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Agenda Date: 4/17/2013

Agenda Placement: 9B

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission  
**FROM:** Charlene Gallina for Hillary Gitelman - Director  
Planning, Building and Environmental Services  
**REPORT BY:** Sean Trippi, Principal Planner - 299-1353  
**SUBJECT:** Inglenook Winery

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### **RECOMMENDATION**

#### **INGLENOOK WINERY / NIEBAUM-COPPOLA ESTATE WINERY L.P. (KRISTEN SULLIVAN) - VARIANCE (P13-00072) & USE PERMIT MODIFICATION (P12-00136)**

**CEQA Status:** Categorically Exempt, pursuant to the California Environmental Quality Act, Section 15301, Class 1 - Existing Facilities, Section 15303, Class 3 - New Construction or Conversion of Small Structures, Section 15305, Class 5 - Minor Alterations in Land Use Limitations, Section 15331, Class 31 - Historical Resource Restoration/Rehabilitation, and Napa County's Local CEQA Procedures, Appendix B, Section 3 (Class 1 - Minor Modifications to Existing Wineries).

**Request:** Approval of a Minor Modification application modifying previous use permits and use permit modifications to allow: 1) the relocation of an existing 1,685 sq. ft. winery office building (the "White House"; 2) the relocation and restoration of the 770 sq. ft. historic observation pavilion and tank house ("Tank House"); 3) conversion of the Tank House to an information center for visitors to the winery; 4) demolition of two existing winery storage buildings totaling 907 sq. ft. (the "Vinegar House" and the "Vinegar Shed") and a 1,000 sq. ft. basement below the White House; 5) increasing parking from 6 spaces to 11 parking spaces; 6) replacing the entry structure with a new entry structure; and, 7) landscape and other site improvements. The request also includes a Variance to allow the White House and the Tank House to be located approximately 208-feet and 300-feet from the centerline of State Route 29, respectively, where a 600-foot setback is required. The project is located on two parcels totaling approximately 95.3 acres parcel on the west side of State Route 29, opposite State Route 128, within an Agricultural Preserve (AP) and Agricultural Watershed (AW) zoning districts. Assessor's Parcel No's. 027-210- 018 & 024, 1991 St. Helena Highway, Rutherford.

**Staff Recommendation:** Find the project categorically exempt from CEQA and approve the requested variance and use permit modification as conditioned.

**Staff Contact:** Sean Trippi, (707) 299-1353 or [sean.trippi@countyofnapa.org](mailto:sean.trippi@countyofnapa.org)

**Applicant Contact:** Tom Adams, Dickenson, Peatman & Fogarty, (707) 252-7122

## **EXECUTIVE SUMMARY**

### **Proposed Actions:**

1. That the Planning Commission find the project Categorical Exempt from CEQA, based on Finding 1 of Exhibit A;
2. That the Planning Commission approve a Variance (P13-00072) based on Findings 2 - 5 of Exhibit A; and,
3. That the Planning Commission approve the Use Permit Modification (P12-00136) based on Findings 6 - 10 of Exhibit A and subject to the recommended conditions of approval (Exhibit B).

### **Discussion:**

This application proposes a modification to a winery with a long history that was first brought under use permit in 1979. The project proposes to relocate, restore and convert an existing 770 sq. ft. historic tank house to a winery information center and relocate an existing 1,685 sq. ft. winery office building (White House) about 55-feet north of its current location, demolish two winery accessory structures (Vinegar House & Vinegar Shed) totaling 907 sq. ft., replace the existing entry gate, provide additional parking, and generally enhance the appearance of this portion of the winery which is very visible from State Route 29. While minor modifications of the type proposed here are generally handled either at an administrative level or by the Zoning Administrator, this application has been referred to the Commission because of the restoration of a long neglected historic resource, its proposed new location near the highway and the general upgrade of this portion of the winery site. No changes are proposed to annual production, visitation/marketing, number of employees or hours of operation, or to the main winery facilities west of this area.

## **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

## **ENVIRONMENTAL IMPACT**

The proposed project is Categorical Exempt pursuant to Section 15301, Class 1, of the State CEQA Guidelines, which exempts minor alterations to existing structures. Categorical Exempt, pursuant to the California Environmental Quality Act, Section 15301, Class 1 - Existing Facilities, Section 15303, Class 3 - New Construction or Conversion of Small Structures, Section 15305, Class 5 - Minor Alterations in Land Use Limitations, Section 15331, Class 31 - Historical Resource Restoration and/or Rehabilitation, and Napa County's Local CEQA Procedures, Appendix B, Section 3 (Class 1 - Minor Modifications to Existing Wineries). The project proposes to relocate, restore and convert an existing 770 sq. ft. historic tank house to a winery information center and relocate an existing 1,685 sq. ft. winery office building (White House) about 55-feet north of its current location and associated site improvements. The restoration of the Tank House will be accordance with the Secretary of the Interior's Standards for Historic Buildings. This project site is not on any of the lists of Hazardous waste sites enumerated under government Code section 65962.5.

**BACKGROUND AND DISCUSSION**

**Owner:** Niebaum-Coppola Estate Winery, L.P. (Kristen Sullivan)

**Representative (Attorney):** Tom Adams of Dickenson, Peatman & Fogarty (707) 252-7122

**Zoning:** APN 027-210-018 - AP (Agricultural Preserve); APN 027-210-024 AP (Agricultural Preserve) and AW (Agricultural Watershed)

**General Plan Designation:** AR (Agricultural Resource)

**Initially Submitted:** April 24, 2012

**Determined Complete:** March 20, 2013

**Winery Characteristics:** No changes are proposed to annual production, visitation/marketing, the number of employees, hours of operation or to the main winery buildings and associated improvements located on APN 027-210-018.

**Setting:** The winery and winery related uses are located on two parcels (APN's 027-210-018 & 024). The majority of winery activities are located on Assessor's parcel (APN) 027-210-018 with additional winery related uses on APN 027-210-024. The uses on the respective parcels were recognized through the Certificate of the Extent of Legal Non-Conformity (CLN) process in 1998. The CLN, among other things addressed the use of the three structures on APN 027-180-024, adjoining State Route 29, which the subject of this modification application. According to file information, the "White House", "Vinegar House" and "Vinegar Shed" were constructed in the mid 1930's and were used as a residence, garage and dog kennel, respectively. The existing structures are setback approximately 200 to 300 feet from the centerline of State Route 29. At the time they were constructed there were no zoning regulations or setback requirements. At some unspecified time, they were converted to winery related office and storage uses with six paved parking spaces. The historic tank house and observation pavilion was constructed in 1890 on the hill behind the historic Inglenook Winery as part of the winery water supply system. The tank house is in a state of disrepair and is generally not visible to winery visitors.

**Adjacent Zoning / Land Use:**

North

AP - Vineyard and Residences on a 130 acre property.

South

RS-B1/AP- Vineyards, residences, a Catholic Church, and nursery school on 13 properties ranging in size from about a third of an acre up to 20 acres.

East

AP/CL/RS-B1 - Across the highway is Beaulieu Vineyards winery, the Rutherford Grill and Rancho Caymus Inn on the north side of State Route 128 and the former Olive Company business, Elizabeth Spencer Wines tasting room, La Luna Market & Taqueria and several homes on the south side of State Route 128. Lots range in size from about a fifth of an acre up to 13 acres.

West

AP/AW - A 34 acre property planted in vines.

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

Staglin Winery - 1390 Bella Oaks Lane - 36,000 gallons per year - tours and tastings by appointment

Foley Johnson Winery - 8360 St. Helena Highway - 10,000 gallons per year - tours and tasting by appointment  
Swanson Winery - 1271 Manley Lane - 42,500 gallons per year - tours and tastings by appointment  
St. Supery Vineyards Winery - 8440 St. Helena Highway - 450,000 gallons per year - open to the public  
Peju Province Winery - 8466 St. Helena Highway - 120,000 gallons per year - tours and tastings by appointment  
Star Vineyards - 8514 St. Helena Highway - 30,000 gallons per year - tours and tastings by appointment  
Niebaum Coppola Estate - 1460 Niebaum Lane - 50,000 gallons per year - tours and tastings by appointment  
Beaulieu Vineyards - 1960 St. Helena Highway - 1,800,000 gallons per year - open to the public  
Tres Sabores - 1620 South Whitehall Lane - 20,000 gallons per year - tours and tastings by appointment  
Grgich Hills Cellars - 1829 St. Helena Highway - 250,000 gallons per year - tours and tastings by appointment

**Background:**

The winery was established in 1879 and has been in continuous operation since that date and has also been known as Rubicon Estate Winery and Niebaum Coppola Estate winery and was first brought under a use permit in 1979, prior to adoption of the Winery Definition Ordinance (WDO). Except as noted, most of the actions listed below apply to the main winery buildings and improvements located on APN 027-210-018.

November 21, 1979 – Use Permit (#U-57980) approved by the Planning Commission expanding and bringing the existing winery under use permit with the construction of an 800 sq. ft. addition for new restrooms, relocating parking, and replacing existing signage. Production was established at 10,000 gal/yr plus 900,000 gal/yr of bulk wine storage with public tours and tasting with approximately 71,000 sq. ft. of floor area.

December 15, 1998 - a Certificate of the Extent of Legal Non-conformity (#98005-CLN) was issued by the Zoning Administrator addressing accessory uses exceeding the maximum of 40% of the production uses, specific uses and areas within the winery, public tours and tastings areas, location, size & frequency of hospitality events, and retail sales of non-wine and non-winery related items. The CLN also addressed the use of the White House, Vinegar House and Vinegar Shed on APN 027-210-024.

October 22, 1980 – Use Permit (#U-617980) approved by the Planning Commission allowing the construction of a 500 sq. ft. pump house for fire protection near State Route 29 (on APN 027-210-024). No other changes to the winery or its operations were proposed.

April 28, 1999 – Use Permit Modification (#98273) was approved by the Zoning Administrator allowing the construction of a new kitchen area consolidating existing kitchen facilities, converting a portion of the hospitality area to production, converting a wine storage area to private tasting, and using temporary office space for permanent offices.

February 2, 2000 – Use Permit Modification (#99120) approved by the Planning Commission increasing wine production for 10,000 to 250,000 gallons per year, constructing a 1,920 sq. ft. mezzanine in the barrel building, increasing the size of the outdoor staging area to 8,998 sq. ft., recognizing an existing 54 space parking lot for employee use for a total of 143 parking spaces on-site and also recognizing the employee flex time program to reduce PM peak hour trips, and converting a 90,000 sq. ft. irrigation pond to a wastewater treatment pond.

July 10, 2002 – Use Permit Modification (#01100) approved by the Zoning Administrator modifying Use Permit MOD (99-120) allowing the construction of a 1,382 sq. ft. addition to the existing kitchen within the Chateau building and adding an additional 500 sq. ft. to the kitchen by interior alterations, the conversion of a 759 sq. ft. commercial kitchen on the 2nd floor to production uses, and construction of a 3rd floor exit balcony and stairs. The action also modified CLN 98005 recognizing the 1,000 sq. ft. basement of the White House as accessory space located on APN 027-210-024, 920 sq. ft. shed adjacent to the treatment pond as production space, and the 531 sq. ft. shed adjacent to the Chiles House as accessory space.

April 4, 2003 – Use Permit Modification (#02636) approved administratively to allow the construction of 16,000 sq. ft. of cave area for wine storage. No other changes to the winery or its operations were proposed.

June 3, 2003 – Use Permit Modification (#03170) approved administratively to add a third cave portal. Correspondence in the file indicated the caves had approximately 18,400 sq. ft. of floor area.

August 22, 2005 – Use Permit Modification (#P05-0256) approved administratively allowing the installation of three 25 sq. ft. manned kiosks to collect fees for wine tours, tastings, modify internal circulation roads, and to install a sign near State Route 29/Niebaum Lane indicating no winery access.

July 19, 2007 – Use Permit Modification (#P06-01531) approved administratively allowing the demolition of an existing 25,990 sq. ft. barrel building located in front of the historic Chateau, the extension of the courtyard gardens into the area of the demolished building, and constructing an additional 8,000 sq. ft. of cave area for production activities.

November 21, 2007 – Use Permit Modification (#P07-00770) approved administratively allowing the relocation of two water tanks from the barrel building that will be demolished. One tank will be moved inside the existing winery building, the other next to an equipment shed.

#### **Code Compliance History:**

Based on a review of the Planning Division's files, there are no records of any code compliance issues on this property.

#### **Discussion Point(s):**

1. Use Permit Modification - As noted above, winery uses are found in two locations on the site (comprised of two parcels) with a small area developed with winery related office and storage uses and parking near the highway with the main winery production and hospitality uses located to the west in the historic structures at the base of the hill. The majority of the site between the two developed areas is planted in vines. The proposal does not include any improvements to the main winery buildings, annual production, visitors or employees.

The lower portion of the site near the highway, which is the subject of this modification, includes three existing buildings referred to as the White House, the Vinegar House and the Vinegar Shed. The use of these buildings is considered accessory to the winery. The White House with about 1,685 sq. ft. of floor area and a 1,000 foot basement is used for office and storage purposes and is proposed to be moved about 55-feet north while maintaining its current setback of 208- feet from the centerline of the highway. The basement will not be making the move north. The 577 sq. ft. Vinegar House and 330 sq. ft. Vinegar Shed will be demolished. The end result will reduce the floor area of accessory uses of the overall winery operations by approximately 1,137 sq. ft.

The centerpiece of this request is the restoration and relocation of the existing 770 sq. ft. historic 1890 Observation Pavilion and Tank House (Tank House) which is currently located on the hill above the historic Inglenook winery and is in general disrepair and hidden from view. Once relocated and restored the Tank House will be converted to an information center for visitor's to the winery. The Tank House would be setback 300-feet from the centerline of State Route 29.

Relocating, restoring and converting the tank house will allow public access to the long neglected building. An historic analysis was prepared to address moving and fixing up the Tank House which concluded that the proposed improvements are in keeping with the Secretary of the Interior's Standards for Historic Buildings. Quoting the analysis, "the Tank House is a gable-end symmetrical structure with narrow turned columns, pierced and band-sawn brackets, small pendant finials, a Sick/Eastlake Chinese Chippendale rail detail, and a square

unglazed hipped roof cupola referencing the main winery building cupola." Two water storage tanks were located at either end of the first floor with stairs leading up to the observation pavilion located in the rather small cupola. The stairs and one of the tanks have been long removed. The other tank is propping up a portion of the structure.

2. Setbacks / Variance - New wineries are required to be setback 600-feet measured from the centerline of the State Route 29. Required side and rear yard setbacks are 20-feet measured from the property lines. The existing buildings are setback approximately 200-300 feet from the Highway and 5-10 feet from the rear property line. As noted above, the relocated Tank House and White House will be setback approximately 208 to 300 feet from the Highway, respectively.

Although the Zoning Ordinance includes sections allowing setback reductions for various scenarios, generally concerning existing structures or additions to existing structures, they didn't seem to apply in this particular case. A variance is applicable here because both the Tank House and White House are being relocated to their proposed locations. A variance has been requested to allow reductions to the setback requirements from SR 29 and allow the relocation of these two structures.

3. Lot Line adjustment - As noted in #2, above, side and rear yard setbacks are both 20-feet. The relocated Tank House would be setback about 10-feet from the rear property line and the White House would be setback about 5-feet from the side property line. The applicant is proposing a lot line adjustment so that the rear and side yard setbacks are met. The lot line adjustment (LLA) application has not been filed so staff is recommending a condition of approval that the LLA will be recorded prior to final occupancy of the two structures.

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

##### Zoning -

The project is consistent with AP (Agricultural Preserve) and AW (Agricultural Watershed) zoning district regulations. A winery (as defined in Napa County Code § 18.08.640) and uses in connection with a winery (see Napa County Code § Section 18.16.030 & 18.20.030) are permitted in the AP and AW districts with an approved use permit. This application complies with the Winery Definition Ordinance.

The Fire Department, Engineering Services Division, and Environmental Health Division have all recommended approval of the project as conditioned.

#### **SUPPORTING DOCUMENTS**

- A . Exhibit A - Findings
- B . Exhibit B - Conditions of Approval
- C . Review Agency Comments
- D . Application Submittal Information
- E . Graphics

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina