

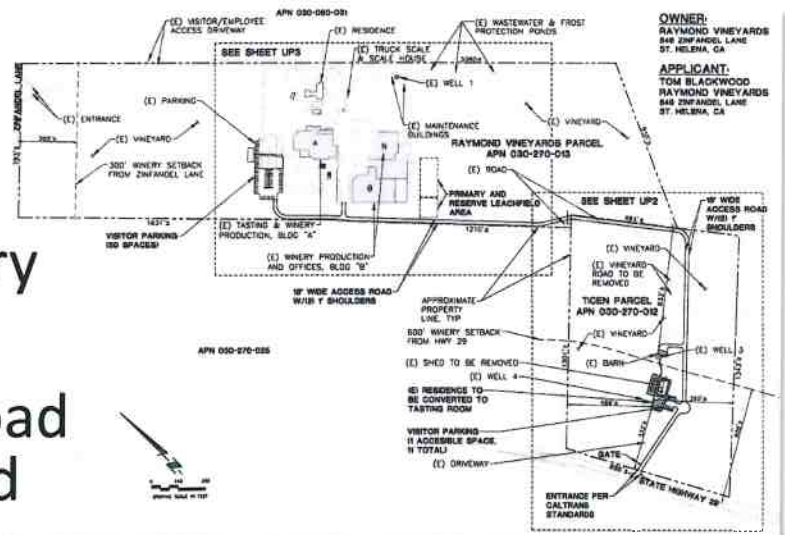
Appellants' Comments on Raymond – Ticen Winery

Board of Supervisors' Hearing

August 15, 2017

Raymond Project Is Inconsistent with County Policies

- Proposes a new winery on Ticen Ranch
- Accessed via a new road through Prime Ag land from SR 29
- Unlawfully treats Ticen as Pre-WDO



New Winery Is Inconsistent with the WDO

- NCC § 18.08.020 (“An accessory use must be clearly incidental, related and subordinate to the main use, **reasonably compatible . . .** and **cannot change the character** of the main use.”)
- “Changes character” of residential property in violation of WDO
- Staff acknowledged Ticen Ranch component “would conflict with the allowed used of property’s zoning” if operated alone.
Planning Commission Agenda Report at 11

New Access Road Is Inconsistent with County's General Plan

- Policy AG/LU-9: County shall evaluate projects, “to determine . . . impacts on farmlands mapped by the State Farmland and . . . **shall avoid converting farmland where feasible**”
- New access road permanently destroys Prime Farmland
- Not necessary for agriculture; proposed only to facilitate hospitality services



New road off SR 29 would convert prime farmland

Project Will Violate County Noise Standards

Noise Study of Raymond Vineyards Napa Gras Event (Feb. 24, 2017)

Description	Time	Standard 30 min/hour	Actual Measured Noise	Standard Any period	Actual Measured Noise
Before Event	2:00-3:00	45	44.8	65	69
Before & During Event	5:20-6:20	45	48.5*	65	66.5
Event	8:05-9:05	45	47.1	65	63.7
	9:30-10:30	45	47.6	65	66.5
	10:45-11:00	45	46.8	65	61.3
After Event	11:00-11:20	45	45.6	65	67.5

*Red Type = Violation

Source: Papadimos Group - March 13, 2017 Report

☐ After this study was submitted to the County, Raymond Vineyards withdrew an application for *another* temporary use permit for a special event on April 29, 2017

Project Impermissibly Shifts Balance Between Wine Production and Accessory Uses

- Accessory uses not “clearly incidental, related, and subordinate” to wine production
- No new wine production proposed
- Conflicting statements on existing and proposed square footage

Raymond Project Is Inconsistent with Required Use Permit Findings

Three necessary findings cannot be made:

1. The Board of Supervisors **has the power** to issue a Use Permit **under the Zoning Regulations** in effect as applied to the property.
3. The grant of the Use Permit, as conditioned, **will not adversely affect the public health, safety or welfare of Napa County.**
4. The proposed use **complies with applicable provisions of the County Code** and is **consistent with the policies and standards of the Napa County General Plan**

Use of Wrong Baseline Skews Analysis

- “[U]sing hypothetical allowable conditions as the baseline results in ‘illusory’ comparisons that ‘can only mislead the public . . . and subvert full consideration of the actual environmental impacts.’” *CBE v. SCAQMD* (2010)
- County improperly assumes baseline of 400 visitors based on existing entitlements
- Applicants’ own traffic counts show only 80 visitors on weekdays and 180 on peak weekends. Omni Traffic Report at 10

Illegal Uses and Activities Included in Baseline

- Illegal activities currently on site that applicant is seeking to “legitimize”:
 - conversion of offices, production areas, and residential pool house to private tasting rooms
 - unpermitted construction of several outbuildings
 - nearly 4-fold increase in legal number of employees, from 26 to 90
 - 15% increase in legal number of parking spaces, from 75 to 89

Illegal Uses and Activities Included in Baseline

- MND counts all of this illegal usage in baseline, with one exception
- MND recognizes that traffic baseline should include only lawfully permitted existing employees: 26 permitted; 90 actual
- MND should use only legal existing activities as baseline for all other project impacts

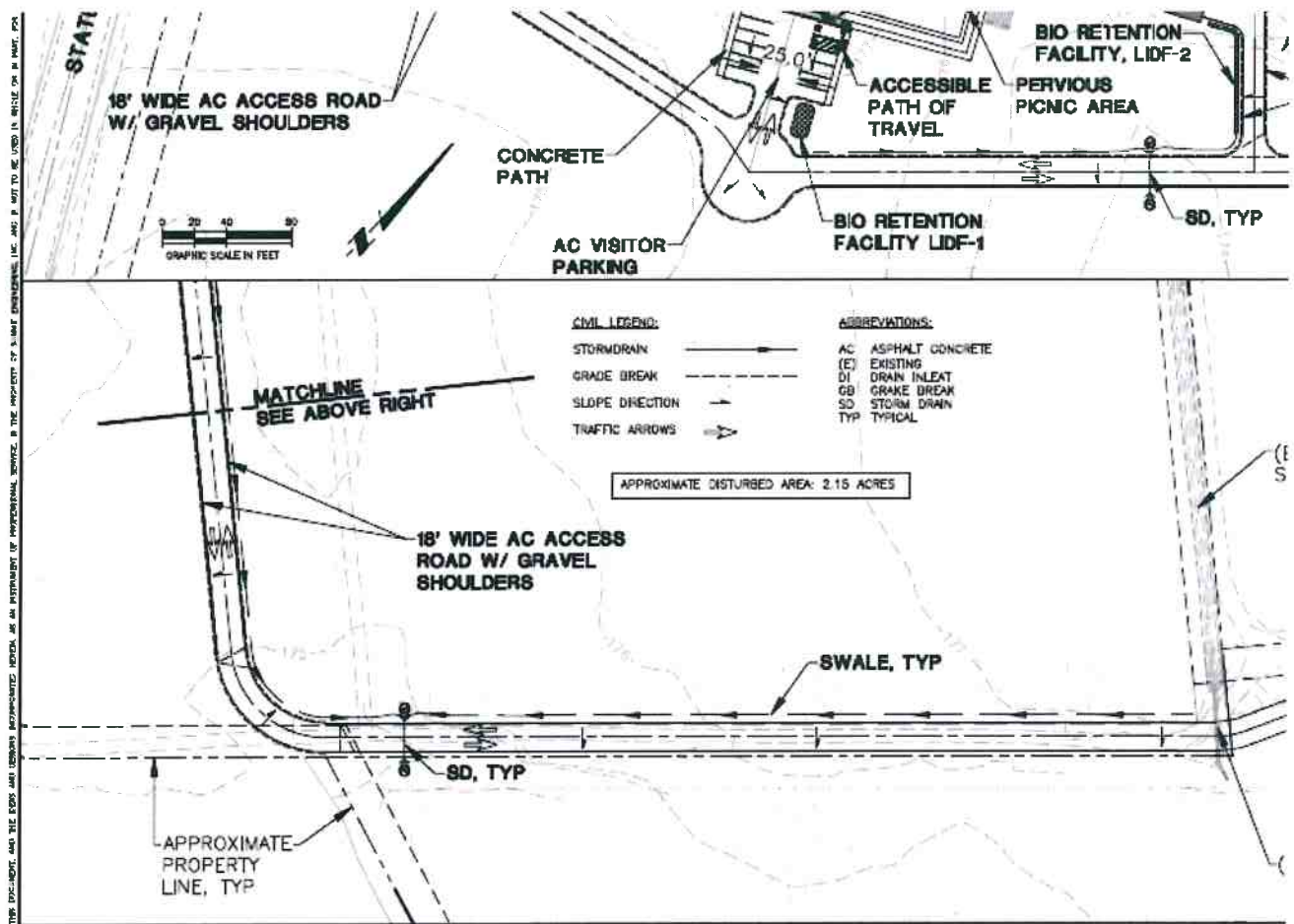


Comments on
Raymond – Ticen Winery
Tom Myers, Hydrologic Consultant

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Snapshot (Sheet UP6): Swale concentrating overland flow into a drain





Power Point remarks of
Appellant Beckstoffer Vineyards
for August 15, 2017 hearing

W. ANDREW BECKSTOFFER
Chairman

August 9, 2017

Supervisor Alfredo Pedroza
Napa County Board of Supervisors
County Administration Building
1195 Third Street, Suite 310
Napa, CA 94559

Dear Supervisor Pedroza:

My family got involved with the Raymond Winery Building and Marketing plans in the Fall of 2012 when the Raymond Winery polluted our pond and initially didn't acknowledge it. The more we got involved the more we found that the current Raymond Winery ownership was violating many of the County rules that we had been involved with over the years. Nothing personal. Our concern is the health of our property, agricultural preservation and adherence to the land use policies that we have worked for years to establish and implement in Napa County. This application process has gone on too long mostly because of the applicant's changing plans, refusal to accept the County's suggestion of a 'peer review' traffic study in 2014 and pulling the entire application in response to neighborhood opposition in 2015.

There have been multiple Planning Commission hearings in 2012, 2014 and again this year. I don't believe that there has been a hearing before the Board of Supervisors prior to today. It needs to end here! Not out of any sympathy for the applicant who is primarily responsible for delay but because of a need to let the Napa and wine community know once and for all where this Board stands on important winery land use issues. The long-term concern and frustration of the neighborhood about this particular project also needs to be finally and definitively addressed by you as our elected officials.

