

“C”

Previous Conditions of Approval
Kenzo Estate
P19-00396-MOD

Exhibit A

Kenzo Estate
Application Number P19-00396-MOD
3200 Monticello Road, Napa, CA 94558
APN #033-110-075

PREVIOUS CONDITIONS

4.21 The permittee shall comply with the following previous conditions of approval for the facility as consolidated in this document. To the extent there is a conflict between a previous condition of approval identified in this document and the Recommended Conditions of Approval, the more stringent condition shall control.

A. USE PERMIT NO. #03515-UP

COA No. 1: Scope

- ~~Wine production of no more than 85,000 gallons per year~~

SUPERSEDED BY P15-00293-MOD COA 1.1

- ~~Custom production activities (crushing, fermenting, barrel aging, and bottling, case goods storage and tasting) for a maximum of 5 custom producers utilizing a maximum of 21,250 gallons of the winery's proposed 85,000-gallon per year capacity. Custom production will not include retail wine sales, offices, or distribution/shipping;~~

REMOVED BY P15-00293-MOD COA 1.7

- ~~Tours and tasting by appointment only, 9:00 Am to 4:00 PM, maximum 25 persons per day, 75 per week;~~

SUPERSEDED BY P15-00293-MOD COA 1.2 & 4.1

- ~~Retail sales and tours and tasting by appointment only~~
- ~~Establish a Marketing plan as discussed below~~

SUPERSEDED BY P15-00293-MOD COA 1.2 & 4.0

- ~~Employees shall be limited to 9 full-time and 2 part-time (during harvest)~~

SUPERSEDED BY P15-00293-MOD COA 1.4

COA No. 2: Marketing: ~~Marketing events shall be imited as follows:~~

- a. ~~Private promotional tasting with meals:~~
- | | |
|-------------------------------|------------------------------|
| Frequency: | 25 times per year |
| Number of persons: | 50 maximum |

Time of Day: 7:00 PM to 10:00 PM (Friday and weekend)
Noon to 2:30 PM (weekend)

b. ~~Vintage Release Event:~~

~~Frequency: Two times per year
Number of persons: 150 persons
Time of Day: 7:00 PM to 10:00 PM (Friday and weekend)
Noon to 2:30 PM (weekend)~~

SUPERSEDED BY P15-00293-MOD COA 1.2 & 4.2

Shuttle buses, from a parking area approved by the Department, shall be utilized for all events with 50 or more visitors are to attend.

COA No. 3: Tours and Tastings

~~Tours and tastings are limited to a maximum of 25 persons/day with an average of 75 persons/week. During marketing events, the winery shall be closed for tours and tastings.~~

SUPERSEDED BY P15-00293-MOD COA 1.2 & 4.1

B. USE PERMIT MAJOR MODIFICATION #P12-00434-MOD

COA No. 2: PROJECT SPECIFIC CONDITIONS

- A. ~~Evans Consumption — Consistent with Assembly Bill 2004 (Evans) and the Planning, Building, and Environmental Services Director’s July 17, 2008 memo, “Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On Premises,” on-premise consumption may occur solely in Hospitality Building (tasting rooms/terraces, and picnic area. Any and all visitation associated with on-premise consumption shall be subject to the seventy five (75) person maximum weekly tours and tastings visitation limitation.~~

SUPERSEDED BY P15-00293-MOD COA 1.5 & 2.1

C. USE PERMIT MAJOR MODIFICATION #P15-00293-MOD

COA No. 1: Scope

- 1.1 ~~Increase production from 85,000 gallons to 102,000 gallons annually;~~

SUPERSEDED BY COA 1.2.f

COA No. 1: Scope

- 1.2 Visitation, tours and tastings, and a marketing plan as set forth in Condition of Approval (COA) 4.0 below;
- 1.4 Increase the number of employees from nine (9) full-time and two (2) part-time employees to 17 full-time and six (6) part-time seasonal employees;
- 1.5 On-site premises consumption of wines produced on site within the existing hospitality building and enclosed/opened patio spaces in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5;
- 1.7 Removal of the previous condition of approval imposing a 25% winery production limitation of custom grape crush producers. (Condition of Approval #1(e) of Use Permit #03513-UP)
- 1.8 *By separate action of the Director of Public Works – An exception to the Napa County Road Streets Standards for an exception to the requirement to install a left turn lane on Monticello Road has been granted. The project shall incorporate specific operational characteristics designed to limit the number of trips turning left into the site, including directing daily and marketing event visitors to arrive from Napa.*

COA No. 2: Project Conditions

2.1 On-Premises Consumption

In accordance with Business and Professions Code Sections 23358, 23390 and 23396.5 and the PBES Director’s July 17, 2008 memo, “Assembly Bill 2004 (Evans) and the Sale of Wine for Consumption On-Premises,” on-premises consumption of wine produced on-site and purchased from the winery may occur solely in the existing hospitality building and enclosed/opened patio spaces as specified in the application. Any and all visitation associated with on-premises consumption shall be subject to the maximum per person weekday and weekend daily tours and tastings visitation limitation and/or applicable limitations of permittee’s marketing plan set forth in Condition 4.0 below.

