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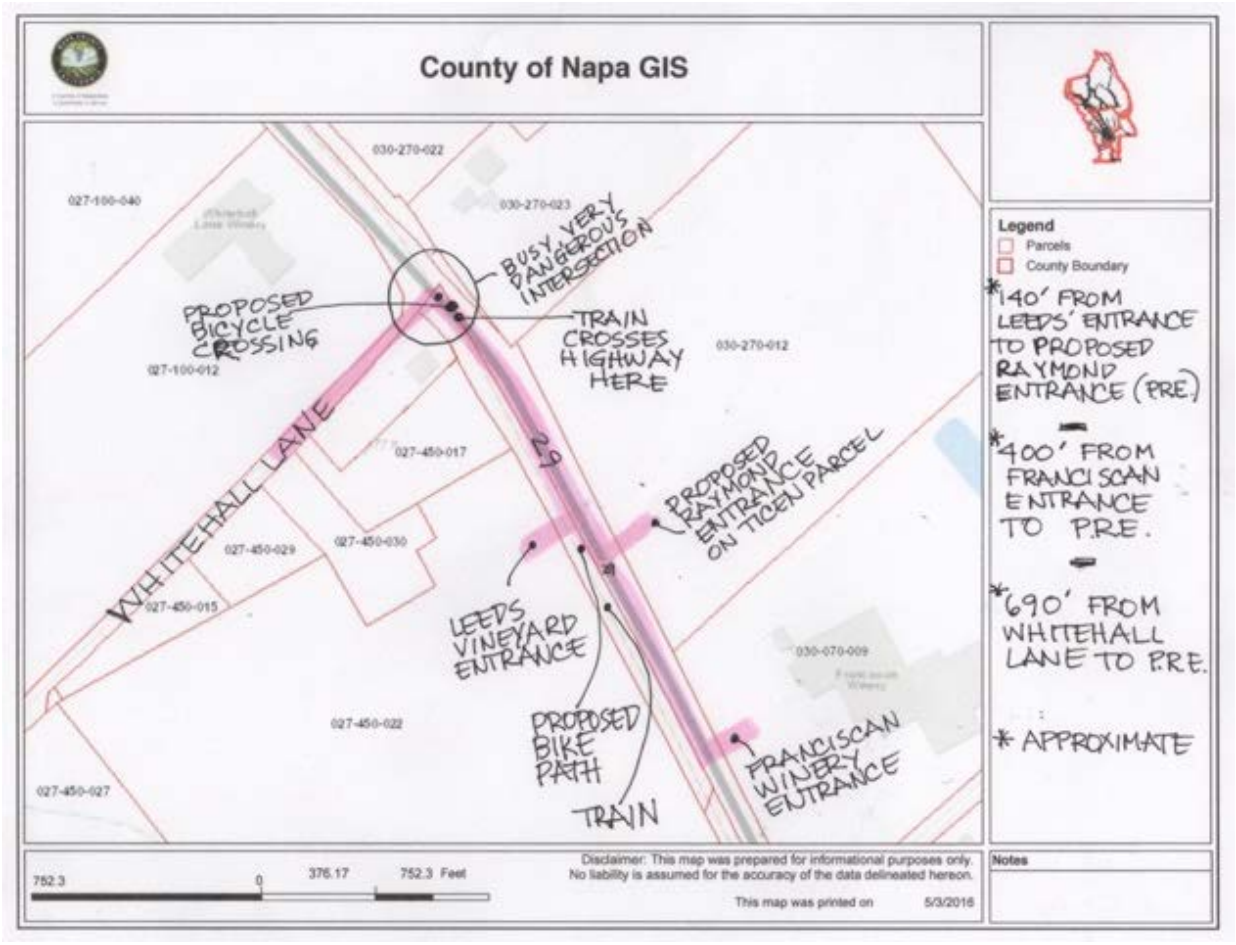
Public Comments

Raymond-Ticen Ranch Winery, P15-00307-MOD
Planning Commission Hearing, February 1, 2017

From: Morrison, David
To: Ayers, Dana
Subject: FW: Raymond/Ticen Ranch Winery, Major Modification to Use Permit Application
Date: Tuesday, May 03, 2016 1:53:13 PM
Attachments: Raymond letter.docx

Sent with Good (www.good.com)

From: Beth Whybrow Leeds
Sent: Tuesday, May 03, 2016 1:30:12 PM
To: Morrison, David
Cc: McDowell, John; Heather Phillips; Michael Basayne; Anne Cottrell; Terry Scott; Jeri Gill
Subject: Raymond/Ticen Ranch Winery, Major Modification to Use Permit Application



Beth Whybrow Leeds
Illustration
707 963-2474
www.bethwhybrowleeds.com

03 May, 2016

To: Mr. David Morrison
Director of Planning, Building and Environmental Services,
Napa County

Re: Raymond/Ticen Ranch Winery, Major Modification to Use Permit Application P15-00307 – MOD
849 Zinfandel Lane and 1584 Highway 29
Assessor's Parcel Nos. (APN) 030-270-013, 030-270-012

In response to the 'Major Modifications(s) to Use Permit' for Raymond Winery, we are hereby voicing our objections and requesting that some of these modifications not be granted.

Our family has owned the property at 1579 and 1581 St. Helena Highway South (directly across the highway from the Ticen property), since 1926. We operate a forty acre organic vineyard there. I have served on many boards and committees to help preserve our beautiful Napa Valley, and am a past president of the Napa Valley Grape Growers.

We object most vehemently to the "establishment of primary vehicular access to the merged parcels from State Route 29 at the Ticen Ranch driveway". This is a bad idea on many levels. First and foremost, Raymond Winery already has a perfectly adequate primary vehicle access on Zinfandel Lane. To have a driveway to an extremely busy winery on Highway 29, very close to the notoriously dangerous intersection of 29 and Whitehall Lane will create an even more dangerous driving situation. As you know, in addition to the existing railroad crossing, a bicycle route and crossing is being constructed by Cal Trans at this already busy intersection. On the adjacent parcel to the south, Franciscan Winery has an established, heavily trafficked entrance. Add to that the entrance to our vineyard across the highway, sharing a middle turn lane with additional tourists, and the danger level increases exponentially.

Are you aware that Raymond Winery has already created the Highway 29 entrance on the Ticen property? A clearly defined wide road was built in the Ticen vineyard last year; it just hasn't been paved yet. We understand that a permit is not required to create an unpaved road in a vineyard, but it is clearly Raymond Winery's intention to have a winery entrance here, with or without the Planning Commission's approval. It appears to be yet another case of "asking for forgiveness if permission is not granted." Paying a fine seems just to be factored into the cost of doing business by many people and corporations in our valley. Are you going to keep allowing this to happen?

We will be glad to provide a list of the signatures and contact information for the many, many people who feel the same as we do regarding these Major Modifications to Use Permit of the Raymond/Ticen Ranch Winery.

Sincerely,
Frank Leeds
707 975-2438

Elizabeth Leeds
707 963-2474
leeds.elizabeth@gmail.com

Cc: John McDowell, Deputy Planning Director
Heather Phillips, District 1
Michael Basayne, District 2
Anne Cottrell, District 3
Terry Scott, District 4
Jeri Gill, District 5

Encl: map

1119 Ehlers Lane
St. Helena, CA 94574
707-967-8807

January 10, 2017

Dana Ayers, Planner
Napa County
1195 Third Street
Napa, CA 94559

Re: Raymond Vineyards Use permit change application.

Dear Ms. Ayers,

I am writing in support of the use permit changes requested by Raymond Vineyards. It makes such good sense to have the winery traffic coming off of Highway 29, instead of Zinfandel Lane.

Sincerely,

Dave Yewell

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
FAX (510) 286-5559
TTY 711
www.dot.ca.gov

Serious Drought.
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January 17, 2017

SCH # 2016122031
GTS # 04-NAP-2016-00034
NAP-29- 26

Ms. Dana Ayers
Planning, Building and Environmental Services Department
Napa County
1195 Third Street, Suite 210
Napa, CA 94559

Raymond Ticen Ranch Winery–Mitigated Negative Declaration (MND)

Dear Ms. Ayers:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Raymond Ticen Ranch Winery. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), the Caltrans' mission signals a modernization of our approach to evaluate and mitigate impacts to the State Transportation Network (STN). Caltrans' *Strategic Management Plan 2015-2020* aims to reduce Vehicle Miles Travelled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. While the County did not provide the project application for this project, since applications are the only form of early notification for MNDs, they are particularly beneficial in helping us identify critical project issues early in the CEQA process. This saves time and effort for both the applicant and agencies during project review. Our comments are based on the MND, dated December 16, 2016. Additional comments may be forthcoming pending final review.

Project Understanding

The project sponsor seeks approval of a Major Modification (P15-00307 – MOD) in order to amend the existing entitlements allowing the operation of Raymond Vineyard and Cellars' Winery with visitation and marketing events at 849 Zinfandel Lane, south of the city of St. Helena. As requested, the application proposes operational changes that include:

- The addition of Ticen Ranch property, located at 1548 St. Helena Highway (SR 29), into Raymond Winery operations, with the conversion of the Ticen Ranch residence and barn to winery visitation and administration space;

- Extension of winery operating hours until 11:00 p.m. during harvest (August through November) and visitation hours until 6:30 p.m. year round;
- Allowance for on-site consumption of wine in specified areas on the properties; and
- Allowance for up to half of Raymond Winery's currently permitted, annual marketing events to be held outdoors.

The request includes modifications to the development of the Raymond Winery and Ticen Ranch parcels that include a new access driveway to the Raymond Winery from St. Helena Highway (SR 29) and across the Ticen Ranch parcel, as well as construction of a vineyard viewing platform, 61 new parking stalls between the two existing parcels (150 total between existing and new parking stalls), improvements to the existing sanitary wastewater treatment system, and installation of two, 10,000-gallon tanks for storage of water for fire suppression purposes. The application also includes requests to legitimize an existing, noncompliant number of employees (90 full-time, part-time and seasonal) and additional site modifications and conversions of building use that are already in place but that were completed without benefit of County permit approvals. The proposed project includes construction of a left turn lane on Zinfandel Lane at Wheeler Lane, and merger of the Raymond Winery and Ticen Ranch parcels into a single parcel should the requested major modification to use permit be approved. Ticen Ranch is located on St. Helena Highway (SR 29) at post-mile 26; Raymond winery is accessed via Zinfandel Lane 0.3 miles from SR 29.

Lead Agency

As the lead agency, Napa County is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. This includes any required improvements to the STN or reductions in VMT. Required improvements should be completed prior to issuance of the Major Modification Use Permit. Since the Department will not issue an Encroachment Permit until our concerns are adequately addressed, we strongly recommend that the Napa County work with both the applicant and the Department to ensure that our concerns are resolved during the California Environmental Quality Act (CEQA) process, and in any case prior to submittal of a permit application. See the end of this letter for more information on the Encroachment Permit process.

Project Description

Further clarification is requested with regards to the following:

- Landscaped and grass-lined swales to receive runoff mentioned by the applicant on page 23 of the MND: Are these swales draining to the existing runoff outfall or is the flow being diverted to another location?
- Please clarify the justification for the increase in parking spaces.

- On the application's Voluntary Best Management Practices Checklist, BMP-11 "Bicycle Incentives" was checked off as both "Already Doing" and "Plan to Do". Please indicate on the site plan where existing and planned bicycle parking racks are located. According to the Napa County Zoning Ordinance, with a new total of 150 automobile parking spaces, there should be a minimum of 8 bicycle parking spaces. We recommend using inverted U-racks and locating them close to the tasting room entrance

Traffic Impact Study

When finalizing the transportation impact study, please update the "Planned & Ongoing Roadway Improvements" section regarding the Caltrans project on SR 29 between Mee Lane and Charter Oak Avenue in St. Helena. Construction is nearly complete and may be complete when the study is finalized.

Transportation Demand Management/Vehicle Trip Reduction

From Caltrans' *Smart Mobility 2010: A Call to Action for the New Decade*, the project site is identified as a **Rural Town and Agricultural Lands** place type where location efficiency factors, such as community design, vary from moderate to high and regional accessibility is low. Given the size of the project, the expected annual events and limited mode access to and from the project area, the project should include a robust Transportation Demand Management (TDM) Program to reduce auto trips, vehicle miles traveled and greenhouse gas emissions. Such measures will be critical in order to facilitate efficient transportation access to and from the site and reduce transportation impacts associated with the project. From Napa Valley Transportation Authority's *Vision 2040: Moving Napa Forward*, we recommend that the County consider the following TDM/Vehicle Trip Reduction strategies:

- Public-private partnerships or employer contributions to provide improved transit or shuttle service in the project area, specifically to service to Vine Transit's Route 10;
- Transit fare incentives such as free or discounted transit passes on a continuing basis;
- Designate clean-fuel parking spaces conveniently located to encourage clean-fuel vehicles;
- Parking cash out/parking pricing;
- Formation of a Transportation Management Association (TMA) in partnership with other developments in the area;
- Adoption of an aggressive trip reduction target with a Lead Agency monitoring and enforcement program.

For additional TDM options, please refer to Chapter 8 of FHWA's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference*, regarding TDM at the local planning level. The reference is available online at:

http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf.

For information about parking ratios, please see MTC's report, Reforming Parking Policies to Support Smart Growth, or visit the MTC parking webpage:

http://www.mtc.ca.gov/planning/smart_growth/parking.

Transportation Management Plan

Where vehicular, bicycle, and pedestrian traffic may be impacted during the construction of the proposed project requiring traffic restrictions and detours, a Caltrans-approved Transportation Management Plan (TMP) is required. Pedestrian and bicycle access through the construction zone must be maintained at all times and comply with the Americans with Disabilities Act (ADA) regulations (see Caltrans' *Temporary Pedestrian Facilities Handbook* for maintaining pedestrian access and meeting ADA requirements during construction at:

http://www.dot.ca.gov/hq/construc/safety/Temporary_Pedestrian_Facilities_Handbook.pdf

(See also Caltrans' Traffic Operations Policy Directive 11-01 "Accommodating Bicyclists in Temporary Traffic Control Zones" at: www.dot.ca.gov/trafficops/policy/11-01.pdf).

All curb ramps and pedestrian facilities located within the limits of the project are required to be brought up to current ADA standards as part of this project. The TMP must also comply with the requirements of corresponding jurisdictions. For further TMP assistance, please contact the Caltrans District 4 Office of Traffic Management Operations at (510) 286-4579. Further traffic management information is available at the following website:

www.dot.ca.gov/hq/traffops/trafmgmt/tmp_lcs/index.htm.

Cultural Resources

The project area is extremely sensitive for cultural resources, with several archaeological sites recorded in the immediate vicinity. The history of agricultural ground disturbance does not preclude the presence of archaeological deposits in the project area. We recommend that the Napa County Planning Division conduct a cultural resource technical study that includes a records search from the Northwest Information Center of the California Historical Resources Information System (CHRIS) at Sonoma State University and a field survey conducted by a qualified archaeologist.

Additionally, in accordance with CEQA and Assembly Bill (AB) 52, we recommend that the Napa County Planning Division continue Native American consultation throughout the project with tribes, groups, and individuals who are interested in the project area and may have knowledge of Tribal Cultural Resources, Traditional Cultural Properties, or other sacred sites.

The Initial Study Checklist states, in reference to a single-family residence on the property, that "the residence, a ranch-style building, was constructed sometime in the early 1970s, and is not of an age to be considered historically significant." This indicates that the residence is, or is approaching, 45 years of age, which is the current standard for considering built resources for evaluation of significance. It is recommended that a qualified architectural historian evaluate this residence in accordance with Section 15064.5 of the CEQA Guidelines. The main residence, built in the late 1800s, was considered by the applicant's architect to be historically significant. We recommended that the residence be recorded on the applicable Department of Parks and Recreation forms by a qualified architectural historian and filed with the Northwest Information Center.

Transportation Permit

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a Transportation Permit that is issued by Caltrans. To apply, a completed Transportation Permit application with the determined specific route(s) for the shipper to follow from origin to destination must be submitted to:

Caltrans Transportation Permits Office
1823 14th Street
Sacramento, CA 95811-7119.

See the following website for more information about Transportation Permits:

http://www.dot.ca.gov/trafficops/permits/index.html

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the State ROW requires an Encroachment Permit that is issued by Caltrans. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. To apply, a completed Encroachment Permit application, the adopted environmental document, and five (5) sets of plans clearly indicating State ROW must be submitted to the address below. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process.

David Salladay, District Office Chief
Office of Permits, MS 5E
California Department of Transportation, District 4
P.O. Box 23660
Oakland, CA 94623-0660

See the following website for more information:

http://www.dot.ca.gov/trafficops/ep/index.html

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Jannette Ramirez at 510-286-5535 or jannette.ramirez@dot.ca.gov.

Sincerely,

Becky Frank for

PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

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

- Proposed expansion of production and hospitality facilities at the Raymond Winery. I understand this hearing is scheduled for February 1, 2017

This project has been submitted to the Planning Commission on two previous occasions. I commented my opposition on both occasions and I continue to have concerns about this project, the approach taken and the potential impact on my neighborhood, Zinfandel Lane and traffic in the Napa Valley in general.

The initial application for expansion included expansion of the production facility and expansion of the hospitality facilities. The application was subjected to a Planning Commission hearing. Several neighbors appeared and commented on the potential impact of the project. There was also evidence submitted that revealed, Raymond Winery was already in violation of their use permit. Raymond management retreated from the hearing with promises of updating their studies, revisiting their expansion plans and bringing the operation back into compliance with the use permit.

Some months later Raymond submitted a revised application that reduced the production expansion but increased the application for hospitality facilities and hospitality events. Again, the application was subjected to a Planning Commission hearing. Many arguments were presented against the expansion of hospitality facilities and hospitality events. I argued that the expanded hospitality events and facilities were in violation of both the County's General Plan and the County's "Agricultural Preservation Policy". I reiterate my previous comments here as follows:

> I am compelled, once again, to express my opposition to the Raymond Winery Use Permit Major Modification Application. I feel this project, along with several past, pending and proposed Use Permit Applications pose a serious threat to the concepts used to create the "Agricultural Preserve" zoning designation used in Napa County.
>
> The Napa County General Plan, as one of its primary goals, seeks to "ensure the long-term protection and integrity of those areas identified in the General Plan as agricultural, open space, agricultural watershed, etc….". Presumably, the County has a conservation policy that would provide for the preservation of lands for agricultural production and for watershed for that production by using, whenever possible exclusive agricultural or agricultural watershed zoning.
>
> It seems, the goal of protecting agricultural, open space and agricultural watershed and the policy for attaining the goal is constantly under attack by those seeking to amend, modify or otherwise work around the restrictions of the present zoning. The integrity of the zoning classifications must be upheld. Every approved modification, every variance granted potentially weakens the zoning classification. There may come a point in time where a court of law is asked to rule on the validity of zoning restrictions. These current activities may prove to support the case of a party challenging the zoning restrictions.

The Napa County General Plan, Agriculture Preservation Policy AG/LU-2 states: "Agriculture" is defined as the raising of crops, trees and livestock; the production and processing of agricultural products; and related marketing, sales and other accessory uses. Agriculture also includes farm management businesses and farm worker housing.

A proposed action item AG/LU-2.1 states: Amend County Code to reflect the definition of "Agriculture" as set forth within this plan, ensuring that wineries and other production facilities remain as conditional uses except as provided for in Policy AG/LU-16 (Small wineries) and that marketing activities and other accessory uses remain incidental and subordinate to the main use.

The Raymond website currently offers 8 different tasting venues. The application seeks to add a 9th venue (pool house conversion to private tasting room). The application seeks to establish an outside kitchen for food and wine pairings. The application seeks to convert 10,670 square feet of production space to accessory use and relocation of an entitled commercial kitchen.

I ask the commission to consider whether this plan, this application, demonstrates the concept of marketing activities and other accessory uses as being incidental and subordinate to the main use of the production facility.

The application seeks approval for 50 events of varying sizes not to exceed 8 events per month. Twelve events are for groups greater that 100 people. Twelve events are for groups of not more than 100 people. Additionally, the application notes, there will be one weekend per month between May and October with no event having in excess of 100 people. A literal interpretation of this application would provide that, conceptually, 12 consecutive weekends of events hosting "not more than 100 people" could take place. I realize this may seem picky. I just want to point out that their concession (one weekend with no event having in excess of 100 people) is not really a concession. They could schedule all 24 large events on consecutive weekends.

We must consider this timing and concentration. The period of time from May through October consists of approximately 26 weeks. This period is possibly the busiest period of visitation to the valley. The days are long. The weather is potentially the best of the year. This is the best time to host events. The months of November and December are typically absorbed with holiday events for most people. January and February, the winter months, are months where many folks choose not to travel. March and April are wild card months.

It is conceivable that 48 of the 50 events could be held within this six month period of time (8 events per month times a 6 month period). This would amount to potentially 2 events per week. The number of events allowed per month needs to be reduced. The potential for concentration of events and the impact on neighbors must be considered.

Again, I ask the commission to consider whether this plan, this application, demonstrates the concept of marketing activities and other accessory uses as being incidental and subordinate to the main use of the production facility.

A short time after the hearing, in early 2015, Raymond Winery formerly withdrew their application. In my way of thinking, withdrawing the application means they took the application off the table. The matter should be considered finished at that point.

Now, Raymond Winery is again at your doorstep looking to expand their hospitality events and facilities. And, they are applying to increase the amount of Agricultural Preserve land that is to be used for these facilities and events. To this application, I make the following observations:

- Raymond Winery withdrew their previous application. This current application should be considered a new, fresh application. As such, it should contain a whole new set of information on current studies, impact points and other information required as part of the application. There should be no part of the previous, withdrawn, application presented or considered here.

- Given the application is once again seeking expanded hospitality facilities and hospitality events, I reiterate my previous arguments presented above. Again, I ask the commission to consider whether this plan, this application, demonstrates the concept of marketing activities and other accessory uses as being incidental and subordinate to the main use of the production facility.

- The revitalization of downtown Napa is currently underway. There is great excitement about the potential for downtown Napa. This is the perfect location for fancy, expansive tasting rooms with plenty of capacity for large events. Hotel facilities already exist and are being constructed to support downtown Napa visitation. This seems to be a perfect match for Raymond's hospitality aspirations. Bring the party to the people and make it safe for them!

- I feel there is an enormous difference between an intimate wine tasting experience intended to educate and create new following versus a massive hospitality event intended as a celebration. There is no connection between the primary use permitted (Napa Valley wine production) and the "party scene".

- The conversion, and thus elimination, of wine production capacity should be a huge red flag indicating a change in the purpose of previously permitted facility. This is a change that is outside the boundaries of the Napa County General Plan. This is a change that is outside the boundaries of the Agricultural Preserve zoning.

Based on these points, I ask that you consider the Raymond winery application to be incomplete. Further, based on an incomplete application, I ask that the hearing currently scheduled for February 1, 2017 be postponed and rescheduled for a future date.

Thank you for considering my comments here.

Sincerely

Chris Cordano

From:	Morrison, David
To:	Ayers, Dana; Gallina, Charlene
Cc:	Anderson, Laura
Subject:	FW: Proposed Raymond Winery Entrance on Highway 29
Date:	Monday, January 23, 2017 9:53:18 AM

From: Beth Whybrow Leeds [mailto:leeds.elizabeth@gmail.com]
Sent: Monday, January 23, 2017 9:48 AM
To: Morrison, David
Cc: Michael Basayne; Anne Cottrell; Terry Scott; Jeri Gill
Subject: Proposed Raymond Winery Entrance on Highway 29

Dear Mr.Morrison,

We are writing to you in reference to the Notice of Planning Commission Hearing and Intent to Adopt a Mitigated Negative Declaration for Raymond Vineyard and Cellar, Inc./ Raymond-Ticen Ranch Winery Major Modification to Use Permit, Application #P15-00307

At this time, we are focusing only on the proposed Highway 29 access, which would be directly across from the driveway to our home and our working vineyard.

In your Initial Study Checklist, updated on February 2015, specifically page 31, (XVI.Transportation/Traffic), some of the boxes that are checked are, for the most part, erroneous:

a) Would the project cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system and/or conflict with General Plan Policy CIR-16, which seeks to maintain an adequate Level of Service at signalized and unsignalized intersections, or reduce the effectiveness of existing transit services or pedestrian/bicycle facilities?
The box was marked 'Less Than Significant Impact'. This box should have been marked 'Potentially Significant Impact'.

This project would increase traffic and congestion at the already dangerous Whitehall Lane intersection. It would increase the likelihood of southbound traffic backing up into the train crossing at Whitehall Lane, as well as pose a hazard for bicyclists. (We believe you have conducted your traffic study based on an erroneous number of vehicles that visit the winery.) As anyone who travels on Highway 29 knows, this roadway has been greatly impacted by increased traffic and congestion in the past five years or so, with traffic often coming to a complete standstill at certain times of the day. During the construction phase of the widening of Highway 29, it became obvious that cars that needed to turn into or come out of driveways caused traffic to back up significantly. Having a heavily used entrance on Highway 29 will surely cause drivers to use the middle turn lane to pass the slowing or stopped traffic trying to enter the proposed Raymond driveway, increasing the chances of accidents in proximity to Whitehall Lane. Allowing Raymond Winery to have its main entrance on Highway 29 will create this back up, whilst their already existing Zinfandel Lane entrance would not. Also, the existing Zinfandel Lane entrance is easily accessed by both Highway 29 and the Silverado Trail, therefore mitigating some of the travel on the already congested Highway 29.

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the Napa Valley Transportation Authority for designated roads or highways?
The box was marked 'Less Than Significant Impact'.This box should have been marked 'Potentially Significant Impact'.

As you know, the NVTA has oversight over Napa Valley bicycle transit, and therefore the proposed driveway with its proximity to the bicycle crossing at Whitehall Lane should be approved by this agency.

d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?

The box was marked 'Less Than Significant Impact' This box should have been marked 'Potentially Significant Impact'.

Raymond's latest design proposal moves the driveway north, directly across from our existing driveway. As a forty acre working vineyard we have many trucks and farm equipment entering and exiting this driveway. The greatly increased use of the Ticen driveway, and the middle turn lane by Raymond visitors and employees will create a very dangerous situation.

g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?
The box was marked 'Less Than Significant Impact'. This box should have been marked 'Potentially Significant Impact'.

As mentioned above, the proposed driveway will increase the likelihood of car vs bicycle accidents.

In closing, this proposed new entrance to Raymond Winery should not be allowed so close to the Whitehall Lane intersection, and our existing driveway, in the interest of public safety.

Sincerely,
Frank and Elizabeth Leeds
1579 and 1581 St. Helena Highway South
St. Helena, CA 94574
(707) 963-2474

January 17, 2017

Ms. Dana Ayers
Planner III – Dept. of Planning, Building & Environmental Management
Napa County
1195 Third Street, Suite 120
Napa, CA 94559

Subject: Raymond/Ticen Winery Use Permit Modification

Dear Ms. Ayres,

The Napa Valley Wine Train would like to express its support for the use permit modification proposed by our neighbor, Raymond Vineyards, located at 849 Zinfandel Lane, to also be accessed from Highway 29 when they merge their current property with the Ticen Ranch parcel. Wine Train believes that this new access from Highway 29 will improve and reduce traffic at the intersection and railroad crossing at Zinfandel Lane and Highway 29 creating a safety improvement for all.

Raymond Vineyards and its owner, Boisset Collection, have been good neighbors and partners of the Wine Train and have continued to be an asset for Napa Valley through their fund raising, charitable activities and investment in sustainable farming and winery practices. Their industry leading organic, biodynamic and solar initiatives have exemplified Raymond's commitment towards Napa Valley's long term success and horticultural leadership.

Thank you for this opportunity to voice our support for Raymond Vineyards, its ownership and their future in our Napa Valley.

Respectfully Submitted,

Greg Brun, Vice-President

January 17, 2017

Ms. Dana Ayers
Planner III – Dept. of Planning, Building & Environmental Management
Napa County
1195 Third Street, Suite 120
Napa, CA 94559

Subject: Raymond/Ticen Winery Use Permit Modification

Dear Ms. Ayres,

The Napa Valley Wine Train would like to express its support for the use permit modification proposed by our neighbor, Raymond Vineyards, located at 849 Zinfandel Lane, to also be accessed from Highway 29 when they merge their current property with the Ticen Ranch parcel. Wine Train believes that this new access from Highway 29 will improve and reduce traffic at the intersection and railroad crossing at Zinfandel Lane and Highway 29 creating a safety improvement for all.

Raymond Vineyards and its owner, Boisset Collection, have been good neighbors and partners of the Wine Train and have continued to be an asset for Napa Valley through their fund raising, charitable activities and investment in sustainable farming and winery practices. Their industry leading organic, biodynamic and solar initiatives have exemplified Raymond's commitment towards Napa Valley's long term success and horticultural leadership.

Thank you for this opportunity to voice our support for Raymond Vineyards, its ownership and their future in our Napa Valley.

Respectfully Submitted,

Anthony Giaccio, CEO/CFO

DARIOUSH

January 10th, 2017

Ms. Dana Ayers
Planner III - Dept. of Planning, Building & Environmental Management Napa County
1195 Third Street, Suite 210
Napa, CA 94559

SUBJECT: RAYMOND/TICEN WINERY USE PERMIT MODIFICATION

Dear Ms. Ayers:

I am writing to express support for the use permit modification proposed by our neighbor, Raymond Vineyards, at 849 Zinfandel Lane, and to now be accessed also from Highway 29 when they merge the current Raymond property with the Ticen Ranch parcel. The fact that the winery does not propose any wine production increase, any increase in the existing visitation, or any new structures means there will be no intensification of use beyond that currently associated with the winery. I believe that the new access from Highway 29 will improve traffic on Zinfandel Lane.

Raymond Vineyards, and its owner, Boisset Collection, have been good neighbors: they respond in a timely manner, have raised significant funds for our community through their charitable activities and commitment to Napa, have implemented sustainable fanning and winery practices (certified organic, Biodynamic, sustainable, NapaGreen, and they are solar-powered), and focused on achieving compliance with their use permit as part of these use-permit modification procedures. We wish to commend the applicant for their intent in this regard.

Thank you for this opportunity to voice support for this longstanding winery and its present owners. We look forward to a continued good relationship with the owners of the winery.

Sincerely,

Darioush Khaledi
Proprietor

4240 SILVERADO TRAIL
NAPA, CA, 94558 USA

INFO@DARIOUSH.COM
WWW.DARIOUSH.COM

T 707.257.2345
F 707.257.3132

Collabria Care
Formerly Napa Valley Hospice & Adult Day Services

414 South Jefferson Street
Napa, California 94559
O 707.258.9080
F 707.258.9090

January 16, 2017

Ms. Dana Ayers
Planner III – Dept. of Planning, Building & Environmental Management
Napa County
1195 Third Street, Suite 210
Napa, CA. 94559

SUBJECT: RAYMOND/TICEN WINERY USE PERMIT MODIFICATION

Dear Ms. Ayers:

I am writing to express support for the use permit modification proposed by our longtime friend and partner, Raymond Vineyards. The modification would allow access to Raymond Vineyards from Highway 29 when it merges the current Raymond property with the Ticen Ranch parcel. The fact that the winery does not propose any wine production increase, any increase in the existing visitation, or any new structures means there will be no intensification of use beyond that currently associated with the winery. I believe that the new access from Highway 29 will improve traffic on Zinfandel Lane.

Raymond Vineyards and its owner, Boisset Collection, have been upstanding members of the Napa Valley community. Over the years they have supported our agency in numerous ways, helping to further our mission to provide exceptional professional health care, expert resources, and compassionate support to individuals and their loved one experiencing the transitions of aging, serious illness, or facing the end of life. They have also demonstrated support for many other nonprofit organizations serving this community. Additionally, Raymond Vineyards has demonstrated its commitment to Napa through the implementation of sustainable farming and winery practices (certified organic, Biodynamic, sustainable, NapaGreen, as well as through the use of solar power), and is focused on achieving compliance with its use permit as part of these use-permit modification procedures. We wish to commend the applicant for their intent in this regard.

Thank you for this opportunity to voice support for this longstanding winery and its present owners. We look forward to a continued relationship with the owners of the winery.

Sincerely,

Joanne Sutro

Joanne Sutro
Director of Development

POST OFFICE BOX 352
CALISTOGA, CALIFORNIA
94515-0352

JONES
Family Vineyards

PHONE & FACSIMILE:
707-942-0467
email@joneswine.com

January 10th, 2017

Ms. Dana Ayers
Planner III - Dept. of Planning, Building & Environmental Management
Napa County
1195 Third Street, Suite 210
Napa, CA 94559

SUBJECT: RAYMOND/TICEN WINERY USE PERMIT MODIFICATION

Dear Ms. Ayers:

I am writing to express support for the use permit modification proposed by our neighbor, Raymond Vineyards, at 849 Zinfandel Lane, and to now be accessed also from Highway 29 when they merge the current Raymond property with the Ticen Ranch parcel. The fact that the winery does not propose any wine production increase, any increase in the existing visitation, or any new structures means there will be no intensification of use beyond that currently associated with the winery. I believe that the new access from Highway 29 will improve traffic on Zinfandel Lane.

Raymond Vineyards, and its owner, Boisset Collection, have been good neighbors: they respond in a timely manner, have raised significant funds for our community through their charitable activities and commitment to Napa, have implemented sustainable farming and winery practices (certified organic, Biodynamic, sustainable, NapaGreen, and they are solar-powered), and focused on achieving compliance with their use permit as part of these use-permit modification procedures. We wish to commend the applicant for their intent in this regard.

Thank you for this opportunity to voice support for this longstanding winery and its present owners. We look forward to a continued good relationship with the owners of the winery.

Sincerely,

Richard Jones

January 10th, 2017

Ms. Dana Ayers
Planner III - Dept. of Planning, Building & Environmental Management
Napa County
1195 Third Street, Suite 210
Napa, CA 94559

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Thank you for this opportunity to voice support for this longstanding winery and its present owners. We look forward to a continued good relationship with the owners of the winery.

Sincerely,

Tim Mondavi

CASA PIENA
VINEYARDS

CARMEN A. POLICY

January 10th, 2017

Ms. Dana Ayers
Planner III - Dept. of Planning, Building & Environmental Management
Napa County
1195 Third Street, Suite 210
Napa, CA 94559

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Raymond Vineyards, and its owner, Boisset Collection, have been good neighbors: they respond in a timely manner, have raised significant funds for our community through their charitable activities and commitment to Napa, have implemented sustainable farming and winery practices (certified organic, Biodynamic, sustainable, NapaGreen, and they are solar-powered), and focused on achieving compliance with their use permit as part of these use-permit modification procedures. We wish to commend the applicant for their intent in this regard.

Thank you for this opportunity to voice support for this longstanding winery and its present owners. We look forward to a continued good relationship with the owners of the winery.

Sincerely,

Carmen A. Policy

CASA PIENA VINEYARDS - 1185 STATE LANE, YOUNTVILLE, CA 94599
TEL:707 967 7000 - FAX:707 967 7001 - E:CPOLICY@CASAPIENA.COM - WWW.CASAPIENA.COM

SULLIVAN VINEYARDS

1090 Galleron Rd., St. Helena, CA 94574
P.O. Box G, Rutherford, CA 94573

Via Electronic Mail Only

January 20, 2017

Dana Ayers, Planner III
Napa County Planning, Building, and Environmental Services
1195 Third Street, Suite 210
Napa, CA 94559

RE: Raymond Vineyards and Winery Major Modification Permit # P15-00307

Dear Ms. Ayers,

I am Sean Sullivan of Sullivan Vineyards, a partner in the adjoining property to the South of Raymond vineyards. After reviewing Raymond's plan for expansion I have many concerns.

1) I have found many discrepancies between the original permit #P15-00307 dated 2/16/2016 (OP) and the Public notice dated January 18th, 2017 (PN) and the Project Statement dated January 18th, 2017 (PS)
    a. The current number of parking spaces in the original permit dated 2/26/2016 is 80 stalls, the project statement states 81 spaces and the Public Notice states 75 stalls are permitted. How many is it?
    b. The number of parking stalls requested on all three documents is different. The Project Statement requests 162 stalls, the Public notice requests 150 stalls and the original permit request dated 2/16/2016 requests 142 stalls. Which amount of stalls is actually being requested? And are the requested amount included in the EIR and traffic study?
    c. The number of current employees allowed is said to be 24 employees on the original permit and the Project Statement, but on the Public Notice the amount of current employees on their permit is 26. Which is it?
2) The true impact of the changes on traffic is not being counted because what isn't counted are contract labors, (i.e. caterers, wait staff, chefs, field workers, tractor drivers) and anyone else who is not on payroll but works on the property. What amount of contract laborers do they expect? What is the effect of these contract laborers upon traffic? How many do they currently use?
3) In the public notice dated January 18, 2017 in the traffic study section starting on page 31 the grades of the intersections at Silverado Trail/Zinfandel Lane and State Route 29/Zinfandel Lane are LOS F and LOS E respectively for the peak hours during Friday and

Saturday. The study goes on to state that with the additional entrance via the Ticen Ranch property that there will be .1 to .55 percent reduction in traffic flow. This is so low as to be negligible. So why do they have to build the road? What real purpose does it serve? What is the county doing to significantly improve the grade of these intersections?

4) I am very concerned about the whole project when Raymond Vineyards violated their permit by going from 24, (or is it 26?) permitted employees to 90. The additional 66 employees is a 375% increase in permitted allowance and is possibly the main reason the intersections have such low grades. (Also please remember that the traffic studies conducted on Napa Valley state that most of the traffic problems come from local residents and employees not tourists.) What needs to be conducted is an EIR study of the impact of 24 employees vs all the employees (the 90 plus contract laborers) upon traffic, after which we will then see the full impact of the violation. I say this because the study acknowledges the fact that there are 90 employees but it states on page 33 paragraph 3; "The analysis in the traffic study extrapolated traffic volumes of the 64 employees, and deducting that number, indicates that the following intersections and roadway segments currently function overall at unacceptable LOS E or F without the project (i.e. without the requested 64 employees):" Based on this statement we can go on to say that the intersection has such a low rating that no matter how many employees he adds the intersections will still be at "unacceptable LOS E or LOS F" grades.
5) In regards to the 20 foot paved road from Ticen to Raymond through the vineyards; to think that adding a two way road a mile long through the AG preserve skirting major intersections is not going to be used by locals as a short cut is very naïve. This is in violation of the WDO and the Ag Preserve because they will be taking out vineyards, trees and creating pollution problems for neighboring vineyards and watersheds. Are these requests within the parameters of the WDO and Ag Preserve ordinances? The CEQA study doesn't even address these concerns in their report. I believe the CEQA estimates of the use of the road by all locals, tourist and employees is not taken into consideration. We need a full traffic EIR to study for full impact of such a road without naïve notions that it wouldn't be used by everyone. And if they say that it won't how can they ensure, without a doubt, that it wouldn't?
6) Raymond's requests in their Project Statement state that they currently employ 90 employees, Pg 2 #4 "Increase in winery employees from the level reflected in the current permit (24) to the current level (90). This is a 375% increase over the permitted allowance. To be facetious, if I go 375% over the speed limit I am thrown in jail and my license is taken away. Why is a plan with minimal impact in correcting the traffic problem being considered as a solution to the problem? And why are these considered corrections when all Raymond is proposing as a solution is more possible problems that haven't even begun to be studied properly? This same problem plagues all up valley wineries that have success and is the big elephant in the room. But what makes Raymond's request so egregious is their history of violations and the counties refusal to fine or punish them with accordingly. What's not being asked is how Raymond can use their resources to create office space either in Napa or Southern Napa so as to mitigate and lower the impact on up valley traffic. Other larger

wineries have made such plans, i.e. Beringer and Coppolla to name a few. How many of the 90 employees have to work on the property? How many employees can have offices in the southern part of the valley and still get their work done effectively?

7) The road from Ticen's historic home to the Raymond property is unnecessary and will do damage to the environment, surrounding vineyards, groundwater and whose effect on traffic (.1 to .55 percent) is negligible and should not be considered a solution to the traffic problem.
    a. The road will pass within feet of a historic Oak Stand in the middle of the ag preserve. It is not even mentioned in the CEQA report. What is the effect of the road on these trees?
    b. Raymond's southern border borders Sullivan to the south and during the summer there is standing water. During the winter rains the vineyards of Raymond and Sullivan are underwater due to ineffective drain system. There has been no study or acknowledgement of the impact of the road and its effect on drainage in this area. The CEQA study is inadequate and doesn't even mention these problems. Why can't a true EIR report be commissioned?
    c. The road also passes within a few feet of an open ditch which would then go underneath the road and go underground until it hits the border of both Beckstoffer and Sullivan border intersection. What effect will the runoff of the road have on the soil quality, drainage and water quality?
    d. Raymond states that no vineyards have been taken out to pave the road from Ticen to Raymond but we know that before the vineyard was replanted in 2015 there was no access road from Hwy 29 because the old Chardonnay vineyard was a contiguous Chardonnay vineyard. The Cabernet Sauvignon vineyard and the Chardonnay vineyard were separated by an access road that went directly to the North of the old Barn not to the south with direct access to HWY 29 as the replanted configuration supposes. They left the road area unplanted and accounts for several acres of vineyard land taken out of the AG preserve. They are trying to sneak vineyard land out of the Ag Preserve and have it used for commercial purposes. Is this in violation of the Ag Preserve ordinance?

In conclusion the Raymond requests are typical of the overall problems in Napa County and how the county has no true solution to the traffic problem and winery growth gone amuck. Raymond admits to 5 major violations of its use permit, (see page 3 of Public Notice) and thinks that the solution is not only asking for the legitimization of all the violations but for more. These violations include not just the employee and parking stall violations but conversions of 8,175 square feet of residence and winery production space to winery visitor and tasting space, and quoting from page 3 of the Public Notice, "a standalone modular kitchen unit (for cooking demonstration purposes only, not for preparation of food for public consumption), an herbarium, and a pet dog comfort station for winery visitors on the Raymond parcel." Raymond Vineyards has acted with impunity and instead of being punished it is asking for legitimacy and more. Their credibility in being a responsible Napa

Valley winery owner and community member is severely damaged based on their documented disregard for the rules of the county.

As a winery owner I understand the need to be compliant with the county and the need to have space to sell wine but there comes a time when the county has to stop looking at each winery in a vacuum and look at the whole effect upon the community and the environment. How much room and how many employees do they need to sell wine? Many other wineries are very successful in this endeavor without creating a Disneyland to do it. If this proposal by Raymond is allowed to pass then it shows the county is willing to reward a winery that has acted with impunity, and has no vision or direction to steer the county away from being a bumper to bumper Disneyland of wine tasting. A vision which I'm sure the residents of Napa Valley do not share.

Please reject Permit #P15-00307 because the CEQA study is incomplete on the true impact of the permit requests. At the minimum an EIR needs to be commissioned.

Sincerely,

Sean J. Sullivan
Partner
Sullivan Vineyards

Wheeler Farms Winery
588 Zinfandel Lane
St. Helena, CA 94558

18 January 2017

Dana Ayers *via email Dana.Ayers@countyofnapa.org*
Napa County Planning, Building & Environmental Services
1195 Third Street, Suite 210
Napa, CA 94559

RE: Raymond Vineyards Use Permit

To Whom It May Concern:

As Managing Partner of Wheeler Farms Partners, LLC, located on Zinfandel Lane across from the current Raymond Vineyards entrance, I would like to voice my support in favor of Raymond Vineyards' request to amend its Use Permit to relocate its main entrance from Zinfandel Lane to Highway 29. This change will likely reduce traffic on Zinfandel Lane, which would benefit all those who live and/or do business on this busy and popular cross street, Wheeler Farms included.

I would also add that Jean-Charles Boisset of Raymond Vineyards has been an excellent neighbor since Wheeler Farms acquired its property on Zinfandel Lane in 2013.

Sincerely,
WHEELER FARMS PARTNERS, LLC

James B. Araujo, Managing Partner

Via Electronic Mail Only

DANA AYERS, PLANNER III
Napa County Planning, Building, and Environmental Studies Department
1195 Third Street, Suite 210
Napa, CA 94559
Dana.ayers@countyofnapa.org

Dear Ms. Ayers:

Jan. 20, 2017

I am writing to you as a concerned member of the Napa Valley community. My concerns are about the major modification requests to:

Raymond Winery/Ticen Ranch, Major Modification to use permit # P15-00307-MOD being submitted for approval, hearing set for Feb. 1, 2017.

I am very concerned Raymond's new road will become a through fare past my home, and Raymond's visitors will try to access Galleron Rd through the back roads.

What will the guests do when they find out they can cut through back to Galleron through the vineyards and end up in my backyard?

I'm also concerned about the environmental impact of my water quality that will be effected by the storm water facilities and the run off pollutes from their impervious surfaced road. I'm concerned these pollutes will enter my well which is less than a quarter a mile away and directly south of their proposed road where the road begins to turns North.

Sincerely,

Alice Galleron
1098 Galleron Rd. St. Helena, CA 94574

SULLIVAN VINEYARDS
1090 Galleron Rd. St. Helena. California 94574

Via Electronic Mail Only

DANA AYERS, PLANNER III
Napa County Planning, Building, and Environmental Studies Department
1195 Third Street, Suite 210
Napa, CA 94559
Dana.ayers@countyofnapa.org

Dear Dana, Jan. 22, 2017

I am a concerned citizen. I have many unanswered questions regarding the Raymond Major Modification Permit: # P15-00307

1. I would like to understand their employee requests. They are not asking for any additional employees but they want to add the additional employees that aren't compliant into their request for permit. Isn't that asking for more employees? Does this truly account for all the work force that will be using the road and affect the traffic report?

2. The parking spaces are and stalls are unclear. How many parking stalls are they asking for the number of stalls are different in each report.

3. Raymond is stating where they would like to put the road in the vineyards, the split in the varietals in the vineyard were not in the place where they in 2015 they tore out vineyards to create a new 40 foot Ave. and now want to convert that new Avenue to the paved main entrance road.

4. Where are the setbacks going to be along their new road and are they taking out vineyards to create the setbacks?

5. Is it not a fair argument to ask why Raymond would receive such a large expansion permit when they have been noncompliant? I think we need to understand what exactly they have not been incompliant of before moving forward.

Thank you,

Caireen Sullivan

SULLIVAN VINEYARDS
P O BOX G Rutherford California 94573
1090 Galleron Road St. Helena California 94574

Via Electronic Mail Only

DANA AYERS, PLANNER III
Napa County Planning, Building, and Environmental Studies Department
1195 Third Street, Suite 210
Napa, CA 94559
Dana.ayers@countyofnapa.org

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1. I would like to understand their employee requests. They are not asking for any additional employees but they want to add the additional employees that aren't compliant into their request for permit. Isn't that asking for more employees? Does this truly account for all the work force that will be using the road and affect the traffic report? Does this truly account for the workforce needed for any additional events, parties and additional hours of operation?

2. The parking spaces are and stalls are unclear as to how many they are asking for, each report is different.

3. Raymond is stating where they would like to put the road in the vineyards, the split in the vineyard where the varietals changes is not the same place where they would like to put in their new paved road. In 2015 they tore out vineyards to create a new 40 foot Ave. and now they want to convert that new Avenue to the paved main entrance road?

4. Where are the setbacks going to be along their new road and are they taking out vineyards to create the setbacks?

5. What is the environmental impact to our adjacent vineyards from the storm-water runoff. How much will our vineyards be polluted from this mile-long impervious road Raymond would like to construct. It is a fair argument to bring up how the water quality will be affected.

Thank you, for taking my concerns into consideration,

Philomena Gildea

Philomena Gildea
Partner in Sullivan Vineyards Partnership

SULLIVAN VINEYARDS
P O BOX G Rutherford California 94573
1090 Galleron Road St. Helena California 94574

Via Electronic Mail Only

DANA AYERS, PLANNER III
Napa County Planning, Building, and Environmental Studies Department
1195 Third Street, Suite 210
Napa, CA 94559
Dana.ayers@countyofnapa.org

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Raymond Winery/Ticen Ranch, Major Modification to use permit # P15-00307-MOD
being submitted for approval, hearing set for Feb. 1, 2017.

Is Raymond trying to piggy back their pre WDO permit to sell wine at the Ticen Home which has never been permitted for a winery. Do they need a new bond? Are they exceeding the bounds of their WDO use permit by their expansion plans?

WATER QUALITY

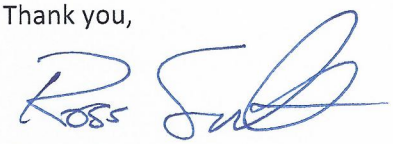
1. Raymond's past unmitigated issues have directly impacted the environment's valley floor water source. Raymond has had continuous unresolved drainage and standing water issues that have not been managed well in the past. Raymond allowed its storm water runoff to mix with its untreated waste water. The fall out of this poorly managed situation was a blowout of this untreated waste water resulting in a contamination of the neighbor's pond and contamination of our downstream drainage. Unfortunately, it took Raymond several weeks to respond and the pollution was significant to our community water. The fear is that since Raymond wants more entitlements and has not addressed existing issues. **How will this new 16,000 square foot leach field effect water quality and the water quality of the neighbors and the community?** Any new unforeseen issues that may arise from allowing Raymond to expand could affect our community's water source again. Raymond boasts a brown water reclamation, Raymond irrigates his vineyards on our north borders at this-time with their winery waste water, adding to the standing water issues. Just last week during the rains and flood warnings, Raymond had their sprinklers on.

2. It is a fair argument to ask for an Environmental Impact Report.

Thank you for taking the time to review further Raymond's use permit and their noncompliant operations. We would like to understand more clearly the impact this approval will have on the community's vineyards and water source.

Please feel free to call me anytime, 707.363.1700

Thank you,



Ross Sullivan
Sullivan Vineyards

SULLIVAN VINEYARDS
P O BOX G Rutherford California 94573
1090 Galleron Rd. St. Helena. California 94574
Kelleen Sullivan
720. 325.4848

Via Electronic Mail Only

DANA AYERS, PLANNER III
Napa County Planning, Building, and Environmental Studies Department
1195 Third Street, Suite 210
Napa, CA 94559
Dana.ayers@countyofnapa.org

Dear Ms. Ayers: Jan. 20, 2017

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Raymond Winery/Ticen Ranch, Major Modification to use permit # P15-00307-MOD
being submitted for approval, hearing set for Feb. 1, 2017.

BACKGROUND
Raymond Vineyards has been our neighbor to our Northern border since 1978 and with their purchase of the Ticen home and vineyards, Sullivan now has additional mutual property lines with Raymond on our Western border.

I have received a letter from the county, a letter from Raymond and I have reviewed the Major Modification plans online. I am told there are several other reports available but, I'm not sure where to find them.
My concerns are about the discrepancies between Raymond's letter to the community and the actual request submitted to the county. Are there additional documents that would help accurately inform me online that are not available on your website?

MY QUESTIONS AND COMMENTS REFLECT THE DISCREPENCIES THE REPORTS GIVEN TO ME. I WOULD LIKE MORE CLARIFICATION ON RAYMONDS MAJOR MODIFICATION PROJECT AND MORE TIME TO REVIEW ANY MORE DOCUMENTATION THAT MIGHT NOT BE AVAILABLE ONLINE. **ARE THERE ADDITIONAL STUDIES AVAILABLE?**

ARE LONG STANDING NONCOMPLIANT OPERATIONS LEGITIMIZED BY ASKING THE COUNTY FOR APPROVALS ON LONGSTANDING UNPERMITTED OPERATIONS FROM THE PAST? WHAT EFFECTS HAS THESE NONCOMPLIANT ISSUES MADE ON OUR COMMUNITY? IT IS UNCLEAR AS

TO EXACTLY WHAT RAYMOND IS ASKING FOR IN THEIR PROPOSAL. **WHAT ARE THESE NONCOMPLIANT ITEMS?**

1. Raymond is stating they are not making any changes to visitation, but asking for a revision in visitation hours. Resulting in increased hours until 11 pm for 4 months out of the year. **Would you not have to increase your employee staffing if you were to increase the hours of visitation? Are the extensive staffing requirements for events, Chefs, caterers, wait staff, marketing workforce accounted for in their increased hours of operation? How many people does it take to operate a party for 700 people which is a frequent permit request by Raymond.**

2. Raymond is not looking to expand production but wants to increase its employees by 66 people. Are the 66 employees included in the noncompliant employees or for new employees on top of the noncompliant employees?

3. **INCREASE ACCESSORY USE**

   Does Raymond's ask for increased accessory use, include the noncompliant areas or are they asking for more beyond becoming compliant? Will Raymond still be in compliant if they increase their accessory use by the amount they are requestiong?

4. **CONVERSION OF AG LANDS TO IMPREVIOUS SURFACES**

   Raymond is asking for a conversion of Ag Land to commercial use. It is also my understanding that 78,000 square feet of the area that will be converted from Ag land to pavement.

5. A year ago, Raymond had created access roads that were originally vineyards and now asking to have those new access roads paved over. This new mile long road alone converts over 4.8 acres of Ag land to an impervious surface that will be subject to pollutes that will directly impact neighboring vineyards from runoff and pollution. This does not include the additional acreage to pave over Ag Land for 2 parking lot projects. **Is this not a fair argument to ask for an Environmental Impact Report to be done on the areas that will be affected by this new mile-long road? Is it fair to ask, what will be the future environmental impact of future storm water quality of the runoff, drainage and groundwater recharge issues be created by this road?** Raymond has long standing unresolved brown water and standing water issues on our Northern border that become stagnate on and off through the summer months and drainage issues that have not been properly mitigated.

6. **What will be done to mitigate the ongoing unresolved issues Raymond continues to shelve and not address on our common borders?**

WATER QUALITY

7. Raymond's past unmitigated issues have directly impacted the environment's valley floor water source. Raymond has had continuous unresolved drainage and standing water issues that have not been managed well in the past. Raymond allowed its storm water runoff to mix with its untreated waste water. The fall out of this poorly managed situation was a blowout of this untreated waste water resulting in a contamination of the neighbor's pond and contamination of our downstream drainage. Unfortunately, it took Raymond several weeks to respond and the pollution was significant to our community water. The fear is that since Raymond wants more entitlements and has not addressed existing issues. **How will this new 16,000 square foot leach field effect water quality and the water quality of the neighbors and the community?** Any new unforeseen issues that may arise from allowing Raymond to expand could affect our community's water source again. Raymond boasts a brown water reclamation, Raymond irrigates his vineyards on our north borders at this-time with winery waste water, adding to the standing water issues. Just last week during the rains and flood warnings, Raymond had their sprinklers on.

PROPERTY SETBACKS CONCERNS

8. Referencing the map provided, the setbacks are unclear, the clearing of vineyards for the road is unclear and the placement and amount of Storm water drain pipes is extremely vague. The map is also vague and looks inaccurate referencing where this new road will go along the close-proximity to my family's vineyards. **Where are the setbacks for this new road and will the runoff affect the vineyards adjacent? Do they have an Erosion Control Plan?** We are unaware of any civil engineering plans on this new mile long road. The submitted map is extremely vague on setbacks and issues of drainage, and storm water facilities. Their road will drive right by my vineyards and I do not understand how their storm water facilities will affect my vineyards. **What vineyards will they take out to put in this road?** The road they are proposing to become this new entry road is not nearly wide enough on their plans.

TRAFFIC

9. I'm concerned Cal Trans has put in a south bound turn lane for the driveway of the old Victorian house at Ticen Ranch, just 500 feet which is less than a minute drive from the crossing at the railroad tracks just before Whitehall Lane. Does Cal Trans understand, if Raymond is granted this major modification permit, Cal Trans would potentially be

creating more confusion around the very dangerous train crossing vortex that already exists just a few feet to the north of the old Ticen house. What will be the impact on the traffic heading southbound and the confusion of cars sitting in the center divider, facing south and north bound traffic looking at a narrowing of the road coming to the crossing. Potentially, by Raymond's calculations, there would be legal access for approximately over 1200 cars and buses daily turning into this dangerous area. **What will be the noise and light pollution that will be created by over 1000 cars a day that will pass on this new roadway? Will there be a significant impact on the environment? Will there be an unintended new through fare created by putting in this road? Is the traffic report up to date and does it take into consideration the noncompliant employees? Locals will bypass the traffic on HWY 29 and cut through to Wheeler Lane and down Zinfandel to Silverado Trail.** I would like to understand more clearly the impact this project will have on our community and the unforeseen problems that could be created.

10. **Will Raymond be using their WDO permit to sell wine out of the old Ticen home? Are they allowed to have 2 wineries on one parcel?**

I am protesting Raymond's expansion. I think it is a fair argument to ask for answers to the conflicting letters I have received, before Raymond is ALLOWED TO LEGITIMIZE THEIR NONCOMPLIANT OPERATIONS and be granted any expansions, roads, more parking lots, more accessory use and changes in the character of their existing uses. This is a Major Modification to use permit and I do not fully think we have considered its full impact on the community and what Raymond will ask for next.

I would like to see an accurate project description and less misleading information, with better engineering plans, environmental impact reports, specifically on the storm water runoff pollutes that will affect our vineyards. These are real potential environmental impacts. Is Raymond converting Ag Land for more commercial use? I would not like to see any more Ag Land affected by over pavement of our beloved home.

I would be happy to meet with you, invite you out to Sullivan Vineyards property to show you my neighbors proposed roadway and current drainage issues.

Please feel free to contact me at any time, my cell is 720.325.4848
Thank you for taking the time to review my concerns,

Sincerely,

Kelleen Sullivan

Kelleen Sullivan
Sullivan Vineyards

SHUTE, MIHALY & WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
T: (415) 552-7272 F: (415) 552-5816
www.smwlaw.com

ROBERT "PERL" PERLMUTTER
Attorney
perlmutter@smwlaw.com

January 23, 2017

Via Electronic Mail Only

Dana Ayers, Planner III
Napa County Planning, Building and
Environmental Services Department
1195 Third Street, Suite 210
Napa, CA 94559
E-Mail: dana.ayers@countyofnapa.org

Re: Raymond-Ticen Ranch Winery, Major Modification to Use Permit, Application # P15-00307-MOD

Dear Ms. Ayers:

On behalf of Beckstoffer Vineyards, we submit this letter to provide comments on the Initial Study/Mitigated Negative Declaration ("IS/MND") for the proposed Raymond-Ticen Ranch Winery Project ("Project"). The purpose of this letter is to inform the County that the Project conflicts with the County's General Plan and Winery Definition Ordinance, in violation of the State Planning and Zoning Law, Gov. Code § 65000 et seq. In addition, the IS/MND for the Project violates the minimum standards of adequacy under the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 et seq., and the CEQA Guidelines, California Code of Regulations, title 14, § 15000 et seq.

At the outset, we would like to reiterate our client's objections to the timing and manner of the public notice given for commenting on the IS/MND and to request that the formal public comment period be extended for at least 30 days after the IS/MND *and* the critical supporting technical studies are posted on the County's website and thus made readily available to the public. The public notice of the availability of the IS/MND and 30-day public comment period was issued on December 16, 2016, just a week before the Christmas holidays when many members of the public and responsible agency staff are known to be travelling and unavailable to review or comment on such materials.

This alone would be grounds for extending the comment period. More troubling still, the IS/MND was not made available on the County's website until a week later, on Friday December 23, just two days before Christmas. Other critical environmental documents —including the water and wastewater system analyses, the stormwater control plan, and the historic property report—were not provided to us until January 4, 2017, more than half-way through the comment period.

We commend County staff for promptly providing these additional documents once we affirmatively asked for them. However, these are the types of critical documents that should have been—and in many jurisdictions are—posted on the County's website when the initial notice of the comment period was issued in mid-December. It was only because my firm had carefully read through the entire initial study that we even were alerted to the possibility that several of these additional documents might exist and thus the need to ask for these documents. Many members of the public would not even know to ask for these documents. And, as of the submittal of this letter, several of these documents still are *not* posted on the County's website.

In our experience, jurisdictions of Napa County's size typically post all such documents on the lead agency's website at the commencement of the comment period. This facilitates the full public participation and informed decision-making that CEQA was enacted to promote. Accordingly, we urge the Planning Commission to extend the comment period for a full 30 days after the IS/MND and all of the supporting analyses were posted on the County's website. We also urge that in the future, the County wait until after such holidays and until all the relevant environmental documentation has been posted on the County's website to commence CEQA comment periods.[1]

While we envision submitting additional comments, this letter contains the comments we have been able to prepare to date. As detailed below, numerous

[1] Releasing the IS/MND and commencing the comment period immediately before the holidays seems particularly inappropriate here given that the revised project application was submitted 15 months ago (in September 2015), that portions of the IS/MND were apparently completed shortly thereafter, and that a critical traffic study was completed in August 2016. *See, e.g.,* Traffic Impact Report, Raymond-Ticen Ranch Winery (dated Aug. 26, 1016); IS/MND at 10 (referring to uncertainty about the relevant air quality standards "pending [a] final decision by the California Supreme Court"). That "pending" Supreme Court decision was issued more than a year ago, in December *2015. California Building Industry Association v. BAAQMD* (2015) 62 Cal.4th 369.

inadequacies and omissions in the IS/MND render it insufficient as an environmental review document. The document lacks the necessary evidentiary support for its conclusions that the Project will not adversely impact groundwater recharge, water quality, transportation, and other area resources. In the absence of an enforceable and proven plan for mitigation for the extensive significant environmental impacts, there is ample evidence in the record to support a fair argument that the Project will have significant environmental effects not analyzed or even acknowledged in the IS/MND.

In addition to these CEQA deficiencies, the Project violates the County's Winery Definition Ordinance ("WDO") and significant provisions of the Napa County General Plan. The Project would violate the WDO because, among other things, (1) the Ticen Winery component of the Project constitutes a new winery and thus should be subjected to all of the restrictions of the WDO, including the limitations on visitation by the general public; (2) the Ticen Winery would be located on a property that already contains the Raymond Winery and the WDO does not allow for components of more than one winery to be located on the same property; and (3) the maximum square footage of structures used for accessory uses related to a winery would exceed the absolute numerical cap allowed by the WDO. Thus, approval of the Project would not just violate CEQA, but would also violate California Planning and Zoning Law, Gov. Code § 65000 et seq.

This letter, along with the transportation report prepared by MRO Engineers (Exhibit 1) and the Hydrology report prepared by Dr. Thomas Myers (Exhibit 2) constitute our initial comments on the IS/MND. Please refer to these reports for further detail and discussion of the IS/MND's inadequacies with regard to impacts to transportation, hydrology and water quality, and wastewater.

I. Introduction and Background

The IS/MND commences with a lengthy description of the initial permit obtained by the Raymond Winery in 1978 and of the levels of use and activities authorized by subsequent permits in the 1980's, 1990's, and early 2000s. IS/MND at 1-2. It then adds a brief reference to the initial application for the current Project in 2011—and the applicant's withdrawal of this request in 2015—and it notes that the applicant now seeks approvals that "would legitimize noncompliant operations . . . that were completed without the benefit of County permit approvals." IS/MND at 3. The IS/MND also appears to accept the applicant's assertions that the proposed Project is "open to the general public" as a pre-WDO winery and would involve "[n]o change in current production or visitation," and a "revised marketing plan to smaller events, but same

overall numbers." *See* Project Statement for Raymond/Ticen Ranch at 4 ("Project Statement"); Use Permit Application, at page 6 of 22.

This approach mischaracterizes the Project and risks obscuring the nature and significance of the actual proposal under consideration, for several reasons.

First, the existing winery on the Raymond Winery portion of the Project site has never achieved anything like the 400 visitors per day apparently authorized under existing permits and which the application materials assert will remain the same. Indeed, in the applicant's own initial traffic study for the current proposal, documented visitation levels were listed as *only 80 visitors per day* during the week and up to 180 visitors per day on Saturdays during the crush season.[2] The main reasons for this lower than authorized levels of visitation appear to be the difficulty of accessing the project site from Zinfandel Lane (there is no direct access from State Route 29) and the fact that, until it was acquired by new owners in 2009, the Raymond Winery had operated as a traditional winery production facility.

Moreover, despite the Applicant's repeated insistence that the proposed Project does "*not* represent or request" any increase in visitation (Project Statement at 1), it is clear that the new direct access from State Route 29 ("SR 29") would facilitate a dramatic increase in visitors. In fact, the attraction of additional visitors via this access point for hospitality purposes appears to be the central purpose of the proposal. By contrast, the area of the Project site used for its primary use under the WDO—"winery production—will *actually be reduced by fifty percent*, from the existing 243,800 sq. feet of production facilities to 121,133 sq. ft. *See* Use Permit Application at 12 of 29.

[2] *See* Omni-Means, Ltd Updated Traffic Study for the Proposed Raymond Vineyards Winery Use Permit Modification #P11-01156 ("Omni Report") at 11 attached as Exhibit 5; Letter from Katherine J. Hart, attorney with Abbott & Kindermann, LLP to Napa County Planning Commission (July 15, 2014) ("Hart Letter") at 2, attached as Exhibit 6. The "Winery Traffic Information/Trip Generation Sheet" submitted with the Applicant's revised application *assumes* much higher levels of existing visitors, but it does not provide any evidentiary support for these assumptions. *See* Use Permit Application at 15 of 29. As detailed below, and particularly given the Applicant's incentive to inflate these numbers to create an impermissibly higher baseline, the County should utilize the documented visitation levels prepared in connection with the Applicant's initial application.

Second, with respect to the proposed "Ticen Ranch Winery" component of the project, this 25-acre portion of the site is currently not a winery at all. Rather, it has long been used for residential purposes and grape growing, with no commercial structures at all. The proposed Project would effectively add a new winery to the Ticen Ranch portion of the site, and it would merge the two parcels into a new commercial venture for which visitor-serving hospitality facilities—rather than agriculture—is the primary purpose and use. Thus, contrary to the applicant's suggestion, the Ticen-Ranch Winery component is not a pre-WDO winery and it, as well as the combined Project as a whole, must fully comply with all WDO restrictions on new wineries.

Moreover, the proposed Project would fundamentally change the character of the existing uses on both portions of the combined property in ways that contradict both the letter and the spirit of the WDO and that appear to be unprecedented. Indeed, in the view and experience of our client, who has been operating as a steward of County's agricultural areas in in the Valley for decades, this proposal is unprecedented in several ways, including:

- Creating a major new hospitality center in an already highly impact area of the valley;
- Attempting to bootstrap the exceptions for a pre-WDO winery onto a new winery on a previously separate adjacent parcel;
- Adding completely new access from SR 29 to a previously much more difficult to access facility, and constructing a one mile-long, two-lane road on prime agricultural lands that currently have (or could readily support) active vineyards; and
- authorizing operations for four months of the year until 11:00 pm.

Third, the "Project History" and project description section of the IS/MND significantly understate the applicant's history of unlawful and unauthorized improvements at the Raymond Winery. As detailed in our December 16, 2015, letter to the Planning Commission and Board of Supervisors requesting that the County take appropriate enforcement action regarding these activities, the Raymond Winery portion of the Project operated as a traditional winery production facility under its existing permits prior to 2009. *See* Letter from Robert "Perl" Perlmutter to Napa County Board of Supervisors and Planning Commission (Dec. 16, 2015) ("Enforcement Request") (attached hereto as Exhibit 3)

However, since that time, the new owners of the site have undertaken a series of unlawful expansions and improvements of the site. *Id.* While Raymond is certainly not the first or the only winery to request an "after the fact" permit to "legitimize" unlawfully constructed uses, the scale of its violations should not be minimized. We urge the County and the Planning Commission to take the enforcement actions previously requested by our client (and others) and to deny the current application until an appropriate period of time after the Raymond Winery facility has been brought into compliance.

Finally, as detailed below and in Exhibits 1 and 2, the application materials and IS/MND contain a number of inconsistent statements (both large and small) about what exactly the applicant proposes, whether and how this proposal will in fact change the lawfully existing uses and facilities currently at the Project site, and how the current version of the application modifies the applicant's 2011 application for the Project, which the IS/MND states the applicant formally withdrew on February 2, 2015. To ensure that both the public and the Planning Commissioners have an accurate understanding of what is being proposed, we request that the IS/MND be revised to address these inconsistencies, to clearly describe exactly what is being proposed, and to explain how that differs from what was requested in 2011 and from what is currently permitted.

To that end, we also request that all comments previously submitted on the withdrawn version of the proposed Project (and all County responses) be made part of the record for review by the Planning Commission and by the Board of Supervisors in the event of any appeal. We note that, as a matter of law, these documents would be part of the record for any reviewing court. *County of Orange v. Superior Court* (2003) 113 Cal.App.4th 1, 8. Given the applicants' history of permit violations and constructing unauthorized uses, and the many inconsistent statements in its own application materials about current and proposed uses at the property, we also request that, prior to making any decisions on whether to approve the Project, the County independently verify all assertions by the applicant about actual current visitation and production levels.[3]

[3] We note that on page 2 of the July 16, 2014, Board Agenda Letter to the Planning Commission for Raymond's 2011 Project application, staff noted community concerns that the then "existing operation exceeded the approved annual wine production capacity and was out of compliance with the Napa County grape sourcing rule . . ."

II. The Project Is Inconsistent with the Winery Definition Ordinance and the County General Plan.

A central task of community leaders in evaluating projects such as this one is to achieve a balance between the long term interest of the entire community and the short term interest and gain of a few individuals. The original 1990 WDO sets forth the goal of protecting agriculture and open space use as the primary land use in the Agricultural Preserve and the County's objective to "prohibit[ ]" the use of agricultural land for non-agricultural purposes. *See* WDO, § 6 ("The conversion or use of agricultural land for non-agricultural purposes and the depletion of open space land shall be prohibited except to the extent expressly permitted by the Napa County General Plan and any ordinance adopted to implement the General Plan."). As discussed further below, the proposed Project is inconsistent with the WDO and the County's General Plan.

A. The Project Is Inconsistent with the Winery Definition Ordinance.

All projects must comply with the County's own ordinances. *Robison v. City of Oakland* (1968) 268 Cal.App.2d 269, 274. The Project would violate the WDO's strict limits on expansions of wineries on parcels zoned Agricultural Preserve ("AP") and Agricultural Watershed "(AW"), as well as at least two statements of legislative intent in the WDO directly relevant to this Project. The County must require Raymond Winery to come into compliance with the WDO before it considers approving any potential expansions, much less the significant changes in the character of the existing uses and facilities being proposed here.

1. The Project Would Transform the Existing Uses into a to Full-Blown Hospitality Facility.

Under the WDO, parcels zoned Agricultural Preserve ("AP") or Agricultural Watershed ("AW") may only allow wine tours and tasting and sale of wine-related products if they are "accessory" to a winery. Napa County Code ("NCC") §§ 18.16.030(H), 18.20.030(J). County policy, as stated in the original WDO and the County Code, requires that an "accessory" use be clearly incidental, subordinate, and related to the primary "agricultural" use and not change the character of that primary use. NCC § 18.08.020 ("An accessory use must be clearly incidental, related and subordinate to the main use, reasonably compatible . . . with the intent of the zoning district, and cannot change the character of the main use.").

As noted in our prior request for enforcement actions to address Raymond Winery's unpermitted expansions, the Raymond facility was a traditional winery production facility before the new owners purchased it in or around 2009. However, as a Raymond consultant noted at a County Planning Commission meeting in 2011, unauthorized improvements made by the new owners starting at that time unlawfully transformed the winery into a "hospitality facility." *See* Enforcement Request at 2. The current proposed expansion of marketing activities seeks to legitimize and extend that transformation. This is precisely the type of change in the basic character of the facility that the WDO prohibits.

2. The WDO Protects Agricultural Land and Prohibits Hospitality Developments like the Proposed Project.

In addition, the Project violates at least two WDO policies intended to protect prime agricultural land. First, the WDO states that wineries are permitted to be located on agricultural parcels only if the single parcel on which they are located was either established legally before the WDO or is 10 acres or larger. NCC § 18.104.240. This provision implies that a single parcel zoned AP or AW must not house more than one winery. As indicated by County staff in a recent staff report, it is unlikely that the authors of the WDO intended to permit unlimited numbers of wineries on a single 10-acre or larger parcel. *See* March 8, 2016 Planning Commission Board Agenda Letter regarding the Girard Winery Appeal Hearing at 4.

Thus, the new proposed Ticen Winery, on the same "merged" parcel as the Raymond Winery, would violate the WDO. Raymond Winery proposes to merge the Raymond parcel and the Ticen parcel for the purposes of the WDO. It appears that the Ticen Winery will rely on the wastewater disposal provided by the Raymond parcel and that the Raymond parcel will rely on stormwater runoff facilities on the Ticen parcel. IS/MND at 37, 22. As a result, the Ticen parcel is inextricably linked to the Raymond Winery parcel. Indeed, where a "developer treats several legally distinct parcels as a single economic unit, together they may constitute the relevant parcel." *See Forest Props., Inc. v. United States*, 177 F.3d 1360, 1365 (Fed. Cir. 1999) (holding relevant parcel included 53 upland acres and 9 acres of lake bottom where tracts were acquired at different times but "economic reality" was that owner treated the property as single integrated project). Because the Ticen parcel and the Raymond parcel are under single ownership and are proposed to operate as a single unit, and because only one winery is permitted on a single parcel, the development of an additional winery on the Ticen Ranch portion of the combined property would exceed the winery development limits in the WDO.

Second, the Project is inconsistent with the WDO provisions that restrict the scope and maximum square footage of "accessory uses." Specifically, all such accessory uses, "in their totality[,] must remain clearly incidental, related and subordinate to the primary operation of the winery as a production facility." *See, e.g.*, NCC §§ 18.08.370, 18.16.030(G)(5), 18.08.020. In addition, the WDO places an absolute numerical cap of the square footage of structures that may be "used for accessory uses." *See* NCC § 18.104.200 ("The maximum square footage of structures used for accessory uses that are related to a winery shall not exceed forty percent of the area of the production facility.").

In addition to the 35,807 square feet of new accessory uses identified in the Project site plans, the Project site also includes picnic areas and the Biodynamic Garden. *See* Use Permit Exhibit A1.11. Although the IS/MND fails to include the square footage of these gardens, together these uses appear to clearly exceed 15,000 square feet. *See id*. When these outdoor uses are added to the 35,807 square feet of other new accessory uses, the total area of at least 50,000 plus square feet of accessory uses will exceed 40 percent of the 121,133 square feet of production uses on site, and would thus exceed the 40 percent limit in the WDO.[4] Both the picnic areas and the garden are not part of the primary winery production facility and are designed as accessory uses. The picnic areas are immediately adjacent to the demonstration kitchen and the "JCB Lounge," which will be open to tastings and tours. The Raymond Winery website refers to the picnic areas as "The Grove" and displays photos of tables and shares for visitors to use. *See* Exhibit 4 (photos).

The Raymond Winery website describes the Biodynamic Garden as follows:

> The two acre Theater of Nature is the largest educational exhibit on Biodynamic farming in the Napa Valley. It showcases how all the "actors" in the Theater of Nature play a crucial part in crafting quality wine, from the soil to the vineyardist to larger forces such as the lunar cycle. Like a

[4] It is difficult to calculate the actual percentage with precision because the application materials obscure the precise square footage of the picnic areas and Biodynamic Garden. However, taking 15,000 square feet at the minimum for these areas, that would result in 50,807 square feet of accessory uses, or 42% of the 121,133 square feet that Raymond reports for production uses.

> performance, the Theater of Nature is divided into five acts, with each act devoted to a particular component of nature.

https://www.raymondvineyards.com/experience/theater-of-nature/. Clearly, the picnic areas and garden are designed as attractions for winery visitors. In fact, the IS/MND indicates that marketing events are held in both these areas. IS/MND at 4. Both areas are therefore "accessory uses" intended to serve winery visitors. Accordingly, excluding them from the 40 percent calculation is inconsistent with NCC section 18.104.200. This exclusion is also inconsistent with the manner in which the Planning Commission calculated accessory use square footage in past actions concerning the B Cellars and Titus Vineyards projects. For both projects, the outdoor terraced spaces were counted as part of the percentage of the project used for accessory uses. The County should treat the present Project in the same manner.

In short, the Project described in the IS/MND is precisely the type of commercial, visitor-serving use that the WDO was intended to prevent. In adopting the WDO in 1990, the Board of Supervisors made an express finding that "[t]he interspersing of non-agricultural structures and activities throughout agricultural areas in excess of what already exists will result in a significant increase in the problems and costs of maintaining vineyards and discourage continued use of the land for agricultural purposes." The Board acknowledged that same concern when it amended the WDO in 2010, finding that the WDO had been successful in achieving its purposes, in part by "limiting commercial uses in agricultural areas by ensuring that wineries remain focused on the business of producing wines, and by ensuring that tours and tastings and marketing of wine play an accessory role."

In sum, the proposed Project contravenes the intent expressed in the WDO by elevating nonagricultural uses over agricultural uses. The accessory, tourism-focused uses of the Project are not "clearly incidental, related and subordinate" to the Project's primary operation as a winery. Rather, these nonagricultural uses are the Project's core purpose. This is not a small winery requesting a reasonable expansion. On the contrary, it is a winery that has repeatedly evaded County law and policy, unlawfully forging ahead with expansion of accessory uses, which has altered the balance of uses away from agricultural production and toward a commercial event center.

B. The Project is Inconsistent with the County's General Plan.

1. The Project's Proposed Access Roadway Is Inconsistent with General Plan Policies Intended to Avoid Conversion of Prime Agricultural Farmland.

The proposed access roadway from SR 29 through the Ticen Ranch portion of the site to the proposed new parking lots and then ultimately onto Zinfadel Lane would traverse through prime agricultural land and active vineyards for a full mile. Permanently paving over a mile-long road through high quality agricultural lands is inconsistent with numerous specific provisions of the County's General Plan as well as with the provision of the WDO referenced above.. *See, e.g*., Napa County General Plan Goal AG/LU-1 ("[p]reserve existing agricultural land uses and plan for agriculture"), Policy AG/LU-4 ("County will reserve agricultural lands for agricultural use"), Policy AG/LU-9 (County "shall avoid converting farmland where feasible." Where conversion "cannot be avoided," County shall require "long-term preservation" of equivalent or better farmland); *see also* 1990 WDO, § 6.

2. The Project as a Whole is Also Inconsistent with the General Plan.

Contrary to the IS/MND's conclusions, the Project as a whole also is not consistent with the Napa County General Plan. In particular, the Project is inconsistent with the Plan's Agricultural Preservation and Land Use requirements including: Goals AG/LU-1, AG/LU-3, AG/LU-4, the Agricultural Resources ("AR") designation on the General Plan's Land Use Map, and Economic Development Policy E-1. The purpose of these goals and policies, and of the AR designation, is to preserve and promote the existing agricultural land uses on agriculturally designated lands and to support the economic viability of agriculture, including the necessary industries that support agriculture.

Although the IS/MND provides almost no analysis, it appears that its finding that the Project is consistent with the General Plan is predicated on its determination that the Project's accessory uses comply with the WDO and would "continue to facilitate use of the property for agricultural use, inclusive of agricultural product processing…and related, accessory uses…" IS/MND at 26. As demonstrated above, however, the Project's visitor-serving uses do not comply with the WDO and do not qualify as permissible accessory uses. These uses are not necessary to support the

economic vitality of agriculture and will, if anything, undermine the continued economic vitality of agriculture by allowing and encouraging excessive reliance on tourism.

Perhaps even more importantly, these uses are clearly inconsistent with the intent of the General Plan's Agricultural Resources designation. As County voters reaffirmed in approving Measure P in 2008, "agriculture is and should continue to be the predominant land use, where uses incompatible with agriculture should be precluded . . . ." The proposed significant expansion of marketing events and daily tastings are commercial uses, not agricultural ones. Accordingly, they are inconsistent with the General Plan and may not lawfully be approved.

III. The IS/MND Improperly and Inconsistently Relies Both On Unpermitted Existing Conditions and on Maximum Permitted Conditions For Establishing a Baseline To Evaluate the Project's Impacts.

Under CEQA, a lead agency must establish an appropriate baseline against which to assess whether a project's environmental effects are likely to be significant. *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 447. "The key [to determining the proper baseline] is the EIR's role as an informational document." *Id.* at 453. The lead agency must "employ a realistic baseline that will give the public and decision makers the most accurate picture practically possible of the project's likely impacts." *Id.* at 459. This baseline normally reflects "the existing physical conditions in the affected area, that is, the real conditions on the ground." *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 321 (citations omitted). Accordingly, agencies cannot use hypothetically allowable development under an operating permit as the baseline for environmental review, when such development has not been realized. *Id.* at 320-22. However, under certain circumstances, adjustments to the baseline may be "necessary to prevent misinforming or misleading the public and decision makers." *Neighbors for Smart Rail,* 57 Cal.4th at 448, 451.

Here, to provide the "most accurate picture" of the Project's impacts, the County must use the *legally permitted* existing conditions at the Winery as the baseline for its environmental analysis. *See Neighbors for Smart Rail,* 57 Cal.4th at 448, 459. With the partial exception of traffic impacts from existing *employees* (but tellingly, not existing visitors), the IS/MND's treatment of the baseline fails to do this, in two distinct ways.

First, the IS/MND improperly includes existing—but clearly unpermitted and therefore unlawful—conditions in the baseline for certain activities. As acknowledged in the IS/MND and detailed above, Raymond Winery has constructed numerous unpermitted additions and expansions and engaged in significant unpermitted marketing and hospitality activities. These unlawful uses have resulted in impacts to the Project site and adjacent areas that were never evaluated under CEQA. Allowing these unpermitted uses to form the baseline for evaluating project impacts creates an incentive to violate the law and is not consistent with the fundamental purpose of CEQA. *See Neighbors for Smart Rail*, 57 Cal.4th at 451, 459.

If the County were to analyze only environmental impacts beyond the existing unlawful conditions at the Raymond Winery, this would have the practical effect of encouraging Raymond (and numerous other wineries with unpermitted activities and facilities that are following the County's processing of this Project) to skirt CEQA compliance by acting first and seeking permits after-the-fact. Further, proper enforcement actions by the County now could eliminate all unpermitted conditions before any new permit issues. *See* Enforcement Request at 1 (urging County to take appropriate enforcement action against Raymond Vineyards and require a waiting period before granting any new permits).

Therefore, the IS/MND must present a baseline of existing *lawful* uses from which to evaluate the proposed Project's impacts and must include a full evaluation of the impacts resulting from the unlawful activities. The IS/MND—and the applicant's own traffic study—appear to acknowledge the need to do so with respect to traffic impacts from Raymond's existing employees. *See, e.g.,* CTG Traffic Impact Report, Raymond-Ticen Ranch Winery (Aug. 26, 2016) at p. 8 (explaining that the traffic analysis uses the existing traffic impacts from the Project's currently permitted level of 26 employees rather than the much higher number of existing employees—up to 90—which exceeds the permitted levels several times over); IS/MND at 3, 32. However, the IS/MND inexplicably fails to use this proper same existing level of authorized uses as the baseline for other impacts, including traffic, noise, and water impacts.

Second, the IS/MND's reliance on the maximum permitted, rather than actual, levels of use and visitation violates CEQA. Agencies must *not* look to theoretical future development levels allowed under permits to determine baseline conditions. *Communities for a Better Environment*, 48 Cal.4th at 320-22. Rather, the baseline should reflect lawful existing conditions on the ground. *See id*. at 321.

Here, however, the IS/MND improperly relies on permitted winery production levels and permitted visitors as the baseline conditions. For example, the IS/MND states that "the application includes no request to increase daily visitation or marketing event attendance numbers, and thus, GHG emissions associated with hospitality at the winery would not change from existing, *permitted* conditions." IS/MND at 20 (emphasis added). The IS/MND also concludes that the Project would not result in water quality impacts, in part because the project "does not include an increase in the quantity of wine currently permitted to be produced at the site, and thus, would not result in a corresponding increase in the quantity of process-related wastewater generated at the winery nor an increase in potential for storm water contamination from product spillage compared to existing, permitted conditions." IS/MND at 23.

Similarly, the IS/MND states that it "considers the requested changes to the currently permitted condition" when evaluating the Project's air quality emissions (rather than existing conditions) and concludes that "post-construction emissions…would not increase as a result of the requested entitlement, as the request includes no changes to currently permitted wine production levels." IS/MND at 10, 11. The IS/MND provides no verifiable information on the *current*, actual level of production and number of visitors.[5] Yet, the IS/MND assumes that the maximum permitted production and visitors allowed would serve as the baseline for the Project's impacts.

Given that current levels of production and, in particular, current numbers of visitors appear to be far lower than the permitted levels, the baseline assumptions in the IS/MND are based on a speculative theoretical future condition, rather than existing conditions as CEQA requires. For example, in 2014, average visitation was documented as only 80 visitors on weekdays and 180 visitors at peak on weekends – nowhere near the permitted 400 daily visitors that the County proposes to use as the baseline. *See* Hart Letter at 2; Omni Report at 11.

As a result, the IS/MND compares Project-related conditions to an inflated existing condition, and accordingly underestimates Project-related impacts. This approach runs contrary to legal precedent, as well as to the fundamental purposes of CEQA. This defect permeates the IS/MND and renders inadequate its analysis of a host of impacts, including impacts to traffic, air quality, GHG emissions, water supply and wastewater, and noise.

[5] The seven-year old 2010 production level information provided in the Use Permit Application is grossly outdated.

IV. The IS/MND's Description of the Project Is Inadequate and Incomplete

"An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730, (quoting *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193). As a result, courts have found that even if an EIR is adequate in all other respects, the use of a "truncated project concept" violates CEQA and mandates the conclusion that the lead agency did not proceed in a manner required by law. *San Joaquin Raptor*, 27 Cal.App.4th at 729-30. Furthermore, "[a]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity." *Id*. at 730 [citation omitted]. Thus, an inaccurate or incomplete project description renders the analysis of significant environmental impacts inherently unreliable.

In some instances, the IS/MND presents conflicting and misleading information about the Project. For example, the Project description appears to accept the Applicant's assertions that the Project "does *not* represent or request" any "increase in production, [ ] increase in the tours/tasting numbers . . . [or] increase in the winery marketing plan." Project Statement at 1; *see* IS/MND at 3-4. Yet this statement simply cannot be reconciled with the undeniable fact that the Project would double the number of parking spaces,[6] greatly expand the amount of permitted outdoor use, convert two residential structures to accessory use, construct an outdoor vineyard viewing platform, and grant permission for a presently unauthorized dog care facility.

Similarly, the IS/MND claims that winery production will not change, but substantial evidence suggests otherwise. According to the Use Permit Application for the Project, the winery production facility area will be reduced by half. *See,* Use Permit Application at 12 indicating that the existing production area is 243,800 square feet and the proposed production area is 121,133 square feet. It stands to reason that such a

[6] The application materials and IS/MND contain conflicting information about the existing and proposed numbers of parking spaces. For instance, the Project Statement indicates that on-site parking will be increased from "81 to 162 spaces." Project Statement at 2, ¶ (5). The Use Permit Application states that this increase will be "from current 80 spaces to 142 spaces." Use Permit Application at 6 of 22. The IS/MND states on-site parking will increase from 89 spaces to 150. IS/MND at 3. The revised environmental documents must clearly identify the actual and proposed numbers of parking spaces.

substantial reduction in production facilities would correspond with reduced wine production.

Perhaps even more importantly, even if production does not change, the number of visitors (and the associated traffic, air quality, noise, light, and other impacts) clearly will increase substantially. Indeed, as detailed above, despite the Applicant's assertions to the contrary, attracting substantial numbers of additional visitors to be the primary purpose of the new access road from SR 29 and the other new facilities (and legal permission for past unauthorized facilities) requested under the Project. In a similar vein, the Project would greatly expand operational hours. IS/MND at 3 and 4 (indicating that hours of winery operation would be expanded from the current hours of 6:00 am to 6:00 pm to the proposed hours of 6:00 am to 11:00 pm for four months of the year, and visitation hours would change from the current hours of 10:00 until 4:00 pm to the proposed hours of 10:00 am until 6:30 pm year-round). Despite this shift from production to visitor/tourism uses, the IS/MND claims that the number of winery visitors would remain the same. IS/MND at 11. However, the Use Permit application indicates that the IS/MND relies on permitted numbers of visits rather than actual visitor levels to conclude that the Project will result in "no increase" in visitors. Use Permit Application at 9. The applicant cannot realistically claim that the number of winery visitors will remain the same while at the same time reducing production facilities by half, dramatically increasing accessory use areas and approximately doubling the number of available parking spaces, and expanding operating hours to accommodate more marketing events.

Moreover, a review of the proposed site plan indicates that the proposed new mile-long roadway to access the winery from SR 29 would traverse the Ticen site toward the north and then turn northward towards the Raymond Winery. It appears that most of this road will be entirely new. Other portions will apparently incorporate a narrow existing dirt road that is not wide enough to accommodate a two lane road without removal of a stand of mature oaks. Yet the IS/MND fails to disclose the tree removal and/or impacts resulting from locating a road in close proximity to these mature trees.

In other instances, the IS/MND fails to describe aspects of the Project critical to its analysis. For example, the storm water control plan (Summit 2015) does not estimate runoff rates, discuss where the runoff will go, or whether the receiving facilities are sufficient to handle it. Myers Report at 9. In addition, despite the IS/MND's acknowledgement that the Project would greatly increase impervious surfaces, and therefore storm water runoff, the IS/MND fails to provide an Erosion Control Plan.

The IS/MND also fails to provide information on the following Project elements:

- details about marketing events (*e.g.*, size of outdoor events and whether they would include amplified music);
- location of 16,000 square foot reserve leach field area;
- location of the water tanks;
- description of construction-related activities (including construction schedule; location, number of construction employees; location of the Project staging areas; location of spoils sites and haul routes; description of reuse or disposal of site spoils, etc.);
- other Project features such as fences, gates or other proposed improvements.

The failure to describe the whole of the Project is a serious and pervasive deficiency, as it renders faulty the environmental impact analyses as well as the discussion of potential mitigation measures to minimize those impacts. A revised environmental document must provide accurate information about likely increases in winery visitors over current usage of lawfully permitted facilities, a sufficient description of the Project's storm water system, wastewater treatment system, water storage tanks, details of anticipated construction activities, and any other Project details. This information is necessary to allow decision makers, the public and responsible agencies to evaluate potential environmental impacts.

In addition, the revised environmental document should clarify the relationship between proposed improvements and the types of additional temporary outdoor events that these improvements would—and in fact, appear to be designed to—facilitate. We note that County recently issued a "Notice of Intent" by Raymond to host one such event (the "Napa Gras" event), which would be held from 7:00 pm to 11:00 pm, and is expected to draw at least 700 attendees. While the outdoor marketing events described in the Project description assertedly would not allow music and would be limited to 100 visitors for "the largest event" (*see* Use Permit Application at 15 of 29), temporary outdoor events like Napa Gras would allow music, include requests to allow up to 700 visitors (7 times the "largest event" assumed in the IS/MND), and also would have potentially significant traffic, noise, and light pollution.

Since the new facilities proposed by the Project—including the new and much more visible public access from SR 29 and the significant increase in parking—would clearly facilitate more and larger such temporary events, these potential impacts must be analyzed as part of the current project. Otherwise, these impacts will never be analyzed at all, or analyzed only separately. CEQA does not permit either result. *See, e.g.*, *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 396, 398 (requiring all foreseeable impacts of a project to be analyzed, disclosed, and mitigated to the extent feasible); *Environmental Protection Information Center v. California Dept. of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 503 (prohibiting the piecemealing or segmentation of environmental review).

V. The Project's Potentially Significant Impacts Require Preparation of an EIR.

A negative declaration is inappropriate where an agency has failed to "gather information and undertake . . . environmental analysis." *City of Redlands*, 96 Cal.App.4th at 406. The IS/MND contains an incomplete project description and inadequate description of the existing environmental setting; thus, its analysis of potential impacts cannot be relied upon. Moreover, the IS/MND's findings of no significant impacts are not supported by substantial evidence in the record. See *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.

A. CEQA Establishes a Low Threshold for Requiring Preparation of an EIR.

It is well settled that CEQA establishes a "low threshold" for initial preparation of an EIR, especially in the face of conflicting assertions concerning the possible effects of a proposed project. *See Pocket Protectors v. City of Sacramento* (2005) 124 Cal.App.4th 903, 928; *see also* Pub. Res. Code § 21080(c)(1) (negative declaration, rather than EIR, appropriate only if "[t]here is no substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment"). A lead agency may adopt a mitigated negative declaration only when all potentially significant impacts of a project will be avoided or reduced to insignificance. Pub. Res. Code § 21080(c)(2); Guidelines § 15070(b).

An initial study must provide the factual basis, with analysis included, for making the determination that no significant impact will result from the project. Guidelines § 15063(d)(3). In making this determination, the agency must consider the direct and indirect impacts of the project as a whole, Guidelines § 15064(d), as well as the project's cumulative impacts. *See City of Antioch v. City Council of Pittsburg* (1986)

187 Cal.App.3d 1325, 1332-33.

An agency must prepare an EIR whenever it is presented with a "fair argument" that a project may have a significant effect on the environment, even if there is also substantial evidence to indicate that the impact is not significant. *See No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68*; *see also Friends of B Street v. City of Hayward (1980) 106 Cal.App.3d 988*; Guidelines § 15064(f)(1). Where there are conflicting opinions regarding the significance of an impact, the agency must treat the impact as significant and prepare an EIR. *Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-51; Guidelines § 15064(f)(1).

Here, the County must prepare an EIR because there is a fair argument that the Project will cause significant impacts on traffic, hydrology and water quality, and wildlife, in addition to the flaws discussed above related to the inadequately described Project and existing conditions.

B. The IS/MND's Transportation Analysis is Inadequate, and There is a Fair Argument that the Project May Have Significant Transportation Impacts.

Traffic congestion in Napa Valley along SR 29 is a critical issue. Unfortunately, the IS/MND's analysis of transportation impacts fails to achieve CEQA's most basic purpose: informing governmental decision-makers and the public about the potential significant environmental effects of a proposed activity. CEQA Guidelines § 15002(a). CEQA additionally requires "adequacy, completeness, and a good-faith effort at full disclosure" in an environmental document. CEQA Guidelines § 15003(i). Here, the IS/MND's analysis of the Project's traffic impacts fails to meet these standards.

The IS/MND concludes that the Project would not result in any potentially significant impacts. IS/MND at 32-25. However, this conclusion is not supported by substantial evidence. In fact, the IS/MND's analysis of Project-related traffic impacts contains numerous omissions and deficiencies that must be remedied in order for the public and decision-makers to fully understand the Project's impacts. The report prepared by Neal Liddicoat at MRO Engineers ("MRO Report"), attached as Exhibit 2, provides detailed comments on the shortcomings in the IS/MND's transportation impacts analysis. We incorporate the MRO Report into these comments. Some of the IS/MND's most troubling errors identified in the MRO Report are described below.

Specifically, the evaluation of the Project's transportation and traffic impacts must be revised to address: (1) omission of multiple analyses; (2) failure to

establish a proper threshold of significance; (3) deficient level of service ("LOS") analysis (4) deficient estimates of Project trip generation and (5) failure to adequately analyze cumulative traffic impacts. These issues, and other deficiencies, are discussed in greater detail in the MRO Report.

1. The IS/MND Omits Critical Analyses.

The IS/MND's traffic analysis fails from its inception because it omits analysis of several key traffic impact areas. First, the IS/MND fails to include any analysis of potential traffic impacts associated with project-related construction activities. This is a significant deficiency in the document that must be remedied. MRO at 6.

Second, the IS/MND omits analysis of several intersections and roadway segments that will be impacted by the Project. For example, the IS/MND fails to analyze impacts to the intersections of State Route 29 (SR 29) and the Project Driveway and to Zinfandel Lane and the Project Driveway. MRO at 1. In addition, the IS/MND fails to evaluate impacts to the roadway segment between Zinfandel Lane and the Project driveway, which runs along the frontage of the Project site. *Id*. An analysis of these and other intersections and roadway segments along SR 29 and Silverado Trail is critical because these roadways are projected to operate at LOS E in 2030. IS/MND at 33. There is no doubt that traffic from the Project will contribute to these deficient service levels. Consequently, the County must evaluate the specific effect the Project's traffic will have along roadway segments and intersections SR 29 and the Silverado Trail and identify feasible mitigation for these impacts.

Third, the IS/MND fails to perform signal warrant analyses. MRO at 3. Napa County policy requires that un-signalized intersections be evaluated to determine if signal warrants are met. See, Napa County General Plan Policy CIR-16. The traffic study for the Project ignores this requirement.

In addition, the IS/MND contains no evaluation of the Project's traffic impacts on the safety of the at-grade railroad crossing. As described in the MRO Report, the nearby at-grade railroad crossing located approximately 600 feet north of the proposed improved Project driveway crosses SR 29 at a highly oblique angle, which could adversely affect drivers' ability to see oncoming trains. MRO at 6. Diverting project traffic from Zinfandel to SR 29 is likely to exacerbate conflicts at this crossing, yet the IS/MND fails to analyze this impact. *Id*.

Moreover, once a road is constructed that connects SR 29 to Zinfandel Lane, local residents and visitors alike are likely to use it as a cut-through to Zinfandel Lane and the Silverado Trail to avoid traffic congestion on SR 29. Limiting access on the connector road (such as by placing a gate at the entrances) would not be feasible because Wheeler Road is used by private residences other than Raymond. Thus, the proposed road could have the unintended consequence of encouraging traffic diversion from SR 29 to Zinfandel Lane. This impact has not been analyzed.

2. The IS/MND Fails to Establish Proper Thresholds of Significance.

The IS/MND fails to establish proper thresholds of significance for determining whether traffic from the Project will result in significant impacts on the intersections it does analyze. The County's level of service (LOS) standard presented in the General Plan allows for case-by-case analysis of un-signalized intersections to determine if signal warrants are met. The General Plan also states that LOS D is the minimum acceptable level of service on arterial streets and at signalized intersections. General Plan at CIR-16 and MRO at 2. Rather than employing the County standards, the traffic analysis for the Project employs a completely different, arbitrary criterion that allow LOS E and include no consideration of whether signal warrants are met. MRO at 2.

3. The IS/MND's Level of Service Analysis Is Faulty.

The DEIR's analysis of intersection LOS relies on inappropriate and inaccurate assumptions and relies on outdated data to perform level of service calculations. MRO Report at 2-4.

First, the IS/MND bases its intersection analysis results on traffic counts obtained in 2015. MRO Report at 1. The traffic volume data is at least a year and half old. Moreover, it is unclear whether the traffic volume data represents a typical level of activity at the site. *Id.* This data implicates the document's description of existing traffic conditions in the Project area, and the IS/MND's reliance on outdated data renders the description of the existing setting obsolete. This also violates CEQA's baseline requirements. *See* CEQA Guidelines § 15125(a). In addition, use of the outdated traffic data violates accepted practice within the traffic engineering profession. Specifically, the Institute of Transportation Engineers specifies that ". . . traffic volume data should generally be no older than 1 year." 2006 Institute of Transportation Engineers (ITE), Transportation Impact Analyses for Site Development at 19; MRO Report at 1 and 2.

As explained in the MRO Report, use of current traffic volume data (both new peak period counts and up-to-date Caltrans data for peak hour conditions) will potentially result in different (and almost certainly worse) delay and level of service results than presented in the IS/MND. Had the IS/MND used current data in its analysis, it almost certainly would have revealed significant impacts, that have not been disclosed.

Traffic volumes represent "the most critical input parameter" in evaluating level of service. MRO Letter at 2. If the traffic analysis uses the wrong numbers, it will misrepresent the environmental setting and project impacts. *Id.* Thus, the traffic impacts of the Project must be reanalyzed using up-to-date traffic volume data, and an EIR must be prepared to reflect the corrected analysis.

Second, the analysis also takes an unconventional approach to intersection LOS that employs an "overall intersection delay" contrary to the analysis procedure set forth in the Highway Capacity Manual 2012. As detailed in the MRO Report, this approach is inappropriate and misleading because it masks individual movements that operate at higher levels of delay and provides an overly optimistic view of intersection operations.

In addition, the IS/MND's analysis fails to consider Caltrans' level of service standard for SR 29, despite the fact that this highway is under Caltrans' jurisdiction. MRO at 3 and 4. Caltrans' standards specify that that the agency endeavors to maintain a target LOS between C and D, but where roads are already operating at substandard levels (like SR 29 in the vicinity of the Project), Caltrans states that traffic conditions should maintain their current operating conditions, or "measure of effectiveness." MRO at 4. The "measure of effectiveness" or "MOE" in the case of SR 29 would be the volume/capacity ratio. *Id*. As explained in the MRO Report, Project-related traffic will cause the MOE to degrade, resulting in significant impacts that were not disclosed in the IS/MND. MRO at 4 and MRO Attachment A.

The IS/MND's failure to use current data, failure to fully describe the assumptions used, and failure to apply appropriate standards results in an inaccurate analysis of traffic impacts and undermines CEQA's purpose of fully informing the public of the Project's environmental impacts. See *Laurel Heights Improvement Ass'n v. Regents of University of California* (1988) 47 Cal.3d 376 at 404 ("*Laurel Heights I*"). Thus, the traffic impacts of the Project must be reanalyzed using up-to-date traffic volume data, and an EIR prepared to reflect the corrected analysis.

4. The IS/MND Presents Deficient Estimates of Project Trip Generation

The IS/MND's analysis of the Project's trip generation is limited to the increased number of employees at the winery. MRO at 4. However, the Use Permit Application for the Project states that the number of visitors on an average day will double from 200 to 400. Use Permit Application at 9. (As demonstrated above, the actual level of daily visitors appears to be much lower—only 80 during the week—and accordingly, the actual increase requested is will be even greater.)[7] This substantial increase in visitation appears to have been completely ignored in the traffic analysis. MRO at 4. Consequently, the project trip generation used in the traffic analysis understates both project-related peak hour traffic and impacts to the area roadways. *Id*.

5. The IS/MND Fails to Adequately Analyze Cumulative Traffic impacts.

The IS/MND fails entirely to examine the cumulative transportation impacts that will result from the Project and planned or recently approved projects in the County. The County's Planning Building and Environmental Services Department website indicates that the County is currently reviewing at least four other major projects and dozens of winery projects countywide. While the IS/MND's traffic analysis presents traffic projections using growth factors in the County General Plan, there is no evidence that the traffic study includes cumulative traffic impacts from known projects before the County. MRO at 6. This failure to take into account traffic from any of these new projects is a fatal flaw. The County must properly analyze the Project-specific and cumulative traffic impacts. The appropriate forum for such an analysis is in an EIR.

C. The IS/MND's Analysis of the Project's Impacts Related to Hydrology and Water Quality is Inadequate.

The IS/MND's treatment of the Project's hydrology and water quality

[7] On its face, this claim of 200 average daily existing visitors is highly suspect. It is also more than double the 80 average daily visitors used by the applicant's own traffic consultant in its initial application for the same use permit modification for Raymond Winery. *See* Omni Report at 11; Hart Letter at 2. Given this discrepancy, and the applicant's clear incentive to inflate the existing conditions baseline, the County should independently verify the existing number of daily visitors and compare all project impacts to the actually existing level of lawfully permitted uses and visitors.

impacts fails to provide the public and decision-makers with essential information about the Project. This lack of analysis renders the IS/MND inadequate. Moreover, despite the scant information provided, it appears the Project may have significant water quality impacts; therefore the County must analyze those impacts in an EIR.

1. The IS/MND Fails to Adequately Describe the Existing Hydrologic Setting.

Neither the IS/MND nor the supporting technical documents adequately describe the existing water quality of the Napa River, the ultimate receiving body for storm water from this site. This is important information from which to establish a baseline. Without describing the hydrology and water quality of the onsite drainage and that of the Napa River downstream, the reader of the IS/MND has no context within which to evaluate potential Project impacts. The Napa River is listed as impaired for sediment due to excess erosion and sedimentation in the Napa River watershed. *See* Summit Engineering Report Storm Water Control Plan at 1 and 2 and http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/napariversedimenttmdl.shtml. A revised analysis must include a Hydrology and Water Quality section that adequately describes the hydrologic setting.

2. There is a Fair Argument That the Project-Specific and Cumulative Water Supply Impacts Would Be Significant.

The IS/ND concludes that increased groundwater pumping to support the Raymond Winery Project would have a less than significant impact on groundwater levels because the County's consultants have assertedly determined that groundwater resources are "stable." IS/ND at 23. Ample evidence has been provided to the County in the past, however, that contradicts these conclusions. The Planning Commission should not consider action on this Project until such time as it fully understands the effect that the Project, together with cumulative development, would have on groundwater levels. As a recent Napa County Grand Jury investigation and hydrologist Dr. Tom Myers make clear, the County does not have sufficient information to make this determination.

According to the Napa County Grand Jury investigation of the County's groundwater, 80 percent of groundwater in the County is used for agricultural purposes. Despite the agricultural industry's high rate of groundwater use, the County does not

require agricultural users to monitor their groundwater consumption.[8] Therefore, while most well owners have groundwater extraction limits, the County has no way of enforcing these limits. *Id*.

Since the County does not monitor groundwater consumption, it does not have the data with which to evaluate the effect that any specific project, such as the proposed Raymond winery, would have on existing groundwater levels. Moreover, the County cannot consider the Raymond Project in isolation; it must consider the cumulative effect of all projects that rely on groundwater within the County. According to a second grand jury investigation of the Napa County wineries' regulatory compliance, the County continues to issue numerous permits for new and expanded wineries every year.[9] As the Winery Grand Jury Investigation states, for the seven-year period ending in 2014, the County has approved an average of 18 new permits each year. *Id*. These use permits authorized an average production of approximately 180,000 gallons of additional wine per year. *Id*. At this rate, water consumption from the winery industry alone has the potential to severely impact groundwater levels.

The County, like most other regions in the state, is suffering from a historic multi-year drought. Even in 2014, the County's 2014 Groundwater Monitoring Report clearly showed the effects of pumping and drought as wells near Calistoga indicated extreme drawdown.[10] The Commission cannot ignore documentation from its own groundwater reports, the findings of renowned hydrologists, and personal observations from neighbors that the County's groundwater resources are already severely constrained. Pumping to support the Raymond Winery Project will exacerbate these declining local groundwater resources including neighboring wells.

Inasmuch as the County does not monitor groundwater consumption, it does not have the data with which to evaluate the effect that any specific project, such as the proposed Raymond Winery, would have on existing groundwater levels. Faced with overwhelming evidence of deficient groundwater conditions in the area, and the potential

[8] Napa County Grand Jury 2014-2015 Final Report Management of Groundwater and Recycled Water: Is Napa County In Good Hands, March 31, 2015 attached as Exhibit 7.

[9] Napa County Grand Jury 2014-2015 Final Report: Are Napa County Wineries Following the Rules, May 12, 2015, attached as Exhibit 8.

[10] Hydrologic Report Prepared by T. Myers, Hydrologic Consultant, October 19, 2015 Report, attached as Exhibit 9.

for the Project, together with cumulative development, to impact groundwater resources, the Commission has sufficient basis to deny this Project for this reason alone.

3. The IS/MND Fails to Adequately Analyze Potential Contamination to Groundwater Quality.

The IS/MND's analysis of impacts to groundwater quality is also flawed. As explained in the attached Myers Report, the proposed Project site soils have low infiltration rates. Myers Report at 5. Yet the Project includes expansion of leach fields to treat wastewater even though on-site soils have a severe limitation for use in septic system absorption fields, which could prevent seepage from percolating adequately. *Id.* at 3. In addition, expansion of the leach fields may cause significant seepage of wastewater to downgradient or downstream locations. *Id*. at 2-5. Wastewater seepage could thus follow the path of least resistance and flow laterally to the nearest wells or potentially form downgradient seeps. *Id*. The IS/MND fails to include any information on existing wells and fails to analyze the environmental impact the Project's expanded leach fields might cause.

4. The IS/MND Fails to Adequately Analyze Potential Impacts to Cumulative Groundwater Recharge.

According to the IS/MND, the Project would add approximately two acres of additional impervious surfaces, including 61 parking spaces and a new, one-mile long, two-lane access driveway. Stormwater Control Plan at Table 1. Rather than analyzing the Project's potential for increasing storm water runoff and decreasing groundwater recharge, the IS/MND provides only unsupported conclusions. The IS/MND concludes that impacts related to groundwater recharge would be less than significant, but it fails to provide evidentiary support. To the contrary, the document fails to analyze or estimate Project-related changes in groundwater recharge rate at all. Myers Report at 6.

As explained in the Myers Report, this analysis is important because the project area lies on one of the major recharge acres identified in the Luhdorff and Scalmanini 2011 study of groundwater conditions in the area. *Id*. at 6. Moreover, the Project site lies in part of the Napa Valley that has experienced groundwater drawdown. *Id*. at 8. Any decrease in recharge caused by this Project would increase this deficit and result in a potentially significant cumulative impact. *Id*. at 8.

For these reasons, the IS/MND's conclusion of impacts on groundwater recharge is flawed. An EIR for the Project should include analysis of lost recharge due

both to the increase in impervious surface and due to faster storm water runoff. In addition, the EIR must identify feasible mitigation for any significant project-level or cumulative impacts related loss of groundwater recharge.

5. The IS/MND Fails to Adequately Analyze Potential Impacts to Drainage Patterns.

Technical analyses prepared in support of the IS/MND disclose that the Project would create two acres of new impervious surface. Stormwater Control Plan at Table 1. The relationship between increases in impervious surfaces and water quality degradation is well known. Impervious surfaces collect pollutants from vehicles and atmospheric sources and discharge them in storm water. Infiltration of precipitation is greatly reduced, surface runoff dramatically increases, and downstream erosion is increased. Instead of providing facts or analysis to show that the Project's potential impacts to water quality will be reduced to insignificance, the IS/MND again defers analysis and provides only unsupported conclusions.

For example, the IS/MND's analysis of stormwater impacts states that the Project will "enhance" stormwater quality through the addition of new stormwater improvements. But as noted above, the IS/MND fails to adequately describe the improvements and fails to analyze altered drainage patterns on-site. The IS/MND fails to even identify the location of the improvements. Myers Report at 9. Without accurate mapping of the existing and proposed drainages, it is impossible for the public to evaluate the IS/MND's claims. In addition, the IS/MND concedes that the Project design will result in changes to the existing sheetflow pattern of runoff. IS/MND at 22. However, the document fails to estimate runoff rates, fails to discuss where the runoff will go, or whether the planned facilities are adequate to handle it. Myers Report at 9 and 10.

Moreover, the IS/MND fails to analyze the potential for increased runoff to result in downstream erosion. Inasmuch as the Project site's runoff discharges to the Napa River, Project-related increases in erosion and siltation would potentially impact the water quality of the river.

An environmental document must provide information about the magnitude and type of environmental impacts; it may not, as this MND does, simply speculate that there may be impacts and hope for the best. See *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal. App. 4th 182, 196-97. Deferring this analysis clearly violates the core purpose of CEQA: to identify the environmental impacts of a project before approving it. *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149

Cal.App.4th 645, 684-85.

In short, the IS/MND fails to provide any support for its conclusion that the Project's impacts on hydrology and water quality would be less than significant. To the contrary, there is a fair argument that the Project's water quality impacts would be potentially significant. Therefore, an EIR must be prepared to analyze these impacts.

D. The IS/MND's Noise Analysis is Inadequate and There is a Fair Argument that the Project May Have Significant Noise Impacts.

Another glaring inadequacy of the IS/MND is its analysis of and mitigation for the Project's noise impacts. Although construction and operation of the Project is all but certain to result in a significant increase in noise levels, the IS/MND makes *no* attempt to quantify these impacts. Instead it provides a generic overview, simply stating the obvious: that noise could create additional impacts and that these impacts would be less than significant. IS at 27 and 28. To conclude as the IS/MND does that an impact is less than significant, the analysis must be supported with substantial evidence. Substantial evidence consists of "facts, a reasonable presumption predicated on fact, or expert opinion supported by fact," not "argument, speculation, unsubstantiated opinion or narrative." Pub. Res. Code § 21080(e)(1)-(2). Once again, the IS/MND fails on many levels.

First, the IS/MND provides *no* information as to the Project's environmental setting, other than to state that the nearest residences are located about 500 feet to the northeast. IS at 28. An environmental document "must include a description of the physical environmental conditions in the vicinity of the project." CEQA Guidelines § 15125(a). "Without a determination and description of the existing physical conditions on the property at the start of the environmental review process, [an environmental document] cannot provide a meaningful assessment of the environmental impacts of the proposed project." *Save Our Peninsula Committee v. Monterey County Board of Supervisors*, 87 Cal.App.4th 99, 119 (2001). Moreover, as discussed above, the significance of an impact may vary with the setting. While increased noise levels may not be significant in an urban area, they may be extraordinarily burdensome in a rural area. Here, without any information on existing ambient noise levels in the area, an impacts analysis or proposed mitigation become meaningless.

Given the failure to describe the existing noise environment, it comes as no surprise that the IS/MND fails to identify the noise levels that would accompany construction of the Project. In fact, the document, never even attempts to predict noise

levels during each phase of construction at nearby sensitive receivers. As the attached table shows, construction-related equipment and operations can be extraordinarily loud. A typical noise level for a jackhammer, for example, is upwards of 96 decibels, while loaders, backhoes and bulldozers can generate noise upwards of 85 decibels. *See* OSHA Construction-Related Noise levels, attached as Exhibit 10. The County must analyze how construction of the Project will impact noise levels in the vicinity.

The IS/MND concedes that the proposed changes to the Raymond Winery marketing activities could create additional operational noise impacts. IS/MND at 28. Yet the IS/MND stops short of actually analyzing the effect these marketing events would have on surrounding properties. Instead it refers to noise sampling the County performed for the Bell Winery. The IS/MND does not provide the data referenced, but from the information provided, it is clear that the noise measurements taken were for 85-person events. Id. However, the Raymond Winery marketing events would not be limited to events of this size, as evidenced by their current application for a Temporary Event Permit allowing 700 attendees.

Moreover, as discussed above, as the current owner of Raymond Winery, the applicant conducts events in violation of its current use permit. Napa County has not effectively monitored Raymond for these violations and there is no indication that the Raymond Winery will be monitored for event violations. Consequently, the IS/MND lacks the evidentiary basis that the Project's noise impacts would be less than significant.

Operational noise from a winery can also be quite intrusive. Noise from the winery's marketing events, in particular larger events, result in significant increases in vehicular traffic, truck traffic, buses and amplified sound etc… Impacts from this noise could be particularly burdensome to the Project's neighbors, yet the IS/MND provides an inadequate analysis of these impacts. Neighboring residents and property owners report that they already regularly experience excessive noise from unlawful accessory uses at the Raymond Winery. The impacts associated with extended winery operating hours and allowing marketing events, including temporary events, to be held outdoors (*see* IS/MND at 4) must be evaluated in an EIR.

E. The IS/MND Defers Mitigation for Significant Impacts to Sensitive Species.

The IS/MND discloses that potentially significant impacts to special status bat species could result from demolition of the garage building on the Ticen property. IS/MND at 13. The IS/MND concludes that impacts to sensitive bat species would be less than significant with mitigation. However, the IS/MND fails to provide any analysis to

support the IS/MND's conclusion. See, IS/MND at 13 and 14.

Instead of determining the presence and number of special status bats that will be impacted by the Project, the IS/MND improperly postpones such surveys for bats species until after Project approval. *Id*. The IS/MND appears to assume that such surveys may be conducted as part of the mitigation, rather than as part of the environmental review process. Yet this sequencing of activities leaves the public and decision makers to speculate as to what species are present on the site and what the impacts to those species due to the Project may be.

The IS/MND's approach is contrary to CEQA's requirement that the environmental impacts be disclosed prior to a project's approval. As the courts have explained, the environmental review document serves as "an environmental 'alarm bell' whose purpose is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." *Laurel Heights Improvement Assn. v. Regents of the University of California*, (1988) 47 Cal.3d 376, 392. In particular, the law is clear that a public agency "should not be allowed to hide behind its failure to collect data." *Sundstrom v. County of Mendocino*,(1988) 202 Cal.App. 306. Rather, the County must gather the relevant information and make a fully informed decision before deciding whether to approve the proposed Project.

VI. The IS/MND Fails to Provide Any Analysis of the Project's Cumulative Impacts.

CEQA requires that an agency prepare an EIR rather than a negative declaration if a "project has possible environmental effects that are individually limited but cumulatively considerable." Guidelines § 15065(a)(3). Here, the IS/MND provided no information about cumulative impacts. Its evaluation of environmental impacts concludes that cumulative impacts would be less than significant. IS/MND at 39. But, as discussed above, the actual analyses provide minimal information about many of the impacts, no consideration at all of their additive effects, and none whatsoever about nearby or otherwise cumulative projects and impacts. The County must reject such an incomplete analysis and require an EIR. *See* Guidelines § 15065(a)(3), *Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 164 (rejecting MND for failure to consider cumulative impacts).

CEQA defines "cumulatively considerable" impacts as occurring when "the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of

probable future projects." Guidelines § 15065(a)(3). Thus, a project can have cumulatively significant impacts even if its individual impacts are not significant. The IS/MND does not consider the impacts of any other project in conjunction with the Raymond-Ticen Ranch Winery and provides no information whatsoever about conditions and activities near the project site. This alone raises the possibility of cumulatively significant impacts. *See* Guidelines § 15065(a).

Following the mandatory findings of significance, the IS/MND includes a single paragraph regarding cumulative impacts that characterizes the Project as small, in a generally urban area, and thus not cumulatively significant. IS/MND at 39. This discussion does not provide any information about local conditions or projects, however, and is no substitute for the substantial evidence required by CEQA.

In fact, a brief review of projects currently planned for the area demonstrates the importance of this omission and provides substantial evidence that the Project will "ha[ve] possible environmental effects" that are cumulatively considerable. *Id.* For example, as discussed above, according to the County's website, the County is currently reviewing at least four other major projects and dozens of winery projects countywide. *See* http://www.countyofnapa.org/PBES/CurrentProjects/, list of current projects attached as Exhibit 11. Yet the IS/MND fails to analyze the cumulative traffic impacts from any of these new projects. Similarly, the IS/MND fails to analyze potential cumulative impacts related to water supply, groundwater recharge, and water quality. This silence does not meet the County's obligations under CEQA and deprives the IS/MND of substantial evidence to support its mandatory finding that the project will not have impacts that are individually limited, but cumulatively considerable. IS/MND at 39.

VII. Conclusion

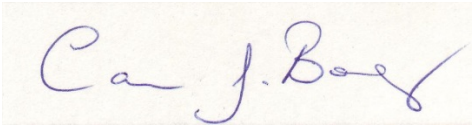
As set forth above, substantial evidence in the record shows that the Project could have a number of potentially significant impacts on the environment, including impacts on groundwater resources, water quality, and traffic. These impacts were not adequately analyzed and mitigated in the IS/MND. Accordingly, and as a matter of law, the County would be in violation of CEQA if it adopts the proposed MND and approves the Project without first requiring the preparation of EIR. We respectfully request that the County deny the requested permit applications. Additionally, we request that no further

consideration be given to the Project as proposed until an EIR is prepared that fully complies with CEQA.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Robert "Perl" Perlmutter



Carmen J. Borg, AICP
Urban Planner

cc: Andy Beckstoffer

List of Exhibits:

Exhibit 1	Transportation/Traffic Report Prepared by N. Liddicoat, MRO Engineers, Regarding the Initial Study/Mitigated Negative Declaration on the Proposed Raymond-Ticen Ranch Winery Major Use Permit Modification, January 23, 2017.
Exhibit 2	Hydrologic Report Prepared by T. Myers, Hydrologic Consultant, Regarding Review of Raymond-Ticen Ranch Winery Major Use Permit Modification Application #P15-00307 , January 23, 2017.
Exhibit 3	Letter from Robert "Perl" Perlmutter, Shute, Mihaly, & Weinberger, to Napa County Board of Supervisors and Planning Commission, December 16, 2015.
Exhibit 4	Photos of Raymond Winery Accessory Uses.

Exhibit 5	Updated Traffic Study for the Proposed Raymond Vineyards Winery Use Permit Modification #P11-01156 , Omni-Means, Ltd., April 5, 2013.
Exhibit 6	Letter from K. Hart, Abbott & Kindermann, LLP to Chairman Robert Fiddaman and Napa County Planning Commission Members Regarding Raymond Vineyard and Cellar, July 15, 2014.
Exhibit 7	Napa County Grand Jury 2014-2015 Final Report Management of Groundwater and Recycled Water: Is Napa County In Good Hands, March 31, 2015.
Exhibit 8	Napa County Grand Jury 2014-2015 Final Report: Are Napa County Wineries Following the Rules, May 12, 2015.
Exhibit 9	Hydrologic Report Prepared by T. Myers, Hydrologic Consultant, Regarding Review Girard Winery Use Permit P14-00053, October 19, 2015.
Exhibit 10	OSHA Table on Construction-Related Noise levels
Exhibit 11	List of Napa County Cumulative Projects.

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January 23, 2017

Ms. Carmen Borg
Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, California 94102

Subject: ***Review of "Transportation/Traffic" Analysis***
Initial Study/Mitigated Negative Declaration
Proposed Raymond-Ticen Ranch Winery Major Use Permit Modification
Napa County, California

Dear Ms. Borg:

As requested, MRO Engineers, Inc., has completed a review of the "Transportation/Traffic" section of the Initial Study/Mitigated Negative Declaration (IS/MND) prepared with respect to the proposed Major Use Permit Modification for the Raymond-Ticen Ranch Winery in Napa County, California. That document was prepared by Napa County staff and completed on December 15, 2016. The IS/MND incorporates the results of a traffic impact analysis prepared by Crane Transportation Group (CTG) dated August 26, 2016.

This letter report documents the results of our review.

TRAFFIC IMPACT ANALYSIS REVIEW

Our review of the IS/MND traffic impact analysis for the proposed Raymond-Ticen Ranch Winery Major Use Permit Modification revealed several issues that must be addressed prior to approval of the project by Napa County. These issues are presented below.

1. ***Study Locations*** – Pages 6 - 7 of the CTG traffic study present the intersections and road segments evaluated in the analysis. Among the locations listed there are the intersections of State Route 29 (SR 29)/Project Driveway and Zinfandel Lane/Project Driveway. However, careful review of the report indicates that no analysis of those intersections is actually presented in either the report text or in the level of service tables, including Table 2 (Existing – 2015), Table 4 (Year 2020), or Table 6 (Year 2030 – Cumulative).

   In addition, the study locations include the segments of SR 29 north of Zinfandel Lane and south of the project driveway, but not the segment between Zinfandel Lane and the project driveway, which runs along the project frontage. That segment must be included to provide a complete picture of project-related impacts.

   These omissions represent significant deficiencies in the analysis, particularly with respect to the two project access intersections, for which analysis is promised but not provided. The analysis must be revised to address these additional locations, and the results must be incorporated into a revised environmental document.

2. ***Obsolete Traffic Volume Data*** – Page 7 of the CTG traffic study states that the traffic volume data used in the analysis was collected in August 2015, about 1-1/2 years ago. This is contrary to accepted practice within the traffic engineering profession. Page 19 of the 2006 Institute of Transportation Engineers (ITE) document, *Transportation Impact Analyses for Site Development*, specifically states that:

> *. . . traffic volume data should generally be no older than 1 year.*

In addition to being outdated, it is unclear whether the traffic volume data represents a typical level of activity at the project site. How many employees were on-site on the data collection days? How many visitors were accommodated? How do these numbers compare to a typical day at the project site?

Because the traffic volumes represent the most critical input parameter in the level of service calculation process, any inaccuracies in those values directly affect the validity of the level of service results. In short, to the extent that the existing peak-hour traffic volumes fail to represent typical conditions at the project site, the corresponding level of service results reported in the IS/MND are invalid, and a misleading representation of the environmental setting and project-related impacts will be provided.

3. ***Intersection Level of Service Standard*** – Napa County's level of service (LOS) standard for unsignalized intersections is presented within Policy CIR-16 in the "Circulation Element" of the *Napa County General Plan* (p. CIR-16):

   - *No single level of service standard is appropriate for un-signalized intersections, which shall be evaluated on a case-by-case basis to determine if signal warrants are met.*

   "Circulation Element" Policy CIR-16 also states that LOS D is the minimum acceptable level of service on arterial streets and at signalized intersections.

   In contrast, the intersection level of service standard employed in the CTG analysis is summarized on pp. 10 – 11 of the traffic impact analysis report:

   > *For this study, LOS D has been used for unsignalized intersections as the poorest acceptable operation for the <u>entire</u> intersection, with LOS E as the poorest acceptable operation for the <u>side street stop sign controlled approach</u>.* [Emphasis not added.]

   More detailed versions of the significance criteria for unsignalized intersections are presented at CTG p. 17. Those criteria include no consideration of whether signal warrants are met, as required by Napa County Policy CIR-16. Instead, they include an arbitrary criterion requiring a project-related increase in traffic of one percent or more before a significant impact is defined to occur. This same arbitrary criterion is included in the standards of significance for roadway segments.

   Four issues have been identified with respect to the traffic study's LOS criteria, as discussed below.

   <u>"Entire Intersection" Level of Service</u>

   The first issue relates to use of a level of service standard for "the entire intersection" for unsignalized locations. Specifically, the use of an overall intersection delay value for unsignalized locations does not conform to the procedures established within the *Highway Capacity Manual 2010*. (Reference: Transportation Research Board, *Highway Capacity Manual 2010*, Fifth Edition, 2010.) Page 19-1 of the *HCM2010* states:

   > *Level of service (LOS) for a TWSC* [two-way stop-controlled] *intersection is determined by the computed or measured control delay. For motor vehicles, LOS is determined for each minor-street movement (or shared movement) as well as major-*

street left turns . . . ***LOS is not defined for the intersection as a whole*** *or for major street approaches."* [Emphasis added.]

The overall delay value presented in the traffic study represents a volume-weighted average of the individual delay values for all of the movements at each intersection. Because, for example, the uncontrolled through movements on the major street have delay values of zero, and because those movements typically represent the highest volume at such intersections, the volume-weighted average delay value for the intersection as a whole is unrealistically low, and typically by a substantial amount. Consequently, the reported delay results fail to indicate the frustration and inconvenience experienced by drivers who are directly affected by the STOP sign. In cases where the key side-street delay values are excessive, safety problems might occur, as frustrated drivers begin to accept less-than-adequate gaps in major street traffic and turn in front of oncoming vehicles.

In addition to being contrary to the analysis procedure set forth in the *Highway Capacity Manual 2010*, this approach provides an overly optimistic view of intersection operations, masking individual movements that operate at higher levels of delay. As such, consideration of this parameter in the IS/MND traffic analysis is inappropriate as it provides a misleading indication of intersection operations at these locations.

Signal Warrant Consideration

The second issue relates to the Napa County requirement that such intersections, "be evaluated on a case-by-case basis to determine if signal warrants are met." The CTG traffic study essentially ignores this consideration, as no signal warrant analyses were conducted.

One Percent Traffic Increase Requirement

As described above, the CTG analysis employs a significance standard requiring that project-related traffic cause a traffic volume increase of one percent or more at intersections or roadway segments before a significant impact would be defined to occur. This requirement seems to be arbitrary, as it is inconsistent with Napa County Policy CIR-16 (which includes no such consideration) and has no apparent factual basis.

Caltrans Level of Service Standard for State Route 29

We also note that St. Helena Highway (i.e., State Route 29) is under Caltrans' jurisdiction. It is, therefore, appropriate to employ the stated operational standard established by Caltrans, the agency that owns and controls St. Helena Highway, for the following study intersections and road segments:

- State Route 29/Zinfandel Lane,
- State Route 29/Project Driveway,
- State Route 29 north of Zinfandel Lane, and
- State Route 29 south of project access.

The standard of significance that typically applies to Caltrans facilities is presented in the *Guide for the Preparation of Traffic Impact Studies* (Caltrans, December 2002.) The specific operational standard that applies to those facilities is presented on page 1 of that document:

> *Caltrans endeavors to maintain a target LOS* [Level of Service] *at the transition between LOS "C" and LOS "D" . . . on State highway facilities. . . . If an existing State highway facility is operating at less than the appropriate target LOS, the existing MOE* [Measure of Effectiveness] *should be maintained.*

In other words, Caltrans considers LOS C to be acceptable, and LOS D is not. This is particularly important with respect to the analysis of the SR 29 road segments. Review of CTG Table 3 (Existing – 2015), Table 5 (Year 2020), and Table 7 (Year 2030 – Cumulative) reveals a number of instances in which the SR 29 segments operate at unacceptable levels of service under "no project" conditions and addition of the project traffic causes the MOE to be degraded.

Attachment A contains copies of CTG Tables 3, 5, and 7, with yellow highlights indicating locations where addition of the project-related traffic causes the applicable MOE to be degraded. In this case, the MOE is the volume/capacity (V/C) ratio. At the highlighted locations, the V/C ratio increases when the project traffic is added and, therefore, is not "maintained."

In each of these cases, based on the applicable Caltrans standard*, a significant impact results that was not reported in the IS/MND*. Consequently, the CTG traffic study and the IS/MND must be revised appropriately and recirculated for further public review. Unless this revised report shows that there is no potential for these significant impacts, an environmental impact report must be prepared before the County can approve this Project.

4. ***Project Trip Generation Estimate*** – The project trip generation estimate is presented on pages 18 – 19 of the CTG traffic study. The estimate presented there focuses on the traffic associated with 64 additional employees. However, we note that page 6 of the Use Permit Application submitted to the Napa County Planning, Building and Environmental Service Department states that the number of employees will increase from 24 to 90 – an increase of 66, not 64.

   Similarly, the third paragraph of the "Project Statement for Raymond-Ticen Ranch Winery" says:

   > *First, the winery now employs 90 persons, 66 more than the 24 persons contained in an earlier use permit.*

   Thus, two employees are unaccounted for in the project's trip generation estimate.

   We also note that page 9 of the Use Permit Application states that the number of visitors on an average day will double from 200 to 400. This substantial increase in visitation appears to have been completely ignored in the traffic analysis. In fact, the only visitation increase reflected in the traffic analysis (p. 19) is:

   > *. . . [a]n added 10 inbound and outbound visitor 'without appointment' vehicles . . . at the new SR 29 driveway during both the Friday and Saturday PM peak traffic hours.*

In short, the project trip generation estimate employed in the traffic analysis substantially understates the volume of peak-hour traffic at the project site. Consequently, the impact of the proposed project on the study area road network will similarly be understated.

5. ***Increased Parking Supply*** – The "Project Statement" for the proposed project (p. 1) states that:

> *There is no request for an increase in production, no increase in the tours/marketing numbers from those previously approved, no increase in the winery marketing plan, and no new structures proposed.*

Yet that same document (p. 2) states that the proposed project would result in doubling the on-site parking supply from 81 spaces to 162 spaces. The Use Permit Application (p. 6) contains different numbers, indicating a proposed parking supply of 142 spaces (and an existing parking supply of 80 spaces, instead of 81 spaces).

In either event, it does not appear that the project traffic analysis fully accounts for this substantial increase in on-site parking. No explanation is provided with respect to the need to substantially increase on-site parking while on-site activity is unchanged.

Part of the problem here might be that the applicant does not seem to know either how many spaces currently exist on the property or how many are proposed. Three different numbers of existing spaces are provided in the various documents describing and analyzing the proposed project:

- As described above, the "Project Statement" (p. 2) says there are 81 parking spaces.
- The Use Permit Application (p. 6) says there are 80 existing spaces.
- The IS/MND (p. 3) says the existing number of parking stalls is 89, of which 75 are actually permitted.

Three different values are also provided for the proposed parking supply:

- The "Project Statement" (p. 2) says there will be 162 parking spaces.
- The Use Permit Application (p. 6) says there will be 142 spaces.
- The IS/MND (p. 3) says the proposed number of parking stalls will be 150.

Given this apparent confusion, it is difficult to judge whether the proposed project's parking system has been adequately considered in the IS/MND. This is important because of the apparent incongruity between the statement regarding the lack of any changes to the winery operation and the proposal to roughly double the amount of on-site parking. If no meaningful operational changes are proposed, why does the amount of parking (and the associated impervious surfaces) need to be expanded so dramatically?

Further, while the number of parking spaces does not necessarily directly correlate to the number of trips generated, the need for up to twice as many on-site parking spaces as currently exist suggests that the pattern of arrivals and departures might differ from what has been assumed in the traffic study. In particular, the substantial increase in the project's parking supply suggests that the number of peak arrivals might be considerably higher than has been evaluated.

The actual existing and proposed parking supply must be clarified and corrected, and the need for substantially more parking must be justified.

6. ***At-Grade Railroad Crossing Safety*** – An at-grade railroad crossing exists on SR 29 at Whitehall Lane, approximately 600 feet north of the proposed improved project driveway. The railroad tracks cross SR 29 at a highly oblique angle, which may affect the ability of drivers on SR 29 to see oncoming trains. Diversion of project traffic from Zinfandel Lane to SR 29, as proposed, will increase the likelihood of conflicts between automobiles and trains.

   The IS/MND contains no evaluation of the safety of this at-grade railroad crossing. In fact, the CTG report includes no mention of the railroad, although it is illustrated on the report figures at the back of the document. This is a substantial deficiency that must be corrected.

7. ***Construction Traffic Analysis*** – The proposed project includes a number of actions that will involve on-site construction, including:

   - Improvements to the SR 29 access road;
   - Development of additional on-site parking facilities;
   - Expansion of the on-site sanitary septic wastewater treatment system;
   - Construction of a vineyard viewing platform; and
   - Various building construction projects.

   Despite this, the IS/MND contains no analysis of potential traffic impacts associated with project-related construction activities. This is a significant deficiency in the document, which must be remedied.

8. ***Cumulative Conditions Analysis*** – In addition to existing (2015) conditions, the CTG traffic analysis addresses conditions in the years 2020 and 2030. The year 2030 traffic projections were developed using growth factors based on information in the Napa County General Plan. The year 2020 estimates were then based on assuming "straight line traffic growth" between 2015 and 2030.

   Attachment B contains listings of two groups of projects that are currently ongoing in Napa County, taken directly from the county's Planning, Building and Environmental Services Department website. The first group includes fifteen "major projects," which are, ". . . projects requiring Environmental Impact Reports; approval by the Board of Supervisors; [or] approval by vote of the people." Also shown are 63 "current projects" that are "subject to standard analysis and approval by the Planning Commission."

   The traffic study provides no evidence that it includes the traffic associated with these 78 "major" or "current" projects in either the 2020 or 2030 time frames. Moreover, no information is presented to shed any light on the question of just how much traffic each of those projects will generate. That information might allow a determination to be made as to whether the traffic forecasts employed in the CTG analysis adequately account for the extensive list of current development proposals.

   The traffic analysis must be revised to incorporate meaningful and current information on background development activity and to provide additional pertinent information regarding the specific trip generation of each of the current development projects. Based on the results of that

process, a determination will be required as to the necessity of revising the traffic projections for the years 2020 and 2030.

9. ***Truck Safety*** – The proposed project includes development of an improved project access on State Route 29, which will attract additional winery-related traffic to that location. However, the traffic study ignores the safety effects of trucks on SR 29. According to the level of service calculation sheets presented in the CTG traffic study appendix, trucks constitute 10 percent of the northbound through traffic on SR 29 at Zinfandel Lane in the AM peak hour and 13 percent of the southbound through vehicles in that time period. In the PM peak hour, the percentages are lower, but still substantial (4 – 5 percent). During the crush period, this percentage is certain to be higher. Despite this, the traffic study includes no discussion or analysis of auto-truck conflicts and the potential safety issues associated with mixing automobile traffic (including wine-tasting tourists) with a considerable amount of heavy-vehicle traffic.

   This safety issue is exacerbated by the fact that many drivers within Napa County have consumed alcohol, often in the course of a wine-tasting excursion. Table 1 summarizes the most-recent available information from the California Department of Motor Vehicles (DMV) regarding the arrest rate for driving under the influence (DUI) in Napa County and statewide. As shown, Napa County consistently exceeds the statewide arrest rate, by as much as 50 percent.

Table 1
DUI Arrest Rates

Year	Arrest Rate Per 100 Licensed Drivers[1]	
	Statewide	Napa County
2013[2]	0.7	0.9 (+29%)
2012	0.7	1.0 (+43%)
2011	0.8	1.1 (+38%)
2010	0.8	1.2 (+50%)

[1] Source: California Department of Motor Vehicles, *Annual Report of the California DUI Management Information System*, 2012 – 2015.
[2] The most-recent available data, from the 2015 DMV report.

   The IS/MND should be revised to include a thorough discussion of the effects of trucks on SR 29 safety.

CONCLUSION

Our review of the "Transportation/Traffic" section of the Initial Study/Mitigated Negative Declaration (IS/MND) prepared with respect to the proposed Major Use Permit Modification for the Raymond-Ticen Ranch Winery in Napa County, California revealed several issues regarding the adequacy of the information presented in that document. Further, our review indicates that the proposed project will have additional significant impacts on the environment beyond those identified in the IS/MND, particularly with respect to intersection level of service on SR 29. These issues must be addressed prior to Napa County approval of the proposed project and the associated environmental documentation. Specifically, the environmental document must be revised and

recirculated for further public review. Unless this revised environmental documents shows that there is no potential for the significant impacts identified above to occur, then an environmental impact report must be prepared before the County can approve this Project.

We hope this information is useful. If you have questions concerning any of the items presented here or would like to discuss them further, please feel free to contact us at (916) 783-3838.

Sincerely,

MRO ENGINEERS, INC.

Neal K. Liddicoat, P.E.
Traffic Engineering Manager

ATTACHMENT A

Highlighted Roadway Segment Level of Service Tables

Table 3 – Existing – 2015

Table 5 – Year 2020

Table 7 – Year 2030 (Cumulative)

(Source: Crane Transportation Group, *Traffic Impact Report – Raymond-Ticen Ranch Winery*, August 26, 2016.)

Table 3

ROADWAY SEGMENT LEVEL OF SERVICE

EXISTING – 2015

HARVEST

LOCATION	DIRECTION	DIRECTIONAL CAPACITY (VEH/HR)	FRIDAY AM PEAK HOUR				FRIDAY PM PEAK HOUR				SATURDAY PM PEAK HOUR			
			W/O PROJECT		WITH PROJECT		W/O PROJECT		WITH PROJECT		W/O PROJECT		WITH PROJECT	
			VOL[1]	LOS (V/C)[2]	VOL	LOS (V/C)	VOL	LOS (V/C)	VOL	LOS (V/C)	VOL	LOS (V/C)	VOL	LOS (V/C)
SR 29 north of Zinfandel Lane	NB	1200	756	D	757	D	772	D	773	D	835	D	835	D
	SB	1200	594	C	595	C	1006	E (.838)	1007	E (.839) [+.1%]	1072	E (.893)	1072	E (.893) [+0%]
SR 29 south of Project Entrance	NB	1200	851	D	854	D	845	D	847	D	904	E (.753)	904	E (.753) [+0%]
	SB	1200	594	C	596	C	994	E (.828)	1000	E (.833) [+.6%]	1061	E (.884)	1065	E (.888) [+.4%]
Silverado Trail north of Zinfandel Lane	NB	1200	589	C	590	C	712	D	713	D	595	C	596	C
	SB	1200	363	C	364	C	920	E (.767)	920	E (.767) [0%]	638	D	638	D
Silverado Trail south of Zinfandel Lane	NB	1200	572	C	574	C	638	D	638	D	568	C	568	C
	SB	1200	384	C	385	C	993	E (.828)	992	E (.827) [-.1%]	688	D	688	D
Zinfandel Lane just east of SR 29	EB	810	156	C	155	C	240	C	231	C	172	C	171	C
	WB	810	97	C	96	C	119	C	111	C	134	C	133	C
Zinfandel Lane just west of Silverado Trail	EB	810	144	C	146	C	273	C	273	C	203	C	205	C
	WB	810	106	C	109	C	124	C	124	C	126	C	128	C

(1) Vol = volume

(2) LOS (V/C) = level of service (volume to capacity ratio) at locations with unacceptable "Without Project" operation.

(3) [ ] = % project traffic added to road segment at locations with unacceptable "Without Project" operation. Less than a 1% increase is not considered a significant impact.

Analysis Methodology Source: Napa County General Plan Update EIR Technical Memorandum for Traffic and Circulation Supporting the Findings and recommendations, Dowling Associates, February 9, 2007. *Compiled by: Crane Transportation Group*

Table 5

ROADWAY SEGMENT LEVEL OF SERVICE

YEAR 2020

HARVEST

LOCATION	DIRECTION	DIRECTIONAL CAPACITY (VEH/HR)	FRIDAY AM PEAK HOUR				FRIDAY PM PEAK HOUR				SATURDAY PM PEAK HOUR			
			W/O PROJECT		WITH PROJECT		W/O PROJECT		WITH PROJECT		W/O PROJECT		WITH PROJECT	
			VOL[1]	LOS (V/C)[2]	VOL	LOS (V/C)	VOL	LOS (V/C)	VOL	LOS (V/C)	VOL	LOS (V/C)	VOL	LOS (V/C)
SR 29 north of Zinfandel Lane	NB	1200	816	D	817	D	844	D	845	D	910	E (.758)	910	E (.758) [+0%]
	SB	1200	638	D	639	D	1100	E (.917)	1101	E (.918) [+.1%]	1170	E (.975)	1170	E (.975)
SR 29 south of Project Entrance	NB	1200	914	E (.761)	917	E (.764) [+.3%]	920	E (.767)	922	E (.768) [+.2%]	986	E (.822)	986	E (.822) [+0%]
	SB	1200	638	D	640	D	1084	E (.903)	1090	E (.908) [+.6%]	1157	E (.964)	1161	E (.968) [+.3%]
Silverado Trail north of Zinfandel Lane	NB	1200	661	D	662	D	773	D	774	D	649	D	650	D
	SB	1200	409	C	410	C	1003	E (.836)	1003	E (.836) [+0%]	697	D	697	D
Silverado Trail south of Zinfandel Lane	NB	1200	642	D	644	D	696	D	696	D	620	C	620	C
	SB	1200	431	C	432	C	1080	E (.900)	1079	E (.899) [-.1%]	750	D	750	D
Zinfandel Lane just east of SR 29	EB	810	164	C	163	C	256	C	247	C	185	C	180	C
	WB	810	99	C	98	C	129	C	121	C	143	C	134	C
Zinfandel Lane just west of Silverado Trail	EB	810	152	C	154	C	289	C	289	C	217	C	218	C
	WB	810	111	C	114	C	143	C	143	C	135	C	135	C

(1) Vol = volume

(2) LOS (V/C) = level of service (volume to capacity ratio) at locations with unacceptable "Without Project" operation.

(3) [ ] = % project traffic added to road segment at locations with unacceptable "Without Project" operation. Less than a 1% increase is not considered a significant impact.

Analysis Methodology Source: Napa County General Plan Update EIR Technical Memorandum for Traffic and Circulation Supporting the Findings and recommendations, Dowling Associates, February 9, 2007. *Compiled by: Crane Transportation Group*

Table 7

ROADWAY SEGMENT LEVEL OF SERVICE
YEAR 2030 (CUMULATIVE)
HARVEST

LOCATION	DIRECTION	DIRECTIONAL CAPACITY (VEH/HR)	FRIDAY AM PEAK HOUR				FRIDAY PM PEAK HOUR				SATURDAY PM PEAK HOUR			
			W/O PROJECT		WITH PROJECT		W/O PROJECT		WITH PROJECT		W/O PROJECT		WITH PROJECT	
			VOL[1]	LOS (V/C)[2]	VOL	LOS (V/C)	VOL	LOS (V/C)	VOL	LOS (V/C)	VOL	LOS (V/C)	VOL	LOS (V/C)
SR 29 north of Zinfandel Lane	NB	1200	938	E (.782)	939	E (.783) [+.1%]	985	E (.821)	986	E (.822) [+.1%]	1059	E (.883)	1059	E (.883) [+0%]
	SB	1200	723	D	24	D	1292	F (1.077)	1293	F (1.078) [+.1%]	1366	F (1.138)	1366	F (1.138) [+.0%]
SR 29 south of Project Entrance	NB	1200	1040	E (.867)	1043	E (.869) [+.3%]	1071	E (.893)	1073	E (.894) [+.2%]	1150	E (.958)	1150	E (.958) [+.0%]
	SB	1200	725	D	727	D	1268	F (1.057)	1274	F (1.062) [+.5%]	1351	F (1.126)	1355	F (1.129) [+.3%]
Silverado Trail north of Zinfandel Lane	NB	1200	802	D	803	D	896	E (.747)	897	E (.748) [+.1%]	756	D	757	D
	SB	1200	497	C	498	C	1166	E (.972)	1166	E (.972) [+0%]	815	D	815	D
Silverado Trail south of Zinfandel Lane	NB	1200	781	D	783	D	820	D	820	D	723	D	723	D
	SB	1200	523	C	524	C	1253	F (1.044)	1252	F (1.043) [-.1%]	877	E (.731)	877	E (.731) [+0%]
Zinfandel Lane just east of SR 29	EB	810	179	C	178	C	287	C	278	C	210	C	205	C
	WB	810	109	C	108	C	146	C	138	C	164	C	155	C
Zinfandel Lane just west of Silverado Trail	EB	810	166	C	168	C	324	C	324	C	247	C	248	C
	WB	810	119	C	122	C	159	C	159	C	152	C	152	C

(1) Vol = volume

(2) LOS (V/C) = level of service (volume to capacity ratio) at locations with unacceptable "Without Project" operation.

(3) [ ] = % project traffic added to road segment at locations with unacceptable "Without Project" operation. Less than a 1% increase is not considered a significant impact.

Analysis Methodology Source: Napa County General Plan Update EIR Technical Memorandum for Traffic and Circulation Supporting the Findings and recommendations, Dowling Associates, February 9, 2007. *Compiled by: Crane Transportation Group*

ATTACHMENT B

Current Project List

(Source: Napa County Planning, Building and Environmental Services Department website)

856943.2

Online Permit Center (OPC) Your place to find Permits and Application Status

Current Projects

Below are two groups of listings for projects submitted to the Napa County PBES Dept.

Major Projects: This first group primarily includes larger (major) projects that may have been initiated by the County or be of a more extensive and/or controversial nature requiring more analysis in the approval process. Examples would be (but not limited to) projects requiring Environmental Impact Reports; approval by Board of Supervisors; approval by vote of the people.

Current Projects: This second group primarily includes projects that will have standard analysis and approval before the County Planning Commission.

To see projects and information coming before the Planning Commission, view the Commission's upcoming agenda.

If you're interested in a project that is not listed below, please contact us.

You can now subscribe too many of our Current Planning Projects. To subscribe, your will need to setup a user account. Click Here to see how to subscribe.

This is a list of all the Discretionary Projects currently being processed in the Planning Division. Click here to see a complete list.

Current Projects

Major Projects	Number	Class
Climate Action Plan		County Projects
Kongsgaard Vineyard Conversion	P14-00069	Vineyards
Milliken Creek Flood Reduction and Fish Passage Improvement Project	NA	County Projects
Napa County Jail Environmental Impact Report	P12-00023	County Projects
Napa HHSA Campus Final EIR (Old Sonoma Rd Campus)	NA	County Projects
Napa Pipe Project	P07-00230	County Projects
Napa Storage	P15-00134	Other
Raymond-Ticen Ranch Winery	P15-00307	County Projects
Skyline Park Rezoning	P15-00354	Other
Syar Napa Quarry Project	P08-00337-SMP	Other
Upper Range Vineyard Project	02454-ECPA	Vineyards
Napa County Voluntary Oak Woodland Mgmt. Plan		County Projects
Walt Ranch Vineyard Conversion		County Projects
Water Availability Analysis		Other
Yountville Hill Winery		County Projects

Current Projects

Current Projects	Number	Class
Aloft Winery	p16-00429	Winery
Anthem Winery	P14-00320	Winery

Anthem Winery ECP	P14-00322	Vineyards
Baldacci Vineyards	P15-00422	Winery
Beautiful Day Winery	P15-00202	Winery
Behrens Family Winery	P15-00203	Winery
Behrens Family Winery	P15-00341	Winery
Biale Vineyards	P16-00396	Winery
Bin to Bottle	P15-00278	Winery
Black Sears Winery	P15-00201	Winery
Bloodlines LLC Soda Canyon Vineyard Erosion Control Plan P16-00323	P16-00323	Vineyards
Caymus Vineyards	P12-00221	Winery
Cuvaison Winery	P16-00146	Winery
Darms Lane Winery	P16-00017	Winery
DDNG Winery	P15-00379	Winery
Etude Winery	P15-00355	Winery
Farella Zoning Text Amendment	P15-00396	Other
Flora Springs Winery	P15-00111	Winery
Flynnville Wine Company	P15-00225	Winery
Fortunati Vineyards	P16-00043	Winery
Frank Family Vineyards	P13-00371	Winery
Frogs Leap Winery	P14-00054	Winery
Gardiner Horse Facility	P15-00394	Other
Grassi Winery	P14-00339	Winery
Hard Six Cellars	P16-00333	Winery
Hendrickson Family Vineyard ECPA	P15-00294	Vineyards
Laura Michael Wines	P16-00033	Winery
LMR Rutherford Estate	P16-00289	Winery
McVicar Vineyards	P15-00020	Winery
Morris Family Winery	P15-00038	Winery
Mountain Peak Winery	P13-00320	Winery
Napa Custom Crush Winery	P16-00106	Winery
New Life Adventist Church	P16-00210	Other
O'Connell Winery	P15-00053	Winery
Oak Knoll Hotel	P14-00215	County Projects
Opus One Winery	P14-00117	Winery
Palmaz Helipad	P14-00261	Other
Paul Hobbs Winery	P15-00128	Winery
Pending Winery Applications Table	NA	Winery
Pending Winery Projects Map	NA	Winery
Regusci Winery	P16-00307	Winery
Reynolds Family Winery	P14-00334	Winery
Rockridge Ranch	P15-00393	Other
Rodde Residence Driveway	P16-00383	Other
Saddleback Cellars	P16-00266	Winery

Sam Jasper Winery	P15-00077	Winery
Shed Creek Winery	P14-00346	Winery
Sleeping Giant Winery	P15-00284	Winery
Sleeping Lady Winery	P15-00423	Winery
Sodhani Winery	P14-00402	Winery
South Whitehall Lane Winery	P15-00215	Winery
St. Helena Purlieu	P15-00286	Other
Sugarloaf West Erosion Control Plan	P15-00118	Vineyards
Taylor Family Vineyards	P15-00291	Winery
Taylor Residence	P16-00143	Other
The Carneros Inn	P15-00190	Other
Theorem Vineyards Track I Erosion Control Plan	P14-00397	Vineyards
Truchard Winery	P14-00330	Winery
Upper Valley Recycling	P16-00180	Other
Vangone Vineyards	P15-00399	Vineyards
Vincent Arroyo Winery	P16-00327	Winery
Washington Street Winery	P16-00083	Winery
Yountmill Vineyards Winery	P15-00378	Winery

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Technical Memorandum

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

January 23, 2017

Prepared for:

Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, CA 94102-4421

Summary and Conclusions

The Raymond Vineyards proposes to add the Ticen Ranch to its operations and change operations in various ways. The changes that could be most significant from a hydrogeologic perspective include the leach field expansion, increased paved area for parking and a driveway, and the channeling of runoff into drainage channels.

The proposed changes at the Raymond Vineyards could have three potentially significant impacts to hydrogeologic resources in the area. First, expansion of the leach fields may cause significant seepage of wastewater to downgradient or downstream locations. The low vertical infiltration capacity and the existence of a mottle layer in the soils could prevent seepage from percolating below about 36 inches. Wastewater seepage could follow the path of least resistance and flow laterally to the nearest wells or potentially form downgradient seeps.

Second, increased impervious area could decrease recharge in a portion of Napa Valley that has experienced groundwater level decreases. The project would increase impervious area through increased parking lots and the paving of a driveway by about two acres. Recharge could decrease by as much as two acre-feet which could have localized impacts on the water table and contribute cumulatively to overdraft in the Napa Valley. Channelized runoff could also decrease recharge because the runoff would leave the site much faster than it currently does by overland flow, which has much more opportunity to recharge.

Third, the increased runoff from impervious areas could increase erosion and sediment transport. Overflows from proposed best management practice facilities may cause additional

runoff. Also, the runoff funneled into drainage channels that do not currently exist or that do not carry the expected runoff could erode and cause downstream sediment pollution.

Because of these potentially significant impacts, the project should not be considered for approval until an environmental impact report (EIR) is prepared and a much more detailed hydrogeologic study is completed. The revised study should assess the three factors outlined in this review. The revised study should also propose mitigation as proposed herein.

Introduction

This memorandum reviews project documents for the proposed Raymond-Ticen Ranch Winery Major Modification, Application #P15-00307. The documents include the Initial Study Checklist prepared by the County of Napa with discussion (hereinafter Checklist), project drawings in Use Permit Exhibits for Raymond Winery (hereinafter referred to as a Sheet number) and supporting documents including Summit (2016a and b, 2015). The checklist and project drawings had been provided on the County webpage (http://countyofnapa.org/Pages/DepartmentContent.aspx?id=4294984715) and the supporting documents were subsequently provided directly by the County Planner to Shute, Mihaly and Weinberger.

My experience includes a Ph.D. and M.S. in Hydrology/Hydrogeology from the University of Nevada, Reno, and a B.S. in Civil Engineering from the University of Colorado. I have approximately 23 years of experience consulting and researching hydrogeology, including groundwater modeling and contaminant transport. My curriculum vitae is attached after the reference section.

Proposed Project

The proposed project would allow various modifications to the development of the adjoining Raymond and Ticen Ranch properties. It would allow an increase in employees, the development of additional parking area, the development of a paved driveway, and change some of the existing facilities to other uses. Some of the changes would legitimize changes that have already occurred, but were not permitted, at the Raymond ranch. The project would add the Ticen Ranch parcel to the Raymond winery operation and effectively merge the two lots. Between the two sites, the parking would increase to 150 stalls for a total increase of 61 stalls. The project would also expand operating hours.

The project area is on the Napa Valley Floor in a relatively flat area, with slopes generally not exceeding 5% (checklist p 8 of 39). It drains to the Napa River and lies with the St Helena unit of the Napa River Valley.

Leach Field Expansion

The proposal would expand the existing septic system. Question e under section VI, Geology and Soils (checklist, p 16 of 39), is "[H]ave soils incapable of adequately supporting the use of septic tanks or alternative waste disposal systems where sewers are not available…". The checklist marks "less than significant impact" for this question, but the discussion in the checklist provide no facts or details to support this conclusion.

The underlying soil at both project parcels is Pleasanton loam which "generally has severe limitation in use for septic system absorption fields" (Id.). The discussion states that the "proposed project plans and wastewater feasibility study" have "planned improvements"… "based on a percolation rate of 0.6 gallons her (sic) square foot per day" (Id.). There would be "an expanded, primary on-site leachfield of 8,000 square feet in the vineyard areas to the south of the existing winery building" and "a 16,000 square foot reserve area in the same general location" (Id.). The site plan shows these areas, but it is not clear what a "reserve area" would be; it is within existing vineyards, so it is essential to describe whether it would be a leach field or not.

The checklist discussion provides no data to support the percolation rate but references a wastewater feasibility study (Summit 2016a). Enclosure C of Summit (2016a) is a Soil Site Evaluation Report which provides observations about the soils. It states that the soil application rate would be 0.6 gallons/ft^2/day, but this was not based on a percolation test (Summit 2016a, Site Evaluation Report, p 1). The design rate (which converts to 0.08 ft/d) would indicate a leachfield sized to 8000 ft^2 as proposed. However, the infiltration rate is relatively low and other problems could occur. The horizontal conductivity likely exceeds the vertical conductivity, so there is likely a tendency for flow to move horizontally. As infiltration moving vertically reaches the water table, it will accumulate, forming a small mound on the groundwater table, and begin to flow horizontally. A significant waste water loading could result in horizontal seepage from under the leach field rather than vertical flow toward the groundwater. The Site Evaluation Report indices the usable soil depth ranges to 36 inches, based on seven test pits over the proposed leach field and the extra area.

The basis that usable soil depth is 36 inches is based on the level at which mottling was observed (Summit 2016a). Mottling occurs due to soils being wet for an excessive period. It can result from seasonal high water tables. "Soil mottling occurs when soils are frequently wet for long periods of time. In water-logged soils, oxygen moves through too slowly to aerate the

soil"[1]. The soils proposed for the leach fields naturally have low infiltration, and they have been irrigated for vineyards. Poor drainage of irrigation water likely caused the observed mottling. It is evidence that water does not infiltrate deeply beneath the vineyards. It is therefore likely that leach field seepage would flow horizontally to either a well or surfaced water discharge point including possibly forming new seeps downgradient. Soils into which leach field seepage can only penetrate 36 inches due to poor drainage would provide very poor conditions for a leach field.

The Site Evaluation Report simply notes there are no water sources within 100 feet of the proposed leach field but does not provide any measurements. The application suggests there are five groundwater wells onsite (application, p 14 of 22). The Water Availability Analysis (Summit 2016b) shows four wells on the two parcels with the closest being about 600 feet from the leach field. Section XVIII, Utilities and Service Systems, claims the leach field will be "outside required setbacks from wells so as to prevent contamination of groundwater and surface water" (checklist p 37 of 39). As discussed in the previous paragraph, the limited vertical infiltration and the probable tendency for horizontal flow, 600 feet is not a sufficient setback from a hydrologic perspective because mounding under the leach field could cause waste water seepage to flow substantial horizontal distances and put water sources at risk at a distance from the fields. It is difficult to be certain how far it could flow without a detailed modeling analysis calibrated with much better tests than presented in Summit (2016a). But, based on my experience, it is reasonable to expect the flow to go a thousand feet or more if the source lasts sufficiently long.

Additionally, setbacks do not protect groundwater; they protect specific wells. A leach field could create a contaminant plume that could foul groundwater resources and would prevent future well development in the area.

The proposed leach field site is a poor location for disposing waste water. The analysis presented in support of it is insufficient to have confidence there will not be substantial horizontal movement of waste water. To the contrary, for the reasons set forth above, it is highly likely that there will be substantial horizontal movement of wastewater and that this movement could result in a potentially significant environmental impact. Accordingly, considered for approval until an EIR) is prepared that includes the following additional analyses:

- A more detailed analysis of flow beneath the leach fields is necessary. Specifically, a model analysis that considers the potential for vertical and horizontal flow is necessary.

[1] http://www.forestry.alabama.gov/Publications/TREASURED_Forest_Magazine/2012%20Fall/Bottomland%20Oaks%20.%20.%20.%20Landowners%20Should%20Examine%20the%20Soil%20When%20Planting.pdf

The model should consider the potential for unsaturated flow and the development of a saturated layer at the mottling depth.

- The detailed flow analysis should be calibrated with detailed unsaturated conductivity estimates.
- The leach field should be resized according to the results of the revised analysis.
- Groundwater monitoring wells should be installed downgradient and beneath the leach field site to verify it does not contaminate groundwater. The wells should be monitored quarterly for at least two years to verify the leachfield's operation.

Reduced Groundwater Recharge

The project would increase impervious area on the site and thereby increase runoff and decrease groundwater recharge. Checklist section IX, Hydrology and Water Quality, question b asks whether the project would "interfere substantially with groundwater recharge" (Check List p 22) such that it could lower the local groundwater table. The checklist indicates "less than significant impact" without justification. The project documents do not analyze or estimate any changes in recharge rate. This is important because the project area lies on one of the major recharge areas identified in Luhdorff and Scalmanini (2011), a County contracted study of groundwater conditions in the area. As shown below, the area has observed some drawdown.

The project would add 50 parking spaces to the existing parking area at the Raymond parcel and 11 stalls at the Ticen parcel. There would also be a new driveway added to access the site from Hwy 29 constructed over an existing gravel road. The checklist does not quantify the area to be paved other than to note that less than a half-acre of vineyard would be converted to parking and driveway (p 24). The stormwater analysis (Summit 2015) provides acreage estimates for areas draining to various best management practice (BMP) facilities. The following figure describes the areas as described by Summit (2015).

DMA 1A, totaling 16,553 square feet of asphalt concrete and draining to a self-treating area consisting of agricultural rows and grass. The impervious asphalt concrete roadway is less than 5% of the area receiving stormwater. Relatively flat surface in the receiving area provides infiltration and treatment opportunities.

DMA 1B, totaling 39,205 square feet of asphalt concrete and draining to a self-treating area consisting of agricultural rows and grass. The impervious asphalt concrete roadway is less than 5% of the area receiving stormwater. Relatively flat surface in the receiving area provides infiltration and treatment opportunities.

DMA 2, totaling 5,306 square feet, is comprised of asphalt concrete and concrete surfacing. DMA 2 drains to Stormwater Control Measure LIDF 1.

DMA 3, totaling 2,730 square feet, is comprised of asphalt concrete. DMA 3 drains to Stormwater Control Measure LIDF 2.

DMA 4A, totaling 7,952 square feet, is comprised of asphalt concrete. DMA 4A drains to Stormwater Control Measure LIDF 3.

DMA 4B, totaling 7,676 square feet, is comprised of asphalt concrete. DMA 4B drains to Stormwater Control Measure LIDF 4.

DMA 7, totaling 4,840 square feet, is comprised of asphalt concrete. DMA 4C drains to Stormwater Control Measure LIDF 5.

Figure 1: Description of drainage areas from Summit (2015)

The proposed additional impervious area just listed totals 84,262 ft^2, or 1.93 acres. The Stormwater Control Plan Project Data Table shows (Summit 2015, Table 1) the total post-project and total new and replaced impervious surface area will equal 93,529 ft^2 or 2.15 acres; it also states the total pre-project impervious surface area is 4365 ft^2, or 0.1 acres. Additional impervious area at the site would increase runoff and decrease groundwater recharge.

Figure 1 lists BMPs proposed to treat the runoff from the various areas. A "self-treating area" is essentially allowing the runoff, mostly from the driveway (Checklist, p 22), to drain onto a field or lawn and allowing it to infiltrate there (BASMAA 2014). Grass-lined swales would convey up to 100-year flows away from the site. The plan is for excess runoff to infiltrate into the soils on the site.

A bioretention facility is essentially a tub with various gravel and soil layers to filter out contaminants prior to discharging through a drain pipe to a surrounding swale or discharge pipe (BASMAA 2014). The 50-space parking lot would drain to three bio retention facilities (Checklist p 22, sheet UP7, Summit 2015). The area of the facilities are designed to be "four percent of the corresponding conveying drainage management area, as a means to capture and treat and allow soil infiltration of stormwater runoff from proposed new parking areas on both parcels" (Checklist, p 22).

Some new walking pathways would be constructed of pervious surfaces, but the checklist does not state how many or where they would be (Checklist p 23, 37).

These practices might mitigate some lost recharge, but the application does not describe any savings, and incidental savings are likely to be low. As noted above, the soils underlying the property have a 0.08 ft/d infiltration rate, so applying excess water to the soil is unlikely to increase infiltration much. Bioretention facilities are not lined so a small amount of water may infiltrate through their bottoms, but when sized at just 4% of the parking lot area (Summit 2015) and filled with gravels as a filter, they are likely to overflow rather than allow much infiltration. The description does not provide a volume for the basins so it is not possible to assess residence time and overflow.

The project area lies in part of Napa Valley that has experienced groundwater drawdown. Figure 2 is a groundwater level graph from Luhdorff and Scalmanini (2011) for the well closest to the project site. Beginning in about 2007, the water levels began to decrease with time. This is prior to the beginning of the current drought, which indicates it is probably related to water use. The groundwater level monitoring reflects cumulative impacts of groundwater use in the valley, and the decreased recharge caused by this project would increase the groundwater deficit demonstrated in Figure 2. The project documents do not address this issue at all.

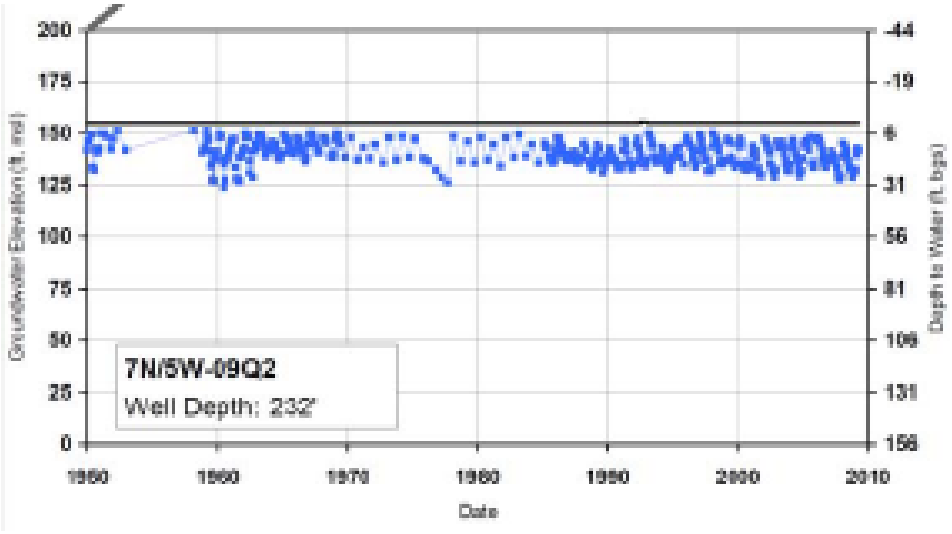

Figure 2: Snapshot from Figure 4.2 Luhdorff and Scalmanini (2011) showing the groundwater levels for well 7N/5W-09Q2.

The increased impervious area is near the winery and other project facilities. It represents a cumulative additional loss of pervious land in the Napa Valley. The resultant environmental impacts are, at the very least, potentially significant. Accordingly, before the County considers whether to approve this permit, an EIR must be prepared that includes the following analyses:

- The project should analyze the lost recharge from increasing impervious areas by two acres. It is at least a loss of two acre-feet of recharge based on the one acre-foot per acre water use rate used by Napa County for limiting water use applies at this project area (Summit 2015).
- The project should analyze additional lost recharge due to faster runoff. As discussed in the next section, the drainage patterns would funnel overland flow into drainage channels so that it would leave the site and reach larger drainages more quickly than under natural conditions. This would significantly decrease the potential for recharge to occur from the runoff.
- The project should identify appropriate mitigation for the lost recharge. This could include use of pervious pavements underlain by a gravel drainage area to increase the seepage rate into the groundwater and larger retention basins or bioretention facilities to increase the recharge of the project. The project should design the driveway to maintain the overland flow nature and potential recharge of the runoff.

Impacts to Drainage Patterns

With one exception on sheet UP6, the application does not identify the location of drainage swales from the existing development or proposed in conjunction with the proposed project. There is no indication as to where the bio retention basins would overflow. It is not possible to assess drainage patterns without accurate mapping of the existing and proposed drainages.

The new driveway access would interrupt the "existing sheet flow pattern" for "runoff from the vineyard rows on the Ticen Ranch Parcel" that "currently sheet flows to the southwest" and to the Napa River (Checklist, p 22). The proposed road improvements would include installation of a landscaped swale along the access road "as a means to receive and treat runoff sheet flowing from the vineyard rows on the Ticen Ranch parcel" (Id.). The map on sheet UP6 shows the swale along the road and also shows at least two small culverts to convey drainage under the road. The driveway effectively funnels sheet flow from areas draining to the road for several hundred feet on either side of the culvert to the culvert where it presumably enters a drainage channel downstream of the driveway. The map does not show the channel on the downstream side of the driveway. The existing contours (sheet UP6) show very gentle existing swales of no more than a foot or so of depth downstream of the driveway.

The stormwater control plan (Summit 2015) does not estimate runoff rates. Runoff rates and volumes are necessary for completing water balance analyses for the bioretention facilities and for estimating whether there will be overflow. Runoff rates to the "self-treating areas" are necessary to size the areas and to understand how much will infiltrate and how much will runoff. Neither the checklist discussion nor any of the supporting documents (Summit 2016a or

b, 2015) estimate the runoff, discuss where it will go or whether the receiving facilities are sufficient to handle it. Also, neither the checklist discussion nor any of the supporting documents (Summit 2016a or b, 2015) discuss the potential for downstream erosion that could occur due to the road funneling overland flow through a culvert.

In summary, neither the checklist nor the supporting technical documents provide adequate analysis of the project's increased stormwater flow and related impacts. As described above, the available information does indicate, at the very least, the potential for several significant effects on the environment. Accordingly, before the County considers whether to approve the project, an EIR must be completed that includes the following analyses:

- The stormwater plan should analyze and present stormflow rates and volumes.
- The plan should analyze whether increased flow in drainages would cause erosion or sediment transport downstream.
- The project should mitigate potential erosion by increasing the number of culverts under the driveway to allow the flow to better resemble the overland flow that currently occurs.

References

Bay Area Stormwater Management Agencies Association (BASMAA) 2014 BASMAA Post-Construction Manual, Design Guidance for Stormwater Treatment and Control for Projects in Marin, Sonoma, Napa, and Solano Counties.

Luhdorff and Scalmanini Consulting Engineers (L&S) (2011) Napa county groundwater conditions and groundwater monitoring recommendations, Prepared for Napa County Department of Public Works, Final Report February 2011

Summit Environmental (2016a) Wastewater Feasibility Study for Raymond Vineyards. Revised January 15, 2016. Santa Rosa CA

Summit Environmental (2016b) Water Availability Analysis, Raymond Vineyards, Napa California. Revised January 26, 2016. Santa Rosa CA

Summit Environmental (2015c) Stormwater Control Plan for a Regulated Project, Raymond Vineyards, September 14, 2015. Santa Rosa CA

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Curriculum Vitae

Objective: To provide diverse research and consulting services to nonprofit, government, legal and industry clients focusing on hydrogeology specializing in mine dewatering, contaminant transport, natural gas development, groundwater modeling, NEPA analysis, federal and state regulatory review, and fluvial morphology.

Education

Years	Degree	University
1992-96	Ph.D. Hydrology/Hydrogeology	University of Nevada, Reno Dissertation: Stochastic Structure of Rangeland Streams
1990-92		University of Arizona, Tucson AZ Classes in pursuit of Ph.D. in Hydrology.
1988-90	M.S. Hydrology/Hydrogeology	University of Nevada, Reno Thesis: Stream Morphology, Stability and Habitat in Northern Nevada
1981-83		University of Colorado, Denver, CO Graduate level water resources engineering classes.
1977-81	B.S., Civil Engineering	University of Colorado, Boulder, CO

Professional Experience

Years	Position	Duties
1993-Pr.	Hydrologic Consultant	Completion of hydrogeology studies and testimony focusing on mine dewatering, groundwater modeling, natural gas development, contaminant transport, NEPA review, and water rights for nonprofit groups and government agencies.
1999-2004	Great Basin Mine Watch, Exec Director	Responsible for reviewing and commenting on mining projects with a focus on groundwater and surface water resources, preparing appeals and litigation, organizational development and personnel management.
1992-1997	Univ of NV, Reno, Res. Assoc.	Research on riparian area and watershed management including stream morphology, aquatic habitat, cattle grazing and low-flow and flood hydrology.
1990-1992	U of AZ, Res. and Teach. Assistant	Research on rainfall/runoff processes and climate models. Taught lab sections for sophomore level "Principles of Hydrology". Received 1992 Outstanding Graduate Teaching Assistant Award in the College of Engineering
1988-1990	U of NV, Reno Res. Asst	Research on aquatic habitat, stream morphology and livestock management.
1983-1988	US Bureau of Reclamation Hydraulic Eng.	Performed hydrology planning studies on topics including floodplains, water supply, flood control, salt balance, irrigation efficiencies, sediment transport, rainfall-runoff modeling and groundwater balances.

Peer-Reviewed Publications

Myers, T., 2016. A modeling approach to siting mine facilities in northern Minnesota USA. *J Hydrology* 533: 277-290. Doi: 10.1016/j.jhydrol.2015.12.020

Myers, T., 2013. Remediation scenarios for selenium contamination, Blackfoot Watershed, southeast Idaho, USA. *Hydrogeology J.* DOI 10.1007/s10040-013-0953-8

Myers, T., 2013. Reservoir loss rates from Lake Powell and their impact on management of the Colorado River. *Journal of the American Water Resources Association*. DOI: 10.1111/jawr.12081.

Myers, T., 2012. Potential contaminant pathways from hydraulically fractured shale to aquifers. *Ground Water* 50(6): 872-882. doi: 10.1111/j.1745-6584.2012.00933.x

Myers, T., 2009. Groundwater management and coal-bed methane development in the Powder River Basin of Montana. *J Hydrology* 368:178-193.

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Special Coursework

Years	Course	Sponsor
2011	Hydraulic Fracturing of the Marcellus Shale	National Groundwater Association
2008	Fractured Rock Analysis	MidWest Geoscience
2005	Groundwater Sampling Field Course	Nielson Environmental Field School
2004	Environmental Forensics	National Groundwater Association
2004 and -5	Groundwater and Environmental Law	National Groundwater Association

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December 16, 2015

Sent by Electronic & U.S. Mail

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Re: Napa County Code Enforcement Action Against Raymond Vineyards

Dear Chairs and Members of the Board of Supervisors and Planning Commission:

This firm represents Beckstoffer Vineyards in matters related to the repeated, flagrant, and longstanding violations of Napa County land use regulations by Raymond Vineyards ("Raymond"). Over the past four years, Raymond has profited tremendously from its unlawful actions, to the detriment of the County's law-abiding residents and business. Thus far, however, the County has all but ignored these violations.

Accordingly, and on behalf of Beckstoffer Vineyards, we urge the County to take prompt and effective enforcement action against Raymond. As detailed below, ***first***, the County should "Red Tag" and require Raymond to remove the unauthorized improvements it made to convert over 10,000 square feet of office and production space into four accessory hospitality and tasting rooms. ***Second***, the County should deny any request to authorize these uses "after-the-fact" for a period of time equal to the number of years that Raymond has used these facilities illegally.

Acting upon this request does not require the County to address direct-to-consumer activity, visitation, or other difficult policy issues that the County has been

wrestling with. Instead, my clients simply ask that the County enforce its own existing rules, as has been requested by numerous Napa organizations and individuals.

There has been much discussion about "after-the-fact" approval of unauthorized winery improvements and if they would have been allowed had the requesting winery sought use permit approval at the time the improvements were implemented or even under current rules. County policy, as stated in the original Winery Definition Ordinance ("WDO"), requires that an "accessory" use must be clearly incidental, subordinate, and related to the primary "agricultural" use and cannot change the character of that primary use.

In 2009, new owners purchased Raymond Vineyards from the Raymond family. The Raymond facility was, at that time, a traditional winery production facility. We understand that, in 2011, the new owners made the unauthorized improvements. In 2012, at a Napa County Planning Commission meeting, Jeff Redding, consultant to Raymond, stated that, in light of the unauthorized improvements, the winery was now serving a "hospitality function." Thus, by their own admission, Raymond's new owners changed the basic character of the facility with the 2011 improvements. They did so without requesting a use permit. Had they requested such a permit in 2011, the County would have had to deny it, because the WDO did not authorize conversion of wineries into hospitality facilities. That same prohibition applies today. Thus, these unauthorized improvements should be "red tagged" and removed.

We recognize that Raymond is not the only winery that has violated County regulations or permit requirements. We are also aware that, on at least two recent occasions where the County considered requests for other "after-the-fact" winery permits, some of you expressed concern that it might be excessively punitive to require wineries to remove unpermitted uses.

However, there is nothing punitive or unfair about the County simply requiring a property owner to comply with the law or preventing those who violate the law from unjustly enriching themselves at the public's expense. Nor is there any valid claim that doing to so would deprive Raymond of equal protection under the law. This is particularly so given the seriousness of Raymond's violations, which are neither isolated incidents nor minor mistakes. To the contrary, it appears that, following their purchase of the facility in 2009, Raymond's new owners made a series of deliberate decisions not to follow those rules—and to see if they could get away with it.

Our client finds the County's failure to take enforcement action against Raymond especially troubling because, two years ago, when his business endeavored to

construct much-needed farm-worker housing without securing all needed permits, the County promptly "red-tagged" the unit and stopped all construction until permits were obtained.

The County clearly has the legal authority to take similar action against Raymond. We respectfully submit that it also has an obligation to do so, not only as a matter of fundamental fairness and equal treatment of our clients, but also as a matter of sound public policy and basic good government.

At the very least, if County leaders are not willing to take such enforcement action against Raymond, they should publicly explain why it is appropriate to red-tag much needed farm-worker housing, but somehow not appropriate to take similar action against Raymond. Concerned residents, business owners, and other similarly situated wineries can then take appropriate action in response.

Taking enforcement action against Raymond alone, however, is not enough. The Napa County Grand Jury, leading voices in the County's agricultural community, and the Board's own Agricultural Protection Advisory Committee ("APAC") have posed similar questions as our clients and also come to the same conclusion: The County's failure to enforce its existing laws is encouraging some property owners to take the law into their own hands and determine which County rules to comply with, and which to ignore.

Accordingly, in addition to taking prompt enforcement action against Raymond, the County should also establish a clear and firm time-table for developing and implementing the enforcement measures recommended by APAC, the Napa County Grand Jury, and the Wine Industry Task Force.

I. Raymond has a long history of significant use permit violations.

Raymond has been operating in Napa County since 1973. The governing permit for the winery is the 1991 Raymond Vineyards Winery Use Permit, File No. U-98-46 ("1991 Use Permit"). We understand that, in 2009, Jean-Charles Boisset purchased Raymond Vineyards, subject to the 1991 Use Permit.

The Napa County Code (Code) expressly prohibits "expansion of uses or structures beyond those which were authorized by a use permit," unless those expansions are authorized by a subsequent use permit. *See* Code § 12201(i). Any winery seeking to expand its uses or structures must first apply for, and receive, a major modification of its use permit. Code § 18.124.130(A). If the County approves the application and issues the

modified use permit, the winery owner must also obtain a certificate of occupancy which, once granted, authorizes the permitted activities to commence. *See* Cal Code Regs. tit. 24, §§ 3408.1-3408.2.

Despite these clear requirements, and without first obtaining a use permit modification, Raymond made extensive interior improvements to its facilities in 2011. Perhaps most disturbingly, Raymond converted approximately 10,679 square feet of office and production space into accessory hospitality and tasting rooms with themed names, including what Raymond currently refers to as the Rutherford Room, Library Room, Barrel Cellar, Crystal Cellar, Saddle Room, and Red Room ("Interior Improvements").

Raymond also made several unauthorized exterior improvements to the subject property, including adding an outdoor visitation area, several outbuildings for the Theater of Nature Walk, and the Frenchie Winery structure used for visitors' pets. Collectively, these unauthorized improvements fundamentally changed the character of the entire facility.

In July 2011, Raymond applied *post hoc* for a major modification of the 1991 Use Permit to authorize these new improvements after-the-fact. It later submitted revised applications in December 2011, May 2012, and February 2014. We understand that Raymond then withdrew this application a year later. In late October 2015, our client received a "courtesy notice" from County staff that Raymond had submitted a new application for an even more extensive major modification to its use permit. *See* Major Modification to Use Permit Application #P15-00307—MOD.

The County has considered Raymond's applications intermittently since late 2011. However, to our knowledge, while County staff has implicitly acknowledged the need for appropriate enforcement action, the County has not actually taken any such action. Nor has the County approved any of the requested permit modifications.

For instance, in July 2014, staff observed that "[t]he property owner is likely incurring substantial potential liability by allowing customers and employees into areas that have no grant of beneficial occupancy for the use occurring, and likely do not comply with [other applicable codes]. . . . [A]llowing customers into the 'Red Room,' 'JCB Lounge,' and other areas where no building permits have been authorized *needs to be remedied as soon as possible*." Planning Commission Board Agenda Letter re Raymond Vineyards Use Permit Modification #P11-00156 (July 16, 2014) at p. 8 (emphasis added).

A month later, staff wrote that if Raymond' "after the fact" permit were denied, Raymond "*would need to revert tasting areas and site improvements to that shown in the 1991 permit*." *See* Napa County Planning Commission Board Agenda Letter re Raymond Vineyards Use Permit Modification #P11-00156 (Aug. 20, 2014) at p. 3 (noting that, "[i]f the [Planning] Commission were to deny the request [for permit modification], the result would simply be that the facility . . . would need to revert tasting areas and site improvements to that shown in the 1991 permit") (emphasis added).

Despite these acknowledgments, County staff ultimately recommended that the Planning Commission *approve* Raymond's request for an after-the-fact permits. In the end, however, the County failed either to take any appropriate enforcement action or to grant the requested permits. As a result of the County's inaction—and notwithstanding Raymond's failure to first obtain the required permit modification and certificate of occupancy—Raymond has continued to utilize its unauthorized Interior Improvements for tastings and hospitality events since 2011. Raymond has also continued to use its unauthorized exterior improvements for hospitality purposes.

II. The County should take prompt enforcement action against Raymond.

Given Raymond's cavalier pursuit of unpermitted expansions and uses, the County should not simply ignore these violations while it processes Raymond's most recent after-the-fact permit application. Instead, the County should take prompt and effective enforcement action against Raymond.

Raymond has no legal right to utilize its unauthorized interior and exterior improvements for hospitality purposes that are not authorized by its existing use permit. Moreover, there is no compelling reason for allowing Raymond to do so, particularly given the scope and scale of its violations.

We note that, despite calling for the prompt remedying of Raymond's violations, some prior staff assessments have appeared to offer excuses for Raymond's actions. *See* Planning Commission Board Agenda Letter re Raymond Vineyards Use Permit Modification #P11-00156, July 16, 2014, p. 2-3 (asserting that "expansion of both by-appointment interior tasting rooms and outdoor visitation areas have been somewhat common at many other pre-WDO facilities, and appear to be necessary for the businesses to stay current with market trends"). That agenda letter went on to compare Raymond's Interior Improvements to a similar expansion at the Marini Winery, which had "no code violations and ha[d] yet to implement the approved changes to their permit." *Id*. at p. 3.

However, this comparison of the Raymond and Martini expansions takes exactly the wrong approach to winery enforcement issues and highlights the problems that result from doing so. While Raymond and Martini may have had similar reasons for seeking expansion, their approaches differed at a fundamental level: *Martini proceeded legally*, first seeking a use permit modification and then altering its winery uses accordingly only after it obtained the required permit. *Raymond proceeded unlawfully,* first making substantial unpermitted and unauthorized changes to its facility, and only later seeking permission for those improvements after-the-fact. Because the approach taken by these two wineries is not the same, the County's treatment of the two wineries must not be the same.

As Justice Frankfurter long ago explained in an analogous context, "[i]f one man can be allowed to determine for himself what is law, every man can. That [leads to] chaos . . . ." *United States v. United Mine Workers,* 330 U.S. 258, 312 (1947). If law-breakers receive the same treatment for their unpermitted activities as do winery owners who seek all required permits before undertaking those activities, what incentive to property owners have to comply with the County's permitting process? Why does the County have a Code if it is not willing to enforce its requirements?

As noted above, my clients are not alone in posing these questions. In recent months, the Napa County Grand Jury, leading voices in the County's agricultural community, and the Board's own Agricultural Protection Advisory Committee ("APAC") have posed similar questions and also come to the same conclusion: The County's failure to enforce its existing laws is encouraging some property owners to take the law into their own hands and determine which County rules to comply with, and which to ignore.

Now is the time to put a stop to that behavior. Failure to do so will only lead to more of the chaos predicted by Justice Frankfurter, more violations by businesses that seek an advantage from ignoring the law, and more voices calling for the County to enforce its laws.

In short, taking effective enforcement action against Raymond is legal, proper, and fair, and it will send a clear message to Raymond and other similarly situated parties that they must comply with the County's laws. To that end, my client requests that the County require Raymond to remove all of the unauthorized Interior Improvements on the property and to restore these areas to the uses shown and authorized on the 1991 Use Permit. *See* Code §§ 18.144.030, 18.144.040.

In light of Raymond's sustained history of permit violations and the unfair advantages resulting them, the County should also reject Raymond's current major

modification use permit application and not approve any future such applications for a period equal to the time of unpermitted activity (i.e., not less than four (4) years).

III. The County should also commit to a firm time-table for developing and implementing an effective enforcement protocol.

Taking enforcement action against Raymond alone, however, is not enough. As documented by the Grand Jury and APAC reports, the County presently lacks sufficient mechanisms even to detect many Code violations, and its current level of winery audits and enforcement staffing is insufficient.

APAC strongly encouraged County officials to "[b]e consistent in the interpretation, application and enforcement of all use permits." *See* APAC, Final Report, Recommendations to the Planning Commission, Aug. 24, 2015, p. 4. APAC further urged the County to strengthen its permitting process, explaining that "[a]llowing wineries to continue to violate permit requirements while pursuing permit modifications to come into compliance creates an unfair business advantage, allows operators to continue to impact health and safety and/or the environment, and establishes a CEQA baseline that reduces the need for mitigation of potential environmental impacts." *Id.* at p. 10.

The Napa Valley Grapegrowers, the Napa Valley Vintners and Winegrowers made similar requests and recommendations at the joint Planning Commission and Supervisors meeting held on March 10, 2015. Their "Statement of Purpose," paragraph 4 states: "County enforcement of restrictions contained in the WDO and winery use permits is currently inadequate. In this environment, any code changes relaxing restrictions on wineries' activities may serve to encourage further expansion of disallowed activities. For any recommended changes to be effective, the County must implement an effective enforcement plan." Numerous individuals and other organizations have asked this at various County meetings and in letters to the editor to local newspapers.

Accordingly, the County should also establish a clear and firm time-table for developing and implementing these and other similar enforcement measures recommended by APAC, the Napa County Grand Jury, and the Wine Industry Task Force. This will also send a clear message that the County will treat similarly situated wineries—both those who choose to comply with the law, and those who choose to violate it—in an equal fashion.

Thank you for your attention in this matter.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Robert "Perl" Perlmutter

cc: Andy Beckstoffer
Minh Tran, County Counsel
Laura Anderson, Deputy County Counsel

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UPDATED TRAFFIC STUDY
FOR THE PROPOSED

RAYMOND VINEYARDS WINERY
USE PERMIT MODIFICATION
#P11-00156

Napa County, CA

April 5, 2013

Prepared by:
Omni-Means, Ltd.
Engineers & Planners
1901 Olympic Blvd., Suite 120
Walnut Creek, CA 94596

R1557TIA002 / 35-5629-01

omni · means
ENGINEERS · PLANNERS

UPDATED TRAFFIC STUDY FOR THE PROPOSED RAYMOND VINEYARDS WINERY USE PERMIT MODIFICATION #P11-00156

APRIL 5, 2013

PREPARED BY:

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35-5629-01
(R1557T1A002.DOC)

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April 5, 2013

Raymond Vineyards
c/o Mr. Jeff Redding, AICP
2423 Renfrew Street
Napa, CA 94558

Subject: *Updated Traffic Analysis for the Raymond Vineyards Winery Use Permit Modification P11-00156*

Dear Mr. Redding:

The enclosed report presents the findings of the updated traffic analysis conducted for the proposed use permit modification #P11-00156 for the Raymond Vineyards Winery located at 849 Zinfandel Lane in Napa County. The report has incorporated additional data and analyses regarding traffic operations that were obtained subsequent to the original report in regard to potential traffic issues as identified by County staff.

The scope of the analysis was expanded to include the evaluation of additional traffic generating scenarios, including existing, current permitted use, approved developments, and cumulative (buildout) conditions. The study determined that additional trips associated with the use permit modification above existing volumes would not significantly impact operations when combined with the infrastructure improvements that are planned as part of the use permit modification request, additional recommendations set forth herein, and participation in any future network improvement funding program that may be implemented by the County as outlined in the policies of the General Plan Update.

In addition to operational analyses, this report evaluated the Zinfandel Lane/Wheeler Lane intersection for installation of turn lanes. Based on the Napa County warrants, the existing and future volumes are above the threshold levels for installation of a left turn lane on Zinfandel Lane. It is our understanding that installation of a left turn lane is included as part of the modification request.

Several other recommendations to help reduce vehicle trips and address any potential parking issues associated with large events have also been presented.

Forecast cumulative volume increases based on the Napa County General Plan Update travel model are quite large. Historical volume data for previous years indicates volumes are not increasing at the forecasted rate. However, the County has adopted measures to proactively address potential volume growth. Such measures include trip reduction strategies and possible implementation of a traffic impact fee. If enacted, the project should contribute a fair share as determined within the guidelines of the measure towards future circulation improvements.

I trust that this report responds to your needs. Please feel free to call me with any questions or comments after your review.

Sincerely,

George Nickelson

George W. Nickelson, P.E.
OMNI-MEANS, Ltd.
Engineers & Planners

R1557TIA002.doc/35-5629-01

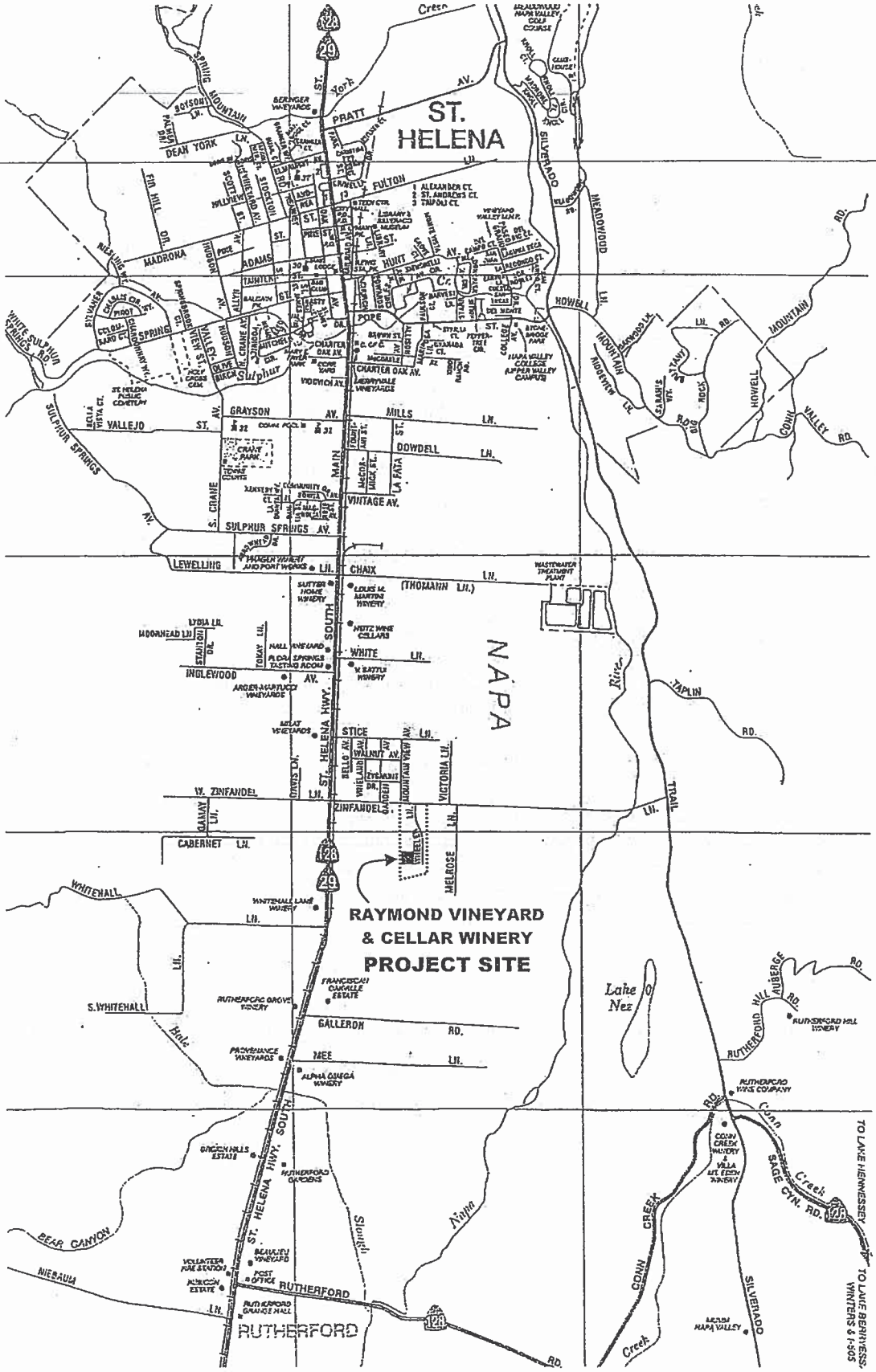
1. INTRODUCTION

This report presents a focused traffic analysis for the proposed Raymond Vineyards Winery Use Permit Modification (#P11-00156) to the current use permit for the winery located at 849 Zinfandel Lane in Napa County. (The site location and project vicinity is shown in Figure 1). This updated report reflects additional data and analyses based on further project information and comments received for the prior traffic study ("Traffic Analysis for the Raymond Vineyards Winery Expansion Project" dated November 16, 2011) submitted in November, 2011. This study also expands the analyses to include the additional scenarios of near term conditions (approved development) and cumulative (Buildout 2030) conditions, in addition to the existing conditions.

Information and data from the original study was supplemented with new information where available. The new information was derived from multiple sources, including a combination of Napa County guidelines, winery data, and field conducted surveys. The original information was substituted with new information when it was felt the new information provided more accurate or up-to-date data for the analysis.

The proposed use modification request (referred to as the "project") consists of modifying the current use permit to include the following primary traffic generating components:

- Increase visitation by 100 by-appointment to 500 total daily visitors (400 public and 100 by-appointment only);
- Increase the number of employees by 66 from 24 to 90;
- Increase production from 750,000 gallons per year as averaged over any consecutive three (3) year period not to exceed 900,000 gallons in any given year, to 1.5 million gallons per year;
- Modify an existing marketing plan for 50 additional events annually with a maximum of 8 per month to allow:
  2 events per year for up to 500 people (2 evening events);
  4 events per year for up to 250 people (3 evening events and 1 daytime event);
  6 events per year for up to 150 people (3 evening and 3 daytime events);
  12 events per year for up to 100 people (8 evening and 4 daytime events);
  26 per year for up to 50 people (18 evening and 8 daytime events).
- Increase the supply of permanent striped parking spaces to 130 total spaces.
- Construction of a left turn lane on Zinfandel Lane for the Wheeler Lane (winery access) intersection.


ST. HELENA
NAPA
RAYMOND VINEYARD
& CELLAR WINERY
PROJECT SITE
RUTHERFORD
Lake Nez
Project Vicinity Map
North
omni-means
figure 1

2. SETTING

Site Location

The Raymond Vineyards Winery is located at 849 Zinfandel Lane, approximately one-third of a mile east of State Route 29-128 in Napa County. The winery is accessed via **Wheeler Lane** which extends south from Zinfandel Lane. In addition to the winery facility, Wheeler Lane serves four private residences located between Zinfandel Lane and the winery

Zinfandel Lane is a two lane undivided rural arterial road oriented in an east-west direction across the Napa Valley connecting State Route 29-128 and Silverado Trail. Zinfandel Lane is straight and flat with 11-12 foot wide travel lanes and 2-4 feet wide paved shoulders. The road is bordered by a combination of flat unpaved areas and sloped drainage swales. The speed limit for Zinfandel Lane is 45 mph (which has been reduced from a 55 mph speed limit that was active at the time of the original traffic study). The Zinfandel Lane/Wheeler Lane intersection consists of single lane approaches with stop sign control for the Wheeler Lane approach. There is a private residential driveway that forms the north leg of the intersection.

State Route 29-128 (referred to as SR 29) is the primary north-south vehicular route through the Napa Valley region. Within the project vicinity it is a flat, straight two lane rural arterial road with 12 foot wide lanes and interspersed with sections that are undivided (double yellow centerline) and sections containing a center turn lane and/or left turn lane pockets. The speed limit is 45 mph near the Zinfandel Lane intersection. The Zinfandel Lane/SR 29 intersection has single lane approaches on Zinfandel Lane which are stop sign controlled. SR 29 has separate left turn lane pockets on the approaches to the intersection.

In addition to the winery, the surrounding land uses are comprised of a mix of vineyards, other wineries, and private residences. To the west, a residential community of approximately 100 homes is located on the north side of Zinfandel Lane between the Raymond winery and SR 29. Properties to the east of Wheeler Lane are distributed individually along both sides of Zinfandel Lane with access via private driveways or access roads.

Level of Service Concept

Traffic operating conditions are measured by Level of Service (LOS), which applies a letter ranking to successive levels of roadway and intersection traffic performance. LOS 'A' represents optimum conditions with free-flow travel and no congestion. LOS 'F' represents congested conditions with longer delays. When applied to unsignalized intersections, the LOS measurements refer to the stop-controlled minor street approaches and the major street's turning movements. (A more detailed explanation of LOS definitions is provided in Table A-1 in the Appendix.)

Napa County Significance Criteria

The County of Napa's significance criteria has been based on a review of the Napa County Transportation & Planning Agency and Napa County General Plan documentation on roadway and intersection operations. Specifically, the Circulation Element of the County's General Plan outlines the following significance criteria specific to operations:

- The County shall seek to maintain an arterial Level of Service D or better on all county roadways, except where maintaining this desired level of service would require the installation of more travel lanes than shown on the Circulation Map.

- The County shall seek to maintain a Level of Service D or better at all signalized intersections, except where the level of service already exceeds this standard (i.e. Level of Service E or F) and where increased intersection capacity is not feasible without substantial additional right-of-way.

- No single level of service standard is appropriate for un-signalized intersections, which shall be evaluated on a case-by-case basis to determine if signal warrants are met.

Further significance criteria are based on County and CEQA guidelines and apply mainly to intersection operation and access. A significant impact occurs if project traffic would result in the following:

- Cause an increase in traffic which is substantial in relation to existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume capacity ratio on roads, or congestion at intersections);
- Exceed either individually or cumulatively, an LOS standard established by the county congestion management agency for designated roads or highways;
- Result in a change of traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks;
- Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment);
- Result in inadequate emergency vehicle access;
- Project site or internal circulation on the site is not adequate to accommodate pedestrians and bicycles.

3. EXISTING TRAFFIC CONDITIONS

Existing Traffic Operations

In consultation with County staff, it was determined the traffic study would evaluate LOS operating conditions on Zinfandel Lane at the Zinfandel Lane/Wheeler Lane (project access) intersection and the Zinfandel Lane/SR 29 intersection. In order to evaluate existing conditions and establish baseline volumes for future traffic growth, daily traffic volume counts were conducted on Zinfandel Lane and peak period traffic counts were conducted on Zinfandel Lane at the study intersections. This updated study also included peak hour turning counts at the intersections between Wheeler Lane and SR 29.

The daily traffic volume counts (January 2011) identified a weekday average volume of 2,665 vehicles and a weekend average of 1,342 vehicles on Zinfandel Lane west of the project site.[1] A review of the California State Highway Department (Caltrans) volume data on SR 29 near Zinfandel Lane indicates year-to-year volumes have remained essentially unchanged for several years (or declined). Therefore it was determined that the daily counts remain applicable to the traffic study.

However, volumes within a single year are typically somewhat higher during the summer travel season. Based on the most recent Caltrans data for 2011, the peak month volumes were about 108% of an average month.[2] Thus peak month daily volumes are likely closer to 2,880 on weekdays and 1,450 on weekends.

Napa County daily volume thresholds for LOS are provided in Table A-2 in the Appendix. The existing weekend daily volumes on Zinfandel Lane are equivalent to LOS 'A' conditions (less than 2,600 ADT) and the weekday volumes are just above the minimum level of the LOS 'B' range (2,600-5,300 ADT) for a rural arterial.

Daily volumes for SR 29 were derived from Caltran's most recent Caltrans records (Year 2011). State Route 29 north of Zinfandel Lane has an average daily traffic volume of 22,500 vehicles and a peak month daily traffic volume of 24,300 vehicles.[3] These volumes are approaching the roadway's capacity based on the Napa County volume standards and would be categorized in the LOS 'E-F' range (greater than 22,300 ADT for a two lane rural arterial).

Although the volume levels indicate degraded levels of service, other factors contribute to the degraded conditions. At times, vehicle queuing of traffic on SR 29 extends south from downtown St. Helena to beyond Zinfandel Lane. At these times the queuing diminishes operating conditions at all intersections on SR 29, including Zinfandel Lane.

In order to identify peak hour conditions at the study intersections, traffic turning counts were conducted during a weekday PM commute period and a Saturday afternoon.[4] The counts were originally conducted in October 2011. The counts occurred during the harvest season when there are increased employee and production vehicle trips. However, for comparison, new counts were also conducted during the summer season (August 2012) to account for summer season conditions. The new counts also surveyed turning volumes at the intersections on Zinfandel Lane between Wheeler Lane and SR 29. The new counts also differentiated the winery trips from the single family residence trips on Wheeler Lane.

The fall season and summer season volumes were within five percent of each other. The number of existing Raymond winery trips were also similar, but there were two to five additional peak hour winery trips observed during the summer counts compared to the autumn counts. Therefore, the more recent August 2012 counts were utilized for this study. The peak hour volumes within the weekday and weekend peak period counts were identified and are shown in Figure 2.

During the peak hour of the counts, no residential trips were observed for the four private residences located along Wheeler Lane. (There is a new unit under construction in addition to the three units identified in the original study.) Institute of Transportation Engineers (ITE) data for single family dwelling units identifies one peak hour trip per unit and 10 daily trips.[5] Therefore, four peak hour trips were added to the surveyed peak hour volumes in order to account for potential private residence trips.

The existing peak hour LOS conditions at the study intersections are shown in Table 1. The Zinfandel Lane/Wheeler Lane intersection operates at LOS 'A' (9.8 seconds of delay) during the weekday and LOS 'B' (10.1 seconds of delay) during the weekend for the northbound Wheeler Lane approach. The intersection operates efficiently with minimal delays or vehicle queuing. (Vehicle queuing analyses were conducted for all scenarios and are provided in the Appendix.)

The Zinfandel Lane/SR 29 intersection has weekday p.m. peak hour operating conditions of LOS 'E' (38.7 seconds delay) for the stopped westbound approach and LOS 'D' (31.0 seconds delay) for the stopped eastbound Zinfandel Lane approach. During the Saturday peak hour, the intersection has calculated operating conditions of LOS 'F' for the Zinfandel Lane approaches (delays in excess of 50 seconds). The SR 29 northbound and southbound left turn movements operate at LOS 'B' (10 seconds delay) or better.

As described above, conditions at the Zinfandel Lane/SR 29 intersection result partially from the volumes on SR 29 and partially from vehicle queues that originate away from the intersection. During periods when traffic volumes on SR 29 are high but relatively free-flow, turning opportunities from Zinfandel Lane and all side streets along SR 29 can be limited. This can result in vehicle queues on westbound Zinfandel Lane occasionally increasing to five to nine vehicles. However, when stop-and-go conditions exist on SR 29, turning opportunities increase as a portion of drivers on SR 29 leave gaps for Zinfandel Lane motorists to turn

through. Therefore, there are also periods when actual conditions are better than the calculated conditions would indicate. The queuing analysis calculated a 95th percentile queue length of 64-99 feet (three to five vehicles) for westbound Zinfandel Lane.

Peak Hour Signalization Warrants

The existing Zinfandel Lane/SR 29 volumes were applied to California Manual on Uniform Traffic Control Devices (CAMUTCD) peak hour signal warrants.[6] The peak hour warrants are one of several standards to help determine if installation of a traffic signal is appropriate. Qualifying for signalization using the peak hour warrants does not necessarily mean signals should be installed.

The Zinfandel Lane/SR 29 intersection qualifies for signalization under the peak hour warrants using existing weekday and Saturday peak hour volumes. (The warrant graphs are provided in the Appendix). With signalization, the intersection would operate at LOS 'B' (13 seconds delay or less) during the weekday and weekend peak hours.

Turn Lane Warrants (Existing Conditions)

The existing volumes were compared with the Napa County guidelines for installing a left turn lane in Zinfandel Lane.[7] The warrant graphs for weekday and Saturday conditions are provided in the Appendix. With 203-339 daily trips on Wheeler Lane (including 40 private residence trips) and 1,450-2,880 daily trips on Zinfandel Lane, a left turn lane would be warranted based on existing volumes.

The right turn volumes were compared to Caltrans warrants for installation of right turn lanes.[8] Volumes at the Zinfandel Lane/Wheeler Lane intersection are below minimum thresholds at which right turn lanes would be required (right turn lane warrant graphs are included in the Appendix).

TABLE 1
EXISTING PEAK HOUR INTERSECTION OPERATIONS
LEVEL OF SERVICE (LOS) AND SECONDS OF DELAY

Intersection	Weekday PM Peak Hour		Saturday Afternoon Peak Hour	
	Existing		Existing	
	LOS	Delay	LOS	Delay
1. Zinfandel Lane / Wheeler Lane				
Unsignalized (minor street stop)				
Wheeler Lane northbound approach:	A	9.8"	B	10.1"
Zinfandel Lane westbound approach:	A	< 1"	A	< 1"
2. Zinfandel Lane / SR 29				
Unsignalized (minor street stops)				
Zinfandel Lane westbound approach:	E	38.7"	F	> 50"
Zinfandel Lane eastbound approach:	D	31.0"	F	> 50"
SR 29 southbound approach:	A	< 1"	B	10.1"
SR 29 northbound approach:	A	< 1"	A	< 1"

Based on Highway Capacity Manual (HCM) 2000, Operations methodology for stop-sign controlled (unsignalized) intersections using Synchro-Simtraffic software. Intersection calculation yields an LOS and vehicle delay in seconds.

Existing Winery Traffic Generators

At the request of the County, the existing winery traffic volumes were identified by source for employee, visitor, and truck related traffic. The winery data was provided by winery personnel.[9] The existing trip calculations are shown in Table 2.

The recent peak hour counts observed 32 weekday p.m. trips (4 in, 28 out) and 42 Saturday peak hour trips (16 in, 26 out) generated by winery. These are very similar to the previous counts which surveyed 30 weekday p.m. and 37 Saturday peak hour trips. (The proportion of inbound to outbound trips was different for the original weekday p.m. counts, with 11 inbound and 19 outbound trips, which is reflective of the increased evening crush season activity that was occurring at the time.) For this study, the daily total number of people onsite was obtained for when the counts were conducted. Applying the peak hour counts to the number of people results in peak hour trip rates ranging from 0.21-0.25 peak hour trips per person.

Winery Truck Trips

At the County's request, detailed truck trip information associated with the existing winery production was obtained for the traffic study. All truck related information was provided by Raymond Winery personnel.[10] Truck traffic is generated by the winery throughout the year at a fairly consistent level for normal production processes and additional truck trips are generated during the shorter "crush" or harvest season.

Based on the data provided by the winery, truck traffic is generated by the following types of trucks with the following capacities:

Bottling trucks comprised of glass trucks (2,352 cases) and cased goods trucks (1,232 cases);
Bulk tanker trucks (6,500 gallons);
Grape trucks (15-24 tons);
Winery supply trucks (gas, nutrients, chemicals);
and miscellaneous Delivery trucks (small six wheeled vehicles or vans) for bottling supplies.

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

# Bottling Trucks:	776
# Bulk Trucks:	183
Grape Trucks:	191
Supply Trucks:	52 (1/week est.)
Delivery Trucks:	208 (4/week est.)
Total	1,410 trucks annual

General winery production trips occur throughout the year and additional trips are temporarily generated during the crush season when grapes are harvested and delivered to wineries. Based on the information provided by Raymond Winery, the seasonal truck trips were calculated as follows:

Non-Harvest:	1,219 annual trucks / 260 days = 4.69 trucks/day x 2 trips	= 9.38 daily trips
Additional Harvest:	191 seasonal trucks / 36 days = 5.31 trucks/day x 2 trips	= 10.62 daily trips
Total Harvest:	10.00 trucks/day x 2 trips	= 20.00 daily trips

The historical truck trip generation is lower than some standard trip rate calculators would generate for the same production and grape on-haul figures. The winery utilizes larger capacity trucks compared to the sizes used in standard rate assumptions which are typically in the range of four to ten ton trucks.

Truck Travel Routes

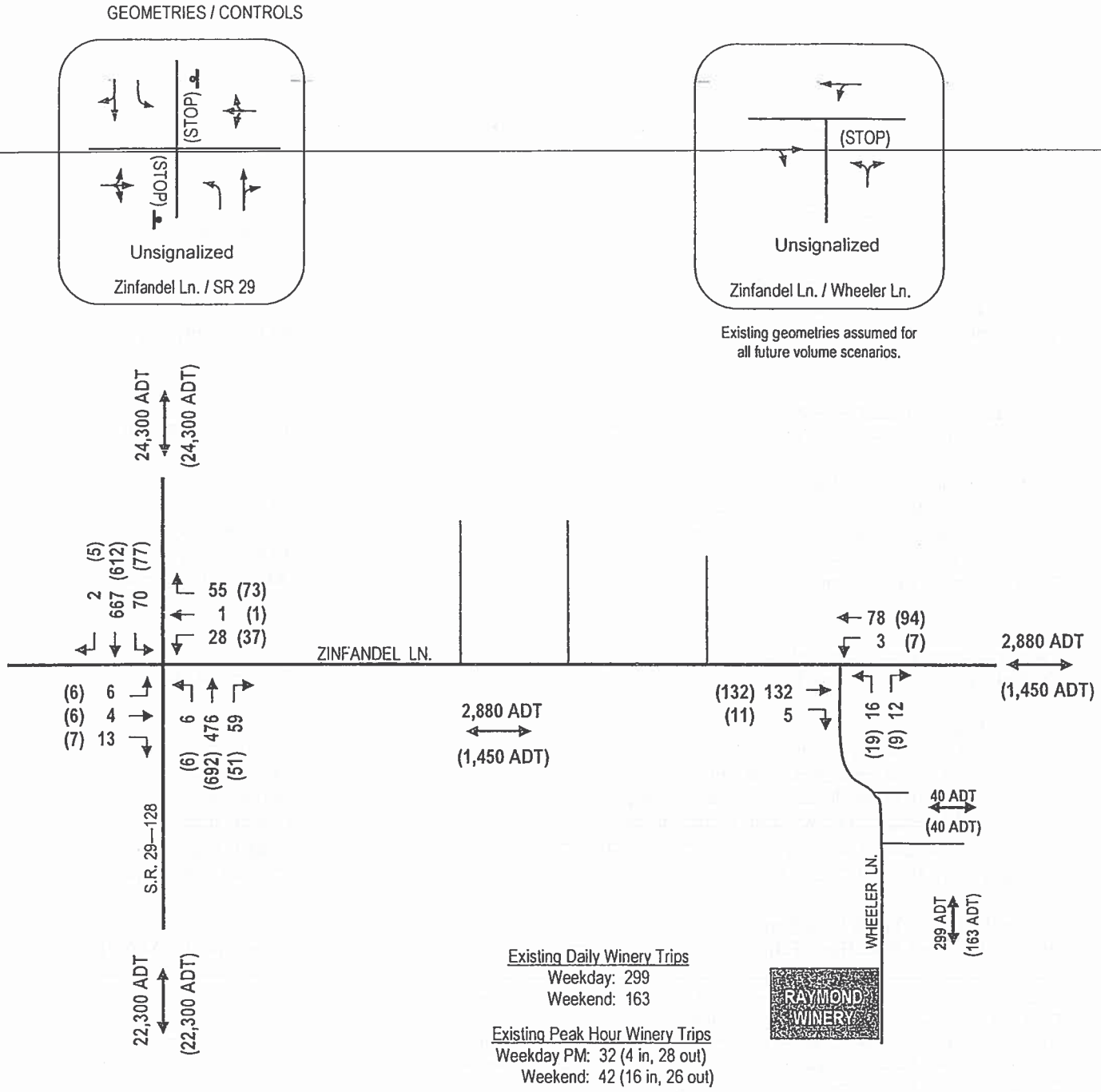
The winery personnel stated that the travel routes of nearly all trucks to/from the winery are via SR 29 south of Zinfandel Lane, as the winery warehouse is located in the city of American Canyon. It is reasonable to assume a smaller number of trucks travel to/from the east via Zinfandel Lane and Silverado Trail as a result of delivery and supply trucks combining deliveries to the Raymond winery with other locations in the area to the east. It is noted that to the extent trucks make multiple stops, although they are new trips to the Raymond site, they are not new trips on the overall street network since they are already present making deliveries to other locations.

TABLE 2

EXISTING CONDITIONS TRIP GENERATION:
RAYMOND VINEYARDS WINERY

Typical Weekday Daily Traffic:	
80 visitors/2.6 per vehicle x 2 one-way trips	= 62 daily trips
65 full time employees x 3.05 one-way trips	=198 daily trips
15 part time employees x 1.90 one-way trips	= 29 daily trips
4.69 trucks x 2 one-way trips (winery data)[a]	= 10 daily trips
Typical Weekday Daily Trips	**= 299 total daily trips**
Typical Weekday PM Peak Hour Traffic:	
Typical Weekday Peak Hour Trips (survey data = 32 trips)	**= 32 trips (4 in, 28 out)**
Typical Saturday Daily Traffic:	
180 visitors/2.8 per vehicle x 2 one-way trips	= 129 daily trips
5 full time employee x 3.05 one-way trips	= 15 daily trips
10 part time employees x 1.90 one-way trips	= 19 daily trips
Typical Saturday Daily Trips	**= 163 total daily trips**
Typical Saturday Peak Hour Traffic:	
Typical Saturday Peak Hour Trips (survey data = 42 trips)	**= 42 trips (16 in, 26 out)**
Saturday Daily Traffic During Crush:	
180 visitors/2.8 per vehicle x 2 one-way trips	=129 daily trips
20 full time employees x 3.05 one-way trips	= 61 daily trips
20 part time employees x 1.90 one-way trips	= 38 daily trips
4.69 trucks x 2 one-way trips (winery data)	= 10 daily trips
5.31 trucks x 2 one-way trips (2,530 tons on-haul)[b]	= 11 daily trips
Saturday Daily Harvest/Crush Trips	**= 249 total daily trips**
Weekend (Saturday) Peak Hour Traffic During Crush:	
Harvest Weekend Peak Hour Trips (220 persons x .25 trips/person)	**= 55 trips (22 in, 33 out)**

Production, visitor, and employee. data provided by Raymond Winery personnel.
Truck data provided by Raymond Winery personnel.
Trip equations for employee and visitor daily trips from Napa County, Conservation, Planning, & Development Department, "Use Permit Application Package", Napa County Winery Traffic Generation Characteristics, 2012.
Peak hour volumes based on surveyed turning movement counts.
[a]*Typical daily truck trips, based on provided winery data, equals 4.69 trucks.*
[b]*Prior on-haul, based on provided winery data, equals 15-24 tons per truck.*



NOT TO SCALE

Existing Weekday PM and (Weekend) Peak Hour Volumes

North

omni-means

figure 2

4. WINERY TRIP GENERATION METHODOLOGY FOR PROPOSED PROJECT

Trip Generation

In light of the updated traffic study and the additional data that was collected, vehicle trips for the project were calculated using Napa County standard trip rates as well as surveyed data and information provided by the winery.

The winery provided information regarding employees, visitors, and production for weekday and weekend conditions. The County's standard default trip rates were used for employee and visitor daily trip calculations. The peak hour trip rates were derived from the rates surveyed at the winery. The surveyed peak hour trip rates ranged from 0.21-0.25 trips per daily person onsite. In order to remain conservative, the highest rate of 0.25 trips per total daily people onsite was applied to calculate the use permit peak hour trips.

For the truck trips calculations, the winery's historic truck counts for year 2012 were used to identify the existing trips. The Raymond winery is a larger production facility whose historic data indicates it utilizes larger trucks capable of carrying more load than would be typical of smaller wineries. The bulk tanker trucks carry 6,500 gallons and grape truck sizes have ranged from 15-24 tons, which is considerably higher than standard rates of four tons per load. However, in order to conservatively provide for the possibility that a higher proportion of future deliveries could be via smaller trucks used by the winery, the size of the grape trucks was assumed to be the lowest value of 15 tons per truck for the future trip calculations.

Winery Trips Distribution

The distribution of the project trips on the street network was based on the existing peak hour turning movements at the Zinfandel Lane/Wheeler Lane intersection. Data from the counts in 2011 and 2012 for weekday and weekend were evaluated. Based on the observed turning percentages, the project trips were distributed with 70% to/from the west and 30% to/from the east on Silverado Trail. Turn distributions at the Zinfandel Lane/SR 29 intersection were based on the existing turning percentages.

5. CURRENT USE PERMIT CONDITIONS

Current Use Permit Description

Traffic volumes were generated and conditions analyzed for complete utilization of the current permitted use. The current use permit traffic generating components are summarized as follows:[11]

- Maximum daily visitation of 400 visitors (public).
- Employment of 24 persons.
- Winery production:
  750,000 gallons averaged over three years with a single year maximum of 900,000 gallons.
- Marketing Events: Largest event up to 250 people.

Total Current Use Permit Trip Generation

The vehicle trips calculated for the current use permit are listed in Table 3. With complete utilization of the current use permit, the winery would generate up to 205 weekday daily trips and 46 weekday peak hour trips (6 in, 40 out). On a typical Saturday the winery could generate 320 daily trips and 104 afternoon peak hour trips (40 in, 64 out). During the six-week harvest season with complete utilization of the current use permit, the winery could generate 414 daily trips and 110 peak hour trips (42 in, 68 out).

Net New Trips Above Existing Volumes With Current Use Permit

The existing volumes, total current use permit volumes, and net change in trips associated with complete utilization of the current use permit are shown in Table 4.

The net change in trips from existing conditions would be 94 *fewer* weekday trips and 157 new Saturday daily trips. There would be a small increase of 14 trips during the weekday p.m. peak hour and the Saturday peak hour would experience 62 new trips assuming complete utilization of the current use permit. The Saturday volumes would be higher due to the larger number of visitors.

TABLE 3
TRIP GENERATION:
CURRENT USE PERMIT FOR RAYMOND WINERY

Typical Weekday Daily Traffic:	
160 visitors/2.6 per vehicle x 2 one-way trips	= 123 daily trips
24 full time employees x 3.05 one-way trips	= 73 daily trips
900,000 gallons single year maximum (winery data = 4.41 trucks/day x 2 trips)[a]	= 9 daily trips
Typical Weekday Daily Trips	**= 205 total daily trips**
Typical Weekday PM Peak Hour Traffic:	
Typical Weekday PM Peak Hour Trips (184 persons x .25 trips/person)	**= 46 trips (7 in, 39 out)**
Typical Saturday Daily Traffic:	
400 visitors/2.8 per vehicle x 2 one-way trips	= 286 daily trips
5 full time employee x 3.05 one-way trips	= 15 daily trips
10 part time employees x 1.90 one-way trips	= 19 daily trips
Typical Saturday Daily Trips	**= 320 total daily trips**
Typical Saturday Peak Hour Traffic:	
Typical Saturday Peak Hour Trips (415 persons x .25 trips/person)	**= 104 trips (40 in, 64 out)**
Saturday Daily Traffic During Crush:	
400 visitors/2.8 per vehicle x 2 one-way trips	= 286 daily trips
20 full time employees x 3.05 one-way trips	= 61 daily trips
20 part time employees x 1.90 one-way trips	= 38 daily trips
900,000 gallons production single year (winery data = 4.41 trucks/day x 2 trips)	= 9 daily trips
5,455 tons on-haul grapes / 15 tons per truck / 36 days x 2 trips[b]	= 20 daily trips
Saturday Daily Harvest/Crush Trips	**= 414 total daily trips**
Weekend (Saturday) Peak Hour Traffic During Crush:	
Harvest Saturday Peak Hour Trips (440 persons x .25 trips/person)	**= 110 trips (42 in, 68 out)**

Production, visitor, and employee data provided by Raymond Winery personnel.
Truck data provided by Raymond Winery personnel.
Trip equations for daily visitor and employee trips derived from Napa County, Conservation, Planning, & Development Department, "Use Permit Application Package", Napa County Winery Traffic Generation Characteristics, 2012.
Peak hour trip rate based on surveyed turning movement counts.
[a]*Typical daily truck trips, based on provided winery data, equals 4.41 trucks for 900,000 gallons.*
[b]*Prior on-haul, based on provided winery data, equals 15-24 tons per truck. (Calculated truck trips conservatively assumes a maximum of 15 tons per truck for future deliveries.)*

TABLE 4
RAYMOND WINERY TRIPS:
EXISTING, EXISTING + CURRENT USE PERMIT, AND NET NEW TRIPS

Condition	Average Weekday Daily Trips	Average Weekday P.M. Pk. Hr. Trips	Average Saturday Daily Trips	Average Saturday Peak Hour Trips	Harvest Season Saturday Daily Trips
Existing Winery Trips	299	32 (4, 28)	163	42 (16, 26)	249
Current Use Permit Trips	205	46 (7, 39)	320	104 (40, 64)	414
Net Trips	**-94**	**14 (3, 11)**	**157**	**62 (24, 38)**	**165**

Existing Plus Current Use Permit Operating Conditions

Net new daily volumes based on the current use permit would result in fewer weekday trips on Zinfandel Road than are occurring now. The daily traffic would decrease from 2,825 trips to 2,731 trips. The Saturday daily volume would increase from 1,425 trips to 1,582 trips. The existing plus current use permit volumes are shown in Figure 3.

The levels of service would remain unchanged from existing conditions. Zinfandel Lane would continue to function at LOS 'B' on weekdays and LOS 'A' on weekends.

At the Zinfandel Lane/Wheeler Lane intersection, the Wheeler Lane approach would continue to operate at LOS 'A'-'B' during the weekday and weekend peak hours (10 seconds of delay).

At the Zinfandel Lane/SR 29 intersection, the Zinfandel Lane approaches would continue to operate at LOS 'E' weekdays and 'F' on Saturday. The SR 29 northbound and southbound left-turn lane movements would continue to operate at LOS 'A'-'B' (10 seconds of delay or less) or better during the weekday and weekend peak hours. The peak hour LOS are shown in Table 5.

The intersection volumes would qualify for signalization based on the peak hour warrants. With signalization the intersection would operate LOS 'B' (12-13 seconds of delay).

The current use permit volumes were compared with the Napa County guidelines for installing a left turn lane in Zinfandel Lane. With 245-360 daily trips on Wheeler Lane (including 40 private residence trips) and 1,560-2,851 daily trips on Zinfandel Lane, a left turn lane would be warranted based on volumes associated with complete utilization of the current use permit.

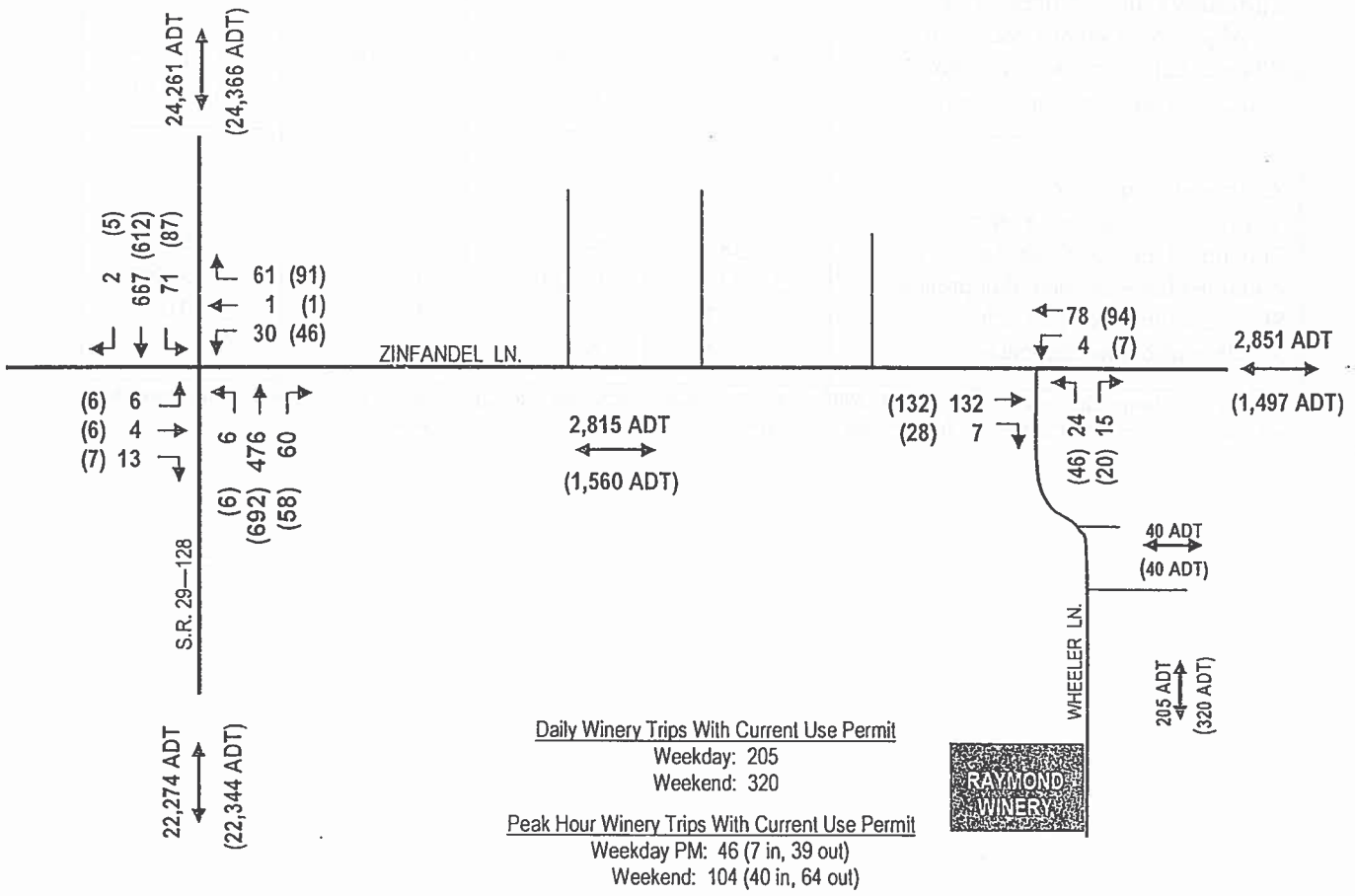
The projected right turn volumes at the site driveways would be below minimum thresholds at which right turn lanes would be required.

TABLE 5

EXISTING AND EXISTING + CURRENT USE PERMIT PEAK HOUR INTERSECTION OPERATIONS
LEVEL OF SERVICE (LOS) AND SECONDS OF DELAY

Intersection	Weekday PM Peak Hour		Saturday Afternoon Peak Hour	
	Existing LOS Delay	Existing + Current Use Permit LOS Delay	Existing LOS Delay	Existing + Current Use Permit LOS Delay
Zinfandel Lane / Wheeler Lane				
Unsignalized (minor street stop)				
Wheeler Lane northbound approach	A 9.8"	A 10.0"	B 10.1"	B 10.6"
Zinfandel Lane westbound approach	A < 1"	A < 1"	A < 1"	A < 1"
Zinfandel Lane / SR 29				
Unsignalized (minor street stops)				
Zinfandel Lane westbound approach	E 38.7"	E 40.7"	F > 50"	F > 50"
Zinfandel Lane eastbound approach	D 31.0"	D 31.6"	F > 50"	F > 50"
SR 29 southbound approach	A < 1"	A < 1"	B 10.0"	B 10.1"
SR 29 northbound approach	A < 1"	A < 1"	A < 1"	A < 1"

Based on Highway Capacity Manual (HCM) 2000, Operations methodology for stop-sign controlled (unsignalized) intersections using Synchro-Simtraffic software. Intersection calculation yields an LOS and vehicle delay in seconds.



NOT TO SCALE

Existing With Current Use Permit
Weekday PM and (Weekend) Peak Hour Volumes

North

omni-means

figure 3

6. PROPOSED USE PERMIT MODIFICATION

Project Description

The traffic generating components of the proposed use permit modification request (the "project") are summarized as follows:[12]

- Increase visitation by 100 by-appointment to 500 total daily visitors (400 public and 100 by-appointment only);
- Increase the number of employees by 66 from 24 to 90;
- Increase production from 750,000 gallons per year as averaged over any consecutive three (3) year period not to exceed 900,000 gallons in any given year, to 1.5 million gallons per year;
- Modify an existing marketing plan for 50 additional events annually with a maximum of 8 per month to allow:
  2 events per year for up to 500 people (2 evening events);
  4 events per year for up to 250 people (3 evening events and 1 daytime event);
  6 events per year for up to 150 people (3 evening and 3 daytime events);
  12 events per year for up to 100 people (8 evening and 4 daytime events);
  26 per year for up to 50 people (18 evening and 8 daytime events).
- Increase the supply of permanent striped parking spaces to 130 total spaces.
- Construction of a left turn lane on Zinfandel Lane for the Wheeler Lane (winery access) intersection.

Project Trip Generation

The proposed winery traffic generation has been calculated in Table 6. The project was calculated to generate a total of 410 weekday daily trips and 73 weekday peak hour trips (12 in, 61 out). On a Saturday the project would generate a total of 403 daily trips and 130 afternoon peak hour trips (49 in, 81 out). During the six-week harvest season, the project would generate 498 daily trips and 136 peak hour trips (52 in, 84 out).

The net increase from existing conditions has been calculated and is shown in Table 7. The project would result in 111 new weekday and 240 new Saturday daily trips. The typical weekday p.m. peak hour volumes would increase 41 trips and the Saturday peak hour would experience 88 new trips with complete utilization of the proposed use permit. If truck sizes remain comparable to past deliveries, there would be no change in wine production truck trips from existing conditions. The total project trips and net new project trips above existing conditions are illustrated in Figure 4.

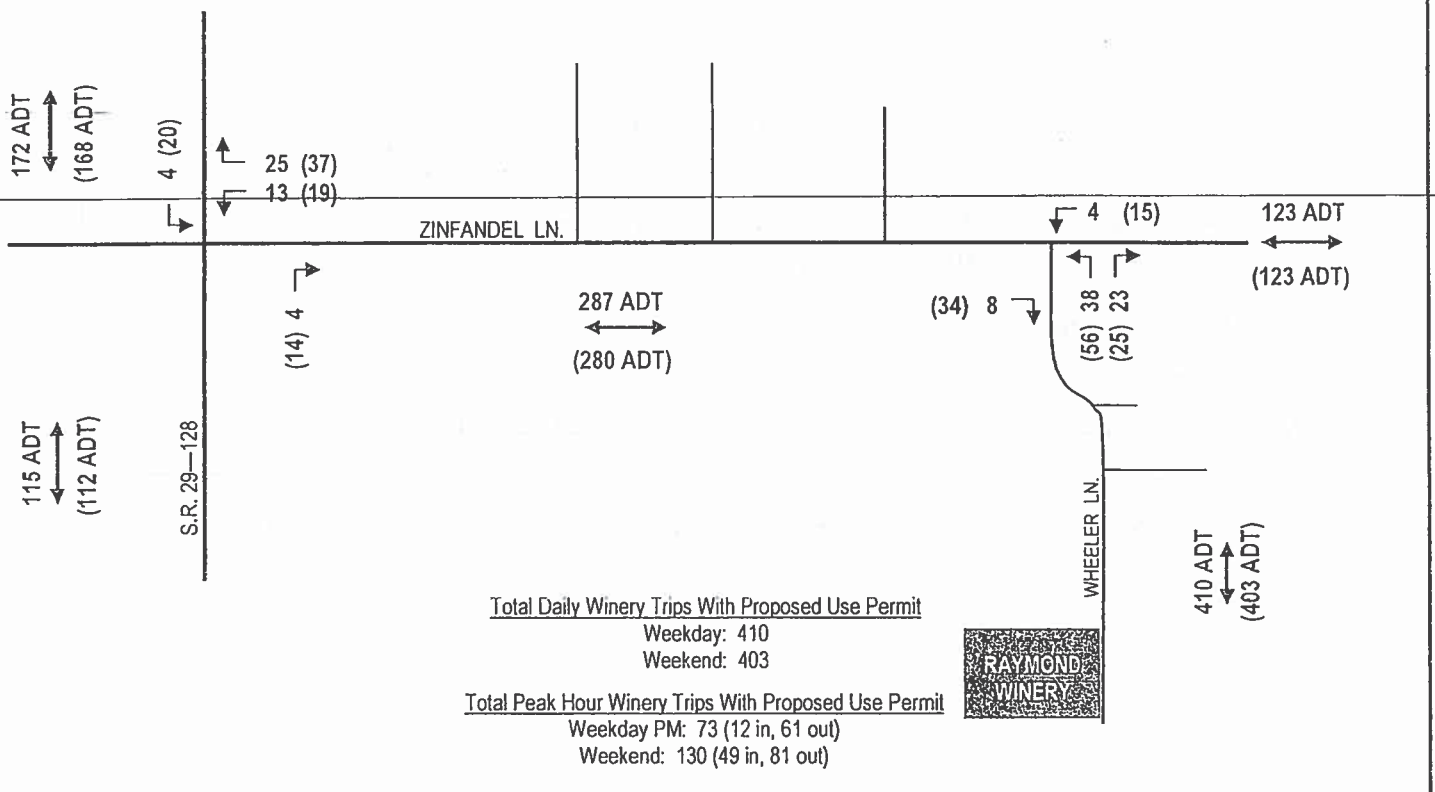
TABLE 6
PROPOSED USE MODIFICATION FOR RAYMOND WINERY
TOTAL TRIP GENERATION

Typical Weekday Daily Traffic:	
200 visitors/2.6 per vehicle x 2 one-way trips	=154 daily trips
65 full time employees x 3.05 one-way trips	=198 daily trips
25 part time employees x 1.90 one-way trips	= 48 daily trips
1,500,000 gallons production (winery data = 4.69 trucks/day x 2 trips)[a]	= 10 daily trips
Typical Weekday Daily Trips	**= 410 total daily trips**
Typical Weekday PM Peak Hour Traffic:	
Typical Weekday PM Peak Hour Trips (290 people x .25 trips/person)	**= 73 trips (12 in, 61 out)**
Typical Saturday Daily Traffic:	
500 visitors/2.8 per vehicle x 2 one-way trips	= 357 daily trips
7 full time employee x 3.05 one-way trips	= 21 daily trips
13 part time employees x 1.90 one-way trips	= 25 daily trips
Typical Saturday Daily Trips	**= 403 total daily trips**
Typical Saturday Peak Hour Traffic:	
Typical Saturday Peak Hour Trips (520 people x .25 trips/person)	**= 130 trips (49 in, 81 out)**
Saturday Daily Traffic During Crush:	
500 visitors/2.8 per vehicle x 2 one-way trips	= 357 daily trips
22 full time employees x 3.05 one-way trips	= 67 daily trips
23 part time employees x 1.90 one-way trips	= 44 daily trips
1,500,000 gallons production (winery data = 4.69 trucks/day x 2 trips)	= 10 daily trips
5,455 tons on-haul grapes / 15 tons per truck / 36 days x 2 trips[b]	= 20 daily trips
Saturday Daily Harvest/Crush Trips	**= 498 total daily trips**
Weekend (Saturday) Peak Hour Traffic During Crush:	
Total Weekend Peak Hour Harvest Trips (545 people x .25 trips/person)	**= 136 trips (52 in, 84 out)**

Production, visitor, and employee data provided by Raymond Winery personnel.
Truck data provided by Raymond Winery personnel.
Trip equations for daily visitor and employee trips derived from Napa County, Conservation, Planning, & Development Department, "Use Permit Application Package", Napa County Winery Traffic Generation Characteristics, 2012.
Peak hour volumes based on trip rates of surveyed turning movement counts.
[a]*Typical daily truck trips, based on provided winery data, equals 4.69 trucks (10 trips).*
[b]*Prior on-haul, based on provided winery data, equals 15-24 tons per truck. (Calculated truck trips conservatively assumes a maximum of 15 tons per truck for future deliveries.)*

TABLE 7
RAYMOND WINERY TRIPS:
EXISTING, EXISTING + PROJECT, AND NET NEW TRIPS

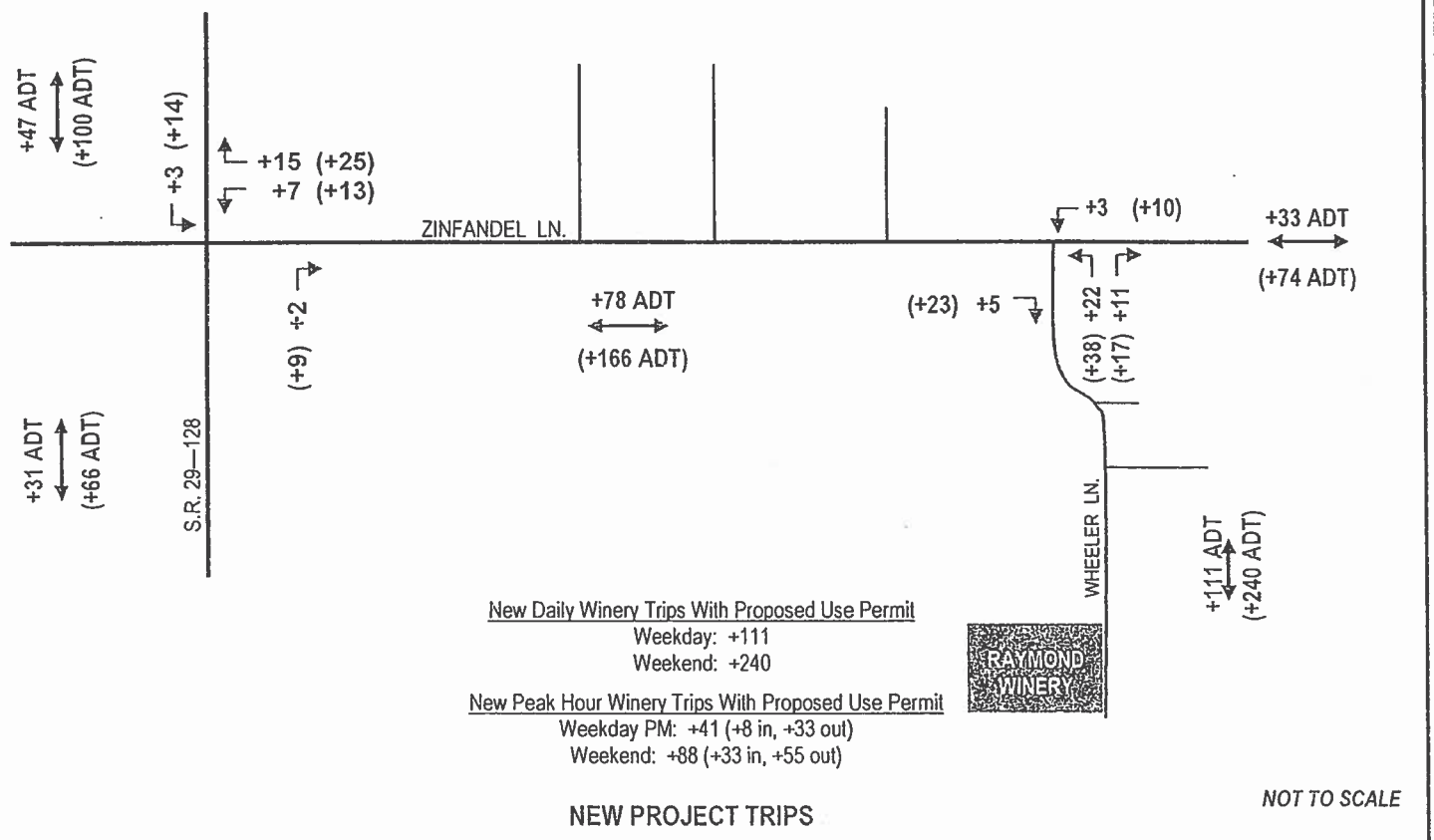
Condition	Average Weekday Daily Trips	Average Weekday P.M. Pk. Hr. Trips	Average Saturday Daily Trips	Average Saturday Peak Hour Trips	Harvest Season Saturday Daily Trips
Existing Winery Trips	299	32 (4, 28)	163	42 (16, 26)	249
Proposed Use Permit Trips	410	73 (12, 61)	403	130 (49, 81)	498
New Trips	**111**	**41 (8, 33)**	**240**	**88 (33, 55)**	**249**



Total Daily Winery Trips With Proposed Use Permit
Weekday: 410
Weekend: 403

Total Peak Hour Winery Trips With Proposed Use Permit
Weekday PM: 73 (12 in, 61 out)
Weekend: 130 (49 in, 81 out)

TOTAL PROJECT TRIPS



New Daily Winery Trips With Proposed Use Permit
Weekday: +111
Weekend: +240

New Peak Hour Winery Trips With Proposed Use Permit
Weekday PM: +41 (+8 in, +33 out)
Weekend: +88 (+33 in, +55 out)

NEW PROJECT TRIPS

NOT TO SCALE

Total Project Trips and New Project Trips Above Existing Weekday PM and (Weekend) Peak Hour Volumes

North

omni-means

figure 4

7. EXISTING PLUS PROJECT CONDITIONS

Existing Plus Project Operating Conditions

The distribution of project trips would add 78 weekday and 166 Saturday daily trips onto Zinfandel Lane west of Wheeler Lane and 33 weekday and 74 Saturday daily trips onto Zinfandel Lane east of Wheeler Lane for typical days assuming 100% utilization of the proposed use permit modification. The Zinfandel Lane arterial levels of service would remain unchanged from existing conditions, functioning at LOS 'B' on weekdays and LOS 'A' on weekends.

The project would add 47 daily trips to SR 29 north of Zinfandel Lane and 31 trips south of Zinfandel Lane on typical weekdays. It would add 100 trips north and 66 trips south of Zinfandel Lane on typical Saturdays. LOS on SR 29 would remain unchanged from existing conditions, continuing to operate at LOS 'E'-'F'.

The peak hour conditions were evaluated for the study intersections on Zinfandel Lane and are listed in Table 8. At the Zinfandel Lane/Wheeler Lane intersection, the Wheeler Lane approach would operate at LOS 'B' during the weekday and weekend peak hours (11 seconds delay or less).

At the Zinfandel Lane/State Route 29 intersection, LOS would remain unchanged from existing conditions. The weekday Zinfandel Lane westbound approach would continue to operate at LOS 'E' and the eastbound approach would continue to operate at LOS 'D'. The Saturday peak hour Zinfandel Lane approaches would operate at LOS 'F' with increased delays. The northbound and southbound left-turn lane movements would continue to operate at LOS 'B' (10 seconds of delay) or better during the weekday and weekend peak hours. The existing plus project volumes are shown in Figure 5.

The intersection volumes would further qualify for signalization based on the peak hour warrants. With signalization the intersection would operate LOS 'B' (13 seconds of delay or better).

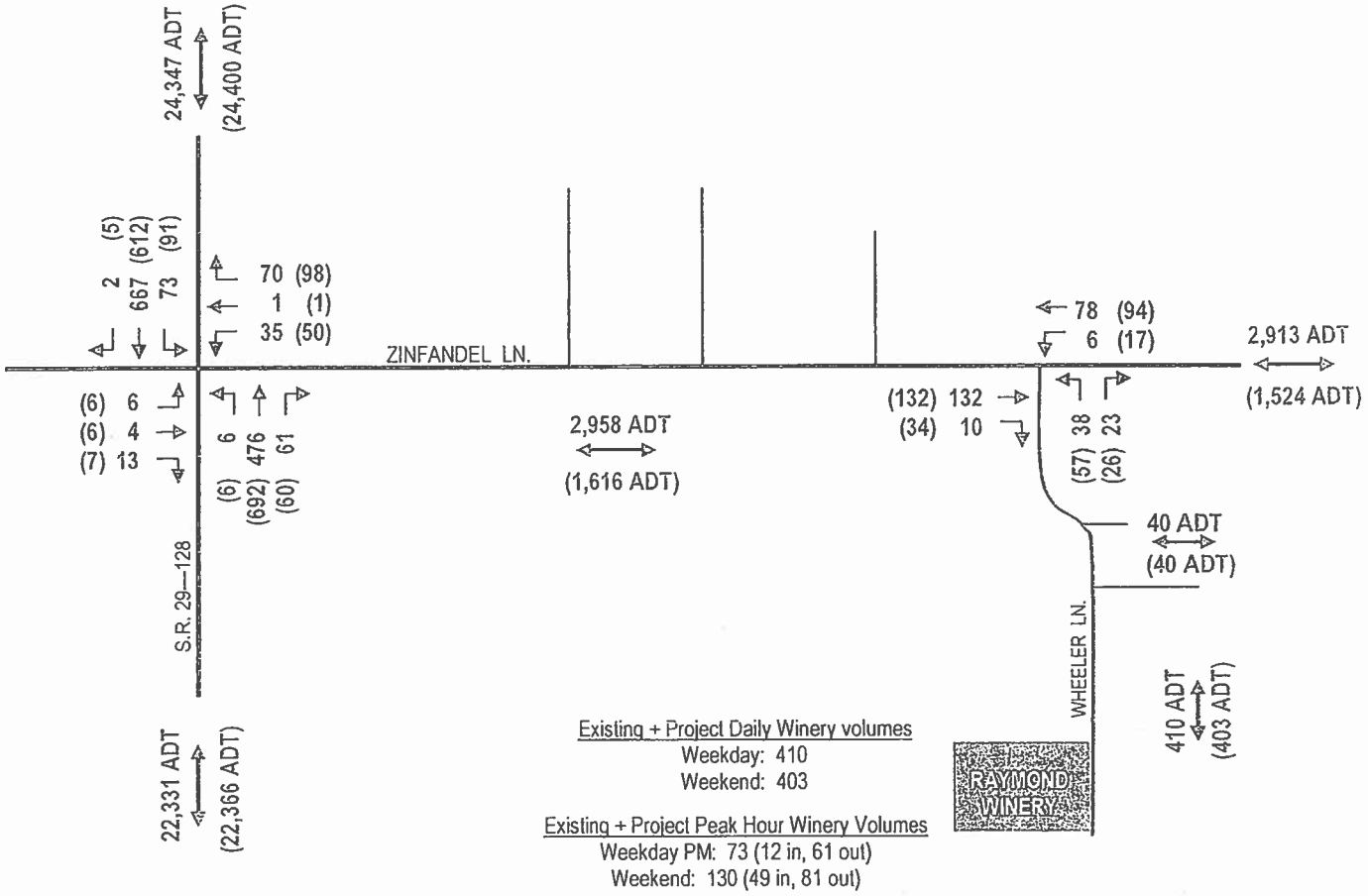
With 450 total daily trips (410 winery + 40 private residence) on Wheeler Lane and 2,958 daily trips on Zinfandel Lane, a left turn lane would be warranted on Zinfandel Lane.

The existing plus project right turn volumes would be less than the minimum thresholds at which right turn lanes would be required.

TABLE 8—
EXISTING AND EXISTING + PROJECT PEAK HOUR INTERSECTION OPERATIONS
LEVEL OF SERVICE (LOS) AND SECONDS OF DELAY

Intersection	Weekday PM Peak Hour		Saturday Afternoon Peak Hour	
	Existing LOS Delay	Existing + Project LOS Delay	Existing LOS Delay	Existing + Project LOS Delay
Zinfandel Lane / Wheeler Lane				
Unsignalized (minor street stop)				
Wheeler Lane northbound approach	A 9.8"	B 10.2"	B 10.1"	B 11.0"
Zinfandel Lane westbound approach	A < 1"	A < 1"	A < 1"	A 1.3"
Zinfandel Lane / SR 29				
Unsignalized (minor street stops)				
Zinfandel Lane westbound approach	E 38.7"	E 47.5"	F > 50"	F > 50"
Zinfandel Lane eastbound approach	D 31.0"	D 32.5"	F > 50"	F > 50"
SR 29 southbound approach	A < 1"	A 9.0"	B 10.3"	B 10.3"
SR 29 northbound approach	A < 1"	A < 1"	A < 1"	A < 1"

Based on Highway Capacity Manual (HCM) 2000, Operations methodology for stop-sign controlled (unsignalized) intersections using Synchro-Simtraffic software. Intersection calculation yields an LOS and vehicle delay in seconds.



NOT TO SCALE

Existing Volumes Plus New Project Trips
Weekday PM and (Weekend) Peak Hour

North

omni-means

figure 5

8. NEAR TERM CONDITIONS (APPROVED DEVELOPMENTS)

Approved Developments

Near term conditions reflect existing volumes plus any additional volumes expected to be generated by approved developments within the project study area. Approved developments include structures that are built but not fully occupied or are not yet built but are expected to be within the near term future.

The County of Napa planning department provided information regarding approved developments.[13] The vehicle trips for these developments were generated based on the type of development and distributed onto the street network. The County identified six developments (all wineries). A list of the developments that have calculated trips on Zinfandel Lane is provided in Table A-3 the Appendix.

Near Term Without Project Operating Conditions

The approved developments were calculated to generate 342 weekday daily trips on Zinfandel Lane adjacent to the site. Added to the existing volumes on Zinfandel Lane results in 3,222 weekday daily trips for near term conditions. The approved developments would add approximately 272 Saturday daily trips on Zinfandel Lane, resulting in a total of 1,722 daily trips for near term conditions. It is noted that the approved development volumes are likely conservatively high since they assume all trips are new trips when it is reasonable to assume a portion of the trips are shared trips with other wineries in the area. The arterial level of service on Zinfandel Lane would remain unchanged from existing conditions, continuing to function at LOS 'B' on weekdays and LOS 'A' on weekends.

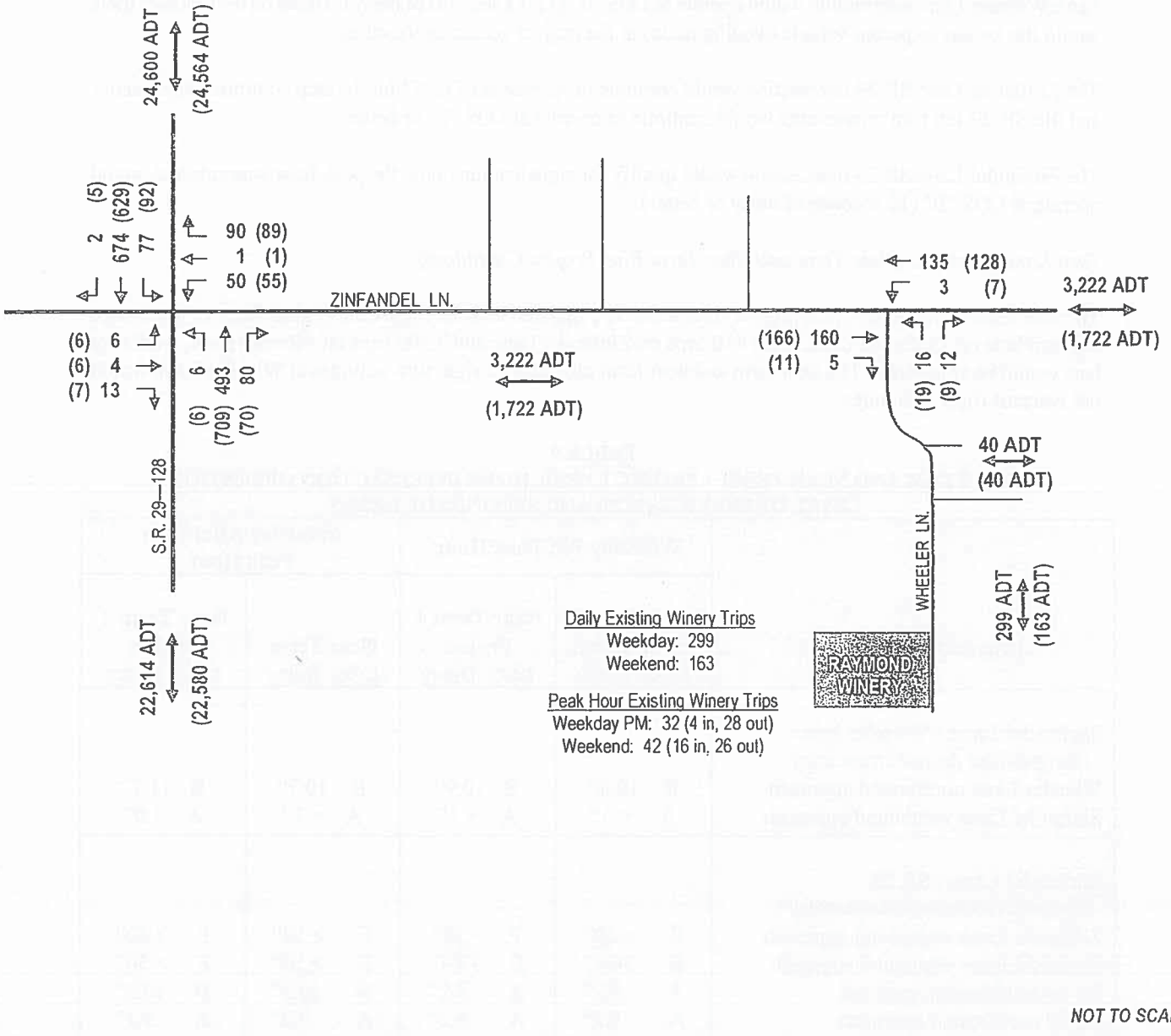
Daily volumes on SR 29 near Zinfandel Lane were calculated to increase approximately 300 trips from existing conditions, resulting in 22,600-24,600 daily trips on weekdays and weekends. LOS on SR 29 would categorized as LOS 'F' based on the County standard for a rural two lane arterial.

The peak hour approved development trips were generated using a conservative rate of twenty five percent of the daily volumes. The approved developments would add approximately 85 weekday and 68 weekend peak hour trips to Zinfandel Lane. The near term volumes without the project are shown in Figure 6.

Near term levels of service are shown in Table 9. Under near term conditions the Zinfandel Lane/Wheeler Lane intersection would operate at LOS 'B' (11 seconds of delay or less) for the northbound approach during weekday and weekend peak hours. The westbound approach would operate at LOS 'A' (less than one second of delay). Operation would remain efficient and no vehicle queuing would be expected at the intersection.

At the Zinfandel Lane/State Route 29 intersection, delays for the Zinfandel Lane approaches (LOS 'E'-'F') would increase compared to existing conditions. The northbound and southbound left-turn lane movements would operate at LOS 'B' (10 seconds of delay) or better during the weekday and weekend peak hours.

The Zinfandel Lane/SR 29 intersection would qualify for signalization under the peak hour warrants based on the near term (existing plus approved development) volumes. With signalization the intersection would operate at LOS 'B' (13 seconds delay).



Existing + Approved Developments Without Project Weekday PM and (Weekend) Peak Hour Volumes

North

omni-means

figure 6

Near Term Plus Project Operating Conditions

New trips associated with the project would add 78 weekday and 166 Saturday daily trips on the highest volume segment of Zinfandel Lane, resulting in 3,300 weekday and 1,888 Saturday daily trips. Zinfandel Lane would continue to function at LOS 'B' on weekdays and LOS 'A' on weekends.

The project would add up to 47 weekday and 100 Saturday trips to SR 29, resulting in approximately 24,650 ADT north of Zinfandel Lane and 22,650 south of Zinfandel Lane. The near term plus project volumes are shown in Figure 7.

The peak hour intersection operating conditions were evaluated for near term plus project conditions and are shown in Table 9. LOS would remain unchanged from near term without project conditions. The Zinfandel Lane/Wheeler Lane intersection would operate at LOS 'B' (11-12 seconds of delay). Based on the volumes there would not be any expected vehicle queuing issues at the project access intersection.

The Zinfandel Lane/SR 29 intersection would continue to operate at LOS 'F' for the stop controlled approaches and the SR 29 left turn movements would continue to operate at LOS 'B' or better.

The Zinfandel Lane/SR 29 intersection would qualify for signalization under the peak hour warrants and would operate at LOS 'B' (16 seconds of delay or better).

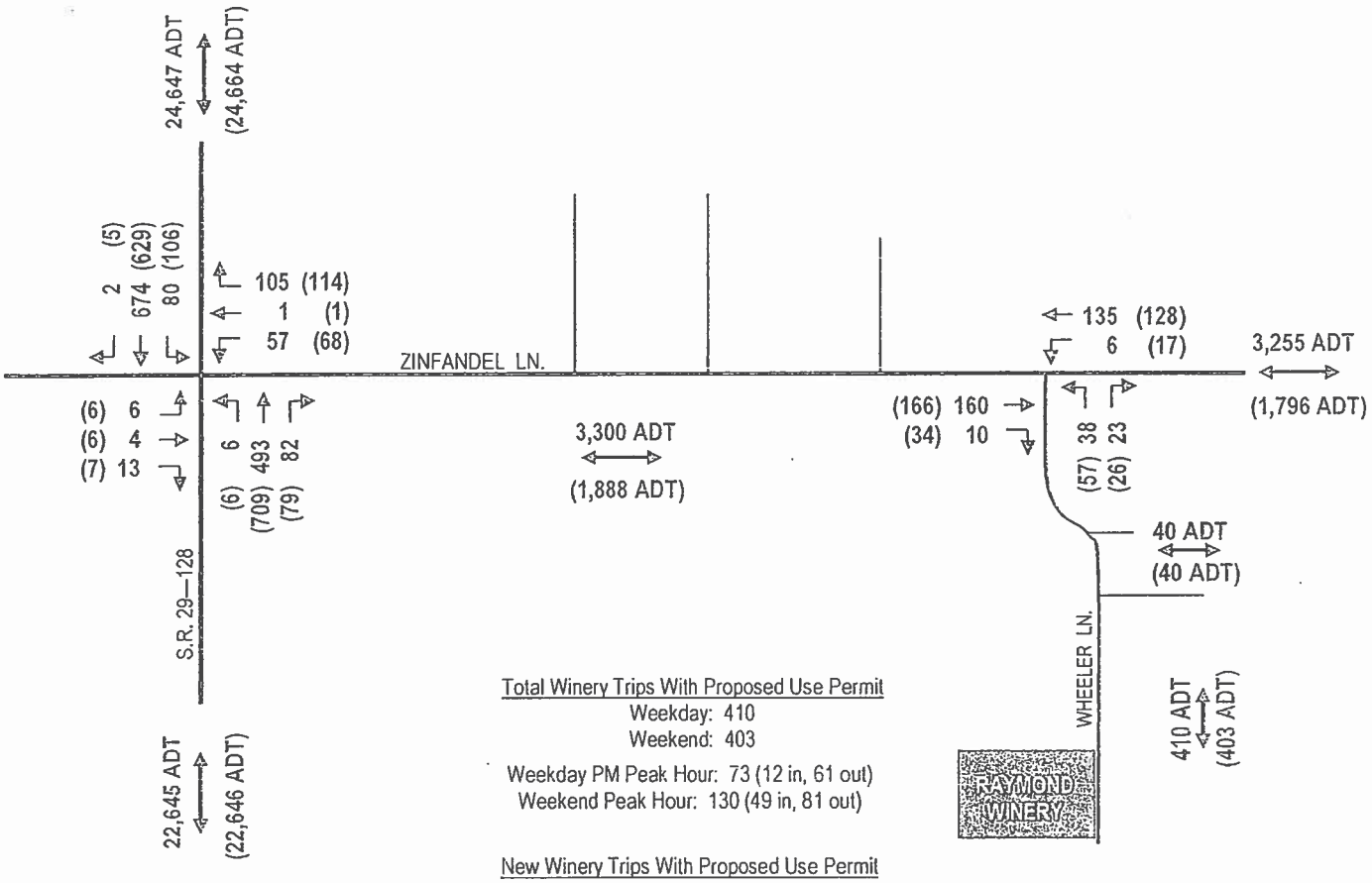
Turn Lane Warrants (Near Term and Near Term Plus Project Conditions)

The near term and near term plus project volumes were compared with the Napa County guidelines for installing a left turn lane on Zinfandel Lane. With 410 trips on Zinfandel Lane and 3,300 trips on Wheeler Lane, a left turn lane would be warranted. The near term and near term plus project right turn volumes at Wheeler Lane would not warrant right turn lanes.

TABLE 9
NEAR TERM AND NEAR TERM + PROJECT PEAK HOUR INTERSECTION OPERATIONS
LEVEL OF SERVICE (LOS) AND SECONDS OF DELAY

Intersection	Weekday PM Peak Hour		Saturday Afternoon Peak Hour	
	Near Term LOS Delay	Near Term + Project LOS Delay	Near Term LOS Delay	Near Term + Project LOS Delay
Zinfandel Lane / Wheeler Lane				
Unsignalized (minor street stop)				
Wheeler Lane northbound approach	B 10.4"	B 10.9"	B 10.7"	B 11.7"
Zinfandel Lane westbound approach	A < 1"	A < 1"	A < 1"	A 1.0"
Zinfandel Lane / SR 29				
Unsignalized (minor street stops)				
Zinfandel Lane westbound approach	F > 50"	F > 50"	F > 50"	F > 50"
Zinfandel Lane eastbound approach	E 36.4"	E 38.4"	F > 50"	F > 50"
SR 29 southbound approach	A 9.2"	A 9.2"	B 10.3"	B 10.5"
SR 29 northbound approach	A 9.2"	A 9.2"	A 9.2"	A 9.1"

Based on Highway Capacity Manual (HCM) 2000, Operations methodology for stop-sign controlled (unsignalized) intersections using Synchro-Simtraffic software. Intersection calculation yields an LOS and vehicle delay in seconds.



Total Winery Trips With Proposed Use Permit
Weekday: 410
Weekend: 403
Weekday PM Peak Hour: 73 (12 in, 61 out)
Weekend Peak Hour: 130 (49 in, 81 out)

New Winery Trips With Proposed Use Permit
Weekday: +111
Weekend: +240
Weekday PM Peak Hour: +41 (+8 in, +33 out)
Weekend Peak Hour: +88 (+33 in, +55 out)

NOT TO SCALE

Existing + Approved Developments + Project Weekday PM and (Weekend) Peak Hour Volumes

North

omni-means

figure 7

9. SITE ACCESS / DESIGN PARAMETERS

Sight Distances on Zinfandel Lane

Vehicle sight distances along Zinfandel Lane to/from Wheeler Lane were evaluated. The required vehicle visibility or "corner sight distance" is a function of travel speeds on Silverado Trail. Caltrans design standards indicate that for appropriate corner sight distance, "a substantially clear line of sight should be maintained between the driver of a vehicle waiting at the cross road and the driver of an approaching vehicle in the right lane of the main highway". Caltrans design guidelines also indicate that at private access intersections the minimum corner sight distance "shall be equal to the stopping sight distance".

Zinfandel Lane has a posted speed limit of 45 mph. This is a reduction from a 55 mph speed limit that was active for the original study. Radar speed surveys of Zinfandel Lane approaching the project site were conducted for the previous (higher) speed limit.[14] The "critical" vehicle speed (the speed at which 85% of all surveyed vehicles travel at or below) along Zinfandel Lane was measured at 55-57 mph. Caltrans' design standards for 55 mph requires a stopping sight distance of 500-550 feet, measured along the travel lanes on Zinfandel Lane.[15] The sight distances are well in excess of this distance in both directions on Zinfandel Lane, therefore the sight distance recommendations are met for the new 45 mph speed limit as well.

Site Access and Circulation

A project site plan is provided in Figure 8. The winery would continue to use Wheeler Lane as the access road, serving all employee, delivery and visitor trips.

As provided in previous sections, the winery access intersection was evaluated for a potential left turn lane based on Napa County daily volume warrants. The intersection qualifies for installation of a left turn lane in Zinfandel Lane for all scenarios (existing through near term conditions) without the project and with the project. Based on Caltrans design standards, only one vehicle would be expected to queue in the left turn lane. However, Caltrans recommends a minimum 50-foot left turn storage lane.[16]

> The Zinfandel Lane/Wheeler Lane intersection qualifies for installation of a left turn lane on Zinfandel Lane under all scenarios based on the Napa County thresholds. As part of the use permit modification request, the winery will install a left turn lane with appropriate acceleration and deceleration tapers on Zinfandel Lane approved by the Napa County Public Works Department. This would mitigate the left turn condition to an acceptable state.

Vehicle queuing conflicts are not anticipated at the Wheeler Lane access. Vehicle queues on Zinfandel Lane from the SR 29 intersection would remain west of the nearest cross-street (Garden Avenue, located 700 feet to the east). Calculated near term westbound queues of approximately 120 feet could increase to approximately 160 feet with the project (one or two car increase) during the peak hour, but would remain well west of the cross-streets.

Internal Circulation

The Wheeler Lane road width is 18-20 feet which satisfies the Napa County standard of 18 feet. The access road would continue to adequately accommodate the expected volumes.

The onsite winery street network already exists and there are no changes in the types of vehicles, etc. anticipated with the project, so presumably the street network is adequate. Any alterations to the existing onsite street network or construction of new onsite roads as a result of the use permit modification should be designed to meet all the required design standards set forth under the County of Napa regulations.

Alternative Transportation Modes

The winery facility and adjacent public areas are located on Wheeler Lane approximately a quarter mile south of Zinfandel Lane. The distance is far enough that pedestrian travel to/from the winery is unlikely or very low. There are no sidewalk facilities on Wheeler Lane, but there are wide shoulder areas on both sides of the paved road providing a path for pedestrians to reach the winery if they choose to walk.

The Napa County Transportation & Planning Agency (NCTPA) in cooperation with Napa County and local City agencies is developing bicycle routes as outlined in the Napa Countywide Bicycle Plan.[17] The plan encourages new developments to incorporate bicycle friendly design. Zinfandel Lane is a flat, straight crossroad making it a desirable choice for bicyclists who may be visiting wineries.

Some visitors may utilize bicycles to access the proposed project. The project should provide bicycle racks to serve visitors who choose to ride bicycles to the winery.

County policy also encourages developments to integrate the use of alternative fuels.

In keeping with the County policy, the project would provide an electric vehicle charging station.

Recommendation: The winery should also work with the employees to reduce vehicle trips, such as allowing scheduling options to facilitate carpooling.

Parking

The use permit modification request includes construction of 50 new parking spaces for a total of 130 parking spaces (plus four accessible spaces). (The site plan appears to show 81 existing spaces and 49 proposed for 130 total spaces.) The proposed parking supply would meet the typical daily demand for visitors, employees, and smaller events. Larger events with 150 or more people would utilize valet parking and/or shuttle service from offsite parking at The Ranch Winery according to Raymond Winery personnel.[18] Up to 170 valet spaces would be provided for large events in addition to the fixed parking supply. (The proposed parking plan is shown in Figure 9.) With the ability to utilize valet parking and offsite parking for the large events, the proposed parking supply would adequately meet the demand.

Marketing Events

The use permit modification request includes modifying the existing marketing plan to the following:

2 evening events per year for up to 500 people;
4 events per year for up to 250 people: (three evening events, one daytime event);
6 events per year for up to 150 people: (three evening events, three daytime events);
12 events per year for up to 100 people (eight evening events, four daytime events);
26 events per year for up to 50 people (eighteen evening events, eight daytime events).

Based on standard automobile occupancy rates, the events would be expected to generate the following trips:

500 people : 426 trips
250 people : 237 trips
150 people : 163 trips
100 people : 107 trips
60 people : 60 trips

These events are typically of sufficient duration in length that the inbound and outbound trips occur in separate hours, thus the number of trips on the street network at one time are half of the total volume.

Of the 50 total events, eight are proposed during the daytime (one event up to 250 people, one event up to 150 people, and six for 100 people or less). The remaining events would be held in the evenings outside of typical peak traffic periods. Daytime events occurring during the middle of the day also would generate trips outside of typical peak hour periods.

It is our understanding the winery intends to provide a shuttle service and/or valet parking for the largest events (150+ people). In addition the following recommendations are suggested:

If the parking lot becomes full during a self-parked event when the winery is open to other visitors, the winery should place a sign at the entrance on Wheeler Lane stating the winery parking lot is full.

To the extent possible the winery should schedule event times to minimize vehicle trips during the weekday p.m. peak hour.

It is our understanding that self-parking for events is not allowed on Wheeler Lane (valet parking may be permitted). If so, the winery should be prepared to install temporary "No Parking" signs on the shoulder areas of Wheeler Lane when warranted.

The winery should provide valet parking service and/or shuttle service for events with parking demand in excess of the onsite parking supply.

The winery could consider placing a temporary sign on Wheeler Lane for motorists exiting the largest events directing drivers toward Silverado Trail to the east in order to minimize trips at the intersections west of Wheeler Lane.

Neighborhood Street Traffic

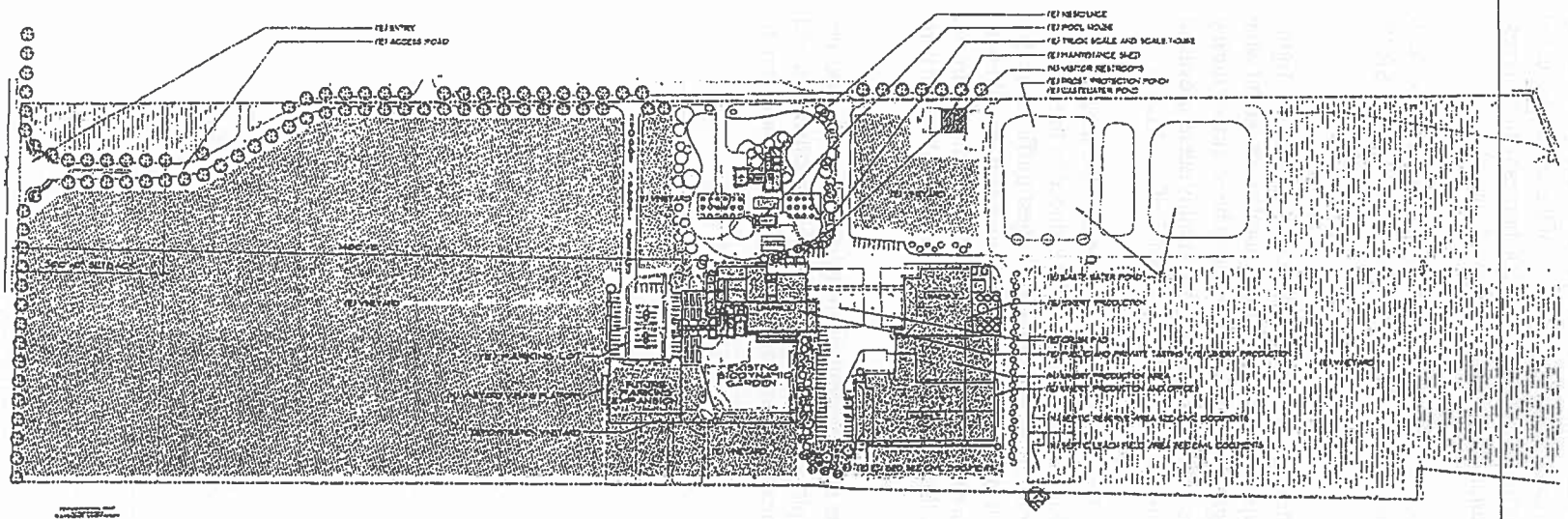
At the request of the County, existing and potential traffic levels associated with the project were qualitatively analyzed relative to the neighboring community of homes, in particular the area northwest of the winery bounded by Zinfandel Lane and Stice Lane. This is a neighborhood consisting of approximately 100 homes with two cross streets that connect Zinfandel Lane and Stice Lane (Garden Avenue and Mountain View Avenue).

When conditions at the Zinfandel Lane/SR 29 intersection reduce turning opportunities, the potential for "cut-through" trips exists. Motorists knowledgeable of the connector streets can utilize Stice Lane to/from SR 29 instead of Zinfandel Lane.

The peak hour counts conducted for this study also counted turning volumes at the cross streets. A figure illustrating the surveyed volumes is shown in Figure A-1 in the Appendix. The surveyed numbers reflected what would be expected for 100 homes, therefore significant cut-through volumes did not appear to be occurring during the counts. The counts may have represented "normal" conditions, with cut-through trips possibly not as prevalent as periods of greater congestion since normal turning opportunities exist at SR 29 to/from Zinfandel Lane.

An in-depth analysis of the prevailing conditions and potential traffic calming solutions is beyond the scope of this study. However, to the extent vehicle trips associated with the Raymond winery can be reduced to the west on Zinfandel Lane and through the neighborhood would be of benefit. It is noted that the largest traffic increases associated with the proposed use permit are derived from visitor trips. Visiting motorists are much less likely to be aware of an alternative route, such as Stice Lane and therefore unlikely to utilize the neighborhood streets. However, employees of the winery are more likely to know about the alternative routes. Therefore, although hard to enforce, the following measure is recommended:

> Since winery employees are most likely to be aware of the alternate routes through the neighborhood, the winery should maintain a program of informing their employees of the issue and requesting them to avoid driving through the neighborhood. The winery should encourage employees to utilize Silverado Trail to the east whenever possible.



PROPOSED SITE PLAN

AREA CALCULATIONS		
EXISTING PROPERTY AREA:		60.72 ACRES
WINERY COVERAGE		
413,740 SF	9.5 ACRES	EXISTING
452,175 SF	10.4 ACRES	1991 PERMIT
435,880 SF	10.0 ACRES	PROPOSED
10.0 ACRES / 60.72 ACRES = 16 % OF PARCEL		
PRODUCTION FACILITY		
243,200 SF		EXISTING
263,465 SF		1991 PERMIT
235,280 SF		PROPOSED
ACCESSORY USE		
15,208 SF		EXISTING
17,131 SF		1991 PERMIT
24,935 SF		PROPOSED
15,208 SF / 243,200 SF = 6% OF EXISTING PRODUCTION FACILITY		
17,131 SF / 263,465 SF = 7% OF 1991 USE PERMIT PRODUCTION FACILITY		
24,935 SF / 235,280 SF = 11% OF PROPOSED PRODUCTION FACILITY		
WINERY DEVELOPMENT AREA		
207,473 SF	4.8 ACRES	EXISTING
226,175 SF	5.2 ACRES	1991 PERMIT
197,300 SF	4.5 ACRES	PROPOSED

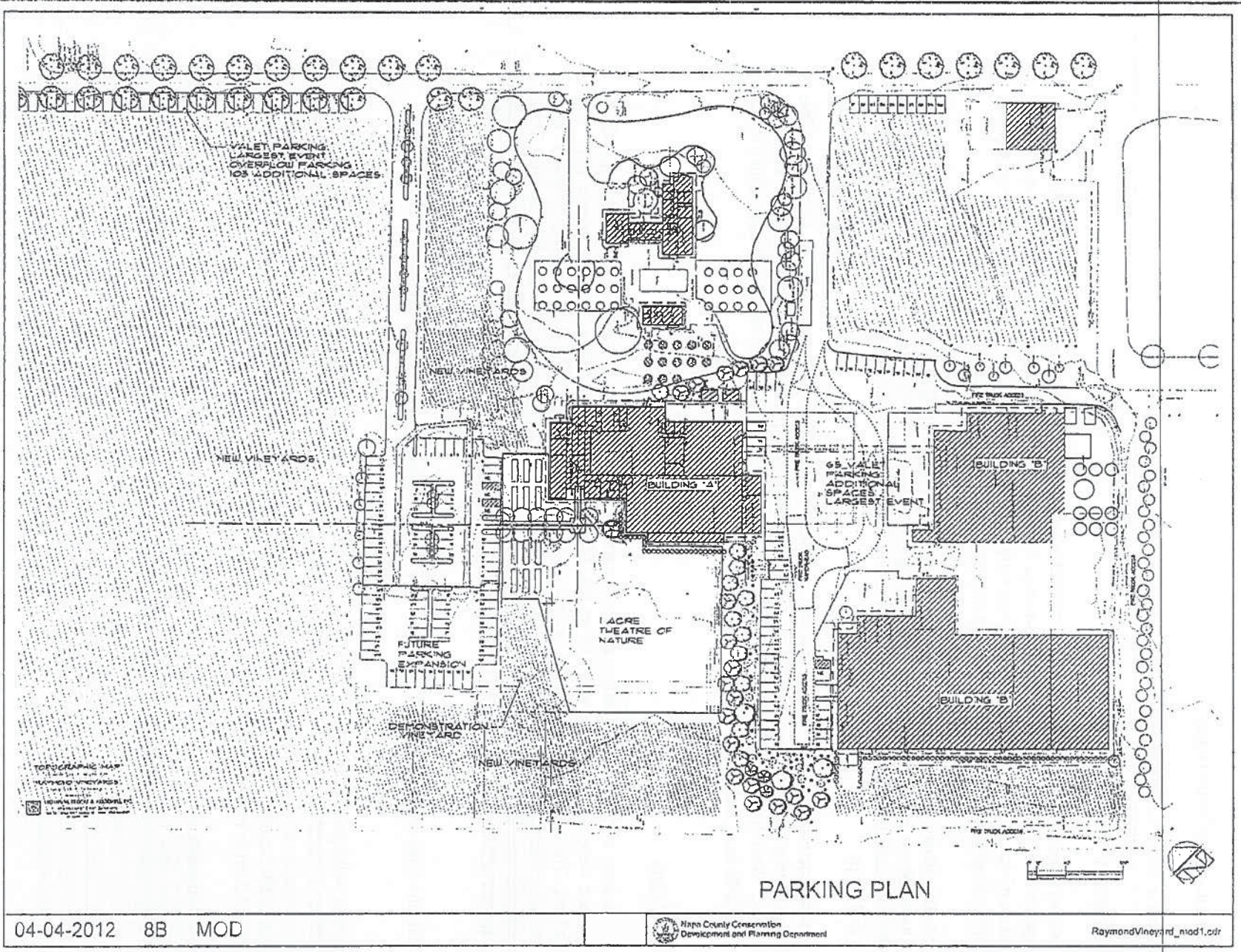
04-04-2012 8B MOD		Napa County Conservation Development and Planning Department	RaymondVineyard_mod1.cdr

Project Site Plan

North

omni-means

figure 8



Parking Plan

North

omni-means

figure 9

10. CUMULATIVE CONDITIONS

Cumulative Year 2030 Projections

Model Forecast

Cumulative (Year 2030) volume projections on Zinfandel Lane and SR 29 were derived from the Napa County Transportation & Planning Agency's traffic volume forecasts in the Napa County General Plan Update EIR.[19] The forecast increase in volume-to-capacity (v/c) ratio from Year 2003 to Year 2030 in the project vicinity was applied to the provided Year 2003 peak hour two-way volumes on Zinfandel Lane and SR 29.

The v/c ratio increase yields a volume of 517 weekday p.m. peak hour trips on Zinfandel Lane in Year 2030. The future volume is 200% higher than the existing (Year 2012) peak hour volume of 256 peak hour trips. With the forecasted increase, the existing daily volume on Zinfandel Lane of 2,825 trips would increase to 5,650 daily trips.

The forecast increase on SR 29 near Zinfandel Lane yields a weekday peak hour volume of 3,759 trips. The projected cumulative volume represents a large (300%) increase compared to the existing peak hour volume of 1,249 trips. With the forecasted volumes, the existing daily volume on SR 29 would increase from 24,300 trips to 72,900 daily trips.

Historical Data

For comparison, average annual daily traffic volumes on SR 29 north of Zinfandel Lane over the previous twenty years were reviewed. The AADT on SR 29 in year 1992 was 20,000 trips and in year 2011 was 24,300 trips. The volumes were highest in year 2007, reaching 27,000 AADT. The daily volumes have declined since then and are lower today than they were in 1998. The increase in volumes between year 1992 and the highest year of 2007 equates to an annual increase of 2% per year. Applying the same annual increase to the current ADT on SR 29 of 24,300 results in about 34,700 ADT in year 2030 (2% per year added for 18 years).

Applying the same increase to the current ADT on Zinfandel Lane of 2,825 results in about 4,035 ADT in year 2030.

Cumulative volumes based on historical data are approximately 50% of the model forecast volumes on SR 29 and 70% on Zinfandel Lane. The large difference between the model numbers and historical growth trends indicates volumes are not increasing to the model's forecasted levels. However, in order to proactively address potential traffic volumes under cumulative conditions, the County has adopted several measures identified in the General Plan to improve the street network and also reduce vehicle trips.

In order to identify weekend cumulative conditions, the General Plan Update provides a ratio of weekday to weekend peak hour volumes on key streets within the valley. Several segments on SR 29 in the vicinity of the project were shown to have an average ratio of 0.76-0.80, indicating weekend peak hour volumes are expected to be about 80% of weekday volumes. Daily volumes on Zinfandel Lane counted for this study found weekend peak hour volumes to be about 50% of the weekday peak hour volumes. Therefore the future weekend peak hour volumes would be expected to remain roughly in the same ratio as the existing volumes and lower than the weekday volume projections.

Cumulative Operating Conditions

Although the cumulative model forecast volumes are tenuous, the volumes would yield acceptable LOS 'C' or better conditions on Zinfandel Lane. The cumulative volumes would, however, result in left turn lanes being warranted at all driveways with 28 or more daily trips.

The model forecast volumes on SR 29 are highly unlikely. A more reasonable projection based on historical growth suggests SR 29 would continue to operate at near capacity with increased congestion at peak times of the day and with longer peak periods during the day.

In order to address potential traffic increases in the longterm, the County has identified mitigation policies as outlined in the Napa County General Plan. Additional improvements to the street network are anticipated and have been included in the General Plan's Improved 2030 Network model. The County has also adopted several measures identified in the General Plan to reduce vehicle trips through public transit and Transportation Demand Management (TDM) strategies: "The project should support programs to reduce single occupant vehicle use and encourage alternative travel modes."

> In keeping with the policy, the winery project will provide bicycle racks for visitors who may arrive by bike. The project should also promote the use of public transportation and carpooling of employees (by adjusting work schedules, etc.) to facilitate the use of other transportation modes.

The County has identified other mitigation policies, including development of a traffic impact fee (TIF) to be developed in cooperation with the NCTPA (Mitigation Measure 4.4.1C). This would require new projects to pay their "fair share" of countywide traffic improvements they contribute the need for. Examples of such improvements could include construction of two-way left turn lanes or installing signalized controls at select intersections along the SR 29 corridor. (The Zinfandel Lane/SR 29 intersection would operate at LOS 'C' with signalization using volume projections based on the historic growth rate.) The concept is under development but presumably the fee would be applied on a "per trip" basis if implemented.

11. SUMMARY AND RECOMMENDATIONS

Traffic conditions were evaluated for the proposed Raymond Winery use permit modification (#P11-00156). The analysis included evaluation of the conditions associated with existing, current permitted use, approved developments, and cumulative (buildout) conditions.

Based on surveys and provided winery information, the existing winery generates 299 daily weekday trips and 163 Saturdays trips. The trips are comprised of visitor trips, employee trips, and truck trips associated with winery production.

Existing LOS conditions on Zinfandel Lane and at the Zinfandel Lane/Wheeler Lane (project access) intersection are LOS 'B' or better. Existing conditions on SR 29 and at the Zinfandel Lane/SR 29 intersection are at LOS 'E'-'F'. Conditions on SR 29 are a function of volumes and, at times, vehicle queues extending from St. Helena to south of Zinfandel Lane. This results in degraded conditions at other intersections and driveways on SR 29 in addition to Zinfandel Lane.

LOS levels associated with complete utilization of the current use permit would remain the same as existing conditions. Based on the existing surveyed volumes and the calculated use permit volumes, the weekday daily trips would be somewhat lower (94 trips) while the Saturday daily trips (157 trips) and peak hour trips (14-62 trips) would be higher than existing conditions.

Conditions were evaluated for existing plus approved developments (near term) conditions. Vehicle trips associated with other pending projects in the project vicinity were calculated and distributed onto the street network. LOS levels would remain the same as existing conditions, with LOS 'B' or better at Zinfandel Lane and LOS 'E'-'F' at SR 29, but delays would increase for some approaches.

The proposed use permit modification (the "project") was calculated to generate a total of 403-410 daily trips, 73 weekday peak hour, and 130 Saturday total peak hour trips. The number of net new trips (above the existing winery trips) that would be added to the street network are 111 weekday daily trips, 240 Saturday daily trips, 41 weekday peak hour trips, and 88 Saturday peak hour trips.

Existing plus project LOS levels would remain unchanged from existing conditions and near term plus project LOS levels would remain unchanged from near term conditions without the project, though delays would increase. Under near term plus project conditions, LOS on Zinfandel Lane and at the Wheeler Lane (project access) intersection would remain LOS 'B' or better. SR 29 and the Zinfandel Lane/SR 29 intersection would remain LOS 'E'-'F' with longer delays for some approaches.

Although levels of service would not change with the added project trips, reducing winery trips to/from the west on Zinfandel Lane and SR 29 would minimize the delay increases. Redirecting a portion of the winery traffic to/from the east would result in lower winery volumes at the Zinfandel Lane/SR 29 intersection.

- Reducing vehicle trips to/from the west would benefit operating conditions at the Zinfandel Lane/SR 29 intersection. It is recommended that the winery establish a program of informing their employees of the traffic issue and requesting employees to utilize Zinfandel Lane to the east to the extent possible, particularly during peak traffic periods.

- Though more difficult to enact with visitors, consideration could be given to installing a sign for exiting visitors to use Silverado Trail to the east (such as a directional sign pointing toward Silverado Trail with mileage distances to nearby communities like Napa and St. Helena). Some visitors unfamiliar with alternative routes to SR 29 may be more likely to utilize Silverado Trail as a result.

Under County policy, unsignalized intersections are evaluated on an individual basis regarding potential improvements. The Zinfandel Lane/SR 29 intersection was analyzed for installation of a traffic signal based on peak hour volume warrants. The intersection volumes qualify for signalization for existing through near term plus project conditions. Qualifying does not necessarily mean a signal should be installed. The intersection would operate at LOS 'B' for each of those scenarios.

Based on an evaluation of the existing truck trips and the proposed production, there would be little to no expected increase in the number of typical daily production truck trips. The crush season grape delivery truck trips were conservatively calculated to increase by ten daily trips assuming maximum on-haul and all deliveries made using smaller trucks utilized by the winery.

Volumes at the Zinfandel Lane/Wheeler Lane intersection were evaluated for installation of a left turn lane on Zinfandel Lane. All scenarios (existing through near term plus project) qualify for installation of a left turn lane based on the County warrants.

- The Zinfandel Lane/Wheeler Lane intersection qualifies for installation of a left turn lane on Zinfandel Lane under all scenarios based on the Napa County thresholds. As part of the proposed use permit modification, the winery will install a westbound left turn lane with appropriate acceleration and deceleration tapers on Zinfandel Lane approved by the Napa County Public Works department. This would mitigate conditions to an acceptable level.

The onsite vehicle circulation was evaluated. The existing Wheeler Lane road width is 18-20 feet which satisfies the Napa County standard.

- The existing onsite street network would adequately serve the expected volumes. If any alterations are made to the existing onsite street network or new roads constructed as a result of the use permit modification they should be designed to meet all required standards set forth under the Napa County regulations.

Based on field observations, the available sight distances along Zinfandel Lane are adequate. (The project's Civil Engineer should confirm the adequacy of sight distances along Zinfandel Lane.)

The policies of the General Plan seek to proactively address potential volume increases by reducing vehicle trips from proposed projects by encouraging alternative transportation modes.

The winery has stated it will provide bicycle racks for visitors who may ride bikes to the winery. The winery will also provide an electric vehicle charging station.

- In order to help reduce single occupant vehicle trips, it is recommended the winery encourage carpooling by employees and allow scheduling options to facilitate carpooling to the extent possible.

Parking demand associated with typical conditions and marketing events was evaluated. The parking supply of permanent striped spaces would be increased to 130 spaces with the proposed use permit modification. The supply would meet the typical demand for visitors, employees, and smaller events. The winery has stated that larger events with 150 or more people would utilize valet parking or shuttle bus service from offsite parking at The Ranch Winery. In addition, the following recommendations are suggested:

- If the parking lot becomes full during a self-parked event when the winery is open to other visitors, the winery should place a sign at the entrance on Wheeler Lane stating the winery parking lot is full.

- To the extent possible the winery should schedule event times to minimize vehicle trips during the weekday p.m. peak hour.

- It is our understanding that self-parking for events is not allowed on Wheeler Lane (valet parking may be permitted). If so, the winery should be prepared to install temporary "No Parking" signs on the shoulder areas of Wheeler Lane when warranted.

- The winery should provide valet parking service and/or shuttle service for events with parking demand in excess of the onsite parking supply.

Existing and potential traffic levels associated with the project were qualitatively analyzed relative to the nearby community of homes, in particular the neighborhood west of the winery bounded by Zinfandel Lane and Stice Lane. The cross streets of Garden Avenue and Mountain View Avenue connect Zinfandel Lane and Stice Lane. Motorists knowledgeable of the connector streets may utilize Stice Lane to "cut through" to/from SR 29 instead of using Zinfandel Lane.

To the extent vehicle trips associated with the Raymond winery can be reduced to the west on Zinfandel Lane and through the neighborhood would be of benefit. The largest traffic increases associated with the proposed use permit modification are derived from visitors, who are less likely to be aware of an alternative route such as Stice Lane and unlikely to utilize the neighborhood streets. However, employees of the winery are more likely to know about the alternative routes. Therefore, although hard to enforce, the following measures are recommended:

- Since winery employees are most likely to be aware of the alternate routes through the neighborhood, the winery should maintain a program of informing their employees of the neighborhood concerns regarding the cut-through issue and requesting the employees to avoid driving through the neighborhood. The winery should encourage employees to utilize Silverado Trail to the east whenever possible.

Cumulative (Year 2030) conditions were assessed based on a review of volume forecasts from the Napa County General Plan Update transportation model as well as historical volume data. The model forecast volumes are substantially higher than historical volume growth over the past twenty years would indicate. Therefore it is unlikely volumes will increase to the model's forecasted levels. Future traffic projections based on historical growth suggests SR 29 would continue to operate at near capacity with increased congestion at peak times of the day and with longer peak periods during the day.

However, in order to address potential traffic increases in the longterm, the County has identified mitigation policies as outlined in the Napa County General Plan. These include additional improvements to the street network that are anticipated and have been included in the General Plan's Improved 2030 Network model.

Other mitigation policies include development of a traffic impact fee (TIF) developed in cooperation with the NCTPA (Mitigation Measure 4.4.1C) which would require new projects to pay a "fair share" of countywide traffic improvements they contribute the need for (such as construction of two-way left turn lanes or installing signalized controls at select intersections along the SR 29 corridor). The concept is under development but presumably the fee would be applied on a "per trip" basis if/when implemented.

- A traffic impact fee may be adopted by the County to fund the General Plan improvements or other projects. If a TIF program were enacted, the proposed project could contribute a "fair share" towards such future circulation improvements as determined by the policy guidelines.

References:

(1) Baymetrics Data Services, Daily traffic counts on Zinfandel Lane between Mountain View Avenue and Wheeler Lane, January 28, 2011 – February 3, 2011..

(2) California Department of Transportation (Caltrans), Traffic Data Branch, Volumes on the California State Highway System, online database.

(3) California Department of Transportation, ibid.

(4) Omni-Means Engineers & Planners, traffic counts on October 29, 2011, November 2, 2011, August 25, 2012, & August 28, 2012.

(5) Institute of Transportation Engineers, Trip Generation, 9th Edition, 2012; trip rates for single family detached unit (Land Use #210).

(6) California Department of Transportation, California Manual on Uniform Traffic Control Devices, 2012 Edition..

(7) Napa County, *Adopted Road and Street Standards*, revised November 21, 2006.

(8) California Department of Transportation, Guidelines for Reconstruction of Intersections, August, 1985.

(9) Production, employee, and visitor data provided by Raymond Winery personnel (Ms. Lisa Heisinger, Vice President, Operations, Boisset Family Estates).

(10) Historic truck trip data provided by Raymond Winery personnel (Mr. Kirk Wrede, Production Manager, Raymond Vineyard & Cellar).

(11) Current Use Permit information provided by Mr. Jeff Redding, AICP, project representative.

(12) Proposed Use Permit Modification information provided by Mr. Jeff Redding, AICP, project representative.

(13) Napa County, Planning Department, Ms. Kirsty Shelton, March 15, 2013.

(14) Omni-Means Engineers & Planners, ibid.

(15) California Department of Transportation, *Highway Design Manual*, - Fifth Edition, July 1, 2004.

(16) California Department of Transportation, *Guidelines for Reconstruction of Intersections*, August, 1985.

(17) Napa County, Countywide Bicycle Plan (2012), Planning Area-North Valley, May, 2012.

(18) Event parking, employee, and visitor data provided by Raymond Winery personnel (Mr. Tom Blackwood, Director of Retail Operations, Boisset Family Estates).

(19) Napa County, *The Napa County General Plan Update EIR*, prepared by Dowling Associates, Inc., February 9, 2007.

APPENDIX

To Updated Traffic Study
For Raymond Vineyards Winery
Use Permit Modification # P11-00156

- Level of Service Definitions
  Table A-1: LOS Definitions
  Table A-2: Napa County ADT LOS Thresholds

- Level of Service Calculations
  Vehicle Queuing Worksheets
  Approved Developments List

- Turn Lane Warrants
  Napa County Left Turn Lane Warrants
  Right Turn Lane Warrants

- Peak Hour Signal Warrants

- Existing Volume Counts
  Figure A-1: Turning Volumes at Side Streets

TABLE A-1
LEVEL-OF-SERVICE CRITERIA FOR INTERSECTIONS

Level of Service	Type of Flow	Delay	Maneuverability	Control Delay (seconds/vehicle)		
				Signalized	Unsignalized	All-Way Stop
A	Stable Flow	Very slight delay. Progression is very favorable, with most vehicles arriving during the green phase not stopping at all.	Turning movements are easily made, and nearly all drivers find freedom of operation.	≤ 10.0 secs. ≤ 0.60 v/c	≤ 10.0	≤ 10.0
B	Stable Flow	Good progression and/or short cycle lengths. More vehicles stop than for LOS A, causing higher levels of average delay.	Vehicle platoons are formed. Many drivers begin to feel somewhat restricted within groups of vehicles.	>10 and ≤ 20.0 secs. 0.61 – 0.70 v/c	>10 and ≤ 15.0	>10 and ≤ 15.0
C	Stable Flow	Higher delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures may begin to appear at this level. The number of vehicles stopping is significant, although many still pass through the intersection without stopping.	Back-ups may develop behind turning vehicles. Most drivers feel somewhat restricted	>20 and ≤ 35.0 secs. 0.71 – 0.80 v/c	>15 and ≤ 25.0	>15 and ≤ 25.0
D	Approaching Unstable Flow	The influence of congestion becomes more noticeable. Longer delays may result from some combination of unfavorable progression, long cycle lengths, or high volume-to-capacity ratios. Many vehicles stop, and the proportion of vehicles of stopping declines. Individual cycle failures are noticeable.	Maneuverability is severely limited during short periods due to temporary back-ups.	>35 and ≤ 55.0 secs. 0.81 – 0.90 v/c	>25 and ≤ 35.0	>25 and ≤ 35.0
E	Unstable Flow	Generally considered to be the limit of acceptable delay. Indicative of poor progression, long cycle lengths, and high volume-to-capacity ratios. Individual cycle failures are frequent occurrences.	There are typically long queues of vehicles waiting upstream of the intersection.	>55 and ≤ 80.0 secs. 0.91 – 1.00 v/c	>35 and ≤ 50.0	>35 and ≤ 50.0
F	Forced Flow	Generally considered to be unacceptable to most drivers. Often occurs with over saturation. May also occur at high volume-to-capacity ratios. There are many individual cycle failures. Poor progression and long cycle lengths may also be major contributing factors.	Jammed conditions. Back-ups from other locations restrict or prevent movement. Volumes may vary widely, depending principally on the downstream back-up conditions.	> 80.0 secs. > 1.00 v/c	> 50.0	> 50.0

References: 1. Highway Capacity Manual, Fourth Edition, Transportation Research Board, 2000. Contra Costa Transportation Authority (CCTA), Technical Procedures Update, Final, July 9, 2006. For the purposes of this study, CCTA intersection methodology has been used for signalized intersections yielding an LOS and v/c ratio.

TABLE A-2

Napa County Roadway Segment Daily LOS Volume Thresholds

Facility Class	Lanes	Area Type	LOS A	LOS B	LOS C	LOS D	LOS E
Freeway	4	All	23,800	39,600	55,200	67,100	74,600
	6	All	36,900	61,100	85,300	103,600	115,300
	8	All	49,900	82,700	115,300	140,200	156,000
Arterial[1]	2	Rural[2]	2,600	5,300	8,600	13,800	22,300
	2	Urban[3]	1,000	1,900	11,200	15,400	16,300
	4	Rural[2]	17,500	28,600	40,800	52,400	58,300
	4	Urban[3]	1,500	4,100	26,000	32,700	34,500
	6	Urban[3]	2,275	6,500	40,300	49,200	51,800
Collector[1]	2	All	1,067	3,049	9,100	14,600	15,600
	4	All	2,509	7,169	21,400	31,100	32,900

Notes:

[1] All two-lane roads are assumed to be undivided. Four- and six-lane roads are assumed to be divided.

[2] Rural roads are assumed as uninterrupted flow highways; FDOT Capacity Table 4-3.

[3] Urban arterials are assumed to be Class III with >4.5 signals per mile; FDOT Capacity Table 4.1

Source: Adapted from Florida Department of Transportation 2002; and Fehr & Peers 2005

Napa County Baseline Data Report, Chapter 11 Transportation and Circulation, November 2005.

ABBOTT & KINDERMANN, LLP
ATTORNEYS AT LAW

July 15, 2014

SENT BY ELECTRONIC & HAND DELIVERY

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

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

Dear Chair Fiddaman and Planning Commission Members:

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

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

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

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

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

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

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

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

A MITIGATED NEGATIVE DECLARATION CANNOT CONCLUDE A SIGNIFICANT AND UNAVOIDABLE IMPACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSION

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

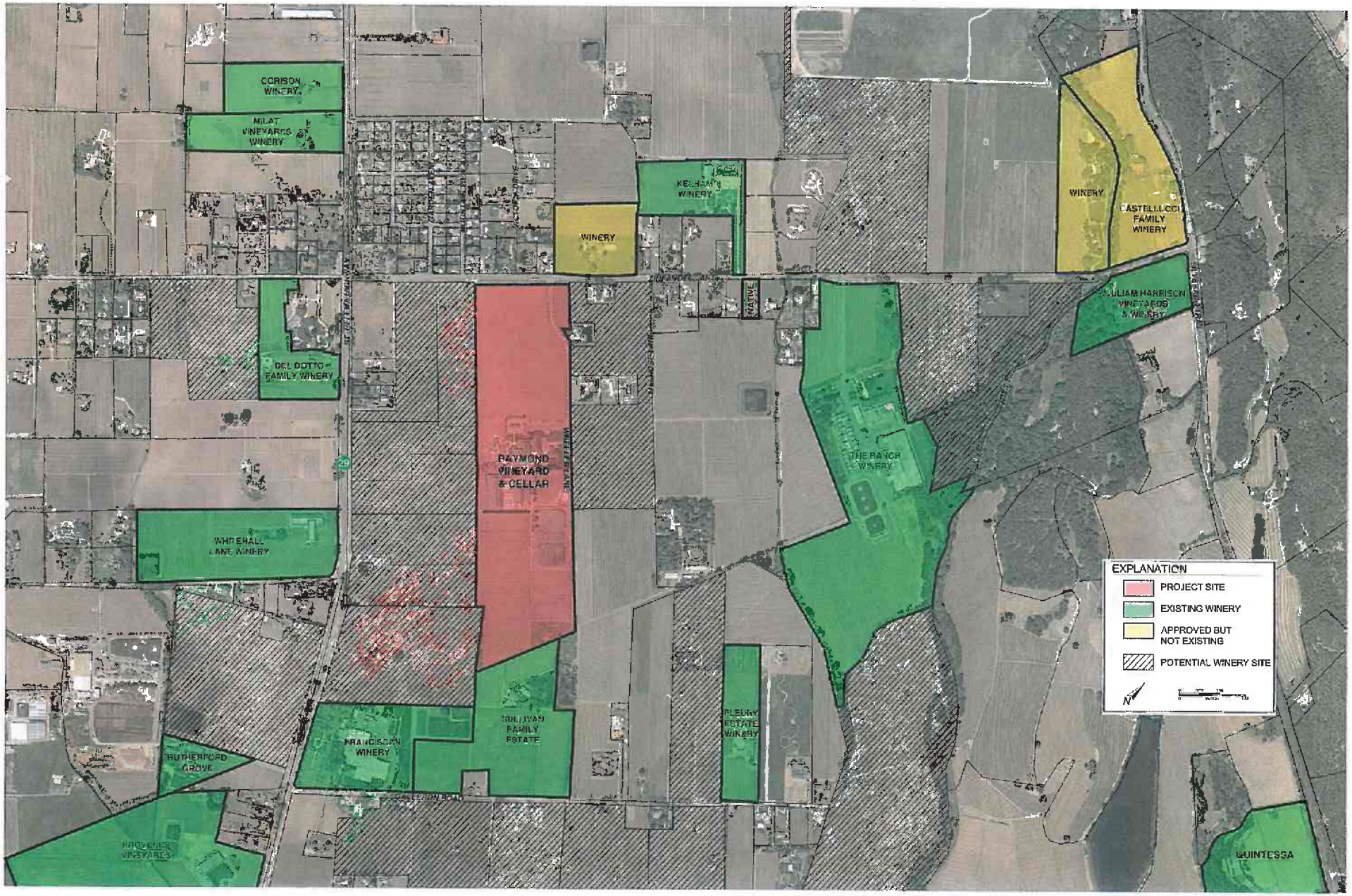
Thank you for your consideration of our comments.

Very truly yours,

Katherine J. Hart

Encls: Aerial Map
Engeo Letter dated July 14, 2014
Smith Letter dated July 15, 2014

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


CORISON WINERY
MILAT VINEYARDS WINERY
KELHAM'S WINERY
WINERY
WINERY
CASTELLUCCI FAMILY WINERY
WILLIAM HARRISON VINEYARDS & WINERY
DEL DOTTO FAMILY WINERY
RAYMOND VINEYARD & CELLAR
WHITEHALL LANE WINERY
THE RANCH WINERY
SULLIVAN FAMILY ESTATE
FRANCISCAN WINERY
RUTHERFORD GROVE
PROFFER VINEYARDS
FLEURY ESTATE WINERY
QUINTESSA
EXPLANATION
PROJECT SITE
EXISTING WINERY
APPROVED BUT NOT EXISTING
POTENTIAL WINERY SITE
N

Project No.
11303.000.000

July 14, 2014

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

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

ENGINEERING CONSULTATION

Dear Ms. Hart:

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

For our review, we received the following documents:

1. Summit Engineering, Inc., Raymond Winery UP-Water/WWFS and UP, January 22, 2014, (Water Availability Analysis).

2. Summit Engineering, Inc., Stormwater Runoff Management Plan (SRMP), Raymond Winery, August 15, 2013.

3. Summit Engineering, Inc., Wastewater Feasibility Study for Raymond Vineyard and Cellar Inc., May 9, 2011, Revised June 13, 2013.

WATER AVAILABILITY ANALYSIS

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

STORMWATER RUNOFF MANAGEMENT PLAN

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

WASTEWATER FEASIBILITY STUDY

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

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

COMMENTS

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

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

TABLE 1
DWR Groundwater Wells

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

- The well located approximately 2,500 feet to the northeast shows groundwater levels in the early 2000s in the range of 5 to 15 feet below grade. The web site printouts of historical groundwater data for each of these wells are attached.

- The documents categorize the soil conditions as Hydrologic Soil Group B. Our independent NRCS report revealed the site soil conditions to be categorized as Hydrologic Soil Group C, which could affect the stormwater runoff design and potential infiltration assumptions.

- Since infiltration methods are being proposed to capture and infiltrate the additional site runoff from the proposed parking lot expansion, in-situ infiltration tests should be performed in the area where the infiltration BMPs are proposed to confirm that the existing soils can accept the volume of water anticipated in the SRMP.

- The documents recommend that pH monitoring of the ponds be performed for 1 year to determine the need for pH pretreatment. We recommend that future pH monitoring data be made available as well as data from the last several years.

- The calculations on Page 9 of the Wastewater Feasibility Study used 71 acres instead of the 20 acres per the text description in the paragraph above.

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

Sincerely,

ENGEO Incorporated

REGISTERED PROFESSIONAL ENGINEER
MARK M. GILBERT
No. 2191
Exp. 3/31/2016
GEOTECHNICAL
STATE OF CALIFORNIA

Mark M. Gilbert, PE, GE

Shawn Munger, CHG

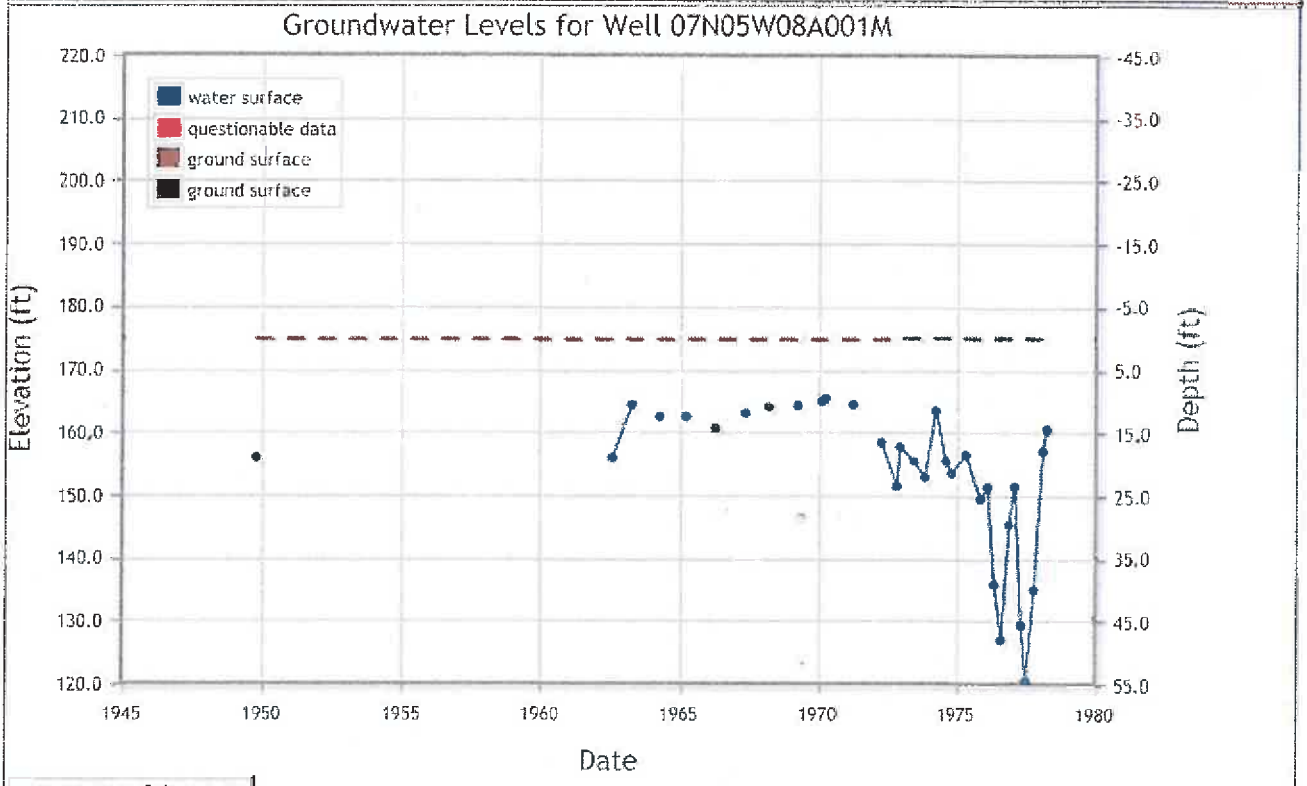
mmg/sm/jf

Attachments: DWR Well data (6 pages)

Groundwater Levels for Station 384772N1224337W001

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

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



Download CSV File

Date	RPE	GSE	RPWS	WSE	GS to...	NM Code	QM Code	Agency
10/18/1949	175.5	175	19.5	156	19			5000
07/19/1962	175.5	175	19.5	156	19			5050
04/09/1963	175.5	175	11.1	164.4	10.6			3952
04/06/1964	175.5	175	13	162.5	12.5			3952
03/25/1965	175.5	175	13	162.5	12.5			3952
04/21/1966	175.5	175	14.8	160.7	14.3			3952
05/10/1967	175.5	175	12.4	163.1	11.9			3952
03/25/1968	175.5	175	11.4	164.1	10.9			3952
04/02/1969	175.5	175	11.2	164.3	10.7			3952

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

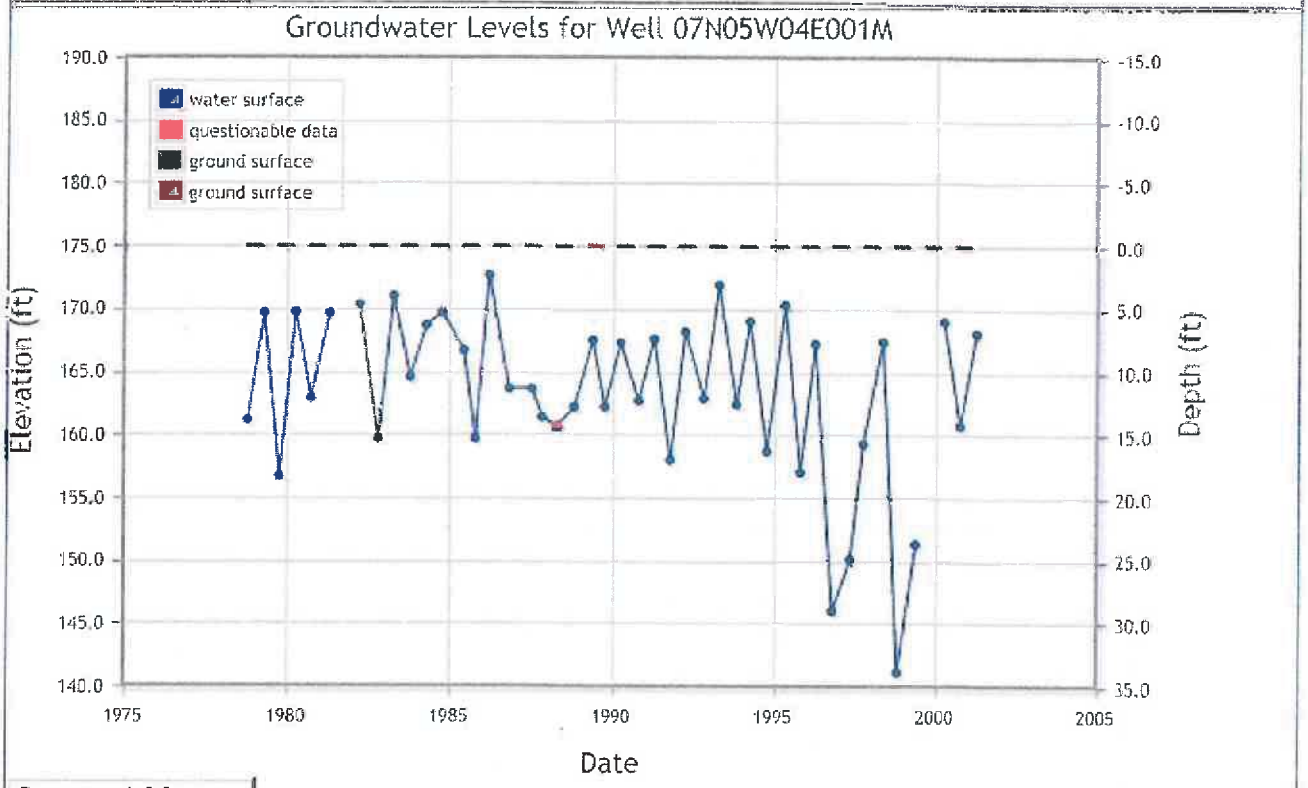
All elevation and depth measurements are in feet. The vertical datum for historical measurements is NGVD29.

Perform a New Well Search

Groundwater Levels for Station 384878N1224295W001

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

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



Download CSV File

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

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

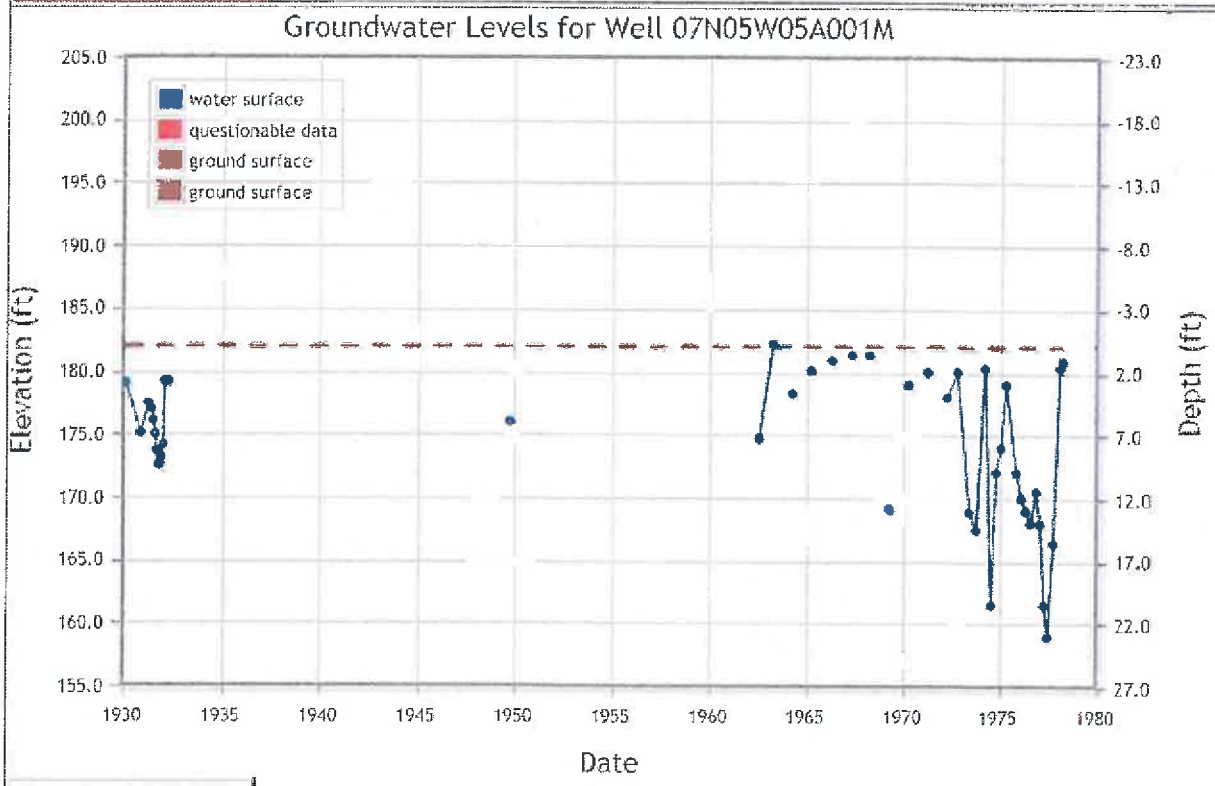
All elevation and depth measurements are in feet. The vertical datum for historical measurements is NGVD29.

Perform a New Well Search

Groundwater Levels for Station 384926N1224323W001

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

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



Download CSV File

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

SMITH ENGINEERING & MANAGEMENT

July 15, 2014

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

Subject: Raymond Winery Project

P14005

Dear Ms. Hart:

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

My technical comments are as follows.

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

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

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

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

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

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

The IS/MND and its supporting traffic study assess the project's traffic impacts only at the intersections of Zinfandel Lane with Wheeler Lane and Zinfandel Lane with S.R. 29. Yet the County has knowledge that potentially significant operational and safety impacts may occur at Zinfandel Lane's very narrow historic bridge over the Napa River and significant level of service and queuing impacts may occur at the intersection of Zinfandel Lane with Silverado Trail if the Project causes significant amounts of traffic to pass through those locations[1]. Figure 4 of the supporting traffic impact report to the IS/MND[2] make obvious that

[1] See *Traffic Impact Report, Castellucci Family Winery*, Crane Transportation Group, February 22, 2014 and Letter of Comment on Castellucci Family Winery, Smith Engineering & Management, 6-5-14.
[2] *Updated Traffic Study for the Proposed Raymond Vineyards Winery Use Permit Modification,* Omni Means Associates Ltd., April 5, 2013

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

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

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

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

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

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

Analysis of Marketing Event Traffic Is Unquantified and Speculative

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

Conclusion

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

Sincerely,

Smith Engineering & Management
A California Corporation

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

SMITH ENGINEERING & MANAGEMENT

DANIEL T. SMITH, Jr.
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EDUCATION

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

PROFESSIONAL REGISTRATION

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

PROFESSIONAL EXPERIENCE

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

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

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

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

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

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

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

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

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

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

MEMBERSHIPS

Institute of Transportation Engineers Transportation Research Board

PUBLICATIONS AND AWARDS

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

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

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

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

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

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

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

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NAPA COUNTY GRAND JURY
2014-2015

MARCH 31, 2015
FINAL REPORT MANAGEMENT OF

GROUNDWATER

AND RECYCLED WATER:

IS NAPA COUNTY IN GOOD HANDS?

MANAGEMENT OF GROUNDWATER AND RECYCLED WATER:
IS NAPA COUNTY IN GOOD HANDS?

SUMMARY

Every year the Napa County Grand Jury is asked to be the citizens' watchdog of city and county government. It is the Grand Jury's job to report on the performance of individual agencies and officials and make recommendations for improvements when warranted.

This Grand Jury chose to look at two distinct water supplies within the county:

- Groundwater
- Recycled Water

We investigated Napa County's management of groundwater for the following reasons:

- Continued drought
- Napa County's reliance on agriculture and its need for water
- Many newspaper articles expressing concern over increased development and asking, "Where will the water come from?"

We investigated the management of recycled water to determine the following:

- Is recycled water a viable alternative to potable water for irrigation purposes?
- Who is using recycled water?
- Who is not using recycled water but should be?

Accordingly, the 2014-2015 Napa County Grand Jury chose to investigate current practices, criteria, regulations, and processes that have been put in place to govern the availability of groundwater and recycled water within Napa County.

The investigation was conducted through interviews with:

- Personnel of city, county and independent agencies
- Well drilling companies
- A major winery that owns and manages several vineyards in and outside of Napa County
- A groundwater geologist who has worked with individual Napa County cities, wineries, and vineyard owners on groundwater issues

The Grand Jury also reviewed many state and local governmental documents, newspaper and periodical articles, and did Internet research to complete this investigation.

GROUNDWATER SUMMARY

After completing the investigation, this Grand Jury was impressed with the expertise, professionalism, and overall responsiveness to local conditions by the County and the agricultural community.

The Grand Jury's investigation found that for many years the County has studied the hydrogeology of Napa County and has worked cooperatively with consultants and water users to establish guidelines and limits on groundwater extraction. Specific examples of the County's involvement include but are not limited to the following:

- Monitoring the Valley floor and Pope Valley aquifers twice yearly through a network of 115 wells, which are mostly privately owned.
- Implementing a well permitting process requiring a Water Availability Analysis to study whether sufficient water is available for the requested project and the potential impact of new wells on nearby existing wells.
- Appointing a citizen Groundwater Resources Advisory Committee (GRAC) to advise them on effective measures to control groundwater usage, and to encourage groundwater users to conserve water and to join the County's well monitoring program.
- Working with the Farm Bureau, the Watershed Information Center and Conservancy of Napa County (WICC), and other organizations to provide educational outreach programs to all involved with groundwater.

However, the investigation did uncover information that was troubling to the Grand Jury:

- The County does not monitor groundwater usage and thus is unable to enforce rules or guidelines on water extraction. Currently, all well monitoring is voluntary.
- Finding water on the county's hillsides is problematic when compared to the Valley floor. Water is easily found on the floor, but hillsides are a 50-50 proposition.

- The County's use permit process may not be adequate to decide whether new vineyards should be planted on the hillsides.
- The County does not have a formalized contingency plan (What If) to manage its groundwater supply in case the drought continues.

RECYCLED WATER SUMMARY

Recycled water is becoming an important aid in the conservation of both groundwater and potable city water. Napa Sanitation District (NSD) is by far the largest source of recycled water in the county. However, they are limited in how much wastewater can be recycled due to storage and infrastructure limitations.

Currently, NSD processes 11,000 acre-feet (3.5 billion gallons) of wastewater annually and produces about 20% of this as recycled water. This percentage will grow to about 45% once the new Milliken-Sarco-Tulocay (MST) and the Los Carneros-Stanley Ranch pipelines are completed.

An opportunity to increase the use of recycled water further rests with the Napa State Hospital (NSH). NSH personnel told the Grand Jury they could cut their city water bill in half by converting their irrigation system to recycled water from city potable water. According to the City of Napa Water Department, NSH currently uses approximately 56 million gallons (172+ acre feet) of city water for irrigation of their common areas.

If NSD weren't limited by wastewater storage and infrastructure capacity, they could produce substantially more recycled water for additional irrigation usage.

GLOSSARY

DWR	Department of Water Resources (State)
GRAC	Groundwater Resources Advisory Committee
MST	Milliken-Sarco-Tulocay area (rural area east of Napa)
NSD	Napa Sanitation District
NSH	Napa State Hospital
SGMA	Sustainable Groundwater Management Act (State)
WAA	Water Availability Analysis
WICC	Watershed Information Center and Conservancy

BACKGROUND

Groundwater

Napa County, like the rest of California, is suffering from a three-year drought. Despite sparse rainfall, residential, commercial, and agricultural development projects continue to be brought forward to the County Planning Department and eventually to the Board of Supervisors for approval. Locally, many citizens have expressed concern through "Letters to the Editor" to the *Napa Valley Register* and have asked the question, "*Where will the water come from for additional development?"*

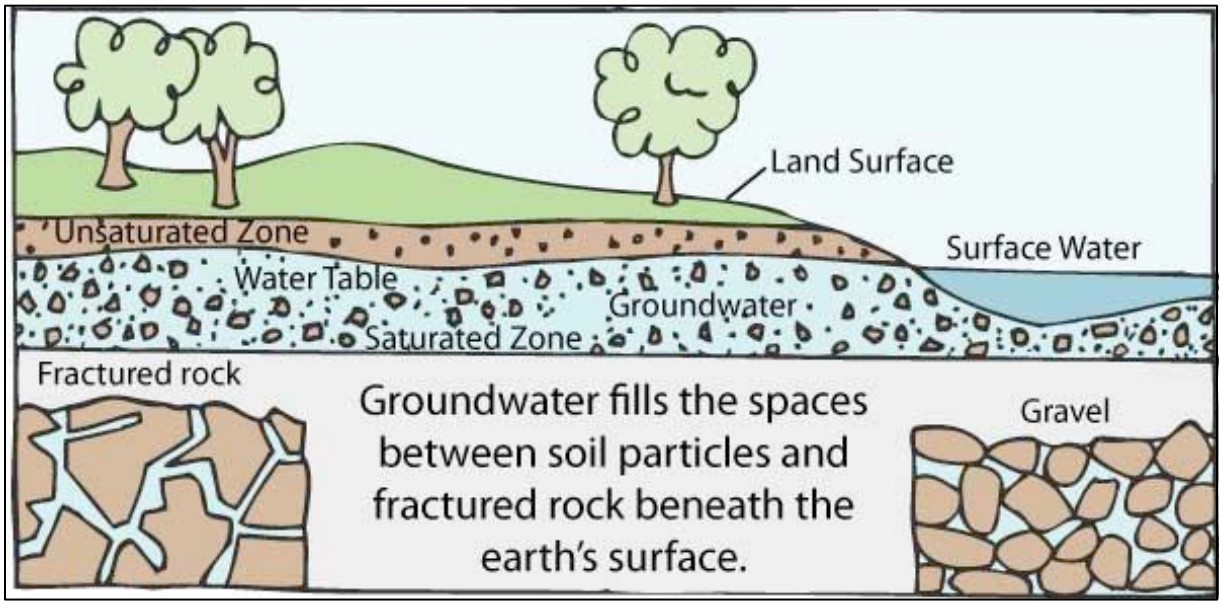
Many leading groundwater experts have said the state will need at least 150% of a normal rainfall year to begin to think of the drought ending. An article in the December 16, 2014 *San Francisco Chronicle* reported that California has a water deficit of 11 trillion gallons, about one and a half times the maximum volume of Lake Mead, America's largest reservoir.

These concerns led the 2014-2015 Grand Jury to study the groundwater supply in Napa County. Because "water" is such a huge and complex subject, we limited our research to whether the County is adequately measuring and managing its groundwater supply in order to insure its continued availability for generations to come. Specifically, the Grand Jury wanted to identify the following:

- Current practices, criteria, regulations, and processes that have been put in place to govern the continued availability, monitoring, and sustainability of groundwater within Napa County.
- The availability of recycled water as a viable alternative for irrigation use to reduce the pressure on both the groundwater and city potable water supplies.

What is Groundwater?

The Groundwater Foundation describes groundwater as the water found underground in the cracks and spaces in soil, sand, and rock. It is stored in and moves slowly through geologic formations of soil, sand, and rocks called aquifers.



Groundwater is used for drinking water by more than 50% of the people in the United States and 99% of all people who live in rural areas. The largest use of groundwater is to irrigate crops. In Napa County approximately 80% of groundwater is used for agricultural purposes. Groundwater supplies are replenished or recharged by rain and snow melt that seeps down into the cracks and crevices beneath the land's surface.

Water in aquifers is brought to the surface naturally through a spring or can be discharged into lakes and streams. Groundwater can also be extracted through a well drilled into the aquifer. A well is a pipe in the ground that fills with groundwater. This water can be brought to the surface by a pump. Most groundwater in Napa County is extracted through wells.

What is Recycled Water?

Recycled water is the fastest growing water supply in California. Recycled water is wastewater effluent that is treated and disinfected to provide a non-potable supply that is safe and suitable for food crop and landscape irrigation and some industrial processes. In California, recycled water is regulated by the California Department of Public Health for quality and usage. There are several categories of recycled water. The highest quality is "disinfected, tertiary treated water" and the Grand Jury refers to this quality when speaking of recycled water. Recycled water is widely used and accepted as an environmentally responsible way to conserve scarce and expensive potable water supplies throughout the arid and semi-arid portions of the United States.

Recycled water is clean, clear, and safe. No health-related incidents have ever been linked to the use of recycled water. Recycled water quality standards are more stringent than those for surface streams, rivers, and the Bay. The California Department of Health Services and the California Regional Water Quality Control Board regulate the production, distribution, and use of recycled water. California's regulations are some of the most stringent in the world.

Napa Sanitation District's recycled water meets the highest quality standard, 'Unrestricted Use," as specified by the California Water Recycling Criteria, Title 22 of the California Code of Administration.

METHODOLOGY

Interviews

To complete this study, the Grand Jury interviewed personnel from the following local agencies:

- Napa County Public Works Department
- Napa Sanitation District
- City of Napa Water Department
- Napa County Farm Bureau
- Napa State Hospital
- Napa County Groundwater Advisory Committee

Additional interviews were conducted with:

- Personnel from several city, county, and independent agencies
- Well drillers with many years of experience drilling and maintaining wells in the county
- A major winery that owns and manages several vineyards in and outside Napa County, and
- A groundwater geologist who has worked with individual Napa County cities, wineries, and vineyard owners on groundwater issues

All interviewees were selected for their expertise and their willingness to speak candidly with the Grand Jury.

Documents Reviewed

- Organization Charts for City of Napa Water Department
- Organization Chart for Napa County Public Works

- Contract between NSD and The City of Napa Water Department
- Contracts between NSD and landowners who sign up for the Recycled Water Pipeline in the MST and Los Carneros areas
- Documents produced by the State of California and County of Napa
- California Senate Bill 1739, SB1319, and Assembly Bill 1178 which were combined to form California's *Sustainable Groundwater Management Act* (SGMA)
- Napa County *Water Availability Analysis*
- Napa County *Groundwater Conservation Ordinance*
- "*Napa County Groundwater Monitoring Plan*" – January 2014 report from Luhdorff & Scalmanini Consulting Engineers
- "*Understanding Groundwater in Napa County*" - March 2014 report from Luhdorff & Scalmanini Consulting Engineers
- *Understanding Groundwater in Napa County* – Luhdorff & Scalmanini, Consulting Engineers – Updated February 2015
- NSD's *Strategic Plan for Recycled Water Use In the Year 2020* – Adopted in 2005

Internet Searches

- Napa County Board of Supervisors: www.countyofnapa.org/bos/
- Napa County Public Works: www.countyofnapa.org/PublicWorks/
- Napa County Planning, Building and Environmental Services: www.countyofnapa.org/planning/grac
- Groundwater Resources Advisory Committee: www.countyofnapa.org/bos/grac/
- Napa County Assessor: www.countyofnapa.org/assessor /
- Napa Sanitation District : www.napasan.com
- Source Water Collaborative Forum: www.sourcewatercollaborative.org
- Groundwater Foundation : www.groundwater.org

DISCUSSION

Groundwater

Whether it is the source of your drinking water or the water used to grow the food on your table, groundwater is vital to life. As such, every person plays a role in protecting and conserving groundwater.

For decades the State has stumbled when it comes to managing groundwater supplies. California has managed the state's groundwater as if its supply were

unlimited, instead of considering it a precious resource that must be managed properly and efficiently.

- In its August 15, 2014 editorial, the ***Sacramento Bee*** notes that it was in 1962 that an Assembly Interim Committee on Water dodged the issue of needed groundwater management by advising the Legislature it should act if the situation got worse. It got worse.
- Sixteen years later in 1978 the *Governor's Commission to Review California Water Rights*, a group commissioned by Governor Jerry Brown, found the groundwater situation was critical and that comprehensive local management had not been undertaken in many overdrafted areas of the state. Again there was no action.
- An August 18, 2014, ***Los Angeles Times*** column said the State has been ignoring experts' increasing warnings regarding groundwater depletions for decades holding off on groundwater regulation since statehood.
- Assembly Bill 1739 stated that between 2003 and 2009 the groundwater aquifers for the Central Valley and its major mountain water source, the Sierra Nevadas, lost almost 26 million acre-feet of water (greater than 8 trillion gallons of water), nearly enough water to fill Lake Mead, America's largest reservoir.

On September 16, 2014, Governor Jerry Brown signed into law a historic three-bill package (SB1168/AB1739/SB1319) named the *Sustainable Groundwater Management Act* (SGMA) that creates a statewide system of groundwater regulations for sustainable management of California's groundwater basins. This is the first law enacted since statehood that focuses on the management of groundwater.

A key requirement of California's SGMA (Assembly Bill 1739, SEC. 19, Chapter 11) mandates that groundwater be managed locally, and if a local community fails to do so, the state will step in and take over the management of that community's groundwater supply.

Additional requirements include:

- By January 31, 2015: Department of Water Resources (DWR) is to prioritize and publish a list of all groundwater basins classified as high, medium, low, or very low priority based on the existence and severity of overdraft conditions (all of Napa County basins are classified as "medium" priority).
- By January 1, 2016: DWR is to adopt regulations on criteria for modifying groundwater basin boundaries.

- By June 30, 2017: Napa County must designate or elect a local agency (e.g., the Board of Supervisors) to be a sustainability agency for water basins.
- By January 31, 2020: Groundwater sustainability plans are required for medium and high-priority basins that are determined to be in critical overdraft.
- By January 31, 2022: Groundwater sustainability plans are required for medium and high-priority basins that are determined not to be in critical overdraft.
- Twenty years after plan adoption: Groundwater management plans to achieve the sustainability goal.

The SGMA is a good step forward and one that is long overdue. However, the SGMA is focused on long-term results and does not address immediate concerns about groundwater. It becomes incumbent upon local entities to be proactive and to take steps now to insure adequate groundwater is available into the future.

The Grand Jury learned during interviews with Napa County Public Works Department that 80% of groundwater use in Napa County is used by agriculture. However, a groundwater geologist we interviewed disputed the 80% figure, saying vineyards use relatively little water and that an acre of vineyards uses less water than an acre of average size residential homes would use. Regardless of the exact percentage, most agree that the County, grape growers, and large landowners must work together proactively to develop policies and procedures for managing groundwater efficiently and to insure its sustainability for generations to come.

Napa County Groundwater Management

Napa County Public Works Department's opinion is that the SGMA's impact on Napa County will be minimal and that Napa County has been ahead of the curve for years on groundwater management.

The Grand Jury's investigation shows that for decades the County has been ahead of the State regarding its position on groundwater being a resource that must be preserved. For example, they:

1. Studied for decades the availability of groundwater, especially as it impacts agriculture.

2. Employed technical consultants to conduct several geohydrologic studies of the county.

3. Implemented regulations and other actions to manage the groundwater supply, including well monitoring and stricter permitting rules.

4. Appointed in September 2011, the Groundwater Advisory Committee (GRAC), a 15 member committee consisting of volunteer citizens with a variety of backgrounds, to assist the County and outside consultants with the tasks of groundwater management. For over two years, GRAC was involved with collection and analysis of data, the development of a large well monitoring program, revisions of protocols and regulations, community educational outreach, and the development of county groundwater sustainability objectives.

5. Passed two key regulations that control the extraction and use of groundwater resources in the County and insure that groundwater use is beneficial and not wasteful:

A. ***Water Availability Analysis*** (1991)

- Sets up guidelines to determine if a proposed project will have an adverse impact on the groundwater basin as a whole or on the water levels of neighboring wells with the overriding benefit of helping to manage groundwater resources.
- Consists of three phases. If the amount of water to be extracted exceeds thresholds assigned to the parcel, then further study may be required before the permit is approved or denied.
  - Water extraction thresholds:

    Valley Floor Land Parcels: 1 acre-foot per acre of land (an acre-foot of water is the amount of water it takes to cover one acre of land to a depth of one foot, or 325,851 gallons). Therefore, a 40-acre parcel will have an acceptable level of groundwater use of 40 acre-feet per year.

    Hillside Parcels: Determined through the permitting process utilizing the Water Availability Analysis Report as a guide.

    "Groundwater Deficient Areas" as defined in the Groundwater Conservation Ordinance will have the threshold established for that specific area. The Milliken-Sarco-Tulocay Basin (MST) is currently the only "groundwater deficient area" and has an established threshold of 0.3 acre-feet per acre per year. Thus, a 40-acre parcel has an acceptable level of water use of 12 acre-feet per year.

B. ***Napa County Groundwater Ordinance***, (first implemented in 1999)

- Purpose is to regulate to the greatest extent possible the extraction and use of groundwater resources in Napa County and to prohibit wasteful extraction for unreasonable or non-beneficial

purposes in order to promote groundwater conservation and best management practices and maximize the long-term beneficial use of the county's groundwater resources.

- Includes a Groundwater Permit section that applies to areas of the county that are designated as groundwater deficient. These requirements are currently applied only to the MST area of the county:
  - Metering of water use is mandatory.
  - Permit holders are required to take monthly meter readings and to submit their readings to the Public Works Department every six months.
  - If water use during any year exceeds the approved use, the permit holder is required to reduce water use the following year or face penalties as written into the Groundwater Conservation Ordinance.

These two regulations along with others have enabled the County to improve the well permitting process and to help insure approved projects requiring groundwater are in the best interests of the applicants, neighboring properties, and the county at large.

A key requirement of managing groundwater is to monitor the recharge of the aquifers. With the assistance of the GRAC, the County implemented an ongoing well monitoring program with 115 mostly individually owned wells. At the end of each October, when the wells are at their lowest levels, they drop a line into the wells and measure how far down the line goes to find the water levels. They repeat this process at the end of April, when the wells are at their highest levels. They then compare the results to past years' water levels and make a determination of the recharging ability of the aquifers.

Based on the data collected for years, Napa County Public Works states that the aquifers are recharging normally throughout the Valley floor and that a problem currently does not exist. (They do recognize that this is not necessarily the case on the hillsides where they say each parcel must be studied independently, and a generalization cannot be made as to the recharge ability of individual aquifers.)

However, a groundwater geologist had a different viewpoint and told the Grand Jury that aquifers are recharged only by rainwater and surface water runoff. If there is no rain or limited rain, the aquifer will not recharge to normal levels. There will be a steady decline in the water level until the rains come back.

In contrast to the County's position, the well drillers reported that wells on the Valley floor must be drilled to depths of 300-750 feet and in some cases over 1,000 feet to find water vs. a drilling depth of 100-200 feet or less in previous years. They still find water on the Valley floor 90-95% of the time, just at lower depths.

The well drillers agree that it is far less certain that water will be found on the county's hillsides. Drillers that were interviewed said finding water there is a 50-50 proposition and that reports of wells drying up are not uncommon.

Conclusions -- The County's Management of Groundwater

This Grand Jury believes that the County is doing a good job as stewards of groundwater and that Napa's citizens should be pleased with the professionalism, expertise, and involvement of all parties (governmental, agricultural, and commercial) when it comes to groundwater management. It is our belief that those involved are qualified and are doing all they can to manage our groundwater supply

Despite the efforts by the County, this Grand Jury does have some concerns that we believe need to be addressed:

- The differences between what the well drillers and the geologist stated and what the County believes is happening on the Valley floor with respect to groundwater levels and aquifer recharge.
- The MST area has been overdrafted for decades and there are frequent groundwater problems in the Carneros area.
- Most well owners have groundwater extraction limits that cannot be enforced by the County. With the exception of the MST, their groundwater usage is not monitored, even for large water users. There are provisions in the new SGMA that would allow the local agency to impose fees to fund the costs of groundwater management, including the costs of monitoring users' groundwater usage.
- The County does not have a groundwater management contingency plan in place should the drought continue.

This Grand Jury would stress that there are some troubling issues and that the County would be better served planning for a potential future disaster vs. waiting for it to happen and then trying to put a plan together quickly. Citizens should expect their governmental officials to be prepared for all potential outcomes and have procedures or policies in place that they may rely on when needed.

Recycled Water

Napa Sanitation District (NSD)

NSD provides wastewater collection, treatment, and disposal services to customers in the City of Napa and surrounding unincorporated areas. Each year they process over 3.5 bi1lion gallons of wastewater (11,000 acre-feet) and produce over 700 millions gallons of recycled water (2,200 acre feet) for agricultural and landscaping use. Current recycled water production represents about 20% of the total wastewater processed.

Operating in accordance with the District's ***Strategic Plan for Recycled Water Use,*** NSD's vision is to maximize the production of recycled water in order to reduce dependence on and to preserve groundwater supplies. Specifically, their goal is for all parks, cemeteries, schools, hospitals, vineyards, and other major users of potable water for irrigation to be converted to recycled water. Currently, Napa Valley College, the airport area, Napa Corporate Park, and golf courses in South Napa are all using recycled water.

To increase the availability and use of recycled water, NSD is in the process of building two pipelines that will carry recycled water to the MST and Los Carneros/Stanly Ranch areas. The pipelines are scheduled to be completed this year. Once the pipelines are completed, NSD's recycled water production will increase from 20% to more than 45% of all wastewater processed.

1. **Milliken-Sarco-Tulocay (MST) Pipeline**

   MST customers will be assessed a flat amount on their tax bills for 20 years and also will be responsible for all costs associated with hooking up to the main pipeline. Additionally, the consumers will pay for the water they use. All hook-ups will be metered and monitored by NSD personnel.

   The pipeline will be available (on a voluntary basis) to all parcels along the pipeline route in the MST area. However, the primary focus is to convert large landowners and agricultural users to recycled water from groundwater for irrigation purposes.

   It should be noted that once a property "opts in" to hook up to the pipeline, that property cannot later "opt out". Even if the property is later sold, the new owner will be obligated to remain on the pipeline and pay the tax assessment. NSD personnel reported that as more customers sign up for recycled water, the tax assessment may be decreased.

2. **Los Carneros/Stanly Ranch Pipeline**

Connecting to the pipeline in the Los Carneros/Stanly Ranch area is optional. However, if a landowner opts out, the pipeline may go around the property and the owner may not be able to connect in the future. The cost is $5,700 per acre plus hook up and water usage costs. Over 100 landowners have voluntarily signed up to date.

NSD has written agreements with each customer that opts in. These spell out how the recycled water is to be used. Water meters will be installed and read by NSD personnel to insure an individual property is not exceeding their approved amount of recycled water usage.

3. **Napa State Hospital Recycled Water Potential**

Another opportunity to reduce reliance on groundwater would be to convert Napa State Hospital's landscape irrigation from potable water to recycled water. Even though they are in the county, they are using Napa city potable water for all their water needs including irrigation.

According to the City of Napa Water Department, the State Hospital historically averages 142 million gallons (435 acre-feet) of potable water annually. An estimated 56 million gallons (172 acre-feet) is used for irrigation. Converting their landscape water needs to recycled water would increase NSD's current recycled water production by 8%.

Those interviewed stated that Napa State Hospital could cut their city water bill substantially by converting their irrigation system to recycled water. The pipeline to the MST is already located underneath the hospital property and only needs to be hooked up to their irrigation system.

The Grand Jury was told the cost to do the hook-up was about $5,000,000 and the estimated payback would be 10 years. Funding has been requested multiple times, but the State of California has not approved this project as yet. This is a priority for the Hospital Administration and is supported by many at the state level; but so far, funding has not come through.

The State has made water conservation mandatory since 2014. It would make sense for the State to fund the conversion of the State Hospital's irrigation system to recycled water. This would be a true win-win situation. This Grand Jury strongly recommends that the County and City of Napa

get involved with the State through their local and state government officials and lobbyists to make this a priority for the State.

NSD's Ability to Produce Additional Recycled Water

Lack of available storage is keeping NSD from processing more recycled water. To increase storage, NSD would have to increase the size of existing ponds and/or build new ponds. However, finding large quantities of land that would be needed for new ponds is difficult and very expensive.

NSD works with the North Bay Water Reuse Authority, a group of water and sanitation agencies in Sonoma, Marin, and Napa Counties, to coordinate and seek state and federal funding for recycled water expansion projects. Funds for the pipelines under construction are coming from a variety of governmental sources including a federal grant, a state revolving loan from the State Water Board, and funds from Napa County Measure A.

NSD now has a new funding opportunity through the passage of California's Proposition 1, "Water Quality, Supply, and Infrastructure Improvement Act of 2014." This act authorizes $7.12 billion in general obligation bonds for state water supply infrastructure projects such as water system improvements, surface and groundwater storage, water recycling, and a myriad of other water related undertakings. Of the total money authorized, $725 million will be available for water recycling and treatment, which includes recycled water storage and infrastructure projects. To obtain grants or loans from the state NSD will have to compete against other projects requesting funds and must pay at least 50% of the project costs.

NSD's Agreement with the City of Napa Water Department

It was learned through interviews that NSD has an agreement with the City of Napa Water Department to reimburse the city one year's revenue for every customer switched from city water for irrigation purposes to recycled water. This agreement ends in 2017 and currently there are no renewal discussions scheduled.

This Grand Jury recommends that both NSD and the City of Napa Water Department begin discussions to ensure that this agreement is renewed at the appropriate time. Everyone wins by reducing the need for potable water and groundwater resources.

FINDINGS – GROUNDWATER

F1. The County has done an effective job of managing groundwater resources to date. However, there is no contingency plan in place that details the steps to

be taken in case the drought continues and groundwater supplies are further depleted.

F2. Despite the continuing drought and some evidence that aquifers on the Valley floor may not be fully recharging, there appears to be sufficient groundwater available on the Valley floor at this time.

F3. Groundwater is less plentiful on the county's hillsides, and each parcel must be studied independently. There have been a number of reports of existing wells drying up, and finding water for new wells is often difficult.

F4. The County cannot enforce their usage restrictions effectively because they do not monitor usage of groundwater or enforce limits on groundwater extraction.

FINDINGS – RECYCLED WATER

F5. The lack of adequate storage capacity and the need for additional infrastructure prevent NSD from maximizing the amount of recycled water that could be processed.

F6. There have been no discussions to date to renew the agreement between NSD and the City of Napa Water Department, expiring in 2017, requiring NSD to reimburse the city one year's revenue for every customer converted from city water to recycled water.

F7. Napa State Hospital could cut their potable water usage substantially if they converted their irrigation system to recycled water.

RECOMMENDATIONS – GROUNDWATER

R1. By December 31, 2015, the Napa County Public Works Department to develop a contingency plan, approved by the Board of Supervisors, that lays out the major steps to be taken in the event of severe drought conditions.

R2. By June 30, 2016, the Napa County Public Works Department to require major groundwater users to meter and report their water usage on a quarterly basis to ensure all well owners are following prescribed usage rates.

R3. By June 30, 2016, the Napa County Public Works Department to adopt policies to encourage all other groundwater users to meter and monitor their well water usage.

RECOMMENDATIONS – RECYCLED WATER

R4. NSD to immediately begin exploring additional opportunities to expand their wastewater storage and infrastructure capacity through funds that may be available from the passage of California Proposition 1, the $7.1 Billion "Water Quality, Supply, and Infrastructure Improvement Act of 2014."

R5. By June 30, 2016, NSD and the City of Napa Water Department to begin negotiations to extend the current agreement that requires NSD to reimburse the Water Department for lost revenue when a city water customer converts to recycled water.

R6. By December 31, 2015, that NSD and the City of Napa Water Department to begin working with local officials, lobbying groups, and trade associations to persuade the State to fund the conversion of Napa State Hospital to recycled water for their irrigation purposes.

REQUEST FOR RESPONSES

Pursuant to California Penal Code section 933.05, the 2014-2015 Grand Jury requests responses as follows:

- Napa County Board of Supervisors: R1, R2, R3
- Napa Sanitation District Board of Directors: R4, R5, R6
- City of Napa: R5, R6

NAPA COUNTY GRAND JURY
2014-2015

MAY 12, 2015

FINAL REPORT

ARE NAPA COUNTY WINERIES FOLLOWING THE RULES?

ARE NAPA COUNTY WINERIES FOLLOWING THE RULES?

SUMMARY

The Grand Jury undertook an investigation to determine if the Napa County Planning Department is issuing winery use permits that conform to the requirements of the Winery Definition Ordnance (WDO), which regulates wineries located within the Napa County Agriculture Preserve. The Grand Jury also investigated if the Planning Department is adequately monitoring the compliance of the wineries with their use permit requirements.

Wineries and the attendant vineyards are Napa County's largest industry providing the most jobs and greatest economic impact on the county. Wineries have been present since the earliest Europeans settled in the region, but the growth of wineries and the expansion of existing wineries have dramatically increased their footprint in the county in recent years. Increasing public concern over the impact of winery growth on traffic, water resources, and other quality of life issues has been expressed in the news media and in public hearings.

The approvals of new wineries and winery expansions are regulated through use permits issued by the County and are administered by the County Planning Department. The Planning Department is also charged with enforcing winery compliance with the conditions of their use permits. Wineries established before the enactment of the current regulations are to some extent exempt from these regulations, but if these wineries expand, the current regulations do apply. Public concern has also been expressed about the lack of transparency in winery compliance with their use permit conditions.

The number of wineries in Napa County is growing. According to data published by the Planning Department, in the seven-year period ending in 2013 a yearly average of 18 use permits were approved. These use permits authorized an average of eight new wineries each year, plus 10 winery expansions allowing approximately 180,000 gallons of additional wine production. There was an attendant approval of about an additional 28,000 visitors for tasting and 3,000 visitors for marketing events for each year.

The focus of this investigation was to determine if the Planning Department has followed the guidance of the WDO in issuing use permits and if the winery audits

are sufficient to determine if the wineries are in compliance with their use permit requirements.

The Grand Jury concluded that the planning staff does a conscientious job of reviewing use permit applications for new wineries and for winery expansions to ensure their conformance with the WDO and the Napa County General Plan. Because of the number of applicants and the complexity of the permitting process, the length of time to obtain a permit frequently requires a year or more. The applicants bear the costs of the staff s time required to issue permits.

The Napa County Planning Department also has the responsibility for auditing the compliance of the wineries with their use permit conditions. The Grand Jury also concluded that the code enforcement staff is doing a professional job in its audit and compliance function in so far as their limited resources permit. There has been approximately 30% of one code enforcement inspector devoted to auditing winery compliance. An additional code enforcement inspector was added to the staff in January of 2015, but will have a range of duties other than winery audits. The Grand Jury reviewed the audit results of winery compliance with their use permits for calendar years 2011-2013.

The investigation revealed that only 20 wineries are audited each year out of the approximately 467 wineries in the Napa County winery database. In the audits of 2011-2013 from 30% to 40% of the wineries audited were not in compliance for one or more requirements of their permits. The audits are limited in scope and all conditions specified by the use permits are not reviewed. This coupled with the relatively small number of wineries audited may not give a full picture of compliance.

The Grand Jury urges that the number and scope of the audits be increased to give a broader indication of compliance with the WDO even though this may require more code enforcement staff than currently employed. The identifications of the wineries that are audited are not released. The Grand Jury also urges that the names of non-compliant wineries be released to give greater transparency to the process and to raise public awareness.

Finally, the Grand Jury urges the Board of Supervisors and the Planning Commissioners to determine whether the WDO as written provides the regulatory framework necessary to maintain a winery industry that is consistent with the Agriculture Preserve Ordinance.

GLOSSARY

Ag Preserve:	Agriculture Preserve of Napa County, Ordinance 274 of April 9, 1968
General Plan:	Napa County General Plan of 2007
TTB:	Federal Alcohol and Tobacco Tax and Trade Bureau
WDO:	Collective term for the Winery Definition Ordinances
	Winery Definition Ordinance, Ordinance NO. 947 January 23, 1990
	Winery Definition Ordinance, Ordinance NO. 1340 May 11, 2010

BACKGROUND

AGRICULTURE PRESERVE OF NAPA COUNTY

Concerned that residential and commercial development would slowly overwhelm the agricultural nature of Napa County, in 1968 the Board of Supervisors passed a landmark-zoning ordinance that created the first Agricultural Preserve in the United States. This ordinance reflected a commitment to agriculture as the "highest and best use" of most of the land outside of the local towns and the city of Napa. The ordinance dictated that the only commercial activity allowed in these areas was agriculture and, furthermore, set minimum lot sizes that prevented fragmentation of existing parcels, thus limiting the potential for development. The pertinent sections of the Agricultural Preserve Ordinance have been incorporated into the "Agricultural Preserve and Land Use" elements of the General Plan. The County's General Plan is the official policy statement of the Board of Supervisors and serves as a broad framework for guiding the development of Napa County.

THE WINERY DEFINITION ORDINANCE (WDO)

Wineries had been allowed in the Ag Preserve. But, with the ensuing pace of winery development in the county, it became clear that specific winery definitions were necessary as to what sorts of activities would be allowed in wineries to comply with the Agriculture Preserve Ordinance. To accomplish this, the County Board of Supervisors passed the WDO, Ordinance No. 947, in 1990. This

ordinance set out regulations and required a use permit for all wineries established after July 31, 1974. Wineries that were established before this date and were operating in a legal fashion could continue operation without a use permit. However, any expansion beyond the level that existed before July 31, 1974, would require obtaining a use permit.

The WDO regulates many facets of a winery's operations and design, including size, location, signage, availability of tours and tastings, production capacity, grape sourcing, special events, and retail sales. It also regulates the accessory uses of the winery facilities for promotion and marketing of wine. The WDO defines certain other activities that may be present on the winery property such as farm labor housing and day care for children, but does not allow non-winery related commercial development.

With some important qualifications, the WDO defines a winery as a business that makes wine. Specifically, it says a winery is an "agricultural processing facility" for "the fermenting and processing of grape juice into wine." The WDO allows for wineries to sell and market wine, but such marketing activity must be "accessory" and subordinate to production. The maximum square footage of structures devoted to accessory uses related to the winery must be 40% or less than the area used for wine production.

With the principal goal of preserving Napa County's agricultural lands, as well as, providing a reliable market for its agricultural products, the WDO dictates that new wineries or any expansion of existing wineries after January 23, 1990, must source at least 75% of their grapes from Napa County. Wineries that were established prior to this date, but obtained a use permit to expand their production must also use at least 75% Napa County grapes for the additional wine produced from the expansion.

The WDO was amended in 2010 by County Ordinance NO. 1340 to address certain issues related to the marketing of wine and the sale of other items in the wineries. Specifically covered in this ordinance are: the marketing of wine, food, and wine pairings conducted as part of "tours and tasting" and the sale of wine and wine related products at the winery. Retail sales of non-wine related products were prohibited.

WINERY USE PERMITS

As a result of the WDO, wineries that were established after July 31, 1974, were required to obtain a "use permit." Wineries that legally existed before July 31, 1974, did not require a use permit to continue operation. These wineries are considered to be "grandfathered in" as to their production and marketing activities. However, any modification of a pre-July 31, 1974 winery's activities or expansion of its production of wine required a use permit conforming to the WDO. There is, however, no legal limit on the number of wineries operating in the county. The WDO established a minimum parcel size of 10 acres for new wineries, but recognized that many legally existing wineries were on smaller parcels. For these "small wineries" the WDO specified that a "Certificate of Exemption" must be obtained. Any expansion of the "small wineries" however, required that the winery proceed in accordance with the requirements of the WDO ordinance.

METHODOLOGY

The Grand Jury undertook a series of interviews with the Napa County Planning Department and Code Enforcement executives and working level professionals. Interviews were also conducted with a planning commissioner and a county supervisor. Additional interviews were held with a number of independent consultants and engineers who support and guide winery use permits applications with the county planning staff. The Napa Valley Vintner's staff was another valuable source of information on the winery industry in Napa County. The Grand Jury also attended a public hearing of a joint session of the Supervisors and the Planning Commissioners that heard over 60 comments from the public on the wine industry and its impact on the community.

In every case, all information and facts in this report were confirmed by a second source and in many cases by multiple sources unless otherwise noted in the report. Valuable insights to the audit process were gained by reviewing the Code Enforcement audit reports for wineries for calendar years 2011-2013. The WDO provided a framework for understanding winery regulations and the winery permitting process. The Napa General Plan provided general guidelines for the planned pace of winery and vineyard development in the County.

DISCUSSION

USE PERMITS

Use permits for new wineries or winery modifications are under the jurisdiction of the Napa County Planning Department. Applicants for winery permits are required to provide a detailed description of their winery business including the number of employees, maximum production rate, number and description of winery structures, and marketing programs. The reviews by the Planning Department are thorough and time consuming and frequently require 9 to 12 months or more before a permit is issued. The applicant bears the cost of the reviews.

Although the details of all winery permit applications are reviewed and vetted by the Planning Department, the final decision on approval or disapproval is the responsibility of the Napa County Planning Commissioners. The meetings of the Planning Commissioners are open to the public. If there is an aggrieved party to the issuance of a permit, the application may be brought before the County Board of Supervisors. The County Zoning Code does, however, define certain minor modifications to use permits that may be approved directly by the Planning Department without the involvement of the Planning Commissioners.

There has been considerable discussion in the local press and the community about opposition to certain winery and vineyard projects in the Valley and the impact of the industry's growth on traffic, the environment and other quality of life issues. These public concerns pose the question as to whether the WDO should be revised to moderate the growth of wineries. The planning staff was clearly sensitive to this public discourse and appeared to be proceeding cautiously in approving new use permits.

Considerable effort was expended to determine the actual number of wineries in the county. The Planning Department's public data indicates that there are 467 wineries that have been issued use permits, but this does not include all wineries. Part of the difficulty in estimating the number of wineries is due to the number of "virtual wineries". These are wineries that do not own their own crushing and processing equipment, but use "brick and mortar" wineries to provide these services under contract. Use permits for wineries, however, "go with the land" and must include the production total for both their own wine and the wine of any custom crushing that the winery performs for virtual wineries.

Another source of uncertainty is that wineries that were established before July 31, 1974, do not require a use permit unless they have applied for a permit to expand. Wineries in commercial areas not subject to agricultural land use zoning are also not included. These wineries are not included in the County database. The Federal

Alcohol, Trade and Tax Bureau, (TTB) which taxes the alcohol content produced by all wineries reported that there were 603 wineries in Napa County in 2014. (There are other estimates of the number of wineries from the State Alcohol Beverage Control Board and the Napa Valley Vintners membership and the planning staff has estimated that the number of wineries with separate labels and addresses could be as high as 1,260.) These differences in winery count between the County database, the TTB, and the other organizations are apparently due to the following:

- Virtual wineries are not included in the County database.
- Wineries in the County's municipalities have their own land use-zoning requirements and are not included in the County database.
- Wineries in commercial or industrial zoned districts are not under agriculture land use zoning and would not be included in the County winery database.

The Planning Department is in the process of developing a more comprehensive winery database.

A number of consultants who support the wineries in applying for and obtaining use permits were interviewed and were very informative in evaluating the application process from the standpoint of the wineries in cost, time, and effectiveness. In their view, the time required to apply for and receive a permit has increased significantly. Since the applicant bears the cost, it has grown considerably more expensive to obtain a permit.

Although there has been public concern expressed in the public media about the impact of winery expansion in the City of Napa and other County municipalities, this investigation did not review the winery use permit and audit process for these municipalities

The number of wineries and the production of wines is growing. According to data published by the Planning Department for the seven-year period ending in 2014, there was an average of 18 new use permits issued each year, of which an average of eight are for new wineries. These use permits authorized an average production of approximately 180,000 gallons of additional wine per year. The attendant number of visitors is also growing. The new use permits for this period also authorized an average of about 28,000 additional visitors each year for tasting rooms and an average of 3,700 visitors for marketing events. It should be noted that all wineries do not necessarily produce the amount of wine allowed or have as many visitors as specified by their use permit.

WINERY AUDITS

The Code Enforcement staff is part of the Planning Department and is responsible for auditing winery compliance with their use permit requirements. Approximately 30% of one code enforcement staff member's time has been devoted to winery audits.

The Planning Commissioners directed the Planning Department to initiate an annual "spot" audit of winery production in 2005. The Planning Commission began the production review by randomly selecting 20 wineries by blind draw. Prior to 2009, only six wineries from the original 20 selected were audited, but since 2009 all of the 20 wineries selected have been reviewed.

In 2010, the Planning Department broadened the scope of the audits and began reviewing tours and tastings log books and marketing events for all wineries drawn in the audit. The audit determined how the information was recorded and whether they were in compliance with the use permit conditions regarding visitations. Goods for sale in the tasting rooms were reviewed to determine if they met the definition in the WDO to allow only the sale of "winery related items."

Beginning in 2011, grape sourcing data were reviewed for each winery to determine if they were in compliance with the 75% Napa County grape requirement for Napa Valley wineries subject to the WDO. This information is available since all California wineries are required to submit grape sourcing information to the State of California's Department of Food and Agriculture. Information on winery production may also be checked against the data from the Federal Alcohol and Tobacco Tax and Trade Bureau, (TTB), which taxes the production of alcohol.

Winery audits are performed on a seven-year cycle such that if a winery is deemed to be in compliance it will not be subject to another audit for at least seven years. Wineries that are not in compliance are audited again the following year. However at this rate of 20 winery audits per year out of the County's database of approximately 467 wineries, it will take decades before all wineries have been audited and are audited again.

Winery audits review the following activities:

- Is wine production within the limits of the use permit?
- Is grape sourcing compliant with the 75% Napa County grapes requirement?
- Are the number of tours and tasting events within permit requirements?
- Are the number of marketing events within the permit limits?
- Are all the products for retail sale wine related?

Winery audits do not review the following:

- Water usage, which is vital to wine production, and wastewater treatment.
- The accessory uses of facilities to determine if they meet the 40% or less square footage requirement of the area of the production facilities.

Penalties for non-compliance have been on a case-by-case basis and depend on the nature of the infraction, but have included monetary penalties and orders to limit or cease production. Generally, if the non-compliance is minor, such as a small overage in production for one year, the winery is allowed to continue its operations but is audited the following year to ensure that it is in compliance.

The planning and code enforcement personnel were forthcoming in addressing our inquiries. Audit reports were available upon request and the audits for 2011 -2013 were reviewed. These reports provided hard data on the compliance of the audited wineries with their use permit requirements. For these audit years, the number of wineries that were out of compliance on one or more of the activities audited grew from 29% in 2011 to 40% in 2013. The non-compliant wineries were not specifically identified in the audit reports because the reports contain proprietary market information.

FINDINGS

F1. The code compliance audit does not review or inspect the following:

- Water usage and wastewater treatment, which are essential to the production of wine.
- The accessory uses of facilities to determine if they meet the 40% or less square footage requirement of the area of the production facilities.

F2. In the audit years 2011-2013, the number of wineries that were out of compliance on one of more activities audited varied from 29% to 40%. The names of the non-compliant wineries are not released to the public.

F3. The County□s ability to expand the audit program is limited because only 30% of one code enforcement inspector has been devoted to winery audits. An additional inspector was hired in January 2015, but will have other code enforcement duties besides winery compliance inspections.

F4. Penalties or restriction of wineries□activities for non-compliance is determined by county officials. Since the penalties are decided on a case-by-case basis, wineries have no way of knowing the cost of code infractions.

F5. The lack of specificity in the winery database for actual production quantities makes it extremely difficult to determine if the growth of wineries is in conformance with the General Plan. The Planning Department is developing a more extensive winery database.

RECOMMENDATIONS

R1. By January 1, 2016, the Planning Department to increase the number of yearly winery code enforcement audits from the current rate of 20 audits per year so that every winery would be audited at least every five years or at such intervals that the Planning Commissioners or County Supervisors deem to be appropriate.

R2. By June 30, 2016, the Planning Department and the Planning Commissioners to develop a process for monitoring and inspecting winery water treatment and disposal. A plan for monitoring water usage should also be implemented.

R3. By January 1, 2016, the Planning Department to make the inspection reports of non-compliant wineries more transparent to the public in much the same fashion as health code violations of restaurants are reported.

R4. By June 30, 2016, the county Board of Supervisors and the Planning Commissioners to determine whether the WDO as written provides the regulatory framework necessary to maintain a winery industry that is consistent with the Agriculture Preserve Ordinance.

R5. By June 30, 2016, the Planning Commissioners to establish and publish a range of penalties and/or operating restrictions for non-compliance infractions of use permit requirements. Such action should encourage wineries to be more cognizant of the cost of non-compliance.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

- Napa County Board of Supervisors R1, R2, R3, R4, R5

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

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Technical Memorandum

Review of Girard Winery Use Permit P14-00053, Revised NegDec and County Responses to Previous Comments

October 19, 2015

Prepared for:

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Summary

The proposed expansion of pumping for the Girard Winery project would impact groundwater levels and river flows. Increased pumping for the Girard Winery in combination with the other users in the area could unacceptably lower the groundwater levels. The County and its consultants err in their view that there is adequate groundwater to serve the Girard Project and all proposed projects in the County. As I have explained in my prior reports, there is not as much recharge in the area as the County assumes. Recharge to the tuffaceous aquifer in which the Girard Winery well is completed may occur a significant distance from the project site.

Every change in pumping from wells near a river affects the gradient of the groundwater surface connected with the river and therefore affects the amount of water discharging from the river into the surrounding groundwater. This is due to the fact that everything in the flow system near the river is connected. Pumping has a cumulative effect on groundwater flows near the river, but the effects of pumping take time to manifest depending on their distance from the river and complexity of the system. It is simply not credible to conclude, as the revised NegDec does, that pumping will have no effect on groundwater levels.

The County does not know the level of pumping required to cause the current year-to-year and seasonal trends in water level because it does not require that pumpage rates be measured and reported. The recharge rates for Napa Valley used by the County are not measured. Instead they are estimated using a water balance calculation for which all of the parameters are

empirically estimated and therefore very uncertain. Because of the uncertainty in all of the parameters, the resulting estimated recharge rate is also highly uncertain. It is simply unknown how much additional recharge from the river the current pumping induces. Because there are numerous demands on the County's limited groundwater sources and because the County does not monitor groundwater usage, the County has no way of knowing how close it is to a tipping point.

As I suggested in my previous memoranda, because of these potentially significant impacts, the Girard Winery use permit should not be granted until a thorough hydrogeologic study is completed which can assess overall water demand. Such a study would include detailed monitoring of pumpage and seasonal monitoring of groundwater levels at more than four wells (as is currently done in the north Napa Valley). To understand induced recharge from surface water, gaging stations that have been discontinued should be reestablished.

Introduction

This technical memorandum responds to the letter prepared by O'Connor Environmental (Kobor and O'Connor 2015) which reviewed my most recent technical memorandum. This memorandum reviewed the revised negative declaration (NegDec) for the Girard Winery Use Permit P14-00053 and the water supply assessment (O'Connor 2015) prepared in support of the Girard Winery Project (Myers 2015b). I have also read the recent Napa County Grand Jury report regarding the management of groundwater in Napa and summarize those findings that affect the proposed Girard Winery Use Permit.

I described my experience and attached my curriculum vitae to my previous memorandum (Myers 2015a) and that is incorporated here by reference.

Grand Jury Findings

Every year, the Napa County Grand Jury investigates the performance of county government. This year it published a review of the way the County manages groundwater, issuing a report titled: *Napa County Grand Jury 2014-2015 Final Report Management of Groundwater and Recycled Water: is Napa County in Good Hands*, dated March 31, 2015 (hereinafter referred to GJF). Several of its findings, summarized here, are relevant to the review of the Girard Winery Project:

- The GJF found that approximately 80% of groundwater is used for agricultural purposes (GJF, p 7), but that the County does not require the monitoring of groundwater usage and currently, all well monitoring is voluntary (GJF, p 4). Most well owners have groundwater extraction limits that cannot be enforced by the County because they do

not monitor usage of groundwater or enforce limits on groundwater extraction (GJF, p 14, 18).

- The County does not have a formalized contingency plan to manage its groundwater supply in case the drought continues (GJF, p 5 and 14). Considering that it does not measure any aspect of groundwater except the levels of some groundwater wells, the County does not have the data with which to do drought planning.

- A groundwater geologist told the Grand Jury that aquifers are recharged only by rainwater and surface water runoff. If there is no rain or limited rain, the aquifer will not recharge to normal levels. There will be a steady decline in the water level until the rains come back (GJF, p 13). Also, well drillers reported that wells on the Valley floor must be drilled to depths of 300-750 feet and in some cases over 1,000 feet to find water vs. a drilling depth of 100-200 feet or less in previous years. They still find water on the Valley floor 90-95% of the time, just at lower depths (GJF, p 14).

The Grand Jury made the following recommendations to remedy current lack of monitoring that should be made a condition of approval for Girard:

1. By June 30, 2016, the Napa County Public Works Department to require major groundwater users to meter and report their water usage on a quarterly basis to ensure all well owners are following prescribed usage rates.
2. By June 30, 2016, the Napa County Public Works Department to adopt policies to encourage all other groundwater users to meter and monitor their well water usage.

Recharge

Kobor and O'Connor (2015) argues that because the total expected use on the Girard parcel is 8.2 af/y and the estimated mean annual recharge is 34.6 af/y, based on analyses in Luhdorff and Scalmanini (L&S) (2013), there is "no basis for concluding the groundwater pumping for this project would result in reduced water availability in the aquifer over time" (Kobor and O'Connor 2015, p 1). As I have explained, Kobor and O'Connor's conclusion is inaccurate. The root zone water balance model completed by L&S is inaccurate because too many terms are estimated rather than measured. The water balance model estimates infiltration to the soil water as the difference between total precipitation and total stream runoff, without actually estimating the stream runoff (L&S, p 74). Runoff is not measured separately and L&S used stream gage flow records as runoff (L&S, p 75). L&S acknowledges "[i]t is important to recognize this when interpreting the results of this analysis" (L&S, p 81). This leads to highly inaccurate estimates of infiltration because gage streamflow is both runoff from the surface

(the desired value for this calculation) and discharge of groundwater. Evapotranspiration (ET) also does not vary for wet or dry years (L&S, Table 8-8), which means that during wet years, too much water is available for recharge.

River baseflow equals groundwater discharge and in many studies the natural recharge over an area is set equal to the measured baseflow at a stream gage (Myers 2013, Cherkauer 2004), perhaps with adjustments made for streamside ET. An exception is that pumping, which induces recharge from the river, reduces the baseflow which renders low the recharge estimate based on baseflow. In this case it is essential to account for pumping in the valley that draws from the river, but due to a lack of groundwater pumpage monitoring, this is not possible. Induced recharge is not extra water but rather is a usage of natural recharge and a diversion from downstream uses.

The most accurate way to estimate recharge is to estimate baseflow for the watershed above a gaging station. Doing so accounts for all of the intricacies affecting recharge in the watershed without attempting to model or estimate each one specifically, a task which requires far more information about processes in the watershed than L&S has for the watershed above Calistoga.

Kobor and O'Connor (2015) suggest that L&S' recharge estimates are likely too low because they do "not account for recharge through the alluvium or recharge from streambed infiltration" (Kobor and O'Connor, p 2). Because the water balance estimate includes the entire watershed, by definition it includes the alluvium. If it is seepage during baseflow conditions, it is essentially secondary recharge and should not be counted a second time. Additionally water may seep from the stream into groundwater, but the gage is at a narrows in the basin so most groundwater would discharge back into the stream and be measured as streamflow.

One obvious error with the County's analysis is they establish recharge for the Girard project based on the area. The implication is that recharge occurs at the point of use, or on the project property. Especially if the tuff is confined, the recharge regardless of source is not on the project property.

In summary, recharge in the valley is too poorly understood to claim that the pumpage from the Girard Winery will not exceed the local recharge and contribute to pumpage from the valley exceeding recharge over the valley.

Trends in Groundwater Elevations

Kobor and O'Connor (2015) are correct that the water levels generally recover each year, with some exceptions (I pointed these exceptions out previously (Myers 2015a)). During dry years, the Calistoga area well level hydrographs (L&S 2015) show that dry period water levels decline more than during wet years. This reflects the fact that recharge ceases once the runoff ceases which occurs earlier during dry years. During some dry periods, there is not full recovery from

year to year. For example, well NapaCounty 127 (L&S Figure 5-6) shows seasonal variability with the high water levels being lower during dry years (1976, 2003, and 2013-present). Similar observations can be made of water levels at the other wells (NapaCounty 128, 129, and 130).

The increased seasonal drawdown and slow recovery indicates that stresses on the aquifer are increasing. The stresses are due to a combination of pumping and drought. Pumping in association with the proposed Girard Winery project will add to that stress.

Potential for Impacts to the Napa River

Increasing pumpage at the Girard Winery would add to the cumulative drawdown in the valley. It will increase drawdown and induce even more flow from the river.

Kobor and O'Connor (2015, p 4) disagree that rising water levels observed at the Girard well are related to high flow on the Napa River. They identify the cause of the high flows as being heavy rainfall and suggest that rainfall has caused the increases in the well water level. The reality is that an increase in well water level would be due to both rainfall recharge on the valley floor and to induced river seepage. In fact their arguments regarding the "complexity of conditions surrounding the project aquifers" (Id.) counter the argument above that recharge onsite will replenish pumping from the project. If the aquifer is confined at the project site (Id.), by definition there would be no recharge at that point because the confining layer would prevent the recharge from reaching the aquifer. The rate the well level increased, almost ten feet in a week, indicates that rainfall at the site likely did not cause the level to rise.

Kobor and O'Connor correctly note that the water in the tuffaceous aquifer is "more likely being supplied from inflows from upgradient portions of the tuffaceous aquifer" (Id.) but are incorrect in suggesting that inflows is "rather than from river flows" (Id.). Unless they conclusively identify the recharge zone for the aquifer, which Kobor and O'Connor have not done, the recharge zone for the tuff could be the river upstream at a location where the tuff intersects the river. Drawdown from the tuff aquifer, caused by the cumulative pumping of all wells completed in that aquifer, would cause a gradient to induce recharge from the river. Cumulative well development of that aquifer would also have caused a deficit beyond that caused by the drought.

During a dry year, the groundwater level throughout the valley floor would be lower due to pumpage from the previous year that has not recovered, as discussed in the previous section. Increasing the river stage increases the gradient driving flow into the groundwater, with the amount of induced recharge and the rate that groundwater levels recover dependent on the conductivity of the connection. Observations of well water levels increasing due to high river flows complements the observations in the previous section regarding long-term groundwater level observations.

Kobor and O'Connor suggest that the fact that static water levels are 15 to 20 feet below the elevations of the riverbed is evidence of a lack of connection. In contrast, this is evidence for a significant gradient for flow to be drawn from the river. Kobor and O'Connor also suggest that a lack of response in the alluvial aquifer indicates a lack of connection. This ignores the fact that the connection is due more to the overall drawdown in the valley floor and its connection to the river rather than the specific connection of one well to one observation point. It is a cumulative pumping issue and increasing pumpage at Girard would increase the cumulative drawdown.

In summary, increased use of groundwater from near a river is essentially unplanned conjunctive use management. More groundwater water storage is used during dry years inducing more water to recharge during wet years; this decreases flows in the river. As groundwater pumpage increases with time, downward trends in water level over years and slower seasonal recovery from dry-season pumping will be observed more frequently. Because the County does not monitor pumpage, it has no way of distinguishing whether pumping or drought is causing the observed drawdown.

Conclusion

Every change in pumping from wells near a river affects the gradient of the groundwater surface connected with the river and therefore affects the amount of water discharging from the river into the surrounding groundwater. This is due to the fact that everything in the flow system near the river is connected. Pumping has a cumulative effect on groundwater flows near the river, but the effects of pumping take time to manifest depending on their distance from the river and complexity of the system.

It is simply not credible to conclude, as the revised NegDec does, that pumping will have no effect on groundwater levels. The County does not know the level of pumping required to cause the current year-to-year and seasonal trends in water level because the County does not currently require pumpage rates be measured and reported. Essentially, the County does not know how much recharge is actually pumped. The County has an assumed rate of recharge that is not measured; rather it is estimated based on a highly uncertain water balance calculation. Consequently, the County has no way of knowing how much additional recharge from the river the current pumping induces.

It is clear however, that the pumping associated with the Girard Project together with pumping for other proposed projects will adversely affect the Valley's groundwater levels.

References

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Luhdorff and Scalmanin Consulting Engineers (L&S), MBK Engineers Consulting Engineers (2013) Updated Hydrogeologic Conceptualization and Characterization of Conditions. Prepared for Napa County. January 2013.

Myers T (2015a) Technical Memorandum, Review of Girard Winery Use Permit P14-00053. January 20, 2015.

Myers T (2015b) Technical Memorandum, Review of Girard Winery Use Permit P14-00053 and County Responses to Previous Comments. August 15, 2015.

Myers, T., 2013. Remediation scenarios for selenium contamination, Blackfoot Watershed, southeast Idaho, USA. *Hydrogeology.* DOI 10.1007/s10040-013-0953-8

O'Connor Environmental Inc (2015) Girard Winery Water Availability Analysis, Prepared for Vintage Wine Estates. Healdsburg CA, March 26, 2015

717745.2

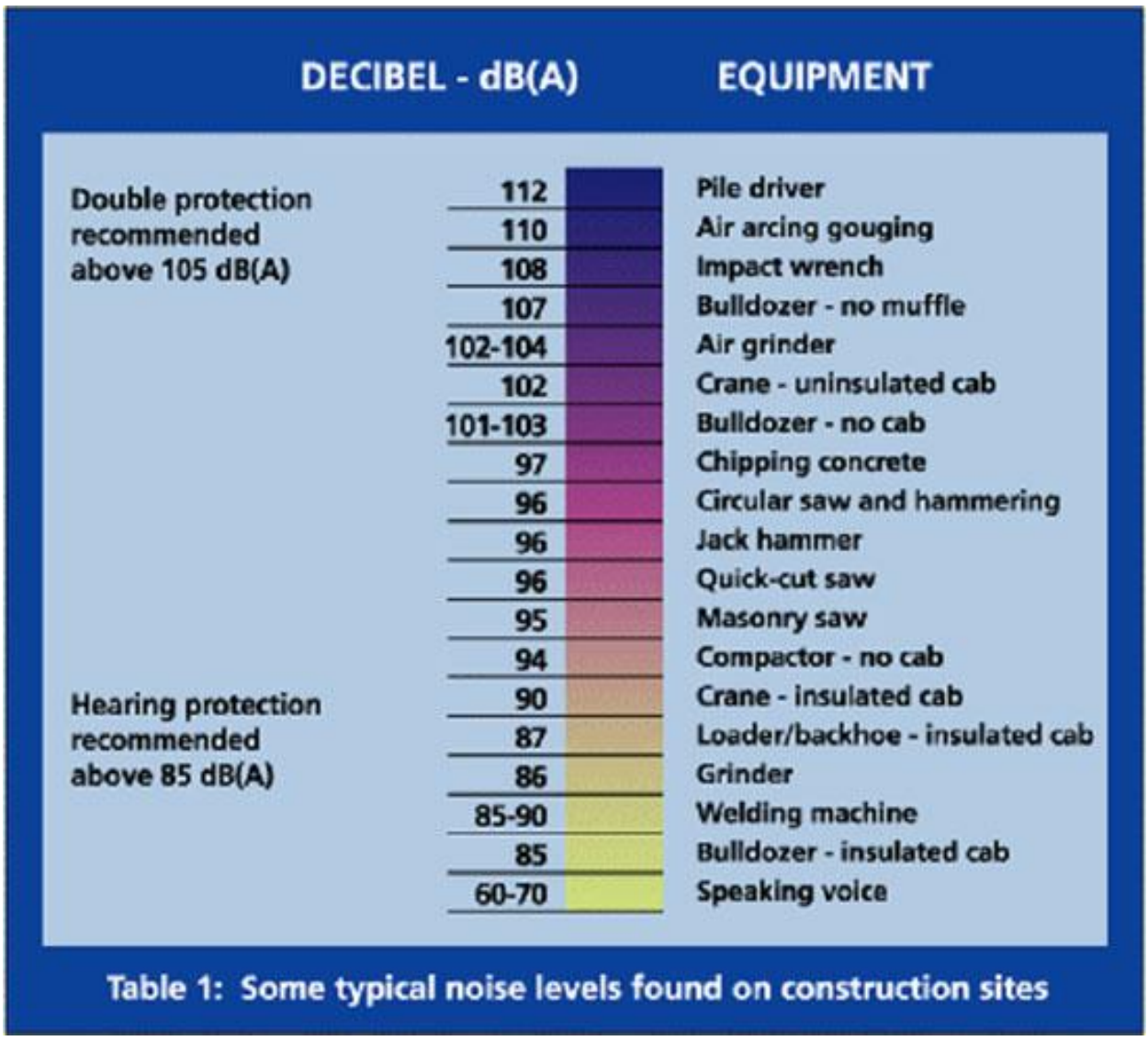

Table 1: Some typical noise levels found on construction sites

Online Permit Center

Online Permit Center (OPC) Your place to find Permits and Application Status

Current Projects

Below are two groups of listings for projects submitted to the Napa County PBES Dept.

Major Projects: This first group primarily includes larger (major) projects that may have been initiated by the County or be of a more extensive and/or controversial nature requiring more analysis in the approval process. Examples would be (but not limited to) projects requiring Environmental Impact Reports; approval by Board of Supervisors; approval by vote of the people.

Current Projects: This second group primarily includes projects that will have standard analysis and approval before the County Planning Commission.

To see projects and information coming before the Planning Commission, view the Commission's upcoming agenda.

If you're interested in a project that is not listed below, please contact us.

You can now subscribe too many of our Current Planning Projects. To subscribe, your will need to setup a user account. Click Here to see how to subscribe.

This is a list of all the Discretionary Projects currently being processed in the Planning Division. Click here to see a complete list.

Current Projects

Major Projects	Number	Class
Climate Action Plan		County Projects
Kongsgaard Vineyard Conversion	P14-00069	Vineyards
Milliken Creek Flood Reduction and Fish Passage Improvement Project	NA	County Projects
Napa County Jail Environmental Impact Report	P12-00023	County Projects
Napa HHSA Campus Final EIR (Old Sonoma Rd Campus)	NA	County Projects
Napa Pipe Project	P07-00230	County Projects
Napa Storage	P15-00134	Other
Raymond-Ticen Ranch Winery	P15-00307	County Projects
Skyline Park Rezoning	P15-00354	Other
Syar Napa Quarry Project	P08-00337-SMP	Other
Upper Range Vineyard Project	02454-ECPA	Vineyards
Napa County Voluntary Oak Woodland Mgmt. Plan		County Projects
Walt Ranch Vineyard Conversion		County Projects
Water Availability Analysis		Other
Yountville Hill Winery		County Projects

Current Projects

Current Projects	Number	Class
Aloft Winery	p16-00429	Winery
Anthem Winery	P14-00320	Winery
Anthem Winery ECP	P14-00322	Vineyards
B Cellars	P16-00423	Winery
Baldacci Vineyards	P15-00422	Winery
Beautiful Day Winery	P15-00202	Winery
Behrens Family Winery	P15-00203	Winery
Behrens Family Winery	P15-00341	Winery
Biale Vineyards	P16-00396	Winery
Bin to Bottle	P15-00278	Winery
Black Sears Winery	P15-00201	Winery
Bloodlines LLC Soda Canyon Vineyard Erosion Control Plan P16-00323	P16-00323	Vineyards
Caymus Vineyards	P12-00221	Winery
Cuvaison Winery	P16-00146	Winery
Darms Lane Winery	P16-00017	Winery
DDNG Winery	P15-00379	Winery
Etude Winery	P15-00355	Winery
Farella Zoning Text Amendment	P15-00396	Other
Flora Springs Winery	P15-00111	Winery
Flynnville Wine Company	P15-00225	Winery
Fortunati Vineyards	P16-00043	Winery
Frank Family Vineyards	P13-00371	Winery
Frogs Leap Winery	P14-00054	Winery
Gardiner Horse Facility	P15-00394	Other
Grassi Winery	P14-00339	Winery
Hard Six Cellars	P16-00333	Winery
Hendrickson Family Vineyard ECPA	P15-00294	Vineyards
Laura Michael Wines	P16-00033	Winery
LMR Rutherford Estate	P16-00289	Winery
McVicar Vineyards	P15-00020	Winery
Morris Family Winery	P15-00038	Winery
Mountain Peak Winery	P13-00320	Winery
Napa Custom Crush Winery	P16-00106	Winery
New Life Adventist Church	P16-00210	Other
O'Connell Winery	P15-00053	Winery
Oak Knoll Hotel	P14-00215	County Projects
Opus One Winery	P14-00117	Winery
Palmaz Helipad	P14-00261	Other

Paul Hobbs Winery	P15-00128	Winery
Pending Winery Applications Table	NA	Winery
Pending Winery Projects Map	NA	Winery
Regusci Winery	P16-00307	Winery
Reynolds Family Winery	P14-00334	Winery
Rockridge Ranch	P15-00393	Other
Rodde Residence Driveway	P16-00383	Other
Saddleback Cellars	P16-00266	Winery
Sam Jasper Winery	P15-00077	Winery
Scarlett Winery	P16-00428	Winery
Shed Creek Winery	P14-00346	Winery
Sleeping Giant Winery	P15-00284	Winery
Sleeping Lady Winery	P15-00423	Winery
Sodhani Winery	P14-00402	Winery
South Whitehall Lane Winery	P15-00215	Winery
St. Helena Purlieu	P15-00286	Other
Sugarloaf West Erosion Control Plan	P15-00118	Vineyards
Taylor Family Vineyards	P15-00291	Winery
Taylor Residence	P16-00143	Other
The Carneros Inn	P15-00190	Other
Theorem Vineyards Track I Erosion Control Plan	P14-00397	Vineyards
Truchard Winery	P14-00330	Winery
Upper Valley Recycling	P16-00180	Other
Vangone Vineyards	P15-00399	Vineyards
Vincent Arroyo Winery	P16-00327	Winery
Washington Street Winery	P16-00083	Winery
Yountmill Vineyards Winery	P15-00378	Winery

January 10th, 2017

Ms. Dana Ayers
Planner III - Dept. of Planning, Building & Environmental Management
Napa County
1195 Third Street, Suite 210
Napa, CA 94559

SUBJECT: RAYMOND/TICEN WINERY USE PERMIT MODIFICATION

Dear Ms. Ayers:

I am writing to express support for the use permit modification proposed by our neighbor, Raymond Vineyards, at 849 Zinfandel Lane, and to now be accessed also from Highway 29 when they merge the current Raymond property with the Ticen Ranch parcel. The fact that the winery does not propose any wine production increase, any increase in the existing visitation, or any new structures means there will be no intensification of use beyond that currently associated with the winery. I believe that the new access from Highway 29 will improve traffic on Zinfandel Lane.

Raymond Vineyards, and its owner, Boisset Collection, have been good neighbors: they respond in a timely manner, have raised significant funds for our community through their charitable activities and commitment to Napa, have implemented sustainable farming and winery practices (certified organic, Biodynamic, sustainable, NapaGreen, and they are solar-powered), and focused on achieving compliance with their use permit as part of these use-permit modification procedures. We wish to commend the applicant for their intent in this regard.

Thank you for this opportunity to voice support for this longstanding winery and its present owners. We look forward to a continued good relationship with the owners of the winery.

Sincerely,

Heidi P. Barrett

La Sirena Wines
Owner/winemaker
Heidi P. Barrett

January 18, 2017

Ms. Dana Ayers
Planner III - Dept. of Planning, Building & Environmental Management
Napa County
1195 Third Street, Suite 210
Napa, CA 94559

SUBJECT: RAYMOND/TICEN WINERY USE PERMIT MODIFICATION

Dear Ms. Ayers:

I am writing to express support for the use permit modification proposed by our neighbor, Raymond Vineyards, at 849 Zinfandel Lane, and to now be accessed also from Highway 29 when they merge the current Raymond property with the Ticen Ranch parcel. The fact that the winery does not propose any wine production increase, any increase in the existing visitation, or any new structures means there will be no intensification of use beyond that currently associated with the winery. I believe that the new access from Highway 29 will improve traffic on Zinfandel Lane. As residents of Wheeler Lane, we like the fact that it would also reduce traffic from Zinfandel Lane into the current winery entrance.

Raymond Vineyards, and its owner, Boisset Collection, have been good neighbors: they respond in a timely manner, have raised significant funds for our community through their charitable activities and commitment to Napa, have implemented sustainable farming and winery practices (certified organic, Biodynamic, sustainable, NapaGreen, and they are solar-powered), and focused on achieving compliance with their use permit as part of these use-permit modification procedures. We wish to commend the applicant for their intent in this regard.

Thank you for this opportunity to voice support for this longstanding winery and its present owners. We look forward to a continued good relationship with the owners of the winery.

Sincerely,

Lynn and Edward Poole
555 Wheeler Lane

Mailing Address:
2737 Vallejo Street
San Francisco, CA 94123

January 17, 2017

Ms. Dana Ayers
Planner III – Dept. of Planning, Building & Environmental Management
Napa County
1195 Third Street, Suite 120
Napa, CA 94559

Subject: Raymond/Ticen Winery Use Permit Modification

Dear Ms. Ayres,

The Napa Valley Wine Train would like to express its support for the use permit modification proposed by our neighbor, Raymond Vineyards, located at 849 Zinfandel Lane, to also be accessed from Highway 29 when they merge their current property with the Ticen Ranch parcel. Wine Train believes that this new access from Highway 29 will improve and reduce traffic at the intersection and railroad crossing at Zinfandel Lane and Highway 29 creating a safety improvement for all.

Raymond Vineyards and its owner, Boisset Collection, have been good neighbors and partners of the Wine Train and have continued to be an asset for Napa Valley through their fund raising, charitable activities and investment in sustainable farming and winery practices. Their industry leading organic, biodynamic and solar initiatives have exemplified Raymond's commitment towards Napa Valley's long term success and horticultural leadership.

Thank you for this opportunity to voice our support for Raymond Vineyards, its ownership and their future in our Napa Valley.

Respectfully Submitted,

Scott Goldie

Scott Goldie, President

THOMAS R. HARNETT
LLC
Professional Tax Services
965 Marina Drive Napa, CA 94559-4744
Tel: 1-707-257-1555 Fax: 1-707-257-0555
e-mail: tharnett@earthlink.net

January 24, 2017

Dana Ayers, Planner III
Napa County Planning Dept.
1195 Third St. Suite 210
Napa, CA 94559

Attn: Dana.ayers@countyofnapa.org

Dear Ms. Ayers:

I have been a resident of Napa, California for 35 years and have worked in the Napa Valley for over 45 years. During this time I have followed many projects that have taken place in this county with great interest.

I am writing today to express to you my opposition to the proposed major road Project made by Raymond Winery/Ticen Ranch - use permit #P15-00307-MOD.

This project to take away planted vines and replace them with a road from Highway 29 near Whitehall Lane to Raymond Vineyards is totally unnecessary and without merit or justifiable need. Raymond Vineyards is presently accessed directly from Zinfandel Lane without difficulty. To provide access from Highway 29 would slow traffic on Highway 29 in both directions which is already difficult. We need to keep our vines and not replace them with unneeded pavement.

It is my strong recommendation that this proposal be turned down and completely rejected.

Thank you very much,

Sincerely,

Thomas R. Harnett

January 10th, 2017

Ms. Dana Ayers
Planner III - Dept. of Planning, Building & Environmental Management
Napa County
1195 Third Street, Suite 210
Napa, CA 94559

SUBJECT: RAYMOND/TICEN WINERY USE PERMIT MODIFICATION

Dear Ms. Ayers:

I am writing to express support for the use permit modification proposed by our neighbor, Raymond Vineyards, at 849 Zinfandel Lane, and to now be accessed also from Highway 29 when they merge the current Raymond property with the Ticen Ranch parcel. The fact that the winery does not propose any wine production increase, any increase in the existing visitation, or any new structures means there will be no intensification of use beyond that currently associated with the winery. I believe that the new access from Highway 29 will improve traffic on Zinfandel Lane.

Raymond Vineyards, and its owner, Boisset Collection, have been good neighbors: they respond in a timely manner, have raised significant funds for our community through their charitable activities and commitment to Napa, have implemented sustainable farming and winery practices (certified organic, Biodynamic, sustainable, NapaGreen, and they are solar-powered), and focused on achieving compliance with their use permit as part of these use-permit modification procedures. We wish to commend the applicant for their intent in this regard.

Thank you for this opportunity to voice support for this longstanding winery and its present owners. We look forward to a continued good relationship with the owners of the winery.

Sincerely,

Margot Armbruster

E. & J. GALLO WINERY · *Modesto, California*

January 25, 2017

Ms. Dana Ayers, Planner
Napa County
Planning, Building & Environmental Services
1195 Third Street, Suite 210
Napa, CA 94559

SUBJECT: Raymond Vineyards /Ticen Ranch Use Permit Modification

Dear Ms. Ayers:

I am writing to express support for the use permit modification proposed by our neighbor, Raymond Vineyards, at 849 Zinfandel Lane, to now be accessed also from Highway 29.

I believe that the new access from Highway 29 will greatly improve traffic on Zinfandel Lane.

Thank you for this opportunity to lend my support for our good neighbor, Jean-Charles Boisset of Raymond Vineyards.

Sincerely,

R. J. Gallo
Co-Chairman Of The Board

RICHARD P. WALKER

January 19, 2017

Ms. Dana Ayers
Planner III – Department of Planning, Building & Environmental Management
Napa County
1195 Third Street, Suite 210
Napa, CA 94559

Re: Raymond/Ticen Winery Use Permit Modification

Dear Ms. Ayers:

I wish to express support for the use permit modification proposed by Raymond Vineyards to enable access from Highway 29 after the Raymond property is merged with Ticen Ranch. I understand this use permit modification will not entail increased production or new structures. I also understand that traffic flow on Zinfandel Lane will benefit as a result of this modification.

Raymond Vineyards and the Boisset Collection are outstanding corporate citizens with a deep and abiding commitment to improving the community. I hope you will give them, and the requested permit modification, the favorable consideration that is so well-deserved.

Sincerely,

Richard Walker

1850 SOSCOL AVENUE, SUITE 205 • NAPA, CA • 94559
PHONE: 925.943.2248 • E-MAIL: RWALK1@SBCGLOBAL.NET

MICHAEL
MONDAVI
FAMILY
Estate

January 20, 2017

Ms. Dana Ayers
Planner III-Dept. of Planning, Building & Environmental Management
Napa County
1195 Third Street, Suite 210
Napa, CA 94559

SUBJECT: RAYMOND/TICEN WINERY USE PERMIT MODIFICATION

Dear Ms. Ayers:

I am writing to express support for the use permit modification proposed by our neighbor, Raymond Vineyards, at 849 Zinfandel Lane, and to now be accessed also from Hwy 29 when they merge the current Raymond property with the Ticen Ranch parcel. The fact that the winery does not propose any wine production increase, any increase in the existing visitations, or any new structures means there will be no intensification of use beyond that currently associated with the winery. I believe that the new access from Hwy 29 will improve traffic on Zinfandel Lane.

Raymond Vineyards, and its owner, Boisset Collection, have been good neighbors: they respond in a timely manner, have raised significant funds for our community through their charitable activities and commitment to Napa, have implemented sustainable farming and winery practices (certified organic, Biodynamic, sustainable, NapaGreen, and they are solar-powered), and focused on achieving compliance with their use permit as part of these use-permit modification procedures. We wish to commend the applicant for their intent in this regard.

Thank you for this opportunity to voice support for this longstanding winery and its present owners. We look forward to a continued good relationship with the owners of the winery.

Sincerely,

Michael Mondavi

Rob Mondavi, Jr.

550 Gateway Drive, Suite 220, Napa, California 94558. 707-256-2738, FAX 707-256-3738,
www.michaelmondavifamilyestate.com

January 10th, 2017

Ms. Dana Ayers
Planner III - Dept. of Planning, Building & Environmental Management
Napa County
1195 Third Street, Suite 210
Napa, CA 94559

SUBJECT: RAYMOND/TICEN WINERY USE PERMIT MODIFICATION

Dear Ms. Ayers:

I am writing to express support for the use permit modification proposed by our neighbor, Raymond Vineyards, at 849 Zinfandel Lane, and to now be accessed also from Highway 29 when they merge the current Raymond property with the Ticen Ranch parcel. The fact that the winery does not propose any wine production increase, any increase in the existing visitation, or any new structures means there will be no intensification of use beyond that currently associated with the winery. I believe that the new access from Highway 29 will improve traffic on Zinfandel Lane.

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Thank you for this opportunity to voice support for this longstanding winery and its present owners. We look forward to a continued good relationship with the owners of the winery.

Sincerely,