

To: Napa County Planning Commission
From: Jeff Atlas
Subject Anthem Winery

I would like to state my strenuous objections to the proposal submitted for the Anthem Winery expansion plans. I live at 3173 Dry Creek Road and the proposed commercial road leading to the winery is adjacent to my property and runs just 30 feet from my house.

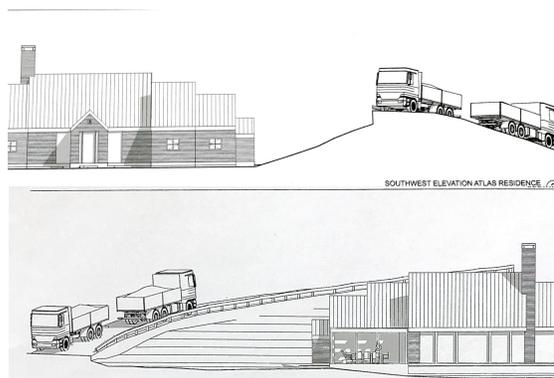
I purchased my land in 2008 and built my dream home there. Before buying the parcel, I investigated the small lane that ran nearby. I was informed it was zoned as a residential driveway that ran to a single family residence at the far end of the property, known as the Lemon parcel.

It never occurred to me that Napa could change the zoning from a residential driveway to a commercial road. And, yet, that is what may happen.

The proposed Anthem Road would be devastating to my property. The loss in value has been estimated by a local realtor in excess of \$250,000. The Anthem owners initially made no serious effort to mitigate the noise, dirt, and disturbance to my house. Only much later did they discuss a mitigation plan, which still may not be acceptable. I can hear every car and truck that passes because the road is so close, as you can see in the photos below.



As designed, the road will be built with retaining walls, so that traffic will look down on the front of my house, removing all privacy and disturbing my peace and quiet - the very things we all move to Napa for. The drawings below show the elevations of the road above my house and possible dangers to the slope adjacent.



I first learned of these plans in December 2015 and was startled. How could this narrow “flagpole” driveway be used as the access road to 50,000 gallon winery that plans to have over 11,000 visitors a year. It didn’t seem possible. And it isn’t.

The proposed Anthem Road is an outrageous violation of Napa road standards created to provide safe driving and vital fire-fighting access. The road requires **16 exceptions**, a request Napa Planning calls “**unique and unmatched.**” They should also call it “unwarranted and unsafe.”

It is built over a narrow 20-foot wide strip of land that is over 1,700 feet long up a steep grade and requires 16 exceptions. At what point does a commercial road simply become unacceptable and sub-standard?

The gate on Dry Creek Road is 17 feet wide. The code says 22 feet. Exception.
The roadway is 18 feet wide. The code says 20 feet. Exception.
The few turnouts are 20 feet wide. The code says 22 feet. Exception.
A one-way bridge requires turn-outs at both ends. There is no turnout on one side.
Intervisibility is required between turnouts. None is possible, as you can see.



Anthem proposes an emergency ingress/egress plan that is untested and that the Independent fire consultant, REAX Engineering” has determined to be inadequate. The system is designed with the best hopes, not the worst fears. Yet, as I watched the Atlas Peak fire from my home, I learned the worst can indeed happen.

Justin and Julie Arbuckle have developed this road plan with no interest in the needs and concerns of neighbors. Their first plan, which they still call Option #1, used the easement granted to that parcel by Paul Rowe. They included this without even contacting him to get his approval. As attorney Kevin Block explains, the use of that easement is not legal and Paul Rowe has rejected their request . He strongly defends his rights to that easement and joins with the other neighbors to oppose this plan.

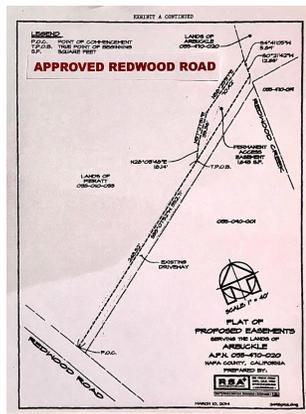
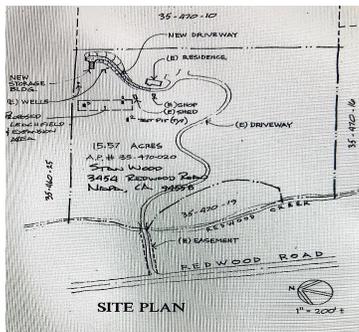
They next developed what they call Option #2. It requires clear-cutting old-growth oak trees to create a road leading to a narrow one-way bridge over a Class II stream. Once again, the Arbuckles did not follow the rules. They have not gained clearance from regulatory agencies, including CA Fish & Game, which has expressed concern about erosion and damage to this sensitive area.

This development - tree-cutting, excavation, road development, and bridge building - must all be done within a 20-foot wide strip, without trespassing on their neighbors' property. Despite assurances, this remains problematic, at best.

This road proposal is unsafe, unacceptable and, perhaps, unnecessary. There is an alternative: Anthem Winery also owns the rights to access from Redwood Road.

When the Arbuckles purchased the defunct Jessup Winery at 3554 Redwood Road in 2006, it came with a permit for a 30,000 gallon winery and the use of access to Redwood by way of a permitted commercial road. At that time, it was their only access to their property. It must be viable - despite their current statements to the contrary.

For the next 4 years, they developed multiple feasibility studies for the proposed Anthem Winery. In all that time, they still intended to use the Redwood Road access because they had **no choice**.



In 2010, they acquired the adjacent Lemon parcel and the narrow flagpole residential driveway to Dry Creek Road. They prefer to use this access because it brings them closer to Highway 29 and to potential visitors. As one of the closest wineries to growing downtown Napa, they hope to capitalize on their proximity.

The Arbuckles hope the Commissioners will ignore this option. As Planning staff notes, “The applicant did not provide an alternative design option to utilize the Redwood Road access for the proposed winery. Therefore, evaluation of improving the existing drive was not considered.”

Anthem has not developed plans for Redwood because they **prefer** the Dry Creek road access. They want to turn an existing residential driveway into a commercial road before they even seriously considered how to improve the existing commercial road. That is not a good precedent to set for the Napa Valley. The Commissioners should always strive to use an existing commercial road before they allow changing the zoning of a residential driveway.

In a cursory view of the Redwood access, there may seem to be problems, but further examination shows that some can be remedied. There is currently a sharp, dog-leg turn, yet that can be eliminated by using the existing easement that runs directly into Redwood, as shown in photo below on left.



There is a single lane bridge that can be replaced with a two-lane bridge. In fact, when the Arbuckles recently rebuilt the bridge, Napa Planning told them they might need to replace it in the future, in order to access the winery. Yet Anthem chose the less safe alternative of the one-way bridge.

One can speculate they chose the less-safe choice because they knew it might prove an inducement for the Commissioners to choose the Dry Creek Road option, the one they preferred to meet the needs of their business plan.

In conclusion, the plan for the expansion of the Anthem Winery is inappropriate in size and unsafe in execution. I join with my neighbors who strongly advocate that the winery remain at its current size of 30,000 gallons with appropriate visitation and hours that respect the privacy and tranquility of the area we love. We hope the Commissioners share our viewpoint.

Thank you.

Jeff Atlas

3173 Dry Creek Road
Napa, CA 94558
jlasf@aol.com

I have recently been informed of a controversial vineyard/winery expansion project located on the Anthem Winery property off Redwood Road in the western hills. I, as a long term, Napa resident and active supporter/defender of what natural habitat we currently have left locally, see some serious environmental issues with the proposal as I understand it.

Expanding the vineyard and constructing a new, significant road on a steep area already plagued with soil erosion issues will only exacerbate those issues further. Both the added one acre of vines and substantial road construction will require the removal of trees and other native vegetation, a step that can only further destabilize a hillside already dealing with a significant handful of problems. The kind of soil movement required to build a road capable of handling large semi-type trucks would be critical and should need to be studied definitively.

As science tells us, gravity pulls all earthly mass downwards, water included. We all know that the Napa County is frequently subject to serious storm events. Heavy rain, loose soil and gravity coming together on a steep hillside are a bad combo. It is inevitable that through the coming winters some serious amount of Anthem soil will hitch up with the precipitation from our serious rainstorms and will find it's way into Redwood Creek. The well-documented drop off in spawning salmon throughout our Napa Valley streams is occurring for primarily just this reason. In situations such as this, one person's supposed need to expand their livelihood can severely impact a struggling species of native fish that are ever creeping closer to being considered endangered. As a result, also imperiled are many fishermen's ability to continue their trade pursuit. An aside to this, the need to produce more grapes in a time when, as was the case this year, a glut of grapes was grown, many vineyards wound up leaving their grapes hanging on the vine to rot as there were more grapes than buyers.

One last issue that will be affected by the Anthem project would be the detrimental impact on the rural character of this small and primarily natural area. It appears that expansion is being implemented with the hope of beginning to custom crush grapes from other vineyards around the Valley as well as trying to lure tourists to wine tastings at their winery. This absolutely has the potential of increasing the amount of traffic (tourists) and the kind of traffic (semi-trucks) to this mountainous area that contains only small, twisty roads. This, by itself, should require a thorough investigation of the potential safety issues that would undoubtedly unfold should this Anthem project be completed as proposed.

The future of this constant drip, drip, drip of natural environmental loss and wine industry expansion has to be seriously envisioned! Somewhere, sometime there needs to come a point when a line is drawn. That line could begin now!

Chris Sauer

BLOCK & BLOCK

A T T O R N E Y S

February 4, 2020

By Electronic Mail

Dave Whitmer, Chair
Andrew Mazotti, Vice Chair
Anne Cottrell, Commissioner
Joelle Gallagher, Commissioner
Jeri Hansen, Commission
Napa County Planning Commission
1195 Third Street, Ste. 305
Napa, CA 94558

Re: Anthem Winery

Dear Chair and Commissioners:

I represent Paul Rowe and Jeff Atlas, the two neighbors living closest to Anthem Winery. There are multiple deficiencies in this application which make approval by the Commission inadvisable. I will address two of them.

Bridge Turnouts

Anthem proposes to construct a 14-foot wide bridge over the channel where its flag-pole road meets the flag. It has requested an exception to the standard requirement that the bridge be at least 20 feet wide. Mirroring state fire regulations, County road and street standards ("RSS") provide: "A bridge with only one traffic lane may be authorized by Napa County; however, the bridge shall have unobstructed visibility from one end to the other and turnouts at both ends" (RSS, page 14).

Anthem's design, which the Commission is being asked to approve, does not include a turnout on the downhill side of the bridge. The winery's engineers propose to use what they call a 40-foot wide easement on Paul Rowe's property as a "pull out" to allow for the passage of emergency vehicles. Their proposal does not comply with law.

First, neither the RSS nor state fire regulations provide for "pull outs." The bridge standard is clear in calling for a "turnout" at both ends. The RSS requires that a "turnout" be at least 22 feet wide and 30 feet long with 25-foot tapers on each end (RSS, page 14 and Detail C-11). The easement on Mr. Rowe's property, even if it were 40 feet wide, does not qualify as a turnout.

Second, the easement cannot serve the function that is being proposed, legally or practically. It is not 40-feet wide, as the applicant represents, but a mere 10 to 15 feet. The original 40-foot wide easement was amended in 1996 to conform to the driveway as built.

The easement was created solely for residential use for the benefit of the access, not the winery, parcel. Legally, the easement may not be used as a turnout, or for any other purpose, for traffic traveling to or from the winery. The County may not condition project approval on such a use.

As a practical matter, the easement is 60 feet downhill from the bridge, is 15 feet wide at that location, and is pointing downhill, away from the flow of traffic that will purportedly use it to allow fire trucks to pass (Exhibit A). Taking into account the location, width and configuration of the easement, no reasonable person would accept that it can serve as a viable emergency turnout.

Third, and most importantly, the County may not grant an exception to the requirement that a one-lane bridge have turnouts at both ends. The applicant does not request such an exception in its January 12, 2018 request, and the Engineering Division, in its January 21, 2020 memorandum, does not propose to grant one.

The County could not legally grant an exception to the bridge turnout requirement even if it were so inclined. Again, the RSS states that the County may authorize a one-lane bridge so long as “the bridge *shall* have . . . turnouts at both ends.” To lawyers, the word “shall” is mandatory, “may” is permissive. The County’s discretion in granting bridge exceptions is therefore limited. It has discretion to allow a one-lane instead of a two-lane bridge. But its authority to allow a one-lane bridge is limited by the mandatory requirement that a one-lane bridge have turnouts on both ends.

Any approval of this project based on excepting Anthem from the bridge turnout requirement will be invalid.

Bridge Impacts

The application’s second major defect is its failure to apply Napa County’s conservation regulations to the winery bridge. Staff characterizes the waterway to be spanned by the bridge as a “drainage” and not a stream (Staff Report, page 8). While the waterway contains some features consistent with a stream, it is not a “county definitional stream” or a “riparian area” (Initial Study, page 14 of 43). Hence, the impacts of the proposed bridge on the waterway are not considered.

This approach comes uncomfortably close to defining away a problem. The County Code defines “stream” to include “[a]ny watercourse which has a well-defined channel with a depth greater than four feet and banks steeper than 3:1 and contains hydrophilic vegetation, riparian vegetation or woody vegetation including trees species great than ten feet in height” (NCC 18.108.030). Staff agrees that the waterway in this case meets the vegetation

requirement (Initial Study, page 14 of 43), but concludes that the waterway does not have a channel with a depth of four feet and banks steeper than 3:1.

I respectfully disagree. Attached to this letter as Exhibit B is a report prepared by Mike Podlech, a specialist in stream classification. Upon measuring the watercourse on January 28, 2020, Podlech concluded that, at the location of the proposed bridge, it has a channel depth of five feet or more and nearly vertical banks. He classifies the channel as a Class II watercourse transitioning to Class III within a few hundred feet upstream of the bridge (Podlech Memorandum, page 3).

If Podlech is right, then construction of the bridge is subject to the Napa County conservation regulations. Strict setbacks apply to earthmoving activity and the removal of vegetation (NCC 18.08.025). There are slope limitations on constructing improvements (18.108.060); mandatory erosion hazard mitigation measures (18.108.070); requirements for maintaining vegetation canopy and vegetation removal mitigation (18.108.020); and strict oversight and enforcement provisions (18.108.135-140). The Commission has the power to grant exceptions in the form of a use permit if it can make specific findings (18.108.040) but it may do so only after a noticed public hearing.

The Commission should deny this project because a one-way bridge without turn-outs at both ends violates fire safety standards. Alternatively, the Commission should delay this application until it determines whether the conservation regulations apply to the bridge and, if so, what mitigations they will require.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Block', written in a cursive style.

