



**City of St. Helena  
Planning Commission  
Regular Meeting  
Tuesday, May 21, 2024 @ 6:00 PM  
Vintage Hall Board Room - Second Floor  
465 Main Street, St. Helena**

**PLEASE NOTE:** Any person who wishes to speak regarding an item on the agenda or make a comment under the "Oral Communication" portion of the agenda may do so, but please observe the time limit of four minutes.

The Planning Commission meeting will be live-streamed on Comcast Channel 28 and on the City's website. Public comment for Planning Commission meetings will be accepted via email to [publiccomment@cityofsthelelena.org](mailto:publiccomment@cityofsthelelena.org). All public comments must be emailed at least three hours prior to the meeting. Emailed public comments will not be read out loud but will be publicly available and attached to the on-line agenda.

Simultaneous Spanish interpretation services during meetings can be scheduled upon request. To ensure interpreters are available, requests must be made at least 72 hours in advance by calling the Office of the City Clerk at (707) 968-2640 or emailing [cityclerk@cityofsthelelena.org](mailto:cityclerk@cityofsthelelena.org).

The schedule of upcoming meetings and published meeting agendas can be found on the City of St. Helena website at <https://sthelelena.civicweb.net/portal/>.

Servicios de interpretación en español durante la reunión pueden ser solicitados por el público. Para asegurar que los intérpretes estén disponibles, los servicios tienen que ser solicitados al menos 72 horas antes de la reunión llamando a la oficina de la Secretaria de la Ciudad al (707) 968-2640 o por correo electrónico a [cityclerk@cityofsthelelena.org](mailto:cityclerk@cityofsthelelena.org).

El horario de las reuniones publicadas y próximas puede ser localizado en el sitio de web de la Ciudad en <https://sthelelena.civicweb.net/portal/>.

Page

1. PLEDGE OF ALLEGIANCE
2. CALL TO ORDER AND ROLL CALL  
Chair: John Ponte  
Vice-Chair: Chris Warner  
Commissioners: Autumn Anderson, Chad Krsek, and Hector Lopez  
  
City staff present at the meeting will be noted in the minutes.
3. 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. **Please observe the time limit of four minutes.**
4. CONSENT ITEMS  
Members of the Commission or the public may ask that any items be

considered individually for purposes of considering alternative action, for extended discussion, or for public comment. Unless that is done, one motion may be used to adopt all recommended actions. (Roll Call Vote)

- 4.1. Approval of Minutes: April 16, 2024

7 - 9

[Planning Commission Minutes 04.16.24](#)

5. PUBLIC HEARINGS

- 5.1. Request by Neil Colwell on behalf of Alila Napa Valley for a Planning Commission Major Sign Permit approval in order to approve two identification wall signs on the property located at 1915 Main St. in the Service Commercial (SC) zoning district.

11 - 28

CEQA Determination: This project is exempt from the requirements of CEQA pursuant to Section 15311, Class 11(a) of the CEQA Guidelines, which exempts on-premise business signs.

Prepared By: Xinia Gamero, Permit Technician III

Recommendation:

For the reasons described above, staff recommends that the Planning Commission:

1. Determine that the project is exempt from the requirements of CEQA pursuant to Section 15311 of the CEQA Guidelines; and
2. Approve the application for a Major Sign Permit at 1915 Main St. permitting the two wall signs described in this report in the compliance with the attached resolution.

[Staff Report- 1915 Main St.](#)

- 5.2. Request by Ric Forman to amend a Use Permit and Variance approved in 1984, to allow an increase in annual wine production at the Forman Vineyard located at 1501 Big Rock Road in the Agriculture (A-20) zoning district.

29 - 129

CEQA Determination: Class 1 Categorical Exemption for Existing Facilities

Prepared By: Chantal Power, Associate Planner

Recommendation:

For reasons described above, staff recommends that the Planning Commission:

1. Determine that the project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301; and
2. Accept the required findings and approve the attached resolution granting use permit amendment approval for and increase in wine production from 2,500 cases or 6,000 gallons (2.4 gallons per case) to approximately 4,510 cases or 10,725 gallons annually for a small winery located at 1501 Big Rock Road.

[Staff Report- 1501 Big Rock Rd.](#)

[Public Comment. William McKinnon. Water Audit California](#)

- 5.3. Zoning Ordinance Amendment to revise Chapter 17.30 of Title 17 of the St. Helena Municipal Code regarding the calculation of housing in-lieu fees.

131 - 140

CEQA Determination: Exempt

Prepared By: Maya DeRosa, Community Development Director

Recommendation:

Recommend that the Planning Commission adopt a resolution recommending the City Council: 1) Find that, pursuant to CEQA Guidelines section 15061 (b) (3) the project is Exempt; and 2) Adopt an ordinance amending Section 17.30.030E of the St. Helena Municipal Code (ZOA 2024-001).

[Staff Report- Zoning Ordinance Amendment to revise Chapter 17.30 of Title 17 of the St. Helena Municipal Code](#)

[1. Public Comment Kenward](#)

6. SCHEDULED MATTERS

- 6.1. Appointment of a Planning Commissioner to participate in the Site 10 Discussion Group.

141

CEQA Determination: Not a project

Prepared By: Maya DeRosa, Community Development Director

Recommendation:

Nominate and Appoint a Planning Commissioner to participate in the Site 10 Discussion Group.

[Staff Report- Appointment of a Planning Commissioner to participate in the Site 10 Discussion Group](#)

7. DEPARTMENT REPORTS

This is an opportunity for staff to report on or update the Commission on any relevant matters.

8. AGENDA FORCAST

A list of all current planning projects is available on our city website in the link below:

[Planning Projects | St Helena, CA \(cityofsthenana.org\)](#)

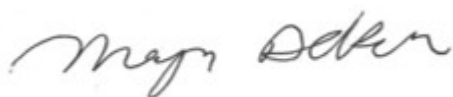
Please contact the assigned project Planner for additional questions.

This is also an opportunity for the Commission as a whole to request items be placed on future agendas for discussion. These items should be consistent with, and work to implement adopted Council Goals.

9. ADJOURNMENT

The next Regular Planning Commission meeting is scheduled for June 4, 2024 at 6:00 p.m. in the Vintage Hall Board Room located at 465 Main Street.

This agenda was posted at City Hall, 1088 College Avenue, and at Vintage Hall, 465 Main Street, St. Helena, California on May 10, 2024.



Maya DeRosa, Community Development Director

**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 17.12.020, 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 this meeting, please call the City Clerk's Office (707) 967-2792. Notification 48 hours prior to the meeting will enable 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.

#### 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 1088 College Avenue, 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://cityofstheleena.org> and will be available for public review at the respective meeting.



**MINUTES**  
**City of St. Helena**  
**Planning Commission Meeting**  
**Tuesday, April 16, 2024 @ 6:00 PM**  
**Vintage Hall Board Room - Second Floor**  
**465 Main Street, St. Helena**

A complete video recording of this meeting can be found at <https://sthelena.civicweb.net/Portal/> or by calling the City Clerk at (707) 967-2792. The Planning Commission video is the official record of the Planning Commission meeting.

**Present:** Chair John Ponte, Vice-Chair Christopher Warner, Commissioner Chad Krsek, Commissioner Autumn Anderson, and Commissioner Hector Lopez

**Absent:** None

**Staff Present:** Maya DeRosa, Community Development Director, Joe Leach, Public Works Director, and Xinia Gamero, Planning Commission Secretary

**1. PLEDGE OF ALLEGIANCE**

Cindy Tzafopoulos, City Clerk administered the oath of office to Planning Commissioner Hector Lopez. At the conclusion of the oath of office Mr. Lopez took his seat at the dais.

**2. CALL TO ORDER AND ROLL CALL**

**3. PUBLIC FORUM:**

No public comment was received.

**4. CONSENT ITEMS**

**4.1 Approval of Minutes: April 2, 2024**

Vice-Chair Christopher Warner moved to approve the minutes on Consent Calendar. The motion was seconded by Commissioner Autumn Anderson and on roll call carried by the following vote:

AYES: John Ponte, Chad Krsek, Autumn Anderson, Hector Lopez, and Christopher Warner

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None

**5. PUBLIC HEARINGS**

None.

**6. SCHEDULED MATTERS**

- 6.1 Request by Antonio and Rita Castelluci for a pre-application review of a proposed hotel project (75-key hotel plus 13 "resort residential" units) located at 1001 Adams Street. Applicant proposes to dedicate a 0.2-acre parcel with 2 existing residential units at 1341 Mitchell Avenue for affordable housing. Necessary entitlements include: General Plan and Zoning amendments for 1001 Adams Street (from BPO to CB with a Planning Development-PD Overlay), development agreement, demolition permit, conditional use permit, major design review and a tentative subdivision map.

**Prepared By:** Linda Ruffing, Planning Consultant

Community Development Director Maya DeRosa introduced Contract Planner Linda Ruffing & addressed the Planning Commission.

Contract Planner Linda Ruffing provided a brief introduction and made a presentation to the Planning Commission.

Applicant Antonio Castellucci addressed the Planning Commission and introduced his project design team.

Project Architect Jarrod Denton from Signum Architecture provided a presentation to the Planning Commission.

Antonio Castellucci, Jarrod Denton, and Project Land Use Planner Kirsty Shelton addressed the Planning Commission.

Chair Ponte invited members of the public to provide their comments related to the item.

Mark Epstein, Mark Cia, Frank Dolan, and Jeff Burton addressed the Planning Commission.

**7. DEPARTMENT REPORTS**

Community Development Director Maya DeRosa reported on the following:

- Planning Commission meeting of May 7th is cancelled.

**8. AGENDA FORCAST**

**9. ADJOURNMENT**

Chair Ponte adjourned the meeting at **8:33 p.m.**

The April 16, 2024 minutes were approved at the \_\_\_\_\_ Planning Commission meeting.

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
John Ponte, Planning Commission Chair

\_\_\_\_\_  
Maya DeRosa, AICP  
Community Development Director





**PLANNING COMMISSION REPORT**

Planning Commission Meeting of May 21, 2024

**FILE NUMBER:** PL24-017

**SUBJECT:** Request by Neil Colwell on behalf of Alila Napa Valley for a Planning Commission Major Sign Permit approval in order to approve two identification wall signs on the property located at 1915 Main St. in the Service Commercial (SC) zoning district.

**PREPARED BY:** Xinia Gamero, Permit Technician III

**REVIEWED BY:** Maya DeRosa, Community Development Director

**APPROVED BY:** Maya DeRosa, Community Development Director

**APPLICATION FILED:**04/18/24

**ACCEPTED AS COMPLETE:**04/30/24

**LOCATION OF PROPERTY:** 1915 Main St.

**APN:** 009-490-009

**GENERAL PLAN/ZONING:** SC: Service Commercial

**APPLICANT:** Neil Colwell/ Well Design  
Premium Signage

**PHONE:** 707-933-0307 X4

**BACKGROUND**

The new sign requests relate to new improvements recently at the hotel. These include a new pool bar "Salvia" and new restaurant "Violetto" opening May 2024.

**PROJECT DESCRIPTION**

The applicant seeks Planning Commission approval for a major sign permit to install two (2) single-sided identification wall signs positioned along the existing rock wall adjacent to the hotel frontage on Main Street. These signs will display the hotel, restaurant and

hotel bar names. The existing wall sign facing Highway 29 will be removed prior to installation of the new signs.

The first sign (A1) is proposed for placement at the southern end of the stone wall, adjacent to the driveway entrance on Main St. The second sign (A2) is proposed for placement at the northern end of the stone wall where the frontage perimeter ends, this sign will allow southbound drivers to safely slow down and navigate their turn into the upcoming driveway entry. Each of the proposed single-sided wall signs measures 30-sf (6'x5') and will be constructed of aluminum sign cabinets painted in a satin dark gray finish, featuring halo-illuminated letters. Letters will be powered by low-voltage (12v) warm-white (2500k) fully dimmable LEDs. Illumination for both signs is proposed from dusk to dawn due to the operational use being a hotel.

## **ANALYSIS**

### **CEQA**

This project is exempt from the requirements of CEQA pursuant to Section 15311, Class 11(a) of the CEQA Guidelines which exempts on-premise business signs. The proposed project is not subject to any of the exceptions to the use of a categorical exemption as outlined in CEQA Section 15300.2. The project site is not located on or near an environmentally sensitive area, is not visible from a scenic highway, is not included on a hazardous waste site, and will not impact historic resources or otherwise generate or contribute to any potentially significant impacts.

### **GENERAL PLAN**

The subject property has a General Plan land use designation of Service Commercial (SC). The SC land use designation includes service and retail uses that have larger space needs than are available in the Central Business District. Potential SC uses include offices, restaurants, service stations, and lodging, with a maximum allowable FAR of .50. The SC designation includes areas fronting State Route 29/ Main Street south of Sulphur Creek.

- **CD2.4-** Ensure active and complete streets within commercial districts by providing sidewalk amenities, such as landscape buffers, berms, street trees, street furniture, outdoor dining, public art, signage, and wayfinding.
- **CD2.D-** Require businesses and structures to be of a scale commensurate with existing older buildings in the CB and SC land use areas.

***Staff Response:** Staff finds that the proposed identification wall signs are consistent with the General Plan in that it promotes additional commercial activity and opportunity in the City's Service Commercial district.*

### **ZONING**

The project site is zoned Service Commercial (SC). The SC Zone is intended to provide for service and retail uses, restaurants, service stations, hotels, motels, public and quasi-public uses and similar and compatible uses. The designation is intended

primarily for service and retail uses that are automobile-oriented or whose operational characteristics and space needs are not considered appropriate for the Central Business District. The intent is for the SC Zone to be primarily local resident-serving in character. Strictly tourist-serving retail uses are prohibited within this designation. This zone implements the Service Commercial General Plan Land Use Designation.

### **Major Sign Permit**

Signs are regulated by St. Helena Municipal Code (SHMC) Section 17.27. The purpose of a Major Sign Permit is to allow the consideration of internally illuminated signs and permanent signs incorporating neon; neon signs or single or two-color LED signs placed in a window; monument signs in the A-20 zoning district; signs, alterations of a sign, or replacement of a sign not in compliance with the standards of this Chapter, i.e., signs that are larger, signs of a unique design or location, or signs proposed in addition to those otherwise allowed; and a sign program that addresses the needs for all businesses within a building with multiple tenants or a planned commercial development.

The Planning Commission shall hold a public hearing on a Major Sign Permit application and shall, at the conclusion of a public hearing, approve (with or without conditions) or deny the application in compliance with the provisions of Chapter 17.04, Common Procedure.

#### Table 17.27.090 B (Standards for all Permanent Signs)

In the SC district, the following standards apply:

Maximum Sign Height: 20 feet

Primary Frontage: 60 sf max

Pursuant to SHMC Table 17.27.09B, footnote 2, the Planning Commission may approve signs that exceed the height, size, and number of signs specified in the SC and I zoning districts for properties located along Main Street where the visibility of the sign is impaired due to any one of the following: A) the building is set back from the street for a distance of 50 feet or more; B) the visibility of the building is obscured; C) the speed limit on Main Street is greater than 35 miles per hour; or D) a sign meeting the standards of this Chapter would create a safety hazard by obscuring the vision of vehicles exiting the property.

#### Table 17.27.090J (Standards for Wall Signs)

Sign Area: 60 sf max

Number of Signs: Unlimited

Sign Width: 15% of the building façade

#### Illumination -SHMC 17.27.080 F(1)

1. Internal Illumination.

- a. Internally illuminated signs include single- or two-color LED signs, signs constructed with reverse pan channel letters (i.e. indirect halo illuminated channel letters) on an unlit or otherwise indistinguishable background on a freestanding sign or building wall.
- b. Internally illuminated signs shall be illuminated only with steady, stationary, light sources

Staff Response:

Findings:

*SHMC 17. 27.050 (E) requires the Planning Commission to make the following findings when approving a Major Sign Permit:*

- 1.The sign is compatible with the site in that the proposed wall signs aligns with the overall aesthetic and ambiance of the site, enhancing rather than distracting from its visual appeal.*
- 2.The sign materials are consistent with or complement those of the project in that the materials chosen for the signs are in harmony with the existing elements of the project, ensuring a cohesive appearance.*
- 3.The sign reflects the small-town character of St. Helena in that the design captures the simple but elegant character of St. Helena, maintaining a local identity.*
- 4.The sign will not negatively impact surrounding properties in that careful consideration has been given to the potential impact of the sign on neighboring properties as the illumination can be dimmable if it becomes a nuisance.*
- 5.The sign does not obscure or detract from the architecture of a historic building or structure- The placement and design of the sign have been thoughtfully executed to ensure that it does not obstruct or diminish the architectural significance of nearby historic buildings or structures.*
- 6.The sign contributes to the historical or architectural character of the community in that by incorporating elements that resonate with the historical and architectural fabric of the community, the proposed sign adds to the overall sense of heritage and authenticity in the area.*

*Staff determined that the proposed signage is compatible with the site, size appropriate to the building and its surroundings and does not detract from the architecture of the structure.*

Visibility:

*As outlined above, the Planning Commission may approve signs along Main Street where visibility is impaired by specific variables. The Acacia House building is set back a distance of approximately 114' feet from the street, making the visibility of the signs to be impaired if these were placed on the building façade.*

Consistency with Table 17.27.090 B (Standards for all Permanent Signs)

Proposed Sign Height: Sign Height: 6'3"

Primary Frontage: 60 sf

*The proposed sign is consistent with the development standards.*

Consistency with Table 17.27.090J (Standards for Wall Signs)

Sign Area: 60 sf

Number of Signs: 2

Sign Width: (6'-3") which does not exceed 15 percent of the building façade (82.66')

*The proposed sign is consistent with the development standards.*

Consistency with Illumination -SHMC 17.27.080 F(1)

The proposal features halo-illuminated letters. Letters will be powered by low-voltage (12v) warm-white (2500k) fully dimmable LEDs. The illumination is consistent with the code standards.

**ISSUES**

Staff has not identified additional issues related to this application that require additional discussion.

**CORRESPONDENCE**

As of the completion of this report, staff has not received correspondence related to this application.

**STAFF RECOMMENDATION**

For the reasons described above, staff recommends that the Planning Commission:

1. Determine that the project is exempt from the requirements of CEQA pursuant to Section 15311 of the CEQA Guidelines; and
2. Approve the application for a Major Sign Permit at 1915 Main St. permitting the two wall signs described in this report in the compliance with the attached resolution.

**ATTACHMENTS**

[PC2024-0XX 1915 MAIN ST. MAJOR SIGN PERMIT 060424](#)

[Written Statement](#)

[Sign Plans Exhibit A](#)

**CITY OF ST. HELENA PLANNING COMMISSION**

**RESOLUTION NO. PC2024-0XX**

**GRANTING MAJOR SIGN PERMIT APPROVAL TO  
1915 MAIN ST. (PL24-017)**

**PROPERTY OWNER:** Spring Mountain Hotel, LLC.

**APN:** 009-490-009

**RECITALS**

1. The applicant submitted an application for a sign permit on April 12, 2024 in order to place new identification wall signs along the rock wall adjacent to the primary driveway entrance at 1915 Main St. in the Service Commercial (SC) zoning district;
2. The applicant proposes to install two (2) single-sided identification wall signs. The first sign is proposed for placement at the southern end of the stone wall, adjacent to the driveway entrance. The second sign is proposed for placement at the northern end of the stone wall where the perimeter ends, this sign will allow southbound drivers to safely slow down and navigate their turn into the upcoming driveway entry. Each of the proposed single-sided wall signs measures 30-sf (6'x5') and will be constructed of aluminum sign cabinets painted in a satin dark gray finish, featuring halo-illuminated letters; and
3. The Planning Commission of the City of St. Helena, State of California, considered the sign, staff report, and all testimony, written and spoken, at a hearing on May 21, 2024; and
4. Now, therefore let it be found that, the Planning Commission approves the sign permit and thereby authorizes the modifications contained in said plans attached as Exhibit A to this resolution based on the findings below and subject to the conditions of approval enumerated herein.

**RESOLUTION**

- A. In making the findings in this Resolution, the Planning Commission relied upon and hereby incorporates by reference all of the documents referenced in this Resolution and the associated staff reports, City files for this matter, correspondence, presentations and other materials.
- B. The Planning Commission hereby finds that this project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15311, Class 11 (a), which exempts installation of on-premise signs.
- C. In accordance with SHMC Section 17.27.050, the Planning Commission makes the following findings to support the motion to approve the major sign permit:

*1915 Main St.  
Major Sign Permit  
May 21, 2024*

1. The sign is compatible with the site *in that the proposed wall signs aligns with the overall aesthetic and ambiance of the site, enhancing rather than distracting from its visual appeal.*
  2. The sign materials are consistent with or complement those of the project *in that the materials chosen for the signs are in harmony with the existing elements of the project, ensuring a cohesive appearance.*
  3. The sign reflects the small-town character of St. Helena *in that the design captures the simple but elegant character of St. Helena, maintaining a local identity.*
  4. The sign will not negatively impact surrounding properties *in that careful consideration has been given to the potential impact of the sign on neighboring properties as the illumination can be dimmable if it becomes a nuisance.*
  5. The sign does not obscure or detract from the architecture of a historic building or structure- *The placement and design of the sign have been thoughtfully executed to ensure that it does not obstruct or diminish the architectural significance of nearby historic buildings or structures.*
  6. The sign contributes to the historical or architectural character of the community *in that by incorporating elements that resonate with the historical and architectural fabric of the community, the proposed sign adds to the overall sense of heritage and authenticity in the area.*
- D. The Major Sign Permit for the above described is granted subject to compliance with the following conditions. 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 permit shall be in conformance with all City ordinances, rules, regulations and policies in effect at the time of issuance of a building permit.
  2. A permit or other discretionary approval may be extended for not more than two, one-year periods or for as long as any subdivision concurrently approved is extended, whichever is longer, provided that an application is filed at least 30 days prior to its expiration date pursuant to the St. Helena Municipal Code, Section 17.04.140, Extension of Permits and Approvals.
  3. Signn permits may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals and Section 17.04.150, Modifications to an Approval.
  4. A discretionary approval takes effect the day following the expiration of the appeal period if no appeal is filed or the day following the denial of an appeal.
  5. All required fees, including planning fees, development impact fees, residential in-lieu housing fees, building fees, toilet retrofit fees, and St. Helena Unified School District fees shall be paid prior to issuance of a building permit should one be required. Fees shall be those in effect at the time of the issuance of the building permit.

1915 Main St.  
Major Sign Permit  
May 21, 2024

6. This permit will expire if the use is discontinued pursuant to existing ordinances and regulations.
7. In any action or proceeding to attack, challenge, invalidate, set aside, void or annul the City's approval of applicant's Project, in whole or in part, applicant shall defend, at its own expense and without any cost to the City, and with counsel acceptable to the City, and shall fully and completely indemnify and hold the City, its agents, officers, and employees harmless from and against any and all claims, causes of action, damages, costs, attorney's fees and liability of any kind, so long as the City reasonably promptly notifies the applicant of any such claim, action, or proceedings and the City cooperates fully in the defense of the action or proceedings.
8. Provided they are in general compliance with this approval, minor modifications may be approved by the Community Development Director.
9. Pursuant to St. Helena Municipal Code Section 17.04.120, this permit applies to the subject property and shall run with the land. Once vested, the approved permit or other discretionary approval remains effective unless terminated, abandoned, revoked or modified even if the subject property is subsequently rezoned. The approved permit or other discretionary approval is transferable to any future owner of the subject property.
10. All signs must be maintained by the property owner, tenant, or permittee. In event a sign becomes derelict for reasons of lack maintenance the approval may be revoked and the sign subject abatement. The sign shall conform with all regulations pursuant to the St. Helena Municipal Code, Section 17.27.080 Sign Maintenance.
11. The signs authorized by this major sign permit shall conform to the details and dimensions shown on the Exhibits which were reviewed and approved by the Planning Commission at their May 21, 2024 meeting.
12. A building permit shall be obtained by the applicant prior to installation of the approved signage.
13. Interior illumination is proposed from dusk to dawn. Illumination shall be turned off by dawn every day.
14. An Encroachment Permit shall be obtained by the applicant prior to installation of the signs if work involves locating of any person or structure on public property, such as a sidewalk, driveway, or street, if necessary.
15. Any qualifying violation of the conditions of approval, the city's Municipal Code, or any law which results from any activities on the subject property may result in revocation of this conditional use permit in compliance with city authorities.

**I HEREBY CERTIFY** that the foregoing sign permit was duly and regularly approved by the Planning Commission of the City of St. Helena at a regular meeting of said Planning Commission held on May 21, 2024 by the following roll call vote:

1915 Main St.  
Major Sign Permit  
May 21, 2024

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

APPROVED:

ATTEST:

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John Ponte  
Chair, Planning Commission

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Maya DeRosa, AICP  
Community Development Director

*1915 Main St.  
Major Sign Permit  
May 21, 2024*

**RECEIVED**  
By XGamer0 at 4:31 pm, Apr 18, 2024

**APPROVED**  
By XGamer0 at 1:25 pm, Apr 30, 2024

## Alila Napa Valley Entry Signage Written Statement

Alila Napa Valley is seeking approval of two, singled-sided, identity signs that display the hotel, restaurant, and bar names, located at 1915 Main Street.

The proposed signs are identical in appearance and size, measuring 5' wide by 6' high, totaling 30 square feet in sign area each, for an aggregate sign area of 60 square feet for the property. 60 Square feet is also the allowable square footage for the property. All existing street-visible signage is to be removed and replaced with the newly proposed signs in this application.

Sign A1 is mounted to the rock wall on the north side of the entry drive. The sign is placed to identify the property entrance for Northbound motorists on Main Street, and Westbound motorists where Pratt Avenue terminates into Main Street. Due to the sloping grade of the entry drive, the elevation of sign A1 will vary from 6'-3" on the low side to 7'-1" on the high side.

Sign A2 is located at the North end of the property where the perimeter stone wall terminates into a column. The sign is placed to signal the upcoming entry to the property, allowing motorists enough time to safely slow down and navigate the turn into the entry drive.

Signs A1 and A2 feature an aluminum fabricated sign cabinet painted satin dark gray, with halo-illuminated letters. Letter faces are opaque white (do not emit light). Letter edges emit light to create a glow of light around the letter perimeters, creating contrast with the surrounding sign cabinet during night-time illumination. Letters are powered by low-voltage (12v) warm-white (2500k) LEDs, powered by existing low-voltage power. LED lighting is fully dimmable to achieve appropriate lighting. Sign lighting will be consistent and free of LED module visibility or hotspots. Signs are mounted to the existing stone walls with hidden anchors.

Illumination is proposed from dusk to dawn given the lodging nature of the business.

*Neil P. Colwell*

Prepared For:

**Alila Napa Valley  
Exterior Signage**

Version 9.0 (Permit)  
April 9, 2024



WELL DESIGN  
PREMIUM SIGNAGE

EXHIBIT A



**APPROVED**  
By XGamer0 at 1:26 pm, Apr 30, 2024

**RECEIVED**  
By XGamer0 at 4:29 pm, Apr 18, 2024



Property Aerial Satellite Image  
Not To Scale

**APPROVED**  
By XGamero at 1:26 pm, Apr 30, 2024

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By XGamero at 4:29 pm, Apr 18, 2024



WELL DESIGN  
PREMIUM SIGNAGE

83 Sheehy Ct.  
Napa, CA 94558  
707.933.0307  
info@welldesigninc.com  
License #945459

**DRAWING TYPE:**

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- ☐ PLANNING/ZONING
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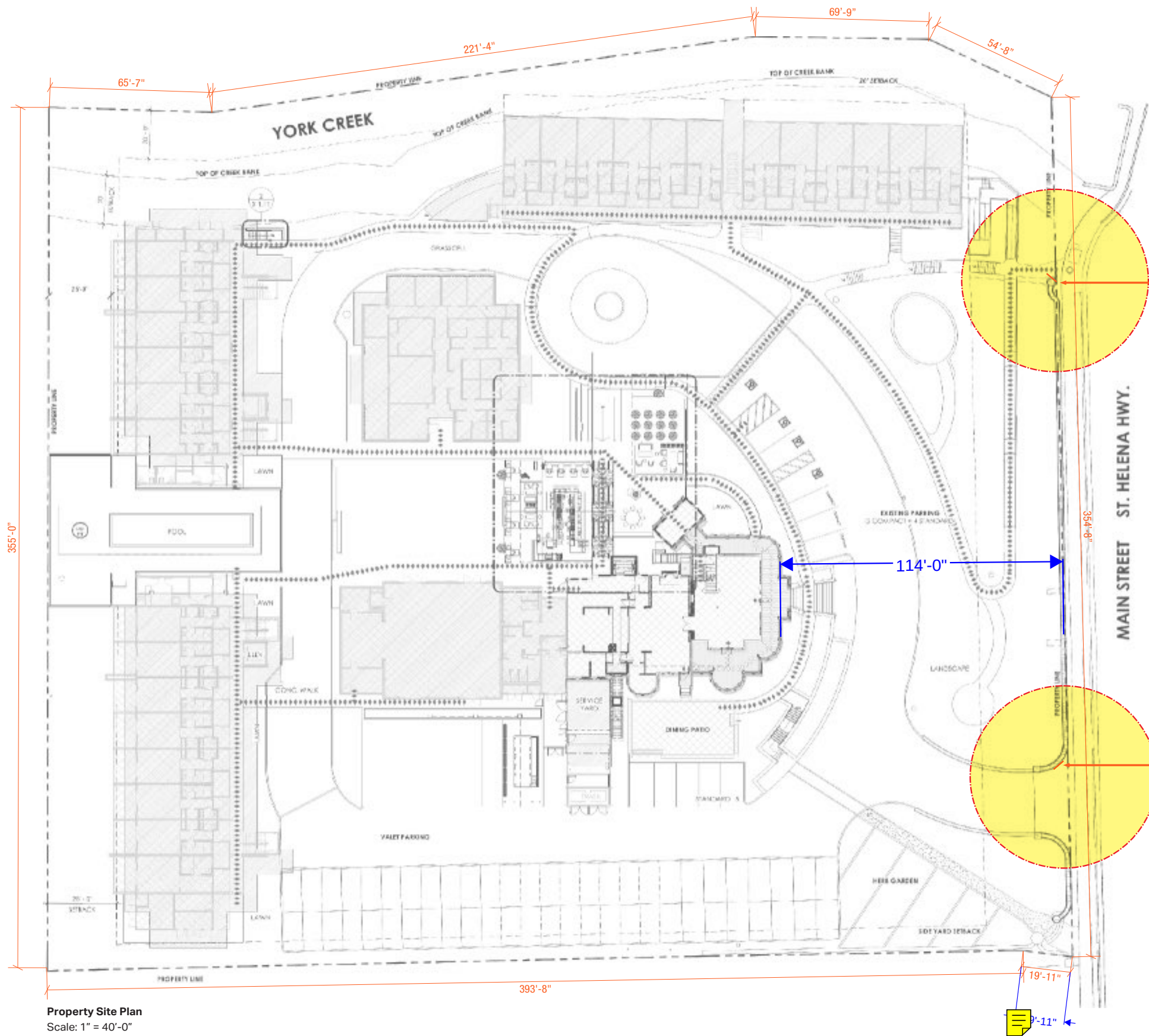
**CLIENT:**  
Alila Napa Valley  
1915 Main St.  
St. Helena, CA 94574

**PROJECT:**  
Exterior Signage

*Neil P. Colwell*

**DRAWING VERSION:**

v1.0 - 05/02/2022  
v2.0 - 05/08/2022  
v3.0 - 05/17/2022  
v4.0 - 05/31/2022  
v5.0 - 06/13/2022  
v6.0 - 03/11/2024  
v7.0 - 03/20/2024  
v8.0 - 03/26/2024  
v9.0 - 04/09/2024



Property Site Plan  
Scale: 1" = 40'-0"

| SIGN AREA MATRIX |            |
|------------------|------------|
| Sign A1          | 30 Sq. Ft. |
| Sign A2          | 30 Sq. Ft. |
| Total            | 60 Sq. Ft. |
| Total Allowable  | 60 Sq. Ft. |

