



NAPA COUNTY
CONSERVATION, DEVELOPMENT & PLANNING COMMISSION
 1195 Third Street, Suite 210, Napa, California 94559 • (707) 253-4416
APPLICATION FORM

THIS IS AN APPLICATION FOR A DEVELOPMENT PERMIT

FOR OFFICE USE ONLY

ZONING DISTRICT: _____ Date Submitted: 3-6-13
 TYPE OF APPLICATION: Variance Date Complete: _____
 REQUEST: _____ Date Published: _____

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

PROJECT NAME: Niebaum-Coppola Estate Winery
 Assessor's Parcel #: 027-210-018 & 024 Existing Parcel Size: 95.28 acres
 Site Address/Location: 1991 St. Helena Hwy Rutherford CA 94573
No Street City State Zip
 Property Owner's Name: Niebaum-Coppola Estate Winery, L.P. dba Inglenook Attn: Kristen Sullivan
 Mailing Address: 1991 St. Helena Hwy Rutherford CA 94573
No Street City State Zip
 Telephone #: (707) 251-3261 Fax#: (707) 251-3290 E-Mail: Kristen.Sullivan@ffcpresents.com
707-968-1150 707-260-7698
 Applicant's Name: Niebaum-Coppola Estate Winery
 Mailing Address: 1991 St. Helena Hwy Rutherford CA 94573
No Street City State Zip
 Telephone #: (707) 251-3261 Fax#: (707) 251-3290 E-Mail: Kristen.Sullivan@ffcpresents.com
707-968-1150 707-260-7698
 Status of Applicant's Interest in Property: Owner
 Representative Name: Tom Adams, Dickenson, Peatman & Fogarty
 Mailing Address: 1455 First Street, Suite 310 Napa CA 94559
No Street City State Zip
 Telephone #: (707) 252-7122 Fax#: (707) 255-6876 E-Mail: TAdams@dpf-law.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, plot plan, floor plan, building elevations, water supply/waste disposal system plot 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 with reasonable prior notice the right of access to the property involved.

Kristen Sullivan (for Niebaum) Kristen Sullivan 2/22/13
Signature of Property Owner Date Signature of Applicant Date
Kristen Sullivan Coppola Estate Winery, LP Kristen Sullivan
Print Name Print Name
2/22/13

TO BE COMPLETED BY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT

*Application Fee Deposit: 3587.97 Receipt No. 95158 Received by: 88 Date: 3-6-13

*Total Fees will be based on actual 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's extraordinary circumstances are related to its containing some of the oldest historic winery buildings in Napa County, dating back to 1879. However, these structures have been obscured from public view. For example, the barrel building removal allowed the main winery building to be exposed in . Moving the historic tank house to a highly visible location is a necessary part of a continuing effort to rehabilitate and restore the historic structures and relocate them to afford the public a greater opportunity to view these important cultural and historic resources. The project accomplishes this by reducing the number of existing structures currently located within the County's road setback and rehabilitating and relocating an existing historic structure from a non-visible location on the property to a location within the road setback that adds to the overall historic setting of the property. The removal and rearrangement of existing buildings within an existing developed area is also necessary to prevent the need to impact existing vineyards by removing vines and placing a new cluster of buildings outside of the setback. Granting of the variance will further the goals and policies of the General Plan by promoting "the County's historic and cultural resources as a means to enhance the County's identity as the nation's premier wine country" (Community Character Element Policy CC-24).

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

The granting of this variance will allow the improvement and enhancement of the aesthetics and historical nature of the property that will benefit both the property and the general public, particularly those traveling on Highway 29. By opening up the currently blocked views of the property the public will have a better view of the existing historic chateau and the currently hidden historic tank house that is to be restored to accentuate the property's historically significant setting.

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.

This project will enhance the existing view of the historic chateau and offer the public the opportunity to see the historic tank house which will be rehabilitated and repaired consistent with the Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings. The project will not result in any adverse environmental impacts and will reduce the building square footage currently located within the County road setback and enhance the views onto the property from surrounding properties.



