services”

I. Work to be Performed

Consultant shall perform the following monitoring tasks. All tasks will be executed according to the requirements outlined in the approved Geomorphic and Restoration Monitoring and Adaptive Management Plan for the Upper York Creek Ecosystem Restoration Project. Consultant will perform all tasks in coordination with City staff as well as with project managing consultant EKI Environment & Water, Inc.

Task	Cost	Description
Project management	\$7,450	Coordination of monitoring activities and attendance of meetings with City of St Helena and consultants, permitting agencies, and landowners. Invoicing and administration of agreement.
Thalweg surveying	-	Longitudinal survey of York Creek channel through Reaches 3 and 4. Thalweg surveying takes place in the fall, when water levels are lowest, and the vegetation is most bare. Thalweg surveying is required only if a 2yr magnitude storm or greater occurred during the previous winter flow season. Since such a storm did not occur in Year 1, a thalweg survey will not be required in Year 2.
Cross-section surveying	\$13,725	Re-occupation and surveying of 50 previously-monumented York Creek cross sections. Work to be completed in the late spring/summer, after the rainy season but prior to report submittal for inclusion in the annual report. RCD anticipates surveying all 50 sections following a wet year, and a select subset following a dry year.
Post-storm reconnaissance surveys/Photo-monitoring	\$15,250	Visual inspection of streambed and banks, log structures, and bridges in Reaches 1-5 following a 2yr magnitude storm or greater. Will be performed concurrently with photomonitoring as applicable. Includes up to two events in Year 2. Includes \$10K RCD subcontract with professional geomorphologist if channel conditions require.
Turbidity monitoring	\$6,950	York Creek water turbidity monitoring during three storm events. Four previously-established sites located along the creek will be visited four times following each event, at approximate 2-3 day intervals.
Steelhead spawner surveys	\$8,350	Surveys of Reaches 3, 4, and 5, to identify evidence of steelhead spawning activity in Upper York Creek. Up to four surveys per year will be conducted, dependent on flow conditions.

Vegetation surveys	\$19,050	RCD subcontract with professional vegetation ecologist/botanist, and assist as necessary. Vegetation surveys will be conducted within Reaches 3 and 4 and will include visual surveys to assess: 1) natural revegetation of the streambanks, 2) progress of the growth of planted trees and willow stakes, and 3) success of invasive plant removal efforts.
Annual report	\$4,200	Prepare and submit an annual monitoring report documenting the methods and results of monitoring activities completed during the previous year.
Total	\$74,975	

II. Estimated Schedule:

Task	2021-22											
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Project management												
Thalweg surveying												
Cross-section surveying												
Photo monitoring												
Post-storm reconnaissance surveys												
Turbidity monitoring												
Steelhead spawner surveys												
Vegetation surveys												
Annual report												

Work will be completed by September 30, 2022.

Exhibit B
“Compensation”

I. Budget

The total payment for services and expenses under this Agreement shall not exceed \$74,975.00, but the presented task budgets are only an estimate, as funding may be allocated differently by tasks depending on the project needs. Expenses include auto mileage, daily equipment usage fees, and subcontracts with specialists (e.g., geomorphologist, botanist).

Task	Cost
Project management	\$7,450
Thalweg surveying	-
Cross-section surveying	\$13,725
Post-storm reconnaissance surveys/Photo-monitoring	\$15,250
Turbidity monitoring	\$6,950
Steelhead spawner surveys	\$8,350
Vegetation surveys	\$19,050
Annual report	\$4,200
TOTAL BUDGET:	\$74,975

II. Compensation

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

Position Title	Hourly Rate
Coordinator	\$56.13
Conservation Project Manager	\$79.52
Environmental Scientist II	\$83.97
Office Manager II	\$89.78
Environmental Scientist III	\$105.40
Conservation Program Manager	\$107.01
Program Director	\$107.38
Executive Director	\$109.73

Consultant adjusts its billable rates annually on July 1 and whenever there is a change in an employee’s underlying direct pay rate. Whenever there is a change to any of these rates, or if additional positions are added, Consultant will notify City immediately, and with City’s approval, Consultant may implement such adjusted rates. In any case, Consultant must still adhere to the Total Budget limitation.



Report to the City Council
Regular City Council - 23 Nov 2021

Agenda Section: CONSENT ITEMS

Subject: Adoption of Resolution Making Findings and Determinations under AB 361 for the Continuation of Virtual Meetings.

CEQA Determination: Not a CEQA project

Prepared By: Ethan Walsh, City Attorney

Reviewed By: April Mitts, Administrative Services Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

On March 17, 2020, in the face of the COVID-19 pandemic, Governor Gavin Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings completely telephonically or by other electronic means.

The provisions in the Brown Act that were suspended by the Governor's Executive Order are contained at Government Code Section 54953(b)(3) and require that when teleconferencing is used, outside of a statewide emergency, that the following occur:

- An agenda is required to be posted at all locations, including any teleconference locations
- Each teleconference location must be identified on the actual agenda
- Each teleconference location shall be accessible to the public
- A quorum of the legislative body must be in the jurisdiction

With the Governor's Executive Order, the four above requirements were suspended, allowing councilmembers to not have to post an agenda at their teleconference location, not have to identify their location on the meeting agenda, not have to ensure public accessibility at the teleconference location, and the legislative body did not need a quorum in the jurisdiction. As the City Council is aware, this allowed City Council and all

other meetings of legislative bodies of the City to be conducted by Zoom with councilmembers, commission members, committee members, and staff all joining from remote locations.

The suspension of certain provisions of the Brown Act was further extended by the Governor on June 11, 2021 by the issuance of Executive Order N-08-21, which continued to allow for complete virtual meetings until September 30, 2021.

With the Governor's Executive Order expiring at the end of September 2021, the State Legislature adopted Assembly Bill 361. On September 16, 2021, the Governor signed AB 361, which allows legislative bodies to meet virtually provided there is a state of emergency declared by the Governor, and either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees, subject to certain ongoing findings by the legislative body.

AB 361 also preserves many of the provisions of the earlier executive orders, including the suspension of the four teleconferencing requirements noted above, while also adding new requirements to the management of remote and teleconference public meetings in order to better achieve the levels of transparency that the Brown Act demands. Specifically, AB 361 imposes two new rules on remote public meetings:

1. Local governments and agencies hosting teleconference meetings in lieu of traditional in-person public meetings must permit direct public comment during the teleconference, and must leave open the opportunity for public comment until the comment period for a given item is closed during the ordinary course of the meeting. The opportunity to make public comment must be of a sufficient duration so as to allow actual public participation. The City already complies with this requirement, so it presents no change to our current practice.
2. Any action by the governing body during a public teleconference meeting must occur while the agency is actively and successfully broadcasting to members of the public through a call-in option or an internet-based service option. If a technical disruption within the agency's control prevents members of the public from either viewing the meeting of the public agency, or prevents members of the public from offering public comment, the agency must cease all action on the meeting agenda until the disruption ends and the broadcast is restored. Action taken during an agency-caused disruption may be challenged as a violation of the Brown Act.

The City Council held its first virtual meeting based on the conditions set forth in AB 361 on October 12, 2021. In order to continue to qualify for AB 361's waiver of in-person meeting requirements, the City Council must, within every thirty (30) days of its first meeting under AB 361, make findings that (a) state or local officials recommend measures to promote social distancing, or that (b) an in-person meeting would constitute an imminent risk to the safety of attendees. State officials at Cal-OSHA have, through the adoption of certain regulations, recommended measures to promote social distancing

throughout the State. Additionally, Napa County Public Health Officer Dr. Karen Relucio has, through a memo dated September 27, 2021, recommended the continuance of virtual meetings at the present time as a means of promoting social distancing in order to minimize the spread and transmission of COVID-19 in Napa County.

It is important to note that AB 361 does not require the City to continue with virtual meetings, but simply gives the Council that option. If at any time the City Council desires to return to in person meetings, the Council can agendaize that topic for discussion and direct staff to initiate the transition back to in-person or hybrid meetings; however, at this time City staff is recommending adoption of the resolution to allow City Council and all other Commission, Committee, and other Brown Act meetings to continue to be held remotely in order to ensure social distancing consistent with the recommendations of State and local officials.

At the September 28, 2021 regular City Council meeting, the City Council had a discussion item and considered whether to meet in person or continue virtual meetings. It was the consensus of the City Council to continue with the Zoom meeting platform until staff is relocated to Napa Valley College.

DISCUSSION

The City Council held its first virtual meeting based on the conditions set forth in AB 361 on October 12, 2021. The City Council reconsidered and adopted findings by resolution to continue meeting virtually on November 9, 2021. This is being reconsidered on November 23, 2021, due to the first meeting in December (December 14, 2021) is beyond 30 days from the last adopted findings.

The enclosed resolution makes the necessary findings for the City Council and all subordinate legislative bodies of the City that are subject to the Brown Act to continue with virtual meetings for the time being. City staff will return to the City Council with a resolution every 30 days to allow for the continuance of virtual meetings for so long as Council and staff believes that virtual meetings are necessary.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDED ACTION

Approve the Attached Resolution Making Findings and Determinations Under AB 361.

ATTACHMENTS

[Resolution AB361](#)

CITY OF ST. HELENA

RESOLUTION NO. 2021-

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ST. HELENA MAKING FINDINGS AND
DETERMINATIONS UNDER AB 361 FOR THE
CONTINUATION OF VIRTUAL MEETINGS**

WHEREAS, the Ralph M. Brown Act (Gov. Code § 54950 *et seq.*) generally requires local agencies meeting via teleconference, including through other virtual or electronic means to, among other things, provide public access at each location in which members of the legislative body are teleconferencing; and

WHEREAS, the Legislature recently enacted Assembly Bill 361 (AB 361), which amended Government Code section 54953 to allow local agencies to meet fully virtually, without fully adhering to the rules otherwise applicable to teleconferencing, during a proclaimed state of emergency if state or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, the Governor issued a proclamation declaring a state of emergency on March 4, 2020 due to the COVID-19 pandemic, pursuant to section 8625 of the California Emergency Services Act, and this proclaimed state of emergency currently remains in effect; and

WHEREAS, state or local officials continue to recommend measures to promote social distancing to prevent the spread of COVID-19, and in particular, Cal-OSHA regulation 3205 recommends physical distancing in the workplace generally and regulates a “close contact,” defined as being within 6 feet of another under certain circumstances, and Napa County Health Officer Dr. Karen Relucio has recommended that local public agencies refrain from holding in person public meetings, as a means of promoting social distancing; and

WHEREAS, the continuation of virtual meetings will allow for full participation by members of the public and compliance with the recommendations of state and local officials with regard to social distancing; and

WHEREAS, the City Council of the City of St. Helena desires that all City legislative bodies continue to hold virtual meetings pursuant to AB 361 and Government Code section 54953(e).

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ST. HELENA AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The City Council has reconsidered the circumstances of the state of emergency.

SECTION 3. As stated in the recitals, state or local officials continue to recommend measures to promote social distancing.

SECTION 4. The City Council and all other legislative bodies of the City of St. Helena who are required to hold public meetings shall continue to meet virtually in accordance with Government Code section 54953(e) and without compliance with section 54953(b)(3), based upon the findings and determinations hereby made by the City Council.

Approved at a Regular Meeting of the St. Helena City Council on November 23, 2021, by the following vote:

Mayor Geoff Ellsworth:

Vice Mayor Paul Dohring:

Council Member Anna Chouteau:

Council Member Lester Hardy:

Council Member Eric Hall:

APPROVED:

ATTEST:

Geoff Ellsworth, Mayor

Cindy Tzaopoulos, City Clerk



Report to the City Council
Regular City Council - 23 Nov 2021

Agenda Section: PUBLIC HEARINGS

Subject: Appeal filed by George Caloyannidis to overturn the October 5, 2021 denial of his applications for demolition permit and design review in order to demolish an existing single-family residence to accommodate the construction of a new single-family home on the property located at 1420/1428 Allyn Avenue in the Medium Density Residential zoning district. The project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301 and Section 15303.

CEQA Determination: Exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301 and Section 15303.

Prepared By: Aaron Hecock, Senior Planner

Reviewed By: Maya DeRosa, Planning & Building Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

The appellant submitted an application on March 16, 2021 requesting approval of a resolution granting a demolition permit and design review in order to demolish an existing single-family residence to accommodate the construction of a new single-family home on the property located at 1420/1428 Allyn Avenue in the Medium Density Residential zoning district.

The Planning Commission considered the project at a noticed public hearing on October 5, 2021. At the hearing, public comments were received from neighbors who had privacy concerns related to the proposed second-floor window location on the north elevation. Additionally, the Commission was divided on whether to allow a small remnant of the front house to remain a non-conforming legal structure being absorbed into the new rear home (the portion is highlight yellow on the plan set and in Exhibit 1 below). Staff's opinion is that this portion of the structure is an existing non-conformity and is permitted to remain as long as the degree of non-conformity is not increased (i.e., no additional square

footage is being added in the required sideyard setback area). At the conclusion of the meeting no action was taken as a motion was made to approve the staff recommendation; however, the motion did not receive a second (Commissioner Anderson recused herself due to a conflict of interest). The failure to act by the Planning Commission results in a de facto denial.

On October 18, 2021, the appellants filed an appeal of the Planning Commission's no action (de facto denial) to the City Council in accordance with St. Helena Municipal Code (SHMC) Section 17.08.180.

DISCUSSION

APPELLANTS GROUNDS FOR APPEAL

Attached (Exhibit 3) is the letter from the appellant setting forth the basis for requesting that the City Council overturn the denial of the Demolition Permit and Design Review. Staff reviewed the appeal letter and noted below key elements as the basis for their appeal:

1) The addition in the subject project is conforming in its entirety. The existing building to which this addition is attached is legal nonconforming in its entirety. The resulting structure is a single building. Neither St. Helena past practice of approvals have, nor its Code does specify who is permitted to use the conforming areas of a structure and who may use its nonconforming areas. Consistent with the provisions of the Code, the entire project does not increase the existing degree of nonconformity.

Staff response: Staff agrees that proposed new additions meet code requirements and are conforming. Staff also agrees that the portion of the front home being absorbed into the new rear home is an existing non-conformity that is permitted to remain as long as the degree of non-conformity does not increase.

2) That they were asked to decrease the degree of nonconformity which we believe is an unreasonable request.

Staff response: As previously noted, staff believes that the portion of the front home being absorbed into the new rear home is an existing non-conformity that is permitted to remain as long as the degree of non-conformity does not increase.

3) That their proposed window serves as a fire escape which the other two bedroom-windows facing east cannot comply with the mandated 44-inch sill height due to the marginal slope of the roof below. Eliminating this window involves an expensive plan change in the roof configuration below (and several other portions of the plan) and a more expensive lower pitched roof.

Staff response: The second-story window on the north elevation would serve as a fire escape and the applicant would incur additional expense should the plans require revision.

4) That they believe it is inappropriate for the City to favor one property owner over another and restrict their use in a one-sided manner when the other property owner has other available options and refuses to make a similar concession especially when said window is fully compliant with the provisions of the Code.

Staff response: While the Code does not prohibit second-story windows, the design review criteria noted in the Planning Commission staff report does give the Council the ability to consider its compatibility with the site and its surrounding environment. Adding a condition of approval requiring that the window be opaque or frosted can be considered.

5) That in denying staff's recommendation for approval of this project, the Planning Commission gave no reason for doing so, nor did it specify any section of existing City Code this project violated.

Staff response: The applications were denied due to a lack of consensus by the Planning Commission resulting in no action being taken; no findings were made to support the denial.

6) They believe the denial to have been arbitrary and hereby petition the City Council to overturn it.

Staff response: As noted above, the applications were denied due to a lack of consensus by the Planning Commission resulting in no action being taken; no findings were made to support the denial.

CORRESPONDENCE

At the time of agenda distribution staff had not received any correspondence related to this application.

ISSUES

There are two primary issues related to the application:

1. Whether the existing non-conforming portion (see highlighted portion of Exhibit 1) of the front house (which is proposed to become an ADU) can be absorbed into the new home toward the rear of the property (all new construction is conforming); and
2. Privacy concerns from neighbors about the second-story window on the north elevation (see Exhibit 2). It should be noted that while the code does not prohibit second-story windows, the design review criteria noted in the Planning Commission staff report does give the Council the ability to consider its compatibility with the site and its surrounding environment. Adding a condition of approval requiring that the window be opaque or frosted can be considered by the City Council to address the privacy concerns from neighbors.

FISCAL IMPACT

No fiscal impact is anticipated as a result of this project.

RECOMMENDED ACTION

The City Council has two actions to take: 1) One relating to CEQA; and 2) Pertaining on whether to approve or deny the appeal:

CEQA:

1. Determine that the project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301 and Section 15303; and

Appeal Recommended Action Options:

2a. Approve a resolution granting the appeal thereby approving demolition permit and design review for the proposed demolition and new construction on the property located at 1420/1428 Allyn Avenue.

2b. Approve a resolution denying the appeal based upon specific findings thereby denying demolition permit and design review for the proposed demolition and new construction on the property located at 1420/1428 Allyn Avenue.

ATTACHMENTS

[Exhibit 1 - Remnant Piece](#)

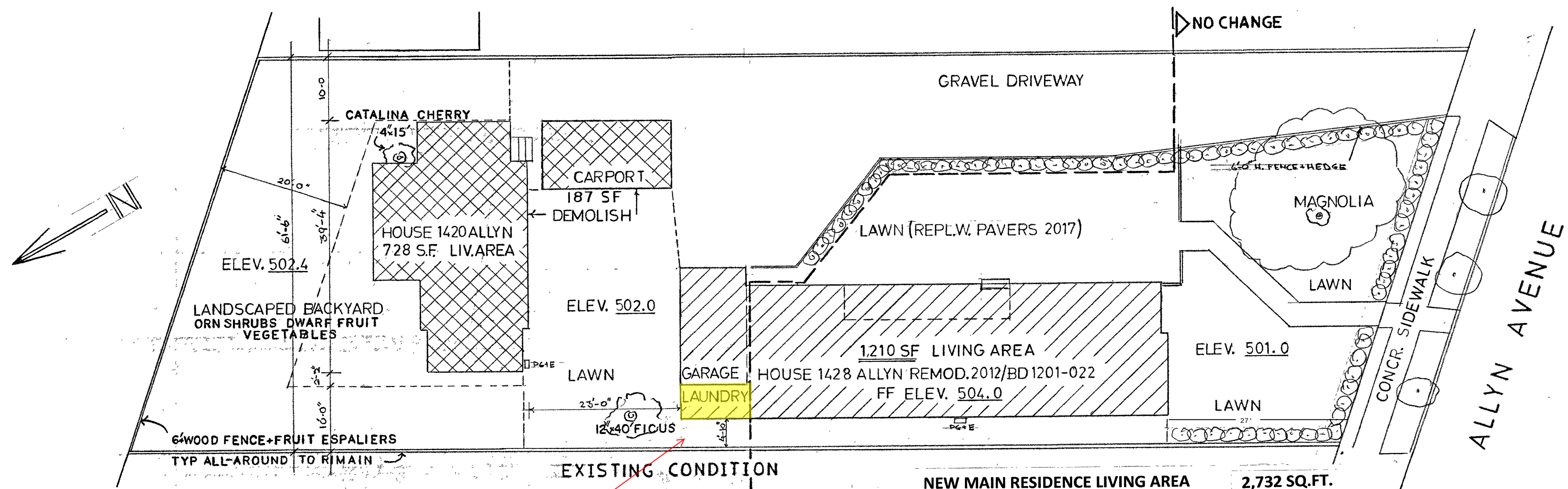
[Exhibit 2 - North Elevation Window](#)

[Exhibit 3 - Appellant Appeal Statement](#)

[Exhibit 4 - Appendices to Appellant Statement](#)

[Exhibit 5 - Oct. 5th PC Staff Report](#)

[Exhibit 6 - Resolution](#)



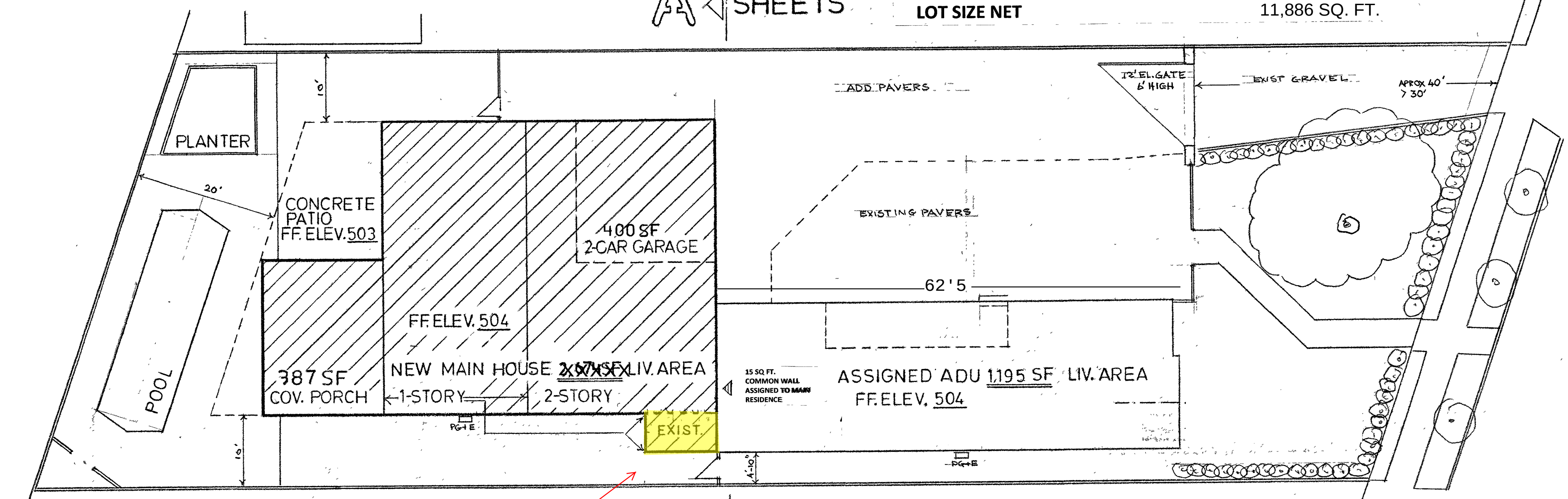
EXISTING CONDITION

NO CHANGE

SHEETS

NEW MAIN RESIDENCE LIVING AREA
 CONVERTED ADU LIVING AREA
 TOTAL LIVING AREA
 NEW 2-CAR GARAGE
 NEW COVERED PORCH
 LOT SIZE NET

2,732 SQ. FT.
 1,195 SQ. FT.
 3,927 SQ. FT.
 400 SQ. FT.
 387 SQ. FT.
 11,886 SQ. FT.

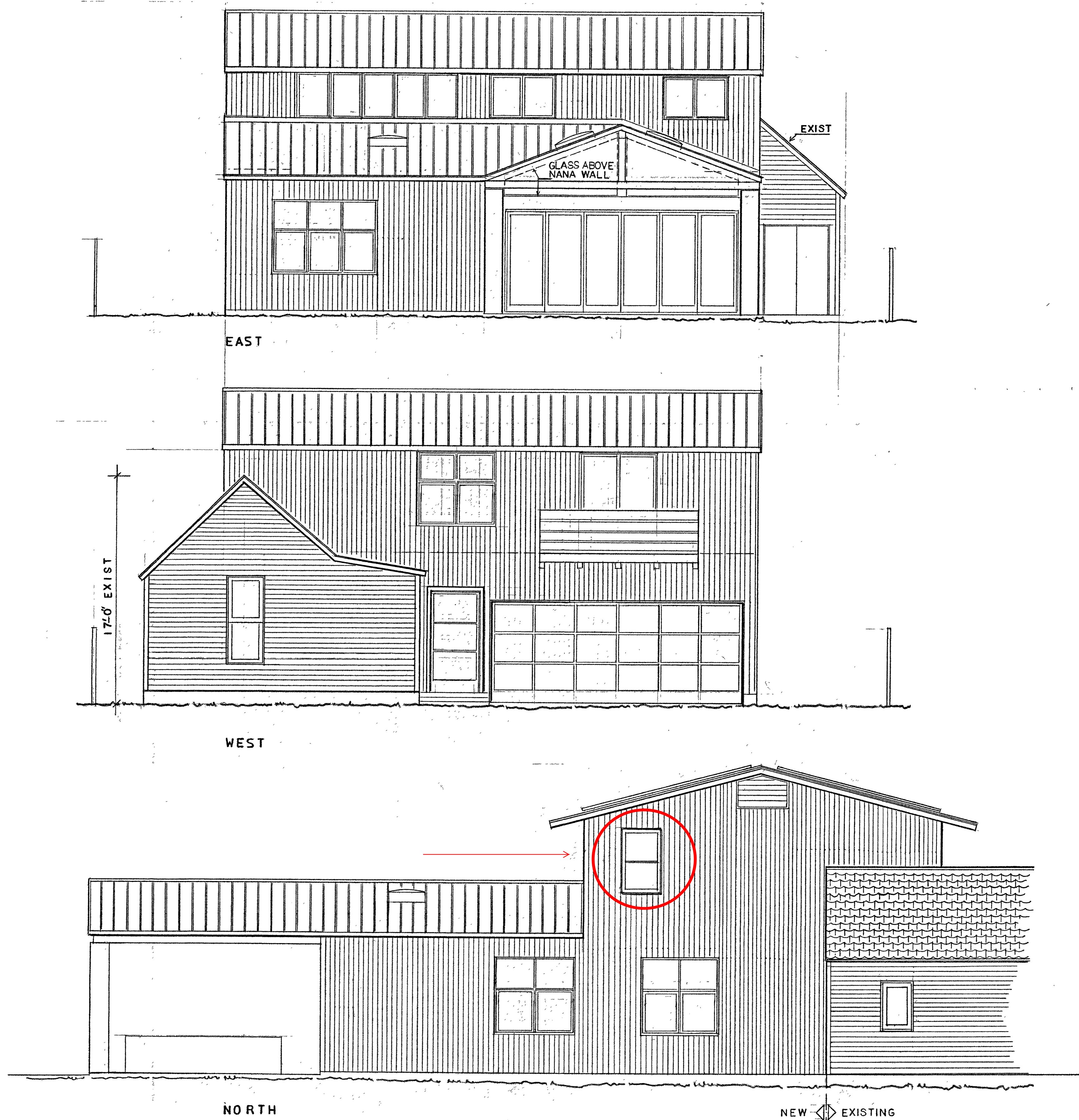


PROPOSED ADDITION

SHEETS

EXISTING & PROPOSED PLOT PLANS VEGETATION STRUCTURE FLOOR AREAS
APN 009-305-003
MAIN HOUSE ADDITION TO CONVERTED ADU 1420 ALLYN AV ST HELENA
BY G.C. 4-10-20
REVISIONS
12-10-20
7-9-21
1"=10'
1

REVISED
5:25 pm, Jul 14, 2021



ELEVATIONS

APN 009-305-003

MAIN HOUSE ADDITION
TO CONVERTED ADU
1420 ALLYN AV. ST. HELENA

GEORGE C
5-1-20

REVISIONS

1-14-21

1/4"=1'-0"

A 3

REVISED
5:24 pm, Jul 14, 2021

Caloyannidis-Tittel Family Trust
2202 Diamond Mountain Road
Calistoga, CA 94515

October 11, 2021

To: THE ST. HELENA CITY COUNCIL

**RE: APPEAL OF OCTOBER 5, 2021 PLANNING COMMISSION DENIAL OF APPLICATION PL21-009
1420/1428 ALLYN AVENUE DEMOLITION AND ADDITION.**

Honorable Council Members:

Following approximately 2 hours of deliberation, the Planning Commission rejected Staff's recommendation to approve this project but failed to specify the reason, let alone identify noncompliance with any section of existing Code for doing so.

THE PROJECT:

Demolish the existing (derelict) 1-bedroom 728 sq.ft. structure at the rear of the property and make a conforming 2,746 sq.ft. 1-bedroom addition, attached to the existing legal, nonconforming 1,195 sq.ft. 2-bedroom home in the front. In the process, said existing legal, nonconforming 2-bedroom home will become an ADU.

A small 50 sq.ft. portion (laundry) of the existing front legal nonconforming structure shall be converted to a powder room for the conforming addition.

PLANNING COMMISSION DIFFERENCES OF OPINION:

The differences of opinion expressed without resolution were:

- 1) Whether the attachment of a portion of the **existing, legal nonconforming** structure to the **conforming addition** constituted violation of *Code Section 17.140.030 - Nonconforming Buildings or Structures*.
- 2) Whether it was appropriate to disallow the one side yard 2nd story window of the proposed project at the request of the neighbor (Ellis).

ST. HELENA'S PATTERN OF NONCONFORMING APPROVALS OF ADDITIONS AND REMODELS:

This has been a citywide pattern of approvals over many decades. Case in point is the demolition, additions and remodeling of the front building on the subject property.

In 2012, we obtained building permit BD1201-022 for the 1428 Allyn Avenue front structure which involved:

- 1) **Demolition** of portions of the front structure which extended to the neighboring (Ellis) property line and demolition of half of the existing garage.
- 2) **Nonconforming addition** of enclosing the open breezeway and connecting the garage to the house.
- 3) **Change in use** of all existing rooms except one, adding a second bathroom, a new kitchen, all in different locations of existing as well as relocating the existing laundry in the garage.
- 4) **Entire roof configuration.**

I enclose (APPENDIX A) the Design Review Resolution of November 15, 2011 and draw attention to **Section B** which enumerates the **6 purposes of the Design Review** and the **17 Design Criteria** which the Planning Commission found the project had satisfied. We believe these principles still apply.

Neither does the City's practice nor its Code support the argument by Commissioner Ponte alleging that the purpose of the Code is: *"to gradually eliminate nonconforming uses so that nonconformity is not perpetuated"*.

In fact, additions **both nonconforming ones (as in this case) and conforming ones** have been approved throughout St. Helena.

The 1428 Allyn Avenue nonconforming additions and remodel received the St. Helena Beautification Award.

NONCONFORMITY OF THIS PROJECT:

The addition in the subject project is conforming in its entirety. The existing building to which this addition is attached is legal nonconforming in its entirety. The resulting structure is a single building. Neither St. Helena past practice of approvals have, nor its Code does specify who is permitted to use the conforming areas of a structure and who may use its nonconforming areas. Consistent with the provisions of the Code, the entire project does not increase the existing degree of nonconformity.

Code 17.140.030 states:

- A. *"Nonconforming buildings, structures or other physical features **may be continued indefinitely** subject to the provisions of this chapter".*
The subject project complies with all provisions A through D of this chapter.
- C. *"A nonconforming building, structure or physical feature may be remodeled, rehabilitated, or structurally altered if the new work **does not increase the degree of nonconformity**".*
The subject project does not increase the degree of nonconformity.

One of the arguments of alleged Code violation made by Commissioner Ponte was that: "this laundry area was being *transferred* from one building to another". The fact is that there are no two buildings by any definition of a building, nor is the area in question *transferred* from one building to another. The new structure consists of one single building in full compliance with the Code.

Yet Commissioner Ponte stated that he would be willing to approve the project if we agreed to demolish the laundry room. In essence, we were asked **to decrease the degree of nonconformity which we** believe is an unreasonable request.

LEGAL COUNSEL'S ARGUMENT:

In an attempt to further the discussion, legal counsel asked the Planning Commission to consider, if following a fire whereby the only remaining structure was the "laundry room" - still a legal nonconforming structure - whether said laundry room would not be allowed to be attached to and used by a subsequent conforming addition.

Based on the City's pattern of approvals and the provisions of the Code, the answer is obvious, yet the Planning Commission denied the project without identifying any section of the Code as a basis for its action.

SECOND STORY WINDOW:

The second story bedroom of the addition provides for a side yard window facing north towards the neighbor's property (Ellis) who objected, citing loss of privacy in their ground floor living room. Said Ellis room has a cathedral ceiling with large clear story windows facing their south side yard.

Our proposed window serves as a fire escape which the other two bedroom-windows facing east cannot comply with the mandated 44-inch sill height due to the marginal slope of the roof below. Eliminating this window involves an expensive plan change in the roof configuration below (and several other portions of the plan) and a more expensive lower pitched roof. The plan change is at a cost of \$2,500.00. The roof change cost is yet to be determined.

On the other hand, Ellis has the low-cost option to outfit the upper portion of their two windows with a frosted film or to plant a hedge of about 5-6 tree low-water demand 24-inch tree oleanders or other low-water use fast growing hedge trees.

As a good faith gesture, I met with Ellis and expressed my willingness to make the plan change at no cost. At the same time, I submitted the sketch of such change to the Planning Department (APPENDIX B) and believe it can be approved at the ministerial level.

However, I requested of Ellis to agree to a mutual Deed restriction binding both properties from having any future higher than ground level windows facing each other's properties, the cost borne equally by both property owners. Such action must be completed within 30 days of approval so that we may proceed with construction drawings. Ellis have refused.

Such refusal indicates that Ellis do not find their "loss of privacy" significant enough as to be willing to restrict their own property in an equitable manner to ours. Instead, the petition the City to do so on their behalf.

While I am aware that the City may not be involved in private disputes, my offer is public and binding. We believe it is inappropriate for the City to favor one property owner over another and restrict their use in a one-sided manner when the other property owner has other available options and refuses to make a similar concession. Especially, when said window is fully compliant with the provisions of the Code.

In denying staff's recommendation for approval of this project, the Planning Commission gave no reason for doing so, nor did it specify any section of existing City Code this project violated. We believe such denial to have been arbitrary and hereby petition the City Council to overturn it.

Thank you for your consideration.

George Caloyannidis, Architect / Co-Trustee

APPENDIXES: A.1428 Allyn Avenue Design Permit History (SHEETS 1-4)
B. Drawing of the revised rear one-story roof

**DESIGN REVIEW NO. 2011-54
OF THE CITY OF ST. HELENA, STATE OF CALIFORNIA,
GRANTED TO CALOYANNIDIS-TITTEL FAMILY TRUST
LOCATED AT 1428 ALLYN AVENUE**

PROPERTY OWNERS: George Caloyannidis & Christine Tittel

APN: 009-305-003

Recitals

1. Request by George Caloyannidis & Christine Tittel for Design Review to remove 113 square feet from an existing single-story residence that is encroaching on the property to the north; a remodel & addition of 410 square feet; & an attached 296 square foot garage located at 1428 Allyn Avenue. in the MR: Medium Density Residential district. (APN: 009-305-003) (CEQA: Exempt)

2. The Planning Commission of the City of St. Helena, State of California, held a noticed public hearing for this project on November 15, 2011 for the purpose of reviewing the project.

Resolution

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

A. The Planning Commission hereby finds that this project is exempt from the California Environmental Quality Act pursuant to Section 15301(e), of the CEQA Guidelines. This section exempts minor alterations and additions to existing private structures.

B. The Planning Commission determines the project is in compliance with the following design criteria of Municipal Code Section 17.164.030.

The purpose of Design Review is:

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

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

1. Consistency and compatibility with applicable elements of the general plan;
2. Compatibility of design with the immediate environment of the site;
3. Relationship of the design to the site;
4. Determination that the design is compatible in areas considered by the board as having a unified design or historical character;

City of St. Helena - Design Review No. 2011-54
11/15/11
4/5

APPENDIX A.1

5. *Whether the design promotes harmonious transition in scale and character in areas between different designated land uses;*
6. *Compatibility with future construction both on and off the site;*
7. *Whether the architectural design of structures and their materials and colors are appropriate to the function of the project;*
8. *Whether the planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community;*
9. *Whether the amount and arrangement of open space and landscaping are appropriate to the design and the function of the structures;*
10. *Whether sufficient ancillary functions are provided to support the main functions of the project and whether they are compatible with the project's design concept;*
11. *Whether access to the property and circulation systems are safe and convenient for pedestrians, cyclists and vehicles;*
12. *Whether natural features are appropriately preserved and integrated with the project;*
13. *Whether the materials, textures, colors and details of construction are an appropriate expression of its design concept and function and whether they are compatible with the adjacent and neighboring structure and functions;*
14. *In areas considered by the board as having a unified design character or historical character, whether the design is compatible with such character;*
15. *Whether the landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site;*
16. *Whether plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety which is suitable to the climate of St. Helena;*
17. *Whether sustainability and climate protection are promoted through the use of green building practices such as appropriate site/architectural design, use of green building materials, energy efficient systems and water efficient landscape materials.*

C. The Planning Commission approves Design Review for the above-described project with the following conditions of approval. Minor modifications may be approved by the Planning Director and Building Official provided they are in general compliance with the intent of the aforementioned General Plan policies. The project shall be in conformance with all City ordinances, rules, regulations and policies in effect at the time of issuance of a building permit. The conditions noted below are particularly pertinent to this permit and shall not be construed to permit violation of other laws and policies not so listed.

Planning:

1. This approval shall be vested within one (1) year from the date of final action. A building permit for the use allowed under this approval shall have been obtained within one (1) year from the effective date of this action or the approval shall expire, provided however that the approval may be extended for up to two (2) one-year periods pursuant to the St. Helena Municipal Code, Section 17.08.130, Extension of Permits and Approvals.

1118 Wynn Avenue - Design Review No. 2011-14
1/18/11
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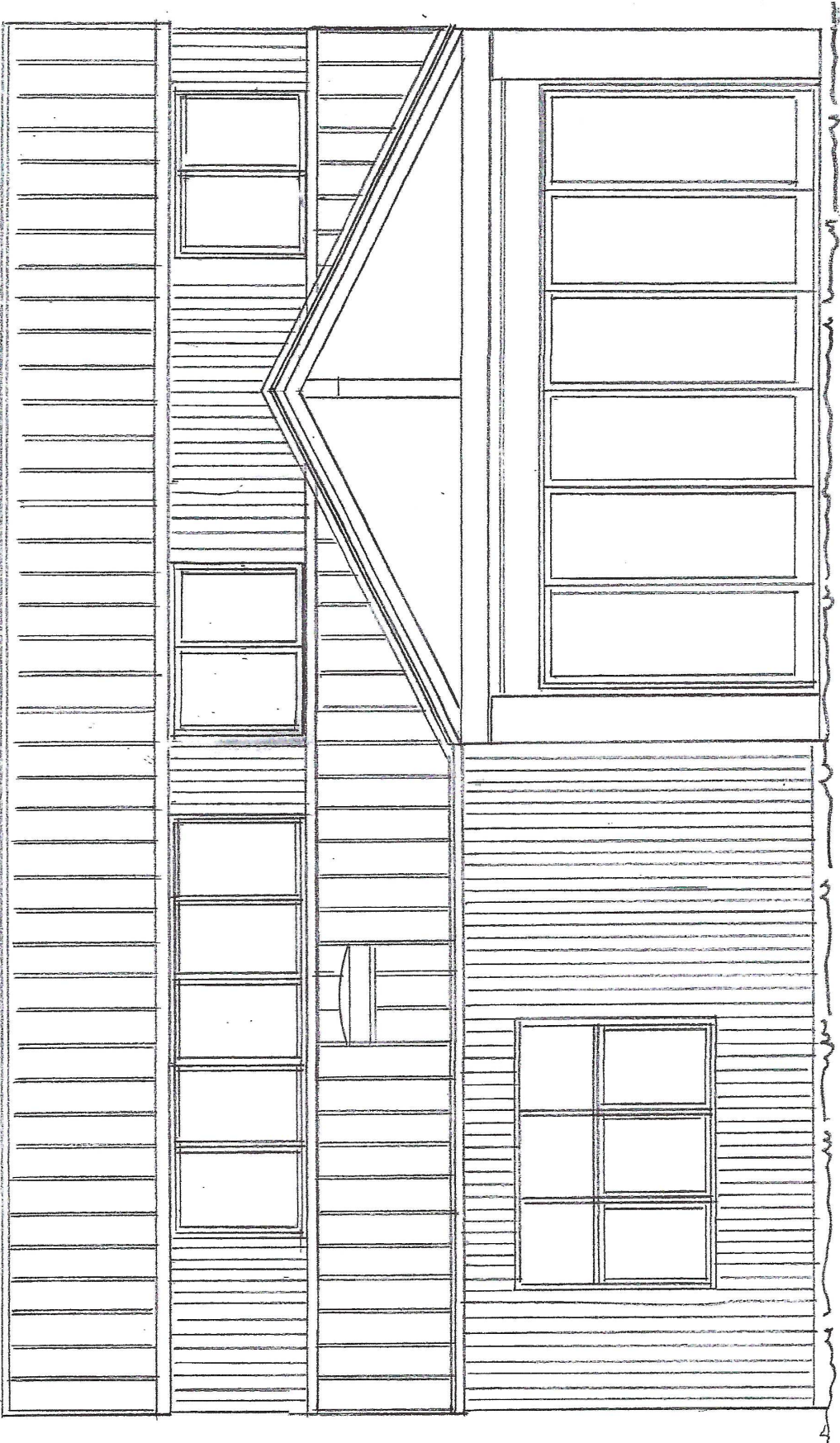
APPENDIX A.2



APPENDIX A.3 PRE-REMODEL



APPENDIX A.4 POST-REMODEL



ALTERNAT EAST ELEVATION

APPENDIX B



PLANNING COMMISSION REPORT

Planning Commission Meeting of October 5, 2021

FILE NUMBER: PL21-009

SUBJECT: Request by George Caloyannidis for adoption of a resolution approving a demolition permit and design review in order to demolish an existing single-family residence to accommodate the construction of a new single-family home on the property located at 1420/1428 Allyn Avenue in the Medium Density Residential zoning district.

PREPARED BY: Aaron Hecock, Senior Planner

REVIEWED BY: Maya DeRosa, Planning & Building Director

APPROVED BY: Maya DeRosa, Planning & Building Director

APPLICATION FILED: 03/16/21

ACCEPTED AS COMPLETE: 07/14/21

LOCATION OF PROPERTY: 1420/1428 Allyn Avenue

APN: 009-305-003

GENERAL PLAN/ZONING: Medium Density Residential (MR)

APPLICANT: George Caloyannidis

PHONE: (707) 942-0904

BACKGROUND

The existing approximately 11,886 square foot (sf) parcel is currently developed with two residential units, one toward the front of the property and one toward the rear. The single-story, 2 bed/2 bath front unit (1428 Allyn Avenue) is approximately 1,210 square feet (sf) with an attached 265-sf 1-car garage. The single-story, 2 bed/1 bath rear unit (1420 Allyn Avenue) is approximately 728-sf with an approximately 187-sf detached carport. The front unit was remodeled in 2012 and received a St. Helena Beautification Foundation Award in 2014 (St. Helena Star article attached). Each of the existing homes are approximately 17 to 17.5 feet in height.

PROJECT DESCRIPTION

The applicant is seeking demolition permit and design review approval to demolish the smaller of the two homes towards the back of the property in order to construct a new 2,732-sf (1,605-sf on the first floor and 1,127-sf on the second floor), two-story, single-family residence with a 400-sf attached 2-car garage and 387-sf covered porch. The proposed residence would have 1 bedroom and 1½ baths and would be connected to the existing front unit by a shared wall. The front unit's garage and laundry areas consisting of approximately 265-sf will be incorporated into the new home. It should be noted that the laundry portion of the existing front home is located 4'10" from the side yard property line which meets code for an ADU (4' minimum) however it is considered non-conforming for a primary dwelling. As no new square footage is being added within the non-conforming area, the non-conformance is permitted to remain. Additionally, the common wall shared by the connected homes will result in a loss of approximately 15-sf from the front home resulting in a new living area of approximately 1,195-sf. As shown on the attached plans, the proposed new home would be finished with a variety of contemporary materials including vertical wood siding and a standing seam metal roof. The height of the proposed home at its highest point would 25 feet which is approximately 8 feet taller than the existing home.

The front unit would become an ADU upon completion of the new, larger home toward the rear of the property. The proposed conversion of the front home to an ADU is permitted by right as a matter of state law and St. Helena Municipal Code (SHMC) Section 17.116.030 and is not subject to design review.

ANALYSIS**CEQA**

Staff has conducted the requisite analysis and concluded that the project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301 which exempts the demolition and removal of small structures including single-family homes; Section 15303, which exempts the construction or conversion of small structures including single-family residences, garages, pools, etc.; and Section 15332 which exempts in-fill development. The proposed project is not subject to any of the exceptions to the use of a categorical exemption as outlined in CEQA Section 15300.2. The project site is not located on or near an environmentally sensitive area, is not visible from a scenic highway, is not included on a hazardous waste site, and will not impact historic resources or otherwise generate or contribute to any potentially significant impacts.

GENERAL PLAN

The subject property has a General Plan Land Use designation of Medium Density Residential (MDR). The MDR land use designation provides for single-family detached and attached homes, secondary residential units, and similar compatible uses. The MDR designation is the predominant residential designation occurring throughout large areas of the City and is intended to maintain a development pattern in higher density areas of the City that is consistent with historic development patterns exhibited by St. Helena's established neighborhoods. The 2040 St. Helena General Plan and 2015-2023 Housing

Element Update Goals, Policies, and Eight-Year Action Plan include the following policies that are relevant to the proposed project:

- LU1.4 - In order to minimize and postpone the need for expansion of the Urban Limit Line, encourage infill development within currently developed areas.
- LU2.1 - Promote a mix of housing types and price ranges that are consistent with the Housing Element RHNA categories of housing affordability.
- LU2.2 - Encourage new residential development that is consistent in design, size, color, and floor area ratio (FAR) with the older residences in the neighborhood.
- CD3.1 - Limit building envelope sizes and require adequate side and rear setbacks to preserve the character of existing residential areas and to avoid over-built lots. Require future development to conform to the pattern and density of the neighboring areas. In order to complement existing town character and protect against incursion into vineyard agricultural areas.
- CD3.2 - Ensure that new residential designs contribute positively to existing neighborhoods by complementing character and incorporating design features, such as front porches, façade articulation and setbacks.
- HE1.5 - Encourage innovative housing types and designs.
- HE2.6 - Promote a balance of types of housing throughout the whole community.

Staff Response: Staff has concluded that the proposed project is consistent with the General Plan policies listed above in that the home would provide additional housing opportunities within the City, would be professionally designed and constructed to suit the site, and would result in updated and modernized structures on the site.

ZONING

Consistent with the General Plan land use designation described above, the subject property has a zoning designation of Medium Density Residential (MR). The MR zoning designation allows for single-family detached homes, accessory dwelling units, limited agricultural use and other compatible uses. The reconstruction of an existing single-family home is a permitted use in the MR district however it is subject to design review approval and must conform to the development standards prescribed by SHMC §17.40.060 as detailed below:

STANDARD	MAXIMUM	EXISTING	PROPOSED
Lot Coverage	45%	18%	30%
Height of Main Building	30 feet	17 feet	25 feet
SIZE/SETBACKS	MINIMUM	EXISTING	PROPOSED
Lot Area	7,000 sf	11,886 sf	11,886 sf
Lot Width*	70 feet	64.60 feet	64.60 feet
Front Setback (to ADU)	20 feet	27 feet	27 feet
Side yard Setback**	10 feet	10 feet / 12'2" feet	10 feet / 10 feet
Rear Setback	20 feet	22 feet	20 feet

**The existing parcel (along with the other parcels on the block) is considered non-conforming as it doesn't meet the existing code's requirement for minimum lot width. No changes are being proposed to the parcel itself and the non-conformity is permitted to remain as the lot was created before the current code standard was in place.*

***A portion of the existing front home that is setback 4'10" from the side yard property line will be incorporated into the new rear home; staff believes this is an existing non-conformity and is permitted to remain as long as the degree of non-conformity is not increased. That said, the code isn't clear whether an existing non-conformity can be transferred to a new structure and then remodeled. This is discussed further in the issues section below.*

Regarding structure width, in the MR district, the width of a structure shall not exceed 60% of the width of the lot as measured at the front elevation, excluding lineal footage of staggered architectural features that start at least 20 ft. back from the front elevation. The width of the front elevation is 21'3" while the parcel is 64'7" (this equals 33%). The proposed new home starts 62'5" feet from the front elevation of the existing structure (approximately 89'5" from the front property line).

As far as the Floor Area Ratio (F.A.R.) is concerned, a 11,886-sf parcel has a maximum F.A.R. of .298. This would allow up to approximately 3,542-sf of floor area (excluding any applicable F.A.R. exemptions for ADUs, covered parking, etc.). As detailed below, the home as proposed has a F.A.R. of .247 which is below maximum allowed on the site.

EXISTING FLOOR AREA:

FRONT DWELLING	1,210 SF
REAR DWELLING	728 SF
GARAGE	265 SF
ADU EXEMPTION*	-728 SF
PARKING EXEMPTION	-200 SF

TOTAL 1,275 SF

FLOOR AREA RATIO: 1,275 / 11,886 = .107

PROPOSED FLOOR AREA:

PRIMARY DWELLING	2,732 SF
ADU	1,195 SF
GARAGE	400 SF
ADU EXEMPTION*	-1,195 SF
PARKING EXEMPTION	-200 SF

TOTAL 2,932 SF

FLOOR AREA RATIO: 2,932 / 11,886 = .247

**Per newly adopted state law, an 800sf ADU is permitted by right regardless of any local restrictions on floor area ratio. Furthermore, the conversion of an existing single-family home or accessory structure to an ADU is also exempt from local restrictions on floor area ratio. The conversion of the front home to an ADU does not require design review approval and is not under Planning Commission discretion.*

Staff Response: *While the existing parcel is non-conforming, the project as proposed meets all development standards as required by Section 17.44.060 of the SHMC including lot coverage, setbacks, floor area, height, etc.*

HISTORIC RESOURCES

The existing rear home was constructed in 1890 however it is not listed on the City's Historic Resources Master List. However, due to the age of the structure staff required that it be evaluated by a qualified architectural historian for any potential historical or architectural significance.

Staff Response: *As described in the attached Historical Evaluation prepared by Brunzell Historical dated May 20, 2021, the existing home is an unremarkable example of an early-twentieth century house in St. Helena. It lacks decorative features or references to a particular architectural style, and it is not an outstanding example of a vernacular architecture. Furthermore, it has been altered over the decades with a stucco façade and additions. The existing home is not architecturally or historically significant; its demolition will not have a negative impact on existing historic districts or structures.*

WATER

Chapter 13.12.030 of the SHMC requires mandatory water efficiency measures and water demand offset requirements for new construction. Among these provisions is the requirement that any "new development" (i.e. construction that would introduce any freestanding building that contains water-using fixtures, any floor area additions to existing nonresidential structures, or any residential additions or remodeling that increases the number of independent living units) offset new water demand by an amount equal to the new demand placed on the city water system (i.e., it must be water neutral). The offset must be clearly demonstrated to the satisfaction of the Public Works Department.

Staff Response: *A Water Use Analysis prepared by Madrone Engineering dated March 1, 2021 and attached to this report concluded that the proposed project would result in a reduction of water use on-site. The proposed 1-bedroom home is a net living unit reduction from the existing 2-bedroom home and would use less water due to the required use of modern water efficient fixtures and appliances. The water neutrality requirement has been demonstrated to the satisfaction of the Public Works Director. It should be noted that the City is currently under a Phase II Water Emergency, under this declared emergency no new water connections are permitted and no new landscaping may be planted.*

PARKING

SHMC Section 17.124.030 “Minimum On-site Parking Requirements”, requires that residential uses provide two parking spaces for the main dwelling unit, one of which shall be contained within a garage or carport. In addition to the required parking for the primary residence, one parking space, covered or uncovered, shall be provided on site for an ADU. However, no parking is required for an ADU if it meets certain criteria as prescribed by state law. As the proposed ADU is the conversion of an existing structure, no parking is required.

Staff Response: As detailed in the attached plan set, the project includes a two-car garage and driveway which can easily accommodate the required 2 off-street parking spaces. Therefore, the project as proposed meets all parking requirements.

DEMOLITION PERMIT

As provided in SHMC Section 17.164.050(E), no permit authorizing the demolition of any building within any zoning district shall be issued until approved by the Planning Commission in accordance with the following findings:

1. That, based on the public record and testimony presented at a public hearing, the building is determined not to be a significant architectural or historical building. If a building is determined to be significant by the planning commission, no demolition will be authorized unless the following findings are made by the commission:
 - a. That the building poses a threat to health, safety and general welfare if it is not demolished,
 - b. That restoration of the building is not feasible or practicable using current building codes including, but not limited to, the Historic Building Code provisions of the Uniform Building Code of the state of California,
 - c. That no public or other funding is available for financing renovation or purchase of the building;
2. That the demolition does not eliminate elements that are required to maintain the essential character of the neighborhood.
3. That design review of the proposed replacement structure is approved prior to approval of the demolition of a housing structure.

Staff Response: The existing home was constructed in approximately 1890 however it is not listed on the City of St. Helena’s historical resources inventory. As described above, the existing home is not historically or architecturally significant. Demolition of this residence would not impact a historical resource or otherwise negatively affect the character of the neighborhood.

DESIGN REVIEW

SHMC Sections 17.40.040 and 17.164.050 require design review approval for new structures or buildings including construction of a new single-family home. The purpose of design review is to, among other things, promote the qualities that bring value to the community and foster attractiveness and functional utility of the community as a place to live and work. The Planning Commission must find that the project takes reasonable

account of the design criteria prescribed in SHMC Section 17.164.030 (listed below) in review of this application:

1. Consistency and compatibility with applicable elements of the general plan;
2. Compatibility of design with the immediate environment of the site;
3. Relationship of the design to the site;
4. Compatibility with future construction both on and off the site;
5. Whether the architectural design of structures and their materials and colors are appropriate to the function of the project;
6. Whether the planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community;
7. Whether the amount and arrangement of open space and landscaping are appropriate to the design and the function of the structures;
8. Whether access to the property and circulation systems are safe and convenient for pedestrians, cyclists and vehicles;
9. Whether natural features and vegetation are appropriately preserved and integrated with the project;
10. Whether the materials, textures, colors and details of construction are an appropriate expression of its design concept and function and whether they are compatible with the adjacent and neighboring structures and functions;
11. Whether the landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors, create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site;
12. Whether sustainability and climate protection are promoted through the use of green building practices such as appropriate site/architectural design, use of green building materials, energy efficient systems and water efficient landscape materials.
13. Determination that the design is compatible in areas considered by the board as having a unified design or historical character;
14. Whether the design promotes harmonious transition in scale and character in areas between different designated land uses.

Staff Response: The proposed home meets or exceeds all required development standards as described above and would provide a new, modernized housing opportunity within the City. Additionally, the home was designed to be compatible and respectful to the site and the surrounding environment. For these reasons, staff believes that the proposed project is consistent with the required design review findings listed above. Per SHMC Section 17.164.040(C), only the proponent's failure to take reasonable account of the items discussed in Sections 17.164.010 through 17.164.030 shall justify the Commission's disapproving a proposal solely on the basis of design.

ISSUES

As discussed above, the Planning Commission must decide how to interpret the City's non-conforming code section with respect to the small portion of the front building that will be incorporated into the new larger home toward the rear. It is clear under the state ADU

law that if the area in question (the yellow portion of the existing house) is part of an ADU, it may be where it is, and it would be conforming. But the state ADU law does not apply to the area in question if it is not part of an ADU. As proposed, the area in question would not be a part of an ADU; it would be part of a new main house, which is subject to all the city's normal (non-ADU) requirements, restrictions, and standards. The Commission must decide whether to treat the area in question (again, the yellow portion) as a stand-alone structure that is subject to the nonconforming use provisions governing remodel or reconstruction of nonconforming structures, or as a part of the building to which it is currently attached (the existing house that is proposed to be converted to an ADU). It is either viewed as subject to the nonconforming use and structure provisions and allowed to be attached to the new rear home as an existing nonconformity, or you view it as attached to the existing house and therefore not able to be attached to the new home without creating a new nonconformity for that new home.

CORRESPONDENCE

Staff has received four (4) letters related to this application mainly expressing concerns about potential privacy impacts (the letters are attached to the end of this report).

STAFF RECOMMENDATION

For the reasons described above, staff recommends that the Planning Commission:

1. Determine that the project is exempt from the requirements of CEQA pursuant to Section 15301 and Section 15303; and
2. Accept the required findings and approve a resolution granting demolition permit and design review approval for the proposed demolition and new construction on the property located at 1420/1428 Allyn Avenue.

ATTACHMENTS

[Resolution](#)

[APN Map](#)

[Aerial View](#)

[Project Plans revised 071421](#)

[Historic Resource Evaluation](#)

[Water Use Analysis](#)

[Applicant Statement revised 071421](#)

[Beautification Award](#)

**CITY OF ST. HELENA PLANNING COMMISSION
RESOLUTION NO.
GRANTING DEMOLITION PERMIT AND DESIGN REVIEW APPROVAL TO
1420/1428 ALLYN AVENUE (File No. PL21-009)**

PROPERTY OWNER: George Caloyannidis & Christine Tittel

APN: 009-

305-003

Recitals

1. The property owners request adoption of a resolution approving a demolition permit and design review in order to demolish an existing single-family residence to accommodate the construction of a new single-family home on the property located at 1420/1428 Allyn Avenue in the Medium Density Residential zoning district;
2. A public notice was published in the Napa Valley Register and mailed to residents and occupants within 300 feet of the project site in compliance with state and local law;
3. The Planning Commission of the City of St. Helena, State of California, considered the project, staff report, and all testimony, written and spoken, at a duly noticed public hearing on October 5, 2021; and
4. Now, therefore let it be found that, the Planning Commission approves the demolition permit and design review thereby authorizing the modifications contained in said plans based on the findings below and subject to the conditions of approval enumerated herein.

Resolution

- A. In making the findings in this Resolution, the Planning Commission relied upon and hereby incorporates by reference all of the documents referenced in this Resolution and the associated staff reports, City files for this matter, correspondence, presentations and other materials.
- B. The Planning Commission hereby finds that the project is exempt from the requirements of CEQA pursuant to Section 15301 which exempts the demolition and removal of small structures including single-family homes; Section 15303, which exempts the construction or conversion of small structures including single-family residences, garages, pools, etc.; and Section 15332 which exempts in-fill projects.
- C. Pursuant to St. Helena Municipal Code (SHMC) Section 17.164.050, the Planning Commission makes the following findings to support the motion to approve the demolition permit to allow for the demolition the existing structures on-site:
 1. *That, based on the public record and testimony presented at a public hearing, the building is determined not to be a significant architectural or historical building in that the existing home was determined by a qualified architectural historian to not be historically or architecturally significant. Furthermore, the home is not listed on the City's Historical Resources Master List.*

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2. *That the demolition does not eliminate elements that are required to maintain the essential character of the neighborhood in that demolition of the existing structures will not negatively affect the character of the neighborhood; and*
 3. *That design review of the proposed replacement structure has been approved in conjunction with the demolition permit.*
- D. In accordance with the design review criteria identified in SHMC Section 17.164.030, the Planning Commission finds that the project demonstrates the following:
1. *Consistency and compatibility with applicable elements of the general plan in that the project consists of constructing a replacement single-family home in an area where single-family homes are permitted;*
 2. *Compatibility of design with the immediate environment of the site in that the project has been designed to be compatible with the site and its surroundings;*
 3. *Relationship of the design to the site is found to be consistent in that the project was designed in consideration of the unique characteristics of the site;*
 4. *That the design is compatible in areas considered by the board as having a unified design or historical character in that the home is not an area of with a unified design character and has been designed to be compatible with the site and the surrounding area;*
 5. *That the design promotes harmonious transition in scale and character in areas between different designated land uses in that the project is the construction of a single-family home in an area designated for residential land uses;*
 6. *Compatibility with future construction both on and off the site in that the project consists of constructing a single-family home in an area designated for residential land uses;*
 7. *That the architectural design of structures and their materials and colors are appropriate to the function of the project in that the project is a contemporary single-family home;*
 8. *That the planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community in that the home has been designed to be compatible with the site and its surroundings;*
 9. *That the amount and arrangement of open space and landscaping are appropriate to the design and the function of the structures in that the home and associated landscaping has been designed to be compatible with the site and its surroundings;*
 10. *That access to the property and circulation systems are safe and convenient for pedestrians, cyclists and vehicles in that access to the site will remain via Allyn Avenue;*

11. *That natural features and vegetation are appropriately preserved and integrated with the project in that the residence and associated landscaping has been designed to be compatible with the site and its surroundings;*
12. *That the materials, textures, colors and details of construction are an appropriate expression of its design concept and function and whether they are compatible with the adjacent and neighboring structure and functions in that in that the home will be constructed of modern building materials and will be compatible with surrounding residential development;*
13. *That the landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site in that the residence and associated landscaping has been designed to be compatible with the site and its surroundings;*
14. *That sustainability and climate protection are promoted through the use of green building practices such as appropriate site/architectural design, use of green building materials, energy efficient systems and water efficient landscape materials in that project related construction is required to meet all California Building Codes and City of St. Helena development standards.*

Planning Department Conditions of Approval

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

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6. Pursuant to City Council Resolution 2003-65, the owner and applicant are informed of the following:

In recognition of the need for additional affordable housing, and to mitigate the effects of this development on the supply and demand of affordable housing, the permittee shall be subject to a Housing Impact Fee, an inclusionary requirement, an in-lieu fee, and/or similar fair and appropriate mechanisms, to provide funds for or to develop additional affordable housing.

7. Compliance with all permit conditions shall occur in accordance with specific regulations but in all cases no later than prior to occupancy or initiation of use unless another time is set by law or by this approval. Occupancy or final inspection of a project may be withheld if all conditions, including payment of fees for services rendered by the City, are not met.
8. In any action or proceeding to attack, challenge, invalidate, set aside, void or annul the City's approval of applicant's Project, in whole or in part, applicant shall defend, at its own expense and without any cost to the City, and with counsel acceptable to the City, and shall fully and completely indemnify and hold the City, its agents, officers, and employees harmless from and against any and all claims, causes of action, damages, costs, attorney's fees and liability of any kind, so long as the City reasonably promptly notifies the applicant of any such claim, action, or proceedings and the City cooperates fully in the defense of the action or proceedings.
9. Provided they are in general compliance with this approval, minor modifications may be approved by the Planning Director.
10. Pursuant to St. Helena Municipal Code Section 17.08.110, this permit shall run with the land and shall be binding upon all parties having any right, title or interest in the real property or any part thereof, their heirs, successors and assigns, and shall inure to their benefit and benefit of the City of St. Helena.
11. The primary purpose of this review is for compliance with the General Plan and Zoning Ordinance. The property owners or their designee shall be responsible for meeting with the Building Official, Fire Inspector and or Public Works Department to review compliance with Building Codes, Fire Codes and specific Public Works Standards including fire protection systems and any applicable accessibility standards of Title 24.
12. Construction shall be in compliance with plans submitted and reviewed by the Planning Commission on October 5, 2021, except as modified herein.
13. No new landscaping shall be installed while the City is in a declared Phase II or Phase III water emergency.
14. During demolition and construction, the project site shall be adequately fenced and secured to prevent trespassing.
15. Exterior lighting shall be directed or shielded to prevent glare onto public roadways or adjacent properties.
16. To reduce disturbance of residents in the project vicinity, construction activities which generate noise that can be heard at the property line of any parcel of real property

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within the City limits shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Saturday. Delivery of materials/equipment and cleaning and servicing of machines/equipment shall be limited to 7:00 a.m. to 6:00 p.m. Exceptions to these time restrictions may be granted by the Public Works Director for one of the following reasons: (1) inclement weather affecting work, (2) emergency work, or (3) other work, if work and equipment will not create noise that may be unreasonably offensive to neighbors as to constitute a nuisance. The Public Works Director must be notified and give approval in advance of such work. No construction activities shall occur on Sundays or federal or local holidays that generate noise that can be heard at the property line of any parcel of real property within the City limits.

Public Works Department Conditions of Approval

17. Approval of this project shall be subject to the requirements of, and all improvements shall be designed and constructed in accordance with, the most current version at the time of improvement plan submittal, Caltrans Standards and Specifications, the City of St. Helena Municipal Code, the St. Helena Water and Sewer Standards, the St. Helena Street, Storm Drain and Sidewalk Standards, and all current federal, state and county codes governing such improvements.
18. For any improvements outside the existing building envelope, a grading and drainage plan showing topographic data, all easements, infrastructure onsite and directly adjoining, and an erosion control plan shall be submitted for review and approval by the City Engineer prior to the issuance of a building permit. If the project entails more than 50 cubic yards of soil disturbance, 10,000 square feet of disturbance area, a cut or fill of 3 feet or more, or alteration of any drainage pattern, a grading permit shall be required.
19. Drainage needs to be routed to prevent inundation of neighboring properties. Grading and/or site improvement plans shall show how 2-year and 10-year storm flows shall be infiltrated on site and/or diverted at the property lines to prevent inundation of neighboring properties.
20. Prepare and implement a Stormwater Control Plan as required by the Bay Area Stormwater Management Agencies Association (BASMAA) Post-Construction Manual, dated July 14, 2014 or later.
21. Erosion and sediment control plans shall conform to the latest State and City codes at a minimum.
22. If the proposed/new landscaping involves an area greater than 500 square feet or rehabilitation of more than 2,500 square feet, the proposed landscaping shall comply with the State's Model Water Efficient Landscape Ordinance (MWELO).
23. The applicant shall incorporate water conservation practices into the proposed project to offset the additional demand calculated in the Water Neutral Analysis prepared by Madrone Engineering, dated March 1, 2021. The water conservation requirements shall be replicated in full on the architectural plans. The water analysis shall be replicated on the building plans prior to building permit approval.

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October 5, 2021

24. As the City is currently experiencing a Phase 2 water emergency, the building permit for construction of a new pool can only be issued if the water used to fill the pool is trucked in from non-City produced water.
25. No new water connections shall be permitted during the Phase 2 water emergency. Accordingly, only the existing water meters can be used for this project unless the declared water emergency is lifted.
26. Any new and modified existing water laterals, meters and backflow prevention devices shall be required and constructed in accordance with the current requirements of the City of St. Helena's Water Standards and the California Department of Health Standards. Existing meter boxes located within a driveway shall be retrofitted with a traffic-rated box. New laterals shall be located perpendicular to the water main and outside any driveway/drive aisle.
27. Remodels or new construction which requires fire sprinklers shall install an appropriately-sized water service with appropriate backflow and meter devices prior to Certificate of Occupancy as required. Fire system calculations shall be submitted with the Grading and Drainage Plan to verify fire service lateral and meter sizing. Deferred submittals are not accepted.
28. If the current sanitary sewer clean-out does not meet City requirements, one will be required and may include replacement of the existing sewer lateral to the City main.
29. The applicant shall repair all public improvements that are damaged by the construction process in accordance with the City Water/Sewer/Street/Storm Drain/Sidewalk Standards prior to Certificate of Occupancy.
30. An encroachment permit shall be required for any work performed in the public right of way. Improvements on private shared roadways will require approval by all parties of ownership of the access easements.

Building Department Conditions of Approval

31. A building permit is required for all onsite demolition, construction and/or change of occupancy.
32. The applicant will be required to comply with the codes adopted at the time the applicant applies for a building permit. At this time the City of St. Helena utilizes the 2019 Title 24 codes.
33. When submitting plans for a building permit, the plans shall include all documentation listed on the building permit application checklist.
34. The applicant shall provide a construction waste management plan with the building permit application.
35. The plans for construction shall include a checklist for compliance with the California Green Buildings Standards Code, mandatory measures. Provide a reference on the checklist indicating where the mandatory measures can be found on the plans.
36. When submitting plans, the title page shall include all information referenced on the building permit application checklist Title Page requirements.

1420/1428 Allyn Avenue
Resolution / Conditions of Approval
October 5, 2021

37. Building Permit application materials and plans shall include any documentation pertaining to special loads applicable to the design and the specified section of the code that addresses the condition; special inspections for any systems or components requiring special inspection; requirements for seismic resistance; and a complete list of deferred submittals at time of application. Any deferral of the required submittal items shall have prior approval of the Building Official however deferral of fire sprinkler design is not allowed.
38. Properties which are on septic systems and proposing substantial renovations may require approval from the Napa County Environmental Health Department. Applicants are encouraged to engage with the County early in the building permit review process to reduce the potential for delay.

Fire Department Conditions of Approval

39. Plans submitted for building permit shall exhibit compliance with the current St. Helena Fire Code, as adopted and codified in St. Helena Municipal Code Chapter 15.36.
40. Fire sprinklers shall be installed as required by Fire Code and the Fire Department.
41. Any gates installed to control vehicular access to a property are required to be setback 30-feet from the property line and/or edge of pavement, whichever is greater. No vehicle gates may be installed without Fire Department and Public Works Department review and explicit approval.

I HEREBY CERTIFY that the foregoing demolition permit and design review application 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 5, 2021 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

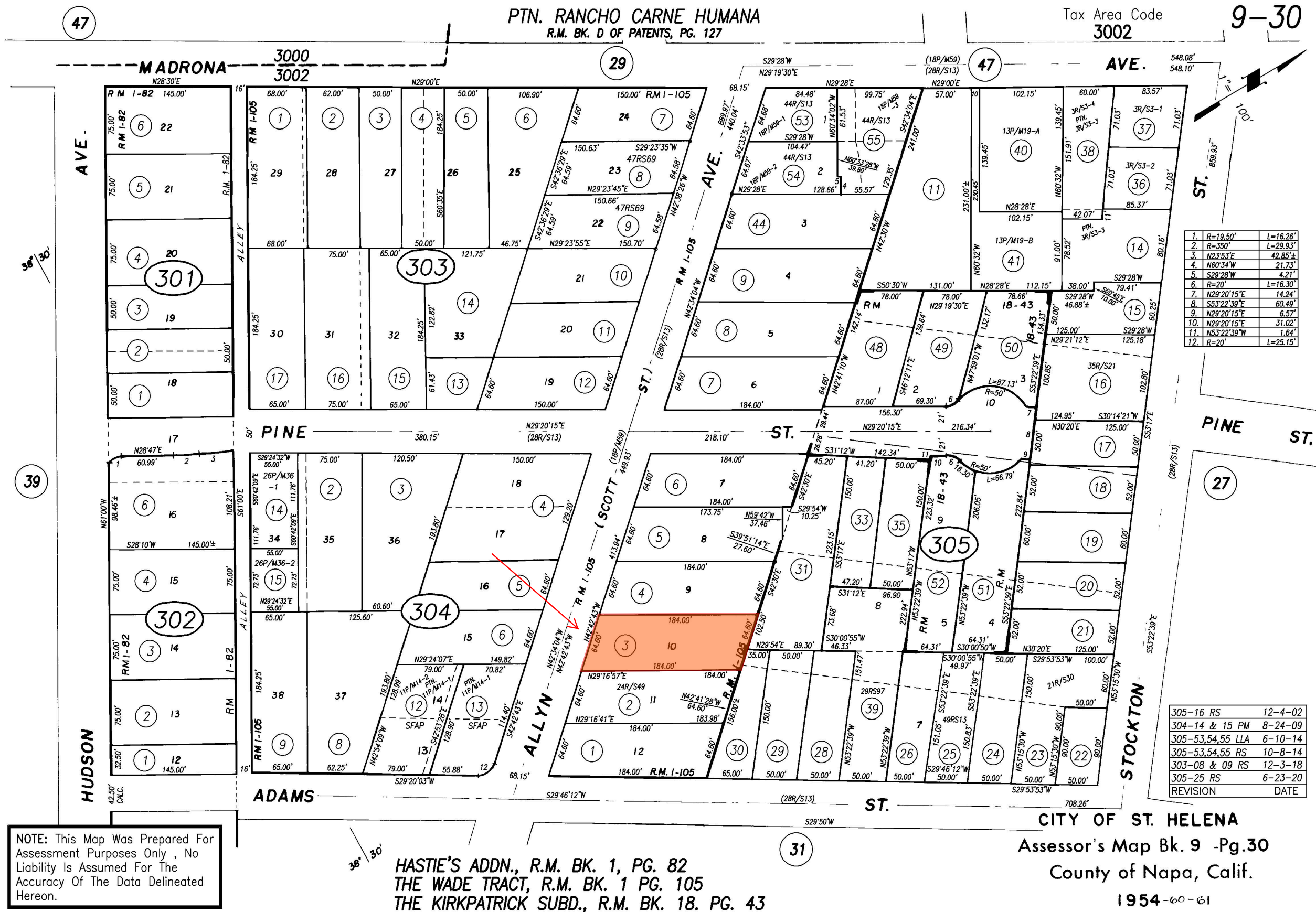
APPROVED:

ATTEST:

John Ponte
Chair, Planning Commission

Maya DeRosa, AICP
Planning and Building Director

*1420/1428 Allyn Avenue
Resolution / Conditions of Approval
October 5, 2021*





City of St. Helena



Legend

- Addresses
- Sanitary Sewer
- ▨ Downtown Parking
- ▨ Parcels St. Helena
- ▨ Urban Limit Boundary
- ▨ Parcels
- ▨ County Boundary

94.0 0 47.02 94.0 Feet

Disclaimer: This map was prepared for informational purposes only.
No liability is assumed for the accuracy of the data delineated hereon.

This map was printed on 7/20/2021

Notes

1420 ALLYN

1420 ALLYN STREET, ST. HELENA, CALIFORNIA

CURRENT OWNER:
CALOYANNIDIS - TITTEL FAMILY TRUST
ASSESSOR'S PARCEL NO. 009-305-003

SITE ADDRESS:
1420-1428 ALLYN AVENUE
ST. HELENA, CA 94574

ORIGINAL 2011 SURVEY
ALBION SURVEYS INC.
113 HUNT AVENUE
ST. HELENA, CA 94574

ZONING & GENERAL PLAN DESIGNATION:
MEDIUM DENSITY RESIDENTIAL

USE:
TWO EXISTING RESIDENTIAL
PROPOSED RESIDENTIAL
REPLACE ONE EXISTING HOME AT 1420 ALLYN AVENUE
WITH A NEW MAIN RESIDENCE
CONVERT EXISTING RESIDENCE AT 1428 ALLYN AVENUE
TO AN ACCESSORY DWELLING UNIT

FLOOD PLAIN:
PARCEL IS LYING WITHIN "ZONE X" FEMA FLOOD
ZONE (AREAS DETERMINED TO BE OUTSIDE THE
0.2% ANNUAL CHANCE FLOODPLAIN) PER FIRM NAPA
COUNTY, CALIFORNIA AND INCORPORATED AREAS,
PANEL 263 OF 650, MAP NUMBER 0655C0263E,
EFFECTIVE DATE: SEPTEMBER 26, 2008

LOT AREA:
TOTAL ACREAGE: 11,332 SQ. FT. (0.26 ACRES NET)

EASEMENTS:
NO EASEMENTS OR RIGHTS OF WAY CITED IN
PRELIMINARY TITLE REPORT:
FIRST AMERICAN TITLE COMPANY
ORDER NO. P-471988 / FEBRUARY 10, 2021

UTILITIES & ACCESS:
EXISTING WATER - CITY OF ST. HELENA
EXISTING SANITARY SEWAGE - CITY OF ST. HELENA
ELECTRICITY AND NATURAL GAS BY PG&E
ONE EACH FOR 1420 & 1428 ALLYN AVENUE

GENERAL NOTES

- 1.1 APPLICABLE BUILDING CODES: TITLE 24
PART 11: 2001 BUILDING STANDARDS ADMINISTRATIVE
CODE
PART 12: 2001 CALIFORNIA BUILDING CODE
(REFERENCES 1997 UNIFORM BUILDING CODE)
PART 13: 2001 CALIFORNIA ELECTRICAL CODE
(REFERENCES 1996 NATIONAL ELECTRICAL CODE)
PART 14: 2001 CALIFORNIA MECHANICAL CODE
(REFERENCES 1997 UNIFORM MECHANICAL CODE)
PART 15: 2001 CALIFORNIA PLUMBING CODE
(REFERENCES 1997 UNIFORM PLUMBING CODE)
PART 16: 2001 CALIFORNIA ENERGY CODE
(REFERENCES 1997 CALIFORNIA ELEVATOR SAFETY
CONSTRUCTION CODE)
PART 17: 2001 CALIFORNIA HISTORICAL BUILDING
CODE
PART 18: 2001 CALIFORNIA FIRE CODE
(REFERENCES 1997 UNIFORM FIRE CODE)
PART 19: 2001 CALIFORNIA CODE FOR BUILDING
CONSERVATION, APPENDIX CHAPTER 1
PART 20: 2001 CALIFORNIA REFERENCED
STANDARDS CODE
(REFERENCES 1997 UNIFORM BUILDING CODE, 1997
UNIFORM MECHANICAL CODE, AND 1997 UNIFORM
PLUMBING CODE)
1.2 THE CONTRACTOR SHALL PROVIDE WORKMAN'S
COMPENSATION INSURANCE & LIABILITY INSURANCE.
HE SHALL ALSO PROVIDE A PERFORMANCE BOND
IN THE AMOUNT OF THE COST OF CONSTRUCTION.
1.3 THE CONTRACTOR SHALL GUARANTEE ALL LABOR
AND MATERIAL FOR A MINIMUM OF ONE YEAR.
EXCEPTION: ROOF SHALL BE GUARANTEED FROM
LEAKAGE FOR A MINIMUM OF TWO YEARS OR AS
SPECIFIED.
1.4 THE GENERAL CONTRACTOR SHALL VERIFY ALL
SITE CONDITIONS AND DIMENSIONS BEFORE
STARTING WORK. THE CONTRACTOR SHALL
NOTIFY THE DESIGNER OF ANY DISCREPANCIES.
1.5 CONTRACTOR SHALL VERIFY EASEMENTS (PUBLIC
OR PRIVATE) FOR SEWER, WATER, ELECTRICAL,
TELEPHONE, CABLE TV, AND GAS PRIOR TO
STARTING CONSTRUCTION.

- 1.6 VERIFY ALL UTILITY DATA AND LOCATIONS PRIOR
TO ANY WORK. ON-SITE UTILITIES SHALL BE
COORDINATED WITH THE APPROPRIATE AGENCY
OR UTILITY COMPANY.
1.7 WRITTEN DIMENSIONS TAKE PRECEDENCE OVER
DRAWINGS. DO NOT SCALE THE DRAWINGS. WHERE
DISCREPANCIES OCCUR, NOTIFY THE DESIGNER
FOR CLARIFICATION.
1.8 ACCEPT NO INK OR PENCIL CORRECTIONS TO
THESE DRAWINGS WITHOUT THE DESIGNER'S INITIAL
OR SIGNATURE. THE DESIGNER SHALL BE HELD
HARMLESS FOR ALL CHANGES NOT IN CONFORMANCE
WITH THIS PROVISION.
1.9 ALL USERS OF THESE DRAWINGS AGREE BY USING
THESE DRAWINGS TO HOLD THE DESIGNER
HARMLESS FOR ANY AND ALL WORK THAT DOES
NOT CONFORM TO REQUIREMENTS AND MINIMUM
STANDARDS OF THE RELEVANT BUILDING CODE,
LOCAL ORDINANCES, AND ACCEPTABLE STANDARDS.
1.10 THESE DRAWINGS ARE THE PROPERTY OF THE
DESIGNER AND ARE NOT TO BE USED IN PART
FOR ANY WORK OTHER THAN AT THE LOCATION
SHOWN HEREON.
1.11 THE DESIGNER SHALL HAVE NO CONTROL
OR CHARGE OF AND SHALL NOT BE RESPONSIBLE
FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES,
SEQUENCES OR PROCEDURES FOR ANY SAFETY
PRECAUTIONS AND PROGRAMS IN CONNECTION WITH
THE WORK.
1.12 THE DESIGNER ASSUMES NO RESPONSIBILITY
FOR THE PERFORMANCE OF PRODUCTS OR MATERIALS
NOT SPECIFIED IN THESE DRAWINGS.
1.13 ITEMS REQUIRED BY TITLE 24 "ENERGY CONSERVATION
STANDARDS" SHALL BE CERTIFIED BY CALIFORNIA
ENERGY COMMISSION (CEC). EQUIPMENT WHICH
REQUIRES PREVENTATIVE MAINTENANCE FOR EFFICIENT
OPERATION SHALL BE FURNISHED WITH THE
COMPLETE NECESSARY MAINTENANCE INFORMATION,
EDITION 1998.
1.14 SPECIFICATIONS ARE STATED IN AN OUTLINE FORM.
THE CONTRACTOR SHALL FURNISH WITH ALL
ACCESSORIES REQUIRED FOR A COMPLETE
INSTALLATION IN ACCORDANCE WITH GOOD TRADE
PRACTICE.

STORM WATER
The increased storm water runoff from the new roof shall be
infiltrated on site and shall not be concentrated and directed
towards adjacent properties.

WATER CONSERVATION
Existing remaining structure was retrofitted in 2012 under
Building Permit NO BP1201-022.
The structure to be demolished was never retrofitted.

SEWER LINE
The existing sewer line was video recorded and sleeved line
under Permit NO BD1106-009 and sewer line tested and
inspected on 6/13/2011.

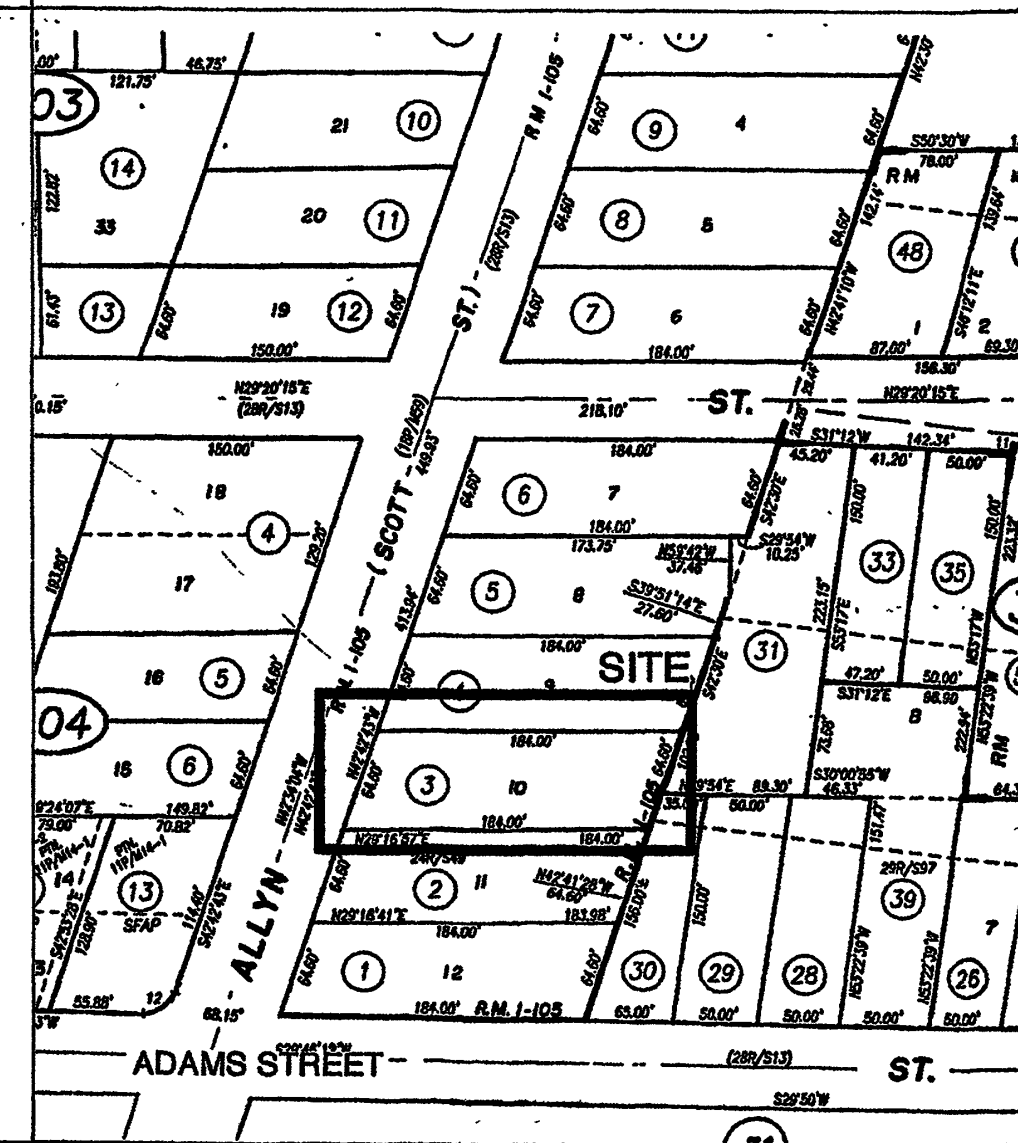
FIRE SPINKLERS
The entire new structure and remaining existing structure
shall be fire-sprinklered.

BACKFLOW PREVENTION
The property was fitted with reduced pressure backflow
prevention devices City Standard #106 under previous permit
NO BP1201-022.

ANTI-SYPHON DEVICES
All existing hose bibs are fitted with anti-siphon devices.
All new hose bibs shall comply with same standard.

DRIVEWAY IMPROVEMENTS
No changes in grades or driveway are anticipated.

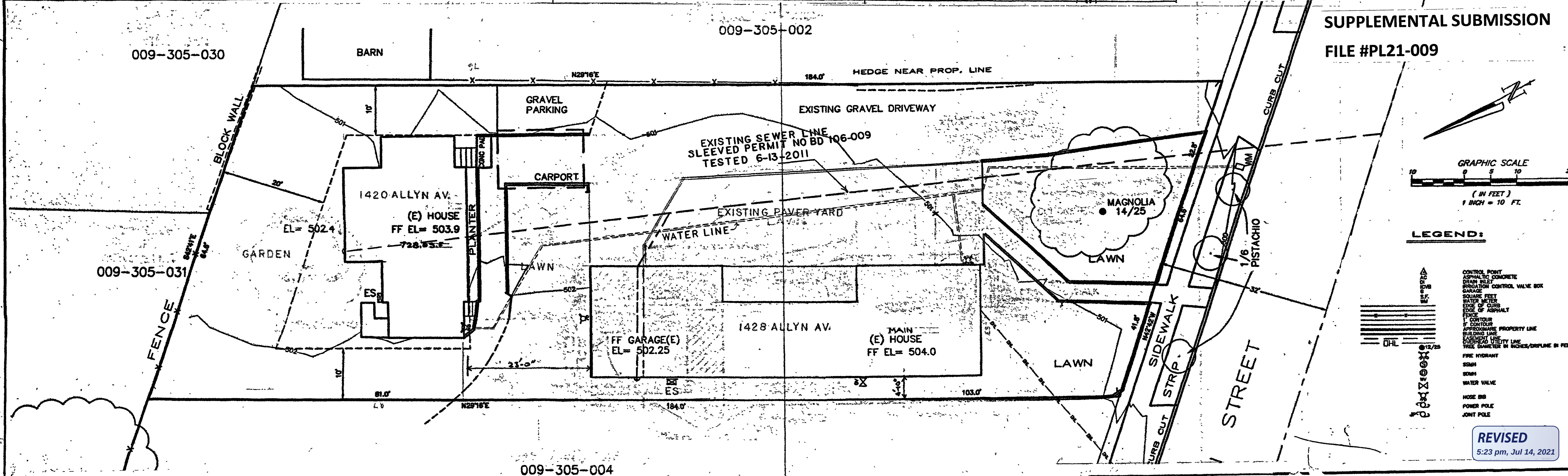
PARCEL MAP



SHEET INDEX

- PH PHOTOGRAPHS OF EXISTING
- A-1 GROUND FLOOR AND PLOT PLAN
- A-2 SECOND FLOOR PLAN / SECTIONS / SOUTH ELEVATION
- DOOR & WINDOW SCHEDULE
- A2.1 DEMOLITION LIMIT 1428 ALLYN
- A-3 EAST / WEST & NORTH ELEVATIONS
- A-R ROOF PLAN & DETAILS
- P-1 STRUCTURE SQUARE FOOTAGES / EXISTING & PROPOSED VEGETATION
LANDSCAPING
- W-D EXISTING & PROPOSED WATER USAGE / DEMOLITION
- E-1 ELECTRICAL PLAN
- M-1 MECHANICAL HEATING & AC
- SUPPLEMENTAL PLANS
- T-1 UTILITIES LATERALS
- T-S 2012 TOPOGRAPHIC SURVEY
- GR GRADING / DRAINAGE
- A2.2 DEMOLITION DETAIL 1428 ALLYN

SUPPLEMENTAL SUBMISSION FILE #PL21-009



EXISTING STRUCTURES
UTILITIES/LATERALS
NOTES
SHEET INDEX

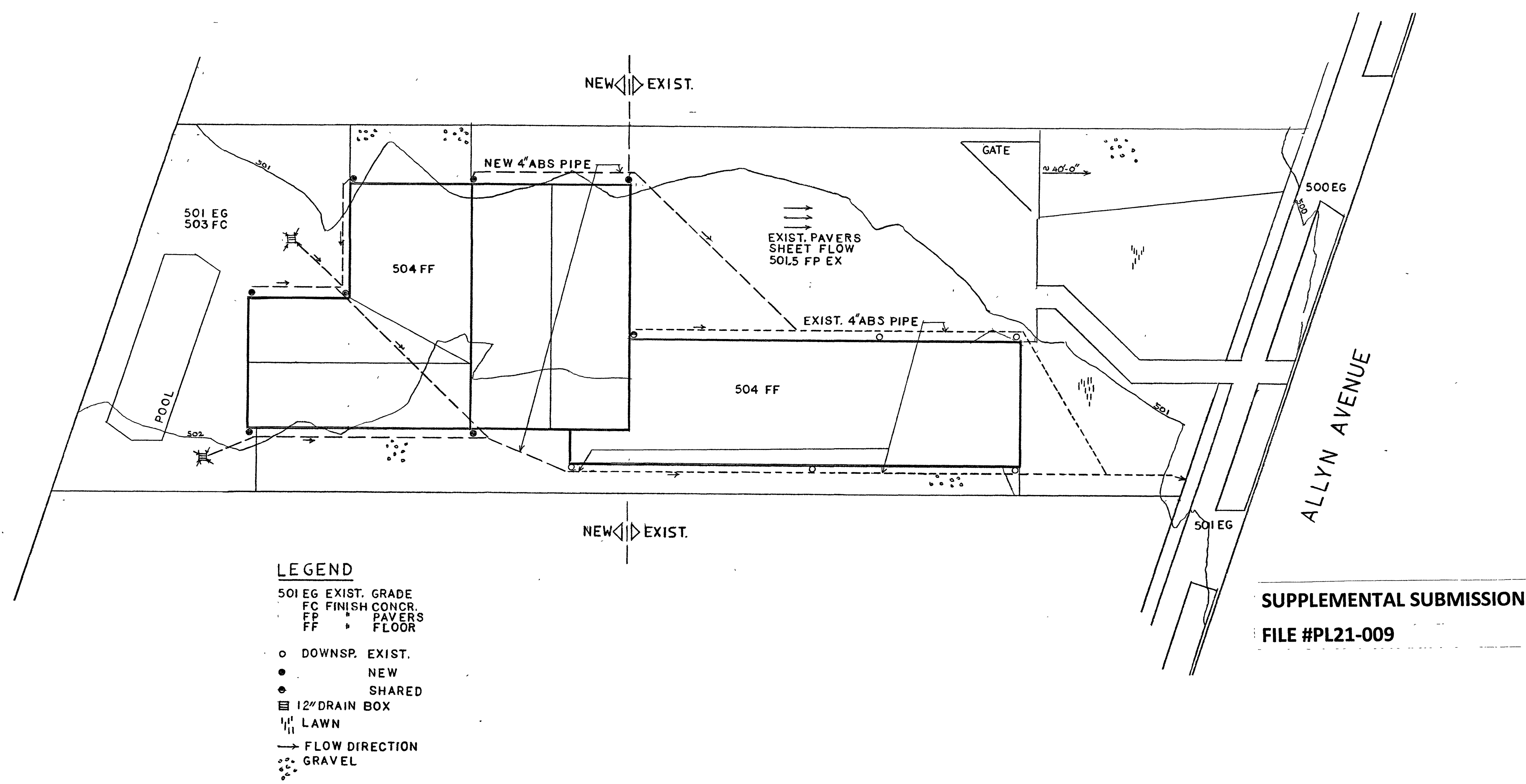
MAIN HOUSE ADDITION
TO CONVERTED ADU
1420 ALLYN AV ST. HELENA

PROJECT NUMBER
DATE 2-24-21
DRAWN G.C.
SCALE AS NOTED

REVISIONS:		
NR.	DATE	COMMENTS
1	5-10-21	

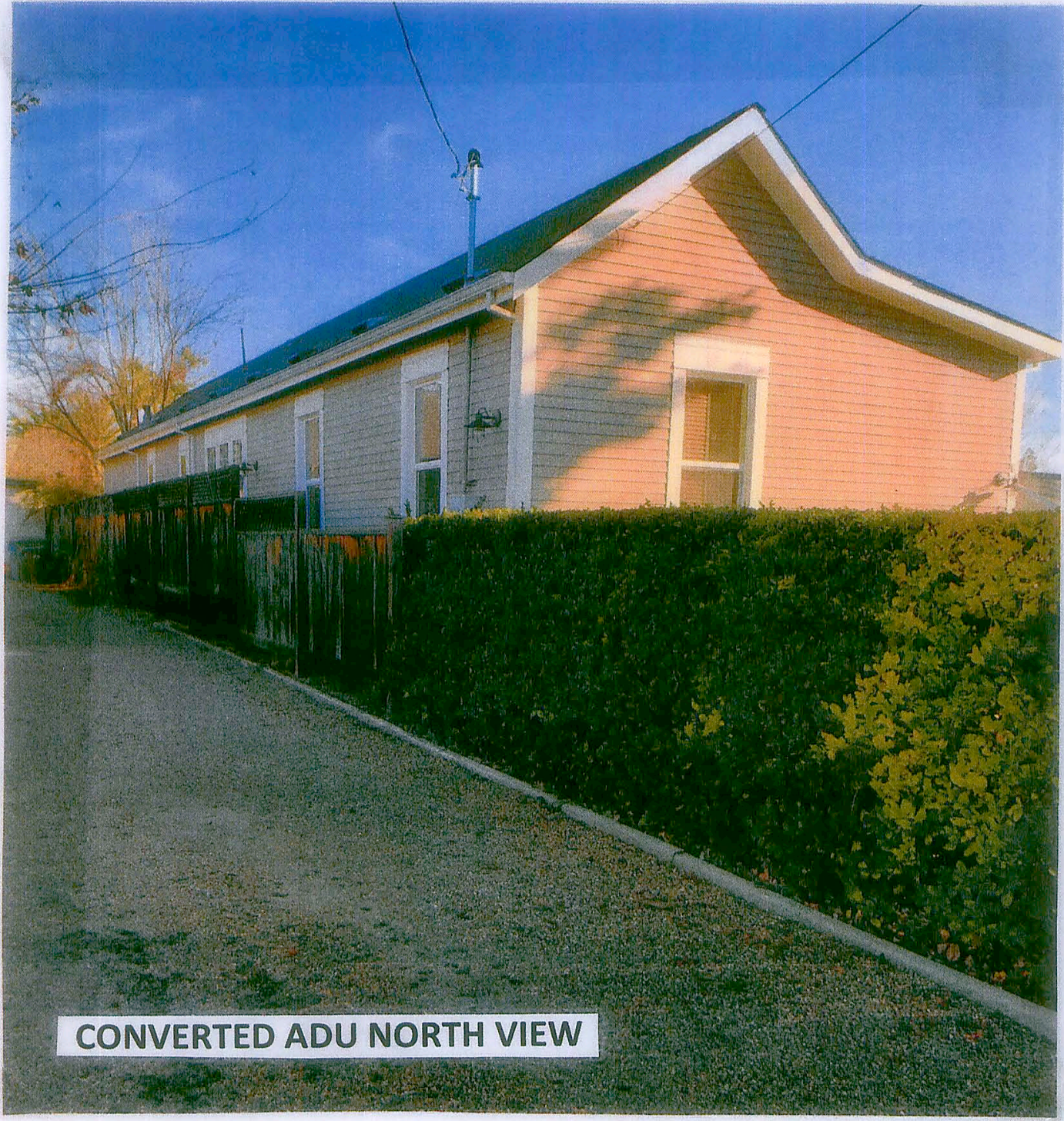
DWG TITLE:
TITLE SHEET
T-1

REVISED
5:23 pm, Jul 14, 2021



GRADING & DRAINAGE PLAN
APN009-305-003
MAIN HOUSE ADDITION TO CONVERTED ADU 1420 ALLYN AV. ST. HELENA
BY G.C. 4-26-21
REVISIONS
1" = 10'
GR

REVISED
5:24 pm, Jul 14, 2021



CONVERTED ADU NORTH VIEW



CONVERTED ADU STREET VIEW



CONVERTED ADU WEST VIEW



TO BE DEMOLISHED EAST VIEW



TO BE DEMOLISHED WEST VIEW



CONVERTED ADU SOUTH VIEW

PHOTOGRAPHS OF
EXISTING

APN 009-305-003

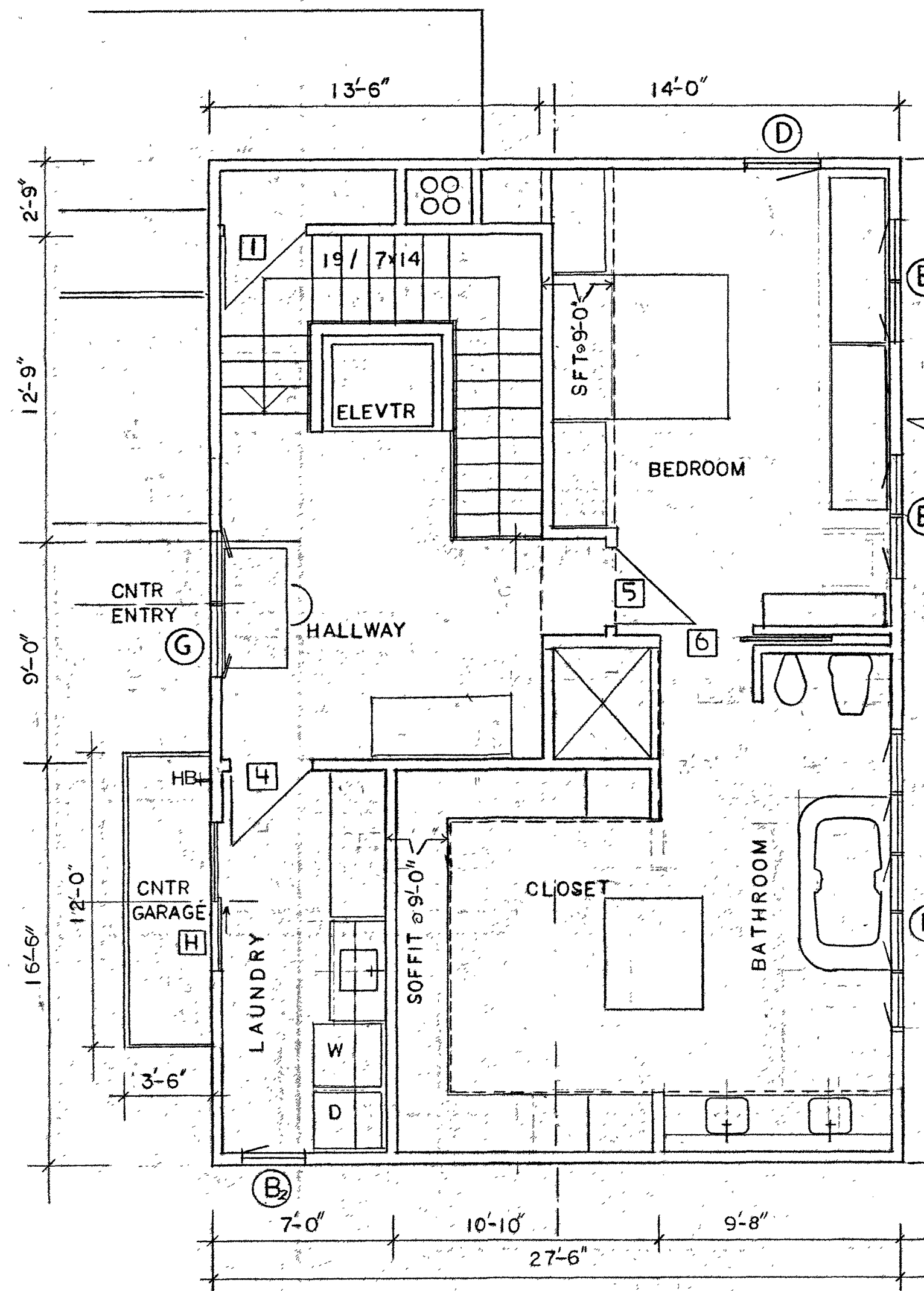
MAIN HOUSE ADDITION
TO CONVERTED ADU
1420 ALLYN AV. ST. HELENA

BY GC 2/20/21

REVISIONS

PH

REVISED
5:24 pm, Jul 14, 2021



SECOND FLOOR

WINDOW SCHEDULE
ALL IN-SWING DBL GLZ

	HINGE	NO
(A) 8'-0"/6'-0"	L/R	2
(B) 2'-6"/3'-6"	L	1
(B2) 2'-6"/3'-6"	R	1
(C) 8'-0"/6'-0"	L/R	1
(D) 3'-0"/5'-0"	R	1
(E) 4'-0"/5'-0"	L/R	2
(F) 4'-0"/12'-6"	LLL/RR	1
(G) 6'-0"/6'-0"	LL/RR	1

DOORS EXTERIOR
ALL 1-3/4" DBL GLZ

	NO
(A) 5'-0"/6'-8" STEEL	1
(B) 2'-0"/6'-8" "	1
(C) 18'-0"/8'-0" NANA	1
(D) 3'-0"/6'-8" STEEL	2
(E) 18'-0"/8'-0" GARAGE	1
(F) 4'-0"/8'-0" ENTRY	1
(G) 3'-0"/6'-0" GARDEN	2
(H) 6'-0"/8'-0" SLIDER	1
(I) 3'-0"/6'-8"	1

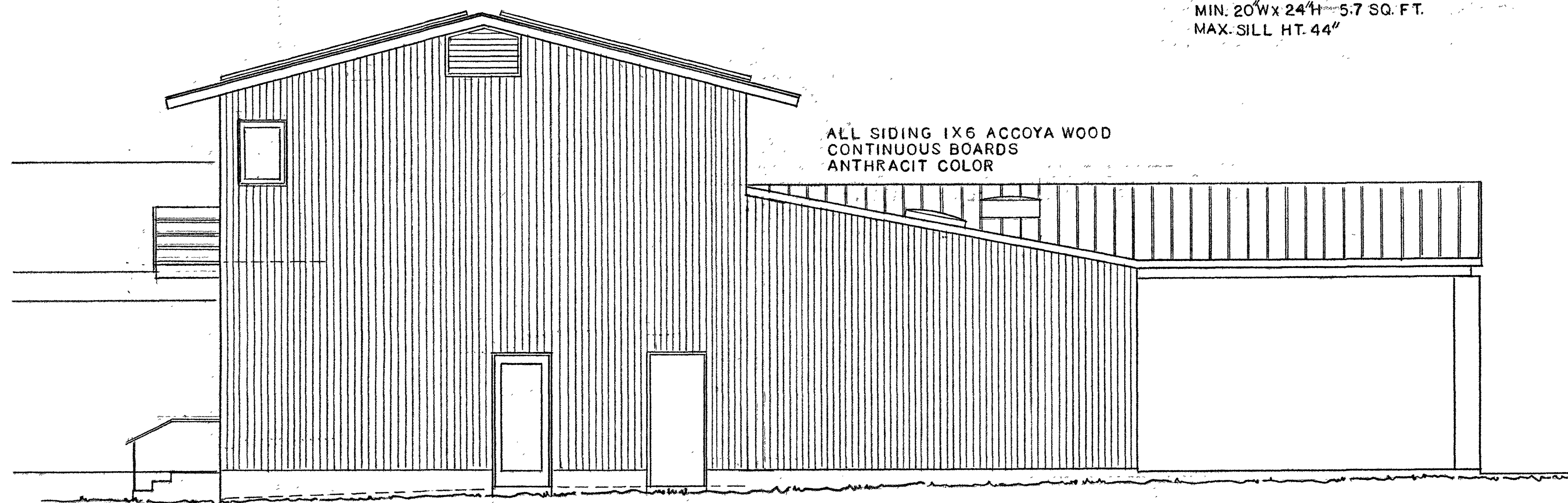
INTERIOR
ALL 1-3/4" SOLID CORE

	NO
(1) 3'-0"/6'-8"	2
(2) 6'-0"/8'-0" POCKET	1
(3) 3'-0"/8'-0" CELLAR	1
(4) 3'-0"/8'-0"	1
(5) 5'-0"/8'-0" DBL	1
(6) 3'-0"/8'-0" POCKET	1

SKYLIGHTS

(S) 3'-0"/3'-0" INSLTD.	3
-------------------------	---

BEDROOM WINDOW
AT LEAST ONE MUST HAVE OPENING
MIN. 20"W X 24"H = 5.7 SQ. FT.
MAX. SILL HT. 44"



SOUTH ELEVATION

SECOND FLOOR PLAN
SOUTH ELEVATION
WINDOW & DOOR SCHEDULE

APN 009-305-003

MAIN HOUSE ADDITION
TO CONVERTED ADU
1420 ALLYN AV. ST. HELENA

GEORGE C
5-1-20

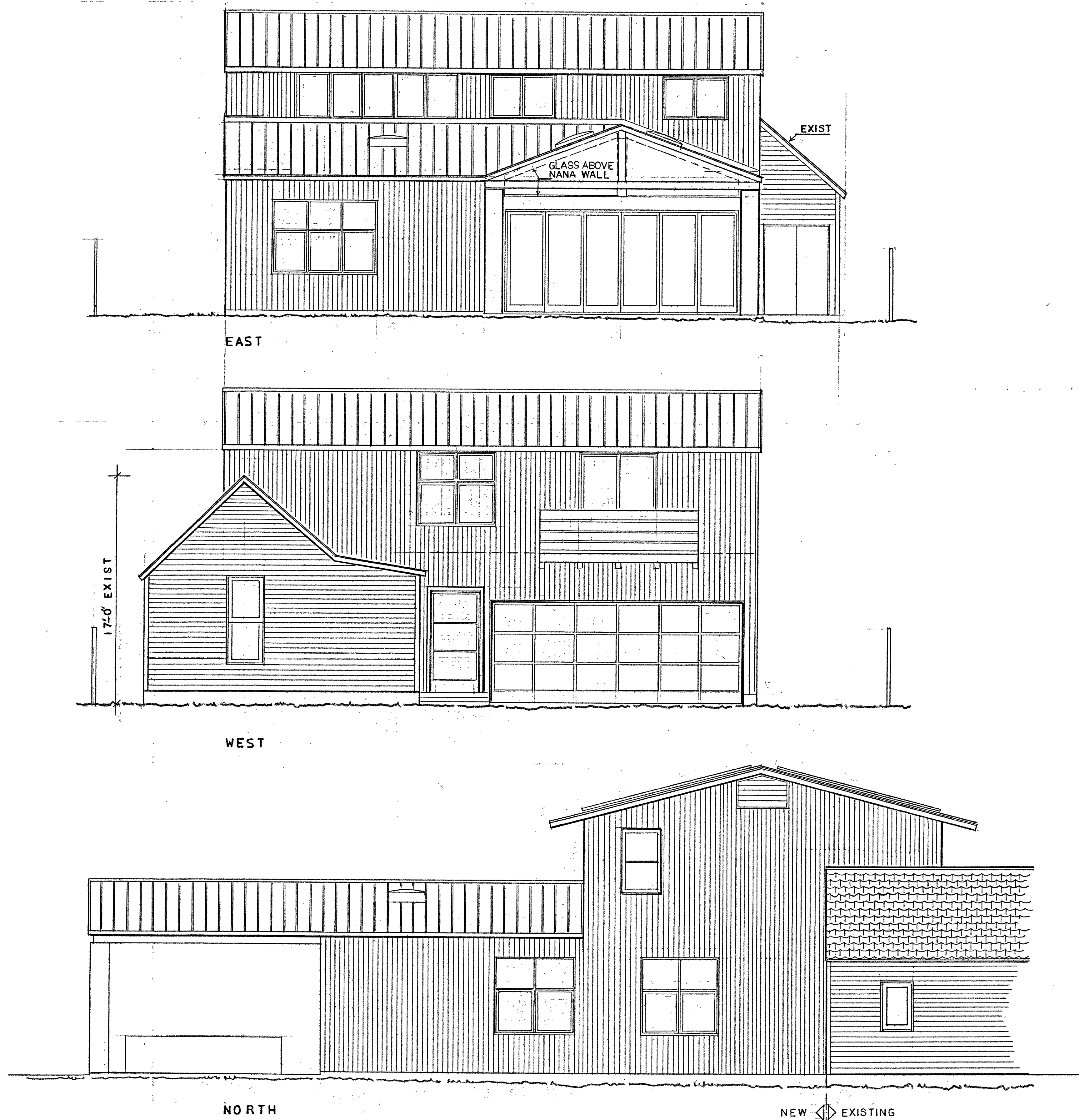
REVISIONS

1-14-21

1/4"=1'-0"

A 2

REVISED
5:24 pm, Jul 14, 2021



ELEVATIONS

APN 009-305-003

MAIN HOUSE ADDITION
TO CONVERTED ADU
1420 ALLYN AV. ST. HELENA

GEORGE C
5-1-20

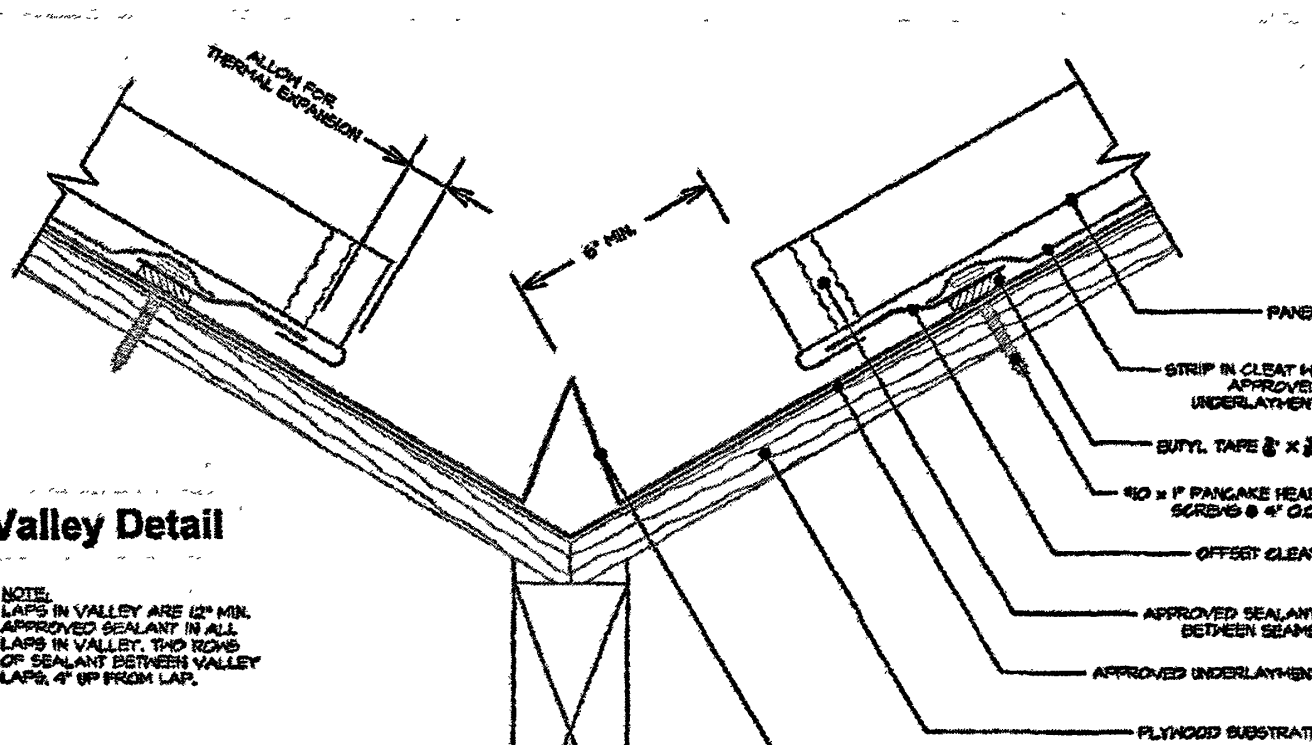
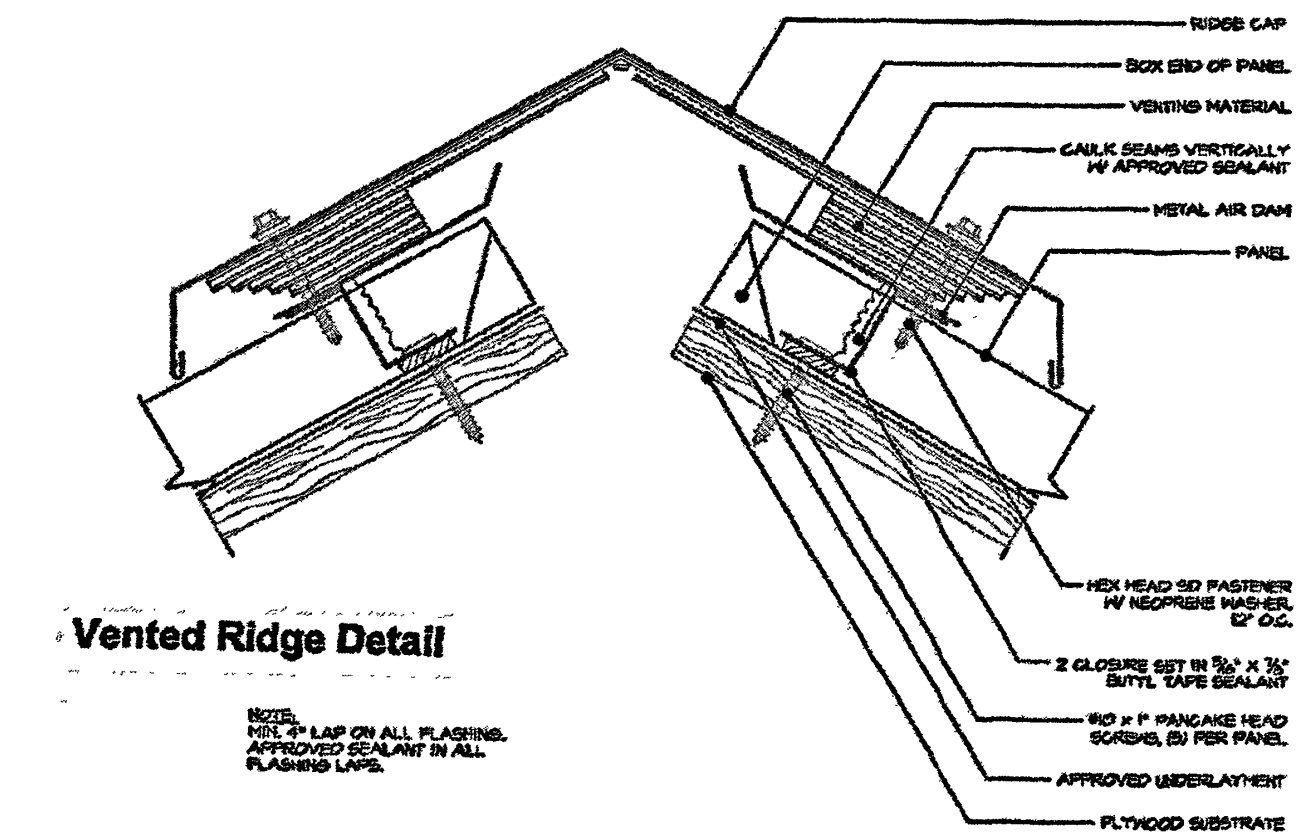
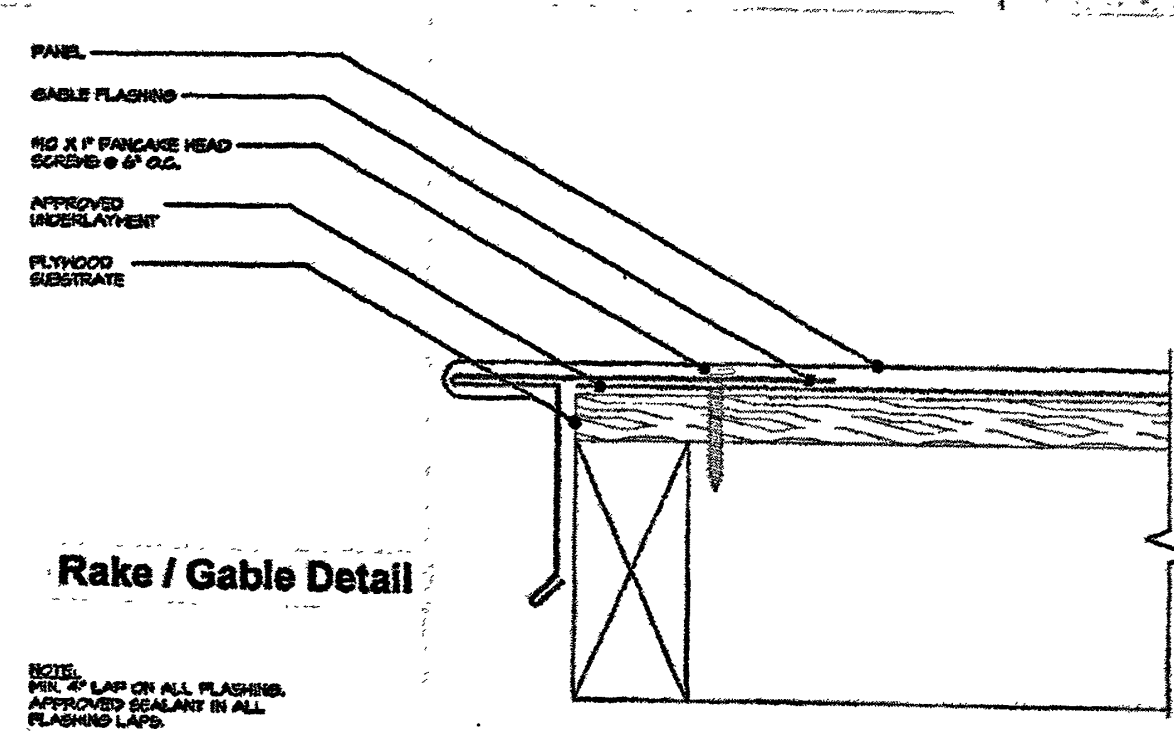
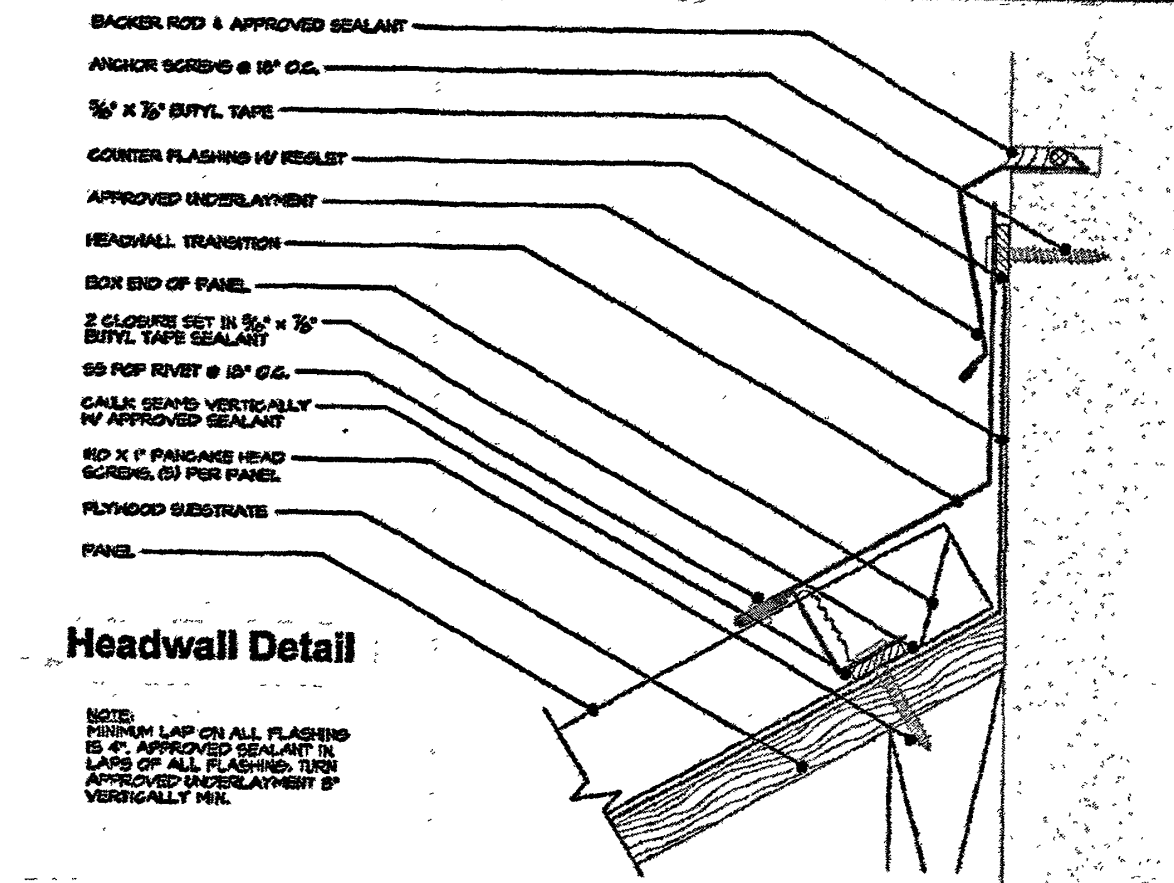
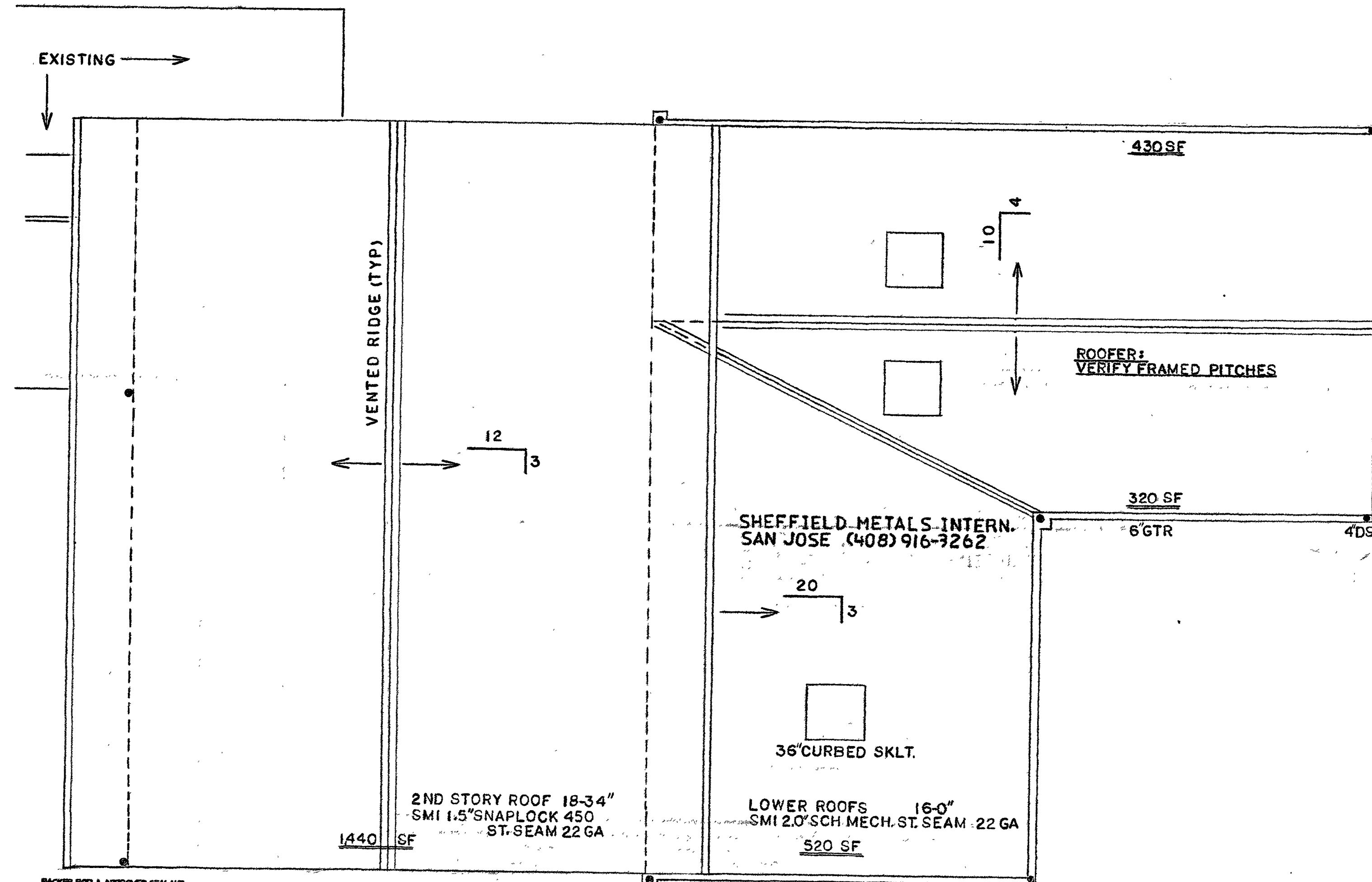
REVISIONS

1-14-21

1/4"=1'-0"

A 3

REVISED
5:24 pm, Jul 14, 2021



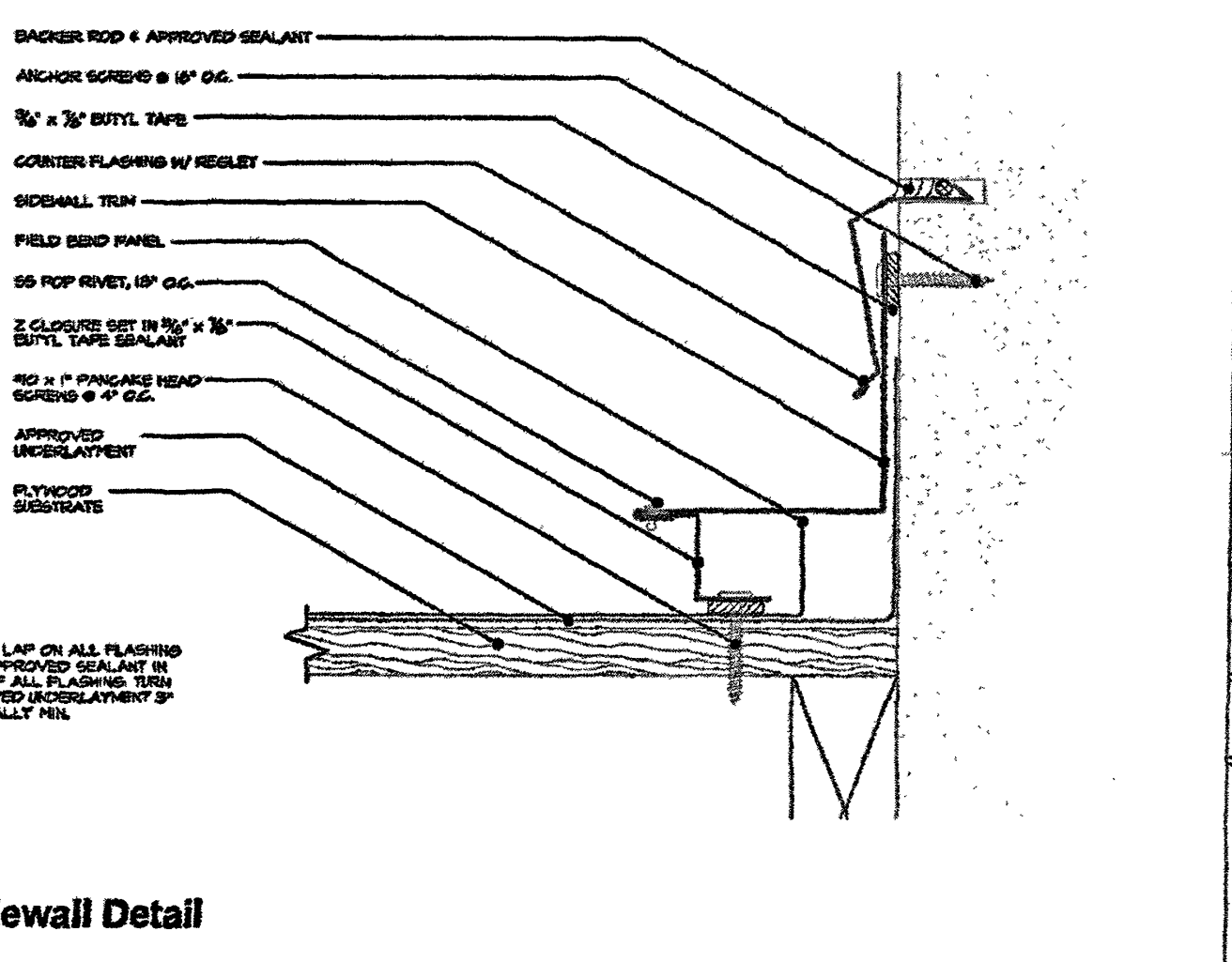
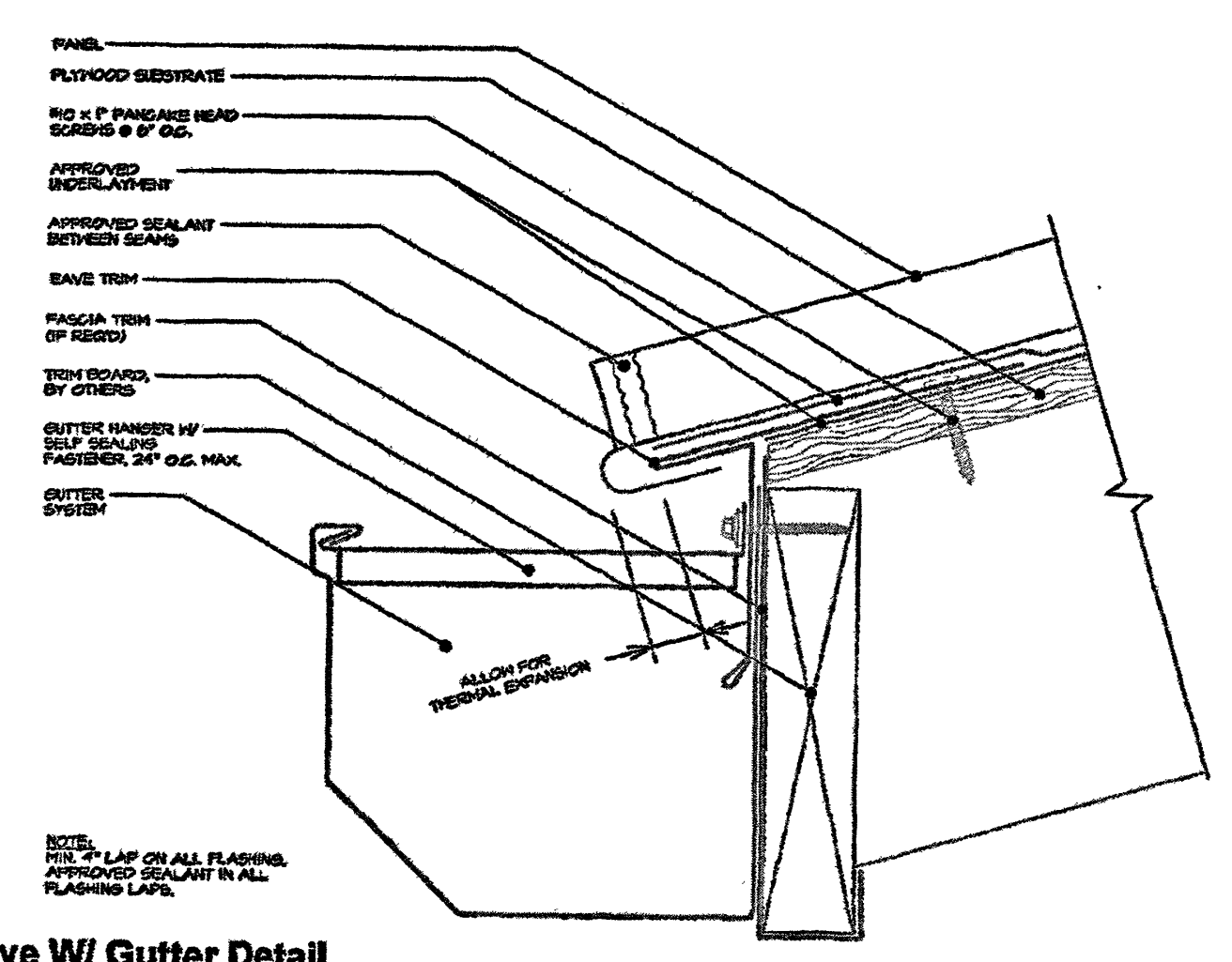
HEM LENGTHS

A standing seam roof panel experiences changes in panel length with changes in panel temperature. One end of the panel is fixed to the substrate while the other end is free to move. The panel end that is free to move requires a hem that engages a cleat that is fixed to the substrate. The hem and cleat permit the panel end to move along the plane of the roof while holding the panel flat.

The thermal movement also requires proper design of the hem and cleat. The length of the hem needed at the end of a panel will vary with the temperature range that the panel experiences and the length of the panel. Unless a more exact analysis of the temperature during installation compared to the anticipated temperature range is conducted, use the following equation and the Thermal Movement Table. When installing panels, be sure to leave room at the end of the panel that will experience movement for the "starting gap" which is the required air space (X) between the panel and cleat. Be sure that the hem is not tight against the cleat (unless the panels are being installed in the coldest temperatures the panel will experience). Also be sure that the lower edge of the hem will not contact any flashings when the panels contract.

PANEL AND SUBSTRATE MATERIALS	PANEL LENGTH (FT.)			REQUIRED AIR SPACE (X)
	10'	50'	100'	
Steel on Rigid Insulation	1/8"	1/2"	7/8"	
Steel on Wood	1/16"	3/8"	5/8"	
Steel on Steel	1/16"	3/8"	5/8"	
Steel on Concrete	1/16"	3/8"	1/2"	
Aluminum on Rigid Insulation	3/16"	7/8"	1 9/16"	
Aluminum on Wood	3/16"	1 1/16"	1 3/8"	
Aluminum on Steel	1/8"	5/8"	1 3/16"	
Aluminum on Concrete	1/8"	5/8"	1 1/4"	

This table assumes a temperature change of 100°F for the panel and 50°F for the substrate.



ROOFING PLAN
& DETAILS (NO SCALE)

SMI 1-1/2" Mechanical Seam

APN 009-305-003

MAIN HOUSE ADDITION
TO CONVERTED ADU

1420 ALLYN AV. ST. HELENA

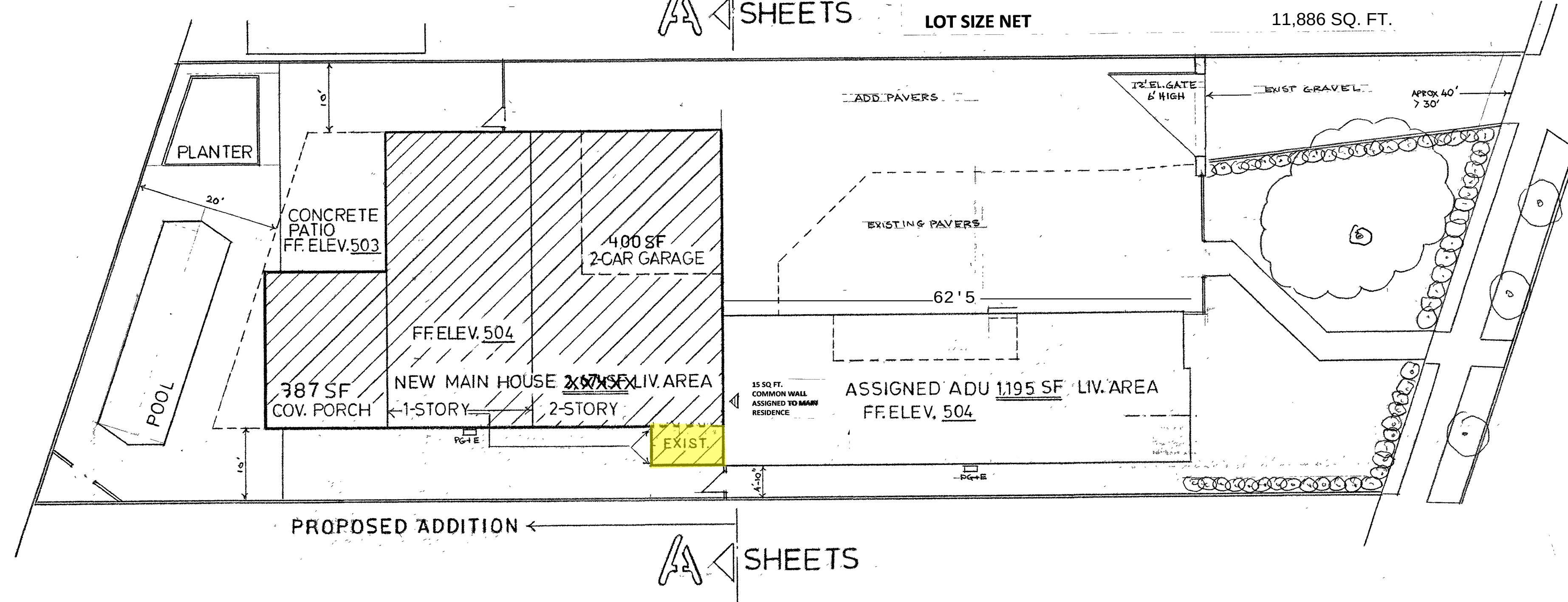
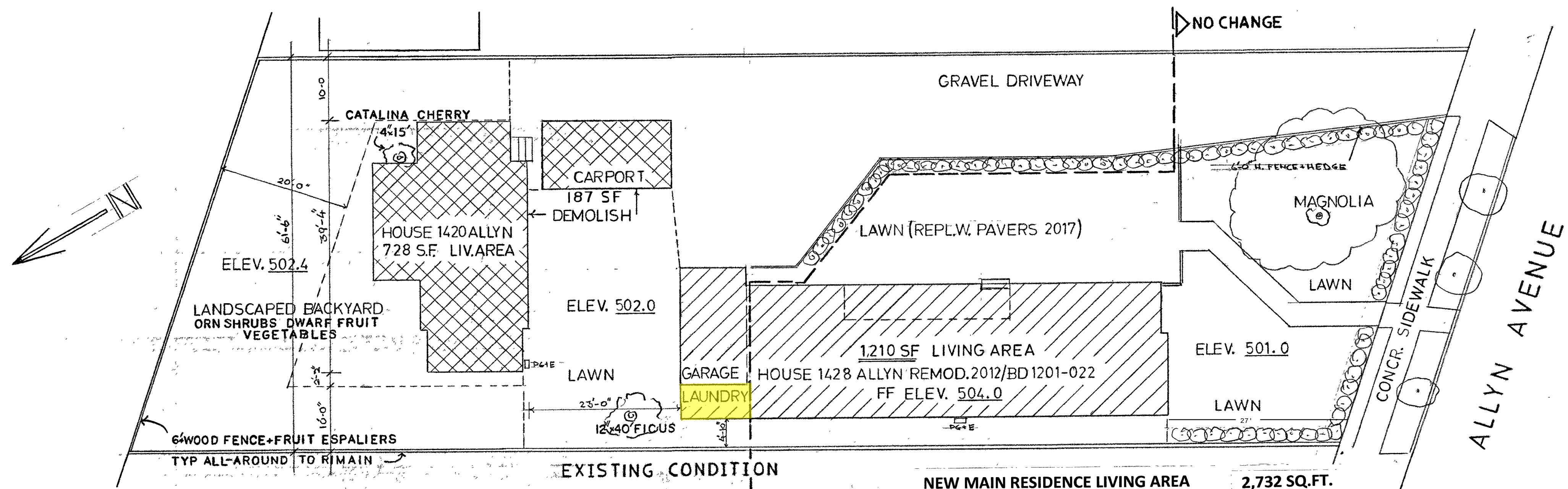
GEORGE C
5-1-20

REVISIONS

1/4" = 1'-0"

AR

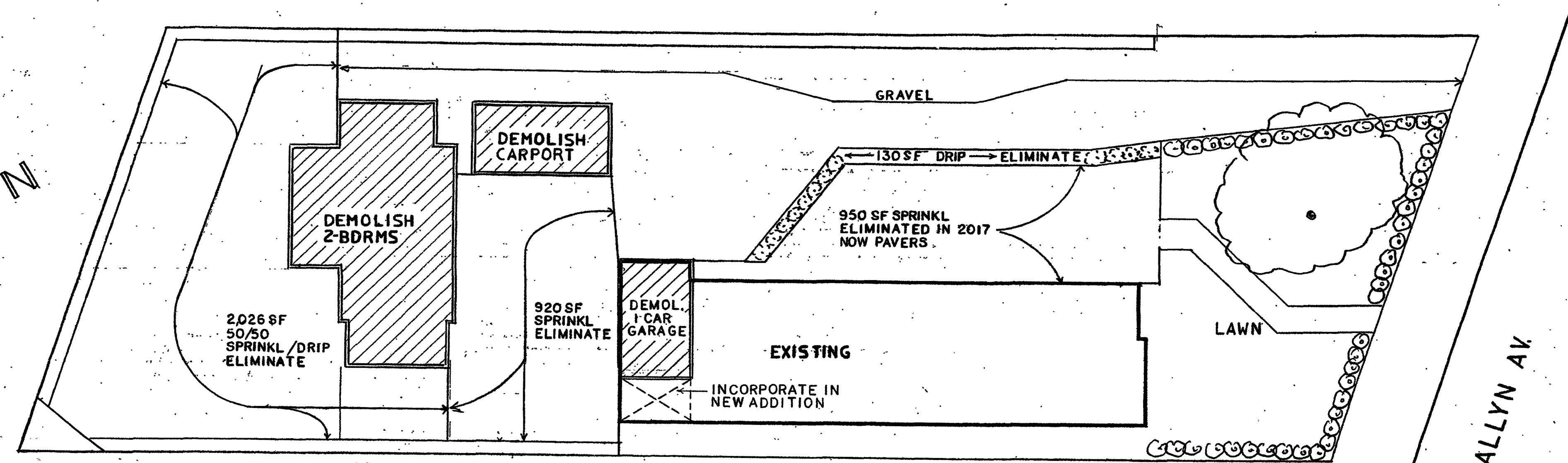
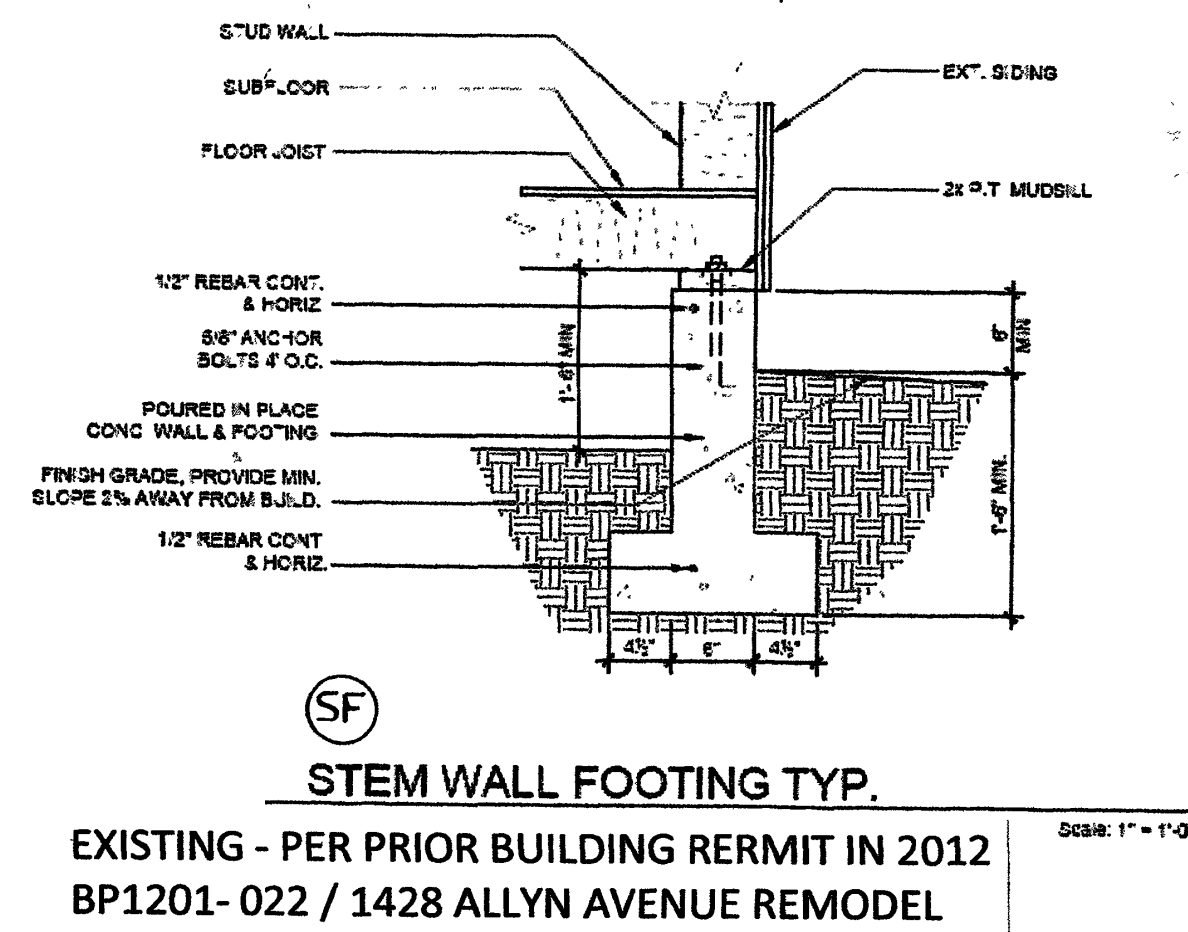
REVISED
5:25 pm, Jul 14, 2021



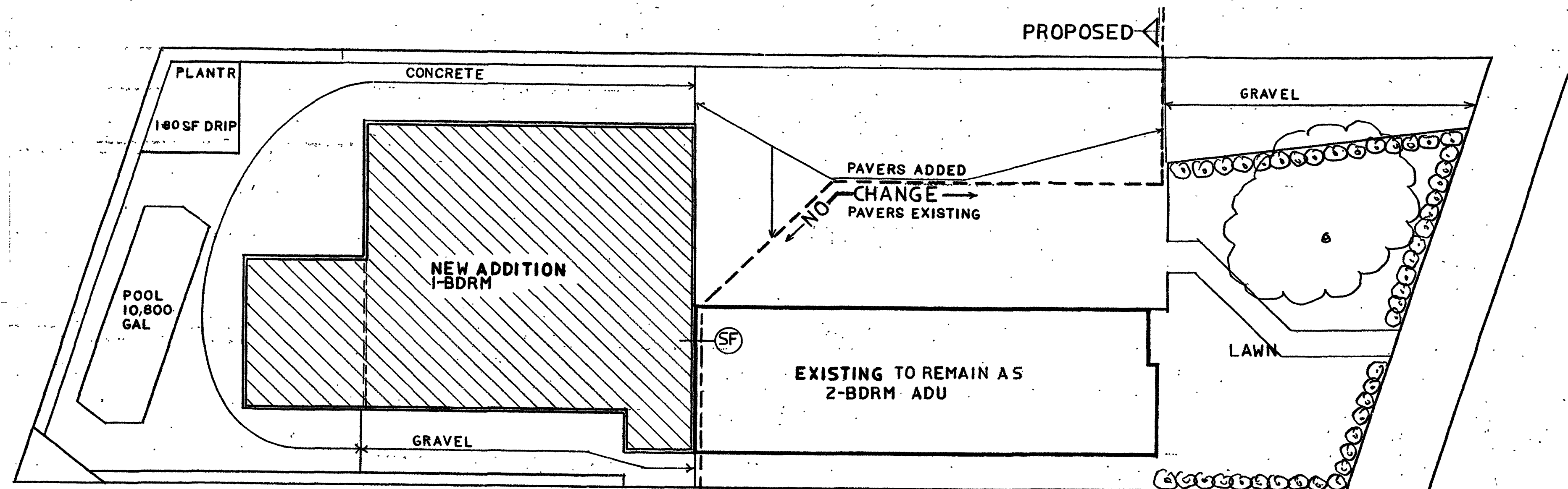
NEW MAIN RESIDENCE LIVING AREA 2,732 SQ. FT.
 CONVERTED ADU LIVING AREA 1,195 SQ. FT.
 TOTAL LIVING AREA 3,927 SQ. FT.
 NEW 2-CAR GARAGE 400 SQ. FT.
 NEW COVERED PORCH 387 SQ. FT.
 LOT SIZE NET 11,886 SQ. FT.

EXISTING & PROPOSED PLOT PLANS VEGETATION STRUCTURE FLOOR AREAS
APN 009-305-003
MAIN HOUSE ADDITION TO CONVERTED ADU 1420 ALLYN AV ST HELENA
BY G.C. 4-10-20
REVISIONS
12-10-20
7-9-21
1"=10'
101

REVISED
 5:25 pm, Jul 14, 2021



ELIMINATE
 NON WTR SVG
 1 TOILET
 2 SINKS
 1 TUB+SHWR
 1 WDR
 1 DW
 1,933 SF SPRINKL IRRIG
 1,143 SF DRIP IRRIG



ADDITION
 WTR SVG
 2 TOILETS
 6 SINKS
 1 TUB
 1 SHWR
 1 WDR
 1 DW
 1 BIDET
 1 POOL
 180 SF DRIP IRRIG

NET -0.505 ACRE-FEET/ANNUM
 PER ATTACHED MADRONE ENGINEERING
 WATER-USE NEUTRALITY REPORT

**EXISTING & PROPOSED
 WATER USAGE
 DEMOLITION PLAN**

APN 009-305-003

**MAIN HOUSE ADDITION
 TO CONVERTED ADU
 1420 ALLYN AV ST HELENA**

BY G.C.
 12-10-20

REVISIONS
 1-14-21

1"=10'

W-D

REVISED
 5:25 pm, Jul 14, 2021

RECEIVED

By Xgamero at 2:29 pm, May 21, 2021


BRUNZELL
 HISTORICAL

May 20, 2021

George Caloyannidis
 2202 Diamond Mountain Road
 Calistoga, California 94515

Subject: Historic Resource Evaluation of 1420 Allyn Avenue, St. Helena, Napa County, California.

Dear Gary,

This letter and the attached DPR 523 forms comprise the Historic Resource Evaluation of 1420 Allyn Avenue, St. Helena, Napa County, California.

Methodology

Because the property is over 50 years old, potential projects trigger a requirement for historical evaluation according to current regulations. Brunzell Historical personnel conducted a site visit on May 10, 2021. The site visit included collecting photographs of all elevations of the houses, the parcel, and the neighborhood setting. Staff conducted research through the St. Helena Historical Society, the Napa County Historical Society, and online research at ancestry.com and other websites in order to discover relevant historic contexts and land-use history of the property. Because this work was completed pursuant to CEQA, all resources discovered during the field survey require evaluation for California Register of Historical Resources (CRHR). The property was also evaluated for National Register of Historic Places (NRHP) eligibility and documented on DPR 523 forms as required by the California Environmental Quality Act as (CEQA).

Summary of Findings

The property is not recommended eligible to the CRHR or the NRHP. Neither house meets any of the required criteria for significance as described below and in the attached DPR 523 forms.

National Register of Historic Places

In conjunction with the following NRHP criteria, sites must be assessed for integrity of location, design, setting, materials, workmanship, feeling, and association. A site may be considered eligible to the NRHP if it retains sufficient integrity of the elements listed above and it:

- (a) is associated with events that have made a significant contribution to the broad patterns of our history;
- (b) is associated with the lives of persons significant in our past;
- (c) embodies the distinctive characteristics of a type, period, or method of construction, represents the work of a master, possesses high artistic values, or represents a significant or distinguishable entity whose components may lack individual distinction;
- (d) yields, or may be likely to yield, information important to the prehistory or history of the area/region.

California Register of Historical Resources

The CRHR criteria are based on NRHP criteria. For a property to be eligible for inclusion on the CRHR, one or more of the following criteria must be met:

- 1. It is associated with the events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
- 2. It is associated with the lives of persons important to local, California, or national history;

3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values; and/or
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

In addition to meeting one or more of the above criteria, the CRHR requires that sufficient time has passed since a resource's period of significance to "obtain a scholarly perspective on the events or individuals associated with the resources." (CCR 4852 [d][2]). Fifty years is normally considered sufficient time for a potential historical resource, and in order that the evaluation remain valid for a minimum of five years after the date of this report, all resources older than 45 years will be evaluated. The CRHR also requires that a resource possess integrity. This is defined as the ability for the resource to convey its significance through seven aspects: location, setting, design, materials, workmanship, feeling, and association.

Evaluation

Criterion A/1: The property at 1420-1428 Allyn Avenue is not associated with events that have made a significant contribution to the broad patterns of our history. Both houses were constructed as small rental dwellings. The property is generally associated with the residential development of St. Helena in the early twentieth century. Research has not revealed that the property is significant within that or any other historic context. Therefore, the property is recommended not eligible to the NRHP or CRHR under Criterion A/1.

Criterion B/2: The property is not associated with the life of persons important to our history. The property was developed as rental housing for working-class people, and few of its earliest residents are known. Margaret Pritchard, who developed the houses and owned the property for two decades, was not an important figure in St. Helena history. Later property owners and residents, including the Catalani and Prouty families who lived on the property, were not significant contributors to St. Helena's development, and research has revealed no important professional accomplishments or lasting impact on local history. Therefore, the property lacks the association with important persons required for eligibility under Criterion B/2. The property is recommended not eligible to the NRHP or CRHR under Criterion B/2.

Criterion C/3: The property is not significant for its architecture. Research has revealed no evidence that it was designed by an architect or by an important local contractor, nor do its buildings exhibit the design elements present in architectural landmarks. The building is an unremarkable example of an early-twentieth century house in St. Helena. It lacks decorative features or references to a particular architectural style, and it is not an outstanding example of a vernacular architecture. Furthermore, it has been altered over the decades with a stucco façade and additions. For these reasons, the property is recommended not eligible to the NRHP or CRHR under Criterion C/3.

Criterion D/4: In rare instances, buildings themselves can serve as sources of important information about historic construction materials or technologies and be significant under Criterion D/4. 1420-1428 Allyn Avenue is an example of a well-understood type of construction and does not appear to be a principal source of important information in this regard.

The property is recommended not eligible for listing on the NRHP or CRHR and therefore does not qualify as a historical resource under CEQA.

Evaluator Qualifications

I meet the Secretary of Interior's Professional Qualifications for both History and Architectural History. I hold a Master's degree in Public History and have worked in multiple facets of historic preservation and cultural resource evaluation since 2007. My experience includes municipal preservation planning and working as the lead staff member of a non-profit preservation organization. Since 2012, I have worked full-time as a historical consultant, completing dozens of evaluations for CEQA and Section 106 compliance. Additionally, I have completed local and national register nominations, historic context statements, and Historic It American Engineering Record recordation. The North Bay is the center of my practice, but I frequently work in the greater Sacramento area and other parts of the Bay Area, and have also completed projects in Southern California, Nevada, Oregon, New York, and Puerto Rico. In addition to my work with historic-period domestic, agricultural, and commercial properties for private clients, I have prepared reports on post offices,

military bases, university campuses, hospitals, church properties, national parks, and a NASA site. I am listed as a Historian and Architectural Historian on the California Office of Historic Preservation's roster of qualified consultants for every county in California.

Please contact me by phone at 707/290-2918 or e-mail at kara.brunzell@yahoo.com with any questions or comments.

Sincerely,

A handwritten signature in blue ink that reads "Kara L. Brunzell". The signature is written in a cursive, flowing style.

Kara Brunzell, M.A.
Brunzell Historical

**State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD**

Primary # _____

HRI # _____

Trinomial _____

NRHP Status Code _____

Other Listings _____

Review Code _____ Reviewer _____ Date _____

Page 1 of 11

*Resource Name or # (Assigned by recorder) 1420-1428 Allyn Avenue

P1. Other Identifier: 1420-1428 Allyn Avenue

***P2. Location:** ☐ Not for Publication ☒ Unrestricted

***a. County** Napa County

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

***b. USGS 7.5' Quad** Santa Rosa **Date** 1947 **T** 7N ; **R** 6W ; **¼ of Sec** ____ ; **B.M.**

c. Address 1420 Allyn Avenue, Napa County **City** St. Helena **Zip** 94574

d. UTM: (give more than one for large and/or linear resources) Zone ____ ; ____mE/ ____mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)

***P3a. Description:** (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

The property is located in a residential neighborhood southwest of Downtown St. Helena, near the transition between the developed residential area of town and the vineyards that surround it. The neighborhood, which was developed gradually over many decades, is characterized by one- and two-story houses on irregular parcels with mature trees and vegetation. The 9,989-square-foot property at 1420-1428 Allyn Ave has a single-family residence near the street and a small one-bedroom residence at the northeast end of the parcel. The primary residence near the street was substantially expanded and remodeled c2012 and does not exhibit the characteristics of a historic-era residence. A gravel driveway southeast of the main house leads to a carport in front of the smaller residence, 1420 Allyn Ave. The carport has a corrugated metal roof and is supported by plain wooden posts. The small one-story house is rectangular in plan and features a steeply pitched side-gabled roof with boxed eaves and vents at gable ends. It is raised about 18 inches on a concrete perimeter foundation. Fenestration consists of double-hung wood sash, fixed wood, and vinyl windows. The main (southwest) façade is clad in stucco, with board-and-batten and horizontal drop siding on other elevations. There are projecting entry porches with shed roofs on both ends of the main façade. They shelter entrances fitted with partially glazed wooden doors. At the rear elevation as well as on both sides, there are projecting volumes with shed roofs and exposed rafter tails. The building is in fair condition, with the wood showing through paint in many areas.

***P3b. Resource Attributes:** (List attributes and codes) HP2, single-family property

***P4. Resources Present:** ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)



P5b. Description of Photo: (View, date, accession #) Photograph 1: 1420 Allyn Avenue, southwest elevation, camera facing northeast, May 10, 2021.

***P6. Date Constructed/Age and Sources:**

☒ Historic ☐ Prehistoric ☐ Both

c1910, Sanborn Maps

***P7. Owner and Address:**

George Caloyannidis
2202 Diamond Mountain Road
Calistoga, California 94515

***P8. Recorded by:** (Name, affiliation, address)

Tatyana Dunn
Brunzell Historical
1613 B St
Napa, CA 94559

***P9. Date Recorded:** May 10, 2021

***P10. Survey Type:** (Describe) Intensive

***P11. Report Citation:** (Cite survey report and other sources, or enter "none.") none

***Attachments:** NONE ☒ Location Map ☐ Sketch Map ☒

Continuation Sheet ☒ Building, Structure, and Object Record ☐ Archaeological Record

☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record ☐ Artifact Record ☐ Photograph Record

☐ Other (list) _____

DPR 523A (1/95)

*Required Information

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
BUILDING, STRUCTURE, AND OBJECT RECORD

Primary # _____
HRI # _____

Page 2 of 11

*NRHP Status Code _____

*Resource Name or # (Assigned by recorder) 1420-1428 Allyn Avenue

B1. Historic Name: None

B2. Common Name: 1420-1428 Allyn Avenue

B3. Original Use: residence B4. Present Use: residence

*B5. Architectural Style:

*B6. Construction History: (Construction date, alteration, and date of alterations) Original construction, c1901
Additions at sides and rear, main façade stuccoed, unknown dates after 1943

*B7. Moved? ☒ No ☐ Yes ☐ Unknown Date: _____ Original Location: _____

*B8. Related Features: _____

B9. Architect: unknown b. Builder: unknown

*B10. Significance: Theme N/A Area N/A

Period of Significance N/A Property Type N/A Applicable Criteria N/A

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

B11. Additional Resource Attributes: (List attributes and codes)

*B12. References:

(See Footnotes)

B13. Remarks:

*B14. Evaluator: Kara Brunzell

*Date of Evaluation: May 10, 2021

(This space reserved for official comments.)

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI # _____
Trinomial _____

Page 3 of 11 *Resource Name or # (Assigned by recorder) 1420-1428 Allyn Avenue

*Recorded by Kara Brunzell *Date: May 10, 2021 ☒ Continuation ☐ Update

*P3a. Description: (continued):



Photograph 2: 1420 Allyn Avenue, southwest and southeast elevations, camera facing northeast, May 10, 2021.



Photograph 3: 1420 Allyn Avenue, southwest elevation, camera facing east, May 10, 2021.

DPR 523B (1/95)

*Required Information

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

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HRI # _____
Trinomial _____

Page 4 of 11 *Resource Name or # (Assigned by recorder) 1420-1428 Allyn Avenue
*Recorded by Kara Brunzell *Date: May 10, 2021 ☒ Continuation ☐ Update



Photograph 4: 1420 Allyn Avenue, northwest elevation, camera facing east, May 10, 2021.



Photograph 5: 1420 Allyn Avenue, northwest elevation, camera facing south, May 10, 2021.

DPR 523B (1/95)

*Required Information

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
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Trinomial _____

Page 5 of 11 *Resource Name or # (Assigned by recorder) 1420-1428 Allyn Avenue

*Recorded by Kara Brunzell *Date: May 10, 2021 ☒ Continuation ☐ Update



Photograph 6: 1420 Allyn Avenue, northeast elevation, camera facing southwest, May 10, 2021.



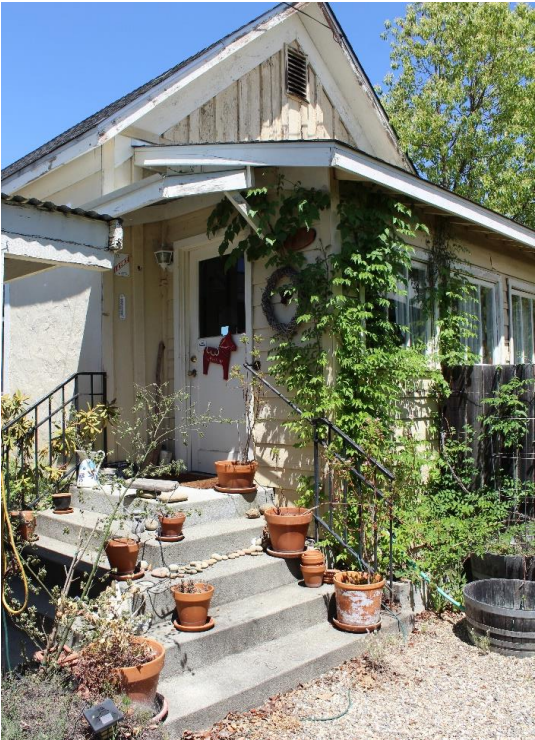
Photograph 7: 1420 Allyn Avenue, southeast elevation, camera facing north, May 10, 2021.

DPR 523B (1/95)

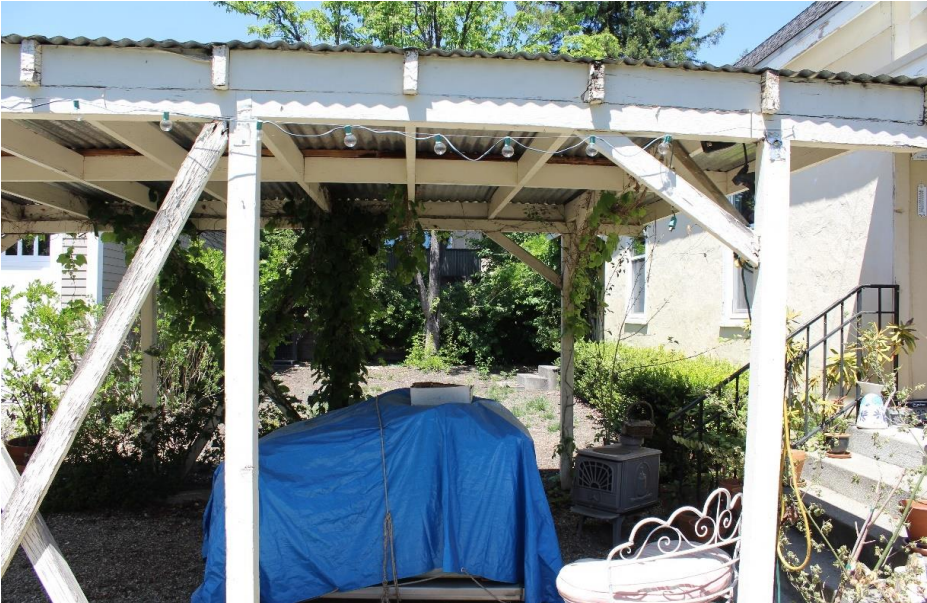
*Required Information

State of California – The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary # _____ HRI # _____ Trinomial _____
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Page 6 of 11 *Resource Name or # (Assigned by recorder) 1420-1428 Allyn Avenue
*Recorded by Kara Brunzell *Date: May 10, 2021 ☒ Continuation ☐ Update



Photograph 8: 1420 Allyn Avenue, southeast elevation, camera facing north, May 10, 2021.



Photograph 9: 1420 Allyn Avenue, southwest elevation carport, camera facing northwest, May 10, 2021.

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
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*Recorded by Kara Brunzell *Date: May 10, 2021 ☒ Continuation ☐ Update



Photograph 10: 1428 and 1420 Allyn Avenue, camera facing northeast, May 10, 2021.



Photograph 11: View up Allyn Avenue looking towards Pine Street, camera facing northwest, May 10, 2021.

DPR 523B (1/95)

*Required Information

State of California – The Resources Agency
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*Recorded by Kara Brunzell

*Date: May 10, 2021 ☒ Continuation ☐ Update



Photograph 12: View down Allyn Avenue looking towards Adams Street, camera facing southeast, May 10, 2021.

B10. Significance (continued):

St. Helena Historic Context

Spanish priests came to Marin County and then Sonoma during the early nineteenth century, when the area that would become St. Helena was home to a group of Native Americans known to the Spanish as the Wappo. Although Napa Valley was within the Sonoma Mission's sphere of influence, the Spanish did not permanently settle in the vicinity. The first European to live in the St. Helena area was Dr. Edward Bale, an English physician who converted to Catholicism and married Maria Ygnacia Soberanes (a niece of Mariano Vallejo). After becoming a Mexican citizen, Bale received Rancho Carne Humana as a grant from the Mexican government in 1839. The huge land grant encompassed much of northern Napa Valley including the future town sites of Calistoga and St. Helena. Americans began to travel overland to California in the 1840s, and one of the first groups to complete the arduous trek was the Grigsby-Ide Party: at least twenty members of this group reached the Napa-Sonoma area by the end of 1845.¹

California statehood in 1850 drew more American farmers and land speculators to Napa Valley, and about 1853, Henry Still purchased 100 acres on the north side of Sulphur Creek from the Bale estate. The property was at the intersection of Napa Valley's main north-south road and the route to White Sulphur Springs (a natural hot spring that was already an attraction), and Still recognized the potential for a town site centered on the rich agricultural region. In partnership with Charles Walter, Still erected the first building in town, and by the middle of the decade Still and Walter were donating Main Street lots to anyone who would agree to open a business. Upper Napa Valley was at first called Hot Springs Township, and the new town was not named St. Helena until the mid-1850s, when it adopted the name of the recently-founded local Sons of Temperance lodge.²

Early agricultural activities in Napa Valley focused on cattle-grazing and grain production but beginning in the late 1850s farmers began experimenting with wine grapes. St. Helena's position as a center of agriculture was consolidated when the railroad arrived in 1868. By

¹ Lyman L. Palmer, *History of Napa and Lake Counties, California* (San Francisco: Slocum, Bowen, & Company, 1881), 55-333; Hubert Howe Bancroft, *History of California: 1841-1845* (San Francisco: The History Company, 1886), 578-581.

² C. A. Menefee, *Historical and Descriptive Sketchbook of Napa, Sonoma, Lake and Mendocino* (Napa: Reporter Publishing House, 1873), 186; Lin Weber, *Old Napa Valley: The History to 1900* (St. Helena: Wine Ventures Publishing, 1998), 159.

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the 1870s, much of the land surrounding the growing village had been converted to wine production. St. Helena was incorporated as a city in 1876 and reincorporated in 1889. By 1873, it had a school and several churches as well as a thriving commercial district.³

The population of Napa Valley doubled between 1870 and 1880, and by 1880, St. Helena was home to 1,500 residents. The St. Helena district (the area between Yountville and St. Helena) had 7,000 acres of grapevines by this time. As the nineteenth century progressed, St. Helena became the upper valley's most important shipping and commercial center. It also became more diverse as Chinese and then German and Italian immigrants arrived to work in the vineyards.⁴

Napa Valley was America's premier wine region by 1890, but a downturn in prices and an infestation of the phylloxera root louse nearly destroyed the wine industry at the turn of the century. Many growers pulled out wine grapes in the early decades of the twentieth century, replacing them with prunes and walnuts. In 1919, the wine business suffered a further blow when the Volstead Act outlawed the production of alcohol. Only a few local wineries were able to survive Prohibition by producing sacramental wine, and the industry did not begin to recover until after World War II.⁵

Ironically, the modern wine tourism industry was born during Prohibition, when Bay Area residents began driving up to Napa to buy illegal wine. Efforts to preserve agricultural land beginning in the second half of the twentieth century have allowed the town to grow slowly and retain much of its rural nineteenth-century character. Modern St. Helena is a center of both the Napa Valley wine business and the local wine tourism industry.⁶

1420 Allyn Avenue

Sanborn maps shows that both the small houses at 1420-1428 Allyn Avenue were constructed between 1899 and 1910. The first known owner of the property was Owen Wade, born in Ohio in 1831. Mr. Wade moved from Ohio to Willamette Valley, Oregon in 1852, where he became a politician. He was elected to the Oregon Legislature in 1862 and a few years later, he became Registrar of the United States Land Office in Oregon. During that time, he married Charlotte Johnson and they had three children together. Charlotte died after the birth of their youngest daughter in 1873. Wade resigned from his position of registrar in 1878 and moved to St. Helena. While living in St. Helena, he worked as a cashier at the Bank of St. Helena. Wade married Mary Margaret E. Leisen in St. Helena in 1882; Wade was her second husband, and the two lived in St. Helena for twenty-two years. He was elected to the State Assembly in 1892 and re-elected two more times after that. He was buried in the St. Helena cemetery. After her husband died, Margaret Wade moved to Oakland. In 1911, she died at her home in Oakland due to a number of health complications.⁷

Margaret E. Pritchard purchased the property from the Wades in 1901 and apparently built both houses as rentals. Pritchard, who was in her mid-sixties when she acquired the property, was an Ohio native who had come to Napa County by 1880. Already a widow at that time, she farmed and raised three children before becoming a landlady in St. Helena. She lived on Tainter Street and had other rentals in St. Helena, advertising rooms to let on Oak Avenue. In 1901, W. A. Harrison built a three-room cottage for Pritchard, which may have been on the subject property. She rented the property to her elderly uncle David King Darbyshire from about 1903 until his death in 1905. Darbyshire was a Pennsylvania native and retired wheelwright who had come to California during the Gold Rush. Research has not revealed the identity of other early tenants.⁸

Pritchard died in 1921, and in 1922, the property was purchased by Harry E. Prouty, editor and publisher of the St. Helena Star, and his wife Julia Prouty. The Proutys lived next door at 1440 Allyn Avenue and transferred the 1428 Allyn Avenue property to Adolph and Pauline Domenici the year after they purchased it. In the 1930s, an elderly French couple, Richard and Josefina Carmel, lived on the property. In 1931, the Domenicis sold to Daniel J. Keohane, who moved onto the property. Keohane, who was in his mid-sixties when he bought the property, was a veteran of the Spanish-American war and also served in the Philippines. He lived in one house (probably the

³ City of St. Helena, *Historic Resources Inventory*, Prepared by Page & Turnbull, Inc., August 2006, 7; Lyman L. Palmer, *History of Napa and Lake Counties, California* (San Francisco: Slocum, Bowen, & Company, 1881), 335; C. A. Menefee, *Historical and Descriptive Sketchbook of Napa, Sonoma, Lake and Mendocino* (Napa: Reporter Publishing House, 1873), 187.

⁴ William F. Heinz, *Wine Country: A History of Napa Valley* (Santa Barbara: Capra Press, 1990), 162; City of St. Helena, 8.

⁵ Mariam Hansen, *Images of America, St. Helena* (Charleston: Arcadia Publishing, 2010), 96.

⁶ Lin Weber, *Roots of the Present: Napa Valley 1900 to 1950* (St. Helena: Wine Ventures Publishing, 2001), 148-175.

⁷ "Owen Wade," FindAGrave.com, Accessed May 13, 2021, <https://www.findagrave.com/memorial/48336404/owen-wade>; *The St. Helena Star*, "Mrs. Margaret Wade Passes to Her Heavenly Home," Feb. 10, 1911.

⁸ US Census Records, Napa County, California, 1880, 1900; deeds on file with the Napa County Recorder; *The St. Helena Star*, "Furnished Rooms," Sep. 9, 1892, 3; *Napa Weekly Journal*, "St. Helena News," Oct. 13, 1905, 3; *The St. Helena Star*, "Events of the Week," Mar. 22, 1901, 3.

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*Date: May 10, 2021 ☒ Continuation ☐ Update

larger front house since he was the owner) and rented the second house to the Catalani family. Keohane died in the Yountville Veterans' Home hospital in 1940. His brother, James Keohane, sold to Albert G. and Mildred E. Griffith in 1943, who immediately conveyed it to Joseph and Carmela (Carmelinda) Dinelli.⁹

In 1945, the Dinellis sold the property to longtime renters Narciso and Wanda Catalani and moved to McCorkle Avenue in St. Helena. Catalani was born in Catannori, Italy in 1896 and had been working in the wine and orchard farming in Napa since 1915. He became an expert at budding vineyards. His wife Wanda was a California native and about ten years younger; they married in 1924. Their son Alfred, who was born in 1926, lived with them on the property. The marriage was an unhappy one, with several divorce notices in local papers over the decades; the couple appears to have finally divorced in the mid-1940s shortly after acquiring the property. Narciso remarried the widowed Sabina Mocettini in 1952. Sabina worked in a Yountville restaurant for years, and had children before her marriage with Narciso Catalani. Her son, Elmer Mocettini, lived in St. Helena as well. Narciso died in 1961 and in 1962, the property passed to Sabina Catalani. She granted the property to Robert H. Prouty (son of the Proutys who lived next door and had briefly owned the property in 1922) and his daughter, Constance Anne Prouty. At the time, Robert Prouty was the assistant director of a funeral home in St. Helena, the Morrison Funeral Chapel.¹⁰

In 1964, Constance Prouty left to volunteer in Brazil for the Peace Corps. At the time, she had been staying in Napa with her mother, Mary Prouty, and had finished two years at Napa Junior College. After two years in the Peace Corps, Constance returned to St. Helena as a newlywed. She met her husband David Jones, a fellow Peace Corps volunteer, in Brazil. In the 1970s and early 80s, the front house was rented by Alberto Gallegos, then Robert Glakeler in the mid-1980s. Robert Prouty died on the Allyn Avenue property in 1999. By 2000, Connie Prouty had married John Cookus, and the two of them lived on the property. In 2003, the Cookus family sold to Grant and Leslie Ellis, who in turn sold to Christine Tittel in 2011.¹¹

Evaluation:

The National Register of Historic Places (NRHP) and California Register of Historical Resources (CRHR) require that a significance criterion from A-D or 1-4 (respectively) be met for a resource to be eligible.

Criterion A/1: The property at 1420-1428 Allyn Avenue is not associated with events that have made a significant contribution to the broad patterns of our history. Both houses were constructed as small rental dwellings. The property is generally associated with the residential development of St. Helena in the early twentieth century. Research has not revealed that the property is significant within that or any other historic context. Therefore, the property is recommended not eligible to the NRHP or CRHR under Criterion A/1.

Criterion B/2: The property is not associated with the life of persons important to our history. The property was developed as rental housing for working-class people, and few of its earliest residents are known. Margaret Pritchard, who developed the houses and owned the property for two decades, was not an important figure in St. Helena history. Later property owners and residents, including the Catalani and Prouty families who lived on the property, were not significant contributors to St. Helena's development, and research has revealed no important professional accomplishments or lasting impact on local history. Therefore, the property lacks the association with important persons required for eligibility under Criterion B/2. The property is recommended not eligible to the NRHP or CRHR under Criterion B/2.

Criterion C/3: The property is not significant for its architecture. Research has revealed no evidence that it was designed by an architect or by an important local contractor, nor do its buildings exhibit the design elements present in architectural landmarks. The building is an unremarkable example of an early-twentieth century house in St. Helena. It lacks decorative features or references to a particular architectural style, and it is not an outstanding example of a vernacular architecture. Furthermore, it has been altered over the decades

⁹ Deeds on file with the Napa County Recorder; *The St. Helena Star*, "St. Helena Girl Leaves to Work with Peace Corps in Brazil," Sep. 17, 1964, 3; *The Press Democrat*, "Napa News," May 30, 1940, 6; *The Sacramento Bee*, "Keohane," May 28, 1940, 12; *The St. Helena Star*, "Announcing..." Jan. 21, 1971, 3.

¹⁰ Deeds on file with the Napa County Recorder; *The St. Helena Star*, "Transcripts Recorded," Apr. 6, 1945, 12; *The St. Helena Star*, "Morrison Funeral Chapel," Nov. 21, 1941, 6; *The Napa Valley Register*, "Narciso Catalani," Mar. 8, 1961; *The Napa Valley Register*, "Sabina Catalani," May 7, 1977, 2.

¹¹ Deeds on file with the Napa County Recorder; *The St. Helena Star*, "St. Helena Girl Leaves to Work with Peace Corps in Brazil," Sep. 17, 1964, 3; *The Napa Valley Register*, "Napa Girl Finds Husband in Peace Corps," July 18, 1966, 13; *The Napa Valley Register*, "Robert Prouty," Mar. 31, 1999, 26; St. Helena City Directories, 1979, 1981, 1986.

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*Recorded by Kara Brunzell

*Date: May 10, 2021 ☒ Continuation ☐ Update

with a stucco façade and additions. For these reasons, the property is recommended not eligible to the NRHP or CRHR under Criterion C/3.

Criterion D/4: In rare instances, buildings themselves can serve as sources of important information about historic construction materials or technologies and be significant under Criterion D/4. 1420-1428 Allyn Avenue is an example of a well-understood type of construction and does not appear to be a principal source of important information in this regard.

The property is recommended not eligible for listing on the NRHP or CRHR and therefore does not qualify as a historical resource under CEQA.

RECEIVED

By Xgamero at 5:26 pm, Mar 16, 2021

WATER USE ANALYSIS

1420/1428 ALLYN AVE, ST. HELENA, CA 94574

APN: 009-305-003

MARCH 1, 2021



PREPARED BY:

MADRONE ENGINEERING
1485 MAIN STREET, SUITE 302
ST. HELENA, CA 94574

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IV. CONCLUSION.....5

I. Introduction & General Overview

A. Introduction

Madrone Engineering has prepared this report to assist the 1420/1428 Allyn Ave project with compliance with the City of St. Helena water use requirement. As of March 22, 2011, a water demand analysis must be completed to demonstrate that all proposed projects are water neutral (City of St. Helena Code 13.12).

B. Project Description

The owner of the property at 1420/1428 Allyn Ave is proposing to demolish an existing 2-bedroom ADU (1420), carport, and garage and construct an addition to the existing 2-bedroom main residence (1428). The property currently has 4 total bedrooms. The result of this project will be a single structure containing a 1-bedroom main residence (1420) and a 2-bedroom ADU (1428) for a total of 3 bedrooms. The project also involves reducing the amount of landscaping, and constructing a new pool.

This report will analyze and estimate existing water usage (pre-project) and future water usage (post-project) to determine the net increase (or decrease) in water usage. If water use is projected to increase, mitigation measures will be detailed that will bring the project into compliance with the City's "no net increase" policy for water use.

II. Existing Water Use Analysis

The existing residence at 1428 Allyn Ave is a 2-bedroom, and the existing ADU (1420) is also a 2-bedroom. Because an older residence typically has very high flow fixtures, a reasonable estimate of water use is between 120 and 150 gallons of water per bedroom per day. Existing residential water use on the property can be estimated at **480 gallons per day**.

Existing landscaped area appears to total approximately 3,075 square feet. Using an estimate of 0.3 gallons per square foot per watering cycle, and assuming landscaping is watered every three days during the non-rainy months (6 months of the year), approximate existing water use for landscaping (averaged out for the entire year) is **150 gallons per day**.

Based on the above calculations, the existing **baseline water usage** for the parcel can be estimated at **630 gallons per day**.

III. Proposed Water Use Analysis

This project proposes demolishing the existing 2-bedroom ADU and constructing a 1-bedroom addition to the existing main residence as well as a pool. The result of this project will be a single structure containing a 1-bedroom main residence and a 2-bedroom ADU for a total of 3 bedrooms. Existing fixtures in the main residence will be replaced with low-flow fixtures. The remodeled residence will have 2 toilets, 5 bathroom sinks and 1 sink in the kitchen, as well as a clothes washer and dish washer.

Average rainfall in the project area is ~30 inches per year, and average PAN evaporation is ~60 inches per year. This equates to an average water loss from a pool equal to ~16.67 gallons per square foot per year.

Please see Table 1, below, for a summary of the proposed water use generated by the remodel of the main residence and the addition of the pool.

TABLE 1 - PROPOSED RESIDENCE DAILY WATER USE

	Quantity	Average Flow	Duration	Daily Use	Occupants	Total Daily Water Use	Total Annual Water Use
Low Flow Toilet	2	1.28 gal		3	2	8 gal	2803 gal
LowFlow Lavatory Faucet	5	1.5 gpm	0.25 min	3	2	2 gal	821 gal
Low Flow Kitchen Faucet	1	1.5 gpm	4 min	2	2	24 gal	8760 gal
Low Flow Shower Head	1	1.5 gpm	8 min	1	2	24 gal	8760 gal
Bath	1	22.0 gallons		0.2	2	9 gal	3212 gal
Pool	360	16.7 gallons/year		-	-	16 gal	6001 gal
Clothes Washer	1	12 gal per load		0.37	2	9 gal	3241 gal
Dish Washer	1	4 gal per cycle		0.5	2	4 gal	1460 gal
Total						96 gal	35,059 gal

The 2-bedroom accessory dwelling unit will have 1 toilet, 1 bathroom sink, and 1 sink in the kitchen, as well as a dish washer. Please see Table 2, below, for a summary of the proposed water use generated by the new ADU.

TABLE 2 - PROPOSED ADU DAILY WATER USE

	Quantity	Average Flow	Duration	Daily Use	Occupants	Total Daily Water Use	Total Annual Water Use
Low Flow Toilet	1	1.28 gal		3	2	8 gal	2803 gal
LowFlow Lavatory Faucet	1	1.5 gpm	0.25 min	3	2	2 gal	821 gal
Low Flow Kitchen Faucet	1	1.5 gpm	4 min	3	2	36 gal	13140 gal
Low Flow Shower Head	1	1.5 gpm	8 min	1	2	24 gal	8760 gal
Dish Washer	1	4 gal per cycle		0.5	2	4 gal	1460 gal
Total						74 gal	26,984 gal

Proposed landscaping appears to total approximately 180 square feet. Using the landscape estimate formulas referenced in Section II, approximate water use for the proposed landscaping (averaged out for the entire year) is **9 gallons per day**

The proposed pool can be filled with trucked water rather than City water. Based on the above calculations, the **proposed water usage** for the parcel can be estimated at **179 gallons per day**.

IV. Conclusion

Table 3, below, provides a summary of the existing water use, proposed water use, and net effect of the project on total usage of City water.

Table 3: Estimated Total Water Use

Use	Gallons		Acre-Feet
	Daily	Annual	Annual
Existing Water Use	630	229,950	0.706
Proposed Water Use	179	65,335	0.201
Net Water Usage	-451	-164,615	-0.505

This report demonstrates that the proposed project is in compliance with City of St. Helena water use requirements; specifically, the requirement that all proposed projects are water-neutral with respect to City water use.



BUILDING/FIRE DEPARTMENT
1480 Main Street
St. Helena, CA 94574

Phone (707) 968-2657
Fax (707) 963-7748

LICENSED CONTRACTOR DECLARATION

I hereby affirm under penalty of perjury that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

License Class C36 C42 HIC Lic No. C-511333 Signature of Contractor Exp. Date

OWNER-BUILDER DECLARATION

I hereby affirm under penalty of perjury that I am exempt from the Contractor's License Law for the following reason:

- () I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale. (Sec. 7044, Business & Professions Code)
- () I, as owner of the property, am exclusively contracting with licensed contractors to construct the project. (Sec. 7044, Business & Professions Code)
- () I am exempt under Sec. 17 B. & P.C. for this reason

Date _____ Owner _____

WORKER'S COMPENSATION DECLARATION

I hereby affirm under penalty of perjury one of the following declarations:

- () I have and will maintain a certificate of consent to self-insure for workers' compensation, as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
- () I have and will maintain workers' compensation insurance as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance and policy number are: Carrier _____ Policy No. _____

(This section need not be completed if the permit valuation is for \$100.00 or less.)

() I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

Date _____ Applicant _____

WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000), IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.

CONSTRUCTION LENDING AGENCY

I hereby affirm under penalty of perjury that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civ. C.).

Lender's Name _____

Lender's Address _____

IMPORTANT: Application is hereby made to the Director of Building and Safety for a permit subject to the conditions and restrictions set forth on his application.

1. Each person upon whose behalf this application is made & each person at whose request and for whose benefit work is performed under or pursuant to any permit issued as a result of this application agrees to & shall indemnify & hold harmless the City of St. Helena, its officers, agents, and employees.
2. Any permit issued as a result of this application becomes null and void if work is not commenced within 180 days from date of issuance of such permit, or cessation of work for 180 days will subject permit to cancellation.

I certify that I have read this application and state that the above information is correct. I agree to comply with all City and County ordinances and State laws relating to building construction, and hereby authorize representatives of this County to enter upon the above-mentioned property for inspection purposes.

Signature of Applicant _____ Date _____

Print Name of Applicant _____

DATE	6/9/2011	VALUATION		PERMIT NO.	BD1106-00
JOB SITE ADDRESS	1428 Allyn Ave	APN	009305003		
OWNER -	CONTRACTOR -				
GEORGE CALOYANIDIS	SILVERADO PLUMBING/MR. ROOTER				
1428 Allyn Ave	131 CAMINO DURADO				
Saint Helena	NAPA				
CA 94574	CA 94558				
	Bus. Lic. No. 10811				
NEW SEWER LINE FROM BACK HOUSE TO EDGE OF SIDEWALK USING PIPE BURSTING METHODS					
FEE DESCRIPTION		FEES			
PLUMBING FEES		101-31-20	\$25.00		
Subtotal			\$	\$25.00	
Plan Check Fee Paid			\$	\$25.00	
TOTAL FEES			\$	\$0.00	

INSPECTION	DATE	INSPECTOR
TEMP. POWER POLE		
FOUNDATION		
UFER Ground		
Footings And Set Backs		
Geotechnical Engineer Approval		
Forms		
Slab		
Piers		
Block Grout		
Under Floor Plumbing		
Under Floor Mechanical		
Under Floor Framing		
Under Floor Insulation		
ABOVE	APPROVALS REQUIRED	BEFORE SUBFLOORING
STAB FLOOR		
Under Slab Plumbing		
Under Slab Mechanical		
Under Slab Electrical		
ABOVE	APPROVALS REQUIRED	BEFORE POURING CONCRETE
FRAMING / ALL TRADES		
Roof Nailing		
Roof Electrical		
Second Rough Plumbing		
Gas Test		
Water Service (20" Copper)		
DWV Test		
SEWER / WATER CONNECTION		
Shear Walls		
Second Rough Mechanical		
Structural Framing & Emergency Egress		
Truss Calculations: Roof	Floor	
Tub-Shower Pan		
T-Bar Ceiling-Wiring-Hvac		
Latit-Siding		
ABOVE	APPROVALS REQUIRED	BEFORE COVERING
Insulation: Walls	Ceiling	
Sheetrock Nailing		
Stucco		
Scratch Coat		
Brown Coat		
FIRE PROTECTION SYSTEMS		
Underground Systems		
Above Ground Systems (Before Sheetrock)		
Monitoring Systems		
Sprinkler Systems Final Test-Insp. Clearance		
Fire Alarm System		
Auto Hood Protection System		
SWIMMING POOLS		
Pre-Gunite: Steel-Bonding		
Plumbing		
Electrical		
Pre-Deck		
Pre-Plaster: Equipment-Fencing		
Gas Line - Underground Conduit		

INSPECTION	DATE	INSPECTOR
FINAL INSPECTION		
Building		
Electrical		
Gas Line		
Smoke Detectors		
Fire Dept.		
Public Works		
Environmental Health		
Re-Roof		
Service Change		
TOLLET RETROFIT		
BACKFLOW PREVENTION DEVICE		
SIGN-OFF SHEET		

INSPECTOR'S NOTES

Sewer 1st test 6-13-11

1420 ALLYN AVENUE, ST. HELENA, CA 94574

APN # 009-305-003

July 9, 2021 (Revision of March 12, 2021 and April 24, 2021)

WRITTEN STATEMENT by George Caloyannidis and Christine Tittel Family Trust, Owners

DESIGN REVIEW & DEMOLITION APPLICATION

PROJECT DETAILS:

Purpose:

For the past 22 years we have been residing at our home we built at 2202 Diamond Mountain Road in Calistoga. It is located at the end of a 3.2-mile winding road at elevation 1,850 feet. As we advance in years, we will find it progressively challenging to negotiate this road and hope to have a residence in town.

Existing Conditions:

The property originally consisted of two parcels with current addresses 1420 (rear home) and 1428 Allyn Avenue (front home). Both homes are one-story, each having its own PG&E electric and gas meters. Both homes have a combined water meter and sewer connection under the 1428 address.

The common sewer line was sleeved in 2011 under Permit # BD 1106-009.

The front home was remodeled in 2012 under Permit # BD 12010-022 and received the St. Helena Beautification Foundation Award in 2014.

Project Description:

The rear home (1420) with a gross living area of 728 sq.ft. and its carport of 187 sq.ft. will be demolished. In its place a new one-bedroom main residence will be built attached to the front home. In order to facilitate this connection, a portion of the front home garage of 210 sq.ft. will also be demolished. The existing laundry area in the garage rear consisting of 58 sq.ft. will be attached to the new home and converted to a powder room (See Sheet A2.1).

The proposed new main residence is partially two-story with a max. ridge height of 25 feet, a gross living area of 2,732 sq.ft. (1,605 sq.ft. first floor / 1,127 sq.ft. second floor), a 400 sq.ft. two-car garage and a rear covered porch of 387 sq.ft., 10-foot side-yard and 20-foot rear yard setbacks with a swimming pool withing the latter.

The new main residence address shall remain 1420 Allyn Avenue and have a slightly relocated and enlarged PG&E services meters, the size of the electric meter to be determined considering its new solar panels of approx. 1,100 sq.ft.

The front 2-bedroom / 2-bathroom / kitchen residence will remain intact but without a garage and its laundry machine relocated in the street-facing existing bathroom. It has a 1,195 sq.ft. living area and a height of 17.5 feet at its ridge. This structure will be re-assigned as an ADU to the new main residence.

Both structures shall be fire sprinklered.

Access:

The existing access driveway will remain, leading to the common yard which can accommodate two more cars in addition to the 2-car garage.

A 12-feet wide, and 6-feet high access gate recessed a min. of 30 feet from the street property line is planned.

Appearance:

The front home was remodeled in its original early 20th century style with horizontal gray siding and white trim, windows and doors.

We feel that mimicking this appearance in the design of the new residence is inappropriate. We propose using vertical wood siding without butts, painted anthracite with black door and windows and anthracite trim. It will distinguish the new from the old while maintaining the traditional, rural, small-town architectural character of St. Helena.



George Caloyannidis

Date: July 9, 2021



Christine Tittel

Date: July 9, 2021

ST. HELENA STAR

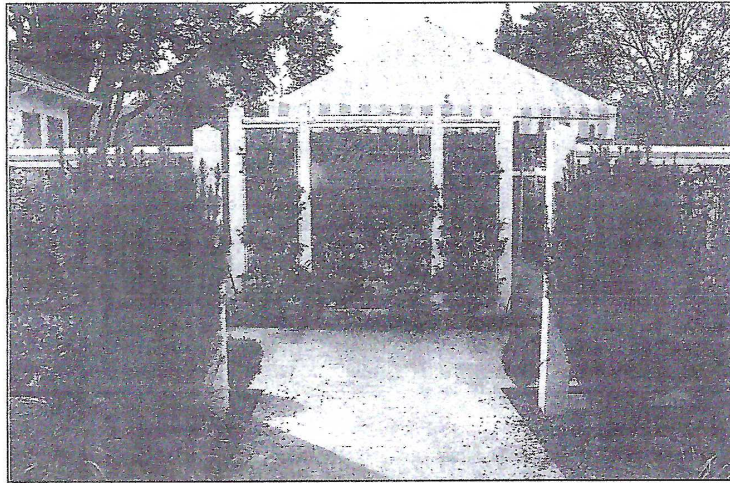
THURSDAY, FEBRUARY 13, 2014 — 50 CENTS

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COMMUNITY

Beautification Foundation awards



Cynthia Sweeney photo

The St. Helena Beautification Foundation has announced this year's recipients of its "We Love What You've Done" Valentine Awards. This year, awards went to George Caloyannidis, 1428 Allyn Ave.; Colleen and Jon Mark Chappellet, 2610 Pinot Way; Wine Warehouse at Dowdell Lane and Lafata Street; Rianda House and Rianda volunteers, 1475 Main St.; Dolly and Glenn Matteucci's home at 1700 Mitchell; and, pictured here, VGS Chateau Potelle Winery, Jean-Noel Fourmeaux Du Sartel, Highway 29 and Dowdell Lane. Winners are presented with a framed notice of appreciation right before Valentine's Day each year.

From: leslie ellis <leslie.ellis@comcast.net>
Date: August 30, 2021 at 2:22:03 PM PDT
To: Daniel Hale <dhale@cityofsthelena.org>
Subject: Fwd: [External] 1420/1428 Allyn Ave Proposed Project

Hello Planning Commissioners:

I am writing concerning the proposed two story house to be built on the 1420/1428 Allyn Ave lot. I am the neighbor to the North side at 1440 Allyn Ave. After receiving the proposed plans and notification my husband Grant and I went out and walked our property with the plans submitted to the City for approval. We have a few major concerns:

1. The proposed two story home has a window on the north side second story (facing our home) which will line up directly with an existing window in our (kitchen/ dining/ great room which will allow the owners of that home to look directly into our home. Thus taking away privacy in our home. Our windows are at 18 ft-24 ft. Our great room is a very tall one story room.
2. The proposed two story house will also directly impact our backyard privacy allowing the homeowners to look directly into our currently very private backyard.

I am not opposed to a high roof line, even two story buildings. I am opposed to new builds that directly impact our privacy in private spaces.

I would like to invite all of you to come to our home at 1440 Allyn Ave before the September 7th meeting. This way you can see the impact the proposed new build would do our interior and exterior privacy. I am also requesting that Story Poles be put up for a week, so we (neighbors that would be impacted) can see the exact impact this proposed build would have on our privacy.

I can be reached at Leslie.ellis@comcast.net or by cell 707-363-7811 to set up a time to tour our property.

Thank you for your time and I look forward to hearing from you all.

Sincerely,
Leslie Ellis

Dear Planning Commission Members,

Re: 1420/1428 Allyn Avenue demolition permit and design review

I reside at 1731 Pine Street, where my family has lived for the past 30 years. My property is located to the east side of 1428 Allyn Ave. While changes are inevitable and even necessary, there seems to be a growing lack of consideration for neighbors' privacy with new development in our small community.

Understanding that Mr. Caloyannidis has met all building code regulations I would still like to request some measure of privacy to my property and that of my neighbors; perhaps some privacy-fencing, tall hedges and mature evergreen trees in the landscape, which could also help offset the scale of the home compared to neighboring properties.

Another issue is the view from the proposed second floor windows directly into my back yard as well as our neighbor's pool and patio area. I question the reason for the orientation of the windows (seven in total) and wonder if the upstairs rooms could be situated so that most of the windows face the western mountain view rather than east, into our backyards; and/or that any eastern facing windows be placed above eye level as to still afford the occupants natural lighting and neighbors their privacy. When referencing St. Helena Municipal Code, 17.164.030 design criteria #8, it does not seem that the planning and siting of the various functions or the building on the site are providing a desirable environment for the general community.

Thank you for your consideration.

Mirja Chandler
1731 Pine St.
St. Helena

Xinia Gamero

From: Ann Mulroy <annmulroy@gmail.com>
Sent: Thursday, September 2, 2021 4:36 PM
To: Public Comment
Subject: [External] 1420/1428 Allyn Ave

I own the house next door to this project at 1416 Allyn Ave. I would like to request that the owner put up story poles so that the neighbors can see the size of the new building.

Thank you,
Ann Mulroy

Sent from my iPhone

September 3, 2021

Proposed Two Story Building at 1420/1428 Allyn Ave

To Planning Commissioners:

Please do not approve the two-story construction project at 1420/1428 Allyn Ave as it is currently proposed.

The proposed dwelling, as drawn, will severely encroach on our privacy both inside and outside of our home. Grant and I live at 1440 Allyn Ave which is on the North side of the proposed project. Because the proposed project is two stories and located on the back portion of the lot, it will have a clear view into our backyard, pool and hot tub, but more worrisome is the location of one bedroom window on the north side of the second story. This window will have a direct view down into our kitchen and great room through an existing large window on our house. We are unable to put curtains on this window because it is high on the wall and it is a hopper style window that opens inward for ventilation. We are particularly worried about the night time view. Please see attached photo of the night time view into our home from the proposed project's bedroom window.

We have spoken with George Caloyannidis, the applicant of the proposed build. We have discussed several options to address the loss of privacy inside our home. He offered to delete the window in question if the pitch of the roof could be reduced slightly, allowing him to place an egress window on the east side of the bedroom. He also offered to pay for one-way glass to be installed in our existing window. Unfortunately we have discovered that one-way glass does not work at night.

Deleting the window has become the most viable option for us; however, we have not yet come to a resolution that stratifies both parties. Grant and I feel that no approval should be given until this issue is resolved.

I am also worried about loss of privacy in our backyard. Anyone in the second floor can look down directly into our backyard from the many eastern facing windows on the proposed dwelling. Please see attached view of our backyard as seen from the Eastern facing, second story windows on the proposed dwelling.

The proposed two story building, set so far back on the lot, with its many windows, will have a negative effect on the privacy of many surrounding properties. Ideally, the new project would be a one story home similar the surrounding homes. This would allow everyone to maintain their current privacy. We urge you to protect our privacy, and the privacy of all neighbors when voting on this project.

Thank you,

Grant and Leslie Ellis



CITY OF ST. HELENA

RESOLUTION NO.

**RESOLUTION OF THE CITY OF ST. HELENA CITY COUNCIL GRANTING AN
APPEAL OF A PLANNING COMMISSION DECISION TO DENY A DEMOLITION
PERMIT AND DESIGN REVIEW APPROVAL AT
1420/1428 ALLYN AVENUE (File No. PL21-009) THEREBY APPROVING THE
PROJECT**

PROPERTY OWNER: George Caloyannidis & Christine Tittel

APN: 009-305-003

Recitals

1. The applicant submitted an application on March 16, 2021 requesting approval of a resolution granting a demolition permit and design review in order to demolish an existing single-family residence to accommodate the construction of a new single-family home on the property located at 1420/1428 Allyn Avenue in the Medium Density Residential zoning district;
2. The Planning Commission of the City of St. Helena, State of California, considered the project, staff report, and all testimony, written and spoken, at a duly noticed public hearing on October 5, 2021 where no action was taken resulting in a de facto denial of the applications;
3. On October 18, 2021, the appellants filed an appeal of the Planning Commission's no action (de facto denial) to the City Council in accordance with St. Helena Municipal Code (SHMC) Section 17.08.180; and
4. The City Council considered the appellant's appeal at a duly noticed public hearing on November 23, 2021 and considered the demolition permit and design review applications in their entirety. The City Council, after reviewing materials provided from the Planning Commission public hearing, as well as considering the staff report and record of the proceedings before the City Council, the written evidence submitted for the Council public hearing, and the testimony and other evidence submitted at the Council public hearing, voted to approve the appeal thereby approving the demolition permit and design review applications for the property located at 1420/1428 Allyn Avenue.

Resolution

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

- A. To approve the appeal and reverse the Planning Commission's denial of a demolition permit and design review for the demolition of an existing single-family residence to accommodate the construction of a new single-family home on the property located at 1420/1428 Allyn Avenue in the Medium Density Residential zoning district.

*1420/1428 Allyn Avenue
Resolution / Conditions of Approval
November 23, 2021*

- B. The City Council hereby finds that the project is exempt from the requirements of CEQA pursuant to Section 15301 which exempts the demolition and removal of small structures including single-family homes; Section 15303, which exempts the construction or conversion of small structures including single-family residences, garages, pools, etc.; and Section 15332 which exempts in-fill projects.
- C. Pursuant to St. Helena Municipal Code (SHMC) Section 17.164.050, the City Council makes the following findings to support the motion to approve the demolition permit to allow for the demolition the existing structures on-site:
 - 1. *That, based on the public record and testimony presented at a public hearing, the building is determined not to be a significant architectural or historical building in that the existing home was determined by a qualified architectural historian to not be historically or architecturally significant. Furthermore, the home is not listed on the City's Historical Resources Master List.*
 - 2. *That the demolition does not eliminate elements that are required to maintain the essential character of the neighborhood in that demolition of the existing structures will not negatively affect the character of the neighborhood; and*
 - 3. *That design review of the proposed replacement structure has been approved in conjunction with the demolition permit.*
- D. In accordance with the design review criteria identified in SHMC Section 17.164.030, the City Council finds that the project demonstrates the following:
 - 1. *Consistency and compatibility with applicable elements of the general plan in that the project consists of constructing a replacement single-family home in an area where single-family homes are permitted;*
 - 2. *Compatibility of design with the immediate environment of the site in that the project has been designed to be compatible with the site and its surroundings;*
 - 3. *Relationship of the design to the site is found to be consistent in that the project was designed in consideration of the unique characteristics of the site;*
 - 4. *That the design is compatible in areas considered by the board as having a unified design or historical character in that the home is not an area of with a unified design character and has been designed to be compatible with the site and the surrounding area;*
 - 5. *That the design promotes harmonious transition in scale and character in areas between different designated land uses in that the project is the construction of a single-family home in an area designated for residential land uses;*
 - 6. *Compatibility with future construction both on and off the site in that the project consists of constructing a single-family home in an area designated for residential land uses;*
 - 7. *That the architectural design of structures and their materials and colors are appropriate to the function of the project in that the project is a contemporary single-family home;*

8. *That the planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community in that the home has been designed to be compatible with the site and its surroundings;*
9. *That the amount and arrangement of open space and landscaping are appropriate to the design and the function of the structures in that the home and associated landscaping has been designed to be compatible with the site and its surroundings;*
10. *That access to the property and circulation systems are safe and convenient for pedestrians, cyclists and vehicles in that access to the site will remain via Allyn Avenue;*
11. *That natural features and vegetation are appropriately preserved and integrated with the project in that the residence and associated landscaping has been designed to be compatible with the site and its surroundings;*
12. *That the materials, textures, colors and details of construction are an appropriate expression of its design concept and function and whether they are compatible with the adjacent and neighboring structure and functions in that in that the home will be constructed of modern building materials and will be compatible with surrounding residential development;*
13. *That the landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site in that the residence and associated landscaping has been designed to be compatible with the site and its surroundings;*
14. *That sustainability and climate protection are promoted through the use of green building practices such as appropriate site/architectural design, use of green building materials, energy efficient systems and water efficient landscape materials in that project related construction is required to meet all California Building Codes and City of St. Helena development standards.*

Planning Department Conditions of Approval

- E. In approving the appeal, the City Council approves a demolition permit and design review for the above-described project with the following conditions of approval. The conditions noted below are particularly pertinent to this permit and shall not be construed to permit violation of other laws and policies not so listed.
 1. The project shall be in conformance with all city ordinances, rules, regulations and policies in effect at the time of issuance of a building permit.
 2. The project shall be vested within one (1) year from the date of final action. A building permit for the development allowed under this approval shall have been applied for within one (1) year from the effective date of this action or the approval shall expire, provided however that the approval may be extended for up to two (2) one-year

1420/1428 Allyn Avenue
Resolution / Conditions of Approval
November 23, 2021

periods pursuant to the St. Helena Municipal Code, Section 17.08.130, Extension of Permits and Approvals.

3. Any request for an extension of this approval shall be justified in writing and received by the Planning Department at least thirty (30) days prior to expiration.
4. The approvals shall not become effective until fourteen (14) calendar days after approval, providing that the action is not appealed by the City Council or any other interested party within that 14-day period.
5. All required fees, including planning fees, development impact fees, residential in-lieu housing fees, building fees, toilet retrofit fees, and St. Helena Unified School District fees shall be paid prior to issuance of a building permit. Fees shall be those in effect at the time of the issuance of the building permit.
6. Pursuant to City Council Resolution 2003-65, the owner and applicant are informed of the following:

In recognition of the need for additional affordable housing, and to mitigate the effects of this development on the supply and demand of affordable housing, the permittee shall be subject to a Housing Impact Fee, an inclusionary requirement, an in-lieu fee, and/or similar fair and appropriate mechanisms, to provide funds for or to develop additional affordable housing.
7. Compliance with all permit conditions shall occur in accordance with specific regulations but in all cases no later than prior to occupancy or initiation of use unless another time is set by law or by this approval. Occupancy or final inspection of a project may be withheld if all conditions, including payment of fees for services rendered by the City, are not met.
8. In any action or proceeding to attack, challenge, invalidate, set aside, void or annul the City's approval of applicant's Project, in whole or in part, applicant shall defend, at its own expense and without any cost to the City, and with counsel acceptable to the City, and shall fully and completely indemnify and hold the City, its agents, officers, and employees harmless from and against any and all claims, causes of action, damages, costs, attorney's fees and liability of any kind, so long as the City reasonably promptly notifies the applicant of any such claim, action, or proceedings and the City cooperates fully in the defense of the action or proceedings.
9. Provided they are in general compliance with this approval, minor modifications may be approved by the Planning Director.
10. Pursuant to St. Helena Municipal Code Section 17.08.110, this permit shall run with the land and shall be binding upon all parties having any right, title or interest in the real property or any part thereof, their heirs, successors and assigns, and shall inure to their benefit and benefit of the City of St. Helena.
11. The primary purpose of this review is for compliance with the General Plan and Zoning Ordinance. The property owners or their designee shall be responsible for meeting with the Building Official, Fire Inspector and or Public Works Department to review compliance with Building Codes, Fire Codes and specific Public Works Standards including fire protection systems and any applicable accessibility standards of Title 24.

1420/1428 Allyn Avenue
Resolution / Conditions of Approval
November 23, 2021

12. Construction shall be in compliance with plans submitted and reviewed by the City Council on November 23, 2021, except as modified herein.
13. No new landscaping shall be installed while the City is in a declared Phase II or Phase III water emergency.
14. During demolition and construction, the project site shall be adequately fenced and secured to prevent trespassing.
15. Exterior lighting shall be directed or shielded to prevent glare onto public roadways or adjacent properties.
16. To reduce disturbance of residents in the project vicinity, construction activities which generate noise that can be heard at the property line of any parcel of real property within the City limits shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Saturday. Delivery of materials/equipment and cleaning and servicing of machines/equipment shall be limited to 7:00 a.m. to 6:00 p.m. Exceptions to these time restrictions may be granted by the Public Works Director for one of the following reasons: (1) inclement weather affecting work, (2) emergency work, or (3) other work, if work and equipment will not create noise that may be unreasonably offensive to neighbors as to constitute a nuisance. The Public Works Director must be notified and give approval in advance of such work. No construction activities shall occur on Sundays or federal or local holidays that generate noise that can be heard at the property line of any parcel of real property within the City limits.

Public Works Department Conditions of Approval

17. Approval of this project shall be subject to the requirements of, and all improvements shall be designed and constructed in accordance with, the most current version at the time of improvement plan submittal, Caltrans Standards and Specifications, the City of St. Helena Municipal Code, the St. Helena Water and Sewer Standards, the St. Helena Street, Storm Drain and Sidewalk Standards, and all current federal, state and county codes governing such improvements.
18. For any improvements outside the existing building envelope, a grading and drainage plan showing topographic data, all easements, infrastructure onsite and directly adjoining, and an erosion control plan shall be submitted for review and approval by the City Engineer prior to the issuance of a building permit. If the project entails more than 50 cubic yards of soil disturbance, 10,000 square feet of disturbance area, a cut or fill of 3 feet or more, or alteration of any drainage pattern, a grading permit shall be required.
19. Drainage needs to be routed to prevent inundation of neighboring properties. Grading and/or site improvement plans shall show how 2-year and 10-year storm flows shall be infiltrated on site and/or diverted at the property lines to prevent inundation of neighboring properties.
20. Prepare and implement a Stormwater Control Plan as required by the Bay Area Stormwater Management Agencies Association (BASMAA) Post-Construction Manual, dated July 14, 2014 or later.

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21. Erosion and sediment control plans shall conform to the latest State and City codes at a minimum.
22. If the proposed/new landscaping involves an area greater than 500 square feet or rehabilitation of more than 2,500 square feet, the proposed landscaping shall comply with the State's Model Water Efficient Landscape Ordinance (MWEL0).
23. The applicant shall incorporate water conservation practices into the proposed project to offset the additional demand calculated in the Water Neutral Analysis prepared by Madrone Engineering, dated March 1, 2021. The water conservation requirements shall be replicated in full on the architectural plans. The water analysis shall be replicated on the building plans prior to building permit approval.
24. As the City is currently experiencing a Phase 2 water emergency, the building permit for construction of a new pool can only be issued if the water used to fill the pool is trucked in from non-City produced water.
25. No new water connections shall be permitted during the Phase 2 water emergency. Accordingly, only the existing water meters can be used for this project unless the declared water emergency is lifted.
26. Any new and modified existing water laterals, meters and backflow prevention devices shall be required and constructed in accordance with the current requirements of the City of St. Helena's Water Standards and the California Department of Health Standards. Existing meter boxes located within a driveway shall be retrofitted with a traffic-rated box. New laterals shall be located perpendicular to the water main and outside any driveway/drive aisle.
27. Remodels or new construction which requires fire sprinklers shall install an appropriately-sized water service with appropriate backflow and meter devices prior to Certificate of Occupancy as required. Fire system calculations shall be submitted with the Grading and Drainage Plan to verify fire service lateral and meter sizing. Deferred submittals are not accepted.
28. If the current sanitary sewer clean-out does not meet City requirements, one will be required and may include replacement of the existing sewer lateral to the City main.
29. The applicant shall repair all public improvements that are damaged by the construction process in accordance with the City Water/Sewer/Street/Storm Drain/Sidewalk Standards prior to Certificate of Occupancy.
30. An encroachment permit shall be required for any work performed in the public right of way. Improvements on private shared roadways will require approval by all parties of ownership of the access easements.

Building Department Conditions of Approval

31. A building permit is required for all onsite demolition, construction and/or change of occupancy.
32. The applicant will be required to comply with the codes adopted at the time the applicant applies for a building permit. At this time the City of St. Helena utilizes the 2019 Title 24 codes.

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33. When submitting plans for a building permit, the plans shall include all documentation listed on the building permit application checklist.
34. The applicant shall provide a construction waste management plan with the building permit application.
35. The plans for construction shall include a checklist for compliance with the California Green Buildings Standards Code, mandatory measures. Provide a reference on the checklist indicating where the mandatory measures can be found on the plans.
36. When submitting plans, the title page shall include all information referenced on the building permit application checklist Title Page requirements.
37. Building Permit application materials and plans shall include any documentation pertaining to special loads applicable to the design and the specified section of the code that addresses the condition; special inspections for any systems or components requiring special inspection; requirements for seismic resistance; and a complete list of deferred submittals at time of application. Any deferral of the required submittal items shall have prior approval of the Building Official however deferral of fire sprinkler design is not allowed.
38. Properties which are on septic systems and proposing substantial renovations may require approval from the Napa County Environmental Health Department. Applicants are encouraged to engage with the County early in the building permit review process to reduce the potential for delay.

Fire Department Conditions of Approval

39. Plans submitted for building permit shall exhibit compliance with the current St. Helena Fire Code, as adopted and codified in St. Helena Municipal Code Chapter 15.36.
40. Fire sprinklers shall be installed as required by Fire Code and the Fire Department.
41. Any gates installed to control vehicular access to a property are required to be setback 30-feet from the property line and/or edge of pavement, whichever is greater. No vehicle gates may be installed without Fire Department and Public Works Department review and explicit approval.

I HEREBY CERTIFY that the foregoing appeal of the Planning Commission denial of a demolition permit and design review application was duly and regularly approved by the City Council of the City of St. Helena at a regular meeting on November 23, 2021 by the following roll call vote:

Mayor Geoff Ellsworth:

Vice Mayor Paul Dohring:

Council Member Anna Chouteau:

Council Member Lester Hardy:

Council Member Eric Hall:

1420/1428 Allyn Avenue
Resolution / Conditions of Approval
November 23, 2021

APPROVED:

ATTEST:

Geoff Ellsworth, Mayor

Cindy Tzaopoulos, City Clerk



Report to the City Council
Regular City Council - 23 Nov 2021

Agenda Section: OLD BUSINESS

Subject: Staff briefing and City Council discussion and direction regarding the recommended plan of finance for CIP S-52 WWTP Upgrade Project.

