

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

July 19, 2016

AGENDA ITEM: 9

SUBJECT: Staff provided summary of Planning Commission direction on the April 2016 General Plan draft received to-date

PREPARED BY: Victor Carniglia, Planning Consultant

REVIEWED BY: Noah Housh, Planning Director

LOCATION OF PROPERTY: City-Wide

APPLICANT: City of St Helena

PHONE: 707-967-2792

BACKGROUND:

On June 21, 2016 the Planning Commission held a Study Session on the updated General Plan, which was the fourth such Commission Study Session since the release of the April 2016 General Plan, with previous Study Sessions held on April 19, 2016, May 17, 2016, and June 7, 2016. The primary purpose of this follow up fifth Study Session is for the Commission to review and comment on the "Summary of Planning Commission Direction on the April 2016 General Plan" that was originally presented to the Commission at the June 21, 2016 General Plan Study Session.

At the June 21, 2016 meeting the Commission made a number of edits to this "Summary of Planning Commission Direction". In the following "Analysis" section of this staff report, an updated "Summary of Planning Commission Direction" is presented for the Commission's review that incorporates the Commission's edits/direction made at the June 21, 2016 Commission meeting.

ANALYSIS:

Staff has revised the summary of Planning Commission's direction on the General Plan contained in the June 21, 2016 staff report, and based on the Commission's comments and direction concerning this summary made at the June 21, 2016 meeting.

Updated Summary of Commission comments/direction on the April 2016 draft General Plan:

- 1. That the proposed Low/Medium Density Land Use Designation as proposed in the April 2016 General Plan not be included in the General Plan as there has not been sufficient discussion of the proposed new land use designation.**
- 2. That language be added to the General Plan stating; “A comprehensive update to the City’s Zoning Ordinance be implemented by the City, with the goal of initiating the comprehensive update no later than three months after the adoption of the General Plan. This comprehensive update shall address all zoning designations within in the City, with particular focus on the City’s residential zoning designations.**
- 3. That as part of the comprehensive update of the City Zoning Ordinance, the updated Zoning Code will contain a separate definition of a “winery”, as appropriate, that will be applicable to each zoning district in which a winery is allowed.**
- 4. That the proposed wording changes submitted by Citizen’s Voice be forwarded to the City Council without comment by the Planning Commission for consideration by City Council.**
- 5. That the wording prepared by staff contained in the June 21, 2016 Planning Commission staff report concerning the periodic review of the General Plan by the City be incorporated into the text of the 2016 General Plan as an “Implementing Action”.**
- 6. That language be added to Chapter 2 of the General Plan, Section 2.4 “Goals” adding the word “tourism, so that Goal 2.4 includes the phrase “*growth and tourism need to be carefully managed*”.**
- 7. That language be added to the General Plan calling for the preparation of a cost/benefit analysis for significant development projects, with the cost of the analysis funded by the developer with the City determining the scope of the analysis and retaining the consultant performing the cost/benefit study.**
- 8. That criteria be established either at the General Plan or Zoning level providing direction on the type, character, and quality of hotel/hospitality uses the City would prefer.**

Based on the Commission’s direction at the June 21, 2016 meeting, the reference to “work force housing” has been deleted from this list as this issue is addressed in the City’s Housing Element. Also deleted is the reference to the wine train.

The direction summarized in this report will be used to finalize the General Plan draft brought before the Commission for final review and recommendation on to the City Council for review and adoption.

CORRESPONDENCE

On June 13, 2016, City staff met with Mr. George David to review and discuss concerns Mr. David has regarding the current General Plan. Mr. David previously submitted written comments voicing his concerns. Attached are comments/wording changes to the April 2016 General Plan proposed by Mr. George David, which follow up on the previous comments submitted (by Mr. David) at the June 21, 2016 Commission meeting.

Further, on July 13, 2016, Mary Stephenson sent in additional comments regarding requested changes to the General Plan. These comments have also been attached to this report for the review of the Commission.

Finally, the other comments received to date have also been included as context for the comprehensive review of the Commission review and direction on the entire General Plan document.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission:

- Review and consider the recent comments received concerning the April 2016 General Plan providing direction as the Commission deems appropriate; and
- Review and provide direction to staff concerning the updated “Summary of Planning Commission Comment/Direction on the April 2016 Draft General Plan”, as presented in this staff report.

ATTACHMENTS:

- A. Comments from Mr. David concerning April 2016 General Plan
- B. Comments from Mary Stephenson
- C. Comments previously received on the General Plan

Members of the Planning Commission

Over the past nine months I have been in contact with Victor Carniglia, consultant to our City related to the pending General Plan. Since resolution of the City's efforts to potentially locate Hotels in residential neighborhoods, we have focused our efforts on six specific provisions of the Plan. At the June 21 Planning Commission meeting I advised the Commission that our requests for change to these six provisions should be considered separately from the requests made by Citizens Voice and the Chair advised Staff to work with us to finalize our comments for submission back to you.

I am attaching a request for change that was prepared in early May identifying these six provisions and our argument for change. Our intent was to submit this document to you, the City Council and City Staff, however we sent the request to Vincent in advance and he encouraged me to work these issues through with him as opposed to submitting them to the City.

Vincent and I have come to agreement on each of these provisions but he requires your approval to amend the plan prior to submission to the City Council. I am attaching a summary sent to Victor on May 13 with my understanding of our verbal discussions and his response on May 16. I would like to confirm the actions to be taken based on my best interpretation of Victor's responses.

LU2.6 – to be removed if the proposed Low Medium Density is adopted and left as is if Low Medium Density is not adopted.

ES1.F – wording should be modified to clarify that the intent of this provision is not to include visitor serving uses in Medium and High Density zones.

ES2.2 – to remain as is but amend Chapter 1, the Introduction, to stress the importance of and need for periodic review of the General Plan, state how often the review should occur, and identifies the issues that should be focused on as part of the regular review which would include "measuring" tourism and the impacts of tourism.

ES2.3 – In lieu of caps on hotels and motels, definitive criteria will be created for all lodging uses which will be used by City decision makers to judge the merits and acceptability of approving an addition to or creation of a new lodging facility. Lodging facilities would include all facilities which offer overnight lodging as a routine part of its business except Short Term Rentals. Implicit in this is a requirement that the bar is set high and relies primarily on the level of benefits to our community.

ES2.A – Requires better definition of discount chains and prohibition of chain stores including recitation of the kinds of retail the City is trying to avoid.

ES2.B – Needs to reiterate that lodging is not permitted in any land use that permits residential development or creates neighborhoods. ES2.A and ES2.B need to be in sync as to removal of caps and not duplicative.

Time is now of the essence so we respectfully request your approval on July 19 2016. George David

Members of the City Counsel, Planning Commission and City Staff

RE: Proposed General Plan as Reflected in the April 2016 Version

On behalf of our coalition of neighbors and neighborhoods, we appreciate the significant efforts being expended to complete the General Plan. As stated in its introduction, “the St. Helena General Plan is a powerful policy and implementation tool designed to reflect the change that has occurred since the adoption of the 1993 General Plan, responds to the community’s visions and desires for its future and addresses changes anticipated to take place in the years to come through 2035”. As such it is the most important single document to be approved by City Government in a generation and should carefully consider comments for change as expressed by its citizens.

We recognize that perfection is unachievable and that further delay in adoption of the Plan is undesirable but no Plan of this importance should receive final adoption until it represents the best collective efforts of its citizens and Government. To that end we ask that you consider the following specific changes to the General Plan and ask that City Staff use its best efforts to implement them.

LU2.6 St. Helena Medium (16) and High Density (28) zoned parcels currently allow densities in excess of all other communities in Napa County by a substantial margin and are very high compared to other small rural California City’s yet this provision encourages consideration of exceeding the permitted densities in residential neighborhoods. The potential density bonuses for Affordable Housing, 20%, more than adequately accommodate any proposed Affordable Housing developments so it seems illogical to include this provision in the GP, especially since the anticipated new Low Medium density will significantly reduce the number of Medium Density sites in the City. This fly’s in the face of the objective of the Low Medium density which is to conform existing neighborhoods to their actual use and would exacerbate the pressure to increase density in some neighborhoods with large undeveloped sites creating imbalances in certain specific neighborhoods in the City as opposed to equitable distribution throughout the City. This provision should be removed.

ES1.F We ask that you insert the words “other than hotels or other forms of overnight lodging” after uses in sentence two, or other specific language that makes it clear that hotels and any form of overnight lodging is not permitted in residential neighborhoods. In light of past attempts to permit hotels in residential neighborhoods except as per itted by the Shoirt Term Rental Ordinance and the definitive retraction thereof by the City Council due to public outcry, we believe it is essential to eliminate any language in the GP that would encourage or permit such uses.

ES2.2 We ask that you add the following words to the end of the sentence ending in market “or that compromises the quality of life for St. Helena residents by significantly increasing number of tourists as benchmarked by professional measurement every five (three?) years”. I could write a book about the necessity of maintaining our quality of life and the potential effects of increased tourism on that

quintessential goal but the more often we repeat that goal and protect it, the better. Without consistent periodic measurement of tourists and adjustment, we cannot assess their impact and defend our goal or our citizens.

ES2.3 We ask that you rewrite this provision to read as follows: “Ensure a diverse mix of uses that avoids an over representation of any particular use. Establish reasonable caps on the number of hotels, motels and every other form of overnight lodging providing rooms or accommodations and continue to limit vacation rentals. Establish a process for periodic review and updating of the caps”. We know that that additional hotels and lodging are the fastest way for the City to generate revenue that is sorely needed and support reasonable expansion but caution must prevail if we want to maintain our small town character and quality of life. By eliminating the cap, just as Circes invited all to come so that they could be destroyed by the rocks, we need to make it clear that we are not wide open to multiple or unlimited hotels and lodging but are selectively interested and no single statement can make that more clear than establishing a reviewable cap. The GP runs through 2035 and should express our long term goal not near term solutions that can cause great damage that can never be undone.

ES2.A We ask that the words “chain retail stores” be inserted after “discount stores” and that the following words be inserted at the end of the second sentence “but do not conflict with the character of the City or negatively impact neighbors or neighborhoods.” Nothing distinguishes St. Helena from the vast majority of the world more than disallowing chains in any form and if chains are ever allowed will change our community forever and make us like every other City. Uniqueness is a very large part of our appeal and drives our quality of life and desirability to create values both in the place in which we live but also in the financial security of maintaining the values of our homes and the integrity of our community. This uniqueness is our “brand” and St. Helenian’s are willing to pay for and fight for that brand. While it is tempting to change to increase financial prosperity for some, destruction of our brand in the process is completely wrong. As discussed, neighbors and neighborhoods are the glue of our community and must be protected and preserved.

ES2.B We ask that you insert the words “, neighborhoods or neighbors” after community. The last sentence should be eliminated. This is consistent with our efforts to protect neighborhoods and neighbors and to maintain caps on hotels and other forms of lodging.

GENERAL PLAN PROVISIONS UNDER REVIEW

LU2.6 Consider allowing higher density housing in single family neighborhoods within Medium and High Density Residential Land Use Designations as long as the development character of the single family area is maintained, including lot widths, orientation to street, building heights, onsite parking, traffic, noise, among other considerations

ES1.F Provide development incentives for new visitor-serving businesses to develop affordable workforce housing either through construction of housing or payment of an appropriate in lieu fee to develop housing elsewhere in the City. Such incentives shall include consideration of visitor-serving uses in Medium Density Residential or Higher Density Residential where a project provides affordable housing or an appropriate payment of an in lieu fee.

ES2.2 Encourage visitor-serving uses oriented toward an upscale market, consistent with the Valley's reputation as a producer of world-class wines. Discourage the introduction of uses that are dependent upon a mass tourist market.

ES2.3 Ensure a diverse mix of uses that avoids an over-representation of any particular use. Remove the cap on the number of hotel and motel rooms, and restaurant seats but continue to limit vacation rentals.

ES2.A Continue to prohibit formula restaurants, chain discount stores, and time-share lodging projects (excluding Fractional Ownership Lodging). Consider destination membership clubs and other potential lodging options that contribute to the Transient Occupancy Tax (TOT) revenue stream.

ES2.B Study and recommend guidelines for permitting lodging uses in a range of land use designations, and ensure that the requested uses will not result in significant adverse impacts to the community while recognizing that the hotel taxes provide a valuable source of revenue for the City. Remove the cap on the number of hotel and motel rooms.

Prepared by George David

Noah Housh

From: Victor Carniglia <VCarniglia@cityofsthenelena.org>
Sent: Monday, May 16, 2016 5:30 PM
To: George David
Cc: Noah Housh
Subject: Comments about GP language

George,

Thanks again for being open minded and flexible, and for your commitment to trying to find the right balance on this policy stuff! The following are my thoughts in red italics under each policy you raise/discuss:

LU2.6 Higher than permitted density in medium and high density zones – You indicated that you see no need for change in this unless the proposed low-medium density is adopted, in which event you would agree that it is not necessary to include this provision in the GP. Can we adopt an approach that if and when the proposed low-medium density is approved, this provision will be dropped?

I agree. The wording is not really needed if the City adopts the proposed Low/Medium Density designation, or something equivalent. Also, the requirement to prepare Design Guidelines should address the need for any proposed higher density housing to be compatible with neighboring single family.

ES1.F Encourage incentives for tourist serving businesses located in medium and high density zones if affordable housing or in lieu fees are paid – I think I missed the boat on this one as my notes just don't make sense. The goal is to keep lodging out of residential neighborhoods while this provision encourages their creation through City incentives so long as affordable housing is created or in lieu fees are paid. Need your help but this is a major issue to us. There are no tourist serving businesses that belong in neighborhoods unless the neighborhood is mixed and has an existing level of business participation, i.e., in the center core.

I concur the wording as proposed needs to be modified. I presume the second sentence intended to refer to locating proposed work force housing for visitor serving uses in the Medium and High Density zones, and not locating the visitor serving uses in the Medium and High Density zones! In any case this policy needs some work.

ES2.2 Believe we agreed that all tourism, even upscale tourism, needs to be measured periodically, that tourism needs to be managed, and that tourism management is a major element to be considered in reviewing and amending the GP. Believe we agreed to leave this provision alone but to include a requirement in the GP periodic review and amendment section to measure and manage tourism as a part of the required review of the GP. We discussed quarterly review but not sure that is appropriate

As you say let's leave Policy ES2.2 as currently worded, and add a section, probably in Chapter 1 Introduction, that stresses the importance of and need for a regular periodic review of the General Plan, states how often such a review should occur, and identifies the issues that should be focused on as part of the regular review, which could include "measuring" tourism and the impacts of tourism.

ES2.3 Create diversity of use and remove the cap on hotels and motels – Know that you favor no cap and I will do my best to sell this to our group, subject to what we discussed and that is the establishment of definitive criteria for all forms of overnight lodging, not just hotels and motels, to protect the City. The criteria would be tight legal criteria and possibly include benchmarks. One of the criteria would be no lodging in residential

neighborhoods as approved by the City Council. Do you want us to take a shot at creating the criteria, would you like to do it jointly, or do you want to create it?

I would picture staff taking the first shot at preparing criteria for decision makers to consider in making a decision on hotel/lodging uses seeking to locate within the City of St Helena.

ES2.A Continues to prohibits creation of discount chains and time share and encourages destination clubs and other forms of lodging – Believe we agreed that discount chains needs to be carefully defined and that chain stores be prohibited and carefully defined. We did not discuss the destination clubs and other lodging which we would object to if they are located in residential neighborhoods. We need to find a way to limit the locations out of neighborhoods and a solution would be creation of the Enterprise Zone(s) that are discussed below, but we don't want to count on that.

I agree completely that we should try to better define discount chains and the kind of retail the City is trying to avoid, and make it as clear as we can. Not sure how the enterprise zone concept would work. Let's discuss.

ES2B. Study and create guidelines to allow creation of lodging in a number of land uses and remove the caps on hotels – The creation of lodging criteria including no lodging in residential neighborhoods is a help in potentially limiting the application of this but it now occurs to me that the lodging criteria should cause modification of this provision to other land uses so I am not sure ES2B has a purpose. Also don't see why removal of the Hotel and motel cap needs to be repeated.

There is definite duplication/overlap between ES2.3 and ES2.B. The duplication is in part due to the fact that ES2.3 is a "Policy" while ES2.B is an "Implementing Action". Implementing Actions are supposed to be more detailed/specific. As you say ES2.3 and ES2.B need to be in "sync" and work together without duplicating each other.

Goal 5a., Opportunity sites and the proposed Low Medium Density – I would like to take a shot at marrying these elements with particular emphasis on creating an Opportunity Zone or zones, relocating and creating more Opportunity Sites to locations within the zones, limiting TOT producing lodging uses to the zones, including all of the new Mixed Use sites in the Zones, creating City incentives for redevelopment in these zones, removing "spot" zoning from neighborhoods Citywide, including all remaining single family housing in the City in the Low-Medium density designation, and amending the Housing Element with state Approval. Once your input is received, I would ask you to include a Policy in the GP and whatever implementing language that would be required to cause the City to vet and adopt the Enterprise Zones and all related zoning or use changes within a certain timeframe. I know we will discuss this one!

I appreciate where you want to go with this wording, but a key stumbling block that needs to be avoided is prosing wording in a General Plan Policy or Implementing Action that conflicts with the Housing Element. Perhaps this issue could be addressed as part of the future periodic review process focusing on optimizing the "Opportunity Sites", as long as it is clear that such a future action would likely trigger a General Plan Amendment to the Housing Element, and that such a GPA would involve State HCD review.

Thanks again for your thoughts/ideas!!

Victor



June 24, 2016

TO: Victor Carniglio, Noah Housh
City of St. Helena Planning
FROM: Mary Stephenson, John Sales, Howard Siegel and Steve Goldfarb
Representing Our Town St. Helena

Our Town St Helena request that the City Council consider adding wording to the Land Use and Growth Management section of the draft General Plan under the Topic Area Five: Agricultural Uses. This new wording would clarify how this section applies to Affordable Housing Opportunity Sites as well as the ability to expand housing of all types in St. Helena in the future.

We have made our comments in red below in the areas that appear to address this challenge. There may be other segments of the General Plan that would need modification based on these proposed changes. The placement and proper wording of such changes is up to you. The goal is to make sure the opportunity to build housing – both affordable and workforce – within the Urban Lot Line is not impinged upon by the desire to maintain vineyard in town.

st.helenageneralplanupdate2035, APRIL 2016
2. Land Use and Growth Management

The Urban Limit Line strictly limits development in order to protect agricultural uses.

