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**Recommended Conditions of Approval
and Final Agency Approval Memos
Kenzo Estate
P19-00396-MOD**

**PLANNING COMMISSION HEARING DECEMBER 2, 2020
RECOMMENDED CONDITIONS OF APPROVAL**

**KENZO ESTATE MAJOR MODIFICATION
P19-00396-MOD
3200 MONTICELLO ROAD, NAPA, CA 94558
APN 033-110-075**

This permit encompasses and shall be limited to the project commonly known as Kenzo Estate, located at 3200 Monticello Road. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring, and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved.

Where conditions are not applicable or relevant to this project, they shall be noted as “Reserved” and therefore have been removed.

When modifying a legally established entitlement related to this project, these conditions are not intended to be retroactive or to have any effect on existing vested rights except where specifically indicated.

PART I

1.0 PROJECT SCOPE

This permit encompasses and shall be limited to:

- 1.1 Approval of an exception to the Napa County Road and Street Standards (RSS) and the requirement to widen a 500-foot section to 22 feet on Wild Horse Valley Road from Monticello Road to the winery. The section of roadway (Station 42+70 to 47+86 on the submitted improvement plans) is entirely contained within the setback distances of several watercourses including an identified blue line stream, an ephemeral stream, and the ponds known as Leoma Lakes. The section of roadway is flanked by the water courses on its western side and slopes exceeding 30% on the eastern side; any expansion of the roadway width would potentially require significant earthwork/grading and potentially impact water quality.
- 1.2 Approval to modify an existing 102,000 gallon per year winery, previously approved under Use Permit #03515-UP and modified by previously approved permits #P08-00196-MODVMIN, #P08-00635-MODVMIN, #P09-00334-VMOD, #P10-00025-VMM, #P11-00487-VMM, #P12-00434-MOD, #P15-00293-MOD to allow the following:
 - a. Expand the existing 22,470 square foot cave (Type two (2)) to a 68,415 square foot (Type three (3)) cave;

- b. Excavation of two new cave portals;
- c. Paving an unpaved road for portal access;
- d. Utilize 720 square feet of the cave expansion as a tasting room;
- e. Construct 3,350 square feet of covered crush pad;
- f. Construct 820 square feet of an uncovered mechanical yard;
- g. Increase in maximum annual permitted wine production from 102,000 to 150,000 gallons;
- h. Expand the existing wastewater treatment and disposal systems;
- i. Deposit of approximately 20,300 cubic yards of cave spoils at a spoils stockpile on land owned by the applicant, 0.9 miles southeast of the project site; and
- j. Widening of sections of the project access road (Wild Horse Valley Road) to bring it into compliance with the Napa County Road and Street Standards

The winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code (the County Code). It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or change in winery use or alternative locations for fire suppression or other types of water tanks shall be approved in accordance with the County Code and may be subject to the permit modification process.

2.0 STATUTORY AND CODE SECTION REFERENCES

All references to statutes and code sections shall refer to their successor as those sections or statutes may be subsequently amended from time to time.

3.0 MONITORING COSTS

All staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions of approval and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged to the property owner or permittee. Costs shall be as established by resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until issuance of a Final Certificate of Occupancy. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and/or guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of a compliance deficiency is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation proceedings in accordance with the County Code.

PART II

4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT

Permittee shall comply with the following during operation of the winery:

4.1 GENERAL PROVISIONS [RESERVED]

4.2 TOURS AND TASTINGS/VISITATION [RESERVED]

4.4 ON-PREMISES CONSUMPTION [RESERVED]

4.5 RESIDENCE OR NON-WINERY STRUCTURES [RESERVED]

4.6 GRAPE SOURCE

At least 75% of the grapes used to make the winery's still wine or the still wine used by the winery to make sparkling wine shall be grown within Napa County. The permittee shall keep records of annual production documenting the source of grapes to verify that 75% of the annual production is from Napa County grapes. The report shall recognize the Agriculture Commission's format for County of origin of grapes and juice used in the Winery Production Process. The report shall be provided to the PBES Department upon request, but shall be considered proprietary information and not available to the public.

4.7 COMPLIANCE REVIEW

Permittee shall obtain and maintain all permits (use permits and modifications) and licenses from the California Department of Alcoholic Beverage Control (ABC) and United States Tax and Trade Bureau (TTB), and California Department of Food and Agriculture (CDFA) Grape Crush Inquiry data, all of which are required to produce and sell wine. In the event the required ABC and/or TTB permits and/or licenses are suspended or revoked, permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are reinstated.

Visitation log books, visitor reports, custom crush client records, and any additional documentation determined by Staff to be necessary to evaluate compliance may be requested by the County for any code compliance. The permittee (and their successors) shall be required to participate fully in the winery code compliance review process.

4.8 RENTAL/LEASING

No winery facilities, or portions thereof, including, without limitation, any kitchens, barrel storage areas, or warehousing space, shall be rented, leased, or used by entities other than persons producing and/or storing wine at the winery, such as alternating proprietors and custom producers, except as may be specifically

authorized in this Permit or pursuant to the Temporary Events Ordinance (County Code Chapter 5.36).

4.9 GROUND WATER MANAGEMENT - WELLS

This condition is implemented jointly by the Public Works and PBES Departments:

The permittee shall be required (at the permittee's expense) to record well monitoring data (specifically, static water level no less than quarterly, and the volume of water no less than monthly). Such data will be provided to the County, if the PBES Director determines that substantial evidence¹ indicates that water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. If data indicates the need for additional monitoring, and if the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

In order to support the County's groundwater monitoring program, well monitoring data as discussed above will be provided to the County if the Director of Public Works determines that such data could be useful in supporting the County's groundwater monitoring program. The project well will be made available for inclusion in the groundwater monitoring network if the Director of Public Works determines that the well could be useful in supporting the program.

In the event that changed circumstances or significant new information provide substantial evidence¹ that the groundwater system referenced in the Use Permit would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the County Code and to protect public health, safety, and welfare.

4.10 AMPLIFIED MUSIC

There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, winery buildings.

4.11 TRAFFIC

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times (7:15 a.m. and 8:15 a.m. and 4:30 p.m. and 5:30 p.m. weekdays, and 3:30 p.m. and 4:30 p.m. on Saturdays and Sundays). All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

4.12 PARKING

The location of visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any).

Parking shall be limited to approved parking spaces only and shall not occur along access or public roads or in other locations except during harvest activities and approved marketing events. In no case shall parking impede emergency vehicle access or public roads.

4.13 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

Please contact the Building Division with any questions regarding the following:

In accordance with the California Building Code (CBC), no change shall be made in the use of occupancy of an existing building unless the building is made to comply with the requirements of the current CBC for a new building.

4.14 FIRE DEPARTMENT – TEMPORARY STRUCTURES

Please contact the Fire Department with any questions regarding the following:

The permittee and/or designee shall obtain a tent permit from the Fire Department for any temporary structures utilized for authorized marketing events allowed per COA No. 4.3 above.

4.15 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM **[RESERVED]**

4.16 GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, AND TRASH ENCLOSURE AREAS

a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County. Lighting utilized during harvest activities is exempt from this requirement.

b. All landscaping and outdoor screening, storage, and utility structures shall be permanently maintained in accordance with the landscaping and building plans approved by the County. No stored items shall exceed the height of the screening. Exterior winery equipment shall be maintained so as to not create a noise disturbance or exceed noise thresholds in the County Code.

c. The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation. The permittee shall obtain the written approval of the Planning Division prior to any change in paint colors that differs from the approved building permit. Highly reflective surfaces are prohibited.

d. Designated trash enclosure areas shall be made available and properly maintained for intended use.

4.17 NO TEMPORARY SIGNS

Temporary off-site signage, such as “A-Frame” signs, is prohibited.

4.18 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES –
OPERATIONAL CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies' requirements. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Engineering Services Division operational conditions as stated in their Memorandum dated September 9, 2020.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated April 22, 2020.
- c. Building Division operational conditions as stated in their Memorandum dated December 2, 2019.
- d. Department of Public Works operational conditions as stated in their Memorandum dated February 3, 2020.
- e. Fire Department operational conditions as stated in their Inter-Office Memo dated August 12, 2020.

The determination as to whether or not the permittee has substantially complied with the requirements of other County Divisions, Departments and Agencies shall be determined by those County Divisions, Departments or Agencies. The inability to substantially comply with the requirements of other County Divisions, Departments and Agencies may result in the need to modify this permit.

4.19 OPERATIONAL MITIGATION MEASURES **[RESERVED]**

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT **[RESERVED]**

4.21 PREVIOUS CONDITIONS

The permittee shall comply with the following previous conditions of approval for the winery use as consolidated into the attached document as Exhibit A. To the extent there is a conflict between a previous condition of approval identified in the attached document and these conditions, the more stringent condition shall control.

PART III

5.0 PREREQUISITE FOR ISSUANCE OF PERMITS

5.1 PAYMENT OF FEES

No building, grading or sewage disposal permits shall be issued or other permits authorized until all accrued planning permit processing fees have been paid in full. This includes all fees associated with plan check and building inspections, associated development impact fees established by County Ordinance or Resolution, and the Napa County Affordable Housing Mitigation Fee in accordance with County Code.

6.0 GRADING/DEMOLITION/ENVIRONMENTAL/BUILDING PERMIT/OTHER PERMIT PREREQUISITES

Permittee shall comply with the following with the submittal of a grading, demolition, environmental, building and/or other applicable permit applications.

6.1 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES – PLAN REVIEW, CONSTRUCTION AND PREOCCUPANCY CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies' requirements. The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Divisions, Departments and Agencies at the time of submittal and may be subject to change. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Engineering Services Division operational conditions as stated in their Memorandum dated September 9, 2020.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated April 22, 2020.
- c. Building Division operational conditions as stated in their Memorandum dated December 2, 2019.
- d. Department of Public Works operational conditions as stated in their Memorandum dated February 3, 2020.
- e. Fire Department operational conditions as stated in their Inter-Office Memo dated August 12, 2020.

The determination as to whether or not the permittee has substantially complied with the requirements of other County Divisions, Departments and Agencies shall be determined by those County Divisions, Departments or Agencies. The inability to substantially comply with the requirements of other County Divisions, Departments and Agencies may result in the need to modify the permit.

6.2 BUILDING DIVISION – GENERAL CONDITIONS

- a. A building permit shall be obtained for all construction occurring on the site not otherwise exempt by the California Building Code (CBC) or any State or local amendment adopted thereto.

- b. If there are any existing structures and/or buildings on the property that will need to be removed to accommodate construction activities, a separate demolition permit shall be required from the Building Division prior to removal. The permittee shall provide a “J” number from the Bay Area Air Quality Management District (BAAQMD) at the time the permittee applies for a demolition permit if applicable.
- c. All areas of newly designed and newly constructed buildings, facilities and on-site improvements must comply with the CBC accessibility requirements, as well as, American with Disability Act requirements when applicable. When alterations or additions are made to existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided as required per the CBC.

6.3 LIGHTING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the CBC.
- a. All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations; on timers; and shall incorporate the use of motion detection sensors to the greatest extent practical. All lighting shall be shielded or placed such that it does not shine directly on adjacent properties or impact vehicles on adjacent streets. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Lighting utilized during harvest activities is exempt from this requirement.

6.4 LANDSCAPING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the building permit application package for the Planning Division’s review and approval prior to the issuance of any building permit associated with this Use Permit. The plan shall be prepared pursuant to the County’s Water Efficient Landscape Ordinance (Chapter 18.118 of the County Code) requirements in effect at the time of building permit application submittal, as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.
- b. Plant materials shall be purchased locally when practical, and to the greatest extent possible, the plant materials shall be the same native plants found in Napa County. The Agricultural Commissioner’s office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.

- c. No trees greater than 6" diameter at breast height shall be removed, except for those identified on the submitted site plan. Any Oak trees removed as a result of the project shall be replaced at a 2:1 ratio and shown on the landscaping plans for the Planning Division's review and approval. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with the winery development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.
- d. Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and any off-site residence from which these areas can be viewed.

6.5 COLORS

The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation. The permittee shall obtain the written approval of the Planning Division in conjunction with building permit review and/or prior to painting the building. Highly reflective surfaces are prohibited.

6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

- a. Details of outdoor storage areas and structures shall be included on the building and landscape plans. All outdoor storage of winery equipment shall be screened from the view of residences of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No stored item shall exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.
- b. New utility lines required for this project that are visible from any designated scenic transportation route (see Community Character Element of the General Plan and the County Code) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.
- c. Exterior winery equipment shall be located, enclosed or muffled so as not to exceed noise thresholds in the County Code.

6.7 TRASH ENCLOSURES

Adequate area must be provided for collection and loading of garbage and recyclables generated by the project. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to determine the area and the pedestrian and vehicle access needed for the collection site. The garbage and recycling enclosure shall meet the minimum enclosure requirements established by staff and the franchised hauler, which shall be included in the building permit submittal.

6.8 ADDRESSING

All project site addresses shall be determined by the PBES Director, and be reviewed and approved by the United States Post Office. The PBES Director reserves the right to issue or re-issue an appropriate situs address at the time of issuance of any building permit to ensure proper identification and sequencing of I numbers. For multi-tenant or multiple structure projects, this includes building permits for later building modifications or tenant improvements.

6.9 HISTORIC RESOURCES **[RESERVED]**

6.10 DEMOLITION ACTIVITIES **[RESERVED]**

6.11 VIEWSHED – EXECUTION OF USE RESTRICTION **[RESERVED]**

6.12 PERMIT PREREQUISITE MITIGATION MEASURES

The permittee shall comply with the following permit prerequisite mitigation measures identified in the adopted Initial Study/Mitigated Negative Declaration and Project Revision Statement/Mitigation Monitoring and Reporting Program prepared for the project:

- a. **MM BIO-1; Special-Status Plants:** A qualified biologist shall complete a late May-early June survey for special-status plant species prior to initiation of project activities. The survey shall be completed during the appropriate blooming period for the species likely to occur on site. These surveys shall be in compliance with all CDFW (2009), USFWS (1996), and CNPS (2001) published survey guidelines.

If the survey finds that there are no special-status plants on the property that would be impacted or within the proposed project site, then there would be no further mitigation and the project may proceed, provided all other applicable permits and authorizations are obtained for the project.

If special-status plant species are found, populations shall be mapped and enumerated. If any populations are found within the proposed work area, they shall be flagged and project development plans shall be avoided to the maximum extent feasible. If avoidance is not feasible as determined by the County of Napa Planning Division, then other suitable measures shall be implemented as detailed below.

A qualified biologist shall complete an inventory and analysis of the on-site population(s) of the species within and outside of the work area to determine the extent and significance of the potential impacts that will occur as a result of the project. This analysis shall be presented to the County's Planning Division as part of their review of the project. If special-status plant species are found within the project area and the project cannot be revised to avoid their removal, then a mitigation plan shall be developed and approved by the County for implementation of the following measures prior to site disturbance. If sufficient populations of the special-status plants species exist on site and outside of the project area,

permanent protection of those populations and their habitat may serve in lieu of the requirement to replant special status plant species required to be removed, consistent with the requirements of Napa County General Plan Policy CON-17(e)¹. If mitigation is unable to be achieved through avoidance and the permanent protection of remaining special-status species in accordance, a mitigation restoration plan shall include, at a minimum, the following elements:

1. a site plan showing the locations where replacement plants will be planted;
2. a plant pallet composed the special-status plans specie(s) being removed including sizes and/or application rates: seed mixes shall not contain species known to be noxious weeds and any non-native grasses should be sterile varieties;
3. planting notes and details including any recommended plant protection measures;
4. invasive species removal and management specifications;
5. an implementation schedule;
6. performance standards with a minimum success rate of 80%; and
7. a monitoring schedule for a period of at least three years to ensure success criteria are met.

A CNDDDB form shall be filled out and submitted to CDFW for any special-status plant species identified within the project site.

Method of Monitoring: A late May-early June survey for special-status plant species shall be prepared by a qualified biologist and be submitted to Planning Division staff prior to issuance of the grading/building permit.

Responsible Agency: PBES

- b. **MM BIO-2: Western Pond Turtle:** A pre-construction survey for Western Pond Turtle (WPT) and their eggs shall be completed by a qualified biologist between five (5) days and 24 hours before the start of ground disturbing activities associated with the widening of Wild Horse Valley Road closest to Leoma Lakes. Surveys shall take place between 9 a.m. and 3 p.m. and be conducted in areas that WPT are likely to inhabit and focus on detection of basking and foraging turtles. Surveyors shall station in place for periods of 30 minutes in each area that is suitable for WPT and use binoculars to visually detect and identify WPT. The preconstruction survey shall also identify the location of WPT exclusion fencing.

Exclusion fencing shall be installed between the roadway construction area and Leoma Lakes, and any other areas determined necessary by the project biologist, in such a manner as to preclude WPT from entering

¹ Require no net loss of sensitive biotic communities and habitats of limited distribution through avoidance, restoration, or replacement where feasible. Where avoidance, restoration, or replacement is not feasible, preserve like habitat at a 2:1 ratio or greater within Napa County to avoid significant cumulative loss of valuable habitats.

ground disturbance areas from Leoma Lakes. The fencing shall have a minimum height above ground of 38 inches, the bottom of the fence buried to a minimum depth of 4 inches. The locations and installation of WPT exclusion fencing shall be inspected by the project biologist to ensure that it is placed correctly and effective, and remain installed until on-site mechanized ground disturbance is completed. WPT exclusion fencing shall also be inspected and approved prior to the commencement of vegetation removal and earth-disturbing activities.

Following the pre-construction survey and prior to the initiation of work, a biological education program shall be provided by the qualified biologist to all personnel that will be present at the site during ground disturbance and related activities. The worker education program shall include information regarding the identification and the natural history of WPT (including photographs), the potential for occurrence of these species within work areas, the legal status of each and the ramifications for take, the purpose of the exclusion fencing and importance of maintaining it, and specific measures being implemented to avoid impacts to WPT (which shall include halting all ground disturbance and immediately alerting the qualified biologist if WPT are observed in the course of the work.

If WPT are detected, all ground disturbance shall halt immediately and the qualified biologist shall be alerted so that additional avoidance measures can be developed and implemented in coordination with the Napa County Planning Division and CDFW.

Method of Monitoring: Prior to issuance of the grading/building permit, a report by a qualified biologist shall be submitted to the Napa County Planning Division. The report will include the results of the pre-construction survey for WPT, a map of the location of WPT exclusion fencing and a statement that the biological education program for all construction personnel has been completed.

Responsible Agency: PBES

- c. **MM BIO-3: Nesting Birds and Raptors:** For earth-disturbing activities occurring between February 1 and August 31, (which coincides with the grading season of April 1 through October 15 – NCC Section 18.108.070.L, and bird breeding and nesting seasons), a qualified biologist (defined as knowledgeable and experienced in the biology and natural history of local avian resources with potential to occur at the project site) shall conduct pre-construction surveys for nesting birds and raptors, within all suitable habitat on the project site, and where there is potential for impacts adjacent to the project areas. The preconstruction survey shall be conducted no earlier than seven (7) days prior to vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than seven (7) days from the survey date, surveys should be repeated. A copy of the survey will be provided to the Napa County Planning Division and the CDFW prior to commencement of work.

After commencement of work, if there is a period of no work activity of 5 days or longer during the bird breeding season, surveys shall be repeated to ensure birds have not established nests during inactivity.

In the event that nesting birds are found, the Permittee shall identify appropriate avoidance methods and exclusion buffers in consultation with the County Planning Division and the U.S. Fish and Wildlife Service (USFWS) and/or CDFW prior to initiation of project activities. Exclusion buffers may vary in size, depending on habitat characteristics, project activities/disturbance levels, and species as determined by a qualified biologist in consultation with County Planning Division and the USFWS and/or CDFW.

Exclusion buffers shall be fenced with temporary construction fencing (or the like), the installation of which shall be verified by Napa County Planning Division prior to the commencement of any earthmoving and/or development activities. Exclusion buffers shall remain in effect until the young have fledged or nest(s) are otherwise determined inactive by a qualified biologist.

Alternative methods aimed at flushing out nesting birds prior to pre-construction surveys, whether physical (i.e., removing or disturbing nests by physically disturbing trees with construction equipment), audible (i.e., utilizing sirens or bird cannons), or chemical (i.e., spraying nesting birds or their habitats) would be considered an impact to nesting birds and is prohibited. Any act associated with flushing birds from project areas should undergo consultation with the Napa County Planning Division, USFWS and/or CDFW prior to any activity that could disturb nesting birds.

Method of Monitoring: If construction/earthmoving activity is to occur between February 1 and August 31 the survey prepared by a qualified biologist shall be submitted to Planning Division staff prior to issuance of the grading/building permit.

Responsible Agency: PBES

6.13 PARCEL CHANGE REQUIREMENTS **[RESERVED]**

6.14 FINAL MAPS **[RESERVED]**

6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

- a. The project permittee shall schedule and conduct cultural sensitivity training for pre-project personnel, prior to the issuance of permits. Cultural sensitivity training shall be conducted through the Yocha Dehe Wintun Nation at the contact information below:

Laverne Bill, Cultural Resources Manager

Yocha Dehe Wintun Nation
Office: (530) 723-3891
Email: lbill@yochadehe-nsn.gov

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

7.1 SITE IMPROVEMENTS

Please contact Engineering Services with any questions regarding the following.

a. GRADING AND SPOILS

All grading and spoils generated by construction of the project facilities shall be managed per Engineering Services direction. Alternative locations for spoils are permitted, subject to review and approval by the PBES Director, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.

b. DUST CONTROL

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur when average wind speeds exceed 20 mph.

c. AIR QUALITY

During all construction activities the permittee shall comply with the most current version of BAAQMD Basic Construction Best Management Practices including but not limited to the following, as applicable:

1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.
3. Cover all haul trucks transporting soil, sand, or other loose material off-site.
4. Remove all visible mud or dirt traced onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required by State Regulations). Clear signage shall be provided for construction workers at all access points.
8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/perpfact_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. **STORM WATER CONTROL**

The permittee shall comply with all construction and post-construction storm water pollution prevention protocols as required by the County Engineering Services Division, and the California Regional Water Quality Control Board.

7.2 **ARCHEOLOGICAL FINDING**

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the PBES Department for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required.

If human remains are encountered during project development, all work in the vicinity must be halted, and the Napa County Coroner informed, so that the Coroner can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the permittee shall comply with the requirements of Public Resources Code Section 5097.98.

7.3 **CONSTRUCTION NOISE**

Construction noise shall be minimized to the greatest extent practical and feasible under State and local safety laws, consistent with construction noise levels permitted by the General Plan Community Character Element and the County Noise Ordinance. Construction equipment muffling and hours of operation shall be in compliance with the County Code. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site, if at all practicable. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such

as on a neighboring road or at the base of a hill), such activities shall only occur daily between the hours of 8 am to 5 pm.

7.4 CONSTRUCTION MITIGATION MEASURES

The permittee shall comply with the following construction mitigation measures identified in the adopted Initial Study/Mitigated Negative Declaration and Project Revision Statement/Mitigation Monitoring and Reporting Program prepared for the project,

- a. **MM BIO-1; Special-Status Plants:** A qualified biologist shall complete a late May-early June survey for special-status plant species prior to initiation of project activities. The survey shall be completed during the appropriate blooming period for the species likely to occur on site. These surveys shall be in compliance with all CDFW (2009), USFWS (1996), and CNPS (2001) published survey guidelines.

If the survey finds that there are no special-status plants on the property that would be impacted or within the proposed project site, then there would be no further mitigation and the project may proceed, provided all other applicable permits and authorizations are obtained for the project.

If special-status plant species are found, populations shall be mapped and enumerated. If any populations are found within the proposed work area, they shall be flagged and project development plans shall be avoided to the maximum extent feasible. If avoidance is not feasible as determined by the County of Napa Planning Division, then other suitable measures shall be implemented as detailed below.

A qualified biologist shall complete an inventory and analysis of the on-site population(s) of the species within and outside of the work area to determine the extent and significance of the potential impacts that will occur as a result of the project. This analysis shall be presented to the County's Planning Division as part of their review of the project. If special-status plant species are found within the project area and the project cannot be revised to avoid their removal, then a mitigation plan shall be developed and approved by the County for implementation of the following measures prior to site disturbance. If sufficient populations of the special-status plants species exist on site and outside of the project area, permanent protection of those populations and their habitat may serve in lieu of the requirement to replant special status plant species required to be removed, consistent with the requirements of Napa County General Plan Policy CON-17(e)². If mitigation is unable to be achieved through avoidance and the permanent protection of remaining special-status species in accordance, a mitigation restoration plan shall include, at a minimum, the following elements:

² Require no net loss of sensitive biotic communities and habitats of limited distribution through avoidance, restoration, or replacement where feasible. Where avoidance, restoration, or replacement is not feasible, preserve like habitat at a 2:1 ratio or greater within Napa County to avoid significant cumulative loss of valuable habitats.

1. a site plan showing the locations where replacement plants will be planted;
2. a plant pallet composed the special-status plans specie(s) being removed including sizes and/or application rates: seed mixes shall not contain species known to be noxious weeds and any non-native grasses should be sterile varieties;
3. planting notes and details including any recommended plant protection measures;
4. invasive species removal and management specifications;
5. an implementation schedule;
6. performance standards with a minimum success rate of 80%; and
7. a monitoring schedule for a period of at least three years to ensure success criteria are met.

A CNDDDB form shall be filled out and submitted to CDFW for any special-status plant species identified within the project site.

Method of Monitoring: A late May-early June survey for special-status plant species shall be prepared by a qualified biologist and be submitted to Planning Division staff prior to issuance of the grading/building permit.

Responsible Agency: PBES

- b. **MM BIO-2: Western Pond Turtle:** A pre-construction survey for Western Pond Turtle (WPT) and their eggs shall be completed by a qualified biologist between five (5) days and 24 hours before the start of ground disturbing activities associated with the widening of Wild Horse Valley Road closest to Leoma Lakes. Surveys shall take place between 9 a.m. and 3 p.m. and be conducted in areas that WPT are likely to inhabit and focus on detection of basking and foraging turtles. Surveyors shall station in place for periods of 30 minutes in each area that is suitable for WPT and use binoculars to visually detect and identify WPT. The preconstruction survey shall also identify the location of WPT exclusion fencing.

Exclusion fencing shall be installed between the roadway construction area and Leoma Lakes, and any other areas determined necessary by the project biologist, in such a manner as to preclude WPT from entering ground disturbance areas from Leoma Lakes. The fencing shall have a minimum height above ground of 38 inches, the bottom of the fence buried to a minimum depth of 4 inches. The locations and installation of WPT exclusion fencing shall be inspected by the project biologist to ensure that it is placed correctly and effective, and remain installed until on-site mechanized ground disturbance is completed. WPT exclusion fencing shall also be inspected and approved prior to the commencement of vegetation removal and earth-disturbing activities.

Following the pre-construction survey and prior to the initiation of work, a biological education program shall be provided by the qualified biologist to all personnel that will be present at the site during ground disturbance and related activities. The worker education program shall include information regarding the identification and the natural history of WPT (including photographs), the potential for occurrence of these species within work areas, the legal status of each and the ramifications for take, the purpose of the exclusion fencing and importance of maintaining it, and specific measures being implemented to avoid impacts to WPT (which shall include halting all ground disturbance and immediately alerting the qualified biologist if WPT are observed in the course of the work.

If WPT are detected, all ground disturbance shall halt immediately and the qualified biologist shall be alerted so that additional avoidance measures can be developed and implemented in coordination with the Napa County Planning Division and CDFW.

Method of Monitoring: Prior to issuance of the grading/building permit, a report by a qualified biologist shall be submitted to the Napa County Planning Division. The report will include the results of the pre-construction survey for WPT, a map of the location of WPT exclusion fencing and a statement that the biological education program for all construction personnel has been completed.

Responsible Agency: PBES

- c. **MM BIO-3: Nesting Birds and Raptors:** For earth-disturbing activities occurring between February 1 and August 31, (which coincides with the grading season of April 1 through October 15 – NCC Section 18.108.070.L, and bird breeding and nesting seasons), a qualified biologist (defined as knowledgeable and experienced in the biology and natural history of local avian resources with potential to occur at the project site) shall conduct pre-construction surveys for nesting birds and raptors, within all suitable habitat on the project site, and where there is potential for impacts adjacent to the project areas. The preconstruction survey shall be conducted no earlier than seven (7) days prior to vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than seven (7) days from the survey date, surveys should be repeated. A copy of the survey will be provided to the Napa County Planning Division and the CDFW prior to commencement of work. After commencement of work, if there is a period of no work activity of 5 days or longer during the bird breeding season, surveys shall be repeated to ensure birds have not established nests during inactivity.

In the event that nesting birds are found, the Permittee shall identify appropriate avoidance methods and exclusion buffers in consultation with the County Planning Division and the U.S. Fish and Wildlife Service (USFWS) and/or CDFW prior to initiation of project activities. Exclusion buffers may vary in size, depending on habitat characteristics, project

activities/disturbance levels, and species as determined by a qualified biologist in consultation with County Planning Division and the USFWS and/or CDFW.

Exclusion buffers shall be fenced with temporary construction fencing (or the like), the installation of which shall be verified by Napa County Planning Division prior to the commencement of any earthmoving and/or development activities. Exclusion buffers shall remain in effect until the young have fledged or nest(s) are otherwise determined inactive by a qualified biologist.

Alternative methods aimed at flushing out nesting birds prior to pre-construction surveys, whether physical (i.e., removing or disturbing nests by physically disturbing trees with construction equipment), audible (i.e., utilizing sirens or bird cannons), or chemical (i.e., spraying nesting birds or their habitats) would be considered an impact to nesting birds and is prohibited. Any act associated with flushing birds from project areas should undergo consultation with the Napa County Planning Division, USFWS and/or CDFW prior to any activity that could disturb nesting birds.

Method of Monitoring: If construction/earthmoving activity is to occur between February 1 and August 31 the survey prepared by a qualified biologist shall be submitted to Planning Division staff prior to issuance of the grading/building permit.

Responsible Agency: PBES

7.5 OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL

- a. The project permittee shall include cultural monitors during development and ground disturbance. A monitoring agreement shall be scheduled with the Yocha Dehe Wintun Nation at the contact information below;

Laverne Bill, Cultural Resources Manager
Yocha Dehe Wintun Nation
Office: (530) 723-3891
Email: lbill@yochadehe-nsn.gov

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY - PREREQUISITES

A Temporary Certificate of Occupancy (TCO) may be granted pursuant to the County Code to allow the commencement of production activities prior to completion of all project improvements. Permittee shall comply with the following before a TCO is granted:

8.1 TEMPORARY OCCUPANCY

All life and safety conditions shall be addressed prior to issuance of a TCO by the County Building Official. TCOs shall not be used for the occupancy of hospitality buildings and shall not exceed the maximum time allowed by the County Code which is 180 days. Departments and/or agencies with jurisdiction over the project are authorized as part of the TCO process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.

9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES

Permittee shall comply with the following before a Final Certificate of Occupancy is granted by the County Building Official, which upon granting, authorizes all use permit activities to commence.

9.1 FINAL OCCUPANCY

All project improvements, including compliance with applicable codes, conditions, and requirements of all Departments and Agencies with jurisdiction over the project, shall be completed.

9.2 SIGNS

Detailed plans, including elevations, materials, color, and lighting for any winery identification or directional signs shall be submitted to the Department for administrative review and approval prior to installation. Administrative review and approval is not required if signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this permit approval. All signs shall meet the design standards as set forth in the County Code. At least one legible sign shall be placed at the property entrance with the words "Tours and Tasting by Prior Appointment Only" to inform the public of same. Any off-site signs allowed shall be in conformance with the County Code.

9.3 GATES/ENTRY STRUCTURES

Any gate installed at the winery entrance shall be reviewed by the PBES Department and the Fire Department to assure that the design allows large vehicles, such as motorhomes, to turn around if the gate is closed without backing into the public roadway, and that fire suppression access is available at all times. If the gate is part of an entry structure an additional permit shall be required pursuant to the County Code and in accordance with the Napa County Roads and Street Standards. A separate entry structure permit is not required if the entry structure is consistent with entry structure plans submitted, reviewed, and approved as part of this permit approval.

9.4 LANDSCAPING

Landscaping shall be installed in accordance with the approved landscaping plan.

- 9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS **[RESERVED]**
- 9.6 DEMOLITION ACTIVITIES **[RESERVED]**
- 9.7 GRADING SPOILS
All spoils shall be removed in accordance with the approved grading permit and/or building permit.
- 9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**
- 9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY
 - a. All roadway improvements, pursuant to COAs 4.18(a) and 6.1(a), shall be completed prior to issuance of a final certificate of occupancy for the cave.



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David Morrison
Director

MEMORANDUM

To: Trevor Hawkes, Planning	From: Daniel Hornett, Engineering 
Date: September 9, 2020	Re: P19-00396 Kenzo Estates Winery Use Permit APN: 033-110-075

The Engineering Division has reviewed the use permit application P19-00396 for Kenzo Estates located on assessor's parcel number 033-110-075. Based upon the information provided in the application, Engineering finds the application **complete** and recommends the following conditions of approval:

RECOMMENDED APPROVAL CONDITIONS:

OPERATIONAL CHARACTERISTICS

1. The facility is designated as a discharger that discharges stormwater associated with industrial activity to waters of the United States. Therefore, the facility shall maintain or apply for coverage under the State Water Resources Control Board's Industrial General Permit (IGP), including meeting all applicable provision and protocols of the IGP. If the facility fails to meet the discharge prohibitions of the IGP, Napa County may require the facility to make the necessary improvements to eliminate all exposures to stormwater of the pollutant(s) for which the water body is impaired.

PREREQUISITES FOR ISSUANCE OF PERMITS

2. Access to the proposed winery shall be designed and constructed in substantial conformance with the road exception request prepared by RSA+, associated with this use permit P19-00396 and dated August 31, 2020. The property owner shall obtain a grading permit for all proposed roadway improvements.
3. Any roadway, access driveway, and/or parking areas, proposed new and not specifically addressed as part of the road exception request conditioned under Use Permit P19-00396 shall meet the requirements of the current Napa County Road and Street Standards.
4. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Engineering Division of the Napa County Planning, Building, and

Environmental Services Department (PBES) **prior to the commencement** of any on site land preparation or construction. Plans shall be wet signed and submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.

5. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, Chapter 16.28 of the Napa County Code, and Appendix J of the California Building Code.
6. **Prior to issuance of a building permit** the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention program Erosion and Sediment Control Plan Guidance for Applicant and Review Staff dated December 2014.
7. **Prior to issuance of a building permit** the owner shall prepare a Regulated Project Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual for review and approval by the Engineering Division in PBES.
8. **Prior to issuance of a building permit**, an Operation and Maintenance Plan shall be submitted and tentatively approved by the Engineering Division in PBES. **Before final occupancy** the property owner must legally record the "Operation and Maintenance Agreement", approved by the Engineering Division in PBES.

PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY

9. All roadway improvements shall be completed **prior to execution** of any new entitlements approved under this Use Permit Modification. **** If no temporary occupancy is requested, then this becomes a requirement prior to final occupancy.**

PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

10. Operations and Maintenance Agreement for post construction Stormwater facilities must be legally recorded.
11. Site shall be completely stabilized to the satisfaction of the County Engineer prior to Final Occupancy.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items, please contact Daniel Hornett from Napa County Planning, Building, and Environmental Services Department, Engineering Division, at (707)299-1358 or by email at Daniel.Hornett@countyofnapa.org



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David Morrison
Director

MEMORANDUM

To: Trevor Hawkes, Planning Division	From: Daniel Hornett, Engineering Division
Date: September 9, 2020	Re: Kenzo Estate Evaluation of Napa County Road and Street Standards Exception Request 3200 Monticello Road, Napa, CA P19-00396 APN 033-110-075

Road Modification Request

The Engineering and Conservation Division received a request (the request) dated March 16, 2020 for an exception to the residential driveway/common driveway design criteria as outlined in the Napa County Road and Street Standards (RSS) as part of a Use Permit Major Modification application for increasing production, expanding and upgrading an existing cave to Type 3, and adding a tasting area and other production areas.

The winery is located at 3200 Monticello Road. Access to the subject property is off of Monticello Road (Highway 121) via a common drive known as Wild Horse Valley Road. The winery is approximately 1.5 miles from Monticello Road.

Wild Horse Valley Road has widths that vary from 12 feet to 24 feet and centerline grades between 6% and 16% along the length of the road. The nature and constraints for the road exception are to minimize environmental impacts by reducing earth disturbances on steep slopes and proximity to natural water courses and existing ponds known as Leoma Lakes. The details of the request are as follows:

EXCEPTION #1 ROADWAY WIDTH EXCEPTION:

An approximately 500 foot long section where the roadway width is at least 17.5 feet, when the RSS requirement is 20 feet minimum:

1. Station 42+70 to 47+86 – A 516 linear foot section of road with widths of at least 17.5'

At the above noted stations, the road is flanked by steep slopes that exceed 30%, and the Leoma Lakes. The entire road is currently within the Leoma Lakes setback. The west side of the driveway is approximately 11.2 feet from the lake at the closest point, and the east side of the driveway abuts a steep slope.

The request is to minimize earthwork in this 516 foot length within the on-stream pond setbacks. The driveway has two turnouts within this length, at stations 43+61 and 45+15 and will maintain intervisibility. The applicants provided a visual model, demonstrating the travel path of a Type I Fire Engine through the requested exception area with a minimum clearance of 3 feet from the front bumper, and 2 feet from the rear wheel throughout the entire travel lane. Additionally, the project proposes signage that directs egressing vehicles to “Yield to emergency vehicles” at stations 64+00 and 50+00. The remainder of the road will be fully compliant with the RSS, providing a 22’ travel lane for the majority of the roadway, and a stretch of two one-way lanes with turnouts and turnaround areas along the length.

Engineering and Conservation Division Evaluation and Recommendation:

Engineering and Conservation Division staff have discussed the request noted above with Cal Fire/Napa County Fire Department and the applicant. With respect to Section (3) of the RSS as adopted by Resolution No. 2020-12 by the Board of Supervisors on February 4, 2020, this division has determined the following:

- The exception request has provided the necessary documentation as required by RSS Section 3(A). The request is in connection with a use permit major modification application for expansion of winery production and facilities.
- The proposed substandard width between the above identified road stations will minimize earthwork on slopes within conservation setbacks in order to preserve the existing environmental features and protect water quality and are justified based upon existing topographic conditions of the site.
- With respect to the findings for compliance with the current RSS, the proposal meets the definition of unique features of the natural environment as described in RSS Section 3(D)(i) in regards to the natural water courses and steep slopes. The Engineering Division along with Planning Division staff have discussed the constraints presented in the road exception request and find they meet the intent of RSS Section 3(D)(i) – preserving unique features of the natural environment.
- The roadway in the area of exception has two existing intervisible turnouts, and connects to a fully compliant two-lane roadway on both ends. With these turnout areas, the applicant is providing a roadway that is capable of supporting safe ingress and egress of two vehicles.
- The applicant proposes two “Yield to Emergency Vehicle” signs to avoid delays in emergency vehicle response.
- The applicant has provided an Emergency Vehicle turning exhibit for the exception area to demonstrate the turning radius for emergency apparatus with bumper clearances as required in the RSS.

- With respect to the findings for compliance with current RSS Section 3(E), the Engineering and Conservation Division and Cal Fire/Napa County Fire Department have discussed the improvements proposed and determined that their implementation would serve as an alternate method by which adherence to the RSS may be achieved and would provide the same overall practical effect as the RSS towards providing defensible space, preserving the natural environment and protecting the life, safety and welfare of the public.

The Engineering and Conservation Division supports the approval of the exception request as proposed with the following conditions that are in addition to any and all conditions previously placed on the project as part of the discretionary application:

1. The roadway shall be constructed and maintained to the approved condition prior to use and occupancy and throughout the life of the parcel or until such time the County deems that future road design changes or changes in use of this roadway beyond the use proposed shall require re-evaluation of the roadway to comply with the requirements of adopted codes, standards and regulations and may require additional conditions.
2. Access road shall meet the road surfacing requirements as described in the RSS for the entire length of the roadway.
3. To ensure the upkeep of the paved surfaces, the private road surface shall be periodically maintained by the property owner to assure sufficient structural section for loading conditions to the imposed loads of fire apparatus weighing at least 75,000 pounds and the design Traffic Index.
4. The property owner will implement a horizontal and vertical vegetation management plan consistent with California Department of Forestry and Fire Protection requirements along the entire length of the driveway to provide defensive space and improve sight distance.
5. Any/all future road design changes or changes in use of this roadway beyond the exception detailed on the above noted request dated March 16, 2020 shall require re-evaluation of the roadway to comply with the requirements of adopted codes, standards and regulations and may require additional conditions.

EXHIBIT A

KENZO ESTATES
SUMMARY OF PROPOSED ROAD IMPROVEMENTS

The following is a list of the proposed turnout stations and proposed improvements along the driveway on Wild Horse Valley Road:

- Station 6+00 to 12+00 – widen southern shoulder to provide full RSS width.
- Station 47+00 to 51+50 – widen eastern side of roadway to construct driveable swale and provide full RSS width
- Station 51+00 to 58+00 – widen western side of roadway to construct driveable swale and provide full RSS width.
- Station 58+00 to 72+50 – widen northern side of roadway to construct drivable swale and provide full RSS width. Widen access lane into guest parking lot.

EXHIBIT B

KENZO ESTATE
ROAD EXCEPTION REQUEST AND IMPROVEMENT PLANS



RSA+

CONSULTING CIVIL ENGINEERS + SURVEYORS +

SERVING CALIFORNIA SINCE

1980

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#4119018.0
August 31, 2020

David Morrison
County of Napa Planning, Building, and Environmental Services
1195 Third Street, Suite 210
Napa, CA 94559

RE: Kenzo Estate Use Permit Modification (P19-00396)
Driveway Exception

Dear David:

As part of the Use Permit Modification application we are requesting an exception to the commercial driveway requirements in the Road and Street Standards for a short portion of the winery’s access road. The driveway, known as Wild Horse Valley Road, is approximately 1.5 miles from the intersection with Monticello Rd/SR 121 to the Winery building complex. The exception is to a small section of the driveway of approximately 500 feet that passes by water bodies known as the Leoma Lakes, which are long-existing on-stream ponds. The exception request is based upon constraints from existing geographical features and stream setbacks. The remainder of the driveway either already meets, or is proposed to be widened to meet, the current standards.

The exception is sought pursuant to Sections 3(d)(i) of the Napa County Road and Street Standards. This section provides that:

(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;

b) Safe Civilian Evacuation

The driveway at either end of the 18 feet wide section will be widened to 20 feet to meet Napa County Road and Street Standards and allow for passing of passenger and emergency vehicles. Intervisible pullout areas are available within the section to remain at 18-foot width as described above.

c) Signing that avoids delays in emergency equipment response

“Yield to Emergency Vehicle” signs will be installed as shown on Sheets UP 5.1 and UP5.3 to avoid delays in emergency vehicle response.

d) Available and accessible water to effectively attack wildfire or defend a structure from wildfire

The exception request will not impact water availability or accessibility. The existing winery has approximately 82,000 gallons of water dedicated to fire suppression stored in tanks above the winery. This water is connected by fire water lines to 3 existing hydrants located around the winery. A fourth hydrant is proposed as part of this cave expansion project. There are also 2 on-stream ponds that have vehicular access and from which water could be drawn.

e) Fuel modification sufficient for civilian and fire fighter safety

The exception request will not impact fuel modification and is not located near any structures. The area of the winery will have 100 feet of defensible space maintained in all directions. Similarly, the driveway will have 10 feet of defensible space maintained on both sides.

The following summarizes the requested exception and findings:

Relevant section: STA: 42+70 to 47+86

Request: An exception to the minimum commercial driveway width of 20 ft paved plus 2 ft total shoulders as defined in Section 15 of the Napa County Road and Street Standards in the referenced portion of driveway.

Exception: No expansion will take place within the stream setbacks defined by the Napa County Conservation Regulations.

Findings:

Additional widening is constrained by environmental site limitations, including stream setbacks to a blue-line stream, the Leoma Lakes, and an ephemeral stream per Napa County Conservation Regulations section 18.108 which prohibits grading within the stream setbacks. The exception will preserve those existing natural features, including the ephemeral stream course. As detailed in a) to e) above, the existing road provides the same overall practical effect as the SRA Fire Safe Regulations.

Please do not hesitate to contact me should you have any questions regarding the above.

