UPDATE 5/17/23
City of St. Helena
Special City Council Meeting
Wednesday, May 17, 2023 @ 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 City Council meeting will be live-streamed on Comcast Channel 28 and on the City's website.

Public comment **for City Council meetings will be accepted via email to publiccomment@cityofsthelena.org. All public comments must be received three hours prior to the meeting. All other public comments received after the deadline will be attached to the item the next business day or soon thereafter. Public comments will not be read out loud but will be publicly available and attached to the on-line City Council 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@cityofsthelena.org.
The schedule of upcoming meetings and published meeting agendas can be found on the City of St. Helena website at https://sthelena.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@cityofsthelena.org .
El horario de las reuniones publicadas y próximas puede ser localizado en el sitio de web de la Ciudad en https://sthelena.civicweb.net/portal/ .

Page

1. CALL TO ORDER
2. ROLL CALL
   Mayor: Paul Dohring, Vice Mayor Eric Hall:, City Council Members: Anna Chouteau, Lester Hardy, Billy Summers
3. ADOPTION OF THE AGENDA
4. PUBLIC COMMENT:
   Under California law, public comments at special meetings are limited to subjects on the agenda only. Therefore public comment will take place during consideration of the item. Each person's comments shall be limited to 4 minutes.
5. NEW BUSINESS:

5.1. Appeal filed by Joseph Berchtold to overturn the March 7, 2023 Planning Commission denial of his applications for demolition permit and design review in order to demolish an existing single-family residence to accommodate the construction of a new single-family home on the property located at 2126 Madrona Avenue in the Twenty-Acre Agriculture zoning district. 3 - 564

CEQA Determination: Exempt
Prepared By: Chantal Power, Associate Planner
Recommendation:
City Council to make final decision on the appeal.

*Public comment received after publication of the agenda.

Staff Report - Pdf
Presentation PPT
*1.Public comment.DiTomaso.Herdell
*2.Public comment.Chris Fowler
*3.Public.comment.Ellen Shifflett
*4. Public comment.Daniel Hale
*5.Public comment.Dr Ross Allen
*6.Public comment.Elaine de Man

6. ADJOURNMENT

The next Regular City Council meeting is scheduled for May 23, 2023, at 6:00 p.m.

This agenda was posted at City Hall, 1088 College Avenue, and at Vintage Hall, 465 Main Street, St. Helena, California on May 13, 2023 and updated on May 17, 2023.

Cindy Tzafopoulos, City Clerk

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 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Any supplemental writings or documents distributed to a majority of the City Council regarding any item on this Agenda, after the posting of the Agenda, will be available for public review in the City Clerk's Office located at 1088 College Avenue, St. Helena, California, during normal business hours and by appointment. In addition, such writings or documents will be made available on the City's web site at https://sthelena.civicweb.net and will be available for public review at the respective meeting.

Report to the City Council
Special City Council - 17 May 2023

Agenda Section: **NEW BUSINESS:**

Subject: **Appeal filed by Joseph Berchtold to overturn the March 7, 2023 Planning Commission denial of his applications for demolition permit and design review in order to demolish an existing single-family residence to accommodate the construction of a new single-family home on the property located at 2126 Madrona Avenue in the Twenty-Acre Agriculture zoning district.**

CEQA Determination: **Exempt**

Prepared By: Chantal Power, Associate Planner

Reviewed By: April Mitts, Assistant City Manager

Approved By: Anil Comelo, City Manager

BACKGROUND

The appellant submitted an application on November 5, 2021, requesting approval of a resolution granting a demolition permit and design review in order to demolish an existing single-family residence to accommodate the construction of a new single-family home on the property located at 2126 Madrona Avenue in the Twenty-Acre Agriculture zoning district.

The Planning Commission considered the applicant's request at a meeting held on October 18, 2022. Due to concerns expressed by Planning Commissioners and members of the public, such as potential inconsistencies with the General Plan and numerous concerns expressed by neighbors to the project, the Planning Commission requested that the applicant:

- Hold meetings with the neighbors, install story poles to show the massing of the proposed project,
- Provide the Planning Commission with information that is responsive to the neighborhood concerns; and

- Inform the Planning Commission if the applicant proposes any revisions in response to the concerns expressed by the public and/or Commissioners.

A project status update was given at the December 6, 2022, Planning Commission meeting. The applicant provided photos of the story poles and some details related to the two neighborhood meetings that occurred on November 6, 2022, and November 19, 2022, respectively. Additionally, as requested by the Planning Commission, Spottswoode Winery provided an anticipated vineyard production assessment for the December 6, 2022, Planning Commission. The Planning Commission requested that staff and the project applicant have all final revisions completed in a timely manner, and set March 7, 2023, as the hearing date to bring the project back to the Commission for review.

At the March 7, 2023, public hearing, additional public comments were received from neighbors who had concerns that the applicant had not made sufficient revisions to address concerns raised at the earlier Planning Commission meetings and comment letters.

The Planning Commission has the discretion to independently consider the consistency of the project with the General Plan as required by Design Review finding SHMC Section 17.164.030 (A) (1):

> *A. In addition to the purposes prescribed in Section 17.164.020, the following factors shall be considered by the planning commission in reviewing all applications:*
>
> *1. Consistency and compatibility with applicable elements of the general plan.*

The Commission ultimately determined that the project is inconsistent with General Plan policies LU5.1 and LU5.3 due to the net loss of 0.53-acre of agricultural uses that would result from the project and voted to deny the project (3-1).

On March 21, 2023, the appellants filed an appeal of the Planning Commission's denial to the City Council in accordance with St. Helena Municipal Code (SHMC) Section 17.08.180.

On April 25, 2023, the City Council heard the denial appeal and after a lengthy public comment period and discussion, moved to continue the item for further discussion to another public hearing for the fifth and final hearing.

DISCUSSION

As noted above, the project has reviewed at four publicly noticed hearings. At the April 25th City Council appeal hearing, the appellant provided oral testimony to support the written arguments submitted with their original appeal. The Council also received written and oral public comments, which were largely reflective of public comments made at the previous hearings. Kevin Block, an attorney for the Herdell family did

provide new written and oral testimony arguing that the project is not exempt from CEQA. The City Attorney's office has provided a memorandum (Attachment 4) addressing the issues raised in Mr. Block's letter.

The City Council considered the written and oral comments provided, the planning staff report and supporting documents, and deliberated on the many issues to consider, including the General Plan inconsistency noted as the basis for the Planning Commission denial. The Council also discussed the changes made to the Ag zone over the years as well as the intention of preserving agriculture in an area that had been largely converted to one-acre lots, no longer suitable for agricultural uses, and how to adequately weigh the consistency of neighborhood character with a property that is much larger than the surrounding one-acre lots. Additional deliberation considered how the General Plan intent of agricultural preservation should be applied against the zoning allowance for one acre of non-agricultural development.

To further clarify the proposed changes on the site as it relates in particular to the non-agricultural coverage, the applicant/appellant has provided a color exhibit that further explains/illustrates the portion of vineyard proposed for removal, what is proposed for development and other uses of the site (Attachment 2).

FISCAL IMPACT

All fees associated with the appeal application have been borne by the appellant.

RECOMMENDED ACTION

City Council to make final decision on the appeal.

ATTACHMENTS

1. April 25 CC Agenda Packet - Item 10.1
2. A1.0 V6 Color Final Site Plan
3. March 7 2023 PC Agenda Packet

Attachment 4-Memo re CEQA Review for Single Family Residence
Public comment. Block & Block, LLP
Public comment.Frank Rodrigues 2
Public comment.Frank Rodrigues and Laura Andersen
Public comment.Katharine Falace

City of St. Helena
Regular City Council Meeting
Tuesday, April 25, 2023 @ 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 City Council meeting will be live-streamed on Comcast Channel 28 and on the City's website.

Public comment **for City Council meetings will be accepted via email to publiccomment@cityofsthelena.org. All public comments must be received three hours prior to the meeting. All other public comments received after the deadline will be attached to the item the next business day or soon thereafter. Public comments will not be read out loud but will be publicly available and attached to the on-line City Council agenda.**

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

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@cityofsthelena.org**.**
The schedule of upcoming meetings and published meeting agendas can be found on the City of St. Helena website at https://sthelena.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@cityofsthelena.org **.**
El horario de las reuniones publicadas y próximas puede ser localizado en el sitio de web de la Ciudad en https://sthelena.civicweb.net/portal/ **.**

Page

1. CALL TO ORDER
2. ROLL CALL
   Mayor: Paul Dohring, Vice Mayor Eric Hall:, City Council Members: Anna Chouteau, Lester Hardy, Billy Summers
3. PLEDGE OF ALLEGIANCE
4. ADOPTION OF THE AGENDA
5. PUBLIC FORUM:
   Members of the public are entitled to speak on matters of municipal concern not on the agenda during Public Forum. Each person's comments shall be limited to 4 minutes. Each person is entitled to speak on any non-agendized item only once at any meeting. Brief questions by Council Members for clarifications may

be posed and answered, and Council Members may make requests that items be placed on future agendas, but in accordance with state law, no substantive discussion or action may take place unless and until the matter properly appears on the agenda.

6. REPORTS BY STAFF AND CITY COUNCIL, FUTURE AGENDA ITEMS, AND AB 1234 REPORTS:
Reports by staff and/or Council Members on items of general interest. Brief questions for clarification may be posed and answered, and Council Members may request that items be placed on a future agenda. Except under certain circumstances, the Brown Act prohibits any other discussion or action by the City Council.

7. PRESENTATIONS AND PUBLIC RECOGNITIONS

7.1. National Library Week Proclamation 7

Proclamation

8. STAFF BRIEFING

None

9. CONSENT ITEMS
Members of the Council or the public (present at the meeting) 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)

9.1. March 2023 Review and Forecasting of City Water Supply Availability 9 - 14

CEQA Determination: Exempt
Prepared By: Ian Dale, Environmental Services Tech
Recommendation:
Receive and File

Staff Report - Pdf

9.2. Consideration and proposed adoption of a Resolution Authorizing (1) the City Manager to execute Amendment No. 4 to STH Contract: FY2021-077 in the amount of $220,200, to the Professional Service Agreement with Operational Technical Services for temporary Wastewater Treatment Operators for a total amount not-to-exceed $950,200; (2) a Wastewater Fund budget increase of $220,200 to 571-5029-2020; and (3) use of Wastewater Operations Fund balance of $220,200; (4) the City Manager to execute Amendment No. 5 to STH Contract: FY2021-048 in the amount of $490,650 to the Professional Service Agreement with Operational Technical Services for temporary Water Treatment Operators for a total amount not-to-exceed $2,644,005; (5) a Water Fund budget increase of $490,650 to 561-5034-2020; and (6) use of Water Operations Fund balance of $490,650. 15 - 26

CEQA Determination: Not a CEQA project
Prepared By: Martin Beltran, Senior Management Analyst
Recommendation:
Staff recommends adoption of the attached Resolution.

Staff Report - Pdf

9.3. Consideration and proposed adoption of a Resolution approving the plans for the R23-79 Pavement Restoration Project, and authorizing advertisement for bids. 27 - 61

CEQA Determination: Class I Categorical Exemption under Section 15301 of CEQA
Prepared By: Mario Traverso, Public Works Assistant Engineer
Recommendation:
Staff recommends City Council adopt the attached Resolution.
Staff Report - Pdf

9.4. Consideration and proposed approval of a resolution (1) authorizing the City Manager to execute a reimbursement agreement with Napa Valley Wine Train in the amount not to exceed $115,300 for the installation of a pedestrian crossing structure on the Sulphur Creek railroad bridge, (2) authorizing a budget transfer from the General Fund Reserve of $115,300 to Streets Capital Fund to fund the project. 63 - 79

CEQA Determination: Class I Categorical Exemption under Section 15301 of CEQA
Prepared By: Mario Traverso, Public Works Assistant Engineer
Recommendation:
Staff recommends adoption of the attached resolution.
Staff Report - Pdf

9.5. Consideration and Proposed Approval of (1) Amendment #3 to STH Contract: FY2020-049 with Lisa Wise Consulting for additional meetings and revisions to public review draft in association with Zoning Code Update for an additional $38,875 for a total contract amount not-to-exceed $376,234, (2) a budget increase of $38,875, and (3) use of General Fund fund balance of the same. 81 - 142

CEQA Determination: Exempt
Prepared By: Maya DeRosa, Community Development Director
Recommendation:
Staff recommends the City Council adopt the attached Resolution.
Staff Report - Pdf

9.6. Quarterly Grant Report for FY 2023 Q3, for the period ending March 31, 2023 143 - 150

CEQA Determination: Not a CEQA project
Prepared By: Martin Beltran, Senior Management Analyst
Recommendation:
Receive and file report.
Staff Report - Pdf

10. PUBLIC HEARINGS

10.1. Appeal filed by Joseph Berchtold to overturn the March 7, 2023, denial of his applications for demolition permit and design review in order to 151 - 487

demolish an existing single-family residence to accommodate the construction of a new single-family home on the property located at 2126 Madrona Avenue in the Twenty-Acre Agriculture zoning district.

CEQA Determination: Class I Categorical Exemption under Section 15301 of CEQA
Prepared By: Chantal Power, Associate Planner
Recommendation:
Staff recommends that the City Council:

1. Approve a resolution denying the appeal thereby upholding the Planning Commission denial of an application for demolition permit and design review for the proposed demolition and new construction on the property located at 2126 Madrona Avenue.

Staff Report - Pdf
Presentation
Public comment.Margot Ainsworth
Public comment.Sandra Barros
Public comment.Susan Michul
Public comment.Dennis Rossi
Public comment.Dennis Rossi
Public comment.Christopher Hill
Public comment.Annette Smith
Public comment.Clay Timon
Public comment.Connie Wilson
Public comment.Jodie Morlet
Public comment.Rita Hellewell
Public comment.Ross Allen
Public comment.Susan and Ron Krausz
Public Comment.Herdell.DiTamaso
Public comment.Laura Andersen and Frank Rodrigues
Public comment.Gina Lewis
Public comment.Kevin P Block
Public Comment.Mary Alice Stielau
Public Comment.Jim Gamble
Public Comment.Celeste Neeley

11. OLD BUSINESS

11.1. None

12. NEW BUSINESS

12.1. Fiscal Year 2022 Annual Comprehensive Financial Report and Independent Auditor's Report on Internal Control Over Financial Reporting. 489 - 513

CEQA Determination: Not a CEQA project
Prepared By: Mandy Kellogg, Administrative Services Director
Recommendation:
Staff recommends the City Council receive accept the Comprehensive Annual Financial Report of the City of St. Helena for Fiscal Year Ended June 30, 2022.

Staff Report - Pdf
Presentation

12.2. Fiscal Year (FY) 2022-23 2nd Quarter Finance Report and Consideration of Resolution Approving Mid-Year Budget Adjustments for FY 2022-23. 515 - 580

CEQA Determination: Not a CEQA project
Prepared By: Mandy Kellogg, Administrative Services Director
Recommendation:
Staff recommends the City Council receive and file the report and approve a Resolution Approving Mid-Year Budget Adjustments for FY 2022-23.

Staff Report - Pdf
Presentation

12.3. Consideration and proposed approval of a resolution appointing applicants to the Active Transportation & Sustainability Committee, Planning Commission, Library Board of Trustees, and Measure H Oversight Committee 581 - 631

CEQA Determination: Not a CEQA project
Prepared By: Cindy Tzafopoulos, City Clerk
Recommendation:
Staff recommends adopting a resolution appointing applicants to the following committees:

- Appoint two applicants to the Active Transportation Sustainability Committee
- Appoint one applicant to the Library Board of Trustees
- Appoint one applicant to the Planning Commission
- Appoint five applicants to the Measure H Oversight Committee

Staff Report - Pdf
Public Comment.Jack and Loraine Stuart

13. ADJOURNMENT

The next Regular City Council meeting is scheduled for May 9, 2023, at 6:00 p.m.

This agenda was posted at City Hall, 1088 College Avenue, and at Vintage Hall, 465 Main Street, St. Helena, California on April 21, 2023.



Cindy Tzafopoulos, City Clerk

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 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act will enable the City to make reasonable arrangements to ensure accessibility to this 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 City Council regarding any item on this Agenda, after the posting of the Agenda, will be available for public review in the City Clerk's Office located at 1088 College Avenue, St. Helena, California, during normal business hours and by appointment. In addition, such writings or documents will be made available on the City's web site at https://sthelena.civicweb.net and will be available for public review at the respective meeting.

CITY OF ST. HELENA
National Library Week
2023 Proclamation

WHEREAS, libraries provide the opportunity for everyone to pursue their passions and engage in lifelong learning, allowing them to live their best life; and

WHEREAS, libraries have long served as trusted institutions for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socio-economic status; and

WHEREAS, libraries strive to develop and maintain programs and collections that are as diverse as the populations they serve and ensure equity of access for all; and

WHEREAS, libraries adapt to the ever-changing needs of their communities, continually expanding their collections, services, and partnerships; and

WHEREAS, libraries play a critical role in the economic vitality of communities by providing internet and technology access, literacy skills, and support for job seekers, small businesses, and entrepreneurs; and

WHEREAS, libraries are accessible and inclusive places that promote a sense of local connection, advancing understanding, civic engagement, and shared community goals; and

WHEREAS, libraries are cornerstones of democracy, promoting the free exchange of information and ideas for all; and

WHEREAS, libraries, librarians, and library workers are joining library supporters and advocates across the nation to celebrate National Library Week; and

NOW, THEREFORE, be it resolved that I, Paul Jamison Dohring, Mayor of the City of St. Helena, and the St. Helena City Council, proclaim National Library Week, April 23-29, 2023. During this week, I encourage all residents to visit their library to explore the wealth of resources available.

Dated: April 25, 2023

_____

Paul Jamison Dohring, Mayor
City of St. Helena

Report to the City Council
Regular City Council - 25 Apr 2023

Agenda Section: **PUBLIC HEARINGS**

Subject: **Appeal filed by Joseph Berchtold to overturn the March 7, 2023, denial of his applications for demolition permit and design review in order to demolish an existing single-family residence to accommodate the construction of a new single-family home on the property located at 2126 Madrona Avenue in the Twenty-Acre Agriculture zoning district.**

CEQA Determination: **Class I Categorical Exemption under Section 15301 of CEQA**

Prepared By: Chantal Power, Associate Planner

Reviewed By: April Mitts, Assistant City Manager

Approved By: Anil Comelo, City Manager

BACKGROUND

The appellant submitted an application on November 5, 2021, requesting approval of a resolution granting a demolition permit and design review in order to demolish an existing single-family residence to accommodate the construction of a new single-family home on the property located at 2126 Madrona Avenue in the Twenty-Acre Agriculture zoning district.

The Planning Commission considered the applicant's request at a meeting held on October 18, 2022. Due to concerns expressed by Planning Commissioners and members of the public, such as potential inconsistencies with the General Plan and numerous concerns expressed by neighbors to the project, the Planning Commission requested that the applicant:

- Hold meetings with the neighbors, install story poles to show the massing of the proposed project,
- Provide the Planning Commission with information that is responsive to the neighborhood concerns; and

- Inform the Planning Commission if the applicant proposes any revisions in response to the concerns expressed by the public and/or Commissioners.

A project status update was given at the December 6, 2022, Planning Commission meeting. The applicant provided photos of the story poles and some details related to the two neighborhood meetings that occurred on November 6, 2022, and November 19, 2022, respectively. Additionally, as requested by the Planning Commission, Spottswoode Winery provided an anticipated vineyard production assessment for the December 6, 2022, Planning Commission. The Planning Commission requested that staff and the project applicant have all final revisions completed in a timely manner, and set March 7, 2023, as the hearing date to bring the project back to the Commission for review.

At the March 7, 2023, public hearing, additional public comments were received from neighbors who had concerns that the applicant had not made sufficient revisions to address concerns raised at the earlier Planning Commission meetings and comment letters.

The Planning Commission has the discretion to independently consider the consistency of the project with the General Plan as required by Design Review finding SHMC Section 17.164.030 (A) (1):

> *A. In addition to the purposes prescribed in Section 17.164.020, the following factors shall be considered by the planning commission in reviewing all applications:*
>
> *1. Consistency and compatibility with applicable elements of the general plan.*

The Commission ultimately determined that the project is inconsistent with General Plan policies LU5.1 and LU5.3 due to the net loss of 0.53-acre of agricultural uses that would result from the project and voted to deny the project (3-1).

On March 21, 2023, the appellants filed an appeal of the Planning Commission's denial to the City Council in accordance with St. Helena Municipal Code (SHMC) Section 17.08.180.

DISCUSSION

PROJECT DESCRIPTION

APPELLANTS GROUNDS FOR APPEAL

On March 20, 2023, the applicant submitted a letter (Attachment 4) setting forth the basis for requesting that the City Council overturn the denial of the Demolition Permit and Design Review. In summary, the appellant contends that:

1. Argument A - The Planning Commission abused its discretion by applying an incorrect of "agriculture" to the proposed uses.

Staff response:

Section 17.04.160 of the SHMC provides the following definition for agriculture:

> *"Agriculture" means the use of the land for agriculture purposes, including farming, dairying, pasturage, agriculture, horticulture (including Christmas trees), floriculture, viticulture, apiaries and animal farms; but not including stockyards or the commercial feeding of garbage or offal to swine or other animals.*

Pursuant to Section 2.28.020(F) of the SHMC, the Director of Planning shall "interpret planning documents and planning related ordinances and advise interested citizens. The planning director shall assist property owners and builders in meeting the city's planning requirements." Further, the City is required to "interpret and administer the zoning ordinance in a reasonable fashion consistent with the public interest of the residents of the City." (SHMC Section 17.04.060.) The Planning Commission applied an interpretation of the Zoning Code that agriculture means the retail production of plants and/or animals. This interpretation had been established by the Director of Community Development early in the review process, is consistent with the definition in the City's Zoning Code and was relayed to the project architect during project meetings with staff. The issue that the project was inconsistent with the General Plan policies related to development of agricultural properties pursuant to this interpretation was applied to the Issues Letter dated February 7, 2022, (Attachment 7) and also in several subsequent discussions with staff. Staff believes that this is a reasonable interpretation of the definition listed above, and that it is not an abuse of discretion for the City to decline to count every area containing edible plants or trees bearing edible fruit as "agriculture" under this City's Zoning Ordinance.

Ultimately, the issue that the Planning Commission considered – and upon which the resolution of denial was partly based upon – was whether the net loss of 0.53 acres of agricultural land created inconsistency with the general plan's prohibition against removal of existing farmland for non-agricultural uses. The discussion of whether food products sold commercially versus grown for personal use constituted "agriculture" was not a basis for the disapproval, so the appellant's assertion that this discussion was an abuse of discretion is misplaced. The project will create a net loss of 0.53 acres of agricultural land, even with the inclusion of the citrus trees, which the Planning Commission determined to be inconsistent with General Plan policies LU5.1 and LU5.3. The appellant was advised of this at the outset of the project, but pressed forward with a proposal that included the net loss at issue, which was a partial basis for the Planning Commission's denial.

2. Argument B - The Planning Commission's inflexible application of the City's General Plan is internally inconsistent and vertically inconsistent with the City's zoning ordinance.

Staff response:

The Planning Commission concluded that the project is inconsistent with General Plan policies LU5.1 and LU5.3.

> *LU5.1 Discourage conversion of existing farmland to non-agricultural uses.*
> *LU5.3 Strictly limit development on properties existing at the time of the adoption of this General Plan.*

The appellant's argument that the Planning Commission interpreted the proposed project to be inconsistent with General Plan policies LU5.1 and LU5.3 specifically because the project involved an application to construct a single-family home on land designated for agricultural use is an incomplete and incorrect statement of the Planning Commission's decision. In fact, the staff report for the hearing expressly acknowledged that single-family homes are a permitted use within the A-20 zone and Agriculture General Plan land use district. However, even with the proposed addition of new fruit trees, and olive trees for the anticipated production of an estate olive oil, the project would still result in a net loss of 0.53 acre of total agricultural uses. Staff determined the project to be inconsistent with General Plan policies LU5.1 and LU5.3 due to this net removal of existing agricultural uses on the property for the purpose of constructing the proposed home. Both General Plan policies seek to preserve existing agriculture, and the Planning Commission agreed with staff's determination that the existing agriculture should not be removed in order to accommodate the construction of the non-agricultural use, particularly when the site is currently developed with a home and accessory structures that do not impede on the existing agriculture. While the appellant also notes that the Zoning Code allows for the removal of no more one acre of active agricultural use, the Planning Commission had the discretion to independently consider the consistency of the project with the General Plan as that is a Design Review finding (SHMC section 17.164.030 (A)(1)). Further, it is important to review the consistency of the project with the statement of purpose for the A-20 zone that is noted in SHMC 17.20.010:

"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."

The zoning code emphasizes the importance of preserving agricultural land in the A-20 zone. The denial action by the Planning Commission was not a "de facto prohibition on the development" (Attachment 5, page 8), but rather a determination that the applicant's proposed project would result in a substantial net loss of agriculture onsite. Neither staff nor the Planning Commission ever expressed to the appellant that no single family residence would be permitted on this parcel, only that of the elimination of a significant portion of the on-site

agricultural land would potentially violate General Plan policies LU5.1 and LU5.3. Through this lens, General Plan policy LU5.1 is not inconsistent with other General Plan policies or the provision in the zoning code allowing for a single-family residence in the A-20 zone. It is certainly possible for the appellant to propose a single-family residence that will not result in a substantial conversion of agricultural land to non-agricultural uses, but the appellant chose not to do so. Appellant further argues that policy LU5.3 only "discourage[s]" the conversion of farmland to non-agricultural use, and that it would be an abuse of discretion for the City to interpret that policy as preventing the appellant from removing a net amount of 0.53 acres of agricultural uses to build a new home and associated amenities in the A-20 zone. Appellant argues that the Planning Commission's decision converts the General Plan policies into a de facto farmland preservation policy. Staff disagrees with this characterization of the Planning Commission's decision. This is especially the case given that the Planning Commission did not absolutely prohibit the removal of vineyards on the site, but made its decision based on the net loss of agricultural land, taking into account the new agricultural uses added to the parcel.

The Planning Commission decided that the conversion of over ½ acre of farmland to a non-agricultural use as part of the proposed project is inconsistent with a General Plan policy that discourages the conversion of farmland to non-agricultural use. In staff's view, this is a reasonable interpretation of the General Plan policy.

The City Council's role in this appeal is to determine whether or not this project is consistent with these two General Plan policies. Courts provide "great deference" to a city council's ability to interpret its own general plan and the policies therein, as the body that adopted the general plan in its legislative capacity has "unique competence" to interpret those policies when applying them in an adjudicatory capacity. (Save Our Peninsula Comm'n v. County of Monterey (2001) 87 Cal.App.4th 99, 142.) Courts will only override a city council's interpretation of its own general plan and factual findings if "based on the evidence before [the] city council, a reasonable person could not have reached the same conclusion." (No Oil, Inc. v. City of Los Angeles (1987) 196 Cal.App.3d 223, 243.) In evaluating this question, "the inquiry is whether the decision is arbitrary, capricious, entirely lacking in evidentiary support, unlawful, or procedurally unfair. (Corona-Norco Unified School District v. City of Corona (1993) 17 Cal.App.4th 985, 992.) And, the party challenging a city's determination of consistency has the burden of showing why the determination was unreasonable based on all the evidence in the record. (Old East Davis Neighborhood Assn. v. City of Davis (2021) 73 Cal.App.5th 895, 907.)

The City Council will need to decide whether the proposed project is consistent with these two policies as part of this appeal, and as noted above, the City Council is given a significant amount of deference in making that decision.

3. Argument C - The City's prior approval of a similar project in the A-20 zone provides precedent for approval of this Project.

Staff response:
As a threshold matter, the appellant incorrectly states on the last line of page 8 of the appeal letter that: "In fact, staff made no written representations to this effect" (in reference to the fact that the applicant was advised at the beginning of the application process of the need to preserve agricultural acreage). Please refer to Attachment 7, the February 7, 2022 letter to the applicant, in which staff specifically requested that the applicant not remove the vineyard, in order to not be in conflict with General Plan policies in the Land Use Element pertaining to Agriculture.

Appellant argues that the City did not evaluate a proposed project at 777 Pratt for consistency with the two General Plan policies that served as the Planning Commission's basis for denial, and it therefore should not do so in this instance. The referenced project at 777 Pratt is distinguishable from appellant's project as because the Pratt property did not contain active agriculture at the time the application for the project was submitted to the City (Attachment 6). It was a flat, vacant site with no vegetation. This is clearly a different set of facts than those at issue in this appeal.

Prior Planning Commission decisions do not serve as "precedent" for future decisions, each decision is made on its merits by the Planning Commission or Council at the time an application comes before the body, based on an application of the applicable rules to the applicable facts. With that said, however, the facts presented in the application for 777 Pratt were clearly different than those at issue in this appeal, and there is a clear explanation for any difference in the Planning Commission's decisions on those two applications.

4. Argument D - The Planning Commission abused its discretion by failing to share the final resolution with the Berchtold's prior to the March 7 hearing.

Staff response:
The appellant argues that the Planning Commission violated the Brown Act by not posting the denial resolution 72 hours in advance of the hearing and did not read the denial findings into the record. However, changes to the project resolution are frequently made at the hearing and the City Attorney did read the denial finding into the record at the hearing. The appellant had the opportunity to provide extensive testimony as part of the Planning Commission hearing, which went well beyond the requirements of the Brown Act. The applicant does not have a separate right under the Brown Act or otherwise to separately comment on the Planning Commission's final findings or action—those are generally made after the public hearing and/or public comment are closed, and there is rarely the opportunity to comment on that final language. Further, to the extent that the appellant is arguing that he has been denied due process in some form, he is

receiving due process through the appeal process (in addition to the due process already provided through the Planning Commission hearing), and will have an opportunity to present arguments before the City Council at the hearing on the appeal.

CORRESPONDENCE

Public comments received prior to the publishing of this agenda are included in Attachment 8.

FISCAL IMPACT

All fees associated with the appeal application have been borne by the appellant.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve a resolution denying the appeal thereby upholding the Planning Commission denial of an application for demolition permit and design review for the proposed demolition and new construction on the property located at 2126 Madrona Avenue.

ATTACHMENTS

1. Denial Resolution
2. March 7 2023 PC Agenda Packet
3. March 7 2023 PC Denial Resolution
4. March 7 2023 PC MInutes
5. Appellant's Letter
6. Archival Aerial Photos of 777 Pratt Avenue
7. Issues Letter - February 7 2022
8. Public Comment

CITY OF ST. HELENA

RESOLUTION NO.

RESOLUTION OF THE CITY OF ST. HELENA CITY COUNCIL DENYING AN APPEAL OF A PLANNING COMMISSION DECISION TO DENY A DEMOLITION PERMIT AND DESIGN REVIEW APPROVAL AT 2126 MADRONA AVENUE (File No. PL21-044) THEREBY DENYING THE PROJECT

PROPERTY OWNER: Lorraine and Joe Berchtold **APN:** 009-470-010

Recitals

1. The applicant submitted an application on November 5, 2021 requesting approval of a resolution granting a demolition permit and design review in order to demolish an existing single-family residence to accommodate the construction of a new single-family home on the property located at 2126 Madrona Avenue in the Twenty-Acre Agriculture (A-20) zoning district; and
2. 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 October 18, 2022, where the Planning Commission voted to continue the project to allow the applicants time to meet with neighbors, and address issues raised prior to and during the public hearing; and
3. On December 6, 2021, the Planning Commission heard a project status update, and directed the applicants to provide final revisions to be reconsidered on March 7, 2023; and
4. The Planning Commission considered the revised project, staff report, and all testimony, written and spoken, at a public hearing on March 7, 2023, where the Planning Commission voted to deny the project due to the applicants' failure to address general plan inconsistencies; and
5. On March 22, 2023, the appellants filed an appeal of the Planning Commission's denial to the City Council in accordance with St. Helena Municipal Code (SHMC) Section 17.08.180; and
6. The City Council considered the appellant's appeal at a duly noticed public hearing on April 25, 2023 and considered the demolition permit and design review applications in their entirety. The City Council, after reviewing materials provided from the Planning Commission public hearing, as well as considering the staff report and record of the proceedings before the City Council, the written evidence submitted for the Council public hearing, and the testimony and other evidence submitted at the Council public hearing, desires to deny the appeal thereby denying the demolition permit and design review applications for the property located at 2126 Madrona Avenue based on the full record before the Council in this appeal.

Resolution

The City Council of the City of St. Helena herby resolves:

A. To deny the appeal and uphold the Planning Commission's denial of a demolition permit and design review for the demolition of an existing single-family residence to accommodate the construction of a new single-family home on the property located at 2126 Madrona Avenue in the Twenty-Acre Agriculture (A-20) zoning district.

B. The City Council hereby finds that the project is exempt from the requirements of CEQA pursuant to Section 15301 which exempts the demolition and removal of small structures including single-family homes; and Section 15303, which exempts the construction or conversion of small structures including single-family residences, garages, pools, etc..

C. Pursuant to St. Helena Municipal Code (SHMC) Section 17.164.030, the City Council makes the following design criteria finding to support the motion to deny the demolition permit and design review for the construction of the proposed single-family home and accessory structures on-site:

D. Consistency and compatibility with applicable elements of the general plan.

The project is not consistent with General Plan policies LU5.1 or LU5.3 due to the removal of existing farmland for non-agricultural uses. At the beginning of the application process, the applicant was advised of the need to preserve the amount of existing acreage that is used for active agriculture. But the applicant instead proposes to remove 0.66 acre of existing vineyard to accommodate recreational amenities, with the addition of a mere 0.13 acre of new olive grove as a partial offset — leaving a net loss of 0.53 acre of agricultural use. This does not "Discourage the conversion of existing farmland to non-agricultural uses" as General Plan goal LU5.1 requires, nor is it consistent with our mandate in General Plan goal LU5.3 to "Strictly limit development on properties … that are designated as agricultural land." (Emphasis added.)

The applicant has stated that the portion of existing vineyard proposed for removal to accommodate the project is the least viable for rehabilitation, but viability for rehabilitation is not the General Plan standard. Loss of agricultural use is. Regardless of the viability of the 0.53-acre area for continued vineyard use, the project could comply with the General Plan's requirements by planting another crop in that same location or by putting another 0.53 acres to agricultural use somewhere else on the 5.7+-acre lot. The applicant declines to do so.

The applicant argues instead that the City must allow this loss of farmland because the City made a similar allowance for another project in the past. That other project is irrelevant: It was governed by another general plan. This project is governed by the current General Plan, adopted in 2019, which includes the two policies referenced above, LU5.1 and 5.3. These policies govern the Commission here and support denial of the project.

Because the project removes a net 0.53 acres of existing farmland for non-agricultural uses, and the applicant declines to dedicate another 0.53 acres to agricultural uses to offset this loss, the project does not comply with the current General Plan, and the Planning Commission cannot make the necessary finding of General Plan compliance.

I HEREBY CERTIFY that the foregoing appeal of the Planning Commission denial of a demolition permit and design review application was duly and regularly denied by the City Council of the City of St. Helena at a regular meeting on April 25, 2023, by the following roll call vote:

Mayor Paul Dohring:

Vice Mayor Eric Hall:

Council Member Anna Chouteau:

Council Member Lester Hardy:

Council Member Billy Summers:

APPROVED:

Paul Jamison Dohring, Mayor

ATTEST:

Cindy Tzafopoulos, City Clerk

PLANNING COMMISSION REPORT

Planning Commission Meeting of March 7, 2023

FILE NUMBER: PL21-044

SUBJECT: Request by Sasha Janev on behalf of Lorraine and Joe Berchtold for adoption of a resolution approving a demolition permit to demolish an existing residence and accessory structures to accommodate the construction of a new single-family home and accessory dwelling unit and design review of the proposed new single family home on the property located at 2126 Madrona Avenue in the 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:11/05/21 **ACCEPTED AS COMPLETE:**08/23/22

LOCATION OF PROPERTY: 2126 Madrona Avenue

APN: 009-470-010

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

APPLICANT: Sasha Janev on behalf of Lorraine and Joe Berchtold **PHONE:** 707-968-5265

BACKGROUND

The project is located in the Agriculture General Plan land use district, and the Twenty-Acre Agriculture (A-20) zoning district, outside the Urban Limit Line on a 5.78-acre parcel with an existing vineyard. The site is currently developed with an existing single-family home and two accessory structures, all of which are proposed to be demolished to accommodate the construction a new single-family home and accessory dwelling unit. The existing home was constructed in 1883 and has been determined to have no historic or architectural value based on the attached historic resource evaluation.

The Planning Commission considered the applicant's request at a meeting held on October 18, 2022. Due to concerns expressed by Planning Commissioners and members of the public, discussed in further detail below, such as potential inconsistencies with the General Plan and numerous concerns expressed by neighbors to the project, the Planning Commission requested that the applicants hold meetings with the neighbors, install story poles to show the massing of the proposed project, provide the Planning Commission with information that is responsive to the neighborhood concerns and inform the Planning Commission if the applicant proposes any revisions in response to the concerns expressed by the public and/or Commissioners. A project status update was given at the December 6, 2022, Planning Commission meeting. The applicant provided photos of the story poles and some details related to the two neighborhood meetings that occurred on November 6, 2022, and November 19, 2022, respectively. Additionally as requested by the Planning Commission, Spottswoode Winery provided an expected vineyard production assessment attached to the 12-7-2022 staff report (Attachment 15). The Planning Commission requested that staff and the project applicant have all final revisions completed in a timely manner, and set March 7, 2023 as the hearing date to bring the project back to the Commission for review.

PROJECT DESCRIPTION

The applicant is seeking approval of a demolition permit to demolish three existing structures totaling 3,893 square feet, and design review approval to construct a two-story, 14,407 square foot single-family home with a large basement and 7,950 square feet above grade, a 1,754 square foot garage, a 1,640 square foot covered terrace. The applicant is additionally proposing to construct an 850 square foot one bedroom accessory dwelling unit ("ADU") with an 864 square foot covered terrace concurrently with the construction of the single family home and associated accessory structures. The ADU may be approved ministerially, and is not subject to design review.

The proposed single-family dwelling contains a large basement and first story and a smaller second story. The 6,457 square foot basement will contain three large storage rooms, a laundry room, game room, a bathroom, a powder room, and a mechanical room. The 5,244 square foot first floor will contain a large kitchen and pantry, a large living and dining room, a mudroom, three bedrooms, a sitting room, two powder rooms, and three bathrooms. The 2,706 square foot second floor will contain master bedroom and master bathroom, a second bathroom, two studies, a bar room, and a T.V. room. The 850 square foot accessory dwelling unit will contain a living room, a kitchen, a bedroom, a laundry room, and a bathroom.

The site includes 5.08 acres of existing vineyard on the 5.78-acre lot. Approximately 0.66 acres of the existing vineyards will be removed to accommodate the proposed structures leaving 4.42 acres of vineyards intact. An additional 0.13 acres of fruit and olive trees will be added to existing .20-acre orchard and the applicant/owner plans to work with local olive oil producers to create an estate olive oil. The applicant/owner also plans to work with Spottswoode Winery to rehabilitate and produce wine from the 4.42 acres of vineyard that will be preserved.

Changes to Project Since October 18, 2022 Planning Commission Meeting

The following revision were made in response to Planning Commission requests and as a result of the neighborhood meetings on November 6, 2022 and November 19, 2022:

1. The driveways proposed along Fir Hill Drive have been removed.
2. The proposed ADU has been moved an additional 15' back from Fir Hill Drive and 5' closer to the proposed primary structure.
3. The massing of the ADU was revised by lowering the roof height by 2'.
4. The pool was reoriented and the size was reduced.
5. The bocce court was reoriented to expand the views of neighboring properties.
6. The area of vineyard proposed for removal was reduced from 0.75 acres to 0.66 acres.
7. The area of olive orchard proposed was reduced from 0.21 acres to 0.13 acres to provide for a newly proposed retention basin and to increase visibility on the corner of Madrona Avenue and Fir Hill Drive.
8. A 1' deep, 6' wide bio-swale will surround the area proposed for development and two bioretention basins with 2,025 cubic feet of retention capacity will be installed at the front of the property.
9. The landscape plan has been revised to further reduce overall water usage.
10. The water analysis was updated to reflect the reduced water usage from the revised landscape plan.
11. The layout of the olive orchard along Fir Hill was adjusted to increase visibility at the intersection with Madrona Avenue.

ANALYSIS

CEQA

Staff has concluded the requisite analysis and concluded that the project is categorically exempt from the requirements of CEQA pursuant to Section 15301, which exempts demolition and removal of individual structures including one single-family residence, and Section 15303, which exempts the construction or conversion of small structures including single-family residences, garages, pools, etc. 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 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 Agriculture (AG). The AG land use designation allows agricultural and winery uses with restricted single family residential and public/quasi-public uses. The St. Helena General Plan Update 2040 and 2015-2023 Housing Element Goals, Policies, and Eight-Year Action Plan include the following policies that are relevant to the proposed project:

- LU5.1 - Discourage conversion of existing farmland to non-agricultural uses.

The applicant proposes removal of approximately 0.66 acres of existing vineyard to accommodate the proposed residential project. Staff has discouraged the applicant from removing any of the existing vineyard to be consistent with this General Plan Policy. However, the applicant has stated that the section of vineyard to be removed is the least viable for rehabilitation and not likely to be productive and has proposed the addition of 0.13 acres of fruit and olive trees to the existing .20 acre orchard for the production of an estate olive oil as an alternative to keeping all the existing vineyard. Regardless of the proposal to include the addition of olive trees to the site, the project site will still lose 0.66 acres of existing farmland for a non-agricultural use, and net loss of 0.53 acres of total agricultural uses, rendering the project inconsistent with this General plan policy.

- LU5.3 - Strictly limit development on properties existing at the time of the adoption of this General Plan that are designated as agricultural land.
  The applicant has proposed a very large single-family residence and accessory structures totaling 19,515 square feet. This is a reduction from the initial application proposal, and 6,457 square feet (or more than one-third of the proposed residence) will be located below grade, not visible from street views. The above grade portion of the development consists of a 5,244 square foot first floor, and 2,706 second floor of the proposed primary dwelling, 1,754 square foot garage and 1,640 square foot covered terrace, a 850 square foot ADU and 864 square foot covered terrace. As with General Plan Policy LU5.1, staff has determined that the proposed removal of the existing vineyard for the purpose of developing the parcel for nonagricultural use is inconsistent with these two General Plan policies. However, 2126 Madrona, is the only property on Fir Hill Drive that has retained agricultural uses on-site.

- LU2.2 - Encourage new residential development that is consistent in design, size, color, and floor area ratio (FAR) with the older residences in the neighborhood.
  Although the proposed single-family home and accessory structures are very large, approximately one-third of the proposed construction would be below grade. The above ground portion of the project, as well as relationship to the site and surrounding area, should be used for consistency comparisons.

  The A-20 zone consists of large parcels with few limitations on the size of structures and provides for a wide variation of designs and sizes as evidenced along Fir Hill Drive, which has been developed with greater density and intensity of uses than what is intended for the A-20 district. Though the above ground portion of the project is larger than the other surrounding homes in the A-20 zone (depicted on Attachment 8), this parcel is the largest of the neighboring residential properties, and proposes a 0.08 FAR that is less than the average 0.10 FAR of the surrounding neighborhood.

  The design and colors used throughout the neighborhood are eclectic so comparisons should be limited to the types of color and materials used which are

typical of residential uses, consistent with the intention of this policy. The design applies articulation of facades and layered massing.

- PF1.1 - Require that the approval of new development be contingent upon the ability of the City to provide water without exceeding the safe annual yield of its water supply.
  With the use of water efficient fixtures, the proposed home and landscaping will not result in an increase of water used on the site.

- CD3.2 - Ensure that the new residential designs contribute positively to existing neighborhoods by complementing character and incorporating design features, such as front porches, façade articulation and step backs.
  The architectural design provides façade articulation and layered massing, along the street views of Madrona Avenue and Fir Hill Drive. Some of the project revisions include the relocation of the ADU an additional 15' back from Fir Hill Drive, and 5' closer to the proposed primary residence, a reduction of the pool size, and the reorientation of the pool and bocce court. The ADU, pool, and bocce court will be framed in by a low wall (1.5' to 2.5' in height above grade). The proposed olive orchard has been redesigned to cover the area previously designated as driveway space along Fir Hill Drive, and to preserve the Madrona Avenue-Fir Hill Drive corner view. A 5' wall will screen the vehicle motor court from public view. The second story steps back from the first story to help reduce overall massing and allowing neighborhood views of the mountains and surrounding vineyards (please see photo simulation on Sheet A1.3).

- HE1.5 - Encourage innovative housing types and designs.
  The project design is modern and incorporates articulation, layered massing, earth tones and natural elements such as stone veneer, cement plaster with wood and metal accents.

- HE2.4 - Promote second unit production.
  Although, not subject to discretionary review pursuant to State law, the project includes an 850 square foot accessory dwelling unit, with a covered terrace.

- HE2.6 - Promote a balance of types of housing throughout the whole community.
  The project proposes a large single-family home and an accessory dwelling unit, which are allowable uses in the A-20 district.

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 and provide for future orderly development as the urban limit line is adjusted to accommodate urban growth.

Pursuant to SHMC §17.20.060, the following development standards apply:

- Maximum non-agricultural coverage, 1 acre: 1 acre proposed
- Floor area ratio (F.A.R.), Not regulated
- Front setback, 50 feet, measured from center line of abutting street: 70 feet proposed
- Rear yard, 20 feet: Approximately 800 feet proposed
- Side yard, 20 feet: 20 feet proposed
- Height of buildings/structures, 30 feet: 29 feet proposed

Staff Response: The project as proposed meets the development standards prescribed by Section 17.20.060 of the SHMC. The 5.78-acre site has 5.08 acres of vineyards and is currently developed with 0.5 acres of non-agricultural uses. As shown on Sheet A1.0, the project proposes the removal of (0.66 acres) of the existing vineyard, which will leave 4.42 acres of vineyards to be rehabilitated for reuse, and 1-acre of non-agricultural use. The addition of (0.13 acres) of fruit and olive trees to the existing .20-acre orchard, with plans to develop an estate olive oil, will bring the total non-agricultural coverage to 1-acre. The project proposes additional landscaping consisting of very-low, low, and moderate use plantings consistent with code Section 17.112.140(B) of the SHMC that encourages xeriscape principles.

Note, the driveway is not included in the overall lot coverage consistent with superscript 1 of Section 17.20.060 (C) - Standards for Two Acre Lots or Greater in Area, which states that all structures, driveways (except for a sixteen-foot-wide driveway no greater than two-thirds the length of the parcel), parking, patios, lawn, or other non-agricultural uses shall be limited to one-acre maximum per parcel. The driveway for the primary residence is 16-feet and runs the width of the property, rather than the length. The driveways have not been counted toward the total non-agricultural coverage of the site. However, the screened motor court fronting Madrona Avenue has been included in the total 43,650 square feet (1-acre) residential coverage calculation. The screen wall surrounding the motor court is proposed at a height of 5-feet and is setback 48-feet from the front property line, where a minimum 40-foot setback for fences exceeding 3.5 feet in height is required. Though not subject to the visibility triangle requirements defined in Section 17.04.160 of the SHMC because Fir Hill Drive is a private drive, rather than a street, the project exceeds the standard as noted in Attachment 14.

WATER

Chapter 13.12.030 of the SHMC requires mandatory water efficiency measures and water demand offset requirements for new construction. Among these provisions is the requirement that any "new development" (i.e. construction that would introduce any freestanding building that contains water-using fixtures, any floor area additions to existing nonresidential structures, or any residential additions or remodeling that increases the number of independent living units) offset new water demand by an amount equal to the new demand placed on the city water system (i.e., it must be water neutral). The offset must be clearly demonstrated to the satisfaction of the Public Works Department.

Staff Response: The Water Use Analysis proposes a net decrease of 21 gpd to the average daily water usage by utilizing low flow water fixtures throughout, drought tolerant landscaping, and a cover for the pool. The existing vineyard is currently dry farmedbut is proposed for rehabilitation and will utilize well water from a new well that will also provide water for the proposed olive orchard, or if the regulatory controls do not allow the installation of a new well, the vineyard will continue to be dry-farmed and the olive orchard will be irrigated with City water after the applicant makes any adjustments to proposed landscaping to ensure that the project will remain water neutral.

PARKING

SHMC Section 17.124.030 "Minimum On-site Parking Requirements", requires that residential uses provide two parking spaces for the main dwelling unit, one of which shall be contained within a garage or carport. In addition to the required parking for the primary residence, one parking space, covered or uncovered, shall be provided on site for an ADU. As described in SHMC Section 17.124.050(D), parking in tandem is permitted in residential districts when required parking is less than 3 spaces.

Staff Response: The project primary residence will provide a three-car enclosed garage and a screened motor court capable of accommodating multiple vehicles, exceeding the requirements established in Sections 17.124.030 and 17.116.030 of the SHMC.

DEMOLITION PERMIT

As provided in SHMC Section 17.164.050(G), no permit authorizing the demolition of any building within any zoning district shall be issued until approved by the Planning Commission in accordance with the following findings:

1. That, based on the public record and testimony presented at a public hearing, the building is determined not to be a significant architectural or historical building. If a building is determined to be significant by the planning commission, no demolition will be authorized unless the following findings are made by the commission:
   a) That the building poses a threat to health, safety and general welfare if it is not demolished,
   b) That the restoration of the building is not feasible or practicable using current building codes including, but not limited to, the Historic Building Code provisions of the Uniform Building Code of the state of California,
   c) That no public or other funding is available for financing renovation or purchase of the building;

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

3. That the design review of the proposed replacement structure has been approved in conjunction with the demolition permit.

Staff Response: The existing home was constructed in 1883 but does not appear on the St. Helena Historic Resource Inventory. A Historic Resources Evaluation was conducted for the existing structures on the site (Attachment 3). The evaluation concluded that substantial alterations occurred outside of the historic era, the structures lack architectural significance, historic significance, or association with historic persons required for historic listing. The evaluation determined that none of the existing structures on the site meet the required criteria of significance necessary for eligibility for the California Register of Historic Resources (CRHR), the National Register of Historic Places (NRHP), or the St. Helena Historic Resource Inventory. Demolition of the existing structures would not be contrary to the requirements of the SHMC Section 17.164.050(G), and demolition of the structures will not occur prior to approval of design review for the replacement structures. Further study was conducted by the Historic Preservation expert and responses to neighborhood comments were provided (Attachments 4 and 5).

DESIGN REVIEW

SHMC Section 17.40.040 requires design review approval for all subdivisions, signs, new structures or buildings (except for one accessory dwelling unit which complies with the provisions set forth in Section 17.116.030) or exterior revisions (not including change in exterior color) of any existing structures or buildings for both permitted and conditional uses pursuant to SHMC Section 17.164. The purpose of design review is to promote the qualities that bring value to the community and foster attractiveness and functional utility of the community as a place to live and work. The Planning Commission must find that the project takes reasonable account of the design criteria prescribed in SHMC Section 17.164.030 (listed below) in review of this application:

1. Consistency and compatibility with the applicable elements of the general plan;

   Though not entirely consistent with General Plan policies LU5.1 and LU5.3 due to the removal of existing farmland for non-agricultural uses, the applicant has stated that the portion of existing vineyard proposed for removal to accommodate the project is the least viable for rehabilitation, has partnered with the Spottswoode Winery to rehabilitate the remaining vineyard, and has proposed to add an additional 0.13-acre of fruit and olive trees to the existing 0.20-acre orchard and plans to establish an estate olive oil in an effort to continue and preserve the majority of the agricultural uses on the site. However, the project will lose 0.66-acre of existing farmland, with a proposal to plant an additional 0.13-acre of olive trees, resulting in a net loss of 0.53-acre of farmland for non-agricultural use. The project is consistent with General Plan policies LU2.2, PF1.1, CD3.2, HE1.5, HE2.4, HE2.6, as noted in the General Plan Section of this report.

2. Compatibility of design with the immediate environment of the site;

The proposed primary residence is very large, but a significant portion of the home will be located in a basement level not visible from the street. Additionally, the applicant has worked with City staff to break up the façade fronting Fir Hill Drive. At the direction of the Planning Commission, the applicant held meetings with the neighboring residents and made subsequent minor revisions intended to minimize the massing while preserving the vineyard and mountain views of neighboring properties, including relocating the ADU an additional 15' back from Fir Hill Drive and 5' closer to the house, reduction of the pool size, and reorientation of the pool and bocce court. The house design will utilize earth tone paints, cement plaster, and natural accent elements such as stone, wood, and metal.

3. Relationship of the design to the site;

The project proposes removal of approximately 0.66-acre of existing 5.08-acres of vineyards from the site and demolition of the existing structures to accommodate the proposed primary residence, garage, accessory dwelling unit, pool, bocce court, the addition of approximately 0.13-acre of fruit and olive trees to the existing 0.20-acre orchard, and rehabilitation of the remaining 4.42-acres of vineyards. The proposal meets or exceeds all setback requirements and exceeds the off-street parking requirements and provides adequate circulation for vehicles. A 5-foot wall located outside of the front setback is designed to screen a portion of the motor court from street view.

4. Determination that the design is compatible in areas considered by the board as having a unified design or historical character;

The surrounding area has a mix of historic and non-historic development. The project site is developed with a residential structure originally constructed in 1883 but has been determined not to have any historic value that would be eligible for national, state, or local historic registration. The project has been designed to minimize impact on the surrounding area through use of articulation, layered massing, exterior treatment of earth tones and natural materials, and undergrounding of a large portion of the proposed residence.

5. Whether the design promotes harmonious transition in scale and character in areas between different designated land uses;

Aside from the nearby historic Spottswoode Winery, which is located in the Winery district, the property is completely surrounded by A-20 lands developed with primarily residential uses that have not retained on-site agricultural uses. The proposal includes the removal of 0.66-acre of existing vineyards and rehabilitation of the remaining 4.42-acres of vineyards for wine production and includes the addition of olive trees which will be used in the production of an estate olive oil, to retain the agricultural nature of the existing lands, and a new

residence to replace the existing residence in an area that is developed with other residential structures of various shapes and sizes.

6. Compatibility with future construction both on and off the site;

The project proposes new residential uses and the rehabilitation and reuse of the existing vineyard and installation of olive trees for the production of an estate olive oil, in compatibility with the surrounding A-20 zone which allows agricultural and residential uses.

7. Whether the architectural design of structures and their materials and colors are appropriate to the function of the project;

The project will use earth tones and natural elements, undergrounding of a large portion of the proposed structure, façade articulation, layered massing, and a step back of the second story as well as setbacks exceeding the minimum requirements of the A-20 zone.

8. Whether the planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community;

Because the project proposes a large residence, the planning and siting of the buildings has been critical to the overall design. The structure will underground a large portion of the primary residence, provide articulation, layered massing, and a step back of the second story, as well as setbacks greater than the required minimums. Additionally, the project proposes more than the required parking and on-site circulation and can easily accommodate the residents of the home as well as guests.

9. Whether the amount and arrangement of open space and landscaping are appropriate to the design and the function of the structures;

The proposal includes the removal of 0.66-acre of existing vineyards and rehabilitation of the remaining 4.42-acres of vineyards for wine production and includes the addition of 0.21-acre of olive trees to an existing 0.13-acre orchard, which will be used in the production of an estate olive oil. The proposed site plan also includes a bocce ball court and ornamental landscaping. Although the project proposes the removal of existing farmland (a total net loss of 0.53-acre), this is one of the only properties along Fir Hill Drive that contain a residential use that has retained any on-site agricultural use.

10. Whether access to the property and circulation systems are safe and convenient for pedestrians, cyclists and vehicles;

The project proposes more than the minimum required parking and on-site circulation can easily accommodate the residents of the home as well as guests.

11. Whether natural features and vegetation are appropriately preserved and integrated with the project;

The project will remove the 0.66-acre of the existing vineyard and will preserve and rehabilitate the remaining 4.42-acres of vineyards for wine production in partnership with the nearby Spottswoode Winery.

12. Whether the materials, textures, colors, and details of the construction are an appropriate expression of its design concept and function and whether they are compatible with the adjacent and neighboring structures and functions;

The design uses earth tone paints, cement plaster, and natural accent elements such as stone, wood, and metal which are materials found on other surrounding homes. The primary residence has been designed with larger than required setbacks, undergrounding of a large portion of the proposed residence, façade articulation and layered massing in order to preserve the mountain and vineyard views of surrounding properties. The above ground portion of the proposed primary structure is 7,950 square feet, which is approximately 2,300 square feet larger than the largest existing home in the surrounding neighborhood. However, the next largest home, which is 5,633 square feet in size, is located on a property that is only one acre in size and has a floor area ratio (FAR) approximately twice the FAR of this proposal. Therefore, in evaluating compatibility with adjacent and neighboring structures, the size of the home in relation to the parcel on which it is proposed, and not just size alone, is an important factor.

13. Whether the landscape design concept for the scale, plant forms and foliage textures and colors, create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site;

The proposed structures will be surrounded on the front and sides with 0.33-acre of fruit and olive trees, and gardens designed to create visual interest in contrast with the earth tones used for the structures and functionality for the residents.

14. Whether sustainability and climate protection are promoted through the use of green building practices such as appropriate site/architectural design, use of green building materials, energy efficient systems and water efficient landscape materials.

The landscaping has been designed to create a desirable and functional environment and includes several garden areas, and several fruit and olive trees, while preserving approximately 4.42-acres of the existing vineyards. Construction will comply with the California Green Code and will incorporate solar panels, and water efficient landscaping.

ISSUES

As stated above, the project has been reviewed by the Planning Commission at two separate meetings. The first meeting, held on October 18, 2022, and resulted in a continuation of the project due to numerous concerns raised by the public and a request by the Planning Commission for additional information. The Planning Commission also requested that the applicants install story poles to demonstrate the massing of the proposed structures and to hold meeting with the neighboring property owners. Two neighborhood meetings were conducted on November 6, 2023, and November 19, 2023, in which neighbors met with the project applicant team and discussed various project concerns. The meetings were conducted informally, and no meeting minutes were provided. The second Planning Commission meeting was held on December 6, 2023, with the purpose of providing a project status update to the Commission. At this meeting, the Planning Commission requested that the project applicant provide a summary of the neighborhood meetings (Attachment 9) and allow the neighbors the opportunity to respond and provide any additional comments and clarifications regarding the details of the neighborhood meetings.

Following the circulation of the applicant summary of the neighborhood meetings, three separate letters were received from neighbors providing additional comment (Attachments 10-12). All three neighboring property owners continued to express concern over the project details with particular emphasis on the following:

1. Project massing/size of structures

   The applicant has worked with staff and considered the comments from neighbors to reduce the massing of the proposed structures. However, the St. Helena Municipal Code does not limit massing in the A-20 zone. Staff cannot impose a reduction in project massing that other properties in the same zone would not be subjected to based on the existing standards in the City's zoning code.
2. Trees: historic oak and placement of olive grove

   The existing historic oak tree is located in the City public right-of-way and will be protected in place. The project has been conditioned to protect any roots that may be exposed by grading activities.
3. Water: water usage and well for on-site agricultural uses

   The applicant has prepared a Water Use Analysis according to the Water Neutrality regulations, which has been reviewed and accepted by the Public Works Department. The city cannot impose additional standards which would not be required for any other property in the A-20 zone.
   The applicant has proposed a new well to replace the existing well, which will be removed to accommodate the proposed construction. As the well permit process is separate from design review, the applicant will be required to either obtain the necessary well permit through Napa County and the City or provide studies to show that the on-site agricultural uses can either be dry farmed, as is currently the

case, or irrigated using City water without exceeding the water neutrality requirements (see Public Works condition # 31).

4. Drainage and stormwater runoff

   The project civil plans show that water flows away from Fir Hill Drive across the site and toward stormwater facilities located within Madrona Avenue. Additionally, the applicant has proposed a 1' deep, 6' wide bio-swale around the perimeter of the area proposed for grading and development, and two bioretention basins with a total capacity of 2,025 cubic feet, or 5 times the output from a 100-year storm. A Stormwater Control Plan has been reviewed and accepted by the Public Works Department for stormwater runoff during construction activities.

5. Noise from mechanical equipment

   All mechanical equipment associated with the project, including HVAC, will be located in the basement mechanical room. As all residential development must meet Title 24 regulations for interior noise levels, the project will not pose noise impacts to surrounding properties. The project construction activities have been conditioned to comply with Chapter 8.24 – Noise, of the St. Helena Municipal Code.

6. Loss of vineyard/grape yields

   Comments from neighboring properties have indicated that the existing vineyard is historic. However, no evidence has been provided to show that the vineyard has been nominated as historic. Furthermore, the Historic Resource evaluation performed for the project site has determined that the property is not an historic resource and is not eligible for listing on a national, state, or local registry based on the CEQA criteria for historic resources. Grape yields are not subject to the design review process.
   Notwithstanding, the removal any of the existing vineyard is inconsistent with General Plan policies LU5.1 and LU5.3 that discourage the conversion of existing farmland to non-agricultural use and strictly limit development on properties existing at the time of the adoption of the General Plan that are designated as agricultural land.

7. Visibility on the corner of Madrona Avenue and Fir Hill Drive

   Visibility at the corner of Madrona Avenue and Fir Hill Drive is already somewhat obstructed by the presence of a very large historic oak tree. The project has proposed and been conditioned to protect the oak. In order to further reduce visibility impacts, the proposed olive orchard has been moved farther from the corner and the larger of the two proposed bio retention basins will be placed at the corner of the property. Though not subject to the visibility triangle requirements defined in Section 17.04.160 of the SHMC because Fir Hill Drive is a private drive, rather than a street, the project exceeds the standard as noted in Attachment 14.

8. Number of bedrooms and bathrooms

Some concerns have been expressed over the proposed number of bedrooms and bathrooms. However, there are no general plan or zoning criteria in place that would limit the number of bedrooms or bathrooms. The interior use of the structures is not something the the Planning Commission considers as part of design review, and the project has complied with the City's Water Neutrality regulations. Some clarification has been provided on the project plan set to remove door jams and headers from rooms not to be used as bedrooms.

9. Sewer or septic

   The applicant has submitted an application for sewer extension and connection for the project, which is currently under review by the Public Works Department. The sewer application is independent of design review and the Public Work Department has provided a wastewater condition for sewer or septic to be installed subject to all City and County regulations prior to the issuance of a Certificate of Occupancy.

10. Grading concerns and construction

    The Conceptual grading plan has been included in the project plan set, Sheet C2.1 and indicates that project site slopes away from Fir Hill Drive and toward Madrona Avenue.

11. Location of the ADU and backyard layout

    As a result of the neighborhood meetings, the ADU has been located 15' further from Fir Hill Drive, and 5' closer to the primary structure than initially proposed, and the roof height of the ADU has been decreased by 2'. The pool has been reduced in size and both the pool and bocce court have been reoriented to address neighbor concerns. Further, the ADU should not be considered as part of the design review application as it is only subject to ministerial review under the City's Zoning Code and state law.

12. CEQA

    Various comments have been received. The project is exempt from CEQA review pursuant to Section 15301 (Existing Structures) and Section 15303 (Reconstruction or Conversion of Small Structures). The Class 1 and Class 3 exemptions apply equally to single family residence regardless of size.

CORRESPONDENCE

Three formal letters from neighboring property owners have been received by staff (Attachments 10-12). Additionally, an email was received regarding the project potential for flooding in the basement (Attachment 13). Public Works Staff has determined that any potential for the proposed project resulting in flooding of the basement would be outside of the purview of City staff and would instead be between the property owner and their insurance company.

STAFF RECOMMENDATION

Option 1
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 15301 and Section 15303; and

2. Accept the required findings and approve the attached resolution granting demolition permit and design review approval for the proposed construction on the property located at 2126 Madrona Avenue.

Option 2

1. Determine that the project is exempt from the requirements of CEQA pursuant to Section 15301 and Section 15303; and

2. Find the project inconsistent with General Plan policies LU5.1 and LU5.3 and continue action on the item, requesting that the applicant/owner revise the project plans to retain all of the existing vineyards and redesign the site for Planning Commission review at a future date.

ATTACHMENTS
1. Resolution
2. Project Plans
3. Project Statement
4. Historic Resource Evaluation
5. Response to HRE Comments
6. Water Use Analysis
7. Stormwater Control Plan
8. Assessor Parcel Data for Surrounding Properties
9. Applicant - Neighborhood Meeting Summary
10. 1693 Fir Hill Dr - Neighborhood Meeting Summary
11. 1615 Fir Hill Dr - Neighborhood Meeting Summary
12. 2056 Madrona Ave - Neighborhood Meeting Summary
13. Basement Flooding Discussion
14. Public Works Response to Neighbor Comments
15. Vineyard Expected Production Capacity
16. Applicant Letter to Fir Hill Neighbors 2-21-23

CITY OF ST. HELENA PLANNING COMMISSION
RESOLUTION NO.
GRANTING DEMOLITION PERMIT AND DESIGN REVIEW APPROVAL TO
2126 MADRONA AVENUE (File No. PL21-044)

PROPERTY OWNER: Lorraine and Joe Berchtold **APN:** 009-470-010

Recitals

1. The property owner requests adoption of a resolution approving a demolition of existing structures in order to accommodate the construction of a single-family home, garage and accessory dwelling unit and design review approval for the proposed single family home on a property located at 2126 Madrona Avenue in the Twenty-Acre Agriculture (A-20) zoning district.; and
2. A public notice was published in the Napa Valley Register and mailed to residents andoccupants 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 theproject, staff report, and all testimony, written and spoken, at a duly noticed public hearing on March 7, 2023; and
4. Now, therefore let it be found that the Planning Commission approves the Demolition Permit and Design Review thereby authorizing the proposal contained in said plans 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 Section 15303, which exempts the construction or conversion of small structures including single-family residences, garages, pools, etc.

C. Pursuant to St. Helena Municipal Code (SHMC) Section 17.164.050, the Planning Commission makes the following findings to support the motion to approve the Demolition Permit to allow for the demolition the existing structures on-site:

    1. That, based on the public record and testimony presented at a public hearing, the building is determined not to be a significant architectural or historical building.
    2. That the demolition does not eliminate elements that are required to maintain the essential character of the neighborhood; and

3. That the design review of the proposed replacement structure is approved prior to approval of the demolition of a housing structure.

   The existing home was constructed in 1883 but does not appear on the St. Helena Historic Resource Inventory. A Historic Resources Evaluation was conducted for the existing structures on the site. The evaluation concluded that substantial alterations occurred outside of the historic era, the structures lack architectural significance, historic significance, or association with historic persons required for historic listing. The evaluation determined that none of the existing structures on the site meet the required criteria of significance necessary for eligibility for the California Register of Historic Resources (CRHR), the National Register of Historic Places (NRHP), or the St. Helena Historic Resource Inventory. Demolition of the existing structures would not be contrary to the requirements of the SHMC Section 17.164.050(G), and demolition of the structures will not occur prior to approval of design review for the replacement structures.

D. In accordance with the design review criteria identified in SHMC Section 17.164.030, the Planning Commission finds that the project demonstrates the following:

   1. Consistency and compatibility with applicable elements of the general plan;

      Though not entirely consistent with General Plan policies LU5.1 and LU5.3 due to the removal of existing farmland for non-agricultural uses, the applicant has stated that the portion of existing vineyard proposed for removal to accommodate the project is the least viable for rehabilitation, has partnered with the Spottswoode Winery to rehabilitate the remaining vineyard, and has proposed to add an additional 0.13-acre of fruit and olive trees to the existing 0.20-acre orchard and plans to establish an estate olive oil in an effort to continue and preserve the majority of the agricultural uses on the site. However, the project will lose 0.66-acre of existing farmland, with a proposal to plant an additional 0.13-acre of olive trees, resulting in a net loss of 0.53-acre of farmland for non-agricultural use. The project is consistent with General Plan policies LU2.2, PF1.1, CD3.2, HE1.5, HE2.4, HE2.6.

   2. Compatibility of design with the immediate environment of the site;

      The proposed primary residence is very large, but a significant portion of the home will be located in a basement level not visible from the street. Additionally, the applicant has worked with City staff to break up the façade fronting Fir Hill Drive. At the direction of the Planning Commission, the applicant held meetings with the neighboring residents and made subsequent minor revisions intended to minimize the massing while preserving the vineyard and mountain views of neighboring properties, including relocating the ADU an additional 15' back from Fir Hill Drive and 5' closer to the house, reduction of the pool size, and reorientation of the pool and bocce court. The house design will utilize earth tone paints, cement plaster, and natural accent elements such as stone, wood, and metal.

3. Relationship of the design to the site;

   The project proposes removal of approximately 0.66-acre of existing 5.08-acres of vineyards from the site and demolition of the existing structures to accommodate the proposed primary residence, garage, accessory dwelling unit, pool, bocce court, the addition of approximately 0.13-acre of fruit and olive trees to the existing 0.20-acre orchard, and rehabilitation of the remaining 4.42-acres of vineyards. The proposal meets or exceeds all setback requirements and exceeds the off-street parking requirements and provides adequate circulation for vehicles. A 5-foot wall located outside of the front setback is designed to screen a portion of the motor court from street view.

4. Determination that the design is compatible in areas considered by the board as having a unified design or historical character;

   The surrounding area has a mix of historic and non-historic development. The project site is developed with a residential structure originally constructed in 1883 but has been determined not to have any historic value that would be eligible for national, state, or local historic registration. The project has been designed to minimize impact on the surrounding area through use of articulation, layered massing, exterior treatment of earth tones and natural materials, and undergrounding of a large portion of the proposed residence.

5. Whether the design promotes harmonious transition in scale and character in areas between different designated land uses;

   Aside from the nearby historic Spottswoode Winery, which is located in the Winery district, the property is completely surrounded by A-20 lands developed with primarily residential uses that have not retained on-site agricultural uses. The proposal includes the removal of 0.66-acre of existing vineyards and rehabilitation of the remaining 4.42-acres of vineyards for wine production and includes the addition of olive trees which will be used in the production of an estate olive oil, to retain the agricultural nature of the existing lands, and a new residence to replace the existing residence in an area that is developed with other residential structures of various shapes and sizes.

6. Compatibility with future construction both on and off the site;

   The project proposes new residential uses and the rehabilitation and reuse of the existing vineyard and installation of olive trees for the production of an estate olive oil, in compatibility with the surrounding A-20 zone which allows agricultural and residential uses.

7. Whether the architectural design of structures and their materials and colors are appropriate to the function of the project;

   The project will use earth tones and natural elements, undergrounding of a large portion of the proposed structure, façade articulation, layered massing, and a

step back of the second story as well as setbacks exceeding the minimum requirements of the A-20 zone.

8. Whether the planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community;

   Because the project proposes a large residence, the planning and siting of the buildings has been critical to the overall design. The structure will underground a large portion of the primary residence, provide articulation, layered massing, and a step back of the second story, as well as setbacks greater than the required minimums. Additionally, the project proposes more than the required parking and on-site circulation and can easily accommodate the residents of the home as well as guests.

9. Whether the amount and arrangement of open space and landscaping are appropriate to the design and the function of the structures;

   The proposal includes the removal of 0.66-acre of existing vineyards and rehabilitation of the remaining 4.42-acres of vineyards for wine production and includes the addition of 0.21-acre of olive trees to an existing 0.13-acre orchard, which will be used in the production of an estate olive oil. The proposed site plan also includes a bocce ball court and ornamental landscaping. Although the project proposes the removal of existing farmland (a total net loss of 0.53-acre), this is one of the only properties along Fir Hill Drive that contain a residential use that has retained any on-site agricultural use.

10. Whether access to the property and circulation systems are safe and convenient for pedestrians, cyclists and vehicles;

    The project proposes more than the minimum required parking and on-site circulation can easily accommodate the residents of the home as well as guests.

11. Whether natural features and vegetation are appropriately preserved and integrated with the project;

    The project will remove the 0.66-acre of the existing vineyard and will preserve and rehabilitate the remaining 4.42-acres of vineyards for wine production in partnership with the nearby Spottswoode Winery.

12. Whether the materials, textures, colors, and details of the construction are an appropriate expression of its design concept and function and whether they are compatible with the adjacent and neighboring structures and functions;

    The design uses earth tone paints, cement plaster, and natural accent elements such as stone, wood, and metal which are materials found on other surrounding homes. The primary residence has been designed with larger than required setbacks, undergrounding of a large portion of the proposed

residence, façade articulation and layered massing in order to preserve the mountain and vineyard views of surrounding properties. The above ground portion of the proposed primary structure is 7,950 square feet, which is approximately 2,300 square feet larger than the largest existing home in the surrounding neighborhood. However, the next largest home, which is 5,633 square feet in size, is located on a property that is only one acre in size and has a floor area ratio (FAR) approximately twice the FAR of this proposal. Therefore, in evaluating compatibility with adjacent and neighboring structures, the size of the home in relation to the parcel on which it is proposed, and not just size alone, is an important factor.

13. Whether the landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors, create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site;

The proposed structures will be surrounded on the front and sides with 0.33-acre of fruit and olive trees, and gardens designed to create visual interest in contrast with the earth tones used for the structures and functionality for the residents.

14. Whether sustainability and climate protection are promoted through the use of green building practices such as appropriate site/architectural design, use of green building materials, energy efficient systems and water efficient landscape materials.

The landscaping has been designed to create a desirable and functional environment and includes several garden areas, and several fruit and olive trees, while preserving approximately 4.42-acres of the existing vineyards. Construction will comply with the California Green Code and will incorporate solar panels, and water efficient landscaping.

Planning Department Conditions of Approval

E. The Planning Commission approves a demolition permit and design review 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 design review shall be vested within one (1) year from the date of final action. A building permit for the use allowed under this approval shall have been applied for within one (1) year from the effective date of this 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. Any request for an extension of this approval shall be justified in writing and

receivedby the Planning Department at least thirty (30) days prior to expiration.

4. 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.
5. All required fees, including planning fees, development impact fees, residential in-lieuhousing 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.
6. Pursuant to City Council Resolution 2003-65, the owner and applicant are informed ofthe following:

   Prior to issuance of a building permit, in recognition of the need for additional affordable housing, and to mitigate the effectsof this development on the supply and demand of affordable housing, the permitee shall be subject to a Housing Impact Fee, an inclusionary requirement, an in-lieu fee, and/or similar fair and appropriate mechanisms, to provide funds for or to develop additional affordable housing.
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 unlessanother 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 itsown 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.
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 standardsof Title 24.

12. Construction shall be in compliance with plans submitted and reviewed by the Planning Commission on March 7, 2023, except as modified herein.
13. During construction, the project site shall be adequately fenced and secured to prevent trespassing.
14. No new landscaping shall be installed while the City is in a declared Phase II or Phase III water emergency.
15. Exterior lighting shall be directed or shielded to prevent glare onto public roadways oradjacent properties.
16. To reduce disturbance of residents in the project vicinity, construction activities whichgenerate 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 followingreasons: (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 andgive 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

17. An Encroachment Permit is required for all work within City right-of-way. Encroachment Permits will not be issued prior to the approval of the Improvement Plans.
18. A separate utility connection directly between the ADU and the utility is required (SHMC 17.116.030). Backflow prevention devices shall be installed; all public improvements utility connections shall be designed in accordance with the City of St. Helena's Construction Standards (SHMC 16.32.230).
19. The applicant shall verify that the existing water service and meter sizes are adequate to provide domestic and sprinkler water to the proposed residence. If the existing meter size and/or services size is not adequate, the applicant shall replace the existing piping and/or meter with the appropriate size and be responsible for any fees associated with increasing the meter size.
20. An onsite wastewater treatment (septic tank) system, conforming 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. Alternatively, a sanitary sewer extension and district annexation shall be pursued. All facilities shall be constructed in accordance with City of St. Helena Standards and Specifications. Sanitary sewer facilities shall be installed prior to the issuance of Certificate of

Occupancy.

21. Post-construction storm drain runoff shall be limited to pre-construction levels. The improvement plans shall demonstrate that flows will not increase due to improvements being installed with this project. No lot-to-lot drainage is allowed. All site drains must be connected to the public stormdrain system or discharged through the face of curb or to an established waterway.
22. The City has adopted the latest edition of the Bay Area Stormwater Management Agencies Association (BASMAA) Post-Construction Manual. Applicant is responsible for construction plan conformance in accordance with the BASMAA Manual, SHMC Section 13.32 et. seq., and the State Water Resources Control Board Phase II Municipal Separate Storm Water System (MS4) General Permit (Order 2013-0001 DWQ). Approval of the project by Planning Commission does not constitute compliance with storm water regulations nor a right to develop per approved plans unless this condition of approval is fully satisfied.
23. The Applicant shall provide an Erosion and Sediment Control Plan (ESCP) and a schedule for implementation of approved measures to the Public Works Department forreview and approval with the first improvement plans submitted for review. A grading permit shall not be issued until the erosion and sediment control plan is approved.
24. The Applicant shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period, as is found necessary by the PublicWorks Director.
25. The Applicant shall construct all of Public Improvements generally shown on the DesignReview Plans and more specifically described below:
    a. As there are no existing curb, gutter and sidewalk improvements fronting the property and no immediate future plans for new improvements, the proposed driveway fronting Madrona shall be constructed in accordance with County of Napa Standard P-2 (Driveway Connection to Arterial Roads – RuralRoads.
    b. All landscaping and fencing along the front and side yards shall be installed suchthat they provide adequate sight distance and conform to City Standard 324 regarding Visibility and Fencing.
26. Any excavation adjacent to the historic oak on Madrona Avenue shall comply with Section 2-1 04 Protection of Vegetation of Saint Helena City Public Works standards.
27. Preservation of the historic oak tree within the public right-of-way along Madrona Avenue shall comply Section 12.24.150 Protection of protected trees during and after construction activity of the SHMC.

28. Prior to the issuance of a grading permit or building permit, whichever occurs first, the applicant (or tree professional) shall place orange construction fencing around the tree dripline and it must extend 5' beyond the drip line and have it inspected by the City Arborist with a written verification that the location of the construction fencing is in acceptable location. (This will exclude any part of the drip line extending into the pavement on Madrona Ave).

29. Prior to the issuance of any permit, the homeowner or permit applicant must place 4" of mulch below the entire dripline of the tree but 1' away from trunk flare. Exclude any part of the drip line extending into the pavement on Madrona Avenue.

30. In order to eliminate competition and help continue to preserve the Heritage Oak tree, the City Arborist recommends the property owner remove the adjacent redwood tree next in the canopy of the Heritage oak prior to the issuance of a building permit.

31. Prior to the issuance of a building permit, the applicant is required to prepare a Water Use Analysis according to the Water Neutrality regulations, which relies on the use of a well for irrigation purposes. The applicant shall provide evidence of permit processing through Napa County or provide studies to show that the on-site agricultural uses can either be dry farmed, as is currently the case, or irrigated using City water without exceeding the water neutrality requirements.

Building Department Conditions of Approval

32. The applicant will be required to comply with the codes adopted at the time the applicant applies for a building permit. At this time the City of St. Helena utilizes the 2019 Title 24 codes.

33. When submitting plans for a building permit, the plans shall include all documentation listed on the building permit application checklist.

34. The applicant shall provide a construction waste management plan with the building permit application.

35. The plans for construction shall include a checklist for compliance with the California Green Buildings Standards Code, mandatory measures. Provide a reference on the checklist indicating where the mandatory measures can be found on the plans.

36. When submitting plans, the title page shall include all information referenced on the building permit application checklist Title Page requirements.

37. Building Permit application materials and plans shall include any documentation pertaining to special loads applicable to the design and the specified section of the code that addresses the condition; special inspections

for any systems or components requiring special inspection; requirements for seismic resistance; and a complete list of deferred submittals at time of application. Any deferral of the required submittal items shall have prior approval of the Building Official however deferral of fire sprinkler design is not allowed.

38. Any deferral of the required submittal items shall have prior approval of the Building Official; however, deferral of the fire sprinkler design is not allowed.

39. A separate permit submittal is required for demolition of existing structures, construction of pools, installation of generators and PV-systems.

40. Properties that are on septic systems or are intending to abandon a septic system are encouraged to contact Napa County Environmental Health Department early in the process to prevent project delays. A permit is required for Demolition of existing septic systems from the Napa County EHD.

Fire Department Conditions of Approval

41. Plans submitted for building permit shall exhibit compliance with the current St. Helena Fire Code, as adopted and codified in St. Helena Municipal Code Chapter 15.36 and include compliance with vegetation hazard mitigation requirements of Section 8.08.010 (E)(9) of the St. Helena Municipal Code.

42. Fire sprinklers shall be installed as required by Fire Code and the Fire Department.

43. One hour minimum fire-resistant construction on all exterior walls within 10' of property boundary is required. Fire resistant construction of interior walls shall be determined by type of occupancy.

44. 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.

I HEREBY CERTIFY that the foregoing demolition permit and design review 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 March 7, 2023, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

John Ponte
Chair, Planning Commission

ATTEST:

Maya DeRosa, AICP
Planning and Building Director

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574

GENERAL NOTES

1. The work included under this contract consist of all labor materials, transportation, tools and equipment necessary for the construction of the project leaving all work ready for use.
2. All construction shall conform to the 2019 California Building Code; 2019 California Mechanical, Electrical, and Plumbing Codes; 2019 California Residential Code, 2019 California Energy Code; 2019 California Green Building Standards Code; Title 24; Fire Safe Standards and any other local governing codes and ordinances. In the event of conflict, the most stringent requirements shall apply.
3. The plans indicate the general extent of new construction necessary for the work, but are not intended to be all-inclusive. All demolition and all new work necessary to allow for a finished job in accordance with the intention of the drawing is included regardless of whether shown on the drawings or mentioned in the notes. All work is new, U.O.N.
4. Any errors, omissions or conflicts found in the various parts of the construction documents shall be brought to the attention of the Architect and the Owner for clarification before proceeding with the work.
5. The General Contractor shall maintain a current and complete set of the construction documents on the job site during all phases of construction for use of all the trades and shall provide all the subcontractors with current construction documents as required.
6. The General Contractor shall verify and assume responsibility for all dimensions and site conditions. The General Contractor shall inspect the existing premises and take note of existing conditions prior to submitting prices. No claim shall be allowed for difficulties encountered which could have reasonably been inferred from such examination.
7. Written dimensions take precedence. Do not scale drawings.
8. All dimensions to and from new construction when shown in plan are to face of stud, face of masonry, centerline, unless otherwise noted.
9. All dimensions on reflected ceiling or electrical plans are from face of finish or center line of column to center line of fixture or group of fixtures.
10. All vertical dimensions are to face of finish, finish floor, unless otherwise noted.
11. All dimensions noted "Verify" and "V.I.F." are to be checked by contractor prior to construction. Immediately report any variances to the architect for resolution.
12. Interior walls are 2x4 or 2x6 wood studs @ 16" o.c. unless otherwise noted and all exterior wall are 2x6 wood studs @ 16" o.c. unless otherwise noted.
13. Contractor shall provide all seismic bracing and hold-down clips as required by Code for all suspended ceiling and soffit framing conditions.
14. Coordinate all work with existing conditions, including but not limited to: irrigation pipes, electrical conduit, water lines, gas lines, drainage lines, etc.
15. Provide adequate temporary support as necessary to assure the structural value or integrity of the building.
16. Protect all existing building and site conditions to remain including walls, cabinets, finishes, trees and shrubs, paving, etc.
17. Details shown are typical. Similar details apply in similar conditions.
18. Verify all architectural details with structural, and design/build drawings before ordering or installation of any work.
19. Where locations of windows and doors are not dimensioned, they shall be centered in the wall or placed two stud widths from adjacent wall as indicated on the drawings.
20. All required exits shall be operable from inside, without the use of key or special knowledge.
21. All changes in floor materials occur at centerline of door or framed opening unless otherwise indicated on the drawings.
22. All materials, fixtures and equipment must be installed per manufacturer's specification and recommendations.
23. Verify clearances for flues, vents, chases, soffits, fixtures, etc. before any construction, ordering of, or installation of any items of work.
24. Sealant, caulking and flashing, etc. locations shown on drawings are not intended to be inclusive. Follow manufacturer's installation recommendations and standard industry and building practices.
25. All roof deck penetrations and exterior wall openings shall be guaranteed by the contractor to be water tight for a minimum period of one year after substantial completion of all work under this contract.
26. The General Contractor shall remove all rubbish and waste materials of all subcontractors and trades on a regular basis, and shall exercise a strict control over job cleaning to prevent any direct debris or dust from affecting, in any way, finished areas in or outside job site.
27. Contractor shall leave premises and all affected areas clean and orderly, ready for occupancy. This includes cleaning of all glass (inside and outside) and frames, both new and existing.
28. Install smoke and carbon monoxide detectors in accordance with the specifications and in conformance with CBC and local Fire Marshal requirements.
29. All exterior doors and windows are to be weather stripped per Title 24 requirements, unless otherwise noted in door details.
30. Glass subject to human impact shall be of safety glazing material to meet State and Federal requirements.
31. Any survey monuments within the area of construction shall be preserved or reset by a registered civil engineer or a licensed land surveyor.
32. Provide shop drawings for all millwork, metal work and custom items.
33. Contractor is responsible for reviewing and complying with requirements of Soil Report as prepared by Geotechnical Engineer.

SYMBOLS

- INTERIOR ELEVATION NUMBERS / SHEET NUMBER
- SECTION/ ELEVATION NUMBER / SHEET NUMBER
- DETAIL NUMBER / SHEET NUMBER
- ENLARGED DETAIL NUMBER / SHEET NUMBER
- WINDOW SYMBOL
- DOOR SYMBOL
- GRID LINE
- ROOM NAME / ROOM NUMBER
- REVISION
- FLOOR ELEVATION OR DIMENSION POINT

VICINITY MAP



PROJECT STATISTICS

Project Information:

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN #: APN: 009-470-010

PROJECT NAME:
BERCHTOLD RESIDENCE

PROJECT ADDRESS:
2126 MADRONA AVE.
SAINT HELENA, CALIFORNIA 94574

ZONING:
A-20 AGRICULTURE DISTRICT

OCCUPANCY:
R-3

BUILDING HEIGHT:
MAX ALLOWABLE: 30'
BUILDING HEIGHT: 28'

A.P.N.:
009-470-010

LOT AREA:
5.78 ACRES (251,777 S.F.)

CONSTRUCTION TYPE:
VB

NO. OF STORIES:
2 STORY + BASEMENT

FEMA ZONE:
NO

PROJECT DESCRIPTION:
CONSTRUCTIONS OF A TWO STORY SINGLE FAMILY RESIDENCE WITH BASEMENT AND ATTACHED GARAGE

APPLICABLE CODES:
2019 California Building Code (CBC)
2019 California Electrical Code (CEC)
2019 California Mechanical Code (CMC)
2019 California Plumbing Code (CPC)
2019 California Fire Code (CFC)
2019 California Residential Code (CRC)
2019 California Energy Code (CEC)
2019 California Green Building Standards Code (GBS)
2019 California Administrative Code (CAC)
Applicable General Plan, Zoning, Site Development and Subdivision Ordinances

Note:
These drawings are to conform to the requirements of the code editions cited above. Any work performed in association with these drawings must also comply with these code editions.

BUILDING AREA CALCULATION:

EXISTING RESIDENCE:	
EXISTING RESIDENCE TO BE DEMOLISHED:	2,508 S.F.
EXISTING GARAGE TO BE DEMOLISHED:	799 S.F.
EXISTING STORAGE BARN:	586 S.F.
TOTAL REMOVED	3,893 S.F.
PROPOSED RESIDENCE:	
BELOW GRADE	
BASEMENT:	6,457 S.F.
ABOVE GRADE	
FIRST FLOOR:	5,244 S.F.
SECOND FLOOR:	2,706 S.F.
TOTAL:	7,950 S.F.
GARAGE & STORAGE:	1,754 S.F.
COVERED TERRACE:	1,640 S.F.
PROPOSED ADU:	
FIRST FLOOR:	850 S.F.
COVERED TERRACE:	864 S.F.

*SQUARE FOOTAGES FROM EXTERIOR BUILDING PERIMETER

ABBREVIATION

&	And	CONN.	Connection	F.H.M.S.	Flat Head Machine Screw	I.D.	Inside Diameter	PERIM.	Perimeter	S.H.	Sprinkler Head
<	Angle	CONST.	Construction	F.H.W.S.	Flat Head Wood Screw	IN.	Inch	PL.	Plate	SHR.	Shower
@	At	CONT.	Continuous	FIN.	Finish	INSUL.	Insulation	P.LAM.	Plastic Laminate	SHT.	Sheet
ø	Diameter or Round	CONTR.	Contractor	FIXT.	Fixture	INT.	Interior	PLAS.	Plaster	SHTG.	Sheathing
#	Pound or Number	C.T.	Ceramic Tile	FLR.	Floor	INTER.	Intermediate	PLYWD.	Plywood	SIM.	Similar
		CTR.	Center	FLASH.	Flashing			PNL	Panel	SL.	Sliding
A.C.	Air Conditrilong or Asphaltic Concrete	C.W.	Cold Water	FLUOR.	Fluorescent	JAN.	Janitor	PNT.	Paint	S.K.D.	See Kitchen Drawings
ACOUS.	Accoustical	D	DRYER	F.O.C.	Face of Concrete	JST.	Joist	P.S.I.	Per Square Inch		
A.D.	Area Drain	DBL.	Double	F.O.F.	Face of Finish	JT.	Joint	PT.	Pressure Treated or Post Tensioned	S.L.D.	See Landscape Drawings
ADJ.	Adjustable	DET.	Detail	F.O. Ply	Face of Plywood	KIT.	Kitchen	PTD.	Painted	S.M.D.	See Mechanical Drawings
ADJAC.	Adjacent	D>F>	Drinking Fountain	F.O.S.	Face of Stud	LAM.	Laminate	P.T.D.	Paper Towel Dispenser	S.P.D.	See Plumbing Drawings
A.F.F.	Above finish floor	DIA.	Diameter	FPRF.	Fireproof	LAV.	Lavatory	PTN.	Partition	SPEC.	Specification or Special
AGGR.	Aggregate	DIM.	Dimension	FR.	Frame	LB.	Pound	P.T.R.	Paper Towel Receptacle	SQ.	Square
ALT.	Alternate	DISP.	Dispenser	FT.	Foot or Feet	LIN.	Linear			S.S.	Stainless Steel
ALUM.	Aluminum	DN	Down	FTG.	Footing	LN.	Line	Q.T.	Quarry Tile	S.S.D.	See Structural Drawing
APPROX.	Approximate	DR.	Door	FURR.	Furring	LT.	Light			S.V.	Service Sink
ARCH.	Architectural	D/W	Dishwasher	FUT.	Future			R.	Riser	STD.	Standard
A.S.R.B.	Architectural site review board	DWG.	Drawing			MACH.	Machine	R.A.	Return Air	STL.	Steel
		DWR.	Drawer	G.	Gas Outlet	MAINT.	Maintain	RAD.	Radius	STOR.	Storage
BD.	Board	EA.	Each	GA.	Gauge	MAT.	Material	REC.	Recessed	STRL.	Structural
BFE	BASE FLOOD ELEVATION	(E)	Existing	GALV.	Galvanized	MAX.	Maximum	REF.	Reference	W.S.T.	Wainscot
BITUM.	Bituminous	E.I.F.S.	Exterior Insulation & Finish System	G.D>	Garbage Disposal	M.B.	Machine Bolt	REFL.	Reflected	W.S.P.	Wet Standpipe
BLDG.	Building	E.W.	Expansion Joint	GEN.	General	M.C.	Medicine Cabinet	REFR.	Refrigerator	WT.	Weight
BLK.	Block	EL.	Elevation	G.F.I.	Ground Fault Interrupt	M.D.O.	Medium Density Overlay	REG.	Register	WR.	Water Resistant
BLKG.	Blocking	ELEC.	Electrical	GL.	Glass	MECH.	Mechanical	REINF.	Reinforced	WW.	Welded Wire
BM.	Beam	EMER.	Emergency	GND.	Ground	MEMB.	Membrane	REQ.	Required		
B.O.	Bottom of	ENCL.	Enclosure	GR.	Grade	MTL.	Metal	RESIL.	Resilient		
BOT	Bottome	E.P.B.	Electrical Panel Board	G.S.M.	Galvanized Sheet Metal	MFR.	Manufacturer	RET.	Retaining		
B.P.	Building Paper			GYP.	Gypsum	MICRO	Microwave				
BTWN.	Between	EQ.	Equal			MIN.	Minimum	REV.	Revision/ Revised/ Reversed		
		EQUIP.	Equipment			MISC.	Miscellaneous				
C.B.	Catch Basin	EXIST.	Existing	H.B.	Hose Bibb	MTD.	Mounted	RM.	Room		
CEM.	Cement	EXP.	Expansion	H.C.	Hollow Core or Handicapped	MUL.	Mullion	REMOV.	Removable		
CER.	Ceramic	EXT.	Exterior			(N)	New	R.O.	Rough Opening		
C.J.	Control Joint	EXP.	Expansion	HD.	Head	N.	North	RWD.	Redwood		
CLG.	Ceiling			HDBD.	Headboard	N.I.C.	Not in Contract				
CLKG.	Caulking	F.A.	Fire Alarm	HDR.	Header	NO. or #	Number	S.	South		
CLR.	Clear	F.A.U.	Forced Air Unit	HDF.	Hardware	NOM.	Nominal	S.C.	Solid Core		
CLST.	Closet	F.B.	Flat Bar	HDWD.	Hardwood	N.T.S.	Not to Scale	S.C.D.	See Civil Drawings		
C.M.U.	Concrete Masonry Unit	F.D.	Floor Drain	HGR.	Hanger			S.D.	Storm Drain, Soap Dispenser/Dish		
CNTR.	Counter	F.D.N.	Foundation	HGT.	Height	O.A.	Overall	SCHED.	Schedule	U.B.C.	Uniform Building Code
C.O.	Clean-Out	F.E.C.	Fire Extinguisher Cabinet	H.M.	Hollow Metal	O.C.	On Center	SECT.	Section		
COL.	Column	FEMA	Federal Emergency Management Agency	HORIZ.	Horizontal	O.D.	Outside Diameter (Dim.)	S.E.D.	See Electrical Drawings	UNEXC.	Unexcavated
CONC.	Concrete			HR.	Hour	OPNG.	Opening		Separation	UNF.	Unfinished
COND.	Condition			H.R.	Handrail	OPP.	Opposite	SEP.			
				H.W.H.	Hot Water Heater						

PROJECT DIRECTORY

OWNER:
JOE BERCHTOLD
IN CARE OF MICHAEL HUBBARD TR
600 UNIVERSITY ST., SUITE 1625
SEATTLE, WA 98101

ARCHITECT:
KROEGER-JANEV ARCHITECTS
1432 MAIN STREET
ST. HELENA CA 94574
TEL: (707) 968-5265
CONTACT: SASHA JANEV
EMAIL: SASHA@KROEGER-JANEV.COM

CIVIL ENGINEER:
MADRONE ENGINEERING
1485 MAIN STREET, SUITE 302
SAINT HELENA, CA 94574
TEL: (707) 302-4280
CONTACT: JOEL DICKERSON
EMAIL: JOEL@MADRONE.ENGINEERING

LANDSCAPE DESIGNER:
CLAUDIA SCHMIDT
P.O. BOX 42
SAINT HELENA, CA 94574
TEL: (707) 480-9571
EMAIL: CLAUDIA@CLAUDIASCHMIDTLANDSCAPEDESIGN.COM

REVISED
2:43 pm, Jan 10, 2023

DRAWING INDEX

General
- ☒ A0.0 COVER SHEET

Civil Drawings
- ☒ C1.0 COVER SHEET
- ☒ C2.0 HARDSCAPE PLAN
- ☒ C2.1 GRADING PLAN
- ☒ C3.0 UTILITY PLAN

Architectural Drawings
- ☒ A1.0 SITE PLAN
- ☒ A1.1 SITE PLAN
- ☒ A1.2 SITE SECTION
- ☒ A1.3 SITE PHOTOS
- ☒ A2.1 RESIDENCE BASEMENT PLAN
- ☒ A2.2 RESIDENCE FIRST FLOOR PLAN
- ☒ A2.3 RESIDENCE SECOND FLOOR PLAN
- ☒ A2.4 RESIDENCE ROOF PLAN
- ☒ A2.6 ADU FLOOR PLAN
- ☒ A2.7 ADU ROOF PLAN
- ☒ A3.1 RESIDENCE ELEVATIONS
- ☒ A3.2 RESIDENCE ELEVATIONS
- ☒ A3.3 ADU ELEVATIONS
- ☒ A3.4 ELEVATION MATERIALS
- ☒ A3.5 COLORED ELEVATIONS
- ☒ A3.6 COLORED ELEVATIONS

Landscape Drawings
- ☒ L1.0 OVERALL SITE PLAN
- ☒ L2.1 PLANTING PLAN & PLANT SCHEDULE
- ☒ L2.2 PLANTING PLAN & PLANT SCHEDULE
- ☒ COLOR PLANTING PLAN

These documents are the property of the Architects. Any unauthorized use of these documents without consent is prohibited by law. Reproduction of these documents is restricted. The Architects disclaims respectability for unauthorized use of these documents in whole or in part at any other location.

ARCHITECT:
KROEGER | JANEV ARCHITECTS
707.968.5265 | 1432 Lincoln Avenue, Napa, CA 94558
707.968.5265 | 1432 Main Street, Saint Helena, CA 94574

BERCHTOLD RESIDENCE
2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY: --
PROJECT No: 202101---

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV 1
09/22/2022	D.R. REV 2
01/09/2023	D.R. REV 3

SHEET DESCRIPTION:
COVER SHEET

SCALE: N.T.S.

A0.0

Copyright © 2019 by KROEGER JANEV ARCHITECTS

P:\2021\202101 Berchtold Residence_Drawings\01 Current\Design Review\Version 6\0-Title Sheet-202101.dwg 1/9/23

FOR OFFICIAL USE ONLY

DESIGN REVIEW PLANS FOR:
BERCHTOLD RESIDENCE
2126 MADRONA AVENUE
ST. HELENA, CA, 94574

SURVEY NOTES

1. THE BOUNDARY ON THESE DRAWINGS DOES NOT REPRESENT A PROPERTY LINE SURVEY. PROPERTY LINES SHOWN HEREON ARE BASED ON RECORD DATA, AND MAY NOT REPRESENT THE TRUE POSITIONS OF THE LINES.

2. THE TOPOGRAPHY IS BASED ON A FIELD SURVEY OF APRIL, 2021 PERFORMED BY ALBION SURVEYS.

3. THE VERTICAL DATUM OF THIS SURVEY IS BASED ON NAVD88 AND THE HORIZONTAL DATUM IS BASED ON NAD83 CALIFORNIA COORDINATE SYSTEM ZONE II PER TRIMBLE GPS OBSERVATIONS USING NGS OPUS SOLUTION. BASIS OF BEARINGS SHOWN PER R M-1, NOR. ROTATED CLOCKWISE 1.65'00" TO NAD 83.

4. SITE BENCHMARK DESCRIPTION: N/A

5. MADRONE ENGINEERING ASSUMES NO LIABILITY, REAL OR ALLEGED, REGARDING THE ACCURACY OF THE TOPOGRAPHIC INFORMATION SHOWN ON THESE PLANS.

6. CONTRACTOR SHALL PROTECT EXISTING SURVEY MONUMENTS OR REPLACE THEM AT HIS OWN EXPENSE.

ESTIMATED EARTHWORK QUANTITIES

1. THE EARTHWORK QUANTITIES LISTED BELOW ARE ESTIMATES ONLY AND MAY VARY DUE TO SOIL TYPE, COMPACTION AND BULKING FACTORS, GRADING PRACTICES, AND COMPACTION VALUES.
2. THE UNADJUSTED QUANTITIES HAVE BEEN DERIVED USING A VOLUMETRIC ANALYSIS BETWEEN THE EXISTING AND PROPOSED FINISHED GRADE ELEVATIONS.
4. THE FOLLOWING ASSUMPTIONS HAVE BEEN MADE WHEN DEVELOPING ADJUSTED QUANTITY ESTIMATES:
   - QUANTITIES FROM UTILITY TRENCHES AND FOUNDATION TRENCHES HAVE NOT BEEN ESTIMATED.
   - QUANTITIES RELATED TO OVEREXCAVATION AND RECOMPACTION HAVE NOT BEEN ESTIMATED.
5. CONTRACTOR SHALL WORK WITH THE PROJECT GEOTECHNICAL ENGINEER TO DETERMINE IF COMPACTION AND BULKING FACTORS ARE APPLICABLE FOR THE PROPOSED GRADING ACTIVITIES. THESE FACTORS HAVE THE POTENTIAL TO SIGNIFICANTLY ALTER THE CUT & FILL QUANTITIES IDENTIFIED IN THIS ANALYSIS.
6. SEE THE TABLE BELOW FOR THE ESTIMATED EARTHWORK QUANTITIES FOR THE PROJECT.

ESTIMATED PROJECT EARTHWORK		
	UNADJUSTED QUANTITIES (CY)	ADJUSTED QUANTITIES (CY)
CUT	1000	TBD
FILL	1000	TBD
ESTIMATED NET EARTHWORK		BALANCED

THE APPROXIMATE AREA OF DISTURBED SOIL IS 43,411 SF (0.99 AC).

SHEET INDEX

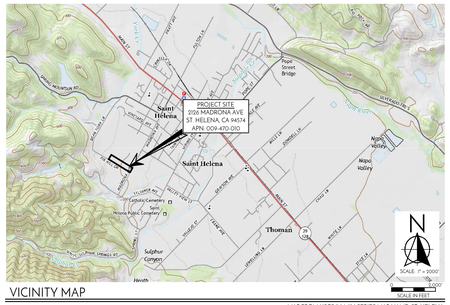
C1.0	COVER SHEET
C2.0	HARDSCAPE PLAN
C2.1	GRADING PLAN
C3.0	UTILITY PLAN

PROJECT INFORMATION

OWNER:	MICHAEL HUBBARD TR 600 UNIVERSITY ST., SUITE 1625 SEATTLE, WA 98101
SITE ADDRESS:	2126 MADRONA AVENUE ST. HELENA, CALIFORNIA 94574
ASSESSOR PARCEL #: PARCEL SIZE: CITY ZONING:	009-470-010 5.78 ACRES A-20
SURVEYOR:	ALBION SURVEYS 115 HUNT AVENUE ST. HELENA, CA 94574 JON WEBB P.L.S. 7079651217
CIVIL ENGINEER:	MADRONE ENGINEERING 1485 MAIN STREET, SUITE 302 ST. HELENA, CA 94574 JOEL DICKERSON, P.E. 7077302-6180
ARCHITECT:	KROEGER JANEV ARCHITECTS 1413 MAIN STREET ST. HELENA, CA 94574 SASHA JANEV (707) 968-9265

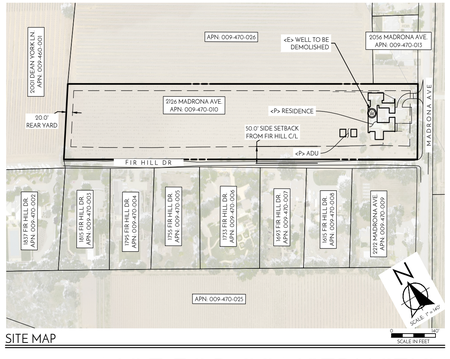
PROJECT STATEMENT

THE PURPOSE OF THIS PROJECT IS TO OBTAIN DESIGN REVIEW APPROVAL TO BUILD A NEW RESIDENCE, ADU, POOL, DRIVEWAY, AND ALL RELATED UTILITIES AT 2126 MADRONA AVENUE.



VICINITY MAP

MAP FROM USGS 7.5 MIN SERIES MAP NAME: ST. HELENA



SITE MAP

REVISIONS

NO CHANGES THIS SHEET

REVISED
2:43 pm, Jan 10, 2023

ABBREVIATIONS

AB	AGGREGATE BASE	FH	FIRE HYDRANT	R	RADIUS
AC	ASPHALT CONCRETE	FIRM	FLOOD INSURANCE RATE MAP	RT	RIGHT
AD	AREA DRAIN	FL	FLOW LINE	ROW	RIGHT OF WAY
BC	BEGIN CURVE	FM	FORCE MAIN	RWL	RAIN WATER LEADER
BF	BOTTOM OF FOUNDATION ELEVATION PER FIRM	FS	FINISHED SURFACE	RCP	REINFORCED CONCRETE PIPE
BM	BENCHMARK	GB	GRADE BREAK	SD	SOUTH
BCR	BEGIN CURB RETURN	GR	GRAVEL	S	SLOPE (FEET/FOOT)
BVC	BEGIN VERTICAL CURVE	HP	HIGH POINT	SAD	SEE ARCHITECTURAL DRAWINGS
BS	BOTTOM OF STAIRS	INV	INVERT	SD	STORM DRAIN
BSW	BACK OF SIDEWALK	IP	IRON PIPE	SDP	SUBDRAIN PIPE
CB	CATCH BASIN	IRR	IRRIGATION	SED	SEE ELECTRICAL DRAWINGS
C&G	CURB AND GUTTER	JP	JOINT POLE	SLD	SEE LANDSCAPE DRAWINGS
CMU	CONCRETE MASONRY UNIT	LF	LINEAL FEET/FOOT	SLV	SLEEVE
CP	CONCRETE PIPE	LP	LOW POINT	SMD	SEE MECHANICAL DRAWINGS
CL	CENTERLINE	MH	MANHOLE	SPD	SEE PLUMBING DRAWINGS
CO	CLEANOUT	MON	MONUMENT	SS	SANITARY SEWER
COMM	COMMUNICATION	(N)	NORTH	SSCO	SANITARY SEWER CLEAN OUT
CV	CHECK VALVE	<N>	NEW	SSMH	SANITARY SEWER MANHOLE
CW	COLD WATER	OC	ON CENTER	STA	STATION
DCV	DOUBLE CHECK VALVE	OG	ORIGINAL GROUND	STD	STANDARD
DG	DECOMPOSED GRANITE	OH	OVERHEAD	SW	SIDEWALK
DIP	DUCTILE IRON PIPE	OHL	OVERHEAD LINE	TC	TOP OF CURB
DS	DOWNSPOUT	<P>	PROPOSED	TFC	TOP FACE OF CURB
DW	DOMESTIC WASTE	PCC	PORTLAND CEMENT CONCRETE	TOC	TOP OF CONCRETE
DWG	DRAWING	PED	PEDESTAL (ELECTRIC)	TS	TOP OF STAIRS
EC	END OF CURVE	PG&E	PACIFIC GAS AND ELECTRIC	TW	TOP OF WALL
EL	ELEV.	PI	POINT OF INTERSECTION	TYP	TYPICAL
<E>	EXISTING	PIV	POST INDICATOR VALVE	UG	UNDERGROUND
ECR	END CURB RETURN	P/L	PROPERTY LINE	VC	VERTICAL CURVE
EG	EXISTING GROUND	PRC	POINT OF REVERSE CURVE	VG	VALLEY GUTTER
EGR	EDGE OF GRAVEL	PSI	POUNDS PER SQUARE INCH	(W)	WEST
EP	EDGE OF PAVEMENT	PUE	PUBLIC UTILITY EASEMENT	WM	WATER METER
EVC	END VERTICAL CURVE	PVC	POLYVINYL CHLORIDE	W/S	WATER SERVICE
FDC	FIRE DEPT. CONNECTION	PVI	POINT OF VERTICAL INTERSECTION	WV	WATER VALVE
FG	FINISHED GRADE	PW	PROCESS WASTE		

SYMBOL LEGEND

PP	UTILITY POLE	SSMH# SSMH##	SEWER MANHOLE/RISER WITH ID #
	SIGN	SDMH# SDMH##	STORM DRAIN MANHOLE WITH ID #
W	WELL	WV	WATER VALVE
	STREET LIGHT	WM	WATER METER & DCV
	TREE	FDC PIV	FDC/PIV WITH CHECK VALVE
	TREE TO BE REMOVED	FH	FIRE HYDRANT WITH GATE VALVE
4" SS	SANITARY SEWER	CO	CLEANOUT
6" GL	GAS LINE	851	PROPOSED CONTOUR
6" W	WATER LINE		SOLID STORM DRAIN
851	EXISTING CONTOUR		PERFORATED STORM DRAIN
	TOP/TOE BANK GRADEBREAK		GRADE SWALE
	PROPERTY LINE		OVERLAND RELEASE ROUTE
	CENTERLINE		

NOTICE REGARDING PLANS
THESE PLANS AND SPECIFICATIONS, AND COPIES THEREOF, AS PREPARED BY MADRONE ENGINEERING AND THE CONSULTANTS RETAINED BY MADRONE ENGINEERING, ARE AND SHALL REMAIN THE PROPERTY OF MADRONE ENGINEERING AND THE CONSULTANTS RETAINED BY MADRONE ENGINEERING. THEY ARE NOT TO BE USED IN WHOLE OR IN PART, BY ANY PERSON OR ENTITY, FOR ANY PROJECT OTHER THAN THE PROJECT FOR WHICH THEY WERE PREPARED, AND NO RIGHTS TO THEIR USE ARE CONVEYED TO ANY PERSON OR ENTITY UNLESS EXPRESSLY SET FORTH IN A WRITTEN AGREEMENT WITH MADRONE ENGINEERING.

madrone
1485 Main Street, Suite 302
St. Helena, CA 94574
T: (707) 302-0920

CIVIL IMPROVEMENT PLANS
COVER SHEET

BERCHTOLD RESIDENCE
2126 MADRONA AVE
ST. HELENA, CA 94574
APN: 009-470-010
PROJECT: 21043

No. 76169
Exp. On: 12-31-24
CIVIL
STATE OF CALIFORNIA

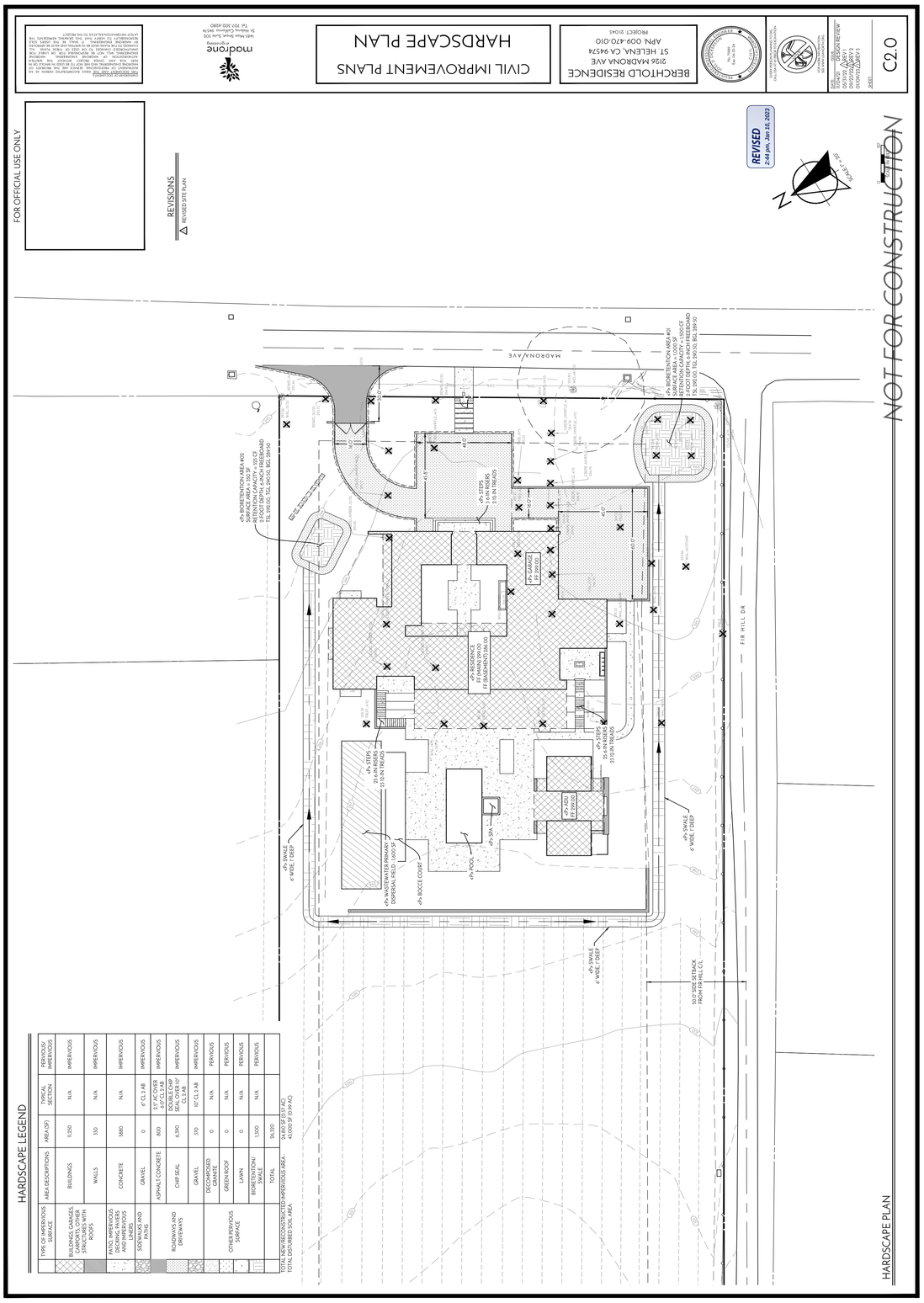
EVERY PERSON PLANNING TO DIG CALL USA 811 BEFORE YOU DIG FOR MORE INFORMATION

FOR WORK PERFORMED ON THE PUBLIC RIGHT-OF-WAY

DATE	DESCRIPTION
11/04/21	DESIGN REVIEW
05/31/22	REV 1
09/23/22	REV 2
01/09/23	REV 3

SHEET
C1.0

NOT FOR CONSTRUCTION


HARDSCAPE LEGEND
HARDSCAPE PLAN
NOT FOR CONSTRUCTION
FOR OFFICIAL USE ONLY
REVISIONS
REVISED
BERCHTOLD RESIDENCE
2126 MADRONA AVE
ST. HELENA, CA 94574
APN: 009-470-010
CIVIL IMPROVEMENT PLANS
HARDSCAPE PLAN
C2.0
MADRONA AVE
FIR HILL DR

GRADING PLAN

NOT FOR CONSTRUCTION

FOR OFFICIAL USE ONLY

REVISIONS

△ REVISED GRADING PLAN

REVISED
2:44 pm, Jan 10, 2023

SCALE: 1" = 10'

THE PROJECT ENGINEER HAS PERFORMED WORK IN ACCORDANCE WITH THE STANDARD OF CARE EXERCISED BY REASONABLY PRUDENT PROFESSIONAL ENGINEERS IN THE SAME LOCALITY AND UNDER SIMILAR CIRCUMSTANCES. THE ENGINEER MAKES NO WARRANTY, EXPRESS OR IMPLIED, AS TO THE ACCURACY OF ANY INFORMATION OBTAINED ELSEWHERE AND USED BY THE ENGINEER IN PREPARING THESE PLANS. THE ENGINEER SHALL NOT BE RESPONSIBLE FOR THE USE OF THESE PLANS BY ANY PERSON OTHER THAN THE CLIENT, AND ANY SUCH USE BY OTHERS SHALL BE AT THEIR SOLE RISK.

madrone
engineering
349 Main Street, Suite 202
St. Helena, California 94574
Tel: 707.967.8750

CIVIL IMPROVEMENT PLANS

GRADING PLAN

BERCHTOLD RESIDENCE
2064 MADRONA AVE
ST. HELENA, CA 94574
APN: 009-470-010
PROJECT: 21.043

No. 79989
Exp. 06-30-24
CIVIL
REGISTERED PROFESSIONAL ENGINEER

EVERY PERSON PLANNING TO DIG
CALL USA AT 811 BEFORE YOU EXCAVATE.
FOR MORE INFORMATION:
SEE WWW.USANORTH.ORG

DATE	ISSUE
11/04/21	DESIGN REVIEW
05/31/22	△REV 1
09/23/22	△REV 2
01/09/23	△REV 3

SHEET

C2.1

NOTES:

1. FACILITIES LOCATED WITHIN 10 FEET OF STRUCTURES SHALL INCORPORATE AN IMPERVIOUS CUTOFF WALL.
2. FACILITIES LOCATED IN AREAS OF HIGH GROUNDWATER, HIGHLY INFILTRATIVE SOILS, OR WHERE CONNECTION OF THE UNDERDRAIN TO A SURFACE DRAIN OR SUBSURFACE STORM DRAIN ARE INFEASIBLE MAY OMIT THE UNDERDRAIN.
3. NO LINER. NO FILTER FABRIC. NO LANDSCAPE CLOTH.
4. MAINTAIN 3" MINIMUM FREEBOARD AS SPECIFIED ON THE PLANS.
5. MIX IS PERMEABLE, DRY MIX MAY NEED TO BE ADDED BELOW AND UNDERNEATH DROP INLET.
6. ELEVATION OF UNDERDRAIN DISCHARGE IS AT TOP OF GRAVEL LAYER.
7. REQUIRED SOIL MIX: 40%-70% FINE SAND, 30%-40% COMPOST (VOLUME BASIS). SOIL SHALL BE CAPABLE OF ACHIEVING A LONG-TERM, IN-PLACE INFILTRATION RATE OF AT LEAST 5 INCHES PER HOUR. SOIL SHALL ALSO SUPPORT VIGOROUS PLANT GROWTH.

1 BIORETENTION FACILITY WITH SUBDRAIN — NOT TO SCALE

UTILITY PLAN

NOT FOR CONSTRUCTION

FOR OFFICIAL USE ONLY

REVISIONS

△ REVISED UTILITY PLAN

REVISED
2:44 pm, Jan 10, 2023

madrone
Engineering
1401 Main, Penngrove, CA 94951
St. Helena, California 94574
Tel: 707.665.9100

CIVIL IMPROVEMENT PLANS
UTILITY PLAN

BERCHTOLD RESIDENCE
2126 MADRONA AVE
ST. HELENA, CA 94574
APN: 009-470-010
PROJECT 20043

THESE PLANS ARE THE PROPERTY OF MADRONE ENGINEERING, AND ARE NOT TO BE USED IN WHOLE OR IN PART FOR ANY PURPOSE OTHER THAN THE CONSTRUCTION OF THE PROJECT SHOWN HEREON. ALL RIGHTS RESERVED. © 2021 MADRONE ENGINEERING

EVERY PERSON PLANNING TO DIG CALL UNDERGROUND SERVICE ALERT
811
FOR MORE INFORMATION SEE WWW.USANORTH811.ORG

DATE	ISSUE
11/04/21	DESIGN REVIEW
05/31/22	△REV 1
09/13/22	△REV 2
01/09/23	△REV 3

SHEET

C3.0

NAPA COUNTY TAX ASSESSORS INFORMATION

Property Detail Report
2126 Madrona Ave, Saint Helena, CA 94574-2354
APN: 009-470-010-000 Napa County Data as of: 09/13/2022

Owner Information
Owner Name: Husband Michael A TR
Owner 2:
Mailing Address: 600 University St # 3425, Seattle, WA 98101-4106 Occupancy: Absentee Owner

Location Information
Legal Description:
County: Napa, CA
Census Tract / Block: 2010/021.1001
Map Ref:
Legal Lot / Block:
Subdivision:
Legal Book / Page:
Neighborhood:
Township:
Saint Helena Unified School District
Elementary School: Saint Helena Eleme...
Middle School: Robert Louis Steve...
High School: Saint Helena High...
Latitude: 38.49983
Longitude: -122.46416

Last Transfer / Conveyance - Current Owner
Transfer / Rec Date: 09/09/2021 / 09/13/2021
Buyer Name: 2021 Joseph K Berchtold Generation Skipping Trust

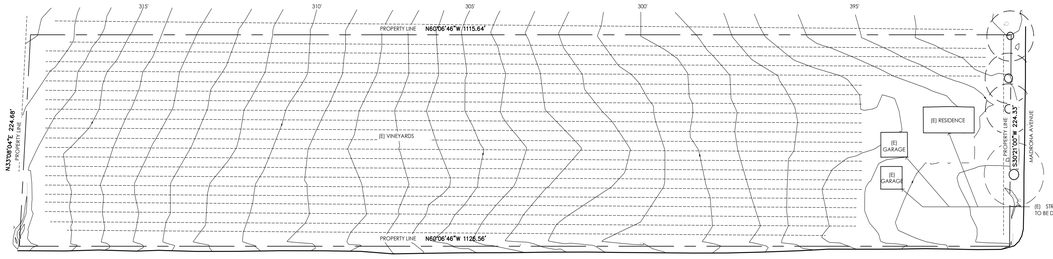
Last Market Sale
Sale / Rec Date:
Mtg Amt / Type:
2nd Mtg Amt / Type:
Seller Name: Andrew I Ross Trust
Lender: American Agcredit Flca

Prior Sale Information
Sale / Rec Date:
Sale Price / Type:
Prior Deed Type:
1st Mtg Amt / Type:
1st Mtg Rate / Type:
Prior Sale Doc #: N/A
Prior Lender:

Property Characteristics
Gross Living Area: 2,508 Sq. Ft.
Total Rooms: 10
Year Built / Eff: 1905 / 1940
Living Area: 2,508 Sq. Ft.
Bedrooms: 5
Stories:
Total Adj. Area:
Baths (F / H): 2 /
Parking Type: Attached
Above Grade: 1,728 Sq. Ft.
Pool: Yes
Garage #:
Basement Area:
Fireplaces:
Garage Area: 780 Sq. Ft.
Style:
Cooling:
Porch Type:
Foundation:
Heating: Central
Patio Type:
Roof Shape:
Exterior Wall:
Roof Type:
Condition: Average
Construction Type: Wood
Roof Material:

Site Information
Land Use: Vineyard
Lot Area: 251,777 Sq. Ft.
Zoning:
State Use:
Lot Width / Depth:
# of Buildings: 1
County Use: 29 - Vineyard Agt. 5 Ac. Min
Usable Lot:
Res / Comm Units:
Site Influence: Fire
Acres: 5.78
Water / Sewer Type:
Flood Zone Code: X
Flood Map #: 06055C0031E
Flood Map Date: 05/26/2008
Community Name: City Of St. Helena
Flood Panel #: 0019E
Inside Sl Lmts.: False

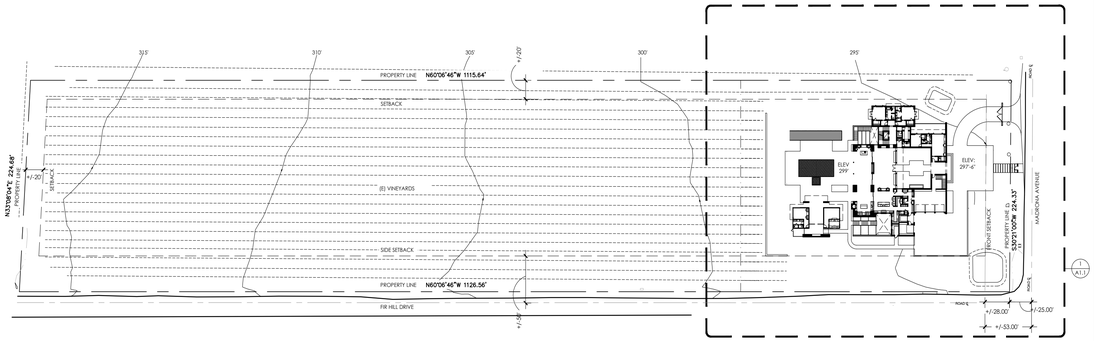
© 2022 DATA TRACE INFORMATION SERVICES LLC AND/OR ITS AFFILIATES. ALL RIGHTS RESERVED.



