

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

AUGUST 2, 2016

AGENDA ITEM: 6

FILE NUMBER: PL16-044

SUBJECT: Val Toland on behalf of Todd and Dana Green requests Use Permit approval to replace a fence on the corner of Spring Mountain Court and Spring Mountain Road with a new fence/stone wall combination on the property located at 1945 Spring Mountain Road in the MR: Medium Density Residential district.

PREPARED BY: Aaron Hecock, Senior Planner

REVIEWED BY: Noah Housh, Planning Director

APPLICATION FILED: 6/23/2016

ACCEPTED AS COMPLETE: 7/19/2016

LOCATION OF PROPERTY: 1945 Spring Mountain Road

APN: 009-411-053

GENERAL PLAN/ZONING: MR: Medium Density Residential

APPLICANT: Val Toland

PHONE: (925) 890-9223

PROJECT DESCRIPTION

The applicant wishes to construct a 6' tall redwood fence approximately 2' from the property line along Spring Mountain Road; a 6' tall stone wall along the corner of the property outside the visibility triangle; and a new stone wall with associated columns and a new entry gate to the front of the house on Spring Mountain Court. A Use Permit is required because the new fencing and walls would be located within the required setback fronting Spring Mountain Road. It should be noted that this corner has historically been planted with and shielded by dense landscaping behind which was a previously existing fence. New owners of the property, unaware of City fencing regulations subsequently removed the previously existing fence and much of the landscaping in order to replace it. In addition, there is existing fencing and an entry gate along Spring Mountain Court that the applicant would like to repair and replace.

ANALYSIS

CEQA

The project is exempt from the requirements of CEQA pursuant to Section 15303, which exempts the construction or conversion of small structures including single-family residences, garages, pools, fences, etc.

GENERAL PLAN / ZONING

The property has a General Plan and Zoning designation of Medium Density Residential (MR). This district provides for single-family detached homes, accessory dwelling units and other compatible uses.

Pursuant to Municipal Code Section 17.120.010 (Walls, Fences and Hedges), when located in a rear or side yard, walls and fences up to eight feet in height may be permitted with the approval of a use permit by the planning commission. Municipal Code Section 17.140.030 (Nonconforming buildings or structures), permits the applicant to repair and remodel the existing fencing and entry gate fronting Spring Mountain Court. Furthermore, Municipal Code Section 17.112.060(C) (Projections into required yards and setbacks) permits landscape features and structures such as ornamental gate archways having a height of not more than eight feet.

USE PERMIT

The purpose of a use permit is to allow the proper integration of essential or desirable uses which may be suitable only in certain locations or zoning districts in the City, or to ensure that such uses are designed or arranged on the site in a particular manner. In its review of applications for use permits, the Planning Commission shall evaluate each proposed use in order to consider its impact on the City. Pursuant to Municipal Code Section 17.168 050, no use permit shall be granted unless all of the following general findings can be made:

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.

Staff finds that the project meets and/or complies with the required findings to approve a Use Permit as identified above. The findings included in the attached resolution identify this compliance. Due to the existing stop sign and configuration of the intersection and the fact that no fencing will be located in the visibility triangle, staff has no concerns about the proposed fencing creating any safety issues. Furthermore, fencing and landscaping has historically been located in the same location. The proposed fencing and walls will not have a negative impact on surrounding properties and will visually enhance the aesthetic of the intersection while providing the applicant privacy in what is essentially their backyard.

CORRESPONDENCE

As of the completion of this report, no comments on the proposed project have been received by staff.

STAFF RECOMMENDATION

The proposed fencing and walls will not be located in the visibility triangle, will not have a negative impact on adjacent properties and will aesthetically enhance the intersection. For these reasons, staff is in support of the application and recommends that the Planning Commission:

1. Determine that the project is exempt from the requirements of CEQA pursuant to Section 15303, which exempts the construction fences.
2. Approve the request for a Use Permit to construct new fencing and walls on the property located at 1945 Spring Mountain Road.

ATTACHMENTS

1. Resolution / Conditions of Approval
2. APN Map
3. Aerial Photo
4. Fencing Exhibits

**CITY OF ST. HELENA, STATE OF CALIFORNIA
USE PERMIT NO. PL16-044
GRANTED TO 1945 SPRING MOUNTAIN ROAD**

PROPERTY OWNER: Todd and Dana Green

APN: 009-411-053

RECITALS

1. Todd and Dana Green request Use Permit approval to replace a fence on the corner of Spring Mountain Court and Spring Mountain Road with a new fence/stone wall combination on the property located at 1945 Spring Mountain Road in the MR: Medium Density Residential district.

RESOLUTION

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

- A. The Planning Commission hereby finds that this project is exempt from the California Environmental Quality Act pursuant to Section 15303, which exempts the construction or conversion of small structures including single-family residences, garages, pools, fences, etc.
- B. Pursuant to Municipal Code Section 17.168.050, the Planning Commission makes the following use permit findings to support the motion to approve the use permit:
 1. *That the proposed use would not generate odors, fumes, dust, light, glare, radiation or refuse that would be injurious to surrounding uses or to the community.*
 2. *That the proposed use would not generate levels of noise that adversely affect the health, safety, or welfare of neighboring properties or uses.*
 3. *That the proposed use would not generate traffic noise in excess of the "normally acceptable" range identified in the General Plan.*
 4. *That the proposed use would not make excessive demands on the provision of public services including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection.*
 5. *That the proposed use would provide adequate ingress and egress to and from the proposed location.*
 6. *That allowing the proposed use would not conflict with the City's goal of maintaining the economic viability of a local serving economy.*
 7. *That the proposed use would be compatible with surrounding land uses and would not conflict with the purpose established for the district within which it would be located.*
 8. *That the proposed use would not be in conflict with the City's General Plan.*
 9. *That the proposed use would not be injurious to public health, safety, or welfare.*
 10. *That granting the use permit would not set a precedent for the approval of similar uses whose incremental effect would be detrimental to the City or would be in conflict with the General Plan.*

11. That, as demonstrated on a detailed plan submitted by the applicant, adequate off-street parking to accommodate the long term parking needs of employees and business owners and customers is available.

12. That the capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use.

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

1. The Permits shall be vested within one (1) year from the date of approval. The Permits may be extended for up to two (2) one-year periods pursuant to the St. Helena Municipal Code, Section 17.08.130, Extension of Permits and Approvals. Any request for an extension of the Sign Permit and Use Permit must be justified in writing and received by the Planning Department at least thirty (30) days prior to expiration.
2. This permits are valid for this use only. New permits must be applied for upon any change in use. These permits will expire if the use is discontinued pursuant to existing ordinances and regulations.
3. 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.
4. This Use Permit shall run with the land and shall be binding upon all parties having any right, title or interest in the real property or any part thereof, their heirs, successors and assigns, and shall inure to their benefit and benefit of the City of St. Helena.
5. The fencing and walls authorized by this Use Permit shall conform to the details and dimensions shown on the Exhibits which were reviewed and approved by the Planning Commission at their August 2, 2016 meeting.
6. An Encroachment Permit shall be obtained by the applicant prior to installation of the fencing and walls if work involves locating of any person or structure on public property, such as a sidewalk, driveway, or street, if necessary.
7. Provided they are in general compliance with this approval, minor modifications may be approved by the Planning Director.
8. 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.

9. 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.
10. No added drainage from the new hardscape, roofs, decks, pools or roof improvements shall be allowed to leave the site. The grading and/or site improvement plans shall provide a method to address how drainage will be treated, detained, diverted and infiltrated on site and at the property lines to prevent inundation of neighboring properties.
11. Erosion and sediment control plans shall conform to the latest State and City codes at a minimum.
12. Site plan shall show location of any trees within the project area.
13. Remodels or new construction which require fire sprinklers shall install an appropriately-sized water service with appropriate backflow and meter devices prior to Certificate of Occupancy. Fire system calculations shall be submitted with the Grading and Drainage Plan to verify fire service lateral and meter sizing. Deferred submittals are not accepted.
14. 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.
15. An encroachment permit shall be required for any work performed in the public right of way.
16. Shrubs, bushes, fences, and other improvements are restricted to 24 inches in height and trees maintained to a clearance of 7 feet above ground within the visibility triangle as shown on City Standard No. 324.

I HEREBY CERTIFY that the foregoing sign permit was duly and regularly approved by the Planning Commission of the City of St. Helena at a regular meeting of said Planning Commission held on August 2, 2016 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

ATTEST:

Grace Kistner
Chair, Planning Commission

Noah Housh
Planning Director

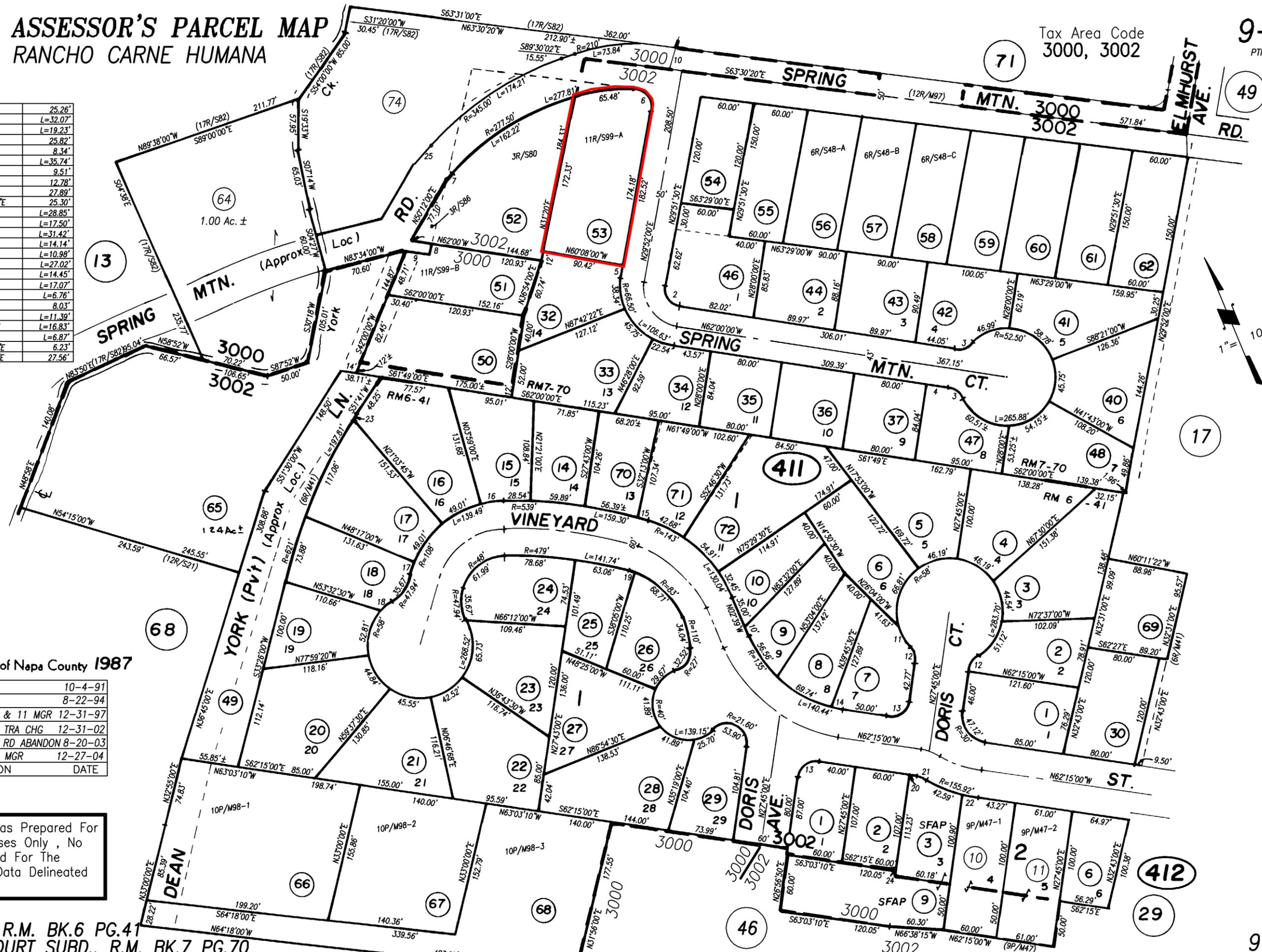
COUNTY ASSESSOR'S PARCEL MAP

PTN. RANCHO CARNE HUMANA

Tax Area Code
3000, 3002

9-41
PTN. 9-37

| | | |
|-----|-------------|----------|
| 1. | N18°25'E | 25.26' |
| 2. | R=20' | L=32.07' |
| 3. | R=20' | L=19.23' |
| 4. | N62°00'W | 25.82' |
| 5. | N29°52'E | 8.34' |
| 6. | R=20' | L=35.74' |
| 7. | N60°25'E | 9.51' |
| 8. | S32°19'W | 12.78' |
| 9. | N62°00'W | 27.89' |
| 10. | N35°16'47"E | 25.30' |
| 11. | R=58' | L=28.85' |
| 12. | R=20' | L=17.50' |
| 13. | R=20' | L=31.42' |
| 14. | R=135' | L=14.14' |
| 15. | R=539' | L=10.98' |
| 16. | R=108' | L=27.02' |
| 17. | R=108' | L=14.45' |
| 18. | R=58' | L=17.07' |
| 19. | R=83' | L=6.76' |
| 20. | N62°15'W | 8.03' |
| 21. | R=30' | L=11.39' |
| 22. | R=155.92' | L=16.83' |
| 23. | R=621' | L=6.87' |
| 24. | N26°56'50"E | 6.23' |
| 25. | N61°34'05"E | 27.56' |



Assessor of Napa County 1987

| | |
|-------------------|----------|
| | 10-4-91 |
| | 8-22-94 |
| 412-10 & 11 MGR | 12-31-97 |
| 411-52 TRA CHG | 12-31-02 |
| 411-73 RD ABANDON | 8-20-03 |
| 411-74 MGR | 12-27-04 |
| REVISION | DATE |

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



1945 Spring Mountain Rd

Spring Moun

Bear Mountain

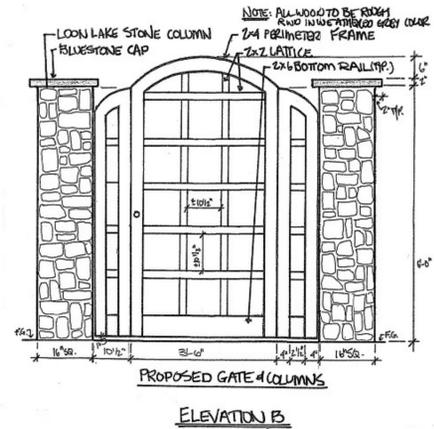
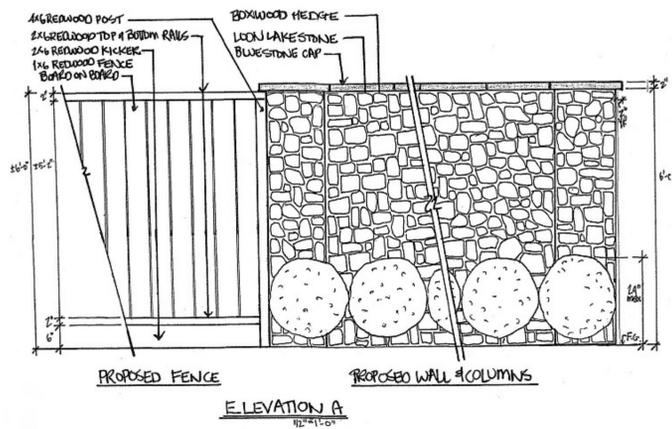
Spring Mountain Rd

© 2016 Google

Google earth

1993

38°30'23.48" N 122°28'51.00" W elev 375 ft eye alt 1181 ft



New Entry Area. Elevation B.



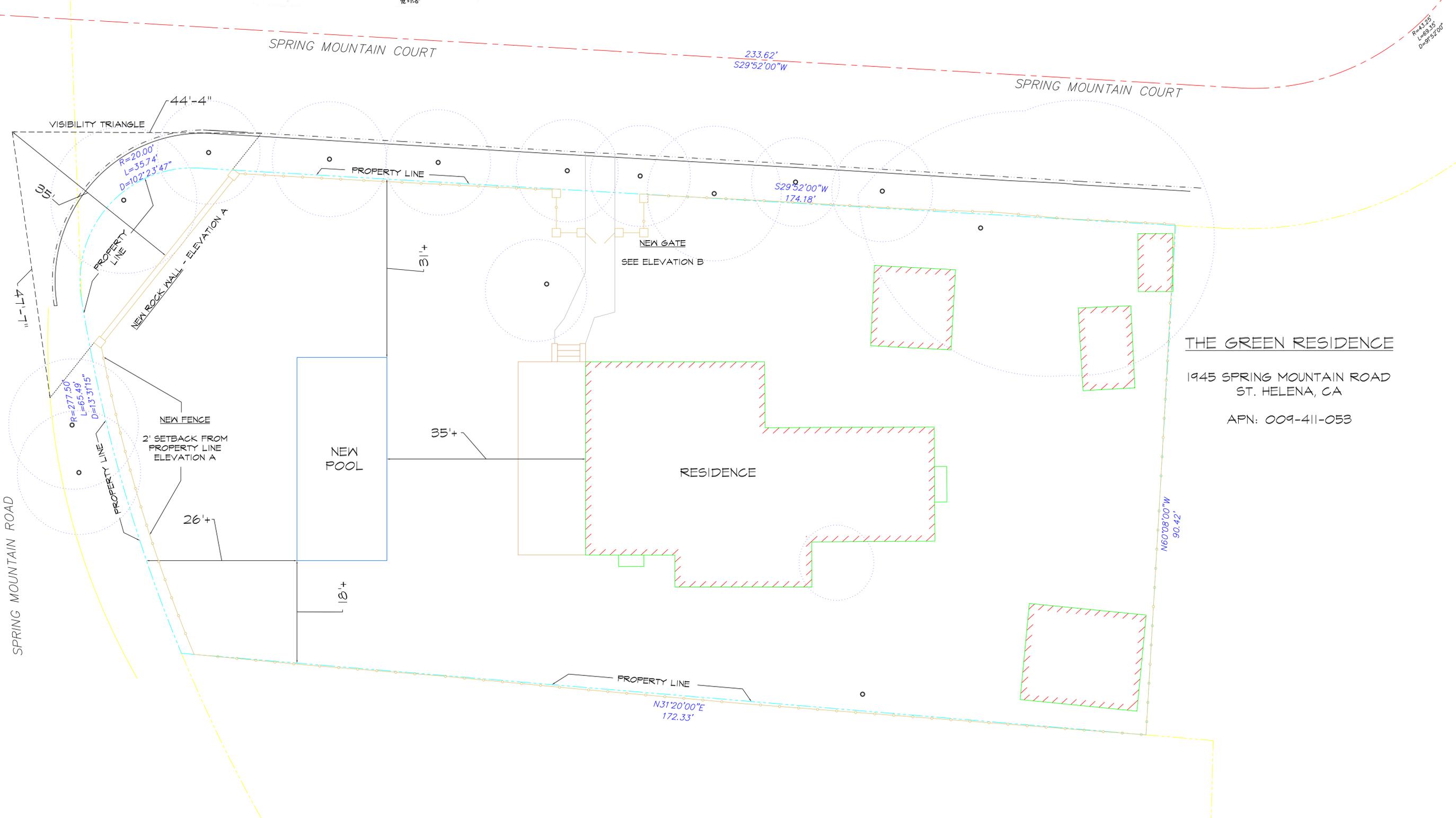
Existing Spring Mountain Fence



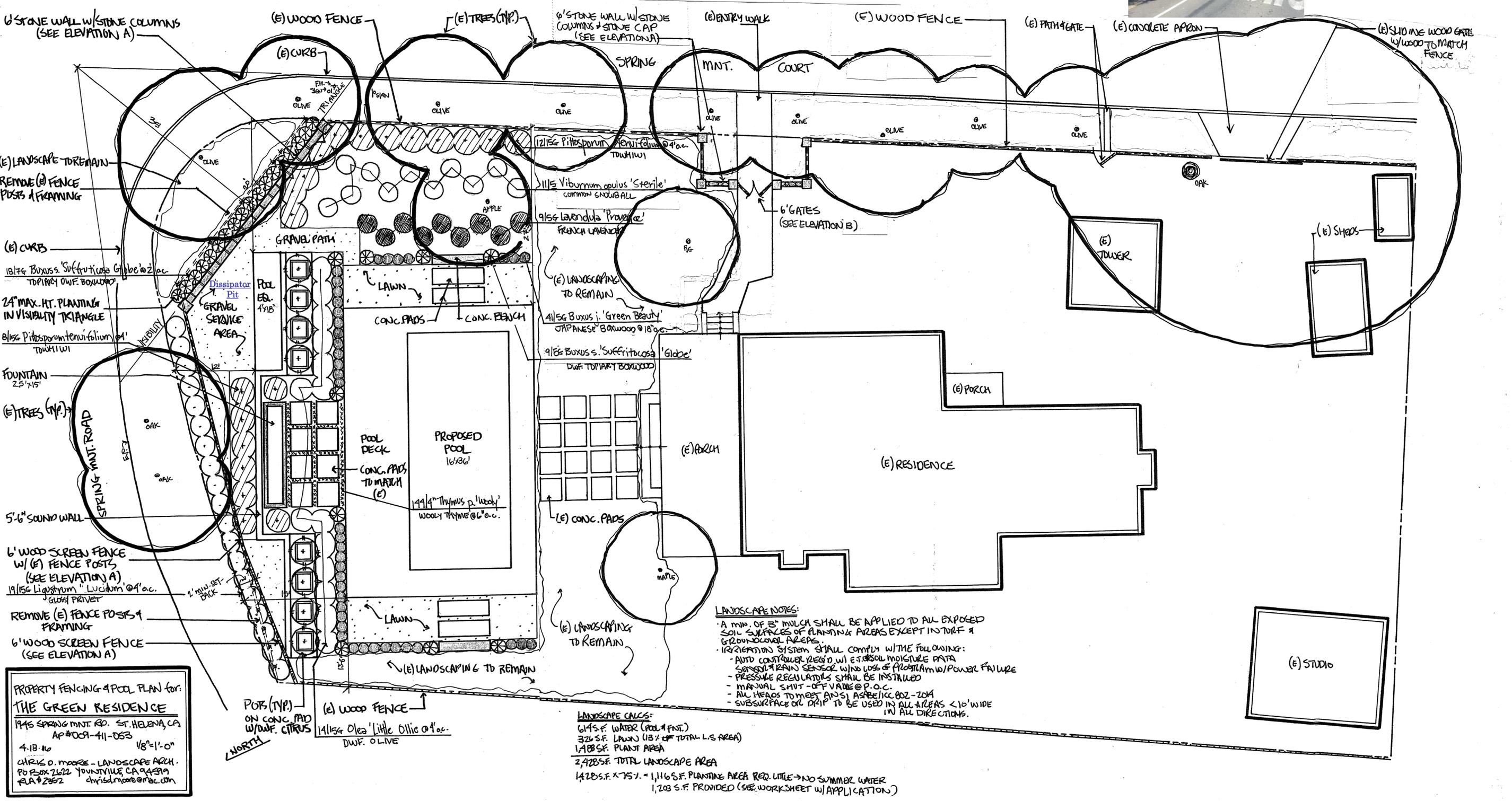
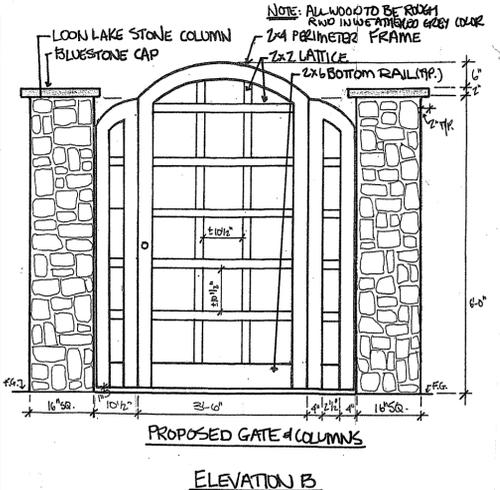
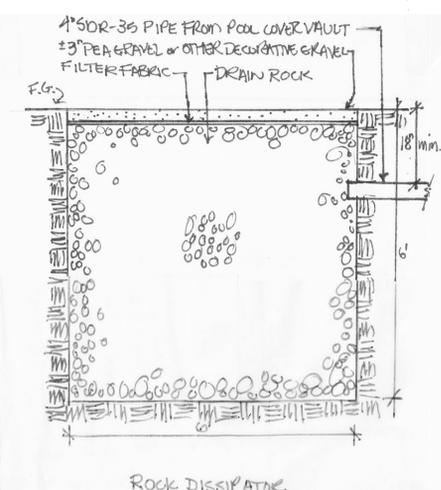
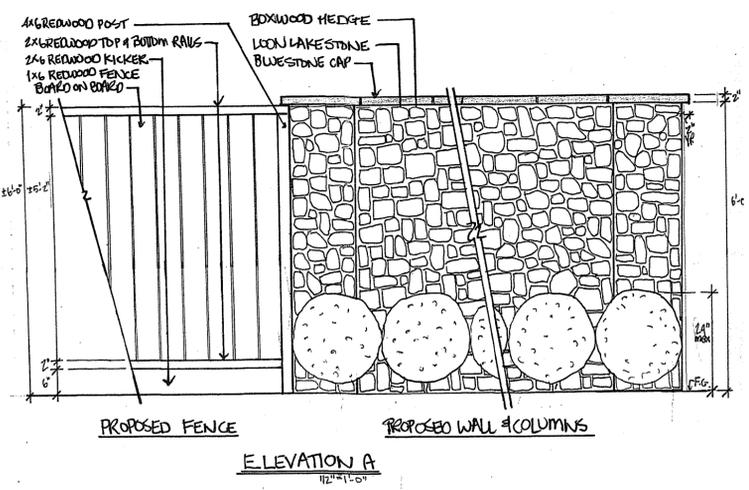
Corner of Spring Mountain Road and the Court. New Rock Wall To Be Built. Elevation A.



Spring Mountain Road. New Fence To Be Built.



THE GREEN RESIDENCE
 1945 SPRING MOUNTAIN ROAD
 ST. HELENA, CA
 APN: 009-411-053



Additional Pictures of Pool Site: Inside the fence. Looking left to right from pool site. New entry gate area on left picture in the middle of the fence. Todd and Dana Green Pool and Fence Permit.



Looking at the back fence, Spring Mountain Road, from left side fence to right side fence from the house porch.



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