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Agenda Date: 3/2/2011

Agenda Placement: 9B

## 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:** LINDA STCLAIRE, PLANNER II - 707.299.1348  
**SUBJECT:** Landmark Historic Preservation Ordinance Update P10-00377-ORD

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### **RECOMMENDATION**

#### **LANDMARK PRESERVATION ZONING ORDINANCE, COUNTY-INITIATED ZONING CODE TEXT AMENDMENT P10-00377-ORD**

**CEQA Status:** Negative Declaration Prepared. According to the proposed negative declaration, the project would not have any potentially significant environmental impacts. There is one property (Pope Valley Store) that is on the lists of hazardous waste sites enumerated under Government Code section 65962.5. That property is undergoing remediation.

**Request:** County-sponsored ordinance. The proposed project consists of adoption of an ordinance updating Napa County Code sections related to the designation and disposition of historic landmarks. The ordinance would update the procedures and standards for the preservation and appropriate rehabilitation of historic buildings when property owners voluntarily apply for landmark designation. The ordinance also contains incentives for the rehabilitation and reuse of a limited number of historic buildings which are considered significant to the County's agricultural heritage by (1) allowing farm centers and grange halls to be used as a matter of right as meeting halls and special event venues (APN #s 030-180-009, 020-282-001, 052-112-016, 047-110-004 & 018-100-001), and (2) by allowing the Pope Valley Store and Rutherford Train Station (APN #s 018-310-023 & 027-210-008) to be rehabilitated and adaptively reused for uses allowed in the Commercial Limited (CL) zoning district upon issuance of a use permit and project specific environmental review under CEQA. The proposed ordinance would implement action items included in the General Plan Update of 2008.

**Ordinance Title:** AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, AMENDING CHAPTER 15.52 (LANDMARK PRESERVATION) AS IT RELATES TO THE DESIGNATION AND DISPOSITION OF HISTORIC LANDMARKS IN NAPA COUNTY

**Staff Recommendation:** Recommend to Board of Supervisors adoption of the proposed negative declaration ordinance.

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## **EXECUTIVE SUMMARY**

Proposed Action:

That the Planning Commission recommends that the Board of Supervisors:

- 1) Adopt the proposed negative declaration; and
- 2) Adopt the proposed ordinance.

Discussion:

The purpose and intent of the proposed ordinance is to update the procedures and standards for the preservation and appropriate rehabilitation of historic buildings when property owners voluntarily apply for landmark designation. The ordinance also contains incentives for the rehabilitation and reuse of a limited number of historic buildings which are considered significant to the County's agricultural heritage by (1) allowing farm centers and grange halls to be used as a matter of right as meeting halls and special event venues (APN #s 030-180-009, 020-282-001, 052-112-016, 047-110-004 & 018-100-001), and (2) by allowing the Pope Valley Store and Rutherford Train Station (APN #s 018-310-023 & 027-210-008) to be rehabilitated and adaptively reused for uses allowed in the Commercial Limited (CL) zoning district upon issuance of a use permit and project specific environmental review under CEQA.

The proposed ordinance would implement action items included in the General Plan Update of 2008. Community Character Action Item CC-19.2 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. Action Item CC-28.1 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 building 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.

The County initiated text amendments amend Chapter 15.52 of the County's Landmark Preservation Code. The Landmark Preservation code currently allows for the preservation of the County's historic and cultural resources. The ordinance has not been updated since 1990 and needs to be updated to reflect best practices in historic preservation, creation of the California Register, etc. In addition, this update would provide an incentive for rehabilitation and reuse of two specific "at risk" properties (the Pope Valley Store and Rutherford Train Station), and would memorialize the historical role of grange halls and farm centers as community meeting places. As important historical resources, so called "ghost wineries" are also mentioned in the ordinance, but the rules regarding ghost wineries are not proposed for change.

## **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

## **ENVIRONMENTAL IMPACT**

Negative Declaration Prepared. According to the proposed negative declaration, the project would not have any potentially significant environmental impacts. There is one property (Pope Valley Store) that is on the lists of hazardous waste sites enumerated under Government code section 65962.5. That property is undergoing remediation.

## **BACKGROUND AND DISCUSSION**

### **Landmark Preservation Ordinance**

**Property Affected:** The proposed ordinance would apply to all parcels in Napa County and contains sections directly relevant to properties owned by: Executive Committee of Rutherford Grange Number 371; Tucker Farm Center Corporation; Welcome Grange Number 791 & Unity Church of Napa; Rene DiRosa Trust; Pope Valley Farm Center; Bradley Kirkpatrick Trust & Jeffrey Parady; and Napa Valley Wine Train Inc., Hacienda Architectural & Design, and Chet Halsey.

**Current Zoning:** The proposed ordinance would apply to all parcels in Napa County and contains sections directly relevant to the properties referenced above with the following APNs: 030-180-009-000; 020-282-001-000; 052-112-016-000; 047-110-004-000; 018-100-001-000; 018-310-023-000; & 027-210-008.

**General Plan Designation:** The proposed ordinance would apply throughout the County in all General Plan land use designations. Specific parcels referred to in the ordinance are designated Agricultural Resource (AR), Agriculture, Watershed, and Open Space (AWOS), and Rural Residential (RR).

**Discussion:** Action Item CC-19.2, in the Community Character Element of the Napa County General Plan calls on the County to improve the procedures and standards that provide for the preservation and appropriate rehabilitation of significant historic resources, to incorporate incentives for historic preservation, and to establish a discretionary process so that owners of historic structures may apply for permission to reuse their buildings for the historic use or a compatible use as long as it is rehabilitated and maintained in conformance with the U.S. Secretary of the Interior's Standards. Two important historic resources (the Pope Valley Store and the Rutherford Train Station) are referenced in the proposed ordinance to test the viability of this discretionary review process and are considered "at risk" due to long term vacancy. Farm centers and grange halls have played a significant role in the County's agricultural heritage and the proposed ordinance would accommodate their continued use. Napa County "ghost wineries" are also referenced in the ordinance in order to consolidate discussions of preservation incentives in Napa County Code, although related standards and requirements are not proposed for change (Napa County Code Sections 15.52.035 & .040).

### **Napa County's Historic Resources**

Napa County was a leader statewide in the use of agricultural preserves, which not only protected agriculture from encroachment by urban uses but also retained the open, agricultural character of the county. In the course of preserving agricultural land and open space, historic and cultural resources have also been retained. Outside of its urban centers, Napa County's built environment contains historic remnants of its agricultural past such as farmsteads, barns, wineries, grange halls, water tanks, and walls. In addition, there are historic spas and resorts, mines and mine roads, and picturesque stone bridges and landscapes (including historic vineyards). While the

historic significance of many of these features cannot be denied, there is no comprehensive inventory of historic resources in unincorporated Napa County. A 1978 visual survey only skimmed the surface and is long out of date. State and federal registers contain incomplete listings, and as of 2007 there are only three formally designated Napa County Landmarks: the DiRosa Preserve, located at 5200 Sonoma Highway; Trubody Ranch, located at 5444 Trubody Lane; and the August Hirsh Winery at 3199 St. Helena Highway North. Policies and action items have been included in the General Plan to address the absence of complete information and ensure the long-term preservation of significant resources within Napa County. A common definition of what is significant is critical, as are an emphasis on public outreach and education and on incentives for historic preservation. References to state and federal programs ensure that Napa County's policy framework is consistent with others in the state.

### Existing Regulations

Title 15 (Landmark Preservation) of the Napa County Code currently allows for the preservation of historic structures, the designation as a landmark, and the ability to qualify for state and federal status and benefits. In Section 15.52.040 (Use conditions), designated landmarks may be used in a manner and pursuant to procedures as established by the zoning district in which they are located.

### Proposed Ordinance

The ordinance would update the procedures and standards for the preservation and appropriate rehabilitation of historic buildings when property owners voluntarily apply for landmark designation. The ordinance also contains incentives for the rehabilitation and reuse of a limited number of historic buildings which are considered significant to the County's agricultural heritage by (1) allowing farm centers and grange halls to be used as a matter of right as meeting halls and special event venues and (2) by allowing the Pope Valley Store and Rutherford Train Station to be rehabilitated and adaptively reused for uses allowed in the Commercial Limited (CL) zoning district upon issuance of a use permit and project specific environmental review under CEQA. The proposed ordinance would implement action items included in the General Plan Update of 2008. A copy of the proposed ordinance, setting forth all the permitting requirements, is attached for the Commission's review and reference.

### CEQA Compliance

An initial study has been prepared and a negative declaration is proposed for adoption in accordance with the California Environmental Quality Act (CEQA). The analyses performed in the initial study did not identify any significant effects resulting from the proposed ordinance, nor did it discover any significant environmental impacts that require mitigation.

One of the environmental issues of greatest concern is transportation. Adoption of the proposed ordinance, related to the designation and disposition of historic landmarks, would not itself generate traffic, but it could stimulate reuse of existing historic buildings, and therefore indirectly increase traffic in the immediate vicinity of the historic buildings. The buildings that may be reused are farm centers and grange halls, the Pope Valley Store, and the Rutherford Train Station. All are small scale structures, and their possible use as special event venues (the farm centers and grange halls) or as restaurants and lodging (the Pope Valley Store and the Rutherford Train Station), would mean that their most intensive use would occur outside of the peak hours when traffic conditions are at their worst. Also, reuse of the Pope Valley Store and the Rutherford Train Station will require site-specific environmental review under CEQA as part of the use permit process, allowing the County to quantify potential vehicle trips, and impose mitigation if needed to address congestion in the vicinity.

### General Plan and Zoning Consistency

The County's General Plan includes a number of 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 encourages the County to offer incentives for the appropriate rehabilitation and reuse of historic buildings. The policies also support dissemination of information regarding incentives available at the state and federal level, such as applying the State Historic Building Code (SHBC) when building modifications are proposed, use of federal historic preservation tax credits for qualified rehabilitation projects, and use of income tax deductions for qualified donations of historic preservation easements. (Policy CC-27).

The proposed zoning code text amendments will effectively update the language so that it is consistent with other jurisdictions throughout the state of California that have voluntary landmarks designation ordinances. It will also provide a discretionary process (i.e. via a use permit) by which two property owners may seek approval consistent with Policy CC-28, for commercial uses within their buildings if they are appropriately rehabilitated and certain specific findings can be made. The proposed text amendments advance the following goals and policies of the Napa County General Plan summarized below:

- | Goal CC-4: Identify and preserve Napa County's irreplaceable cultural and historic resources for present and future generations to appreciate and enjoy.
- | 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.
- | Goal CC-5: Encourage the reuse of historic buildings by providing incentives for their rehabilitation and reuse.
- | 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.
  - 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 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 building 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.

### **Conclusion**

The proposed ordinance recognizes the value of the County's historic resources, and the risk that these resources -- which help to tell the story of the County's agricultural heritage -- will be lost. The text amendments update the process for designating official landmarks, their rehabilitation and reuse. The proposed ordinance also advances the County's General Plan goals and policies that promote the preservation and reuse of historic structures, providing an avenue for reuse of grange halls, farm centers, and two important resources that have been vacant for a long period of time.

### **Attachments**

The CEQA document and proposed ordinance are attached along with public comments received as of the date of this Agenda Letter.

### **SUPPORTING DOCUMENTS**

- A . Landmark Preservation Draft Ordinance
- B . Initial Study Mitigated Negative Declaration
- C . Comment letter- Johnson
- D . Comment letter- Kirkpatrick

Napa County Planning Commission: Approve

Reviewed By: John McDowell