CITY OF ST. HELENA

RESOLUTION NO. 2004-17

APPROVING AN INCREASE TO THE HOTELS, MOTELS, AND B&B INVENTORY CAP AND APPROVING A USE PERMIT AMENDMENT AND DESIGN REVIEW FOR THE EXPANSION OF HARVEST INN, 1 MAIN STREET

PROPERTY OWNER: Richard Swig, Not Another Winery LLC
APN: 027-560-003, 004, 005, 006, 007

Recitals

1. This project includes a request for an increase in the City of St. Helena Hotels, Motels and B&B Inventory cap on transient occupancy rooms, and a Use Permit Amendment and Design Review to expand the Harvest Inn, located at 1 Main Street.

The expansion will add 20 new guest rooms to the existing 54 rooms. The new rooms will average 475 square feet in size. The proposed development will be clustered in four buildings as follows:

- One 2,500 square foot building with meeting room, kitchen, and bathrooms.
- One 4,000 square foot building with eight guest rooms averaging 475 square feet each in size.
- Two buildings, each approximately 2,850 square feet in size, each with six guest rooms averaging 475 square feet in size.

Staff for the hotel will increase by two full time housekeepers. No new uses of the facilities are requested. Forty-five new parking spaces will be constructed.

2. The Planning Commission of the City of St. Helena, State of California, opened the noticed public hearing on December 16, 2003, received testimony and continued the public hearing to January 6, 2004. On January 6, 2004, the Planning Commission recommended approval of the project to the City Council.

3. The City Council opened the noticed public hearing on February 24, 2004, received testimony, closed the public hearing and took the following actions to approve the project.

Resolution

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

A. The City Council of the City of St. Helena, State of California, approves an increase to the Hotels, Motels, and B&B Inventory cap to accommodate twenty additional rooms at the Harvest Inn.
B. The City Council hereby approves a Negative Declaration for the project as required under CEQA, the California Environmental Quality Act. The review period for the Initial Study and Negative Declaration closed on December 19, 2003. No state agencies submitted comments. No written comments were received from the public. The City Council finds that on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration reflects the lead agency's independent judgment and analysis.

C. The City Council makes the following Use Permit findings, Section 17.168.050, to support the motion to approve a Use Permit Amendment:

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

D. The City Council makes the following special findings pursuant to Sec. 17.52.100 for approval of a Use Permit Amendment in the Service Commercial District:

1. The business is an automobile oriented business, consistent with the Service Commercial District.
2. It is likely that significant revenues from this business will be derived from residents within the St. Helena service area.
3. It is likely that the business will provide services or products which satisfy the day-to-day needs of local residents within the St. Helena service area.
4. It is likely that the majority of customers will be from the St. Helena service area and patronize the business on a regular basis.

5. This is a smaller scale business commensurate with the character of the Service Commercial District and the needs of the St. Helena service area.

6. Necessities are emphasized over novelty items in the business merchandise. The proposed use is not listed in Section 27.75, Prohibited Uses.

7. The business is consistent with the unique character of St. Helena.

8. The business would locate in St. Helena if a visitor-based population did not exist.

9. It is likely that the business will provide services or products which will complement existing businesses in the Service Commercial District.

10. There is a need for the type of business proposed given the number of same or similar businesses existing in St. Helena.

11. The location of this business is appropriate given the type of use and the proximity of the same or similar businesses.

E. The City Council approves the Use Permit Amendment and Design Review subject to compliance with the following conditions. Permit shall be in conformance with all City ordinances, rules, regulations and policies in effect at the time of issuance of a building permit. The conditions noted below are particularly pertinent to this permit and shall not be construed to permit violation of other laws and policies not so listed.

1. The Use Permit Amendment and Design Review shall be vested within one (1) year from the date of approval. A building permit for the use allowed under this Use Permit shall have been obtained within one (1) year from the effective date of the Use Permit or the Use Permit shall expire; provided however that the Use 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. This permit are valid for this use only. New permits must be applied for upon any change in use. These permits will expire if the use is discontinued pursuant to then existing ordinances and regulations.

3. This permit shall not become effective until fourteen (14) calendar days after approval, providing that the action is not appealed by the City Council or any other interested party within that 14 day period.

4. Any request for an extension of this 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, building fees toilet retrofit fees, and St. Helena Unified School District fees shall be paid prior to issuance of building permit. Pursuant to City Council Resolution 2003-65, the owner and applicant are informed of the following: In recognition of the need for additional affordable housing, and to mitigate the effects of this development on the supply and demand of affordable housing, the permittee shall be subject to a Housing Impact Fee, an inclusionary requirement, an in-lieu fee, and/or similar fair and appropriate mechanisms, to provide funds for or to develop additional
affordable housing, should such mechanisms be established by the City.

The Housing Fee that is recommended by the Housing Task Force for hotel development is $11.77 per square foot. The estimated Housing Fee for this project is $143,600.

6. Compliance with all permit conditions shall occur in accordance with specific regulations but in all cases no later than prior to occupancy or initiation of use unless another time is set by law or by this approval. Occupancy or final inspection of a project may be withheld if all conditions, including payment of fees for services rendered by the City, are not met.

7. The applicant will defend and indemnify and hold the City, its agents, officers, and employees harmless against any claim, action or proceedings to attack, set aside, void or annul an approval so long as the City promptly notifies the applicant of any such claim, action, or proceedings and the City cooperates fully in the defense of the action or proceedings.

8. Provided they are in general compliance with the Use Permit, minor modifications may be approved by the Planning Director.

9. This Use Permit shall run with the land and shall be binding upon all parties having any right, title or interest in the real property or any part thereof, their heirs, successors and assigns, and shall inure to their benefit and the benefit of the City of St. Helena.

10. The primary purpose of this review is for compliance with the General Plan and Zoning Ordinance. The owner/applicant is responsible for meeting with the Building Official / Fire Inspector to review compliance with Building and Fire Codes, including fire protection systems and the accessibility standards of Title 24.

11. Construction shall be in compliance with plans marked Exhibits A – E, dated 01/06/04, as amended to show the elimination or relocation of seven parking spaces in front setback, consistent with code. The number of parking spaces for the entire site shall not be reduced to less than 102 spaces.

12. The following conditions are imposed to offset any increase in municipal water use that may result from the proposed project:

a. The property owner shall enter into a water use agreement with the City of St. Helena for one (1) consolidated municipal water service and limited to use of municipal water. The allowable municipal water use shall not exceed 6,900,000 gallons of water per year. This number is based on the historic use of water on the property, less the anticipated water savings resulting from the connection of a portion of the irrigation system to well water. The water agreement shall also be structured to encourage other means of water conservation, including the use of reclaimed water for irrigation when it becomes available.

b. A landscape irrigation well shall be constructed and connected to the thirteen irrigation valves at time clock irrigation region #1 and to the fifteen irrigation valves at time clock irrigation region #2. Connections shall be made and the system shall be operational.
prior to issuance of certificate of occupancy. A backflow prevention device shall be installed unless waived by the Public Works Director. Irrigation piping connecting to the well shall be planned to allow future connection to reclaimed water for landscape irrigation and all irrigation systems shall be converted to use of reclaimed water when it becomes available. The use of well water and reclaimed water for irrigation will reduce the demand on the City’s potable water resources.

c. Consistent with St. Helena Municipal Code Article IV, Water Conservation Section 18.44, New Development, the applicant shall be required to retrofit the equivalent of 46 single family dwelling units prior to receiving a certificate of occupancy. All Harvest Inn guest rooms shall be retrofitted. Appeals to this requirement may be made pursuant to Article IV, Section 18.46. In lieu fees must be paid prior to issuance of building permit and retrofits must be completed prior to issuance of certificate of occupancy.

12. The meeting room kitchen plan shall be reviewed by the Napa County Department of Environmental Management prior to issuance of building permit. If the plans include installation of a grease trap system, maintenance of the grease trap system shall be verified by quarterly reports acceptable to the City Engineer. Reports shall be submitted not less than 30 days following each such maintenance event providing the details of such maintenance.

13. Plant materials shall be purchased from a source that verifies they have been inspected for glassy winged sharpshooter to ensure that they will not contribute to the spread of Pierce’s disease to the surrounding vineyards.

14. Each tree or group of trees to be preserved within the vicinity of the construction site, shall be protected by enclosure with a six (6) foot chain link fence prior to grading or movement of heavy equipment. The minimum distance of the fence from the tree shall be at the drip line, but may be extended an additional 10’ to include the root zone which shall be determined by the project or City Arborist. Fencing shall remain in place until such time as the Building Inspector is assured the trees are no longer in danger of construction damage.

15. The following activities are prohibited under the drip line of protected trees unless authorized by the Planning Director under the advice of the City Arborist or project arborist:
   a. Change in the amount of irrigation provided to the protected tree from that which was provided prior to the commencement of construction activity.
   b. Trench, grade or pave into the drip line of a protected tree.
   c. Change the grade elevation by more than 6” within the drip line of the tree and for a distance of 30’ outward from the drip line of the tree.
   d. Park or operate any motor vehicle within the drip line area of a protected tree, except within designated parking areas.
   e. Place or store any equipment or construction materials within the drip line area of the tree.
   f. Attach any signs, ropes, cables or any other items to the tree.
g. Cut or trim any branch of the tree for temporary construction purposes.

h. Place or allow flowing into or over the root zone area of any tree any oil, fuel, concrete mix, paint, solvent, plaster or other deleterious substance.

16. Prior to issuance of a building permit, the owner shall enter into a deferred improvement agreement with the City of St. Helena for construction of a sidewalk along the Main Street frontage. A sidewalk shall only be required if it does not require the removal of trees and if it connects to Main Street sidewalks to the north and/or south of the property.

17. Exterior lighting shall be directed or shielded to prevent glare onto the public roadway or adjacent properties.

18. The applicant shall provide for the enclosed storage of trash and separated recyclable materials. The design of the trash storage and recycling area shall be reviewed and approved by the Planning Director.

19. Installation of a rapid entry Knox Box system is required prior to certificate of occupancy, unless such requirement is waived by the Fire Chief. Fire equipment shall be inspected annually by the Fire Department.

20. The builder shall submit manufacturer information pertaining to the noise generation of any mechanical equipment that is proposed to be located on the exterior of the structure. The information will help the building official determine whether the ambient noise level at any property line will be increased by more than 5 dBA. If it is determined that the noise level will be increased by more than this amount, appropriate measures shall be imposed to reduce the increase in the ambient noise level to less than 5 dBA. These measures could include replacement, relocation, removal or shielding of the equipment.

21. A drainage, grading, erosion control plan and Stormwater Pollution Prevention Plan shall be submitted for review and approval by the City Engineer prior to the issuance of a building permit. These Plans shall be prepared under the Responsible Charge of and wet-sealed by a Civil Engineer registered in the State of California and qualified to prepare such documents.

22. Plans shall comply with all applicable Caltrans encroachment permit requirements for those improvements for which the City of St. Helena does not have authority. The City Engineer may require plans for traffic control measures to be taken during the construction.

23. All easements and rights-of-way rendered obsolete or redundant by the lot merger and proposed new construction shall be extinguished.

24. Sewage discharges shall be consolidated into one (1) connection to the City of St. Helena Sewer System if deemed feasible by the City Engineer. This consolidation shall include the actions necessary to abandon, render inoperable or destroy all septic tank and other private sewage collection and discharge facilities and appurtenances rendered obsolete by the consolidated Sewer System connection.
25. If existing wells are to be abandoned, or abandoned and have not been properly destroyed, the applicant shall provide the City with a true and correct copy of a permit approved by the Napa County Department of Environmental Management for destruction of the well(s) in conformance with the applicable State of California Water Well Standards as well as confirmation of such destruction in the form of a true and correct copy of the State of California Department of Water Resources Form-188 filed by the Applicant’s contractor for each such destruction.

26. The property owner and/or construction manager shall notify all contractors and subcontractors that no trespassing is allowed on adjoining properties.

27. To preserve air quality, the following practices shall be observed during construction:
   a. Water all active construction areas at least twice daily.
   b. Cover all trucks hauling soil, sand, and other loose materials.
   c. Apply water three times daily to all unpaved access roads, parking area, and staging areas at the construction site.
   d. Sweep adjacent public streets daily with water sweepers if visible soil material is carried onto streets.

28. 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. 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.

29. In the event that archeological artifacts are unearthed during the construction of the project, the work shall cease and the Planning Director shall be immediately notified. Work may subsequently commence only after an archaeologist approved by the Planning Director has inspected the site and given authorization for work to commence.

30. This property adjoins an agricultural district. There exists a right-to-farm the adjoining property. There is a good faith expectation that no complaints will occur regarding legal, normal agricultural activities on the adjacent land. Such activities may include day or night disbursement of chemicals, and creation of dust, noise, or fumes.

31. In compliance with Title 25, Housing and Community Development law, a manager, janitor, housekeeper or other responsible person shall be on premises 24 hours per day, seven days per week.
32. No signs, awnings, or façade modifications shall be installed or constructed without approval of a Sign Permit, Design Review, or authorization of the Planning Director as required.

**Conditions of approval contained in prior use permits that remain pertinent to the continued operation of the Harvest Inn:**

33. Installation and maintenance of a solid wood fence or masonry wall along the southerly property line.

34. Swimming pool area to be posted “Quiet Hours – 10:00 P.M. to 8:00 A.M.”

35. Access drive to Sulphur Springs Road shall be blocked with a breakaway barrier. Access shall only be used by emergency vehicles as needed and shall not be used by the general public.

36. Use of the lobby, registration building, and meeting room shall be limited to use of guests of the Inn and their guests and shall not allow retail sales, conventions, conference activities or other uses which draw or serve persons other than registered guests of the Inn, their guests and local membership organizations. The following uses are allowed:
   a. Casual use activities of registered guests and their guests of the Inn;
   b. Organized use by local membership organizations;
   c. Serving of beer and wine and operation of a wine bar for use by registered guests of the Inn, their guests and local membership organizations. All beer and wine sales, use and consumption shall be in compliance with license issued by Alcoholic Beverage Control.
   d. Food service normally associated with bed and breakfast inns, and catered food service for events for registered guests of the Inn, their guests and local membership organizations. All food service and preparation shall be in compliance with regulations of the Napa County Department of Environmental Management.
   e. Operation of a gift shop.

Approved at a Regular Meeting of the St. Helena City Council on February 24, 2004, by the following vote:

**AYES:** Councilmembers Potter, Schoch, Savidge, Sklar, Mayor Slavens

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**APPROVED:**

[Signature]

Ken Slavens
Mayor

**ATTEST:**

[Signature]

Della Guijosa
City Clerk

"\Main\Data\data\Planning\2003\2003 Projects\2003-39\Resolution.doc"