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Agenda Date: 3/15/2017  
Agenda Placement: 8B  
Continued From: 1/18/17 & 2/1/17

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission

**FROM:** Charlene Gallina 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 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) to amend the existing entitlements allowing the operation of Raymond Vineyard and Cellars' Winery (Raymond 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; 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 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, 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 Agricultural Preserve (AP) District.

**Staff Recommendation:** Adopt the MND and MMRP 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 AND FEBRUARY 1, 2017, REGULAR MEETINGS**

**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:**

On February 1, 2017, the Planning Commission conducted a public hearing to consider the request for a Major Modification to a Use Permit (P15-00307 – MOD), for the Raymond – Ticen Ranch Winery. At the hearing the Commission received comments on the project as well as the adequacy of the proposed MND. Following receipt of testimony, the Commission continued the public hearing to March 15, 2017, to allow the applicant time to address neighbor concerns about the alignment of the proposed driveway from State Route 29/St. Helena Highway at the Ticen Ranch property frontage.

Staff believes the necessary findings can be made and, upon review of new information from the project applicant, supports approval of the project. While minor clarifications to the initial study were identified in response to comments, staff does not believe that there are significant deficiencies in the environmental analysis that would preclude adoption of the MND or require its recirculation. Consistent with staff's previous recommendation, a recommended condition of approval would prohibit expansion of the requested accessory uses to the Ticen Ranch prior to merger of the two properties into one parcel; this would ensure that Ticen Ranch is not operated as a stand-alone tasting room, a commercial use that would 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, until all of the existing violations on-site are corrected.

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

## **ENVIRONMENTAL IMPACT**

Consideration and possible adoption of a MND and MMRP. According to the MND, 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**

The February 1 staff report includes discussion of the proposed project with respect to the General Plan and Zoning Ordinance, and includes a description of the site improvements proposed with the requested modification. A detailed description of the characteristics of the project and its environmental setting, including zoning, land use designations and development on properties in the vicinity of the site, is provided on pages 4 through 7 of that staff report and pages 3 through 5 of the Initial Study (IS)/MND. Discussion topics in the February 1 staff report also include noise, greenhouse gas emissions, and traffic.

During and prior to the February 1 public hearing, staff received several comment letters in support and opposition to the proposed project, as well as comments regarding the IS/MND prepared for the project. CEQA Guidelines Section 15074(b) requires that the decision-making body consider the environmental analysis and any comments received thereon, prior to making its decision on a discretionary permit request. Though written responses to comments on an IS/MND are not required, the following paragraphs provide summary responses to the common topic areas raised about the project and environmental analysis.

Code Compliance History – The February 1 staff report included a summary of the open and closed code enforcement matters related to the Raymond Winery and current winery operators. The following information includes a chronology of code enforcement matters to supplement that summary:

July 2010: Administrative approval of Very Minor Modification No. P10-00093 allowing interior modifications to include 8,129 square feet of office improvement (remedied a previous code violation of the winery's unpermitted conversions of wine production and residential area to accessory office use). Case Status: Closed.

2011: Unauthorized interior improvements to convert offices and private tasting rooms, including the member-only "Red Room," the private by-appointment "Gold Room," the "Saddle Room," "Educational Room," and the "Library." Unauthorized exterior improvements established an outdoor visitation area by the residential swimming pool and pool house, and construction of several outbuildings in the "Theater of Nature." Case Status: Open.

2011: A 10-foot long by 10-foot wide vineyard viewing platform was constructed in the vineyard east of the winery building without building permits. That structure was removed. Case Status: Closed.

Existing Conditions vs. Requested Modification: Winery Operation – As noted in the February 1 staff report (pages 7 through 9), Raymond Winery was first approved by the County in 1978, with a use permit and use permit modifications granted to the winery operator in subsequent years since. Thus, Raymond Winery has both pre-WDO and post-WDO entitlements. Condition of Approval 1.d of Use Permit Modification U-89-46 (approved in February 1991, after adoption of the WDO) references addition of private tasting rooms to the program of public tours and tastings approved in May 1984, prior to adoption of the WDO (see Attachment C to February 1 staff report). Based on information submitted with the application for Use Permit Modification U-89-46, Raymond Winery had 200 (public) daily visitors existing at the time the application was submitted, and with that modification, requested

another 200 “by-appointment” visitors per day. The project description in the IS/MND (page 2) and the background/discussion in the February 1 staff report (page 6) acknowledge that Raymond Winery has both pre-WDO and post-WDO visitation entitlement rights, for up to 200 public and 200 by-appointment visitors per day. The current modification request would not change this visitation program.

The information initially submitted by the applicant indicated a change to the marketing program for the winery but no change to the overall number of marketing event visitors per year, and it included a summary of the annual event program. Upon staff’s review of entitlement history for Raymond Winery, staff determined that the marketing program described in the narrative for the current modification did not differ from that which had been described in Exhibit A to the conditions of approval of Use Permit Modification U-89-46, except to allow up to half of all the winery’s marketing events to occur outdoors. This narrowing of the scope of requested revisions to the approved marketing program is noted in the IS/MND (page 9) and also described in the February 1 staff report (page 6). (Note that permit entitlement history for both the Raymond and Ticen Ranch parcels is available and can be viewed online at <http://services.countyofnapa.org/PBESDocumentSearch>)

Commenters expressed concern that the modification request would entitle two separate wineries on one merged parcel consisting of the two properties at 849 Zinfandel Lane and 1584 St. Helena Highway. To clarify the applicant’s intent and staff’s understanding of the proposal, the applicant is not proposing a new wine production facility at the Ticen Ranch buildings. Rather, the structures at Ticen Ranch would be accessory (tasting and office) spaces to the Raymond Winery. To avoid establishment of these accessory uses as stand-alone uses on the Ticen Ranch parcel, a condition of approval would prohibit issuance of any building permit for Ticen Ranch structures prior to merger of the two lots into one, wherein the Raymond Winery would be the primary use of the merged parcels (see February 1 staff report, Attachment B, Condition of Approval 2.13). Consistent with the County’s practice, recommended conditions of approval would also limit the total area of public visitation spaces in the structures on both parcels, to an equal or smaller area than that recognized in 1991 as the pre-WDO entitlement (U-89-46 and approved administrative amendments thereto).

A summary comparison of the winery’s operating characteristics of the existing entitlements and current modification request is provided Attachment C to this staff report. The Use Permit Modification application submitted in 2011 and mentioned on page 2 of the IS/MND and page 9 of the February 1 staff report, is included for reference only. The 2011 application (P11-00156-MOD) was withdrawn and has no bearing on the current request, though the reader can view documents associated with that withdrawn application on the County’s document portal (<http://services.countyofnapa.org/PBESDocumentSearch>). Elements of the winery’s operations that are not proposed to be changed are excluded from the table.

Supplement to Zoning Analysis of February 1 Staff Report – Pages 2-5 and 10 of the February 1 staff report summarize the existing and proposed development characteristics of the project. As summarized therein, the proposed project complies with the development regulations applicable to wineries. A zoning compliance analysis, including references to applicable sections of the County Code and WDO, is also included in No. 14 of the recommended findings attached to this and the February 1 staff reports (Attachment B). As stated above, because no new wine production facilities are proposed for the Ticen Ranch parcel, it is not considered a new winery on the properties to be merged. It is, however, incorporated into the accessory area of the Raymond Winery parcel and thereby included in the total project calculations of accessory to production ratios.

The summary of existing and proposed accessory and production areas (Attachment D to the February 1 staff report) is also attached to this staff report, with a minor clarification to indicate that “Other” production areas include outdoor production facilities. Consistent with the terminology used in County Code Section 18.104.200, outdoor accessory spaces (such as the biodynamic garden areas) are excluded from the calculation of accessory to production ratio, as these areas are not encompassed within structures. However, structures such as the demonstration kitchen and dog run located within these outdoor areas are included with the accessory to production ratio because they are covered by roofs and substantially or wholly enclosed by walls. The accessory to

production ratio proposed with the current modification request is within the 40 percent maximum allowed by County Code. While some public comments expressed concern that the winery's proposed increase in accessory use area, coupled with a reduction in the area of production facilities, invalidates the applicant's claim that winery visitation and associated impacts would not change, staff is concerned that any analysis of the project based on more than the 400 visitors per day as reflected in the use permit modification application submittal, lacks factual support and would be speculative. Thus, the analysis in the February 1 staff report and IS/MND considers the potential environmental impacts of increasing conditioned space on the winery property, but does not presume a violation of the visitation numbers represented by the applicant.

Supplement to General Plan Analysis of February 1 Staff Report – The Planning Commission, in deciding whether it can make the necessary findings for approval of a use permit or modification request, must determine whether a project is consistent with the General Plan. Though not binding on the Commission, the IS/MND (page 26), February 1 staff report (page 10), and recommended findings attached to this staff report (No. 14) include a General Plan consistency analysis. The applicable policies are listed on the last two pages of the recommended findings. The proposed winery is an establishment engaged in the processing of agricultural products, consistent with the intent of the AR (Agricultural Resource) land use designation within which both the Raymond Winery and Ticen Ranch parcels are located (Policy AG/LU-21). General Plan policy AG/LU-2 defines "agriculture" as the raising and processing of agricultural products, as well as, related marketing, sales and other accessory uses. The continued use of the properties for growing of grapes, processing of grapes into wine, and hospitality and marketing of the winery products, is within the General Plan definition of agriculture and consistent with Policy AG/LU-2. In summary, and as described in the documents referenced above, staff believes that the requested use permit modification is consistent with the overall goals, policies and objectives of the General Plan.

Policy AG/LU-1 identifies agriculture and related activities as the primary land uses in Napa County, and General Plan Policy AG/LU-2 allows processing facilities as agricultural uses, even though such facilities are inherently not engaged in growing of crops or livestock. Taken in conjunction with these policies, the WDO limits land coverage allowed for wineries to 25 percent of the parcel size, up to a maximum of 15 acres (County Code Section 18.104.220). Together, this code section and these General Plan policies serve to promote agriculture in the County and have the effect of placing greater emphasis of land use on habitat conservation, raising of livestock or cultivation of crops than on production facilities. However, they do not preclude site improvements that are accessory to processing facilities (including production, administrative and hospitality areas; aboveground sewage disposal systems; paved areas and access roads); provided, that the area of the improvements is related to the processing facility and is clearly the subordinate component of development on the site (i.e., not more than 25 percent of the parcel size). The winery coverage proposed, including the winery-related access road between State Route 29 and the Raymond Winery, is just over 12 acres (under 14 percent) of the approximately 87-acre project area and within the maximum coverage allowed for wineries.

Traffic Analysis – Comments were raised on February 1 that the traffic study prepared for the project: (1) did not use an appropriate baseline for trips; (2) did not use appropriate projections for determination of cumulative project impacts; and (3) did not analyze the potential for changes to localized traffic patterns as a result of construction of the new access road.

It is noted, in response to the first of these concerns, that the traffic counts inherently represent the baseline condition, as they reflect actual traffic conditions occurring at the time the counts were taken. It is also noted that traffic counts were taken on a Friday and Saturday in August, two of the busiest days of the week (due to influx of tourists) during one of the busiest months of the year (harvest). The applicant reports that there were as many as 300 winery visitors on its busiest days in 2016. The cumulative analysis in the traffic study relied on General Plan projections, which is consistent with recent staff analysis demonstrating that current trends in winery and other development in the County have aligned with the rates of growth projected in the environmental impact report prepared for the General Plan Update in 2008 (see Board Agenda Letter from David Morrison, "Joint Meeting with the Planning Commission," March 10, 2015). Comments about the potential for neighborhood "cut-through" traffic

between State Route 29 and Wheeler Lane / Zinfandel Lane or Galleron Lane were not addressed in the IS/MND because these vehicle movements are speculative. Though it does not warrant revision to the IS/MND, to address the concern about “cut-through” traffic to Galleron Lane, staff recommends that the applicant be required to install signage and barriers at the easternmost bend of the access driveway on the Ticen Ranch parcel, to direct drivers to stay on the paved road and avoid driving on the vineyard lanes. Similar signage advising drivers of the access road as a private facility with no through traffic could also be installed proximate to the parking lots on both parcels.

The attached memorandum from the Crane Transportation Group, the applicant’s traffic engineer, was submitted by the applicant to address other comments raised regarding the traffic analysis of the requested use permit modification. The memorandum was reviewed by County Public Works staff, who concluded that the responses and information provided therein were acceptable.

Stormwater and Groundwater Analysis – Comments received on February 1 expressed concerns about potential groundwater and water quality impacts of the proposed project. The IS/MND analysis of groundwater (pages 23 and 24) references analysis conducted by Luhdorff and Scalmanini Consulting Engineers (LSCE), an engineering firm hired by the County to evaluate groundwater trends in the County. As explained in the IS/MND, the project would, at full implementation of all entitled rights, be expected to use up to 90.8 acre-feet of water per year; this quantity of water use would be within sustainable level of one acre-foot per parcel acre per year as identified by the County in its Water Availability Analysis. (Also see No. 15 of recommended findings attached to this and February 1 staff report.) Recent evaluation by LSCE of groundwater usage trends within the County suggests, as is noted in the IS/MND, that groundwater levels are stable in most of the Valley Floor (including the location of the project) (Napa County Comprehensive Groundwater Monitoring Program: 2015 Annual Report and CASGEM Update, 42; Napa County Water Availability Analysis Guidelines [2015], 7 and 8).

In response to concerns regarding drainage from the proposed project improvements, the attached memoranda from Summit Engineering, the applicant’s civil engineer, summarizes the analysis, referenced in the IS/MND, that the project’s stormwater quality control measures will “provide infiltration and treatment [in the vineyard] and mimic the pre-project drainage pattern.” Summit and staff of the County’s Engineering Services Division have confirmed that the drainage improvements would facilitate stormwater runoff rates that do not exceed current conditions and comply with Napa County stormwater quality and post-construction runoff requirements.

Locations of stormwater quality facilities and bioretention basins are identified in the project plans (sheets UP6 and UP7) included with Attachment G to the February 1 staff report. Proposed locations of primary and reserve wastewater treatment leachfields are identified on project plan sheet UP3, attached to the February 1 staff report and the notice of intent circulated with the initial study.

Biological Resource Evaluation – The IS/MND prepared for the requested modification identified a potentially significant biological impact related to potential presence of two bat species of concern in the Ticen Ranch garage/apartment structure proposed to be demolished with the project. Although the Ticen Ranch property has been previously disturbed (including a recent effort to replant vineyards on-site), and the County’s geographic information system (GIS) data indicated no presence of sensitive plant or animal species on or in the vicinity of either parcels, the IS/MND conservatively determined that, given the length of vacancy of the garage structure, colonies of pallid bats or Townsend’s big-eared bats, two California bat species of concern, could have established in the building. If bat species of concern have established residence in the garage building, demolition of the building would affect the bat population in residence. After assuming presence, the IS/MND identified mitigation measures that included a pre-demolition survey and a program to minimize disturbance to the mammals, consistent with measures applied to other projects in the County. Reviewers of the IS/MND expressed concern that the measures identified constituted deferred mitigation and thus, were inconsistent with CEQA.

Deferment of analysis is indeed inappropriate if that analysis potentially results in identification of measures that are infeasible, and that therefore inadvertently result in an environmental impact once the approved project is

implemented. However, future analysis can be appropriate in situations when the mitigation establishes performance criteria that the project must meet. Here, the analysis conservatively assumes presence of the bat species of concern and identifies a schedule of steps to be taken to humanely evict and offer opportunities for the populations to relocate in the area in the event that populations are affirmatively identified. The commenter provides no explanation as to whether or how the recommended mitigation measure would be infeasible or unenforceable under CEQA.

Historic Resources Evaluation – Additional commentary on the IS/MND suggested that a historic resource analysis should be conducted for the existing, single-family ranch house on the Raymond Winery parcel. No architectural analysis was warranted because the residence is fewer than 50 years old, and the National Park Service uses a general guideline of 50 years for consideration of eligibility for any potentially historic resource (<https://www.nps.gov/nr/faq.htm>). Furthermore, the IS/MND notes that no changes to the use or structure of the single-family residence are proposed with the requested modification.

Project Description, Corrections and Project Updates – In responding to comments received at and prior to February 1, staff has identified the following that require correction or updating:

(a) Existing on-site vehicle parking in the staff report reflected the applicant's architectural plans and was indicated at 89 stalls. The applicant's project description identified a different number. Review of aerial photos of the property indicates that there are currently 102 vehicle stalls (45 visitor and 57 employee) striped on the property. One visitor stall is proposed to be removed to provide access to the viewing platform, while another four stalls are proposed to be removed for the connection of the access road from Ticen Ranch. The modification request includes 61 new stalls (50 visitor stalls on Raymond and 11 stalls on Ticen Ranch), for a proposed total of 158 parking stalls between the two parcels. No additional impervious surfaces are proposed beyond those described in the IS/MND and staff report, as the difference in the number of parking stalls occurs in the existing paved area between the Raymond Winery buildings.

(b) In response to a concern raised by an owner of nearby property, the applicant has submitted an alternative driveway alignment that shifts the access point from State Route 29 from its current location opposite an existing driveway, to a new location approximately 300 feet to the south. Staff has evaluated the alternative driveway location and supplemental analysis prepared by the applicant's traffic consultant and determined that either location is acceptable (see Attachment F and March 8, 2017, memorandum from Rick Marshall, Deputy Director of Public Works).

(c) The proposed new access road, with the most recently revised driveway access point from State Route 29 at the Ticen Ranch frontage, will require removal of existing vineyards on the property. Vineyard removal from Ticen Ranch is estimated at 1.2 acres (for the access road), and vineyard removal from the Raymond Winery parcel is estimated at 0.95 acres (for the access road, parking lot expansion and vineyard viewing platform).

In addition to the project revisions described above, the applicant has submitted additional justification for the winery's request for an additional 50 parking spaces on the Raymond Winery parcel. In the February 1 staff report, staff was unable to support the requested parking increase because daily visitation was not requested to change, yet the applicant requested physical changes (expansion of hospitality area to include Ticen Ranch structures) and operational changes (hospitality hours of operation extended by 2.5 hours per day) to the winery. Since that hearing, the applicant has provided more information about the winery's hospitality operations, which now include longer visitor experiences of one to two hours and an in-depth wine education component with tastings. With the longer duration of winery visits, compared to the 30- to 45-minute long visits that were acceptable to the applicant in years past, there is "overlap in the visitors' arrivals and departures that requires additional parking flexibility." With this additional explanation, staff has a better understanding of the basis of the applicant's request and believes that the additional visitor parking would meet the needs of the winery without providing excessive parking inconsistent with General Plan Policy CIR-23. The recommended findings (Attachment A) have been revised

accordingly.

Revisions to Initial Study – Staff has made revisions to the IS/MND in response to comments received. The revisions correct parking counts and add explanation to the analysis of certain of the project's potential environmental impacts. None of the revisions resulted in identification of new, potentially significant impacts of the project, so recirculation of the document is not required (CEQA Guidelines Section 15073.5[c][4]).

### **SUPPORTING DOCUMENTS**

- A . Recommended Findings
- B . Recommended Conditions of Approval and Final Agency Approval Memos
- C . Summary of Previous Entitlements
- D . Revised Initial Study/Mitigated Negative Declaration
- E . Public Comments Received After February 1, 2017
- F . Updated and Supplemental Use Permit Application Materials
- G . February 1, 2017, Planning Commission Staff Report
- H . Graphics

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina