

JUL 16 2014

Agenda Item # 9C

Mount Veeder Stewardship Council

www.mtveederstewardshipcouncil.org

July 15, 2014

RECEIVED
JUL 15 2014
County Planning, Building
Services

Napa County Planning Commission
County Administration Building
1195 Third Street, Suite 201
Napa, CA 94559

Re: Napa County Notice of Intent to Adopt Mitigated Negative Declaration
Raymond Vineyards Winery Use Permit Major Modification No. P11-00156
Hearing Scheduled for July 16, 2014

Dear Planning Commission:

The Mount Veeder Stewardship Council submits the following letter in Opposition to the Raymond Vineyards Winery Use Permit Major Modification Application currently pending before the Napa County Planning Commission, and urges the Planning Commission to reconsider its intent to adopt a Mitigated Negative Declaration for the Modification to the Winery Use Permit.

The goal of the Mount Veeder Stewardship Council is to encourage sustainability of our natural resources and to ensure that the rich biodiversity and rural quality of life in the private and public lands of our pristine watershed are respected, conserved and protected for future generations through education, local community involvement and outreach to government and business stakeholders. At this time, the Mount Veeder Stewardship Council is concerned about the approval of new uses for water, during this serious drought.

Based upon our review of the Raymond Vineyard Winery Use Permit Major Modification Application and subsequent submittals, it is our opinion that the Planning Commission should not adopt the proposed Mitigated Negative Declaration, due to the fact that an adequate analysis of actual water available for the project was not performed, nor did the Planning Department take into consideration, while reviewing this application, the fact that Northern California is currently in a serious drought.

Notice to Neighbors

In Napa County, with a large percentage of properties located in the County, the notice which

was provided to neighboring properties, only those neighbors who own a property within 300 feet of the project property, were provided notice. Given the fact that the impact of the project extends well beyond 300 feet of the subject parcel, the notice by the County should really be extended to a distance of 1,000 feet of the subject parcel, to alert neighbors to the proposed project and allow them to contact the applicant directly or contact the County regarding their concerns for the proposed project.

Greenhouse Gas Impacts of the Project

The County includes a Greenhouse Gas Checklist with any use permit application. Completion of the checklist should be mandatory. Since the County of Napa sets forth one of its tasks to be stewardship of this County and its natural resources, the County should require all applicants to complete the checklist. In addition, the applicant should be required to implement a certain number of the items in the checklist.

According to the permit application, the applicant is already implementing 18 of 34 items on the Greenhouse Gas Checklist at the existing facility. With the anticipated approval of the major modification to the existing use permit, the applicant will only implement one additional item on the Greenhouse Gas Checklist. Only one additional item.

The applicant requests that the County approve the major modification to their already significant use permit and they will only implement one additional item on the Greenhouse Gas Checklist. With all the additional revenue which the applicant stands to gain, they could at least implement most of the remaining items on the checklist, not just one additional item.

The Mount Veeder Stewardship Council finds it offensive that such an extensive winery operation, which already has a permit to produce 750,000 gallons of wine per year, cannot even be bothered to upgrade portions of the facility and vineyard to create a state of the art vineyard and winery, with this major modification to its use permit.

The Mount Veeder Stewardship Council also notes that failure to implement most of the items on the Greenhouse Gas Checklist increases the cumulative impact of this facility, especially if the Planning Commission decides, against public opinion, to approve such a facility, with what might be characterized as obsolete winemaking and vineyard operations.

The Project Fails to Consider Several Water Related Concerns

Currently, the State of California is experiencing one of the most significant droughts in the State's recorded history. Yet, the Planning Department, in its evaluation of the Raymond Vineyard Major Modification Winery Use Permit application, fails to take the drought into consideration.

Not only do the applicant and Planning Department fail to consider the drought, the Planning Department fails to require the applicant to provide any actual water availability data in support of its application. While the applicant does say that it has a well which produces 100-120 gallons per minute, and the applicant claims that it is basing its water usage information on data from 2011, there does not appear to be any actual data to back up that claim. Furthermore, 2011 was prior to the drought, so the well production, if based upon 2011 date, is not taking the effect of three years of drought into consideration.

The Water Availability Analysis for Napa County presumes that there is 1.0 acre feet of water per year available under each acre of land on the Valley Floor, presumes that there is 0.5 acre feet of water per year available under each acre of land on the Hillsides, and presumes that there is 0.3 acre feet of water per year available under each acre of land in the M-S-T. These presumptions were formed years ago, when California was not experiencing a drought, and these presumptions are flawed. In the midst of the drought, to assume that the same amount of water is available, as during a year with normal or higher than normal rainfall, after two winters with less than normal rainfall is not supported by any evidence. Followed by the past winter, which is clearly a drought year.

At this time, for the County of Napa to presume that on the Valley Floor, there is one (1.0) acre foot of water per year available under each acre of land, without a review of current well levels, to determine how much the drought has impacted the aquifer, and decreased water levels in the aquifer, is without any basis. We are in the third year of a drought, and it is now the middle of July. The presumption that the water availability on the Valley Floor remains the same and is unaffected by the drought is flawed.

California Water Code section 106 states "It is hereby declared to be the established policy of this State that the use of water for domestic purposes is the highest use of water and that the next highest use is for irrigation."

Water Code section 1254 states "In acting upon applications to appropriate water the board shall be guided by the policy that domestic use is the highest use and irrigation is the next highest use of water."

The use of water, for a winery, is neither domestic, nor is it irrigation; it is manufacturing. Accordingly, the use of water for a winery is a less important use of water, as set forth by the State of California.

The Planning Department has failed to consider state law in the allocation of scarce water; that domestic water use is the primary use of water, and irrigation is secondary use of water. The proposed major modification to the Raymond Vineyard Use Permit for 100 additional visitors per day is neither domestic use nor is it irrigation. It is commercial/manufacturing and as such, falls

into a category lower than domestic and irrigation uses.

The Project Fails to Address Actual Water Availability for the Project

While the application indicates that there is a well which produces 100-120 gallons per minute. Furthermore, the amount of water used by the existing winery, although supposedly based upon 2011 usage data, appears to be based upon formulations and calculations, rather than actual records showing what the actual amount of water is which is being used by the current winery operation.

The lack of analysis of the water availability for the site, by the applicant and the Planning Department, as well of the lack of consideration of the current drought, and how the drought has and will impact the water availability at the site, the lack of required controls for water usage on the project, to deal with what could be a prolonged drought, all suggest that the Planning Department failed to perform a thorough review of the actual water available for this project. Instead, the Planning Department appears to have just accepted the flawed information which the applicant decided to provide in their application, without verification, and whether the information is correct or not, does not seem to have been considered.

The adoption of a negative declaration for this project is not appropriate. At the very minimum, the applicant should be required to provide an in-depth water availability analysis and comply with CEQA and be required to perform an Environmental Impact Report addressing water availability, water conservation measures, as well as water availability for fire protection.

The Depth to Groundwater Beneath an Adjacent Neighbor's Parcel Is Increasing

Susan Dilman, the owner of a 6 acre vineyard parcel located at 10 Woodland Road, adjacent to the Raymond property, has commented about this project regarding the increasingly depth to the current groundwater level under her property.

The following language, obtained from a Negative Declaration for a Vineyard Conversion Plan should be included in any approval document, should this project be approved.

The permittee should be required (at the permittee's expense) to provide well monitoring data if the Director of Environmental Management determines that water usage at the vineyard is affecting, or would potentially affect groundwater supplies or nearby wells. [...] Water usage shall be minimized by use of best available control technology and best water management conservation practices. In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the permit would

significantly affect the groundwater basin, the director of environmental management shall be authorized to recommend additional reasonable conditions on the permittee as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare.

The Applicant Fails to Consider the Cumulative Impacts of the Project on Napa County

Before any issuance of any approval of the major modification to the Raymond Vineyard Winery Use Permit, the applicant must evaluate how the expansion of yet another winery, with more events for visitors, 100 more visitors per day, will impact the County as a whole.

There has been no such consideration or discussion of how the continued approval of winery after winery will impact the County of Napa. At what point does the County reach a level of saturation of wineries? This analysis should consider all predictable and cumulative impacts such as traffic, noise, waste water, water, air, carbon and quality of life for those of us who call Napa County our home.

Title 14 of the California Code of Regulations §15130 (a) states in part that “An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in section 15065(a)(3).”

Section 15065(a) states in part that:

A lead agency **shall** find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur: [...] (3) The project has possible environmental effects that are individually limited but cumulatively considerable. “Cumulatively considerable” means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. Emphasis added.

Has the applicant addressed the cumulative impact of the number of increased visitors to the Raymond winery in relation to Napa Valley? No.

Has the applicant addressed the cumulative impact of the increased traffic due to the increase of visitors at the winery? No.

Has the applicant addressed the cumulative impact of how the increase in visitors, and therefore the subsequent increase in water usage, affects the cumulative impacts related to increased water usage? No.

Has the applicant addressed the cumulative impact of how the major modification to the existing use permit impacts greenhouse gas emissions? No.

Pursuant to sections 15130(a) and 15065(a), the applicant must address these questions and if there is a significant impact, it must perform an Environmental Impact Report.

Adoption of a Negative Declaration for the Raymond Winery Project Would Set a Bad Precedent in the County

In the County of Napa, any approval of a use permit application must comply with California law, including the California Environmental Quality Act, and the California Water Code, as well as County policy. As set forth above, the major modification to the Raymond Vineyard Winery Use Permit fails to comply with CEQA.

The major modification to the Raymond Vineyard Winery Use Permit raises the question as to whether the Napa County General Plan even contemplates approval of water intensive uses, in this case a winery, in areas in the County which are lacking in water resources. It also raises the question as to whether the Napa County General Plan contemplates approval of projects which increase the cumulative impacts to Napa County. The Mount Veeder Stewardship Council believes that the General Plan does not contemplate such cumulative impacts, nor does the Winery Definition Ordinance, with its 2010 Amendments.

Furthermore, there has been no discussion by the Planning Department addressing this drought and how the drought impacts water availability on the applicant's parcel, or neighboring parcels and any domestic water supply.

The core of the 1976 Land Use Element (since protected by Measure J) was an analysis of the "intrinsic suitability" of land for development, which took into account the County's understanding of water availability, at that time. Today, the County has a better, but still incomplete, understanding of water use and water availability throughout the County. There is increased competition for water from springs, streams and wells. Today, more rural properties are suffering the effects of water shortages.

There is a problem with water availability in the Agriculture, Watershed and Open Space areas, even in years of "normal" rainfall. This is not a year of even normal rainfall; California is in a severe drought.

The adoption of a Negative Declaration for the major modification to the Raymond Vineyard Winery Use Permit, at this time, without an adequate study of the actual amount of water available for the project, would set the stage for a whole class of applications, whose cumulative impacts would severely harm the County, its resources, and their neighbors.

Accordingly, this use permit and any upcoming permit applications should be seriously weighed by the Planning Commission, and should contain a complete and thorough analysis of actual water availability, during this, California's worst drought, in the history of the State, instead of resting upon the faulty assumption upon which the County currently relies for water calculations.

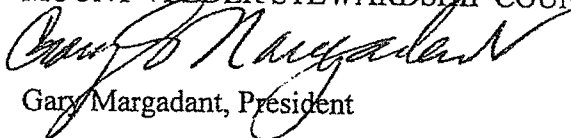
The Mount Veeder Stewardship Council objects to the adoption of a Negative Declaration for the major modification to the Raymond Vineyard Winery Use Permit Application on the basis that there has been no current consideration of the current drought, no consideration of the actual amount of water available for the proposed permitted activity. Furthermore, there is no analysis of the reduced aquifer recharge and subsequent water availability analysis in the face of significantly reduced rainfall and a large volume of usage during the summer months.

The Mount Veeder Stewardship Council also objects that the applicant has not addressed, in its application and subsequent submittals, the cumulative impacts of this major modification to its existing use permit.

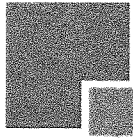
The Mount Veeder Stewardship Council respectfully requests that the Planning Commission not adopt the Negative Declaration for the major modification to the Raymond Vineyard Winery Use Permit, and instead have the applicant conduct an Environmental Impact Report, addressing water availability in the midst of the current drought as well as the cumulative impacts of the proposed project.

Respectfully Submitted.

MOUNT VEEDER STEWARDSHIP COUNCIL



Gary Margadant, President



JUL 16 2014

Agenda Item # 9C

July 15, 2014

SENT BY ELECTRONIC & HAND DELIVERY

Chair Robert Fiddaman and Planning Commission Members
Napa County Planning Commission
c/o Melissa Frost, Clerk of the Commission
1195 Third Street, Suite 210
Napa, CA 94559

**Re: Raymond Vineyard and Cellar
849 Zinfandel Lane, St. Helena, CA 94574
Use Permit Modification Application No. P11-00156**

Dear Chair Fiddaman and Planning Commission Members:

We represent Beckstoffer Vineyards with respect to Raymond's above-referenced use permit modification application. Beckstoffer greatly appreciates the opportunity to present its concerns regarding the Raymond expansion and Staff's efforts to address these concerns. However, Beckstoffer continues to oppose the grant of the use permit modification as proposed by the applicant on the grounds that the environmental review for the project has not been adequately conducted pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code §21000, *et seq.*).

As discussed in more detail below, the proposed mitigated negative declaration (MND) prepared by the County fails to properly state the existing conditions or baseline upon which the proposed expansion is being measured. Additionally, the greenhouse gas emission analysis is incorrect, there is no mention - let alone discussion - of the energy impacts of the winery facility, as expanded, and the County appears to have overlooked the project's existing and future impacts to soils and groundwater. Finally, Beckstoffer remains seriously concerned that the cumulative traffic impacts of the proposed project (like many other recently approved winery projects) have not been adequately studied. We address each of these issues below in detail.

EXISTING CONDITIONS, NOT EXISTING PERMIT LIMITS, CONSTITUTE THE PROPER CEQA BASELINE

The Staff Report states that Raymond's current permit allows 400 visitors per day and 493 marketing events. It further states that Raymond's proposal would increase individual daily visitors by 100 persons (appointment only) and while it would decrease the *number* of marketing events to 50, the total number of guests per week would be significantly increased. In particular,

as proposed, the Staff Report notes that the maximum annual visitation at the Raymond Winery would increase by 21 percent to a total of 187,300 tasting and marketing visitors combined. However, this *assumes* the permit maximums are currently being met. But, substantial evidence in the record illustrates this is absolutely not the case – at least with respect to daily visitors. While neither the Staff Report nor MND identify the current number of visitors and/or events at the Winery over recent years, the traffic study outlines daily visitors to the Winery. Current visitation is reported at 80 visitors daily during the weekdays and 180 daily visitors on the weekends, including crush. There is no concrete data on how many events have been held at the winery over the recent years.

While it is imperative that the Commission and public understand what is currently permitted, permit limits do not constitute a baseline by which to study impacts under CEQA unless the permit limits have actually been met. Understanding the true baseline of existing conditions is imperative for a valid CEQA analysis because if the permit limits exceed the actual attendance numbers, then the CEQA analysis *underestimates* the environmental impacts of the proposed expansion, as is the case here.

Furthermore, understanding whether existing permit limits are being met also allows the County to consider whether an increase in visitation number and hours, as well as marketing events, are even necessary. In this case, requesting an increase of 100 visitors on a daily basis is clearly unnecessary given Raymond does not currently reach its 400 permitted visitors by day. Because there is no indication of the number of events held by the winery on an annual basis, it is unclear whether an increase in the number of people per events is a reasonable request.

CEQA requires the County to disclose and analyze the current and existing conditions of visitation and marketing events. Because the MND does not do this, it must be revised and recirculated.

A MITIGATED NEGATIVE DECLARATION CANNOT CONCLUDE A SIGNIFICANT AND UNAVOIDABLE IMPACT

The MND indicates that the County's General Plan EIR certified in June 2008 concluded that Greenhouse Gas Emissions (GHGs) were found to be significant and unavoidable. Requisite mitigation in the General Plan EIR directed the County to prepare a Climate Action Plan. Because no such Climate Action Plan has been adopted by the County to date, there is no means by which to link GHG reduction measures to reductions in impact. The MND documents that the proposed expansion will result in an increase in vehicle trips to the site. The trips may be underrepresented since it is unclear what the current existing traffic trips are. Notwithstanding, even assuming the maximum number of visitors to date as a baseline, there will unquestionably an increase in vehicle trips, which equates to increases in NOx and ROG emissions that do not appear to have been accounted for. There is no discussion of vehicle emissions in the MND. Furthermore, no clear GHG threshold is stated. At a minimum, the MND needs to more clearly state what thresholds the County is using to measure GHGs and how this particular project's

emissions fall below those thresholds. The County cannot tier an MND off of a programmatic EIR for an impact with significant and unavoidable impacts.

FURTHER STUDY ON SOILS AND GROUNDWATER IMPACTS ARE WARRANTED PRE-EXPANSION

Beckstoffer appreciates that Raymond will attempt to prevent any stormwater runoff from leaving its site. However, as noted in the attached Engeo letter dated July 14, 2014, further soil tests are warranted to confirm that the existing soils can accept the volume of stormwater anticipated in the Stormwater Runoff Management Plan dated August 15, 2013 prepared by Summitt Engineering. Specifically, in-situ infiltration tests should be performed in the area where the infiltration BMPs are proposed to confirm that the existing soils can accept the volume of water anticipated.

Beckstoffer is concerned that the existing wastewater ponds could be discharging raw untreated process water into groundwater. As noted in the July 14, 2014 correspondence from Engeo, a geotechnical, environmental, and water resources engineering firm, the wastewater ponds may be in contact with groundwater. (See attached letter.) If this is the case, discharging process wastewater into the ponds could be a direct discharge into shallow groundwater. Groundwater flows down gradient - south and east – toward the Napa River. At a minimum, the County should require Raymond install a monitoring well down gradient of the ponds to ascertain whether contamination to the groundwater is occurring. Alternatively, Raymond should consider lining its ponds to avoid any illicit discharge into groundwater. Beckstoffer further requests that the pH monitoring data be made available to the public for review.

Beckstoffer appreciates Staff's recommendation that a condition of approval requiring the existing winery wastewater and storm drain facilities be upgraded to current standards in order to reduce the potential for illicit discharges of winery process wastewater such as occurred in October 2013 into the Beckstoffer pond. The illicit wastewater discharge onto the Beckstoffer property was apparently caused by a broken pipe in Raymond's process water system. As a result, Beckstoffer also requests as a condition of approval that Raymond be required to have a certified company test the older process wastewater system to ensure that the existing infrastructure is not in need of upgrades and/or maintenance.

Finally, with respect to water supply, the Groundwater Memorandum dated May 15, 2012, prepared by a County assistant engineer (Exhibit C of the County materials), indicates that the existing use is estimated to be 34.06 acre-feet per year (AFY); the estimated water demand of the project is said to be 53.95 AFY. This would indicate that the proposed project will use almost 20 AFY (or more than 7,000,000 gallons) more of groundwater than the existing usage. However, the MND states that the existing usage is 51.2 AFY and the proposed expansion represents only a 1.18 AFY increase over existing conditions. These numbers are drastically different and it is not clear which numbers are correct. As such, it is difficult to truly ascertain what the project's potential impacts to groundwater are.

THE COUNTY'S HAS NOT ADEQUATELY STUDIED THE PROJECT-SPECIFIC OR CUMULATIVE TRAFFIC IMPACTS OF THE PROPOSED EXPANSION

Raymond Winery and Cellar is located at 849 Zinfandel Road. Zinfandel Road links Highway 29 (St. Helena Highway) with the Silverado Trail – both major arterial roads in and out of the Napa Valley. It is well-documented that the intersections of Zinfandel Road at both Highway 29 and Silverado Trail currently operate at level of service (LOS) F during peak hours.¹ Furthermore, there are no traffic improvement programs in place or proposed to either expand or otherwise remedy the limited capacity on these roadways and at these intersections. Thus, there is no opportunity to pay a fair share fee to reduce a cumulatively significant impact.

The overarching concern is that the County has consistently been approving (and continues to approve) winery projects on 10 acres or more without considering the cumulative impacts of such projects. The County appears to proceed with approving these projects on the base assumption that because the projects will not have individually significant traffic impacts they will not have any traffic impacts at all. In the revised MND, the County rightly acknowledges the cumulative traffic impacts with respect to the Raymond project. Specifically, the MND states:

Given that Highway 29 is presently operating at unacceptable levels of service which is forecast to worsen in coming years, the proposed project's potential to add trips to Highway 29, although less than 1% increase in volumes to capacity, is considered a potentially considerable contribution to the significant cumulative traffic impact identified in the Napa County General Plan and General Plan EIR.

Beckstoffer appreciates that the County has acknowledged the proposed project will have one or more cumulatively considerable traffic impacts. However, for the reasons discussed herein, the proposed mitigation measures will not adequately mitigate the cumulative traffic impacts. Additionally, it is imperative to note that there are a number of technical flaws in the traffic study which provide a fair argument that the project could potentially have project-specific impacts, as well as cumulatively considerable traffic impacts that cannot be mitigated.

First, as outlined in the Smith letter dated July 15, 2014 (attached hereto) and noted above, the traffic analysis used the incorrect baseline to study impacts. The traffic analysis should consider the impact of increasing Saturday visitor traffic from 180 visitors per day to 500 per day, not from 400 per day to 500 per day. This is because *actual current* visitation reported in the traffic study is 80 visitors on weekdays and 180 visitors on Saturdays (even during crush). In short, this gives the future project scenario a “free pass” on approximately 320 visitors or 246 visitor vehicle trips on weekdays and 220 visitors or 169 visitor vehicle trips on Saturdays. As such, the traffic study used an inappropriate baseline and is invalid under CEQA.

¹ Raymond Mitigated Negative Declaration posted on website on July 14, 2014, p. 26; Castellucci Winery Mitigated Negative Declaration adopted May 21, 2014. See also, letter from Dan Smith dated July 15, 2014, attached to this correspondence.

Second, Table A-3 of the updated traffic study dated January 22, 2014, entitled "Approved Developments Trip Generation" does not include all of the approved wineries in the project vicinity to date. In particular the list excludes Rutherford Grove, William Harrison Winery, Provence Vineyards, Corison Winery, and Milat Vineyards Winery. Furthermore, while Table A-3 contemplates the number of weekly visitors at the wineries listed, it does not consider the extra marketing events held by each of the wineries throughout the year. As such, the cumulative impacts analysis likely seriously underestimates the project's cumulatively considerable impacts.

Under CEQA, mitigation measures must be feasible, specific, enforceable, and cannot be deferred into the future without clear performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way. Moreover, mitigation measures which could potentially cause additional impacts must be studied. 14 Cal. Code Regs. § 15126.4(a).

The MND lists nine mitigation measures to reduce the project's contribution to significant traffic impacts, including, (1) the installation of a left turn lane on Zinfandel Lane at Wheeler Lane, (2) the implementation of a program to inform employees of the traffic congestion issue at State Route 29 and Zinfandel Lane and education/encourage employees to utilize Zinfandel Lane, (3) implementation of measures like signage, handouts, and education of visitors regarding the usage of Zinfandel Lane, (4) mandatory scheduling of commencement and conclusion of by-appointment visitation to occur outside of peak traffic periods between 4 and 6 p.m., weekdays, and 12 to 2 p.m. on Saturdays, (5) scheduling of employee work shifts to commence and conclude outside of weekday and Saturday peak traffic periods, (6) require carpooling and/or van pool for employees, (7) schedule marketing event set up, arrival and departures to occur outside of weekday and Saturday peak traffic periods, (8) placement of signage at the entrance of the facility that the maximum daily limit of drop-in visitation has been reached, (9) off-site shuttle service must occur for events larger than 150 persons.

While Beckstoffer appreciates the County's effort to reduce the project's impacts, the proposed mitigation measures are neither sufficiently specific nor related to the impacts in question, are not enforceable by the County, and/or are improperly deferred. For instance, the left hand turn lane proposed on Zinfandel Lane at Wheeler Lane addresses traffic and safety concerns along Zinfandel Lane, not the cumulative traffic contribution at Zinfandel Lane and Highway 29. Importantly, this condition and/or mitigation was required of the last use permit modification sought by Raymond, but was never implemented by Raymond or enforced by the County. Furthermore, it is unclear how the mitigation measures requiring the education of employees and visitors regarding the traffic situation and shifting the traffic toward Zinfandel/Silverado intersection during peak hours. In fact, the Zinfandel/Silverado intersection is equally severely impacted by peak hour traffic. To suggest shifting the traffic trips from one intersection (Zinfandel/SR 29) to another equally impacted intersection (Zinfandel/Silverado Trail), is not a valid CEQA solution, and in fact, would require CEQA review. The same thing is true for suggesting that traffic be routed through quiet residential neighborhoods where children and pets are present and vulnerable. Moreover, the measure requiring the winery to force

employees to carpool is neither feasible nor enforceable by the County. Also, while signage indicating no further visitors will be accepted would be required at the entrance to the Winery, this does nothing to alleviate the actual traffic impacts -- the number of cars travelling to and from Highway 29 and Silverado Trail along Zinfandel Lane. Finally, proposed mitigation measure 9 alludes to an off-site shuttle for events larger than 150 persons (e.g., 12 events per year). However, this measure is inadequate under CEQA as it does not identify any of the details regarding where cars would park, how many shuttles would run, how long, what routes the shuttles would take, etc. Worse yet, it provides no performance standards by which to measure whether such mitigation would work.

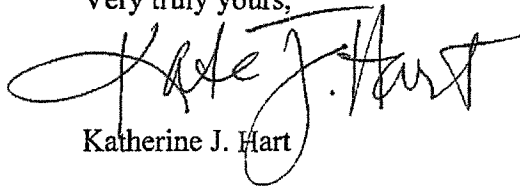
In short, the traffic study, even as revised, is insufficient to support the MND's conclusion that, with mitigation, the project would have no significant traffic impacts. Perhaps more importantly, there is substantial evidence of a fair argument that the Project's traffic could have significant project-specific impacts, as well as, cumulatively considerable traffic impacts that are neither analyzed nor mitigated in the proposed MND. As such, adoption of the proposed MND would violate CEQA.

CONCLUSION

As a result of the foregoing, Beckstoffer opposes the approval of the Raymond expansion permit because the proposed MND is inadequate under CEQA. The issues identified above indicate that there are a number of unresolved factual questions regarding baseline conditions and how they might affect the impact analysis performed under CEQA. The MND improperly concludes there is a significant and unavoidable impact to greenhouse gas emissions. Moreover, the groundwater issues are not sufficiently analyzed. Finally, the traffic study is technically flawed and does not constitute substantial evidence sufficient to support the traffic conclusions.

Thank you for your consideration of our comments.

Very truly yours,



Katherine J. Hart

Encls: Aerial Map

Engeo Letter dated July 14, 2014

Smith Letter dated July 15, 2014

cc: David Morrison, Planning Director
John McDowell, Deputy Planning Director
Laura Anderson, Commission Counsel



EXPLANATION

| | |
|------------------------|---------------------------|
| [White Box] | PROJECT SITE |
| [Light Gray Box] | EXISTING WINERY |
| [Medium Gray Box] | APPROVED BUT NOT EXISTING |
| [Diagonal Hatched Box] | POTENTIAL WINERY SITE |

North Arrow and Scale Bar

Project No.
11303.000.000

July 14, 2014

Ms. Katherine Hart
Abbott & Kindermann, LLP
2100 21st Street
Sacramento, CA 95818

Subject: Beckstoffer Winery Consultation
Raymond Vineyard & Cellar Expansion
St. Helena, California

ENGINEERING CONSULTATION

Dear Ms. Hart:

At your request, we are providing this letter with preliminary comments on the documents associated with the proposed Raymond Vineyard & Cellar Expansion in St. Helena, California. We understand that the Raymond Vineyard intends to modify its use permit with added site development features such as expanded parking areas, an increase in visitors, and wastewater treatment expansion. You have indicated that drainage from the Raymond Vineyard has impacted your client's pond and there is concern over the proposed expansion.

For our review, we received the following documents:

1. Summit Engineering, Inc., Raymond Winery UP-Water/WWFS and UP, January 22, 2014, (Water Availability Analysis).
2. Summit Engineering, Inc., Stormwater Runoff Management Plan (SRMP), Raymond Winery, August 15, 2013.
3. Summit Engineering, Inc., Wastewater Feasibility Study for Raymond Vineyard and Cellar Inc., May 9, 2011, Revised June 13, 2013.

WATER AVAILABILITY ANALYSIS

According to the Napa County Department of Public Works, the 60.21-acre Raymond Vineyard parcel is allotted 1.0 acre-feet per acre per year due to its location on the Valley Floor. The Summit document, Reference 1, indicates that the existing water demand is 51.29 acre-feet and the proposed increase will raise it to 52.47 acre-feet. This is well below the allotted water availability of 60.21 acre-feet and likely represents a fairly conservative value, since it includes vineyard irrigation that will likely be offset by the reclaimed process wastewater.

STORMWATER RUNOFF MANAGEMENT PLAN

The applicant prepared a Stormwater Runoff Management Plan (SRMP), Reference 2, for the proposed parking lot addition to the Vineyard in conformance with State of California Phase II 2013 Small MS4 requirements. The SRMP proposes to treat the new impervious surfaces by installing several biofiltration best management practices, which are intended to capture and infiltrate water such that pre- vs post-project runoff conditions are matched for a 2-year, 24-hour storm event.

WASTEWATER FEASIBILITY STUDY

The Wastewater Feasibility Study, Reference 3, provides background information and calculations for the process wastewater and the sanitary sewer treatment systems. The process wastewater from the wine bottling is screened and pumped to three unlined aerated ponds. The three ponds have a combined capacity of 6 million gallons, which exceeds the annual process wastewater volume. These ponds are reported to be about 12 feet deep. Optional pretreatment pH control is being considered prior to pumping to the ponds, though monitoring of pH is recommended first. Process wastewater from the ponds is pumped through a filter and reused for vineyard irrigation; maximum irrigation application rates during the wet season are not to exceed 0.5 inches per acre per week.

The existing sanitary sewer system is to be expanded from 1,745 to 5,100 gallons per day (gpd). The current system utilizes a septic tank, pump and Evaporation Transpiration and Infiltration (ETI) system to handle the 1,745 gpd. The additional flow is to be handled by the addition of an AdvanTex Treatment System and subsurface drip layout. The subsurface drip system is to be placed within an existing vineyard area; the primary discharge area is 90 by 100 feet in plan with a reserve area 90 by 200 feet in plan. The drip discharge area was explored by excavation of test pits to reveal predominantly sandy clay loam with moderate blocky structure.

COMMENTS

The general approach and supporting information in the documents suggests that the depth to groundwater may need further evaluation. We provide the following comments for consideration:

- The documents indicate that the soil in the drip discharge area had mottling at about a 36-inch depth and one of the test pit logs notes groundwater at 41 inches deep. Mottling of this nature can be indicative of a seasonal high groundwater. If seasonal groundwater can rise as shallow as 3 feet below the ground surface, then the 12-foot-deep ponds would be impacted by groundwater. Discharging process wastewater into the ponds could be a direct discharge into shallow groundwater. Review of well information in the DWR Water Data Library revealed three nearby wells with groundwater level data. These are listed below:

TABLE 1
DWR Groundwater Wells


| Distance from Raymond Vineyard Ponds | Station | Well Designation | Type |
|--|--------------------|---------------------|-------------|
| 1,800 feet south | 384772N1224337W001 | 07N05W08A001M | Irrigation |
| 2,500 feet northeast | 384878N1224295W001 | 07N05W04E001M | Residential |
| 4,000 feet north | 384926N1224323W001 | 07N05W08A001M | Irrigation |

- The well located approximately 2,500 feet to the northeast shows groundwater levels in the early 2000s in the range of 5 to 15 feet below grade. The web site printouts of historical groundwater data for each of these wells are attached.
- The documents categorize the soil conditions as Hydrologic Soil Group B. Our independent NRCS report revealed the site soil conditions to be categorized as Hydrologic Soil Group C, which could affect the stormwater runoff design and potential infiltration assumptions.
- Since infiltration methods are being proposed to capture and infiltrate the additional site runoff from the proposed parking lot expansion, in-situ infiltration tests should be performed in the area where the infiltration BMPs are proposed to confirm that the existing soils can accept the volume of water anticipated in the SRMP.
- The documents recommend that pH monitoring of the ponds be performed for 1 year to determine the need for pH pretreatment. We recommend that future pH monitoring data be made available as well as data from the last several years.
- The calculations on Page 9 of the Wastewater Feasibility Study used 71 acres instead of the 20 acres per the text description in the paragraph above.

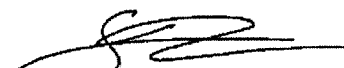
If you have any questions or comments regarding this letter, please call and we will be glad to discuss them with you.

Sincerely,

ENGEO Incorporated


Mark M. Gilbert, PE, GE
mmg/sm/jf

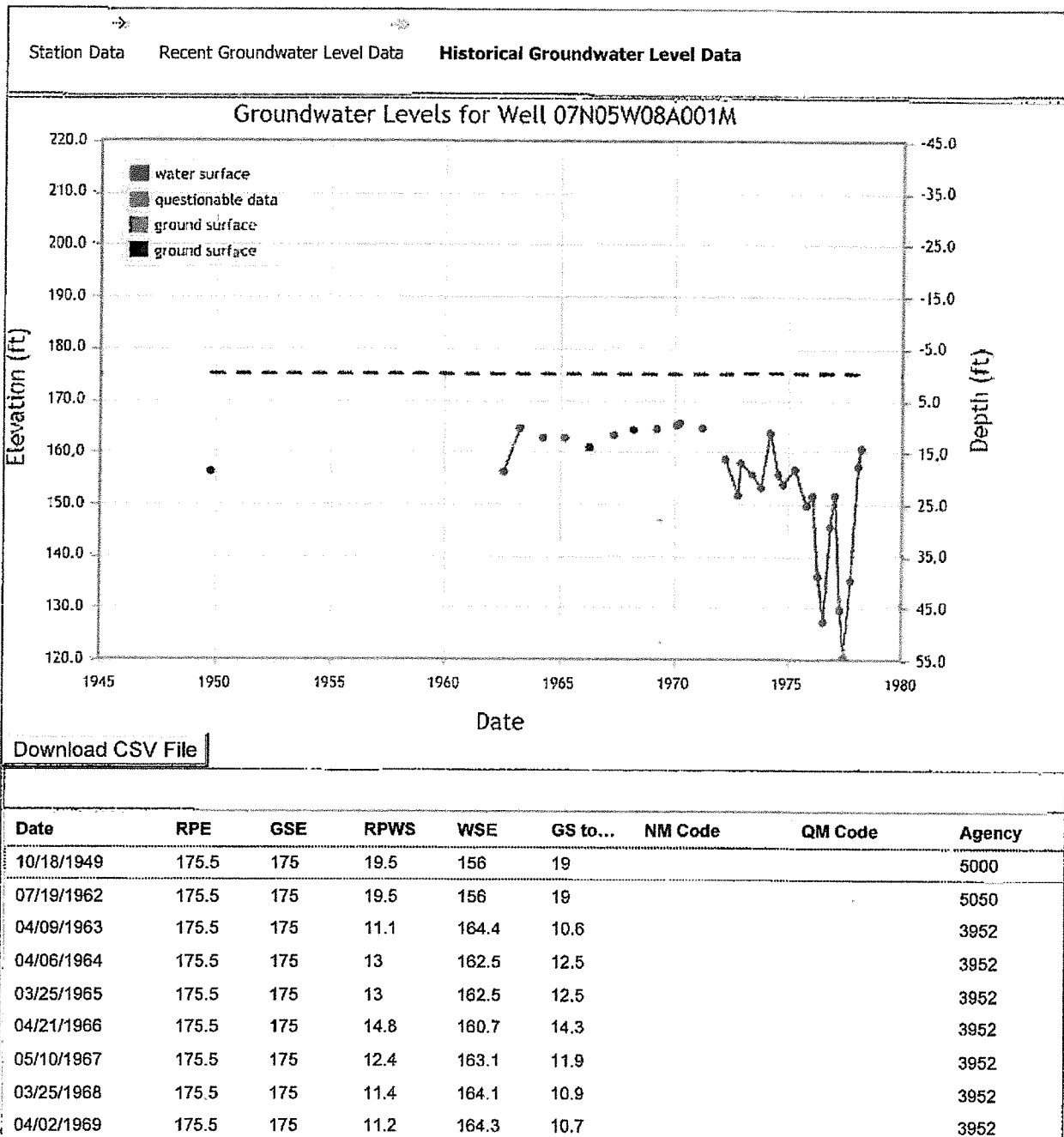



Shawn Munger, CHG

Attachments: DWR Well data (6 pages)

Groundwater Levels for Station 384772N1224337W001

Data for your selected well is shown in the tabbed interface below. To view data managed in the updated WDL tables, including data collected under the CASGEM program, click the "Recent Groundwater Level Data" tab. To view data stored in the former WDL tables, click the "Historical Groundwater Level Data" tab. To download the data in CSV format, click the "Download CSV File" button on the respective tab. Please note that the vertical datum for "recent" measurements is NAVD88, while the vertical datum for "historical" measurements is NGVD29. To change your well selection criteria, click the "Perform a New Well Search" button.



| | | | | | | |
|------------|-------|-----|------|-------|------|------|
| 02/11/1970 | 175.5 | 175 | 10.5 | 165 | 10 | 3952 |
| 03/30/1970 | 175.5 | 175 | 10 | 165.5 | 9.5 | 3952 |
| 03/23/1971 | 175.5 | 175 | 11 | 164.5 | 10.5 | 3952 |
| 03/27/1972 | 175.5 | 175 | 17 | 158.5 | 16.5 | 3952 |
| 10/19/1972 | 175.5 | 175 | 24 | 151.5 | 23.5 | 3952 |
| 11/30/1972 | 175.5 | 175 | 17.7 | 157.8 | 17.2 | 5000 |
| 05/30/1973 | 175.5 | 175 | 20 | 155.5 | 19.5 | 3983 |
| 10/18/1973 | 175.5 | 175 | 22.6 | 152.9 | 22.1 | 3983 |
| 03/13/1974 | 175.5 | 175 | 12 | 163.5 | 11.5 | 3983 |
| 07/26/1974 | 175.5 | 175 | 20 | 155.5 | 19.5 | 3983 |
| 10/11/1974 | 175.5 | 175 | 22 | 153.5 | 21.5 | 3983 |
| 04/21/1975 | 175.5 | 175 | 19 | 156.5 | 18.5 | 3983 |
| 11/03/1975 | 175.5 | 175 | 26 | 149.5 | 25.5 | 3983 |
| 02/04/1976 | 175.5 | 175 | 24.1 | 151.4 | 23.6 | 3983 |
| 05/02/1976 | 175.5 | 175 | 39.5 | 136 | 39 | 3983 |
| 08/03/1976 | 175.5 | 175 | 48.3 | 127.2 | 47.8 | 3983 |
| 11/16/1976 | 175.5 | 175 | 30 | 145.5 | 29.5 | 3983 |
| 01/27/1977 | 175.5 | 175 | 24 | 151.5 | 23.5 | 3983 |
| 04/20/1977 | 175.5 | 175 | 46 | 129.5 | 45.5 | 3983 |
| 06/24/1977 | 175.5 | 175 | 55 | 120.5 | 54.5 | 3983 |
| 10/05/1977 | 175.5 | 175 | 40.4 | 135.1 | 39.9 | 3983 |
| 02/01/1978 | 175.5 | 175 | 18.3 | 157.2 | 17.8 | 3983 |
| 03/22/1978 | 175.5 | 175 | 14.9 | 160.6 | 14.4 | 3983 |

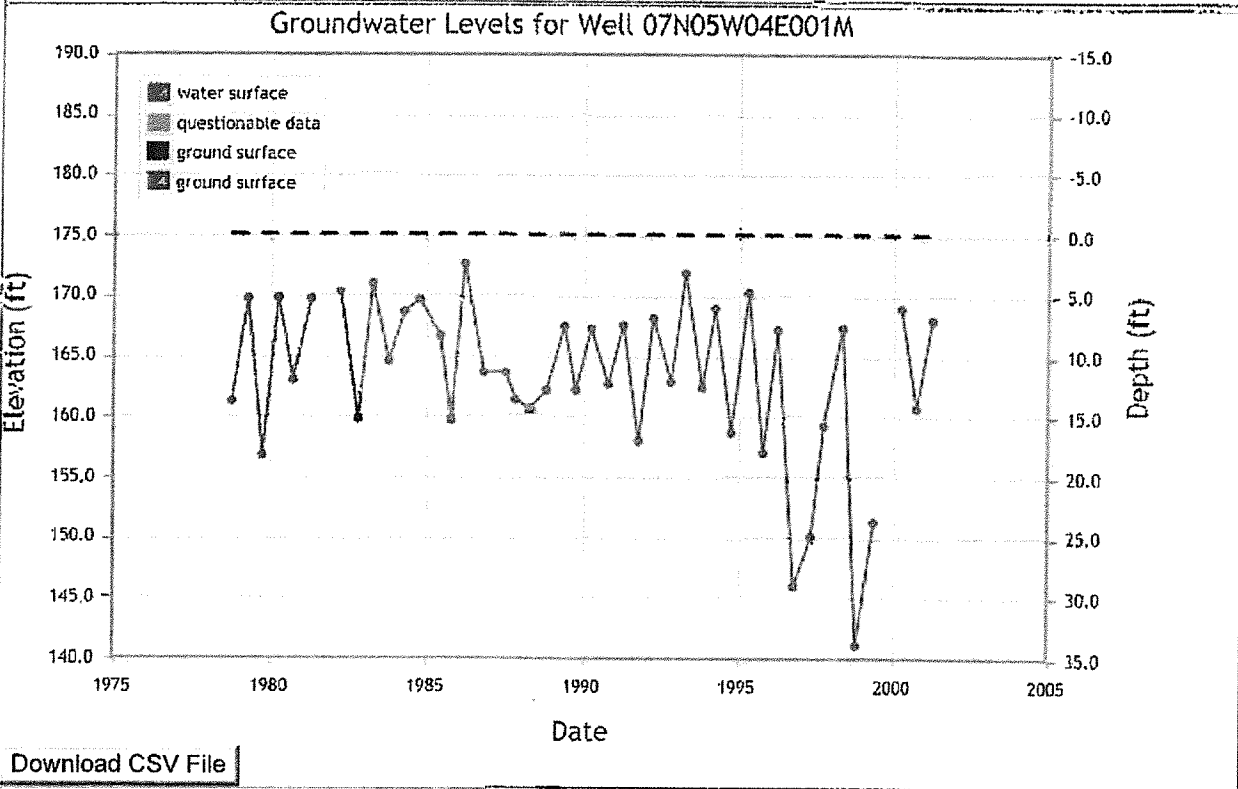
All elevation and depth measurements are in feet. The vertical datum for historical measurements is NGVD29.

[Perform a New Well Search](#)

Groundwater Levels for Station 384878N1224295W001

Data for your selected well is shown in the tabbed interface below. To view data managed in the updated WDL tables, including data collected under the CASGEM program, click the "Recent Groundwater Level Data" tab. To view data stored in the former WDL tables, click the "Historical Groundwater Level Data" tab. To download the data in CSV format, click the "Download CSV File" button on the respective tab. Please note that the vertical datum for "recent" measurements is NAVD88, while the vertical datum for "historical" measurements is NGVD29. To change your well selection criteria, click the "Perform a New Well Search" button.

Station Data Recent Groundwater Level Data **Historical Groundwater Level Data**



[Download CSV File](#)

| Date | RPE | GSE | RPWS | WSE | GS to... | NM Code | QM Code | Agency |
|------------|-------|-----|------|-------|----------|---------|---------|--------|
| 10/10/1978 | 175.7 | 175 | 14.5 | 161.2 | 13.8 | | | 3983 |
| 04/12/1979 | 175.7 | 175 | 6 | 169.7 | 5.3 | | | 3983 |
| 10/01/1979 | 175.7 | 175 | 19 | 156.7 | 18.3 | | | 3983 |
| 03/27/1980 | 175.7 | 175 | 5.9 | 169.8 | 5.2 | | | 3983 |
| 09/16/1980 | 175.7 | 175 | 12.7 | 163 | 12 | | | 3983 |
| 04/13/1981 | 175.7 | 175 | 6 | 169.7 | 5.3 | | | 3983 |
| 10/16/1981 | 175.7 | 175 | | | | 7 | | 3983 |
| 03/26/1982 | 175.7 | 175 | 5.4 | 170.3 | 4.7 | | | 3983 |
| 10/20/1982 | 175.7 | 175 | 16 | 159.7 | 15.3 | | | 3983 |

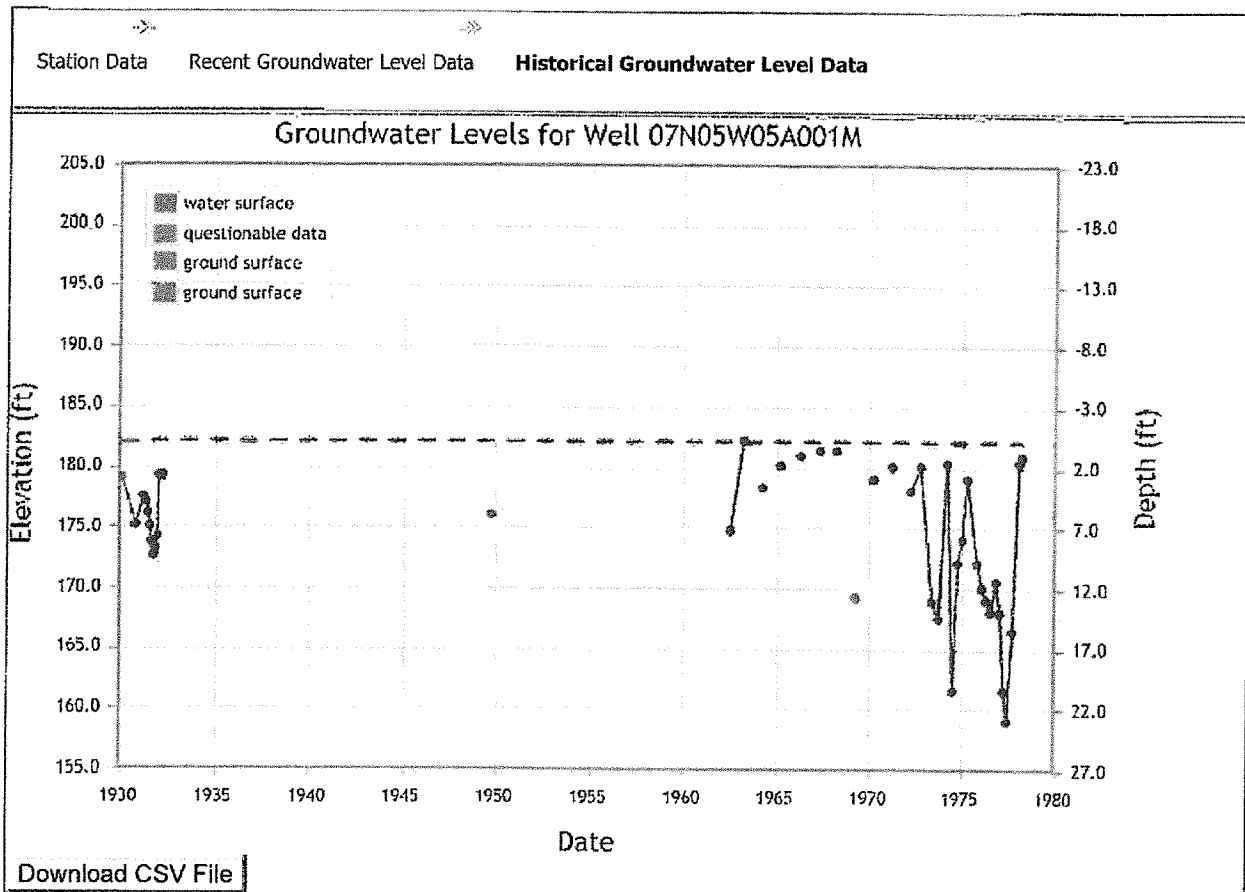
| | | | | | | | |
|------------|-------|-----|------|-------|------|---|------|
| 04/08/1983 | 175.7 | 175 | 4.7 | 171 | 4 | | 3983 |
| 10/12/1983 | 175.7 | 175 | 11.1 | 164.6 | 10.4 | | 3983 |
| 04/10/1984 | 175.7 | 175 | 7 | 168.7 | 6.3 | | 3983 |
| 10/10/1984 | 175.7 | 175 | 6 | 169.7 | 5.3 | | 3983 |
| 06/07/1985 | 175.7 | 175 | 9 | 166.7 | 8.3 | | 3983 |
| 10/16/1985 | 175.7 | 175 | 16 | 159.7 | 15.3 | | 3983 |
| 03/19/1986 | 175.7 | 175 | 3 | 172.7 | 2.3 | | 3983 |
| 10/29/1986 | 175.7 | 175 | 12 | 163.7 | 11.3 | | 3983 |
| 07/09/1987 | 175.7 | 175 | 12 | 163.7 | 11.3 | | 3983 |
| 11/03/1987 | 175.7 | 175 | 14.3 | 161.4 | 13.6 | | 3983 |
| 04/18/1988 | 175.7 | 175 | 15 | 160.7 | 14.3 | 1 | 3983 |
| 10/25/1988 | 175.7 | 175 | 13.5 | 162.2 | 12.8 | | 3983 |
| 05/25/1989 | 175.7 | 175 | 8.2 | 167.5 | 7.5 | | 3983 |
| 10/05/1989 | 175.7 | 175 | 13.5 | 162.2 | 12.8 | | 3983 |
| 04/04/1990 | 175.7 | 175 | 8.4 | 167.3 | 7.7 | | 3983 |
| 10/25/1990 | 175.7 | 175 | 13 | 162.7 | 12.3 | | 3983 |
| 04/17/1991 | 175.7 | 175 | 8.1 | 167.6 | 7.4 | | 3983 |
| 10/17/1991 | 175.7 | 175 | 17.7 | 158 | 17 | | 3983 |
| 04/06/1992 | 175.7 | 175 | 7.5 | 168.2 | 6.8 | | 3983 |
| 11/04/1992 | 175.7 | 175 | 12.8 | 162.9 | 12.1 | | 3983 |
| 04/23/1993 | 175.7 | 175 | 3.8 | 171.9 | 3.1 | | 3983 |
| 11/04/1993 | 175.7 | 175 | 13.3 | 162.4 | 12.6 | | 3983 |
| 04/07/1994 | 175.7 | 175 | 6.7 | 169 | 6 | | 3983 |
| 10/14/1994 | 175.7 | 175 | 17 | 158.7 | 16.3 | | 3983 |
| 05/05/1995 | 175.7 | 175 | 5.4 | 170.3 | 4.7 | | 3983 |
| 10/24/1995 | 175.7 | 175 | 18.7 | 157 | 18 | | 3983 |
| 04/11/1996 | 175.7 | 175 | 8.5 | 167.2 | 7.8 | | 3983 |
| 10/21/1996 | 175.7 | 175 | 29.7 | 146 | 29 | | 3983 |
| 05/09/1997 | 175.7 | 175 | 25.6 | 150.1 | 24.9 | | 3983 |
| 10/07/1997 | 175.7 | 175 | 16.4 | 159.3 | 15.7 | | 3983 |
| 05/14/1998 | 175.7 | 175 | 8.3 | 167.4 | 7.6 | | 3983 |
| 10/23/1998 | 175.7 | 175 | 34.6 | 141.1 | 33.9 | | 3983 |
| 05/17/1999 | 175.7 | 175 | 24.4 | 151.3 | 23.7 | | 3983 |
| 04/04/2000 | 175.7 | 175 | 6.7 | 169 | 6 | | 3983 |
| 10/05/2000 | 175.7 | 175 | 15 | 160.7 | 14.3 | | 3983 |
| 04/09/2001 | 175.7 | 175 | 7.6 | 168.1 | 6.9 | | 3983 |
| 10/12/2001 | 175.7 | 175 | | | | 0 | 3983 |

All elevation and depth measurements are in feet. The vertical datum for historical measurements is NGVD29.

[Perform a New Well Search](#)

Groundwater Levels for Station 384926N1224323W001

Data for your selected well is shown in the tabbed interface below. To view data managed in the updated WDL tables, including data collected under the CASGEM program, click the "Recent Groundwater Level Data" tab. To view data stored in the former WDL tables, click the "Historical Groundwater Level Data" tab. To download the data in CSV format, click the "Download CSV File" button on the respective tab. Please note that the vertical datum for "recent" measurements is NAVD88, while the vertical datum for "historical" measurements is NGVD29. To change your well selection criteria, click the "Perform a New Well Search" button.



| Date | RPE | GSE | RPWS | WSE | GS to... | NM Code | QM Code | Agency |
|------------|-----|-----|------|-------|----------|---------|---------|--------|
| 02/14/1930 | 183 | 182 | 3.9 | 179.1 | 2.9 | | | 5000 |
| 10/29/1930 | 183 | 182 | 7.9 | 175.1 | 6.9 | | | 5000 |
| 03/25/1931 | 183 | 182 | 5.5 | 177.5 | 4.5 | | | 5000 |
| 05/19/1931 | 183 | 182 | 6 | 177 | 5 | | | 5000 |
| 06/22/1931 | 183 | 182 | 6.9 | 176.1 | 5.9 | | | 5000 |
| 07/23/1931 | 183 | 182 | 8 | 175 | 7 | | | 5000 |
| 08/21/1931 | 183 | 182 | 9.3 | 173.7 | 8.3 | | | 5000 |
| 09/30/1931 | 183 | 182 | 10.5 | 172.5 | 9.5 | | | 5000 |
| 10/20/1931 | 183 | 182 | 10.3 | 172.7 | 9.3 | | | 5000 |



July 15, 2014

Kate J. Hart
Abbott & Kindermann LLP
2100 21st Street
Sacramento, CA 95818

Subject: Raymond Winery Project

P14005

Dear Ms. Hart:

At your request, I have reviewed the Initial Study/Mitigated Negative Declaration (hereinafter the "IS/MND") and the traffic reports prepared in support of it for the Raymond Winery Expansion Project (hereinafter the "Project"). My qualifications to perform this review include registration as a Civil and Traffic Engineer in California, 45 years of professional consulting practice in the field of traffic and transportation engineering and both preparation and review of the traffic and transportation components of numerous environmental documents including those on winery projects. My professional resume is attached.

My technical comments are as follows.

The IS/MND Measures Traffic Impacts Relative to an Unclear and Improper Baseline

The IS/MND/s supporting traffic report identifies existing traffic volumes. However, included in those existing volumes are the trips generated by uses and activities at Raymond that are over and above the existing use permit, such as the trips generated by the 65 full-time and 15 part-time current employees – 56 employees above the 24 total allowed in the current use permit. Counting those excess employees trips in the existing baseline in essence gives the Project a free pass on the trips of existing employees who are in violation of the existing use permit.

The IS/MND/s supporting traffic report also identifies a scenario it calls “Existing with Current Use Permit” condition. In this scenario, the traffic study deducts the trips generated by employees in excess of the number of allowed by the use permit, but adds back in phantom trips representing the unused portion of the permitted allowance of up to 400 visitors per day. Actual current visitation reported is 80 and 180 visitors respectively on typical weekdays and Saturdays, with 180 also reported for Saturdays in the crush. This gives the future project scenario a free pass on about 320 visitors or 246 visitor vehicle trips on weekdays and 220 visitors or 169 visitor vehicle trips on Saturdays.

The existing maximum allowance of 400 visitors (by appointment or unannounced) is because Raymond's tasting facilities existed prior to the 1991 *Winery Definition Ordinance*. Raymond has had 23 years to approach that total but evidently, based on data presented in the IS/MND and supporting documents, typically does not exceed 180 visitors even on harvest Saturdays. Arguably, since Raymond has been permitted up to 400 daily visitors for the past 23 years but has not typically exceeded more than 45 percent of that total, the prospect of building to daily visitation totals of up to 500 would be the result of the food pairing presentations, physical facilities and amenities and synergistic effects of the more extensive marketing events that are all specific features of the proposed Project. Hence, the traffic analysis should be considering the impact of changing Saturday visitor traffic from 180 visitors per day to 500 per day, not from 400 per day to 500 per day.

The apparent improper definition of the traffic baseline and lack of clarity in identifying just what the traffic baseline for measuring impacts is both make the IS/MND inadequate under CEQA.

The IS/MND Fails to Consider the Traffic Impacts of the Project at All Locations Where Traffic Impacts Are Likely

The IS/MND and its supporting traffic study assess the project's traffic impacts only at the intersections of Zinfandel Lane with Wheeler Lane and Zinfandel Lane with S.R. 29. Yet the County has knowledge that potentially significant operational and safety impacts may occur at Zinfandel Lane's very narrow historic bridge over the Napa River and significant level of service and queuing impacts may occur at the intersection of Zinfandel Lane with Silverado Trail if the Project causes significant amounts of traffic to pass through those locations¹. Figure 4 of the supporting traffic impact report to the IS/MND² make obvious that

¹ See *Traffic Impact Report, Castellucci Family Winery*, Crane Transportation Group, February 22, 2014 and Letter of Comment on Castellucci Family Winery, Smith Engineering & Management, 6-5-14.

² *Updated Traffic Study for the Proposed Raymond Vineyards Winery Use Permit Modification*, Omni Means Associates Ltd., April 5, 2013

the Raymond facility as a whole and the Project will cause a potentially impactful amount of traffic to pass through those problematic locations (although the Project's actual traffic contribution is unclear because of the problems defining what the traffic baseline is and what the Project-caused traffic is as discussed in the section above). However, these locations were not analyzed for potential impacts. Given that level of service is already shown to be deficient at Zinfandel-Silverado in the existing, near term future and long term future conditions, since current aerial photos posted on the internet show queuing on Zinfandel from Silverado extending nearly across the Castellucci driveway already, and since the Napa River Bridge on Zinfandel is seriously deficient in relation to modern roadway geometric standards, there is fair argument that impacts at these locations should have been analyzed and that the IS/MND is critically deficient absent that analysis.

Mitigation Measures the IS/MND Proposes Are Likely To Be Impactful at Other Locations

Proposed Mitigation Measures XVI.2, items A, B and possibly H are aimed at shifting Project traffic away from the Zinfandel-SR 29 intersection by sending it eastward where it would further impact the narrow Napa River Bridge on Zinfandel and the Zinfandel – Silverado intersection. The traffic report also suggests knowledgeable drivers could avoid the Zinfandel – SR 29 intersection by using local residential streets to get to and from SR 29 and suggests this would be a good idea. However, this ignores the fact that this would thrust undesired traffic into those residential neighborhoods.

Purported Mitigation Measures Poorly Defined, Vague and Have Insufficiently Measurable Effect or No Effect

For example, the proposed mitigation of having employees carpool or vanpool would probably simply result in most of them parking off-site on street and walking in rather than pooling. Consequently, there would be no mitigation. Another example is shuttling visitors to events from somewhere off-site; whether this is effective traffic mitigation or not depends on where the off-site parking is. Since the traffic report identifies the off-site shuttle parking as being located at The Ranch Winery, which is located at 105 Zinfandel Lane, this measure would have virtually no effect on mitigating traffic impacts at Zinfandel-SR 29, Zinfandel-Silverado or on the Napa River Bridge. All it would do is compensate for the inadequacies of the on-site parking at Raymond for hosting large scale marketing events. And as mentioned above, all that information campaigns aimed at inducing drivers to avoid the Zinfandel – SR 29 intersection would accomplish, to the extent they diverted any traffic at all, would be to induce more traffic to

sensitive locations such as Zinfandel – Silverado, the narrow Zinfandel bridge over the Napa River or to local residential streets.

Analysis of Marketing Event Traffic Is Unquantified and Speculative

Analysis of marketing event traffic is limited to estimation of vehicle trip totals by event scale and a supposition that event start and completion times would not be coincident with peak traffic hours, leading to the purely speculative conclusion that events would not cause traffic impacts. There is no quantitative analysis of how events of various scales starting or concluding at various hours of the day or evening would affect traffic at key locations like Zinfandel- SR 29 and Zinfandel-Silverado. And since marketing events, as long as they remain within permitted numbers and scale, will not require individualized permits, there is no assurance they will start and end at hours when traffic is light.

Conclusion

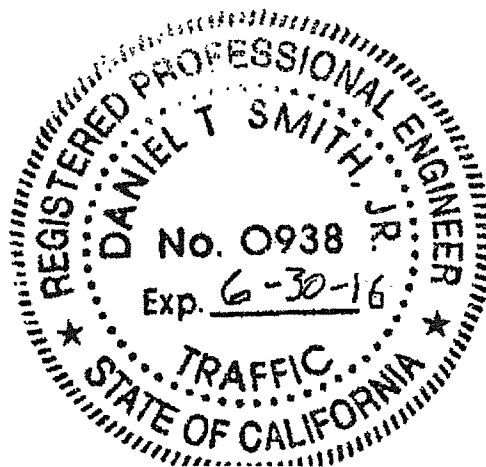
Given all of the foregoing, there is insufficient evidence to support the IS/MND's conclusion that, with mitigation, the Project would have no significant traffic impacts. Moreover, there is evidence of fair argument that the Project's traffic would have significant traffic impact that are not analyzed or mitigated. Consequently, the IS/MND cannot be approved and Project's traffic component should be subjected to performance of an EIR.

Sincerely,

Smith Engineering & Management
A California Corporation



Daniel T. Smith Jr., P.E.
President





SMITH ENGINEERING & MANAGEMENT

DANIEL T. SMITH, Jr. **President**

EDUCATION

Bachelor of Science, Engineering and Applied Science, Yale University, 1967
Master of Science, Transportation Planning, University of California, Berkeley, 1968

PROFESSIONAL REGISTRATION

California No. 21913 (Civil) Nevada No. 7969 (Civil) Washington No. 29337 (Civil)
California No. 938 (Traffic) Arizona No. 22131 (Civil)

PROFESSIONAL EXPERIENCE

Smith Engineering & Management, 1993 to present. President.
DKS Associates, 1979 to 1993. Founder, Vice President, Principal Transportation Engineer.
De Leuw, Cather & Company, 1968 to 1979. Senior Transportation Planner.
Personal specialties and project experience include:

Litigation Consulting. Provides consultation, investigations and expert witness testimony in highway design, transit design and traffic engineering matters including condemnations involving transportation access issues; traffic accidents involving highway design or traffic engineering factors; land use and development matters involving access and transportation impacts; parking and other traffic and transportation matters.

Urban Corridor Studies/Alternatives Analysis. Principal-in-charge for State Route (SR) 102 Feasibility Study, a 35-mile freeway alignment study north of Sacramento. Consultant on I-280 Interstate Transfer Concept Program, San Francisco, an AA/EIS for completion of I-280, demolition of Embarcadero freeway, substitute light rail and commuter rail projects. Principal-in-charge, SR 238 corridor freeway/expressway design/environmental study, Hayward (Calif.) Project manager, Sacramento Northeast Area multi-modal transportation corridor study. Transportation planner for I-80N West Terminal Study, and Harbor Drive Traffic Study, Portland, Oregon. Project manager for design of surface segment of Woodward Corridor LRT, Detroit, Michigan. Directed staff on I-80 National Strategic Corridor Study (Sacramento-San Francisco), US 101-Sonoma freeway operations study, SR 92 freeway operations study, I-880 freeway operations study, SR 152 alignment studies, Sacramento RTD light rail systems study, Tasman Corridor LRT AA/EIS, Fremont-Warm Springs BART extension plan/EIR, SRs 70/99 freeway alternatives study, and Richmond Parkway (SR 93) design study.

Area Transportation Plans. Principal-in charge for transportation element of City of Los Angeles General Plan Framework, shaping nations largest city two decades into 21st century. Project manager for the transportation element of 300-acre Mission Bay development in downtown San Francisco. Mission Bay involves 7 million gsf office/commercial space, 8,500 dwelling units, and community facilities. Transportation features include relocation of commuter rail station; extension of MUNI-Metro LRT; a multi-modal terminal for LRT, commuter rail and local bus; removal of a quarter mile elevated freeway; replacement by new ramps and a boulevard; an internal roadway network overcoming constraints imposed by an internal tidal basin; freeway structures and rail facilities; and concept plans for 20,000 structured parking spaces. Principal-in-charge for circulation plan to accommodate 9 million gsf of office/commercial growth in downtown Bellevue (Wash.). Principal-in-charge for 64 acre, 2 million gsf multi-use complex for FMC adjacent to San Jose International Airport. Project manager for transportation element of Sacramento Capitol Area Plan for the state governmental complex, and for Downtown Sacramento Redevelopment Plan. Project manager for Napa (Calif.) General Plan Circulation Element and Downtown Riverfront Redevelopment Plan, on parking program for downtown Walnut Creek, on downtown transportation plan for San Mateo and redevelopment plan for downtown Mountain View (Calif.), for traffic circulation and safety plans for California cities of Davis, Pleasant Hill and Hayward, and for Salem, Oregon.

TRAFFIC • TRANSPORTATION • MANAGEMENT

5311 Lowry Road, Union City, CA 94587 tel: 510.489.9477 fax: 510.489.9478

Transportation Centers. Project manager for Daly City Intermodal Study which developed a \$7 million surface bus terminal, traffic access, parking and pedestrian circulation improvements at the Daly City BART station plus development of functional plans for a new BART station at Colma. Project manager for design of multi-modal terminal (commuter rail, light rail, bus) at Mission Bay, San Francisco. In Santa Clarita Long Range Transit Development Program, responsible for plan to relocate system's existing timed-transfer hub and development of three satellite transfer hubs. Performed airport ground transportation system evaluations for San Francisco International, Oakland International, Sea-Tac International, Oakland International, Los Angeles International, and San Diego Lindberg.

Campus Transportation. Campus transportation planning assignments for UC Davis, UC Berkeley, UC Santa Cruz and UC San Francisco Medical Center campuses; San Francisco State University; University of San Francisco; and the University of Alaska and others. Also developed master plans for institutional campuses including medical centers, headquarters complexes and research & development facilities.

Special Event Facilities. Evaluations and design studies for football/baseball stadiums, indoor sports arenas, horse and motor racing facilities, theme parks, fairgrounds and convention centers, ski complexes and destination resorts throughout western United States.

Parking. Parking programs and facilities for large area plans and individual sites including downtowns, special event facilities, university and institutional campuses and other large site developments; numerous parking feasibility and operations studies for parking structures and surface facilities; also, resident preferential parking.

Transportation System Management & Traffic Restraint. Project manager on FHWA program to develop techniques and guidelines for neighborhood street traffic limitation. Project manager for Berkeley, (Calif.), Neighborhood Traffic Study, pioneered application of traffic restraint techniques in the U.S. Developed residential traffic plans for Menlo Park, Santa Monica, Santa Cruz, Mill Valley, Oakland, Palo Alto, Piedmont, San Mateo County, Pasadena, Santa Ana and others. Participated in development of photo/radar speed enforcement device and experimented with speed humps. Co-author of Institute of Transportation Engineers reference publication on neighborhood traffic control.

Bicycle Facilities. Project manager to develop an FHWA manual for bicycle facility design and planning, on bikeway plans for Del Mar, (Calif.), the UC Davis and the City of Davis. Consultant to bikeway plans for Eugene, Oregon, Washington, D.C., Buffalo, New York, and Skokie, Illinois. Consultant to U.S. Bureau of Reclamation for development of hydraulically efficient, bicycle safe drainage inlets. Consultant on FHWA research on effective retrofits of undercrossing and overcrossing structures for bicyclists, pedestrians, and handicapped.

MEMBERSHIPS

Institute of Transportation Engineers Transportation Research Board

PUBLICATIONS AND AWARDS

Residential Street Design and Traffic Control, with W. Homburger *et al.* Prentice Hall, 1989.

Co-recipient, Progressive Architecture Citation, *Mission Bay Master Plan*, with I.M. Pei WRT Associated, 1984.

Residential Traffic Management, State of the Art Report, U.S. Department of Transportation, 1979.

Improving The Residential Street Environment, with Donald Appleyard *et al.*, U.S. Department of Transportation, 1979.

Strategic Concepts in Residential Neighborhood Traffic Control, International Symposium on Traffic Control Systems, Berkeley, California, 1979.

Planning and Design of Bicycle Facilities: Pitfalls and New Directions, Transportation Research Board, Research Record 570, 1976.

Co-recipient, Progressive Architecture Award, *Livable Urban Streets, San Francisco Bay Area and London*, with Donald Appleyard, 1979.

ITEM 9C

RAYMOND WINERY

McDowell, John

From: Clarence Barker <cwb48@icloud.com>
Sent: Monday, July 14, 2014 12:30 PM
To: McDowell, John
Subject: Fwd: Raymond Vineyard and Cellers. Application P11-00156

John,
I sent you the following email when your were out of the office. I got your notice that you would be back on the 7th but was concerned that you may not have seen it upon your return.
Is is possible for you to send me the conditions of approval when they are complete. I intend to be present at the commission meeting on Wednesday. It would be helpful to see them before the meeting.
Thanks for your assistance.
If there is someone else I should contact I would be happy to do so.

Clarence Barker

Begin forwarded message:

From: Clarence Barker <cwb48@icloud.com>
Subject: Raymond Vineyard and Cellers. Application P11-00156
Date: July 1, 2014 at 5:34:07 PM PDT
To: John.McDowell@countyofnapa.org
Cc: Boisset/Raymond <Tom.Blackwood@boisset.com>

Dear John McDowell.

Re: Raymond Vineyards and Cellar Use permit major modification.
Application NO. P11-00156

I live at 1500 Wheeler Lane, St Helena. As I am sure you are aware this is the entry road to the subject winery.

I left a phone message for Kirsty Gerosa and some one was kind enough to contact me and let me know that she was on maternity leave and I should contact you about this application. I did attend the neighborhood meeting and learned that staff conditions of approval were not available. Since I have always been a believer that the devil is in the detail I was hoping to get a copy of the detail conditions being recommended.

In addition I have a few observations, which may already be covered in your conditions.

1. The letter to Kirsty from Raymond's legal council dated January 31,2014 (item #4) stated that all parking would be prohibited on Wheeler Lane.
The Traffic Study of October 5, 2013, which I understand is still being used for this application even though the production increase proposed is not, states that valet parking will be allowed on Wheeler Lane. I assume the conditions will clarify.

2. Using the October traffic study it is impossible for a lay person, like me, to separate the impact of the marketing/ hospitality trips from production increases.

Therefore it is not possible for me to tell what impact there will be on the Zinfandel HWY 29 intersection relating to this modified application. Certain movements there have a LOS E&F or basically failing which brings me to the matter of how can any trip increases be allowed until a solution is at hand for that intersection. There is a statement in the traffic study (for increased production and marketing) that says " LOS on SR 29 would remain unchanged from existing conditions, continuing to operate at LOS 'E'-'F'" (page 22) as if no change is good. Failure to perform at adequate standard for the health and welfare of the public can get worse as the intersection is allowed to deteriorate with additional trips even though there is no rating level below 'F'. If staff has traffic information where the requested change for marketing has been evaluated separately and the results are indifferent to the currently approved marketing plan then that would be helpful to know.

3. Another question about the October traffic study. On page 8 under the section "Existing Winery Traffic generation: winery truck trips" it states:

The winery has stated that production levels have varied historically, which necessarily influence truck trips generated. For this study, the County has asked for the truck trips to be evaluated v winery production activity. The winery has provided the following annual truck trip generation with just under 1,500,000 gallons produced in year 2012:

This is concerning since the current production level approved is 750,000 gallons per year as average over any consecutive three year period not to exceed 900,000 gallons in any given year. The interesting thing is at the previous hearing the Chair of the County Planning Commission ask Raymond what was their current production levels and did not get an answer. I also asked and did not get an answer. This stated level of 1,500,000 gallons produced in year 2012 raises questions. How could Raymond provide accurate truck trip information for the traffic report if the production number used were wrong or has the production actually been that high. Probably a question that should have been asked at the time of the traffic report was prepared.

4. There is a comment in the traffic report about the possibility of Traffic Mitigation Fees to be used to help improve the Zinfandel/SR29 intersection. It is stated that fair share is determined by dividing the the trips generated by the changed uses by the total trips. I am not sure that is fair share of the problem created, since the intersection was originally constructed at an acceptable operating standard. It would seem that the new trips generated by any proposed use divided by the total trips that are over the acceptable operating standard would be a fair share for fixing the problem and not diluting the amount by trips that were acceptable and paid for with the original improvements.

5. Thoughts on conditions.

- Limits on height of vineyard platform.

- Provide shuttle from off-site parking location for 500 person events should be changed to be for any event with greater than 250 guest.

- Posted speed limit on Wheeler Lane

- conditions on outdoor events?

- limits on how many of the 50 events could be day time or evening

Finally it is probably more of a policy issue, but with all the wineries approved on Zinfandel Lane, is there a relationship between production and allowed marketing/hospitality events and are all the activities in a specific zone looked at when approving incremental amounts?

These issues are mine relative to the proximity of living next to Raymond. It is not a reflection on the people that I have met there who have been nothing but professional.

I am copying Tom Blackwood of Raymond on this email so he is aware of my concerns and questions.

Thank you for your time and consideration.

Clarence Barker
1500 Wheeler Lane.
St Helena.
949-422-2219

JUL 16 2014

Agenda Item # 9C

July 14, 2014

John McDowell
Kirsty Gerosa
Napa County Planning, Building & Environmental Services
1195 Third Street, Suite 210
Napa, CA 94559

Dear John / Kirsty,

My name is Chris Cordano. I live at 1391 Mountain View Avenue, Saint Helena, CA. My home is on the corner of Mountain View Avenue and Zinfandel Lane. I am writing in regard to the following item:

- Proposed expansion of hospitality facilities at the Raymond Winery. I understand this hearing is scheduled for July 16, 2014.

I live in a small neighborhood, known as the "Zinfandel Subdivision". This neighborhood has Zinfandel Lane as its southern border and Highway 29 as its western border. There are approximately 85 +/- homes in this neighborhood. Most of the homes were constructed in the late 1950's and early 1960's. This neighborhood has some unique characteristics. It is bordered on two sides by significant rural thoroughfares (Highway 29 and Zinfandel Lane). I am not aware of any other Napa Valley neighborhoods situated on two such, busy, rural, thoroughfares. Because of its location, the neighborhood has endured, over many years, the growth of traffic, and related noise. Napa County recently acknowledged this unique situation by reducing the speed limit, on Zinfandel Lane, from 55 miles per hour to 45 miles per hour. The neighborhood considered this to be the County's acknowledgement of residential status on Zinfandel Lane and a fantastic change.

Now we are faced with this proposed expansion of hospitality facilities and events, as well as extended tasting hours, at the Raymond Winery. I have concerns about this project and its impact on my neighborhood, Zinfandel Lane and traffic in the Napa Valley in general. This will no doubt add more traffic and related effects to the neighborhood. Currently, when traffic builds on Highway 29 or Zinfandel Lane, drivers will cut through our neighborhood streets, often at higher, unsafe speeds, to get around traffic. The effect of having 500 visitors a day, plus extended tasting hours and more events will increase traffic that will affect our neighborhood. I invite each member of this Commission to visit the corner of Mountain View Avenue and Zinfandel Lane any weekday at 4:30 PM to witness how much traffic is already here.

Also, the extension of tasting hours from 4:30 PM to 6:00 PM encourages and accommodates those who have already been tasting wine to make Raymond their last stop. This potentially increases the number of guests with higher alcohol consumption to be driving on Zinfandel Lane.

Yes, this application pertains to expanding the hospitality portion of the facility. The direct product (perhaps objective) of more hospitality is more wine sales. More wine sales then require more production. More production requires more production facilities, more employees and more traffic. We may not be looking at the production component with this application, but we cannot ignore the path where this current application is taking us. I believe the previous production expansion application was granted a continuance recently. So, this possibility is still lurking on the horizon. With this possibility comes the possibility of more traffic and more noise. I continue to have concerns about the development of "wine factories" in the Ag Preserve portion of the Napa Valley, especially a wine factory so close to a residential neighborhood.

The applicant is asking for a total of 50 events per year. That is nearly one event per week. If this application is approved, there could be, during any one week, two, three, four or more hospitality events taking place in the valley. Almost every one of those weeks would include one or more events at the Raymond winery. It is also important to consider the timing of hospitality events. An event on Tuesday at 4 PM is probably going to do little to boost a winery's image or wine sales. Weekends are the times when visitors come to this special place. We have to assume that the majority of events will be held on weekends. This is exactly the same time that many residents of the valley, residents of the Zinfandel Subdivision, are looking for quiet, peaceful enjoyment after their own chaotic work week. Instead we may be faced with more traffic and more noise.

It is my understanding that wineries which host hospitality events for charitable organizations, such as "Hands across the Valley" may apply for variances from their use permit. These variances allow the winery to host the event without any impact on their use permit. In other words Raymond could apply for a variance and host a hospitality event for a charitable cause. Thus they could potentially host many more, hospitality events than listed in their application. I urge the commission to restrict the use of variances by this applicant.

This application makes me wonder, is the primary purpose of this facility wine hospitality and retail sales? Are these uses permitted in the Ag Preserve? I thought retail sales were supposed to be an ancillary use under the production permit. I question whether this hospitality expansion results in an operation that qualifies as ancillary use.

Do we have any information on the impact hospitality events and venues have on a community? As hospitality venues and events increase in a community the culture of that community is also impacted. Is the unique nature and charm of the area compromised? Are the expectations of visitors impacted? It seems as though we may be headed for a major shift in what the Napa Valley is known for. Are we ready for it? There has been a lot of discussion about traffic and the impact it will have. We should not let up on efforts to understand traffic impact. I believe we should put the same effort into understanding the impact of hospitality venues and events.

Lastly, has this applicant been reviewed for compliance under the existing use permit? Are they currently in compliance with the number of employees? Are they currently in compliance with their production volume?

At the end of the day, I am generally concerned about preserving this magical place known as the Napa Valley and the quality of our residential neighborhood. I believe we have to be very aware of the progress that is taking place all around us. I believe we have to understand and scrutinize the nature, purpose and impact of that progress. I believe we have to be prepared to say "enough is enough". I believe we are very close to this threshold.

Thank you for considering my comments here.

Sincerely,

A handwritten signature in cursive script that reads "Alvin Cudans". The signature is written in black ink and is positioned below the word "Sincerely,".

53
Signatures
All Neighbors

RECEIVED

Petition to Napa County Planning Commission

JUL 14 2014

Napa County Planning Building
& Environmental Services

to limit expansion of Raymond Winery events and facility

Petition summary and background:

The Napa County Planning Commission is considering requests from Raymond Vineyard Winery to modify their use permit to increase their daily visitors to 500; to allow 50 events of up to 100 persons, 2 events for 500 persons, 4 events of 250 people and other increases in events as stated in the 6/26/14 Public Notice. This includes outdoor events. Raymond is also asking for expansion of visitor hours from 4:00-6:30 and increasing employees from 24 to 90. They are also requesting permits for various construction and expansion projects.

Action petitioned for:

We, the undersigned, are concerned citizens and neighbours of Raymond Vineyard Winery and request that there be no increase in marketing events or daily tours, expansion of winery facilities or other construction that prepares for future growth at their 849 Zinfandel Lane location. We live here and do not want a larger winery and its events here. We believe that this is not the appropriate location for these changes; a location away from residential neighbours would be a better choice. With the increase in traffic, water use, and activity that their requests would have, we believe there will be a negative impact on our neighbourhood, and ask their requests be denied.

| Printed name | Signature | Address | Date |
|-------------------|-----------|------------------------|----------|
| MICHAEL HEMKEN | | 1121 Zygmont Drive | 7-4-2014 |
| Jane Ashley | | 1150 Mt View Ave | 7-6-2014 |
| Kristin Ashley | | 1150 Mt View Ave | 7-6-2014 |
| Alex Wolfe | | 1150 Mt View Ave | 7-6-2014 |
| Vicki Saunders | | 1131 Mountain View Ave | 7-6-2014 |
| Manda Caribio | | 1271 Mt. View Avenue. | 7-6-2014 |
| Marielle Coeytaux | | 1351 Mt View Ave | 7-6-2014 |

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to limit expansion of Raymond Winery events and facility

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| Printed name | Signature | Address | Date |
|--------------------|---------------------------|---|------------|
| Celeste Williamson | <i>Celeste Williamson</i> | 1044 Zinfandel Ln St Helena, CA 94574 | 7/4/2014 |
| Haiery Covey | <i>Haiery Covey</i> | 1001 Zinfandel Dr St. Helena, CA 94574 | 7/4/2014 |
| Robert Covey | <i>Robert Covey</i> | 1001 Zinfandel Dr St. Helena, Ca 94574 | 7/4/2014 |
| Rafael Rodriguez | <i>Rafael Rodriguez</i> | 1291 Windland Ave 94574 | 7/4 - 2014 |
| Tilia Rodriguez | <i>Tilia Rodriguez</i> | 1291 Windland Ave. 94574 | 7/4/14 |
| ANTONIA GONZALEZ | <i>ANTONIA GONZALEZ</i> | 930 Walnut Dr St Helena | 7-6-14 |
| David PÉREZ | <i>David PÉREZ</i> | 1370 MTN VIEW AVE SAHELENA | 7-06-14 |


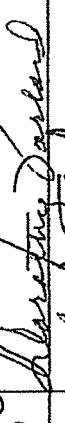
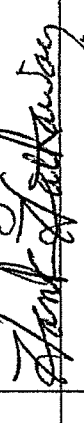
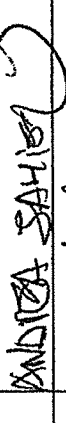


Petition to Napa County Planning Commission To Limit Expansion of Raymond Winery facility and events

Petition summary and background:

The Napa County Planning Commission is considering requests from Raymond Vineyard Winery to modify their use permit to increase their daily visitors to 500; to allow 50 events of up to 100 persons, 2 events for 500 persons, 4 events of 250 people and other increases in events as stated in the 6/26/14 Public Notice. This includes outdoor events. Raymond is also asking for expansion of visitor hours from 4:00-6:30 and increasing employees from 24 to 90. They are also requesting permits for various construction and expansion projects.

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| Printed name | Signature | Address | Date |
|-----------------|---|--------------------|----------|
| Larry Varland |  | 1320 Garden Ave | 7/4/14 |
| Dorothy Varland |  | 1370 Garden Ave | 7/4/14 |
| Hank Hathaway |  | 1071 ZYGAMUNT DR | 7-4-14 |
| ANDREA SAHIER |  | 1350 GARDEN AVE. | 07-08-14 |
| JOEL ALVARAZ |  | 1230 W ALMUT DR | 07-11-14 |
| Will Bauer |  | 1118 ZINFANDEL LN. | 07-11-14 |

Petition to Napa County Planning Commission to limit expansion of Raymond Winery events and facility

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| Printed name | Signature | Address | Date |
|-------------------|--------------------------|-----------------------------|--------|
| RevaLee Hemken | <i>RevaLee Hemken</i> | 1121 Zygmont Dr- St. Helena | 7-4-14 |
| Chelsea Radcliffe | <i>Chelsea Radcliffe</i> | 1271 Vineyard Ave SH | 7-4-14 |
| Leila Poisson | <i>Leila Poisson</i> | 1271 Vineyard Ave SH | 7/4/14 |
| Elin Radwill | <i>Elin Radwill</i> | 1271 Vineyard Ave. SH | 7/4/14 |
| Donald Young | <i>Donald Young</i> | 1190 Garden Ave. S.H. | 7-6-14 |
| Peter GONZALEZ | <i>Peter Gonzalez</i> | 930 Walnut Dr. S. H | 7-6-14 |
| Tony Hansen | <i>Tony Hansen</i> | 1276 Mt. View | 7-6-14 |

Petition to Napa County Planning Commission

to limit expansion of Raymond Winery events and facility

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| Printed name | Signature | Address | Date |
|-----------------------|--------------------------|--------------------|----------|
| Robbin Willcutt | <i>Robbin Willcutt</i> | 1291 Garden | 7/4/14 |
| Ma de la Paz Gonzalez | <i>Ma. Gonzalez</i> | 1270 Garden | 07/06-14 |
| Cheyenne Stenner | <i>Cheyenne Stenner</i> | 1251 GARDEN AVE | 7/6/14 |
| Bruny A Keller | <i>Bruny A Keller</i> | 1230 COAKEN AVE | 7/6/14 |
| Marcia Walker | <i>Marcia Walker</i> | 1230 Garden Ave | 7/6/14 |
| Ramiro Cabellos | <i>Ramiro Cabellos</i> | 1171 Garden A.V.E. | 7-6-14 |
| HERNANDEZ OLEVIN | <i>Hermelinda Olevin</i> | 1130 BELLO AVE. | 7-11-14 |





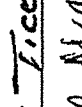


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| Printed name | Signature | Address | Date |
|---------------------|---|------------------------------------|--------|
| Brett Peterson |  | 1390 Mt. View St. Helena | 7/4/14 |
| JAMES REILLEY |  | 1170 Mt. View St. Helena | 7/6/14 |
| FRANK ASILEY |  | 1150 MT VIEW AVE, ST. HELENA | 7/6/14 |
| Sheila Tice |  | 1130 Mountain View Ave. St. Helena | 7/6/14 |
| SCOTT TICE |  | 1130 Mt. View St. Helena | 7/6/14 |
| Guadalupe Alcantara |  | 1111 Mountain View Ave St. Helena | 7/6/14 |
| Avery Escarano |  | 1150 Garden Ave St. Helena | 7/6/14 |

Petition to Napa County Planning Commission To Limit Expansion of Raymond Winery facility and events

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| Printed name | Signature | Address | Date |
|------------------------|------------------------|-------------------------------|-----------|
| Kenneth Gulich | Kenneth Gulich | 1271 Mountain view St. Helena | 7/7/2014 |
| Rosa Lucchesi-Laurenti | Rosa Lucchesi-Laurenti | 1250 Vineyard Ave St. Helena | 7/11/2014 |
| Ric Bailen | Ric Bailen | 1251 vineyard Ave. St. Helena | 7/11/2014 |
| Lillian M. Bower | Lillian M. Bower | 1251 VINEYARD AVE S.H. | 7/11/2014 |
| Isabel Viana | Isabel Viana | 1131 Sticklman S.H. | 7/11/2014 |
| Dory Pina | Dory Pina | 1073 STICE | 7-11-2014 |

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| Printed name | Signature | Address | Date |
|---------------|----------------------|-----------------------------------|------------|
| TERESE FREY | <i>Therese Frey</i> | 1292 Victoria Ln. S.H | 07/06/14 |
| Chris Cordano | <i>Chris Cordano</i> | 1391 Mavis's View Ave, St. Helena | 07/07/2014 |
| RAMON VIEIRA | <i>Ramon Vieira</i> | 1131 STICE LN. ST. HELENA CA | 07/11/2014 |
| | | | |
| | | | |
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| | | | |

RECEIVED

1991.11.14.20.4

for Planning Commission
prior to 7/16 meeting
regarding Raymond

Napa County Planning Building
& Environmental Services
**SYNOPSIS: THE CONCEPT OF A TOURIST AREA CYCLE OF EVOLUTION:
IMPLICATIONS FOR MANAGEMENT OF RESOURCES**

R.W.BUTLER

University of Western Ontario

Report Introduction: "The concept of a recognizable cycle in the evolution of tourist areas is presented, using a basic curve to illustrate their waxing and waning popularity. Specific stages in the evolutionary sequence are described, along with a range of possible future trends. The implications of using this model in the planning and management of tourist resources are discussed in the light of a continuing decline in the environmental quality and, hence, the attractiveness of many tourist areas."

SYNOPSIS:

For a particular tourism area, you can collect data to locate its position in Butler's model of tourism development. Start by studying each of the stages below and then consider the types of data you might collect that are relevant to the Butler model.

Butler explains his concept of a tourism cycle of evolution:

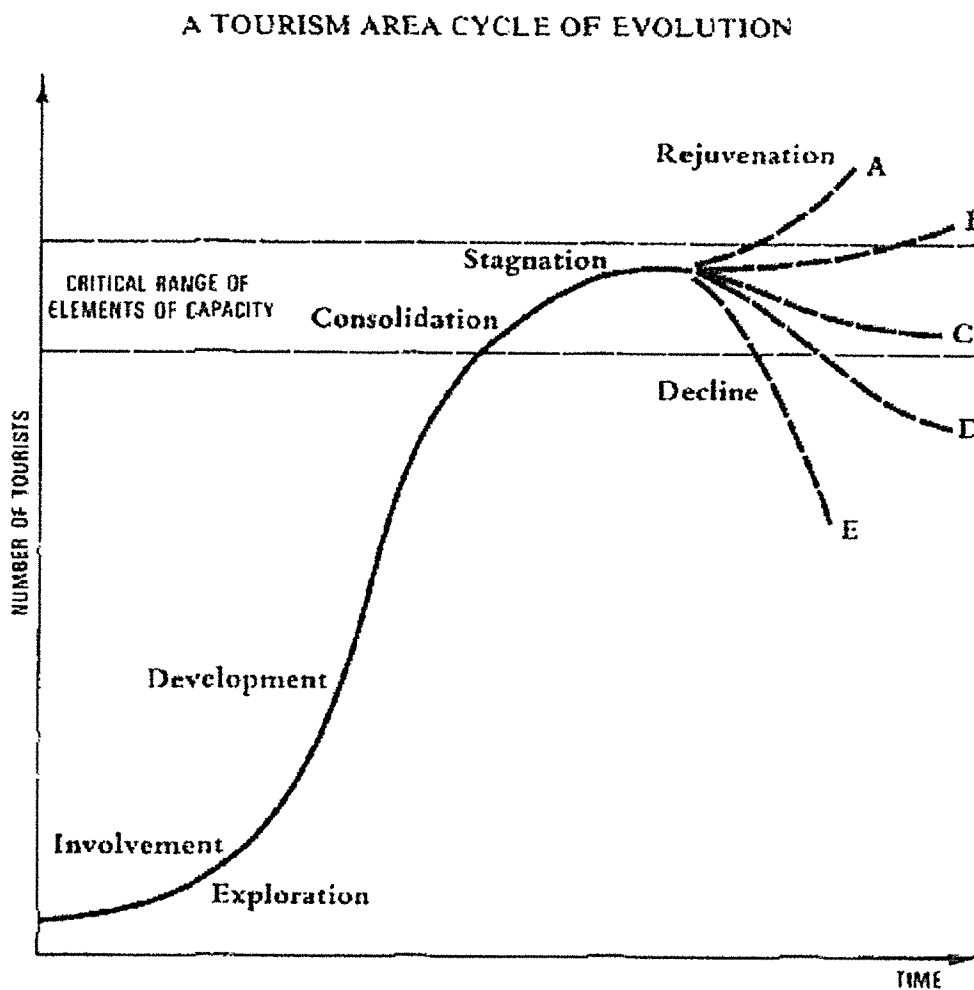
"Visitors will come to an area in small numbers initially, restricted by lack of access, facilities, and local knowledge. As facilities are provided and awareness grows, visitor numbers will increase. With marketing, information dissemination, and further facility provision, the area's popularity will grow rapidly. Eventually, however, the rate of increase in visitor numbers will decline as levels of carrying capacity are reached. These may be identified in terms of environmental factors (e.g. land scarcity, water quality, air quality), of physical plant (e.g. transportation, accommodation, other services), or of social factors (e.g. crowding, resentment by the local population). As the attractiveness of the area declines relative to other areas, because of overuse and the impacts of visitors, the actual number of visitors may also eventually decline."

Butler quotes the German Geographer, Walter Christaller.

"The typical course of development has the following pattern. Painters search out untouched and unusual places to paint. Step by step the place develops as a so-called artist colony. Soon a cluster of poets follows, kindred to the painters: then cinema people, gourmets, and the jeunesse dorée. The place becomes fashionable and the entrepreneur takes note. The fisherman's cottage, the shelter-huts become converted into boarding houses and hotels come on the scene. Meanwhile the painters have fled and sought out another periphery -

periphery as related to space, and metaphorically, as 'forgotten' places and landscapes. Only the painters with a commercial inclination who like to do well in business remain; they capitalize on the good name of this former painter's corner and on the gullibility of tourists. More and more townsmen choose this place, now en vogue and advertised in the newspapers. Subsequently the gourmets, and all those who seek real recreation, stay away. At last the tourist agencies come with their package rate traveling parties; now, the indulged public avoids such places. At the same time, in other places the same cycle occurs again; more and more places come into fashion, change their type, turn into everybody's tourist haunt." Christaller, 1963.

The Six Stages of Tourist Area Evolution



1: The Exploration Stage

- Small numbers of tourists

- Based on primary tourist attractions. These maybe natural or cultural.
- No secondary tourism attractions.
- Tourism has no economic or social significance to local residents.

2: The Involvement Stage

- Local residents become involved in tourism
- Emergence of secondary tourism facilities such as guest houses.
- A tourism season may develop.
- Pressure develops for governments to improve transport for tourists.

3: The Development Stage

- High numbers of tourists that may exceed the local population during peak periods.
 - Heavy advertising will create a well defined tourist market.
 - Local involvement and control of tourism declines rapidly.
 - External organizations will provide secondary tourism attractions.
 - Natural and cultural attractions will be developed and marketed.
- Local people experience physical changes to the area that they may not approve of.

4: The Consolidation Stage

- Tourism growth slows but the numbers of tourists exceeds the local population.
- The area's economy is tied to tourism
- Marketing and advertising will be wide-reaching.
- Major franchises and tourism chains will be represented.
- Resort areas will have a well defined recreational business district.
- Tourism arouses opposition and discontent from some local people.

5: The Stagnation Stage

- Visitor numbers have reached their peak.
- Carrying capacity has been reached or exceeded.
- Tourism causes environmental, social and economic problems.
- The resort becomes divorced from its geographic environment.
- Artificial tourism attractions now supersede the original primary attractions.
- Area has well-established image but will no longer be fashionable.

The Final Stage of the Butler Model

After reaching stagnation, Butler saw that rejuvenation or decline as possible

alternatives. The last stage of his model offers five scenarios between complete rejuvenation and total decline:

A: Successful redevelopment leads to renewed growth.

B: Minor modifications to capacity levels lead to modest growth in tourism.

C: Tourism is stabilized by cutting capacity levels.

D: Continued overuse of resources and lack of investment leads to decline.

E: War, disease or other catastrophe causes an immediate collapse in tourism.

Stage 6: The Decline Scenario

- Unable to compete with newer tourism attractions
- Holiday makers replaced by weekend or day-trippers.
- Tourism facilities replaced by non-tourism activities.
- Hotels may become retirement homes or flats for local residents.
- Ultimately, the area may become a tourism slum or drop out of the tourism market completely.

Stage 6. The Rejuvenation Scenario

- Requires a complete change in tourism attractions.
- Previously untapped tourism resources maybe found.

According to the 1980 Butler model, tourism areas leaving stage five, will either decline or rejuvenate - either way, the tourism area has evolved into the sixth stage of its development.

McDowell, John

From: Charles T. Sheldon <csheldon@wfbm.com>
Sent: Wednesday, July 16, 2014 12:05 PM
To: McDowell, John
Cc: Ingrid Campagne
Subject: Raymond Vineyard & Cellar Use Permit Modification

Planning Commission Mtg.

JUL 16 2014

Agenda Item # 9C

Mr. McDowell:

My wife and I live at 1390 Silverado Trail, just down the street and up the hill from the Raymond Winery on Zinfandel Lane. We write at the request of Andrew Beckstoffer, who contacted us by letter to express his opposition to Raymond's expansion plans. We missed the meeting this morning on the Raymond issues, but write to explain our positions.

We have been homeowners in St. Helena since 2000, and have lived at 1390 Silverado Trail since 2009. We have watched St. Helena grow, intelligently, over the last 14 years, and have seen many new wineries open -- and expand -- in the Valley over that time. We view property improvement as a very good thing, and believe it benefits all of us, especially the neighbors of any such property. We also think development and growth need to be managed, which would seem to be the job of Napa County's planning commission. We trust your judgment as to whether or not Raymond's proposed changes to their business model and plan make sense and are fair, when balanced against the burdens those changes will place on Valley residents like us. However, in order to put our comments on record, and to comment on Mr. Beckstoffer's comments, we note the following.

Mr. Beckstoffer's concerns to Raymond's expansion plans could, on their face, appear to be reasonable, but unfortunately he drifts into unhelpful hyperbole. He uses loaded terms like "massive increase" and "expand exponentially," and also purports to speak for the "suffering" of the entire community without consulting the entire community (like us...). When I read his comments, I was less concerned with Raymond's expansion and more concerned with the possible business reasons behind Mr. Beckstoffer's opposition to it -- if Raymond expands and gets more successful, well, Mr. Beckstoffer's business may suffer. I am not sure if Mr. Beckstoffer's opposition to the Raymond expansion has anything to do with protecting his own business, but if it does, and he is raising his opposition in the guise of protecting the community, his approach is misguided and wrong.

Growth and development must be monitored, and the opinions of the Valley's long-time residents -- like Mr. Beckstoffer -- absolutely must be heard, and respected. However, growth and development brought us to where we are today, greatly benefitting long-time residents, and complaints to further growth -- without real substance behind them -- seem petty. For example, the "massive increase" in permitted daily visitors to Raymond is merely increasing the number by 100 people (from 400 already allowed, to 500), with those 100 being by appointment only. That seems entirely reasonable. The change in hours to a 630 pm closure for wine tasting seems like it would have little impact on increasing the visits by most wine country visitors -- who are on their way home, or to dinner plans by then -- and hence will have little impact on residents like us. The stated traffic objections seem overblown. I run on Zin most weekend evenings, and the street is usually deserted by 5pm.

OUR MAJOR CONCERNS:

We share two concerns with Mr. Beckstoffer.

The first is over the planned increase in outdoor events (or indoor events, with any doors left open...) – to the extent they are planned for the evenings and have amplified music. The proposal is unclear on whether the current limits on “outdoor operations” – limited to 8am to 5pm – applies to “evening” events that are outdoors, and if not, what limits will be applied to Raymond’s outdoor events. We need more information on the noise limits/controls that will be imposed on Raymond’s outdoor events (with amplified music), since that is one area we do think might bother us. Groups of people are never as loud as amplified music, so we suspect we will have no problem with outdoor events of up to 500 people where there is no amplified music. And note that we can certainly handle the proposed bottling operations at night, since that is part of the deal with living in the valley – it’s the music going until later at night that troubles us up on the hill).

The second is over the proposed increase in number of full-time employees (who will need parking) from 24-90. We note that the plan calls for an increase in parking spaces, which is wise, but 66 more full-time employees usually means 66 more cars coming to and from Raymond. Employees are different than wine country visitors, who usually come in groups or busses, so the employee increase does mean more traffic on Zin. We can live with that traffic if we know more about when that traffic will usually occur – are the full time employees planned for the morning, afternoon, evenings, weekends, or spread over the entire day/week? That would be useful information, but it is something we suspect you are already asking/considering.

We are sure you will be doing your due diligence to ensure that all issues with the Raymond winery proposals are addressed, and that approval of the project will be handled fairly and appropriately. Thanks for your consideration of our concerns noted above. Please feel free to contact me about the above if you wish to discuss any of it.

-chuck sheldon
-ingrid campagne

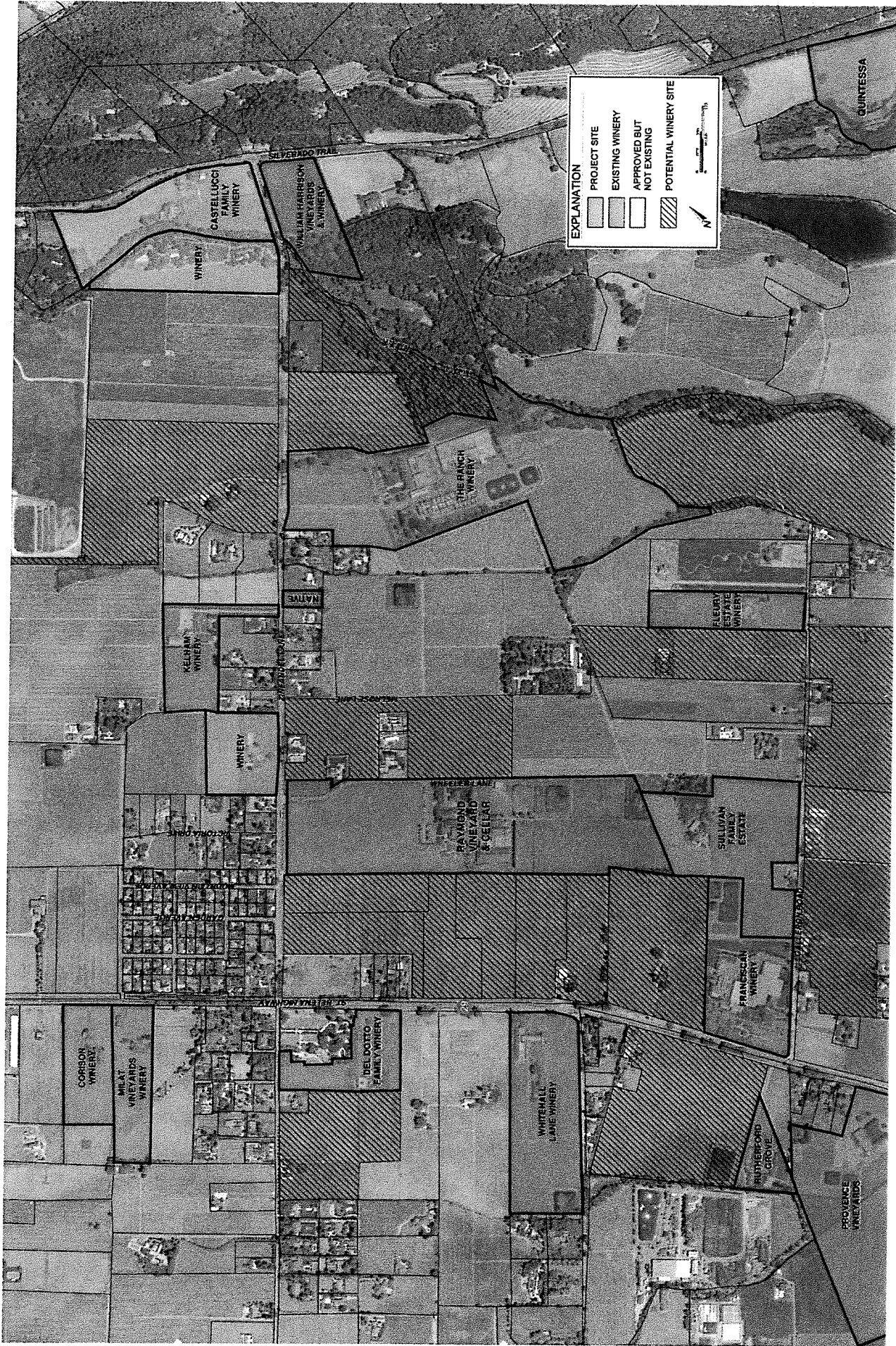
Charles T. Sheldon, Partner
Walsworth Franklin Bevins & McCall, LLP
601 Montgomery Street, Ninth Floor
San Francisco, CA 94111-2612
T: 415.781.7072, ext 2817
F: 415.391.6258
Web: www.wfbm.com

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Planning Commission Mtg.

JUL 16 2014

Agenda Item # 9C

JUL 2014

"B"

CONDITIONS OF APPROVAL

PLANNING COMMISSION HEARING – July 16, 2014
EXHIBIT B – CONDITIONS OF APPROVAL

Raymond Winery
USE PERMIT MAJOR MODIFICATION #P11-00156-MOD
849 Zinfandel Lane, St. Helena
(Assessor's Parcel №. 030-270-013)

1. SCOPE

The permit shall be limited to:

Approval of Use Permit Major Modification #P11-00156 requesting the following changes to the existing Raymond Vineyard Winery Use Permit, File No. U-89-46:

- A. Increase daily tours and tastings from 400 to 500 visitors (400 public and 100 by-appointment-only visitors);
- B. Adoption of a revised marketing plan to allow 50 total events, not to exceed 8 events per month:
 - (1) 2 events per year for up to 500-people;
 - (2) 4 events per year for up to 250-people;
 - (3) 6 events per year for up to 150-people;
 - (4) 12 events per year for up to 100-people;
 - (5) 26 events per year for up to 50-people; and
 - (6) One weekend per month in May through October to not include an event exceeding 100 persons.
- C. No change in annual wine production of 750,000 gallons per year (averaged over 3 years not to exceed 900,000 gals in any one year);
- D. Expansion of the domestic wastewater treatment system;
- E. Construction of 50 additional parking spaces for a total of 130 parking spaces;
- F. Inclusion of food pairing as part of wine tastings and tours;
- G. Construction and use of an outdoor demonstration kitchen as part of the tours and tastings experience;
- H. Construction of a left-hand turn lane on Zinfandel Lane;
- I. Recognition and remodeling of an existing 855 sq. ft. pool house used for private tastings;
- J. Construction of a vineyard viewing platform;
- K. Increase daily tours and tastings hours of operation from 10 am to 4 pm to 10 am to 6:30 pm;
- L. Increase wine production hours of operation from 6 am to 6 pm to 6 am to 11 pm;
- M. Increase the number of employees by 66 from 24 to 90;
- N. Interior modifications, including the conversion of 10,670 sq. ft. of production space to accessory space, including relocating an entitled commercial kitchen from building "C" to building "A";
- O. Modify the existing conditions of approval to allow for outdoor events;
- P. Conversion of the existing residential swimming pool to landscaping;
- Q. Recognition of an existing dog run and structures for use by visitor's pets;
- R. Allowance of outdoor consumption of wine produced and purchased on-site within the outdoor visitation area between Building A and the existing residence, consistent with AB 2004 (Evans), and
- S. Display of public art within one-acre of landscape.

The winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code. It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved. Any expansion or changes in use shall be by the approved in accordance with Section 18.124.130 of the Napa County Code and may be subject to the Use Permit modification process.

2. PROJECT SPECIFIC CONDITIONS

Should any of the Project Specific Conditions below conflict with any of the other, standard conditions included in this document, the Project Specific Conditions shall supersede and control.

- A. Evans Consumption – Consistent with Assembly Bill 2004 (Evans) and the Planning, Building, and Environmental Services Director's July 17, 2008 memo, "Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises," on-premise consumption of wine purchased from the winery may occur solely within the Hospitality Area and/or Outdoor Patio as specified in the application. Any and all visitation associated with on-premise consumption shall be subject to the tours and tastings visitation limitations and/or applicable limitations of permittee's marketing plan.
- B. Roadway Improvements – Prior to implementing daily visitation exceeding 400 visitors per day, or conducting any marketing event greater the 100 persons, the permittee shall complete all roadway improvements approved and/or required pursuant to this use permit including the left turn lane on Zinfandel Lane.
- C. Existing Residence - The existing residential dwelling (located immediately east of the outdoor visitation area) cannot be used for commercial purposes or in conjunction with the operation and/or visitation/marketing program for the winery. If the residence is rented, the residence shall only be rented out for periods of 30 days or more, pursuant to Napa County Code Section 18.104.410, Transient Commercial Occupancies of Dwelling Units Prohibited.
- D. Code Enforcement – Prior to September 1, 2014, the permittee shall submit building permit applications to convert the residential pool house to a commercial tasting room (the JCB Lounge); to recognize the tasting room improvements made within Building A (the Red Room and other improvements); to fill in the residential swimming pool adjoining the outdoor visitation area; and to recognize the accessory buildings constructed in the Theater of Nature (aka 'Frenchie Winery'). The permittee shall diligently pursue building permit applications to issuance, and complete any and all required improvements and/or corrections within 6 months of issuance of a building permit. Employees and the public are not permitted in these areas until such time that a Certificate of Occupancy has been granted. The County Building Official is authorized to grant extensions to these deadlines in the event of extenuating circumstances beyond the control of the permittee.
- E. Signage Program - Prior to implementing increased visitation signage shall installed/upgraded that the Zinfandel entrance to include language that tours and tastings between the hours of 4-6:30 p.m. are by prior appointment only. Final design of signage shall be subject to review and approval by the Director of Planning, Building and Environmental Services.

