

Comments on Vida Valiente Winery Use Permit

P20-00079

407 Crystal Springs Road, St. Helena, CA 94574

APN 021-410-013-000 and 021-372-001-000

Submitted by Larry Vermeulen

670 Crystal Springs Road, St. Helena, CA 94574

First off, let me say that the applicants hosted a neighborhood meeting at their property in the summer of 2020. At that time, I suggested that there would likely be little resistance to an estate-grown-only winery. Their response was, “that doesn’t work for us.”

So instead of being sensitive to the concerns of the neighbors, Applicants have proposed a winery that is **50% - 55% larger by gallons of production and 193% - 207% larger by square footage than the other 2 wineries in the area. They want to import 80% of their fruit, invite 7246 guests per year to visit, and generate 14,648 new vehicle trips annually on a substandard country road.**

It should then come as no surprise that there is neighborhood opposition to the project as proposed. This is no longer a family winery proposal; it is an industrial processing facility/entertainment venue. My opposition to the project, as proposed, follows.

1. The proposed project is simply too large and inappropriate for the rural neighborhood, serviced by a substandard country road:
 - The Staff Report/Board Agenda Letter, Page 6, lists 6 wineries within 0.3 miles of the proposed project. Of these, 4 are irrelevant as they have access from the Silverado Trail, a major thoroughfare with left-turn lanes, center and side striping, reflectors, illuminated intersections, dedicated bike trail, and guard rails as needed.
 - The remaining two, Merus Wines and Woodbridge Winery, have access from Crystal Springs Road, a narrow, substandard country road with no center line, no reflectors, no shoulder in many areas, no illumination, and no guard rails on the hilly sections.
 - Their permitted production, in gallons, is 20,000 for Merus, and 19,000 for Woodbridge, per the County of Napa Winery Database Listing.
 - The proposed capacity for Vida Valiente is 30,000; **50%- 55% larger than the other wineries in the neighborhood.**
 - The Winery Use Permit Application and Project Statement, submitted by the applicants, Page 4, shows a total of 33,797 square feet of Total Usable Area.
 - By comparison, the County of Napa Winery Database Listing shows Total Size for Merus and Woodbridge at 11,527 square feet and 10,985 square feet, respectively.
 - Thus, Vida Valiente’s proposed building area is **193% - 207% larger than the other wineries in the neighborhood.**
 - The Staff Report/Board Agenda Letter, Page 18, states that the project will add, “approximately **61,100 square feet of winery development area.** “Winery development Area” is not defined but all other measurement of building size pale by comparison this one.

- The Winery Use Permit Application and Project Statement states that “Winery Development Area” will be 21,150 square feet, but that “**Winery Coverage**” will be **67,700 square feet**.
- **A Use Permit decision cannot be made on the basis of undefined terms and inconsistent measurements.**
- Woodbridge Winery has no tours or tasting, and Merus Wines is allowed 25 guests per day, slightly less than the 28 proposed for Vida Valiente.
- Neither Woodbridge nor Merus have commercial kitchens.
- Perhaps most telling is this screenshot from Winery Comparison Analysis that shows that **Vida Valiente’s proposed physical size far exceeds the average for all other 30,000-gallon wineries in Napa County, as do their Daily Visitors, Annual Marketing Visitors, and Number of Marketing Events.** Their Weekly Visitors, and Annual Visitors, and Annual Visitation are above the Median for like-sized wineries as well.

Vida Valiente Winery
Use Permit #P20-00079
Winery Comparison 30,000 gallons per year

Name	Bldg Size	Cave Size	Production	Daily Visitors	Weekly Visitors	Annual Visitors	Annual Marketing Visitors	Number of Marketing Events	Annual Visitation	Acres
AVERAGE CALCULATION	9,541	3,755	30,000	21	137	7,270	742	20	7,998	33.23
MEDIAN CALCULATION	8,522	0	30,000	16	105	5,546	500	12	6,338	22.64
VIDA VALIENTE WINERY	17,722	13,675	30,000	28	120	6,240	1,006	29	7,246	16.93

