

**USE PERMIT and VARIANCE
APPLICATION**

KITCHAK WINERY

**1094 HARDMAN AVE
NAPA, CA**

APN # 039-190-038

Resubmitted November 20, 2009

(*PORTIONS REVISED ON DEC. 30, 2009)

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November 20, 2009
(* REVISED DEC 30, 2009)

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VARIANCE APPLICATION**

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KITCHAK WINERY USE PERMIT AND VARIANCE APPLICATION

SUMMARY STATEMENT

Revised July 1, 2009
Revised July 14, 2009
Revised November 19, 2009
Revised December 30, 2009

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

Property Address: 1094 Hardman Ave, Napa
APN: 039-190-038
Zoning: AP (except the driveway only which appears to be AW).
Owners: Peter and Patricia Kitchak
Parcel Size: 14.77 Acres
On Site: One 4 bedroom house + a barn/garage of approximately 2,050 square feet

History: Peter and Patricia Kitchak purchased the property in March 2006 and started construction of a home and garage/barn in April of 2007. The project was substantially completed in September of 2008. The garage/barn was originally designed to house the Kitchak's collection of historic racing cars, but since purchasing the property, the Kitchak's have become interested in wine-making and have started to sell their car collection to accommodate a wine making operation in the space originally designed as a barn/garage. While the residence has a wine cellar of approximately 785 square feet, that wine cellar is for the Kitchak's personal wine collection and is not intended to be part of the "winery project."

Winery

General Statement: The Kitchak's are applying for a use permit to operate a very small winery (5,000 gal max).

**Winery Square
Footages and
Coverage:**

Total Site is 14.77 Acres. Development area is 2707.5 SF. Winery Coverage is 21,566.5 SF or 3.35% of the Site. Total Production facility is 2047.5 SF. The accessory uses include only a tasting bar and retail space of 70 SF or 3.41 % of the Production area. See details under tab # 11.

No New Buildings: All activities will take place within existing buildings. No additional construction, with the exception of an outdoor crushpad (to be used only during harvest) and the installation of a "hold and haul" waste water tank, is contemplated. All winery operations, including fermentation, storage of case goods and packaging will be confined to the existing barn/garage. Fulfillment is likely to be

handled off-site by a third party. Bottling will be contracted with a mobile bottling operation.

**Private Tours
and Tastings:**

Tours and Tastings will be by appointment only. Tours and Tastings will take place during the week and on weekends between the hours of 10 AM and 4PM. Tastings will be limited to 12 people per day and no more than 8 people per tasting/tour. We expect to have up to four small release events (less than 30 people) per year. We will have a maximum of 6 private promotional marketing events per year with catered food. Such events will be limited to 20 people. We will not permit tasting appointments during any of our other marketing events. If any food is provided, it will be catered.

Waste Water:

The submittal package contains a feasibility report from Sterk Engineering, Inc for a Hold-and-Haul waste water system with the back-up or reserve area a system whereby the waste water is treated in a 2000 gallon tank and then recycled as irrigation in the vineyard. The existing barn has a toilet room for winery employees, vineyard employees and guests. That toilet room will be remodeled to meet ADA standards. That toilet is connected to the existing residential waste water septic system which is designed for a 6 bedroom house (the house has 3 actual bedrooms although it is deemed to have four by the county) and which has more than adequate capacity to handle that waste water from the winery toilet.

**Traffic –
Trip Generation:**

Because this is intended to be a very small operation in which we do most of the work ourselves, trip generation is, at best, very difficult to estimate. Trip generation calculations are provided as part of the application. The property presently contains a vineyard of Merlot and Cabernet Sauvignon Grapes. We presently have one full time and occasionally up to 2 part time employees working on the vineyard and the grounds. We do not contemplate the need for any additional employees to operate the Winery (we expect to do most of the work ourselves) although there may be an occasional part time employee and an occasional trip by a consulting wine-maker. Deliveries should not have a material impact. Currently UPS and/or FedEx visits one or the other of the two houses sharing the drive almost daily. No more than one or two additional trips, in an out, per week are expected. **We expect many fewer trips per day from our house and winery combined that the neighbor (who shares the drive) has for their house, guest-house, vineyard workers and domestic help.**

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Most of the grapes used in our operation will be harvested on our own property. We have also, for the last two years, purchased the next door neighbors grapes for the wine that we presently make at a custom crush facility. We expect to continue that practice. As a result, harvest time trips may actually be reduced from the present level with the presence of an on site winery.

Parking:

There is a large general parking area on the site, and an additional parking area near our pump house. The plans which are being submitted show specific parking places, but the site, for aesthetic reasons, is finished with chip-seal and gravel and not expected to be striped. Four guest spaces, (one ADA space plus 3 other guest spaces) are shown. Two employee parking spaces are shown on the site and we do not expect to have more than two employee cars on site at any given time. Although it is not required our site plan also shows where residential parking is located for your convenience. There is actually adequate parking for 20+ cars on the site. All deliveries are expected to be via FedEx, UPS and similar delivery services. No large trucks are expected.

Common Drive:

The property and the neighbor's property (1100 Hardman Ave) are serviced by a common drive of approximately 670 feet in length. The Kitchaks own the property on which the drive is located and the owner's of 1100 Hardman have an easement for ingress and egress over the driveway. A letter to the Director of Public Works requesting a roadway exception for the common drive is included under Tab #22. We have an e-mail from Public Works indicating tentative approval for our request. A copy of that e-mail is also included under Tab #22

Drive Easement

Requires Variance:

Since the neighbors have an easement over the common drive and since the north end of the drive is within 300 feet of the proposed winery, (the actual distance of 196' is shown on the plans submitted with the application), a variance is apparently required. An application for that variance is being submitted herewith. None of the activities of the winery should negatively affect the neighbor's use and enjoyment of their property or the easement. The building in which the winery will be contained is completely screened from the view of the 1100 Hardman Ave property by landscaping which is already installed. In fact, the Kitchaks have substantially improved the entry gate, the drive and the driveway landscaping on their own (without requesting a contribution from the owners of 100 Hardman) since the Kitchak's acquisition of the property. A copy of the driveway use and maintenance agreement has been submitted together with the Application for the Variance.

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**No View-shed
Issues:**

There were no view shed issues raised when the house and barn were originally designed and constructed and the house and barn are not subject to the view-shed ordinance.

**No Geo-tech
Issues:**

There were no issues related to geo-tech questions at the time of the original construction. There was a significant cut and fill on the site, but the cut and compaction were carefully monitored to insure the correct amount of compaction. Since there is no new construction of any buildings, no geo-tech issues should be involved.

**No Archeological
Issues:**

According to the county website, the property lies within an archaeologically sensitive area. However, during the initial planning of the building no archaeological study was required and no archaeological issues were discovered during construction. The crushpad to be constructed will be constructed within an area that was cut, filled and compacted during the original construction of the existing buildings.

No Landslides:

Although the county website suggests that landslides may be present, there is no evidence of any past landslides. The Winery is near the high point of the site and sits on level ground. The slope above the buildings is much less than 10% and is well drained.

**Storm water
Runoff:**

All of the storm water on the site is handled underground and is piped underground into the creek below the pond on the west side of the site as shown on the original building plans. There is a combination of a so-called "French drain" and piping along the entire east property line to deal with run-off from the property above and to the east. No additional hard surface will be constructed in connection with the use as a winery.

**Lake Cynthia
State Water Rights
Application:**

A sizeable portion of Lake Cynthia is located on the property. The Lake is subject to a State Water Resources Board License for Diversion and Use of Water. Application # 14975; Permit #9226; and License Number #5267. **A copy of the license is attached to this Summary Statement as Exhibit A.** The License grants William Hill Napa, Inc. and Anthony Cataldo and Ione Cataldo (the owners of 1100 Hardman) the right to divert (or use) up to 100 acre feet annually only for water "necessary to keep the storage

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DEVELOPMENT & PLANNING DEPT.

reservoir full by replacing water lost by evaporation and seepage...” There is no apparent right to use the water for irrigation or for winery uses. The Kitchak Winery does not plan to use any of the water in Lake Cynthia for winery purposes and the Kitchaks do not use any of that water for vineyard irrigation.

- Timing:** All work related to making the Barn usable as a winery, and the installation of all initial equipment can be handled in under 30 days. It is contemplated that work would take place in the spring of 2010.
- Power:** The site is currently serviced with a 600 amp electrical service, including a 3 phase 220V service. There is also a 9+ KW Photovoltaic Solar system on site.
- Contact:** Peter Kitchak – pkitchak@keewaydin.com; Office and cell – 612-889-0910.

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DEVELOPMENT & PLANNING DEPT.

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of License 5267 (Application 14975)
Anthony Cataldo, Ione Cataldo and William Hill Napa Inc.

ORDER ISSUING AN AMENDED LICENSE

SOURCE: Unnamed Stream

COUNTY: Napa

WHEREAS:

1. License 5267 was issued pursuant to Application 14975 to William V. Hill and Lillian M. Hill on July 2, 1958, and recorded with the County Recorder of Napa County on July 3, 1958.
2. The Division of Water Rights (Division) record of ownership for License 5267 shows the current holders of the license as Anthony Cataldo, Ione Cataldo and William Hill Napa Inc.
3. Division staff conducted an inspection on July 25, 2001. As a result of this inspection, Division staff determined that corrections of the descriptions of the place of use, character of use, point of diversion and amount specified for withdrawal are warranted. The Division will also add Term 40 that limits storage for non-consumptive uses.

The State Water Resources Control Board (SWRCB) agreed that the license should be amended by correcting the descriptions of the place of use, character of use and point of diversion, by deleting the amount specified for withdrawal, by adding Term 40 and by updating and/or adding the SWRCB's standard license terms pertaining to continuing authority, water quality objectives, endangered species and stream alterations.

THEREFORE, IT IS ORDERED THAT:

The attached Amended License 5267 is issued, superceding former License 5267 issued on July 2, 1958.



Edward C. Anton, Chief
Division of Water Rights

Dated: DEC 20 2001

Application 14975

Permit 9226

License 5267

Recording of this Order is prescribed by Water Code section 1651 and under the provisions of Government Code section 27383 it is exempt from payment of a recording fee.

MAILING LIST

CERTIFIED MAIL

William Hill Napa Inc.
c/o Glenn C. Salva
1751 Atlas Peak Road
Napa Valley, CA 94558

Anthony and Ione Cataldo
1100 Hardman Avenue
Napa, CA 94558

REGULAR MAIL

County Recorder
County of Napa
1195 Third Street, Room 110
Napa, CA 94559-3084



STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 14975
Page 1 of 3

PERMIT 9226

LICENSE 5267

THIS IS TO CERTIFY, That

William Hill Napa Inc.,
Anthony Cataldo and Ione Cataldo
c/o Anthony Cataldo
1100 Hardman Avenue
Napa, CA 94558

have made proof as of **July 25, 2001** (the date of inspection) to the satisfaction of the State Water Resources Control Board (SWRCB) of a right to the use of the waters of an **Unnamed Stream in Napa County**

tributary to **Napa River thence San Pablo Bay**

for the purpose of **Recreational, Wildlife Enhancement and Fire Protection uses.**

Amended License 5267 supersedes the license originally issued on **July 2, 1958**, which was perfected in accordance with the laws of California, the Regulations of the SWRCB, or its predecessor, and the terms of **Permit 9226**. The priority of this right dates from **August 18, 1952**.

The amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **one hundred (100) acre-feet per annum** to be collected from **November 1** of each year to **April 1** of the succeeding year.

The capacity of the reservoir covered by this license shall not exceed **100 acre-feet**.

(000005N)

After the initial filling of the reservoirs, the Licensee's right under this license extends only to water necessary to keep the storage reservoir full by replacing water lost by evaporation and seepage, and to refill if emptied for necessary maintenance or repair. This right shall be exercised only during the authorized diversion season.

(0000040)

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

By California Coordinate System of 1927, Zone 2, North 248,629 feet and East 1,919,682 feet, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 22, T6N, R4W, MDB&M.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

At Lake Cynthia within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 22 and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 23, all within T6N, R4W, MDB&M, as shown on map on file with the SWRCB.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the SWRCB.

Licensee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by the SWRCB, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling planktonic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the SWRCB.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE WATER RESOURCES CONTROL BOARD

*Edward C. Anton, Chief
Division of Water Rights*

Dated: DEC 20 2001



FILE # PO9-00148-04

NAPA COUNTY
CONSERVATION, DEVELOPMENT & PLANNING DEPARTMENT
1195 Third Street, Suite 210, Napa, California, 94559 • (707) 253-4417

A Tradition of Stewardship
A Commitment to Service

APPLICATION FORM

FOR OFFICE USE ONLY

ZONING DISTRICT: AP Date Submitted: JUN 9, 2009
TYPE OF APPLICATION: USE PERMIT (PO9-00149) & VARIANCE Date Published: _____
REQUEST: CONVERSION OF EXISTING RESIDENTIAL GARAGE TO 6,000 GAL/YR WINERY; WINERY SQ FT TOTALS 2,048; HOLD & HAUL WASTEWATER SYST; RD MOD REQUEST Date Complete: NOV 2, 2009

TO BE COMPLETED BY APPLICANT
(Please type or print legibly)

PROJECT NAME: KITCHAK WINERY PERMIT
Assessor's Parcel #: 039-190-038 Existing Parcel Size: 14.77 ACRES
Site Address/Location: 1094 HARDMAN NAPA CA 94558
No. Street City State Zip
Property Owner's Name: PETER & PATRICIA KITCHAK
Mailing Address: 805 8th STREET SUITE 3914 MINNEAPOLIS, MN 55402
No. Street City State Zip
Telephone #: (612) 889-0910 Fax #: (612) 349-6439 E-Mail: P.KITCHAK@KITCHAKCELLARS.COM
Applicant's Name: PETER KITCHAK
Mailing Address: 805 8th STREET, SUITE 3914 MINNEAPOLIS MN 55402
No. Street City State Zip
Telephone #: () - Fax #: () - E-Mail: _____
Status of Applicant's Interest in Property: OWNER
Representative Name: N/A
Mailing Address: _____
No. Street City State Zip
Telephone #: () - Fax #: () - E-Mail: _____

I certify that all the information contained in this application, including but not limited to the information sheet, water supply/waste disposal information sheet, site plan, floor plan, building elevations, water supply/waste disposal system site plan and toxic materials list, is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, including the right of access to the property involved.

Peter R. Kitchak 3-30-09
Signature of Property Owner Date

Peter R. Kitchak 3-30-09
Signature of Applicant Date

PETER KITCHAK
Print Name

PETER R. KITCHAK
Print Name

TO BE COMPLETED BY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT

*Application Fee Deposit: \$ _____ Receipt No. _____ Received by: _____ Date: 6/9/2009

*Total Fees will be based on actual time and materials

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NAPA CO. CONSERVATION DEVELOPMENT & PLANNING DEPT.

Revised 12/30/09

INFORMATION SHEET

I. USE

- A. Description of Proposed Use (attached detailed description as necessary) (including where appropriate product/service provided): A 5,000 gallon Winery Permit
- B. Project Phases: one two more than two (please specify): _____
- C. Estimated Completion Date for Each Phase: Phase 1: JUNE 20, 2010 Phase 2: _____
- D. Actual Construction Time Required for Each Phase: less than 3 months More than 3 months
- E. Related Necessary On- And Off-Site Concurrent or Subsequent Projects: NONE
- F. Additional Licenses/Approval Required:
 District: _____ Regional: _____
 State: HSC Federal: TTB

II. BUILDINGS/ROADS/DRIVEWAY/LEACH FIELD, ETC.

- A. Floor Area/Impervious area of Project (in square ft): 22,026.5
 Proposed total floor area on site: BUILDING IS 2,047.5 CRUSHPAD IS 300
 Total development area (building, impervious, leach field, driveway, etc.) _____
 New construction: 300 SF CRUSHPAD ONLY
 existing structures or portions thereof to be utilized: 2,047.5 existing structures or portions thereof to be moved: 0
- B. Floor Area devoted to each separate use (in square ft):
 living: EXISTING storage/warehouse: 0 offices: 0
 sales: TC caves: 0 other: 0
 septic/leach field: EXISTING roads/driveways: 13,084 See TAB II
- C. Maximum Building Height: existing structures: 24' new construction: 0
- D. Type of New Construction (e.g., wood-frame): NA
- E. Height of Crane necessary for construction of new buildings (airport environs): NA
- F. Type of Exterior Night Lighting Proposed: NONE
- G. Viewshed Ordinance Applicable (See County Code Section 18.106): Yes No
- H. Fire Resistivity (check one; If not checked, Fire Department will assume Type V – non rated):
 Type I FR Type II 1 Hr Type II N (non-rated) Type III 1 Hr Type III N
 Type IV H.T. (Heavy Timber) Type V 1 Hr. Type V (non-rated)
 (Reference Table 6 A of the 2001 California Building Code)

III. PARKING

	Existing	Proposed
A. Total On-Site Parking Spaces:	<u>2 (RESIDENTIAL)</u>	<u>8</u>
B. Customer Parking Spaces:	<u>0</u>	<u>4</u>
C. Employee Parking Spaces:	<u>0</u>	<u>2</u>
D. Loading Areas:	<u>SEE PLAN</u>	<u>SEE PLAN</u>

IV. TYPICAL OPERATION

	Existing		Proposed
A. Days of Operation:	<u>N/A</u>		<u>7 DAYS</u>
B. Expected Hours of Operation:	<u>10-4 VINEYARD</u>		<u>10-4</u>
C. Anticipated Number of Shifts:	<u>1 VINEYARD</u>		<u>1</u>
D. Expected Number of Full-Time Employees/Shift:	<u>1</u>		<u>1</u>
E. Expected Number of Part-Time Employees/Shift:	<u>2</u>		<u>2</u>
F. Maximum Number of Visitors			
• busiest day:	<u>N/A</u>	<u>TOURS & TASTING</u> <u>12</u>	<u>LARGEST MARKETING</u> <u>30</u>
• average/week:	<u>N/A</u>	<u>31</u>	<u>16</u>
G. Anticipated Number of Deliveries/Pickups			
• busiest day:	<u>1</u>		<u>2</u>
• average/week:	<u>3</u>		<u>4</u>

V. SUPPLEMENTAL INFORMATION FOR SELECTED USES

A. Commercial Meeting Facilities *N/A*
 Food Serving Facilities

- restaurant/deli seating capacity: _____
- bar seating capacity: _____
- public meeting room seating capacity: _____
- assembly capacity: _____

B. Residential Care Facilities (6 or more residents) *N/A*
 Day Care Centers

- | | Existing | Proposed |
|--|----------|----------|
| • type of care: | _____ | _____ |
| • total number of guests/children: | _____ | _____ |
| • total number of bedrooms: | _____ | _____ |
| • distance to nearest existing/approved facility/center: | _____ | _____ |

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 DEVELOPMENT & PLANNING DEPT.

WATER SUPPLY/WASTE DISPOSAL INFORMATION SHEET

	<u>Domestic</u>	<u>Emergency</u>
I. WATER SUPPLY		
A. Proposed source of Water (eg., spring, well, mutual water company, city, district, etc.):	<u>WELL</u>	<u>WELL</u>
B. Name of Proposed Water Supplier (if water company, city, district): annexation needed?	<u>N/A</u> <input type="checkbox"/> Yes <input type="checkbox"/> No	<u>N/A</u> <input type="checkbox"/> Yes <input type="checkbox"/> No
C. Current Water Use (in gallons/day): Current water source:	<u>2500</u> <u>WELL</u>	_____
D. Anticipated Future Water Demand (in gallons/day):	<u>2600</u>	_____
E. Water Availability (in gallons/minute):	<u>60 GPM</u>	_____
F. Capacity of Water Storage System (gallons):	<u>13,000</u>	<u>12,000</u>
G. Nature of Storage Facility (eg., tank, reservoir, swimming pool, etc.):	<u>TANK</u>	<u>TANK</u>
F. Completed Phase I Analysis Sheet (Attached):		
II. LIQUID WASTE		
	<u>Domestic</u> (sewage)	<u>Other</u> (please specify)
A. Disposal Method (e.g., on-site septic system on-site ponds, community system, district, etc.):	<u>ON SITE SEPTIC</u>	_____
B. Name of Disposal Agency (if sewage district, city, community system): annexation needed?	<u>HOLD + HAUL</u> <u>TBD</u> <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
C. Current Waste Flows (peak flow in gallons/day):	<u>700</u>	_____
D. Anticipated Future Waste Flows (peak flows in gallons/day):	<u>950</u>	_____
E. Future Waste Disposal Capacity (in gallons/day):	<u>950</u>	_____
III. SOLID WASTE DISPOSAL		
A. Operational Wastes (on-site, landfill, garbage co., etc.):	<u>GARBAGE Co.</u>	_____
B. Grading Spoils (on-site, landfill, construction, etc.):	<u>N/A</u>	_____
IV. HAZARDOUS/TOXIC MATERIALS (Please fill out attached hazardous materials information sheet, attached)		
A. Disposal Method (on-site, landfill, garbage co., waste hauler, etc.):	<u>N/A</u>	_____
B. Name of Disposal Agency (if landfill, garbage co., private hauler, etc.):	<u>N/A</u>	_____



TRENT CAVE, R.E.H.S.
Director

**NAPA COUNTY DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

1195 THIRD STREET, SUITE 101
NAPA, CALIFORNIA 94559-3082
(707) 253-4471 • FAX (707) 253-4545

**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
PLANNING APPLICATIONS – SUPPLEMENTAL INFORMATION SHEET**

Solid Waste Disposal:

Identify the use and feasibility of the following items:

1. Source reduction of solid waste (any action that causes a net reduction in the generation of solid waste, such as using recyclable materials).
2. Recycling and composting to reduce the solid waste stream (such as collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become solid waste).
3. Transformation and disposal of solid wastes (such as incineration or biological conversions other than composting).
4. Designated wastes/special disposal problems.

Hazardous Materials:

Be sure to fill out the Napa County CUPA related Business Activities Form included in your Use Permit package. This information will be used to determine what conditions, if any, will be placed on the use permit application.

All facilities that handle a hazardous material, acutely hazardous material or hazardous waste in quantities exceeding statutory reporting requirements must develop and implement a Hazardous Materials Business Plan within 60 days of commencing use. Facilities that typically store or handle hazardous materials below threshold quantities must submit a Negative Declaration Response to the Hazardous Materials Section. This also must be submitted within 60 days of commencing use.

Additional information on these requirements can be obtained from the Hazardous Materials team in the Department of Environmental Management by calling (707) 253-4471.



**Napa County Department of Environmental Management
CUPA-Related Business Activities Form**

Business Name: KITCHAK CELLARS
 Business Address: 1094 HARDMAN AVE, NAPA
 Contact: PETER KITCHAK Phone #: 612-889-0910

A. HAZARDOUS MATERIALS
 Have on site (for any purpose) hazardous materials at or above 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet for compressed gases (include liquids in AST's and UST's or handle radiological materials in quantities for which an emergency plan is required pursuant to 10 CFR Parts 30, 40 or 70)? YES NO

B. UNDERGROUND STORAGE TANKS (UST's)
 1. Own or operate underground storage tanks? YES NO
 2. Intend to upgrade existing or install new UST's? YES NO

C. ABOVE GROUND STORAGE TANKS (AST's)
 Own or operate AST's above these thresholds:
 -Any tank capacity with a capacity greater than 660 gallons, or
 -The total capacity for the facility is greater than 1,320 gallons? YES NO

D. HAZARDOUS WASTE
 1. Generate hazardous waste? YES NO
 2. Recycle more than 220 lbs/month of excluded or exempted recyclable materials (per H&SC §25143.2)? YES NO
 3. Treat hazardous waste on site? YES NO
 4. Treatment subject to financial assurance requirements (for Permit by Rule and Conditional Authorization)? YES NO
 5. Consolidate hazardous waste generated at a remote site? YES NO

E. OTHER
 1. Does the business activity include car/fleet washing, mobile detailing, auto body related activities? YES NO
 2. Does the business handle Extremely Hazardous Substances in amounts that would qualify for the Risk Management Program? Some examples and their thresholds common to Napa County include: Ammonia - 500 lbs, Sulfur Dioxide - 500 lbs, Chlorine - 500 lbs. YES NO



ROBERT J. PETERSON, P.E.
Director of Public Works
County Surveyor-County-Engineer
Road Commissioner

COUNTY *of* NAPA

DONALD G. RIDENHOUR, P.E.
Assistant Director of Public Works

WATER AVAILABILITY ANALYSIS PHASE 1 STUDY

Introduction: As an applicant for a permit with Napa County, It has been determined that Chapter 13.15 of the Napa County Code is applicable to approval of your permit. One step of the permit process is to adequately evaluate the amount of water your project will use and the potential impact your application might have on the static groundwater levels within your neighborhood. The public works department requires that a Phase 1 Water Availability Analysis (WAA) be included with your application. The purpose of this form is to assist you in the preparation of this analysis. You may present the analysis in an alternative form so long as it substantially includes the information required below. Please include any calculations you may have to support your estimates.

The reason for the WAA is for you, the applicant, to inform us, to the best of your ability, what changes in water use will occur on your property as a result of an approval of your permit application. By examining the attached guidelines and filling in the blanks, you will provide the information we require to evaluate potential impacts to static water levels of neighboring wells.

Step #1:

Provide a map and site plan of your parcel(s). The map should be an 8-1/2"x11" reproduction of a USGS quad sheet (1:24,000 scale) with your parcel outlined on the map. Include on the map the nearest neighboring well. The site plan should be an 8-1/2"x11" site plan of your parcel(s) with the locations of all structures, gardens, vineyards, etc in which well water will be used. If more than one water source is available, indicate the interconnecting piping from the subject well to the areas of use. Attach these two sheets to your application. If multiple parcels are involved, clearly show the parcels from which the fair share calculation will be based and properly identify the assessors parcel numbers for these parcels. Identify all existing or proposed wells

Step #2: Determine total parcel acreage and water allotment factor. If your project spans multiple parcels, please fill a separate form for each parcel.

Determine the allowable water allotment for your parcels:

Parcel Location Factors

The allowable allotment of water is based on the location of your parcel. There are 3 different location classifications. Valley floor areas include all locations that are within the Napa Valley, Pope Valley

and Carneros Region, except for areas specified as groundwater deficient areas. Groundwater deficient areas are areas that have been determined by the public works department as having a history of problems with groundwater. All other areas are classified as Mountain Areas. Please circle your location classification below (Public Works can assist you in determining your classification if necessary):

Valley Floor 1.0 acre feet per acre per year
 Mountain Areas 0.5 acre feet per acre per year
 MST Groundwater Deficient Area 0.3 acre feet per acre per year

Assessors Parcel Number(s)	Parcel Size (A)	Parcel Location Factor (B)	Allowable Water Allotment (A) X (B)
039-190-038	14.77	1.0	14.77

Step #3:

Using the guidelines in Attachment A, tabulate the existing and projected future water usage on the parcel(s) in acre-feet per year (af/yr). Transfer the information from the guidelines to the table below.

EXISTING USE:

Residential .75 af/yr
 Farm Labor Dwelling 0 af/yr
 Winery 0 af/yr
 Commercial 0 af/yr
 Vineyard* 1.8 af/yr
 Other Agriculture 0 af/yr
 Landscaping .2 af/yr
 Other Usage (List Separately):
 _____ af/yr
 _____ af/yr
 _____ af/yr

PROPOSED USE:

Residential .75 af/yr
 Farm Labor Dwelling 0 af/yr
 Winery .13 af/yr
 Commercial 0 af/yr
 Vineyard* 1.8 af/yr
 Other Agriculture 0 af/yr
 Landscaping .2 af/yr
 Other Usage (List Separately):
 _____ af/yr
 _____ af/yr
 _____ af/yr

TOTAL: 2.75 af/yr

TOTAL: 896,008 gallons**

TOTAL: 2.88 af/yr

TOTAL: 938,364 gallons**

*Water use for vineyards should be no lower than 0.2 AF—unless irrigation records are available that show otherwise.

**To determine your existing and proposed total water use in gallons, multiply the totals (in acre- feet) by 325,821 gal/AF.

Is the proposed use less than the existing usage () Yes (X) No () Equal

Step #4:

Provide any other information that may be significant to this analysis. For example, any calculations supporting your estimates, well test information including draw down over time, historical water data, visual observations of water levels, well drilling information, changes in neighboring land uses, the usage of other water sources such as city water or reservoirs, the timing of the development, etc. Use additional sheets if necessary.

WELL IS 60 GPM. WELL WAS DRILLED IN 2005, PUMP INSTALLED IN 2006. LAKE CYNTHIA RESERVOIR ON SITE IS NOT USED FOR ANY PURPOSE. SITE HAS 10,000 GALLON CONCRETE STORAGE TANK.

Conclusion: Congratulations! Just sign the form and you are done! Public works staff will now compare your projected future water usage with a threshold of use as determined for your parcel(s) size, location, topography, rainfall, soil types, historical water data for your area, and other hydrogeologic information. They will use the above information to evaluate if your proposed project will have a detrimental effect on groundwater levels and/or neighboring well levels. Should that evaluation result in a determination that your project may adversely impact neighboring water levels, a phase two water analysis may be required. You will be advised of such a decision.

Signature:  Date: 3-05-09 Phone: 612-889-0910

Attachment A: Estimated Water Use Guidelines

Typical Water Use Guidelines:

Primary Residence	0.5 to 0.75 acre-feet per year (includes some landscaping)
Secondary Residence	0.20 to 0.30 acre-feet per year
Farm Labor Dwelling	0.06 to 0.10 acre-feet per person per year

Non-Residential Guidelines:

Agricultural:

Vineyards	
Irrigation only	0.2 to 0.5 acre-feet per acre per year
Heat Protection	0.25 acre feet per acre per year
Frost Protection	0.25 acre feet per acre per year
Farm Labor Dwelling	0.06 to 0.10 acre-feet per person per year
Irrigated Pasture	4.0 acre-feet per acre per year
Orchards	4.0 acre-feet per acre per year
Livestock (sheep or cows)	0.01 acre-feet per acre per year

Winery:

Process Water	2.15 acre-feet per 100,000 gal. of wine
Domestic and Landscaping	0.50 acre-feet per 100,000 gal. of wine

Industrial:

Food Processing	31.0 acre-feet per employee per year
Printing/Publishing	0.60 acre-feet per employee per year

Commercial:

Office Space	0.01 acre-feet per employee per year
Warehouse	0.05 acre-feet per employee per year



Department of Environmental Management

MEMORANDUM

DATE: January 5, 2005
TO: All interested parties
FROM: Department of Environmental Management
SUBJECT: Use Permits and Regulated Water Systems

The purpose of this memo is to provide information regarding the current requirements for regulated water system permitting. The Department of Environmental Management has a contract with the State to administer the small water system program. County Code Chapter 13.08 addresses the requirements for local public water systems and includes the definition of a "public water system". This definition states that a public water system is one that is required to be permitted or approved by the Department of Health Services (DHS) Office of Drinking Water or the environmental management director pursuant to the California Safe Drinking Water Act and related laws (which contain selected portions of the Health and Safety Code, Water Code, Business and Professions Code and the California Code of Regulations, Titles 17 and 22). The State regulates the large public water systems and as stated above, this department regulates the small water systems.

The most common new small water system is that serving a winery. During the use permit process, this department reviews the numbers of anticipated visitors and employees and makes a determination if the proposed winery will meet the threshold for a regulated water system. In general, we are looking for either (1) a combined number of peak users (visitors and employees) greater than 25 on a daily basis or (2) the total number of employees equal to or greater than 25. If either of these thresholds is met, the water system will be regulated. If you have questions on whether your proposed project will be regulated as a small water system, you may contact this department as discuss this with the district inspector. If you do not meet these thresholds, but will have a regulated kitchen used for food service for marketing events, you will be regulated as a different type of water system. You will need to submit bacteriological quality sample results from your source(s) with your use permit application, but not the full feasibility report as discussed below.

If your project will be regulated as a small water system, a water system feasibility report will be required as a completeness item at the time of a Use Permit application. This report will ensure that the proposed project can satisfy the technical, managerial and financial requirements of this department and DHS and must include the information listed on the attached worksheet. There is a good chance that existing wells will not meet the construction requirements for a regulated water system. As such, a new supply will have to be developed. If this is the case, the information provided in the feasibility report must reflect this fact. Prior to issuance of a building permit the new water supply must be developed and full plans for the water system must be submitted to and approved by this department.

New Community and Non-Community Water Systems
Technical, Managerial and Financial Capacity Worksheet
(Use Permit Applications and Water System Feasibility Reports)

1. **Water system name**
2. **Name of person who prepared the report**
3. **Technical Capacity:**
 - 1 System description-from source to point of use-what is expected (including treatment, etc).
 - 1 One year projection for water demand and an analysis of the water system to meet the projected demand (project expansion and improvements for a ten year period).
 - 1 Source adequacy:
 - Groundwater: Does the well have a 50-foot seal with a 3-inch annular space? Is a well log available?
 - Surface water treatment: Can the water system comply with the Surface Water Treatment Rule?
 - 1 Water supply capacity. Can the water system (including all sources and storage facilities) supply a minimum of three gallons per minute for at least 24 hours for each service connection served?
 - 1 Provide a characterization of the water quality (or expected water quality if a new source is required), including a comparison with established or proposed drinking water standards and the feasibility of meeting these standards.
 - 1 An evaluation of the feasibility of consolidation with other (existing) water systems.
4. **Managerial:**
 - 1 Description of the organization's ability to manage a water system (personnel to be hired and/or job descriptions for water system maintenance responsibilities). For systems that use land that is not owned by the water system, the terms for a long-term agreement for use of the land/facilities must be disclosed.
 - 1 Document the system's water rights.
5. **Financial:**
 - 1 Budget projection and description of system's financial capacity (your ability to financially support the operation of a water system).

Questions on this worksheet or the information required should be addressed to the water specialist in the Department of Environmental Management.

TRAFFIC INFORMATION

Revised 12/30/09

Project Trip Generation							
	Personnel / Visitors			Vehicle Trips			
	Operations Daily M-F	Marketing Events		Operations Daily M-F	Marketing Events		
		Minimum	Maximum		Minimum	Maximum	
		Weekends	Weekends		Weekends	Weekends	
Operating Hours	7-4		10-4				
Employees				Employee Trips			
Full-Time	1	0	0	Full-Time	2	0	0
Seasonal Peak	2	0	0	Seasonal Peak	4	0	0
Peak Hours				Peak Hours	0	0	0
Total Employees	3	0	0	Total Employee Trips	6	0	0
Event Support Staff				Event Support Staff			
Full-Time	0	0	0	Full-Time	0	0	0
Seasonal Peak	3	0	3	Seasonal Peak	6	0	6
Total Support Staff	3	0	3	Total Support Staff Trips			
Visitors	12	0	12	Visitor Trips	10	0	10
Peak Hours	-	0	-	Peak Hours	0	0	0
Total Visitors	12	0	12	Total Visitor Trips	10	0	10
				4 SPECIAL EVENTS	0	0	21
4 SPECIAL * ANNUAL EVENTS	0	0	30	Total Trucks - Deliveries, Shipping, etc. Trips	2	0	2
Grand Total	18	0	33				
Provide supporting documentation for trip generation rates							
Submit separate spreadsheets for existing & proposed operations, include a trip generation grand total.							

* We will not permit tours or tastings during any of our marketing events

	Full-Time	Number of People Onsite		MINIMUM WEEKEND Marketing Events	MAXIMUM WEEKEND Marketing Events
		Seasonal Peak	DAILY Marketing Events		
No. Employees	1	3			
Support Staff, caterers, clean-up, etc.	0	3	3	0	3
Visitors	12	12	12	12	30 *
Residents	2	2	2	2	2
Grand Total	15	20	17	14	35

AAPS-Traffic Information

RECEIVED

TRAFFIC INFORMATION FOR CALTRANS REVIEW

Application should include:

Project Location

- Site Plan showing all driveway location(s)
- Show detail of Caltrans right-of-way
- Aerial photo at a readable scale

Trip Generation Estimate

- Spreadsheet for winery applications
 - Provide separate spreadsheets for existing and proposed operations

Caltrans Information Sources

- Traffic Impact Study Guide
- 2001 Traffic Volumes on California State Highways
- Highway Design Manual
- Traffic manual

NAPA COUNTY WINERY TRAFFIC GENERATION CHARACTERISTICS

EMPLOYEES:

Half-hour lunch: All - 2 trips/day (1 during weekday PM peak)
Hour lunch: Permanent Full-Time – 3.2 trips/day (1 during weekday PM peak)
Permanent Part-Time – 2 trips/day (1 during weekday PM peak)
Seasonal: 2 trips/day (0 during weekday PM peak)—crush
see full time above—bottling
Auto Occupancy: 1.05 employees/auto

VISITORS:

Auto occupancy: Weekday – 2.6 visitors/auto Weekend – 2.8 visitors/auto
Peaking Factors:
Peak Month: 1.65 x average month
Average Weekend: 0.22 x average month
Average Saturday: 0.53 x average weekend
Peak Saturday: 1.65 x average Saturday
Average Sunday: 0.8 x average Saturday
Peak Sunday: 2.0 x average Sunday
Peak Weekend Hour: Winery (3-4 PM) - 0.57 x total for weekend day involved
Average 5-Day Week (Monday-Friday) - 1.3 x average weekend
Average Weekday: 0.2 x average 5-day week
Peak Weekday Hour: Winery (3-4 PM) - 0.57 x total for weekday involved
Roadway PM Peak(4-5 PM?) - 0.38 x total for weekday involved

SERVICE VEHICLES:

Grapes (36 days (6weeks)/season): 1.52 trips/1000 gals/season (4 ton loads assumed)
Materials/Supplies (250 days/yr): 1.47 trips/1000 gals/yr
Case Goods (250 days/yr): 0.8 trips/1000 gal/yr

APPS-Traffic info/char

**A NEW REQUIREMENT FOR ALL DEVELOPERS AND LANDSCAPE CONTRACTORS FROM
THE COUNTY AGRICULTURAL COMMISSIONER**

Please notify our office of all impending deliveries of live plants with points of origin outside Napa County.

Napa County needs your help in preventing the introduction of the Glassy-Winged Sharpshooter (GWSS) into our area. The magnitude of the threat that this half-inch long leafhopper insect poses to our local economy, the environment and our quality of life cannot be overstated.

GWSS feeds off a wide variety of plants and possesses the capability of transmitting a bacterium that causes Pierce's Disease (PD). Grapevines are highly susceptible to a particular strain of this bacterium, which chokes off the water and nutrient flow and eventually kills the plant. GWSS is a stronger flier and a more voracious eater than the common native vectors of PD, and it can quickly spread to all types of habitats in a given location. Ornamental plants and native vegetation may not show any symptoms, but they can serve as reservoirs of PD for many years. GWSS picks up the disease from these infected plants and transmits it to the vineyards while feeding on the grapevines. No other county has as much at risk economically from the threat of PD spread by GWSS.

To combat this threat, Napa County has gone beyond the standard state quarantine regulations in implementing the most rigorous inspection program of any county in the state for incoming plant shipments. *We are asking for your cooperation to purchase plant materials locally when possible and notify our office of all impending deliveries of live plants with points of origin outside Napa County.* An evaluation based on the origin and contents of each shipment will then be made, and, if necessary, trained personnel will be promptly dispatched to perform an inspection upon its arrival at your destination site. When you purchase ornamental plants from local nurseries, the special restrictions imposed by this county program would not apply.

In conjunction with these plant inspections, the Napa County Agricultural Commissioner's Office has developed an extensive year 'round pest detection program aimed at discovering any possible existing GWSS infestations. Thousands of traps have been set up throughout the county and are routinely monitored by staff members and with the help of vineyards personnel. Sweep surveys are conducted at developments which have been landscaped within the last few years as well as at other high-risk locations. We also participate in meetings, discussions and the distribution of informational materials to educate the public and members of the industry about this matter. Please look over the attached brochures, share them with your employees and contact us if you have any training needs, questions or concerns. Our goal is to have everyone in the community aware and helping us look for GWSS!

