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VIA EMAIL trevor.hawkes@countyofnapa.org

Trevor Hawkes, Supervising Planner
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1195 Third Street, Suite 210
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**Re: January 22, 2025, Zoning Administrator Hearing, Item 2.B.
Parable Winery Use Permit Minor Modification and Variance
P23-00230-MM,¹ P23-00231-VAR**

Dear Trevor,

Thank you for your efforts in preparing the subject minor modification and variance application for hearing on January 22, 2025 (the "Project"). We have reviewed the proposed Conditions of Approval and accompanying agency memoranda, and note the following clarifications, corrections, and comments on the project approval documents attached to the agenda. Please distribute these comments as appropriate.

We note first that the approval documents do not duly account for the submitted phased implementation of the project, as set forth on page 4 of the August 14, 2024, Revised Project Narrative. The documents frequently use the word "all" to refer to prerequisite completion of certain items such as roadway improvements, waste systems, and the like. As such, in general, we interpret the conditions relating to prerequisites to implementation of the specific phased items being implemented at the time, and not the Project as a whole.

Recommended Conditions of Approval

We note in general that certain of the boilerplate standard terms and conditions included in the Recommended Conditions of Approval do not fully align with the existing entitled winery. Existing entitlements continue and are unaffected, except as specifically modified by the Project. For example, the

¹ The Agenda mistakenly lists this item as P19-00230-MM.

existing winery cave is already entitled as a Type I cave and is not subject to any preconditions on its continued use other than what is physically necessary to restore it to operation. The provisions relating to Temporary and Final Occupancy also do not make sense in light of the phased development of multiple structures, and we interpret those rather as applying on a building-by-building and phase basis.

We also have the following comments and required revisions on specific conditions. We have bolded the items where a change to the document is required:

- Condition 4.5, Residence or Non-Winery Structures:

As has previously been noted, the owners of the winery own the residence on site, and one owner generally resides on the property. We interpret this condition that, notwithstanding the prohibition of the residence for “commercial purposes or in conjunction with the operation” of the winery, to not prohibit the owner from working from home as would any other winery owner at any other home.

- Condition 4.6, Grape Source:

This condition is not clearly worded. We understand that the existing 20,000-gallon pre-WDO entitlement is not subject to the 75% grape source rule. We further understand that only the expanded 10,000 gallon increase approved by the Project will be subject to the 75% grape source rule.²

- Condition 4.8, Rental/Leasing:

We understand the condition does not restrict contracting for custom crush or alternating proprietorships in any way, and solely relates to rental of the facility for non-wine production-related purposes.

- Condition 4.18:

The **date of the corrected Public Works agency memorandum requires updating**. As discussed below, additional revisions to the memorandum are required to conform to the Project.

- Condition 4.20 a.:

Condition 4.20 a. appears to misstate the Project and the required trip limitations. As initially submitted, Phase 1 provided for three full time employees and one part time employee. As subsequently revised, Phase 1 now provides for two (2) full time employees and one (1) part time employee during non-harvest season, with an additional part time employee during harvest. As such, **the Phase 1 condition should reference two (2) part time employees during harvest**.³

² We note the pending challenge to the constitutional validity of that restriction.

³ See the October 15, 2024, trip generation worksheets.

- Condition 4.20 b.:

Condition 4.20 b. indicates that construction of the left turn lane in Phase 2 shall be at the eastern driveway. However, the County had previously requested, and the Project anticipated and been designed, for entry to be at the western driveway. It is unclear at this time whether the eastern or western entrance will ultimately be more conducive to installation of a left turn lane. Such determination, and whether to reverse again the direction of traffic, will be addressed at the time of implementation of Phase 2, in conjunction with Public Works.

- Condition 6.1:

As noted above, the date of the Public Works memo should be updated.

- Condition 6.15 a. 4.:

The referenced maximum groundwater volume of **1.78 acre-feet per year misstates the limit of 1.88 acre-feet per year** included in the Engineering Memorandum's Operational Characteristic 4, both of which round the existing water use of 1.881 acre-ft per year stated in the water availability analysis.⁴

- Condition 9.9 a:

This condition appears to have a **mistaken reference to COA 4.20(b)**, which does not concern groundwater monitoring.

Public Works Memorandum

As discussed previously, the original November 19, 2024, memorandum improperly required monitoring of the winery's Transportation Demand Management Plan by a third party, as well as attempted to propose limitations on visitation beyond the scope of Public Works' jurisdiction. The revised January 17, 2025, version of the memorandum partially corrects these issues. However, it still contains an erroneous limitation in Phase 2. It now states:

In the second phase, the total number of daily trips will be limited to 40 trips, with a maximum of 20 daily vehicle trips (or 10 visitor vehicles) per day. These trips may accommodate up to 30 guests.

⁴ We note that because the Project does not propose any increase in groundwater use, and in fact proposes to reduce groundwater use, the imposition of groundwater limitations or monitoring conditions appears to lack a connection to the Project's impacts.

This provision is nonsensical and inconsistent with the Project requests and record. The first clause is largely correct; in the second phase, the total number of daily Project trips will be limited to 40 trips.⁵ The word winery should be added before trips, the provision should end there, and the rest deleted.

The remainder of the first sentence as drafted makes no sense and has no basis. To the extent it intended to impose a limitation to “20 daily visitor vehicle trips” (it does not, it simply states a limit of “20 daily vehicle trips (or 10 visitor vehicles)” there is no basis for such a limit either in the trip generation worksheet,⁶ the application materials, or the GHD Technical Memorandum. Nor should Public Works’ memo include a limitation on the number of guests, as was struck in Phase 1.

As such, **the Phase 2 Public Works condition should state simply:**

In the second phase, the total number of daily winery trips will be limited to 40 trips.

We finally note again that, as discussed extensively, we continue to disagree with the County’s implementation of the left turn lane warrant on this project and its failure to treat the two separate driveway entrances as distinct facilities.

Environmental Health Memorandum

Similar to the conditions of approval, the Environmental Health memorandum does not fully account for the existing entitlements or phased nature of the Project. As set forth in the August 14, 2024, Project Narrative, the winery will resume operations in phases, first by reactivating the cave. There are no restroom facilities in the cave and no domestic waste is generated by the cave. Rather a temporary trailer restroom will be utilized prior to construction of the first building with restroom. As such, permitting of the winery domestic waste system is understood to be a condition of the first building producing domestic waste as stated in condition 2.

Further, conditions 4 - 6, relating to application of the California Safe Drinking Water Act, do not apply until Phase 2 and the accompanying increase in visitation. The Phase 1 project will not have 25 or more persons on site except for marketing events which are limited to 10 per year, and as such the Phase 1 winery is not subject to the public water system rules as they require 25 or more persons more than 60 days per year.

⁵ As distinguished from trips associated with the residence.

⁶ The October 15, 2024, trip generation worksheet calculated 21.5 (harvest) or 23.1 (non-harvest) daily visitor trips.

Engineering Memorandum

Again, like the other materials, the engineering memorandum does not distinguish between the project phases. We thus interpret any use of the word “all” to refer to the phase or task at issue, and not necessarily to both phases of the project. For example, we understand Operational Characteristic 5 or TCO Prerequisite 12 relating to “All roadway ... improvements” not to include the left turn lane in Phase 1.

Similarly, we understand for example Condition 6, “All” civil improvement plans be approved prior to the commencement of “any” construction to apply to the particular construction at issue, not the entirety of the Project. For example, plans for the Phase 2 second visitor building nor grading therefor would not be undertaken in connection with Phase 1 construction.

* * *

We appreciate the attention to this matter and bringing this project to fruition. Please let us know if you have any questions regarding any of the foregoing. If you disagree with any of our clarifications or comments, please advise us promptly and let me know a convenient time to discuss.

Sincerely,

DICKENSON, PEATMAN & FOGARTY PC



JOSHUA S. DEVORE

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