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Agenda Date: 2/2/2011  
Agenda Placement: 9A

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission  
**FROM:** John McDowell for Hillary Gitelman - Director  
Conservation, Development & Planning  
**REPORT BY:** Trish Hornisher, PLANNER III - 299-1349  
**SUBJECT:** Rogers Winery Use Permit & Local Landmarks Designation

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### **RECOMMENDATION**

#### **ROGERS WINERY / GARY AND KATHLEEN ROGERS – USE PERMIT AND LOCAL LANDMARK DESIGNATION REQUEST - #P10-00337-UP**

**CEQA Status:** Categorically Exempt pursuant to Section 15303, 15305 and 15331 of the California Environmental Quality Act (Class 3 – New Construction or Conversion of Small Structures, Class 5 – Minor Alteration in Land Use Limitations and Class 31 - Historical Resource Restoration/Rehabilitation) and Appendix B, Class 3 (New Construction or Conversion of Small Structures Item #10: Construction and Operation of Small Wineries) of the Napa County's Local Procedures for Implementing the California Environmental Quality Act.

**REQUEST: (A.)** Approval to designate the Rogers Winery (formerly known as the Mountain Cove Ranch Winery) built in 1887, as a Local Napa County Landmark. **(B.)** Approval of a Use Permit to establish a 30,000 gallon per year winery within the existing two-story, historic winery structure to include: (1) restoration, rehabilitation and reuse of the existing 4,773 sq. ft. historic Mountain Cove Ranch winery building as a winery production building and construction of a new 225 sq. ft. covered crush pad for a winery totaling 4,998 sq. ft.; (2) two full-time employees; (3) five parking spaces (incl. one ADA space); (4) tours and tasting by prior appointment only with a maximum of 20 visitors per day (maximum of 120 visitors in a proposed six day week); (5) a provision for on-premise wine consumption consistent with Assembly Bill 2004 (Evans) within the tasting room and patio area; (6) a marketing plan with: ten private food and wine tasting events per year with 30 persons per event (all food service to be catered by Napa County licensed operators) and participation in one Napa Valley Wine Auction Event (100 person maximum) using shuttle buses and off-site parking; (7) installation of a new combined process and domestic wastewater system using a multistage treatment process with final disposal via a trench pressure dispersal system; and, (8) civil improvements to the existing private driveway to comply with County Road & Street Standards for one-way loop roads. The winery project is located on a 55.30 acre parcel off a private driveway on the east side of Conn Valley Road approximately 1.5 miles northeast of its intersection with Howell Mountain Road within an Agricultural Watershed (AW) zoning district; Assessor's Parcel #: 025-180-069; 970 Conn Valley Road, St. Helena.

**Staff Recommendation:** Find the project Categorical Exempt and approve the Use Permit and Local Landmark

Designation as proposed with conditions of approval.

**Staff Contact:** Jessica Jordan 299-1355 or [Jessica.Jordan@countyofnapa.org](mailto:Jessica.Jordan@countyofnapa.org)

## **EXECUTIVE SUMMARY**

### **Project Action:**

That the Planning Commission:

1. Finds the project Categorically Exempt based on finding 1 of Exhibit A;
2. Approves Use Permit #P10-00337-UP based on findings 2 - 6 of Exhibit A and designate the former Mountain Cove Ranch Winery structure, a local Napa County Landmark based on findings 7 - 12 Exhibit A subject to the recommended Conditions of Approval (Exhibit B);
3. Directs staff to place the former Mountain Cove Ranch Winery on the Napa County Historic Resources Inventory.

