



Report to the City Council
Council Meeting of October 11, 2016

Agenda Section: New Business

Subject: Request for Design Review and Building Permit Fee Waiver from Sun and Stars Montessori School totaling approximately \$3,162.32 and an Expedited Development Review Process

CEQA Determination: This action is exempt from the requirements of CEQA under the "General Rule", Section 15061 (b) (3), in that it can be seen with certainty that no environmental impacts will result from the action.

Prepared By: Noah Housh, Planning and Community Improvement Director *NH*

Approved By: *NH for* Jennifer Phillips, City Manager

BACKGROUND

On September 15, 2016, the Mayor and City Manager received a letter from the Sun and Stars Montessori School parents requesting that the City waive the required fee for Design Review for a project proposed at the Sun and Stars Montessori School. Specifically, the school has expressed interest in installing an (approximately) 500 square-foot shade structure in the rear of their property to provide a shaded area for their students. In response to this letter, the Mayor requested an item be placed on the Council agenda to discuss the request.

DISCUSSION

The City of St. Helena zoning code requires Design Review approval for "Any new building or structure or for exterior addition to, alteration of, or modification of any existing structure of building...", (Zoning Code Section 17.164.050). Based on this code language, staff determined that the request from Sun and Stars would require approval of a Design Review Exemption from the Planning Commission. If approved, the installation of the structure would further require review and issuance of a building permit to inspect the design and construction for compliance with the California Building Code. The fee for a Design Review Exemption is \$1,000. The fee for a building permit for a shade structure is identified as \$476.00 for the first 100 square-feet and \$197.00 for each additional 50 square-feet resulting in a total building permit cost of \$2162.32.

FISCAL IMPACT

The fiscal impacts to the City vary depending on the direction received from the Council regarding the request. If the Council chooses to waive the Design Review Exemption fee, the fiscal impact would be limited to the \$1,000 application/processing fee associated with this application. If the Council also chooses to waive the building permit fees, the total fiscal impact to the General Fund would be \$3,162.32.

Other impacts could also result if the Council directs staff to expedite the review of the planning and building permit applications as this would be accomplished through the referral of these applications to consultants for expedited review, or putting the review of this application before applications that are already in process.

RECOMMENDED ACTION

Staff requests that the Council discuss and provide direction on the request from Sun and Stars Montessori School to waive or significantly reduce the permitting costs for their shade structure, and their request to expedite the Design Review and building permit review processes.

ATTACHMENTS

1. Resolution
2. Letter Requesting Reduction in Permitting Costs and Expedited Review Process
3. Montessori Shade Structure Plans
4. Email Correspondence Between City staff and Montessori Management

**CITY OF ST. HELENA
RESOLUTION NO. 2016-**

**WAIVING DESIGN REVIEW AND BUILDING PERMIT FEES AND DIRECTING
STAFF TO EXPEDITE THE REVIEW PROCESS FOR
THE INSTALLATION OF A SHADE STRUCTURE AT SUN AND STARS
MONTESSORI SCHOOL, LOCATED AT 1425 OAK AVENUE**

RECITALS

A. The Sun and Stars Montessori School requested that the City of St. Helena waive Design Review and building permit fees, and expedite the review process for the installation of a shade structure at their daycare facility at 1425 Oak Avenue within the City of St. Helena.

B. The City Council discussed this recommendation at their October 11, 2016, meeting and agreed that this would be a good use of City funds to ensure adequate services and amenities are provided by a local child care provider within St. Helena.

RESOLUTION

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

1. Design Review and building permits fees shall be waived or reduced not to exceed a reduction of \$_____ and the review process expedited for the installation of a shade structure at 1425 Oak Avenue.

Approved at a Regular Meeting of the St. Helena City Council on October 11, 2016, by the following vote:

Mayor Galbraith: _____
Vice Mayor White: _____
Councilmember Crull: _____
Councilmember Dohring: _____
Councilmember Pitts: _____

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk



Sun and Stars Montessori School

September 15, 2016

Dear Mayor Galbraith and City Manager Phillips,

We are writing as concerned parents and invested community members regarding a critical and unresolved issue. The Sun and Stars Montessori School in Saint Helena is a long-standing provider of early education to our youngest citizens with a deep history of community engagement, including participation in Preschool for All. Our children attend the Sun and Stars Montessori School which, for nearly two years, has been attempting to work with the City in good faith to obtain approval for installation of an outdoor shade structure. This structure is intended to provide critically important shade to protect the health of our children's skin. In order to obtain appropriate clearances to proceed with the shade installation, the school's director and board members have been engaged in email correspondence, phone discussions, and in-person meetings with members of the City Administration. These communications have been difficult and unreliable, including inconsistent citations of fees associated with the approval process. Similarly, the plan design our school submitted to the City has received inconsistent and contradictory feedback.

Specifically, the most recent communication in August 2016 from the City indicated that our school must request a "design review exemption", the cost of which represents such a significant portion of the overall project that we will quite literally be priced out of the ability to provide shade to our children. In earlier communications, the Planning and Community Improvement Director assured the school that this fee would be waived due to the nature of the project. Subsequently, he informed the school Director that the fees will indeed be assigned, with the stated reason "After seeing the most recent proposal, it appears to be significantly larger than what was discussed last year." Meanwhile, the most recent proposal exactly matches the size presented to the City last year on October 13, 2015. The Sun and Stars Director and Board President requested an in-person meeting to attempt to resolve this inconsistency and were informed that a mistake had been made due to the Planner having been "new at the job" and the fees were to be applied. At best, this level of unreliability and unprofessionalism in dealing with a local business is surprising. At worst, it is obfuscating a local school's effort to care for the health of the youngest members of our community.

Of course, we understand and respect that the city has rules and regulations by which it must abide. We also understand that, as a nonprofit, the school will be unable to provide more than a nominal fee for getting its request through the legal proceedings of the city. The children in our school, as in others, spend time out-of-doors between the hours of 10 AM and 2 PM. These are, of course, the prime hours for sun over-exposure leading to the development of skin cancers including melanoma, a malignancy with a very high morbidity and mortality rate. Repeated exposure to strong UV rays puts our children at risk. The school itself is ready to proceed and has procured the funding for the shade itself as well as a contractor to properly install it.

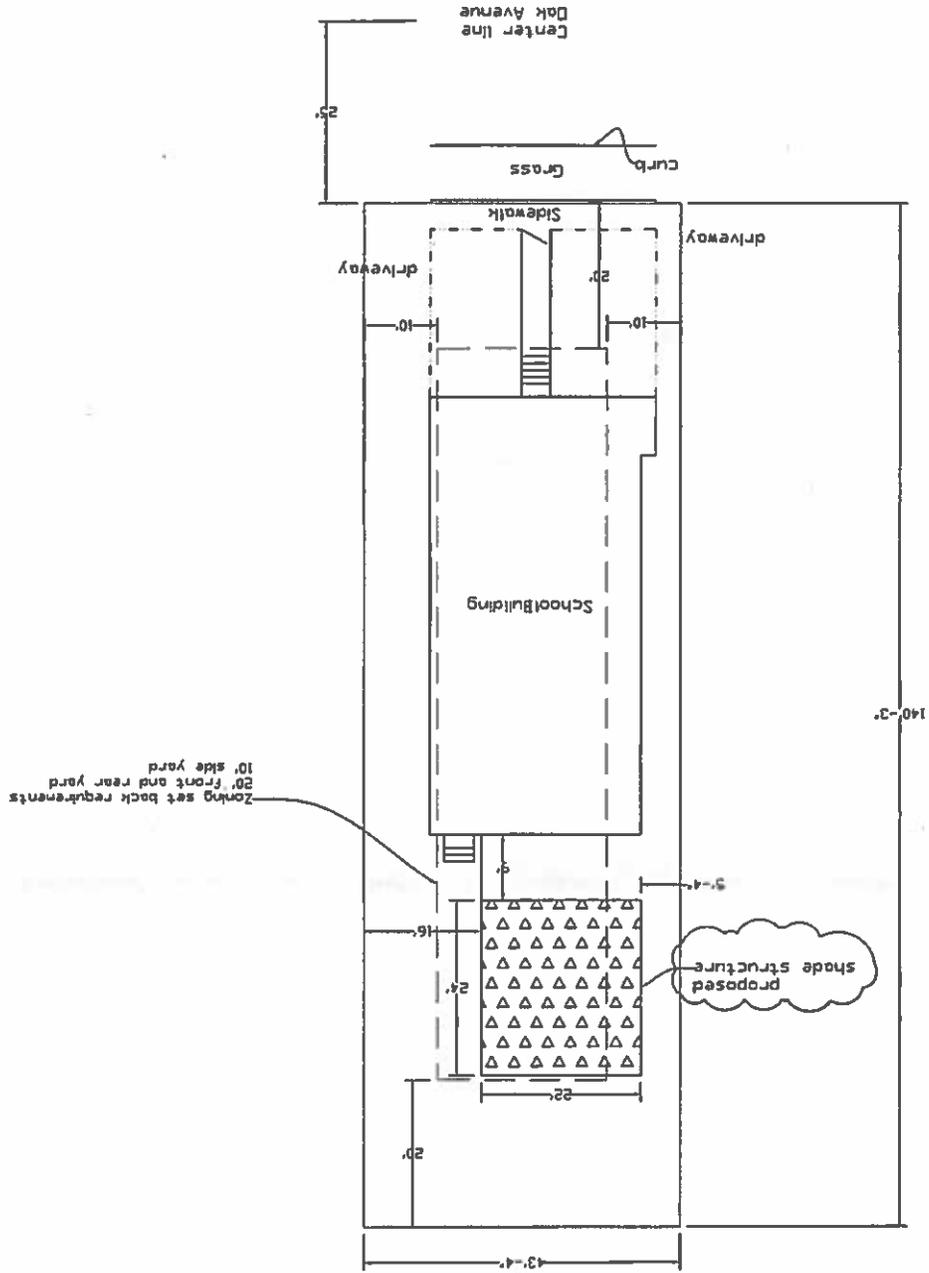
We respectfully request an exemption or significant reduction of the requisite fees to erect the structure as well as a streamlined timeline to approval. This is a public health issue as there are at least 45 students exposed unnecessarily on a daily basis. Our county already has a higher than average rate of childhood cancers and we are hopeful that the City will be eager to help us protect some of its most vulnerable citizens

We thank you for your prompt assistance in this matter.

Sincerely,

The families and staff of Sun and Stars Montessori School

1425 Oak Avenue St. Helena, CA 94574
Tel: (707) 967-1984 Fax: (707) 967-1985
e-mail: sunandstarsmontessori@gmail.com



009-224-020
Sun and Stars
Montessori
1425 Dak Avenue
1/2"=1'

Sun and Stars Montessori School

June 2, 2016

Dear Noah,

Thank you in advance for your assistance with our permit. We previously had a large tree that provided shade and it was taken down because it was dying. We need new shade to cover our preschool playground and block UV rays away from the children.

We would like to install an umbrella style, supported by 1 steel post and shade cloth to go above our playground equipment to provide shade for preschool children. It is extremely hot and sunny without any shade and it is difficult for the children to play outside most times of the day during the warm months of the year.

The proposed shade would be installed in the backyard of 1425 Oak Ave in St. Helena.

Thank you,

Tammy Harbison

Executive Director

1425 Oak Avenue St. Helena, CA 94574
Tel: (707) 967-1984 Fax: (707) 967-1985
e-mail: sunandstarsmontessori@gmail.com

Noah Housh

From: Sun and Stars Montessori <sunandstarsmontessori@gmail.com>
Sent: Tuesday, July 12, 2016 12:16 PM
To: Noah Housh
Subject: Re: FW: Sun and Stars shade structure support materials

Thank you Noah,
I feel confused, frustrated and I'm worried about the children this summer. Can we set up a time to meet on Monday, July 18?
I appreciate your commitment to helping with the process.

Tammy Harbison
Executive Director
Sun and Stars Montessori School
(707) 967-1984
www.sunandstarsmontessori.org

On Mon, Jul 11, 2016 at 5:09 PM, Noah Housh <NHoush@cityofstheleena.org> wrote:

Hi Tammy,

Unfortunately the code does not accommodate special privileges or accommodations for child care providers. I will advocate for them whenever I get the opportunity.

I believe the project should be found to qualify for a Design Review Exemption. Unfortunately, the Planning Commission must make that decision and the process to get the request before the Commission has a fee of \$1,000.

I am committed to helping you get through the process, so please contact me anytime you wish to discuss the application process. Thank you and I look forward to working with you on your project.

Noah Housh

Planning and Community Improvement Director

City of Saint Helena

(707) 968-2659

From: Sun and Stars Montessori [mailto:sunandstarsmontessori@gmail.com]
Sent: Monday, July 11, 2016 4:05 PM
To: Noah Housh
Subject: Re: FW: Sun and Stars shade structure support materials

Noah,

I am extremely disheartened by your response. As a member of the community and local business owner I am also shocked by how difficult and unreliable this process has been. We are a small business working to educate the children of our community and have been stymied by a simple request to erect a shade structure to protect them from being sunburned. We are now approaching two years of trying to get this project finished and by the looks of your latest email we are now not able to rely on anything that's been communicated thus far.

It is the nature of our organization that we rely heavily on volunteer work to keep afloat. The journey of trying to get this shade structure installed is no exception and each year our volunteer base changes dramatically with the graduation of our students. I have relied on different parents for different aspects of this process regarding everything from advice, to site plans, to finding an appropriate vendor; each of these individuals has their own schedule. My hope was to be able to visit city hall and receive the information necessary to carry out the project myself but instead was treated rudely, left more confused, and was told if I wanted to receive more information I would need to pay for it. I've been told to submit for a building permit but now I don't know if I'll be able to get approval.

Additionally, the latest communication stated that I will need to get a "design review exemption", the cost of which represents an obtusely significant portion of the overall project. In your earlier communications I received assurances that this fee would be waived due to the nature of the project, yet now this seems to no longer be the case and the only reason presented for the change in decision was given as "After seeing the most recent proposal, it appears to be significantly larger than what was discussed last year." Meanwhile the most recent proposal exactly matches the size presented to you last year on October 13th. In response to that email you reply "I believe we can find the project exempt from the Design Review requirements".

Tammy Harbison

Executive Director

Sun and Stars Montessori School

(707) 967-1984

www.sunandstarsmontessori.org

On Wed, Jul 6, 2016 at 12:59 PM, Noah Housh <NHoush@cityofstheleena.org> wrote:

Hi Tammy,

Below is my most recent conversation with Joshua. As you can see I have some unanswered questions that I would like answers to. Also, to be clear, no application for any City approvals has been filed.

After seeing the most recent proposal, it appears to be significantly larger than what was discussed last year. Given this, I do not see how a building permit for the shade structure can be issued without some type of planning approval.

A Design Review Exemption is the least costly planning process we have for exterior modifications and I feel it would be supported by staff based on the information I have.

The Design Review application is available on the Planning Department website and the fee is \$1,000.

<http://www.cityofstheleena.org/content/planning>

Noah Housh

Planning and Community Improvement Director

City of Saint Helena

(707) 968-2659

Hello Noah,

I hope all is well. I'm writing to check in on the status of our preschool shade paperwork submission for permit. What is the current status?

Thank you,

Tammy Harbison

Executive Director

Sun and Stars Montessori School

(707) 967-1984

www.sunandstarsmontessori.org

From: Joshua | Zwischen [mailto:joshua@zwischenbuilders.com]

Sent: Wednesday, June 29, 2016 1:43 PM

To: Noah Housh

Subject: Re: Sun and Stars shade structure support materials

Hi Noah,

I'm on the road and don't have the site plan. Help me out here, I recall the structure placed 5' from the property line with a required medium density accessory structure setback of 3' (it's an umbrella so the only ground contact is a single post)....

Joshua Parke

Owner

Zwischen

206 218 5615

On Jun 28, 2016, at 4:47 PM, Noah Housh <NHoush@cityofstheleena.org> wrote:

Hi Joshua,

Is there a reason the structure is not located within the setbacks required for the property? Also, can it be reduced in size? Finally what is the proposed height?

Noah Housh

Planning and Community Improvement Director

City of Saint Helena

(707) 968-2659

From: Joshua Parke [<mailto:joshua@zwischenbuilders.com>]

Sent: Monday, June 06, 2016 11:46 AM

To: Noah Housh

Subject: Sun and Stars shade structure support materials

Hi Noah,

Attached below you should find the following:

Letter of description for need.

Shade structure specifications.

Shade cloth fire certification.

Site plan showing proposed footprint of shade structure.

Please let me know if you need anything else or have any questions.