

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF NAPA, STATE OF CALIFORNIA, AMENDING SECTION
15.52.040 (DESIGNATED LANDMARKS, FARM CENTERS, AND
LANDMARKS OF SPECIAL SIGNIFICANCE - USE CONDITIONS),
SECTION 18.104.430 (NAPA COUNTY LANDMARKS OF SPECIAL
SIGNIFICANCE - FINDINGS) AND SECTION 18.132.065 (NAPA
COUNTY LANDMARKS OF SPECIAL SIGNIFICANCE – USE AND
CONTINUANCE)**

WHEREAS, periodically the Conservation, Development and Planning Department recommends amendments to Title 18 (Zoning) and related sections of the Napa County Code; and

WHEREAS, Community Character Action Item CC-19.2 in the Napa County General Plan (adopted June 2008) (the “General Plan”) calls on the County to improve the procedures and standards to provide for the preservation and appropriate rehabilitation of significant resources, and to incorporate incentives for historic preservation; and

WHEREAS, Community Character Policy CC-27 of the General Plan states that the County shall offer a variety of incentives for the appropriate rehabilitation and reuse of historic buildings; and

WHEREAS, on October 18, 2011, the Board of Supervisors adopted Ordinance Number 1364 improving the standards and procedures for historic preservation and providing a variety of incentives to certain types of historical resources; and

WHEREAS, Community Character Policy CC-28 in the General Plan calls on the County to establish a discretionary process whereby owners of qualified historic buildings within agricultural areas of the County may apply for permission to reuse their buildings for their historic use or a compatible new use as long as the use is compatible with agriculture and the

historic building is rehabilitated and maintained in conformance with the U.S. Secretary of the Interior's Standards; and

WHEREAS, the Board of Supervisors recognizes the need to carefully and narrowly interpret this policy in order to avoid unanticipated impacts; and

WHEREAS, there are a limited number of historic resources of special significance that may need additional incentives before they can be feasibly reused for their historic use or a compatible new use; and

WHEREAS, the California Historical Building Code states that historical buildings "shall be permitted to continue in use regardless of any period of time in which it may have remained unoccupied or in other uses," which some local agencies have interpreted to allow historic buildings to be reused for their historic uses regardless of local zoning.

The Board of Supervisors of the County of Napa, State of California, ordains as follows:

SECTION 1. Section 15.52.040 (Designated Landmarks, farm centers, and Landmarks of Special Significance -- Use conditions) of Chapter 15.52 (Landmark Preservation) of the Napa County Code is amended to read in full as follows:

15.52.040 Designated Landmarks, farm centers, and Landmarks of Special Significance —Use conditions.

Designated Landmarks, farm centers, and Landmarks of Special Significance may be used in a manner and pursuant to the procedures as established by the principal zoning district in which they are located subject to the conditions and exceptions listed below.

A. Alterations shall be designed by a Qualified Preservation Professional to be consistent with the Secretary of the Interior's Standards.

B. Proposed alterations that are not certified by a Qualified Preservation Professional as consistent with the Secretary of the Interior's Standards shall be subject to review by the Commission to ensure that all feasible measures are taken to protect the structure from changes that would adversely affect its historical integrity as defined in subsection (D) of Section 15.52.030 or qualify the structure for removal of status pursuant to Section 15.52.050.

C. Proposed demolitions shall be subject to review by the Commission concurrent with a request for removal of status pursuant to Section 15.52.050 and shall be authorized if no feasible alternative exists.

D. Farm centers listed in subsection (B) of Section 15.52.035 may be used as meeting halls and special event venues, including food preparation and non-commercial food service.

E. Following site-specific environmental review, Landmarks of Special Significance listed in subsection (C) of Section 15.52.035 may be reused for their historic use [or a compatible new commercial use](#) upon grant of a use permit pursuant to Section 18.124.010, provided that the approving agency makes all of the findings contained in Section 18.104.430 in addition to the findings required by Section 18.124.070. Historic uses permitted pursuant to this section shall not include illegal uses such as gambling or prostitution. [Compatible new commercial uses are limited to those uses permitted in the Commercial Limited \(CL\) and Commercial Neighborhood \(CN\) zoning districts.](#)

F. Notwithstanding the foregoing, any existing use permits or other entitlements that pertain to Designated Landmarks, farm centers, and Landmarks of Special Significance shall continue in full force and effect unless modified or revoked pursuant to procedures established elsewhere in the Napa County Code.

SECTION 2. Section 18.104.430 (Napa County Landmarks of Special Significance – Findings) of the Napa County Code is hereby amended to read in full as follows:

18.104.430 Napa County Landmarks of Special Significance - Findings.

In addition to the findings required in Section 18.124.070, the approving agency must make all of the following findings prior to issuance of a use permit for reuse of the Landmarks of Special Significance identified in subsection (C) of Section 15.52.035:

A. The reuse will support the long-term preservation of the Historical Resource and the applicant has agreed to rehabilitate and maintain the resource in conformance with the Secretary of the Interior's Standards for Preservation Projects.

B. The reuse will enhance public understanding and appreciation for the county's cultural heritage.

C. The reuse is compatible with agriculture because it does not displace an agricultural use, conflict with a Williamson Act contract, or increase the likelihood of conflicts between users of the site and nearby agricultural activities.

D. The reuse does not constitute urbanization because it re-establishes one or more historic use(s) of the property [or a compatible new commercial use within an](#) extant historic building(s) and does not require inappropriate alterations or extensive additions to the buildings. For purposes of this section, inappropriate alterations are those that do not conform with the Secretary of the Interior's Standards, and extensive additions are those that exceed five hundred gross square feet.

E. The reuse is supported by adequate off-street parking, adequate water supplies, and an adequate waste disposal system.

F. The property owner has agreed to maintain the Historical Resource in accordance with the Secretary of the Interior's Standards, has provided a written maintenance plan prepared by a Qualified Preservation Professional, and shall reimburse the county for the cost of an annual inspection for the duration of the use permit.

SECTION 3. Section 18.132.065 (Napa County Landmarks of Special Significance - Use and Continuance) of the Napa County Code is hereby amended to read in full as follows:

18.132.065 Napa County Landmarks of Special Significance – Use and Continuance.

Notwithstanding any provision in this chapter to the contrary, Landmarks of Special Significance listed in subsection (C) of Section 15.52.035 may be reused for their historic uses or a compatible new commercial use as set forth in subsection (E) of Section 15.52.040 subject to the procedures and findings in Chapter 18.124 and the findings in Section 18.104.430.

SECTION 4. In accordance with CEQA and the State CEQA Guidelines (Sections 15168), the County is relying on the program level Environmental Impact Report (EIR) for the General Plan Update (SCH# 2005102088, certified June 2008) as the EIR for this ordinance. As discussed in a separate memorandum and checklist (initial study) dated August 24, 2011, this approach is consistent with CEQA and the State CEQA Guidelines because (1) the proposed ordinance is within the scope of the General Plan approved in 2008, and (2) the program EIR prepared for the General Plan Update adequately describes the activity for purposes of CEQA. In addition, (3) the County has not identified any changes in the General Plan, changes in circumstances under which the General Plan Update was adopted, or new information of substantial importance that would necessitate subsequent environmental review pursuant to CEQA Guidelines Section 15162.

A copy of the General Plan Update EIR may be reviewed during business hours at the offices of the Department of Conservation, Development and Planning, 1195 Third Street in Napa, or on the County's website at <http://www.countyofnapa.org/Planning/>.

SECTION 5. Pursuant Chapter 4, Title 7, commencing with Section 65800, of the California Government Code, this Ordinance is consistent with the following policies and goals of the Napa County General Plan:

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-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-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.
- d) Income tax deductions for qualified donations of historic preservation easements.

Policy CC-28: As an additional incentive for historic preservation, owners of existing buildings within agricultural areas of the County that are either designated as Napa County Landmarks or listed in the California Register of Historic Resources or the National Register of Historic Places may apply for permission to reuse these buildings for their historic use or a compatible new use regardless of the land uses that would otherwise be permitted in the area so long as the use is compatible with agriculture, provided that the historic building is rehabilitated and maintained in conformance with the U.S. Secretary of the Interior's Standards for Preservation Projects.

This policy recognizes that, due to the small number of existing historic buildings in the County and the requirement that their historic reuse be compatible with agriculture, such limited development will not be detrimental to the Agriculture, Watershed or Open Space policies of the General Plan. Therefore such development is consistent with all of the goals and policies of the General Plan.

Action Item CC-28.1: Amend the Zoning Ordinance to provide a discretionary process such as a use permit by which property owners may seek approval consistent with Policy CC-28, for an additional incentive for historic preservation. The process shall preclude reuse of buildings which have lost their historic integrity and prohibit new uses that are incompatible with the historic building or that require inappropriate new construction.

SECTION 6. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors of the County of Napa hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 7. This Ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 8. A summary of this Ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in the County of Napa, together with the names of members voting for and against the same.

The foregoing Ordinance was introduced and public hearing held thereon before the Napa County Conservation, Development and Planning Commission at a regular meeting of the Commission on _____, and was passed at a regular meeting of the Board of Supervisors of the County of Napa, State of California, held on the _____ day of _____, 2011, by the following vote:

AYES: SUPERVISORS _____

NOES: SUPERVISORS _____

ABSTAIN: SUPERVISORS _____

ABSENT: SUPERVISORS _____

BILL DODD, Chairman
Napa County Board of Supervisors

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By: _____

<p style="text-align: center;">APPROVED AS TO FORM Office of County Counsel</p> <p>By: _____ Deputy County Counsel</p> <p>By: _____ County Code Services</p> <p>Date: _____</p>	<p style="text-align: center;">Approved by the Napa County Board of Supervisors</p> <p>Date: _____</p> <p>Processed by: _____ Deputy Clerk of the Board</p>
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I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET ROOM 310, NAPA, CALIFORNIA ON _____.

_____, DEPUTY
GLADYS I. COIL, CLERK OF THE BOARD