Policies

LU5.1 Discourage conversion of existing farmland to non-agricultural uses **[Exclude opportunity sites from this statement.]**

LU5.3 Strictly limit development on properties existing at the time of the adoption of this General Plan that are designated ~~or used~~ as agricultural land. **[Should not include sites not zoned agricultural even if they are in vine.]**

Implementing Actions

LU5.A Update the zoning ordinance and map to be compatible with the General Plan land use map and designations. **[Note: We do not think that land the is not currently zoned for Agricultural Use should be rezoned to Agricultural use even**

if the land is currently farmland. This would preclude such parcels as being affordable and workforce housing sites in the future.]

LU5.C Explore the feasibility and desirability of implementing permanent agricultural protection for lands within the Urban Limit Line in the form of agricultural preserves. [The County Agricultural Preserve mandates that all housing should be located in the urban areas. Allowing additional agricultural preserves within the Urban Limit Line would seem unnecessary and contrary to the spirit of the County Ag Preserve.]

LU5.F Evaluate rezonings, or General Plan amendments to determine their potential for impacts on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance mapped by the State Farmland Mapping and Monitoring Program and avoid converting these farmlands. [What parcels within the Urban Limit Line would be considered? We do not see this in the current maps.]

LU5.I Evaluate discretionary land use applications, rezonings, and/or General Plan amendments outside the Urban Limit Line to determine their potential for impacts on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance mapped by the State Farmland Mapping and Monitoring Program and avoid converting these farmlands where feasible. Where conversion of farmlands mapped by the state cannot be avoided, require long-term preservation of at least one acre of existing farmland of equal or higher quality for each acre of state-designated farmland that would be rezoned or redesignated to non-agricultural uses.

This protection may consist of establishment of farmland easements or other similar mechanism, and the farmland to be preserved shall be located within the City and preserved prior to approval of the proposed discretionary land use application rezoning, or General Plan amendment. [Not sure the motive or impact of this action but assume it will be addressed in the evaluation process.]

LU5.H Prepare and adopt guidelines and regulations to assist in the determination of the appropriate type and scope of agricultural buffer areas needed in circumstances that warrant the creation of such buffer areas. [Same comment as LU5.1]



June 21, 2016

TO: Noah Housh, Victor Carniglio
City of St. Helena Planning
FROM: Mary Stephenson, John Sales, Howard Siegel and Steve Goldfarb
Representing Our Town St. Helena

Our Town St Helena joins the St. Helena Planning Commission in requesting that the City Council consider removing the LMD zoning change that was added to the draft General Plan at the council's request in 2015. This zoning change will have a significant affect on housing in St. Helena and warrants more analysis and reflection. It is our opinion that the General Plan is not proper place to initiate this zoning change and that it would be better to analyze the City's residential zoning after the General Plan is approved.

This would allow the Council, Planning Commission, staff and community to give this change due consideration as part of an overall housing strategy. It would also allow the much-delayed General Plan to move forward to completion.

Our opinion on why a LMD Zoning change should not be included in the General Plan is based on the following factors:

1. The proposed LMD Zoning contradicts the 2015 Housing Element
2. It will have a negative impact on the ability to provide local workforce housing in the coming years
3. The change in strategy received inadequate community input and staff analysis

1. CONTRADICTS THE 2015 HOUSING ELEMENT

It is OTSH's opinion that the LMD proposal is not aligned with the stated goals, policies and implementing actions of the city's Housing Element dated May 25, 2016, as excerpted here:

Goal 2: Efficient Land Use and High Quality Neighborhoods

Policies

1. ***HE2.1 Encourage higher density development where appropriate.***

2. *HE2.2 Ensure that higher density housing opportunity sites are not lost to lower density uses.*
3. *HE2.3 Promote mixed-use developments.*
4. *HE2.4 Promote second unit production.*
5. *HE2.5 Allow conversion of single-family homes to multi-unit dwellings.*
6. *HE2.6 Promote a balance of types of housing throughout the whole community.*

Selected, Applicable Implementing Actions [emphasis added]

HE2.A : Provide incentives for higher density housing. Explore possible incentives for building attached market rate housing units for rent and for sale. Incentives to adopt as appropriate include, but are not restricted to, fast tracking development applications, deferred development fees, reduced parking and/or other city standards, and density bonuses.

HE2.B: Study potential modifications to the Zoning Ordinance to facilitate higher density housing and discourage construction of oversize homes. Modify the Zoning Ordinance to encourage higher density developments and restrict construction of large single-family units, including current floor area ratios and yard and setback requirements.

HE2.C

Amend regulations to discourage exemptions from the minimum density requirements. The City shall discourage exemptions for minimum density requirements and establish mitigation measures for exemptions in the Zoning Ordinance.

HE2.-P: Develop a program to encourage affordable housing in clusters of 4-6 units on Infill parcels on west side of town. The City will post an inventory of potential sites on the City's web site. In addition the City will explore and adopt as appropriate incentives to encourage affordable housing clusters, including, but not limited to priority permit processing, reduced or waived development fees, reduced parking and/or other city standards, and an additional density bonus.

2. NEGATIVE IMPACT ON ABILITY TO PRESERVE AND BUILD LOCAL HOUSING

The primary reason stated for the down zoning of the majority of our current residential parcels is to “preserve neighborhood”. The Planning Commission staff report dated 4/19/16 states that “the proposed creation of the new Low/Medium Density designation would avoid the potential for as many as 1500 added multiple family units being “squeezed into the City’s existing single family neighborhoods.” While this may be a factual statement, it is unrealistic and not a valid reason for such a significant change in zoning. Most importantly it does not address the main factors that are compromising our neighborhoods.

By far, the two biggest impacts on local neighborhoods in the last ten years are as follows:

1. Transition through renovation or replacement of moderate-priced homes into large houses, most of which take advantage of the guesthouse density bonus to fill small lots to the maximum.
2. Significant reduction of existing local housing units, many of which were workforce housing, as more single family houses are converted to second homes

The first impact is allowed, even encouraged, by current city policy. This is a policy that should be getting staff attention at the direction of the Council. Although the City cannot stop the influx of second homes, it can make every effort to balance this impact by preserving some percentage of moderate housing in all of our neighborhoods. Rather than address the need to increase housing density, as stated in the Housing Element Goal 2 – Efficient Land Use and High Quality Neighborhoods, the LMD proposal actually makes it more likely that more parcels will be either overbuilt as SFD and/or become second homes since the down zoning virtually eliminates any development other than SFD and guest houses. Given the median home price of over \$1,000,000, few working families will be able to buy or build in St Helena's established neighborhoods.

The proposed down zoning would prohibit building small projects of affordable or workforce housing as neighborhood infill. In effect, it establishes a city policy that appears to continue a disingenuous approach to housing since the Council and the community has not supported any of the larger affordable housing plans presented in the last 10 years. With a shrinking housing pool, no in-fill and strong resistance to larger projects, what will happen to our neighborhoods? We are not preserving neighborhoods by this change, but assuring that only affluent residents and weekenders will be living in our town.

If the City of St. Helena had a housing strategy it would most likely identify the scope and range of housing needed over the next decade. There are a variety of needs and each require a different type of housing:

- Additional Low and Very Low Income Rentals are needed and financial realities require that this type of housing be built in developments of at least 28 units. These are the types of projects that can and should be built on opportunity sites.
- Smaller complexes are financial feasible for market rate rental and there are some projects in the works in St. Helena now. The designated opportunity sites as well as smaller MD parcels around town are viable for this type of housing.

- **Low-Income Homeownership is financially possible only through Self-Help Programs; these usually consist of 6 to 12 attached units, which require a minimum of .5 acres.**

What's missing is Moderate Income & Market Rate rentals and homeownership. There are very few, if any, homes on the market in St. Helena that are affordable to working families making from \$50K to \$150K. This will be our town's biggest challenge in the next few decades if we are to maintain our economic vitality and our small town character. It is the middle class who volunteers at the schools, shop at Steve's Hardware and Brown's Auto Parts, who belong to the local health clubs, take their dogs to the local vets. Our local serving businesses and services depend upon their patronage and these businesses are experiencing decreased revenue as the number of second homes increase. On the flip side, local employers find it increasingly difficult to hire skilled workers – particularly at mid and high management level - because of the housing shortage. Homes that have been available to this group in the past are disappearing from our neighborhoods. We can point out a dozen previously moderately priced homes that have been sold in the last 24 months, all with plans to become multi-million dollar second homes.

This is the biggest housing challenge St. Helena is facing and it will not be solved on the large parcel opportunity sites, particularly with our current codes allowing for estate home developers to count guest houses as a second unit for density thus making it even harder to get anything built except for multi-million dollar houses.

There is growing interest with our neighboring communities of Calistoga and Napa to find ways to balance the massive increase of high-end homes with a strategy to maintain some homes as local housing. Using duplexes, triplexes and fourplexes to provide moderate and market rate homes scattered throughout our neighborhoods as housing for working families is a worthwhile objective. It is not easy and it is expensive but it is also not as susceptible to nibbysism and can be done with creative planning and political will. There is interest in using industry funds and transfer tax revenues to develop a "Community Preserve" which would support the Ag Preserve by providing housing in town, as well as balance the influx of second home with the type of housing needed to actually preserve our neighborhoods. It is OTSH's opinion that we do not need to guard against "1500" units being "squeezed" into our neighborhoods. We would certainly like to see 20 or 30 such units scattered throughout town over the next decade. Particularly knowing that St. Helena has lost an estimated 200+ houses to second homeowners in the last decade.

It is in the proposed LMD areas of St. Helena that this type of development can occur. Examples are the fourplex on Tainter, which provides housing for the volunteer firemen, and the duplexes on Oak and on Allyn Avenues. These small, multi-unit buildings have existed within our neighborhoods for years with no problems. Our community would be well served by having more of these small, multi-unit buildings to balance the "fill-the-lot" estate homes that are springing up

all over town. The proposed LMD zoning would eliminate the vast majority of parcels that are suitable for this type of housing.

Wouldn't it make more sense to analyze the existing challenges of MD zoning in the context of our larger housing needs and do so separately from the General Plan? Unless we review this proposal in context, it could have far-reaching negative effects including allowing significant changes in our neighborhoods as they continue to be filled with affluent, but absent homeowners.

3. INSUFFICIENT COMMUNITY INPUT AND CITY ANALYSIS

The Council probably discussed this issue during the many meetings it conducted as it pursued a line-by-line edits to the General Plan. However, the LMD zoning change did not make it into the Housing Element that was approved in 2015 nor into the General Plan draft that was in place at the time the Housing Element was approved.

On April 15, 2015 the Council asked city staff to address a residential zoning issue as part of the General Plan. There was consensus on the Council to do this but no specific direction was given at the meeting other than to address the "MD issue". From that meeting on April 15 until the September 8 General Planning work session, the residential zoning issue did not appear on any Council agenda.

On September 8, 2015 the Council held a work session to discuss the General Plan. To our knowledge, this was the first public airing of the proposed LMD change. This discussion happened at the same meeting in which another new GP element was introduced – building hotels on MD residential parcels – which received considerable negative resident reaction from the neighbors who did not want to see a hotel built on the old Romero property.

OTSH did not see the agenda that came out on Friday, September 4, before the meeting so we did not know of this major zoning change was included in the GP. From the tape of the meeting, it appears the council only concern about the LMD change was if the rezoning would affect the opportunity sites, which it did not. There was no reference made to how this zoning change coordinated with the 2015 Housing Element or how this change was reconciled with at least some council member's long-standing publicly spoken objective to see "small, in-fill developments because that is what the community wants."

To our knowledge, these are the only two public discussions about this significant zoning change until the GP vetting session with the Planning Commission on April 19, 2016. None of the staff reports and neither of the City Council meetings, as viewed on video, address how removing 57% of MD housing parcel would affect our town's ability to house it's workforce beyond building low income rental units of opportunity sites.

OTSH request that this proposed zoning change be considered in context of a larger housing strategy for St. Helena and be fully vetted – not as a General Plan element - but as a zoning issue.

Public Comments Before the St. Helena Planning Commission

Victoria Bradshaw
May 3, 2016

Thank you for the opportunity to speak this evening. My name is Vickie Bradshaw and I am a resident of St Helena.

The issue I would like to address is related to the Draft General Plan section on Land Use, specifically as it relates to the development project frequently referred to as the Hunter Subdivision Project. I recognize this has become a controversial subject, which is part of the reason my husband, David, and I have spent so much time and effort trying to figure out exactly what has happened. As a result, we have read the Draft General Plan and the draft EIR on this project. We have read all of the minutes from City Council and Planning Commission meetings since as far back as the minutes go on this subject. We have read the 2008-2009 Grand Jury report, recent scientific research on the subject of levees, relevant court cases, staff reports, newspaper articles and other pertinent documents. We recognize, of course, that most of the people currently on the Planning Commission and the City Council were not involved in the events that started before 2008.

After doing all of this research, it became apparent to us there is one issue that has not been discussed in public and in any comprehensive manner by either the Planning Commission or the City Council. That issue is a complete analysis of the potential economic liabilities to the City associated with building homes on the land-side of the St Helena levee, as well as the fact these liabilities could be eliminated or significantly reduced simply by rezoning this 16.9 acre Hunter parcel to agriculture land.

The original land swap deal and alleged commitments made by the City Council to the developer were not part of a transparent process, were found to be in violation of the open meeting Brown Act by the Napa County District Attorney, were not subject to any input from the Planning Commission and did not allow for any meaningful public comment or public scrutiny. There may have been a good reason for this during the two-year period of time the negotiations with the developer took place, but the result is that everything coming from those closed-door non-public actions should be now subject to heightened public scrutiny. This would include any form of communication between the developer, his attorneys or his staff that helped focus the design and placement of the levee, behind which he now proposes to build 87 residential units. The issue of the construction of the levee and the

building of homes on the land-side of the levee are basically intertwined subjects, as are the associated economic liabilities.

The **first** potential economic liability to the City involves whether or not the levee was in anyway designed and subsequently constructed to allow the building of homes on the land-side of the levee. If so, an argument could be made that public monies were spent to benefit a developer by increasing the value of the developer's property, rather than to benefit the general public. The argument would continue that the protection of existing structures and homes may have been compromised to allow growth through new housing construction on the land-side of the levee. The lawsuit by the Fulton Lane residents to stop the building of the levee is just one indication that not all existing structures may have benefited from this specific levee design or may even have been sacrificed to benefit the interests of a private developer. The lack of transparency in the original land deal could make this particular issue even more problematic for the City.

The **second**, and potentially the most significant economic liability to the City, is if the levee was designed with the idea of allowing growth on the land-side of the levee -- then the City may be in violation of Measure A, which states the following under Section 2:

"None of the projects in the Plan are intended or designed to encourage population growth in Napa County. All of the projects are for flood protection, preserving ground water integrity, reducing sediment in the Napa River system, and for maintaining the reliability of the water supply for the existing Napa County populations on the effective date of this Ordinance."

Under Section 8, Measure A requires:

"The component of the Plan that involves the rest of the County must include the following projects which are designed to protect against flooding, improve water quality, preserve the integrity of ground water resources and/or stabilize water supply reliability for the existing Napa County population as of the effective date of this Ordinance. None of these projects are intended or designed to expand water capacity for growth or new development."

In addition, under Section 9, Measure A requires:

"Informing the public if there is an expenditure of the Flood Protection Sales Taxes that will be generated as a result of the approval of this Ordinance by the Authority and the electorate, which is inconsistent with the purpose and intent of this Ordinance."

In a letter requesting a Measure A reimbursement for \$2.5M for the period of 2009-2010, the Finance Director for St Helena certified that "this project is not intended or designed to expand water capacity for growth or new

development." This request included reimbursement for services that were integral to the building of the levee.

The timing of the land swap deal, the timing of the levee design and construction, the timing of the letting of the RFP for the levee, the levee design itself, the current subdivision projects' timeline milestones, statements by the developer or his representative that alleged commitments were made to him about building behind the levee by City Council Members at the time of the land swap deal, and the City Council and Planning Commission discussions on these subjects could easily lead a neutral party to the conclusion that the levee was designed, in whole or in part, to provide for growth and not simply for the protection of existing homes and structures. The language of Measure A is clear that the residential growth concept currently being considered by the City on the 16.9 acre land-side parcel is entirely inconsistent with Measure A.

If the current development proposal is approved, the City will be exposing itself to litigation regarding its expenditure of Measure A funds on the design and construction of a levee project to facilitate development of property behind the levee. It would be very unfortunate if St Helena found itself having to repay all or part of the Measure A monies, which we believe are now close to \$18M. This would be in addition to all the other financial damage this levee project has already inflicted on the City's finances.

The **third** potential economic liability to the City involves the levee project itself. There is no one who could describe it as a model public works project. It has put the City finances completely upside down for years now and potentially until the year 2028. The City has had to hire a forensic accountant just to figure out where the public funds were spent. And if those funds can't even be accounted for properly, it shouldn't give anyone any confidence that anything else on this project was done correctly.

I happen to know a little about public works projects, since I was the Secretary of Labor and Workforce Development for the State of California, which oversees public works enforcement and makes the determination of whether or not a project is, in fact, a public works. Among other things I have also been the Deputy Chief of Staff and Cabinet Secretary to two California Governors. So I have been involved in most of these public policy issues for a very long time.

If it can be shown that public monies were spent for the purpose of increasing the value of a private development, there is a distinct possibility this subdivision proposal could be determined to be a public works project. If

this is even remotely a possibility, it would behoove the City to find out ahead of time, in order to avoid these additional problems and potential liabilities.

The **fourth** potential economic liability to the City deals with life and property safety issues and the City's financial responsibility in the event of a 100-year flood or in the event of a levee breach or failure. We've heard that some people rely on the fact that "lots of cities build homes behind levees" as a justification for why St Helena should do the same. But that hasn't worked well for a lot of those cities and not just because the levees were old. Building behind levees is not without its risks and even FEMA believes this is the case, otherwise they wouldn't be strongly recommending flood risk disclosures and flood insurance for all homes built behind this levee. The financial liability of such an event could literally bankrupt St Helena.

There also has been a significant amount of scientific research done on this very subject, and one important study by a UC Davis expert on levees was just published this past February. The upshot of that research is that levees should only be built to protect lives, to protect property and to protect EXISTING structures. Levees should not be built to promote growth.

The bottom line is there is more than enough potential economic liability for the City to stop and take a renewed look at the serious risks of a breach or failure of the levee, as well as the occurrence of a major storm. We know that there have been 27 major floods in our area in the last 150 years. So, the ultimate question for every member of the Planning Commission and the City Council is, do you feel so confident that this levee will never fail or breach so that you would be willing to gamble the entire financial future of the City of St Helena on it, just so we can have a housing development on this particular parcel of land? I don't know anyone who would take that bet.

In conclusion, this parcel needs to be rezoned as agricultural land in the General Plan and it needs to be done now. We don't need this proposed subdivision and, far more importantly, we can't afford it. The economic downside of this project may put the City in financial jeopardy for decades to come, which is not what any of us wants. This discussion can no longer be held only in closed door sessions with the result that the public has no ability, whatsoever, to express an opinion or to know what is going on. That is exactly how we got in this mess in the first place.

Thank you for your patience and consideration.

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PLANNING DEPARTMENT

MAR 17 2016

City of St. Helena

March 14, 2016 City of St. Helena

9102 21 MAR

Planning Commission
City of St. Helena

PLANNING DEPARTMENT
RECEIVED

St. Helena, CA

Subject: Planning Commission Public Hearing, General Plan

Dear Commissioners,

The updated General Plan is scheduled for delivery to the Planning Commission on March 28, 2016 with delivery of the GP EIR to follow on April 4 2016. According to the February 22 GP update attached to the City Council Agenda as item 7 on its February 23 2016 meeting agenda, a public hearing is tentatively scheduled by the Planning Commission at its meeting on April 19, which is 15 days after the forty five day comment period on the GP and its EIR begins. We ask that you schedule the public hearing for May 3 2016 to allow additional review time and preparation for reasons stated below.

We have reviewed the GP posted to the City Website on September 8 2015 which includes extensive changes from the previous posted GP, but an undetermined number of changes made after September 8 2015 have not been disclosed. While the City Council update stated that all of the changes since the September posting had been made, based on an email we received from the City's GP consultant Victor Carniglia, no changes have been made since September 8 2015 because updates are still in process due to changes required by the EIR which is not yet complete. Mr. Carniglia advises in his email that no changes will be posted online until March 28 or the day that the revised GP is delivered to the PC.

Considering that the EIR exceeds 600 pages in length and no update has been provided since August 2010, and the fact that changes to the GP made since September 8 2016 will not be disclosed until March 28, it is unreasonable to hold a public hearing with only 15 days of review time by interested and concerned citizens, or their representatives.

We respectfully ask that assuming the updated GP is released on March 28 and the EIR on April 4, you schedule a public hearing on these subjects not earlier than May 3 2016 or not earlier than 30 days after release of the updated GP and its EIR.

Respectfully,

Citizens' Voice Saint Helena


Susan Kenward, Geoff Elsworth, Douglas Barr, Michael Calderola, Faith Echtermeyer





Noah Housh

From: Doug Barr <trplbarr@comcast.net>
Sent: Saturday, April 16, 2016 10:53 AM
To: Victor Carriglia; Noah Housh
Subject: well done

Victor, Noah: Your UGP Study Session Guide, is extraordinarily clear, concise and informative. It should go a long way in smoothing the discussion of a ridiculously complicated comparison of multiple drafts, voices, agendas, generated over way too much time. Your heads must've been ready to explode at times but you managed to pull it off. Well done!

Doug

Douglas Barr

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Noah Housh

From: Libby Shafer <libshafer@gmail.com>
Sent: Monday, May 30, 2016 2:48 PM
To: Noah Housh; Aaron Hecock
Subject: Adding an Agenda Item to June 14, 2016 City Council Meeting

Dear Noah and Aaron,

We would like to ask you to add an agenda item to the June 14, 2016 City Council Meeting.

That item is: Discussion of the addition of the Low Medium Density Zone to the General Plan Update

We believe it is prudent and wise to wait until AFTER the General Plan Update and the General Plan EIR are approved, and certified, BEFORE changing any zoning districts and would like to have an opportunity to express this at the meeting.

Thank you for your consideration.

Respectfully,

Libby Shafer

Noah Housh

From: Mary Stephenson <stepcomm@aol.com>
Sent: Monday, May 23, 2016 8:21 AM
To: Victor Carniglia; Noah Housh
Cc: John Sales
Subject: Monte Vista Zoning

Victor - congratulations on finishing the General Plan document. I think you did an excellent job of organizing and updating a very complex document. I particularly appreciate the summary explaining the substantive changes made.

However, I was surprised to see that the Monte Vista neighborhood is still zoned as Low-Medium Density. As I have pointed out on multiple occasions to several city officials over the last few years during the General Plan development process, including several emails to you, this one-block long street consist of 12 buildings with over 50 units of rental units. According to Carol Poole, a previous Planning Director, this street was inadvertently zoned incorrectly in the 1993 General Plan. If the zoning is not corrected, the City could lose some of these rental units as these 40 year old buildings are sold, renovated or demolished and rebuilt. St. Helena can not afford to lose any existing rental stock.

According to the General Plan, Low-Medium Density Residential is "Density typical of St. Helena's existing single family detached neighborhoods 4.1 to 7.0 dwelling units per acre" while Higher density Residential (HDR) is "Multi-family housing, including apartments, townhouses and group homes 16.1 to 28.0 dwelling units per acre". All 12 buildings on Monte Vista, including the 1347 and 1357 Monte Vista, which my husband and I owned are multi-unit buildings. I am fairly certain this street meets the density requirements for HDR.

Can you please let me know why this area is not recommended for rezoning in the proposed General Plan?

Mary Stephenson

Noah Housh

From: Mary Stephenson <stepcomm@aol.com>
Sent: Tuesday, May 31, 2016 9:13 AM
To: Victor Carniglia; Noah Housh
Cc: John Sales; Steve Goldfarb; Sara Chrisman Bjerkan; John Brenkle; Yesenia Guitron; Rick Swig; Rebecca Flores; Ericka Holzhauser
Subject: Proposed LMD in General Plan

Noah and Victor - This weekend between Warriors games (incredible!) I spent some time learning about the new proposal included in the amended General Plan which would downzone 57% of the Medium Density property in the city from to Low Medium Density . I have some questions for you:

1. What was the impetus to initiate this change in zoning? Has there been direction from the Mayor and City Council to do this?
2. Why is this change being incorporated into the General Plan at this late date with no vetting by the public, limited discussion by the Planning Commission and no study session by the Council?

I found the details of this proposed change in the Planning Commission staff reports of April 19 and May 17. The stated rationale for the change are: "1. the economics of development and 2. the progressive State preemption of local authority in relation to housing developments". It is further stated that if we do not include this new element in the General Plan that "The City would very likely find itself facing proposals to build multiple family projects of up to 16 units/acre in many of the City's existing single family neighborhoods". Is this not directly conflicting with several of the siting council members long term stated preference that St Helens should only build "small, in-fill housing projects"?

OTSH has repeatedly asked the current administration to discuss our town's housing challenges for the last two years. To my knowledge, there has been no public discussion on the proposed housing strategy for our city yet this proposed zoning is, in essence, establishing a housing strategy for the next 20 years. And, it appears to me that the proposed strategy is not consistent with the approved Housing Element in that it eliminates opportunities to build multi-unit housing in a large portion of our community. "By right" housing on the opportunity sites - many of which have questionable feasibility - does not seem like a fair trade off.

OTSH has a board meeting on June 20 and we would like to be well-informed before then so we can discuss this subject and form an opinion during the public hearing timeline. Can you please help me and the board of Our Town St. Helena understand why we should not be concerned that this strategy will significantly limit the ability to build a diverse array of workforce and affordable housing in our town in the next 20 years?

Thanks,
Mary

Noah Housh

From: Pat Dell <pat@dell1.com>
Sent: Wednesday, April 20, 2016 2:01 PM
To: Mary Koberstein
Noah Housh
Subject: Density discussion at the Planning Commission meeting April 19, 2014

Dear Mary, I really appreciated your stance on the issue of reducing the density on medium density residential lots being changed to medium low. I always appreciate the great deal of research you do before presenting your opinion. It is obvious that you have done this research. I also appreciate that you tenaciously albeit it diplomatically defend your position when you have done that research. You evidenced a lot more understanding of the long standing housing issues in St. Helena that did the consultant who developed this policy. Everything I read shows City Councils making the opposite type of decisions because there is an epidemic of housing shortages in Northern California communities. The concept that we can just build 6-8 units of housing here and there cited by Commissioner Monnette just simply won't work. Even with the City having donated the property on McCorkle where 8 units are being built it was necessary for Our Town to partner with an organization that has Federal support which comes with Federal regulations. Financing for these small developments is literally impossible. So, if the General Plan creates an absolute dearth of building sites that might be appropriate for Work Force Housing they have effectively shut down the building of this type of housing. Thank you again. Regards, Pat Dell

Sept. 8, 2015

Dear Mayor Holtwick and members of
City Council,

I am concerned that developer wants
to build a 100 km. slot off Popel Street.
It is true - the city needs increase
to revenue but I am concerned
about the negative impact that
this and other developments -
the Shuster project or testing rooms
event centers would have on
residential neighborhoods both
on the Graham Street side of
St. Helena. I am sure we can
agree that increased traffic
and out-rigger shot points do
not enhance or preserve the
quality and character of our
neighborhood and our downtown.
Please carefully weigh all the
consequences of these developments
and provide plenty of time for
public input.

Let's work together on this!

Thank you,
Elizabeth D. Springfield
Mrs. Ronda K. K. K.

My computer crashed so this handwritten letter

St. Helena thrives on tourism.



[St. Helena Chamber of Commerce St. Helena, CA](http://www.st-helena.com)



[St. Helena Chamber of Commerce](http://www.st-helena.com)

[St. Helena, CA](http://www.st-helena.com)

212

Supporters

We, the undersigned, support managed tourism as the economic engine that drives St. Helena. Our jobs, businesses and livelihoods depend on agriculture, hospitality, wine and restaurants. We know that when business thrives, St. Helena can have the infrastructure, services and strong community that we all want.

Incorporating outdated language back into the updated General Plan is futile and new answers to traffic, housing and infrastructure need to be pursued. We cannot limit ourselves by saying no to tourism. With the City's current financial situation, we cannot re-adopt policies that limit our economic options and potential. We believe that there can be a balance between tourism and our quality of life and we endorse strategic, forward thinking economic development programs instead of repeating failed policies.

We have the data: Our quality of life is affected negatively by failed restrictions placed on tourism. St. Helena has severe financial issues due to lack of funding. St. Helena could flourish if we embrace tourism effectively. The facts are:

- Tourists only pay the TOT (Transient Occupancy Tax). This is a hotel tax paid by those who stay in hotels. Residents do not pay TOT. In St. Helena's General Fund, TOT is the least revenue generating source of income for St. Helena bringing in only approximately 10% of the General Fund. Property Tax approximately is 35% and Sales Tax is approximately 25% (remaining is impact and other fees). With TOT revenues remaining 100% in the City coffers (no share with the County or State), St. Helena is not fully taking advantage of this opportunity.
- The City has in place restrictions on tourism with limits on wine sales and production, limited hotel development, caps on restaurant seats and restrictive local serving retail guidelines. This has led to harmful business practices resulting in less sales tax and less TOT than other jurisdictions in Napa County.
- The City is currently in poor financial shape and our infrastructure is weak. St. Helena's Pavement Condition Index (PCI) was 46 out of a possible 100, the worst in Napa County and the fourth worst score out of the 109 Bay Area jurisdictions rated by the Metropolitan Transportation Commission. We have cut our library budget and City services to the bone because of lack of funding. Other jurisdictions who have embraced tourism with managed growth are flourishing.
- St. Helena's budget shows a shortfall in revenue unless the Las Alcobas hotel opens and immediately generates revenue.
- St. Helena generates the least amount of TOT of any jurisdiction in the County except American Canyon. We generate \$3 million less than Calistoga and \$5 million less than Yountville. American Canyon generates only \$500,000 less than St. Helena.
- TOT is 100% captured by the City and stays in the City. The direct benefit of hotel rooms are seen in the City's bottom line.
- With only 215 rooms, St. Helena can and should pursue high end hotels; those with less rooms but

- higher rates, this is an example of sustainable tourism. Compared to 444 rooms in Yountville and 738 rooms in Calistoga. St. Helena has room to grow.
- Hotel guests spend more in the jurisdiction where they stay. Restaurants fill their second seatings and retail stays open later in jurisdictions where there are more hotel rooms. The indirect benefit of TOT tax is demonstrated in sales tax.
 - St. Helena sales tax rises and falls throughout the year in concert with TOT indicating tourists pay a good portion of sales tax.
 - The economic impact of tourism shows that each St. Helena resident would pay an additional \$11,741 per person in taxes to maintain our economy if the tourists were not here.
 - Tourist spend on average \$389 per day in direct (TOT) and indirect revenue (sales tax) in the City every day.
 - 80% of our downtown merchants claim their customers are approximately 50% local and 50% tourism. This demonstrates that the current diversity of retail stores are in line with local serving and tourist serving businesses.
 - Bike lanes, the Vine Trail, Wine Train, employer shuttles and other options should be encouraged and supported as car free alternatives to traffic.
 - Car free and sustainable tourism alternatives and practices should be adopted rather than restricting tourism.

Yet there are still attempts to legislate against an industry that could put St Helena back on a decent financial track. We feel it is vital and ultimately fiscally responsible to accept and manage tourism to improve our quality of life.

We respectfully request you reject restrictive tourism language proposed for the General Plan. We ask instead that you allow St. Helena to thrive.

Signed,

- Residents of St. Helena,
- residents of Inglewood, Angwin, Deer Park, north and south St. Helena, and bordering County areas who pay sales tax and help generate sales tax to St. Helena,
- employees of taxpaying St. Helena businesses, and
- business owners who have invested in and pay taxes to St. Helena.

This petition will be delivered to:

- St. Helena Planning Commission and City Council

Read the letter

Letter to

St. Helena Planning Commission and City Council

St. Helena thrives on tourism.

OK

St. Helena Chamber of Commerce started this petition with a single signature, and now has 212 supporters. Start a petition today to change something you care about.

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St. Helena Planning Commission and City Council. : St. Helena thrives on tourism.

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212 supporters
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Recipient: **St. Helena Planning Commission and City Council**

Letter: **Greetings,**

St. Helena thrives on tourism.

Signatures

Name	Location	Date
Pam Simpson	Napa, CA, United States	2016-06-05
Donna Hinds	Saint Helena, CA, United States	2016-06-06
Jay Smith	Saint Helena, CA, United States	2016-06-06
Kaleigh Smektxerr	Napa, CA, United States	2016-06-06
Beth Pryor	Saint Helena, CA, United States	2016-06-06
Sarah Elliman	Saint Helena, CA, United States	2016-06-06
Maria Stel	Saint Helena, CA, United States	2016-06-06
David Brotemarkle	Saint Helena, CA, United States	2016-06-06
Kim Boston	Saint Helena, CA, United States	2016-06-06
Norman Mitroff	Saint Helena, CA, United States	2016-06-06
Kevin Dimond	Saint Helena, CA, United States	2016-06-06
Eileen Gordon	Saint Helena, CA, United States	2016-06-06
Jon Brandt	Saint Helena, CA, United States	2016-06-06
Chris Birdwell	Saint Helena, CA, United States	2016-06-06
Lilia OConnor	Saint Helena, CA, United States	2016-06-06
Skyler Spitz	St Helena, CA, United States	2016-06-06
katie leonardini	saint helena, CA, United States	2016-06-06
Tony Leonardini	Saint Helena, CA, United States	2016-06-06
Farley Green	Saint Helena, CA, United States	2016-06-06
Kris Coryell	Saint Helena, CA, United States	2016-06-06
Joe Ogdie	Saint Helena, CA, United States	2016-06-06
Brent Miller	Saint Helena, CA, United States	2016-06-06
Cameron Crebs	Saint Helena, CA, United States	2016-06-06
Mary Smith	Saint Helena, CA, United States	2016-06-06
Mark Smith	Napa, CA, United States	2016-06-06
John Collins	Saint Helena, CA, United States	2016-06-06
Antonio Castellucci	Saint Helena, CA, United States	2016-06-06
Matthew Heil	Malvern, PA, United States	2016-06-06
Claudia Beck	Saint Helena, CA, United States	2016-06-06
Kimberly L Phinney	Saint Helena, CA, United States	2016-06-06

Name	Location	Date
Marcus Marquez	Saint Helena, CA, United States	2016-06-06
Kerry Groth	Saint Helena, CA, United States	2016-06-06
Sean Knight	Saint Helena, CA, United States	2016-06-06
Catherine Dann	Saint Helena, CA, United States	2016-06-06
perry butler	Saint Helena, CA, United States	2016-06-06
Nile Zacherle	Rutherford, CA, United States	2016-06-06
Shannon Salvestrin	Saint Helena, CA, United States	2016-06-06
Erin Przybylinski	Saint Helena, CA, United States	2016-06-06
carolyn hernandez	st. helena, CA, United States	2016-06-06
Kristine Waldenburg	Vallejo, CA, United States	2016-06-06
Matt Hileman	Saint Helena, CA, United States	2016-06-06
Jared Clevenger	Saint Helena, CA, United States	2016-06-06
Gunee Bajwa	Sacramento, CA, United States	2016-06-06
Krisi Raymond	Saint Helena, CA, United States	2016-06-06
D Duncan	Saint Helena, CA, United States	2016-06-06
Sue Furdek	Saint Helena, CA, United States	2016-06-06
Dan Reidy	Saint Helena, CA, United States	2016-06-06
Christopher Dann	Saint Helena, CA, United States	2016-06-06
Debbie Greene	Saint Helena, CA, United States	2016-06-06
Monique Davies	Saint Helena, CA, United States	2016-06-06
William Wright	Saint Helena, CA, United States	2016-06-06
Doreen Fank	Saint Helena, CA, United States	2016-06-06
William Ryan	Saint Helena, CA, United States	2016-06-06
Kristin Martin	Saint Helena, CA, United States	2016-06-06
Patrice Ferguson	Saint Helena, CA, United States	2016-06-06
Perry Clark	Saint Helena, CA, United States	2016-06-06
Sarah Gott	Saint Helena, CA, United States	2016-06-06
Robert Lawson	Saint Helena, CA, United States	2016-06-06
Celeste Neeley	Birmingham, AL, United States	2016-06-06
Beth Wagner	Napa, CA, United States	2016-06-06
Thomas Allen	Saint Helena, CA, United States	2016-06-06
Shannon Kuleto	Saint Helena, CA, United States	2016-06-06