**SIGN A2**  
SEE DETAIL  
NEXT PAGE

**SIGN A1**  
SEE DETAIL  
NEXT PAGE

**APPROVED**  
By XGamera at 1:26 pm, Apr 30, 2024



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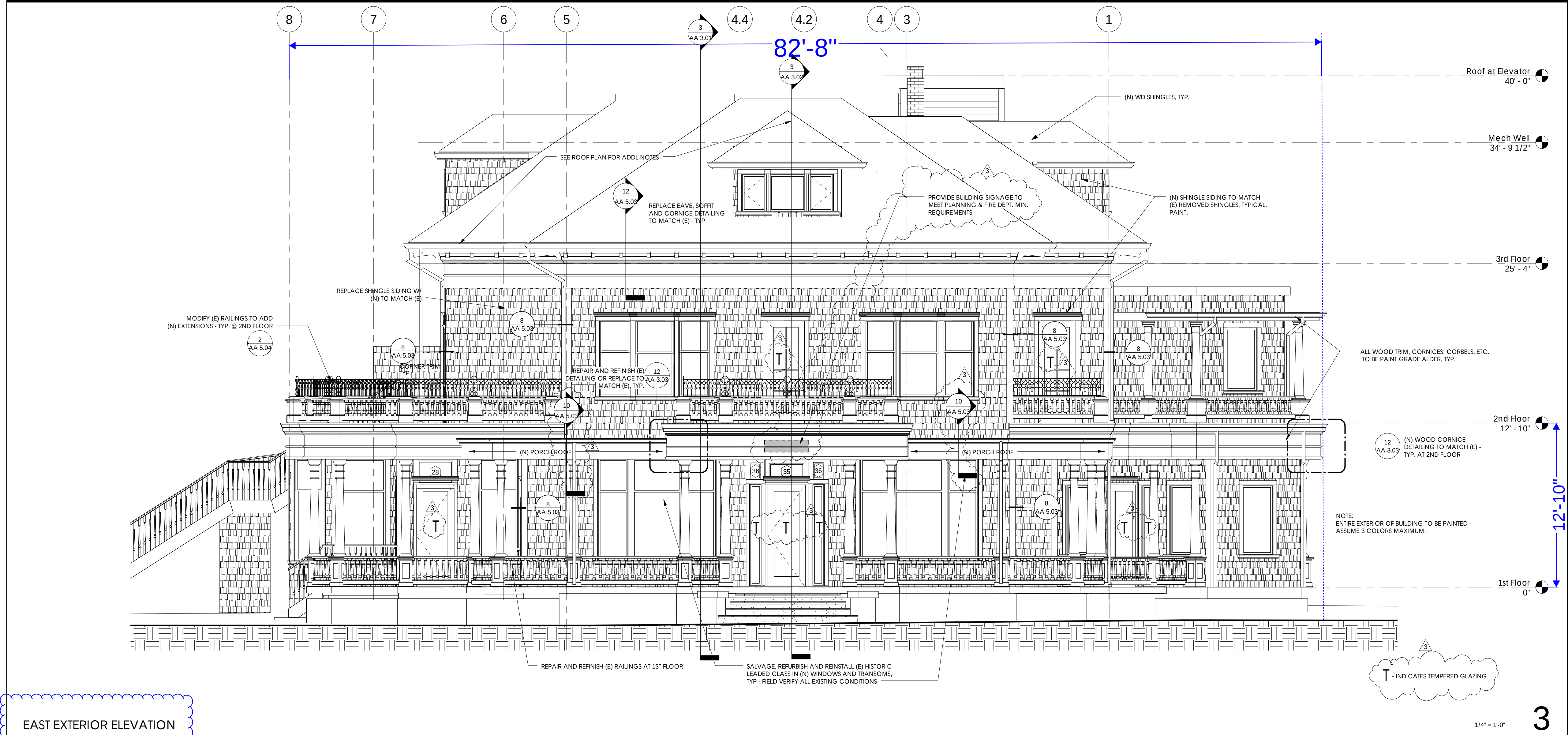
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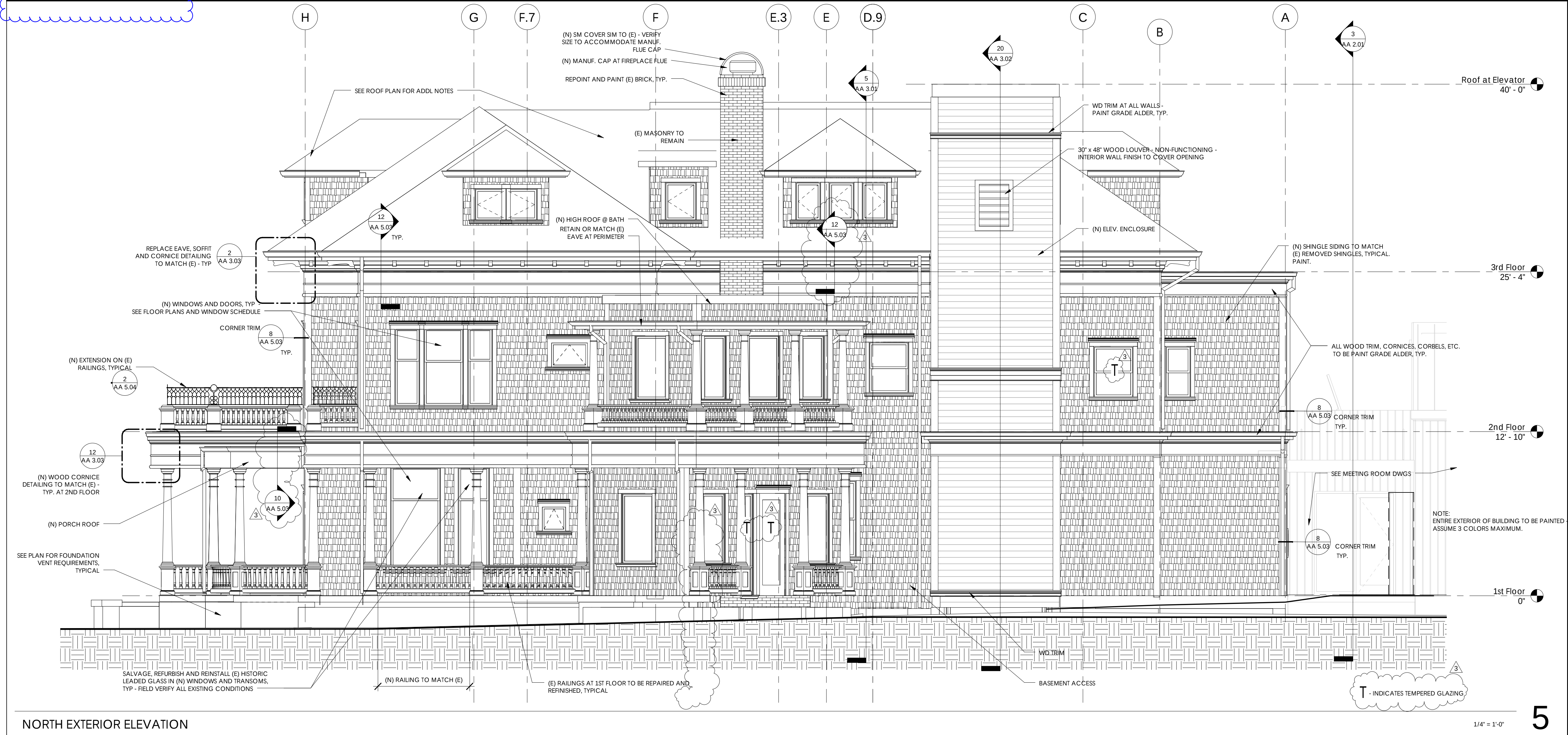
Neil P. Colwell

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- v8.0 - 03/26/2024
- v9.0 - 04/09/2024



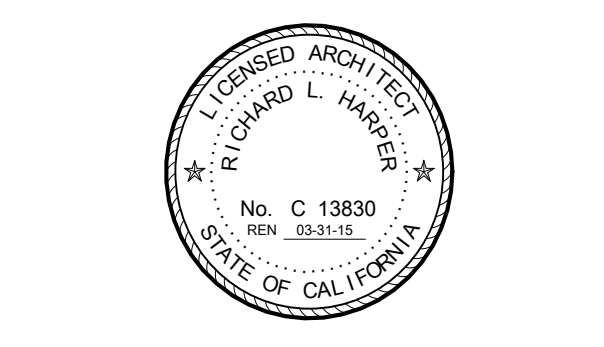
EAST EXTERIOR ELEVATION



NORTH EXTERIOR ELEVATION

**HRGA**  
ARCHITECTURE

The HR Group Architects  
2277 Fair Oaks Blvd., Suite 220  
Sacramento, CA 95855  
Office (916) 983-4800  
www.hrgarchitects.com



OWNER  
  
CONTRACTOR  
This drawing is not final or to be used for construction until it is signed by the architect and the owner.

Plan Check Submittal  
**Presidio Companies**  
**Las Alcobas - Acacia / Conference**  
1915 Main Street  
St. Helena, California 94574

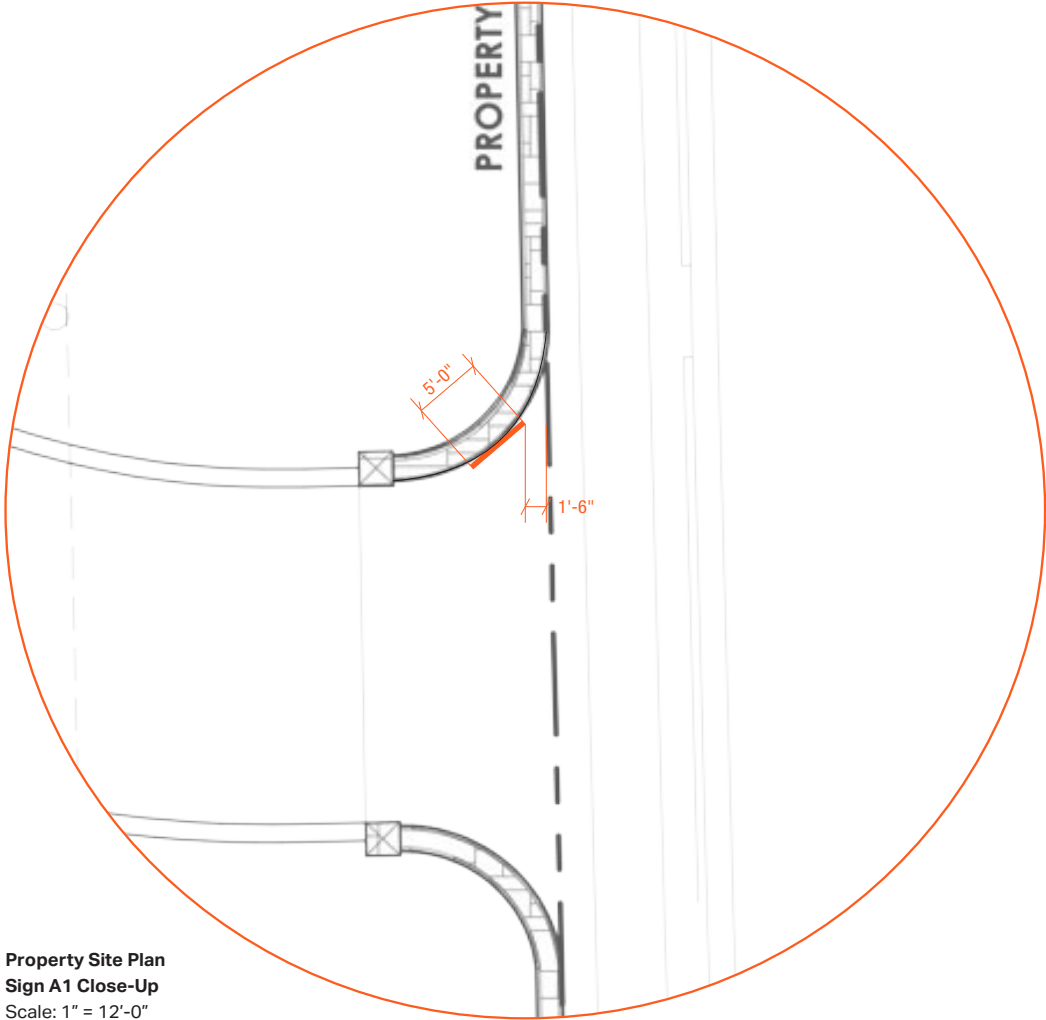
12/23/2013 PLAN CHECK RESPONSE  
10/16/2013 Plan Check Submittal

**NORTH & EAST EXTERIOR ELEVATIONS**

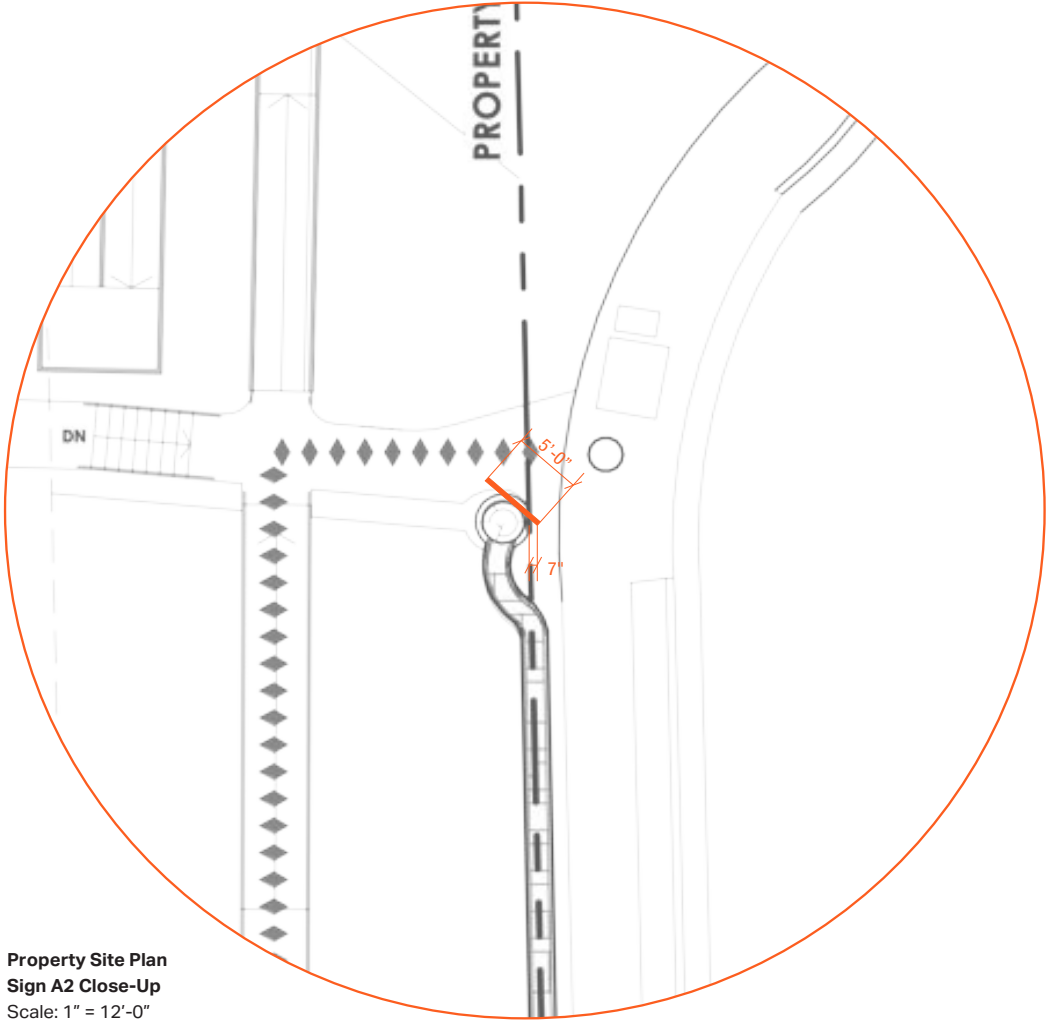
Project Number 11005  
Drawn By RAR  
Checked By HRGA  
**AA**  
**2.00**

**APPROVED**  
By XGamer0 at 1:25 pm, Apr 30, 2024

**RECEIVED**  
By XGamer0 at 4:28 pm, Apr 18, 2024



Property Site Plan  
Sign A1 Close-Up  
Scale: 1" = 12'-0"



Property Site Plan  
Sign A2 Close-Up  
Scale: 1" = 12'-0"

**APPROVED**  
By XGamero at 1:27 pm, Apr 30, 2024

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Exterior Signage

Neil P. Colwell

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- v6.0 - 03/11/2024
- v7.0 - 03/20/2024
- v8.0 - 03/26/2024
- v9.0 - 04/09/2024

**Scope of Work:** Manufacture & install (1) single-sided internally illuminated wall signs.

**Total Sign Area:** 30 Sq. Ft.

**Construction Details:**

**Logos:** 3/4" thick clear acrylic push-thru letterforms with 1/8" thick milled mounting flange (1/2" visible edges). First surface decorated with V1 3M Blockout White vinyl.

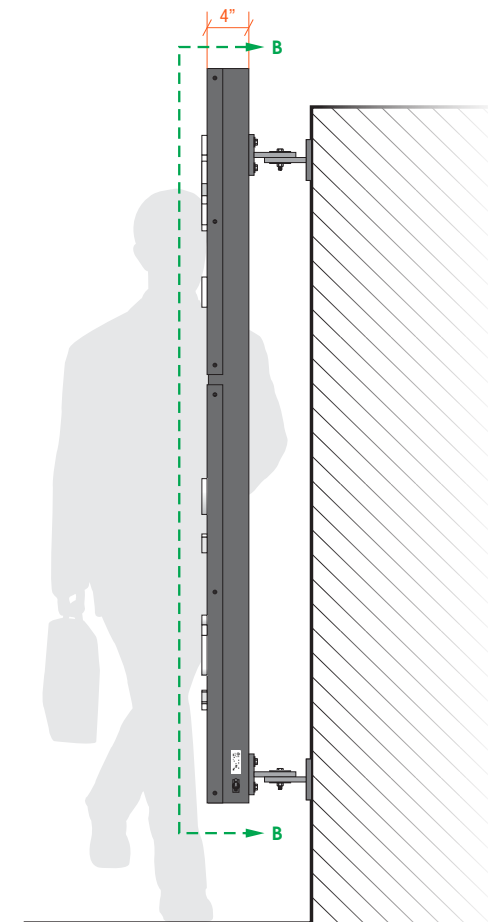
**2** Second surface coated with V2 3M 60% white diffuser film.

**P1** **Matthews Paint**  
MP23626 Bessemer Gray Met., Matte Finish

-  **Blockout Vinyl**  
3M 3635-20B White
-  **Translucent Vinyl**  
3M 3635-70 60% White Diffuser Film



**Face View**  
Scale:  $\frac{3}{4}'' = 1'-0''$



**Side View**  
Scale: 3/4" = 1'-0"

**RECEIVED**  
By XGamero at 4:30 pm, Apr 18, 2024



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v7.0 - 03/20/2024  
v8.0 - 03/26/2024  
v9.0 - 04/09/2024

SIGN TYPE A1 - Daytime Rendering



SIGN TYPE A1 - Simulated Night View



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Neil P. Colwell

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- v6.0 - 03/11/2024
- v7.0 - 03/20/2024
- v8.0 - 03/26/2024
- v9.0 - 04/09/2024

SIGN TYPE A2 - Daytime Rendering



SIGN TYPE A2 - Simulated Night View



APPROVED  
By XGamer0 at 1:27 pm, Apr 30, 2024

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- v7.0 - 03/20/2024
- v8.0 - 03/26/2024
- v9.0 - 04/09/2024



**PLANNING COMMISSION REPORT**

Planning Commission Meeting of May 21, 2024

**FILE NUMBER:** PL20-052

**SUBJECT:** Request by Ric Forman to amend a Use Permit and Variance approved in 1984, to allow an increase in annual wine production at the Forman Vineyard located at 1501 Big Rock Road in the Agriculture (A-20) zoning district.

**PREPARED BY:** Chantal Power, Associate Planner

**REVIEWED BY:** Maya DeRosa, Community Development Director

**APPROVED BY:** Maya DeRosa, Community Development Director

**APPLICATION FILED:**12/29/20

**ACCEPTED AS COMPLETE:**06/26/23

**LOCATION OF PROPERTY:** 1501 Big Rock Road

**APN:** 025-070-029

**GENERAL PLAN/ZONING:** Agriculture/Twenty-Acre Agriculture (A-20)

**APPLICANT:** Jeff Redding on behalf of  
Ric Forman

**PHONE:** (707) 255-7375

**BACKGROUND**

The subject property located at 1501 Big Rock Road has been under the ownership of Ric Forman since 1979. The following is the entitlement and permit history of the Forman Winery:

1984

- A use permit and variance was approved for winery operations and included approval of a winery building, storage building, crush pad, and a deck constructed with permits following the use permit approval. The use permit allowed for the production of 2,500 cases or 6,000 gallons (2.4 gallons per case)

of wine annually and waived the SHMC Section 17.180.080 (E) requirement for a minimum of 85% of the grape source utilized for the wine produced at the small winery to be grown on the premises and contiguous parcels (Attachments I and J).

1990

- The City initiated a rezone of several properties, including 1501 Big Rock Road, from Ag/Watershed to Woodland Watershed (WW) for General Plan compliance. The rezone resulted in the legal non-conforming status of the existing vineyard, as the use permit approved in 1984 was for the winery, but the vineyard, an approved use under the Ag/Watershed designation required a use permit under the WW designation.
- Several buildings accessory to the vineyard and winery operations were constructed without permits following the 1990 rezone, including a 2,224 square foot barn, a 560 square foot tasting room, a 156 square foot bathroom, a 406 square foot cave portal, and a 775 square foot equipment shed.

2009

- Design Review 2009-01 was approved by the Planning Commission on February 17, 2009, to replace the permitted 1,057 square foot deck with a 632 square foot second dwelling unit.
- Rezone 2008-55 was approved by the City Council on May 12, 2009, to rezone the property from WW to Twenty-Acre Agriculture (A-20) to rectify the zoning with the existing structures and operations and a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program were adopted.
- Use Permit and Design Review 2009-22 was approved on August 4, 2009, by the Planning Commission to legalize the barn, tasting room, bathroom, cave portal, and equipment shed structures, and a new 484 square foot two-story cylindrical storage tower was also approved (Attachment K).

2023

- The project was scheduled to be heard at a regularly scheduled Planning Commission hearing on November 7, 2023.
- Staff received one email from an adjacent property owner concerned about a well on their parcel that is half-owned by the project applicant. The adjacent property owner thought the well was used for the vineyard operations and was concerned about the proposed production increase. Prior to the hearing the project applicant confirmed that despite having 50% ownership of that well, the well does not have a pump or electricity hook-up and is not used for the winery operations, nor is it proposed for use to accommodate the proposed production increase.
- Additionally, a letter was submitted to the City on the day of the scheduled hearing from Water Audit California (Attachment L). Staff has provided a response noted in Attachment M.

### **PROJECT DESCRIPTION**

Forman Vineyard located at 1501 Big Rock Road in the A-20 zoning district, on a 20.26-acre parcel with 9.5 acres of vineyards, approximately 2,000 feet northeast of the intersection with Howell Mountain Road. The approved use permit from 1984

allows for 2,500 cases annually (Attachments I and J). The operations include four full-time employees and private wine tasting limited to 4 days a week, three appointments per day and no more than ten visitors per day. No public events are permitted.

As noted in the attached project statement and narrative description (Attachments C and D), the current operations produce 55 tons of grapes. This is sourced from on premise production of 42 tons and the remaining 13 tons are sourced from an adjacent 3-acre parcel. Currently the site is producing a total of 9,075 gallons or 3,816 cases of wine, which is beyond what the current use permit allows.

The applicant is requesting a use permit amendment to bring the site into conformity with the increased production and the allowance of a total of approximately 4,510 cases, or 10,725 gallons (2.4 gallons per case) annually. The requested increase would require a total of 65 tons of grapes of which 42 tons would continue to be grown on the premises, 13 tons would continue to be grown on the adjacent parcel (APN: 021-320-022), and an additional 10 tons of grapes would be trucked to the site from a Star Vineyard located outside of the City limits in Napa (APN: 030-150-019), which would result in approximately two to three additional truck trips over the four to six week harvesting period. The additional production would result in a negligible increase in water use, approximately 0.126-acre feet annually. The project does not propose construction of new structures or expansion of existing structures, nor does it propose additional changes to operations beyond the requested increase in production.

## **ANALYSIS**

### **CEQA**

Staff has conducted the requisite analysis and concluded that the project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301 (Existing Facilities) which exempts the operation, permitting and leasing of private structures involving negligible or no expansion of existing or former use. The project site is not visible from a scenic highway, is not included on a hazardous waste site, and will not impact historic resources or otherwise generate or contribute to any potentially significant impacts. Although, the project would increase existing production, the project still falls under the category of a small winery and would only minimally increase water usage by 0.126-acre foot per year, and traffic by two to three truck trips over the four to six week harvesting period, neither of which would require mitigation or CEQA review.

### **GENERAL PLAN**

The subject property has a General Plan Land Use designation of Agriculture (AG). The AG land use designation provides for agricultural, and winery uses with restricted single-family residential and public/quasi-public uses. This designation applies to large areas of the valley floor that surround the city's urban core. With the exception of hillside area designated WW, all lands outside the urban limit line are designated AG regardless of their size or actual use. The 2040 St. Helena General Plan Update includes the following policies that are relevant to the proposed project:

- LU1.3 - Support agricultural and low-intensity uses beyond the Urban Limit Line.
- LU5.1 - Discourage conversion of existing farmland to non-agricultural uses.

- LU5.6 - Permit wineries and other agricultural-related industries to locate in the city if their location does not adversely impact surroundings, uses, or city services (water, traffic, etc.) or the quality and character of the community.
- ES1.2 - Identify and expand economic sectors in which the City has competitive advantages and capitalize on these strengths in order to diversify local economic activities and strengthen St. Helena's role as an agriculturally-based service center for the surrounding area.
- 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.

***Staff Response:** In accordance with the General Plan and in particular those policies listed above, the proposed project would support both a local and visitor serving component to the City's economy by providing jobs, tax revenue, and additional amenities. The project would also be oriented toward an upscale market, consistent with the Valley's reputation as a producer of world-class wines. As a small winery operation, the project is a low intensity use that would not adversely impact surrounding uses, city services, or the quality or character of the community. For these reasons, the proposed project exhibits overall consistency with the General Plan Update 2040.*

## **ZONING**

Consistent with the General Plan land use designation described above, the subject property has a zoning designation of Twenty-Acre Agriculture (A-20), which allows residential and agricultural uses, and is intended to preserve agricultural land uses. With the exception of those hillside areas designated woodlands and watershed, and wineries designated winery, all lands outside the urban limit line are designated A-20 regardless of their size or use. The purpose of the A-20 district is to promote and implement the policies of the general plan to preserve agricultural land uses and provide for future orderly development as the urban limit line is adjusted to accommodate urban growth. Additionally, Section 17.080.080 requires small wineries to comply with the following standards:

- The property on which the winery is located must be a minimum of five acres in size.  
*The winery is located on a 20.26-acre parcel (Attachment B).*
- The winery must be accessory to a primary residential use.  
*The primary use on the property is a single-family residence and accessory dwelling unit occupied by the owner/operators of the vineyard and winery.*
- The development of small wineries must be consistent with the development standards for accessory buildings for the district in which the winery is located.  
*The existing structures on the project site have been approved by the Planning Commission through the Design Review 2009-01, and Use Permit and Design Review 2009-22 (Attachment K) and have been inspected and approved by the Building and Safety Department.*
- Only one small winery is permitted per parcel.

*The project consists of one vineyard and winery. The proposed production increase from 2,500 cases or 6,000 gallons (2.4 gallons per case) to 4,510 cases or 10,725 gallons per year would still fall under the definition of a small winery.*

- A minimum of eighty-five percent (85%) of the grape source utilized for the wine produced at the small winery shall be grown on the premises and contiguous parcels.

*This limitation was waived with the approval of the 1984 Use Permit (Attachments I and J), and production was limited to 2,500 cases or 6,000 gallons annually. The applicant is seeking approval of a Use Permit Amendment to increase production to 4,510 cases or 10,725 gallons annually. With the proposed request to expand production utilizing off site grapes, the project is still within the 15% off site grapes allowance.*

- No municipal water may be utilized for the small winery operations or vineyard irrigation.

*The vineyard currently uses existing on-site wells, and the project would only result in an additional 0.126-acre foot per year of water used for the proposed production increase.*

- A minimum of three parking spaces shall be provided.

*There is ample space for parking to accommodate the two full-time residents, four full-time employees, and a maximum of 10 visitors per day.*

## **WATER**

Section 17.180.090(A) of the Municipal Code requires a well water analysis if any wells on the property have adequate capacity to support the estimated future water use. Section 17.180.090(B) requires an application for a small winery use permit shall include Phase I Water Availability Analysis (WAA-1), describing current and estimated future water use on the parcel, including residential, small winery, and irrigation uses, for review by the city engineer, to determine if the water use is likely to exceed one acre foot of water per acre of land per year.

*Staff Response: The increase in wine production from 2,500 cases or 6,000 gallons (2.4 gallons per case) to 4,510 cases or 10,725 gallons (2.4 gallons per case) annually would result in a marginal increase in water use. A Phase I Water Availability Analysis (Attachment E) has been prepared for the project in accordance with Section 17.080.080 of the SHMC and determined that the total increase in water usage will be 0.126 acre feet annually. Current water usage is 3.39-acre feet and will increase to 3.51-acre feet annually. Public Works has reviewed and approved the Phase I Water Availability Analysis and determined that the increase will not be adverse to City services or surrounding wells and land uses, or to City water, as all the water required for the winery operations and irrigation is supplied by an on-site well.*

## **USE PERMIT AMENDMENT**

As noted above, SHMC Section 17.20.030 requires use permit approval for small wineries in the A-20 district. As the applicant wishes to expand wine production beyond what was previously approved and beyond what is currently being produced, a use permit amendment is required. The purpose of a use permit is to allow the proper integration of essential or desirable uses which may be suitable only in certain locations or zoning districts in the City, or to ensure that such uses are designed or arranged on the site in a particular manner. In its review of applications for use

permits, the Planning Commission shall evaluate each proposed use in order to consider its impact on the City. Pursuant to Municipal Code Section 17.168.050, no use permit shall be granted unless the following findings can be made:

1. That the proposed use would not generate odors, fumes, dust, light, glare, radiation or refuse that would be injurious to surrounding uses or to the community.

*The proposed increase in wine production will not generate odors, fumes, dust, light, glare, radiation or refuse that would be injurious to surrounding uses or to the community as the operations will only change modestly to meet the proposed increase, and current operations do not create impacts that are injurious to the surrounding uses or 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.

*The current winery operations do not generate levels of noise that adversely impact neighboring properties or uses. The proposed increase in production is modest and not likely to produce noise beyond the current operations.*

3. That the proposed use would not generate traffic noise in excess of the "normally acceptable" range identified in the General Plan.

*The proposed increase in wine production would only generate two to three additional truck trips to the winery during the four-to-six-week harvesting period and would be trucked from the neighboring parcel. No increase in traffic noise will result.*

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.

*The proposed increase would not make excessive demands on public services. The Water Availability Analysis for the project was reviewed and approved by the Public Works Department and a Wastewater Feasibility (Attachment F) report was reviewed and approved by the Napa County Environmental Health Department (Attachment G). The County provided conditions for the proposed increase which have been included in the project conditions of approval contained in the attached resolution.*

5. That the proposed use would provide adequate ingress and egress to and from the proposed location.

*No changes to the existing ingress and egress are proposed and existing conditions are adequate for the current operations as well as the proposed*

*increase in wine production which would only minimally affect traffic to the site, approximately two to three additional truck trips over the four to six week harvesting period.*

6. That allowing the proposed use would not conflict with the City's goal of maintaining the economic viability of a local serving economy.

*The proposed increase in wine production would contribute to 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.

*The proposed use is surrounded by other vineyards and agricultural lands and is consistent with the AG general plan land use designation and the A-20 zoning district, which allows for agricultural, and winery uses with restricted single family residential and public/quasi-public uses.*

8. That the proposed use would not be in conflict with the City's General Plan.

*The proposed use will not conflict with the City's General Plan which allows agricultural uses including vineyards and wineries in the AG land use designation.*

9. That the proposed use would not be injurious to public health, safety, or welfare.

*The proposed increase in wine production minimally increase impacts to traffic and water use beyond those that are generated under current operations and would not be injurious to public health, safety, and 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.

*A conditionally approved vineyard and winery use already exists on the project site and the request to increase the annual production of wine will not create a precedent that would be detrimental to the City or conflict with the General Plan. The increase in production would not require the expansion of existing or construction of new structures and would result in only a minor increase in water usage, which would be supplied by the existing on-site wells, and two to three additional truck trips during harvest season. Furthermore, the increased demand to the on-site well is minimal (an increase of approximately 0.126 acre feet per year) and would not require a Phase II Water Availability Analysis as specified by Section 17.180.090.B of the SHMC.*

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.

*The project site adequately accommodates the off-street parking needs of the existing operations and the requested increase in wine production would not increase the parking needs of the existing vineyard and winery operations.*

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

*The proposed increase in wine production would only result in an additional two to three trucks over the course of the four-to-six-week harvest period .The surrounding streets would not be impacted by this increase.*

### **ISSUES**

Staff has not identified any outstanding issues related to this application that require additional discussion.

### **CORRESPONDENCE**

Staff received one email from an adjacent property owner concerned about a well on their parcel that is half-owned by the project applicant. The adjacent property owner thought the well was used for the vineyard operations and was concerned about the proposed production increase. The project applicant has indicated that despite having 50% ownership of that well, the well does not have a pump or electricity hook-up and is not used for the winery operations, nor is it proposed for use to accommodate the proposed production increase.

A letter was received the Water Audit California (Attachment L) questioning some information contained in the November 7, 2023 Planning Commission Staff Report. Staff has responded to concerns raised (Attachment M) and furthermore, found the concerns to be inconsequential to the project proposal.

### **STAFF RECOMMENDATION**

For reasons described above, staff recommends that the Planning Commission:

1. Determine that the project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301; and
2. Accept the required findings and approve the attached resolution granting use permit amendment approval for and increase in wine production from 2,500 cases or 6,000 gallons (2.4 gallons per case) to approximately 4,510 cases or 10,725 gallons annually for a small winery located at 1501 Big Rock Road.

### **ATTACHMENTS**

[Attachment A - Resolution](#)

[Attachment B - Project Plans](#)

[Attachment C - Project Statement Final 10-26-23](#)

[Attachment D - Final Project Description 10-26-23](#)

[Attachment E - Water Availability Analysis 10-24-23](#)

[Attachment F - Wastewater Feasibility Report - Forman Vineyard 12-04-20](#)

[Attachment G - Napa County Environmental Health- Wastewater Feasibility Report  
MEMO](#)

[Attachment H - Well Completion Report 2008-11-12](#)

[Attachment I - 1984 Use Permit and Variance Staff Report](#)

[Attachment J - 1984 Use Permit Approval Letter](#)

[Attachment K - Use Permit and Design Review 2009-22 Staff Report](#)

[Attachment L - 11-7-23 PC Hearing Public Comment. Water Audit California](#)

[Attachment M - 11-7-23 PC Hearing Response to Public Comment](#)

**CITY OF ST. HELENA PLANNING COMMISSION  
RESOLUTION NO.  
GRANTING USE PERMIT AMENDMENT APPROVAL TO  
1501 Big Rock Road (File No. PL20-052)**

**PROPERTY OWNER:** Ric Forman of Forman Vineyard

**APN:** 025-070-029

**Recitals**

1. The applicant has requested adoption of a resolution approving a use permit amendment in order to expand annual wine production from 2,500 cases (6,000 gallons) to approximately 4,510 cases or 10,725 gallons(2.4 gallons per case) at the Forman Vineyard located at 1501 Big Rock Road in the A-20 zoning district; and
2. A public notice was published in the Napa Valley Register and mailed to residents and occupants within 300 feet of the project site in compliance with state and local law; and
3. The Planning Commission of the City of St. Helena, State of California, considered the project, staff report, and all testimony, written and spoken, at a duly noticed public hearing on May 21, 2024; and
4. Now, therefore let it be found that the Planning Commission approves the use permit amendment thereby authorizing the modifications contained in said application based on the findings below and subject to the conditions of approval enumerated herein.

