

Attachment R

Staff Responses to PLL's
Appeal

GROUNDINGS OF APPEAL:

The following outlines the basis of the appeal as contained in Appellant PLL Appeal dated June 1, 2023. (See **Attachment A**). For convenience, Staff has provided a summary below, but recommends the Board review the entirety of the PLL Appeal for details.

Appeal Ground No. 1: Appellant PLL asserts various deficiencies in the public process regarding the Project. Specifically, PLL contends that: (a) the Planning Commission failed to consider written and verbal public comments, particularly from citizens living within 1,000 feet of the Project; (b) the hearing was prejudicial because it was scheduled the day following the closure of the 30-day comment period on the MND without ever responding to public comments; (c) the Commission and Staff failed to evidence any awareness of having read or responded to public comment; (d) members of the public were limited to three minutes each during the hearing; and (e) the \$1,000 appeal fee and adherence to the complex PBES public participation process intentionally disenfranchises Napa County citizens from the ability to participate substantively in the Planning Commission's decision-making process.

Staff Response (Response from Department of Planning, Building and Environmental Services): Staff disagrees with Appellant PLL's assertions. The public had ample opportunity to review and comment on the Project. The public notice provided exceeded what is required by law. Also, all written comments were provided to and considered by the Planning Commission prior to approving the Project. As to each of Appellant PLL's specific claims, Staff responds as follows:

(a) The Planning Commission failed to consider written and verbal public comments, particularly from citizens living within 1,000 feet of the Project. The Project application was first submitted on March 26, 2019. On April 22, 2019, a New Project Courtesy Notice was distributed to properties within 1,000 feet of the Project and the County's Interested Parties list informing parties of the pending Project.

On April 3, 2023, Notice of the Planning Commission Hearing and Intent to Adopt a MND was published in the Napa Valley Register and mailed to properties within 1,000 feet of the Project, the County's Interested Parties list, individuals who had requested notice (or who had contacted Staff with prior questions related to the Project), the State Clearinghouse and the City of St. Helena. The notice outlined the 30-day public review and comment period required by CEQA that ran from April 3, 2023, through May 2, 2023. The notice directed the public to the location both online and physically where the Project documents could be viewed, and the Project planner for whom to direct written comments and questions.

At the time the Staff Report was released on April 26, 2023, only one (1) public comment had been received and it was included in the agenda packet and a summary of the comment was included in the Discussion section of the Staff Report. (Page 14; Duckhorn Vineyards Winery Use Permit Major Modification Staff Report.) Five (5) additional public comments and one (1) Responsible Agency comment were received after the Staff Report was published and before the

end of the public comment period and distributed to the Commission. Furthermore, at the beginning of the meeting and at the beginning of Staff's presentation of the Project, the Commission was informed that six (6) additional comments had been received. (Planning Commission Meeting of May 3, 2023, Transcript (Transcript) 2:8-11.)

Lastly, prior to the Planning Commission hearing, Staff spent approximately five (5) hours discussing the Project and Staff's evaluation of the Project with interested parties, including Appellant PLL members Nancy Yewell, Dave Yewell, Joann Sculatti and Frank Sculatti. Appellant PLL member John Murphy did not request a meeting with Staff prior to the Planning Commission hearing. Staff's interaction with neighbors consisted of topics such as aesthetics, noise, biological resources, tree removal, stormwater, traffic, flooding, the proposed hospitality operations and the Winery Definition Ordinance (WDO). All parties were encouraged to either submit their comments in writing prior to the meeting or provide verbal comments to the Planning Commission.

(b) The hearing was prejudicial because it was scheduled the day following the closure of the 30-day comment period on the MND without ever responding to the written opinions and concerns of the public. The 30-day public review period required by CEQA for an MND ran from April 3, 2023, through May 2, 2023. By law, the Commission cannot take action to approve a project until the public comment period required by CEQA has closed. As is customary practice for the County, the public hearing on the Duckhorn Project was set for the day after the close of the public comment period. Lead agencies must consider agency and public comments on an MND but are not required to prepare responses to such comments. (14 CCR § 15074 (b).)

(c) The Commission and Staff failed to evidence any awareness of having read or responded to public comment. As noted above, Staff informed the Commission that additional public comment had been received prior to the meeting. Public comment (written and verbal) received concerned traffic, noise, groundwater, air quality, tree removal and the size of the Project. The record reveals that the Commissioners commented and asked questions of Staff and the Duckhorn team regarding traffic, groundwater usage and the WAA, tree removal, lighting, noise, signage, and at least one Commissioner asked Staff to address the concerns posed in the comment letter from the Sculattis. (Transcript 17:12-24.)

(d) Members of the public were unfairly limited to three minutes per speaker. The Planning Commission by-laws limit public comment to three (3) minutes per speaker. A three-minute time limit for public comment is customarily used by public agencies and has been upheld by courts as a valid time limit. (See *Ribakoff v. City of Long Beach* (2018) 27 Cal.App.5th 150, 176.) Neighbors have been aware of the Project since April 2019 when the County first sent a Courtesy Notice. The public and Appellant PLL also had ample opportunity to submit written comments in advance of the meeting.

(e) The \$1,000 appeal fee and adherence to the complex PBES public participation process intentionally disenfranchises Napa County citizens from the ability to participate substantively in the Planning Commission’s decision-making process. Appellant PLL has failed to articulate how, in PLL’s view, the public process intentionally disenfranchises County citizens from participating. As noted above, the public notice provided exceeds what is required by State law. The Applicant also advised the Commission that six months prior to the hearing they reached out to neighbors and invited neighbors to visit the Winery and discuss the Project. (Transcript 27:9-18; 29:21-28.)

Napa County’s appeal fee is set by the Board of Supervisors and is universally applied to all parties who wish to appeal a discretionary decision to the Board.

Appeal Ground No. 2: Appellant PLL asserts approval of the Project will transform Duckhorn from a charming rural winery into an industrial monument for the wine industry and place Lodi Lane residents under siege.

Staff Response (Response from Department of Planning, Building and Environmental Services): Since adoption of the Winery Definition Ordinance (WDO) in 1990, the County has defined wineries as an agricultural land use. Wineries are considered an agricultural land use, and permissible in agricultural areas, because they are a necessary component to facilitating the conversion of grapes (a crop) into wine (an agricultural product). The WDO contains a complex set of strict development constraints to ensure that wine production, from crops grown in Napa County, is the primary land use occurring at a winery (also known as “production”). General Plan Policy AG/LU-1 states that agriculture and related activities are the primary land uses in Napa County. Policy AG/LU-2 defines “agriculture” to include the production of agricultural products “and related marketing, sales and other accessory uses.”

The property has 12.90 acres of vineyards in production on the West Property and 3.71 acres on the East Property. At the hearing, Duckhorn representatives informed the Commission that the almost 50-year-old winery has a demonstrated need to expand the facility for operational and efficiency purposes. Duckhorn is currently trucking up to 1,500 tons of fruit to a facility in Hopland for processing into wine. Those grapes come from vineyards in close proximity to the Winery. (Transcript 22:20-28; 23:1-7.) The expansion will allow Duckhorn to maximize operational efficiencies and reduce water use, pollution and truck trips. (Transcript 23:1-7.) While the Project would increase the winery coverage by approximately 187,585 square feet, total winery coverage would be slightly less than 25% of the entire 30.34-acre parcel. The revised project does not increase winery coverage from what was approved at the Planning Commission.

The proposed Project has been reviewed by the Napa County Planning Division, Environmental Health Division, Building Division, Engineering Division, Napa County Fire Marshall and the Public Works Department, who have each found it to be consistent with the applicable Agricultural Preserve (AP) zoning district regulations and, as conditioned, complies with the

WDO including the sizing of accessory structures related to the winery (N.C.C. § 18.104.200), winery development area (N.C.C. § 18.104.210), winery coverage (N.C.C. § 18.104.220), winery setbacks (N.C.C. § 18.104.230), winery minimum parcel size (N.C.C. § 18.104.240) and production capacity (N.C.C. § 18.104.250). The definition of “agriculture,” includes marketing, sales, and other accessory uses that are related, incidental and subordinate to the main agricultural processing use. (N.C.C. § 18.08.040.)

Appeal Ground No. 3: Appellant PLL contends that the less than significant conclusion about the Inn at the Abbey’s impact on traffic means that without being forced to file an appeal public concerns about the colossal Duckhorn expansion were not included in the decision-making process.

Staff Response (Response from Planning, Building and Environmental Services): Staff is unclear which decision-making process Appellant PLL is referencing. To the extent it is in reference to the process related to Duckhorn, the traffic anticipated from the Inn at the Abbey was included in Duckhorn’s Traffic Impact Study prepared by W-Trans dated June 10, 2021 (Duckhorn TIS). PLL had ample opportunity to express concerns to Staff and the Planning Commission regarding the Winery. In fact, the record demonstrates that PLL actively participated in the decision-making process. PLL first contacted Staff on April 28, 2023, requesting clarification on the CEQA process, the deadline for written public comments and whether verbal public comments would be accepted at the public hearing. PLL then exchanged several emails and files with Staff on May 1, 2023, requesting a list of the last five years of Use Permit Major Modification hearings and clarification of Duckhorn’s wine production entitlement. Ultimately PLL submitted formal public comment on the Project to the Commission on May 2, 2023, which primarily focused on the Project’s traffic impacts.

To the extent PLL questions the conclusions of the Inn at the Abbey’s Traffic Impact Study, those concerns are premature and beyond the scope of this appeal hearing. The traffic analysis and related potentially significant impacts for the Inn at the Abbey are currently under evaluation under the Draft EIR. The Draft EIR for the Inn at the Abbey has not been circulated for public review and comment yet. There has yet to be formal or final determination of that project's transportation and traffic impacts.

Appeal Ground No. 4: Appellant PLL asserts that the Napa County Traffic Impact Study (TIS) requires traffic studies to be completed within two-years prior to the submission of a Use Permit Major Modification. The Duckhorn and Inn at the Abbey traffic studies violate this TIS requirement.

Staff Response (Response from Department of Public Works): Appellant PLL is incorrect.

The Duckhorn TIS was completed on June 10, 2021, which is within two years of the May 3, 2023, public hearing date for the Project. PLL’s Appeal Packet (Page 10) also cites 11 different documents utilized in the Duckhorn TIS that according to PLL are “more than two-year-old

traffic studies”, but 10 of the 11 documents are guidelines, manuals or policy documents which are not subject to the two-year limit the Napa County Traffic TIS Guidelines.

PLL also contends that the Inn at the Abbey Traffic Study is more than two years old, but that project is still undergoing environmental review and a public hearing has yet to be scheduled. The Inn at the Abbey’s Traffic Impact Study was referenced in the Duckhorn TIS because both studies had similar conclusions about the need for restriping a dedicated westbound right-turn lane at the intersection of SR-29/Lodi Lane as well as northbound and southbound speed feedback signs on Silverado Trail.

Duckhorn’s application was submitted to the PBES Department on March 26, 2019. On initial review of the Project, the Department of Public Works (DPW) noted that the Project would need a TIS to be prepared and that a draft scope of work should be forwarded to DPW for approval prior to preparation of the study. Traffic consultant, W-Trans, submitted a Memorandum of Assumptions (MOA) for the Duckhorn TIS to DPW on June 30, 2020.

According to the Center for Disease Control and Prevention’s COVID-19 timeline, first reports of the COVID-19 virus occurred on December 12, 2019. The virus was declared a public health emergency by the U.S. government on January 30, 2020, and by March 19, 2020, Governor Newsom issued California’s stay-at-home orders for non-essential businesses and encouraged residents to stay home and avoid going out.

Because of the impacts to traffic levels during the pandemic W-Trans proposed to utilize turning movement count data that had been captured in October of 2019. This point for data collection was reviewed by DPW and found to be feasible and a realistic representation of pre-pandemic conditions for modeling turning movements. This earlier data point was applied universally to similar projects preparing Traffic Impact Studies during the pandemic.

As to the TIS for the Inn at the Abbey, Appellant PLL’s concerns are premature and beyond the scope of this appeal hearing. PLL will have an opportunity to comment on that TIS when the Draft EIR is released for public review and comment.

Appeal Ground No. 5: Appellant PLL contends that the Duckhorn TIS failed to examine traffic in the context of Inn at the Abbey’s traffic, including 53-foot long Duckhorn tanker trucks designated to use the “tee” intersection of Lodi Lane and Highway 29 to access and depart Duckhorn because of the 100-year-old bridge that commonly floods closing Lodi Lane during extended heavy rains.

Staff Response (Response from Department of Public Works): Appellant PLL is mistaken. The Duckhorn TIS examined heavy vehicle trips and use of the bridge during heavy flood conditions.

First, Staff notes that Appellant PLL makes frequent reference to ‘53-foot-long tanker trucks’, which are described as traveling to the property in the hundreds of vehicles and utilizing the

West Property driveway all day and night. The assertion that commercial vehicle activity will take place all day and night is factually incorrect. Duckhorn's existing hours of operation for their production facilities is 6 a.m. to 7 p.m., commercial vehicles are not allowed to access the property outside of this time frame. Further, under Condition of Approval No. 4.2, Duckhorn is required to the extent feasible to schedule deliveries to and from the winery outside of the peak travel window of 4 p.m. to 6 p.m. The only location in the application materials that refer to 53-foot-long trucks relate to modeling truck access at the existing West Property driveway (Duckhorn TIS, page 36.). Modeling requires that the largest potential vehicle that may visit the site be utilized in determining whether the existing driveway is adequate for the proposed use, but it does not mean that all commercial vehicles accessing the property will be 53-foot-long semi-trucks.

Duckhorn is an existing winery operating for almost 50 years. As part of that existing operation, heavy vehicles (trucks hauling grapes or those with five or more axles) currently access the production facility of the winery on the East Property by turning onto Lodi Lane from either of the two study intersections: SR29/Lodi Lane and Silverado Trail/Lodi Lane. As a function of the Duckhorn's TIS capacity analysis the percentage of heavy vehicles at each intersection was calculated based on previous data collected during harvest in September 2017. The data indicates that heavy vehicles represent just two (2) to four (4) percent of all peak hour vehicle trips. (Page 13; Duckhorn TIS.)

According to Napa County's Winery Traffic Information/Trip Generation sheet (County Trip Generation sheet), heavy vehicle traffic due to the expanded operations is not likely to increase substantially; expanding production capacity from 160,000 gallons per year to 300,000 gallons per year increases the expected average daily trips (ADT) of heavy vehicles to the winery by 2.5 ADT, from 2.9 ADT to 5.4 ADT. (Page 182; Duckhorn TIS.)

Contrary to Appellant PLL's assertions, the Duckhorn TIS also assessed sight distances at the Project's driveways. Based on field conditions and the posted speed limit of 40-mph, W-Trans concluded that both the East and West Property driveways have adequate sight distance in both directions. The bridge over the Napa River lies between both these driveways. The collision history for Lodi Lane over the study period is zero.

Neither project driveway is situated such that vehicle traffic would be forced to utilize the Lodi Lane bridge over the Napa River during emergency flood conditions. Vehicular traffic leaving the East Property can turn left towards Silverado Trail and vehicular traffic leaving the West Property can turn right towards SR 29. In both cases vehicles would be able to move away from the river channel.

Appeal Ground No. 6: Appellant PLL asserts that Duckhorn incorporates the Inn at the Abbey traffic studies completed between 2015 and 2019 as part of the rationale for finding the Winery's traffic impacts would be "less than significant impact" and excluded it from the Planning Commission's consideration of Duckhorn.

Staff Response (Response from Department of Public Works): Appellant PLL is wrong. The W-Trans TIS prepared for the Duckhorn project was part of the materials provided to the Planning Commission for consideration. The Duckhorn TIS incorporated trips from the Inn at the Abbey proposed project.

The Duckhorn TIS found that the collision rate for the Silverado Trail/Lodi Lane intersection was greater than the statewide average for similar facilities for the period 2014 – 2019. Further analysis found that all three (3) of the collisions documented in this timeframe came from northbound traffic. The Inn at the Abbey TIS documented the same collision pattern, which is noted in the Duckhorn TIS. (Page 7.) The Duckhorn TIS is consistent with the Inn at the Abbey TIS which found that sight distances for stopping given the posted speed limit complied with CalTrans recommendations, but that the sight distances would be inadequate if vehicles were traveling above the posted speed limit. The Inn at the Abbey TIS recommended installation of a speed feedback sign for northbound traffic, and that recommendation is also included in the TIS for Duckhorn (or whichever project is approved first).

The Duckhorn TIS capacity analysis included the average daily trips of the Inn at the Abbey TIS into its analysis of the Near-Term Conditions for the proposed Project. The Inn at the Abbey TIS calculated an average of 645 new trips per day would be generated, including 33 weekday p.m. peak hour trips and 57 trips during the weekend peak hour. Project volumes from this prior analysis were used to evaluate the Near-Term conditions scenario (Existing plus Approved conditions). Under Cumulative Conditions for the stop-controlled approach at SR 29/ Lodi Lane, the Duckhorn project is expected to have an adverse effect during peak hours for Friday and Saturday. The Inn at the Abbey TIS is noted in the Duckhorn TIS as having also identified this impact. Because both projects are recommended to restripe the westbound stop-controlled approach to include a dedicated right-turn lane, the Duckhorn TIS also recommends that these two projects share the restriping improvements. The Duckhorn TIS found that all other intersections and segments would be expected to operate normally, even with the inclusion of the Inn at the Abbey to the Near-Term scenario.

Appeal Ground No. 7: Appellant PLL asserts that there is substantial public evidence to support a fair argument that the Duckhorn project may have significant traffic impacts and an EIR is necessary. Specifically, PLL asserts that Preserve Lodi Lane members and supporters have personally observed and experienced traffic safety hazards that engender accidents and near misses and necessitating the preparation of an EIR.

Staff Response (Response from Department of Public Works): Appellant PLL asserts various traffic condition and hazard scenarios are present with the SR 29/Lodi Lane intersection (pages 6-7 of PLL’s Appeal packet). These scenarios include and are addressed by Staff as follows:

- Topography and vehicle speeds on SR 29 at the Lodi Lane intersection present dangerous conditions for vehicles looking to enter either of the southbound or northbound lanes from Lodi Lane.

- Vehicles occupying the left- and right-hand turn lanes for the westbound Lodi Lane intersection will obstruct each driver's sightlines of SR 29 traffic.
- Vehicle queues will form on westbound Lodi Lane. This may block a future driveway for the Inn at the Abbey project.
- Vehicle queueing and sightlines of SR 29 will be further impacted by the addition of heavy vehicles occupying the left- and right-hand turn lanes for the westbound Lodi Lane intersection.

Topography and turn lanes

Although Appellant PLL asserts that unsafe conditions exist at the SR 29/Lodi Lane intersection, the collision history data does not support PLL's assertion. The Statewide Integrated Traffic Records System indicates that between October 1, 2014, through September 30, 2019, the intersection at SR 29/Lodi Lane was below the statewide average for collisions of similar facilities. Similarly, the segments of SR 29 both north and south of Lodi Lane had a collision history below the statewide average for similar facilities. Although the Silverado Trail/Lodi Lane intersection and segments of Silverado Trail north and south of Lodi Lane showed a collision rate above the statewide average for similar facilities, W-Trans recommended physical improvements (north- and south-bound speed feedback signs on Silverado Trail) to reduce the common cause of collisions within these facilities. (Pages 6-8; Duckhorn TIS.)

Queuing and sightlines of SR 29

PLL also asserts increased queueing will occur as a result of the Winery expansion. While approval of the operational modifications to Duckhorn would result in increases in delay (Level of Service or LOS) for the study intersections and segments, the Duckhorn TIS found that the increases in delay for the most part meets acceptable standards of the Napa County General Plan related to LOS under all traffic scenarios. The only exception is the westbound approach at the SR 29/Lodi Lane intersection under Cumulative Conditions. To offset the Project's effect, W-Trans recommended restriping a separate dedicated right-turn lane. Modeling indicates that this improvement would allow for stop-controlled delays to be reduced to less than the delays without the Project. (Page 28; Duckhorn TIS.) This recommendation was included as a Condition of Approval by DPW.

Appeal Ground No. 8: Appellant PLL asserts that the construction of the Vine Trail extension on Highway 29 from St. Helena to Calistoga primarily for bicyclists must be considered since the Vine Trail will contiguously occupy the space both north and south property line of the proposed Inn at the Abbey on Highway 29 crossing Lodi Lane. When the Vine Trail is operative, drivers using Lodi Lane to turn either north or south on Highway 29 will physically impede the passage of Vine Trail bicyclists and pedestrians - along with Inn at the Abbey visitors and employees, attempting to use the crosswalk. Pedestrians and bicyclists will be forced to stop or dangerously

negotiate passage in front of vehicles nosed into the northbound traffic lane, or even more threatening, between queued vehicles.

Staff Response (Response from Department of Public Works): The environmental and safety impacts of the Napa Valley Vine Trail: St. Helena to Calistoga Section were considered by the Napa Valley Transportation Authority Board of Directors on August 19, 2020, who approved the Project and adopted a Mitigated Negative Declaration. The Vine Trail alignment immediately concerning the Duckhorn project is described in the Initial Study as “crossing York Lane and continuing along private property frontage to Lodi Lane, the Vine Trail then would cross Lodi Lane, into Caltrans’ Right-of-Way and continue north to parallel Freemark Abbey Winery. A portion of this segment would be on SR 29 shoulder...” (Page 10; Napa Valley Vine Trail: St. Helena to Calistoga Section; Initial Study/Mitigated Negative Declaration.)

In general, the Napa Valley Vine Trail: St. Helena to Calistoga Section will improve transportation safety along SR 29. The Vine Trail will not introduce new uses to SR 29, pedestrians and bicyclist currently utilize the shoulder of this roadway for travel. Safety improvements and signage would be installed at crossings to conform to applicable local, Caltrans, and California Manual on Uniform Traffic Control Devices standards. (Page 7; Napa Valley Vine Trail: St. Helena to Calistoga Section; Initial Study/Mitigated Negative Declaration.)

Appeal Ground No. 9: Appellant PLL asserts that when combined with the traffic expected from Inn at the Abbey, the Duckhorn project would add an estimated 44,000 passenger vehicles and hundreds of 53-foot-long tanker trucks to the Inn at the Abbey traffic load at Lodi Lane and Highway 29. PLL contends that despite a massive increase in traffic load, no present-day traffic study was required by PBES for either the Inn at the Abbey or Duckhorn. Appellant PLL further asserts that PBES chose not to assess the cumulative impacts of traffic load, safety, and hazards arising from the Inn at the Abbey and Duckhorn projects.

Staff Response (Response from Department of Public Works): Appellant PLL is wrong. Staff Responses 3, 5 and 6 are incorporated here by reference.

The Duckhorn TIS was reviewed by County’s traffic engineers in DPW and appropriately and adequately analyzed traffic load, safety and hazards and complied with the established protocols of the 2021 Napa County Traffic Impact Study Guidelines.

Appeal Ground No. 10: Appellant PLL asserts that the County’s reliance on mostly four-to-five-year-old traffic safety hazard analysis materially failed to analyze present-day traffic health and safety issues at either the project level or cumulatively in light of the Permit Major Modifications at virtually every winery in proximity to Lodi Lane at the tee-intersections at Highway 29 and Silverado. The following wineries within one-half mile of Duckhorn have been granted use permit major modifications within the last five years: Ballentine, Ravena, Grace Family, Brasswood, Titus, Trincherro, Ehlers, Charles Krug and Faust Haus and the resulting

increased visitors, employees and vehicle trips were apparently excluded from the Inn at the Abbey and Duckhorn traffic analysis because impacts were found to be less than significant.

Staff Response (Response from Department of Public Works): As outlined in Staff's response to Appeal Ground No. 6 (incorporated here by reference), the DPW approved the use of traffic count data from prior to the COVID-19 pandemic to better reflect the pre-pandemic environment.

The alleged traffic impacts from the wineries listed by PLL are not as alarming or significant as PLL's contends. Out of the nine (9) wineries mentioned by PLL six (6) have not received approval from the County for major modifications to their Use Permits within the last five (5) years.

Grace Family Winery's Very Minor Modification to their Use Permit (P16-00183-VMM), was approved on September 14, 2016, and permitted only physical improvements to the winery. Trincherro's Very Minor Modification (P11-00066-VMM) to their Use Permit, was approved on March 22, 2011, and permitted only physical improvements to the winery. Faust Haus received approval for a Winery Administrative Permit (P18-00012-ADM) on August 29, 2018, which permitted only physical improvements to the winery. Charles Krug Winery resides within the municipal boundaries of the City of St. Helena and is thus subject to the City's permit modification procedures and regulations. According to City Planning Staff, the last modification, which included increased operational entitlements at Charles Krug Winery, was approved on July 15, 2008.

Revana Winery received approval for a Minor Modification to their Use Permit (P20-00225-MM) on August 31, 2021, to increase in annual wine production from 15,000 to 30,000 gallons. According to the County Trip Generation sheet, increasing production from 15,000 gallons to 30,000 gallons resulted in an increase of 0.2 heavy truck ADT. Titus Vineyard Winery received approval for a Major Modification to its Use Permit on August 16, 2017. Their operational modifications would have been in effect during the data collection for the Duckhorn TIS, and thus would be considered part of the existing conditions. The other three wineries (Ballentine, Ehlers & Brasswood) received Major Modifications to their Use Permits in the last five years, including various increases in production, visitation, employment, etc. Because of the location of their driveways, these increases in operations would be expected to primarily impact SR 29 and not the roadway segments of Lodi Lane and Silverado Trail.

Napa County's Traffic Impact Study Guidelines (2021) allow forecast modeling to be used for traffic volume and vehicle miles of travel (VMT). The guidelines provide criteria for appropriate forecasting. For large projects that have the potential to affect regional travel patterns, County Guidelines identify the Napa-Solano Travel Demand Model as an appropriate modeling tool. The Duckhorn TIS utilized the Napa Solano Travel Demand Model for projecting future volumes for horizon year 2040.

As described under Staff Response to Appeal Ground No. 9, modeling cumulative conditions found that both study intersections are expected to continue operating at the same service levels as

without the Project. Silverado Trail/Lodi Lane would continue to operate acceptably. SR 29/Lodi Lane which would already be operating unacceptably under cumulative conditions without the Project, would continue to do so with addition of the Project. W-Trans recommended measures to improve operational conditions under the cumulative scenario, and those measures were incorporated in the Project's Conditions of Approval by the DPW.

Appeal Ground No. 11: PLL asserts a number of structural hazards in regard to transportation facilities at the Project's study roadway segments and intersections. These hazards include the topography, turn lanes, queuing and sightline issues raised in Appeal Ground No. 7, as well as hazards related to users of the Vine Trail, movement of employees, patrons, and service vehicles to the proposed Inn at the Abbey project, and public transit stops.

Staff Response (Response from Department of Public Works): Appellant PLL asserts twelve structural safety hazards. Staff responds as follows:

1. Appellant PLL alleges that existing SR 29 travel lanes constitute a structural hazard. Please see Staff Response to Appeal Ground No. 7 incorporated here by reference.
2. SR 29 is a State highway and CalTrans determines what traffic control devices are warranted for their various roadway segments. The Project's Notice of Intent was sent to CalTran offices and they did not submit any comments about concerns with the Project's impacts to SR 29.
3. Appellant PLL appears to be alleging that the various travel mode mix along the study segments of SR 29 and the study intersection of SR 29 & Lodi Lane constitute a structural hazard. Duckhorn does not introduce any new uses to SR 29 or the SR 29/Lodi Lane intersection. Private and commercial vehicles currently travel along SR 29 and turn onto Lodi Lane to access the Duckhorn property and other properties. Bicyclists presently utilize the contiguous bicycle paths adjacent to the vehicle travel lanes and public transit buses utilize public transit stops. See also Staff Response to Appeal Grounds No. 7 & 8 incorporated here by reference.
4. Appellant PLL alleges that the existing single lane for Lodi Lane for right- and left-hand turn obstructs driver sight lines. As conditioned, Duckhorn will be required to provide a dedicated striped right turn lane at this intersection, which will cut down on delays caused by the increase in traffic from the Project.
5. This alleged structural traffic hazard deals with Appellant PLL's perception of access issues with the Inn at the Abbey project, which is not the subject of this appeal.
6. See response to alleged structural hazard #4 & #2 above.
7. Staff is confused that Appellant PLL is alleging that vehicles will be required to stop and wait for passing Vine Trail bicyclists and pedestrians at the SR 29/Lodi Lane intersection, and this would be considered a structural hazard. As explained in Staff's Response to Appeal Ground No. 8, the construction of the Vine Trail will include various safety improvements and signage. Bicyclists and pedestrians currently travel along this right-of-way and completion of the Vine Trail will improve safety along this corridor.
8. Appellant PLL alleges that an existing public transit stop when occupied by a bus will cause structural hazards with drivers, bicyclists, pedestrians and vehicles traveling north on SR 29. The bus stop currently exists and buses, such as the UpValley Connector,

currently utilize this stop. This segment of SR 29 has a collision history below the statewide average for similar facilities.

9. See response to alleged structural hazard #2 above.
10. This alleged structural hazard deals with Appellant PLL's perception of potential pedestrian & business operational movement for the Inn at the Abbey project, which is not the subject of this appeal.
11. This alleged structural hazard deals with Appellant PLL's perception of business operations and their movement for the Inn at the Abbey project, which is not the subject of this appeal.
12. This alleged structural hazard deals with Appellant PLL's perception of project access issues with the Inn at the Abbey Project, which is not the subject of this appeal.

Appeal Ground No. 12: Appellant PLL contends that the production site fails to include a proposed 1,000 foot-long, 20-foot-wide paved road necessary to allow 53-foot long Duckhorn tanker trucks to enter and exit the production facility that is located only 200 feet from a residence on Lodi Lane.

Staff Response (Response from Department of Planning, Building and Environmental Services): Appellant PLL is mistaken. The Project includes a driveway that fully complies with the County's Road and Street Standards and includes upgrading the existing driveway to a minimum 20-foot paved width.

The expansion of the existing driveway is included in the Project description. (Page 2, Section 9, Duckhorn Vineyards Winery Initial Study/Mitigated Negative Declaration.) The widening and improvement of the West Property driveway to the required driveway standards is described in multiple environmental sections of the MND.

PLL erroneously contends that the Project's Notice of Intent (NOI) claimed the production facility was within 500 feet of the nearest residence and that Staff claimed this distance satisfied Napa County winery set-back policy. To clarify, the Duckhorn NOI never mentions setbacks. Winery setbacks are regulated by Napa County Code § 18.104.230. The winery setback for Silverado Trail is 600 feet and 300 feet for Lodi Lane. Winery setbacks apply only to buildings of the winery facility. Driveways are exempt from setbacks and yard requirements. (N.C.C. § 18.104.280.B.)

The Duckhorn application was reviewed by the Napa County Planning Division, Engineering Division, Public Works Department, and CalFire. Except for the left turn lane warrant for the East Property driveway the proposed Project has been found to be fully compliant with applicable codes and regulations. The Duckhorn Vineyards Winery TIS included a simulation of truck turning movements into and out of the West Property driveway, found that the existing driveway would not be adequate for the largest potential commercial vehicle type, and recommended upgrading the driveway to current Napa County Road and Street Standards.

Appeal Ground No. 13: Appellant PLL asserts that the MND failed to assess the impacts of constructing a new wine production facility together with a new entrance and exit road physically required to reach the facility that is 200 feet from an occupied residence. According to

PLL, the MND noise analysis fails to address either the noise from the production facility, or the noise of 53-foot-long tankers and delivery trucks that are likely to utilize the new road night and day. Since the new road is only 200 feet from an occupied residence, PLL claims that an EIR is required.

Staff Response (Response from Department of Planning, Building and Environmental Services): Page 25 of the Duckhorn MND identifies the distance between the proposed production facility and the closest sensitive receptor (residence) is approximately 580 feet to the east. During the public hearing the Applicant discussed that the building had been designed specifically to address operational noise, with a central pull through for vehicles so that idling noise is contained within the building. (Transcript 23:16-28.) Based on this distance and Staff's experience with prior noise studies for winery operations and residences at similar distances, noise impacts from this stationary location would not be expected to exceed County noise standards.

The application proposes to build a new winery facility on the West Property. Development of the facility would require improvement and expansion of an existing driveway on the West Property. Subsequent to the development of the new facility, Duckhorn would begin improvements and expansion of their existing estate house on the East Property. During this time hospitality operations currently conducted on the East Property would temporarily take place within and around the new winery facility on the West Property. These hospitality operations on the West Property would be temporary and would return to the East Property at the completion of the Estate House expansion. At the conclusion of the Estate House expansion, the West Property would return to a production only winery facility.

Vehicle traffic on the improved West Property driveway would likely increase due to the development of the new winery facility, but the increase in vehicle traffic is not expected to cause noise impacts to neighboring sensitive receptors because "traffic noise is not highly sensitive to changes in traffic volume." (Page 23, Noise Resources - Napa County Baseline Data Report, 2005.) Vehicle traffic from hospitality operations on the West Property would be temporary. After that, vehicle traffic on this driveway would primarily be production Staff, agricultural and commercial vehicles. This vehicular activity would not take place during all hours of the day and night; Duckhorn is conditioned to only operate during the hours of 6:00 a.m. – 7:00 p.m., except during crush. (Page 25 Duckhorn MND; Page 39 Duckhorn Conditions of Approval and Final Agency Memos.) Truck traffic would not be expected to be a sizable portion of vehicular traffic on the West Property driveway. Napa County's application for Winery Use Permit Major Modifications includes a Trip Generation sheet that is used by the Department of Public Works to determine if a more detailed Traffic Impact Study is needed for a proposed project. Duckhorn's Trip Generation sheet is contained on page 182 of Duckhorn's TIS. According to the Trip Generation sheet estimated truck traffic for a 160,000 gallon per year winery is 2.9 average daily trips (ADT). Truck traffic for a 300,000 gallon per year winery is

expected to be 5.4 ADT, an increase in 2.5 ADT. Trip count data from the Project's TIS found heavy vehicles to make up two (2) to four (4) percent of vehicles using the study intersections.

The applicant submitted a Noise and Vibration Assessment after the release of the Notice of Intent. Although it was not relied upon by Staff in the MND noise analysis, Assessment further supports the conclusion that noise impacts would be less than significant.

Appeal Ground No. 14: Appellant PLL asserts that based on the lengthy personal experience of Lodi Lane residents and people living within 1000 feet of the Duckhorn property with structural traffic safety threats at the tee-intersections of Highway 29 and Silverado Trail, establishes a fair argument that the Planning Commission approval Duckhorn MND must be the subject of an EIR.

Staff Response (Response from Department of Public Works):

The Duckhorn TIS addresses the following traffic and safety elements;

- A description of study roadways and bicycle, pedestrian and transit facilities. Any planned County or Caltrans improvements within the Project vicinity.
- Traffic controls, turning movement counts, average daily traffic figures by scenarios.
- Trip Generation for existing and proposed annual and daily trips, showing the net added trips.
- Trip Generation for existing and proposed peak hour trips, showing the net added trips.
- Project scenarios Level of Service (LOS), and net change with plus Project scenarios.
- Collision analysis table.
- Traffic volume figures for all Project scenarios.
- Vehicle Miles Traveled (VMT) Analysis.
- A Transportation Demand Management (TDM) Plan.
- Parking Analysis.
- Site Access and On-site Circulation.
- Sight Distance Analysis.
- Collision Analysis.
- Left Turn Lane Warrant at proposed Project Driveway.
- Mitigations/Recommendations.

Based on the DPW conditions on the Project, the depth of analysis in the Duckhorn TIS, and the MND, there are no impacts from the Project that would exceed identified and established thresholds of significance and that those impacts would be significant and unavoidable, necessitating the need to prepare an EIR.