Name	Location	Date
James Decker	Saint Helena, CA, United States	2016-06-06
Matthew Levy	Napa, CA, United States	2016-06-06
Jason Elkin	Saint Helena, CA, United States	2016-06-06
Mila Holt	Saint Helena, CA, United States	2016-06-06
Matthew Rion	Saint Helena, CA, United States	2016-06-06
Peter Przybylinski	Saint Helena, CA, United States	2016-06-06
James Dolen	Saint Helena, CA, United States	2016-06-06
Kirk Wrede	Saint Helena, CA, United States	2016-06-06
Suzanne Gay	Saint Helena, CA, United States	2016-06-06
Sara Chappelllet	St Helena, CA, United States	2016-06-06
Liz Lease-McCaffrey	Deer Park, CA, United States	2016-06-06
Sara Cakebread	Saint Helena, CA, United States	2016-06-06
Matthew Rogers	Saint Helena, CA, United States	2016-06-06
Seana Stephens	Saint Helena, CA, United States	2016-06-06
R Fisher	Saint Helena, CA, United States	2016-06-06
Kevin Melancon	Saint Helena, CA, United States	2016-06-06
Angus Cleland	Saint Helena, CA, United States	2016-06-06
Melissa Leonardini	Saint Helena, CA, United States	2016-06-06
Shannon Meyer	Angwin, CA, United States	2016-06-06
Stephanie Robotnam	Saint Helena, CA, United States	2016-06-06
Tawria Knox	Saint Helena, CA, United States	2016-06-06
Ryann Calder	Saint Helena, CA, United States	2016-06-06
Jason Strofs	Saint Helena, CA, United States	2016-06-06
Marcus Robbins	Saint Helena, CA, United States	2016-06-06
Wayne Armstrong	Saint Helena, CA, United States	2016-06-06
Liz Lopez	Saint Helena, CA, United States	2016-06-06
Chuck Meibeyer	Saint Helena, CA, United States	2016-06-06
Timothy Nieman	Saint Helena, CA, United States	2016-06-06
Barbara Morrissette	Saint Helena, CA, United States	2016-06-06
Mary White	Saint Helena, CA, United States	2016-06-06
Linda Beckstrom	Saint Helena, CA, United States	2016-06-06
Dave Phinney	Saint Helena, CA, United States	2016-06-06

Name	Location	Date
Corey Beck	Saint Helena, CA, United States	2016-06-06
Elizabeth Naylor	Saint Helena, CA, United States	2016-06-06
Duncan Lange	Saint Helena, CA, United States	2016-06-06
Nicole Perry	Saint Helena, CA, United States	2016-06-06
Emily Menegon	Saint Helena, CA, United States	2016-06-06
Reese Chappellet	Saint Helena, CA, United States	2016-06-06
Katie Somple	Saint Helena, CA, United States	2016-06-06
Mark Netoskie	Saint Helena, CA, United States	2016-06-06
Claire McConnell	Angwin, CA, United States	2016-06-06
Jocelyn Hoar	Saint Helena, CA, United States	2016-06-06
Amanda McWane	Napa, CA, United States	2016-06-06
Gretchen Brakesman	Angwin, CA, United States	2016-06-06
Jeff Zappelli	Novato, CA, United States	2016-06-06
Tapan Ganguli	Saint Helena, CA, United States	2016-06-07
Georg Salzner	Saint Helena, CA, United States	2016-06-07
Linda Crawford	Saint Helena, CA, United States	2016-06-07
Ron SCULATTI	Saint Helena, CA, United States	2016-06-07
Robert Creager	Saint Helena, CA, United States	2016-06-07
Ashley McMullen	Saint Helena, CA, United States	2016-06-07
Kathy McCarthy	Saint Helena, CA, United States	2016-06-07
Chris Hall	Saint Helena, CA, United States	2016-06-07
Ronald Burns	Saint Helena, CA, United States	2016-06-07
MARGARET FRIEDRICH	Saint Helena, CA, United States	2016-06-07
Lissy Hudock	Napa, CA, United States	2016-06-07
Dani Brown	St Helena, CA, United States	2016-06-07
Thomas Paul Smith	Lafayette, CA, United States	2016-06-07
Steven Leveque	Saint Helena, CA, United States	2016-06-07
Geni Whitehouse	Saint Helena, CA, United States	2016-06-07
Denise Johnson	Saint Helena, CA, United States	2016-06-07
Marcus Johnson	Saint Helena, CA, United States	2016-06-07
Corey Sprott	Napa, CA, United States	2016-06-07
Andrew Walters	Saint Helena, CA, United States	2016-06-07

Name	Location	Date
Christine Hale	Saint Helena, CA, United States	2016-06-07
Laurence Schlatter	St Helena, CA, United States	2016-06-07
andrea Guzman	Santa Rosa, CA, United States	2016-06-07
Kaethly Kennedy	Calistoga, CA, United States	2016-06-07
James Turrell	Rutherford, CA, United States	2016-06-07
Joshua Cowan	Saint Helena, CA, United States	2016-06-07
Don Finley	Saint Helena, CA, United States	2016-06-07
Victoria Kinnet	Saint Helena, CA, United States	2016-06-07
Alfonso Trejo	Moraga, CA, United States	2016-06-07
Shannon Kelly	Saint Helena, CA, United States	2016-06-07
Thomas Macleod	Saint Helena, CA, United States	2016-06-07
Julia Eyer	Rutherford, CA, United States	2016-06-07
Rene Schlatter	Saint Helena, CA, United States	2016-06-07
Nathan Bergeron	Saint Helena, CA, United States	2016-06-07
Anna Schram	Saint Helena, CA, United States	2016-06-07
Brittany Eyer	Saint Helena, CA, United States	2016-06-07
Elizabeth Wright	San Francisco, CA, United States	2016-06-07
Laura Rombauer	Saint Helena, CA, United States	2016-06-07
Karen Caldwell	Saint Helena, CA, United States	2016-06-07
Edwin Williams	Saint Helena, CA, United States	2016-06-07
Stacia Williams	Saint Helena, CA, United States	2016-06-07
laura Heffernan	Saint Helena, CA, United States	2016-06-07
Kathryn Reynolds	Napa, CA, United States	2016-06-07
Henry Gomez	Rutherford, CA, United States	2016-06-07
Christina Kennedy	Saint Helena, CA, United States	2016-06-07
Janet Peischel	St. Helena, CA, United States	2016-06-07
Michael Laseke	Saint Helena, CA, United States	2016-06-07
Gail Lane	Saint Helena, CA, United States	2016-06-07
Jeanne Kerr	Saint Helena, CA, United States	2016-06-07
Thomas Bensen	Saint Helena, CA, United States	2016-06-07
Kimberlina Carpenter	Calistoga, CA, United States	2016-06-07
Barbara Galante	Saint Helena, CA, United States	2016-06-07

Name	Location	Date
Susan Duryea	Saint Helena, CA, United States	2016-06-07
Leslie Ellis	St Helena, CA, United States	2016-06-07
Toni Hunt	Saint Helena, CA, United States	2016-06-07
Karen Cassel	Saint Helena, CA, United States	2016-06-07
Lisa Pelosi	Saint Helena, CA, United States	2016-06-07
Ferenc Brunner	Saint Helena, CA, United States	2016-06-07
Bryan Dante Sandoli	Saint Helena, CA, United States	2016-06-07
Hal Barrett	Saint Helena, CA, United States	2016-06-07
Erin Lail	Angwin, CA, United States	2016-06-07
Anna Marie Longo	Saint Helena, CA, United States	2016-06-07
Karin Gilpin	Saint Helena, CA, United States	2016-06-07
Michael Garrow	Saint Helena, CA, United States	2016-06-07
Grant Ellis	Saint Helena, CA, United States	2016-06-07
Dianne Maher	Saint Helena, CA, United States	2016-06-07
Paul Asikainen	Saint Helena, CA, United States	2016-06-07

General Plan Tourism Management Petition

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(2-2) The increasing pressures of growth and increasing tourism caused serious concern in the community back in the 1970's, and resulted in a Growth Management System in the late 1970's, and a Tourism Management Element in the 1993 General Plan. At that time, public workshops and a phone survey conducted for the 1993 General Plan Update indicated that the principal land use concerns were the rate of growth of the city and that additional tourism development and its negative consequences would detract from their quality of life. Therefore, the City should follow the long-standing philosophy that growth and tourism in St. Helena should be carefully managed, and that each of these decades-long public concerns are adequately addressed in future land use determinations.

(2.4) St. Helena is committed to preserving its existing community character, maintaining agricultural lands, managing growth and tourism, and ensuring that adequate infrastructure and facilities are provided.

(LU3.D) Encourage diversity and give preference to local-serving retail services which do not require a consumer base larger than the population of St. Helena and its vicinity

(ES1.B) Update the Municipal Code to encourage diversity and give preference to local-serving businesses that are complementary to St. Helena's small-town character and that provide goods at a range of prices. Local serving should be defined not only as offering goods and services appropriate to the citizens of the St. Helena vicinity, but also as businesses with owners and/or staff actively participating in the community. Update the Municipal Code to define and prohibit chain retail services and stores. Chain stores should be defined as any business having multiple commercial properties with the same ownership and name which is required by contractual or other arrangement to provide any of the following: standardized merchandise, similar architectural design, interior decor, signage, display or marketing materials and techniques.

(ES2.1) Support the development of responsible, visitor-serving components to the City's economy as a valuable source of jobs, tax revenues and cultural amenities. Promote policies that facilitate and encourage this type of sustainable economic development, but prohibit any visitor serving activity, which would compromise the quality of life for St. Helena residents. Although a proposed visitor-serving use may be economically beneficial to the City, it should not be approved if it significantly impacts residents by increasing traffic, introducing visitors into residential areas, increasing noise levels, etc.

(ES2.2) Discourage the introduction of uses that are dependent upon a mass tourist market or that compromise the quality of life for St. Helena residents by significantly increasing the total number of tourists.

(ES2.3) Establish a reasonable cap on the number of hotel and motel rooms, and continue to limit vacation rentals. Establish a process for periodic review and updating of the cap.

(ES2.A) Continue to prohibit formula restaurants, outlet and chain discount stores, chain retail stores and time-share lodging projects. Consider destination membership clubs and other potential lodging options that contribute to the Transient Occupancy Tax (TOT) revenue stream and do not conflict with the character of the City or negatively impact neighbors or neighborhoods. Establish a cap on the total number of such destination membership clubs and other lodging options designed to contribute to the TOT revenue stream.

(ES3.E) Although tourism offers economic benefits, it does not come without a toll on St. Helena's infrastructure, i.e. water, sewer, roads, sidewalks, parking, additional police, fire, park maintenance, traffic and most significantly, small town rural character and quality of life. To provide data with which to make responsible decisions regarding soliciting additional tourism, visitor-serving retail, and hotel development, the City will commission an independent third party consultant to produce a detailed cost-benefit analysis of tourism development in St. Helena and vicinity.

Total signatures: 74

Name	State Comment
1. Leslie Rudd	CA
2. Susan Kenward	CA
3. Roman Coppola	CA
4. Mark Smithers	CA
5. Connie Wilson	CA
6. Brian Nash	CA
7. Thomas Smith	CA
8. Adrian Hayne	CA
9. Connie Wilson	CA
10. Chuck Dake	CA
11. David Garden	CA

Name	State Comment
12. Shannon Lail	CA
13. John York	CA
14. Jon Berlin	CA
15. Jennifer Coppola	CA
16. Andrea York	CA
17. Jane Bowyer	CA
18. Angela Franceschi	CA
19. Ken Woytisek	LA
20. Clare Kirkconnell	CA
21. Kathryn Lazar	MA
22. Rebecca Bell	CA
23. Linda Rose	CA
24. John Palmer	CA
25. Polly Alberigi	CA
26. Kirsten Micklewait	CA
27. Mollie Baker	CA
28. Terry McWilliams	CA
29. Amy Calderola	CA
30. Joice Beaty	CA
31. Mary Wilson	KS
32. Anthony Holzhauser	CA
33. Lisa Togni	CA
34. Susan Davis	CA
35. Michele Hyde	CA
36. Pam Smithers	CA
37. Jerry Hyde	CA
38. Bruce Edwards	CA
39. Nick Coy	OH
40. Michael Calderola	CA
41. Marilyn Ryan	TX
42. Carolyn Duryea	CA
43. Geoff Ellsworth	CA
44. Paul Bertoli	CA
45. Faith Echtermeyer	CA
46. Herman Froeb	CA
47. George David	CA
48. Charles Vondra	CA
49. Sandra Lowry	CA
50. Douglas Barr	CA
51. Lana Ivanoff	CA
52. Larry Merla	CA
53. Grant Peniston	CA
54. David Valentine	CA
55. Robert Leighton	CA
56. Sharon Dellamonica	TX
57. Siena Oconnell	CA
58. Thomas Belt	CA
59. Antonia Allegra	CA
60. Donn Black	CA
61. MaryMargaret Simonson	CA
62. Kathy Coldiron	CA
63. Eleanor Kapner	CA
64. Glenn Smith	CA
65. Anne Carr	CA
66. Giovanna Scruby	CA
67. Martin Bennett	CA
68. Connie Kay	IL
69. Barry Ives	CA

Name

State Comment

Default

- 70. Jane bowyer CA
- 71. Phil Murphy CA
- 72. Bennett Rita CA
- 73. Nancy Garden CA
- 74. Pat Friday CA

Sheet1

nationbuilder_id	name	state	country	comment	created_at
378	Leslie Rudd	CA	US		2016-04-16 03:00:54.689245
22	Susan Kenward	CA	US		2016-04-27 19:24:21.598875
12	Roman Coppola	CA	US		2016-04-27 23:12:12.219489
78	Mark Smithers	CA	US		2016-04-27 23:14:09.651906
119	Connie Wilson	CA	US		2016-04-27 23:17:44.78528
72	Brian Nash	CA	US		2016-04-27 23:18:05.437694
260	Thomas Smith	CA	US		2016-04-27 23:18:06.033151
200	Adrian Hayne	CA	US		2016-04-27 23:18:39.577626
379	Connie Wilson	CA	US		2016-04-27 23:20:31.069923
265	Chuck Dake	CA	US		2016-04-27 23:26:58.392107
77	David Garden	CA	US		2016-04-27 23:30:55.406643
130	Shannon Lail	CA	US		2016-04-27 23:40:42.369574
286	John York	CA	US		2016-04-27 23:44:22.732573
118	Jon Berlin	CA	US		2016-04-28 00:05:35.22426
380	Jennifer Coppola	CA	US		2016-04-28 00:09:09.345683
381	Andrea York	CA	US		2016-04-28 00:17:21.364761
382	Jane Bowyer	CA	US		2016-04-28 00:18:09.095662
196	Angela Franceschi	CA	US		2016-04-28 01:09:47.220465
383	Ken Woytisek	LA	US		2016-04-28 02:20:30.100799
137	Clare Kirkconnell	CA	US		2016-04-28 02:25:31.551594
384	Kathryn Lazar	MA	US		2016-04-28 02:28:29.208319
288	Rebecca Bell	CA	US		2016-04-28 02:32:24.031318
356	Linda Rose	CA	US		2016-04-28 02:51:40.296177
385	John Palmer	CA	US		2016-04-28 03:01:46.258521
386	Polly Alberigi	CA	US		2016-04-28 03:20:10.212597
387	Kirsten Mickelwait	CA	US		2016-04-28 03:24:35.369125
360	Mollie Baker	CA	US		2016-04-28 05:05:22.518394
103	Terry McWilliams	CA	US		2016-04-28 14:10:46.483697
220	Amy Calderola	CA	US		2016-04-28 14:25:02.926143
291	Joice Beatty	CA	US		2016-04-28 14:27:16.638438
389	Mary Wilson	KS	US		2016-04-28 15:35:03.885703
263	Anthony Holzhauser	CA	US		2016-04-28 16:39:18.786598
390	Lisa Togni	CA	US		2016-04-28 17:32:10.989234
134	Susan Davis	CA	US		2016-04-28 17:58:34.209235
391	Michele Hyde	CA	US		2016-04-28 20:01:25.669551
294	Pam Smithers	CA	US		2016-04-28 20:04:16.846562
349	Jerry Hyde	CA	US		2016-04-28 22:24:17.346726
393	Bruce Edwards	CA	US		2016-04-29 02:20:27.99948
394	Nick Coy	OH	US		2016-04-29 04:58:22.196833
111	Michael Calderola	CA	US		2016-04-29 15:09:15.228265
395	Marilyn Ryan	TX	US		2016-04-29 15:11:18.676777
128	Carolyn Duryea	CA	US		2016-04-30 03:30:57.004114
173	Geoff Ellsworth	CA	US		2016-04-30 14:28:44.648861
397	Paul Bertoli	CA	US		2016-05-01 16:40:24.500106
25	Faith Echtermeyer	CA	US		2016-05-02 16:20:50.045673
398	Herman Froeb	CA	US		2016-05-02 17:40:56.29535
400	George David	CA	US		2016-05-02 22:18:40.54886
138	Charles Vondra	CA	US		2016-05-02 22:46:54.57811
402	Sandra Lowry	CA	US		2016-05-02 23:22:34.658677
68	douglas barr	CA	US		2016-05-03 15:49:59.399591

Sheet1

177 Lana Ivanoff	CA	US	2016-05-03 22:05:19.033095
404 Larry Merla	CA	US	2016-05-03 22:09:30.372421
41 grant peniston	CA	US	2016-05-03 23:05:09.219148
37 David Valentine	CA	US	2016-05-04 14:00:58.021799
405 Robert Leighton	CA	US	2016-05-04 17:02:31.045417
15 Sharon Dellamonica	TX	US	2016-05-04 21:08:33.901184
406 siena oconnell	CA	US	2016-05-04 23:34:02.595483
407 Thomas Belt	CA	US	2016-05-05 02:50:57.4515
330 Antonia Allegra	CA	US	2016-05-05 05:17:45.497401
408 Donn Black	CA	US	2016-05-05 23:35:27.723777
409 MaryMargaret Simonson	CA	US	2016-05-07 02:53:21.178148
81 Kathy Coldiron	CA	US	2016-05-07 04:14:22.11753
410 eleanor kapner	CA	US	2016-05-07 22:29:00.981777
341 Glenn Smith	CA	US	2016-05-08 21:32:55.888413
165 Anne Carr	CA	US	2016-05-12 13:20:02.216726
109 Giovanna Scruby	CA	US	2016-05-12 14:17:57.390007
61 Marlin Bennett	CA	US	2016-05-12 17:07:20.374225
272 Connie Kay	IL	US	2016-05-12 18:11:37.349248
79 Barry Ives	CA	US	2016-05-12 21:30:04.336869
411 jane bowyer	CA	US	2016-05-13 16:40:37.998672
107 Phil Murphy	CA	US	2016-05-13 18:45:21.123171
105 Bennett Rita	CA	US	2016-05-13 23:59:53.412838
82 Nancy Garden	CA	US	2016-05-14 16:07:47.572022
73 Pat Friday	CA	US	2016-05-14 16:39:29.110938

Busan Kenward 246-6389

citizensvoicest@gmail.com

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Citizens' Voice proposes a compromise between the 1993 and 2035 Update. We would like to see new language incorporated into the 2035 Updated General Plan before it is approved by the Planning Commission and City Council.

