



**A Tradition of Stewardship  
A Commitment to Service**

**Conservation Development and Planning**

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**Hillary Gitelman**  
Director

February 10, 2010

Peter and Patricia Kitchak  
805 8<sup>th</sup> Street, Ste 3914  
Minneapolis MN 55402

**Re: Use Permit #P09-00148-UP and Variance #P09-00149-VAR  
KITCHAK WINERY  
1094 Hardman Avenue  
Napa, CA 94558  
APN: 039-190-038-000**

Dear Mr. & Mrs. Kitchak:

Please be advised that Use Permit #P09-00148-UP and Variance #P09-00149-VAR was **APPROVED** by the Napa County Conservation, Development and Planning Commission (hereinafter the Commission) on **January 20, 2010**, subject to the attached final Conditions of Approval, Napa County departmental comments, and all applicable Napa County regulations. In approving the above application, the Commission found the project Categorically Exempt pursuant to Section 15303 and 15305 of the California Environmental Quality Act (Class 3 – New Construction or Conversion of Small Structures and Class 5 – Minor Alteration in Land Use Limitations) and Appendix B, Class 3 (New Construction or Conversion of Small Structures Item #10: Small Wineries) of the Napa County's Local Procedures for Implementing the California Environmental Quality Act.

In addition, the Commission **DENIED** the applicant's request for an Exception to the Napa County Road and Street Standards for the winery driveway. However, as directed by the Commission, a condition was added regarding treatment of the driveway improvements (under #1. Scope).

This permit becomes effective immediately unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. You have the right to appeal the Conditions of Approval and you will be notified should an appeal be filed by another party.

**Pursuant to Napa County Code §18.124.080, the use permit modification must be activated within two (2) years of the approval date, or it will automatically expire and become void.** This letter serves as the only notice you will receive regarding the expiration date of your permit.

**EXPIRATION DATE: January 20, 2012**

Pursuant to Government Code §66020(d)(1), you are hereby further notified that the ninety day period in which to protest the imposition of any fees, dedications, reservations, or other exactions which may have been adopted as conditions of approval has begun.

If you have any questions regarding this letter please feel free to contact me at: 707-299-1349 or via email: [thornish@co.napa.ca.us](mailto:thornish@co.napa.ca.us). On behalf of the Conservation, Development and Planning Department, it was a pleasure serving you.

Best Regards,

Patricia Hornisher  
Planner III

cc: Applicant file  
Chron. file  
Napa County Assessor  
Napa County Environmental Management  
Napa County Public Works

attchmnts. (2): Adopted Conditions of Approval - Exhibit B  
Adopted Findings - Exhibit A  
Other Agency Conditions

## **EXHIBIT B**

### **CONDITIONS OF APPROVAL**

**Kitchak Winery Use Permit  
#P09-00148-UP & #P09-00149-VAR  
1094 Hardman Avenue, Napa  
Assessor's Parcel #'s: 039-190-038-000**

**Approval of Variance request #P09-00149- VAR to allow the following:**

Approval of a Variance (#P09-00149-VAR) from the required winery road setbacks set forth in Napa County Code section 18.104.230 (A.) (2.) to allow a winery to be established 196 feet from the centerline of a private road where 300 feet is required.

**Approval of a Use Permit request #P09-00148-UP to allow the following:**

**1. SCOPE:** The use permit shall be limited to:

- Establishment of a new, 5,000 gallon maximum per year winery (consistent with the Napa County Winery Production Process);
- Conversion of an existing 2,048 square foot, single-story, residential garage to be used as a winery production / wine tasting retail sales building for a winery totaling 2,048 square feet;
- Construction of a 300 square foot covered crush pad or Napa County Public Works approved alternative;
- Use of a 400 square foot uncovered hospitality patio;
- One full-time and two part-time employees;
- Six parking spaces;
- Tours and tasting by appointment only with a maximum of 12 visitors per day (84 visitors per week max.);
- A marketing plan with: six 20-person promotional events with catered meals per year; four 30-person release events per year with No Tours & Tasting Appointments or Marketing Events to be held on the same day and will hold no Temporary Events;
- Installation of a hold and haul winery process wastewater system;
- Improvement of the existing driveway from Hardman Avenue to the winery structure to comply with Napa County Road and Street Standards with consideration for the existing conditions so as to: 1) have the least amount of effect on existing improvements; 2) conserve costs to the permittee; and, 3) preserve existing landscape design aesthetics.

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. It is the responsibility of the applicant 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 changes in use shall be in accordance with Section 18.124.130 of the Napa County Code and may be subject to the Use Permit modification process.

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**2. \*MARKETING:** Marketing events shall be limited as follows:

- a. Frequency: 6 times per month (and shall not be held on the same day as any other marketing event or any tours and tasting appointment.)  
Number of persons: 20 maximum  
Time of Day: 11:00 AM to 10:00 PM  
Days per Week: Seven  
Meals shall be catered with food prepared at an off-site, County approved location.
- b. Frequency: 4 times per year (and shall not be held on the same day as any other marketing event or any tours and tasting appointment.)  
Number of persons: 30 maximum  
Time of Day: 11:00 AM to 10:00 PM  
Days per Week: Seven
- c. No Temporary Events shall be allowed.

\*\*\*"Marketing of wine" means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis.

Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis, and may include food service without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development. (Ord. 1104 § 11, 1996: Ord. 947 § 9 (part), 1990: prior code § 12071). All activity, including cleanup, shall cease by 10:00 PM. Start and finish time of all activities shall be scheduled to minimize all vehicles arriving or leaving between 4:00 PM and 6:00 PM.

**3. \*TOURS AND TASTING:**

Tours and tastings shall be limited to a maximum of 12 visitors per day (84 maximum visitors per week;

\*\*\*"Tours and tastings" means tours of the winery and/or tastings of wine, where such tours and tastings are limited to members of the wine trade, persons invited by a winery who have pre-established business or personal relationships with the winery or its owners, and persons who have made unsolicited prior appointments for tours or tastings. (Ord. 947 § 9 (part), 1990: prior code § 12070).

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Start and finish time of tours and tastings shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM, and shall be limited to those wines set forth in Napa County Code Sec. 18.16.030(G)(5)(c). A log book (or similar record) shall be maintained which documents the number of visitors to the winery, and the dates of their visit. This record of visitors shall be made available to the Department upon request.

#### **4. GRAPE SOURCE:**

At least 75% of the grapes used to make the winery's wine shall be grown within the County of Napa. The permittee shall keep records of annual production documenting the source of grapes to verify that 75% of the 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 Conservation, Development and Planning Department upon request, but shall be considered proprietary information not available to the public.

#### **5. SIGNS:**

Prior to installation of any winery identification or directional signs, detailed site plans and sign design plans, including locations, elevations, materials, color, and lighting, shall be submitted to the Planning Department for administrative review and approval. 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 use permit approval. All signs shall meet the design standards as set forth in Chapter 18.116 of the County Code. At least one sign placed and sized in a manner to inform the public must legibly and visibly include wording stating "Tours and Tasting by Prior Appointment Only".

#### **6. GATES/ENTRY STRUCTURES:**

Any gate installed at the winery entrance shall be reviewed by the Conservation, Development and Planning Department, Public Works Department and the Napa County Fire Department to assure that it is designed to allow 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 according to the County Code. 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 use permit approval.

#### **7. LIGHTING:**

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All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, and shall be the minimum necessary for security, safety, or operations and shall incorporate the use of motion detection sensors to the greatest extent practical. 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. Prior to issuance of any building permit for construction of the winery, 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 Department review and approval. All lighting shall comply with Uniform Building Code (UBC).

#### **8. LANDSCAPING/PARKING:**

Two (2) copies of a detailed landscaping plan, including parking details, shall be submitted for review and approval prior to issuance of building permits. The plan shall indicate the names and locations of all plant materials to be used along with the method of maintenance. **Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.** The location of employee and visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any). Landscaping and parking shall be completed prior to occupancy, and shall be permanently maintained in accordance with the landscaping plan.

All existing trees within the area planned for development shall be indicated on the landscaping plan according to species and size. Trees planned for removal shall be indicated on the detailed landscaping plan. No trees greater than 6" DBH shall be removed, except for those identified on the submitted site plan. Any trees that are removed shall be replaced elsewhere on the property on a 2 for 1 basis of equivalent caliper. Replaced trees shall be identified on the landscaping plan. Trees to be retained shall be protected during construction.

Evergreen screening shall be permanently installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and off-site residences that can view these areas. This permanent screening requirement shall also include any cave portal, cave portal retaining wall and entrance pad that are visible from a public or private road.

Parking shall be limited to approved parking spaces only and shall not occur along access roads or in other locations except during harvest or approved marketing events. In no case shall parking impede emergency vehicle access or public roads. If any event is held which will exceed the available on-site parking, the applicant shall arrange for off-site parking and shuttle service to the winery.

#### **9. OUTDOOR STORAGE/SCREENING/UTILITIES:**

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All outdoor storage of winery equipment shall be screened from the view of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No item in storage is to 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. This permanent screening requirement shall also include any cave portal, cave portal retaining wall and entrance pad that are visible from a public or private road.

New utility lines required for this project that are visible from any designated scenic transportation route (see Chapter 18.106 of the Napa County Zoning Ordinance for designated roads) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

#### **10. RENTAL/LEASING:**

No winery facilities, nor portions thereof, including but not limited to offices, kitchens, barrel storage areas, and warehousing space, shall be rented, leased, nor used by entities other than persons producing and/or storing wine at the on-site winery, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (Chapter 5.36).

#### **11. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:**

The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Departments and Agencies, including but not limited to:

Department of Environmental Management as stated in their revised letter dated December 18, 2009.

Department of Public Works Department as stated in their letter of January 8, 2010, and letter for Groundwater dated January 8, 2010. No Comment from Traffic Section.  
County Fire Department as stated in their letter of December 29, 2009.

Building Division as stated in their letter of December 24, 2009.

Napa County Sheriff's Department has no comment.

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

#### **12. GRADING AND SPOILS:**

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All grading and spoils generated by construction of the project facilities, including cave spoils, shall be disposed of per Public Works direction. All spoils piles shall be removed prior to occupancy.

#### **13. WELLS / WATER SYSTEMS:**

The permittee may be required (at the permittee's expense) to provide well monitoring data if it the Director of Environmental Management determines that water usage at the winery is affecting, or would potentially affect groundwater supplies or nearby wells. Data requested could include, but may not be limited to, water extraction volumes and static well levels. If applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gage potential impacts on the groundwater resource utilized for the project proposed.

