



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 10/2/2013

Agenda Placement: 8A

Continued From: September 4, 2013

## Napa County Planning Commission Board Agenda Letter

---

**TO:** Napa County Planning Commission

**FROM:** Charlene Gallina for Hillary Gitelman - Director  
Planning, Building and Environmental Services

**REPORT BY:** Charlene Gallina, SUPERVISING PLANNER - 299-1355

**SUBJECT:** Kitchak Winery Use Permit Modification P13-00062

---

### **RECOMMENDATION**

#### **PETER KITCHAK / KITCHAK WINERY - USE PERMT MODIFICATION (P13-00062-MOD).**

**CEQA Status:** Consideration and possible adoption of a Categorical Exemption pursuant to the California Environmental Quality Act State CEQA Guidelines, Section 15301, Class 1, Existing Facilities – Existing Roads; Section 15303, Class 3, New Construction or Conversion of Small Structures; and Section 15304, Class 4, Minor Alterations to Lands. This project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

**Request:** Approval of Use Permit Modification (P13-00062) to modify prior Use Permits (P09-00148-UP; P10-00151-VMM) to allow the following: (a) increase in annual production from 5,000 to 15,000 gallons per year; (b) construction of a winery barrel storage building of approximately 2,701 square feet including 759 square feet of conference/tasting room, balcony area, and storage; (c) Increase the size of the 640 square foot covered crush pad to 711 square feet. No other changes are proposed to the existing winery building or use of hospitality patio; (d) increase tours and tastings visitations with catered food by appointment from twelve (12) per day to a maximum of 20 visitors per day (with no more than 12 persons per tasting tour); (e) increase in marketing plan from six (6) 20-person promotional events with catered meals per year; four (4) 30-person release event per year with No Tours & Tasting Appointments or Marketing Events to be held on the same day to twelve (12) promotional wine tastings per year with catered food per year with a maximum of twenty (20) guests and four (4) wine release events per year with catered food with a maximum of fifty (50) guests (No Tours & Tastings and other marketing event will be held on the same day); (f) increase hours of operation from 10 am to 4 pm to 10 am to 6:00 pm seven days a week for visitation. No changes proposed for winery operations; (g) increase the number of parking spaces from 6 to 8; (h) increase full-time employees from one (1) to two (2) (the number of part-time employees will remain at 2); and (i) increase the Hold-and-Haul winery process wastewater treatment system to accommodate the increased production capacity. The application also includes a Napa County Road and Street Standards Exception request. The 20.01-acre project site is located on north side of Hardman Avenue, approximately 1,500 feet east of its intersection with Silverado Trail within the Agricultural Preserve (AP) and Agricultural Watershed (AW) Zoning

Districts at 1094 Hardman Avenue, Napa (APN: 039-190-055)

**Staff Recommendation:** Find the project Categorically Exempt and approve the requested Road Exception and Use Permit as conditioned.

**Staff Contact:** Charlene Gallina, (707) 299-1355; charlene.gallina@countyofnapa.org

**Applicant Contact:** Peter Kitchak, (707) 226-1668

**THIS ITEM WAS CONTINUED FROM SEPTEMBER 4, 2013.**

### **EXECUTIVE SUMMARY**

#### **Proposed Actions:**

That the Planning Commission:

1. Find the project Categorically Exempt from CEQA based on Finding 1 of Exhibit A;
2. Approve the Road and Street Standards Exception based on Findings 2-3 of Exhibit A; and
3. Approve Use Permit (P13-00062) based on Findings 4-8 of Exhibit A and subject to the recommended Conditions of Approval (Exhibit B).

#### **Discussion:**

The application proposes a modification to a winery use permit first approved in 2009 and modified in 2010 to allow the following: an increase in production from 5,000 to 15,000 gallons annually, construction of a 2,701 sf winery barrel storage building (including area dedicated to a conference/tasting room, balcony, and storage, increase in visitation and marketing), an increase in the size of the covered crush pad, an increase in the hours of operation, an increase in the number of full-time employees, and an increase in the Hold-and-Haul winery process wastewater treatment system. Also included is a request for an exception to Napa County Road and Street Standards.

A public hearing was held on September 4, 2013 and based upon Commission discussion, this item was continued. At this meeting, Planning Staff was unable to make the required findings for this Use Permit Modification given that findings for a Road and Street Standards Exception couldn't be made by Engineering Services, the Fire Department, and County Counsel. However, based upon testimony presented by the applicant's team, the Commission directed Staff to prepare findings supporting grant of a road exception due to legal constraints associated with the changing of the configuration of the existing driveway. As such, the Commission indicated overall support for the project and directed staff to prepare findings for approval subject to conditions. Such Findings are presented in Attachment A for Commission consideration including Conditions of Approval (Attachment B) for final action on the project.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

The project is Categorically Exempt pursuant to the State CEQA Guidelines, Section 15301, Class 1, Existing Facilities – Existing Roads and Section 15304, Class 4, Minor Alterations to Lands which exempts minor alterations to an existing private road, and Section 15303, Class 3 New Construction or Conversion of Small Structures which exempts the construction of a small structure. (See attached CEQA Memo) This project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

**BACKGROUND AND DISCUSSION**

A public hearing was held on September 4, 2013 and was continued to allow staff to prepare findings supporting grant of a road exception due to legal constraints associated with the changing of the configuration of the existing driveway. In addition, Chairman Scott requested that appropriate signage be required at the winery entrance to ensure that visitors were able to easily locate the Kitchak Winery off of Hardman Avenue. A copy of the September 4, 2013 staff report has been provided in the packet for reference. Specific aspects of the Road Exception request and the project are addressed below.

**Discussion:**

Napa County Roads & Streets Standards (RRS) Exception Request - In response to Commission's direction, Planning staff including the Engineering Division, Fire Department, and County Counsel, has prepared the necessary findings for this Exception request. On September 24, 2013, staff received final clarification on the Road Exception Request (refer to Attachment G) for the access drive to the Winery. Attachment F represents a Table Summary of the all the exceptions requested to be granted under this item. As noted in the Table Summary, the applicant is requesting that seven (7) areas of the access road be granted a Road Exception. Attachment C includes staff's analysis of the road exception request and recommended conditions of approval. Such findings and conditions have been incorporated into the overall findings for the project. (Refer to Attachments A and B).

Number of Parking Spaces - In response to Commission concerns on the designation of two (2) existing parking spaces located within the residence garage as winery parking, Delta Consulting & Engineering, notified staff on September 18, 2013, that Mr. Kitchak agreed not to redesignate these two (2) spaces for winery use. Therefore, this decision will result in no changes to the number of winery parking spaces to be provided on-site with the exception to the reconfiguration of these spaces to accommodate fire and emergency access, as well as, providing an overflow parking area located adjacent to the bocce court near Lake Cynthia to be used for marketing events. Condition 1.A.7 provided in Attachment B, Conditions of Approval reflects this change.

Project Signage - In response to Commission concerns expressed regarding difficulty for the public to find Kitchak Winery off of Hardman Avenue, the applicant has agreed to provide either a winery identification sign at the property entrance gate and/or directional signs off a Hardman Avenue. Condition 2.C. provided in Attachment B, Conditions of Approval addresses this concern.

No other changes to the project are requested at this time. Project Findings (refer to Attachment A) and Conditions of Approval (refer to Attachment B), including final Division/Department Conditions have been provided for Commission action on this project.

**SUPPORTING DOCUMENTS**

A . Exhibit A - Findings

- B . Exhibit B - Conditions of Approval
- C . Engineering Services - Road Exception Request & Conditions of Approval
- D . Department Comments
- E . CEQA Memo
- F . Table Summary of Exception Request
- G . Revised Exception Request Letter 9-24-13

Napa County Planning Commission: Approve

Reviewed By: John McDowell