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Name/date Franklin Albert Zan Tompkins
Address 1168 Meadowcreek Circle, St. Helena, CA
Email/phone (707) 963-2565

Name/date Wendy Lee Tompkins
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Email/phone wendy@citizensvoicest.com ph: 963-2565

Name/date Wendy Lee Tompkins
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Email/phone 707-968-0909

Name/date Jessica Owen 5-10-16
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Email/phone jowen@comcast.net 94514

Name/date Paul E. Palmer 5-12-2016
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Email/phone 707-963-3351

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Email/phone becky1104@gmail.com 707 963-3351

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Email/phone (707) 967-0453

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Name/date David M. Geller 5/5/16
 Address 2577 S. Helena Ave, St. Helena, CA 94574
 Email/phone 707-963-8408

Name/date Super Center
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 Email/phone _____

Name/date Marion Bridges
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 Email/phone marion@bridges.com

Name/date Robert van Casteren
 Address 1150 Popocatepec Cir
 Email/phone _____

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Name/date Vellie Jewell
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 Email/phone _____

Name/date Brunie Long
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 Email/phone amitchell@yan.eya.com

Name/date Wendy Stratton
 Address 2021 Olive Ave St. Helena
 Email/phone wendy@stratton.com

Name/date _____
 Address _____
 Email/phone _____

Name/date _____
 Address _____
 Email/phone _____

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TOURISM/LOCAL SERVICES

Name/date Donnie Wilson 5/15/16
Address 1058 Scott St.
Email/phone 415 956 0000 ext. 707-337-2210

Name/date William Saladin 5/15/16
Address 1058 Scott Street

Name/date Matthew Popock 5/16/16
Address 1069 Alexander Ct. 707-225-2394
Email/phone

Name/date Ruby Solano 5/16/16
Address 1121 Stone Lane St. Helena 707-280-8357
Email/phone

Name/date Dianne Wilson 5/16/16
Address 1515 Stockton Street 707-963-9586
Email/phone

Name/date Chris Saladin 5/16/16
Address 1058 Scott St

Name/date Philip Popock 5/16/16
Address 1069 Alexander Ct.

Name/date Harrah Popock 5/16/16
Address 1069 Alexander Ct.
Email/phone

Name/date
Address
Email/phone

Name/date
Address
Email/phone

Name/date
Address
Email/phone

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TOURISM / LOCAL SERVICES

Name/date Christina Blue
Address 535 McCorle Ave
Email/phone 707-967-0278

Name/date Mike Greenhill
Address 2 Redondo Ct.
Email/phone 707 967 9491

Name/date _____
Address _____
Email/phone _____

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Name/date _____
Address _____
Email/phone _____
JEAN VANANSON ST HELENA CA 94574
5/17/16

Name/date _____
Address _____
Email/phone _____

PETITION TO THE PLANNING COMMISSION AND CITY COUNCIL OF ST. HELENA

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DATE 5/15/14 NAME Lynn Lieber SIGNATURE 

Bob Lieber 

ADDRESS: 1181 Starr Avenue

St. Helena EMAIL: 

lynn@lieberlawyers.com

Bob@lieberlawyers.com

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<u>DATE</u>	<u>NAME</u>	<u>SIGNATURE</u>
5/16/16	GLENN GOLZ	
<u>ADDRESS:</u>		<u>EMAIL:</u>
645 MCCORKLE AVE		

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DATE 5/16/16 NAME Elizabeth Belt SIGNATURE

Elizabeth Belt

ADDRESS: 445 McCasle Ave

EMAIL:

lizzyloves2b@comcast.net

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DATE 3/16/16 NAME MARY SPADAT SIGNATURE 

ADDRESS: 1421 TRINITER ST. ST. HELENA

EMAIL: mgsprat@aol.com

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DATE _____ NAME _____ SIGNATURE _____

5-16-16 Mary Gunning

ADDRESS: 1185 Woodstrussbrook Circle

St Helena EMAIL: marycgunning@gmail.com

DATE _____ NAME _____ SIGNATURE _____

ADDRESS: _____

EMAIL: _____

DATE _____ NAME _____ SIGNATURE _____

ADDRESS: _____

EMAIL: _____

General Plan Winery Petition

We, the undersigned, petition against the text(s) in LUS.6 in the 2035 General Plan update by the City Council.

LU 5.6

Permit wineries and other agricultural related industry to locate in the city if their location does not adversely impact surrounding uses or city services (water, traffic, etc.) or the quality and character of the community.

We petition to change LUS.6 to the following:

Permit wineries to locate in the city if they meet the definition of a winery or small winery. A "winery" is defined as an agricultural processing facility used for the fermenting and processing of grape juice into wine, and the re-fermenting of still wine into sparkling wine. A winery shall be sited on twenty acres or greater in size, (to ensure the protection of the quality and character of the community.) unless it meets the definition of a "small winery." A "small winery" is defined as a winery on a parcel of five acres or greater in size where the winery is an accessory use to a residential use. The residential use shall be the primary residence of the winery owner or winery operator.

Accessory uses, such as picnic areas, tasting rooms, winery offices, equipment maintenance shops, employees facilities, cooperative repair shops, wine storage tanks, scales, employee parking, winery waste treatment and/or disposal facilities may be permitted at a winery if they do not adversely impact surrounding uses or city services (water, traffic, etc.) or the quality and character of the community.

Total signatures: 61

Name	State Comment
1. Susan Kenward	CA
2. Mark Smithers	CA
3. Thomas Smith	CA
4. David Garden	CA
5. Susan McWilliams	CA
6. John Hawkins	NY
7. Jon Berlin	CA
8. Jennifer Coppola	CA
9. Angela Franceschi	CA
10. Ken Woytisek	LA
11. Clare Kirkconnell	CA
12. Rebecca Bell	CA
13. Anne Carr	CA
14. Linda Rose	CA
15. Jennifer Garden	CA
16. grant peniston	CA
17. Chuck Dake	CA
18. Mollie Baker	CA
19. Richard Seiferfeld	CA
20. Terry McWilliams	CA
21. Amy Caldarola	CA
22. Joice Beatty	CA
23. robin lail	CA
24. Mary Willson	KS
25. Lisa Togni	CA
26. Susan Davis	CA
27. Betsy Holzhauser	CA
28. Pam Smithers	CA
29. Jerry Hyde	CA
30. Michele Hyde	CA
31. Phoebe Ellsworth	CA
32. Ron and Hannah Nunn	CA
33. Bruce Edwards	CA
34. Betsy Holzhauser	CA

Name	State Comment
35. Michael Calderola	CA
36. Susann Ortega	MA
37. Carolyn Duryea	CA
38. Geoff Ellsworth	CA
39. Jane Skeels	CA
40. George David	CA
41. Charles Vondra	CA
42. Sandra Lowry	CA
43. douglas barr	CA
44. Lana Ivanoff	CA
45. Larry Merla	CA
46. john york	CA
47. Robert Leighton	CA
48. Sharon Dellamonica	TX
49. Thomas Belt	CA
50. Antonia Allegra	CA
51. MaryMargaret Simonson	CA
52. Glenn Smith	CA
53. Kathy Coldiron	CA
54. Giovanna Scruby	CA
55. Pete McClory	CA
56. Leslie Baggish	CA
57. Martin Bennett	CA
58. Connie Kay	IL
59. susan allen	CA
60. Barry Ives	CA
61. Pat Friday	CA

Sheet1

nationbuilder_id	name	state	country	comment	created_at
22	Susan kenward	CA	US		2016-04-27 19:26:28.856143
78	Mark Smithers	CA	US		2016-04-27 23:16:57.526395
260	Thomas Smith	CA	US		2016-04-27 23:20:00.29179
77	David Garden	CA	US		2016-04-27 23:32:59.897445
97	Susan McWilliams	CA	US		2016-04-27 23:52:31.508449
63	John Hawkins	NY	US		2016-04-28 00:05:34.18502
118	Jon Berlin	CA	US		2016-04-28 00:07:50.12987
380	Jennifer Coppola	CA	US		2016-04-28 00:09:45.321388
196	Angela Franceschi	CA	US		2016-04-28 01:10:51.211136
383	Ken Woytsek	LA	US		2016-04-28 02:22:39.289968
137	Clare Kirkconnell	CA	US		2016-04-28 02:26:25.222606
288	Rebecca Bell	CA	US		2016-04-28 02:33:08.225835
165	Anne Carr	CA	US		2016-04-28 02:47:36.553721
356	Linda Rose	CA	US		2016-04-28 02:54:29.149175
6	Jennifer Garden	CA	US		2016-04-28 03:17:44.528202
41	grant peniston	CA	US		2016-04-28 04:09:23.648465
265	Chuck Dake	CA	US		2016-04-28 05:07:03.715987
360	Mollie Baker	CA	US		2016-04-28 12:25:56.106405
369	Richard Seiferheld	CA	US		2016-04-28 14:12:09.549937
103	Terry McWilliams	CA	US		2016-04-28 14:27:53.88515
220	Amy Calderola	CA	US		2016-04-28 14:28:50.591511
291	Joice Beatty	CA	US		2016-04-28 14:46:34.306764
46	robin jall	KS	US		2016-04-28 15:36:29.747947
389	Mary Wilson	CA	US		2016-04-28 17:33:16.239903
390	Lisa Togni	CA	US		2016-04-28 17:59:24.191136
134	Susan Davis	CA	US		2016-04-28 20:04:53.44838
332	Betsy Holzauer	CA	US		2016-04-28 20:05:56.564414
294	Pam Smithers	CA	US		2016-04-28 22:25:19.034394
349	Jerry Hyde	CA	US		2016-04-28 22:38:33.607732
391	Michele Hyde	CA	US		2016-04-29 00:35:26.3485
40	Phoebé Ellsworth	CA	US		2016-04-29 00:47:24.476648
365	Ron and Hannah Nunn	CA	US		2016-04-29 02:25:44.083931
393	Bruce Edwards	CA	US		2016-04-29 05:53:20.13506
29	Betsy Holzauer	CA	US		2016-04-29 15:10:34.814387
111	Michael Calderola	MA	US		2016-04-29 22:04:15.383355
87	Susann Ortega	CA	US		2016-04-30 03:30:30.798183
128	Carolyn Duryea	CA	US		2016-04-30 14:30:20.771449
173	Geoff Ellsworth	CA	US		2016-05-02 18:07:03.714067
399	Jane Skeels	CA	US		2016-05-02 22:20:07.687686
400	George David	CA	US		2016-05-02 22:47:59.776899
138	Charles Vondra	CA	US		2016-05-02 23:24:30.713972
402	Sandra Lowry	CA	US		2016-05-03 15:51:17.816697
68	douglas barr	CA	US		2016-05-03 22:06:29.641962
177	Lana Ivanoff	CA	US		2016-05-03 22:12:21.233757
404	Larry Merla	CA	US		2016-05-04 00:52:16.989955
286	John York	CA	US		2016-05-04 17:03:07.759996
405	Robert Leighton	TX	US		2016-05-04 21:09:56.432134
15	Sharon Dellamonica	CA	US		2016-05-05 02:52:31.471178
407	Thomas Beit	CA	US		2016-05-05 05:23:32.260529
330	Antonia Allegra	CA	US		

Sheet1

409 MaryMargaret Simonson	CA	US	2016-05-07 02:55:55.697926
341 Glenn Smith	CA	US	2016-05-08 21:37:08.437562
81 Kathy Coldiron	CA	US	2016-05-09 19:14:49.386465
109 Giovanna Scruby	CA	US	2016-05-12 14:20:51.166437
362 Pete McClory	CA	US	2016-05-12 15:11:29.617655
20 Leslie Bagglsh	CA	US	2016-05-12 16:57:02.952467
61 Martin Bennett	CA	US	2016-05-12 17:10:00.109908
272 Connie Kay	IL	US	2016-05-12 18:19:07.113429
313 susan allen	CA	US	2016-05-12 20:23:12.029321
79 Barry Ives	CA	US	2016-05-12 21:32:20.966912
73 Pat Friday	CA	US	2016-05-14 16:40:25.985656

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WINERIES

- Name/date Steven A. Ericson Steven A. Ericson 5-05
- Address 1400 B Gwynson Ave. St Helena, Ca 94514
- Email/phone ericsondealty@gmail.com 707-763-7815
- Name/date Marla L. Ericson Marla Ericson
- Address 1400 B Gwynson Ave St Helena CA 94514
- Email/phone meoericson@hotmail.com
- Name/date Kathleen Carrick Kathleen Carrick 5
- Address 1321 Stockton St St Helena
- Email/phone Kathleen.Carrick@ios.com 963-282
- Name/date Elizabeth Holzhauer Elizabeth Holzhauer 5/12/11
- Address 17 Los Robles Ct St Helena
- Email/phone bholtri@comcast.net 963-9707
- Name/date Anthony J. Hehauer Anthony J. Hehauer 5/12/11
- Address 17 Los Robles Ct. St. Helena, CA
- Email/phone TheL12@comcast.net 963-9707
- Name/date Jeanne McLann-Baswell
- Address 3053 - St. Helena Hwy N.
- Email/phone jeannebuswell@yahoo.com
- Name/date Charlotte Morgan Charlotte Morgan 5/12/11
- Address 3051 St. Helena Hwy
- Email/phone cmorgan123@yahoo.com
- Name/date Joe Driscol Joe Driscol
- Address 2 Los Robles Ct. St Helena 94514
- Email/phone 025121@NARRABES.NE.T 707-965-7210
- Name/date SANDY VAN DORP Sandy Van Dorp 5-17-16
- Address 707 Charles Pope Valley Pl. St Helena, CA 94514
- Email/phone _____
- Name/date Elizabeth Skafar Elizabeth Skafar 5-17-
- Address 1053 Mc Carle Ave, St Helena CA
- Email/phone eliskafar@gmail.com 707-227-9005
- Name/date DAVID S. BRADSHAW
- Address 702 HUNTS ST HELENA
- Email/phone 707-302-5432 bradshawd@jacksonlaw.com

5-17-11

WINERIES

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Name/date	_____	_____	_____
Address	1467 KEARNEY ST.	516/16	_____
Email/phone	NENA@QPARTYS.COM	_____	_____
Name/date	_____	_____	_____
Address	1038 WALTER DR, ST. HELENA, CA 94574	_____	_____
Email/phone	1707 467 9616	_____	_____
Name/date	_____	_____	_____
Address	24 Amistad St.	_____	_____
Email/phone	707-455-4858	_____	_____
Name/date	_____	_____	_____
Address	1065 Greenl. Ct	_____	_____
Email/phone	654-8387	_____	_____
Name/date	_____	_____	_____
Address	1065 Quilla Ct.	_____	_____
Email/phone	481-2900	_____	_____
Name/date	_____	_____	_____
Address	1355 Carole Ct.	_____	_____
Email/phone	clennoddy@galagast.com	_____	_____
Name/date	_____	_____	_____
Address	BILL WOSLEY 5-7-16	_____	_____
Email/phone	1705 Hillview Pl. 94574	_____	_____
Name/date	_____	_____	_____
Address	5111 Bill Wosley net	_____	_____
Email/phone	_____	_____	_____
Name/date	_____	_____	_____
Address	Chuck ORFAR 5-7-16	_____	_____
Email/phone	240 Dea York	_____	963-2663
Name/date	_____	_____	_____
Address	KATHRYN LARAK	_____	_____
Email/phone	1525 Spring Street	_____	_____
Name/date	_____	_____	_____
Address	KATHY@CRAFTIVE.COM	_____	_____
Email/phone	_____	_____	_____
Name/date	_____	_____	_____
Address	STEVEN BRESSLER	_____	_____
Email/phone	191 Volle St.	_____	_____
Name/date	_____	_____	_____
Address	Shayla Bressler@ymail.com	_____	_____
Email/phone	_____	_____	_____
Name/date	_____	_____	_____
Address	VICTORIA BEARDSHAU WBradshaw	_____	_____
Email/phone	708 Hunt Ave	_____	_____
	Vernadshaw@calstat.com	_____	_____

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0

David Menegas

Name/date _____
Address 741 McCorkle Ave ST. Helena Ca
Email/phone DMSTEVE@YAHOO.COM

Name/date Glenn Raffertee
Address 1328 Montivisa St. Helena Ca
Email/phone Gussglenn@yahoo.com

Name/date COURTNEY MENEGON
Address 1320 ANDREA AVE ST. HELENA, CA
Email/phone court21-22@yahoo.com

Name/date Rick S Fire
Address 1347 Monte Vista Dr St Helena Ca
Email/phone 453-1698

Name/date Terje Costner
Address 1158 Popocatepec Circle
Email/phone 707-302-5961

Name/date Rebecca Costner
Address 1158 Popocatepec Cir
Email/phone 302-5961

Name/date Ann White ll
Address 1178 Edwards St. Helena CA 94594
Email/phone lwhitebellryan@yahoo.com

Name/date Robert Strachan
Address 2081 Olive case St. Helena
Email/phone robertjmanystachan@gmail.com

Name/date Ivel Tollev
Address 1990 Birch St
Email/phone St. Helena, Ca 94574

Name/date BRUCE LEFFAOUR
Address 1244 Hudson Ave CA 94574
Email/phone _____

Name/date Jan Niemi
Address 1606 Hillview Circle St
Email/phone _____

(15)

WINERY

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Name/date Annie Wilson 5/15/16
Address 1058 Scott Street SH
Email/phone 415 4956 e lancast.net 707-337-2210

Name/date William Saladin 5/15/16
Address 1658 Scott St. St. Helena
Email/phone _____

Name/date Martha Popick Shelle
Address 16109 Alexander Ct 707-225-2394
Email/phone _____

Name/date Ruby Solano Shelle
Address 1171 Stillman St. Helena Ca, 94574
Email/phone 707-260-8307

Name/date Chris Saladin Shelle
Address 1658 Scott Street SH
Email/phone _____

Name/date Philip Popick Shelle
Address 1609 Alexander Ct,
Email/phone _____

Name/date Hannah Popick Shelle
Address 1609 Alexander Ct,
Email/phone _____

Name/date Dianne Wilson Shelle
Address 1515 Stockton St, 707, 603, 9586
Email/phone _____

Name/date Paul & Thelma
Address 1247 Hudson Ave. SH.
Email/phone _____

Name/date _____
Address _____
Email/phone _____

Name/date _____
Address _____
Email/phone _____

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Name/date Cristina Avina
Address 535 McClure Ave
Email/phone 707-967-0278

Name/date Mike Givens, II
Address 2 Redondo Ct
Email/phone 707 967 9491

Name/date Leslie Turner
Address 920 Hunt Ave St Helena
Email/phone 707-967-9733

Name/date Yma Holcomb
Address 3933 Chula Pope Valley, St. Helena, CA
Email/phone 707-963-0454

Name/date Janet Costner
Address 1485 Kennedy St. St. H.
Email/phone _____

Name/date _____
Address _____
Email/phone _____

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Name/date David R. Goodwin 5/5/16
Address 277 Silver Star Spgs Ave St Helena
Email/phone 707-985-3408

Name/date Theresa A. Miller
Address 5749 Sutter Springs St. St. H.
Email/phone magister@kodi.com

Name/date _____
Address _____
Email/phone _____

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Name/date _____
Address _____
Email/phone _____

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Name/date Mary Stundling 5-16-16
Address 1185 W. Badstuber Ave
Email/phone marystundling@gmail.com

Name/date _____
Address _____
Email/phone _____

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Name/date SHARON DELCORSOLES MAY 9, 2016
 Address 204 ROSEBUD LANE #C
 Email/phone SPELERSOLE@COMCAST.NET

Name/date Mary O'Leary May 9, 2016
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To provide greater clarity of vision, a consistent understanding of "winery," and a consistent approach toward the regulation of wineries within the City limits, we propose modifying LU 5.6. As modified, LU 5.6 will better guide winery-related development in every district in the City and help guarantee adequate protection for the residential neighborhoods and the small town character of the city.