Water usage shall be minimized by use of best available control technology and best water management conservation practices. In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the use permit would significantly affect the groundwater basin, the director of environmental management shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the director has provided notice and the opportunity for hearing in compliance with the County Code section 13.15.070.G-K.

#### **14. NOISE:**

Construction noise shall be minimized to the maximum extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project terrain or access road condition 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 between the hours of 8 AM to 5 PM.

Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed winery buildings.

#### **15. COLORS:**



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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 and the applicant shall obtain written approval by the Conservation, Development and Planning Department prior to painting the building. Highly reflective surfaces shall be prohibited.

**16. 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 during windy periods.

**17. 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 Conservation, Development and Planning 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 the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that he 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 nearest tribal relatives as determined by the State Native American Heritage Commission would be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

**18. TRAFFIC:**

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will not occur during peak (4-6 PM) travel times to the maximum extent possible. All road improvements on private property required per the Department of Public Works shall be maintained in good working condition.

**19. ADDRESSING:**

All project site addresses shall be determined by the Conservation, Development and Planning Director, and reviewed and approved by the U.S. Post Office, prior to issuance of any building permit. The Conservation, Development and Planning 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 numbers. For multi-

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tenant or multiple structure projects, this includes building permits for later building modifications or tenant improvements.

#### **20. STORM WATER CONTROL:**

For any construction activity that results in disturbance of greater than one acre of total land area, permittee shall file a Notice of Intent with the California Regional Water Quality Control Board (SRWQCB) prior to any grading or construction activity. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified. Parking lots shall be designed to drain through grassy swales, buffer strips, or sand filters prior to any discharge from the impervious surface into a watercourse. If any discharge of concentrated surface waters is proposed in the any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board. All trash enclosures must be covered and protected from rain, roof, and surface drainage.

#### **21. INDEMNIFICATION:**

An indemnification agreement, in the form attached hereto, shall be signed and returned to the County within twenty (20) days of the granting of this approval.

#### **22. AFFORDABLE HOUSING MITIGATION:**

Prior to County issuance of a building permit, the applicant shall pay the Napa County Affordable Housing Mitigation Fee in accordance with the requirements of County Code Chapter 15.60 or as may be amended by the Board of Supervisors.

#### **23. 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 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. Costs shall be as established by Board Resolution in accordance with the hourly consulting rate established at the time of the monitoring. Violations of conditions of approval or mitigations measures caused by the permittee's contractors, employees, and guests are the responsibility of the permittee.

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The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies 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 it is so warranted, to commence revocation hearings in accordance with section 18.124.120 of the County Code.

#### **24. TEMPORARY AND FINAL OCCUPANCY:**

All project improvements, including compliance with all applicable codes, conditions and requirements from all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Certificate of Final Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. The County Building Official is authorized to grant a Temporary Certificate of Occupancy to allow specified limited use of the project, such as commencement of production activities, prior to completion of all project improvements. Marketing, Tours and Tastings are not typically authorized until grant of Final Occupancy, but exceptions can be requested due to extenuating circumstances and are subject to review and approval by the County Building Official and the Director of Conservation, Development and Planning. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the Temporary Certificate of Occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.



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**Department of Public Works**

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**Donald G. Ridenhour, P.E.**  
Director of Public Works

## **PUBLIC WORKS DEPARTMENT INTER-OFFICE MEMORANDUM**

**DATE:** January 8<sup>th</sup>, 2010

**TO:** Trish Hornisher, Conservation Development and Planning Department

**FROM:** Drew Lander, Assistant Engineer

**SUBJECT:** Kitchak Winery, APN 039-190-038, P09-00148UP

The application will allow the establishment of a winery with a production capacity of 5,000 gal/yr by converting an existing residential garage to a winery facility. This application proposes 1 full time and 2 part time employees; construct a 6 space parking lot; and provide tours and tasting by appointment only with a maximum of 8 persons/day. Applicant has requested a modification to the road and street standards which would allow the existing driveway to remain with no further improvements.

### **EXISTING CONDITIONS:**

1. Existing access road currently serves two private residences and exceeds County Road and Street standards for a residential driveway with 12 ft of roadway width and approximately 6 ft of shoulder.
2. The winery site is currently developed with an existing residence with detached garage and residential driveway access.
3. The site is located North of Hardman Avenue approximately 600ft to the winery site.

### **RECOMMENDED CONDITIONS:**

#### **GROUNDWATER**

1. See attached groundwater comments dated January 8<sup>th</sup>, 2010.

**PARKING:**

2. Any parking proposed by the applicant or required by the Planning Commission as a condition of this use permit must have a minimum structural section equivalent to support an H20 load designed by a licensed Civil or Geotechnical Engineer and shall not be less than two inches of asphalt concrete over 5 inches of Class II Aggregate. (County Road and Street Standards, Page 27, Section 19).
3. Parking lot details shall conform to the requirements of the latest edition of the Napa County Road and Street Standards.
4. Hammerhead turn around area must be delineated with the appropriate signage and/or striping to prevent cars from parking within the turn around and to maintain clearance for the fire hydrant access.

**DRIVEWAY:**

5. The access driveway has been evaluated for physical, environmental or legal constraints that would prevent the widening of the existing driveway to meet the current Common Drive standard used to serve a public facility. This department can not recommend any existing constraints that would prevent the full improvement of the winery access to the Common Drive standard.
6. Access drive shall be a minimum of 18 feet wide with 2 feet of shoulder. Structural section shall be a minimum two inches of asphalt concrete surface over five inches of Class II Aggregate or equivalent (County Road and Street Standards-Common Drive, Page 9, Standard 12).
7. All driveway access to the public right of way must conform to the latest edition of the Napa County Road and Street Standards (Page 52, Detail P-2).
8. The applicant must obtain an encroachment permit for any work performed within the Napa County Right-of-Way.

**SITE IMPROVEMENTS:**

9. No improvements to Hardman Ave are required by this application. Traffic volumes do not warrant a left turn lane at this location under the existing proposal.
10. 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 this office prior to the commencement of any on site land preparation or construction. Plans shall be submitted with the building permit documents at the time of building permit application. A plan check fee will apply.
11. Proposed drainage for the development shall be shown on the improvement plans and shall avoid the diversion or concentration of stormwater runoff onto adjacent properties. Plan shall also

include a hydraulic analysis for the drainage improvements indicating the path and changes of runoff.

12. Any grading, drainage and parking improvements approved by this Use Permit shall be constructed according to the latest "Napa County Road and Street Standards" and the 2007 California Building Code Appendix J and shall be reviewed and approved by this office prior to construction.
13. If excess material is generated that cannot be used onsite, the owner shall furnish to the County of Napa Public Works Department evidence that the owner has entered into agreements with the property owners of the site involved and has obtained the permits, licenses and clearances prior to commencing off-hauling operations.

#### **OTHER RECOMMENDATIONS:**

14. Prior to the issuance of any grading or building permit, or the signing of improvement plans, the permittee and County shall survey and document the condition of the nearest County road before construction begins, and then reevaluate conditions at the end of construction. Prior to Occupancy of any buildings or commencement of any use, the permittee shall be responsible for repair of any pavement degraded due to its construction vehicles.

#### **CONSTRUCTION STORMWATER REQUIREMENTS**

15. The property owner or his/her designee must understand all parts of these conditions and must maintain the construction site in compliance during all phases of construction.
16. Any construction activity that will result in disturbance of greater than one acre of total land area will require the permittee to obtain coverage in accordance with Napa County's General Permit for Discharges of Storm Water Associated with Construction Activity ([Construction General Permit, 99-08-DWQ](#)) issued by the Regional Water Quality Control Board (SRWQCB). To achieve this, the permittee shall file a Notice of Intent with the SRWQCB prior to any grading or construction activity. Construction activity subject to this permit includes but is not limited to clearing, grading and disturbances to the ground such as stockpiling, or excavation. The SWPPP relating to the project improvement plans shall be submitted with the building permit application. A plan check fee will apply.
17. Any construction activity that will result in disturbance of greater than 10,000 sq ft of total land area but less than one acre of total land area will require the permittee to prepare and maintain a Stormwater Quality Management Plan (SQMP) to be submitted with the building permit application. A plan check fee will apply.
18. All earth disturbing activities shall include measures to prevent erosion, sediment, and waste materials from leaving the site and entering waterways both during and after construction in conformance with the Napa County Stormwater Ordinance. Best Management Practices shall also be implemented to minimize dust at all times. Grading on slopes greater than 5% between October 15 and April 1 requires an extension.

19. Implement effective erosion control measures, as appropriate, to protect exposed soils from being transported by rainfall, flowing water, or wind. Erosion control measures may include, but are not limited to: straw mulch, fiber mat blankets, bonded fiber matrix, soil compaction, and temporary and permanent vegetation.
20. Implement sediment control measures, as appropriate, to trap soil particles after they have been detached and moved by rain, flowing water, or wind. Examples of sediment control measures that may be used include, but are not limited to: fiber rolls, silt fence, check dams, and storm drain inlet protection.
21. Maintain a designated washout area to remove sediment and chemical pollutants that may be produced from cleaning tools and machinery. A washout area is a temporary wash basin sufficient in size to allow wash water to pond and allow the sedimentation and disposal of particles that have been rinsed off of project equipment. Pollutants include but are not limited to: paint, cement, stucco, etc.
22. Properly maintain all litter, dumps, or stockpiles in such a manner that they will not result in a contaminated discharge.
23. All hazardous materials stored and used on-site during construction that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, concrete, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified.
24. All entrances/exits of a project site shall be protected by a surface that will ensure any vehicles leaving the construction site will not track sediment onto any publicly maintained roadways.
25. The property owner shall inform all individuals, who will take part in the construction process, of these requirements.

#### **POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS**

26. Project must conform and incorporate all appropriate site design Best Management Practices as required by the Napa County manual for *Post-Construction Runoff Management Requirements* which is available at the Public Works office.
27. Prior to final occupancy the property owner must legally record an "implementation and maintenance agreement" approved by the Public Works department to ensure all post-construction structures on the property remain functional and operational for the indefinite duration of the project.
28. Crush pad areas must be covered, graded or otherwise controlled to preclude all runoff from entering the stormdrain system without human intervention.

29. Each year the entity responsible for maintenance of any installed post-construction stormwater facilities is required to complete an annual report that includes copies of completed inspection and maintenance checklists to document that maintenance activities were conducted during the previous year. The annual report shall be retained for a period of at least five years and made available upon request by the County.
30. Parking lots and other impervious areas shall be designed to drain through grassy swales, buffer strips, sand filters or other sediment control methods which will be approved by this Department.
31. If any discharge of concentrated surface waters is proposed into any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board prior to the issuance of applicable construction permits.
32. Provide concrete stamping, or equivalent, of all stormwater conveyance system inlets and catch basins within the project area with prohibitive language (e.g., "No Dumping – Drains to Napa River"). Signage shall identify the receiving water the drain discharges to and include a message in Spanish.
33. Trash storage areas shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, and screened or walled to prevent off-site transport of trash. Trash storage areas must contain a roof or awning to minimize direct precipitation or contain attached lids on all trash containers that exclude rain.

**Any changes in use may necessitate additional conditions for approval.**

If you have any questions regarding the above items please contact Drew Lander at 253-4351. For groundwater questions, please contact Anna Maria Martinez.





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A Commitment to Service

Alicia Amaro  
Napa County Fire  
Asst. Fire Marshal  
1199 Big Tree Road  
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alicia.amaro@fire.ca.gov

Main: (707) 967-1425  
Fax: (707) 967-1474  
Cell: (707) 486-5782

## INTER-OFFICE MEMO

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TO: Hillary Gitelman, Director  
Conservation, Development, and Planning Department

FROM: Alicia Amaro, Fire Department

DATE: December 29, 2009

SUBJECT: Kitchak Winery Use Permit Revision Comments  
Apn: 039-190-038 P09-00148

**Site Address: 1094 Hardman Avenue, Napa**

The Napa County Fire Marshal staff has reviewed the revised Use Permit application to convert an existing 2,047 square foot residential garage / barn to a 5,000 gallon per year winery with tours and tastings by appointment only and limited marketing events. We recommend that the following items shall be incorporated as project conditions or mitigation measures if the commission approves the project.

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. The minimum required fire flow for the protection of the proposed building is 200 gallons per minute for 60 minutes duration at 20 pounds residual water pressure with a storage volume of 12,000 gallons.
3. A fire pump may be required to meet the fire flow requirements. The fire pump shall be installed and maintained in accordance to the *National Fire Protection Standard (NFPA) #20 (Installation of Stationary Pumps for Fire Protection 2003 edition)*. Fire pumps are required to be listed and tested by an approved testing agency and are required to be either diesel driven or electric. Electric fire pumps also require a secondary power source.
4. The private fire service mains shall be installed and maintained in accordance with the

*National Fire Protection Standard # 24 (Installation of Private Fire Service Mains and Their Appurtenances 2002 edition).*

5. The location, number and type of fire hydrants connected to the water supply shall be in accordance with the *California Fire Code, 2007 edition*.
6. All post indicator valves, control valves, waterflow devices and fire pumps will also require monitoring by an approved remote station or central alarm monitoring company. The fire alarm system shall be designed and installed in accordance with the *National Fire Protection Standard #72 (Fire Alarm Code, 2002 edition)*.
7. Fire apparatus access roads shall be provided to within 150 feet of all portions of the structures. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet at the building site and an unobstructed vertical clearance of not less than 15 feet. **It does not appear that there is access for fire department vehicles on the west side of the winery building per the site plans dated November 18, 2009.**
8. Access roads from the public and/or private right-of- ways to the project/ building site shall comply with Napa County Road and Street Standards and shall be reviewed by the Napa County Public Works Department.
9. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide driving capabilities in all weather conditions. Said access shall be provided prior to any construction or storage of combustible materials on site.
10. The applicant shall be responsible for maintaining 10 feet of defensible space along each side of the roadway. This defensible space zone shall include the removal of all dead fuel, dry grass mowed to less than four inches in height, the removal or cutting of all brush, the removal of small trees less than 8 inches in diameter and the removal of all ladder fuel on existing trees up to 8 feet in height, within 10 vertical feet of each side of the roadway.
11. A defensible space zone shall be created around all structures. This defensible space zone shall be 100' from all portions of a structure. Flammable vegetation shall be removed and/or modified in the defensible space zone to create a fuel break that will help protect the structures from an encroaching wildland fire and will protect the surrounding wildland areas from a structure fire originating on-site.
12. The request for beneficial occupancy ***will not*** be considered until all fire and life safety issues have been installed, tested and finalized.
13. The approved address numbers shall be placed on the building by the applicant in such a position as to be plainly visible and legible from the street or streets fronting the property and shall be placed as to be seen from all entrances. Proposed address shall be indicated on the elevation drawings contained within the building plan submittal. The address numbers shall be a minimum of 4" in height for the building, contrasting in color with their background and shall be illuminated.
14. An approved project sign shall be placed at vehicle access points into the project during

construction to assist emergency responders. The sign shall identify the project name and address. Such signs shall be clearly visible and legible from the street fronting the project.

15. The applicant shall properly identify all required fire lanes. Fire lanes shall be painted red with white letters to read "NO PARKING FIRE LANE CVC 22500.1, stenciled every 30 feet on top of the curb or on signs.
16. An approved access walkway shall be provided to all exterior doors and openings required by either the *California Fire Code* or the *California Building Code*. A concrete sidewalk or other approved hard surface will meet the intent of the access walkway requirement. Adequate space adjacent to the access walkway, vertically and horizontally, shall be provided to allow firefighters to access required building openings in order to effectively perform rescue operations, to allow for equipment maneuverability. Any landscaping adjacent to the access walkway shall be such that it does not obstruct the functional purpose of the walkway upon maturity.
17. Buildings with high piled storage exceeding 12 feet in height shall be equipped with smoke and heat vents and curtain boards in accordance with the *California Fire Code, Chapter 23, 2007 edition*.
18. Firefighter access doors in high piled storage occupancies shall be installed every 100 linear feet per the *California Fire Code, Chapter 23, 2007 edition*.
19. Currently serviced and tagged fire extinguishers with a minimum rating of 2A10BC shall be provided within 75 feet of travel distance from any portion of the facility and shall be mounted 3 1/2 to 5 feet to the top of the extinguisher.
20. All exit doors shall be operable without the use of a key or any special knowledge or effort.
21. Illuminated exit signs and emergency back up lighting shall be installed throughout the building per the *California Building Code, section 1004, 2007 edition*.
22. A Knox cabinet will be required to allow emergency vehicle access to the site. Because an alarm system is required the Knox box/cabinet will require "tamper monitoring".
23. The Knox Cabinet shall have one or all of the following items placed in the Knox cabinet, dependent on requirements of this facility:
  - a. A minimum of 2 master keys to the structure(s) for emergency access.
  - b. 2 scaled site plans of the facility, identifying all buildings, hydrants, fire department access around the facility, and location of all water, electric, and gas shut-off valves.
  - c. 2 scaled floor plans of all structures showing doors, offices, etc.
  - d. Napa County Hazardous Materials Business including all MSDS forms, etc.
  - e. **A digital file of the site and floor plans in a PDF format must be submitted at building final in addition to the hard copies listed above.**
24. A complete set of Building Plans shall be submitted to the Fire Department for review and approval for egress requirements.

25. Barricades shall be provided to protect any natural gas meter, fire hydrant, or other fire department control device, which may be subject to vehicular damage. Approved signs may be required to identify the location of fire protection devices.
26. Technical assistance in the form of a fire protection engineer or consultant acceptable, and reporting directly, to the NCFD shall be provided by the applicant at no charge to the County for independent peer review of alternate methods and materials proposals.
27. Plans detailing compliance with the fire and life safety conditions-of-approval shall be submitted to the Napa County Fire Marshal's Office for review and approval prior to building permit issuance and /or as described above.
28. "Fire Plan Review and Inspection" fees shall be paid to the Fire Department for all applicable plan review and inspection work at the established hourly rate as adopted by the Napa County Board of Supervisors by resolution.

Please feel free to contact the Napa County Fire Marshal's Office at (707) 967-1425 to discuss any fire protection issues you may have regarding your project.

Alicia Amaro  
Assistant Fire Marshal



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A Commitment to Service

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## INTER-OFFICE MEMO

---

**TO:** Public Works

**FROM:** Alicia Amaro, Fire Department

**DATE:** December 29, 2009

**SUBJECT:** Kitchak Winery Road Exception Request  
Apn: 039-190-038 P09-00148

**Site Address: 1094 Hardman Avenue, Napa**

The Napa County Fire Marshal's office has reviewed the application submitted by the applicant at the above address for a road modification request.

We agree with Public Work's that a 20' wide road is required for this project.

If you have any questions please do not hesitate to call me at (707) 967-1425.

Alicia Amaro  
Assistant Fire Marshal



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**Department of Public Works**

1195 Third Street, Suite 201  
Napa, CA 94559-3092  
[www.co.napa.ca.us/publicworks](http://www.co.napa.ca.us/publicworks)

Main: (707) 253-4351  
Fax: (707) 253-4627

**Donald G. Ridenhour, P.E.**  
Director of Public Works

## GROUNDWATER MEMORANDUM

**DATE:** January 8, 2010

**TO:** Conservation Development and Planning Department

**FROM:** Annamaria Martinez, Assistant Engineer *AM*  
Phone: 707-259-8378  
Email: [annamaria.martinez@countyofnapa.org](mailto:annamaria.martinez@countyofnapa.org)

**SUBJECT:** Kitchak Winery, APN# 039-190-038, File # P09-00148

The application is to convert a permitted residential garage/barn to a winery with an annual production of 5,000 gallons. The property is located on Hardman Avenue in Napa.

### EXISTING CONDITIONS:

1. Parcel is located in the "Valley Floor" groundwater region.
2. Existing usage is 2.75 AF/Year.

### RECOMMENDED CONDITIONS:

1. We have reviewed the phase one, water availability analysis for the proposed project. The 14.77 acre parcel is located in the valley floor groundwater region with an extraction threshold of 1.0 AF/Acre, resulting in a total parcel threshold of 14.77 AF/Year. The estimated water demand of 2.88 AF/Year is below the established threshold for the property. Therefore, the projected water use for this project should not have a significant impact on static water levels of neighboring wells.

No further analysis is necessary.



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Conservation, Development and Planning

1195 Third Street, Suite 210  
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www.co.napa.ca.us

Main: (707) 253-4417  
Fax: (707) 253-4336

Hillary Gitelman  
Director

12-24-09 Updated letter

**Building Inspection Department review comments for inclusion with:**

Planning Department permit: P09-00148 Use Permit General

Status of Building Department review of this Use Permit: Approved: awaiting future building permit submittal.

At parcel: 039-190-038  
1094 Hardman Avenue, Napa, CA

Owner: Peter & Patricia Kitchak

Description of permit: Request for a use permit to establish a 5,000 gallon per year winery of approximately 2,047 SF to be located within an existing residential garage which is to be converted to winery use; a 500 SF crush pad; hold and haul winery waste disposal system; 1 full-time and 2 part-time employees; 6 winery related parking spaces; tour & tasting by appointment only maximum 8 persons per day and, a Marketing Plan of unspecified amounts. Also requires a variance from the required 300 foot setback from the centerline of a private road. (P09-00149 -VAR.)

Comments:

Conversion of the existing garage accessory to the dwelling into a Winery involves a change in building occupancy classification; this requires a building permit. Improvements and revisions to the existing building and facilities will be required. One Example: The existing bathroom in the garage doesn't appear to meet some of the applicable code requirements for accessibility required for commercial restrooms per CBC Chapter 11B. The Building Department is not reviewing this project for compliance with CA Building Standards at this time; it is only reviewing the proposed Planning entitlement. All Building Code issues will be dealt with during future building permit application and review processes. Building Department approval of this Planning Use Permit doesn't imply that the existing facilities are fully acceptable for the proposed future winery use without some future alterations being required to meet California Building Standards Code requirements.

The Building Department is able to approve the Use Permit General; it is a planning use permit only and doesn't in itself authorize any change in occupancy or construction.

A building permit is absolutely required for conversion of the previously finished garage for the dwelling into a winery. It is the necessary and primary vehicle for delineating the existing facilities and detailing any improvements or alterations to be done to demonstrate

how the facilities will conform to the California Building Standards Code requirements as well as the many requirements and conditions of approval from the various County agencies laid out in the General Use Permit approval letter. The plans and documents for this future building permit must detail how all conditions of approval are being met. They will be routed around to all the effected agencies for review for conformance to the agencies requirements. Each agency will need to approve the building permit for their aspects in order for the permit to be approved for issuance.

All plans and documents for commercial projects are required by State Law to be prepared and coordinated under the direction of a California Licensed Architect, or other allowable properly CA-Licensed Design Professional in Responsible Charge (Business and Professions Code, Chapter 3, Division 3 & California Building Code, Appendix Chapter 1).

Prior to any future construction work, or change in occupancy, applicable building permits for the work must first be obtained; all work must comply with all applicable code requirements, including accessibility requirements of CBC Chapter 11B. Submit complete & appropriate plans, specifications, energy compliance, accessibility compliance, engineering, etc., as needed when applying for permits.

**Eric Banvard**  
Plans & Permit Supervisor  
Conservation Development & Planning  
Napa County, CA 94559  
[eric.banvard@countyofnapa.org](mailto:eric.banvard@countyofnapa.org)





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REVISED (11/20/09)

\* REVISED SITE PLAN W.  
TRASH ENCLOSURE; HOLD & HAVL SEPTIC

FILE #: P09-00148UP  
Conservation Development and Planning

1195 Third Street, Suite 210  
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Main: (707) 253-4417  
Fax: (707) 253-4336

Hillary Gitelman  
Director

**PERMIT APPLICATION AND INITIAL STUDY  
REQUEST FOR COMMENTS**

TO: ENV. MGMT

APPLICATION TITLE: REVISED - KITZBAK WINERY APN: 039-190-038

DESCRIPTION OF PROJECT: CONVERSION OF PREVIOUSLY CONSTRUCTED (PERMITTED) RESIDENTIAL GARAGE TO WINERY USE. PRODUCTION: 5,000 GAL/YR; 2047 SQ FT WINERY PROD BLDG (FORMERLY GARAGE) - TOURS & TASTING APPT; MARKETING 4 EVENTS/50 PERSONS/YR; 300 SQ FT CRUSH PAD.

RESPONSE REQUEST DATE: 12/3/09 RESPONSE RETURN DATE: 12/18/09

PLEASE RESPOND VIA E-MAIL TO: thornish @countvofnapa.org  
OR FAX TO (707) 299-1349

This application (see enclosed project description and maps) is being sent to you for your review and comment.

With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

1. Do you have any comments on this project? ☐ Yes ☐ No
2. Do you have jurisdiction by law over this project? ☐ Yes ☐ No
3. Attach your agencies comments, or list below: ☐ Comments attached ☐ Comments below.

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RECEIVED

DEC 05 2009

DEPT. OF  
ENVIRONMENTAL MANAGEMENT

Name of contact person: \_\_\_\_\_ Telephone #: \_\_\_\_\_

Email: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_



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**Environmental Management**

1195 Third Street, Suite 101  
Napa, CA 94559  
www.co.napa.ca.us

Main: (707) 253-4471  
Fax: (707) 253-4545

**Steven Lederer**  
Director

**MEMORANDUM**

**To:** Napa County Planning Department  
Hillary Gitelman, Planning Director

**From:** Napa County Environmental  
Management Department  
Kim Withrow, Sr. Env. Health Specialist *KW*

**Date:** December 18, 2009

**Re:** Use Permit Application for Kitchak  
Winery  
Located at 1094 Hardman Ave  
Assessor Parcel # 039-190-038  
File #P09-0148

We have reviewed the above proposal and recommend approval of the application providing the following are included as conditions of approval:

1. Pursuant to Chapter 6.95 of the California Health and Safety Code, businesses that generate hazardous waste and/or store hazardous materials above threshold amounts shall obtain a permit and file an approved plan with this Department within 30 days of said activities. If your business does not generate hazardous waste and/or store hazardous materials above threshold quantities, a Hazardous Materials Negative Declaration shall be filed.
2. A permit for hold and haul system must be secured from this Department prior to approval of a building clearance (or issuance of a building permit) for any improvements to the structure that generates wastewater to be disposed of by this system.
3. The use of the absorption field/drain 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 septic system include equipment storage, traffic, parking, pavement, livestock, and etc.
4. Plans for the proposed hold and haul system shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any improvements to the structure that generates wastewater to be disposed of by this system will be approved until such plans are approved by this Department.
5. If any uncovered outdoor processing areas are proposed, the applicant must submit a proposal from their engineer that addresses proper diversion and direction of storm water and process wastewater

from such areas. This proposal must include a detail on the diversion valve (or equivalent) must be provided to this department prior to issuance of sewage permits.

6. An annual holding tank permit must be obtained for the hold and haul system prior to issuance of a final on the project. The monitoring, as required by this permit, must be fully complied with.
7. An annual operating permit is required for the subsurface drip system which requires contracting with a service provider to monitor this system. Submit a copy of the contract within 30 days of use permit approval.
8. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
9. 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.
10. Adequate area must be provided for collection of recyclables. 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 access needed for the collection site. The garbage and recycling enclosure must meet the enclosure requirements provided during use permit process and be included on the building permit submittal.
11. All diatomaceous earth/bentonite must be disposed of in an approved manner. If the proposed septic system is an alternative sewage treatment system the plan submitted for review and approval must address bentonite disposal.
12. The proposed water system to serve this project is not currently required to be regulated as a small public water system by this Department under California Code of Regulations, Title 22, or Napa County Code. Therefore, we have no comment as to its adequacy at this time. The applicant will be required to provide minimal information on the water system prior to approval of a building permit, and may wish to retain the services of a consultant in this matter.

Cc: Kitchak Winery, 1094 Hardman Ave., Napa CA 94558  
T. Hornisher, CDPD



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**Environmental Management**

1195 Third Street, Suite 101  
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Main: (707) 253-4471  
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Steven Lederer  
Director

**MEMORANDUM**

<b>To:</b> Napa County Planning Department Hillary Gitelman, Planning Director	<b>From:</b> Napa County Environmental Management Department Kim Withrow, Sr. Env. Health Specialist
<b>Date:</b> December 17, 2009	<b>Re:</b> Variance Application for Kitchak Winery Located at 1094 Hardman Assessor Parcel # 039-190-038 File #P09-00149

We have reviewed the above proposal and recommend approval of the application providing the following are included as conditions of approval:

1. We have neither recommendations nor conditions of approval to be included if the project is approved.

**RECEIVED**

**DEC 21 2009**

**NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.**

Cc: Kitchak Winery, 1094 Hardman Ave., Napa, CA 94558  
T. Hornisher, CDPD



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REVISED (11/20/09)

FILE #: P09-00148 UP  
Conservation Development and Planning

1195 Third Street, Suite 210  
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Main: (707) 253-4417  
Fax: (707) 253-4336

Hillary Gitelman  
Director

**PERMIT APPLICATION AND INITIAL STUDY**  
**REQUEST FOR COMMENTS**

TO: SHERIFF

APPLICATION TITLE: REVISED - KITZBAK WINERY APN: 039-190-038

DESCRIPTION OF PROJECT: CONVERSION OF PREVIOUSLY CONSTRUCTED (PERMITTED) RESIDENTIAL GARAGE TO WINERY USE. PRODUCTION: 5,000 GAL/YR; 2047 SQ FT WINERY PROD BLDG (FORMERLY GARAGE) - TOURS & TASTING APPT; MARKETING 4 EVENTS/50 PERSONS/YR; 300 SQ FT CRUSH PAD.

RESPONSE REQUEST DATE: 12/3/09 RESPONSE RETURN DATE: 12/18/09

PLEASE RESPOND VIA E-MAIL TO: thornish @countyofofnapa.org  
OR FAX TO (707) 299-1349

This application (see enclosed project description and maps) is being sent to you for your review and comment.

With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

1. Do you have any comments on this project? ☐ Yes ☒ No
2. Do you have jurisdiction by law over this project? ☐ Yes ☒ No
3. Attach your agencies comments, or list below: ☐ Comments attached ☐ Comments below.

NO COMMENTS AT THIS TIME

**RECEIVED**

DEC 11 2009

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

Name of contact person: JEAN DONALDSON Telephone #: 259-8672

Email: jean.donaldson@countyofnapa.org

Title: CAPTAIN

Date: 12-09-09