NAPA COUNTY
CONSERVATION, DEVELOPMENT & PLANNING COMMISSION
 1195 Third Street, Suite 210, Napa, California 94559 • (707) 253-4416
MINOR MODIFICATION APPLICATION FORM
 THIS IS AN APPLICATION FOR A DEVELOPMENT PERMIT

FOR OFFICE USE ONLY

ZONING DISTRICT: _____ Date Submitted: 4/24/2012
 TYPE OF APPLICATION: _____ Date Complete: _____
 REQUEST: _____ Date Published: _____

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

PROJECT NAME: Niebaum-Coppola Estate Winery
 Assessor's Parcel #: 027-210-018 & 024 Existing Parcel Size: 95.28 acres
 Site Address/Location: 1991 St. Helena Hwy Rutherford CA 94573
No Street City State Zip
 Property Owner's Name: Niebaum-Coppola Estate Winery, L.P. dba Inglenook Attn: Kristen Sullivan
 Mailing Address: 1991 St. Helena Hwy Rutherford CA 94573
No Street City State Zip
 Telephone #: (707) 251-3261 Fax#: (707) 251-3290 E-Mail: Kristen.Sullivan@ffcpresents.com
 Applicant's Name: Niebaum-Coppola Estate Winery
 Mailing Address: 1991 St. Helena Hwy Rutherford CA 94573
No Street City State Zip
 Telephone #: (707) 251-3261 Fax#: (707) 251-3290 E-Mail: Kristen.Sullivan@ffcpresents.com
 Status of Applicant's Interest in Property: Owner
 Representative Name: Tom Carey, Dickenson, Peatman & Fogarty
 Mailing Address: 809 Coombs Street Napa CA 94559
No Street City State Zip
 Telephone #: (707) 252-7122 Fax#: (707) 255-6876 E-Mail: TCarey@dpf-law.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, plot plan, floor plan, building elevations, water supply/waste disposal system plot 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 with reasonable prior notice the right of access to the property involved.

Thomas F. Carey
 Signature of Property Owner

Date

Thomas F. Carey
 Print Name

Thomas F. Carey
 Signature of Applicant

Date

Thomas F. Carey
 Print Name

TO BE COMPLETED BY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT

*Application Fee Deposit: 2770.31 Receipt No. 90477 Received by: TA Date: 4/24/2012

*Total Fees will be based on actual time and materials

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.

Kristen Sullivan - on
Applicant behalf of
Niebaum Coppola
Date Estate Winery, LP
dba Inglenook
2/22/13

Niebaum Coppola Estate Winery LP
Property Owner (if other than Applicant)
Niebaum Coppola Estate Winery
Project Identification

INGLENOOK

PROJECT STATEMENT VERY MINOR MODIFICATION OF USE PERMIT and VARIANCE

Date: March 6, 2012

Owner/Applicant: Niebaum-Coppola Estate Winery LP
Attn: Giselle Galper
620 Airpark Road
Napa, CA 94558

Representative: Tom Adams
Dickenson, Peatman & Fogarty
1455 First Street, Suite 301
Napa, California 94559
252-7122

Project Location: 1991 St. Helena Highway, Rutherford

APN: 027-210-018 & 024

Background

On January 8, 1999, the County issued Certificate of Legal Non-conformity (CLN) #98005-CLN to Niebaum-Coppola Estate Winery (now restored to its original name, Inglenook) recognizing the legality of various buildings and activities on the winery property. Included in this CLN were several buildings used for winery purposes on the easternmost portion of the property that lie within 600 feet of the centerline of Highway 29¹. The buildings recognized for winery use are the 1,685 "White House" winery office and the 577 square foot "Vinegar House" winery storage building. These structures are proximate to the entrance to the winery property along with a 543 square foot fire suppression equipment "pump house," a 330 square foot "vinegar shed," and sundry garden and parking areas.

Project Description

This application proposes improvements to the winery entrance to enhance the overall historic context by a combination of relocating and removing existing structures to open up public views of the property allowing for the relocation of an historic (circa 1890, see attached San Francisco Examiner article dated April 6, 1890) Tank House currently resting in a dilapidated condition on

¹ At the time of issuance of the CLN these buildings were technically not subject to the 600 foot setback imposed by the Winery Definition Ordinance because the property does not have frontage on Highway 29 due to the intervening parcel owned by the Napa Valley Wine Train. The zoning ordinance has since been amended to require winery buildings to be located at least 600 feet from the center of the highway regardless of whether the property actually has highway frontage.

the ridge behind the main Winery Chateau. The Tank House will be placed in the approximate footprint of the to be removed Vinegar House, but further away from Highway 29, and will be rehabilitated in accordance with the Secretary of Interior's Standards and Guidelines for the Rehabilitation of Historic Structures. The Tank House will be 428 square feet (149 sq. ft. less than the Vinegar House it replaces) that will be used as an information center for visitors to the winery.

The White House will be relocated further to the north edge of the compound, no closer to Highway 29 than its current location. A recent addition to the White House that was constructed approximately 20 years ago will also be removed as part of the project. The existing pump house is 543 sq. ft. in size located adjacent to the entrance drive will be demolished and reconstructed with a reduced footprint (303 sq. ft. less than the existing pump house) further to the northwest on the other side of the relocated White House. This location will obscure the pump house from view.

The Vinegar House (577 sq.ft.) and vinegar shed (330 sq.ft.) are both in states of disrepair and will be demolished and not reconstructed further reducing the square footage of structures within the setback by 907 sq. ft. A new stand alone single use restroom (120 sq. ft.) will be located northeast of the relocated Tank House in close proximity to the existing vinegar shed that is to be removed. The removal and reduction in size of existing structures will more than offset the increase in square footage of the relocated Tank House resulting in a net reduction of approximately 810 sq. ft.

Other improvements to the winery entrance that will enhanced the historic setting will include lawns, decomposed granite walkways and a new parking lot (replacing existing parking area) with a logical and safe circulation pattern. Existing landscaping along the eastern property line will be opened up and enhanced to provide a more attractive vista of the property from Highway 29 as shown on the attached renderings.

Although this project does not propose any significant development or change in the operation that would increase traffic or the generation of greenhouse gases, the winery has been pro-actively instituting measures to reduce its carbon footprint. For example, since 2005 the winery has added 5 fleet electric cars with 4 charging stations and two electric buses that seat 14 for vineyard crew to travel around the property.

Applicability of 600-foot Setback from Highway 29

The Napa County Code provides a number of exceptions to the 600-foot setback from State Highway 29 for existing and/or historic structures. In particular, "[a]ny winery existing on the date of adoption of the [WDO] may expand within the minimum setback ... if the expansion is placed no closer to the centerline of the right-of-way than the nearest point of the existing structure to which the expansion is attached." (NCC section 18.104.230) Here, the relocated Tank House is technically not an expansion of an existing structure but will be placed in the approximate location of the existing Vinegar House that is to be removed, 300 feet from the

centerline of Highway 29. Based on this and other exemption technicalities the project has applied for a variance but as discussed below, the project complies with the spirit and intent of the exceptions, especially as they relate to historic structures.

In addition, “[l]egally constructed structures, existing prior to the enactment of the [WDO], may be exempted from the setback provisions ... if it is found that use of this exemption will result in a more environmentally beneficial placement of the winery. The winery may not encompass or expand beyond the legally established footprint of the structure as it existed on the above stated date.” (NCC section 18.104.230(C)) Here, the legally constructed, circa-1890 Tank House, which predates the WDO, will be relocated to the approximate footprint of the pre-WDO Vinegar House, again technically not meeting the specific requirements of this exemption. However, rehabilitation of this structure for visitor purposes in its current location on the ridge behind the Winery Chateau would be not environmentally preferable as it would require, among other things, installation of access roads that would require extensive grading on steep hillsides and removal of native vegetation. The proposed relocation and rehabilitation of this structure in the existing developed winery entrance area is environmentally superior in that it utilizes a previously developed site and provides the added benefit of enhancing the historic setting and aesthetics of the property and providing the public with improved views of the both the Tank House and Winery Chateau.

Lastly, NCC section 18.104.235 provides that “historic” structures may be located a minimum of three hundred feet from a state highway, Silverado Trail, or any arterial county road, if the commission, or the board of supervisors on appeal, makes all of the following findings:

A. The proposed site contains historic buildings, structures or landscapes which are either listed on or eligible for listing on the California or National Historic Register, and the proposed project will retain and incorporate such eligible or listed buildings, structures or landscapes into the final project design;

This property is recognized as one of the oldest historic wineries in the County. The General Plan recognizes the specific historical and visual importance of this property as follows: “Many of Napa’s wineries look timeless and classic, and some of Napa’s signature wineries date back to the late 19th century. The Napa Valley’s oldest operating winery, Charles Krug, dates back to 1861. The former Inglenook Winery, a Gothic Revival edifice of the Gilded Age, was built by Gustave Niebaum in 1890”. (Napa County General Plan (2008), Community Character, Aesthetics, Arts and Culture, Views, and Scenic Roadways, p. CC-3.) Included with this application is a copy of an article from the April 6, 1890 San Francisco Examiner describing in detail the new winery, which includes a sketch of the Tank House that will be used as a guideline to restore the structure to its original condition. The article also provides some amusing historical perspective stating that the winery sold its finer wines for the price of \$4.50 for one dozen quart bottles.

B. The proposed winery or structure(s) will be located within an existing footprint or developed or disturbed portion(s) of the site such that the final project will be within the historical context and scale of the site;

All of the proposed work will occur in an existing developed area on the property and will enhance the historic context and aesthetics of the site by relocating and rehabilitating the Tank House in a location that will not only allow it to be viewed by the public but also provide views of the Winery Chateau from Highway 29 . No vines are proposed to be removed to accommodate this project.

C. The proposed winery or structure is part of an overall historic preservation plan for the site which includes the preservation and enhancement of historical buildings and structures and old growth landscape including, but not limited to, old vines and mature trees and a certification that the project is in conformance with the Secretary of the Interior Standards and Guidelines for Historic Preservation Projects. Retention of these elements shall be made a condition of the approved permit; and

The property owner has consistently worked towards preserving and re-establishing the historic integrity of the property and has recently removed a large storage building that had been built without consideration of either the historic nature or context of the property. The relocation and rehabilitation of the Tank House in accordance with the Secretary of Interior's Standards and Guidelines for the Rehabilitation of Historic Structures will continue to implement the historic preservation of the sites historic buildings.

D. The proposed winery or structure shall not be located closer to a state highway, Silverado Trail, any arterial county road, or any other public or private road used by the public than any existing historic structures or buildings on the site.

None of the proposed relocated or new buildings are closer to Highway 29 than what legally exists on the property and are in some cases further from the highway than what currently exists. The project also will result in a reduction in the square footage of buildings currently located within the setback. Regardless, the Tank House is being relocated to replace existing buildings but those buildings, although old are not technically "historic". Despite the above provisions that allow certain historic structures to be used for winery purposes, this particular project does not entirely qualify for the exceptions, so a separate variance application accompanies this modification request.

Variance

The applicant requests a variance in order to improve the entrance to the existing winery, enhance the aesthetics, and historic setting of the property.

Section 18.128.060 of the zoning ordinance requires that the Planning Commission make certain findings before issuing a variance. These findings are listed and discussed below.

1. *That the procedural requirements set forth in this chapter have been met.*

The necessary forms, fees and supporting documents have been submitted for this application. The applicant assumes that the Napa County Conservation, Development & Planning Department will comply with all noticing, agenda posting and other procedural requirements in processing this application.

2. *Special circumstances exist which strict application of the zoning district regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.*

This property contains unique and important historic structures that demonstrate the history of wine making in Napa Valley.² There are several provisions in the zoning ordinance that allow deviations to the standard regulations in an effort to promote the preservation and display of historic resources so that they may be experienced by the public. Section 18.104.235 specifically addresses winery setback requirements for historic buildings and sites and while the project complies with the intent of the ordinance, the strict application of the ordinance does not accommodate the unique aspects of this historic property and would prevent the relocation and rehabilitation of the circa-1890 Tank House in accordance with the Secretary of Interior's Standards and Guidelines for the Rehabilitation of Historic Structures Tank House to its proposed prominent location.

3. *Grant of the variance is necessary for the preservation and enjoyment of substantial property rights.*

Granting of this variance will assist in the continuing effort to rehabilitate and display the historical resources on the property for the enjoyment of the general public as is allowed on other properties with historic structures throughout the County. Without the variance the property would be deprived of its ability to improve the aesthetics and views of historic structures as contemplated by the County General Plan goals and policies discussed below.

4. *Grant of the variance will not adversely affect the public health, safety or welfare of the county of Napa.*

This project will comply with all health and building codes and standards, will improve the aesthetics and public views from Highway 29, and will not result in any adverse impacts on the environment.

² The former Inglennook Winery, a Gothic Revival edifice of the Gilded Age, was built by Gustave Niebaum in 1890

Consistency with Napa County General Plan

This project is consistent with the intent of the County's General Plan policies encouraging the preservation of historic resources. These policies support the identification and preservation of resources from Napa County's historic and prehistoric periods (Policy CC-19), and encourage the County to offer incentives for the appropriate rehabilitation and reuse of historic buildings. Some of applicable General Plan goals and policies encouraging the protection of resources such as this are as follows:

Goal CC-4: Identify and preserve Napa County's irreplaceable cultural and historic resources for present and future generations to appreciate and enjoy.

Goal CC-5: Encourage the reuse of historic buildings by providing incentives for their rehabilitation and reuse.

Policy CC-17: Significant cultural resources are sites that are listed in or eligible for listing in either the National Register of Historic Places or the California Register of Historic Resources due to their potential to yield new information regarding prehistoric or historic people and events or due to their intrinsic or traditional cultural value.

Policy CC-18: Significant historical resources are buildings, structures, districts, and cultural landscapes that are designated Napa County Landmarks or listed in or eligible for listing in either the National Register of Historic Places or the California Register of Historic Resources. Owner consent is a prerequisite for designation as a County Landmark.

Policy CC-19: The County supports the identification and preservation of resources from the County's historic and prehistoric periods.

Action Item CC-19.2: Consider amendments to the County zoning and building codes to improve the procedures and standards for property owner-initiated designation of County Landmarks, to provide for the preservation and appropriate rehabilitation of significant resources, and to incorporate incentives for historic preservation.

Policy CC-24: Promote the County's historic and cultural resources as a means to enhance the County's identity as the nation's premier wine country and a top tourist destination, recognizing that "heritage tourism" allows tourists to have an authentic experience and makes good business sense.

Policy CC-26: Projects which follow the Secretary of the Interior's Standards for Preservation Projects shall be considered to have mitigated their impact on the historic resource.

Policy CC-27: Offer incentives for the appropriate rehabilitation and reuse of historic buildings and disseminate information regarding incentives available at the state and federal level. Such

incentives shall include but are not limited to the following: a) Apply the State Historical Building Code when building modifications are proposed. b) Reduce County building permit fees when qualified preservation professionals are retained by applicants to verify conformance with the SHBC and the Secretary of the Interior's Standards. c) Use of the federal historic preservation tax credit for qualified rehabilitation projects.

Conclusion

In conclusion, this proposal does not place any structures closer to Highway 29 than what currently exists, reduces the overall square footage of legal non-conforming structures, enhances the aesthetics and historic setting of the winery property and furthers the goals of the County General Plan for the rehabilitation and preservation of historic resources and improving the view from scenic highways. The project does not include any significant development or change in operations and will not result in any adverse environmental impact.