We, the undersigned, petition against the text(s) in LUS.6 in the 2035 General Plan update by the City Council.

LU 5.6 - Current Wording

Permit wineries and other agricultural related industry to locate in the city if their location does not adversely impact surrounding uses or city services (water, traffic, etc.) or the quality and character of the community.

We petition to change LUS.6 to the following:

Permit wineries to locate in the city if they meet the definition of a winery or small winery. A "winery" is defined as an agricultural processing facility used for the fermenting and processing of grape juice into wine, and the re-fermenting of still wine into sparkling wine. A winery shall be sited on twenty acres or greater in size, (to ensure the protection of the quality and character of the community.) unless it meets the definition of a "small winery." A "small winery" is defined as a winery on a parcel of five acres or greater in size where the winery is an accessory use to a residential use. The residential use shall be the primary residence of the winery owner or winery operator.

Accessory uses, such as picnic areas, tasting rooms, winery offices, equipment maintenance shops, employees facilities, cooperage repair shops, wine storage tanks, scales, employee parking, winery waste treatment and/or disposal facilities may be permitted at a winery if they do not adversely impact surrounding uses or city services (water, traffic, etc.) or the quality and character of the community.

Name/date STEVEN HANSEN
Address 5 SAN JUAN CT STEVENA CA 94574
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April 15, 2016

Via E-Mail and U.S. Mail

City of St. Helena, City Hall
Received

Members of the St. Helena Planning Commission
City of St. Helena
1480 Main Street
St. Helena, California 94574

APR 18 2016
1480 Main St.
St. Helena, CA 94574

Re: St. Helena General Plan Update: Land Use and Tourism Management
Issues

Dear Members of the Planning Commission:

This firm represents Citizens Voice St. Helena ("Citizens Voice") and submits these comments on the proposed General Plan Update on its behalf. Citizens Voice reserves the right to submit additional comments on the draft and to submit comments on the City's environmental review of the draft General Plan at a later date.

Citizens Voice has reviewed the draft General Plan and believes that it ignores residents' concerns about tourism and the potential loss of the authentic rural character of our community. Specifically, the second paragraph of 2.2 Community Development Framework, incorrectly suggests that the phone survey conducted for the 1993 general plan update indicated the only major concern of St. Helena citizens was general growth. See General Plan Update at 2-4. The draft ignores and obscures the fact that tourism was and is another primary concern of St. Helena residents, even to such an extent that in 1993 it inspired its own Tourism Management Element.

In fact, the 1993 General Plan states that "[t]he Tourism Management element is not a State-mandated General Plan Element, but has been included because of the significant impact that tourism plays in the life of this community." 1993 General Plan, Tourism Element at 3-1. The 1993 General Plan continues, "[t]ourism is not an isolated phenomenon. Its effects are experienced in many different arenas, including traffic, recreation, public services, land use (e.g. reduction in the number of local serving businesses) and community design." *Id.* And finally, "[t]he majority of the citizens of St. Helena believe that tourism has provided more benefits than drawbacks, but also believe that additional tourism-related development would detract from their general

quality of life. This view of tourism is a fundamental element of the entire General Plan, i.e., additional tourism-related development should be discouraged.” *Id.* at 3-2.

The population of St. Helena has barely changed over the last 16 years (a net increase of only 38 people from 2000 to 2014).¹ Therefore it should be apparent that population growth is not the sole focus of citizen concern. Rather, as in 1993, residents remain anxious about ever increasing tourism. The 1993 General Plan also stated that, “[w]hile most of the residents of St. Helena recognize the economic significance of the tourist industry, they also believe tourism has substantial associated costs, particularly as it impacts the character of the community.”

The tension between our rural community and the pressures of increasing tourism continues to be a topic of concern for St. Helena residents. Polling in 2007 for this updated 2035 General Plan suggests that the majority of citizens believe St. Helena remains, at heart, a small rural community and not a tourist-oriented town. See St. Helena General Plan Update, Visioning Statement Development, Summary of Top Issues of Disagreement, attached as Exhibit A. Sixty-four percent of respondents called St. Helena either a wine country village, a rural agricultural center, or a rural residential community. *Id.* at 3. Less than a third identified St. Helena as “tourism-oriented.” *Id.* Seventy-eight percent felt the increase in visitor-related traffic was unacceptable. *Id.* at 4. Fifty-seven percent disagreed that market forces rather than city government should control visitor related growth and that managing tourism to the benefit of residents and the quality of the town, as a whole is important. *Id.* at 2.

As such, Citizens Voice believes the sentiments expressed in that 2007 poll, which are barely acknowledged in the current draft, must be reflected in the final 2035 General Plan. Citizens Voice offers the following suggested revisions² to be adopted with the City’s proposed revisions:

2-2 Community Development Framework

The increasing pressures ~~to grow~~ of growth and increasing tourism caused serious concern in the community back in the 1970’s, and resulted in a Growth Management System in the late 1970’s, and a Tourism

¹ Compare QuickFacts, St. Helena, California, U.S. Census Bureau, available at <http://www.census.gov/quickfacts/table/PST045215/0664140.22091.00> with City of St. Helena, Bay Area Census, available at <http://www.bayareacensus.ca.gov/cities/StHelena.htm>.

² Underline indicates an addition, strikethrough indicates a deletion.

Management Element in the 1993 General Plan. At that time, public workshops and a phone survey conducted for the 1993 General Plan Update indicated that the principal land use concerns was were the rate of growth of the city and that additional tourism development and its negative consequences would detract from their quality of life. The community was generally concerned that there would be a loss of charm and beauty, increased traffic conditions and an inadequate water supply. For the 2035 GENERAL PLAN Update, a phone survey, Town Hall meetings and mail-in survey were conducted and the community still highlights all these concerns - increased traffic, inadequate water and preservation of small town character. Therefore, the City should follow the long-standing philosophy that growth and tourism in St. Helena should be carefully managed, and that each of these decades-long public concerns are adequately addressed in future land use determinations.

Draft Update at 2-4.

2.4 Goals

The goals of the Land Use and Growth Management Element are:

Manage and Maintain Community Character.

St. Helena is committed to preserving its existing community character, maintaining agricultural lands, managing growth and tourism, and ensuring that adequate infrastructure and facilities are provided.

Draft Update at 2-28.

The purpose of the following changes is to offer tools to the City Council and Planning Commission to maintain some control over the types of business that will complement the rural character of St. Helena and not negatively impact the lifestyle of the town's residents or existing business community. Polling in the General Plan Update Visioning Statement suggests that allowing the marketplace, rather than city government, to decide what kinds of businesses will best serve St. Helena, contradicts what the majority of residents believe will sustain the quality of life that originally attracted them (as well as tourists) to our city.

LU3.C Encourage diversity and give preference to local-serving retail services which do not require a consumer base larger than the population of

St. Helena and its vicinity. For the purposes of the General Plan, "vicinity" is defined as the surrounding agricultural area for which St. Helena has historically provided goods and services, including Calistoga, Angwin, Deer Park, Meadowood, Madrone Knoll, Rutherford and the unincorporated area south of St. Helena.

Draft Update at 2-38.

The object of the following revisions is to give preference when possible to local-serving businesses applying for permits in St. Helena. Local-serving is redefined more broadly to make it easier for existing and new businesses to comply. Citizens Voice believes absentee ownership and a low-wage salesforce diminish St. Helena's charm and character. Chain stores as defined below are unlikely to be locally owned or staffed, will not complement existing stores, and will create a generic suburban feel that conflicts with the small town rural character that appeals both to tourists and locals. There are times when preservation and progress are the same thing.

ES1.B Update the Municipal Code to encourage diversity and give preference to local-serving businesses that are complementary to St. Helena's small-town character and that provide goods at a range of prices. Local serving should be defined not only as offering goods and services appropriate to the citizens of the St. Helena vicinity, but also as businesses with owners and/or staff actively participating in the community. Update the Municipal Code to define and permit prohibit non-chain, discount-type retail services and stores. Chain stores should be defined as any business having multiple commercial properties with the same ownership and name which is required by contractual or other arrangement to provide any of the following: standardized merchandise, similar architectural design, interior décor, signage, display or marketing materials and techniques. Maintain the existing provisions in the Municipal Code that prohibit formula restaurants, outlet and chain discount-type stores, and retail businesses over 10,000 square feet in size.

Draft Update at 3-11.

ES2.1 Support the development of responsible, visitor-serving components to the City's economy as a valuable source of jobs, tax revenues and cultural amenities. Promote policies that facilitate and encourage this type of sustainable economic development, but prohibit any visitor serving activity, which would compromise the quality of life for St. Helena

residents. Although a proposed visitor-serving use may be economically beneficial to the City, it should not be approved if it significantly impacts residents by increasing traffic, introducing visitors into residential areas, increasing noise levels, etc.

Draft Update at 3-12.

ES2.2 Encourage visitor-serving uses oriented toward a more discriminating market, consistent with the Valley's reputation as a producer of world-class wines. Discourage the introduction of uses that are dependent upon a mass tourist market or that compromise the quality of life for St. Helena residents by significantly increasing the total number of tourists.

Id.

The draft proposes eliminating the cap on the number of hotel and motel rooms in the City. Such a dramatic change of policy is unwarranted. Instead, the City should take a more moderate approach, replacing the complete prohibition on hotel growth in the 1993 General Plan with a new, increased cap along with a process for occasionally updating this cap. Most citizens believe opening the door to unlimited, or market driven, development is an unacceptable approach to maintaining the character of St. Helena. Citizens Voice's approach offers the City a way to control hotel and motel growth in a way that matches residents' desire for responsible growth.

ES2.3 Ensure a diverse mix of uses that avoids an over-representation of any particular use. Remove the Establish a reasonable cap on the number of hotel and motel rooms, but and continue to limit vacation rentals. Establish a process for periodic review and updating of the cap.

Draft Update at 3-12.

ES2.A Continue to prohibit formula restaurants, outlet and chain discount stores, chain retail stores and time-share lodging projects (excluding Franchise Ownership Lodging). Consider destination membership clubs and other potential lodging options that contribute to the Transient Occupancy Tax (TOT) revenue stream and do not conflict with the character of the City or negatively impact neighbors or neighborhoods. Establish a cap on the total number of such destination membership clubs

and other lodging options designed to contribute to the TOT revenue stream.

Draft Update at 3-13.

ESS. E Encourage partnerships between the City and private and/or nonprofit organizations to enhance the City's economic sustainability. Although tourism offers economic benefits, it does not come without a toll on St. Helena's infrastructure, i.e. water, sewer, roads, sidewalks, parking, additional police, fire, park maintenance, traffic and, most significantly, small town rural character and quality of life. To provide data with which to make responsible decisions regarding soliciting additional tourism, visitor-serving retail, and hotel development, the City will commission an independent third party consultant to produce a detailed cost-benefit analysis of tourism development in St. Helena and vicinity.

Draft Update at 3-14.

Thank you for the opportunity to comment on the Draft General Plan Update. Citizens Voice looks forward to continued collaboration with the City as it moves forward in the planning process. If you have any questions about our requested edits, please do not hesitate to contact me at folk@smwlaw.com or (415) 552-7272.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



FOR

Ellison Folk

Attachment: Exhibit A: St. Helena General Plan Update, Visioning Statement
Development, Summary of Top Issues of Disagreement

cc: Noah Housh, Planning & Community Development Director
Jennifer Phillips, City Manager
Victor Carniglia, Planner

765634 1

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& WEINBERGER LLP

EXHIBIT A

SAIN'T HELENA

GENERAL PLAN UPDATE

Visioning Statement Development

Summary of Top Issues of Disagreement



Phrases to Describe St. Helena

"Wine country village" and "tourism-oriented community" were each chosen by one-third of the respondents as the best phrase to describe St. Helena among four with which they were presented (34% and 32%, respectively). *GPUSC 50% & 10%, respectively.*

This indicates very mixed perceptions of the town, and explain the difficulty in defining a realistic vision. New residents that haven't seen the changes tend to view the area more idyllically than long-timers.

Quality of Life

Two visitor-related businesses had roughly equivalent percentages rating them as negative and positive impacts on quality of life in St. Helena.

- ◆ "lodging" (28% negative, 25% positive) *GPUSC 50% & 30%*
- ◆ "art galleries" (30% negative, 26% positive). *GPUSC 50% & 30%*

There are clear advantages to serving a larger market area that tourism supports, and obvious uncertainty about the implications of some of these uses.

Visitor-Related Uses

The lowest level of agreement on a five-point scale ("strongly agree" to "strongly disagree") for statements about visitor-related uses was for the following statement:

- ◆ "Future development of visitor-related uses in St. Helena should be driven by market forces, not controlled by local government." (36% agreed "strongly" or "somewhat" and 57% disagreed "strongly" or "somewhat.") *GPUSC 80% disagree 20% agree*

Managing tourism to the benefit of residents and the quality of the town as a whole is important.

The two remaining statements had quite comparable levels of agreement and disagreement.

- ◆ Forty-five percent agreed that "There should be no further development of visitor-oriented uses in St. Helena," and another 45 percent disagreed. *GPUSC 50%, 20%*
- ◆ Forty percent agreed that "Future visitor-oriented uses should be limited strictly to Main Street" and 48 percent disagreed. *GPUSC all over the board*

Clearly the jury is still out on the role and nature of "visitor vs local serving" uses.

Conservation and Sustainability

Fifty-two percent of full-time St. Helena residents agreed that "St. Helena residents should be able to choose whether or not to conserve water, energy, recycle or take other steps to live more sustainably" and 41 percent disagreed. *GPUSC 70% disagreed*

Choice is perceived as being taken away with this wording, so this one is not surprising.

Potential Future Development

Residents were asked to rate several types of potential future development on a 11-point scale from "very beneficial" (1) to "very detrimental" (11).

- ◆ "Residential development" received roughly equivalent top three 1, 2, 3 beneficial ratings (27%, 9, and bottom three 8, 9, 10 detrimental ratings (29%, 30%, 30%

Is this a concern regarding any additional people in town or worries over poor quality development negatively affecting the small town character of the town?

Preferences for Potential Future Actions in St. Helena

In a series of tradeoff questions in which full-time residents expressed their preferences for one potential action over another in St. Helena, two of the tradeoff pairs yielded no clear cut preference:

- ◆ “Construct affordable housing in St. Helena” (35%) and “maintain current lot sizes and densities” (35%) received equal preference in this tradeoff. *GPUSC 30%, 50%*

Does this indicate that 2nd units, and other infill development is not supported to meet our housing needs? Or is this just the wrong question?

- ◆ “Drive to other towns to meet my needs for entertainment, shopping and services” (38%) was slightly preferred over “add more retail, commercial, office and restaurants in St. Helena” (34%). *GPUSC 20%, 60%*
- Is this a question of where, how much and what kind? It indicates a desire for some limited commercial development within walking distance to the core town.*

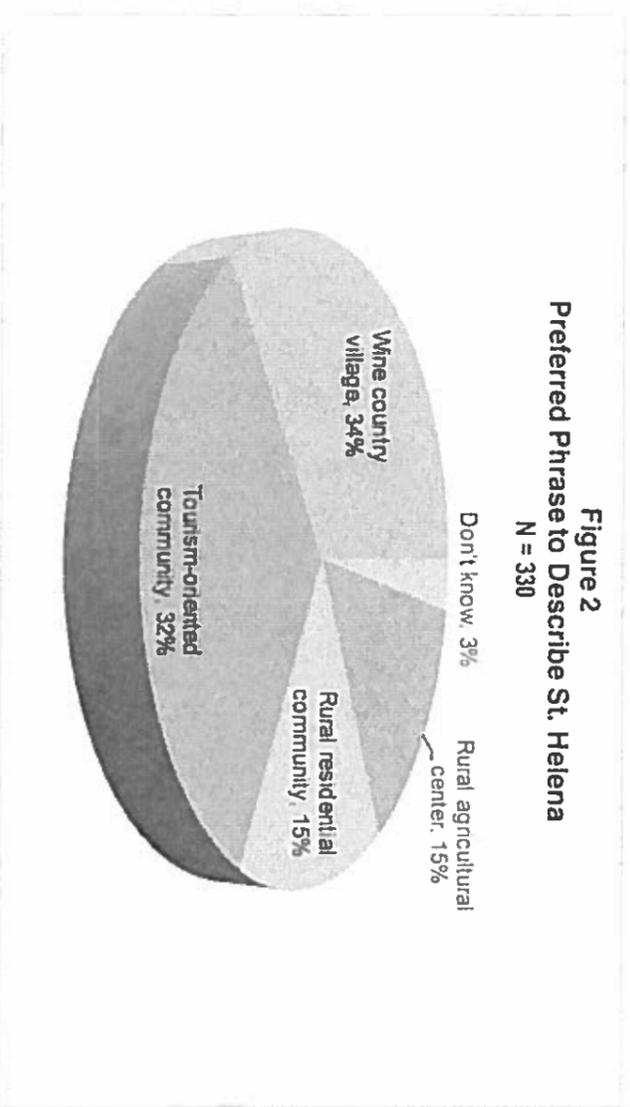


Figure 4
Impact of Visitor-Related Effects
On Quality of Life in St. Helena
 10-point scale: 1 = Very positive, 10 = Very negative
 N = 330

