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## Public Comments



May 11, 2021

Charlene Gallina  
Supervising Planner  
Napa County Planning, Building, & Environmental Services Department  
1195 Third Street, Suite 210  
Napa, CA 94559

Re: Benjamin Ranch Winery Use Permit Application No. P13-00371-UP

Dear Charlene,

The applicant for the Benjamin Ranch Winery project has recently submitted a significant amount of new information pertaining to this project for the Planning Commission Hearing scheduled on May 18, 2021. I am requesting a 90-day delay for this hearing by the Commission to give experts time to review this new information and possibly raise additional concerns regarding this project.

As you know from my previous letter, I am an interested party as a landowner of an adjoining parcel. In my previous letter, I expressed concerns for the need to review impacts on the traffic, water, soil contamination, noise, waste disposal, and the size and scope of this project as compared to surrounding winery facilities.

Since the last hearing before the Planning Commission on September 16, 2020, there are several new concerns based on the newly submitted information as outlined below:

- The application is for the construction of a 475,000-gallon wine facility and states the wine will be produced at the site located on Conn Creek Road/Hwy 128, but the wine will be bottled at the Frank Family site on Larkmead Ave.. Does the Napa County operating permit allow for this type and level of production for the Frank Family site? Additionally, if one of the facilities is sold, will the permitted production for either site decrease or be split as neither facility will have the capacity to completely process the level of production requested without utilizing the capacity of the other site? Should a single staff member review all permits for both sites to assure that any interrelated issues and the cumulative effects are considered.

- Since the Benjamin Ranch Winery and the Frank Family Winery are both necessary for this level of production from harvest to bottle, the split production at the two facilities means that truck traffic will be doubled. Every gallon of wine produced at the Benjamin Ranch Winery will need to be trucked to the Frank Family Winery to be bottled. This is one additional step in the wine making process that will require trucking of the wine one additional time. Will there be a study of the effects this will have on the local traffic?
- When the initial information was submitted for this project, the applicant and their advisors included the need for a left turn lane. The current application does not mention the LTL. Common sense indicates that at a minimum, a traffic study needs to be conducted to determine if an LTL is required under the standards of the State of California as this is a state highway. Every other winery on Rutherford Road/Conn Creek Road/Hwy 128 had to install an LTL when doing construction in the past 10 years. Traffic has not improved during that period.
- Is the barn located on the property historically significant and due some protection? Will this project have a negative effect on that structure that needs to be mitigated?
- Will a survey of the boundary line for the property be conduct as there have been questions about whether this project is encroaching on the neighbor's property.

I look forward to your response to my request.

Sincerely,

*Michael Honig*

Michael Honig  
President  
Honig Vineyard and Winery

Cc: Joelle Gallagher  
David Whitmer  
Anne Cottrell  
Andrew Mazotti  
Megan Dameron  
David Morrison  
Brian Bordona  
Dana Ayers

**From:** [Michael Honig](#)  
**To:** [Gallina, Charlene](#)  
**Cc:** "[joellegPC@gmail.com](#)"; "[andrewmazotti@gmail.com](#)"; [Whitmer, David](#); [Dameron, Megan](#); [Bordona, Brian](#); [Morrison, David](#)  
**Subject:** request for extension for Benjamin Ranch  
**Date:** Wednesday, May 12, 2021 8:57:32 AM  
**Attachments:** [21-0511 Request Ext Benjamin Project.pdf](#)

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[External Email - Use Caution]

Dear Charlene,

Enclosed is a letter requesting a 90 extension for the Benjamin/Frank family project.

Sincerely,

Michael

Michael Honig  
President  
Honig Vineyard & Winery  
707-479-0566  
[www.honigwine.com](http://www.honigwine.com)

**HONIG**  
*Vineyard & Winery*



August 23, 2020

Brian Bordona  
Deputy Planning Director  
Napa County Planning, Building, & Environmental Services Department  
1195 Third Street, Suite 210  
Napa, CA 94559

Re: Benjamin Ranch Winery Use Permit Application No. P13-00371-UP

Dear Brian,

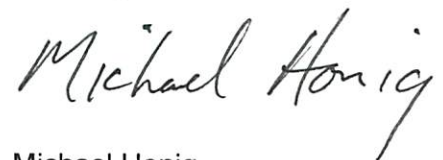
I recently received the Notice of Planning Commission Hearing & Notice of Intent to Adopt a Mitigated Negative Declaration for the hearing on September 16, 2020 for the Benjamin Ranch Winery Use Permit Application. I am an interested party as a landowner of an adjoining parcel. I am writing this letter to request a 90 extension for this hearing to be held. We need time to review all the issues surrounding this project, time to gather additional information relevant to this project, and time to review this new information.

Experts need to be engaged to evaluate both the information submitted by the applicant, and to evaluate all newly generated information. They need to review traffic, water, soil contamination, noise, waste disposal, and the size and scope of this project as compared to surrounding winery facilities.

In this time of Covid, harvest, and with the current fire and smoke situations, it is impossible to review and comment on this project within the defined time frame. It is not unreasonable to ask for this additional time given these circumstances and the fact that this permit request was submitted over five years ago.

I look forward to hearing your response.

Sincerely,

A handwritten signature in black ink that reads "Michael Honig". The signature is written in a cursive style with a large, prominent 'M' and 'H'.

Michael Honig  
President  
Honig Vineyard and Winery

Cc: Joell Gallagher  
David Whitmer  
Anne Cottrell  
Andrew Mazotti  
Megan Dameron  
David Morrison  
Charlene Gallina  
Dana Ayers

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**From:** Whitmer, David <[Dave.Whitmer@countyofnapa.org](mailto:Dave.Whitmer@countyofnapa.org)>  
**Sent:** Monday, September 7, 2020 6:19 PM  
**To:** Hawkes, Trevor <[trevor.hawkes@countyofnapa.org](mailto:trevor.hawkes@countyofnapa.org)>  
**Cc:** Bordona, Brian <[Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org)>; Gallina, Charlene <[Charlene.Gallina@countyofnapa.org](mailto:Charlene.Gallina@countyofnapa.org)>  
**Subject:** Fwd: Turning Rutherford into Hollywood URGENT

FYI...  
Public comment for Benjamin Ranch...

Dave

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**From:** dylan smith <[dylansmithgolfsf@gmail.com](mailto:dylansmithgolfsf@gmail.com)>  
**Sent:** Monday, September 7, 2020 5:38 PM  
**To:** Whitmer, David  
**Subject:** Turning Rutherford into Hollywood URGENT

[External Email - Use Caution]

Dear Mr. Whitmer and the County of Napa.

Hello, my name is Dylan Smith. My family has owned property at the end of Ponti Road for over 25 years. I am writing to you today to urge you to IMMEDIATELY stop the development of the Frank Family - Benjamin Ranch Winery P13-00371-UP.

Rutherford is a special place because of the purity of land and the people that work hard to cherish it. Families have worked hard for generations here to grow wine and create a safe, quiet family environment. Do not let a Hollywood Mogul come into Rutherford and DESTROY it! Rutherford will forever become a tourist trap filled with people making loud noise, disrespecting the land, leaving trash, creating traffic and invading our lives that we have worked very very hard for generations to have.

If the decision is made to go forward with this Rutherford will NO LONGER be the special place it will be and will become COMMERCIAL. If this is built the heart of Rutherford will FOREVER be lost, I want you to remember that when making this extremely important decision to the residents of Rutherford. We are all unified in Rutherford and 100 percent DO NOT WANT the Frank Family - Benjamin Ranch Winery P13-00371-UP to be built.

Like I said before. Remember when making this decision that you hold the fate of Rutherford in your hands. Rutherford will forever be changed and we are all STRONGLY against the Frank Family - Benjamin Ranch Winery P13-00371-UP.

Please let me know if I can appear at anytime to argue my case or present this in a more formal

fashion. My family, myself and the residents of Rutherford care about this immensely and are 100 percent against it. Thank you for your time.

Sincerely,

Dylan Smith

Sent from my iPhone



**From:** [Michael Honig](#)  
**To:** [Bordona, Brian](#); [joellegPC@gmail.com](#); [Whitmer, David](#); [anne.cottrell@lucene.com](#); [andrewmazotti@gmail.com](#); [Dameron, Megan](#)  
**Cc:** [Gallina, Charlene](#); [Morrison, David](#); [DAyers@trccompanies.com](#)  
**Subject:** correct the public record P-13-00371-UP  
**Date:** Monday, September 7, 2020 8:01:38 AM

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[External Email - Use Caution]

Dear Mr. Bordona and Napa County Planning Commission,

I spoke last Wednesday during the public comment period and then after I left the attorney for the applicant spoke. I was just reviewing his comments and wanted to correct the record.

As you can see from the enclosed emails to both county staff and Richard Frank, I have tried to keep informed and have asked to meet and discuss the project.

Call me a lot of things, but never call me a liar!

Sincerely,

Michael Honig

Michael Honig  
President  
Honig Vineyard & Winery  
707-479-0566

[www.honigwine.com](http://www.honigwine.com)

**HONIG**  
*Vineyard & Winery*

No we have the initial permit submitted but are in the process of looking at amending it. I will of course let you know when we have submitted a final plan and will be happy to come over and review it with you when we do.

Let's try to find a time to grab a dinner with our ladies. I will speak to Leslie and get back to you with some dates.

**Rich Frank**  
Proprietor  
[Frank Family Vineyards](#)  
[1091 Larkmead Lane](#)  
[Calistoga, CA 94515](#)  
[rfrank@frankfamilyvineyards.com](mailto:rfrank@frankfamilyvineyards.com)  
[707.942.0859](tel:707.942.0859)

On Jan 10, 2019, at 4:34 AM, Michael Honig <[michael@honigwine.com](mailto:michael@honigwine.com)> wrote:

Hi Rich,

I wanted to check in and see if you had moved forward with your new winery?

Thanks,  
Michael

**From:** Ayers, Dana <Dana.Ayers@countyofnapa.org>  
**Sent:** Friday, February 16, 2018 6:11 PM  
**To:** Michael Honig <michael@honigwine.com>  
**Subject:** RE: Frank Family

Michael,  
My apologies for the delay in reply. The requested Frank Family Winery use permit application is still pending. They have been in contact with me about keeping the application open and have not to date changed the scope of the project proposal. I am unsure of the date that they intend to resubmit responsive materials, though I anticipate it may be sometime within the next few months. We will re-commence our review upon receipt of their re-submittal.

Dana Ayers, Planner  
Napa County  
Planning, Building & Environmental Services  
1195 Third Street, Napa, CA 94559  
Phone: 707-253-4388  
Fax: 707-299-4320

Hi Dana,  
We spoke a few years back about the Frank Family project in Rutherford. At the time, they had submitted an application, but had not moved forward with any review ect. Has anything changed and are they trying to move forward?  
Thanks,  
Michael



# CHAPPELLET

Tuesday, September 8, 2020

Dear Charlene,

I am writing to voice my support of the proposed Frank Family winery permit request for the Benjamin Ranch property on Rutherford Cross Road.

The Frank's ask, to build a winery and tasting room on an 87-acre parcel on the valley floor in the middle of the Rutherford appellation, is exactly the type of project the Board of Supervisors have been advocating. The proposed winery facility is on a large flat property with sufficient water, very good distancing from the few homes in the area and will be barely visible from the Rutherford Cross Road.

Rich Frank has been a Napa Valley vintner for over 25 years. He and his wife Leslie make Napa Valley their full-time home. They are great stewards of the land as their four vineyard properties are all Certified Organic. The Franks have also worked to preserve one of Napa Valley's historic wineries doing a remarkable job of restoring the once Larkmead and Hans Kornell Wineries on Larkmead Lane. Frank Family is a respected Napa Valley brand that has made a positive contribution to the reputation of Napa Valley for several decades. Rich and Leslie are stalwart supporters of our community generously donating to Auction Napa Valley and many other important charities.

I hope that the Planning Commission will look to support a remarkable citizen who has been a force in our community for a quarter century. These are the kind of projects we should be happy to see come to fruition vs. another hobby winery proposed by an outsider.

If you have any questions or if I can be of further assistance please feel free to reach me via email at [cyril@chappellet.com](mailto:cyril@chappellet.com) or at my cell phone 707-486-0993.

Best,

Cyril Chappellet  
President & CEO

**From:** [Cyril Chappellet](#)  
**To:** [Gallina, Charlene](#)  
**Cc:** [greenwood-meinert@coblentzlaw.com](mailto:greenwood-meinert@coblentzlaw.com)  
**Subject:** Support of the Proposed Frank Family winery permit  
**Date:** Tuesday, September 8, 2020 12:57:50 PM  
**Attachments:** [Support Letter from Chappellet.pdf](#)

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[External Email - Use Caution]

Hello Charlene,

Please find attached my support letter of the proposed Frank Family Winery permit.

If you have any questions or would like to further discuss this with me please feel free to reach out to me.

Best,  
Cyril

CYRIL CHAPPELLET *President & CEO*

707-286-4269 c707-486-0993



PRITCHARD HILL SINCE 1967



**From:** [Darioush Khaledi](#)  
**To:** [Gallina, Charlene](#)  
**Subject:** <no subject>  
**Date:** Monday, September 7, 2020 10:38:06 AM

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[External Email - Use Caution]

dear Charlene Gallina

I am writing to support the permit application for the Benjamin Ranch development by Frank Family Vineyards.

The proposed winery and visitation plan appear to fit all of the prerequisites that the Agricultural Preserve endorses. It is placed on a large 87+ acre property. It is situated at the center of the property where it will hardly be visible from the nearby road. It has very few homes located around it. There is sufficient water for this size winery.

Frank Family owns 4 vineyards in Napa Valley as well as a winery in Calistoga and all are Certified Green.

The owners of the property, Rich and Leslie Frank live in Rutherford and have been growing and producing wines in the valley for over 27 years. They are great stewards of the land and extremely charitable citizens in our community.

I encourage you to support this permit request.

Best Regards  
Darioush Khaledi  
Proprietor  
**DARIOUSH**  
Napa Valley | USA | [Darioush.com](#)  
707.603.3939 Direct

**From:** [Carmen Policy](#)  
**To:** [Gallina, Charlene](#); [brian.bordona@countyofnapa.com](mailto:brian.bordona@countyofnapa.com)  
**Cc:** [sgreenwood-meinert@conlentslaw.com](mailto:sgreenwood-meinert@conlentslaw.com)  
**Subject:** Frank Family permit.  
**Date:** Tuesday, September 8, 2020 1:56:33 PM

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[External Email - Use Caution]

Dear Charlene & Brian,

I am writing to comment and support the pending permit request of Frank Family Vineyards for a winery and tasting room on their Rutherford Ranch. This request for a winery and tasting room on their more than 87 acre property in the center of Rutherford is very appropriate and balanced in view of the project and the community around it. The winery will sit outside of the flood zone on flat ground and will require almost no vine removal. The amount of production at 475,000 gallons and the requested visitation is in total proportion to that of other Rutherford winery projects. Also the property is located well off the adjoining roads and has few homes within hundreds of feet of the winery location that are not connected to other wineries.

This seems to be the best type of project for winery development and in line with what the supervisors have been suggesting for the Agriculture Preserve. Rich and Leslie Frank started their family winery 27 years ago and have made a very positive impact on Napa Valley. They relish their Valley friends and have been avid supporters of the community as a whole as well as many individual philanthropic organizations. As another family winery owner, I believe deeply that we should support family wineries and give them foremost consideration in their efforts to thrive and survive. Thank you for giving me the opportunity to voice my opinion in this matter.

Respectfully submitted,  
Carmen A. Policy  
Five Vines, LLC  
**Casa Piena Wines**  
2170 Palmer Drive  
St. Helena, CA 94574

Tel: (707) 967-7000

Fax: (707) 967-7001

CELL:(415) 596-8338

[cpolicy@casapiena.com](mailto:cpolicy@casapiena.com)

[www.casapiena.com](http://www.casapiena.com)

**From:** [Cynthia Kellman](#)  
**To:** [Morrison, David](#); [Gallina, Charlene](#)  
**Cc:** [joellegPC@gmail.com](#); [Whitmer, David](#); [anne.cottrell@lucene.com](#); [andrewmazotti@gmail.com](#); [Dameron, Megan](#); [Bordona, Brian](#); [PlanningCommissionClerk](#); [Amy Minter](#)  
**Subject:** September 16, 2020 Agenda, Item 7B: Benjamin Ranch Winery Use Permit P13-00371-UP  
**Date:** Monday, September 14, 2020 12:01:32 PM  
**Attachments:** [Planning Commission Comments on Benjamin Ranch with attachment.pdf](#)

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[External Email - Use Caution]

Honorable Commissioners,

Attached please find a comment letter from Amy Minter regarding the above-captioned subject.

Please feel free to contact me with any questions or concerns.

Cynthia Kellman  
CHATTEN-BROWN, CARSTENS & MINTEER LLP  
2200 Pacific Coast Highway, Ste. 318  
Hermosa Beach, CA 90254  
Tel: 310-798-2400 x6  
Fax: 310-798-2402  
[cpk@cbcearthlaw.com](mailto:cpk@cbcearthlaw.com)  
[www.cbcearthlaw.com](http://www.cbcearthlaw.com)





**Hermosa Beach Office**

Phone: (310) 798-2400

Fax: (310) 798-2402

**San Diego Office**

Phone: (858) 999-0070

Phone: (619) 940-4522

**Chatten-Brown, Carstens & Minter LLP**

2200 Pacific Coast Highway, Suite 318

Hermosa Beach, CA 90254

[www.cbcearthlaw.com](http://www.cbcearthlaw.com)

**Amy Minter**

Email Address:

[acm@cbcearthlaw.com](mailto:acm@cbcearthlaw.com)

Direct Dial:

310-798-2400 Ext. 3

September 14, 2020

*Via Email [david.morrison@countyofnapa.org](mailto:david.morrison@countyofnapa.org), [charlene.gallina@countyofnapa.org](mailto:charlene.gallina@countyofnapa.org)*

Napa County Planning Commission  
David Morrison, Director of Planning  
Charlene Gallina, Supervising Planner  
County Administration Building  
1195 Third Street, 2nd Floor  
Napa, CA 94559

Re: September 16, 2020 Agenda, Item 7B: Benjamin Ranch Winery Use Permit  
P13-00371-UP

Honorable Commissioners:

On behalf of Michael Honig, we submit these comments on the mitigated negative declaration (MND) prepared for the Benjamin Ranch Winery Project. The Project would permit production of 475,000 gallons of wine annually within a 79,623 square foot production facility. It would also include construction of 7,669 square foot visitors' center, which would include a commercial kitchen and a number of rooms for winery tours, tastings and marketing events. This Project allow for significantly larger daily events and numerous wine marketing events. The 400 onsite visitors allowed daily for wine tours and tasting is nearly **four times** the number of visitors at other area wineries. The Project would also allow 357 marketing events per year, including up to three nighttime events per week that could last until 10 p.m. in this quiet rural area.

Mr. Honig does not object to development of a new winery at this location, but instead to the massive size of the proposed facility, in terms of annual production, daily visitors and marketing events. It is the excessive size of this Project that would result in the many potential impacts discussed below. In an August 23, 2020 letter, our client requested the County continue the hearing on this Project to allow him adequate time to review the MND and other Project documentation and hire experts to review the potential noise, water use and other impacts of the Project. We renew that request and urge the Planning Commission to postpone consideration of this Project to give the community, which has had limited time to consider this Project, made even more limited by ongoing wildfires and preparations for harvest, more time to assess and provide comments on the

Project. Our client has discussed this Project with a number of neighbors and other community members and many have expressed similar concerns regarding the size and impacts associated with this Project. Additional time is required for us to form a coalition with these parties to jointly address concerns regarding the Project.

Included herein are our initial comments regarding the Benjamin Ranch Winery Project's potentially significant impacts. We intend to supplement these comments with more detailed information and expert input if the County moves forward with the Project as proposed. Attached to this comment letter is the Crane Transportation Group Peer Review of the traffic analysis for this Project, which found numerous flaws with the traffic study and concluded the Project would have significant and unmitigated adverse traffic impacts. Due to these impacts, the County is required to prepare an environmental impact report (EIR) for the Project instead of an MND. The County has failed to prepare a legally adequate initial study, improperly omitting consideration of potentially significant Project impacts and lacking evidentiary support for claims that Project impacts would be insignificant. The MND includes inadequate analysis for the Project's impacts related to greenhouse gas, noise, aesthetic, water supply and hazards. The County has also relied on an incomplete and misleading comparison of this Project to other wineries in the Napa Valley, improperly downplaying the oversized nature of the Project. An EIR is required to address the Project's many potential impacts and accurately describe the Project.

## **I. CEQA Requires Adequate Analysis of Potential Impacts.**

CEQA serves two basic, interrelated functions: ensuring environmental protection and encouraging governmental transparency. (*Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal. 3d 553, 564.) In connection with the Project's review under CEQA, the County has prepared an initial study and mitigated negative declaration. A lead agency prepares an initial study in order to determine whether an EIR, a negative declaration, or an MND is the appropriate environmental review document. (14 CCR § 15365, herein "CEQA Guidelines".) The initial study must consider whether any aspect of a project, either individually or cumulatively, may cause a significant adverse impact. (CEQA Guidelines § 15063(b)(1).) The purpose of the initial study is to provide the lead agency with adequate information regarding a project to determine the appropriate environmental review document and "documentation of the factual basis for the finding in a negative declaration that a project will not have a significant effect on the environment." (*Ctr. for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal. App. 4th 1156, 1170, citations omitted.) There must be a basis within the record to support the conclusions reached by the initial study. (*Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1201.) "Where an agency. . . fails to gather information and undertake an adequate environmental analysis in its initial study, a negative declaration is inappropriate." (*El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (2004) 122 Cal.App.4th 1591, 1597, citations omitted.)

Failure to adequately analyze all of a project's potentially significant impacts or provide evidence to support conclusions reached in the initial study is a failure to comply with the law.

## **II. An EIR is Required When a Project May Have a Unmitigated Significant Impact.**

Because issuing an MND truncates the CEQA process with often minimal environmental review, CEQA's "legal standards reflect a preference for requiring an EIR to be prepared." (*Mejia v. City of Los Angeles* (2005) 130 Cal. App. 4th 322, 332.) An agency proposing to rely upon an MND must make the analysis accompanying the proposed MND as complete and comprehensive as possible. (*Long Beach Savings and Loan Assn. v. Long Beach Redevelopment Agency* (1986) 188 Cal. App. 3d 249, 263.) When considering whether to require preparation of a full EIR or allow review culminating in an MND instead, a court will examine whether there is substantial evidence in the record to support a fair argument that the stated mitigation measures may not achieve the goal of reducing impacts below a level of significance. (*Citizen's Com. To Save Our Village v. City of Claremont* (1995) 37 Cal. App. 4th 1157.) An EIR must be prepared instead of an MND when there is substantial evidence to support a fair argument that the project may have significant adverse environmental impacts. (Public Resources Code § 21151.) "The fair argument standard is a 'low threshold' test for requiring the preparation of an EIR." (*Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 928.) If any substantial evidence of a potential environmental impact after the agency's proposed mitigation measures are implemented exists, then preparation of an MND is not appropriate, even if substantial evidence exists to the contrary. (Public Resources Code § 21080(d); CEQA Guidelines § 15064(f)(1); *Friends of "B" Street v. City of Hayward* (1980) 106 Cal. App. 3d 988, 1002.)

"[T]he significance of an activity may vary with the setting." (CEQA Guidelines § 15064 (b).) A development that may have minimal impacts in an urban setting could have significant impacts in a rural area. Courts show a clear preference for resolving doubts in favor of preparing an EIR. (*Architectural Heritage Association. v. County of Monterey* (2004) 122 Cal.App.4th 1095, 1110; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1996) 42 Cal.App.4th 608, 617-618; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 151; *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602-03.) Here, there is substantial evidence to support a fair argument that the Benjamin Ranch Project may have numerous significant adverse impacts.

### **III. The MND's Analysis is Inadequate and Inaccurate and an EIR is Required.**

#### **A. The Project's Traffic Impacts Must Be Analyzed in an EIR.**

The MND admits the Project may cause significant impacts due to traffic congestion, conflicts with transportation plans and vehicle miles traveled, but fails to disclose the full extent of these impacts and provide adequate mitigation. As set forth in the attached expert review of the traffic study prepared for the Project, the Project would have significant adverse traffic impacts that have not been mitigated to a less than significant level. (**Attachment 1**: Crane Transportation Group Peer Review.) These impacts include traffic congestion, conflicts with traffic plans, traffic hazards and emergency access, and vehicle miles traveled.

The Crane Peer Review found that the traffic impact study for the Project: relies on inaccurate and conflicting factual claims regarding the Project and surrounding area; lacks information necessary for a true analysis of impacts; fails to assess a major source of traffic impacts—truck traffic from the production facility; and improperly defers mitigation of the Project's traffic impacts. The Crane Peer Review concludes that the Project would result in significant unmitigable impacts, requiring preparation of an EIR.

While the Project applicant has submitted a traffic report, the disagreement between the applicant's expert and the expert Crane Peer Review necessitates the preparation of an EIR to analyze the Project's traffic impacts. "If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR." (CEQA Guidelines § 15064, subd. (g).) Thus, even if the County disagrees with the Crane Peer Review, an EIR must be prepared to resolve the disputes. (*City of Carmel-by-the-Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229, 247-249 [expert disagreement about extent of a wetlands required preparation of EIR to resolve dispute]; *Friend of Old Trees v. Department of Forestry and Fire Protection* (1997) 52 Cal.App.4th 1383, 1398-1403 [expert dispute regarding project's impacts on water supplies required further environmental review].)

The Project's traffic impacts, particularly the congestion caused by the significant increase in traffic, could also result in adverse impacts for emergency access routes. Wildfires have unfortunately become common in the Napa Valley and unmitigated traffic levels, at the Project and cumulative level, could adversely impact resident's ability to evacuate during emergencies. The MND fails to adequately analyze the Project's impact on emergency access. An EIR is required to analyze these potentially significant safety impacts on human beings. (CEQA Guidelines § 15065, subd. (a)(4).)

## **B. The MND's Analysis of Greenhouse Gas Impacts Is Inadequate.**

CEQA requires agencies to “make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate, or estimate the amount of greenhouse gas emissions resulting from a project.” (Guidelines § 15064.4, subd. (a).) The California Supreme Court recently ordered agencies to “ensure that CEQA analysis stays in step with evolving scientific knowledge and state regulatory schemes.” (*Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 3 Cal.5th 497, 519.)

By failing to accurately disclose and adequately mitigate traffic impacts, the MND also fails to disclose the Project's impacts on greenhouse gases. Greenhouse gases would be emitted through construction, agricultural processes, wine fermentation, electricity use, construction, and production facility, winery and visitor vehicles, among others. The MND fails to provide any data, projections, or quantification of the Project's likely greenhouse gas impacts. CEQA requires an environmental document to “find out and disclose all it reasonably can.” (CEQA Guidelines § 15144.) The MND fails to do this, stating only that the Project's emissions would be “relatively modest” and would not exceed the 1,100 metric tons carbon dioxide equivalent threshold of the Bay Area Air Quality Management District. (MND pp. 20-21.) An EIR is required that discloses the Project's greenhouse gas emission calculations.

The MND's conclusion that the Project's greenhouse gas emissions would not be significant also appears to rely on voluntary greenhouse gas-reduction methods including green roofs, water recycling, solar water heating, energy conserving lighting, and shade trees. (MND p. 21.) While these measures are to be applauded, they are not actually incorporated into the Project as mitigation measures and do not appear to be specific or enforceable. Moreover, the MND contains no detail about the measures or about their likely efficacy. Environmental document must evaluate the efficacy of mitigation measures. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645.) Without this evaluation, any reliance on these measures to mitigate the Project's greenhouse gas emissions lacks substantial evidence.

## **C. The MND's Analysis of Water Supply Impacts is Inadequate.**

The Project would add a 475,000-gallon production facility, 400 daily visitors and a number of large market events, but the MND claims the Project only would increase water use by 2.33-acre feet per year. There is inadequate evidence to support a claim of such a small increase in water usage for such a large development. If the Project moves forward as currently proposed, Mr. Honig intends to provide the County with expert review of the water usage claims relied upon by the MND, but was unable to procure

such a report prior to the Planning Commission hearing due to the time constraints set forth in his August 23, 2020 letter to the County.

In addition to the lack of support for the Project's claimed water usage, the MND also relies on an improper hypothetical baseline for irrigation water usage. (CEQA Guidelines § 15125, subd. (a).) Instead of using the measured water usage for current irrigation at the Project site, the MND relies upon a significantly higher baseline water usage estimate. (MND p. 23.) The MND fails as an informational document by relying upon hypothetical conditions as the baseline instead of the existing conditions. (*Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Ca1.4th 310, 322-325.) A project's impacts are determined by comparison to the baseline conditions and improperly inflating the baseline by relying on hypothetical conditions fails to allow for an accurate assessment of this Project's impacts.

Further, the MND does not include a well test to determine the impact of the Project's increased water usage on area wells. Without such information, the County lacks substantial evidence to find the Project's water supply impacts would be less than significant.

#### **D. The Project's Noise Impacts Would Be Significant in Quiet Rural Area.**

The quiet rural Project area would be adversely impacted by the numerous nighttime events held at the Project until 10 p.m. several times per week. (MND p. 2.) The area surrounding the Project site, which includes several residences, is extremely quiet after 6 p.m., when other winery operations shutdown. Due to the existing quiet and the topography of the area, sound carries great distances in the vicinity of the Project site. The MND fails to provide an adequate analysis of the noise impacts of nighttime events, the new production facility, and the 400 new daily visitors and their associated traffic noise.

#### **E. The MND Fails to Adequately Address Aesthetic Impacts.**

##### **1. The Project Would Impact Views from a Scenic Highway.**

Highway 128 was recently designated a scenic highway, and as such, CEQA requires an analysis of the Project's impacts on views from this scenic highway. The MND claims that this impact would be less than significant, but fails to provide evidence necessary to support such a determination. The MND fails to include renderings or visual simulations of the Project from Highway 128. The Project would include the removal of redwood trees that are clearly visible from Highway 128, but the MND fails to disclose this visual impact. Additionally, the lack of visual simulations from Highway 128 prevent an adequate analysis of the visual impact the new construction of the 79,623

square foot production facility and 7,669 square foot visitors' center. Because these buildings would be constructed on a floodplain, fill is required to elevate the grade height prior to construction. This adds to the visual impact of the production facility, which reaches a height of 37.5 feet.

## **2. The MND Fails to Adequately Evaluate Nighttime Lighting Impacts.**

The MND also fails to adequately analyze the nighttime lighting impacts of allowing events extending until 10 p.m. at least every weekend. The Project site is located in a rural area that is quiet and dark after 6 p.m. The intrusion of this new nighttime lighting source must be thoroughly evaluated.

### **F. Potential Impacts Associated with Prior Use of Hazardous Substances Must Be Evaluated.**

The history of the Project site includes is agricultural use as far back as the 1950s. At that time, many chemicals were used for pest control and other uses that have since been discovered to be hazardous to human health. The new construction included in this Project would require disturbing soils that could contain such hazardous substances. The County should require soil testing to determine whether it contains hazardous substances, and if so, mitigation must be imposed.

### **G. The County Staff Report Relies Upon an Improperly Skewed Comparison to Other Facilities, Failing to Acknowledge the Project Would Be One of the Largest in the County.**

The County staff report for the Project includes a comparison of the proposed Project to other winery facilities, but this comparison fails to give the public a complete picture of the Project, downplaying the extent and impact of the development. (Winery Comparison Analysis and Project Summary.) This comparison analysis for the production size of nearby wineries with the Project appears to exclude several smaller wineries in the area. Moreover, even the information provided demonstrates that the Benjamin Ranch Winery would have one of the largest production levels in the area. Moreover, when the Project is compared to the 502 wineries throughout the Napa Valley for which data is available, the Project would be in the top 16 percent of all wineries for production levels.

The comparison chart also misleadingly compares the Project to wineries in the area with the largest marketing events, instead of to other wineries in the vicinity or throughout the Napa Valley. When compared to that same 502 wineries, Benjamin Ranch Winery would be in the top 3 percent for number of events annually and top 4 percent for number of guests. This comparison demonstrates the oversized nature of the

proposed Project. Without it, the MND and County staff report fail to give the public a complete picture of the Project, downplaying the extent and impact of the development. The information contained within the MND is to be used as a basis for the decision on what would be the least impactful means for the project to proceed. “An accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity.” (*McQueen v. Board of Directors of the Mid-Peninsula Regional Open Space District* (1988) 202 Cal.App.3d 1136, 1143.) This more detailed and accurate comparison is necessary to inform the public and decision makers of the Project’s potential impacts, both direct and cumulative, and its precedent setting size for new development in the Project area.

## Conclusion

Thank you for considering our comments. We look forward to the County’s preparation of an EIR for this Project that carefully considers the direct and cumulative environmental impacts of the Project and that contains a thorough analysis of alternatives and mitigation measures designed to reduce and avoid these adverse impacts on Napa County.

Sincerely,



Amy Minter

Enclosure: Crane Transportation Peer Review

cc:

Joelle Gallagher, Napa County Planning Commission ([joellegPC@gmail.com](mailto:joellegPC@gmail.com))

Dave Whitmer, Napa County Planning Commission ([Dave.Whitmer@countyofnapa.org](mailto:Dave.Whitmer@countyofnapa.org))

Anne Cottrell, Napa County Planning Commission ([anne.cottrell@lucene.com](mailto:anne.cottrell@lucene.com))

Andrew Mazotti, Napa County Planning Commission ([andrewmazotti@gmail.com](mailto:andrewmazotti@gmail.com))

Megan Dameron, Napa County Planning Commission ([megan.dameron@countyofnapa.org](mailto:megan.dameron@countyofnapa.org))

Brian Bordona, Deputy Planning Director ([Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org))

Planning Commission Clerk ([planningcommissionclerk@countyofnapa.org](mailto:planningcommissionclerk@countyofnapa.org))



# ATTACHMENT 1

# **CRANE TRANSPORTATION GROUP**

## **PEER REVIEW OF THE FRANK FAMILY BENJAMIN RANCH WINERY PROJECT TRAFFIC IMPACT STUDY – NAPA COUNTY BY W-TRANS, FEBRUARY 4, 2020**

### **A. INTRODUCTION**

The following is a peer review conducted by Crane Transportation Group (CTG) of the Frank Family Benjamin Ranch Winery Project Traffic Impact Study prepared by W-Trans, February 4, 2020. This peer review has been prepared at the request of Michael Honig, of Honig Winery.

### **B. OVERALL ISSUES**

1. The County of Napa should have approved the scope of work for this study, however, there is no clear indication that the County was directly consulted for this purpose.
2. The Use Permit Application for the Frank Family Benjamin Ranch Winery Project contains data that are inconsistent with the traffic study prepared for the project. Specifically, the Winery Traffic Information/Trip Generation Sheet included in the Use Permit file cites 46 fulltime and 5 part time employees during a typical weekday, while page 1 of the traffic study cites a proposed “46 fulltime and 15 part time employees on a typical daily basis.” Either the Use Permit Application or the input to the Traffic Impact Study requires update to be made consistent with the current definition of the project.

### **C. SPECIFIC ISSUES BY TOPIC**

1. Evaluation of Appropriate Roadways and Intersections, as Determined by the County of Napa

Page 5 of the traffic study lists three study intersections, but does not say if these specific intersections were required by the County of Napa for analysis, or if the County was consulted on the scope of the analysis. The study does not include analysis of arterial Level of Service as is frequently required by the County.

2. Project Trip Generation Rates

Page 14 of the traffic study states that the ITE “Winery” LU # 970 trip rate was used for

the 2,124 square foot portion of the winery building that would house the tasting room, and references Table 6. However, Table 6 uses 3,140 square feet (3.14 ksf). These statements are conflicting, and require correction.

According to ITE, for the purposes of this land use, the independent variable “1,000 sq. foot gross floor area” refers to the square footage of the building that houses the tasting room. It may be most appropriate to use the 2,124 square foot portion of the winery building, referenced in the traffic study, that is specific to tasting room use. It would also be helpful for the traffic study to include an explanation of the square footage components of the total visitor’s center building (7,669 square feet as shown on the site plan cover sheet Code Synopsis) in order to understand the use of the 3,140 square feet referenced in Table 6.

The ITE 10th Edition Trip Generation “Winery” LU # 970 trip rates applied in the traffic study are subject to question. For example, the County of Napa generally directs use of Friday and Saturday data, rather than “weekday” and “weekend.” The traffic study uses the weekday PM peak hour rate of 7.31 per thousand square feet rather than a Friday PM peak hour rate of 10.93 per thousand square feet. The traffic study applies a Saturday PM peak hour average rate of 36.5, when application of the available fitted curve equation might result in a trip generation rate more specific to the project.

The resulting analysis states that there would be 23 weekday PM peak hour trips and 115 Saturday PM peak hour trips. Why so many Saturday PM peak hour trips? Recent traffic counts (September 13 and 14, 2019) conducted at the public access to the Mondavi Winery resulted in a Friday PM peak hour total of 59 trips and a Saturday PM peak hour total of 96 trips. Why would the Frank Family Benjamin Ranch Winery, located on Conn Creek Road, have more traffic on a Saturday PM peak hour than one of the most famous wineries in the Napa Valley located on State Route 29? This should be explained in the context of proposed visitor trips, preferably by use of a table showing hourly anticipated inbound and outbound visitors throughout the business day for typical Friday and Saturday conditions.

### 3. Trip Distribution Patterns and Percentages

a. Trip distribution requires explanation. Why is it that the majority of inbound project traffic from Silverado Trail is from the north while 100% of outbound traffic is to the south? Why is it that at SR29 the inbound traffic is split 50%/50% northbound and southbound, while outbound traffic is 100% to the north?

b. There is no mention of truck traffic volumes in the traffic study. However, the winery will have trips related to haul of grapes during harvest. The project Use Permit application “Winery Traffic Information/Trip Generation Sheet” shows crush Saturday conditions with 33 daily truck trips. The traffic study should address these trips.

#### 4. Signal Warrant Analysis is Missing

Signal warrant analysis should be shown to support the statement, used several times in the traffic study, that signalization of the SR 29/Rutherford Road and Silverado Trail/Conn Creek Road intersections would mitigate conditions at both intersections. The study contains no signal warrant analysis.

#### 5. Parking Demand

Page 28 of the traffic study cites the Napa County standard per car occupancy rate at 2.8 persons, and this is correct for Saturdays, but not for weekdays. The Napa County weekday standard is 2.6 persons per car. Use of this slightly more conservative factor, applied to a weekday with a maximum of 400 visitors over the course of the day would result in a parking space demand of 61 for employees (assuming 1 parking space per employee), and 38 for guests (conservatively assuming one-quarter of the guests – 100 - parked during any one hour), for a total 99 parking spaces, or five more than included on the site plan (94 spaces), and two more than the 97 spaces recommended in the traffic study.

Use of the 2.6 persons per car rate would also change the parking calculation for the 150-attendee events and the 24-attendee events. Event parking should also take into account any needed additional parking spaces for additional staffing, caterers, musicians and entertainers.

It is recommended that the study provide a parking demand matrix, with a marketing event occurring, by hour for a harvest Friday and Saturday.

#### 6. VMT (Vehicle Miles Traveled)

The traffic study correctly identifies the need for addressing VMT in the context of maintaining air quality by reducing vehicle emissions. However, the analysis provided on page 23 and in Table 11 pertains only to employee trips, with no mention of visitor trips. This issue should be revisited when the County's new VMT methodology is approved.

#### 7. Need for Transportation Demand Management (TDM) Plan

The traffic study contains the beginnings of a Transportation Demand Management (TDM) Plan. Because the project would result in substantial increases in traffic at intersections currently operating unacceptably, a serious effort at peak hour trip reductions should be considered. Such a plan should include a TDM coordinator.

#### 8. Accidents

- a. Page 6 of the traffic study states that the Silverado Trail/Conn Creek Rd (SR128) intersection has a higher number of collisions than the state average, but

there is no safety concern because these were non-injury accidents. Is this an opinion, or based on a standard Caltrans has established?

b. The study does not provide accident data in the vicinity of the project driveway.

#### 9. Bike Routes

While future bike lane plans are detailed, existing bike route descriptions are vague (see page 7 of the traffic study).

#### 10. Road Surface

The project will add traffic, including large trucks, to the deteriorating pavement condition of Conn Creek Road. The traffic study should describe the existing roadway condition and include mitigation consisting of a before-and-after pavement inspection that would require the project to make improvements to the roadway as needed.

#### 11. Intersection Geometrics

The description of study intersections should include the observation that although the Conn Creek Road approach to Silverado Trail is flared to allow for right-turning vehicles to separate from through or left-turning vehicles, this is not always possible. A through or left-turning vehicle can obstruct access to the right-turn flare. The same is true for the Rutherford Road approach to State Route 29; the flare provided for right turns is not always accessible if a left-turning vehicle obstructs access to the right-turn flare.

#### 12. Unsignalized Level of Service Criteria

The traffic study shows and discusses both overall intersection LOS and Minor Street approach LOS for unsignalized intersections. If the county only recognizes Minor Street approach LOS and delay for significant impact evaluation, then the inclusion of overall Intersection LOS is unnecessary and confusing (see page 10 of the traffic study). Similarly, does the County permit mitigation based on overall intersection delay as described in traffic study pages 19 and 20?

#### 13. Roadway Directions

Throughout much of the study Silverado Trail is referred to as a north-south roadway, but in Table 10 on page 23 it is assumed to be an east-west roadway. This is confusing.

#### 14. Access Intersection Level of Service - Data Missing

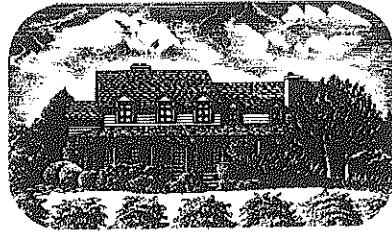
Page 26 – why is there a Level of Service delay given at the project driveway but no LOS worksheets or volumes provided in the study?

## 15. Significant Unmitigable Project Impacts

The traffic study identifies significant impacts at the Rutherford/ SR 29 and Conn Creek Road/Silverado Trail intersections. It recommends an improvement measure for the Silverado location, but it is unclear whether this mitigation has been discussed with the County. There is no mitigation for the Rutherford Road/SR 29 intersection except to develop measures to reduce trips. It is notable that none of the mitigations include reducing visitation. If investigated, it will probably be found that a significant reduction in visitation throughout the afternoon will be required to reduce significant impacts during the three to four peak traffic hours of every Friday and Saturday afternoon.

As analyzed, the traffic study concludes that the project would result in significant, unmitigable impacts. Thus, it is anticipated that an EIR will be required. This would be an opportunity to revise the traffic analysis.

This Report is intended for presentation and use in its entirety, together with all of its supporting exhibits, schedules, and appendices. Crane Transportation Group will have no liability for any use of the Report other than in its entirety, such as providing an excerpt to a third party or quoting a portion of the Report. If you provide a portion of the Report to a third party, you agree to hold CTG harmless against any liability to such third parties based upon their use of or reliance upon a less than complete version of the Report.



**RUTHERFORD RIVER RANCH**  
**DIANE B. WILSEY**  
**999 RUTHERFORD ROAD**  
**RUTHERFORD, CA 94558**

September 12, 2020

RE: Benjamin Ranch Winery  
Use Permit Application No. P13-00371-UP

Dear Mr. Bordona and Commissioners,

I am writing to express my misgivings related to the proposed Benjamin Ranch Winery project. This proposed project is out of character for Rutherford, especially given its location on Conn Creek Road. Rutherford is defined by its vineyards and limited commercial activity. A project this size is simply out of place for this location.

I have owned a home and a vineyard on Rutherford Road for well over 30 years. I can't envision how a project of this size, an 87,000 square foot building, 357 events per year, 400 people a day and a 475,000-gallon permit, would work at the proposed location. I cannot help but feel this would create a negative impact on our neighborhood and the surrounding area.

We are all in favor of projects that would fit the character of the area and help to complement Rutherford, not a project that would turn it into something it has never been. It is clear to me after 30 years of presence in Rutherford both as a resident and a vineyard owner that the size of this proposal and its impact on our limited infrastructure would negatively impact Rutherford as a whole.

Please reconsider this project as it is currently presented.

Sincerely,

Diane B. Wilsey, Proprietor  
Rutherford River Ranch

**From:** [Bordona, Brian](#)  
**To:** [Ayers, Dana](#); [Gallina, Charlene](#); [Anderson, Laura](#)  
**Subject:** FW: Benjamin Ranch Winery Project IS Comment  
**Date:** Monday, September 14, 2020 4:24:22 PM

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**From:** Roman, Isabella@DTSC <Isabella.Roman@dtsc.ca.gov>  
**Sent:** Monday, September 14, 2020 4:22 PM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** Benjamin Ranch Winery Project IS Comment

**[External Email - Use Caution]**

Hello,

I represent the Department of Toxic Substances Control reviewing the Initial Study for the Benjamin Ranch Winery project.

The text doesn't include a discussion about past land uses. Past land uses of the project site and the off-site Money Road property, could have resulted in hazardous materials releases that should be investigated prior to the proposed project for public health protection. Past land uses could indicate the need for conducting a Phase 1 Environmental Site Assessment (ESA), Phase 2 ESA or other environmental sampling activities.

Please feel free to reach out if you have any questions or concerns.

Sincerely,

Isabella Roman  
Environmental Scientist  
Site Mitigation and Restoration Program  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 200  
Berkeley, CA 94710  
(510)-540-3879



Nikki Buffa  
Direct Dial: (714) 755-8058  
nikki.buffa@lw.com

650 Town Center Drive, 20th Floor  
Costa Mesa, California 92626-1925  
Tel: +1.714.540.1235 Fax: +1.714.755.8290  
www.lw.com

# LATHAM & WATKINS<sup>LLP</sup>

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Los Angeles	Tokyo
Madrid	Washington, D.C.
Milan	

September 14, 2020

## VIA EMAIL

Brian Bordona  
Deputy Planning Director, County of Napa  
1195 Third Street, 2nd Floor  
Napa, CA 94559  
Brian.Bordona@countyofnapa.org

File No. 067815-0001

Re: Benjamin Ranch Winery, Use Permit Application No. P13-00371-UP

Dear Mr. Bordona:

We are writing on behalf of Honig Vineyard & Winery (“Honig”), a family-owned and operated vineyard since 1964, to comment on the Mitigated Negative Declaration (“MND”) for Frank Family Vineyards, LLC’s Benjamin Ranch Winery (“Project”). We appreciate the opportunity to share with you our comments regarding the Project, which is proposed to be located just to the north of Honig’s property.

We have assessed the Project’s potential impacts based on the information available to date, and we have a number of significant concerns. As the letter submitted by Chatten-Brown, Carstens & Minter describes in greater detail, the MND fails to adequately analyze the Project’s impacts. Instead, the evidence requires that Napa County (“County”) prepare an Environmental Impact Report (“EIR”) that fulfills the California Environmental Quality Act’s (“CEQA”) function “to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been taken into account.” (*Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 467.)

CEQA has a strong presumption in favor of requiring an EIR. This presumption is reflected by the “fair argument” standard, under which an agency must prepare an EIR whenever substantial evidence in the record supports a fair argument that a project may have a significant effect on the environment. (Pub. Res. Code §§ 21100, 21151; CEQA Guidelines § 15064(a)(1), (f)(1); *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68, 75, 82.) A reviewing court will examine the record and invalidate the agency’s action if the court finds **any** substantial evidence **of a fair argument** that a significant impact might result from the project. Even if the agency can point to substantial evidence supporting a conclusion of a less-than-significant impact, an MND will not be upheld by a court if the record contains other substantial evidence to the

contrary. (See, e.g., *Architectural Heritage Ass'n v. County of Monterey* (2004) 122 Cal. App. 4th 1095; *Ocean View Estates Homeowners Ass'n v. Montecito Water Dist.* (2004) 116 Cal. App. 4th 396, 399.)

CEQA places the burden of environmental investigation on the public agency rather than on the public. If an agency fails to evaluate a project's environmental consequences, it cannot support a decision to adopt a MND by asserting that the record contains no substantial evidence of a significant adverse environmental impact. (See *Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296, 311.) Whether the agency's record contains substantial evidence that would support a fair argument that the project may have a significant effect on the environment is treated as a question of law. (See, e.g., *Aptos Council v. County of Santa Cruz* (2017) 10 Cal.App.5th 266, 289.)

For example, in a recent case in Santa Clara County, the Court of Appeal held that Santa Clara County should have prepared an EIR instead of an MND when approving a use permit allowing a 14-acre winery to host a limited number of weddings and other events on property (28 events with up to 100 people each). (*Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714.) There, the court found that substantial evidence in the record supported a fair argument that project-related crowd noise may have significant noise impacts on surrounding residents and, notably, that "compliance with the [County noise] ordinance does not foreclose the possibility of significant noise impacts." (*Id.*, at 733.) Similarly here, regardless of whether the Project complies with the County noise ordinance, as described more fully in the Chatten-Brown, Carstens & Minter letter, there are significant questions whether the Project, which is 85 acres and would permit 400 guests per day, will result in significant noise impacts.

The *Keep Our Mountains Quiet* court also held that there was substantial evidence to support a fair argument that the project may have a significant impact on traffic because of evidence the project would have—at times—doubled the traffic volume on a narrow, windy, substandard road with a history of accidents. Here, the County proposes only two mitigation measures to reduce the Project's traffic impacts to a purportedly less-than-significant level. If there is any substantial evidence of a fair argument that these mitigation measures may be inadequate to avoid the potentially significant effects, a court will invalidate the MND. (See *Citizens for Responsible & Open Government v. City of Grand Terrace* (2008) 160 Cal.App.4th 1323, 1332.) The myriad reasons outlined in the Chatten-Brown, Carstens & Minter letter provide substantial evidence of a fair argument that the two transportation mitigation measures may not reduce the transportation impacts of the Project to a less-than-significant level.

We have a number of other questions about the MND and whether there is a fair argument that the Project may have a significant impact on the environment. For example, there is no analysis of how the 400 guests plus up to 60 employees at the Project on any single day would affect the evacuation times in the event of a wildfire, either for the customers or employees of the Project or for members of the community. If a project risks exacerbating wildfire hazards that already exist, an agency must analyze the potential impact of such hazards on future residents or users as well as existing residents or users. (See, e.g., *California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 386.) Without

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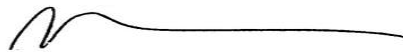
an analysis of how the Project will impact wildfire evacuation times, the County cannot credibly claim that there is no substantial evidence in the record demonstrating that an EIR should be prepared.

As another example, the MND includes no discussion of the amount of water necessary for Project construction. Without this analysis the County also cannot credibly claim that there is no substantial evidence in the record demonstrating that an EIR should not be prepared.

While Honig is not necessarily opposed to development of this type, the scale of construction and operations for this proposed Project has not been adequately reviewed and adequate mitigation has not been studied or required. Accordingly, Honig objects to the approval of this Project as currently proposed. The County must prepare an EIR for the Project. There is now clear substantial evidence in the record that supports a fair argument that the Project may have a significant effect on the environment. We believe that any reviewing court will find that the presumption is that the County should prepare an EIR and the County's MND has not rebutted that presumption. Failure to prepare an EIR now will only serve to delay the Project while the issue is litigated.

Thank you for your time and attention to our comments. Please feel free to contact me at (714) 755-8058 or [nikki.buffa@lw.com](mailto:nikki.buffa@lw.com) if you would like to discuss these matters further.

Best regards,



Nikki Buffa  
of LATHAM & WATKINS LLP

cc: Joelle Gallagher, Napa County Planning Commission  
Dave Whitmer, Napa County Planning Commission  
Anne Cottrell, Napa County Planning Commission  
Andrew Mazotti, Napa County Planning Commission  
Megan Dameron, Napa County Planning Commission  
Taiga Takahashi, Latham & Watkins LLP  
Michael Honig

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 4  
OFFICE OF TRANSIT AND COMMUNITY PLANNING  
P.O. BOX 23660, MS-10D  
OAKLAND, CA 94623-0660  
PHONE (510) 286-5528  
TTY 711  
www.dot.ca.gov



*Making Conservation  
a California Way of Life.*

September 14, 2020

SCH # 2020080261  
GTS # 9739  
GTS ID: 04-NAP-2018-00216  
Co/Rt/Pm: NAP/128/6.84

Brian Bordona, Deputy Planning Director  
Napa County  
1195 3rd Street, Suite 210  
Napa, CA 94559

**Benjamin Ranch Winery – Initial Study/Mitigated Negative Declaration (IS/MND)**

Dear Brian Bordona:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Benjamin Ranch Winery project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the August 2020 IS/MND.

***Project Understanding***

The proposed project is to request a Use Permit to establish a winery that would produce up to 475,000 gallons of wine per year. The project would demolish an existing barn and shed and redevelop a portion of the site with new winery and hospitality buildings. The proposed winery would offer wine tours and tastings for up to 400 people per day, include a wine marketing program consisting of up to 357 events per year for up to 16 to 150 guests per event, employ up to 61 full-time and part-time staff members, and install 75 parking stalls.

This project is developed on 12.8 acres of an approximately 85.1-acre project site at 8895 Conn Creek Road (State Route SR-128) in St. Helena. A new access driveway is planned and a left-turn lane onto SR-128 would be installed at the new access driveway near the southeastern corner of the site.

### **Travel Demand Analysis**

With the enactment of Senate Bill (SB) 743, Caltrans is focusing on transportation infrastructure that supports smart growth and efficient development to ensure alignment with State policies using efficient development patterns, innovative travel demand reduction strategies, multimodal improvements, and VMT as the primary transportation impact metric. Caltrans commends the lead agency in recommending that the winery implement a Transportation Demand Management (TDM) plan, which would help reduce the project's employee and visitor-generated VMT. Caltrans encourages the Lead Agency to provide more clarification on the project's visitor-generated VMT and to link how the TDM measures proposed the Mitigation Measure TRAN-1 or additional TDM measures may reduce the project's VMT impact to be less-than-significant. Additional strategies can be found on page 82 in the following link: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>.

Lastly, Caltrans recommends the proposed TDM measures identified in the plan should be documented with annual monitoring reports to demonstrate effectiveness.

### **Proposed Left-Turn Lane**

The Traffic Impact Study (TIS) recommends the construction of a left-turn lane at the project driveway from SR-128, but it did not include an intersection/driveway analysis showing the driveway traffic turning movements. The driveway and left turn lane must be designed per the latest Highway Design Manual (HDM) standards, particularly section 405.2, Figure 405.2 and Figure 405.3. Please see <https://dot.ca.gov/programs/design/manual-highway-design-manual-hdm> for detailed information.

Design exceptions would need be filed and approved in the case of substandard design features. Please coordinate with Caltrans at an early stage as it can potentially impact the traffic operations on SR-128 and may require additional Right-of-Way (ROW).

The striping plans refer to Caltrans 2010 Standard Plans, but it should be changed to the latest 2018 Standard Plans. Also, please identify the posted speed of this highway section.

### **Hydraulics**

Please ensure that any storm runoff to State ROW must be metered to pre-construction levels.

### **Lead Agency**

As the Lead Agency, the County of Napa is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

### **Construction-Related Impacts**

Please be advised that any permanent work or temporary traffic control that encroaches onto the ROW requires a Caltrans-issued encroachment permit. Note that potential impacts to the State ROW from project-related temporary access points should be analyzed. Project work that requires movement of oversized or excessive load vehicles on state roadways requires a transportation permit issued by Caltrans. Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to STN. For more information, and to apply, visit: <https://dot.ca.gov/programs/traffic-operations/transportation-permits>.

### **Encroachment Permit**

There appears to be the potential that the property will be conveyed to the State and if that is the case, Caltrans requires the property be transferred on permit projects prior to issuance of the encroachment permit.

If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating the State ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. Your application package may be emailed to [D4Permits@dot.ca.gov](mailto:D4Permits@dot.ca.gov).

To download the permit application and to obtain more information on all required documentation, visit <https://dot.ca.gov/programs/traffic-operations/ep/applications>.

Brian Bordona, Deputy Planning Director  
September 14, 2020  
Page 4

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Yunsheng Luo at [Yunsheng.Luo@dot.ca.gov](mailto:Yunsheng.Luo@dot.ca.gov). Additionally, for future notifications and requests for review of new projects, please contact [LDIGR-D4@dot.ca.gov](mailto:LDIGR-D4@dot.ca.gov).

Sincerely,

A handwritten signature in black ink that reads "Mark Leong". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Mark Leong  
District Branch Chief  
Local Development - Intergovernmental Review

cc: State Clearinghouse



Encroachment Permit Applications  
Additional Right of Way Requirements – Dedications/Conveyances

For those encroachment permit applications where the Applicant proposes to convey “property rights” from the Applicant and/or others to the State, please follow these instructions. The term "property rights" generally refers to fee simple title but it may, under special circumstances, also include all types of permanent easements (i.e. slope, drainage, sight, etc.) and for projects involving expressways/freeways, "access rights." However, in most cases, Caltrans requires that fee simple, or in other words, full ownership be conveyed to the State as new R/W.

INSTRUCTIONS FOR DISTRICT PERMIT ENGINEERS

*Immediately* provide the Applicant these three forms (attached below) and inform him/her that they must be completed, signed appropriately and returned to you.

- **Agreement - Right of Way Dedications/Conveyances for Encroachment Permit Applications** (1 page) (“*Agreement*”)
- **Right of Way Sufficiency for Project Encroachment Permit Applications – Dedications/ Conveyances** (1 page) (“*Sufficiency Form*”)
- **Initial Site Assessment Checklist** (2 pages) (“*ISA*”)

Indicate to the Applicant where on the forms appropriate signatures are required and by whom. The Applicant’s registered civil engineer is required to certify the applicable statements on the *Sufficiency Form*.

After the Applicant returns the signed *Agreement*, *Sufficiency Form* and *ISA* to you, do the following:

1. Have the correct Design Branch review the *Sufficiency Form* (centerline, property rights, access control, etc.) together with Applicant’s plans. Assist Design and the Applicant in resolving any problems. Once the proposed new R/W is acceptable to Design, the Branch Chief should sign the *Sufficiency Form* where indicated.
2. Next, have our Environmental Engineering Branch review the *ISA* (hazardous waste testing) documents. Environmental Engineering may decide additional testing and/or remediation actions are required before Caltrans can accept the property right(s). Environmental Engineering Branch will sign the form where indicated once they have determined that the parcel(s) meets our current hazardous waste standards and requirements.

Continually forward for review all submittals relating to the new R/W (including the completed *Agreement*, *Sufficiency Form* and *ISA* forms and any survey or right of way engineering information) you receive from the Applicant or any other Caltrans functional unit to the proper R/W Local Programs Branch Chief:

Michael O’Callaghan                      –                      ALA, MRN, NAP, SON, CC,  
SCL, SM, SOL Counties

The Right of Way Division will inform you once the conveyance of all property rights has been completed. ***The encroachment permit can be issued only upon the District Permit Engineer receiving written approval from the Division of Right of Way.***

Note: Right of Way must approve any exception to these instructions. Exceptions must be signed by both the Office Chief, Local Programs and the Office Chief, Engineering, Surveys and Mapping Services.



**Agreement - Right of Way Dedications/Conveyances for Encroachment Permit Applications**

To: District Permit Engineer Co. \_\_\_\_\_ Rte. \_\_\_\_\_  
Caltrans District 4, Office of Permits Encroachment Permit No. \_\_\_\_\_

I, \_\_\_\_\_ as Encroachment Permit applicant (“Applicant”), understand and agree to the following:

- (1.) All costs for necessary and appropriate activities in support of the Dedication/Conveyance, as determined by Caltrans in its sole discretion, including Caltrans’ review and acceptance shall be at the Encroachment Permit Applicant’s expense.
- (2.) All materials submitted to Caltrans shall become the property of Caltrans.
- (3.) To complete fully and submit to Caltrans the attached **Right of Way Sufficiency for Project Encroachment Permit Applications – Dedications/ Conveyances** and **Initial Site Assessment Checklist** forms.
- (4.) Applicant shall deliver or caused to be delivered to Caltrans all reference data and documents requested by Caltrans, including without limitation, title exception documents, vesting deeds, survey control schemes and plans, land net ties, adjoining and reference documents, recorded and unrecorded documents and maps, original field notes, adjustment and closure calculations, final results, appropriate intermediate documents, or any other documents used for or resulting from any land surveys and/or land title work performed for this Encroachment Permit.
- (5.) At no cost to Caltrans, all personnel who prepare maps, documents and related materials shall be available to Caltrans.
- (6.) Applicant shall submit to Caltrans, for review and acceptance, all of the following:
  - a. A Preliminary Report (title) for each parcel proposed for conveyance to Caltrans.
  - b. Proposed conveyance documents including legal descriptions and plat maps.
  - c. For each parcel being conveyed, a Policy of Title Insurance naming “State of California, Department of Transportation” as Insured (needed at time of conveyance).
- (5.) All legal descriptions, deeds, plats and exhibits shall be prepared by, or under the direction of, a person authorized to practice land surveying in the State of California who shall sign and seal each document in the manner prescribed by the California Business and Professions Code and the California Code of Regulations.
- (6.) Caltrans requires all dimensions be in U.S Survey feet and reference a survey datum designated by Caltrans. For datum information, contact the Branch Chief Specialist, District 4 Right of Way Engineering/Surveys Project Management at 510-286-5296.
- (7.) At a date not later than the date of acceptance by Caltrans of maintenance and operation of the project-constructed highway improvements, Applicant shall deliver to Caltrans fee title (including, as appropriate, access rights) to the required area free and clear of all encumbrances which Caltrans, in its sole discretion, determines to be detrimental to its present and future uses.
- (8.) Existing survey control and boundary-related monuments within the area of any Project construction shall be perpetuated in conformance with Calif. Bus. & Prof. Code, Section 8771.
- (9.) For expressways and freeways (access controlled facilities): all utility facilities must meet the conditions set forth in the Caltrans’ *Encroachment Permit Manual*, Section 6 Utility Permits.
- (10.) To submit a copy of any Record of Survey filed per Calif. Bus. & Prof. Code, Section 8762 by reason of land surveys conducted for this Project.

\_\_\_\_\_ (Applicant signature) \_\_\_\_\_ Date

**Right of Way Sufficiency Form for Project Encroachment Permit Applications – Dedications/Conveyances**

To: District Permit Engineer Co. \_\_\_\_\_ Rte. \_\_\_\_\_  
Caltrans District 4, Office of Permits Encroachment Permit No. \_\_\_\_\_

List State parcel number(s) involved: \_\_\_\_\_

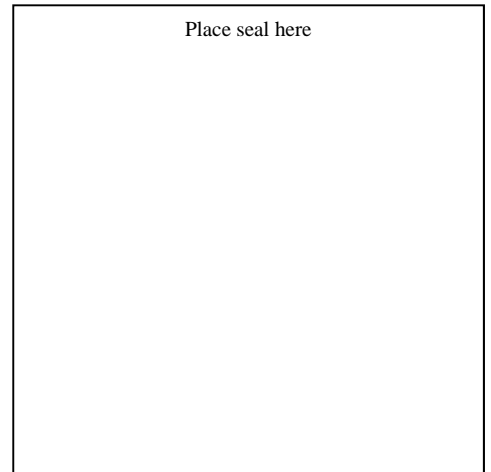
I hereby certify that the above parcel(s) shown on the attached plat(s) is/are correctly delineated, labeled and dimensioned, including property interest, land area and degree of access control and that said parcel(s) is/are sufficient for the construction/operation/maintenance of the Caltrans facilities to be constructed by this Project.

*For expressways and freeways:* I further certify that any and all existing utility facilities located within the above parcel(s) to be conveyed to the State shall conform to the requirements of the Caltrans *Encroachment Permit Manual*, Section 6, Utility Permits.

Signed: \_\_\_\_\_  
Project Design Engineer

\_\_\_\_\_

Print Name	RE No.	Date
------------	--------	------



Reviewed by: \_\_\_\_\_  
Caltrans District Branch Chief Date  
Design Branch \_\_\_\_\_

I, as the Encroachment Permit Applicant, attach an Initial Site Assessment (ISA) for all parcels(s) to be conveyed to Caltrans wherein: (*check applicable statement below*)

- ( ) the ISA indicates that no suspected hazardous waste contamination exists on any of the parcels, or
- ( ) the ISA states that hazardous waste contamination may exist on one or more parcels; however, the results of further testing indicate no hazardous waste contamination (test results attached) exists, or
- ( ) the ISA and additional testing results are attached. The parcel(s) are remediated and the appropriate regulatory approval is attached *or* the parcel(s) will be remediated during construction and an approved remediation plan by the appropriate regulatory agency is attached.

\_\_\_\_\_ (Signature – Applicant) \_\_\_\_\_ (Date)

Reviewed by: \_\_\_\_\_  
Caltrans District Branch Chief Date  
Environmental Engineering Branch

# Initial Site Assessment (ISA) Checklist

## Project Information

District 04 County \_\_\_\_\_ Route \_\_\_\_\_ Post Mile Range \_\_\_\_\_ Permit # \_\_\_\_\_

Description \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Encroachment Permit Applicant

Name & address \_\_\_\_\_

phone # \_\_\_\_\_

List parcel(s) Assessor Parcel Number(s) (APN). Include name and address of grantor for each. Attached exhibit if required.

## Project Screening

Attach the project location map to this checklist to show location of all known and/or potential HW sites identified.

1. Project Features: New R/W? \_\_\_\_\_ Excavation? \_\_\_\_\_ Railroad Involvement? \_\_\_\_\_  
Structure demolition/modification? \_\_\_\_\_ Subsurface utility relocation? \_\_\_\_\_
2. Project Setting \_\_\_\_\_  
Rural or Urban \_\_\_\_\_  
Current land uses \_\_\_\_\_  
Previous land uses \_\_\_\_\_ Adjacent  
land uses \_\_\_\_\_  
(industrial, light industry, commercial, agricultural, residential, etc.)
3. Check federal, State, and local environmental and health regulatory agency records as necessary, to see if any known hazardous waste site is in or near the project area. If a known site is identified, show its location on the attached map and attach additional sheets, as needed, to provide pertinent information for the proposed project.
4. Conduct Field Inspection. Date \_\_\_\_\_ Use the attached map to locate potential or known HW sites.  
Comments:

STORAGE STRUCTURES / PIPELINES: Evidence of the following

Underground tanks	_____	Surface tanks	_____	Imported Fill	_____
Sumps	_____	Ponds	_____	Wetlands	_____
Drums	_____	Basins	_____	Septic tanks	_____
Transformers	_____	Landfill	_____	Stormwater run-on	_____
Groundwater wells	_____	Cisterns	_____	Other	_____

# Initial Site Assessment (ISA) Checklist

CONTAMINATION: (spills, leaks, illegal dumping, etc.)

Surface staining \_\_\_\_\_ Oil sheen \_\_\_\_\_

Odors \_\_\_\_\_ Vegetation damage \_\_\_\_\_

Other \_\_\_\_\_

HAZARDOUS MATERIALS: (asbestos, lead, etc.)

Buildings \_\_\_\_\_ Spray-on fireproofing \_\_\_\_\_

Pipe wrap \_\_\_\_\_ Friable tile \_\_\_\_\_

Acoustical plaster \_\_\_\_\_ Serpentine \_\_\_\_\_

Paint \_\_\_\_\_ Other \_\_\_\_\_

5. Additional record search, as necessary, of subsequent land uses that could have resulted in a hazardous waste Site. Use the attached map to show the location of potential hazardous waste sites.

6. Other comments and/or observations: \_\_\_\_\_

## ISA Determination

---

Does the project have potential hazardous waste involvement? Explain in detail.

This Initial Site Assessment shall be prepared by, or under the direction of, a person qualified to conduct hazardous waste site assessment investigations in the State of California

**ISA Conducted by**

**Date**

**From:** [Timm Crull](#)  
**To:** [Brian.Bordona@countyofapa.org](mailto:Brian.Bordona@countyofapa.org); [Gallina, Charlene](#)  
**Cc:** [Sgreenwood-meinert@coblentzlaw.com](mailto:Sgreenwood-meinert@coblentzlaw.com); [Sharon Crull](#)  
**Subject:** Frank Family - Benjamin Ranch Project  
**Date:** Monday, September 14, 2020 11:53:29 AM

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[External Email - Use Caution]

We are writing to support the permit request for the Benjamin Ranch project being presented by Frank Family Vineyards.

We operate a small winery and vineyard on 110 acres in the Rutherford AVA that is very close to the proposed project (1450 - 1500 Silverado Trail South, St. Helena). We have farmed the land and made the wine for over 25 years. During that time I have seen the good, the bad, and the ugly when it comes to development projects in the Ag Preserve.

We have had the absolute pleasure of working with Frank Family and their Winemaker Todd Graff since 2010. We have had a great experience doing business with them over the years. They are a truly family run organization that cares about their growers and their people. People that generously give back to our community. I wish Napa Valley had more folks like the Franks and Todd Graff.

After careful review of their project and visitation requests, we believe that the project they are proposing is perfect for a 85 acre property. The placement of the facility in the center of their vineyards should make it hardly visible from the road. And from what I know they will not have to remove many vines.

This is exactly the type of project that the Napa County Supervisors have been suggesting for the Agriculture Preserve. We strongly support the Frank Family permit requesting to build a winery and Tasting Room on the Benjamin Ranch in Rutherford.

Thanks for your consideration. Please contact me with any questions or comments.

Sincerely,

Timm and Sharon Crull

--



**Timm Crull**

The Terraces Winery

phone: (707) 963-1707

mobile: (707) 287-5083

site: terraceswine.com

email: timm@terraceswine.com



**From:** [Bordona, Brian](#)  
**To:** [Ayers, Dana](#)  
**Subject:** [EXTERNAL] FW: Frank Family Vineyards  
**Date:** Monday, September 14, 2020 9:52:04 AM  
**Attachments:** [Ellman-Email-Signatures\\_Neil.png](#)

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This is an **EXTERNAL** email. Do not click links or open attachments unless you validate the sender and know the content is safe.

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**From:** Neil Ellman <neil@ellmanwine.com>  
**Sent:** Monday, September 14, 2020 7:50 AM  
**To:** Gallina, Charlene <Charlene.Gallina@countyofnapa.org>; Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Cc:** sgreenwood-meinert@coblentzlaw.com  
**Subject:** Frank Family Vineyards

[External Email - Use Caution]

As a new and small family vineyard and winery owner in Napa Valley, I am writing to support the permit request of Frank Family Vineyards for the development of a winery and tasting room on their Benjamin Ranch Vineyard in Rutherford.

When we were first considering purchasing land for a house and vineyard in Napa, the Frank's were extremely helpful in working with us to find the experts we needed to do the analysis of the land and as well as the location for the vineyard and the potential winery. This was extremely important to us because it was a new endeavor for us and we wanted to build a business in Napa, an area we had often visited and loved.

The the fact the Franks have developed a strong national as well as local following and business was inspirational for us. The amount of time and effort that they put into helping us allowed us to find the right property and to start our new business. The Valley needs to have mix of different size wineries, but it is hard to start a Family Winery and we need more of these as opposed to large corporate entities.

The project proposed by Rich and Leslie Frank falls into the category of development that should be perfect for the Agricultural Preserve. It is on 85 plus acres, on flat land, has more than enough water, has very few homes within hundreds of feet of the buildings that are not associated with other wineries and does not require any appreciable elimination of vines. It checks all the boxes.

The Franks's have been long time supporters of many of the charitable organizations in the Valley which has supported so many people in need. They are great ambassadors of the Napa Valley and this project will allow them to do even more.

Regards,



**NEIL ELLMAN** | PROPRIETOR | 954.646.6144  
ELLMANFAMILYVINEYARDS.COM





9/13/20

We are writing in support of the Frank Family Vineyard's submission for a winery use permit for their Benjamin Ranch Winery project on their 85-acre property at 8895 Conn Creek Road.

This would be a large new project, however it is similar in scale to existing wineries on the valley floor in Rutherford and throughout Napa Valley. The project benefits from being on a large flat parcel of land which is primarily surrounded by vineyards and other wineries. There could be some impact to a small number of homes in the area.

The scale of visitation as originally proposed is large – however it is our understanding that Frank Family Vineyard is reducing the proposed scale to mitigate local concerns for traffic, noise, etc.

Since 2014, when we became neighbors with Leslie and Rich Frank at our Rutherford property, they have been excellent neighbors willing to work together and come to agreement and compromise on property items that have ultimately benefited both of us as neighbors. They have demonstrated their support for the greater Napa Valley community through their many years as proprietors of Frank Family Vineyards and Winery in Calistoga as well. We believe that they will be thoughtful in their approach to the Benjamin Ranch project and will continue to work with the local community to ensure that the Benjamin Ranch Winery will be as minimally impactful as possible to the community and the environment.

Sincerely,

Tom Garrett and Todd Newman

Dakota Shy Winery

**From:** [Bordona, Brian](#)  
**To:** [Ayers, Dana](#)  
**Subject:** [EXTERNAL] FW: Frank Family Vineyard Winery Project Rutherford  
**Date:** Monday, September 14, 2020 9:03:31 AM

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**From:** Tom Gamble <Tom@GambleFamilyVineyards.com>  
**Sent:** Sunday, September 13, 2020 6:28 PM  
**To:** Gallina, Charlene <Charlene.Gallina@countyofnapa.org>; Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Cc:** sgreenwood-meinert@coblentzlaw.com  
**Subject:** Frank Family Vineyard Winery Project Rutherford

[External Email - Use Caution]

Napa County Planning Commission  
Dana Ayers, Consulting Planner  
Napa County PBES

RE: Frank Family Vineyards Benjamin Ranch Winery Application Permit P13-00371-UP

Dear Commissioners and Staff,

As one of the immediate farming neighbors (8891 Conn Creek Road) I have no objection to the Frank Family project. I appreciate the direct conversations had with applicant discussing the issues and potential impacts.

Thank you,

Tom Gamble

## STAR VINEYARD

1107 Rutherford Road  
Rutherford, CA 94575

September 9, 2020

Dear Mr. Bordona and Commissioners,

I am writing to express concern for the Benjamin Ranch Winery project. Rutherford is an iconic appellation of the Napa Valley, defined by its vineyards, rural views, and limited commercial activity. It has just one two lane road running through it, one stop sign (other than intersections with 29/Silverado Trail) and is geographically remote from most county resources. Its commercial district is at the corner of Highway 29 and Rutherford Road, home to BV Winery, Rutherford Grill, and other high traffic businesses. A project of this scale is out of place for its location.

I do appreciate the Benjamin Ranch Group's willingness to invest in Rutherford and share the Rutherford story and their wines with a broader audience. However, is an 87,000 square ft building, 357 events per year, 400 people a day and a 475,000-gallon permit really to scale with the area? My family has been growing grapes in Rutherford for 30 years and welcomes new wineries, but we have concerns with the size of this proposal and the daily loads on limited infrastructure this operation would create. Please reconsider this project as it is currently presented.

Sincerely,



John M. Oliver  
General Manager

# FRANK FAMILY VINEYARDS

The Napa County Planning Commission

Dana Ayers, Consulting Planner  
Napa County PBES

Re: Frank Family Vineyards Benjamin Ranch Winery Application  
P13-00371-UP

Dear Commissioners and Staff,

Since the public notice about our winery project went out almost a month ago, we have met with most of our neighbors and others in the Rutherford AVA. These meetings have led to our further evaluating our winery project. We want to continue to be good neighbors with our vineyard, residential and iconic winery neighbors. And we appreciate the candor of all those willing to take their valuable time to talk with us.

The offshoot of those conversation is that we have re-thought our visitation and marketing plan proposals and propose to reduce our visitation and marketing program to the following:

- 150 visitors a day Monday through Wednesday
- 300 visitors a day Thursday through Sunday
- 8 large marketing events of up to 150 people, as presently stated in our application, along with participation in Auction Napa Valley.
- NO other marketing event.

These changes to our marketing and visitation plan eliminates all lunch and dinner time marketing events and the food preparation that goes with them. The changes also reduce overall visitation to the winery by 40%.

We believe these changes do not require any further CEQA or other analytic requirements as we are reducing our impacts and effects significantly.

We look forward to visiting with each of you in the next few days. Please contact our counsel Scott Greenwood-Meinert at [sgreenwood-meinert@coblentzlaw.com](mailto:sgreenwood-meinert@coblentzlaw.com) if you have any questions, comments or concerns about these changes. Thank you.

Leslie and Rich Frank.



1091 Larkmead Lane – Calistoga, CA 94515

T: 707.942.0859

FrankFamilyVineyards.com

**From:** [Amy Minter](#)  
**To:** [Gallina, Charlene](#)  
**Cc:** [michael@honigwine.com](#); [Bordona, Brian](#); [Cynthia Kellman](#); [Morrison, David](#); [joellegPC@gmail.com](#); [Whitmer, David](#); [anne.cottrell@lucene.com](#); [andrewmazotti@gmail.com](#); [Dameron, Megan](#); [PlanningCommissionClerk](#)  
**Subject:** RE: September 16, 2020 Agenda, Item 7B: Benjamin Ranch Winery Use Permit P13-00371-UP  
**Date:** Tuesday, September 15, 2020 12:55:44 PM  
**Attachments:** [Follow-up to Planning Commission Comments on Benjamin Ranch.pdf](#)

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[External Email - Use Caution]

Dear Ms. Gallina,

Thank you for sending us the revised application for the Benjamin Ranch Winery Project. Attached please find additional correspondence regarding this project.

Amy Minter  
CHATTEN-BROWN, CARSTENS & MINTEER LLP  
2200 Pacific Coast Highway, Ste. 318  
Hermosa Beach, CA 90254  
Tel: 310-798-2400, ext 3  
Fax: 310-798-2402  
Email: [acm@cbcearthlaw.com](mailto:acm@cbcearthlaw.com)  
Website: [www.cbcearthlaw.com](http://www.cbcearthlaw.com)

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**From:** Gallina, Charlene <[Charlene.Gallina@countyofnapa.org](mailto:Charlene.Gallina@countyofnapa.org)>  
**Sent:** Monday, September 14, 2020 4:44 PM  
**To:** Cynthia Kellman <[cpk@cbcearthlaw.com](mailto:cpk@cbcearthlaw.com)>  
**Cc:** Amy Minter <[acm@cbcearthlaw.com](mailto:acm@cbcearthlaw.com)>; [michael@honigwine.com](mailto:michael@honigwine.com); Bordona, Brian <[Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org)>  
**Subject:** RE: September 16, 2020 Agenda, Item 7B: Benjamin Ranch Winery Use Permit P13-00371-UP

Hello Cynthia,

We are in receipt of your letter, as well as other received today and will be posting it on Granicus this evening. Please see the attached amendment that was received by the applicant today.

Best Regards,

Charlene Gallina  
Supervising Planner  
Napa County Planning, Building, & Environmental Services Department  
(707) 299-1355

---

**From:** Cynthia Kellman <[cpk@cbcearthlaw.com](mailto:cpk@cbcearthlaw.com)>  
**Sent:** Monday, September 14, 2020 12:01 PM  
**To:** Morrison, David <[David.Morrison@countyofnapa.org](mailto:David.Morrison@countyofnapa.org)>; Gallina, Charlene

<[Charlene.Gallina@countyofnapa.org](mailto:Charlene.Gallina@countyofnapa.org)>

**Cc:** [joellegPC@gmail.com](mailto:joellegPC@gmail.com); Whitmer, David <[Dave.Whitmer@countyofnapa.org](mailto:Dave.Whitmer@countyofnapa.org)>;  
[anne.cottrell@lucene.com](mailto:anne.cottrell@lucene.com); [andrewmazotti@gmail.com](mailto:andrewmazotti@gmail.com); Dameron, Megan  
<[megan.dameron@countyofnapa.org](mailto:megan.dameron@countyofnapa.org)>; Bordona, Brian <[Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org)>;  
PlanningCommissionClerk <[planningcommissionclerk@countyofnapa.org](mailto:planningcommissionclerk@countyofnapa.org)>; Amy Minter  
<[acm@cbcearthlaw.com](mailto:acm@cbcearthlaw.com)>

**Subject:** September 16, 2020 Agenda, Item 7B: Benjamin Ranch Winery Use Permit P13-00371-UP

[External Email - Use Caution]

Honorable Commissioners,

Attached please find a comment letter from Amy Minter regarding the above-captioned subject.

Please feel free to contact me with any questions or concerns.

Cynthia Kellman  
CHATTEN-BROWN, CARSTENS & MINTEER LLP  
2200 Pacific Coast Highway, Ste. 318  
Hermosa Beach, CA 90254  
Tel: 310-798-2400 x6  
Fax: 310-798-2402  
[cpk@cbcearthlaw.com](mailto:cpk@cbcearthlaw.com)  
[www.cbcearthlaw.com](http://www.cbcearthlaw.com)



**Hermosa Beach Office**

Phone: (310) 798-2400

Fax: (310) 798-2402

**San Diego Office**

Phone: (858) 999-0070

Phone: (619) 940-4522

**Chatten-Brown, Carstens & Minter LLP**

2200 Pacific Coast Highway, Suite 318

Hermosa Beach, CA 90254

[www.cbcearthlaw.com](http://www.cbcearthlaw.com)

**Amy Minter**

Email Address:

[acm@cbcearthlaw.com](mailto:acm@cbcearthlaw.com)

Direct Dial:

310-798-2400 Ext. 3

September 15, 2020

*Via Email* [david.morrison@countyofnapa.org](mailto:david.morrison@countyofnapa.org), [charlene.gallina@countyofnapa.org](mailto:charlene.gallina@countyofnapa.org)

Napa County Planning Commission  
David Morrison, Director of Planning  
Charlene Gallina, Supervising Planner  
County Administration Building  
1195 Third Street, 2nd Floor  
Napa, CA 94559

Re: September 16, 2020 Agenda, Item 7B: Benjamin Ranch Winery Use Permit P13-00371-UP; Request for Continuance Due to Project Revisions

Honorable Commissioners:

After submitting comments on behalf of Michael Honig, we received notification from the County that a revised application had been submitted for the Benjamin Ranch Winery Project. Based on the changes made to this Project in the revised application, we again urge the Planning Commission to continue the hearing on the Benjamin Ranch Winery Project. This continuance is now required to allow Mr. Honig and other neighbors and community members adequate time to evaluate the significant changes proposed for the Project and the impacts associated with those changes. Thank you for your time and consideration in this matter.

Sincerely,

Amy Minter

cc:

Joelle Gallagher, Napa County Planning Commission ([joellegPC@gmail.com](mailto:joellegPC@gmail.com))

Dave Whitmer, Napa County Planning Commission ([Dave.Whitmer@countyofnapa.org](mailto:Dave.Whitmer@countyofnapa.org))

Anne Cottrell, Napa County Planning Commission ([anne.cottrell@lucene.com](mailto:anne.cottrell@lucene.com))

Andrew Mazotti, Napa County Planning Commission ([andrewmazotti@gmail.com](mailto:andrewmazotti@gmail.com))

Megan Dameron, Napa County Planning Commission ([megan.dameron@countyofnapa.org](mailto:megan.dameron@countyofnapa.org))

Brian Bordona, Deputy Planning Director ([Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org))

Planning Commission Clerk ([planningcommissionclerk@countyofnapa.org](mailto:planningcommissionclerk@countyofnapa.org))



September 12, 2020

Planning Commission  
County of Napa  
1195 Third Street  
Napa, CA 94559

RE: Agenda Item #7B: Frank Family/Benjamin Ranch Winery

Dear Chair Whitmer and Fellow Commissioners:

I have a few areas of concern that I hope you consider during your deliberations on the Frank Family winery application:

Is this an application for a winery or for an event center/restaurant?

The applicant is requesting 357 events per year in addition to 400 people per day for tours and tastings including **lunchtime and dinnertime** events with food prepared on-site.

Traffic impacts – specifically at intersection of Hwy 128 and Hwy 29.

*The Napa County General Plan (Policy CIR-38) establishes a capital improvement planning goal of LOS D. The policy lists some exclusions, including: 1) State Route 29 in the unincorporated areas between Yountville and Calistoga; and 2) Silverado Trail between Conn Creek Road/State Route 128 southward to Yountville Cross Road. For these two road segments that are in the vicinity of the project site, **the General Plan policy specifies LOS F and LOS E, respectively, as acceptable levels of service. The proposed project would contribute to traffic increases that would have the effect of increasing existing vehicle delays on roads in the project vicinity.** Further, the additional employees and visitors to the winery would generate vehicle trips and vehicle miles traveled (VMT). Between LOS and VMT, only VMT is an environmental impact under the California Environmental Quality Act.*

Not too long ago you were asked to approve the Mathew Bruno tasting room close to the Hwy 128/29 intersection. As I remember there was extensive discussion regarding the backup of traffic at that location today and concern regarding the impact that small tasting room would have. Now you have an application that could add significantly more cars resulting in more congestion and frustration for local residents and visitors.



It is quite disturbing that LOS F is considered an acceptable level of service in our General Plan. If the Hwy 128/29 is already at this level – how can you justify an application that will gridlock this area of the valley? Does the County have any plans for a traffic signal or a roundabout (my preference)? Is there a LOS F minus (or a LOS G?)

The cumulative impact of traffic appears to be minimized in the staff report.

Thanks and regards,

***Eve Kahn***

Eve Kahn, Chair  
Get a Grip on Growth  
PO Box 805  
Napa, CA 94559

**From:** [Whitmer, David](#)  
**To:** [Bordona, Brian](#); [Gallina, Charlene](#)  
**Subject:** Fwd: Frank Family-Benjamin Ranch Winery P-13-00371-UP  
**Date:** Tuesday, September 15, 2020 7:45:20 AM

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FYI...

Please add to public comments on Frank Family- Benjamin Ranch.

Thanks,

Dave

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**From:** Nancy Montgomery <namontgomery@gmail.com>  
**Sent:** Monday, September 14, 2020 10:09 PM  
**To:** Whitmer, David  
**Subject:** Frank Family-Benjamin Ranch Winery P-13-00371-UP

[External Email - Use Caution]

To Dave Whitmer and the Planning Commission

I am writing to oppose the application for the Frank Family-Benjamin Ranch Winery. As a 30 resident of Rutherford, I am seriously concerned that the development of so many new wineries is changing the character and essence of the Valley. I appreciate that the Napa Valley has become a world center for the wine industry and believed that is because of vision and careful planning. Ordinances were passed to encourage growth but growth has gotten out of control and is taking its toll. More has become too much. The Valley is overwhelmed. Traffic is regularly stalled on Hwy 29, Silverado Trail and feeder side roads. Idling traffic pollutes vineyards and homes. Garbage accumulates on all roads and in vineyards. Road surfaces are badly broken up and aren't repaved. For example, Howell Mt Road is so destroyed it is closed permanently, leaving Angwin without a second emergency escape route. Loud public events are the norm, not the exception. This year there is a glut of grapes. Vineyard owners are finding it difficult if not impossible to sell their crop due to over planting and a dramatic drop in demand. The new normal of annual fire storms is another threat to the welfare of the Valley - one that cannot be ignored and needs to be addressed.

Something is very wrong when the Valley is over-crowded, dirty, noisy and dangerous (fires). Why? Because the wine industry has grown to a point that it overwhelms the infrastructure. Time has come to pause and address these issues before it is too late. We need to ask what is the tipping point past which the damage can't be repaired. I strongly suggest a moratorium on any new wineries until the county can take the time to fully assess if the current guidelines for development are in the best interest of the Valley and the wine industry.

All of us who love the Napa Valley want it to be the best it can be. The direction it is currently going is deeply disturbing, indeed frightening. Thank you for considering my concerns.

Nancy Montgomery  
1095 Ponti Road  
Rutherford, CA 94558

James and Barbara Fetherston  
P.O. Box 239  
Rutherford, Ca. 94573

Napa County Planning Commission  
Mr. Brian Bordona, Deputy Planning Director  
Ms. Charlene Gallina, Supervising Planner  
1195 Third Street, Suite 210  
Napa, CA 94559

15 September, 2020

Subject: Comments regarding MND for proposed Benjamin Ranch Winery Use Permit Application  
p13-00371-UP,  
September 16, 2020 Agenda Item 7B

Hon. Planning Commissioners:

Barbara and I have lived at 8817 Conn Creek Road, Rutherford for 28 years. We own the home closest to the proposed site for the Benjamin Ranch Winery (BRW). Our home was built in the 1860s. At one time, the Cole Family owned our property and 8895 Conn Creek Road, the proposed site for BRW. We hope you will consider our comments regarding this project as the Planning Commission (PC) deliberates on the BRW application for a winery use permit. **We believe the current BRW application and the County's initial study are incomplete and for this reason we request a continuance for the hearing scheduled tomorrow and your consideration regarding the need for preparing an EIR.**

We are familiar with the Agricultural Preserve (AP) zone and the beautiful property that is proposed as the site for BRW's large winery and visitor/event center comprising an estimated 88,000 sq. ft. These expansive buildings are designed to accommodate up to 400 visitors per day; and the many marketing events that are planned--up to 357 per year-- to be scheduled as late as 10:00 p.m. seven days a week, twelve months a year. **In its initial UP Application, BRW limited its business hours to 6:00 p.m. We feel that would be more appropriate.**

#### Traffic and Transportation Issues

It seems incongruous that a project of this size is being proposed in the AG Preserve. This land was protected from development for more than 50 years by the County's AP Land Use Element policy. And it concerns us that the approval of this project will set a precedent for other ambitious projects that will want to match BRW's size, scale, appearance, hours of operation, visitation levels, and impacts. We cannot remember a new winery of this size being approved in the unincorporated areas of Napa Valley primarily because the existing road network cannot support the level of additional traffic a project of this size generates. The County has dozens of traffic studies on file; one or more for every winery use permit application, major modification request, and EIR. County and state agencies also conduct regular traffic analyses that show compelling evidence regarding the dysfunction of our roads. **Yet, the traffic congestion continues, intersections operate at unacceptable levels of service, and traffic mitigation measures do not seem to make a difference. The road network and infrastructure need to keep up with new development or everyone is affected by traffic congestion and all its related impacts on quality of lives. We must remember that visitors are also affected by congested traffic and that is not a nice memory to take home.**

Noise is one of the significant aspects of heavy truck traffic in Rutherford.

In our quiet rural area, where noise carries further, 24-hour truck traffic has a major impact on our quality of life. We hear the trucks rumbling along the road night and day. It is surprising that BRW's TIS did not address truck traffic in a detailed way. The addition of the new entry driveway from Conn Creek Road to BRW will double the sound we hear from trucks at the current time. The new driveway extends the area trucks will travel within our hearing range. We will hear the trucks as they pass along Conn Creek Road and continue to hear them as they shift, slow down, and turn left to follow the new segment of road proposed by BRW. If they stop in the new left turn lane, we will hear them idle there as well. **We feel it would be appropriate for BRW to move its proposed driveway north so that when trucks enter its property they can turn right at the winery and smaller passenger vehicles can turn left. In this way, trucks will not pass the Visitor/Event Center and spew diesel fumes on visitors. It will be quieter for all.**

Another benefit of moving the driveway north is that it would resolve an issue regarding the existing farm road along the southern property line (which is estimated on the site plan). On the proposed blueprints, the driveway replaces a gated unpaved access road that has been in common use by surrounding vineyards for more than 25 years. In the AG Preserve, this is not unusual as agricultural activities and farm roads cross one parcel to another. Farm roads increase worker safety and ease of traveling from one vineyard to another on heavy, slow-moving equipment while avoiding highways and heavily traveled byways. Some neighbors who have used the existing farm road for years believe they have a prescriptive easement, another believes he has a deeded easement, another is having the area surveyed to determine where the property line is located. **Although the County requires all locations, dimensions, and property lines and easements of subject parcels to be reported on the UP application, it doesn't seem BRW did so. Prior to any PC approvals, we believe this issue needs to be addressed. The BRW TIS also needs to consider the additional farm machinery that will be forced to travel along Conn Creek Road/Hwy. 128 because it has been displaced by the demolition of the existing farm road.**

The BRW TIS also needs to be updated to include traffic studies from new Rutherford wineries-- Mathew Bruno Tasting Room on Rutherford Road and Scarlett Winery on Ponti Road. The TIS states this was not done as traffic studies for these projects were unavailable. However, they are posted on the County website and should be included as cumulative impacts. When operable, these businesses will add to the already significant impacts at the intersection of Silverado Trail and Conn Creek Road, Hwy 29 and Hwy 128, and Silverado Trail at Skellenger Lane. **The TIS failed to mention that these intersections do not meet the new minimum acceptable operating condition standard for unsignalized intersections set by Napa County. Based on new standards, level of service D (LOS D) is the poorest acceptable operation for side street stop sign-controlled approaches at two way stop intersections and for all-way-stop-intersections. The nearest intersections to the proposed BRW site operate at LOS E and F.**

Another failing of the BRW TIS is its calculations and reporting of Truck Trips. It is surprising that BRW does not have a bottling line in its proposed winery plans. This may indicate that grapes will be crushed at BRW and then bottled at Frank Family Winery in Calistoga. If this is true, **the BRW application should describe their processing plan and calculate the grape count in accordance with its actual processing and bottling practices instead of using the formulae provided on the Caltrans and County forms.**

## Biological Resources

**Napa County's General Plan has specific requirements regarding setbacks from waterways, access to natural areas, conservation of natural resources, habitat protection, and wildlife corridors. Site conditions related to these issues have not been addressed in the BRW application.** The proposed project site is bordered on the east by Conn Creek and by the Napa River on the west. Nesting birds, bats, and migratory species like Canadian Geese are often sighted at the subject property along with birds of prey. Because the property is large and has very little traffic, it provides undisturbed habitat and biological resources for regional wildlife including a variety of mammals; frequently sighted are: California ground squirrel (*Spermophilus beecheyi*), rabbit (*Lepus Californicus*), raccoon (*Procyon lotor*), opossum (*Didelphis*), coyote (*Canis virginiana*), gray fox (*Urocyon cinereoargenteus*), bobcat (*Lynx rufus*), skunk (*Mephitis mephitis*), and the occasional cougar (*Puma concolor*). Animals use the property as a wildlife movement corridor that links Conn Creek with the Napa River. The new BRW driveway and other proposed improvements have the potential to disrupt the corridor and create isolated "islands" of wildlife habitat.

The last comments we would like to make regard the aesthetics of the project. It would be very helpful to see story poles for the buildings and in-place markings for road alterations that are proposed for Hwy. 128.

The PC will need to consider **if** the proposed color for the winery's exterior walls, "Barn Red" meets the aesthetic requirement set forth in Public Resources Code Section 21099 that specifies "Colors for roof, exterior walls and built landscaping features shall be limited to earth tones that will blend the facility into the colors of the surrounding site-specific vegetation. Is the same color story proposed for the winery and the visitor/event center? **The Initial Study Checklist (pg. 6, 4.16.c.) States, "the permittee shall obtain the written approval of the Planning Division in conjunction with building permit review and/or prior to painting the building."** Our preference is to use earth tones as the County's regulation specifies.

**We believe the issues regarding traffic, transportation, trucking, and biological resources highlighted in this letter are significant and justify our request for a continuance and for an EIR to be prepared for the proposed BRW project.**

Thank you for your consideration and your valuable service to our community,

Barbara and James Fetherston

Planning Commissioners  
Joelle.Gallagher@countyofnapa.org  
Dave.Whitmer@countyofnapa.org  
Anne.Cottrell@countyofnapa.org  
Andrew.Mazotti@countyofnapa.org  
Megan.Dameron@countyofnapa.org  
planningcommissionclerk@countyofnapa.org

**From:** [Bordona, Brian](#)  
**To:** [Ayers, Dana](#); [Anderson, Laura](#); [Gallina, Charlene](#)  
**Subject:** [EXTERNAL] FW: benjamin Ranch  
**Date:** Tuesday, September 15, 2020 10:26:47 AM

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**From:** agustin huneeus <huneeusagustin@gmail.com>  
**Sent:** Tuesday, September 15, 2020 10:21 AM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Cc:** Rodrigo Soto <rodrigo.soto@quintessa.com>; Alejandro Huneeus <alejandro@huneeuswines.com>; Nick Withers <nick@huneeuswines.com>  
**Subject:** benjamin Ranch

[External Email - Use Caution]

Napa County  
Planning Commission

Re: Benjamin Ranch Use Permit Application by Frank Family Winery – P13-00371.  
Commissioners,

I am writing to express my opposition to the referenced project. As much as we celebrate the growth of family owned wineries like ours, we believe the Benjamin Ranch project is disproportionate to the area and the zoning aspirations of its neighbors. Allowing this project to be built and operated as proposed is a radical departure from these widely embraced policies.

We will be happy to support a project of a scale, that is a better reflection of what Rutherford and Napa Valley want to be. As it stands, we respectfully request the Commissioners to reject it.

Sincerely,

Agustin Huneeus  
Proprietor & Founder  
Quintessa Winery

**From:** [Bordona, Brian](#)  
**To:** [Ayers, Dana](#); [Anderson, Laura](#); [Gallina, Charlene](#)  
**Subject:** [EXTERNAL] FW: Benjamin Ranch Opposition  
**Date:** Tuesday, September 15, 2020 10:05:20 AM

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**From:** Beth Milliken <beth@spottswode.com>  
**Sent:** Tuesday, September 15, 2020 9:19 AM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Cc:** Anne Cottrell (anne.l.cottrell@gmail.com) <anne.l.cottrell@gmail.com>; Dameron, Megan <megan.dameron@countyofnapa.org>; joellegPC@gmail.com; andrewmazotti@gmail.com; Whitmer, David <Dave.Whitmer@countyofnapa.org>  
**Subject:** Benjamin Ranch Opposition

[External Email - Use Caution]

Dear Napa County Planning Commissioners Cotrell, Dameron, Gallagher, Mazotti and Whitmer,

We, the Growers/Vintners for Responsible Agriculture, write to request a delay in the hearing on the Benjamin Ranch Project, which is on your agenda for Wednesday, September 16<sup>th</sup>. This is a significant project that requires great scrutiny, and we need time to meaningfully weigh in.

As we await your reasonable action to delay this hearing, we take this opportunity to express our strong opposition to the Benjamin Ranch Winery project now before you. The words, "Responsible Agriculture" in our name express exactly why we are opposed to this project, which has inexplicably received a Mitigated Negative Declaration despite the fact that its scale is immense and it is located in our Agricultural Preserve. This proposal represents an entirely unacceptable and irresponsible development in Napa Valley's scarce and precious agricultural lands, and an EIR must be mandated.

Here are the facts:

- 12.8 acres of land to be developed out of 85.1 total acres (15% of the land!)
  - Vineyard reduction from 47.5 to 42.7 acres (a loss of 4.8 acres of agriculture)
  
- 87,292 square feet of buildings, which will house administration & production, with a *commercial kitchen* to accompany its tour and tasting activities
  - Operating hours of 8:00am to 6:00pm
  - 400 people a day combined for tours and special events (Potential: 146,000/year!)
  - 357 annual events for between 16-150 people per event

- Only 8 days/year closed to events
- 42.7 planted acres (a reduction of 4.8 acres) equates to 149.45 tons (@ 3.5 tons/acre), which is 25,406.5 gallons (@ 170 gallons/ton) or 128,233 bottles of wine
  - Thus, this “agricultural” operation will produce fewer bottles from its on-site vineyard than the number of visitors (146,000) they ask to receive for tours annually. This defines an event center, as production seems to be ancillary to the marketing and sales functions.
- 475,000 gallons production capacity (199,580 cases, or 2,394,960 bottles)
  - Related to the above, where are the Napa Valley grapes coming from? Certainly not from the site, whose agricultural acreage is being decreased (and we have a 75% rule that must be honored)
- 61 full-time and part-time staff people

By every metric these are astoundingly large numbers, decidedly not in keeping with the intent and spirit of our Agricultural Preserve nor our agriculturally based economy. In addition, these on-site special events and late tasting closing time (6:00pm) take business away from our local restaurants and other food-service businesses, which need our support, especially during these most uncertain times.

Projects in our Agricultural Preserve cannot be looked at individually – rather, development in the AP must be looked at holistically, taking all other existing developments into account. To not look at individual projects in the context of the whole undermines our *moral obligation to protect the integrity of our Agricultural Preserve*, and damages Napa Valley’s reputation as a National Treasure. We must preserve and protect that which we still have, as our land is special, scarce and irreplaceable. We call upon you to be responsible stewards of our agricultural lands!

Thank you.

Sincerely,

Beth Novak Milliken, on behalf of Growers/Vintners for Responsible Agriculture

Laurie & Tom Clark  
 Randy Dunn  
 Mike Hackett  
 Julia Levitan  
 Beth Novak Milliken  
 Cio Perez  
 Joyce Black Sears  
 Jim Wilson  
 Warren Winiarski

Beth Novak Milliken  
 President & CEO



# SPOTTSWOODE

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*Please paws before printing. – Riley*

Coblentz  
Patch Duffy  
& Bass LLP

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One Montgomery Street, Suite 3000  
San Francisco, CA 94104-5500

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T 415 391 4800  
coblentzlaw.com

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Scott Greenwood-Meinert  
D (415) 772-5741  
sgreenwood-meinert@coblentzlaw.com

September 15, 2020

[DAyers@trccompanies.com](mailto:DAyers@trccompanies.com);  
[charlene.gallina@countyofnapa.org](mailto:charlene.gallina@countyofnapa.org)

Dana Ayers, Consulting Planner  
Charlene Gallina, Supervising Planner  
County of Napa Planning Division  
1195 Third Street, 2nd Floor  
Napa, CA 94559

Re: Frank Family Benjamin Ranch Winery Use Permit Application P13-00371-UP

Ladies:

As you know, our law firm represents Frank Family Benjamin Ranch, which is going to the Planning Commission tomorrow morning for a Use Permit Application Hearing. This letter responds to letters you received yesterday from Chatten-Brown, Carstens & Minter, LLP, Latham & Watkins, Caltrans and the Department of Toxic Substances.

#### 1. Chatten-Brown Letter

Foremost, attached to the Chatten-Brown letter is a peer review by Crane Transportation Group ("Crane") of the W-Trans traffic impact study prepared in support of this application. A traffic impact study that was the third such study submitted to the County and the only one to be blessed by the Public Works Department and PBES. The first two such studies were prepared by Crane, who worked on this project for 3 years. That Crane would choose to critique the W-Trans traffic impact study concerns Frank Family Vineyards.

Attached to this letter is W-Trans detailed response to Crane's peer review. W-Trans analysis establishes unequivocally that Crane's peer review is insubstantial, not credible, not reasonable in nature, and fails to state a fair argument that substantial evidence exists that would warrant an EIR.

The rest of Chatten-Brown's arguments are speculation, argument or unsubstantiated opinion or narrative...not substantial evidence. Substantial evidence includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact. Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative." (Pub. Resources Code, §§ 21080(e)(1)-(2) [emphasis added].) And accordingly, Chatten-Brown's CEQA related arguments fail to state a fair argument that substantial evidence exists that would warrant an

September 15, 2020  
Page 2

EIR or even a mitigated negative declaration. Substantial evidence supporting a fair argument must be of ponderable legal significance, reasonable in nature, credible, and of solid value.

The mere existence of some controversy, which Chatten-Brown creates with its letter and the Crane peer review do not satisfy the fair argument standard under Public Resources Code § 21151, and as such the County is warranted in concluding no significant impacts exist and a negative declaration is appropriate for adoption.(Public Resources Code § 21080(c)(1). (See Jensen v. Santa Rosa, 2018 Cal.App.Lexis 480.)

In most instances in the Chatten-Brown letter, the issues raised can be summarized as a request for more information to evaluate or more time to evaluate the existing more than sufficient data, not an analysis sufficient to credibly state a fair argument.

For instance, with regard to greenhouse gas impacts, the Chatten-Brown letter fails to acknowledge that the Initial Study/Mitigated Negative Declaration does calculate emissions, reasonably determines that they do not meet the 1,100 metric ton threshold and that under CEQA Guidelines when the threshold is not met, no further need to quantify is required. Chatten-Brown's comments regarding the MND's various greenhouse gas reduction measures lacking specificity and enforceability are simply wrong. The Project's water recycling is required through its water and wastewater conditions of approval. Those are obviously measurable, reportable, and a failure to meet with the water related conditions of approval can result in a permit being revoked. The County certainly enforces, through the building and development process and Code Enforcement, such things as a Project's green roof, landscape requirements and lighting. When the Planning Commission approves a Project, such commitments are "baked in" to the Project at that point

The Project's water analysis provided to the County that underpins the MND's water analysis was prepared by Bartelt Engineering, a veteran presence in the wine and vineyard industry to say the least. The water analysis meets all County criteria and was based on the best available information. Further the draft conditions of approval require consistent monitoring of water usage, with enforcement provisions. Merely stating that a well test should be done is not a fair argument. A fair argument would provide actual evidence that the current well water usage is arguably harming a neighbor's well—no such evidence is provided.

The Chatten-Brown letter raises thin arguments regarding noise and night time lighting. The IS/MND more than adequately addresses these issues, as do the draft conditions of approval that include standard precautions such as downward directed lighting and no amplified sound. It should go without saying that in this rural quiet area there are two significant wineries 3 to 4 hundred yards away and vast vineyards with frost fans and tractors running all through the night at times. The nearest residence is 300 or more yards away from the winery. Chatten-Brown fails to provide any actual facts, such as a noise study, to support its arguments.

September 15, 2020  
Page 3

As to the Aesthetic Impact argument raised by Chatten-Brown about Highway 128 being a scenic highway. Admittedly they are at a disadvantage being in Hermosa Beach. No redwood trees are being removed and the landscape plan calls for the planting of more trees. Highway 128 has not been designated a scenic highway. This is a two-step process, in which CalTrans places highways on a list and then the local agency, in this instance Napa County, must then undergo its own analysis and decision whether to undertake a beautification process. The second phase has not begun yet and accordingly there is no need to have analyzed this in the MND. Nor are their statements about floodplain grading requirements accurate. So again they fail to state any substantive evidence.

In conclusion the CEQA documents the County has prepared are thorough. As are the findings and the conditions of approval. And Chatten-Brown's arguments fail to rise to the level of even a fair argument under CEQA law.

## 2. Latham & Watkins Letter.

This letter misses the mark on bringing into play the Keep Our Mountains Quiet case. In that case a fair argument was successfully made based on actual non-expert facts indicating impacts to the environment from noise and traffic, not speculation as is presented by Latham & Watkins and Chatten-Brown. They present no facts regarding noise. And the Crane peer review fails to remotely approximate the standards established in Keep Our Mountains Quiet. Furthermore, this letter appears to take far too lightly the significant mitigating effects of a CalTrans' standard left turn lane.

With regard to fire evacuation concerns. The Napa County Fire Marshall has reviewed the project and did not raise this type of concern. It should be noted that the property is not in a high fire danger area, especially with significant vineyard planted on all four sides. The site has three potential exit routes: SR 128 north to Silverado Trail, SR 128 South to Skellenger Lane then to Silverado Trail, and SR128 south and west to SR 29.

As to Lathan & Watkins stating the MND is inadequate for failing to consider construction water usage, that usage is rather obviously subsumed within the Project's water use limitations as established within the Project's water analysis and MND analysis thereof.

## 3. The Department of Toxic Substance Control.

This department has raised concerns, as did Chatten-Brown, about the historic agricultural uses of substances on the property. Given the late nature of these comments, we are doing our best to address them. We have ordered the acquisition files from 2012 from storage and the undersigned spoke with both the applicant and the applicant's attorney at that time. Significant due diligence was done when the property was purchased in 2012, and it is believed a Phase 1 Environment Study was completed prior to purchase and did not show any significant issues.

September 15, 2020  
Page 4

But we do not have that study from storage yet. Frank Family Vineyards is a careful steward of the environment, as this project's documentation clearly shows as well as its Certified Napa Green status for its vineyards. Frank Family Vineyards commits to working with County staff to review the 2012 Phase 1 Environmental Study and if warranted, commits to doing additional soils testing prior to construction and going further if the evidence warrants.

4. CalTrans Letter.

The applicant will, of course, comply with all CalTrans requirements as set forth in its letter yesterday. The applicant has committed to the County regarding monitoring and responsibility for the TDM measures provided for through this process. Indeed, to complete this project, when the time comes, will take a great deal of working with CalTrans.

Conclusion.

The application should be approved as it now is, with the adjustments made to visitation and marketing. The arguments by the law firms for Mr. Honig fail to raise a fair argument regarding CEQA requiring an EIR. The Crane peer review similarly fails as the W-Trans response abundantly articulates.

Thank you very much for your time and consideration.

Cordially,



Scott Greenwood-Meinert

Attachments

cc: Leslie Frank  
Rich Frank  
Dalene Whitlock  
Paul Bartelt



September 15, 2020

Mr. Scott Greenwood-Meinert, Esq.  
Coblentz Patch Duffy & Bass LLP  
700 Main Street, Suite 210  
Napa, CA 94558

## **Response to Comments on the *Traffic Impact Study for the Frank Family Benjamin Ranch Winery Project***

Dear Mr. Greenwood-Meinert;

We are in receipt of comments on the *Traffic Impact Study for the Frank Family Benjamin Ranch Winery Project* (TIS) dated February 4, 2020 and prepared by W-Trans. These comments are contained in a peer review memorandum prepared by Mr. Mark Crane of Crane Transportation Group dated September 11, 2020 as well as a letter from Mr. Mark Leong of Caltrans dated September 14, 2020. Copies of the memorandum and letter are enclosed for reference.

**Memorandum from CTG** (the headings for the fifteen comments are shown followed by our responses)

### 1. Evaluation of Appropriate Roadways and Intersections, as Determined by the County of Napa

The study area was established by Mr. Crane prior to preparing the original traffic study prepared for this project. The draft *Frank Family Vineyards Traffic Impact Study*, August 22, 2018, was prepared by Crane Transportation Group (CTG) and submitted to County staff for review. Their comments on this initial study are contained in a memorandum from Mr. Ahsan Kazmi, the County's Traffic Engineer, dated April 11, 2019. Copies of both documents are attached for reference. While there are extensive comments regarding the adequacy and accuracy of the CTG study, no comments were made regarding the need to expand the study area or include further intersections, and during their review of the draft version of the W-Trans report there were similarly no comments made indicating that the study area was inadequate. It therefore appears reasonable to assume that the County concurred with the study area chosen by Mr. Crane and therefore used for this analysis.

### 2. Project Trip Generation Rates

The comment is correct in that there is a disparity between the written text and the trip generation table. However, if the text is correct, the resulting analysis is conservative as it overstates the trip generation by 46 daily trips, 7 weekday p.m. peak hour trips and 37 weekend peak hour trips. It is noted that had the Friday p.m. peak hour trip generation been applied to the 2,124 square feet that comprise the tasting room, the resulting trip generation of 23 trips is equal to that used in the analysis, indicating that the rates applied were adequately conservative to encompass conditions under the rates suggested by Mr. Crane. We concur that the rate for Saturdays appears to be excessively high; however, as discussed with County, until such time as there is more local trip generation data, the standard rates are acceptable for use in this analysis under the County's policies as well as standard practice on numerous other studies for projects in Napa County.

### 3. Trip Distribution Patterns and Percentages

Project traffic exiting the site will be directed to use SR 29 to travel north and Silverado Trail to travel south, thereby eliminating the need for project patrons to turn left onto either heavily-traveled roadway and reducing the project's potential impacts. As indicated in the trip distribution table, the split between northbound and southbound was 55/45 and not 100 percent to the north as asserted. Per Figure 5 the

outbound trips for the weekday p.m. peak hour were assigned such that 7 vehicles went north on SR 29 and 5 went south on Silverado Trail.

It is noted that the truck trips during harvest were not separately addressed in the traffic analysis; however, such truck trips are an inherent part of the travel patterns in an agricultural valley and are not typically evaluated separately in a traffic study. If the trip generation for the Saturday peak hour is considerably higher than would reasonably be expected for this winery, as asserted by the commenter in Comment 2, it is also reasonable to anticipate that the 33 daily truck trips are already accounted for in the analysis as performed, and therefore no further analysis is needed.

#### 4. Signal Warrant Analysis is Missing

The assertion that signals would result in acceptable operation at both SR 29/Rutherford Road and Silverado Trail/Conn Creek Road is related to the analysis of their service levels. For reference purposes only, an analysis was performed to determine if signalization would result in acceptable operation at the two intersections, and it was determined that it would. However, this analysis was not presented in the traffic study as it is the County's policy not to install signals, and as such this potential mitigation measure was deemed infeasible. Because traffic signals cannot be recommended there would be no benefit to providing a signal warrant study showing whether they are warranted or not.

#### 5. Parking Demand

As parking is not an issue related to environmental impacts, the parking analysis included in the traffic study provides information that staff and the policymakers can use in their deliberations. Because it was determined that the on-site parking supply would be inadequate for even the smallest event, it was recommended that guests be shuttled to the site from off-site parking. The parking supply that would be needed off-site should be determined based on the appropriate attendance and occupancy rate.

#### 6. VMT (Vehicle Miles Traveled)

Since February, when the TIS was published, much progress has been made in the area of estimating and evaluating VMT, and many jurisdictions have now established metrics and standards related to VMT. As indicated in the Initial Study (IS) prepared for this project, Napa County has established a standard of reducing VMT by 15 percent, consistent with the recommendations made by the Office of Planning and Research, the State agency tasked with establishing metrics for VMT. The finding in the Initial Study is that the impact related to VMT can be reduced to a less-than-significant level through implementation of a Transportation Demand Management (TDM) Plan, as recommended in the TIS.

#### 7. Need for Transportation Demand Management (TDM) Plan

The IS includes a mitigation measure indicating that a TDM Plan shall be prepared for the project; it does not indicate that a TDM coordinator is needed, though this measure could reasonably be included in the TDM Plan.

#### 8. Accidents

The incidence of an above-average crash rate does not, in and of itself, indicate that there is a safety problem; this information is generally used to determine if a more detailed evaluation of the crash pattern is warranted. While there is not a published policy signifying that the lack of injuries indicates a lack of a safety concern, common sense dictates that such crashes should be of less concern relative to safety than crashes resulting in injuries or fatalities, and equations used to evaluate the benefit of making safety improvements bears this out as property-damage only crashes are often excluded from such calculations or, if included, given a much lower weight than injury crashes.

The driveway does not currently exist, so it would be atypical to perform an analysis of crashes at a location where there is currently no potential for conflicting turning movements. Such analyses are more typically prepared for projects with existing driveways when an expansion of the use is being proposed. The proposed new driveway location was evaluated for adequacy of sight distance and the need for a left-turn lane to support safe operation.

#### 9. Bike Routes

The traffic study includes a table that details the extents of various bike facilities in the vicinity of the project site, including the plan to install bike lanes on Conn Creek Road in front of the project site. It is recommended in the TIS that the project dedicate property along its frontage as necessary to accommodate any widening necessary for the bike lane, and this recommendation is included as a Mitigation Measure in the Initial Study. It is unclear from the comment what additional information is needed as the information provided results in a finding of less-than-significant impacts with mitigation.

#### 10. Road Surface

Conn Creek Road (SR 128) is a state highway, intended to carry regional traffic and therefore presumably designed for truck traffic. The project can reasonably be expected to have a less-than-significant impact on the surface of a road designated for carrying such traffic.

#### 11. Intersection Geometrics

A review of the width of Rutherford Road on the approach to SR 29 indicates that it is approximately 19 feet wide, which is adequate to accommodate two queues of vehicles side-by-side. The potential for a left-turn queue to block a driver wishing to turn right is therefore limited. The Conn Creek Road approach to Silverado Trail is approximately 17 feet wide at a point 70 feet from the intersection, which is approximately the queue length for three vehicles. If the queue of drivers waiting to turn left reaches three vehicles, drivers wishing to turn right would be delayed. While the text does not provide these details, it is noted that this constraint is programmed into and accounted for in the calculations.

#### 12. Unsignalized Level of Service Criteria

While the overall average intersection delay is presented in the tables for reference purposes, it is not used for the analysis; that is based solely on the side-street delay in keeping with the County's policy. As County staff accepts the presentation of service levels as shown in the report, and this reporting is typical of the many reports W-Trans has prepared for projects in the County of Napa, it would appear that this approach is considered acceptable.

#### 13. Roadway Directions

While Silverado Trail runs generally north-south, at the intersection with Conn Creek Road it has an east-west orientation. The predominant assumption of orientation should have been used, and Table 10 should indicate northbound and southbound directions and not westbound and eastbound. The information is, however, accurate as presented given its consistency with the roadway's orientation in the study area.

#### 14. Access Intersection Level of Service – Data Missing

The concept of Level of Service is inappropriate for application to driveways. The County's policies regarding Level of Service apply to roadways and intersections, and the *California Vehicle Code* defines an intersection as being where two public roads intersect. Since driveways are not public roads, where they connect to the road system is not an intersection and should therefore not be evaluated as such. The operational analysis performed was for the purpose of establishing potential safety concerns associated



with excessive delays to exiting traffic. Inclusion of these calculations was therefore deemed unnecessary and, as staff did not request the information, it was not added after their review of the draft report.

#### 15. Significant Unmitigable Project Impacts

While the project would have an *adverse effect* on operation at the intersection of SR 29/Rutherford Road, this is not a CEQA issue so it cannot translate to the need for an EIR. The project's effect on operation is an issue of consistency with the County's policies, not CEQA. Since February, when the TIS was finalized, the project has undergone some changes, including a recent reduction in the proposed visitation from 400 persons per day to 300 persons daily on Thursday through Sunday and 150 persons per day on Monday through Wednesday, and these changes would be expected to reduce this adverse effect.

### Comment Letter from Caltrans

#### Travel Demand Analysis


The TDM measures identified in the TIS are supported. Caltrans additionally suggests monitoring of the TDM program, which could be added to the Mitigation Measure in the Initial Study if the County wishes to require annual monitoring and review of the monitoring reports

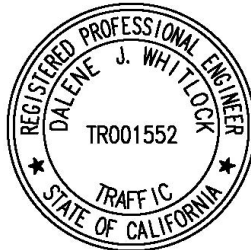
#### Proposed Left-turn Lane

The left-turn lane on SR 128 (Conn Creek Road) was proposed as part of the project, so analysis was not prepared to determine if such an installation is warranted or not. Upon evaluating the warrants used by Caltrans it was determined that a left-turn lane is not warranted, under current or event future traffic volumes. It is therefore recommended that a left-turn lane not be required as Caltrans. Copies of the turn lane warrant results, including volumes for all scenarios, are enclosed for reference.

We hope the above information adequately addresses the comments received on our traffic study. Thank you for allowing us to provide these services.

Sincerely,

  
Dalene J. Whitlock, PE, PTOE  
Senior Principal



DJW/djw/NAX154.R2C

Enclosures: Peer Review Memorandum (CTG)

Draft *Frank Family Vineyards Traffic Impact Study* (CTG)

Notice of Incomplete Documentation Memorandum (Napa County Public Works)

Comment Letter (Caltrans)

Left-turn Lane Warrant Analysis

# **CRANE TRANSPORTATION GROUP**

## **PEER REVIEW OF THE FRANK FAMILY BENJAMIN RANCH WINERY PROJECT TRAFFIC IMPACT STUDY – NAPA COUNTY BY W-TRANS, FEBRUARY 4, 2020**

### **A. INTRODUCTION**

The following is a peer review conducted by Crane Transportation Group (CTG) of the Frank Family Benjamin Ranch Winery Project Traffic Impact Study prepared by W-Trans, February 4, 2020. This peer review has been prepared at the request of Michael Honig, of Honig Winery.

### **B. OVERALL ISSUES**

1. The County of Napa should have approved the scope of work for this study, however, there is no clear indication that the County was directly consulted for this purpose.
2. The Use Permit Application for the Frank Family Benjamin Ranch Winery Project contains data that are inconsistent with the traffic study prepared for the project. Specifically, the Winery Traffic Information/Trip Generation Sheet included in the Use Permit file cites 46 fulltime and 5 part time employees during a typical weekday, while page 1 of the traffic study cites a proposed “46 fulltime and 15 part time employees on a typical daily basis.” Either the Use Permit Application or the input to the Traffic Impact Study requires update to be made consistent with the current definition of the project.

### **C. SPECIFIC ISSUES BY TOPIC**

1. Evaluation of Appropriate Roadways and Intersections, as Determined by the County of Napa

Page 5 of the traffic study lists three study intersections, but does not say if these specific intersections were required by the County of Napa for analysis, or if the County was consulted on the scope of the analysis. The study does not include analysis of arterial Level of Service as is frequently required by the County.

2. Project Trip Generation Rates

Page 14 of the traffic study states that the ITE “Winery” LU # 970 trip rate was used for

the 2,124 square foot portion of the winery building that would house the tasting room, and references Table 6. However, Table 6 uses 3,140 square feet (3.14 ksf). These statements are conflicting, and require correction.

According to ITE, for the purposes of this land use, the independent variable “1,000 sq. foot gross floor area” refers to the square footage of the building that houses the tasting room. It may be most appropriate to use the 2,124 square foot portion of the winery building, referenced in the traffic study, that is specific to tasting room use. It would also be helpful for the traffic study to include an explanation of the square footage components of the total visitor’s center building (7,669 square feet as shown on the site plan cover sheet Code Synopsis) in order to understand the use of the 3,140 square feet referenced in Table 6.

The ITE 10th Edition Trip Generation “Winery” LU # 970 trip rates applied in the traffic study are subject to question. For example, the County of Napa generally directs use of Friday and Saturday data, rather than “weekday” and “weekend.” The traffic study uses the weekday PM peak hour rate of 7.31 per thousand square feet rather than a Friday PM peak hour rate of 10.93 per thousand square feet. The traffic study applies a Saturday PM peak hour average rate of 36.5, when application of the available fitted curve equation might result in a trip generation rate more specific to the project.

The resulting analysis states that there would be 23 weekday PM peak hour trips and 115 Saturday PM peak hour trips. Why so many Saturday PM peak hour trips? Recent traffic counts (September 13 and 14, 2019) conducted at the public access to the Mondavi Winery resulted in a Friday PM peak hour total of 59 trips and a Saturday PM peak hour total of 96 trips. Why would the Frank Family Benjamin Ranch Winery, located on Conn Creek Road, have more traffic on a Saturday PM peak hour than one of the most famous wineries in the Napa Valley located on State Route 29? This should be explained in the context of proposed visitor trips, preferably by use of a table showing hourly anticipated inbound and outbound visitors throughout the business day for typical Friday and Saturday conditions.

### 3. Trip Distribution Patterns and Percentages

a. Trip distribution requires explanation. Why is it that the majority of inbound project traffic from Silverado Trail is from the north while 100% of outbound traffic is to the south? Why is it that at SR29 the inbound traffic is split 50%/50% northbound and southbound, while outbound traffic is 100% to the north?

b. There is no mention of truck traffic volumes in the traffic study. However, the winery will have trips related to haul of grapes during harvest. The project Use Permit application “Winery Traffic Information/Trip Generation Sheet” shows crush Saturday conditions with 33 daily truck trips. The traffic study should address these trips.

#### 4. Signal Warrant Analysis is Missing

Signal warrant analysis should be shown to support the statement, used several times in the traffic study, that signalization of the SR 29/Rutherford Road and Silverado Trail/Conn Creek Road intersections would mitigate conditions at both intersections. The study contains no signal warrant analysis.

#### 5. Parking Demand

Page 28 of the traffic study cites the Napa County standard per car occupancy rate at 2.8 persons, and this is correct for Saturdays, but not for weekdays. The Napa County weekday standard is 2.6 persons per car. Use of this slightly more conservative factor, applied to a weekday with a maximum of 400 visitors over the course of the day would result in a parking space demand of 61 for employees (assuming 1 parking space per employee), and 38 for guests (conservatively assuming one-quarter of the guests – 100 - parked during any one hour), for a total 99 parking spaces, or five more than included on the site plan (94 spaces), and two more than the 97 spaces recommended in the traffic study.

Use of the 2.6 persons per car rate would also change the parking calculation for the 150-attendee events and the 24-attendee events. Event parking should also take into account any needed additional parking spaces for additional staffing, caterers, musicians and entertainers.

It is recommended that the study provide a parking demand matrix, with a marketing event occurring, by hour for a harvest Friday and Saturday.

#### 6. VMT (Vehicle Miles Traveled)

The traffic study correctly identifies the need for addressing VMT in the context of maintaining air quality by reducing vehicle emissions. However, the analysis provided on page 23 and in Table 11 pertains only to employee trips, with no mention of visitor trips. This issue should be revisited when the County's new VMT methodology is approved.

#### 7. Need for Transportation Demand Management (TDM) Plan

The traffic study contains the beginnings of a Transportation Demand Management (TDM) Plan. Because the project would result in substantial increases in traffic at intersections currently operating unacceptably, a serious effort at peak hour trip reductions should be considered. Such a plan should include a TDM coordinator.

#### 8. Accidents

- a. Page 6 of the traffic study states that the Silverado Trail/Conn Creek Rd (SR128) intersection has a higher number of collisions than the state average, but

there is no safety concern because these were non-injury accidents. Is this an opinion, or based on a standard Caltrans has established?

b. The study does not provide accident data in the vicinity of the project driveway.

#### 9. Bike Routes

While future bike lane plans are detailed, existing bike route descriptions are vague (see page 7 of the traffic study).

#### 10. Road Surface

The project will add traffic, including large trucks, to the deteriorating pavement condition of Conn Creek Road. The traffic study should describe the existing roadway condition and include mitigation consisting of a before-and-after pavement inspection that would require the project to make improvements to the roadway as needed.

#### 11. Intersection Geometrics

The description of study intersections should include the observation that although the Conn Creek Road approach to Silverado Trail is flared to allow for right-turning vehicles to separate from through or left-turning vehicles, this is not always possible. A through or left-turning vehicle can obstruct access to the right-turn flare. The same is true for the Rutherford Road approach to State Route 29; the flare provided for right turns is not always accessible if a left-turning vehicle obstructs access to the right-turn flare.

#### 12. Unsignalized Level of Service Criteria

The traffic study shows and discusses both overall intersection LOS and Minor Street approach LOS for unsignalized intersections. If the county only recognizes Minor Street approach LOS and delay for significant impact evaluation, then the inclusion of overall Intersection LOS is unnecessary and confusing (see page 10 of the traffic study). Similarly, does the County permit mitigation based on overall intersection delay as described in traffic study pages 19 and 20?

#### 13. Roadway Directions

Throughout much of the study Silverado Trail is referred to as a north-south roadway, but in Table 10 on page 23 it is assumed to be an east-west roadway. This is confusing.

#### 14. Access Intersection Level of Service - Data Missing

Page 26 – why is there a Level of Service delay given at the project driveway but no LOS worksheets or volumes provided in the study?

## 15. Significant Unmitigable Project Impacts

The traffic study identifies significant impacts at the Rutherford/ SR 29 and Conn Creek Road/Silverado Trail intersections. It recommends an improvement measure for the Silverado location, but it is unclear whether this mitigation has been discussed with the County. There is no mitigation for the Rutherford Road/SR 29 intersection except to develop measures to reduce trips. It is notable that none of the mitigations include reducing visitation. If investigated, it will probably be found that a significant reduction in visitation throughout the afternoon will be required to reduce significant impacts during the three to four peak traffic hours of every Friday and Saturday afternoon.

As analyzed, the traffic study concludes that the project would result in significant, unmitigable impacts. Thus, it is anticipated that an EIR will be required. This would be an opportunity to revise the traffic analysis.

This Report is intended for presentation and use in its entirety, together with all of its supporting exhibits, schedules, and appendices. Crane Transportation Group will have no liability for any use of the Report other than in its entirety, such as providing an excerpt to a third party or quoting a portion of the Report. If you provide a portion of the Report to a third party, you agree to hold CTG harmless against any liability to such third parties based upon their use of or reliance upon a less than complete version of the Report.

**FRANK FAMILY VINEYARDS  
TRAFFIC IMPACT STUDY  
NAPA COUNTY, CALIFORNIA**

**August 22, 2018**

**Prepared for: FRANK FAMILY VINEYARDS  
AND COUNTY OF NAPA**

**Prepared by: CRANE TRANSPORTATION GROUP  
2621 E. Windrim Court  
Elk Grove, CA 95758  
(510) 236-9375  
(510) 684-1984  
(916) 647-3406**

# I. INTRODUCTION

This report has been prepared at the request of the Napa County Public Works Department as authorized by the Frank Family Vineyard applicant. It seeks to determine if the proposed Frank Family Winery along Conn Creek Road (SR 128) will result in any significant circulation system impacts at the project entrance or at the nearby Silverado Trail/Conn Creek Road (SR 128), Conn Creek Road (SR 128)/Rutherford Road (SR 128), and Rutherford Road (SR 128)/ SR 29 intersections and roadway segments. The scope of analysis has been discussed with and approved by County staff and includes evaluation of major intersections as well as Silverado Trail, State Route 29, Rutherford Road and Conn Creek Road operation near the project site for existing (Year 2017), Year 2020 and Year 2030 horizons – see **Figure 1**.

# II. PROPOSED PROJECT SUMMARY

The proposed project consists of a full-crush Wine Production Center producing 475,000 gallons of wine per year, and a Visitor Center with commercial kitchen on a 54.64± acre parcel. The project includes a Lot Line Adjustment increasing the parcel size to 63.97± acres. A new, two-lane, two-way paved driveway, relocated to optimize sight lines along Conn Creek Road, would provide employee and visitor access to the site. The driveway would be stop sign controlled on its approach to Conn Creek Road. An eastbound Conn Creek Road left turn lane would be provided to accommodate turns into the site. Employee parking and visitor parking would be provided on site.

# III. SCOPE OF SERVICES

The scope of service for this traffic study was developed to provide analysis required by the County of Napa. Evaluation was conducted for harvest Friday and Saturday PM peak hour traffic conditions. Existing (2017), year 2020 and year 2030 (Cumulative – General Plan Buildout) horizons were evaluated both with and without project traffic. Operating conditions at the Conn Creek Road intersections with Silverado Trail, the Project Driveway, Rutherford Road, and the Rutherford Road/ SR 29 intersection were evaluated for all analysis scenarios based upon County traffic significance criteria. In addition, roadway segment analysis was performed. Sight line adequacy was evaluated at the proposed driveway intersection with Conn Creek Road, and on-site parking supply and demand was analyzed. Significant impacts, if any, were identified and measures listed, if needed, to mitigate all impacts to a less than significant level.



## IV. SUMMARY OF FINDINGS

### A. “WITHOUT PROJECT” OPERATING CONDITIONS

#### 1. Existing Volumes - Year 2017 Harvest

The peak traffic hour at the Silverado Trail/Conn Creek Road intersection, the SR 29/Rutherford Road intersection and the Conn Creek Road intersections with the Project Driveway and Rutherford Road were found to occur during one hour from 3:00-5:30 PM on Friday afternoons. The Saturday peak traffic hours at these intersections were found to occur during one hour between 2:00-4:00 PM.

#### 2. Year 2017 Harvest (Without Project) Circulation System Operation

- **Conn Creek Road (SR 128) Rutherford Road (SR 128) intersection and Conn Creek Road/Project Driveway intersection** - acceptable levels of service + volumes do not meet peak hour signal warrant criteria levels during both the Friday and Saturday PM peak traffic hours.
- **Silverado Trail/Conn Creek Road and SR 29/Rutherford Road intersections** - unacceptable levels of service + volumes would meet peak hour signal warrant criteria levels during both the Friday and Saturday PM peak traffic hours.
- **SR 29 roadway segments** –unacceptable Friday and Saturday PM peak hour northbound and southbound operation north and south of Rutherford Road.
- **Silverado Trail roadway segments** –unacceptable Friday PM peak hour southbound operation north and south of Conn Creek Road.
- **Rutherford Road and Conn Creek Road roadway segments** – acceptable operation during all time periods at all locations.

#### 3. Year 2020 Harvest (Without Project) Circulation System Operation

- **Conn Creek Road (SR 128) Rutherford Road (SR 128) intersection and Conn Creek Road/Project Driveway intersection** - acceptable levels of service + volumes do not meet peak hour signal warrant criteria levels during both the Friday and Saturday PM peak traffic hours.
- **Silverado Trail/Conn Creek Road and SR 29/Rutherford Road intersections** - unacceptable levels of service + volumes would continue to meet peak hour signal warrant criteria levels during both the Friday and Saturday PM peak traffic hours.
- **SR 29 roadway segments** –unacceptable Friday and Saturday PM peak hour northbound and southbound operation north and south of Rutherford Road.
- **Silverado Trail roadway segments** –unacceptable Friday PM peak hour southbound operation north and south of Conn Creek Road.
- **Rutherford Road and Conn Creek Road roadway segments** – acceptable operation during all time periods at all locations.

**4. Year 2030 Harvest (Without Project) Circulation System Operation**

- **Conn Creek Road (SR 128) Rutherford Road (SR 128) intersection and Conn Creek Road/Project Driveway intersection** - acceptable levels of service + volumes do not meet peak hour signal warrant criteria levels during both the Friday and Saturday PM peak traffic hours.
- **Silverado Trail/Conn Creek Road and SR 29/Rutherford Road intersections** - unacceptable levels of service + volumes would continue to meet peak hour signal warrant criteria levels during both the Friday and Saturday PM peak traffic hours.
- **SR 29 roadway segments** –unacceptable Friday and Saturday PM peak hour northbound and southbound operation north and south of Rutherford Road.
- **Silverado Trail roadway segments** –unacceptable Friday PM peak hour southbound operation north and south of Conn Creek Road.
- **Rutherford Road and Conn Creek Road roadway segments** – acceptable operation during all time periods at all locations.

**B. PROJECT IMPACTS**

**1. Existing and Year 2020 Project Trip Generation**

The proposed project (up to a maximum of 400 guests per day by appointment between 10:00 AM and 6:00 PM) will result in the following trip generation on the local circulation system during the Friday and Saturday ambient peak traffic hours. Volumes were developed through several conferences with the project applicant, the Frank Family vintners, and hospitality managers.

**PROJECT TRIP GENERATION  
EXISTING AND YEAR 2020 CONDITIONS**

**HARVEST**

FRIDAY PM PEAK HOUR* (4:30-5:30)		SATURDAY PM PEAK HOUR* (2:00-3:00)	
INBOUND TRIPS	OUTBOUND TRIPS	INBOUND TRIPS	OUTBOUND TRIPS
18	20	18	18

\* Peak hours on Conn Creek Road at Rutherford Road, Silverado Trail and Project Driveway.  
Source: Frank Family Vineyards in consultation with Crane Transportation Group

**2. Year 2030 Project Trip Generation and Distribution**

By Year 2030, the proposed project (up to a maximum of 400 guests per day by appointment between 10:00 AM and 6:00 PM) will be controlled by appointment and at the gate, resulting in the following trip generation on the local circulation system during the Friday and Saturday ambient peak traffic hours. Volumes were developed through several conferences with the project applicant, the Frank Family vintners, and hospitality managers.

**PROJECT TRIP GENERATION  
YEAR 2030 CONDITIONS**

**HARVEST**

FRIDAY PM PEAK HOUR* (4:30-5:30)		SATURDAY PM PEAK HOUR* (2:00-3:00)	
INBOUND TRIPS	OUTBOUND TRIPS	INBOUND TRIPS	OUTBOUND TRIPS
9	9	10	10

\* Peak hours on Conn Creek Road at Rutherford Road, Silverado Trail and Project Driveway.

Source: Frank Family Vineyards in consultation with Crane Transportation Group

**EXISTING AND YEAR 2020 CHANGE IN TRAFFIC  
ON THE CONN CREEK ROAD EASTBOUND APPROACH TO SILVERADO TRAIL  
AND THE  
RUTHERFORD ROAD WESTBOUND APPROACH TO STATE ROUTE 29  
DUE TO THE PROPOSED PROJECT**

TIME	APPROACHING SR 29	APPROACHING SILVERADO TRAIL
Friday PM Peak Hour	+8 vehicles	+10 vehicles
Saturday PM Peak Hour	+7 vehicles	+9 vehicles

**YEAR 2030 CHANGE IN TRAFFIC  
ON THE CONN CREEK ROAD EASTBOUND APPROACH TO SILVERADO TRAIL  
AND THE  
RUTHERFORD ROAD WESTBOUND APPROACH TO STATE ROUTE 29  
DUE TO THE PROPOSED PROJECT**

TIME	APPROACHING SR 29	APPROACHING SILVERADO TRAIL
Friday PM Peak Hour	+2 vehicles	+2 vehicles
Saturday PM Peak Hour	+5 vehicles	+6 vehicles

**3. Wine Production Center and Visitor Center**

The proposed Frank Family Vineyard would have a full-crush Wine Production Center producing 475,000 gallons of wine per year, and a Visitor Center with commercial kitchen on a 54.64± acre parcel. The project includes a Lot Line Adjustment increasing the parcel size to 63.97± acres. A new, two-lane, two-way paved driveway, relocated to optimize sight lines along Conn Creek Road, would provide employee and visitor access to the site. The driveway would be stop sign controlled on its approach to Conn Creek Road. An eastbound Conn Creek Road left turn lane would be provided to accommodate turns into the site. Employee and visitor parking would be accommodated on the site.

**4. Year 2017 Harvest Existing + Project Off-Cite Circulation Impacts**

The proposed project would not result in any significant off-site circulation impacts at any study intersection or roadway segment, including the Conn Creek Road/Silverado Trail intersection and the SR 29/Rutherford Road intersection, both of which would already be operating unacceptably without project traffic. The percent increase in traffic due to the project would not meet the County's impact significance criteria limit.

**5. Year 2020 Harvest + Project Off-Site Circulation Impacts**

The proposed project would not result in any significant off-site circulation impacts at any study intersection or roadway segment, including the Conn Creek Road/Silverado Trail intersection and the SR 29/Rutherford Road intersection, both of which would already be operating unacceptably without project traffic. The percent increase in traffic due to the project would not meet the County's impact significance criteria limit.

**6. Cumulative (Year 2030) Harvest + Project Off-Site Circulation Impacts**

The proposed project would not result in any significant off-site circulation impacts at any study intersection or roadway segment, including the Conn Creek Road/Silverado Trail intersection and the SR 29/Rutherford Road intersection, both of which would already be operating unacceptably without project traffic. The percent increase in traffic due to the project would not meet the County's impact significance criteria limit.

**7. Sight Lines at Project Driveway**

Sight lines at the relocated Project Driveway connection to Conn Creek Road exceed stopping sight distance criteria based upon the Caltrans *Highway Design Manual*, March 2014, with updates to 2018.

**8. Parking Adequacy**

The largest number of employees on-site at any one time would result in 46 employees on-site, and assuming one car per employee, 46 parking spaces would be in use. Added to the maximum visitor parking projection of 22 occupied spaces during any one hour, the total projected parking demand for a maximum visitor Friday or Saturday would be 68 of the total 75 proposed parking spaces. The proposed parking spaces would be more than adequate to accommodate a maximum day. If any event is held which will exceed

the available on-site parking, the applicant proposes to arrange for on-site valet or off-site parking and shuttle service to the winery.

## C. MITIGATION MEASURES

No circulation system mitigations are required beyond those incorporated into the project as proposed.

## D. CONCLUSIONS

The project would result in no significant off-site circulation system operational impacts to the roadways and study intersections. All project visitor traffic will be strictly managed by appointment, and the “appointment-only” scheduling will limit visitor traffic during known peak hours. Management will encourage multi-modal access to the winery and participate in programs to reduce overall vehicle miles traveled in accessing the facility. A left turn lane will be provided on the eastbound Conn Creek Road approach to a relocated Project Driveway. Sight lines are acceptable at this location. No additional mitigation measures are required.

## V. PROJECT LOCATION & DESCRIPTION

The Frank Family Vineyard (formerly Wood Ranch) is located on the west side of Conn Creek Road, and is accessed via an existing driveway. **Figure 1** provides an area map showing the project site location. The project driveway provides access to land developed with a vineyard manager’s office and 47.5± acres of vineyards and accessory structures for vineyard operations, as well as one existing single family residence.

The proposed Frank Family Vineyard would have a full-crush Wine Production Center producing 475,000 gallons of wine per year, and a Visitor Center with commercial kitchen on a 54.64± acre parcel. The project includes a Lot Line Adjustment increasing the parcel size to 63.97± acres. A new, two-lane, two-way paved driveway, relocated to optimize sight lines along Conn Creek Road, would provide employee and visitor access to the site. The driveway would be stop sign controlled on its approach to Conn Creek Road. An eastbound Conn Creek Road left turn lane would be provided to accommodate turns into the site. The majority of employee parking would be provided at the Wine Production Center, where there would be 32 regular (10’X18’) parking spaces and two accessible spaces. Visitor parking would be provided at the Visitor Center, where there would be a total of 41 parking spaces, consisting of 36 regular spaces plus three accessible spaces and two spaces sized for limousines. A minor amount of employee parking would occur at the Visitor Center.

