

# CEQA ANALYSIS

EMERGENCY INGRESS/EGRESS PLAN OPTION 2  
ANTHEM WINERY USE PERMIT P14-00320-MOD



**ANTHEM WINERY USE PERMIT P-14-00320-MOD**  
**INITIAL STUDY FINDINGS:**

**HAZARDS AND HAZARDOUS MATERIALS.** Would the project:

- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- h) Expose people or structures to a significant risk of loss, injury or death involving wild-land fires, including where wild-lands are adjacent to urbanized areas or where residences are intermixed with wild-lands?

**Finding: Less Than Significant Impact**

## Anthem Winery IS/MND Discussion of Hazards and Hazardous Materials Impacts (g) and (h)

g. As discussed in **Section XVI (Transportation/Traffic)**, the project includes an Exception to the Napa County Roads and Street Standards (NCRSS) to allow for a reduced commercial driveway widths and exceptions to the minimum slope requirements, as described and detailed in associated application materials<sup>19</sup>. The Project's Traffic Assessment included review the **Emergency Ingress/Egress Plan and Anthem Winery Driveway Entry Option 2 plans**. Their review concluded the proposed access in combination with the Emergency Ingress/Egress Plan would provide sufficient emergency access to the project site. **The proposed road design and Emergency Ingress/Egress Plan has also been reviewed by the County Division of Engineering Services and the Fire Marshal who have determined that the propped driveway design, given its physical and legal constraints and incorporation of the Emergency Ingress/Egress Plan, has been designed to the maximum extent practical to provide adequate emergency access to the project site.** Therefore, the project would not obstruct emergency vehicle access. Also see **Section XVI (Transportation/Traffic)** for additional details.

h. The proposed project site is located within a **moderate** fire severity zone and the State Responsibility Area (SRA) district (Napa County GIS: Fire Hazard Severity Zones, and Fire Protection Responsibility Areas Layers), which will potentially increase exposure of people and/or structures to a significant loss, injury or death involving wild land fires. The Napa County Fire Marshall has reviewed this application and recommends approval of the project subject to recommended conditions of approval which require a minimum of 100 feet of defensible space out from all portions of the structure, 10 feet of defensible space fire hazard reduction on both side of all roadways serving the facility, and other conditions to ensure that fire apparatus will have access to all buildings, including emergency responder radio coverage in new buildings, including the Road & Street Standards Exception request. **Therefore, the potential for impacts associated with wild-land fires is considered less-than-significant.**

**ANTHEM WINERY USE PERMIT P-14-00320-MOD**  
**INITIAL STUDY FINDINGS:**

**TRANSPORTATION/TRAFFIC.** Would the project:

- d) Substantially increase hazards due to a design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- e) Result in inadequate emergency access?

Finding: Less Than Significant impact

## Anthem Winery IS/MND Discussion of Transportation/Traffic Impacts (d) and (e):

d-e. The project includes an Exception to the Napa County Roads & Street Standards (NCRSS) to allow for a reduced commercial driveway widths including periodic exceptions to the minimum slope requirements from its intersection with Dry Creek Road to the western end of the proposed clear span bridge, as further described below, and as described and detailed and described associated applicant materials<sup>33</sup>. As discussed in **Section IV (Biological Resources)** the bridge is located just below the existing driveway and an associated culvert, this drainage course does not have a well-defined channel with a depth of four feet and banks steeper than 3:1, therefore, this drainage course is not considered a definitional stream.

The proposed NCRSS request proposes an exception to allow the Anthem Winery Use Permit Modification to be approved without meeting the commercial driveway width and slope standards within approximately 1,700 lineal feet of the access drive, as measured from Dry Creek Road. Generally, this section of the access drive would consist of a 16 to 18 foot wide paved travel way (14 foot wide travel way for the bridge segment) that requests exceptions to the following: the two 10 foot wide traffic lanes and 22 feet of horizontal clearance, the 22 foot wide turnouts, and slope exception for road grades exceeding 18% without the required transition zones of 10% in two driveway sections. The remaining 650 feet of proposed access drive located west of the proposed clear span bridge has been designed to meet applicable NCRSS standards.

The exception requests are necessitated by physical and legal constraints presented by the 20.5 foot wide flagpole section of the Access Parcel's connection with Dry Creek Road, and the easement located within the northwest corner of the abutting parcel to the east (Lands of Rowe, 3109 Dry Creek Road, APN 035-460-024) which currently contains a portion of the existing driveway that provides access to the residence located at 3123 Dry Creek Road, due to the abutting owner's objection to utilize this access easement.

As discussed in **Section IV Biological Resources**, potential biological impacts associated with the proposed driveway configuration would be less than significant with implementation of mitigation measures and standard conditions. As discussed in **subsection a** above the Project's Traffic Assessment included review the Emergency Ingress/Egress Plan and Anthem Winery Driveway Entry Option 2 Plans. Their review concluded the proposed access in combination with the Emergency Ingress/Egress Plan would provide sufficient emergency access to the project site. The proposed road design and exception, including the Emergency Ingress/Egress Plan, has also been reviewed by the County Division of Engineering Services and the Fire Marshal who have determined that the proposed driveway design, given its physical and legal constraints and Emergency Ingress/Egress Plan, has been designed to the maximum extent practical to provide adequate emergency access to the project site, and can support grant of the exception as currently designed. To grant a Road Exception the Planning Commission must find that the alternative design meets the same overall practical effect as a project that complies with the standard. As proposed, the Division of Engineering Services and the Fire Marshal have concluded that the design meets the same overall practical effect.

Traffic controls will include:

- Electronic signage at winery parking lot:

**DRY CREEK ROAD CLOSED**

**EXIT REDWOOD ROAD**



- Electronic signage at Dry Creek residence driveway:

**DRIVEWAY CLOSED**

**EXIT REDWOOD ROAD**



- Electronic signage at Redwood Road residence driveway:

**EXIT REDWOOD ROAD**



The Dry Creek Road driveway will remain open to incoming and outgoing emergency vehicles.

### Evacuation to Redwood Road

When evacuation is necessary and it is safe to do so, the manager will close Dry Creek access to outgoing vehicles and initiate evacuation. The April 2, 2001 Exception Request Letter by Bartelt Engineering identified the irrigated vineyard as a "safe-to-stay" area, which may be used at the manager's discretion. The manager will give verbal notification of driveway closure and evacuation instructions, via intercom or similar, to all employees, guests, and residents. Traffic controls will be the same as in the preceding section.

**NOTES:**

1. THE EXISTING ADDRESS SIGN AT THE ENTRANCE OF THE DRIVEWAY AT REDWOOD ROAD WILL BE REPLACED WITH AN ADDRESS SIGN HAVING NUMERALS WITH A MINIMUM OF 4 INCHES IN HEIGHT.
2. THE EXISTING 2-1/2 INCH NPT WARP HYDRANT NEAR THE EXISTING WINERY WILL BE REPLACED WITH A 4-1/2 INCH NPT OUTLET WITH THE APPROPRIATE GATE VALVE.
3. A HAMMERHEAD TURNAROUND WILL BE INSTALLED JUST PRIOR TO THE EXISTING RESIDENCE TO ALLOW FIRE TRUCKS TO TURN AROUND PRIOR TO APPROACHING THE RESIDENCE AND/OR THE WINERY.
4. TWO EXISTING TURNOUTS AND TWO NEW TURNOUTS ALONG THE DRIVEWAY WILL BE WIDENED AND PAVED TO ALLOW PASSING ALONG THE EXISTING DRIVEWAY.

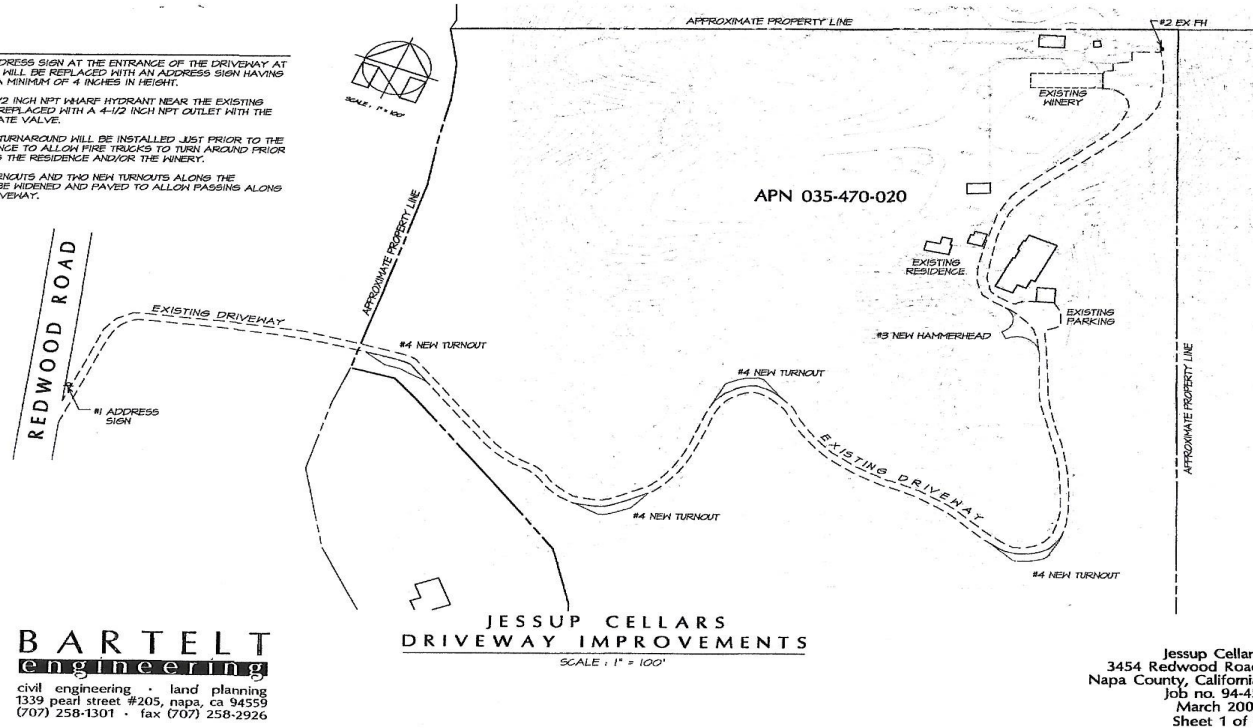


Diagram from April 2, 2001, Exception Request Letter for Jessup Winery, Bartelt Engineering

While lit signs are not suggested for use on the driveway, it is recommended that such signs be used in the parking lot where they would be connected to the power at the main winery facility, including back-up generation, if such exists. During an emergency event these signs could easily be switched on with a simple on/off switch (or switches) located where they would be convenient to access, and could be activated quickly. As proposed, on-site personnel would direct traffic to exit via Redwood Road verbally, as well as with the signing. To ensure that personnel were able to react quickly and appropriately to an emergency, preparation of written procedures and routine training of staff are suggested.

## Staff Response to Grounds for Appeal:

The Emergency Ingress/Egress Plan (See **Attachment L**) utilizes the permanent placement and use of traffic controls at the winery and along the access drive to direct and control outbound vehicles during an emergency so that adequate emergency access can be provided by **either directing outbound vehicles to yield to inbound vehicles, or directing outbound traffic to either Dry Creek Road or Redwood Road depending on the nature of the emergency. Therefore, emergency egress is not simply limited to directing all vehicles onto Redwood Road.**

The Project's Traffic Analysis considered the Emergency Ingress/Egress Plan and associated driveway plans submitted in combination with the requested RSS Exception. (Citation omitted.) That review concluded that the Emergency Ingress/Egress Plan, in combination with the proposed access improvements, would provide sufficient emergency access to and from the Project site. The proposed site access analysis has also been reviewed by the Napa County Fire Marshal, Engineering Services Division, and Public Works Department and deemed appropriate and acceptable.

Emergency access was further assessed in the February 5, 2020 Planning Commission Staff Report that included responses to comments received specific to the proposed access drive improvements, the Emergency Ingress/Egress Plan, and the RSS Exceptions (in particular the REAX Engineering letter and Paul K. Rowe letter, both dated October 2, 2018, and the Block and Block LLP October 3, 2018 hearing presentation, among others). These comments were forwarded to the Engineering Division and Fire Marshal for review and response.

**Engineering and the Fire Marshal reaffirmed the County's original determination that the proposed RSS Exception requests satisfy the standards for an exception. The proposed access in conjunction with its associated components (including the Emergency Ingress/Egress Plan) satisfies the standards for an exception, and has been designed to**

The approval of the Project without sufficient mitigation measures or without the preparation of an EIR violates CEQA. The record contains substantial evidence supporting a fair argument that the Project may result in a significant environmental impact in the areas of Hazards/Hazardous Materials and Transportation/Traffic.

- The Redwood Road evacuation route described in the Emergency Ingress/Egress Plan was not separately evaluated in the IS/MND.
- Staff makes multiple assertions that Engineering and the Fire Marshal “reviewed,” “evaluated” and “reaffirmed” the IS/MND's original determination that the proposed NCRSS Exception Request satisfies the standards for an exception based on the Emergency Ingress/Egress Plan.
- However, these assertions are not supported by any evidence in the record that the Redwood Road evacuation route, when used as the sole emergency egress from the winery parcel under the Emergency Ingress/Egress Plan, provides the same overall practical effect as a project that complies with the NCRSS and Fire Safe Regulations.

- The Redwood Road evacuation route is a ±0.25-mile-long, 10-foot-wide, paved private driveway that terminates at Redwood Road.
- Its final 450-foot-long stretch to Redwood Road is over a 10-foot-wide easement over a neighboring parcel.
- At Redwood Road, the evacuation route crosses a single-lane bridge.
- Redwood Road has been closed numerous times in recent years due to landslides and fire
- There is no evidence in the record evaluating the adequacy of this route for fire evacuation purposes when it is deployed as the sole emergency egress from the winery parcel under the Emergency Ingress/Egress Plan Option 2.

CEQA requires that a public agency properly identify, weigh and consider evidence presented to it in order to determine whether a project will have a potential significant impact on the environment....[i]f a fair argument can be made on the basis of "substantial evidence" in the record that the project may have a significant adverse environmental impact - even if evidence also exists to the contrary - then an EIR is required. (*Mitigated Negative Declarations*, Governor's Office of Planning and Research, CEQA Technical Advice Series, December 2004 ed; citing *Laurel Heights Improvement Assoc. v. U.C. Regents* (1993) 47 Cal.4th 376).

## **Conclusion:**

Oral and written testimony provided at the Planning Commission hearings on the project support a finding of substantial evidence for a fair argument that there is a reasonable possibility the project, as conditioned, will result in significant environmental impacts in the areas of Hazards and Hazardous Materials (Anthem Winery IS/MND, Section VIII, subsections (g) and (h) and Transportation Traffic (Anthem Winery IS/MND, Section XVI, subsections (d) and (e)).

There is no evidence in the record that the Redwood Road evacuation route, when used as the sole emergency egress under the Emergency Ingress/Egress Plan, provides the same practical effect as compliance with the NCRSS and Fire Safe Regulations and mitigates those impacts to a level of insignificance as required under CEQA.