CEQA Determination: Not a CEQA project

Prepared By: April Mitts, Administrative Services Director

Reviewed By: Mandy Kellogg, Asst. Administrative Services Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

The City of St. Helena (City), in Napa County, owns and operates a Wastewater Treatment and Reclamation Plant (WWTRP) located at 1 Chaix Lane. The WWTRP and its discharge are permitted through the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB).

The City has a Water Reclamation Requirements (WRR) Order No. 87-090 to regulate effluent discharge to land and a recently updated National Pollutant Discharge Elimination System (NPDES) Permit Order No. R2-2016-0003 to regulate discharge to the Napa River. The 2016 NPDES permit contains more stringent effluent limits for biological oxygen demand (BOD) and total suspended solids (TSS), which the WWTRP anticipates it will have difficulty meeting based on historical testing.

As a result, the SFBRWQCB issued a Cease and Desist Order (CDO) No. R2-2016-0004 to the City, which mandated the WWTRP to comply with the specified interim BOD and TSS effluent limits, and to perform a Feasibility Study to evaluate and/or identify modifications to the WWTRP that would meet the new effluent limits. The SFBRWQCB issued a Compliance Schedule on January 11, 2018, outlining a schedule for compliance with the CDO.

Since that time the City has completed the Feasibility Study and a Final Draft Feasibility Study which was delivered to the SFBRWQCB on June 1, 2018, as required by the Compliance Schedule. The SFBRWQCB accepted the Feasibility Study in a letter dated July 31, 2018, and agrees with the City's approach to the Phase I WWTRP Improvements Project.

The City Council then authorized Professional Services Agreement STH Contract: FY 2019-017, and subsequent amendments, with HydroScience Engineers to ensure that the design of the WWTRP Project improvements are constructed in a manner and cost that meets the City of St. Helena's needs and budget in response to San Francisco Bay Regional Water Quality Control Board Order R2-2016-004. Initial engineering estimates for construction was \$11,485,500. The FY 2022 Adopted CIP Budget allocated \$12,509,247 for construction and \$1,184,088 for contingencies (Attachment 1).

On September 16, 2021, in conjunction with various entities including HydroScience, USDA, City's Municipal Financial Advisor, City staff and others, the City released the advertisement for bids for CIP S-52. Sealed bids for the construction of CIP S-52 were received by the City by 4:00 p.m. on November 4, 2021, at which time the bids were publicly opened and read.

The City received the following bids:

Company	Total Bid Amount
Thompson Builders (Novato, CA)	\$14,888,590
Clark Bros. Inc. (Fresno, CA)	\$14,913,890
C. Overaa & Co. (Richmond, CA)	\$15,514,000
Meyers & Sons (Sacramento, CA)	\$17,265,637
Anvil Builders Inc. (San Francisco, CA)	\$17,817,300

The apparent low bidder is Thompson Builders, from Novato, CA, for a total bid amount of \$14,888,590. The apparent low bidder is \$3,403,090 higher than the initial engineering estimate of \$11,485,500.

The table below provides a summary of the funding shortfall, this table assumes a 10% contingency:

Item	Adopted CIP Budget	Apparent Lowest Bid
Construction Contract	\$12,509,247	\$14,888,590
Contingency	\$1,184,088	
Contingency – 10%		\$1,488,859
TOTAL	\$13,693,355	\$16,377,449
Budget Shortfall		(\$2,684,094)

DISCUSSION

The current plan of finance for S-52 includes use of Wastewater Impact Fee funds, USDA Loan (and required interim financing), and use of cash in the Wastewater Operations and Wastewater CIP Funds. Additionally, prior to the receipt of bids and based on engineering estimates, the City anticipated a funding shortfall of \$873,610. The adopted FY 2022 CIP took into consideration this initial funding shortfall and anticipated utilizing an interfund loan from the Traffic Mitigation Impact Fee Fund to close the funding gap in the amount of \$873,610. The estimated FY 2022 ending fund balance of the Traffic Mitigation Impact Fee Fund is \$1.94 million. Following the opening of the bids on November 4, 2021, the total funding gap is approximately \$3.5 million which takes into consideration the current interfund loan and a 10% contingency of approximately \$1.5 million.

Following the bid opening on November 4, 2021, finance staff has been working with the City Manager, the City's Municipal Financial Advisor, Bond Counsel, and Placement Agent to finalize documents related to the USDA required interim financing and to explore funding options to bridge the funding gap. In order to maintain compliance with the City's current debt covenants for existing Wastewater Bonds as well as the upcoming USDA debt, the City is unable to take out additional debt other than an interfund loan. Options available and considered include: use of General Fund reserves in the form of a General Fund loan or cash contribution, increase the amount of the interfund loan from the Traffic Mitigation Fee Fund, and use of Wastewater Fund reserves.

City Council adopted Financial Policy P-FI-0016 Section III.J.6. states, "The City should maintain balances in the Water and Wastewater Funds at a level sufficient to accommodate operating and capital needs." The City Council's directed target for the Wastewater Fund is 6-8 months (50%-67%) of annual operating expenditures in cash. These amounts include cash balances in the Wastewater Operations Fund (Fund 561) and the Wastewater CIP Fund (Fund 773). Based on the estimated FY 2021-22 Adopted Operations Budget and the current policy, the targeted Wastewater Fund Balance is between \$1.5 and \$2 million. The current estimated fund balance for 6/30/22 is \$4,119,341 as reported in the FY 2021-22 Q1 financial report. Included in the estimated fund balance is the \$1,050,000 in settlement funds already accounted for in the plan of finance for CIP S-52, leaving an estimated fund balance of \$3,069,341, or 102%.

The City's fund balance policies were enacted in an effort to ensure financial security through the maintenance of a healthy fund contingency balance. The City's primary objective is to maintain a prudent level of financial resources to protect against reducing service levels or raising taxes and fees due to temporary revenue shortfalls or unpredicted one-time expenditures.

Because of the Cease and Desist Order and the requirement to upgrade the City's Wastewater Treatment Plant, use of Wastewater Fund reserves is being recommended since it is an unpredicted one-time expenditure which will result in the Cease and Desist Order being removed upon completion of this project.

After discussion with the City's Municipal Financial Advisor, maintaining a minimum fund balance of three months cash, or 25%, is acceptable. Additionally the City's Municipal

Financial Advisor recommends utilizing cash balance prior to an interfund loan. In order to solve for the funding gap, staff is recommending the following in their respective order:

1. Use of Wastewater fund balance in an amount of approximately \$2.3 million and maintaining at a minimum of 25%, or three months cash.
2. Interfund Loan from the Traffic Mitigation Impact Fee Fund - this amount is dependent on use of contingency funds and is approximately \$900,000 dependent on amount of contingency utilized. The recommended loan term will meet the obligations of the City Council adopted Financial Policy P-FI-0016 Section G - Debt Management and is anticipated to be repaid in a responsible timeframe - approximately five years. If an interfund loan is necessary, the amount and terms will be brought to City Council for authorization.
3. Use of General Fund reserves, if necessary.

In addition, staff continues to seek grant funding to offset the overall costs of this project.

FISCAL IMPACT

This fiscal impact of the recommendation is use of Wastewater Fund reserves of approximately \$2.3 million, no less than 25% reserves, an interfund loan from the Traffic Mitigation Impact Fee Fund of approximately \$900,000, if necessary, and use of General Fund reserves, if necessary.

RECOMMENDED ACTION

Discussion and direction regarding the recommended plan of finance for CIP S-52 WWTP Upgrade Project.

ATTACHMENTS

[Attachment 1 - CIP S-52 WWTP Phase I Upgrades](#)

WWTP Phase 1 Upgrades

Project No: 04001-S-52
Category: Wastewater
Project Location: 1 Chaix Ln
Responsible Department:



PROJECT PURPOSE & DESCRIPTION: Per the State Cease and Desist Order, upgrade the plant to meet compliance requirements by 2021. In addition, to compliance requirements, levee repairs and sludge removal will be incorporated into construction of this project.

Merged into S-52: S-53, S-62, S-66, S18-79.

EXPENDITURE ACCOUNTS:

Fund: 773 **Dept:** 5059

EXPENDITURES								PROJECT TOTAL
	Total YTD 05/11/21		2021-22	2022-23	2023-24	2024-25	2025-26	
3110 - Design	1,530,887							1,530,887
3120 - Environmental/Planning	108,795		23,021					131,816
3140 - Legal Services	1,151		68,900					70,051
3150 - Construction Management	5,000		535,085					540,085
3160 - Construction Contract			12,509,247					12,509,247
3170 - Contingency			1,184,088					1,184,088
EXPENDITURE TOTALS	1,645,833		14,320,341					15,966,174
FUNDING SOURCES								
740-Traffic Impact Fees Fund Loan			873,610					873,610
773-Wastewater Capital Improvement	1,645,833		3,359,729					5,005,562
773-Wastewater Capital Improvement - Debt			9,362,925					9,362,925
774-Wastewater Impact Fees			724,077					724,077
FUNDING TOTALS	1,645,833		14,320,341					15,966,174



Report to the City Council
Regular City Council - 23 Nov 2021

Agenda Section: OLD BUSINESS

Subject: Discussion, Consideration, and Direction of the Following Requests by Our Town St. Helena (OTSH) regarding the property at 963 Pope Street:

1. The City to extend the current acquisition loan (\$450,000 at zero percent interest) for up to 12-months from the current maturity date, extending the maturity date to December 9, 2022 (potential adoption of a resolution); and
2. Effective immediately, the City's Affordable Housing Trust Funds (Funds 751 and 752) will cover the RCAC loan interest payments (approximately \$1,900 per month) while OTSH pursues other financing. This would amount to approximately \$22,800 to cover interest only payments from October 2021 to October 2022 when the RCAC loan comes due; and
3. The City to provide a \$250,000, zero percent interest loan to OTSH to either (a) repay a portion of the RCAC loan, which has a current loan balance of \$543,889, thereby reducing monthly interest payments and debt on the property, or (b) to serve as permanent financing to make the project more competitive for the upcoming HOME funding application.

CEQA Determination: Approval of a resolution amending the Loan Agreement for the acquisition of 963 Pope Street is governed by Section 15310 of State CEQA Guidelines which exempts the approval of mortgages of the purchase of existing structures where the loan will not be used for new construction.

Prepared By: April Mitts, Administrative Services Director

Reviewed By: Mark T. Prestwich, City Manager

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

On August 27, 2019, the City Council authorized a loan from the Affordable Housing Trust Fund to Our Town St. Helena (OTSH) to assist with the acquisition of a property located at 963 Pope Street. The purchase price of the property was \$850,000 for a 0.29-acre lot, zoned medium-density residential, with a 2-bedroom 1-bath house located near the front portion of the property. The property will be used solely for the use, operation, and development of affordable housing by constructing four additional units on the back half of the property for moderate-to low-income rental tenants.

The City and OTSH entered into a Housing Trust Fund Loan Agreement dated September 10, 2019, in the amount of \$450,000 with zero percent interest. The loan had an initial term of twenty-four (24) months and all unpaid sums of the principal amount become immediately due and payable upon the second anniversary date of the promissory note, September 10, 2021.

The remaining balance of the purchase price and initial pre-development expenses were financed with an interest-only loan in the amount of \$543,889 from Rural Community Assistance Corp (RCAC) which is in first position for repayment. Interest payments average \$1,900 per month, a significant amount for OTSH to continue to pay beyond the initial loan term, which ended in October 2021. At the time the loans were made, OTSH assumed it would have construction and permanent financing in place for the project and the loans could be repaid at the two-year term limit.

Both the City loan and RCAC loan had two-year terms, expiring on September 10, 2021 and October 1, 2021, respectively. At that time, both loans were due and payable in full. On August 24, 2021, the City Council adopted a resolution which provided OTSH with a 90-day extension to the loan term. The extension allowed OTSH and the City to evaluate loan options for City Council consideration. Similarly, RCAC extended its loan term to October 1, 2022.

DISCUSSION

Since the time the loans were made, OTSH:

- Acquired the property;
- Prepared plans and obtained City entitlements for four new apartments on the property;
- Processed a lot line merger;
- Completed construction drawings and submitted the drawings to the City of review and approval;
- Selected a general contractor; recorded a 55-year affordable deed restriction on the existing house; and
- Leased the home to a moderate-income family.

During this timeframe, construction costs have nearly doubled due to materials and supply chain issues, labor shortages, and general economic conditions. The current estimated total development cost for the project is \$3.7 million.

It has always been OTSH's intention to secure construction and permanent financing to repay the two loans; however, OTSH reports that securing financing for the project has been more challenging than anticipated. Aside from the impacts the pandemic has had on lending institutions and increasing construction costs, small developments are proving more difficult to finance because public funding sources favor projects of 50+ units. With assistance from Napa Valley Community Housing (NVCH), OTSH applied to the State HOME program, the U.S. Congressional Appropriations Committee, and the Silicon Valley Housing Trust's Apple Fund. Unfortunately, due to the competitive nature of the funding, OTSH was denied for all funding requests.

On November 9, 2021, OTSH learned the Notice of Funding Availability (NOFA) for the State HOME program will soon be released. OTSH believes that in order to be competitive for this funding round, it will be necessary to have a documented permanent loan commitment from the City, even if the funds are not available today. It is the intent of OTSH to pursue State HOME program funding and other public funds as they become available. NVCH has obtained letters of interest from a few private lenders, but the proposed terms are challenging and difficult to negotiate without other funding secured. Private lender terms will be refined once subsidy sources are committed to the project.

Additionally, in October 2021, OTSH was able to purchase the adjacent property at 951 Pope Street from the St. Helena Hospital Foundation, thanks to a very generous contribution of a private benefactor. Subject to City approval, this acquisition will allow OTSH to expand its current five-unit development to approximately 10 units. OTSH is optimistic this larger project will be more competitive for financing, make a greater positive impact on the community, and assist the City with meeting its RHNA requirements. OTSH will begin preparing plans and submit a new project application in early to mid-2022.

OTSH Proposal (Attachment 1)

OTSH proposed the following to position the project to be competitive for public financing and complete the construction of this vital addition of affordable housing in the City of St. Helena.

1. The City to extend the current acquisition loan (\$450,000 at zero percent interest) for up to 12-months from the current maturity date, extending the maturity date to December 9, 2022*; and
2. Effective immediately, the City's Affordable Housing Trust Funds (Funds 751 and 752) will cover the RCAC loan interest payments (approximately \$1,900 per month) while OTSH pursues other financing. This would amount to approximately \$22,800 to cover interest only payments from October 2021 to October 2022 when the RCAC loan comes due; and

3. The City to provide a \$250,000, zero percent interest loan to OTSH to either (a) repay a portion of the RCAC loan, which has a current loan balance of \$543,889, thereby reducing monthly interest payments and debt on the property, or (b) to serve as permanent financing to make the project more competitive for the upcoming HOME funding application.

*OTSH would prefer the City convert this to a permanent loan now, and would consider increasing the principal later; however, does not know if the Council would be supportive.

Additionally, later in 2022, OTSH will return to the City Council with a request for a permanent loan at zero percent interest with a 55-year term and repayment by residual receipts. The amount of the request will be dependent on the balance of both Affordable Housing Trust Funds and OTSH's other financing sources.

OTSH feels this commitment by the City would demonstrate to the California Department of Housing and Community Development (HCD), who administers the HOME program, that there is strong community support for the project and would help with application scoring. Currently HCD will not take into account the current \$450,000 acquisition loan and this amount will not count towards local support.

City staff is seeking City Council direction on the various requests made by OTSH. Due to the timing of the maturity date of the existing acquisition loan (item #1 above), City staff has prepared a resolution for approval if City Council provides direction to extend the maturity date to December 9, 2022.

FISCAL IMPACT

The total fiscal impact of the request from OTSH dependent on City Council direction. The estimated FY 2021-22 fund balances are shown in the table below.

	Affordable Housing Trust Fund Fund 751	Measure E Fund 752
6/30/21 Estimated Balance	339,402	225,972
FY 2021-22 Estimated Revenues	65,295	196,016
FY 2021-22 Estimated Expenses	(112,334)	
6/30/22 Estimated Balance	292,363	421,988

The 6/30/22 estimated fund balance for both funds is \$714,351 which assumes \$261,311 in net revenues for both funds in FY 2021-22.

RECOMMENDED ACTION

Discussion and Direction on the request from Our Town St. Helena, and possible adoption of a Resolution.

ATTACHMENTS

[Attachment 1 - 963 Pope Loan Proposal](#)

[Attachment 2 - Resolution Extension of OTSH Loan Term](#)



November 15, 2021

TO: Mark Prestwich, City Manager, City of St. Helena
 FROM: Jennifer La Liberte, Executive Director, Our Town St. Helena
 SUBJECT: Proposal for Affordable Housing Trust Fund Loan to OTSH for 963 Pope Street Project

Thank you for the October 27th meeting with yourself, Mayor Ellsworth, Vice Mayor Dohring, and Finance Director April Mitts, regarding the 963 Pope Street project and outstanding City loan to Our Town St Helena (OTSH). It was helpful to talk through what may be supportable by the City Council given the available funding in the Affordable Housing Trust Fund and other potentially competing needs for those funds. Based on the discussion, I have prepared a proposal -- along with some background which may be useful for the presentation to the City Council at its November 23rd meeting -- for consideration.

Background:

On September 10, 2019, the City of St. Helena (City) and Our Town St. Helena (OTSH) entered into a Housing Trust Fund Loan Agreement in the amount of \$450,000 for the purchase of a property located at 963 Pope Street. The purchase price of the property was \$850,000 for a 0.29-acre lot, zoned MD residential, with a 2-bed 1-bath house located near the front portion of the property. The balance of the purchase price and initial predevelopment expenses were financed with an interest-only loan in the amount of \$543,889 from Rural Community Assistance Corp (RCAC) which is in first position. Interest payments are approximately \$1,900 per month.

Since the time the loans were made, OTSH acquired the property; prepared plans and obtained City entitlements for four new apartments on the property; processed a lot line merger; completed construction drawings and submitted them to the City for review and approval; selected a general contractor; recorded a 55-year affordable deed restriction on the existing house; and leased the home to a moderate-income family. During this timeframe, construction costs have nearly doubled due to materials and supply chain issues, labor shortages and general economic conditions. The current estimated total development cost for the project is \$3.7M.

Both the City loan and RCAC loan had two-year terms, expiring on September 10 and October 1, 2021, respectively. At that time, both loans were due and payable in full. On August 24, 2021, the City Council approved a 90-day extension to the City's loan term which now matures on December 9, 2021. Similarly, RCAC extended its loan term to October 1, 2022.



It has always been OTSH's intention to secure construction and permanent financing to repay the two loans, however small projects like 963 Pope Street are less competitive for public funding as these sources generally favor developments of 50+ units. Also, *it is essential for projects to have permanent funding from local sources to be considered for state or federal funding.* These funders are typically looking for a substantial investment from the local community (city, county, private donors, etc.), of approximately 40 percent of the total project cost which in this case would be roundly \$1.5M. Please also keep in mind if we apply for funding from the County's Affordable Housing Trust Fund, the County will require a proportional number of Regional Housing Needs Allocation (RHNA) credits.

With assistance from Napa Valley Community Housing (NVCH), OTSH applied to the State HOME program, the U.S. Congressional Appropriations Committee and the Silicon Valley Housing Trust's Apple Fund and was denied for each. We just heard the Notice of Funding Availability for the next round of State HOME funds will be released shortly, and we will pursue this and other public funds as they become available. NVCH has obtained letters of interest from a few private lenders, but proposed terms are challenging and difficult to negotiate without other funding lined up. Private lender terms will be refined once subsidy sources are committed to the project.

Potential Expanded Project:

In October 2021, OTSH was able to purchase the adjacent property at 951 Pope Street from the St. Helena Hospital Foundation, thanks to the very generous contribution of a private benefactor. Subject to City approval, this acquisition will allow OTSH to expand its current five-unit development to approximately 10 units. We are optimistic this larger project will be more competitive for financing, make a greater positive impact on the community and assist the City with meeting its RHNA requirements. OTSH will begin preparing plans and submit a new project application in early to mid-2022.

Proposal:

OTSH proposes the following to position the project to be competitive for public financing and complete the construction of this vital addition of affordable housing in the City of St. Helena.

1. City will extend the current acquisition loan (\$450,000, 0 percent interest) for 12 months from the current maturity date (to December 9, 2022). *(Please note: for the reasons provided above, OTSH would prefer the City convert this to a permanent loan now, and consider increasing the principal later, however it wasn't clear whether the Council would be supportive.)*
2. Effective immediately, the Affordable Housing Trust Fund will cover the RCAC loan interest payments (approximately \$1,900 per month) while OTSH pursues other financing. This could be in the form of a quarterly reimbursement based on actuals or another form acceptable to



the City. This would amount to approximately \$22,800 to cover interest payments from October 2021 to October 2022 when the RCAC loan comes due.

3. The City will provide a \$250,000, zero percent interest loan to OTSH to either 1) repay a portion of the RCAC loan (\$543,889), thereby reducing monthly interest payments and debt on the property, or 2) to serve as permanent financing to make the project more competitive for the upcoming HOME funding application.
4. Later in 2022, OTSH will return to the City with a request for a permanent loan (0% interest, 55-year term, repayment by residual receipts). The amount will be determined depending on the Affordable Housing Trust Fund balance, competing demands for those funds, and OTSH's other financing sources.
5. City Council will authorize the City Manager and designated staff to prepare and execute necessary documents and agreements to implement the Council's approved terms. This may include a formal resolution documenting the terms for the next meeting of the Council to assist with the HOME application.

In conclusion, OTSH appreciates the City's assistance with the Pope Street project which includes fee deferrals and acquisition financing and looks forward to a continuing partnership to create additional homes for people who are vital to the St. Helena community. The City's investment in affordable housing will have an immeasurable return for the local economy and the health and welfare of its citizens.

CITY OF ST. HELENA

RESOLUTION NO. 2021-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. HELENA AUTHORIZING: AMENDMENT #2 TO STH CONTRACT: FY2020-031 HOUSING TRUST FUND LOAN AGREEMENT WITH OUR TOWN ST. HELENA AUTHORIZING A ONE-YEAR EXTENTION TO THE LOAN TERM AND AUTHORIZING THE CITY MANAGER TO EXECUTED THE NECESSARY DOCUMENTATION FOR THIS AMENDMENT.

WHEREAS, on August 27, 2019, the City Council authorized a loan from the Affordable Housing Trust Fund to Our Town St. Helena (OTSH) to assist with the acquisition of a property located at 963 Pope Street. The purchase price of the property was \$850,000 for a 0.29-acre lot, zoned medium-density residential, with a 2-bedroom 1-bath house located near the front portion of the property. The property will be used solely for the use, operation, and development of affordable housing by constructing four additional units on the back half of the property for moderate-to low-income rental tenants; and

WHEREAS, the City and OTSH entered into a Housing Trust Fund Loan Agreement dated September 10, 2019, in the amount of \$450,000 with zero percent interest. The loan has a term of twenty-four (24) months and all unpaid sums of the principal amount shall become immediately due and payable upon the second anniversary date of the promissory note, September 10, 2021; and

WHEREAS, Our Town St. Helena (OTSH) contacted the City to discuss modifications to the original \$450,000 promissory note which was due and payable by September 10, 2021; and

WHEREAS, On August 24, 2021, the City Council authorized, via Resolution 2021-103, a 90-day extension to the loan term which will provide additional time for OTSH and the City to evaluate loan options for City Council consideration; and

WHEREAS, To allow OTSH additional time to secure funding for this project, the City is providing OTSH with an additional 12-month extension.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ST. HELENA AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The City Council of the City of St. Helena hereby approves Amendment #2 to STH Contract: FY 2020-031 Housing Trust Fund Loan Agreement dated September 10, 2019 between the City of St. Helena and Our Town St. Helena authorizing a one-year extension to the loan term to December 9, 2022.

SECTION 3. The City Council authorizes the City Manager to execute the necessary documentation for the extension.

Approved at a Regular Meeting of the St. Helena City Council on November 23, 2021, by the following vote:

Mayor Geoff Ellsworth: _____

Vice Mayor Paul Dohring: _____

Council Member Anna Chouteau: _____

Council Member Lester Hardy: _____

Council Member Eric Hall: _____

APPROVED:

ATTEST:

Geoff Ellsworth, Mayor

Cindy Tzaopoulos, City Clerk

Clare Barr
Public Comment
November 23, 2021

Good evening All,

My name is Clare Barr and I live in St. Helena. I am speaking tonight on behalf of an alliance of wine country communities called Stop Pacaso Now. When those of us in St. Helena started opposing Pacaso Timeshares earlier this year, we were soon to find out that there were thousands of citizens across wine country who were concerned and gearing up to fight Pacaso as well. Napa, Sonoma, Healdsburg, Dry Creek Valley and Calistoga are all being impacted by Pacaso. And we are hearing from other communities across the country. Newport Beach, Tahoe, Jackson Hole, Malibu and so many others are contacting us, asking advice, and joining us in their opposition. Turns out that communities have had enough of corporatization of their neighborhoods and are fighting back.

All of these communities are aware of the lawsuit. All are watching and applaud your courage in standing up to Pacaso's shameless attempt to intimidate our small town into accommodating their predatory timeshare scheme.

So thank you for taking on this fight and please know you have support not just from St. Helena, but across the country. This timeshare model that gobbles up mid-level family homes, circumvents regulations, and places a revolving door of transient occupancy in our quiet neighborhoods, should and will be stopped.

Clare Barr
St. Helena, Ca.

Cindy Tzaopoulos

From: CONNIE WILSON <clw1956@comcast.net>
Sent: Tuesday, November 23, 2021 8:02 AM
To: Public Comment
Subject: [External] City Council meeting November 23, 2021

Dear City Council Members,

Residents in Napa and Sonoma counties, southern California and other states have formed community alliances against Pacaso's encroachment into their residential neighborhoods. We understand you cannot make public comments pertaining to the Pacaso lawsuit; however, please know that many citizens here and in other communities affected by Pacaso support your stand in the lawsuit.

Pacaso currently owns at least 4 houses in residential areas of St. Helena. While they tout their desire to become part of our community, Pacaso has never reached out to concerned citizens regarding their intentions. Many local residents are alarmed that mid-level houses are being converted to vacation properties, contributing to the loss of housing and disruption that comes from unregulated transient occupancy.

This is a direct quote from the Pacaso blog: "We buy homes in neighborhoods with other top-tier vacation properties and a vibrant community of second homes." This statement could not be further from the truth in St. Helena. All of Pacaso's timeshares are located in generational, working-class residential neighborhoods, in direct violation of our municipal codes. Their vacation properties are next to senior citizens, retirees, local workers, and most concerning, families with young children. These neighbors know and interact with each other in our small community. Pacaso homes are all within walking distance of three schools, with much foot traffic from young children. With up to 8 different owners of Pacaso properties (each unknown to the other), neighbors will never know who is coming and going.

Residents care about affordable housing and the dwindling availability of rentals and lower-cost homes for themselves and their families. And they care about maintaining the sanctity, vibrancy and safety of their residential neighborhoods. They do not support Pacaso's bullying tactics of circumventing local zoning ordinances to make a profit from selling shares in transient occupancy vacation party houses.

Thank you for your continued attention to this important matter.

Connie Wilson

St. Helena

Cindy Tzaopoulos

From: Nancy Gardner <nancybobgardner@sbcglobal.net>
Sent: Tuesday, November 23, 2021 12:05 PM
To: Public Comment
Subject: [External] Pacaso Lawsuit

We live in Sonoma, on Old Winery Court, the cull de sac where Pacaso bought a home last May. Our group, Sonomans Together Opposing Pacaso (STOP), is doing all in our power to prevent this commercialization of our residential neighborhoods. Our group has joined forces with St. Helena and Healdsburg activists and have formed a Wine Country Coalition. We applaud the action taken by the City of St. Helena to prevent the invasion of Pacaso, which is clearly a time share, or transitory occupancy, in disguise. Thank you for your courageous action.

Nancy Gardner and Carl Sherrill
1410 Old Winery Court
Sonoma, CA. 95476
707-935-3705

Cindy Tzafopoulos

From: Susan McWilliams <susanmcwilliams@comcast.net>
Sent: Monday, November 22, 2021 11:39 AM
To: Public Comment
Subject: [External] Pacaso

To the city of St. Helena:

My husband and I moved to Kearney St. exactly 36 years ago this month, and while we have witnessed significant changes in town, none has threatened the fabric of community like Pacaso has. While some decry second homes in neighborhoods, many of us know our second-home owners as friendly neighbors who are part of St. Helena a significant portion of the year.

That is not the case with Pacaso timeshare owners, who are strangers unknown even to fellow owners of the same house. They can gift their stays to others, further increasing the ever-changing flow of strangers into residential neighborhoods, including those adjacent to schools. These houses have become party sites, with noise disturbing next-door neighbors.

Concerned St. Helenans have been actively opposing Pacaso for over half a year now, forming a strong alliance with residents of Napa, Sonoma, Healdsburg and Dry Creek Valley, whose neighborhoods have also been impacted. Other areas in California have reached out to our alliance. Boards of supervisors and state officials have been contacted. We maintain an informative website at www.stoppacasonow.com. We have worked diligently and succeeded in getting a considerable amount of press on the issue, including national publications like the Wall St. Journal. We are doing everything in our collective power to stop Pacaso and keep residential neighborhoods for resident families. It is not hyperbole to say that the eyes of the country are on St. Helena and the Pacaso lawsuit. We support St. Helena in this lawsuit and hope the city supports our efforts. The SLAPP ruling was encouraging; we wish the city continued success.

Sincerely,
 Susan McWilliams

Cindy Tzaopoulos

From: Pattie Dullea <pdullea27@gmail.com>
Sent: Tuesday, November 23, 2021 12:29 PM
To: Public Comment
Subject: [External] Pacaso Invasion of Neighborhoods

Dear St. Helena City Council,

In this week of giving thanks, we would like to thank you for your courage in trying to stop Pacaso's invasion into your neighborhoods. We are also grateful for your anticipation of what might possibly lie ahead for other wine country communities regarding Pacaso's gobbling up (pardon the Turkey pun) more precious single family homes in St. Helena and the wider Valley.

My husband and I, along with our neighbors on Rainier Avenue in Napa, banded together to oppose a Pacaso take over of a single family home on our block. We rallied, posted signs, had many meetings and conversations, and Pacaso ultimately resold the home to one owner. We are fortunate; but now our net has been cast in a wider direction as we continue to communicate and work with the wine country coalitions opposing Fractional ownerships in neighborhoods.

Best of luck to you and our utmost appreciation,

Pattie and Charlie Dullea
1600 Rainier Avenue
Napa, CA 94558
650-483-0896