Kevin Block

cc: D. Barrella
R. Anglin

EXHIBIT A



Authem property line



current easement



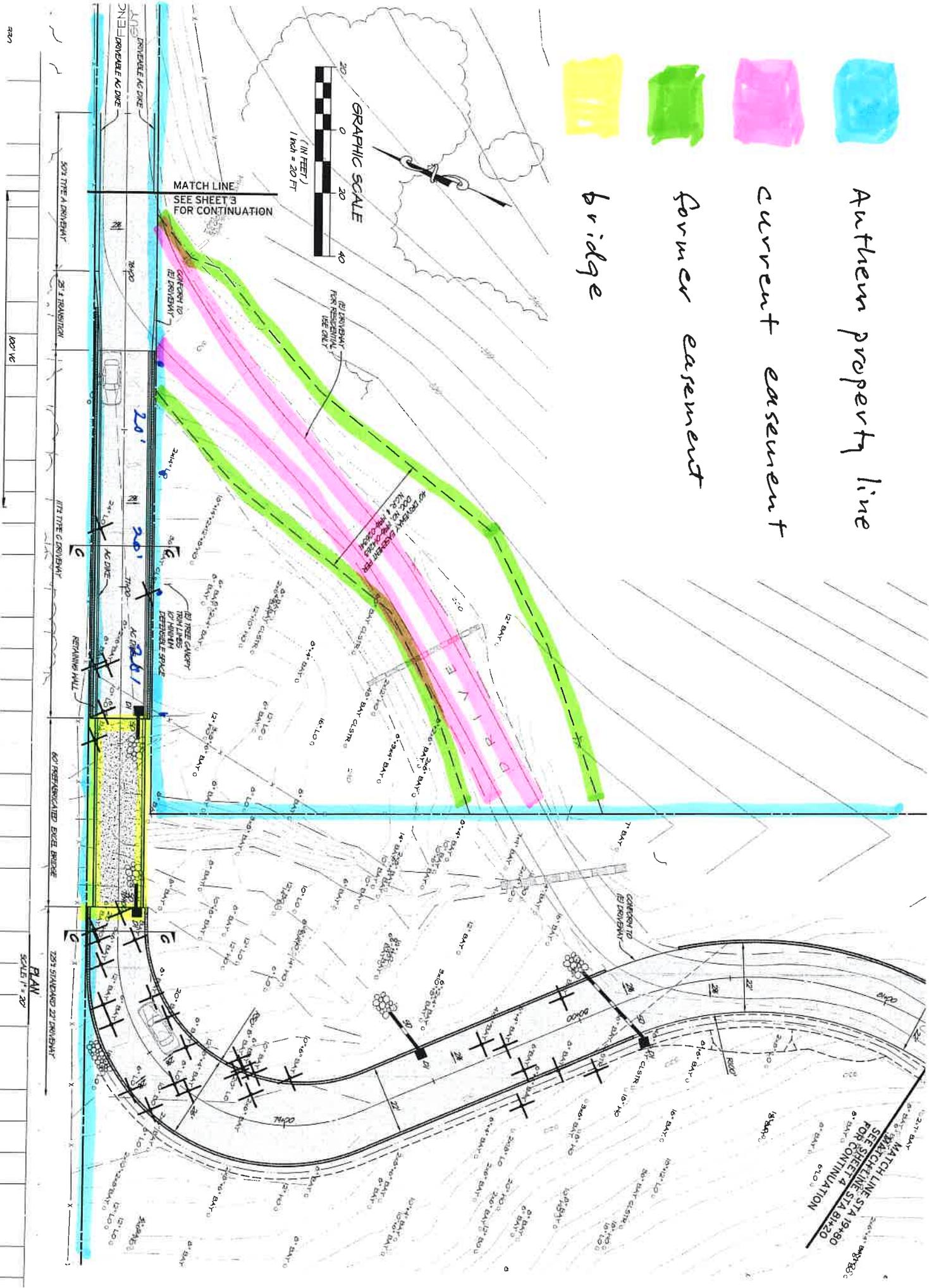
former easement



bridge



MATCH LINE
SEE SHEET 3
FOR CONTINUATION



PLAN
SCALE 1" = 20'

MATCH LINE STA 19+40
SEE SHEET 4
FOR CONTINUATION
STA 19+20

EXHIBIT B

Mike Podlech
Aquatic Ecologist
4474 Cortez Drive
Soquel, CA 95073
mpodlech@sbcglobal.net

memorandum

date: January 31, 2020
to: Kevin P. Block, Block & Block LLP
from: Mike Podlech, Aquatic Ecologist
subject: Review of Proposed Drainage Crossing Option 2 of the Anthem Winery Major Modification Use Permit (P14-00320-MOD)

Overview

At the request of Block & Block LLP, I have reviewed the Initial Study Checklist for the *Anthem Winery, Major Modification Use Permit #P14-00320-MOD including Viewshed Application, Variance #P14-00321-VAR, Agricultural Erosion Control Plan #P14-00322-ECPA, and a Road Exception*, prepared by the County of Napa (County). I also reviewed the June 2018 design drawings for the project, prepared by RSA+, and the October 2017 *Biological Resources Assessment* for the project, prepared by FirstCarbon Solutions. The focus of my review was limited to the “Drainage Crossing Option 2” component of the project, which consists of the proposed construction of a 60-foot prefabricated bridge across an ephemeral drainage feature. As presented in the Initial Study Checklist, the County has made a determination that the drainage channel at the location of the proposed bridge construction does not meet the definition of a “stream” under Section 18.108.030 of the County’s Code of Ordinances, and that this project component is therefore exempt from applicable conservation regulations. Based on the findings of my review and two site visits, it is my professional opinion that this determination is incorrect.

Qualifications

I have been an independent consulting aquatic ecologist/fisheries biologist based in Santa Cruz, California, since 2007. Prior to becoming an independent consultant, I was employed as senior aquatic ecologist at Environmental Science Associates, a leading environmental science and planning firm based in San Francisco, for over 10 years. I have over 25 years of experience in sensitive aquatic resource assessments, watershed management, stream and estuarine restoration, impact analyses, and compliance monitoring. In addition to conducting applied research projects related to anadromous fisheries, I have authored impact analyses for numerous large CEQA/NEPA review documents and regularly engage in formal and informal agency consultations under Section 7 of the Endangered Species Act (ESA), including the preparation of Biological Assessments (BA) and Action Specific Implementation Plans (ASIP). Particularly pertinent to my review of the Anthem Winery Project is my extensive

experience in conducting stream classification assessments in accordance with various regulatory guidelines, as well as analyzing impacts of bridge construction or replacement projects. Over the past decade, I have conducted dozens of stream classification assessments pursuant to guidelines provided in the State Water Resources Control Board (SWRCB) *Policy for Maintaining Instream Flows in Northern California Coastal Streams* (Policy) Sections A.1.4 and A.1.6. In 2018, I conducted such an assessment of the subject drainage (Podlech, 2018) for the SWRCB's processing of a Small Irrigation Use water right registration for the neighboring property owners.

Results of Review

Initial Study Checklist and Biological Resources Assessment

Section 18.108.030 of the County's Code of Ordinances defines a "stream" to mean any of the following:

1. A watercourse designated by a solid line or dash and three dots symbol on the largest scale of the United States Geological Survey maps most recently published, or any replacement to that symbol;
2. Any watercourse which has a well-defined channel with a depth greater than four feet and banks steeper than 3:1 and contains hydrophilic vegetation, riparian vegetation or woody vegetation including tree species greater than ten feet in height; and
3. Those watercourses listed in Resolution No. 94-19 and incorporated herein by reference.

The drainage channel to be crossed by the proposed bridge is not a blue-line watercourse on United States Geological Survey maps and is not listed in Resolution No. 94-19. With regard to definition #2 above, the Biological Resources section of the County's Initial Study checklist (p. 14) for the Anthem Winery project states the following:

"Regarding [sic] the proposed clear span bridge would be located just below the existing driveway and an associated culvert. While the drainage course the bridge will span contains some features consistent with a defined stream, such as trees greater than ten feet in height and hydrophilic vegetation, 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 riparian area or county definitional stream."

In its biological resources assessment of the Anthem Winery project site, FirstCarbon Solutions identify the subject drainage as an ephemeral stream. The assessment does not describe the physical or biological characteristics of the drainage, but provides a photograph in Appendix A. The assessment concludes that the project, "as currently engineered", would not affect the streambed or bank of this feature and therefore does not require federal Clean Water Act sections 401 and 404 permits, but that the proposed removal of trees within the bed and banks of the ephemeral stream requires a Lake or Streambed Alteration Agreement (LSAA) with California Department of Fish and Wildlife.

Design Drawings

I reviewed the June 5, 2018 *Anthem Winery Driveway Entry Option 2 Plans* prepared by RSA+. Sheet 3A of the plans depicts the road alignment for station 75+75 through station 81+20, including the proposed bridge crossing. The topographic contours in the plan view drawing (top of page) clearly show two individual drainage features upstream (south) of the bridge combining into a single drainage beneath and downstream (north) of the bridge. As

such, the drawings confirm the location of the bridge as being the same as a site I assessed in February 2018 for a SWRCB stream classification assessment (see below).

A profile view of the bridge site is provided at the bottom of Sheet 3A. The profile of the existing grade at the site of the bridge clearly depicts two individual channels. Based on the elevations provided on the vertical axis of the profile drawing, the bottom of the western channel is at an approximate elevation of 271 ft while the approximate elevations of the top of the two adjacent banks are at 276 ft and 277 ft. As such, the surveyed depth of the western channel at the site of the proposed bridge is approximately 5 ft, exceeding the 4 ft minimum depth requirement of the County’s definition of a “stream”. Moreover, the profile view shows that the two channels have well-defined (i.e., with clear breaks in slope) with approximately 1:1 slopes, thereby exceeding the County’s minimum slope requirement of 3:1.

Field Assessments

I conducted an assessment of the subject drainage on February 2, 2018 and prepared a stream classification report summarizing my findings for the SWRCB’s processing of a Small Irrigation Use water right registration for the operation of an existing diversion weir located approximately 50 ft downstream of the site of the proposed bridge construction. In that report, I classified the channel at the location of the proposed winery bridge as “a borderline Class II watercourse, with channel characteristics expected to transition to Class III conditions within a few hundred feet upstream of the weir.” The report, available from the property owners for whom it was prepared, contains my detailed observation and analysis supporting that classification.

Note that SWRCB defines a Class II watercourse as containing “seasonal or year-round habitat exists for aquatic non-fish vertebrates and/or aquatic benthic macroinvertebrates (BMI)” and a Class III watercourse as “an intermittent or ephemeral stream exists that has a defined channel with a defined bank (slope break) that shows evidence of periodic scour and sediment transport.” Photo 7 referenced in the above excerpt provides a direct view of the proposed bridge crossing site.



Photo 7. Confluence of two headwater channels approximately 50 ft upstream of weir.

At the request of Block & Block LLP, I re-visited the site on January 28, 2020 to verify my prior observations as well as the channel characteristics depicted in the RSA+ design drawings. Overall conditions in 2020 were largely similar to documented 2018 conditions, although qualitatively, the western channel appeared to have experienced additional scour between 2018 and 2020. Photographs presented and annotated at the end of this letter clearly show that the channel at the site of the proposed bridge construction is (a) well-defined, (b) exceeds 4 ft in depth, and (c) contains banks steeper than 3:1.

Summary and Conclusion

County staff have determined that the drainage to be crossed with a prefabricated bridge under Option 2 of the Anthem Winery project does not meet its definition of a stream because it lacks a well-defined channel with a depth greater than four feet and banks steeper than 3:1. However, based on the June 2018 RSA+ engineering drawings, my own 2018 assessment related to a neighbor's water right registration, and my own re-evaluation of channel conditions in January 2020, the drainage in question does indeed meet all three of these County criteria. Moreover, the 2017 FirstCarbon Solutions biological assessment of the project site concludes that the construction of the proposed bridge at this location would require a Lake and Streambed Alteration Agreement from the California Department of Fish and Game. While the assessment notes that federal Clean Water Act permits are *not* required, the provided justification is that the proposed project does not include fill below the Ordinary High Water (OHW) marks of this ephemeral stream, but notes that such permits may be required if project designs change. Similarly, my 2018 stream classification report concludes that at the proposed bridge, the drainage transitions from a Class II to a Class III watercourse, thereby meeting the State Water Resource Control Board's definition of a stream under its jurisdiction.

I have over 25 years of professional experience working on freshwater resource issues with federal, State, and local agencies, and I cannot think of another regulatory arena in which this feature would not be considered a stream subject to applicable conservation measures.



Photo 1. Looking southeast at site of proposed bridge from downstream.



Photo 2. Looking southeast at site of proposed bridge from downstream. The photo clearly shows the two drainages combining into one at this location, consistent with design drawings on Sheet 3A. Note the clearly defined and near-vertical banks. The moss-covered, double-trunked bay tree growing within the bank of the scoured western channel is also depicted Photo 3 below.



Photo 3. Close-up of trunk of bay tree depicted in Photo 2 above. As seen on the stadia rod, the top of bank exceeds 4 ft.

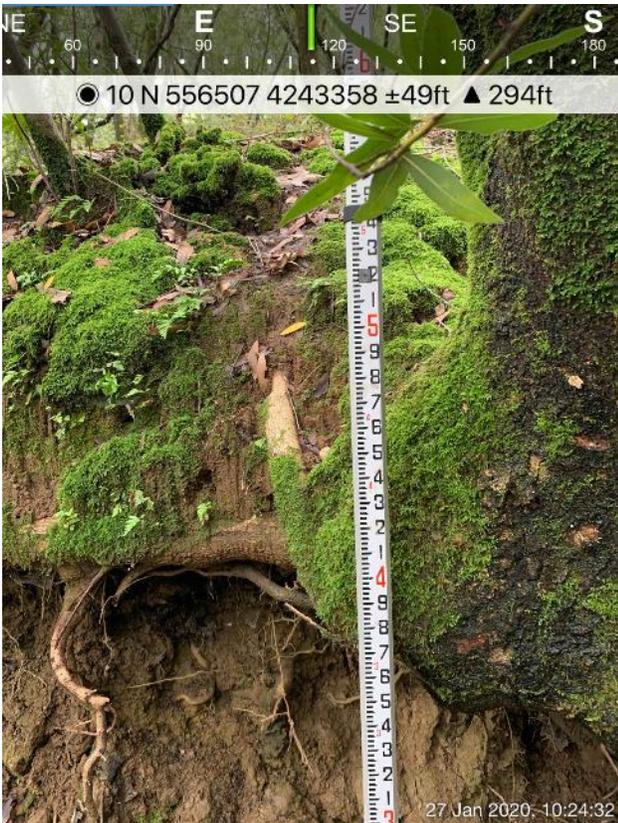


Photo 4. Close-up of stadia rod depicted in Photo 3 above. Note vertical bank to the left of the stadia rod.



Photo 5. Clearly defined, steep banks in western channel.



Photo 6. Clearly defined, steep banks in eastern channel.

