

**CITY OF ST. HELENA  
PLANNING DEPARTMENT 1480 MAIN STREET-ST. HELENA, CA 94574  
PLANNING COMMISSION**

**FEBRUARY 12, 2013**

**AGENDA ITEM: 7.2**

**2012-84:** Request by Elena Heil for an Extension of previously approved Use Permit and Design Review (2007-45 & 2010-03) for a parcel located at 880 College Avenue in the PQP: Public and Quasi-Public district. (APN: 009-070-042) (CEQA: Exempt)

**NOTE: This item has been recommended for consideration under the Consent Calendar**

**PREPARED BY:** Greg Desmond, Interim Planning Director

**APPLICATION FILED:** 10/26/2012

**ACCEPTED AS COMPLETE:** 12/4/2012

**LOCATION OF PROPERTY:** 880 College Avenue

**APN:** 009-070-042

**GENERAL PLAN:** Public Quasi-Public

**ZONING:** PQP: Public Quasi-Public

**APPLICANT/ PROPERTY OWNER:** Elena Heil

**PHONE:** 707.963.1527

**PROJECT DESCRIPTION:**

The St. Helena Montessori School is applying for an extension to a previously approved Use Permit and Design Review to allow 25,857 square feet of new classroom buildings, parking, play areas and a barn that was originally granted in 2007 (2007-45) and later amended (2010-03) to allow the school to temporarily locate two 2,160 square foot modular classrooms, a 1,056 square foot modular office, a 160 square foot restroom building and a trellis/deck to surround the structures on the site located at 880 College Avenue.

The school has been under construction since September, 2011. The construction schedule has been delayed for a number of reasons including the length of time required to obtain entitlements and the economic climate. To date project infrastructure and foundations have been completed and framing for the facilities is currently underway. Construction is anticipated to wrap up in the Fall of 2014.

**REQUIRED ACTIONS:**

1. Determination that the prior Negative Declaration adopted for the project is adequate pursuant to Section 15162 of the CEQA Guidelines which states that where a Negative Declaration has been prepared, no additional CEQA review is required unless there are substantial changes to the project.

2. Accept or reject the required findings and approve or deny an extension to a previously approved Use Permit and Design Review (2007-45 & 2010-03) temporarily locate two 2,160 square foot modular classrooms, a 1,056 square foot modular office, a 160 square foot restroom building, and a trellis and deck to surround the structures on property located at 880 College Avenue.

### **ANALYSIS: GENERAL PLAN**

The land use designation for the subject site is Agriculture. The General Plan description states that “The AG designation provides for agricultural uses, wineries, single-family residences, and public and quasi-public uses”.

### **ANALYSIS: ZONING**

The property is designated PQP: Public Quasi-Public. In 2009, the site was rezoned to Public Quasi-Public for the 9.0 acres within the Urban Limit Line to allow for a private school on the site. The eastern 11.66 acres remains outside the Urban Limit Line and is zoned A-20: Twenty-Acre Agriculture.

### **ANALYSIS: CEQA**

A Negative Declaration was adopted for the project in 2009. Section 15162 of the CEQA Guidelines stipulates that where a Negative Declaration or EIR has been prepared, no additional CEQA review is required unless there are substantial changes to the project.

### **ANALYSIS: USE PERMIT EXTENSION**

Section 17.08.130 Extension of permits and approvals of the St Helena Municipal Code provides the following language regarding Use Permit Extensions:

*Provided that an application is filed at least thirty (30) days prior to its expiration date, a permit (i.e., use permit, variance, etc.) or other discretionary approval, excluding planned development permit, may be extended for not more than two one-year periods, or for as long as any subdivision concurrently approved is extended, whichever is longer. The procedure and findings for the approval of an extension shall be that required by this title for the original permit or approval. Such extensions may be granted subject to additional conditions or amendments; however, if the permit or other discretionary approval is no longer in conformance with this title, general plan, or other city regulations, no extension shall be granted. A permit or other discretionary approval shall remain valid during the time an application for an extension is processed and considered by the appropriate decision-making body.*

### **ANALYSIS: USE PERMIT FINDINGS**

The Planning Commission must make the following Use Permit Amendment findings to support the motion to approve the Use Permit:

1. *That the proposed use would not generate odors, fumes, dust, light, glare, radiation or refuse that would be injurious to surrounding uses or to the community.*
2. *That the proposed use would not generate levels of noise that adversely affect the health, safety, or welfare of neighboring properties or uses.*

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

**STAFF COMMENTS / RECOMMENDATIONS**

The applicant has secured building permits and construction is under way for this project. The request is for a two (2) year extension, however, our regulations only allow for extensions of one year at a time. The applicant will be required to apply for an additional one (1) year extension if required in 2014. Staff concludes that the Use Permit findings can be made for an extension of time and recommends approval subject to the conditions of approval outlined in permit 2010-03.

