




A Tradition of Stewardship  
A Commitment to Service

Planning, Building & Environmental Services

1195 Third Street, Suite 210  
Napa, CA 94559  
www.countyofnapa.org

Hillary Gitelman  
Director

## MEMORANDUM

To: Charlene Gallina, Planning Division	From: Jeannette Doss, Engineering and Conservation Division 
Date: September 26, 2013	Re: Kitchak Winery Road Exception Request 1094 Hardman Avenue, Napa, CA P13-00062 APN 039-190-055

### Road Exception Request

The Engineering and Conservation Division received a revised request dated September 24, 2013 (Request) for an exception to the Napa County Road and Street Standards (RSS) for the Kitchak Cellars winery at 1094 Hardman Avenue. The current existing driveway is approximately 1,450 ft long and consists of two parts, an approximately 800 ft section of shared driveway that connects to Hardman Avenue and an approximately 650 ft section of one-way loop road that connects the development area to the shared driveway. The shared driveway varies in approximate overall width from 15.5 ft to 17 ft and consists of two concrete driving strips (separated by approximately 3 ft) that are approximately 3 ft wide each and consist of approximate 3 ft shoulders on either side (for a total overall width of approximately 15 at the narrowest section). The surface of the shoulders and the area between the driveway strips is a double chip seal pea gravel surface. There are three existing turnout areas along the shared driveway. The first area is located on the west side of the driveway just past the entry gate. The second area is located along the east side of the driveway at the approximate midpoint of the 800 ft section. The third area is also located on the east side of the driveway just at the connection with the one-way loop road. The first and third turnout areas comply with the turnout sizing requirements for a residential driveway. The second turnout area does not comply with the residential driveway turnout sizing requirements. The one-way loop road varies in overall width from approximately 10 ft to 14 ft. The nature and reasons for the road modification request are as follows:

**Exception Area #1:** Prior to STA 0+00 just past the driveway's intersection with Hardman Avenue allow for an approximately 14.5 ft wide existing gate to remain as is when the required width of a gate serving a commercial driveway is 20 ft. The applicant has also proposed to utilize an existing turnout area just inside the gate that would allow for vehicles to pass.

**Exception Area #2:** From STA 0+00 to STA 8+00 allow for an approximately 800 ft section of existing shared driveway to remain as is with the overall width varying from approximately

15.5 ft to 17 ft. The applicant has also proposed to lengthen an existing turnout at the midpoint of this section from approximately 50 ft in length to 62 ft in length.

**Exception Area #3:** From STA 8+00 to STA 14+07 allow for a one-way loop road having an overall width of 14 ft when the RSS for a commercial driveway is a 20 ft wide two way road. The applicant is proposing to widen the existing driveway along the one-way loop from widths varying from 11 ft to 13 ft to the full 14 ft width, relocate the fire hydrant to allow for a separate fire apparatus staging area outside of the path of travel of the 14 ft driveway, and install a stop sign at approximately STA 12+00 to limit design speeds at the final curve of the one-way loop for vehicles exiting the winery and to provide right of way to vehicles using the shared driveway to access the neighboring parcel at 1100 Hardman Avenue. The applicant has also provided an AutoTURN analysis with the submittal that illustrates that a 30 ft long fire engine could navigate this section of driveway with adequate clearance while avoiding dragging and/or high-centering of the apparatus on the driveway.

**Exception Area #4:** From STA 8+00 to STA 8+25 allow for a reduction to the horizontal inside turning radius of approximately 46 ft when the RSS requirement is 50 ft. The applicant has also provided an AutoTURN analysis with the submittal that illustrates that a 30 ft long fire engine could navigate this section of driveway with adequate clearance while avoiding dragging and/or high-centering of the apparatus on the driveway.

**Exception Area #5:** From STA 9+00 to STA 9+25 allow for a reduction to the horizontal inside turning radius of approximately 43 ft when the RSS requirement is 50 ft. The applicant has also provided an AutoTURN analysis with the submittal that illustrates that a 30 ft long fire engine could navigate this section of driveway with adequate clearance while avoiding dragging and/or high-centering of the apparatus on the driveway.

**Exception Area #6:** From STA 9+25 to STA 9+50 allow for a reduction to the horizontal inside turning radius of approximately 33 ft when the RSS requirement is 50 ft. The applicant has also provided an AutoTURN analysis with the submittal that illustrates that a 30 ft long fire engine could navigate this section of driveway with adequate clearance while avoiding dragging and/or high-centering of the apparatus on the driveway.

**Exception Area #7:** From STA 11+75 to STA 12+25 allow for a reduction to the horizontal inside turning radius of approximately 25 ft when the RSS requirement is 50 ft. The applicant has also provided an AutoTURN analysis with the submittal that illustrates that a 30 ft long fire engine could navigate this section of driveway with adequate clearance while avoiding dragging and/or high-centering of the apparatus on the driveway.

**Engineering and Conservation Division Evaluation and Recommendation:**

The Engineering and Conservation Division staff has discussed the Request noted above with Cal Fire and the applicant. With respect to Section (3) of the RSS as adopted by Resolution No. 2011-95 by the Board of Supervisors on August 9, 2011, this division has determined the following:

The Request for an exception to the RSS has provided the necessary documentation as required by RSS Section 3(A). The Request for an exception to the RSS is in connection with an active use permit application for a modification to an existing winery, and has received the appropriate environmental review from the Planning Division, therefore the approving body shall be the Planning Commission.

**Project background:** *The project as proposed to the Planning Commission on September 4, 2013, included a request for road modification citing environmental and legal constraints. The road modification request cited that environmental constraint resulted from mature Italian cypress trees bordering each side of the existing driveway and that a legal constraint resulted from a 25-foot access easement located on the applicant's property that serves an adjacent parcel. The basis of the legal constraint generally stated that the applicant could potentially be sued by the adjacent neighbor, who benefits from the access easement, because the original nature of the driveway would be altered from its original appearance and may result in additional maintenance costs to the adjacent neighbor. Engineering and CalFire staff recommended denial of the road modification to the Planning Commission citing that neither of the constraints identified in the road modification request met the intent of environmental or legal constraint as they have been historically interpreted. The Planning Commission voted 3 to 2 to support the applicant's road modification request based upon the legal constraint and directed staff to prepare findings to achieve the approval. The following findings are presented in accordance with the direction provided by the Planning Commission in the September 4, 2013 public hearing.*

With respect to findings the exception is necessary to accommodate other limiting factors such as recorded historical sites or legal constraints and is consistent with the definitions as described in RSS Section 3(D). There is a Roadway Maintenance Agreement (the "Agreement") recorded against the property in 2004 which allocates responsibility between the Applicant and a neighboring property owner (TK and Madelaine Chiang) for maintenance and repair of the roadway. Under the terms of the Agreement, the Applicant must seek permission from this particular neighboring property owner prior to initiating repairs or maintenance of the roadway. The existing roadway is lined with approximately fifty-five mature Italian Cypress trees which would have to be removed or relocated in order to widen the road in compliance with the Road and Street Standards. Widening the roadway would increase the costs and burdens associated with its maintenance and repair. The Applicant provided written correspondence documenting Applicant's effort to seek consent from the neighboring property owner to widen the roadway but the neighboring property owner refused consent to removal of the trees on either one or both sides of the roadway to accommodate the road widening. It is unclear whether the Agreement gives the neighboring property owner the right to object to removal or relocation of the trees and whether the roadway must remain in its current configuration and width. However because the neighboring property owner noted the importance of the trees and existing roadway and his reliance on them when he invested substantial sums to improve his property, it is possible that removal of the trees and widening of the roadway could subject the Applicant and the County as the approving agency to litigation over the scope and intent of the Agreement and the

increased maintenance and repair costs. Grant of the exception is necessary to accommodate this legal constraint.

The Engineering and Conservation Division and Cal Fire have discussed the improvements proposed in the Request and determined that their implementation would serve as an alternate method by which adherence to the RSS may be achieved and would provide the same overall practical effect as the RSS towards providing defensible space, preserving the natural environment and protecting the life, safety and welfare of the public.

The Engineering and Conservation Division and Cal Fire support the approval of the road modification as proposed in The Request with the following conditions that are in addition to any and all conditions previously placed on the project:

1. Applicant shall improve the existing driveway to the maximum extent achievable in the areas where full improvements per the RSS cannot be achieved.
2. Access road shall meet the road surfacing requirements as described in the RSS for the entire length of the roadway.
3. The property owner will implement a fire protection and access plan that shall be reviewed and approved by the Napa County Fire Marshal.
4. The applicant shall provide adequate addressing signage for emergency vehicle access as appropriate.
5. Any/all future road design changes or changes in use of this roadway beyond the existing use shown on the above noted Request dated September 24, 2013 shall require re-evaluation of the roadway to comply with the requirements of adopted codes, standards and regulations and may require additional conditions.





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## MEMORANDUM

To: Charlene Gallina, Planning Division

From: Jeannette Doss, Engineering and Conservation Division *JD*

Date: September 26, 2013

Re: Kitchack Cellars  
Use Permit - Engineering CoA  
1094 Hardman Avenue, Napa, CA  
P13-00062 APN 039-190-055

The Engineering Division received a referral for comment on a modification to an existing use permit for Kitchack Cellars winery, generally requesting the following:

*To increase the annual production from 5,000 gallons per year to 15,000 gallons per year; increase the number of appointment only guests per day from 12 guests per day to 20 guests per day (with no more than 12 guests per appointment); a change in the marketing plan to increase the number of events (from 10 to 16 total) and the number of guests per event (range – from 20/30 to 20/50 persons), an increase in the number of full-time employees by 1, and a reconfiguration in parking spaces; construct a new 2,701 square foot winery barrel storage building/tasting facility; and expand the existing covered crush pad by 71 square feet. The modification also includes a road exception request that authorizes use of the existing private driveway configuration with minor improvements to accommodate fire and emergency access.*

After careful review of the use permit modification package submittal the Engineering Division recommends approval of the project with the following recommended conditions:

### EXISTING CONDITIONS:

1. Napa County parcels 039-190-055 is located at 1094 Hardman Avenue on the north side of Hardman Avenue approximately 0.28 miles east of the intersection of Hardman Avenue and Silverado Trail.
2. The existing parcel is approximately 20.07 acres.
3. Parcel 039-190-055 is currently developed with a winery, a separate tasting room, a private residence, and detached garage.
4. The adjacent parcel at 039-190-056 has an access easement and a roadway maintenance agreement recorded against the property which allocates responsibility between the winery parcel and the neighboring property owner for maintenance and repair of the roadway.

Planning Division  
(707) 253-4417

Building Division  
(707) 253-4417

Engineering & Conservation  
(707) 253-4417

Environmental Health  
(707) 253-4471

Parks & Open Space  
(707) 259-5933

**RECOMMENDED CONDITIONS:**

**PARKING:**

1. Any parking proposed by the applicant or required by the Planning Commission as a condition of this permit must conform to the requirements of the latest edition of the Napa County Road and Street Standards.

**NEW PRIVATE ACCESS ROADS AND DRIVEWAYS:**

2. Applicant has requested an exception to the Napa County Road and Street Standards for the access driveway. The requested modification proposes a narrowing of approximately the first 800 ft of driveway with varying widths of between 15.5 ft and 17 ft. The 800 ft section will include 3 turnout areas to allow vehicles to pass. The rest of the driveway will be a 14 ft wide one-way loop road of approximately 650 ft in length. There are four turns along this one-way loop road that do not meet the horizontal inside turning radius requirement. The applicant has provided an AutoTURN analysis with the submittal that illustrates that a 30 ft long fire apparatus can navigate the driveway as proposed. The reduction in width will accommodate the existing legal constraints. Engineering will support the request with the conditions outlined in separate attached memo titled "Kitchak Cellars – Road Exception Request" and dated September 24, 2013.
3. The applicant must obtain an encroachment permit from the Public Works Department for any work performed within the Napa County Right-of-Way.

**SITE IMPROVEMENTS:**

4. All on site civil improvements proposed including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking, and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by this office prior to the commencement of any on site land preparation or construction. Plans shall be submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.
5. Proposed drainage for the development shall be shown on the improvement plans and shall be accomplished to avoid the diversion or concentration of stormwater runoff onto adjacent properties. Plan shall also indicate the path and changes in runoff.
6. Grading and drainage improvements shall be constructed according to the latest "Napa County Road and Street Standards" and the California Building Code. Specifically, all cuts and fills slopes shall be setback to meet the latest CBC.

7. If excess material is generated that cannot be used onsite, the Owner shall furnish to the Napa County Planning, Building and Environmental Services Department evidence that the Owner has entered into agreements with the property owners of the site involved and has obtained the permits, licenses and clearances prior to commencing any off-hauling operations.

**OTHER RECOMMENDATIONS:**

8. Prior to the granting of occupancy (be it temporary or final) of any new building permits associated with this Use Permit (i.e. the proposed caves, new tasting facility, and changes to the production building) and/or prior to any increase in visitation or marketing, the driveway and parking improvements as outlined above shall be implemented.

**CONSTRUCTION STORMWATER REQUIREMENTS:**

9. Any Project that requires a building or grading permit shall complete a Napa County Construction Site Runoff Control Requirements Appendix A - Project Applicability Checklist and shall submit this form to the Napa County Planning, Building and Environmental Services Department for review.
10. All earth disturbing activities shall include measures to prevent erosion, sediment, and waste materials from leaving the site and entering waterways both during and after construction in conformance with the Napa County Stormwater Ordinance 1240 and the latest adopted state regulations. Best Management Practices (BMPs) shall also be implemented to minimize dust at all times.
11. Any construction activity that equals or exceeds one acre of total disturbed area shall prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the regulations of California Regional Water Quality Control Board (SRWQCB) and shall file a Notice of Intent (NOI) prior to commencement of any construction activity. The completed SWPPP shall be submitted to the Napa County Planning, Building and Environmental Services Department for review.
12. All hazardous materials stored and used on-site during construction that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, concrete, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified.
13. All trash enclosures must be covered and protected from rain, roof, and surface drainage.
14. The property owner shall inform all individuals, who will take part in the construction process, of these requirements.

**POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS:**

15. Project must conform and incorporate all appropriate Site Design, Source Control and Treatment Control Best Management Practices as required by the Napa County manual for *Post-Construction Runoff Management Requirements* which is available at the Planning, Building and Environmental Services Department office.
16. Post-development runoff volume shall not exceed pre-development runoff volume for the 2-year, 24-hour storm event. Post-development runoff volume shall be determined by the same method used to determine pre-development conditions. If post-development runoff volume exceeds pre-development runoff volume after the site design BMPs are incorporated into the project's overall design, a structural BMP (e.g. bio-retention unit) may be used to capture and infiltrate the excess volume.
17. Loading/unloading dock and processing areas must be covered or designed to preclude stormwater run-on and runoff. All direct connections to storm drains from depressed loading docks (truck wells) are prohibited.
18. Parking lots and other impervious areas shall be designed to drain through grassy swales, buffer strips, sand filters or other sediment control methods which will be approved by this Department. If any discharge of concentrated surface waters is proposed into any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board prior to the issuance of applicable construction permits.
19. In design of retention facilities, the maximum percolation rate shall be two inches per hour.
20. For on-site common retention basins, the side slopes shall not exceed 3:1.
21. Provide concrete stamping, or equivalent, of all stormwater conveyance system inlets and catch basins within the project area with prohibitive language (e.g., "No Dumping – Drains to Napa River"). Signage shall identify the receiving water the drain discharges to and include a message in Spanish.
22. Trash storage areas shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, and screened or walled to prevent off-site transport of trash. Trash storage areas must contain a roof or awning to minimize direct precipitation or contain attached lids on all trash containers that exclude rain.
23. Prior to final occupancy the property owner must legally record an "*implementation and maintenance agreement*" approved by the Public Works department to ensure all post-construction structures on the property remain functional and operational for the indefinite duration of the project.



24. Each year the entity responsible for maintenance is required to complete an annual report. The report shall be signed by the property owner and include copies of completed inspection and maintenance checklists to document that maintenance activities were conducted during the previous year. The annual report shall be retained for a period of at least five years and made available upon request by the County.

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

If you have any questions regarding the above items please contact Jeannette Doss at 253-4417. For groundwater questions and/or traffic questions, please contact the Napa County Department of Public Works at (707) 253-4351 and ask for Anna Maria Martinez (groundwater) or Paul Wilkinson (traffic).