Supervisor Alfredo Pedroza
Napa County Board of Supervisors
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I don't fault the Raymond Corporation for making this application. They made their investment and can reach for their profit. They have made no sworn commitment to protect the community or preserve agriculture in Napa County. **But you have** and we are asking that you honor that commitment and reject this application.

Your decision here will make important policy statements backed up by real action. There is so much history in this matter that you may not be able to announce your decision today. I encourage you to carefully review the Planning Commission testimony of 2012, 2014, 2015 and March of this year before announcing your decision. We are dealing with the family jewels of the County here. Please give us and all County residents a clear indication of how we should view your Board of Supervisors' policy and general direction in these matters.

The legal argument for both sides have been well briefed without clear conclusion. I would like to make six additional points in opposition to the Raymond Winery application:

- 1.) The conversion of Ag lands for purely commercial hospitality purposes should not be allowed;
- 2.) The Raymond conversion of production spaces to hospitality in 2011 would not have been allowed had they applied at that time;
- 3.) The additional hospitality activity without production increase puts the entire facility 'out of balance' with wine production which must be the primary function of a winery according to County zoning rules;
- 4.) Should there be some consequence for repeated and continuing violation of County rules and statutes?
- 5.) Should an event center/hospitality activity be allowed despite the objection of the entire community local to that activity?
- 6.) What is the overall land use policy of this Board? Are we to have an agricultural economy supported by tourism or a tourist economy featuring agriculture?

First, Raymond seeks to convert two to five acres from Ag use to a road for hospitality uses with no increase in Napa wine production or benefit to Napa agriculture. Napa prides itself that no Ag zones land has been converted since 1968. This application in effect does just that! They already have an adequate road. The idea that this use eliminated the possibility of a new small family winery, such as the Sullivan's, and is thus a benefit is arrogant at best and insulting to farming families and others who seek to fulfill their dreams of a small family winery. The Ticen property is a separate property from the Raymond Winery and does not have pre-WDO rights. This conversion is a clear violation of our County culture, the AP zoning and the WDO ordinance.

Second, in their current approach to 'after-the-fact' legitimize past non-approved winery expansion activity, the County has considered crucial whether or not the activity would have been approved had application been made at the time of construction. Napa County WDO Section 2, Sec 12067 states *"An 'accessory use' must be clearly incidental, related and subordinate to the main use, reasonably compatible with the other principal uses in the zoning district and with the intent of the zoning district, and cannot change the character of the main use."* The Raymond conversion in 2011 of exterior facilities and over 10,000 sq. ft. of office and production space to hospitality and tasting rooms, to include the Rutherford Room, the Library Room, the Barrel Cellars, the Crystal Cellar, the Saddle Room and the infamous "Red Room" inside and the Theater of Nature Walk and the Frenchie Winery structures outside clearly changed the character of the entire facility. County statutes in 2011 would not have allowed its approval then and don't now.

Third, in addition to 'after-the-fact' approvals this application asks for additional hospitality employees, additional parking spaces, increased hospitality hours, more outdoor events and a new road. Their consultant says there is nothing new here. In its report of July 16, 2014, the Napa Planning staff listed 18 requested changes to the existing Raymond Use Permit.

Why are they making this investment and requesting these changes? The last hard evidence we have regarding visitation at Raymond is from their own 2014 traffic study. It says they average 80 visitors per day against their 400 person per day allowance. All this investment and activity without any production increase has to be an attempt to get daily visitation closer to 400 per day with the resulting increase in traffic on both the Zinfandel Lane and proposed Rt. 29 entries. If they are successful, it will increase traffic on both their Zinfandel Lane entry road and the new Route 29 entry road. While we don't know what the exact definition of an 'event center' is, we do know that this is one where wine production is clearly a sidelight to the circus activity.

In viewing winery permits and major modification, the County has considered how the proposed activity compares to similar existing facilities. No other winery, pre-WDO or not, has the magnitude of hospitality structures as Raymond. This application sets a new precedent for "accessory uses" as compared to the historic pre-WDO wineries, such as Charles Krug, Louis Martini, Beringer, Beaulieu, Inglenook and others. Those wineries retain a wine production "feel" that Raymond does not as they have changed the basic character of the main use.

Fourth, Napa has had a practice of showing 'sympathy' to the violations of smaller family-operated wineries when the violator pleads some ignorance or misunderstanding of the rules. That's understandable, but shouldn't there be some consequence to the habitual violator especially when they are a well-staffed professional corporation? Raymond violations go back

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six years to 2011 shortly after they purchased the property and continues today with noise and pollution violations.

Fifth, there will be testimony today from the entire neighborhood community surrounding the Raymond Winery. You have petitions in opposition for practically all of the neighbors on the north – Zinfandel Lane; on the west – Rt. 29; on the south – Galleron Lane, and on the east – Zinfandel Lane. We have seen no true neighborhood support for the applicant. The Napa County community generally has opposed this 'event center', non-permitted agriculture development since 1968 and now this local neighborhood community strongly resists. Our lawyers have presented adequate legal reasons why this application must be rejected. These facts coupled with community sentiment demands rejection of this application.

Finally, this application gives this Board a clear opportunity to state its direction for the County and results of that direction for history to consider. The Vision Statement of the Napa County General Plan states, *"While other Bay Area counties have experience unprecedented development and urban infrastructure expansion over the last four decades, Napa County's citizens have conscientiously preserved the agricultural lands and rural character that we treasure."* What say you? Are we to have an Agricultural Economy supported by tourism or a Tourist Economy featuring agriculture? This application clearly supports the Tourist Economy idea. For 50 years the Napa community has voted for an agricultural economy. We ask that this Board support that vote and reject this application.

Sincerely,



W. Andrew Beckstoffer

WAB/vlg

Cc: Other Napa County Supervisors
Frank Leeds
Kelleen Sullivan
Shute, Mihaly & Weinberger LLP