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Agenda Date: 2/1/2017

Agenda Placement: 9A

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission

**FROM:** John McDowell for David Morrison - Director  
Planning, Building and Environmental Services

**REPORT BY:** Dana Ayers, Planner III - (707) 253-4388

**SUBJECT:** Raymond-Ticen Ranch Winery - Use Permit Major Modification #P15-00307-MOD

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### **RECOMMENDATION**

#### **RAYMOND VINEYARD AND CELLAR, INC. / RAYMOND – TICEN RANCH WINERY / USE PERMIT MAJOR MODIFICATION #P15-00307 – MOD**

**CEQA Status:** Consideration and possible adoption of a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP). According to the proposed MND, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures related to potential impacts to Biological Resources and Tribal Cultural Resources. This proposed project site is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

**Request:** Approval of a Major Modification (P15-00307 – MOD) in order to amend the existing entitlements allowing the operation of Raymond Vineyard and Cellars' Winery with visitation and marketing events at 849 Zinfandel Lane, south of the City of St. Helena. The request consists of operational changes that include: 1) addition of the Ticen Ranch property, located at 1584 St. Helena Highway, into Raymond Winery operations, with conversion of the Ticen Ranch residence and barn into winery visitation and administration space; 2) extension of winery operating hours until 11:00 p.m. during harvest (August through November) and visitation hours until 6:30 p.m. year round; 3) allowance for on-site consumption of wine in specified areas on the properties (Business & Professions Code 23358, 23390 and 23396.5); and 4) allowance for up to half of Raymond Winery's currently permitted, annual marketing events to be held outdoors. The request includes modifications to the development of the Raymond Winery and Ticen Ranch parcels that include eventual merger of the two parcels and a new access driveway to the Raymond Winery from St. Helena Highway and across the Ticen Ranch parcel, as well as construction of a vineyard viewing platform, pet dog comfort station, 61 new parking stalls between the two existing parcels, improvements to the existing sanitary wastewater treatment system, and installation of two, 10,000-gallon, water storage tanks. The application also includes requests to legitimize an existing, noncompliant number of employees (90 full-time, part-time and seasonal) and additional site modifications and conversions of building use that are already in place but that were completed without benefit of County permit approvals.

The properties at 849 Zinfandel Lane and 1584 St. Helena Highway (Assessor's Parcel Nos. 030-270-013 and 030-270-012, respectively) are under common ownership, have a General Plan land use designation of Agricultural Resource (AR) and are located in the AP (Agricultural Preserve) District.

**Staff Recommendation:** Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approve the requested Use Permit Major Modification, as conditioned.

**Staff Contact:** Dana Ayers, Planner III; (707) 253-4388 or email address [dana.ayers@countyofnapa.org](mailto:dana.ayers@countyofnapa.org)

**Applicant's Representative:** Donna Oldford, Plans4Wine; (707) 963-5832 or email address [DBOldford@aol.com](mailto:DBOldford@aol.com)

### **ITEM CONTINUED FROM JANUARY 18, 2017 REGULAR MEETING**

#### **EXECUTIVE SUMMARY**

##### **Proposed Actions:**

That the Planning Commission:

1. Adopt the MND and MMRP prepared for the proposed project, as set forth in Findings 1 through 6 of Attachment A; and
2. Approve Major Modification to Use Permit No. P15-00307, based on Findings 7 through 15 of Attachment A, and subject to the Conditions of Approval (Attachment B).

##### **Discussion:**

This item was continued from the January 18, 2017, Regular Planning Commission Meeting. At that meeting, the Commission moved to extend the public comment period on the project's environmental analysis/proposed MND to January 23, 2017 in response to a request from an interested party, and the Commission moved to continue the public hearing on the Use Permit Modification request to the Commission's Regular Meeting of February 1, 2017, at the request of the applicant.

The applicant requests a Major Modification to the existing use permit entitlements allowing operation of the Raymond Winery at 849 Zinfandel Lane, St. Helena. The Major Modification request includes addition of the Ticen Ranch parcel (Assessor's Parcel No. 030-270-012) to the Raymond Winery operation, with eventual merger of the two lots and establishment of primary vehicular access to the merged parcels from St. Helena Highway/State Highway 29 (SR 29) at the Ticen Ranch driveway. Other operational changes requested with the modification include changes to hours of operation of the winery and tasting room; allowance for currently-permitted marketing events to occur outdoors; and addition of on-premise consumption of wine purchased on the property, consistent with Business and Professions Code Sections 23358, 23390 and 23396.5. In addition to the new access driveway from SR 29, physical modifications proposed or requested to be legitimized include new parking stalls; conversion of use of various permitted agricultural and residential spaces to accessory; construction of other miscellaneous structures including a vineyard viewing platform and pet dog comfort station; and installation of various utility improvements, including an expanded septic system, stormwater bioretention areas and fire suppression water storage tanks.

Staff believes the necessary findings can be made and, with the exclusion of the request for additional visitor parking on the Raymond Winery parcel, supports approval of the Major Modification request. The uses requested with the modification are consistent with the AP zoning district of the property and with various General Plan

policies in support of preservation of agricultural land for growing of crops (vineyard) and processing of agricultural products (winemaking), as well as policies in support of preservation of resources from the County's history. The proposed modification would distribute permitted visitation, as well as vehicle trips associated with that visitation, between two distinct areas and two different access points on the existing winery parcel and proposed Ticen Ranch expansion. Recommended conditions of approval would prohibit expansion of the requested accessory uses to the Ticen Ranch prior to merger of the two properties into one parcel, to ensure that Ticen Ranch is not operated as an isolated tasting room, as that would constitute a commercial use that would be in conflict with the allowed uses of the property's zoning. Recommended conditions would also establish timelines for the winery operators to remedy all areas of code non-compliance, in addition to precluding implementation of the requested outdoor marketing events, on-premises consumption, and construction of the proposed vineyard viewing platform, prior to correction of all of the existing violations on-site.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

Consideration and possible adoption of a MND and the MMRP. According to the proposed MND and MMRP, the proposed project would have no potentially significant environmental impacts with inclusion of mitigation measures related to pre-demolition biological surveys for presence or absence of special status bat species and pre-grading consultation with interested Native American tribal representatives. This project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

### **BACKGROUND AND DISCUSSION**

**Property Owner:** Raymond Vineyard and Cellar, Inc., an affiliate of Boisset Family Estates

**Applicant:** Tom Blackwood on behalf of Raymond Vineyards; (707) 287-7458 or email address tom.blackwood@boisset.com

**Applicant's Representative:** Donna Oldford, Plans4Wine; (707) 963-5832 or email address DBOldford@aol.com

**Zoning:** AP (Agricultural Preserve) District

**General Plan Designation:** Agricultural Resource

**Application Filed:** September 15, 2016; Resubmittals February 16, 2016, November 8, 2016

**Application Complete:** December 8, 2016

**Parcel Size:** 60.72 acres (Assessor's Parcel No. 030-270-013, Raymond Winery) and 25.48 acres (Assessor's Parcel No. 030-270-012, Ticen Ranch)

**Existing and Proposed Use Characteristics:**

**Vineyard Acreage –**

**Raymond Parcel (Existing):** 37.7 acres  
**Raymond Parcel (Proposed):** 37.3 acres

**Ticen Ranch Parcel (Existing):** 20.7 acres  
**Ticen Ranch Parcel (Proposed):** No change

**Building Area –**

**Raymond Winery Building A (Existing):** 27,556 square feet, inclusive of tank rooms and accessory uses, with and without permits

**Raymond Winery Building A (Proposed):** 33,914 square feet, inclusive of tank rooms and accessory uses, plus retail wine sales

**Raymond Winery Building B (Existing):** 43,297 square feet of wine production area; includes 17,353 square foot covered barrel work area

**Raymond winery Building B (Proposed):** No change to use or area

**Raymond Winery Building C (Existing):** 43,074 square feet, inclusive of barrel storage, bottling, shipping/receiving and administrative offices

**Raymond Winery Building C (Proposed):** No change to use or area

**Raymond Winery Ancillary Structures (Existing):** 7,762 square feet, inclusive of pump house, vineyard equipment storage, scale house, demonstration kitchen, herbarium, dog run and animal sheds, with and without permits

**Raymond Winery Ancillary Structures (Proposed):** 9,670 square feet, inclusive of structures as listed above, plus 1,908 square foot, uncovered, vineyard viewing platform

**Ticen Ranch Residence (Existing):** 2,838 square feet, currently vacant

**Ticen Ranch Residence (Proposed):** 2,676 square feet (including covered porch), proposed to be converted for use as winery accessory offices and tasting rooms

**Ticen Ranch Barn (Existing):** 1,128 square feet, currently vacant

**Ticen Ranch Barn (Proposed):** 1,308 square feet (including 180 square foot uncovered work demonstration area), proposed for use as accessory, agricultural experience space

(Note: The existing single-family residence on the Raymond Winery parcel would be maintained as a single-family residence, remaining unchanged in use and area.)

**On-site Parking –**

**Existing Entitlement:** 75 stalls (Raymond Winery parcel only)

**Existing Conditions:** 89 stalls (Raymond Winery parcel only)

**Use Permit Modification Request:** 150 stalls (139 stalls on the Raymond Winery parcel and 11 stalls on the Ticen Ranch parcel)

**Building Setbacks –**

**Raymond Parcel (Existing):** 1,400 feet front (minimum 300 feet required from centerline of Zinfandel Lane for winery structures); 1,300 feet rear (minimum 20 feet required); 20 feet east side (minimum 20 feet required); 85 feet west side (minimum 20 feet required)

**Raymond Parcel (Proposed):** No change. Building additions to Winery Building A would occur within the existing building envelope. The proposed vineyard viewing platform would be closer to Zinfandel Lane than existing winery buildings, but it would be uncovered and would be well outside of the minimum 300-foot setback.

**Ticen Ranch Parcel (Existing):** 375 feet front (minimum 20 feet required from property line for residential uses); 600 feet rear (minimum 20 feet required); 425 feet north side (minimum 20 feet required); 375 feet south side (minimum 20 feet required)

**Ticen Ranch Parcel (Proposed):** No change to the existing condition described above. Because the existing ranch house is proposed to be changed from residential to winery accessory use, the minimum setback required for that building is 600 feet from the centerline of SR 29 right-of-way, though the zoning ordinance allows a reduced setback of 300 feet from highway centerline for historic structures.

**Annual Production –**

**Existing Entitlement:** 750,000 gallons of wine per year averaged over any consecutive three-year period, with production in any year not to exceed 900,000 gallons of wine

**Existing Condition:** Compliant

**Use Permit Modification Request:** No change requested

**Winery Development Area (Production facilities, storage, offices, laboratories, tasting rooms, kitchens, employee parking) –**

**Existing Entitlement:** Approximately 234,000 square feet (Raymond Winery parcel; note that employee stalls requested to be recognized are in an area previously approved for outdoor production)

**Existing Conditions:** Approximately 235,800 square feet (Raymond Winery parcel)

**Use Permit Modification Request:** Approximately 308,800 square feet (includes both Raymond Winery and Ticen Ranch parcels)

**Winery Coverage (Production facilities, storage, offices, laboratories, kitchens, tasting rooms, aboveground wastewater disposal systems, paved areas and access roads) –**

**Existing Entitlement:** Approximately 437,900 square feet or 10 acres (Raymond Winery parcel; excludes single-family residence on Raymond parcel)

**Existing Conditions:** Approximately 439,400 square feet or 10.1 acres (Raymond Winery parcel; excludes single-family residence on Raymond parcel)

**Use Permit Modification Request:** Approximately 527,800 square feet or 12.1 acres (Raymond Winery and Ticen Ranch parcels; excludes single-family residence on Raymond parcel)

Maximum Coverage Allowed: 15 acres

**Accessory to Production Ratio –**

**Existing Entitlement:** 17 percent (20,325 square feet accessory, 118,876 square feet production; Raymond parcel only)

**Existing Conditions:** 17 percent (20,591 square feet accessory, 118,021 square feet production; Raymond parcel only)

**Use Permit Modification Request:** 32 percent (36,556 square feet accessory, 114,293 square feet production; includes both Raymond Winery and Ticen Ranch parcels)

**Maximum allowed:** 40 percent

(Note – See Attachment D for a summary of entitled accessory to production ratio; see attachment and architectural plan sheets A1.10 and A1.11 for summaries of existing and requested ratios.)

**Employees –**

**Existing Entitlement:** 26 full-time employees, up to two part-time seasonal during harvest

**Existing Conditions:** 90 employees (70 full-time, 10 part-time, 10 part-time seasonal)

**Use Permit Modification Request:** 90 employees (70 full-time, 10 part-time, 10 part-time seasonal)

**Days and Hours of Winery Operation –**

**Existing Entitlement:** Daily, 6:00 a.m. until 6:00 p.m.

**Existing Conditions:** Daily, 6:00 a.m. until 6:00 p.m.

**Use Permit Modification Request:** Daily, 6:00 a.m. until 11:00 p.m. (harvest months August through November);  
Daily, 6:00 a.m. until 6:00 p.m. (non-harvest months December through July)

**Days and Hours of Visitation –**

**Existing Entitlement:** Daily, 10:00 a.m. until 4:00 p.m.

**Existing Conditions:** Daily, 10:00 a.m. until 4:00 p.m.

**Use Permit Modification Request:** Daily, 10:00 a.m. until 6:30 p.m.

**Daily Visitation/Wine Tasting –**

**Existing Entitlement:** 400 visitors per day (up to 200 public)

**Existing Conditions:** 400 visitors per day

**Use Permit Modification Request:** No change requested to existing entitlement

**Marketing Event Program –**

**Existing Entitlement:** Daily events for up to 10 people, twice weekly events for 10 to 30 people, twice monthly events for 30 to 100 people; all events to occur indoors.

**Existing Conditions:** Same as above

**Use Permit Modification Request:** Same frequency as the existing entitlement, with up to half of events to occur outdoors: 1) in the lawn and pool areas near the residence on the Raymond Parcel; 2) in the existing biodynamic garden area on the Raymond Winery parcel; and 3) in the proposed landscaped picnic area on the east side of the residence on the Ticen Ranch parcel.

**Market Event Scheduling –**

**Existing Entitlement:** Marketing events can occur no earlier than 11:00 a.m. and no later than 11:00 p.m., with no events to start or end between 4:00 p.m. and 6:30 p.m.; any event with an attendance of more than 80 people cannot occur within the hours of operation of the tour and visitors' center.

**Existing Condition:** Same as above

**Use Permit Modification Request:** Marketing events to occur within three- to four-hour increments, starting no earlier than 10:00 a.m. and ending no later than 10:00 p.m. (with quiet clean-up to be completed by 11:00 p.m.)

**Adjacent General Plan Designations, Zoning Districts and Land Uses:**

The properties surrounding the Raymond Winery and Ticen Ranch parcels include a combination of residentially- and agriculturally-developed parcels. The parcels have various zoning classifications, as further described below. All of the properties in the immediate vicinity of both the Raymond Winery and Ticen Ranch parcels, however, have a General Plan land use designation of AR. Land use characteristics of properties in the vicinity of each parcel are summarized in the following paragraphs.

**Raymond Winery (849 Zinfandel Lane) –**

North: Zinfandel Lane, to which the property has its vehicular access, is immediately north of the parcel, and on the opposite side of Zinfandel Lane is a subdivision of single-family residences on lots generally ranging in size from 0.2 to two acres. The neighborhood of smaller single-family residential lots, near the southeastern corner of the Raymond Winery parcel, is zoned RS:B-1 (Single-Family Residential, Building Site Combination, One Acre Minimum Lot Size). The larger lots, located closer to the Raymond Winery driveway entrance at Zinfandel Lane, are developed with single-family residences with and without vineyards and are zoned AW. An 11.66-acre parcel near the northeastern corner of the Raymond Winery site is also developed with a single-family residence with vineyards and is zoned AP.