**Discussion:** The applicants propose a new, 30,000 gallon per year winery to be located on a 55.30 acre parcel with access from a private driveway on the northeast side of Conn Valley Road. The site, which is about 2 miles northeast of the city limits of St. Helena, contains a well maintained, but currently vacant, historic residence. The two-story, stone building was formerly known as Mountain Cove Ranch winery which was built in 1887 by Abran Alsip. The current owners, Gary and Kathleen Rogers, seek approval to designate the former winery as a local Napa County Landmark and obtain a use permit to restore and rehabilitate the structure for reuse as a winery production facility. A recent historic evaluation report by a qualified historic architect, indicates this structure retains a high degree of integrity thus qualifying it for designation as a Local Napa County Landmark. No structural changes or additions to the structure are proposed. A small, 225 square foot, stand-alone, covered crush pad will be constructed on the southeast side of the building resulting in a winery totaling 4,998 square feet. The proposed winery would operate six days a week with two employees and have a maximum of 20 by-appointment only visitors per day (120 maximum per week) and have a provision for on-premise wine consumption consistent with Assembly Bill 2004 (Evans) within the tasting room and patio area. Ten marketing events per year with no more than 30 persons are planned along with one,100 person Napa Valley Wine Auction Event. This designation, restoration and reuse project will perpetuate the life of one of Napa Valley's significant and irreplaceable cultural resources and is very much in keeping with the Cultural Resource Goals and Policies of the newly approved General Plan 2008. Staff believes required findings can be made in support of the requested use permit and local landmark designation and recommends approval as conditioned.

## **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

## **ENVIRONMENTAL IMPACT**

Categorically Exempt pursuant to Section 15303,15305 and 15331 of the California Environmental Quality Act (Class 3 – New Construction or Conversion of Small Structures, Class 5 – Minor Alteration in Land Use Limitations and Class 31 - Historical Resource Restoration/Rehabilitation) and Appendix B, Class 3 (New Construction or

Conversion of Small Structures Item #10: Construction and Operation of Small Wineries) of the Napa County's Local Procedures for Implementing the California Environmental Quality Act;

### **BACKGROUND AND DISCUSSION**

**Owner:** Gary and Kathleen Rogers

**Applicant:** Andy Rogers

**Representative (Project Manager):** Rob Anglin - Holman, Teague, Roche, Anglin LLP

**General Plan Designation:** AWOS (Agriculture, Watershed & Open Space)

**Zoning:** AW (Agricultural Watershed)

**Filed:** September 23, 2010 / Revised Submittal: January 10, 2011 / Complete for CEQA Review: January 10, 2011.

**Building Size:** 4,773 square feet (with an additional 225 square foot outdoor, covered crush pad)

**Winery Square Feet:** 4,998

**Production Capacity:** 30,000 gallons per year

**Visitation:** A maximum of 20 by-appointment visitors per day with no more than 120 persons during a six day week operation

**Marketing:** 10 private food and wine tasting events per year with a maximum of 30-persons per event (all food service to be catered by Napa County permitted operators) and participation in one, 100 person Napa Valley Wine Auction Event (shuttle buses and off-site parking to be provided)

**Number of Employees:** Two full-time

**Days and Hours of Operation:** Six days per week; 6:00 AM to 6:00 PM

**Parking:** 5 parking spaces, including 1 ADA-accessible space

**Parcel Size:** 55.30 Acres

**Accessory/Production Ratio:** 28%

**Winery Coverage:** 1%

**Winery Road Setbacks:** 510 ft from centerline of Conn Valley Road (300 required); Complies with all AW yard setbacks

### **Adjacent Zoning / Land Use:**

North

AW - Open Space (150 acres)

South

AW - Rural Residential & Vineyard (Two parcels: 100 & 68 Acres)

East

AW - Residential (Three parcels: 2.5, 1 & 6 Acres)

West

AW - Rural Residential (Two parcels: 20 & 80 Acres)

**Nearby Wineries (within one mile of the project site):**

Anderson Conn Valley Vineyards - 650 Rossi Rd.

Approved 02/01/1986 - 20,000 gal/yr - 2,700sq. ft. - 0 By Appt Visitors/Wk - No Marketing

Mansfield Winery - 1291 Conn Valley Rd.

Approved 10/27/2009 - 20,000 gal/yr - 15,688 sq. ft. - 120 By Appt Visitors/Wk - No Marketing

Seavey Vineyards - 1310 Conn Valley Rd.