February 04, 2020

Donald Barrella

1195 Third St, #305

Napa, CA 94558

Donald.Barrella@countyofnapa.org

RE: Anthem Winery – Commission Hearing February 5, 2020

1. My name is Janet Sullenger and I am the daughter and legal trustee for the R.G. Pieratt Trust dated Feb 4, 2004.

Gene Pieratt was my father and he passed away in December of 2015. Our property is located at 3500, 3510, 3495, 3573, 3600, and 3660 Redwood Road, parcel #'s 035-010-055 & 035-010-056. The Anthem Winery is located at 3454 Redwood Road. Their driveway borders our property and includes a small easement granted by my father. Their property and winery are directly above our property.

2. In March of 2015, my dad granted the Arbuckles an easement, on the corner of our property, so that they could cross Redwood Creek and get to their home on the hill by way of Redwood Rd. This easement was granted with the understanding that it was for personal use. He was aware of the winery but understood it to be a very small operation and was never told it would be continually increasing in size. He would not have granted the easement if he had known about the major modifications now planned.

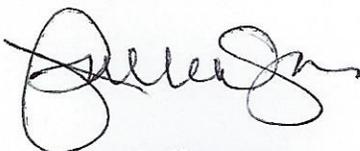
3. I was born in Napa in 1958 and grew up on our property on Redwood Rd. I can tell you that, as long as I can remember, we have always had problems with water shortage. If a neighbor uses too much water, we suffer the consequences. Therefore, we are concerned about the number of wells the winery is digging and the increase in water usage planned with the proposed expansion. With a problem already existing with enough ground water in the area to supply the residences, we have

genuine concerns of the effects that pumping water out of several more wells in the area will have.

4. Our property on Redwood Rd has always provided a quiet and peaceful living environment. Even though the plans call for a Dry Creek Road access to the winery, there is talk in the proposal about commercially using the roadway exiting their property onto Redwood Road. There is a concern that this would lead to dumping more traffic, including trucks, onto a narrow winding area of Redwood Road that already has a problem with erosion and landslides without the presence of heavy trucks.
5. With either access, Redwood Rd or Dry Creek Rd, their winery is above our property. With this expansion will come added visitors, employees, suppliers, commercial vehicles, etc., not to mention a greater risk of fires.
6. As mentioned before, for anyone not familiar with it, this area of Redwood Road is narrow and winding and there have been several accidents out there over the years including fatalities. The road runs right along the creek in several areas and could certainly be hazardous to navigate for visitors or customers leaving wine tastings.

I am hereby requesting that my opposition of the Anthem Winery project be recorded with this commission.

Respectfully,



Janet Sullenger
Trustee, R.G. Pieratt Trust
4160 Suisun Valley Rd E338
Fairfield, CA 94534

Arbuckle
Driveway

Recent
Landslide



Directly across street from Arbuckle driveway.
Recent landslide on Redwood Rd



To: Napa County Planning Commission
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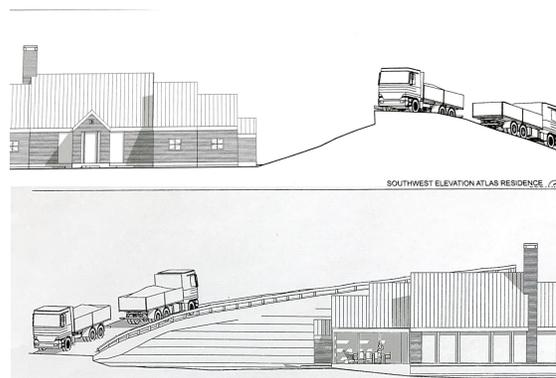
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Intervisibility is required between turnouts. None is possible, as you can see.



Anthem proposes an emergency ingress/egress plan that is untested and that the Independent fire consultant, REAX Engineering” has determined to be inadequate. The system is designed with the best hopes, not the worst fears. Yet, as I watched the Atlas Peak fire from my home, I learned the worst can indeed happen.

Justin and Julie Arbuckle have developed this road plan with no interest in the needs and concerns of neighbors. Their first plan, which they still call Option #1, used the easement granted to that parcel by Paul Rowe. They included this without even contacting him to get his approval. As attorney Kevin Block explains, the use of that easement is not legal and Paul Rowe has rejected their request . He strongly defends his rights to that easement and joins with the other neighbors to oppose this plan.

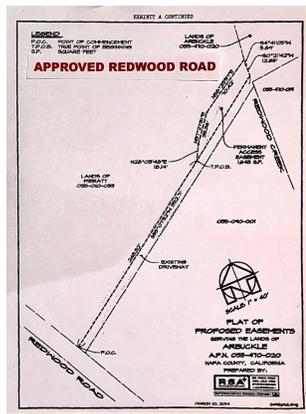
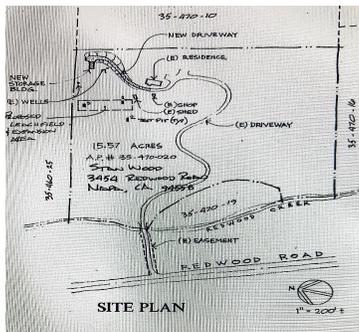
They next developed what they call Option #2. It requires clear-cutting old-growth oak trees to create a road leading to a narrow one-way bridge over a Class II stream. Once again, the Arbuckles did not follow the rules. They have not gained clearance from regulatory agencies, including CA Fish & Game, which has expressed concern about erosion and damage to this sensitive area.