2.3 Permittee shall direct daily and event visitors, as well as, instruct employees, event staff and delivery drivers to the extent feasible, to arrive from Napa. Permittee shall provide visitors to the winery with arrival instructions at the time their appointment is made.

2.4 All winery access and egress shall be from Monticello Road, including employees, guests and deliveries. All winery traffic is restricted from Wild Horse Valley Road. (Condition of Approval #1p of Use Permit #03513-UP)

COA No. 4: Visitation

Consistent with County Code Sections 18.16.030 and 18.20.030, marketing and tours and tastings may occur at a winery only where such activities are accessory and “clearly incidental, related, and subordinate to the primary operation of the winery as a production facility.”

A log book (or similar record) shall be maintained to document the number of visitors to the winery (for either tours and tastings or marketing events), and the date of the visits. This record of visitors shall be made available to the PBES Department upon request.

4.1 TOURS AND TASTING

Tours and tastings shall be limited to the following:

- a. Frequency: 7 days per week, Monday through Sunday
- b. Maximum number of persons per day:
 1. 50 visitors Monday through Thursday and 100 visitors Friday through Sunday for the months May through October with a weekly maximum of 250 visitors
 2. 50 visitors Monday through Thursday and 75 visitors Friday through Sunday for the months November through April with a weekly maximum of 150 visitors
 3. Tours and Tastings visitors shall not exceed 50 visitors on days (Friday through Sunday) when marketing events are held.
 4. Tours and Tastings visitors shall not occur on the days (Monday through Thursday) when marketing events are held pursuant to Condition of Approval #3 Tours and Tastings of Use Permit #03513-UP.
- c. Hours of operation: 9:00 AM to 4:00 PM
- d. Retail sale of wines shall be complete by 4:30 pm and shall be limited to those wines set forth in Napa County Code Section 18.16.030(G)(5)(c) pursuant to Condition of Approval #3 Tours and Tastings of Use Permit #03513-UP.

“Tours and tastings” means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior appointments for tours or tastings.

Tours and tastings may include food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery and is incidental to the tasting of wine. Food service may not involve menu options and meal service such that the winery functions as a café or restaurant (County Code Section 18.08.620 - Tours and Tastings).

4.2 MARKETING

Marketing events with catered food service are limited to the following:

- a. Type of Event: Marketing
 1. Frequency: 36 times per year
 2. Number of persons: 50 maximum
 3. Time of Day: 11:00 AM to 9:30 PM

- b. Type of Event: Marketing
 - 1. Frequency: Four (4) times per year
 - 2. Number of persons: 150 maximum
 - 3. Time of Day: 11:00 AM to 9:30 PM

- c. Type of Event: Marketing
 - 1. Frequency: Two (2) times per year
 - 2. Number of persons: 75 maximum
 - 3. Time of Day: 11:00 AM to 9:30 PM

“Marketing of wine” means any activity of a winery which is conducted at the winery on a prearranged basis for the education and development of customers and potential customers with respect to wine which can be sold at the winery on a retail basis pursuant to the County Code Chapters 18.16 and 18.20. Marketing of wine may include cultural and social events directly related to the education and development of customers and potential customers provided such events are clearly incidental, related and subordinate to the primary use of the winery. Marketing of wine may include food service, including food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery.

Business events are similar to cultural and social events, in that they will only be considered as “marketing of wine” if they are directly related to the education and development of customers and potential customers of the winery and are part of a marketing plan approved as part of the winery’s use permit. Marketing plans in their totality must remain “clearly incidental, related and subordinate to the primary operation of the winery as a production facility” (County Code Sections 18.16.030(G)(5) and 18.20.030(I)(5)). To be considered directly related to the education and development of customers or potential customers of the winery, business events must be conducted at no charge except to the extent of recovery of variable costs, and any business content unrelated to wine must be limited.

Careful consideration shall be given to the intent of the event, the proportion of the business event’s non-wine-related content, and the intensity of the overall marketing plan (County Code Section 18.08.370 - Marketing of Wine).

All activity, including cleanup, shall cease by 10:00 PM. If any event is held which will exceed the available on-site parking, the applicant shall prepare an event-specific parking plan which may include, but not be limited to, valet service or off-site parking and shuttle service to the winery.