Approved 08/01/1988 - 24,000 gal/yr - 12,085 sq. ft. - 6 By Appt Visitors/Wk - No Marketing

**Property History:**

December 1966 - Building Department issues a final Certificate of Occupancy for a new 940 sq. ft. cottage (App # 8266).

January 1971 - Building Department issues a final Certificate of Occupancy for a new 2 BD Dwelling Unit (App #11442).

December 2008 - Building Department issues Demo Permit to demolish portion of existing main residence (not including the historic portion of the structure (#B08-01379; BAAQMD J# 3C595).

September 2010 - Applicant submits application materials for winery use permit and landmark designation project.

January 2011 - Final revised Project plans submitted.

**Code Compliance History:**

Based on a review of the County Planning and Building files, there have been no complaints or code compliance issues filed against this property.

**Discussion Points:**

1. Civil Improvements / One-Way Loop Road / Two-Way Alternative for Winery Entrance - The revised project description includes a provision for winery access in accordance with the Napa County Road Standards via two County roads: Conn Valley Road or Rossi Road. The Conn Valley Road winery access includes improvements for a one-way road with a 10 foot travel-way and 2 foot shoulders and turnouts from Conn Valley Road to Rossi Road. The alternative access is solely from Rossi Road. It would include improvements as a two-way loop, 20 foot wide winery access road from Rossi Road to the winery building and back to Rossi Road. Both alignments for winery access utilize existing road alignments throughout the property.

The project proposes to use the existing driveway alignment from Conn Valley Road for the new winery access. No

new areas of ground disturbance are proposed outside of the existing alignment. A portion of the existing driveway crosses over a railcar bridge that spans Conn Creek. The project does not propose any earth disturbance within the streambed or banks of Conn Creek nor propose any bridge reconstruction. Public Works will require the property owner to provide proof that the railcar bridge meets the Roadway Structures Design Criteria prior to issuance of any grading or building permits (See Public Works Memo Condition #6, dated 12/27/10). Should the railcar bridge meet these standards, the Conn Valley Road access will be utilized for the winery. Should the railcar bridge fail to meet these standards, Public Works' Condition #9 shall apply, which requires road improvements for the Rossi Road two-way loop alternative with no public ingress or egress from Conn Valley Road. A condition of approval requires that any project revisions involving revisions to the proposed winery access alignment beyond the two alternatives described here shall be subject to further CEQA review and approval by the Napa County Planning Commission.

2. Winery Operation and Traffic Loads - According to the Napa County Transportation Engineer, traffic volume on Conn Valley Road is at Level of Service (LOS) A indicating there is currently little or no traffic delay on this roadway. In 1999, the traffic counts on Conn Valley Road north of Howell Mountain Road measured 667 vehicles average daily traffic (ADT) dropping to 237 ADT at Rossi Road. While these counts have not been updated since that time, Public Works advises that since development along Conn Valley Road has been minimal, traffic increases for this type of road would typically be 1 - 2 % per year, which would not warrant a left turn lane provision on either Conn Valley or Rossi Roads. The project traffic information sheet indicates average daily trips for the winery will increase traffic by a total of 21 trips (including employees, visitors and deliveries) on a typical business day and 25 trips during daily peak traffic. The net increase will be arriving and departing throughout the day thus not resulting in a noticeable increase in traffic along either roadway. As proposed, the project will not result in a noticeable change to the traffic volumes nor change the Level of Service on Conn Valley Road or any of its intersections. Staff concludes the project will not result in a significant impact individually or cumulatively to the surrounding street capacity, traffic load or level of service.

3. Groundwater Availability - As required by Napa County Public Works Department, a Phase 1 Water Availability analysis for the current and proposed uses on the subject parcel was submitted by the applicant. The analysis states this project is located in the Mountain Areas of the Napa Valley which has an established acceptable water use allotment of 0.5 acre feet per acre per year (af/yr). Thus, the County's established allowable water allotment for a 55.3 acre parcel in this area is 27.65 af/yr.

Two existing wells will provide water for the residences and winery operations. As stated in the analysis, groundwater is not used for vineyard irrigation or frost protection; rather, the source for vineyard use is provided by surface water from the reservoir on the adjacent parcel to the northwest owned by the applicant. Using Public Works guidelines to tabulate existing uses, the estimated groundwater demand totals 0.9 af/yr including: 0.0 af/yr for existing vineyards and 0.9 af/yr for residential uses. Estimated groundwater demand for the proposed uses totals 1.5 af/yr including: 0.0 for existing vineyard uses, 0.8 for winery uses and 0.7 for residential uses. (Note: Residential use decreases due to the conversion of the main residence to the winery use.) Thus, the project represents an incremental increase of 0.6 af/yr, however, the total groundwater usage (1.5 af/yr) is well within the established allotment of 27.65 af/yr.

#### 4. Historic Resources / Local Landmark Designation

A. Resource Evaluation and Compliance with CEQA - The project proposes to restore, rehabilitate and reuse an existing stone structure constructed in 1887 as a winery production facility. The applicant has also requested designation of the structure as a local Napa County Landmark and use of the State Historic Building Code for rehabilitation purposes. As part of staff's initial project review and environmental assessment, an historic evaluation report from a qualified historic architect was requested to confirm the historic status of the structure and evaluate project impacts, if any, to a potential historic resource resulting from the restoration.

On November 29, 2010, *The Rogers Winery, Conn Valley (Historic Mountain Cove Ranch Winery) Historical Findings*, report was submitted by Juliana Inman, Architect. The report states the subject structure is an historic resource and was documented by Irene W. Haynes in her book, *Ghost Wineries of the Napa Valley* (1980). The structure, formerly known as the Mountain Cove Ranch Winery, is one of Napa County's significant gravity flow stone "ghost" wineries built in 1887, by Abran Alsip then wine-maker and owner of the property. According to the report, the structure is constructed with Napa native stone with unusual architectural features on the front gable end including, "unusual paired and arched entry doors flanking a small arched window with a matching arched window above lighting the second floor."

As stated in the Ms. Inman's report, the California State Office of Historic Preservation (SHPO) requires that the existing conditions of an historic resource be evaluated to meet certain integrity standards prior to its designation as an historic landmark. The historic evaluation submitted by Ms. Inman establishes that the Mountain Cove Ranch Winery meets the State's criteria standards for integrity which are: location, design, setting, materials, workmanship, feeling and association. Since the resource retains the seven required qualities of integrity, Ms. Inman concludes the structure has retained its historic significance and is a resource eligible for listing on the California Register as well as local historical landmark programs. Based on this report and discussions with the applicant's representative, staff recommends designation of the Mountain Cove Ranch Winery as a local Napa County landmark.

The project description proposes to restore and rehabilitate this historical structure and will comply with all ten required standards as detailed in, *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (the Standards and Guidelines). Compliance with the Standards and Guidelines avoids any negative impacts to the existing historic resource. According to Ms. Inman, minimal alterations have been made to the structure over time that would affect the historical integrity of the structure. However, she states that certain alterations must be removed to meet the Secretary of Interior Standards such as removing the glass storefront windows and replacing the winery entry doors.

B. Use of the State Historic Building Code and Local Landmark Designation - To ensure compliance with the Standards, the State recommends utilization of the State Historic Building Code under Part 8 of Title 24 California Code of Regulations. The purpose of this code is to provide alternative building regulations and building standards for rehabilitation, preservation, and restoration of buildings or structures designated as historic buildings. To be considered a qualified historical building or structure under this code, the structures must be 50 years old and deemed important to the history, architecture or culture of an area by an appropriate local or state governmental jurisdiction. The qualification includes structures already on National, State or Local registers or inventories of historically significant sites or landmarks. As discussed above, the Mountain Cove Ranch Winery is over fifty years old but is not on Napa County's local historic inventory. Since compliance with the Standards is recommended to avoid impacts to these historic resources, staff recommends designating this historic structure as a local Landmark under Napa County's Landmark Preservation Code Section 15.52.030, so that the State Historic Building Code can be utilized as requested by the applicant.

Napa County Code Section 15.52: Landmark Preservation, requires that the designation request be noticed for a public hearing and that the Planning Commission make qualified landmark findings. On January 21, 2011, the project was duly noticed for designation as a local landmark. In accordance with subsection (B) of this code, staff has included the appropriate findings that the proposed landmark has special architectural and cultural interest of local historical nature. Based on the submitted historical evaluation report, staff believes the Mountain Cove Ranch Winery qualifies under: Section (B).(1).(b.) A significant person who contributed to local history - because of Abran Alsip's place in shaping the beginnings of Napa County's international wine export trade and, Section (B).(2).(c.) Unique engineering design - because the winery, as one of the few remaining gravity flow wineries, exemplifies a unique engineering design feature important to our local winemaking history. Since the structure meets the criteria established in the Landmark Preservation Code for designation as a Napa County Landmark, staff recommends its inclusion in the Napa County historic resources inventory.

5. Biological, Historic & Archaeological Resources - The project site has been previously disturbed by decades of agricultural use on the property. The project proposes no new earth disturbance. The proposed access roads are proposed within existing road alignments. The winery building is existing and will be rehabilitated. The crush pad will be constructed on a previously disturbed area. While the Napa County GIS Natural Diversity Database layer indicates the project site is within a confidence interval for the CNPS rare plant, Jepson's leptosiphon, there is no potential for this plant to occur because serpentine and volcanic soils do not occur within the plan area. Thus, suitable habitat for this species is not present. Compliance with the Secretary of the Interior's Standards is a condition of approval for projects involving historic resources thereby protecting the resource. The Secretary of the Interior Standard # 8 calls for the preservation and protection of significant archaeological resources affected by the project. The project Standard Conditions of Approval also include protection of archaeological materials potentially discovered during construction. With the inclusion of the standard conditions of approval, no impacts to biological, historical or archaeological resources are expected to occur.

6. Agricultural Contracts - The project site is currently under a Type "H" Agricultural Contract. A recent Lot Line Adjustment request was completed and recorded on the subject parcel. Subsequently, the existing contract was rescinded and replaced consistent with State Law. Winery uses are allowed uses under State provisions for Agricultural Contracts.

7. Contact with Neighbors - On January 12, 2011, Mr. Rogers distributed a letter discussing his plans for the new winery to all surrounding neighbors and welcomed discussion. (See letter sent to surrounding neighbors attached.) As of the date of this report, no inquiries have been received by the Planning Department regarding this project.

#### **Consistency with Standards:**

##### Zoning

The project is consistent with AW (Agriculture Watershed) zoning district regulations. A winery (as defined in Napa County Code Section 18.08.640) and uses in connection with a winery (see Napa County Code Section 18.20.030) are permitted in the AW district with an approved use permit. This application complies with the Winery Definition Ordinance and the setbacks and other requirements of the Zoning Code.

##### Building Division Requirements

The Building Division recommends approval with standard conditions. See their November 19, 2010, memo.

##### Fire Department Requirements

The Fire Department recommends approval with conditions of approval. See their October 7, 2010 memo.

##### Public Works Department Requirements

The Public Works Department recommends approval with conditions of approval. See their memo dated December 27, 2010; and their memo dated December 27, 2010, for Groundwater.

##### Environmental Management Department Requirements

The Department recommends approval provided all conditions of approval are satisfied. Please see their memo of January 20, 2011.

##### City of St. Helena Requirements

The City of St. Helena has reviewed this application and has no comment.

##### Sheriff's Department Requirements

The Sheriff's Department has reviewed this application and has no comment.

**SUPPORTING DOCUMENTS**

- A . Exhibit A: Findings
- B . Exhibit B: Conditions of Approval
- C . All Agency Comments
- D . Napa County Title 15: Landmark Preservation
- E . Historic Resource Report
- F . Easement / Hydrology / Stormwater Reports
- G . Septic Feasibility Report
- H . Application Materials
- I . Neighborhood Letter\_1-12-11
- J . Report Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell