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Agenda Date: 9/4/2013
Agenda Placement: 10C

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: John McDowell for Hillary Gitelman - Director
Planning, Building and Environmental Services
REPORT BY: Mary Doyle, Planner - 299-1350
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 Statutory Exemption pursuant to Section 15270, "Projects Which Are Disapproved" of the California Environmental Quality Act.

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 of 5,000 to 15,000 gallons per year; (b) construction 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 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: Staff is recommending denial of the Use Permit Modification due to the Engineering

Services Division's and the Fire Department's determination that the associated Road Exception request does not meet the required findings and provide the same overall practical effect as the Napa County Roads & Street Standards towards providing defensible space, and consideration towards life, safety and public welfare.

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

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

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission

1. Adopt a Statutory Exemption pursuant to Section 15270, "Projects Which Are Disapproved" of the California Environmental Quality Act"; and
2. Deny Use Permit Modification (P13-00062-MOD) based on the finding that the associated road exception request does not meet the required finding under environmental and/or legal constraints, and therefore, does not provide the same overall practical effect as the Napa County Roads & Street Standards towards providing defensible space, and consideration towards life, safety and public welfare.

Discussion:

The application proposes a modification to a winery use permit first approved in 2009 and modified in 2010 (see History below) 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.

Although the proposed project is consistent with the standards in connection with Zoning Code and District regulations, as well as, the Winery Definition Ordinance requirements, Planning Staff are unable to make the required findings for this Use Permit Modification at this time given that findings for a Road and Street Standards Exception request cannot be made by Engineering Services and the Fire Department (refer to Discussion, below). Therefore, the Planning Commission has the following alternative options it may wish to consider for action on this request:

1. Deny requested Use Permit Modification based on the project not meeting the required findings of fact for grant of a road exception (Refer to recommendation action noted above); or
2. Continue the item, and direct staff to prepare a denial of the road exception request and approval of the project with conditions of approval including requiring widening of the project roads to meet County standards; or
3. Continue the item to a date uncertain, and direct Staff to forward a request to the Board of Supervisors to initiate an amendment of the Napa County Road and Street Standards to allow reduced width roads for projects of this nature; or
4. Continue the item, and direct Staff to prepare findings of fact for grant of a road exception and approval of the

project with conditions of approval. This option assumes substantial evidence is presented to the Planning Commission which would support making the road exception request findings.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Denial of the project constitutes a Statutory Exemption to the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15270, "Projects Which Are Disapproved".

BACKGROUND AND DISCUSSION

Owner/Applicant: Peter Kitchak, (707) 225-1668

Representative: David Gilbreth, (707) 337-6412

Zoning: AP (Agricultural Preserve) & AW (Agricultural Watershed)

General Plan Designation: AR (Agricultural Resource)

Filed: March 1, 2013

Revised: March 15, 2013, April 15, 2013, July 1, 2013, July 15, 2013, August 21, 2013

Complete: August 22, 2013

Winery Characteristics:

Production Capacity (Approved): 5,000 gallons per year

Production Capacity (Proposed): 15,000 gallons per year

Development Area (approved/proposed): approximately 2,707 sq.ft. / 7,970 sq.ft.

Winery Coverage - (proposed): approximately 15,324 sq.ft. (1.8% of parcel)
(winery coverage is a maximum of 25% of parcel or 15 acres, whichever is less)

Production Facility (approved/proposed): approximately 2,047 sq.ft. / 6,948 sq.ft.

Accessory Use (approved/proposed): approximately 400 sq.ft. / 759 sq.ft.

Accessory to Production Ratio (approved/proposed): 23% / 13.3%
(accessory to production ratio is a WDO maximum of 40%)

Visitation (approved): Maximum twelve (12) visitors per day; 84 per week (by appointment)

Visitation (proposed): Maximum twenty (20) visitors per day (with no more than 12 persons per tasting tour); 140 visitors per week (by appointment)

Marketing (approved): Six (6) 20-person promotional events with catered food per year and four (4) 30-person release event with catered food per year. No Tours & Tasting Appointments or Marketing Events to be held on the same day.

Marketing (proposed): Twelve (12) promotional wine tastings per year for a maximum of twenty (20) guests and four (4) wine release events per year with a maximum of fifty (50) guests per event, both with catered food. No Tours & Tasting Appointments or Marketing Events to be held on the same day.

Number of Employees (approved): 1 full-time and 2 part-time.

Number of Employees (proposed): 2 full-time and 2 part-time (no change in the number of part-time employees).

Days & Hours of Operation (approved): 7 days a week, 10:00 AM to 4:00 PM

Days & Hours of Operation (Proposed): 7 days a week, 10:00 AM to 6:00 PM

Parking (approved): 6 spaces, including 1 handicapped space

Parking (proposed): 8 spaces, including 1 handicapped space (Please note that 2 spaces proposed are to be located in the existing residential garage, to be used by the owners of the winery) An overflow parking area to be used for events is being proposed adjacent to the bocce courts near Lake Cynthia.

Adjacent General Plan Designation/ Zoning / Land Use:

North:

AR/AWOS General Plan designation; AW zoning - one parcel approximately 159 acres developed with a winery (William Hill Winery) and vineyards.

South:

AR General Plan designation; AW zoning - two parcels of approximately 4 acres and 5 acres each developed with single family residences.

West:

AR General Plan designation; AP zoning - one parcel of approximately 15 acres developed with a winery (Razi Winery) and vineyards.

East:

AR General Plan designation; AP zoning - one parcel of approximately 7.3 acres developed with a single family residence and vineyards. Please note that the access driveway to this residence is the same access driveway to the Kitchak Winery and residence.

AR General Plan designation; AW zoning - two parcels of 6.24& 1.27 acres developed as residential.

Wineries in the Vicinity (located within 1 mile of the project):

Producing wineries within a mile of the project site include William Hill Winery to the north; Judd's Hill Winery to the south; and Luna Vineyards, Silverado Hills Vineyards, Razi's, Krupps Brothers, Reynolds, and Van Der Heyden wineries to the west. There are no wineries located to the east of Kitchak Winery. The table below provides a brief description of the nearby wineries.

Winery	Address	Floor Area (square feet)	Production Gallons/year	Tours & Tastings Visitors/week	Employees
Razi's Winery	3106 Silverado Trail	1,600	20,000	50	0

Krupps Brothers Winery (Approved Only)	3150 Silverado Trail	18,200	50,000	124	10
Reynolds Winery	3260 Silverado Trail	7,800	20,000	70	2
Silverado Hill Vineyards	3105 Silverado Trail	27,454	200,000	490	30
Judd's Hill Winery	2331 Silverado Trail	5,608	30,000	28	2.5
William Hill Winery	1761 Atlas Peak Road	38,000	335,000	50	7.5
Luna Vineyards	2921 Silverado Trail	16,752	150,000	420	15
Van Der Heyden Vineyards	4057 Silverado Trail	1,200	8,000	50	7.5

Property History:

2007: The Planning Department approved a variance P06-00434-VAR to allow a new residence, detached garage and a portion of a landscape area to encroach 35 feet into the required 55 foot stream setback from the reservoir (Lake Cynthia).

2008: The Building Department issued a final Certificate of Occupancy for the Kitchak residence and detached garage. The detached garage would be converted to the future winery structure under P09-00148 UP.

2009: The applicant applied for a winery use permit P09-00148 UP for a 5,000 gallon annual production winery and associated infrastructure, and to convert the existing detached residential garage to become the winery facility, and a variance P09-00147 VAR to allow the proposed winery facility (the existing detached garage) to be established 196 feet from the centerline of a private road where a 300 foot winery setback is required.

The applicant also requested an Exception to Section 3 of the Napa County Road and Street Standards (RSS) which requires a minimum 18 foot driveway width with 2 foot shoulder on either side of the 18 foot driveway for a total width of 20 feet for driveways serving a commercial activity. The existing driveway was constructed in 1990 as a residential only driveway serving two parcels, the winery parcel on the west side of the driveway and the adjacent parcel on the east side of the driveway. At the time of review, the existing main driveway easement (flag portion) was approximately 800 feet long and consisted of two concrete strips running the full length. The outside edge of the strips measured 12 feet wide with a 3 foot shoulder on each side. Italian Cypress trees were planted on each side within the shoulders for the full length of the driveway. Near the entrance to the winery/residence, the driveway turned west and narrowed to 10 feet wide with 2 foot shoulders on each side for approximately 190 feet. Cypress and Olive Trees were planted along each side of this portion of the driveway. These improvements were installed with the construction of the new residence between 2007 and 2009. The applicant's reason for the RSS exception request was to avoid removal of mature, domestic cypress trees and olive trees.

