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Public Comment



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Napa County Planning, Building  
& Environmental Services

CT

## LETTER OF OPPOSITION

RE: VIDA VALIENTE WINERY, LLC (P20-00079)  
Business address: 16 Calle Ameno, San Clemente, CA 92672  
Project address: 407 Crystal Springs Road, Saint Helena, CA 94574

Dear Supervisors and Planners,

I have never written a letter of opposition for a winery project, only for support. Personally, it is difficult for me to rain on someone's parade, but this is the wrong project for a quaint part of the valley. If allowed, it would be a heinous act on the sleepy, local's retreat kind of neighborhood known as "Crystal Springs" and "Italian Valley." The damage would not be restorable once such a grand entertainment / adult playground was built.

The applicants seem like bright, enthusiastic, and happy people, but they did not do their homework on the neighborhood. Apparently, all they cared about and researched was the soil. All other decisions were made in haste with impulsive and misinformed actions. I have no idea what the realtor told them, but it was probably what they wanted to hear. The heavy entertaining they plan to do is out of character, dangerous, and damaging to all existing residents. The project may work elsewhere, but not on this sub-standard road and residential area. In watching their marketing materials, it is clear they are bulldozing their way into Napa as strangers and visitors, not residents. It is also clear they have no respect, knowledge, or feel for the neighborhood. It is also clear that it is a hobby winery, as the financier says his "Non-work goal" is 'building a site in Napa [for] family generations'

This valley does not need another inefficient hobby/ vanity winery. We do not have the resources or the infrastructure to support these occupiers. Running a hospitality-driven winery in a remote corner of the valley, far away from affordable housing, hotels, other commercial businesses is not practical.

The applicants admit they have no idea what they are doing. Watching them contradict themselves and make erroneous statements about the site is a clear warning to the leaders of Napa County about their intent and modus operandi of getting their way, even at the cost of others. In the marketing video they

[www.burgesscellars.com](http://www.burgesscellars.com)

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produced, "Pictorio video, Episode 1: The Beginning," the proprietors state that they are visitors here, hope is their guide, they are taking a chance, outside of comfort zone. The property "came along," and they "got our hands on this before it went out into a public offering." They plan to have celebration, big area to throw parties, have caves.... "You can just see the neighbor, Hundred Acre..." (Note: Hundred Acre is a totally different vineyard in slope, exposure, and topography. It is around a hill, and ¾ mile away.) Many times, they claim the site has never had grapes, they are the first.... The area now known as "Italian Valley" has a history of grape growing since the 1800s. They are far from the first to grow grapes in Italian Valley. Rossini, Pestoni, Bell, etc. The valley has a rich history of actually humble grape growers, not hobbyists.

They close their marketing piece with "In order to be really successful here in Napa you have to have a level of integrity and humility..." With the impulsiveness, erroneous history, and aggressiveness, they contradict themselves at every turn. Putting a hobby winery into a space that is rural, quiet with such simple roots is inappropriate. The project is beyond vain, it is narcissistic, which no neighbor needs. The character of the project is out of place.

Again, they seem nice, but they have been misled to think this was a good spot for their dream party winery. The facts they have presented state that they do not understand what they have gotten into, and undoubtedly have no regard for the neighbors. They want a non-work place to throw parties, is that what Napa County is approving these days? I don't think so.

With complete sincerity,

Steven Burgess

2<sup>nd</sup>/3<sup>rd</sup> Generation Vintner, born at the SHH at Crystal Springs.

Sources:

[https://www.pictorio.com/media/2296785618394934938\\_33903295174](https://www.pictorio.com/media/2296785618394934938_33903295174)

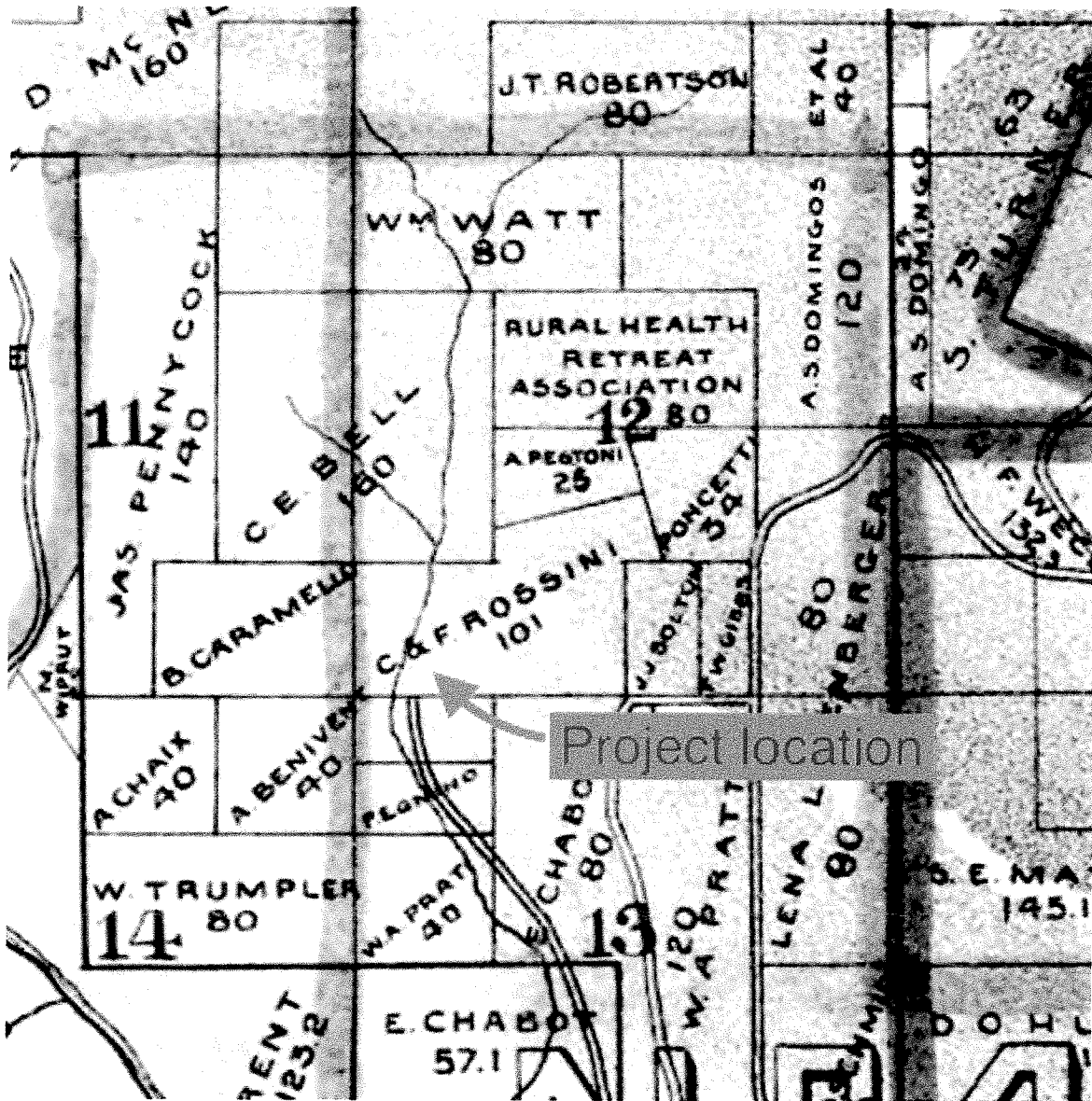
<https://www.ocbj.com/news/2019/jan/07/2018-oc-500-hayes-drumwright/>

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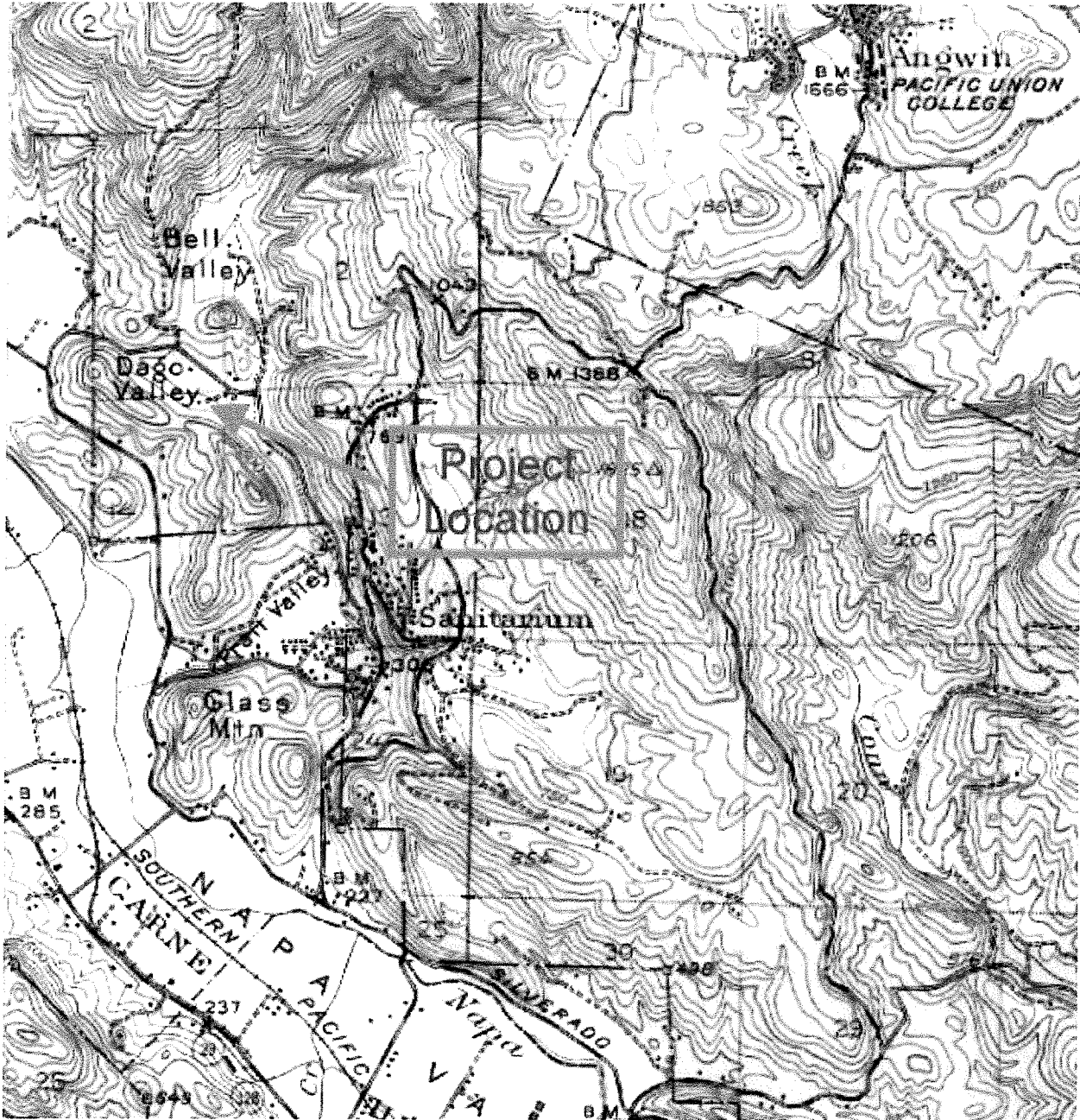
Here on a map dated 1895, showing the location on a Rossini parcel known to grow grapes. Descendants still live in the Napa Valley. The Bell parcel of 160 acres had connected, alluvial farmland too, but that farmland is now under the waters of Bell Canyon reservoir. The earth dam built in the late 1950s is now a physical barrier between the once interconnected farms. The claim that Vida Valiente are the first to grow grapes here is false.