Respectfully,

DocuSigned by:
Bruce Fenton
C91AA92030A3404...
Bruce Fenton, P.E.
Project Manager



JK/ms



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David Morrison
Director

MEMORANDUM

To:	Joan Gargiulo Planner II	From:	Darell Choate EHS
Date:	April 22, 2020	Re:	Use Permit Modification for Kenzo Estate Located at 3200 Monticello Rd., Napa Assessor Parcel # 033-110-075-000 Permit# P19-00396

Environmental Health Division staff has reviewed a Use Permit Modification Application for Kenzo Estate. This Division has no objection to approval of the application with the following conditions of approval:

Prior to building permit issuance:

1. Plans for the proposed alternative sewage treatment system shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by these systems will be approved until such plans are approved by this Division.
2. Permits to construct the alternative sewage treatment system must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system.
3. The use of the dispersal field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the alternative sewage treatment systems include equipment storage, traffic, parking, pavement, livestock, etc.
4. Please be advised-requirements for process wastewater treatment systems in Napa County are being reviewed and may be modified to comply with State Water Quality Control Board (SWQCB) minimum standards.

During construction and/or prior to final occupancy being granted:

1. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the

applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.

2. The existing well must be properly protected from potential contamination. If the existing well(s) is to be destroyed, a well destruction permit must be obtained from this Division by a licensed well driller. If this well is not destroyed, it must be properly protected and an approved backflow prevention device installed according to the Water System's specifications.



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David Morrison
Director

To: Joan Gargiulo, Project Planner	From: Stacie Gutierrez, Plans and Permit Supervisor
Date: December 2, 2019	Re: Kenzo Estate Winery P19-00396

Building Inspection Division; Planning Use Permit Review Comments

APN: 033-110-075

Project: Kenzo Estate Winery

Description: Increase production from 102k to 150k, expansion of existing cave from 22,470 sf (Type 2) to 68,415 sf (Type 3 with a tasting room), and an addition of 3,350 sf crush pad including a 650 sf covering.

Comments: The Building Division is not reviewing this project for compliance with the California Building Standards at this time; the Building Division is reviewing the proposed Planning entitlements only, the Building Division has no issues or concerns with the approval of the Use Permit P19-00396; it is a Planning entitlement and does not in itself authorize any construction activities. Separate building permits shall be required.

The plans provided for the Use Permit application P19-00396 do not provide enough information in sufficient detail to determine all code building code requirements. A complete and thorough plan review will be performed at the time of application is made for the required building, plumbing, mechanical, electrical, and any other construction permits required by other Napa County Agencies. The following comments are provided to make the applicant aware of what codes the applicant will be required to comply with, as well as issues that may need to be addressed prior/during the building permit application and review process.

1. Building permits will be required to be pulled for cave expansions proposed in the Use Permit. All permits are valid 365 days from issuance of the permit. Please see the Building Departments website for more information on submittal requirements.
2. In accordance with the California Building Code, Chapter 1, Division 1, Section 1.1.9, which states, "only those standards approved by the California Building Standards

Commission that are effective at the time of application for a building permit is submitted shall apply to the plans and specifications for and to the construction under that permit. The codes adopted at this time are the 2016 California Building Standards Codes, Title 24, part 2, Building volumes 1 & 2, part 3 Electrical, part 4 Mechanical, part 5 Plumbing, part 6 Energy, part 9 Fire and part 11 Green Buildings. Please be aware there is a code change coming in 2020, so all plans submitted after December 31, 2019 will need to comply with 2019 California Building Standard Codes.

3. Consult with your design professional to ensure at the time of Building Permit submittal that you have provided that proper separation from any mixed occupancies. In particular proper separation from the tasting room and barrel storage. Have your design professional provide an exit plan at the time of permit application.
4. Consult with your design professional to design an Accessibility Plan. The site and associated buildings are required to be accessible to persons with disabilities. This includes but not limited to a van accessible parking stall, accessible path of travel from the parking stall to all buildings, restrooms, and areas on the site that are available to employees and the public. This plan will be reviewed during the plan review for your building permit.
5. Be sure to submit your egress and exiting plan that was included in your use permit application showing all occupancy types, occupant loads, and travel distances. Show Path of travel. An identifiable accessible route within an existing site, building or facility by means of which a particular area may be approached, entered and exited, and which connects a particular area with an exterior approach (including sidewalks, streets and parking areas), an entrance to the facility, and other parts of the facility. When alterations, structural repairs or additions are made to existing buildings or facilities, the term "path of travel" also includes the toilet and bathing facilities, telephones, drinking fountains and signs serving the area of work. This plan will be reviewed during the plan review for your building permit.
6. During plan review, occupant loads will determine occupancy types, exiting requirements, and restroom facilities. Consult with your design professional to make sure they accounted for that during the design phase.
7. Any existing structures and/or buildings on the property that will be demolished require a separate demolition permit issued by The Napa County Building Division prior to demolition. The applicant will be required to provide a J number form Bay Area Air Quality Management District at the time of application for the permit.

Issues with the compliance with the California Building Code, Title 24, will be addressed during the building permit application, review and approval process. If there are any questions, please have the applicant give me a call at (707) 299-1337.

All plans and documents for commercial projects are required by California Law to be prepared and coordinated under the direction of a California Licensed Design Professional, such as an Architect and/or Engineer in accordance with the California Business and Professions Code Chapter 3, and the California Building Code, Chapter 1.

Stacie Gutierrez
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Steven Lederer
Director

MEMORANDUM

To: PBES Staff	From: Ahsan Kazmi, P. E. Senior Traffic Engineer
Date: February 3, 2020	Re: Kenzo State Winery (P19-00396) Conditions of Approval

This memorandum on the Conditions of Approval is prepared at the request of Planning, Building, and Environmental Services (PBES) staff regarding the use permit application # P19-00396 for the Kenzo State Winery, located at 3200 Monticello Road, Napa, California.

In preparation of this memorandum, I have reviewed the following documents and also had a meeting with the applicant’s project team (including Joshua Devore, Thomas Adams and Marc Nanes) on January 21, 2020 to discuss the proposed modification project:

- Existing and proposed conditions winery traffic information/trip generation;
- Request for road exception letter by Tom Adams to Rick Marshall, dated March 10, 2016;
- Memorandum from Rick Marshall/DPW to Bruce Fenton in reference to the Left-Turn Lane Exception Approval, dated: November 3, 2016.
- Kenzo’s Use Permit Application, dated: September 26, 2019.

After careful evaluation and review of all the above mentioned documents, the Department of Public Works has made the following determination:

Traffic Impact Study Report (TIS)

Based on the existing and proposed conditions of the winery traffic information/trip generation provided along with the Use Permit Application, a TIS Report is not warranted. The applicant is not proposing any increase in full time/part time employees, no increase in daily visitations and no increase/changes in special events. The production will be increased from 102,000 gallons to 150,000 gallons. The net increase in daily traffic is one vehicle.

Installation of a Left Turn Lane

An exception for the installation of a left-turn lane at the project driveway along Monticello Road was provided per the provisions of Sections 3(G) of the Napa County Road and Street Standards by Public Works on November 3, 2016.

Pursuant to Sections 302, 303, and 408(a) of Napa County’s Local Procedures for Implementing the California Environmental Quality Act, the exception was evaluated within the scope of Negative Declaration P15-00293-MOD adopted by the Planning Commission on September 21, 2016. All potential environmental impacts from the exception were previously adequately addressed. Due to the exception it preserved the unique features of the natural environment.

