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Engineering Division
RSS Exception Memo

Anthem Winery P14-00320-MOD and Exception to Road and Street Standards,
Variance P14-00321-VAR and Viewshed, and
Agricultural Erosion Control Plan P14-00322-ECPA
Planning Commission Hearing Date (Wednesday, February 5, 2020)



A Tradition of Stewardship
A Commitment to Service

David Morrison
Director

MEMORANDUM

To: Don Barrella Planning Division	From: Patrick Ryan, P.E. Engineering Division
Date: January 21, 2020	Re: P14-00320 – Anthem Winery Response to Comments

The intent of this memorandum is to respond to the comments related to winery access and the request for exception from the 2017 Napa County Road and Street Standards (Standards) presented to the Planning Commission on October 3, 2018, for the proposed Anthem Winery Use Permit Modification No. P14-00320 (Project). Specifically, this memo will address the following comments provided by REAX Engineering, Mr. Kevin Block, Mr. Paul Rowe, and others: 1) that the exception request does not meet one or more of the findings of the Standards, 2) that the proposed exception request does not provide the same overall practical effect as the Standards, 3) the exception request is incomplete, 4) the feasibility of alternative access, and 5) the elevated risks associated with the winery location and marketing plan.

The Exception Request Satisfies Findings for a Standards Exception

Pursuant to Section 3 of the Standards, a property owner or leaseholder of a site may seek an exception to an applicable provision(s) of the Standards given the request provides the same overall practical effect as the Standards towards providing defensible space, and considerations towards life, safety and public welfare. An exception to the Standards may be allowed provided one or more of the findings can be made as outlined in Section 3(d) of the Standards¹ including but not limited to environmental, physical, legal and historical constraints.

¹ Section 3(d) An exception to these Standards may be allowed as provided if one or more of the following findings can be made and the findings in subsection (e) can also be made:

- i. The exception will preserve unique features of the natural environment which includes, but is not limited to, natural water courses, steep slopes, geological features, heritage oak trees, or other trees of least six inches in diameter at breast height and found by the decision-maker to be of significant importance, but does not include human altered environmental features such as vineyards and ornamental or decorative landscaping, or artificial features such as, rock walls, fences or the like;
- ii. The exception is necessary to accommodate physical site limitations such as grade differentials; and/or
- iii. The exception is necessary to accommodate other limiting factors such as recorded historical sites or legal constraints.

Exceptions are only allowed “where the exceptions provide the same overall practical effect as ‘the SRA Fire Safe Regulations’ towards providing defensible space.” Exceptions shall be made on a case-by-case basis only. Exceptions granted by the County shall be forwarded to the Sonoma-Lake-Napa Unit of CAL FIRE (14 CCR 1270.07 and 1270.09).

The proposed Project access drive traverses along a 20.09-foot wide flagpole section of the northern parcel (APN: 035-460-038: Lands of Arbuckle: 3123 Dry Creek Road) connecting to Dry Creek Road. The exception request (Request) specifies existing environmental, physical and legal constraints as the findings restricting the existing flagpole section of the access drive from being improved to meet the commercial driveway standards. Evidence supporting this rationale include grade differential, adjacent slopes, easement restrictions and property boundaries between the existing access drive and adjoining parcels which cause physical and nonphysical site limitations that preclude the Project from improving the existing access to the required twenty (20) feet to accommodate two 10-foot traffic lanes pursuant to Section 15 of the Standards². The applicant proposes to widen the existing access drive to the maximum extent practical along the property boundaries and not to encroach onto adjacent parcels during and following construction, pursuant to setback requirements of the 2016 California Building Code Appendix J108. The Applicant has provided a document/narrative prepared by Ledcor Builders Inc., (November 1, 2018) to support the ability/claim that the access drive can be constructed wholly within the property (Attachment A)

Anthem Winery provided satisfactory documentation to the County Engineering Services Division of efforts to obtain additional easement width to accommodate a roadway design that complies with the minimum commercial design criteria of the Standards. That good-faith effort shown by Applicant to obtain the additional width was unsuccessful, resulting in a legal constraint. Based on the site characteristic and legal constraint present along the 20.09-foot wide flagpole section of the northern parcel, there is sufficient evidence to support one or more findings in Section 3(d) of the Standards. Therefore, an exception to the Standard may be allowed.

The Exception Request Meets the Same Overall Practical Effect

This Request and associated mitigations/components is unique and unmatched when compared to modern/other Exception Requests reviewed in Napa County; however the Request provided adequate detail and information demonstrating the alternative design is capable of applying accepted wildland fire suppression strategies and tactics, and provisions for fire fighter and civilian safety. Fire suppression strategies and tactics include but are not limited to: access for emergency wildland fire equipment, safe civilian evacuation, signing that avoids delays in emergency equipment response, available and accessible water to effectively attack wildfire or defend a structure from wildfire, and fuel modification sufficient for civilian and fire fighter safety.

The proposed access off Dry Creek Road sufficiently supports emergency Wildland Fire equipment by providing an all weathered asphalt surface capable of supporting vehicular loads of 75,000 pounds. Line of sight is maintained for ingressing and egressing vehicles through the flagpole section of the roadway, as illustrated in the RSA+ driveway plan and profile (June 5, 2018, Anthem Winery Driveway Entry Option 2 Plans). Typical driveway section A (Type A) of the civil driveway plans provides approximately eighteen (18) feet of travel way to accommodate the passage of two large vehicles including a Type 1 Engine and delivery truck as illustrated by RSA+'s exhibit - Passing of Type A

² Road Exception Evaluation Memo prepared by the County Engineering Services Division, June 14, 2018: incorporated herein by reference.

Driveway, dated January 12, 2018. The applicant proposes the Type A driveway over one-quarter of the approximate 1,700 feet of the constrained flagpole access. Static traffic signs are proposed at various locations along the flagpole access to avoid delays and conflicts in emergency equipment response by appropriately signaling ingressing and egressing traffic of direction and approaching variances in road geometry.

To support safe civilian evacuation and provide additional mitigation to avoid delays in emergency equipment response the Applicant has proposed an Emergency Ingress/Egress Plan (RSA+, January 12, 2018, Emergency Ingress/Egress Plan Option 2, Anthem Winery). The plan outlines several operational controls and procedures to direct all employees, guests, and residence to evacuate via the specified driveway corridor based on the emergency. For example, in case of fire or medical emergency at the winery, a senior manager on duty shall be tasked to assess the situation and determine the appropriate evacuation plan. During an isolated emergency, when the building is safe and no evacuation is necessary, the manager shall close Dry Creek access to outgoing vehicles via verbal communication and electronic signage to allow for unobstructed access for emergency vehicles. When evacuations are necessary, the manager shall close the appropriate driveway access (Redwood or Dry Creek) to outgoing vehicles and initiate evacuation protocols. County staff believe enactment of the plan adequately provides safe civilian evacuation and avoids delays in emergency response, contrary to REAX Engineering's opinion that the proposed access with associated mitigations/components does not support safe civilian evacuation.

Additionally, the proposed Project plans to implement, and will be required to maintain, sufficient water storage and supply systems as required by the 2019 California Fire Code, Appendix B and the requirements of the 2019 National Fire Protection Agency (NFPA) 13. The facility is required to provide approximately 67,500 gallons of water reserve dedicated for fire use at all times. To effectively attack wildfire, defend the structures from wildfire, and provide sufficient safety to civilians and fire fighters, fuel modification zones of the minimum width are required per Public Resource Code Section 4291 and are a requirement per Napa County Fire Marshal's Conditions of Approval, dated December 14, 2017.

The Exception Request is Complete

Comments by Mr. Block and Mr. Rowe expressed concerns that the Request, as recommended by the Engineering Division, was conditioned improperly and was incomplete. Specifically, the proposed conditions of approval included qualifying language and the approval did not consider existing easement restrictions as part of the request for exception to the standard gate width, nor did it considered code requirements for dead-end roads.

The application was deemed complete and conditioned in a manner to reiterate provisions required to establish the proposed access drive meets the same overall practical effect of the Standards. The inclusion of qualifying language in the conditions is uncommon but was considered necessary in order to specifically outline all requirements set by the Engineering Division and Fire Marshal's office to provide the same overall practical effect, including during building permit review. If easement language restricts improvements being made to the roadway and/or to the proposed gate location and the qualifying

language of the conditions cannot be met, Napa County would not be able to support the design and a building permit would not be issued until the qualifying language of the condition can be met.

Code requirements for dead-end roads are not applicable to the proposed development. The proposed Anthem Winery Driveway Plan, including the proposed Emergency Ingress/Egress Plan establish continuous access between Dry Creek Road and Redwood Road. Firetruck turnaround areas were not required to be provided at maximum intervals of 1,320 feet because the access proposed is not classified as a dead end road. The applicant has proposed turnaround areas at all building sites as required by the Standards.