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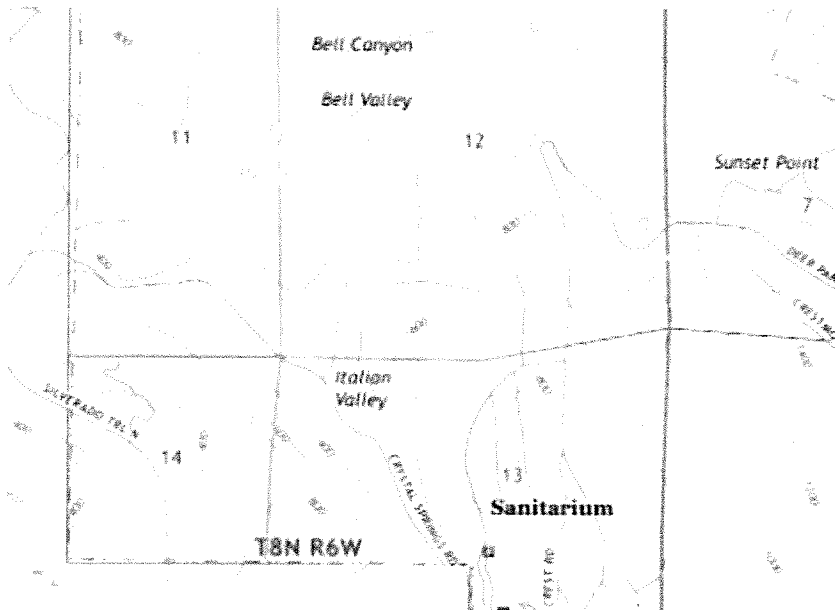
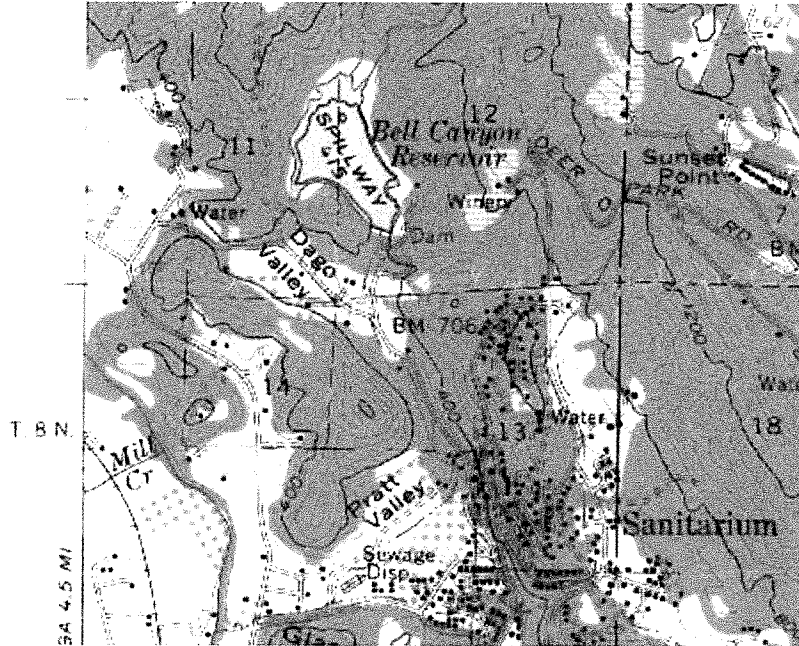
Here, in a 1942 USGS topo map, both Bell and Dago Valley (now Italian Valley) are shown. Before county roads, driveways connected the related, Swiss-Italians to one another. The Saint Helena Police firing range is built at the site of the ghost Pestoni winery, now on the shores of Bell Canyon reservoir. It is probably these old driveways that have been paved into “roads”, but aren’t up to modern standards.

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By the 1980s, the valley had been re-named "Italian Valley." Over 100 years of grape-growing history in the area by then. Now, the history goes back about 140 years. In any case, the region has truly rural, pastoral, humble roots, and to put a vanity/ hobby winery in for entertaining friends and family is a radical departure from its use for all of California's history.

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**From:** [Schiffer, Shawn](#)  
**To:** [Ringel, Matthew](#)  
**Subject:** Support for Vida Valiente Winery  
**Date:** Wednesday, November 22, 2023 10:14:10 AM

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[External Email - Use Caution]

Dear Mr. Ringel,

We would like to send this letter of support on behalf of our neighbors who are seeking approval from the county to build Vida Valiente Winery.

We think the project will be a great addition to our street and there is no question the Drumwrights will be thoughtful neighbors and good stewards of the land.

The site has a great agricultural history and is in very good hands.

**Regards,**

**Shawn Schiffer**

**President**

**Foley Family Wines**

200 Concourse Blvd Santa Rosa, CA 95403

(o) (707) 708-7605 | (c) (707) 280-7857

Email: [sschiffer@foleyfamilywines.com](mailto:sschiffer@foleyfamilywines.com)



**FOLEY FAMILY WINES**

*Real Vineyards. Real Wineries. Real Wines.*

November 24, 2023

To: Napa County Planning Commission

Re: Vida Valiente Winery Use Permit Application #P20-00079-UP

My name is Joe Criscione, my wife and I live at 315 Crystal Springs Rd. Following are some of the concerns that we have about this application.

1. I note that the project calls for all promotional information and driving directions that will be provided to guests will only show the Crystal Springs Road connections to Silverado Trail north of the winery site as the project route. Given that the route from the south side of the proposed site is impossible, it's clear that this is the only way to reach the winery, however, it is far from being a safe way to that destination, especially at the point where Crystal Springs Road connects to the North Fork. Presently two regular size cars coming from two directions must almost come to a dead stop to manage the turn safely. When a truck is involved, it becomes particularly problematic to manage the turn safely. Clearly the greatly increased traffic from the heavy trucks that will be using this route during the construction and during the winery's normal operations will create an untenable situation that will lead to a substantial increase in vehicle accidents. This issue alone should be reason to deny this permit. The clear fact is that the proposed site is not appropriate for a winery.
2. Parking issues:( a) the applicants indicate that there would be room for 10 vehicles onsite, given that there would be up to 9 employees, presumably all or most of whom will have cars, where would visitors park?( b) are visitors likely to park on Crystal Springs Road? (c) if there is to be offsite parking, where would that be? (d) The permit request indicates that "parking shall be limited to approved parking spaces only and shall not occur along public roads or in other locations except during harvest activities and approved marketing events". It appears that this would allow parking on Crystal Springs Rd. Is that what is intended?
3. When portable restroom facilities are used, would they be located inside the winery grounds or outside, on Crystal Springs Road?
4. It appears that there is no limit to the number of non-wine related events. Is that what is intended by applicants?



5. The permit request indicates that all marketing activities will cease at 10 p.m. Does this mean that clean- up after events will be done the following day or after the ten o'clock hour? Sound travels very easily in this little valley so all of us who live in this area will be affected by this.
6. Events that feature loud rock music would be particularly problematic.

Lastly, clearly there are many more reasons this project should not be approved, other people, more knowledgeable than me and affected by it will describe most of them. My wife and I have been living here for 25 years and we are convinced that if this project is allowed, it will fundamentally destroy this neighborhood.

Joe and Ashley Criscione



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Bay Delta Region  
2825 Cordelia Road, Suite 100  
Fairfield, CA 94534  
(707) 428-2002  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



November 20, 2023

Matt Ringel, Planner II  
Napa County  
1195 Third Street  
Napa, CA 94559  
[Matthew.Ringel@countyofnapa.org](mailto:Matthew.Ringel@countyofnapa.org)

Subject: Vida Valiente Winery Use Permit #P20-00079, Mitigated Negative Declaration, SCH No.2023110065, Napa County

Dear Mr. Ringel:

The California Department of Fish and Wildlife (CDFW) received a Mitigated Negative Declaration (MND) from Napa County (County) for the Vida Valiente Winery Use Permit #P20-00079 (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

CDFW is submitting comments on the MND to inform the County, as the Lead Agency, of potentially significant impacts to biological resources associated with the Project.

### **CDFW ROLE**

CDFW is a **Trustee Agency** with responsibility under CEQA pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

### **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Vida Valiente Winery, represented by Hayes Drumwright

**Objective:** The Project involves clearing of vegetation, earthmoving, and installation and maintenance of erosion control measures associated with the development of a 17,722 sq. ft. winery facility and a 13,675 sq. ft. wine cave resulting in approximately 19,400 cubic yards of spoils. The Project also includes removal of approximately 0.15

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<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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acres of vineyard for improved site access, and expansion of the existing driveway. Approximately 0.72 acres of recently burned Douglas-fir forest and 0.13 of mixed-oak woodland would be permanently modified. As a result of the Glass Fire of 2020, approximately 82 burned trees of several age classes and species, including Douglas-fir (*Pseudotsuga menziesii* var. *menziesii*), California black oak (*Quercus kelloggii*), and coast live oak (*Quercus agrifolia*) were removed from the Project site for safety reasons. No additional trees will be removed within the Project boundary. Included in the Project is the planting and preservation of 2.4 acres of woodland canopy on Project and neighboring parcels under common ownership.

**Location:** The Project area is at 407 Crystal Springs Road, St. Helena, CA 94574; Assessor Parcel Numbers 021-410-013 and 021-372-001; at approximately Latitude: 38.550465°, Longitude: -122.485.

## REGULATORY REQUIREMENTS

### California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in “take” of plants or animals listed under CESA, either during construction or over the life of the Project. **The Project has the potential to impact northern spotted owl (*Strix occidentalis caurina*, NSO), CESA listed as threatened species, as further described below.** Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain an ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. I & 21083; CEQA Guidelines, §§ 15380, 15064, & 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency’s FOC does not eliminate the Project proponent’s obligation to comply with CESA.

## COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project’s significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the Project’s avoidance of significant impacts on biological resources with

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implementation of mitigation measures, including those CDFW recommends below and in **Attachment 1**, CDFW concludes that an MND is appropriate for the Project.

**Mandatory Findings of Significance: Does the Project have the potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species?**

**Comment 1:** Northern Spotted Owl – Mitigation Measure Shortcoming

**Issue:** The MND Mitigation Measure BIO-1 may be inadequate to reduce impacts to NSO to less-than-significant because it only requires nesting bird surveys be conducted within a 500-foot radius around the Project site, however NSO may be disturbed up to 0.25 miles away from the Project site. The MND concludes that suitable NSO habitat occurs within 0.25 miles of the Project site. Additionally, the nearest recorded occurrence according to the California Natural Diversity Database (CNDBB) is located approximately 1.20 miles east of the Project site, indicating NSO occurs in the Project vicinity.

**Specific impacts and why they may occur and be significant:** If suitable NSO nesting habitat occurs within a 0.25-mile radius of the Project site and active NSO nests are not detected during a survey extending only up to 500 feet from the Project site, the Project may result in audio or visual disturbances to nesting NSO, which may cause nest abandonment and loss of eggs or reduced health and vigor and loss of young, thereby substantially reducing the number of the species. NSO is CESA listed as threatened species and therefore is considered to be a threatened species pursuant to CEQA Guidelines section 15380. Therefore, if an active NSO nest is disturbed by the Project, the Project may result in a substantial reduction in the number of a threatened species, which is considered a Mandatory Finding of Significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

**Recommended Mitigation Measure:** To reduce impacts to NSO to less-than-significant and comply with CESA, CDFW recommends including the following mitigation measure.

**MM BIO-4. Northern Spotted Owl Surveys:** Project activities shall not occur between March 15 and July 31 unless a qualified biologist conducts NSO surveys within a 0.25-mile radius around the Project site following the *U.S. Fish and Wildlife Service (USFWS) Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls*, dated (revised) January 9, 2012, and no nesting NSO are detected. Surveys shall be conducted in accordance with Section 9 of the survey protocol, *Surveys for Disturbance-Only Projects*. If nesting NSO are detected during surveys, the Project shall immediately notify CDFW and implement a 0.25-mile no-disturbance buffer

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zone around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between March 15 and July 31 for each year, unless otherwise approved in writing by CDFW.

Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, *Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California*, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.

If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP and also consult with USFWS pursuant to the federal Endangered Species Act (ESA).

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>

## **ENVIRONMENTAL DOCUMENT FILING FEES**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

## **CONCLUSION**

CDFW appreciates the opportunity to comment on the MND to assist the County in identifying and mitigating Project impacts on biological resources.

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Questions regarding this letter or further coordination should be directed to  
Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or  
[Melanie.Day@wildlife.ca.gov](mailto:Melanie.Day@wildlife.ca.gov).

Sincerely,

DocuSigned by:

*Erin Chappell*

B77E9A6211EF486

Erin Chappell  
Regional Manager  
Bay Delta Region

**Attachment 1:** Draft Mitigation Monitoring and Reporting Program

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2023110065)

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## ATTACHMENT 1

### Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Biological Resources (BIO)			
Mitigation Measure (MM)	Description	Timing	Responsible Party
<b>BIO-4</b>	<p><b>MM BIO-4. Northern Spotted Owl Surveys:</b> Project activities shall not occur between March 15 and July 31 unless a qualified biologist conducts NSO surveys within a 0.25-mile radius around the Project site following the <i>U.S. Fish and Wildlife Service (USFWS) Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls</i>, dated (revised) January 9, 2012 and no nesting NSO are detected. Surveys shall be conducted in accordance with Section 9 of the survey protocol, <i>Surveys for Disturbance-Only Projects</i>. If nesting NSO are detected during surveys, the Project shall immediately notify CDFW and implement a 0.25-mile no-disturbance buffer zone around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between March 15 and July 31 for each year, unless otherwise approved in writing by CDFW.</p> <p>Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the <i>USFWS guidance, Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California</i>, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.</p> <p>If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP, and also consult with USFWS pursuant to the federal ESA.</p>	<p>Prior to Ground Disturbance and Continuing over the Course of the Project</p>	<p>Project Applicant</p>