**PLANNING COMMISSION ACTION**

1. Determination that the prior Negative Declaration adopted for the project is adequate pursuant to Section 15162 of the CEQA Guidelines which states that where a Negative Declaration has been prepared, no additional CEQA review is required unless there are substantial changes to the project.
2. Accept or reject the required findings and approve or deny an extension to a previously approved Use Permit and Design Review (2007-45 & 2010-03) temporarily locate two 2,160 square foot modular classrooms, a 1,056 square foot modular office, a 160 square foot restroom building, and a trellis and deck to surround the structures on property located at 880 College Avenue.

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RECEIVED

October 26, 2012

OCT 26 2012

Greg Desmond  
Planning Director  
City of St. Helena  
1480 Main Street  
St. Helena, CA 94574

CITY OF ST. HELENA

Dear Mr. Desmond,

The St. Helena Montessori School is formally requesting an extension of it's Use Permit Amendment and Design Review No. 2010-03. We request an extension of two years with the option to extend beyond if circumstances warrant an additional extension. The St. Helena Montessori School originally was granted the Use Permit Amendment to allow temporary placement of modular classrooms for a two year period at its 880 College Ave campus to provide classroom space during the permitting and construction phases of the new permanent classroom buildings. There have been numerous circumstances that have delayed the construction of our permanent classroom buildings, which necessitate this request.

First, it took over a year from the time we received the use permit amendment to receive building permit approvals for the project from the City. Secondly, the recession has slowed our fundraising efforts, necessitating a phased approach to our building process. Since the time we purchased our permits on September 20, 2011 we have built the infrastructure (storm drain systems, utility structures and conduits, water and sewer systems and parking lot) and the foundations for four of the six permitted buildings. We are beginning the framing for Buildings A, B, C and D next week with a projected schedule to finish to occupy building C for the Fall of 2013 and buildings A, B and D to be finished by Fall of 2014. But, as you are aware, building, building scheduling and fundraising are far from an exact science. We have endeavored, to the best of our ability, to move our project along and I think, understandably, it has taken more time than anyone could have predicted.

We thank you for your consideration in this matter and please, feel free to contact us with any questions you may have.

Sincerely yours,



Elena Heil  
Head of School

**CITY OF ST. HELENA  
PLANNING DEPARTMENT 1480 MAIN STREET-ST. HELENA, CA 94574  
PLANNING COMMISSION**

**February 16, 2010  
(Continued from February 2, 2010)**

**AGENDA ITEM: 8.2**

**2010-03:** Request of **ALEXANDER HEIL** representing the **ST. HELENA MONTESSORI SCHOOL** for an **AMENDMENT** to a previously approved **USE PERMIT AND DESIGN REVIEW (2007-45)** to temporarily locate two modular classrooms, a modular office, a restroom building, and trellis and deck to surround the structures on property located at **880 COLLEGE AVENUE**, in the PQP: Public and Quasi-Public zoning district. The Amendment is requested due to fire damage which has made portions of the existing school on Spring Street unusable. (APN: 009-070-042) (Prior Neg. Dec.: Adequate)

**PREPARED BY:** Shelley Mills, Associate Planner

**REVIEWED BY:** Carol Poole, Planning Director

**APPLICATION FILED:** 1/19/10      **ACCEPTED AS COMPLETE:** 1/19/10

**LOCATION OF PROPERTY:** 880 College Avenue

**APN:** 009-070-042

**GENERAL PLAN:** Agriculture

**ZONING:** PQP: Public & Quasi Public/A-20: Twenty-Acre Agriculture

**APPLICANT:** Alexander Heil for St. Helena Montessori School    **PHONE:** (707) 963-1527

**PROPERTY OWNER:** Trigemini, LLC

**PROJECT DESCRIPTION:**

The St. Helena Montessori School is applying for an Amendment to a previously approved Use Permit and Design Review 2007-45 to allow the school to temporarily locate two 2,160 square foot modular classrooms, a 1,056 square foot modular office, a 160 square foot restroom building, and a trellis and deck to surround the structures on the site located at 880 College Avenue. The total proposed building area is 5,696 square feet.

### **PROJECT BACKGROUND:**

On the evening of Tuesday, December 29, 2009, a fire broke out in the St. Helena Montessori Primary I Classroom, destroying it and the adjacent administrative offices. Demolition and installation of new modular classrooms and offices are not possible without an additional three to four-week shutdown of the entire school operation at the home campus at 1343 Spring Street.

Landlords and friends from Grace Church offered the Newton Room at Bourn Hall as a temporary classroom space. With donated furniture and materials, St. Helena Montessori School resumed operations for the displaced 34 students on Monday, January 13<sup>th</sup> after two weeks of missed classes. These 3-6 year-old students must still cross Spring Street to use the State-licensed playground. Additionally, the classroom must be “put away” for other uses of the Newton Room on a frequent basis. The current situation is a stop-gap solution.

On May 12, 2009, the St. Helena City Council granted a Use Permit approval (2007-45) to allow the St. Helena Montessori and Nimbus Arts Center to develop a joint-use campus for education and art programming, located at 880 College Avenue. Plans are nearing completion and both organizations are actively seeking donations to raise the funds necessary for its construction.

Faced with the prospect of rebuilding at 1343 Spring Street in a rental situation that it has already outgrown, St. Helena Montessori parents and staff feel that it would be a better situation, financially and for the students welfare, to relocate some students to the 880 College Avenue property on an interim basis while the funds are secured to build the entire campus.

### **REQUIRED ACTIONS:**

1. Determination that the prior Negative Declaration adopted for the project Section is adequate pursuant to Section 15162 of the CEQA Guidelines which states that where a Negative Declaration has been prepared, no additional CEQA review is required unless there are substantial changes to the project.
2. Accept or reject the required findings and approve or deny an amendment to a previously approved Use Permit and Design Review (2007-45) to temporarily locate two 2,160 square foot modular classrooms, a 1,056 square foot modular office, a 160 square foot restroom building, and a trellis and deck to surround the structures on property located at 880 College Avenue.

### **ANALYSIS: GENERAL PLAN**

The land use designation for the subject site is Agriculture. The General Plan description states that “The AG designation provides for agricultural uses, wineries, single-family residences, and public and quasi-public uses”.

### **ANALYSIS: ZONING**

The property is designated PQP: Public & Quasi Public. In 2009, the site was rezoned to Public/Quasi-Public for the 9.0 acres within the Urban Limit Line to allow for a private school on the site. The eastern 11.66 acres remains outside the Urban Limit Line and is zoned A-20: Twenty-Acre Agriculture.

**ANALYSIS: CEQA**

A Negative Declaration was adopted for the project in 2009. Section 15162 of the CEQA Guidelines stipulates that where a Negative Declaration or EIR has been prepared, no additional CEQA review is required unless there are substantial changes to the project. The prior Negative Declaration analyzed the impacts of up to 25,000 square feet of new commercial development on the site.

Staff has determined that the prior Negative Declaration is an adequate analysis of the potential impacts of the construction of 5,696 square foot modular classrooms and buildings on the subject site.

**ANALYSIS: USE PERMIT AMENDMENT**

The St. Helena Montessori School is applying for an Amendment to Use Permit 2007-45 which was approved to allow 25,857 square feet of new classroom buildings, parking, play areas, and agriculture barn. This enabled the relocation of the preschool and elementary school from Spring Street, an addition of a toddler and middle school program, relocation of the Nimbus Arts Center to the site, and an addition of an agricultural component to the school curriculum.

Phasing

St. Helena Montessori School is proceeding with development of the school campus and subject to the Planning Commission’s approval of the proposed Use Permit Amendment submits the proposed schedule of phasing for the new campus:

<i>February 2010</i>	<i>Approval of Use Permit Amendment Demolition Permit Application Submitted (for existing abandoned buildings)</i>
<i>March 2010</i>	<i>Demolition Commences Grading Permit Application Submitted Septic System Permit Application Submitted Water System Permit Application Submitted</i>
<i>April 2010</i>	<i>Demolition Concludes Grading Commences Installation of Septic System Commences Installation of Water System Commences</i>

<i>May 2010</i>	<i>Septic System Completed Water System Completed</i>
<i>June 2010</i>	<i>Construction of Modular Classrooms Commences</i>
<i>August 2010</i>	<i>Modular Classrooms Completed &amp; Occupied</i>
<i>September 2012</i>	<i>Modular Classrooms Removed &amp; Completion of Permanent Structures</i>

The applicant is proposing to hook-up the modular classrooms to the well and septic systems rather than pursuing a hook-up to City services. If the Use Permit Amendment is approved, a condition of approval shall be required that the temporary classrooms shall be removed by September 2012 and prior to occupancy of permanent classroom buildings or, an extension of time shall be applied for.