**Resolution**

- A. In making the findings in this Resolution, the Planning Commission relied upon and hereby incorporates by reference all of the documents referenced in this Resolution and the associated staff reports, City files for this matter, correspondence, presentations and other materials.
- B. The Planning Commission hereby finds that the project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301 which exempts the operation, permitting and leasing of private structures involving negligible or no expansion of existing or former use.
- C. In accordance with SHMC Section 17.168.050, the Planning Commission makes the following use permit findings to support the motion to approve the 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.

*The proposed increase in wine production will not generate odors, fumes, dust, light, glare, radiation or refuse that would be injurious to surrounding uses or to the community as the operations will only change modestly to meet the proposed increase, and current operations do not create impacts that are injurious to the surrounding uses or community.*

1501 Big Rock Road  
Resolution / Conditions of Approval  
May 21, 2024

2. That the proposed use would not generate levels of noise that adversely affect the health, safety, or welfare of neighboring properties or uses.

*The current winery operations do not generate levels of noise that adversely impact neighboring properties or uses. The proposed increase in production is modest and not likely to produce noise beyond the current operations.*

3. That the proposed use would not generate traffic noise in excess of the "normally acceptable" range identified in the General Plan.

*The proposed increase in wine production would only generate two to three additional truck trips to the winery during the four-to-six-week harvesting period and would be trucked from the off-site parcel. No increase in traffic noise will result.*

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.

*The proposed increase would not make excessive demands on public services. The Water Availability Analysis for the project was reviewed and approved by the Public Works Department and a Wastewater Feasibility report was reviewed and approved by the Napa County Environmental Health Department. The County provided conditions for the proposed increase which have been included on the project conditions of approval contained in the attached resolution.*

5. That the proposed use would provide adequate ingress and egress to and from the proposed location.

*No changes to the existing ingress and egress are proposed and existing conditions are adequate for the current operations as well as the proposed increase in wine production which would only minimally affect traffic to the site, two to three additional truck trips to the winery during the four-to-six-week harvesting period and would be trucked from the off-site parcel.*

6. That allowing the proposed use would not conflict with the City's goal of maintaining the economic viability of a local serving economy.

*The proposed increase in wine production would contribute to 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.

*The proposed use is surrounded by other vineyards and agricultural lands and is consistent with the AG general plan land use designation and the A-20 zoning district, which allows for agricultural, and winery uses with restricted single family residential and public/quasi-public uses.*

8. That the proposed use would not be in conflict with the City's General Plan.

*The proposed use will not conflict with the City's General Plan which allows agricultural uses including vineyards and wineries in the AG land use designation.*

9. That the proposed use would not be injurious to public health, safety, or welfare.

*The proposed increase in wine production minimally increase impacts to traffic and water use beyond those that are generated under current operations and would not be injurious to public health, safety, and 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.

*A conditionally approved vineyard and winery use already exists on the project site and the request to increase the annual production of wine will not create a precedent that would be detrimental to the City or conflict with the General Plan. The increase in production would not require the expansion of existing or construction of new structures and would result in only a minor increase in water usage, which would be supplied by the existing on-site wells, and traffic from a neighboring parcel. Furthermore, the increased demand to the on-site wells is minimal (an increase of approximately 0.126-acre feet per year) and would not require a Phase II Water Availability Analysis as specified by Section 17.180.090.B of the SHMC.*

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.

*The project site adequately accommodates the off-street parking needs of the existing operations and the requested increase in wine production would not increase the parking needs of the existing vineyard and winery operations.*

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

*The proposed increase in wine production would only result in an additional two to three trucks over the course of the four-to-six-week harvest period from the off-*

*site parcel. The surrounding streets would not be impacted by this modest increase.*

***Staff Response:** Staff finds that the project meets and/or complies with the required findings to approve a use permit amendment for the proposed project.*

### **Planning Department Conditions of Approval**

- D. The Planning Commission approves a use permit amendment for the above-described project with the following conditions of approval. 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 project shall be in conformance with all city ordinances, rules, regulations and policies in effect at the time of issuance of a building permit.
  2. The use permit amendment shall be vested within one (1) year from the date of final action, or the approval shall expire, provided however that the approval 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.
  3. This permit is valid for this use only. New permits must be applied for upon any change in use. This permit will expire if the use is discontinued pursuant to the existing ordinances and regulations.
  4. Any request for an extension of this approval shall be justified in writing and received by the Planning Department at least thirty (30) days prior to expiration.
  5. The approvals 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.
  6. All required fees, including planning fees, development impact fees, residential in-lieu housing fees, building fees, toilet retrofit fees, and St. Helena Unified School District fees shall be paid prior to issuance of a building permit. Fees shall be those in effect at the time of the issuance of the building permit.
  7. 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.
  8. In any action or proceeding to attack, challenge, invalidate, set aside, void or annul the City's approval of applicant's Project, in whole or in part, applicant shall defend, at its own expense and without any cost to the City, and with counsel acceptable to the City, and shall fully and completely indemnify and hold the City, its agents, officers, and employees harmless from and against any and all claims, causes of action, damages, costs, attorney's fees and liability of any kind, so long as the City reasonably promptly notifies the applicant of any such claim, action, or proceedings and the City cooperates fully in the defense of the action or proceedings.

1501 Big Rock Road  
Resolution / Conditions of Approval  
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9. Provided they are in general compliance with this approval, minor modifications may be approved by the Planning Director.
10. Pursuant to St. Helena Municipal Code Section 17.08.110, this permit shall run with the land and shall be binding upon all parties having any right, title or interest in the real property or any part thereof, their heirs, successors and assigns, and shall inure to their benefit and benefit of the City of St. Helena.
11. The primary purpose of this review is for compliance with the General Plan and Zoning Ordinance. The property owners or their designee shall be responsible for meeting with the Building Official, Fire Inspector and or Public Works Department to review compliance with Building Codes, Fire Codes and specific Public Works Standards including fire protection systems and any applicable accessibility standards of Title 24.
12. Operations shall be in compliance with plans submitted and reviewed by the Planning Commission on May 21, 2024, except as modified herein.
13. A Sign Permit must be applied for and obtained for any new and/or replacement signage.
14. This use permit amendment PL 20-052 replaces all prior conditions of approval from the 1984 Use Permit and Variance.
15. All conditions of approval for Use Permit 2009-22 shall be maintained.
16. All exterior lighting shall be low mounted, downward casting and fully shielded. Light fixtures shall not be located at the periphery of the property and shall be located so that light and glare do not spill over onto adjacent properties or into the sky. Flood lights are not permitted and security lighting, if utilized, shall be on motion-sensors.
17. A business plan shall be filed annually with the County of Napa hazardous materials section of the Department of Environmental Management. No hazardous or flammable materials shall be stored outside of the building without a proper storage container.
18. The 2,224 square foot barn plus attached 775 square foot equipment shed shall be used for storage of case goods and agricultural (vineyard farming) equipment, and for a repair shop for farming/winery equipment and vehicles.
19. The 560 square foot building shall be used for private, appointment-only wine tasting as follows:
  - a) Tasting and sale of wine shall be by appointment only. No public tours or tasting are permitted. Appointments for visits to the winery, including marketing events, are limited to four days per week, no more than three appointments per day, and no more than 10 persons visiting on one day.
  - b) Public events are not permitted at the winery.
  - c) There can be no advertising of private wine marketing events in publications produced for general distribution. All attendees must have been specifically invited to participate in the private wine marketing event by the owner/operator.

*1501 Big Rock Road  
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- d) No items other than wine produced on the premises shall be sold at the winery.
19. The 156 square foot restroom shall be used by family, employees, and winery guests.
20. The 406 square foot cave portal which provides access to the wine storage cave may be used for storage of winemaking equipment.
21. The 27-foot tall, two-level storage tower with an approximate floor area of 484 square feet may be used for storage of winemaking equipment.
22. This property is located in the agricultural district where there is 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.
23. All water used for the vineyard and winery shall be provided from the existing on-site well. A request for additional wells or City water will be subject to the approval of a Use Permit amendment, and any permits required by the Public Works Department and by the County.
24. The maximum production capacity for the winery shall be limited to 10,725 gallons or approximately 4,510 cases annually. Any increase in total annual production from this amount will require a Use Permit Amendment.
25. The processing and sale of wine is limited to that primarily produced on the premises and contiguous parcels. A minimum of 85% of the grape source utilized for the wine produced at the winery shall be grown on the premises identified as APN 025-070-029 and APN 021-320-022 .
26. 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 Public Works Director 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.

**Public Works Department Conditions of Approval**

27. The applicant shall conform to the conditions of the Napa County Planning, Building and Environmental Services as set forth in the Memorandum dated June 25, 2021

*1501 Big Rock Road  
Resolution / Conditions of Approval  
May 21, 2024*

and shall be fulfilled prior to the issuance of any building permits or final occupancy for the winery expansion and increase in visitors.

28. The onsite wastewater treatment (septic tank) system shall conform to Napa County technical standards and plans approved by Napa County Environmental Services shall be submitted for approval prior to clearance for issuance of a building permit.
29. Applicant is requested to comply with SHMC 13.16.080: All property owners with wells approved pursuant to this chapter shall meter the well's water level on a monthly basis and submit such water level data to the department of public works on a form approved by the director. This report shall be submitted annually to the director of public works prior to July 1st of each year, or at the close of any shorter reporting period which may be established by the director. The property owner shall maintain the meter in sound operating condition at all times.
30. 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.
31. For any improvements outside the existing building envelope, a grading and drainage plan showing topographic data, all easements, infrastructure onsite and directly adjoining, and an erosion control plan shall be submitted for review and approval by the City Engineer prior to the issuance of a building permit. If the project entails more than 50 cubic yards of soil disturbance, 10,000 square feet of disturbance area, a cut or fill of 3 feet or more, or alteration of any drainage pattern, a grading permit shall be required.
32. Drainage needs to be routed to prevent inundation of neighboring properties. Grading and/or site improvement plans shall show how 2-year and 10-year storm flows shall be infiltrated on site and/or diverted at the property lines to prevent inundation of neighboring properties.
33. Erosion and sediment control plans shall conform to the latest State and City codes at a minimum.
34. The applicant shall repair all public improvements that are damaged by the construction process in accordance with the City and/or Caltrans Standards prior to Certificate of Occupancy.
35. An encroachment permit shall be required from the City for any work performed on a City water lateral, meter, or an upgrade to a backflow device.

**Fire Department Conditions of Approval**

36. Any gates installed to control vehicular access to a property are required to be setback 30 feet from the property line and/or edge of pavement, whichever is greater. No vehicle gates may be installed without Fire Department and Public Works Department review and explicit approval.

**Napa County Environmental Health Department Conditions of Approval**

37. General Waste Discharge Requirements for Winery Process Water have been adopted by the State Water Quality Control Board (General Order). The General Order is available for review on the state's website, [Winery Order | California State Water Resources Control Board](#). The applicant will be required to comply with the General Order, information regarding compliance will be provided as soon as it is available. The applicant is advised to start measuring the amount of process water generated from wine making activities and may consult with their wastewater engineer to determine the best way to gather this data.
38. Plans for the proposed process and domestic wastewater treatment system shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be submitted for review and approval with complete design criteria based upon local conditions and current plan check fee to this Division.
39. A permit to construct the proposed process and domestic wastewater treatment system must be secured from this Division.
40. The applicant shall maintain regular monitoring of the wastewater treatment system as required by this Division which includes hiring a service provider to monitor the system and submitting monitoring reports. An annual operating report permit is required for the wastewater system until such time as the applicant enrolls for coverage under the General Order and will be required to comply with the General Order.
41. Within 30 (thirty) days of initiation of the use or change of tenants, an updated Hazardous Materials Business plan shall be submitted to [CERS | California Environmental Reporting System](#) and approved by this Division.
42. The use of the absorption field/drain field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc.
43. All diatomaceous earth/bentonite must be disposed of in an approved manner. If the proposed septic system is an alternative sewage treatment system the plan submitted for review and approval must address bentonite disposal.

**I HEREBY CERTIFY** that the foregoing use permit amendment application was duly and regularly approved by the Planning Commission of the City of St. Helena at a regular meeting of said Planning Commission held on May 7, 2024, by the following roll call vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

APPROVED:

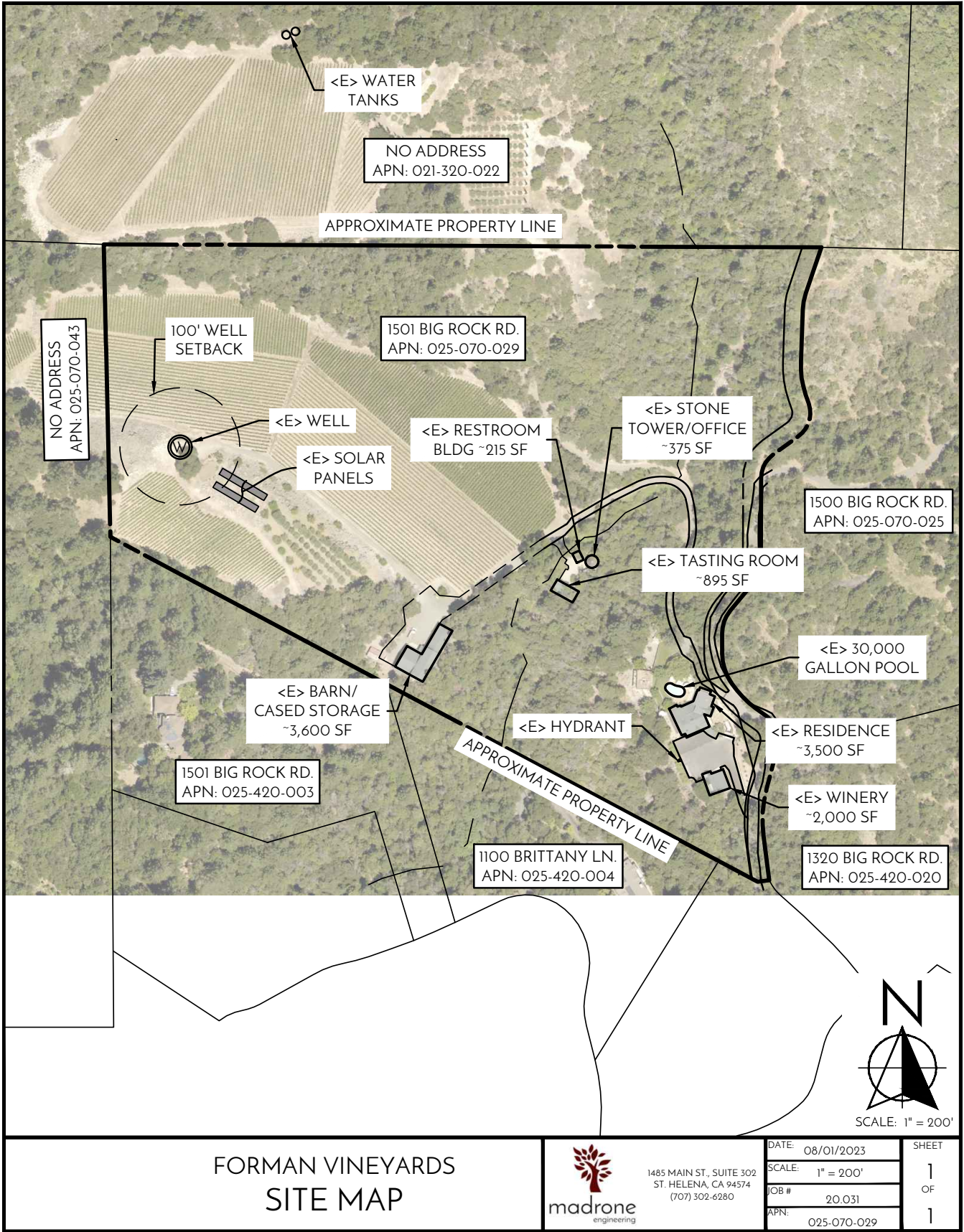
ATTEST:

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John Ponte  
Chair, Planning Commission

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Maya DeRosa, AICP  
Planning and Building Director



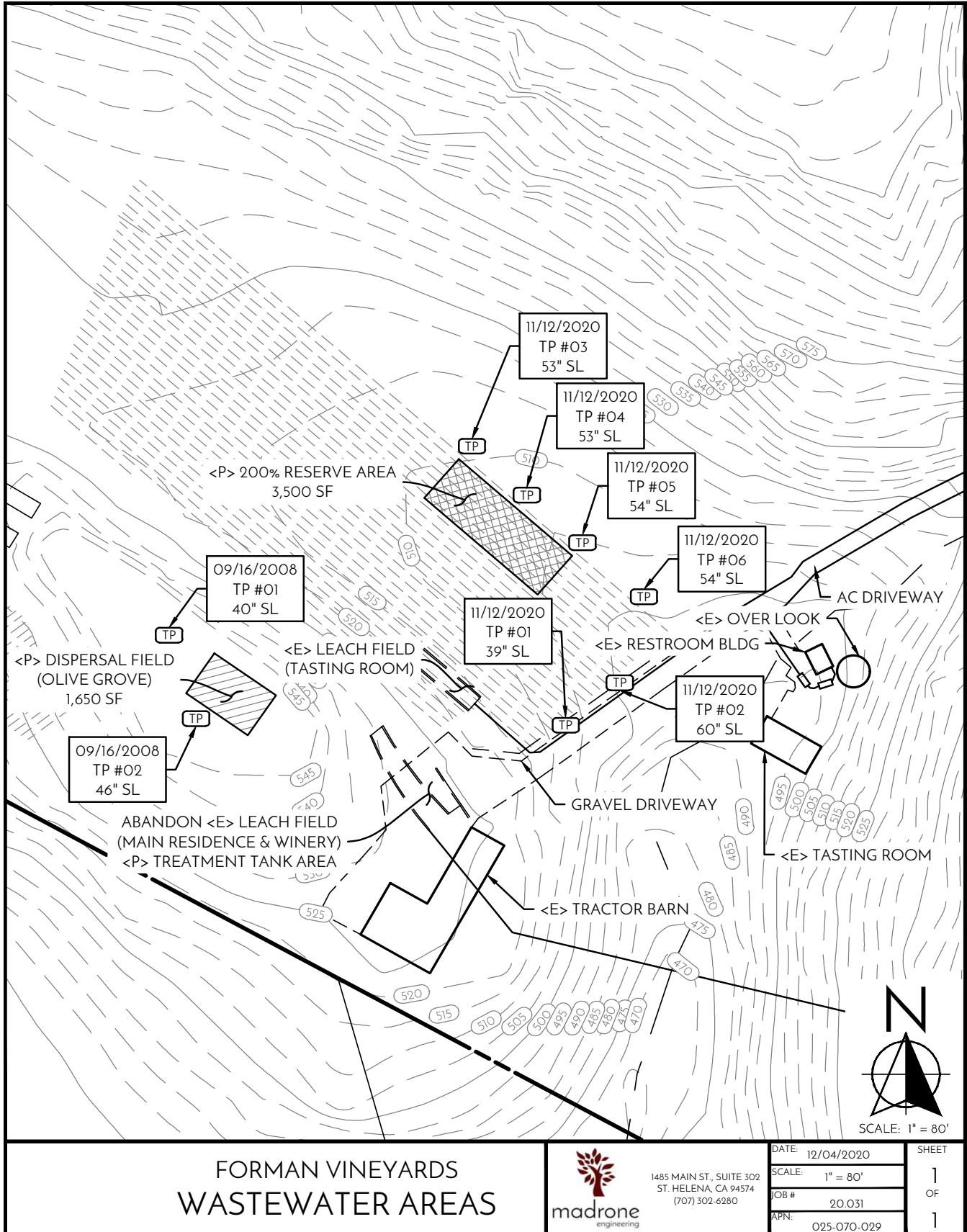
FORMAN VINEYARDS  
SITE MAP

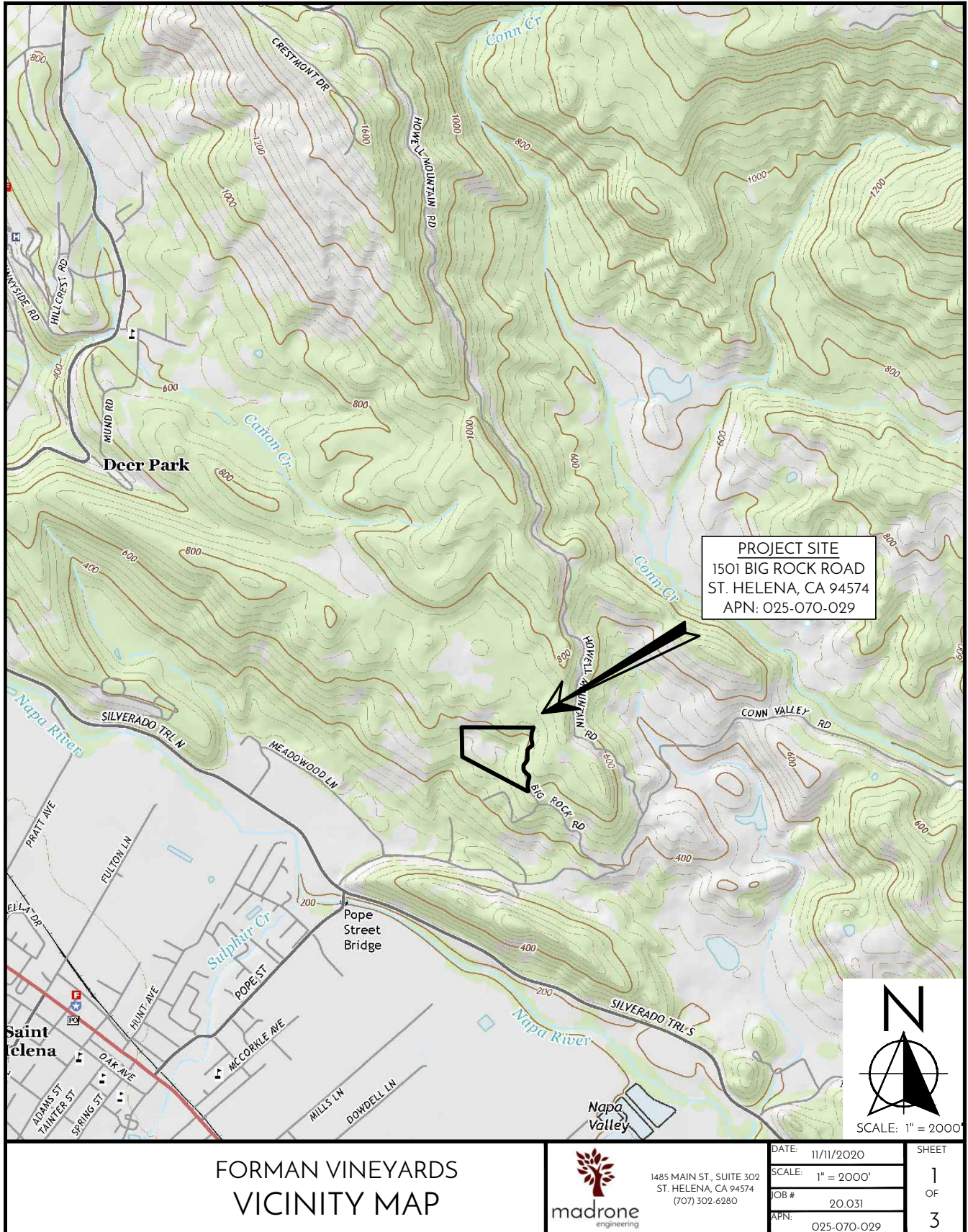


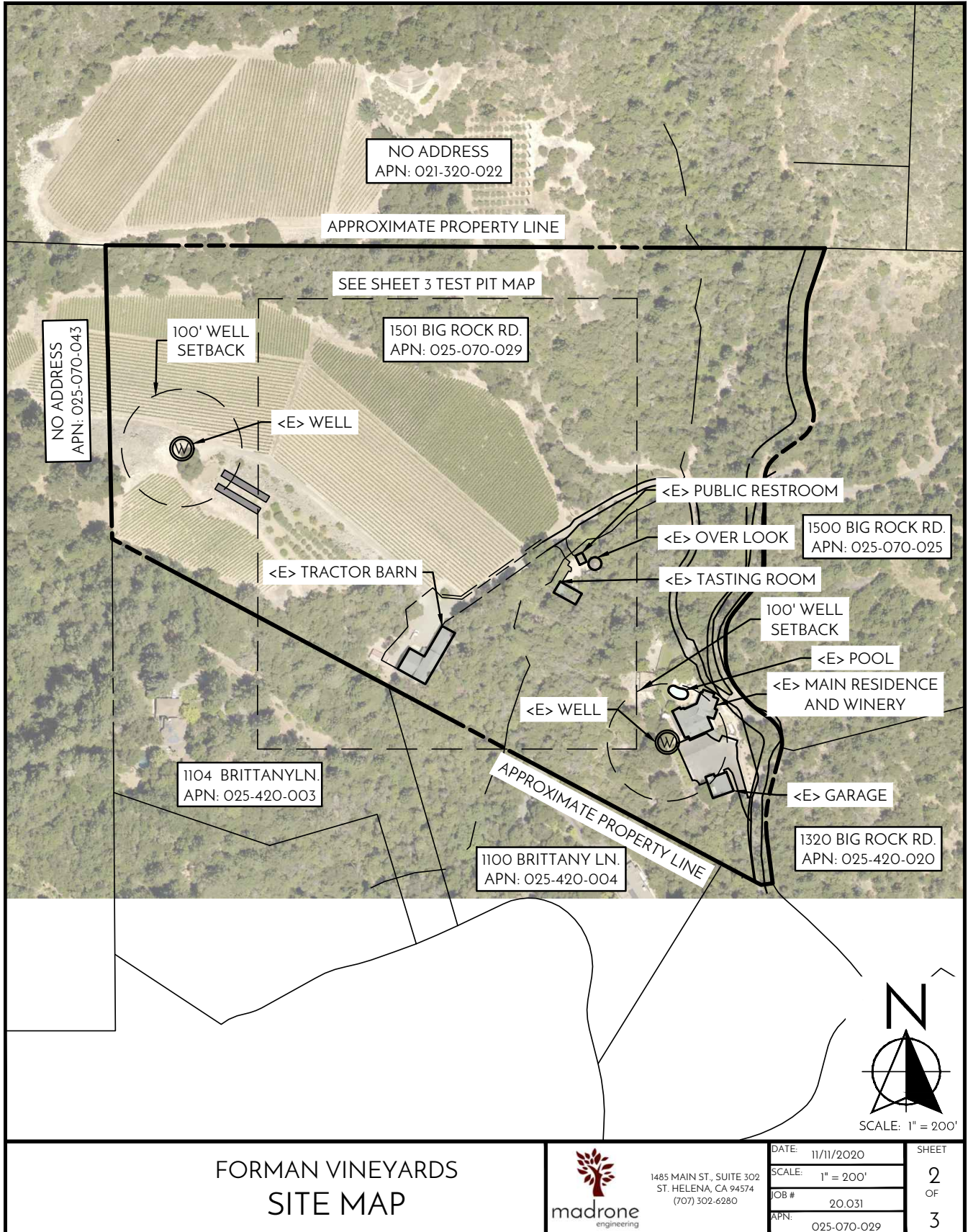
1485 MAIN ST., SUITE 302  
ST. HELENA, CA 94574  
(707) 302-6280

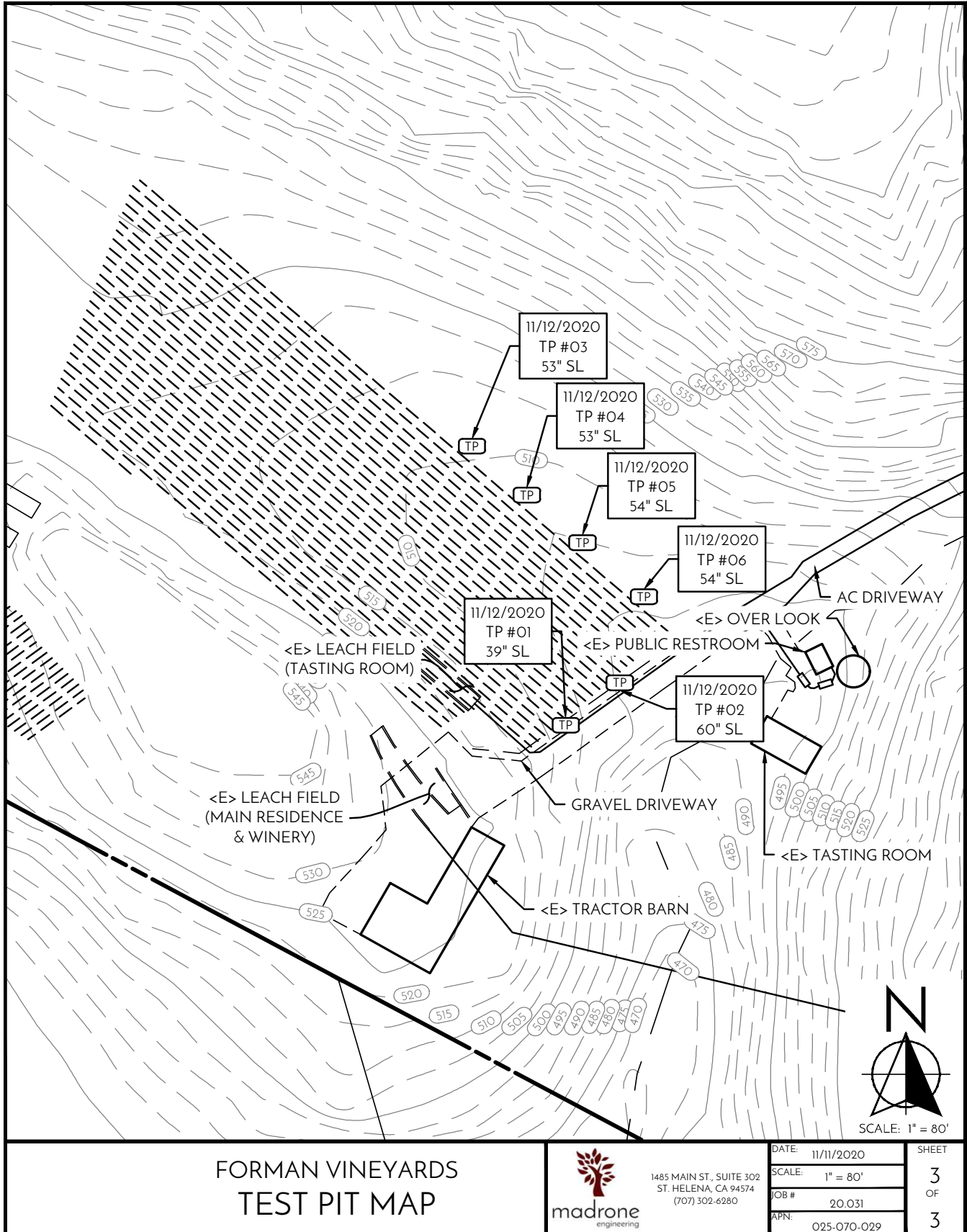
DATE: 08/01/2023  
SCALE: 1" = 200'  
JOB #: 20.031  
APN: 025-070-029

SHEET  
1  
OF  
1









## FORMAN VINEYARDS TEST PIT MAP



1485 MAIN ST., SUITE 302  
ST. HELENA, CA 94574  
(707) 302-6280

|        |             |
|--------|-------------|
| DATE:  | 11/11/2020  |
| SCALE: | 1" = 80'    |
| JOB #  | 20.031      |
| APN:   | 025-070-029 |

|       |   |
|-------|---|
| SHEET | 3 |
| OF    | 3 |



**FIRE PLAN NOTES:**

FUEL ANALYSIS: HEAVY TIMBER (8-CLOSED TIMBER LITTER OR 9-HARDWOOD LITTER ON THE ALBINI MODEL)  
FIRE HAZARD SEVERITY: MODERATE LRA  
FIRE HISTORY: THIS PARCEL WAS BURNED OVER DURING THE 2020 GLASS FIRE ALL BUILDINGS WERE PRESERVED DURING THE FIRE.  
DEFENSIBLE SPACE: OWNER HAS ALREADY PROVIDED DEFENSIBLE SPACE  
FIRE HYDRANT: DRAFT HYDRANT LOCATED NEAR TURNAROUND  
FIRE WATER SUPPLY: TWO WATER TANKS, 11,000 GALLONS & 6,000 GALLONS, 30,000 GALLON POOL WITH SHP PUMP AND HOSES FOR EMERGENCY USE  
KNOX BOX: LOCATED AT WINERY ENTRANCE

**NOTES**

OWNER SHALL CUT ALL DEAD, DYING, AND DECAYING VEGETATION.  
CUT GRASS TO FOUR INCHES.

DEFENSIBLE SPACE NOTES (PER SHMC 15.36.080 A):

OWNER SHALL AT ALL TIMES:

1. MAINTAIN AN EFFECTIVE FUEL BREAK BY REMOVING AND CLEARING AWAY ALL FLAMABLE VEGETATION AND COMBUSTIBLE MATERIAL FROM AREAS WITHIN 150 FEET OF BUILDINGS AND STRUCTURES;
2. REMOVE PORTIONS OF TREES WHICH EXTEND WITHIN 10 FEET OF THE OUTLET OF A CHIMNEY;
3. MAINTAIN TREES ADJACENT TO OR OVERHANGING A BUILDING FREE OF DEADWOOD; AND
4. MAINTAIN THE ROOF OF A STRUCTURE FREE OF LEAVES, NEEDLES, OR OTHER DEAD VEGETATIVE GROWTH.
5. REMOVE ALL LIMBS FROM TREES UP TO NO LESS THAN 6 FEET FROM THE GROUND.

**FIRE PROTECTION PLAN**

FOR OFFICIAL USE ONLY

THIS DOCUMENT IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE ENGINEER. THE ENGINEER ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS DOCUMENT. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR COMPLYING WITH ALL APPLICABLE REGULATIONS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR COMPLYING WITH ALL APPLICABLE REGULATIONS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR COMPLYING WITH ALL APPLICABLE REGULATIONS.

**madrone**  
engineering  
1445 Main Street, Suite 202  
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Tel: 707.302.4980

**FIRE PROTECTION PLANS**  
**FIRE PROTECTION PLAN**

**FOREMAN VINEYARD**  
1501 BIG ROCK ROAD  
ST. HELENA, CA 94574  
APN: 025-070-029  
PROJECT: 20-031



DATE: 05/22/23  
ISSUE: FIRE PLAN

SHEET:

C1.0

Revised Project Statement  
Modification to Existing Use Permit  
1501 Big Rock Road  
St. Helena, California

**Background**

Forman Vineyard is located on an approximate 20.26-acre parcel at 1501 Big Rock Road 2000 feet northeast of its intersection with Howell Mountain Road. The site contains approximately of 8 acres of vineyard. Red wine grapes are the predominant varietal grown on the Forman Vineyard.

The existing winery building, storage and crush pad were legally constructed and in compliance with use permit issued in April 1984. This use permit and variance allowed a 2,500 case (approximately 6,000 gallon) winery on the subject parcel.

On May 18, 2009 the applicant submitted use permit application (2009-22) to legalize use of several winery-related buildings constructed without benefit of proper permits:

- Combination barn and attached equipment shed to be used for storage of vineyard farming equipment (approximately 3,000 s.f. of building area);
- A building to be used for private wine tasting (560 s.f.);
- A restroom for use by employees and winery guest (approximately 150 s.f.); and
- A cave portal to access the winery storage caves (approximately 400 s.f.).

The application also included a proposed 500 s.f. tower for storage of winery equipment.

The City planning commission approved the improvements listed above on August 4, 2009. In addition to granting approval for existing and proposed improvements, private, by appointment winery tasting was permitted in the existing 560 s.f. building. Private tasting are limited to four (4) *days* per week, three (3) appointments per day and no more than 10 persons are permitted to visit the winery on a daily basis. No public events are permitted. Only wine produced on the premises shall be sold at the winery. No change in the level of wine production (2,500 cases annually) approved in 1984 was authorized in 2009.

**Proposed Modification/Requested Action**

The applicant is seeking permission to increase annual wine production from 2,500 cases to 4510 cases (10,725 gallons) annually.<sup>1</sup> Wine grapes for this production increase will come from both on-and off- site vineyards as outlined below. No other operational changes, on-or off-site improvements are either required or requested to accommodate the increase in production. A completed application was previously submitted.

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<sup>1</sup> Conversion factors used to convert gallons to cases are 2.378 gallons per case. Conversion from tons to gallons uses the county of Napa department of environmental health conversion of 165 gallons/ton of grapes

The project site is located in the A-20 zoning district. Section 17.20.030 (J) allows for small wineries subject to section 17.180 of the city municipal code. The proposed project is consistent with this code section as it involves only an increase in the processing, fermenting, aging, bottling and storage of wine grapes. No expansion of the approved visitation level granted in 2009 is proposed as part of this application.

No existing agricultural land will be removed from production as a result of this project. The project involves the installation of a new, combined treatment system for both the winery and existing residence (replacement system #01 on the attached plan). The proposed system as shown on the attachments would replace the existing leach field and install the replacement tank in approximately the same footprint such that no additional ag land is impacted.

### **Facts to Support of Required Findings**

The existing winery is served by a private well that provides sufficient water to process the additional galloange required. Use of this on-site water resource minimizes future demands on the city's water supply system. The project minimizes long-term costs to the community by utilizing on-site water and wastewater systems. With the exception of a potential replacement of the existing wastewater system, no other physical changes to the site are required to accommodate the requested increase in production. Inasmuch as any required upgrade to the on-site sewer system will occur on previously disturbed portions of the site, the proposed modification will preserve existing habitat areas. With minimal changes to the site, the project will maintain the ability of the watershed area to absorb and retain rainfall to replenish groundwater and minimize potential for downstream flooding.

Section 17.180.050 establishes development standards such as fruit sources and production limits for small wineries as defined by the City municipal code. Section 17.180.080 (E & F) addresses these two important components of small wineries. The vineyards on the winery parcel (8 acres) produce some 42 tons annually (@ 165 gallons/ton = 6,930 gallons produced). The also applicant sources grapes from 3 acres on the contiguous parcel (021-320-022). Over the last three years production from these three acres is 13 tons (yield of 4.38 tons per acre) that upon conversion to gallons yields 2,145 gallons annually. Adding the two tonnage together (55 tons) yields a total projected wine production from the winery parcel vineyards and the contiguous parcel of 9,075 gallons (approximately 3,816 cases).

Grapes for the requested production increase will come from existing on-site/contiguous vineyards as well as 10 tons of fruit from parcel 030-150-019. The applicant is purchasing 10 tons (1,650 gallons) of fruit from the 60-acre parcel. A total of 65 tons of fruit is required for the proposed production increase.

In summary, the gallonage available from fruit from the existing, on-site and contiguous vineyard acreage (9,075 gallons) + the gallons available from the off-site vineyard (1,650 gallons), a total annual production of 10,725 gallons (approx.4, 510 cases) is requested.

Prior to approving a permit modification, the following general findings listed in section 17.180.080 are applicable. The following is offered in support of those findings:

- The project is located on a 20+ acre parcel;
- Fruit for the proposed annual production of 10,725 gallons (4,510 cases) of wine is provided by fruit from both on-site vineyards, a contiguous parcel and an off-site parcel;
- The project site is located on the same site as the applicant's existing residence;
- The existing residence is the primary residence of the winery owner/operator;
- No physical change to the existing winery to accommodate the requested increased in production;
- The increase in production related traffic (off-site grape deliveries) results in an additional 2 truck trips over the 4-6 week harvest season.
- No increase in either employees or visitors is proposed as part of this project;
- The increase in production occurs during the current harvest period. No extension of the pre-project harvest time would occur. Noise associated with the increase in production would be of short term duration and would not adversely affect neighboring properties or uses;
- Only the on-site well will be used to supply water for wine production. Any/all off-site vineyards that provide fruit for the increase in production are irrigated with well located on the vineyard parcel; and
- Use of on-site water supply and wastewater treatment and disposal options minimizes impacts on city water and sewer infrastructure.

Approval of the modification to use permit #2009-22 is requested.

Rev 10 26

# **FORMAN VINEYARDS**

Project Address: 1501 Big Rock Road, was previously permitted to produce a total of 2,500 cases annually, with the SHMC Section 17.080.180, 85% on-site grape source limitation waived.

## **Baseline Production Details**

The winery operations currently use 55 tons of grapes annually.

The grapes are sourced from the following parcels: 025-070-029 (8.0 vineyard acres--project parcel) & 021-320-022 (3.0 vineyard acres from easement on neighboring parcel), (include acreage size of each).

Parcel 025-070-029 produces 42 annual tonnage.

Parcel 021-320-022 (the adjacent off-site parcel) produces 13 annual tonnage. A

total of 9,075 gallons, or 3,816 cases are produced annually.

## **Project Proposal-Use Permit Amendment**

The project proposes the following production increase:

The winery operation proposes to use 65 tons of grapes annually.

The grapes will be sourced from the following parcels 025-070-029 (20+ acre project parcel-- 8 acres of grapes—42 tons of fruit); 021-320-022 (3-acre easement on adjacent parcel—13 tons) & 030-150-019 (60 acre parcel-10 tons of fruit purchased from Star Vineyards).

Parcel 025-070-029 will produce 42 annual tonnage.

Parcel 021-320-022 & 030-150-019 (the adjacent parcel, and the off-site parcel) will produce 23 tons annually.

A total maximum of 10,725 (approx) gallons, or 4,510 (approx) cases will be produced annually.

## **Well Status**

***Please see updated WAA prepared by Madrone Engineering. Only the on-site well will be used as part of this project***

| <b>1501 Big Rock Production</b> | <b>1984 Use Permit</b> | <b>Existing Conditions</b> | <b>Proposed Use Permit Amendment</b> | <b>% increase from 1984 Use Permit</b> |
|---------------------------------|------------------------|----------------------------|--------------------------------------|----------------------------------------|
| <b>Cases</b>                    | 2500                   | 3816                       | 4,510                                | 80%                                    |
| <b>Gallons</b>                  | 6000                   | 9075                       | 10,725                               | 79%                                    |
| <b>Tons</b>                     | 35                     | 55                         | 65                                   | 86%                                    |



# WATER AVAILABILITY ANALYSIS

FORMAN VINEYARD  
1501 BIG ROCK RD, ST. HELENA, CA 94574  
APN: 025-070-029

JUNE 14, 2021  
REVISION 1: MAY 26, 2023  
REVISION 2: JULY 26, 2023  
REVISION 3: OCTOBER 24, 2023



PREPARED BY:  
MADRONE ENGINEERING  
1485 MAIN STREET, SUITE 302  
ST. HELENA, CA 94574

20.031  
Forman Vineyard



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Forman Vineyard



## I. Introduction & General Overview

### A. Introduction

Madrone Engineering has prepared this report to assist the Forman Vineyard project with compliance with City of St. Helena Water Availability Analysis requirements (SHMC 17.180).

### B. Project Description

Forman Vineyard is requesting a Use Permit Modification to increase wine production for an existing winery on a 20.6 acre parcel located at 1501 Big Rock Rd, St. Helena, by owner and applicant Ric Forman. Existing wine production is approved for approximately 6,000 gallons annually, and is requested to be expanded to approximately 10,725 gallons annually. No other operational changes, on- or off-site improvements are either required or proposed.

Based on the previously-approved marketing plan for the winery, the maximum number of winery staff on-site on any given day is estimated to be four (4) full-time employees. The existing use permit allows up to 10 visitors per day, and no events. There are no changes to the approved marketing plan as part of this request. Other water use on the parcel includes an existing 3-bedroom residence with 2 full-time residents, and vineyard irrigation.

There is one well available for use on the parcel, as shown on the site plan (Appendix B). Based on the criteria in SHMC 17.180, because existing and proposed annual water use is expected to be less than 1 acre-foot/acre/year, the project is required to prepare a Phase 1 Water Availability Analysis.

The main well in use on the parcel is rated at approximately 200 gallons per minute, and is currently limited by the 20HP pump to a maximum of 88 gallons per minute. The total project demand of ~3.7 af/yr would require constant pumping of roughly 2.5 gallons per minute, so the existing well has significantly more capacity than is needed to support the proposed project.

The applicant also has access via easement to an off-site shared well on parcel 025-070-043. According to the owner and applicant, this well is not used for the winery.

This report will demonstrate that the proposed project is in compliance with current City Code related to groundwater usage, specifically, the requirement that water usage does not exceed 0.5 acre-feet per acre per year for hillside areas. The parcel is 20.6 acres, so maximum water use cannot exceed 10.3 acre-feet per year. Proposed water usage is 3.519 acre-feet per year, significantly less than the allowable maximum.

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## II. Tier 1 Analysis

Tier 1 of the WAA requests the applicant to estimate the proposed water usage for the project, and then compare the estimated parcel usage for the property to the applicable water use criteria. In this case, the threshold for requiring a Tier 2 analysis is if existing or proposed water use will exceed 1 acre-foot/acre/year.

### A. Water Use Guidelines

Appendix B of the Napa County WAA guidelines includes recommendations for determining the estimated water use for specified land uses. A summary of these guidelines, including the values applied in this report, are identified in the table below:

**Table 1: Water Use Guidelines per WAA Appendix B**

| Use                     | Recommended Water Use Values | Applied Water Use Values | Unit                                     |
|-------------------------|------------------------------|--------------------------|------------------------------------------|
| <b>Residence</b>        | 0.5 to 0.75                  | 0.75                     | AF per Year                              |
| <b>Winery</b>           |                              |                          |                                          |
| Process Water           | 0.0215                       | 0.0215                   | AF per 1,000 gal wine production (year)  |
| Domestic Water          | 0.005                        | 0.005                    | AF per 1,000 gal wine production (year)  |
| Employees               | 15                           | 15                       | Gallons Per Shift                        |
| Tasting Room Visitation | 3                            | 3                        | Gallons Per Visitor                      |
| Events and Marketing    | 15                           | 15                       | Gallons Per Visitor                      |
| <b>Vineyards</b>        |                              |                          |                                          |
| Irrigation Only         | 0.2 to 0.5                   | 0.3                      | AF per Acre Planted per Year             |
| Heat Protection         | 0.25                         | not used                 | AF per Acre Planted per Year             |
| Frost Protection        | 0.25                         | not used                 | AF per Acre Planted per Year             |
| <b>Landscaping</b>      | -                            | not used                 | landscaping is included in the residence |

### B. Existing Water Usage

The current water uses on the Forman Vineyard property include the following:

**Table 2: Existing Property Uses**

| Use                          | Value | Unit                      |
|------------------------------|-------|---------------------------|
| <b>Residence(s)</b>          | 1     | Main Residence            |
| <b>Winery</b>                |       |                           |
| Wine Produced                | 6     | Thousand Gallons per Year |
| Employees (Full + Part Time) | 4     | Employee Shifts per Day   |
| Employees (Full + Part Time) | 1200  | Employee Shifts per Year  |
| Visitors                     | 10    | Visitors per Day          |
| Visitors                     | 3100  | Visitors per Year**       |
| Event Visitors per Year      | 0     | Visitors per Year         |
| <b>Vineyards</b>             |       |                           |
| Acres Planted                | 8.0   | Acres                     |
| Heat Protection              | N/A   |                           |
| Frost Protection             | N/A   |                           |

\*\* Conservatively estimated based on maximum visitation 6 days per week

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Forman Vineyard



Based on Table 2, the existing water usage of the parcel is estimated as follows:

**Table 3: Existing Water Usage**

|                              |              |                    |
|------------------------------|--------------|--------------------|
| <b>Residence</b>             | 0.75         | AF per Year        |
| <b>Winery</b>                |              |                    |
| Process Water                | 0.129        | AF per Year        |
| Domestic Water + Landscaping | 0.03         | AF per Year        |
| Employees                    | 0.055        | AF per Year        |
| Visitors                     | 0.029        | AF per Year        |
| Event Visitors per Year      | 0.000        | AF per Year        |
| <b>Vineyards</b>             |              |                    |
| Irrigation Only              | 2.40         | AF per Year        |
| Heat Protection              | 0            | AF per Year        |
| Frost Protection             | 0            | AF per Year        |
| <b>Total Water Usage</b>     | <b>3.393</b> | <b>AF per Year</b> |

#### C. Proposed Water Usage

The proposed water uses under this Use Permit Modification for the Forman Vineyard property include the following:

**Table 4: Proposed Property Uses**

| Use                          | Value | Unit                      |
|------------------------------|-------|---------------------------|
| <b>Residence</b>             | 1     | Main Residence            |
| <b>Winery</b>                |       |                           |
| Wine Produced                | 10.75 | Thousand Gallons per Year |
| Employees (Full + Part Time) | 4     | Employee Shifts per Day   |
| Employees (Full + Part Time) | 1200  | Employee Shifts per Year* |
| Visitors                     | 10    | Visitors Per Day          |
| Visitors                     | 3100  | Visitors Per Year         |
| Event Visitors               | 0     | Visitors Per Year         |
| <b>Vineyards</b>             |       |                           |
| Acres Planted                | 8.0   | Acres                     |
| Heat Protection              | N/A   |                           |
| Frost Protection             | N/A   |                           |

\*\* Conservatively estimated based on maximum visitation 6 days per week

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Forman Vineyard



Based on Table 4, the proposed post-project water usage of the parcel is estimated as follows:

**Table 5: Proposed Water Usage**

|                              |              |                    |
|------------------------------|--------------|--------------------|
| <b>Residence</b>             | 0.75         | AF per Year        |
| <b>Winery</b>                |              |                    |
| Process Water                | 0.231        | AF per Year        |
| Domestic Water + Landscaping | 0.054        | AF per Year        |
| Employees                    | 0.055        | AF per Year        |
| Visitors                     | 0.029        | AF per Year        |
| Event Visitors per Year      | 0.000        | AF per Year        |
| <b>Vineyards</b>             |              |                    |
| Irrigation Only              | 2.4          | AF per Year        |
| Heat Protection              | 0            | AF per Year        |
| Frost Protection             | 0            | AF per Year        |
| <b>Total Water Usage</b>     | <b>3.519</b> | <b>AF per Year</b> |

See Table 6, below, for a summary of the change in water use from the existing condition to the proposed Use Permit condition.

**Table 6: Proposed Increase in Water Usage**

|                             |              |                    |
|-----------------------------|--------------|--------------------|
| Existing Water Usage        | 3.393        | AF per Year        |
| Proposed Water Usage        | 3.519        | AF per Year        |
| <b>Water Usage Increase</b> | <b>0.126</b> | <b>AF per Year</b> |

The proposed project will increase groundwater usage only slightly relative to the existing usage, approximately 4%. Because the parcel is 20.6 acres with a maximum allowable water use of 0.5 acre-feet per acre per year (10.3 acre-feet), the proposed water usage of 3.519 acre-feet is significantly less than the allowable maximum.

### III. Conclusion

This report demonstrates that the proposed project is in compliance with current City Code related to groundwater usage.

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Forman Vineyard



# APPENDICES

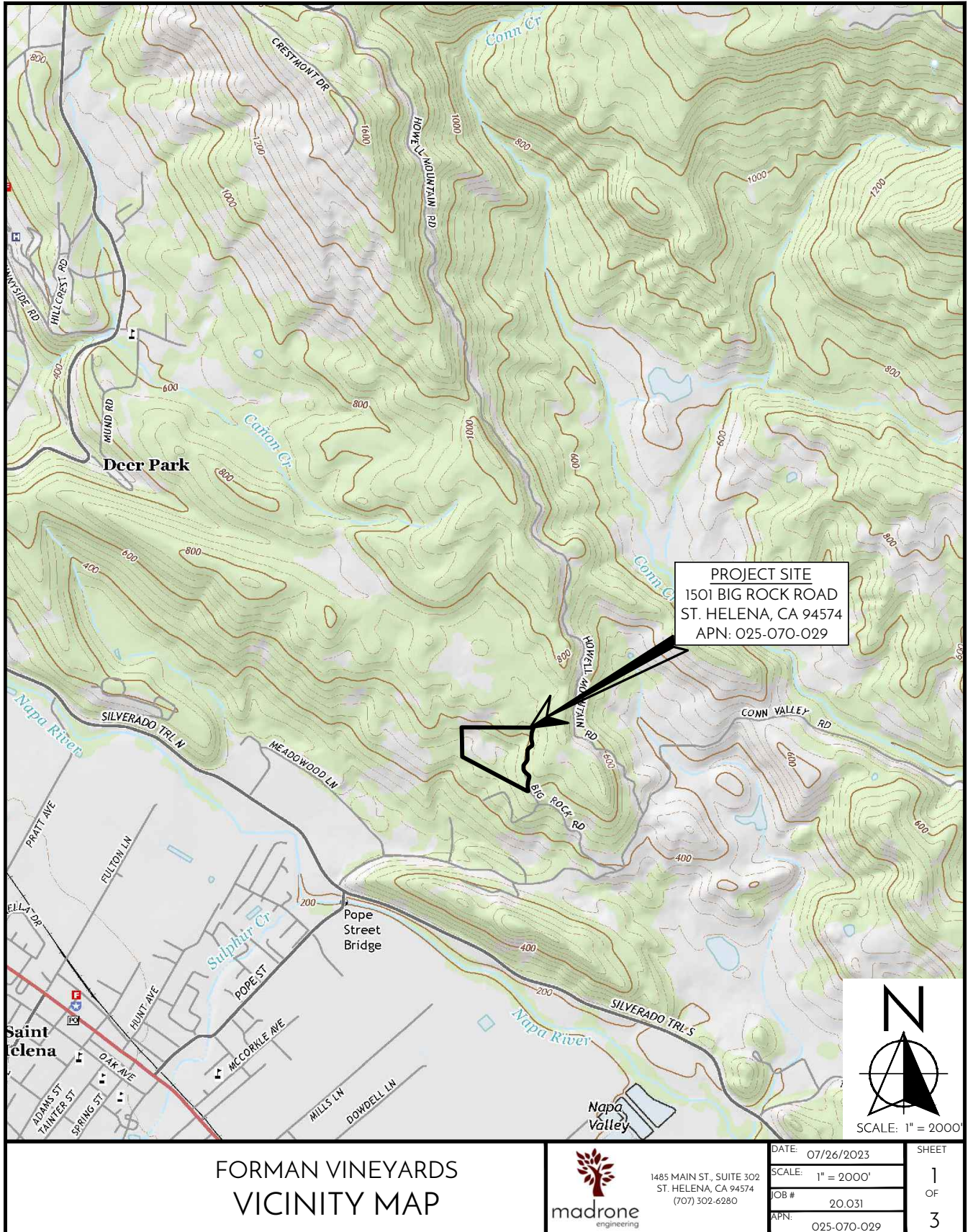
**APPENDIX A:** VICINITY MAP

**APPENDIX B:** SITE PLAN

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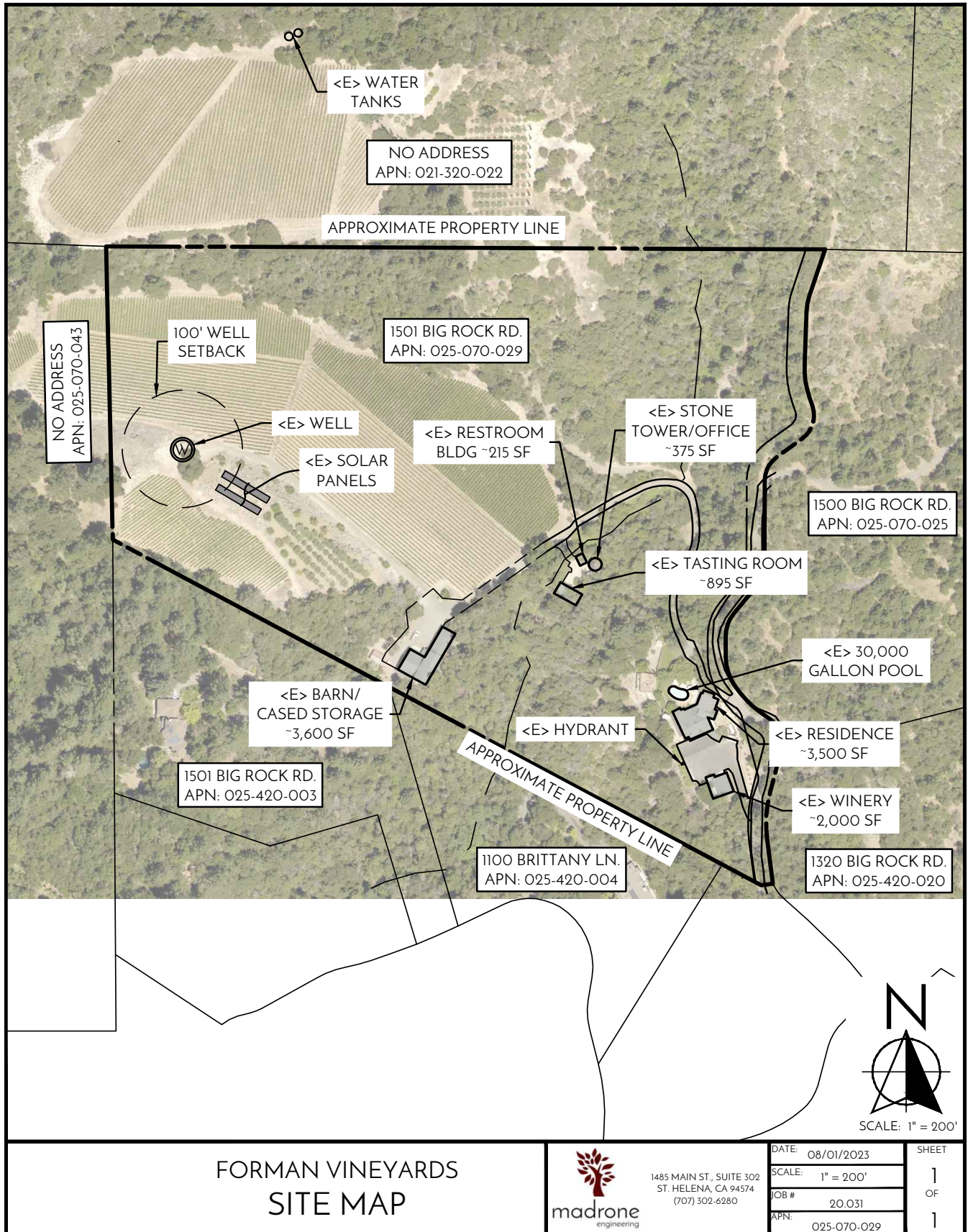
# APPENDIX A VICINITY MAP



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# APPENDIX B SITE PLAN



## FORMAN VINEYARDS SITE MAP



1485 MAIN ST., SUITE 302  
ST. HELENA, CA 94574  
(707) 302-6280

|        |             |
|--------|-------------|
| DATE:  | 08/01/2023  |
| SCALE: | 1" = 200'   |
| JOB #  | 20.031      |
| APN:   | 025-070-029 |

|       |   |
|-------|---|
| SHEET | 1 |
| OF    | 1 |



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## WASTEWATER FEASIBILITY REPORT

### FOR THE FORMAN VINEYARD USE PERMIT MODIFICATION

PROJECT LOCATED AT

1501 BIG ROCK RD  
ST. HELENA, CA 94574

COUNTY: NAPA  
APN: 025-070-029

DECEMBER 4, 2020

PREPARED FOR REVIEW BY:

NAPA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH  
1195 THIRD STREET  
NAPA, CA 94559



1485 MAIN STREET, SUITE 302 - ST. HELENA, CALIFORNIA 94574  
707-302-6280 TELE




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## I. INTRODUCTION

Forman Vineyard is requesting a Use Permit Modification to increase wine production for an existing winery on a 20.6 acre parcel located at 1501 Big Rock Rd, St. Helena, by owner and applicant Ric Forman. Existing wine production is approved for 6,000 gallons annually, and is requested to be expanded to 12,000 gallons annually. No other operational changes, on- or off-site improvements are either required or proposed.

This report has been prepared to evaluate the feasibility of handling the proposed increase of process wastewater on the parcel and in a manner following the requirements of the County Environmental Health Division.

Based on the previously-approved marketing plan for the winery, the maximum number of winery staff on-site on any given day is estimated to be four (4) full-time employees.

The existing use permit allows up to 10 visitors per day, and no events. There are no changes to the approved marketing plan as part of this request.

This report presents a preliminary plan for treating and dispersing the wastewater generated from the additional wine production.

All plumbing fixtures in the approved winery shall be low flow, water-saving fixtures per the Uniform Plumbing Code as adopted by the Napa County Building Department.

---

## II. WINERY DOMESTIC WASTEWATER FLOW

### A. Wastewater Generation

The domestic wastewater (DW) generated at Forman Vineyard is dependent on the daily number of employees and visitors present at the winery. The marketing plan, as presented in the Introduction of this report determines the maximum number of guests the winery is permitted to serve in one day, as well as the maximum number of permanent employees that the winery needs to functionally operate. In terms of wastewater generation, this gives the maximum number of people that will be contributing to the daily peak wastewater flow rate.

### B. Estimating Wastewater Quantity

To calculate the daily peak DW flow rates generated at Forman Vineyard, the maximum number of people present at the site, as well as the amount of wastewater each person will generate, must be estimated. The marketing plan includes a total of 4 employees and 10 daily visitors (maximum). Napa County estimates the wastewater generated by visitors is 3 gallons per day per person, and 15 gallons per day per employee<sup>1</sup>.

---

<sup>1</sup> Napa County Regulations for Design, Construction, and Installation of Alternative Sewage Treatment Systems, Appendix 1, Table 4, 2006.



The peak effluent generated in a day will occur when the winery requires all part-time and full-time (four (4)) employees on staff and receives a maximum of ten (10) visitors in a single day. There is also an existing 3-bedroom residence on the parcel. *Based on this combination, the peak daily domestic wastewater flow is 450 gallons per day (see Table 1, below).* For design purposes, this shall be taken as the maximum daily flow considered for storage and treatment requirements.

| Source                              | Number | Projected Flow (gpd)   | Total Flow No Event Day (gpd) | Total Flow Event Day (gpd) |
|-------------------------------------|--------|------------------------|-------------------------------|----------------------------|
| Full-time employees                 | 4      | 15                     | 60                            | 60                         |
| Part-Time employees (<60 days/year) | 0      | 15                     | 0                             | 0                          |
| Visitors                            | 10     | 3                      | 30                            | 30                         |
| Private Event*                      | 0      | 3                      | 0                             | 0                          |
| Private Residence (bedrooms)**      | 3      | 120                    | 360                           | 360                        |
| <b>Grand Total</b>                  |        | <b>Total Peak Flow</b> | <b>450</b>                    | <b>450</b>                 |

Table 1: Total Domestic Wastewater Flows

### C. Estimating Wastewater Quality

The quality of domestic wastewater generated at a winery is similar to wastewater generated from a residence. The main effluent quality parameters that must be estimated from a winery's wastewater are the 5-day Biochemical Oxygen Demand (BOD5) and the Total Suspended Solids (TSS). The BOD5 concentration is a measurement used to estimate the amount organic matter present in wastewater. The TSS concentration is a measure of solid particles that have not yet settled out of the wastewater. Several additional wastewater constituents must also be estimated, as they have a direct correlation with the treatment processes used to reduce BOD5 and TSS concentrations. Fats, oils, and grease (FOG) will likely be discharged to the sewer system, and can damage the biological processes that take place in wastewater treatment. The total dissolved solids (TDS) present in wastewater can be an indicator for cleaning agents, which can affect the pH balance and destroy the bacteria that reduce organic matter in wastewater. The pH value affects bacteria that consume organic matter in the wastewater. The dissolved oxygen (DO) level can tell wastewater treatment operators that the bacteria need more or less oxygen in order to consume and reduce organic matter present in the wastewater. In addition to oxygen, bacteria need nitrogen to fuel their consumption of organic matter. The total nitrogen concentration in wastewater will alert wastewater treatment operators to how much nitrogen they need to add to the wastewater in order for bacteria to most efficiently consume organic matter. If a high level of wastewater treatment is required, it is important to know the type and amount of harmful bacteria and pathogens that are present in the effluent so the most appropriate form of disinfection can be applied. In domestic wastewater, fecal coliform is extremely prevalent, and is detrimental to human health. **Table 2** provides a description of the expected strength of each wastewater constituent.



| Constituent           | Unit       | Domestic                         |
|-----------------------|------------|----------------------------------|
| FOG                   | Mg/L       | 31-164                           |
| BOD5                  | Mg/L       | 110-400                          |
| TSS                   | Mg/L       | 100-350                          |
| TDS                   | Mg/L       | 280-850                          |
| Nitrogen (total as N) | Mg/L       | 20-85                            |
| Total Coliform        | MPN/100 mL | 10 <sup>7</sup> -10 <sup>8</sup> |
| Fecal Coliform        | MPN/100 mL | 10 <sup>4</sup> -10 <sup>5</sup> |

Table 2: Typical Domestic Wastewater Values

### III. WINERY PROCESS WASTEWATER FLOW

#### A. Production Methods

Winery wastewater outflow and strength varies throughout the winemaking year. A typical winemaking year begins with harvest preparation and harvest. These events occur during the months of August, September, and October. The harvest season typically generates both the largest volume and maximum strength of process wastewater. A breakdown of the different winemaking phases are detailed below.

**Harvest and Crush** - As previously mentioned, a winery will harvest and crush its fruit during the months of August, September, and October. Once the grapes have reached maturity, the fruit will be separated from the stems, and crushed to collect the juice for fermentation. Floor drains typically collect the juice, stems, seeds, and skins that are washed off of the equipment in the crush process. Grate covers on the drains can prevent larger solids from entering the wastewater system, but seeds and skins can often enter the primary wastewater tank.

**Fermentation** - Juice from crush is collected and stored in tanks for fermentation. Yeast will be added to the juice in order for sugar to be converted to alcohol. The fermentation process can take anywhere from one to three weeks to complete. Once the fermentation process is complete, the wine will be drained from the tank into barrels for aging. Wine drained from the fermentation tanks will carry excess skins and seeds into the barrel. The remaining solids, known as pomace, will remain at the bottom of the tank. If desired by the winemaker, the pomace can be pressed to produce more wine with different characteristics for the blending process. The remaining solids will be disposed of at a solid waste facility. The empty fermentation tanks and pomace bins will be washed out with a combination of water and sodium hydroxide or potassium hydroxide. These additives can reduce the pH of the wastewater, and contribute to the total dissolved solids (TDS) concentration.

**Clarification and Racking** - Due to the excess grape skins and seeds carried over from the fermentation tanks, wine can have a high concentration of suspended solids directly after fermentation. These solids are called "lees" and are allowed to settle in the barrel during the aging process. To improve the clarity and quality of the wine, the liquid will be removed from the initial barrel, and placed in a new barrel that is free of settled solids. This process is



called "racking" and will often occur several times through the wine aging process, which can last for several years. The first racking will most likely occur between the months of November and January. The lees that are washed out of barrels after the first racking are known as "gross lees." Gross lees represent the largest solid particles collected during the racking process. Responsible wineries will de-water the gross lees, and dispose of the solids off-site. However, lees are often washed out of barrels and allowed to drain to the process wastewater system due to their high water content. Wastewater generated from this process will typically have very high total suspended solids (TSS) content, and a very high biological oxygen demand (BOD). Additionally, tartaric acid can be added to the wine to adjust the acidity. Process wastewater generated by racking after pH treatment can negatively affect the natural biological treatment process in the primary wastewater tanks. As clarification and racking are part of the process used to "age" wine, it is possible for wastewater to be generated by this phase year round.

