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NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

February 15, 2011

Ms. Hillary Gitelman, Director
Napa County Conservation, Development and Planning Division
1195 Third Street, Suite 210
Napa, CA 94559

**Re: Proposed Amendment of Chapter 15.52 (Landmark Preservation) of
Napa County Code**

Dear Hillary:

I represent Brad Kirkpatrick with respect to his property in Pope Valley identified as AP No. 018-310-023, which is referred to as the "Pope Valley Store" in proposed Ordinance that is set for hearing by the Planning Commission on March 2, 2011. I will be speaking on Brad's behalf at the hearing.

It may be helpful for me to provide a number of comments and suggestions in advance of the hearing.

In his letter to you of December 2, 2010, Brad made the point that the reference to the Pope Valley Store in the Ordinance is misleading. The Pope Valley Store itself is part of a larger building that includes a former bar, post office and lodging as well as the family residence. The property has a host of historically important buildings in addition to the Store building, including the garage, two barns and other associated outbuildings. With his letter of December 2, 2010, Brad sent you a list of all of the buildings on the site, their original use and their current use. The restoration and re-use of the Store building must be able to encompass all of these other buildings, and it is our understanding that this is your intent.

To avoid any present or future misunderstanding as to what is meant by the term "Pope Valley Store" in the Ordinance and Chapter 15.52, I suggest that the definitions in Section 15.52.015 be expanded to include the following definition of the term:

"Pope Valley Store" shall mean Napa County Assessor's Parcel No. 018-310-023 and all improvements thereon that as of the date of adoption of Ordinance No. ____ were more than fifty years old.

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Section 15.52.040.E provides that the uses of the Pope Valley Store in connection with its restoration and adaptive reuse are to be those permitted in the Commercial Limited (CL) zoning district under Chapter 18.28 of the Code. I understand the drafting simplicity of cross-referencing uses in another zoning district, although I think you probably mean to refer to only the provisions of Sections 18.28.020 and 18.28.030, for while the other Sections in Chapter 18.28 may be proper for the Rutherford Depot, they are unsuited to the circumstances of the Pope Valley Store. I acknowledge that a use permit must be obtained for the reuse of the Pope Valley Store, but I am troubled by the specification in Section 18.28.030 of what the permitted uses can be.

Section 18.28.010.A sets the framework for the CL district and its permitted uses: "to establish areas which will provide the tourist, vacationer and highway traveler with needed uses and services." To the extent that Pope Valley has tourists, vacationers and highway travelers (and there are an increasing number of people on bicycles, motor cycles and in cars who seek out Pope Valley to experience something of what the Napa Valley proper used to be), the accommodations, bar and restaurant and tourist information uses permitted in the CL district under §18.28.030 B, C and D make sense.

Pope Valley is both blessed and burdened by its geographic isolation. Blessed because it has been able to remain a rural farming community, and burdened because there are few local services for its residents. The adaptive reuse of the Pope Valley Store will be successful only if its uses satisfy needs of its residents as well as its visitors. In this regards, the CL district is ill-suited.

Any retail store must be able to be more than the grocery store permitted in the CL district under §18.28.30E. The Pope Valley Store itself used to be a general store, and it needs to be able to carry whatever merchandise is sought by its customers, including, for example, ag supplies, clothing and hunting and fishing equipment. Office uses are not permitted in the CL district, but if any of the buildings can be rehabilitated in such a manner as to be put to office use, it should be possible to rent that space out to satisfy whatever local demand may exist. As part of its renewed life, the historic barn should be able to become a museum of farm equipment or local archeological artifacts or a place of public assembly. The CL district (§18.28.30M) requires that any accessory dwelling units be permanently limited to low-to-moderate income household use. The owner of the Pope Valley Store needs to be able to rehab the former small residences and hold them as rental property without such a limitation.

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Of particular concern is the impact of the CL district uses on Pope Valley Repair and Towing. Under §18.28.030A, a gasoline service station, "including minor auto repair facilities," is permitted in the CL district. This is suggestive of a traditional gas station with a repair bay. Pope Valley Repair and Towing is not a minor repair facility incorporated within a service station. Indeed, there is presently no diesel or gasoline service. The current and historic use of its building has been that of a major repair and towing business for farm equipment, trucks of all sizes as well as automobiles, and it serves not only Pope Valley but also Lake Berryessa, Chiles Valley, Angwin, Berryessa Estates and portions of Lake County. The dismantling yard on the property is a necessary adjunct to the business of Pope Valley Repair and Towing. As long as there are roads, there will always be a need to dispose of damaged or otherwise inoperable vehicles and equipment. The closest alternative yard is 35 miles away in American Canyon.

The uses of the garage building and the dismantling yard are current legal *non-conforming* uses, for they antedate by many years the Ag Watershed zoning. Part of the attractiveness of historic preservation of the Pope Valley Store is the opportunity make these existing uses legal *conforming* uses and thereby to restore the garage, upgrade and expand the facilities within the garage and utility service to the garage, and clean up and improve the operations of the dismantling yard, all without the risk of losing the entitlement to continue the current business. The limitations of the permitted uses in the CL district preclude the issuance of a use permit that would enable the garage and dismantling yard to become legal *conforming* uses.

In short, your proposal to overlay the CL district permitted uses on Pope Valley and the Pope Valley Store is the classic square peg/round hole misfit. Except as it relates to lodging and food and beverage service, the overlay concept needs to be rethought, for it will impair, not assist, the restoration and adaptive reuse of the Pope Valley Store.

Sincerely,



Reverdy Johnson

RJ/hs

cc: Supervisor Diane Dillon
Ms. Linda St. Claire ✓
Mr. Brad Kirkpatrick
Ms. Alice Carey
Mr. Jeff Parady