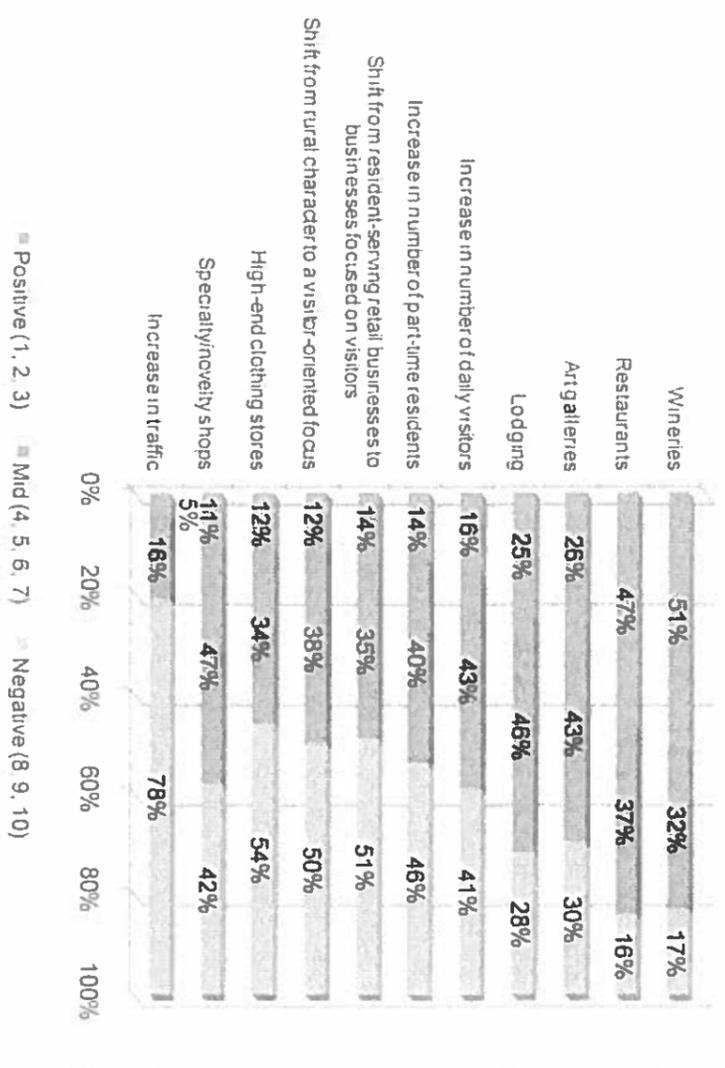


Figure 5
Level of Agreement with Statements
Related to Visitor-Related Uses in St. Helena
5-point scale: Strongly agree to Strongly disagree
N = 330

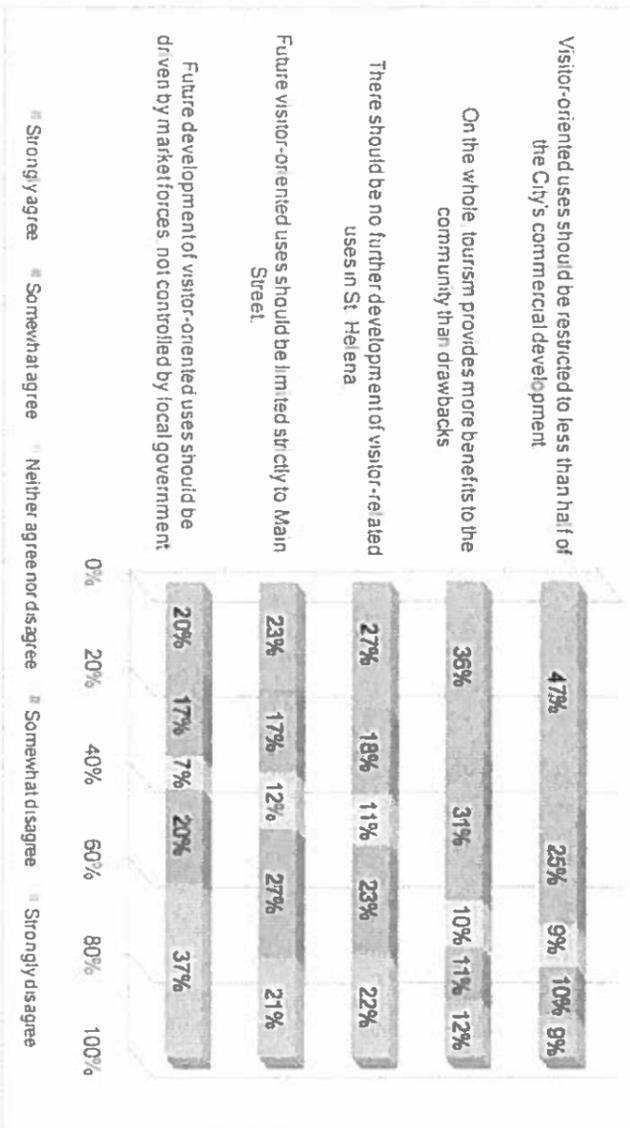


Figure 8
Attitudes Toward Types of Potential Development
 10-point scale: 1 = Very beneficial, 10 = Very detrimental
 N = 330

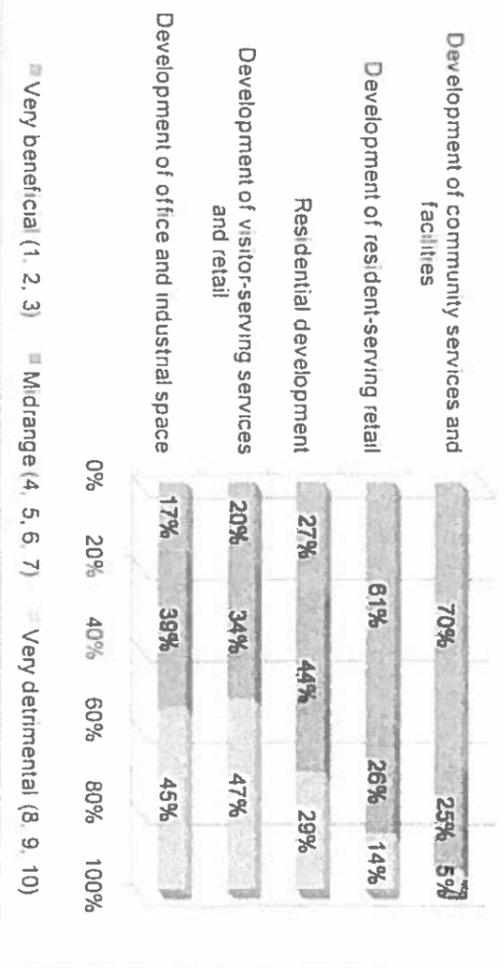


Figure 6
Level of Agreement with Statements
Related to Conservation and Sustainability in St. Helena
5-point scale: Strongly agree to Strongly disagree
N = 330

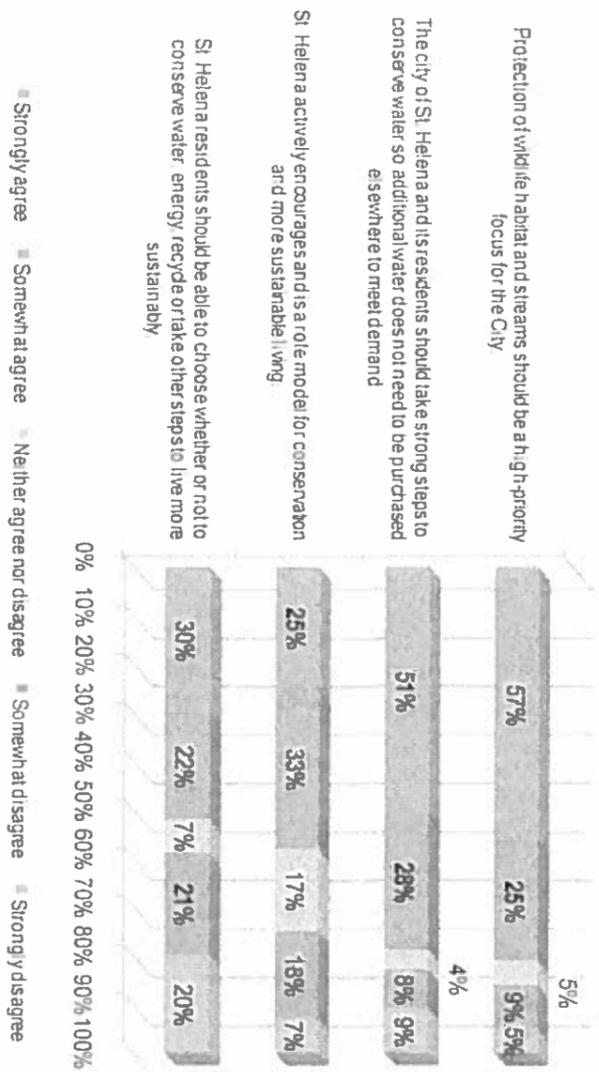


Figure 9
Tradeoffs of Possible Future Actions
in St. Helena
10-point scale: 1 = First action in pair, 10 = Second action in pair
N = 330

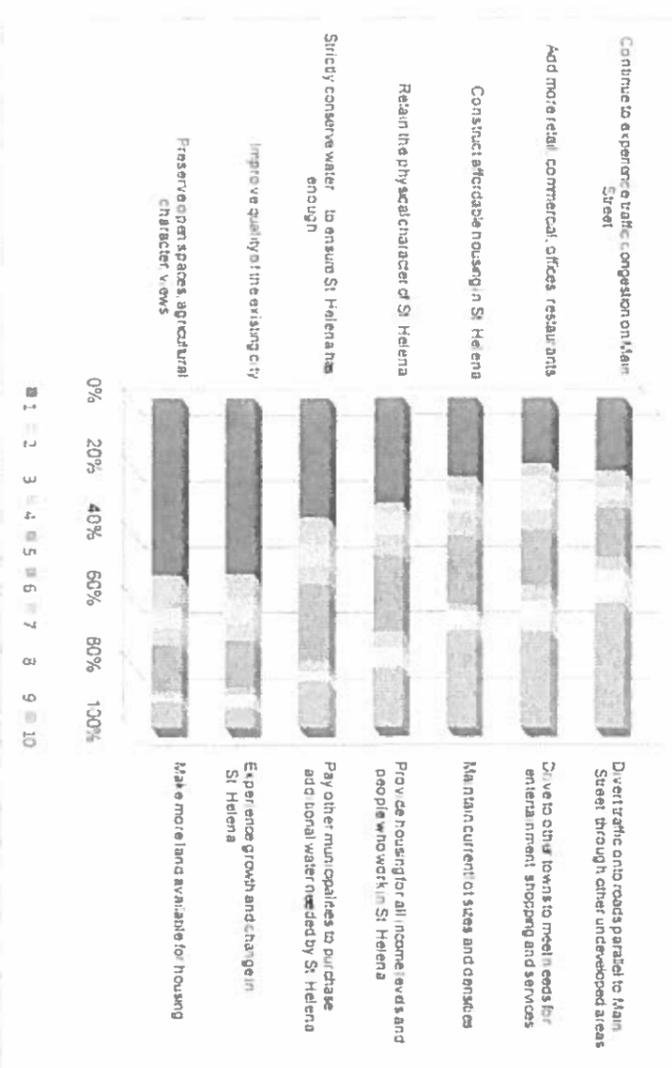
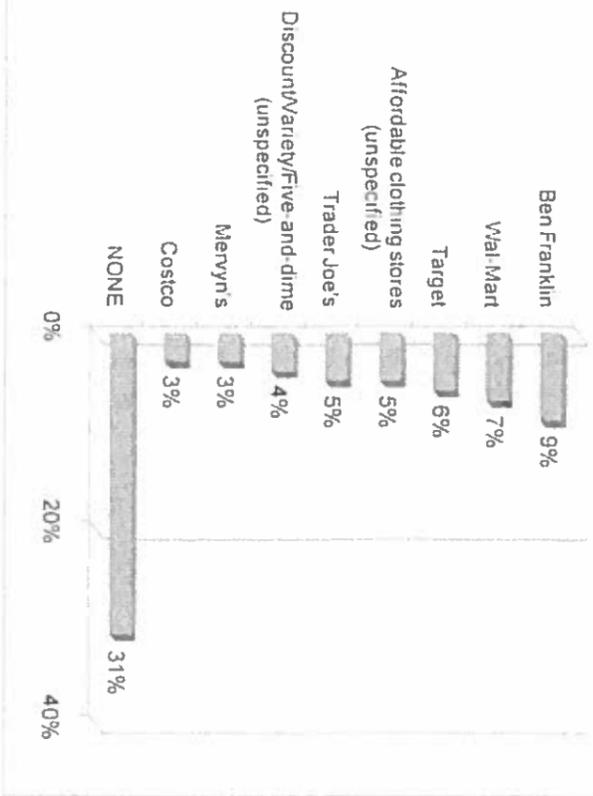


Figure 12
Stores Desired within St. Helena City Limits
Currently Shopped Outside St. Helena
Multiple Response
N = 330



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*through an affiliation with Jackson Lewis P.C., a Law Corporation

May 17, 2016

Sarah Parker, Chairperson
 St. Helena Planning Commission
 1480 Main Street
 St. Helena, CA 94574

Re: Comments On April 2016 Draft General Plan

Dear Chairperson Parker:

Having reviewed the April 2016 draft of the new General Plan, we wish to share with the Planning Commission a number of comments regarding the Land Use and Growth Element of the General Plan. While this Element appears to be very comprehensive, the omission of any discussion of the Hunter Parcel is quite glaring. To use a colloquial phrase, the General Plan has ignored the "elephant in the room." For at least a decade, the Hunter Parcel has been one of the most controversial pieces of property in the City, and has been the subject of several lawsuits (see e.g. *Living Rivers Council v City of St. Helena*, 2008 WL 217996; *Amendola et al. v. City of St. Helena*, (2009) Napa County Superior Court Case No. 26-47807). The Hunter Parcel is part of the historic floodplain that has witnessed as least 27 major floods since 1862. While the property has been designated for possible residential uses for some number of years, no residential units have been constructed on the site. Today, part of the property is a vineyard and part is open space.

As you know, the City seriously considered re-designating this land as Agricultural in 2009-2011 (see Staff Report dated September 13, 2011). A copy of the proposed land use map/zoning showing the Hunter Parcel outside the Urban Limit Line with an Agricultural designation is attached (see "Proposed Land Use B," an exhibit to Staff Report dated September 13, 2011). In approximately February 2015, the Hunter Parcel was removed from the list of Key Housing Sites in the Housing Element (see February 24, 2015 draft Housing Element Update 2015-2023). While the Hunter Parcel is not specifically discussed in the April 2016 draft General Plan, Figure 2.8 on page 2-23 clearly shows that the western portion of the parcel is proposed to be designated Low-Medium Density (a new designation), while the larger eastern portion of the parcel is proposed to be designated as Medium Density.

The property owned by the City on the other side of the levee has been designated as Open Space. These designations are different from those in the September 2015 draft General Plan, where the City's property and the eastern portion of the Hunter Parcel were designated as Low-Medium Density and the western portion was designated as Medium Density (Figure 2.1). As discussed below, the Hunter Parcel should be re-designated Agricultural in the General Plan in order to comply with Measure A and the conditions attached to the state and federal funding received by the City to construct the Flood Control Project.

The changes in the land use designation of the Hunter Parcel from the September 2015 draft General Plan to the April 2016 draft General plan are not explained. Nor is the decision to permit Medium Density housing to be constructed on the eastern portion of the parcel. These designations will create serious legal issues regarding the City's compliance with Measure A, as well as other state and federal funding sources. Moreover, the designations will facilitate the destruction of agricultural land despite the draft General Plan's strong emphasis on the need to preserve agricultural land – even in urban areas. Among the “Growth Strategy Principles” set forth on Page 2-21 of the draft General Plan is the following: “Preserve agriculture, green and open space within the ULL to ensure the City maintains a rural and small town character with sufficient ‘fingers of green’, particularly in light of St Helena’s longstanding significant inadequacy of park land.” The Medium Density designation of the eastern portion of the Hunter Parcel and the Low-Medium Density designation of the western portion are in conflict with the requirements of Measure A and the conditions imposed by other state and federal funding sources, and they are inconsistent with the General Plan’s goal of preserving agricultural land. These designations also fail to account for – and mitigate – the lack of parks in the City, a serious deficiency noted in the General Plan that will only be exacerbated by permitting a park-less subdivision to be constructed on the Hunter Parcel. As stated in “Understanding The Basics Of Land Use And Planning” published by the Institute for Local Government (2010):

The text of the general plan must be consistent with accompanying maps and diagrams. For example, if the text of the general plan includes a policy of conserving prime farmland while at the same time a map designates all or most of the existing farmland as an area for housing development, the plan would be internally inconsistent (page 16).

Here, although the draft General Plan repeatedly trumpets the City's commitment to preserving agricultural lands – even within the Urban Limit Lines (page 2-21) - it inconsistently sanctions ripping out the existing vineyards and covering the open space in the Hunter Parcel with asphalt and housing units (Figure III-4 Hunter

Subdivision Project EIR). Especially in light of the City's construction limit of nine new market-rate houses in St. Helena per year, as well as the recent designation of adequate Key Housing Sites in the Housing Element, there is no demonstrable public need that would justify allowing a developer to destroy agricultural land to erect a subdivision that will increase the demand for City services - at a time when the City cannot even properly maintain existing roads, facilities, and public buildings.

In addition to failing to deal in a meaningful way with the critical issues involving the Hunter Parcel and the need to preserve agricultural land and open space, the draft General Plan completely ignores the enormous financial risks to the City if development is allowed behind the levee. The plans put forward by the developer for subdividing the landside of the levee pay no attention to recent studies warning of the dangers of building housing and other structures behind levees, including a recent study by a U.C. Davis expert on levees. (Professor Nicholas Pinter, see article in *Environmental Science & Policy*, February 2016, summarized in "Behind The Levee: Flood Risk Can Be Higher With Levees Than Without Them," <https://www.ucdavis.edu/news/behind-levee>). As noted in the U.C. Davis summary:

You don't take largely undeveloped floodplain, build a big wall and then build billions of dollars of new infrastructure behind it. The beneficiaries of such projects are the developers and the local tax base, but residents, the state, and U.S. taxpayers are left with a Pandora's box of residual risk and liability....

The scientists modeled four flood conditions – 2-year, 5-year, 100-year and 400-year levels – with and without levees. Levee failures were also modeled. The study included floodplain land excluded from flood hazard maps because it is behind levees accredited by the Federal Emergency Management Agency. The researchers noted that excluding such lands underestimates the actual flood risk nationwide.

Because levees raise flood levels in surrounding locations, they are known to export flood risk from one set of floodplain residents to their neighbors.

Ignoring the risk of levee failure is a blueprint for disaster, and the liability for a disaster such as a failure or breach of the levee belongs to the City, which can ill afford the massive damages that would be involved. See e.g. California Water Code, section 12748.3.

Additionally, the draft General Plan is deficient because it ignores the City's potential liability for misuse of Measure A funds and other state and federal flood control funds if it allows development of the Hunter Parcel. The Hunter Parcel must be re-designated Agricultural in order to comply with Measure A, and the conditions imposed by state and federal funding sources used to finance the levee. This should

be spelled-out fully in the General Plan because the City's ability to meet the objectives of the General Plan will be severely impacted if the City is required to repay all or part of the Measure A sales tax revenues it has received (and still is receiving) by allowing a subdivision to be constructed on the Hunter Parcel. The City also will be severely impacted if it has to defend litigation by taxpayers or respond to inquiries and audits by state or county agencies (see e.g. California Gov. Code section 8546.10 – the High Risk Local Government Agency Audit Program effective July 1, 2015). Measure A prohibits the City from using Measure A funds to increase "growth" in the City; the funds can be used only to protect the property and structures that existed *before* the Flood Plan was implemented. Thus, Measure A states:

None of the projects in the Plan are intended or designed to encourage population growth in Napa County. (Section 2. Findings)

The components of the Plan that involves the rest of the County (other than the City of Napa) must include the following projects which are designed to protect against flooding, improve water reliability for the existing Napa County population as of the effective date of this Ordinance. None of these projects are intended or designed to expand water capacity for growth or new development. (Section 8. Approved Projects: County-Wide Flood Protection and Watershed Improvement Projects Not Involving the City of Napa)

The use of Measure A funds to design a levee in a way that will facilitate the construction of a new housing subdivision behind the levee is not permitted. Measure A also requires the City to comply with the principles set forth in the Napa River Watershed Owner's Manual. Destroying vineyards and open space to build a subdivision on a historic floodplain behind a levee does not comply with these principles (see e.g. Section L. Land Use: "Streets, roofs, parking lots and driveways all add to the amount of impervious surfaces that do not allow rainfall to percolate into the groundwater"). Constructing a subdivision on the Hunter Parcel will simply increase the amount of rainwater that runs off into the Napa River instead of percolating into the groundwater.

Unfortunately, there is considerable evidence that could bring into question the City's compliance with Measure A with respect to the Hunter subdivision project. Based on the Report to the City Council from the Finance Director and Grants Manager (and approved by the City Manager) on January 26, 2016, it appears that the City is "working closely with the Napa County Auditor-Controller to provide all detailed documentation for all past drawdowns, contract amendments for future drawdowns and ensuring full compliance." While the meaning of this statement in the Report is unclear, one could infer that the City has not fully and timely reported its use of Measure A funds in the past. Such an inference would not be unreasonable

given the City's repayment of \$1.9 million of Measure A funds that could not be justified.

There are also serious questions that could be raised about the City's compliance with the Brown Act in connection with its closed-door sessions on the levee and the development of the Hunter Parcel.

We are mindful of the requirements of the Housing Accountability Act (Gov. Code § 65589.5), but note that the tentative subdivision map submitted by the developer's representatives and deemed complete by the Planning Department staff on March 28, 2011 was submitted prior to the completion of the Flood Control Project at a time when the Hunter Parcel was still within FEMA's 100 year floodplain. The FEMA floodplain map was not updated until 15 months later on November 5, 2012. Thus, it appears that the Hunter Subdivision Project was subject – and continues to be subject – to all federal, state and local restrictions on new construction on a 100 year floodplain.

We understand that an application for a vested tentative map for the Hunter Subdivision Project may be pending. Such an application can and should be denied pursuant to Government Code section 66498.1 (c)(1) and (2), which provides:

- (c) Notwithstanding subdivision (b), the local agency may condition or deny permit, approval, extension, or entitlement if it determines any of the following:
- 1) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
 - 2) The condition or denial is required in order to comply with state or federal law.

The City should instruct the Planning Department to deny the application for a vested tentative map in order to comply with Measure A and other state and federal funding sources, and in order to prevent placing residents of the subdivision and the community "in a condition dangerous to their health or safety, or both.

Given all of the circumstances described above, we feel strongly that the City should take the following actions, and make appropriate amendments to reflect these actions in the draft General Plan:

1. Deny approval of the Hunter Subdivision Project pursuant to the Housing Accountability Act on the ground that at the time the subdivision map was deemed complete by the Planning Department staff on March 28,

2011, the Hunter Property was located on a 100 year floodplain and construction of residential housing was restricted.

2. Additionally, deny approval of the Hunter Subdivision Project pursuant to the Housing Accountability Act, and make the following specific findings: (1) the Project has a specific adverse impact on public health and safety, namely, approval of the project would violate Measure A and other state and local funding sources for the Flood Control Project, and would subject the City to large potential liabilities for repaying the Measure A and other state and federal funds it received to construct the levee, which could exhaust City funds and prevent the City from continuing to provide essential services needed for public health and safety including adequate police and fire protection and other essential services; and (2) there is no feasible method to mitigate or avoid the adverse impact that could arise from approval of the Project;
3. Additionally, deny approval of the Hunter Subdivision Project pursuant to Subsection (d) of the Housing Accountability Act (Gov. Code § 65589.5(d)) and make the following specific findings: (1) The City has met its RHNA for the Housing Element Period; (2) as noted above, there would be a specific adverse impact on public health or safety that cannot be feasibly mitigated; and (3) denial is required to comply with Measure A and other state and federal requirements on the use of flood control funds;
4. Amend the draft General Plan to place the Hunter Parcel outside the Urban Limit Line, as it was in the land use map/zoning exhibit to the September 13, 2011 Staff Report (referred to above). Thus, the new Urban Limit Line should run along the property lines of the existing houses, Hunt's Grove Apartments, and Vineyard Valley that border the Hunter Parcel;
5. Amend the draft General Plan to re-designate the Hunter Parcel as Agricultural in accordance with its current use as a vineyard and the strong preference expressed in the draft General Plan for preserving existing agricultural land; and
6. Amend the draft General Plan to list the Hunter Parcel as Agricultural on the "General Plan Change Areas" on pages 2-22 and 2-24 of the draft General Plan.

Among the reasons for making the suggested findings pursuant to the Housing Accountability Act and the suggested amendments to the draft General Plan are the following:

1. Re-designating the Hunter Parcel as Agricultural would be consistent with the requirements of Measure A, which the City likely will be breaching if it allows a new residential subdivision to be built behind the levee. By classifying the Hunter Parcel for residential development, the City exposes itself to the argument that it misused Measure A funds (and possibly state and federal funds as well) to promote growth and the building of new structures behind a levee, rather than protecting *existing* structures and property. The timeline of events surrounding the closed-door land deal, the design of the levee, the date of the request for proposal for the Flood Control Project, the construction and completion of the levee, and the announcement of the proposed 87-unit residential project on the Hunter Parcel logically could lead to the conclusion that the levee project was approved by the City with the intent to allow for growth of new homes behind the levee.

On the other hand, by moving the Urban Limit Line and designating the Hunter Parcel as Agricultural – consistent with what was proposed as early as April 2009 - the City would be able to demonstrate through the General Plan its intent to abide by the letter and spirit of Measure A.

2. Measure A is an extremely serious issue – one that needs to be addressed head-on and in a public session. The City already has received approximately \$18 million in Measure A funds. Anyone who has walked the levee cannot help but wonder why a lengthy levee running perpendicular to the river and cutting across the floodplain was constructed, when alternative measures would have provided more protection to *existing* property and structures, including those on Fulton Lane (see e.g. “Fulton Lane Residents Still Worried,” Napa Valley Register, November 1, 2007; City Council Minutes, December 9, 2008). It can be argued that the closed-door deal struck by the City and the developer in 2008 primarily promoted the prohibited objective of new housing growth behind the levee at the expense of protecting the existing housing and property of other residents.

3. Another troubling fact is that the City Council paid the developer \$325,000 to settle a suit alleging that the City had failed to use the dirt excavated from the flood control project to construct a building pad on his property. Of course, a building pad would not have been needed unless there was an intention to build new housing behind the levee. *This settlement was paid out of Measure A funds and was approved in a closed session of the City Council on December 19, 2012.*

4. Even more troubling from the standpoint of Measure A is the land swap deal that was agreed to by the City and the developer. In October of 2008 the City Council voted for the land deal *in a closed session*. After accusations

were made to the Napa County District Attorney that the Brown Act had been violated, the City Council rescinded the deal at its December 2008 Council meeting but then went ahead and re-approved the deal in an open session at the same meeting. The request for proposal for the levee was released the following month in January 2009. A contractor was approved by the City Council in April 2009, and a start date for the project was set for June 2009. The levee was completed two years later in June 2011. Well before completion, however - in September 2010 - the developer submitted a tentative map for a subdivision behind the levee.

5. The dealings between the City and the developer during this time period were anything but transparent. The Napa Valley Register reported on November 24, 2008 that "during years of closed-door negotiations" the City agreed on a land swap plus the payment of \$899,500 to the developer. The Planning Commission was not allowed to play a role in the decisions that were made behind closed doors. Apparently, these closed-door negotiations went on for over two years (see Napa Valley Register, December 4, 2008).

6. An important case dealing with the implications of closed-door sessions is *Trancas Property Owners Association v. City of Malibu* (2006) 138 Cal.App.4th 172. In that case, Malibu had disapproved the developer's final subdivision maps, and the developer sued. Malibu then made a deal with the developer under which it would approve one of the maps, and exempt a downsized version of the development from certain zoning restrictions. In exchange, the developer agreed to drop the lawsuit and dedicate three-fourths of the acreage to the city. This deal was approved by the city council in a closed-door session. The appellate court held that the deal was invalid and that the closed-door session violated the Brown Act - even though the agreement included a settlement of litigation. *Trancas* at 175. Obviously, this case has very significant implications for the Hunter Parcel dispute. First, under *Trancas*, a city cannot contract with a developer to restrict the application of zoning laws or other ordinances applicable to property. This means any deals allegedly made by the developer and the City behind closed doors as part of the land swap deal are unenforceable. Second, under *Trancas*, the Brown's Act's "implied exception for adoption of litigation settlements in closed session does not embrace such agreements as provide for governmental decisions without legally required public hearings...." *Trancas* at 187. Thus, it is very clear that any agreements the developer may have negotiated with the City with respect to developing the Hunter Property during the closed-door sessions with the City are invalid and unenforceable.

7. We are aware that the developer has claimed a "vested interest" in the zoning of the Hunter Parcel. While the developer may or may not have

certain rights under the Housing Accountability Act, the developer does not have “vested rights” or the right to claim that the City is “estopped” from denying approval of the Hunter Subdivision Parcel. California law is crystal clear that a developer has no vested interest in the designation or zoning of property unless and until a building permit has been issued, and the developer has performed substantial work and incurred substantial liabilities in good faith reliance on the permit. *Avco Community Developers, Inc. v. South Coast Regional Commission* (1976) 17 Cal.3d 785. As stated by the California Supreme Court in *Avco*: “. . . neither the existence of a particular zoning nor the work undertaken pursuant to government approvals preparatory to construction of buildings can form the basis of a vested right to build a structure which does not comply with the laws applicable at the time a building permit is issued.” *Avco* at 793. Numerous California cases have followed *Avco*, such as: *Raley v. California Tahoe Regional Planning Agency* (1977) 68 Cal.App.3d 965; *Billings v. California Coastal Commission* (1980) 103 Cal.App.3d 729, 735; *South Central Coast Regional Commission v. Pratt Construction Co.* (1982) 128 Cal.App.3d 830; *Blue Chip Properties v. Permanent Rent Control Board* (1985) 170 Cal.App.3d 648; and *Consaul v. City of San Diego* (1992) 6 Cal.App.4th 1781. The cases also make clear that a refusal by the City to approve the Hunter Subdivision Project in accordance with the Housing Accountability Act and/or CEQA does not constitute a “taking” of private property by the City, since the land can be used for agricultural purposes. See *Lakeview Development Corporation v. City of South Lake Tahoe* 915 F.2d 1290 (9th Cir. 1990) [restrictions on development did not constitute a “taking” or deprive developer of his property without due process].

8. Particularly instructive is the decision of the California First District Court of Appeal (the appellate court that hears appeals from Napa County) in *Toigo v. Town of Ross* (1998) 70 Cal.App.4th 309. The property owners in that case sued the Town of Ross when the Town refused to grant an application to build a five lot residential subdivision on a hillside property. The property owners sued the Town, asserting estoppel and regulatory taking claims. They lost in the trial court and appealed. The Court of Appeal upheld the decision of the trial court. The appellate court rejected the property owners’ claims of estoppel. According to the appellate court, a property owner “. . . faces daunting odds in establishing estoppel against a governmental entity in a land use case,” and “estoppel can be invoked in the land use context in only ‘the most extraordinary case where the injustice is great and the precedent set by the estoppel is narrow.’” *Toigo* at 321. The appellate court cited the California Supreme Court’s decision in *Avco* and noted: “Courts have yet to extend the vested rights or estoppel theory to instances where a developer lacks a building permit or the functional equivalent, regardless of the

property owner's detrimental reliance on local governmental actions and regardless of how many other land use and other preliminary approvals have been granted." *Toigo* at 322. The appellate court also said that "California courts apply this rule most strictly" and referred to the "rigidity of the 'building permit' rule." *Toigo* at 322.

It seems very clear that there is huge financial risk to the City if it allows the Hunter Subdivision Project to go forward, including the possibility of litigation by residents and sales tax payers who object to the misuse of Measure A funds and the closed-door deals with the developer. On the other hand, we believe the risk that the developer could *successfully* sue the City for changing the Urban Limit Line and changing the designation of the property to Agricultural and/or rezoning is relatively low if the City complies with the Housing Accountability Act and makes the appropriate findings required by that Act. Of course, CEQA may provide additional grounds for not approving the Project.

To do nothing – and simply "kick the can" down the road – is not really an option. The current members of the City Planning Commission and the City Council need to take a strong stand in favor of full compliance with Measure A and the requirements of other state and federal funding sources, such as the Department of Water Resources. Too much is at stake to do otherwise. The City should be careful not to ratify or condone the mistakes made by former City officials with respect to the Hunter Parcel. The levee has been constructed – for better or worse – but the Planning Commission and the City Council should not put the City at financial risk by approving the Hunter Subdivision Project. There are no upsides, only downsides. The City can win a suit by the developer; it cannot win a suit by its own residents and taxpayers, nor can it withstand an audit by local, state or federal agencies if it allows construction of the Hunter Subdivision Project to proceed. In our view, the Hunter Parcel should be re-designated as Agricultural in the General Plan and the City should refuse to permit the construction of housing behind the levee.

Thank you for your consideration of these comments and suggestions.

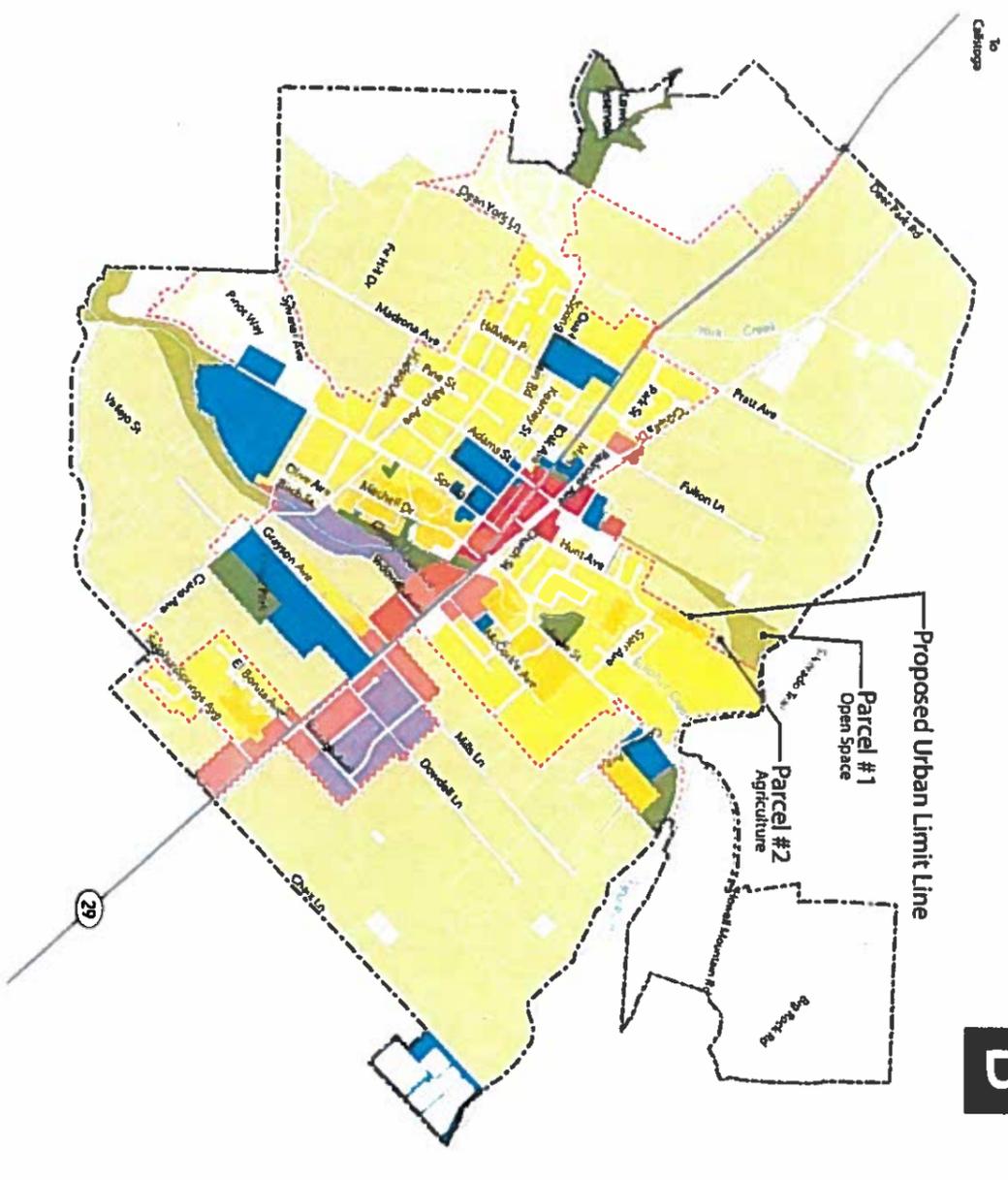
Respectfully,


David S. Bradshaw

cc: Planning Commission Members
Mayor
Planning & Community Improvement Director

Proposed Land Use

B



- Legend**
- City Limits
 - Urban Limit Line
 - Low Density Residential
 - Medium Density Residential
 - Higher Density Residential
 - Central Business
 - Service Commercial
 - Mixed-Use
 - Business and Professional Office
 - Industrial
 - Woodland and Watershed
 - Agriculture
 - Public/Quasi-Public
 - Parks and Recreation
 - Open Space

Source: City of St. Helena/Nebo County
April 2009

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