



Anthem Winery Access Road

Napa County Planning Commission

October 3, 2018

KEVIN P. BLOCK

BLOCK & BLOCK LLP

THE REQUEST FOR ROAD AND STREET EXCEPTIONS IS:

- ▶ Unprecedented
- ▶ Unjustified
- ▶ Unnecessary

THE REQUEST IS UNPRECEDENTED

- ▶ Applicant is asking for 15 exceptions, covering the entire 1,700-foot length of the flagpole road
- ▶ Applicant is not asking for exceptions, actually, but for approval of a substandard road
- ▶ If you “except” an entire road, then there are no road and street standards

THE REQUEST IS UNJUSTIFIED

- ▶ To approve the applicant's request, you must find that:
 - ▶ (1) exceptions are necessary to meet physical or legal constraints, and
 - ▶ (2) the location will be as safe with exceptions as without them

THE REQUEST IS UNJUSTIFIED



- ▶ There are no physical or legal limitations
- ▶ There is no evidence that the location will be equally safe
- ▶ One key request is based on a legal impossibility
- ▶ The requests are incomplete
- ▶ The recommended approvals are improperly conditioned

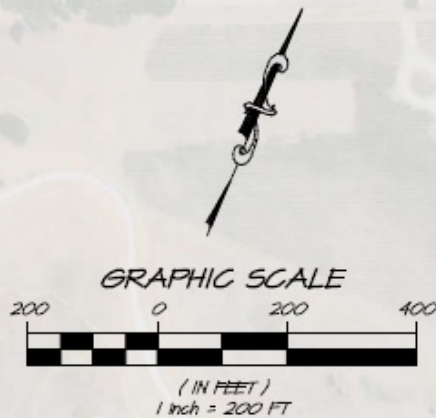
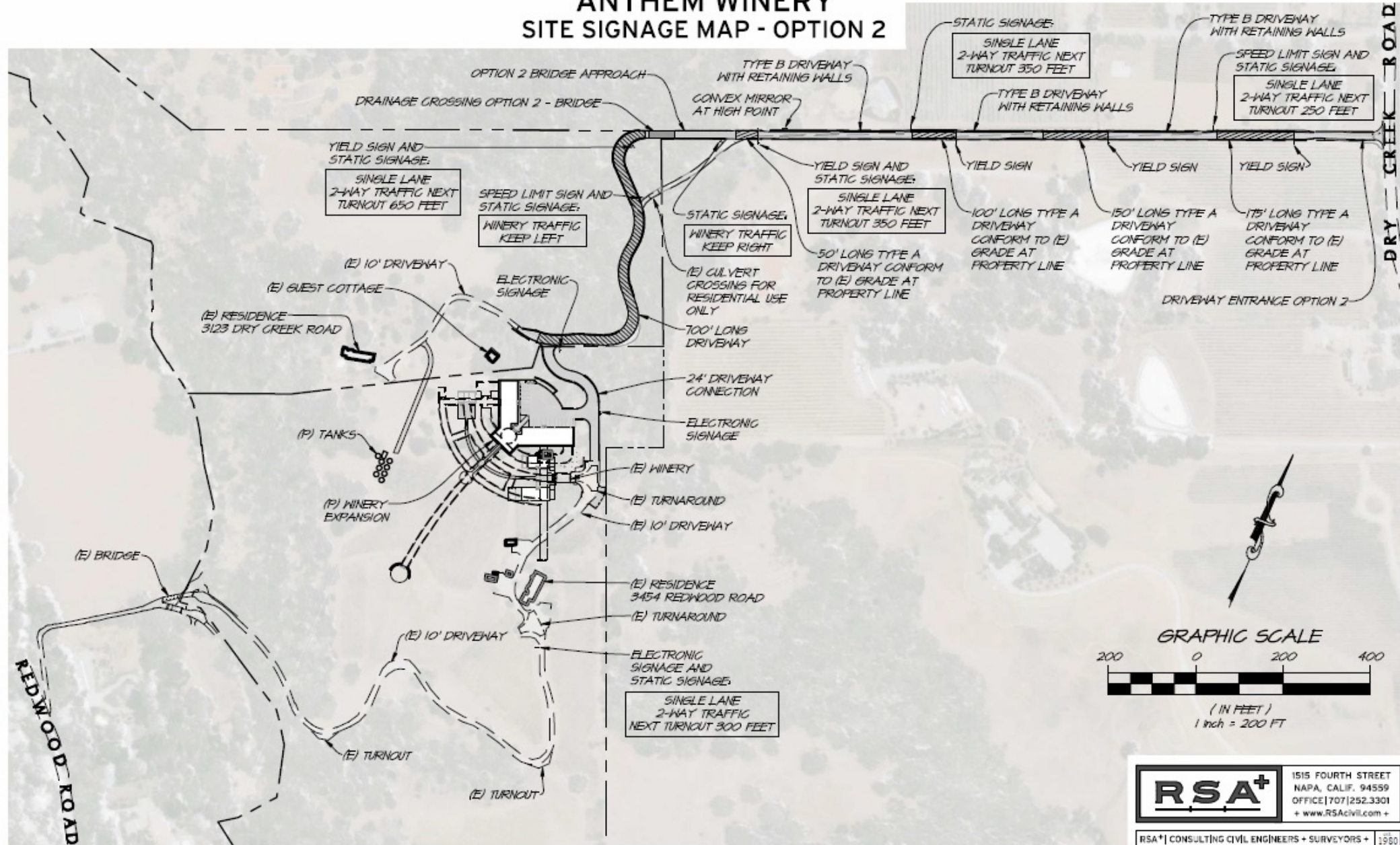
NO LIMITATIONS OR CONSTRAINTS

- Applicant purchased a 20-foot road
- Applicant got what it paid for
- Applicant cannot now say it is “constrained”

NO FACTUAL SUPPORT OR EXPLANATION

- ▶ Why would the location be just as safe?
- ▶ Recommended finding #9: signs will direct outbound vehicles to yield to inbound vehicles
- ▶ Does this pass the smile test?

ANTHEM WINERY SITE SIGNAGE MAP - OPTION 2



RSA+ 1515 FOURTH STREET
NAPA, CALIF. 94559
OFFICE | 707 | 252.3301
+ www.RSAcivil.com +

RSA+ | CONSULTING CIVIL ENGINEERS + SURVEYORS + 1980
DEC. 28, 2017 411010.0 Site Signage-Opt2.dwg

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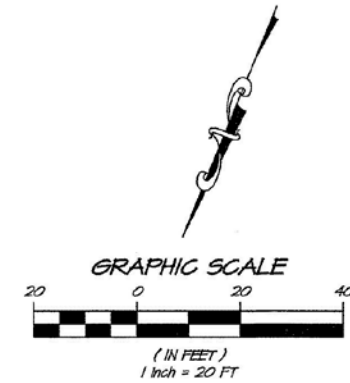
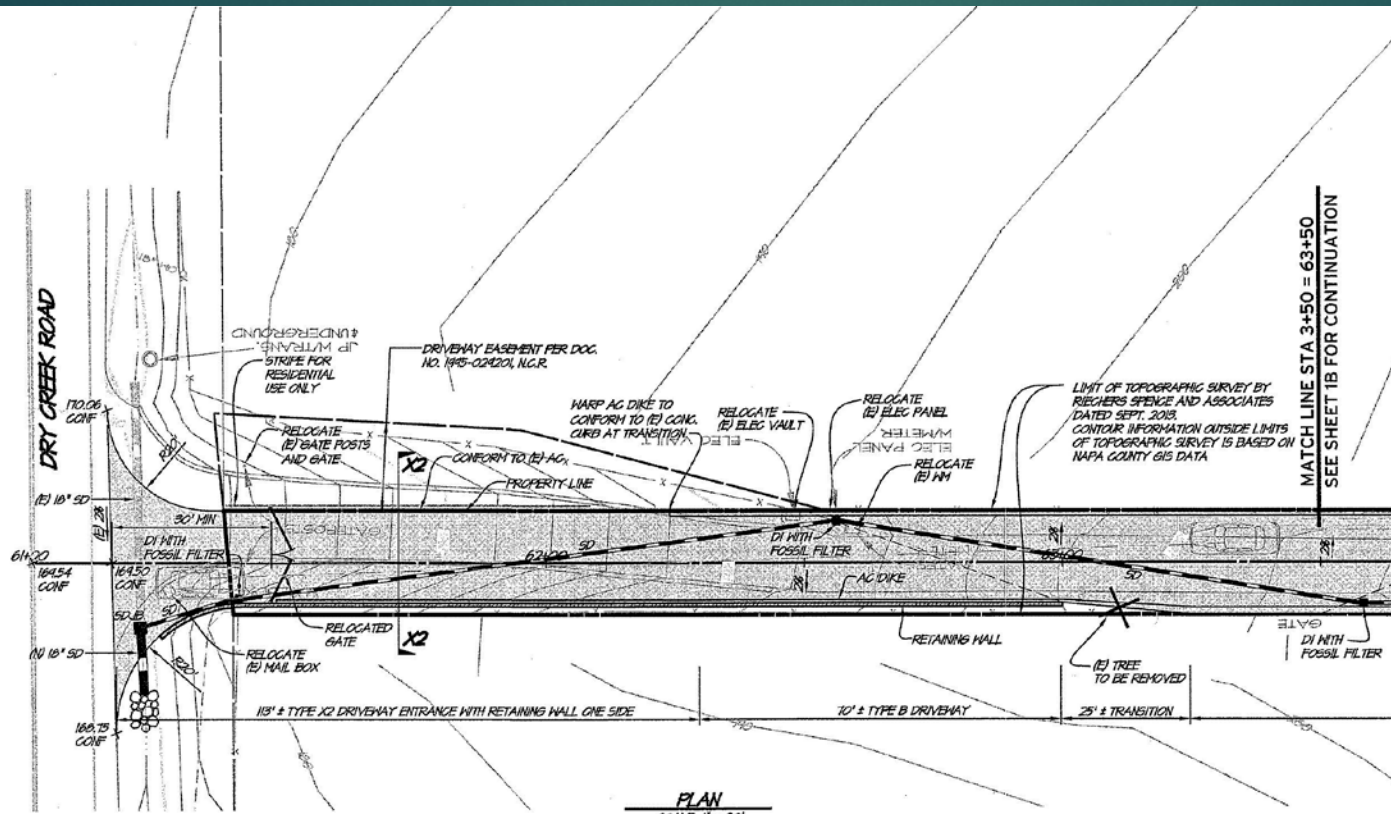
LEGAL ERROR

“The request for a reduction in the required gate horizontal clearance . . . may be supported . . . ” [p]rovided the proposed gate and its location does not obstruct the proposed 22-foot turnaround for residential and emergency vehicles extending into the adjacent driveway easement . . .”

--Road Exceptions Evaluation, p. 5

DRY CREEK ROAD ENTRYWAY







1996 026341
 OFFICIAL RECORDS OF
 NAPA COUNTY
 H. KATHLEEN BONDS

AT REQUEST OF: RICHARD LEMON
 10/30/1996 02:44 PM
 Fee: \$ 22.00 Pgs: 6
 TT: \$.00

IVB VAC

Prepared by and return to:

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 Dickenson, Peatman & Fogarty
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 Napa, CA 94559

Mail Tax Statements to:

Richard Lemon
 809 Coombs Street
 Napa, CA 94559

SECOND AMENDMENT TO GRANT OF EASEMENTS

This Second Amendment affects and amends that Grant of Easements dated December 6, 1995, recorded as Document 1995-029201 in the Official Records of Napa County, California and that Amendment to Grant of Easements dated June 7, 1996 and recorded as Document 1996-014263 in the Official Records of Napa County, California.

In the Grant of Easements and Amendment to Grant of Easements described above, an easement was granted by Kenneth R. Daly and Ingeborg T. Daly ("Grantors") over their property described as the "Front Property" (and more particularly described on Exhibit A attached hereto). Richard Lemon and Mary L. McDonald ("Buyers") purchased the property referred to as the "Back Parcel" (and which is more particularly described on Exhibit B attached hereto). Buyers constructed a roadway from Dry Creek Road to the main body of the Back Parcel with the understanding and intention that the roadway would stay within the fee portion of the Back Parcel and the easement granted by the Grant of Easements and Amendment to Grant of Easements. However, during the construction of that road, portions of the roadway, and slopes leading to and necessary for the roadway intruded into the Front Parcel beyond the granted easement. Grantors and Buyers have reached an agreement concerning the modification of that roadway easement in consideration of Buyers granting to Grantors an access easement to the northwest corner of the Front Parcel which is separated from the remainder of the Front Parcel by Buyers' roadway.

1. Modification of Roadway Easement. The easement described in the Grant of Easements and the Amendment to Grant of Easements is hereby modified to that configuration and area which corresponds with the roadway, turnouts and slopes as constructed by Buyers

through this date (the "Roadway"). The Roadway is within the easement granted in the Grant of Easements as hereby modified. The easement as so modified is limited to the Roadway as it now exists and it is not intended or agreed that the easement include any area in the Front Parcel except that now occupied by the Roadway.

2. Access Easement. The Roadway cuts across the northwest corner of the Front Parcel so that there exists a roughly triangular piece of the Front Parcel northwest of the Roadway (having a northerly line of about 150 feet along the border between the Front Parcel and the flagpole portion of the Back Parcel and a westerly line of approximately 200 feet along the boundary between the Front Parcel and the Back Parcel) (which area is called the "Gully"). Buyers hereby grant to Grantors (and their successors in interest in the Front Parcel), an easement for access to the Gully. Such easement is both across the Roadway where it adjoins the Gully and for use over and across the flagpole fee portion of the Back Parcel as it adjoins the Gully. The purpose of the easement is to provide access to Grantors to use the Gully for any purpose or use now permitted under applicable law.

"GRANTORS"

Kenneth R. Daly
 Kenneth R. Daly
Ingeborg T. Daly
 Ingeborg T. Daly

Mary L. McDonald
 Mary L. McDonald
C. Richard Lemon
 C. Richard Lemon

INCOMPLETE

- ▶ This is a dead-end road (Fire Safe Regs. 1271.00)
- ▶ Dead-end roads in excess of 150 feet must have an area to turn around (Fire Code 503.2.5)
- ▶ There is no turnaround for 1,700 feet on the proposed Anthem road

APPROVAL IS IMPROPERLY CONDITIONED

“The request for exception to the Napa County Road and Street Standards (NCRSS) for a reduction in vertical curve length . . . is supported *provided that a fully loaded fire apparatus can navigate the sag with a minimum clearance of 4 inches.*”

– Road Exception Evaluation, p. 4

“The request for exception to the NCRSS for a reduction in the commercial drive width of 20 feet . . . is supported . . . provided the . . . *proposed intervisible vehicular turnouts proposed can accommodate the passage of a fire apparatus and the largest vehicle required for the operation of the uses of the properties served by the access drive.*”

– Road Exception Evaluation, pp. 4-5

THE REQUEST IS UNNECESSARY

- ▶ Redwood Road access can be improved to meet or exceed County Road and Street Standards
- ▶ County has repeatedly approved Redwood Road access as activity on the property has intensified

REDWOOD ROAD IS VIABLE

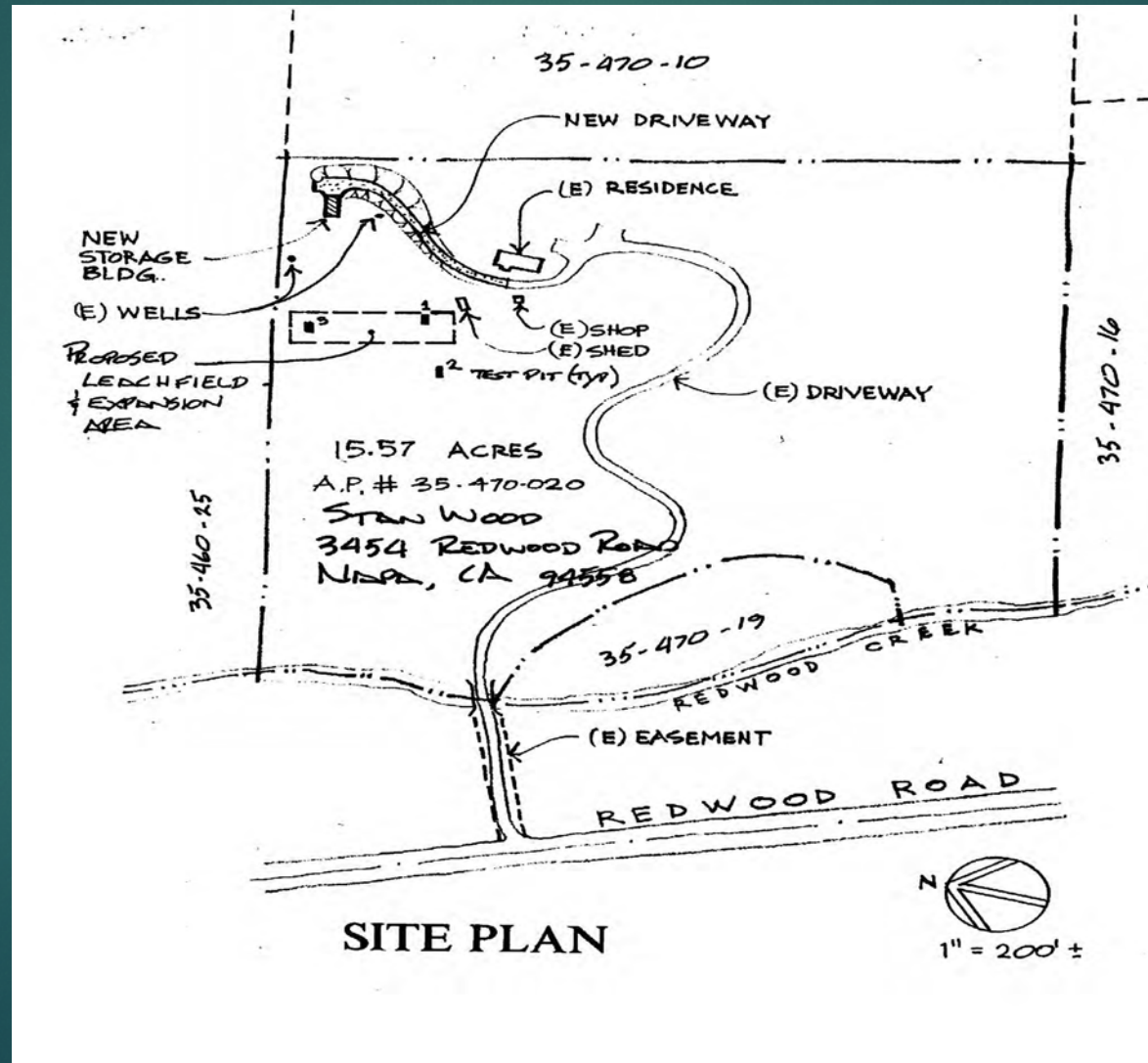
“The Project is requesting access be provided to the Winery Parcel via the Access Parcel (i.e., 3123 Dry Creek Road) because the existing Redwood Road access would not be able to be improved to a sufficient level to provide adequate emergency access to the proposed winery.”

-- Staff Report, p. 16

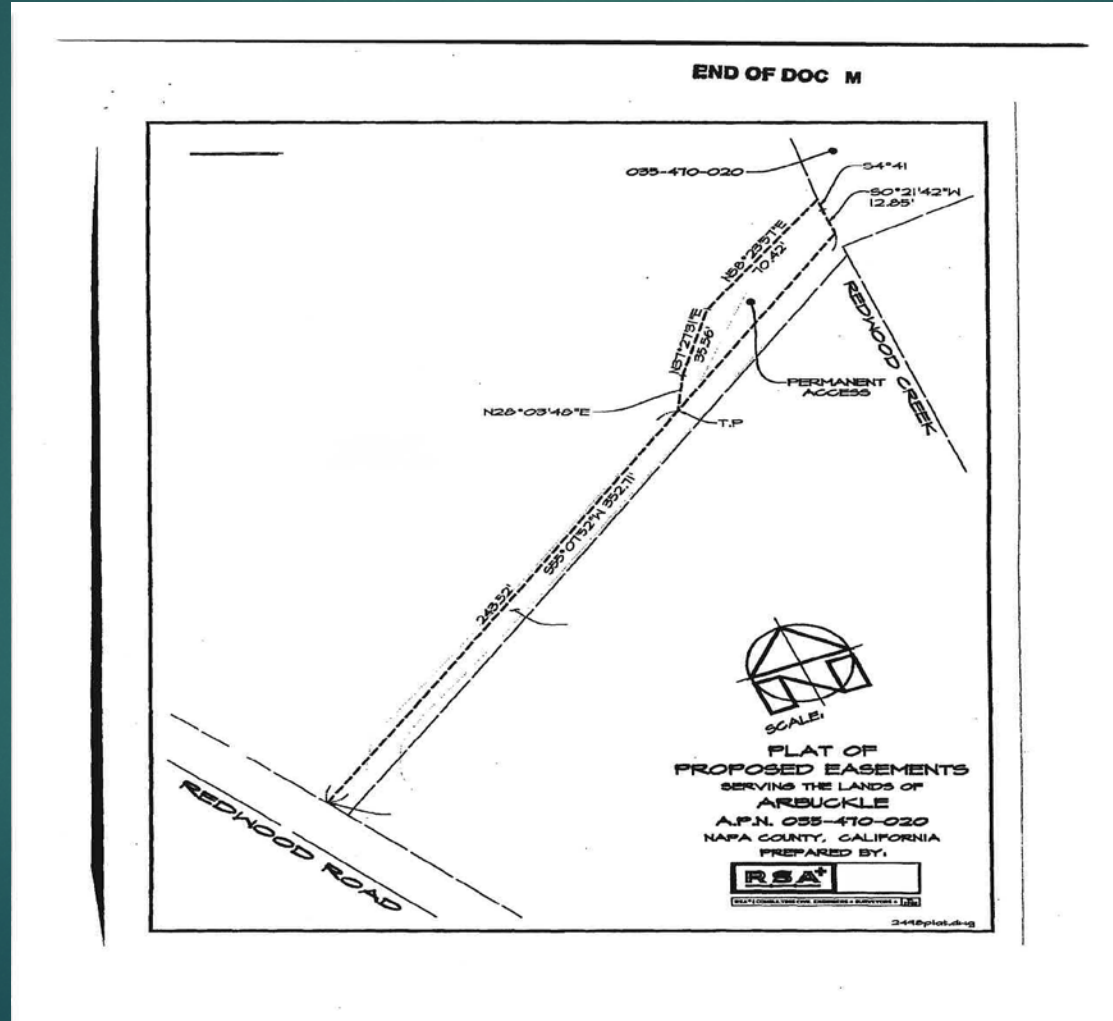
“The existing winery is currently served by a driveway off of Redwood Road, but improving that route to meet standards is much more difficult due to its steep terrain and having a higher tree density and narrow width (10 feet) of land owned by the proponents on the West side of Redwood Creek.”

-- Applicant's Request for Exceptions, p. 1

The Redwood Road Driveway is on Applicant's Property



Applicant Has Already Widened the Redwood Road Entrance



COUNTY APPROVAL OF REDWOOD ROAD

- ▶ 1996: Jessup Cellars use permit for 30,000 gallons
- ▶ 1999: ECP approved for 6.8 acres
- ▶ 2001: Jessup Cellars UP modified to allow crush and expanded fermentation
- ▶ 2009: ECP increased to 7.5 acres
- ▶ 2012: Jessup Cellars UP modified to allow case goods storage
- ▶ 2013: ECP approved for an additional 3.7 acres

CONCLUSION

1. The problem is not the road. The problem is the SIZE of the proposed project.
2. There is more work to be done.
 - ▶ Correct conditional approvals
 - ▶ Provide factual support for findings
 - ▶ Explore the Redwood Road option
3. ERR ON THE SIDE OF LIFE SAFETY.