West: The parcel's western property line adjoins six parcels, four of which are developed exclusively with vineyards, one of which is developed with a combination of single-family residence and vineyard, and the last (southernmost) of which is the Ticen Ranch parcel that is also included in this use permit modification request. All parcels to the west of the property are zoned AP.

South: The 26.17-acre Sullivan Family Estate is located immediately south of the Raymond Winery parcel and is developed with a winery and planted with vineyards. That property is also zoned AP.

East: The parcel's eastern property line abuts several parcels; three parcels, each approximately one acre in size, are developed exclusively with single-family residences, while three others range in size from one to 34 acres are developed with a combination of single-family residences with vineyards. A seventh parcel east of Raymond Winery is a 27.68-acre parcel that is exclusively planted with grapevines and that is also owned by Raymond Vineyard and Cellars. This 27.68-acre parcel contains a well that provides irrigation water to both parcels owned by Raymond. As with the parcels west of the site, all parcels to the east of the Raymond Winery property are zoned AP.

**Ticen Ranch (1584 St. Helena Highway) –**

North: A 10.5-acre parcel with a single-family residence and vineyard adjoins the northern lot line of the Ticen Ranch parcel at 1584 St. Helena Highway. This parcel is zoned AP and has a General Plan land use designation of AR.

West: The western parcel line of the Ticen Ranch property adjoins the right-of-way of State Route 29, and on the opposite side of the highway are several parcels developed with single-family residences (with and without vineyards) and a bed and breakfast inn (The Ink House). These parcels are also zoned AP and are designated AR in the General Plan.

South and East: Wineries with vineyards, including Franciscan Winery, Sullivan Family Estate Winery, and a portion of the Raymond Winery, adjoin the southern and eastern property lines of the Ticen Ranch site. As with the properties to the north and west, these parcels are zoned AP and are designated as AR in the General Plan.

**Parcel History:**

Raymond Vineyard and Cellar (849 Zinfandel Lane) – Historic aerial photographs reflect that the Raymond Winery property and an adjacent, 27.68-acre parcel (APN 030-050-031, also owned by the project proponent) have been in agricultural use as orchards or vineyard since at least the mid-20th century. In 1973, Roy Raymond, then owner of the property, requested a building permit from Napa County's Building Division to construct a 50,000-gallon per year winery on the 60.72-acre parcel. Zoning at the time allowed wineries as permitted uses of property in agricultural zoning districts. After the County prepared and certified an environmental impact report for the

proposed winery in 1974, the property owner obtained permits for grading and construction of the development in 1978.

In 1984, Raymond obtained County approval (Use Permit #U-498384) to expand the existing winery by increasing production capacity from 50,000 gallons to 250,000 gallons of wine per year; adding 27,750 square feet of hospitality, aging and administrative space; and adding public tours and tastings to the operation of the facility. In April 1990, the Planning Director administratively approved an amendment to that approval that resulted in separation of the approved building into two isolated structures, with wine production areas retained in a reduced, 20,000 square foot building and hospitality areas separated off into an approximately 4,750 square foot building. The two standalone buildings authorized by that amendment were not subsequently built.

Later, in 1991, the same property owner obtained County approval (Use Permit No. U-89-46) to increase annual wine production from 250,000 gallons to 750,000 gallons per year averaged over any consecutive three-year period, and with production in any year not to exceed 900,000 gallons; to construct a 67,800 square foot wine production facility with press, fermentation, aging and storage, office, laboratory, and shipping areas; to modify the floor plan of the previously-approved 20,000 square foot aging facility building to include a 4,000 square foot banquet room and kitchen; and add visitor parking spaces, for a total of 75 on-site stalls for guests and employees, and additional service driveways on the property. The action associated with Use Permit No. U-89-46 included approval of an additional 200 visitors to the winery's recognized 200 public visitors per day, for a total of 400 daily visitors (of which 200 were to be by appointment); and a marketing plan for the winery, consisting of daily events for up to 10 people, twice weekly events for 10 to 30 people, and twice monthly events for 30 to 100 people, with any event having an attendance of more than 80 people scheduled so as not to occur concurrently with the hours of operation of the tour and visitors' center.

Ownership of the vineyard and winery on the 60.72- and 27.68-acre parcels transferred to the current owner and project proponent in 2009. Today, the property is developed with a single-family residence, as well as wine production, administrative and winery hospitality buildings, winery process wastewater treatment ponds, a domestic water supply well, surface parking lots, and other small, accessory structures. There are approximately 40 acres of grape vines planted on the property, along with approximately three acres of edible and ornamental landscape plantings that include a 0.6-acre biodynamic garden and scattered areas of lawn and shade trees around winery Building A and the on-site residence.

Following the initial approval of construction of the winery in 1974 and subsequent use permits and modifications thereto in the 1980s and early 1990s, the County approved other minor and very minor modifications to the use permit between 1996 and 2010. These minor and very minor modifications are summarized below:

- a. Minor Modification to Use Permit, #95257 – Allowed up to three custom production operations consisting of crush, fermentation, barrel aging, bottling and case goods storage within the existing winery facility. Total annual custom production was not to exceed 37,500 gallons (five percent) of the existing 750,000 gallon per year production capacity. No separate marketing, shipping, office or employees were included in the action. (Approved by Zoning Administrator, March 8, 1996.)
- b. Very Minor Modification to Use Permit, #P07-00829 – Removed custom crush component approved with permit #95257 – MM. (Approved by Director of Conservation, Development and Planning, December 13, 2007.)
- c. Very Minor Modification to Use Permit, #P10-00093 – Permitted tenant improvements to construct 8,129 net square feet of office space, consisting of the following: 1) addition of a 2,178 square foot interior mezzanine office space within winery Building B, to house 26 existing employees; 2) conversion of 1,677 square feet of existing mezzanine storage area to office space within winery building B; and 3) conversion of 2,673 square feet of warehouse storage space to office, winemaking laboratory, storage and corridor areas on the ground floor of Building B. The remaining 1,601 square feet of existing lobby, restroom and break room space on the ground floor



of building B was to remain in place and be encompassed within the new office, laboratory and storage areas. The project scope included removal of illegally constructed office improvements within the residential pool house. No changes to production, marketing, visitation or increase in the existing approved 26 employees were included in the action. (Approved by Director of Conservation, Development and Planning, July 29, 2010.)

The most recent request for modification of existing entitlements was submitted to County staff in 2011, at which time the winery operator requested changes to the winery's approved marketing plan, hours of and program for tours and wine tastings, inclusion of on-site wine consumption in accordance with Business & Professions Code Sections 23358, 23390 and 23396.5, and other changes inside and outside of the various buildings on the property. After several Planning Commission public hearings on the request, the applicant withdrew that request on February 2, 2015.

Ticen Ranch (1584 St. Helena Highway) – The Ticen Ranch property is currently developed with a single-family residence, a barn, and an accessory structure that incorporates a garage and second dwelling unit. There are approximately 21 acres of wine grape vines planted on the property. Basic analysis of the existing residence suggests that it was built in the late 19th century, though there are no County permits that would have been required at the time and that would have indicated a more precise date of construction. Historic reports suggest that agricultural activity on the property (initially 23 acres of orchards and ornamental landscaping, later replaced with an approximately equivalent acreage of wine grape vines) commenced around the same time as construction of the main residence. The residence was subsequently modified to add rooms and change fenestration, though this work also appears to have been done before permits would have been required, so the precise date of these changes is also unknown. Likewise, the second unit/garage and barn were built before permits would have been required, but based on review of aerial photography, were built some time before 1948.

The property changed ownership several times between the late 19th century and mid-20th century. Prior to purchase by the project proponent, the property was owned by Orville and Theresa Ticen, a local carpenter and a junior high school teacher, between 1956 and 2014. While under the ownership of and residence by the Ticen family, Theresa Ticen operated a three-room bed and breakfast inn in the main residence on the property from 1985 until 1991 (County Use Permit #BB448485). After closing the inn, she continued to live in the house until she moved to a retirement home in 2001.

Currently, both residences on the Ticen property are unoccupied. The property owner and project proponent is undergoing an effort to replant the existing vineyard on-site.

#### **Code Compliance History:**

The County has records of open and closed code enforcement matters related to the Raymond Vineyard and Cellar property and current winery operators. The administrative approval of a Very Minor Modification to Use Permit, Application P10-00093 (referenced in Parcel History, above) remedied violations of the winery's unpermitted conversions of wine production and residential area to accessory office use, as described in more detail above. Another code enforcement matter related to construction of a 100 square-foot vineyard viewing platform without building permits was corrected when the winery operators removed the platform.

The current use permit major modification request was filed as a corrective measure to the remaining, outstanding code and permit violations on the Raymond parcel. These violations include unpermitted conversion of offices and production areas in Building A and the residential pool house to private tasting rooms; unpermitted construction of several small outbuildings proximate to the biodynamic garden on the west side of Building A, as well as placement of an outdoor, self-contained demonstration kitchen near the existing single-family residence on the east side of Building A; and unpermitted exterior improvements facilitating the establishment of outdoor visitation area, also on the east side of Building A. The current request also proposes to address matters of noncompliance between the winery's existing and entitled numbers of employees and employee parking stalls. Existing

employment levels exceed the winery's permitted number. (See Existing and Proposed Use Characteristics, above.)

#### **Discussion Points:**

General Plan/Zoning – By continuing to facilitate use of the property for agricultural use, inclusive of agricultural product processing (winemaking from grapes) and related, accessory uses, the requested use permit modification is generally consistent General Plan Goal AG/LU-1 and Policies AG/LU-1, AG/LU-2, and AG/LU-9. These policies prioritize agricultural land use and preservation of farmland, and define agriculture as raising of crops, trees and livestock, as well as processing of agricultural products and related marketing activities. Water demand generated by the proposed winery would be in line with General Plan goals supporting prioritization of groundwater for agricultural purposes (Goal CON-11). Restoration of the Ticen Ranch residence, estimated to be over 120 years old, and removal of its non-original additions, would be consistent with General Plan Policies CC-19 and CC-26.5, which support evaluation and preservation of resources from the County's history.

The requested use permit modification is consistent with the zoning of the sites. Both the Raymond and Ticen Ranch properties are located in the AP District. County Code Section 18.16.030 identifies wineries and their accessory uses (marketing, visitation, and administrative uses in support of winery operations) as conditionally permitted uses in the AP District. Facilities for temporary boarding of four or fewer dogs are also permitted uses in the AP District (County Code Sections 18.08.480 and 18.16.030). The agricultural plantings in the existing and proposed biodynamic gardens on both parcels are permitted as agricultural uses of both properties.

Site and Building Improvements – As summarized above, the proposed project and related improvements would be built in compliance with development regulations applicable to wineries in the AP. Staff has recommended conditions of approval that would preclude the applicant from obtaining permits to construct any new structures on the Raymond parcel, including additions to Building A and the vineyard viewing platform, prior to correcting the existing building violations on the Raymond property within specified timelines. Recommended conditions would also delay implementation of the allowance for on-premises wine consumption until after existing violations have been corrected.

Ticen Ranch - The proposal includes a request to establish winery accessory use inside of the existing single-family residence on the Ticen Ranch parcel, which is located just over 330 feet from the centerline of State Route 29 and 270 feet inside of the 600-foot minimum setback for winery buildings. County Code Section 18.104.235 allows winery buildings to encroach up to 300 feet into the required 600-foot setback, provided that the decision-making body makes certain findings related to the historic nature and preservation of the respective building or property.

The Ticen Ranch residence is not listed on any local, state or federal register of historic places. However, an analysis of the residence, submitted by the applicant's historic architect, suggests that the Ticen Ranch residence is eligible for such listing due to its age (estimated to be over 120 years old) and as an example of folk Victorian architecture popular during its time of construction. Based on this analysis, staff believes that the Commission can make the necessary findings that the single-family structure has historic significance and thus, to allow the establishment of the new winery accessory space inside of the minimum 600-foot setback. The barn proposed to be repurposed as a demonstration area on the Ticen Ranch parcel is currently outside of the 600-foot setback and does not require findings to be made for its reuse as winery accessory space.

Accessory uses proposed to occupy the Ticen Ranch house include tasting rooms and administrative office spaces. While the residential building to be converted would constitute an expansion of the winery's accessory use floor area, the winery operator proposes no changes to the winery's permitted number of daily visitors or annual marketing events. Rather, a portion of the permitted visitation would be re-allocated to the Ticen Ranch parcel. A recommended condition of approval would prohibit construction or commencement of the requested accessory

uses to the Ticen Ranch prior to merger of the two properties (APNs 030-270-012 and 020-270-013) into one parcel, to ensure that Ticen Ranch is not operated as an isolated tasting room, as that would conflict with the allowed uses of the property's zoning.

Traffic and Transportation – The major modification request includes a request for the County to: 1) recognize and legitimize an increase in the number of permitted parking stalls on-site, from 75 permitted parking stalls to 89 existing stalls; and 2) allow an additional increase of 61 parking stalls, with 50 stalls to be added to the Raymond parcel's guest parking lot and 11 stalls to be added next to the Ticen Ranch residence. It is noted that the 75 parking stalls (of which 47 were guests stalls) was a mitigation measure of the 1991 use permit modification entitlement and was adopted as a transportation demand management measure at that time. The requested increase in parking would not result in additional visitors to the winery, as the winery operators are not proposing to change the existing number of permitted guests for tastings and marketing events at the winery. A portion of the requested parking increases would provide on-site parking for the 64-person employment increase also requested to be recognized and legitimized with this use permit modification application.

The proposed project also includes construction of a left-hand turn lane on Zinfandel Lane at Wheeler Lane, and improvement to the existing driveway access onto the Ticen Ranch parcel, opposite an existing private drive, to provide a secondary access to the winery and tasting rooms. Operational project changes proposed include a varying work schedule that includes early scheduled shifts (6:00 a.m. – 2:30 p.m.) for production employees and later scheduled shifts (9:30 a.m. – 6:00 p.m.) for hospitality staff, and extension of the end of winery visitation hours from 4:00 p.m. to 6:30 p.m. The intent of these operational changes is to reduce employee-generated vehicle trips to or from the winery during peak hours of traffic; and to distribute winery visitor departure trips over a longer day so as to reduce the number of visitors leaving within the PM peak hours of traffic (weekdays between 8:00 and 9:00 a.m. and 3:00 and 4:00 p.m., and weekend days between 3:15 and 4:15 p.m.) by facilitating later departures after the peak hour.

The requested use permit modification is not anticipated to have a significant impact to the transportation network in the vicinity of the site. The traffic analysis concluded that the proposed project would have the effect of reducing (by 0.10 to 0.55 percent) existing traffic volumes at the State Route 29/Zinfandel Lane intersection and the southbound lanes of Silverado Trail south of Zinfandel Lane, and it would have a negligible effect on the Zinfandel Lane stop-controlled minor approach to Silverado Trail. While traffic volumes on Zinfandel Lane would decrease as a result of the access driveway on the Ticen Ranch parcel, volumes on State Route 29 would generally remain static with the project in both near-term and long-term horizons. If the proposed project is approved, traffic contributions to other studied intersections and road segments would not exceed 0.6 percent of existing volumes or 0.5 percent of projected traffic volumes in the long-term horizon. No mitigation for traffic level of service impacts is therefore required for the proposed project, although staff recommends that conditions of approval be added to the permit modification that require circulation changes on the Ticen Ranch parcel to be implemented within certain timeframes, in accordance with the applicant's intent to alleviate existing traffic volumes on Zinfandel Lane. The traffic analysis was reviewed by the County's traffic engineer, who agreed with its conclusions.

Staff does not object to the additional parking proposed to be recognized for winery employees. These stalls have been striped in existing paved work areas on the Raymond parcel and are not in a highly prominent location due to their placement behind the winery and hospitality building. The floor area occupied by the employees for whom these stalls would be reserved does not cause an exceedance of the maximum accessory to production ratio allowed by the zoning ordinance. While the proposed parking expansion potentially conflicts with the mitigation measure adopted by the County in 1991, the addition of the second driveway and staggered employee work shifts as an element of the currently-proposed project would have the same intent and practical effect as the 1991 mitigation measure to manage winery traffic, particularly on Zinfandel Lane, which was the winery's sole means of connection to the greater roadway network in 1991.

However, staff is concerned that the requested guest parking lot expansion on the Raymond parcel could be

inconsistent with the General Plan. More specifically, although the proposed parking additions would not have significant environmental effects, staff has not received from the applicant adequate justification to recommend approval of the additional 50 parking stalls on the Raymond parcel, particularly because: 1) there is no increase requested in the largest marketing event currently permitted; 2) there is no increase requested in the number of daily winery visitors; 3) tasting room visitors would be split between the tasting rooms on the Raymond parcel and on the Ticen Ranch property, reducing demand for parking at the existing Raymond facility; and 4) visitation hours are proposed to be extended by two and a half hours per day, so that the 400 daily visitors would be visiting the property over a larger span of time. As such, this component of the use permit modification appears inconsistent with General Plan policy CIR-23, which discourages permit applicants from providing unnecessary or excessive quantities of parking stalls for their uses.

Noise – Approval of the proposed project would result in a temporary increase in noise levels as a result of construction of the building and site modifications. Much of the construction (specifically, that which would convert winery space to hospitality space) would occur inside of the existing winery building on the Raymond parcel and inside of the barn and residence on the Ticen Ranch parcel, with the walls of the existing structures providing sound attenuation for construction activities. However, other improvements including construction of the parking lot and vineyard viewing platform, construction of winery building additions on the Raymond parcel, demolition of the Ticen Ranch garage, and restoration of the exterior of the Ticen Ranch residence, would occur outside of existing structures. The project would be subject to standard conditions of development in Napa County that are intended to reduce to acceptable levels the potential impacts of construction-related noise on neighboring uses by requiring mufflers on construction equipment, prohibiting operation of noise-disturbing construction tools or equipment between the hours of 7:00 p.m. and 7:00 a.m., and limiting construction noise levels measured at property lines to 75 A-weighted decibels (dBA, a measurement of sound that mimics human hearing by de-emphasizing low- and very-high frequency sound) between the hours of 7:00 a.m. and 7:00 p.m.

The application includes a request to modify the marketing program permitted under Use Permit No. U-89-46 to allow the winery to conduct up to half of its marketing events outdoors, in the existing lawn and pool areas near the existing residence on the Raymond parcel, in the existing biodynamic garden area on the Raymond parcel, and in the proposed landscaped picnic area on the east side of the residential building on the Ticen Ranch parcel. As proposed, amplified music would be precluded at outdoor events, and duration of each event would span three- to four-hour increments, with no event beginning before 10:00 a.m. or ending later than 10:00 p.m., with quiet clean-up activities until 11:00 p.m. The on-site consumption of wine is also requested to be allowed in the same locations as outdoor marketing events. These outdoor activities have the potential to generate higher noise levels than to existing conditions.

Land uses that surround the Raymond and Ticen Ranch parcels are predominantly agricultural (vineyard) and low-density residential developments. The project, and particularly the introduction of outdoor marketing events, would not result in exceedance of the County Code standard of 50 decibels during 50 percent of daytime hours for any residence in the vicinity of the Raymond Winery property. Outdoor events proposed to occur in the proposed garden area behind (east of) the Ticen Ranch house would have an even greater separation from the nearest off-site residence (located approximately 700 feet to the west, on the opposite side of State Route 29), and so also would not cause generation of noise levels in excess of County standards as a result of outdoor events occurring there. (Also see discussion of noise in the Initial Study.)

Another potential noise source associated with the proposal is the sound of visitors' dogs barking during their temporary stay at the winery's pet comfort station. Sound generated from the pet comfort station is anticipated to be less than significant, given the structure's small size and limited capacity for sheltering pets, its partial enclosure by building walls, and the location of the pet comfort station on the opposite side of winery Building A and 400 feet further from the nearest residence on Wheeler Lane as the lawn near the proposed reflecting pond (referenced above). The additional distance and the walls of the winery building would serve as additional buffers to reduce the sounds generated by pets. A recommended condition of approval would also limit the occupancy of the structure to

four dogs at any time, unless the applicant obtains appropriate permits as required under County Code Chapter 6.04.

Greenhouse Gas (GHG) Reduction Strategies – The proposed project would not have significant impacts related to GHG emissions. The application includes no request to increase daily visitation or marketing event attendance numbers, and thus, GHG emissions associated with hospitality at the winery would not change. Increase in emissions compared to permitted operations would result from the approval of the requested employment increase and the additional lighting and space conditioning energy demands of the proposed building conversions on the Ticen Ranch property. The Ticen Ranch buildings represent an increase in just over 2.5 percent of the existing winery's floor area.