2. The Recommended Conditions of Approval, prepared by Napa County Planning Department, is inconsistent as it pertains to the number of Large Auction Events permitted:
 - Recommended Conditions of Approval states that **two** Large Auction events per year with up to 125 guests are allowed. This is the number of Large Events you are being asked to approve today. However...
 - Page 5 of the Winery Use Permit Application and Project Statement states that **One** “Larger Auction-Related Event” is requested, with a maximum of 125 guests.
 - The Memorandum on the Conditions of Approval from the Department of Public Works, dated October 29, 2021, lists a Condition of Approval as “**One** (marketing event) per year with up to 125 guests.
 - The Memorandum on the Conditions of Approval also lists the total number of marketing events per year as 28 (**consistent with one large auction event, not two**).
 - The Final Traffic Impact Report, Vida Valiente Winery, states on Page 8 that, “Three sizes of marketing events are proposed... **1 per year with 125 guests.**”
3. The Recommended Conditions of Approval, prepared by Napa County Planning Department, is unclear as to the permitting of “Large Auction Events”:
 - Item 2, above, points out the inconsistency in the documents as to whether 1 or 2 Large Auction Events will be permitted. This is further complicated by the following:
 - Page 6 of Recommended Conditions of Approval states that, “Auction Napa Valley (ANV) events need not be included in a participating winery’s marketing plan because they are

covered by the ANV's Category 5 Temporary Permit. The winery may utilize any ANV event authorized in this permit for another charitable event of similar size."

- Does this mean that in addition to the approved Large Auction Events, additional events may be conducted under the ANV Category 5 Temporary Permit? If not, then why is this language included or, conversely, why are the Large Auction Events listed as permitted if, per the paragraph above, they do not need to be. Exactly how many Large events can be held and under what permits?
- Do Events held under ANV's Category 5 Temporary Permit need to comply with all other conditions of the Project's Use Permit, or is it a free-for-all? Shouldn't ANV's Category 5 Temporary Permit be included as part of this application?

4. The Recommended Conditions of Approval, prepared by Napa County Planning Department, is inconsistent as it pertains to the hours of operation:

- The Recommended Conditions of Approval defines on Page 2, Marketing events, which include 24 Wine and Food Pairings for up to 24 guests, 3 Wine Release/Wine Club Events annually for up to 60 guests, and 2 Large Auction Events annually for up to 125 guests. It also states that Marketing Events will be conducted between the hours of 6:00 PM to 10:00 PM.
- However, Page 4 of that document shows the hours of operation for those same Marketing events as 11:00 AM to 10:00 PM.
- Curiously, the Winery Use Permit Application and Project Statement doesn't address the hours of its Marketing Events at all.

5. The Recommended Conditions of Approval, prepared by Napa County Planning Department, is inconsistent as it pertains to food preparation at the Winery:

- The Winery Use Permit Application and Project Statement describes their "Food Service" as follows:
 - On-site commercial kitchen for smaller events
 - Licensed caterers for larger events, with winery kitchen used as staging area for caterers.
 - Request permission to serve light fare food with approximately one-third of the private tours/tastings. This food will be prepared by the on-site commercial kitchen, which is requested as a "medium-risk" kitchen.
 - The light fare to serve with wine tastings will range from cheese and cracker plates, to a series of light or heavy hors d'oeuvres, all of which are paired with the wines made at the winery.
 - The on-site kitchen will be adequate to prepare simple luncheons and dinners, or as use as a catering staging are for the times that licensed caterer provide food. The luncheons or dinners with up to 24 persons attending can be serviced by the winery kitchen.
 - Larger events of over 24 persons, will have food prepared by licensed caterers. They may use the on-site kitchen as a caterers' staging area.
 - All food served at the winery will be chosen to pair with the wines made on-site. No food other than that served in connection with the wine pairings will be offered at the winery or prepared at the on-site commercial kitchen.

- The Recommended Conditions of Approval states that “Marketing Events” which include “Two (2) Wine and Food Pairings monthly for up to 24 guests,” will be conducted between the hours of 6:00PM and 10:00PM.
 - This begs the question of where, “The *luncheons*... with up to 24 persons attending,” fit into the allowable hours of operation for Marketing Events?
 - What’s a “medium-risk” kitchen?
 - Again, a Use Permit decision cannot be made on the basis of inconsistent data and undefined terms.
6. The Recommended Conditions of Approval, prepared by Napa County Planning Department, is inconsistent as it pertains to parking on Crystal Springs Road:
- Page 7 of Recommended Conditions of Approval states that Parking “shall not occur along access or public roads *except* during harvest activities and approved marketing events.” This is at odds with all other statements regarding parking within the public right-of-way as follows:
 - Page 4 of Recommended Conditions of Approval states that “If any event is held which will exceed the available on-site parking, the permittee shall prepare an event-specific parking plan which may include, but not be limited to, valet service or off-site parking and shuttle service to the winery.”
 - Page 3 of Staff Report/Board Agenda Letter states that, “For larger events, vineyard rows can accommodate a number of valet-parked cars.”
 - Page 2 of Memorandum on the Conditions of Approval from the Department of Public Works states that, “Parking within the public right-of-way is prohibited during visitation, large marketing, and/or temporary events.”
 - This sentence has just introduced a new event type, “temporary events,” which is not defined anywhere else in the application.
 - The Vida Valiente Winery Transportation Demand Management (TDM) Program, from the Appendix of the Final Traffic Impact Report, Item 13, states, “There will be no parking within the public right-of-way that is associated with any of the Winery hospitality events, including larger marketing events.”
 - Unfortunately, no mention is made of construction parking. This will be discussed below.
7. The Final Traffic Impact Report, Vida Valiente Winery, is flawed, outdated, and does not address construction traffic at all:
- Traffic counts were performed in early 2021 when tourism and general mobility were still at reduced levels due to COVID fears.
 - Daily Trips analysis is based upon original application for just 1 Large Marketing Event, not 2 as currently included in the Recommended Conditions of Approval, prepared by Napa County Planning Department.
 - No analysis whatsoever was provided for construction traffic or parking.
 - The Final Traffic Impact Report, Vida Valiente Winery states, “Crystal Springs Road ranges in width from about 16 to 24 feet north of the Winery, and from about 12 to 18 feet south of the Winery.” Other documents repeat this sentence and I do not take exception to it.

- The Final Traffic Impact Report states “Signs are posted on Crystal Springs Road just north of Sanitarium Road and east of Silverado Trail stating, ‘Narrow Winding Road Next 2 miles’ with 25 mile-per-hour speed limit signs.” They also mention that “a few vehicles were observed traveling higher than the posted speed limit during two field surveys.” This is hardly a comprehensive analysis of the traffic patterns on the road.
- My own observation as a 35-year resident of Crystal Springs Road is that. on the straight stretches of road, as adjacent to the applicant’s property, speeds can reach 50 MPH.
- Speeding has become more prevalent since the Glass Fire as tree removal has reduced the shade on the road and increased sight lines.
- Crystal Springs Road is commonly used as a shortcut for drivers coming down from Angwin and heading north on the Silverado Trail. Likewise, there is regular traffic from St. Helena Hospital employees getting off work in the afternoon and heading north. These folks are typically not out for a drive in the country. They are getting off work and wanting to get home. I hear them accelerating through the narrows below my house and I can observe them speeding northbound as far as the 400 block of Crystal Springs Road.
- The Final Traffic Impact Report indicates that “The road has no centerline and intermittent gravel, or dirt shoulder areas.” What is lacking from this brief description is that the road also has no side striping, no pavement reflectors, very limited roadside reflectors, no bike lanes, no guardrails, and no nighttime illumination except at its intersection with Silverado Trail and Sanitarium Road. In other words, it is a typical substandard rural country road.
- In spite of this, it is rated Level of Service (LOS) A. This is a bit misleading as LOS only measures traffic throughput, not the safety of the road. As long as traffic is not delayed, the road or intersection is rated favorably.
- The Final Traffic Impact Report states on Page 2 and again on Page 6, “Crystal Springs Road now meets County rural road criteria to have a 20-foot pavement width in many locations between Silverado Trail and the Winery (to the north of the site).”
- Napa County Roads & Street Standards (2023) does not use the term and has no definition for “rural road.” Crystal Springs Road would properly be classified as a “General Minor” road. As such, the width standard is, “a minimum of two ten (10) foot traffic lanes, of homogenous surface, and a minimum of one (1) foot of shoulder on each side of the roadway...”
- Per the Final Traffic Impact Report, Figure 7, and numerous written descriptions, Crystal Springs Road north of the proposed project does not have 20 feet of traffic lanes and has little-to-no shoulder. Averaging the 500’ interval measurements taken for Figure 7 yields only 17.4 feet in width.
- Furthermore, the County of Napa Pavement Management Program PCI Map Book, Map 54, shows Crystal Springs Road as “Poor” (equivalent to a grade of “D”).
- Suggesting that this section of road meets “County rural road criteria,” is a blatant misrepresentation of the facts.
- The Final Traffic Impact Report states on Page 30, “In general Crystal Springs Road would not be attractive to bicycle riders due to its width, but may be attractive due to its low volumes.”

- In fact, bicyclists use the road extensively. It is very common to see groups of 10 or more cyclists on the weekends and many organized tours and races in the Napa Valley use Crystal Springs Road as a leg of their route.
- In addition, cyclists from the Rose Lane, Elmshaven, and Glass Mountain neighborhoods as well as from St. Helena are regular riders on the road.
- Likewise, Crystal Springs Road is very popular with walkers and joggers from Rose Lane, Elmshaven, and Glass Mountain neighborhoods, as well as residents of St. Helena. I often see people from St. Helena parking their cars in the pullout near my property as they head out for a walk or run.
- The Final Traffic Impact Report states on Page 31, “the (yearly) Winery trip generation would be 14,648.” It also states the project’s impact on pedestrians and bicyclists would be “Less than significant.” It’s hard to conclude that an average of an additional 40 vehicle trips per day would have no impact on the pedestrians and bicyclists who use the road.
- The road is also popular with motorcycle clubs and car clubs who often add it to their itinerary to enjoy the rural scenery without having to contend with the high-speed traffic on the Silverado Trail.
- The Final Traffic Impact Report also fails to address the problem of intoxicated drivers. It’s a pretty good bet that when you have night time Marketing Events that include catered meals each guest will consume multiple glasses of wine. It’s highly likely that a large percentage of them will be over the legal blood/alcohol limit at the end of the event. Now those folks are going to get in their cars and attempt to negotiate the unlit, substandard Crystal Springs Road and find their way back to their homes or hotels. Even if they have been transported by limo busses from outlying parking areas, they will, at some point, get back onto our local roads and present a danger,

8. Potential for disaster at the narrowest point of Crystal Springs Road

- At the narrowest portion of the road, adjacent to my property at 670 Crystal Springs Road, the width is indeed just 12 feet wide. To further complicate matters, on the downslope (southbound) side of the road there is only an asphalt curb to prevent one from driving off the edge of a sheer slope into my neighbor’s home below. There is no guardrail here. The slope of the embankment is 60 to 90 degrees. There are visible areas of erosion and undermining of the (minimal) shoulder on which the curb has been applied. Much of that edge of the roadway is supported by natural soils or dry-stacked stones. There are some limited sections of mortared stones, but nothing on that slope qualifies as an engineered retaining wall.
- On the upslope (southbound) side of the road there is an open trench of 8 – 12 inches depth, filled with water year-round. There are a number of springs along this section of road, some mentioned in deeds from over 100 years ago. There is a system of culvert pipes and drain boxes installed to convey this spring water under the road to the downslope side and via small creeks, into Bell Creek. The standing water is the result of a broken culvert pipe that would otherwise convey the water from one drain box to another. I have informed the County Department of Public Roads of this condition many times over the past 20 years, but it remains unrepaired. Meanwhile, the northbound pavement edge chips off a little bit every time somebody drops a wheel into the trench, and the road keeps getting narrower. But I digress.

- To further add to the danger in this section, the water from the broken culvert pipe has been saturating the road base for many years and there are areas in the southbound lane where the pavement has slumped 2 inches or more.
 - Two approaching vehicles any larger than a typical passenger car must slow to about 5 MPH as they negotiate passing one another without either hitting the curb on the southbound side or dropping their wheel into the trench on the northbound side. The scraping sounds I hear from my yard and the scrape marks on the pavement tell me that they are not always successful, as do the shards of plastic and glass I find on the road where their mirrors have collided.
 - Any vehicles larger than passenger size must somehow communicate with one another for one of them to hang back from the narrow section. This often involves somebody backing up.
 - It gets particularly challenging when a large truck travels through this narrow section. They usually cannot back up so the other vehicle must give way.
 - To add to the complexity of the situation, buried utilities in this area of Crystal Springs Road include the City of St. Helena's primary water main, PG&E's high-pressure gas transmission line feeding the St. Helena Hospital, PUC, and all natural gas customers in the area, PG&E's low-pressure gas supply lines to residents along Crystal Springs Road, St. Helena Hospital's 4" water main, and St. Helena Hospital's 5" sewer main, conveying wastewater from the Hospital and surrounding customers to their sewage treatment ponds on Glass Mountain Road near the Silverado Trail.
 - The worst possible outcome at this narrow section would be a heavily-loaded southbound truck pulling far to the edge of the roadway and the roadway giving away. Not only would the road be out of service for a period of time and the County subject to expensive emergency repairs, but damage to the buried utilities could also have repercussions as serious as disrupting the City of St. Helena's water supply, or damage to PG&E's gas lines.
9. The Proposed Traffic Mitigation Measure (TRANS-1) is insufficient, unenforceable, and does not address construction traffic at all.
- All parties agree that the southern portion of Crystal Springs Road, from the project to Sanitarium Road, is extremely substandard and not suitable for Winery traffic. The Applicant proposes to address this issue by the adoption of Proposed Traffic Mitigation Measure (TRANS-1) which reads as follows:

MM TRANS-1: All promotional information and driving instructions provided to guests will only show the Crystal Springs Road connections to Silverado Trail north of the site as the project access route. Also, a sign with the Winery's name will be provided on Silverado Trail at the Crystal Springs Road intersection. Finally, signs will be provided along both Winery Driveways for outbound drivers with an arrow pointing north and a message indicating to make a left turn to access Silverado Trail. Sign size and location are subject to NCC Section 18.116.055 and 18.116.060. A directional sign shall not be constructed, or promotional material distributed, that guides individuals to enter the winery from Deer Park Road or Sanitarium Road.

Method of Monitoring: Prior to issuance of building permits for any winery structure, a sign plan shall be submitted to the Department of Planning, Building,

and Environmental Services for review and approval. Prior to obtaining final occupancy for any winery related structures, directional signs shall be installed and copies of promotional information with driving directions shall be submitted to the Department of Planning, Building, and Environmental Services for review and approval.

Responsible Agency: Napa County Planning Division and Code Enforcement

- One obvious problem with this mitigation measure is that “Method of Monitoring” pertains only to the production of the signs and promotional information. Monitoring essentially ends once those tasks are complete, there is no monitoring to confirm that the intent of the mitigation measure is actually being fulfilled.
- Additionally, the mitigation measure is unenforceable as noted by the Final Traffic Impact Report that states on Page 2 and Page 6, “A minor amount of project traffic would potentially travel on this (southern) section of Crystal Springs Road (2 vehicles per hour during business hours).”
- The Final Traffic Impact Report also states on Page 22, “While it is the desire that all project traffic use Crystal Springs Road north of the project for all in- and outbound access, the reality is that those drivers depending upon navigation systems may be directed to use Crystal Springs Road south of the site if they are traveling to or from the south.”
- The mitigation measure is only targeted toward “guests”. There is no provision for reaching employees, vendors, suppliers, and most importantly, tour bus and limousine operators.
- The most glaring omission is that TRANS-1 does not address construction traffic or parking. Given the nature of the project, and the fact that, “removal of cave spoils will result in total of approximately 2,425 truck trips if smaller trucks are used; a total of approximately 1,617 truck trips will be required if larger trucks are used for haul,” the traffic impact during construction will be significant and, as previously discussed, heavy trucks are exactly the kind of traffic that needs to be restricted from using the southern section of Crystal Springs Road.
- Likewise, in spite of restrictions against parking on the Public Right of Way by employees, guests, caterers, etc., no mention is made of construction vehicles whatsoever.
- The conditions of TRANS-1 must be applied to ALL vehicles and must be enforced. It may be necessary to have a paid traffic monitor during construction to ensure that construction vehicles do not use the southern section of Crystal Springs Road.

In conclusion, I believe that I have amply enumerated a sufficient number of significant inconsistencies and unclear situations such that you cannot proceed with a fact-based analysis of this project at this time. Further, I have demonstrated that the Proposed Project is far larger and out-of-scale with the other wineries in the neighborhood, and the neighborhood itself. And finally, it is obvious to all, including the Applicant, that Crystal Springs Road cannot adequately support the additional traffic from this project. Applicant has attempted to address this problem with a Mitigation Measure that is insufficient and unenforceable.

Therefore, I implore you to exercise Option 4 of the Decision Making Options of the Staff Report/Board Agenda Letter – Continuance Option, with the following instructions.

1. Direct Applicant to amend Use Permit Application to reduce annual gallons of production from 30,000 to 20,000 gallons to be consistent with the other wineries in the neighborhood.
2. Direct Applicant to amend Use Permit Application to adhere to the One Large Auction Event as originally submitted with no additional Auction Napa Valley (ANV) events or exceptions for any other charitable events.
3. Direct Planning Staff to address all inconsistencies and/or questions pointed out in this analysis. Define terms used and confirm that values for those terms are consistent across all documents pertaining to the project.
4. If new studies need to be undertaken based upon the outcome of Item 3, above, Staff will direct Applicant or relevant County departments to prepare/update those studies.
5. Direct Planning Staff or Applicant, as relevant to submit a Transportation Mitigation Measure that applies to ALL vehicular traffic to/from the winery site, including construction traffic. ANY parking on Crystal Springs Road must be prohibited. ANY winery traffic on the southern section of Crystal Springs Road must be prohibited. Include an enforcement mechanism and citizen reporting process.
6. Schedule a Public Hearing to review the amended Use Permit application in 60 – 90 days.

Respectfully submitted,

Larry Vermeulen

December 1, 2023

Additional Comments on Vida Valiente Winery Use Permit

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Submitted by Larry Vermeulen

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The Memorandum of Conditions of Approval, from The Napa County Fire Marshal's Office, dated 10/20/21 and attached to the packet "B" Recommended Conditions of Approval, states the following:

7. Roadways shall be a minimum of 20 feet in width with a 2 foot shoulder and 15 foot vertical clearance.

Napa County Road & Streets Standards (2023), defines “roadway” as:

Any surface designed, improved or ordinarily used for vehicle travel that is either publicly owned and maintained, or privately owned and maintained, but dedicated for public use.”

It appears that Crystal Springs Road meets the definition of “roadway”.

The Final Traffic Impact Report, Vida Valiente Winery, Page 7, states:

“Crystal Springs Road ranges in width from about 16 to 24 feet north of the Winery, and from about 12 to 18 feet south of the Winery.”

The Final Traffic Impact Report, Vida Valiente Winery, Page 11, states:

“The road has no centerline and intermittent gravel, or dirt shoulder areas.”

The Memorandum of Conditions of Approval, from The Napa County Fire Marshall Office, also states:

“All construction and *use of the facility (emphasis added)* shall comply with all applicable standards, regulations, codes and ordinances at the time of Building Permit issuance.”

Given that Crystal Springs Road does not meet the County Fire Marchal’s standard, and will not do so without a major upgrade by either the County or the Applicant, the Project cannot meet the Conditions of Approval.

Respectfully submitted,

Larry Vermeulen

December 1, 2023