2 SITE PLAN - EXISTING RESIDENCE

NORTH

SCALE: 1" = 50'



PROPERTY AREA CALCULATIONS			
USE	EXISTING	PROPOSED	CHANGE
AGRICULTURAL - VINEYARD	5.08ac	4.42ac	-0.66ac
AGRICULTURAL - ORCHARD	0.2ac	0.33ac	+0.13ac
NON AGRICULTURAL - HOUSE SITE	0.5ac	1ac	+0.5ac
DRIVEWAY (EXEMPTION)	NA	0.03ac	
TOTAL PARCEL AREA	5.78ac	5.78ac	

REVISED
2:44 pm, Jan 10, 2023

1 SITE PLAN - PROPOSED RESIDENCE

NORTH

SCALE: 1" = 50'

These documents are the property of Kroeger | Janev Architects. Any unauthorized use, reproduction without consent is prohibited by law. Kroeger | Janev Architects disclaims responsibility for the unauthorized use of these documents in whole or in part at any other location.

ARCHITECT:
KROEGER | JANEV
ARCHITECTS
707.266.1682 | 1027 Lincoln Avenue, Napa, CA 94558
707.968.5600 | 1348 Main Street, Saint Helena, CA 94574

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY: --
PROJECT No: 202101--

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV. 1
09/22/2022	D.R. REV. 2
01/09/2023	D.R. REV. 3

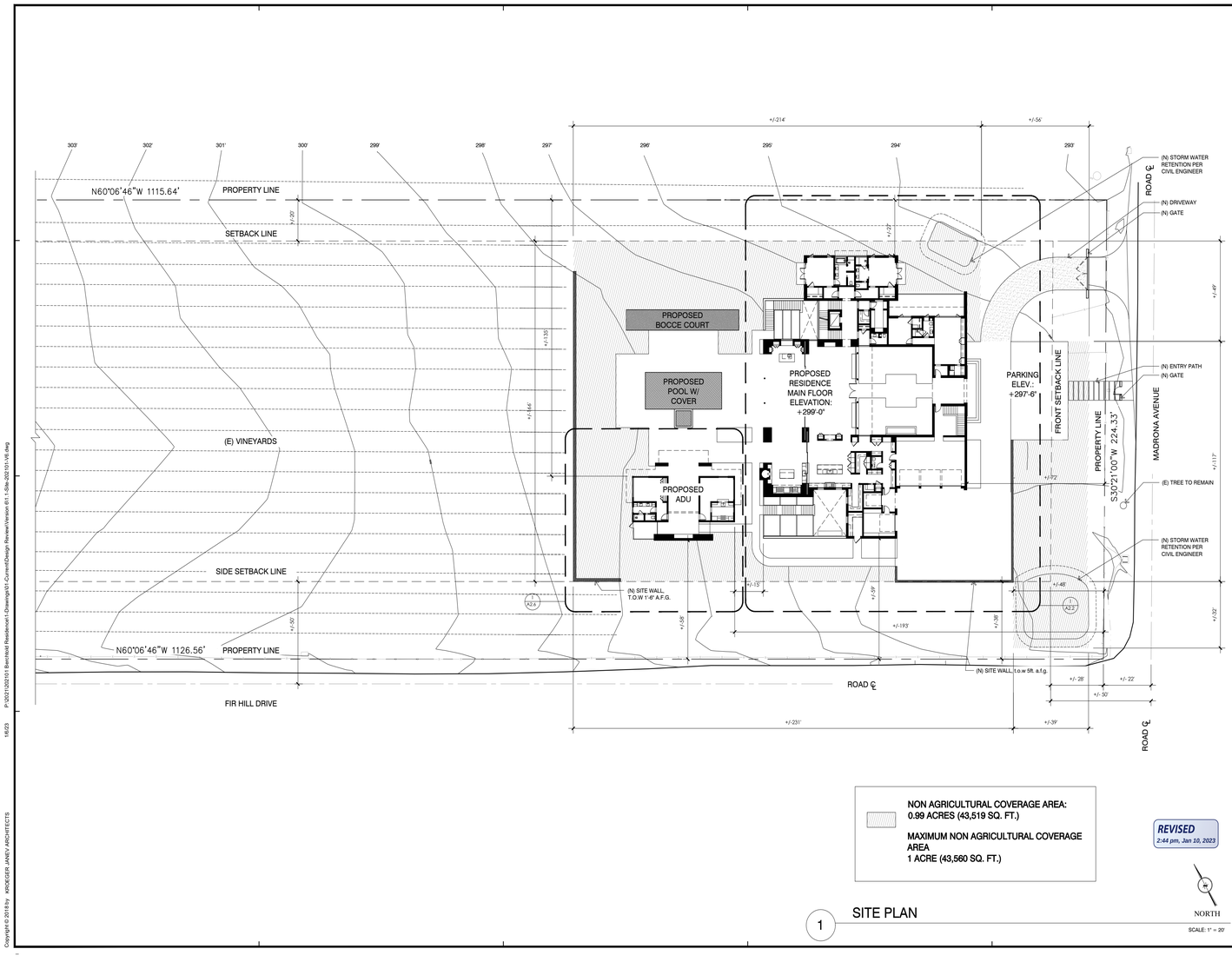
SHEET DESCRIPTION:
SITE PLAN

SCALE: 1" = 50'

A1.0

Copyright © 2018 by KROEGER JANEV ARCHITECTS

P:\2021\202101 Berchtold Residence_Drawings\01-Current\Design Review\Version 01 2-Site-202101.VW_2013.dwg 1/9/23



These documents are the property of Kroeger Janev Architects. Any unauthorized use of these documents without consent is prohibited by law. Kroeger Janev Architects disclaims responsibility for unauthorized use of these documents by third parties. Copyright © 2018 by KROEGER JANEV ARCHITECTS

ARCHITECT:
KROEGER | JANEV
ARCHITECTS
707.266.1682 | 1001 Cayetus Street, Napa, CA 94559
707.968.5600 | 1040 Main Street, Saint Helena, CA 94574

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY: --
PROJECT No: 202101---

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV 1
09/22/2022	D.R. REV 2
	D.R. REV 3

SHEET DESCRIPTION:
SITE PLAN

SCALE: 1" = 20'

A1.1

P:\2021\202101 Berchtold Residence\1 Drawings\01 Current\Design Review\Version 6\1 1 Site 202101V6.dwg 9/6/23

These documents are the property of Kroeger Janev Architects. Any unauthorized use of these documents without consent is prohibited by law. Kroeger Janev Architects disclaims irrespectability for the misuse of these documents or in part at any other location

ARCHITECT:
KROEGER | JANEV
ARCHITECTS
707.266.1662 | 1027 Lincoln Avenue, Napa, CA 94558
707.968.5600 | 1240 Main Street, Saint Helena, CA 94574

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY:	~
PROJECT No:	202101~~
DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV. 1
09/22/2022	D.R. REV. 2
01/09/2023	D.R. REV. 3

SHEET DESCRIPTION:
SITE SECTIONS

SCALE: 1" = 50'

A1.2

Copyright © 2018 by KROEGER JANEV ARCHITECTS



4 FROM 2212 MADRONA DRIVEWAY



3 VIEW FROM 2212 MADRONA PROPERTY



2 VIEW FROM 2212 MADRONA PROPERTY



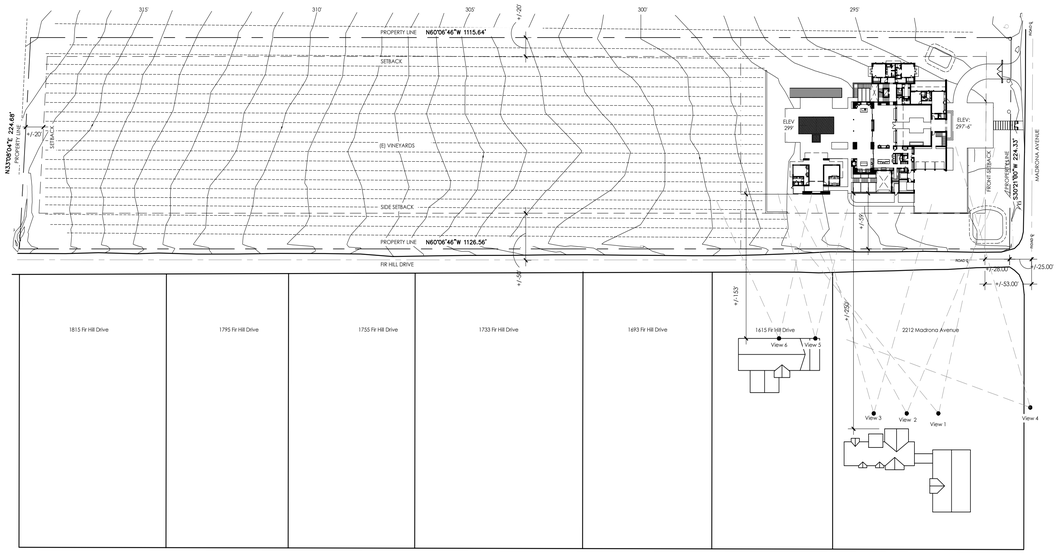
1 VIEW FROM 2212 MADRONA PROPERTY



5 FROM 1615 FIR HILL DRIVE



6 FROM 1615 FIR HILL DRIVE



A SITE PLAN - PROPOSED RESIDENCE

NORTH

SCALE: 1" = 50

These documents are the property of Kroeger Janev Architects. Any unauthorized use without the written consent is prohibited by law. Kroeger Janev Architects disclaims responsibility for the misuse or alteration of the documents, or any part thereof, for other than the intended purpose or in part at any other location.

ARCHITECT:
KROEGER | JANEV
ARCHITECTS
707.266.1682 | 1027 Lincoln Avenue, Napa, CA 94558
707.968.5600 | 1424 Main Street, Saint Helena, CA 94574

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY: --
PROJECT No: 202101-00

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV 1
09/22/2022	D.R. REV 2
01/09/2023	D.R. REV 3

SHEET DESCRIPTION:
SITE PHOTOS

SCALE: 1" = 50'

A1.3

Copyright © 2018 by KROEGER JANEV ARCHITECTS

P:\2021\202101 Berchtold Residence\1 Drawings\01 Current\Design Review\Version 01 2-Site Section-2022 01 09.dwg 1/27/23

REVISED
2:48 pm, Jan 10, 2023

NORTH
SCALE: 1/8" = 1'-0"

BASEMENT PLAN
RESIDENCE

Copyright © 2018 by KROEGER JANEV ARCHITECTS

15023 P:\202102\202101 Berchtold Residence\1-Drawings\01-Current\Design Review\Version #3\plan-202101-dr ALL.dwg

ARCHITECT:
KROEGER | JANEV
ARCHITECTS
707.266.1882 | 1027 Lincoln Avenue, Napa, CA 94558
707.968.5600 | 540 Main Street, Suite 1 Winters, CA 95694

These documents are the property of Kroeger Janev Architects. Any unauthorized use, reuse or modification without written consent is prohibited by law. Kroeger Janev Architects disclaims responsibility for unauthorized use of these plans or in part at any other location

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY: --
PROJECT No: 202101---

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV 1
09/22/2022	D.R. REV 2
01/09/2023	D.R. REV 3

SHEET DESCRIPTION:
BASEMENT PLAN

SCALE: 1/8" = 1'-0"

A2.1

REVISED
2:48 pm, Jan 10, 2023

FIRST FLOOR PLAN
RESIDENCE

NORTH

SCALE: 1/8" = 1'-0"

Copyright © 2018 by KROEGER JANEV ARCHITECTS

15/23 P:\2021\202101 Berchtold Residence\1-Drawings\01-Current\Design Review\Version #3\ plan-202101.vwf ALL.dwg

ARCHITECT:

KROEGER | JANEV
ARCHITECTS

707.266.1882 | 1027 Lincoln Avenue, Napa, CA 94558
707.968.5600 | 1240 Main Street, Saint Helena, CA 94574

These documents are the property of Kroeger Janev Architects. Any unauthorized use, reproduction without consent is prohibited by law. Kroeger Janev Architects disclaims irrespnsibility for unauthorized use of these plans by the client or any other parties. Do not include on any other location

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY: –
PROJECT No: 202101–

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV 1
09/22/2022	D.R. REV 2
01/09/2023	D.R. REV 3

SHEET DESCRIPTION:

FIRST FLOOR PLAN
RESIDENCE

SCALE: 1/8" = 1'-0"

A2.2

REVISED
2:48 pm, Jan 10, 2023

SECOND FLOOR PLAN
RESIDENCE

NORTH

SCALE: 1/8" = 1'-0"

Copyright © 2018 by KROEGER | JANEV ARCHITECTS

15023

P:\2021\202101 Berchtold Residence\1 Drawings\01 Current\Design Review\Version #2\ plan-202101.rvt - A1.1.dwg

ARCHITECT:
KROEGER | JANEV
ARCHITECTS
707.266.1662 | 1027 Lincoln Avenue, Napa, CA 94558
707.968.5600 | 1040 Main Street, Saint Helena, CA 94574

These documents are the property of Kroeger | Janev Architects. Any unauthorized use of these documents without consent is prohibited by law. Kroeger | Janev Architects disclaims responsibility for the construction of this house or in part at any other location

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY: --
PROJECT No: 202101--

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV 1
09/22/2022	D.R. REV 2
01/09/2023	D.R. REV 3

SHEET DESCRIPTION:
SECOND FLOOR PLAN
RESIDENCE

SCALE: 1/8" = 1'-0"

A2.3

Copyright © 2018 by KROEGER JANEV ARCHITECTS

P:\2021\202101 Berchtold Residence\1 Drawings\01 Current\Design Review\Version #2\plan-202101-dr ALL.dwg 1/5/23

ARCHITECT:
KROEGER | JANEV
ARCHITECTS
707.996.1662 | 1027 Lincoln Avenue, Napa, CA 94558
707.968.5600 | 1424 Main Street, Saint Helena, CA 94574

These documents are the property of Kroeger Janev Architects. Any unauthorized use of these documents without consent is prohibited by law. Kroeger Janev Architects disclaims responsibility for the misuse of these documents or in part at any other location

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY: --
PROJECT No: 202101---

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV 1
09/22/2022	D.R. REV 2
01/09/2023	D.R. REV 3

SHEET DESCRIPTION:
ROOF PLAN
RESIDENCE

SCALE: 1/8" = 1'-0"

A2.4

FLOOR PLAN - ADU

NORTH

SCALE: 1/8" = 1'-0"

REVISED
2:49 pm, Jan 10, 2023

Copyright © 2018 by KROEGER JANEV ARCHITECTS

1/9/23 P:\2021\202101 Berchtold Residence_Drawings\01-Current\Design Review\Version #3 plan-202101.vp #1 L.dwg

ARCHITECT:

KROEGER | JANEV
ARCHITECTS

707.266.1662 | 1027 Lincoln Avenue, Napa, CA 94558
707.968.5600 | 1424 Main Street, Saint Helena, CA 94574

These documents are the property of Kroeger Janev Architects. Any unauthorized use without the written consent is prohibited by law. Kroeger Janev Architects disclaims responsibility for unauthorized use of these documents in whole or in part at any other location

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY: --
PROJECT No: 202101---

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV. 1
09/22/2022	D.R. REV. 2
01/09/2023	D.R. REV. 3

SHEET DESCRIPTION:

FIRST FLOOR PLAN
ADU

SCALE: 1/8" = 1'-0"

A2.6

ROOF PLAN - ADU

NORTH

SCALE: 1/8" = 1'-0"

REVISED
2:49 pm, Jan 10, 2023

Copyright © 2018 by KROEGER JANEV ARCHITECTS

15/23 P:\2021\202101 Berchtold Residence\ Drawings\07-Current\Design Review\Version #2\ adu-202101 v#-R1.1.dwg

ARCHITECT:

KROEGER | JANEV
ARCHITECTS

707.266.1662 | 1027 Lincoln Avenue, Napa, CA 94558
707.968.5600 | 1040 Main Street, Suite F Petaluma, CA 94952

These documents are the property of Kroeger Janev Architects. Any unauthorized use without the written consent is prohibited by law. Kroeger Janev Architects disclaims responsibility for unauthorized use of these documents in whole or in part at any other location

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY: --
PROJECT No: 202101---

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV. 1
09/22/2022	D.R. REV. 2
01/09/2023	D.R. REV. 3

SHEET DESCRIPTION:

ROOF PLAN
ADU

SCALE: 1/8" = 1'-0"

A2.7

2 NORTHEAST ELEVATION
SCALE: 1/8"=1'-0"

1 SOUTHEAST ELEVATION (VIEW FROM MADRONA AVE.)
SCALE: 1/8"=1'-0"

REVISED
2:49 pm, Jan 10, 2023

Copyright © 2018 by KROEGER JANEV ARCHITECTS

12/29/22 P:\2021\202101 Berchtold Residence\ Drawings\07-Current\Design Review\Version 03-Sec-Elev-202101_V6.dwg

These documents are the property of Kroeger Janev Architects. Any unauthorized use of these documents without consent is prohibited by law. Kroeger Janev Architects disclaims irrespicuality for the unauthorized use of these documents in part or in part at any other location

ARCHITECT:
KROEGER | JANEV
ARCHITECTS
707.266.1682 | 1027 Lincoln Avenue, Napa, CA 94558
707.968.8600 | 1040 Main Street, Saint Helena, CA 94574

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

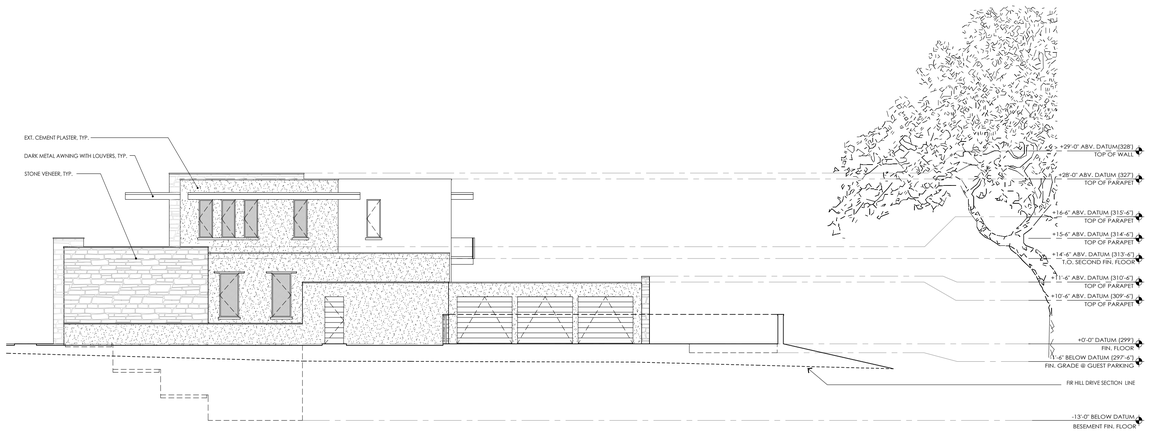
DRAWN BY: --
PROJECT No: 202101---

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV. 1
09/22/2022	D.R. REV. 2
01/09/2023	D.R. REV. 3

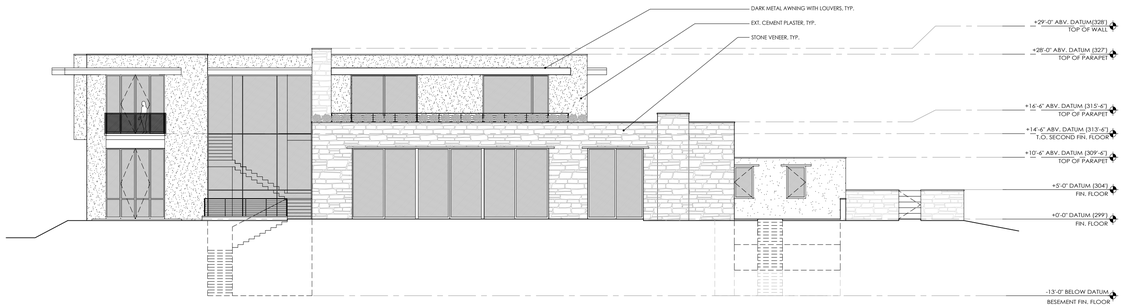
SHEET DESCRIPTION:
EXTERIOR ELEVATIONS

SCALE: 1/8" = 1'-0"

A3.1



2 SOUTHWEST ELEVATION (VIEW FROM FIR HILL DRIVE)
SCALE: 1/8"=1'-0"



1 NORTHWEST ELEVATION
SCALE: 1/8"=1'-0"

REVISED
2:49 pm, Jan 10, 2023

Copyright © 2018 by KROEGER JANEV ARCHITECTS

12/2/22 P:\202112\202101 Berchtold Residence\ Drawings\07-Current\Design Review\Version 03-Sent-Rev-202101-VR.dwg

ARCHITECT:
KROEGER | JANEV
ARCHITECTS
707.996.1662 | 1027 Lincoln Avenue, Napa, CA 94558
707.968.5600 | 1040 Main Street, Suite F Napa, CA 94559

These documents are the property of Kroeger Janev Architects. Any unauthorized use of these documents without consent is prohibited by law. Kroeger Janev Architects disclaims responsibility for the misuse of these documents or in part at any other location

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

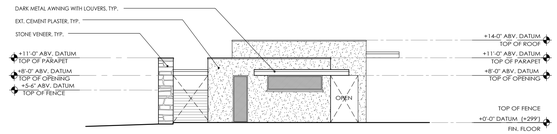
DRAWN BY: --
PROJECT No: 202101---

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV. 1
09/22/2022	D.R. REV. 2
01/09/2023	D.R. REV. 3

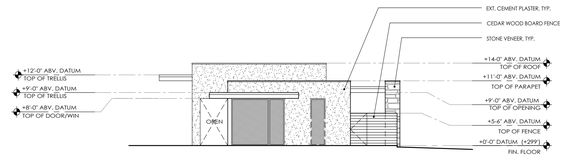
SHEET DESCRIPTION:
EXTERIOR ELEVATIONS

SCALE: 1/8" = 1'-0"

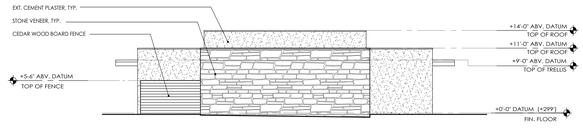
A3.2



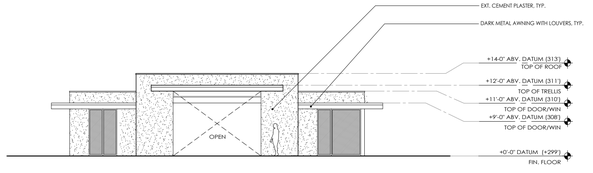
4 ADU SOUTHEAST ELEVATION
SCALE: 1/8"=1'-0"



2 ADU NORTHWEST ELEVATION
SCALE: 1/8"=1'-0"



3 ADU SOUTHWEST ELEVATION (VIEW FROM FIR HILL DRIVE)
SCALE: 1/8"=1'-0"



1 ADU NORTHEAST ELEVATION
SCALE: 1/8"=1'-0"

REVISED
2:49 pm, Jan 10, 2023

These documents are the property of Kroeger Janev Architects. Any unauthorized use of these documents without consent is prohibited by law. Kroeger Janev Architects disclaims responsibility for unauthorized use of these documents or in part at any other location

ARCHITECT:
KROEGER | JANEV
ARCHITECTS
707.996.1662 | 1027 Lincoln Avenue, Napa, CA 94558
707.968.5600 | 1040 Main Street, Suite F Petaluma, CA 94952

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY: --
PROJECT No: 202101---

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV. 1
09/22/2022	D.R. REV. 2
01/09/2023	D.R. REV. 3

SHEET DESCRIPTION:
GUEST HOUSE ELEVATIONS

SCALE: 1/8" = 1'-0"

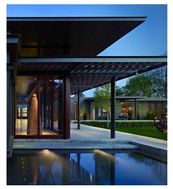
A3.3

Copyright © 2018 by KROEGER JANEV ARCHITECTS

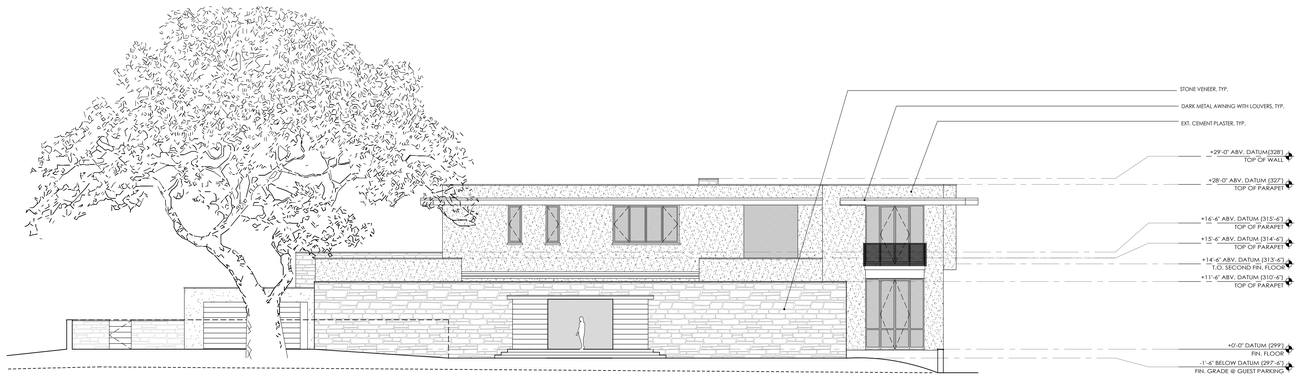
12/29/22 P:\2021\202101 Berchtold Residence_Drawings\01-Current\Design Review\Version 03-Size-E\rev-202101_V6.dwg



LOW LANDSCAPE STONE WALLS



METAL TRELLIS & AWNING WITH LOUVERS



1 SOUTHEAST ELEVATION

SCALE: 1/8"=1'-0"



STONE VENEER WALLS



STONE WALL & DARK METAL TRIM



STONE VENEER & CEMENT PLASTER WALLS WITH DARK METAL WINDOW FRAMES



CEMENT PLASTER & WOOD WALLS



CEMENT PLASTER & WOOD WALLS WITH DARK METAL WINDOW FRAMES

REVISED
2:49 pm, Jan 10, 2023

These documents are the property of Kroeger | Janev Architects. Any unauthorized use, reproduction without consent is prohibited by law. Kroeger | Janev Architects disclaims responsibility for unauthorized use of these documents or in part at any other location

ARCHITECT:
KROEGER | JANEV
ARCHITECTS
707.266.1682 | 1027 Lincoln Avenue, Napa, CA 94558
707.968.5600 | 1348 Main Street, Saint Helena, CA 94574

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY: --
PROJECT No: 202101---

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV 1
09/22/2022	D.R. REV 2
01/09/2023	D.R. REV 3

SHEET DESCRIPTION:

EXTERIOR ELEVATION & FINISH MATERIALS

SCALE: 1/8" = 1'-0"

A3.4

Copyright © 2018 by KROEGER JANEV ARCHITECTS

12/29/22 P:\2021\202101 Berchtold Residence\1-Drawings\01-Current\Design Review\Version 03-Sept-Elev-220101 - 01.dwg



2 SOUTHWEST ELEVATION (VIEW FROM FIR HILL DRIVE)
SCALE: 1/8"=1'-0"



1 SOUTHEAST ELEVATION (VIEW FROM MADRONA AVE.)
SCALE: 1/8"=1'-0"

0 4' 8' 16'

REVISED
2:49 pm, Jan 10, 2023

Copyright © 2018 by KROEGER JANEV ARCHITECTS

P:\2021\202101 Berchtold Residence\ Drawings\01 Current\Design Review\Version 03-Sets\Dsn-202101 - VR.dwg 1/5/23

ARCHITECT:
KROEGER | JANEV
ARCHITECTS
707.266.1662 | 1027 Lincoln Avenue, Napa, CA 94558
707.968.5600 | 1345 Main Street, Saint Helena, CA 94574

These documents are the property of Kroeger Janev Architects. Any unauthorized use of these documents without consent is prohibited by law. Kroeger Janev Architects disclaims responsibility for unauthorized use of these documents or in part at any other location

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY: --
PROJECT No: 202101---

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV 1
09/22/2022	D.R. REV 2
01/09/2023	D.R. REV 3

SHEET DESCRIPTION:
COLORED ELEVATIONS

SCALE: NTS

A3.5



2 NORTHEAST ELEVATION
SCALE: 1/8"=1'-0"



1 NORTHWEST ELEVATION
SCALE: 1/8"=1'-0"

0 4' 8' 16'

REVISED
2:50 pm, Jan 10, 2023

Copyright © 2018 by KROEGER JANEV ARCHITECTS

1/2/23 P:\2021\202101 Berchtold Residence\ Drawings\01-Current\Design Review\Version 03-Sited Elev-202101 - VR.dwg

ARCHITECT:
KROEGER | JANEV
ARCHITECTS
707.266.1682 | 1027 Lincoln Avenue, Napa, CA 94558
707.968.5600 | 1240 Main Street, Saint Helena, CA 94574

These documents are the property of Kroeger Janev Architects. Any unauthorized use, publication or reproduction without the express written consent is prohibited by law. Kroeger Janev Architects disclaims responsibility for the misuse of these documents or in part at any other location

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY: ~
PROJECT No: 202101~~

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV. 1
09/22/2022	D.R. REV. 2
01/09/2023	D.R. REV. 3

SHEET DESCRIPTION:
COLORED ELEVATIONS

SCALE: NTS

A3.6

USE	EXISTING	PROPOSED	CHANGE
AGRICULTURAL - VINEYARD	5.08ac	4.42ac	-0.66ac
AGRICULTURAL - ORCHARD	0.2ac	0.33ac	+0.13ac
NON AGRICULTURAL - HOUSE SITE	0.5ac	1ac	+0.5ac
DRIVEWAY (EXEMPTION)	NA	0.03ac	
TOTAL PARCEL AREA	5.78ac	5.78ac	

4 PROPERTY AREA CALCULATIONS

Berchtold Residence
2126 Madrona Ave, St. Helena, CA

Section II. Water Efficient Landscape Worksheet – Non-Agriculture Plantings
Based on planting plan dated 12/15/22

Reference Evapotranspiration (ETo) 44.1

ZONE	SYMBOL	Hydrozone / Planting Description	WUCOLS	Qty	Size	SF Each	Zone Plant Factor (PF)	Irrigation Method	Irrigation Efficiency (IE)	ETAF (PF/IE)	Landscape Area (sq ft)	ETAF x Area	Estimated Total Water Use (ETWU)
Regular Landscape Areas													
	TREES	Botanical											
	LAG RES	LAGERSTROEMIA INDICA X FAURIEI 'TUSCARORA'	LOW	1	24" BOX	47	0.2	Drip	0.81	0.25	47	12	327
	OLE SEV	OLEA EUROPAEA 'SEVILLANO'	VERY LOW	1	FIELD DUG	183	0.1	Drip	0.81	0.12	280	35	956
	PIN CHI	PISTACIA CHINENSIS	LOW	4	60" BOX	113	0.2	Drip	0.81	0.25	4436	1,109	12,475
	SHRUBS	Botanical											
	CIS SUR	CISTUS X PULVERULENTUS 'SUNSET'	LOW	12	5 GAL	7	0.2	Drip	0.81	0.25	84	21	567
	EUO SPI	EUONYMUS JAPONICUS	LOW	8	5 GAL	7	0.2	Drip	0.81	0.25	56	14	378
	EUO MIC	EUONYMUS JAPONICUS 'MICROPHYLLUS'	LOW	9	5 GAL	6	0.5	Drip	0.81	0.62	56	35	931
	LAU NOB	LAURUS NOBILIS	LOW	6	15 GAL	12	0.2	Drip	0.81	0.25	72	18	486
	OLE UT	OLEA EUROPAEA 'LITTLE OLLIE' TM	VERY LOW	40	5 GAL	7	0.1	Drip	0.81	0.12	280	35	945
	PIT TOB	PITTOSPORUM TOBIRA 'WHEELER'S DWARF' TM	LOW	21	5 GAL	12	0.2	Drip	0.81	0.25	252	63	1,701
	PRU CAR	PRUNUS CAROLINIANA 'COMPACTA'	LOW	11	15 GAL	12	0.2	Drip	0.81	0.25	132	33	2,511
	GRASSES	Botanical											
	LOM LAN	LOMANDRA LANGIFOLIA 'NOMA 12'	LOW	67	1 GAL	3	0.2	Drip	0.81	0.25	111	27	740
	MUH LIN	MUHLENBERGIA LINDHEIMERI	LOW	54	1 GAL	6	0.2	Drip	0.81	0.25	324	80	2,187
	MUH RIG	MUHLENBERGIA RIGIDA 'KAYSLAND 'SPACE'	LOW	118	1 GAL	6	0.2	Drip	0.81	0.25	708	176	4,800
	MUH RIG	MUHLENBERGIA RIGIDA	LOW	16	1 GAL	6	0.2	Drip	0.81	0.25	96	24	648
	PERENNIALS	Botanical											
	ANE SEP	ANEMONE X HYBRIDA 'SEPTEMBER CHARM'	MODERATE	16	1 GAL	2	0.5	Drip	0.81	0.62	32	20	540
	LAV GRO	LAVANDULA X INTERMEDIA 'GROSSO'	LOW	9	1 GAL	6	0.2	Drip	0.81	0.25	54	13	365
	LAV HID	LAVANDULA ANGUSTIFOLIA 'HIDCOTE'	LOW	8	1 GAL	6	0.2	Drip	0.81	0.25	48	12	324
	SAL BAR	SALVIA LEUCANTHA 'SANTA BARBARA'	LOW	13	5 GAL	6	0.2	Drip	0.81	0.25	90	22	608
	SAL MID	SALVIA LEUCANTHA 'MIDNIGHT'	LOW	25	5 GAL	6	0.2	Drip	0.81	0.25	150	37	1,013
	VER LOL	VERBENA BONARIENSIS	VERY LOW	23	1 GAL	6	0.1	Drip	0.81	0.12	138	16	446
	ROSES	Botanical											
	ROS SAS	ROSA FLORIBUNDA 'SASY SPIRIT' TM	MODERATE	15	5 GAL	7	0.5	Drip	0.81	0.62	105	65	1,772
	ROS SDS	ROSA FLORIBUNDA 'SASY DOOL IT' TM	MODERATE	4	5 GAL	7	0.5	Drip	0.81	0.62	28	17	470
	ROS SAY	ROSA FLORIBUNDA 'VERANDA LAVENDER'	MODERATE	5	5 GAL	7	0.5	Drip	0.81	0.62	35	22	593
	RAISED BEDS												
	VEG BOX	VEGETABLE BOX	MODERATE	128	TBD		0.5	Drip	0.81	0.62	539	74	2,080
	soft cover	Pervious cover	LOW	1048	sf		0.2	SI	0.81	0.25	5048	1262	7,230
		Water Features (pond and spa)	High				1	N/A	1	1.00	965	965	26,985
									Totals	9.53	7,326	2,199	76,756
Special Landscape Areas												ETAF Total =	76,756 gallons/year
		N/A										Maximum Applied Water Allowance (MAWA)* =	110,108 gallons/year
		ETAF Calculations									*MAWA calculations 44.1*(0.45*7326.0)*(.62)		
		Regular Landscape Areas											
		Total ETAF x Area	2199								Estimated Total Water Use is 0.28 acre feet per year.		
		Total Area	7326										
		Average ETAF	**0.30**								194 gallons/day		
											#VALUE!		
		All Landscape Areas											
		Total ETAF x Area	2199										
		Total Area	7326										
		Average ETAF	**0.30**										

Page 1 of 1

3 WELO CALCS NON-AGRICULTURE PLANTINGS

2 EXISTING SITE PLAN
SCALE: 1" =60'

1 OVERALL SITE PLAN
SCALE: 1" =60'

0 60 120 180 240 feet
SCALE: 1"= 60'

REVISED
2:50 pm, Jan 10, 2023

SHEET INDEX:

L1.0 EXISTING SITE PLAN & OVERALL SITE PLAN, WELO CALCS NON-AGRICULTURE PLANTINGS, PROPERTY AREA CALCULATIONS
L2.1 PLANTING PLANS & PLANT SCHEDULE NON-AGRICULTURAL - WATER SOURCE CITY OF ST. HELENA
L2.2 PLANTING PLAN & PLANT SCHEDULE AGRICULTURAL - WATER SOURCE WELL

The documents are the property of Claudia Schmidt and may not be used in any unauthorized use without the written permission of Claudia Schmidt. Claudia Schmidt Landscape Design assumes no responsibility for changes made to this document if used whole or in part at any other location

CLAUDIA SCHMIDT
LANDSCAPE DESIGN
PO BOX 42
ST HELENA CA 94574
T 707.963.1137 M 707.486.1137
EMAIL claudia@claudiaschmidtdesign.com

BERCHTOLD RESIDENCE

2126 MADRONA AVENUE
ST HELENA, CA 94574
APN: 009-470-010

Date 1/9/2023
Drawn By CSL
Checked By CSD
Project No.

Date	Issue
11/05/21	DESIGN REVIEW
09/31/22	DESIGN REVIEW REV 1
09/16/22	DESIGN REVIEW 2
01/09/23	DESIGN REVIEW 3

EXISTING SITE PLAN & OVERALL SITE PLAN

SCALE : AS NOTED

Sheet L1.0
of 3

PLANTING PLANS NON-AGRICULTURAL - WATER SOURCE CITY OF ST. HELENA

PLANT SCHEDULE WATER SOURCE CITY OF ST. HELENA

TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	WELO	REMARKS
	1	LAGERSTROEMIA INDICA X FAURIEI 'TUSCARORA'	TUSCARORA CRAPE MYRTLE MULTI-TRUNK	24" BOX	LOW	WATER SOURCE - CITY OF ST. HELENA
	1	OLEA EUROPAEA 'SEVILLANO'	SEVILLANO OLIVE 75 YEAR OLD	FIELD DUG	VERY LOW	WATER SOURCE - CITY OF ST. HELENA
	4	OLEA EUROPAEA 'TUSCAN BLEND'	TUSCAN BLEND OLIVE	24" BOX	VERY LOW	WATER SOURCE - CITY OF ST. HELENA
	6	PISTACIA CHINENSIS	CHINESE PISTACHE	60" BOX	LOW	WATER SOURCE - CITY OF ST. HELENA

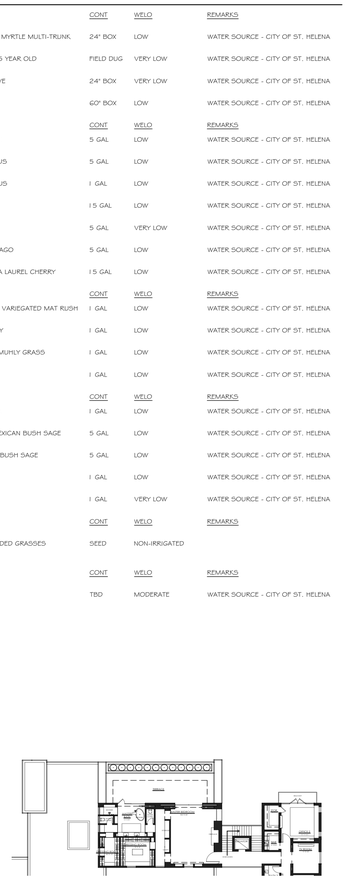
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	CONT	WELO	REMARKS
CSU	12	CISTUS X PULVERULENTUS 'SUNSET'	SUNSET ROCKROSE	5 GAL	LOW	WATER SOURCE - CITY OF ST. HELENA
EJA	8	EUONYMUS JAPONICUS	JAPANESE EUONYMUS	5 GAL	LOW	WATER SOURCE - CITY OF ST. HELENA
EJM	9	EUONYMUS JAPONICUS 'MICROPHYLLUS'	BOXLEAF EUNONYMUS	1 GAL	LOW	WATER SOURCE - CITY OF ST. HELENA
LN	6	LAURUS NOBILIS	SWEET BAY	15 GAL	LOW	WATER SOURCE - CITY OF ST. HELENA
OEO	40	OLEA EUROPAEA 'LITTLE OLLIE' TM	LITTLE OLLIE OLIVE	5 GAL	VERY LOW	WATER SOURCE - CITY OF ST. HELENA
PAM	21	PLUMBAGO AURICULATA 'MONOTT' TM	ROYAL CAPE PLUMBAGO	5 GAL	LOW	WATER SOURCE - CITY OF ST. HELENA
PCC	31	PRUNUS CAROLINIANA 'COMPACTA'	COMPACT CAROLINA LAUREL CHERRY	15 GAL	LOW	WATER SOURCE - CITY OF ST. HELENA

GRASSES	QTY	BOTANICAL NAME	COMMON NAME	CONT	WELO	REMARKS
LOM	37	LOMANDRA LONGIFOLIA 'ROMA 13'	PLATINUM BEAUTY® VARIEGATED MAT RUSH	1 GAL	LOW	WATER SOURCE - CITY OF ST. HELENA
MLI	54	MUHLENBERGIA LINDHEIMERI	LINDHEIMER'S MUHLY	1 GAL	LOW	WATER SOURCE - CITY OF ST. HELENA
MCA	119	MUHLENBERGIA CAPILLARIS 'LENCA'	REGAL MIST® PINK MUHLY GRASS	1 GAL	LOW	WATER SOURCE - CITY OF ST. HELENA
MRI	16	MUHLENBERGIA RIGENS	DEER GRASS	1 GAL	LOW	WATER SOURCE - CITY OF ST. HELENA

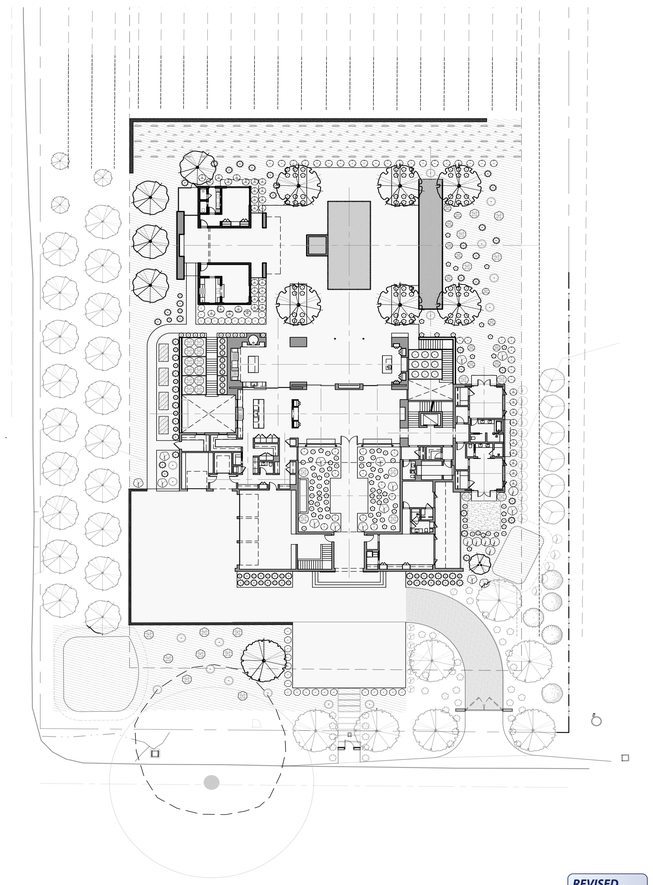
PERENNIALS	QTY	BOTANICAL NAME	COMMON NAME	CONT	WELO	REMARKS
LAV	9	LAVANDULA X INTERMEDIA 'GROSSO'	GROSSO LAVENDER	1 GAL	LOW	WATER SOURCE - CITY OF ST. HELENA
SLE	15	SALVIA LEUCANTHA 'SANTA BARBARA'	SANTA BARBARA MEXICAN BUSH SAGE	5 GAL	LOW	WATER SOURCE - CITY OF ST. HELENA
SLM	25	SALVIA LEUCANTHA 'MIDNIGHT'	MIDNIGHT MEXICAN BUSH SAGE	5 GAL	LOW	WATER SOURCE - CITY OF ST. HELENA
TCH	40	TEUCRIUM CHAMAEDRYS	GERMANDER	1 GAL	LOW	WATER SOURCE - CITY OF ST. HELENA
VBO	25	VERBENA BONARIENSIS	TALL VERBENA	1 GAL	VERY LOW	WATER SOURCE - CITY OF ST. HELENA

GROUND COVERS	QTY	BOTANICAL NAME	COMMON NAME	CONT	WELO	REMARKS
	2,806 SF	NON-IRRIGATED SEEDED GRASSES	NON-IRRIGATED SEEDED GRASSES	SEED	NON-IRRIGATED	

RAISED BEDS	QTY	BOTANICAL NAME	COMMON NAME	CONT	WELO	REMARKS
	128 SF	VEGETABLE BOX	VEGETABLE BOX	TBD	MODERATE	WATER SOURCE - CITY OF ST. HELENA



2 UPPER FLOOR
SCALE: 1" = 20'



1 MAIN LEVEL
SCALE: 1" = 20'

NORTH

0 20 40 60 80 feet
SCALE: 1" = 20'

REVISED
2:50 pm, Jan 10, 2023

This drawing is the property of Claudia Schmidt Landscape Design. Any unauthorized use without the Claudia Schmidt Landscape Design's written permission is prohibited. The documents if used whole or in part at any time/location

CLAUDIA SCHMIDT
LANDSCAPE DESIGN
PO BOX 42
ST HELENA, CA 94574
707.337.3443 cell work
707.963.3443 fax
claudia@claudiaschmidtlandscape.com

BERCHTOLD RESIDENCE
2126 MADRONA AVENUE
ST HELENA, CA 94574
APN: 009-470-010

Date	1/9/2023
Drawn By	CAL
Checked By	CMD
Project No.	

Date	Issue
11/05/21	DESIGN REVIEW
06/31/22	DESIGN REVIEW REV 1
09/16/22	DESIGN REVIEW 2
01/09/23	DESIGN REVIEW 3

PLANTING PLANS & PLANT SCHEDULE NON-AGRICULTURAL - WATER SOURCE CITY OF ST. HELENA

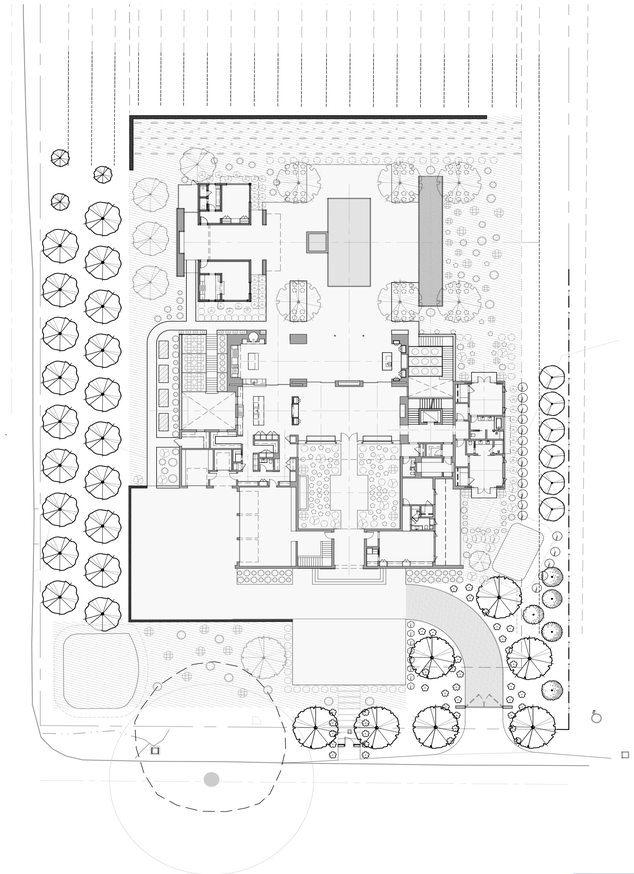
SCALE : AS NOTED

Sheet L2.1
of 3

PLANTING PLANS AGRICULTURAL - WATER SOURCE WELL

PLANT SCHEDULE WATER SOURCE WELL

TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	WELO	REMARKS
	6	FEIJOA SELLOWIANA	PINEAPPLE GUAVA	24" BOX	MODERATE	WATER SOURCE - WELL
	7	OLEA EUROPAEA 'SEVILLANO' 100 YEAR OLD	SEVILLANO OLIVE	FIELD DUG	VERY LOW	WATER SOURCE - WELL
	3	OLEA EUROPAEA 'TUSCAN BLEND'	TUSCAN BLEND OLIVE	24" BOX	VERY LOW	MANAGED AT 8' X 8' - WELL
	19	OLEA EUROPAEA 'TUSCAN BLEND'	TUSCAN BLEND OLIVE	24" BOX	VERY LOW	WATER SOURCE - WELL
FRUIT TREES	**QTY**	**BOTANICAL NAME**	**COMMON NAME**	**CONT**	**WELO**	**REMARKS**
	1	CITRUS X LIMON 'EUREKA'	EUREKA LEMON	24" BOX	MODERATE	WATER SOURCE - WELL
	2	CITRUS X AURANTIIFOLIA 'BEARSS LIME'	BEARSS LIME	24" BOX	MODERATE	WATER SOURCE - WELL
	1	CITRUS RETICULATA 'OWARI'	OWARI SATSUMA MANDARIN ORANGE	24" BOX	MODERATE	WATER SOURCE - WELL
	1	CITRUS X SINENSIS 'WASHINGTON'	WASHINGTON NAVEL ORANGE	24" BOX	MODERATE	WATER SOURCE - WELL
SHRUBS	**QTY**	**BOTANICAL NAME**	**COMMON NAME**	**CONT**	**WELO**	**REMARKS**
	18	LAURUS NOBILIS	SWEET BAY	15 GAL	LOW	WATER SOURCE - WELL
	40	ROSMARINUS OFFICINALIS 'IRENE' TM	IRENE TRAILING ROSEMARY	1 GAL	LOW	WATER SOURCE - WELL
	8	ROSMARINUS OFFICINALIS 'TUSCAN BLUE'	TUSCAN BLUE ROSEMARY	5 GAL	LOW	WATER SOURCE - WELL



1 MAIN LEVEL
SCALE: 1" = 20'

0 20 40 60 80 feet
SCALE: 1" = 20'

REVISED
2:50 pm, Jan 10, 2023

This information are the property of Claudia Schmidt Landscape Design. Any unauthorized use without the Claudia Schmidt Landscape Design's written permission is prohibited. The documents if used whole or in part at any time/location

CLAUDIA SCHMIDT
LANDSCAPE DESIGN
PO BOX 42
ST HELENA, CA 94574
T 707.337.3443 C 415.971.
E claudia@claudiaschmidtlandscape.com

BERCHTOLD RESIDENCE
2126 MADRONA AVENUE
ST HELENA, CA 94574
APN: 009-470-010

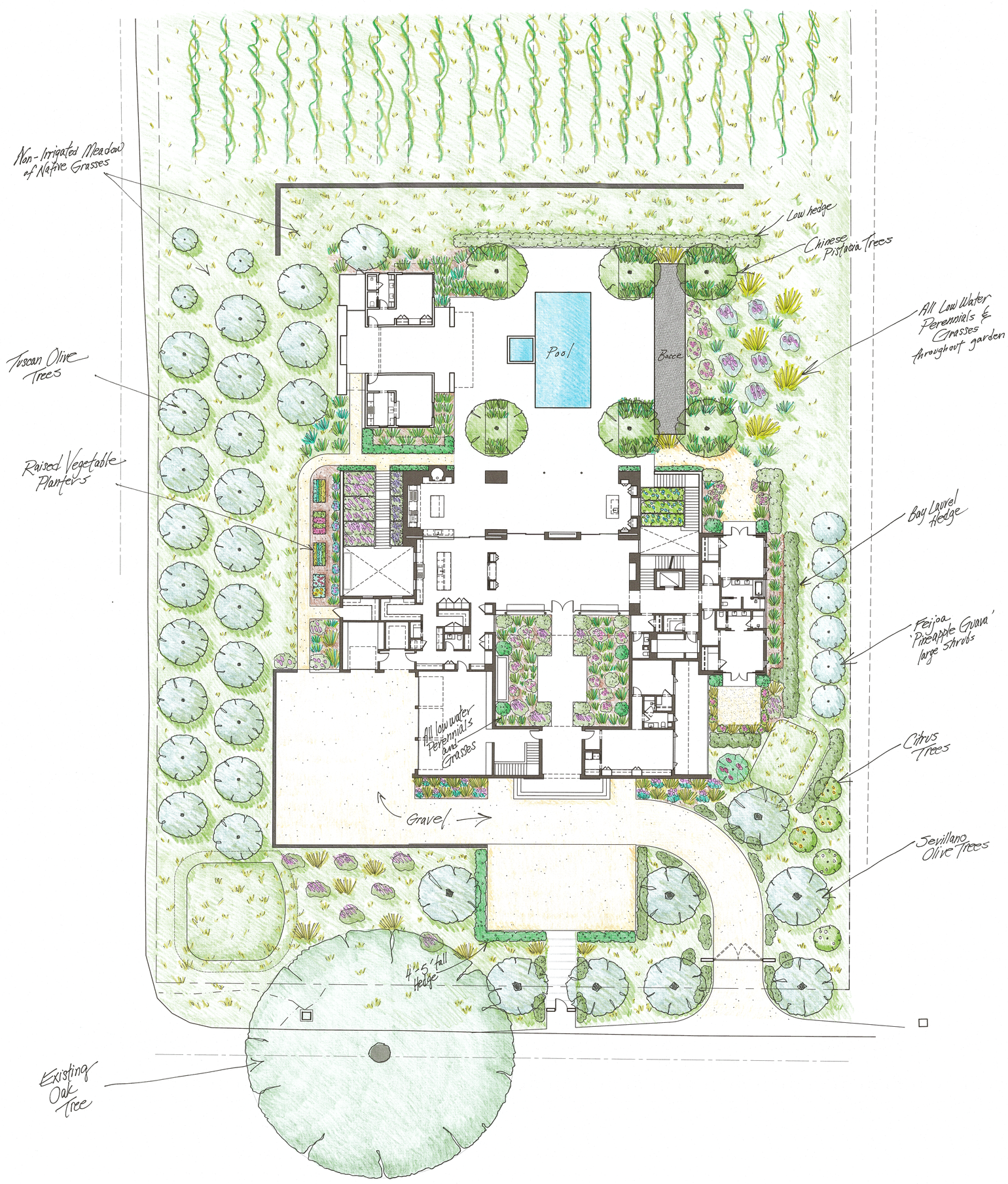
Date	1/9/2023
Drawn By	CSL
Checked By	CSLD
Project No.	

Date	Issue
11/08/21	DESIGN REVIEW
06/01/22	DESIGN REVIEW REV 1
09/16/22	DESIGN REVIEW 2
01/09/23	DESIGN REVIEW 3

PLANTING PLAN & PLANT SCHEDULE AGRICULTURAL - WATER SOURCE WELL

SCALE : AS NOTED

Sheet L2.2
of 3



0 10 20 30 40 feet
SCALE: 1" = 10'

1 MAIN LEVEL
SCALE: 1" = 10'

BERCHTOLD RESIDENCE
CLAUDIA SCHMIDT
LANDSCAPE DESIGN
January 9, 2023

REVISED
2:53 pm, Jan 10, 2023

KROEGER | JANEV
ARCHITECTS

January 9, 2023

Berchtold Residence
2126 Madrona Ave.
Saint Helena, CA 94574

Design Review Project Statement
Proposed work: New Residence at 2126 Madrona Avenue

The applicant is seeking approval for the demolition of three existing structures totaling approximately 3,893 square feet and design review approval to construct a new single-family residence and accessory dwelling unit. The proposed residence is a one and partial two-story structure with a basement. The above ground living area of the main residence totals 7,950 square feet; above ground garage and storage areas total 1,754 square feet; and below grade basement space totals 6,457 square feet.

The proposed design is a product of multiple design iterations resulting from our collaboration with the Planning Department staff and neighbors. A primary goal was to minimize neighborhood impact by preserving views and maintaining the general character of the neighborhood, while satisfying the building program needs of the homeowners. Based on our communication with the Director and staff, as well as several of the neighbors, we have made a concerted effort to address their concerns and recommendations.

The design for the proposed residence consists of four bedroom suites; an open plan kitchen, dining and living area; two home offices; a 3-car garage; and support spaces. The basement houses an exercise area and recreation room, as well as storage, mechanical, and service spaces. The proposed design also includes an accessory dwelling unit (which is exempt from discretionary review but is shown for reference) and a new swimming pool and spa with cover.

The proposed home will be set with in the front and side 50ft. boundaries adjacent to Madrona Avenue and Fir Hill Drive. The applicant plans to preserve as much as possible of the existing old vine vineyard and to maintain and enhance the agricultural nature of the property by adding an olive orchard, fruit trees, a vegetable/herb garden and cutting gardens. Proposed development includes removal of 0.66 acres of existing vineyard, additional 0.13 acres of new orchard and 0.5 acres expansion of existing non-agricultural use for home site. As proposed agricultural use will consist of 4.42 acres of vineyard and 0.33 acres of orchard, with one acre dedicated to non-agricultural use. The property owners are currently working with Spottswoode Winery to rehabilitate the vineyard and produce wine. In addition, they will collaborate with local olive oil producers to create an estate olive oil sourced from proposed olive plantings.
This project is fully compliant with A20 zoning codes, and there are no requests for any code variances.

As noted on the proposed drawings, the exterior of both the residence and the accessory dwelling unit will be finished with combination of local stone and exterior cement plaster, with wood and metal accents. The proposed color palette will employ natural earth tones to blend with the existing site and complement the neighborhood.

707.266.1682 | 1627 Lincoln Avenue • Napa, CA • 94558
707.968.5265 | 1432 Main Street • Saint Helena, CA • 94574

KROEGER | JANEV
ARCHITECTS

At its tallest point, the proposed structure is 29 feet high; however, its position on the site, orientation, and layered massing has been carefully designed to minimize its visual impact and to preserve views from neighboring properties.

The flat roof design will allow the owners to maximize the use of solar panels to minimize energy needs but keep them out of view behind parapet walls. The proposed landscape plan and planting palette is designed to meet water neutrality status.

The owners plan to provide on-site accommodations for full-time help, which will reduce the impact on the local housing market.

Since our initial Design Review hearing in October of 2022, we conducted two on site meetings with the neighbors as recommended by the Planning Commission. As a result of these meetings, we made following changes to the proposed project:

- Removal of two driveways along Fir Hill Drive as proposed during the first hearing.
- Proposed ADU location is shifted 5 feet to the south and 15 feet to the east to further minimize impact on views from neighboring properties.
- Proposed ADU massing is changed. The roof line above the bedroom and living room was lowered by 2 feet.
- Proposed pool size and orientation was revised.
- Proposed bocce court was moved to a new location along east property line along with adjacent landscape to expand views from neighboring properties.
- Increased capacity of the proposed storm water retention area.
- Revised landscape plan and plant material list to reduce water usage.
- Adjusted layout of the olive orchard along Fir Hill Drive to increase visibility at intersection with Madrona Avenue.

Sincerely,

Sasha Janev – Kroeger Janev Architects

707.266.1682 | 1627 Lincoln Avenue • Napa, CA • 94558
707.968.5265 | 1432 Main Street • Saint Helena, CA • 94574

RECEIVED
By xgamero at 10:28 am, Nov 15, 2021

BRUNZELL
HISTORICAL

November 12, 2021

Sasha Janev
Kroeger-Janev Architects
1432 Main Street
St. Helena, California, 94574

Subject: Project Review of the Proposed Project for Historic Compatibility at 2126 Madrona Avenue, St. Helena, Napa County, California.

Dear Sasha,

This letter and the attached DPR 523 form comprise the Historic Resource Evaluation of 2126 Madrona Avenue, St. Helena, Napa County, California.

Methodology
According to the St. Helena Star, the original house at 2126 Madrona Avenue was constructed about 1883. Research has not revealed photographs or other documents such as architectural plans, and the property is not listed on the St. Helena Historic Resource Inventory. Brunzell Historical has therefore prepared this letter report and DPR 523 forms to evaluate the buildings on the property. Brunzell Historical personnel conducted a site visit on November 10, 2021. The site visit included collecting photographs of all elevations of the buildings on the property with a focus on the historic-era barn on the property. Research was performed using historic newspapers and ancestry.com as well as other websites. The property was evaluated according to the relevant criteria for historic eligibility and documented on DPR 523 forms as required by the California Environmental Quality Act as (CEQA). Because the property is over 50 years old, a potential projects trigger a requirement for historical evaluation according to current regulations. This work was completed pursuant to CEQA, all resources discovered during the field survey require evaluation for California Register of Historical Resources (CRHR). The property was also evaluated for National Register of Historic Places (NRHP) eligibility.

Summary of Findings
The newspaper stories published when the house was constructed in 1883 indicate that it was 24 feet square; the current house is rectangular but is about 24 feet wide so the original building may be at its core. However, its materials and features indicate alterations decades, substantial alterations outside the historic era. It lacks the architectural significance required for historic listing. Nor has research revealed historical significance or association with important historic persons. For these reasons, the property is not recommended eligible to the CRHR or the NRHP. Neither the house nor the outbuildings meet any of the required criteria for significance as described below and in the attached DPR 523 forms. Nor is the property recommended eligible as a City of St. Helena historical resource.

National Register of Historic Places
In conjunction with the following NRHP criteria, sites must be assessed for integrity of location, design, setting, materials, workmanship, feeling, and association. A site may be considered eligible to the NRHP if it retains sufficient integrity of the elements listed above and it:

(a) is associated with events that have made a significant contribution to the broad patterns of our history;
(b) is associated with the lives of persons significant in our past;

(c) embodies the distinctive characteristics of a type, period, or method of construction, represents the work of a master, possesses high artistic values, or represents a significant or distinguishable entity whose components may lack individual distinction;
(d) yields, or may be likely to yield, information important to the prehistory or history of the area/region.

California Register of Historical Resources
The CRHR criteria are based on NRHP criteria. For a property to be eligible for inclusion on the CRHR, one or more of the following criteria must be met:

1. It is associated with the events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
2. It is associated with the lives of persons important to local, California, or national history;
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values; and/or
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

In addition to meeting one or more of the above criteria, the CRHR requires that sufficient time has passed since a resource's period of significance to "obtain a scholarly perspective on the events or individuals associated with the resources." (CCR 4852 [d][2]). Fifty years is normally considered sufficient time for a potential historical resource, and in order that the evaluation remain valid for a minimum of five years after the date of this report, all resources older than 45 years will be evaluated. The CRHR also requires that a resource possess integrity. This is defined as the ability for the resource to convey its significance through seven aspects: location, setting, design, materials, workmanship, feeling, and association.

Evaluation
Criterion A/1: The house at 2126 Madrona Avenue is not associated with events that have made a significant contribution to the broad patterns of our history. The property is generally associated with the agricultural and rural-residential development of the St. Helena area in the late nineteenth century. Research has not revealed that the property is significant within that or any other historic context. Therefore, the property is recommended not eligible to the NRHP or CRHR under Criterion A/1.

Criterion B/2: The property is not associated with the life of persons important to our history. The families that lived on the property participated in farming, carpentry, and other local pursuits. They were not significant contributors to St. Helena's development, and research has revealed no important professional accomplishments or lasting impact on local history or on agriculture. It was a property that provided shelter for ordinary people and their families. Therefore, the property lacks the strength of association required for eligibility under Criterion B/2. The property is recommended not eligible to the NRHP or CRHR under Criterion B/2.

Criterion C/3: 2126 Madrona Avenue is not significant for its architecture. The house has been substantially altered over the decades, with the enclosure of an original porch and replacement of original siding among the most substantial changes to its historic form. Its size and massing as well as the lack of decorative detail indicate that it was originally a simple vernacular building constructed as shelter and without architectural distinction. Its current appearance gives no indication that it ever possessed the character-defining features of landmark Victorian-era residences. However, research has not revealed historic photographs, plans, or elevations, so the details of its original form are obscure. For these reasons, the property lacks the significance and integrity required for historic listing. It is therefore recommended ineligible to the NRHP or CRHR under Criterion C/3.

Criterion D/4: In rare instances, buildings themselves can serve as sources of important information about historic construction materials or technologies and be significant under Criterion D/4. 2126 Madrona Avenue

is an example of a well-understood type of construction and does not appear to be a principal source of important information in this regard.

Evaluator Qualifications
I meet the Secretary of Interior's Professional Qualifications for both History and Architectural History. I hold a Master's degree in Public History and have worked in multiple facets of historic preservation and cultural resource evaluation since 2007. My experience includes municipal preservation planning and working as the lead staff member of a non-profit preservation organization. Since 2012, I have worked full-time as a historical consultant, completing dozens of evaluations for CEQA and Section 106 compliance. Additionally, I have completed local and national register nominations, historic context statements, and HAER recordation. The North Bay is the center of my practice, but I frequently work in the greater Sacramento area and other parts of the Bay Area, and have also completed projects in Southern California, Nevada, Oregon, New York, and Puerto Rico. In addition to my work with historic-period domestic, agricultural, and commercial properties for private clients, I have prepared reports on post offices, military bases, university campuses, hospitals, church properties, national parks, and a NASA site. I am listed as a Historian and Architectural Historian on the California Office of Historic Preservation's roster of qualified consultants for every county in California.

Please contact me by phone at 707/290-2918 or e-mail at kara.brunzell@yahoo.com with any questions or comments.

Sincerely,

Kara L Brunzell

Kara Brunzell, M.A.
Brunzell Historical

State of California – The Resources Agency **Primary #** _____
DEPARTMENT OF PARKS AND RECREATION **HRI #** _____
PRIMARY RECORD **Trinomial** _____
NRHP Status Code _____
Other Listings _____
Review Code _____ **Reviewer** _____ **Date** _____

Page 1 **of** 10 ***Resource Name or #** (Assigned by recorder) 2126 Madrona Avenue

P1. Other Identifier: 2126 Madrona Avenue
***P2. Location:** ☐ **Not for Publication** ☒ **Unrestricted** ***a. County** Sacramento
and (P2b and P2c or P2d. Attach a Location Map as necessary.)
***b. USGS 7.5' Quad_Date _T__; R __; __ ¼ of Sec ___; _____ B.M.**
c. Address 2126 Madrona Avenue **City** St. Helena **Zip** 94574
d. UTM: (give more than one for large and/or linear resources) Zone __; _____mE/ _____mN
e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) 009-470-010-0000

***P3a. Description:** (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)
The property is located at the intersection of Madrona Avenue and Fir Hill Drive, which is about a quarter mile southeast of the densely-developed area of St. Helena. The semi-rural neighborhood is characterized by widely-spaced residential and winery development set within vineyards. The long, narrow parcel of nearly six acres is mostly planted to vineyards, with a house, garage, and ancillary dwelling clustered near Madrona Avenue. The one-story house has a rectangular plan and sits atop a raised basement. It features a medium-pitch hipped roof with medium eaves. There is a hip-roof dormer on the main (southeast) elevation which features a louvered vent. The dormer and house are clad in wide fiber cement lap siding with an applied wood grain pattern. The main entrance on the primary façade is sheltered by a projecting gabled entry porch with exposed rafter tails. Its roof is supported by square wood posts, and the balustrade is wood. The entrance is fitted with a partially glazed paneled wood door and wood screen door and accessed from the side via a tall set of wood steps with a simple open balustrade. There is a small door to the basement on the northwest elevation of the porch structure. Fenestration consists of double-hung wood-sash and steel casement windows. A secondary entrance on the southwest elevation is fitted with a sliding-glass door. It is accessed via a multi-level deck; a flat-roofed awning topped with corrugated metal shelters the entrance. There is a two-story addition at the rear of the house featuring a shed roof shed awning over its centered entrance, which is fitted with a partially glazed paneled wood door (continued page 3).

***P3b. Resource Attributes:** (List attributes and codes) HP3. Multiple family property

***P4. Resources Present:** ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)



P5b. Description of Photo: (View, date, accession #) Photograph 1: 2126 Madrona Avenue, southeast elevation, camera facing west, November 10, 2021.

***P6. Date Constructed/Age and Sources:**
☒ Historic ☐ Prehistoric ☐ Both
c1883, St. Helena Star

***P7. Owner and Address:**
Michael K. Hubbard
2126 Madrona Ave.
St. Helena, CA 94574

***P8. Recorded by:** (Name, affiliation, address)
Kara Brunzell
Brunzell Historical
1613 B St
Napa, CA 94559

***P9. Date Recorded:** November 10, 2021

***P10. Survey Type:** (Describe) Intensive

***P11. Report Citation:** (Cite survey report and other sources, or enter "none.") none

***Attachments:** NONE ☒ Location Map ☐ Sketch Map ☒ Continuation Sheet ☒ Building, Structure, and Object Record ☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record ☐ Artifact Record ☐ Photograph Record ☐ Other (list) _____

DPR 523A (1/95) ***Required Information**

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
BUILDING, STRUCTURE, AND OBJECT RECORD

Primary # _____
HRI # _____

Page 2 **of** 10 ***NRHP Status Code** 6Z

***Resource Name or # (Assigned by recorder)** 2126 Madrona Avenue

B1. Historic Name: None
B2. Common Name: 2126 Madrona Avenue
B3. Original Use: residence B4. Present Use: residence
***B5. Architectural Style:**
***B6. Construction History:** (Construction date, alteration, and date of alterations) Original construction, c1883
Garage/barn constructed behind the house, c1910s
Original partial-width porch enclosed, front stairs reoriented, steel casement windows installed, rear addition constructed, c1950
Sliding glass door and deck added at side, original cladding replaced with fiber cement, unknown dates after 1980
Original barn demolished, second garage/barn constructed, 2008

***B7. Moved?** ☒ **No** ☐ **Yes** ☐ **Unknown** **Date:** _____ **Original Location:** _____
***B8. Related Features:** _____
B9. Architect: unknown. b. Builder: unknown
***B10. Significance: Theme** N/A **Area** N/A
Period of Significance N/A **Property Type** N/A **Applicable Criteria** N/A
(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

B11. Additional Resource Attributes: (List attributes and codes)
***B12. References:**
(See Footnotes)
B13. Remarks:

***B14. Evaluator:** Kara Brunzell

***Date of Evaluation:** November 10, 2021

(This space reserved for official comments.)

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI # _____
Trinomial _____

Page 3 of 10 ***Resource Name or # (Assigned by recorder)** 2126 Madrona Avenue
***Recorded by** Kara Brunzell ***Date:** November 10, 2021 ☒ Continuation ☐ Update

***P3a. Description: (continued):**



Photograph 2: 2126 Madrona Avenue, southeast and northeast elevations, camera facing southwest, November 10, 2021.



Photograph 3: 2126 Madrona Avenue, northeast and northwest elevations, camera facing southeast, November 10, 2021.

DPR 523B (1/95) ***Required Information**

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI # _____
Trinomial _____

Page 4 of 10 ***Resource Name or # (Assigned by recorder)** 2126 Madrona Avenue
***Recorded by** Kara Brunzell ***Date:** November 10, 2021 ☒ Continuation ☐ Update



Photograph 4: 2126 Madrona Avenue, northwest elevation, camera facing southeast, November 10, 2021.



Photograph 5: 2126 Madrona Avenue, northwest and southwest elevations, camera facing northeast, November 10, 2021.

DPR 523B (1/95) ***Required Information**

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI # _____
Trinomial _____

Page 5 of 10 ***Resource Name or # (Assigned by recorder)** 2126 Madrona Avenue
***Recorded by** Kara Brunzell ***Date:** November 10, 2021 ☒ Continuation ☐ Update



Photograph 6: 2126 Madrona Avenue, southwest elevation, camera facing north, November 10, 2021.

A gravel driveway on the north side of the house leads to a double garage behind the residence. It has a front-gabled corrugated metal roof with exposed rafter tails. Cladding is primarily wide vertical boards, but there are areas of plywood and horizontal boards. Two vehicle openings on the north elevation are fitted with metal rollup doors. There is a large covered patio with shed roof attached to its east elevation. A human-scale entrance at the southeast elevation is fitted with a flat wood door.



Photograph 7: 2126 Madrona Avenue garage, northeast elevation, camera facing south, November 10, 2021.

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI # _____
Trinomial _____

***Recorded by** Kara Brunzell ***Date:** November 10, 2021 ☒ Continuation ☐ Update



Photograph 8: 2126 Madrona Avenue garage, southwest and southeast elevations, camera facing northwest, November 10, 2021.

A second garage is a few feet to the west has been converted to a dwelling. It has a front-gabled roof and it is clad in wide vertical board siding. Its sliding vehicle door is top-mounted and it has a human-scale entrance with a partially glazed paneled wood door. Windows are horizontal sliding-sash.



Photograph 9: 2126 Madrona Avenue second garage, southwest and southeast elevations, camera facing northwest, November 10, 2021.

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI # _____
Trinomial _____

Page 7 of 10 ***Resource Name or # (Assigned by recorder)** 2126 Madrona Avenue
***Recorded by** Kara Brunzell ***Date:** November 10, 2021 ☒ Continuation ☐ Update



Photograph 10: 2126 Madrona Avenue garages, northwest and southwest elevations, camera facing northeast, November 10, 2021.

B10. Significance (continued):

St. Helena

The first European to settle in the St. Helena area was Dr. Edward Bale, an English physician who received the Carne Humana rancho as a grant from the Mexican government in 1839. The huge land grant encompassed northern Napa Valley, including what would become the towns of Calistoga and St. Helena. California statehood in 1850 drew land speculators to Napa Valley, and in the early 1850s Henry Still purchased 100 acres on the north side of Sulphur Creek from Bale. In partnership with a Mr. Walter, Still erected the first building in St. Helena in 1853, and by the middle of the decade Still and Walter were donating Main Street lots to anyone who would agree to open a business.[1]

Early agricultural activities in Napa Valley focused on cattle-grazing and grain production, but beginning in the late 1850s farmers began experimenting with wine grapes. St. Helena's position as a center of agriculture was consolidated when the railroad arrived in 1868. By the 1870s, much of the land surrounding the growing village had been converted to wine production. St. Helena was incorporated as a city in 1876, and reincorporated in 1889.[2]

The population of Napa Valley doubled between 1870 and 1880, and by 1880, St. Helena was home to 1,500 residents. The St. Helena district (the area between Yountville and St. Helena) by this time had 7,000 acres of grapevines. As the nineteenth century progressed, St. Helena became the upper valley's most important shipping and commercial center. It also became more diverse as Chinese and then German and Italian immigrants arrived to work in the vineyards.[3]

Napa Valley was America's premier wine region by 1890, but a downturn in prices and an infestation of the phylloxera root louse nearly destroyed the wine industry at the turn of the century. Many growers pulled out wine grapes in the early decades of the twentieth century, replacing them with prunes and walnuts. In 1919, the wine business suffered a further blow when the Volstead Act outlawed the

[1] Lyman L. Palmer, *History of Napa and Lake Counties, California*, San Francisco: Slocum, Bowen, & Company, 1881, p. 55. 333; C. A. Menefee, *Historical and Descriptive Sketchbook of Napa, Sonoma, Lake and Mendocino,* Napa City: Reporter Publishing House, 1873, p. 186.

[2] City of St. Helena, *Historic Resources Inventory,* Prepared by Page & Turnbull, Inc., August, 2006, p. 7; Palmer, p.335.

[3] William F. Heinz, *Wine Country, A History of Napa Valley,* Capra Press, Santa Barbara: 1990, p. 162; City of St. Helena, p. 8.

production of alcohol. Only a few local wineries were able to survive Prohibition by producing sacramental wine, and the industry did not begin to recover until after World War II.[4]

Ironically, the modern wine tourism industry was born during Prohibition, when Bay Area residents began driving up to Napa to buy illegal wine. Modern St. Helena is a center of both the Napa Valley wine business and the local wine tourism industry.[5]

2126 Madrona Avenue

The first known owner of the property was Ulrich Meyer. In 1880, he sold the property to Conrad Meyer. In 1881, Conrad Meyer transferred a twenty-foot-wide piece of the property to W. (William) E. York. Conrad was a mason and carpenter and apparently built a four-room cottage on the Madrona property in 1883, which may be the core of the house currently on the property (it was reportedly 24 feet square, and the current house is about 24 feet wide but much longer). In 1884, Meyer sold the property to M. C. Cook, who wanted to develop the property as his permanent home. The Cook family was living on the ranch when their eldest son was born in 1885, and in all likelihood added to and altered the house over the half century they occupied the property.[6]

Morgan Columbus Cook (1852-1914) was born in Missouri. He and his wife, Lelia, were pioneers in the Napa Valley. He grew alfalfa and had an orchard on the property on Madrona Avenue. In 1909, he harvested forty-seven tons of prunes from his property. He was a local farmer for many years. He was a husband and father to two children, Charles Harvey Cook (1885-1957) and Lillian Mae Cook. M. C. Cook died at age sixty-two due to a heart attack. Lelia stayed on in the house with her two adult children and continued to operate the farm. In 1923, Harvey Cook married Mary O. Wiley (1894-1972). They had a son, Harvey Ernest Cook, in 1928. The entire five-person family, including Lillian (who never married), continued to live together in the house on the property. Harvey Cook inherited the property after his mother died in 1943. He was a rancher and continued farming prunes on the property. Harvey Cook Jr. served with the United States Army in Japan before attending the University of California at Davis for agricultural college. The Cook family apparently continued living at the property until at least 1948. In 1957, Harvey Cook Sr. died from a heart attack.[7]

Starting in the 1950s, Andrew Isador Rossi (1922-2006) and Mary Jane Rossi (1929-2019) resided at the address. By 1952, when their son Edward was born, the young family was living on Madrona Avenue. Andrew Rossi emigrated from Italy with his family. His father, Louis Rossi, inherited their family ranch in Conn Valley in 1922 when his brother died. Andrew Rossi graduated from St. Helena High School in 1940 and joined the navy on Mare Island. He married Mary Jane Giacomini in 1951 and the couple had five children: Thomas (who died in infancy), Edward, Catherine, Dennis, and Susan. Mary Jane worked at Beringer and Andrew attended the vineyard on the property, which produces award-winning wines. Andrew Rossi died in 2006 and Mary Jane stayed on in the house on her own. After Mary Jane Rossi died in 2019, current owner Michael Kenneth Hubbard purchased the property.[8]

Evaluation:

The National Register of Historic Places (NRHP) and California Register of Historical Resources (CRHR) require that a significance criterion from A-D or 1-4 (respectively) be met for a resource to be eligible.

Criterion A/1: The house at 2126 Madrona Avenue is not associated with events that have made a significant contribution to the broad patterns of our history. The property is generally associated with the agricultural and rural-residential development of the St. Helena area in the late nineteenth century. Research has not revealed that the property is significant within that or any other historic context. Therefore, the property is recommended not eligible to the NRHP or CRHR under Criterion A/1.

---

[4] Marian Hansen, *Images of America, St. Helena*, Charleston, SC: Arcadia Publishing, 2010, p. 96.

[5] Lin Weber, *Roots of the Present, Napa Valley 1900 to 1950*, St. Helena: Wine Ventures Publishing, 2001, p.148 – 175.

[6] *The St. Helena Star,* "Real Estate," Dec. 24, 1880, 3; *The St. Helena Star,* "Local," July 17, 1883, 1; *The St. Helena Star,* "Real Estate Sales," May 26, 1884, 2.

[7] *The St. Helena Star,* "Twenty Years Ago This Week," May 11, 1934, 9; *The St. Helena Star,* "Good Yield of Prunes," Oct. 29, 1909, 8; *The St. Helena Star,* "Alfalfa Pasturage," Sep. 25, 1896, 3; *Napa Journal,* "Sudden Death of M. C. Cook," May 15, 1914, 1; *The St. Helena Star,* "Personal and Social: Silver Wedding," Nov. 5, 1948, 4; *The St. Helena Star,* "With Our Soldier Boys," Feb. 14, 1919, 8; *The St. Helena Star,* "Quiet Home Wedding," Nov. 2, 1923, 1; US Census records, St. Helena, California, 1930, 1940; t*he St. Helena Star,* "Shower For Baby," Apr. 20, 1928, 6; *The Napa Valley Register,* "Mary W. Cook," July 3, 1972, 9; *The Napa Valley Register,* "Harvey Cook Dies of Heart Attack in Lot," Oct. 14, 1957, 7.

[8] *The Napa Valley Register,* "St. Helena News Brief," Dec. 3, 1952, 6; *The Napa Valley Register,* "Conn," May 23, 1998, 53; *The Napa Valley Register,* "Three Napa County Boys Will Attend Boys State," Apr. 10, 1969, 14; *The St. Helena Star,* "Academy Nominees," Jan. 29, 1970, 3.

Criterion B/2: The property is not associated with the life of persons important to our history. The families that lived on the property participated in farming, carpentry, and other local pursuits. They were not significant contributors to St. Helena's development, and research has revealed no important professional accomplishments or lasting impact on local history or on agriculture. It was a property that provided shelter for ordinary people and their families. Therefore, the property lacks the strength of association required for eligibility under Criterion B/2. The property is recommended not eligible to the NRHP or CRHR under Criterion B/2.

Criterion C/3: 2126 Madrona Avenue is not significant for its architecture. The house has been substantially altered over the decades, with the enclosure of an original porch and replacement of original siding among the most substantial changes to its historic form. Its size and massing as well as the lack of decorative detail indicate that it was originally a simple vernacular building constructed as shelter and without architectural distinction. Its current appearance gives no indication that it ever possessed the character-defining features of landmark Victorian-era residences. However, research has not revealed historic photographs, plans, or elevations, so the details of its original form are obscure. For these reasons, the property lacks the significance and integrity required for historic listing. It is therefore recommended ineligible to the NRHP or CRHR under Criterion C/3.

Criterion D/4: In rare instances, buildings themselves can serve as sources of important information about historic construction materials or technologies and be significant under Criterion D/4. 2126 Madrona Avenue is an example of a well-understood type of construction and does not appear to be a principal source of important information in this regard.

The property is recommended not eligible for listing on the NRHP or CRHR and does not qualify as a historical resource under CEQA. Nor is it recommended eligible for listing on the City of St. Helena Historic Resource Inventory.



Figure 1: Map of the Central Portions of Napa Valley and the Town of St. Helena Compiled by M.G. King and T.W. Morgan from the Official Surveys and Records of Napa County, 1881.

State of California – The Resources Agency	**Primary #** _____
DEPARTMENT OF PARKS AND RECREATION	**HRI #** _____
CONTINUATION SHEET	**Trinomial** _____

Page 10 of 10 ***Resource Name or # (Assigned by recorder)** 2126 Madrona Avenue
***Recorded by** Kara Brunzell ***Date:** November 10, 2021 ☒ Continuation ☐ Update



Figure 2: O.H. Buckman Map of Napa County, 1895.

BRUNZELL
HISTORICAL

December 1, 2022

Sasha Janev
Kroeger-Janev Architects
1432 Main Street
St. Helena, California, 94574

Subject: Public comments on November 2021 Memorandum reviewing the Historic Compatibility of the Proposed Project for 2126 Madrona Avenue, St. Helena, Napa County, California.

Dear Sasha,

Summary of Findings

Brunzell Historical evaluated 2126 Madrona Avenue for architectural and historical significance according to local, state, and national eligibility requirements in 2021. Newspaper stories published when the house was constructed in 1883 indicate that it was 24 feet square; the current house is rectangular but is about 24 feet wide so the original building may be at its core. However, its size, materials, and features such as entry stairs that lead toward the side of the building (rather than toward the street) indicate multiple substantial alterations to the property outside the historic era. It lacks the architectural significance required for historic listing. Furthermore, because it is so heavily altered, the house does not retain integrity as a vernacular 1880s farmhouse. Nor has research revealed historical significance or association with important historic persons. The Giacomini Rossi family occupied the property and farmed it for many decades, but their agricultural accomplishments have not left a substantial mark on the historic record. There is no evidence that they were leaders of the local agricultural community, that they developed innovative farming techniques, or that they had any lasting impact on the wine business. For these reasons, the property was not recommended eligible to the CRHR or the National Register of Historic Places. Neither the house nor its outbuildings meet any of the required criteria for significance as described below and in the attached DPR 523 forms. Nor was the property recommended eligible as a City of St. Helena historical resource.

California Register of Historical Resources

For a property to be eligible for inclusion on the California Register of Historical Resources (CRHR), one or more of the following criteria must be met:

1. It is associated with the events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
2. It is associated with the lives of persons important to local, California, or national history;
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values; and/or
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

In addition to meeting one or more of the above criteria, the CRHR requires that sufficient time has passed since a resource's period of significance to "obtain a scholarly perspective on the events or individuals associated with the resources." (CCR 4852 [d][2]). Fifty years is normally considered sufficient time for a potential historical resource, and in order that an evaluation remain valid for a minimum of five years after the date of this report, all resources older than 45 years are typically evaluated. The CRHR also requires that a

resource possess integrity. This is defined as the ability for a resource to convey its significance through seven aspects: location, setting, design, materials, workmanship, feeling, and association.

Response to comments on Historical Resource Evaluation

In a document detailing their objections to the proposed project, neighbors of 2126 Madrona Avenue state that our Historical Resource Evaluation should be disregarded because of errors. Assertions that our report has many errors are not substantiated, i.e. no specific errors are listed. The criticisms of our report are vague and for the most part misread our document, attributing statements to it that are not found in the text of our report. The comments are not founded on a basic understanding of historic preservation practice, knowledge of state and local preservation regulations, or familiarity with professional standards for historic evaluations.

The substance of the commenter complaints are as follows:

1. The commenters assert that our report relies on the fact that the property was not previously listed on the St. Helena Historic Resource Inventory.

   Nowhere in our report does it state that a property must already be listed on a historic register to qualify as a historical resource; in fact, our report is explicitly labeled a historical resource evaluation and specifically assesses the property under the relevant CRHR eligibility criteria listed above. It introduces that 2126 Madrona Avenue is not on the local Historic Resource Inventory as a reason for preparation of the evaluation report, but the above assertion is false.

2. The commenters assert that our report states that historic eligibility is not associated with the broad patterns of history and that the report overlooks the fact that St. Helena inherits its historical value from the small farming tradition.

   This comment is also based on a misreading of our report, which specifically evaluates the property's potential for historic eligibility based on associations with local history. What our report says is that the property is not *significantly* associated with the historic context of local agricultural development or with any other important local context. In terms of the commenters' assertion that the farmhouse is "the St. Helena style," they are correct that it is a representative of a typology of historic-era building commonly found in Napa County. However, as explained in greater detail in our report and supported by photographs from our field survey, the house was never architecturally significant. Constructed in 1883, its size, materials, and exterior details indicate that it has been substantially altered over the years to the point that it is not a very good example of a simple nineteenth-century farmhouse. The commenters misunderstand the central purpose of historic preservation regulations: to identify historically and/or architecturally significant buildings constructed during the historic era so they can be set aside from ordinary old buildings and treated with special care. Historic preservation practice and law require that historic buildings be both significant under the criteria above *and* retain sufficient historic integrity to convey that significance. This house lacks both significance and integrity. Historic preservation is based on a fundamental assumption: we restrict the rights of a property owner via requirement to preserve a privately owned building only when such a building meets a high standard.

3. The commenters assert that the vineyard itself is historically significant because Mary Jane Giacomini Rossi lived on the property for most of her life, because the family dry farmed the vineyard, and because local vintner Beth Milliken Novak has referred to the vineyard as "historical."

   Although the commenters accurately surmise that our office did not speak with the Rossi family, there is no professional requirement to perform oral histories when evaluating properties for historical significance. Our report was prepared in accordance with rigorous professional methodology and with reference to California OHP's "Instructions for Recording Historical

> Resources," which sets the standard statewide for compliance with the CEQA requirement that projects take historical resources into consideration. We consulted published histories of St. Helena and Napa County as well as dozens of primary source documents including historic maps, census records, and newspaper articles published between 1880 and 2019. Although some references to the quality of the wine produced by the vineyard were discovered, production of award-winning wines is not unusual in an area known for the outstanding quality of its wines. Research did not reveal any extraordinary agricultural accomplishments or groundbreaking wine-growing techniques attributed to the Andrew Rossi or other members of the family. The bottom line is that we could have studied this property for months and discovered many additional facts about Rossi family history, but the outcome would be the same because the house and other buildings lacked both historic significance and historic integrity. Specific evaluation of the vineyard as a historic landscape was outside the scope of the 2021 historical evaluation, but if such an effort were undertaken, it would require rigorous application of the standards discussed above, not just an assertion that the vineyard is historic because it has been dry farmed and because a single family occupied it for eight decades. The comments provided are not sufficient to find the vineyard eligible for historic listing as a historic landscape. And if the vineyard did qualify as a historic landscape, that would not trigger preservation in perpetuity of the specific vines present in 2022 as the commenters appear to assume.

I stand by the methodology of the report as well as its conclusions; overall, the criticisms of the report are not relevant to either City of St. Helena or CEQA requirements pursuant to historical resources. The commenters introduce no new facts to suggest that a second evaluation of the property would find it eligible for historic listing.

Evaluator Qualifications

I meet the Secretary of Interior's Professional Qualifications for both History and Architectural History. I hold a Master's degree in Public History and have worked in multiple facets of historic preservation and cultural resource evaluation since 2007. My experience includes municipal preservation planning and working as the lead staff member of a non-profit preservation organization. Since 2012, I have worked full-time as a historical consultant, completing dozens of evaluations for CEQA and Section 106 compliance. Additionally, I have completed local and national register nominations, historic context statements, and HAER recordation. The North Bay is the center of my practice, but I frequently work in the greater Sacramento area and other parts of the Bay Area, and have also completed projects in Southern California, Nevada, Oregon, New York, and Puerto Rico. In addition to my work with historic-period domestic, agricultural, and commercial properties for private clients, I have prepared reports on post offices, military bases, university campuses, hospitals, church properties, national parks, and a NASA site. I am listed as a Historian and Architectural Historian on the California Office of Historic Preservation's roster of qualified consultants for every county in California.

Please contact me by phone at 707/290-2918 or e-mail at kara.brunzell@yahoo.com with any questions or comments.

Sincerely,

Kara L Brunzell

Kara Brunzell, M.A.
Brunzell Historical

REVISED
2:52 pm, Jan 10, 2023

Water Use Analysis

2126 Madrona Avenue, St. Helena, CA 94574
APN: 009-470-010

October 29, 2021
Revised: May 19, 2022
Revised: October 10, 2022
Revised: January 6, 2023



prepared by:
Madrone Engineering
1485 Main Street, Suite 302
St. Helena, CA 94574

TABLE OF CONTENTS

I. INTRODUCTION & GENERAL OVERVIEW 3
A. INTRODUCTION 3
B. PROJECT DESCRIPTION 3
II. EXISTING WATER USE ANALYSIS 3
III. PROPOSED WATER USE ANALYSIS 4
IV. ALTERNATIVE WATER USE (PHASE II WATER RESTRICTIONS) 5
V. CONCLUSION 5

I. Introduction & General Overview

A. Introduction

Madrone Engineering has prepared this report to assist the Berchtold Residence project with compliance with the City of St. Helena water use requirement. As of March 22, 2011, a water demand analysis must be completed to demonstrate that all proposed projects are water neutral (City of St. Helena Code 13.12).

B. Project Description

The property owner at 2126 Madrona Avenue is proposing to construct a new residence, ADU, pool, driveway, and related infrastructure and utilities. There is an existing 5-bedroom residence currently on the parcel.

This report will analyze and estimate existing water usage (pre-project) and future water usage (post-project) to determine the net increase (or decrease) in water usage. If water use is projected to increase, mitigation measures will be detailed that will bring the project into compliance with the City's "no net increase" policy for water use.

II. Existing Water Use Analysis

The existing residence at 2126 Madrona Ave., St. Helena is a 5-bedroom residence built in 1905. According to the "St. Helena Water Neutral Policy for Development", a reasonable estimate of baseline existing demand is 150 gallons of water per bedroom per day. Therefore, existing residential and landscaping water use on the property can be estimated at **750 gallons per day**.

III. Proposed Water Use Analysis

This project proposes the construction of a 4-bedroom residence, 1-bedroom ADU, and a pool at 2126 Madrona Avenue, St. Helena, CA. The bedroom count was developed by following the "St. Helena Water Neutral Policy for Development", and by having clarifying conversations with City Public Works and Planning staff. In the basement, no rooms would be considered to be potential bedrooms, as they either do not have a means of secondary egress, or they are open to a hall (no door) and/or must be passed through to reach another room (no privacy). On the main floor, all potential bedrooms are counted as such. On the upper floor, the two study rooms and the tv room would not be considered potential bedrooms, as they are open to a hall (no door).

The new residence will have 10 toilets, 12 bathroom sinks, 6 showerheads, and 3 kitchen/bar sinks, as well as 3 clothes washers, 1 dish washer, 2 baths, and 1 laundry sink. Please see Table 1, below, for a summary of the proposed water use generated by the new main residence.

TABLE 1 - PROPOSED MAIN RESIDENCE DAILY WATER USE

	Qty	Average Flow	Duration	Daily Use	Occ.	Total Daily Water Use	Total Annual Water Use	Total Annual Water Use
Low Flow Toilet	10	1.28 gal		4	8	41 gal	14950 gal	0.05 af
Low Flow Lavatory Faucet	12	1.0 gpm	0.50 min	4	8	16 gal	5840 gal	0.02 af
Low Flow Kitchen/Bar Faucet	3	2.0 gpm	8 min	1	8	128 gal	46720 gal	0.14 af
Low Flow Shower Head	6	1.75 gpm	8 min	1	8	112 gal	40880 gal	0.13 af
Bath	2	35 gal		0.14	8	40 gal	14600 gal	0.04 af
Low Flow Laundry Faucet	1	1.0 gpm	4 min	1	8	32 gal	11680 gal	0.04 af
Clothes Washer	3	16 gal per load		0.50	8	64 gal	23360 gal	0.07 af
Dish Washer	1	4 gal per cycle		0.25	8	8 gal	2920 gal	0.01 af
Total						**441 gal**	**160,950 gal**	**0.49 af**

The 1-bedroom accessory dwelling unit will have 1 toilet, 2 bathroom sinks, 1 showerhead, and 1 kitchen sink, as well as 1 clothes washer and 1 dish washer. Please see Table 2, below, for a summary of the proposed water use generated by the new ADU.

TABLE 2 - PROPOSED ADU DAILY WATER USE

	Qty	Average Flow	Duration	Daily Use	Occ.	Total Daily Water Use	Total Annual Water Use	Total Annual Water Use
Low Flow Toilet	1	1.28 gal		4	2	10 gal	3738 gal	0.01 af
Low Flow Lavatory Faucet	2	1.0 gpm	0.50 min	4	2	4 gal	1460 gal	0.00 af
Low Flow Kitchen Faucet	1	2.0 gpm	8 min	1	2	32 gal	11680 gal	0.04 af
Low Flow Shower Head	1	1.75 gpm	8 min	1	2	28 gal	10220 gal	0.03 af
Bath	0	35 gal		0.14	2	0 gal	0 gal	0.00 af
Low Flow Laundry Faucet	0	1.0 gpm	4 min	1	2	0 gal	0 gal	0.00 af
Clothes Washer	1	16 gal per load		0.50	2	16 gal	5840 gal	0.02 af
Dish Washer	1	4 gal per cycle		0.50	2	4 gal	1460 gal	0.00 af
Total						**94 gal**	**34,398 gal**	**0.11 af**

Proposed landscaping is expected to use 70,790 gallons per year according to the landscape architect (see the MWELO calculations). Approximate water use for the proposed landscaping (averaged out for the entire year) is **194 gallons per day.**

The proposed pool can be filled with trucked water rather than City water. Based on the above calculations, the **proposed water usage** for the parcel can be estimated at **729 gallons per day.**

IV. Alternative Water Use (Phase II Water Restrictions)

In the event that the City were to enter Phase II Water Regulations, the total water use on the property would be limited as follows: maximum of 65 gallons per person per day, and 2,500 gallons per month for landscaping (from April to October). The property is expected to have two full-time residents, and three part-time residents (180 days per year). Under Phase II Water Regulations, the total annual water use would be approximately 132,550 gallons, or **363 gallons per day**, as shown in Table 3, below.

TABLE 3 - PHASE II WATER RESTRICTIONS

Use	Number	Gallons Per Day	Total Gallons Per Day	Total Gallons Per Year
Full-time Residents	2	65	130	47,450
Part-Time Residents	3	65	195	35,100
Landscaping (Apr - Oct)	-	2500		15,000
Landscaping (Oct - Apr)	-	-	194	35,000
Total Water Usage				**132,550**

V. Conclusion

Table 4, below, provides a summary of the existing water use, proposed water use, and net effect of the project on total usage of City water.

TABLE 4 - ESTIMATED TOTAL WATER USE

Use	Gallons		Acre-Feet
	Daily	Annual	Annual
Existing Water Use	750	273,750	0.840
Proposed Water Use	729	266,085	0.817
Net Water Usage	**-21**	**-7,665**	**-0.024**

This report demonstrates that the proposed project is in compliance with City of St. Helena water use requirements; specifically, the requirement that all proposed projects are water-neutral with respect to City water use.

REVISED
2:52 pm, Jan 10, 2023

madrone
engineering

STORMWATER CONTROL PLAN

SINGLE-FAMILY HOME PROJECT

BERCHTOLD RESIDENCE
2126 MADRONA AVE, ST. HELENA, CA 94574
APN: 009-470-010

REVISION 3, JANUARY 5, 2023



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

21.043
Berchtold Residence

madrone
engineering

Table Of Contents

I. Introduction & General Requirements 3
A. Report Overview 3
B. Project Description 3
II. Project Data Form 4
III. Runoff Reduction Option Checklists 5
A. Option 1: Disperse Runoff to Vegetated Areas 5
B. Option 2: Pervious Pavement 5
C. Option 3: Cisterns or Rain Barrels 6
D. Option 4: Bioretention Facility or Planter Box 6
IV. Conclusion 7

madrone
engineering

I. Introduction & General Requirements

A. Report Overview

Madrone Engineering has prepared this report to assist the Berchtold Residence project in complying with current storm water regulations, specifically the Phase II NPDES Permit for Small Municipal Storm Sewer Systems (MS4s). As of June 30, 2015, development projects that create or replace 2,500 square feet or more of impervious surface (roofs or pavement) must incorporate specific measures to reduce runoff.

As the total new or reconstructed impervious area for this project is part of a single-family residence project, the project is required to submit a complete Storm Water Control Plan for Small/Single-Family Home Projects. This report follows the Bay Area Stormwater Management Agencies Association guidelines found in Appendix C (Small/Single-Family Home Projects) of the Post-Construction Manual.

B. Project Description

This project is requesting Design Review Approval for the construction of a new residence and an ADU at 2126 Madrona Ave., St. Helena, CA (APN 009-470-010). The project will include construction of a new residence, pool, ADU, and related utility infrastructure.

The project location is near the southwest end of Madrona Avenue at the intersection of Fir Hill Drive. The parcel is on the valley floor with slopes ranging from 0-5%. Stormwater is currently transported through the parcel by sheet flow, and there is an existing City storm drain system in Madrone Avenue.

II. Project Data Form

Project Name/Number	Berchtold Residence
Application Submittal Date	January 9, 2023
Project Location (street address + APN)	2126 Madrona Avenue St. Helena, CA 94574 APN: 009-470-010
Name of Owner or Developer	Michael Hubbard TR
Project Type and Description	Single-Family Residential Project New residence, ADU, AC & chip seal driveway, pool, and concrete patios.
Total Project Site Area (acres)	5.78 acres
Total New or Replaced Impervious Surface Area (square feet)	~24,810 square feet
Total Pre-Project Impervious Surface Area	~9,840 square feet
Total Post-Project Impervious Surface Area	~24,810 square feet
Runoff Reduction Measures Selected (check one or more)	☒ 1. Disperse runoff to vegetated area ☐ 2. Pervious Pavement ☐ 3. Cisterns or Rain Barrels ☒ 4. Bioretention Facility or Planter Box

madrone engineering

III. Runoff Reduction Option Checklists

The guidelines in Appendix C of the BASMAA Post-Construction Manual provide four options for reducing storm water runoff:

1. Disperse Runoff to Vegetated Areas
2. Pervious Pavement
3. Cisterns or Rain Barrels
4. Bioretention Facility or Planter Box

Storm water runoff from this project will be routed to vegetated areas (Option 1) and/or directed to bioretention facilities (Option 4). See below for specific details showing the implementation of the selected options.

A. Option 1: Disperse Runoff to Vegetated Areas

On the site plan, show:

- ☒ Each impervious area from which runoff will be directed, and its square footage.
- ☒ The vegetated areas that will receive runoff, and the approximate square footage of each.
- ☒ If necessary, explain in notes on the plan how runoff will be routed from impervious surfaces to vegetated areas.

Confirm the following standard specifications are met:

- ☒ Tributary impervious square footage in no instance exceeds twice the square footage of the receiving pervious area.
- ☒ Roof areas collect runoff and route it to the receiving pervious area via gutters and downspouts.
- ☒ Paved areas are sloped so drainage is routed to the receiving pervious area.
- ☒ Runoff is dispersed across the vegetated area (for example, with a splash block) to avoid erosion and promote infiltration.
- ☒ Vegetated area has amended soils, vegetation, and irrigation as required to maintain soil stability and permeability.
- ☒ Any drain inlets within the vegetated area are at least 3 inches above surrounding grade.

B. Option 2: Pervious Pavement

On the site plan, show:

- ☐ Location, extent and types of pervious pavements.

Confirm the following standard specifications are met:

- ☐ No erodible areas drain on to permeable pavement.
- ☐ Subgrade compaction is minimal.
- ☐ Reservoir base course is of open-graded crushed stone. Base depth is adequate to retain rainfall (3 inches is adequate) and support design loads (more depth may be required).

☐ No subdrain is included or, if a subdrain is included, outlet elevation is a minimum of 3 inches above bottom of base course.
☐ Subgrade is uniform and slopes are not so steep that subgrade is prone to erosion.
☐ Rigid edge is provided to retain granular pavements and unit pavers.
☐ Solid unit pavers, if used, are set in sand or gravel with minimum 3/8 inch gaps between the pavers. Joints are filled with an open-graded aggregate free of fines.
☐ Permeable concrete or porous asphalt, if used, are installed by industry-certified professionals according to the vendor's recommendations.
☐ Selection and location of pavements incorporates Americans with Disabilities Act requirements (if applicable), site aesthetics, and uses.

C. Option 3: Cisterns or Rain Barrels

On the site plan, show:
☐ Impervious areas tributary to each cistern or rain barrel.
☐ Location of each cistern or rain barrel.

Confirm the following standard specifications are met:
☐ Rain barrels are sited at grade on a sound and level surface at or near gutter downspouts.
☐ Gutters tributary to rain barrels are screened with a leaf guard or maximum ½-inch to ¼-inch-minimum corrosion-resistant metallic hardware fabric.
☐ Water collected will be used for irrigation only.
☐ Openings are screened with a corrosion-resistant metallic fine mesh (1/16 inch or smaller) to prevent mosquito harborage.
☐ Large openings are secured to prevent entry by children.
☐ Rain barrels and gutters are to be cleaned annually.
☐ The local mosquito and vector control district is informed of the installation. The district will be provided additional information and/or rights of entry if they request.

D. Option 4: Bioretention Facility or Planter Box

On the site plan, show:
☒ Impervious areas tributary to the planter box.
☒ Location and footprint of planter box.

Confirm the following standard specifications are met:
☒ Reservoir depth is 4"-6" minimum.
☒ 18" depth soil mix with minimum long-term infiltration rate of 5"/hour. See http://www.ccleanwater.org/c3-guidebook.html for a list of soil mix suppliers.
☒ Surface area of soil mix is a minimum 0.04 times the tributary impervious area.
☒ "Class 2 perm" drainage layer 12" deep.
☒ No filter fabric.

- ☒ Perforated pipe (PVC SDR 35 or approved equivalent) underdrain with outlet located flush or nearly flush with planter bottom.
- ☒ Connection with sufficient head to storm drain or discharge point.
- ☒ Underdrain has a clean-out port consisting of a vertical, rigid, non-perforated PVC pipe, connected to the underdrain via a sweep bend, with a minimum diameter of 4" and a watertight cap.
- ☒ Overflow outlet connected to a downstream storm drain or approved discharge point.
- ☒ Planter is set level.
- ☒ Emergency spillage will be safely conveyed overland.
- ☒ Plantings are suitable to the climate, exposure, and a well-drained soil.
- ☒ Irrigation system with connection to water supply, on a separate zone.

IV. Conclusion

This report demonstrates that the project design is in compliance with current stormwater regulations and follows the recommendations of Appendix C of the BASMAA Post-Construction Manual for a Small/Single-Family Home Project.

21.043
Berchtold Residence

madrone
engineering

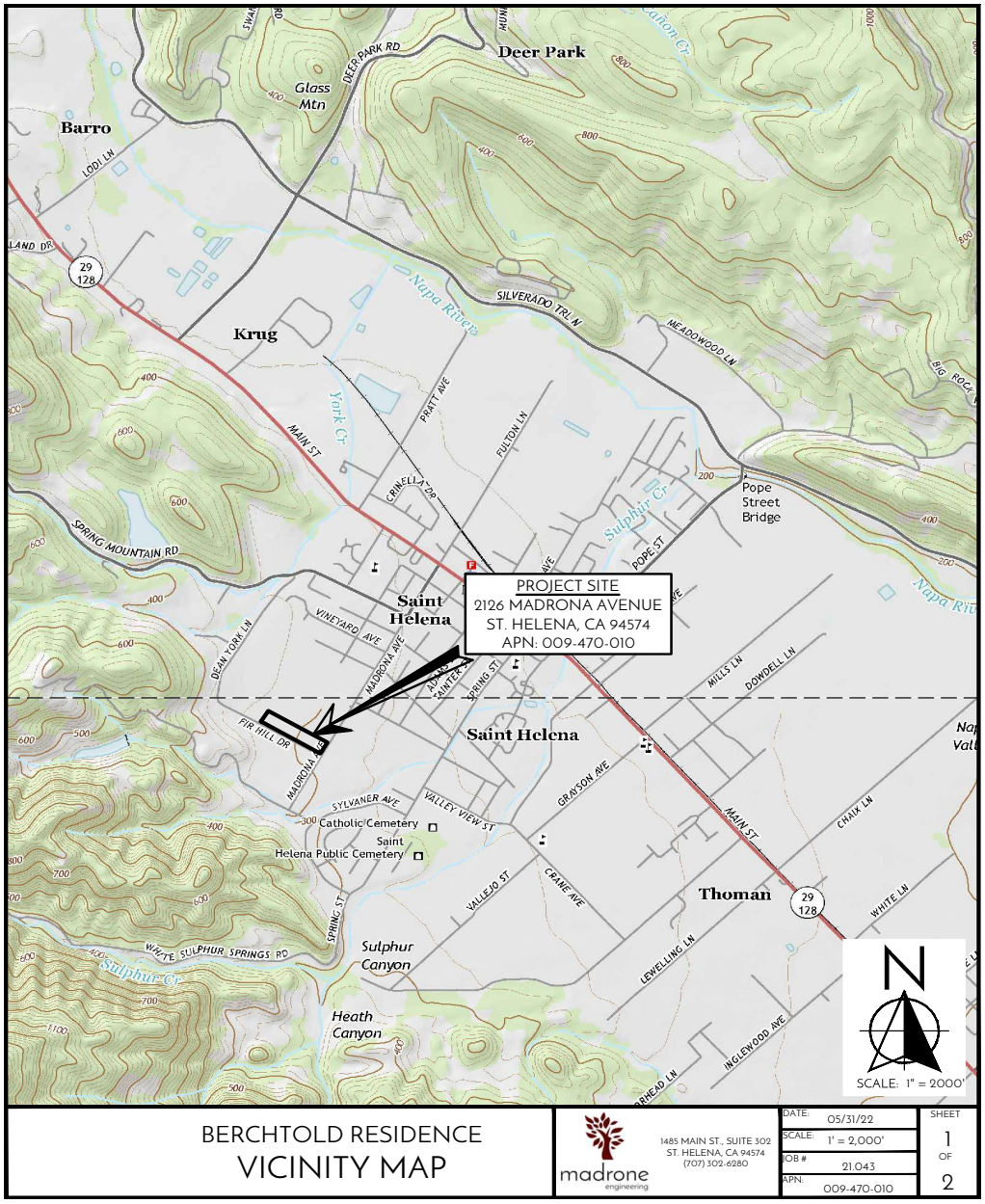
APPENDICES

APPENDIX A: VICINITY MAP
APPENDIX B: STORMWATER SKETCH

21.043
Berchtold Residence

madrone
engineering

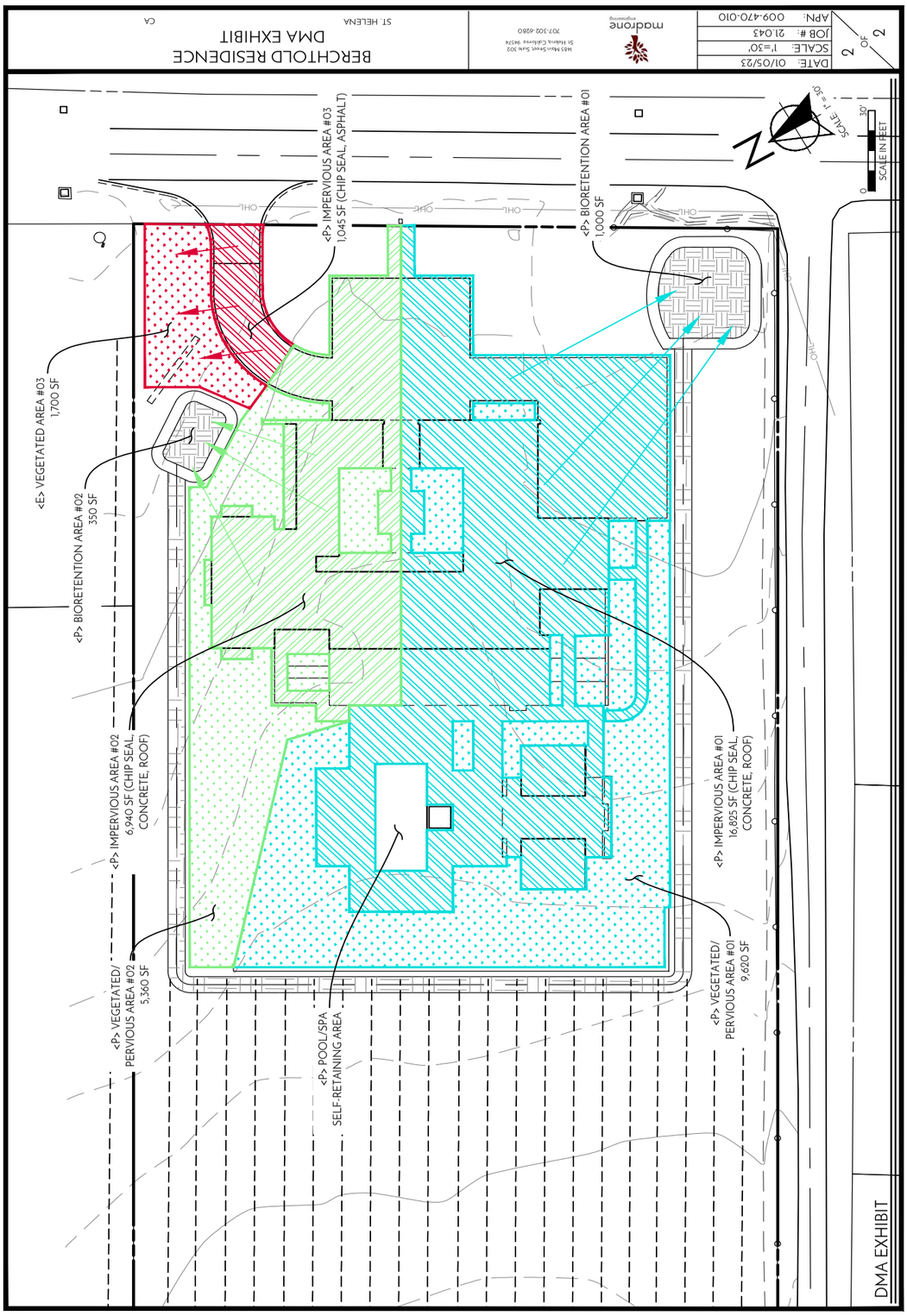
APPENDIX A
VICINITY MAP


Deer Park
Glass Mtn
Barro
Krug
Napa River
Pope Street Bridge
PROJECT SITE
2126 MADRONA AVENUE
ST. HELENA, CA 94574
APN: 009-470-010
Saint Helena
Saint Helena
Thoman
Catholic Cemetery
Saint Helena Public Cemetery
Sulphur Canyon
Heath Canyon
SCALE: 1" = 2000'
BERCHTOLD RESIDENCE
VICINITY MAP
madrone engineering
1485 MAIN ST., SUITE 302
ST. HELENA, CA 94574
(707) 302-6280
DATE: 05/31/22
SCALE: 1" = 2,000'
JOB # 21.043
APN: 009-470-010
SHEET 1 OF 2

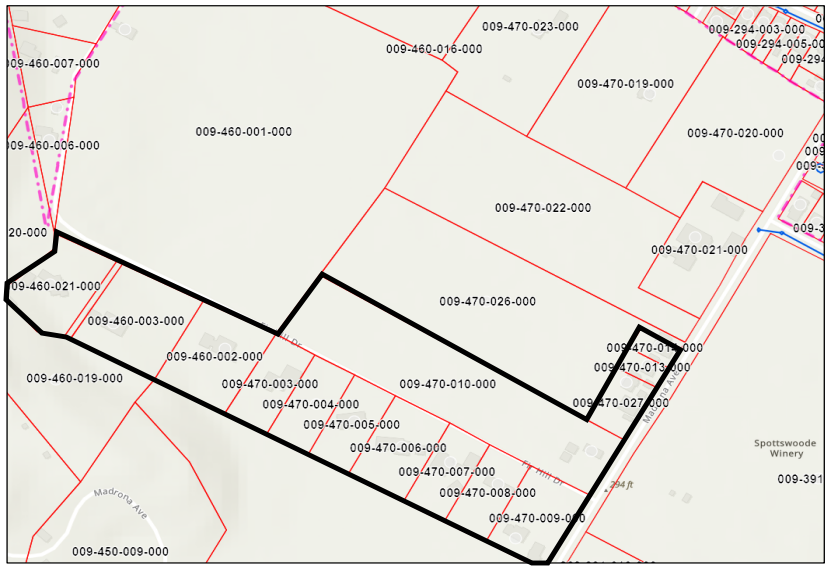
21.043
Berchtold Residence

madrone
engineering

APPENDIX B
STORMWATER SKETCH


BERCHTOLD RESIDENCE
DMA EXHIBIT
ST. HELENA
CA
madrone
1485 Main Street, Suite 203
St. Helena, California 94574
707.302.4260
DATE: 01/05/23
SCALE: 1"=30'
JOB #: 21.043
APN: 009-470-010
2 OF 2
SCALE: 1" = 30'
SCALE IN FEET
<P> IMPERVIOUS AREA #03
1,045 SF (CHIP SEAL, ASPHALT)
<P> BIORETENTION AREA #01
1,000 SF
<E> VEGETATED AREA #03
1,700 SF
<P> BIORETENTION AREA #02
350 SF
<P> IMPERVIOUS AREA #02
6,940 SF (CHIP SEAL, CONCRETE, ROOF)
<P> VEGETATED/
PERVIOUS AREA #02
5,360 SF
<P> POOL/SPA
SELF-RETAINING AREA
<P> IMPERVIOUS AREA #01
16,825 SF (CHIP SEAL, CONCRETE, ROOF)
<P> VEGETATED/
PERVIOUS AREA #01
9,600 SF
DMA EXHIBIT

ASSESSOR PARCEL DATA FOR PROPERTIES SURROUNDING 2126 MADRONA AVENUE



2016 Madrona Avenue (APN: 009-470-014) Primary Residence = 3,018 SF; Garage = 503 SF; 3 bedrooms; 3 full baths; 1 half bath; lot = 11,431 SF (0.26 acre)

2036 Madrona Avenue (APN: 009-470-013) Bed & Breakfast = 1,595; 2 bedrooms; lot = 11,274 SF (0.26 acre)

2056 Madrona Avenue (APN: 009-470-027) Primary Residence = 3,444 SF; Garage = 440 SF; Unfinished square footage = 440 SF; 3 bedrooms; 3 full baths; 1 half bath; lot = 31,470 SF (0.72 acre)

2126 Madrona Avenue – existing (APN: 009-470-010) Primary Residence = 1,728 SF; Garage = 780 SF; 5 bedrooms, 2 full baths; lot = 5.78 acres

2212 Madrona Avenue (APN: 009-470-009) Primary Residence = 4,415 SF; Garage = 731 SF; Unfinished square footage = 1,688 SF; 3 bedrooms, no data provided for bathrooms; lot = 1.42 acre

1615 Fir Hill Drive (APN: 009-470-008) Primary Residence = 2,046 SF; Garage = 560 SF; 4 bedrooms, no data provided for bathrooms; lot = 1 acre

1693 Fir Hill Drive (APN: 009-470-007) Primary Residence = 3,424 SF; Garage = 1,458 SF; 3 bedrooms; 3 full baths; 1 half bath; lot = 1 acre

1733 Fir Hill Drive (APN: 009-470-006) Primary Residence = 4,704 SF; Garage = 528 SF; Unfinished square footage = 295 SF; 4 bedrooms, 4 full baths; 1 half bath; lot = 1.35 acre

1775 Fir Hill Drive (APN: 009-470-005) Primary Residence = 1,652 SF; Garage = 484 SF; 2 bedrooms, 1 full bath; 1 half bath; lot = 43,310 SF (0.99 acre)

1795 Fir Hill Drive (APN: 009-470-004) Primary Residence = 5,633; Garage = 684 SF; 5 bedrooms; 5 full baths; lot = 1.01 acre

1815 Fir Hill Drive (APN: 009-470-003) Primary Residence = 3,945 SF; Garage = 1,120 SF; Unfinished square footage = 132 SF; 4 bedrooms, 3 full baths; lot = 1.02 acre

1837 Fir Hill Drive (APN: 009-460-002) Primary Residence = 5,271 SF; Garage = 1,140 SF; Unfinished square footage = 1,140 SF; 4 bedrooms; 5 full baths; 1 half bath; lot = 1.77 acre

1853 Fir Hill Drive (APN: 009-460-003) Primary Residence = 3,777 SF; Garage = 588 SF; 4 bedrooms; 3 full baths; 1 half bath; lot = 2 acre

1971 Fir Hill Drive (APN: 009-460-021) Primary Residence = 4,239 SF; Garage = 794 SF; 3 bedrooms; 4 full baths; 2 half baths; lot = 1.65 acre

Buchalter

1230 Pine Street
St. Helena, CA 94574
707.967.9656 Phone
707.963.0771 Fax

707.200.9414 Direct
kfalace@buchalter.com

December 12, 2022

SENT VIA EMAIL

Chantal Power
Contract Planner
City of St. Helena
Email: cpowers@cityofsthelena.org

Maya DeRosa
Community Development Director
City of St. Helena
Email: MDeRosa@cityofsthelena.org

Re: **PL 21-044 - 2126 Madrona Ave. Single-Family Home Development Project**

Dear Ms. Power and Ms. DeRosa:

At the December 6, 2022, session, the Planning Commission requested a summary of the issues discussed at the neighborhood meetings. Our synopsis of the issues discussed is below, along with our comments regarding the status of each issue.

1. **Access to the property from Fir Hill Drive.** Several neighbors raised concerns about increased traffic on Fir Hill Drive from the initially proposed driveways to 2126 Madrona Avenue. Rather than engage in an extended assessment of easement rights, the Berchtolds agreed to remove those driveways from their plans.

   Neighbors also had concerns regarding the visibility on the corner of Fir Hill Drive and Madrona Avenue. We confirmed that the motor court screening wall is located 48 feet from the property line on Madrona Avenue and 38 feet on Fir Hill Drive, which is well within the city of St. Helena street standards for visibility. Further, we agreed to shift some of the olive trees closer to the corner along Fir Hill Drive to increase visibility.

Buchalter

2. **Storm water runoff.** Given the flooding that occurred in storms last winter, neighbors raised questions about the adequacy of storm water runoff plans. Notwithstanding the fact the Berchtolds' property is downhill from the homes on Fir Hill, the Berchtolds have not only complied with the required storm water runoff management standard of a 2-year storm, but they made the commitment to create a dry pond at the low point of the property that substantially exceeds this standard. The dry pond can accommodate 5 times the output of a 100-year storm.

3. **Water usage.** Several neighbors queried the metrics given for water usage. The Berchtolds' architect explained that the water usage calculations are based on City standards, not planned actual use. Landscaping plans contemplate low-water plantings and water conservation fixtures will exist throughout the house. As a result, actual water usage is likely to be well below that of other 5 bedroom homes in the community. Additionally, any well drilled will be for agricultural use only, not domestic purposes.

4. **Backyard layout.** Neighbors on Fir Hill Drive (near Madrona Avenue) requested that the Berchtolds reconfigure their backyard to shift the bocce court to the east side of the property. This change has been made and will be reflected in future plans.

5. **ADU location.** Several comments were made regarding the ADU, which impacts the sightlines of the first two houses on Fir Hill Drive, closest to Madrona Avenue. To reduce the impact the Berchtolds have agreed to move the ADU five feet closer to the house, shift it 15 feet east and lower the ceiling heights. Specifically, the height of the roof on each end over the bedroom and living room will be reduced. While full elimination or moving of the ADU isn't practical for the reasons discussed with the neighbors, the Berchtolds hope that these changes will reduce the impact on the neighbors.

6. **House massing.** The story poles were very helpful in contextualizing the house sizing. These story poles show that the "north/south" footprint of the house is no larger than the current house footprint, with all increase on the "east/west" footprint that was much less visible from Fir Hill Drive and other neighbors. While some neighbors noted that the second story would be visible for those walking or driving down Fir Hill Drive, others acknowledged that most of the two story houses on Fir Hill Drive were similar in height. Our general take from these discussions was that the house massing was no longer a concern.

Buchalter

As the neighbors that attended the meeting will recall, there were many small groups having separate discussions. We have advised the neighbors that they are free to submit their comments to staff as well, and that staff has requested comments by December 19, 2022. Specifically, we have sent a copy of this letter to the neighbors so if there are different views than the ones articulated above they will have ample opportunity to supplement the above points.

Very truly yours,

BUCHALTER
A Professional Corporation



Katharine H. Falace

KHF:jg

cc: Ethan Walsh

BN 73934304v1

Laura Andersen and Frank Rodrigues

1693 Fir Hill Dr

St Helena, Ca 94574

December 19, 2022

Re: City of St. Helena File No: PL 21-044; Application for Demolition Permit and Design Review for 2126 Madrona, St. Helena CA (APN 009-470-010) filed by Lorraine and Joe Berchtold

In response to the December 6, 2022, Planning Commission requesting a recap on the neighborhood meetings. I was only able to attend the second of the two.

At that time, it seemed to be “ask me no questions and I’ll tell you no lies”, there was not a lot of information forthcoming. I came away from the meeting with more questions than answers.

The story poles helped very little, the effort was made, but it still doesn’t show the mass of the structures. The overall size of this project is like trying to put a square peg in a round hole. They keep talking about “their dream home” which they say they are “entitled” to. But when the size and scope of their dream home affects the dream homes of the surrounding neighbors, some of which have been here their entire life, we need to take a second and maybe even a third look.

This project will have a long-lasting effect on our town, and in our opinion ***not*** in a positive way.

There is a list of things that we hope the City Planning Commission will address before even considering this project.

1. Size and scope
2. Water usage domestic and well. Water neutrality? (Can you even get a well permit? Why can nobody answer that?
3. Bedrooms or offices? -still the same amount of bathrooms
4. Sewer or septic?
5. Storm water run-off and drainage
6. Noise pollution (hvac, well pumps, septic, pool, etc.)
7. Loss of historic vineyard

8. Madrona and Fir Hill corner loss of visibility
9. Lack of transparency and notification to the surrounding neighbors even within the 300' radius
10. CEQA, with the size of the project CEQA study should be required
11. The very large old Historical Oak tree
12. Length of time this project will take and the effect that will have (noise, traffic, dust)

Conclusion

We are not in support of this project as presented.

This is not the right location for a project of this size, it has the potential of doing more harm than good to our neighborhood.

We would like the council, and all involved to get all the facts from more than one source before making any kind of decision.

Respectfully,

Laura Andersen

Frank Rodrigues

Patricia (Herdell) DiTomaso & Henry DiTomaso
Kathleen Herdell Christina Herdell
1615 Fir Hill Drive
St. Helena, CA 94574

December 19, 2022

Re: City of St. Helena File No: PL 21-044; Application for Demolition Permit and Design Review for 2126 Madrona, St. Helena CA (APN 009-470-010) filed by Lorraine and Joe Berchtold

The Planning Commission asked for a summary of outstanding issues at its December 6, 2022 meeting. As we stated during the meeting, no issue we raised at the October 18, 2022 hearing has been resolved except for the applicants agreeing to eliminate driveway access onto Fir Hill Drive and agreement to put up story poles. We also reported we cannot make a full assessment of issues until we see revised plans, especially as we reported Ms. Berchtold threatened us with full development of the parcel because we opposed their project application. We have since learned, she made a similar threat to another Fir Hill neighbor.

The Berchtolds had 2 neighbor meetings at the property; they walked through the building outlines and story poles. During the first gathering, Ms. Berchtold said to a few neighbors that she and her husband were "ENTITLED" to build a house of this size and they were not going to reduce the project by "one square foot." She said many other unfortunate things to us. As would be understandable, this lead some neighbors to believe the meetings were not being held in good faith to discuss our concerns and possible alternatives. Ms. Berchtold was so upset after the first gathering she did not attend the second one. At least one neighbor left in tears.

Ms. Falace's letter to the Planning Commission is misleading on several points which we address below along with continued problems we have with the current project.

House massing. House massing is absolutely still a high level concern. Story poles were helpful to see location and potential view shed issues. They **do not** in any way resolve the issue that this project is too large for the area and is in noncompliance with multiple General Plan requirements. Even with minimizing the design and materials selected, a residential development of this size does not fit into the scale and scope of the other residential structures in the Fir Hill neighborhood and a 19,515 sq. ft. development does not belong on the valley floor.

First, Ms. Falace states all issues related to the massing of the project have been resolved. **Nothing is further from the truth**. We continue to oppose a project that is almost 20,000 square feet in total. It is completely out of character with the neighborhood and town as well as sets a terrible precedence for homes in the City of St. Helena. Second, it is clear from the plans that the applicants are including a family home, a caretaker unit and an ADU. They try to disguise the caretaker unit as part of the family home stating it is attached to the home and does not have a separate kitchen; this makes no sense for people who have stressed privacy concerns over and over. For example, they claim their olive trees are intended to protect their privacy. If they need to block the views of long-term neighbors by planting olive trees for privacy, surely the family does not want a caretaker to intrude on their lives by using their kitchen when they are in town. Moreover, the size of the caretaker unit is the size of a single family home in St. Helena. Third, and likewise, applicants' try to disguise a 'poolroom' as an ADU; however, that unit is over 800 square feet. It is the size of a single family residence in St. Helena. In short, applicants are trying to have 3 single family homes built in this project. The massing of the ADU and olive trees on Fir Hill obliterate the views of the Eastern hills and vineyard. Fourth, it is immaterial one floor is a basement. That size of a cement box will have impact on the local area including the oak tree and water flow.

Visibility on the corner of Madrona and Fir Hill. It is very difficult to say something has been resolved until we see the updated plans. Moreover, although Ms. Falace claims the applicants' motor court screening is within city street standards for visibility, it fails to address visibility problems on a corner with both autos and pedestrians in the roadway on a regular basis. Her further argument that shifting some of the olive trees closer to the corner along Fir Hill Drive only worsens the visibility obstructions.

Storm Water Runoff. Ms. Falace claims there will be a dry pond on the property, but there were no details provided at the gatherings and we have not seen updated plans that incorporate it. In addition, she provides no details on how this dry pond will affect the historical oak and other environmental issues.

Water usage. No resolution is possible on this issue because applicants are using a City of St. Helena plan-review formula vs. actual water usage limits to get around water-usage issues for a home this size and agricultural/landscaping needs. The original plans call for 2 homes, 11 toilets, 14 lavatory faucets, 4 kitchen faucets, 2 baths, 1 laundry faucet, 7 shower heads, 4 washing machines and 2 dishwashers. Neighbors also want to know if the applicants plan to use cisterns. If so, we should be given the data so we can evaluate the impact and location of the cisterns. In addition, we have not seen an updated water report. The prior one was replete with errors and omissions. Finally, we would like to know what the Rossi historical water use for the property was so we can compare historical data with proposed use data.

Well for Agricultural use. We have not seen the plans for the well location and capacity. Other than a statement at the October hearing, applicants have not been instructed or agreed affirmatively in writing that no City of St. Helena water will be used for agriculture or landscaping. Furthermore, there is no information that applicants' will be granted a City of St. Helena well permit. Finally, some of the houses on Fir Hill use well water as their only water source. We need to ensure that no well (if granted) will affect the viability of any wells on Fir Hill. We would also like to know where a new well (if granted) would be dug.

Backyard layout. We have not seen any updated plans. However, at the gatherings, moving the boccie court and pool were discussed as one way that could mitigate removal of some vineyard rows and view shed impact. Nonetheless, applicants' still propose removing most of the vineyard along 1615 Fir Hill Drive to about our property line with the Rodrigues property.

ADU Location. The proposal to move the ADU five feet closer to the house, shifting it 15 feet east and lowering ceiling heights is progress in helping resolve the view shed issues, but this is new information. There is still confusion on whether the 2 buildings identified as an ADU are really an ADU. The reason we were given for why it can't be relocated (or even removed completely) is because it provides pool privacy. Pool privacy does not require 2 buildings totaling 850 square ft. and a one bedroom accessory dwelling unit with an 864 square foot covered terrace. We continue to object to an ADU along Fir Hill. It requires removal of substantial vineyard rows and obliterates the views of many neighbors.

Noise Study. In discussions at the walkthrough's noise was raised. Not only the HVAC systems for a project of this scale but any pumps being run to help mitigate the underground water and possible septic systems, pool pumps, all the mechanical noise, etc. need to be reviewed to ensure compliance with the noise ordinance.

Drainage. The 6,457 square feet that will be below grade will displace and divert current water flows from this area of construction. Displacing this water will be an issue with how the water drains around the property. While the applicants believe the dry pond will handle it, how does the water get to the dry pond? This must be addressed in the updated plans so it is clear there is no additional runoff onto Fir Hill ditches and culverts. There are many other drainage issues:

- Applicants need to provide an accurate topographical map from top of Fir Hill to Madrona so we can assess the slope, natural flow and accurate drainage problem for the project and impact on our properties.
- Applicants will raise the topo of foundations which will interfere with natural drainage
- is putting a cement wall along the project which will interfere with drainage?
- Applicants are putting an underground cement basement which will interfere with drainage.
- What is the current amount of impervious surface of the Rossi buildings and driveway? What is the applicants' proposed impervious surface area and driveway? What impact will the difference make on drainage?

Arbor Study. In both neighbor meetings the impact to the historic heritage oak tree was discussed, especially in relation to the drainage concerns. Because the tree is on City of St. Helena property, the City must require a tree impact study to be provided and approved by the tree committee. That tree is so old and large it is protected. In addition, because of environmental factors, it is seemingly fragile. There should be an official city arborist to assess the environmental impact issues for this tree.

Septic and leach lines. In the neighbor gatherings it was stated that the applicants should have a plan for a septic system in case they don't bring down the city sewer lines from Hudson to 2126 Madrona. We have not seen plans for bringing the city sewer lines down Madrona and if they don't, what are the septic plans (especially as they relate to the well plans).

Project grading and elevations: We were told the story poles included grading heights but we have not seen any updated plans that show the actual planned grading. This affects runoff onto Fir Hill and Madrona.

Missing elevation and composite drawings. The original planning submission packet included a composite from the view from 2212 Madrona but NO composite drawings from 1615 Fir Hill perspective. 1615 Fir Hill looks out directly at the vineyard and in the current plans, the backside of the ADU unit. We would request composite drawings from the point of view of 2212 Madrona and 1615 Fir Hill be included in the update packet.

Neighbors missing from the discussions. There were a couple of neighbors affected by this project that have not been aware of the neighbor gatherings and discussions. We are looping them in now but they may have comments and concerns not yet raised. With the holidays upon us, this may not get addressed until the New Year.

Grape Yields:

The Rossi family stated their yields have been 5 tons each year. There are some underperforming vines, but they are NOT near the house and should not be the ones removed. The underperforming vines are further up Fir Hill towards the Agee property where there is a natural swell. The Rossi family replaced some vines with younger vines that aren't yet fully performing. Some are in the area proposed to be removed. It appears there are about 119 vines proposed to be removed. This vineyard was planted in an historical manner. They are not all one variety. The Rossi family believes the vineyard has not been properly maintained since they sold it which could account for lower yields. Finally, if the applicants pull out the existing historical vineyard, we would like applicants to be required to have the University of Davis study the vines first and get a DNA report on the vines since they are historical and should be preserved.

CEQA:

We continue to believe a CEQA environmental study should be completed since this project is almost 2 times the size of a commercial building in St. Helena.

SUMMARY:

We continue to oppose this project and will meet with new neighbors shortly. There are many other issues remaining to be resolved, but given the applicants' contention they are entitled to build a project of this size, it is likely this project just is not going to happen with the applicants willing to make serious and substantial compromise. In the end, this may be a round peg into a square peg situation and the project should be denied as unsuitable for a City of St. Helena home.

Respectfully submitted,

Patty (Herdell) and Hank DiTomaso

Christina Herdell

Kathleen Herdell

DocuSign Envelope ID: 6A5FA9B8-305F-4A6C-B6B9-3CF044727E71

Letter Re PL 21-044

December 14, 2022

SENT VIA EMAIL

Chantal Power
Contract Planner
City of St. Helena
Email: cpowers@cityofsthelena.org

Re: PL 21-044 – 2126 Madrona Ave.

Dear Ms. Power,

We have not had the opportunity to meet, but my sister and I are the owners of 2056 Madrona (our "**Home**"), which is located immediately adjacent to the proposed development project at 2126 Madrona Ave. (the "**Project**"). We apologize for being late to this conversation, but we were unfortunately not incorporated into the outreach by the Applicant and/or its agents and are thus playing catch-up.

Our family has had a home in St. Helena since 1987 and my sister and I spent every summer living in town, playing at the "wooden park" (aka the elementary school), getting ice cream at The Big Dipper and swimming at the Meadowood pool. Having moved primary houses and cities 8 times in our childhood, St. Helena was always the consistent place we called home and we are honored to be able to raise our children to appreciate the town, and its people, as much as we do.

Our parents, David and Susan Martin, became full-time St. Helena residents in 2013 and became staples across town. Our Home includes both the improved structures, as well as vineyards managed by Duckhorn, which share a property line with the Project. We recently inherited our Home from our parents, both of whom passed away in the past 4 years from cancer and now lay to rest in the St. Helena cemetery. Being from a real estate development family, we know that our parents would have been active participants in this conversation, so we want to make sure that we too participate the best we can.

We have not yet had an opportunity to meet with the Applicant and/or its agents about the Project, due to their limited outreach, but, after proactive and consistent follow-up, do have a meeting scheduled for December 23, 2022. As a result, we have limited information on some of the topics outlined in the Topics of Concern exhibit but have submitted a FOIA request with the City to ensure a transparent process. We have outlined the topics that concern us in the Topics of Concern exhibit and look forward to further discussing these as necessary to support a thorough and transparent approval process. We do request, given how little information we currently have and our Home's immediate adjacency to the Project, that we be given time to meet with the Applicant and/or agents and educate ourselves on the project before any major decisions are made. Thank you for your time and understanding.

Respectfully,

DocuSigned by:
Katherine Osler
6F0FD3FF498B42F...

Katherine L. Osler

DocuSigned by:
Annabel Siri
DDD008C0E39347E...

Annabel R. Siri

DocuSign Envelope ID: 6A5FA9B8-305F-4A6C-B6B9-3CF044727E71

Letter Re PL 21-044

CC: St. Helena Planning Commission
Stephen Siri
Justin Osler

Topics of Concern Exhibit

Architectural Design	§ We are concerned with the Project's architectural alignment with the adjacent architecture along Madrona, Fir Hill, Hudson & Dean York Lane. Much of the architecture at the adjacent homes is classic European in nature with a focus on soft lines, limited glazing and subtle architectural moves. Most of the glazing in this project opens directly on our Home and the landscaping plans indicate a limited amount of planting supportive of privacy along our shared frontage. We request that the balconies on both offices be removed and all windows facing east be removed to preserve the privacy of all neighbors, including our small children. § At a conceptual level, we believe that the Project, which is 18,654 SF and has 11 bathrooms, is entirely too large for the neighborhood. The largest neighboring home in visual range is ~6,700 SF, so 64% smaller than the Project, and homes on average range between 4,000-5,000 SF. Going one step further, we looked on Redfin at all closed sales of homes in St. Helena over the last 5 years with more than 1,000 SF and found that the average home is 2,114 SF, so the Project ~784% bigger than the average home (based on sales) in St. Helena. There were two transactions of over 10,000 SF, which were excluded from this analysis as one is a commercial winery and the other is a 12 unit apartment building. However, both of these facilities are still smaller than the Project. It is clearly out of context, but we also believe it's prudent to review the Project through a commercial lens due to its scale. While it's fine to build a bigger home, we believe the Project should be scaled back to be at a maximum 8,000 GSF of conditioned space.
Civil Design	§ Grading Plans o We would like to see fine grading plans to understand how the Applicant proposes to manage storm runoff, such that there is limited risk of the expansive landscaped area creating material runoff on adjacent properties – i.e., public right of way and operating vineyards. o We would like to better understand the extent of any earth moving activities. Our primary concern is dust generation adjacent to vineyards and residential properties. § Sanitary Sewer & Domestic Water Supply o The Project includes 11 bathrooms, at least one kitchen, numerous house bibs and a pool, which means it will use the same, if not more, fresh water than a boutique commercial hospitality property. We have not yet seen capacity studies for either the sanitary sewer or the domestic water supply to confirm that what exists in the street is capable of handling this additional

DocuSign Envelope ID: 6A5FA9B8-305F-4A6C-B6B9-3CF044727E71

	connection without negatively impacting the existing residents. We note that the majority of our Home is not connected to the sanitary system due to historical capacity issues, and thus suspect that an upsizing of both lines may be necessary. To account for seasonality, we would expect to see monthly monitoring of both, as well as potholing every 20' and/or a video study to verify line capacity, condition of the existing line and slope, so that any shortfall in capacity may be satisfied as a project specific condition during entitlement.
Shoring Design	§ We have heard that the project proposes an expansive basement. As a result, we expect this design condition to necessitate a shoring design from a licensed engineer. We are concerned that the project may utilize tiebacks or other "attachment" based designs vs. a braced technique. As an example, were the Project to use tiebacks to support its shoring, then it would be introducing unnatural materials into the soil in the setback zone. These materials need to be fully removed vs. simply disconnected to avoid leaving metals in the soils. We would like to see a project specific condition of approval that requires an internally braced shoring design.
Construction Management	§ We think that it is prudent to keep in mind that the Project is not a typical residential property. It is in fact larger than many commercial projects in town. Per the last plans we saw, it has 18,654 GSF of conditioned space (incl. 11 bathrooms, so likely 40+ plumbing connections), an expansive landscaped outdoor area and a large basement that includes a mix of residential and commercial uses. With this type of scale, the Project will take an atypically high number of daily workers to construct efficiently, who will generate a large amount of particulate matter doing so. Our specific concerns are as follows: o This Project will generate a substantial amount of dust during grading, concrete pours and wood framing activities. We do not believe the amount of dust generated by this Project is commensurate to a typical residential project and are worried about its impact on the adjacent vineyards and residential properties. We believe that this should be analyzed and in addition to the sound blankets described below. The Project should have a Dust Management Plan. o Constructing this Project will generate an impactful level of noise over a longer duration than as is typical for a residential property. We would like to see a noise study that analyzes existing conditions and the expected impact of the work at this Project. Additionally, as typical with any large project adjacent to residential uses, we would expect the Applicant to be required to erect noise blankets at a height equal to its maximum elevation until it is fully enclosed and all sitework is complete. § Due to the scale of this Project, it will likely require a more than typical number of construction workers. Madrona Ave. and its adjacent streets are

DocuSign Envelope ID: 6A5FA9B8-305F-4A6C-B6B9-3CF044727E71

	highly trafficked by pedestrians and cyclists. We would like to better understand how the Project will ensure all workers park along its frontage and document its minimization of construction traffic. Given the scale of the Project, we would expect to see a Project Specific Condition of approval that requires CARB-4 or equivalent machinery at all stages of construction.
Post Completion	§ As a result of feedback, the Project has been pushed closer to the property line such that its highest point appears to align with the required setback against our agricultural property. We would like to see Shadow Studies to better understand the impact on natural light to our agricultural property. We would also like to see a photometric study to study the potential effects of lighting pollution on the surrounding neighborhood and agricultural uses. § As proposed, the Project includes both commercial scale wine facilities as well as residential apartments for employees. Both activities will generate an atypical amount of traffic on Madrona Ave, which is one of St. Helena's most trafficked streets for both pedestrians and cyclists. We would like to see both a traffic and trip count study completed to better understand the impact of this Project as well as if this Project is in-line with the standards that are typical of a residential property. § Our Home has experienced the same degradation of groundwater supply as others in the area, as California has been subjected to consecutive years of material droughts. The Project proposes to materially expand its use of groundwater from the current use. Therefore, we believe it imperative that the City study the proposed Project's impact on the groundwater table through the use of multiperiod seasonal analysis. This is particularly important due to the Project's equivalency with a commercial use. We understand the City's apprehension of being held to a similar standard, but believe that the City enjoys a categorical exemption due to the public serving nature of its work.

From: Eric Janzen
To: Joseph Leach
Cc: Mario Traverso; Chantal Power; Maya DeRosa
Subject: RE: [External] Zoning Code proposal and water comments
Date: Tuesday, January 31, 2023 9:58:51 AM
Attachments: image001.png

Joe,
Discharges of groundwater to the public storm drain system are permitted in our municipal code under SHMC Section 13.23.060.
The parcel at 2126 Madrona is outside of the FEMA special flood hazard zone so the regulations under 15.52 *Flood Damage Prevention* are not applicable.
PW has no jurisdiction over a flooding basement on this private parcel. Flooding damage on this parcel resulting from high groundwater entering the basement is between the owner and their insurance carrier.

Eric Janzen
Assistant Director of Public Works
City of St. Helena
707 967-2831

Maya,

Thanks very much for reaching out. You may share that you have been among the very most responsive of City employees. I mean that!!!

I have a followup of my unplanned comment regarding the Lorraine and Joe Berchtold property on Madrona. Not sure where it will be most effective. Whether you want to include this in future hearing packet.

At the meeting I mentioned my neighbor's 10,000 sf house with full basement. Before it was occupied the basement filled with water within inches of the floor joists. A few hundred thousand dollars later they managed to waterproof the basement. However they need to run pumps 24/7 to keep water out during the rainy season. Fast forward to the atmospheric rivers we recently experienced. The pumps couldn't run fast enough and the whole house became uninhabitable. They are living in their guest house.

I share this as an example of the law of unintended consequences. Not to mention that a 5,000 sf Berchtold basement will displace a significant amount of groundwater. So if there are any drainage issues in the area or high runoff this project should provide calculations on what they are going to do with all that water. It is not insignificant.

I was happy to see the letter from Spottswoode re new well. I still recommend monitiring neighbors wells to prevent drawdown. With water its feast or famine.

Sincerely,
Kelly

PUBLIC WORKS RESPONSE TO NEIGHBOR COMMENTS

Well: Well permits are issued through Napa County in coordination with the City of St. Helena. Applicant is responsible for performing all studies, tests and engineering as required through the County permitting agency. The applicant is pursuing a well permit to replace or rehab the existing well. This process is independent of the design review process.

Water Neutrality: The Water Neutrality Analysis as presented is consistent with the guidelines that are applicable to all projects.

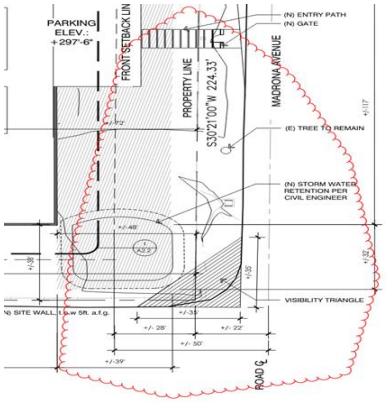
Storm Water Management: The project is conditioned to conform to all requirements as prescribed in the BASMAA Post Construction Manual for regulated projects.

Runoff and Drainage: Post construction runoff conditions are to be consistent with preconstruction runoff conditions. Runoff and inundation of adjoining parcels is not permitted. The property is served by existing public storm water facilities which are integrated into the plans.

Noise Pollution: Subject to SHMC 8.24.010

Septic or Sewer: The applicant is pursuing a sanitary sewer line extension in Madrona Ave to serve the residence. This is a common practice throughout the City. Certificate of occupancy will not be issues unless wastewater utility facilities are complete and operational. The plan development and installation may run concurrent to other permitting efforts.

Madrona and Fir Hill Loss of Visibility: Currently, there are significant visibility restrictions resulting from the large Oak tree, utility pole, trees and shrubbery. Although Fir Hill Drive is a private drive and not subject to the visibility triangle requirements defined in Section 17.04.160 of the SHMC, the detail below shows that project revisions exceed these standards. All proposals for development subject to SHMC 17.120.010.



Dear Commissioners Ponte, Anderson, Rothfeld, Segura and Warner,

In your recent meeting regarding the Rossi Property and the Berchtolds' plans for it, I understand several questions came up as to the Rossi Vineyard revitalization effort that we are undertaking in partnership with the Berchtolds.

I first want to say that we are very excited at the opportunity to rehabilitate this amazing heritage vineyard (planted in 1905) that still grows in our town. Vines like this are rare and very much worth preserving, and we anticipate that we will he able to restore it to health. We started farming the vineyard in the Spring of 2021, and last year the total yield from the vineyard with our partial-year management was approximately 0.88 tons across the entire five-acre site. This year, the first full year we were able to farm the property, our total yield was approximately 2.6 tons.

As we have been planning our revitalization effort, our primary focus is on producing the highest possible quality wine from the site while also increasing the health of the soil and the vines, thus also increasing tonnage as we work to make it economically viable.

To that end, we farm this vineyard with the same care as we farm our Spottswoode Estate Vineyard. We have shifted to regenerative organic and biodynamic farming, and we are refining the pruning practices in this old block. Specific to the dry-farmed heritage clones, we hope to introduce watering to the vineyard via a well to be dug on the property only during what is normally our rainy season, to emulate Mother Nature in ensuring a wetted soil profile near budbreak. We will do this only as needed, based upon the extent to which we continue to have low rain years (a vineyard that has been dry farmed for 115+ years cannot suddenly accept "normal" irrigation). To help with the replacement of missing vines, we will replant with new vines and/or we may transplant some of the old vines slated for removal due to construction. As we continue to learn, we will also introduce other techniques based on our research into heritage clone vineyards.

We are hoping to get the vineyard to a yield of at least five [5] tons total (~1.25 tons per acre) through this rehabilitation process from what will ultimately be closer to 4.35 acres (as some acreage will be removed for construction), allowing us to produce roughly 300 cases of the highest quality wine on an annual basis.

Our agreement with the Berchtolds runs through 2036, allowing us to plan for the long-term success of the vineyard. It is important to note that the agreement does have a provision that if the property is sold that the new owner has the right to terminate the agreement. For personal reasons, therefore, we do hope that the Planning Commission and the Berchtolds are able to come to an agreement on how their housing project might proceed.

Please let me know if you have any questions as you further study this project. We are more than happy to answer them!

Very sincerely,

Beth Novak Milliken
President & CEO
Spottswoode Estate Vineyard & Winery

Buchalter

1230 Pine Street
St. Helena, CA 94574
707.967.9656 Phone
707.963.0771 Fax

707.200.9414 Direct
kfalace@buchalter.com

February 21, 2023

FIR HILL NEIGHBORS

Re: **NEW DATE: Community Meeting – March 1, 2023**

Dear Neighbors:

After hearing from some of you that the date proposed was not convenient, we have rescheduled the community meeting date to a time that we understand is more convenient. We will now be hosting the community meeting on **March 1, 2023, at 5:00 p.m.** to answer any questions and go over the revised plans. The meeting will take at the property.

Thank you and, as always, reach out with any questions in the interim.

Very truly yours,

BUCHALTER
A Professional Corporation

Katharine H. Falace
Shareholder

KHF:jg

buchalter.com

Los Angeles
Denver
Napa Valley
Orange County
Portland
Sacramento
Salt Lake City
San Diego
San Francisco
Scottsdale
Seattle

BN 75307206v1

Patricia (Herdell) DiTomaso & Henry DiTomaso
Kathleen Herdell Christina Herdell
1615 Fir Hill Drive
St. Helena, CA 94574

December 19, 2022

Re: City of St. Helena File No: PL 21-044; Application for Demolition Permit and Design Review for 2126 Madrona, St. Helena CA (APN 009-470-010) filed by Lorraine and Joe Berchtold

The Planning Commission asked for a summary of outstanding issues at its December 6, 2022 meeting. As we stated during the meeting, no issue we raised at the October 18, 2022 hearing has been resolved except for the applicants agreeing to eliminate driveway access onto Fir Hill Drive and agreement to put up story poles. We also reported we cannot make a full assessment of issues until we see revised plans, especially as we reported Ms. Berchtold threatened us with full development of the parcel because we opposed their project application. We have since learned, she made a similar threat to another Fir Hill neighbor.

The Berchtolds had 2 neighbor meetings at the property; they walked through the building outlines and story poles. During the first gathering, Ms. Berchtold said to a few neighbors that she and her husband were "ENTITLED" to build a house of this size and they were not going to reduce the project by "one square foot." She said many other unfortunate things to us. As would be understandable, this lead some neighbors to believe the meetings were not being held in good faith to discuss our concerns and possible alternatives. Ms. Berchtold was so upset after the first gathering she did not attend the second one. At least one neighbor left in tears.

Ms. Falace's letter to the Planning Commission is misleading on several points which we address below along with continued problems we have with the current project.

House massing. House massing is absolutely still a high level concern. Story poles were helpful to see location and potential view shed issues. They **do not** in any way resolve the issue that this project is too large for the area and is in noncompliance with multiple General Plan requirements. Even with minimizing the design and materials selected, a residential development of this size does not fit into the scale and scope of the other residential structures in the Fir Hill neighborhood and a 19,515 sq. ft. development does not belong on the valley floor.

First, Ms. Falace states all issues related to the massing of the project have been resolved. **Nothing is further from the truth**. We continue to oppose a project that is almost 20,000 square feet in total. It is completely out of character with the neighborhood and town as well as sets a terrible precedence for homes in the City of St. Helena. Second, it is clear from the plans that the applicants are including a family home, a caretaker unit and an ADU. They try to disguise the caretaker unit as part of the family home stating it is attached to the home and does not have a separate kitchen; this makes no sense for people who have stressed privacy concerns over and over. For example, they claim their olive trees are intended to protect their privacy. If they need to block the views of long-term neighbors by planting olive trees for privacy, surely the family does not want a caretaker to intrude on their lives by using their kitchen when they are in town. Moreover, the size of the caretaker unit is the size of a single family home in St. Helena. Third, and likewise, applicants' try to disguise a 'poolroom' as an ADU; however, that unit is over 800 square feet. It is the size of a single family residence in St. Helena. In short, applicants are trying to have 3 single family homes built in this project. The massing of the ADU and olive trees on Fir Hill obliterate the views of the Eastern hills and vineyard. Fourth, it is immaterial one floor is a basement. That size of a cement box will have impact on the local area including the oak tree and water flow.

Visibility on the corner of Madrona and Fir Hill. It is very difficult to say something has been resolved until we see the updated plans. Moreover, although Ms. Falace claims the applicants' motor court screening is within city street standards for visibility, it fails to address visibility problems on a corner with both autos and pedestrians in the roadway on a regular basis. Her further argument that shifting some of the olive trees closer to the corner along Fir Hill Drive only worsens the visibility obstructions.

Storm Water Runoff. Ms. Falace claims there will be a dry pond on the property, but there were no details provided at the gatherings and we have not seen updated plans that incorporate it. In addition, she provides no details on how this dry pond will affect the historical oak and other environmental issues.

Water usage. No resolution is possible on this issue because applicants are using a City of St. Helena plan-review formula vs. actual water usage limits to get around water-usage issues for a home this size and agricultural/landscaping needs. The original plans call for 2 homes, 11 toilets, 14 lavatory faucets, 4 kitchen faucets, 2 baths, 1 laundry faucet, 7 shower heads, 4 washing machines and 2 dishwashers. Neighbors also want to know if the applicants plan to use cisterns. If so, we should be given the data so we can evaluate the impact and location of the cisterns. In addition, we have not seen an updated water report. The prior one was replete with errors and omissions. Finally, we would like to know what the Rossi historical water use for the property was so we can compare historical data with proposed use data.

Well for Agricultural use. We have not seen the plans for the well location and capacity. Other than a statement at the October hearing, applicants have not been instructed or agreed affirmatively in writing that no City of St. Helena water will be used for agriculture or landscaping. Furthermore, there is no information that applicants' will be granted a City of St. Helena well permit. Finally, some of the houses on Fir Hill use well water as their only water source. We need to ensure that no well (if granted) will affect the viability of any wells on Fir Hill. We would also like to know where a new well (if granted) would be dug.

Backyard layout. We have not seen any updated plans. However, at the gatherings, moving the boccie court and pool were discussed as one way that could mitigate removal of some vineyard rows and view shed impact. Nonetheless, applicants' still propose removing most of the vineyard along 1615 Fir Hill Drive to about our property line with the Rodrigues property.

ADU Location. The proposal to move the ADU five feet closer to the house, shifting it 15 feet east and lowering ceiling heights is progress in helping resolve the view shed issues, but this is new information. There is still confusion on whether the 2 buildings identified as an ADU are really an ADU. The reason we were given for why it can't be relocated (or even removed completely) is because it provides pool privacy. Pool privacy does not require 2 buildings totaling 850 square ft. and a one bedroom accessory dwelling unit with an 864 square foot covered terrace. We continue to object to an ADU along Fir Hill. It requires removal of substantial vineyard rows and obliterates the views of many neighbors.

Noise Study. In discussions at the walkthrough's noise was raised. Not only the HVAC systems for a project of this scale but any pumps being run to help mitigate the underground water and possible septic systems, pool pumps, all the mechanical noise, etc. need to be reviewed to ensure compliance with the noise ordinance.

Drainage. The 6,457 square feet that will be below grade will displace and divert current water flows from this area of construction. Displacing this water will be an issue with how the water drains around the property. While the applicants believe the dry pond will handle it, how does the water get to the dry pond? This must be addressed in the updated plans so it is clear there is no additional runoff onto Fir Hill ditches and culverts. There are many other drainage issues:

- Applicants need to provide an accurate topographical map from top of Fir Hill to Madrona so we can assess the slope, natural flow and accurate drainage problem for the project and impact on our properties.
- Applicants will raise the topo of foundations which will interfere with natural drainage
- is putting a cement wall along the project which will interfere with drainage?
- Applicants are putting an underground cement basement which will interfere with drainage.
- What is the current amount of impervious surface of the Rossi buildings and driveway? What is the applicants' proposed impervious surface area and driveway? What impact will the difference make on drainage?

Arbor Study. In both neighbor meetings the impact to the historic heritage oak tree was discussed, especially in relation to the drainage concerns. Because the tree is on City of St. Helena property, the City must require a tree impact study to be provided and approved by the tree committee. That tree is so old and large it is protected. In addition, because of environmental factors, it is seemingly fragile. There should be an official city arborist to assess the environmental impact issues for this tree.

Septic and leach lines. In the neighbor gatherings it was stated that the applicants should have a plan for a septic system in case they don't bring down the city sewer lines from Hudson to 2126 Madrona. We have not seen plans for bringing the city sewer lines down Madrona and if they don't, what are the septic plans (especially as they relate to the well plans).

Project grading and elevations: We were told the story poles included grading heights but we have not seen any updated plans that show the actual planned grading. This affects runoff onto Fir Hill and Madrona.

Missing elevation and composite drawings. The original planning submission packet included a composite from the view from 2212 Madrona but NO composite drawings from 1615 Fir Hill perspective. 1615 Fir Hill looks out directly at the vineyard and in the current plans, the backside of the ADU unit. We would request composite drawings from the point of view of 2212 Madrona and 1615 Fir Hill be included in the update packet.

Neighbors missing from the discussions. There were a couple of neighbors affected by this project that have not been aware of the neighbor gatherings and discussions. We are looping them in now but they may have comments and concerns not yet raised. With the holidays upon us, this may not get addressed until the New Year.

Grape Yields:

The Rossi family stated their yields have been 5 tons each year. There are some underperforming vines, but they are NOT near the house and should not be the ones removed. The underperforming vines are further up Fir Hill towards the Agee property where there is a natural swell. The Rossi family replaced some vines with younger vines that aren't yet fully performing. Some are in the area proposed to be removed. It appears there are about 119 vines proposed to be removed. This vineyard was planted in an historical manner. They are not all one variety. The Rossi family believes the vineyard has not been properly maintained since they sold it which could account for lower yields. Finally, if the applicants pull out the existing historical vineyard, we would like applicants to be required to have the University of Davis study the vines first and get a DNA report on the vines since they are historical and should be preserved.

CEQA:

We continue to believe a CEQA environmental study should be completed since this project is almost 2 times the size of a commercial building in St. Helena.

SUMMARY:

We continue to oppose this project and will meet with new neighbors shortly. There are many other issues remaining to be resolved, but given the applicants' contention they are entitled to build a project of this size, it is likely this project just is not going to happen with the applicants willing to make serious and substantial compromise. In the end, this may be a round peg into a square peg situation and the project should be denied as unsuitable for a City of St. Helena home.

Respectfully submitted,

Patty (Herdell) and Hank DiTomaso

Christina Herdell

Kathleen Herdell

Xinia Gamero

From: Aaron Hecock
Sent: Friday, February 24, 2023 8:04 AM
To: Maya DeRosa
Cc: Chantal Power; Xinia Gamero
Subject: FW: [External] Water Use Analysis 2126 Madrona Ave.

AARON HECOCK, AICP
SENIOR PLANNER
City of St. Helena | Community Development Department
1088 College Ave. | St. Helena, CA 94574
Direct: (707) 968-2659 | ahecock@cityofsthelena.org | http://cityofsthelena.org/planning

From: TOM BELT <tmbelt@comcast.net>
Sent: Thursday, February 23, 2023 5:09 PM
To: Aaron Hecock <ahecock@cityofsthelena.org>
Cc: Paul Dohring <PDohring@cityofsthelena.org>; Eric Hall <EHall@cityofsthelena.org>; Anna Chouteau <AChouteau@cityofsthelena.org>; Lester Hardy <LHardy@cityofsthelena.org>; Billy Summers <BSummers@cityofsthelena.org>
Subject: [External] Water Use Analysis 2126 Madrona Ave.

Dear Mr. Hecock,

I just read the Water Use Analysis plan for the proposed new residence to be constructed at 2126 Madrona Avenue. I find it difficult to believe ten occupants will use 72.9 gallons per day per occupant in a residence and ADU that has 10 toilets, 12 bathroom sinks, 6 showerheads, 3 kitchen bar sinks, 3 clothes washers, and only 1 dishwasher that will only be used once every four days. Please provide answers to the following questions:

1. The above project refers to the existing 2126 Madrona Ave. residence as having five bedrooms and in order to remain in compliance with St. Helena's Water Neutral Policy, a reasonable baseline existing demand is 150 gallons of water per bedroom per day. Please provide the St. Helena Planning Ordinance(s) that verifies where this past ratio for daily water use per bedroom is listed?

2. Walking by the home it appears the existing residence is a rather small home. Did someone from the City's Planning Department physically inspect the home and confirm there are five bedrooms in the existing house?

3. What water use reference/guideline was used by Madrone Engineering to project the residence and ADU will only use 729 gallons of water per day considering the development projects ten occupants will be living in the two spaces?

4. Has the above proposed water use reference/guideline for this future single family home and ADU been validated as being an accurate prediction for future water use in past developments within St. Helena?

5. If so, which single family home developments in St. Helena?

6. If the answer to question #4 is no, why is the city permitting this water use reference/guideline to be used when the city has such a limited annual water supply?

7. When was the last time St. Helena updated its Water Neutral Policy for Development?

8. If the proposed development is ultimately approved by City Council, is there a procedure in St. Helena's ordinances to allow the city to monitor/limit the future daily water use to 729 gallons per day as the project proposes?

Thank you,

Tom Belt

Xinia Gamero

From: Mary Cunningham Agee <mcagee@msn.com>
Sent: Thursday, March 2, 2023 3:28 PM
To: Maya DeRosa; Public Comment
Cc: Jodie Morlet; Luc Morlet; Annette Smith; joel@gottwines.com; Sarah Gott; Nina And Adam Rotello; Adam Rotello; Margo Simons; Diane Darby; Frank & Laura Rodrigues; Laura Rodrigues; patty.ditomaso@comcast.net; Kathy Herdell; Susan Krausz; Ron Krausz
Subject: [External] Opposition to Berchtold Proposal: 3.3.23

Importance: High

To: **MDeRosa@cityofsthelena.org, publiccomment@cityofsthelena.org**
From: Mary Cunningham Agee and Family
Ref: Berchtold Proposal
Date: March 3, 2023

Dear Saint Helena Planning Commission and City Council Members,

I have just read and re-read the request by Architect Sasha Janev to the Saint Helena Planning Commission on behalf of the Berchtold's Trust for adoption of a resolution to approve construction of a new "single-family home" (!) and accessory dwelling unit on the property located at 2126 Madrona Avenue in the A-20 zoning district.

I am dismayed to discover that the request of three out of six City Commissioners to the applicant at the close of the last public meeting in late October *"not to return until this project is reduced in scale to under 10K square feet"* has not even partially been implemented-- but has been completely ignored.

Apparently, we are to find comfort in a slight reduction in size and location of the ADU -- with no substantive change in the scope or location of the main structures! The main residence and attendant structures remain unchanged -- with more bedrooms and bathrooms than any other non-resident "home" within this community -- let alone our neighborhood. Yes, *this proposal is "unprecedented"* and should be considered within that extreme context.

The fact is that the main structure of this project still remains at essentially the same square footage as originally proposed. The objections of many locals have never primarily been about the setbacks, design or even the view-blocking height of the main structure when *the sheer mass alone is way beyond the norms of everything else in this neighborhood*.

Add to this affront to the aesthetic and cultural norms of this private, peaceful and quaint neighborhood, an imposing cement wall that would surround this "residence" and the objections to this compound or fortress become even more intense and obvious.

Despite the architectural commentary that attempts to segment the massive overall square footage of this proposed new structure, *there is no obscuring that fact that the overall footprint of the main buildings and landscape still remain at 20K square feet.*

Before stating my specific objections*, I must emphasize -- yet again -- that these concerns are not personal*. I am by nature not someone who enjoys confrontation of any kind. I would far prefer to be part of a welcoming committee inviting new members into our community and neighborhood. But the gravity of this clear and present threat to our neighborhood and quality of life is severe enough to require an honest and reasonable confrontation.

My objections include but are not limited to the following:

- **Agricultural:** The Berchtold proposal is in clear contradiction to existing A-20 regulations designed precisely to protect agricultural land from developments like this. If those regulations mean nothing at times like these – then when do they count?
- **Environmental:** 6K square feet "below ground level" does not prevent environmental damage; it just pushes it underground. Water, natural habitat and agricultural impacts remain very real. Alleviating an utterly discretionary offence to the environment does not amount to preventing it all together.
- **Social:** Disruption during and after the construction of this compound/fortress cannot begin to take into account the loss of peace, safety and privacy to this neighborhood -- belovedly known as "the walking path" of Saint Helena - to many residents of this town.
- **Cultural Norms:** Even the existing ordinances insist that the scale and style of any new construction be "consistent with existing norms of the neighborhood." The proposed construction's basement (!) alone-- is larger than any existing structure on this street! The aggressive original proposal with not one -- but two -- driveway entrances onto Fir Hill Drive from this "residence" - reveals a lack of awareness respect for existing norms.
- **Common Sense**: The proposed "residence" is *more than three times the size of any home in this neighborhood!* How can that reality possibly withstand the scrutiny of reasonable "fit" within neighborhood norms or cultural conformity? There is no home in this neighborhood -- or even within city limits -- even close to this size! That doesn't even begin to consider the proposed cement wall surrounding this "residence" (aka "fortress")! How can this proposal even approach the "common sense" norms of what a reasonable person in our community would consider to be fair or appropriate?

Have we not all seen enough harm done to our society when respected norms are compromised and shared values are sold to the highest bidder? Just because something "*can* be done" doesn't mean that it "*should* be."

I wouldn't have taken the time to write this letter if I didn't firmly believe that our community -- and those leaders placed in a position of responsibility to protect us -- would not take this duty seriously. This is ultimately not only about us and our quality of life- but about those of many future generations to come. *We simply must make decisions today that will benefit those who will someday hold us accountable.*

Just imagine how we would each feel -- three to five years from now (after months and years of construction noise and disruption – not to mention the consumption of vast amounts of scarce natural local resources) -- when new restrictions within our city limits will have been prudently implemented. The new ordinances -- that you are fully aware of and are currently reviewing -- will presumably have been voted into law. *And these ordinances will properly limit the size, scope and environmental impact of all new residences. Try to envision explaining how this white elephant -- amounting to four times the scale of anything currently exiting in our neighborhood – was allowed to slip by under our watch!*

I can assure you this will not happen quietly. ***This neighborhood is not about to "go quietly into the night" as we watch everything our neighborhood stands for be compromised because of a slip up in timing of a new ordinance.***

Our neighborhood and this City Planning Commission - as well as the City Council -- should not be forced to pay the price for past inconsistencies or ambiguities in building codes or ordinances! You know better – and the new proposed ordinances prove this to be true. This is precisely why you are about to vote into law ordinances that would preclude such a behemoth from destroying the beauty and environmental integrity of a much beloved local neighborhood.

Thankfully, there is a solution. And this is readily available if the Planning Commission and City Council choose to do what is right. And the applicant -- and those advising -- will consider the unpleasant and expensive outcome of assured protracted efforts to oppose this affront to this community and neighborhood.

The applicant's reasonable choice: Either pursue this project substantially reduced in scale or relocate it exactly as it is designed to a more appropriate location where the legitimate objections raised will no longer be of concern.

As a resident of Fir Hill for thirty years, I am deeply saddened that our neighborhood has been placed in such an unpleasant position where we are forced to publicly oppose such a serious threat to our safety, security and privacy. My preference will always be to welcome newcomers -- but not at all costs. This is especially true when the environmental, agricultural, social, cultural, and economic costs of a proposed project would compromise my values.

Having known and respected each of you for many years, I believe that the members of this Planning Commission and City Council would also have preferred that this proposal not have arisen in the narrow window of "opportunity" before new ordinances would prevent this project from consideration. *I ask that you please have the foresight and courage to implement those protections you are well aware of now - just a few months before these positive changes will be recognized for the collective wisdom they represent.*

I thank you for your thoughtful consideration and request that you **find this project to be inconsistent with General Plan policies LU5.1 and LU5.3.**

On behalf of the many concerned residents of this town, I further ask that you **insist – yet again – that the applicant revise the plans to retain all the existing historic vineyards and redesign the project's scope and style to be consistent with the environmental concerns of and norms of the existing neighborhood.**

Most respectfully,

Mary Cunningham Agee and Family

-----Original Message-----
From: Linda Rose <linda@mgrose.com>
Sent: Thursday, March 2, 2023 4:06 PM
To: Maya DeRosa <MDeRosa@cityofsthelena.org>
Subject: [External] 2126 Madrona

Dear Maya,

I am very opposed to the proposed project at 2126 Madrona. It has no place in our town and certainly not there. It is completely out of scale and out of character.

Thank you,

Linda Rose
St. Helena

From: Leslie Stanton <lesliestan@gmail.com>
Sent: Thursday, March 2, 2023 4:57 PM
To: Maya DeRosa <MDeRosa@cityofsthelena.org>
Subject: [External] 2126 Madrona

Hi Maya - The "dream home" that the super rich couple wants to build on the Rossi property is out of scale for this community and meant for another purpose, and should not be called a home. Any building with that many bathrooms is to be some kind of an entertainment center. It needs to be scaled back.

Sincerely, Leslie Stanton

From: Kimberly Phinney <kimbophinney@gmail.com>
Sent: Friday, March 3, 2023 9:24 AM
To: John Ponte <JPonte@cityofsthelena.org>; Autumn Anderson <AAnderson@cityofsthelena.org>; Rosaura Segura <rsegura@cityofsthelena.org>; Marika Rothfeld <mrothfeld@cityofsthelena.org>; Christopher Warner <Christopher.Warner@cityofsthelena.org>
Cc: Maya DeRosa <MDeRosa@cityofsthelena.org>; Chantal Power <cpowers@cityofsthelena.org>
Subject: [External] Tuesday's Meeting

March 3, 2023

Dear Planning Commissioners, Ms. DeRosa, and Ms. Powers,

I am writing on behalf of the 2126 Madrona Avenue project up for a demolition permit and design review for the Tuesday, March 7th Planning Commission meeting.

I am writing to express my support of this project because it falls within the 'laws' of what a private property owner is allowed to do and can do on this particular property in St. Helena. I support the Staff Recommendations and hope that Option 1 is the direction you choose.

When we all buy property here, we know that the space that surrounds us, whether vacant or already constructed, has the chance to be redone or developed. This is just a fact of living in any neighborhood, town, city, outside of a cave. Our feelings and our emotions, as well as our opinions, should not supersede what is legal and allowed.

A property owners taste or style should not be questioned or unique projects challenged simply because it is not your taste or style. What is allowable, again within the law, should prevail.
Personal habits and use of every day, taxed and billed utilities, should not even come into question for anyone other than the person paying for them. How many toilets does someone need is often opinionated in regards to this project and that is absolutely an absurd (and disgusting) abuse of privacy. How big does a house really need to be? That depends on the property owner building the home and if the general plan allows for it, not the like or dislike of the neighbors and what they are used to 'seeing' around our town. Allowing these opinions to become factors in whether a project is passed, instead of what is allowed within the law, sets a precedent unlike any other and will cost the city, not only in potential lawsuits, but tax revenue.

Having recently listened to the City Council meeting on Tuesday night about the financial crisis our city is in, I could only go back to the countless and endless 'no's' of projects, businesses, buildings, repairs, chain store support, on and on, because people 'didn't want to see', or 'want to maintain our charm', 'or we don't think this is an appropriate size', even 'they don't live here full time'. Those opinions and mentality, time and time again, got us to the deficit we are in now and will be for some time. Feelings are fine, allowed to be heard and part of this process, but feelings should not get in the way of what is legal and allowed, not to mention turning down projects that will benefit the city with revenue.

Thank you for your time not only serving on the Commission, but taking into consideration what is right, just, and allowed.

Ciao,
Kim Phinney
St. Helena

Buchalter

1230 Pine Street
St. Helena, CA 94574
707.967.9656 Phone
707.963.0771 Fax

707.200.9414 Direct
kfalace@buchalter.com

March 3, 2023

VIA E-MAIL

St. Helena Planning Commission
City of St. Helena
1572 Railroad Avenue
St. Helena, CA 94574

John Ponte (Chair) - jponte@cityofsthelena.org
Autumn Anderson (Vice-Chair) - aanderson@cityofsthelena.org
Christopher Warner – cwarner@cityofsthelena.org
Rosaura Segura – rsegura@cityofsthelena.org
Marika Rothfeld- mrothfelod@cityofsthelena.org

Re: **PL 21-044 - 2126 Madrona Ave. Single-Family Home Development Project**

Dear Chair Ponte and Members of the St. Helena Planning Commission:

Thank you for the time spent on the recent staff report. We understand our presentation next week will be limited in time. With that time constraint in mind, we have set forth the major points to illustrate how this project comports with the General Plan. The staff report notes that consistency with applicable General Plan policies is a required finding for a Design Review approval, but the staff report suggests the project may be found inconsistent with two General Plan policies. The applicant respectfully disagrees that the project could be found inconsistent with the above policies for the reasons outlined below. At issue are the following two General Plan policies:

LU5.1 Discourage conversion of existing farmland to non-agricultural uses. (General Pan, page 2-42.)

LU5.3 Strictly limit development on properties existing at the time of the adoption of this General Plan that are designated as agricultural land. (General Plan, page 2-42.)

Buchalter

In determining whether a proposed project is consistent with the General Plan, the Planning Commission should consider whether it is compatible with the general land uses of applicable elements of the General Plan. In order to satisfy this objective, a proposal should meet the overall intent of the General Plan.

It is important to note that very little of the property's agricultural land is being converted to a nonagricultural use with only .53 acres of a 5.78 acre parcel is being converted. The property's agriculture *and rural residential* use is noted in the current General Plan. (GPU 2040 Figure 1.3.) The property's mainly agricultural use will continue under a contract with Spottswoode Winery. The staff report's view of these policies seems to be that "zero vine loss" could be required to be consistent the above policies. However, this interpretation is not supported by the plain language of the General Plan or its environmental document. The words "discourage" in LU 5.1 and "strictly limit" in LU 5.3 cannot be interpreted to mean "prohibit". To be sure, the certified EIR for the General Plan states that agricultural lands could be converted even with the above polices in place. [General Plan EIR, page 3.2-14] Therefore, the General Plan policies were acknowledged to not "prohibit" the conversion of agricultural lands, and an interpretation that the policy equals zero vine loss would be inconsistent with the impact analysis certified by City Council.

Second, the project complies with applicable zoning limitations on non-agricultural uses. Current A20 zoning limits non-agricultural uses to one acre as identified on the project plans. While current zoning was adopted before the current General Plan, the two policies at issue are not new. The 1993 General Plan contained the following two substantially identical policies:

> Policy 2.6.58 Promote the continuation of agricultural activities within and adjacent to the City. (1993 General Plan, page 2-27.)
>
> Policy 2.6.61 Limit residential development on properties existing at the time of adoption of the [1993] General Plan which are designated Agriculture and are outside the Urban Limit Line in accordance with [the below defined specific standards]… (1993 General Plan, page 2-28 (bracketed material supplied).)

Comparing the 1993 General Plan language to the current General Plan, the policies are the same in substance. Under the above policy language, the Planning Commission previously issued design review approval for an estate home on lands zoned A20 at 601 Fulton Lane in application

Buchalter

number P18-058, and that project also involved a limited conversion of agricultural to rural residential use.[1]

Further, this current project meets the overall goals, policies and objectives by:

- Increasing tonnage production resulting from farm investments and modifications of farming techniques;
- Continuation of dry farming;
- Planting of olive trees; and
- Enhancements to regional storm retention systems.

Not only is the limited conversion of certain low producing vines mitigated, but the project remains within the maximum area of land (1 acre) permitted to be developed in the A20 zone.

Lastly, a denial based on a zero vine loss interpretation of these policies is not compliant with the City's Municipal Code requirements for design review. A city is not required to adopt a design review ordinance. Where a city sets forth limitations in its design review criteria, it is bound by those criteria. *Friends of Davis v. City of Davis* (2000) 83 Cal.App.4th 1004, 1014. Here, the City has provided the following limitation:

> C. Only the proponent's failure to take reasonable account of the items discussed in Sections 17.164.010 through 17.164.030 shall justify the commission's disapproving a proposal solely on the basis of design.
>
> St. Helena Municipal Code §17.164.040

Certainly, the applicant has taken reasonable account of continued agricultural use on the property as evidenced by the letter from Spottswoode Winery and investments in improving the property's vineyard presented to the Planning Commission in past hearings. Denying the project on a zero vine loss interpretation is equivalent to denial on a non-design matter. Denial on a non-design matter is not permitted under the City's ordinance. *McCorkle Eastside Neighborhood Group v. City of St. Helena* (2018) 31 Cal.App.5th 80, 92-93.

[1] Details of P18-058 are available online at: https://www.cityofsthelena.org/planning/project/pl18-058-601-fulton-ln-pohlen-residence-and-agricultural-barn. The applicant incorporates by reference that past design review approval into the administrative record of this project.

Buchalter

Because the proposed project satisfies the existing General Plan land use designation and policies protecting agricultural lands, we ask that the Planning Commission approve the design review application.

Very truly yours,

BUCHALTER
A Professional Corporation

KATHARINE H. FALACE

cc:
Ethan Walsh (ethan.walsh@bbklaw.com)
Maya DeRosa (mderosa@cityofsthelena.org)
Chantal Power (cpowers@cityofsthelena.org)

Buchalter

1230 Pine Street
St. Helena, CA 94574
707.967.9656 Phone
707.963.0771 Fax

707.200.9414 Direct
kfalace@buchalter.com

March 3, 2023

VIA E-MAIL

St. Helena Planning Commission
City of St. Helena
1572 Railroad Avenue
St. Helena, CA 94574

John Ponte (Chair) - jponte@cityofsthelena.org
Autumn Anderson (Vice-Chair) - aanderson@cityofsthelena.org
Christopher Warner – cwarner@cityofsthelena.org
Rosaura Segura – rsegura@cityofsthelena.org
Marika Rothfeld- mrothfelod@cityofsthelena.org

Re: **PL 21-044 - 2126 Madrona Ave. Single-Family Home Development Project**

Dear Chair Ponte and Members of the St. Helena Planning Commission:

We held a third neighborhood meeting on March 1, 2023. The following neighbors attended:

Hank and Patty Di Tomaso
Kathleen Herdell
Ron & Susan Krausz
Adam Rotello
Margo Simons
Annette Smith

During the meeting, we went over plans and discussed the revisions included in the most recent submission. The neighbors also asked about the mechanical room, the vines, the agricultural well (which falls outside the scope of this application), the oak tree, and the rain/runoff mitigation. We further discussed the septic lines proposed on the plans and the public sewer system if allowed by the City.

Buchalter

On March 2, 2023, we met with Annabel and Stephen Siri and Kate and Justin Osler. The concerns raised by the neighbors focused on the eastern elevation of the house. A further call is currently being scheduled to address same.

Please let me know if you have any questions.

Thank you.

Very truly yours,

BUCHALTER
A Professional Corporation

KATHARINE H. FALACE

cc:
Ethan Walsh (ethan.walsh@bbklaw.com)
Maya DeRosa (mderosa@cityofsthelena.org)
Chantal Power (cpowers@cityofsthelena.org)

Xinia Gamero

From: Maya DeRosa
Sent: Sunday, March 5, 2023 8:37 PM
To: Xinia Gamero
Cc: Chantal Power
Subject: FW: 2126 Madrona, Vote Approval

Please post to the 3/7 agenda.

MAYA DEROSA, AICP
COMMUNITY DEVELOPMENT DIRECTOR
City of St. Helena | Community Development Department
1088 College Avenue | St. Helena, CA 94574
Direct: (707) 967-2783 | mderosa@cityofsthelena.org | http://cityofsthelena.org/planning

From: John Zimmerman <jzimmerman@mticollege.edu>
Sent: Sunday, March 5, 2023 8:17 PM
To: Maya DeRosa <MDeRosa@cityofsthelena.org>
Cc: Aaron Hecock <ahecock@cityofsthelena.org>
Subject: [External] 2126 Madrona, Vote Approval

St Helena Planning Commission

The home proposed for 2126 Madrona will be a handsome addition to the neighborhood where I live. I urge the Planning Commission to approve the project. Additionally, approving the project will provide a significant infrastructure improvement by extending the sewer line further along Madrona to the project site. This will provide nearby residents the option for eliminating their septic systems. Another significant community benefit is the enormous financial infusion this home will provide annually in the form of property tax. Assuming a $40,000,000 project valuation, this equates to an approximate annual tax bill of $500,000. Per the Napa County Tax Collector's Office, 18% of the $500,000 will go to the City of St Helena, and 50% will go to our local schools. The final 30% will stay with Napa County.

This project has been the subject of much controversy, some of which continues to be mean-spirited and inaccurate. For example, there are some who have vilified the applicant because they are financially successful. Another instance was the demand of the Fir Street neighbors for a noise study. Any of us familiar with the project site could tell you the result of the study would identify two sources of noise -- the sheep in the Spottswoode Vineyard and the rooster across the street! Regarding the complaint about the size of the home, this is not unusual for sought-after communities. Lake Tahoe, Carmel, and the suburbs of San Francisco (Pacific Heights, Atherton and Woodside) have homes of this scale, and they blend well, as will the home proposed for 2126 Madrona Ave.

This project has been debated tirelessly, and the applicant has made numerous concessions. It's time to approve the project. I look forward to seeing the home built, as I believe it to be an excellent addition to the neighborhood where I live.

Thank you for the attention you have given this project. I am aware that the Planning Commission has a difficult role. It strives to balance demands of those opposed to this project with the fact the application meets the intent of established standards. Adding to this challenge is that some of those against the project are acquaintances or even friends of commission members. St Helena owes the Planning Commission members and staff its gratitude and respect for all that they endure.

Sincerely,

John Zimmerman
Spring Street

Sent from my T-Mobile 5G Device
Get Outlook for Android

Xinia Gamero

From: Maya DeRosa
Sent: Sunday, March 5, 2023 9:11 PM
To: Xinia Gamero
Cc: Chantal Power
Subject: FW: [External] Berchtold project on Madrona/Fir HIll

Please post to the 3/7 agenda.

MAYA DEROSA, AICP
COMMUNITY DEVELOPMENT DIRECTOR
City of St. Helena | Community Development Department
1088 College Avenue | St. Helena, CA 94574
Direct: (707) 967-2783 | mderosa@cityofsthelena.org | http://cityofsthelena.org/planning

From: Margo Simons <margosimons@aol.com>
Sent: Sunday, March 5, 2023 4:39 PM
To: Maya DeRosa <MDeRosa@cityofsthelena.org>
Subject: [External] Berchtold project on Madrona/Fir HIll

Hello Maya,

I hope you are well. We (Fir Hill) met on the Berchtold property this week to discuss the changes that had been made. Very little had been changed, including the size of the home. I am surprised that in this day and age (with water issues, flood plane consideration) that someone could even consider it, especially because this size has never been considered before in our town. With the proposed future code saying no house larger than 4700sq ft. can be built in town, this will end up being a white elephant. It just doesn't fit the neighborhood. This project is perfect for an out of town, on a street without the foot, bike and car traffic.

I spoke to a former head of planning (commissioner) and they said even though they (or whomever) may technically be allowed to build to code something of this size(20k), does not mean that it has to be approved. There is a fact in the code says something to the effect ~that if it doesn't look, smell or taste right for the neighborhood, you don't have to allow it. It's the classic just because they can does not mean they should.

Thank you for your consideration,

Margo Simons

Xinia Gamero

From: Maya DeRosa
Sent: Sunday, March 5, 2023 9:37 PM
To: Xinia Gamero
Cc: Chantal Power
Subject: FW: [External] House proposed for Madrona & Fir Hill

Please post to the 3/7 agenda.

MAYA DEROSA, AICP
COMMUNITY DEVELOPMENT DIRECTOR
City of St. Helena | Community Development Department
1088 College Avenue | St. Helena, CA 94574
Direct: (707) 967-2783 | mderosa@cityofsthelena.org | http://cityofsthelena.org/planning

From: Barbara Shurtz <badbears38@gmail.com>
Sent: Sunday, March 5, 2023 9:26 PM
To: Maya DeRosa <MDeRosa@cityofsthelena.org>
Subject: [External] House proposed for Madrona & Fir Hill

I feel that this house is entirely too large for the neighborhood and should not be allowed to be built on this property within the city limits.
Barbara Shurtz 1600 Dean York Lane, St Helena

CARMEN A. POLICY
GAIL M. POLICY
2170 Palmer Drive
St. Helena, CALIFORNIA 94574
Cpolicy@casapiena.com

March 3, 2023

In Re: Comment upon 2126 Madrona Avenue project up for a Demolition Permit and Design Review for the Tuesday March 7th Planning Commission hearing

Dear Planning Commissioners, Director DeRosa and Ms. Powers.

We are submitting this written comment in support of the project seeking the above permit and review. My wife Gail and I are full-time residents of the City of St. Helena, and we are part of the same neighborhood as the property in question and only 1 ½ blocks away. We express our support for the project located at 2126 Madrona Avenue and we believe that "Staff Recommendation", Option one (1) should be followed and approved.

Based on the findings in the staff report it appears that the proposed project follows all current city zoning laws. Further, applicants are not seeking any exceptions or variances for their project. It is my understanding that the Planning Commission has approved similar projects in the past, therefore it seems not approving this project would be inappropriate and would also set a dangerous precedent with no legal basis.

My direct inquiries into this matter indicate that the proposed project is in keeping with the architectural and design elements seen throughout the town and it will be a substantive contribution to a diversity of styles in our community. My wife and I have further appreciation for the effort on the part of the owners/applicants to preserve the existing agricultural nature of the property while balancing their needs and desires. Needless to say, the financial benefits and the tax revenue this project will bring to our community will be a major benefit at a time when our town needs it the most.

As a final and personal point, it is our opinion that the owners/applicants will be wonderful neighbors who will have a very personal attachment to this home and the region as a whole. They have very close friends already attached to St. Helena and we believe that list will grow exponentially. We are certain that they are the type of people who will lend their support to projects that need the help and contributions of individual citizens. Furthermore, we are looking forward to having this couple and their family in our neighborhood for many years to come.

Thank you for your time, consideration and opportunity to weigh in on this matter.

Respectfully submitted,

Carmen A. Policy
Gail M. Policy
2170 Palmer Drive
St. Helena, CA 94574

Xinia Gamero

From: Maya DeRosa
Sent: Monday, March 6, 2023 9:01 AM
To: Xinia Gamero
Cc: Chantal Power
Subject: FW: [External] Proposed build at Madrona and Fir Hill meeting Mar 7

Please post to the 3/7 agenda.

MAYA DEROSA, AICP
COMMUNITY DEVELOPMENT DIRECTOR
City of St. Helena | Community Development Department
1088 College Avenue | St. Helena, CA 94574
Direct: (707) 967-2783 | mderosa@cityofsthelena.org | http://cityofsthelena.org/planning

-----Original Message-----
From: ELLEN SHIFFLETT <ellenshifflett@gmail.com>
Sent: Saturday, March 4, 2023 8:34 AM
To: Maya DeRosa <MDeRosa@cityofsthelena.org>
Subject: [External] Proposed build at Madrona and Fir Hill meeting Mar 7

As a neighbor and property owner in St Helena I am opposed to the proposed build of an oversized structure on the corner of Madrona and Fir Hill. I find the proposed out of proportion to the neighborhood. Please consider the environment.
Thank you

Ellen Shifflett
1701 Madrona Ave
St Helena

March 5, 2023

City of St. Helena, Planning Commission
1572 Railroad Ave. | St. Helena, CA 94574
John Ponte | Chair, Planning Commission | jponte@cityofsthelena.org
Autumn Anderson | Vice-Chair, Planning Commission | aanderson@cityofsthelena.org
Marika Rothfeld | Planning Commissioner | mrothfeld@cityofsthelena.org
Rosaura Segura | Planning Commissioner | rsegura@cityofsthelena.org
Christopher Warner | Planning Commissioner | cwarner@cityofsthelena.org

Re: Continued Concerns Regarding 2126 Madrona Ave. Development Project

Dear Chair Ponte, Vice-Chair Anderson, Commissioner Rothfeld, Commissioner Segura and Commissioner Warner,

We are writing to express our continued concerns regarding the project as it is currently proposed by Sasha Janev on behalf of Lorraine and Joe Berchtold to accommodate the construction of a new "single-family home and accessory dwelling unit" on the property located at **2126 Madrona Avenue**.

As previously noted, we would be very pleased to welcome Joe and Lorraine to the neighborhood and are grateful that their team agreed early on to remove plans for two driveways on our private, single-lane road.

Yet, we are quite perplexed as to why **the overall size and scope of this project has not changed**. The team was directed to meet with neighbors and to return with a plan encompassing less square footage *(e.g., less than 10,000 square feet - the maximum size allowed for a commercial building within the City limits)*.

To date, while there have been a few meetings with neighbors and story poles were erected, the changes that we have observed include lowering the ceiling height of the ADU *(pool house)* and a slight relocation of that structure to try to lesson the obstruction of views for those residents directly impacted. However, **no concerns expressed by neighbors have resulted in any reduction in the overall size of the proposed residence**.

During the second meeting with neighbors, a question was asked as to how the water use calculation was made. Mr. Janev explained that it was based upon the number of bedrooms. He was then asked how many bedrooms are in the current plan. Mr. Janev and Mr. Berchtold proceeded to point in the air, circling around and counting: "1 -2 -3 -4 -5." They then agreed aloud with each other, "Yes, 5." This led many residents who were present to conclude that more bedrooms are in fact planned, but only five rooms are being designated as such on the proposed plans. We would have hoped for more transparency with regard to water usage and the manner in which the corner of Fir Hill Drive and Madrona Avenue may be impacted.

We respectfully request that you carefully evaluate whether the size of this residence is reasonable for the surrounding neighborhood, as we trust that you would do for any project in our beautiful city.

Sincerely,
Luc & Jodie Morlet
Fir Hill Drive Residents

Cc:
City of St. Helena, Planning Division
Maya DeRosa | Planning & Building Director | mderosa@cityofsthelena.org | 707-967-2783 x 530

Via email March 6, 2023

RE File Number PL 21-044, 2126 Madrona Avenue, Berchtold Project

Dear Planning Commission Chair Ponte and Planning Commissioners,

My property located at 1775 Fir Hill Dr. has been in our family since 1972 when it was a cow pasture and Madrona Ave. was a narrow road without a middle line. Our connection to St. Helena is multi-generational; my great grandfather Robert Graham operated a saloon and pool hall on Main Street and my grandfather attended St. Helena Elementary School; my great uncle Thomas Street served as principal of St. Helena Elementary School for a while and his wife ran the florist shop. I feel connected to St. Helena and support my Fir Hill Dr. neighbors in opposition to this project as currently proposed.

I was unable to attend the March 1, 2023 community meeting for the project because of weather conditions and Hwy 101 closure, and unfortunately, I will not be able to attend the March 7 Planning Commission meeting. I have the following questions and concerns.

Water

The water analysis for "water neutrality" is based on the approximation of Dennis Rossi, the sole occupant, using 750 gallons per day because the house has 5 bedrooms. How is this reasoning consistent with the water department phase II water restrictions of 65 gallons per person per day and 2,500 gallons per month for landscaping from April 1 through October? For these 7 months the water use would be 4,450 gallons per month for a period of time when Dennis Rossi was living in the residence. Compare 22,500 gallons per month based on 750 gallons per day with 4,450 gallons per month based on reality. A single resident in a household can use only one toilet at a time and uses about 2.56 gal/flush if not low flow. Even10 flushes/day leaves about 125 gallons for other household water usage assuming 150 gallons per the bedroom used by the single resident. The system of assigning 150 gallons of water per bedroom per day does not give a "reasonable estimate of baseline existing demand" in this case and is used to make it appear that an almost 20,000 sq ft house with 3 bedrooms, possibly 2 more and more bedroom possibilities in the enormous basement, 10 toilets, 16 faucets, 6 shower heads, 2 baths, 3 clothes washers and 1 dishwasher, plus an ADU with 1 bedroom, 1 toilet, 3 faucets, 1 shower head, 1 clothes washer and 1 dishwasher will use less water than the existing use. This defies common sense. I urge the Planning Commission to seek answers, and share them with the public, to questions raised by Tom Belt in his letter dated 2/23/2023. I request that the water analysis of existing use be redone to match reality. Although the current water analysis does not require a water offset due to the inaccurate estimate of existing water usage, offsets do not create more water. With the climate models predicting increasing temperatures and more evapotranspiration, the practice of using offsets to be "water neutral" may not meet the future needs and should be reconsidered. There is a significant probability that all the existing old vines will need to be replaced and new vines watered to be profitable in a warming climate. How will the project be "water neutral" without adding another well to the area? Although the building project does not require CEQA, the well permit should require CEQA in order to study the cumulative impacts of wells in the area in relation to a drying, warming climate, hydrologic flow underground, geology of underground aquafers (probability of collapse, capacity to refill). Wells that functioned in the 1970s at 125 ft depth are dry, and now a depth of about 500 ft is required for reliable water; this water may have collected thousands of years ago. This project is downslope of residential and vineyard wells in the vicinity of Fir Hill Dr. and

Dean York Lane and creates the risk of water loss for these residents. Protection of the water supply for these residents is a Planning Commission responsibility.

Historic Oak Tree Protection and Storm Water Control Plan
Madrona Avenue has been widened since the 1970s and covers more of the tree's root area along this east side. The asphalt impedes oxygen flow, so the tree may be more dependent on it shallow feeder roots in the remaining root area that is within the project area. The largest bio retention basin is located just outside the root area indicated for the oak tree which serves as a mother tree and has mycorrhizal networks extending beyond the root area to other existing plants. Grading and excavating a 2 ft deep bio retention basin will initially damage the shallow feeder root/mycorrhizal association with other plants on the property. How will this be mitigated? The Storm Water Control Plan states the proposed impervious surface is 24,810 sq ft and the existing impervious surface is 9,840 sq ft. Instead of using pervious pavement for the driveway and motor court parking area which would decrease the impact on the oak tree, the project proposes no pervious pavement. The existing driveway and parking is gravel that allows water and dissolved oxygen into the soil and helps shallow feeder root/mycorrhizal connections to survive. The existing structures have an area of 3,893 sq ft according to the staff report; what accounts for the additional almost 6,000 sq ft of existing impervious surface? A 20,000 sq ft increase in impervious surface reduces the area available for cooperative mycorrhizal connections to other plants and soil areas that currently benefit the oak tree. Will an ethical arborist sign a statement that this massive increase in impervious surface will not decrease the health and longevity of the oak tree?

Design Review
To justify loss of agricultural land as consistent with LU 5.1 and LU 5.3, staff uses the rationale that surrounding parcels have not maintained agricultural uses. One resident on Dean York Lane has consistently grown row crops and offered surplus for free to the community; the residence on the NE side of the project has a vineyard; two residences at the west end of Fir Hill Dr. have vineyards and another maintains pasture for livestock; two additional residences on Fir Hill Dr. grow organic fruits and vegetables for their own use and to supply others (over the past decade I have grown and transported hundreds of pounds of lemons, persimmons, figs, guavas to Food for People in Humboldt County). What benefit comes from a narrow interpretation of agricultural use of land?

Breaking up the façade of the project structure fronting on Fir Hill Dr. does not preserve the vineyard and mountain views for neighbors or local residents and tourists who enjoy walking and cycling on Fir Hill Dr. and Madrona. The mass of a two story, 29ft tall house is still overwhelming and detracting unless one is an aficionado of excessive wealth display.

I urge the Planning Commission to find that this project is not consistent with General Plan policies LU 5.1 and LU 5.3, and approve a decision that this project not return for consideration "until this project is reduced in scale to under 10K square feet."

Thank you for serving on the Planning Commission and considering my comments.

Respectfully,

Alice Diane Ryerson

March 5, 2023

To Maya DeRosa and the Members of the Planning Commission,

I am writing this letter to voice my opposition and concern about the proposed building project for 2126 Madrona Ave. I have attended the 2 previous Planning Commission meetings where the applicant was instructed to make adjustments, scale down this project and talk to the neighbors. I also attended the 3 "neighborhood meetings" and voiced my concerns. I was quite surprised at the most recent meeting that no changes were made to the main residence. Only the ADU was moved a few feet. Several of us expressed our disappointment that the main residence remained the same size but our comments were not taken into consideration nor mentioned in their summary report.

Many of my neighbors have already written detailed letters addressing specific concerns so I won't repeat those issues in my letter but I want you to know that I support their concerns. I also want to be sure that the future of the heritage Oak will not be in jeopardy or impacted by the drastic change in the underground system and that the water use will be thoroughly investigated and monitored.

This proposed residence is beyond the scope and size of any other residence in St. Helena. It is not in keeping with the characteristics of our town and this neighborhood. It will forever change the view along Madrona Avenue and adjacent properties. It will not only impact this specific neighborhood but the community at large and set a precedent for other oversized projects. We will all have to live with the environmental impact of this project for years to come.

I urge you to vote for Option 2 and find this project inconsistent with the General Plan polices LU5.1 and LU5.3 and recommend a scaled down version.

Thank you for seriously considering the issues that will impact our entire community.

Respectfully,

Annette Smith

Xinia Gamero

From: Maya DeRosa
Sent: Monday, March 6, 2023 12:59 PM
To: Xinia Gamero
Cc: Chantal Power
Subject: FW: Berchtold's Project

Please post to the 3/7 agenda.

MAYA DEROSA, AICP
COMMUNITY DEVELOPMENT DIRECTOR
City of St. Helena | Community Development Department
1088 College Avenue | St. Helena, CA 94574
Direct: (707) 967-2783 | mderosa@cityofsthelena.org | http://cityofsthelena.org/planning

From: Beth Milliken <beth@spottswoode.com>
Sent: Monday, March 6, 2023 11:28 AM
To: Maya DeRosa <MDeRosa@cityofsthelena.org>
Cc: Joe Berchtold <JoeBerchtold@LiveNation.com>
Subject: [External] Berchtold's Project

Dear Maya,

I have had the opportunity to review the Planning Commission Report related to Joe & Lorraine Berchtold's home project at 2126 Madrona Avenue, and I am very happy to see that the Berchtolds have been responsive to the input of the Planning Commission and of their neighbors in making adaptations to the plans that address the concerns raised. With all of this, I write to express my support of this modified project. As an aside, we here at Spottswoode are thrilled with the opportunity to rehabilitate this amazing vineyard in the heart of St. Helena.

Please let me know if you have any questions. Thank you so much!

Very sincerely,

Beth

Beth Novak Milliken
President & CEO
SPOTTSWOODE
SPOTTSWOODE ESTATE VINEYARD & WINERY
1902 Madrona Avenue • St. Helena CA 94574
707/963-0134, x116 • spottswoode.com
Please paws before printing. – Riley

Patricia (Herdell) DiTomaso & Henry DiTomaso
Kathleen Herdell Christina Herdell
1615 Fir Hill Drive
St. Helena, CA 94574

March 6, 2023

Commissioner John Ponte, Chair (jponte@cityofsthelena.org)
Commissioner Autumn Anderson, Vice Chair (aanderson@cityofsthelena.org)
Commissioner Christopher Warner (cwarner@cityofsthelena.org)
Commissioner Rosaura Segura (rsegura@cityofsthelena.org)
Commissioner Marika Rothfield (mrothfield@cityofsthelena.org)
Ms. Maya DeRosa, Planning & Building Director (mderosa@cityofsthelena.org)
Ms. Chantal Power, Associate Planner

Re: City of St. Helena File No: PL 21-044; Application for Demolition Permit and Design Review for 2126 Madrona, St. Helena CA (APN 009-470-010) filed by Lorraine and Joe Berchtold

Dear Planning Commissioners and Planning Staff:

Pursuant to a request of the Commissioners at its hearing on December 6, 2022, we submitted a status report on December 19, 2023 of issues resolved and outstanding between the applicants and the Fir Hill Drive neighbors as we understood them at that date. Because applicants had not submitted revised plans at that point, we were unable to report that any issues were resolved. After review of applicants' recently submitted revised plans and a short meeting at the property with applicants' representatives, we continue to oppose the project and request the Planning Commission deny the application on the same grounds as we have stated in previous letters of opposition from us and other neighbors. Although each reason for our opposition alone justifies your denial, collectively they overwhelmingly do.

1. Project massing. No changes were made to the overall 19,515 sq. ft. development.

House massing remains a consistent objection to every Fir Hill neighbor and other members of the community who love the area as we do. Although Planning Commissioners suggested to applicants at each hearing they reconsider reducing the square footage of the project, applicants continued to believe they had the right to their proposed project as submitted. In meetings with us, they actually stated they were "entitled" to them. Ms. Berchtold in particular threatened even more development when we told her we opposed the size and stated to us she would not reduce "one square foot."

This project is far too large for the area and is in noncompliance with multiple General Plan requirements. Even with minimizing the design and materials selected, a residential development of this size neither fits the character of the neighborhood and town nor the scale and scope of the other residential structures in either the Fir Hill neighborhood, the valley floor or St. Helena in general. Approval of this application will set a terrible precedence for the City of St. Helena.

a. The ADUs. First, let us address issues regarding the ADU. Specifically, applicants DO NOT propose only one ADU; they **actually request TWO composed of 2 structures measuring about 425 sq. ft. each**. **When combined with the 300 sq. ft. covered breezeway between the 2 structures, the total size equals 1,150 sq. ft.** City Staff point out that review of the ADU is a staff ministerial function such that the Planning Commission should have no decision-making authority. In this project plan, however, it is material to the objections of the neighbors and the project massing because its total sq. ft. is at least 1,150. Whether staff or the Planning Commission make the ultimate decision, it should be denied. We question how many ADU's of 1,150 square feet have been approved in St. Helena making this ADU different and inconsistent from all the other ADU's approved in the past.

Although applicants frame the ADU request as a kitchen, living area and bedroom, each building can easily be modified clandestinely after construction and final inspection to make 2 fully functional apartments each with kitchens

and bedrooms. This hidden motive makes sense when you consider that applicants have stated they will employ a full time caretaker to live in a kitchen-less unit in the main house. This makes no sense when one considers their planting of tall olive trees, construction cement walls and other significant efforts to protect their "privacy." What kind of wealthy people want a caretaker to come and go into their main house at any time without notice who claim to seek maximum privacy? Their solution: put the caretaker into one of the guest ADUs. When one considers the caretaker unit in the main residence and the 2 ADUs, this project actually has 4 single family residences being proposed. Moreover, the current configuration makes no sense to separate the kitchen from the bedroom unit which would force a tenant or guest to go out into inclement weather to get a glass of water in the night. There is no doubt post-construction changes will be made.

Second, we thank applicants for changes made to the location of the proposed "pool room" ADU as an attempted compromise to reduce the project's impact on certain neighbors' view; however, moving the two ADU structures only 15' to the west and 5' to the south as well as lowering the roofline "about 2 feet" have minimal impact. Applicants made no change to the size of the ADUs to minimize impact on the neighbors' views. Thus, it remains the size of numerous single family homes in St. Helena. If, for example, there is only 1 ADU being proposed, they could have removed the breezeway between the 2 structures and made the ADU one building. Likewise, applicants could then have rotated the ADU so that its length ran east and west instead of north and south along Fir Hill; this would thusly reduce the length of the structure running along Fir Hill and further minimized the distance in front of the 1615 property. As it sits now, even with the new setbacks, the ADU blocks our view to the vineyard and eastern hills. Such a turn would significantly reduce the number of vines and rows needed to be torn out to accommodate the current version.

We have owned and lived in 1615 Fir Hill Drive for 65 years. We have made financial improvements to the property based on the view of the vineyard and eastern hills. Applicants should not be able to interfere with these investments because of an ADU that could be smaller, lower in height and positioned differently that would allow them an ADU but also protect their neighbors.

b. The Residence.

The basement: it is immaterial substantial square footage of this project is a basement which would be invisible to the neighbors and overall massing. That size of a buried cement box will impact the local area regardless in multiple ways including impact on the oak tree and groundwater and topside water flow. Furthermore, while there are homes with basements in St. Helena, NONE are anywhere close to the 6,457 sq. ft. size proposed here. Although staff report the HVAC will be located in the basement, it is impossible. Certainly the mechanical requirements for the elevator needed to get from the basement to the 3rd floor will be there. While the laundry machines could be located there, who would want them to be so far away from where the laundry lives? Purportedly there will be a game room. It will certainly be big enough to house almost 7 pickle ball courts, 7 badminton courts, 3.5 volleyball courts, and 2 tennis courts. It is nonsensical to put mechanical and other equipment in a high ground water location where all neighbors who have basements and flooding protections have ALL flooded at one time or another. Some flood every year notwithstanding engineered flooding protection. Building a 10 foot tall, 6,457 sq. ft. cement box might be good for an indoor swimming pool, but not for much else. Denial of the basement is essential to prevent environmental and other long term impact on the neighborhood. Nature will find a way to mitigate all that happens now below the surface of the ground if this basement is constructed and the consequences could be devastating to our aquifers that feed our wells and neighboring vineyards, to the heritage oak tree and its complicated root system, to the City's drainage system among the few notable issues.

The first and second floors. Even if the basement is denied, the remaining size of the main residence is larger than any other residence in St. Helena and should be denied. It does not fit into the neighborhood and rural character of this particular location. In short, this project remains far too large in scope for the City limits and valley floor. It would be fine if it were located against the base of the foothills or location where it is not seen from the narrow roads and footpaths. Again, we object that this project will serve as precedence for future projects. The Planning Commission and City Council are here to protect our way of life and our cultural heritage. Denial of this application is the only protection our legacy has. Applicants and many of us won't be here in 50 years, but this local behemoth will be. It's not what we want to occupy our valley floor.

When the Rossi family sold the property, we did not doubt someone would rebuild, but we expected it would be in keeping with the current structure size and the sizes of the homes rebuilt along the adjacent Madrona corridor. We did not expect an almost 20,000 sq. ft. project. Please deny this application.

2. Visibility on the corner of Madrona and Fir Hill will remain a problem.

Without living in this neighborhood for the length of time all the Fir Hill neighbors have, applicants' cannot truly understand how dangerous the visibility problem is on the corner of Fir Hill Drive and Madrona where both autos and pedestrians enter and exit the roadway on a regular basis. As drivers, when we drive south on Fir Hill towards Madrona, we are look through the Rossi property as best we can past the house so we can get a glimpse of what is happening on Madrona: can we see children, people, and animals taking their walks or riding bikes; can we see a hint of a moving car, truck, tractor, vineyard hauling; is there a car trying to turn onto Fir Hill Drive and we need to pull over to allow it to pass, and generally looking for any other condition that requires us to slow down or stop for safety. Likewise, going west on Madrona, we begin to look for Fir Hill Drive conditions through the vineyard adjacent to 2126 Madrona and at the yard adjacent to Fir Hill. No matter where the olive trees are planted, they will restrict our visibility onto Madrona from Fir Hill Drive and from Madrona onto Fir Hill Drive. Likewise, the size of the residence (which removes all but 1 of the rows between 2126 and the adjacent home) block drivers' views of Fir Hill from Madrona and from Fir Hill to Madrona. The visibility is unsafely impacted.

3. Storm Water Runoff.

We continue to have concerns about runoff. Applicants are making efforts to mitigate the runoff with some cysterns, but water must go somewhere. A large cement coffin and increased surface cement walls and structures will simply reroute the water, making existing controls useless. The City has a large drainage pipe that will be overwhelmed by the rerouted water. We again question whether the rerouted water and proposed dry ponds will affect the historical oak and create other environmental messes in the area.

4. Water usage.

No resolution is possible on this issue because applicants are using a City of St. Helena plan-review formula vs. actual water usage limits to get around water-usage issues for a home of this size as well as its agricultural/landscaping needs. The original plans call for a large pool, 2 homes (actually 3 with the split ADUs,) 11 toilets, 14 lavatory faucets, 4 kitchen faucets, 2 baths, 1 laundry faucet, 7 shower heads, 4 washing machines and 2 dishwashers. Finally, we continue to ask what the Rossi historical water use for the property was so we can compare historical data with proposed use data. No St. Helena resident or business owner who has lived through several droughts believes low flow water fixtures of a project this size will be less than water usage of the Rossi family and its small humble home. No one.

5. Well for Agricultural use.

Granting of a well permit is purely speculative and with our historical experience with well permits, is unlikely to be granted. Regardless, we still see no permit condition that applicants will use no City of St. Helena water for agriculture or landscaping. Finally, the houses on Fir Hill use well water as their only water source. There are no permit conditions that restrict the use of applicants' well (if granted) when it affects the viability of any existing well on Fir Hill.

6. Backyard layout and ADUs location.

Again, we continue to question whether the ADU 2 buildings are really only one ADU. Applicants' proposal to move the ADU five feet closer to the house, shifting it 15 feet east and lowering ceiling heights is progress in helping resolve the view shed issues but in reality will have minimal impact. At the recent applicant meeting with the neighbors, applicants confirmed that substantial vineyard will be removed along Fir Hill Drive to accommodate the ADUs, the pool and bocce court. Even though the ADUs could be designed so as to reduce the further impact on the neighbors' view sheds, (see the comments above, such as combining the ADU into one building with no breezeway, rotating it so the length of the structure does not run along Fir Hill, etc.) applicants continue to hold onto their original design and size. Nonetheless, applicants' still propose removing most of the vineyard along Fir Hill drive to about the oak tree in front of the Rodrigues property.

The reason we were given for why it can't be relocated (or even removed completely) is because it provides pool privacy. Pool privacy does not require 2 buildings totaling 850 square ft. and a one bedroom accessory dwelling unit with an 864 square foot covered terrace. We continue to object to an ADU along Fir Hill. It requires removal of substantial vineyard rows and obliterates the views of many neighbors.

7. Noise Study.

Not only the HVAC systems for a project of this scale but any pumps being run to help mitigate the underground water and possible septic systems, pool pumps, all the mechanical noise, etc. need to be reviewed to ensure compliance with the noise ordinance.

8. Drainage.

The 6,457 square feet cement building that will be below grade will displace and divert current water flows from this area. Displacing this water will be an issue with how the water drains around the property. While the applicants believe the dry ponds will handle it, it cannot handle the kind of atmospheric river storms we have had the last few years where substantial amounts of rainwater fall within short periods of time causing serious flooding. This must be addressed. We see no permit conditions concerning this issue and what will happen if additional runoff onto Fir Hill ditches and culverts as well as City drainage ditches cause further flooding.

9. Arbor Study. In both neighbor meetings the impact to the historic heritage oak tree was discussed, especially in relation to the drainage concerns. Because the tree is on City of St. Helena property, the City must require a tree impact study to be provided and approved by the tree committee. That tree is so old and large it is protected. In addition, because of environmental factors, it is seemingly fragile. There should be an official city arborist to assess the environmental impact issues for this tree. Moreover, we see no permit conditions to address what applicants will have to do if, after construction, the tree is damaged from the unforeseen environmental damages as a result.

10. Septic and leach lines.

Unfortunately, applicants cannot address septic and leach lines unless they have an approved permit which is necessary before applicants can apply for tying into city septic lines. Therefore, we cannot address consequences of potential septic and leach lines which could, in turn, affect the design of some structures and plans. We see no permit conditions that address this foreseeable event, especially as it might affect the neighbors and wells.

11. Elevation and composite drawings.

Renderings for affected properties on Fir Hill still do not look accurate to indicate how the views are actually affected. They do not include full size olive trees, the structures appear too small for the structures in reality. In other words, they look skewed and biased in applicants' favor and not the property owners' perspectives.

12. Grape Yields:

Staff state that because the Rossi vineyard is not on a historical register it is not historical. We wholeheartedly disagree with that conclusion. This vineyard was planted in an historical manner. They are not all one variety. If the applicants pull out any of the existing historical vineyard, we would like applicants to be required to have the University of California at Davis study the vines first and get a DNA report on the vines since they are historical and should be preserved.

Regarding the vineyard yields, the Rossi family have stated their yields have been 5 tons each year. We will continue to get a declaration under penalty of perjury from a member of the family for the record, but they have told us there are some underperforming vines, but they are NOT near the house and should not be the ones removed. The underperforming vines are further up Fir Hill towards the Agee property where there is a natural swell. The Rossi family replaced some vines with younger vines that aren't yet fully performing in the rows nearest to the propose residence, but in a couple of years, they would be fully performing. Some are in the area proposed to be removed. It appears there are

about 119 vines proposed to be removed. The Rossi family believes the vineyard has not been properly maintained since they sold it which could account for lower yields.

13. <u>If not CEQA, then what else?</u>

We continue to believe a CEQA environmental study should be completed since this project is almost 2 times the size of a commercial building in St. Helena. If not CEQA, what other analysis can be performed to protect us from this development when it is larger than many commercial buildings in St. Helena? Please protect us.

<u>SUMMARY:</u>

We continue to oppose this project. There are many other issues remaining to be resolved, but given the applicants' contention they are entitled to build a project of this size, it is unlikely this project is not going to happen without the applicants willing to make serious and substantial modifications. In the end, this may be a square peg into a round hole situation and the project should be denied as unsuitable for a City of St. Helena home.

Respectfully submitted,

Patty (Herdell) DiTomaso and Hank DiTomaso

Christina Herdell

Kathleen Herdell

Xinia Gamero

From: Maya DeRosa
Sent: Monday, March 6, 2023 5:49 PM
To: Xinia Gamero
Cc: Chantal Power
Subject: FW: [External] 2126 Madrona

Please post to agenda.

MAYA DEROSA, AICP
COMMUNITY DEVELOPMENT DIRECTOR
City of St. Helena | Community Development Department
1088 College Avenue | St. Helena, CA 94574
Direct: (707) 967-2783 | mderosa@cityofsthelena.org | http://cityofsthelena.org/planning

From: Megan Long <megan.long@gmail.com>
Sent: Monday, March 6, 2023 5:36 PM
To: Maya DeRosa <MDeRosa@cityofsthelena.org>
Subject: [External] 2126 Madrona

I'm writing to oppose the massive residential project planned for 2126 Madrona. The proposed 20K square foot size is not in keeping with the neighborhood — it's even larger than Spottswoode winery a few doors down! It would be a shame for this McMansion to be built in such a beautiful area that many use for recreation and for a significant number of old grapevines be torn out to make room for the monstrosity.

Best,

Megan

megan.long@gmail.com
415.420.9054

Laura Andersen and Frank Rodrigues

1693 Fir Hill Dr

St Helena, Ca 94574

UPDATE March 7, 2023

RE: 2126 MADRONA AVE ST Helena, ca 94574

After months of silence on this project, on February 16th we received a request for a Fir Hill neighbor meeting on Feb 23rd, with Berchtold's representatives, a 6-day notice. As with us, most of the neighbors could not attend the meeting with such short notice, so the meeting was rescheduled to March 1st. Unfortunately, we were unable to make the rescheduled date due to prior commitments.

To our dismay, there were no changes made in the overall size and scope of the project. The changes revolved around the ADU location, and direction of the pool and Bocce court.

The questions we have today are the same questions we've had since on day 1 of this project, with no real answers to such an unrealistic project within the city limits of St Helena.

We're not sure how the planning commission can consider this project with so many of the below concerns unanswered, and appearance of deception in the description vs what is proposed to be constructed. This request does not represent a 5-bedroom, 1-bedroom ADU residential property proposal.

SEWER

Are they going to be on septic or city sewer? If septic, bedroom count comes into play, are they bedrooms or offices, one document lists 4 bedrooms, another lists 5 bedrooms, but there are a total of 12-toilets and 16-bathroom sinks? The size and location of the leach fields needs to be laid out on the property. If there is city sewer, the street will have to be torn up so it can be rerouted to the property. This will be a major inconvenience for all that use Madrona Ave on a regular basis.

WATER

City or well? The water usage report shows this project proposes the construction of a 5-bedroom residence, 1-bedroom ADU, and a pool at 2126 Madrona Avenue, St. Helena, CA. The application on file lists 4 Bedrooms, this is why from the beginning we believed there is deception in the real bedroom count? The new residence and ADU will consist of 12 toilets,

WATER

City or well? The water usage report shows this project proposes the construction of a 5-bedroom residence, 1-bedroom ADU, and a pool at 2126 Madrona Avenue, St. Helena, CA. The application on file lists 4 Bedrooms, this is why from the beginning we believed there is deception in the real bedroom count? The new residence and ADU will consist of 12 toilets, 16-bathroom sinks, 8 shower Heads, 2 Bathtubs, 5 kitchen sinks, 5 Dishwashers, 4 clothes washers and 2 Utility sinks. The number of fixtures is not consistent with a 5 bedroom, 1 ADU residential property. Water use in a project this size is an educated guess at best. There is no evaporation rate of the pool accounted for. What else is not accounted for?

BASEMENT

The sheer size of the basement, 6457 square ft! The amount of dirt that would need to be removed is upward of 2,370 cubic yds at 2000 lbs. per yd, the average dump truck holds 12-14 yards, that's approximately 180 truckloads/trips up and down Madrona. This doesn't include any overage for the foundation, or the dirt to be removed for the swimming pool.

TIMELINE

What is the timeline? We were told by the representatives that it would take somewhere between 3 to 4 years to complete. This does not seem to be a timeline for a 5-bedroom residential project.

CONCUSION

Our concerns are many and need answers.

The Bechtold's have repeatedly said that they what to build their "Dream Home", which they deserve. But when their Dream Home has such a negative affect on the surrounding properties, maybe their dream home is in the wrong location. There is no other home in the City of St Helena anywhere near in size and scope.

As stated in our previous letter **we strongly oppose this project** and hope that the planning commission will take our concerns into consideration, as well as the other residents in the community, before making any decision.

This effects the whole town and sets a president for future projects as well.

Respectfully,

Laura Andersen

Frank Rodrigues

Laura Andersen and Frank Rodrigues

1693 Fir Hill Dr

St Helena, Ca 94574

December 19, 2022

Re: City of St. Helena File No: PL 21-044; Application for Demolition Permit and Design Review for 2126 Madrona, St. Helena CA (APN 009-470-010) filed by Lorraine and Joe Berchtold

In response to the December 6, 2022, Planning Commission requesting a recap on the neighborhood meetings. I was only able to attend the second of the two.

At that time, it seemed to be “ask me no questions and I’ll tell you no lies”, there was not a lot of information forthcoming. I came away from the meeting with more questions than answers.

The story poles helped very little, the effort was made, but it still doesn’t show the mass of the structures. The overall size of this project is like trying to put a square peg in a round hole. They keep talking about “their dream home” which they say they are “entitled” to. But when the size and scope of their dream home affects the dream homes of the surrounding neighbors, some of which have been here their entire life, we need to take a second and maybe even a third look.

This project will have a long-lasting effect on our town, and in our opinion ***not*** in a positive way.

There is a list of things that we hope the City Planning Commission will address before even considering this project.

1. Size and scope
2. Water usage domestic and well. Water neutrality? (Can you even get a well permit? Why can nobody answer that?
3. Bedrooms or offices? -still the same amount of bathrooms
4. Sewer or septic?
5. Storm water run-off and drainage
6. Noise pollution (hvac, well pumps, septic, pool, etc.)
7. Loss of historic vineyard
8. Madrona and Fir Hill corner loss of visibility
9. Lack of transparency and notification to the surrounding neighbors even within the 300’ radius
10. CEQA, with the size of the project CEQA study should be required

11.The very large old Historical Oak tree
12.Length of time this project will take and the effect that will have (noise, traffic, dust)

Conclusion

We are not in support of this project as presented.

This is not the right location for a project of this size, it has the potential of doing more harm than good to our neighborhood.

We would like the council, and all involved to get all the facts from more than one source before making any kind of decision.

Respectfully,

Laura Andersen

Frank Rodrigues

PLANNING COMMISSION REPORT

Planning Commission Meeting of March 7, 2023

FILE NUMBER: N/A

SUBJECT: Nomination and election of a new Planning Commission Vice Chair.

PREPARED BY: Xinia Gamero, Permit Technician III

REVIEWED BY: Maya DeRosa, Community Development Director

APPROVED BY: Maya DeRosa, Community Development Director

APPLICATION FILED:

BACKGROUND
Rule 1 of the Commission By-Laws identifies that the Planning Commission, by majority vote, may choose to elect a Chairperson or Vice-Chairperson at a different meeting to address a resignation.

PROJECT DESCRIPTION
Nomination and election of the Vice-Chairperson for the Commission.

STAFF RECOMMENDATION
It is recommended that the Commission nominate and vote to elect a new Vice-Chairperson as identified in Rule 1 of the Planning Commission By-Laws.

ATTACHMENTS
PC BY-LAWS 2018-Final(Votes)

ST. HELENA PLANNING COMMISSION

BY-LAWS

The following rules shall be applicable to the organization of the St. Helena Planning Commission, to the convening or calling of meetings, and to the transaction of business when the Commission has convened and acts or serves in an official capacity, pursuant to law.

ORGANIZATION AND ELECTION AND DUTES OF OFFICERS

RULE 1. The Commission shall elect a Chairperson and Vice Chairperson and designate a Secretary at the first regular meeting of the Planning Commission in July to serve for a period of one year from the date of their election. However, the Planning Commission, by majority vote, may choose to elect a Chairperson or Vice-Chairperson at a different meeting to address a resignation. In the case of a resignation of the Chair, the Vice-Chair shall become the interim Chair until formal election of a new Chairperson occurs.

RULE 2. The Chairperson of the Planning Commission shall preserve order and decorum and shall decide questions of order. The Vice Chairperson shall preside in the absence of the Chairperson.

RULE 3. The Chairperson of the Planning Commission may second any motion and present and discuss any matter as a member of the Commission without having to step down from the Chair and shall be entitled to vote on all matters before the Planning Commission.

RULE 4. The Secretary shall be a City Employee, normally the Planning Director.

RULE 5. The Secretary shall be responsible for the preparation of the Planning Commission minutes and shall assure that all official actions or decisions by the Commission shall be recorded within the minutes. Consistent with Municipal Code section 2.60.030, the Commission shall keep a public record of its resolutions, transactions, findings and determinations. Those records are kept as minutes that summarize Commission action, in the same manner as City Council minutes.

RULE 6. The City Attorney of the City of St. Helena shall be the legal counsel to the Planning Commission.

RULE 7. The video recordings of each meeting are designated as the official record of the Planning Commission agenda and action and are to be made available on the City of St Helena website.

SCHEDULE OF MEETINGS

RULE 8. The Planning Commission shall hold at least two Regular Meetings per month, which shall be held on the first and third Tuesdays of the month. In the event the first or third Tuesday is a holiday, an alternate meeting may be held. An additional Adjourned Meeting may be held, if

necessary. Such regular meetings may be canceled by a vote of the majority of Commission members present at a regular or special meeting or when a quorum is not available. Meetings shall be held in the same locale used by the City Council or at City Hall or the Fire Department starting at 6:00 P.M. Adjourned Meetings, Special Meetings, meeting relocation, or revised starting time shall be by a three-fifths vote of the Planning Commission. Notice of such meeting shall be given in accordance with State law.

RULE 9. Emergency or special meetings may be called as provided in Section 54956 of the Government Code of the State of California.

RULE 10. In the absence of a quorum all items on the agenda shall be continued to the next scheduled meeting.

AGENDA

RULE 11. An agenda shall be prepared by the Secretary of the Planning Commission for each meeting of the Planning Commission.

RULE 12. All matters to be considered by the Commission shall be properly filed with the City in compliance with the provisions, standards, and procedures established by adopted City Ordinances. The Secretary shall not accept for presentation to the Commission any matter unless it is properly made on the prescribed forms properly filled out with all data attached.

RULE 13. Any matter that comes before the Commission orally under Public Forum shall not be discussed or acted upon by the Commission unless and until it is heard as a scheduled agenda item at a Regular, Adjourned, or Special meeting of the Commission.

RULE 14. Request for informal or advance decisions concerning potential future developments or plans will not be considered by the Planning Commission.

RULE 15. The regular order of business of the Commission shall be:

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE & ROLL CALL
3. MINUTES APPROVAL
4. PUBLIC FORUM
5. COMMUNICATIONS & PETITIONS
6. RECOMMENDED CONSENT CALENDAR
7. CONTINUED ITEMS
8. SIGN PERMIT/ADMINISTRATIVE DETERMINATION
9. PUBLIC HEARINGS - PLANNING COMMISSION ACTION IS FINAL (DR/UP/VAR/LLA/TPM)
10. PUBLIC HEARINGS – PUBLIC HEARINGS/RECOMMENDATIONS TO CITY COUNCIL (TSM/ZOTA/GPA/REZONE)
11. NAPA COUNTY REFERRALS
12. SCHEDULED MATTERS
13. REPORTS BY STAFF AND PLANNING COMMISSION
14. AGENDA FORECAST
15. ADJOURNMENT

RULE 16. The Chairperson may revise the order of the agenda for a particular meeting in order to expedite business for the convenience of the public or for improved continuity.

RULE 17. Commission meetings may remain in session up to, but no later than 10:00 P.M. However, the Commission may, by a unanimous vote, extend the meeting if the Commission deems such extension necessary. Otherwise, the meeting shall be adjourned to another day acceptable to the Commission, or unfinished business may be continued to the next Regular Meeting.

CONDUCT OF PUBLIC HEARINGS

RULE 18. Letters, petitions, or other written material pertaining to any item on the agenda may be filed with the secretary of the Commission prior to the time of the public hearing or may be presented to the Commission at the time of the public hearing. The Commission shall consider such material in deciding any issue before it. All written material shall become part of the Commission's file on the agenda item.

RULE 19. Items submitted after packet distribution: Materials related to any item on the Agenda submitted to the Planning Commission after distribution of the agenda packet are available for inspection in the Secretary of the Commission's office at 1480 Main Street, St. Helena, CA during normal business hours. All such materials will be brought to the meeting and will be available for public inspection at the meeting site. Either City Staff or the Chairperson at the hearing shall give public notice of any such materials. If copies are not available in sufficient quantity for interested parties or members of the public at the hearing, the Chairperson shall take reasonable steps to afford all such persons the opportunity to inspect the materials before the start of the hearing on a scheduled matter. The purpose of the foregoing is to avoid the interruption of testimony with requests for inspection of materials.

RULE 20. Any person desiring to address the Planning Commission may, when recognized by the Chairperson, give his or her name and address. A person appearing in a representative capacity shall provide the name and address of each represented party.

RULE 21. Testimony and argument relative to any item scheduled on the agenda as a Public Hearing shall, unless otherwise ordered by the Chairperson, be presented in the following order and within the time limits specified.

a. The Chairperson shall declare the Public Hearing to be open.
b. Disclosure of Ex Parte Communication*
c. Staff Report, including acknowledgement and/or reading of written testimony.
d. Presentation of the project by applicants, and/or agents/consultants directly associated with the project. (10 minutes)
e. Commission questions to staff and the applicant for purposes of clarification of staff report and proposed project.
f. Public Testimony in support or opposition of the project. (4 minutes per person)
g. Applicant and/or staff response to new information or questions raised by public testimony.
h. Chairperson declares public hearing to be closed.
i. Planning Commission debate, and motion.
j. Roll Call Vote.

Note: At the option of the Chairperson the public or applicant may give further testimony on the question, provided it is directly related to the motion.

* Ex Parte Communication is hereby defined as any additional factual information obtained by commissioners that pertains to an individual decision, including visiting a project site, meeting with a project applicant and/or meeting with interested citizens.

RULE 22. The Chairperson may, in the interest of facilitating the business of the Planning Commission, limit the amount of time that a person may use in addressing the Planning Commission. Opponents and proponents shall be given equal opportunity for presentation. A project applicant should always be given the right, reasonable opportunity and time, to respond fully to evidence and arguments presented after the applicant has made his/her opening presentation.

RULE 23. The applicant or his or her appointed representative may, with the permission of the Planning Commission, withdraw, or request a continuance on any matter pending before the Commission at any time prior to the Commission acting on such matter.

VOTING

RULE 24. A majority of the members of the Commission shall constitute a quorum. Unless otherwise required by federal, state or local regulation, the affirmative vote of a majority of the quorum is necessary to take action. If a majority is unable to be assembled on any motion (including a motion to continue a matter to a specific time) relating to a specific project for which the Commission must make a recommendation to the City Council, the project shall be referred to Council with a divided recommendation which reflects the individual votes of the Commissioners. If a majority is unable to be assembled on any motion (including a motion to continue a matter to a specific time) relating to a specific project for which the Commission has final authority, the matter before the Commission shall be deemed denied and the applicant may appeal such decision in accordance with the applicable rules. A tie vote, or deadlock, constitutes a denial unless the applicant requests a continuance of the item to a subsequent meeting at which a quorum is present, prior to a vote to deny the item.

RULE 25. On matters of procedure or order of business the Chairperson may make a motion and without a second and after calling for objection and hearing none, so order. In the event of objection, the Chairperson shall call for a second and a roll call vote.

MISCELLANEOUS

RULE 26. The Commission shall conduct their duties in keeping with the governing standards as provided by the Planning Commission Standards of Conduct document, maintaining the highest level of professionalism during their tenure serving the residents of the City of St. Helena.

RULE 27. Unless otherwise provided by these Rules, all proceedings before the Commission shall be conducted in accordance with and pursuant to the parliamentary rules of procedure as prescribed in "Rosenbergs's Rules of Order."

RULE 28. Testimony and argument relative to any other item on the agenda shall generally follow the procedure for a Public Hearing as may be modified at the discretion of the Chairperson.

RULE 29. Any rule of these By-Laws may be altered, amended, or repealed by majority vote of the Commission (subject to approval by the City Council), except that such alteration, amendment, or repeal shall not affect any pending matter.

RULE 30. Any rule of these By-Laws may be temporarily suspended by unanimous consent of the Commission.

RULE 31. A Resolution of the Planning Commission may be adopted conditionally and referred to the Secretary of the Commission for drafting in proper form.

RULE 32. Commission members shall decide for themselves whether they have a conflict of interest on any matter before the Commission. Such determination shall be made in accordance with State law and the City of St Helena Protocol for Committee, Commissions and Boards or any amendment thereto. When a member has disqualified himself/herself, he/she shall remove himself/herself from the dais stating their reasons for conflict of interest. The member shall also remove himself/herself from the meeting room, unless they are permitted to remain for a qualified interest as set forth in State law.

RULE 33. Failure to adhere to any of these rules does not result in the invalidation of any decision or action of the PlanningCommission.

RULE 34. Any violation of these rules does not result in a cause of action against the City of St. Helena.

RULE 35. Subject to compliance with all established laws and regulations, any violation of these rules shall not impact the outcome of a vote or action on a specific project.

Amended, Approved and Adopted at a Regular Meeting of the Planning Commission on July 17, 2018, by the following roll call vote:

MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: Commissioners Ponte, Monnette and Hardy
NOES: None
ABSENT: Commissioner Knudsen
ABSTAIN: None

CITY OF ST. HELENA

RESOLUTION NO. 2018-116

Resolution of the Council of the City of St Helena adopting revisions to the City of St Helena Planning Commission By-Laws

RECITALS

The City Council of the City of St. Helena hereby resolves as follows:

A. Whereas, the City of St. Helena Planning Commission voted unanimously to amend its By-Laws at its Regular Meeting on July 17, 2018; and

B. Whereas, the City of St Helena Protocol for Committees, Commissions and Boards requires City Council approval of any modifications to the By-Laws of a Committee, Commission or Board.

RESOLUTION

Therefore, the City Council of the City of St. Helena hereby resolves as follows:

1. This action is not a project under the California Environmental Quality Act; and
2. The City Council authorizes amendments to the City of St Helena Planning Commission By-Laws and are hereby approved, as amended by the Planning Commission on July 17, 2018 (attached).

Approved at a Regular Meeting of the St. Helena City Council on August 28, 2018, by the following vote:

Mayor Galbraith:	Yes
Vice Mayor White:	Yes
Councilmember Koberstein:	Yes
Councilmember Dohring:	Yes
Councilmember Ellsworth:	Yes

APPROVED:

Alan Galbraith, Mayor

ATTEST:

Cindy Tzafopoulos, City Clerk

CITY OF ST. HELENA Incorporated March 24, 1878 Reincorporated May 14, 1899 STATE OF CALIFORNIA

CITY OF ST. HELENA PLANNING COMMISSION RESOLUTION NO.
DENYING DEMOLITION PERMIT AND DESIGN REVIEW APPROVAL TO 2126 MADRONA AVENUE (File No. PL21-044)

PROPERTY OWNER: Lorraine and Joe Berchtold **APN:** 009-470-010

Recitals

1. The property owner requests adoption of a resolution approving a demolition of existing structures in order to accommodate the construction of a single-family home, garage, and accessory dwelling unit, and a design review approval for the proposed single-family home on the property located at 2126 Madrona Avenue in the Twenty-Acre Agriculture (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 March 7, 2023; and
4. Now, therefore let it be found that the Planning Commission denies the demolition permit and design review based on the findings below.

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. With respect to the design review criteria identified in SHMC Section 17.164.030, the Planning Commission makes the following findings:

1. Consistency and compatibility with applicable elements of the general plan.

The project is not consistent with General Plan policies LU5.1 or LU5.3 due to the removal of existing farmland for non-agricultural uses. At the beginning of the application process, the applicant was advised of the need to preserve the amount of existing acreage that is used for active agriculture. But the applicant instead proposes to remove 0.66 acre of existing vineyard to accommodate recreational amenities, with the addition of a mere 0.13 acre of new olive grove as a partial offset — leaving a net loss of 0.53 acre of agricultural use. This does not "Discourage the conversion of existing farmland to non-agricultural uses" as General Plan goal LU5.1 requires, nor is it consistent with our mandate in General Plan goal LU5.3 to "Strictly limit development on properties … that are designated as agricultural land." (Emphasis added.)

The applicant has stated that the portion of existing vineyard proposed for removal to accommodate the project is the least viable for rehabilitation, but viability for rehabilitation is not the General Plan standard. Loss of agricultural use is. Regardless of the viability of the 0.53-acre area for continued vineyard use, the project could comply with the General Plan's requirements by planting another crop in that same location or by putting another 0.53 acres to agricultural use somewhere else on the 5.7+-acre lot. The applicant declines to do so.

The applicant argues instead that the City must allow this loss of farmland because the City made a similar allowance for another project in the past. That other project is irrelevant: It was governed by another general plan. This project is governed by the current General Plan, adopted in 2019, which includes the two policies referenced above, LU5.1 and 5.3. These policies govern the Commission here and support denial of the project.

Because the project removes a net 0.53 acres of existing farmland for non-agricultural uses, and the applicant declines to dedicate another 0.53 acres to agricultural uses to offset this loss, the project does not comply with the current General Plan, and the Planning Commission cannot make the necessary finding of General Plan compliance.

C. In accordance with St. Helena Municipal Code (SHMC) Section 17.164.050, the Planning Commission makes the following finding to support of its denial of the demolition permit: The design review of the proposed replacement structure is not approved.

I HEREBY CERTIFY that the foregoing demolition permit and design review application were duly and regularly denied by the Planning Commission of the City of St. Helena at a regular meeting of said Planning Commission held on March 7, 2023, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

John Ponte
Chair, Planning Commission

ATTEST:

Maya DeRosa, AICP
Planning and Building Director

MINUTES
City of St. Helena
Planning Commission Meeting
Tuesday, March 7, 2023 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

A complete video recording of this meeting, except for closed session, 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 Autumn Anderson, Commissioner Rosaura Segura, and Commissioner Christopher Warner.
Absent:	Commissioner Marika Rothfeld
Staff Present:	Maya DeRosa, Community Development Director, Aaron Hecock, Senior Planner, Chantel Power, Contract Planner, Joe Leach, Public Works Director and Xinia Gamero, Permit Technician III

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER AND ROLL CALL

3. PUBLIC FORUM:

Chair Ponte opened public comment.

Suzanne James and Elizabeth Green addressed the Planning Commission.

Chair Ponte closed public comment.

4. CONSENT ITEMS

4.1 Approval of Minutes: February 7, 2023

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

AYES: Autumn Anderson, Rosaura Segura, John Ponte, and Christopher Warner
NOES: None
ABSENT: Marika Rothfeld
ABSTAIN: None
RECUSE: None

5. PUBLIC HEARINGS

5.1 Request by Josephine Arader for adoption of a resolution approving a use permit in order to permanently establish a gallery and retail store featuring historical maps, art and books in an existing tenant space in the Menegon Building located at 1380 Main Street #103 in the Central Business zoning district.
Prepared By: Aaron Hecock, Senior Planner

Chair Ponte opened public hearing.

No ex-parte communication was disclosed by the Planning Commission.

Senior Planner Aaron Hecock showed a presentation and reported on the item.

No public comment was received.

Commissioner Christopher Warner moved to determine that the project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301; and accept the required findings and adopt the attached resolution granting use permit approval to establish a gallery and retail store featuring historical maps, art and books in the existing tenant space located at 1380 Main Street #103. The motion was seconded by Vice-Chair Autumn Anderson and on roll call carried by the following vote:

AYES: Autumn Anderson, Rosaura Segura, John Ponte, and Christopher Warner
NOES: None
ABSENT: Marika Rothfeld
ABSTAIN: None
RECUSE: None

5.2 Request by Sasha Janev on behalf of Lorraine and Joe Berchtold for adoption of a resolution approving a demolition permit to demolish an existing residence and accessory structures to accommodate the construction of a new single-family home and accessory dwelling unit and design review of the proposed new single family home on the property located at 2126 Madrona Avenue in the A-20 zoning district.
Prepared By: Chantal Power, Associate Planner

Community Development Director Maya DeRosa addressed the Planning Commission.

Chair Ponte opened the public hearing.

No ex-parte communication was disclosed by the Planning Commission.

Contract Planner Chantal Power showed a presentation and reported on the item.

Public Works Director Joe Leach addressed the Planning Commission.

Joe Berchtold, property owner, and Sasha Janev, project architect, addressed the Public Commission.

Char Ponte opened public comment.

Patty DiTomaso, Frank Rodrigues, Marty Hintz, Chris Herdell, Kathleen Herdell, Laura Andersen, Sandra McCorkle, Maria Villegas, Mary Cunningham Agee all provided public testimony.

Chair Ponte invited the applicant to speak.

Katherine Falace, property owner representative, Joe Berchtold, property owner, and Sasha Janev, project architect, addressed the Planning Commission.

Chair Ponte closed the public hearing.

Chair Ponte called for a straw vote to indicate potential approval or denial of the project. Commissioner Segura and Anderson voted to deny the project. Chair Ponte expressed concerns on the project as presented and expressed his vote to also deny the project.

Chair Ponte called for a break at 7:47 pm.

Chair Ponte reconvened the meeting at 8:00 pm.

Chair Ponte opened the public hearing.

Joe Berchtold addressed the Planning Commission.

Kathleen Herdell addressed the Planning Commission.

Chair Ponte closed public hearing.

Chair Anderson made a motion to deny the project. Commissioner Segura seconded the motion.

Commissioner Warner called for a replacement motion to conditionally approve the project and provide the applicant the opportunity to make the necessary changes which would be presented to the Planning Commission for review and approval at a future meeting date. This motion failed for lack of a second vote.

Vice-Chair Autumn Anderson moved to deny the project based on the findings the project is not consistent with General Plan policies LU5.1 or LU5.3 due to the removal of existing farmland for non-agricultural uses. At the beginning of the application process, the applicant was advised of the need to preserve the amount of existing acreage that is used for active agriculture. But the applicant instead proposes to remove 0.66 acre of existing vineyard to accommodate recreational amenities, with the addition of a mere 0.13 acre of new olive grove as a partial offset — leaving a net loss of 0.53 acre of agricultural use. This does not "Discourage the conversion of existing farmland to non-agricultural uses" as General Plan goal LU5.1 requires, nor is it consistent with our mandate in General Plan goal LU5.3 to "Strictly limit development on properties … that are designated as agricultural land." (Emphasis added.)
The applicant has stated that the portion of existing vineyard proposed for removal to accommodate the project is the least viable for rehabilitation, but viability for rehabilitation is not the General Plan standard. Loss of agricultural use is. Regardless of the viability of the 0.53-acre area for continued vineyard use, the project could comply with the General Plan's requirements by planting another crop in that same location or by putting another 0.53 acres to agricultural use somewhere else on the 5.7+-acre lot. The applicant declines to do so.
The applicant argues instead that the City must allow this loss of farmland because the City made a similar allowance for another project in the past. That other project is irrelevant: It was governed by another general plan. This project is governed by the current General Plan, adopted in 2019, which includes the two policies referenced above, LU5.1 and 5.3. These policies govern the Commission here and support denial of the project.
Because the project removes a net 0.53 acres of existing farmland for non-agricultural uses, and the applicant declines to dedicate another 0.53 acres to agricultural uses to offset this loss, the project does not comply with the current General Plan, and the Planning Commission cannot make the necessary finding of General Plan compliance. The motion was seconded by Commissioner Rosaura Segura and on roll call carried by the following vote:

AYES: Autumn Anderson, Rosaura Segura, and John Ponte
NOES: Christopher Warner
ABSENT: Marika Rothfeld
ABSTAIN: None
RECUSE: None

At 9:05 p.m. Chair Ponte called for a motion to extend the meeting.

Commissioner Christopher Warner moved to extend the Planning Commission meeting. The motion was seconded by Vice-Chair Autumn Anderson and on roll call carried by the following vote:

AYES: Autumn Anderson, Rosaura Segura, John Ponte, and Christopher Warner
NOES: None
ABSENT: Marika Rothfeld
ABSTAIN: None
RECUSE: None

6. SCHEDULED MATTERS

6.1 Nomination and election of a new Planning Commission Vice Chair.
Prepared By: Xinia Gamero, Permit Technician III

Vice-Chair Autumn Anderson moved to nominate Commissioner Warner as the new Vice-Chair of the Planning Commission. The motion was seconded by Commissioner Rosaura Segura and on roll call carried by the following vote:

AYES: Autumn Anderson, Rosaura Segura, and John Ponte
NOES: None
ABSENT: Marika Rothfeld
ABSTAIN: Christopher Warner
RECUSE: None

7. DEPARTMENT REPORTS

Community Development Director Maya DeRosa reported on the following:

- Thanked the Planning Commission for working together through the meeting by coming to a final decision on the previous project.
- Regular Planning Commission meeting on March 21, 2023

Vice-Chair Warner also thanked the Planning Commission for working together despite differences in opinion.

8. AGENDA FORCAST

9. ADJOURNMENT

Chair Ponte adjourned the meeting at **9:09 p.m.**

The March 7, 2023 minutes were approved at the April 18, 2023 Planning Commission meeting.

APPROVED: **ATTEST:**

_____ _____

John Ponte, Planning Commission Chair

Maya DeRosa, AICP
Community Development Director

RECEIVED
By Xgamero at 3:00 pm, Mar 21, 2023

Buchalter

1230 Pine Street
St. Helena, CA 94574
707.967.9656 Phone
707.963.0771 Fax

707.200.9414 Direct
kfalace@buchalter.com

March 20, 2023

Mayor Paul Dohring
Members of the St. Helena City Council
City of St. Helena
1088 College Avenue
St. Helena, CA 94574

City of St. Helena
Appeal of Planning Commission Action

Name and Address of Permitee:	2021 Joseph K. Berchtold GST, Joseph Berchtold (beneficiary) 2126 Madrona Ave.
Name and Address of Appellant:	Katharine H. Falace, Buchalter, on behalf of Joe and Lorraine Berchtold 1230 Pine Street St. Helena, CA 94574 707-200-9414 kfalace@buchalter.com
Action Being Appealed:	Planning Commission Denial of a Demolition Permit and Design Review Approval for 2126 Madrona Ave.
Action Being Requested:	Acceptance of this appeal, approval of the Demolition Permit, and approval of Design Review for Application No. PL21-044 at 2126 Madrona Ave.
Date of Decision:	March 7, 2023
Application No.:	PL21-044
Exhibit List:	Exhibit A – K. Falace 3/3/2023 Letter to Planning Commission Exhibit B – Resolution adopted by Planning Commission

buchalter.com
Los Angeles
Denver
Napa Valley
Orange County
Portland
Sacramento
Salt Lake City
San Diego
San Francisco
Scottsdale
Seattle

Buchalter

Dear Mayor Dohring and Members of the St. Helena City Council:

This letter provides the required information for the appeal of the above-referenced action of the St. Helena Planning Commission (the "Planning Commission"), pursuant to Section 17.08.180 of the St. Helena Municipal Code ("S.H.M.C."). My name is Katharine Falace, I am an attorney at Buchalter, and Buchalter represents Joe and Lorraine Berchtold (the "Berchtolds") who own the property at 2126 Madrona Avenue and on which they are seeking to construct a single-family home. For the reasons provided herein, we request that the City Council of the City of St. Helena (the "City Council") grant this appeal, overturn the Planning Commission's denial of the Demolition Permit and Design Review Approval for Application No. PL21-044 and approve the Demolition Permit and Design Review Approval. The entire administrative record for this matter is incorporated herein by reference.

I. Factual Background

The Berchtolds purchased the property located at 2126 Madrona Ave. (APN: 009-470-010) (the "Property") in the City of St. Helena (the "City") in March 2021. The Property is rectangular-shaped and approximately 5.78 acres in size. The Property contains an existing single-family home, two accessory structures, an accessory dwelling unit ("ADU"), and 5.08 acres of vineyard with diminishing production. While the existing single-family home on the Property was constructed in 1883, an historic resource evaluation determined it to have no historic or architectural value. The General Plan and zoning designate the Property *Twenty-Acre Agriculture (A-20)*. The A-20 designation allows "agricultural and winery uses" with single family residential uses. (City General Plan, p. 2-15; S.H.M.C., § 17.20.020(A)-(B).) Thus, both the proposed single-family residence and the agricultural uses are permissible on the Property.

On or about November 5, 2021, the Berchtolds applied for a Demolition Permit and Design Review Approval for the demolition of the existing residence and construction of a two-story single-family home with ADU and covered terrace (the "Project"). On or about December 29, 2021, Ms. Chantal Powers informed the Berchtolds the application was deemed complete and set a hearing date of January 18, 2022. Weeks before the hearing date, the Berchtolds began receiving questions and comments about the project, triggering four rounds of design review before the fifth package was submitted and presented to the Planning Commission in October 2022.

The residence will be approximately 7,950 square feet above grade -- nearly 45% of the residence will be located in the basement below ground—and only 28 feet in height. The Project would involve removal of 0.66 acres of existing vineyard to accommodate the new residence. Approximately 0.13 acres of fruit and olive trees for personal and commercial production will be added to an existing orchard. Approximately 4.42 acres of existing vineyard will be preserved

Buchalter

and rehabilitated for wine production in a partnership with Spottswoode Winery. Olives grown on the Property will be used to manufacture and market olive oil. Accordingly, the Project will only result in a net loss of 0.53 acres of agricultural land, while the remaining agricultural uses will be rehabilitated and supplemented from their current poor state in order to accommodate commercial production of wine and olive oil. This will result in a significant increase in agricultural productivity on the Property, notwithstanding the marginal decrease in land reserved for agricultural uses.

The Berchtolds accommodated requests by both the City and the neighbors to clarify the Project scope and to address community concerns. For example, the Berchtolds have hosted three neighborhood meetings to answer neighbor questions. The Berchtolds installed story poles to aid neighbors with visualizing the size of the home, which at 28 feet, is no taller than the neighboring two-story residences. The Berchtolds incorporated community feedback into the Project and have made the following changes, based on the City's and neighbors' concerns:

- Relocation, reorientation, and reduction of the size of the proposed pool and bocce court to respect neighbors' views;
- Relocation of the ADU to move 5 feet closer to the residence and reduction in height of 2 feet;
- Elimination of the driveways on Fir Hill Drive;
- Revision of the landscape plan to ensure a net reduction in water consumption;
- Installation of hydrological features, including bioretention basins and a bio-swale;
- Reduction in total area proposed for vineyard removal;
- Adjustment of orchard layout to increase visibility from roadways.

The Berchtolds have spent countless hours and resources in a good faith effort to accommodate the City's and neighbors' concerns with respect to their proposed two-story residence and the revitalization of agricultural production on the Property. My clients' proposal complies with all state and local laws and, to that end, my clients only seek to utilize their Property as allowed by the City's regulations, and in the exact same manner as each of their neighbors.

Unfortunately, despite all of the aforementioned accommodations, the City Planning Commission exceeded its authority and abused its discretion by misapplying the City's land use policies and ordinances, or even seemingly unlawfully adopting its own ordinance. The Planning Commission's March 7, 2023, decision was both inconsistent with City policy and the City's prior precedent for approving other similar projects.

Buchalter

II. Procedural Background

The Berchtolds filed their applications for a Demolition Permit and Design Review on November 5, 2021. A Historic Resource Evaluation ("HRE") was prepared by Kara Brunzell on November 12, 2021, and found the existing single-family home on the Property was not an historic resource. (HRE, p. 1.) The Planning Commission first considered the Project at a meeting held on October 18, 2022. There, the Planning Commission encouraged the Berchtolds to engage with the Project neighbors to assuage their concerns.

Subsequent to that, the Berchtolds hosted neighborhood meetings on November 6 and November 19, intentionally setting the meetings two weeks apart and on different days of the week to and ensure various members of the community could attend. Letters were sent to neighbors and City Staff prior to and following each meeting. As detailed above, and following the Planning Commission's recommendation, the Berchtolds installed story poles to aid the neighbors with visualizing the 28-foot tall two-story residence.

The Planning Commission received a Project status update at its December 6, 2022, meeting. There, Spottswoode Winery provided an expected vineyard production assessment to the Commission. The Planning Commission requested that the Project applicant have all final revisions completed in a timely manner, and set March 7, 2023, as the date to bring the Project back to the Commission for review.

On or about February 23, 2023, the City Staff published its draft staff report for the March 7 Planning Commission meeting. On March 3, 2023, I submitted a letter to the Planning Commission, attached to this appeal letter as Exhibit A and incorporated herein by this reference, disagreeing with the Planning Commission's application of General Plan policies to the Project. We agree with City Staff's conclusion that the Project is exempt from the California Environmental Quality Act ("CEQA") pursuant to Title 14 of the California Code of Regulations (the "CEQA Guidelines") sections 15301 and 15301. We additionally agree with City Staff's conclusion that the Project meets all development standards, including the maximum one-acre non-agricultural coverage limitation.

The S.H.M.C. allows for any applicant dissatisfied with any action taken by the Planning Commission under the Zoning Title of the Municipal Code, to appeal that action to the City Council. (S.H.M.C., § 17.08.180(A).) The City Council will then consider the Project *de novo* and may affirm, reverse, or modify the appealed decision at a noticed public hearing. (S.H.M.C., §§ 17.08.180(H), -070.)

Buchalter

III. Argument

A. The Planning Commission abused its discretion by applying an incorrect definition of "agriculture" to the proposed uses.

At the March 7 hearing, the Planning Commission erroneously applied to the Project a definition of "agriculture" that is inconsistent with the General Plan and S.H.M.C. This occurred in the context of whether citrus trees planted on the Property for personal consumption could validly count toward replacement of some of the existing vines. Specifically, Chair Ponte claimed that "not everything that you can eat is ag," that "there is no definition in [the S.H.M.C.] of what 'ag' is," and that accordingly, defining "agriculture" "is up to the Commission." Later, Chair Ponte again stressed that "the definition of 'ag' is up to the Commission, not up to you." Chair Ponte improperly relied on this incorrect interpretation of the City's rules to conclude that the total area of the Property reserved for non-agricultural uses would exceed the maximum one-acre coverage imposed by S.H.M.C. section 17.20.060(C)[1].

This belies the plain language of the General Plan and the S.H.M.C. The General Plan explains that the *Agriculture (AG)* land use category allows "agricultural and winery uses with restricted single-family residential." (General Plan, pp. 2-8, 2-15.) The S.H.M.C. defines "agriculture" for the purposes of the zoning ordinance, as "the use of the land for agriculture purposes, including farming, dairying, pasturage, agriculture, horticulture (including Christmas trees), floriculture, viticulture, apiaries and animal farms . . . ." (S.H.M.C., § 17.04.160(B).) Nothing in these definitions, in the zoning ordinance, or in the chapter governing the A-20 zoning district requires agricultural products be grown onsite for commercial purposes. In fact, General Plan policy LU5.4 embraces the broad definition of "agriculture" that Chair Ponte rejected. Policy LU5.4 calls for the City to "support ***community-based*** agricultural uses within the city, including community gardens, orchards, and parks." (General Plan, p. 2-42 (emphasis added).) The corollary of this being that agricultural uses in the City are not solely for private commercial production, but allow community and personal consumption (as is the case with community gardens). Therefore, the Planning Commission's purported adoption of Chair Ponte's definition of "agriculture" conflicts with the City's own General Plan and zoning.

Adopting such a new definition and applying it to the Berchtolds' proposed use of some of their agricultural products for personal consumption, exceeded the authority of the Planning Commission and constituted an abuse of discretion. The City is required to "interpret and administer the zoning ordinance in a reasonable fashion consistent with the public interest of the residents of the city." (S.H.M.C., § 17.04.060.) The Planning Director and the Planning Commission are allowed to determine the appropriateness of a novel use only when such a use is

[1] Likewise, commissioner Segura's comments that the house was "too big" were improper conclusions as the St. Helena Municipal Code does not limit massing in the A-20 zone.

Buchalter

"proposed [but] not specifically listed as permitted, permitted with a use permit or permitted as an accessory use" in the zoning ordinance. (S.H.M.C., § 17.08.030.) "In making a determination that a proposed use ***is or is not similar to those listed***, the planning director and planning commission ***shall consider the character of the proposed use***, those listed in the appropriate category, the purposes of the zoning district in which it is proposed and the general plan." (S.H.M.C., § 17.08.030(B).)

Here, there is no doubt that the Berchtolds' proposed agricultural use is consistent with the uses permissible in the A-20 zone. City Staff concluded that the "[P]roject as proposed meets the development standards prescribed by" the S.H.M.C., including meeting the one-acre maximum non-agricultural coverage. (Staff Report for March 7, 2023, Planning Commission Meeting, p. 6.) Moreover, the Berchtolds' proposed use of their land to cultivate fruit for both personal and commercial use is entirely consistent with the S.H.M.C.'s straightforward and general definition of "agriculture." (*See* S.H.M.C., § 17.04.160(B).) Nothing about this Project would have suggested an alternative use "not specifically listed" in the zoning code per Section 17.08.030. Thus, the Planning Commission abused its discretion in attempting to craft and apply to the Project a new zoning provision requiring all agricultural uses to be for commercial sale.

B. The Planning Commission's inflexible application of the City's General Plan is internally inconsistent and vertically inconsistent with the City's zoning ordinance.

The Planning Commission rested its denial of the Project on alleged inconsistencies with General Plan policies LU5.1 and LU5.3. Specifically, the Planning Commission claims that Policy LU5.1, which calls for the City to "discourage" the conversion of farmland to non-agricultural uses, and Policy LU5.3, which "strictly limit[s]" development on properties designated as agricultural land, as prohibiting the development of the Berchtolds' single-family home on their Property. However, this inflexible interpretation of those policies is neither supported in the General Plan nor furthered by the zoning ordinance. If these are indeed the policies, the General Plan presents both horizontal and vertical inconsistencies, which are unlawful under State Planning and Zoning Law.

State law requires a general plan to be an "internally consistent and compatible statement of policies" (i.e. horizontal consistency). (Gov. Code, § 65300.5(a).) "The general plan is required to be consistent within itself." (*Sierra Club v. Kern County Board of Supervisors* (1981) 126 Cal.App.3d 698, 703.) A general plan's parts and elements must "comprise an integrated internally consistent and compatible statement of policies." (*Concerned Citizens of Calaveras County v. Calaveras County Board of Supervisors* (1985) 166 Cal.App.3d 90, 97.) This consistency requirement is especially true for the general plan policies (as opposed to just the maps which depict policies), since "it is the *policies* which must be integrated, internally

Buchalter

consistent and compatible" (emphasis in original). (*Garat v. City of Riverside* (1991) 2 Cal.App.4th 259, 300.)

A city's zoning ordinance must also be consistent with the adopted general plan (i.e. vertical consistency). (Gov. Code, § 65860(A).) To be "consistent" means the zoning ordinance must be "compatible with the objectives, policies, general land uses, and programs specified in such a plan." (*Lesher Communications v. City of Walnut Creek* (1990) 52 Cal.3d 151, 536.) "The propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements." (*Citizens of Goleta Valley v. Santa Barbara County Board of Supervisors* (1990) 52 Cal.3d 553, 570.) To that end, the S.H.M.C. states that the City's zoning ordinance must be consistent with the General Plan and is intended to implement the General Plan. (S.H.M.C., § 17.04.090(A)-(B).) While the General Plan policies seem straightforward to the Berchtolds, the Planning Commission crafted its own interpretation of these policies which are unlawfully inconsistent with the City's General Plan policies and its zoning ordinance.

First, the General Plan expressly permits the development of not only a single-family residence, but also "affordable employee housing," on parcels designated *Agriculture (AG)*. (General Plan, pp. 2-8, 2-15.) The Planning Commission's narrow interpretation of Policy LU5.3 to prohibit the development of a single-family home on *AG* designated parcels, is inconsistent with the express definition of *AG* use in the General Plan, which otherwise allows for both single-family homes *and* worker housing. If let stand, this presents a horizontal inconsistency between General Plan policies. Meanwhile, the compatible *A-20* zone applicable here permits the development of a single-family residence of up to one-acre in lot coverage. (S.H.M.C., § 17.20.060(C).) This *A-20* zone also permits: agricultural employee housing of up to 36 beds, supportive housing, and transitional housing. (S.H.M.C., § 17.20.020(G)-(I).) The Planning Commission's strict application of Policy LU5.3 would prohibit uses otherwise permissible under the zoning ordinance, presenting an additional vertical inconsistency between the General Plan and the City's zoning ordinance.

Second, Policy LU5.1 only "discourage[s]" the conversion of farmland to non-agricultural uses. (General Plan, p. 2-42.) However, here the Planning Commission has interpreted this to prohibit *any* conversion whatsoever—even a minimal conversion that is consistent with General Plan and zoning provisions. The Planning Commission's interpretation functions as a de facto farmland preservation requirement, which is not envisioned by Policy LU5.1.[2] As detailed above, the *A-20* zone allows for the development of up to one-acre of non-agricultural uses (e.g. a single-family home). (S.H.M.C., § 17.20.060(C).) In fact, this

[2] Compare Policy LU5.1 to Implementing Action LU5.G, which expressly requires "long-term preservation" of farmland through the creation of easements or other similar mechanisms, in certain circumstances. (General Plan, p. 2-44.) "Discourage," as the term is used in Policy LU5.1, is not synonymous with "long-term preservation."

Buchalter

development standard states that up to "one acre of any one parcel ***shall be removed from active agricultural use***" (emphasis added) to accommodate a permissible non-agricultural *A-20* use—here, a single-family home. (S.H.M.C., § 17.20.060(C), fn. 1.) If, as the Planning Commission concludes, that Policy LU5.1 is intended to preserve *all* existing farmland, this policy would be in direct contravention with Section 17.20.060(C) of the S.H.M.C. Accordingly, this would result in a vertical inconsistency between the General Plan and the zoning ordinance, in violation of Government Code section 65860(a). This policy would additionally run afoul of the City's own requirements that the zoning ordinance be consistent with the General Plan. (*See* S.H.M.C., § 17.04.090(A).) Moreover, this de facto prohibition on the development of the Berchtolds' residence denies them their right to develop a single-family home of up to one acre of lot coverage, pursuant to the City zoning ordinance.

Surely the City did not intend to approve the General Plan with such inconsistencies when it did so in 2019. By rehabilitating the existing vineyards, by introducing new crops to the site, and by producing new products including wine and olive oil, the Project proposes to markedly increase the Property's overall agricultural productivity despite the minimal loss to overall agricultural acreage. This proposed use furthers General Plan policies more so than allowing the atrophied vineyards to exist onsite. Moreover, this proposed use is consistent with both the General Plan and zoning ordinance.

If the City Council denies this appeal and accepts the Planning Commission's new interpretation, the City Council will essentially adopt these unlawful horizontal and vertical inconsistencies. Therefore, the only lawful solution here is for the City Council to apply the City's adopted rules, and accept the appeal, reverse the Planning Commission's decision, and approve both the Project Demolition Permit and Design Review.

C. The City's prior approval of a similar project in the *A-20* zone provides precedent for approval of this Project.

As explained previously, in its denial of the Project, the Planning Commission cited the Project's incompatibility with General Plan Policy LU5.3, which calls for the City to "strictly limit development" on properties with an *Agriculture* land use designation. (General Plan, p. 2-42.) Without explaining the meaning of this policy, the Planning Commission simply appeared to conclude that the Project is allegedly inconsistent with Policy LU5.3 for the exact same reason that it is allegedly inconsistent with Policy LU5.1: because the Project will remove existing farmland for non-agricultural uses. (Planning Commission Resolution No. ___, § B.1.) The Planning Commission further states: "[a]t the beginning of the application process, the applicant was advised of the need to preserve the amount of existing acreage that is used for active agriculture." In fact, staff made no written representations to this effect. In the Staff Report for

Buchalter

the March 7 hearing, City Staff similarly conflated both Policies LU5.1 and LU5.3 and failed to explain how the Project was inconsistent with each individual policy—namely, Policy LU5.3.

Recent precedent shows that the City failed to analyze a similar project's consistency with Policy LU5.3. Specifically, the single-family residence approved for 777 Pratt Avenue (the "777 Pratt Project") was not subject to the same General Plan policy analysis. An application was filed for 777 Pratt Project on November 10, 2020—a full 18 months after the City adopted its current General Plan on May 14, 2019. Thus, the 777 Pratt Project was subject to the *same* General Plan policies as the Berchtolds' Project (contrary to staff's comments). As with their Project, the 777 Pratt Project was located in an *Agriculture* General Plan land use designation and the *A-20* zone. Despite this, the City never actually analyzed whether that project was consistent with General Plan Policy LU5.3, which otherwise would apply to any development on land designated in the General Plan as *Agriculture*. (*See* File No. PL20-046 Staff Report, April 6, 2021 Planning Commission Meeting.) Given this precedent, Policy LU5.3 cannot function to prohibit the Project. Moreover, this demonstrates that the City has recently approved construction of a single-family home in other *A-20* zones.

As noted by staff, the Berchtolds' property is the only property on Fir Hill that has retained agricultural uses on site. To be sure, staff found: "the property is completely surrounded by A-20 lands developed with primarily residential uses that have not retained on-site agricultural uses." As staff further noted, the project proposes a .08 FAR that is less than the average of the .10 FAR of the surrounding neighborhood.

D. The Planning Commission abused its discretion by failing to share the final resolution with the Berchtolds prior to the March 7 hearing.

At its March 7, 2023, meeting, the Planning Commission considered and ultimately adopted a resolution denying the Demolition Permit and Design Review for the Project. However, this resolution was not included in the agenda packet for the Project's consideration at the hearing. The only draft resolution included in the agenda packet was a resolution that would have granted Project approval. The Planning Commission never read its findings aloud for its decision into the record, so the public did not actually hear what the findings stated. While the City Attorney suggested that the Planning Commission would "read the [findings] into the record together," the Planning Commission never read those findings audibly. Thus, the Berchtolds were never noticed or informed of the findings for denial of the Project and were never provided an opportunity to comment on such findings.

Buchalter

The Brown Act (Government Code section 54950 *et seq.*) requires a public agency holding a public meeting to post its agenda packet online at least 72 hours prior to the regular meeting. (Gov. Code, § 54954.2(a)(1).) Prejudicial violations of the Brown Act can require invalidation of the local agency's decision. (*Cohan v. City of Thousand Oaks* (1994) 30 Cal.App.4th 547, 556.)

Here, the Planning Commission failed to provide a draft of denial resolution prior to the hearing, and because the Planning Commission failed to read into the record its findings for Project denial the Commission did not notify the public of the reasons for its denial. Because of this the Planning Commission failed to properly notice the Berchtolds of this decision and the Berchtolds were denied their right to comment and address the Planning Commission's assertions. Because of this, the Planning Commission's denial of the Project unlawfully prejudiced the Berchtolds. Accordingly, the City Council should reverse the Planning Commission's decision and approve the Project for violation of our client's rights of due process.

IV. Conclusion

The Berchtolds have consistently worked in good faith with the City and their neighbors to reach a satisfactory solution to the most pressing concerns. To that end, the Berchtolds have expended significant resources holding community meetings, as well as redesigning the Project, including reorienting significant aspects of the residence and eliminating Project elements. Nevertheless, the Planning Commission repeatedly moved the goalposts, including by purportedly adopting and applying to the Project its own definition of what "agriculture" is and changing the rules.

The Project will result in a net positive for the community and the broader City. The Berchtolds plan to rejuvenate withering and neglected vines on the Property, as well as to introduce new crops to the Property. The Berchtolds have committed to working with a local winery and olive oil manufacturer to produce new products that will proudly denote "St. Helena" on their labels. Despite this modest 0.53-net acre reduction in overall agricultural uses onsite, the overall agricultural *productivity* will increase markedly above current levels—especially considering the neglected and atrophying vines on the Property. This will emphatically promote new and existing agricultural uses in the City. (*See* General Plan Policy LU5.2, p. 2-42.) Given this increased agricultural efficiency and the Berchtolds' rights under the General Plan and zoning to construct a single-family residence covering up to one acre on their Property, the Project is consistent with all General Plan policies and zoning ordinance provisions.

Buchalter

Accordingly, the City Council should accept this appeal, overturn the Planning Commission's denial of the Demolition Permit and Design Review, which constituted an abuse of discretion. The City Council should then approve both the Demolition Permit and Design Review, as the Project is consistent with all General Plan policies and the zoning ordinance.

Finally, the Berchtolds expressly reserve the right to add additional argument, including responding to staff or public.

Very truly yours,

BUCHALTER
A Professional Corporation



Katharine H. Falace

KHF:jg
Enclosures

cc: Cindy Tzafopoulos, City Clerk
ctzafopoulos@cityofsthelena.og
Maya DeRosa
mderosa@cityofsthelena.org
Chantal Power
cpowers@cityofsthelena.org
Ethan Walsh, Esq.
Ethan.Walsh@bbklaw.com

EXHIBIT A

Buchalter

1230 Pine Street
St. Helena, CA 94574
707.967.9656 Phone
707.963.0771 Fax

707.200.9414 Direct
kfalace@buchalter.com

March 3, 2023

VIA E-MAIL

St. Helena Planning Commission
City of St. Helena
1572 Railroad Avenue
St. Helena, CA 94574

John Ponte (Chair) - jponte@cityofsthelena.org
Autumn Anderson (Vice-Chair) - aanderson@cityofsthelena.org
Christopher Warner – cwarner@cityofsthelena.org
Rosaura Segura – rsegura@cityofsthelena.org
Marika Rothfeld- mrothfelod@cityofsthelena.org

Re: **PL 21-044 - 2126 Madrona Ave. Single-Family Home Development Project**

Dear Chair Ponte and Members of the St. Helena Planning Commission:

Thank you for the time spent on the recent staff report. We understand our presentation next week will be limited in time. With that time constraint in mind, we have set forth the major points to illustrate how this project comports with the General Plan. The staff report notes that consistency with applicable General Plan policies is a required finding for a Design Review approval, but the staff report suggests the project may be found inconsistent with two General Plan policies. The applicant respectfully disagrees that the project could be found inconsistent with the above policies for the reasons outlined below. At issue are the following two General Plan policies:

> **LU5.1** Discourage conversion of existing farmland to non-agricultural uses. (General Pan, page 2-42.)
>
> **LU5.3** Strictly limit development on properties existing at the time of the adoption of this General Plan that are designated as agricultural land. (General Plan, page 2-42.)

buchalter.com
Los Angeles
Denver
Napa Valley
Orange County
Portland
Sacramento
Salt Lake City
San Diego
San Francisco
Scottsdale
Seattle

Buchalter

In determining whether a proposed project is consistent with the General Plan, the Planning Commission should consider whether it is compatible with the general land uses of applicable elements of the General Plan. In order to satisfy this objective, a proposal should meet the overall intent of the General Plan.

It is important to note that very little of the property's agricultural land is being converted to a nonagricultural use with only .53 acres of a 5.78 acre parcel is being converted. The property's agriculture *and rural residential* use is noted in the current General Plan. (GPU 2040 Figure 1.3.) The property's mainly agricultural use will continue under a contract with Spottswoode Winery. The staff report's view of these policies seems to be that "zero vine loss" could be required to be consistent the above policies. However, this interpretation is not supported by the plain language of the General Plan or its environmental document. The words "discourage" in LU 5.1 and "strictly limit" in LU 5.3 cannot be interpreted to mean "prohibit". To be sure, the certified EIR for the General Plan states that agricultural lands could be converted even with the above polices in place. [General Plan EIR, page 3.2-14] Therefore, the General Plan policies were acknowledged to not "prohibit" the conversion of agricultural lands, and an interpretation that the policy equals zero vine loss would be inconsistent with the impact analysis certified by City Council.

Second, the project complies with applicable zoning limitations on non-agricultural uses. Current A20 zoning limits non-agricultural uses to one acre as identified on the project plans. While current zoning was adopted before the current General Plan, the two policies at issue are not new. The 1993 General Plan contained the following two substantially identical policies:

> Policy 2.6.58 Promote the continuation of agricultural activities within and adjacent to the City. (1993 General Plan, page 2-27.)
>
> Policy 2.6.61 Limit residential development on properties existing at the time of adoption of the [1993] General Plan which are designated Agriculture and are outside the Urban Limit Line in accordance with [the below defined specific standards]… (1993 General Plan, page 2-28 (bracketed material supplied).)

Comparing the 1993 General Plan language to the current General Plan, the policies are the same in substance. Under the above policy language, the Planning Commission previously issued design review approval for an estate home on lands zoned A20 at 601 Fulton Lane in application

Buchalter

number P18-058, and that project also involved a limited conversion of agricultural to rural residential use.[1]

Further, this current project meets the overall goals, policies and objectives by:

- Increasing tonnage production resulting from farm investments and modifications of farming techniques;
- Continuation of dry farming;
- Planting of olive trees; and
- Enhancements to regional storm retention systems.

Not only is the limited conversion of certain low producing vines mitigated, but the project remains within the maximum area of land (1 acre) permitted to be developed in the A20 zone.

Lastly, a denial based on a zero vine loss interpretation of these policies is not compliant with the City's Municipal Code requirements for design review. A city is not required to adopt a design review ordinance. Where a city sets forth limitations in its design review criteria, it is bound by those criteria. *Friends of Davis v. City of Davis* (2000) 83 Cal.App.4th 1004, 1014. Here, the City has provided the following limitation:

> C. Only the proponent's failure to take reasonable account of the items discussed in Sections 17.164.010 through 17.164.030 shall justify the commission's disapproving a proposal solely on the basis of design.
>
> St. Helena Municipal Code §17.164.040

Certainly, the applicant has taken reasonable account of continued agricultural use on the property as evidenced by the letter from Spottswoode Winery and investments in improving the property's vineyard presented to the Planning Commission in past hearings. Denying the project on a zero vine loss interpretation is equivalent to denial on a non-design matter. Denial on a non-design matter is not permitted under the City's ordinance. *McCorkle Eastside Neighborhood Group v. City of St. Helena* (2018) 31 Cal.App.5th 80, 92-93.

[1] Details of P18-058 are available online at: https://www.cityofsthelena.org/planning/project/pl18-058-601-fulton-ln-pohlen-residence-and-agricultural-barn. The applicant incorporates by reference that past design review approval into the administrative record of this project.

Buchalter

Because the proposed project satisfies the existing General Plan land use designation and policies protecting agricultural lands, we ask that the Planning Commission approve the design review application.

Very truly yours,

BUCHALTER
A Professional Corporation

KATHARINE H. FALACE

cc:
Ethan Walsh (ethan.walsh@bbklaw.com)
Maya DeRosa (mderosa@cityofsthelena.org)
Chantal Power (cpowers@cityofsthelena.org)

EXHIBIT B

CITY OF ST. HELENA PLANNING COMMISSION RESOLUTION NO.
DENYING DEMOLITION PERMIT AND DESIGN REVIEW APPROVAL TO 2126 MADRONA AVENUE (File No. PL21-044)

PROPERTY OWNER: Lorraine and Joe Berchtold **APN:** 009-470-010

Recitals

1. The property owner requests adoption of a resolution approving a demolition of existing structures in order to accommodate the construction of a single-family home, garage, and accessory dwelling unit, and a design review approval for the proposed single-family home on the property located at 2126 Madrona Avenue in the Twenty-Acre Agriculture (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 March 7, 2023; and
4. Now, therefore let it be found that the Planning Commission denies the demolition permit and design review based on the findings below.

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. With respect to the design review criteria identified in SHMC Section 17.164.030, the Planning Commission makes the following findings:

1. Consistency and compatibility with applicable elements of the general plan.

The project is not consistent with General Plan policies LU5.1 or LU5.3 due to the removal of existing farmland for non-agricultural uses. At the beginning of the application process, the applicant was advised of the need to preserve the amount of existing acreage that is used for active agriculture. But the applicant instead proposes to remove 0.66 acre of existing vineyard to accommodate recreational amenities, with the addition of a mere 0.13 acre of new olive grove as a partial offset — leaving a net loss of 0.53 acre of agricultural use. This does not "Discourage the conversion of existing farmland to non-agricultural uses" as General Plan goal LU5.1 requires, nor is it consistent with our mandate in General Plan goal LU5.3 to "Strictly limit development on properties … that are designated as agricultural land." (Emphasis added.)

The applicant has stated that the portion of existing vineyard proposed for removal to accommodate the project is the least viable for rehabilitation, but viability for rehabilitation is not the General Plan standard. Loss of agricultural use is. Regardless of the viability of the 0.53-acre area for continued vineyard use, the project could comply with the General Plan's requirements by planting another crop in that same location or by putting another 0.53 acres to agricultural use somewhere else on the 5.7+-acre lot. The applicant declines to do so.

The applicant argues instead that the City must allow this loss of farmland because the City made a similar allowance for another project in the past. That other project is irrelevant: It was governed by another general plan. This project is governed by the current General Plan, adopted in 2019, which includes the two policies referenced above, LU5.1 and 5.3. These policies govern the Commission here and support denial of the project.

Because the project removes a net 0.53 acres of existing farmland for non-agricultural uses, and the applicant declines to dedicate another 0.53 acres to agricultural uses to offset this loss, the project does not comply with the current General Plan, and the Planning Commission cannot make the necessary finding of General Plan compliance.

C. In accordance with St. Helena Municipal Code (SHMC) Section 17.164.050, the Planning Commission makes the following finding to support of its denial of the demolition permit: The design review of the proposed replacement structure is not approved.

I HEREBY CERTIFY that the foregoing demolition permit and design review application were duly and regularly denied by the Planning Commission of the City of St. Helena at a regular meeting of said Planning Commission held on March 7, 2023, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

John Ponte
Chair, Planning Commission

ATTEST:

Maya DeRosa, AICP
Planning and Building Director

MEMORANDUM

DATE: March 13, 2023

TO: Sasha Janev (Via Email)

FROM: Chantal Power, Contract Planner

RE: Confirmation of Planning Commission Action – Demolition Permit and Design Review, PL 21-044, 2126 Madrona Avenue

---

This correspondence is to affirm that the Planning Commission of the City of St. Helena took the following action at its meeting on March 7, 2023:

1. Resolution denying a Demolition Permit and Design Review for the project at 2126 Madrona Avenue, St. Helena;

APPEALS

The Planning Commission's decision is subject to a 14-day appeal period. Anyone interested in appealing this Determination shall file an appeal with the Planning Director within 14-days of the date of the Planning Commission action.

If you have any questions, please do not hesitate to contact me.

Regards,

Chantal Power, AICP
Contract Planner
City of St Helena, CA


Image date April 2018
Active Agriculture
777 Pratt Ave
Pratt Ave
Pratt Ave
Pratt Ave
Image © 2023 Maxar Technologies
Image date August 2020
No Active Agriculture Present
777 Pratt Ave
Pratt Ave
Pratt Ave
Pratt Ave
Image © 2023 Maxar Technologies


Image date February 2022
No Active Agriculture Present
777 Pratt Ave
Pratt Ave
Pratt Ave
Pratt Ave
Pratt Ave

City of St. Helena
Planning Department
1572 Railroad Avenue
St. Helena, CA 94574

February 7, 2022

Sasha Janev
1432 Main Street
St. Helena, CA 94574

Re: Identification of Outstanding Issues – 2126 Madrona Avenue (File #PL21-044)

Mr. Janev,

The City received the above-referenced demolition and design review permit applications on November 5, 2021. Pursuant to Government Code Section 65943, development review staff has completed its review of the proposed project and has concluded that the application as submitted is complete, but the project design requires revisions. The requested revisions are as follows:

Planning Department Comments:

1. The project is within the A-20 zoning district and the intent of this zoning district is as follows:

   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 (C) of the SHMC allows for a maximum nonagricultural coverage of 1 acre. The total proposed developed area of the site is 1.58 acres and needs to be reduced to 1 acre or less to meet this requirement. The new site design should endeavor to preserve the existing vineyard and utilize the non-vineyard areas for the new construction and outdoor amenity areas.

2. As currently designed this project is not consistent with the General Plan policies below:
   - LU2.2: Encourage new residential development that is consistent in design, size, color, and floor area ratio (FAR) with the older residences in the neighborhood.
   - LU5.1: Discourage conversion of existing farmland to non-agricultural uses.
   - LU5.3: Strictly limit development on properties existing at the time of the adoption of this General Plan.

In order to recommend approval of a Design Review application, findings of consistency with the General Plan must be made. Addressing the issue identified in number 1 above and also number 3 below should bring the project into consistency with the General Plan.

3. This site currently allows for expansive views of the surrounding hills and vineyards. Any new development will be highly visible. With the reduced building area noted in number 1 above, the City desires to see the scale and square footage of the proposed house proportionally reduced so the visual impact of the new home is minimized within the A-20 zone.
4. Though not subject to discretionary review, the City would like to encourage the relocation of the proposed ADU to the interior of the site in order to avoid an imposing façade along Fir Hill Drive. In addition, a rendering of the view from the closest property of Fir Hill Drive is requested.
5. As this project is proposing to use more water than the property currently uses, prior to issuance of a building permit, in accordance with the City's ADU Policy and Water Neutrality requirements (Policy 9.2.1), the applicant shall obtain approvals through the City Council for increased water use and specific projects that will be done to offset the increased use prior to issuance of a building permit following a Planning Commission approval.

Thank you for your attention to these comments. Prior to resubmittal, please contact me so a virtual meeting can be arranged with the Planning and Building Director to discuss these comments and your approach to addressing the issues.

Upon submittal of revised plans and corresponding information, **please provide a letter stating how each of the above-noted items has been addressed.** Revised plans and other required information will be routed to all City Departments for review and evaluation of conformance with each comment listed above. If every item has been addressed to the satisfaction of each Department, the project will be scheduled for the next available Planning Commission meeting.

If you have any further questions you can contact me at cpower@interwestgrp.com or (909) 754-1653.

Sincerely,



Chantal Power, AICP
Senior Planner

cc: Maya DeRosa, Planning and Building Director
Xinia Gamero, Planning Technician

From: Mary Cunningham Agee
To: Paul Dohring; Eric Hall; Anna Chouteau; Lester Hardy; Billy Summers
Cc: John Ponte; Christopher Warner; Rosaura Segura; Marika Rothfeld; Autumn Anderson; Maya DeRosa
Subject: [External] The Berchtold proposal
Date: Sunday, March 19, 2023 11:00:59 AM
Importance: High

Sunday morning
March 19, 2023

Dear City Council Members,

Let me begin by expressing my sincere gratitude for your service. Your dedication to preserving and protecting this City's safety, stability, and economic viability is an example of civic responsibility that is widely appreciated and admired. It is why each of you won an election to serve on this Council. We are looking to you today to fulfill that awesome responsibility when the stakes couldn't be higher.

My purpose in writing this letter is to bring to your full attention the ***breadth and depth of opposition to the Berchtold project*.** By now, an Appeal to the Planning Commission's recent decision to Deny this project will most likely have been placed on your desk. I hope that my comments will be of some benefit as you evaluate the optimal outcome of this proposal.

Untold hours have been spent addressing the ***many serious issues raised by this unprecedented proposal to build a 20,000 square foot "residence" on the Valley floor in a historic neighborhood where vineyard land has been protected for hundreds of years*.** Despite multiple lengthy Planning Commission meetings and an adamant request that the applicant "not return for further review until the proposal is reduced to under 10,000 square feet," the Applicant has refused to decrease the size of the proposed residence -- by even one square foot.

I respectfully submit that such a response exposes a defiant indifference that does little to promote the well-being of Saint Helena and its residents. Yes, ***a structure of this magnitude could provide much-needed tax revenues – but at what cost? This is the ultimate question.***

I will not reiterate all of the reasons for opposing this project, but ask that we focus on the most important concerns:

- **Agricultural:** *The* ***Berchtold proposal is in clear contradiction to existing A-20 regulations designed to protect agricultural land from "residential" developments*.** If this regulation can be thwarted simply by labeling historic vines "unproductive," then where does this slippery slope end? Just this past week, ***a frontpage article in the***

Napa Register underscored the significance of protecting Napa Valley's agricultural land and vineyard properties from opportunists with short-term interests. Existing restrictions are designed to protect the environmental health and economic viability of our unique community.

- **Environmental:** No amount of wishful thinking or mitigating promises will prevent catastrophic environmental harm from happening on our Valley floor if a 6,000+ square foot basement is permitted to be dug on this historic vineyard that produced award-winning wines for decades. To put this issue in perspective, ***the scale of the proposed basement alone is larger than any existing home in the neighborhood.*** "Below ground level" offers no comfort when considering the irreparable damage that will be done to the underground water and root systems. ***This harm will impact the entire neighborhood as wells will run dry and disruption to the natural habitat will be replaced by a cement wall-encircled compound.***

- **Water:** We have all learned to accept how fragile the water supply is for this community. We have accepted moratoriums on new well-digging and penalties for overuse of this scarce natural resource. How can a residence designed for between 5 and 10 bathrooms (a moving target of design changes that assures many more bathrooms than existed on this property before) and an open-ended admission to potentially irrigate a dry-farmed vineyard should this later be deemed financially beneficial -- be interpreted as "water neutral?" ***The impact of permitting a project of this magnitude on the Valley floor will cause irreparable harm to the water supply not only on the 5-acre parcel of land, but on neighboring properties as well.***

- **Safety:** Many years of heavy traffic and noise would be the inevitable consequence of a compound of this magnitude being built in this residential neighborhood. ***The loss of safety, privacy and tranquility along Saint Helena's "walking path" would represent more than just an "inconvenience," as it would endanger hundreds of residents who enjoy the freedom to safely walk along Madrona and Fir Hill.*** Traffic is not just a "nuisance," but a serious safety concern when neighborhood children on bikes, elderly taking a stroll, and families enjoying a peaceful walk would now be endangered by heavy trucks moving tons of earth and carrying massive loads of construction materials at a pace designed to meet deadlines.

- **Cultural Norms:** Existing ordinances state that the scale and style of new construction should be "consistent with existing norms of the neighborhood." ***The proposed "residence" is more than three times the size of the largest home anywhere in this neighborhood.*** Not only would construction of this "residence" in this location be "precedent setting," it would defy any reasonable interpretation of conformity to the norms for this historic neighborhood.

As I have expressed on many occasions and from the outset, I would much rather organize a welcome party for new members of our community. I remain hopeful that the Berchtold's might someday become neighbors - ***but in a home that reflects more than just their dreams and is respectful of everyone else's too.***

There are two obvious options available for the Applicant to resolve this crisis while showing respect for existing ordinances and current residents of this neighborhood and City **: *1) Design and build a scaled-back version of your dream house on the current lot; 2) Relocate this project with no design changes in the hills above the Valley floor where precedents have been established.***

We have all witnessed the demise of great communities when financial might, legal maneuvering, and political power are allowed to corrupt cohesive values that promote fairness, decency, and respect. ***The very real and immediate financial concerns of our City cannot be permitted to hijack regulations and community norms that have earned Saint Helena the respect of residents and visitors alike***.

Your decision on this ***precedent-setting proposal*** must send a clear message that ***Saint Helena is not for sale to the highest bidder***. ***There are more constructive and less expedient ways to raise much-needed funds.***

I am confident that you would not have chosen to devote your time to serving as a member of this City Council if you did not care deeply about the fiscal issues facing our City – as well as the longer-term social and environmental health of our community. I believe that your decision is about much more than just one applicant with the legal and financial means to disrupt the wellbeing of an entire neighborhood.

We are all aware that more restrictive ordinances are currently under serious consideration for the reasons mentioned in this letter. If this "white elephant" is permitted just before these new restrictions are put into effect, the members of this Council will forever be associated with this errant decision.

You have an opportunity to exercise leadership by making a choice that benefits the long-term good of many -- as opposed to the short-term desires of a few. I ask that you please exercise this responsibility entrusted to you by protecting and preserving this community we call home.

Respectfully submitted,

Mary Cunningham Agee and Family

City Council
April 25, 2023
Appeal File #PL23-010

Appeal of March 7, 2023 Planning Commission denial of demolition permit and design review file #21-044 for a property located at 2126 Madrona Avenue within the A-20 zone.

Background and Project Meetings

- October 18, 2022 - 1st Planning Commission meeting, continued for project revisions and neighborhood outreach
- November 6, 2022 – 1st Neighborhood meeting conducted at project site
- November 19, 2022 – 2nd Neighborhood meeting conducted at project site
- December 6, 2022 – 2nd Planning Commission meeting to present project revision and outreach status update
- March 1, 2023 – 3rd Neighborhood meeting conducted at project site
- March 7, 2023 – 3rd Planning Commission hearing resulted in a denial of project
- March 22, 2023 – The applicant submitted an appeal of the Planning Commission denial to the Planning Department

Site Plan Proposed at October Planning Commission

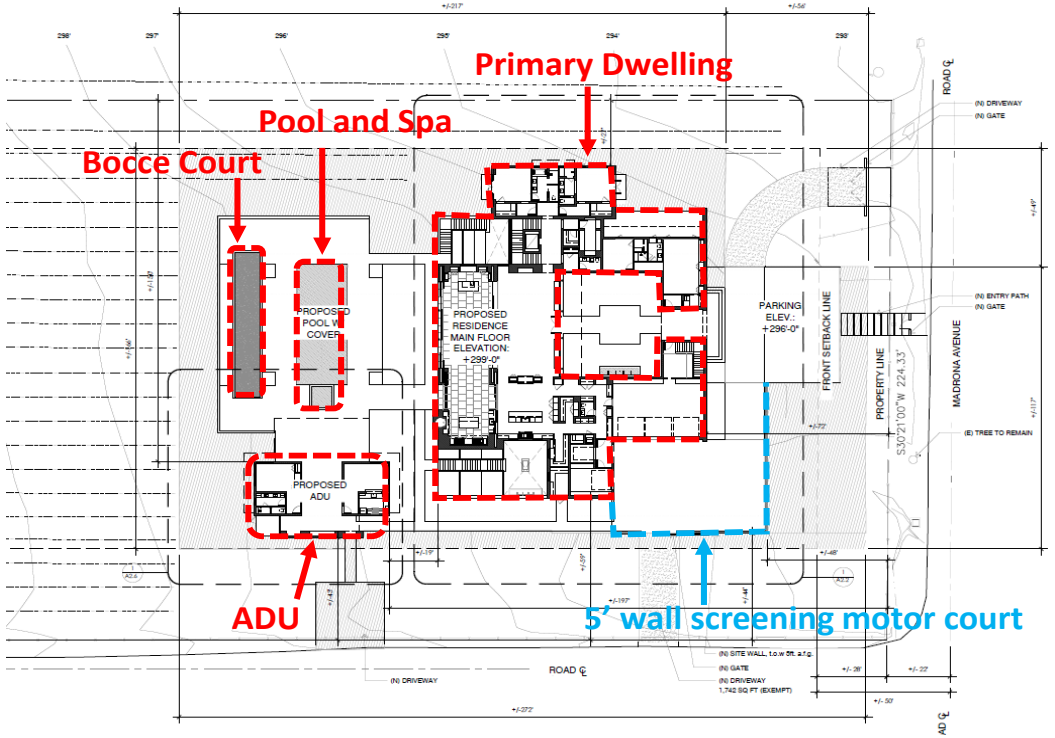
Lot Size: 5.78 Acres

Existing Calculations

- **Vineyard: 5.08 acre**
- **Orchard: 0.20 acre**
- **Non-Ag: 0.50 acre**

Change Resulting from Proposal

Removal of 0.75 acre from vineyard = 4.33 acre
Addition of 0.21 acre orchard = 0.41 acre
Addition of 0.50 acre Non-Ag = 1.00 acre
Net loss of 0.54 acre active agriculture

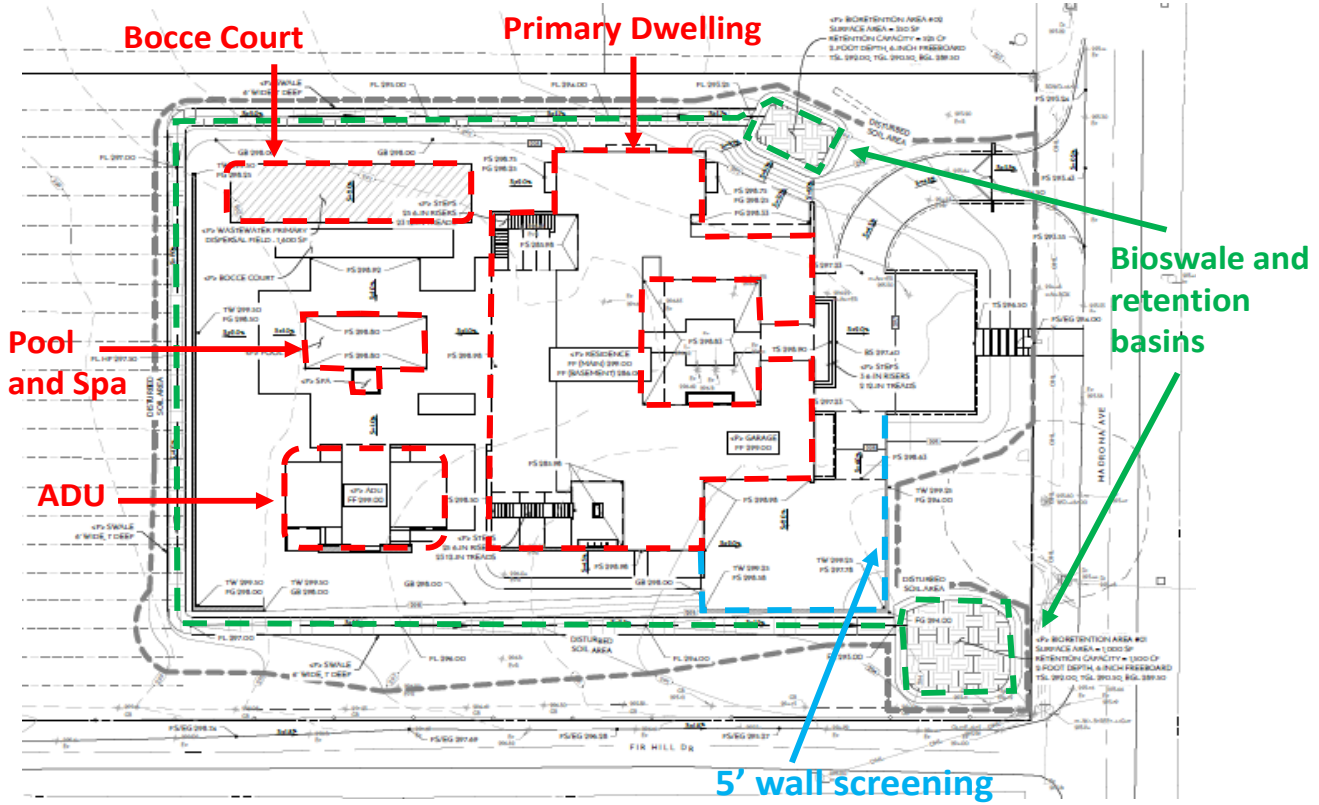


Proposed Structures: 14,407 SF Home + 1,754 SF Garage + 1,640 SF Terrace + 850 SF ADU + 864 SF Terrace = 19,515 SF

Site Plan Proposed at March Planning Commission

Changes to Site Plan since October

- Removal of driveways along Fir Hill
- ADU moved and massing revised
- Pool size reduced
- Pool and bocce court reoriented
- Area of proposed vineyard removal reduced
- Area of proposed olive orchard reduced and moved away from street intersection to increase visibility
- Bioswale proposed around area of development and two retention basins proposed
- Landscape plan revised to reduce water usage and water use analysis revised to reflect change
- Net loss of 0.53 acre active agriculture



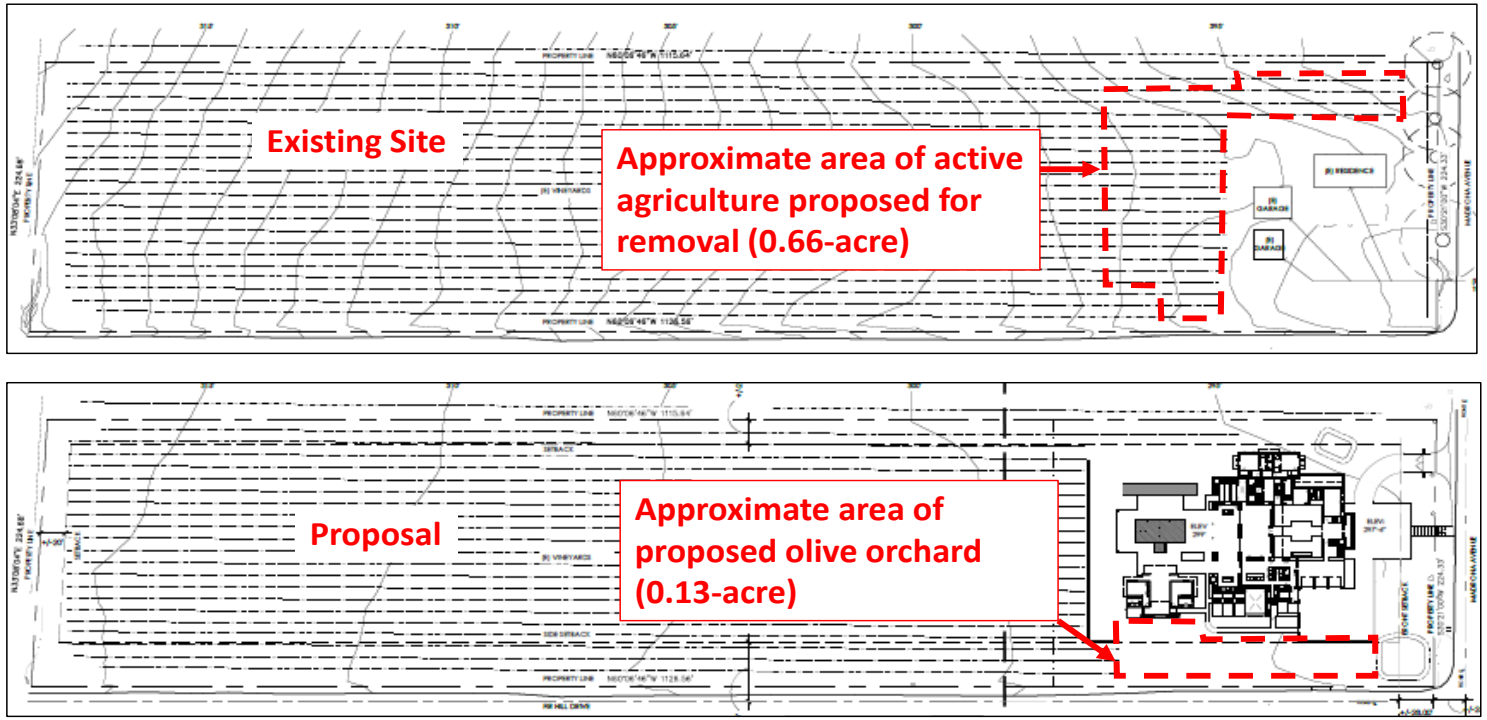
No change in size of structures

Removal of Active Agriculture

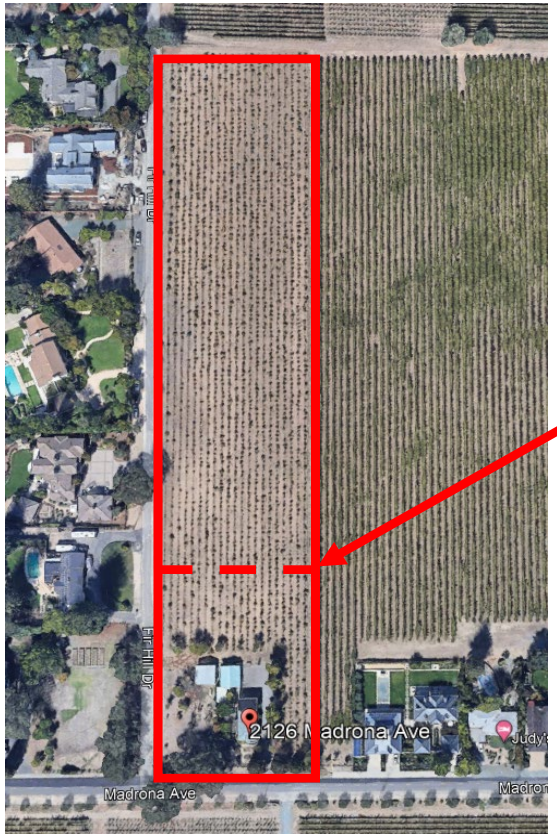
Total active vineyard loss = 0.66-acre

Olive orchard addition = 0.13-acre

Total net loss of 0.53-acre agriculture



Active Agriculture



Approximate rear line of area proposed for development of structures and amenities



Reason for Planning Commission Denial

General Plan Inconsistency

Staff and the Planning Commission determined that the project is not fully consistent with General Plan Policies LU5.1 and LU5.3 and Design Review Finding #1, due to the removal of existing agriculture as part of the project proposal.

- **General Plan Policy LU5.1** - Discourage conversion of existing farmland to non-agricultural uses.
- **General Plan Policy LU5.3** - Strictly limit development on properties existing at the time of the adoption of this General Plan that are designated as agricultural land.

Design Review Finding Number 1

- Consistency and compatibility with the applicable elements of the general plan

Appellant Grounds for Appeal

<u>Argument A</u> – The Planning Commission abused its discretion by applying an incorrect definition of "agriculture" to the proposed uses.

- Section 2.28.020(F) of the SHMC grants the Director of Planning to "interpret planning documents and planning related ordinances and advise interested citizens."
- The Director of Planning interpreted the meaning of agriculture as it is used in the Development Code to mean the "commercial production of plants and/or animals."
- The Planning Commission concurred with the Director's interpretation.

Appellant Grounds for Appeal

<u>Argument B</u> – The Planning Commission's inflexible application of the City's General Plan is internally inconsistent and vertically inconsistent with the City's zoning ordinance.

- The appellant further asserts that the Planning Commission denied the project because the proposal includes the construction of a single-family home on land designated for agricultural purposes.
- The staff report acknowledges that single-family homes are a permitted use in the A-20 zone.
- The denial action was not a "de facto prohibition on development" as the appellant claims, but rather an acknowledgement that the applicant chose not to fully make up the net loss of agriculture at another location onsite, while the A-20 zone, and General Plan policies LU5.1 and LU5.3 emphasize the importance of preserving agricultural uses.

Appellant Grounds for Appeal

<u>Argument C</u> – The City's prior approval of a similar project in the A-20 zone provides precedent for approval of this project.

- The appellant states that staff did not provide written direction to the applicant that the proposed removal of a portion of the vineyard is inconsistent with the General Plan.
- Staff provided policy direction regarding the General Plan inconsistencies proposed by the project in a letter dated February 7, 2022.
- The project at 777 Pratt Avenue mentioned by the appellant did not establish precedence as the property in question did not contain active agriculture at the time the design review application was submitted to the City.

Appellant Grounds for Appeal

<u>Argument D</u> – The Planning Commission abused its discretion by failing to share the final resolution with the Berchtold's prior to the March 7 hearing.

- The appellant argues that the Planning Commission violated the Brown Act by not posting the denial resolution 72 hours in advance of the hearing and did not read the denial findings into the record.
- Changes to the project resolution are frequently made at hearings, and the City Attorney did in fact read the denial findings into the record at the March 7 hearing.
- The applicant does not have a separate right under the Brown Act or otherwise to separately comment on the Planning Commission's final findings or action. Those are generally made after the public hearing and/or public hearing are closed.

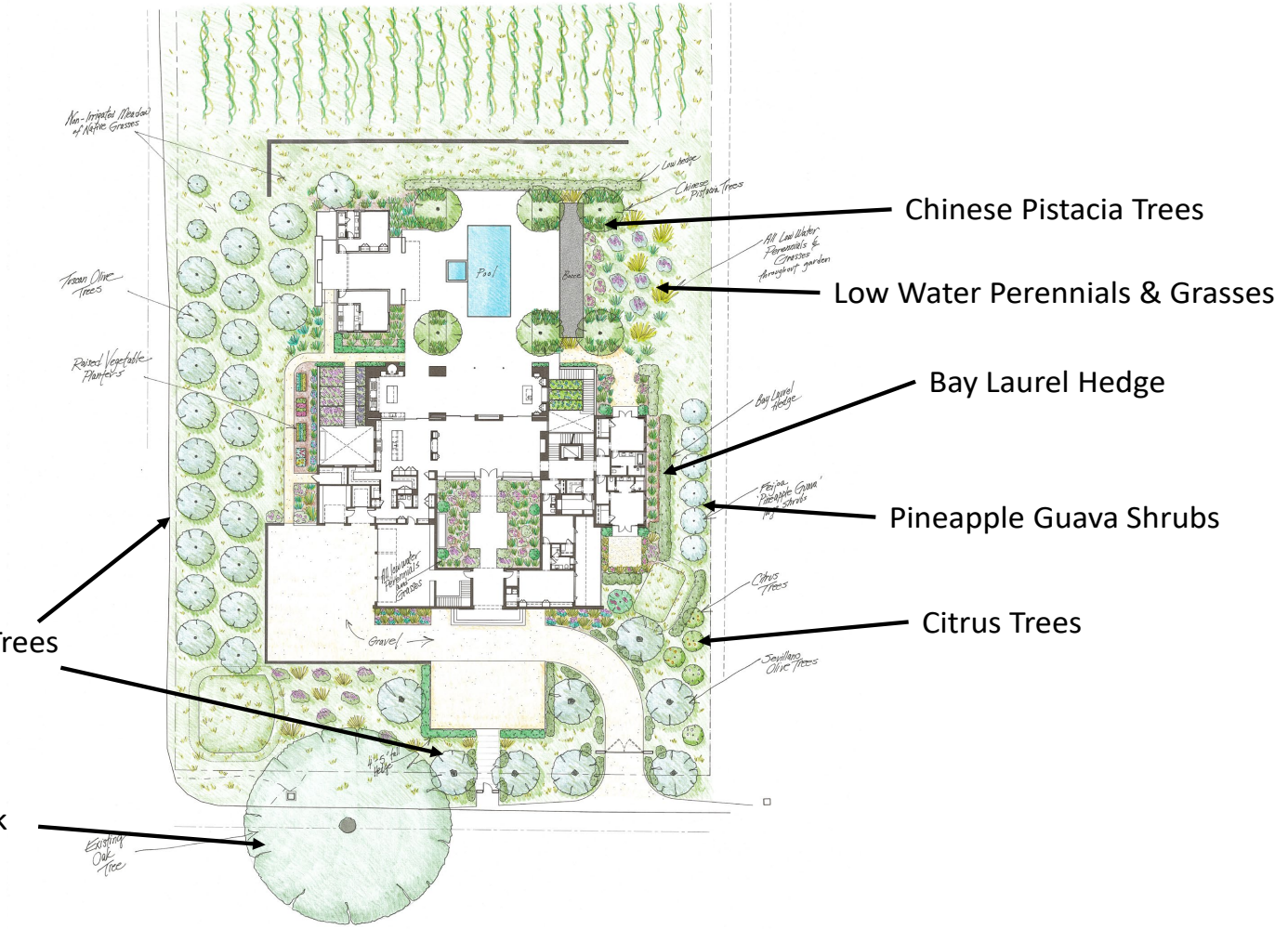
Recommendation

Staff recommends that the City Council:

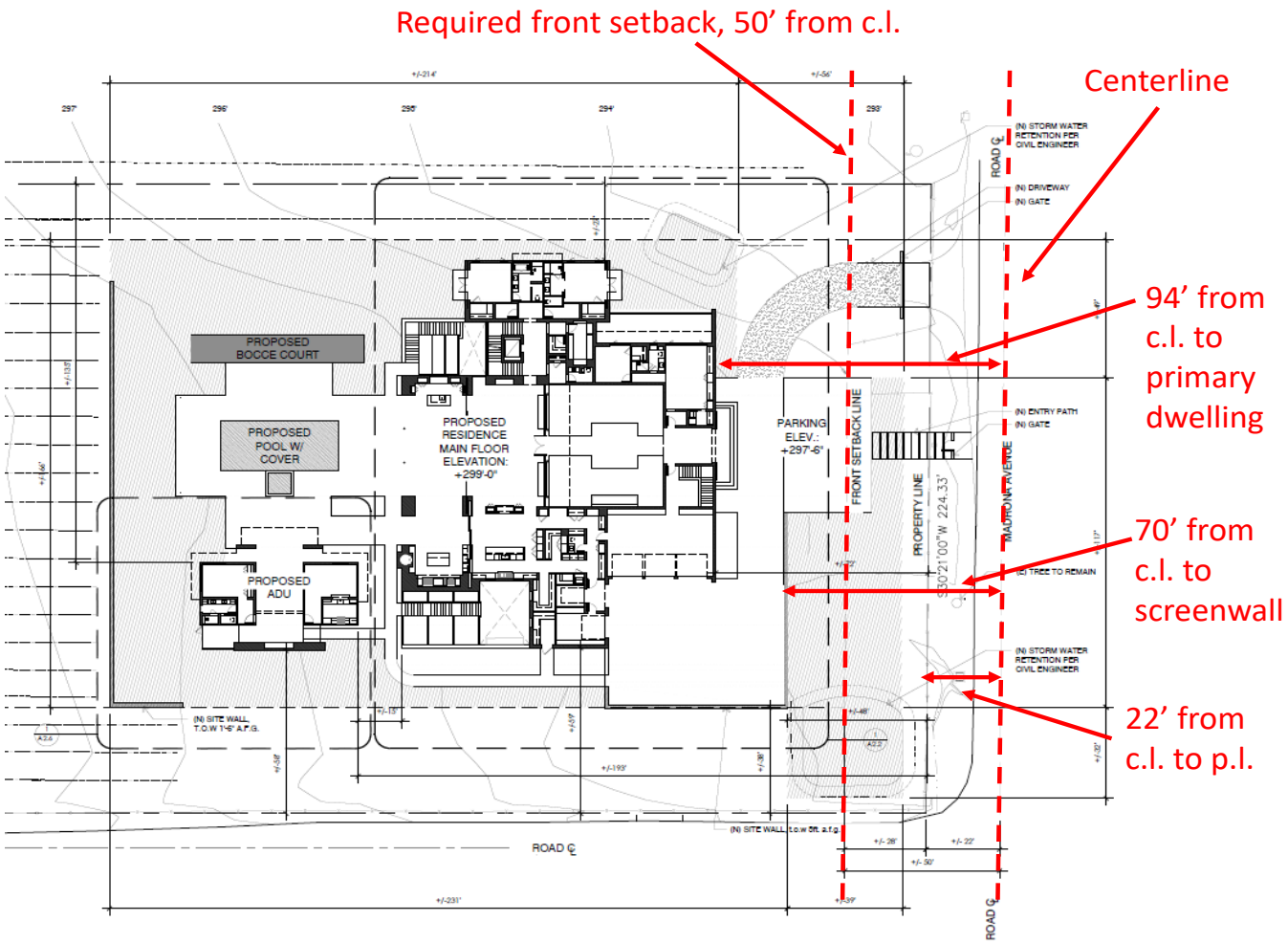
1. Approve a resolution denying the appeal thereby upholding the Planning Commission's denial of an application for demolition permit and design review for the proposed demolition and new construction on the property located at 2126 Madrona.


CITY OF
ST. HELENA

Proposed Landscape Plan



- Required front setback:
  50 feet from the centerline of the road
- Centerline to property line:
  22 feet
- Centerline to screen wall:
  70 feet
- Centerline to primary dwelling:
  94 feet



From: margot ainsworth
To: Public Comment
Subject: [External] Fir Hill and Madrona
Date: Friday, April 21, 2023 9:54:39 AM

As a 40+ year resident of St. Helena (largely spent on Madrona), I'm constantly dismayed at the direction the community has taken. Or perhaps I should say, lack of community. This neighborhood used to consist of families and people who worked locally. That's pretty much disappeared. I'm surrounded by part-timers. Things change…I understand that. However, the city doesn't have to expedite the process for the mega-rich while dragging its feet on "low income housing". The time has come to reset priorities. There has to be a maximum square footage allowance and I would suggest less than half of this proposal.

Thank you,

Margot Ainsworth
1838 Madrona

Sent from my iPad

From: Sandra Barros
To: Public Comment
Subject: [External] huge house on fir hill/Madrona
Date: Thursday, April 20, 2023 3:32:27 PM

Hello City.

I have lived in St. Helena for over 20 years, and walked the town. One of my favorite walks from my house is up Madrona to Fir Hill and around to Spring Mountain Road to home. I know the older house with a vineyard on the corner of Madrona and Fir Hill sold and there are plans to build a very large house on the property.
From what I know about the plans, this will be a huge eyesore to the neighborhood, and change the feeling of the neighborhood, use tremendous amounts of water, and I object to the project.
Thank you for your consideration.

Sincerely, Sandra Barros 260 Nemo Ct. St. Helena

Sandra Barros, CSW,CSS | Wine and Spirits Educator
Trinchero Family Estates
Office: 1-707-603-6424 | Ext. 4132 | Mobile: 1-707-299-8275
sbarros@tfewines.com

Confidentiality Notice: This message, and any documents, files or previous e-mail messages attached to it, is the property of Trinchero Family Estates or its affiliates. It is intended only for the use of the individual or entity to which it is addressed and may contain information that is non-public, proprietary, privileged, confidential, and/or exempt from disclosure under applicable law or may constitute attorney work product. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is strictly prohibited. If you have received this communication in error, please notify us immediately by reply e-mail and destroy the original communication and its attachments without reading or saving them to disk or other storage medium. Thank you.

From: Susan Michul
To: cityclerk
Subject: [External] Proposed house at Fir Hill and Madrona
Date: Thursday, April 20, 2023 6:06:57 PM

I would like to register my opposition to the mansion proposed at the corner of Fir Hill Road and Madrona in St. Helena. This is my neighborhood and there are no other residences in the area that are anywhere near the size of this proposed giant building. Please do not let something so out of character for the neighborhood be approved.

Susan Michul
1743 Hillview Place
St. Helena

Sent from Mail for Windows

DENNIS ROSSI

April 20, 2023

ST. HELENA CITY COUNCIL
1088 College Avenue
St. Helena, CA 94574
Email: publiccomment@cityofsthelena.org

Re: Appeal from Planning Commission application denial of Joe and Lorraine Berchtold
2126 Madrona, St. Helena (File No. PL 21-044) set for April 25, 2023 agenda

Dear Mayor Dohring, Vice Mayor Hall and
Councilmembers Chouteau, Hardy and Summers:

I was one of the four heirs to 2126 Madrona Avenue, St. Helena after our parents passed which we sold to Joe and Lorraine Berchtold. Until the sale in 2020, I had maintained the vineyard with my father until his passing in July 2006 and then by myself until the sale. I have specific information about all aspects of farming that parcel.

In the Planning Commission hearings, the productivity of the vineyard and its grape yields were misrepresented by the applicant and by Beth Novak. I'd like to set the record straight. The vineyard was in existence when my grandmother and grandfather, Mr. and Mrs. Giacomini, purchased the property in 1938. It is dry farmed, is not irrigated and is not trellised. It is one of a handful remaining in the Napa Valley. It is planted in multiple varieties to produce a well-rounded wine. There are very few like it left in St. Helena.

Over the years, we would replant individual vines as needed, but the lowest producing vines were typically the ones in the low swail between the Rodrigues and Agee properties. The vines are strong producers of grapes and if managed properly will continue to produce grapes like it had in the past ten years. The grape productions when I managed the vineyard before the sale were the following:

2011: 5 Tons	2016: 4.75 Tons
2012: 6 Tons	2017: 6.4 Tons
2013: 7.8 Tons	2018: 7.8 Tons
2014: 5.8 Tons	2019: 9.4 Tons
2015: 3.5 Tons	2020: 4.672 Tons.

I'd also like to comment on the existing well on the property. The well does not produce much water at all. At its deepest, the well was only about 30 feet deep. It would only get a few buckets of water at a time and could not be used to irrigate any of the vineyard or landscaping. It hasn't been a functioning well for over a decade. It is impossible to irrigate either the vineyard or proposed olive trees with the existing well.

Sincerely,
Dennis Rossi
Dennis Rossi

DENNIS ROSSI

April 20, 2023

ST. HELENA CITY COUNCIL
1088 College Avenue
St. Helena, CA 94574
Email: publiccomment@cityofsthelena.org

Re: Appeal from Planning Commission application denial of Joe and Lorraine Berchtold
2126 Madrona, St. Helena (File No. PL 21-044) set for April 25, 2023 agenda

Dear Mayor Dohring, Vice Mayor Hall and
Councilmembers Chouteau, Hardy and Summers:

I was one of the four heirs to 2126 Madrona Avenue, St. Helena after our parents passed which we sold to Joe and Lorraine Berchtold. Until the sale in 2020, I had maintained the vineyard with my father until his passing in July 2006 and then by myself until the sale. I have specific information about all aspects of farming that parcel.

In the Planning Commission hearings, the productivity of the vineyard and its grape yields were misrepresented by the applicant and by Beth Novak. I'd like to set the record straight. The vineyard was in existence when my grandmother and grandfather, Mr. and Mrs. Giacomini, purchased the property in 1938. It is dry farmed, is not irrigated and is not trellised. It is one of a handful remaining in the Napa Valley. It is planted in multiple varieties to produce a well-rounded wine. There are very few like it left in St. Helena.

Over the years, we would replant individual vines as needed, but the lowest producing vines were typically the ones in the low swail between the Rodrigues and Agee properties. The vines are strong producers of grapes and if managed properly will continue to produce grapes like it had in the past ten years. The grape productions when I managed the vineyard before the sale were the following:

2011: 5 Tons	2016: 4.75 Tons
2012: 6 Tons	2017: 6.4 Tons
2013: 7.8 Tons	2018: 7.8 Tons
2014: 5.8 Tons	2019: 9.4 Tons
2015: 3.5 Tons	2020: 4.672 Tons.

I'd also like to comment on the existing well on the property. The well does not produce much water at all. At its deepest, the well was only about 30 feet deep. It would only get a few buckets of water at a time and could not be used to irrigate any of the vineyard or landscaping. It hasn't been a functioning well for over a decade. It is impossible to irrigate either the vineyard or proposed olive trees with the existing well.

Sincerely,
Dennis Rossi
Dennis Rossi

From: christopher chgallery.com
To: cityclerk
Subject: Re: [External] Fir Hill / Madrona Residence Project - Letter to City Council
Date: Friday, April 21, 2023 2:08:32 PM

Dear St. Helena City Council,

I am writing to express my opinion on the proposed development of the lot on Fir Hill and Madrona Avenue. Although I no longer reside within the city limits of St Helena, my business is in its 21st year on Main Street, and I remain a local with my current residence now being on Howell Mtn. Indeed, one of the motivating reasons to move to Howell Mtn was to "escape" the McMansion phenomenon and loss of "small character" that is plaguing this city. Primarily led by prospective new residents who want to move here, but aren't content with the current housing inventory, or speculative investors, many a perfectly fine and accommodating home, which served its intended function for decades, has been torn down, and replaced by an intrusive scale and/or design not in harmony with its surroundings.

This proposed project is yet another example of the above, but in even more egregious terms.
In this case, not only is a physical monstrosity being proposed, but a collateral damage to the community is being proposed, resulting in the following:

1. The physical loss of a historic vineyard and the greenbelt and production of product it offers.
2. Permanent loss and pollution of a cherished viewshed
3. An imbalance in scale to the setting and ambience of the entire neighborhood, not just the lot in question.
4. Permanent loss of the rural vibe of the neighborhood
5. Further dilutes the term "charming" when referring to St. Helena.
6. Forces someone's oversized trophy into every neighbor's and citizen's daily life. (I am not against trophies in settings where neighbors aren't affected, this is not one of those instances.)

In the 22 years I have lived in St Helena, raised a daughter through the school system, coached in youth leagues, and stewarded my business, it has been my observation that the overwhelming majority of new construction and loss of historical appearance of this town has been initiated by spec home investors and often newcomer property owners, who have very sadly never intended to

have the home as a full time residence. The city has been culpable in this historical trend by not addressing the second, third, fourth home reality and its consequences sooner. BUT it is never too late to make a stand and with a stand, develop a firmly defined image for how you want this town to appear to resident and tourist alike, not just today, but in ten and twenty and beyond years. By doing so, you are representing the masses who live here now, and in the future, versus the singular.

No one, except the applicant, would wish such a project be approved, unless they have a monetary or relations benefit to the project. And were the applicant residing next door to this proposed project and enjoyed the generations old viewshed and neighborhood ambience and charm, surely applicant would prefer the project be located elsewhere... there within, lies the answer.

I respectfully ask you to stand in unison with the present and future community, Planning Commission, and threatened charm of this town, and deny the applicant's appeal. It is the wrong project for the place.

Sincerely Yours,

Christopher Hill

The Christopher Hill Gallery - Celebrating Our 21st Year!
1235 Main Street
Saint Helena, CA 94574
707 963 0272

The Christopher Hill Gallery is also at:
Frank Family Vineyards
1091 Larkmead Lane
Calistoga, CA 94515
707.942.0859

Brian Arden Winery
331 Silverado Trail
Calistoga, CA 94515
707.942.4767

Merryvale Winery
1000 Main Street
Saint Helena, CA 94574
707.963.7777

10:30ish to 5ish - 6 Days A Week
Closed Tuesdays
www.chgallery.com - christopher@chgallery.com

To Members of the St. Helena City Council,

I am writing this letter to encourage you to support and uphold the Planning Commission's denial of the Berchtold's project at 2126 Madrona Ave. After 3 Planning Commission meetings, the Planning Commission correctly implemented the General Plan in their decision to deny this project. The applicants were given multiple opportunities to revisit and revise their plans to address the concerns of the Commission, neighbors and community members. However, the concerns were not adequately addressed.

The environmental impact of this project is substantial. I will point out just a few of my concerns below:

- This property is designated as Prime Farmland by the California Department of Conservation. Even a small loss of agricultural land in our city has a serious environmental impact on our entire community.
- All citizens of our community would be impacted by the increased use of city water for such a large home. Additionally, the increased pumping of a private well has potential impacts – most especially to those neighbors who rely solely on their well for their water source.
- Also of great concern is the increased amount of impervious area contributing to storm water runoff and the displacement of ground water cause by the 7,000 sq. ft. underground room preventing adequate water absorption.
- There is a majestic Heritage Oak on Madrona Ave. that may be in danger because of the extensive root system and the massive amount of soil that will be removed to build the previously mentioned underground room.

I urge you to protect and preserve the rural character of our community by upholding the decision of the Planning Commission and the recommendation of the Staff Report to deny this appeal. I thank you for considering my input.

Sincerely,

Annette Smith

From: Clay Timon
To: cityclerk
Subject: [External] Building Projects
Date: Saturday, April 22, 2023 7:31:39 AM

I'm very supportive of the Hunter Street project as it will being housing and an increased tax base to the city, which the city desperately needs.

I'm totaly opposed to the mega mansion on Fir Hill. A compound that size has no place in our city and the threat of a lawsuit should not cause the council to cave. Principle is on the side of the city on this one.

Thank you,

Clay Timon
1103 Brittany Lane
St. Helena

From: Connie Wilson
To: cityclerk
Subject: [External] April 25 City Council Meeting - Appeal of 2126 Madrona Avenue
Date: Monday, April 24, 2023 10:31:38 AM

Dear City Council Members,

Please uphold the Planning Commission's decision to deny the demolition permit and design review for 2126 Madrona Avenue. I agree with this decision and stand in support of the neighbors near this property.

This is the wrong project for not only this site, but for our entire small town and its character.

Thank you for your consideration.

Connie Wilson
St. Helena

April 23, 2023

City of St. Helena | City Council | 1088 College Ave. | St. Helena, CA 94574 | 707-968-2742
Mayor Paul Dohring | pdohring@cityofsthelena.org
Vice Mayor Eric Hall | ehall@cityofsthelena.org
Council Member Anna Chouteau | achouteau@cityofsthelena.org
Council Member Lester Hardy | lhardy@cityofsthelena.org
Council Member Billy Summers | bsummers@cityofsthelena.org

Re: Opposition to Proposed 2126 Madrona Ave. Development Project

Dear Mayor Dohring, Vice Mayor Hall, Council Member Chouteau, Council Member Hardy, and Council Member Summers,

I am writing to express my agreement with the Planning Commission's denial of the application for a demolition permit and design review for the proposed demolition and new construction on the property located at 2126 Madrona Avenue. As I previously stated in communications to the Planning Commission, I would be very pleased to welcome Joe and Lorraine Berchtold to the St. Helena community yet believe that the design, as it has been proposed, continues to be a cause for concern.

My initial opposition included two proposed driveways accessing the new residence from the private, one-lane Fir Hill Drive. During the first Planning Commission meeting, Mr. and Mrs. Berchtold's team agreed to remove these driveways so that all access points would be limited to Madrona Avenue. However, other concerns expressed by neighbors during meetings with Mr. Berchtold and members of his team were not sufficiently addressed.

- Although the placement of the 850 square-foot ADU (pool house) and its adjoining 864 square-foot covered terrace was slightly relocated and the roofline of the ADU was lowered, no modification to the overall square footage of the entire project occurred. Thus, adequate compromises were not made with regard to reducing the size of the construction project to preserve more of the vineyard or to lessen the obstruction of views of those neighbors directly impacted.
    - Above ground: 10,554 square feet of building structures & 2,504 square feet of covered terraces
    - Below ground: 6,457 square feet of living space
- It is illogical that the immense size of this proposed project should be deemed to be "water neutral" as it relates to the existing home's historic City of St. Helena water usage.
- A new well for agricultural purposes could jeopardize the existing wells of surrounding neighbors who rely on wells as their only source of water.
- Residents of Fir Hill Drive (who must each pay for the maintenance of our private road) expressed concerns that the massive scope of the above- and below-ground structures, coupled with the net-reduction in agricultural land, could prevent water from seeping into the ground and cause significant runoff issues on Fir Hill Drive. The subsequently proposed dry pond may not be sufficient to combat these issues.

I understand Joe and Lorraine Berchtold's desire to build a "vacation/entertainment" home in our charming town. Unfortunately, although multiple opportunities were given to modify the proposed project to be in line with the City's General Plan, these were not taken. I trust that you will objectively evaluate this situation, just as you would for any other project, and **respectfully request that you uphold the Planning Commission's denial of the current plan by following the Staff's recommendation to deny the appeal.**

Thank you for your consideration.

Sincerely,
Jodie Morlet
Fir Hill Drive Resident

Cc: cityclerk@cityofsthelena.org

From: Rita Hellewell
To: cityclerk
Subject: [External] Madrona/Fir Hill Project
Date: Sunday, April 23, 2023 11:18:05 PM

I see that this Tuesday, you will be considering the appeal of the project to construct a 14.407 square foot "single family home" on the Madrona/Fir Hill site. I plan to try to attend the meeting, but I want to let the city know that as a full time resident in that section of town, I had and continue to have major reservations about this project.

My concern is that the size of the property indicates that something much more than a single family dwelling may be in play here. The permit was previously denied, and the applicant is unwilling to make changes (based on taking out vineyard). What assurances does the city have that this is not a hotel or other commercial business in disguise? If nothing has changed, I don't see why we would grant the permil. I hear that the applicant may threaten to sue. I presume the applicant has money to fight this.....not exactly a great start to fitting into the neighborhood.

I hope that the council upholds that previous decision, and also ensures that any property built adheres to the land use and character of the area. Lower Madrona and Fir Hill are two of the last parts of the town that still maintain the character of our vineyard heritage. It would be a travesty if some monstrosity were built on this corner. I'm not against progress, but this home seems gigantic, and I can't help feeling that something else is going on here.

Thanks

Rita Hellewell

From: Ross@
To: Public Comment; cityclerk
Subject: [External] Fir Hill and Madrona Megamansion
Date: Friday, April 21, 2023 4:41:47 PM

I am unable to attend the City Council meeting on the 25th to hear arguments about the 19,000 sqft “mega mansion” proposed for the corner of Fir Hill and Madrona. I attended a planning Commission meeting a few months ago when this project was rejected by the PC and sent back for redesign for a smaller home (4500 sqft).

I wish to express my absolute opposition to this project as being totally out of character for our small town. The owner’s lawyers and clueless architect* have been disingenuous in the number of bedrooms, use of water (14 bathrooms for two people?), landscaping, and the impact on the vineyard (and run-off).

The owners have not shown good faith in complying with the Planning Commission's decisions and now appeal to the City Council rather than working with the PC? This shows exactly what we are dealing with. Don’t expect any assertions by the owners/lawyers/architect to be upheld.

Approving this project sends the clear message that one of St. Helena’s core values is that “when money talks, we'll listen, and you'll get whatever you want”.

In addition, I request that City Council members who have taken any contributions from the owners of this property recuse themselves.

Thank you,
- Ross Allen
643 Pratt Avenue

* The architect showed breathtaking ignorance of building codes, run-off from the vineyard, sewer hookup, and other relevant issues. He was clearly deceptive about which rooms could be converted to bedrooms after plan approval and final inspection.

Cindy Tzafopoulos

From: Maya DeRosa
Sent: Monday, April 24, 2023 10:42 AM
To: Cindy Tzafopoulos
Cc: Ethan Walsh; Chantal Power
Subject: FW: Berchtold Project Appeal of 2126 Madrona Ave Project Denial

Hi Cindy, please post to agenda if you did not receive already.

MAYA DEROSA, AICP
COMMUNITY DEVELOPMENT DIRECTOR
City of St. Helena | Community Development Department
1088 College Avenue | St. Helena, CA 94574
Direct: (707) 967-2783 | mderosa@cityofsthelena.org | http://cityofsthelena.org/planning

From: F Ron Krausz <frkrausz@krauszco.com>
Sent: Monday, April 24, 2023 12:56 AM
To: Paul Dohring <PDohring@cityofsthelena.org>; Eric Hall <EHall@cityofsthelena.org>; Anna Chouteau <AChouteau@cityofsthelena.org>; Lester Hardy <LHardy@cityofsthelena.org>; Billy Summers <BSummers@cityofsthelena.org>
Cc: John Ponte <JPonte@cityofsthelena.org>; Christopher Warner <Christopher.Warner@cityofsthelena.org>; Rosaura Segura <rsegura@cityofsthelena.org>; Marika Rothfeld <mrothfeld@cityofsthelena.org>; Autumn Anderson <AAnderson@cityofsthelena.org>; Maya DeRosa <MDeRosa@cityofsthelena.org>
Subject: [External] Berchtold Project Appeal of 2126 Madrona Ave Project Denial

Dear City Council Members,

We own the home at 2212 Madrona Avenue directly across Fir Hill from the proposed project.

We attended all of the Planning Commission hearings as well as the on-site, neighborhood meetings. At these meetings many of us expressed our concerns about the impact to those of us on Fir Hill, as well as the St. Helena community at large, of a development of this scale. In particular, there was persistent expressed concern with the view obstruction resulting from placing the ADU building in its proposed location, and also from the garden walls and plantings that are planned.

We appreciate the actions the Berchtold's have taken to accommodate those concerns by moving the ADU 5 ft. closer to the house and 15 ft to the east and lowering the roof approximately 2 ft. (reconfiguring the swimming pool and bocce court area to do so). However, the structures have remained the same size as in prior iterations, and the large masses of the structures leave little room, on the proposed building pad, for meaningful relief of view corridor obstruction (especially from our home), or the community impact of such a large project.

We are truly excited to welcome our new neighbors to St. Helena. Regretfully, we are writing to oppose the approval of the appeal of the Planning Commission action, as the project now stands. We hope that there will be some compromise on the overall size of the project, and a reduction of the view obstruction along Fir Hill Drive that will be caused by taking out the existing vineyards and putting the ADU, wall and plantings where they are currently planned.

We expect that there will be meaningful consideration, when deciding the outcome of the permitting for this property, of all the many concerns regarding the size and location of the project elements, and the disproportionate scope of the project for our St. Helena community. If nevertheless the decision is made to approve the project, we think it essential that the views across the property from Fir Hill, Dean York and Madrona be protected from additional impacts by conditioning approval on the requirement that any new or replacement fences, plantings, or other potential obstructions, be such that they will not affect the views into or across the remaining agricultural land area.

Thank you,

Susan and Ron Krausz
2212 Madrona Ave., St Helena

Patricia (Herdell) DiTomaso & Henry DiTomaso
Christina Herdell
Kathleen Herdell

1615 Fir Hill Drive St. Helena, CA 94574

April 24, 2023

Honorable Mayor Paul Dohring (pdohring@cityofsthelena.org)
Honorable Vice Mayor Eric Hall (ehall@cityofsthelena.org)
Honorable Council Member Lester Hardy (lhardy@cityofsthelena.org)
Honorable Council Member Anna Chouteau (achouteau@cityofsthelena.org)
Honorable Council Member Billie Summers (bsummers@cityofsthelena.org)
St. Helena City Clerk (publiccomment@cityofsthelena.org)

Re: City of St. Helena File No: PL 21-044; Appeal from Planning Commission Denial of a Demolition Permit and Design Review Application for 2126 Madrona, St. Helena CA filed by Lorraine and Joe Berchtold

Dear Mayor Dohring and Council Members:

We, the owners of 1615 Fir Hill Drive, St. Helena, CA, respectfully submit our opposition to this appeal by Mr. and Ms. Berchtold from the Planning Commission's denial of their Application to build an almost 20,000 sq. ft. home, complex and ADU at 2126 Madrona, St. Helena CA. We agree with the recommendation of the Staff Report and believe the City Council should find the Planning Commission did not err in denying the Application or abuse its discretion in doing so.

The Berchtold parcel is zoned A20 which limits nonagricultural use of the 5.77 acre parcel to one acre. In order to build-out this enormous complex in a rural area of St. Helena, the Applicants will demolish an existing old farm house and 2 barn-like structures previously used for two cars and a tractor. The Berchtolds stated publicly they intend to use the home only a few times a year as one of their many homes around the world. Even when they are here visiting, they intend the home to be used by only 2-4 people. In order to accommodate their landscaping, a pool, bocce court, a two building pool house (disguised as one ADU,) they must remove over one-half acre of old-growth and dry-farmed vineyard. Specifically, they will remove approximately 300+ vines. As their attempt to minimize the loss of land dedicated to agriculture, they offer to plant about 30 olive trees. In a private side-bar before the planning commission, they agreed they would sell the olive oil produced from the trees so as to make the trees deemed an agricultural commodity in compliance with the General Plan.[1]

The Planning Commission held 3 public hearings before voting to deny the Application. We, along with numerous other citizens of St. Helena, were present as well as offered specific written objections to the project. We have attached all written letters of opposition we know about in Exhibit One hereto and incorporate them by reference as if set forth fully herein. In addition to our letters, you will find that we complied with the Planning Commission's request to provide a written status report of our objections to the project by December 19, 2022. It's goal in having the Berchtolds and the neighbors most affected by the project (referred to herein

[1] Although they offered their lemon and orange tree as well as their lavender landscaping plants as agricultural products to be used in calculating their agriculture compliance statistic, the Planning Commission rejected the premise.

as the "Fir Hill neighbors") prepare such a report was to assist the Berchtolds in finding modifications that could obviate and satisfy the Fir Hill neighbors' objections. No compromise modifications were made.

Instead of restating all of our objections to the project, we will focus on a few we feel the City Council should be aware. In doing so, we do not waive our right to raise objections not specifically highlighted here at a later time if necessary.

A. <u>The Planning Commission did not abuse its discretion in denying the Berchtold Application because it offered the Applicants full due process in considering the Application and properly interpreted the St. Helena General Plan, other state and common laws and St. Helena policies and ordinances as the basis for its denial.</u>

1. The Planning Commission offered the Applicants full due process.

All proceedings in this matter are found in the St. Helena Planning Commission's written public record. Moreover, each hearing was filmed. As indicated above, the Planning Commission met on October 18, 2022, December 6, 2022 and March 7, 2023 for a collective number of at least 8 hours. In addition, the Planning Commission asked for and received written status reports from the Applicants and other Fir Hill neighbors on December 19, 2022. Each hearing was conducted according to all protocols for Government meetings, including publicly-noticed agendas.

The Applicants provided written information to the Planning Commission for each hearing as well as their December 19, 2022 status report. Mr. Berchtold personally attended at least 2 of the 3 meetings, but his lawyers and architect as well as other experts attended all three meetings. The Applicants (when present) and their experts gave public comments and fielded questions from the Commissioners. Applicants offered information on their proposed plans and received specific feedback from the Commissioners. Several times, even after the public comment period was closed, the Commission, when necessary, opened the closed session to ask the Applicants or their experts a critical question or obtain further information to assist their deliberations.

The public was also offered the opportunity to address the Commission and the Applicants were given time to respond. The Applicants were offered full due process; to argue otherwise is not true.

2. The Planning Commission properly interpreted relevant St. Helena General Plan provisions as a basis for denying the Application.

The Applicants argue the Planning Commission didn't know what they were talking about when they interpreted the St. Helena General Plan and found the application was noncompliant. From the Fir Hill neighbors' perspective, that is untrue. As lay people, we found the Commissioners' questions insightful and probative. They have received training on the General Plan, they evaluate applications for projects throughout the year, and apply the standards uniformly as generally interpreted by the City. They are assisted by St. Helena Planning and Public Works department specialists in their field and review the Staff report information with a keen eye towards compliance.

The Planning Commission is also charged with examining each project to determine not only if a proposed project is in compliance with zoning requirements, but also whether it is consistent with the nature and character of an existing neighborhood. They know the City and are

charged with the responsibility to ensure all aspects that can affect a neighborhood in the future are addressed as best as possible. Although volunteers, the Commissioners are appointed by the City Council based on their qualifications and spend extraordinary time reading the file, staff report, seeking guidance from other staff when necessary and doing independent research. Although Applicants are understandably upset by the current decision, the Planning Commission is in the best possible position to evaluate a proposed project and make findings one way or the other. The City Council properly should give great deference to the Planning Commissioner's work on its behalf.

In addition, St. Helena's General Plan's have long emphasized a City goal that agriculture is an essential element in maintaining the character and economy of St. Helena as well as the City's commitment to maintaining agriculture within the incorporated City limits for the long term. For example, section 2.6.17 of the 1993 General Plan expresses the goal of minimizing new residential development that blocks the public view of vineyards. This project proposes just that by planting tall trees to block the view of the vineyards and eastern hills by the public along Fir Hill Drive, a popular pedestrian and walking route in town. For a more current view, the current General Plan policies LU5.1 ("Discourage conversion of existing farmland to non-agricultural uses") and LU5.3 ("Strictly limit development on properties existing at the time of the adoption of this General Plan that are designated as agricultural land") require Applicants to retain all of the existing vineyards, which is consistent with the 1993 General Plan goals.

In this instance, the Planning Commission found removal of over .5 acre of old growth vines was inconsistent with the General Plan. Although there may have been other factors affecting their decision, such as the size and massing of the project as out of character with the neighborhood, that finding alone justifies denial.

3. The A20 zoning designation are important parts of the agricultural land ("Ag Land") preservation regulatory regimen applicable to this project.

While a broad array of public interests are served by Ag Land preservation, in St. Helena, the most significant public benefits created by these rules are the preservation of scenic views and the maintenance of the community's rural character and particular agrarian heritage. An evaluation of a project's compliance with the City's Ag Land regulatory framework cannot be based only on an assessment of agricultural productivity or measurement of land area lost from or converted to agricultural production. Such an approach fails to address adequately the project's impact on these important public benefits of the Ag Land. Important inquiries should also evaluate the effect on these benefits of the siting of proposed new structures and other improvements, and consider the maintenance or loss of view corridors, the maintenance or degradation of the public's experience of the community's rural character by reason of their interaction with the site, before and after the requested changes are made.

Many of the objections to this project reflect the fact that this project does unusual violence to the public interests meant to be served by the restrictive zoning and General Plan policies. The Applicants ask the City Council to focus only on the amount of land area removed and the addition or subtraction of fruit production, an approach that entirely misses the point of the Ag Land preservation policies. The proposal to replace the rural side yard adjacent to the simple farmhouse structures, some dating back well over 100 years, with olive trees fronting on a wall, and call it an "orchard expansion," looks more like an attempt to game a statistic perceived to be important, rather than a mitigation.

It is with good reason that the area abutting the Application is enjoyed by the City of St. Helena as they either walk, drive or ride by the Madrona/Fir Hill area. The many residents and visitors

experience broad, open vistas that begin with intimate connections to the vineyards just feet away, view through transparent fences. The current project damages that experience far more than is reasonably necessary to, or inherently required for, the development of a 1 acre single family residential site within the parcel.

If the project is allowed to go forward, it is important that the City impose conditions of approval restrictions to minimize future damaging impacts. Specifically, these should include requirements that no further obstructions to visibility into the vineyard area and to the vineyards and mountains beyond be allowed, whether by changing fencing materials or by reason of new plantings.

4. The traditional FAR analysis formula should be disregarded for the A20 zoned parcels.

FAR regulations attempt to identify the density of a home to the size of the parcel it sits on. For example, in cities where lots are small but the buildout on it is a 2 or 3 story building, the FAR number would be large. But, where, as here, the parcel is several acres, even with a massive building on it could result in a small FAR figure.

The frequent references to the small FAR resulting by using the entire area of an A20 parcel as the denominator in the math equation reflects a fundamental error in the approach to FAR regulation to residential development. On a five acre parcel, let alone a 20 acre parcel, any building designed to meet the limits of the FAR restrictions would be unfathomably and absurdly large. If the FAR limitation are meant to guide evaluation of a project in the A20 zone, the only rational approach would be to use a one acre area permitted for nonagricultural development as the denominator. It would allow a more accurate picture of a development's density as it allows an apple-to-apple comparison.

Even though the Planning Commission did not employ this kind of FAR analysis, it is obvious to anyone that the full build-out of a 1 acre parcel with an almost 20,000 sq. ft. project creates an impacted density that is not compatible with the character or nature of the neighborhood. All but 1 or 2 of the parcels on Fir Hill are one to 1.25 acres. The largest residence is only about 4,500 sq. ft. resulting in about a 75% less density per acre than the Berchtold project. This alone should be a satisfactory reason alone for the City Council to uphold the Planning Commission's denial of the Berchtold Application.

B. <u>Even though the Planning Commission did not cite other reasons as a basis for denial, the project's overall massing would have been a basis for denial.</u>

The project's overall massing has been a consistent objection and high level of concern.

1. The Basement.

A 6,457 sq. ft. buried cement box will impact groundwater flow, topside water flow, and the Oak tree on Madrona. Consequences of re-routing groundwater around this size basement could be devastating to the aquifers that feed our wells and neighboring vineyards, to the heritage oak tree and its complicated root system, and to the City's drainage system. <u>Literally, the Berchtold basement would fit THREE of our 1615 Fir Hill homes.</u>

2. The Main Residence.

The size of the proposed single family residence is over 14,500 sq. ft. It will be larger than any other residence in St. Helena and larger than most commercial buildings. It does not fit with the rural character of this particular location. It is far too large in scope for the City limits and valley floor.

In addition, Applicants' plans call for massive sides of the home and walls for privacy. The environmental impact will be substantial. Finally, in order to accommodate a caretaker unit as part of the main residence, Applicants will remove a sizeable number of heritage vines on the east of the existing farm house, which the Planning Commission found is not being recovered with sufficient agriculture in exchange, the basis for its Application denial.

3. The proposed ADU is actually two ADU's and should be denied altogether.

Applicants' proposed ADU is actually a two-building pool room. When combined, the 300 sq. ft. covered breezeway, the two structures equal 1,150 sq. ft. In this project plan, the ADU is material to the objections of the neighbors and the project massing because the ADU location is the reason Applicants will remove most of the heritage vineyard that runs in front of 1615 Fir Hill. This violates the City's ADU policies. We continue to object to an ADU along Fir Hill because it requires removal of substantial heritage vineyard.

C. <u>Water issues are real and would be sufficient to deny the Application</u>.

1. Storm Water Runoff.

We continue to have concerns about water runoff. Applicants are making efforts to mitigate the runoff with a 'dry pond', but as we know water runs downhill and any water flowing down from the top of Fir Hill must go somewhere. With the addition of the large cement basement and increased surface cement walls, structures and pathways, there will not only be runoff from rain, but the underground water will find a way to reroute itself making existing plans useless. The water runoff on Fir Hill is through ditches and culverts and any additional runoff will overwhelm those systems. The City has a large drainage pipe on Madrona that will also be overwhelmed by all this re-routed water. It is unclear how all this water will affect the historical oak on the corner of Madrona.

2. Water usage.

The Applicants are using a City of St. Helena plan-review formula vs. actual water usage limits to get around water-usage issues for a home this size and agricultural/landscaping needs. The original plans call for the 3 structures – 11 toilets, 14 lavatory faucets, 4 kitchen faucets, 2 baths, 1 laundry faucet, 7 shower heads, 4 washing machines and 2 dishwashers. No St. Helena resident or business owner who has lived through the last 5 years of drought believes low flow water fixtures of a project this size create a water-neutral project.

3. Drainage.

The 6,457 square feet that will be below grade will displace and divert current water flow. Displacing this water affects how the water drains around and off the property. Applicants proposed dry pond cannot handle the volume of water we can get in this area. This must be addressed and made a permit condition that there can be no additional runoff onto Fir Hill ditches and culverts.

4. Well for Agricultural use. All homes on Fir Hill use and depend on their wells for their water; the well is the only source of water for some. It is likely any additional well in the area will impact well water availability for Fir Hill Drive residents. This past fall, one of the agricultural wells in the area reported getting dirt and sand, meaning the aquifer the well was located was possibly drying up. A permit condition should be made that would require the Applicants' well to be capped if it affected the Fir Hill wells in any way.

D. <u>We continue to believe CEQA applies to this project</u>.

The size of this project alone should require CEQA report. The report would address important issues of safety of the Madrona/Fir Hill intersection because visibility from the new olive trees and other cement walls for privacy. Likewise, the size of the residence alone will block drivers' field of view when approaching that corner. A CEQA report would also address the noise resulting from the massive equipment needed for a home of this size and its multiple HVAC systems, sump pumps and possible septic systems, pool pumps, and elevator motors to name a few. It would also address the impact the project has on the historic heritage oak tree at that intersection.

<u>SUMMARY</u>.

We appreciate the time and effort each Councilmember has taken to understand the issues in this appeal. The project is opposed by most every St. Helena resident that knows about this project. We are available to discuss the problems further if the City Council would find it helpful.

Respectfully,

Patty and Hank DiTomaso
Chris Herdell
Kathleen Herdell

April 25, 2023
City Council Meeting

Exhibit 1
Opposition Letters Previously Submitted

March 7, 2023
Planning Commission Meeting

Public Comment
Opposition Letters Submitted

Xinia Gamero

From: Aaron Hecock
Sent: Friday, February 24, 2023 8:04 AM
To: Maya DeRosa
Cc: Chantal Power; Xinia Gamero
Subject: FW: [External] Water Use Analysis 2126 Madrona Ave.

AARON HECOCK, AICP
SENIOR PLANNER
City of St. Helena | Community Development Department
1088 College Ave. | St. Helena, CA 94574
Direct: (707) 968-2659 | ahecock@cityofsthelena.org | http://cityofsthelena.org/planning

From: TOM BELT <tmbelt@comcast.net>
Sent: Thursday, February 23, 2023 5:09 PM
To: Aaron Hecock <ahecock@cityofsthelena.org>
Cc: Paul Dohring <PDohring@cityofsthelena.org>; Eric Hall <EHall@cityofsthelena.org>; Anna Chouteau <AChouteau@cityofsthelena.org>; Lester Hardy <LHardy@cityofsthelena.org>; Billy Summers <BSummers@cityofsthelena.org>
Subject: [External] Water Use Analysis 2126 Madrona Ave.

Dear Mr. Hecock,

I just read the Water Use Analysis plan for the proposed new residence to be constructed at 2126 Madrona Avenue. I find it difficult to believe ten occupants will use 72.9 gallons per day per occupant in a residence and ADU that has 10 toilets, 12 bathroom sinks, 6 showerheads, 3 kitchen bar sinks, 3 clothes washers, and only 1 dishwasher that will only be used once every four days. Please provide answers to the following questions:

1. The above project refers to the existing 2126 Madrona Ave. residence as having five bedrooms and in order to remain in compliance with St. Helena's Water Neutral Policy, a reasonable baseline existing demand is 150 gallons of water per bedroom per day. Please provide the St. Helena Planning Ordinance(s) that verifies where this past ratio for daily water use per bedroom is listed?

2. Walking by the home it appears the existing residence is a rather small home. Did someone from the City's Planning Department physically inspect the home and confirm there are five bedrooms in the existing house?

3. What water use reference/guideline was used by Madrone Engineering to project the residence and ADU will only use 729 gallons of water per day considering the development projects ten occupants will be living in the two spaces?

4. Has the above proposed water use reference/guideline for this future single family home and ADU been validated as being an accurate prediction for future water use in past developments within St. Helena?

5. If so, which single family home developments in St. Helena?

6. If the answer to question #4 is no, why is the city permitting this water use reference/guideline to be used when the city has such a limited annual water supply?

7. When was the last time St. Helena updated its Water Neutral Policy for Development?

8. If the proposed development is ultimately approved by City Council, is there a procedure in St. Helena's ordinances to allow the city to monitor/limit the future daily water use to 729 gallons per day as the project proposes?

Thank you,

Tom Belt

Xinia Gamero

From: Mary Cunningham Agee <mcagee@msn.com>
Sent: Thursday, March 2, 2023 3:28 PM
To: Maya DeRosa; Public Comment
Cc: Jodie Morlet; Luc Morlet; Annette Smith; joel@gottwines.com; Sarah Gott; Nina And Adam Rotello; Adam Rotello; Margo Simons; Diane Darby; Frank & Laura Rodrigues; Laura Rodrigues; patty.ditomaso@comcast.net; Kathy Herdell; Susan Krausz; Ron Krausz
Subject: [External] Opposition to Berchtold Proposal: 3.3.23

Importance: High

To: **MDeRosa@cityofsthelena.org, publiccomment@cityofsthelena.org**
From: Mary Cunningham Agee and Family
Ref: Berchtold Proposal
Date: March 3, 2023

Dear Saint Helena Planning Commission and City Council Members,

I have just read and re-read the request by Architect Sasha Janev to the Saint Helena Planning Commission on behalf of the Berchtold's Trust for adoption of a resolution to approve construction of a new "single-family home" (!) and accessory dwelling unit on the property located at 2126 Madrona Avenue in the A-20 zoning district.

I am dismayed to discover that the request of three out of six City Commissioners to the applicant at the close of the last public meeting in late October *"not to return until this project is reduced in scale to under 10K square feet"* has not even partially been implemented-- but has been completely ignored.

Apparently, we are to find comfort in a slight reduction in size and location of the ADU -- with no substantive change in the scope or location of the main structures! The main residence and attendant structures remain unchanged -- with more bedrooms and bathrooms than any other non-resident "home" within this community -- let alone our neighborhood. Yes, *this proposal is "unprecedented"* and should be considered within that extreme context.

The fact is that the main structure of this project still remains at essentially the same square footage as originally proposed. The objections of many locals have never primarily been about the setbacks, design or even the view-blocking height of the main structure when *the sheer mass alone is way beyond the norms of everything else in this neighborhood*.

Add to this affront to the aesthetic and cultural norms of this private, peaceful and quaint neighborhood, an imposing cement wall that would surround this "residence" and the objections to this compound or fortress become even more intense and obvious.

Despite the architectural commentary that attempts to segment the massive overall square footage of this proposed new structure, *there is no obscuring that fact that the overall footprint of the main buildings and landscape still remain at 20K square feet*.

Before stating my specific objections*, I must emphasize -- yet again -- that these concerns are not personal*. I am by nature not someone who enjoys confrontation of any kind. I would far prefer to be part of a welcoming committee inviting new members into our community and neighborhood. But the gravity of this clear and present threat to our neighborhood and quality of life is severe enough to require an honest and reasonable confrontation.

My objections include but are not limited to the following:

- **Agricultural:** The Berchtold proposal is in clear contradiction to existing A-20 regulations designed precisely to protect agricultural land from developments like this. If those regulations mean nothing at times like these – then when do they count?
- **Environmental:** 6K square feet "below ground level" does not prevent environmental damage; it just pushes it underground. Water, natural habitat and agricultural impacts remain very real. Alleviating an utterly discretionary offence to the environment does not amount to preventing it all together.
- **Social:** Disruption during and after the construction of this compound/fortress cannot begin to take into account the loss of peace, safety and privacy to this neighborhood -- belovedly known as "the walking path" of Saint Helena - to many residents of this town.
- **Cultural Norms:** Even the existing ordinances insist that the scale and style of any new construction be "consistent with existing norms of the neighborhood." The proposed construction's basement (!) alone-- is larger than any existing structure on this street! The aggressive original proposal with not one -- but two -- driveway entrances onto Fir Hill Drive from this "residence" - reveals a lack of awareness respect for existing norms.
- **Common Sense**: The proposed "residence" is *more than three times the size of any home in this neighborhood!* How can that reality possibly withstand the scrutiny of reasonable "fit" within neighborhood norms or cultural conformity? There is no home in this neighborhood -- or even within city limits -- even close to this size! That doesn't even begin to consider the proposed cement wall surrounding this "residence" (aka "fortress")! How can this proposal even approach the "common sense" norms of what a reasonable person in our community would consider to be fair or appropriate?

Have we not all seen enough harm done to our society when respected norms are compromised and shared values are sold to the highest bidder? Just because something "*can* be done" doesn't mean that it "*should* be."

I wouldn't have taken the time to write this letter if I didn't firmly believe that our community -- and those leaders placed in a position of responsibility to protect us -- would not take this duty seriously. This is ultimately not only about us and our quality of life- but about those of many future generations to come. *We simply must make decisions today that will benefit those who will someday hold us accountable.*

Just imagine how we would each feel -- three to five years from now (after months and years of construction noise and disruption – not to mention the consumption of vast amounts of scarce natural local resources) -- when new restrictions within our city limits will have been prudently implemented. The new ordinances -- that you are fully aware of and are currently reviewing -- will presumably have been voted into law. *And these ordinances will properly limit the size, scope and environmental impact of all new residences. Try to envision explaining how this white elephant -- amounting to four times the scale of anything currently exiting in our neighborhood – was allowed to slip by under our watch!*

I can assure you this will not happen quietly. ***This neighborhood is not about to "go quietly into the night" as we watch everything our neighborhood stands for be compromised because of a slip up in timing of a new ordinance.***

Our neighborhood and this City Planning Commission - as well as the City Council -- should not be forced to pay the price for past inconsistencies or ambiguities in building codes or ordinances! You know better – and the new proposed ordinances prove this to be true. This is precisely why you are about to vote into law ordinances that would preclude such a behemoth from destroying the beauty and environmental integrity of a much beloved local neighborhood.

Thankfully, there is a solution. And this is readily available if the Planning Commission and City Council choose to do what is right. And the applicant -- and those advising -- will consider the unpleasant and expensive outcome of assured protracted efforts to oppose this affront to this community and neighborhood.

The applicant's reasonable choice: Either pursue this project substantially reduced in scale or relocate it exactly as it is designed to a more appropriate location where the legitimate objections raised will no longer be of concern.

As a resident of Fir Hill for thirty years, I am deeply saddened that our neighborhood has been placed in such an unpleasant position where we are forced to publicly oppose such a serious threat to our safety, security and privacy. My preference will always be to welcome newcomers -- but not at all costs. This is especially true when the environmental, agricultural, social, cultural, and economic costs of a proposed project would compromise my values.

Having known and respected each of you for many years, I believe that the members of this Planning Commission and City Council would also have preferred that this proposal not have arisen in the narrow window of "opportunity" before new ordinances would prevent this project from consideration. *I ask that you please have the foresight and courage to implement those protections you are well aware of now - just a few months before these positive changes will be recognized for the collective wisdom they represent.*

I thank you for your thoughtful consideration and request that you **find this project to be inconsistent with General Plan policies LU5.1 and LU5.3.**

On behalf of the many concerned residents of this town, I further ask that you **insist – yet again – that the applicant revise the plans to retain all the existing historic vineyards and redesign the project's scope and style to be consistent with the environmental concerns of and norms of the existing neighborhood.**

Most respectfully,

Mary Cunningham Agee and Family

-----Original Message-----
From: Linda Rose <linda@mgrose.com>
Sent: Thursday, March 2, 2023 4:06 PM
To: Maya DeRosa <MDeRosa@cityofsthelena.org>
Subject: [External] 2126 Madrona

Dear Maya,

I am very opposed to the proposed project at 2126 Madrona. It has no place in our town and certainly not there. It is completely out of scale and out of character.

Thank you,

Linda Rose
St. Helena

From: Leslie Stanton <lesliestan@gmail.com>
Sent: Thursday, March 2, 2023 4:57 PM
To: Maya DeRosa <MDeRosa@cityofsthelena.org>
Subject: [External] 2126 Madrona

Hi Maya - The "dream home" that the super rich couple wants to build on the Rossi property is out of scale for this community and meant for another purpose, and should not be called a home. Any building with that many bathrooms is to be some kind of an entertainment center. It needs to be scaled back.

Sincerely, Leslie Stanton

Xinia Gamero

From: Maya DeRosa
Sent: Sunday, March 5, 2023 9:11 PM
To: Xinia Gamero
Cc: Chantal Power
Subject: FW: [External] Berchtold project on Madrona/Fir HIll

Please post to the 3/7 agenda.

MAYA DEROSA, AICP
COMMUNITY DEVELOPMENT DIRECTOR
City of St. Helena | Community Development Department
1088 College Avenue | St. Helena, CA 94574
Direct: (707) 967-2783 | mderosa@cityofsthelena.org | http://cityofsthelena.org/planning

From: Margo Simons <margosimons@aol.com>
Sent: Sunday, March 5, 2023 4:39 PM
To: Maya DeRosa <MDeRosa@cityofsthelena.org>
Subject: [External] Berchtold project on Madrona/Fir HIll

Hello Maya,

I hope you are well. We (Fir Hill) met on the Berchtold property this week to discuss the changes that had been made. Very little had been changed, including the size of the home. I am surprised that in this day and age (with water issues, flood plane consideration) that someone could even consider it, especially because this size has never been considered before in our town. With the proposed future code saying no house larger than 4700sq ft. can be built in town, this will end up being a white elephant. It just doesn't fit the neighborhood. This project is perfect for an out of town, on a street without the foot, bike and car traffic.

I spoke to a former head of planning (commissioner) and they said even though they (or whomever) may technically be allowed to build to code something of this size(20k), does not mean that it has to be approved. There is a fact in the code says something to the effect ~that if it doesn't look, smell or taste right for the neighborhood, you don't have to allow it. It's the classic just because they can does not mean they should.

Thank you for your consideration,

Margo Simons

Xinia Gamero

From:	Maya DeRosa
Sent:	Sunday, March 5, 2023 9:37 PM
To:	Xinia Gamero
Cc:	Chantal Power
Subject:	FW: [External] House proposed for Madrona & Fir Hill

Please post to the 3/7 agenda.

MAYA DEROSA, AICP
COMMUNITY DEVELOPMENT DIRECTOR
City of St. Helena | Community Development Department
1088 College Avenue | St. Helena, CA 94574
Direct: (707) 967-2783 | mderosa@cityofsthelena.org | http://cityofsthelena.org/planning

From: Barbara Shurtz <badbears38@gmail.com>
Sent: Sunday, March 5, 2023 9:26 PM
To: Maya DeRosa <MDeRosa@cityofsthelena.org>
Subject: [External] House proposed for Madrona & Fir Hill

I feel that this house is entirely too large for the neighborhood and should not be allowed to be built on this property within the city limits.
Barbara Shurtz 1600 Dean York Lane, St Helena

Xinia Gamero

From: Maya DeRosa
Sent: Monday, March 6, 2023 9:01 AM
To: Xinia Gamero
Cc: Chantal Power
Subject: FW: [External] Proposed build at Madrona and Fir Hill meeting Mar 7

Please post to the 3/7 agenda.

MAYA DEROSA, AICP
COMMUNITY DEVELOPMENT DIRECTOR
City of St. Helena | Community Development Department
1088 College Avenue | St. Helena, CA 94574
Direct: (707) 967-2783 | mderosa@cityofsthelena.org | http://cityofsthelena.org/planning

-----Original Message-----
From: ELLEN SHIFFLETT <ellenshifflett@gmail.com>
Sent: Saturday, March 4, 2023 8:34 AM
To: Maya DeRosa <MDeRosa@cityofsthelena.org>
Subject: [External] Proposed build at Madrona and Fir Hill meeting Mar 7

As a neighbor and property owner in St Helena I am opposed to the proposed build of an oversized structure on the corner of Madrona and Fir Hill. I find the proposed out of proportion to the neighborhood. Please consider the environment.
Thank you

Ellen Shifflett
1701 Madrona Ave
St Helena

March 5, 2023

City of St. Helena, Planning Commission
1572 Railroad Ave. | St. Helena, CA 94574
John Ponte | Chair, Planning Commission | jponte@cityofsthelena.org
Autumn Anderson | Vice-Chair, Planning Commission | aanderson@cityofsthelena.org
Marika Rothfeld | Planning Commissioner | mrothfeld@cityofsthelena.org
Rosaura Segura | Planning Commissioner | rsegura@cityofsthelena.org
Christopher Warner | Planning Commissioner | cwarner@cityofsthelena.org

Re: Continued Concerns Regarding 2126 Madrona Ave. Development Project

Dear Chair Ponte, Vice-Chair Anderson, Commissioner Rothfeld, Commissioner Segura and Commissioner Warner,

We are writing to express our continued concerns regarding the project as it is currently proposed by Sasha Janev on behalf of Lorraine and Joe Berchtold to accommodate the construction of a new "single-family home and accessory dwelling unit" on the property located at **2126 Madrona Avenue**.

As previously noted, we would be very pleased to welcome Joe and Lorraine to the neighborhood and are grateful that their team agreed early on to remove plans for two driveways on our private, single-lane road.

Yet, we are quite perplexed as to why **the overall size and scope of this project has not changed**. The team was directed to meet with neighbors and to return with a plan encompassing less square footage *(e.g., less than 10,000 square feet - the maximum size allowed for a commercial building within the City limits)*.

To date, while there have been a few meetings with neighbors and story poles were erected, the changes that we have observed include lowering the ceiling height of the ADU *(pool house)* and a slight relocation of that structure to try to lesson the obstruction of views for those residents directly impacted. However, **no concerns expressed by neighbors have resulted in any reduction in the overall size of the proposed residence**.

During the second meeting with neighbors, a question was asked as to how the water use calculation was made. Mr. Janev explained that it was based upon the number of bedrooms. He was then asked how many bedrooms are in the current plan. Mr. Janev and Mr. Berchtold proceeded to point in the air, circling around and counting: "1 -2 -3 -4 -5." They then agreed aloud with each other, "Yes, 5." This led many residents who were present to conclude that more bedrooms are in fact planned, but only five rooms are being designated as such on the proposed plans. We would have hoped for more transparency with regard to water usage and the manner in which the corner of Fir Hill Drive and Madrona Avenue may be impacted.

We respectfully request that you carefully evaluate whether the size of this residence is reasonable for the surrounding neighborhood, as we trust that you would do for any project in our beautiful city.

Sincerely,
Luc & Jodie Morlet
Fir Hill Drive Residents

Cc:
City of St. Helena, Planning Division
Maya DeRosa | Planning & Building Director | mderosa@cityofsthelena.org | 707-967-2783 x 530

Via email March 6, 2023

RE File Number PL 21-044, 2126 Madrona Avenue, Berchtold Project

Dear Planning Commission Chair Ponte and Planning Commissioners,

My property located at 1775 Fir Hill Dr. has been in our family since 1972 when it was a cow pasture and Madrona Ave. was a narrow road without a middle line. Our connection to St. Helena is multi-generational; my great grandfather Robert Graham operated a saloon and pool hall on Main Street and my grandfather attended St. Helena Elementary School; my great uncle Thomas Street served as principal of St. Helena Elementary School for a while and his wife ran the florist shop. I feel connected to St. Helena and support my Fir Hill Dr. neighbors in opposition to this project as currently proposed.

I was unable to attend the March 1, 2023 community meeting for the project because of weather conditions and Hwy 101 closure, and unfortunately, I will not be able to attend the March 7 Planning Commission meeting. I have the following questions and concerns.

Water

The water analysis for "water neutrality" is based on the approximation of Dennis Rossi, the sole occupant, using 750 gallons per day because the house has 5 bedrooms. How is this reasoning consistent with the water department phase II water restrictions of 65 gallons per person per day and 2,500 gallons per month for landscaping from April 1 through October? For these 7 months the water use would be 4,450 gallons per month for a period of time when Dennis Rossi was living in the residence. Compare 22,500 gallons per month based on 750 gallons per day with 4,450 gallons per month based on reality. A single resident in a household can use only one toilet at a time and uses about 2.56 gal/flush if not low flow. Even10 flushes/day leaves about 125 gallons for other household water usage assuming 150 gallons per the bedroom used by the single resident. The system of assigning 150 gallons of water per bedroom per day does not give a "reasonable estimate of baseline existing demand" in this case and is used to make it appear that an almost 20,000 sq ft house with 3 bedrooms, possibly 2 more and more bedroom possibilities in the enormous basement, 10 toilets, 16 faucets, 6 shower heads, 2 baths, 3 clothes washers and 1 dishwasher, plus an ADU with 1 bedroom, 1 toilet, 3 faucets, 1 shower head, 1 clothes washer and 1 dishwasher will use less water than the existing use. This defies common sense. I urge the Planning Commission to seek answers, and share them with the public, to questions raised by Tom Belt in his letter dated 2/23/2023. I request that the water analysis of existing use be redone to match reality. Although the current water analysis does not require a water offset due to the inaccurate estimate of existing water usage, offsets do not create more water. With the climate models predicting increasing temperatures and more evapotranspiration, the practice of using offsets to be "water neutral" may not meet the future needs and should be reconsidered. There is a significant probability that all the existing old vines will need to be replaced and new vines watered to be profitable in a warming climate. How will the project be "water neutral" without adding another well to the area? Although the building project does not require CEQA, the well permit should require CEQA in order to study the cumulative impacts of wells in the area in relation to a drying, warming climate, hydrologic flow underground, geology of underground aquafers (probability of collapse, capacity to refill). Wells that functioned in the 1970s at 125 ft depth are dry, and now a depth of about 500 ft is required for reliable water; this water may have collected thousands of years ago. This project is downslope of residential and vineyard wells in the vicinity of Fir Hill Dr. and

Dean York Lane and creates the risk of water loss for these residents. Protection of the water supply for these residents is a Planning Commission responsibility.

Historic Oak Tree Protection and Storm Water Control Plan
Madrona Avenue has been widened since the 1970s and covers more of the tree's root area along this east side. The asphalt impedes oxygen flow, so the tree may be more dependent on it shallow feeder roots in the remaining root area that is within the project area. The largest bio retention basin is located just outside the root area indicated for the oak tree which serves as a mother tree and has mycorrhizal networks extending beyond the root area to other existing plants. Grading and excavating a 2 ft deep bio retention basin will initially damage the shallow feeder root/mycorrhizal association with other plants on the property. How will this be mitigated? The Storm Water Control Plan states the proposed impervious surface is 24,810 sq ft and the existing impervious surface is 9,840 sq ft. Instead of using pervious pavement for the driveway and motor court parking area which would decrease the impact on the oak tree, the project proposes no pervious pavement. The existing driveway and parking is gravel that allows water and dissolved oxygen into the soil and helps shallow feeder root/mycorrhizal connections to survive. The existing structures have an area of 3,893 sq ft according to the staff report; what accounts for the additional almost 6,000 sq ft of existing impervious surface? A 20,000 sq ft increase in impervious surface reduces the area available for cooperative mycorrhizal connections to other plants and soil areas that currently benefit the oak tree. Will an ethical arborist sign a statement that this massive increase in impervious surface will not decrease the health and longevity of the oak tree?

Design Review
To justify loss of agricultural land as consistent with LU 5.1 and LU 5.3, staff uses the rationale that surrounding parcels have not maintained agricultural uses. One resident on Dean York Lane has consistently grown row crops and offered surplus for free to the community; the residence on the NE side of the project has a vineyard; two residences at the west end of Fir Hill Dr. have vineyards and another maintains pasture for livestock; two additional residences on Fir Hill Dr. grow organic fruits and vegetables for their own use and to supply others (over the past decade I have grown and transported hundreds of pounds of lemons, persimmons, figs, guavas to Food for People in Humboldt County). What benefit comes from a narrow interpretation of agricultural use of land?

Breaking up the façade of the project structure fronting on Fir Hill Dr. does not preserve the vineyard and mountain views for neighbors or local residents and tourists who enjoy walking and cycling on Fir Hill Dr. and Madrona. The mass of a two story, 29ft tall house is still overwhelming and detracting unless one is an aficionado of excessive wealth display.

I urge the Planning Commission to find that this project is not consistent with General Plan policies LU 5.1 and LU 5.3, and approve a decision that this project not return for consideration "until this project is reduced in scale to under 10K square feet."

Thank you for serving on the Planning Commission and considering my comments.

Respectfully,

Alice Diane Ryerson

March 5, 2023

To Maya DeRosa and the Members of the Planning Commission,

I am writing this letter to voice my opposition and concern about the proposed building project for 2126 Madrona Ave. I have attended the 2 previous Planning Commission meetings where the applicant was instructed to make adjustments, scale down this project and talk to the neighbors. I also attended the 3 "neighborhood meetings" and voiced my concerns. I was quite surprised at the most recent meeting that no changes were made to the main residence. Only the ADU was moved a few feet. Several of us expressed our disappointment that the main residence remained the same size but our comments were not taken into consideration nor mentioned in their summary report.

Many of my neighbors have already written detailed letters addressing specific concerns so I won't repeat those issues in my letter but I want you to know that I support their concerns. I also want to be sure that the future of the heritage Oak will not be in jeopardy or impacted by the drastic change in the underground system and that the water use will be thoroughly investigated and monitored.

This proposed residence is beyond the scope and size of any other residence in St. Helena. It is not in keeping with the characteristics of our town and this neighborhood. It will forever change the view along Madrona Avenue and adjacent properties. It will not only impact this specific neighborhood but the community at large and set a precedent for other oversized projects. We will all have to live with the environmental impact of this project for years to come.

I urge you to vote for Option 2 and find this project inconsistent with the General Plan polices LU5.1 and LU5.3 and recommend a scaled down version.

Thank you for seriously considering the issues that will impact our entire community.

Respectfully,

Annette Smith

Patricia (Herdell) DiTomaso & Henry DiTomaso
Kathleen Herdell Christina Herdell
1615 Fir Hill Drive
St. Helena, CA 94574

March 6, 2023

Commissioner John Ponte, Chair (jponte@cityofsthelena.org)
Commissioner Autumn Anderson, Vice Chair (aanderson@cityofsthelena.org)
Commissioner Christopher Warner (cwarner@cityofsthelena.org)
Commissioner Rosaura Segura (rsegura@cityofsthelena.org)
Commissioner Marika Rothfield (mrothfield@cityofsthelena.org)
Ms. Maya DeRosa, Planning & Building Director (mderosa@cityofsthelena.org)
Ms. Chantal Power, Associate Planner

Re: City of St. Helena File No: PL 21-044; Application for Demolition Permit and Design Review for 2126 Madrona, St. Helena CA (APN 009-470-010) filed by Lorraine and Joe Berchtold

Dear Planning Commissioners and Planning Staff:

Pursuant to a request of the Commissioners at its hearing on December 6, 2022, we submitted a status report on December 19, 2023 of issues resolved and outstanding between the applicants and the Fir Hill Drive neighbors as we understood them at that date. Because applicants had not submitted revised plans at that point, we were unable to report that any issues were resolved. After review of applicants' recently submitted revised plans and a short meeting at the property with applicants' representatives, we continue to oppose the project and request the Planning Commission deny the application on the same grounds as we have stated in previous letters of opposition from us and other neighbors. Although each reason for our opposition alone justifies your denial, collectively they overwhelmingly do.

1. Project massing. No changes were made to the overall 19,515 sq. ft. development.

House massing remains a consistent objection to every Fir Hill neighbor and other members of the community who love the area as we do. Although Planning Commissioners suggested to applicants at each hearing they reconsider reducing the square footage of the project, applicants continued to believe they had the right to their proposed project as submitted. In meetings with us, they actually stated they were "entitled" to them. Ms. Berchtold in particular threatened even more development when we told her we opposed the size and stated to us she would not reduce "one square foot."

This project is far too large for the area and is in noncompliance with multiple General Plan requirements. Even with minimizing the design and materials selected, a residential development of this size neither fits the character of the neighborhood and town nor the scale and scope of the other residential structures in either the Fir Hill neighborhood, the valley floor or St. Helena in general. Approval of this application will set a terrible precedence for the City of St. Helena.

a. The ADUs. First, let us address issues regarding the ADU. Specifically, applicants DO NOT propose only one ADU; they **actually request TWO composed of 2 structures measuring about 425 sq. ft. each**. **When combined with the 300 sq. ft. covered breezeway between the 2 structures, the total size equals 1,150 sq. ft.** City Staff point out that review of the ADU is a staff ministerial function such that the Planning Commission should have no decision-making authority. In this project plan, however, it is material to the objections of the neighbors and the project massing because its total sq. ft. is at least 1,150. Whether staff or the Planning Commission make the ultimate decision, it should be denied. We question how many ADU's of 1,150 square feet have been approved in St. Helena making this ADU different and inconsistent from all the other ADU's approved in the past.

Although applicants frame the ADU request as a kitchen, living area and bedroom, each building can easily be modified clandestinely after construction and final inspection to make 2 fully functional apartments each with kitchens

and bedrooms. This hidden motive makes sense when you consider that applicants have stated they will employ a full time caretaker to live in a kitchen-less unit in the main house. This makes no sense when one considers their planting of tall olive trees, construction cement walls and other significant efforts to protect their "privacy." What kind of wealthy people want a caretaker to come and go into their main house at any time without notice who claim to seek maximum privacy? Their solution: put the caretaker into one of the guest ADUs. When one considers the caretaker unit in the main residence and the 2 ADUs, this project actually has 4 single family residences being proposed. Moreover, the current configuration makes no sense to separate the kitchen from the bedroom unit which would force a tenant or guest to go out into inclement weather to get a glass of water in the night. There is no doubt post-construction changes will be made.

Second, we thank applicants for changes made to the location of the proposed "pool room" ADU as an attempted compromise to reduce the project's impact on certain neighbors' view; however, moving the two ADU structures only 15' to the west and 5' to the south as well as lowering the roofline "about 2 feet" have minimal impact. Applicants made no change to the size of the ADUs to minimize impact on the neighbors' views. Thus, it remains the size of numerous single family homes in St. Helena. If, for example, there is only 1 ADU being proposed, they could have removed the breezeway between the 2 structures and made the ADU one building. Likewise, applicants could then have rotated the ADU so that its length ran east and west instead of north and south along Fir Hill; this would thusly reduce the length of the structure running along Fir Hill and further minimized the distance in front of the 1615 property. As it sits now, even with the new setbacks, the ADU blocks our view to the vineyard and eastern hills. Such a turn would significantly reduce the number of vines and rows needed to be torn out to accommodate the current version.

We have owned and lived in 1615 Fir Hill Drive for 65 years. We have made financial improvements to the property based on the view of the vineyard and eastern hills. Applicants should not be able to interfere with these investments because of an ADU that could be smaller, lower in height and positioned differently that would allow them an ADU but also protect their neighbors.

b. The Residence.

The basement: it is immaterial substantial square footage of this project is a basement which would be invisible to the neighbors and overall massing. That size of a buried cement box will impact the local area regardless in multiple ways including impact on the oak tree and groundwater and topside water flow. Furthermore, while there are homes with basements in St. Helena, NONE are anywhere close to the 6,457 sq. ft. size proposed here. Although staff report the HVAC will be located in the basement, it is impossible. Certainly the mechanical requirements for the elevator needed to get from the basement to the 3rd floor will be there. While the laundry machines could be located there, who would want them to be so far away from where the laundry lives? Purportedly there will be a game room. It will certainly be big enough to house almost 7 pickle ball courts, 7 badminton courts, 3.5 volleyball courts, and 2 tennis courts. It is nonsensical to put mechanical and other equipment in a high ground water location where all neighbors who have basements and flooding protections have ALL flooded at one time or another. Some flood every year notwithstanding engineered flooding protection. Building a 10 foot tall, 6,457 sq. ft. cement box might be good for an indoor swimming pool, but not for much else. Denial of the basement is essential to prevent environmental and other long term impact on the neighborhood. Nature will find a way to mitigate all that happens now below the surface of the ground if this basement is constructed and the consequences could be devastating to our aquifers that feed our wells and neighboring vineyards, to the heritage oak tree and its complicated root system, to the City's drainage system among the few notable issues.

The first and second floors. Even if the basement is denied, the remaining size of the main residence is larger than any other residence in St. Helena and should be denied. It does not fit into the neighborhood and rural character of this particular location. In short, this project remains far too large in scope for the City limits and valley floor. It would be fine if it were located against the base of the foothills or location where it is not seen from the narrow roads and footpaths. Again, we object that this project will serve as precedence for future projects. The Planning Commission and City Council are here to protect our way of life and our cultural heritage. Denial of this application is the only protection our legacy has. Applicants and many of us won't be here in 50 years, but this local behemoth will be. It's not what we want to occupy our valley floor.

When the Rossi family sold the property, we did not doubt someone would rebuild, but we expected it would be in keeping with the current structure size and the sizes of the homes rebuilt along the adjacent Madrona corridor. We did not expect an almost 20,000 sq. ft. project. Please deny this application.

2. Visibility on the corner of Madrona and Fir Hill will remain a problem.

Without living in this neighborhood for the length of time all the Fir Hill neighbors have, applicants' cannot truly understand how dangerous the visibility problem is on the corner of Fir Hill Drive and Madrona where both autos and pedestrians enter and exit the roadway on a regular basis. As drivers, when we drive south on Fir Hill towards Madrona, we are look through the Rossi property as best we can past the house so we can get a glimpse of what is happening on Madrona: can we see children, people, and animals taking their walks or riding bikes; can we see a hint of a moving car, truck, tractor, vineyard hauling; is there a car trying to turn onto Fir Hill Drive and we need to pull over to allow it to pass, and generally looking for any other condition that requires us to slow down or stop for safety. Likewise, going west on Madrona, we begin to look for Fir Hill Drive conditions through the vineyard adjacent to 2126 Madrona and at the yard adjacent to Fir Hill. No matter where the olive trees are planted, they will restrict our visibility onto Madrona from Fir Hill Drive and from Madrona onto Fir Hill Drive. Likewise, the size of the residence (which removes all but 1 of the rows between 2126 and the adjacent home) block drivers' views of Fir Hill from Madrona and from Fir Hill to Madrona. The visibility is unsafely impacted.

3. Storm Water Runoff.

We continue to have concerns about runoff. Applicants are making efforts to mitigate the runoff with some cysterns, but water must go somewhere. A large cement coffin and increased surface cement walls and structures will simply reroute the water, making existing controls useless. The City has a large drainage pipe that will be overwhelmed by the rerouted water. We again question whether the rerouted water and proposed dry ponds will affect the historical oak and create other environmental messes in the area.

4. Water usage.

No resolution is possible on this issue because applicants are using a City of St. Helena plan-review formula vs. actual water usage limits to get around water-usage issues for a home of this size as well as its agricultural/landscaping needs. The original plans call for a large pool, 2 homes (actually 3 with the split ADUs,) 11 toilets, 14 lavatory faucets, 4 kitchen faucets, 2 baths, 1 laundry faucet, 7 shower heads, 4 washing machines and 2 dishwashers. Finally, we continue to ask what the Rossi historical water use for the property was so we can compare historical data with proposed use data. No St. Helena resident or business owner who has lived through several droughts believes low flow water fixtures of a project this size will be less than water usage of the Rossi family and its small humble home. No one.

5. Well for Agricultural use.

Granting of a well permit is purely speculative and with our historical experience with well permits, is unlikely to be granted. Regardless, we still see no permit condition that applicants will use no City of St. Helena water for agriculture or landscaping. Finally, the houses on Fir Hill use well water as their only water source. There are no permit conditions that restrict the use of applicants' well (if granted) when it affects the viability of any existing well on Fir Hill.

6. Backyard layout and ADUs location.

Again, we continue to question whether the ADU 2 buildings are really only one ADU. Applicants' proposal to move the ADU five feet closer to the house, shifting it 15 feet east and lowering ceiling heights is progress in helping resolve the view shed issues but in reality will have minimal impact. At the recent applicant meeting with the neighbors, applicants confirmed that substantial vineyard will be removed along Fir Hill Drive to accommodate the ADUs, the pool and bocce court. Even though the ADUs could be designed so as to reduce the further impact on the neighbors' view sheds, (see the comments above, such as combining the ADU into one building with no breezeway, rotating it so the length of the structure does not run along Fir Hill, etc.) applicants continue to hold onto their original design and size. Nonetheless, applicants' still propose removing most of the vineyard along Fir Hill drive to about the oak tree in front of the Rodrigues property.

The reason we were given for why it can't be relocated (or even removed completely) is because it provides pool privacy. Pool privacy does not require 2 buildings totaling 850 square ft. and a one bedroom accessory dwelling unit with an 864 square foot covered terrace. We continue to object to an ADU along Fir Hill. It requires removal of substantial vineyard rows and obliterates the views of many neighbors.

7. Noise Study.

Not only the HVAC systems for a project of this scale but any pumps being run to help mitigate the underground water and possible septic systems, pool pumps, all the mechanical noise, etc. need to be reviewed to ensure compliance with the noise ordinance.

8. Drainage.

The 6,457 square feet cement building that will be below grade will displace and divert current water flows from this area. Displacing this water will be an issue with how the water drains around the property. While the applicants believe the dry ponds will handle it, it cannot handle the kind of atmospheric river storms we have had the last few years where substantial amounts of rainwater fall within short periods of time causing serious flooding. This must be addressed. We see no permit conditions concerning this issue and what will happen if additional runoff onto Fir Hill ditches and culverts as well as City drainage ditches cause further flooding.

9. Arbor Study. In both neighbor meetings the impact to the historic heritage oak tree was discussed, especially in relation to the drainage concerns. Because the tree is on City of St. Helena property, the City must require a tree impact study to be provided and approved by the tree committee. That tree is so old and large it is protected. In addition, because of environmental factors, it is seemingly fragile. There should be an official city arborist to assess the environmental impact issues for this tree. Moreover, we see no permit conditions to address what applicants will have to do if, after construction, the tree is damaged from the unforeseen environmental damages as a result.

10. Septic and leach lines.

Unfortunately, applicants cannot address septic and leach lines unless they have an approved permit which is necessary before applicants can apply for tying into city septic lines. Therefore, we cannot address consequences of potential septic and leach lines which could, in turn, affect the design of some structures and plans. We see no permit conditions that address this foreseeable event, especially as it might affect the neighbors and wells.

11. Elevation and composite drawings.

Renderings for affected properties on Fir Hill still do not look accurate to indicate how the views are actually affected. They do not include full size olive trees, the structures appear too small for the structures in reality. In other words, they look skewed and biased in applicants' favor and not the property owners' perspectives.

12. Grape Yields:

Staff state that because the Rossi vineyard is not on a historical register it is not historical. We wholeheartedly disagree with that conclusion. This vineyard was planted in an historical manner. They are not all one variety. If the applicants pull out any of the existing historical vineyard, we would like applicants to be required to have the University of California at Davis study the vines first and get a DNA report on the vines since they are historical and should be preserved.

Regarding the vineyard yields, the Rossi family have stated their yields have been 5 tons each year. We will continue to get a declaration under penalty of perjury from a member of the family for the record, but they have told us there are some underperforming vines, but they are NOT near the house and should not be the ones removed. The underperforming vines are further up Fir Hill towards the Agee property where there is a natural swell. The Rossi family replaced some vines with younger vines that aren't yet fully performing in the rows nearest to the propose residence, but in a couple of years, they would be fully performing. Some are in the area proposed to be removed. It appears there are

about 119 vines proposed to be removed. The Rossi family believes the vineyard has not been properly maintained since they sold it which could account for lower yields.

13. If not CEQA, then what else?

We continue to believe a CEQA environmental study should be completed since this project is almost 2 times the size of a commercial building in St. Helena. If not CEQA, what other analysis can be performed to protect us from this development when it is larger than many commercial buildings in St. Helena? Please protect us.

SUMMARY:

We continue to oppose this project. There are many other issues remaining to be resolved, but given the applicants' contention they are entitled to build a project of this size, it is unlikely this project is not going to happen without the applicants willing to make serious and substantial modifications. In the end, this may be a square peg into a round hole situation and the project should be denied as unsuitable for a City of St. Helena home.

Respectfully submitted,

Patty (Herdell) DiTomaso and Hank DiTomaso

Christina Herdell

Kathleen Herdell

Xinia Gamero

From: Maya DeRosa
Sent: Monday, March 6, 2023 5:49 PM
To: Xinia Gamero
Cc: Chantal Power
Subject: FW: [External] 2126 Madrona

Please post to agenda.

MAYA DEROSA, AICP
COMMUNITY DEVELOPMENT DIRECTOR
City of St. Helena | Community Development Department
1088 College Avenue | St. Helena, CA 94574
Direct: (707) 967-2783 | mderosa@cityofsthelena.org | http://cityofsthelena.org/planning

From: Megan Long <megan.long@gmail.com>
Sent: Monday, March 6, 2023 5:36 PM
To: Maya DeRosa <MDeRosa@cityofsthelena.org>
Subject: [External] 2126 Madrona

I'm writing to oppose the massive residential project planned for 2126 Madrona. The proposed 20K square foot size is not in keeping with the neighborhood — it's even larger than Spottswoode winery a few doors down! It would be a shame for this McMansion to be built in such a beautiful area that many use for recreation and for a significant number of old grapevines be torn out to make room for the monstrosity.

Best,

Megan

megan.long@gmail.com
415.420.9054

Laura Andersen and Frank Rodrigues

1693 Fir Hill Dr

St Helena, Ca 94574

UPDATE March 7, 2023

RE: 2126 MADRONA AVE ST Helena, ca 94574

After months of silence on this project, on February 16th we received a request for a Fir Hill neighbor meeting on Feb 23rd, with Berchtold's representatives, a 6-day notice. As with us, most of the neighbors could not attend the meeting with such short notice, so the meeting was rescheduled to March 1st. Unfortunately, we were unable to make the rescheduled date due to prior commitments.

To our dismay, there were no changes made in the overall size and scope of the project. The changes revolved around the ADU location, and direction of the pool and Bocce court.

The questions we have today are the same questions we've had since on day 1 of this project, with no real answers to such an unrealistic project within the city limits of St Helena.

We're not sure how the planning commission can consider this project with so many of the below concerns unanswered, and appearance of deception in the description vs what is proposed to be constructed. This request does not represent a 5-bedroom, 1-bedroom ADU residential property proposal.

SEWER

Are they going to be on septic or city sewer? If septic, bedroom count comes into play, are they bedrooms or offices, one document lists 4 bedrooms, another lists 5 bedrooms, but there are a total of 12-toilets and 16-bathroom sinks? The size and location of the leach fields needs to be laid out on the property. If there is city sewer, the street will have to be torn up so it can be rerouted to the property. This will be a major inconvenience for all that use Madrona Ave on a regular basis.

WATER

City or well? The water usage report shows this project proposes the construction of a 5-bedroom residence, 1-bedroom ADU, and a pool at 2126 Madrona Avenue, St. Helena, CA. The application on file lists 4 Bedrooms, this is why from the beginning we believed there is deception in the real bedroom count? The new residence and ADU will consist of 12 toilets,

WATER

City or well? The water usage report shows this project proposes the construction of a 5-bedroom residence, 1-bedroom ADU, and a pool at 2126 Madrona Avenue, St. Helena, CA. The application on file lists 4 Bedrooms, this is why from the beginning we believed there is deception in the real bedroom count? The new residence and ADU will consist of 12 toilets, 16-bathroom sinks, 8 shower Heads, 2 Bathtubs, 5 kitchen sinks, 5 Dishwashers, 4 clothes washers and 2 Utility sinks. The number of fixtures is not consistent with a 5 bedroom, 1 ADU residential property. Water use in a project this size is an educated guess at best. There is no evaporation rate of the pool accounted for. What else is not accounted for?

BASEMENT

The sheer size of the basement, 6457 square ft! The amount of dirt that would need to be removed is upward of 2,370 cubic yds at 2000 lbs. per yd, the average dump truck holds 12-14 yards, that's approximately 180 truckloads/trips up and down Madrona. This doesn't include any overage for the foundation, or the dirt to be removed for the swimming pool.

TIMELINE

What is the timeline? We were told by the representatives that it would take somewhere between 3 to 4 years to complete. This does not seem to be a timeline for a 5-bedroom residential project.

CONCUSION

Our concerns are many and need answers.

The Bechtold's have repeatedly said that they what to build their "Dream Home", which they deserve. But when their Dream Home has such a negative affect on the surrounding properties, maybe their dream home is in the wrong location. There is no other home in the City of St Helena anywhere near in size and scope.

As stated in our previous letter **we strongly oppose this project** and hope that the planning commission will take our concerns into consideration, as well as the other residents in the community, before making any decision.

This effects the whole town and sets a president for future projects as well.

Respectfully,

Laura Andersen

Frank Rodrigues

December 19, 2022
Status Update to the Planning Commission

Public Comment
Opposition Letters Submitted

Patricia (Herdell) DiTomaso & Henry DiTomaso
Kathleen Herdell Christina Herdell
1615 Fir Hill Drive
St. Helena, CA 94574

December 19, 2022

Re: City of St. Helena File No: PL 21-044; Application for Demolition Permit and Design Review for 2126 Madrona, St. Helena CA (APN 009-470-010) filed by Lorraine and Joe Berchtold

The Planning Commission asked for a summary of outstanding issues at its December 6, 2022 meeting. As we stated during the meeting, no issue we raised at the October 18, 2022 hearing has been resolved except for the applicants agreeing to eliminate driveway access onto Fir Hill Drive and agreement to put up story poles. We also reported we cannot make a full assessment of issues until we see revised plans, especially as we reported Ms. Berchtold threatened us with full development of the parcel because we opposed their project application. We have since learned, she made a similar threat to another Fir Hill neighbor.

The Berchtolds had 2 neighbor meetings at the property; they walked through the building outlines and story poles. During the first gathering, Ms. Berchtold said to a few neighbors that she and her husband were "ENTITLED" to build a house of this size and they were not going to reduce the project by "one square foot." She said many other unfortunate things to us. As would be understandable, this lead some neighbors to believe the meetings were not being held in good faith to discuss our concerns and possible alternatives. Ms. Berchtold was so upset after the first gathering she did not attend the second one. At least one neighbor left in tears.

Ms. Falace's letter to the Planning Commission is misleading on several points which we address below along with continued problems we have with the current project.

House massing. House massing is absolutely still a high level concern. Story poles were helpful to see location and potential view shed issues. They **do not** in any way resolve the issue that this project is too large for the area and is in noncompliance with multiple General Plan requirements. Even with minimizing the design and materials selected, a residential development of this size does not fit into the scale and scope of the other residential structures in the Fir Hill neighborhood and a 19,515 sq. ft. development does not belong on the valley floor.

First, Ms. Falace states all issues related to the massing of the project have been resolved. **Nothing is further from the truth**. We continue to oppose a project that is almost 20,000 square feet in total. It is completely out of character with the neighborhood and town as well as sets a terrible precedence for homes in the City of St. Helena. Second, it is clear from the plans that the applicants are including a family home, a caretaker unit and an ADU. They try to disguise the caretaker unit as part of the family home stating it is attached to the home and does not have a separate kitchen; this makes no sense for people who have stressed privacy concerns over and over. For example, they claim their olive trees are intended to protect their privacy. If they need to block the views of long-term neighbors by planting olive trees for privacy, surely the family does not want a caretaker to intrude on their lives by using their kitchen when they are in town. Moreover, the size of the caretaker unit is the size of a single family home in St. Helena. Third, and likewise, applicants' try to disguise a 'poolroom' as an ADU; however, that unit is over 800 square feet. It is the size of a single family residence in St. Helena. In short, applicants are trying to have 3 single family homes built in this project. The massing of the ADU and olive trees on Fir Hill obliterate the views of the Eastern hills and vineyard. Fourth, it is immaterial one floor is a basement. That size of a cement box will have impact on the local area including the oak tree and water flow.

Visibility on the corner of Madrona and Fir Hill. It is very difficult to say something has been resolved until we see the updated plans. Moreover, although Ms. Falace claims the applicants' motor court screening is within city street standards for visibility, it fails to address visibility problems on a corner with both autos and pedestrians in the roadway on a regular basis. Her further argument that shifting some of the olive trees closer to the corner along Fir Hill Drive only worsens the visibility obstructions.

Storm Water Runoff. Ms. Falace claims there will be a dry pond on the property, but there were no details provided at the gatherings and we have not seen updated plans that incorporate it. In addition, she provides no details on how this dry pond will affect the historical oak and other environmental issues.

Water usage. No resolution is possible on this issue because applicants are using a City of St. Helena plan-review formula vs. actual water usage limits to get around water-usage issues for a home this size and agricultural/landscaping needs. The original plans call for 2 homes, 11 toilets, 14 lavatory faucets, 4 kitchen faucets, 2 baths, 1 laundry faucet, 7 shower heads, 4 washing machines and 2 dishwashers. Neighbors also want to know if the applicants plan to use cisterns. If so, we should be given the data so we can evaluate the impact and location of the cisterns. In addition, we have not seen an updated water report. The prior one was replete with errors and omissions. Finally, we would like to know what the Rossi historical water use for the property was so we can compare historical data with proposed use data.

Well for Agricultural use. We have not seen the plans for the well location and capacity. Other than a statement at the October hearing, applicants have not been instructed or agreed affirmatively in writing that no City of St. Helena water will be used for agriculture or landscaping. Furthermore, there is no information that applicants' will be granted a City of St. Helena well permit. Finally, some of the houses on Fir Hill use well water as their only water source. We need to ensure that no well (if granted) will affect the viability of any wells on Fir Hill. We would also like to know where a new well (if granted) would be dug.

Backyard layout. We have not seen any updated plans. However, at the gatherings, moving the boccie court and pool were discussed as one way that could mitigate removal of some vineyard rows and view shed impact. Nonetheless, applicants' still propose removing most of the vineyard along 1615 Fir Hill Drive to about our property line with the Rodrigues property.

ADU Location. The proposal to move the ADU five feet closer to the house, shifting it 15 feet east and lowering ceiling heights is progress in helping resolve the view shed issues, but this is new information. There is still confusion on whether the 2 buildings identified as an ADU are really an ADU. The reason we were given for why it can't be relocated (or even removed completely) is because it provides pool privacy. Pool privacy does not require 2 buildings totaling 850 square ft. and a one bedroom accessory dwelling unit with an 864 square foot covered terrace. We continue to object to an ADU along Fir Hill. It requires removal of substantial vineyard rows and obliterates the views of many neighbors.

Noise Study. In discussions at the walkthrough's noise was raised. Not only the HVAC systems for a project of this scale but any pumps being run to help mitigate the underground water and possible septic systems, pool pumps, all the mechanical noise, etc. need to be reviewed to ensure compliance with the noise ordinance.

Drainage. The 6,457 square feet that will be below grade will displace and divert current water flows from this area of construction. Displacing this water will be an issue with how the water drains around the property. While the applicants believe the dry pond will handle it, how does the water get to the dry pond? This must be addressed in the updated plans so it is clear there is no additional runoff onto Fir Hill ditches and culverts. There are many other drainage issues:

- Applicants need to provide an accurate topographical map from top of Fir Hill to Madrona so we can assess the slope, natural flow and accurate drainage problem for the project and impact on our properties.
- Applicants will raise the topo of foundations which will interfere with natural drainage
- is putting a cement wall along the project which will interfere with drainage?
- Applicants are putting an underground cement basement which will interfere with drainage.
- What is the current amount of impervious surface of the Rossi buildings and driveway? What is the applicants' proposed impervious surface area and driveway? What impact will the difference make on drainage?

Arbor Study. In both neighbor meetings the impact to the historic heritage oak tree was discussed, especially in relation to the drainage concerns. Because the tree is on City of St. Helena property, the City must require a tree impact study to be provided and approved by the tree committee. That tree is so old and large it is protected. In addition, because of environmental factors, it is seemingly fragile. There should be an official city arborist to assess the environmental impact issues for this tree.

Septic and leach lines. In the neighbor gatherings it was stated that the applicants should have a plan for a septic system in case they don't bring down the city sewer lines from Hudson to 2126 Madrona. We have not seen plans for bringing the city sewer lines down Madrona and if they don't, what are the septic plans (especially as they relate to the well plans).

Project grading and elevations: We were told the story poles included grading heights but we have not seen any updated plans that show the actual planned grading. This affects runoff onto Fir Hill and Madrona.

Missing elevation and composite drawings. The original planning submission packet included a composite from the view from 2212 Madrona but NO composite drawings from 1615 Fir Hill perspective. 1615 Fir Hill looks out directly at the vineyard and in the current plans, the backside of the ADU unit. We would request composite drawings from the point of view of 2212 Madrona and 1615 Fir Hill be included in the update packet.

Neighbors missing from the discussions. There were a couple of neighbors affected by this project that have not been aware of the neighbor gatherings and discussions. We are looping them in now but they may have comments and concerns not yet raised. With the holidays upon us, this may not get addressed until the New Year.

Grape Yields:

The Rossi family stated their yields have been 5 tons each year. There are some underperforming vines, but they are NOT near the house and should not be the ones removed. The underperforming vines are further up Fir Hill towards the Agee property where there is a natural swell. The Rossi family replaced some vines with younger vines that aren't yet fully performing. Some are in the area proposed to be removed. It appears there are about 119 vines proposed to be removed. This vineyard was planted in an historical manner. They are not all one variety. The Rossi family believes the vineyard has not been properly maintained since they sold it which could account for lower yields. Finally, if the applicants pull out the existing historical vineyard, we would like applicants to be required to have the University of Davis study the vines first and get a DNA report on the vines since they are historical and should be preserved.

CEQA:

We continue to believe a CEQA environmental study should be completed since this project is almost 2 times the size of a commercial building in St. Helena.

SUMMARY:

We continue to oppose this project and will meet with new neighbors shortly. There are many other issues remaining to be resolved, but given the applicants' contention they are entitled to build a project of this size, it is likely this project just is not going to happen with the applicants willing to make serious and substantial compromise. In the end, this may be a round peg into a square peg situation and the project should be denied as unsuitable for a City of St. Helena home.

Respectfully submitted,

Patty (Herdell) and Hank DiTomaso

Christina Herdell

Kathleen Herdell

Laura Andersen and Frank Rodrigues

1693 Fir Hill Dr

St Helena, Ca 94574

December 19, 2022

Re: City of St. Helena File No: PL 21-044; Application for Demolition Permit and Design Review for 2126 Madrona, St. Helena CA (APN 009-470-010) filed by Lorraine and Joe Berchtold

In response to the December 6, 2022, Planning Commission requesting a recap on the neighborhood meetings. I was only able to attend the second of the two.

At that time, it seemed to be “ask me no questions and I’ll tell you no lies”, there was not a lot of information forthcoming. I came away from the meeting with more questions than answers.

The story poles helped very little, the effort was made, but it still doesn’t show the mass of the structures. The overall size of this project is like trying to put a square peg in a round hole. They keep talking about “their dream home” which they say they are “entitled” to. But when the size and scope of their dream home affects the dream homes of the surrounding neighbors, some of which have been here their entire life, we need to take a second and maybe even a third look.

This project will have a long-lasting effect on our town, and in our opinion ***not*** in a positive way.

There is a list of things that we hope the City Planning Commission will address before even considering this project.

1. Size and scope
2. Water usage domestic and well. Water neutrality? (Can you even get a well permit? Why can nobody answer that?
3. Bedrooms or offices? -still the same amount of bathrooms
4. Sewer or septic?
5. Storm water run-off and drainage
6. Noise pollution (hvac, well pumps, septic, pool, etc.)
7. Loss of historic vineyard
8. Madrona and Fir Hill corner loss of visibility
9. Lack of transparency and notification to the surrounding neighbors even within the 300’ radius
10. CEQA, with the size of the project CEQA study should be required

11. The very large old Historical Oak tree
12. Length of time this project will take and the effect that will have (noise, traffic, dust)

Conclusion

We are not in support of this project as presented.

This is not the right location for a project of this size, it has the potential of doing more harm than good to our neighborhood.

We would like the council, and all involved to get all the facts from more than one source before making any kind of decision.

Respectfully,

Laura Andersen

Frank Rodrigues

October 18, 2022
Planning Commission Meeting

Public Comment
Opposition Letters Submitted

Xinia Gamero

From: Cindy Tzafopoulos
Sent: Monday, October 17, 2022 8:47 AM
To: Xinia Gamero; Maya DeRosa; Aaron Hecock
Subject: FW: [External] October 18 Planning Dept. Meeting

See below

Thank you,

Cindy Tzafopoulos
City Clerk
City of St. Helena
*1572 Railroad Avenue – NEW ADDRESS!
St. Helena, CA 94574

Direct 707-968-2742 | Cell 707-312-1257
Fax 707-963-7748
ctzafopoulos@cityofsthelena.org
www.cityofsthelena.org

*Please note that City Hall is closed to the public and will not answer calls from 12:00 to 1:00 pm for lunch. Please phone individual departments to make an appointment for service.

E-mail correspondence with the City of St. Helena (and attachments, if any) may be subject to the California Public Records Act, and as such may therefore be subject to public disclosure unless otherwise exempt under the Act.

-----Original Message-----
From: Connie Wilson <clw1956@comcast.net>
Sent: Sunday, October 16, 2022 3:09 PM
To: cityclerk <cityclerk@cityofsthelena.org>
Subject: [External] October 18 Planning Dept. Meeting

Dear Planning Department,

Re: 2126 Madrona Avenue

Pursuant to your own admission that this project is “very large”, I wish to voice my objection to this proposed home size at 2126 Madrona Avenue. The plans to replace a simple farmhouse with an obscenely large mansion and compound is very much out of the norm and character of our town and agricultural area. Please reconsider the size, scope and, most importantly, water use of this project.

Thank you.

Connie Wilson

From: Mary Cunningham Agee <mcagee@msn.com>
Sent: Friday, October 14, 2022 9:56 AM
To: Maya DeRosa <MDeRosa@cityofsthelena.org>; Aaron Hecock <ahecock@cityofsthelena.org>
Subject: [External] Letter of support from long time Saint Helena resident regarding Berchtold project
Importance: High

October 14, 2022

Good morning, Maya and Aaron.

Our family has had the joy and privilege of calling Saint Helena our home for almost thirty years. I am writing this letter in support of the Berchtold project which will be coming before the Commission in the very near future.

I have been grateful to Joe and Lorraine for their openness and transparency in voluntarily sharing their plans with me from the outset of this process. Their respect for our neighborhood and concern for all who would be impacted in any way by their plans has been nothing short of admirable. We live in a world today where many only consider what is best for themselves without regard for others. This is not the value system of the Berchtold's as demonstrated by their willingness to adapt to the norms and needs of this special neighborhood.

I hope that this letter of support for their project will be helpful as they have patiently awaited your approval of their plan. If there is anything more I can do to show my full support, please don't hesitate to contact me.

Sincerely yours,

Mary
www.marycunninghamagee.com

From: Mary Cunningham Agee <mcagee@msn.com>
Sent: Monday, October 17, 2022 10:21 AM
To: Aaron Hecock <ahecock@cityofsthelena.org>; Maya DeRosa <MDeRosa@cityofsthelena.org>
Subject: [External] Rescind support based upon more accurate and current plan for Berchtold Plan
Importance: High

Good morning Maya and Aaron,

I have just returned from walking my puppy on Fir Hill Drive and learning from several neighbors that the plan shown to me by the Berchtold's over a year ago is no longer an accurate representation of the massive structures being submitted for your consideration at tomorrow night's meeting of the Planning Commission.

I am deeply saddened to hear that the drawings I saw many months ago are no longer reflective of the current plan for the former Rossi vineyard. I hold myself accountable for not staying on top of the changes that must have taken place during this design process.

I am disappointed to have to also share that I also didn't receive an email or written Notice of Meeting even though my home is in close proximity to the Berchtold planned residence. I have lived on Fir Hill Drive for almost 30 years and have always tried to be supportive of newcomers while doing my part to protect the character of this unique and beloved place we call home. It is possible the notice may have been sent and been lost in an infamous "junk mail folder" - but it is important for you to know that when I wrote my email letter of support on October 14th, I was not aware of the details of the current plans.

My objections are not personally directed at the Berchtold family as they appear to be a good family who could be a positive addition to our neighborhood. It pains me to have to object to their dream home as I want to be a welcoming neighbor to new families who find Saint Helena as special as we did three decades ago.

I have to rescind my support, however, for any plan that would create a dangerous precedent for our street and town. Not only is the sheer mass or scale (almost 20,000 square feet!) out of character with our neighborhood but a significant amount of historic vineyard land would also be negatively impacted. The Rossi vineyard while not as productive as younger vines, nonetheless, is historic and deserves to be preserved as such.

I apologize for being too trusting and for having assumed that the plans I had seen in drawing format only over a year ago were an accurate portrayal of the plan not under consideration. Had I seen the current massive building plan, I would have felt compelled to state my objections immediately.

I trust that you will find a way to scale back the footprint of the Berchtold design plan so it is more consistent with our neighborhood's norms and vineyard land policies. My hope is that working in cooperation with the Berchtold family everyone can find a compromise that will make it possible for us all to move forward in peace.

Sincerely,

Mary

From: Pat Kenealy <pkenealy1@yahoo.com>
Sent: Monday, October 17, 2022 1:17 PM
To: cityclerk <cityclerk@cityofsthelena.org>
Subject: [External] 2126 Madrona Public Comment to Planning Department

Dear Planning Department

I wish to add our family's voice AGAINST the 2126 Madrona Avenue project as currently proposed.

The lot is a currently a rural one at the corner of two of the most popular walking streets in Saint Helena. We've biked and walked those roads for decades.

The house as proposed is way too big overall for the town, and situated on the absolute worst place on its lot -- right up against the Madrona Ave end of the lot lines -- too close to the street and the neighbors for its size.

I encourage the Planning department to:

1. reduce the size of the main structure
2. reduce the amount of sky views, and hillside views the structures obscure from the Madrona Ave and Fir Hill Drive
3. reduce the water consumption of the project
4. make sure that any design for the project that the Commission approves "fits" in design, scale, and illumination with the rest of Saint Helena inside City Limits.

I have no objection to big houses in general, and no objections to big houses on big, remote lots. On the other hand, this is not even a "McMansion" too close to its neighbors, it is a MegaMansion that lower the quality of life for its abutters and for all the Saint Helenans that enjoy the Madrona / Fir Hill neighborhood

Sincerely,

Pat Kenealy

-----Original Message-----
From: Katie Sample <katiesomple@gmail.com>
Sent: Monday, October 17, 2022 4:17 PM
To: Anil Comelo <AComelo@cityofsthelena.org>; Christopher Warner <Christopher.Warner@cityofsthelena.org>; John Ponte <JPonte@cityofsthelena.org>; Daniel Hale <DHale@cityofsthelena.org>; Autumn Anderson <AAnderson@cityofsthelena.org>; Marika Rothfeld <mrothfeld@cityofsthelena.org>; Rosaura Segura <rsegura@cityofsthelena.org>
Cc: Cindy Tzafopoulos <ctzafopoulos@cityofsthelena.org>
Subject: [External] Proposed Madrona at Fir Hill development project

Commissioners,
I urge you to apply any authority you have available via our current laws, restrictions and zoning definitions to SIGNIFICANTLY mitigate (if not completely deny) the size and scope of this proposed development.
For many of the same reasons we now have restrictions on residential footprints on small lots, this project defies the purpose of even having zoning laws if it is allowed to move forward at anywhere close to what is being proposed. Please manage this issue at the planning commission stage (as is your right and charter to do so) rather than kick it up to the city council.
Thank you for your time and consideration. I request this correspondence be entered into the public record on this matter.

As ever, Katie Somple

-----Original Message-----
From: annette firhillranch.com <annette@firhillranch.com>
Sent: Monday, October 17, 2022 4:31 PM
To: Maya DeRosa <MDeRosa@cityofsthelena.org>
Subject: [External] Proposal for 2126 Madrona Ave.

To Maya DeRosa and the Members of thePlanning Commission, I am opposed to the Berchtold's project at 2126 Madrona Ave. as it is presented in the plans going before the Planning Commission on Tuesday evening. I am a resident at 1853 Fir Hill Dr. And my husband and I have owned this property for 48 years. I am concerned about the size and scope of this project for the following reasons.

1. Fir Hill Drive is a one lane PRIVATE road within the city limits. To my knowledge Mr. Berchtold does not have a right away/easement to utilize Fir Hill Drive for his 2 proposed driveways. His address is on Madrona Ave. and all access/egress to his property should be redirected to Madrona Ave. If you are familiar with Fir Hill Dr. , You will notice that all homes and access are on the west side of the road. Mr. Berchtold's property lines do not include the road.
Also his 50 ft. Setback should be from his property line - not the middle of Fir Hill Drive on someone else's property.
2. I am concerned about the water use and drought situation for a home this size and it's 11 toilets. Being on Madrona Ave. means he has city water to his property. Will city water be enough to sustain this home? He intends to water all landscape with a well and I fear the water table will significantly drop and adversely effect the wells of residents on Fir Hill Drive and other neighbors. Most Fir Hill Dr. Homes rely on well water. New landscape should not be allowed until the water situation in our community is solved. I was told that no new wells can be dug nor old wells dug any deeper or improved. Will this law apply here?
3. There is a drainage issue at the bottom of Fir Hill Dr. Where it drains into a city culvert on Madrona Ave. I know we are in a drought but when it does rain heavily - like it did last October (16 inches in 2 days) and even last month, our street was flooded and the culvert overflowing making it difficult to use our road.
I am suggesting a continuance to mitigate the concerns of residents on Fir Hill Dr. I only heard about the proposal on Friday by chance from a neighbor. It seems of the 10 residents on the street only a few were notified about the proposal for Tuesday's Planning Commission meeting where it would be discussed.

Thank you for your consideration of my concerns.

Respectfully,

Annette Smith
1853 Fir Hill Dr.

Sent from my iPad

Frank Rodrigues & Laura Andersen

1693 Fir Hill Drive

St Helena, CA 94574

April 25, 2023

Re: Berchtold Appeal - 2126 Madrona Ave, St Helena

Dear City Council Members,

We appreciate your consideration of our concerns regarding the appeal of the 2126 Madrona Ave project. We are optimistic that the City Council will uphold the Planning Commission's decision to deny this project, as the staff report is recommending as well.

After several meetings with neighbors and planning commission sessions, with input from both the community and commissioners, the applicant was given the opportunity to make revisions, but has chosen not and rather appeal the decision that was made.

Please see below a list of the environmental impact concerns:

Underground construction – As stated in the appeal "nearly 45% of the residence will be located below ground", which is continually left out of the description(s) of this project. It is estimated at 6400 sq feet, the basement is larger than the square footage of 2 tennis courts. It is approximately 60'x100'x10-12' feet deep, equating to 2800 cubic yards of dirt, over 2000 lbs. per yard. A standard dump truck holds 12-14 yards, equating to 220 truckloads of prime farmland soil to be removed from the corner of Madrona and Fir Hill. This does not include any over excavating to get proper compaction needed for the foundation of the basement. Most importantly, there has been no environmental report completed to determine what effect this basement would have on the ground water flow or lack thereof, and the impact of the underground eco system. In addition to the unknow consequences the removal of the soil may have on the designated Heritage Oak tree on the corner of Madrona and Fir Hill.

Sewer – We have asked on multiple occasions if the proposed project will be on septic or sewer, the answer has been vague, the last response was they will be bringing the sewer line up Madrona from Hudson. Again, another environmental impact to the surrounding neighborhood. How long will Madrona be torn up to accommodate this single-family home project?

Water- There has been no determination of what size water main is needed to service a house this size. The project has four times the number of water fixtures (sinks, washers, toilets, etc.) compared to the average 5-bedroom home. The water calculations and usage provided don't add up for a single-family 5-bedroom home. In addition, the proposed well has the potential to affect surrounding properties who are 100% dependent on well water for their homes.

Noise Pollution– After an estimated 3 to 4 years of construction, stated by the applicant, of a 19,025 square foot home, which will cause excessive disruptions to the neighborhood and community, it is still undetermined what the long-term noise pollution will be for a home of this size. It has not been made public what the number of mechanical systems and equipment needed to support the proposed project will require, i.e., HVAC(s), pool equipment, sump pump(s), generator(s), etc. The location of these systems was requested, but unanswered during the planning sessions.

Farmland Removal- With the plan to remove existing agriculture, the proposal does not comply with the city code. Any loss of agriculture land would impact the overall landscape of our town. This is why the rules are set, and most recently being reduced to ensure we preserve the AG within the community.

We would also request any city council member(s) that may have a conflict of interest, would recuse themselves in this appeal and decision-making process.

In closing, if this project is approved to move forward it will change the landscape of our rural community and set a precedent that does not exist in our city limits today.

When the applicant states the percentages of above and below ground of this home, it makes us think of an Iceberg, St Helena is the Titanic, just sailing along not realizing what's ahead, before you know it's too late to change course. It is not just the structure but all that comes along with it. It is forever.

Respectfully,

Frank Rodrigues

Laura Andersen

From: Gina Lewis
To: Public Comment
Subject: FW: [External] 2126 Madrona Avenue St Helena,CA
Date: Tuesday, April 25, 2023 8:29:21 AM

Regina Lewis
1734 ST. ANDREWS COURT
ST. HELENA, CA 94574

April 25, 2023

Sent by email: publiccommment@cityofsthelena.org
Subject: 2126 Madrona Avenue, St. Helena Appeal by Joe and Lorraine Berchtold after the Planning Commission denial

Dear City St. Helena City Council:

I am opposed to the application by the Berchtolds to build a mega-mansion on the valley floor anywhere in St. Helena, but especially the park-like setting of Madrona and Fir Hill Drive. The size and scale of the proposed home is outrageous and exceeds the dimensions for a commercial building, let alone a residence. It also is a travesty to pull out old growth vines to put in a two-unit pool house, pool and bocce court. If the applicants really cared about St. Helena, they would see that their proposal ruins one of the most pristine areas of town and sets a horrible precedence.

I routinely walk my dogs along Madrona and the Fir Hill "loop" and constantly admire the undisturbed beauty the vineyard's openness and views provide. I feel St. Helena's forefathers understood the rareness of such parcels and attempted to install protections so that they were preserved forever. I hope the City Council also understands the unique beauty of that

area and takes action to protect it from this type of overdevelopment. Keep St. Helena rural! Also, we would like to ensure that all citizens of St. Helena are able to enjoy the current open space this parcel provides so we all can enjoy the views of the hillsides. If rows of olive trees are planted, it will prevent us all from the agricultural viewshed we moved here to enjoy. If St. Helena becomes like Napa, there is no reason to live or work here anymore.

Finally, but importantly, Vice Mayor Eric Hall accepted a $4,999.00 donation for his mayoral campaign from the Berchtolds while their application for this project was pending. He should recuse himself from an actual conflict of interest or at least, the appearance of a conflict of interest. Even if he personally feels he can be unbiased .If he votes to overturn the denial, he will be forever branded with the reputation that he takes money for votes. Believe me, the comunittee will remember.

Respectfully,

Regina Lewis

BLOCK&BLOCK
ATTORNEYS

April 25, 2023

By Electronic Mail
Mayor Paul Dohring
Members of the St. Helena City Council
City of St. Helena
1088 College Avenue
St. Helena, CA 94574

Re: Berchtold Appeal
2126 Madrona Avenue (APN 009-470-010)
File No. PL21-044

Dear Mayor Dohring and Councilmembers:

I am writing on behalf of Kathleen, Chris and Patty Herdell, who own property near the proposed Berchtold residence, to urge you to uphold the decision of the Planning Commission and deny approval of design review.

This appeal follows the applicant's refusal to make minor changes to the project as recommended by staff. Instead, the applicant has chosen to embroil the neighborhood in controversy and to foist a decision on this Council which it should not have to make.

The issues, ordinances and policies are succinctly presented in your staff report. Of the four grounds of appeal, (i) one is irrelevant; (ii) another is based on a gross mischaracterization of the Planning Commission's decision; (iii) a third rests on the false notion that the Council must follow "precedent" established by the approval of a house on Pratt Avenue; and (iv) the fourth is premised on a frivolous due process argument.

A. Agriculture

According to the applicant, the Planning Commission misconstrued the word "agriculture" to include only products grown for sale and exclude products grown for personal consumption. Based on that misinterpretation, the applicant says, the Commission erroneously refused to approve the Berchtold residence because it fails to meet the A-20 District development standards, which limit non-agricultural uses to one acre (SHMC 17.20.060(C)).

1109 JEFFERSON STREET, NAPA, CA 94559 · 707.251.9871 · BLOCKANDBLOCKLLP.COM · KB@WINELAWYERS.COM

That is *not* what the Planning Commission decided. It did not reject the project because non-agriculture uses exceed one acre. It rejected the project because it removes half an acre from vineyard on a parcel zoned for agriculture, contrary to the policies of the General Plan.

The applicant does not dispute that his project will reduce the vineyard on his property by one half acre. That fact remains true regardless of how the Planning Commission defined "agriculture." Applicant's argument about the supposed misinterpretation of that term is a diversion.

B. General Plan

Next, the applicant asserts that the Planning Commission misapplied important policies in the General Plan. Policy LU5.1 directs City leaders to "[d]iscourage conversion of existing farmland to non-agricultural uses." Policy LU5.3 calls on you to "[s]trictly limit development on properties existing at the time of the adoption of this General Plan that are designated as agricultural land."

The applicant claims that the Planning Commission applied these policies too rigidly, effectively banning residential development on agricultural land and creating inconsistencies within the General Plan and between the General Plan and the Zoning Ordinance. In truth, the Planning Commission merely interpreted and applied the City's General Plan to *this* project as proposed on *this* parcel, which is its job. The Commission did not create a new policy prohibiting the construction of housing in the A-20 zone.

The aim of LU5.1 and LU5.3 is to prevent the loss of agricultural land. The applicant proposes to permanently remove 0.53 acres of vineyard from his property to accommodate what can only be described as a palatial estate. The Planning Commission and the City Council are acting well within their legal authority, and their mandate from City residents, to discourage this unnecessary loss of agriculture and to strictly limit the development of a 19,000 square foot residence in a vineyard.

"Once a general plan is in place, it is the province of elected city officials to examine the specifics of a proposed project to determine whether it would be 'in harmony' with the policies stated in the plan." (*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 822.) A city's interpretation of its own general plan will not be overturned unless "no reasonable person could have reached the same conclusion." (*Stop Syar Expansion v. County of Napa* (2021) 63 Cal.App.5th 444, 461.) The Berchtold challenge falls far short of this standard.

C. Precedent

Third, the applicant makes a false appeal to precedent, claiming that the denial of his 19,000 square foot house is inconsistent with the City's prior approval of a house on Pratt Avenue. As staff correctly points out, local governments are not bound by precedent in making land use decisions. (See *Billings v. Cal. Coastal Commission* (1980) 103 Cal.App.3d 729, 741; *Rathkopf's Law of Zoning and Planning* §§ 60:2, 68:8 (4th ed. 2023 Update).)

Besides, the Pratt Avenue project has no precedential value. The denial of the Berchtold house is based on its removal of active vineyard to accommodate recreational amenities. Pratt Avenue, according to the staff report, was a vacant site with no vegetation and no active agriculture (Staff Report, p. 156 of 473).

D. Due Process

Finally, the applicant objects that the Planning Commission failed to include a draft denial resolution in the agenda packet or to read the findings supporting denial into the record. These omissions supposedly violated the Brown Act and deprived the applicant of due process by preventing him from reviewing or commenting on the findings before they were adopted.

The applicant actually received more process than was due. He participated in three hearings, presented evidence and arguments to support his case, was represented by counsel throughout, and now gets a *de novo* hearing before the City Counsel. The state and federal constitutions do not require any particular form of process, only process sufficient for a party to be heard. (*Lent v. Cal. Coastal Commission* (2021) 62 Cal.App.5th 812, 840.) The City heard this applicant; it just disagreed with what he was saying.

The Brown Act does not entitle the applicant to an advance copy of the resolution denying his project, contrary to his claim. His appeal makes vague references to the Act but does cite any specific provisions that support his position. The Brown Act entitles the applicant (i) to have his matter properly agendized, which it was; (ii) to receive a copy of the agenda packet, which he did; and (iii) to have an opportunity to address the Commission, which was provided to him on several occasions. (Gov't Code §§ 54954.1-54954.3.) There was no Brown Act violation.

E. CEQA Exemption

The staff report is an example of solid staff work; it generally gets everything right. It does make one misstep, however, in claiming that this project qualifies for a categorical

exemption from CEQA. Staff relies on the "small structure" exemption, which exempts the construction of "new, small facilities or structures," including "[o]ne single-family residence or a second dwelling unit in a residential zone." (CEQA Guidelines § 15303(a).)

This project is not in a residential zone. The purposes of the Twenty-Acre Agricultural (A-20) District is to protect and promote the preservation of agricultural land. (SHMC § 17.20.010.) More importantly, the proposed Berchtold residence is not a "small structure."

In *Gaviota Coast Conservancy v. Santa Barbara County* (December 21, 2009) 2009 WL 4894456, the court held that the small structure exemption did not apply to a 13,000 square foot house proposed for construction on a 17-acre parcel along the Gaviota Coast. The house was situated near a ridgeline in the coastal hills, was surrounded by agriculturally zoned property, and was four times larger than other single family homes in the area. (Slip op. at 2.)

Noting that CEQA exemptions must be construed narrowly to ensure adequate environmental review, the court held that the small structure exemption was inapplicable and ordered the preparation of a focused EIR. "If the law were otherwise, a single family residence the size of a castle would be exempt from environmental review no matter where it is built or how much it obstructs public views of the skyline." (Slip op. at 4.)

The issue in this case is not visual impact but impact on agriculture. The proposed house is larger than the house in *Gaviota Coast Conservancy* and is located on a much smaller parcel. Like the house in *Gaviota Coast Conservancy*, the Berchtold residence is surrounded by agricultural land and is larger than the 10,000 square foot exemption for commercial structures. (CEQA Guidelines § 15303(c).)

The public interest is not served by expanding the small structure exemption to encompass the Berchtold estate. If this project is to proceed, it must first undergo environmental review.

Sincerely,



Kevin P. Block

Cindy Tzafopoulos

From: Mary Alice Stielau <mastielau@gmail.com>
Sent: Tuesday, April 25, 2023 1:47 PM
To: Public Comment
Subject: [External] Ben Van Zutphen Santa Rosa Project

I hope all of the City Counsel has time to read this brief notice of how Ben Van Zutphen proceeded with his building project in Santa Rosa.

https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2015/150824_0060_Meadows_Oakmont_CAO.pdf

Mary Alice Stielau
18 Los Robles Ct, St Helena, CA 94574
Saint Helena, CA

Cindy Tzafopoulos

From: Eric Hall
Sent: Tuesday, April 25, 2023 2:14 PM
To: Cindy Tzafopoulos
Subject: FW: Letter of Support for Berchtold's

This came to us directly…just fyi…

Eric Hall, *Vice Mayor*
City of St. Helena
www.cityofsthelena.org
Mobile/Text: 925-708-2686

St. Helena is Open for Business!
Coming soon…

- Tweed & Vine expanding and reopening in new location on Main St., early March
- Joel Gott's Pizza Station opens in March
- Elyse Walker expanding and reopening in new location on Main St. late Spring
- Houtskool Dumplings opens this summer on Main St.
- Ray Ray's Tacos opening on Main St.
- NO|MA House Café & Collective opening on Main St.
- Orin Swift Cellars tasting room expanding on Main St.
- Boisset's JCB Tasting Lounge opening 2024 on Main St.

From: Jim Gamble <jim@windybayllc.com>
Sent: Monday, April 24, 2023 4:12 PM
To: Paul Dohring <PDohring@cityofsthelena.org>; Eric Hall <EHall@cityofsthelena.org>; Anna Chouteau <AChouteau@cityofsthelena.org>; lhardy@cfk.com; Billy Summers <BSummers@cityofsthelena.org>
Cc: CityCouncil <CityCouncil@cityofsthelena.org>
Subject: [External] Letter of Support for Berchtold's

Dear Mayor Dohring, Vice Mayor Hall and Councilmember's Chouteau, Hardy and Summers -

I am writing in support of Lorraine and Joe Berchtold's application to build a home on Madrone Avenue.

Stephanie and I are neighbors, with a direct view of their proposed new home (about 300 yards away).

In the spirit of transparency, Joe was a good friend while we were both at Pomona College in the early 1980's. However, we've been out of touch for almost 35 years and reconnected recently, but not until after they bought the property on Madrone. Only then did Joe realize we were neighbors.

That said, my long ago friendship with Joe isn't the reason I'm supporting their application.

While the size of the house is large, I'm uncomfortable judging another person's design, especially when building their dream home. Most importantly, they have designed their home to fit into the 1-acre limitation for A-20 and are not asking for a variance.

My concern is the inconsistent interpretation and application of the building rules in the A-20 zoning areas in St. Helena. After listening to the Planning Commission hearings, it seemed applying the 1-acre limit was arbitrary and subjective. Everyone seemed confused if the 1-acre limitation applied or didn't. It should be black and white. If you're in the A-20, you either get 1-acre or you don't. It's too subjective otherwise and puts everyone in a bad spot.

As was the case for the Planning Commission, which looked to LU5.1 and LU5.3 for clarity. Those clauses are ambiguous and open to differing interpretations. As you know, this is a slippery slope. The rationale given for approving the 1-acre development on the Pratt Avenue home was it didn't have a vineyard. Thankfully Lorraine and Joe didn't rip out their vineyard first and then apply for a building permit later. I think it's important to apply the 1-acre building envelope consistently for all A-20 properties. If changes are wanted to the A-20 zoning, they should be debated and included in the General Plan. The lack of clarity puts everyone in a difficult spot.

Bottom line, I would hate to see the City get into another lawsuit. Limiting the Berchtold's to the .45 acre building envelope, as the Planning Commission suggested, would cause significant degradation of their property value. I would much rather see the City's financial resources go towards desperately needed infrastructure improvements and not to fighting another lawsuit.

On a final note, I've walked the Berchtold's vineyard and I told them they are crazy to continue farming that vineyard. Most of those vines are dead, diseased, are non-producing or are at the end of their life. If the Berchtold's redeveloped that vineyard, with similar spacing as other vineyards in the neighborhood (e.g. 3x6 spacing vs. the current 6x9 spacing), they could triple the number of vines on the property and more than triple the amount of fruit they could produce. And by correlation, use a lot more water. God Bless Beth Novak and Spottswoode for taking on the vineyard management responsibilities, and God Bless the Berchtold's for giving Spottswoode the fruit for FREE. With it's current production of ½ ton per acre, it's not a commercially viable vineyard. It is a hobby vineyard. Even if they get it up to the goal of 1-ton per acre, it's still not a commercially viable vineyard.

By investing in these old vines, the applicant is showing they will be strong advocates for agriculture in St. Helena.

If the Berchtold's building permit is denied, it will set a difficult precedent. Practically speaking, the next person that comes along and purchases a property in the A-20 in St. Helena, will likely rip out the vineyard first, and apply for a building permit later. Taking out .53 acres of vines from a diseased, dying and end of life vineyard, as the applicant proposes, is de minimis compared to keeping the remaining 5.25 acres of vines and praying Spottswoode can bring them back to vitality.

Sincerely,

Jim Gamble

From: CN
To: cityclerk
Subject: [External] Letter regarding 2126 Madrona Ave
Date: Tuesday, April 25, 2023 2:52:15 PM

As a thirteen year resident of St. Helena, I walk Fir Hill and Madrone multiple times per week. I see seasons change, the migration of swallows and western bluebirds. I am opposed to the size and scale of the proposed project for 2126 Madrona. The size, square footage, number of bathrooms, height, and multiple dwellings are too large for the city limits. The project is absolutely not water neutral at a time of strained demand on water and infrastructure. The proposed main house with a basement the three times the size of a reasonable house is shocking. I don't disagree with the other dissenters. The labeled pool house will most likely have a full time live in caretaker and the grounds and house maintenance will have staff circling and parking full time. The non existent shoulder of Madrona will be filled with workers from sun up till sun down. The idea that olive trees will be planted to further agricultural requirements is questionable and pulling groundwater from a well to maintain the trees, grounds, and vines is laughable. If this tremendous project is approved, there will be no recourse for the city if resources run dry or neighboring wells are drained. This project will be nothing more than another second house for the wealthy to come and go mimicking large parties for friends. The investment in community is most likely to be zero. The city should not back down because of deep pockets and a lawsuit. This project needs better scale, a down sizing of the property and something more reasonable than proposed. I'm shocked the original house isn't protected as historical.
I want to see this land used wisely. The proposed plans destroy vineyard, do not promote community and will increase traffic while detracting from the rural feel. The proposed size only promotes a private compound where no one os welcome. No to this project.

Respectfully,
Celeste Neeley
Magnolia Ave, SH

Sent from my iPhone

NAPA COUNTY TAX ASSESSORS INFORMATION

Property Detail Report
2126 Madrona Ave, Saint Helena, CA 94574-2354
APN: 009-470-010-000
Napa County Data as of: 09/13/2022

Owner Information

Owner Name:	Hubbard Michael K TR		
Vesting:			
Mailing Address:	600 University St #1625, Seattle, WA 98101-4106	Occupancy:	Absentee Owner

Location Information

Legal Description:				County:	Napa, CA
APN:	009-470-010-000	Alternate APN:		Census Tract / Block:	2016.02 / 1001
Munic / Twnship:		Twnship-Rng-Sec:		Legal Lot / Block:	
Subdivision:		Tract #:		Legal Book / Page:	
Neighborhood:		School District:	Saint Helena Unified School District		
Elementary School:	Saint Helena Eleme...	Middle School:	Robert Louis Steve...	High School:	Saint Helena High...
Latitude:	38.49881	Longitude:	-122.4816		

Last Transfer / Conveyance - Current Owner

Transfer / Rec Date:	03/05/2021 / 03/11/2021		
Buyer Name:	2021 Joseph K Berchtold Generation-Skipping Trust		

Last Market Sale

Sale / Rec Date:	03/05/2021 / 03/11/2021		
Multi / Split Sale:			
1st Mtg Amt / Type:			
2nd Mtg Amt / Type:			
Seller Name:	Andrew I Rossi Trust		
Lender:	American Agcredit Flca		

Prior Sale Information

Sale / Rec Date:		Sale Price / Type:	
1st Mtg Amt / Type:		1st Mtg Rate / Type:	
Prior Lender:			
Prior Deed Type:			
Prior Sale Doc #:	N/A		

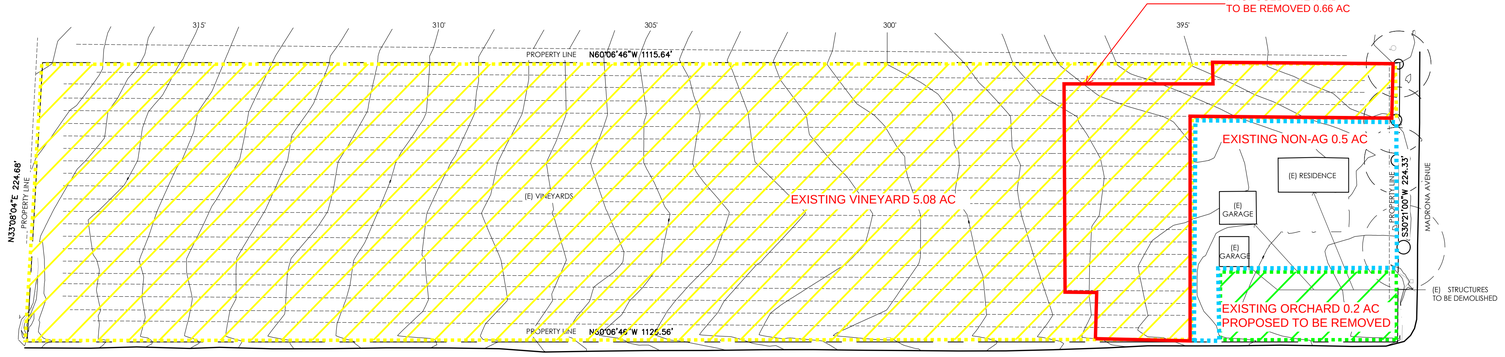
Property Characteristics

Gross Living Area:	2,508 Sq. Ft.	Total Rooms:	10	Year Built / Eff.:	1905 / 1940
Living Area:	2,508 Sq. Ft.	Bedrooms:	5	Stories:	
Total Adj. Area:		Baths (F / H):	2 /	Parking Type:	Attached
Above Grade:	1,728 Sq. Ft.	Pool:	Yes	Garage #:	3
Basement Area:		Fireplace:		Garage Area:	780 Sq. Ft.
Style:		Cooling:		Porch Type:	
Foundation:		Heating:	Central	Patio Type:	
Quality:	Average	Exterior Wall:		Roof Type:	
Condition:		Construction Type:	Wood	Roof Material:	

Site Information

Land Use:	Vineyard	Lot Area:	251,777 Sq. Ft.	Zoning:	
State Use:		Lot Width / Depth:		# of Buildings:	1
County Use:	39 - Vineyard >5 Ac W/1 Res	Usable Lot:		Res / Comm Units:	
Site Influence:		Acres:	5.78	Water / Sewer Type:	
Flood Zone Code:	X	Flood Map #:	06055C0376E	Flood Map Date:	09/26/2008
Community Name:	City Of St. Helena	Flood Panel #:	0376E	Inside SFHA:	False

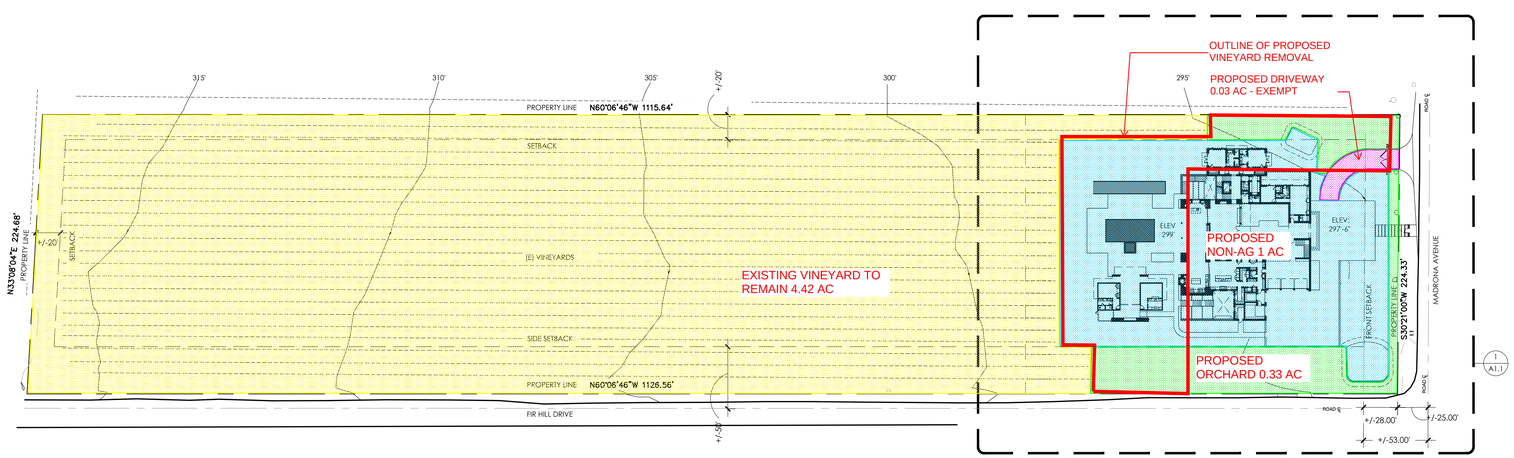
© 2022 DATA TRACE INFORMATION SERVICES LLC AND/OR ITS AFFILIATES. ALL RIGHTS RESERVED.



2 SITE PLAN - EXISTING RESIDENCE

NORTH

SCALE: 1" = 50'



PROPERTY AREA CALCULATIONS

USE	EXISTING	PROPOSED	CHANGE
AGRICULTURAL - VINEYARD	5.08ac	4.42ac	-0.66ac
AGRICULTURAL - ORCHARD	0.2ac	0.33ac	+0.13ac
NON AGRICULTURAL - HOUSE SITE	0.5ac	1ac	+0.5ac
DRIVEWAY (EXEMPTION)	NA	0.03ac	
TOTAL PARCEL AREA	5.78ac	5.78ac	

1 SITE PLAN - PROPOSED RESIDENCE

NORTH

SCALE: 1" = 50'

These documents are the property of Kroeger Janey Architects and are protected by law. Any unauthorized use without this written consent is prohibited by law. Kroeger Janey Architects disclaims responsibility for the documents if used whole or in part at any other location

ARCHITECT:
KROEGER | JANEY ARCHITECTS
707.296.1662 | 1927 Lincoln Avenue, Napa, CA 94558
707.968.5265 | 1432 Main Street, Saint Helena, CA 94574

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY: –
PROJECT No: 202101–

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV 1
09/22/2022	D.R. REV 2
01/09/2023	D.R. REV 3

SHEET DESCRIPTION:
SITE PLAN

SCALE: 1" = 50'

A1.0

Copyright © 2018 by KROEGER JANEV ARCHITECTS
1/6/23 P:\202101\202101 Berchtold Residence\1-Drawings\01-CurrentDesign Review\Version 61.0-Site-202101-V6_2013.dwg

PLANNING COMMISSION REPORT

Planning Commission Meeting of March 7, 2023

FILE NUMBER: PL21-044

SUBJECT: Request by Sasha Janev on behalf of Lorraine and Joe Berchtold for adoption of a resolution approving a demolition permit to demolish an existing residence and accessory structures to accommodate the construction of a new single-family home and accessory dwelling unit and design review of the proposed new single family home on the property located at 2126 Madrona Avenue in the 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:11/05/21 **ACCEPTED AS COMPLETE:**08/23/22

LOCATION OF PROPERTY: 2126 Madrona Avenue

APN: 009-470-010

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

APPLICANT: Sasha Janev on behalf of Lorraine and Joe Berchtold **PHONE:** 707-968-5265

BACKGROUND

The project is located in the Agriculture General Plan land use district, and the Twenty-Acre Agriculture (A-20) zoning district, outside the Urban Limit Line on a 5.78-acre parcel with an existing vineyard. The site is currently developed with an existing single-family home and two accessory structures, all of which are proposed to be demolished to accommodate the construction a new single-family home and accessory dwelling unit. The existing home was constructed in 1883 and has been determined to have no historic or architectural value based on the attached historic resource evaluation.

The Planning Commission considered the applicant's request at a meeting held on October 18, 2022. Due to concerns expressed by Planning Commissioners and members of the public, discussed in further detail below, such as potential inconsistencies with the General Plan and numerous concerns expressed by neighbors to the project, the Planning Commission requested that the applicants hold meetings with the neighbors, install story poles to show the massing of the proposed project, provide the Planning Commission with information that is responsive to the neighborhood concerns and inform the Planning Commission if the applicant proposes any revisions in response to the concerns expressed by the public and/or Commissioners. A project status update was given at the December 6, 2022, Planning Commission meeting. The applicant provided photos of the story poles and some details related to the two neighborhood meetings that occurred on November 6, 2022, and November 19, 2022, respectively. Additionally as requested by the Planning Commission, Spottswoode Winery provided an expected vineyard production assessment attached to the 12-7-2022 staff report (Attachment 15). The Planning Commission requested that staff and the project applicant have all final revisions completed in a timely manner, and set March 7, 2023 as the hearing date to bring the project back to the Commission for review.

PROJECT DESCRIPTION

The applicant is seeking approval of a demolition permit to demolish three existing structures totaling 3,893 square feet, and design review approval to construct a two-story, 14,407 square foot single-family home with a large basement and 7,950 square feet above grade, a 1,754 square foot garage, a 1,640 square foot covered terrace. The applicant is additionally proposing to construct an 850 square foot one bedroom accessory dwelling unit ("ADU") with an 864 square foot covered terrace concurrently with the construction of the single family home and associated accessory structures. The ADU may be approved ministerially, and is not subject to design review.

The proposed single-family dwelling contains a large basement and first story and a smaller second story. The 6,457 square foot basement will contain three large storage rooms, a laundry room, game room, a bathroom, a powder room, and a mechanical room. The 5,244 square foot first floor will contain a large kitchen and pantry, a large living and dining room, a mudroom, three bedrooms, a sitting room, two powder rooms, and three bathrooms. The 2,706 square foot second floor will contain master bedroom and master bathroom, a second bathroom, two studies, a bar room, and a T.V. room. The 850 square foot accessory dwelling unit will contain a living room, a kitchen, a bedroom, a laundry room, and a bathroom.

The site includes 5.08 acres of existing vineyard on the 5.78-acre lot. Approximately 0.66 acres of the existing vineyards will be removed to accommodate the proposed structures leaving 4.42 acres of vineyards intact. An additional 0.13 acres of fruit and olive trees will be added to existing .20-acre orchard and the applicant/owner plans to work with local olive oil producers to create an estate olive oil. The applicant/owner also plans to work with Spottswoode Winery to rehabilitate and produce wine from the 4.42 acres of vineyard that will be preserved.

Changes to Project Since October 18, 2022 Planning Commission Meeting

The following revision were made in response to Planning Commission requests and as a result of the neighborhood meetings on November 6, 2022 and November 19, 2022:

1. The driveways proposed along Fir Hill Drive have been removed.
2. The proposed ADU has been moved an additional 15' back from Fir Hill Drive and 5' closer to the proposed primary structure.
3. The massing of the ADU was revised by lowering the roof height by 2'.
4. The pool was reoriented and the size was reduced.
5. The bocce court was reoriented to expand the views of neighboring properties.
6. The area of vineyard proposed for removal was reduced from 0.75 acres to 0.66 acres.
7. The area of olive orchard proposed was reduced from 0.21 acres to 0.13 acres to provide for a newly proposed retention basin and to increase visibility on the corner of Madrona Avenue and Fir Hill Drive.
8. A 1' deep, 6' wide bio-swale will surround the area proposed for development and two bioretention basins with 2,025 cubic feet of retention capacity will be installed at the front of the property.
9. The landscape plan has been revised to further reduce overall water usage.
10. The water analysis was updated to reflect the reduced water usage from the revised landscape plan.
11. The layout of the olive orchard along Fir Hill was adjusted to increase visibility at the intersection with Madrona Avenue.

ANALYSIS

CEQA

Staff has concluded the requisite analysis and concluded that the project is categorically exempt from the requirements of CEQA pursuant to Section 15301, which exempts demolition and removal of individual structures including one single-family residence, and Section 15303, which exempts the construction or conversion of small structures including single-family residences, garages, pools, etc. 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 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 Agriculture (AG). The AG land use designation allows agricultural and winery uses with restricted single family residential and public/quasi-public uses. The St. Helena General Plan Update 2040 and 2015-2023 Housing Element Goals, Policies, and Eight-Year Action Plan include the following policies that are relevant to the proposed project:

- LU5.1 - Discourage conversion of existing farmland to non-agricultural uses.

The applicant proposes removal of approximately 0.66 acres of existing vineyard to accommodate the proposed residential project. Staff has discouraged the applicant from removing any of the existing vineyard to be consistent with this General Plan Policy. However, the applicant has stated that the section of vineyard to be removed is the least viable for rehabilitation and not likely to be productive and has proposed the addition of 0.13 acres of fruit and olive trees to the existing .20 acre orchard for the production of an estate olive oil as an alternative to keeping all the existing vineyard. Regardless of the proposal to include the addition of olive trees to the site, the project site will still lose 0.66 acres of existing farmland for a non-agricultural use, and net loss of 0.53 acres of total agricultural uses, rendering the project inconsistent with this General plan policy.

- LU5.3 - Strictly limit development on properties existing at the time of the adoption of this General Plan that are designated as agricultural land.
  The applicant has proposed a very large single-family residence and accessory structures totaling 19,515 square feet. This is a reduction from the initial application proposal, and 6,457 square feet (or more than one-third of the proposed residence) will be located below grade, not visible from street views. The above grade portion of the development consists of a 5,244 square foot first floor, and 2,706 second floor of the proposed primary dwelling, 1,754 square foot garage and 1,640 square foot covered terrace, a 850 square foot ADU and 864 square foot covered terrace. As with General Plan Policy LU5.1, staff has determined that the proposed removal of the existing vineyard for the purpose of developing the parcel for nonagricultural use is inconsistent with these two General Plan policies. However, 2126 Madrona, is the only property on Fir Hill Drive that has retained agricultural uses on-site.

- LU2.2 - Encourage new residential development that is consistent in design, size, color, and floor area ratio (FAR) with the older residences in the neighborhood.
  Although the proposed single-family home and accessory structures are very large, approximately one-third of the proposed construction would be below grade. The above ground portion of the project, as well as relationship to the site and surrounding area, should be used for consistency comparisons.

  The A-20 zone consists of large parcels with few limitations on the size of structures and provides for a wide variation of designs and sizes as evidenced along Fir Hill Drive, which has been developed with greater density and intensity of uses than what is intended for the A-20 district. Though the above ground portion of the project is larger than the other surrounding homes in the A-20 zone (depicted on Attachment 8), this parcel is the largest of the neighboring residential properties, and proposes a 0.08 FAR that is less than the average 0.10 FAR of the surrounding neighborhood.

  The design and colors used throughout the neighborhood are eclectic so comparisons should be limited to the types of color and materials used which are

typical of residential uses, consistent with the intention of this policy. The design applies articulation of facades and layered massing.

- PF1.1 - Require that the approval of new development be contingent upon the ability of the City to provide water without exceeding the safe annual yield of its water supply.
  With the use of water efficient fixtures, the proposed home and landscaping will not result in an increase of water used on the site.

- CD3.2 - Ensure that the new residential designs contribute positively to existing neighborhoods by complementing character and incorporating design features, such as front porches, façade articulation and step backs.
  The architectural design provides façade articulation and layered massing, along the street views of Madrona Avenue and Fir Hill Drive. Some of the project revisions include the relocation of the ADU an additional 15' back from Fir Hill Drive, and 5' closer to the proposed primary residence, a reduction of the pool size, and the reorientation of the pool and bocce court. The ADU, pool, and bocce court will be framed in by a low wall (1.5' to 2.5' in height above grade). The proposed olive orchard has been redesigned to cover the area previously designated as driveway space along Fir Hill Drive, and to preserve the Madrona Avenue-Fir Hill Drive corner view. A 5' wall will screen the vehicle motor court from public view. The second story steps back from the first story to help reduce overall massing and allowing neighborhood views of the mountains and surrounding vineyards (please see photo simulation on Sheet A1.3).

- HE1.5 - Encourage innovative housing types and designs.
  The project design is modern and incorporates articulation, layered massing, earth tones and natural elements such as stone veneer, cement plaster with wood and metal accents.

- HE2.4 - Promote second unit production.
  Although, not subject to discretionary review pursuant to State law, the project includes an 850 square foot accessory dwelling unit, with a covered terrace.

- HE2.6 - Promote a balance of types of housing throughout the whole community.
  The project proposes a large single-family home and an accessory dwelling unit, which are allowable uses in the A-20 district.

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 and provide for future orderly development as the urban limit line is adjusted to accommodate urban growth.

Pursuant to SHMC §17.20.060, the following development standards apply:

- Maximum non-agricultural coverage, 1 acre: 1 acre proposed
- Floor area ratio (F.A.R.), Not regulated
- Front setback, 50 feet, measured from center line of abutting street: 70 feet proposed
- Rear yard, 20 feet: Approximately 800 feet proposed
- Side yard, 20 feet: 20 feet proposed
- Height of buildings/structures, 30 feet: 29 feet proposed

Staff Response: The project as proposed meets the development standards prescribed by Section 17.20.060 of the SHMC. The 5.78-acre site has 5.08 acres of vineyards and is currently developed with 0.5 acres of non-agricultural uses. As shown on Sheet A1.0, the project proposes the removal of (0.66 acres) of the existing vineyard, which will leave 4.42 acres of vineyards to be rehabilitated for reuse, and 1-acre of non-agricultural use. The addition of (0.13 acres) of fruit and olive trees to the existing .20-acre orchard, with plans to develop an estate olive oil, will bring the total non-agricultural coverage to 1-acre. The project proposes additional landscaping consisting of very-low, low, and moderate use plantings consistent with code Section 17.112.140(B) of the SHMC that encourages xeriscape principles.

Note, the driveway is not included in the overall lot coverage consistent with superscript 1 of Section 17.20.060 (C) - Standards for Two Acre Lots or Greater in Area, which states that all structures, driveways (except for a sixteen-foot-wide driveway no greater than two-thirds the length of the parcel), parking, patios, lawn, or other non-agricultural uses shall be limited to one-acre maximum per parcel. The driveway for the primary residence is 16-feet and runs the width of the property, rather than the length. The driveways have not been counted toward the total non-agricultural coverage of the site. However, the screened motor court fronting Madrona Avenue has been included in the total 43,650 square feet (1-acre) residential coverage calculation. The screen wall surrounding the motor court is proposed at a height of 5-feet and is setback 48-feet from the front property line, where a minimum 40-foot setback for fences exceeding 3.5 feet in height is required. Though not subject to the visibility triangle requirements defined in Section 17.04.160 of the SHMC because Fir Hill Drive is a private drive, rather than a street, the project exceeds the standard as noted in Attachment 14.

WATER

Chapter 13.12.030 of the SHMC requires mandatory water efficiency measures and water demand offset requirements for new construction. Among these provisions is the requirement that any "new development" (i.e. construction that would introduce any freestanding building that contains water-using fixtures, any floor area additions to existing nonresidential structures, or any residential additions or remodeling that increases the number of independent living units) offset new water demand by an amount equal to the new demand placed on the city water system (i.e., it must be water neutral). The offset must be clearly demonstrated to the satisfaction of the Public Works Department.

Staff Response: The Water Use Analysis proposes a net decrease of 21 gpd to the average daily water usage by utilizing low flow water fixtures throughout, drought tolerant landscaping, and a cover for the pool. The existing vineyard is currently dry farmedbut is proposed for rehabilitation and will utilize well water from a new well that will also provide water for the proposed olive orchard, or if the regulatory controls do not allow the installation of a new well, the vineyard will continue to be dry-farmed and the olive orchard will be irrigated with City water after the applicant makes any adjustments to proposed landscaping to ensure that the project will remain water neutral.

PARKING

SHMC Section 17.124.030 "Minimum On-site Parking Requirements", requires that residential uses provide two parking spaces for the main dwelling unit, one of which shall be contained within a garage or carport. In addition to the required parking for the primary residence, one parking space, covered or uncovered, shall be provided on site for an ADU. As described in SHMC Section 17.124.050(D), parking in tandem is permitted in residential districts when required parking is less than 3 spaces.

Staff Response: The project primary residence will provide a three-car enclosed garage and a screened motor court capable of accommodating multiple vehicles, exceeding the requirements established in Sections 17.124.030 and 17.116.030 of the SHMC.

DEMOLITION PERMIT

As provided in SHMC Section 17.164.050(G), no permit authorizing the demolition of any building within any zoning district shall be issued until approved by the Planning Commission in accordance with the following findings:

1. That, based on the public record and testimony presented at a public hearing, the building is determined not to be a significant architectural or historical building. If a building is determined to be significant by the planning commission, no demolition will be authorized unless the following findings are made by the commission:
   a) That the building poses a threat to health, safety and general welfare if it is not demolished,
   b) That the restoration of the building is not feasible or practicable using current building codes including, but not limited to, the Historic Building Code provisions of the Uniform Building Code of the state of California,
   c) That no public or other funding is available for financing renovation or purchase of the building;

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

3. That the design review of the proposed replacement structure has been approved in conjunction with the demolition permit.

Staff Response: The existing home was constructed in 1883 but does not appear on the St. Helena Historic Resource Inventory. A Historic Resources Evaluation was conducted for the existing structures on the site (Attachment 3). The evaluation concluded that substantial alterations occurred outside of the historic era, the structures lack architectural significance, historic significance, or association with historic persons required for historic listing. The evaluation determined that none of the existing structures on the site meet the required criteria of significance necessary for eligibility for the California Register of Historic Resources (CRHR), the National Register of Historic Places (NRHP), or the St. Helena Historic Resource Inventory. Demolition of the existing structures would not be contrary to the requirements of the SHMC Section 17.164.050(G), and demolition of the structures will not occur prior to approval of design review for the replacement structures. Further study was conducted by the Historic Preservation expert and responses to neighborhood comments were provided (Attachments 4 and 5).

DESIGN REVIEW

SHMC Section 17.40.040 requires design review approval for all subdivisions, signs, new structures or buildings (except for one accessory dwelling unit which complies with the provisions set forth in Section 17.116.030) or exterior revisions (not including change in exterior color) of any existing structures or buildings for both permitted and conditional uses pursuant to SHMC Section 17.164. The purpose of design review is to promote the qualities that bring value to the community and foster attractiveness and functional utility of the community as a place to live and work. The Planning Commission must find that the project takes reasonable account of the design criteria prescribed in SHMC Section 17.164.030 (listed below) in review of this application:

1. Consistency and compatibility with the applicable elements of the general plan;

   Though not entirely consistent with General Plan policies LU5.1 and LU5.3 due to the removal of existing farmland for non-agricultural uses, the applicant has stated that the portion of existing vineyard proposed for removal to accommodate the project is the least viable for rehabilitation, has partnered with the Spottswoode Winery to rehabilitate the remaining vineyard, and has proposed to add an additional 0.13-acre of fruit and olive trees to the existing 0.20-acre orchard and plans to establish an estate olive oil in an effort to continue and preserve the majority of the agricultural uses on the site. However, the project will lose 0.66-acre of existing farmland, with a proposal to plant an additional 0.13-acre of olive trees, resulting in a net loss of 0.53-acre of farmland for non-agricultural use. The project is consistent with General Plan policies LU2.2, PF1.1, CD3.2, HE1.5, HE2.4, HE2.6, as noted in the General Plan Section of this report.

2. Compatibility of design with the immediate environment of the site;

The proposed primary residence is very large, but a significant portion of the home will be located in a basement level not visible from the street. Additionally, the applicant has worked with City staff to break up the façade fronting Fir Hill Drive. At the direction of the Planning Commission, the applicant held meetings with the neighboring residents and made subsequent minor revisions intended to minimize the massing while preserving the vineyard and mountain views of neighboring properties, including relocating the ADU an additional 15' back from Fir Hill Drive and 5' closer to the house, reduction of the pool size, and reorientation of the pool and bocce court. The house design will utilize earth tone paints, cement plaster, and natural accent elements such as stone, wood, and metal.

3. Relationship of the design to the site;

The project proposes removal of approximately 0.66-acre of existing 5.08-acres of vineyards from the site and demolition of the existing structures to accommodate the proposed primary residence, garage, accessory dwelling unit, pool, bocce court, the addition of approximately 0.13-acre of fruit and olive trees to the existing 0.20-acre orchard, and rehabilitation of the remaining 4.42-acres of vineyards. The proposal meets or exceeds all setback requirements and exceeds the off-street parking requirements and provides adequate circulation for vehicles. A 5-foot wall located outside of the front setback is designed to screen a portion of the motor court from street view.

4. Determination that the design is compatible in areas considered by the board as having a unified design or historical character;

The surrounding area has a mix of historic and non-historic development. The project site is developed with a residential structure originally constructed in 1883 but has been determined not to have any historic value that would be eligible for national, state, or local historic registration. The project has been designed to minimize impact on the surrounding area through use of articulation, layered massing, exterior treatment of earth tones and natural materials, and undergrounding of a large portion of the proposed residence.

5. Whether the design promotes harmonious transition in scale and character in areas between different designated land uses;

Aside from the nearby historic Spottswoode Winery, which is located in the Winery district, the property is completely surrounded by A-20 lands developed with primarily residential uses that have not retained on-site agricultural uses. The proposal includes the removal of 0.66-acre of existing vineyards and rehabilitation of the remaining 4.42-acres of vineyards for wine production and includes the addition of olive trees which will be used in the production of an estate olive oil, to retain the agricultural nature of the existing lands, and a new

residence to replace the existing residence in an area that is developed with other residential structures of various shapes and sizes.

6. Compatibility with future construction both on and off the site;

The project proposes new residential uses and the rehabilitation and reuse of the existing vineyard and installation of olive trees for the production of an estate olive oil, in compatibility with the surrounding A-20 zone which allows agricultural and residential uses.

7. Whether the architectural design of structures and their materials and colors are appropriate to the function of the project;

The project will use earth tones and natural elements, undergrounding of a large portion of the proposed structure, façade articulation, layered massing, and a step back of the second story as well as setbacks exceeding the minimum requirements of the A-20 zone.

8. Whether the planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community;

Because the project proposes a large residence, the planning and siting of the buildings has been critical to the overall design. The structure will underground a large portion of the primary residence, provide articulation, layered massing, and a step back of the second story, as well as setbacks greater than the required minimums. Additionally, the project proposes more than the required parking and on-site circulation and can easily accommodate the residents of the home as well as guests.

9. Whether the amount and arrangement of open space and landscaping are appropriate to the design and the function of the structures;

The proposal includes the removal of 0.66-acre of existing vineyards and rehabilitation of the remaining 4.42-acres of vineyards for wine production and includes the addition of 0.21-acre of olive trees to an existing 0.13-acre orchard, which will be used in the production of an estate olive oil. The proposed site plan also includes a bocce ball court and ornamental landscaping. Although the project proposes the removal of existing farmland (a total net loss of 0.53-acre), this is one of the only properties along Fir Hill Drive that contain a residential use that has retained any on-site agricultural use.

10. Whether access to the property and circulation systems are safe and convenient for pedestrians, cyclists and vehicles;

The project proposes more than the minimum required parking and on-site circulation can easily accommodate the residents of the home as well as guests.

11. Whether natural features and vegetation are appropriately preserved and integrated with the project;

The project will remove the 0.66-acre of the existing vineyard and will preserve and rehabilitate the remaining 4.42-acres of vineyards for wine production in partnership with the nearby Spottswoode Winery.

12. Whether the materials, textures, colors, and details of the construction are an appropriate expression of its design concept and function and whether they are compatible with the adjacent and neighboring structures and functions;

The design uses earth tone paints, cement plaster, and natural accent elements such as stone, wood, and metal which are materials found on other surrounding homes. The primary residence has been designed with larger than required setbacks, undergrounding of a large portion of the proposed residence, façade articulation and layered massing in order to preserve the mountain and vineyard views of surrounding properties. The above ground portion of the proposed primary structure is 7,950 square feet, which is approximately 2,300 square feet larger than the largest existing home in the surrounding neighborhood. However, the next largest home, which is 5,633 square feet in size, is located on a property that is only one acre in size and has a floor area ratio (FAR) approximately twice the FAR of this proposal. Therefore, in evaluating compatibility with adjacent and neighboring structures, the size of the home in relation to the parcel on which it is proposed, and not just size alone, is an important factor.

13. Whether the landscape design concept for the scale, plant forms and foliage textures and colors, create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site;

The proposed structures will be surrounded on the front and sides with 0.33-acre of fruit and olive trees, and gardens designed to create visual interest in contrast with the earth tones used for the structures and functionality for the residents.

14. Whether sustainability and climate protection are promoted through the use of green building practices such as appropriate site/architectural design, use of green building materials, energy efficient systems and water efficient landscape materials.

The landscaping has been designed to create a desirable and functional environment and includes several garden areas, and several fruit and olive trees, while preserving approximately 4.42-acres of the existing vineyards. Construction will comply with the California Green Code and will incorporate solar panels, and water efficient landscaping.

ISSUES

As stated above, the project has been reviewed by the Planning Commission at two separate meetings. The first meeting, held on October 18, 2022, and resulted in a continuation of the project due to numerous concerns raised by the public and a request by the Planning Commission for additional information. The Planning Commission also requested that the applicants install story poles to demonstrate the massing of the proposed structures and to hold meeting with the neighboring property owners. Two neighborhood meetings were conducted on November 6, 2023, and November 19, 2023, in which neighbors met with the project applicant team and discussed various project concerns. The meetings were conducted informally, and no meeting minutes were provided. The second Planning Commission meeting was held on December 6, 2023, with the purpose of providing a project status update to the Commission. At this meeting, the Planning Commission requested that the project applicant provide a summary of the neighborhood meetings (Attachment 9) and allow the neighbors the opportunity to respond and provide any additional comments and clarifications regarding the details of the neighborhood meetings.

Following the circulation of the applicant summary of the neighborhood meetings, three separate letters were received from neighbors providing additional comment (Attachments 10-12). All three neighboring property owners continued to express concern over the project details with particular emphasis on the following:

1. Project massing/size of structures

   The applicant has worked with staff and considered the comments from neighbors to reduce the massing of the proposed structures. However, the St. Helena Municipal Code does not limit massing in the A-20 zone. Staff cannot impose a reduction in project massing that other properties in the same zone would not be subjected to based on the existing standards in the City's zoning code.
2. Trees: historic oak and placement of olive grove

   The existing historic oak tree is located in the City public right-of-way and will be protected in place. The project has been conditioned to protect any roots that may be exposed by grading activities.
3. Water: water usage and well for on-site agricultural uses

   The applicant has prepared a Water Use Analysis according to the Water Neutrality regulations, which has been reviewed and accepted by the Public Works Department. The city cannot impose additional standards which would not be required for any other property in the A-20 zone.
   The applicant has proposed a new well to replace the existing well, which will be removed to accommodate the proposed construction. As the well permit process is separate from design review, the applicant will be required to either obtain the necessary well permit through Napa County and the City or provide studies to show that the on-site agricultural uses can either be dry farmed, as is currently the

case, or irrigated using City water without exceeding the water neutrality requirements (see Public Works condition # 31).

4. Drainage and stormwater runoff

   The project civil plans show that water flows away from Fir Hill Drive across the site and toward stormwater facilities located within Madrona Avenue. Additionally, the applicant has proposed a 1' deep, 6' wide bio-swale around the perimeter of the area proposed for grading and development, and two bioretention basins with a total capacity of 2,025 cubic feet, or 5 times the output from a 100-year storm. A Stormwater Control Plan has been reviewed and accepted by the Public Works Department for stormwater runoff during construction activities.

5. Noise from mechanical equipment

   All mechanical equipment associated with the project, including HVAC, will be located in the basement mechanical room. As all residential development must meet Title 24 regulations for interior noise levels, the project will not pose noise impacts to surrounding properties. The project construction activities have been conditioned to comply with Chapter 8.24 – Noise, of the St. Helena Municipal Code.

6. Loss of vineyard/grape yields

   Comments from neighboring properties have indicated that the existing vineyard is historic. However, no evidence has been provided to show that the vineyard has been nominated as historic. Furthermore, the Historic Resource evaluation performed for the project site has determined that the property is not an historic resource and is not eligible for listing on a national, state, or local registry based on the CEQA criteria for historic resources. Grape yields are not subject to the design review process.
   Notwithstanding, the removal any of the existing vineyard is inconsistent with General Plan policies LU5.1 and LU5.3 that discourage the conversion of existing farmland to non-agricultural use and strictly limit development on properties existing at the time of the adoption of the General Plan that are designated as agricultural land.

7. Visibility on the corner of Madrona Avenue and Fir Hill Drive

   Visibility at the corner of Madrona Avenue and Fir Hill Drive is already somewhat obstructed by the presence of a very large historic oak tree. The project has proposed and been conditioned to protect the oak. In order to further reduce visibility impacts, the proposed olive orchard has been moved farther from the corner and the larger of the two proposed bio retention basins will be placed at the corner of the property. Though not subject to the visibility triangle requirements defined in Section 17.04.160 of the SHMC because Fir Hill Drive is a private drive, rather than a street, the project exceeds the standard as noted in Attachment 14.

8. Number of bedrooms and bathrooms

Some concerns have been expressed over the proposed number of bedrooms and bathrooms. However, there are no general plan or zoning criteria in place that would limit the number of bedrooms or bathrooms. The interior use of the structures is not something the the Planning Commission considers as part of design review, and the project has complied with the City's Water Neutrality regulations. Some clarification has been provided on the project plan set to remove door jams and headers from rooms not to be used as bedrooms.

9. Sewer or septic

The applicant has submitted an application for sewer extension and connection for the project, which is currently under review by the Public Works Department. The sewer application is independent of design review and the Public Work Department has provided a wastewater condition for sewer or septic to be installed subject to all City and County regulations prior to the issuance of a Certificate of Occupancy.

10. Grading concerns and construction

The Conceptual grading plan has been included in the project plan set, Sheet C2.1 and indicates that project site slopes away from Fir Hill Drive and toward Madrona Avenue.

11. Location of the ADU and backyard layout

As a result of the neighborhood meetings, the ADU has been located 15' further from Fir Hill Drive, and 5' closer to the primary structure than initially proposed, and the roof height of the ADU has been decreased by 2'. The pool has been reduced in size and both the pool and bocce court have been reoriented to address neighbor concerns. Further, the ADU should not be considered as part of the design review application as it is only subject to ministerial review under the City's Zoning Code and state law.

12. CEQA

Various comments have been received. The project is exempt from CEQA review pursuant to Section 15301 (Existing Structures) and Section 15303 (Reconstruction or Conversion of Small Structures). The Class 1 and Class 3 exemptions apply equally to single family residence regardless of size.

CORRESPONDENCE

Three formal letters from neighboring property owners have been received by staff (Attachments 10-12). Additionally, an email was received regarding the project potential for flooding in the basement (Attachment 13). Public Works Staff has determined that any potential for the proposed project resulting in flooding of the basement would be outside of the purview of City staff and would instead be between the property owner and their insurance company.

STAFF RECOMMENDATION

Option 1
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 15301 and Section 15303; and

2. Accept the required findings and approve the attached resolution granting demolition permit and design review approval for the proposed construction on the property located at 2126 Madrona Avenue.

Option 2

1. Determine that the project is exempt from the requirements of CEQA pursuant to Section 15301 and Section 15303; and

2. Find the project inconsistent with General Plan policies LU5.1 and LU5.3 and continue action on the item, requesting that the applicant/owner revise the project plans to retain all of the existing vineyards and redesign the site for Planning Commission review at a future date.

ATTACHMENTS

1. Resolution
2. Project Plans
3. Project Statement
4. Historic Resource Evaluation
5. Response to HRE Comments
6. Water Use Analysis
7. Stormwater Control Plan
8. Assessor Parcel Data for Surrounding Properties
9. Applicant - Neighborhood Meeting Summary
10. 1693 Fir Hill Dr - Neighborhood Meeting Summary
11. 1615 Fir Hill Dr - Neighborhood Meeting Summary
12. 2056 Madrona Ave - Neighborhood Meeting Summary
13. Basement Flooding Discussion
14. Public Works Response to Neighbor Comments
15. Vineyard Expected Production Capacity
16. Applicant Letter to Fir Hill Neighbors 2-21-23

CITY OF ST. HELENA PLANNING COMMISSION
RESOLUTION NO.
GRANTING DEMOLITION PERMIT AND DESIGN REVIEW APPROVAL TO
2126 MADRONA AVENUE (File No. PL21-044)

PROPERTY OWNER: Lorraine and Joe Berchtold **APN:** 009-470-010

Recitals

1. The property owner requests adoption of a resolution approving a demolition of existing structures in order to accommodate the construction of a single-family home, garage and accessory dwelling unit and design review approval for the proposed single family home on a property located at 2126 Madrona Avenue in the Twenty-Acre Agriculture (A-20) zoning district.; and
2. A public notice was published in the Napa Valley Register and mailed to residents andoccupants 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 theproject, staff report, and all testimony, written and spoken, at a duly noticed public hearing on March 7, 2023; and
4. Now, therefore let it be found that the Planning Commission approves the Demolition Permit and Design Review thereby authorizing the proposal contained in said plans 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 Section 15303, which exempts the construction or conversion of small structures including single-family residences, garages, pools, etc.

C. Pursuant to St. Helena Municipal Code (SHMC) Section 17.164.050, the Planning Commission makes the following findings to support the motion to approve the Demolition Permit to allow for the demolition the existing structures on-site:

    1. That, based on the public record and testimony presented at a public hearing, the building is determined not to be a significant architectural or historical building.
    2. That the demolition does not eliminate elements that are required to maintain the essential character of the neighborhood; and

3. That the design review of the proposed replacement structure is approved prior to approval of the demolition of a housing structure.

   The existing home was constructed in 1883 but does not appear on the St. Helena Historic Resource Inventory. A Historic Resources Evaluation was conducted for the existing structures on the site. The evaluation concluded that substantial alterations occurred outside of the historic era, the structures lack architectural significance, historic significance, or association with historic persons required for historic listing. The evaluation determined that none of the existing structures on the site meet the required criteria of significance necessary for eligibility for the California Register of Historic Resources (CRHR), the National Register of Historic Places (NRHP), or the St. Helena Historic Resource Inventory. Demolition of the existing structures would not be contrary to the requirements of the SHMC Section 17.164.050(G), and demolition of the structures will not occur prior to approval of design review for the replacement structures.

D. In accordance with the design review criteria identified in SHMC Section 17.164.030, the Planning Commission finds that the project demonstrates the following:

1. Consistency and compatibility with applicable elements of the general plan;

   Though not entirely consistent with General Plan policies LU5.1 and LU5.3 due to the removal of existing farmland for non-agricultural uses, the applicant has stated that the portion of existing vineyard proposed for removal to accommodate the project is the least viable for rehabilitation, has partnered with the Spottswoode Winery to rehabilitate the remaining vineyard, and has proposed to add an additional 0.13-acre of fruit and olive trees to the existing 0.20-acre orchard and plans to establish an estate olive oil in an effort to continue and preserve the majority of the agricultural uses on the site. However, the project will lose 0.66-acre of existing farmland, with a proposal to plant an additional 0.13-acre of olive trees, resulting in a net loss of 0.53-acre of farmland for non-agricultural use. The project is consistent with General Plan policies LU2.2, PF1.1, CD3.2, HE1.5, HE2.4, HE2.6.

2. Compatibility of design with the immediate environment of the site;

   The proposed primary residence is very large, but a significant portion of the home will be located in a basement level not visible from the street. Additionally, the applicant has worked with City staff to break up the façade fronting Fir Hill Drive. At the direction of the Planning Commission, the applicant held meetings with the neighboring residents and made subsequent minor revisions intended to minimize the massing while preserving the vineyard and mountain views of neighboring properties, including relocating the ADU an additional 15' back from Fir Hill Drive and 5' closer to the house, reduction of the pool size, and reorientation of the pool and bocce court. The house design will utilize earth tone paints, cement plaster, and natural accent elements such as stone, wood, and metal.

3. Relationship of the design to the site;

   The project proposes removal of approximately 0.66-acre of existing 5.08-acres of vineyards from the site and demolition of the existing structures to accommodate the proposed primary residence, garage, accessory dwelling unit, pool, bocce court, the addition of approximately 0.13-acre of fruit and olive trees to the existing 0.20-acre orchard, and rehabilitation of the remaining 4.42-acres of vineyards. The proposal meets or exceeds all setback requirements and exceeds the off-street parking requirements and provides adequate circulation for vehicles. A 5-foot wall located outside of the front setback is designed to screen a portion of the motor court from street view.

4. Determination that the design is compatible in areas considered by the board as having a unified design or historical character;

   The surrounding area has a mix of historic and non-historic development. The project site is developed with a residential structure originally constructed in 1883 but has been determined not to have any historic value that would be eligible for national, state, or local historic registration. The project has been designed to minimize impact on the surrounding area through use of articulation, layered massing, exterior treatment of earth tones and natural materials, and undergrounding of a large portion of the proposed residence.

5. Whether the design promotes harmonious transition in scale and character in areas between different designated land uses;

   Aside from the nearby historic Spottswoode Winery, which is located in the Winery district, the property is completely surrounded by A-20 lands developed with primarily residential uses that have not retained on-site agricultural uses. The proposal includes the removal of 0.66-acre of existing vineyards and rehabilitation of the remaining 4.42-acres of vineyards for wine production and includes the addition of olive trees which will be used in the production of an estate olive oil, to retain the agricultural nature of the existing lands, and a new residence to replace the existing residence in an area that is developed with other residential structures of various shapes and sizes.

6. Compatibility with future construction both on and off the site;

   The project proposes new residential uses and the rehabilitation and reuse of the existing vineyard and installation of olive trees for the production of an estate olive oil, in compatibility with the surrounding A-20 zone which allows agricultural and residential uses.

7. Whether the architectural design of structures and their materials and colors are appropriate to the function of the project;

   The project will use earth tones and natural elements, undergrounding of a large portion of the proposed structure, façade articulation, layered massing, and a

step back of the second story as well as setbacks exceeding the minimum requirements of the A-20 zone.

8. Whether the planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community;

   Because the project proposes a large residence, the planning and siting of the buildings has been critical to the overall design. The structure will underground a large portion of the primary residence, provide articulation, layered massing, and a step back of the second story, as well as setbacks greater than the required minimums. Additionally, the project proposes more than the required parking and on-site circulation and can easily accommodate the residents of the home as well as guests.

9. Whether the amount and arrangement of open space and landscaping are appropriate to the design and the function of the structures;

   The proposal includes the removal of 0.66-acre of existing vineyards and rehabilitation of the remaining 4.42-acres of vineyards for wine production and includes the addition of 0.21-acre of olive trees to an existing 0.13-acre orchard, which will be used in the production of an estate olive oil. The proposed site plan also includes a bocce ball court and ornamental landscaping. Although the project proposes the removal of existing farmland (a total net loss of 0.53-acre), this is one of the only properties along Fir Hill Drive that contain a residential use that has retained any on-site agricultural use.

10. Whether access to the property and circulation systems are safe and convenient for pedestrians, cyclists and vehicles;

    The project proposes more than the minimum required parking and on-site circulation can easily accommodate the residents of the home as well as guests.

11. Whether natural features and vegetation are appropriately preserved and integrated with the project;

    The project will remove the 0.66-acre of the existing vineyard and will preserve and rehabilitate the remaining 4.42-acres of vineyards for wine production in partnership with the nearby Spottswoode Winery.

12. Whether the materials, textures, colors, and details of the construction are an appropriate expression of its design concept and function and whether they are compatible with the adjacent and neighboring structures and functions;

    The design uses earth tone paints, cement plaster, and natural accent elements such as stone, wood, and metal which are materials found on other surrounding homes. The primary residence has been designed with larger than required setbacks, undergrounding of a large portion of the proposed

residence, façade articulation and layered massing in order to preserve the mountain and vineyard views of surrounding properties. The above ground portion of the proposed primary structure is 7,950 square feet, which is approximately 2,300 square feet larger than the largest existing home in the surrounding neighborhood. However, the next largest home, which is 5,633 square feet in size, is located on a property that is only one acre in size and has a floor area ratio (FAR) approximately twice the FAR of this proposal. Therefore, in evaluating compatibility with adjacent and neighboring structures, the size of the home in relation to the parcel on which it is proposed, and not just size alone, is an important factor.

13. Whether the landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors, create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site;

The proposed structures will be surrounded on the front and sides with 0.33-acre of fruit and olive trees, and gardens designed to create visual interest in contrast with the earth tones used for the structures and functionality for the residents.

14. Whether sustainability and climate protection are promoted through the use of green building practices such as appropriate site/architectural design, use of green building materials, energy efficient systems and water efficient landscape materials.

The landscaping has been designed to create a desirable and functional environment and includes several garden areas, and several fruit and olive trees, while preserving approximately 4.42-acres of the existing vineyards. Construction will comply with the California Green Code and will incorporate solar panels, and water efficient landscaping.

Planning Department Conditions of Approval

E. The Planning Commission approves a demolition permit and design review 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 design review shall be vested within one (1) year from the date of final action. A building permit for the use allowed under this approval shall have been applied for within one (1) year from the effective date of this 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. Any request for an extension of this approval shall be justified in writing and

receivedby the Planning Department at least thirty (30) days prior to expiration.

4. 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.
5. All required fees, including planning fees, development impact fees, residential in-lieuhousing 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.
6. Pursuant to City Council Resolution 2003-65, the owner and applicant are informed ofthe following:

   Prior to issuance of a building permit, in recognition of the need for additional affordable housing, and to mitigate the effectsof this development on the supply and demand of affordable housing, the permitee shall be subject to a Housing Impact Fee, an inclusionary requirement, an in-lieu fee, and/or similar fair and appropriate mechanisms, to provide funds for or to develop additional affordable housing.
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 unlessanother 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 itsown 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.
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 standardsof Title 24.

12. Construction shall be in compliance with plans submitted and reviewed by the Planning Commission on March 7, 2023, except as modified herein.
13. During construction, the project site shall be adequately fenced and secured to prevent trespassing.
14. No new landscaping shall be installed while the City is in a declared Phase II or Phase III water emergency.
15. Exterior lighting shall be directed or shielded to prevent glare onto public roadways oradjacent properties.
16. To reduce disturbance of residents in the project vicinity, construction activities whichgenerate 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 followingreasons: (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 andgive 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

17. An Encroachment Permit is required for all work within City right-of-way. Encroachment Permits will not be issued prior to the approval of the Improvement Plans.
18. A separate utility connection directly between the ADU and the utility is required (SHMC 17.116.030). Backflow prevention devices shall be installed; all public improvements utility connections shall be designed in accordance with the City of St. Helena's Construction Standards (SHMC 16.32.230).
19. The applicant shall verify that the existing water service and meter sizes are adequate to provide domestic and sprinkler water to the proposed residence. If the existing meter size and/or services size is not adequate, the applicant shall replace the existing piping and/or meter with the appropriate size and be responsible for any fees associated with increasing the meter size.
20. An onsite wastewater treatment (septic tank) system, conforming 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. Alternatively, a sanitary sewer extension and district annexation shall be pursued. All facilities shall be constructed in accordance with City of St. Helena Standards and Specifications. Sanitary sewer facilities shall be installed prior to the issuance of Certificate of

Occupancy.

21. Post-construction storm drain runoff shall be limited to pre-construction levels. The improvement plans shall demonstrate that flows will not increase due to improvements being installed with this project. No lot-to-lot drainage is allowed. All site drains must be connected to the public stormdrain system or discharged through the face of curb or to an established waterway.

22. The City has adopted the latest edition of the Bay Area Stormwater Management Agencies Association (BASMAA) Post-Construction Manual. Applicant is responsible for construction plan conformance in accordance with the BASMAA Manual, SHMC Section 13.32 et. seq., and the State Water Resources Control Board Phase II Municipal Separate Storm Water System (MS4) General Permit (Order 2013-0001 DWQ). Approval of the project by Planning Commission does not constitute compliance with storm water regulations nor a right to develop per approved plans unless this condition of approval is fully satisfied.

23. The Applicant shall provide an Erosion and Sediment Control Plan (ESCP) and a schedule for implementation of approved measures to the Public Works Department forreview and approval with the first improvement plans submitted for review. A grading permit shall not be issued until the erosion and sediment control plan is approved.

24. The Applicant shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period, as is found necessary by the PublicWorks Director.

25. The Applicant shall construct all of Public Improvements generally shown on the DesignReview Plans and more specifically described below:
    a. As there are no existing curb, gutter and sidewalk improvements fronting the property and no immediate future plans for new improvements, the proposed driveway fronting Madrona shall be constructed in accordance with County of Napa Standard P-2 (Driveway Connection to Arterial Roads – RuralRoads.
    b. All landscaping and fencing along the front and side yards shall be installed suchthat they provide adequate sight distance and conform to City Standard 324 regarding Visibility and Fencing.

26. Any excavation adjacent to the historic oak on Madrona Avenue shall comply with Section 2-1 04 Protection of Vegetation of Saint Helena City Public Works standards.

27. Preservation of the historic oak tree within the public right-of-way along Madrona Avenue shall comply Section 12.24.150 Protection of protected trees during and after construction activity of the SHMC.

28. Prior to the issuance of a grading permit or building permit, whichever occurs first, the applicant (or tree professional) shall place orange construction fencing around the tree dripline and it must extend 5' beyond the drip line and have it inspected by the City Arborist with a written verification that the location of the construction fencing is in acceptable location. (This will exclude any part of the drip line extending into the pavement on Madrona Ave).

29. Prior to the issuance of any permit, the homeowner or permit applicant must place 4" of mulch below the entire dripline of the tree but 1' away from trunk flare. Exclude any part of the drip line extending into the pavement on Madrona Avenue.

30. In order to eliminate competition and help continue to preserve the Heritage Oak tree, the City Arborist recommends the property owner remove the adjacent redwood tree next in the canopy of the Heritage oak prior to the issuance of a building permit.

31. Prior to the issuance of a building permit, the applicant is required to prepare a Water Use Analysis according to the Water Neutrality regulations, which relies on the use of a well for irrigation purposes. The applicant shall provide evidence of permit processing through Napa County or provide studies to show that the on-site agricultural uses can either be dry farmed, as is currently the case, or irrigated using City water without exceeding the water neutrality requirements.

Building Department Conditions of Approval

32. The applicant will be required to comply with the codes adopted at the time the applicant applies for a building permit. At this time the City of St. Helena utilizes the 2019 Title 24 codes.

33. When submitting plans for a building permit, the plans shall include all documentation listed on the building permit application checklist.

34. The applicant shall provide a construction waste management plan with the building permit application.

35. The plans for construction shall include a checklist for compliance with the California Green Buildings Standards Code, mandatory measures. Provide a reference on the checklist indicating where the mandatory measures can be found on the plans.

36. When submitting plans, the title page shall include all information referenced on the building permit application checklist Title Page requirements.

37. Building Permit application materials and plans shall include any documentation pertaining to special loads applicable to the design and the specified section of the code that addresses the condition; special inspections

for any systems or components requiring special inspection; requirements for seismic resistance; and a complete list of deferred submittals at time of application. Any deferral of the required submittal items shall have prior approval of the Building Official however deferral of fire sprinkler design is not allowed.

38. Any deferral of the required submittal items shall have prior approval of the Building Official; however, deferral of the fire sprinkler design is not allowed.

39. A separate permit submittal is required for demolition of existing structures, construction of pools, installation of generators and PV-systems.

40. Properties that are on septic systems or are intending to abandon a septic system are encouraged to contact Napa County Environmental Health Department early in the process to prevent project delays. A permit is required for Demolition of existing septic systems from the Napa County EHD.

Fire Department Conditions of Approval

41. Plans submitted for building permit shall exhibit compliance with the current St. Helena Fire Code, as adopted and codified in St. Helena Municipal Code Chapter 15.36 and include compliance with vegetation hazard mitigation requirements of Section 8.08.010 (E)(9) of the St. Helena Municipal Code.

42. Fire sprinklers shall be installed as required by Fire Code and the Fire Department.

43. One hour minimum fire-resistant construction on all exterior walls within 10' of property boundary is required. Fire resistant construction of interior walls shall be determined by type of occupancy.

44. 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.

I HEREBY CERTIFY that the foregoing demolition permit and design review 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 March 7, 2023, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

John Ponte
Chair, Planning Commission

ATTEST:

Maya DeRosa, AICP
Planning and Building Director

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574

GENERAL NOTES

1. The work included under this contract consist of all labor materials, transportation, tools and equipment necessary for the construction of the project leaving all work ready for use.
2. All construction shall conform to the 2019 California Building Code; 2019 California Mechanical, Electrical, and Plumbing Codes; 2019 California Residential Code, 2019 California Energy Code; 2019 California Green Building Standards Code; Title 24: Fire Safe Standards and any other local governing codes and ordinances. In the event of conflict, the most stringent requirements shall apply.
3. The plans indicate the general extent of new construction necessary for the work, but are not intended to be all-inclusive. All demolition and all new work necessary to allow for a finished job in accordance with the intention of the drawing is included regardless of whether shown on the drawings or mentioned in the notes. All work is new, U.O.N.
4. Any errors, omissions or conflicts found in the various parts of the construction documents shall be brought to the attention of the Architect and the Owner for clarification before proceeding with the work.
5. The General Contractor shall maintain a current and complete set of the construction documents on the job site during all phases of construction for use of all the trades and shall provide all the subcontractors with current construction documents as required.
6. The General Contractor shall verify and assume responsibility for all dimensions and site conditions. The General Contractor shall inspect the existing premises and take note of existing conditions prior to submitting prices. No claim shall be allowed for difficulties encountered which could have reasonably been inferred from such examination.
7. Written dimensions take precedence. Do not scale drawings.
8. All dimensions to and from new construction when shown in plan are to face of stud, face of masonry, centerline, unless otherwise noted.
9. All dimensions on reflected ceiling or electrical plans are from face of finish or center line of column to center line of fixture or group of fixtures.
10. All vertical dimensions are to face of finish, finish floor, unless otherwise noted.
11. All dimensions noted "Verify" and "V.I.F." are to be checked by contractor prior to construction. Immediately report any variances to the architect for resolution.
12. Interior walls are 2x4 or 2x6 wood studs @ 16" o.c, unless otherwise noted and all exterior wall are 2x6 wood studs @ 16" o.c. unless otherwise noted.
13. Contractor shall provide all seismic bracing and hold-down clips as required by Code for all suspended ceiling and soffit framing conditions.
14. Coordinate all work with existing conditions, including but not limited to: irrigation pipes, electrical conduit, water lines, gas lines, drainage lines, etc.
15. Provide adequate temporary support as necessary to assure the structural value or integrity of the building.
16. Protect all existing building and site conditions to remain including walls, cabinets, finishes, trees and shrubs, paving, etc.
17. Details shown are typical. Similar details apply in similar conditions.
18. Verify all architectural details with structural, and design/build drawings before ordering or installation of any work.
19. Where locations of windows and doors are not dimensioned, they shall be centered in the wall or placed two stud widths from adjacent wall as indicated on the drawings.
20. All required exits shall be operable from inside, without the use of key or special knowledge.
21. All changes in floor materials occur at centerline of door or framed opening unless otherwise indicated on the drawings.
22. All materials, fixtures and equipment must be installed per manufacturer's specification and recommendations.
23. Verify clearances for flues, vents, chases, soffits, fixtures, etc. before any construction, ordering of, or installation of any items of work.
24. Sealant, caulking and flashing, etc. locations shown on drawings are not intended to be inclusive. Follow manufacturer's installation recommendations and standard industry and building practices.
25. All roof deck penetrations and exterior wall openings shall be guaranteed by the contractor to be water tight for a minimum period of one year after substantial completion of all work under this contract.
26. The General Contractor shall remove all rubbish and waste materials of all subcontractors and trades on a regular basis, and shall exercise a strict control over job cleaning to prevent any direct debris or dust from affecting, in any way, finished areas in or outside job site.
27. Contractor shall leave premises and all affected areas clean and orderly, ready for occupancy. This includes cleaning of all glass (inside and outside) and frames, both new and existing.
28. Install smoke and carbon monoxide detectors in accordance with the specifications and in conformance with CBC and local Fire Marshal requirements.
29. All exterior doors and windows are to be weather stripped per Title 24 requirements, unless otherwise noted in door details.
30. Glass subject to human impact shall be of safety glazing material to meet State and Federal requirements.
31. Any survey monuments within the area of construction shall be preserved or reset by a registered civil engineer or a licensed land surveyor.
32. Provide shop drawings for all millwork, metal work and custom items.
33. Contractor is responsible for reviewing and complying with requirements of Soil Report as prepared by Geotechnical Engineer.

SYMBOLS

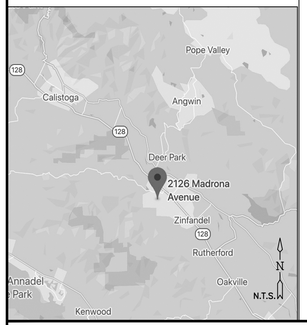
- INTERIOR ELEVATION NUMBERS / SHEET NUMBER (A, B, C, D; B / A5.2)
- SECTION/ ELEVATION NUMBER / SHEET NUMBER (2 / A3.1)
- DETAIL NUMBER / SHEET NUMBER (# / A8.#)
- ENLARGED DETAIL NUMBER / SHEET NUMBER (# / A8.#)
- WINDOW SYMBOL (2)
- DOOR SYMBOL (E)
- GRID LINE (1)
- ROOM NAME / ROOM NUMBER (ROOM / XXX)
- REVISION (1)
- FLOOR ELEVATION OR DIMENSION POINT

VICINITY MAP

Project Information:

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN #: APN: 009-470-010



PROJECT STATISTICS

PROJECT NAME:
BERCHTOLD RESIDENCE

A.P.N.:
009-470-010

PROJECT ADDRESS:
2126 MADRONA AVE.
SAINT HELENA, CALIFORNIA 94574

LOT AREA:
5.78 ACRES (251,777 S.F.)

ZONING:
A-20 AGRICULTURE DISTRICT

CONSTRUCTION TYPE:
VB

OCCUPANCY:
R-3

NO. OF STORIES:
2 STORY + BASEMENT

BUILDING HEIGHT:
MAX ALLOWABLE: 30'
BUILDING HEIGHT: 28'

FEMA ZONE:
NO

PROJECT DESCRIPTION:
CONSTRUCTIONS OF A TWO STORY SINGLE FAMILY RESIDENCE WITH BASEMENT AND ATTACHED GARAGE

APPLICABLE CODES:
2019 California Building Code (CBC)
2019 California Electrical Code (CEC)
2019 California Mechanical Code (CMC)
2019 California Plumbing Code (CPC)
2019 California Fire Code (CFC)
2019 California Residential Code (CRC)
2019 California Energy Code (CEC)
2019 California Green Building Standards Code (GBS)
2019 California Administrative Code (CAC)
Applicable General Plan, Zoning, Site Development and Subdivision Ordinances

Note:
These drawings are to conform to the requirements of the code editions cited above. Any work performed in association with these drawings must also comply with these code editions.

BUILDING AREA CALCULATION:

EXISTING RESIDENCE:

EXISTING RESIDENCE TO BE DEMOLISHED:	2,508 S.F.
EXISTING GARAGE TO BE DEMOLISHED:	799 S.F.
EXISTING STORAGE BARN:	586 S.F.
TOTAL REMOVED	3,893 S.F.

PROPOSED RESIDENCE:

BELOW GRADE	
BASEMENT:	6,457 S.F.
ABOVE GRADE	
FIRST FLOOR:	5,244 S.F.
SECOND FLOOR:	2,706 S.F.
TOTAL:	7,950 S.F.
GARAGE & STORAGE:	1,754 S.F.
COVERED TERRACE:	1,640 S.F.

PROPOSED ADU:

FIRST FLOOR:	850 S.F.
COVERED TERRACE:	864 S.F.

*SQUARE FOOTAGES FROM EXTERIOR BUILDING PERIMETER

ABBREVIATION

&	And	CONN.	Connection	F.H.M.S.	Flat Head Machine Screw	I.D.	Inside Diameter	PERIM.	Perimeter	S.H.	Sprinkler Head	U.N.O.	Unless Noted Otherwise
<	Angle	CONST.	Construction	F.H.W.S.	Flat Head Wood Screw	IN.	Inch	PL.	Plate	SHR.	Shower		
@	At	CONT.	Continuous	FIN.	Finish	INSUL.	Insulation	P.LAM.	Plastic Laminate	SHT.	Sheet	VAR.	Varies
ø	Diameter or Round	CONTR.	Contractor	FIXT.	Fixture	INT.	Interior	PLAS.	Plaster	SHTG.	Sheathing	V.C.T.	Vinyl Composite Tile
#	Pound or Number	C.T.	Ceramic Tile	FLR.	Floor	INTER.	Intermediate	PLYWD.	Plywood	SIM.	Similar	VEN.	Veneer
		CTR.	Center	FLASH.	Flashing			PNL.	Panel	SL.	Sliding	VERT.	Vertical
A.C.	Air Condintiong or Asphaltic Concrete	C.W.	Cold Water	FLUOR.	Fluorescent	JAN.	Janitor	PNT.	Paint	S.K.D.	See Kitchen Drawings	VEST.	Vestibule
ACOUS.	Accoustical	D	DRYER	F.O.C.	Face of Concrete	JST.	Joist	P.S.I.	Per Square Inch	S.L.D.	See Landscape Drawings	V.G.D.F.	Vertical Grain Douglas Fir
A.D.	Area Drain	DBL.	Double	F.O.F.	Face of Finish	JT.	Joint	PT.	Pressure Treated or Post Tensioned	S.M.D.	See Mechanical Drawings	V.I.F.	Verify in Field
ADJ.	Adjustable	DET.	Detail	F.O. Ply	Face of Plywood			PTD.	Painted	S.P.D.	See Plumbing Drawings	VOL.	Volume
ADJAC.	Adjacent	D>F>	Drinking Fountain	F.O.S.	Face of Stud	KIT.	Kitchen	P.T.D.	Paper Towel Dispenser	S.P.D.	See Plumbing Drawings	W	Washing Machine
A.F.F.	Above finish floor	DIA.	Diameter	F.P.R.F.	Fireproof	LAM.	Laminate	PTN.	Partition	SPEC.	Specification or Special	W.	West
AGGR.	Aggregate	DIM.	Dimension	FR.	Frame	LAV.	Lavatory	P.T.R.	Paper Towel Receptacle	SQ.	Square	W/	With
ALT.	Alternate	DISP.	Dispenser	FT.	Foot or Feet	LB.	Pound			S.S.	Stainless Steel	W/D	Stacked Washing Machine and Dryer
ALUM.	Aluminum	DN	Down	FTG.	Footing	LIN.	Linear	Q.T.	Quary Tile	S.S.D.	See Structural Drawing	W.C.	Wall Covering
APPROX	Approximate	DR.	Door	FURR.	Furring	LN.	Line			S.S.K.	Service Sink	WD.	Wood
ARCH	Architectural	DW	Dishwasher	FUT.	Future	LT.	Light	R.	Riser	STD.	Standard	W.H.	Water Heater
A.S.R.B.	Architectural site review board	DWG.	Drawing			MACH.	Machine	R.A.	Return Air	STL.	Steel	W/O	Without
		DWR.	Drawer	G.	Gas Outlet	MAINT.	Maintain	RAD.	Radius	STOR.	Storage	W.P.	Work Point or Waterproofing
BD.	Board	EA.	Each	GA.	Gauge	MAT.	Material	REC.	Recessed	STRL.	Structural	WSCT.	Wainscot
BFE	BASE FLOOD ELEVATION	(E)	Existing	GALV.	Galvanized	MAX.	Maximum	REF.	Reference	S.V.	Sheet Vinyl	W.S.P.	Wet Standpipe
BITUM.	Bituminous	E.I.F.S.	Exterior Insulation & Finish System	GAR.D.	Garbage Disposal	M.B.	Machine Bolt	REFL.	Reflected			WT.	Weight
BLDG.	Building	E.W.	Expansion Joint	GEN.	General	M.C.	Medicine Cabinet	REFR.	Refrigerator	T.	Tread	WR.	Water Resistant
BLK.	Block	EL.	Elevation	G.F.I.	Ground Fault Interrupt	M.D.O.	Medium Density Overlay	REG.	Register	T.B.	Towl Bar	WW.	Welded Wire
BLKG.	Blocking	ELEC.	Electrical	GL.	Glass	MECH.	Mechanical	REINF.	Reinforced	T.B.D.	To Be Determined		
BM.	Beam	EMER.	Emergency	GND.	Ground	MEMB.	Membrane	REQ.	Required	T.C.	Top of Curb		
B.O.	Bottom of	ENCL.	Enclosure	GR.	Grade	MTL.	Metal	RESIL.	Resilient	TEL.	Telephone		
BOT	Bottome	E.P.B.	Electrical Panel Board	G.S.M.	Galvanized Sheet Metal	MFR.	Manufacturer	RET.	Retaining	TEMP.	Tempered		
B.P.	Building Paper	EQ.	Equal	GYP.	Gypsum	MICRO	Microwave	REV.	Revision/ Revised/ Reversed	T.&G.	Tongue & Groove		
BTWN.	Between	EQUIP.	Equipment			MIN.	Minimum	RM.	Room	TER.	Terrazzo		
C.B.	Catch Basin	EXIST.	Existing	H.B.	Hose Bibb	MISC.	Miscellaneous	REMOV.	Removable	THK.	Thick		
CEM.	Cement	EXP.	Expansion	H.C.	Hollow Core or Handicapped	MTD.	Mounted	R.O.	Rough Opening	T.M.E.	To Match Existing		
CER.	Ceramic	EXT.	Exterior	HD.	Head	MUL.	Mullion	RWD.	Redwood	T.O.	Top of		
C.J.	Control Joint	EXP.	Expansion	HDBD.	Headboard	(N)	New			T.O.C.	Top of Concrete		
CLG.	Ceiling	F.A.	Fire Alarm	HDR.	Header	N.	North	S.	South	T.O.P.	Top of Plate		
CLKG.	Caulking	F.A.U.	Forced Air Unit	HDF.	Hardware	N.I.C.	Not in Contract	S.C.	Solid Core	T.O. PLY	Top of Plywood		
CLR.	Clear	F.B.	Flat Bar	HDWD.	Hardwood	NO. or #	Number	S.C.D.	See Civil Drawings	T.O.W.	Top of Wall		
CLST.	Closet	F.D.	Floor Drain	HGR.	Hanger	NOM.	Nominal	S.D.	Storm Drain, Soap Dispenser/Dish	TYP.	Typical		
C.M.U.	Concrete Masonry Unit	F.D.N.	Foundation	HGT.	Height	N.T.S.	Not to Scale	SCHED.	Schedule	U.B.C.	Uniform Building Code		
CNTR.	Counter	F.E.C.	Fire Extinguisher Cabinet	H.M.	Hollow Metal	O.A.	Overall	SECT.	Section	UNEXC.	Unexcavated		
C.O.	Clean-Out	FEMA	Federal Emergency Management Agency	HORIZ.	Horizontal	O.C.	On Center	S.E.D.	See Electrical Drawings	UNF.	Unfinished		
COL.	Column			HR.	Hour	O.D.	Outside Diameter (Dim.)						
CONC.	Concrete			H.R.	Handrail	OPNG.	Opening						
COND.	Condition			H.W.H.	Hot Water Heater	OPP.	Opposite						

DRAWING INDEX

General
- ☒ A0.0 COVER SHEET

Civil Drawings
- ☒ C1.0 COVER SHEET
- ☒ C2.0 HARDSCAPE PLAN
- ☒ C2.1 GRADING PLAN
- ☒ C3.0 UTILITY PLAN

Architectural Drawings
- ☒ A1.0 SITE PLAN
- ☒ A1.1 SITE PLAN
- ☒ A1.2 SITE SECTION
- ☒ A1.3 SITE PHOTOS
- ☒ A2.1 RESIDENCE BASEMENT PLAN
- ☒ A2.2 RESIDENCE FIRST FLOOR PLAN
- ☒ A2.3 RESIDENCE SECOND FLOOR PLAN
- ☒ A2.4 RESIDENCE ROOF PLAN
- ☒ A2.6 ADU FLOOR PLAN
- ☒ A2.7 ADU ROOF PLAN
- ☒ A3.1 RESIDENCE ELEVATIONS
- ☒ A3.2 RESIDENCE ELEVATIONS
- ☒ A3.3 ADU ELEVATIONS
- ☒ A3.4 ELEVATION MATERIALS
- ☒ A3.5 COLORED ELEVATIONS
- ☒ A3.6 COLORED ELEVATIONS

Landscape Drawings
- ☒ L1.0 OVERALL SITE PLAN
- ☒ L2.1 PLANTING PLAN & PLANT SCHEDULE
- ☒ L2.2 PLANTING PLAN & PLANT SCHEDULE
- ☒ COLOR PLANTING PLAN

PROJECT DIRECTORY

OWNER:
JOE BERCHTOLD
IN CARE OF MICHAEL HUBBARD TR
600 UNIVERSITY ST., SUITE 1625
SEATTLE, WA 98101

ARCHITECT:
KROEGER-JANEV ARCHITECTS
1432 MAIN STREET
ST. HELENA CA 94574
TEL: (707) 968-5265
CONTACT: SASHA JANEV
EMAIL: SASHA@KROEGER-JANEV.COM

CIVIL ENGINEER:
MADRONE ENGINEERING
1485 MAIN STREET, SUITE 302
SAINT HELENA, CA 94574
TEL: (707) 302-6280
CONTACT: JOEL DICKERSON
EMAIL: JOEL@MADRONE.ENGINEERING

LANDSCAPE DESIGNER:
CLAUDIA SCHMIDT
P.O. BOX 42
SAINT HELENA, CA 94574
TEL: (707) 480-9571
EMAIL: CLAUDIA@CLAUDIASCHMIDTLANDSCAPEDESIGN.COM

REVISED
2:43 pm, Jan 10, 2023

These documents are the property of Kroeger Janev Architects. Any unauthorized reproduction or use without consent is prohibited by law. Kroeger Janev Architects expressly reserves its rights to the documents if used whole or in part, at any other location.

ARCHITECT:
KROEGER | JANEV ARCHITECTS
707.296.1650 | 1827 Lincoln Avenue, Napa, CA 94558
707.968.5265 | 1432 Main Street, Saint Helena, CA 94574

BERCHTOLD RESIDENCE
2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY: –
PROJECT No: 202101–-

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV 1
09/22/2022	D.R. REV 2
01/09/2023	D.R. REV 3

SHEET DESCRIPTION:
COVER SHEET

SCALE: N.T.S.

A0.0

Copyright © 2018 by KROEGER | JANEV ARCHITECTS

P:\2021\202101 Berchtold Residence\1-Drawings\01-Current\Design Review\Version 6\0-Title Sheet-202101.dwg
1/9/23

FOR OFFICIAL USE ONLY

DESIGN REVIEW PLANS FOR:
BERCHTOLD RESIDENCE
2126 MADRONA AVENUE
ST. HELENA, CA, 94574

REVISED
2:43 pm, Jan 10, 2023

REVISIONS
⚠ NO CHANGES THIS SHEET

SURVEY NOTES
1. THE BOUNDARY ON THESE DRAWINGS DOES NOT REPRESENT A PROPERTY LINE SURVEY. PROPERTY LINES SHOWN HEREON ARE BASED ON RECORD DATA, AND MAY NOT REPRESENT THE TRUE POSITIONS OF THE LINES.

2. THE TOPOGRAPHY IS BASED ON A FIELD SURVEY OF APRIL, 2021 PERFORMED BY ALBION SURVEYS.

3. THE VERTICAL DATUM OF THIS SURVEY IS BASED ON NAVD88 AND THE HORIZONTAL DATUM IS BASED ON NAD83 CALIFORNIA COORDINATE SYSTEM ZONE II PER TRIMBLE GPS OBSERVATIONS USING NGS OPUS SOLUTION. BASIS OF BEARINGS SHOWN PER II RM 11, NCR. ROTATED CLOCKWISE 1d21'00" TO NAD 83.

4. SITE BENCHMARK DESCRIPTION: N/A

5. MADRONE ENGINEERING ASSUMES NO LIABILITY, REAL OR ALLEGED, REGARDING THE ACCURACY OF THE TOPOGRAPHIC INFORMATION SHOWN ON THESE PLANS.

6. CONTRACTOR SHALL PROTECT EXISTING SURVEY MONUMENTS OR REPLACE THEM AT HIS OWN EXPENSE.

ESTIMATED EARTHWORK QUANTITIES
1. THE EARTHWORK QUANTITIES LISTED BELOW ARE ESTIMATES ONLY AND MAY VARY DUE TO SOIL TYPE, COMPACTION AND BULKING FACTORS, GRADING PRACTICES, AND COMPACTION VALUES.
2. THE UNADJUSTED QUANTITIES HAVE BEEN DERIVED USING A VOLUMETRIC ANALYSIS BETWEEN THE EXISTING AND PROPOSED FINISHED GRADE ELEVATIONS.
4. THE FOLLOWING ASSUMPTIONS HAVE BEEN MADE WHEN DEVELOPING ADJUSTED QUANTITY ESTIMATES:
   - QUANTITIES FROM UTILITY TRENCHES AND FOUNDATION TRENCHES HAVE NOT BEEN ESTIMATED.
   - QUANTITIES RELATED TO OVEREXCAVATION AND RECOMPACTION HAVE NOT BEEN ESTIMATED.
3. CONTRACTOR SHALL WORK WITH THE PROJECT GEOTECHNICAL ENGINEER TO DETERMINE IF COMPACTION AND BULKING FACTORS ARE APPLICABLE FOR THE PROPOSED GRADING ACTIVITIES. THESE FACTORS HAVE THE POTENTIAL TO SIGNIFICANTLY ALTER THE CUT & FILL QUANTITIES IDENTIFIED IN THIS ANALYSIS.
4. SEE THE TABLE BELOW FOR THE ESTIMATED EARTHWORK QUANTITIES FOR THE PROJECT.

ESTIMATED PROJECT EARTHWORK		
	UNADJUSTED QUANTITIES (CY)	ADJUSTED QUANTITIES (CY)
CUT	1000	TBD
FILL	1000	TBD
ESTIMATED NET EARTHWORK		BALANCED

THE APPROXIMATE AREA OF DISTURBED SOIL IS 43,411 SF (0.99 AC).

SHEET INDEX

C1.0 COVER SHEET
C2.0 HARDSCAPE PLAN
C2.1 GRADING PLAN
C3.0 UTILITY PLAN

PROJECT INFORMATION
OWNER: MICHAEL HUBBARD TR
600 UNIVERSITY ST., SUITE 1625
SEATTLE, WA 98101

SITE ADDRESS: 2126 MADRONA AVENUE
ST. HELENA, CALIFORNIA 94574

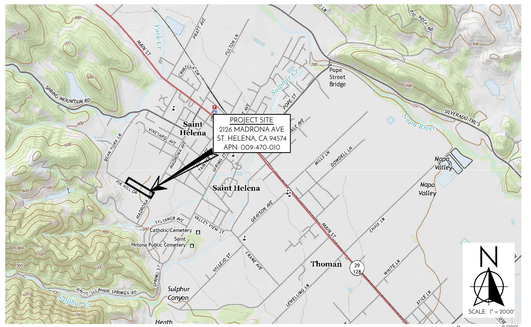
ASSESSOR PARCEL #: 009-470-010
PARCEL SIZE: 5.78 ACRES
CITY ZONING: A-20

SURVEYOR: ALBION SURVEYS
1113 HUNT AVENUE
ST. HELENA, CA 94574
JON WEBB. P.L.S.
707/963-1217

CIVIL ENGINEER: MADRONE ENGINEERING
1485 MAIN STREET, SUITE 302
ST. HELENA, CA 94574
JOEL DICKERSON, P.E.
707/302-6280

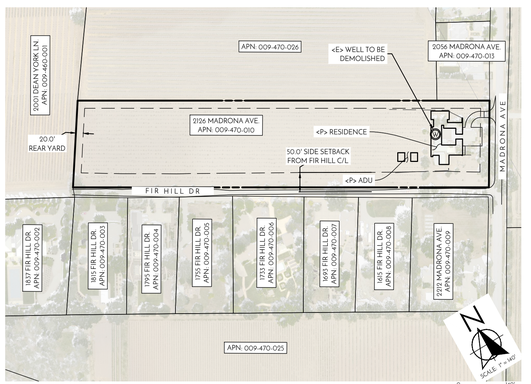
ARCHITECT: KROEGER JANEV ARCHITECTS
1432 MAIN STREET
ST. HELENA, CA 94574
SASHA JANEV
(707) 968-5265

PROJECT STATEMENT
THE PURPOSE OF THIS PROJECT IS TO OBTAIN DESIGN REVIEW APPROVAL TO BUILD A NEW RESIDENCE, ADU, POOL, DRIVEWAY, AND ALL RELATED UTILITIES AT 2126 MADRONA AVENUE.



VICINITY MAP

MAP FROM USGS 7.5 MIN SERIES MAP NAME: ST. HELENA



SITE MAP

NOT FOR CONSTRUCTION

ABBREVIATIONS
AB	AGGREGATE BASE	FH	FIRE HYDRANT	R	RADIUS
AC	ASPHALT CONCRETE	FIRM	FLOOD INSURANCE RATE MAP	RT	RIGHT
AD	AREA DRAIN	FL	FLOW LINE	ROW	RIGHT OF WAY
BC	BEGIN CURVE	FM	FORCE MAIN	RWL	RAIN WATER LEADER
BFE	BASE FLOOD ELEVATION PER FIRM	FS	FINISHED SURFACE	RCP	REINFORCED CONCRETE PIPE
BM	BENCHMARK	GB	GRADE BREAK	(S)	SOUTH
BOR	BEGIN CURB RETURN	GR	GRAVEL	S	SLOPE (FEET/FOOT)
BVC	BEGIN VERTICAL CURVE	HP	HIGH POINT	SAD	SEE ARCHITECTURAL DRAWINGS
BS	BOTTOM OF STAIRS	INV	INVERT	SD	STORM DRAIN
BSW	BACK OF SIDEWALK	IP	IRON PIPE	SDP	SUBDRAIN PIPE
CB	CATCH BASIN	IRR	IRRIGATION	SED	SEE ELECTRICAL DRAWINGS
C&G	CURB AND GUTTER	JP	JOINT POLE	SLD	SEE LANDSCAPE DRAWINGS
CMU	CONCRETE MASONRY UNIT	LF	LINEAL FEET/FOOT	SLV	SLEEVE
CP	CONCRETE PIPE	LP	LOW POINT	SMD	SEE MECHANICAL DRAWINGS
℄	CENTERLINE	MH	MANHOLE	SPD	SEE PLUMBING DRAWINGS
CO	CLEANOUT	MON	MONUMENT	SS	SANITARY SEWER
COMM	COMMUNICATION	(N)	NORTH	SSCO	SANITARY SEWER CLEAN OUT
CV	CHECK VALVE	+/N+	NEW	SSMH	SANITARY SEWER MANHOLE
CW	COLD WATER	OC	ON CENTER	STA	STATION
DCV	DOUBLE CHECK VALVE	OG	ORIGINAL GROUND	STD	STANDARD
DG	DECOMPOSED GRANITE	OH	OVERHEAD	SW	SIDEWALK
DIP	DUCTILE IRON PIPE	OHL	OVERHEAD LINE	TC	TOP OF CURB
DS	DOWNSPOUT	+P+	PROPOSED	TFC	TOP FACE OF CURB
DW	DOMESTIC WATE	PCC	PORTLAND CEMENT CONCRETE	TOC	TOP OF CONCRETE
DWG	DRAWING	PD	PRESSURE DISTRIBUTION	TS	TOP OF STAIRS
EC	END OF CURVE	PG&E	PACIFIC GAS AND ELECTRIC	TW	TOP OF WALL
(E)	EAST	PI	POINT OF INTERSECTION	TYP	TYPICAL
+E+	EXISTING	PIV	POST INDICATOR VALVE	UG	UNDERGROUND
ECR	END CURB RETURN	P/L	PROPERTY LINE	VC	VERTICAL CURVE
EG	EXISTING GROUND	PRC	POINT OF REVERSE CURVE	VG	VALLEY GUTTER
EGR	EDGE OF GRAVEL	PSI	POUNDS PER SQUARE INCH	(W)	WEST
EP	EDGE OF PAVEMENT	PUE	PUBLIC UTILITY EASEMENT	WM	WATER METER
EVC	END VERTICAL CURVE	PVC	POLYVINYL CHLORIDE	WS	WATER SERVICE
FDC	FIRE DEPT. CONNECTION	PVI	POINT OF VERTICAL INTERSECTION	WV	WATER VALVE
FG	FINISHED GRADE	PW	PROCESS WASTE		

SYMBOL LEGEND
UTILITY POLE
SIGN
WELL
STREET LIGHT
TREE
TREE TO BE REMOVED
SANITARY SEWER
GAS LINE
WATER LINE
EXISTING CONTOUR
TOP/TOE BANK GRADEBREAK
PROPERTY LINE
CENTERLINE
SEWER MANHOLE/RISER WITH ID #
STORM DRAIN MANHOLE WITH ID #
WATER VALVE
WATER METER & DCV
FDC/PIV WITH CHECK VALVE
FIRE HYDRANT WITH GATE VALVE
CLEANOUT
PROPOSED CONTOUR
SOLID STORM DRAIN
PERFORATED STORM DRAIN
GRADE SWALE
OVERLAND RELEASE ROUTE

madrone
1485 Main Street, Suite 302
St. Helena, California 94574
Tel: 707-302-6280

CIVIL IMPROVEMENT PLANS
COVER SHEET

BERCHTOLD RESIDENCE
2126 MADRONA AVE
ST. HELENA, CA 94574
APN: 009-470-010
PROJECT: 21.043

No. 79189
Exp. 06-30-24
Civil
REGISTERED PROFESSIONAL ENGINEER

EVERY PERSON PLANNING TO DIG CALL USA AT 811 PRIOR TO EXCAVATION

FOR MORE INFORMATION SEE WWW.USANORTH.ORG

DATE	ISSUE
11/04/21	DESIGN REVIEW
05/31/22	△REV 1
09/31/22	△REV 2
01/09/23	△REV 3

SHEET:
C1.0

DISCLAIMER/COPYRIGHT
THESE PLANS, INCLUDING BUT NOT LIMITED TO, ALL INCORPORATED VIDEOS AND ALL INFORMATION CONTAINED THEREIN, ARE AN INSTRUMENT OF PROFESSIONAL SERVICE AND SHALL REMAIN THE PROPERTY OF MADRONE ENGINEERING. ALL RIGHTS ARE RESERVED. NO PART OF THESE PLANS MAY BE USED OR REPRODUCED BY ANY MEANS WHATSOEVER WITHOUT THE EXPRESS WRITTEN PERMISSION OF MADRONE ENGINEERING. IF THESE PLANS ARE MODIFIED OR ALTERED WITHOUT THE WRITTEN PERMISSION OF MADRONE ENGINEERING, MADRONE ENGINEERING SHALL BE RELIEVED OF ALL LIABILITY FOR ANY DAMAGES THE EXAMINATION OF WHICH MAY BE APPARENT. ANY REUSE OF THESE PLANS WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY MADRONE ENGINEERING FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT USER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO MADRONE ENGINEERING. USER SHALL INDEMNIFY AND HOLD HARMLESS MADRONE ENGINEERING FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM. USER SHALL REIMBURSE MADRONE ENGINEERING FOR ATTORNEY'S FEES AND OTHER EXPENSES INCURRED IN CONNECTION WITH ANY DISPUTE UPON THE UNAUTHORIZED USE OF THESE PLANS. IF THESE PLANS ARE MODIFIED OR ALTERED WITHOUT THE WRITTEN PERMISSION OF MADRONE ENGINEERING, MADRONE ENGINEERING SHALL BE RELIEVED OF ALL LIABILITY FOR ANY DAMAGES THE EXAMINATION OF WHICH MAY BE APPARENT. ANY REUSE OF THESE PLANS WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY MADRONE ENGINEERING FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT USER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO MADRONE ENGINEERING. USER SHALL INDEMNIFY AND HOLD HARMLESS MADRONE ENGINEERING FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM. USER SHALL REIMBURSE MADRONE ENGINEERING FOR ATTORNEY'S FEES AND OTHER EXPENSES INCURRED IN CONNECTION WITH ANY DISPUTE UPON THE UNAUTHORIZED USE OF THESE PLANS.

HARDSCAPE LEGEND

	TYPE OF IMPERVIOUS SURFACE	AREA DESCRIPTIONS	AREA (SF)	TYPICAL SECTION	PERVIOUS/ IMPERVIOUS
	BUILDINGS, GARAGES, CARPORTS, OTHER STRUCTURES WITH ROOFS	BUILDINGS	11,250	N/A	IMPERVIOUS
		WALLS	330	N/A	IMPERVIOUS
	PATIO, IMPERVIOUS DECKING, PAVERS AND IMPERVIOUS LINERS	CONCRETE	5880	N/A	IMPERVIOUS
	SIDEWALKS AND PATHS	GRAVEL	0	6" CL 2 AB	IMPERVIOUS
	ROADWAYS AND DRIVEWAYS	ASPHALT CONCRETE	800	2.5" AC OVER 6.0" CL 2 AB	IMPERVIOUS
		CHIP SEAL	6,390	DOUBLE CHIP SEAL OVER 10" CL 2 AB	IMPERVIOUS
		GRAVEL	370	10" CL 2 AB	IMPERVIOUS
	OTHER PERVIOUS SURFACE	DECOMPOSED GRANITE	0	N/A	PERVIOUS
		GREEN ROOF	0	N/A	PERVIOUS
		LAWN	0	N/A	PERVIOUS
		BIORETENTION/ SWALE	1,300	N/A	PERVIOUS
		TOTAL	26,320		

TOTAL NEW/RECONSTRUCTED IMPERVIOUS AREA : 24,810 SF (0.57 AC)
TOTAL DISTURBED SOIL AREA: 43,000 SF (0.99 AC)

HARDSCAPE PLAN

NOT FOR CONSTRUCTION

SCALE: 1" = 20'

FOR OFFICIAL USE ONLY

REVISIONS

REVISED SITE PLAN

REVISED
2:44 pm, Jan 10, 2023

DISCLAIMER AND LIMITATIONS
THE DESIGN AND INFORMATION SHOWN ON THIS DRAWING IS PROVIDED AS AN INSTRUMENT OF SERVICE FOR THE PROJECT AS DESCRIBED HEREIN AND IS NOT INTENDED TO BE USED FOR ANY OTHER PROJECT. WITH THE EXCEPTION OF THE RIGHTS EXPRESSLY GRANTED TO OWNER HEREIN, ALL RIGHTS TO THE DESIGNS, DRAWINGS, AND WORK PRODUCT OF MADRONE ENGINEERING, INC. AND ITS SUBCONSULTANTS (COLLECTIVELY, "MADRONE ENGINEERING") SHALL REMAIN THE PROPERTY OF MADRONE ENGINEERING. NO PART OF THIS WORK MAY BE BY ANY METHOD, MODIFIED, REPRODUCED OR ASSIGNED TO ANY THIRD PARTY WITHOUT THE EXPRESS WRITTEN CONSENT OF MADRONE ENGINEERING. BY ACCEPTANCE OF THIS WORK, OWNER AGREES TO THE RESTRICTIONS SET FORTH IN THIS PARAGRAPH AND AGREES TO INDEMNIFY MADRONE ENGINEERING FOR ANY DAMAGES ARISING FROM UNAUTHORIZED USE OF THE WORK PRODUCT. MADRONE ENGINEERING IS NOT RESPONSIBLE FOR ANY MODIFICATIONS TO THE LATEST INFORMATION PROVIDED BY MADRONE ENGINEERING RELATIVE TO THE PROJECT.

madrone engineering
1400 Madrone Canyon Rd
St. Helena, California 94574
Tel 707.302.6580

CIVIL IMPROVEMENT PLANS

HARDSCAPE PLAN

BERCHTOLD RESIDENCE
2126 MADRONA AVE
ST. HELENA, CA 94574
APN: 009-470-010
PROJECT: 21.043

REGISTERED PROFESSIONAL ENGINEER
CIVIL
No. 75989
Exp. 06-30-24
STATE OF CALIFORNIA

EVERY PERSON PLANNING TO DIG
CALL USA AT 811 PRIOR TO EXCAVATION
FOR MORE INFORMATION
SEE WWW.USANORTH.ORG

DATE	ISSUE
11/04/21	DESIGN REVIEW
05/31/22	REV 1
09/23/22	REV 2
01/09/23	REV 3

SHEET
C2.0

<P> BIORETENTION AREA #02
SURFACE AREA = 350 SF
RETENTION CAPACITY = 525 CF
2-FOOT DEPTH, 6-INCH FREEBOARD
TSL 290.00, TGL 290.50, BGL 289.50
<P> SWALE
6' WIDE, 1' DEEP
FL 295.00
FL 294.00
FL 293.25
DISTURBED SOIL AREA
FL 297.00
GB 298.00
TW 299.50
FG 298.25
FS 298.75
FG 298.25
FS 298.75
FG 298.25
FG 298.33
<P> STEPS
25 6-IN RISERS
23 12-IN TREADS
<P> WASTEWATER PRIMARY
DISPERSAL FIELD - 1,600 SF
FS 285.98
FS 293.24
FS 293.43
FS 294.50
FS 293.55
<P> BOCCE COURT
FS 298.92
FS 297.23
TS 296.50
FS/EG 294.00
TW 299.50
FG 298.50
FS 298.80
FS 298.83
TS 298.90
BS 297.40
FL HP 297.50
<P> POOL
FS 298.80
FS 298.98
<P> SPA
<P> RESIDENCE
FF (MAIN) 299.00
FF (BASEMENT) 286.00
<P> STEPS
3 6-IN RISERS
2 12-IN TREADS
FS 297.23
<P> GARAGE
FF 299.00
FS 298.63
FS 285.98
TW 299.25
FG 294.00
<P> ADU
FF 299.00
TS 298.50
FS 298.98
<P> STEPS
25 6-IN RISERS
23 12-IN TREADS
TW 299.25
FS 297.78
TW 299.50
FG 298.00
TW 299.50
GB 298.00
GB 298.00
TW 299.25
FS 298.36
DISTURBED SOIL AREA
FG 294.00
FL 297.00
FL 296.00
DISTURBED SOIL AREA
FL 294.00
FL 293.00
<P> SWALE
6' WIDE, 1' DEEP
<P> BIORETENTION AREA #01
SURFACE AREA = 1,000 SF
RETENTION CAPACITY = 1,500 CF
2-FOOT DEPTH, 6-INCH FREEBOARD
TSL 292.00, TGL 290.50, BGL 289.50
FS/EG 298.74
FS/EG 297.69
FS/EG 296.28
FS/EG 295.27
FIR HILL DR
MADRONA AVE
DISTURBED SOIL AREA
DISTURBED SOIL AREA
5%
5%
5%

NOTES:

1. FACILITIES LOCATED WITHIN 10 FEET OF STRUCTURES SHALL INCORPORATE AN IMPERVIOUS CUTOFF WALL.
2. FACILITIES LOCATED IN AREAS OF HIGH GROUNDWATER, HIGHLY INFILTRATIVE SOILS, OR WHERE CONNECTION OF THE UNDERDRAIN TO A SURFACE DRAIN OR SUBSURFACE STORM DRAIN ARE INFEASIBLE MAY OMIT THE UNDERDRAIN.
3. NO LINER, NO FILTER FABRIC, NO LANDSCAPE CLOTH.
4. MAINTAIN BGL, TGL, TSL, AT LEVEL ELEVATIONS AS SPECIFIED ON THE PLANS.
5. CLASS 2 PERMEABLE LAYER MAY EXTEND BELOW AND UNDERNEATH DROP INLET.
6. ELEVATION OF UNDERDRAIN DISCHARGE IS AT TOP OF GRAVEL LAYER.
7. REQUIRED SOIL MIX: 60%-70% FINE SAND, 30%-40% COMPOST (VOLUME BASIS). SOIL SHALL BE CAPABLE OF ACHIEVING A LONG-TERM, IN-PLACE INFILTRATION RATE OF AT LEAST 5 INCHES PER HOUR. SOIL SHALL ALSO SUPPORT VIGOROUS PLANT GROWTH.

1 BIORETENTION FACILITY WITH SUBDRAIN — NOT TO SCALE

UTILITY PLAN

FOR OFFICIAL USE ONLY

REVISIONS

REVISED UTILITY PLAN

REVISED
2:44 pm, Jan 10, 2023

NOT FOR CONSTRUCTION

SCALE: 1" = 20'

0 20' SCALE IN FEET

DISCLAIMER AUTHORSHIP
THESE PLANS AND SPECIFICATIONS, REPRESENTATIONS, RENDERINGS, AND MODELS ARE INSTRUMENTS OF SERVICE PREPARED BY MADRONE ENGINEERING AND ARE, AND SHALL REMAIN, THE PROPERTY OF MADRONE ENGINEERING. THEY ARE NOT TO BE USED IN WHOLE OR IN PART FOR ANY PURPOSE OR PROJECT OTHER THAN THE SPECIFIC PROJECT FOR WHICH THEY WERE PREPARED AND DEVELOPED, AND MAY NOT BE CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER, NOR ASSIGNED TO ANY THIRD PARTY, WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION AND CONSENT OF MADRONE ENGINEERING. IN THE EVENT OF UNAUTHORIZED REUSE, THE USER AGREES TO INDEMNIFY AND HOLD HARMLESS MADRONE ENGINEERING FROM ANY AND ALL LIABILITY RESULTING FROM SUCH REUSE. THE USER ALSO AGREES TO PAY ALL COSTS, INCLUDING REASONABLE ATTORNEY'S FEES, INCURRED BY MADRONE ENGINEERING IN CONNECTION WITH SUCH UNAUTHORIZED REUSE. THE LATEST INFORMATION RELATIVE TO THE PROJECT.

madrone engineering
1400 Main Street, Suite 205
St. Helena, California 94574
Tel 707.302.6580

CIVIL IMPROVEMENT PLANS

UTILITY PLAN

BERCHTOLD RESIDENCE
2126 MADRONA AVE
ST. HELENA, CA 94574
APN 009-470-010
PROJECT: 21.043

EVERY PERSON PLANNING TO EXC CALL USA AT 811 PRIOR TO EXCAVATION

FOR MORE INFORMATION SEE WWW.DIGALERT.ORG

DATE	ISSUE
11/04/21	DESIGN REVIEW
05/31/22	REV 1
09/23/22	REV 2
01/09/23	REV 3

SHEET:

C3.0

NAPA COUNTY TAX ASSESSORS INFORMATION

Property Detail Report

2126 Madrona Ave, Saint Helena, CA 94574-2354

APN: 009-470-010-000 — Napa County Data as of: 09/13/2022

Owner Information

Owner Name:	Hubbard Michael K TR		
Vesting:			
Mailing Address:	600 University St #1625, Seattle, WA 98101-4106	Occupancy:	Absentee Owner

Location Information

Legal Description:				County:	Napa, CA
APN:	009-470-010-000	Alternate APN:		Census Tract / Block:	201602 / 1001
Munic / Twnship:		Twenty-Nine Palms:		Legal Lot / Block:	
Subdivision:		Tract #:		Legal Book / Page:	
Neighborhood:		School District:	Saint Helena Unified School District		
Elementary School:	Saint Helena Eleme...	Middle School:	Robert Louis Steve...	High School:	Saint Helena High...
Latitude:	38.49861	Longitude:	-122.4816		

Last Transfer / Conveyance - Current Owner

Transfer / Rec Date:	03/05/2021 / 03/11/2021
Buyer Name:	2021 Joseph K Berchtold Generation-Skipping Trust

Last Market Sale

Sale / Rec Date:	03/05/2021 / 03/11/2021
Multi / Split Sale:	
1st Mtg Amt / Type:	
2nd Mtg Amt / Type:	
Seller Name:	Andrew I Rossi Trust
Lender:	American Agcredit Flca

Prior Sale Information

Sale / Rec Date:		Sale Price / Type:	Prior Deed Type:
1st Mtg Amt / Type:		1st Mtg Rate / Type:	Prior Sale Doc #: N/A
Prior Lender:			

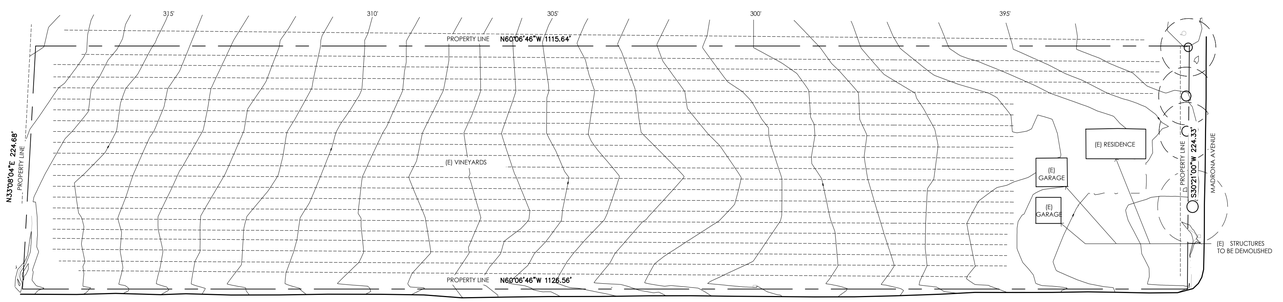
Property Characteristics

Gross Living Area:	2,508 Sq. Ft.	Total Rooms:	10	Year Built / Eff:	1905 / 1940
Living Area:	2,508 Sq. Ft.	Bedrooms:	5	Stories:	
Total Adj. Area:		Baths (F / H):	2 /	Parking Type:	Attached
Above Grade:	1,728 Sq. Ft.	Pool:	Yes	Garage #:	3
Basement Area:		Fireplace:		Garage Area:	780 Sq. Ft.
Style:		Fireplace #:		Carport #:	
Foundation:		Heating:	Central	Patio Type:	
Quality:	Average	Exterior Wall:		Roof Type:	
Condition:		Construction Type:	Wood	Roof Material:	

Site Information

Land Use:	Vineyard	Lot Area:	251,777 Sq. Ft.	Zoning:	
State Use:		Lot Width / Depth:		# of Buildings:	1
County Use:	39 - Vineyard Agt. 5 Ac Wi	Usable Lot:		Res / Comm Units:	
	Res				
Site Influence:		Acres:	5.78	Water / Sewer Type:	
Flood Zone Code:	X	Flood Map #:	06055C0376E	Flood Map Date:	09/26/2008
Community Name:	City Of St. Helena	Flood Panel #:	0376E	Inside SFHA:	False

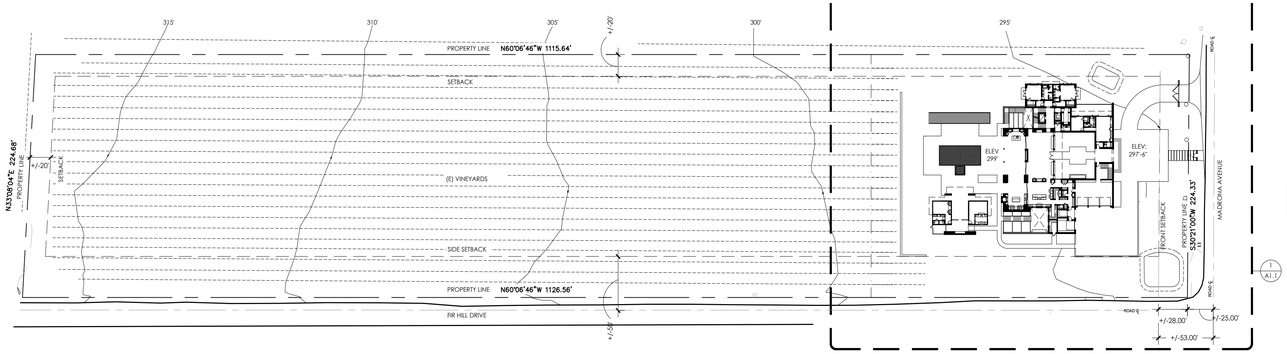
© 2022 DATA TRACE INFORMATION SERVICES LLC AND/OR ITS AFFILIATES. ALL RIGHTS RESERVED.



2 SITE PLAN - EXISTING RESIDENCE

NORTH

SCALE: 1" = 50'



PROPERTY AREA CALCULATIONS			
USE	EXISTING	PROPOSED	CHANGE
AGRICULTURAL - VINEYARD	5.08ac	4.42ac	-0.66ac
AGRICULTURAL - ORCHARD	0.2ac	0.33ac	+0.13ac
NON AGRICULTURAL - HOUSE SITE	0.5ac	1ac	+0.5ac
DRIVEWAY (EXEMPTION)	NA	0.03ac	
TOTAL PARCEL AREA	5.78ac	5.78ac	

REVISED
2:44 pm, Jan 10, 2023

1 SITE PLAN - PROPOSED RESIDENCE

NORTH

SCALE: 1" = 50'

These documents are the property of Kroeger Janev Architects. Any unauthorized use or reproduction without consent is prohibited by law. Kroeger Janev Architects expressly reserves title to the documents if used whole or part of any other location.

ARCHITECT:
KROEGER | JANEV
ARCHITECTS
707.296.1682 | 1827 Lincoln Avenue, Napa, CA 94558
707.968.5290 | 1432 Main Street, Saint Helena, CA 94574

BERCHTOLD RESIDENCE

2126 MADRONA AVE
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY: –

PROJECT No: 202101--

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV 1
09/22/2022	D.R. REV 2
01/09/2023	D.R. REV 3

SHEET DESCRIPTION:

SITE PLAN

SCALE: 1" = 50'

A1.0

Copyright © 2018 by KROEGER JANEV ARCHITECTS

1/6/23 P:\2021\202101 Berchtold Residence\1-Drawings\01-Current\Design Review\Version 6\1.0-Site-202101-V6_2013.dwg

NON AGRICULTURAL COVERAGE AREA:
0.99 ACRES (43,519 SQ. FT.)

MAXIMUM NON AGRICULTURAL COVERAGE AREA
1 ACRE (43,560 SQ. FT.)

REVISED
2:44 pm, Jan 10, 2023

NORTH

1 SITE PLAN

SCALE: 1" = 20'

These documents are the property of Kroeger Janev Architects. Any unauthorized use, reproduction or copying without consent is prohibited by law. Kroeger Janev Architects expressly reserves its rights to the documents if used whole or in part, at any other location.

ARCHITECT:
KROEGER | JANEV
ARCHITECTS
707.296.1650 | 1001 Caymus Street, Napa, CA 94559
707.968.5290 | 1432 Main Street, Saint Helena, CA 94574

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY: –

PROJECT No: 202101-–

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV 1
09/22/2022	D.R. REV 2
	D.R. REV 3

SHEET DESCRIPTION:

SITE PLAN

SCALE: 1" = 20'

A1.1

Copyright © 2018 by KROEGER JANEV ARCHITECTS

P:\2021\202101 Berchtold Residence\1-Drawings\01-Current\Design Review\Version 6\1.1-Site-202101-V6.dwg 1/6/23

3 SITE SECTION

SCALE: 1" = 30'

2 SITE SECTION

SCALE: 1" = 30'

1 SITE SECTION

SCALE: 1" = 30'

REVISED
2:48 pm, Jan 10, 2023

SITE PLAN - PROPOSED RESIDENCE

NORTH

SCALE: 1" = 100

These documents are the property of Kroeger Janev Architects. Any unauthorized use, reproduction or copying without consent is prohibited by law. Kroeger Janev Architects expressly reserves its rights to the documents if used whole or in part, at any other location.

ARCHITECT:
KROEGER | JANEV
ARCHITECTS
707.296.1650 | 1827 Lincoln Avenue, Napa, CA 94558
707.968.5290 | 1432 Main Street, Saint Helena, CA 94574

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY: --
PROJECT No: 202101--

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV 1
09/22/2022	D.R. REV 2
01/09/2023	D.R. REV 3

SHEET DESCRIPTION:

SITE SECTIONS

SCALE: 1" = 50'

A1.2

Copyright © 2018 by KROEGER JANEV ARCHITECTS

1/6/23 P:\2021\202101 Berchtold Residence\1-Drawings\01-Current\Design Review\Version 6\1.2-Site Section-202101-V6.dwg

4 FROM 2212 MADRONA DRIVEWAY

3 VIEW FROM 2212 MADRONA PROPERTY

2 VIEW FROM 2212 MADRONA PROPERTY

1 VIEW FROM 2212 MADRONA PROPERTY

5 FROM 1615 FIR HILL DRIVE

6 FROM 1615 FIR HILL DRIVE

A SITE PLAN - PROPOSED RESIDENCE

NORTH

SCALE: 1" = 50

These documents are the property of Kroeger Janev Architects. Any unauthorized use or reproduction without consent is prohibited by law. Kroeger Janev Architects disclaims responsibility for the documents if used whole or in part at any other location.

ARCHITECT:
KROEGER | JANEV
ARCHITECTS
707.296.1650 | 1527 Lincoln Avenue, Napa, CA 94559
707.968.5290 | 1432 Main Street, Saint Helena, CA 94574

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY: –

PROJECT No: 202101–––

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV 1
09/22/2022	D.R. REV 2
01/09/2023	D.R. REV 3

SHEET DESCRIPTION:

SITE PHOTOS

SCALE: 1" = 50'

A1.3

Copyright © 2018 by KROEGER JANEV ARCHITECTS

P:\202\1202\101 Berchtold Residence\1-Drawings\01-Current\Design Review\Version 6\1-2-Site Section-202101-V6.dwg

1/27/23



REVISED
2:48 pm, Jan 10, 2023

BASEMENT PLAN
RESIDENCE

NORTH
SCALE: 1/8" = 1'-0"

Copyright © 2018 by KROEGER JANEV ARCHITECTS

P:\2021\2021101 Berchtold Residence\1-Drawings\01-Current\Design Review\Version 6\2-plan-202101-v6 ALL.dwg
1/5/23

ARCHITECT:
KROEGER | JANEV
ARCHITECTS
707.296.1650 | 1527 Lincoln Avenue, Napa, CA 94558
707.968.5290 | 1432 Main Street, Saint Helena, CA 94574

These documents are the property of Kroeger Janev Architects. Any unauthorized use, reproduction or copying without consent is prohibited by law. Kroeger Janev Architects expressly reserves its rights to the documents if used whole or in part, at any other location.

BERCHTOLD RESIDENCE
2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY: –
PROJECT No: 202101–-

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV 1
09/22/2022	D.R. REV 2
01/09/2023	D.R. REV 3

SHEET DESCRIPTION:
BASEMENT PLAN

SCALE: 1/8" = 1'-0"

A2.1

FIRST FLOOR PLAN
RESIDENCE

NORTH

SCALE: 1/8" = 1'-0"

REVISED
2:48 pm, Jan 10, 2023

These documents are the property of Kroeger Janev Architects. Any unauthorized use or reproduction without consent is prohibited by law. Kroeger Janev Architects disclaims any liability for the documents if used whole or in part, at any other location.

ARCHITECT:
KROEGER | JANEV
ARCHITECTS
707.296.1650 | 1527 Lincoln Avenue, Napa, CA 94558
707.968.5290 | 1432 Main Street, Saint Helena, CA 94574

BERCHTOLD RESIDENCE

2126 MADRONA AVENUE
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY: --
PROJECT No: 202101--

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV 1
09/22/2022	D.R. REV 2
01/09/2023	D.R. REV 3

SHEET DESCRIPTION:
FIRST FLOOR PLAN
RESIDENCE

SCALE: 1/8" = 1'-0"

A2.2

Copyright © 2018 by KROEGER JANEV ARCHITECTS

P:\202\202101 Berchtold Residence\1-Drawings\01-Current\Design Review\Version 6\2-plan-202101-v6 ALL.dwg 1/5/23

These documents are the property of Kroeger Janev Architects. Any unauthorized use without the written consent is prohibited by law. Kroeger Janev Architects disclaims responsibility for documents reproduced or altered or in part or any other location.

ARCHITECT:
KROEGER | JANEV
ARCHITECTS
707.266.1592 | 1627 Lincoln Avenue, Napa, CA 94558
707.968.0268 | 1432 Main Street, Saint Helena, CA 94574

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

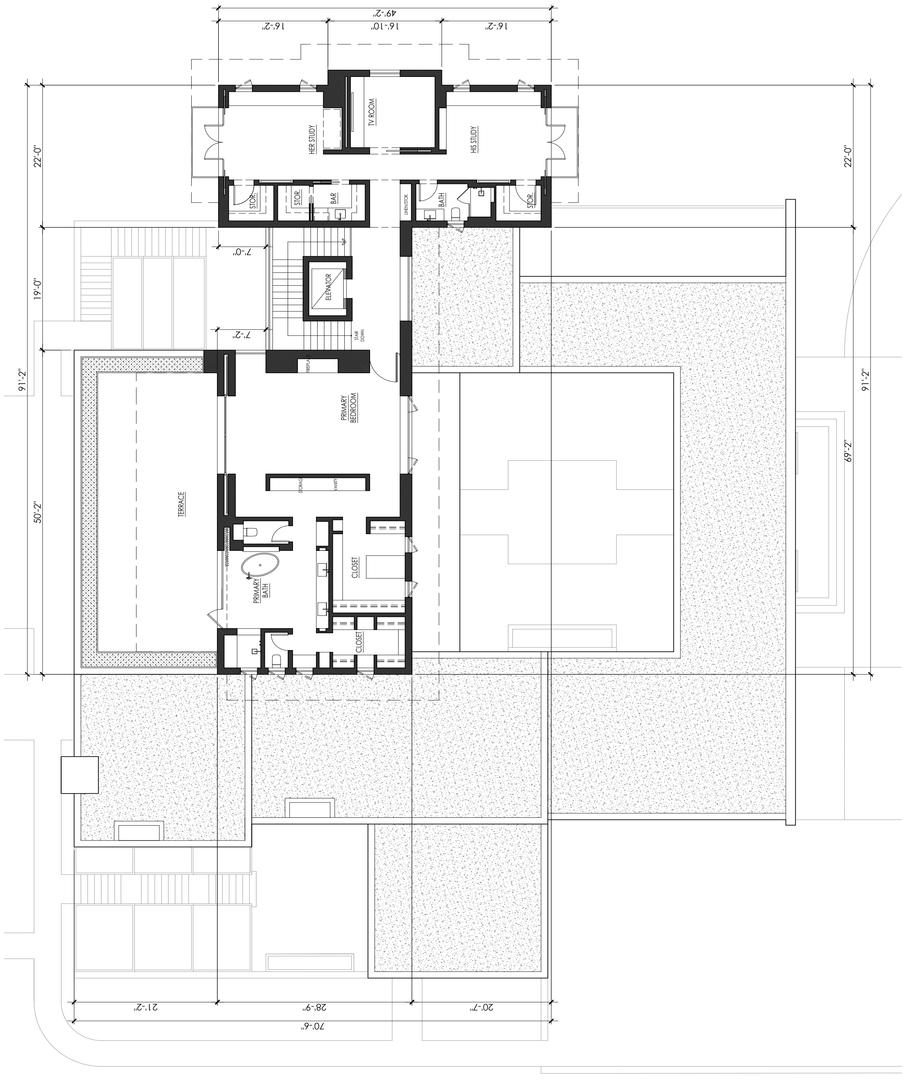
DRAWN BY: --
PROJECT No: 20210--

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
08/07/2022	D.R. REV. 1
09/08/2022	D.R. REV. 2
01/09/2023	D.R. REV. 3

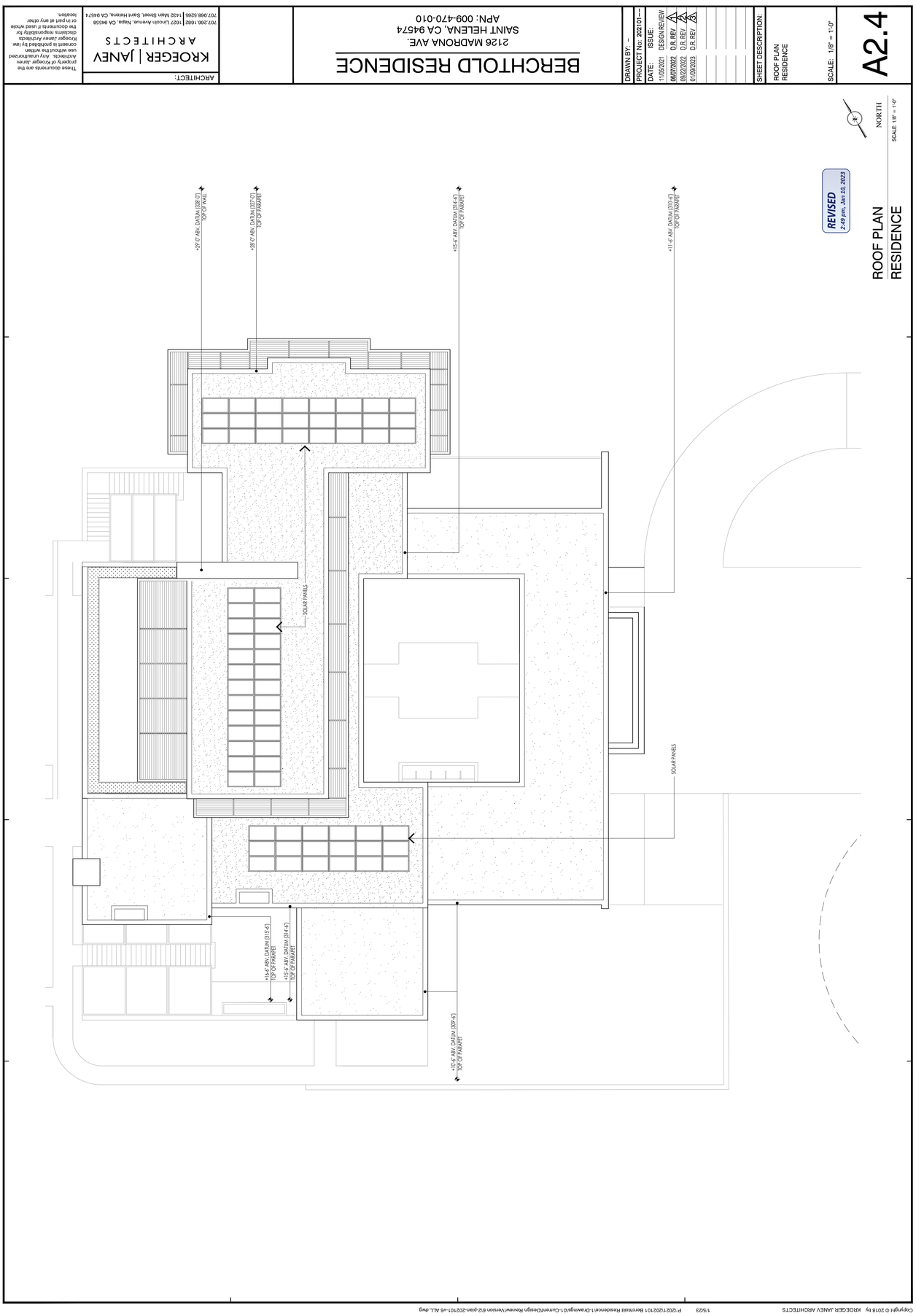
SHEET DESCRIPTION:
SECOND FLOOR PLAN
RESIDENCE

SCALE: 1/8" = 1'-0"

A2.3



Copyright © 2018 by KROEGER JANEV ARCHITECTS


BERCHTOLD RESIDENCE
2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010
DRAWN BY: --
PROJECT No: 20210--
DATE: ISSUE:
11/02/2021 DESIGN REVIEW
08/07/2022 D.R. REV. 1
09/08/2022 D.R. REV. 2
01/09/2023 D.R. REV. 3
SHEET DESCRIPTION:
ROOF PLAN
RESIDENCE
SCALE: 1/8" = 1'-0"
A2.4
ARCHITECT:
KROEGER | JANEV
ARCHITECTS
707.266.1682 | 1627 Lincoln Avenue, Napa, CA 94558
707.968.0268 | 1432 Main Street, Saint Helena, CA 94574
These documents are the property of Kroeger Janev Architects. Any unauthorized use without the written consent is prohibited by law. Kroeger Janev Architects disclaims responsibility for the documents if used while or in part at any other location.
REVISED
2:49 pm, Jan 10, 2023
ROOF PLAN
RESIDENCE
NORTH
SCALE: 1/8" = 1'-0"
+28.4' ABV. DATUM (ELEV. 0')
TOP OF WALL
+28.2' ABV. DATUM (ELEV. 0')
TOP OF PARAPET
+31.5' ABV. DATUM (ELEV. 0')
TOP OF PARAPET
+31.4' ABV. DATUM (ELEV. 0')
TOP OF PARAPET
SOLAR PANELS
SOLAR PANELS
+14.4' ABV. DATUM (ELEV. 0')
TOP OF PARAPET
+11.5' ABV. DATUM (ELEV. 0')
TOP OF PARAPET
+10.4' ABV. DATUM (ELEV. 0')
TOP OF PARAPET
Copyright © 2018 by KROEGER JANEV ARCHITECTS
1/9/23
P:\2021\2021 01 Berchtold Residence\1-Drawings\01-Current\Design Review\Version 6\2-plan-20210-v6 ALL.dwg

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY:	--
PROJECT No:	20210
ISSUE:	
DATE:	DESCRIPTION:
11/02/2021	DESIGN REVIEW
06/07/2022	D.R. REV. 1
09/08/2022	D.R. REV. 2
01/09/2023	D.R. REV. 3

SHEET DESCRIPTION:
FIRST FLOOR PLAN
ADU

SCALE: 1/8" = 1'-0"

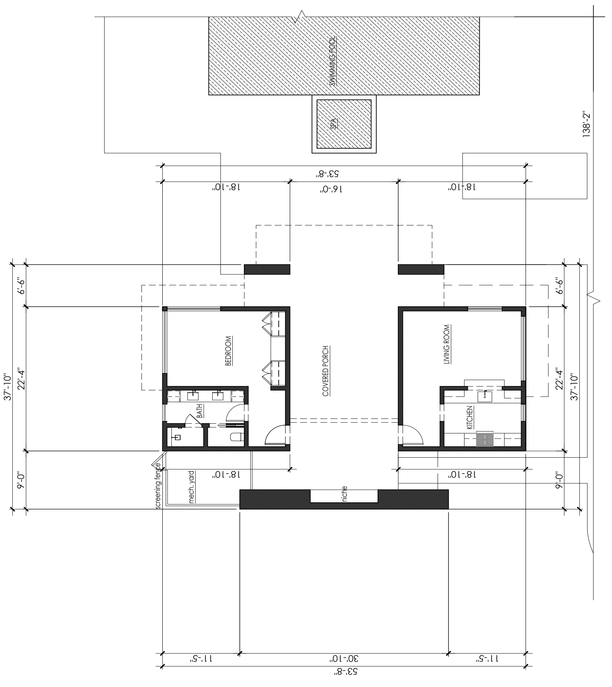
A2.6

ARCHITECT:
KROEGER | JANEV
ARCHITECTS
707.266.1682 | 1627 Lincoln Avenue, Napa, CA 94558
707.968.0268 | 1432 Main Street, Saint Helena, CA 94574

These documents are the property of Kroeger Janev Architects. Any unauthorized use without the written consent is prohibited by law. Kroeger Janev Architects disclaims responsibility for the documents if used in/or on it part or any other location.

NORTH
SCALE: 1/8" = 1'-0"

FLOOR PLAN - ADU



REVISED
2:48 pm, Jan 10, 2023

Copyright © 2018 by KROEGER JANEV ARCHITECTS

1/8/23 P:\2021\20210 Berchtold Residence\1-Drawings\01-Current\Design Review\Version 6\2-plan-20210-v6 ALL.dwg

ROOF PLAN - ADU

NORTH

SCALE: 1/8" = 1'-0"

REVISED
2:49 pm, Jan 10, 2023

Copyright © 2018 by KROEGER JANEV ARCHITECTS

1/5/23

P:\2021\202101 Berchtold Residence\1-Drawings\01-Current\Design Review\Version 6\2-plan-202101-v6 ALL.dwg

ARCHITECT:

KROEGER | JANEV
ARCHITECTS
707.296.1650 | 1827 Lincoln Avenue, Napa, CA 94558
707.968.5290 | 1432 Main Street, Saint Helena, CA 94574

These documents are the property of Kroeger Janev Architects. Any unauthorized use or reproduction without consent is prohibited by law. Kroeger Janev Architects disclaims liability for use of the documents if used whole or in part, at any other location.

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY: –

PROJECT No: 202101–-

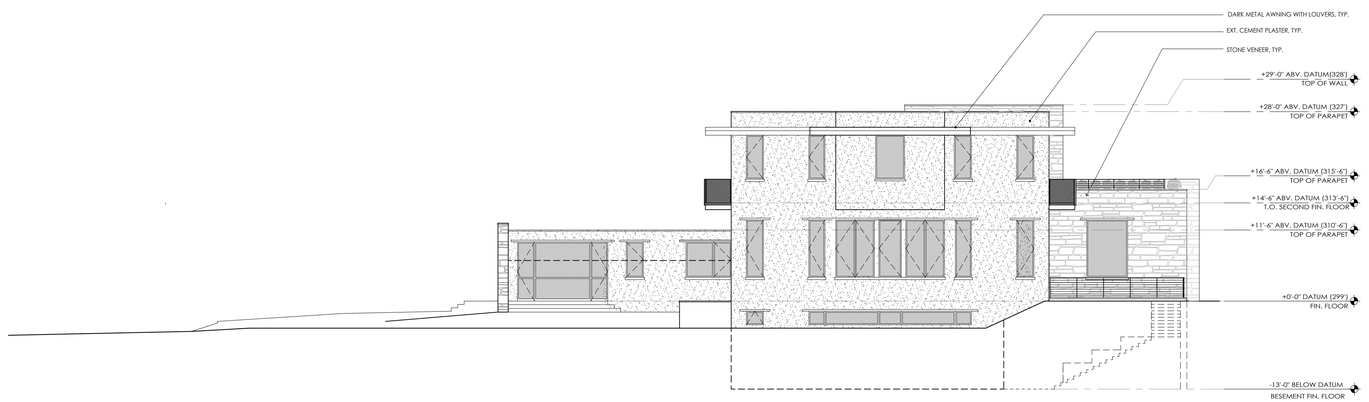
DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV 1
09/22/2022	D.R. REV 2
01/09/2023	D.R. REV 3

SHEET DESCRIPTION:

ROOF PLAN
ADU

SCALE: 1/8" = 1'-0"

A2.7



2 NORTHEAST ELEVATION

SCALE: 1/8"=1'-0"



1 SOUTHEAST ELEVATION (VIEW FROM MADRONA AVE.)

SCALE: 1/8"=1'-0"

REVISED
2:49 pm, Jan 10, 2023

These documents are the property of Kroeger Janev Architects. Any unauthorized use, reproduction or copying without consent is prohibited by law. Kroeger Janev Architects disclaims responsibility for the documents if used whole or in part, at any other location.

ARCHITECT:
KROEGER | JANEV
ARCHITECTS
707.296.1650 | 1827 Lincoln Avenue, Napa, CA 94558
707.968.5290 | 1432 Main Street, Saint Helena, CA 94574

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY: --
PROJECT No: 202101--

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV 1
09/22/2022	D.R. REV 2
01/09/2023	D.R. REV 3

SHEET DESCRIPTION:

EXTERIOR ELEVATIONS

SCALE: 1/8" = 1'-0"

A3.1

Copyright © 2018 by KROEGER JANEV ARCHITECTS

12/29/22 P:\2021\202101 Berchtold Residence\1-Drawings\01-Current\Design Review\Version 6\3-Sect-Elev--202101- V6.dwg

2 SOUTHWEST ELEVATION (VIEW FROM FIR HILL DRIVE)
SCALE: 1/8"=1'-0"

1 NORTHWEST ELEVATION
SCALE: 1/8"=1'-0"

REVISED
2:49 pm, Jan 10, 2023

Copyright © 2018 by KROEGER JANEV ARCHITECTS

12/29/22 P:\2021\202101 Berchtold Residence\1-Drawings\01-Current\Design Review\Version 6\3-Sect-Elev--202101- V6.dwg

These documents are the property of Kroeger Janev Architects. Any unauthorized use, reproduction or lack of consent is prohibited by law. Kroeger Janev Architects expressly reserves its rights to the documents if used whole or in part, at any other location.

ARCHITECT:
KROEGER | JANEV
ARCHITECTS
707.296.1650 | 1527 Lincoln Avenue, Napa, CA 94559
707.968.5290 | 1432 Main Street, Saint Helena, CA 94574

BERCHTOLD RESIDENCE

2126 MADRONA AVE
SAINT HELENA, CA 94574
APN: 009-470-010

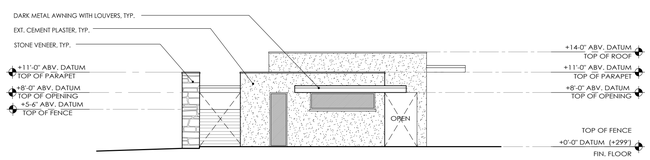
DRAWN BY: --
PROJECT No: 202101--

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV 1
09/22/2022	D.R. REV 2
01/09/2023	D.R. REV 3

SHEET DESCRIPTION:
EXTERIOR ELEVATIONS

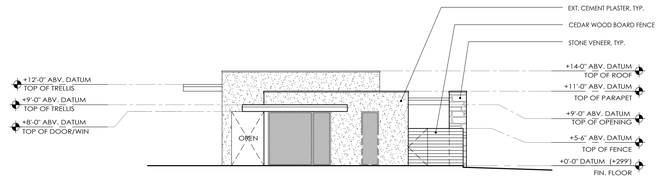
SCALE: 1/8" = 1'-0"

A3.2



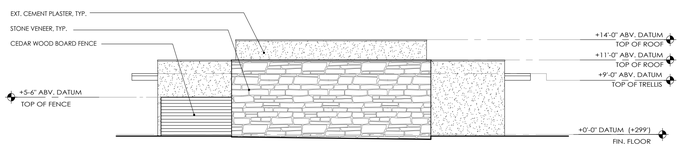
4 ADU SOUTHEAST ELEVATION

SCALE: 1/8"=1'-0"



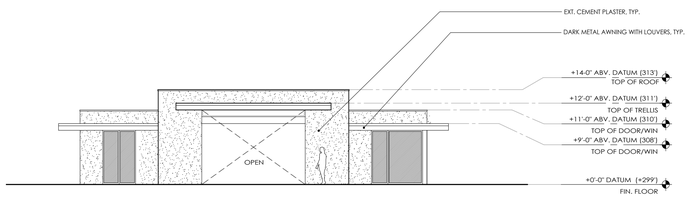
2 ADU NORTHWEST ELEVATION

SCALE: 1/8"=1'-0"



3 ADU SOUTHWEST ELEVATION (VIEW FROM FIR HILL DRIVE)

SCALE: 1/8"=1'-0"



1 ADU NORTHEAST ELEVATION

SCALE: 1/8"=1'-0"

REVISED
2:49 pm, Jan 10, 2023

These documents are the property of Kroeger Janev Architects. Any unauthorized use, alteration or reproduction without consent is prohibited by law. Kroeger Janev Architects expressly reserves its rights to the documents if used whole or in part, at any other location.

ARCHITECT:
KROEGER | JANEV
ARCHITECTS
707.296.1650 | 1527 Lincoln Avenue, Napa, CA 94559
707.968.5290 | 1432 Main Street, Saint Helena, CA 94574

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY: --
PROJECT No: 202101--

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV 1
09/22/2022	D.R. REV 2
01/09/2023	D.R. REV 3

SHEET DESCRIPTION:

GUEST HOUSE ELEVATIONS

SCALE: 1/8" = 1'-0"

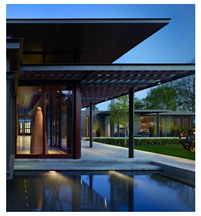
A3.3

Copyright © 2018 by KROEGER JANEV ARCHITECTS

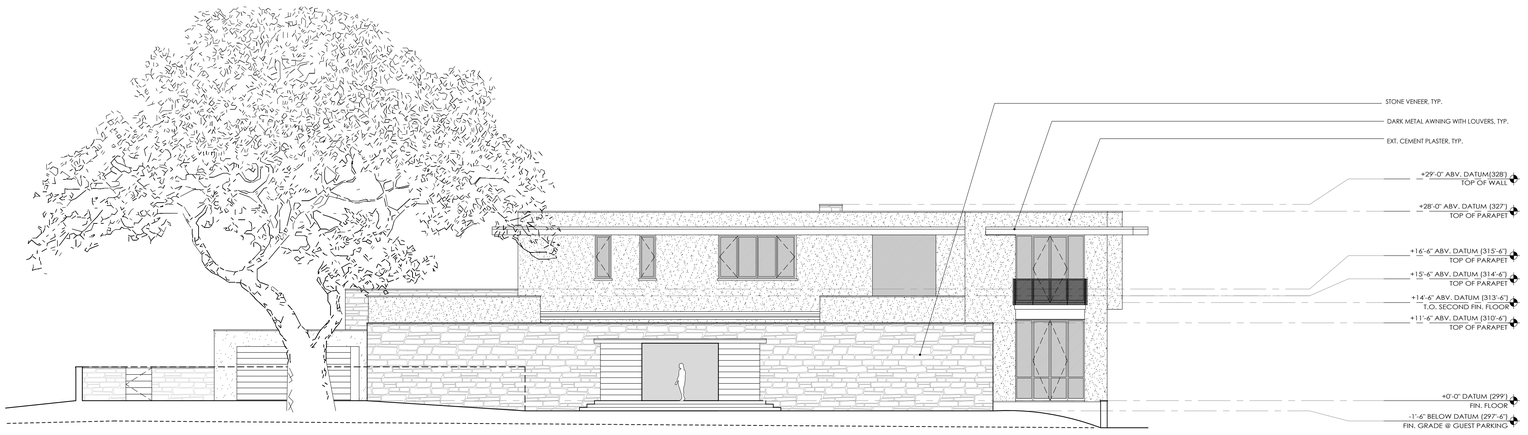
12/29/22 P:\2021\202101 Berchtold Residence\1-Drawings\01-Current\Design Review\Version 6\3-Sect-Elev--202101- V6.dwg



LOW LANDSCAPE STONE WALLS

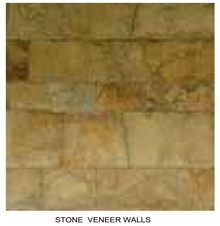


METAL TRELLIS & AWNING WITH LOUVERS

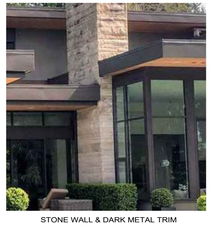


1 SOUTHEAST ELEVATION

SCALE: 1/8"=1'-0"



STONE VENEER WALLS



STONE WALL & DARK METAL TRIM



STONE VENEER & CEMENT PLASTER WALLS WITH DARK METAL WINDOW FRAMES



CEMENT PLASTER & WOOD WALLS



CEMENT PLASTER & WOOD WALLS WITH DARK METAL WINDOW FRAMES

REVISED
2:49 pm, Jan 10, 2023

These documents are the property of Kroeger Janev Architects. Any unauthorized use or reproduction without consent is prohibited by law. Kroeger Janev Architects expressly reserves its rights to the documents if used whole or in part, at any other location.

ARCHITECT:
KROEGER | JANEV
ARCHITECTS
707.296.1650 | 1827 Lincoln Avenue, Napa, CA 94558
707.968.5290 | 1432 Main Street, Saint Helena, CA 94574

BERCHTOLD RESIDENCE

2126 MADRONA AVE
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY: --
PROJECT No: 202101--

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV 1
09/22/2022	D.R. REV 2
01/09/2023	D.R. REV 3

SHEET DESCRIPTION:
EXTERIOR ELEVATION & FINISH MATERIALS

SCALE: 1/8" = 1'-0"

A3.4

Copyright © 2018 by KROEGER JANEV ARCHITECTS

12/30/22 P:\2021\202101 Berchtold Residence\1-Drawings\01-Current\Design Review\Version 6\3-Sect-Elev-202101- V6.dwg

2 SOUTHWEST ELEVATION (VIEW FROM FIR HILL DRIVE)
SCALE: 1/8"=1'-0"

1 SOUTHEAST ELEVATION (VIEW FROM MADRONA AVE.)
SCALE: 1/8"=1'-0"

0 4' 8' 16'

REVISED
2:49 pm, Jan 10, 2023

Copyright © 2018 by KROEGER JANEV ARCHITECTS

1/5/23

P:\202101\202101 Berchtold Residence\1-Drawings\01-Current\Design Review\Version 6\3-Sect-Elev-202101- V6.dwg

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

ARCHITECT:

KROEGER | JANEV
ARCHITECTS
707.296.1650 | 1527 Lincoln Avenue, Napa, CA 94558
707.968.5290 | 1432 Main Street, Saint Helena, CA 94574

These documents are the property of Kroeger Janev Architects. Any unauthorized use, reproduction or copying without consent is prohibited by law. Kroeger Janev Architects expressly reserves its rights to the documents if used whole or in part, at any other location.

DRAWN BY: –

PROJECT No: 202101-–

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV 1
09/22/2022	D.R. REV 2
01/09/2023	D.R. REV 3

SHEET DESCRIPTION:

COLORED ELEVATIONS

SCALE: NTS

A3.5



2 NORTHEAST ELEVATION
SCALE: 1/8"=1'-0"



1 NORTHWEST ELEVATION
SCALE: 1/8"=1'-0"

0 4' 8' 16'

REVISED
2:50 pm, Jan 10, 2023

Copyright © 2018 by KROEGER JANEV ARCHITECTS

1/5/23 P:\2021\202101 Berchtold Residence\4 I-Drawings\01-Current\Design Review\Version 6\3-Sect-Elev-202101-V6.dwg

ARCHITECT:
KROEGER | JANEV
ARCHITECTS
707.296.1650 | 1527 Lincoln Avenue, Napa, CA 94559
707.968.5290 | 1432 Main Street, Saint Helena, CA 94574

These documents are the property of Kroeger Janev Architects. Any unauthorized use, reproduction or copying without consent is prohibited by law. Kroeger Janev Architects expressly reserves its rights to the documents if used whole or in part, at any other location.

BERCHTOLD RESIDENCE

2126 MADRONA AVE.
SAINT HELENA, CA 94574
APN: 009-470-010

DRAWN BY: –
PROJECT No: 202101––

DATE:	ISSUE:
11/05/2021	DESIGN REVIEW
06/07/2022	D.R. REV 1
09/22/2022	D.R. REV 2
01/09/2023	D.R. REV 3

SHEET DESCRIPTION:
COLORED ELEVATIONS

SCALE: NTS

A3.6

USE	EXISTING	PROPOSED	CHANGE
AGRICULTURAL - VINEYARD	5.08ac	4.42ac	-0.66ac
AGRICULTURAL - ORCHARD	0.2ac	0.33ac	+0.13ac
NON AGRICULTURAL - HOUSE SITE	0.5ac	1ac	+0.5ac
DRIVEWAY (EXEMPTION)	NA	0.03ac	
TOTAL PARCEL AREA	5.78ac	5.78ac	

4 PROPERTY AREA CALCULATIONS

Berchtold Residence
2126 Madrona Ave, St. Helena, CA

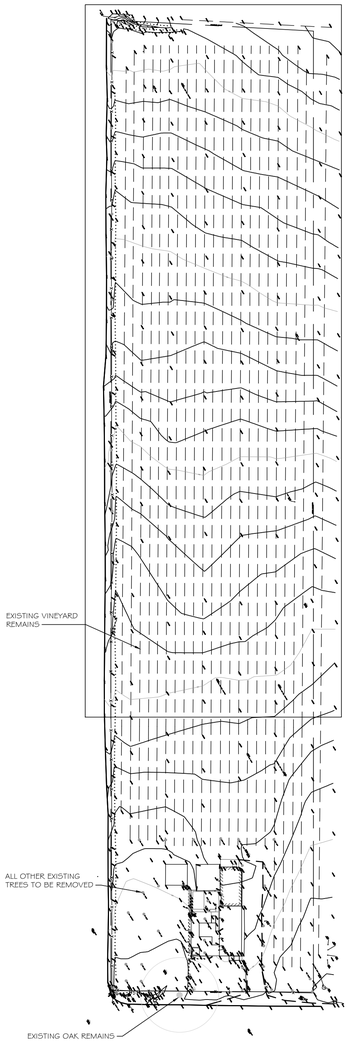
Section B. Water Efficient Landscape Worksheet - Non-Agriculture Plantings
Based on planting plan dated 11/15/22

Reference Evapotranspiration (ETo) 44.1

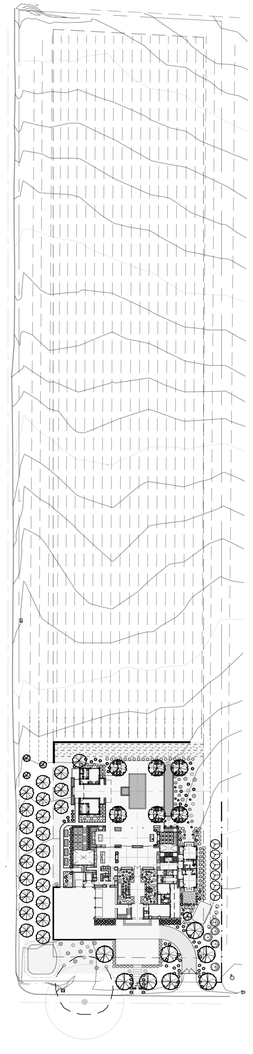
ZONE	SYMBOL	Hydrozone / Planting Description	WUCOLS	Qty	Size	SF Each	Zone Plant Factor (PF)	Irrigation Method	Irrigation Efficiency (IE)	ETAF (PF/IE)	Landscape Area (sq.ft)	ETAF x Area	Estimated Total Water Use (ETWU)
Regular Landscape Areas													
	TREES	Botanical											
	LAG RED	LAGERSTROEMIA INDICA X FAURIEI 'TUSCARORA'	LOW	1	24" BOX	47	0.1	Drip	0.81	0.25	47	12	317
	OLE SEV	OLEA EUROPAEA 'SEVILLANO'	VERY LOW	1	FIELD DUG	283	0.1	Drip	0.81	0.12	283	35	955
	PIS CHI	PISTACIA CHINENSIS	LOW	6	360" BOX	113	0.2	Drip	0.81	0.25	1678	844	11,479
	SHRUBS	Botanical											
	CIS SUN	CISTUS X PULVERULENTUS 'SUNSET'	LOW	12	5 GAL	7	0.2	Drip	0.81	0.25	84	21	567
	EUO JAP	EUONYMUS JAPONICUS	LOW	8	5 GAL	7	0.2	Drip	0.81	0.25	56	14	378
	EUO MIC	EUONYMUS JAPONICUS 'MICROPHYLLUS'	LOW	9	1 GAL	6	0.5	Drip	0.81	0.62	54	33	911
	LAU NOB	LAURUS NOBILIS	LOW	6	15 GAL	12	0.2	Drip	0.81	0.25	72	18	486
	OLE LIT	OLEA EUROPAEA 'LITTLE OLLIE' TM	VERY LOW	40	5 GAL	7	0.1	Drip	0.81	0.12	280	35	945
	PLU ROY	PLUMBAGO AURICULATA 'MONOTT' TM	LOW	21	5 GAL	6	0.2	Drip	0.81	0.25	126	31	851
	PRU CAR	PRUNUS CAROLINIANA 'COMPACTA'	LOW	31	15 GAL	12	0.2	Drip	0.81	0.25	372	92	2,511
	GRASSES	Botanical											
	LOM LIM	LOMANDRA LINIFOLIA 'ROMA 13'	LOW	37	1 GAL	3	0.2	Drip	0.81	0.25	111	27	748
	MUH LIN	MUHLENBERGIA LINDHEIMERI	LOW	54	1 GAL	6	0.2	Drip	0.81	0.25	324	80	2,187
	MUH REG	MUHLENBERGIA CAPILLARIS 'LENCA'	LOW	119	1 GAL	6	0.2	Drip	0.81	0.25	714	176	4,820
	MUH RIG	MUHLENBERGIA RIGENS	LOW	16	1 GAL	6	0.2	Drip	0.81	0.25	96	24	648
	PERENNIALS	Botanical											
	ANE SEP	ANEMONE X HYBRIDA 'SEPTEMBER CHARM'	MODERATE	16	1 OR 2 GAL	2	0.5	Drip	0.81	0.62	32	20	540
	LAV HID	LAVANDULA X INTERMEDIA 'SAUDDO'	LOW	9	1 GAL	6	0.2	Drip	0.81	0.25	54	14	365
	LAV HYB	LAVANDULA ANGUSTIFOLIA 'HIDCOTE'	LOW	8	5 GAL	6	0.2	Drip	0.81	0.25	24	6	162
	SAL BAR	SALVIA LEUCANTHA 'SANTA BARBARA'	LOW	33	5 GAL	6	0.2	Drip	0.81	0.25	90	22	608
	SAL MID	SALVIA LEUCANTHA 'MIDNIGHT'	LOW	25	5 GAL	6	0.2	Drip	0.81	0.25	150	37	1,013
	VER LOL	VERBENA BONARIENSIS	VERY LOW	25	1 GAL	6	0.1	Drip	0.81	0.12	150	19	506
	VINES	Botanical											
	ROS EAS	ROSA FLORIBUNDA 'EASY SPIRIT' TM	MODERATE	15	5 GAL	7	0.5	Drip	0.81	0.62	105	65	1,772
	ROS EDI	ROSA FLORIBUNDA 'EASY DOES IT' TM	MODERATE	4	5 GAL	7	0.5	Drip	0.81	0.62	28	17	473
	ROS LAV	ROSA FLORIBUNDA 'VERANDA LAVENDER'	MODERATE	5	5 GAL	7	0.5	Drip	0.81	0.62	35	22	595
	RAISED BEDS												
	VEG BOX	VEGETABLE BOX	MODERATE	128	TBD		0.5	Drip	0.81	0.62	128	79	2,160
	IVIR LWN	Bunyip Lawn	LOW	1068	sf		0.2	TL	0.81	0.25	1068	264	7,210
		Water Features (pool and spa)	High				1	N/A	1	1.00	965	965	26,180
									Totals	9.02	**7,326**	**2,189**	70,790
Special Landscape Areas												ETWU Total =	70,790 gallons/year
		N/A									Maximum Applied Water Allowance (MAWA)* =		110,169 gallons/year
		ETAF Calculations									*MAWA calculation: 44.1*0.62*(0.55*7.326)		
		Regular Landscape Areas											
		Total ETAF x Area	2189								Estimated Total Water Use is 9.216 acre feet per year.		
		Total Area	7326										
		Average ETAF	**0.30**									299 gallons/day average	
		All Landscape Areas											
		Total ETAF x Area	2189										
		Total Area	7326										
		Average ETAP	**0.30**										

Page 1 of 1

3 WELO CALCS NON-AGRICULTURE PLANTINGS



2 EXISTING SITE PLAN
SCALE: 1" =60'



1 OVERALL SITE PLAN
SCALE: 1" =60'

0 60 120 180 240 feet
SCALE: 1"= 60'

REVISED
2:50 pm, Jan 10, 2023

SHEET INDEX:

L1.0 EXISTING SITE PLAN & OVERALL SITE PLAN, WELO CALCS NON-AGRICULTURE PLANTINGS, PROPERTY AREA CALCULATIONS
L2.1 PLANTING PLANS & PLANT SCHEDULE NON-AGRICULTURAL - WATER SOURCE CITY OF ST. HELENA
L2.2 PLANTING PLAN & PLANT SCHEDULE AGRICULTURAL - WATER SOURCE WELL

These documents are the property of Claudia Schmidt Landscape Design. Any unauthorized use without the Claudia Schmidt Landscape Design is prohibited. The documents are not to be changed. Re-use of documents if used whole or in part at any other location.

CLAUDIA SCHMIDT
LANDSCAPE DESIGN
P.O.BOX 2, CIT. MCH
ST. HELENA, CA 94574
TELEPHONE (707) 963-7211
FACSIMILE (707) 963-7751
EMAIL claudia@claudiaschmidtlandscape.com

BERCHTOLD RESIDENCE

2126 MADRONA AVENUE
ST HELENA, CA 94574
APN: 009-470-010

Date	1/9/2023
Drawn By	CRL
Checked By	CSLD
Project No.	

Date	Issue
11/05/21	DESIGN REVIEW
05/31/22	DESIGN REVIEW REV 1
09/16/22	DESIGN REVIEW 2
01/09/23	DESIGN REVIEW 3

EXISTING SITE PLAN & OVERALL SITE PLAN

SCALE : AS NOTED

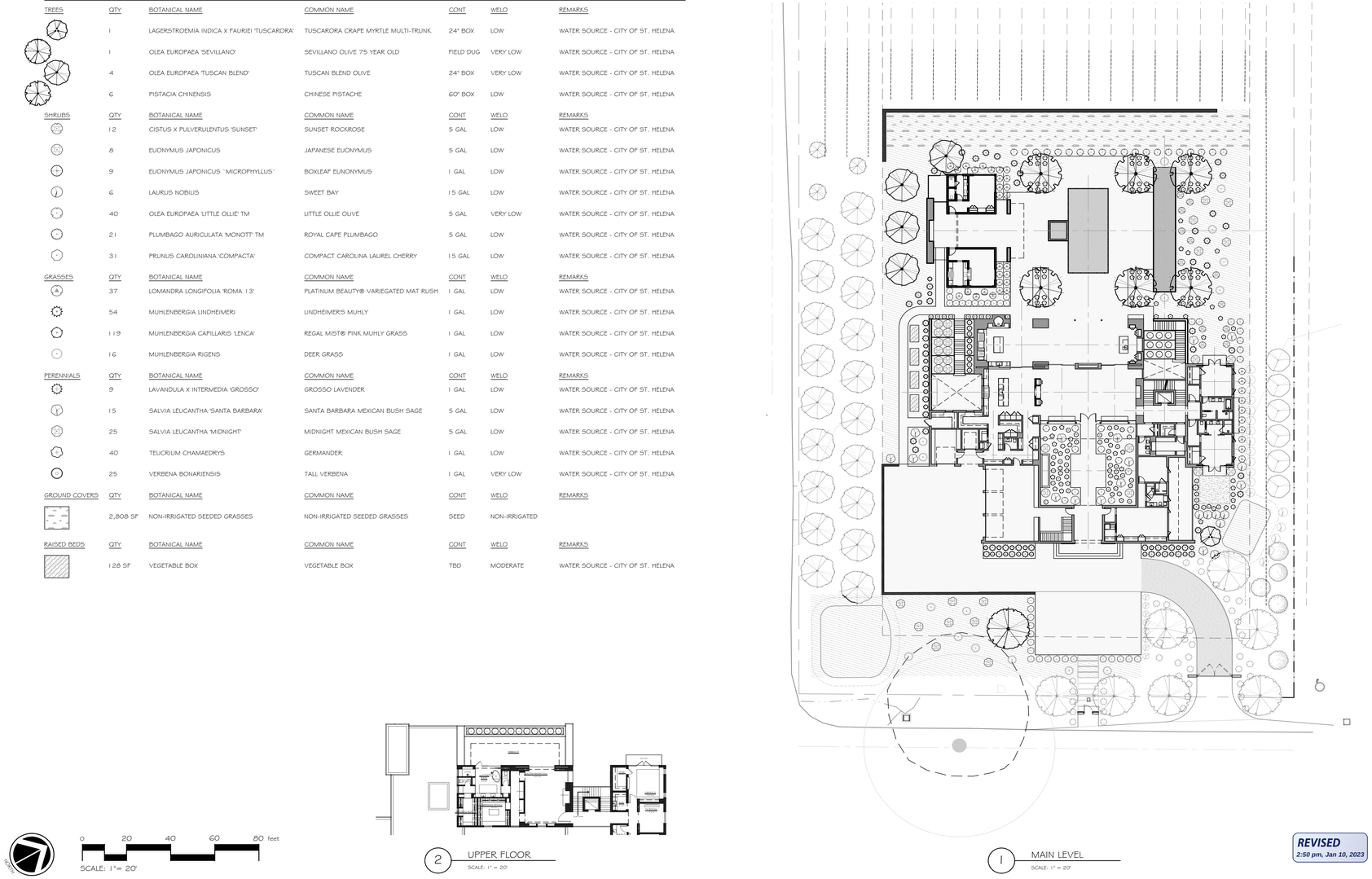
Sheet L1.0

of 3

PLANTING PLANS NON-AGRICULTURAL - WATER SOURCE CITY OF ST. HELENA

PLANT SCHEDULE WATER SOURCE CITY OF ST. HELENA

TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	WELO	REMARKS
	1	LAGERSTROEMIA INDICA X FAURIEI 'TUSCARORA'	TUSCARORA CRAPE MYRTLE MULTI-TRUNK	24" BOX	LOW	WATER SOURCE - CITY OF ST. HELENA
	1	OLEA EUROPAEA 'SEVILLANO'	SEVILLANO OLIVE 75 YEAR OLD	FIELD DUG	VERY LOW	WATER SOURCE - CITY OF ST. HELENA
	4	OLEA EUROPAEA 'TUSCAN BLEND'	TUSCAN BLEND OLIVE	24" BOX	VERY LOW	WATER SOURCE - CITY OF ST. HELENA
	6	PISTACIA CHINENSIS	CHINESE PISTACHE	60" BOX	LOW	WATER SOURCE - CITY OF ST. HELENA
SHRUBS	**QTY**	**BOTANICAL NAME**	**COMMON NAME**	**CONT**	**WELO**	**REMARKS**
CIS	12	CISTUS X PULVERULENTUS 'SUNSET'	SUNSET ROCKROSE	5 GAL	LOW	WATER SOURCE - CITY OF ST. HELENA
EJ	8	EUONYMUS JAPONICUS	JAPANESE EUONYMUS	5 GAL	LOW	WATER SOURCE - CITY OF ST. HELENA
+	9	EUONYMUS JAPONICUS 'MICROPHYLLUS'	BOXLEAF EUNONYMUS	1 GAL	LOW	WATER SOURCE - CITY OF ST. HELENA
/	6	LAURUS NOBILIS	SWEET BAY	15 GAL	LOW	WATER SOURCE - CITY OF ST. HELENA
*	40	OLEA EUROPAEA 'LITTLE OLLIE' TM	LITTLE OLLIE OLIVE	5 GAL	VERY LOW	WATER SOURCE - CITY OF ST. HELENA
PA	21	PLUMBAGO AURICULATA 'MONOTT' TM	ROYAL CAPE PLUMBAGO	5 GAL	LOW	WATER SOURCE - CITY OF ST. HELENA
·	31	PRUNUS CAROLINIANA 'COMPACTA'	COMPACT CAROLINA LAUREL CHERRY	15 GAL	LOW	WATER SOURCE - CITY OF ST. HELENA
GRASSES	**QTY**	**BOTANICAL NAME**	**COMMON NAME**	**CONT**	**WELO**	**REMARKS**
A	37	LOMANDRA LONGIFOLIA 'ROMA 13'	PLATINUM BEAUTY® VARIEGATED MAT RUSH	1 GAL	LOW	WATER SOURCE - CITY OF ST. HELENA
○	54	MUHLENBERGIA LINDHEIMERI	LINDHEIMER'S MUHLY	1 GAL	LOW	WATER SOURCE - CITY OF ST. HELENA
⬠	119	MUHLENBERGIA CAPILLARIS 'LENCA'	REGAL MIST® PINK MUHLY GRASS	1 GAL	LOW	WATER SOURCE - CITY OF ST. HELENA
·	16	MUHLENBERGIA RIGENS	DEER GRASS	1 GAL	LOW	WATER SOURCE - CITY OF ST. HELENA
PERENNIALS	**QTY**	**BOTANICAL NAME**	**COMMON NAME**	**CONT**	**WELO**	**REMARKS**
○	9	LAVANDULA X INTERMEDIA 'GROSSO'	GROSSO LAVENDER	1 GAL	LOW	WATER SOURCE - CITY OF ST. HELENA
Y	15	SALVIA LEUCANTHA 'SANTA BARBARA'	SANTA BARBARA MEXICAN BUSH SAGE	5 GAL	LOW	WATER SOURCE - CITY OF ST. HELENA
SLE	25	SALVIA LEUCANTHA 'MIDNIGHT'	MIDNIGHT MEXICAN BUSH SAGE	5 GAL	LOW	WATER SOURCE - CITY OF ST. HELENA
TC	40	TEUCRIUM CHAMAEDRYS	GERMANDER	1 GAL	LOW	WATER SOURCE - CITY OF ST. HELENA
V	25	VERBENA BONARIENSIS	TALL VERBENA	1 GAL	VERY LOW	WATER SOURCE - CITY OF ST. HELENA
GROUND COVERS	**QTY**	**BOTANICAL NAME**	**COMMON NAME**	**CONT**	**WELO**	**REMARKS**
	2,808 SF	NON-IRRIGATED SEEDED GRASSES	NON-IRRIGATED SEEDED GRASSES	SEED	NON-IRRIGATED	
RAISED BEDS	**QTY**	**BOTANICAL NAME**	**COMMON NAME**	**CONT**	**WELO**	**REMARKS**
	128 SF	VEGETABLE BOX	VEGETABLE BOX	TBD	MODERATE	WATER SOURCE - CITY OF ST. HELENA



1 MAIN LEVEL
SCALE: 1" = 20'

2 UPPER FLOOR
SCALE: 1" = 20'

0 20 40 60 80 feet
SCALE: 1"= 20'

REVISED
2:50 pm, Jan 10, 2023

These documents are the property of Claudia Schmidt Landscape Design. Any unauthorized use without the written permission of Claudia Schmidt Landscape Design disclaims responsibility for such unauthorized use. Claudia Schmidt Landscape Design disclaims responsibility for the documents if used and/or modified or if used on any other location.

CLAUDIA SCHMIDT
LANDSCAPE DESIGN
PO BOX 42
ST HELENA, CA 94574
TELEPHONE 707 486 9521
EMAIL claudia@claudiaschmidtdesign.com

BERCHTOLD RESIDENCE

2126 MADRONA AVENUE
ST HELENA, CA 94574
APN: 009-470-010

Date	1/9/2023
Drawn By	CRL
Checked By	CSLD
Project No.	

Date	Issue
11/05/21	DESIGN REVIEW
26/01/22	DESIGN REVIEW REV 1
28/06/22	DESIGN REVIEW 2
21/09/23	DESIGN REVIEW 3

PLANTING PLANS &
PLANT SCHEDULE
NON-AGRICULTURAL -
WATER SOURCE
CITY OF ST. HELENA

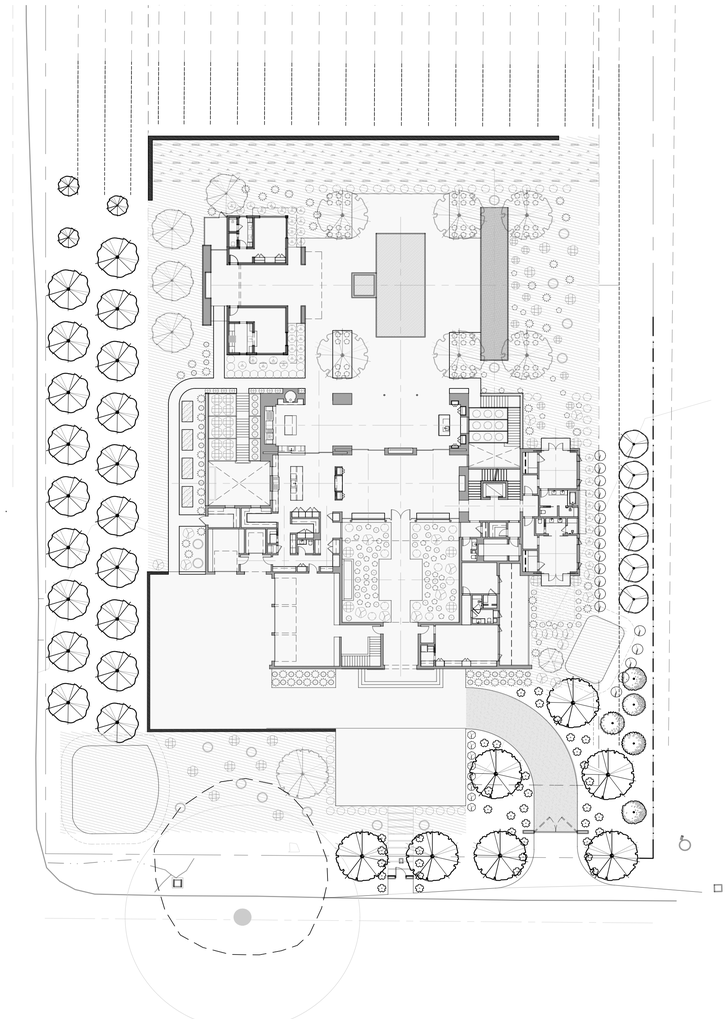
SCALE : AS NOTED

Sheet L2.1
of 3

PLANTING PLANS AGRICULTURAL - WATER SOURCE WELL

PLANT SCHEDULE WATER SOURCE WELL

TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	WELO	REMARKS
	6	FEIJOA SELLOWIANA	PINEAPPLE GUAVA	24" BOX	MODERATE	WATER SOURCE - WELL
	7	OLEA EUROPAEA 'SEVILLANO' 100 YEAR OLD	SEVILLANO OLIVE	FIELD DUG	VERY LOW	WATER SOURCE - WELL
	3	OLEA EUROPAEA 'TUSCAN BLEND'	TUSCAN BLEND OLIVE	24" BOX	VERY LOW	MANAGED AT 8' X 8' - WELL
	19	OLEA EUROPAEA 'TUSCAN BLEND'	TUSCAN BLEND OLIVE	24" BOX	VERY LOW	WATER SOURCE - WELL
FRUIT TREES	**QTY**	**BOTANICAL NAME**	**COMMON NAME**	**CONT**	**WELO**	**REMARKS**
	1	CITRUS X LIMON 'EUREKA'	EUREKA LEMON	24" BOX	MODERATE	WATER SOURCE - WELL
	2	CITRUS X AURANTIIFOLIA 'BEARSS LIME'	BEARSS LIME	24" BOX	MODERATE	WATER SOURCE - WELL
	1	CITRUS RETICULATA 'OWARI'	OWARI SATSUMA MANDARIN ORANGE	24" BOX	MODERATE	WATER SOURCE - WELL
	1	CITRUS X SINENSIS 'WASHINGTON'	WASHINGTON NAVEL ORANGE	24" BOX	MODERATE	WATER SOURCE - WELL
SHRUBS	**QTY**	**BOTANICAL NAME**	**COMMON NAME**	**CONT**	**WELO**	**REMARKS**
	18	LAURUS NOBILIS	SWEET BAY	15 GAL	LOW	WATER SOURCE - WELL
	40	ROSMARINUS OFFICINALIS 'IRENE' TM	IRENE TRAILING ROSEMARY	1 GAL	LOW	WATER SOURCE - WELL
	8	ROSMARINUS OFFICINALIS 'TUSCAN BLUE'	TUSCAN BLUE ROSEMARY	5 GAL	LOW	WATER SOURCE - WELL



1 MAIN LEVEL
SCALE: 1" = 20'

0 20 40 60 80 feet
SCALE: 1"= 20'

REVISED
2:50 pm, Jan 10, 2023

These documents are the property of Claudia Schmidt Landscape Design. Any unauthorized use without the written consent of Claudia Schmidt Landscape Design is prohibited. Claudia Schmidt Landscape Design assumes no responsibility for the documents if used, altered or in part at any other location.

CLAUDIA SCHMIDT
LANDSCAPE DESIGN
PO BOX 42
ST HELENA, CA 94574
TELEPHONE 707 486 9721
EMAIL claudia@claudiaschmidtdesign.com

BERCHTOLD RESIDENCE

2126 MADRONA AVENUE
ST HELENA, CA 94574
APN: 009-470-010

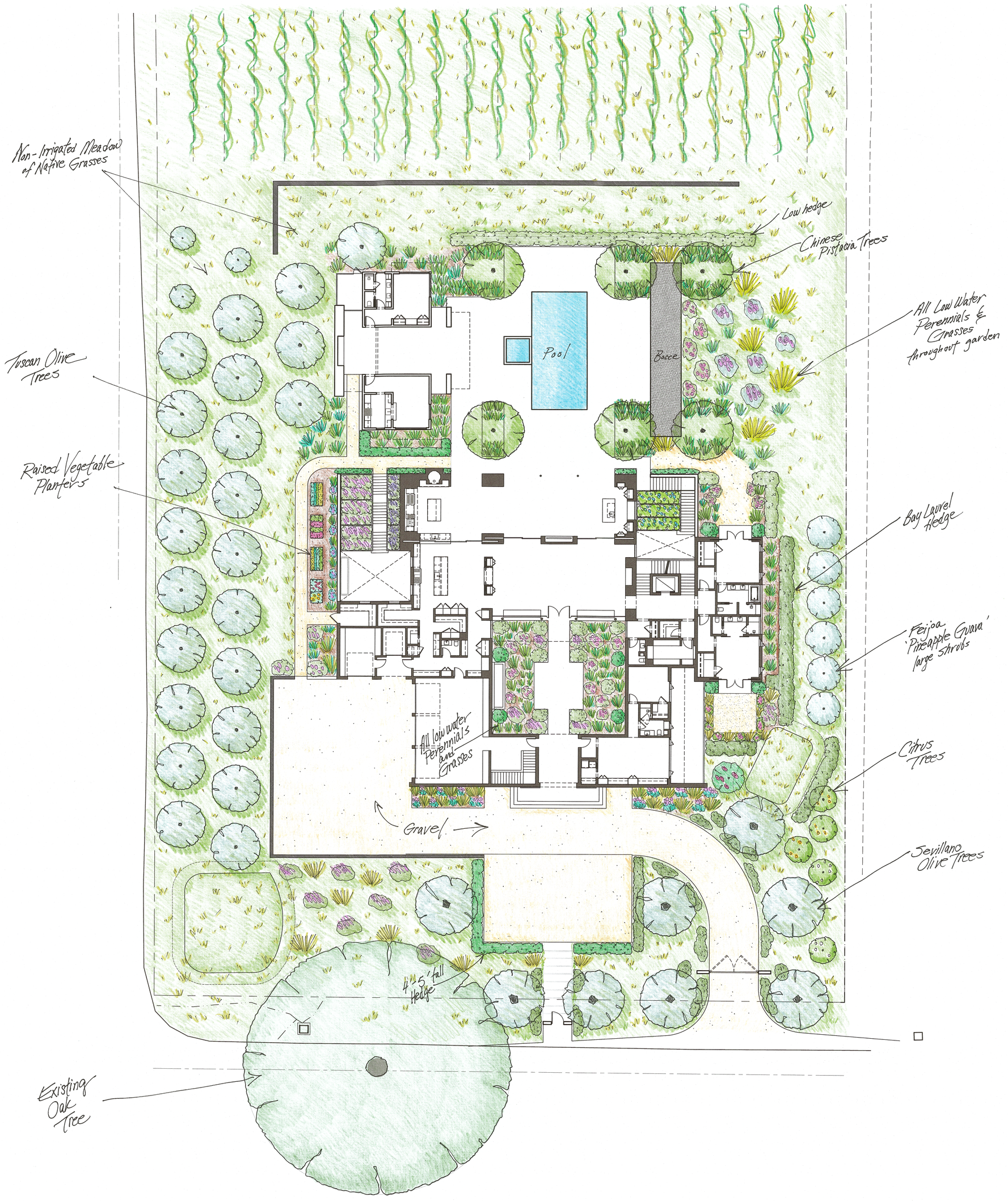
Date	1/9/2023
Drawn By	CBL
Checked By	CSLD
Project No.	

Date	Issue
11/9/21	DESIGN REVIEW
3/31/22	DESIGN REVIEW REV 1
09/16/22	DESIGN REVIEW 2
01/09/23	DESIGN REVIEW 3

PLANTING PLAN & PLANT SCHEDULE
AGRICULTURAL - WATER SOURCE WELL

SCALE : AS NOTED

Sheet L2.2
of 3



0 10 20 30 40 feet
SCALE: 1" = 10'

1 MAIN LEVEL
SCALE: 1" = 10'

BERCHTOLD RESIDENCE
CLAUDIA SCHMIDT
LANDSCAPE DESIGN
January 9, 2023

REVISED
2:53 pm, Jan 10, 2023

KROEGER | JANEV
ARCHITECTS

January 9, 2023

Berchtold Residence
2126 Madrona Ave.
Saint Helena, CA 94574

Design Review Project Statement
Proposed work: New Residence at 2126 Madrona Avenue

The applicant is seeking approval for the demolition of three existing structures totaling approximately 3,893 square feet and design review approval to construct a new single-family residence and accessory dwelling unit. The proposed residence is a one and partial two-story structure with a basement. The above ground living area of the main residence totals 7,950 square feet; above ground garage and storage areas total 1,754 square feet; and below grade basement space totals 6,457 square feet.

The proposed design is a product of multiple design iterations resulting from our collaboration with the Planning Department staff and neighbors. A primary goal was to minimize neighborhood impact by preserving views and maintaining the general character of the neighborhood, while satisfying the building program needs of the homeowners. Based on our communication with the Director and staff, as well as several of the neighbors, we have made a concerted effort to address their concerns and recommendations.

The design for the proposed residence consists of four bedroom suites; an open plan kitchen, dining and living area; two home offices; a 3-car garage; and support spaces. The basement houses an exercise area and recreation room, as well as storage, mechanical, and service spaces. The proposed design also includes an accessory dwelling unit (which is exempt from discretionary review but is shown for reference) and a new swimming pool and spa with cover.

The proposed home will be set with in the front and side 50ft. boundaries adjacent to Madrona Avenue and Fir Hill Drive. The applicant plans to preserve as much as possible of the existing old vine vineyard and to maintain and enhance the agricultural nature of the property by adding an olive orchard, fruit trees, a vegetable/herb garden and cutting gardens. Proposed development includes removal of 0.66 acres of existing vineyard, additional 0.13 acres of new orchard and 0.5 acres expansion of existing non-agricultural use for home site. As proposed agricultural use will consist of 4.42 acres of vineyard and 0.33 acres of orchard, with one acre dedicated to non-agricultural use. The property owners are currently working with Spottswoode Winery to rehabilitate the vineyard and produce wine. In addition, they will collaborate with local olive oil producers to create an estate olive oil sourced from proposed olive plantings.
This project is fully compliant with A20 zoning codes, and there are no requests for any code variances.

As noted on the proposed drawings, the exterior of both the residence and the accessory dwelling unit will be finished with combination of local stone and exterior cement plaster, with wood and metal accents. The proposed color palette will employ natural earth tones to blend with the existing site and complement the neighborhood.

707.266.1682 | 1627 Lincoln Avenue • Napa, CA • 94558
707.968.5265 | 1432 Main Street • Saint Helena, CA • 94574

KROEGER | JANEV
ARCHITECTS

At its tallest point, the proposed structure is 29 feet high; however, its position on the site, orientation, and layered massing has been carefully designed to minimize its visual impact and to preserve views from neighboring properties.

The flat roof design will allow the owners to maximize the use of solar panels to minimize energy needs but keep them out of view behind parapet walls. The proposed landscape plan and planting palette is designed to meet water neutrality status.

The owners plan to provide on-site accommodations for full-time help, which will reduce the impact on the local housing market.

Since our initial Design Review hearing in October of 2022, we conducted two on site meetings with the neighbors as recommended by the Planning Commission. As a result of these meetings, we made following changes to the proposed project:

- Removal of two driveways along Fir Hill Drive as proposed during the first hearing.
- Proposed ADU location is shifted 5 feet to the south and 15 feet to the east to further minimize impact on views from neighboring properties.
- Proposed ADU massing is changed. The roof line above the bedroom and living room was lowered by 2 feet.
- Proposed pool size and orientation was revised.
- Proposed bocce court was moved to a new location along east property line along with adjacent landscape to expand views from neighboring properties.
- Increased capacity of the proposed storm water retention area.
- Revised landscape plan and plant material list to reduce water usage.
- Adjusted layout of the olive orchard along Fir Hill Drive to increase visibility at intersection with Madrona Avenue.

Sincerely,

Sasha Janev – Kroeger Janev Architects

707.266.1682 | 1627 Lincoln Avenue • Napa, CA • 94558
707.968.5265 | 1432 Main Street • Saint Helena, CA • 94574

RECEIVED
By xgamero at 10:28 am, Nov 15, 2021

BRUNZELL
HISTORICAL

November 12, 2021

Sasha Janev
Kroeger-Janev Architects
1432 Main Street
St. Helena, California, 94574

Subject: Project Review of the Proposed Project for Historic Compatibility at 2126 Madrona Avenue, St. Helena, Napa County, California.

Dear Sasha,

This letter and the attached DPR 523 form comprise the Historic Resource Evaluation of 2126 Madrona Avenue, St. Helena, Napa County, California.

Methodology
According to the St. Helena Star, the original house at 2126 Madrona Avenue was constructed about 1883. Research has not revealed photographs or other documents such as architectural plans, and the property is not listed on the St. Helena Historic Resource Inventory. Brunzell Historical has therefore prepared this letter report and DPR 523 forms to evaluate the buildings on the property. Brunzell Historical personnel conducted a site visit on November 10, 2021. The site visit included collecting photographs of all elevations of the buildings on the property with a focus on the historic-era barn on the property. Research was performed using historic newspapers and ancestry.com as well as other websites. The property was evaluated according to the relevant criteria for historic eligibility and documented on DPR 523 forms as required by the California Environmental Quality Act as (CEQA). Because the property is over 50 years old, a potential projects trigger a requirement for historical evaluation according to current regulations. This work was completed pursuant to CEQA, all resources discovered during the field survey require evaluation for California Register of Historical Resources (CRHR). The property was also evaluated for National Register of Historic Places (NRHP) eligibility.

Summary of Findings
The newspaper stories published when the house was constructed in 1883 indicate that it was 24 feet square; the current house is rectangular but is about 24 feet wide so the original building may be at its core. However, its materials and features indicate alterations decades, substantial alterations outside the historic era. It lacks the architectural significance required for historic listing. Nor has research revealed historical significance or association with important historic persons. For these reasons, the property is not recommended eligible to the CRHR or the NRHP. Neither the house nor the outbuildings meet any of the required criteria for significance as described below and in the attached DPR 523 forms. Nor is the property recommended eligible as a City of St. Helena historical resource.

National Register of Historic Places
In conjunction with the following NRHP criteria, sites must be assessed for integrity of location, design, setting, materials, workmanship, feeling, and association. A site may be considered eligible to the NRHP if it retains sufficient integrity of the elements listed above and it:

(a) is associated with events that have made a significant contribution to the broad patterns of our history;
(b) is associated with the lives of persons significant in our past;

(c) embodies the distinctive characteristics of a type, period, or method of construction, represents the work of a master, possesses high artistic values, or represents a significant or distinguishable entity whose components may lack individual distinction;
(d) yields, or may be likely to yield, information important to the prehistory or history of the area/region.

California Register of Historical Resources
The CRHR criteria are based on NRHP criteria. For a property to be eligible for inclusion on the CRHR, one or more of the following criteria must be met:

1. It is associated with the events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
2. It is associated with the lives of persons important to local, California, or national history;
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values; and/or
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

In addition to meeting one or more of the above criteria, the CRHR requires that sufficient time has passed since a resource's period of significance to "obtain a scholarly perspective on the events or individuals associated with the resources." (CCR 4852 [d][2]). Fifty years is normally considered sufficient time for a potential historical resource, and in order that the evaluation remain valid for a minimum of five years after the date of this report, all resources older than 45 years will be evaluated. The CRHR also requires that a resource possess integrity. This is defined as the ability for the resource to convey its significance through seven aspects: location, setting, design, materials, workmanship, feeling, and association.

Evaluation
Criterion A/1: The house at 2126 Madrona Avenue is not associated with events that have made a significant contribution to the broad patterns of our history. The property is generally associated with the agricultural and rural-residential development of the St. Helena area in the late nineteenth century. Research has not revealed that the property is significant within that or any other historic context. Therefore, the property is recommended not eligible to the NRHP or CRHR under Criterion A/1.

Criterion B/2: The property is not associated with the life of persons important to our history. The families that lived on the property participated in farming, carpentry, and other local pursuits. They were not significant contributors to St. Helena's development, and research has revealed no important professional accomplishments or lasting impact on local history or on agriculture. It was a property that provided shelter for ordinary people and their families. Therefore, the property lacks the strength of association required for eligibility under Criterion B/2. The property is recommended not eligible to the NRHP or CRHR under Criterion B/2.

Criterion C/3: 2126 Madrona Avenue is not significant for its architecture. The house has been substantially altered over the decades, with the enclosure of an original porch and replacement of original siding among the most substantial changes to its historic form. Its size and massing as well as the lack of decorative detail indicate that it was originally a simple vernacular building constructed as shelter and without architectural distinction. Its current appearance gives no indication that it ever possessed the character-defining features of landmark Victorian-era residences. However, research has not revealed historic photographs, plans, or elevations, so the details of its original form are obscure. For these reasons, the property lacks the significance and integrity required for historic listing. It is therefore recommended ineligible to the NRHP or CRHR under Criterion C/3.

Criterion D/4: In rare instances, buildings themselves can serve as sources of important information about historic construction materials or technologies and be significant under Criterion D/4. 2126 Madrona Avenue

is an example of a well-understood type of construction and does not appear to be a principal source of important information in this regard.

Evaluator Qualifications
I meet the Secretary of Interior's Professional Qualifications for both History and Architectural History. I hold a Master's degree in Public History and have worked in multiple facets of historic preservation and cultural resource evaluation since 2007. My experience includes municipal preservation planning and working as the lead staff member of a non-profit preservation organization. Since 2012, I have worked full-time as a historical consultant, completing dozens of evaluations for CEQA and Section 106 compliance. Additionally, I have completed local and national register nominations, historic context statements, and HAER recordation. The North Bay is the center of my practice, but I frequently work in the greater Sacramento area and other parts of the Bay Area, and have also completed projects in Southern California, Nevada, Oregon, New York, and Puerto Rico. In addition to my work with historic-period domestic, agricultural, and commercial properties for private clients, I have prepared reports on post offices, military bases, university campuses, hospitals, church properties, national parks, and a NASA site. I am listed as a Historian and Architectural Historian on the California Office of Historic Preservation's roster of qualified consultants for every county in California.

Please contact me by phone at 707/290-2918 or e-mail at kara.brunzell@yahoo.com with any questions or comments.

Sincerely,

Kara L Brunzell

Kara Brunzell, M.A.
Brunzell Historical

State of California – The Resources Agency **Primary #** _____
DEPARTMENT OF PARKS AND RECREATION **HRI #** _____
PRIMARY RECORD **Trinomial** _____
NRHP Status Code _____
Other Listings _____
Review Code _____ **Reviewer** _____ **Date** _____

 ***Resource Name or #** (Assigned by recorder) 2126 Madrona Avenue

P1. Other Identifier: 2126 Madrona Avenue
***P2. Location:** ☐ **Not for Publication** ☒ **Unrestricted** ***a. County** Sacramento
and (P2b and P2c or P2d. Attach a Location Map as necessary.)
***b. USGS 7.5' Quad_Date _T__; R _ _; ___ ¼ of Sec ___; _ _____ B.M.**
c. Address 2126 Madrona Avenue **City** St. Helena **Zip** 94574
d. UTM: (give more than one for large and/or linear resources) Zone __; _____mE/ _____mN
e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) 009-470-010-0000

***P3a. Description:** (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)
The property is located at the intersection of Madrona Avenue and Fir Hill Drive, which is about a quarter mile southeast of the densely-developed area of St. Helena. The semi-rural neighborhood is characterized by widely-spaced residential and winery development set within vineyards. The long, narrow parcel of nearly six acres is mostly planted to vineyards, with a house, garage, and ancillary dwelling clustered near Madrona Avenue. The one-story house has a rectangular plan and sits atop a raised basement. It features a medium-pitch hipped roof with medium eaves. There is a hip-roof dormer on the main (southeast) elevation which features a louvered vent. The dormer and house are clad in wide fiber cement lap siding with an applied wood grain pattern. The main entrance on the primary façade is sheltered by a projecting gabled entry porch with exposed rafter tails. Its roof is supported by square wood posts, and the balustrade is wood. The entrance is fitted with a partially glazed paneled wood door and wood screen door and accessed from the side via a tall set of wood steps with a simple open balustrade. There is a small door to the basement on the northwest elevation of the porch structure. Fenestration consists of double-hung wood-sash and steel casement windows. A secondary entrance on the southwest elevation is fitted with a sliding-glass door. It is accessed via a multi-level deck; a flat-roofed awning topped with corrugated metal shelters the entrance. There is a two-story addition at the rear of the house featuring a shed roof shed awning over its centered entrance, which is fitted with a partially glazed paneled wood door (continued page 3).

***P3b. Resource Attributes:** (List attributes and codes) HP3. Multiple family property

***P4. Resources Present:** ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)



P5b. Description of Photo: (View, date, accession #) Photograph 1: 2126 Madrona Avenue, southeast elevation, camera facing west, November 10, 2021.

***P6. Date Constructed/Age and Sources:**
☒ Historic ☐ Prehistoric ☐ Both
c1883, St. Helena Star

***P7. Owner and Address:**
Michael K. Hubbard
2126 Madrona Ave.
St. Helena, CA 94574

***P8. Recorded by:** (Name, affiliation, address)
Kara Brunzell
Brunzell Historical
1613 B St
Napa, CA 94559

***P9. Date Recorded:** November 10, 2021

***P10. Survey Type:** (Describe) Intensive

***P11. Report Citation:** (Cite survey report and other sources, or enter "none.") none

***Attachments:** NONE ☒ Location Map ☐ Sketch Map ☒ Continuation Sheet ☒ Building, Structure, and Object Record ☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record ☐ Artifact Record ☐ Photograph Record ☐ Other (list) _____

State of California – The Resources Agency **Primary #** _____
DEPARTMENT OF PARKS AND RECREATION **HRI #** _____
BUILDING, STRUCTURE, AND OBJECT RECORD

Page 2 **of** 10 ***NRHP Status Code** 6Z

***Resource Name or # (Assigned by recorder)** 2126 Madrona Avenue

B1. Historic Name: None
B2. Common Name: 2126 Madrona Avenue
B3. Original Use: residence B4. Present Use: residence
***B5. Architectural Style:**
***B6. Construction History:** (Construction date, alteration, and date of alterations) Original construction, c1883
Garage/barn constructed behind the house, c1910s
Original partial-width porch enclosed, front stairs reoriented, steel casement windows installed, rear addition constructed, c1950
Sliding glass door and deck added at side, original cladding replaced with fiber cement, unknown dates after 1980
Original barn demolished, second garage/barn constructed, 2008

***B7. Moved?** ☒ **No** ☐ **Yes** ☐ **Unknown** **Date:** _____ **Original Location:** _____
***B8. Related Features:** _____
B9. Architect: unknown. b. Builder: unknown
***B10. Significance: Theme** N/A **Area** N/A
Period of Significance N/A **Property Type** N/A **Applicable Criteria** N/A
(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

B11. Additional Resource Attributes: (List attributes and codes)
***B12. References:**
(See Footnotes)
B13. Remarks:

***B14. Evaluator:** Kara Brunzell

***Date of Evaluation:** November 10, 2021

(This space reserved for official comments.)

State of California – The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary # _____ HRI # _____ Trinomial _____

Page 3 of 10 ***Resource Name or # (Assigned by recorder)** 2126 Madrona Avenue
***Recorded by** Kara Brunzell ***Date:** November 10, 2021 ☒ Continuation ☐ Update

***P3a. Description: (continued):**



Photograph 2: 2126 Madrona Avenue, southeast and northeast elevations, camera facing southwest, November 10, 2021.



Photograph 3: 2126 Madrona Avenue, northeast and northwest elevations, camera facing southeast, November 10, 2021.

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI # _____
Trinomial _____

Page 4 of 10 ***Resource Name or # (Assigned by recorder)** 2126 Madrona Avenue
***Recorded by** Kara Brunzell ***Date:** November 10, 2021 ☒ Continuation ☐ Update



Photograph 4: 2126 Madrona Avenue, northwest elevation, camera facing southeast, November 10, 2021.



Photograph 5: 2126 Madrona Avenue, northwest and southwest elevations, camera facing northeast, November 10, 2021.

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI # _____
Trinomial _____

Page 5 of 10 ***Resource Name or # (Assigned by recorder)** 2126 Madrona Avenue
***Recorded by** Kara Brunzell ***Date:** November 10, 2021 ☒ Continuation ☐ Update



Photograph 6: 2126 Madrona Avenue, southwest elevation, camera facing north, November 10, 2021.

A gravel driveway on the north side of the house leads to a double garage behind the residence. It has a front-gabled corrugated metal roof with exposed rafter tails. Cladding is primarily wide vertical boards, but there are areas of plywood and horizontal boards. Two vehicle openings on the north elevation are fitted with metal rollup doors. There is a large covered patio with shed roof attached to its east elevation. A human-scale entrance at the southeast elevation is fitted with a flat wood door.



Photograph 7: 2126 Madrona Avenue garage, northeast elevation, camera facing south, November 10, 2021.

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI # _____
Trinomial _____

Page 6 of 10 ***Resource Name or # (Assigned by recorder)** 2126 Madrona Avenue
***Recorded by** Kara Brunzell ***Date:** November 10, 2021 ☒ Continuation ☐ Update



Photograph 8: 2126 Madrona Avenue garage, southwest and southeast elevations, camera facing northwest, November 10, 2021.

A second garage is a few feet to the west has been converted to a dwelling. It has a front-gabled roof and it is clad in wide vertical board siding. Its sliding vehicle door is top-mounted and it has a human-scale entrance with a partially glazed paneled wood door. Windows are horizontal sliding-sash.



Photograph 9: 2126 Madrona Avenue second garage, southwest and southeast elevations, camera facing northwest, November 10, 2021.

State of California – The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary # _____ HRI # _____ Trinomial _____

Page 7 of 10 ***Resource Name or # (Assigned by recorder)** 2126 Madrona Avenue
***Recorded by** Kara Brunzell ***Date:** November 10, 2021 ☒ Continuation ☐ Update



Photograph 10: 2126 Madrona Avenue garages, northwest and southwest elevations, camera facing northeast, November 10, 2021.

B10. Significance (continued):

St. Helena

The first European to settle in the St. Helena area was Dr. Edward Bale, an English physician who received the Carne Humana rancho as a grant from the Mexican government in 1839. The huge land grant encompassed northern Napa Valley, including what would become the towns of Calistoga and St. Helena. California statehood in 1850 drew land speculators to Napa Valley, and in the early 1850s Henry Still purchased 100 acres on the north side of Sulphur Creek from Bale. In partnership with a Mr. Walter, Still erected the first building in St. Helena in 1853, and by the middle of the decade Still and Walter were donating Main Street lots to anyone who would agree to open a business.[1]

Early agricultural activities in Napa Valley focused on cattle-grazing and grain production, but beginning in the late 1850s farmers began experimenting with wine grapes. St. Helena's position as a center of agriculture was consolidated when the railroad arrived in 1868. By the 1870s, much of the land surrounding the growing village had been converted to wine production. St. Helena was incorporated as a city in 1876, and reincorporated in 1889.[2]

The population of Napa Valley doubled between 1870 and 1880, and by 1880, St. Helena was home to 1,500 residents. The St. Helena district (the area between Yountville and St. Helena) by this time had 7,000 acres of grapevines. As the nineteenth century progressed, St. Helena became the upper valley's most important shipping and commercial center. It also became more diverse as Chinese and then German and Italian immigrants arrived to work in the vineyards.[3]

Napa Valley was America's premier wine region by 1890, but a downturn in prices and an infestation of the phylloxera root louse nearly destroyed the wine industry at the turn of the century. Many growers pulled out wine grapes in the early decades of the twentieth century, replacing them with prunes and walnuts. In 1919, the wine business suffered a further blow when the Volstead Act outlawed the

---

[1] Lyman L. Palmer, *History of Napa and Lake Counties, California*, San Francisco: Slocum, Bowen, & Company, 1881, p. 55. 333; C. A. Menefee, *Historical and Descriptive Sketchbook of Napa, Sonoma, Lake and Mendocino,* Napa City: Reporter Publishing House, 1873, p. 186.

[2] City of St. Helena, *Historic Resources Inventory,* Prepared by Page & Turnbull, Inc., August, 2006, p. 7; Palmer, p.335.

[3] William F. Heinz, *Wine Country, A History of Napa Valley,* Capra Press, Santa Barbara: 1990, p. 162; City of St. Helena, p. 8.

State of California – The Resources Agency	Primary # _____
DEPARTMENT OF PARKS AND RECREATION	HRI # _____
CONTINUATION SHEET	Trinomial _____

production of alcohol. Only a few local wineries were able to survive Prohibition by producing sacramental wine, and the industry did not begin to recover until after World War II.[4]

Ironically, the modern wine tourism industry was born during Prohibition, when Bay Area residents began driving up to Napa to buy illegal wine. Modern St. Helena is a center of both the Napa Valley wine business and the local wine tourism industry.[5]

2126 Madrona Avenue

The first known owner of the property was Ulrich Meyer. In 1880, he sold the property to Conrad Meyer. In 1881, Conrad Meyer transferred a twenty-foot-wide piece of the property to W. (William) E. York. Conrad was a mason and carpenter and apparently built a four-room cottage on the Madrona property in 1883, which may be the core of the house currently on the property (it was reportedly 24 feet square, and the current house is about 24 feet wide but much longer). In 1884, Meyer sold the property to M. C. Cook, who wanted to develop the property as his permanent home. The Cook family was living on the ranch when their eldest son was born in 1885, and in all likelihood added to and altered the house over the half century they occupied the property.[6]

Morgan Columbus Cook (1852-1914) was born in Missouri. He and his wife, Lelia, were pioneers in the Napa Valley. He grew alfalfa and had an orchard on the property on Madrona Avenue. In 1909, he harvested forty-seven tons of prunes from his property. He was a local farmer for many years. He was a husband and father to two children, Charles Harvey Cook (1885-1957) and Lillian Mae Cook. M. C. Cook died at age sixty-two due to a heart attack. Lelia stayed on in the house with her two adult children and continued to operate the farm. In 1923, Harvey Cook married Mary O. Wiley (1894-1972). They had a son, Harvey Ernest Cook, in 1928. The entire five-person family, including Lillian (who never married), continued to live together in the house on the property. Harvey Cook inherited the property after his mother died in 1943. He was a rancher and continued farming prunes on the property. Harvey Cook Jr. served with the United States Army in Japan before attending the University of California at Davis for agricultural college. The Cook family apparently continued living at the property until at least 1948. In 1957, Harvey Cook Sr. died from a heart attack.[7]

Starting in the 1950s, Andrew Isador Rossi (1922-2006) and Mary Jane Rossi (1929-2019) resided at the address. By 1952, when their son Edward was born, the young family was living on Madrona Avenue. Andrew Rossi emigrated from Italy with his family. His father, Louis Rossi, inherited their family ranch in Conn Valley in 1922 when his brother died. Andrew Rossi graduated from St. Helena High School in 1940 and joined the navy on Mare Island. He married Mary Jane Giacomini in 1951 and the couple had five children: Thomas (who died in infancy), Edward, Catherine, Dennis, and Susan. Mary Jane worked at Beringer and Andrew attended the vineyard on the property, which produces award-winning wines. Andrew Rossi died in 2006 and Mary Jane stayed on in the house on her own. After Mary Jane Rossi died in 2019, current owner Michael Kenneth Hubbard purchased the property.[8]

Evaluation:

The National Register of Historic Places (NRHP) and California Register of Historical Resources (CRHR) require that a significance criterion from A-D or 1-4 (respectively) be met for a resource to be eligible.

Criterion A/1: The house at 2126 Madrona Avenue is not associated with events that have made a significant contribution to the broad patterns of our history. The property is generally associated with the agricultural and rural-residential development of the St. Helena area in the late nineteenth century. Research has not revealed that the property is significant within that or any other historic context. Therefore, the property is recommended not eligible to the NRHP or CRHR under Criterion A/1.

---

[4] Marian Hansen, *Images of America, St. Helena*, Charleston, SC: Arcadia Publishing, 2010, p. 96.

[5] Lin Weber, *Roots of the Present, Napa Valley 1900 to 1950*, St. Helena: Wine Ventures Publishing, 2001, p.148 – 175.

[6] *The St. Helena Star,* "Real Estate," Dec. 24, 1880, 3; *The St. Helena Star,* "Local," July 17, 1883, 1; *The St. Helena Star,* "Real Estate Sales," May 26, 1884, 2.

[7] *The St. Helena Star,* "Twenty Years Ago This Week," May 11, 1934, 9; *The St. Helena Star,* "Good Yield of Prunes," Oct. 29, 1909, 8; *The St. Helena Star,* "Alfalfa Pasturage," Sep. 25, 1896, 3; *Napa Journal,* "Sudden Death of M. C. Cook," May 15, 1914, 1; *The St. Helena Star,* "Personal and Social: Silver Wedding," Nov. 5, 1948, 4; *The St. Helena Star,* "With Our Soldier Boys," Feb. 14, 1919, 8; *The St. Helena Star,* "Quiet Home Wedding," Nov. 2, 1923, 1; US Census records, St. Helena, California, 1930, 1940; t*he St. Helena Star,* "Shower For Baby," Apr. 20, 1928, 6; *The Napa Valley Register,* "Mary W. Cook," July 3, 1972, 9; *The Napa Valley Register,* "Harvey Cook Dies of Heart Attack in Lot," Oct. 14, 1957, 7.

[8] *The Napa Valley Register,* "St. Helena News Brief," Dec. 3, 1952, 6; *The Napa Valley Register,* "Conn," May 23, 1998, 53; *The Napa Valley Register,* "Three Napa County Boys Will Attend Boys State," Apr. 10, 1969, 14; *The St. Helena Star,* "Academy Nominees," Jan. 29, 1970, 3.

State of California – The Resources Agency	Primary # _____
DEPARTMENT OF PARKS AND RECREATION	HRI # _____
CONTINUATION SHEET	Trinomial _____

Page 9 of 10 ***Resource Name or # (Assigned by recorder)** 2126 Madrona Avenue
***Recorded by** Kara Brunzell ***Date:** November 10, 2021 ☒ Continuation ☐ Update

Criterion B/2: The property is not associated with the life of persons important to our history. The families that lived on the property participated in farming, carpentry, and other local pursuits. They were not significant contributors to St. Helena's development, and research has revealed no important professional accomplishments or lasting impact on local history or on agriculture. It was a property that provided shelter for ordinary people and their families. Therefore, the property lacks the strength of association required for eligibility under Criterion B/2. The property is recommended not eligible to the NRHP or CRHR under Criterion B/2.

Criterion C/3: 2126 Madrona Avenue is not significant for its architecture. The house has been substantially altered over the decades, with the enclosure of an original porch and replacement of original siding among the most substantial changes to its historic form. Its size and massing as well as the lack of decorative detail indicate that it was originally a simple vernacular building constructed as shelter and without architectural distinction. Its current appearance gives no indication that it ever possessed the character-defining features of landmark Victorian-era residences. However, research has not revealed historic photographs, plans, or elevations, so the details of its original form are obscure. For these reasons, the property lacks the significance and integrity required for historic listing. It is therefore recommended ineligible to the NRHP or CRHR under Criterion C/3.

Criterion D/4: In rare instances, buildings themselves can serve as sources of important information about historic construction materials or technologies and be significant under Criterion D/4. 2126 Madrona Avenue is an example of a well-understood type of construction and does not appear to be a principal source of important information in this regard.

The property is recommended not eligible for listing on the NRHP or CRHR and does not qualify as a historical resource under CEQA. Nor is it recommended eligible for listing on the City of St. Helena Historic Resource Inventory.



Figure 1: Map of the Central Portions of Napa Valley and the Town of St. Helena Compiled by M.G. King and T.W. Morgan from the Official Surveys and Records of Napa County, 1881.

State of California – The Resources Agency	Primary # _____
DEPARTMENT OF PARKS AND RECREATION	HRI # _____
CONTINUATION SHEET	Trinomial _____

Page 10 of 10 ***Resource Name or # (Assigned by recorder)** 2126 Madrona Avenue
***Recorded by** Kara Brunzell ***Date:** November 10, 2021 ☒ Continuation ☐ Update



Figure 2: O.H. Buckman Map of Napa County, 1895.

BRUNZELL
HISTORICAL

December 1, 2022

Sasha Janev
Kroeger-Janev Architects
1432 Main Street
St. Helena, California, 94574

Subject: Public comments on November 2021 Memorandum reviewing the Historic Compatibility of the Proposed Project for 2126 Madrona Avenue, St. Helena, Napa County, California.

Dear Sasha,

Summary of Findings

Brunzell Historical evaluated 2126 Madrona Avenue for architectural and historical significance according to local, state, and national eligibility requirements in 2021. Newspaper stories published when the house was constructed in 1883 indicate that it was 24 feet square; the current house is rectangular but is about 24 feet wide so the original building may be at its core. However, its size, materials, and features such as entry stairs that lead toward the side of the building (rather than toward the street) indicate multiple substantial alterations to the property outside the historic era. It lacks the architectural significance required for historic listing. Furthermore, because it is so heavily altered, the house does not retain integrity as a vernacular 1880s farmhouse. Nor has research revealed historical significance or association with important historic persons. The Giacomini Rossi family occupied the property and farmed it for many decades, but their agricultural accomplishments have not left a substantial mark on the historic record. There is no evidence that they were leaders of the local agricultural community, that they developed innovative farming techniques, or that they had any lasting impact on the wine business. For these reasons, the property was not recommended eligible to the CRHR or the National Register of Historic Places. Neither the house nor its outbuildings meet any of the required criteria for significance as described below and in the attached DPR 523 forms. Nor was the property recommended eligible as a City of St. Helena historical resource.

California Register of Historical Resources

For a property to be eligible for inclusion on the California Register of Historical Resources (CRHR), one or more of the following criteria must be met:

1. It is associated with the events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
2. It is associated with the lives of persons important to local, California, or national history;
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values; and/or
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

In addition to meeting one or more of the above criteria, the CRHR requires that sufficient time has passed since a resource's period of significance to "obtain a scholarly perspective on the events or individuals associated with the resources." (CCR 4852 [d][2]). Fifty years is normally considered sufficient time for a potential historical resource, and in order that an evaluation remain valid for a minimum of five years after the date of this report, all resources older than 45 years are typically evaluated. The CRHR also requires that a

resource possess integrity. This is defined as the ability for a resource to convey its significance through seven aspects: location, setting, design, materials, workmanship, feeling, and association.

Response to comments on Historical Resource Evaluation

In a document detailing their objections to the proposed project, neighbors of 2126 Madrona Avenue state that our Historical Resource Evaluation should be disregarded because of errors. Assertions that our report has many errors are not substantiated, i.e. no specific errors are listed. The criticisms of our report are vague and for the most part misread our document, attributing statements to it that are not found in the text of our report. The comments are not founded on a basic understanding of historic preservation practice, knowledge of state and local preservation regulations, or familiarity with professional standards for historic evaluations.

The substance of the commenter complaints are as follows:

1. The commenters assert that our report relies on the fact that the property was not previously listed on the St. Helena Historic Resource Inventory.

   Nowhere in our report does it state that a property must already be listed on a historic register to qualify as a historical resource; in fact, our report is explicitly labeled a historical resource evaluation and specifically assesses the property under the relevant CRHR eligibility criteria listed above. It introduces that 2126 Madrona Avenue is not on the local Historic Resource Inventory as a reason for preparation of the evaluation report, but the above assertion is false.

2. The commenters assert that our report states that historic eligibility is not associated with the broad patterns of history and that the report overlooks the fact that St. Helena inherits its historical value from the small farming tradition.

   This comment is also based on a misreading of our report, which specifically evaluates the property's potential for historic eligibility based on associations with local history. What our report says is that the property is not *significantly* associated with the historic context of local agricultural development or with any other important local context. In terms of the commenters' assertion that the farmhouse is "the St. Helena style," they are correct that it is a representative of a typology of historic-era building commonly found in Napa County. However, as explained in greater detail in our report and supported by photographs from our field survey, the house was never architecturally significant. Constructed in 1883, its size, materials, and exterior details indicate that it has been substantially altered over the years to the point that it is not a very good example of a simple nineteenth-century farmhouse. The commenters misunderstand the central purpose of historic preservation regulations: to identify historically and/or architecturally significant buildings constructed during the historic era so they can be set aside from ordinary old buildings and treated with special care. Historic preservation practice and law require that historic buildings be both significant under the criteria above *and* retain sufficient historic integrity to convey that significance. This house lacks both significance and integrity. Historic preservation is based on a fundamental assumption: we restrict the rights of a property owner via requirement to preserve a privately owned building only when such a building meets a high standard.

3. The commenters assert that the vineyard itself is historically significant because Mary Jane Giacomini Rossi lived on the property for most of her life, because the family dry farmed the vineyard, and because local vintner Beth Milliken Novak has referred to the vineyard as "historical."

   Although the commenters accurately surmise that our office did not speak with the Rossi family, there is no professional requirement to perform oral histories when evaluating properties for historical significance. Our report was prepared in accordance with rigorous professional methodology and with reference to California OHP's "Instructions for Recording Historical

Resources," which sets the standard statewide for compliance with the CEQA requirement that projects take historical resources into consideration. We consulted published histories of St. Helena and Napa County as well as dozens of primary source documents including historic maps, census records, and newspaper articles published between 1880 and 2019. Although some references to the quality of the wine produced by the vineyard were discovered, production of award-winning wines is not unusual in an area known for the outstanding quality of its wines. Research did not reveal any extraordinary agricultural accomplishments or groundbreaking wine-growing techniques attributed to the Andrew Rossi or other members of the family. The bottom line is that we could have studied this property for months and discovered many additional facts about Rossi family history, but the outcome would be the same because the house and other buildings lacked both historic significance and historic integrity. Specific evaluation of the vineyard as a historic landscape was outside the scope of the 2021 historical evaluation, but if such an effort were undertaken, it would require rigorous application of the standards discussed above, not just an assertion that the vineyard is historic because it has been dry farmed and because a single family occupied it for eight decades. The comments provided are not sufficient to find the vineyard eligible for historic listing as a historic landscape. And if the vineyard did qualify as a historic landscape, that would not trigger preservation in perpetuity of the specific vines present in 2022 as the commenters appear to assume.

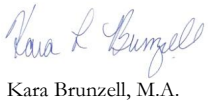
I stand by the methodology of the report as well as its conclusions; overall, the criticisms of the report are not relevant to either City of St. Helena or CEQA requirements pursuant to historical resources. The commenters introduce no new facts to suggest that a second evaluation of the property would find it eligible for historic listing.

Evaluator Qualifications

I meet the Secretary of Interior's Professional Qualifications for both History and Architectural History. I hold a Master's degree in Public History and have worked in multiple facets of historic preservation and cultural resource evaluation since 2007. My experience includes municipal preservation planning and working as the lead staff member of a non-profit preservation organization. Since 2012, I have worked full-time as a historical consultant, completing dozens of evaluations for CEQA and Section 106 compliance. Additionally, I have completed local and national register nominations, historic context statements, and HAER recordation. The North Bay is the center of my practice, but I frequently work in the greater Sacramento area and other parts of the Bay Area, and have also completed projects in Southern California, Nevada, Oregon, New York, and Puerto Rico. In addition to my work with historic-period domestic, agricultural, and commercial properties for private clients, I have prepared reports on post offices, military bases, university campuses, hospitals, church properties, national parks, and a NASA site. I am listed as a Historian and Architectural Historian on the California Office of Historic Preservation's roster of qualified consultants for every county in California.

Please contact me by phone at 707/290-2918 or e-mail at kara.brunzell@yahoo.com with any questions or comments.

Sincerely,



Kara Brunzell, M.A.
Brunzell Historical

REVISED
2:52 pm, Jan 10, 2023

Water Use Analysis

2126 Madrona Avenue, St. Helena, CA 94574
APN: 009-470-010

October 29, 2021
Revised: May 19, 2022
Revised: October 10, 2022
Revised: January 6, 2023



prepared by:
Madrone Engineering
1485 Main Street, Suite 302
St. Helena, CA 94574

TABLE OF CONTENTS

I. INTRODUCTION & GENERAL OVERVIEW 3
A. INTRODUCTION 3
B. PROJECT DESCRIPTION 3
II. EXISTING WATER USE ANALYSIS 3
III. PROPOSED WATER USE ANALYSIS 4
IV. ALTERNATIVE WATER USE (PHASE II WATER RESTRICTIONS) 5
V. CONCLUSION 5

I. Introduction & General Overview

A. Introduction

Madrone Engineering has prepared this report to assist the Berchtold Residence project with compliance with the City of St. Helena water use requirement. As of March 22, 2011, a water demand analysis must be completed to demonstrate that all proposed projects are water neutral (City of St. Helena Code 13.12).

B. Project Description

The property owner at 2126 Madrona Avenue is proposing to construct a new residence, ADU, pool, driveway, and related infrastructure and utilities. There is an existing 5-bedroom residence currently on the parcel.

This report will analyze and estimate existing water usage (pre-project) and future water usage (post-project) to determine the net increase (or decrease) in water usage. If water use is projected to increase, mitigation measures will be detailed that will bring the project into compliance with the City's "no net increase" policy for water use.

II. Existing Water Use Analysis

The existing residence at 2126 Madrona Ave., St. Helena is a 5-bedroom residence built in 1905. According to the "St. Helena Water Neutral Policy for Development", a reasonable estimate of baseline existing demand is 150 gallons of water per bedroom per day. Therefore, existing residential and landscaping water use on the property can be estimated at **750 gallons per day**.

III. Proposed Water Use Analysis

This project proposes the construction of a 4-bedroom residence, 1-bedroom ADU, and a pool at 2126 Madrona Avenue, St. Helena, CA. The bedroom count was developed by following the "St. Helena Water Neutral Policy for Development", and by having clarifying conversations with City Public Works and Planning staff. In the basement, no rooms would be considered to be potential bedrooms, as they either do not have a means of secondary egress, or they are open to a hall (no door) and/or must be passed through to reach another room (no privacy). On the main floor, all potential bedrooms are counted as such. On the upper floor, the two study rooms and the tv room would not be considered potential bedrooms, as they are open to a hall (no door).

The new residence will have 10 toilets, 12 bathroom sinks, 6 showerheads, and 3 kitchen/bar sinks, as well as 3 clothes washers, 1 dish washer, 2 baths, and 1 laundry sink. Please see Table 1, below, for a summary of the proposed water use generated by the new main residence.

TABLE 1 - PROPOSED MAIN RESIDENCE DAILY WATER USE

	Qty	Average Flow	Duration	Daily Use	Occ.	Total Daily Water Use	Total Annual Water Use	Total Annual Water Use
Low Flow Toilet	10	1.28 gal		4	8	41 gal	14950 gal	0.05 af
Low Flow Lavatory Faucet	12	1.0 gpm	0.50 min	4	8	16 gal	5840 gal	0.02 af
Low Flow Kitchen/Bar Faucet	3	2.0 gpm	8 min	1	8	128 gal	46720 gal	0.14 af
Low Flow Shower Head	6	1.75 gpm	8 min	1	8	112 gal	40880 gal	0.13 af
Bath	2	35 gal		0.14	8	40 gal	14600 gal	0.04 af
Low Flow Laundry Faucet	1	1.0 gpm	4 min	1	8	32 gal	11680 gal	0.04 af
Clothes Washer	3	16 gal per load		0.50	8	64 gal	23360 gal	0.07 af
Dish Washer	1	4 gal per cycle		0.25	8	8 gal	2920 gal	0.01 af
Total						**441 gal**	**160,950 gal**	**0.49 af**

The 1-bedroom accessory dwelling unit will have 1 toilet, 2 bathroom sinks, 1 showerhead, and 1 kitchen sink, as well as 1 clothes washer and 1 dish washer. Please see Table 2, below, for a summary of the proposed water use generated by the new ADU.

TABLE 2 - PROPOSED ADU DAILY WATER USE

	Qty	Average Flow	Duration	Daily Use	Occ.	Total Daily Water Use	Total Annual Water Use	Total Annual Water Use
Low Flow Toilet	1	1.28 gal		4	2	10 gal	3738 gal	0.01 af
Low Flow Lavatory Faucet	2	1.0 gpm	0.50 min	4	2	4 gal	1460 gal	0.00 af
Low Flow Kitchen Faucet	1	2.0 gpm	8 min	1	2	32 gal	11680 gal	0.04 af
Low Flow Shower Head	1	1.75 gpm	8 min	1	2	28 gal	10220 gal	0.03 af
Bath	0	35 gal		0.14	2	0 gal	0 gal	0.00 af
Low Flow Laundry Faucet	0	1.0 gpm	4 min	1	2	0 gal	0 gal	0.00 af
Clothes Washer	1	16 gal per load		0.50	2	16 gal	5840 gal	0.02 af
Dish Washer	1	4 gal per cycle		0.50	2	4 gal	1460 gal	0.00 af
Total						**94 gal**	**34,398 gal**	**0.11 af**

Proposed landscaping is expected to use 70,790 gallons per year according to the landscape architect (see the MWELO calculations). Approximate water use for the proposed landscaping (averaged out for the entire year) is **194 gallons per day.**

The proposed pool can be filled with trucked water rather than City water. Based on the above calculations, the **proposed water usage** for the parcel can be estimated at **729 gallons per day.**

IV. Alternative Water Use (Phase II Water Restrictions)

In the event that the City were to enter Phase II Water Regulations, the total water use on the property would be limited as follows: maximum of 65 gallons per person per day, and 2,500 gallons per month for landscaping (from April to October). The property is expected to have two full-time residents, and three part-time residents (180 days per year). Under Phase II Water Regulations, the total annual water use would be approximately 132,550 gallons, or **363 gallons per day**, as shown in Table 3, below.

TABLE 3 - PHASE II WATER RESTRICTIONS

Use	Number	Gallons Per Day	Total Gallons Per Day	Total Gallons Per Year
Full-time Residents	2	65	130	47,450
Part-Time Residents	3	65	195	35,100
Landscaping (Apr - Oct)	-	2500		15,000
Landscaping (Oct - Apr)	-	-	194	35,000
Total Water Usage				**132,550**

V. Conclusion

Table 4, below, provides a summary of the existing water use, proposed water use, and net effect of the project on total usage of City water.

TABLE 4 - ESTIMATED TOTAL WATER USE

Use	Gallons		Acre-Feet
	Daily	Annual	Annual
Existing Water Use	750	273,750	0.840
Proposed Water Use	729	266,085	0.817
Net Water Usage	**-21**	**-7,665**	**-0.024**

This report demonstrates that the proposed project is in compliance with City of St. Helena water use requirements; specifically, the requirement that all proposed projects are water-neutral with respect to City water use.

REVISED
2:52 pm, Jan 10, 2023

madrone
engineering

STORMWATER CONTROL PLAN

SINGLE-FAMILY HOME PROJECT

BERCHTOLD RESIDENCE
2126 MADRONA AVE, ST. HELENA, CA 94574
APN: 009-470-010

REVISION 3, JANUARY 5, 2023



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

21.043
Berchtold Residence

madrone engineering

Table Of Contents

I. Introduction & General Requirements 3
A. Report Overview 3
B. Project Description 3
II. Project Data Form 4
III. Runoff Reduction Option Checklists 5
A. Option 1: Disperse Runoff to Vegetated Areas 5
B. Option 2: Pervious Pavement 5
C. Option 3: Cisterns or Rain Barrels 6
D. Option 4: Bioretention Facility or Planter Box 6
IV. Conclusion 7

I. Introduction & General Requirements

A. Report Overview

Madrone Engineering has prepared this report to assist the Berchtold Residence project in complying with current storm water regulations, specifically the Phase II NPDES Permit for Small Municipal Storm Sewer Systems (MS4s). As of June 30, 2015, development projects that create or replace 2,500 square feet or more of impervious surface (roofs or pavement) must incorporate specific measures to reduce runoff.

As the total new or reconstructed impervious area for this project is part of a single-family residence project, the project is required to submit a complete Storm Water Control Plan for Small/Single-Family Home Projects. This report follows the Bay Area Stormwater Management Agencies Association guidelines found in Appendix C (Small/Single-Family Home Projects) of the Post-Construction Manual.

B. Project Description

This project is requesting Design Review Approval for the construction of a new residence and an ADU at 2126 Madrona Ave., St. Helena, CA (APN 009-470-010). The project will include construction of a new residence, pool, ADU, and related utility infrastructure.

The project location is near the southwest end of Madrona Avenue at the intersection of Fir Hill Drive. The parcel is on the valley floor with slopes ranging from 0-5%. Stormwater is currently transported through the parcel by sheet flow, and there is an existing City storm drain system in Madrone Avenue.

madrone engineering

II. Project Data Form

Project Name/Number	Berchtold Residence
Application Submittal Date	January 9, 2023
Project Location (street address + APN)	2126 Madrona Avenue St. Helena, CA 94574 APN: 009-470-010
Name of Owner or Developer	Michael Hubbard TR
Project Type and Description	Single-Family Residential Project New residence, ADU, AC & chip seal driveway, pool, and concrete patios.
Total Project Site Area (acres)	5.78 acres
Total New or Replaced Impervious Surface Area (square feet)	~24,810 square feet
Total Pre-Project Impervious Surface Area	~9,840 square feet
Total Post-Project Impervious Surface Area	~24,810 square feet
Runoff Reduction Measures Selected (check one or more)	☒ 1. Disperse runoff to vegetated area ☐ 2. Pervious Pavement ☐ 3. Cisterns or Rain Barrels ☒ 4. Bioretention Facility or Planter Box

madrone engineering

III. Runoff Reduction Option Checklists

The guidelines in Appendix C of the BASMAA Post-Construction Manual provide four options for reducing storm water runoff:

1. Disperse Runoff to Vegetated Areas
2. Pervious Pavement
3. Cisterns or Rain Barrels
4. Bioretention Facility or Planter Box

Storm water runoff from this project will be routed to vegetated areas (Option 1) and/or directed to bioretention facilities (Option 4). See below for specific details showing the implementation of the selected options.

A. Option 1: Disperse Runoff to Vegetated Areas

On the site plan, show:

- ☒ Each impervious area from which runoff will be directed, and its square footage.
- ☒ The vegetated areas that will receive runoff, and the approximate square footage of each.
- ☒ If necessary, explain in notes on the plan how runoff will be routed from impervious surfaces to vegetated areas.

Confirm the following standard specifications are met:

- ☒ Tributary impervious square footage in no instance exceeds twice the square footage of the receiving pervious area.
- ☒ Roof areas collect runoff and route it to the receiving pervious area via gutters and downspouts.
- ☒ Paved areas are sloped so drainage is routed to the receiving pervious area.
- ☒ Runoff is dispersed across the vegetated area (for example, with a splash block) to avoid erosion and promote infiltration.
- ☒ Vegetated area has amended soils, vegetation, and irrigation as required to maintain soil stability and permeability.
- ☒ Any drain inlets within the vegetated area are at least 3 inches above surrounding grade.

B. Option 2: Pervious Pavement

On the site plan, show:

- ☐ Location, extent and types of pervious pavements.

Confirm the following standard specifications are met:

- ☐ No erodible areas drain on to permeable pavement.
- ☐ Subgrade compaction is minimal.
- ☐ Reservoir base course is of open-graded crushed stone. Base depth is adequate to retain rainfall (3 inches is adequate) and support design loads (more depth may be required).

☐ No subdrain is included or, if a subdrain is included, outlet elevation is a minimum of 3 inches above bottom of base course.
☐ Subgrade is uniform and slopes are not so steep that subgrade is prone to erosion.
☐ Rigid edge is provided to retain granular pavements and unit pavers.
☐ Solid unit pavers, if used, are set in sand or gravel with minimum 3/8 inch gaps between the pavers. Joints are filled with an open-graded aggregate free of fines.
☐ Permeable concrete or porous asphalt, if used, are installed by industry-certified professionals according to the vendor's recommendations.
☐ Selection and location of pavements incorporates Americans with Disabilities Act requirements (if applicable), site aesthetics, and uses.

C. Option 3: Cisterns or Rain Barrels

On the site plan, show:
☐ Impervious areas tributary to each cistern or rain barrel.
☐ Location of each cistern or rain barrel.

Confirm the following standard specifications are met:
☐ Rain barrels are sited at grade on a sound and level surface at or near gutter downspouts.
☐ Gutters tributary to rain barrels are screened with a leaf guard or maximum ½-inch to ¼-inch-minimum corrosion-resistant metallic hardware fabric.
☐ Water collected will be used for irrigation only.
☐ Openings are screened with a corrosion-resistant metallic fine mesh (1/16 inch or smaller) to prevent mosquito harborage.
☐ Large openings are secured to prevent entry by children.
☐ Rain barrels and gutters are to be cleaned annually.
☐ The local mosquito and vector control district is informed of the installation. The district will be provided additional information and/or rights of entry if they request.

D. Option 4: Bioretention Facility or Planter Box

On the site plan, show:
☒ Impervious areas tributary to the planter box.
☒ Location and footprint of planter box.

Confirm the following standard specifications are met:
☒ Reservoir depth is 4"-6" minimum.
☒ 18" depth soil mix with minimum long-term infiltration rate of 5"/hour. See http://www.cccleanwater.org/c3-guidebook.html for a list of soil mix suppliers.
☒ Surface area of soil mix is a minimum 0.04 times the tributary impervious area.
☒ "Class 2 perm" drainage layer 12" deep.
☒ No filter fabric.

- ☒ Perforated pipe (PVC SDR 35 or approved equivalent) underdrain with outlet located flush or nearly flush with planter bottom.
- ☒ Connection with sufficient head to storm drain or discharge point.
- ☒ Underdrain has a clean-out port consisting of a vertical, rigid, non-perforated PVC pipe, connected to the underdrain via a sweep bend, with a minimum diameter of 4" and a watertight cap.
- ☒ Overflow outlet connected to a downstream storm drain or approved discharge point.
- ☒ Planter is set level.
- ☒ Emergency spillage will be safely conveyed overland.
- ☒ Plantings are suitable to the climate, exposure, and a well-drained soil.
- ☒ Irrigation system with connection to water supply, on a separate zone.

IV. Conclusion

This report demonstrates that the project design is in compliance with current stormwater regulations and follows the recommendations of Appendix C of the BASMAA Post-Construction Manual for a Small/Single-Family Home Project.

21.043
Berchtold Residence

madrone
engineering

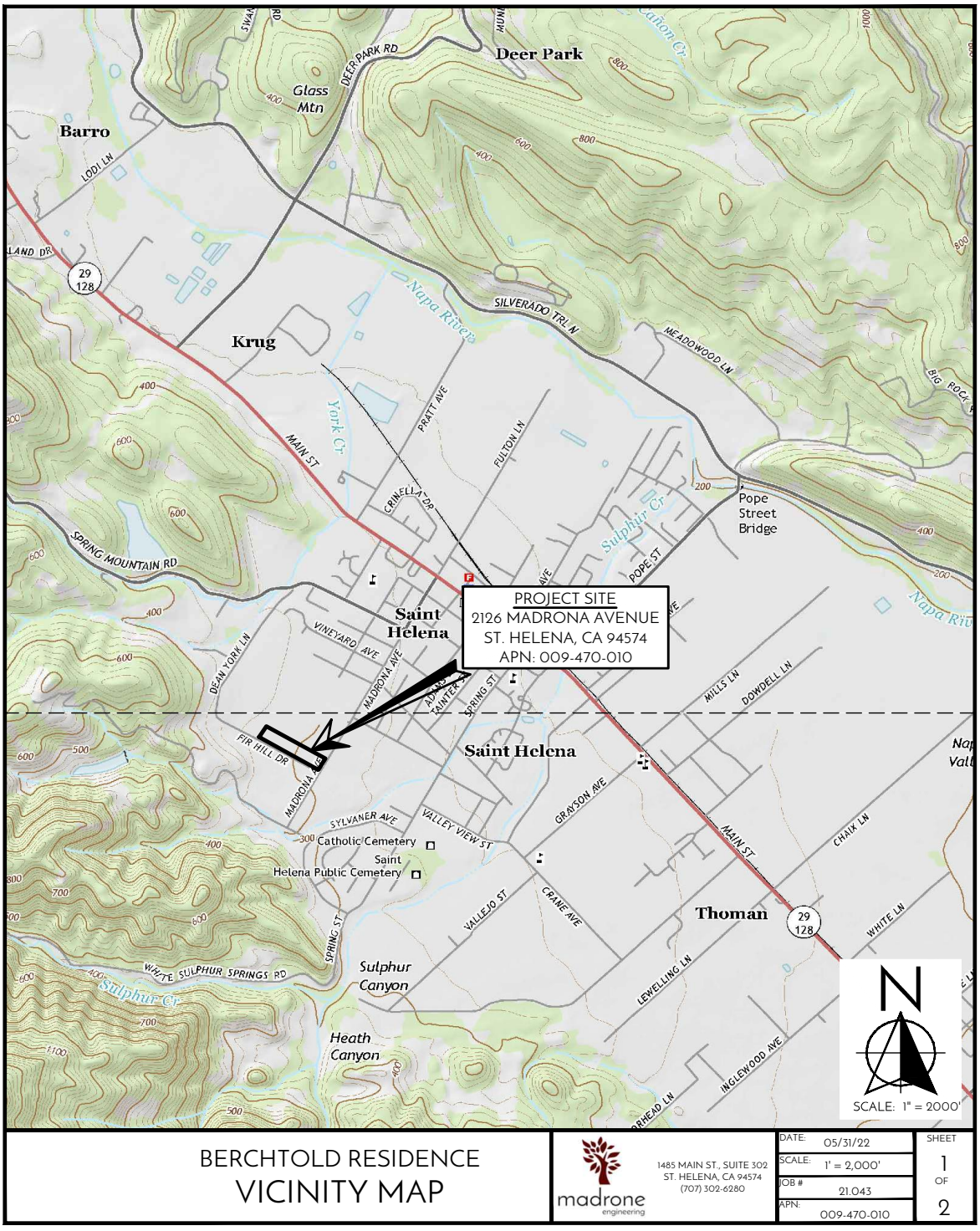
APPENDICES

APPENDIX A: VICINITY MAP
APPENDIX B: STORMWATER SKETCH

21.043
Berchtold Residence

madrone
engineering

APPENDIX A
VICINITY MAP



BERCHTOLD RESIDENCE
VICINITY MAP

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

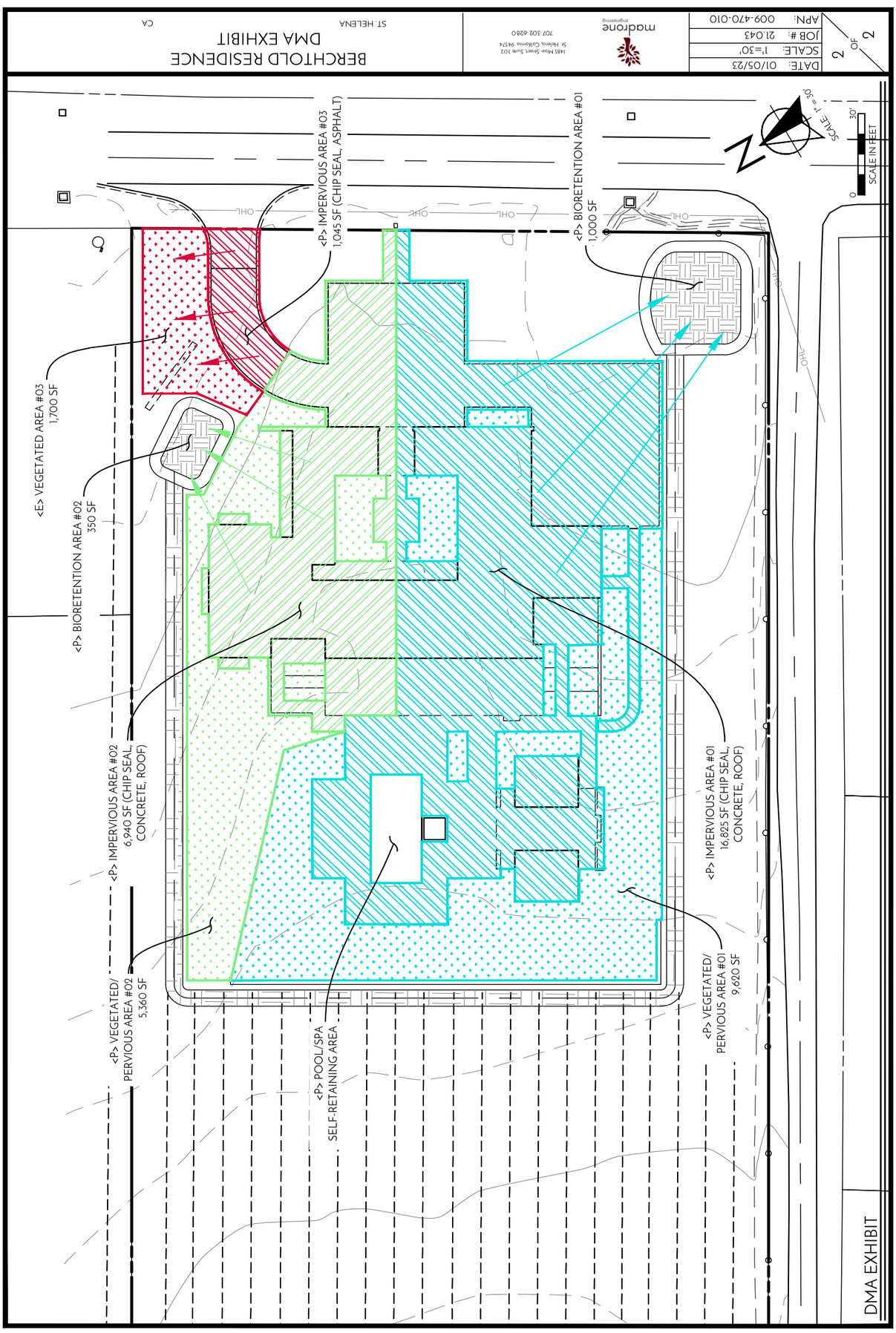
DATE:	05/31/22
SCALE:	1" = 2,000'
JOB #	21.043
APN:	009-470-010

SHEET 1 OF 2

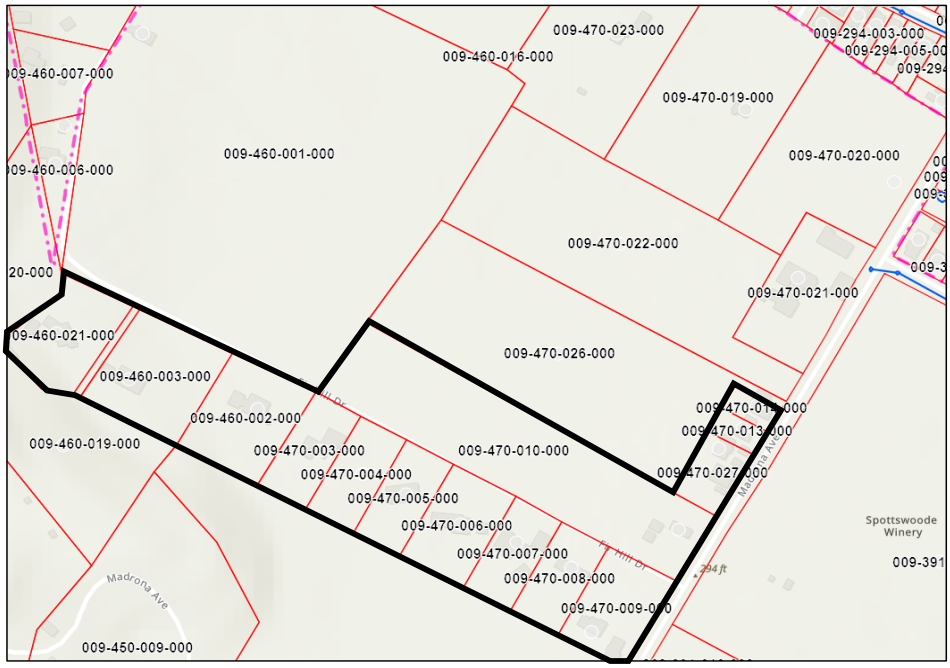
21.043
Berchtold Residence

madrone
engineering

APPENDIX B
STORMWATER SKETCH


BERCHTOLD RESIDENCE
DMA EXHIBIT
ST. HELENA
CA
madrone
1455 Main Street, Suite 102
St. Helena, California 94574
707.302.4280
APN: 009-470-010
JOB #: 21.043
SCALE: 1"=30'
DATE: 01/05/23
2 OF 2
SCALE: 1"=30'
30'
0
SCALE IN FEET
<P> IMPERVIOUS AREA #03
1,045 SF (CHIP SEAL, ASPHALT)
<P> BIORETENTION AREA #01
1,000 SF
<E> VEGETATED AREA #03
1,700 SF
<P> BIORETENTION AREA #02
350 SF
<P> IMPERVIOUS AREA #02
6,940 SF (CHIP SEAL, CONCRETE, ROOF)
<P> VEGETATED/
PERVIOUS AREA #02
5,360 SF
<P> POOL/SPA
SELF-RETAINING AREA
<P> IMPERVIOUS AREA #01
16,825 SF (CHIP SEAL, CONCRETE, ROOF)
<P> VEGETATED/
PERVIOUS AREA #01
9,620 SF
DMA EXHIBIT

ASSESSOR PARCEL DATA FOR PROPERTIES SURROUNDING 2126 MADRONA AVENUE



2016 Madrona Avenue (APN: 009-470-014) Primary Residence = 3,018 SF; Garage = 503 SF; 3 bedrooms; 3 full baths; 1 half bath; lot = 11,431 SF (0.26 acre)

2036 Madrona Avenue (APN: 009-470-013) Bed & Breakfast = 1,595; 2 bedrooms; lot = 11,274 SF (0.26 acre)

2056 Madrona Avenue (APN: 009-470-027) Primary Residence = 3,444 SF; Garage = 440 SF; Unfinished square footage = 440 SF; 3 bedrooms; 3 full baths; 1 half bath; lot = 31,470 SF (0.72 acre)

2126 Madrona Avenue – existing (APN: 009-470-010) Primary Residence = 1,728 SF; Garage = 780 SF; 5 bedrooms, 2 full baths; lot = 5.78 acres

2212 Madrona Avenue (APN: 009-470-009) Primary Residence = 4,415 SF; Garage = 731 SF; Unfinished square footage = 1,688 SF; 3 bedrooms, no data provided for bathrooms; lot = 1.42 acre

1615 Fir Hill Drive (APN: 009-470-008) Primary Residence = 2,046 SF; Garage = 560 SF; 4 bedrooms, no data provided for bathrooms; lot = 1 acre

1693 Fir Hill Drive (APN: 009-470-007) Primary Residence = 3,424 SF; Garage = 1,458 SF; 3 bedrooms; 3 full baths; 1 half bath; lot = 1 acre

1733 Fir Hill Drive (APN: 009-470-006) Primary Residence = 4,704 SF; Garage = 528 SF; Unfinished square footage = 295 SF; 4 bedrooms, 4 full baths; 1 half bath; lot = 1.35 acre

1775 Fir Hill Drive (APN: 009-470-005) Primary Residence = 1,652 SF; Garage = 484 SF; 2 bedrooms, 1 full bath; 1 half bath; lot = 43,310 SF (0.99 acre)

1795 Fir Hill Drive (APN: 009-470-004) Primary Residence = 5,633; Garage = 684 SF; 5 bedrooms; 5 full baths; lot = 1.01 acre

1815 Fir Hill Drive (APN: 009-470-003) Primary Residence = 3,945 SF; Garage = 1,120 SF; Unfinished square footage = 132 SF; 4 bedrooms, 3 full baths; lot = 1.02 acre

1837 Fir Hill Drive (APN: 009-460-002) Primary Residence = 5,271 SF; Garage = 1,140 SF; Unfinished square footage = 1,140 SF; 4 bedrooms; 5 full baths; 1 half bath; lot = 1.77 acre

1853 Fir Hill Drive (APN: 009-460-003) Primary Residence = 3,777 SF; Garage = 588 SF; 4 bedrooms; 3 full baths; 1 half bath; lot = 2 acre

1971 Fir Hill Drive (APN: 009-460-021) Primary Residence = 4,239 SF; Garage = 794 SF; 3 bedrooms; 4 full baths; 2 half baths; lot = 1.65 acre

Buchalter

1230 Pine Street
St. Helena, CA 94574
707.967.9656 Phone
707.963.0771 Fax

707.200.9414 Direct
kfalace@buchalter.com

December 12, 2022

SENT VIA EMAIL

Chantal Power
Contract Planner
City of St. Helena
Email: cpowers@cityofsthelena.org

Maya DeRosa
Community Development Director
City of St. Helena
Email: MDeRosa@cityofsthelena.org

Re: **PL 21-044 - 2126 Madrona Ave. Single-Family Home Development Project**

Dear Ms. Power and Ms. DeRosa:

At the December 6, 2022, session, the Planning Commission requested a summary of the issues discussed at the neighborhood meetings. Our synopsis of the issues discussed is below, along with our comments regarding the status of each issue.

1. **Access to the property from Fir Hill Drive.** Several neighbors raised concerns about increased traffic on Fir Hill Drive from the initially proposed driveways to 2126 Madrona Avenue. Rather than engage in an extended assessment of easement rights, the Berchtolds agreed to remove those driveways from their plans.

   Neighbors also had concerns regarding the visibility on the corner of Fir Hill Drive and Madrona Avenue. We confirmed that the motor court screening wall is located 48 feet from the property line on Madrona Avenue and 38 feet on Fir Hill Drive, which is well within the city of St. Helena street standards for visibility. Further, we agreed to shift some of the olive trees closer to the corner along Fir Hill Drive to increase visibility.

Buchalter

2. **Storm water runoff.** Given the flooding that occurred in storms last winter, neighbors raised questions about the adequacy of storm water runoff plans. Notwithstanding the fact the Berchtolds' property is downhill from the homes on Fir Hill, the Berchtolds have not only complied with the required storm water runoff management standard of a 2-year storm, but they made the commitment to create a dry pond at the low point of the property that substantially exceeds this standard. The dry pond can accommodate 5 times the output of a 100-year storm.

3. **Water usage.** Several neighbors queried the metrics given for water usage. The Berchtolds' architect explained that the water usage calculations are based on City standards, not planned actual use. Landscaping plans contemplate low-water plantings and water conservation fixtures will exist throughout the house. As a result, actual water usage is likely to be well below that of other 5 bedroom homes in the community. Additionally, any well drilled will be for agricultural use only, not domestic purposes.

4. **Backyard layout.** Neighbors on Fir Hill Drive (near Madrona Avenue) requested that the Berchtolds reconfigure their backyard to shift the bocce court to the east side of the property. This change has been made and will be reflected in future plans.

5. **ADU location.** Several comments were made regarding the ADU, which impacts the sightlines of the first two houses on Fir Hill Drive, closest to Madrona Avenue. To reduce the impact the Berchtolds have agreed to move the ADU five feet closer to the house, shift it 15 feet east and lower the ceiling heights. Specifically, the height of the roof on each end over the bedroom and living room will be reduced. While full elimination or moving of the ADU isn't practical for the reasons discussed with the neighbors, the Berchtolds hope that these changes will reduce the impact on the neighbors.

6. **House massing.** The story poles were very helpful in contextualizing the house sizing. These story poles show that the "north/south" footprint of the house is no larger than the current house footprint, with all increase on the "east/west" footprint that was much less visible from Fir Hill Drive and other neighbors. While some neighbors noted that the second story would be visible for those walking or driving down Fir Hill Drive, others acknowledged that most of the two story houses on Fir Hill Drive were similar in height. Our general take from these discussions was that the house massing was no longer a concern.

Buchalter

As the neighbors that attended the meeting will recall, there were many small groups having separate discussions. We have advised the neighbors that they are free to submit their comments to staff as well, and that staff has requested comments by December 19, 2022. Specifically, we have sent a copy of this letter to the neighbors so if there are different views than the ones articulated above they will have ample opportunity to supplement the above points.

Very truly yours,

BUCHALTER
A Professional Corporation



Katharine H. Falace

KHF:jg

cc: Ethan Walsh

BN 73934304v1

Laura Andersen and Frank Rodrigues

1693 Fir Hill Dr

St Helena, Ca 94574

December 19, 2022

Re: City of St. Helena File No: PL 21-044; Application for Demolition Permit and Design Review for 2126 Madrona, St. Helena CA (APN 009-470-010) filed by Lorraine and Joe Berchtold

In response to the December 6, 2022, Planning Commission requesting a recap on the neighborhood meetings. I was only able to attend the second of the two.

At that time, it seemed to be “ask me no questions and I’ll tell you no lies”, there was not a lot of information forthcoming. I came away from the meeting with more questions than answers.

The story poles helped very little, the effort was made, but it still doesn’t show the mass of the structures. The overall size of this project is like trying to put a square peg in a round hole. They keep talking about “their dream home” which they say they are “entitled” to. But when the size and scope of their dream home affects the dream homes of the surrounding neighbors, some of which have been here their entire life, we need to take a second and maybe even a third look.

This project will have a long-lasting effect on our town, and in our opinion ***not*** in a positive way.

There is a list of things that we hope the City Planning Commission will address before even considering this project.

1. Size and scope
2. Water usage domestic and well. Water neutrality? (Can you even get a well permit? Why can nobody answer that?
3. Bedrooms or offices? -still the same amount of bathrooms
4. Sewer or septic?
5. Storm water run-off and drainage
6. Noise pollution (hvac, well pumps, septic, pool, etc.)
7. Loss of historic vineyard

8. Madrona and Fir Hill corner loss of visibility
9. Lack of transparency and notification to the surrounding neighbors even within the 300' radius
10. CEQA, with the size of the project CEQA study should be required
11. The very large old Historical Oak tree
12. Length of time this project will take and the effect that will have (noise, traffic, dust)

Conclusion

We are not in support of this project as presented.

This is not the right location for a project of this size, it has the potential of doing more harm than good to our neighborhood.

We would like the council, and all involved to get all the facts from more than one source before making any kind of decision.

Respectfully,

Laura Andersen

Frank Rodrigues

Patricia (Herdell) DiTomaso & Henry DiTomaso
Kathleen Herdell Christina Herdell
1615 Fir Hill Drive
St. Helena, CA 94574

December 19, 2022

Re: City of St. Helena File No: PL 21-044; Application for Demolition Permit and Design Review for 2126 Madrona, St. Helena CA (APN 009-470-010) filed by Lorraine and Joe Berchtold

The Planning Commission asked for a summary of outstanding issues at its December 6, 2022 meeting. As we stated during the meeting, no issue we raised at the October 18, 2022 hearing has been resolved except for the applicants agreeing to eliminate driveway access onto Fir Hill Drive and agreement to put up story poles. We also reported we cannot make a full assessment of issues until we see revised plans, especially as we reported Ms. Berchtold threatened us with full development of the parcel because we opposed their project application. We have since learned, she made a similar threat to another Fir Hill neighbor.

The Berchtolds had 2 neighbor meetings at the property; they walked through the building outlines and story poles. During the first gathering, Ms. Berchtold said to a few neighbors that she and her husband were "ENTITLED" to build a house of this size and they were not going to reduce the project by "one square foot." She said many other unfortunate things to us. As would be understandable, this lead some neighbors to believe the meetings were not being held in good faith to discuss our concerns and possible alternatives. Ms. Berchtold was so upset after the first gathering she did not attend the second one. At least one neighbor left in tears.

Ms. Falace's letter to the Planning Commission is misleading on several points which we address below along with continued problems we have with the current project.

House massing. House massing is absolutely still a high level concern. Story poles were helpful to see location and potential view shed issues. They **do not** in any way resolve the issue that this project is too large for the area and is in noncompliance with multiple General Plan requirements. Even with minimizing the design and materials selected, a residential development of this size does not fit into the scale and scope of the other residential structures in the Fir Hill neighborhood and a 19,515 sq. ft. development does not belong on the valley floor.

First, Ms. Falace states all issues related to the massing of the project have been resolved. **Nothing is further from the truth**. We continue to oppose a project that is almost 20,000 square feet in total. It is completely out of character with the neighborhood and town as well as sets a terrible precedence for homes in the City of St. Helena. Second, it is clear from the plans that the applicants are including a family home, a caretaker unit and an ADU. They try to disguise the caretaker unit as part of the family home stating it is attached to the home and does not have a separate kitchen; this makes no sense for people who have stressed privacy concerns over and over. For example, they claim their olive trees are intended to protect their privacy. If they need to block the views of long-term neighbors by planting olive trees for privacy, surely the family does not want a caretaker to intrude on their lives by using their kitchen when they are in town. Moreover, the size of the caretaker unit is the size of a single family home in St. Helena. Third, and likewise, applicants' try to disguise a 'poolroom' as an ADU; however, that unit is over 800 square feet. It is the size of a single family residence in St. Helena. In short, applicants are trying to have 3 single family homes built in this project. The massing of the ADU and olive trees on Fir Hill obliterate the views of the Eastern hills and vineyard. Fourth, it is immaterial one floor is a basement. That size of a cement box will have impact on the local area including the oak tree and water flow.

Visibility on the corner of Madrona and Fir Hill. It is very difficult to say something has been resolved until we see the updated plans. Moreover, although Ms. Falace claims the applicants' motor court screening is within city street standards for visibility, it fails to address visibility problems on a corner with both autos and pedestrians in the roadway on a regular basis. Her further argument that shifting some of the olive trees closer to the corner along Fir Hill Drive only worsens the visibility obstructions.

Storm Water Runoff. Ms. Falace claims there will be a dry pond on the property, but there were no details provided at the gatherings and we have not seen updated plans that incorporate it. In addition, she provides no details on how this dry pond will affect the historical oak and other environmental issues.

Water usage. No resolution is possible on this issue because applicants are using a City of St. Helena plan-review formula vs. actual water usage limits to get around water-usage issues for a home this size and agricultural/landscaping needs. The original plans call for 2 homes, 11 toilets, 14 lavatory faucets, 4 kitchen faucets, 2 baths, 1 laundry faucet, 7 shower heads, 4 washing machines and 2 dishwashers. Neighbors also want to know if the applicants plan to use cisterns. If so, we should be given the data so we can evaluate the impact and location of the cisterns. In addition, we have not seen an updated water report. The prior one was replete with errors and omissions. Finally, we would like to know what the Rossi historical water use for the property was so we can compare historical data with proposed use data.

Well for Agricultural use. We have not seen the plans for the well location and capacity. Other than a statement at the October hearing, applicants have not been instructed or agreed affirmatively in writing that no City of St. Helena water will be used for agriculture or landscaping. Furthermore, there is no information that applicants' will be granted a City of St. Helena well permit. Finally, some of the houses on Fir Hill use well water as their only water source. We need to ensure that no well (if granted) will affect the viability of any wells on Fir Hill. We would also like to know where a new well (if granted) would be dug.

Backyard layout. We have not seen any updated plans. However, at the gatherings, moving the boccie court and pool were discussed as one way that could mitigate removal of some vineyard rows and view shed impact. Nonetheless, applicants' still propose removing most of the vineyard along 1615 Fir Hill Drive to about our property line with the Rodrigues property.

ADU Location. The proposal to move the ADU five feet closer to the house, shifting it 15 feet east and lowering ceiling heights is progress in helping resolve the view shed issues, but this is new information. There is still confusion on whether the 2 buildings identified as an ADU are really an ADU. The reason we were given for why it can't be relocated (or even removed completely) is because it provides pool privacy. Pool privacy does not require 2 buildings totaling 850 square ft. and a one bedroom accessory dwelling unit with an 864 square foot covered terrace. We continue to object to an ADU along Fir Hill. It requires removal of substantial vineyard rows and obliterates the views of many neighbors.

Noise Study. In discussions at the walkthrough's noise was raised. Not only the HVAC systems for a project of this scale but any pumps being run to help mitigate the underground water and possible septic systems, pool pumps, all the mechanical noise, etc. need to be reviewed to ensure compliance with the noise ordinance.

Drainage. The 6,457 square feet that will be below grade will displace and divert current water flows from this area of construction. Displacing this water will be an issue with how the water drains around the property. While the applicants believe the dry pond will handle it, how does the water get to the dry pond? This must be addressed in the updated plans so it is clear there is no additional runoff onto Fir Hill ditches and culverts. There are many other drainage issues:

- Applicants need to provide an accurate topographical map from top of Fir Hill to Madrona so we can assess the slope, natural flow and accurate drainage problem for the project and impact on our properties.
- Applicants will raise the topo of foundations which will interfere with natural drainage
- is putting a cement wall along the project which will interfere with drainage?
- Applicants are putting an underground cement basement which will interfere with drainage.
- What is the current amount of impervious surface of the Rossi buildings and driveway? What is the applicants' proposed impervious surface area and driveway? What impact will the difference make on drainage?

Arbor Study. In both neighbor meetings the impact to the historic heritage oak tree was discussed, especially in relation to the drainage concerns. Because the tree is on City of St. Helena property, the City must require a tree impact study to be provided and approved by the tree committee. That tree is so old and large it is protected. In addition, because of environmental factors, it is seemingly fragile. There should be an official city arborist to assess the environmental impact issues for this tree.

Septic and leach lines. In the neighbor gatherings it was stated that the applicants should have a plan for a septic system in case they don't bring down the city sewer lines from Hudson to 2126 Madrona. We have not seen plans for bringing the city sewer lines down Madrona and if they don't, what are the septic plans (especially as they relate to the well plans).

Project grading and elevations: We were told the story poles included grading heights but we have not seen any updated plans that show the actual planned grading. This affects runoff onto Fir Hill and Madrona.

Missing elevation and composite drawings. The original planning submission packet included a composite from the view from 2212 Madrona but NO composite drawings from 1615 Fir Hill perspective. 1615 Fir Hill looks out directly at the vineyard and in the current plans, the backside of the ADU unit. We would request composite drawings from the point of view of 2212 Madrona and 1615 Fir Hill be included in the update packet.

Neighbors missing from the discussions. There were a couple of neighbors affected by this project that have not been aware of the neighbor gatherings and discussions. We are looping them in now but they may have comments and concerns not yet raised. With the holidays upon us, this may not get addressed until the New Year.

Grape Yields:

The Rossi family stated their yields have been 5 tons each year. There are some underperforming vines, but they are NOT near the house and should not be the ones removed. The underperforming vines are further up Fir Hill towards the Agee property where there is a natural swell. The Rossi family replaced some vines with younger vines that aren't yet fully performing. Some are in the area proposed to be removed. It appears there are about 119 vines proposed to be removed. This vineyard was planted in an historical manner. They are not all one variety. The Rossi family believes the vineyard has not been properly maintained since they sold it which could account for lower yields. Finally, if the applicants pull out the existing historical vineyard, we would like applicants to be required to have the University of Davis study the vines first and get a DNA report on the vines since they are historical and should be preserved.

CEQA:

We continue to believe a CEQA environmental study should be completed since this project is almost 2 times the size of a commercial building in St. Helena.

SUMMARY:

We continue to oppose this project and will meet with new neighbors shortly. There are many other issues remaining to be resolved, but given the applicants' contention they are entitled to build a project of this size, it is likely this project just is not going to happen with the applicants willing to make serious and substantial compromise. In the end, this may be a round peg into a square peg situation and the project should be denied as unsuitable for a City of St. Helena home.

Respectfully submitted,

Patty (Herdell) and Hank DiTomaso

Christina Herdell

Kathleen Herdell

DocuSign Envelope ID: 6A5FA9B8-305F-4A6C-B6B9-3CF044727E71

Letter Re PL 21-044

December 14, 2022

SENT VIA EMAIL

Chantal Power
Contract Planner
City of St. Helena
Email: cpowers@cityofsthelena.org

Re: PL 21-044 – 2126 Madrona Ave.

Dear Ms. Power,

We have not had the opportunity to meet, but my sister and I are the owners of 2056 Madrona (our "**Home**"), which is located immediately adjacent to the proposed development project at 2126 Madrona Ave. (the "**Project**"). We apologize for being late to this conversation, but we were unfortunately not incorporated into the outreach by the Applicant and/or its agents and are thus playing catch-up.

Our family has had a home in St. Helena since 1987 and my sister and I spent every summer living in town, playing at the "wooden park" (aka the elementary school), getting ice cream at The Big Dipper and swimming at the Meadowood pool. Having moved primary houses and cities 8 times in our childhood, St. Helena was always the consistent place we called home and we are honored to be able to raise our children to appreciate the town, and its people, as much as we do.

Our parents, David and Susan Martin, became full-time St. Helena residents in 2013 and became staples across town. Our Home includes both the improved structures, as well as vineyards managed by Duckhorn, which share a property line with the Project. We recently inherited our Home from our parents, both of whom passed away in the past 4 years from cancer and now lay to rest in the St. Helena cemetery. Being from a real estate development family, we know that our parents would have been active participants in this conversation, so we want to make sure that we too participate the best we can.

We have not yet had an opportunity to meet with the Applicant and/or its agents about the Project, due to their limited outreach, but, after proactive and consistent follow-up, do have a meeting scheduled for December 23, 2022. As a result, we have limited information on some of the topics outlined in the Topics of Concern exhibit but have submitted a FOIA request with the City to ensure a transparent process. We have outlined the topics that concern us in the Topics of Concern exhibit and look forward to further discussing these as necessary to support a thorough and transparent approval process. We do request, given how little information we currently have and our Home's immediate adjacency to the Project, that we be given time to meet with the Applicant and/or agents and educate ourselves on the project before any major decisions are made. Thank you for your time and understanding.

Respectfully,

DocuSigned by:
Katherine Osler
6F0FD3FF498B42F...

Katherine L. Osler

DocuSigned by:
Annabel Siri
DDD008C8E59347E...

Annabel R. Siri

DocuSign Envelope ID: 6A5FA9B8-305F-4A6C-B6B9-3CF044727E71

Letter Re PL 21-044

CC: St. Helena Planning Commission
Stephen Siri
Justin Osler

Topics of Concern Exhibit

Architectural Design	§ We are concerned with the Project's architectural alignment with the adjacent architecture along Madrona, Fir Hill, Hudson & Dean York Lane. Much of the architecture at the adjacent homes is classic European in nature with a focus on soft lines, limited glazing and subtle architectural moves. Most of the glazing in this project opens directly on our Home and the landscaping plans indicate a limited amount of planting supportive of privacy along our shared frontage. We request that the balconies on both offices be removed and all windows facing east be removed to preserve the privacy of all neighbors, including our small children. § At a conceptual level, we believe that the Project, which is 18,654 SF and has 11 bathrooms, is entirely too large for the neighborhood. The largest neighboring home in visual range is ~6,700 SF, so 64% smaller than the Project, and homes on average range between 4,000-5,000 SF. Going one step further, we looked on Redfin at all closed sales of homes in St. Helena over the last 5 years with more than 1,000 SF and found that the average home is 2,114 SF, so the Project ~784% bigger than the average home (based on sales) in St. Helena. There were two transactions of over 10,000 SF, which were excluded from this analysis as one is a commercial winery and the other is a 12 unit apartment building. However, both of these facilities are still smaller than the Project. It is clearly out of context, but we also believe it's prudent to review the Project through a commercial lens due to its scale. While it's fine to build a bigger home, we believe the Project should be scaled back to be at a maximum 8,000 GSF of conditioned space.
Civil Design	§ Grading Plans o We would like to see fine grading plans to understand how the Applicant proposes to manage storm runoff, such that there is limited risk of the expansive landscaped area creating material runoff on adjacent properties – i.e., public right of way and operating vineyards. o We would like to better understand the extent of any earth moving activities. Our primary concern is dust generation adjacent to vineyards and residential properties. § Sanitary Sewer & Domestic Water Supply o The Project includes 11 bathrooms, at least one kitchen, numerous house bibs and a pool, which means it will use the same, if not more, fresh water than a boutique commercial hospitality property. We have not yet seen capacity studies for either the sanitary sewer or the domestic water supply to confirm that what exists in the street is capable of handling this additional

DocuSign Envelope ID: 6A5FA9B8-305F-4A6C-B6B9-3CF044727E71

	connection without negatively impacting the existing residents. We note that the majority of our Home is not connected to the sanitary system due to historical capacity issues, and thus suspect that an upsizing of both lines may be necessary. To account for seasonality, we would expect to see monthly monitoring of both, as well as potholing every 20' and/or a video study to verify line capacity, condition of the existing line and slope, so that any shortfall in capacity may be satisfied as a project specific condition during entitlement.
Shoring Design	§ We have heard that the project proposes an expansive basement. As a result, we expect this design condition to necessitate a shoring design from a licensed engineer. We are concerned that the project may utilize tiebacks or other "attachment" based designs vs. a braced technique. As an example, were the Project to use tiebacks to support its shoring, then it would be introducing unnatural materials into the soil in the setback zone. These materials need to be fully removed vs. simply disconnected to avoid leaving metals in the soils. We would like to see a project specific condition of approval that requires an internally braced shoring design.
Construction Management	§ We think that it is prudent to keep in mind that the Project is not a typical residential property. It is in fact larger than many commercial projects in town. Per the last plans we saw, it has 18,654 GSF of conditioned space (incl. 11 bathrooms, so likely 40+ plumbing connections), an expansive landscaped outdoor area and a large basement that includes a mix of residential and commercial uses. With this type of scale, the Project will take an atypically high number of daily workers to construct efficiently, who will generate a large amount of particulate matter doing so. Our specific concerns are as follows: o This Project will generate a substantial amount of dust during grading, concrete pours and wood framing activities. We do not believe the amount of dust generated by this Project is commensurate to a typical residential project and are worried about its impact on the adjacent vineyards and residential properties. We believe that this should be analyzed and in addition to the sound blankets described below. The Project should have a Dust Management Plan. o Constructing this Project will generate an impactful level of noise over a longer duration than as is typical for a residential property. We would like to see a noise study that analyzes existing conditions and the expected impact of the work at this Project. Additionally, as typical with any large project adjacent to residential uses, we would expect the Applicant to be required to erect noise blankets at a height equal to its maximum elevation until it is fully enclosed and all sitework is complete. § Due to the scale of this Project, it will likely require a more than typical number of construction workers. Madrona Ave. and its adjacent streets are

DocuSign Envelope ID: 6A5FA9B8-305F-4A6C-B6B9-3CF044727E71

	highly trafficked by pedestrians and cyclists. We would like to better understand how the Project will ensure all workers park along its frontage and document its minimization of construction traffic. Given the scale of the Project, we would expect to see a Project Specific Condition of approval that requires CARB-4 or equivalent machinery at all stages of construction.
Post Completion	§ As a result of feedback, the Project has been pushed closer to the property line such that its highest point appears to align with the required setback against our agricultural property. We would like to see Shadow Studies to better understand the impact on natural light to our agricultural property. We would also like to see a photometric study to study the potential effects of lighting pollution on the surrounding neighborhood and agricultural uses. § As proposed, the Project includes both commercial scale wine facilities as well as residential apartments for employees. Both activities will generate an atypical amount of traffic on Madrona Ave, which is one of St. Helena's most trafficked streets for both pedestrians and cyclists. We would like to see both a traffic and trip count study completed to better understand the impact of this Project as well as if this Project is in-line with the standards that are typical of a residential property. § Our Home has experienced the same degradation of groundwater supply as others in the area, as California has been subjected to consecutive years of material droughts. The Project proposes to materially expand its use of groundwater from the current use. Therefore, we believe it imperative that the City study the proposed Project's impact on the groundwater table through the use of multiperiod seasonal analysis. This is particularly important due to the Project's equivalency with a commercial use. We understand the City's apprehension of being held to a similar standard, but believe that the City enjoys a categorical exemption due to the public serving nature of its work.

From: Eric Janzen
To: Joseph Leach
Cc: Mario Traverso; Chantal Power; Maya DeRosa
Subject: RE: [External] Zoning Code proposal and water comments
Date: Tuesday, January 31, 2023 9:58:51 AM
Attachments: image001.png

Joe,
Discharges of groundwater to the public storm drain system are permitted in our municipal code under SHMC Section 13.23.060.
The parcel at 2126 Madrona is outside of the FEMA special flood hazard zone so the regulations under 15.52 *Flood Damage Prevention* are not applicable.
PW has no jurisdiction over a flooding basement on this private parcel. Flooding damage on this parcel resulting from high groundwater entering the basement is between the owner and their insurance carrier.

Eric Janzen
Assistant Director of Public Works
City of St. Helena
707 967-2831

Maya,

Thanks very much for reaching out. You may share that you have been among the very most responsive of City employees. I mean that!!!

I have a followup of my unplanned comment regarding the Lorraine and Joe Berchtold property on Madrona. Not sure where it will be most effective. Whether you want to include this in future hearing packet.

At the meeting I mentioned my neighbor's 10,000 sf house with full basement. Before it was occupied the basement filled with water within inches of the floor joists. A few hundred thousand dollars later they managed to waterproof the basement. However they need to run pumps 24/7 to keep water out during the rainy season. Fast forward to the atmospheric rivers we recently experienced. The pumps couldn't run fast enough and the whole house became uninhabitable. They are living in their guest house.

I share this as an example of the law of unintended consequences. Not to mention that a 5,000 sf Berchtold basement will displace a significant amount of groundwater. So if there are any drainage issues in the area or high runoff this project should provide calculations on what they are going to do with all that water. It is not insignificant.

I was happy to see the letter from Spottswoode re new well. I still recommend monitiring neighbors wells to prevent drawdown. With water its feast or famine.

Sincerely,
Kelly

PUBLIC WORKS RESPONSE TO NEIGHBOR COMMENTS

Well: Well permits are issued through Napa County in coordination with the City of St. Helena. Applicant is responsible for performing all studies, tests and engineering as required through the County permitting agency. The applicant is pursuing a well permit to replace or rehab the existing well. This process is independent of the design review process.

Water Neutrality: The Water Neutrality Analysis as presented is consistent with the guidelines that are applicable to all projects.

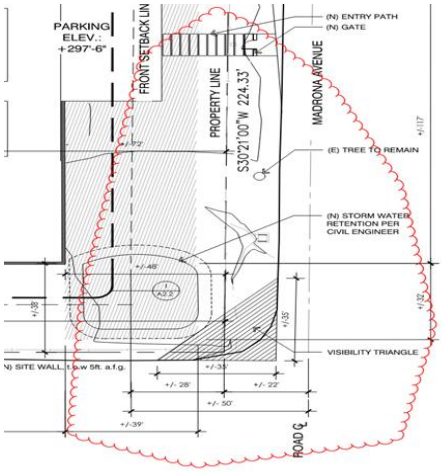
Storm Water Management: The project is conditioned to conform to all requirements as prescribed in the BASMAA Post Construction Manual for regulated projects.

Runoff and Drainage: Post construction runoff conditions are to be consistent with preconstruction runoff conditions. Runoff and inundation of adjoining parcels is not permitted. The property is served by existing public storm water facilities which are integrated into the plans.

Noise Pollution: Subject to SHMC 8.24.010

Septic or Sewer: The applicant is pursuing a sanitary sewer line extension in Madrona Ave to serve the residence. This is a common practice throughout the City. Certificate of occupancy will not be issues unless wastewater utility facilities are complete and operational. The plan development and installation may run concurrent to other permitting efforts.

Madrona and Fir Hill Loss of Visibility: Currently, there are significant visibility restrictions resulting from the large Oak tree, utility pole, trees and shrubbery. Although Fir Hill Drive is a private drive and not subject to the visibility triangle requirements defined in Section 17.04.160 of the SHMC, the detail below shows that project revisions exceed these standards. All proposals for development subject to SHMC 17.120.010.



Dear Commissioners Ponte, Anderson, Rothfeld, Segura and Warner,

In your recent meeting regarding the Rossi Property and the Berchtolds' plans for it, I understand several questions came up as to the Rossi Vineyard revitalization effort that we are undertaking in partnership with the Berchtolds.

I first want to say that we are very excited at the opportunity to rehabilitate this amazing heritage vineyard (planted in 1905) that still grows in our town. Vines like this are rare and very much worth preserving, and we anticipate that we will he able to restore it to health. We started farming the vineyard in the Spring of 2021, and last year the total yield from the vineyard with our partial-year management was approximately 0.88 tons across the entire five-acre site. This year, the first full year we were able to farm the property, our total yield was approximately 2.6 tons.

As we have been planning our revitalization effort, our primary focus is on producing the highest possible quality wine from the site while also increasing the health of the soil and the vines, thus also increasing tonnage as we work to make it economically viable.

To that end, we farm this vineyard with the same care as we farm our Spottswoode Estate Vineyard. We have shifted to regenerative organic and biodynamic farming, and we are refining the pruning practices in this old block. Specific to the dry-farmed heritage clones, we hope to introduce watering to the vineyard via a well to be dug on the property only during what is normally our rainy season, to emulate Mother Nature in ensuring a wetted soil profile near budbreak. We will do this only as needed, based upon the extent to which we continue to have low rain years (a vineyard that has been dry farmed for 115+ years cannot suddenly accept "normal" irrigation). To help with the replacement of missing vines, we will replant with new vines and/or we may transplant some of the old vines slated for removal due to construction. As we continue to learn, we will also introduce other techniques based on our research into heritage clone vineyards.

We are hoping to get the vineyard to a yield of at least five [5] tons total (~1.25 tons per acre) through this rehabilitation process from what will ultimately be closer to 4.35 acres (as some acreage will be removed for construction), allowing us to produce roughly 300 cases of the highest quality wine on an annual basis.

Our agreement with the Berchtolds runs through 2036, allowing us to plan for the long-term success of the vineyard. It is important to note that the agreement does have a provision that if the property is sold that the new owner has the right to terminate the agreement. For personal reasons, therefore, we do hope that the Planning Commission and the Berchtolds are able to come to an agreement on how their housing project might proceed.

Please let me know if you have any questions as you further study this project. We are more than happy to answer them!

Very sincerely,

Beth Novak Milliken
President & CEO
Spottswoode Estate Vineyard & Winery

Buchalter

1230 Pine Street
St. Helena, CA 94574
707.967.9656 Phone
707.963.0771 Fax

707.200.9414 Direct
kfalace@buchalter.com

February 21, 2023

FIR HILL NEIGHBORS

Re: **NEW DATE: Community Meeting – March 1, 2023**

Dear Neighbors:

After hearing from some of you that the date proposed was not convenient, we have rescheduled the community meeting date to a time that we understand is more convenient. We will now be hosting the community meeting on **March 1, 2023, at 5:00 p.m.** to answer any questions and go over the revised plans. The meeting will take at the property.

Thank you and, as always, reach out with any questions in the interim.

Very truly yours,

BUCHALTER
A Professional Corporation



Katharine H. Falace
Shareholder

KHF:jg

buchalter.com

Los Angeles
Denver
Napa Valley
Orange County
Portland
Sacramento
Salt Lake City
San Diego
San Francisco
Scottsdale
Seattle

BN 75307206v1

Patricia (Herdell) DiTomaso & Henry DiTomaso
Kathleen Herdell Christina Herdell
1615 Fir Hill Drive
St. Helena, CA 94574

December 19, 2022

Re: City of St. Helena File No: PL 21-044; Application for Demolition Permit and Design Review for 2126 Madrona, St. Helena CA (APN 009-470-010) filed by Lorraine and Joe Berchtold

The Planning Commission asked for a summary of outstanding issues at its December 6, 2022 meeting. As we stated during the meeting, no issue we raised at the October 18, 2022 hearing has been resolved except for the applicants agreeing to eliminate driveway access onto Fir Hill Drive and agreement to put up story poles. We also reported we cannot make a full assessment of issues until we see revised plans, especially as we reported Ms. Berchtold threatened us with full development of the parcel because we opposed their project application. We have since learned, she made a similar threat to another Fir Hill neighbor.

The Berchtolds had 2 neighbor meetings at the property; they walked through the building outlines and story poles. During the first gathering, Ms. Berchtold said to a few neighbors that she and her husband were "ENTITLED" to build a house of this size and they were not going to reduce the project by "one square foot." She said many other unfortunate things to us. As would be understandable, this lead some neighbors to believe the meetings were not being held in good faith to discuss our concerns and possible alternatives. Ms. Berchtold was so upset after the first gathering she did not attend the second one. At least one neighbor left in tears.

Ms. Falace's letter to the Planning Commission is misleading on several points which we address below along with continued problems we have with the current project.

House massing. House massing is absolutely still a high level concern. Story poles were helpful to see location and potential view shed issues. They **do not** in any way resolve the issue that this project is too large for the area and is in noncompliance with multiple General Plan requirements. Even with minimizing the design and materials selected, a residential development of this size does not fit into the scale and scope of the other residential structures in the Fir Hill neighborhood and a 19,515 sq. ft. development does not belong on the valley floor.

First, Ms. Falace states all issues related to the massing of the project have been resolved. **Nothing is further from the truth**. We continue to oppose a project that is almost 20,000 square feet in total. It is completely out of character with the neighborhood and town as well as sets a terrible precedence for homes in the City of St. Helena. Second, it is clear from the plans that the applicants are including a family home, a caretaker unit and an ADU. They try to disguise the caretaker unit as part of the family home stating it is attached to the home and does not have a separate kitchen; this makes no sense for people who have stressed privacy concerns over and over. For example, they claim their olive trees are intended to protect their privacy. If they need to block the views of long-term neighbors by planting olive trees for privacy, surely the family does not want a caretaker to intrude on their lives by using their kitchen when they are in town. Moreover, the size of the caretaker unit is the size of a single family home in St. Helena. Third, and likewise, applicants' try to disguise a 'poolroom' as an ADU; however, that unit is over 800 square feet. It is the size of a single family residence in St. Helena. In short, applicants are trying to have 3 single family homes built in this project. The massing of the ADU and olive trees on Fir Hill obliterate the views of the Eastern hills and vineyard. Fourth, it is immaterial one floor is a basement. That size of a cement box will have impact on the local area including the oak tree and water flow.

Visibility on the corner of Madrona and Fir Hill. It is very difficult to say something has been resolved until we see the updated plans. Moreover, although Ms. Falace claims the applicants' motor court screening is within city street standards for visibility, it fails to address visibility problems on a corner with both autos and pedestrians in the roadway on a regular basis. Her further argument that shifting some of the olive trees closer to the corner along Fir Hill Drive only worsens the visibility obstructions.

Storm Water Runoff. Ms. Falace claims there will be a dry pond on the property, but there were no details provided at the gatherings and we have not seen updated plans that incorporate it. In addition, she provides no details on how this dry pond will affect the historical oak and other environmental issues.

Water usage. No resolution is possible on this issue because applicants are using a City of St. Helena plan-review formula vs. actual water usage limits to get around water-usage issues for a home this size and agricultural/landscaping needs. The original plans call for 2 homes, 11 toilets, 14 lavatory faucets, 4 kitchen faucets, 2 baths, 1 laundry faucet, 7 shower heads, 4 washing machines and 2 dishwashers. Neighbors also want to know if the applicants plan to use cisterns. If so, we should be given the data so we can evaluate the impact and location of the cisterns. In addition, we have not seen an updated water report. The prior one was replete with errors and omissions. Finally, we would like to know what the Rossi historical water use for the property was so we can compare historical data with proposed use data.

Well for Agricultural use. We have not seen the plans for the well location and capacity. Other than a statement at the October hearing, applicants have not been instructed or agreed affirmatively in writing that no City of St. Helena water will be used for agriculture or landscaping. Furthermore, there is no information that applicants' will be granted a City of St. Helena well permit. Finally, some of the houses on Fir Hill use well water as their only water source. We need to ensure that no well (if granted) will affect the viability of any wells on Fir Hill. We would also like to know where a new well (if granted) would be dug.

Backyard layout. We have not seen any updated plans. However, at the gatherings, moving the boccie court and pool were discussed as one way that could mitigate removal of some vineyard rows and view shed impact. Nonetheless, applicants' still propose removing most of the vineyard along 1615 Fir Hill Drive to about our property line with the Rodrigues property.

ADU Location. The proposal to move the ADU five feet closer to the house, shifting it 15 feet east and lowering ceiling heights is progress in helping resolve the view shed issues, but this is new information. There is still confusion on whether the 2 buildings identified as an ADU are really an ADU. The reason we were given for why it can't be relocated (or even removed completely) is because it provides pool privacy. Pool privacy does not require 2 buildings totaling 850 square ft. and a one bedroom accessory dwelling unit with an 864 square foot covered terrace. We continue to object to an ADU along Fir Hill. It requires removal of substantial vineyard rows and obliterates the views of many neighbors.

Noise Study. In discussions at the walkthrough's noise was raised. Not only the HVAC systems for a project of this scale but any pumps being run to help mitigate the underground water and possible septic systems, pool pumps, all the mechanical noise, etc. need to be reviewed to ensure compliance with the noise ordinance.

Drainage. The 6,457 square feet that will be below grade will displace and divert current water flows from this area of construction. Displacing this water will be an issue with how the water drains around the property. While the applicants believe the dry pond will handle it, how does the water get to the dry pond? This must be addressed in the updated plans so it is clear there is no additional runoff onto Fir Hill ditches and culverts. There are many other drainage issues:

- Applicants need to provide an accurate topographical map from top of Fir Hill to Madrona so we can assess the slope, natural flow and accurate drainage problem for the project and impact on our properties.
- Applicants will raise the topo of foundations which will interfere with natural drainage
- is putting a cement wall along the project which will interfere with drainage?
- Applicants are putting an underground cement basement which will interfere with drainage.
- What is the current amount of impervious surface of the Rossi buildings and driveway? What is the applicants' proposed impervious surface area and driveway? What impact will the difference make on drainage?

Arbor Study. In both neighbor meetings the impact to the historic heritage oak tree was discussed, especially in relation to the drainage concerns. Because the tree is on City of St. Helena property, the City must require a tree impact study to be provided and approved by the tree committee. That tree is so old and large it is protected. In addition, because of environmental factors, it is seemingly fragile. There should be an official city arborist to assess the environmental impact issues for this tree.

Septic and leach lines. In the neighbor gatherings it was stated that the applicants should have a plan for a septic system in case they don't bring down the city sewer lines from Hudson to 2126 Madrona. We have not seen plans for bringing the city sewer lines down Madrona and if they don't, what are the septic plans (especially as they relate to the well plans).

Project grading and elevations: We were told the story poles included grading heights but we have not seen any updated plans that show the actual planned grading. This affects runoff onto Fir Hill and Madrona.

Missing elevation and composite drawings. The original planning submission packet included a composite from the view from 2212 Madrona but NO composite drawings from 1615 Fir Hill perspective. 1615 Fir Hill looks out directly at the vineyard and in the current plans, the backside of the ADU unit. We would request composite drawings from the point of view of 2212 Madrona and 1615 Fir Hill be included in the update packet.

Neighbors missing from the discussions. There were a couple of neighbors affected by this project that have not been aware of the neighbor gatherings and discussions. We are looping them in now but they may have comments and concerns not yet raised. With the holidays upon us, this may not get addressed until the New Year.

Grape Yields:

The Rossi family stated their yields have been 5 tons each year. There are some underperforming vines, but they are NOT near the house and should not be the ones removed. The underperforming vines are further up Fir Hill towards the Agee property where there is a natural swell. The Rossi family replaced some vines with younger vines that aren't yet fully performing. Some are in the area proposed to be removed. It appears there are about 119 vines proposed to be removed. This vineyard was planted in an historical manner. They are not all one variety. The Rossi family believes the vineyard has not been properly maintained since they sold it which could account for lower yields. Finally, if the applicants pull out the existing historical vineyard, we would like applicants to be required to have the University of Davis study the vines first and get a DNA report on the vines since they are historical and should be preserved.

CEQA:

We continue to believe a CEQA environmental study should be completed since this project is almost 2 times the size of a commercial building in St. Helena.

SUMMARY:

We continue to oppose this project and will meet with new neighbors shortly. There are many other issues remaining to be resolved, but given the applicants' contention they are entitled to build a project of this size, it is likely this project just is not going to happen with the applicants willing to make serious and substantial compromise. In the end, this may be a round peg into a square peg situation and the project should be denied as unsuitable for a City of St. Helena home.

Respectfully submitted,

Patty (Herdell) and Hank DiTomaso

Christina Herdell

Kathleen Herdell

Xinia Gamero

From: Aaron Hecock
Sent: Friday, February 24, 2023 8:04 AM
To: Maya DeRosa
Cc: Chantal Power; Xinia Gamero
Subject: FW: [External] Water Use Analysis 2126 Madrona Ave.

AARON HECOCK, AICP
SENIOR PLANNER
City of St. Helena | Community Development Department
1088 College Ave. | St. Helena, CA 94574
Direct: (707) 968-2659 | ahecock@cityofsthelena.org | http://cityofsthelena.org/planning

From: TOM BELT <tmbelt@comcast.net>
Sent: Thursday, February 23, 2023 5:09 PM
To: Aaron Hecock <ahecock@cityofsthelena.org>
Cc: Paul Dohring <PDohring@cityofsthelena.org>; Eric Hall <EHall@cityofsthelena.org>; Anna Chouteau <AChouteau@cityofsthelena.org>; Lester Hardy <LHardy@cityofsthelena.org>; Billy Summers <BSummers@cityofsthelena.org>
Subject: [External] Water Use Analysis 2126 Madrona Ave.

Dear Mr. Hecock,

I just read the Water Use Analysis plan for the proposed new residence to be constructed at 2126 Madrona Avenue. I find it difficult to believe ten occupants will use 72.9 gallons per day per occupant in a residence and ADU that has 10 toilets, 12 bathroom sinks, 6 showerheads, 3 kitchen bar sinks, 3 clothes washers, and only 1 dishwasher that will only be used once every four days. Please provide answers to the following questions:

1. The above project refers to the existing 2126 Madrona Ave. residence as having five bedrooms and in order to remain in compliance with St. Helena's Water Neutral Policy, a reasonable baseline existing demand is 150 gallons of water per bedroom per day. Please provide the St. Helena Planning Ordinance(s) that verifies where this past ratio for daily water use per bedroom is listed?

2. Walking by the home it appears the existing residence is a rather small home. Did someone from the City's Planning Department physically inspect the home and confirm there are five bedrooms in the existing house?

3. What water use reference/guideline was used by Madrone Engineering to project the residence and ADU will only use 729 gallons of water per day considering the development projects ten occupants will be living in the two spaces?

4. Has the above proposed water use reference/guideline for this future single family home and ADU been validated as being an accurate prediction for future water use in past developments within St. Helena?

5. If so, which single family home developments in St. Helena?

6. If the answer to question #4 is no, why is the city permitting this water use reference/guideline to be used when the city has such a limited annual water supply?

7. When was the last time St. Helena updated its Water Neutral Policy for Development?

8. If the proposed development is ultimately approved by City Council, is there a procedure in St. Helena's ordinances to allow the city to monitor/limit the future daily water use to 729 gallons per day as the project proposes?

Thank you,

Tom Belt

Xinia Gamero

From: Mary Cunningham Agee <mcagee@msn.com>
Sent: Thursday, March 2, 2023 3:28 PM
To: Maya DeRosa; Public Comment
Cc: Jodie Morlet; Luc Morlet; Annette Smith; joel@gottwines.com; Sarah Gott; Nina And Adam Rotello; Adam Rotello; Margo Simons; Diane Darby; Frank & Laura Rodrigues; Laura Rodrigues; patty.ditomaso@comcast.net; Kathy Herdell; Susan Krausz; Ron Krausz
Subject: [External] Opposition to Berchtold Proposal: 3.3.23

Importance: High

To: **MDeRosa@cityofsthelena.org, publiccomment@cityofsthelena.org**
From: Mary Cunningham Agee and Family
Ref: Berchtold Proposal
Date: March 3, 2023

Dear Saint Helena Planning Commission and City Council Members,

I have just read and re-read the request by Architect Sasha Janev to the Saint Helena Planning Commission on behalf of the Berchtold's Trust for adoption of a resolution to approve construction of a new "single-family home" (!) and accessory dwelling unit on the property located at 2126 Madrona Avenue in the A-20 zoning district.

I am dismayed to discover that the request of three out of six City Commissioners to the applicant at the close of the last public meeting in late October *"not to return until this project is reduced in scale to under 10K square feet"* has not even partially been implemented-- but has been completely ignored.

Apparently, we are to find comfort in a slight reduction in size and location of the ADU -- with no substantive change in the scope or location of the main structures! The main residence and attendant structures remain unchanged -- with more bedrooms and bathrooms than any other non-resident "home" within this community -- let alone our neighborhood. Yes, *this proposal is "unprecedented"* and should be considered within that extreme context.

The fact is that the main structure of this project still remains at essentially the same square footage as originally proposed. The objections of many locals have never primarily been about the setbacks, design or even the view-blocking height of the main structure when *the sheer mass alone is way beyond the norms of everything else in this neighborhood*.

Add to this affront to the aesthetic and cultural norms of this private, peaceful and quaint neighborhood, an imposing cement wall that would surround this "residence" and the objections to this compound or fortress become even more intense and obvious.

Despite the architectural commentary that attempts to segment the massive overall square footage of this proposed new structure, *there is no obscuring that fact that the overall footprint of the main buildings and landscape still remain at 20K square feet*.

Before stating my specific objections*, I must emphasize -- yet again -- that these concerns are not personal*. I am by nature not someone who enjoys confrontation of any kind. I would far prefer to be part of a welcoming committee inviting new members into our community and neighborhood. But the gravity of this clear and present threat to our neighborhood and quality of life is severe enough to require an honest and reasonable confrontation.

My objections include but are not limited to the following:

- **Agricultural:** The Berchtold proposal is in clear contradiction to existing A-20 regulations designed precisely to protect agricultural land from developments like this. If those regulations mean nothing at times like these – then when do they count?
- **Environmental:** 6K square feet "below ground level" does not prevent environmental damage; it just pushes it underground. Water, natural habitat and agricultural impacts remain very real. Alleviating an utterly discretionary offence to the environment does not amount to preventing it all together.
- **Social:** Disruption during and after the construction of this compound/fortress cannot begin to take into account the loss of peace, safety and privacy to this neighborhood -- belovedly known as "the walking path" of Saint Helena - to many residents of this town.
- **Cultural Norms:** Even the existing ordinances insist that the scale and style of any new construction be "consistent with existing norms of the neighborhood." The proposed construction's basement (!) alone-- is larger than any existing structure on this street! The aggressive original proposal with not one -- but two -- driveway entrances onto Fir Hill Drive from this "residence" - reveals a lack of awareness respect for existing norms.
- **Common Sense**: The proposed "residence" is *more than three times the size of any home in this neighborhood!* How can that reality possibly withstand the scrutiny of reasonable "fit" within neighborhood norms or cultural conformity? There is no home in this neighborhood -- or even within city limits -- even close to this size! That doesn't even begin to consider the proposed cement wall surrounding this "residence" (aka "fortress")! How can this proposal even approach the "common sense" norms of what a reasonable person in our community would consider to be fair or appropriate?

Have we not all seen enough harm done to our society when respected norms are compromised and shared values are sold to the highest bidder? Just because something "*can* be done" doesn't mean that it "*should* be."

I wouldn't have taken the time to write this letter if I didn't firmly believe that our community -- and those leaders placed in a position of responsibility to protect us -- would not take this duty seriously. This is ultimately not only about us and our quality of life- but about those of many future generations to come. *We simply must make decisions today that will benefit those who will someday hold us accountable.*

Just imagine how we would each feel -- three to five years from now (after months and years of construction noise and disruption – not to mention the consumption of vast amounts of scarce natural local resources) -- when new restrictions within our city limits will have been prudently implemented. The new ordinances -- that you are fully aware of and are currently reviewing -- will presumably have been voted into law. *And these ordinances will properly limit the size, scope and environmental impact of all new residences. Try to envision explaining how this white elephant -- amounting to four times the scale of anything currently exiting in our neighborhood – was allowed to slip by under our watch!*

I can assure you this will not happen quietly. ***This neighborhood is not about to "go quietly into the night" as we watch everything our neighborhood stands for be compromised because of a slip up in timing of a new ordinance.***

Our neighborhood and this City Planning Commission - as well as the City Council -- should not be forced to pay the price for past inconsistencies or ambiguities in building codes or ordinances! You know better – and the new proposed ordinances prove this to be true. This is precisely why you are about to vote into law ordinances that would preclude such a behemoth from destroying the beauty and environmental integrity of a much beloved local neighborhood.

Thankfully, there is a solution. And this is readily available if the Planning Commission and City Council choose to do what is right. And the applicant -- and those advising -- will consider the unpleasant and expensive outcome of assured protracted efforts to oppose this affront to this community and neighborhood.

The applicant's reasonable choice: Either pursue this project substantially reduced in scale or relocate it exactly as it is designed to a more appropriate location where the legitimate objections raised will no longer be of concern.

As a resident of Fir Hill for thirty years, I am deeply saddened that our neighborhood has been placed in such an unpleasant position where we are forced to publicly oppose such a serious threat to our safety, security and privacy. My preference will always be to welcome newcomers -- but not at all costs. This is especially true when the environmental, agricultural, social, cultural, and economic costs of a proposed project would compromise my values.

Having known and respected each of you for many years, I believe that the members of this Planning Commission and City Council would also have preferred that this proposal not have arisen in the narrow window of "opportunity" before new ordinances would prevent this project from consideration. *I ask that you please have the foresight and courage to implement those protections you are well aware of now - just a few months before these positive changes will be recognized for the collective wisdom they represent.*

I thank you for your thoughtful consideration and request that you **find this project to be inconsistent with General Plan policies LU5.1 and LU5.3.**

On behalf of the many concerned residents of this town, I further ask that you **insist – yet again – that the applicant revise the plans to retain all the existing historic vineyards and redesign the project's scope and style to be consistent with the environmental concerns of and norms of the existing neighborhood.**

Most respectfully,

Mary Cunningham Agee and Family

-----Original Message-----
From: Linda Rose <linda@mgrose.com>
Sent: Thursday, March 2, 2023 4:06 PM
To: Maya DeRosa <MDeRosa@cityofsthelena.org>
Subject: [External] 2126 Madrona

Dear Maya,

I am very opposed to the proposed project at 2126 Madrona. It has no place in our town and certainly not there. It is completely out of scale and out of character.

Thank you,

Linda Rose
St. Helena

From: Leslie Stanton <lesliestan@gmail.com>
Sent: Thursday, March 2, 2023 4:57 PM
To: Maya DeRosa <MDeRosa@cityofsthelena.org>
Subject: [External] 2126 Madrona

Hi Maya - The "dream home" that the super rich couple wants to build on the Rossi property is out of scale for this community and meant for another purpose, and should not be called a home. Any building with that many bathrooms is to be some kind of an entertainment center. It needs to be scaled back.

Sincerely, Leslie Stanton

From: Kimberly Phinney <kimbophinney@gmail.com>
Sent: Friday, March 3, 2023 9:24 AM
To: John Ponte <JPonte@cityofsthelena.org>; Autumn Anderson <AAnderson@cityofsthelena.org>; Rosaura Segura <rsegura@cityofsthelena.org>; Marika Rothfeld <mrothfeld@cityofsthelena.org>; Christopher Warner <Christopher.Warner@cityofsthelena.org>
Cc: Maya DeRosa <MDeRosa@cityofsthelena.org>; Chantal Power <cpowers@cityofsthelena.org>
Subject: [External] Tuesday's Meeting

March 3, 2023

Dear Planning Commissioners, Ms. DeRosa, and Ms. Powers,

I am writing on behalf of the 2126 Madrona Avenue project up for a demolition permit and design review for the Tuesday, March 7th Planning Commission meeting.

I am writing to express my support of this project because it falls within the 'laws' of what a private property owner is allowed to do and can do on this particular property in St. Helena. I support the Staff Recommendations and hope that Option 1 is the direction you choose.

When we all buy property here, we know that the space that surrounds us, whether vacant or already constructed, has the chance to be redone or developed. This is just a fact of living in any neighborhood, town, city, outside of a cave. Our feelings and our emotions, as well as our opinions, should not supersede what is legal and allowed.

A property owners taste or style should not be questioned or unique projects challenged simply because it is not your taste or style. What is allowable, again within the law, should prevail.
Personal habits and use of every day, taxed and billed utilities, should not even come into question for anyone other than the person paying for them. How many toilets does someone need is often opinionated in regards to this project and that is absolutely an absurd (and disgusting) abuse of privacy. How big does a house really need to be? That depends on the property owner building the home and if the general plan allows for it, not the like or dislike of the neighbors and what they are used to 'seeing' around our town. Allowing these opinions to become factors in whether a project is passed, instead of what is allowed within the law, sets a precedent unlike any other and will cost the city, not only in potential lawsuits, but tax revenue.

Agenda Item #5.2.

Having recently listened to the City Council meeting on Tuesday night about the financial crisis our city is in, I could only go back to the countless and endless 'no's' of projects, businesses, buildings, repairs, chain store support, on and on, because people 'didn't want to see', or 'want to maintain our charm', 'or we don't think this is an appropriate size', even 'they don't live here full time'. Those opinions and mentality, time and time again, got us to the deficit we are in now and will be for some time. Feelings are fine, allowed to be heard and part of this process, but feelings should not get in the way of what is legal and allowed, not to mention turning down projects that will benefit the city with revenue.

Thank you for your time not only serving on the Commission, but taking into consideration what is right, just, and allowed.

Ciao,
Kim Phinney
St. Helena

Buchalter

1230 Pine Street
St. Helena, CA 94574
707.967.9656 Phone
707.963.0771 Fax

707.200.9414 Direct
kfalace@buchalter.com

March 3, 2023

VIA E-MAIL

St. Helena Planning Commission
City of St. Helena
1572 Railroad Avenue
St. Helena, CA 94574

John Ponte (Chair) - jponte@cityofsthelena.org
Autumn Anderson (Vice-Chair) - aanderson@cityofsthelena.org
Christopher Warner – cwarner@cityofsthelena.org
Rosaura Segura – rsegura@cityofsthelena.org
Marika Rothfeld- mrothfelod@cityofsthelena.org

Re: **PL 21-044 - 2126 Madrona Ave. Single-Family Home Development Project**

Dear Chair Ponte and Members of the St. Helena Planning Commission:

Thank you for the time spent on the recent staff report. We understand our presentation next week will be limited in time. With that time constraint in mind, we have set forth the major points to illustrate how this project comports with the General Plan. The staff report notes that consistency with applicable General Plan policies is a required finding for a Design Review approval, but the staff report suggests the project may be found inconsistent with two General Plan policies. The applicant respectfully disagrees that the project could be found inconsistent with the above policies for the reasons outlined below. At issue are the following two General Plan policies:

> **LU5.1** Discourage conversion of existing farmland to non-agricultural uses. (General Pan, page 2-42.)
>
> **LU5.3** Strictly limit development on properties existing at the time of the adoption of this General Plan that are designated as agricultural land. (General Plan, page 2-42.)

buchalter.com
Los Angeles
Denver
Napa Valley
Orange County
Portland
Sacramento
Salt Lake City
San Diego
San Francisco
Scottsdale
Seattle

Buchalter

In determining whether a proposed project is consistent with the General Plan, the Planning Commission should consider whether it is compatible with the general land uses of applicable elements of the General Plan. In order to satisfy this objective, a proposal should meet the overall intent of the General Plan.

It is important to note that very little of the property's agricultural land is being converted to a nonagricultural use with only .53 acres of a 5.78 acre parcel is being converted. The property's agriculture *and rural residential* use is noted in the current General Plan. (GPU 2040 Figure 1.3.) The property's mainly agricultural use will continue under a contract with Spottswoode Winery. The staff report's view of these policies seems to be that "zero vine loss" could be required to be consistent the above policies. However, this interpretation is not supported by the plain language of the General Plan or its environmental document. The words "discourage" in LU 5.1 and "strictly limit" in LU 5.3 cannot be interpreted to mean "prohibit". To be sure, the certified EIR for the General Plan states that agricultural lands could be converted even with the above polices in place. [General Plan EIR, page 3.2-14] Therefore, the General Plan policies were acknowledged to not "prohibit" the conversion of agricultural lands, and an interpretation that the policy equals zero vine loss would be inconsistent with the impact analysis certified by City Council.

Second, the project complies with applicable zoning limitations on non-agricultural uses. Current A20 zoning limits non-agricultural uses to one acre as identified on the project plans. While current zoning was adopted before the current General Plan, the two policies at issue are not new. The 1993 General Plan contained the following two substantially identical policies:

> Policy 2.6.58 Promote the continuation of agricultural activities within and adjacent to the City. (1993 General Plan, page 2-27.)
>
> Policy 2.6.61 Limit residential development on properties existing at the time of adoption of the [1993] General Plan which are designated Agriculture and are outside the Urban Limit Line in accordance with [the below defined specific standards]… (1993 General Plan, page 2-28 (bracketed material supplied).)

Comparing the 1993 General Plan language to the current General Plan, the policies are the same in substance. Under the above policy language, the Planning Commission previously issued design review approval for an estate home on lands zoned A20 at 601 Fulton Lane in application

Buchalter

number P18-058, and that project also involved a limited conversion of agricultural to rural residential use.[1]

Further, this current project meets the overall goals, policies and objectives by:

- Increasing tonnage production resulting from farm investments and modifications of farming techniques;
- Continuation of dry farming;
- Planting of olive trees; and
- Enhancements to regional storm retention systems.

Not only is the limited conversion of certain low producing vines mitigated, but the project remains within the maximum area of land (1 acre) permitted to be developed in the A20 zone.

Lastly, a denial based on a zero vine loss interpretation of these policies is not compliant with the City's Municipal Code requirements for design review. A city is not required to adopt a design review ordinance. Where a city sets forth limitations in its design review criteria, it is bound by those criteria. *Friends of Davis v. City of Davis* (2000) 83 Cal.App.4th 1004, 1014. Here, the City has provided the following limitation:

> C. Only the proponent's failure to take reasonable account of the items discussed in Sections 17.164.010 through 17.164.030 shall justify the commission's disapproving a proposal solely on the basis of design.
>
> St. Helena Municipal Code §17.164.040

Certainly, the applicant has taken reasonable account of continued agricultural use on the property as evidenced by the letter from Spottswoode Winery and investments in improving the property's vineyard presented to the Planning Commission in past hearings. Denying the project on a zero vine loss interpretation is equivalent to denial on a non-design matter. Denial on a non-design matter is not permitted under the City's ordinance. *McCorkle Eastside Neighborhood Group v. City of St. Helena* (2018) 31 Cal.App.5th 80, 92-93.

[1] Details of P18-058 are available online at: https://www.cityofsthelena.org/planning/project/pl18-058-601-fulton-ln-pohlen-residence-and-agricultural-barn. The applicant incorporates by reference that past design review approval into the administrative record of this project.

Buchalter

Because the proposed project satisfies the existing General Plan land use designation and policies protecting agricultural lands, we ask that the Planning Commission approve the design review application.

Very truly yours,

BUCHALTER
A Professional Corporation

KATHARINE H. FALACE

cc:
Ethan Walsh (ethan.walsh@bbklaw.com)
Maya DeRosa (mderosa@cityofsthelena.org)
Chantal Power (cpowers@cityofsthelena.org)

Buchalter

1230 Pine Street
St. Helena, CA 94574
707.967.9656 Phone
707.963.0771 Fax

707.200.9414 Direct
kfalace@buchalter.com

March 3, 2023

VIA E-MAIL

St. Helena Planning Commission
City of St. Helena
1572 Railroad Avenue
St. Helena, CA 94574

John Ponte (Chair) - jponte@cityofsthelena.org
Autumn Anderson (Vice-Chair) - aanderson@cityofsthelena.org
Christopher Warner – cwarner@cityofsthelena.org
Rosaura Segura – rsegura@cityofsthelena.org
Marika Rothfeld- mrothfelod@cityofsthelena.org

Re: **PL 21-044 - 2126 Madrona Ave. Single-Family Home Development Project**

Dear Chair Ponte and Members of the St. Helena Planning Commission:

We held a third neighborhood meeting on March 1, 2023. The following neighbors attended:

Hank and Patty Di Tomaso
Kathleen Herdell
Ron & Susan Krausz
Adam Rotello
Margo Simons
Annette Smith

During the meeting, we went over plans and discussed the revisions included in the most recent submission. The neighbors also asked about the mechanical room, the vines, the agricultural well (which falls outside the scope of this application), the oak tree, and the rain/runoff mitigation. We further discussed the septic lines proposed on the plans and the public sewer system if allowed by the City.

buchalter.com

Los Angeles
Denver
Napa Valley
Orange County
Portland
Sacramento
Salt Lake City
San Diego
San Francisco
Scottsdale
Seattle

BN 75553327v1

Buchalter

On March 2, 2023, we met with Annabel and Stephen Siri and Kate and Justin Osler. The concerns raised by the neighbors focused on the eastern elevation of the house. A further call is currently being scheduled to address same.

Please let me know if you have any questions.

Thank you.

Very truly yours,

BUCHALTER
A Professional Corporation

KATHARINE H. FALACE

cc:
Ethan Walsh (ethan.walsh@bbklaw.com)
Maya DeRosa (mderosa@cityofsthelena.org)
Chantal Power (cpowers@cityofsthelena.org)

Xinia Gamero

From: Maya DeRosa
Sent: Sunday, March 5, 2023 8:37 PM
To: Xinia Gamero
Cc: Chantal Power
Subject: FW: 2126 Madrona, Vote Approval

Please post to the 3/7 agenda.

MAYA DEROSA, AICP
COMMUNITY DEVELOPMENT DIRECTOR
City of St. Helena | Community Development Department
1088 College Avenue | St. Helena, CA 94574
Direct: (707) 967-2783 | mderosa@cityofsthelena.org | http://cityofsthelena.org/planning

From: John Zimmerman <jzimmerman@mticollege.edu>
Sent: Sunday, March 5, 2023 8:17 PM
To: Maya DeRosa <MDeRosa@cityofsthelena.org>
Cc: Aaron Hecock <ahecock@cityofsthelena.org>
Subject: [External] 2126 Madrona, Vote Approval

St Helena Planning Commission

The home proposed for 2126 Madrona will be a handsome addition to the neighborhood where I live. I urge the Planning Commission to approve the project. Additionally, approving the project will provide a significant infrastructure improvement by extending the sewer line further along Madrona to the project site. This will provide nearby residents the option for eliminating their septic systems. Another significant community benefit is the enormous financial infusion this home will provide annually in the form of property tax. Assuming a $40,000,000 project valuation, this equates to an approximate annual tax bill of $500,000. Per the Napa County Tax Collector's Office, 18% of the $500,000 will go to the City of St Helena, and 50% will go to our local schools. The final 30% will stay with Napa County.

This project has been the subject of much controversy, some of which continues to be mean-spirited and inaccurate. For example, there are some who have vilified the applicant because they are financially successful. Another instance was the demand of the Fir Street neighbors for a noise study. Any of us familiar with the project site could tell you the result of the study would identify two sources of noise -- the sheep in the Spottswoode Vineyard and the rooster across the street! Regarding the complaint about the size of the home, this is not unusual for sought-after communities. Lake Tahoe, Carmel, and the suburbs of San Francisco (Pacific Heights, Atherton and Woodside) have homes of this scale, and they blend well, as will the home proposed for 2126 Madrona Ave.

This project has been debated tirelessly, and the applicant has made numerous concessions. It's time to approve the project. I look forward to seeing the home built, as I believe it to be an excellent addition to the neighborhood where I live.

Agenda Item #5.2.

Thank you for the attention you have given this project. I am aware that the Planning Commission has a difficult role. It strives to balance demands of those opposed to this project with the fact the application meets the intent of established standards. Adding to this challenge is that some of those against the project are acquaintances or even friends of commission members. St Helena owes the Planning Commission members and staff its gratitude and respect for all that they endure.

Sincerely,

John Zimmerman
Spring Street

Sent from my T-Mobile 5G Device
Get Outlook for Android

Xinia Gamero

From: Maya DeRosa
Sent: Sunday, March 5, 2023 9:11 PM
To: Xinia Gamero
Cc: Chantal Power
Subject: FW: [External] Berchtold project on Madrona/Fir HIll

Please post to the 3/7 agenda.

MAYA DEROSA, AICP
COMMUNITY DEVELOPMENT DIRECTOR
City of St. Helena | Community Development Department
1088 College Avenue | St. Helena, CA 94574
Direct: (707) 967-2783 | mderosa@cityofsthelena.org | http://cityofsthelena.org/planning

From: Margo Simons <margosimons@aol.com>
Sent: Sunday, March 5, 2023 4:39 PM
To: Maya DeRosa <MDeRosa@cityofsthelena.org>
Subject: [External] Berchtold project on Madrona/Fir HIll

Hello Maya,

I hope you are well. We (Fir Hill) met on the Berchtold property this week to discuss the changes that had been made. Very little had been changed, including the size of the home. I am surprised that in this day and age (with water issues, flood plane consideration) that someone could even consider it, especially because this size has never been considered before in our town. With the proposed future code saying no house larger than 4700sq ft. can be built in town, this will end up being a white elephant. It just doesn't fit the neighborhood. This project is perfect for an out of town, on a street without the foot, bike and car traffic.

I spoke to a former head of planning (commissioner) and they said even though they (or whomever) may technically be allowed to build to code something of this size(20k), does not mean that it has to be approved. There is a fact in the code says something to the effect ~that if it doesn't look, smell or taste right for the neighborhood, you don't have to allow it. It's the classic just because they can does not mean they should.

Thank you for your consideration,

Margo Simons

Xinia Gamero

From: Maya DeRosa
Sent: Sunday, March 5, 2023 9:37 PM
To: Xinia Gamero
Cc: Chantal Power
Subject: FW: [External] House proposed for Madrona & Fir Hill

Please post to the 3/7 agenda.

MAYA DEROSA, AICP
COMMUNITY DEVELOPMENT DIRECTOR
City of St. Helena | Community Development Department
1088 College Avenue | St. Helena, CA 94574
Direct: (707) 967-2783 | mderosa@cityofsthelena.org | http://cityofsthelena.org/planning

From: Barbara Shurtz <badbears38@gmail.com>
Sent: Sunday, March 5, 2023 9:26 PM
To: Maya DeRosa <MDeRosa@cityofsthelena.org>
Subject: [External] House proposed for Madrona & Fir Hill

I feel that this house is entirely too large for the neighborhood and should not be allowed to be built on this property within the city limits.
Barbara Shurtz 1600 Dean York Lane, St Helena

CARMEN A. POLICY
GAIL M. POLICY
2170 Palmer Drive
St. Helena, CALIFORNIA 94574
Cpolicy@casapiena.com

March 3, 2023

In Re: Comment upon 2126 Madrona Avenue project up for a Demolition Permit and Design Review for the Tuesday March 7th Planning Commission hearing

Dear Planning Commissioners, Director DeRosa and Ms. Powers.

We are submitting this written comment in support of the project seeking the above permit and review. My wife Gail and I are full-time residents of the City of St. Helena, and we are part of the same neighborhood as the property in question and only 1 ½ blocks away. We express our support for the project located at 2126 Madrona Avenue and we believe that "Staff Recommendation", Option one (1) should be followed and approved.

Based on the findings in the staff report it appears that the proposed project follows all current city zoning laws. Further, applicants are not seeking any exceptions or variances for their project. It is my understanding that the Planning Commission has approved similar projects in the past, therefore it seems not approving this project would be inappropriate and would also set a dangerous precedent with no legal basis.

My direct inquiries into this matter indicate that the proposed project is in keeping with the architectural and design elements seen throughout the town and it will be a substantive contribution to a diversity of styles in our community. My wife and I have further appreciation for the effort on the part of the owners/applicants to preserve the existing agricultural nature of the property while balancing their needs and desires. Needless to say, the financial benefits and the tax revenue this project will bring to our community will be a major benefit at a time when our town needs it the most.

As a final and personal point, it is our opinion that the owners/applicants will be wonderful neighbors who will have a very personal attachment to this home and the region as a whole. They have very close friends already attached to St. Helena and we believe that list will grow exponentially. We are certain that they are the type of people who will lend their support to projects that need the help and contributions of individual citizens. Furthermore, we are looking forward to having this couple and their family in our neighborhood for many years to come.

Thank you for your time, consideration and opportunity to weigh in on this matter.

Respectfully submitted,

Carmen A. Policy
Gail M. Policy
2170 Palmer Drive
St. Helena, CA 94574

Xinia Gamero

From: Maya DeRosa
Sent: Monday, March 6, 2023 9:01 AM
To: Xinia Gamero
Cc: Chantal Power
Subject: FW: [External] Proposed build at Madrona and Fir Hill meeting Mar 7

Please post to the 3/7 agenda.

MAYA DEROSA, AICP
COMMUNITY DEVELOPMENT DIRECTOR
City of St. Helena | Community Development Department
1088 College Avenue | St. Helena, CA 94574
Direct: (707) 967-2783 | mderosa@cityofsthelena.org | http://cityofsthelena.org/planning

-----Original Message-----
From: ELLEN SHIFFLETT <ellenshifflett@gmail.com>
Sent: Saturday, March 4, 2023 8:34 AM
To: Maya DeRosa <MDeRosa@cityofsthelena.org>
Subject: [External] Proposed build at Madrona and Fir Hill meeting Mar 7

As a neighbor and property owner in St Helena I am opposed to the proposed build of an oversized structure on the corner of Madrona and Fir Hill. I find the proposed out of proportion to the neighborhood. Please consider the environment.
Thank you

Ellen Shifflett
1701 Madrona Ave
St Helena

March 5, 2023

City of St. Helena, Planning Commission
1572 Railroad Ave. | St. Helena, CA 94574
John Ponte | Chair, Planning Commission | jponte@cityofsthelena.org
Autumn Anderson | Vice-Chair, Planning Commission | aanderson@cityofsthelena.org
Marika Rothfeld | Planning Commissioner | mrothfeld@cityofsthelena.org
Rosaura Segura | Planning Commissioner | rsegura@cityofsthelena.org
Christopher Warner | Planning Commissioner | cwarner@cityofsthelena.org

Re: Continued Concerns Regarding 2126 Madrona Ave. Development Project

Dear Chair Ponte, Vice-Chair Anderson, Commissioner Rothfeld, Commissioner Segura and Commissioner Warner,

We are writing to express our continued concerns regarding the project as it is currently proposed by Sasha Janev on behalf of Lorraine and Joe Berchtold to accommodate the construction of a new "single-family home and accessory dwelling unit" on the property located at **2126 Madrona Avenue**.

As previously noted, we would be very pleased to welcome Joe and Lorraine to the neighborhood and are grateful that their team agreed early on to remove plans for two driveways on our private, single-lane road.

Yet, we are quite perplexed as to why **the overall size and scope of this project has not changed**. The team was directed to meet with neighbors and to return with a plan encompassing less square footage *(e.g., less than 10,000 square feet - the maximum size allowed for a commercial building within the City limits)*.

To date, while there have been a few meetings with neighbors and story poles were erected, the changes that we have observed include lowering the ceiling height of the ADU *(pool house)* and a slight relocation of that structure to try to lesson the obstruction of views for those residents directly impacted. However, **no concerns expressed by neighbors have resulted in any reduction in the overall size of the proposed residence**.

During the second meeting with neighbors, a question was asked as to how the water use calculation was made. Mr. Janev explained that it was based upon the number of bedrooms. He was then asked how many bedrooms are in the current plan. Mr. Janev and Mr. Berchtold proceeded to point in the air, circling around and counting: "1 -2 -3 -4 -5." They then agreed aloud with each other, "Yes, 5." This led many residents who were present to conclude that more bedrooms are in fact planned, but only five rooms are being designated as such on the proposed plans. We would have hoped for more transparency with regard to water usage and the manner in which the corner of Fir Hill Drive and Madrona Avenue may be impacted.

We respectfully request that you carefully evaluate whether the size of this residence is reasonable for the surrounding neighborhood, as we trust that you would do for any project in our beautiful city.

Sincerely,
Luc & Jodie Morlet
Fir Hill Drive Residents

Cc:
City of St. Helena, Planning Division
Maya DeRosa | Planning & Building Director | mderosa@cityofsthelena.org | 707-967-2783 x 530

Via email March 6, 2023

RE File Number PL 21-044, 2126 Madrona Avenue, Berchtold Project

Dear Planning Commission Chair Ponte and Planning Commissioners,

My property located at 1775 Fir Hill Dr. has been in our family since 1972 when it was a cow pasture and Madrona Ave. was a narrow road without a middle line. Our connection to St. Helena is multi-generational; my great grandfather Robert Graham operated a saloon and pool hall on Main Street and my grandfather attended St. Helena Elementary School; my great uncle Thomas Street served as principal of St. Helena Elementary School for a while and his wife ran the florist shop. I feel connected to St. Helena and support my Fir Hill Dr. neighbors in opposition to this project as currently proposed.

I was unable to attend the March 1, 2023 community meeting for the project because of weather conditions and Hwy 101 closure, and unfortunately, I will not be able to attend the March 7 Planning Commission meeting. I have the following questions and concerns.

Water

The water analysis for "water neutrality" is based on the approximation of Dennis Rossi, the sole occupant, using 750 gallons per day because the house has 5 bedrooms. How is this reasoning consistent with the water department phase II water restrictions of 65 gallons per person per day and 2,500 gallons per month for landscaping from April 1 through October? For these 7 months the water use would be 4,450 gallons per month for a period of time when Dennis Rossi was living in the residence. Compare 22,500 gallons per month based on 750 gallons per day with 4,450 gallons per month based on reality. A single resident in a household can use only one toilet at a time and uses about 2.56 gal/flush if not low flow. Even10 flushes/day leaves about 125 gallons for other household water usage assuming 150 gallons per the bedroom used by the single resident. The system of assigning 150 gallons of water per bedroom per day does not give a "reasonable estimate of baseline existing demand" in this case and is used to make it appear that an almost 20,000 sq ft house with 3 bedrooms, possibly 2 more and more bedroom possibilities in the enormous basement, 10 toilets, 16 faucets, 6 shower heads, 2 baths, 3 clothes washers and 1 dishwasher, plus an ADU with 1 bedroom, 1 toilet, 3 faucets, 1 shower head, 1 clothes washer and 1 dishwasher will use less water than the existing use. This defies common sense. I urge the Planning Commission to seek answers, and share them with the public, to questions raised by Tom Belt in his letter dated 2/23/2023. I request that the water analysis of existing use be redone to match reality. Although the current water analysis does not require a water offset due to the inaccurate estimate of existing water usage, offsets do not create more water. With the climate models predicting increasing temperatures and more evapotranspiration, the practice of using offsets to be "water neutral" may not meet the future needs and should be reconsidered. There is a significant probability that all the existing old vines will need to be replaced and new vines watered to be profitable in a warming climate. How will the project be "water neutral" without adding another well to the area? Although the building project does not require CEQA, the well permit should require CEQA in order to study the cumulative impacts of wells in the area in relation to a drying, warming climate, hydrologic flow underground, geology of underground aquafers (probability of collapse, capacity to refill). Wells that functioned in the 1970s at 125 ft depth are dry, and now a depth of about 500 ft is required for reliable water; this water may have collected thousands of years ago. This project is downslope of residential and vineyard wells in the vicinity of Fir Hill Dr. and

Dean York Lane and creates the risk of water loss for these residents. Protection of the water supply for these residents is a Planning Commission responsibility.

Historic Oak Tree Protection and Storm Water Control Plan
Madrona Avenue has been widened since the 1970s and covers more of the tree's root area along this east side. The asphalt impedes oxygen flow, so the tree may be more dependent on it shallow feeder roots in the remaining root area that is within the project area. The largest bio retention basin is located just outside the root area indicated for the oak tree which serves as a mother tree and has mycorrhizal networks extending beyond the root area to other existing plants. Grading and excavating a 2 ft deep bio retention basin will initially damage the shallow feeder root/mycorrhizal association with other plants on the property. How will this be mitigated? The Storm Water Control Plan states the proposed impervious surface is 24,810 sq ft and the existing impervious surface is 9,840 sq ft. Instead of using pervious pavement for the driveway and motor court parking area which would decrease the impact on the oak tree, the project proposes no pervious pavement. The existing driveway and parking is gravel that allows water and dissolved oxygen into the soil and helps shallow feeder root/mycorrhizal connections to survive. The existing structures have an area of 3,893 sq ft according to the staff report; what accounts for the additional almost 6,000 sq ft of existing impervious surface? A 20,000 sq ft increase in impervious surface reduces the area available for cooperative mycorrhizal connections to other plants and soil areas that currently benefit the oak tree. Will an ethical arborist sign a statement that this massive increase in impervious surface will not decrease the health and longevity of the oak tree?

Design Review
To justify loss of agricultural land as consistent with LU 5.1 and LU 5.3, staff uses the rationale that surrounding parcels have not maintained agricultural uses. One resident on Dean York Lane has consistently grown row crops and offered surplus for free to the community; the residence on the NE side of the project has a vineyard; two residences at the west end of Fir Hill Dr. have vineyards and another maintains pasture for livestock; two additional residences on Fir Hill Dr. grow organic fruits and vegetables for their own use and to supply others (over the past decade I have grown and transported hundreds of pounds of lemons, persimmons, figs, guavas to Food for People in Humboldt County). What benefit comes from a narrow interpretation of agricultural use of land?

Breaking up the façade of the project structure fronting on Fir Hill Dr. does not preserve the vineyard and mountain views for neighbors or local residents and tourists who enjoy walking and cycling on Fir Hill Dr. and Madrona. The mass of a two story, 29ft tall house is still overwhelming and detracting unless one is an aficionado of excessive wealth display.

I urge the Planning Commission to find that this project is not consistent with General Plan policies LU 5.1 and LU 5.3, and approve a decision that this project not return for consideration "until this project is reduced in scale to under 10K square feet."

Thank you for serving on the Planning Commission and considering my comments.

Respectfully,

Alice Diane Ryerson

March 5, 2023

To Maya DeRosa and the Members of the Planning Commission,

I am writing this letter to voice my opposition and concern about the proposed building project for 2126 Madrona Ave. I have attended the 2 previous Planning Commission meetings where the applicant was instructed to make adjustments, scale down this project and talk to the neighbors. I also attended the 3 "neighborhood meetings" and voiced my concerns. I was quite surprised at the most recent meeting that no changes were made to the main residence. Only the ADU was moved a few feet. Several of us expressed our disappointment that the main residence remained the same size but our comments were not taken into consideration nor mentioned in their summary report.

Many of my neighbors have already written detailed letters addressing specific concerns so I won't repeat those issues in my letter but I want you to know that I support their concerns. I also want to be sure that the future of the heritage Oak will not be in jeopardy or impacted by the drastic change in the underground system and that the water use will be thoroughly investigated and monitored.

This proposed residence is beyond the scope and size of any other residence in St. Helena. It is not in keeping with the characteristics of our town and this neighborhood. It will forever change the view along Madrona Avenue and adjacent properties. It will not only impact this specific neighborhood but the community at large and set a precedent for other oversized projects. We will all have to live with the environmental impact of this project for years to come.

I urge you to vote for Option 2 and find this project inconsistent with the General Plan polices LU5.1 and LU5.3 and recommend a scaled down version.

Thank you for seriously considering the issues that will impact our entire community.

Respectfully,

Annette Smith

Xinia Gamero

From: Maya DeRosa
Sent: Monday, March 6, 2023 12:59 PM
To: Xinia Gamero
Cc: Chantal Power
Subject: FW: Berchtold's Project

Please post to the 3/7 agenda.

MAYA DEROSA, AICP
COMMUNITY DEVELOPMENT DIRECTOR
City of St. Helena | Community Development Department
1088 College Avenue | St. Helena, CA 94574
Direct: (707) 967-2783 | mderosa@cityofsthelena.org | http://cityofsthelena.org/planning

From: Beth Milliken <beth@spottswoode.com>
Sent: Monday, March 6, 2023 11:28 AM
To: Maya DeRosa <MDeRosa@cityofsthelena.org>
Cc: Joe Berchtold <JoeBerchtold@LiveNation.com>
Subject: [External] Berchtold's Project

Dear Maya,

I have had the opportunity to review the Planning Commission Report related to Joe & Lorraine Berchtold's home project at 2126 Madrona Avenue, and I am very happy to see that the Berchtolds have been responsive to the input of the Planning Commission and of their neighbors in making adaptations to the plans that address the concerns raised. With all of this, I write to express my support of this modified project. As an aside, we here at Spottswoode are thrilled with the opportunity to rehabilitate this amazing vineyard in the heart of St. Helena.

Please let me know if you have any questions. Thank you so much!

Very sincerely,

Beth

Beth Novak Milliken
President & CEO
SPOTTSWOODE
SPOTTSWOODE ESTATE VINEYARD & WINERY
1902 Madrona Avenue • St. Helena CA 94574
707/963-0134, x116 • spottswoode.com
Please paws before printing. – Riley

1

Patricia (Herdell) DiTomaso & Henry DiTomaso
Kathleen Herdell Christina Herdell
1615 Fir Hill Drive
St. Helena, CA 94574

March 6, 2023

Commissioner John Ponte, Chair (jponte@cityofsthelena.org)
Commissioner Autumn Anderson, Vice Chair (aanderson@cityofsthelena.org)
Commissioner Christopher Warner (cwarner@cityofsthelena.org)
Commissioner Rosaura Segura (rsegura@cityofsthelena.org)
Commissioner Marika Rothfield (mrothfield@cityofsthelena.org)
Ms. Maya DeRosa, Planning & Building Director (mderosa@cityofsthelena.org)
Ms. Chantal Power, Associate Planner

Re: City of St. Helena File No: PL 21-044; Application for Demolition Permit and Design Review for 2126 Madrona, St. Helena CA (APN 009-470-010) filed by Lorraine and Joe Berchtold

Dear Planning Commissioners and Planning Staff:

Pursuant to a request of the Commissioners at its hearing on December 6, 2022, we submitted a status report on December 19, 2023 of issues resolved and outstanding between the applicants and the Fir Hill Drive neighbors as we understood them at that date. Because applicants had not submitted revised plans at that point, we were unable to report that any issues were resolved. After review of applicants' recently submitted revised plans and a short meeting at the property with applicants' representatives, we continue to oppose the project and request the Planning Commission deny the application on the same grounds as we have stated in previous letters of opposition from us and other neighbors. Although each reason for our opposition alone justifies your denial, collectively they overwhelmingly do.

1. Project massing. No changes were made to the overall 19,515 sq. ft. development.

House massing remains a consistent objection to every Fir Hill neighbor and other members of the community who love the area as we do. Although Planning Commissioners suggested to applicants at each hearing they reconsider reducing the square footage of the project, applicants continued to believe they had the right to their proposed project as submitted. In meetings with us, they actually stated they were "entitled" to them. Ms. Berchtold in particular threatened even more development when we told her we opposed the size and stated to us she would not reduce "one square foot."

This project is far too large for the area and is in noncompliance with multiple General Plan requirements. Even with minimizing the design and materials selected, a residential development of this size neither fits the character of the neighborhood and town nor the scale and scope of the other residential structures in either the Fir Hill neighborhood, the valley floor or St. Helena in general. Approval of this application will set a terrible precedence for the City of St. Helena.

a. The ADUs. First, let us address issues regarding the ADU. Specifically, applicants DO NOT propose only one ADU; they **actually request TWO composed of 2 structures measuring about 425 sq. ft. each**. **When combined with the 300 sq. ft. covered breezeway between the 2 structures, the total size equals 1,150 sq. ft.** City Staff point out that review of the ADU is a staff ministerial function such that the Planning Commission should have no decision-making authority. In this project plan, however, it is material to the objections of the neighbors and the project massing because its total sq. ft. is at least 1,150. Whether staff or the Planning Commission make the ultimate decision, it should be denied. We question how many ADU's of 1,150 square feet have been approved in St. Helena making this ADU different and inconsistent from all the other ADU's approved in the past.

Although applicants frame the ADU request as a kitchen, living area and bedroom, each building can easily be modified clandestinely after construction and final inspection to make 2 fully functional apartments each with kitchens

and bedrooms. This hidden motive makes sense when you consider that applicants have stated they will employ a full time caretaker to live in a kitchen-less unit in the main house. This makes no sense when one considers their planting of tall olive trees, construction cement walls and other significant efforts to protect their "privacy." What kind of wealthy people want a caretaker to come and go into their main house at any time without notice who claim to seek maximum privacy? Their solution: put the caretaker into one of the guest ADUs. When one considers the caretaker unit in the main residence and the 2 ADUs, this project actually has 4 single family residences being proposed. Moreover, the current configuration makes no sense to separate the kitchen from the bedroom unit which would force a tenant or guest to go out into inclement weather to get a glass of water in the night. There is no doubt post-construction changes will be made.

Second, we thank applicants for changes made to the location of the proposed "pool room" ADU as an attempted compromise to reduce the project's impact on certain neighbors' view; however, moving the two ADU structures only 15' to the west and 5' to the south as well as lowering the roofline "about 2 feet" have minimal impact. Applicants made no change to the size of the ADUs to minimize impact on the neighbors' views. Thus, it remains the size of numerous single family homes in St. Helena. If, for example, there is only 1 ADU being proposed, they could have removed the breezeway between the 2 structures and made the ADU one building. Likewise, applicants could then have rotated the ADU so that its length ran east and west instead of north and south along Fir Hill; this would thusly reduce the length of the structure running along Fir Hill and further minimized the distance in front of the 1615 property. As it sits now, even with the new setbacks, the ADU blocks our view to the vineyard and eastern hills. Such a turn would significantly reduce the number of vines and rows needed to be torn out to accommodate the current version.

We have owned and lived in 1615 Fir Hill Drive for 65 years. We have made financial improvements to the property based on the view of the vineyard and eastern hills. Applicants should not be able to interfere with these investments because of an ADU that could be smaller, lower in height and positioned differently that would allow them an ADU but also protect their neighbors.

b. The Residence.

The basement: it is immaterial substantial square footage of this project is a basement which would be invisible to the neighbors and overall massing. That size of a buried cement box will impact the local area regardless in multiple ways including impact on the oak tree and groundwater and topside water flow. Furthermore, while there are homes with basements in St. Helena, NONE are anywhere close to the 6,457 sq. ft. size proposed here. Although staff report the HVAC will be located in the basement, it is impossible. Certainly the mechanical requirements for the elevator needed to get from the basement to the 3rd floor will be there. While the laundry machines could be located there, who would want them to be so far away from where the laundry lives? Purportedly there will be a game room. It will certainly be big enough to house almost 7 pickle ball courts, 7 badminton courts, 3.5 volleyball courts, and 2 tennis courts. It is nonsensical to put mechanical and other equipment in a high ground water location where all neighbors who have basements and flooding protections have ALL flooded at one time or another. Some flood every year notwithstanding engineered flooding protection. Building a 10 foot tall, 6,457 sq. ft. cement box might be good for an indoor swimming pool, but not for much else. Denial of the basement is essential to prevent environmental and other long term impact on the neighborhood. Nature will find a way to mitigate all that happens now below the surface of the ground if this basement is constructed and the consequences could be devastating to our aquifers that feed our wells and neighboring vineyards, to the heritage oak tree and its complicated root system, to the City's drainage system among the few notable issues.

The first and second floors. Even if the basement is denied, the remaining size of the main residence is larger than any other residence in St. Helena and should be denied. It does not fit into the neighborhood and rural character of this particular location. In short, this project remains far too large in scope for the City limits and valley floor. It would be fine if it were located against the base of the foothills or location where it is not seen from the narrow roads and footpaths. Again, we object that this project will serve as precedence for future projects. The Planning Commission and City Council are here to protect our way of life and our cultural heritage. Denial of this application is the only protection our legacy has. Applicants and many of us won't be here in 50 years, but this local behemoth will be. It's not what we want to occupy our valley floor.

When the Rossi family sold the property, we did not doubt someone would rebuild, but we expected it would be in keeping with the current structure size and the sizes of the homes rebuilt along the adjacent Madrona corridor. We did not expect an almost 20,000 sq. ft. project. Please deny this application.

2. Visibility on the corner of Madrona and Fir Hill will remain a problem.

Without living in this neighborhood for the length of time all the Fir Hill neighbors have, applicants' cannot truly understand how dangerous the visibility problem is on the corner of Fir Hill Drive and Madrona where both autos and pedestrians enter and exit the roadway on a regular basis. As drivers, when we drive south on Fir Hill towards Madrona, we are look through the Rossi property as best we can past the house so we can get a glimpse of what is happening on Madrona: can we see children, people, and animals taking their walks or riding bikes; can we see a hint of a moving car, truck, tractor, vineyard hauling; is there a car trying to turn onto Fir Hill Drive and we need to pull over to allow it to pass, and generally looking for any other condition that requires us to slow down or stop for safety. Likewise, going west on Madrona, we begin to look for Fir Hill Drive conditions through the vineyard adjacent to 2126 Madrona and at the yard adjacent to Fir Hill. No matter where the olive trees are planted, they will restrict our visibility onto Madrona from Fir Hill Drive and from Madrona onto Fir Hill Drive. Likewise, the size of the residence (which removes all but 1 of the rows between 2126 and the adjacent home) block drivers' views of Fir Hill from Madrona and from Fir Hill to Madrona. The visibility is unsafely impacted.

3. Storm Water Runoff.

We continue to have concerns about runoff. Applicants are making efforts to mitigate the runoff with some cysterns, but water must go somewhere. A large cement coffin and increased surface cement walls and structures will simply reroute the water, making existing controls useless. The City has a large drainage pipe that will be overwhelmed by the rerouted water. We again question whether the rerouted water and proposed dry ponds will affect the historical oak and create other environmental messes in the area.

4. Water usage.

No resolution is possible on this issue because applicants are using a City of St. Helena plan-review formula vs. actual water usage limits to get around water-usage issues for a home of this size as well as its agricultural/landscaping needs. The original plans call for a large pool, 2 homes (actually 3 with the split ADUs,) 11 toilets, 14 lavatory faucets, 4 kitchen faucets, 2 baths, 1 laundry faucet, 7 shower heads, 4 washing machines and 2 dishwashers. Finally, we continue to ask what the Rossi historical water use for the property was so we can compare historical data with proposed use data. No St. Helena resident or business owner who has lived through several droughts believes low flow water fixtures of a project this size will be less than water usage of the Rossi family and its small humble home. No one.

5. Well for Agricultural use.

Granting of a well permit is purely speculative and with our historical experience with well permits, is unlikely to be granted. Regardless, we still see no permit condition that applicants will use no City of St. Helena water for agriculture or landscaping. Finally, the houses on Fir Hill use well water as their only water source. There are no permit conditions that restrict the use of applicants' well (if granted) when it affects the viability of any existing well on Fir Hill.

6. Backyard layout and ADUs location.

Again, we continue to question whether the ADU 2 buildings are really only one ADU. Applicants' proposal to move the ADU five feet closer to the house, shifting it 15 feet east and lowering ceiling heights is progress in helping resolve the view shed issues but in reality will have minimal impact. At the recent applicant meeting with the neighbors, applicants confirmed that substantial vineyard will be removed along Fir Hill Drive to accommodate the ADUs, the pool and bocce court. Even though the ADUs could be designed so as to reduce the further impact on the neighbors' view sheds, (see the comments above, such as combining the ADU into one building with no breezeway, rotating it so the length of the structure does not run along Fir Hill, etc.) applicants continue to hold onto their original design and size. Nonetheless, applicants' still propose removing most of the vineyard along Fir Hill drive to about the oak tree in front of the Rodrigues property.

The reason we were given for why it can't be relocated (or even removed completely) is because it provides pool privacy. Pool privacy does not require 2 buildings totaling 850 square ft. and a one bedroom accessory dwelling unit with an 864 square foot covered terrace. We continue to object to an ADU along Fir Hill. It requires removal of substantial vineyard rows and obliterates the views of many neighbors.

7. Noise Study.

Not only the HVAC systems for a project of this scale but any pumps being run to help mitigate the underground water and possible septic systems, pool pumps, all the mechanical noise, etc. need to be reviewed to ensure compliance with the noise ordinance.

8. Drainage.

The 6,457 square feet cement building that will be below grade will displace and divert current water flows from this area. Displacing this water will be an issue with how the water drains around the property. While the applicants believe the dry ponds will handle it, it cannot handle the kind of atmospheric river storms we have had the last few years where substantial amounts of rainwater fall within short periods of time causing serious flooding. This must be addressed. We see no permit conditions concerning this issue and what will happen if additional runoff onto Fir Hill ditches and culverts as well as City drainage ditches cause further flooding.

9. Arbor Study. In both neighbor meetings the impact to the historic heritage oak tree was discussed, especially in relation to the drainage concerns. Because the tree is on City of St. Helena property, the City must require a tree impact study to be provided and approved by the tree committee. That tree is so old and large it is protected. In addition, because of environmental factors, it is seemingly fragile. There should be an official city arborist to assess the environmental impact issues for this tree. Moreover, we see no permit conditions to address what applicants will have to do if, after construction, the tree is damaged from the unforeseen environmental damages as a result.

10. Septic and leach lines.

Unfortunately, applicants cannot address septic and leach lines unless they have an approved permit which is necessary before applicants can apply for tying into city septic lines. Therefore, we cannot address consequences of potential septic and leach lines which could, in turn, affect the design of some structures and plans. We see no permit conditions that address this foreseeable event, especially as it might affect the neighbors and wells.

11. Elevation and composite drawings.

Renderings for affected properties on Fir Hill still do not look accurate to indicate how the views are actually affected. They do not include full size olive trees, the structures appear too small for the structures in reality. In other words, they look skewed and biased in applicants' favor and not the property owners' perspectives.

12. Grape Yields:

Staff state that because the Rossi vineyard is not on a historical register it is not historical. We wholeheartedly disagree with that conclusion. This vineyard was planted in an historical manner. They are not all one variety. If the applicants pull out any of the existing historical vineyard, we would like applicants to be required to have the University of California at Davis study the vines first and get a DNA report on the vines since they are historical and should be preserved.

Regarding the vineyard yields, the Rossi family have stated their yields have been 5 tons each year. We will continue to get a declaration under penalty of perjury from a member of the family for the record, but they have told us there are some underperforming vines, but they are NOT near the house and should not be the ones removed. The underperforming vines are further up Fir Hill towards the Agee property where there is a natural swell. The Rossi family replaced some vines with younger vines that aren't yet fully performing in the rows nearest to the propose residence, but in a couple of years, they would be fully performing. Some are in the area proposed to be removed. It appears there are

about 119 vines proposed to be removed. The Rossi family believes the vineyard has not been properly maintained since they sold it which could account for lower yields.

13. If not CEQA, then what else?

We continue to believe a CEQA environmental study should be completed since this project is almost 2 times the size of a commercial building in St. Helena. If not CEQA, what other analysis can be performed to protect us from this development when it is larger than many commercial buildings in St. Helena? Please protect us.

SUMMARY:

We continue to oppose this project. There are many other issues remaining to be resolved, but given the applicants' contention they are entitled to build a project of this size, it is unlikely this project is not going to happen without the applicants willing to make serious and substantial modifications. In the end, this may be a square peg into a round hole situation and the project should be denied as unsuitable for a City of St. Helena home.

Respectfully submitted,

Patty (Herdell) DiTomaso and Hank DiTomaso

Christina Herdell

Kathleen Herdell

Xinia Gamero

From: Maya DeRosa
Sent: Monday, March 6, 2023 5:49 PM
To: Xinia Gamero
Cc: Chantal Power
Subject: FW: [External] 2126 Madrona

Please post to agenda.

MAYA DEROSA, AICP
COMMUNITY DEVELOPMENT DIRECTOR
City of St. Helena | Community Development Department
1088 College Avenue | St. Helena, CA 94574
Direct: (707) 967-2783 | mderosa@cityofsthelena.org | http://cityofsthelena.org/planning

From: Megan Long <megan.long@gmail.com>
Sent: Monday, March 6, 2023 5:36 PM
To: Maya DeRosa <MDeRosa@cityofsthelena.org>
Subject: [External] 2126 Madrona

I'm writing to oppose the massive residential project planned for 2126 Madrona. The proposed 20K square foot size is not in keeping with the neighborhood — it's even larger than Spottswoode winery a few doors down! It would be a shame for this McMansion to be built in such a beautiful area that many use for recreation and for a significant number of old grapevines be torn out to make room for the monstrosity.

Best,

Megan

megan.long@gmail.com
415.420.9054

Laura Andersen and Frank Rodrigues

1693 Fir Hill Dr

St Helena, Ca 94574

UPDATE March 7, 2023

RE: 2126 MADRONA AVE ST Helena, ca 94574

After months of silence on this project, on February 16th we received a request for a Fir Hill neighbor meeting on Feb 23rd, with Berchtold's representatives, a 6-day notice. As with us, most of the neighbors could not attend the meeting with such short notice, so the meeting was rescheduled to March 1st. Unfortunately, we were unable to make the rescheduled date due to prior commitments.

To our dismay, there were no changes made in the overall size and scope of the project. The changes revolved around the ADU location, and direction of the pool and Bocce court.

The questions we have today are the same questions we've had since on day 1 of this project, with no real answers to such an unrealistic project within the city limits of St Helena.

We're not sure how the planning commission can consider this project with so many of the below concerns unanswered, and appearance of deception in the description vs what is proposed to be constructed. This request does not represent a 5-bedroom, 1-bedroom ADU residential property proposal.

SEWER

Are they going to be on septic or city sewer? If septic, bedroom count comes into play, are they bedrooms or offices, one document lists 4 bedrooms, another lists 5 bedrooms, but there are a total of 12-toilets and 16-bathroom sinks? The size and location of the leach fields needs to be laid out on the property. If there is city sewer, the street will have to be torn up so it can be rerouted to the property. This will be a major inconvenience for all that use Madrona Ave on a regular basis.

WATER

City or well? The water usage report shows this project proposes the construction of a 5-bedroom residence, 1-bedroom ADU, and a pool at 2126 Madrona Avenue, St. Helena, CA. The application on file lists 4 Bedrooms, this is why from the beginning we believed there is deception in the real bedroom count? The new residence and ADU will consist of 12 toilets,

WATER

City or well? The water usage report shows this project proposes the construction of a 5-bedroom residence, 1-bedroom ADU, and a pool at 2126 Madrona Avenue, St. Helena, CA. The application on file lists 4 Bedrooms, this is why from the beginning we believed there is deception in the real bedroom count? The new residence and ADU will consist of 12 toilets, 16-bathroom sinks, 8 shower Heads, 2 Bathtubs, 5 kitchen sinks, 5 Dishwashers, 4 clothes washers and 2 Utility sinks. The number of fixtures is not consistent with a 5 bedroom, 1 ADU residential property. Water use in a project this size is an educated guess at best. There is no evaporation rate of the pool accounted for. What else is not accounted for?

BASEMENT

The sheer size of the basement, 6457 square ft! The amount of dirt that would need to be removed is upward of 2,370 cubic yds at 2000 lbs. per yd, the average dump truck holds 12-14 yards, that's approximately 180 truckloads/trips up and down Madrona. This doesn't include any overage for the foundation, or the dirt to be removed for the swimming pool.

TIMELINE

What is the timeline? We were told by the representatives that it would take somewhere between 3 to 4 years to complete. This does not seem to be a timeline for a 5-bedroom residential project.

CONCUSION

Our concerns are many and need answers.

The Bechtold's have repeatedly said that they what to build their "Dream Home", which they deserve. But when their Dream Home has such a negative affect on the surrounding properties, maybe their dream home is in the wrong location. There is no other home in the City of St Helena anywhere near in size and scope.

As stated in our previous letter **we strongly oppose this project** and hope that the planning commission will take our concerns into consideration, as well as the other residents in the community, before making any decision.

This effects the whole town and sets a president for future projects as well.

Respectfully,

Laura Andersen

Frank Rodrigues

Laura Andersen and Frank Rodrigues

1693 Fir Hill Dr

St Helena, Ca 94574

December 19, 2022

Re: City of St. Helena File No: PL 21-044; Application for Demolition Permit and Design Review for 2126 Madrona, St. Helena CA (APN 009-470-010) filed by Lorraine and Joe Berchtold

In response to the December 6, 2022, Planning Commission requesting a recap on the neighborhood meetings. I was only able to attend the second of the two.

At that time, it seemed to be “ask me no questions and I’ll tell you no lies”, there was not a lot of information forthcoming. I came away from the meeting with more questions than answers.

The story poles helped very little, the effort was made, but it still doesn’t show the mass of the structures. The overall size of this project is like trying to put a square peg in a round hole. They keep talking about “their dream home” which they say they are “entitled” to. But when the size and scope of their dream home affects the dream homes of the surrounding neighbors, some of which have been here their entire life, we need to take a second and maybe even a third look.

This project will have a long-lasting effect on our town, and in our opinion ***not*** in a positive way.

There is a list of things that we hope the City Planning Commission will address before even considering this project.

1. Size and scope
2. Water usage domestic and well. Water neutrality? (Can you even get a well permit? Why can nobody answer that?
3. Bedrooms or offices? -still the same amount of bathrooms
4. Sewer or septic?
5. Storm water run-off and drainage
6. Noise pollution (hvac, well pumps, septic, pool, etc.)
7. Loss of historic vineyard
8. Madrona and Fir Hill corner loss of visibility
9. Lack of transparency and notification to the surrounding neighbors even within the 300’ radius
10. CEQA, with the size of the project CEQA study should be required

11. The very large old Historical Oak tree
12. Length of time this project will take and the effect that will have (noise, traffic, dust)

Conclusion

We are not in support of this project as presented.

This is not the right location for a project of this size, it has the potential of doing more harm than good to our neighborhood.

We would like the council, and all involved to get all the facts from more than one source before making any kind of decision.

Respectfully,

Laura Andersen

Frank Rodrigues

PLANNING COMMISSION REPORT

Planning Commission Meeting of March 7, 2023

FILE NUMBER: N/A

SUBJECT: Nomination and election of a new Planning Commission Vice Chair.

PREPARED BY: Xinia Gamero, Permit Technician III

REVIEWED BY: Maya DeRosa, Community Development Director

APPROVED BY: Maya DeRosa, Community Development Director

APPLICATION FILED:

BACKGROUND
Rule 1 of the Commission By-Laws identifies that the Planning Commission, by majority vote, may choose to elect a Chairperson or Vice-Chairperson at a different meeting to address a resignation.

PROJECT DESCRIPTION
Nomination and election of the Vice-Chairperson for the Commission.

STAFF RECOMMENDATION
It is recommended that the Commission nominate and vote to elect a new Vice-Chairperson as identified in Rule 1 of the Planning Commission By-Laws.

ATTACHMENTS
PC BY-LAWS 2018-Final(Votes)

ST. HELENA PLANNING COMMISSION

BY-LAWS

The following rules shall be applicable to the organization of the St. Helena Planning Commission, to the convening or calling of meetings, and to the transaction of business when the Commission has convened and acts or serves in an official capacity, pursuant to law.

ORGANIZATION AND ELECTION AND DUTES OF OFFICERS

RULE 1. The Commission shall elect a Chairperson and Vice Chairperson and designate a Secretary at the first regular meeting of the Planning Commission in July to serve for a period of one year from the date of their election. However, the Planning Commission, by majority vote, may choose to elect a Chairperson or Vice-Chairperson at a different meeting to address a resignation. In the case of a resignation of the Chair, the Vice-Chair shall become the interim Chair until formal election of a new Chairperson occurs.

RULE 2. The Chairperson of the Planning Commission shall preserve order and decorum and shall decide questions of order. The Vice Chairperson shall preside in the absence of the Chairperson.

RULE 3. The Chairperson of the Planning Commission may second any motion and present and discuss any matter as a member of the Commission without having to step down from the Chair and shall be entitled to vote on all matters before the Planning Commission.

RULE 4. The Secretary shall be a City Employee, normally the Planning Director.

RULE 5. The Secretary shall be responsible for the preparation of the Planning Commission minutes and shall assure that all official actions or decisions by the Commission shall be recorded within the minutes. Consistent with Municipal Code section 2.60.030, the Commission shall keep a public record of its resolutions, transactions, findings and determinations. Those records are kept as minutes that summarize Commission action, in the same manner as City Council minutes.

RULE 6. The City Attorney of the City of St. Helena shall be the legal counsel to the Planning Commission.

RULE 7. The video recordings of each meeting are designated as the official record of the Planning Commission agenda and action and are to be made available on the City of St Helena website.

SCHEDULE OF MEETINGS

RULE 8. The Planning Commission shall hold at least two Regular Meetings per month, which shall be held on the first and third Tuesdays of the month. In the event the first or third Tuesday is a holiday, an alternate meeting may be held. An additional Adjourned Meeting may be held, if

necessary. Such regular meetings may be canceled by a vote of the majority of Commission members present at a regular or special meeting or when a quorum is not available. Meetings shall be held in the same locale used by the City Council or at City Hall or the Fire Department starting at 6:00 P.M. Adjourned Meetings, Special Meetings, meeting relocation, or revised starting time shall be by a three-fifths vote of the Planning Commission. Notice of such meeting shall be given in accordance with State law.

RULE 9. Emergency or special meetings may be called as provided in Section 54956 of the Government Code of the State of California.

RULE 10. In the absence of a quorum all items on the agenda shall be continued to the next scheduled meeting.

AGENDA

RULE 11. An agenda shall be prepared by the Secretary of the Planning Commission for each meeting of the Planning Commission.

RULE 12. All matters to be considered by the Commission shall be properly filed with the City in compliance with the provisions, standards, and procedures established by adopted City Ordinances. The Secretary shall not accept for presentation to the Commission any matter unless it is properly made on the prescribed forms properly filled out with all data attached.

RULE 13. Any matter that comes before the Commission orally under Public Forum shall not be discussed or acted upon by the Commission unless and until it is heard as a scheduled agenda item at a Regular, Adjourned, or Special meeting of the Commission.

RULE 14. Request for informal or advance decisions concerning potential future developments or plans will not be considered by the Planning Commission.

RULE 15. The regular order of business of the Commission shall be:

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE & ROLL CALL
3. MINUTES APPROVAL
4. PUBLIC FORUM
5. COMMUNICATIONS & PETITIONS
6. RECOMMENDED CONSENT CALENDAR
7. CONTINUED ITEMS
8. SIGN PERMIT/ADMINISTRATIVE DETERMINATION
9. PUBLIC HEARINGS - PLANNING COMMISSION ACTION IS FINAL (DR/UP/VAR/LLA/TPM)
10. PUBLIC HEARINGS – PUBLIC HEARINGS/RECOMMENDATIONS TO CITY COUNCIL (TSM/ZOTA/GPA/REZONE)
11. NAPA COUNTY REFERRALS
12. SCHEDULED MATTERS
13. REPORTS BY STAFF AND PLANNING COMMISSION
14. AGENDA FORECAST
15. ADJOURNMENT

RULE 16. The Chairperson may revise the order of the agenda for a particular meeting in order to expedite business for the convenience of the public or for improved continuity.

RULE 17. Commission meetings may remain in session up to, but no later than 10:00 P.M. However, the Commission may, by a unanimous vote, extend the meeting if the Commission deems such extension necessary. Otherwise, the meeting shall be adjourned to another day acceptable to the Commission, or unfinished business may be continued to the next Regular Meeting.

CONDUCT OF PUBLIC HEARINGS

RULE 18. Letters, petitions, or other written material pertaining to any item on the agenda may be filed with the secretary of the Commission prior to the time of the public hearing or may be presented to the Commission at the time of the public hearing. The Commission shall consider such material in deciding any issue before it. All written material shall become part of the Commission's file on the agenda item.

RULE 19. Items submitted after packet distribution: Materials related to any item on the Agenda submitted to the Planning Commission after distribution of the agenda packet are available for inspection in the Secretary of the Commission's office at 1480 Main Street, St. Helena, CA during normal business hours. All such materials will be brought to the meeting and will be available for public inspection at the meeting site. Either City Staff or the Chairperson at the hearing shall give public notice of any such materials. If copies are not available in sufficient quantity for interested parties or members of the public at the hearing, the Chairperson shall take reasonable steps to afford all such persons the opportunity to inspect the materials before the start of the hearing on a scheduled matter. The purpose of the foregoing is to avoid the interruption of testimony with requests for inspection of materials.

RULE 20. Any person desiring to address the Planning Commission may, when recognized by the Chairperson, give his or her name and address. A person appearing in a representative capacity shall provide the name and address of each represented party.

RULE 21. Testimony and argument relative to any item scheduled on the agenda as a Public Hearing shall, unless otherwise ordered by the Chairperson, be presented in the following order and within the time limits specified.

a. The Chairperson shall declare the Public Hearing to be open.
b. Disclosure of Ex Parte Communication*
c. Staff Report, including acknowledgement and/or reading of written testimony.
d. Presentation of the project by applicants, and/or agents/consultants directly associated with the project. (10 minutes)
e. Commission questions to staff and the applicant for purposes of clarification of staff report and proposed project.
f. Public Testimony in support or opposition of the project. (4 minutes per person)
g. Applicant and/or staff response to new information or questions raised by public testimony.
h. Chairperson declares public hearing to be closed.
i. Planning Commission debate, and motion.
j. Roll Call Vote.

Note: At the option of the Chairperson the public or applicant may give further testimony on the question, provided it is directly related to the motion.

* Ex Parte Communication is hereby defined as any additional factual information obtained by commissioners that pertains to an individual decision, including visiting a project site, meeting with a project applicant and/or meeting with interested citizens.

RULE 22. The Chairperson may, in the interest of facilitating the business of the Planning Commission, limit the amount of time that a person may use in addressing the Planning Commission. Opponents and proponents shall be given equal opportunity for presentation. A project applicant should always be given the right, reasonable opportunity and time, to respond fully to evidence and arguments presented after the applicant has made his/her opening presentation.

RULE 23. The applicant or his or her appointed representative may, with the permission of the Planning Commission, withdraw, or request a continuance on any matter pending before the Commission at any time prior to the Commission acting on such matter.

VOTING

RULE 24. A majority of the members of the Commission shall constitute a quorum. Unless otherwise required by federal, state or local regulation, the affirmative vote of a majority of the quorum is necessary to take action. If a majority is unable to be assembled on any motion (including a motion to continue a matter to a specific time) relating to a specific project for which the Commission must make a recommendation to the City Council, the project shall be referred to Council with a divided recommendation which reflects the individual votes of the Commissioners. If a majority is unable to be assembled on any motion (including a motion to continue a matter to a specific time) relating to a specific project for which the Commission has final authority, the matter before the Commission shall be deemed denied and the applicant may appeal such decision in accordance with the applicable rules. A tie vote, or deadlock, constitutes a denial unless the applicant requests a continuance of the item to a subsequent meeting at which a quorum is present, prior to a vote to deny the item.

RULE 25. On matters of procedure or order of business the Chairperson may make a motion and without a second and after calling for objection and hearing none, so order. In the event of objection, the Chairperson shall call for a second and a roll call vote.

MISCELLANEOUS

RULE 26. The Commission shall conduct their duties in keeping with the governing standards as provided by the Planning Commission Standards of Conduct document, maintaining the highest level of professionalism during their tenure serving the residents of the City of St. Helena.

RULE 27. Unless otherwise provided by these Rules, all proceedings before the Commission shall be conducted in accordance with and pursuant to the parliamentary rules of procedure as prescribed in "Rosenbergs's Rules of Order."

RULE 28. Testimony and argument relative to any other item on the agenda shall generally follow the procedure for a Public Hearing as may be modified at the discretion of the Chairperson.

RULE 29. Any rule of these By-Laws may be altered, amended, or repealed by majority vote of the Commission (subject to approval by the City Council), except that such alteration, amendment, or repeal shall not affect any pending matter.

RULE 30. Any rule of these By-Laws may be temporarily suspended by unanimous consent of the Commission.

RULE 31. A Resolution of the Planning Commission may be adopted conditionally and referred to the Secretary of the Commission for drafting in proper form.

RULE 32. Commission members shall decide for themselves whether they have a conflict of interest on any matter before the Commission. Such determination shall be made in accordance with State law and the City of St Helena Protocol for Committee, Commissions and Boards or any amendment thereto. When a member has disqualified himself/herself, he/she shall remove himself/herself from the dais stating their reasons for conflict of interest. The member shall also remove himself/herself from the meeting room, unless they are permitted to remain for a qualified interest as set forth in State law.

RULE 33. Failure to adhere to any of these rules does not result in the invalidation of any decision or action of the Planning Commission.

RULE 34. Any violation of these rules does not result in a cause of action against the City of St. Helena.

RULE 35. Subject to compliance with all established laws and regulations, any violation of these rules shall not impact the outcome of a vote or action on a specific project.

Amended, Approved and Adopted at a Regular Meeting of the Planning Commission on July 17, 2018, by the following roll call vote:

MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: Commissioners Ponte, Monnette and Hardy
NOES: None
ABSENT: Commissioner Knudsen
ABSTAIN: None

CITY OF ST. HELENA

RESOLUTION NO. 2018-116

Resolution of the Council of the City of St Helena adopting revisions to the City of St Helena Planning Commission By-Laws

RECITALS

The City Council of the City of St. Helena hereby resolves as follows:

A. Whereas, the City of St. Helena Planning Commission voted unanimously to amend its By-Laws at its Regular Meeting on July 17, 2018; and

B. Whereas, the City of St Helena Protocol for Committees, Commissions and Boards requires City Council approval of any modifications to the By-Laws of a Committee, Commission or Board.

RESOLUTION

Therefore, the City Council of the City of St. Helena hereby resolves as follows:

1. This action is not a project under the California Environmental Quality Act; and
2. The City Council authorizes amendments to the City of St Helena Planning Commission By-Laws and are hereby approved, as amended by the Planning Commission on July 17, 2018 (attached).

Approved at a Regular Meeting of the St. Helena City Council on August 28, 2018, by the following vote:

Mayor Galbraith:	Yes
Vice Mayor White:	Yes
Councilmember Koberstein:	Yes
Councilmember Dohring:	Yes
Councilmember Ellsworth:	Yes

APPROVED:

Alan Galbraith, Mayor

ATTEST:

Cindy Tzafopoulos, City Clerk

CITY OF ST. HELENA Incorporated March 24, 1878 Re-incorporated May 14, 1889 STATE OF CALIFORNIA

Memorandum

To: City Council, City of St. Helena
From: Ethan Walsh
Date: May 10, 2023
Re: CEQA Analysis for Proposed Single-Family Residence at 2126 Madrona Avenue

I. Introduction

On November 5, 2021, Joseph Berchtold (the "Applicant") submitted an application to the City of St. Helena ("City") to demolish an existing single-family residence to accommodate the construction of a new single-family residence (the "proposed Project") on the property located at the 2126 Madrona Avenue. This memorandum briefly addresses the level of environmental review necessary for the proposed Project under the California Environmental Quality Act ("CEQA").

II. Class 3 Exemption

As City staff report noted, the proposed Project is categorically exempt from CEQA under the Class 3 exemption set forth in State CEQA Guidelines section 15303. The Class 3 categorical exemption applies to the construction of small structures, and the following is specifically listed as an example of a small structure: "One single-family residence, or a second dwelling unit in a residential zone." (State CEQA Guidelines, § 15303(a).) The proposed Project falls squarely within the Class 3 categorical exemption, as it entails the construction of a single-family residence.

A. The Class 3 Categorical Exemption Applies To Single-Family Residences In the Twenty-Acre Agriculture (A-20) Zoning District

The construction of single-family residences in the A-20 district, where the proposed Project is located, is exempt under the Class 3 exemption for two reasons.

First, the Class 3 exemption is not limited to the construction of single-family residences in a residential zone. Rather, the Class 3 categorical exemption applies to the construction of "one single-family residence, or a second dwelling unit in a residential zone." (State CEQA Guidelines, § 15303(a).) In other words, there is no zoning limitation on the Class 3 exemption's applicability to a single-family residence; that limitation relates only to the addition of a second dwelling unit. If the Class 3 categorical exemption intended its zoning limitation to apply to the construction of single-family residences, the exemption would have been drafted to provide: "One single-family residence [no comma] or a second dwelling unit in a residential zone." The inclusion of a comma after single-family residence confirms that the zoning limitation does not apply to the construction of single-family residences.

Second, the proposed Project is located in a residential zone. The A-20 district "provides for agricultural and residential uses." (St. Helena Municipal Code, § 17.20.010.) While there are various permitted uses within the A-20 district, the first permitted use listed is "One-single family dwelling." (St. Helena Municipal Code, § 17.20.020.) CEQA does not define the term "residential zone" as a zone that exclusively permits residential uses. Because the A-20 district explicitly permits residential uses, it qualifies as a residential zone under CEQA.

B. The Proposed Project's Size Does Not Render The Class 3 Categorical Exemption Inapplicable

Some members of the public have argued that the proposed Project is too big to qualify for the Class 3 categorical exemption. The Class 3 categorical exemption, however, does not limit the size of a single-family residence to which it is applicable. (State CEQA Guidelines, § 15303(a).)

The Class 3 exemption does provide size limitations for other types of structures—i.e., for commercial buildings such as stores, motels, offices, and restaurants. (State CEQA Guidelines, § 15303(c).) But, in the contrast, the Class 3 categorical exemption does not limit its applicability to residential structures—e.g., single family residences, apartments, and duplexes—based on the square footage of such structures. (State CEQA Guidelines, § 15303(a)-(b).)

Moreover, no published decision has held that the Class 3 exemption's applicability to a single-family residence hinges on the size of the residence. Mr. Block, attorney for the Herdell family, cited to an unpublished opinion finding that the Class 3 exemption did not apply to a proposed single-family residence based on, among other reasons, the proposed residence's size. (See *Gaviota Coast Conservancy v. Santa Barbara County* (2009) 2009 WL 4894456.) An unpublished opinion, however, has no precedential value. (Cal. Rules of Court, Rule 8.1115 [an unpublished opinion "must not be cited or relied on by a court or a party in any other action"].)

The plain text of the Class 3 exemption is clear: the exemption applies to a proposed single-family residence, and the exemption does not have any limitation on the proposed residence's size. (State CEQA Guidelines, § 15303(a).)

III. CEQA for this Project is limited to design related matters

It is also important to be mindful that the discretionary decision before the Council is the consideration of a design review approval, and therefore even absent an exemption, CEQA review is limited to design related impacts. The First Appellate Court's decision in *McCorkle Eastside Neighborhood Group v. City of St. Helena* (2018) 31 Cal.App.5th 80 is relevant to this point. The proposed project in that case—like the proposed Project here—required only a demolition permit and design review from the City of St. Helena to demolish the existing structure at 632 McCorkle Avenue and to construct an eight-unit multifamily residential building at that site. (*Id.* at pp. 85-86.) The court held that the City of St. Helena's approval of a demolition permit and design review for the proposed project was not subject to CEQA because of the City's limited discretion when considering these approvals. (*Id.* at p. 92.) The Court held that the City correctly determined that the City's approval of the demolition permit and design review for the proposed multi-family development were thus not subject to CEQA. (*Ibid.*)

BLOCK&BLOCK
ATTORNEYS

May 11, 2023

By Electronic Mail
Mayor Paul Dohring
Members of the St. Helena City Council
City of St. Helena
1088 College Avenue
St. Helena, CA 94574

Re: Berchtold Project CEQA Exemption

Dear Mayor Dohring and Councilmembers:

I am writing to explain why the proposal by Joe and Lorraine Berchtold to build a 19,000 square foot residential compound in a vineyard on land designated as agricultural is not exempt from environmental review.

A. The Berchtold Residence Is a "Project" Under CEQA.

CEQA establishes a multi-tiered process for environmental review. The first step is for an agency to conduct a preliminary analysis to determine whether proposed activity constitutes a "project." CEQA defines "project" as activity that may effect a change in the physical environment and requires decision-makers to exercise discretion in granting or denying approval. (CEQA Guidelines §§ 15357, 15378.) Activities that can be approved ministerially are not "projects" and are therefore not subject to CEQA. (CEQA Guidelines §§ 15268, 15369.)

Design review of the Berchtold residence is clearly a "project" under CEQA. Staff agrees, or it would not have relied on a CEQA exemption to shortcut environmental review. Determining whether to grant or withhold design review approval for the Berchtold house requires the Council to exercise its discretion by evaluating the project's consistency with the General Plan and the compatibility of its design with the immediate environment. (SHMC § 17.164.030(A)(1)-(3).)

B. The Berchtold Residence Is Not Exempt from CEQA as a "Small Structure."

Once an activity is deemed to be a "project," the reviewing agency must determine whether it falls within an exemption to CEQA. Exemptions are interpreted narrowly in order to afford the fullest possible protection to the environment. (*Save Our Carmel River v. Monterey Peninsula Water Management District* (2006) 141 Cal.App.4th 677, 697.) If the project is exempt, no further environmental review is necessary. If it is not exempt, the agency proceeds to the other tiers of CEQA, namely, the preparation of an initial study and, depending on its outcome, the preparation of a negative declaration, a mitigated negative declaration, or an EIR.

1109 JEFFERSON STREET, NAPA, CA 94559 · 707.251.9871 · BLOCKANDBLOCKLLP.COM · KB@WINELAWYERS.COM

Because it is a "project" within the meaning of CEQA, the Berchtold residence is subject to environmental review unless it qualifies for an exemption. According to staff, the project falls within the "small structures" exemption, which applies to the construction of new "small facilities or structures," including "[o]ne single-family residence, or a second dwelling unit in a residential zone." (CEQA Guidelines § 15303(a).)

Applying an exemption for "small structures" to the construction of a 19,000 square foot residential compound does not pass the test of common sense. The Berchtolds want to replace a 3,893 square foot farmhouse with a two-story 14,407 square foot home, a 1,754 square foot garage, a 1,640 square foot covered terrace, an accessory dwelling unit comprising two structures and a covered terrace consisting of 1,714 square feet, a swimming pool, spa, and bocce court. In total, the project consists of more than 19,000 square feet of new construction, not including amenities. The only reason to characterize the Berchtold residence as a "small structure" is to escape environmental review.

To qualify under the "small structures" exemption, a single family house must be in a residential zone. The proposed Berchtold house is not; it is on land outside the Urban Limit Line designated Agriculture (AG) in the General Plan and zoned Twenty-Acre Agriculture (A-20). Although residences are permitted in the A-20 zone, its primary purpose is to preserve agricultural land uses. (SHMC § 17.20.010.) It is not a residential zone.

At the April 25 Council hearing, the Mayor suggested that only secondary units, not primary residences, must be in a residential zone to qualify for the "small structures" exemption. That is because, the Mayor said, there is a comma demarcating the reference to a single-family residence (which is covered by the exemption wherever it is located) from a second dwelling unit (which is only covered if it is in a residential zone).

Respectfully, the Mayor's reading makes no sense. The exemption excludes single family homes because they have little or no environmental impact when built on land zoned for residences. For purposes of the exemption, there is no reason to distinguish a main residence from an accessory unit based on their location. It is the small size of the structures, plus the fact that they are located on suitably zoned land, that limits their environmental impact.

The only appellate court to have considered the issue suggested that a house does *not* qualify for the small structures exemption unless it is located in a residential zone. (*Gaviota Coastal Conservancy v. Santa Barbara County,* California Court of Appeal, Second District, Division 6, Case No. B216420 (December 21, 2009).)[1] The *Gaviota* court ordered the county to conduct a focused EIR on a 14,000 square foot house proposed for a 17-acre parcel in part because the house was to be built on land zoned for agriculture, not housing. The Berchtold house is on land zoned primarily for agriculture, not housing, and is larger than the *Gaviota* house but is located on a much smaller parcel.

[1] A copy of the *Gaviota* opinion is attached to this letter. The reference to the house not being in a residential zone is found on page 5 in the first sentence of the second paragraph from the top.

C. The Berchtold Residence Falls Within the "Unusual Circumstances" Exception to the Small Structures Exemption.

Each of CEQA's categorical exemptions contains exceptions. If an exception applies, an otherwise exempt project is taken out of the exemption and must undergo CEQA review. Here, the "unusual circumstances" exception to the small structures exemption applies. It provides: "A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." (CEQA Guidelines § 15300.2(c).)

To establish that the "unusual circumstances" exception applies, the proponent must show that (1) the project presents unusual circumstances and (2) there is a reasonable possibility of a significant environmental effect due to those circumstances. (*Respect Life South San Francisco v. City of South San Francisco* (2017) 15 Cal.App.5th 449, 457.)

Whether unusual circumstances exist is a factual inquiry based on conditions in the immediate vicinity. (*Id*. at 456.) The possibility that a significant environmental effect will result from those circumstances is judged under the "fair argument" standard, which requires environmental review if a fair argument can be made that the project will have a significant environmental effect. (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1115.) The "fair argument" standard presents a question of law, not fact. (*Protect Niles v. City of Fremont* (2018) 25 Cal.App.5th 1129, 1139.) It intentionally triggers CEQA at a very low threshold based on this State's policy of resolving any doubts in favor of more, not less, environmental review. (*Berkeley Hillside,* supra*,* at 1111-1113.)

Unusual circumstances clearly exist in this case because the Berchtold house is (1) more than four times larger than the average house in the neighborhood and (2) located in a historic vineyard on land intended to preserve agricultural uses.[2] Moreover, the record contains substantial evidence to support a fair argument that the size and location of the Berchtold project will result in a significant impact on the environment.

1. Loss of Agriculture. The project will result in the loss of a half-acre of vineyard on land intended for agricultural protection. Setting aside evidence of other impacts, the loss of agriculture alone is a significant adverse environmental effect that arises directly from the project's "unusual circumstances," namely, the excessive size and inappropriate location of the proposed house.

---

[2] For the relative house sizes, see the assessor parcel data for surrounding properties attached as pages 247-248 of the April 25, 2023 agenda packet. All future page references are to the 473-page agenda packet prepared for the April 25 meeting.

Based on the assessor data, the average house and garage in the neighborhood are approximately 4,000 square feet while the Berchtold house and garage are more than 16,000 square feet.

For the historic nature of the vineyard, see the April 20, 2023 letter from Dennis Rossi (p. 369).

2. **General Plan Inconsistency**. The environmental impact is significant in part because the project is inconsistent with policies contained in the General Plan. Those policies direct the Council to "discourage" the conversion of farmland to non-agricultural uses (Policy LU5.1) and "strictly limit" development on agricultural land (Policy LU5.3). Although it received less attention at the hearing, the project is also inconsistent with General Plan Policy LU2.2 to "[e]ncourage new residential development that is consistent in design, size, color, and floor area ratio (FAR) with the older residences in the neighborhood."[3]

Under CEQA, general plan inconsistency is a land use impact that a reviewing agency must consider (CEQA Guidelines, Appendix G, § X(b)) and a strong indicator that the impact is significant. The Planning Commission denied approval because it found the project inconsistent with St. Helena's General Plan. That finding, together with staff's conclusion to the same effect, gives rise to a fair argument that the Berchtold residence will have a substantial effect on the environment.

3. **Construction Impacts**. The applicant estimates that their project will take three to four years to construct, far longer than a typical single-family house. One neighbor estimates that the excavation of the home's 6,457 square foot basement will entail the removal of 2,370 cubic yards of dirt, requiring approximately 180 trips by dump trucks (and 180 return trips) along rural Madrona Avenue (Rodriguez p. 315). Once completed, the house will utilize mechanical infrastructure, such as HVAC, of the type more commonly found on commercial premises, with attendant noise, vibration and other impacts.

4. **Water Use**. To assert that the 19,000 square foot Berchtold residence will use less water than the 3,900 square Rossi house is absurd. At least one neighbor addressed the issue in detail (Ryerson p. 301). The new house can accommodate more people than the old house, will have more water-using fixtures and appliances, and will have an accessory unit and swimming pool.

The project allegedly satisfies the City's water neutrality guidelines, but that is immaterial under CEQA. The CEQA issue is whether the project's water use will significantly affect the environment, which requires a fact-based analysis based on the project's actual water use, not the "rules of thumb" employed by the water neutrality guidelines. Further environmental review is warranted based on the sheer size of the Berchtold house.

---

[3] Staff suggests that the floor area ratio of the Berchtold project is actually lower than nearby houses because it includes an enormous (6,457 square foot) basement and only the above-ground portion of the building should be included in calculating FAR. That is incorrect.

FAR is a measure of the "bulk" or volume of a building relative to the parcel on which it is situated. The St. Helena Municipal Code defines FAR as "the ratio of building gross floor area divided by net parcel area." (SHMC § 17.04.160.) *Gross* floor area means that all of the floors in a building are considered, including uninhabitable and underground spaces and the floors on each story of a multi-story building. "Net parcel area" in this case should mean one acre, the maximum area of non-agricultural coverage on an A-20 parcel.

Properly calculated, the floor area ratio of the Berchtold project far exceeds the FAR of neighboring houses.

5. **Aesthetics**. The aesthetic impact of a project is a proper subject of CEQA review. (*Project Niles*, supra, at 1141; CEQA Guidelines, Appendix G, § I(c).) The City's design review ordinance supplements but does not replace a CEQA analysis of aesthetic impacts.

The Berchtold residence will significantly degrade the aesthetics of the neighborhood, according to the people who live there. In a flood of letters, neighbors object to the project's bloated size and lack of proportion (Rodrigues p. 252, DeRosa p. 297, Agee p. 274), its imbalance in scale and massing (Herdell p. 254, Hill p. 371), its negative impact on the viewshed (Herdell p. 254), and its incongruous architecture (Osler and Siri p. 257). Commentators characterize the house as a "McMansion" (DeRosa p. 313), an "affront to the aesthetic norms" of the neighborhood (Agee p. 273) and an "eyesore" (Barros p. 363).

These observations constitute substantial evidence of significant environmental impact. In *Georgetown Preservation Society v. County of El Dorado* (2018) 30 Cal.App.5th 358, the court held that public objections to the size and overall appearance of a chain store proposed for the Gold Rush-era city of Georgetown satisfied the "fair argument" test. Although the commentators had no special expertise in architecture, history or design, any rational layperson familiar with the area could conclude that a monolithic chain store *may* negatively impact the aesthetics of downtown. That is all the "fair argument" test requires. (*Id*. at 433-435.)

A different court came to the same conclusion in *Protect Niles v. City of Fremont* (2018) 25 Cal.App.5th 1129, where a group of citizens opposed a mixed-use development in Fremont's historic district. While the evaluation of aesthetic impacts is to some degree subjective, the court opined, comments by Fremont residents were not based on vague notions of beauty or per-sonal preference but on personal observations about the incompatibility of the project's massing, scale, size, and architecture with its surroundings. (*Id*. at 1145.) Such fact-based comments constitute substantial evidence supporting a fair argument that the project may ad-versely affect the environment and, in both the *Georgetown* and *Protect Niles* cases, required an EIR.

The parallels to this case are obvious. A large group of neighbors describes the Berchtold compound as detrimental to the aesthetics of their neighborhood. Their comments do not rest on subjective notions of beauty but on the incompatible massing, scale, size and architectural style of this project relative to its rural setting. One does not need to be a design expert to see that the project *may* degrade the area's look and feel. At least a fair argument can be made to that effect. To determine whether the project *will* have an adverse impact on aesthetics, and whether it can be mitigated, the Council should require more detailed environmental review.

Sincerely,



Kevin Block

KeyCite Red Flag - Severe Negative Treatment
Unpublished/noncitable December 21, 2009

2009 WL 4894456
Not Officially Published
(Cal. Rules of Court, Rules 8.1105 and 8.1110, 8.1115)
Only the Westlaw citation is currently available.

California Rules of Court, rule 8.1115, restricts citation of unpublished opinions in California courts.

Court of Appeal, Second District, Division 6, California.

GAVIOTA COAST CONSERVANCY, Petitioner and Respondent,
v.
SANTA BARBARA COUNTY, Respondent.
Lynn Ballantyne, Real Party in Interest and Appellant.

2d Civil No. B216420.
|
(Santa Barbara County Super. Ct. No. 1302380).
|
Dec. 21, 2009.

Thomas P. Anderle, Judge, Superior Court County of Santa Barbara.

Attorneys and Law Firms

Roger Jon Diamond, for Appellant.

Marc C. Chytilo and Ana M. Citrin, Law Offices of Marc C. Chytilo, for Respondent.

Opinion

YEGAN, Acting P.J.

***1** Lynn Ballantyne appeals the grant of a petition for writ of mandate in favor of respondent Gaviota Coast Conservancy under the California Environmental Quality Act (CEQA; Pub. Res.Code, § 21000 et seq.) [1] In 2008, County of Santa Barbara (County) adopted a mitigated negative declaration and approved Ballantyne's project to build a 13,333 square foot single family residence and garage, a 1,368 square foot detached guest house and garage, and a barn on the Gaviota Coast.

The trial court issued a peremptory writ of mandate directing County to rescind approval of the project and to vacate adoption of the mitigated negative declaration. County was ordered to prepare a focused environmental impact report (EIR) on the aesthetics and visual impact of the project looking south toward the project from Farren Road. Appellant contends that this ruling is erroneous.

We affirm concluding that County erred in adopting the mitigated negative declaration. Substantial evidence supports a "fair argument" that the proposed project may have a significant effect on the environment and that a focused EIR is required to address the aesthetics and visual impact of the project from Farren Road. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1123.)

The Project

In May 2005, Ballantyne applied for a land use permit to build a single family dwelling and garage, a guest house and garage, and a barn on a 17.1 acre parcel at 500 Farren Road. The property is two miles west of Goleta and is subject to the provisions of the Goleta Community Plan. Located on the north side (uphill side) of Highway 101, the property is accessible from Farren Road, a public road that travels north to the mountains where it comes to a dead end. The property has steep slopes and is surrounded on three sides by rural land zoned for agricultural use.

County Planning and Development denied the permit application because the project was inconsistent with County's Comprehensive Plan, Land Use Element Visual Resource Policy 2 and County Zoning Code section 35-212. Planning and Development recommended that Ballantyne revise the project and asked the Board of Architectural Review to review the project and provide guidance.

In April 2006, Ballantyne submitted revised project plans to reduce the height of the residence and lower the building pad elevation. Planning and Development again found that the project did not comply with Visual Resource Policy 2 and the County Zoning Code.

Ballantyne appealed the decision to the County Planning Commission and, before the appeal was heard, modified the project to add a 660 foot long earth berm to block views of the residence from Highway 101 and Farren Road from the southeast and southwest. Planning and Development recommended that the project application be denied because the residence would still be visible from Farren Road from the north.

On November 8, 2006, Planning Commission approved the project by a split vote but modified the project by reducing the height of the berm and moving the building footprint 20 to 30 feet north.

***2** Respondent Gaviota Coast Conservancy (GCC) appealed the Planning Commission decision to the County Board of Supervisors, contending that the project required a CEQA environmental review. On June 19, 2007, the Board of Supervisors ordered an environmental study to determine whether an EIR was required. County hired Rincon Consultants, Inc. (Rincon), an independent environmental consultant, to prepare an initial study and a mitigated negative declaration.

The Rincon Memo

Rincon prepared an initial study and a draft Mitigated Negative Declaration (MND) which were circulated for public comment.

In a June 12, 2008 memo, Rincon noted that the draft MND erroneously stated that the aesthetic impacts would be minimal because Farren Road was not an important view location. Based on public comments regarding recreational use of the road and an EIR for a different project (the Santa Barbara Ranch Project) which identified part of Farren Road as a "key observation point," the memo stated that a "fair argument" could be made that Farren Road was an important view location. Rincon recommended that a focused EIR be prepared to address aesthetics and the visual impact of the project from Farren Road.

The Rincon memo warned that approval of the project without an EIR would be vulnerable to legal challenge and suggested a second course of action: "If the county elects to move forward with the processing of an MND for the proposed project, we would suggest making the following revisions to the discussion to address the various comments made with respect to the analysis of impacts and policy consistent with respect to Farren Road." Planning and Development responded that the EIR recommendation was premature because Rincon had not yet provided an analysis of views of the project from Farren Road or considered whether the key observation points described in the Santa Barbara Ranch EIR were relevant to the Ballantyne project.

 © 2023 Thomson Reuters. No claim to original U.S. Government Works.

At a July 15, 2008 hearing, the Board of Supervisors approved the project by a three-to-two vote and adopted the MND. It found that "[t]he proposed berm immediately south of the residence will increase the profile of the natural horizon and ensure that the residence does not intrude into the skyline as seen from Highway 101, Farren Road and other public viewing places."

The CEQA Action

GCC filed a writ petition alleging that the project was subject to CEQA, that the project was inconsistent with County's Visual Resource Policy and Zoning Code, and that the project required an EIR. Ballantyne opposed the petition on the ground that the project was subject to a CEQA ministerial exemption and a small structures exemption. Ballantyne argued that even if an environmental assessment was required, that the MND was sufficient.

The trial court found the project was not subject to a small structures exemption and that the CEQA ministerial exemption did not apply. "The primary issue here is the view, particularly from Farren Road looking south toward the project." Citing expert testimony, staff reports, and an earlier photo simulation of the project, the trial court found: "There is no question that the project can be seen from Farren Road looking south to the project" and that the road is used by recreational hikers, bicyclists, birdwatchers, and persons accessing ranches north of the project.

***3** The trial court found that Farren Road is a public road, that the road is designated as a recreational trail on a County Parks, Recreation and Trails Map, and that the road is a public viewing area. The court concluded there "is substantial evidence of a significant environment impact on scenic views" and that the project may conflict with County policies embodied in the General Plan and the Land Use and Development Code section 35.30.060. County was ordered to vacate its adoption of the mitigated negative declaration and ordered to prepare a focused EIR on the aesthetics and visual impact of the project looking south to the project from Farren Road.

Standard of Review

On appeal, we independently review the administrative record to determine whether there is substantial evidence supporting a "fair argument" that the project as proposed may have a significant impact on the environment. (*Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 998, 1002.) The "fair argument" test imposes a low threshold requirement for the preparation of an EIR and reflects a preference for resolving doubts in favor of environmental review. (*No Oil Inc v. City of Los Angeles* (1974) 13 Cal.3d 68, 83-84.) Where project approval is based on a mitigated negative declaration instead of an EIR, "the courts owe no deference to the lead agency's determination. Review is de novo, *with a preference for resolving doubts in favor of environmental review.* [Citations.]" (*Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 928.)

Ministerial Project

Ballantyne argues that an environmental review is not required because CEQA exempts ministerial projects such as a single family residence. (§ 21080; *Association for Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720, 733.) "The CEQA Guidelines define a 'ministerial' decision as one that involves little or no personal judgment by the public agency or official about the wisdom or manner of carrying out the project. [Citation.] The agency or official merely applies the particular law or regulation to the facts. [Citation.]" (Koskta & Zischke, Practice Under the Cal. Environmental Quality Act (Cont'd. Ed. Bar 2d ed 2009) § 4.26, p. 181.) If project approval involves both ministerial and discretionary actions, the project is deemed discretionary and subject to CEQA. (Cal.Code Regs. tit. 14, § 15268(d); *Friends of Westwood, Inc. v. City of Los Angeles* (1987) 191 Cal.App.3d 259, 272-273.)

 © 2023 Thomson Reuters. No claim to original U.S. Government Works.

Ballantyne contends that the project is ministerial because project revisions were voluntarily made. County, however, imposed other project conditions to change the height of the 660 foot long berm, to relocate the building to the north, and to use approved landscaping and a lighting plan to reduce visibility.

Project revisions were imposed to make the project more consistent with County's Visual Resource Policy 2, a policy that does not describe fixed standards or objective measurements. Visual Resource Policy 2 and an Inland Zoning Ordinance (§ 35-213) state in pertinent part: " '*In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment.... Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.*' "

***4** Ballantyne asserts that other projects on the Gaviota Coast have been treated as ministerial projects, but that is not dispositive. County determined that project revisions had to be made due to its size and location, and imposed 28 project conditions. The determination is entitled to great weight (*Friends of Davis v. City of Davis* (2000) 83 Cal.App.4th 1004, 1015.)[2] and consistent with the County Land Use and Development Code, section 35 .82.110 which provides that land use permit applications should not be approved unless the project complies "with the provisions of the Comprehensive plan, including any applicable community or area plan, this Development Code, and any conditions established by the County."

Exercising its discretion, County required project changes to mitigate environmental consequences an EIR might uncover. (See e.g., *Friends of Westwood, Inc. v. City of Los Angeles, supra,* 191 Cal.App.3d at p. 273.) " 'These decisions may have great environmental significance relative to one physical site, negligible significance in another. Inevitably they evoke a strong admixture of discretion.' [Citation.]" (*Id.,* at p. 272.) There is no merit to the argument that Ballantyne could have compelled County to approve the project without revisions as a mere ministerial matter. (See e.g., *Miller v. City of Hermosa Beach* (1993) 13 Cal.App.4th 1118, 1139.)

Category 3 Small Structure Exemption

Ballantyne argues that the project is subject to a Category 3 small structure exemption which includes "a single family residence or a second dwelling unit in a residential zone." (Cal.Code Regs. tit. 14, § 15303(a).)[3] The exemption is found in the CEQA guidelines but "[e]xemption categories are not to be expanded beyond the reasonable scope of their statutory language. [Citation.]" (*Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 125.) This ensures that in all but the clearest cases of categorical exemptions, a project will be subject to some level of environmental review. (*Save Our Carmel River v. Monterey Peninsula Water Management Dist.* (2006) 141 Cal.App.4th 677, 697.) If the law were otherwise, a single family residence the size of a castle would be exempt from environmental review no matter where it is built or how much it obstructs public views of the skyline.

Here the project is prominently sited on a ridge line and surrounded by rural grazing land, zoned AG-II for agricultural use. Although a Category 3 exemption applies to small structures, the project is not small or a typical single family residence. The main residence (13,333 square feet in size) will be four times larger than other single family homes in the area, measure more than 300 feet in length across a ridge line, and will exceed the 10,000 square foot "small structure" exemption for commercial buildings. (*Ante,* fn. 4.) When Planning and Development denied the application for a land use permit, it found that the residence would intrude into the skyline and did not comply with the visual resources provisions in the Comprehensive Plan and Inland Zoning Ordinance. Ballantyne was advised that planting citrus trees to screen the residence would not solve the problem but siting the residence north of the ridgeline could minimize the visual impact.

 © 2023 Thomson Reuters. No claim to original U.S. Government Works.

***5** A project location, here a scenic ridgeline, can defeat a categorical exemption. (See Cal.Code Regs., tit. 14, § 15300.2, subd. (a).) "A categorically exempt project, like a single family residence, loses its exempt status 'where the project may impact on an environmental resource of ... critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state or local agencies.' [Citation.]" (*Salmon Protection & Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098, 1105.)

It is uncontroverted that the project is not in a residential zone, is prominently sited on a ridgeline in a rural agricultural area, and may impact public views of the skyline from a public road used for recreational purposes. The Santa Barbara Ranch EIR described Farren Road as a "key observation point" that provides long scenic vistas for recreational users. Substantial evidence supports the finding that the project is not subject to a Category 3 exemption. (*San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School Dist.* (2006) 139 Cal.App.4th 1356, 1382.) "If there is a 'reasonable possibility' that an activity will have a significant effect on the environment due to 'unusual circumstances,' an agency may not find the activity to be categorically exempt from CEQA. [Citation]." (Kostka & Zischke, Practice Under the Cal. Environmental Act, *supra,* § 5.72, p. 246; see *Mountain Lion Foundation v. Fish & Game Com., supra,* 16 Cal.4th at pp. 124-125.)

Mitigated Negative Declaration

CEQA Guidelines establish a rebuttable presumption that any substantial, negative aesthetic effect (i.e., the negative effect of the project on public views) is to be considered a significant environmental impact for CEQA purposes. (*Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1604.) The MND states that Farren Road does not qualify as a public viewing place because the road is not a throughway for the general public and "is not formally designated as a public view corridor, nor has it been formally identified as an important public viewing location in any adopted County policy document."

The trial court concluded that County's Visual Resource Policy 2 does not require that a public viewing place be on a thoroughfare or that it be a formally designated public view corridor. We concur. Local Coastal Plan Visual Resource Policy 2 protects views to scenic resources "from public areas such as highways, roads, beaches, parks, coastal trails, access ways, and vista points." It is not limited to formally designated view corridors. The same visual resource policy is set forth in the General Plan and the Land Use and Development Code which provide that the primary concern of the Coastal Act is to protect views of scenic resources from public areas such as roads, coastal trails and accessways, and vista points.

***6** The administrative record shows that Farren Road is used for bicycling, bird-watching, sunset enjoyment, and as a trail head. It is used for recreational purposes by track teams, photographers, artists, hikers, sailplane and glider enthusiasts, and other recreational users. An EIR for another Gaviota Coast project (Santa Barbara Ranch) identified Farren Road as "a key observation point" for recreational users and reported that Farren Road was in County's proposed recreational trail system. The June 12, 2008 Rincon memo acknowledged that a "fair argument" could be made that the project may have a significant effect on the environment with respect to public views from Farren Road. Similar concerns were expressed by county staff, by architectural expert and Goleta Planning Commissioner Edward Easton, by the Board of Architectural Review who reviewed the project three times, by neighbors, by a visual impact expert (Ken Doud), and in project-related correspondence.

When the project was first reviewed, story poles were erected to show the visual profile of the project as seen from Farren Road. Ballantyne argues that the story poles reflect a prior rendering of the project that has since changed. But those changes involve a minor shift of the building footprint. Rincon recommended a $7,300 photo simulation study to determine the visual impact of the project as modified but Ballantyne refused to pay for the study. Ballantyne assured County that the photos, plans, and submittals for prior iterations were accurate and could be relied on in preparing the MND. In a March 4, 2008 letter, Ballantyne's

 © 2023 Thomson Reuters. No claim to original U.S. Government Works.

attorney stated: "To the extent that Rincon proposed to spend ***any*** sums related to a 'visual analysis' of the Project's 'visibility' from higher elevations, the Applicants object to such costs as unreasonable."

The June 12, 2008 Rincon memo recommended that County: (1) prepare a focused EIR addressing the project's visual impacts looking south from Farren Road, or in the alternative, (2) adopt the MND with revisions to address concerns about visual impacts and policy consistency.

The Final MND states that the project will be "visually prominent" from Farren Road but "could be found to be consistent" with county policy because Farren Road "does not appear to meet any criteria for classification as an important 'public viewing place' ...." It states that "[t]he proposed residence would be highly visible from Farren Road" and would alter views from various vantage points on Farren Road which is a proposed on-road trail and currently used as a recreational trail by hikers and bicyclists.

Ballantyne contends that the MND serves as the functional equivalent of an EIR, but the MND erroneously assumes that key observation points on Farren Road are not protected by County's Visual Resource Policy. The April 12, 2008 Rincon memo warned that the mitigated negative declaration "relies heavily on the notion that Farren Road is not an important view corridor," a position which contradicts the Santa Barbara Ranch EIR. " 'The very uncertainty created by the conflicting assertions made by the [Rincon memo and the Final MND] as to the environmental effect ... underscores the necessity of the EIR to substitute some degree of factual certainty for tentative opinion and speculation.' " (*No Oil, Inc. v. City of Los Angeles, supra,* 13 Cal.3d at p. 85.)

***7** The administrative record includes statements by experts, reviewing agencies, and area residents that the project may create significant visual and aesthetic impacts on public view areas. (See *Ocean View Estates Homeowners Assn., Inc. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396, 402 [personal observations of residents substantial evidence of aesthetic impact].) Although the 660 foot long berm will screen the residence from Highway 101, it will not screen the residence as seen from Farren Road north of the project. This is why Rincon requested six photocompositions " 'to provide a firm, technically verifiable basis for the assessment of visual impacts and for the County's determination of project consistency with visual resources policies.' " Ballantyne refused to pay for the visualization study.

Ballantyne requests that the court visit the project site and see for itself whether the project obstructs a public view. The project, however, has been revised so many times that it is unknown how the project will impact public views from Farren Road. That is why Rincon recommended a focused EIR. "It is the function of an EIR, not a negative declaration, to resolve conflicting claims based on substantial evidence as to the environmental effects of a project. [Citation.]" (*Pocket Protectors v. City of Sacramento, supra,* 124 Cal.App.4th at p. 935.)

Even if Ballantyne could point to substantial evidence that no significant impact will occur, a mitigated negative declaration cannot be upheld where the administrative record contains substantial evidence to the contrary. (*Ocean View Estate Homeowners Ass'n v. Montecito Water Dist., supra,* 116 Cal.App.4th at p. 399.) Where, as here, no EIR "has been prepared, neither the lead agency nor a court may 'weigh' conflicting substantial evidence to determine whether an EIR must be prepared in the first instance." (*Pocket Protectors v. City of Sacramento, supra,* 124 Cal.App.4th at p. 935.)

The judgment is affirmed. GCC is awarded costs on appeal.

We concur: COFFEE and PERREN, JJ.

All Citations

Not Reported in Cal.Rptr.3d, 2009 WL 4894456

Footnotes

1 All statutory references are to the Public Resources Code unless otherwise indicated.

2 Ballantyne complains that Planning Commissioner Michael Cooney remarked that County, as a matter of policy, treated applications for a single family residence as exempt from CEQA review. Ballantyne further claims that 50 land use permits for single family residences were approved or pending in the Goleta/Gaviota area, none of which had to go through environmental review.

> We reject the argument because there is no evidence that the other projects involved a single family residence on Farren Road prominently sited on a rural ridgeline. Commissioner Cooney stated that the Ballantyne Project is a large project which "is going to set a precedent" because "this is part of the Gaviota Coast. It is not part of Goleta.... [¶] ... It is not this beautiful, contemporary design that is problematic. It is where the applicants propose to put it.... [T]hey are proposing to put it on top of a ridge which is highly visible, not only from the areas that we've discussed today, but you can see it from distant areas up and down the coast. It will be dramatic." A second Planning Commissioner, Cecilia Brown agreed that it was a siting problem and that landscaping "will not resolve any of the view shed issues from north Farren Road...."

3 Categorical exemptions are applied only where the project is not ministerial. (Cal.Code Regs, tit. 14; § 15300.1; see *Association for Protection etc. Values v. City of Ukiah, supra,* 2 Cal.App.4th at p. 733.)

> California Code of Regulations, title 14, section 15303 states in pertinent part: "Class 3 consists of construction and location of limited numbers of new, small facilities or structures.... The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to: [¶] (a) *One single-family residence, or a second dwelling unit in a residential zone.* ... [¶] ... (c) ... In urbanized areas, the exemption also applies to up to four commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive." (Emphasis added.)

End of Document

© 2023 Thomson Reuters. No claim to original U.S. Government Works.

From: Frank Rodrigues
To: Paul Dohring
Cc: Public Comment
Subject: Re: [External] 2126 Madrona Ave Appeal Recusal of Eric Hall
Date: Friday, May 12, 2023 3:02:33 PM

Mr. Mayor,

Re: 2126 Madrona Ave “Appeal” in front of the City Council May 17,2023

We respectfully request that you do whatever is in your power to have Council Member Eric Hall recuse himself due to conflict and/or appearance of conflict of interest due to maximum monetary donation of $4,999.00 to his campaign from the Berchtold’s.

Thank you,
Frank Rodrigues
916.717.2094

Rodrigues-Andersen

1693 Fir Hill Dr

May 12, 2023

RE: Berchtold Appeal - 2126 Madrona Ave, St Helena

Dear Mayor Dohring and City Council Members,

We would like to thank the City Council for continuing the review of the 2126 Madrona proposal and considering all facts, community input and specifics related to this project. As noted in all planning and council meetings and from community comments, this proposal is far beyond a single-family home in scope and size, is out of character for the neighborhood and surrounding communities within the city limits. We believe that this proposal is ***not*** exempt from CEQA, as it aligns with a small development in size, not a single-family home. We agree with the staff recommendation to uphold decision that was determined by the Planning Commission to deny the Application for a Demolition Permit and Design Review for 2126 Madrona, St. Helena CA (APN 009-470-010) filed by Joe & Lorraine Berchtold and their representatives.

Below lists several of our concerns and many within the community:

1. CEQA – This project exceeds the size and scope of a single-family home and should require CEQA and EIR - Environmental Review.
2. Eco System (Basement)-what effects the removal of this amount of earth will have short and long term.
3. Loss of Historic Vineyard-no going back
4. Water Neutrality-it's hard to even say these words, excessive number of water using fixtures, Pool etc.
5. Storm water run-off-no plan on what and who is responsible if this project does not allow for the surrounding properties to drain properly, who will be responsible, require indemnification for surrounding properties if by chance a permit is eventually issued.
6. View Shed-to be protected, requesting a condition if a permit should eventually be allowed, no further plantings or fencing removing additional view shed from surrounding parcels.
7. Recusal of council member – Council Member Eric Hall due to conflict and/or appearance of conflict of interest due to maximum monetary donation of $4,999.00 to his campaign.

The project is being presented as a "Single Family Home", in no stretch of the imagination should the size and mass of this structure be considered a single-family home. The new residence and ADU will total 19,515 square feet and consist of an excessive amount of water using fixtures and appliances that far exceed a single-family home.

- 12 Toilets
- 16 Lavatory Faucets
- 5 Kitchen sinks
- 8 shower heads
- 2 utility sinks
- 2 bathtubs
- 4 clothes washers
- 3 dishwashers

Does this list appear to be a single-family home within the city limits and in keeping with the General Plan?

This proposed single-family home is larger than 4 homes combined in the surrounding area, and in no way can be water neutral with the current structure on the property. The project should present a realistic water use report, not using neutrality tools to mitigate the excessive number of water fixtures, pool, etc. They say they will truck the water in for the pool, what happens later that week when the pool needs more water to maintain its level, this is all city water use, how do we call this neutral. Due to the size of this home the permitting process should be held to the same standards as a small sub-division. CEQA, Environmental Impact report, actual water usage, HVAC noise pollution, and Storm water runoff.

Who is going to be responsible (if permitted) after this project is built for any issues that occur due to such drastic changes to the parcel. We request that if a permit is eventually issued there be a condition that indemnifies all surrounding properties from the costs of correcting storm water runoff.

Removal of Vineyard- The historic Vineyard is important history to St. Helena and should be protected. At the last meeting Mr. Berchtold's legal counsel presented that they could transplant an estimated 300 vines that are proposed to be removed into open spots in the existing vineyard. This does not increase the loss of acreage of farmland. History tells us the likelihood of these vines surviving is slim. This is a direct contradiction of the applicants' own statement, legal representatives, and Vineyard management's testimony. Beth Novak Millikin stated in her written testimony "The vines that will be lost are not as viable from a farming perspective, as they are a unique thin strip just off Madrona Ave". Mr. Berchtold stated in his presentation in Planning "removal of half acre of low productive vines". Again, more deception of what they are trying to permit and build. If they truly believe the vines originally proposed to be removed are not viable, why would they transplant them. They say and present what they believe will get approval, when challenged they change the statements on the next submission, not the facts. They have tended to deceive from the first submission. We believe the preservation of this vineyard is critical, however, it is just one of the many problems this project presents to the community.

The view shed needs to preserved and protected, if by chance a permit is eventually issued we request a condition that there is no further obstruction of view shed with plantings and fencing to the parcel affecting the surrounding properties and neighborhood.

It's disturbing to listen the Mr. Berchtold's statement in the Planning Commission meeting of how much he and his wife have enjoyed visiting the area and want to build their home here, but in doing so they propose to displace so much of the surroundings and environment. We would like to think they would want to preserve what they state they came here for, and for those whose homes have been here for years. Lastly, they state this is one of many homes they own, and they would be there only a few months a year if that. Unfortunately, we have to live with the massive structure and noise of the many systems needed to run this commercial size building in our neighborhood 365 days a year. Hard to believe we would let that happen and set that precedent in our town.

We ask the council to please preserve the peaceful, pristine environment of Madrona & Fir Hill along with the beautiful blocks of vineyards which surround the properties for many years to come. We ask that the City Council please uphold the Planning Commission's decision and the City Council staff's recommendation to deny this permit. Please do not set this precedent, it's forever.

Respectfully,

Frank Rodrigues and Laura Andersen

Buchalter

1230 Pine Street
St. Helena, CA 94574
707.967.9656 Phone
707.963.0771 Fax

707.200.9414 Direct
kfalace@buchalter.com

May 12, 2023

SENT VIA EMAIL

Mayor Paul Dohring
Members of the St. Helena City Council
City of St. Helena
1088 College Avenue
St. Helena, CA 94574

Re: 2126 Madrona Avenue, St. Helena - Berchtold

Dear Mayor Dohring and Members of the St. Helena City Council:

Since public comment is closed, we respectfully submit the following written comments ahead of the next session.

First, the project follows the rules. As set forth in staff's report, the project is consistent with General Plan policies LU2.2, PF1.1, CD3.2, HE1.5, HE2.4, and HE2.6. Further, the project satisfies SHMC section 17.164.030. As noted by staff: "..the next largest home, which is 5,633 square feet in size, is located on a property that is only one acre in size and has a floor area ratio (FAR) approximately twice the FAR of this proposal." Staff also notes: "Although the project proposes the removal of existing farmland (a total net loss of 0.53-acre), this is one of the only properties along Fir Hill Drive that contain a residential use that has retained any on-site agricultural use." Finally, with respect to LU5.1 and LU5.3, the applicant follows staff's instructions to comply with same. Specifically, staff advised in its February 7, 2022, letter: "Section 17.20.060(C) of the SHMC allows for a maximum nonagricultural coverage of 1 acre. The total proposed developed area of the site is 1.58 acres and needs to be reduced to 1 acre or less to meet this requirement. The new site design should endeavor to preserve the existing vineyard and utilize the non-vineyard areas for the new construction and outdoor amenity areas…In order to recommend approval of a Design Review application, findings of consistency with the General Plan must be made. Addressing the issue in number 1

buchalter.com

Los Angeles
Denver
Napa Valley
Orange County
Portland
Sacramento
Salt Lake City
San Diego
San Francisco
Scottsdale
Seattle

Buchalter

above…should bring the project into consistency with the General Plan." (Emphasis in original.) The architect went on to revise the plans to be 1 acre and *endeavored* to preserve the vineyard by moving the 1 acre to as close to street corner as possible (instead of putting the house in the middle of the existing vineyard, for example) and to *preserve* the existing vineyard. These project revisions certainly constitute taking "reasonable account" of the required findings, including General Plan consistency, listed in SHMC §17.164.040(C). As stated, the applicant will give Spottswoode full discretion to transplant vines from the area to be converted to other areas on the property.

Second, as the color-coded map submitted by the applicant illustrates, the area to be converted is primarily comprised of the ADU. As noted by staff: "…the ADU should not be considered as part of the design review as it is only subject to ministerial review under the City's Zoning Code and state law."

The project is consistent with the general plan and zoning code and meets the objective development standards. Thank you again for your time and consideration.

Respectfully submitted.

Very truly yours,

BUCHALTER
A Professional Corporation

KATHARINE H. FALACE

cc: Cindy Tzafopoulos, City Clerk
ctzafopoulos@cityofsthelena.og
Maya DeRosa
mderosa@cityofsthelena.org
Chantal Power
cpowers@cityofsthelena.org
Ethan Walsh, Esq.
Ethan.Walsh@bbklaw.com

City Council
May 17, 2023
Appeal File #PL23-010

Continuation from April 25, 2023, of appeal of March 7, 2023, Planning Commission denial of demolition permit and design review file #21-044 for a property located at 2126 Madrona Avenue within the A-20 zone.

Background and Project Meetings

- October 18, 2022 - 1st Planning Commission meeting, continued for project revisions and neighborhood outreach
- November 6, 2022 – 1st Neighborhood meeting conducted at project site
- November 19, 2022 – 2nd Neighborhood meeting conducted at project site
- December 6, 2022 – 2nd Planning Commission meeting to present project revision and outreach status update
- March 1, 2023 – 3rd Neighborhood meeting conducted at project site
- March 7, 2023 – 3rd P. C. hearing resulted in a denial of project
- March 22, 2023 – The applicant submitted an appeal of the Planning Commission denial to the Planning Department
- April 25, 2023 – First public hearing by City Council to consider the appeal

Site Plan Proposed at October Planning Commission

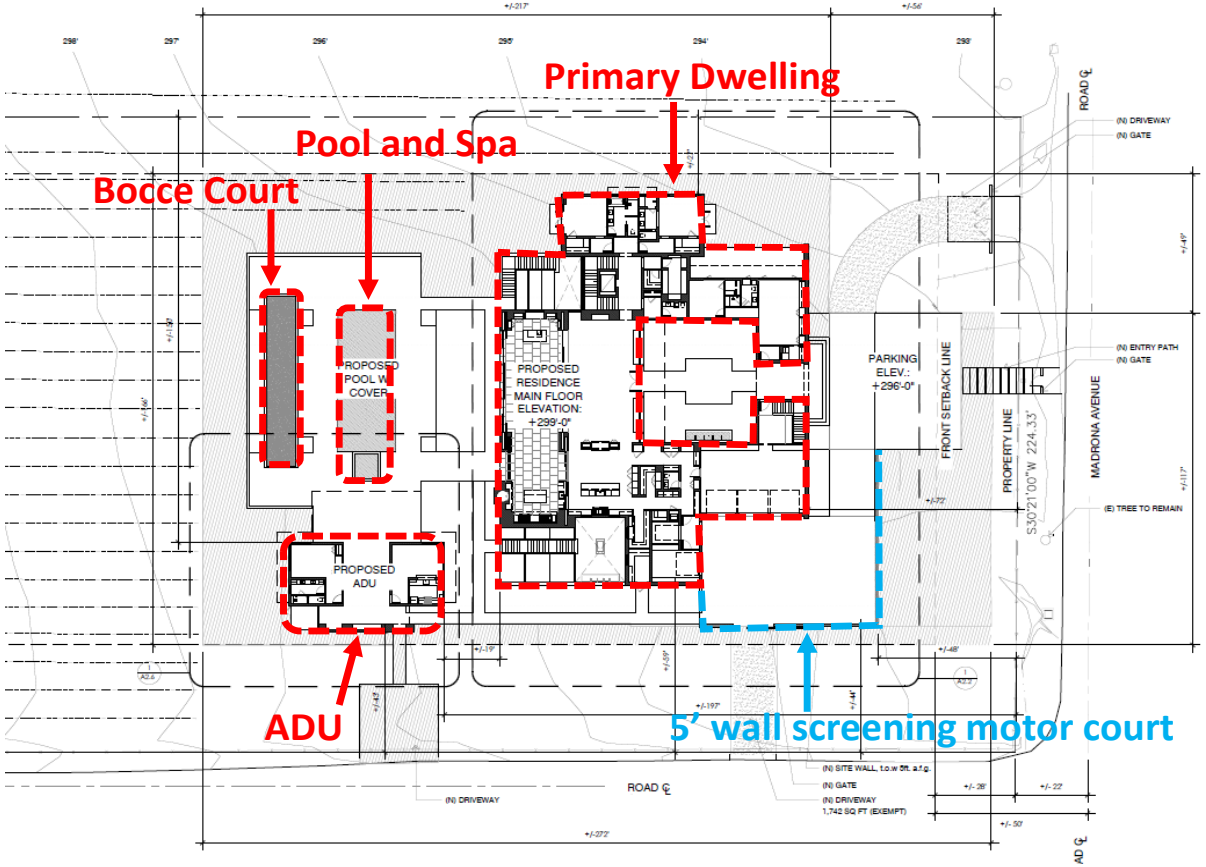
Lot Size: 5.78 Acres

Existing Calculations

- Vineyard: 5.08 acre
- Orchard: 0.20 acre
- Non-Ag: 0.50 acre

Change Resulting from Proposal

Removal of 0.75 acre from vineyard = 4.33 acre
Addition of 0.21 acre orchard = 0.41 acre
Addition of 0.50 acre Non-Ag = 1.00 acre
Net loss of 0.54 acre active agriculture

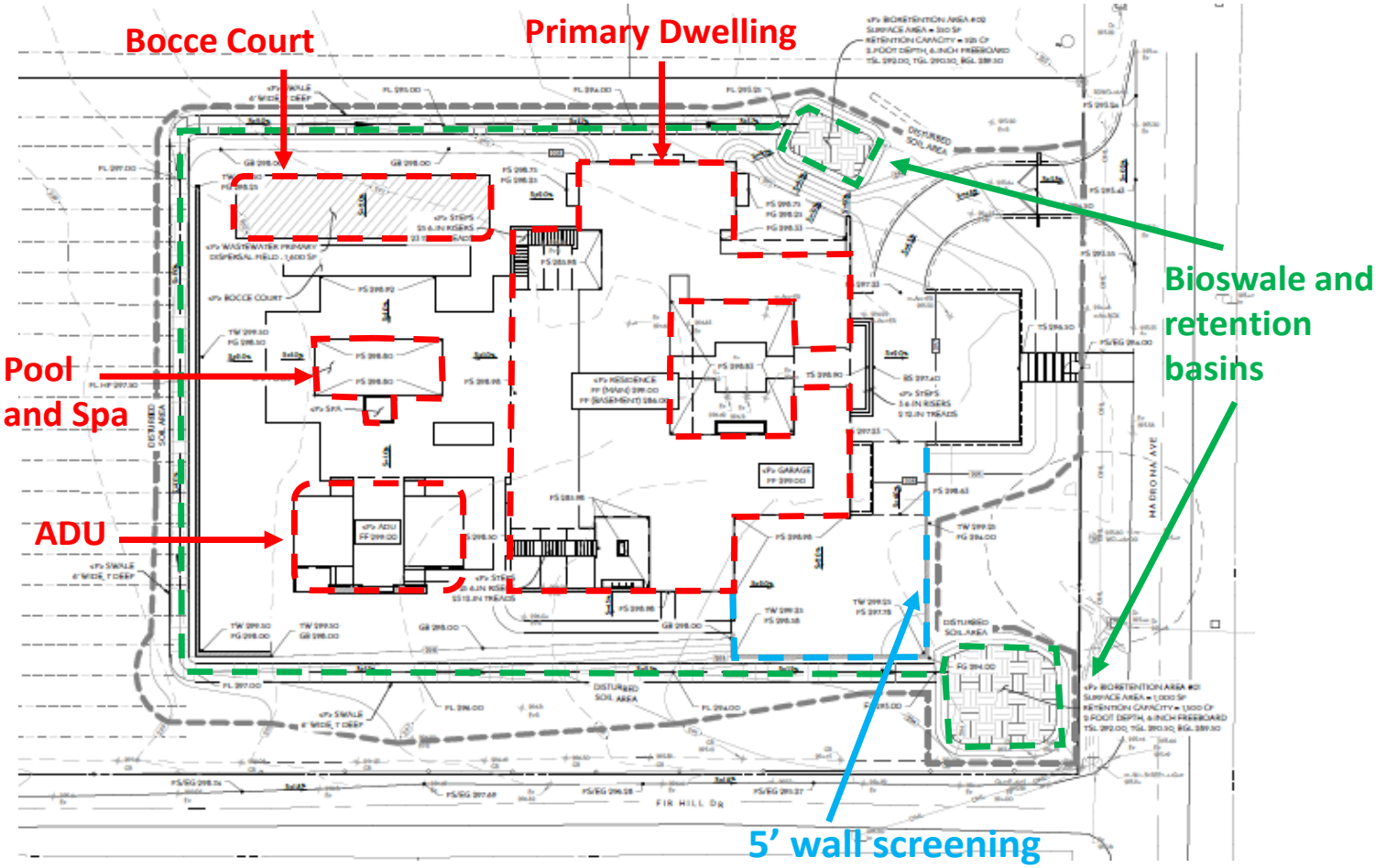


Proposed Structures: 14,407 SF Home + 1,754 SF Garage + 1,640 SF Terrace + 850 SF ADU + 864 SF Terrace = 19,515 SF

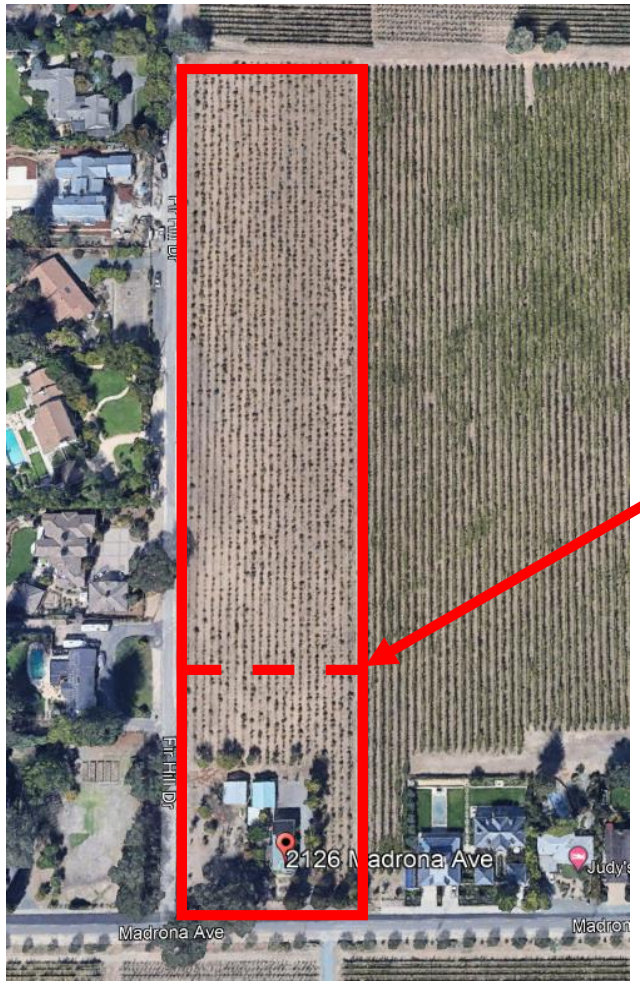
Site Plan Proposed at March Planning Commission

Changes to Site Plan since October

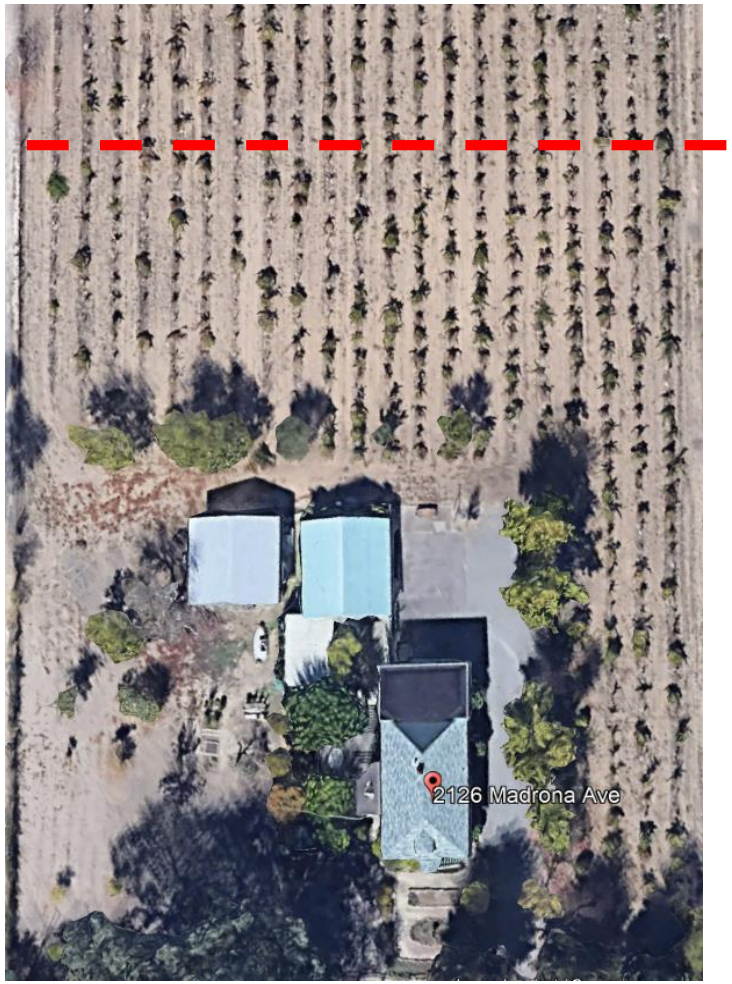
- Removal of driveways along Fir Hill
- ADU moved and massing revised
- Pool size reduced
- Pool and bocce court reoriented
- Area of proposed vineyard removal reduced
- Area of proposed olive orchard reduced and moved away from street intersection to increase visibility
- Bioswale proposed around area of development and two retention basins proposed
- Landscape plan revised to reduce water usage and water use analysis revised to reflect change
- Net loss of 0.53 acre active agriculture



Active Agriculture

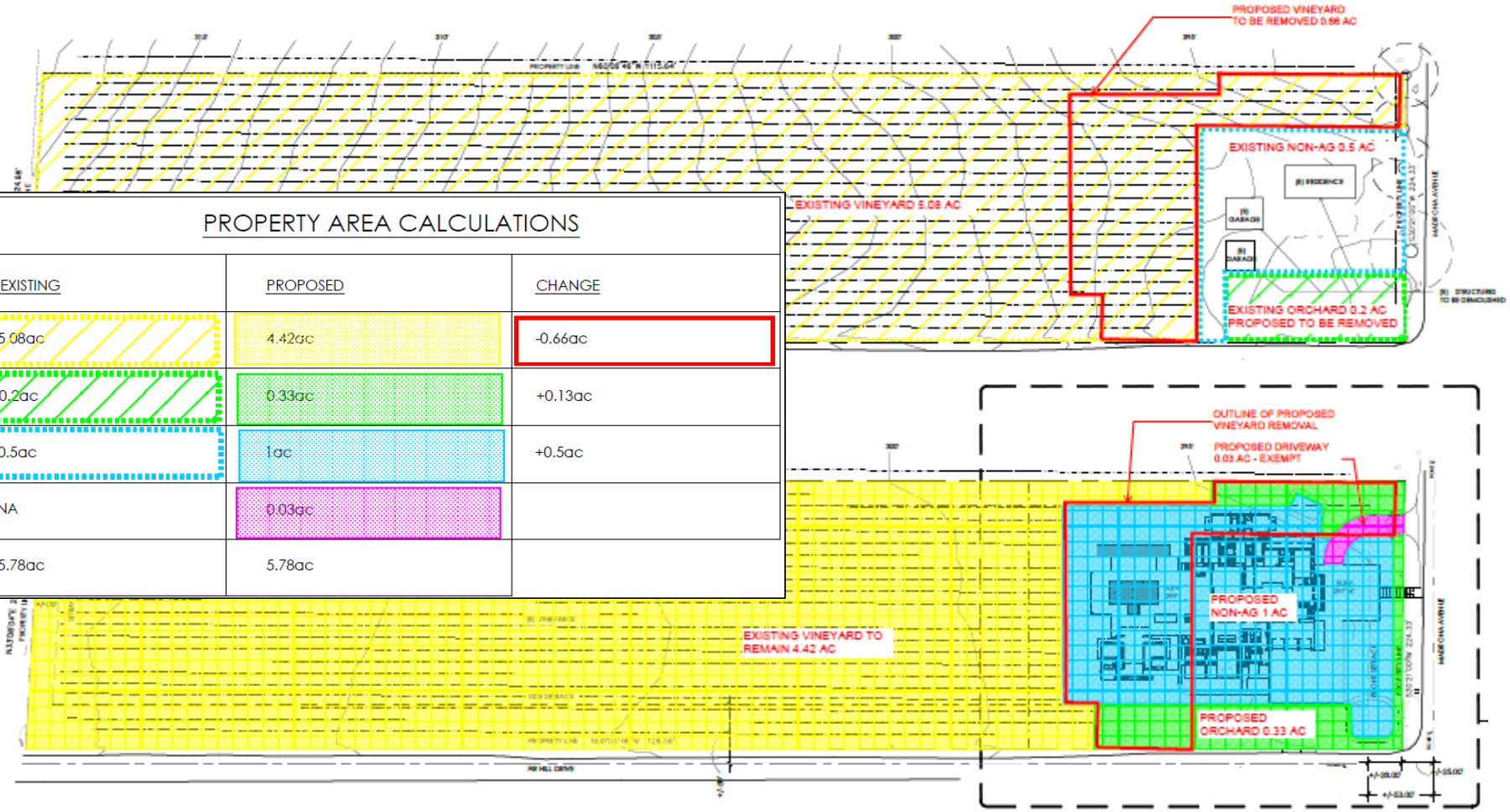


Approximate rear line of area proposed for development of structures and amenities



Removal of Active Agriculture & Proposed Development

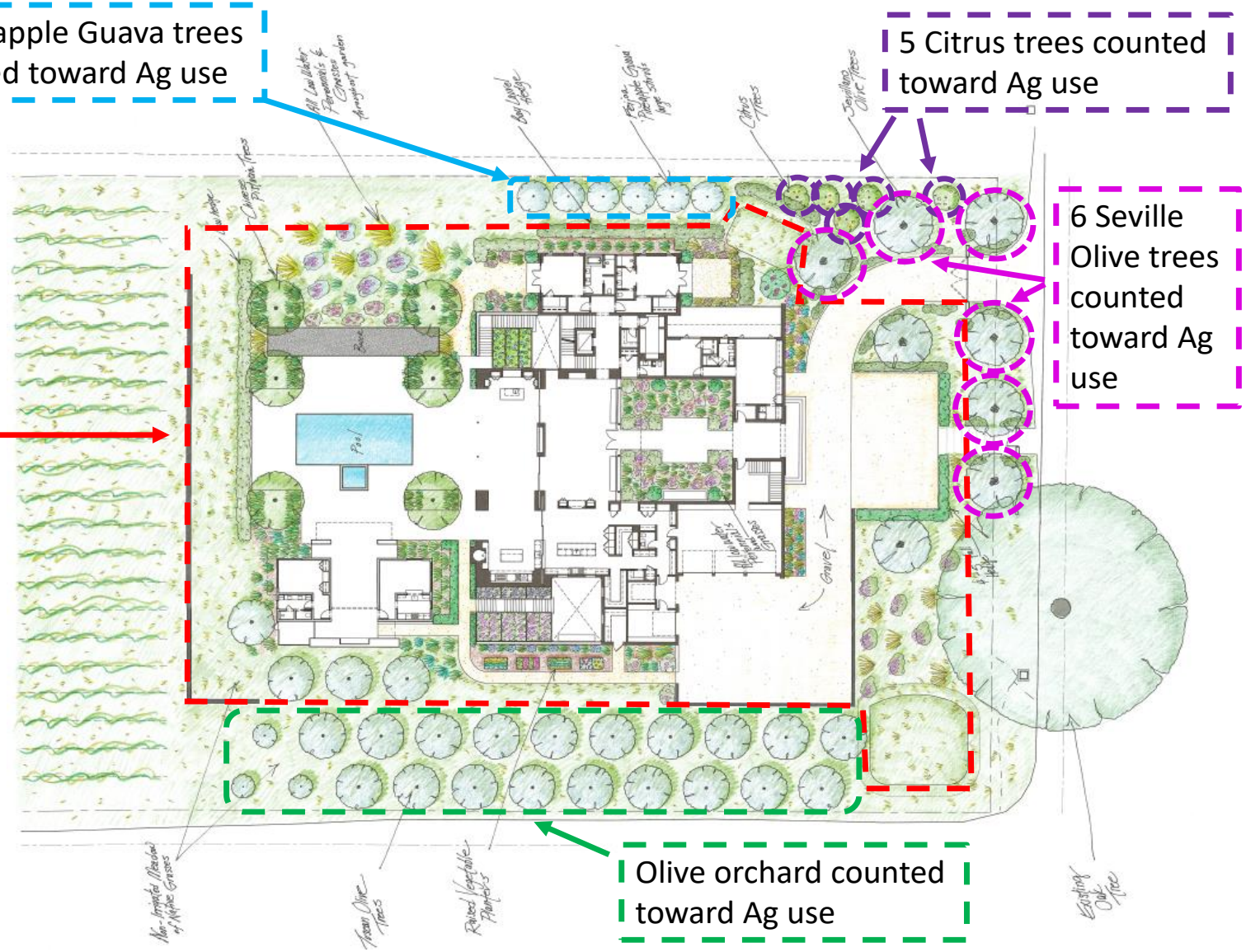
PROPERTY AREA CALCULATIONS			
USE	EXISTING	PROPOSED	CHANGE
AGRICULTURAL - VINEYARD	5.08ac	4.42ac	-0.66ac
AGRICULTURAL - ORCHARD	0.2ac	0.33ac	+0.13ac
NON AGRICULTURAL - HOUSE SITE	0.5ac	1ac	+0.5ac
DRIVEWAY (EXEMPTION)	NA	0.03ac	
TOTAL PARCEL AREA	5.78ac	5.78ac	



Proposed Landscaping

Area counted toward 1-acre non-agricultural development

- House
- ADU
- Pool
- Bocce court
- Ornamental landscape plantings
- Retention Basins
- Driveway exempt per Zoning Code



Reason for Planning Commission Denial

General Plan Inconsistency

Staff and the Planning Commission determined that the project is not fully consistent with General Plan Policies LU5.1 and LU5.3 and Design Review Finding #1, due to the removal of existing agriculture as part of the project proposal.

- **General Plan Policy LU5.1** - Discourage conversion of existing farmland to non-agricultural uses.
- **General Plan Policy LU5.3** - Strictly limit development on properties existing at the time of the adoption of this General Plan that are designated as agricultural land.

Design Review Finding Number 1

- Consistency and compatibility with the applicable elements of the general plan

Appellant Grounds for Appeal

<u>Argument A</u> – The Planning Commission abused its discretion by applying an incorrect definition of "agriculture" to the proposed uses.

- Section 2.28.020(F) of the SHMC grants the Director of Planning to "interpret planning documents and planning related ordinances and advise interested citizens."
- The Director of Planning interpreted the meaning of agriculture as it is used in the Development Code to mean the "commercial production of plants and/or animals."
- The Planning Commission concurred with the Director's interpretation.

Appellant Grounds for Appeal

<u>Argument B</u> – The Planning Commission's inflexible application of the City's General Plan is internally inconsistent and vertically inconsistent with the City's zoning ordinance.

- The appellant further asserts that the Planning Commission denied the project because the proposal includes the construction of a single-family home on land designated for agricultural purposes.
- The staff report acknowledges that single-family homes are a permitted use in the A-20 zone.
- The denial action was not a "de facto prohibition on development" as the appellant claims, but rather an acknowledgement that the applicant chose not to fully make up the net loss of agriculture at another location onsite, while the A-20 zone, and General Plan policies LU5.1 and LU5.3 emphasize the importance of preserving agricultural uses.

Appellant Grounds for Appeal

<u>Argument C</u> – The City's prior approval of a similar project in the A-20 zone provides precedent for approval of this project.

- The appellant states that staff did not provide written direction to the applicant that the proposed removal of a portion of the vineyard is inconsistent with the General Plan.
- Staff provided policy direction regarding the General Plan inconsistencies proposed by the project in a letter dated February 7, 2022.
- The project at 777 Pratt Avenue mentioned by the appellant did not establish precedence as the property in question did not contain active agriculture at the time the design review application was submitted to the City.

Appellant Grounds for Appeal

<u>Argument D</u> – The Planning Commission abused its discretion by failing to share the final resolution with the Berchtold's prior to the March 7 hearing.

- The appellant argues that the Planning Commission violated the Brown Act by not posting the denial resolution 72 hours in advance of the hearing and did not read the denial findings into the record.
- Changes to the project resolution are frequently made at hearings, and the City Attorney did in fact read the denial findings into the record at the March 7 hearing.
- The applicant does not have a separate right under the Brown Act or otherwise to separately comment on the Planning Commission's final findings or action. Those are generally made after the public hearing and/or public hearing are closed.

CEQA Exemption

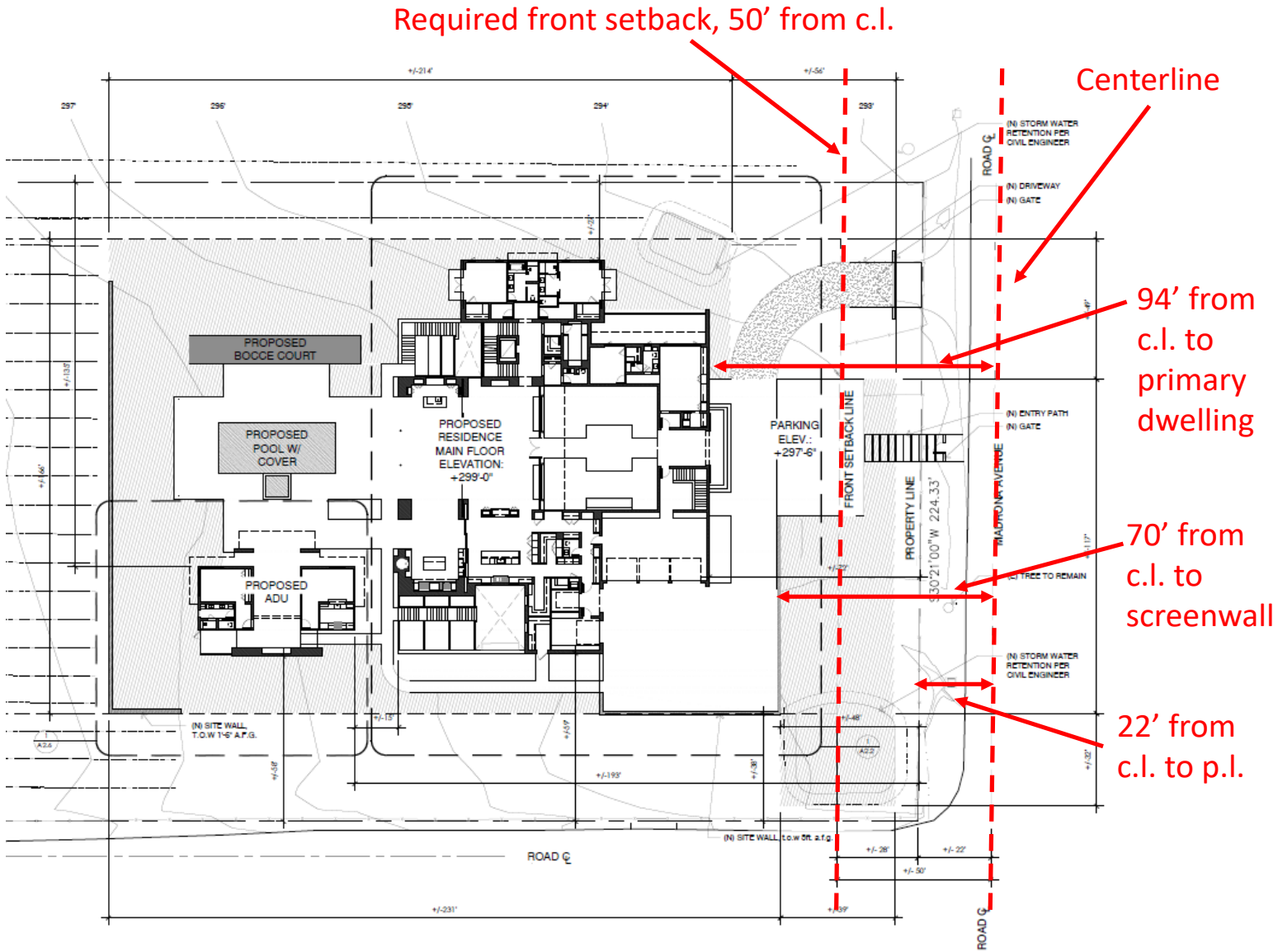
1. The Class 3 Categorical Exemption applies to single-family residences in the Twenty-Acre Agriculture (A-20) Zoning District.
2. The proposed project's size does not render the Class Categorical Exemption inapplicable.
3. The First Appellate Court's decision in McCorkle Eastside Neighborhood Group v. City of St. Helena (2018) 31 Cal.App.5th 80 is relevant to this point.

Recommendation

City Council to make final decision on appeal.


CITY OF
ST. HELENA

- Required front setback:
  50 feet from the centerline
  of the road
- Centerline to property line:
  22 feet
- Centerline to screen wall:
  70 feet
- Centerline to primary
  dwelling:
  94 feet



Patricia (Herdell) DiTomaso & Henry DiTomaso
Christina Herdell
Kathleen Herdell

1615 Fir Hill Drive St. Helena, CA 94574

May 15, 2023

Honorable Mayor Paul Dohring (pdohring@cityofsthelena.org)
Honorable Vice Mayor Eric Hall (ehall@cityofsthelena.org)
Honorable Council Member Lester Hardy (lhardy@cityofsthelena.org)
Honorable Council Member Anna Chouteau (achouteau@cityofsthelena.org)
Honorable Council Member Billie Summers (bsummers@cityofsthelena.org)
St. Helena City Clerk (publiccomment@cityofsthelena.org)

Re: City of St. Helena File No: PL 21-044; Appeal from Planning Commission Denial of a Demolition Permit and Design Review Application for 2126 Madrona, St. Helena CA filed by Lorraine and Joe Berchtold

Dear Mayor Dohring and Council Members:

We, the owners of 1615 Fir Hill Drive, St. Helena, CA, respectfully submit our continued opposition to Mr. and Ms. Berchtold's appeal from the Planning Commission's denial of their Application to build an almost 20,000 sq. ft. home, complex and ADU at 2126 Madrona, St. Helena CA. We agree with the recommendation of the Staff Report and believe the City Council easily should find the Planning Commission did not err in denying the Application or abuse its discretion in doing so as inconsistent with the City's General Plan. We have expressed ourselves in opposition in writing and in meetings with both the Planning Commission and the City Council hearings.

Having done so, however, we wish to ensure that should the City Council approve the project instead of upholding the Planning Commission's denial and the staff recommendation to you, we would like the project to have several permit conditions imposed. One of the most important ones would be to prohibit the applicants from putting anything along the fence lines or property that would impair our ability or members of the public to have a view of the vineyards and mountains, including but not limited to solid fencing or walls. The standard deer fencing is appropriate for the neighborhood and allows us all to enjoy the agricultural splendor of neighboring vineyards. It also allows drivers on both Madrona and Fir Hill better be able to spot road conditions and other traffic and pedestrians and take safety precautions.

Respectfully,

Patty and Hank DiTomaso
Chris Herdell
Kathleen Herdell

From: Chris Fowler
To: Public Comment
Subject: [External] Public Comment for 5.17 CC Meeting
Date: Tuesday, May 16, 2023 7:29:58 PM

Dear Councilmembers,

I am writing in hopes that Vice Mayor Hall can offer some light and clarity regarding the $4,900 campaign contribution that he received from Joe Berchtold on August 30, 2022. I am in *no way* implying there is any impropriety happening or that there is anything more to the contribution than what it is, but I do feel that Mr. Hall owes, in particular, the residents in the Fir Hill area some explanation; and whether there was any ex parte communication in regards to the proposed project in and around the time of the campaign contribution. Going through both Napa County and City of St. Helena campaign statement disclosures, as far back as they are searchable, it appears that Mr. Berchtold has only made one single campaign contribution, and that was to Mr. Hall at the maximum allowable limit, while there was a pending building application for the donor. California SB 1439, up until it was clarified in early January of this year, would have compelled Mr. Hall to recuse himself from discussions and voting on the Berchtold project. I have watched elected officials recuse themselves for far less out of an abundance of caution, and to avoid conflicts of interest, or the appearance of a conflict of interest. While SB 1439, as clarified, allows participation from Mr. Hall now, it absolutely would not moving forward.

I have seen and heard a number of discussions from locals regarding this, and I believe there is some merit in the questions people are asking regarding this.

Again, I am in no way saying everything isn't on the up and up, but this is a small town, and I hope Mr. Hall can set the record straight for all of us.

"SB 1439 expands the application of Government Code Section 84308 — the Levine Act — to local elected officials. Although the law does not go into effect until Jan. 1, 2023, it contains a provision that disqualifies officials from participating in decisions involving a prior donor's license, permit, or other entitlement for 12 months after the date of a donation exceeding $250. This disqualification is also triggered by the receipt of a donation over $250 from any "participant" in a decision."

-https://www.calcities.org/news/post/2022/11/22/new-financial-interest-law-will-not-apply-to-2022-campaign-contributions

"The Fair Political Practices Committee (FPPC) officially removed some ambiguity around a new financial interest law, SB 1439 (Chaptered, 2022). Just before the holidays, the FPPC voted to formally adopt a Commission Opinion stating that the disqualification obligations in SB 1439 do not apply retroactively to campaign donations received in 2022.
SB 1439 expands Government Code Section 84308 — the Levine Act — to local elected officials. Under the new law,

officials must abstain from participating in certain decisions related to campaign contributions. The amendment does not apply to contributions received or proceedings participated in throughout 2022 before the statutory amendments took effect on Jan. 1."

-https://www.calcities.org/news/post/2023/01/04/fppc-officially-clarifies-application-of-new-financial-interest-law

Respectfully,

Chris Fowler

From: ELLEN SHIFFLETT
To: Public Comment
Subject: [External] FirHill/Madrona proposed build
Date: Wednesday, May 17, 2023 7:56:00 AM

I am writing today to voice my concern/opinion about the proposed build at FirHill and Madrona. I agree with the opposition that this proposed plan will be detrimental to the city of St Helena.

Thank you
Ellen Shifflett

Re: 2126 Madrona

During the hearings leading up to this the applicant has been required to erect story poles, commit to engaging in commercial olive oil production, required to engage in neighbor meetings which they are then held responsible to report, engaged in debate on olive tree spacing/crop yields and placement of rosemary, and debates even on the definition of agriculture. None of these demands or considerations have any basis in code. Long debate and negotiation occurred on the size/layout and position of the ADU (which in other projects have been left vague and noncommittal as state has mandated that those are not subject to design review or even discussion and by law are exempt from certain development standards. Often ADU's/ JADUs are left off (with city guidance) of Design review submissions. At those same hearings neighbors have been fueled by City acquiescence and sometimes as a result of City direction to believe that they can influence or change the standards by which a project is reviewed. That power does not exist in code.

Arbitrary and inconsistent application of code leaves all citizens in legal and financial peril. Property rights and values reside appropriately within code and have critical support therein. Code is law. It either matters and is applied to projects universally and consistently, or it simply does not matter and we are left floundering in a peculiar and counterproductive chaos where simply the loudest voices rule. When we collectively allow it to cease to matter then no citizen can safely find refuge and security in it when they exercise their ongoing enjoyment of their property or undertake a project, or choose to sell or transfer that property with all the rights that are defined and empowered in code.

Simply put the rules must apply equally to all. We can debate and amend the rules and there are procedures for that and those procedures are writ in code. That "opportunity" has no place in an individual case before the Planning Commission or on appeal before the City Council.

That same code defines your reasonable expectation of how any neighbor may control or effect a neighbors project. Code defines what your neighbor can build and also by that what likely effects that development can and perhaps will have on neighbors/fellow townspeople.

I believe that most people understand that the dynamics of code should apply as we are a society of laws and we all seek and depend upon the protection and understanding that code provides. I understand there is a tendency to want to look the other way when sometimes the effects of buildouts that code defines perturb or inconvenience. But for any society of laws to function we have to see, embrace and support both sides of the dynamic.

Daniel Hale
1810 Vineyard ave

From: Ross Allen
To: cityclerk
Subject: [External] Fir & Madrona Mansion vote tonight
Date: Wednesday, May 17, 2023 11:34:21 AM

Hello

I am unable to attend the Council's meeting tonight, where the application to override the Planning Commission's denial of permit for the 19,000 sqft mansion at Fir and Madrona will be considered.

I wish to tender my opinions for your consideration:

1. The Council should **deny the application and refuse to allow this project**.

The applicants, their lawyers, and architect have shown NO WILLINGNESS to compromise. This project is wrong for St. Helena and the neighborhood.

2. To avoid even the slightest perception of influence and impropriety, **Mr. Hall**—having received a $4900 campaign contribution from the nonresident applicant while the matter was pending—**must recuse himself from further discussions and the vote**.

Failure to recuse will taint his tenure on the Council and may lead to formal ethics complaints from a number of citizens.

Recusal will demonstrate adherence to high ethical standards to the significant number of citizens who not only oppose the project but also have expressed concerns about financial influence.

Thank you,
- Dr. Ross R. Allen
643 Pratt Ave.

From:	Elaine de Man
To:	Public Comment
Subject:	[External] May 17 Special Meeting of the St. Helena City Council
Date:	Wednesday, May 17, 2023 12:16:18 PM

Date: May 17, 2023

To: Mayor Paul Dohring, and members of the St. Helena City Council:

As I am sure you are all aware, during his mayoral campaign, Vice-Mayor Erik Hall received a $4,900 campaign contribution from Joseph Berchtold, whose application will be under discussion at the May 17 meeting of the City Council.

On January 1, 2023, Senate Bill 1455 went into effect, broadening the scope of Section 84308 of the Political Reform Act to prohibit local elected officials from taking part in licensing, permitting, and other use entitlement proceedings involving a party or participant who has contributed more than $250 to the official within the12 months prior to the proceeding

Citing a need to clarify whether or not elected officials should be prohibited from taking part in decisions involving parties and participants from whom they received contributions of $250 or more during the 12 months *before* the amended statute was in effect, the **FPPC's legal division**, issued the following recommendation on November 2, 2022.

"...**given the Legislature's intent to combat "pay-to-play" politics, Section 84308 should be applied in such a way that local elected officials who have received a contribution exceeding $250 are prohibited from taking part in a license, permit, or other use entitlement proceeding involving the contributor for 12 months after receipt of the contribution, even if receipt occurred before the statutory amendments took effect. This interpretation ensures the most imminent application of the new provisions and serves to protect the public interest by immediately addressing what the Legislature determined was a "longstanding, well-documented, and real" problem of pay-to-play political practices.**"

https://fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2022/november/In-Re-Kendrick-Opinion-Request.pdf?utm_source=FPPC%20

The FPPC, however, chose to ignore the legal division's recommendation and instead issued an "opinion" stating that a local elected official is *not* prohibited from taking part in a proceeding involving a license, permit, or other entitlement for use based on contributions received before January 1, 2023.

https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2022/december/O-22-002.pdf

Please note, that is but an opinion of the elected officials of the FPPC and that doesn't make it right. And, it may not even be legally defensible.

The recommendation of the **FPPC's Legal Division** was quite clear:

> "Section 84308 should be applied in such a way that local elected officials who have received a contribution exceeding $250 are prohibited from taking part in a license, permit, or other use entitlement proceeding involving the contributor for 12 months after receipt of the contribution, even if receipt occurred before the statutory amendments took effect."

Given that, and the appearance of impropriety on the vice-mayor's part if he takes part in these proceedings, it seems the most prudent and ethical thing would be for Vice-Mayor Erik Hall to recuse himself from any further involvement in this application.

Sincerely,

Elaine de Man
St. Helena