Filtering and Bottling - Wine that has reached the end of its aging process will be filtered and bottled. This process can occur throughout the year due to wine types aging at different rates and the winery's production schedule. The wine storage barrels will often be washed and reused. Equipment used for bottling will be washed on a daily basis. The wastewater strength at this stage of the wine making process is typically much lower than the previous three stages of winemaking.

## **B. Estimating Wastewater Quantity**

As every individual winery incorporates differing winemaking methods and equipment, the actual annual wastewater produced varies for each winery. The amount of wine produced in one year is the most important part in estimating a specific winery's wastewater generation. Once a winery determines the volume of wine they will produce, various factors can be applied to estimate the wastewater that will be generated from production. Furthermore, it is very important to estimate the peak volume of wastewater that can be generated in one day. Undersized storage tanks and pumps can lead to the costly failure of wastewater treatment systems, and halt the production process. Two methods are currently used by the local wastewater engineering consultants to determine both the annual and daily peak process wastewater flows generated from a winery. The Napa County Method is used to estimate the peak wastewater flow that could occur in one day during harvest. The Industry Method estimates the annual wastewater generation, then distributes a percentage of that flow to each month based on the seasonal behaviors of winemaking. The daily peak flow is then estimated by dividing the volume of wastewater generated during the peak month by the number of days in the month. The Industry Method generally produces a more realistic estimate of wastewater flows. This report will analyze and compare both methods to determine the volume of process wastewater produced, and will size the system based on the more conservative (higher) flow estimate.

### *Napa County Method*

The Napa County Method focuses on determining the maximum daily flow a wastewater system would be required to treat. This method uses two base assumptions: the amount of process wastewater generated annually is only distributed during harvest period, and a multiplication factor of 1.5 is used for process waste generation. The harvest period, shown



in **Table 3** below, is divided into days that grapes are crushed based on annual production in order to obtain a flow rate in gallons per day (GPD).

**Table 3: Napa Method: Crush Days**

| Annual Wine Production (gallons) | # of Crush Days |
|----------------------------------|-----------------|
| <20,000                          | 30              |
| 20,000-50,000                    | 45              |
| >50,000                          | 60              |

Based on the projected wine production (12,000 gallons), the multiplication factor (1.5), and the number of crush days (30) that wastewater generation is distributed over, the Napa Method estimates a process wastewater (PW) peak harvest flow of **600 gallons per day** (see Appendix 1).

#### *Industry Method*

The Industry Method uses a ratio of 4-12 gallons of PW generated per gallon of finished wine produced to determine the annual PW volume produced. The ratio depends on the water conservation techniques utilized within each individual winery. In rare cases, if the winery is water conscious, the ratio can be as low as 4. For a typical winery, the ratio is higher. For Forman Vineyard, a value of 8 gallons of PW per gallon of wine is analyzed. The next step in estimating wastewater quantity is to determine the peak daily flow. The annual estimated PW is broken down into monthly percentage flows. This method attempts to consider the winery operations, which vary by month depending on the winemaking season. For example, with this method, the percentages increase for the harvest months and the percentages decrease for the non-harvest months.

Based on the proposed annual wine production of 12,000 gallons of wine and 8 gallons of PW generated per gallon of wine, the Industry Method estimates 96,000 gallons of PW produced annually. **Table 4** shows the percentage breakdown for monthly and daily flows. This table is located in the 'Wastewater Flow Generation' page of the Water Balance Spreadsheet, found in **Appendix 1**.



| PW Generation Table |               |               |                    |
|---------------------|---------------|---------------|--------------------|
| Month               | % of Annual   | Monthly Flow  | Average Daily Flow |
| January             | 4.0%          | 3,840         | 124                |
| February            | 6.0%          | 5,760         | 206                |
| March               | 6.0%          | 5,760         | 186                |
| April               | 4.5%          | 4,320         | 144                |
| May                 | 6.0%          | 5,760         | 186                |
| June                | 7.0%          | 6,720         | 224                |
| July                | 8.5%          | 8,160         | 263                |
| August              | 10.0%         | 9,600         | 310                |
| September           | 16.0%         | 15,360        | <b>512</b>         |
| October             | 14.0%         | 13,440        | 434                |
| November            | 10.5%         | 10,080        | 336                |
| December            | 7.5%          | 7,200         | 232                |
| <b>Total</b>        | <b>100.0%</b> | <b>96,000</b> | <b>263</b>         |

Table 4: Monthly Process Wastewater Flows

Based on Table 4 above, the peak daily process waste flow using the industry method is estimated to be **512 gallons per day**. Since the County method is more conservative, a value of **600 gallons per day** will be used as the basis of septic system design in this report.

### C. Estimating Wastewater Quality

The effluent strength parameters for all wineries vary throughout the year as different processes take place in each stage of the winemaking process. Furthermore, the strength of effluent at each individual winery can vary due to differences in the winemaker's technique and philosophy. The main effluent quality parameters that must be estimated from a winery's wastewater are the 5-day Biochemical Oxygen Demand (BOD5) and the Total Suspended Solids (TSS), as the concentrations of these constituents are regulated by both the Bay Area Water Quality Control Board and Napa County. The BOD5 concentration is a measurement used to estimate the amount organic matter present in wastewater. The typical BOD5 concentration of raw winery wastewater is 5,000 mg/L. The TSS concentration is a measure of solid particles that have not yet settled out of the wastewater.

Several additional wastewater constituents must also be estimated, as they have a direct correlation with the treatment processes used to reduce BOD5 and TSS concentrations. The total dissolved solids (TDS) present in wastewater can be an indicator for the amount of additives used to clean winery equipment, which can affect the pH balance and destroy the bacteria that reduce organic matter in wastewater. The pH value affects bacteria that consume organic matter in the wastewater. The dissolved oxygen (DO) level can tell wastewater treatment operators that the bacteria need more or less oxygen in order to consume and reduce organic matter present in the wastewater. In addition to oxygen, bacteria need nitrogen to fuel their consumption of organic matter. The nitrogen concentration in wastewater will alert wastewater treatment operators to how much nitrogen they need to add to the wastewater in order for bacteria to most efficiently consume organic matter. Fortunately, the presence of fecal coliform's and other pathogens are not detectable in process waste, and will not be considered a



constituent of concern. The following table provides a range of the expected strength of each wastewater constituent throughout the winemaking year.

Table 5: Typical Process Wastewater Values

| Constituent | Unit | Peak Season <sup>a</sup> | Off Season <sup>b</sup> |
|-------------|------|--------------------------|-------------------------|
| PH          |      | 3.8-7.8                  | 3.8-7.8                 |
| BOD5        | Mg/L | 5,000                    | 1,000                   |
| TSS         | Mg/L | 57-3,950                 | 12-400                  |
| TDS         | Mg/L | 315-1,240                | 214-720                 |
| Nitrate     | Mg/L | 0.63-362                 | 0.23-53                 |
| Ammonia     | Mg/L | 2.25                     |                         |
| D.O.        | Mg/L | 2.3-6.3                  | 2.3-6.3                 |

<sup>a</sup> Peak season is September through March

<sup>b</sup> Off season runs from April to August

#### IV. SITE EVALUATION

A site evaluation is required to determine available on-site reserve areas for subsurface dispersal of domestic wastewater generated from the winery. A previous site evaluation, conducted in 2008 by Acme Engineering and on file with Napa County Env Health under permit #E08-00545, identified two acceptable test pits in an olive grove above the existing winery. This area is proposed to be used for the primary dispersal field.

Madrone Engineering completed a site evaluation on November 12, 2020 to locate acceptable soils for a reserve area. Six (6) test pits were excavated in the vineyard. Both site evaluations can be found in **Appendix 2** of this report.

Soils on the site are not adequate for a standard leach field, as is typical in this area of the Napa Valley, but the 2008 Test Pits 1 and 2 contained sufficient soil depth to support a subsurface drip system. The application (infiltration) rate of the soil in this location for this system type is recommended to be no greater than 0.60 gallons per square foot per day.



## **V. WASTEWATER TREATMENT SYSTEM**

The wastewater system design proposes to handle the domestic and process wastewater from the winery and residence in a combined treatment system (replacement to System #01). The new system would pre-treat the wastewater before dispersing into the olive grove area via subsurface drip.

Existing System #02, which was permitted in 2009 and currently handles approximately 60 gallons per day of domestic wastewater from the tasting room and restroom building, would remain unaffected under this proposal.

### **A. Domestic Wastewater**

The domestic wastewater from the residence & winery is to be treated via a standard septic tank (primary treatment), and a BioBarrier unit (secondary treatment, described in Section V.B below) with final disposal via subsurface drip lines. The main existing leach field (System #01) will be abandoned. The primary treatment system shall be equipped with effluent filters and will treat and remove settleable solids to acceptable concentration levels.

### **B. Process Wastewater - Treatment**

Primary treatment provides partial removal of TSS and BOD through the gravitational settling of solids, as well as a small amount of biological treatment. Raw process wastewater will flow via gravity from various sources throughout the site into a septic tank system. All septic tanks are to be equipped with an effluent filter. Within the septic tanks, solids will settle out of solution, and the remaining wastewater will continue to gravity flow to the next step of the treatment process. Detention time in the holding tank plays a large factor in reduction of TSS and BOD. In general, a longer detention time means more reduction of pollutants.

The strength of process wastewater is generally not reduced to the same extent as domestic wastewater. The reduction of BOD<sub>5</sub> is typically below 30%, and depends on the detention time.

The semi-treated effluent from both domestic and process sources will enter into a secondary treatment system, consisting of a treatment tank and a BioBarrier MBR treatment unit (or equivalent). The BOD level shall be reduced by to less than 30 mg/L and the TSS shall be reduced to less than 30 mg/L prior to entering the dosing tank.

### **C. Domestic & Process Wastewater - Primary Area**

The disposal area for the combined process & domestic wastewater is proposed to be located in the existing olive grove as identified in the 2008 site evaluation. Based on the soils within the olive grove, an application rate of 0.60 gal/ft<sup>2</sup>/day is used for the design of the system.



Required Drip Line Area:

$$\text{square feet of dispersal area: } \frac{990 \text{ gpd}}{0.60 \text{ gal/ft}^2} = 1,650 \text{ ft}^2$$

The primary disposal area shall consist of 1,650 square feet of subsurface drip line. Following is a schematic of the proposed wastewater treatment system:

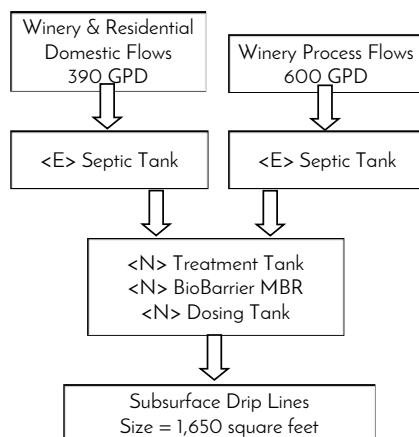


Figure 1: Domestic & Process Wastewater Treatment System Schematic

#### D. Domestic & Process Wastewater Reserve Area

In the event a reserve area is required for process & domestic wastewater, suitable area has been identified in Test Pits 1 through 6 of the 2020 site evaluation. Reserve area shall be sized for all domestic wastewater flows on the parcel (~450 gpd). Process wastewater flows shall be estimated to have a peak flow of ~600 gpd. Due to the limited depth of suitable soil, the recommended wastewater system type for the reserve area is a sub-surface drip engineered wastewater system. The application (infiltration) rate of the soil in this location for this system type is recommended to be 0.60 gallons per square foot per day. Using this application rate, we can calculate the required reserve area for domestic wastewater as follows:

$$\text{square feet of reserve: } \frac{1,050 \text{ gpd}}{0.60 \text{ gal/ft}^2} = 1,750 \text{ ft}^2 \times 200\% = 3,500 \text{ ft}^2$$

Please see Appendix 2 for a Wastewater Area exhibit showing the proposed primary and reserve areas.



---

## VI. CONCLUSION

Based on the analysis performed in this report, the Forman Vineyard project is feasible with regard to wastewater disposal. The parcel contains suitable soils and adequate available dispersal area to support the project from a wastewater treatment perspective. Please see Appendix 2 for the proposed sizes and location of the primary and reserve areas.



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## IX. APPENDIX

1. Water Balance Calculations
2. Site Evaluation Reports



APPENDIX 1:  
WATER BALANCE CALCULATIONS

Project: Forman Vineyard  
1501 Big Rock Rd  
St. Helena, CA 94574  
APN: 025-070-029

Project Description:

The following calculations are intended to estimate the process and domestic wastewater flows for Forman Vineyard.

**Winery Process Wastewater Generation**

|                                                                  |        |                            |
|------------------------------------------------------------------|--------|----------------------------|
| Annual Wine Production                                           | 12,000 | gallons                    |
|                                                                  | 2.4    | gal/case                   |
|                                                                  | 5,000  | cases                      |
| Wastewater Generation Rate                                       | 8      | gal water/gal wine         |
| Annual Process Wastewater                                        | 96,000 | gal                        |
| Crush Length                                                     | 30     | days (<20k, 20k-50k, 50k+) |
| Wastewater Generation Rate (during crush)                        | 1.5    | gal water/gal wine         |
| Daily Wine Production (during crush)                             | 400    | gal wine/day               |
| Peak Daily Process Waste (County Method)                         | 600    | gal PW/day                 |
| Peak Daily Process Waste (Industry Estimation - see table below) | 512    | gal PW/day                 |

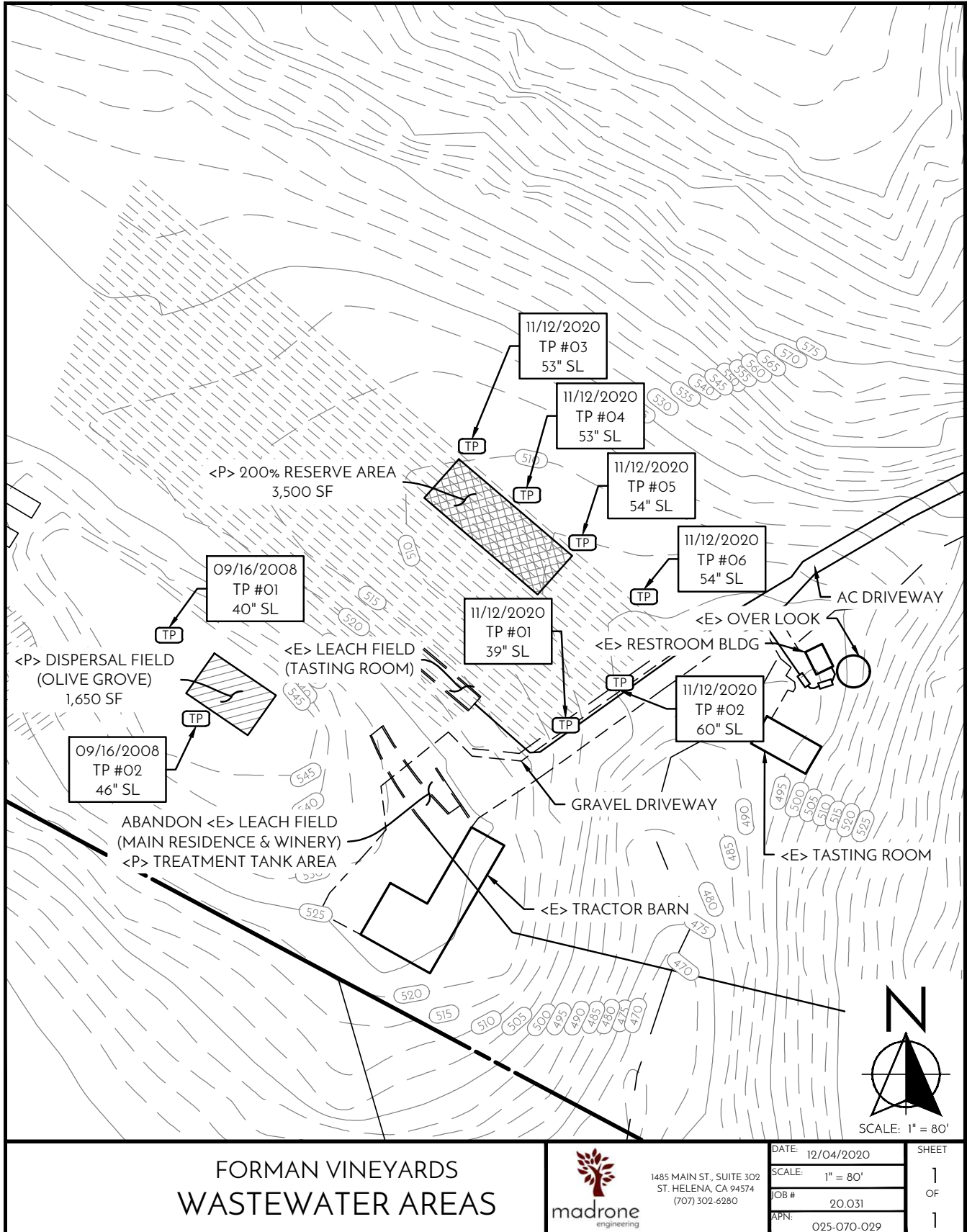
| PW Generation Table |               |               |                    |
|---------------------|---------------|---------------|--------------------|
| Month               | % of Annual   | Monthly Flow  | Average Daily Flow |
| January             | 4.0%          | 3,840         | 124                |
| February            | 6.0%          | 5,760         | 206                |
| March               | 6.0%          | 5,760         | 186                |
| April               | 4.5%          | 4,320         | 144                |
| May                 | 6.0%          | 5,760         | 186                |
| June                | 7.0%          | 6,720         | 224                |
| July                | 8.5%          | 8,160         | 263                |
| August              | 10.0%         | 9,600         | 310                |
| September           | 16.0%         | 15,360        | 512                |
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| November            | 10.5%         | 10,080        | 336                |
| December            | 7.5%          | 7,200         | 232                |
| <b>Total</b>        | <b>100.0%</b> | <b>96,000</b> | <b>263</b>         |

**Domestic Wastewater Generation**

| Source                       | Number | Projected Flow (gpd)   | Total Flow No Event Day (gpd) | Total Flow Event Day (gpd) |
|------------------------------|--------|------------------------|-------------------------------|----------------------------|
| Full-time employees          | 4      | 15                     | 60                            | 60                         |
| Part-Time/Harvest employees  | 0      | 15                     | 0                             | 0                          |
| Visitors                     | 10     | 3                      | 30                            | 30                         |
| Private Event*               | 0      | 3                      | 0                             | 0                          |
| Event Staff                  | 0      | 15                     | 0                             | 0                          |
| Private Residence (bedrooms) | 3      | 120                    | 360                           | 360                        |
| <b>Grand Total</b>           |        | <b>Total Peak Flow</b> | <b>450</b>                    | <b>450</b>                 |



APPENDIX 2:  
SITE EVALUATION REPORTS



Napa County Department of  
Environmental Management

## SITE EVALUATION REPORT

Page 1 of 3

Please attach an 8.5" x 11" plot map showing the locations of all test pits triangulated from permanent landmarks or known property corners. The map must be drawn to scale and include a North arrow, surrounding geographic and topographic features, direction and % slope, distance to drainages, water bodies, potential areas for flooding, unstable landforms, existing or proposed roads, structures, utilities, domestic water supplies, wells, ponds, existing wastewater treatment systems and facilities.

Permit #: E08-08545APN: 025-070-029-000

(County Use Only)

Reviewed by: 28Date: 10/5/08

## PLEASE PRINT OR TYPE ALL INFORMATION

|                                                             |                    |                                                                                                                                                                                                |                                                        |
|-------------------------------------------------------------|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| Property Owner<br><u>RICHARD FORMANI</u>                    |                    | <input type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Remodel <input checked="" type="checkbox"/> Relocation<br><input type="checkbox"/> Other: |                                                        |
| Property Owner Mailing Address<br><u>1501 BIG ROCK ROAD</u> |                    | <input checked="" type="checkbox"/> Residential - # of Bedrooms: <u>2</u> Design Flow: <u>300</u> gpd                                                                                          |                                                        |
| City<br><u>ST. HELENA</u>                                   | State<br><u>CA</u> | Zip<br><u>94558</u>                                                                                                                                                                            | <input checked="" type="checkbox"/> Commercial - Type: |
| Site Address/Location<br><u>1501 BIG ROCK RD.</u>           |                    | Sanitary Waste: _____ gpd                                                                                                                                                                      | Process Waste: <u>500</u> gpd                          |
|                                                             |                    | <input checked="" type="checkbox"/> Other:                                                                                                                                                     |                                                        |
|                                                             |                    | Sanitary Waste: <u>45</u> gpd                                                                                                                                                                  | Process Waste: _____ gpd                               |

## Evaluation Conducted By:

|                                                  |                                       |                                                                                                     |
|--------------------------------------------------|---------------------------------------|-----------------------------------------------------------------------------------------------------|
| Company Name<br><u>ACME ENGINEERING</u>          | Evaluator's Name<br><u>JOHN TERRY</u> | Signature (Civil Engineer, R.E.H.S., Geologist, Soil Scientist)<br><u>[Signature]</u> <u>062293</u> |
| Mailing Address:<br><u>2025 REDWOOD RD STE 6</u> |                                       | Telephone Number<br><u>707-253-2263</u>                                                             |
| City<br><u>NAPA</u>                              | State<br><u>CA</u>                    | Zip<br><u>94558</u>                                                                                 |
|                                                  |                                       | Date Evaluation Conducted<br><u>9/16/8</u>                                                          |

## Primary Area

Acceptable Soil Depth: 40 in.   Test pit #'s: 2  
 Soil Application Rate (gal. /sq. ft. /day): 0.3 gal/sqft/day  
 System Type(s) Recommended: PD (ENGINEERED)  
 Slope: 0 %.   Distance to nearest water source: >100 ft.  
 Hydrometer test performed?   No ☒ Yes ☐ (attach results)  
 Bulk Density test performed?   No ☒ Yes ☐ (attach results)  
 Groundwater Monitoring Performed? No ☒ Yes ☐ (attach results)

## Expansion Area

Acceptable Soil Depth: 44 in.   Test pit #'s: 2  
 Soil Application Rate (gal. /sq. ft. /day): 0.35 gal/sqft/day  
 System Type(s) Recommended: ENGINEERED  
 Slope: <10 %.   Distance to nearest water source: >100 ft.  
 Hydrometer test performed?   No ☒ Yes ☐ (attach results)  
 Bulk Density test performed?   No ☒ Yes ☐ (attach results)  
 Groundwater Monitoring Performed? No ☒ Yes ☐ (attach results)

Site constraints/Recommendations:

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Test Pit #

1

PLEASE PRINT OR TYPE ALL INFORMATION

| Horizon Depth (Inches) | Boundary | %Rock | Texture | Structure | Consistence |      |     | Pores | Roots | Mottling |
|------------------------|----------|-------|---------|-----------|-------------|------|-----|-------|-------|----------|
|                        |          |       |         |           | Side Wall   | Ped  | Wet |       |       |          |
| 0-8                    | G        | 40    | LS      | W/GR      | L           | L    | NS  | FF    | CF    | F        |
| 8-22                   | G        | 40    | LS      | W/GR      | L           | L    | NS  | CF    | CF    | FFF      |
| 22-40                  | G        | 40    | LS      | M/GR      | M           | VFRB | NS  | CF    | FF    | CFD      |
| 40"                    |          | >50%  |         |           |             |      |     |       |       |          |
|                        |          |       |         |           |             |      |     |       |       |          |
|                        |          |       |         |           |             |      |     |       |       |          |

Test Pit #

2

| Horizon Depth (Inches) | Boundary | %Rock | Texture | Structure | Consistence |      |     | Pores           | Roots           | Mottling |
|------------------------|----------|-------|---------|-----------|-------------|------|-----|-----------------|-----------------|----------|
|                        |          |       |         |           | Side Wall   | Ped  | Wet |                 |                 |          |
| 0-14                   | C        | 40    | LS      | M/GR      | S           | VFRB | NS  | C <sub>VF</sub> | C <sub>F</sub>  | FFF      |
| 14-46                  | G        | 40    | LS      | M/GR      | S           | VFRB | NS  | C <sub>VF</sub> | F <sub>VF</sub> | CFD      |
| 46"+                   |          | >50%  |         |           |             |      |     |                 |                 |          |
|                        |          |       |         |           |             |      |     |                 |                 |          |
|                        |          |       |         |           |             |      |     |                 |                 |          |
|                        |          |       |         |           |             |      |     |                 |                 |          |

Test Pit #

R1

| Horizon Depth (Inches) | Boundary | %Rock | Texture | Structure | Consistence |     |     | Pores | Roots | Mottling |
|------------------------|----------|-------|---------|-----------|-------------|-----|-----|-------|-------|----------|
|                        |          |       |         |           | Side Wall   | Ped | Wet |       |       |          |
| 0-12                   | G        | 10    | SiCL    | M/SB      | SH          | FRB | SP  | CF    | CC    | FFF      |
| 44                     | G        | 10    | SiCL    | M/SB      | SH          | FRB | SP  | CF    | FF    | FFF      |
| 44                     | REFUSAL  |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |

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Test Pit # R2

PLEASE PRINT OR TYPE ALL INFORMATION

| Horizon Depth (Inches) | Boundary | %Rock | Texture | Structure | Consistence |       |     | Pores | Roots | Mottling |
|------------------------|----------|-------|---------|-----------|-------------|-------|-----|-------|-------|----------|
|                        |          |       |         |           | Side Wall   | Ped   | Wet |       |       |          |
| 0-12                   | G        | 10    | S, CL   | M/SB      | H           | FRB/F | S   | Cvf   | Cm    | FFF      |
| 12-44                  | G        | 10    | S, CL   | M/SB      | H           | F     | S   | Cvf   | Ff    | FFF      |
| 44+                    | REFUSAL  |       |         |           |             |       |     |       |       |          |
|                        |          |       |         |           |             |       |     |       |       |          |
|                        |          |       |         |           |             |       |     |       |       |          |
|                        |          |       |         |           |             |       |     |       |       |          |

Test Pit #

| Horizon Depth (Inches) | Boundary | %Rock | Texture | Structure | Consistence |     |     | Pores | Roots | Mottling |
|------------------------|----------|-------|---------|-----------|-------------|-----|-----|-------|-------|----------|
|                        |          |       |         |           | Side Wall   | Ped | Wet |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |

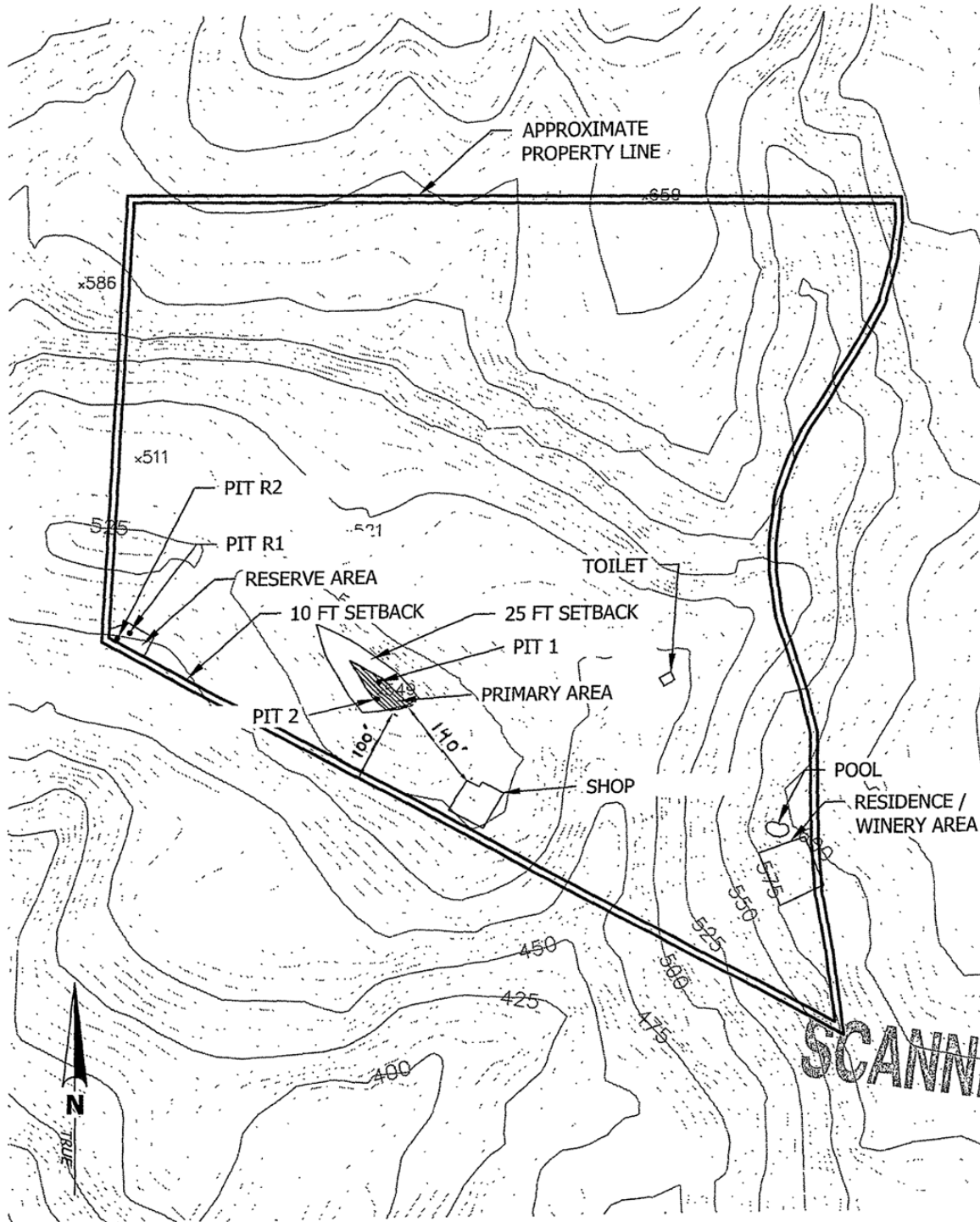
Test Pit #

| Horizon Depth (Inches) | Boundary | %Rock | Texture | Structure | Consistence |     |     | Pores | Roots | Mottling |
|------------------------|----------|-------|---------|-----------|-------------|-----|-----|-------|-------|----------|
|                        |          |       |         |           | Side Wall   | Ped | Wet |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |

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**LANDS OF FORMAN - SEPTIC SITE EVALUATION SITE MAP**  
 1501 BIG ROCK ROAD, ST. HELENA, CA, APN 025-070-029  
 SCALE 1" = 200'

**RECEIVED**

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 ENVIRONMENTAL MANAGEMENT

**Napa County Division of  
Environmental Health**

**SITE EVALUATION REPORT**

Page 1 of 3

Please attach an 8.5" x 11" plot map showing the locations of all test pits triangulated from permanent landmarks or known property corners. The map must be drawn to scale and include a North arrow, surrounding geographic and topographic features, direction and % slope, distance to drainages, water bodies, potential areas for flooding, unstable landforms, existing or proposed roads, structures, utilities, domestic water supplies, wells, ponds, existing wastewater treatment systems and facilities.

Permit #: E20-00577

APN: 025-070-029

(County Use Only)

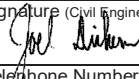
Reviewed by:

Date:

**PLEASE PRINT OR TYPE ALL INFORMATION**

|                                                                     |             |              |                                                                                                                                                                                                                                    |  |  |
|---------------------------------------------------------------------|-------------|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| Property Owner<br>Ric Forman                                        |             |              | <input type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Remodel <input type="checkbox"/> Relocation<br><input checked="" type="checkbox"/> Other: Feasibility Report for Reserve Area |  |  |
| Property Owner Mailing Address<br>1501 Big Rock Road                |             |              | <input type="checkbox"/> Residential - # of Bedrooms:      Design Flow :      gpd                                                                                                                                                  |  |  |
| City<br>St. Helena                                                  | State<br>CA | Zip<br>94574 | <input checked="" type="checkbox"/> Commercial – Type:                                                                                                                                                                             |  |  |
| Site Address/Location<br>1501 Big Rock Road<br>St. Helena, CA 94574 |             |              | Sanitary Waste: 450      gpd      Process Waste: 600      gpd<br><input type="checkbox"/> Other:                                                                                                                                   |  |  |
|                                                                     |             |              | Sanitary Waste:      gpd      Process Waste:      gpd                                                                                                                                                                              |  |  |

**Evaluation Conducted By:**

|                                              |             |                                          |                                                                                                                                                         |
|----------------------------------------------|-------------|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| Company Name<br>MADRONE ENGINEERING          |             | Evaluator's Name<br>Joel Dickerson, P.E. | Signature (Civil Engineer, R.E.H.S., Geologist, Soil Scientist)<br> |
| Mailing Address:<br>1485 Main St., Suite 302 |             | Telephone Number<br>707-302-6280         |                                                                                                                                                         |
| City<br>St. Helena                           | State<br>CA | Zip<br>94574                             | Date Evaluation Conducted<br>11/12/2020 (Maureen Shields Down)                                                                                          |

| <u>Primary Area</u>                                                                                                    | <u>Expansion Area</u>                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| Acceptable Soil Depth:      in.      Test pit #'s:                                                                     | Acceptable Soil Depth: 39      in.      Test pit #'s: 1 - 6                                                            |
| Soil Application Rate (gal. /sq. ft. /day):                                                                            | Soil Application Rate (gal. /sq. ft. /day): 0.60                                                                       |
| System Type(s) Recommended:                                                                                            | System Type(s) Recommended: Sub-Surface Drip                                                                           |
| Slope:      %.      Distance to nearest water source:      ft.                                                         | Slope: 15      %.      Distance to nearest water source: >100      ft.                                                 |
| Hydrometer test performed?      No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (attach results)   | Hydrometer test performed?      No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (attach results)   |
| Bulk Density test performed?      No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (attach results) | Bulk Density test performed?      No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (attach results) |
| Percolation test performed?      No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (attach results)  | Percolation test performed?      No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (attach results)  |
| Groundwater Monitoring Performed? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (attach results) | Groundwater Monitoring Performed? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (attach results) |
| Site constraints/Recommendations:                                                                                      |                                                                                                                        |

Test Pit # 1

**PLEASE PRINT OR TYPE ALL INFORMATION**

| Horizon Depth (Inches) | Boundary | %Rock | Texture  | Structure | Consistence |     |     | Pores | Roots | Mottling |
|------------------------|----------|-------|----------|-----------|-------------|-----|-----|-------|-------|----------|
|                        |          |       |          |           | Side Wall   | Ped | Wet |       |       |          |
| 0 - 39                 | G        | <20   | CL       | M - SB    | H           | FRB | SS  | M - F | F - M | N/A      |
| 39 - 56                |          |       | Cemented |           |             |     |     |       |       |          |
|                        |          |       |          |           |             |     |     |       |       |          |
|                        |          |       |          |           |             |     |     |       |       |          |
|                        |          |       |          |           |             |     |     |       |       |          |
|                        |          |       |          |           |             |     |     |       |       |          |

Test Pit # 2

| Horizon Depth (Inches) | Boundary | %Rock | Texture | Structure | Consistence |     |     | Pores | Roots | Mottling |
|------------------------|----------|-------|---------|-----------|-------------|-----|-----|-------|-------|----------|
|                        |          |       |         |           | Side Wall   | Ped | Wet |       |       |          |
| 0 - 60                 | G        | <20   | CL      | M - SB    | H           | FRB | SS  | M - F | F - M | N/A      |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |

Test Pit # 3

| Horizon Depth (Inches) | Boundary | %Rock | Texture | Structure | Consistence |     |     | Pores | Roots | Mottling |
|------------------------|----------|-------|---------|-----------|-------------|-----|-----|-------|-------|----------|
|                        |          |       |         |           | Side Wall   | Ped | Wet |       |       |          |
| 0 - 53                 | G        | <10   | CL      | M - SB    | H           | FRB | SS  | M - F | F - F | N/A      |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |

Attach additional sheets as needed

Test Pit #

4

PLEASE PRINT OR TYPE ALL INFORMATION

| Horizon Depth (Inches) | Boundary | %Rock | Texture | Structure | Consistence |     |     | Pores | Roots | Mottling |
|------------------------|----------|-------|---------|-----------|-------------|-----|-----|-------|-------|----------|
|                        |          |       |         |           | Side Wall   | Ped | Wet |       |       |          |
| 0 - 53                 | G        | <10   | CL      | M - SB    | H           | FRB | SS  | M - F | F - F | N/A      |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |

Test Pit #

5

| Horizon Depth (Inches) | Boundary | %Rock | Texture | Structure | Consistence |     |     | Pores | Roots | Mottling |
|------------------------|----------|-------|---------|-----------|-------------|-----|-----|-------|-------|----------|
|                        |          |       |         |           | Side Wall   | Ped | Wet |       |       |          |
| 0 - 54                 | G        | <10   | CL      | M - SB    | H           | FRB | SS  | M - F | F - F | N/A      |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |

Test Pit #

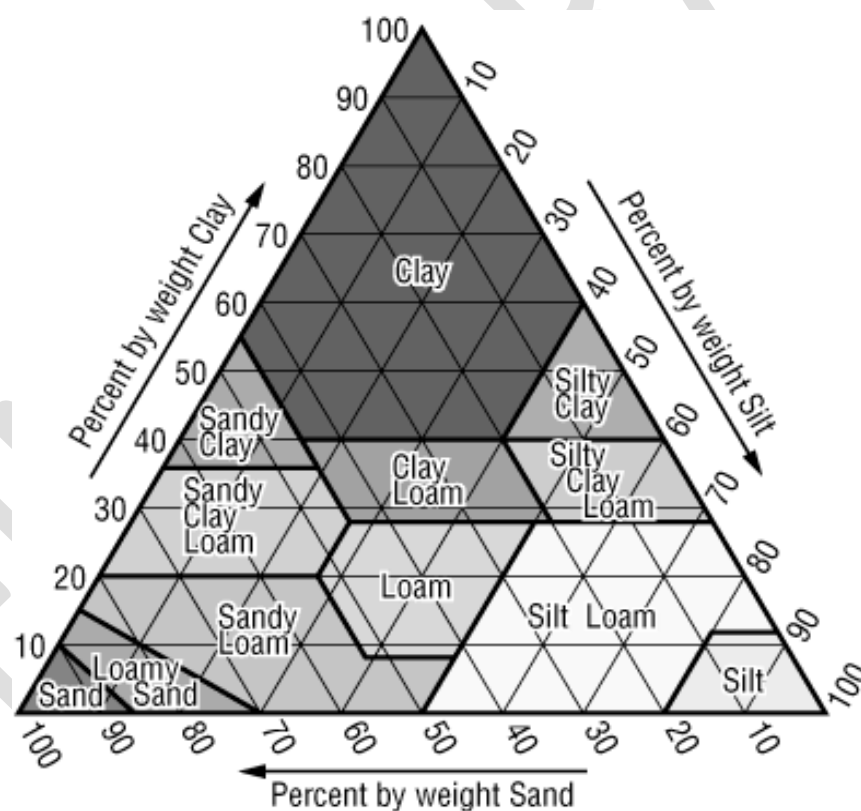
6

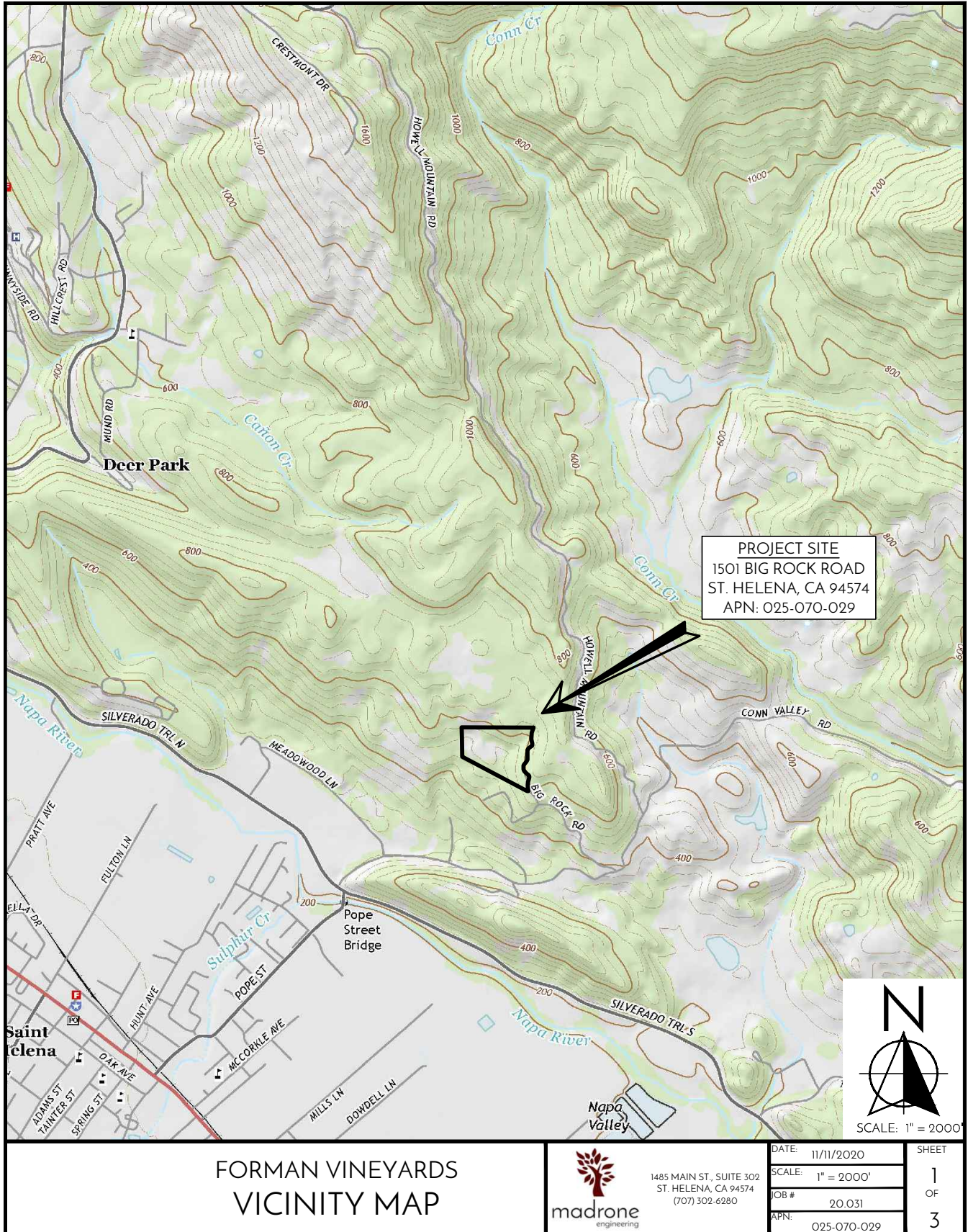
| Horizon Depth (Inches) | Boundary | %Rock | Texture | Structure | Consistence |     |     | Pores | Roots | Mottling |
|------------------------|----------|-------|---------|-----------|-------------|-----|-----|-------|-------|----------|
|                        |          |       |         |           | Side Wall   | Ped | Wet |       |       |          |
| 0 - 54                 | G        | <10   | CL      | M - SB    | H           | FRB | SS  | M - F | F - F | N/A      |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |
|                        |          |       |         |           |             |     |     |       |       |          |
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|                        |          |       |         |           |             |     |     |       |       |          |

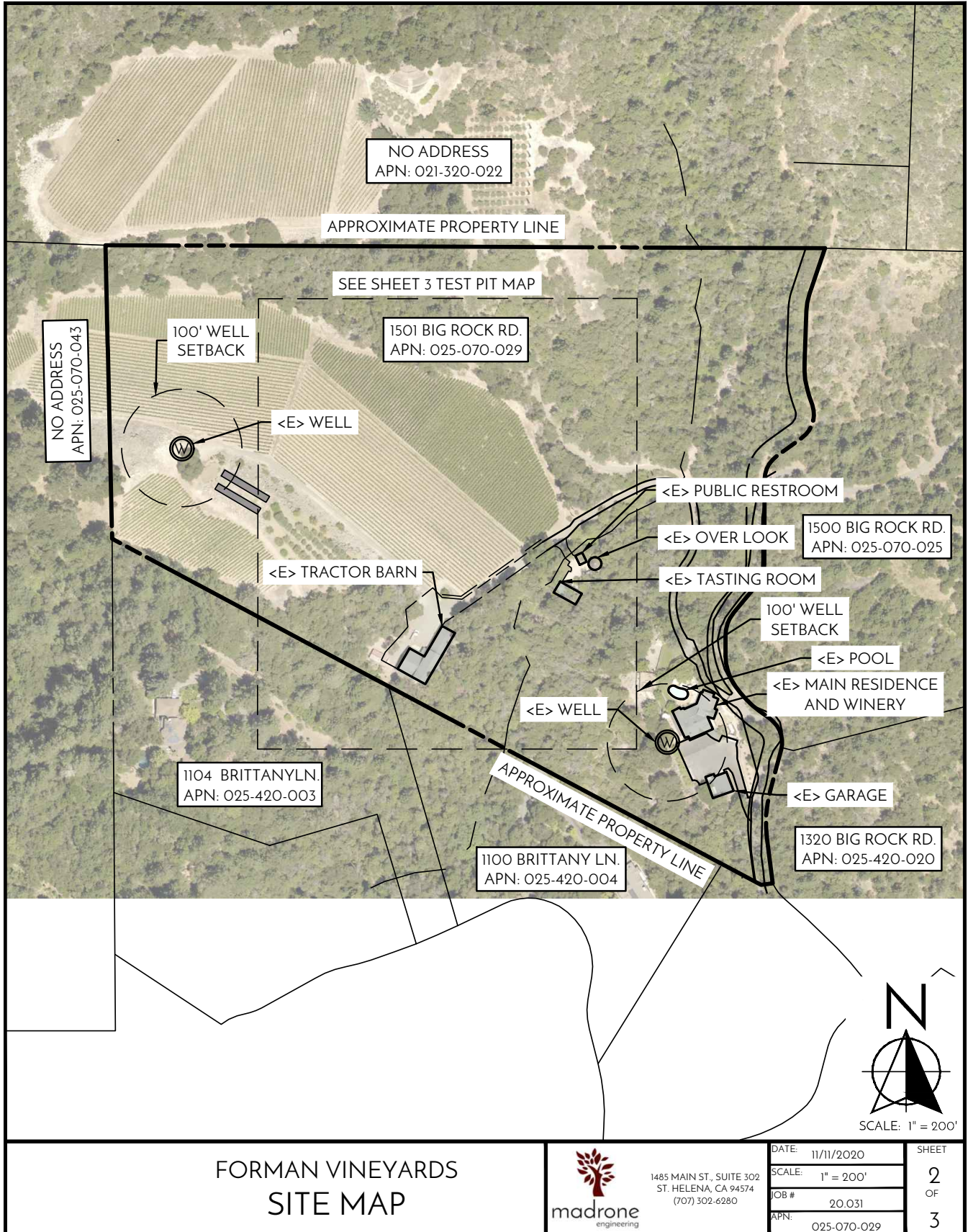
Attach additional sheets as needed

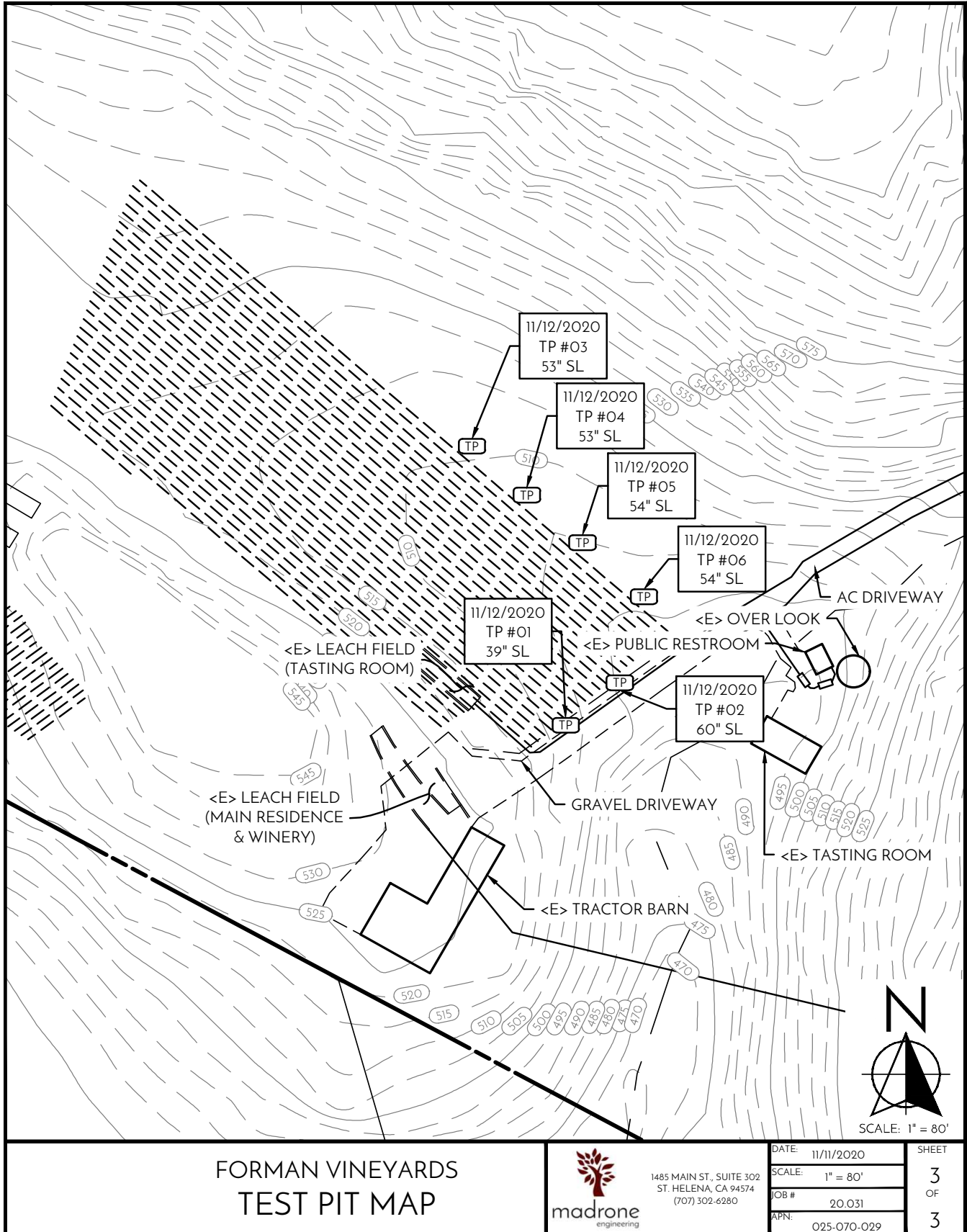
**ABBREVIATIONS**

| Boundary                                                                                                       | Texture                                                                                                                                                                                                                                                                                    | Structure                                                                                                                                                                                                                                                                           | Consistence                                                                                                                           |                                                                                                                                             |                                                                                                                                                                                                          | Pores                                                                                                                                                                           | Roots                                                                                                                                                                                   | Mottling                                                                                                                                                                                                                               |
|----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>A</b> =Abrupt<br><1"<br><b>C</b> =Clear 1"-2.5"<br><b>G</b> =Gradual<br>2.5"-5"<br><b>D</b> =Diffuse<br>>5" | <b>S</b> =Sand<br><b>LS</b> =Loamy Sand<br><b>SL</b> =Sandy Loam<br><b>SCL</b> =Sandy Clay Loam<br><b>SC</b> =Sandy Clay<br><b>CL</b> =Clay Loam<br><b>L</b> =Loam<br><b>C</b> =Clay<br><b>SiC</b> =Silty Clay<br><b>SiCL</b> =Silty Clay Loam<br><b>SiL</b> =Silt Loam<br><b>Si</b> =Silt | <b>W</b> =Weak<br><b>M</b> =Moderate<br><b>S</b> =Strong<br><b>G</b> =Granular<br><b>PI</b> =Platy<br><b>Pr</b> =Prismatic<br><b>C</b> =Columnar<br><b>AB</b> =Angular Blocky<br><b>SB</b> =Subangular Blocky<br><b>M</b> =Massive<br><b>SG</b> =Single Grain<br><b>C</b> =Cemented | Side Wall                                                                                                                             | Ped                                                                                                                                         | Wet                                                                                                                                                                                                      | Quantity:                                                                                                                                                                       | Quantity:                                                                                                                                                                               | Quantity:                                                                                                                                                                                                                              |
|                                                                                                                |                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                     | <b>L</b> =Loose<br><b>S</b> =Soft<br><b>SH</b> =Slightly Hard<br><b>H</b> =Hard<br><b>VH</b> =Very Hard<br><b>ExH</b> =Extremely Hard | <b>L</b> =Loose<br><b>VFRB</b> =Very Friable<br><b>FRB</b> =Friable<br><b>F</b> =Firm<br><b>VF</b> =Very Firm<br><b>ExF</b> =Extremely Firm | <b>NS</b> =NonSticky<br><b>SS</b> =Slightly Sticky<br><b>S</b> =Sticky<br><b>VS</b> =Very Sticky<br><b>NP</b> =NonPlastic<br><b>SP</b> =Slightly Plastic<br><b>P</b> =Plastic<br><b>VP</b> =Very Plastic | <b>F</b> =Few<br><b>C</b> =Common<br><b>M</b> =Many<br><u>Size:</u><br><b>VF</b> =Very Fine<br><b>F</b> =Fine<br><b>M</b> =Medium<br><b>C</b> =Coarse<br><b>VC</b> =Very Coarse | <b>F</b> =Few<br><b>C</b> =Common<br><b>M</b> =Many<br><u>Size:</u><br><b>F</b> =Fine<br><b>M</b> =Medium<br><b>C</b> =Coarse<br><b>VC</b> =Very Coarse<br><b>ExC</b> =Extremely Coarse | <u>Quantity:</u><br><b>F</b> =Few<br><b>C</b> =Common<br><b>M</b> =Many<br><u>Size:</u><br><b>F</b> =Fine<br><b>M</b> =Medium<br><b>C</b> =Coarse<br><u>Contrast:</u><br><b>Ft</b> =Faint<br><b>D</b> =Distinct<br><b>P</b> =Prominent |

**U.S.D.A. SOIL CLASSIFICATION TRIANGLE**







## FORMAN VINEYARDS TEST PIT MAP



1485 MAIN ST., SUITE 302  
ST. HELENA, CA 94574  
(707) 302-6280

|        |             |
|--------|-------------|
| DATE:  | 11/11/2020  |
| SCALE: | 1" = 80'    |
| JOB #  | 20.031      |
| APN:   | 025-070-029 |

|       |   |
|-------|---|
| SHEET | 3 |
| OF    | 3 |



A Tradition of Stewardship  
A Commitment to Service



**Planning, Building & Environmental Services**

1195 Third Street, Suite 210  
Napa, CA 94559  
www.countyofnapa.org

**David Morrison**  
Director

## MEMORANDUM

|                                                                |                                                                                                                                           |
|----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| To: Project Planner, City of St. Helena<br>Planning Department | From: Kim Withrow, Environmental Health<br>Supervisor  |
| Date: June 25, 2021                                            | Re: Forman Vineyard<br>APN 025-070-029                                                                                                    |

Environmental Health staff has reviewed a wastewater feasibility report submitted by Madrone Engineering dated December 4, 2020. The report indicates the applicant is requesting approval from the City to expand winery production to 12,000 gallons of wine per year. The report also indicates there will be no expansion of visitation or employees. If the previously stated project description is accurate, this Division has no objection to approval of the application. Please include the following conditions of approval if the project is approved:

Prior to implementing expansion authorized by this entitlement:

1. General Waste Discharge Requirements for Winery Process Water have been adopted by the State Water Quality Control Board (General Order). The General Order is available for review on the state's website, [Winery Order | California State Water Resources Control Board](#). The applicant will be required to comply with the General Order, information regarding compliance will be provided as soon as it is available.

It is advised the applicant start measuring the amount of process water generated from wine making activities. They may consult with their wastewater engineer to determine the best way to gather this data.

2. Plans for the proposed process and domestic wastewater treatment system shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be submitted for review and approval with complete design criteria based upon local conditions and current plan check fee to this Division.
3. A permit to construct the proposed process and domestic wastewater treatment system must be secured from this Division.
4. The applicant shall maintain regular monitoring of the waste water treatment system as required by this Division which includes hiring a service provider to monitor the system

Planning Division  
(707) 253-4417

Building Division  
(707) 253-4417

Engineering & Conservation  
(707) 253-4417

Environmental Health  
(707) 253-4471

Parks & Open Space  
(707) 259-5933

Forman Vineyard  
025-070-029  
Page 2 of 2

and submitting monitoring reports. An annual operating permit is required for the waste water system until such time as the applicant enrolls for coverage under the General Order and will be required to comply with the General Order.

5. Within 30 (thirty) days of initiation of the use or change of tenants, an updated Hazardous Materials Business plan shall be submitted to <http://cers.calepa.ca.gov/> and approved by this Division.
6. The use of the absorption field/drain field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc.
7. All diatomaceous earth/bentonite must be disposed of in an approved manner. If the proposed septic system is an alternative sewage treatment system the plan submitted for review and approval must address bentonite disposal.

ORIGINAL  
File with DWRSTATE OF CALIFORNIA  
**WELL COMPLETION REPORT**  
*Refer to Instruction Pamphlet*

Page 1 of 1

Owner's Well No. 1-08

No. **e0082695**Date Work Began 11/4/2008, Ended 11/8/2008Local Permit Agency Napa County Environmental MgmtPermit No. E08-00629 Permit Date 10/23/2008

|                              |         |                |  |
|------------------------------|---------|----------------|--|
| DWR USE ONLY                 |         | DO NOT FILL IN |  |
| 08N 05W 29                   |         |                |  |
| STATE WELL NO. / STATION NO. |         |                |  |
| 3831 07                      | 1222652 |                |  |
| LATITUDE                     |         | LONGITUDE      |  |
|                              |         |                |  |
| APN/TRS/OTHER                |         |                |  |

| GEOLOGIC LOG                                                                                                                                                                                                                                     |     |                                    | WELL LOCATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| ORIENTATION (✓) <input checked="" type="checkbox"/> VERTICAL <input type="checkbox"/> HORIZONTAL <input type="checkbox"/> ANGLE _____ (SPECIFY)<br>DRILLING METHOD <u>ROTARY</u> FLUID <u>AIR</u><br>Describe material, grain, size, color, etc. |     |                                    | CITY _____ STATE _____ ZIP _____<br>Address <u>1501 Big Rock Road</u><br>City <u>St. Helena</u> CA <u>94574</u><br>County <u>Napa</u><br>APN Book <u>025</u> Page <u>070</u> Parcel <u>029</u><br>Township _____ Range _____ Section _____<br>Latitude _____ DEG. MIN. SEC.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |  |
| DEPTH FROM SURFACE                                                                                                                                                                                                                               |     | DESCRIPTION                        | <b>LOCATION SKETCH</b><br>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |  |
| 0 to 25                                                                                                                                                                                                                                          | 25  | BLACK, TAN VOLCANIC ROCK           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |  |
| 25 to 125                                                                                                                                                                                                                                        | 125 | BROWN VOLCANIC ROCK WITH SANDY ASH |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |  |
| 125 to 160                                                                                                                                                                                                                                       | 160 | TAN, SANDY VOLCANIC ASH            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |  |
| 160 to 385                                                                                                                                                                                                                                       | 385 | BLACK, BLUE ROCK WITH SANDY ASH    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |  |
| 385 to 460                                                                                                                                                                                                                                       | 460 | HARD FRACTURED BLACK VOLCANIC ROCK | ACTIVITY (✓)<br><input checked="" type="checkbox"/> NEW WELL<br><input type="checkbox"/> MODIFICATION/REPAIR<br><input type="checkbox"/> Deepen<br><input type="checkbox"/> Other (Specify) _____<br><input type="checkbox"/> DESTROY (Describe Procedures and Materials Under "GEOLOGIC LOG")<br><b>PLANNED USES (✓)</b><br>WATER SUPPLY<br><input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Public<br><input checked="" type="checkbox"/> Irrigation <input type="checkbox"/> Industrial<br><input type="checkbox"/> MONITORING<br><input type="checkbox"/> TEST WELL<br><input type="checkbox"/> CATHODIC PROTECTION<br><input type="checkbox"/> HEAT EXCHANGE<br><input type="checkbox"/> DIRECT PUSH<br><input type="checkbox"/> INJECTION<br><input type="checkbox"/> VAPOR EXTRACTION<br><input type="checkbox"/> SPARGING<br><input type="checkbox"/> REMEDIATION<br><input type="checkbox"/> OTHER (SPECIFY) _____ |  |  |
| TOTAL DEPTH OF BORING <u>460</u> (Feet)<br>TOTAL DEPTH OF COMPLETED WELL <u>440</u> (Feet)                                                                                                                                                       |     |                                    | <b>WATER LEVEL &amp; YIELD OF COMPLETED WELL</b><br>DEPTH TO FIRST WATER <u>385</u> (Ft.) BELOW SURFACE<br>DEPTH OF STATIC WATER LEVEL <u>314</u> (Ft.) & DATE MEASURED <u>11/8/2008</u><br>ESTIMATED YIELD <u>200</u> (GPM) & TEST TYPE <u>AIR LIFT</u><br>TEST LENGTH <u>2</u> (Hrs.) TOTAL DRAWDOWN <u>N/A</u> (Ft.)<br><i>May not be representative of a well's long-term yield.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |  |

| DEPTH FROM SURFACE |        | BORE-HOLE DIA. (Inches) | CASING (S) |                  |                            |                         | ANNULAR MATERIAL          |                    |      |   |            |
|--------------------|--------|-------------------------|------------|------------------|----------------------------|-------------------------|---------------------------|--------------------|------|---|------------|
| Ft.                | to Ft. |                         | TYPE (✓)   | MATERIAL / GRADE | INTERNAL DIAMETER (Inches) | GAUGE OR WALL THICKNESS | SLOT SIZE IF ANY (Inches) | DEPTH FROM SURFACE | TYPE |   |            |
| 0                  | 60     | 12                      | BLANK      |                  |                            |                         |                           | 0                  | 5    | ✓ | CONCRETE   |
| 60                 | 460    | 9                       | SCREEN     |                  |                            |                         |                           | 5                  | 58   | ✓ | GROUT      |
| 0                  | 360    |                         | CON-DUCTOR |                  |                            |                         |                           | 58                 | 440  | ✓ | PEA GRAVEL |
| 360                | 440    |                         | FILL PIPE  | PVC F480         | 6                          | SDR-21                  | .032                      |                    |      |   |            |

|                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ATTACHMENTS (✓)</b><br><input type="checkbox"/> Geologic Log<br><input type="checkbox"/> Well Construction Diagram<br><input type="checkbox"/> Geophysical Log(s)<br><input type="checkbox"/> Soil/Water Chemical Analysis<br><input type="checkbox"/> Other _____<br>ATTACH ADDITIONAL INFORMATION, IF IT EXISTS. | <b>CERTIFICATION STATEMENT</b><br>I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.<br><b>NAME</b> <u>HUCKFELDT WELL DRILLING, INC.</u><br>(PERSON, FIRM, OR CORPORATION) (TYPED OR PRINTED)<br><b>ADDRESS</b> <u>2110 Penny Lane</u> <u>Napa</u> <u>CA</u> <u>94559</u><br>Signed _____ DATE SIGNED <u>11/12/08</u> C-57 LICENSE NUMBER <u>439-746</u><br>WELL DRILLER/AUTHORIZED REPRESENTATIVE |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

DWR 188 REV. 11-97

IF ADDITIONAL SPACE IS NEEDED, USE NEXT CONSECUTIVELY NUMBERED FORM

PLANNING COMMISSION  
STAFF REPORT

Agenda Item 4.1

April 17, 1984

Continued Public Hearing on Use Permit request of Richard Forman to allow a 2500 case per year winery on property at 1501 Big Rock Rd.

INTRODUCTION

At the April 3 Hearing of the Commission, the Staff raised the issue as to whether City water should be extended to the site. The Commission expressed the belief that due to minor nature of the project and the absence of potential for more intensive use of the property, the need for City water to the site is not warranted. With that in mind I will complete my analysis of other issues raised in the April 3 Staff Report.

ANALYSIS

1. Accompanying Variance Request

Approval of this Use Permit cannot be given without concurrent approval of the variance request, agenda item 4.2. These 2 items should be heard concurrently. Please review the separate Staff Report on the Variance request.

2. Previously Raised Issues

Fire Hazard

The Fire Chief has recommended various means of mitigating the fire hazard which exists for this project. These are contained in Chief Ogletree's memo of April 12, which is attached. These requirements are based upon the current Napa County standards for projects of a similar nature.

Access

As was previously noted access to the site is via a one lane partially improved private roadway. The City Engineer has indicated that widening of Big Rock Road will be necessary. Please see attached memo from Keith Fraser.

Septic System

Mr. Forman has provided the County Health Department the results of a percolation test for the proposed leach field site. Apparently there will be no problem obtaining County approval of the necessary septic system. It should also be noted that whereas the Regional Water Quality Control Board previously insisted upon a cumulative septic system impact study for this area. (Watkin project) they have now taken the position that such a study is not necessary if the parcel sizes are 4 to 6 acres or more in area and have acceptable soil, geologic, and water table characteristics. Thus it would seem that this project need not be involved in the study which will be conducted for the adjoining subdivision project.

Environmental Clearance

The attached Negative Declaration has been prepared for your approval. It identifies environmental issues and suggests appropriate mitigation measures which are included as recommended conditions of approval.

Required Findings

Sec. 22.05(b) of the Zoning Ordinance requires that specific findings be made in order to grant a use permit. Here are the suggested findings.

1. The project will not be detrimental to the health, safety, peace, morals comfort or general welfare of persons residing in the area or property and improvements in the vicinity because of:
  - a. The relatively isolated location of the project.
  - b. The Lack of significant activity, particularly traffic, associated with

proposed use.

- c. Compliance with conditions of approval regarding access and fire protection will mitigate possible adverse effects as identified in the Negative Declaration.
2. The proposal is consistent with the General Plan as explained in the April 3 Staff Report and upon implementation of the recommended conditions of approval.
3. This 20 acre parcel is more than adequate to support this relatively modest activity.
4. With implementation of the recommended conditions of approval adequate access will exist for the proposed use.

#### RECOMMENDATION

Recommend the proposed use together with the above findings be approved subject to compliance with the following conditions:

1. The City waives the requirement contained in Sec. 16D. 63 that not more than 15% of grapes used in production be imported to the site, except that the amount of such importation shall not exceed that which is required to produce 2500 cases of wine per year less the grapes grown on site.
2. Development shall be in accordance with plans identified as Exhibit A as may be modified or clarified by the following additional requirements:
  - a. The applicant pay a proportionate share of the improvements of Big Rock Road since this project will create additional truck and gondola traffic to and from the project.
  - b. Improve Big Rock Road from Skeoch property to the southerly line of the Landis property with a cul-de-sac (See attached Exhibit C).
  - c. Improve Big Rock Road from Teitsworth property to Forman's property as per the attached sketch. This cost is to be shared on an equal basis with Skeoch.
  - d. Consideration to be given on requiring Forman to tie into the future water system for fire protection.
  - e. Cross culverts may be required for drainage.
  - f. Access road widened to minimum of 16 ft. with 2 ft. graded shoulder and cleared of any overhead trees, limbs, etc. for a minimum of 14 vertical feet.
  - g. To provide either a circle drive at winery or a clear turn around area of a minimum of 25 ft. radius.
  - h. Provide a minimum of 11,500 gal. gravity feed reservoir to winery through a minimum 2½" diameter line at 20 P.S.I. static pressure.
  - i. To provide a Fire Department connection consisting of a 2½" national hose thread and male outlet mounted two-four feet above ground.
  - j. The Fire Department connection shall be located within 150 feet of the winery, but not closer than 30 feet, and shall be within 5 feet of the main road or driveway leading to the winery. The Fire Department connection shall easily be visible from the main road or driveway.
  - k. Winery should have non-combustible roof.
  - l. Would recommend sprinklers on the eave line of structure.



CITY HALL, 1480 MAIN STREET  
ST. HELENA, CALIFORNIA 94574  
(707) 963-2741

OFFICE OF: City Planner

USE PERMIT AND VARIANCE  
THE CITY OF ST. HELENA  
HEREBY  
GRANTS A USE PERMIT AND VARIANCE  
TO  
RICHARD FORMAN  
1501 BIG ROCK ROAD  
ST. HELENA, CALIFORNIA

Use Permit is to allow a 2500 case per year winery.

Said Variance is to reduce the required distance between an "R" District and a Winery from 500 feet to 125 feet.

At the following location: 1501 Big Rock Road (off Big Rock Road) approximately 2000 feet northeast of Howell Mountain Road).

On Assessor's Parcel Number: 25-070-29 In the A-20 Zoning District, (Twenty-Acre Agricultural District).

Permit shall be in conformance with all City Ordinances, rules, and regulations and policies in effect at time of issuance of Building Permit. The conditions listed below are those particularly pertinent to this permit and shall not be construed to permit violation of other laws and policies not so listed.

1. The City waives the requirement contained in Sec. 16D. 63 that not more than 15% of grapes used in production be imported to the site, except that the amount of such importation shall not exceed that which is required to produce 2500 cases of wine per year less the grapes grown on site.
2. Development shall be in accordance with plans identified as Exhibit A as may be modified or clarified by the following additional requirements:
  - a. The applicant pay a proportionate share of the improvements of Big Rock Road since this project will create additional truck and gondola traffic to and from the project.
  - b. Improve Big Rock Road from Skeoch property to the southerly line of the Landis property with a cul-de-sac (See attached Exhibit C).
  - c. Improve Big Rock Road from Teitsworth property to Forman's property as per the attached sketch. This cost is to be shared on an equal basis with Skeoch.
  - d. Cross culverts to be installed as required.
  - e. Access road widened to a minimum of 16 feet with 2 foot graded shoulder and cleared of any overhead trees, limbs, etc. for a minimum of 14 vertical feet.

23

- f. Improvements required on conditions 2 a. through 2 d. may be deferred upon approval of a deferred improvement agreement.
- g. To provide either a circle drive at winery or a clear turn around area of a minimum of 25 foot radius.
- h. Provide a minimum of 11,500 gallons gravity feed reservoir to winery through a minimum 2½ inch diameter line at 20 P.S.I. static pressure.
- i. To provide a Fire Department connection consisting of a 2½ inch national hose thread and male outlet mounted two to four feet above ground.
- j. The Fire Department connection shall be located within 150 feet of the winery, but not closer than 30 feet, and shall be within 5 feet of the main road or driveway leading to the winery. The Fire Department connection shall easily be visible from the main road or driveway.
- k. Winery should have non-combustible roof.
- l. Installation of sprinklers on the eave line of structure.

Use Permit, Variance, and Negative Declaration approved by the Planning Commission on April 17, 1984.

Permit and Variance becomes effective on May 2, 1984.

Use Permit and Variance to be void if construction is not commenced by May 2, 1985.



Gary Gouvea  
City Planner

Attachments

GG:cc

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

**July 21, 2009**

**AGENDA ITEM: 9.1**

**2009-22:** Request of **RICHARD FORMAN** for a **USE PERMIT** to legalize use of the existing agriculture related structures and construct a new equipment storage tower on property located at **1501 BIG ROCK ROAD** in the A-20: Twenty-Acre Agriculture Zoning district. The structures include a barn, tasting room, bathroom, cave portal, and new equipment storage tower. (APN 025-070-029) (CEQA STATUS: Prior Negative Declaration Adequate).

**Prepared by:** Shelley Mills, Associate Planner  
Carol Poole, Planning Director

**Location of Property:** 1501 Big Rock Road

**APN:** 025-070-029

**Applicant & Property Owner:** Richard Forman

**General Plan Designation:** Agriculture

**Zoning Designation:** A-20: Twenty Acre Agriculture

**Project Description:**

This project consists of a request for a use permit to legalize the use of the existing agriculture related structures to include a 2,224 square foot barn plus attached 775 square foot equipment shed, a 560 square foot tasting room, a 156 square foot restroom, a 406 square foot cave portal, and for a proposed new 20 foot tall equipment storage tower.

The property is currently developed with a single family residence, a winery, a vineyard, and accessory buildings ancillary to the winery use. Since the change to an Agriculture land use designation was approved, a use permit is required for the approval of the above-referenced use of the agriculture related structures.

**Background:**

This application flows from a code enforcement action taken by the City of St. Helena against the property owner. The home/winery building, storage, and crush pad were legally constructed with building permits and in compliance with the approvals granted to Mr. Forman in 1984. A

Use Permit No. 2009-22  
1501 Big Rock Road  
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deck and second dwelling unit, within the originally approved footprint, were recently approved for construction. However, several accessory buildings were constructed in prior years without building permits.

When the subject property was zoned WW: Woodlands and Watershed, building permits could not be issued for the accessory buildings because they did not meet the standards of the WW zoning regulations. The structures meet the standards of the A-20: Twenty Acre zoning district and building permits can now be issued since the property was rezoned to A-20. A use permit is also required for the uses of the specific buildings.

On December 1, 2008 the City Council and Mr. Forman agreed to the following process for possible legalization of the buildings and penalties for the construction without a building permit.

1. Forman agreed to pay a fine of \$40,619.53 (which is equal to the cost of building permit and development impact fees). This fine was paid by Mr. Forman in January.
2. Forman agreed to volunteer 210 hours of community service. Mr. Forman will be working with the St. Helena High School Future Farmers & Agriculture Program on a collaborative winemaking project and will be joining the Agriculture Advisory Committee. Council felt that the expenditure of time was a significant penalty for busy persons who seemed to be easily able to pay a financial penalty.
3. Forman filed an application for a General Plan Amendment and Rezoning of the property. Forman also agreed to pay all staff and attorney fees incurred by the City for the processing of the application and for the code enforcement action. Use Permits for the use of specific buildings would also be required.
4. And, if the Use Permit application is approved, Forman would apply for building permits and pay plan check, inspection fees and development impact fees of approximately \$40,619.53. Complete as-built plans of the buildings would need to be submitted and checked and the buildings would be inspected for compliance with the building code. Modifications to the buildings would be required if necessary under the code. The owner would also be required to demonstrate approval of the septic system from Napa County Environmental Management.
5. Building permits and Certificates of Occupancy would be issued after all inspections were completed.

A General Plan Amendment was approved on May 12, 2009 to amend the General Plan land use designation for the subject 20.26 acre property from Woodlands & Watershed to Agriculture; to amend the narrative description of the Woodlands & Watershed description in the General Plan; and to rezone the property from WW: Woodlands & Watershed to A-20: Twenty Acre Agriculture.

**Requested Actions:**

1. CEQA determination that the Negative Declaration previously adopted for this project is adequate pursuant to Section 15162(a) of the CEQA Guidelines - which exempts a subsequent Negative Declaration unless substantial changes are proposed in the project or new significant environmental effects are identified.

2. Approve, deny or modify the request for a Use Permit to allow specific use of the agricultural accessory buildings on the property.

### **History of Land Use:**

The applicant, Richard Forman, has owned the subject property since 1979. A use permit for a winery was approved on May 2, 1984 (attached). The staff reports at the time noted that the property was zoned “A-20: Twenty Acre Agriculture” and the General Plan designation was “Ag/Watershed”. Review of a General Plan map from that time (adopted 1976) confirms that it was designated Woodlands and Watershed.

The structures approved by the 1984 Use Permit for a winery were subsequently constructed and remain in use. These include the home/winery building, barrel storage, and crush pad.

The property was rezoned to “WW: Woodlands and Watershed” in April 1990. The property was one of many that were rezoned to WW at one time (Ord. 90-07), probably as a step to rezone properties to conform to the General Plan. Upon review of the ordinance, staff found that Forman’s was the only property that was rezoned from A-20 to WW.

The rezoning to WW did not make the winery non-conforming. Both the WW and A-20 zoning regulations allowed wineries with approval of a use permit and Mr. Forman had already received a use permit. However, the vineyard became a legal non-conforming use. Vineyards are a permitted use under the A-20 zoning, but are a conditional use under the WW zoning. Since Mr. Forman did not have a use permit for the vineyard, it became legal non-conforming.

### **Analysis: General Plan**

The Agriculture (AG) land use designation is described in the 1993 General Plan as follows:

*“The AG designation provides for agriculture uses, wineries, single-family residences, and public and quasi-public uses... Within the “A-20” and “Winery” Zoning Districts, residential uses are permitted at a ratio of one (1) dwelling unit per 5 acres provided that after the first unit, any additional units would be restricted to parcels of 0.5 acres or less in area; new lots must have a minimum area of 20 acres. The “AG” designation is applied to extensive areas of the valley floor that surround the urban core area. With the exception of those hillside areas designated “WW”, all lands outside the Urban Limit Line are designated “AG” regardless of their size or actual use.”*

The property is consistent with the Agriculture designation because it has been devoted to viticulture for nearly 30 years. Vineyard and winery use remain the primary use of the property.

### **Analysis: Zoning**

Since the subject property was rezoned to A:20 Twenty Acre Agriculture (May 2009), the zoning is more compatible with the legal existing vineyard and winery uses of the property. The purpose of the A-20 district is as follows:

*The twenty-acre agriculture district (A-20) provides for agricultural and residential uses. With the exception of those hillside areas designated woodlands and watershed, and wineries designated winery, all lands outside the urban limit line are designated A-20 regardless of*

*their size or use. The purpose of the A-20 district is to promote and implement the policies of the general plan to preserve agricultural land uses and provide for future orderly development as the urban limit line is adjusted to accommodate urban growth. This district restricts the density of residential use and stipulates the location and area of residential development to promote preservation of agricultural land use and reduce impacts to the provision of infrastructure as the urban area of the city expands.*

Section 17.20.060, Development standards require that the following requirements shall be observed in the A-20 district:

|                                  |                      |
|----------------------------------|----------------------|
| Maximum nonagricultural coverage | 1 acre <sup>1</sup>  |
| Floor area ratio (F.A.R.)        | Not regulated        |
| Front setback                    | 50 feet <sup>2</sup> |
| Side setback                     | 50 feet <sup>2</sup> |
| Rear yard                        | 20 feet              |
| Side yard                        | 20 feet              |
| Height of buildings/structures   | 30 feet              |

<sup>1</sup> *Nonagricultural coverage: No more than one acre of any one parcel shall be removed from active agricultural use. "Active agricultural use" means animal husbandry, crop, tree farming, and viticulture. All structures, driveways (except for a sixteen (16) foot wide driveway no greater than two-thirds the length of the parcel), parking, patios, lawn or other nonagricultural uses shall be limited to the one acre maximum per parcel.*

<sup>2</sup> *Measured from the centerline of abutting streets.*

Staff believes that the illegally constructed buildings comply with the A-20 development standards. The combined footprints of the buildings and uncovered wine making facilities do not exceed one acre.

**Analysis: Compliance with Building Code:**

The final inspection on the buildings for compliance with the code has not been completed. The Building Official inspected the buildings and believes that they are sound and not in need of major modifications. However, compliance with the building code cannot be verified until as-built plans are submitted and certain portions of the walls are uncovered to allow inspection of electrical and plumbing. Staff also needs verification of approval by Napa County Environmental Management for the septic system. This process must be completed prior to legal use of the buildings and construction of the new storage tower. Staff recommends the following condition of approval:

- *The status of the structures remains illegal until final inspection has been completed by the Building Official. The owner shall provide all materials needed for inspection including but not limited to as built plans for all buildings, analysis of stone construction by a structural engineer, and verification of approval of the septic system by Napa County Environmental Management. Building permits shall not be issued for the storage tower prior to submittal of the information required by the Building Official.*

**CEQA- Use Permit:**

A Negative Declaration was adopted and a use permit approved establishing a winery for Forman Vineyard in 1984. A subsequent Mitigated Negative Declaration was adopted on May 12, 2009 for the Forman General Plan Amendment and Rezoning which analyzed use of the agriculture related accessory buildings and mitigation measures were agreed to. The use permit approved was for a 2,500 case per year winery with no public tasting or tours. The production since 1984 has stayed within +/- 10% of the permitted production. The buildings added since the original use permit approval allowed ease of operation rather than necessity due to expansion.

Uses for the buildings are as follows:

- The barn will be utilized for storage of case goods, to house farming equipment and a repair shop;
- The tasting room & bathroom is for invitation/appointment only mailing list customers; and
- The new tower will be used for storage of special winemaking equipment that cannot be stored in the tunnel.

The existing barn, tasting room, bathroom, cave portal, and proposed new storage tower are accessory uses to the winery and are needed to make the operation run more smoothly. Since the majority of these buildings have been in use for a few years it is evident that there will be no significant impacts related to construction.

Staff believes that the Negative Declaration and Mitigation Measures previously adopted for this project are adequate for review of the Use Permit. Section 15162(a) of the CEQA Guidelines exempts a subsequent Negative Declaration unless substantial changes are proposed in the project or new significant environmental effects are identified. The Resolution Adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the General Plan Amendment and Rezoning are attached.

Mitigation Measure 9 has not been complied with, as it requires traffic information associated with the use of the tasting room.

*At the time of review of application to utilize the buildings, the owner shall submit information for analysis of the number and frequency of vehicle trips, the types of vehicles, and the adequacy of Howell Mountain Road and Big Rock Road to accommodate the traffic. The Planning Commission shall use this information to determine whether conditions of approval are necessary to mitigate traffic impacts and whether the appropriate findings required by Municipal Code Section 17.168.050, "That the capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use", can be made.*

The lack of this information was an oversight of staff and he has been requested to provide it to the Commission at the meeting.

**Analysis: Use Permit**

Small wineries are allowed as conditional uses (use permit) within the A-20 district (Sec. 17.20.030). Small wineries must be consistent with the provisions of municipal code chapter 17.138 (attached). The small winery regulations did not exist in 1984 and the Forman winery use permit is not consistent with those current regulations. For example, the use permit allows more than 15% of the grapes to be sourced off-site as long as the total amount of production does not exceed 2500 cases of wine per year. The provisions of the 1984 use permit are vested and the owner is not asking to modify those conditions.

Staff believes that the uses of the buildings that are requested within this current application would be subject to the limitations of the Small Winery regulations found in Municipal Code chapter 17.180.

Section 17.180.070, Uses Prohibited, includes the following:

- (a) Public events shall not be permitted.
- (b) No facilities for assembly, public sales or entertaining including, but not limited to, retail sales rooms, visitor centers, dining rooms separate from that within the residential unit, kitchens or food service facilities shall be permitted.

Section 17.180.100, restricts on-premise events and sales as follows:

- (a) Public events are not permitted.
- (b) The number and frequency of private wine marketing events shall be strictly limited and reviewed during the use permit process. Private wine marketing events are limited to a maximum of one (1) event per calendar month. The maximum number of guests allowed at any private wine marketing event shall be determined by the Fire Code occupancy of the Small Winery building. This maximum capacity shall be posted in a conspicuous place in the Small Winery building. Use permit conditions may impose stricter limitations if residential development on adjoining parcels is in close proximity to the new Small Winery use.
- (c) There can be no advertising in publications produced for general distribution for private wine marketing events and all attendees must have been specifically invited to participate in the private wine marketing event by the Small Winery owner/operator. Because facilities for assembly or entertaining are prohibited, all private wine marketing events must be held within the confines of the on-site residential unit, the production area of the Small Winery building, or outside.
- (d) The establishment of on-premise wine sales shall be determined through the use permit process. If wine sales are to be allowed, they shall be restricted only to wine that is produced on the premises. No merchandise shall be sold.
- (e) The hours of sales shall be by appointment only as reviewed during the use permit process.

The Planning Commission should determine whether the 560 sq. ft. tasting room is a prohibited use pursuant to Section 17.180.070 (b) and 17.180.070. Other small wineries in the A-20 district have been permitted to have on-premise tasting, but they have generally been incorporated into

the winery building itself. The tasting room (by appointment only) at Salvestrin Winery (397 Main Street) is of similar size on the second floor over the wine making facility.

If the Commission consensus is that the separate building may be used as a private tasting room, staff recommends the following conditions of approval, provided that the traffic information requested pursuant to CEQA analysis is deemed to be an insignificant impact.

1. *Tasting and sale of wine shall be by appointment only. No public tours or tasting are permitted. Appointments for visits to the winery, including marketing events, are limited to two hours per day, two days per week, with no more than 10 persons visiting on one day.*
2. *Public events are not permitted at the winery.*
3. *There can be no advertising in publications produced for general distribution for private wine marketing events. All attendees must have been specifically invited to participate in the private wine marketing event by the owner/operator.*
4. *No items other than wine produced on the premises shall be sold at the winery.*

#### **Findings of approval**

The Planning Commission makes the following Use Permit findings pursuant to Municipal Code Section 17.168.050 to support the motion to approve the Use Permit:

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

**Staff Comments/Recommendations:**

Staff recommends that the Commission discuss and provide direction on the following:

1. Is the consensus of the Commission that a tasting room located in a building separate from the winery/ residence consistent with the intent of the small winery provisions?
2. If so, will the traffic generated by the use (once provided by the owner) allow the Commission to make finding #12 above.

Forman Vineyard Winery has been in operation since 1984. The use permit for the winery accessory buildings is one of the steps in the process for legalization of the agriculture related buildings. If the Commission approves the use permit for the buildings, the next step will be to verify compliance with the building code. If the Commission does not approve the uses of the buildings, the owner may propose a different use, may remove the buildings or leave them abandoned. (Abandonment of the buildings may create a nuisance that will need to be dealt with in the future.)

**Planning Commission Action:**

Staff recommends that the Commission review the information at hand, request traffic information if it has not been provided, and give direction to staff to bring back findings and conditions of approval/denial at the August 4, 2009 meeting. The actions that the Commission will be requested to take at that meeting include:

1. CEQA determination that the Negative Declaration previously adopted for this project is or is not adequate pursuant to Section 15162(a) of the CEQA Guidelines - which exempts a subsequent Negative Declaration unless substantial changes are proposed in the project or new significant environmental effects are identified.
2. Approve, deny or modify the request for a Use Permit to allow specific use of the agricultural accessory buildings on the property.

|                                                                                                                   |             |
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## **WATER AUDIT CALIFORNIA**

**A PUBLIC BENEFIT CORPORATION**

952 SCHOOL STREET #316 NAPA CA 94559  
(707) 681-5111 GENERAL@WATERAUDITCA.ORG

November 7, 2023

City of St. Helena  
Planning Commission

John Ponte (Chair)  
Christopher Warner (Vice-Chair)  
Autumn Anderson  
Chad Krsek  
Marika Rothfeld

Sent via email to: [publiccomment@cityofsthehena.org](mailto:publiccomment@cityofsthehena.org)

RE: Public Hearing – November 7, 2023

### Agenda

5.1. Request by Ric Forman to amend Use Permit 2009-22 to allow an increase in wine production at the Forman Vineyard located at 1501 Big Rock Road in the Agriculture (A-20) zoning district.

CEQA Determination: Class 1 Categorical Exemption for Existing Facilities

Prepared By: Chantal Power, Associate Planner Recommendation:

For reasons described above, staff recommends that the Planning Commission:

Determine that the project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301; and

Accept the required findings and approve the attached resolution granting use permit amendment approval for and increase in wine production from 2,500 cases or 6,000 gallons (2.4 gallons per case) to approximately 4,510 cases or 10,725 gallons annually for a small winery located at 1501 Big Rock Road.

Water Audit California Comment Letter  
 Forman Use Permit 2009-22  
 November 7, 2023

## Introduction

Water Audit California ("Water Audit") is an advocate for the public trust.

As a preliminary matter, Water Audit takes exception to the notice of, documents provided, and findings presented for this hearing. That conduct has precluded proper and thoughtful review of the application.

- There are no page numbers on the Agenda Packet for necessary referencing to materials, and there is no State Clearing House number anywhere in the Agenda Packet.
- The Planning Commission continued hearing to November 7, 2023 has different language, as it claims 150 cases increase to its previous request at the original dated hearing October 17, 2023.
- The Staff Report attached: Resolution, Project Plan, Water Availability Analysis, Project Statement, Final Project Description, 1985 Use Permit, GPA 2008-55 Resolution, 2009 Negative Declaration, 2009 MMRP. **It does not include the required documents: CUPA Hazardous Material List, Wastewater Feasibility Study, Current Project Initial Study/Mitigated Negative Declaration/MMRP (included was IS/MitNegDec/MMRP for "General Plan land use designation"), Stormwater Plan, Notice To Neighbors List (included was to Adopt Negative Declaration for "General Plan land use designation"). There are no Conditions of Approval from CDFW, Caltrans or County of Napa Public Works Groundwater Memorandum. Septic leach-lines are not identified anywhere, rather only "field."**

## The Public Trust

Through Government Code § 65800 et seq. the Legislature conveyed to the city the authority to adopt regulations and ordinances to promote the general welfare of the State's residents, while providing that the cities may exercise the maximum degree of control over zoning matters. Government Code § 65101 states in part: "The legislative body [i.e. the Board of Supervisors] may create one or more planning commissions each of which shall report directly to the legislative body."

The City of St. Helena Planning Commission performs the function of a planning agency. Its five members are each appointed by the City Council for a term of four years.

The City remains subordinate to the control and direction of the senior levels of government. The state endows the highest priority on fish and wildlife protection and conservation. "The Legislature finds and declares that the protection and conservation of the fish and wildlife resources of the state are of utmost public interest.

Fish and wildlife are the property of the people, and provide a major contribution to the property of the state ..." (Fish and Game Code § 1600) This statement is one of the foundations of Water Audit's mission, both generally and herein. The City and Applicant have arbitrarily and wholly failed to discuss the substantial potential public trust impacts of the project.

Water Audit California Comment Letter  
 Forman Use Permit 2009-22  
 November 7, 2023

The essential idea of the public trust doctrine is that the government holds and protects certain natural resources in trust for the public benefit. (See *Illinois Central Railroad v. Illinois* (1892) 146 U.S. 387, 452, 456; *National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419, 441; *Berkeley v. Superior Court* (1980) 26 Cal.3d 515, 521.)

Public trust theory has its roots in Roman and common law. (*United States v. 11,037 Acres of Land* (N.D. Cal. 1988) 685 F. Supp. 214, 215.) Its principles underlie the entirety of the State of California. Upon its admission to the United States in 1850, California received the title to its tidelands, submerged lands, and lands underlying inland navigable waters as trustee for the benefit of the public. (*People v. California Fish Co. (California Fish)* (1913) 166 Cal. 576, 584; *Carstens v. California Coastal Com.* (1986) 182 Cal.App.3d 277, 288.) The People of California did not surrender their public trust rights; the state holds land in its sovereign capacity in trust for public purposes. (*California Fish, Ibid.*)

The courts have ruled that the public trust doctrine requires the state to administer as a trustee all public trust resources for current and future generations, precluding the state from alienating those resources into private ownership and requiring the state to protect the long-term preservation of those resources for the public benefit. (*National Audubon, supra.* 33 Cal.3d 419, 440-441; *Surfrider Foundation v. Martins Beach 1, LLC* (2017) 14 Cal.App.5th 238, 249-251.)

The public trust fulfills the basic elements of a trust: intent, purpose, and subject matter. (*Estate of Gaines* (1940) 15 Cal.2d 255, 266.) It has both beneficiaries, the people of the state, and trustees, the agencies of the state entrusted with public trust duties.

The beneficiaries of the public trust are the people of California, and it is to them that the trustee owes fiduciary duties. As the City of St. Helena is a legal subdivision of the state, it must deal with the trust property for the beneficiary's benefit. No trustee can properly act for only some of the beneficiaries – the trustee must represent them all, taking into account any differing interests of the beneficiaries, or the trustee cannot properly represent any of them. (*Bowles v. Superior Court* (1955) 44 C2d 574.) This principle is in accord with the equal protection provisions of the Fourteenth Amendment to the US Constitution.

A public trust trustee **"may not approve of destructive activities without giving due regard to the preservation of those [public trust] resources."** (*Center for Biological Diversity, Inc. v. FPL Group, Inc. ("Bio Diversity")* (2008) 166 Cal.App.4th 1349, 1370, fn. 19, 83 Cal.Rptr.3d 588.) [Emphasis added]

Common law imposes public trust considerations upon the City's decisions and actions. (*Biological Diversity, supra.* 166 Cal.App.4th 1349; *Environmental Law Foundation v. State Water Resources Control Board ("ELF")* (Cal. Ct. App. 2018) 26 Cal.App.5th 844.) The courts have recognized the State's responsibility to protect public trust uses whenever feasible. (See, e.g., *National Audubon, supra.* 33 Cal.3d 419, 435; *California Trout, Inc. v. State Water Resources Control Bd.* (1989) 207 Cal.App.3d 585, 631; *California Trout, Inc. v. Superior Court* (1990) 218 Cal.App.3d 187, 289.) The City of St. Helena, under Public Resources Code, section 6009.1, has an affirmative duty to administer the natural resources held by public trust solely in the interest of the people of California.

Water Audit California Comment Letter  
 Forman Use Permit 2009-22  
 November 7, 2023

The public trust doctrine requires the State (i.e. City of St. Helena), as a trustee, to manage its public trust resources (including water) so as to derive the maximum benefit for its citizenry. Even if the water at issue has been put to beneficial use, it can be taken from one user in favor of another need or use. The public trust doctrine therefore means that no water rights in California are truly "vested" in the traditional sense of property rights.

Furthermore, there can be no vested rights in water use that harm the public trust. Regardless of the nature of the water right in question, no water user in the State "owns" any water. Instead, a right to water grants the holder thereof only the right to use water, a "usufructuary right". The owner of "legal title" to all water is the State in its capacity as a trustee for the benefit of the public. Both riparian and appropriative rights are usufructuary only and confer no right of private ownership in the watercourse, which belongs to the State. (*People v. Shirokow* (1980) 26 Cal.3d 301 at 307.)

### **Additional Issues of Concern**

Contrary to staff recommendations, the proposed project does have potentially significant environmental impacts. Further, the proposed project application omits critical information, necessary for an informed review and decision.

1. At Agenda Packet pdf page 1 Staff claims request to amend Use Permit 2009-22 to allow an INCREASE in wine production. That permit is not in the Agenda Packet. However, found at City of St. Helena ("CSH") website PRA-084-20 at pdf page 140 is a July 7, 2009 PUBLIC HEARING NOTICE, and at that pdf page 169/72 is the USE PERMIT 2009-22. However that UP is granted to "legalize use of existing agriculture related structures and construct a new equipment storage tower."

Also, **not** in the Agenda Packet, but found on CSH website, is the Application File Number PL20-052. It appears to have been altered by adding an additional APN number to the form in the incorrect place.

2. At Agenda Packet pdf page 2 Staff claims requesting to increase production to 10,725 gallons and no Wastewater Report. What can be found at County of Napa Electronic Document Retrieval (EDR) is the Environmental Health Memorandum dated June 25, 2021 having "reviewed a wastewater feasibility report submitted by Madrone Engineering dated December 4, 2020. **The report indicates the applicant is requesting approval from the City to expand Winery production to 12,000 gallons of winer per year.**" Unfortunately, **there is no Wastewater Report attach to the memorandum.**
3. At Agenda Packet pdf page 5 Staff claims CSH "Public Works has reviewed and approved the Phase I Water Availability Analysis" It does not include or reference the required County of Napa Public Works Groundwater Memorandum. It also claims "all the water required for the winery operations and irrigation is supplied by on-site wells." However, the well"s" are not identified anywhere in the Agenda Packet by County Well Permit Number, or Well Completion Report.

Not included in the Agenda Packet but found on the County EDR is a 1984 SD Application for a "Cave Vent" well, not a secondary water extraction well. There is a 1988 WCR for the Cave Vent identified as DWR No. 245598.

Water Audit California Comment Letter  
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Not included in the Agenda Packet but found on County EDR is a 1984 proposal **to bottle water for its BIG ROCK WATER COMPANY.**

Not included in the Agenda Packet but found on County EDR is the 2007 E07-00764 PROPOSED EASEMENT AREA that sketches a "2-19-08 Proposed Drill site" and "New 2-21-08" well site, but no WCR are recorded. Also included in the string is the 1988 Cave Vent Application record #1405.

Not included in the Agenda Packet but found on County EDR is the shared well on APN 025-070-043-000 WCR 2017 OE16-00016. It is 395ft and 30gpm with a 5" pvc **for both DOMESTIC & IRRIGATION.** The Easement Area Sketch is 150ft from Project Parcel 025-070-029.

Not included in the Agenda Packet but attempted to find on County EDR for "off-site" grape source from APN 030-150-019 there are NO DOCUMENTS FOUND on the PublicAccess - CustomQuery Template.

4. At Agenda Packet pdf page 15 Staff changes the RESOLUTION & COA by omitting language "produced at the small winery shall be grown on the premises and contiguous parcels as approved by use permit, pursuant to Section 17.180.080.E of the SHMC" " and inserting language "The processing and sale of wine is limited to that **primarily** produced on the premises and contiguous parcels. A minimum of 85% of the grape source utilized for the wine produced at the winery shall be grown on the premises 025-070-029 and 021-320-022." It does not include the off-site Star Vineyards.
5. At Agenda Packet pdf page 18 is a SITE MAP with a black dashed line at its northeast corner. Compared to County GIS it is a questionable Dashed Blue line. And compared with the USGS Topo Symbols reflects a "Marine Shoreline Indefinite or UNSURVEYED." It appears the County of Napa has not considered this matter with a tributary through the Project Parcel to the Napa River.
6. At Agenda Packet pdf page 24/25 WATER AVAILABILITY ANALYSIS Rev 3. October 24, 2023 has a Table of Contents with **No WCRs, No NEIGHBORING WELL SITE PLAN, No WCR for 025-070-043, NO OFF-SITE WELL 030-150-019, and No COUNTY WAA Tier I review GW Memorandum.**
7. At Agenda Packet pdf page 26 WATER AVAILABILITY ANALYSIS Rev 3. October 24, 2023, there is reference to a well in use with approximately 200 gallons per minute, but no depth or use as domestic or irrigation. It further states "the applicant also has access via easement to an off-site well" and applicant will not use well "for the winery." However, that well is nowhere sited in the analysis, and its WCR is not included. It is unclear how water supply use from a single well can be spliced and determined.
8. At Agenda Packet pdf page 34 WATER AVAILABILITY ANALYSIS Rev 3. October 24, 2023 Appendix B SITE MAP has NO WELL identified on 025-070-043. **It also does not explain the water supply source that fills the Water Tanks on APN 021-320-022.**

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9. At Agenda Packet pdf page 35 REVISED PROJECT STATEMENT has No RECEIVED date stamp. It states permission to increase to 4510 cases, and "the project site is located in the A-20 zoning district. Section 17.20.030 (J) allows for small wineries subject to section 17.180 of the city municipal code." However, compared with the 2020 CSH website Written Statement the project is "Consistent with Woodlands & Watershed ZONING", and requests an increase to 5000 cases" and "A completed application accompanies this project statement" **It did not accompany the 2 page application.**
10. At Agenda Packet pdf page 38 WELL STATUS Identifies a single well onsite and requirement to "Please indicate what the status is of the well onsite and the offsite well and any change to well use." **No onsite or offsite well status or change of use is indicated in the Agenda Packet.**
11. At Agenda Packet pdf page 41/2 2009 CSH RESOLUTION is for the "ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR A GENERAL PLAN AMENDMENT AND REZONING FOR 1501 BIG ROCK ROAD, APN 025-070-029" **There is no date or signature on the Resolution, and it has nothing to do with the current UP request.**
12. At Agenda Packet pdf page 43 2009 MITIGATION MONITORING & REPORTING PROGRAM MMRP at its page 1 of 3, BIOLOGICAL RESOURCES MITIGATION MEASURE 2 in highlight "The Planning Commission recommended that this mitigation measure be amended to require that a conservation easement be placed over the property to protect the remaining woodlands and wildlife habitat." **It is uncertain if the conservation easement has been enforced,** and the entire MMRP is for "**Mitigation Monitoring & Reporting Program Forman General Plan Amendment and Rezoning**" not for the current UP requested at all. And oddly noted in its header the MMRP is for "**Culinary Institute of America at Greystone - Expansion Project Mitigation Monitoring & Reporting Program.**"
13. Lastly the City of St. Helena does not have authority to approve an increased water supply use from any well, existing or new. That is by the authority from the County of Napa. At Agenda Packet pdf page 61 per above "**Mitigation Monitoring & Reporting Program Forman General Plan Amendment and Rezoning**" it is noted on its page 11/12 8. HYDROLOGY "The permitting process undertaken by Napa County includes consideration of impacts... on groundwater supplies"

In any event, the City must consider potential injury to the public trust from the activities sought to be authorized by the amendments. A common law doctrine, the public trust is continuously evolving to protect the public's use and needs in California's waterways. In *Environmental Law Foundation v. State Water Resources Control Board* (2018) 16 Cal.App.5th 844, 858 (ELF) the court held that groundwater extractions that diminish public trust surface water flows can be enjoined as injuries to the public trust.

Water Audit California Comment Letter  
Forman Use Permit 2009-22  
November 7, 2023

**Conclusion**

For the foregoing reasons, Water Audit California respectfully requests that the Planning Commission deny the proposed application amendment, and if the Applicant should wish to continue, that subsequent applications address the comments made.

Respectfully,

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William McKinnon  
General Counsel  
Water Audit California

# **FORMAN VINEYARD USE AMENDMENT PUBLIC COMMENT RESPONSE**

1. Public comment #1 notes that the project request is to amend Use Permit 2009-22 to allow an increase in wine production and goes on to note that the Use Permit 2009-22 is not in the agenda packet and that the permit was granted to “legalize the use of existing agriculture related structures and construct a new equipment storage tower.”.

**Response:** The brief project description at the beginning of the staff report does note the request is to amend Use Permit 2009-22. However, the more detailed project description in the body of the staff report notes that the request is intended to amend the Use Permit from 1984 that places a 2,500 case/6,000 gallon limitation on the annual production of wine for Forman Vineyards. The staff report also includes the correct project description for Use Permit 2009-22 to legalize existing structures. The requested amendment serves both functions, as is clear from the staff materials.

This comment also notes that Use Permit 2009-22 is not included in the agenda packet.

**Response:** The staff report for Use Permit 2009-22 was not included in the agenda packet and that would not necessarily be required. Nevertheless, that document is attached to the staff report (Attachment K).

This comment also includes a statement that appears to be unrelated to the rest of the comment, noting that the application form for this UP amendment was not included in the agenda packet and that the application appears to have been altered to include an APN in the wrong location.

**Response:** Applications for projects are rarely included in the agenda packet. The APN in question appears to have been entered by staff upon intake of the application as a correction to the APN listed and was entered just below the line provided for the APN. It’s unclear what the concern is here and how this is related to the rest of the comment.

2. Public comment #2 notes that page 2 of the staff report claims the request is to increase production to 10,725 gallons with no Wastewater Report attached. The comment also mentions the Napa County Environmental Health Memorandum and states that both documents were found in the County of Napa Electronic Document Retrieval (EDR) system, and that the report notes a request in winery production to 12,000 gallons per year.

## **Response:**

Though the Napa County Environmental Health Memorandum and Wastewater Feasibility Study were not attached to the project staff report, the conditions of approval provided by the County have been included in the project resolution. Both documents are attached to the updated staff report (Attachments F and G). Staff’s understanding of the project request noted 12,000 gallons based on the new wastewater system capacity but worked with the applicant to make a request based on the applicant’s ability to source at least 85% of the grapes from the project parcel and the adjacent parcel, rather than basing production on the wastewater

capacity. The intent was to remove the waiver of this requirement that applied to the project with the UP granted in 1984, and this intention was partially responsible for the changes in the project description over the course of the project review. In any event, the lesser request for wastewater capacity of 10,725 is covered by the attached Study (Attachment F), and the Study does not need to be updated.

3. Public comment #3 notes that the staff report indicates that Public Works reviewed and approved the Phase 1 Water Availability Analysis but does not include the County Groundwater Memorandum.

**Response:**

A County Public Works Groundwater Memorandum is not a requirement of a City use permit application. The City, in its code, regulates the use of wells within City limits, and the applicant complied with the City's code through the preparation of a Phase 1 Water Availability Analysis (which has been approved by the City Public Works department).

For purposes of providing complete information, a copy of the Well Completion Report for the applicant's on-parcel well is attached to the staff report (Attachment H). This well supplies all water for the vineyard and winery, including the filling of the water tanks.

4. Public Comment #4 asserts that staff changed the Resolution and COA by omitting the language "produced at the small winery shall be grown on the premises and contiguous parcels as approved by use permit, pursuant to Section 17.180.080.E of the SHMC" and inserting language "The processing and sale of wine is limited to that primarily produced on the premises and contiguous parcels. A minimum of 85% of the grape source utilized for the wine produced at the winery shall be grown on the premises 025-070-029 and 021-320-022." It does not include the off-site Star Vineyards.

**Response:** It is common for conditions of approval to be amended prior to adoption and the decision to not include the off-site Star Vineyards grape source in the project condition was made to allow for a different off-site grape source to be used if necessary. The pertinent aspect of this COA is to require a minimum of 85% of the grapes to be sourced on the project parcel and the adjacent parcel. The COA ensures that the wine will be produced and sold on-site even if some of the grapes are sourced off-site.

5. Public Comment #5 notes that the northeast portion of the property appears to contain a stream that the County of Napa did not consider.

**Response:**

An ephemeral stream passes through the property, but the applicant is not proposing any new structures or driveways or proposing any work in or near the required stream setbacks. Given that no work is proposed near to the stream, this is not relevant to this Use Permit amendment application.

6. Public Comment #6 notes that the Water Availability Analysis has a Table of Contents that does not include a Well Completion Report, a neighboring well site plan, an off-site well for Star Vineyards, or a County Tier I review groundwater memorandum.

**Response:** Though the well on parcel 025-070-043 is under easement with the Forman Vineyard property owner, the well is not currently functional, and will not be used for the vineyard and winery operations and is not relevant to the project Water Availability Analysis. It is not clear if the off-site grape source from Star Vineyard has a well or other water source, but that site is not in the City's jurisdiction or relevant to the Water Availability Analysis prepared in connection with this application.

7. Public Comment #7 notes that the Water Availability Analysis references a well in use with approximately 200 gallons per minute, but no depth or use as domestic or irrigation.

**Response:**

As stated above, the Well Completion Report for the well located on the applicant's parcel is enclosed, which includes the requested information. While this information is not necessarily required to be included in the Water Availability Analysis, it is provided as Attachment H to the staff report.

The comment also notes that the neighboring well that will not be used for the winery is not cited in the analysis and that the WCR is not included.

**Response:** Though the well on parcel 025-070-043 is under easement with the applicant, the well is not currently functional, and will not be used for the vineyard and winery operations and is not relevant to the project WAA.

This comment goes on to state that it is unclear how water supply from a single well can be spliced and determined.

**Response:**

Please see the responses to Comments #3 & #7.

8. Public Comment #8 states that the Water Availability Analysis site map doesn't identify the well on parcel 025-070-043 and does not explain the water supply for the tanks on APN 021-320-022.

**Response:** Though the well on parcel 025-070-043 is under easement with the Forman Vineyard property owner, the well is not currently functional, and will not be used for the vineyard and winery operations and is not relevant to the project Water Availability Analysis.

9. Public Comment #9 notes that the revised project statement attached to the staff report is different from a written statement from 2020 not attached to the staff report.

**Response:** The initial written statement was not accurate, and the city required the revisions to reflect a more accurate description of the project. This is standard procedure.

10. Public Comment #10 notes that page 38 of the agenda packet under WELL STATUS contains the following passage "Please indicate what the status is of the well onsite and the offsite well and any change to well use," but no onsite or offsite well status or change of use is indicated in the agenda packet.

**Response:** The quoted statement was a remnant from staff communications to the applicant in order to clarify the project details. An email had been received by the neighboring property owner raising a concern that the well on their property which was under easement with Forman vineyards would be used for the Vineyard operations. The applicant provided information that the off-site well was under easement but not functional with no pump or electricity hooked up and would not be used for the Vineyard operations. The comment also fails to note that page 38 of the agenda packet does state the WAA was revised and that only the on-site well will be used for the project.

11. Public Comment #11 notes that the MND and MMRP for the GPA and Rezone from 2009 attached to the staff report is not signed and has nothing to do with the current UP request.

**Response:** The MMRP was provided to provide background for the operations at the Forman Vineyards. It is simply a background document and has been removed for lack of relevance.

12. Public Comment #12 notes that the MMRP the Biological Resources Mitigation Measure 2 states:

"The Planning Commission recommended that this mitigation measure be amended to require that a conservation easement be placed over the property to protect the remaining woodlands and wildlife habitat," and notes that it is unclear if this has been enforced.

**Response:** It is not clear from the document whether that recommendation was incorporated into the mitigation measure. Regardless, that is not relevant to the current application, which is exempt from CEQA. The MMRP was simply included as part of the background materials and has been removed for lack of relevance.

This comment also notes that the header for the MMRP is for "Culinary Institute of America at Greystone - Expansion Project Mitigation Monitoring & Reporting Program."

**Response:** This appears to be a remanent header used for another MMRP. Regardless, that is not relevant to the current application. The MMRP was simply included as part of the property background materials and has been removed for lack of relevance.

13. Public Comment #13 notes that the City does not have the authority to approve an increased water supply use from any well existing or new, and that the authority rests with Napa County.

**Response:** All groundwater wells in Napa County are regulated by the County. Pursuant to Section 13.16 - Water Wells of the St. Helena Municipal Code (SHMC), the City regulates the use of all newly constructed, re-constructed or significantly modified groundwater wells within the city limits in addition to the County. Public Works has found that the Water Availability Analysis conforms with SHMC Section 13.16 and has approved the proposed change. County approval is separate and required before the applicant may implement the proposed change(s) to the well.





## **WATER AUDIT CALIFORNIA**

**A PUBLIC BENEFIT CORPORATION**

952 SCHOOL STREET #316 NAPA CA 94559  
(707) 681-5111 GENERAL@WATERAUDITCA.ORG

November 7, 2023

City of St. Helena  
Planning Commission

John Ponte (Chair)  
Christopher Warner (Vice-Chair)  
Autumn Anderson  
Chad Krsek  
Marika Rothfeld

Sent via email to: [publiccomment@cityofstheleena.org](mailto:publiccomment@cityofstheleena.org)

RE: Public Hearing – November 7, 2023

### **Agenda**

5.1. Request by Ric Forman to amend Use Permit 2009-22 to allow an increase in wine production at the Forman Vineyard located at 1501 Big Rock Road in the Agriculture (A-20) zoning district.

CEQA Determination: Class 1 Categorical Exemption for Existing Facilities

Prepared By: Chantal Power, Associate Planner Recommendation:

For reasons described above, staff recommends that the Planning Commission:

Determine that the project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301; and

Accept the required findings and approve the attached resolution granting use permit amendment approval for and increase in wine production from 2,500 cases or 6,000 gallons (2.4 gallons per case) to approximately 4,510 cases or 10,725 gallons annually for a small winery located at 1501 Big Rock Road.

Water Audit California Comment Letter  
 Forman Use Permit 2009-22  
 November 7, 2023

## Introduction

Water Audit California ("Water Audit") is an advocate for the public trust.

As a preliminary matter, Water Audit takes exception to the notice of, documents provided, and findings presented for this hearing. That conduct has precluded proper and thoughtful review of the application.

- There are no page numbers on the Agenda Packet for necessary referencing to materials, and there is no State Clearing House number anywhere in the Agenda Packet.
- The Planning Commission continued hearing to November 7, 2023 has different language, as it claims 150 cases increase to its previous request at the original dated hearing October 17, 2023.
- The Staff Report attached: Resolution, Project Plan, Water Availability Analysis, Project Statement, Final Project Description, 1985 Use Permit, GPA 2008-55 Resolution, 2009 Negative Declaration, 2009 MMRP. **It does not include the required documents: CUPA Hazardous Material List, Wastewater Feasibility Study, Current Project Initial Study/Mitigated Negative Declaration/MMRP (included was IS/MitNegDec/MMRP for "General Plan land use designation"), Stormwater Plan, Notice To Neighbors List (included was to Adopt Negative Declaration for "General Plan land use designation"). There are no Conditions of Approval from CDFW, Caltrans or County of Napa Public Works Groundwater Memorandum. Septic leach-lines are not identified anywhere, rather only "field."**

## The Public Trust

Through Government Code § 65800 et seq. the Legislature conveyed to the city the authority to adopt regulations and ordinances to promote the general welfare of the State's residents, while providing that the cities may exercise the maximum degree of control over zoning matters. Government Code § 65101 states in part: "The legislative body [i.e. the Board of Supervisors] may create one or more planning commissions each of which shall report directly to the legislative body."

The City of St. Helena Planning Commission performs the function of a planning agency. Its five members are each appointed by the City Council for a term of four years.

The City remains subordinate to the control and direction of the senior levels of government. The state endows the highest priority on fish and wildlife protection and conservation. "The Legislature finds and declares that the protection and conservation of the fish and wildlife resources of the state are of utmost public interest.

Fish and wildlife are the property of the people, and provide a major contribution to the property of the state ..." (Fish and Game Code § 1600) This statement is one of the foundations of Water Audit's mission, both generally and herein. The City and Applicant have arbitrarily and wholly failed to discuss the substantial potential public trust impacts of the project.

Water Audit California Comment Letter  
 Forman Use Permit 2009-22  
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The essential idea of the public trust doctrine is that the government holds and protects certain natural resources in trust for the public benefit. (See *Illinois Central Railroad v. Illinois* (1892) 146 U.S. 387, 452, 456; *National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419, 441; *Berkeley v. Superior Court* (1980) 26 Cal.3d 515, 521.)

Public trust theory has its roots in Roman and common law. (*United States v. 11,037 Acres of Land* (N.D. Cal. 1988) 685 F. Supp. 214, 215.) Its principles underlie the entirety of the State of California. Upon its admission to the United States in 1850, California received the title to its tidelands, submerged lands, and lands underlying inland navigable waters as trustee for the benefit of the public. (*People v. California Fish Co. (California Fish)* (1913) 166 Cal. 576, 584; *Carstens v. California Coastal Com.* (1986) 182 Cal.App.3d 277, 288.) The People of California did not surrender their public trust rights; the state holds land in its sovereign capacity in trust for public purposes. (*California Fish, Ibid.*)

The courts have ruled that the public trust doctrine requires the state to administer as a trustee all public trust resources for current and future generations, precluding the state from alienating those resources into private ownership and requiring the state to protect the long-term preservation of those resources for the public benefit. (*National Audubon, supra.* 33 Cal.3d 419, 440-441; *Surfrider Foundation v. Martins Beach 1, LLC* (2017) 14 Cal.App.5th 238, 249-251.)

The public trust fulfills the basic elements of a trust: intent, purpose, and subject matter. (*Estate of Gaines* (1940) 15 Cal.2d 255, 266.) It has both beneficiaries, the people of the state, and trustees, the agencies of the state entrusted with public trust duties.

The beneficiaries of the public trust are the people of California, and it is to them that the trustee owes fiduciary duties. As the City of St. Helena is a legal subdivision of the state, it must deal with the trust property for the beneficiary's benefit. No trustee can properly act for only some of the beneficiaries – the trustee must represent them all, taking into account any differing interests of the beneficiaries, or the trustee cannot properly represent any of them. (*Bowles v. Superior Court* (1955) 44 C2d 574.) This principle is in accord with the equal protection provisions of the Fourteenth Amendment to the US Constitution.

A public trust trustee **"may not approve of destructive activities without giving due regard to the preservation of those [public trust] resources."** (*Center for Biological Diversity, Inc. v. FPL Group, Inc. ("Bio Diversity")* (2008) 166 Cal.App.4th 1349, 1370, fn. 19, 83 Cal.Rptr.3d 588.) [Emphasis added]

Common law imposes public trust considerations upon the City's decisions and actions. (*Biological Diversity, supra.* 166 Cal.App.4th 1349; *Environmental Law Foundation v. State Water Resources Control Board ("ELF")* (Cal. Ct. App. 2018) 26 Cal.App.5th 844.) The courts have recognized the State's responsibility to protect public trust uses whenever feasible. (See, e.g., *National Audubon, supra.* 33 Cal.3d 419, 435; *California Trout, Inc. v. State Water Resources Control Bd.* (1989) 207 Cal.App.3d 585, 631; *California Trout, Inc. v. Superior Court* (1990) 218 Cal.App.3d 187, 289.) The City of St. Helena, under Public Resources Code, section 6009.1, has an affirmative duty to administer the natural resources held by public trust solely in the interest of the people of California.

Water Audit California Comment Letter  
 Forman Use Permit 2009-22  
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The public trust doctrine requires the State (i.e. City of St. Helena), as a trustee, to manage its public trust resources (including water) so as to derive the maximum benefit for its citizenry. Even if the water at issue has been put to beneficial use, it can be taken from one user in favor of another need or use. The public trust doctrine therefore means that no water rights in California are truly "vested" in the traditional sense of property rights.

Furthermore, there can be no vested rights in water use that harm the public trust. Regardless of the nature of the water right in question, no water user in the State "owns" any water. Instead, a right to water grants the holder thereof only the right to use water, a "usufructuary right". The owner of "legal title" to all water is the State in its capacity as a trustee for the benefit of the public. Both riparian and appropriative rights are usufructuary only and confer no right of private ownership in the watercourse, which belongs to the State. (*People v. Shirokow* (1980) 26 Cal.3d 301 at 307.)

### **Additional Issues of Concern**

Contrary to staff recommendations, the proposed project does have potentially significant environmental impacts. Further, the proposed project application omits critical information, necessary for an informed review and decision.

1. At Agenda Packet pdf page 1 Staff claims request to amend Use Permit 2009-22 to allow an INCREASE in wine production. That permit is not in the Agenda Packet. However, found at City of St. Helena ("CSH") website PRA-084-20 at pdf page 140 is a July 7, 2009 PUBLIC HEARING NOTICE, and at that pdf page 169/72 is the USE PERMIT 2009-22. However that UP is granted to "legalize use of existing agriculture related structures and construct a new equipment storage tower."

Also, **not** in the Agenda Packet, but found on CSH website, is the Application File Number PL20-052. It appears to have been altered by adding an additional APN number to the form in the incorrect place.

2. At Agenda Packet pdf page 2 Staff claims requesting to increase production to 10,725 gallons and no Wastewater Report. What can be found at County of Napa Electronic Document Retrieval (EDR) is the Environmental Health Memorandum dated June 25, 2021 having "reviewed a wastewater feasibility report submitted by Madrone Engineering dated December 4, 2020. **The report indicates the applicant is requesting approval from the City to expand Winery production to 12,000 gallons of winer per year.**" Unfortunately, **there is no Wastewater Report attach to the memorandum.**
3. At Agenda Packet pdf page 5 Staff claims CSH "Public Works has reviewed and approved the Phase I Water Availability Analysis" It does not include or reference the required County of Napa Public Works Groundwater Memorandum. It also claims "all the water required for the winery operations and irrigation is supplied by on-site wells." However, the well"s" are not identified anywhere in the Agenda Packet by County Well Permit Number, or Well Completion Report.

Not included in the Agenda Packet but found on the County EDR is a 1984 SD Application for a "Cave Vent" well, not a secondary water extraction well. There is a 1988 WCR for the Cave Vent identified as DWR No. 245598.

Water Audit California Comment Letter  
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Not included in the Agenda Packet but found on County EDR is a 1984 proposal **to bottle water for its BIG ROCK WATER COMPANY.**

Not included in the Agenda Packet but found on County EDR is the 2007 E07-00764 PROPOSED EASEMENT AREA that sketches a "2-19-08 Proposed Drill site" and "New 2-21-08" well site, but no WCR are recorded. Also included in the string is the 1988 Cave Vent Application record #1405.

Not included in the Agenda Packet but found on County EDR is the shared well on APN 025-070-043-000 WCR 2017 OE16-00016. It is 395ft and 30gpm with a 5" pvc **for both DOMESTIC & IRRIGATION.** The Easement Area Sketch is 150ft from Project Parcel 025-070-029.

Not included in the Agenda Packet but attempted to find on County EDR for "off-site" grape source from APN 030-150-019 there are NO DOCUMENTS FOUND on the PublicAccess - CustomQuery Template.

4. At Agenda Packet pdf page 15 Staff changes the RESOLUTION & COA by omitting language "produced at the small winery shall be grown on the premises and contiguous parcels as approved by use permit, pursuant to Section 17.180.080.E of the SHMC" " and inserting language "The processing and sale of wine is limited to that **primarily** produced on the premises and contiguous parcels. A minimum of 85% of the grape source utilized for the wine produced at the winery shall be grown on the premises 025-070-029 and 021-320-022." It does not include the off-site Star Vineyards.
5. At Agenda Packet pdf page 18 is a SITE MAP with a black dashed line at its northeast corner. Compared to County GIS it is a questionable Dashed Blue line. And compared with the USGS Topo Symbols reflects a "Marine Shoreline Indefinite or UNSURVEYED." It appears the County of Napa has not considered this matter with a tributary through the Project Parcel to the Napa River.
6. At Agenda Packet pdf page 24/25 WATER AVAILABILITY ANALYSIS Rev 3. October 24, 2023 has a Table of Contents with **No WCRs, No NEIGHBORING WELL SITE PLAN, No WCR for 025-070-043, NO OFF-SITE WELL 030-150-019, and No COUNTY WAA Tier I review GW Memorandum.**
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13. Lastly the City of St. Helena does not have authority to approve an increased water supply use from any well, existing or new. That is by the authority from the County of Napa. At Agenda Packet pdf page 61 per above **"Mitigation Monitoring & Reporting Program Forman General Plan Amendment and Rezoning"** it is noted on its page 11/12 8. HYDROLOGY "The permitting process undertaken by Napa County includes consideration of impacts... on groundwater supplies"

In any event, the City must consider potential injury to the public trust from the activities sought to be authorized by the amendments. A common law doctrine, the public trust is continuously evolving to protect the public's use and needs in California's waterways. In *Environmental Law Foundation v. State Water Resources Control Board* (2018) 16 Cal.App.5th 844, 858 (ELF) the court held that groundwater extractions that diminish public trust surface water flows can be enjoined as injuries to the public trust.

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**Conclusion**

For the foregoing reasons, Water Audit California respectfully requests that the Planning Commission deny the proposed application amendment, and if the Applicant should wish to continue, that subsequent applications address the comments made.

Respectfully,

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William McKinnon  
General Counsel  
Water Audit California





## PLANNING COMMISSION REPORT

Planning Commission Meeting of May 21, 2024

**FILE NUMBER:** ZOA 2024-001

**SUBJECT:** Zoning Ordinance Amendment to revise Chapter 17.30 of Title 17 of the St. Helena Municipal Code regarding the calculation of housing in-lieu fees.

**PREPARED BY:** Maya DeRosa, Community Development Director

**REVIEWED BY:** Maya DeRosa, Community Development Director

**APPROVED BY:** Maya DeRosa, Community Development Director

**LOCATION OF PROPERTY:** Citywide

### **BACKGROUND**

The City of St. Helena has contracted with Wildan Associates to update the impact fees for the City, including the housing in-lieu fees. The City Council will be considering approval of the updated fees in June 2024. Prior to the City Council action, it is necessary to update the Affordable Housing Section of the zoning ordinance as a change is proposed to how in-lieu housing fees are calculated.

### **PROJECT DESCRIPTION**

St. Helena Municipal Code Section 17.30.030 E provides a methodology for housing impact fees are calculated which is a percentage basis of the projected construction cost of the market rate dwelling unit. After review by consultant Wildan, it was recommended that the methodology be revised to charge the fee based on the square foot floor area. The attached ordinance with noted amendments reflects the updated in-lieu fee policy and is consistent with how other cities calculate housing in-lieu fees.

### **ANALYSIS**

**CEQA**

This ordinance is exempt from review under CEQA under Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

**CORRESPONDENCE**

No correspondence has been received as of the date of publishing this staff report.

**STAFF RECOMMENDATION**

Recommend that the Planning Commission adopt a resolution recommending the City Council: 1) Find that, pursuant to CEQA Guidelines section 15061 (b) (3) the project is Exempt; and 2) Adopt an ordinance amending Section 17.30.030E of the St. Helena Municipal Code (ZOA 2024-001).

**ATTACHMENTS**

[ST. HELENA - Resolution for Zoning Ordinance Amendment-housing fees 5-21-2024](#)  
[Ordinance - Housing In-Lieu Fee Calculation-redline](#)

**CITY OF ST. HELENA PLANNING COMMISSION**

**RESOLUTION NO. PC2024-**

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF ST. HELENA, CALIFORNIA,  
RECOMMENDING THAT THE CITY COUNCIL ADOPT AN  
ORDINANCE AMENDING TITLE 17 (ZONING) OF THE  
ST. HELENA MUNICIPAL CODE (ZOA 2024-001), TO  
UPDATE THE FEE CALCULATION OF HOUSING IN-LIEU  
FEES**

**Recitals**

WHEREAS, the City of St. Helena, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the City desires to amend its Zoning Code (ZOA 2024-001), codified as Title 17 of the St. Helena Municipal Code ("SHMC"); and

WHEREAS, the City now proposes to amend a provision of its Zoning Code, Title 17 of the SHMC; and

WHEREAS, staff and the City Attorney prepared the proposed ordinance, including any additional information and documents deemed necessary for the Planning Commission to take action; and

WHEREAS, the City gave public notice of the public hearing for the proposed ordinance by publishing in the Napa Valley Register; and

WHEREAS, on May 21, 2024, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning the proposed ordinance.

WHEREAS, all other legal prerequisites to the adoption of this resolution have occurred.

**Resolution**

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF ST. HELENA DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

**Section 1.** **Recitals.** The above recitals are incorporated herein by reference.

**Section 2.** **Compliance with CEQA.** The Planning Commission recommends that the City Council find that the proposed ordinance amendment is exempt from CEQA pursuant to Section 15061(b)(3).

**Section 3.** **General Plan Consistency.** Based on the entire record before the Planning Commission, and all written and oral evidence presented, the Planning Commission hereby finds that the proposed ordinance is consistent with the City's adopted General Plan. The proposed ordinance does not otherwise conflict with any of the General Plan's goals or policies.

**Section 4.** **Zoning Ordinance Amendment 2024-001.** The Planning Commission hereby recommends that the City Council adopt the attached proposed ordinance (**Attachment A**) entitled:

An Ordinance of the City Council of the City of St. Helena, California, Amending Section 17.30.030E of the Chapter 17.30 (Affordable Housing Program) of Title 17 of the St. Helena Municipal Code regarding the calculation of housing in-lieu fees.

**Section 7.** The proposed ordinance entitled "An Ordinance of the City Council of the City of St. Helena, California, Amending Section 17.30.030E of the Chapter 17.30 (Affordable Housing Program) of Title 17 of the St. Helena Municipal Code regarding the calculation of housing in-lieu fees" is on file and has been available for public review for at least ten days prior to the date of this Resolution, in the Community Development Department, at St. Helena City Hall, 1088 College Avenue.

**Section 8. Severable.** If any part of this Resolution is held by a court to be invalid, that part is severable from the rest and every other part remains unaffected and in effect.

(Signatures on following page)

**I HEREBY CERTIFY** that the foregoing recommendation to the City Council was duly and regularly approved by the Planning Commission of the City of St. Helena at a regular meeting of the Planning Commission held on May 21, 2024 by the following roll call vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

APPROVED:

ATTEST:

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John Ponte  
Chair, Planning Commission

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Maya DeRosa, AICP  
Community Development  
Director

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ST. HELENA  
AMENDING SECTION 17.30.030.E OF CHAPTER 17.30 (AFFORDABLE HOUSING  
PROGRAM) OF TITLE 17 OF THE ST. HELENA MUNICIPAL CODE REGARDING  
THE CALCULATION OF HOUSING IN-LIEU FEES**

**WHEREAS**, Chapter 17.30 (Affordable Housing Program) of the St. Helena Municipal Code (SHMC) establishes an affordable housing program, housing impact fees on developers of nonresidential development projects in the City, inclusionary housing requirements and alternative means of compliance, requirements for inclusionary units, and administration and enforcement measured for the program; and

**WHEREAS**, SHMC section 17.30.030 authorizes the City Council to adopt by resolution housing in-lieu fees that would be paid by residential developers as an alternative means of compliance with the inclusionary housing requirements of SHMC Chapter 17.30; and

**WHEREAS**, SHMC section 17.30.030.E (Calculation of Housing In-Lieu Fee) provides that the housing in-lieu fee shall be charged on a percentage basis of the projected construction costs of market rate dwelling units, as established by resolution of the City Council; and

**WHEREAS**, the City engaged with Willdan Financial Services (“Consultant”) to perform a nexus study of affordable housing impact fees needed to fund new development’s share of affordable housing induced by the household spending associated with new market rate development, and commercial linkage fees to quantify the connection between the development of commercial, office, industrial and hotel, development projects and the demand for affordable housing units; and

**WHEREAS**, Consultant completed an “Affordable Housing and Commercial Linkage Impact Fee Study” dated December 14, 2023 (“Fee Study Report”), which studies support the adoption of said fees; and

**WHEREAS**, the affordable housing impact fees supported by the Fee Study Report are calculated on a per square foot basis, as opposed to a percentage basis of the projected construction costs of market rate dwelling units; and

**WHEREAS**, the City desires to amend SHMC section 17.30.030.E to ensure consistency with the methodology supporting the adoption of the housing in-lieu fee as set forth in the Fee Study Report, and as authorized by SHMC section 17.30.030; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing at a Regular Meeting on May 21, 2024, on the proposed Ordinance during which public hearing the Planning Commission received comments from City staff and members of

the general public and recommended approval to the City Council through Resolution No. \_\_\_\_; and

**WHEREAS**, the City Council held a duly noticed public hearing on \_\_\_\_\_, 2024 on the proposed Ordinance, during which public hearing the City Council received comments from City staff and members of the general public; and

**WHEREAS**, the City Council desires to approve the requested amendments to Section 17.30.030.E of the St. Helena Municipal Code through approval of this Ordinance.

**NOW, THEREFORE**, the City Council of the City of St. Helena does hereby ordain as follows:

**Section 1. Recitals.** The above recitals are incorporated as though set forth in this section.

**Section 2. Amendment.** Subsection E of Section 17.30.030 of the St. Helena Municipal Code is hereby amended to read as follows (new language is underlined, deletions are in ~~strikeout~~):

**E. Calculation of Housing In-Lieu Fee.** The housing in-lieu fee shall be charged on a per square foot basis for net new floor area ~~percentage basis of the projected construction costs of market rate dwelling units~~. The amount and calculation of the housing in-lieu fee shall be established by resolution of the City Council. ~~Construction costs of market rate dwelling units is determined in accordance with the definition in Section 17.32, Definitions of Terms. Construction costs shall be separately calculated for each dwelling unit in attached single-family residential and rental residential development projects, and the appropriate fee paid for each unit within the residential project.~~ The housing in-lieu fee required by this Section may be satisfied either by cash payment or, upon the recommendation of the Community Development Director and approval of the City Council, by an alternative which will provide the City with a value equal to or greater than the amount of the required in-lieu fee."

**Section 3. Severability.** If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**Section 4. CEQA.** This ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The City Council hereby finds that this ordinance is exempt from review under CEQA under Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

**Section 5. Effective Date.** This Ordinance shall take effect and be enforced within thirty (30) days from and after the date of its adoption by the City Council at a second reading and shall be posted and published in accordance with the California Government Code.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2024, and was adopted at a regular meeting of the St. Helena City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST: \_\_\_\_\_  
Cindy Tzaopoulos, City Clerk

APPROVED: \_\_\_\_\_  
Paul Dohring, Mayor

5/15/24, 2:04 PM

Fwd: [External] Planning commission meeting - Xinia Gamero - Outlook

**Fwd: [External] Planning commission meeting**

Cindy Tzaopoulos <ctzaopoulos@cityofsthelena.org>

Wed 5/15/2024 11:20 AM

To:Xinia Gamero <XGamero@cityofsthelena.org>

Making sure you have received.

Sent from my iPhone

Begin forwarded message:

**From:** susan kenward <psckenward@gmail.com>

**Date:** May 10, 2024 at 1:27:21 PM PDT

**To:** Cindy Tzaopoulos <ctzaopoulos@cityofsthelena.org>, Paul Dohring  
<paul@winecountrylaw.com>, Public Comment <publiccomment@cityofsthelena.org>

**Subject:** [External] Planning commission meeting

Hello Cindy,

Can you please post this for the May 21st Planning Commission meeting.

St. Helena Planning Commission

May 10th, 2024

Dear Commissioners,

I am writing to ask that item 5.3 Zoning Ordinance Amendment to revise Chapter 17.30 of Title 17 of the St. Helena Municipal Code regarding the calculation of housing in-lieu fees be pulled until the Nexus Report is added. It's hard to tell the reasoning for this change because there's no detail in the staff report to support the consultant's rationale for switching from % of construction cost to a % of square footage. Rather opaque. I would assume they did the usual nexus study which must be somewhere. Can we please see this document?

I am unable to attend the meeting. I am out of town until the 5/23rd.

Thank you and

best regards,

Susan Kenward

CEQA Determination: Exempt

Prepared By: Maya DeRosa, Community Development Director

Recommendation:

Recommend that the Planning Commission adopt a resolution recommending the City Council: 1) Find that, pursuant to CEQA Guidelines section 15061 (b) (3) the project is

about:blank

1/2

5/15/24, 2:04 PM

Fwd: [External] Planning commission meeting - Xinia Gamero - Outlook

Exempt; and 2) Adopt an ordinance amending Section 17.30.030E of the St. Helena Municipal Code (ZOA 2024-001).



## PLANNING COMMISSION REPORT

Planning Commission Meeting of May 21, 2024

**FILE NUMBER:** n/a

**SUBJECT:** Appointment of a Planning Commissioner to participate in the Site 10 Discussion Group.

**PREPARED BY:** Maya DeRosa, Community Development Director

**REVIEWED BY:** Maya DeRosa, Community Development Director

**APPROVED BY:** Maya DeRosa, Community Development Director

### **BACKGROUND**

The City Council directed staff at the April 23, 2024 public hearing to explore alternatives to upzoning Housing Element Site 10 to High Density Residential. Staff desires to have the participation of a Planning Commission member in the discussion.

### **ANALYSIS**

The City Manager and Community Development Director have sent invitations to various community members to participate in a discussion group that would explore alternatives to Site 10 in the Housing Element. The first meeting of the discussion group will be held in person on Thursday, May 30th at 3:00pm at City Hall (1088 College Ave). Future meetings will be discussed as well.

### **ISSUES**

No issues have been identified.

### **STAFF RECOMMENDATION**

Nominate and Appoint a Planning Commissioner to participate in the Site 10 Discussion Group.