Steep terrain on both sides of SR 121 at this location would require substantial grading. In addition, approximately 50 mature black oak, live oak and madrone trees were saved from removal due to construction of the left-turn lane. For the current Use Permit Application, the Department of Public Work's is honoring the left-turn lane exception approval provided on November 3, 2016.

Conditions of Approval

The following Conditions of Approval are established per the mutual understanding and discussion with the applicant/applicant representatives on January 21, 2020. Applicant will submit a comprehensive proposal on VMT and TDM for staff review and approval before the project can be presented to the planning commission for approval.

1. Vehicle Miles Traveled (VMT): Provide and implement a qualitative program on reduction of vehicles mile traveled. Applicant shall specify feasible measures to reduce VMT and shall provide an estimate of the VMT reduction that would result from each measure.
2. Transportation Demand Management (TDM): Provide and implement TDM strategies to reduce single-occupant vehicle use, encouraging more energy-efficient forms of transportation and contributing towards county's greenhouse gases emission reduction goals.
3. Each condition shall be fully met before issuance of occupancy and building permits:

Please contact me at Ahsan.Kazmi@countyofnapa.org or call (707) 259-8370 if you have questions or need additional information related to this condition of approval memorandum.



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Adam Mone
Fire Plans Examiner

MEMORANDUM

TO: Planning	DATE: 8/12/2020
FROM: Adam Mone, Plans Examiner	
SUBJECT: P19-00396, Kenzo Estate	APN: 033-110-075-000

Thank you for the comment responses dated July 13th, 2020 regarding this project.

The comment responses indicate that the applicant does not agree with several of the code interpretations made by the Fire Division. If further clarification of our interpretations is needed, the applicant is welcome to contact the Fire Marshal's Office via phone or email. The applicant is also encouraged to consult the documents referenced in California Code of Regulation (CCR) Title 19, section 1.09. If this does not satisfy, the applicant is welcome to appeal the code interpretations of the Fire Division in accordance with Napa County Municipal Code Section 15.32.040, following the procedures thereof.

Until such time as an appeal process has been concluded (and in accordance with 2019 California Fire Code section 104.1) **the authority to interpret the Fire Code lies solely with the Fire Code Official.**

As time to evaluate appeals has not been factored into plan review fees (appropriate time and staffing are required), appeals must be addressed separately from permits. We therefore require that future plan review comment responses **(for this project or any other project applied for by the applicant or their representatives)** address comments using only the code interpretations of the Fire Division.

Regarding the specific items of the comment response letter:

- 1) The comment responses regarding caves are inconsistent with 2019 California Building Code section 401 and the definition of "EXIT" found in chapter 2.

Applying 2019 California Building Code Section 446 in conjunction with section 401 and the definition of "EXIT" found in chapter 2 covers matters "pertaining to fire life safety" with "recognized fire prevention engineering practices" in a manner "such that no undue hazard to life and property is created or permitted" as required by California Code of Regulations title 19, section 1.09 paragraph (a).

Applying 2019 California Building Code Section 446 in conjunction with section 401 and the definition of "EXIT" found in chapter 2 is also consistent with "the National Fire Codes and NFPA Fire Protection Handbook published by the National Fire Protection Associations" (see Section 4 "human factors in emergencies" and various other relevant sections) as recognized California Code of Regulations title 19, section 1.09 paragraph (a)(1).

Applying 2019 California Building Code Section 446 in conjunction with section 401 and the definition of "EXIT" found in chapter 2 is also consistent with "2019 California Code of Regulations, Title 24, part 9, California Fire Code" (see chapters 9, 10 and other relevant sections) as recognized California Code of Regulations title 19, section 1.09 paragraph (a)(2).



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Adam Mone
Fire Plans Examiner

MEMORANDUM

- 2) Page 2 of the comment responses states "Kenzo will commit to construction of the cave in accordance with all approved permits and fire requirements as determined in the building permit process".

The Napa County Fire Marshal's Office therefore approves the proposed project with the following conditions of approval:

1. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of Building Permit issuance.
2. Beneficial occupancy will not be granted until all fire department fire and life safety items have been installed, tested and finalized.
3. Projects shall have an approved water supply for fire protection be made available as soon as combustible material arrives on the site. All underground fire lines, pump and tank plans are required to be a separate submittal from the building or civil plans.
4. Separate submittals required for Underground Fire Lines, Fire Pump, Automatic Fire Sprinklers, Fire Alarm Systems, Kitchen Hood Extinguishing Systems, High Piled Storage (any combustible stored over 12 feet in height) Emergency Responder Radio Coverage Systems.
5. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways and/or driveways. The fire access road shall comply with the requirements of the Napa County Road & Street Standards or an approved Road Exception as determined by the Engineering Division.
6. Access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Provide an engineered analysis of the proposed roadway noting its ability to support apparatus weighing 75,000 lbs.
7. Provide fire department access roads to within 150 feet of any exterior portion of the buildings as measured by an approved route around the exterior of the building or facility.
8. Roadways shall be a minimum of 20 feet in width with a 2 foot shoulder and 15 foot vertical clearance.
9. Driveways shall be a minimum of 10 feet in width with a 4 foot shoulder and 15 foot vertical clearance.
10. Turnouts shall be a minimum of 12 feet in width, 30 foot in length and 25 foot taper on each end.
11. Turnarounds are required on driveways and dead end roadways.
12. Grades for all roadways and driveways shall not exceed 16 percent.
13. Roadway radius shall not have an inside radius of less than 50 feet. And additional surface width of 4 feet shall be added to curves of 50-100 feet radius and 2 feet to curves of 100-200 feet radius.



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Fire Plans Examiner

MEMORANDUM

14. Gates for driveways and/or roadways shall comply with the California Fire Code, section 503.5 and the Napa County Road & Street Standards and CA Fire Safe Regulations for projects within SRA.
15. Commercial - Water storage (for buildings not served by a public water system) and fire flow calculations shall be provided by a Certified State Licensed Civil Engineer, C-16 licensed contractor, or registered engineer indicating compliance with California Fire Code Appendix B and the Napa County Municipal Code.
16. Commercial - Approved steamer hydrants shall be installed within 250 feet of any exterior portion of the building as measured along vehicular access roads. Private fire service mains shall be installed, tested and maintained per NFPA 24.
17. Commercial - Fire Department Connections (FDC) for automatic sprinkler systems shall be located fully visible and recognizable from the street or fire apparatus access roads. FDC shall be located within 50 feet of an approved fire hydrant.
18. Commercial - The minimum main size of all fire hydrants shall be 6 inches in diameter. Piping shall be installed with C-900 class 200 piping or ductile iron or equivalent per NFPA 24 for the installation of Underground Fire Protection Mains
19. Commercial - Developments in excess of 10,000 square feet require looped fire mains of a minimum of ten (10) inch diameter to supply fire hydrants spaced at a maximum of 300-foot intervals.
20. An automatic fire sprinkler system shall be installed in accordance with provisions set forth in the California Fire Code as amended by the County of Napa and the applicable National Fire Protection Association Standard. Automatic fire sprinkler systems shall be designed by a fire protection engineer or C-16 licensed contractor.
21. All buildings shall comply with California Fire Code, Chapter 10 Means of Egress requirements. Including but not limited to; exit signs, exit doors, exit hardware and exit illumination.
22. Provide 100 feet of defensible space around all structures.
23. Provide 10 feet of defensible space fire hazard reduction on both sides of all roadways of the facility.
24. Emergency responder radio coverage **in** new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building.

Please note that the comments noted above are based on a Fire Marshal review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. Napa County Fire Marshal's Office Development Guidelines can be found @ www.countyofnapa.org/firemarshal. Should you have any questions of me, contact me at (707)299-1466 or email at adam.mone@countyofnapa.org