CERTIFIED COPY

CITY OF ST. HELENA

RESOLUTION 2004 - 112

APPROVING A USE PERMIT AMENDMENT AND WATER AGREEMENT TO INCREASE THE WATER USE LIMITATION FOR THE CULINARY INSTITUTE OF AMERICA AT 2555 MAIN STREET

RECITALS

A. Mark Erickson, representative of the Culinary Institute of America (CIA) submitted an application for a use permit amendment to condition 13A of Resolution 93-105, granting a use permit to the Culinary Institute of America. Condition 13A states:

Domestic water will be supplied by the City. Water use shall be limited to an average of 12,500 gpd. No City water shall be used for irrigation. Off-site well water shall be used for landscaping; reclaimed wastewater shall be used for agricultural irrigation.

B. Use Permit Amendment 2003-42 authorizing the renovation and use of the Gate House for CIA programs required that the applicants submit a plan to show compliance with the 1993 water use limitation. The applicants showed evidence of on-going leak detection and water conservation measures, and an audit of all water fixtures located on the property.

C. The CIA has requested an amendment to the use permit and to the year 2000 water use agreement to allow municipal water use of 17,500 gpd, an increase of 5,000 gpd. The amount of water requested is anticipated to cover all foreseen expansion of uses at Greystone including the food and wine programs at the renovated Still House and Gate House.

D. Approval of the amendment to the use permit necessitates an amendment to a water use agreement executed between the City of St. Helena and the CIA in May 2000.

E. The Planning Commission of the City of St. Helena, State of California, held a noticed public hearing on August 17, 2004 and recommended approval to the City Council.

RESOLUTION

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

1. The City Council finds that with a condition of approval to require an alternative equivalent to 80 retrofits, the proposed project is in compliance with the certified 1993 Final Environmental Impact Report and the adopted Mitigation Monitoring Program and Statement of Overriding Considerations for the Culinary Institute of America (Resolution 93-103).
2. Pursuant to Municipal Code section 17.168.050, the City Council makes the following findings for approval of an amendment to a use permit:

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

3. The Use Permit Amendment for the above described use is granted subject to compliance with the following conditions. The conditions noted below are particularly pertinent to this permit and shall not be construed to permit violation of other laws and policies not so listed.

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

5. 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.

6. This permit modifies condition 13A of Resolution 93-105 as follows:

   Domestic water will be supplied by the City of St. Helena. Water use shall be limited to an average of 17,500 gpd as reflected in a water use agreement limiting annual water use to 19.6 acre feet (8,545 billing units) per year. Well water or reclaimed wastewater shall be utilized for landscape and agricultural irrigation.
7. The authorization of this amendment modifies the condition of approval in Use Permit 2003-42 requesting proof of compliance with the 1993 water use limitation.

8. This project is subject to the City's water use efficiency program. The requested 5,000 gallons of water per day increase may be offset by a credit of 3,100 gallons per day for the reduction in water use at the Culinary Institute of America's Marlinea dormitory facility located at 830 Pratt Avenue. The remaining 1,900 gallons per day or 2.12 acre feet per year increase shall be mitigated by a combination of the payment of in-lieu fees, water savings achieved through 30 retrofits, or by an equivalent alternative innovative method of mitigation of water use to be approved by the Public Works Director.

9. The site shall utilize tertiary water for irrigation when it becomes available.

Approved at a Regular Meeting of the St. Helena City Council on October 12, 2004, by the following vote:

AYES: Councilmembers Potter, Savidge, Sklar, Mayor Slavens
NOES: None
ABSENT: Councilmember Schoch
ABSTAIN: None

APPROVED:

[Signature]
Ken Slavens
Mayor

ATTEST:

[Signature]
Delia Gujosa
City Clerk

ATTEST:
The foregoing instrument is a correct copy of the original on file in this office of City Clerk and Clerk of the St. Helena City Council, County of Napa, State of California.

By [Signature]
Deputy City Clerk

[Date] 10/27/04