



AGENDA
ST. HELENA PLANNING COMMISSION
VINTAGE HALL BOARD ROOM – 2ND FLOOR
465 MAIN STREET, ST. HELENA
JULY 1, 2014
6:00 P.M.

Prior to the meeting the public may review and/or request staff reports for agenda items at city hall or view staff reports at the George & Elsie Wood Public Library. Members of the public may also view meetings, including archived meetings, by choosing the 'video on demand' option on the St. Helena website: www.cityofsthelema.org. Please contact the Planning Department at 968-2749 for more information or to speak with a planner about an agenda item.

Appeal. A person who is dissatisfied with a decision of the Planning Commission may appeal that decision to the City Council pursuant to Municipal Code Section 17.08.180, Appeal procedure. Actions of the Planning Commission will be listed on the City Council agenda the following Tuesday to give the City Council opportunity to review the Planning Commission's decision. Absent of an appeal by the City Council or by a citizen, the appeal period will terminate two weeks after the Planning Commission hearing.

Special Assistance for the Disabled. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the meeting, please contact City Hall, (707) 967-2792. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR35.102-35.104 ADA Title II). However, City staff will attempt to assist at any time with accessibility. The City Clerk has equipment to assist those with a hearing impairment.

Public Testimony Procedures. Pursuant to the Government Code Section 54954.3, the public may address the Commission on each agenda item during the Commission's consideration of that item. Each speaker has the option to state his or her name for the record before testifying. Depending on the number of speakers or the interest of the item, the Planning Commission Chairman may also restrict, at his/her discretion, the speaker's time to three minutes. The Chairman may also restrict public comments if they become irrelevant to the agenda item or repetitious of prior comments.

All persons interested may appear and be heard or submit written statements prior to the Planning Commission meeting. Please note that if you challenge the City's decision on any of these matters in court, you may be limited to raising only those issues you or someone else raised at the meeting or in written correspondence delivered to the City at, or prior to, the meeting.

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1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE AND ROLL CALL**
3. **APPROVAL OF MINUTES: *June 17, 2014 attached***
4. **PUBLIC FORUM:** This is an opportunity for the public to address the Commission on items of interest to the public that are NOT listed on the agenda. Because of restrictions imposed by the Brown Act, the Commission may not engage in discussion nor take action on matters not described on the agenda.
5. **COMMUNICATIONS AND PETITIONS: *None***

6. SCHEDULED MATTERS:

- Appointment of Planning Commission Chairman and Vice Chairman for Fiscal Year 2014/2015.
 - **RECOMMENDED ACTION:** It is recommended that the Planning Commission delay selecting a Chairperson and Vice Chairperson for FY 2014/2015 until the City Council has taken action concerning the Planning Commissioners whose terms are expiring.

7. CONSENT CALENDAR:

7.1 2013-71: Design Review Exemption Request

LOCATION: 1971 Vallejo Street

APPLICANT: Pascal Levensohn

CEQA: Exempt pursuant to Section 15303, Class 1.

***DESCRIPTION:** Request of Pascal Levensohn to add 510 square feet to an existing 420 square foot garage located toward the rear of the property.*

***REQUIRED ACTION:** Determine that the project is exempt from CEQA pursuant to Section 15303 and determine that the proposed project qualifies for a Design Review Exemption.*

8. SIGN PERMIT/ADMINISTRATIVE DETERMINATION: None

9. PUBLIC HEARINGS/PLANNING COMMISSION ACTION IS FINAL:

9.1 PL14-007: Demolition Permit & Design Review

LOCATION: 1380 Main Street

APPLICANT: Joel Miroglio

APN: 009-212-001

CEQA: Initial Study/Mitigated Negative Declaration Prepared: SCH 2014042010

***DESCRIPTION:** Request of Joel Miroglio representing Gary and Roberta Menegon for Demolition Permit approval to remove an existing 500-sf structure from its current site, most recently used as a smog station. The applicant is also requesting Design Review approval to develop a new 2-story commercial building consisting of 2,898-sf on the ground floor and 2,791-sf on the second floor for a total of 5,689-sf. on an 8,250-sf parcel located at 1380 Main Street in the CB: Central Business district.*

***RECOMMENDED ACTION:** (1) Adopt the mitigated negative declaration for the project and approve a mitigation monitoring and reporting program. (2) Accept the required findings and approve a demolition permit to remove the existing 500-sf commercial building (3) Review and approve the proposed new 2-story commercial building at 1380 Main Street subject to the conditions contained in the attached resolution.*

10. PUBLIC HEARINGS/RECOMMENDATIONS TO CITY COUNCIL: None

11. REFERRALS: None

12. REPORTS BY STAFF AND PLANNING COMMISSION:

12.1 Verbal update concerning status of the General Plan.

12.2 Verbal update concerning the Hunter Project.

13. AGENDA FORECAST: July 15, 2014

- Davies Winery Expansion
- Harvest Inn; add kitchen, convert portion of building to dining room, add four room

14. ADJOURNMENT

A motion will be in order to adjourn to a regularly scheduled meeting of the Planning Commission on July 15, 2014 at 6:00 p.m. in the Vintage Hall Board Room, 465 Main Street, St. Helena, CA.

This agenda was posted at City Hall, 1480 Main Street, and at Vintage Hall, 465 Main Street, St. Helena, California on June 27, 2014.


Cindy Black, Interim City Clerk

CHALLENGING DECISIONS OF CITY ENTITIES

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City of St. Helena is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision, including without limitation Government Code section 65009 applicable to many land use and zoning decisions, Government Code section 66499.37 applicable to the Subdivision Map Act, and Public Resources Code section 21167 applicable to the California Environmental Quality Act (CEQA). Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. Government Code section 65009 and 66499.37, and Public Resources Code section 21167, impose shorter limitations periods and requirements, including timely service in addition to filing.

If a person wishes to challenge the above actions in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of St. Helena, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the Planning Commission regarding any item on this Agenda, after the posting of the Agenda, will be available for public review in the Planning Department's Office located at 1480 Main Street, St. Helena, California, during normal business hours. In addition, such writings or documents will be made available on the City's web site at <http://cityofsthenela.org> and will be available for public review at the respective meeting.



**ACTION MINUTES
ST. HELENA PLANNING COMMISSION
VINTAGE HALL BOARD ROOM – 2ND FLOOR
465 MAIN STREET, ST. HELENA
JUNE 17, 2014
6:00 P.M.**

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1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE AND ROLL CALL

Commission Present: Commissioners Kistner, Monnette, Parker, Russell and Chairperson Heil

Commission Absent: None

Staff: Victor Carniglia, Interim Planning Director, Debra Hight, Assistant Public Works Director, Cindy Black, Interim City Clerk

3. APPROVAL OF MINUTES: *None. The minutes of June 3, 2014 will be brought to a future Planning Commission meeting*

4. PUBLIC FORUM:

Geoff Ellsworth addressed the Planning Commission.

5. COMMUNICATIONS AND PETITIONS: *None*

6. RECOMMENDED CONSENT CALENDAR: *None*

7. SIGN PERMIT/ADMINISTRATIVE DETERMINATION: *None*

8. PUBLIC HEARINGS/PLANNING COMMISSION ACTION IS FINAL: *None*

9. PUBLIC HEARINGS/PLANNING COMMISSION RECOMMENDATION TO CITY COUNCIL:

9.1 PL014-015: Rezoning, Use Permit, Design Review

LOCATION: 700 Dowdell Lane

APPLICANT: Charles Crocker

APN: 009-120-059

CEQA: Mitigated Negative Declaration

DESCRIPTION: The proposal is for a Rezoning, Use Permit, and Design Review for a 25,000-gallon per year new winery to be located on a 22.34-acre parcel at 700 Dowdell Lane. The applicant has requested a Zone Change from the existing A-20 Twenty Acre Agricultural District to the W: Winery Designation. The applicant wishes to convert two existing structures to winery uses, an existing farmhouse for winery storage and overflow administration use, and an existing stone structure to winery tastings and other marketing events held on-site. The existing structures represent 2,400 sq. ft. and a proposed new wine production structure is 9,950 sq. ft., for a total of 13,350 sq. ft. of winery use on the parcel.

REQUIRED ACTION: Recommendation to the City Council concerning the following items: 1) The adequacy of the Draft Mitigated Negative Declaration prepared for the Project, including the mitigation monitoring Program, 2) The proposed Rezoning from A-20 Agricultural zoning to the W: Winery Zoning Designation, 3) The Use Permit application, and 4) the Design Review application, and accept the required findings relevant to the preceding actions.

MOTION: *It was moved by Commissioner Russell and seconded by Commissioner Parker to recommend to the City Council in favor of the following items: 1) The adequacy of the Draft Mitigated Negative Declaration prepared for the Project, including the mitigation monitoring Program, 2) The proposed Rezoning from A-20 Agricultural zoning to the W: Winery Zoning Designation, 3) The Use Permit application, and 4) the Design Review application, and accept the required findings relevant to the preceding actions.*

Ayes: Commissioners Russell, Parker, Kistner and Chairperson Heil

Noes: Monnette

Absent: None

Abstain: None

10. NEW ITEMS

RECESS

At 7:58 P.M. Chairman Heil called for a recess. The meeting reconvened at 8:04 p.m.

10.1 PLANNING COMMISSION TERM LIMITS: *The Planning Commission is requested to provide the City Council with comments from individual Planning Commissioners on the length of Planning Commission terms.*

REQUIRED ACTION: *Opportunity for Planning Commissioners to provide comments to the City Council on the issue of the length of term of Planning Commission terms*

A round table discussion ensued regarding length of term in office. Commissioners Kistner, Parker, Russell recommended 4 year terms, Monnette recommended 4 year terms with a two year term thereafter and Chairperson Heil recommended a three year term.

11. REFERRALS: *None*

12. REPORTS BY STAFF AND PLANNING COMMISSION: *None*

13. SCHEDULED MATTERS: *None*

14. AGENDA FORECAST: *July 1, 2014*

- 1269 Main Street, Gas station demolition, new office building, by-laws and election of new officers.

ADJOURNMENT

Chairperson Heil adjourned the meeting at 8:26 p.m.

APPROVED:

ATTEST:

Matthew Heil, Chairperson

Cindy Black, Interim City Clerk

MEMORANDUM



AGENDA ITEM: 7.1

DATE: July 1, 2014

TO: Planning Commission

FROM: Aaron Hecock, City Planner

RE: Design Review Exemption #PL14-032

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

The following applications have been reviewed by the Planning Department for compliance with Design Review regulations. The Planning Director is recommending that this project be found exempt from Design Review pursuant to Section 17.164.060(A) of the City of St. Helena Municipal Code which states that whenever the city planner finds that a proposal raises no substantial design problem the planner shall place such an exemption recommendation on the Planning Commission's consent agenda.

- 1. Site Address:** 1971 Vallejo Street
Applicant: Pascal Levensohn
APN: 009-350-006
CEQA: Exempt pursuant to Section 15303, Class 1.

Project Description: *The applicant has submitted plans to add an additional 510 square feet to an existing 420 square foot 2-car garage. As detailed in the applicant's written statement (included), the addition will be used for parking and storage including refrigerated storage space for up to 50 cases of wine. The addition will be constructed on an existing concrete slab immediately adjacent to the existing garage; the color and roofing materials will match the existing garage. The project will not include additional plumbing or the addition of a toilet and is not subject to a water use analysis as there is not an increase in the number of bedrooms. All proposed improvements meet required development standards.*

Discussion: *The existing garage and proposed expansion area are located approximately 200 feet from the front property line towards the rear of the property and are shielded from view on Vallejo Street by existing structures and landscaping. The garage is accessed via a private driveway on the western edge of the property. The style, color, and materials used on the addition will be the same as those used on the existing garage. For these reasons it is believed that this residential garage addition poses no substantial design problems and is therefore recommended for design review exemption pursuant to Section 17.164.060(A).*

June 12, 2014

PASCAL LEVENSOHN
1971 VALLEJO STREET
ST. HELENA, CA 94574

WRITTEN STATEMENT

I am submitting this garage expansion plan because we are unable to park two cars in the existing garage. We have insufficient storage space for our vehicles, bicycles, and other items that we have stored in the garage. We also want to add charging stations for two electric vehicles as we intend to have at least one electric vehicle in the near term to reduce emissions. We also are adding 50 cases of refrigerated wine storage capacity as part of the garage expansion because we need to store wine inventory for bottle aging before release. We have already reached maximum capacity for case storage in our main wine cellar on the Levensohn Vineyards estate.

Thank you,

A handwritten signature in cursive script, appearing to read 'P. Levensohn', with a long horizontal flourish extending to the right.

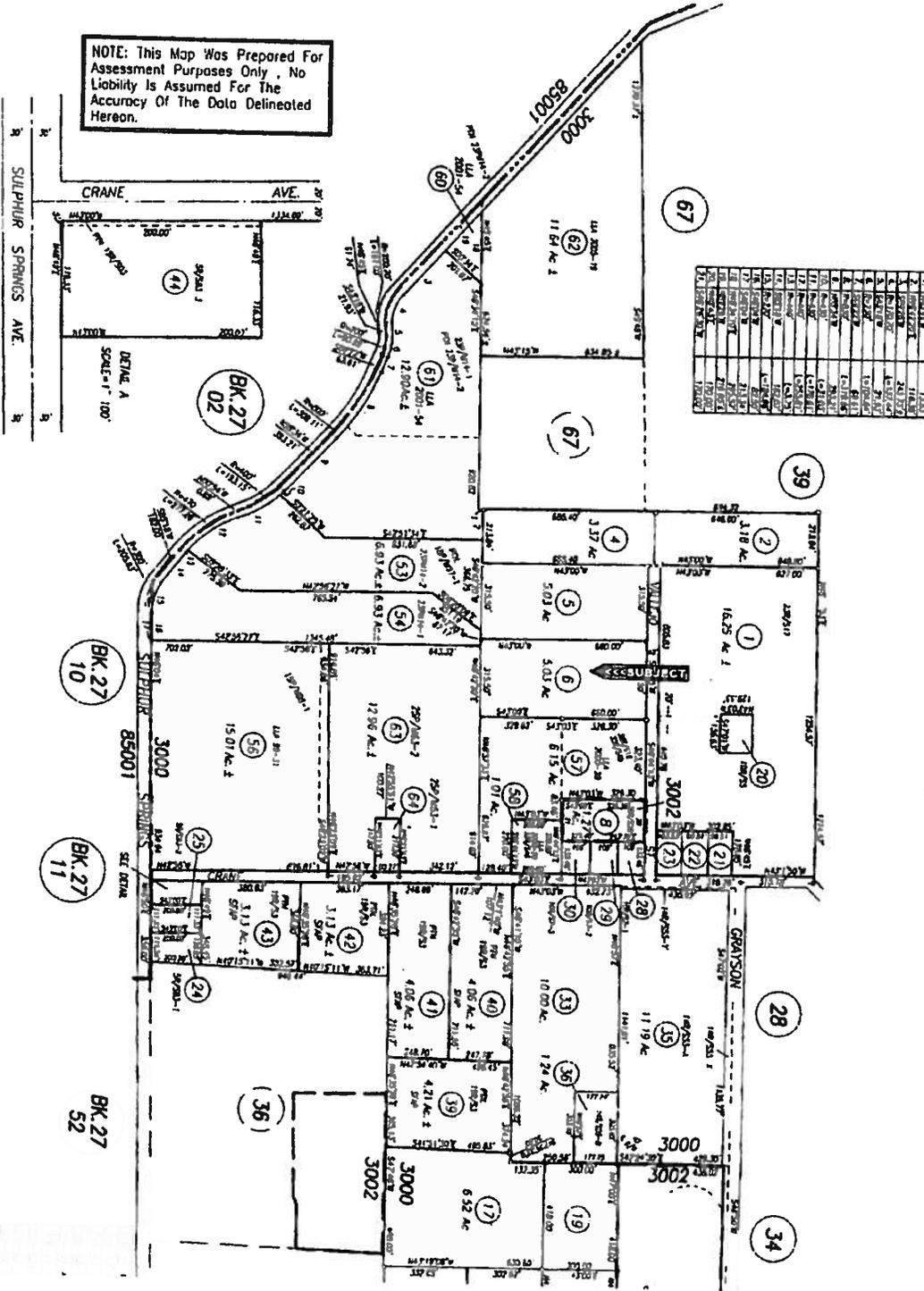
Pascal Levensohn

PLAT MAP

Borrower: Pascal N Levensohn
 Property Address: 1971 Valjejo St
 City: Saint Helena
 Lender: Citi Private Bank

File No.: vallejo-1971-st-helena
 Case No.: 1121228408
 State: CA
 Zip: 94574

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



COUNTY ASSESSOR'S PARCEL MAP
 POR. RANCHO CARNE HUMANA
 RLE BK. 9 OF PARTS, PC 127

009-350-004

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

JULY 1, 2014

AGENDA ITEM:

2013-43: Request of Joel Miroglio representing Gary and Roberta Menegon for Demolition Permit approval to demolish an existing 500-sf structure. The applicant is also requesting Design Review approval to develop a new 2-story commercial building consisting of 2,898-sf on the ground floor and 2,791-sf on the second floor for a total of 5,689-sf. on an 8,250-sf parcel located at 1380 Main Street in the CB: Central Business district.

PREPARED BY: Victor Carniglia, Planning Director

APPLICATION FILED: 7/1/13

ACCEPTED AS COMPLETE: 11/26/13

LOCATION OF PROPERTY: 1380 Main Street

APN: 009-212-001

GENERAL PLAN/ZONING: Central Business/CB: Central Business

OWNER: Gary & Roberta Menegon

PHONE: 963.2720

APPLICANT: Joel Miroglio

PHONE: 510.891.9145

PROJECT SITE

The project site is developed with a single 500-sf commercial building. The remainder of the parcel consists of flat concrete, asphalt and gravel surfacing. The parcel is 8,250-sf. The project site was developed as a service station in 1937 and has most recently been used as a smog shop.

PROJECT BACKGROUND

The Planning Commission most recently considered this project on June 3, 2014. At that meeting there was significant discussion concerning the historic status of the existing structure on the site. Several Commissioners expressed serious concerns over the existing structure's current poor physical condition, and that the poor physical condition detracted from the existing structure's value to the community from a historic perspective. The Commission directed that the City Attorney prepare a resolution giving the Commission the discretion to approve the proposed commercial project, including the demolition of the existing structure, citing the poor condition of the existing structure along with other appropriate findings.

While the Commission did not take action at the June 3, 2014 meeting concerning the design review submittal, Commissioners made a number of comments concerning the design, architecture, and layout of the proposed commercial building.

PROJECT DESCRIPTION

As just noted, the Planning Commission has reviewed the project and provided comments and direction to the applicant concerning the project. The following project specific information has been provided to the Commission previously, and is included here again for reference. The relevant project attachments can be found with the previously distributed June 3, 2014 Planning Commission staff report.:

General Plan/Zoning: The subject parcel has a General Plan designation of Central Business. This designation provides for retail, personal service uses, offices, restaurants, hotels/motels, service stations, public and quasi-public uses, and similar and compatible uses that serve local residents and the surrounding area. The zoning is Central Business District.

Proposed Building: The applicant is proposing to develop a new 2-story commercial building consisting of 2,898-sf on the ground floor and 2,791-sf on the second floor for a total of 5,689-sf. The new conditioned space is calculated as follows:

- *First Floor: (retail space 1) 1,336-sf + (retail space 2) 1,434-sf = 2,898-sf*
- *Second Floor (office space) = 2,791-sf*

The ground floor retail spaces will have separate primary entrances fronting Main Street and secondary entrances to the parking lot at the rear of the parcel. The ground floor also includes two restrooms and an enclosed trash enclosure which is accessed from the parking lot.

Primary access to the second floor will be by way of an entrance fronting Adams Street with a second entrance accessed from the parking lot. The second floor will also have two restrooms and two exterior deck areas. One is located above the ground floor primary entrance, at the corner of Main and Adams Streets and the second is located at the rear of the building facing east.

The height of the proposed commercial building will be 35'.

The proposed commercial building will include the following materials and finishes:

- *Brick veneer exterior with stone tile base*
- *Plaster cornice, sills, relief panels and front entryway detailing*
- *Oil-rubbed bronze windows, doors, awning supports and corner entryway columns*
- *Redwood trellis structure for second floor patio/deck - above corner entryway*
- *Exterior light fixtures*

Water/Landscaping: The project has existing water and sewer connections to the City's municipal systems. The applicant has provided a water use analysis report which provides that the project as proposed will not create additional water demand to St Helena's water supply system. The site contains no existing trees or landscaping. The applicant is proposing to install one (1) 24" box street tree with matching tree grate on Main Street and four (4) 24" box trees in the proposed parking lot. The entrance to the parking lot will include a post and wire fence planted with espaliered fruit trees which will screen the parking area as well as other planting materials which will provide additional color and texture to the project site. The rear elevation of the building will eventually be screened by the planting of five (5) creeping fig vines. The rear of the parcel will be planted with a row of fifty (50) shrubs which will define and improve the transition from the project site to the site to the immediate east.

Parking/Access: Per these regulations the project is subject to the following parking requirements: One (1) space per 600-sf or 5,689-sf/600 = 10 spaces required. The applicant is proposing 11 spaces which exceeds the parking requirement and will not require payment of any in-lieu parking fees. The applicant is proposing to install a bicycle parking rack which will accommodate eight (8) bicycles. Vehicular access to off-street parking will be from Adams Street and will consist of a two-way access drive to the proposed parking area.

RECOMMENDED ACTIONS

Adopt the attached resolution 1) Adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, 2) Approving a Demolition Permit to remove the approximately 500 square foot existing building on the site, and 3) Granting Design Review approval of the two (2) story approximately 5689 square foot commercial building and associated parking on property located at 1380 Main Street.

ATTACHMENTS

1. Resolution of Approval, including the Mitigation Monitoring and Reporting Program

The following relevant attachments concerning the projected were included with the June 3, 2014 Planning Commission staff report;

Demolition Statement, Project Review Statement Exhibits, Initial Study/Mitigated Negative Declaration, Initial Study/Mitigated Negative Declaration – Response to Comments, Traffic Study, Water Use Analysis Report.

RESOLUTION NO. 2014-__

**PLANNING COMMISSION
CITY OF ST. HELENA**

ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVING: (1) A DEMOLITION PERMIT TO REMOVE AN EXISTING 500-SQUARE FOOT COMMERCIAL BUILDING AND (2) DESIGN REVIEW TO PERMIT THE DEVELOPMENT OF A NEW TWO-STORY 5,689-SQUARE FOOT COMMERCIAL BUILDING AND ASSOCIATED PARKING ON PROPERTY LOCATED AT 1380 MAIN STREET IN THE CB: CENTRAL BUSINESS DISTRICT (PL14-007)

APN: 009-212-001

APPLICANT: Joel Miroglio

PROPERTY OWNER: Gary and Roberta Menegon

RECITALS

1. The property at 1380 Main Street is an 8,250-square foot parcel with an existing 500-square foot commercial structure located in the Central Business (CB) zoning district (the "Site"). The Applicant submitted a request to the Planning Commission for a Demolition Permit to remove the existing 500-square foot service station building on the Site and Design Review to allow construction of a new two-story commercial building with 5,689 square feet of space (2,898 square feet on the ground floor and 2,791 square feet on the second floor) and associated off-street parking (collectively, the "Project").
2. In accordance with the requirements of the California Environmental Quality Act (California Public Resources Code section 21000 and following) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, sections 15000 and following) (collectively, "CEQA"), City staff has caused to be prepared an Initial Study and approved for circulation a Mitigated Negative Declaration for the Project (the "Initial Study/Mitigated Negative Declaration").
3. The Initial Study/Mitigated Negative Declaration was circulated for public and agency review and comment on April 3, 2014, through May 3, 2014. Copies of the Initial Study/Mitigated Negative Declaration were made available to the public at City Hall on April 3, 2014 and the Initial Study/Mitigated Negative Declaration was distributed to interested parties and agencies. On April 3, 2014, a Notice of Availability of the Initial Study/Mitigated Negative Declaration, including the time and place of the Planning Commission meeting to review the Project and Initial Study/Mitigated Negative Declaration was published in the local newspaper and posted at the project site.
4. The Initial Study/Mitigated Negative Declaration concluded that implementation of the Project could result in a number of significant effects on the environment and identified mitigation measures that would reduce the significant effects to a less-than-significant level.

5. In accordance with the requirements of CEQA, a mitigation monitoring and reporting program (the “Mitigation Monitoring and Reporting Program”) has been prepared for the Project and is attached hereto as Exhibit A.
6. The Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program for the Project are, by this reference, incorporated into and expressly form a part of this Resolution.
7. The Initial Study/Mitigated Negative Declaration and all related environmental documents forming the basis for the Initial Study/Mitigated Negative Declaration are located in, and in the custody of, the Planning Department of the City of St. Helena.
8. The Planning Commission conducted duly noticed public hearings on the Initial Study/Mitigated Negative Declaration and the Project on May 20, 2014, and June 3, 2014. All interested parties were given full opportunity to be heard and to present evidence.
9. At the conclusion of the public hearings, having considered the record of the proceedings before it, the written evidence submitted for the public hearings, and the testimony and other evidence submitted at said hearings, the Planning Commission deliberated on the matter, made certain findings regarding the historical significance of the existing 500-square foot commercial building at the Site, and directed staff to prepare the attached resolution adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approving the Demolition Permit and Design Review for the Project

RESOLUTION

The Planning Commission of the City of St. Helena, State of California, hereby (i) adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan as modified below and (ii) approves the Demolition Permit and Design Review to permit the removal of the existing 500 square foot commercial structure and the construction of a new two-story 5,689 square foot commercial building and associated parking at 1380 Main Street, on the following basis:

- A. Incorporation of Recitals. The foregoing Recitals are true and correct and are incorporated herein and form a part of this Resolution.
- B. Environmental Findings. The Planning Commission finds as follows: (1) the Commission has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project; (2) the Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA; and (3) the Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the Planning Commission.
- C. Findings Re Historical Significance of Existing Commercial Building. The Project site is located in the City’s historic downtown district (“Downtown Historic District”), which is listed on the National Register. The existing building on the Site is listed as a contributor to

the Downtown Historic District. In addition, the existing service station is included on the City's 2006 Historic Resources Inventory. For the reasons discussed more fully below, the Planning Commission finds that: (i) the Project's proposed removal of the existing structure will not impair the integrity and character of the Downtown Historic District in which it is located; (ii) the Project architectural design and careful attention to its historic surroundings is superior to the existing building on the Site and compatible with the character of the Downtown Historic District; and (iii) the existing building is not, itself, historically significant.

In determining whether a resource is historically significant, CEQA creates several categories of historical resources. (Pub. Res. Code § 21084.1.) While the mitigated negative declaration found that Project impacts to the Downtown Historic District—where the service station is only a contributor—could be adequately mitigated by photodocumentation, it did not believe that photodocumentation alone was sufficient to offset the loss of this structure from the City's 2006 Historic Resources Inventory. The City's Historic Resources Inventory, however, is a local register for the purposes of CEQA. Historical resources included in a local register of historical resources are *presumed* to be historically or culturally significant . . . unless the *preponderance of the evidence demonstrates* that [the resource] is not historically or culturally significant." (14 Cal. Code Regs. § 15064.5(a)(2) [italics added].)

Under CEQA, the existing service station is only *presumed* to be an historical resource. That presumption may be rebutted by a "preponderance of the evidence." (*Citizens for a Responsible Development in West Hollywood v. City of West Hollywood* (1995) 39 Cal.App.4th 490, 503-504.) Although the structure in question was identified in City's 2006 Historic Resources Inventory, the survey on which that inventory was based does not meet the applicable criteria under state law—"the survey must have been updated if it is more than five years old." (*Citizens, supra*, 39 Cal.App.4th at 502; see also Pub. Res. Code § 5024.1 (g)(4).) Further, the record before the Planning Commission reflects evidence that: (i) the existing service station is not the unique example of Streamline Moderne architecture as stated in the 2006 Historic Resources Inventory (testimony at the hearings established that another, better preserved example is located only 780 feet away at 1153 Main Street); (ii) the structure was not in any way connected to any historic persons; (iii) while the service station is an example of the 1930s auto-oriented development, the advanced deterioration of the structure has compromised both its structural integrity and its historical significance; and (iv) the existing service station only marginally demonstrates the distinguishing features of the Streamline Moderne style, and, in fact, "is a modest example of Streamline design." (Page and Turnbull Report, p. 4).

The Planning Commission finds the foregoing evidence sufficient to rebut the presumption that the existing service station is historically significant. On this basis, the Planning Commission hereby determines that, contrary to the findings set forth in the Mitigated Negative Declaration, the loss of the existing structure from the City's 2006 Historic Resources Inventory list is not a substantial adverse impact under CEQA. In fact, the Planning Commission finds that, as currently drafted, the proposed mitigation (CULT-1)—which requires the applicant to relocate the existing service station to Wappo Park and repurpose it to be used as a restroom facility—is both infeasible and would result in greater impacts than simply demolishing the structure. The Planning Commission hereby modifies mitigation measure CULT-1 to eliminate the requirement to relocate and repurpose the existing building.

The Planning Commission concurs with the finding in the Mitigated Negative Declaration that Project impacts to the Downtown Historic District can be adequately mitigated by photodocumentation. However, the Planning Commission hereby further modifies mitigation measure CULT-1 to require that the removal of the existing structure be accomplished in full compliance with the State of California SHPO standards and guidelines and that the applicant/property owners display the photodocumentation exhibit in the lobby of the new building being constructed on the Site.

D. Adoption of Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. The Planning Commission hereby approves the Mitigated Negative Declaration, imposes the mitigation measures set forth therein, except as modified by Section C of this Resolution, and adopts the related Mitigation Monitoring and Reporting Program, attached hereto as Exhibit A and expressly made a part of this Resolution by this reference.

E. Demolition Permit Findings. Pursuant to Section 17.164.050.E of the Municipal Code, the Planning Commission makes the following findings to support a motion to approve a Demolition Permit:

1. *That, based on the public record and testimony presented at a public hearing, the building is determined not to be a significant architectural or historical building.*

As fully discussed in Section C, above, the Planning Commission has determined that the existing building is not historically or architecturally significant, and any impacts that loss of this structure may cause to the Historic Downtown District will be fully mitigated by photodocumentation.

2. *That the demolition does not eliminate elements that are required to maintain the essential character of the neighborhood.*

As noted above, the existing service station is not a unique example of Streamline Moderne architecture; in fact, there is another, better preserved example located a mere 780 feet away at 1153 Main Street. Further, the design of the new building at the Site mimics certain elements of existing service station and blends the architectural style of the new two-story building in a manner that both respects the historic character of the district and comports with the Secretary of the Interior standards for construction in historic districts. Thus, demolition of the existing building will not eliminate any elements that are required to maintain the essential character of the Historic Downtown District.

F. Design Review Findings. The Planning Commission determines the project is in compliance with the following Design Review criteria of Municipal Code Section 17.164.030.

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

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

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

The Project has been skillfully designed to be compatible with the adjacent historic structures while still observing the Secretary of the Interior's standards for construction in historic districts. The new building artfully incorporates some of the accent elements of the existing service station, preserving a bit of its character, and introduces an architectural style and palette that is compatible with the surrounding historic district. The Project layout makes excellent use of the Site, and the attention and detail to the Adams Street frontage is a valuable addition to the City's downtown are, paving the way to extend the Central Business core along Adams Street.

G. Conditions of Approval. The Demolition Permit and Design Review for the above described Project are granted subject to compliance with the following conditions. The Project shall be in conformance with all City ordinances, rules, regulations and policies in effect at the time of issuance of a building permit. The conditions noted below are particularly pertinent to these permits and shall not be construed to permit violation of other laws and policies not so listed.

1. The Project permits shall be vested within one (1) year from the date of final action. A building permit for the Project improvements authorized by this approval shall have been obtained within one (1) year from the effective date of the permit or the permit shall expire; provided however that the permit may be extended for up to two (2) one-year periods pursuant to the St. Helena Municipal Code, Section 17.08.130, Extension of Permits and Approvals.
2. The permits are valid for the Project described above only. New permits must be applied for upon any change in use or design not otherwise authorized by the approval or these conditions. Project approvals will expire if construction of the Project is discontinued prior to completion pursuant to the existing ordinances and regulations.
3. The Demolition Permit and Design Review approval shall not become effective until fourteen (14) calendar days after adoption of this Resolution, providing that the action is not appealed by the City Council or any other interested party within that 14 day period.
4. Any request for an extension of the permit must be justified in writing and received by the Planning Department at least thirty (30) days prior to expiration.
5. All required fees, including planning fees, development fees, housing fees, building fees toilet retrofit fees, and St. Helena Unified School District fees shall be paid prior to issuance of building permit. Fees shall be those in effect at the time of the issuance of the building permit.
6. Compliance with all permit conditions shall occur in accordance with specific regulations but in all cases no later than prior to occupancy or initiation of use unless another time is set by law or by this approval. Occupancy or final inspection of a project may be withheld if all conditions, including payment of fees for services rendered by the City, are not met.
7. The applicant and/or property owners shall defend and indemnify and hold the City, its agents, officers, and employees harmless of any claim, action or proceedings to attack, set aside, void or annul an approval so long as the City promptly notifies the applicant of any such claim, action, or proceedings and the City cooperates fully in the defense of the action or proceedings.
8. Provided they are in general compliance with the permit, minor modifications may be approved by the Planning Director.
9. Pursuant to Municipal Code Section 17.08.110, these permits shall run with the land and shall be binding upon all parties having any right, title or interest in the real property or any part thereof, their heirs, successors and assigns, and shall inure to their benefit and benefit of the City of St. Helena.
10. The primary purpose of this review is to ensure compliance with the General Plan and Zoning Ordinance. The property owners/applicant are responsible for meeting with the Building Official/Fire Inspector to review compliance with Building and Fire Codes, including fire protection systems and the accessibility standards of Title 24.

11. Construction shall be in compliance with plans submitted to and reviewed by the Planning Commission on June 3, 2014, except as modified herein. The Planning Director may also authorize minor modifications to the plans.
12. This permit authorizes the demolition and removal of the existing 500-square foot service station building at 1380 Main Street and the construction of a new two-story commercial building with 5,689 square feet of space (2,898 square feet on the ground floor and 2,791 square feet on the second floor) and associated off-street parking.
13. Prior to issuance of a Building (Demolition) Permit, the applicant shall contact the Bay Area Air Quality Management District to determine if a job number (J#) is required for demolition. A copy of the notification with the J# shall be submitted to the Building Department.
14. Prior to initial occupancy, any proposed tenant shall apply for a St. Helena Business License and include a written statement demonstrating compliance with all applicable Municipal Code requirements. The business license application(s) shall be reviewed by and approved by the Planning Director prior to issuance.
15. For sales taxes purposes, the Project site shall be the Place of Sale for all retail transactions occurring within the new commercial building. In addition, unless otherwise prohibited by regulations of the State Board of Equalization, the project site shall be considered the sales tax venue for all retail sales initiated within the Project site but which result in any subsequent delivery of goods to the customer.
16. Fire equipment shall be inspected annually by the Fire Department.
17. To reduce disturbance of residents in the project vicinity, construction activities which generate noise that can be heard at the property line of any parcel of real property within the City limits shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Saturday. Delivery of materials/equipment and cleaning and servicing of machines/equipment shall be limited to 7:00 a.m. to 6:00 p.m. Exceptions to these time restrictions may be granted by the Public Works Director for one of the following reasons: (1) inclement weather affecting work, (2) emergency work, or (3) other work, if work and equipment will not create noise that may be unreasonably offensive to neighbors as to constitute a nuisance. The City Engineer must be notified and give approval in advance of such work. No construction activities shall occur on Sundays or federal or local holidays that generate noise that can be heard at the property line of any parcel of real property within the City limits.
18. A minimum of **on-site parking** spaces, as shown on the plans submitted to and approved by the Planning Commission on June 3, 2014.
19. The property owner shall permit the use of the on-site parking for public parking after hours to accommodate the needs of adjacent businesses, such as the Cameo Theater...

Public Works:

1. Approval of this project shall be subject to the requirements of, and all improvements shall be designed and constructed in accordance with the most current version at the time of improvement plan submittal, Caltrans Standards and Specifications, the City of St. Helena Municipal Code, the St. Helena Water and Sewer Standards, the St. Helena Street,

Storm Drain and Sidewalk Standards, and all current federal, state and county codes governing such improvements.

2. The applicant shall be required to obtain an encroachment permit for improvements on public right-of-ways prior to receiving a grading or building permit authorizing site work or construction activities on the site.
3. For any improvements outside the existing building envelope, a grading and drainage plan shall be submitted for review and approval by the City Engineer prior to the issuance of a building permit. If the project entails more than 50 cubic yards of soil disturbance, 10,000 square feet of disturbance area, a cut or fill of 3 feet or more, installation of a pool or alteration of any drainage pattern, a grading permit shall be required. The grading and drainage plan shall detail the floodway and flood zone limits.
4. Improvement plans shall incorporate all grading, drainage, and utilities shown on the approved Use Permit package, those improvements agreed to in public hearings, the requirements of these conditions of approval, and those improvements required by any codes in effect at the time of plan submittal.
5. The applicant shall be required to submit to the requirements for annual inspections of food/beverage service establishments and businesses that handle hazardous wastes for illicit stormwater discharges as required by the State National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges. The annual stormwater illicit discharge inspections are performed and invoiced to the applicant by Napa County Department of Environmental Management.
6. Any new and modified existing water laterals, meters and backflow prevention devices shall be required and constructed in accordance with the requirements of the City of St. Helena's Water Standards.
7. Where fire sprinklers are required, applicant shall install an appropriately-sized water service with appropriate backflow and meter devices prior to Certificate of Occupancy. Fire system calculations shall be submitted with building plans prior to permitting to verify fire service lateral and meter sizing.
8. The applicant shall incorporate water conservation practices into the proposed project per the Theoretical Water Use Report prepared, including installing a new water efficient 1.28 gal toilet, 1.5 gpm faucets, and a high temperature glass dishwasher. The applicant shall retrofit the shared restrooms. All non-conforming appliances and plumbing fixtures shall be removed from the premises. The water analysis shall be replicated in full on the architectural plans.
9. All wastewater lines of the proposed development must be connected to the St. Helena sewer system and designed in accordance with the City sewer system standards. Any new fixture units added to the existing building may require assessing the existing sewer lateral, possible upgrade of the sewer lateral to the building, including a sewer cleanout at the property line.
10. Trash areas, dumpsters and recycling containers shall be enclosed and roofed per State and County standards to prevent water run-on to the trash area and water runoff from the area, to contain litter and trash so that it is not dispersed by the wind or run-off during waste removal. In the event that wine or food waste is disposed in these areas, the enclosed trash area shall drain to the sanitary sewer system. An area drain connected to

the sanitary sewer shall be installed in the enclosure area and a structural control such as an oil/water separator or sand filter shall be included. No other area shall drain into the trash enclosure. A sign shall be posted prohibiting the dumping of hazardous materials into the sanitary sewer.

11. The applicant shall comply with the provisions of St. Helena Municipal Code 17.48.090.C.6.d., including but not limited to maintaining a minimum four foot (4') clear path of travel along the sidewalk to provide for disabled access and maintaining a one and one-half foot (1-1/2') clear recovery zone from the face of curb. No obstructions of any kind shall be allowed in those zones. Tables shall not be left on the sidewalk when the business is closed. Table placement shall be limited to the placement on the "recommended outdoor seating configuration" conceptual plan attached herewith.
12. The applicant shall repair all public improvements that are damaged by the construction process in accordance with the City Water/Sewer/Street/Storm Drain/Sidewalk Standards prior to Certificate of Occupancy.
13. Existing streets being cut by new utility services will require edge grinding and an A.C. overlay per City standards, extent to be determined by the Public Works Department.
14. Non-existent, deteriorating or non-standard driveway approaches shall be replaced at the direction of the Public Works Department prior to Certificate of Occupancy.
15. All frontages shall be required to install curb, gutter and sidewalk where there is none. Any missing or broken curb, gutter and/or sidewalk along the project frontage shall be installed and/or replaced per City specifications prior to Certificate of Occupancy, extent to be determined by the Public Works Department.
16. All driveway approaches shall be per current City and ADA standards. Where none exists, or where deteriorating or non-standard driveway approaches exist, they shall be installed or replaced at the direction of the Public Works Department prior to Certificate of Occupancy. The driveway approach for the access drive to the property shall be replaced in order to conform to current ADA standards.
17. Any existing driveway approach not directly connected to a driveway shall be replaced with sidewalk/curb/gutter, as applicable and as directed by the Public Works Department, prior to Certificate of Occupancy.
18. An encroachment permit shall be required for any work performed in the public right of way.

I HEREBY CERTIFY that the foregoing Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, Demolition Permit, and Design Review were duly and regularly approved by the Planning Commission of the city of St. Helena at a regular meeting of the Planning Commission held on July 1, 2014, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

ATTEST:

Matthew Heil
Chair, Planning Commission

Victor Carniglia
Contract Planner

THE UNDERSIGNED HEREBY ACKNOWLEDGE THAT THEY HAVE READ AND ACCEPT AND AGREE TO BE BOUND BY THE FOREGOING CONDITIONS OF APPROVAL.

Joel Miroglio
Applicant

Gary Menegon
Property Owner

Roberta Menegon
Property Owner

EXHIBIT A

**MITIGATION MONITORING AND
REPORTING PROGRAM**

1380 MAIN STREET

**1380 Main Street Project
Mitigation Monitoring and Reporting Program**

**May 2014
Updated June 2014**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<p>Mitigation Measure AES-1. Lighting associated with the project shall comply with the following:</p> <ul style="list-style-type: none"> a) Exterior lighting shall be equipped with cut-off lenses and appropriate shields to minimize off-site light and glare from the site. b) Exterior lights shall be equipped with timing devices to turn off excessive night lighting, except for needed security lighting. c) The final lighting plan shall be approved by the St. Helena Police Department to ensure that adequate light is provided for security purposes while minimizing off-site light and glare. 	Project Developer	Interim Planning Director	Shown on final building plans; prior to issuance of a building permit	
<p>Mitigation Measure AES-2. All window glass shall be non-reflective.</p>	Project Developer	Interim Planning Director	Shown on final building plans; prior to issuance of a building permit	Prior to removal of the existing building at 1380 Main Street
<p>Mitigation Measure CULI-1. Prior to removal of the existing building on the Main Street site, the applicant will deposit a bond with the City of St. Helena to ensure that the building will be safely moved to Wappo Park and repurposed as</p>		City Building Official & Interim Planning Director		

Mitigation Measure

Implementing Responsibility

Monitoring Responsibility

Monitoring Schedule

Verification

proposed. The amount of the bond shall include the costs for moving the building, rebuilding per the applicant's plans and to appropriate local and state standards, site grading (if needed), utility connections and other related improvements. The bond shall be based on estimates prepared by a civil engineer and an architectural historian with experience in relocating historic buildings. Once the building has been relocated, repurposed and accepted by the City, the bond shall be exonerated.

The existing building shall be demolished pursuant to State of California SHPO standards and guidelines.

Prior to dismantling of the existing building, the applicant shall Complete a HABS-level document of the building, including a narrative, current and historic photographs (if available) and architectural drawings (if available) of the building. The document shall be sent to the City of St. Helena, St. Helena Historical Society, St. Helena City Library, the Napa County Historic Society and the California Historic Resource Information System-Northwest Information Center. In addition to providing copies of the document to the foregoing organizations, the project applicant shall also display the photographs in the lobby of the new

Mitigation Measure

Implementing Responsibility

Monitoring Responsibility

Monitoring Schedule

Verification

<p>building being constructed on the site.</p>				
<p>Mitigation Measure CULT-2. The project applicant and project contractor shall adhere to the following requirements. These requirements shall be included in grading plans and specifications.</p> <ul style="list-style-type: none"> a) An archeological monitor shall be present at both project sites during grading, trenching and all other ground disturbing activities. If cultural artifacts, including archeological, historical or paleontological resources are uncovered, work within a 50 foot radius of the find shall be halted and item "b" shall be followed. b) The cultural artifact shall be analyzed by a qualified archeologist or paleontologist (as appropriate) in accordance with State CEQA Guidelines Section 15064 (f). If the resource does not qualify as significant, ground disturbing activities may resume. If the resource is found to be significant, it should be avoided. If avoidance is not feasible, steps consistent with CEQA Guidelines Section 15126.4 (b) shall be completed, including but not limited to documentation and data recovery. Upon completion of the assessment by the archeologist and/or paleontologist, a report shall be submitted to the City, the applicant and the 	<p>Project Developer</p>	<p>Interim Planning Director</p>	<p>During project construction</p>	

Mitigation Measure

Implementing Responsibility

Monitoring Responsibility

Monitoring Schedule

Verification

<p>Northwest Information Center. The project applicant shall fund and implement this measure in accordance with the State CEQA Guidelines and Public Resources Code Section 21083.2.</p>	<p>Project Developer</p>	<p>Interim Planning Director</p>	<p>During project construction</p>	
<p>Mitigation Measure CULT-3. If human remains are uncovered during grading, trenching or other ground disturbing activity on either site, work within a 50-foot radius of the remain shall be halted and the architectural monitor shall immediately notify the Napa County Coroner and the St. Helena Police Department. If the remains are believed to be of Native American origin, the Native American Heritage Commission shall be notified. The Commission will then, in turn, appoint a Most Likely Descendant and this individual will work with the archeological monitor, City staff and project monitor to formulate a plan for appropriate treatment of the remains. After analysis, the remains and other associated artifacts shall be returned to the Most Likely Descendant for burial.</p>	<p>Project Developer</p>	<p>Interim Planning Director</p>	<p>Prior to removal of the existing building at 1380 Main Street</p>	
<p>Mitigation Measure HAZ-1. Prior to removal of the existing building at 1380 Main Street, the applicant shall submit a Phase I Environmental Site Assessment report to the St. Helena Planning Department to determine the presence or absence of hazardous material on the site. If no such materials are found, no further action is required.</p>	<p>Project Developer</p>	<p>Interim Planning Director</p>	<p>Prior to removal of the existing building at 1380 Main Street</p>	

Mitigation Measure

Implementing Responsibility

Monitoring Responsibility

Monitoring Schedule

Verification

<p>If the Phase I report identifies the possibility of the presence of soil, groundwater or building material contamination at levels above generally recognized actionable levels as defined by the Napa County Department of Environmental Health, a work plan for remediation shall be prepared by a qualified environmental consulting firm to safely remove and dispose of contaminated material. Necessary permits and approvals shall be obtained from the City of St. Helena, Napa County Environmental Health Department or other agency. The work plan shall contain a worker health safety component. Building permits shall not be issued until necessary clearances are obtained for the site from appropriate environmental regulatory agencies.</p>				
<p>Mitigation Measure NOISE-1. Prior to issuance of the first permit for the Main Street site, the applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustic consultant. The Management Plan shall detail proposed hours of construction activities (including delivery of materials and equipment maintenance), locating high-noise use of pneumatic equipment rather than diesel equipment, mandatory use of mufflers and on-site posting of a noise coordinator responsible for responding to local noise complaints with the authority of remedying activities not consistent with normal construction activities.</p>	<p>Project Developer</p>	<p>Interim Planning Director</p>	<p>Prior to issuance of building permit</p>	

Mitigation Measure

Implementing Responsibility

Monitoring Responsibility

Monitoring Schedule

Verification

<p>Mitigation Measure UTIL-1. The following water reduction measures shall be incorporated into the Main Street project.</p> <p>a) The applicant shall retain a civil engineer or equivalent professional (as approved by the City) to develop a Water Conservation Plan. The Plan shall demonstrate how the 1380 Main Street project will use no more water than has been historically used on this site over the average of the past three years. Methods that could be employed to meet this goal could include use of low-flow and waterless urinals, harvesting and reuse of rainwater, retrofit of off-site plumbing fixtures, repair of the City's water distribution system to repair leaks and similar features. The Water Conservation Plan shall be approved by the St. Helena Public Works Department prior to issuance of a building permit for project construction.</p> <p>b) The Water Conservation Plan shall be implemented or bonded for prior to issuance of a Certificate of Occupancy.</p>	<p>Project Developer</p>	<p>Interim Public Works Director</p>	<p>Plan-Prior to issuance of building permit</p> <p>Implementation-Prior to issuance of a Certificate of Occupancy</p>	
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