Thank you for your continued assistance in providing a greater level of protection to safeguard our community from this serious menace.

Sincerely,

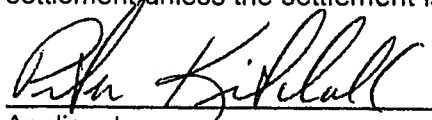
David R. Whitmer
Napa County Agricultural Commissioner

INDEMNIFICATION AGREEMENT

Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "County") from any claim, action or proceeding (hereafter collectively "proceeding") brought against County, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County, or both. This indemnification shall include, but not be limited to damages awarded against the County, if any, and cost of suit, attorneys' fees, and other liabilities and expenses incurred in connection with such proceeding that relate to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Applicant, the County, and/or the parties initiating or bringing such proceeding. Applicant further agrees to indemnify the County for all of County's costs, attorneys' fees, and damages, which the County incurs in enforcing this indemnification agreement.

Applicant further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Applicant desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Applicant of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Applicant of the proceeding, or if County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorneys' fees and costs, and defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.



Applicant

6-1-2009

Date

Property Owner (if other than Applicant)

KITCHAK WINERY

Project Identification

ADJOINING PROPERTY OWNER LIST REQUIREMENTS

All applications shall include a list of the current owners of all the properties whose outer perimeters are within **300 feet** of the property boundary of the project site. The list shall include the property owner's names, their addresses and the assessor's parcel numbers of the property owned.

Preparation, verification and submission of this list of property owners is the responsibility of the applicant. Lists of the property owners appearing on County tax rolls in the form required are available from all local title insurance companies. Each such list must be certified by a title insurance company as reflecting the most recent County tax roll information.

INSTRUCTIONS TO TITLE COMPANY

Please prepare the property owners' list as follows:

1. Type the property owners' names, parcel numbers and mailing addresses on an 8½" by 11" sheet of Avery #5160 Laser Labels so that this information can be readily used in mailing by the Conservation, Development and Planning Department.
2. Submit a full page copy of the assessors' parcel book page(s) and a copy of the latest equalized assessment roll used to compile the property owners' list. Please indicate the location of all parcels listed, by check mark or colored parcel number circled on the pages.

If you should have any questions, please contact the Conservation, Development and Planning Department at 707/253-4417.

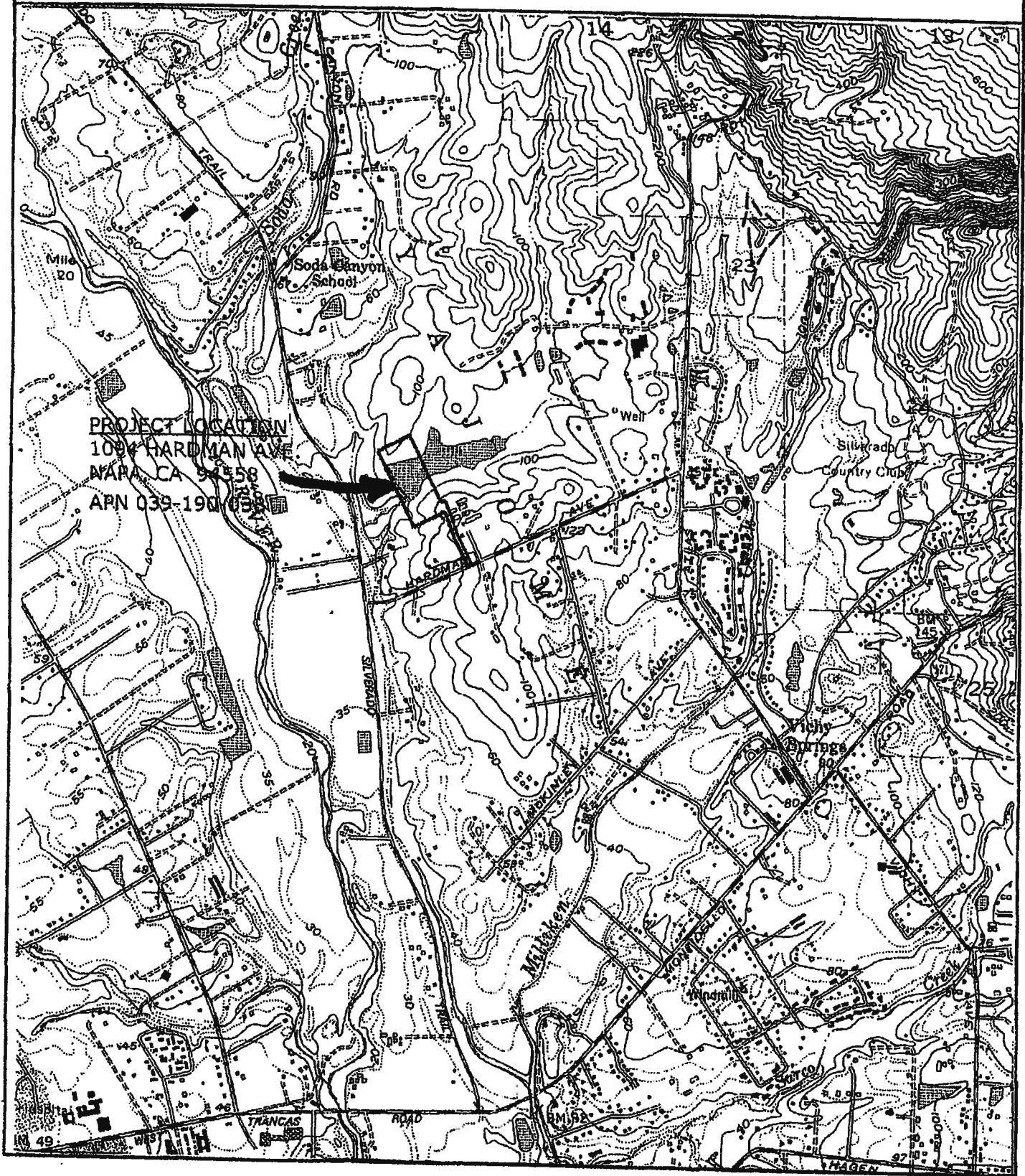
* ADJOINING PROPERTY INFORMATION HAS BEEN SUBMITTED SEPERATELY

* ADJOINING PROPERTY OWNERS AND THEIR APN #'S ARE SHOWN ON SITE PLAN IN TAB 13



UNITED STATES GEOLOGICAL SERVICE
7.5 MINUTE SERIES TOPOGRAPHIC MAP
NAPA QUADRANGLE

SCALE: 1" = 2000'



**A NEW REQUIREMENT FOR ALL DEVELOPERS AND LANDSCAPE CONTRACTORS FROM
THE COUNTY AGRICULTURAL COMMISSIONER**

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Thank you for your continued assistance in providing a greater level of protection to safeguard our community from this serious menace.

Sincerely,

David R. Whitmer
Napa County Agricultural Commissioner

**USE PERMIT APPLICATION
SUPPLEMENTAL INFORMATION SHEET
FOR WINERY USES**

REVISED
11/20/09

1. **Operations.** (In the blank in front of each operation, place an "E" for Existing, a "P" for Proposed, an "X" for Expanding, or an "N" for None.)

- | | |
|--|--|
| <p>a. <u>P</u> crushing</p> <p>b. <u>P</u> fermentation</p> <p>c. <u>P</u> barrel ageing</p> <p>d. <u>N</u> bottling</p> <p>e. <u>P</u> case goods storage</p> <p>f. <u>N</u> caves:
 use:
 __ barrel storage
 __ case goods storage
 __ other _____
 accessibility to public:
 __ none – no visitors/tours/events
 __ guided tours only
 __ public access – no guides/unescorted
 __ marketing events and/or temporary events</p> | <p>g. <u>E</u> underground waste disposal</p> <p>h. <u>N</u> above-ground waste disposal</p> <p>i. <u>N</u> administration office</p> <p>j. <u>N</u> laboratories</p> <p>k. <u>N</u> daycare</p> <p>l. <u>P</u> tours/tastings:
 <u>N</u> public drop-in
 <u>P</u> public by appointment
 <u>P</u> wine trade</p> <p>m. <u>P</u> retail wine sales
 <u>N</u> public drop-in
 <u>P</u> public by appointment</p> <p>n. <u>N</u> public display of art or wine-related items</p> <p>o. <u>N</u> food preparation</p> |
|--|--|

2. **Marketing Activities.** (Describe the nature of any marketing or educational events not listed above including the type of events, whether public or private, frequency of events, average attendance, etc. Differentiate between existing and proposed activities. Attach additional sheets if necessary): SEE MARKETING PLAN - TAB # 20 OF BOOKLET

3. **Food Service.** (Describe the nature of any food service including type of food, whether public or private, whether profit or non-profit, frequency of service, whether prepared on site or not, kitchen equipment, eating facilities, etc. Differentiate between existing and proposed food service. Attach additional sheets if necessary): SEE MARKETING PLAN. ALL FOOD TO BE CATERED.

4. **Production Capacity.**

- a. existing capacity: Ø date authorized: N/A
- b. current maximum actual production (year): Ø ()
- c. proposed capacity: 5,000 GAL

5. **Grape Origin.** (Fill out a "Initial Statement of Grape Source" form if establishing a new winery or expanding an existing winery development area and include with application form.)

6. **Winery Development Area.** (see a below - for existing winery facilities)
 Will the project involve construction of additional facilities beyond the winery development area? NO EXCEPT FOR INSTALLATION OF BELOW GROUND "HOLD AND HAUL" WASTEWATER TANK
7. **Total Winery Coverage.** (see b below – maximum 25% of parcel or 15 acres, whichever is less)
 a. square feet/acres: 21,566.5 SF
 b. percent of total parcel: 3.35%
8. **Production Facility.** (see c below – include the square footage of all floors for each structure)
 a. square feet: 2047.5
9. **Accessory Use.** (see d below – maximum permitted 40% of the production facility)
 a. square feet: 70 SF
 b. percent of production facility: 3.41%

Marketing Definition: (paraphrased from County Code)

Marketing of Wine – Any activity conducted at the winery shall be 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.

Coverage and Use Definitions: (paraphrased from County Code)

- a. **Winery Development Area** – All aggregate paved or impervious or semi-permeable ground surface areas of the production facility which includes all storage areas (except caves), offices, laboratories, kitchens, tasting rooms and paved parking areas for the exclusive use of winery employees.
- b. **Winery Coverage** – The total square foot area of all winery building footprints, all aggregate paved or impervious ground surface areas of the production facility which includes all outside work, tank and storage areas (except caves); all paved areas including parking and loading areas, walkways, and access driveways to public or private roads or rights-of-way; and all above-ground wastewater and run-off treatment systems.
- c. **Production Facility** – (For the purpose to calculate the maximum allowable accessory use) The total square footage of all winery crushing, fermenting, bottling, bulk and bottle storage, shipping, receiving, laboratory, equipment storage and maintenance facilities, and employee-designated restrooms but does not include wastewater treatment or disposal areas which cannot be used for agricultural purposes.
- d. **Accessory Use** - The total square footage of area within winery structures used for accessory uses related to a winery that are not defined as "production facility" which would include offices, lobbies/waiting rooms, conference/meeting rooms, non-production access hallways, kitchens, tasting rooms (private and public areas), retail space areas, libraries, non-employee designated restrooms, art display areas, or any area within winery structures not directly related to wine production.

WINERY CALCULATION WORKSHEET

1. WINERY COVERAGE

All paved or impervious ground surface areas of the production facility:	
Footprint of all winery structures	2047.5 #
Outside work areas	300 sf
Tank areas	0
Storage areas (excluding caves)	0
All paved areas:	
Parking areas	1620 #
Loading areas	4575 #
Walkways	0
Access driveways to the public or private rd	13,084 #
Above-ground wastewater and run-off treatment systems:	
Wastewater pond or SDDS	NA
Spray disposal field	NA
Parcel size: <u>14.77</u> acres	Percent of winery coverage of parcel size:
Total winery coverage: <u>.50</u> acres	<u>3.35</u> %

2. PRODUCTION FACILITY

Total square footage within structures and caves utilized for the following:	
Crushing	0
Fermenting	480
Bottling	0
Bulk & bottle storage	400
Shipping	210
Receiving	}
Laboratory	
Equipment storage & maintenance facilities (excludes fire protection facilities)	759.5
Employee-designated restrooms	53 TASTING - 70
Total square footage of production facility:	<u>2047.5</u>

3. ACCESSORY USE

Total square footage within structures and caves utilized for the following:	
Office space	0
Lobbies/waiting rooms	0
Conference/meeting rooms	0
Non-production access hallways	0
Kitchens	0
Tasting rooms (private & public areas)	}
Retail space areas	
Libraries	0
Visitor restrooms	0 (SHARE w/ EMPLOYEES)
Art display areas	0
Any other areas within the winery structure not directly related to production	0
Total square footage of accessory use space:	<u>70</u>
Percent of accessory use to production use:	<u>3.41</u> %

Kitchak Winery Permit

Winery Square Footage Calculations

November 20, 2009

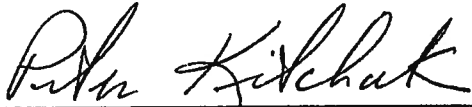
			Comments
Total Site Area		14.77	Acres
Development Area		Sq FT	
	Building	2047.5	In place
	Crushpad	300	to be constructed
	Employee Parking	360	In place
		2,707.5	
Winery Coverage			
	Building	2047.5	Existing
	Uncovered Crushpad	300	To be constructed
	Outdoor Uncovered Patio	400	Existing - Not covered
	Truck Delivery & Turnaround	4575	Existing
	Serpentine Drive	2077	Existing
	Shared Drive to Hardmen Ave	11007	Existing
	Employee Parking	360	Existing
	Guest Parking	800	Existing
		21,566.5	
	Percentage of overall site	3.35%	
Production Facility*			
	Building	2047.5	Existing
Accessory Uses**			
	Tasting Bar and Retail	70	In existing Building
		70	
Accessory Use Percentage		3.41%	Accessory Uses/Production

* Production Facility includes 70 SF Tasting/Retail, excludes 300SF uncovered crushpad

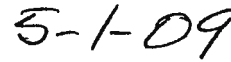
** Does not include Outdoor Uncovered Patio Area

INITIAL STATEMENT OF GRAPE SOURCE
(Napa County Zoning Ordinance Sections 12419(b) and (c))

I hereby certify that the current application for establishment or expansion of a winery pursuant to the Napa County Winery Definition Ordinance will employ sources of grapes in accordance with the requirements of Section 12419(b) and/or (c) of that Ordinance.



Signature



Date

Letters of commitment from grape suppliers and supporting documents will be required prior to issuance of any building permits for the project. Recertification of compliance will be required on a periodic basis. Recertification after initiation of the requested wine production may require the submittal of additional information regarding individual grape sources. Proprietary information will not be disclosed to the public.

Napa County Department of Environmental Management
1195 Third St., Room 101
Napa, CA 94559

16 March 2009

Re: "Hold and Haul" Feasibility Study for Kitchak Cellars,
1094 Hardman Ave, Napa, CA (APN 039-190-038)

Mr. Peter Kitchak is applying for a use permit to establish a new winery (in an existing building) with a capacity for 5,000 gallons per year at his property on Hardman Road in Napa, CA. No new buildings will be constructed for this project. Water will be provided by an on-site well. When the winery is operating there will be 1 full-time and 1 part time employee. The winery will not be open to daily visitors. Two to three special events per year with a limit of 50 visitors will be held. At the request of the owner I have evaluated the feasibility of the proposed winery with regard to the installation of a new septic disposal system.

In 2008 an onsite "Alternative Sewage Treatment System" was constructed to provide treatment and disposal of effluent. The planned size of the home was for 6-bedrooms, which resulted in the system being sized to 750-gal/day of effluent (125-gpd/bdrm x 6 bdrms). Ultimately, only 4-bedrooms (125-gpd x 4 bdrms = 500 gpd) were constructed in the new home, leaving an excess capacity of 250-gal/day. The system constructed is a subsurface drip dispersal system. The domestic waste produced by the winery will be treated and disposed by use of the excess capacity in the existing system. Based upon these findings the following calculations are provided:

Winery Process Wastewater:

Proposed Annual Wine Production = 5,000 gallons

The winery will be a full crushing facility. Therefore, the peak harvest flow is calculated as follows:

$$\text{Peak harvest flows} = \frac{(5,000 \text{ gal wine/year}) \times (1\frac{1}{2} \text{ gal water/1 gal wine})}{30 \text{ days of crush/year}}$$

Peak daily winery process wastewater = **250 gallons**

The winery process wastewater will be provided for by use of a "Hold and Haul" contract with EBMUD (or other approved provider), removing the effluent from the site and disposing it offsite.

Winery Domestic Wastewater:

Peak daily domestic wastewater flow for the winery building is based on one full time and one part time employee. Additionally, capacity for 50 visitors at special events is included in this analysis. The typical flows used are taken from the U.S. Environmental Protection Agency's "Onsite Wastewater Treatment and Disposal Systems" Design Manual (October 1980), Table 4-6.

1 full time employee @ 15.0 gpd/employee = 15.0 gpd

1 part time employee @ 7.5 gpd/employee = 7.5 gpd

50 visitors @ 2.5 gpd/visitor = 125 gpd

Total daily domestic wastewater = 147.5 gal (peak)

All sanitary plumbing fixtures installed within the existing building to be used as the winery are low-flow fixtures per the Uniform Plumbing Code, as adopted by the Napa County Department of Environmental Health.

Septic System Design:

The domestic waste produced by the winery will be treated in the existing system. As mentioned above, the existing system has an excess capacity of 250 gallons per day, greater than the anticipated winery domestic waste output of 148 gallons per day. Therefore, no modification to the existing field will be required. As no kitchen facility will be included a separate septic tank for the winery building does not need to be added. Domestic winery effluent will be collected in the existing 3,000-gallon septic/recirculation tank. Winery waste will be collected as shown on exhibit "A". The following considerations were used to develop the required size of holding tanks:

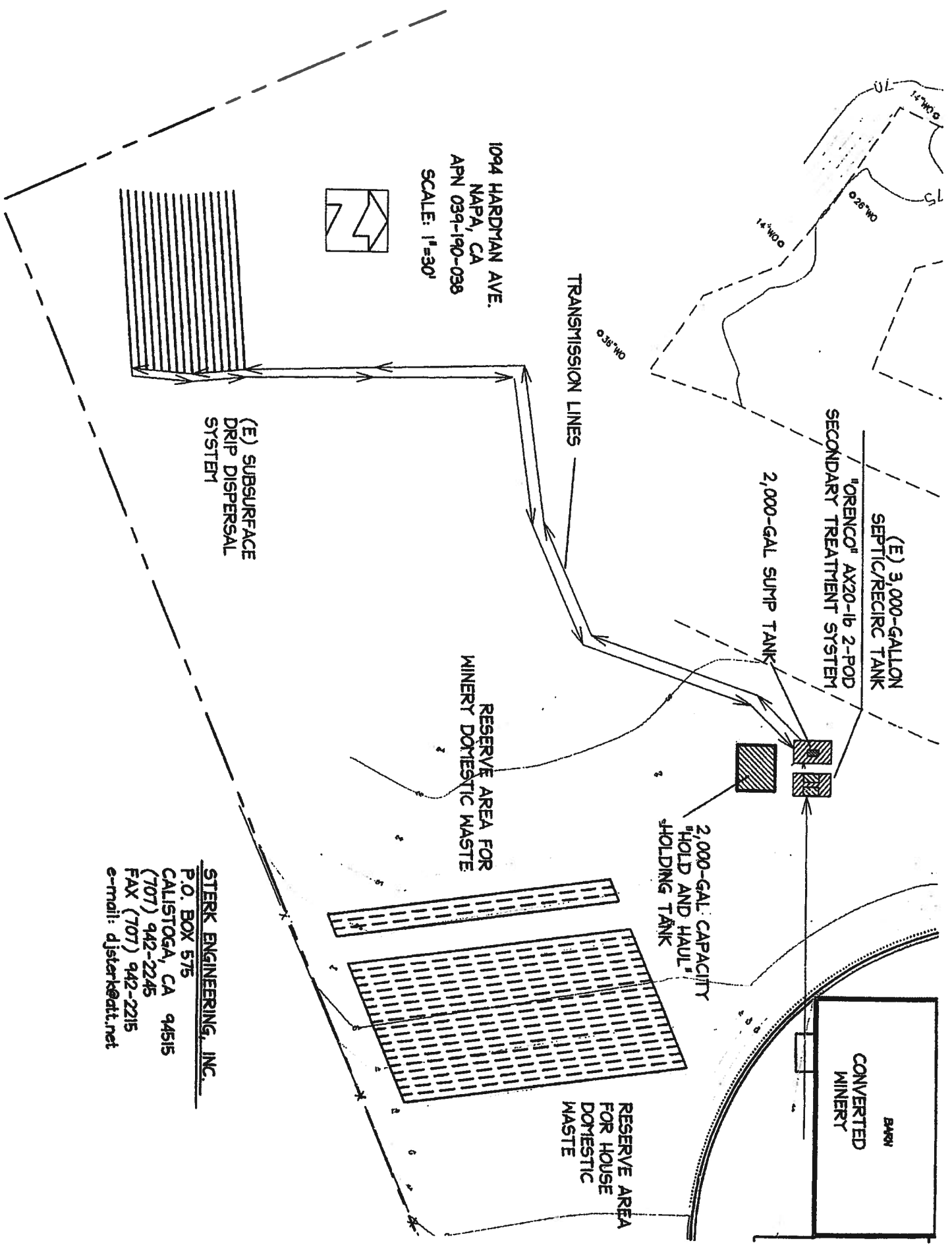
1. The winery's estimated maximum daily production of winery process waste water is 250 gallons/day. Proposed Annual Wine Production = 5,000 gallons
The winery will be a full crushing facility. Therefore, the peak harvest flow is calculated as follows:
$$\text{Peak harvest flows} = \frac{(5,000 \text{ gal wine/year}) \times (1 \frac{1}{2} \text{ gal water/1 gal wine})}{30 \text{ days of crush/year}}$$

Peak daily winery process wastewater = **250 gallons**
2. Required storage of seven days of peak wastewater flow results in a holding capacity of 1,750 gallons (250 gal/day x 7 days).
3. Total storage tank capacity proposed is 2,000 gallons (1 new 2,000 gallon tank).
4. The holding tank is provided with a Liquid Level Alarm at the 70% capacity point for the holding tanks (1,225 gallons).
5. For reserve area considerations, the winery waste would be collected, treated by available systems to "160/80" standard, stored and used for vineyard irrigation. The property currently has approximately 5-acres of planted vineyard that could be available for this use.
6. The winery will contract for this service with an approved and permitted septage hauler.

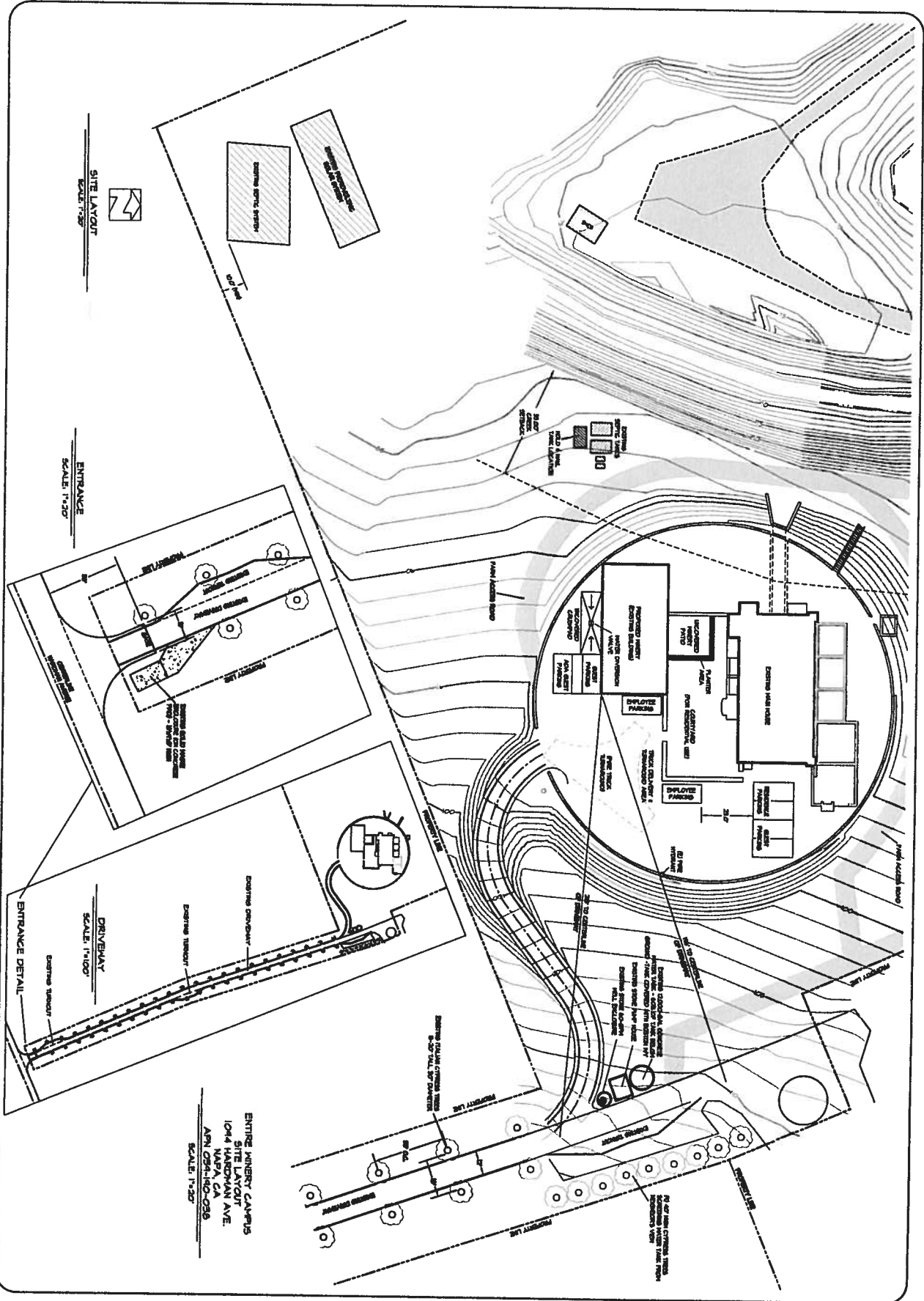
Please feel free to contact me if you have any questions or need further information regarding this submittal.

Sincerely,

Douglas J. Sterk, P.E.
License #C043007
Expiration Date 3/31/10



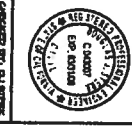
STERK ENGINEERING, INC.
 P.O. BOX 575
 CALISTOGA, CA 94515
 (707) 942-2245
 FAX (707) 942-2215
 e-mail: dsterk@att.net



ENTRY MINERTY CAMPUS
 SITE LAYOUT
 1044 WASHBURN AVE.
 APR. 09/10/09
 SCALE: 1"=20'

© 2009 STERK ENGINEERING, INC. ALL RIGHTS RESERVED. THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF STERK ENGINEERING, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN.

2 OF 2
 PREPARED BY: DJ STERK
 CHECKED BY: DJ STERK
 DATE: 09/10/09
 JOB #: 09-008
 PLAN NO.: 09-008

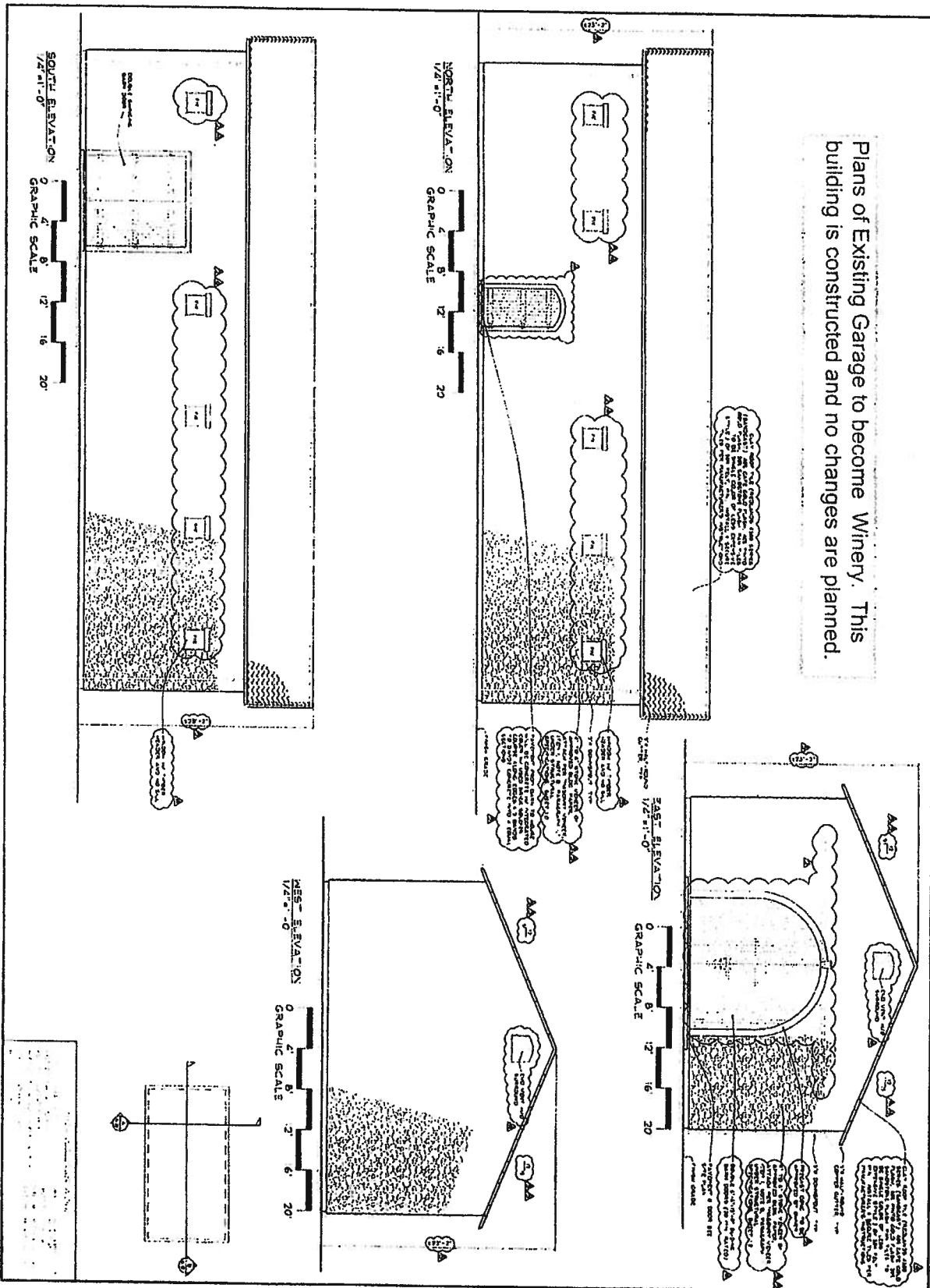


PREPARED FOR:
PETER KITCHAK
 809 9th St, Suite 1422, Minneapolis, MN 55402
PROPERTY LAYOUT PLAN
 APR. 09/10/09

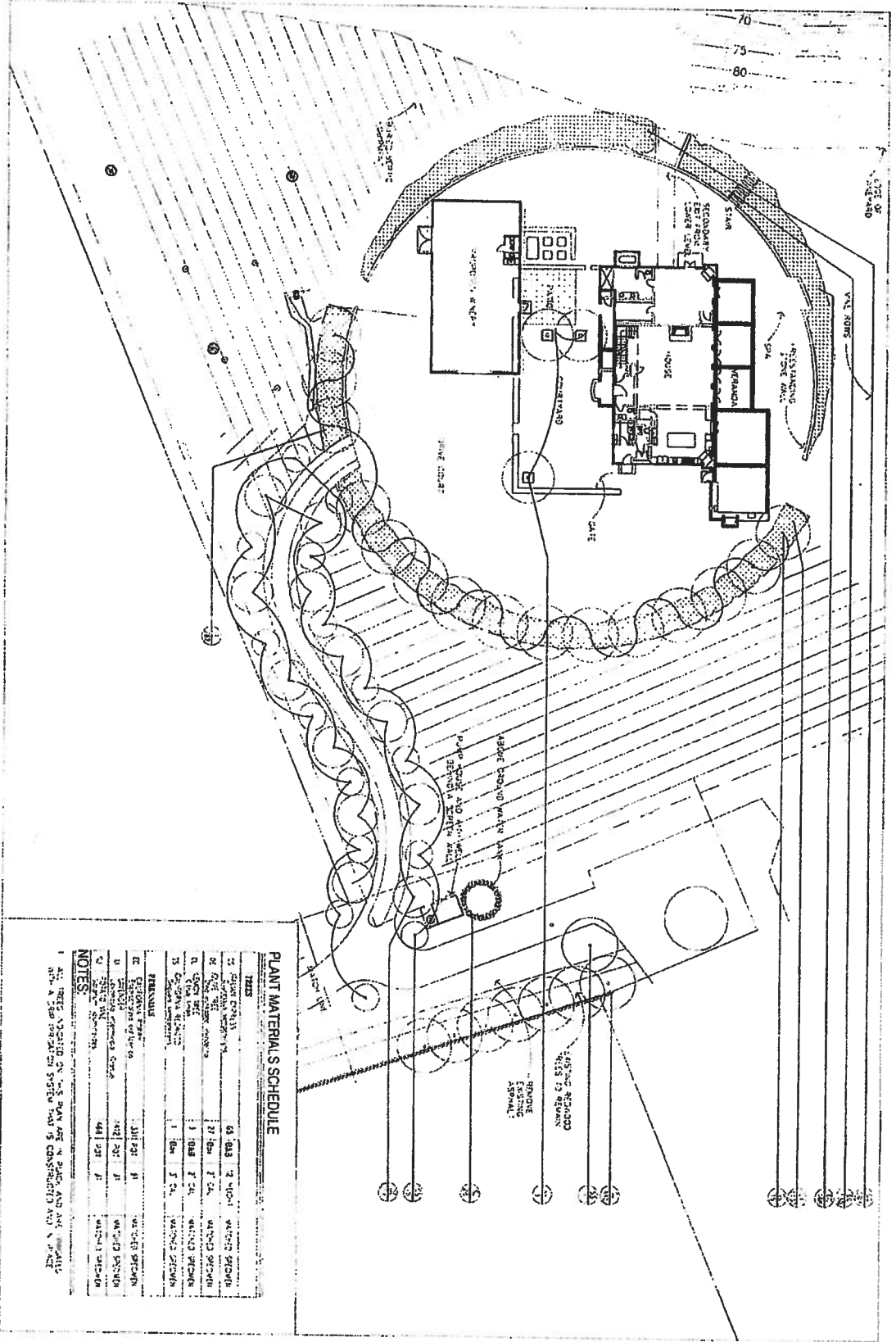
STERK ENGINEERING, INC.
 P.O. Box 575, Calistoga, CA 94515 (707) 442-2245
 Consulting Civil Engineers (707) 442-2215
 email: dsterk@att.net

REVISIONS:

Plans of Existing Garage to become Winery. This building is constructed and no changes are planned.



5.0	PROJECT:	SITE LOCATION:	SHEET DESCRIPTION:	DATE:	CONSULTANTS:	ARCHITECT:
	KITCHAK GARAGE	A.P.N.: 039-190-038 1094 HARDMAN AVE. Napa, CA 94558	ELEVATIONS	12/18/2006 3/29/2007 4/27/2007 6/13/2007 Drawn by: J.S.K.	VAL PIZZINI, ENG. 1400 CUBBERVILLE RD., STE. 11 SANTA ROSA, CA. 95407 VOICE 707.537-9881 FAX 707.537-9881	MARY SIKES & ASSOC. 1472 RAILROAD AVE. ST. HELENA, CA 94574 VOICE 707.943-8887 FAX 707.943-1066



PLANT MATERIALS SCHEDULE

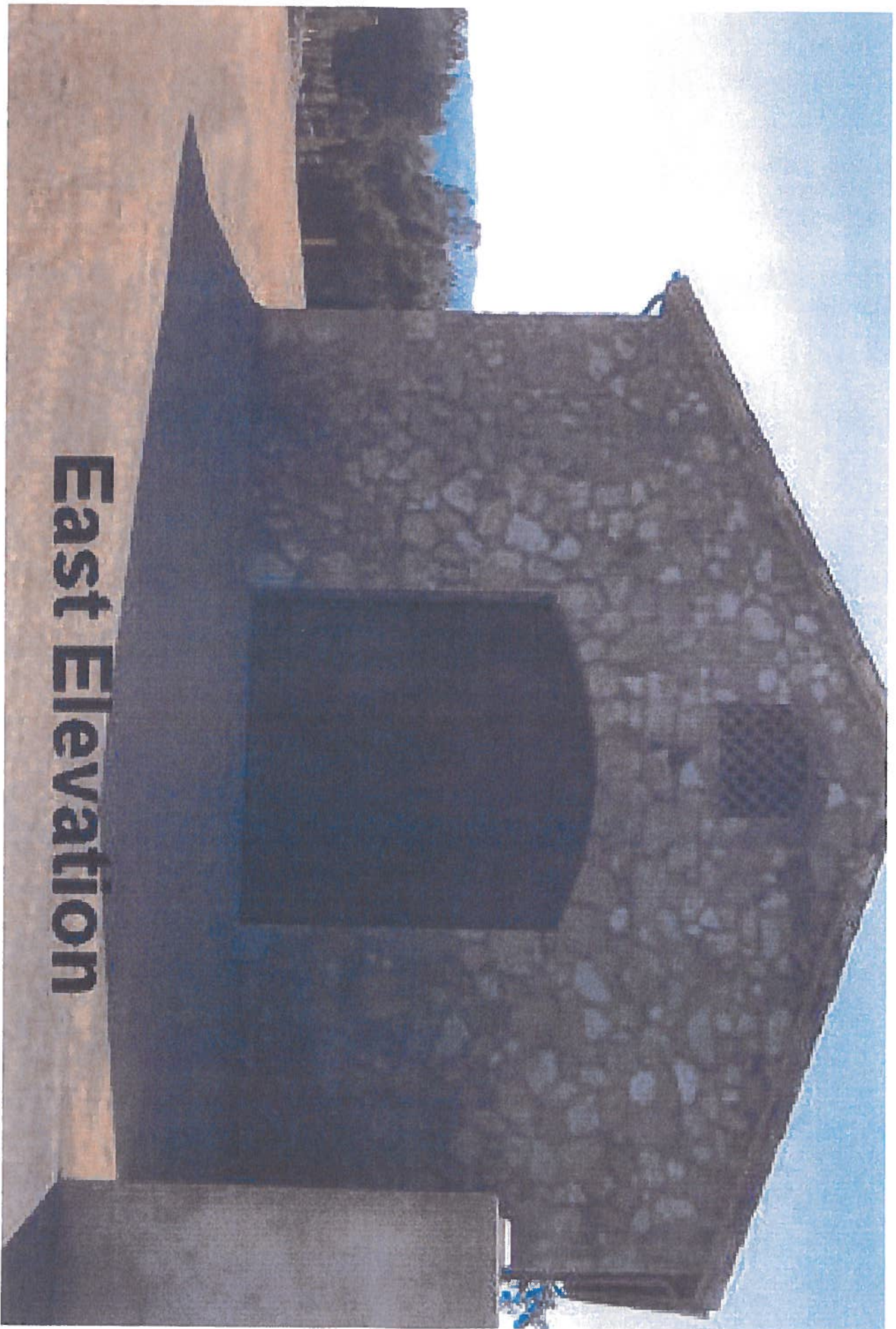
ITEM	QUANTITY	DESCRIPTION
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3	1	PLANT MATERIALS
4	1	PLANT MATERIALS
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6	1	PLANT MATERIALS
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100	1	PLANT MATERIALS

NOTES:
1. ALL TREES NOTED ON THIS PLAN ARE TO REMAIN AND ARE TO BE MAINTAINED WITH A TREE PROTECTION SYSTEM THAT IS CONSTRUCTED AND MAINTAINED.





South Elevation - Looking NW



East Elevation



FILE # P09-00149

NAPA COUNTY
CONSERVATION, DEVELOPMENT & PLANNING DEPARTMENT
1195 Third Street, Suite 210, Napa, California, 94558 • (707) 253-4417

APPLICATION FORM

FOR OFFICE USE ONLY

ZONING DISTRICT: AP
TYPE OF APPLICATION: VARIANCE
REQUEST: REQUEST A VARIANCE TO REQUIRED 300 ft. Setback for WINERY ROADS TO 197 ft.

Date Submitted: 6/9/2009
Date Published: _____
Date Complete: 11/20/2009

TO BE COMPLETED BY APPLICANT

PROJECT NAME: Kitchak Residence Winery Application

Assessor's Parcel #: 039-190-038 Existing Parcel Size: 14.77

Site Address/Location: 1094 Hardman Avenue Napa CA 94558
No. Street City State Zip

Property Owner's Name: Peter and Patricia Kitchak

Mailing Address: 80 South 8th Street - Suite 3914 Minneapolis MN 55402
No. Street City State Zip

Telephone #: (612) 889-0910 Fax #: (612) 349-8439 E-Mail: pkitchak@kitchakcellars.com

Applicant's Name: Peter Kitchak

Mailing Address: same
No. Street City State Zip

Telephone #: (612) 889-0910 Fax #: (612) 349-8439 E-Mail: pkitchak@kitchakcellars.com

Status of Applicant's Interest in Property: Owner

Representative Name: Peter Kitchak

Mailing Address: same
No. Street City State Zip

Telephone #: (612) 889-0910 Fax #: (612) 349-8439 E-Mail: pkitchak@kitchakcellars.com

I certify that all the information contained in this application, including, but not limited to the information sheet, water supply/waste disposal information sheet site plan, floor plan, building elevations, water supply/waste disposal system site plan and toxic materials list, is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, including the right of access to the property involved. *[Signature]*

TO BE COMPLETED BY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT

*Total Estimated Fees: \$ _____ Receipt No. _____ Received by: _____ Date: 6/9/09

*Actual Fees will be based on Time and Materials

REASONS FOR GRANTING A VARIANCE

1. Please describe what exceptional or extraordinary circumstances or conditions apply to your property (including the size, shape, topography, location or surroundings), which do not apply generally to other land, buildings, or use and because of which, the strict application of the zoning district regulations deprives your property of the privileges enjoyed by other property in the vicinity and under identical zoning classification.

This property is 14.77 acres and shares a driveway with the next door neighbor. We (the Kitchaks) own the driveway. The neighbor (1100 Hardman Ave) has an access for ingress and egress over the driveway. Access to both properties is controlled by a single gate at Hardman Ave. The closest point on the shared drive is approximately 175 feet from the existing building in which we propose to create a winery. If each property had its own drive, there would be no easements and no need for the variance. Our property is bordered on the entire north border by William Hill Winery and on the entire west border by the Gazl winery.

2. Please state why the granting of your variance request is necessary for the preservation and enjoyment of your substantial property rights.

Our property is zoned AP which permits a winery as a conditional use. The parcel size of 14.77 acres also permits a winery. We grow grapes and would like to establish a small winery. The winery would be located in an existing building which was recently constructed. Given the general layout of the property, its proximity to Lake Cynthia and proximity to the outlet from the lake there was no other logical (or even possible) place to locate the barn on the property. It is not logical to relocate the winery building closer to the lake. It is also impossible to locate it on the north side of the lake because there is no real access, there is only a farm road across the top of the dam (which dam is located entirely on our property). Without the variance we will be denied the opportunity to have a winery which is clearly contemplated by the AP zoning and the ability to use our grapes to make wine.

3. Please state why the granting of your variance request will not adversely affect the health or safety of persons residing or working in the neighborhood of your property, and will not be materially detrimental to the public welfare or injurious to property or improvements in your neighborhood.

Our use as a winery will not add any significant traffic on our shared driveway or Hardman Ave. We do not plan to be open for public tours or tastings and plan no signage. We presently have 1 full time vineyard worker and 2 part time employees on the property. We do not expect to have to add any additional employees. We already have many, many fewer daily trips in and out of the driveway than do our neighbors with who we share the drive. Our property and the manner in which we have built it and manage it has added significantly to the views and the values of the other homes and businesses in the neighborhood.



UNITED STATES GEOLOGICAL SERVICE
7.5 MINUTE SERIES TOPOGRAPHIC MAP
NAPA QUADRANGLE

SCALE: 1" = 2000'



PHOTOS



Entrance Gate from Hardman Ave. 15 feet wide, 36 feet from edge of street.



Looking South toward entrance gate from turnout at crest of drive



Drive looking north from Turnout at crest of drive. End of drive is visible.



Drive down to house and proposed winery from concrete drive. Minimum width is 12 feet.

Exhibit A

TRAFFIC INFORMATION

REVISED 11/20/09

	Project Trip Generation					
	Personnel / Visitors			Vehicle Trips		
	Operations Daily M-F	Marketing Events Minimum Weekends	Marketing Events Maximum Weekends	Operations Daily M-F	Marketing Events Minimum Weekends	Marketing Events Maximum Weekends
Operating Hours	7-4		10-4			
Employees				Employee Trips		
Full-Time	1	0	0	Full-Time	3	0 0
Seasonal Peak	2	0	0	Seasonal Peak	4	0 0
Peak Hours				Peak Hours	0	0 0
Total Employees	3	0	0	Total Employee Trips	6	0 0
Event Support Staff				Event Support Staff		
Full-Time	0	0	0	Full-Time	0	0 0
Seasonal Peak	3	0	3	Seasonal Peak	6	0 6
Total Support Staff	3	0	3	Total Support Staff Trips		
Visitors				Visitor Trips		
Full-Time	12	0	12	Full-Time	10	0 10
Seasonal Peak	-	0	-	Seasonal Peak	0	0 0
Total Visitors	12	0	12	Total Visitor Trips	10	0 10
				4 SPECIAL EVENTS	0	0 36
4 SPECIAL + ANNUAL EVENTS	0	0	50	Total Trucks - Deliveries, Shipping, etc. Trips	2	0 2
Grand Total	18	0	53			
Provide supporting documentation for trip generation rates						
Submit separate spreadsheets for existing & proposed operations, include a trip generation grand total.						

* NO MARKETING EVENTS OR TASTING APPOINTMENTS
WILL BE SCHEDULED AT THE SAME TIME

	Number of People Onsite			MINIMUM	MAXIMUM
	Full-Time	Seasonal Peak	DAILY Marketing Events	WEEKEND Marketing Events	WEEKEND Marketing Events
No. Employees	1	3			
Support Staff, caterers, clean-up, etc.	0	3	3	0	3
Visitors	12	12	12	12	50*
Residents	2	2	2	2	2
Grand Total	15	20	17	14	55

APPS-Traffic Information

Peter R. Kitchak

From: Lander, Drew [Drew.Lander@countyofnapa.org]
Sent: Thursday, November 19, 2009 1:15 AM
To: Peter R. Kitchak
Cc: Hornisher, Trish; Doug Sterk; Galambos, Nathan
Subject: RE: Kitchak Winery Application Request for Exception to Roadway Standards

Peter,

I was able to meet with our section manager at the end of the day and discuss your project. We do agree that your particular project does not seem to warrant the required 20ft roadway. That being said as I indicated to you at the counter there are not immediate "environmental constraints" that would prevent you from meeting our standard. So what we would like to do is bring in Peter Munos (Fire Chief) from CalFire to discuss with him what the Fire department would be willing to accept. If you would like to submit your letter requesting the road mod I suggest that you do so and PW and Fire will hash out this roadway thing. Please let me know if you submit this and we will proceed with resolving the road issue. We can see if Mr. Munos is available next week. I am out Thursday and Friday but I will be back next week.

If you have further questions about this road issue that can't wait till next week please call our section Manager Nate Galambos at 259-8371

Thanks

Drew

From: Peter R. Kitchak [mailto:pkitchak@keewaydin.com]
Sent: Tuesday, November 10, 2009 5:55 PM
To: Lander, Drew
Cc: Hornisher, Trish; Doug Sterk
Subject: Kitchak Winery Application Request for Exception to Roadway Standards

Drew,

Thanks for taking the time to meet with me briefly yesterday. I appreciate it.

Per our discussion I include a draft of a Request for Exception to Roadway Standards for your review and comment.

Once you have a chance to review it I would like to discuss it with you so that I can make any appropriate changes. I will plan to call you or stop by on Thursday to discuss.

On a related note, your comments to Trish Hornisher indicated that you may not have entirely completed your review of our wine use permit submission. We are in the process of drafting a revised submission. As a result, we would appreciate any other comments that you might have by the end of this week so we can make sure that we only have to do one more revision and that it is complete when we submit it.

Of course, if you have any questions at all, or if I can provide any clarification of any issues please e-mail me or feel free to call me at any time on my mobile phone, the number of which is listed below.

Thanks again for your assistance.

Peter Kitchak

Peter Kitchak, President
The Keewaydin Group, Inc
80 S 8th Street, Suite 3914
Minneapolis, MN 55402
612-341-4422
612-373-3250 Direct
612-889-0910 Mobile
pkitchak@Keewaydin.com

**MARKETING PLAN
KITCHAK CELLARS WINERY**

The following includes all marketing activities to be conducted by the Kitchak Cellars Winery at 1094 Hardman Ave, AP# 039-190-038

A. Tours and Tastings:

- a. By appointment only
- b. Frequency: 7 days per week
- c. Number of persons: 12 Persons per day
- d. Maximum number per week: 84 Persons per week
- e. Est. average persons per week: 20 Persons per week
- f. Limited Days: **No tours or tastings will be scheduled or take place on days when other events are scheduled.**
- g. Time of Day: Tastings completed by 4:00 PM
Sales completed by 4:30 PM

B. Private Promotional Tastings with Meals:

- a. Frequency 6 times per year maximum
- b. Number of Persons 20 people maximum
- c. Time of Day: 11:00 AM to 10:00 PM
- d. No Tours, Tastings or Release events will take place on same day.
- e. All meals to be catered.

C. Release Events:

- a. Frequency 4 times per year maximum
- b. Number of Persons 30 people maximum
- c. Time of Day 11:00 AM to 10:00 PM
- d. Weekends Only
- e. No Tours, Tastings or Private Promotional Tastings with Meals will take place on these days.
- f. Parking Shuttle service will be provided when necessary

D. Wine Auction – No Activity Contemplated

All marketing events will take place in the winery or on the outdoor patio. Food Service will be catered. Private Promotional Tasting with Meals and Release Events will be approximately 4 hours per event, depending on morning or evening schedule

“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.

RECEIVED

DEC 30 2009

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

Letter to Neighbors

The attached letter was sent to the following adjoining property owners on November 19, 2009.

- a. Wm. Strack, APN 039-610-006-000, 3150 Silverado Trail, Napa 94558
- b. E&J Gallo Winery, Inc. (Wm. Hill Winery), APN 039-190-050-000. 1761 Atlas Peak Road, Napa 94558
- c. Anthony Cataldo, APN 039-190-039-000, 1100 Hardman Ave, Napa 94558
- d. Steven Scherner, APN 039 200-004-000, 1106 Hardman Ave, Napa 94558
- e. Peter Hoang, APN 039-200-006-000, 1104 Hardman Ave, Napa 94558
- f. Peter Benz, APN 039-200-009-000, 1090 Hardman Ave, Napa 94558
- g. Wilda Wilson, APN 039-200-008-000, 1080 Hardman Ave, Napa 94558
- h. Farhad Razi. APN 039-600-001-000, 3106 Silverado Trail, Napa, 94558

Peter and Patricia Kitchak
1094 Hardman Ave
Napa, CA 94558

November 19, 2009

Re: Application for permit for small winery – 1094 Hardman Ave

Dear _____

We thought you might like to know that we are filling for a Conditional Use Permit to operate a very small winery on our property at 1094 Hardman Ave. Using the property as a small winery is a permitted use for our property under the Napa County Code, but it does require a Use Permit to which the county can impose a variety of conditions.

We do not plan to build any new buildings on the property. We presently have a three bedroom house and a stone barn on the property. The barn was originally built to house our modest car collection which we are in the process of selling. The only visible construction that we are planning will be to construct a small concrete pad on the south side of our barn on which we will crush our grapes in the fall. Of course, some minor modifications will have to be made to the inside of the barn to make it suitable for wine-making.

The Use Permit would permit us to make up to 5,000 gallons of wine (approximately 2,000 cases) of wine on the property. We are presently making less than 800 cases, off site, at a custom crush facility.

Our permit requests the right to do tastings by appointment only and includes a limit of 2 groups of people per day and no more than 12 people total per day, which could create a maximum of 2 cars (4 trips) per day (2 cars each way) up and down our driveway. In reality, we do not expect to average more than one or two tastings per week. We are planning to use an offsite fulfillment company so storage and shipping of most of the wine will be handled by someone else off the premises. We actually expect to have fewer trips (including all deliveries and pickups) than you may be used to seeing from the Cataldo's, the other people who share our driveway.

Our plans are to ferment all of the wine inside our existing building. We do not plan to have any tanks or other equipment visible outside the building. If there is any exterior winery equipment, it will be screened from view.

If you have any questions about what we are planning or would like any more information, please give me a call and we would be happy to meet with you and discuss our plans. We would also like to invite you to a very informal gathering at our home to show you what we are planning. Please join us for some cheese, to taste some wine, and to talk about our plans on

either Friday, December 18 at 6:00 PM or on Saturday December 19 at 4:30 PM. No need to RSVP, just show up, but please be prompt so we do not keep others waiting.

In the event you are unable to attend, there will also be a public hearing on our application, of which we expect you will get a formal notice from the county. You will have a chance to appear at that hearing and make comments. That hearing is likely to take place sometime after the first of the year.

Peter & Patricia Kitchak
612-889-0910 Mobile

Peter & Patricia Kitchak
1094 Hardman Ave, Napa CA 94558

Director of Public Works
Napa County Department of Public Works
1195 Third Street
Napa, California

RE: Request for Exception related to Kitchak Winery Use Permit Application

At Parcel: 039-190-038
1094 Hardman Ave, Napa, California

Owners: Patricia and Peter Kitchak

Background: Peter and Patricia Kitchak are applying for a winery permit for a 5,000 gallon winery in an existing building (a residential garage) on their property at 1094 Hardman Ave. The building is 2,047 square feet. No new buildings will be constructed on the site. A 300 square foot exterior, uncovered crushpad will be added. The winery will have a hold and haul waste disposal system; 1 full time and 2 part time employees; approximately 8 parking spaces; tours and tastings will be by appointment only and will be limited to a maximum of 12 people per day and no more than 8 people per tasting/tour. Appointments will not be scheduled during other marketing events. There will be a maximum of 6 marketing events per year with a maximum of 20 people at each event. Up to 4 special annual events with a maximum of 50 people may take place.

Requested Exception: Applicant requests an exception to Section 12 of the Napa County Road and Street Standards related to commercial driveways. Section 12 requires that commercial drives must be a minimum of 18 feet wide.

Existing Driveway: The property is served by an existing drive from Hardman Ave which is owned by the Kitchaks, most of which has been in place for more than twenty years. The main drive is approximately 600 feet long and consists primarily of two concrete strips. A number of photos of the drive are included below. The existing concrete drive is 12 feet wide with a 3 foot shoulder on each side. The drive is bordered by existing, mature Italian Cypress trees approximately 20 feet tall. The distance between the trees is 18 feet. (See photos below). In addition to serving the property, the drive is shared by the neighbors who have an easement over the drive for ingress and egress to their property. The width of the gate at the South end (Hardman Ave) of the drive is 15 feet wide and the face of the gate is set back 36 feet from Hardman Ave.

Reason for Request: The Kitchaks do not want to remove any of the existing mature Cypress trees on either side of the long straight drive. The lower portion of the drive is a serpentine drive that is approximately 12 feet wide overall and it is bordered by Olive Trees and Cypress trees. The topography of the lower drive would be very difficult to change and many trees, both Olive and Cypress, would have to be destroyed to change that portion of the drive. The cypress trees are established mature trees approximately 20 feet tall. The trees along the main drive are on 35 foot centers and there are approximately eighteen trees on each side of the driveway.

Preserving Unique Features of the Natural Environment: The existing trees were part of the original landscaping plan, and while they are neither heritage oak trees nor other trees greater than 6" dbh, they are approximately 20 feet high and now a unique part of the site and the natural environment.

Mitigation: There is an existing turnout at the crest (approximate center) of the driveway with a clear view of each end of the drive. In addition, the Kitchaks have constructed a turnout just inside the gate at the south end of the drive to permit a car to pull off the drive so another car, truck (or fire department vehicle) could drive through the gate unhindered. The edges of the drive will also be maintained with a firm surface creating an overall width of 18 feet between the trees to permit to cars to pass in an emergency.

Same Overall Practical Effect: The existing drive is only slightly narrower than that which is required by the Standards. The combination of the overall width between the existing trees and the turnouts at each end and in the center of the drive, with unrestricted views of each end of the drive from the center turnout, provide the same overall practical effect towards life, safety and the public welfare as would widening the road to meet the Standards.

Other Factors to Consider:

1. This is a very, very small winery. With a maximum production of only 5,000 gallons per year and a maximum of 12 people per day for tours and tastings, the winery is likely to generate less traffic on its busiest day than the 5 bedroom house and guest house next door that shares the drive. A large summer "pool party" at the neighboring house would be likely to generate more traffic than any marketing event or release party that the small winery might have. A copy of the traffic generation report that is being filed with the application is included as Exhibit A hereto.
2. No new buildings. While the owner is requesting a change of use, the change will have no material impact on traffic or safety and the proposed use is in keeping with the character of the Napa Valley. No additional buildings are to be constructed. The only material modification to the existing residential use will be the addition of a crushpad and the installation of the "hold and haul" tank for winery waste water.
3. The "Public Policy Issue" here is to not endanger people in the event of a fire. The garage that is being converted to a winery is a frame building with a stone exterior and a clay tile roof. There is no furnace or other device with an open flame in the building. It poses very little risk of starting a fire and its visitors always have easy egress from the 2,000 square foot building through one of its three doors.
4. The trees along the drives do not pose any material fire hazard of and by themselves. Both types of trees along the drive, cypress and olives, are trees which remain green year around.

Thank You for your consideration,



Peter Kitchak

Checklist of Voluntary Greenhouse Gas Emission Reduction Measures



A Tradition of Stewardship
A Commitment to Service

An addendum to the Entitlement Application and a supplement for Initial Studies as required by CEQA

PROJECT NAME	KITCHAK WINERY USE PERMIT APPLICATION	
PROJECT ADDRESS	1094 HARDMAN AVE, NAPA	
APPLICANT	PETER KITCHAK	
CONTACT INFO	P.KITCHAK@KEEWAYWIN.COM	612-889-0910
	email	phone

- 1 Have you designed to U.S.G.B.C.™ LEED™ or Build It Green™ standards?
If yes, please include a copy of their required spreadsheets. yes no I don't know
- | | | | |
|--|-------------------------------------|--|--|
| | <input checked="" type="checkbox"/> | | |
|--|-------------------------------------|--|--|
- 2 Do you have an integrated design team?
if yes, please list: _____
- | | | | |
|--|-------------------------------------|--|--|
| | <input checked="" type="checkbox"/> | | |
|--|-------------------------------------|--|--|

3 SITE DESIGN

- | 3.1 Does your design encourage community gathering and is it pedestrian friendly? | | | <input checked="" type="checkbox"/> |
|---|-------------------------------------|-------------------------------------|-------------------------------------|
| 3.2 Are you building on existing disturbed areas? | <input checked="" type="checkbox"/> | | |
| 3.3 Landscape Design | | | |
| 3.31 native plants? | <input checked="" type="checkbox"/> | | |
| 3.32 drought tolerant plants? | <input checked="" type="checkbox"/> | | |
| 3.33 Pierce Disease resistant planting? | <input checked="" type="checkbox"/> | | |
| 3.34 Fire resistant planting? | | | <input checked="" type="checkbox"/> |
| 3.35 Are you restoring open space and/or habitat? | | <input checked="" type="checkbox"/> | |
| 3.36 Are you harvesting rain water on site? | <input checked="" type="checkbox"/> | | |
| 3.37 planting large trees to act as carbon sinks? | | | <input checked="" type="checkbox"/> |
| 3.38 using permeable paving materials for drive access and walking surfaces? | | <input checked="" type="checkbox"/> | |
| 3.4 Does your parking lot include bicycle parking? | <input checked="" type="checkbox"/> | | |
| 3.5 Do you have on-site waste water disposal? | <input checked="" type="checkbox"/> | | |
| 3.6 Do have post-construction stormwater on site detention/filtration methods designed? | <input checked="" type="checkbox"/> | | |
| 3.7 Have you designed in harmony with existing natural features, such as preserving existing trees or rock outcroppings? | | | |
| 3.8 Does the project minimize the amount of site disturbance, such as minimizing grading and/or using the existing topography in the overall site design (such as cave design)? | <input checked="" type="checkbox"/> | | |
| 3.9 Is the structure designed to take advantage of natural cooling and passive solar aspects? | <input checked="" type="checkbox"/> | | |
- ROOM FOR EXISTING POND
- NO NEW BUILDINGS

4 ENERGY PRODUCTION & EFFICIENCY

- | | | | |
|--|-------------------------------------|--|-------------------------------------|
| 4.1 Does your facility use energy produced on site?
If yes, please explain the size, location, and percentage of off-set:
<u>9 KW PHOTOVOLTAIC SOLAR - ABOUT 50%</u> | <input checked="" type="checkbox"/> | | |
| 4.2 Does the design include thermal mass within the walls and/or floors? | <input checked="" type="checkbox"/> | | |
| 4.3 Do you intend to commission the performance of the building after it is built to ensure it performs as designed? | <input checked="" type="checkbox"/> | | |
| 4.4 Will your plans for construction include: | | | |
| 4.41 High density insulation above Title 24 standards? | <input checked="" type="checkbox"/> | | |
| 4.42 Zones for heating and cooling to provide for maximum efficiency? | <input checked="" type="checkbox"/> | | |
| 4.43 Energy Star™ or ultra energy efficient appliances? | | | <input checked="" type="checkbox"/> |
| 4.44 A "cool" (lightly colored or reflective) or a permeable/living roof? | | | <input checked="" type="checkbox"/> |
| 4.45 Timers/time-outs installed on lights (such as the bathrooms)? | | | |
- IT DOES IT DOES NOT APPLICABLE

5 WATER CONSERVATION

- | | | | |
|--|-------------------------------------|--|-------------------------------------|
| 5.1 Does your landscape include high-efficiency irrigation? | | | <input checked="" type="checkbox"/> |
| 5.2 Does your landscape use zero potable water irrigation? | | | <input checked="" type="checkbox"/> |
| 5.3 Is your project in the vicinity to connect to the Napa Sanitation reclaimed water? | | | <input checked="" type="checkbox"/> |
| 5.4 Will your facility use recycled water? | | | |
| 5.41 If no, will you prepare for it by pre-installing dual pipes and/or purple lines? | <input checked="" type="checkbox"/> | | |
| 5.5 Will your plans for construction include: | | | |
| 5.51 a meter to track your water usage? | | | |
| 5.52 ultra water efficient fixtures and appliances? | <input checked="" type="checkbox"/> | | |
| 5.53 a continuous hot water distribution method, such as an on-demand pump? | | | |
| 5.54 a timer to insure that the systems are run only at night/early morning? | | | <input checked="" type="checkbox"/> |

PLEASE NOTE: WE ARE USING EXISTING BUILDING
NO NEW BUILDING CONSTRUCTION

yes no I don't know

6 MATERIAL RECYCLING

6.1	Are you using reclaimed materials? If yes, what and where:		X	
6.2	Are you using recycled construction materials-			
6.21	finish materials?		X	
6.22	aggregate/concrete road surfaces?		X	
6.23	fly ash/slag in foundation?		X	
6.3	Will your contractor be required to recycle and reuse construction materials as part of your contract?			X
6.4	Does your facility provide access to recycle-			
6.41	Kitchen recycling center?			
6.42	Recycling options at all trash cans?			
6.43	Do you compost green waste?	X		
6.44	Provide recycling options at special events?	X		

7 NATURAL RESOURCES

7.1	Will you be using certified wood that is sustainably harvested in construction?		X	
7.2	Will you be using regional (within 500 miles) building materials?	X		
7.3	Will you be using rapidly renewable materials, such as bamboo?			X
7.4	Will you apply optimal value engineering (studs & rafters at 24" on center framing)?			X
7.5	Have you considered the life-cycle of the materials you chose?			X

8 INDOOR AIR QUALITY

8.1	Will you be using low or no emitting finish and construction materials indoors-			
8.11	Paint?			X
8.12	Adhesives and Sealants?			X
8.13	Flooring?			X
8.14	Framing systems?			X
8.15	Insulation?			X
8.2	Does the design allow for maximum ventilation?			X
8.3	Do you plan for a wood burning fireplace (US EPA Phase II certified)?			X
8.4	Does your design include dayliting, such as skylights?	X		

9 TRANSPORTATION DEMAND MANAGEMENT

9.1	After your project is complete, will you offer your employees incentives to carpool, bike, or use transit?			X
9.2	After your project is complete, will you allow your employees to telecommute or have alternative work schedules?			X
9.3	Does your project include design features that encourage alternatives modes of transportation, such as preferred parking for carpooling, ridesharing, electric vehicles? secured bicycle parking, safe bicycle access? loading zones for buses/large taxi services?		X	
9.4	How close is your facility to public transportation?			

DONT KNOW

10 Are there any superior environmental/sustainable features of your project that should be noted?
NO NEW CONSTRUCTION

11 What other studies or reports have you done as part of preparing this application?
1 USE PERMIT APPLICATION
2 _____
3 _____
4 _____

12 If your project involves an addition or modification to an existing building, are you planning to improve energy conservation of existing space (such as insulation, new windows, HVAC, etc.)?
If yes, please describe: _____

13.1	calculate your greenhouse gas emissions?		X	
13.2	implement a GHG reduction plan?			X
13.3	have a written plan to reduce your vehicle miles traveled of your operations and employee's commute?		X	

14 Does your project provide for education of green/sustainable practices?
If yes, please describe: _____

15 Any comments, suggestions, or questions in regards to the County's efforts to reduce greenhouse gases?
CONSTRUCT ROUND-ABOUTS AND ELIMINATE STOPLIGHTS AND STOP SIGNS ON MAJOR ROADS

Form filed out by: PETER KITCHAR

Please feel free to include additional sheets of paper as necessary.