

# **III. THE COUNTY VIOLATED CEQA BY FAILING TO PREPARE AN EIR FOR TRANSPORTATION AND FIRE ACCESS IMPACTS**

## **A. Legal Standard – Fair Argument**

Under CEQA Guidelines §15064(f)(1), an Environmental Impact Report must be prepared whenever substantial evidence supports a fair argument that a project **may** have a significant effect on the environment.

“Substantial evidence” includes facts, reasonable assumptions predicated on facts, and expert opinion supported by facts. (Guidelines §15384.)

If such evidence exists, preparation of an EIR is mandatory—even if contrary evidence also exists.

An agency may not rely on conclusory statements, unsupported assumptions, or a narrowly defined study area to avoid preparation of an EIR.

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## **B. The County Failed to Analyze Impacts on the Only Ingress/Egress Road – Toby Lane**

### **1. Toby Lane Is the Sole Access to the Project**

The record establishes that vehicular and emergency access to the winery site is provided exclusively via Toby Lane, a privately maintained road approximately 1.0 miles in length.

The Initial Study and Traffic Study limited the transportation analysis to:

- A one-mile segment of Chalk Hill Road
- The intersection of Chalk Hill Road and Toby Lane

No segment-level analysis of Toby Lane itself was performed.

The County therefore failed to analyze the roadway that all project-generated traffic must traverse.

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## 2. Toby Lane Is Physically Constrained

The administrative record reflects that:

- Toby Lane is narrow in sections.
- Portions are unpaved.
- The roadway lacks shoulders in many locations.
- Geometry is constrained.
- The project site lies approximately one mile east of Chalk Hill Road along this private road.

Despite these characteristics, the Traffic Study did not evaluate:

- Roadway width adequacy.
- Two-way vehicle passing conditions.
- Event-day vehicle stacking or queuing.
- Surface conditions.
- Dust generation from increased traffic.
- Evacuation flow capacity.

An agency may not artificially limit its study area to avoid identifying impacts. (See, e.g., cases prohibiting “piecemeal” or truncated environmental review.)

Because Toby Lane is the only means of ingress and egress, increased project traffic necessarily affects that roadway.

The failure to analyze those impacts constitutes substantial evidence that the County lacked sufficient information to conclude impacts would be less than significant.

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## **C. The Fire Marshal’s “Exception to Standards” Demonstrates Substandard Access**

### **1. The Road Does Not Meet Fire Access Standards**

The project site lies within a State Responsibility Area and a Very High Fire Hazard Severity Zone.

The applicant was required to obtain an “Exception to Standards” under 14 CCR §1270 et seq. to achieve “Same Practical Effect.”

This requirement establishes that existing access conditions do not meet wildfire emergency access standards.

An Exception to Standards is not a finding of adequacy. It is a recognition that the roadway does not comply with required width or configuration standards.

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### **2. Increased Visitation Exacerbates Evacuation Risk**

The project authorizes:

- Up to 60 visitors per day
- 12 annual events with up to 50 attendees
- Amplified music events extending to 9:30 p.m.
- Evening cleanup to 10:00 p.m.
- Expanded employee presence during harvest

The Fire Marshal’s approval relies in part on behavioral mitigation:

- Relocation or cancellation of tasting appointments during red flag warnings
- Limiting visitor presence during high fire conditions

These measures implicitly acknowledge that the presence of visitors on a narrow, substandard road increases wildfire evacuation risk.

That is substantial evidence that increased project traffic may have a significant impact on emergency access.

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### **3. CEQA Requires Analysis of Emergency Access Impacts**

CEQA requires evaluation of impacts related to:

- Emergency response times
- Evacuation safety
- Wildfire risk
- Transportation system adequacy

The Transportation analysis concludes impacts are less than significant based solely on:

- Level of Service (LOS) A on Chalk Hill Road
- Trip generation screening under OPR VMT thresholds
- Turn lane warrants at the driveway

The analysis does not evaluate evacuation performance along the 1.0-mile private access road.

The County cannot rely on an Exception to Standards determination to substitute for CEQA analysis.

The existence of required exceptions and behavioral mitigation constitutes substantial evidence supporting a fair argument that the project may significantly impact emergency access.

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### **D. Behavioral Mitigation Is Not a Substitute for Environmental Analysis**

The Fire approval relies on measures such as:

- Cancelling or relocating visitor-serving activities during red flag warnings
- Implementing emergency action plans
- Limiting road use during active fires

Mitigation must be enforceable and supported by substantial evidence that it reduces impacts to less than significant levels.

The record contains no evacuation modeling, no traffic simulation under emergency conditions, and no analysis demonstrating that event traffic combined with emergency vehicles can safely operate on Toby Lane.

The reliance on administrative relocation of visitors does not eliminate the potential impact—it acknowledges it.

At minimum, this evidence supports a fair argument that the project may have a significant effect on wildfire evacuation and transportation safety.

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## **E. The County's Reliance on Chalk Hill Road LOS Is Legally Insufficient**

The County concluded that Chalk Hill Road operates at LOS A and will continue to do so.

However:

- CEQA no longer treats congestion as the sole transportation metric.
- The only access road to the project is not Chalk Hill Road.
- Emergency access adequacy was not analyzed for Toby Lane.
- The VMT screening relies on annual averaging of event traffic.

Even if Chalk Hill Road operates acceptably, that does not resolve whether the 1.0-mile private access road can safely accommodate increased visitation and simultaneous emergency evacuation.

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## **F. At Minimum, Substantial Evidence Supports a Fair Argument**

The following evidence in the record supports a fair argument:

1. Toby Lane is the sole ingress/egress and is narrow, partially unpaved, and constrained.
2. The roadway does not meet wildfire access standards and required an Exception to Standards.
3. Visitor relocation is required during red flag conditions to achieve safety.
4. The Traffic Study did not analyze Toby Lane segment operations or evacuation capacity.
5. The project authorizes increased visitation, evening events, and amplified activities.

Under CEQA Guidelines §15064(f)(1), this constitutes substantial evidence that the project may have a significant impact on transportation safety and wildfire evacuation.

Accordingly, preparation of an Environmental Impact Report was required.