While staff was sympathetic to the applicant's request, trees planted for decorative landscaping did not meet any of the required findings under the Napa County's Exception to Standards Section 3(D) which shall include any one of the following: 1) - to preserve unique features of the environment...Exception does not include man made environmental features, decorative landscaping, fences...etc.; 2) - to accommodate physical site limitations such as grade differentials; or, 3) - to accommodate other limiting factors - such as historical or legal constraints. Given this, denial of the RSS exception was recommended by County Divisions and Departments, including Planning, Public Works (now known as Engineering Services), Fire, and County Counsel because the findings necessary for

a RSS exception could not be made.

At the Commission hearing, the Commissioners heard testimony by the applicant and staff, and denied the road exception. A condition was included by Public Works (#5 of Memo dated January 8, 2010) that stated: "Access drive shall be a minimum of 18 feet wide with 2 feet of shoulder. Structural section shall be a minimum two inches of asphalt concrete surface over five inches of Class II Aggregate or equivalent (County Road and Street Standards - Common Drive, Page 9, Standard 12)." In addition, the Commission directed staff to add to the "Project Scope" the following language: "Improvement of the existing driveway from Hardman Avenue to the proposed winery structure to comply with the RSS with consideration for the existing conditions so as to (1) have the least amount of effect on the existing improvements, (2) conserve costs to the permittee, and (3) preserve existing landscape design aesthetics."

In conjunction with issuance of Building Permit B10-00170, Public Works staff worked with the applicant's design team to address the Planning Commission's direction. The approved building permit plans showed an alternative surface and allowed the Cypress to remain as originally planted, but the drive would be widened between the Cypress to the required 20 ft. width (see attachments for approved building permit). The existing drive is however not consistent with these approved building permit plans. A row of vineyards have been planted on either side of the drive in the areas between the Cypress resulting in the unobstructed drive with falling well below the required 20 ft. width (18 ft. with 2 ft. shoulders is required).

2010: The applicant applied for a Very Minor Modification Use Permit P10-00151 MODVMIN to construct a 260 square foot tasting room building attached to the north side of the existing production building with an adjacent 140 square foot hospitality patio, and a 640 square foot outdoor covered crush pad. P10-00151 MODVMIN was administratively approved by the Planning Department on May 6, 2010. Construction was completed in 2010.

2011: The applicant built under B11-00403 a detached residential garage. The location of the detached residential garage effectively reduced by approximately 1,000 square feet of fire apparatus and emergency vehicles maneuvering area, as well as, reducing the turning radii of the main loop road. The existing vineyard/agricultural road remained unchanged, allowing for the emergency access to the entire perimeter of the winery structure. Construction was completed in 2011.

2012: The applicant acquired approximately 5 acres from an adjacent parcel, increasing the total parcel acreage to 20 acres. The additional acreage was and remains a producing vineyard block. A new parcel number was created APN: 039-190-055.

March 2013: The applicant applied for the major modification currently under consideration by the Commission.

July 2013: The applicant requested an exception to Napa County Road and Street Standards.

Code Compliance History:

Based on a review of the Planning Division's files, there are no pending code compliance actions on this property. However, recent review of the Winery's website has revealed that tours are available into the Kitchak's private wine cellar which is located in their private cave constructed as part of the residence. Tours of the historic racing cars located in their residential garage are also advertised. Furthermore, there is a Bocce Court at the picnic area by the lake in which guests are encouraged to use for on-site picnicing and recreation. It should be noted that such uses have not been requested in conjunction with this modification.

Discussion:

Setting - The 20-acre project site is located on the north side of Hardman Avenue. The parcel site is developed

with the existing Kitchak Winery and associated infrastructure, a main residence with associated infrastructure, a detached garage, and an approximately 10-acre producing vineyard. There is a private cave and Bocce Court associated with the main residence and is not associated with or approved for any use associated with the winery. The parcel also has a portion (approximately 3.9 acres) of an existing reservoir (known as Lake Cynthia). The use of the reservoir water is subject to the State Water Resources Application #14975, Permit #9226 and Licence Number #56267 and can not be used for any Kitchak Winery operations or for the vineyards on the parcel. Access to the parcel is off of Hardman Avenue which is shared by APN 039-190-056 which is owned by Madelaine and Tai Chang. The driveway provides access to two parcels, the Kitchak Winery and residence on the west side of the driveway and the adjacent parcel on the east side of the driveway.

Use Permit Modification - The use permit modification currently under consideration by the Commission includes an increase in the annual production capacity, the construction of a new winery barrel storage production facility, an addition to the existing winery tasting area, an increase in the number of appointment only guests per day, a revised marketing plan to increase the number of events and the number of guests per event, an increase in the number of full-time employees, a reconfiguration, redesignation and increase in parking spaces and site improvements. The proposed barrel storage site will be located adjacent the existing covered crush pad and next to the vineyard road and property vineyard. Both the vineyard road and some vineyard will be removed to accommodate the new barrel storage facility. An overflow parking area down by the lake has been designated for marketing events. The proposed location is approximately 210 feet from the center line of the private road winery setback, and within the variance of 196' granted under P09-00149-VAR.

Storage Building Design and Aesthetics - The proposed 2,701 sq.ft. winery barrel storage building 23 feet in height will be stone veneer and has double sliding, wooden doors and arched timber headers at the window openings. The roof consists of clay roof tiles. The proposed architectural design will match existing building on site. The existing 640 covered crush pad located on the south side of the winery will be increased in size by 71 sq.ft. to a total of 711 sq.ft. A 454 sq.ft. concrete path and ramp will connect the new barrel storage building to the existing winery on the south side. The interior of the structure is an open bay with a 2,701 sq.ft area on the floor plan designated for barrel storage. Of the remaining 759 sq.ft., 172 sq.ft. is designated for accessory storage, and 587 sq.ft. is designated as a conference/tasting room and balcony area. No other improvements are proposed to the existing winery. The proposed winery expansion is considered by staff to blend well with its natural surroundings and will convey "permanence and attractiveness" as required by General Plan Policies AG/LU-10 and CC-2 and meet the requirements of the Winery Definition Ordinance.

Road Exception Request - The applicant once again has requested an Exception to Section 3 of the Napa County Road and Street Standards (RSS) which requires a minimum 18 foot driveway width with a 2 foot shoulder for a total width of 20 feet for driveways serving a commercial activity. The Engineering and Conservation Division received a request dated June 28, 2013 for modification of County Road and Street Standards (RSS). 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). 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.

These improvements were installed with the construction of the new residence between 2007 and 2009. Cypress

and Olive Trees were planted along each side of this portion of the driveway. The applicant's reason for the RSS exception request is to again avoid removal of mature, domestic cypress trees and olive trees, but not removal of existing vineyards.

While staff was sympathetic once again to the applicant's request, trees planted for decorative landscaping simply does not meet any of the required findings under the Napa County's Exception to Standards Section 3(D) which shall include any one of the following: 1) - to preserve unique features of the environment...Exception does not include man made environmental features, decorative landscaping, fences...etc.; 2) - to accommodate physical site limitations such as grade differentials; or, 3) - to accommodate other limiting factors - such as historical or legal constraints.

To approve a road modification request, the Planning Commission must find that the project satisfies essentially two requirements. The first is that the project meets one of the findings noted above. In doing so, the Commission must find that there is either some natural feature or legal/historical constraint that effectively inhibits the projects from otherwise meeting the standard. In this case, there is neither a physical or legal constraint that satisfies this mandate. Widening of the road can be accomplished by removing vineyards and decorative landscaping, all of which were planted circa 2007. Grant of a road exception based on a finding that the vineyard and decorative landscaping constitutes a "unique feature of the environment" could be considered grant of a special privilege and entitle the property owner to benefits that others with similar circumstances have not been afforded.

The second requirement is that the proposed alternative design contains mitigating features such that the alternative design achieves the same overall practical effect as that of a project that meets the standards. In practice, 'same practical effect' is typically implemented by: 1) widening the road where it can be widened to the standard (and thus limiting the area(s) of substandard road sections); 2) employing additional design features such as signage, view mirrors (where appropriate), vegetation clearing, pavement grove (for steep slopes), etc., in the vicinity of the reductions; and 3) implementing building and site safety upgrades such as increased fire sprinkler water storage, safe haven driveway expansions, increased access and clear areas around buildings, additional fire resistive construction, etc. In this case, Engineering and Fire Division Staff do not believe the proposed design has incorporated sufficient mitigating alternative design components to achieve same overall practice effect. Some elements of the design exceed standards, but general fire access to the site is constrained and minimal. Drive aisle are narrow and the drives only access one side of the buildings. Turn radius for trucks are at minimums. Manway access around the buildings are at minimums.

Staff understand that this is a small winery with modest visitation. Still, it is a winery where the public and employees will be present, and there is a responsibility to ensure that the small/modest wineries meet the same standards as all other establishments where the public and employees are invited. If this was a hobby or a home wine making operation (500 gallons, no employees, no visitation), it would not be subject to these standards. This however is a business and the code is quite clear that it must be treated as such. Some may consider that the Road and Street Standards are excessive for this type of small and/or modest business, but until the standards are changed, they are absolutely applicable. It is this certainty in the code that compells Staff to reluctant recommend denial of the overall project over this single issue. Staff would be in full support of this project if the applicant committed to a project design that meets the Road and Street Standards.

Compliance with CAL Fire Requirements - In order to provide adequate fire protection, emergency medical response and rescue services, it is within the purview of the Fire Marshal's Office to ensure that adequate defensible space around buildings, fire hydrant locations and general access to buildings are available. In review of this proposal, the Fire Marshal has determined that the existing proposal does not comply with CAL Fire requirements. The Fire Marshal will be in attendance to present his findings.

Next Steps - Although the proposed project is consistent with the standards in connection with Zoning Code and District regulations, as well as, the Winery Definition Ordinance requirements, Planning staff is unable to make the

required findings for this Use Permit Modification, at this time, based upon the discussion above regarding the Road Exception Request and compliance with CAL Fire Requirements. Given this, the Planning Commission has the following alternative options it may wish to consider for action on this request:

1. Deny requested Use Permit Modification based on the project not meeting the required findings of fact for grant of a road exception. Under this option, the Commission would just take action to deny the project.
2. Continue the item, and direct staff to prepare a denial of the road exception request and approval of the project with conditions of approval including requiring widening of the project roads to meet County standards. Under this option, staff would return on October 2nd with findings and final conditions for project approval.
3. Continue the item to a date uncertain, and direct Staff to forward a request to the Board of Supervisors to initiate an amendment of the Napa County Road and Street Standards to allow reduced width roads for projects of this nature. Under this option staff would follow up with a request to the Board to initiate an amendment. Such amendment would be process accordingly. Upon adoption, the applicant would be able to continue processing this modification request.
4. Continue the item, and direct Staff to prepare findings of fact for grant of a road exception and approval of the project with conditions of approval. This option assumes substantial evidence is presented to the Planning Commission which would support making the road exception request required findings. Under this option, the Commission would need to prepare findings and continue the item so staff can prepare final project findings based upon Commission direction and provide final conditions of approval.

Tours and Tastings/Marketing Events - The original use permit allowed tours and tastings by prior appointment for 12 visitors per day with no more than 84 visitors per week. This application includes a request to allow tours and tastings by prior appointment for a maximum of 20 visitors per day, Sunday through Saturday.

The proposal also includes a request to revise the marketing plan. The current marketing plan allows 6 events annually with 20 guests per event with catered food and 4 events annually with 30 guests per event with catered food. The revised marketing plan consists of 12 events annually with up to 20 guests with catered food and 4 events annually with up to 50 guests with catered food. The marketing events will not occur on at the same time as any tours and tasting appointments.

Staff has provided a table comparing marketing and tours and tastings visitation at similarly sized wineries below. The proposed revisions to the visitation program falls into the upper end of wineries producing 15,000 gallons per year. Given the increasing importance of direct-to-consumer sales for Napa Valley wineries, the 140 maximum weekly or a 60 average number of visitors proposed here would be in keeping with the other not appear to be unreasonable.

Winery	Approved Production	Tours & Tastings	Tours & Tastings Avg/Week	Marketing Events Per Year
Checkerboard Vineyards	15,000	Appt	100	7
MJA	15,000	Appt	75	26
Revana Winery	15,000	Appt	40	12
Dancing Hares Vineyards	15,000	Appt	30	4
Harrison Vineyards	15,000	Appt	30	6

Eeden	15,000	Appt	10	5
Robinson Family Vineyards	15,000	Appt	8	8
O'Shaughnessy Winery	15,000	Appt	7	0
Sloan Winery	15,000	none	2	0
Elan Vineyards	15,000	none	1	0
Storybook Mountain Vineyard	15,000	Appt	0	6
Proposed Kitchak	15,000	Appt	60	16

Greenhouse Gas Reduction Strategies - In 2011, the Bay Area Air Quality Management District (BAAQMD) released California Environmental Quality Act (CEQA) Project Screening Criteria and Significance of Thresholds related to greenhouse gas emissions (GHG) for new development. The District's screening table (BAAQMD Air Quality Guidelines, Table 3.1) suggests that similar projects such as a quality restaurant and light industrial uses with less than 9,000 sq. ft. and 121,000 square feet of floor area, respectively, would not generate GHG in excess of the significance criterion (1,100 metric tons of carbon dioxide equivalents per year). By comparison a high quality restaurant is considered comparable to a winery tasting room for purposes of evaluating air pollutant emissions, but grossly overstates emissions associated with other portions of a winery, such as office, barrel storage and production, which generate fewer vehicle trips. Therefore, a general light industry comparison has also been used for other such uses.

The proposal includes a total of approximately 2,500 square feet of floor area, with about 588 square feet for tasting/hospitality uses. The proposed floor area is below the screening levels for similar uses in the District's Guidelines, therefore the proposed use would not generate GHG above the significance threshold established by the District, and further analysis (and quantification) of GHG emissions is not warranted.

However, in addition to the project being below the Air District's thresholds of significance and screening criteria, the applicant proposes to incorporate GHG reduction methods including: expanding the existing solar panels to serve the new structure, continued recycling of 75% of all waste, and exceed Title 24 energy efficiency standards - build to CalGreen Tier 2, and incorporate energy efficient lighting into the new building. GHG Emission reductions from local programs and project level actions, such as application of the CalGreen Building Code, tightened vehicle fuel efficiency standards, and more project-specific on-site programs including those winery features noted above would combine to further reduce emissions resulting from the project.

Grape Sourcing - The Kitchak Winery parcel has approximately 10 acres of vineyards on the approximately 20-acre site. The existing and proposed production increase from 5,000 gallons/year to 15,000 gallons/year will be accommodated by existing vineyards located the parcel.

Consistency with Standards:

Zoning - With exception to staff's recommendation on the Road and Street Standards Exception request and Fire Marshall's requirements as discussed above, staff finds the remainder of the project consistent with AP (Agricultural Preserve) zoning district regulations and uses in connection with a winery (see Napa County Code § Section 18.20.030) which are permitted in the AP district with an approved use permit. Staff also finds that application complies with the Winery Definition Ordinance as requested with exception to items discussed under "Code Compliance History" in which the applicant will need to cease operations and submit a modification request to incorporate such uses.

SUPPORTING DOCUMENTS

- A . Engineering Services Memo - Road Modification Request
- B . P09-00148-UP & P09-00149-VAR Conditions of Approval
- C . P10-00151-VMod Conditions of Approval
- D . Exception Request Supplemental Letter 8-21-13
- E . Road & Street Standards Exception Request
- F . Voluntary Best Management Practices Checklist
- G . Application Packet
- H . Graphics
- I . Building Permit B10-00170 Winery Approved Plans
- J . Building Permit B11-00403 Residential Garage Approved Plans

Napa County Planning Commission: Approve

Reviewed By: John McDowell