Landscaping

The applicant is requesting to defer landscaping until the permanent campus is constructed. The proposed modular classroom is sited as far away from the adjacent residence as possible. The adjacent neighbor has planted a double row of mature olive trees on his property which will fully screen this property from the proposed classrooms (see photos in Exhibit “B”).

Art Center

St. Helena Montessori School (SHMS) will utilize the classroom buildings throughout the school year. Nimbus Arts will offer programming during school holidays and summer vacation. In addition, both SHMS and Nimbus will share use of the office building. This building would serve as the job-site trailer during construction of the full campus.

Zoning Code Section 17.136.090(E) states that the Planning Director may approve the placement of a temporary mobile office at an approved construction site for a one year period or for the duration of the construction.

Agricultural Education

SHMS will continue to farm the land and use it as the primary staging area for all of its agricultural education. Additionally, Nimbus Arts will be able to expand its agricultural programming with this immediate access to the farmland.

Fire Sprinklers

Municipal Code 15.36, Adopting and Amending the 2007 California Fire Code, requires the installation of an approved automatic sprinkler system in the temporary buildings.

### Accessibility

Building Code requires compliance with ADA accessibility standards of Title 24 in the temporary buildings.

### Recycling

The property owner shall provide for the source separation of wood waste for recycling of the demolished homes. The structures are old and deteriorated; there is little material suitable for re-use.

### **ANALYSIS: REQUIRED FINDINGS**

Section 17.168 of the Zoning Ordinance requires the Planning Commission to make the following findings prior to approval of the Use Permit or Use Permit Amendment application.

- a) That the proposed use would not generate odors, fumes, light, glare, radiation or refuse that would be injurious to surrounding uses or to the community.
- b) That the proposed use would not generate levels of noise that adversely affect the health, safety or welfare of neighboring properties or uses.
- c) That the proposed use would not generate traffic noise in excess of the “normally acceptable” range identified in the General Plan.
- d) That the proposed use would not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection and fire protection.
- e) That the proposed use would provide adequate ingress and egress to and from the proposed location.
- f) That allowing the proposed use would not conflict with the City’s goal of maintaining the economic viability of a local serving economy.
- g) That the proposed use would be compatible with surrounding land uses and would not conflict with the purpose established for the district within which it would be located.
- h) That the proposed would not be in conflict with the City’s General Plan.
- i) That the proposed project would not be injurious to public health, safety or welfare.
- j) That granting the Use Permit would not set a precedent for the approval of similar uses whose incremental effect would be detrimental to the City or would be in conflict with the General Plan.
- k) That as demonstrated on a detailed plan submitted by the applicant, adequate off-street parking to accommodate the long-term parking needs of employees and business owners and customers is available.
- l) That the capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use.

### **ANALYSIS: DESIGN REVIEW**

The purpose of Design Review is to, among other things, promote the qualities that bring value to the community and foster attractiveness and functional utility of the community as a place to

live and work. Zoning Ordinance Section 17.164.030 establishes the design criteria under which applications should be considered.

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 should be considered by the Planning Commission in review of this application (Zoning Ordinance Section 17.164.030):

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

16. *Whether plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety which is suitable to the climate of St. Helena;*
17. *Whether sustainability and climate protection are promoted through the use of green building practices such as appropriate site/architectural design, use of green building materials, energy efficient systems and water efficient landscape materials.*

### Green Building

The adopted 2009 Housing Element of the General Plan includes Goal 5, Resource Conservation and policies to *Encourage alternative energy sources* and *Encourage energy and resource conservation*.

The permanent structures shall comply with Green Building measures and the applicant shall submit building design plans with the LEED Gold or Silver specifications and checklist for compliance with requirements (see attached Conditions/Mitigations from the previously approved project 2007-45).

### **STAFF COMMENTS/RECOMMENDATIONS**

Staff is in support of the application in that after a catastrophic loss, occupancy of a modular school classroom during the period of construction of permanent classroom buildings for which a valid building permit is in force, is an appropriate use on the subject parcel. Staff believes the required findings can be made and that the project will have a positive impact on the public health, safety and welfare.

### **PLANNING COMMISSION ACTION:**

1. Determine that the prior Negative Declaration adopted for the project Section is adequate pursuant to Section 15162 of the CEQA Guidelines which states that where a Negative Declaration has been prepared, no additional CEQA review is required unless there are substantial changes to the project.
2. Accept or reject the required findings and approve or deny an amendment to a previously approved Use Permit and Design Review (2007-45) to temporarily locate two 2,160 square foot modular classrooms, a 1,056 square foot modular office, a 160 square foot restroom building, and a trellis and deck to surround the structures on property located at 880 College Avenue.

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Separate Attachment for Commissioners:

11" x 17" Site Plan

Conditions/Mitigations for Previously Approved Project 2007-45

**USE PERMIT AMENDMENT AND DESIGN REVIEW NO. 2010-03**

**USE PERMIT AMENDMENT AND DESIGN REVIEW  
OF THE CITY OF ST. HELENA  
STATE OF CALIFORNIA, GRANTED TO  
ST. HELENA MONTESSORI SCHOOL  
880 COLLEGE AVENUE**

PROPERTY OWNER: Trigeminus, LLC

APN: 009-070-042

Recitals

1. The St. Helena Montessori School has applied for an Amendment to a previously approved Use Permit and Design Review (2007-45) to allow the school to temporarily locate two 2,160 square foot modular classrooms, a 1,056 square foot modular office, a 160 square foot restroom building, and a trellis and deck to surround the structures on the site located at 880 College Avenue.
2. The Planning Commission held a noticed public hearing on the Use Permit Amendment and Design Review on February 16, 2010.

Resolution

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

- A. A Negative Declaration was adopted for the project in 2009. Section 15162 of the CEQA Guidelines stipulates that where a Negative Declaration or EIR has been prepared, no additional CEQA review is required unless there are substantial changes to the project. The prior Negative Declaration analyzed the impacts of up to 25,000 square feet of new commercial development on the site. The Planning Commission determined that the prior Negative Declaration is an adequate analysis of the potential impacts of the construction of 5,696 square foot modular classrooms and buildings on the subject site.
- B. The Planning Commission makes the following Use Permit findings, Section 17.168.050, to support the motion to approve a Use Permit Amendment to allow the proposed use:
  1. That the proposed use would not generate odors, fumes, dust, light, glare, radiation or refuse that would be injurious to surrounding uses or to the community.
  2. That the proposed use would not generate levels of noise that adversely affect the health, safety, or welfare of neighboring properties or uses.
  3. That the proposed use would not generate traffic noise in excess of the "normally acceptable" range identified in the General Plan.

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

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

The purpose of Design Review is:

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

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

1. Consistency and compatibility with applicable elements of the general plan;
2. Compatibility of design with the immediate environment of the site;
3. Relationship of the design to the site;
4. Determination that the design is compatible in areas considered by the board as having a unified design or historical character;
5. Whether the design promotes harmonious transition in scale and character in areas between different designated land use;
6. Compatibility with future construction both on and off the site;
7. Whether the architectural design of structures and their materials and colors are appropriate to the function of the project;

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

The Planning Commission finds that the following goal and policies of the 2002 Housing Element of the General Plan (Chapter 6: Goals, Policies and Five-Year Action Plan) support conditions of approval to require green building practices:

Goal 5: Resource Conservation. Promote resource conservation by encouraging housing types and designs that use fewer resources (water, electricity, etc.) and therefore cost less to operate over time, supporting long-term housing affordability.

Policy 5A: Alternative Energy Sources

*5A-1 Promote the use of solar energy. Adopt a 'solar access ordinance' to assure solar access in all new development.*

*5A-2 Promote use the use alternative energy technologies. Encourage use of solar and wind energy in new and rehabilitated housing.*

*5A-3 Provide public information on alternative energy technologies for residential developers, contractors, and property owners.*

Policy 5B: Encourage Energy Conservation

*5B-1 Promote the energy conservation measures in all new and rehabilitated housing.*

*5B-2 Require cost-effective energy conservation measures in new housing to promote long-term affordability for occupants.*

*5B-3 Provide low-interest loans for implementation of energy conservation measures.*

*5B-4 Provide public information on energy conservation measures for homeowners, tenants, developers, contractors and property owners.*

D. The Planning Commission approves the Use Permit Amendment and Design Review as follows:

1. The Use Permit Amendment shall be vested within one (1) year from the date of approval. A building permit for the use allowed under this Use Permit Amendment shall have been obtained within one (1) year from the effective date of the Use Permit Amendment or the Use Permit Amendment shall expire; provided however that the Use Permit Amendment may be extended for up to two (2) one-year periods pursuant to the St. Helena Municipal Code, Section 17.08.130, Extension of Permits and Approvals.
2. This permit is valid for the use described above. New permits must be applied for upon any change in use. These permits will expire if the use is discontinued pursuant to then existing ordinances and regulations.
3. The Use Permit Amendment shall not become effective until fourteen (14) calendar days after approval, providing that the action is not appealed by the City Council or any other interested party within that 14 day period.
4. Any request for an extension of the Use Permit Amendment must be justified in writing and received by the Planning Department at least thirty (30) days prior to expiration.
5. All required fees, including planning fees, development fees, building fees and toilet retrofit fees shall be paid prior to issuance of building permit. Fees shall be those in effect at the time of the issuance of the building permit.
6. Compliance with all permit conditions shall occur in accordance with specific regulations but in all cases no later than prior to occupancy or initiation of use unless another time is set by law or by this approval. Occupancy or final inspection of a project may be withheld if all conditions, including payment of fees for services rendered by the City, are not met.
7. The applicant will defend and indemnify and hold the City, its agents, officers, and employees harmless of any claim, action or proceedings to attack, set aside, void or annul an approval so long as the City promptly notifies the applicant of any such claim, action, or proceedings and the City cooperates fully in the defense of the action or proceedings.
8. Provided they are in general compliance with the Use Permit, minor modification may be approved by the Planning Director.
9. This Use Permit Amendment shall run with the land and shall be binding upon all parties having any right, title or interest in the real property or any part thereof, their heirs, successors and assigns, and shall inure to their benefit and benefit of the City of St. Helena.

10. The primary purpose of this review is for compliance with the General Plan and Zoning Ordinance. The owner/applicant is responsible for meeting with the Building Official / Fire Inspector to review compliance with Building and Fire Codes, including fire protection systems and the accessibility standards of Title 24.
11. Use shall be in compliance with plans dated February 16, 2010.
12. The temporary modular classrooms and accessory buildings shall be removed by September 2012 and prior to occupancy of permanent classroom buildings or, an extension of time shall be applied for.
13. A fully automatic sprinkler system shall be installed in the building. The system shall be approved by the Fire Marshal prior to issuance of building permit and fully operational prior to issuance of certificate of occupancy.
14. The property owner shall provide for the source separation of wood waste for recycling of the demolished homes.
15. Exterior lighting shall be directed or shielded to prevent glare onto the public roadway or adjacent properties.
16. Fire equipment shall be inspected annually by the Fire Department.
17. To reduce disturbance of residents in the project vicinity, construction activities which generate noise that can be heard at the property line of any parcel of real property within the City limits shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Saturday. Delivery of materials/equipment and cleaning and servicing of machines/equipment shall be limited to 7:00 a.m. to 6:00 p.m. Exceptions to these time restrictions may be granted by the Public Works Director for one of the following reasons: (1) inclement weather affecting work, (2) emergency work, or (3) other work, if work and equipment will not create noise that may be unreasonably offensive to neighbors as to constitute a nuisance. The City Engineer must be notified and give approval in advance of such work. No construction activities shall occur on Sundays or federal or local holidays that generate noise that can be heard at the property line of any parcel of real property within the City limits.

**I HEREBY CERTIFY** that the foregoing Use Permit Amendment and Design Review was duly and regularly approved by the Planning Commission of the City of St. Helena at a regular meeting of said Planning Commission held on February 16, 2010 by the following roll call vote:

**AYES: COMMISSIONERS KATZ, ERICSON, GALBRAITH, &  
CHAIRMAN MCCREA**  
**NOES: NONE**  
**ABSENT: NONE**  
**ABSTAIN: COMMISSIONER WHITE**

  
\_\_\_\_\_  
Carol Poole, Planning Director

X   
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Elena Heil, St. Helena Montessori School