F. Stormwater Pollution Prevention – In accordance with County Code Section 16.28, prior to January 1, 2015 the permittee shall submit construction permits to the Engineering Division to cover all crush and outdoor production areas where winery waste water has the potential to enter the storm drain facilities. Any manual diverter assemblies between the septic system and storm drain system shall be eliminated or replaced with assemblies complying with the requirements of County Code Section 16.28. All required Stormwater Pollution Prevention improvements shall be completed prior to September 1, 2015. The County Engineer is authorized to grant extensions to these deadlines in the event of extenuating circumstances beyond the control of the permittee.

G. Mitigation Measures:

The permittee shall comply with all mitigation measures identified in the adopted Initial Study/Mitigated Negative Declaration and Project Revision Statement/Mitigation Monitoring and Reporting Program prepared for the project, inclusive of the following:

Mitigation Measure XI.1 Prior to issuance of construction permits for the parking lot expansion, the permittee shall submit a final stormwater runoff management plan (SRMP) which shall be designed by a licensed civil engineer. All stormwater from the new parking lot shall be retained on-site in accordance with County and State Regional Water Quality Control Board standards, subject to review and approval by the County Engineer. The County Engineer shall inspect the parking lot and stormwater retention facilities prior to grant of occupancy for the space and commencement of use.

Method of Monitoring: To occur through building permit and field inspection process
Responsible Agency: – County Engineer

Mitigation Measure XVI.1 - Prior to the increase visitation or marketing requested with use permit modification P11-00156-MOD, the permittee shall install a left hand turn lane on Zinfandel Lane at Wheeler Lane. The turn land shall be constructed and installed as per Napa County Roads and Street Standards, and shall be subject to review, approval and inspection by the County Engineering.

Method of Monitoring: To occur through building permit and field inspection process
Responsible Agency – County Engineer

Mitigation Measure XVI.2 - Prior to the increase employee levels, visitation or marketing requested with use permit modification P11-00156-MOD, the permittee shall implement the follow transportation demand management programs, subject to review and approval by the Director of Planning, Building and Environmental Services:

- A. Implementation of a program to inform employees of the traffic congestion issue at State Route 29 / Zinfandel and education/encourage employees to utilize Silverado Trail to access Zinfandel Lane.
- B. Implementation of measures, such as signage, tasting room information handouts, education of tasting room staff, internet content, etc. to inform/educate/encourage visitors to utilize Silverado Trial to access Zinfandel Lane.
- C. Mandatory scheduling of commencement and conclusion of by-appointment visitation to occur outside of peak traffic periods between 4:00 and 6:00 p.m. weekdays, and noon to 2:00 p.m. on Saturdays.

- D. Scheduling of employee work shifts to commence and conclude outside of peak periods between 4:00 and 6:00 p.m. weekdays, and noon to 2:00 p.m. on Saturdays.
- E. To reduce single occupant vehicle trips, winery will require carpooling and/or van pool for employees.
- F. Schedule marketing event set up, arrival and departure to occur outside of weekday and Saturday peak traffic periods.
- G. Placement of signage at the entrance of the facility when the maximum daily limit of drop-in visitation has been reached which indicates that daily visitation limit has been reached.
- H. Use of off-site shuttle service to occur for events larger than 150 persons.

Method of Monitoring: To occur through building permit and field inspection process
Responsible Agency: – Planning Division/County Zoning Administrator

3. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES

Project conditions of approval include all of the following County, Divisions, Departments and Agency(ies) requirements. The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Divisions, Departments and Agencies at the time of submittal and may be subject to change. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- A. Environmental Health Division as stated in their Memorandum dated February 7, 2012.
- B. Engineering Services Division and Public Works Department as stated in their Memorandum dated June 12, 2012.
- C. Fire Department as stated in their Inter-Office Memo dated November 7, 2012.

The determination as to whether or not the permittee has substantially complied with the requirements of other County Divisions, Departments and Agencies shall be determined by those Divisions, Departments or Agencies. The inability to substantially comply with the requirements of other County Divisions, Departments and Agencies may result in the need to modify the approved use permit.

4. VISITATION:

Consistent with Sections 18.16.030 and 18.20.030 of the Napa County Code, marketing and tours and tastings may occur at a winery only where such activities are accessory and "clearly incidental, related, and subordinate to the primary operation of the winery as a production facility." Marketing and/or Tours and Tastings are not typically authorized until grant of Final Occupancy, but exceptions where extenuating circumstances exist and are subject to review and approval by the County Building Official, County Fire Marshal, and the Director of Planning, Building, and Environmental Services.

Permittee shall obtain and maintain all permits and licenses from the California Department of Alcoholic Beverage Control (ABC) and United States Tax and Trade Bureau (TTB) required to produce and sell wine, including minimum levels of crush and fermentation. In the event permittee loses required ABC and/or TTB permits and licenses, permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are re-established.

A log book (or similar record) shall be maintained which documents the number of visitors to the winery (be they tours and tastings or marketing event visitors), and the dates of their visit. This record of visitors shall be made available to the Department upon request.

A. TOURS AND TASTING

Tours and tastings are limited to the following:

1. Frequency: 7 days per week, Monday through Sunday.
2. Maximum number of persons per day: 400 Sunday through Thursday; 400 Friday and Saturday no appointment necessary and 100 by prior appointment.
3. Maximum number of persons per week: 3,100
4. Time of operation: 10:00 AM to 4:00 PM no appointment necessary; 4:00 PM to 6:30 PM by prior appointment only
5. Visitation shall not occur on days when events greater the 150 persons in attendance are occurring.

“Tours and tastings” for the 100 additional daily visitors approved with this permit means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior appointments for tours or tastings.

Tours and tastings may include food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery and is incidental to the tasting of wine. Food service may not involve menu options and meal service such that the winery functions as a café or restaurant. (Ord. 1340, 2010; Ord. 947 § 9 (part), 1990; prior code § 12070).

Start and finish time of tours and tastings shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM, and shall be limited to those wines set forth in Napa County Code 18.16.030(G)(5)(c) – AP Zoning.

B. MARKETING

Marketing events are limited to the following:

1. Small Events
Twenty-four (26) per year
Number of persons: 50 maximum
Meals: Catered or prepared on-site
Time of Day: Between 10:00 AM to 10:00 pm
2. Intermediate Sized Events
Twelve (12) per year
Number of persons: 100 maximum
Meals: Catered or prepared on-site
Time of Day: Between 10:00 am to 10:00 pm
3. Intermediate Sized Events;
Six (6) per year
Number of persons: 150 maximum

Meals: Catered or prepared on-site
Time of Day: Between 10:00 am to 10:00 pm

4. Large Events;
Four (4) per year
Number of persons: 250 maximum
Meals: Catered or prepared on-site
Time of Day: Between 10:00 am to 10:00 pm
5. Large Events;
Two (2) per year
Number of persons: 500 maximum
Meals: Catered or prepared on-site
Time of Day: Between 10:00 am to 10:00 pm
6. Participation in Auction Napa Valley
7. One weekend per month in May through October shall not include an event exceeding 100 persons. For the purpose of this requirement, a weekend day shall constitute Friday, Saturday or Sunday.

There shall be no greater than 8 events in any month.

"Marketing of wine" means any activity of a winery which is conducted at the winery on a prearranged basis for the education and development of customers and potential customers with respect to wine which can be sold at the winery on a retail basis pursuant to Chapters 18.16 and 18.20 of the Napa County Code. Marketing of wine may include cultural and social events directly related to the education and development of customers and potential customers provided such events are clearly incidental, related and subordinate to the primary use of the winery. Marketing of wine may include food service, including food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery.

Business events are similar to cultural and social events, in that they will only be considered as "marketing of wine" if they are directly related to the education and development of customers and potential customers of the winery and are part of a marketing plan approved as part of the winery's use permit. Marketing plans in their totality must remain "clearly incidental, related and subordinate to the primary operation of the winery as a production facility" (subsection (G)(5) of Sections 18.16.030 and subsection (I)(5) of 18.20.030 of the Napa County Code). To be considered directly related to the education and development of customers or potential customers of the winery, business events must be conducted at no charge except to the extent of recovery of variable costs, and any business content unrelated to wine must be limited. Careful consideration shall be given to the intent of the event, the proportion of the business event's non-wine-related content, and the intensity of the overall marketing plan. (Ord. 1340, 2010; Ord. 1104 § 11, 1996; Ord. 947 § 9 (part), 1990; prior code § 12071).

All activity, including cleanup, shall cease by 10:00 PM. Start and finish time of activities shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM. If any event is held which will exceed the available on-site parking, the applicant shall have prepared an

event specific parking plan which may include, but not be limited to, off-site parking and shuttle service to the winery.

5. GRAPE SOURCE

At least 75% of the grapes used to make the winery's wine shall be grown within the County of Napa. The permittee shall keep records of annual production documenting the source of grapes to verify that 75% of the production is from Napa County grapes. The report shall recognize the Agriculture Commission's format for County of origin of grapes and juice used in the Winery Production Process. The report shall be provided to the Planning, Building & Environmental Services Department upon request, but shall be considered proprietary information not available to the public.

6. RENTAL/LEASING

No winery facilities, or portions thereof, including, without limitation, any kitchens, barrel storage areas, or warehousing space, shall be rented, leased, or used by entities other than persons producing and/or storing wine at the on-site winery, such as alternating proprietors and custom producers, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (Napa County Code Chapter 5.36).

7. SIGNS

Prior to installation of any project identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the Planning, Building and Environmental Services Department for administrative review and approval. Administrative review and approval is not required if signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this use permit approval. All signs shall meet the design standards as set forth in Chapter 18.116 of the Napa County Code.

8. LIGHTING

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations, and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards.

Prior to issuance of any building permit pursuant to this approval, two copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the California Building Code.

9. LANDSCAPING

Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the Building Permit application package for the Planning Division's review and approval prior to the issuance of any building permit associated with this approval. The plan shall be prepared pursuant to the County's Water Efficient Landscape Ordinance (WELO), as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.

Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.

No trees greater than 6" DBH shall be removed, except for those identified on the submitted site plan. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with project construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.

Evergreen screening shall be installed between the industrial portions of the project (e.g. tanks, crushing area, parking area, etc.) and off-site residence that can view these areas.

Landscaping shall be completed prior to final occupancy, and shall be permanently maintained in accordance with the landscaping plan.

10. OUTDOOR STORAGE/SCREENING/UTILITIES

All outdoor storage and ground mounted equipment shall be screened from the view of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No item in storage is to exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.

New utility lines required for this project that are visible from any designated scenic transportation route (see Community Character Element of the General Plan and Chapter 18.106 of the Napa County Code) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

11. COLORS

The colors used for the roof, exterior walls and built landscaping features of buildings shall be limited to earth tones that will blend the project into the colors of the surrounding site specific vegetation and the applicant shall obtain the written approval of the Planning, Building & Environmental Services Department prior to painting the building. Highly reflective surfaces are prohibited.

12. SITE IMPROVEMENTS AND ENGINEERING SERVICES-SPECIFIC CONDITIONS

Please contact (707) 253-4417 with any questions regarding the following.

A. GRADING AND SPOILS

All grading and spoils generated by construction of the project facilities, including cave spoils, shall be managed per Engineering Services direction. All spoils piles shall be removed prior to final occupancy.

B. TRAFFIC

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors shall not occur during peak (4-6 PM) travel times to the maximum extent possible. All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

C. DUST CONTROL

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur during windy periods.

D. STORM WATER CONTROL

The permittee shall comply with all construction and post-construction storm water pollution prevention protocols as required by the County Engineering Services Division, and the California Regional Water Quality Control Board (SRWQCB).

E. PARKING

The location of employee and public parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any).

Parking shall be limited to approved parking spaces only and shall not occur along access or public roads or in other locations. In no case shall parking impede emergency vehicle access or public roads.

F. GATES/ENTRY STRUCTURES

Any gate installed at the property's entrance shall be reviewed by the Planning, Building & Environmental Services Department, and the Napa County Fire Department to assure that it is designed to allow large vehicles, such as motorhomes, to turn around if the gate is closed without backing into the public roadway, and that fire suppression access is available at all times. If the gate is part of an entry structure an additional permit shall be required according to the County Code and in accordance with the Napa County Roads and Street Standards. A separate entry structure permit is not required if the entry structure is consistent with entry structure plans submitted, reviewed, and approved as part of this use permit approval.

ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS

Please contact (707) 253-4471 with any questions regarding the following:

A. WELLS

The permittee may be required (at the permittee's expense) to provide well monitoring data if the Director of Planning, Building and Environmental Services determines that water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. Data requested could include, but would not necessarily be limited to, water extraction volumes and static well levels. If the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project proposed. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the use permit would significantly affect the groundwater basin, the Director of Planning, Building and Environmental Services shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the

Director has provided notice and the opportunity for hearing in compliance with the Napa County Code §13.15.070 (G-K).

B. NOISE

Construction noise shall be minimized to the greatest extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with Napa County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8 AM to 5 PM. Exterior mechanical equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Napa County Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, buildings.

14. ARCHEOLOGICAL FINDING

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the Planning, Building and Environmental Services Department for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required.

If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that he can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission would be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

15. ADDRESSING

All project site addresses shall be determined by the Planning, Building & Environmental Services Director, and be reviewed and approved by the United States Post Office, prior to issuance of any building permit. The Director reserves the right to issue or re-issue an appropriate situs address at the time of issuance of any building permit to ensure proper identification and sequencing of numbers. For multi-tenant or multiple structure projects, this includes building permits for later building modifications or tenant improvements.

16. INDEMNIFICATION

If an indemnification agreement has not already been signed and submitted, one shall be signed and returned to the County within twenty (20) days of the granting of this approval using the Planning, Building, and Environmental Services Department's standard form.

17. AFFORDABLE HOUSING MITIGATION

Prior to County issuance of a building permit, the applicant shall pay the Napa County Affordable Housing Mitigation Fee in accordance with the requirements of Napa County Code Chapter 18.107 or as may be amended by the Board of Supervisors.

18. MONITORING COSTS

All staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until grant of final occupancy. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and/or guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the Commission at some time in the future, the Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation hearings in accordance with §18.124.120 of the Napa County Code.

19. TEMPORARY AND FINAL OCCUPANCY

All project improvements, including compliance with applicable codes, conditions, and requirements of all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Certificate of Final Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. The County Building Official is authorized to grant a Temporary Certificate of Occupancy to allow specified limited use of the project, such as commencement of production activities, prior to completion of all project improvements. Marketing and/or Tours and Tastings are not typically authorized until grant of Final Occupancy, but exceptions where extenuating circumstances exist and are subject to review and approval by the County Building Official, County Fire Marshal, and the Director of Planning, Building and Environmental Services. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the Temporary Certificate of Occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements. Consistent with Board of Supervisors Resolution № 2010-48, "Temporary Certificates of Occupancy are generally not to be used to allow production of wine for more than one year."