5.0 GRAPE SOURCE

~~At least 75% of the grapes used to make the winery’s 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~~

~~Agricultural Commissioner'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.~~

14.0 GROUND WATER MANAGEMENT – WELLS

~~Please contact the Planning Division with any questions regarding the following:~~

- ~~a. The permittee shall (at the permittee's expense) maintain data regarding monthly well monitoring and the total annual groundwater pumped. Such data shall include water extraction volumes and static well levels of the well. All monitoring shall commence within six months of the issuance of this Permit, upon commencement of the winery use authorized by this Permit, whichever occurs first, and shall be submitted not later than January 31st every calendar year thereafter and available upon the County's request at any other time. Water usage shall be minimized by use of best available control technology and best water management conservation practices.~~
- ~~b. No new on-site or off-site water sources (other than those evaluated as part of this Permit) proposed to be used for the winery, including but not limited to wells, imported water, new or existing ponds/reservoir(s) or other surface water impoundments, to serve the winery, shall be allowed without additional environmental review, if necessary, and may be subject to a modification to this permit. A new Water Availability Analysis shall be required prior to approval of any new water source(s) on the property.~~
- ~~c. Permittee shall limit groundwater use for the winery to 3.14 acre-ft. per year. Any exceedance of this amount in a calendar year is a material breach of this permit.~~
- ~~d. If water use for the winery from the well exceeds 3.14 acre-ft. per year in a calendar year by 10% or more (a significant exceedance), the permittee shall both immediately notify the County and cease any activity causing the exceedance, shall begin daily well monitoring, and shall promptly prepare a report to be submitted to the PBES Director regarding the reasons for the significant exceedance and the measures immediately taken and to be taken to bring the significant exceedance into compliance with this condition.~~

~~The PBES Director may set this permit for a revocation or modification hearing before the Commission within 60 calendar days of discovery of the significant exceedance for possible modification, revocation, or suspension.~~

- ~~e. If the water use for the winery from the well exceeds 3.14 acre-ft. in a calendar year by less than 10%, the permittee shall notify the County, and promptly provide a report of the following:~~
 - ~~1. water volume used;~~
 - ~~2. the reason for exceedance;~~
 - ~~3. the plan the winery has for reducing water use so as not to exceed the allocation the following year; and~~
 - ~~4. other information that may be affecting water use.~~

~~If after two calendar years of reporting the monitoring shows that the annual water allocation identified above continues to be exceeded by less than 10%, the PBES Director shall schedule the permit for review by the Planning Commission and possible modification, revocation or suspension.~~

- f. ~~The permittee shall be required to include the well in the County's Groundwater Monitoring program upon the County's request.~~



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Steven Lederer
Director

May 6, 2016

Bruce Fenton, Project Manager, RSA+
1515 Fourth Street
Napa, CA 94559

Subject: Kenzo Estates
P15-00293

Dear Bruce,

Thank you for your letter of May 4, 2016 regarding the requirement for left-turn lane improvements on State Route 121 Monticello Road at your project's main access driveway. The project, as proposed, warrants the installation of a left-turn pocket at this location. You have demonstrated a thorough exploration of the impact of complying with the left-turn lane requirement, having produced an exhibit depicting construction of the widening required to install the left-turn pocket. Your request for an exception to this requirement is acceptable; I find as follows in making this determination:

1. *The requested exception will preserve these unique features of the natural environment.* Steep terrain on both sides of SR 121 at this location would require substantial grading, as demonstrated with the exhibit noted in #1 above. In addition, approximately 50 mature black oak, live oak and madrone trees would be removed with construction of the left-turn pocket.
2. *The requested exception will provide the same overall practical effect as the left-turn pocket required by application of the Road & Street Standards, as follows:*
 - a. The applicant has proposed specific operational characteristics designed to limit the number of trips turning left into the site, including directing daily and marketing event visitors to arrive from Napa. Measured traffic movements at the site indicate the success of these measures already in effect with the existing development on the site.
 - b. The applicant has previously provided improvement on SR 121 Monticello Road in the form of an eight-foot wide shoulder along the north side of the road, a total length of 500 feet, centered on (and across from) the project entry driveway, based on Caltrans' request at the time of the original development on the site. This widening provides an area where westbound traffic on Monticello Road can carefully bypass a waiting left-turning vehicle, if necessary.

I will convey this recommendation to the Department of Planning, Building and Environmental Services, related to your application P15-00293.

Please email me at Rick.Marshall@countyofnapa.org or call (707) 259-8381 if you have questions or need additional information.

Regards,

Rick Marshall
Deputy Director of Public Works
Road Commissioner & County Surveyor

C: PBES staff