Feasibility of Alternative Access

Comments provided by Mr. Rowe and Mr. Block questioned the viability of improving the Redwood Road access drive to service the proposed winery. The applicant did not provide an alternative design option to utilize the Redwood Road access drive for the proposed winery. Therefore, evaluation of improving this existing drive was not considered. It shall be noted that it is the County's routine practice to evaluate projects based on the Applicant's proposal rather than evaluate a project based on all the various design alternatives that may exist. Although staff did not perform a comprehensive evaluation of this access drive, it was noted the existing access drive off Redwood Road is constrained by a 9.80-foot road easement, a single lane bridge, and surrounding steep terrain and dense forest. Based on those constraints, improving the access to meet the minimum commercial access design standards, from Redwood Road to the proposed winery would be difficult and possibly infeasible.

Consideration of Increased Risk

Lastly, REAX Engineering's comment letter argues that the Wineries marketing plan proposal would subject their patrons to increased risk due to their unfamiliarity to the setting. Additionally, that risk is magnified by the wineries location in a region of moderate fire hazard severity zone. Lands classified as fire hazard severity zones are specifically addressed in the California Fire Code³, California Building Code, and Napa County Code⁴. Development in these established limits are subject to general

³ Section 4905.2 Construction methods and requirements within established limits. Within the limits established by law, construction methods intended to mitigate wildfire exposure shall comply with the wildfire protection building construction requirements contained in the California Building Standards Code, including the following:

1. California Building Code, Chapter 7A.
2. California Residential Code, Section R327.
3. California Referenced Standards Code, Chapter 12-7A

Section 4906.3 Requirements. Hazardous vegetation and fuels around all applicable buildings and structures shall be maintained in accordance with the following laws and regulations:

1. Public Resource Code, Section 4291.
2. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subsection 3, Section 1299 (see guidance for implementation "General Guideline to Create Defensible Space").
3. California Government Code, Section 51182.
4. California Code of Regulation, Title 19, Division 1, Chapter7, Subchapter 1, Section 3.07.

Section 4907.1 General. Defensible space will be maintained around all buildings and structures in State Responsibility Area (SRA) as required in Public Resources Code 4290 and "SRA Fire Safe Regulations" California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Section 1270.

⁴ Section 15.32.160 – Section 4906.3 Requirements. A new subsection (5) is added to Section 4906.3 of the California Fire Code is to read as follows:
Napa County Code, Chapter 8.36 (Fire Protection – Fire Hazard Abatement)

Section 15.32.170 – Section 4907.1 – General. Section 4907.1 of the California Fire Code is amended to read as follows:
4907.1 General. Defensible space will be maintained around all buildings and structures within all areas of unincorporated Napa County as required by Public Resources Code Section 4290, 4291; Title 14 California Code of Regulations Section 1270; and Chapter 8.36 of the Napa County Code.

requirements for construction methods, hazard vegetation and fuel management, and defensible space in accordance with California Building Standards Codes. Provided all provisions of these codes are met the State of California and County of Napa consider the proposed development to meet the minimum wildfire protections standards as well as the preservation of the health, safety, and welfare of the public.

Conclusion

The Anthem Winery Request for exception to the 2017 Napa County Road and Street Standards is unique to the constraints of this site and the proposed components to demonstrate same overall practical effect as the Standards are distinct to this project. Based on the technical merits of the Request, Anthem Winery has adequately demonstrated the alternative design is capable of applying accepted wildland fire suppression strategies and tactics, provisions for civilian and fire fighter safety and provides the same overall practical effect as the Standards.

Attachments:

Driveway Construction Logistic Plan

Ledcor Builders Inc.

November 11, 2018



11/1/18

Re: Anthem Winery Driveway

To whom it may concern,

Per your request, please find the attached description on how we are planning to construct the driveway leading to Anthem Winery located at 3123 Dry Creek Road in Napa.

Our logistical plan to construct this roadway between two property lines with a twenty-foot clearance and stay within the property owned by Anthem Winery are as follows,

- Install silt fencing along property lines adjacent to road construction that occurs on flat or down slope topography. This fencing is a precaution to keep excess material within property boundaries. Where the road is constructed with an elevated topography a shotcrete flash coat could be installed to stabilize slope.
- Use an articulating vertical auger to drill piers for retaining wall structural supports. This equipment access will be from the existing 3123 Dry Creek Road driveway.
- All retaining wall constructing will be within property lines of Anthem Winery.
- All road bases section and asphalt will be installed between twenty-foot property section owned by Anthem Winery.

Respectfully,

A handwritten signature in blue ink, appearing to read "Rod Field".

Rod Field

Leducor Builders Inc.