Prior to submittal of this application, the winery operators installed an electric vehicle (EV) charging station in the winery's visitor parking lot (Building Permit B13-00305) and a 750- kilowatt, roof-mounted photovoltaic array on existing winery Buildings A and B ((Building Permit B13-00273). The applicant estimates that the solar array generates approximately 70 percent of the winery's current energy demands. Installations of the EV charging station and solar array are consistent with adopted General Plan goals (CON-68, CON-70) that encourage the County and permittees to pursue use of renewable energy sources, and consequently, these installations reduce the winery's GHG emissions by reducing its need to purchase power from generated from nonrenewable sources. Other measures that the applicant has expressed intent to implement, and that also would reduce the winery's emissions of GHGs, include exclusion of burning pruned materials; education to staff and visitors on sustainable practices; limiting grading and existing tree removal; and installation of water-efficient plumbing and landscaping and energy-efficient lighting fixtures.

Mitigated Negative Declaration – No new potentially significant environmental effects would occur, provided project approval is conditioned to incorporate measures to ensure: a) humane eviction of any potentially sensitive bat species that might be occupying the garage structure proposed for demolition; and b) appropriate training of field construction crews in the identification of Native American resources that might be on the Ticen Ranch property and that might be uncovered during project construction.

Previous Project Conditions - Winery conditions of previously-approved use permits and modifications for the Raymond Winery are attached to this staff report. To clarify permit entitlements and expectations of the permittee, staff has incorporated into the recommended conditions of this current use permit modification request all of the applicable conditions of approval of prior actions. Where the current request would modify or supersede a prior condition of approval, the text of the prior condition is recommended to be modified in, or not carried forward at all into, the current action. Additionally, prior conditions for which the County has more recent, standardized language (such as for lighting or dust control) have not been carried forward but rather are recommended to be replaced with the County's current language. Other changes noted in the attachment are recommended to maintain consistency within the conditions. The applicant has generally expressed agreement with the recommended conditions but has expressed concern about applicability of the prior conditions to current trends in winery operations, particularly with respect to on-site parking, ending hours of marketing events and transportation of wine barrels off-site.

Public Comments – As of the writing of this report, staff has received several letters of comment on the project and Initial Study, from interested parties and the California Department of Transportation. Staff will provide an update at the meeting on the status of responses to the comment letters received and will make a determination of whether this item should be continued to allow staff to work with the applicant to address written comments received to date, as well as any more comments provided at the public hearing.

#### **Decision-making Options:**

Option 1: Approve Applicant's Proposal without Additional Guest Parking on Raymond Parcel (Staff recommended option).

This action would facilitate legitimization of the current matters of zoning noncompliance of the winery and establish timelines for full compliance with building and fire codes related to the building and site improvements, prior to commencement of certain new winery activities (such as on-premises consumption and building additions) that would be approved with the request. This option would also allow expansion of the winery's accessory uses to the Ticen Ranch parcel, with a new site access across that property, extending from State Route 29 to the Raymond Winery parcel. This option would also legitimize the current level of employment. There would be other increases in the winery's levels of production, visitation or marketing. All site improvements requested by the applicant, with the exclusion of the expanded visitor parking lot on the Raymond Winery parcel, would be approved by under this option. Applicable conditions of prior permit approvals would be carried forward into the current decision document.

Action Required – Follow the proposed action listed in the Summary section of this staff report, amending select, Project-Specific Conditions as listed in Attachment B, as may be appropriate, at the time the motion of approval is made.

Option 2: Approved Applicant's Proposal (Same as Option 1 but with Additional Guest Parking on Raymond Parcel).

This option would include everything summarized under Option 1, above, but would also include the additional guest parking on the Raymond parcel, requested by the applicant.

Action Required – Follow proposed action listed in Executive Summary and amend scope and project specific conditions of approval to increase the number of parking stalls allowed on the Raymond parcel, from 89 to 139. If other, major revisions of the conditions of approval are required, item may need to be continued to a future date.

Option 3: Deny the Requested Use Permit Modification.

This action would result in continued operation of the Raymond Winery under current entitlements. While matters of noncompliance with prior use permits, the building code and fire code would still be required to be rectified, including fencing of the swimming pool and removal of visitation area from the pool house and parts of Building A, the winery would not be permitted to extend its accessory use space to Ticen Ranch nor add any parking or secondary access from State Route 29. Unpermitted structures on-site would be required to be removed or demolished, and the winery would have to reduce its on-site employment to 26 full-time staff members (plus up to two part-time employees during harvest).

Action Required – In the event that the Commission determines that it cannot meet the required findings for grant of the requested Use Permit Modification, Commissioners must articulate the basis for the findings. The Commission would then make a tentative motion to deny the proposal and remand the matter to staff to draft the required findings of denial, based on the Commissioners' statements. Staff would return to the Commission with the findings of denial on a specified date.

Option 4: Continuance Option.

The Commission may continue an item to a future hearing date, at its discretion.

**SUPPORTING DOCUMENTS**

- A . Recommended Findings
- B . Recommended Conditions of Approval and Final Agency Approval Memos
- C . Previous Project Conditions
- D . Summary of Approved and Requested Accessory to Production Ratios

- E . Initial Study/Mitigated Negative Declaration
- F . Public Comments
- G . Use Permit Modification Application Packet
- H . Water Availability Analysis
- I . Wastewater Feasibility Study
- J . Traffic Study
- K . Ticen Ranch Historic Assessment
- L . Graphics
- M . Winery Comparison Analysis

Napa County Planning Commission: Approve

Reviewed By: John McDowell