### **41 Full Time Employees Working Onsite at Any One Time**

The project’s staffing and marketing plan is detailed as follows:

- 41 year-round full-time employees at the Wine Production Center and Visitor Center.
- 5 dayshift seasonal (Harvest) employees<sup>1</sup>
- 5 swing shift seasonal (Harvest) employees<sup>2</sup>

The **Winery Production Center** component of the full-time Harvest employees:

**19** Full-time employees

The **Visitor Center** component of the 35 full-time Harvest employees:

Up to **22** Full-time employees

### **5 Part Time Employees**

Tables 5 and 7 provide further detail.

## **MARKETING EVENTS**

Marketing events shall be limited as follows:

- **Dinnertime Wine Marketing Events** for a maximum of 24 guests may occur on Friday and Saturday nights, plus up to 4 events monthly occurring on days other than Friday and Saturday – no more than 1 dinnertime wine marketing event may occur on any given day. Food may be prepared on-site;
- **Lunchtime Wine Marketing Events** may occur Monday through Sunday up to a monthly maximum of 15 such events - no more than 1 lunchtime wine marketing event may occur on any given day – no more than 16 people are allowed per event – food may be prepared on-site;
- **Large Events** may occur Monday through Sunday up to an annual maximum of 8 such events – no more than 2 large events may occur in a given month – no more than 1 large event may occur on any given day – no more than 150 people are allowed per event – food to be catered.
- **Maximum Daily Visitors**  
400 maximum per day for tours and tastings by appointment. Inbound and outbound event-related traffic will be minimized during peak traffic periods, such as 3:00 to 6:00 PM on a weekday, and 2:00 to 4:00 PM on a Saturday. This “by appointment” scheduling is intended to minimize the burden of project-generated traffic during the ambient traffic peak hours.
- **Participation in Auction Napa Valley.**

<sup>1</sup> Production day shift hours: 7:00 AM – 3:00 PM.

<sup>2</sup> Production swing shift hours: 3:00 PM – 12:00 Midnight.

In no case shall the daily combined tours and tastings and marketing visitation exceed 400 persons.

Marketing events shall cease no later than 10:00 PM, except to the extent that marketing event cleanup occurs entirely indoors, said cleanup may extend one hour beyond the end of the event.

Food service shall not involve menu options and meal service such that the winery functions as a café or restaurant.

Start and finish time of activities shall be scheduled to minimize vehicles arriving or departing between 3:00 PM and 5:30 PM weekdays and 2:00 PM and 4:00 PM Saturdays.

If any event is held which will exceed the available on-site parking, the applicant shall arrange for on-site valet or off-site parking and shuttle service to the winery.

## **VI. EXISTING CIRCULATION SYSTEM EVALUATION PROCEDURES**

### **A. ANALYSIS LOCATIONS**

The following locations have been evaluated.

- 1. Silverado Trail/Conn Creek Road (SR 128) intersection (the Conn Creek Road approach is stop sign controlled).**
- 2. Conn Creek Road (SR128)/Project Driveway intersection (the Project Driveway southbound approach will be stop sign controlled).**
- 3. Conn Creek Road (SR 128)/Rutherford Road (SR 128) intersection (the Conn Creek Road approaches are stop sign controlled.)**
- 4. Rutherford Road (SR 128)/SR 29 intersection (the Rutherford Road westbound approach is stop sign controlled.)**
- 5. SR 29 two-lane highway segments just north and south of Rutherford Road.**
- 6. Silverado Trail two-lane highway segments just north and south of Conn Creek Road.**
- 7. Conn Creek Road just west of Silverado trail.**
- 8. Rutherford Road just east of SR 29.**

**Figure 2** presents a schematic of approach geometrics and control at each analyzed intersection.

## **B. VOLUMES**

### **1. ANALYSIS SEASONS AND DAYS OF THE WEEK**

As required by Napa County, project traffic impacts have been evaluated during harvest conditions. Based upon 2015 and 2016 historical information from Caltrans PeMS (Performance Measurement System) count surveys along SR 29 in the Napa Valley, the harvest season, occurring in September - October has the highest daily volumes of the year. Therefore, conditions during this time period were selected for evaluation.

According to the Napa County Travel Behavioral Study,<sup>3</sup> the highest weekday volumes in Napa Valley occur on a Friday, with the highest weekend volumes occurring on a Saturday. In addition, historical count data from the City of Napa show that Friday has the highest volumes of any weekday, while Caltrans historical counts for SR 29 between St. Helena and Napa also show that weekday PM peak hour volumes are higher on a Friday than on either a Wednesday or Thursday. Therefore, Friday and Saturday PM peak traffic conditions were evaluated in this study.

### **2. COUNT RESULTS**

Counts were conducted at the Conn Creek Road intersections with Rutherford Road, the Project Driveway, and Silverado Trail in early October 2017. Friday 4:00 to 6:00 PM as well as Saturday 12:00 noon to 5:00 PM turn movement counts were conducted by All Traffic Data, as directed by Crane Transportation Group (CTG) on Friday, October 6 and Saturday, October 7, 2017. These count days occurred just before the onset of the destructive Napa County fires, thus, the count period is considered to reflect typical harvest season peak activity in the region.

Harvest season 2017 volumes were available at the Rutherford Road intersection with State Route 29 in the BV Winery Traffic Impact Report prepared by CTG in July 2017.

Peak traffic hours at each analysis location varied by 15 to 45 minutes. In these cases, the highest volumes in the same general time period were used for analysis purposes. Traffic volumes are presented in **Figure 3**.

## **C. ROADWAYS**

Regional access to the project site is provided by the State Route 29 highway (S.R. 29), Rutherford Road (State Route 128) and Silverado Trail, while direct access to the project site is provided by the portion of Conn Creek Road that is designated S.R. 128. See **Figure 2**.

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<sup>3</sup> Fehr & Peers, December 8, 2014.



Roadway descriptions are based upon the designation that SR 29 and Silverado Trail run in a general north-south direction through the project area while Rutherford Road and Conn Creek Road run in a general east-west direction. The project site is located on the north side of Conn Creek Road between the Rutherford Road and Silverado Trail intersections. **Figure 2** presents existing intersection geometrics and control.

**State Route 29 (SR 29)** provides the only major regional access to the west side of the Napa Valley. In the vicinity of the Rutherford Road intersection it has two well-paved 12-foot travel lanes and eight-foot-wide paved shoulders. A continuous two-way left turn lane is needed in the southbound approach to Rutherford Road. The posted speed limit is 40 miles per hour and the roadway is level with a minor horizontal curve north of Rutherford Road. SR 29 is not controlled on its approach to Rutherford Road. It is also designated SR 128 to the north of Rutherford Road.

**Rutherford Road (SR 128)** is a two-lane arterial road extending east of SR 29 to Silverado Trail (with a name change to Conn Creek Road near Silverado Trail). It is designated State Route 128. The Rutherford Road single lane westbound approach to SR 29 is stop sign controlled. Just east of SR 29 the posted speed limit is 30 miles per hour and on-street parking is allowed in most locations. However, left turn lanes are not provided on the approach to any driveway connections. The Rutherford Road intersection with Conn Creek Road is stop-controlled on the northbound Conn Creek Road approach.

**Conn Creek Road (SR 128)** extends from Silverado Trail west-southwest through an intersection with Skellenger Lane. It provides the only access to the project site. Adjacent to the project site it has two well-paved 12-foot wide travel lanes and 1- to 2-foot wide paved shoulders, with a very wide paved shoulder on the west (project) side of the road where it traverses a broad horizontal curve and has an intersection with the Project Driveway. The Conn Creek Road posted speed limit northbound along Conn Creek Road (S.R. 128), just south of the Project Driveway intersection is 35 miles per hour through a curve. Based upon field measurements conducted by CTG at the proposed driveway location, a 40 to 45 mph speed limit would be considered the “design speed”. Conn Creek Road is stop sign controlled on its single lane northbound approach to Silverado Trail. A driveway serving the Rutherford Estates Winery is the fourth (northerly) leg of the Silverado Trail/Conn Creek Road intersection. A left turn lane is not provided on the approach to the Project Driveway intersection; field observations reveal that there are no left turn lanes provided to commercial properties along the SR 128 sections of Conn Creek Road and Rutherford Road.

The **Project Driveway** is a paved, two-way, unstriped, approximately 16-foot wide roadway that widens at its intersection with Conn Creek Road. It is stop sign-controlled at Conn Creek Road. The road slopes slightly downhill west of Conn Creek Road. It serves an existing single family residence and vineyards.

**Silverado Trail** in the project vicinity has two well-paved 12-foot travel lanes and wide paved shoulders that are utilized as Class II bicycle lanes. A left turn lane is provided on the northbound Silverado Trail approach to Conn Creek Road. The posted speed limit is 55 miles per hour, but lowers to 45 miles per hour northbound and 40 miles per hour southbound north of Zinfandel Lane.

## D. INTERSECTION LEVEL OF SERVICE

### 1. ANALYSIS METHODOLOGY

Transportation engineers and planners commonly use a grading system called level of service (LOS) to measure and describe the operational status of the local roadway network. LOS is a description of the quality of a roadway facility's operation, ranging from LOS A (indicating free-flow traffic conditions with little or no delay) to LOS F (representing oversaturated conditions where traffic flows exceed design capacity, resulting in long queues and delays). Intersections, rather than roadway segments between intersections, are almost always the capacity controlling locations for any circulation system.

**Signalized Intersections.** For signalized intersections, the 2010 *Highway Capacity Manual* (Transportation Research Board, National Research Council) methodology was utilized. With this methodology, operations are defined by the level of service and average control delay per vehicle (measured in seconds) for the entire intersection. For a signalized intersection, control delay is the portion of the total delay attributed to traffic signal operation. This includes delay associated with deceleration, acceleration, stopping, and moving up in the queue. **Table 1** summarizes the relationship between delay and LOS for signalized intersections.

**Unsignalized Intersections.** For unsignalized (all-way stop-controlled and side-street stop-controlled) intersections, the 2010 *Highway Capacity Manual* (Transportation Research Board, National Research Council) methodology for unsignalized intersections was utilized. For side-street stop-controlled intersections, operations are defined by the level of service and average control delay per vehicle (measured in seconds), with delay reported for the stop sign controlled approaches or turn movements, although overall delay is also typically reported for intersections along state highways. For all-way stop-controlled intersections, operations are defined by the average control delay for the entire intersection (measured in seconds per vehicle). The delay at an unsignalized intersection incorporates delay associated with deceleration, acceleration, stopping, and moving up in the queue. **Table 2** summarizes the relationship between delay and LOS for unsignalized intersections.

### 2. MINIMUM ACCEPTABLE OPERATION

Napa County uses Level of Service D (LOS D) as the poorest acceptable operation for side street stop sign controlled approaches at two-way stop intersections and for all-way-stop intersections.

## E. ROADWAY SEGMENT LEVEL OF SERVICE

### 1. ANALYSIS METHODOLOGY

Roadway segment operation for SR 29, Silverado Trail and Zinfandel Lane has been evaluated based upon criteria developed for Napa County roadways as part of the County General Plan Update in 2007: Napa County General Plan Update EIR – Technical Memorandum for Traffic and Circulation Supporting the Findings and Recommendations by Dowling Associates, February 2007. Table 5 in this report, “Peak Hour Roadway Capacities,” shows the following directional capacity limit-level of service relationships for a two-lane rural highway (such as SR 29 or Silverado Trail) as well as for a two-lane collector roadway (such as Zinfandel Lane).

		<b>LOS A</b>	<b>LOS B</b>	<b>LOS C</b>	<b>LOS D</b>	<b>LOS E</b>
2-Lane Rural Highway (SR 29 & Silverado Trail)	Maximum Peak Direction Volumes	100	330	620	870	1200
	Volume/Capacity Ratio	(.08)	(.28)	(.52)	(.73)	(1.00)
2-Lane Collector (Zinfandel Lane)	Maximum Peak Direction Volumes	73	97	480	760	810
	Volume/Capacity Ratio	(.09)	(.12)	(.59)	(.94)	(1.00)

## 2. MINIMUM ACCEPTABLE OPERATION

Level of service D (LOS D) is the poorest acceptable roadway segment operation in Napa County.

## F. INTERSECTION PEAK HOUR SIGNAL WARRANT EVALUATION

### 1. ANALYSIS METHODOLOGY

Traffic signals are used to provide an orderly flow of traffic through an intersection. Many times they are needed to offer side street traffic an opportunity to access a major road where high volumes and/or high vehicle speeds block crossing or turn movements. They do not, however, increase the capacity of an intersection (i.e., increase the overall intersection's ability to accommodate additional vehicles) and, in fact, often slightly reduce the number of total vehicles that can pass through an intersection in a given period of time. Signals can also cause an increase in traffic accidents if installed at inappropriate locations.

There are 10 possible tests for determining whether a traffic signal should be considered for installation. These tests, called "warrants", consider criteria such as actual traffic volume, pedestrian volume, presence of school children, and accident history. The intersection volume data together with the available collision histories were compared to warrants contained in the *California Manual on Uniform Traffic Control Devices, 2014, Revision 2 (2014 CMUTCD Rev. 2)*. Section 4C of the 2014 CMUTCD Rev. 2 provides guidelines, or warrants, which may indicate need for a traffic signal at an unsignalized intersection. As indicated in the 2014 CMUTCD Rev. 2, satisfaction of one or more warrants does not necessarily require immediate installation of a traffic signal. It is merely an indication that the local jurisdiction should begin monitoring conditions at that location and that a signal may ultimately be required.

Warrant 3, the peak hour volume warrant, is often used as an initial check of signalization needs since peak hour volume data is typically available and this warrant is usually the first one to be met. Warrant 3 is based on a logarithmic curve and takes only the hour with the highest volume of the day into account. For intersections in rural locations (with local area population less than 10,000 people or where the posted speed limit or 85th percentile speed on the uncontrolled intersection approaches is greater than 40 miles per hour) a 70 percent warrant is applied. The regular and 70 percent warrants are typically referred to as the urban and rural peak hour warrants. Please see the **Appendix** for the warrant charts.

It should be noted that a "rural" warrant chart is utilized when the uncontrolled intersection approaches have vehicle speeds greater than 40 miles per hour or when the intersection is in a community with less than 10,000 population. The rural chart has been utilized for evaluation of the Silverado Trail intersections with Oak Knoll Avenue, Soda Canyon Road and Hardman Avenue since the speeds along Silverado Trail are greater than 40 miles per hour and the intersections are in rural settings.

## **G. PLANNED IMPROVEMENTS AND PLANNING CONTEXT**

There are no planned and funded improvements at any location evaluated in this study.<sup>4</sup>

The project vicinity is subject to a range of vehicle, bicycle and pedestrian-related policy documents for Napa Valley. Policies particularly relevant to the project are found in the County's Transportation Demand Management (TDM) Plan, NVT Countywide Bicycle Plan and Pedestrian Plan as follows:

Transportation Demand Management (TDM) Policy CIR-8: Developers of new land uses shall provide adequate parking or demonstrate that adequate parking exists to meet their anticipated parking demand and shall not provide excess parking that could stimulate unnecessary vehicle trips or commercial activity exceeding the site's capacity. Consideration of shared parking opportunities is encouraged.

Action Item CIR-8.1: Update the County's parking requirements for all land uses, including wineries, to support carpool/vanpool options, to avoid over-supply of visitor and employee parking, and to set parking maximums in appropriate areas to support commute trip reduction goals.

TDM Policy CIR-11: Facilities supporting multi-modal access, including but not limited to designated areas for pick-up/drop-off activities, shall be integrated into the site layout of development projects, frontage improvements, and public projects, wherever such facilities are appropriate and can be physically accommodated. The Countywide Bicycle Plan and Countywide Pedestrian Plan shall be referenced in determining appropriate bicycle and/or pedestrian treatments at specific locations. Amenities serving public and private transportation providers and multi-modal connections between private properties are encouraged, particularly in circumstances where such amenities and connections could provide an alternative to vehicular travel on public roadways and where the amenity or connection would reduce VMT.

TDM Policy CIR-19: The County strongly supports Transportation Demand Management (TDM) strategies as a means of accommodating economic growth while moderating the negative effects of personal vehicle travel on the County's transportation infrastructure and on the quality of life of County residents and visitors. Nonresidential development in the County shall include TDM strategies to reduce single-occupant vehicle use, thereby encouraging more energy-efficient forms of transportation and contributing toward the County's greenhouse gas emission reduction goals. The County may require ongoing monitoring of vehicle trips to non-residential developments, in order to evaluate the effectiveness of the TDM strategies employed.

TDM strategies to be considered include but are not limited to:

- Subsidized transit passes or other incentives for transit usage;
- Participation in a neighborhood or employer-sponsored shuttle program;

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<sup>4</sup> Ms. Michelle Melonakis, Napa County Public Works Department, July 2017, and Ms. Dana Ayers, Napa County Planning, Building and Environmental Services, October, 2017.

- Provision of multi-modal connections to nearby transit stops, neighboring properties, or other destinations;
- On-site accommodation for bicyclists (such as bicycle parking facilities and showers/lockers for employees who bicycle);
- Incentives for carpool/vanpool participation, and/or priority parking for carpool/vanpool users;
- Alternative work schedules/telecommuting;
- Participation in a subsidized car share or ride share program; and,
- Modifications to parking policies, such as parking pricing, reduced supply, or financial incentives for employees who do not use a parking space.

TDM Policy CIR-20: The County shall update its Transportation System Management Ordinance (Chapter 10.28 of the County Code) to include measures that reduce commute trips March 2018 Draft Page 16 of 23 Napa County General Plan to workplaces within the unincorporated County and a program to oversee implementation.

Action Item CIR-20.1: The County will support implementation of a harvest season ride-matching or ridesharing service pilot program.

Policy CIR-23: The County shall encourage the use of public transportation by tourists and visitors and will work with wineries, the local hospitality industry, and the cities and towns.

The ***Napa Countywide Bicycle Plan***, adopted in January 2012, has as its principal goal *to develop and maintain a safe and comprehensive countywide bicycle transportation and recreation system that provides access, opportunities for healthy physical activity, and reduced traffic congestion and energy use.*

Napa Countywide Bicycle Plan Figures 4, 7 and 9, show SR 29 and Rutherford Road and as Proposed Regional Routes and Proposed Class II Bicycle Facilities. Silverado Trail is shown as an Existing Regional Route, and Conn Creek Road south of Rutherford Road is shown as an Existing Primary Route with Class II Bike Lanes.

A discretionary project such as the proposed winery can participate in achieving the goals and policies of the Countywide Bicycle Plan in the following ways:

Participate in funding route construction, maintenance or enhancement, including support facilities as funding programs are identified (Objective 6, Policy 6.1).

Encourage employees to commute by bicycle; distribute bicycle and pedestrian safety, educational, and promotional materials; provide a public bikeway map and user guide that provides bike route, education, safety, and promotional information (Objective 7, Policy 7.11).

The ***Napa Countywide Pedestrian Plan***, adopted August 2016, is intended to *guide and inform pedestrian infrastructure, policies, programs, and development standards to make walking in Napa County safe, comfortable, convenient and enjoyable for all pedestrians.*

The Pedestrian Plan sets goals and policies to achieve the following:

Goal 1: Provide a connected network of pedestrian sidewalks, trails, and pathways in the County and its jurisdictions that are safe and accessible to a variety of users and that foster community interactions.

Goal 2: Encourage a multimodal transportation system.

Goal 3: Obtain funding for pedestrian projects.

Goal 4: Encourage and educate residents about walking and enforce safe interactions between pedestrians and motorists.

Policies are provided to direct the implementation of the goals.

The document provides individual pedestrian plans by jurisdiction, focusing on specific geographic areas in the County. The location-based focus is on Calistoga, St. Helena, Yountville, Napa, American Canyon, and Unincorporated.

The project site is included within the “Unincorporated” geographic area. The plan does not specifically address study area roads, other than to show Rutherford Road and Conn Creek Road as having no sidewalks (see UNC-7, Pedestrian Index for Unincorporated Area). The Countywide sidewalk expansion program is applicable to Conn Creek Road and Rutherford Road, if these roadways become locations of focus for such a program. Wineries along Rutherford Road and Conn Creek Road can effectively participate in countywide Goal 2, encouraging multimodal transportation.

## **VI. FUTURE HORIZON TRAFFIC VOLUME PROJECTIONS**

Traffic analysis has been conducted for existing (2017), year 2020 and year 2030 harvest conditions. The 2030 horizon reflects the cumulative County General Plan Buildout year. At County request traffic projections were initially developed for a list of new or expanding winery projects already approved but not built in the vicinity of Frank Family Vineyard (Project Site). The list projects and the traffic studies used to obtain their projections are as follows:

- Caymus Winery – Amended Caymus Winery Traffic Impact Study by W-Trans, April 2015
- Opus One Winery – Focused Traffic Analysis for the Proposed Opus One Use Modification Project by Omni Means, February 2016
- Frogs Leap Winery – Focused Traffic Analysis for the Proposed Frogs Leap Winery Modifications Project by Omni Means, July 2016
- Scarlett Winery, 1052 Ponti Road – No Traffic Study Available
- Swanson Winery Traffic Impact Study by George Nicholson, May 2008
- LMR Rutherford Estate Winery – LMR Rutherford Estate Traffic Study by Crane Transportation Group, January 2014

- BV Winery Along SR 29 in Rutherford, CA 2017 Use Permit Modification Traffic Study by Crane Transportation Group, July 31, 2017
- Matthew Bruno Wines Tasting Room, 1151 Rutherford Road – No Traffic Study Available

Traffic modeling projections were then compared to projections from the list of nearby projects. While mainline volume increases along Silverado Trail and SR 29 appeared reasonable from the model, traffic increases expected from the County’s list of approved nearby projects were greater than increases projected by the model along Rutherford Road and Conn Creek Road for various turn movements at the Conn Creek Road/Silverado Trail, Conn Creek Road/Rutherford Road and SR 29/Rutherford Road intersections. Model results were therefore modified to reflect these increases. After adjustments, cumulative two-way weekday volumes along Silverado Trail would be expected to grow about 30 percent from 2017 to 2030; two-way weekday volumes along SR 29 would be expected to grow about 20 percent from 2017 to 2030. Assuming development of the nearby projects over the next three years as well as regional growth, there would be about a 5 to 7 percent growth in two-way PM peak hour traffic along Silverado Trail and SR 29 from 2017 to the year 2020. Since traffic modeling projections were only available for weekday PM peak hour conditions and not for the Saturday PM peak hour, Saturday two-way PM peak hour volumes on SR 29 were increased by the same percentages found for the weekday PM peak hour.

General Plan weekday PM peak hour traffic modeling projections were also available for Rutherford Road, but did not fully reflect traffic from the nearby projects. After inclusion of traffic from these nearby developments Rutherford Road at Conn Creek Road would be expected to receive about a 33 percent increase between 2017 and 2020 and about a 40 percent increase between 2017 and 2030.

Resultant year 2020 harvest “Without Project” Friday and Saturday PM peak hour volumes are presented in **Figure 4**, while year 2030 (Cumulative) harvest “Without Project” Friday and Saturday PM peak hour volumes are presented in **Figure 5**.

## **VII. OFF-SITE (WITHOUT PROJECT) CIRCULATION SYSTEM OPERATION**

### **A. YEAR 2017 HARVEST (WITHOUT PROJECT) OPERATING CONDITIONS**

#### **1. YEAR 2017 INTERSECTION LEVEL OF SERVICE – see Table 3**

##### **Silverado Trail/Conn Creek Road**

##### **1) Friday PM Peak Hour**



**Unacceptable Conn Creek Road stop sign controlled eastbound approach operation:  
LOS F**

**2) Saturday PM Peak Hour**

**Unacceptable Conn Creek Road stop sign controlled eastbound approach operation:  
LOS F**

**Project Driveway/Conn Creek Road**

**1) Friday PM Peak Hour**

**Acceptable Project Driveway stop sign controlled operation: LOS A**

**2) Saturday PM Peak Hour**

**Acceptable Project Driveway stop sign controlled operation: LOS A**

**Rutherford Road/Conn Creek Road**

**1) Friday PM Peak Hour**

**Acceptable Conn Creek Road stop sign controlled operation: LOS B**

**2) Saturday PM Peak Hour**

**Acceptable Conn Creek Road stop sign controlled operation: LOS A**

**SR 29/Rutherford Road**

**1) Friday PM Peak Hour**

**Unacceptable Rutherford Road stop sign controlled operation: LOS F**

**2) Saturday PM Peak Hour**

**Unacceptable Rutherford Road stop sign controlled operation: LOS F**

## **2. YEAR 2017 ROADWAY SEGMENT LEVEL OF SERVICE – Table 4**

### **a) SILVERADO TRAIL**

#### **1) Friday PM Peak Hour**

Acceptable operation northbound, both north and south of Conn Creek Road, but unacceptable operation southbound: LOS C northbound and LOS E southbound.

#### **2) Saturday PM Peak Hour**

Acceptable operation both north and south of Conn Creek Road: LOS D northbound and southbound.

### **b) SR 29**

#### **1) Friday PM Peak Hour**

Unacceptable operation northbound and southbound both north and south of Rutherford Road: LOS E.

#### **2) Saturday PM Peak Hour**

Unacceptable operation northbound and southbound both north and south of Rutherford Road: LOS E.

**c) CONN CREEK ROAD**

**1) Friday PM Peak Hour**

Acceptable operation near Silverado Trail: LOS C eastbound and LOS A westbound.

**2) Saturday PM Peak Hour**

Acceptable operation near Silverado Trail: LOS C eastbound and LOS B westbound.

**d) RUTHERFORD ROAD**

**1) Friday PM Peak Hour**

Acceptable operation near SR 29: LOS C eastbound and westbound.

**2) Saturday PM Peak Hour**

Acceptable operation near SR 29: LOS C eastbound and westbound

**3. YEAR 2017 INTERSECTION PEAK HOUR SIGNAL WARRANT EVALUATION – see Table 5**

**Silverado Trail/Conn Creek Road**

**1) Friday PM Peak Hour**

**Volumes would meet rural peak hour signal warrant #3 criteria.**

**2) Saturday PM Peak Hour**

**Volumes would meet rural peak hour signal warrant #3 criteria.**

**Project Driveway/Conn Creek Road**

**1) Friday PM Peak Hour**

**Volumes would not meet rural peak hour signal warrant #3 criteria.**

**2) Saturday PM Peak Hour**

**Volumes would not meet rural peak hour signal warrant #3 criteria.**

**Rutherford Road/Conn Creek Road**

**1) Friday PM Peak Hour**

**Volumes would not meet rural peak hour signal warrant #3 criteria.**

**2) Saturday PM Peak Hour**

**Volumes would not meet rural peak hour signal warrant #3 criteria.**

**SR 29/Rutherford Road**

**1) Friday PM Peak Hour**

**Volumes would meet rural peak hour signal warrant #3 criteria.**

**2) Saturday PM Peak Hour**

**Volumes would meet rural peak hour signal warrant #3 criteria.**

## **B. YEAR 2020 HARVEST (WITHOUT PROJECT) OPERATING CONDITIONS**

### **1. INTERSECTION LEVEL OF SERVICE – Table 3**

#### **Silverado Trail/Conn Creek Road**

##### **1) Friday PM Peak Hour**

**Unacceptable Rutherford Road stop sign controlled operation: LOS F**

##### **2) Saturday PM Peak Hour**

**Unacceptable Rutherford Road stop sign controlled operation: LOS F**

#### **Project Driveway/Conn Creek Road**

##### **1) Friday PM Peak Hour**

**Acceptable Rutherford Road stop sign controlled operation: LOS A**

##### **2) Saturday PM Peak Hour**

**Acceptable Rutherford Road stop sign controlled operation: LOS B**

#### **Rutherford Road/Conn Creek Road**

##### **1) Friday PM Peak Hour**

**Acceptable Rutherford Road stop sign controlled operation: LOS B**

##### **2) Saturday PM Peak Hour**

**Acceptable Rutherford Road stop sign controlled operation: LOS B**

#### **SR 29/Rutherford Road**

##### **1) Friday PM Peak Hour**

**Unacceptable Rutherford Road stop sign controlled operation: LOS F**

##### **2) Saturday PM Peak Hour**

**Unacceptable Rutherford Road stop sign controlled operation: LOS F**

### **2. ROADWAY SEGMENT 2020 LEVEL OF SERVICE – Table 6**

#### **a) SILVERADO TRAIL**

##### **1) Friday PM Peak Hour**

Acceptable operation northbound, both north and south of Conn Creek Road, but unacceptable operation southbound: LOS D northbound and LOS E southbound.

##### **2) Saturday PM Peak Hour**

Acceptable operation both north and south of Conn Creek Road: LOS D northbound and southbound.

#### **b) SR 29**

**1) Friday PM Peak Hour**

Unacceptable operation northbound and southbound both north and south of Rutherford Road: LOS E northbound and LOS F southbound

**2) Saturday PM Peak Hour**

Unacceptable operation northbound and southbound both north and south of Rutherford Road: LOS E.

**c) CONN CREEK ROAD**

**1) Friday PM Peak Hour**

Acceptable operation near Silverado Trail: LOS C eastbound and LOS B westbound.

**2) Saturday PM Peak Hour**

Acceptable operation near Silverado Trail: LOS C eastbound and westbound.

**d) RUTHERFORD ROAD**

**1) Friday PM Peak Hour**

Acceptable operation near SR 29: LOS C eastbound and westbound.

**2) Saturday PM Peak Hour**

Acceptable operation near SR 29: LOS C eastbound and westbound.

**3. INTERSECTION PEAK HOUR SIGNAL WARRANT EVALUATION – Table 5**

**Silverado Trail/Conn Creek Road**

**1) Friday PM Peak Hour**

**Volumes would meet rural peak hour signal warrant #3 criteria.**

**2) Saturday PM Peak Hour**

**Volumes would meet rural peak hour signal warrant #3 criteria.**

**Project Driveway/Conn Creek Road**

**1) Friday PM Peak Hour**

**Volumes would not meet rural peak hour signal warrant #3 criteria.**

**2) Saturday PM Peak Hour**

**Volumes would not meet rural peak hour signal warrant #3 criteria.**

**Rutherford Road/Conn Creek Road**

**1) Friday PM Peak Hour**

**Volumes would not meet rural peak hour signal warrant #3 criteria.**

**2) Saturday PM Peak Hour**

**Volumes would not meet rural peak hour signal warrant #3 criteria.**

**SR 29/Rutherford Road**

- 1) **Friday PM Peak Hour**

**Volumes would meet rural peak hour signal warrant #3 criteria.**

- 2) **Saturday PM Peak Hour**

**Volumes would meet rural peak hour signal warrant #3 criteria.**

**C. CUMULATIVE (YEAR 2030) HARVEST (WITHOUT PROJECT) OPERATING CONDITIONS**

**1. INTERSECTION LEVEL OF SERVICE – Table 3**

**Silverado Trail/Conn Creek Road**

- 1) **Friday PM Peak Hour**

**Unacceptable Rutherford Road stop sign controlled operation: LOS F**

- 2) **Saturday PM Peak Hour**

**Unacceptable Rutherford Road stop sign controlled operation: LOS F**

**Project Driveway/Conn Creek Road**

- 1) **Friday PM Peak Hour**

**Acceptable Rutherford Road stop sign controlled operation: LOS A**

- 2) **Saturday PM Peak Hour**

**Acceptable Rutherford Road stop sign controlled operation: LOS B**

**Rutherford Road/Conn Creek Road**

- 1) **Friday PM Peak Hour**

**Acceptable Rutherford Road stop sign controlled operation: LOS B**

- 2) **Saturday PM Peak Hour**

**Acceptable Rutherford Road stop sign controlled operation: LOS B**

**SR 29/Rutherford Road**

- 1) **Friday PM Peak Hour**

**Unacceptable Rutherford Road stop sign controlled operation: LOS F**

- 2) **Saturday PM Peak Hour**

**Unacceptable Rutherford Road stop sign controlled operation: LOS F**

**2. ROADWAY SEGMENT YEAR 2030 LEVEL OF SERVICE – Table 7**

**a) SILVERADO TRAIL**

- 1) **Friday PM Peak Hour**

**Acceptable operation northbound, both north and south of Conn Creek Road, but unacceptable operation southbound: LOS D northbound and LOS F southbound.**

**2) Saturday PM Peak Hour**

Unacceptable operation both north and south of Conn Creek Road: LOS E northbound and southbound.

**b) SR 29**

**1) Friday PM Peak Hour**

Unacceptable operation northbound and southbound both north and south of Rutherford Road: LOS E northbound and LOS F southbound

**2) Saturday PM Peak Hour**

Unacceptable operation northbound and southbound both north and south of Rutherford Road: LOS F.

**c) CONN CREEK ROAD**

**1) Friday PM Peak Hour**

Acceptable operation near Silverado Trail: LOS C eastbound and westbound.

**2) Saturday PM Peak Hour**

Acceptable operation near Silverado Trail: LOS C eastbound and westbound.

**d) RUTHERFORD ROAD**

**1) Friday PM Peak Hour**

Acceptable operation near SR 29: LOS C eastbound and westbound.

**2) Saturday PM Peak Hour**

Acceptable operation near SR 29: LOS C eastbound and westbound.

**3. INTERSECTION PEAK HOUR SIGNAL WARRANT EVALUATION YEAR 2030 – Table 5**

**Silverado Trail/Conn Creek Road**

**1) Friday PM Peak Hour**

**Volumes would meet rural peak hour signal warrant #3 criteria.**

**2) Saturday PM Peak Hour**

**Volumes would meet rural peak hour signal warrant #3 criteria.**

**Project Driveway/Conn Creek Road**

**1) Friday PM Peak Hour**

**Volumes would not meet rural peak hour signal warrant #3 criteria.**

**2) Saturday PM Peak Hour**

**Volumes would not meet rural peak hour signal warrant #3 criteria.**

**Rutherford Road/Conn Creek Road**

- 1) **Friday PM Peak Hour**

**Volumes would not meet rural peak hour signal warrant #3 criteria.**

- 2) **Saturday PM Peak Hour**

**Volumes would not meet rural peak hour signal warrant #3 criteria.**

**SR 29/Rutherford Road**

- 1) **Friday PM Peak Hour**

**Volumes would meet rural peak hour signal warrant #3 criteria.**

- 2) **Saturday PM Peak Hour**

**Volumes would meet rural peak hour signal warrant #3 criteria.**

## **VIII. PROJECT IMPACT EVALUATION SIGNIFICANCE CRITERIA**

### **A. COUNTY OF NAPA SIGNIFICANCE CRITERIA**

The following criteria have recently been developed for traffic impact analyses in Napa County.

#### **EXISTING + PROJECT CONDITIONS**

##### **A. ARTERIAL SEGMENTS**

A project would cause a significant impact requiring mitigation if:

1. An arterial segment operates at LOS A, B, C or D during the selected peak hours without project trips, and deteriorates to LOS E or F with the addition of project trips, or
2. An arterial segment operates at LOS E or F during the selected peak hours without project trips, and the addition of project trips increases the total segment volume by one percent or more.

For the second criteria, the following equation should be used if the arterial operates at LOS E or F without the project:

$$\text{Project Contribution \%} = \text{Project Trips} \div \text{Existing Volumes}$$

##### **B. SIGNALIZED INTERSECTIONS**

A project would cause a significant impact requiring mitigation if:

1. A signalized intersection operates at LOS A, B, C or D during the selected peak hours without project trips, and deteriorates to LOS E or F with the addition of project trips, or
2. A signalized intersection operates at LOS E or F during the selected peak hours without project trips, and the addition of project trips increases the total entering volume by one percent or more.

For the second criteria, the following equation should be used if the signalized intersection operates at LOS E or F without the project:

$$\text{Project Contribution \%} = \text{Project Trips} \div \text{Existing Volumes}$$

Maintaining LOS D or better at all signalized intersections would sometimes require expanding the physical footprint of an intersection. In some locations around the County, expanding physical transportation infrastructure could be in direct conflict with the County's goals of preserving the area's rural character, improving safety, and sustaining the agricultural industry, making these potential improvements infeasible. The County's Circulation Element lists intersections that are slated for improvement or expansion in unincorporated Napa County.<sup>5</sup>

Transportation studies should individually consider the feasibility of potential mitigation measures with respect to right-of-way acquisition, regardless of the intersection's place in the Circulation Element's identified improvement lists, and present potential alternative mitigation measures that do not require right-of-way acquisition. County staff would then review that information and make the decision about the feasibility of the identified potential mitigations.

For intersections that cannot be improved without substantial additional right-of-way according to both the Circulation Element and the individual transportation impact study, and where other mitigations such as updating signal timing, signal phasing and operations, and/or signing and striping improvements do not improve the LOS, LOS E or F will be considered acceptable and the one percent threshold would not apply. Analysis of signalized intersection LOS should still be presented for informational purposes, and there should still be an evaluation of effects on safety and local access, per Policy CIR-18.

### **C. UNSIGNALIZED INTERSECTIONS (ALL WAY STOP AND SIDE STREET STOP SIGN CONTROLLED)**

LOS for all way stop controlled intersections is defined as an average of the delay at all approaches. LOS for side street stop controlled intersections is defined by the delay and LOS for

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<sup>5</sup> According to the Circulation Element dated June 8, 2008, the following intersections can be altered or expanded as a mitigation measure: SR-12/Airport Boulevard/SR-29, SR-221/SR-12/Highway 29, and several intersections along SR-29 and SR-128 north of Napa. The significance criteria shown above should apply to facilities where appropriate based upon the most recent Circulation Element chapter of the General Plan.



the worst case approach. The recommended interpretation of Policy CIR-16 regarding unsignalized intersection significance criteria is as follows:

1. An unsignalized intersection operates at LOS A, B, C or D during the selected peak hours without project trips, the LOS deteriorates to LOS E or F with the addition of project traffic, and the peak hour traffic signal warrant criteria should also be evaluated and presented for information purposes, or
2. An unsignalized intersection operates at LOS E or F during the selected peak hours without project trips and the project contributes one percent or more of the total entering traffic for all way stop controlled intersections, or 10 percent or more of the traffic on a side street approach for side street stop controlled intersections; the peak hour traffic signal warrant criteria should also be evaluated and presented for informational purposes.

#### ***All Way Stop Controlled Intersections***

For the second criteria at an all way stop controlled intersection, the following equation should be used if the all way stop controlled intersection operates at LOS E or F without the project.

$$\text{Project Contribution \%} = \text{Project Trips} \div \text{Existing Volumes}$$

#### ***Side Street Stop Controlled Intersections***

For the second criteria at a side street stop controlled intersection, the following equation should be used if the side street stop controlled intersection operates at LOS E or F without the project.

$$\text{Project Contribution \%} = \text{Project Trips} \div \text{Existing Volumes}$$

Both of those volumes are for the stop controlled approaches only. Each stop controlled approach that operates at LOS E or F should be analyzed individually.

## **CUMULATIVE+ PROJECT CONDITIONS**

### **A. ARTERIAL SEGMENTS, SIGNALIZED INTERSECTIONS AND UNSIGNALIZED INTERSECTIONS**

A project would cause a significant cumulative impact requiring mitigation if:

1. The overall amount of expected traffic growth causes conditions to deteriorate such that any of the significance criteria described above for existing conditions are met, and
2. The project's contribution to a significant cumulative impact would be equal to or greater than five percent of the growth in traffic from existing conditions.

A project's contribution to a cumulative condition would be calculated as the project's percentage contribution to the total growth in traffic from existing conditions.

***Project Contribution % = Project Trips ÷ (Cumulative Volumes - Existing Volumes)***

- If projected daily volumes on the project driveway in combination with volumes on the roadway providing access to the project driveway meet County warrant criteria for provision of a left turn lane on the approach to the project entrance.
- If sight lines at project access driveways do not meet Caltrans stopping sight distance criteria based upon prevailing vehicle speeds.

## **B. PROJECT TRIP GENERATION**

Friday and Saturday PM peak hour trip generation projections were developed with the assistance of the project applicant. Volumes were developed through numerous conferences with the project applicant, the Frank Family vintners, and hospitality managers. New traffic on the regional roadway network during the Friday and Saturday PM peak hours would be due to the projected maximum of 400 daily guests.

### **TYPICAL MAXIMUM DAYS**

#### **Scenario 1. 400 visitors by appointment; no special events.**

Visitor hours 10:00 AM - 6:00 PM.

a. Weekday:

$400 / 2.6 = 154$  cars inbound, 154 cars outbound.

b. Weekend:

$400 / 2.8 = 143$  cars inbound, 143 cars outbound.

#### **Scenario 2. 400 visitors by appointment; with evening 150-person special event.**

a. Weekday:

400 visitors per day, with 150-person event starting 6:30 PM, and 250 visitors between 10:00 AM and 6:00 PM

$250 / 2.6 = 96$  cars inbound, 96 cars outbound.

b. Weekend:

400 visitors per day, with 150-person event starting 6:30 PM, and 250 visitors between 10:00 AM and 6:00 PM

$250 / 2.8 = 89$  cars inbound, 89 cars outbound.

A maximum day with no special events would result in the greatest trip generation volume, thus, **Scenario 1** has been analyzed for weekday (Friday) and weekend (Saturday) conditions.

An important management tool for every winery pertains to whether or not visitors are invited by appointment. The following provides analysis for conditions with guest trips analyzed with control by appointment.

## **2. EMPLOYEE SCHEDULE AND CONTROL OF VISITORS BY APPOINTMENT**

### **Production and Visitor Center Employee Schedules**

Full-time and part-time production employees would arrive by 7:00 AM and depart just after 3:00 PM, and Visitors Center employees would arrive by 9:30 AM and depart after 6:00 PM. These schedules are shown on Tables 8 and 10, along with visitor arrivals and departures.

### **Control of Visitors by Appointment**

The Frank Family proposes to **admit visitors by appointment, only, and will limit visitors during known traffic peak hours**, such as from 3:00 to 5:30 PM on weekdays, and from 2:00 to 4:00 PM on weekends. This would result a controlled volume of inbound vehicle trips during PM peak hour traffic periods, and a reduced volume of outbound trips. Tables 8 through 12 provide details of maximum day inbound and outbound vehicle trips.

**Figure 6** shows the project-generated increment of traffic volumes during typical maximum days on a harvest Friday and Saturday.

## **3. LIMITATIONS ON VISITORS DURING PEAK HOURS WOULD INCREASE BY 2030**

In order to avoid creating significant impacts due to traffic by the 2030 Planning Horizon (General Plan Buildout), the Frank Family proposes to reduce visitor appointments during the visitor peak hours, as shown on **Tables 13, 14 and 15**. As shown, visitor appointments during the traffic peak hour would be limited to achieve a peak hour **maximum of 9 inbound and 9 outbound trips on a Friday, and 10 inbound and 10** outbound trips on a Saturday. In addition, departing visitors would be provided direction at the gate to guide their outbound route along Conn Creek Road, with the purpose of strict limits on vehicles added on the approach to Silverado Trail.

The Frank Family currently manages its 350 visitors per day at its Larkmeade facility, also requiring visitation by appointment. This is managed through its website and through its process of setting up each appointment. The process currently followed at the Larkmeade facility would be carefully regulated at its Conn Creek site, with the addition of limits on the number of outbound vehicles during the PM peak hour, and route instructions provided for outbound vehicles at the Conn Creek Road gate.

#### **4. PROGRAMS AND MEASURES UNDER DISCUSSION AT FRANK FAMILY VINEYARDS TO FURTHER LIMIT TRAFFIC IMPACTS**

Making it easy for visitors to be delivered to and from wineries is increasingly attractive for winery managers and visitors. Managers benefit from a predictable number of visitors per hour, which allows the winery to insure that staffing is sufficient to provide wine educators and staff support for tasting experiences. From the visitor’s perspective, traffic is heavy enough during peak periods along S.R. 29 and Silverado Trail that visitors increasingly seek alternative means of visiting wineries, resulting in less need for designating one of the visitor group as a non-drinking “designated driver.” Frank Family Vineyards is well aware of the benefits of providing safe, pleasant transport to and from its wineries, thus, is in discussion with its neighbor wineries to institute rideshare opportunities for visitors to the Rutherford Road – Conn Creek Road facilities. The Frank Family currently works with limo companies to transport visitors, and plans to expand this activity. Additionally, discussion is underway for providing shuttles that would deliver visitors to the group of wineries located along Rutherford Road – Conn Creek Road. These measures carry a high potential for reducing the vehicle miles travelled on the transportation network and supports Countywide planning policy objectives, discussed under section **XI. Project Support Of Countywide Planning Goals And Policies.**

### **C. PROJECT TRIP DISTRIBUTION**

Project traffic was distributed to/from the Project Site Driveway in a pattern similar to that of traffic observed traveling to and from the site today, as well as traffic arriving and departing the nearby Frog’s Leap Winery. Existing Friday and Saturday patterns exhibit a roughly 60/40 split of outbound project traffic (i.e., 60% westbound toward SR 29, and 40% eastbound toward Silverado Trail) and a closer to even split (i.e., 55% westbound toward SR 29, and 45% eastbound toward Silverado Trail) of inbound trips on the Conn Creek-Rutherford Road corridor traveling to and from SR 29 and Silverado Trail, on Friday; inbound Saturday maintains the close to 60/40 split. For these reasons, the following distribution patterns were applied to project visitor traffic.

**PROJECT VISITOR TRAFFIC – PERCENT DISTRIBUTION  
EXISTING (YEAR 2017) AND YEAR 2020  
(see Figure 6)**

	FRIDAY PM PEAK HOUR		SATURDAY PM PEAK HOUR	
	INBOUND	OUTBOUND	INBOUND	OUTBOUND
Silverado Trail North	28%	25%	22%	22%
Silverado Trail South	17%	15%	17%	17%
SR 29 North	22%	18%	26%	26%
SR 29 South	22%	30%	24%	24%
Conn Creek Road south of Rutherford Road	11%	12%	11%	11%
TOTAL	100%	100%	100%	100%

*Source: Crane Transportation Group*

The harvest Friday and Saturday PM peak hour project traffic increments expected on Silverado Trail and SR 29 during the times of ambient peak traffic flows are presented in **the 6**. Friday and Saturday Year 2017 “With Project” PM peak hour harvest volumes are presented in **Figure 7**; Year 2020 “With Project” Friday and Saturday PM peak hour harvest volumes are presented in **Figure 8**. The Cumulative (year 2030) “With Project” Friday and Saturday PM peak hour project increment volumes are presented in **Figure 9**, and **Figure 10 shows** (year 2030) “With Project” Friday and Saturday PM peak hour total volumes.<sup>6</sup>

**EXISTING AND YEAR 2020 CHANGE IN TRAFFIC  
ON THE CONN CREEK ROAD EASTBOUND APPROACH TO SILVERADO TRAIL  
AND THE  
RUTHERFORD ROAD WESTBOUND APPROACH TO STATE ROUTE 29  
DUE TO THE PROPOSED PROJECT**

TIME	EB APPROACH TO SILVERADO TRAIL	WB APPROACH TO STATE ROUTE 29
Friday PM Peak Hour	+8 vehicles	+10 vehicles
Saturday PM Peak Hour	+7 vehicles	+9 vehicles

<sup>6</sup> By year 2030, project traffic distribution is responsive to the “5 percent of growth increment” limits established by County significance threshold limits.

**YEAR 2030 CHANGE IN TRAFFIC  
ON THE CONN CREEK ROAD EASTBOUND APPROACH TO SILVERADO TRAIL  
AND THE  
RUTHERFORD ROAD WESTBOUND APPROACH TO STATE ROUTE 29  
DUE TO THE PROPOSED PROJECT**

<b>TIME</b>	<b>EB APPROACH TO SILVERADO TRAIL</b>	<b>WB APPROACH TO STATE ROUTE 29</b>
Friday PM Peak Hour	+2 vehicles	+5 vehicles
Saturday PM Peak Hour	+2 vehicles	+6 vehicles

**D. PLANNED ROADWAY IMPROVEMENTS**

There are no capacity increasing roadway improvements planned by Caltrans or the County on the local roadway network serving the project site.<sup>7</sup>

However, the applicant proposes safety improvements along Conn Creek Road, as follows:

- Relocation of the Project Site Driveway to insure optimal, acceptable sight lines to and from the Project Driveway intersection with Conn Creek Road.
- Construction of a Conn Creek Road eastbound left turn lane at the Project Driveway.

**VIII. PROJECT OFF-SITE IMPACTS**

The following provides results of volumes shown in **the project increment of traffic shown in Figure 6**, added to ambient traffic, with control of visitor traffic by appointment for harvest Friday and Saturday conditions.

**A. YEAR 2017 HARVEST (WITH PROJECT) CONDITIONS**

**Summary**

The proposed project would not result in any significant off-site circulation impacts at any study intersection or roadway segment, including the Conn Creek Road/Silverado Trail intersection and the SR 29/Rutherford Road intersection, both of which would already be operating unacceptably without project traffic. The percent increase in traffic due to the project would not

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<sup>7</sup> Ms. Michelle Melonakis, Napa County Public Works Department, July 2017, and Ms. Dana Ayers, Napa County Planning, Building and Environmental Services, October 2017.

meet the County's impact significance criteria limit.

### **1. Intersection Level of Service Year 2017 – Table 3**

Project traffic would not produce a significant level of service impact at the study intersections during either the existing Friday or Saturday PM peak traffic hours. Project traffic would not change any acceptable operation to unacceptable conditions, nor would it increase total intersection volumes by 1 percent or more when “Without Project” operation would be unacceptable, or result in a 10 percent or more increase in traffic on the stop sign controlled intersection approach. *Less than significant.*

### **2. Roadway Segment Level of Service Year 2017 - Table 4**

Project traffic would not produce a significant roadway segment impact during the existing Friday or Saturday PM peak traffic hours. Project traffic would not change any acceptable operation to unacceptable conditions, nor would it increase total volumes by 1 percent or more when “Without Project” operation would be unacceptable. *Less than significant.*

#### **a) SILVERADO TRAIL**

##### **1) Friday PM Peak Hour**

Acceptable operation northbound, both north and south of Conn Creek Road, but unacceptable operation southbound: LOS C northbound and LOS E southbound.

##### **2) Saturday PM Peak Hour**

Acceptable operation both north and south of Conn Creek Road: LOS D northbound and southbound.

#### **b) SR 29**

##### **1) Friday PM Peak Hour**

Unacceptable operation northbound and southbound both north and south of Rutherford Road: LOS E.

##### **2) Saturday PM Peak Hour**

Unacceptable operation northbound and southbound both north and south of Rutherford Road: LOS E.

#### **c) CONN CREEK ROAD**

##### **1) Friday PM Peak Hour**

Acceptable operation near Silverado Trail: LOS C eastbound and LOS B westbound.

##### **2) Saturday PM Peak Hour**

Acceptable operation near Silverado Trail: LOS C eastbound and LOS B westbound.

**d) RUTHERFORD ROAD**

**1) Friday PM Peak Hour**

Acceptable operation near SR 29: LOS C eastbound and westbound.

**2) Saturday PM Peak Hour**

Acceptable operation near SR 29: LOS C eastbound and westbound.

**3. Signalization Needs Year 2017 – Table 5**

The Rutherford Road and Project Driveway intersections with Conn Creek Road would maintain acceptable operation with the addition of project traffic, and would not result in a need for signalization. The Silverado Trail/Conn Creek Road and SR 29/Rutherford Road intersections would maintain unacceptable Friday and Saturday PM peak hour operation with the addition of project traffic, and would continue to warrant signalization.

Project traffic would not produce a significant signalization need impact at the Silverado Trail/Conn Creek Road or SR 29 Rutherford Road intersection during either the Friday or Saturday existing PM peak traffic hours. Project traffic would not increase volumes to meet signal warrant #3 criteria nor would it increase volumes by 1 percent or more when “Without Project” volumes would already meet peak hour signal warrant criteria levels.

*Less than significant.*

**B. YEAR 2020 HARVEST (WITH PROJECT) CONDITIONS**

**Summary**

The proposed project would not result in any significant off-site circulation impacts at any study intersection or roadway segment, including the Conn Creek Road/Silverado Trail intersection and the SR 29/Rutherford Road intersection, both of which would already be operating unacceptably without project traffic. The percent increase in traffic due to the project would not meet the County’s impact significance criteria limit.

**1. Intersection Level of Service Year 2020 – Table 3**

Project traffic would not produce a significant level of service impact at the study intersections during either the harvest 2020 Friday or Saturday PM peak traffic hours. Project traffic would not change any acceptable operation to unacceptable conditions, nor would it increase total intersection volumes by 1 percent or more when “Without Project” operation would be unacceptable, or result in a 10 percent or more increase in traffic on the stop sign controlled intersection approach. *Less than significant.*





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Department of Public Works

1195 Third Street, Suite 101  
Napa, CA 94559-3092  
[www.countyofnapa.org/publicworks](http://www.countyofnapa.org/publicworks)

Main: (707) 253-4351  
Fax: (707) 253-4627

**Steven Lederer**  
Director

## MEMORANDUM

To: PBES Staff	From: Ahsan Kazmi, P. E. Senior Traffic Engineer
Date: April 11, 2019	Re: Frank Family Vineyards (P13-00371) Notice of Incomplete Documentation

This memorandum is prepared at the request of PBES staff to assess if the proposed Traffic Impact Study (TIS) report prepared by the Crane Transportation Group, dated August 22, 2018, related to the Use Permit Application # P13-00371 for the Frank Family Vineyards–Benjamin Ranch Winery Project, located at 8895 Conn Creek Road, St Helena, California, is adequately addressed per the County of Napa, Public Works Traffic Impact Study report policies.

Public Works staff reviewed the following documents available in support of the Frank Family Vineyards Major Modification Project:

- Proposed Traffic Impact Study (TIS) report, prepared by the Crane Transportation Group, dated: August 22, 2018;
- Project Statement, dated: December 22, 2015;
- Revised Use Permit Modification Application, dated received: October 12, 2018, along with the Winery Traffic Information/Trip Generation Sheet;
- Field evaluation through Google Street View Map.

After careful evaluation and review of all the above mentioned documents, we believe that the proposed TIS report is not adequately representing the facts and trips that will be generated by the proposed modifications, therefore, the TIS report dated: August 22, 2018, is **incomplete and requires revision accordingly**. Based on the way the proposed trip generations are presented in the August 22<sup>nd</sup> TIS report and in the October 2018 Revised Use Permit Application, **we believe that it is not capturing the actual numbers and will cause increased traffic by the proposed modification. The proposed project in reality will have higher number of trip generation during peak weekday and peak weekend hours and during special events and auctions.** The report is also confusing, several assumptions were made, there are inconsistencies in traffic and parking data, timing of visitors' appointments are described inconsistently, and tables and text are repetitive. We offer the following comments to be properly addressed for our re-evaluation and approval:

### Comments Related to the Use Permit Application, Dated: December 2015/October 2018

1. Only one trip generation sheet is provided without any labeling/without indicating if the trip generation sheet belongs to the existing conditions or proposed modified conditions;
2. There should be a separate trip generation sheet; one for existing conditions for existing trips generated by the vineyard on daily basis and during Friday and Saturday peak PM periods;

3. The other trip generation sheet should be for future/proposed conditions based on the proposed maximum number of visitors per day, gallons of production, numbers of full time/part time employees, number of largest event visitors, etc.;
4. The data provided on Pages 6, 7, 9, and 10 regarding total number of employees and visitors are not consistent with data provided on Page 15.

**General Comments Related to the Proposed TIS Report, Dated: August 2018**

5. The August 22, 2018, TIS report is not prepared per the guidelines established in the Napa County Department of Public Works "Traffic Impact Study Policies", updated March 25, 2016;
6. The typical weekday daily/typical Saturday daily and Friday PM/Saturday PM peak hour traffic used in the TIS are not from the Napa County Winery Traffic Information/Trip Generation Sheet (Use Permit Application Page 15 of 22), which is required per the established TIS policies;
7. Future/proposed trip generation, i.e., 38 trips on Friday PM peak hour and 36 trips on Saturday PM peak hour are too low compared to peak hours traffic calculation per the trip generation (Use Permit Application Page 15), indicating 177 trips during Friday PM peak hour and 215 trips during Saturday PM peak hour;
8. Distribution of guests are not based on the Napa County Winery Traffic Information/Trip Generation Sheet;
9. Traffic impact analysis regarding arterial segments are discussed and arterial segments related analysis are provided in the report (Table 4, 6, and 7). However, average daily traffic (ADT) data is not provided for Conn Creek Road, Rutherford Road, Silverado Trail and SR 29;
10. Safety analysis/collision analysis for the study area is missing in the TIS report;
11. The need/warrant for a left turn lane at the site driveway is not analyzed;
12. Identify the net change on a yearly basis in number of trips from existing trips to future proposed trips including every trip such as number of employees, daily visitors and visitors during special events;
13. Visitation timing is inconsistent throughout the report;
14. Visitation restrictions are based on several assumptions, and staff questions the reasonableness of mitigation, as described on Page 28, that is based on winery tasting room operators remembering to change their visitor booking program in 10 years;
15. No specific proposal and details about implementation and potential effectiveness of TDM measures and VMT reduction programs;

**Specific Comments Related to the Proposed TIS Report, Dated: August 2018**

16. Page 3 & 4, section B. Project Impacts, sub-section 1. Existing and Year 2020 Project Trip Generation, and sub-section 2. Year 2030 Project Trip Generation and Distribution: Why project trip generation and distribution spread out in two different project years, i.e., year 2020 and 2030?
17. Page 5, 6, 7, & 38 and Table 9, 13, and 14: Data provided related to the number of parking spaces, the number of employees and the number of visitors are inconsistent with each other;
18. Page 6, section D. Conclusions: Staff does not concur with the statement that "*The project would result in no significant off-site circulation system operational impacts to the roadways and study intersections*";
19. Page 7, line above Marketing Events, "*Table 5 and 7 provide further detail*" is irrelevant and apparently a typo;
20. Page 7, Marketing Events: Dinnertime Wine Marketing Events and Lunchtime Wine Marketing Events are not listed in the Use Permit Application. Data is not considered in the impact analysis;
21. Page 7, Large Events: Incorrect number of eight (8) events are listed. In Use Permit Application, 12 large events are listed;

22. Page 7, Maximum Daily Visitors: It is stated that *“Inbound and outbound event-related traffic will be minimized during peak traffic periods, such as 3-6 PM on Weekday and 2-4 PM on Saturday”*. However, discussion on visitation timing provided on the rest of the report including impact analysis and in Table 5, 8, 9, 10, 11, 13 and 14 conflict with this statement;
23. Page 11 & 12, section E. Roadway Segment Level of Service, sub-section 1. Analysis Methodology: Information provided is not relevant to this project report, apparently a cut and paste from another project report (including text and table);
24. Page 13, section F. Intersection Peak Hour Signal Warrant Evaluation, sub-section 1. Analysis Methodology: fourth paragraph, roadway reference provided in the fourth line is incorrect, apparently a cut and paste from another project report;
25. Page 14 & 15, section G. Planned Improvements and Planning Context: No need to copy the complete paragraphs on TDM/CIR. References to policy numbers should be updated to reflect the Circulation Element as amended by the Board of Supervisors on February 5, 2019, i.e., change CIR-8 to CIR-14, change CIR-11 to CIR-10; change CIR-19 to CIR-23, change CIR-20 to CIR 24, and change CIR 23-CIR-27.

**In Conclusion.** At this time, the Public Works Department has determined this project to be incomplete and cannot provide a recommendation to the Planning Commission without revisions being completed to the Traffic Impact study report and the Use Permit Application.

Please contact me at [Ahsan.Kazmi@countyofnapa.org](mailto:Ahsan.Kazmi@countyofnapa.org) or call (707) 259-8370 if you have questions or need additional information.

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 4  
OFFICE OF TRANSIT AND COMMUNITY PLANNING  
P.O. BOX 23660, MS-10D  
OAKLAND, CA 94623-0660  
PHONE (510) 286-5528  
TTY 711  
www.dot.ca.gov



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September 14, 2020

SCH # 2020080261  
GTS # 9739  
GTS ID: 04-NAP-2018-00216  
Co/Rt/Pm: NAP/128/6.84

Brian Bordona, Deputy Planning Director  
Napa County  
1195 3rd Street, Suite 210  
Napa, CA 94559

**Benjamin Ranch Winery – Initial Study/Mitigated Negative Declaration (IS/MND)**

Dear Brian Bordona:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Benjamin Ranch Winery project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the August 2020 IS/MND.

***Project Understanding***

The proposed project is to request a Use Permit to establish a winery that would produce up to 475,000 gallons of wine per year. The project would demolish an existing barn and shed and redevelop a portion of the site with new winery and hospitality buildings. The proposed winery would offer wine tours and tastings for up to 400 people per day, include a wine marketing program consisting of up to 357 events per year for up to 16 to 150 guests per event, employ up to 61 full-time and part-time staff members, and install 75 parking stalls.

This project is developed on 12.8 acres of an approximately 85.1-acre project site at 8895 Conn Creek Road (State Route SR-128) in St. Helena. A new access driveway is planned and a left-turn lane onto SR-128 would be installed at the new access driveway near the southeastern corner of the site.

### **Travel Demand Analysis**

With the enactment of Senate Bill (SB) 743, Caltrans is focusing on transportation infrastructure that supports smart growth and efficient development to ensure alignment with State policies using efficient development patterns, innovative travel demand reduction strategies, multimodal improvements, and VMT as the primary transportation impact metric. Caltrans commends the lead agency in recommending that the winery implement a Transportation Demand Management (TDM) plan, which would help reduce the project's employee and visitor-generated VMT. Caltrans encourages the Lead Agency to provide more clarification on the project's visitor-generated VMT and to link how the TDM measures proposed the Mitigation Measure TRAN-1 or additional TDM measures may reduce the project's VMT impact to be less-than-significant.

Additional strategies can be found on page 82 in the following link:

<http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>.

Lastly, Caltrans recommends the proposed TDM measures identified in the plan should be documented with annual monitoring reports to demonstrate effectiveness.

### **Proposed Left-Turn Lane**

The Traffic Impact Study (TIS) recommends the construction of a left-turn lane at the project driveway from SR-128, but it did not include an intersection/driveway analysis showing the driveway traffic turning movements. The driveway and left turn lane must be designed per the latest Highway Design Manual (HDM) standards, particularly section 405.2, Figure 405.2 and Figure 405.3. Please see <https://dot.ca.gov/programs/design/manual-highway-design-manual-hdm> for detailed information.

Design exceptions would need be filed and approved in the case of substandard design features. Please coordinate with Caltrans at an early stage as it can potentially impact the traffic operations on SR-128 and may require additional Right-or-Way (ROW).

The striping plans refer to Caltrans 2010 Standard Plans, but it should be changed to the latest 2018 Standard Plans. Also, please identify the posted speed of this highway section.

### **Hydraulics**

Please ensure that any storm runoff to State ROW must be metered to pre-construction levels.

### **Lead Agency**

As the Lead Agency, the County of Napa is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

### **Construction-Related Impacts**

Please be advised that any permanent work or temporary traffic control that encroaches onto the ROW requires a Caltrans-issued encroachment permit. Note that potential impacts to the State ROW from project-related temporary access points should be analyzed. Project work that requires movement of oversized or excessive load vehicles on state roadways requires a transportation permit issued by Caltrans. Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to STN. For more information, and to apply, visit: <https://dot.ca.gov/programs/traffic-operations/transportation-permits>.

### **Encroachment Permit**

There appears to be the potential that the property will be conveyed to the State and if that is the case, Caltrans requires the property be transferred on permit projects prior to issuance of the encroachment permit.

If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating the State ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. Your application package may be emailed to [D4Permits@dot.ca.gov](mailto:D4Permits@dot.ca.gov).

To download the permit application and to obtain more information on all required documentation, visit <https://dot.ca.gov/programs/traffic-operations/ep/applications>.

Brian Bordona, Deputy Planning Director  
September 14, 2020  
Page 4

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Yunsheng Luo at [Yunsheng.Luo@dot.ca.gov](mailto:Yunsheng.Luo@dot.ca.gov). Additionally, for future notifications and requests for review of new projects, please contact [LDIGR-D4@dot.ca.gov](mailto:LDIGR-D4@dot.ca.gov).

Sincerely,

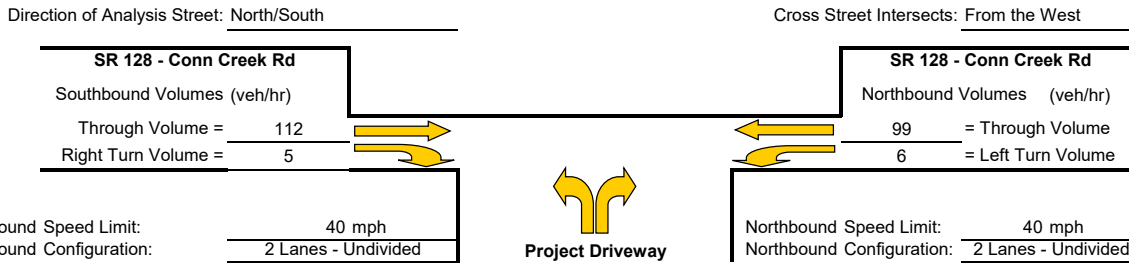
A handwritten signature in black ink that reads "Mark Leong". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Mark Leong  
District Branch Chief  
Local Development - Intergovernmental Review

cc: State Clearinghouse

# Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: SR 128/winery driveway  
 Study Scenario: Weekday PM Existing Plus Project



## Southbound Right Turn Lane Warrants

1. Check for right turn volume criteria

**Thresholds not met, continue to next step**

2. Check advance volume threshold criteria for turn lane
 

Advancing Volume Threshold	AV =	1012.6
Advancing Volume	Va =	117
If $AV < Va$ then warrant is met		

**Right Turn Lane Warranted: NO**

## Southbound Right Turn Taper Warrants (evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

**NOT WARRANTED - Less than 20 vehicles**

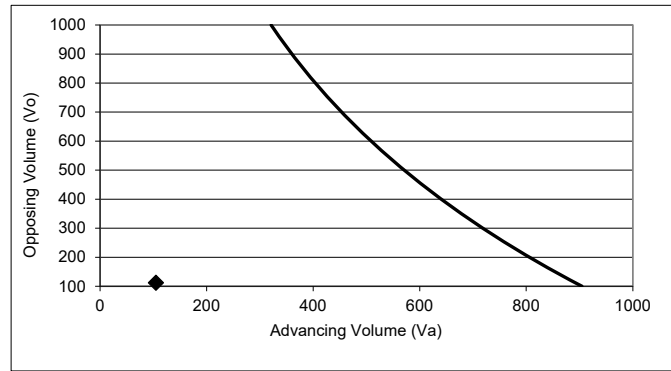
2. Check advance volume threshold criteria for taper
 

Advancing Volume Threshold	AV =	-
Advancing Volume	Va =	117
If $AV < Va$ then warrant is met		

**Right Turn Taper Warranted: NO**

## Northbound Left Turn Lane Warrants

Percentage Left Turns %lt      5.7 %  
 Advancing Volume Threshold AV      892 veh/hr  
 If  $AV < Va$  then warrant is met



◆ Study Intersection  
 — Two lane roadway warrant threshold for: 40 mph  
 Turn lane warranted if point falls to right of warrant threshold line

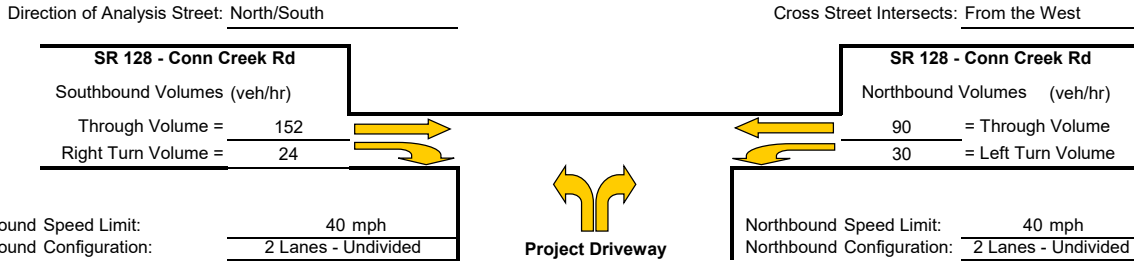
**Left Turn Lane Warranted: NO**

Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, January 1997.  
 The right turn lane and taper analysis is based on work conducted by Cottrell in 1981.  
 The left turn lane analysis is based on work conducted by M.D. Harmelink in 1967, and modified by Kikuchi and Chakroborty in 1991.



# Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: SR 128/winery driveway  
 Study Scenario: Weekend PM Existing plus Project



### Southbound Right Turn Lane Warrants

1. Check for right turn volume criteria

**Thresholds not met, continue to next step**

2. Check advance volume threshold criteria for turn lane

Advancing Volume Threshold	AV =	870.1
Advancing Volume	Va =	176
If $AV < Va$ then warrant is met		

**Right Turn Lane Warranted: NO**

### Southbound Right Turn Taper Warrants (evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

**Thresholds not met, continue to next step**

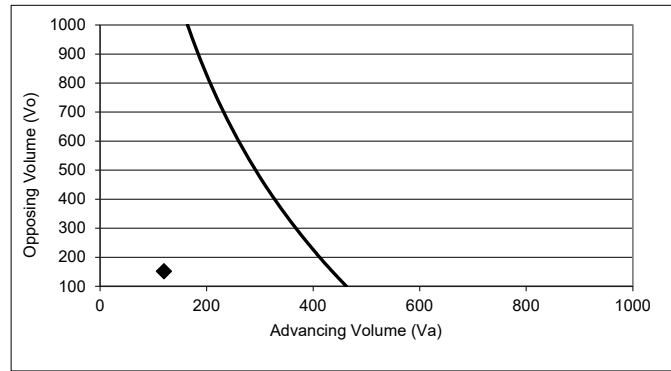
2. Check advance volume threshold criteria for taper

Advancing Volume Threshold	AV =	660
Advancing Volume	Va =	176
If $AV < Va$ then warrant is met		

**Right Turn Taper Warranted: NO**

### Northbound Left Turn Lane Warrants

Percentage Left Turns %lt	25.0 %
Advancing Volume Threshold AV	436 veh/hr
If $AV < Va$ then warrant is met	



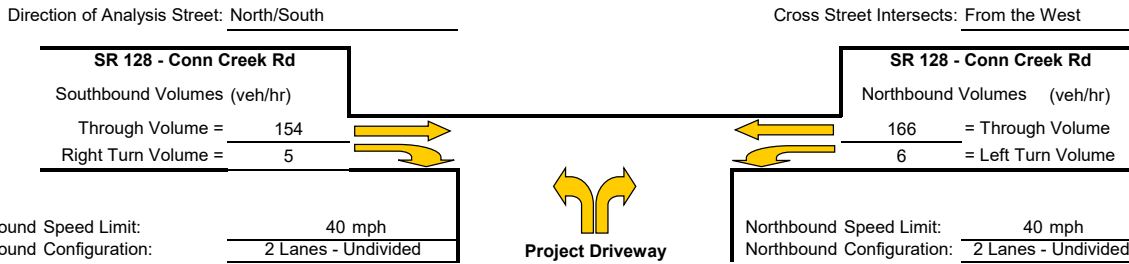
◆ Study Intersection  
 — Two lane roadway warrant threshold for: 40 mph  
 Turn lane warranted if point falls to right of warrant threshold line

**Left Turn Lane Warranted: NO**

Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, January 1997.  
 The right turn lane and taper analysis is based on work conducted by Cottrell in 1981.  
 The left turn lane analysis is based on work conducted by M.D. Harmelink in 1967, and modified by Kikuchi and Chakroborty in 1991.

# Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: SR 128/winery driveway  
 Study Scenario: Weekday PM Future Plus Project



### Southbound Right Turn Lane Warrants

1. Check for right turn volume criteria

**Thresholds not met, continue to next step**

2. Check advance volume threshold criteria for turn lane
 

Advancing Volume Threshold	AV =	1012.6
Advancing Volume	Va =	159

If  $AV < Va$  then warrant is met      No

**Right Turn Lane Warranted: NO**

### Southbound Right Turn Taper Warrants (evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

**NOT WARRANTED - Less than 20 vehicles**

2. Check advance volume threshold criteria for taper
 

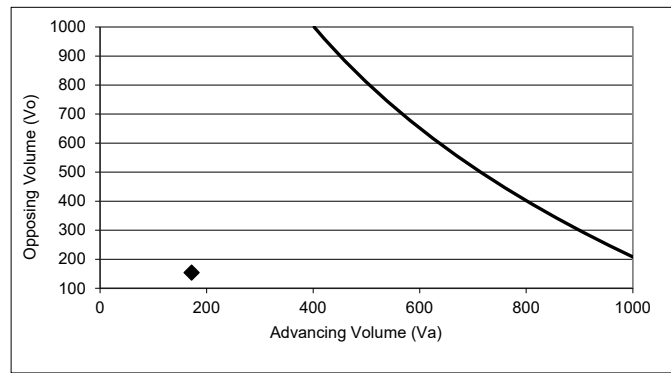
Advancing Volume Threshold	AV =	-
Advancing Volume	Va =	159

If  $AV < Va$  then warrant is met      -

**Right Turn Taper Warranted: NO**

### Northbound Left Turn Lane Warrants

Percentage Left Turns %lt      3.5 %  
 Advancing Volume Threshold AV      1064 veh/hr  
 If  $AV < Va$  then warrant is met



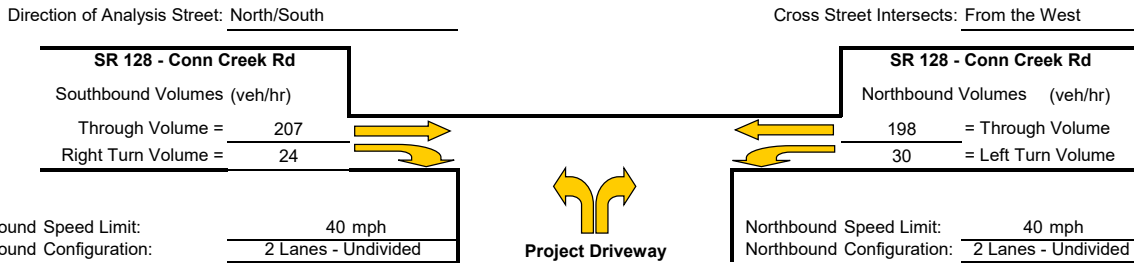
◆ Study Intersection  
 — Two lane roadway warrant threshold for: 40 mph  
 Turn lane warranted if point falls to right of warrant threshold line

**Left Turn Lane Warranted: NO**

Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, January 1997.  
 The right turn lane and taper analysis is based on work conducted by Cottrell in 1981.  
 The left turn lane analysis is based on work conducted by M.D. Harmelink in 1967, and modified by Kikuchi and Chakroborty in 1991.

# Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: SR 128/winery driveway  
 Study Scenario: Weekend PM Future Plus Project



### Southbound Right Turn Lane Warrants

1. Check for right turn volume criteria

**Thresholds not met, continue to next step**

2. Check advance volume threshold criteria for turn lane

Advancing Volume Threshold	AV =	870.1
Advancing Volume	Va =	231
If $AV < Va$ then warrant is met		

**Right Turn Lane Warranted: NO**

### Southbound Right Turn Taper Warrants (evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

**Thresholds not met, continue to next step**

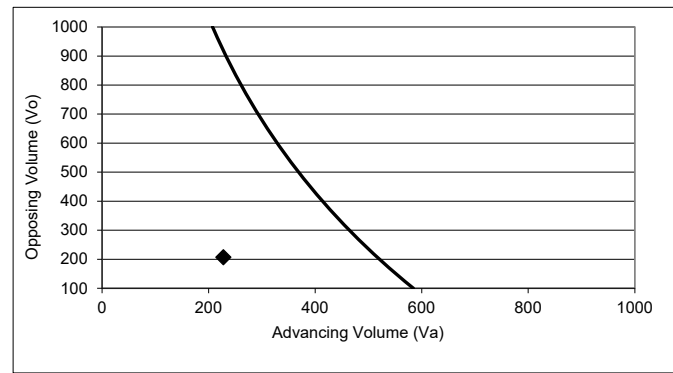
2. Check advance volume threshold criteria for taper

Advancing Volume Threshold	AV =	660
Advancing Volume	Va =	231
If $AV < Va$ then warrant is met		

**Right Turn Taper Warranted: NO**

### Northbound Left Turn Lane Warrants

Percentage Left Turns %lt	13.2 %
Advancing Volume Threshold AV	517 veh/hr
If $AV < Va$ then warrant is met	



◆ Study Intersection  
 — Two lane roadway warrant threshold for: 40 mph  
 Turn lane warranted if point falls to right of warrant threshold line

**Left Turn Lane Warranted: NO**

Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, January 1997.  
 The right turn lane and taper analysis is based on work conducted by Cottrell in 1981.  
 The left turn lane analysis is based on work conducted by M.D. Harmelink in 1967, and modified by Kikuchi and Chakroborty in 1991.

**From:** [Robin Baggett](#)  
**To:** [PC](#)  
**Cc:** [Rich Frank](#)  
**Subject:** Agenda Item 7B (9/16/2020) Frank Family Vineyards, LLC  
**Date:** Wednesday, September 16, 2020 7:56:19 AM

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**[External Email - Use Caution]**

I am the sole managing partner of Alpha Omega Winery, LLC, located in Rutherford. I'm writing to convey my complete support for the Frank Family Vineyards, LLC, Benjamin Ranch Winery, Use Permit Application No. P13-00371-UP, located in Rutherford. The Frank Family has been operating their winery successfully in Napa Valley for over 28 years. This project allows them to bring their production under one roof on an 87 acre property, rather than at 4 to 5 different locations as they have done in the past. I encourage the Planning Commission to follow its staff recommendation and approve this project. Thank you.

**From:** [Ayers, Dana](#)  
**To:** [PlanningCommissionClerk](#)  
**Cc:** [Gallina, Charlene](#)  
**Subject:** FW: [EXTERNAL] FW: Frank Family - Benjamin Ranch Winery P13-00371-UP  
**Date:** Wednesday, September 16, 2020 8:31:06 AM

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**[External Email - Use Caution]**

Public comment on Agenda Item 7B – Benjamin Ranch, on today’s agenda.

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**From:** Bordona, Brian <[Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org)>  
**Sent:** Wednesday, September 16, 2020 8:24 AM  
**To:** Gallina, Charlene <[Charlene.Gallina@countyofnapa.org](mailto:Charlene.Gallina@countyofnapa.org)>; Ayers, Dana <[DAyers@trccompanies.com](mailto:DAyers@trccompanies.com)>; Anderson, Laura <[Laura.Anderson@countyofnapa.org](mailto:Laura.Anderson@countyofnapa.org)>  
**Subject:** [EXTERNAL] FW: Frank Family - Benjamin Ranch Winery P13-00371-UP

This is an **EXTERNAL** email. Do not click links or open attachments unless you validate the sender and know the content is safe.

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**From:** Judith Crichton <[judcrichton@gmail.com](mailto:judcrichton@gmail.com)>  
**Sent:** Tuesday, September 15, 2020 4:45 PM  
**To:** Bordona, Brian <[Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org)>  
**Subject:** Frank Family - Benjamin Ranch Winery P13-00371-UP

**[External Email - Use Caution]**

Dear Brian,

I have read the 40 page Plan, the Traffic Impact Study and related documents and have concluded this project is completely inappropriate for this site and should not be approved.

Scale

The marketing plan for 400 visitors per day, 4,032 dinners /168 days per year, 2880 lunches/180 days per year, 600-1200 guests/8 times per year is staggering. They are essentially running a restaurant with cost per head, plus presumably with retail cost for wine and service calling it a Marketing Event as Cakebread has done illegally for years, i.e. cash cows.

An event 357 days per year, one per day, 16 - 150 guests per event, plus 400 guests for tours/tastings, 61 employees, 75 parking spaces, open seven days a week.

Traffic

Traffic Impact Study says 23 extra cars per peak hours per day, 115 cars per hour peak weekend hours, average 144 trips per day. The big events 600 - 1200 guests could have 1,000 cars per event or dozens of shuttles, vans and limos clogging the road.

Study recommends additional 97 parking spaces plus additional temporary spaces which means parking all through the vineyard so it looks like a Used Car lot like Sattui looks everyday.

Suggesting employees and guests carpool will in reality never be adhered to.

The Road Usage Service standard delay for Hwy 29/128 intersection estimates 21 more seconds per hold time per vehicle at an already difficult/impossible road junction leading to longer backups in front of my residence at 1100 Rutherford Road and difficulty backing out.

The access along Conn Creek Road a curvy road where drivers speed and cross double yellow lines will result in accidents.

There are 14 wineries on Hwy128 from Inglenook to four at the Trail, 2.8 miles. BV has plans for expanded marketing events as does M.Bruno.

This huge, bloated, unnecessary project destroys one of the most beautiful vistas in the valley and should not be allowed.

Judith Crichton

1100 Rutherford Road

**From:** [Anderson, Laura](#)  
**To:** [Fuller, Lashun](#); [Quackenbush, Alexandria](#)  
**Subject:** Fwd: Benjamin Ranch Winery  
**Date:** Wednesday, September 16, 2020 9:16:56 AM

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**From:** Morrison, David <David.Morrison@countyofnapa.org>  
**Sent:** Wednesday, September 16, 2020 9:14 AM  
**To:** Bordona, Brian; Gallina, Charlene; Anderson, Laura  
**Subject:** FW: Benjamin Ranch Winery

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**From:** Charlotte Williams <cdevorak@sonic.net>  
**Sent:** Wednesday, September 16, 2020 9:13 AM  
**To:** Whitmer, David <Dave.Whitmer@countyofnapa.org>; joellegPC@gmail.com;  
anne.cottrell@lucene.com; Mazotti, Andrew <Andrew.Mazotti@countyofnapa.org>; Dameron,  
Megan <megan.dameron@countyofnapa.org>; Morrison, David  
<David.Morrison@countyofnapa.org>  
**Cc:** Napa Vision 2050 <napavision2050@gmail.com>  
**Subject:** Benjamin Ranch Winery

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[External Email - Use Caution]

Dear Napa County Planning Commissioners and Director Morrison,

Napa Vision 2050 joins in the Growers/Vintners for Responsible Agriculture's request for delay of consideration of the Benjamin Winery application on your agenda for September 16. The Benjamin proposal is for a very large non-agricultural project in the Agricultural Preserve. The residents and citizens of Napa County, as well as the decisionmakers, deserve more than five days to thoughtfully analyze, consider and comment on it.

We urge the County to conduct a full environmental impact report rather than the proposed mitigated negative declaration. Air quality is a serious concern. We all know the problems our county faces with traffic. One need only try to travel south on the Silverado Trail at 4:00 p.m. to know adding the amount of traffic this project will generate is beyond what the Trail can handle. Worse, our region is in nonattainment status for particulate matter pollution. Both PM2.5 and PM10 are produced by vehicles using fossil fuels. The construction, maintenance and operation of the proposed project along with the number of vehicles travelling to almost daily events in perpetuity will generate more PM pollutants.

When this project comes before you, we ask that you consider the cumulative impacts the Benjamin project will have on our environment and the livability of Napa county. It is not without irony that it is on your September 16 agenda *after*

your consideration of the Rombauer major modification application asking for approval of unlawful operations well beyond its current permit and then to increase those operations even more. Rombauer is a mere seven and a half miles distant from Benjamin. Staff recommends adoption of both of projects with mitigated negative declarations. In the Rombauer case, this means there has never been nor ever will be an environmental impact study of the illegal operations under its current permit. To move forward with either project under these circumstances without full EIRs considering cumulative impacts is worrisome at best.

Benjamin is not an agricultural project on its face despite the talismanic use of the word “agricultural.” It is a commercial event center complete with a commercial kitchen to serve lunches and dinner with its wine in addition to and during events nearly every day annually in perpetuity.

Napa Vision 2050 urges you to reschedule this agenda item so that full consideration and comment on the many issues presented by this application may be made.

Sincerely,

Charlotte Williams, President  
Napa Vision 2050  
Charlotte Helen Williams  
707-889-1788  
[cdevorak@sonic.net](mailto:cdevorak@sonic.net)