This development - tree-cutting, excavation, road development, and bridge building - must all be done within a 20-foot wide strip, without trespassing on their neighbors' property. Despite assurances, this remains problematic, at best.

This road proposal is unsafe, unacceptable and, perhaps, unnecessary. There is an alternative: Anthem Winery also owns the rights to access from Redwood Road.

When the Arbuckles purchased the defunct Jessup Winery at 3554 Redwood Road in 2006, it came with a permit for a 30,000 gallon winery and the use of access to Redwood by way of a permitted commercial road. At that time, it was their only access to their property. It must be viable - despite their current statements to the contrary.

For the next 4 years, they developed multiple feasibility studies for the proposed Anthem Winery. In all that time, they still intended to use the Redwood Road access because they had **no choice**.



In 2010, they acquired the adjacent Lemon parcel and the narrow flagpole residential driveway to Dry Creek Road. They prefer to use this access because it brings them closer to Highway 29 and to potential visitors. As one of the closest wineries to growing downtown Napa, they hope to capitalize on their proximity.

The Arbuckles hope the Commissioners will ignore this option. As Planning staff notes, “The applicant did not provide an alternative design option to utilize the Redwood Road access for the proposed winery. Therefore, evaluation of improving the existing drive was not considered.”

Anthem has not developed plans for Redwood because they **prefer** the Dry Creek road access. They want to turn an existing residential driveway into a commercial road before they even seriously considered how to improve the existing commercial road. That is not a good precedent to set for the Napa Valley. The Commissioners should always strive to use an existing commercial road before they allow changing the zoning of a residential driveway.

In a cursory view of the Redwood access, there may seem to be problems, but further examination shows that some can be remedied. There is currently a sharp, dog-leg turn, yet that can be eliminated by using the existing easement that runs directly into Redwood, as shown in photo below on left.



There is a single lane bridge that can be replaced with a two-lane bridge. In fact, when the Arbuckles recently rebuilt the bridge, Napa Planning told them they might need to replace it in the future, in order to access the winery. Yet Anthem chose the less safe alternative of the one-way bridge.

One can speculate they chose the less-safe choice because they knew it might prove an inducement for the Commissioners to choose the Dry Creek Road option, the one they preferred to meet the needs of their business plan.

In conclusion, the plan for the expansion of the Anthem Winery is inappropriate in size and unsafe in execution. I join with my neighbors who strongly advocate that the winery remain at its current size of 30,000 gallons with appropriate visitation and hours that respect the privacy and tranquility of the area we love. We hope the Commissioners share our viewpoint.

Thank you.

Jeff Atlas

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I have recently been informed of a controversial vineyard/winery expansion project located on the Anthem Winery property off Redwood Road in the western hills. I, as a long term, Napa resident and active supporter/defender of what natural habitat we currently have left locally, see some serious environmental issues with the proposal as I understand it.

Expanding the vineyard and constructing a new, significant road on a steep area already plagued with soil erosion issues will only exacerbate those issues further. Both the added one acre of vines and substantial road construction will require the removal of trees and other native vegetation, a step that can only further destabilize a hillside already dealing with a significant handful of problems. The kind of soil movement required to build a road capable of handling large semi-type trucks would be critical and should need to be studied definitively.

As science tells us, gravity pulls all earthly mass downwards, water included. We all know that the Napa County is frequently subject to serious storm events. Heavy rain, loose soil and gravity coming together on a steep hillside are a bad combo. It is inevitable that through the coming winters some serious amount of Anthem soil will hitch up with the precipitation from our serious rainstorms and will find it's way into Redwood Creek. The well-documented drop off in spawning salmon throughout our Napa Valley streams is occurring for primarily just this reason. In situations such as this, one person's supposed need to expand their livelihood can severely impact a struggling species of native fish that are ever creeping closer to being considered endangered. As a result, also imperiled are many fishermen's ability to continue their trade pursuit. An aside to this, the need to produce more grapes in a time when, as was the case this year, a glut of grapes was grown, many vineyards wound up leaving their grapes hanging on the vine to rot as there were more grapes than buyers.

One last issue that will be affected by the Anthem project would be the detrimental impact on the rural character of this small and primarily natural area. It appears that expansion is being implemented with the hope of beginning to custom crush grapes from other vineyards around the Valley as well as trying to lure tourists to wine tastings at their winery. This absolutely has the potential of increasing the amount of traffic (tourists) and the kind of traffic (semi-trucks) to this mountainous area that contains only small, twisty roads. This, by itself, should require a thorough investigation of the potential safety issues that would undoubtedly unfold should this Anthem project be completed as proposed.

The future of this constant drip, drip, drip of natural environmental loss and wine industry expansion has to be seriously envisioned! Somewhere, sometime there needs to come a point when a line is drawn. That line could begin now!

Chris Sauer