

Chapter 15.52

HISTORIC PRESERVATION AND NEIGHBORHOOD CONSERVATION

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15.52.010 Findings and purpose.

A. Findings.

1. The City of Napa Historic Preservation and Neighborhood Conservation Ordinance embodies General Plan policy and implements important preservation and neighborhood conservation concepts. It defines the role of the cultural heritage commission, cultural resources, appropriate conservation criteria and processes for new investment in Central Napa, exceptions to the protections of the Historic Preservation and Neighborhood Conservation Ordinance, preservation incentives and enforcement procedures.

2. The Historic Preservation Ordinance supports five key concepts. These are as follows:

a. The quality of Napa's traditional neighborhoods will be protected through implementation of General Plan policies.

b. Central Napa's traditional neighborhoods have a preponderance of cultural resources and other desirable features of urban design and will be treated as neighborhood conservation areas.

c. The City of Napa will define the boundaries, guidelines and standards for local landmark districts.

d. Appreciation for Napa's cultural resources will be furthered by educational opportunities and incentives for preservation.

e. The cultural heritage commission will provide the expertise and leadership for historic preservation throughout the city and for maintaining character in landmark districts and neighborhood conservation areas.

B. Purposes and Objectives.

1. The identification, protection, enhancement, perpetuation and use of buildings, structures, sites or areas that have important associations with past eras, events and persons important in local, state or national history, or which provide significant examples of architectural styles of the past or are Landmarks in the history of architecture, or which are unique and irreplaceable assets to the city and its

neighborhoods, or which provide for this and future generations examples of the physical surroundings in which past generations lived;

2. The development and maintenance of appropriate settings and environments for such buildings or structures, and in such sites and areas;

3. The enhancement of property values, the stabilization of neighborhoods and areas of the city, the increase of economic and financial benefits to the city and its inhabitants and the promotion of tourist trade and interest;

4. The encouragement of compatible contemporary designs and construction;

5. The preservation and encouragement of a city of varied architectural styles, reflecting the distinct phases of its history: cultural, social, economic, political and architectural;

6. The enrichment of human life in its educational and cultural dimensions in order to serve spiritual, as well as material, needs by fostering knowledge of the living heritage of the past;

7. The continuance of the fundamental traditional design characteristics of Central Napa neighborhoods; and

8. The promotion of livable neighborhoods in Central Napa.

(Ord. 3001, § 3, 1986; Ord. O1999 31)

15.52.020 Definitions.

A. General definitions.

“Alteration” shall mean any exterior change or modification, through public or private action, of any landmark, cultural resource or of any property located within a landmark district including, but not limited to, exterior changes to or modification of a building or structure, architectural details or visual characteristics such as surface texture, grading, surface paving, new structures, cutting or removal of trees and other natural features, disturbance of archeological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property. Painting is not considered an alteration unless painting and/or painted features and/or unpainted features are designated as significant or characteristic of the landmark or contributing resource in a landmark district.

“Alteration, substantial” shall mean, in a neighborhood conservation area, the expansion or reduction of the exterior envelope of a building or structure resulting in an increase or decrease of more than 100 square feet or the addition, enclosure, or removal of a porch, or other change as may be defined in any design guidelines that may be adopted by resolution of the city council for a neighborhood conservation area.

“Building” shall mean any structure intended for any use or occupancy with substantial walls and roof.

“Building official, chief” shall mean the officer or other designated authority charged with the administration and enforcement of the building, housing, plumbing, electrical and related codes, as provided by Title 15 of this code.

“California Register” shall mean the California Register of Historical Resources as defined in California Public Resources Code Section 5020.1.

“Certificate of appropriateness” shall mean a certificate issued pursuant to this chapter approving such plans, specifications, statements of work and any other information which

is reasonably required to make a decision on any proposed project.

“Certified Local Government” (CLG) shall mean a local government that has been certified by the National Park Service to carry out the purposes of the National Historic Preservation Act of 1966 (16 U.S.C. Section 470 et seq.) as amended, pursuant to Section 101(c) of that act and the regulations adopted under the act, which are set forth in Part 61 (commencing with Section 61.1) of Title 36 of the Code of Federal Regulations.

“Characteristic” shall mean the same as “feature.”

“City” shall mean the City of Napa.

“Commission” shall mean the cultural heritage commission.

“Construction” shall mean any work for which a building permit is required, and also shall include fences, substantial grading or landscaping and the erection, installation or painting of signs.

“Construction, substantial” shall mean the construction of a new building or structure with a floor area of more than 100 square feet.

“Contributing resource” shall mean a feature, structure, object or site within a landmark district that embodies the significant physical characteristics and features, or adds to the historical associations, historic architectural qualities or archaeological values identified for the landmark district, and was present during the period of significance, relates to the documented significance of the property, and possesses historic integrity or is capable of yielding important information about the period.

“Cultural resource” shall mean any improvement, building, structure, archaeological feature, natural feature, district, object or site of historic, aesthetic, educational, cultural or architectural importance. Examples of a “cultural resource” include, but are not limited to, a plaza, bridge, park, windrow of trees, water tower or public building.

“Cultural resource nomination” shall mean the consideration of a cultural resource for listing in the Historic Resources Inventory.

“Demolition” shall mean the complete destruction of a building or structure, or the permanent or temporary removal of more than thirty percent (30%) of the perimeter walls, or removal of any portion of a street-facing façade.

“Design guidelines” shall mean the document prepared by the cultural heritage commission and adopted by the city council which illustrate appropriate and inappropriate methods of rehabilitation, alteration and construction.

“Exterior architectural features” shall mean the architectural features embodying style, design, general arrangement and components of all of the outer surfaces of an improvement including, but not limited to, the kind, color and texture of the building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement.

“Feature” shall mean fixtures, components or appurtenances attached to, contiguous to or otherwise related to a building, structure or property including, without limitation, materials, landscaping, setbacks, distinguishing aspects, roof attributes, overlays, moldings, sculptures, fountains, light fixtures, windows, and monuments. “Feature” may include interior areas of publicly-owned buildings and structures that are accessible or made available to the public.

“Good repair” shall mean that level of maintenance and repair which clearly furthers the continued availability of buildings and structures for lawful reasonable uses and prevents deterioration, dilapidation and decay of buildings and structures.

“Historic Resources Inventory” shall mean a listing of cultural resources having historic significance to the City of Napa as adopted in Resolution No. 97-015 and as may be amended from time to time.

“Improvement” shall include any building, structure, place, fence, gate, landscaping, tree, wall, parking facility, or other object constituting a physical feature which is not a natural feature.

“Integrity” shall mean the ability of a cultural resource to convey its significance through the survival of key elements of its original style, scale, materials and detailing.

“Inventory” shall mean the same as “Historic Resources Inventory.”

“Landmark” shall mean any cultural resource which the city council officially designates by resolution as worthy of protection as a landmark as provided for in this ordinance.

“Landmark district” shall mean any delineated geographic area having historical significance, special character or aesthetic value which serves as an established neighborhood, community center or distinct section of the city, possessing a significant concentration of cultural resources united historically or aesthetically by plan or by physical development, and which the city council designates by resolution as worthy of protection as provided for in this chapter.

“Landmark nomination” shall mean the nomination of a cultural resource for designation as a landmark or as a landmark district.

“Mills Act” shall mean Government Code Section 50280, et seq., as such section(s) may be amended from time to time.

“Minimum maintenance requirements” shall mean those regulations adopted by the city council requiring property owners to maintain the buildings, structures and land associated with a landmark or landmark district.

“National Register of Historic Places” shall mean the official inventory of districts, sites, buildings, structures and objects significant in American history, architecture, archeology and culture which is maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966 (as amended). (16 U.S.C. 470-470t, 36 C.F.R. Sections 60, 63).

“Natural feature” shall mean a planting, land form, rock outcropping, body of water or other object of the native landscape on property which has historical significance.

“Neighborhood conservation area” shall mean any delineated geographic area designated by council as having special character or aesthetic value which serves as an established neighborhood or distinct section of the city, possessing buildings or structures united aesthetically by plan, or by physical development. A neighborhood conservation area need not have historic significance.

“Neighborhood conservation property” shall mean any cultural resource which the city council officially designates by resolution as worthy of protection as a neighborhood conservation property as provided for in this ordinance.

“Nominated resource” shall mean a cultural resource for which a landmark nomination is pending.

“Nomination notice” shall mean a letter sent to the owner of a nominated resource indicating that the property(ies) will be considered for designation as a landmark or as a landmark district.

“Non-contributing resources” shall mean all properties or structures within a landmark

district that are not identified as contributing resources.

“Ordinary maintenance and repair” shall mean any work, the sole purpose and effect of which is to prevent or correct deterioration, decay or damage, including repair of damage caused by fire or other disaster and which does not result in a change in the historic appearance and materials of a property.

“Period of significance” shall mean the span of time during which a cultural resource attained the significance for which it is recognized under the provisions of this chapter.

“Preservation” shall mean the identification, study, protection, restoration, rehabilitation or enhancement of cultural resources.

“Preservation easement” shall mean, for the purpose of this chapter, the right vested in a person or entity other than the owner of the cultural resource to require preservation of the resource subject to the easement.

“Proposed project” shall mean any alteration, addition or rehabilitation to a property or any new construction, whether or not a permit or entitlement is required. A proposed project excludes painting, unless painting and/or painted features and/or unpainted features are designated as significant or characteristic of a landmark or a contributing resource in a landmark district.

“Public way” shall mean any outdoor place regularly accessible by the public. This includes, but is not limited to, streets, alleys, sidewalks, parks, paths and roads.

“Quorum” shall mean three of the voting members of the commission.

“Rehabilitation” shall mean the act or process of returning a building or structure to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the cultural resource which are significant to its historical, architectural and cultural value.

“Relocation” shall mean the act or process of moving a building or structure from one site to another site, or to a different location on the same site.

“Renovation” shall mean the act or process of returning a building or structure to a state of utility through repair or alteration which makes possible a contemporary use.

“Restoration” shall mean the act or process of accurately recovering the form and details of a building or structure and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

“Secretary of Interior’s Standards for Rehabilitation Projects” shall mean the U.S. Secretary of the Interior’s Standards for Rehabilitation of Historic Buildings, issued by the National Park Service (36 Code of Federal Regulations Part 67), together with the accompanying interpretive Guidelines for Rehabilitating Historic Buildings, as they may be amended from time to time.

“Staff” shall mean the staff of the City of Napa planning department.

“State Historical Building Code” shall mean the State Historical Building Code as contained in Part 2.7 of the California Health and Safety Code of the California Code of Regulations.

“Structure” shall mean anything constructed or erected, except fences, the use of which requires permanent location on the ground.

“Survey” shall mean a process by which structures, features, objects or sites within specified geographic areas are documented relative to their possible eligibility for landmark or landmark district consideration.

“Zoning ordinance” shall mean Chapter 17 of the Napa Municipal Code.
(Ord. 3001, § 3, 1986; Ord. O1999 31)

15.52.030 Cultural heritage commission.

A. Creation and Membership.

1. There is created the cultural heritage commission (hereafter “commission”).
2. The commission shall consist of five members.
3. All members shall have a demonstrated interest, competence or knowledge of historic preservation and the cultural resources of the city.
4. No less than three of the members shall, if possible, be appointed from among professionals in the fields or disciplines of architecture, landscape architecture, history, architectural history, rehabilitation construction, urban planning, American studies, cultural geography, pre-historic and historic archaeology, folklore or cultural anthropology, conservation or other historic preservation-related disciplines to the extent that such professionals are available in the community.
5. The remaining commission membership shall include members who have a demonstrated interest in preservation-related fields and urban design.
6. When filling commission vacancies, the city council will give first consideration to representatives from Central Napa neighborhoods, but may appoint from other areas.
7. At least three of the members shall be residents and registered voters of the city. The other members may be residents of the county.

B. Term of Office.

1. Commission members shall have a term of office of two years, with two members appointed each even-numbered year and three members appointed each odd-numbered year.
2. The maximum number of full consecutive terms a member may serve is three (3).

C. Removal from Office.

The city council may remove any member from the commission at will, for any or no reason.

D. Operating Procedures.

1. The commission shall elect a chairperson from its membership.
2. The commission shall adopt by-laws for its organization and implementation of its powers and duties.
3. The commission shall act by majority vote of at least a quorum of its members.

E. Powers and Duties.

The commission shall have the following powers and duties, subject to the direction and control of the city council:

1. General.
 - a. Make recommendations to the city council regarding the Historic Preservation Element of the City’s General Plan.
 - b. Take steps to encourage or bring about preservation of cultural resources.
 - c. Promote and educate the community about the preservation of the city’s archaeological resources.
 - d. As directed by the city council, review and comment on land use, housing, redevelopment and other types of planning and programs undertaken by any agency of

the city, the county or state as they relate to the cultural resources of the city.

e. Recommend to the city council or redevelopment agency the purchase of fee or less-than-fee interests in property for purposes of historic preservation.

f. Recommend to the city council the acceptance of preservation easements on cultural resources, including the interior of privately-owned buildings or structures.

g. Investigate and report to the city council on the use of various federal, state, local or private funding sources and mechanisms available to promote historic preservation in the city.

h. Promote the preservation and historic character of cultural resources, landmarks and buildings or structures in landmark districts.

i. Maintain an ongoing survey process to determine the status of cultural resources in the city.

j. Comment on National Register nominations for submittal to state and/or federal government agencies.

k. As directed by the city council, cooperate with local, county, state and federal governments in the pursuit of the objectives of historic preservation.

l. Participate in, promote and conduct public information, educational and interpretive programs pertaining to cultural resources.

m. Perform any other functions requested by the city council.

2. Landmarks and Landmark Districts.

a. Recommend to the city council the designation of landmarks and landmark districts in accordance with this chapter.

b. Promote the maintenance and traditional character of landmarks and landmark districts.

3. Historic Resources Inventory.

Establish and maintain a list of those cultural resources determined by the commission as being historically significant. The commission shall also publicize and periodically update this Historic Resources Inventory.

4. Neighborhood Conservation Areas.

a. Recommend to the city council the designation of neighborhood conservation areas in accordance with this chapter.

b. Promote the maintenance and traditional character of these areas.

5. Design Review.

a. Approve, approve with conditions or deny applications for a certificate of appropriateness, subject to appeal to the city council, as provided for in this chapter.

b. Prepare and recommend for city council approval design guidelines for the review of an application for a certificate of appropriateness.

c. Advise the planning commission on design review actions that are final with the planning commission and do not require a certificate of appropriateness, but which involve a property or improvement listed on the Historic Resources Inventory.

d. Advise the city council and provide comments on the impacts of proposed work for any proposed project which requires special considerations pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended.

e. Render advice and guidance, upon the request of the property owner or occupant, on new construction or on the restoration, alteration, decoration, landscaping or maintenance of any cultural resource.

F. Delegation of Powers and Duties.

1. The commission may delegate its decision-making authority to city staff to approve, approve with conditions, or deny, in whole or in part, applications for a certificate of appropriateness.

2. The commission shall define the procedures for such delegated authority in its by-laws.

G. Commission Meetings.

The commission shall meet at least once each month, unless there is no new business scheduled.

H. Annual Reports.

The commission shall report to the city council each year describing the past year's activities, the status of preservation in the city, the status of neighborhood conservation and recommend any improvements which the commission deems necessary.

I. Commission Training.

Each member of the commission shall participate in one or more training sessions annually, subject to available funds. Topics shall include preservation methods and standards, hearing procedures, CEQA and other related information.

J. Staff Assistance.

In order to assist the commission in the performance of its duties, the planning department shall, subject to available funding:

1. Administer the city's historic preservation program.

2. Conduct surveys and survey updates to help maintain the Historic Resources Inventory.

3. Consult with other city departments regarding rehabilitation standards and cultural resource surveys performed in conjunction with proposed projects.

4. Consult with other city departments regarding any potential protections suitable for cultural resources involved in proposed projects.

5. Make recommendations to the commission, planning commission and city council regarding proposed projects (including those for landmarks or for buildings or structures in a landmark district or a neighborhood conservation area).

6. Take such steps, including training, as are necessary for the city to remain a certified local government.

7. Determine the completeness of a proposed project application.

8. Perform such other functions provided in this chapter, commission by-laws or any other applicable law.

(Ord. 3001, § 3, 1986; Ord. 4008, § 1, 2, 1987; Ord. 4076, § 5, 1988; Ord. 4152, § 1,2, 1989; Ord. O1999 31)

15.52.040 Designation of cultural resources, landmarks and neighborhood conservation areas.

A. Historic Resources Inventory.

1. A cultural resource may be listed in the city's Historic Resources Inventory by the commission, subject to appeal to the city council, if the commission finds it to be of historic, aesthetic, educational, cultural or architectural importance.

2. Buildings or structures listed in the Inventory, with the exception of non-contributing resources in a landmark district, shall be deemed to be "qualified properties"

for the purpose of application of the State Historical Building Code.

3. Notice shall be given to the owner of property being considered for inclusion on the inventory not less than ten (10) calendar days prior to the meeting, and if included, mailed notice of the decision and right of appeal shall be provided to said owner.

B. Landmarks and Landmark Districts.

1. A cultural resource may be designated by the city council, upon the recommendation of the commission, as a landmark if it:

a. Exemplifies or reflects special elements of the city's cultural, social, economic, political, aesthetic, engineering, architectural or natural history; or

b. Is identified with persons or events significant in local, state or national history; or

c. Embodies distinctive characteristics of a style, type, period or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or

d. Represents the work of a notable builder, designer or architect; or

e. Is one of the few remaining examples in the city, region, state or nation possessing distinguishing characteristics of an architectural or historical type or specimen.

2. A group of cultural resources may be designated by the city council upon the recommendation of the commission as a landmark district if:

a. The majority of the properties reflect significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes or distinctive examples of park or community planning; or

b. The majority of the properties convey a sense of historic or architectural cohesiveness through their design, setting, materials, workmanship or association; or

c. The majority of the properties have historic significance and retain a high degree of integrity; or

d. The area in general is associated with a historically significant period in the development of the community or is associated with special historical events; or

e. The majority of the properties embody distinctive characteristics of a style, type, period or method of construction, or are a valuable example of the use of indigenous materials or craftsmanship; or

f. The majority of the properties represent the works of notable builders, designers or architects.

3. Designation Nomination.

a. A landmark or landmark district may be nominated by the city council, the cultural heritage commission, the owner of the building(s) or structure(s) to be designated or by an established community-based organization whose purpose is to promote historic preservation.

b. No city permits shall be issued for any reason while a landmark or landmark district nomination is pending, except for ordinary maintenance and repair that does not diminish the integrity of the cultural resource.

4. Notification.

a. For a landmark, a nomination notice shall be provided consistent with Section 15.52.090.

b. For a landmark district, a nomination notice shall be provided to the owner(s)

of property within the potential landmark district consistent with Section 15.52.090.

5. Designation Hearing.

a. The commission shall hold a public hearing to determine the proposed designation.

b. If the commission votes in support of a landmark or landmark district designation at the hearing, it shall forward a recommendation to the city council for the designation of the nominated resource(s) as a landmark or landmark district based on the criteria set forth in this chapter and the facts presented in connection with the application.

6. Designation Resolution.

a. A landmark or landmark district shall be designated by a numbered resolution of the city council. In determining whether to accept or reject the commission's recommendation, the council shall consider the facts and findings submitted in the recommendation.

b. Each such designating resolution shall include a description of the characteristics of the landmark or landmark district which justify its designation, a description of the key features that should be preserved, a description of the location and boundaries of the landmark or landmark district (including assessor parcel numbers) and a site plan or map of the property or district.

c. A list of all contributing resources in a landmark district shall be included with the designation resolution.

7. Notice of Action.

a. Staff shall transmit a notice of the resolution to the owner(s) of the designated cultural resource.

b. Staff shall also cause a copy of the designating resolution to be recorded in the office of the county recorder.

c. Notice of the designation shall also be transmitted to the departments of planning, community resources, fire, public works, the building division of the public works department, the redevelopment agency of the city, the assessor and the recorder of Napa County, and any other interested departments and governmental and civic agencies.

(1) Each city department and division shall incorporate the notice of designation into its records, so that future decisions regarding or affecting any landmark or landmark district will have been made with the knowledge of the designation, and in accordance with the procedures set forth in this chapter.

(2) The planning department shall be responsible for keeping records of all landmark and landmark district designations.

8. Repeal or Amendment of Designation.

The city council, after recommendation of the commission, shall consider a repeal or amendment of a previously approved landmark, landmark district or contributing resource in a landmark district designation in the same manner provided by this chapter for the designation of the landmark, landmark district or contributing resource if the city council determines that it no longer meets the designation criteria.

C. Neighborhood Conservation Properties and Neighborhood Conservation Areas.

1. Any property designated with an :HP or :HPR zoning overlay as of October 19, 1999, may be designated as a neighborhood conservation property by the city council.

2. An individual cultural resource may be designated as a neighborhood conservation property by resolution of the city council upon recommendation of the

commission if:

- a. The property represents an established and familiar visual feature of a neighborhood, community or of Central Napa; or
 - b. The property has historic, architectural or engineering significance.
3. A group of cultural resources may be designated as a neighborhood conservation area by resolution of the city council upon the recommendation of the commission if:
- a. The majority of the properties represent established and familiar visual features of a neighborhood, community or of Central Napa; or
 - b. The majority of the properties convey a sense of cohesiveness through their design, setting, materials or association; or
 - c. The majority of the properties reflect significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes or distinctive examples of park or community planning; or
 - d. The character of the neighborhood is defined by similarities in basic elements of urban design, such as uniform alignment of porches along the street, or a similarity in building scale, materials and landscapes.
4. Properties considered for designation as a neighborhood conservation property or neighborhood conservation area need not have historic significance.
(Ord. 3001, § 3, 1986; Ord. 3093, §Ord. O1999 31)

15.52.050 Certificate of appropriateness.

A. Certificate of Appropriateness Required.

1. Landmarks and Landmark Districts.

a. No person, owner or other entity shall, without first having applied for and obtained a certificate of appropriateness, do, allow, undertake or permit any proposed project affecting a landmark or in a landmark district including, but not limited to, any of the following:

- (1) Any new construction in a landmark district.
- (2) Any restoration, rehabilitation, alteration, addition or change in appearance to a landmark or contributing resource in a landmark district.
- (3) Any alteration or addition to a non-contributing resource in a landmark district.
- (4) Changes to major interior architectural features of a publicly-owned landmark.
- (5) Demolition of a building or structure.

b. No city permit shall be issued for the proposed work until a certificate of appropriateness has been approved by the commission and then shall be issued only in conformity with such approval. The city-issued permits covered for projects affecting a landmark or in a landmark district include, without limitation, the following:

- (1) Building permits, including rehabilitation and new construction.
- (2) Building relocation permits.
- (3) Sign permits.
- (4) Certificates of occupancy.
- (5) Grading permits.
- (6) Demolition permits, including building permits involving full or partial demolition.

- (7) Communication permits, including wireless permits.
- (8) Paving and striping permit.
- (9) Electrical and gas meter split permit.
- (10) Encroachment permits.

2. Neighborhood Conservation Property and Neighborhood Conservation Area.

a. No person, owner or other entity shall, without first having applied for and obtained a certificate of appropriateness, do, allow, undertake or permit any proposed project on a neighborhood conservation property or in a neighborhood conservation area including, but not limited to, any of the following:

- (1) Any substantial construction visible from a public way.
- (2) Any substantial alteration or addition visible from a public way.
- (3) Demolition of a building or structure.

b. No city permit shall be issued for the proposed work until it has been approved by the commission and then shall be issued only in conformity with such approval.

3. Historic Resources Inventory.

a. No person, owner or other entity shall, without first having applied for and obtained a certificate of appropriateness, do, allow, undertake, or permit any demolition of any building or structure listed on the Historic Resources Inventory.

b. No certificate of appropriateness for demolition shall be issued for any proposed project while a cultural resource is being considered for listing in the inventory.

B. General Provisions for a Certificate of Appropriateness.

1. Application for a Certificate of Appropriateness.

a. All applications, and required materials, for proposed projects which require a certificate of appropriateness shall be made with the planning department. Applications shall be made upon forms developed by the commission for this purpose.

b. In the following cases, a certificate of appropriateness shall not be required, and the planning department shall process the proposed project application without further reference to this chapter:

(1) When the application is for a permit to construct on the site of a landmark that has been lawfully demolished and which is not in a landmark district or neighborhood conservation area.

(2) When the application is for a permit to make interior alterations only to a privately-owned building or structure.

(3) When the application is for a permit to do ordinary maintenance and repairs only.

(4) When any measures of construction or alteration are necessary to correct the unsafe or dangerous condition of any building or structure, as provided in Section 15.52.060B.

2. Notice of Hearing for a Certificate of Appropriateness.

Notice of a hearing before the Commission for a Certificate of Appropriateness shall be provided consistent with Section 15.52.100. No public hearing shall be required for a determination by City staff on those applications for a Certificate of Appropriateness which the Commission has delegated to City staff pursuant to Section 15.52.030 F; provided, however, that if such City staff determination is appealed to the

Commission pursuant to this Section, a public hearing by the Commission, noticed consistent with Section 15.52.100 shall be required.

3. Process for Staff Determination of Delegated Applications for Certificates of Appropriateness and Appeal to the Commission. For those applications for a Certificate of Appropriateness which the Commission has delegated to City staff for determination pursuant to Section 15.52.030 F, the following procedure shall apply:

a. As soon as reasonably practicable following the staff determination, written notice of staff's determination, including findings, and the right to appeal the determination to the Commission pursuant to this section shall be provided to the applicant, adjacent property owners, the Commission and any other person who requests notice.

b. Any person for whom such notice is required shall have the right to appeal staff's determination to the Commission within ten (10) days of the date notice has been provided. Such appeal shall be in writing and shall specify all reasons for the appeal.

c. If no appeal is timely filed pursuant to this section, the determination by staff shall be final.

C. Findings for a Certificate of Appropriateness for Landmarks and Landmark Districts.

1. Findings for Applications Pertaining to a Landmark: No certificate of appropriateness shall be issued unless findings are made that the proposed project preserves, enhances or restores, and shall not damage or destroy, the exterior architectural features of the landmark (and where specified in the designating resolution for a publicly-owned landmark, its major interior architectural features); and that the proposed project will not adversely affect the special character or special historic, architectural or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting, nor of the landmark district in applicable cases.

2. Findings for Applications Pertaining to a Contributing Resource in a Landmark District: No certificate of appropriateness shall be issued unless findings are made that, other than for a landmark itself, the proposed project preserves, enhances or restores, and shall not damage or destroy, the exterior architectural features of the contributing resource, considering the degree of its compatibility with the character of the landmark district, the feasibility of rehabilitation and other pertinent factors.

3. Findings for Remodeling or Other Proposed Exterior Changes to a Non-Contributing Resource in a Landmark District: No certificate of appropriateness shall be issued unless findings are made that such remodeling or exterior change is compatible with the character of the landmark district as described in the designating resolution and shall not adversely affect the special character of historic, architectural or aesthetic interest or value of the landmark district.

4. Findings for New Construction: No certificate of appropriateness shall be issued unless findings are made that new construction is compatible with the character of the landmark district as described in the designating resolution and an application for a certificate of appropriateness for new construction must be approved if such compatibility exists.

5. General Findings for Landmarks and Landmark Districts: No certificate of appropriateness shall be issued unless findings are made that the following site development and design issues are satisfied, when applicable:

- a. Architectural Design - A building shall appear compatible in form and detail to the tradition of the district or surrounding buildings and structures. Buildings and structures shall be visually compatible with older, surrounding buildings and structures.
- b. Mass and Scale - A building shall be compatible in mass and scale with the landmark structure or contributing resource in a landmark district.
- c. Building Form - A building shall have basic roof and building forms that are similar to those seen traditionally in the landmark district.
- d. Construction Materials - Building materials shall contribute to the visual continuity of the landmark district.
- e. Building Orientation - The traditional pattern of building orientation shall be maintained.
- f. Building Alignment - The distance from the street or property line to the front of the building shall be similar to that established historically in the landmark district.
- g. Parking - The visual impacts associated with parking shall be minimized, as shall the number of curb cuts seen along the street.
- h. Landscaping - Landscaping shall be used to create continuity among buildings, especially in front yards and along the street edge. Landscaping shall be selected that is adapted to the Napa climate, and consideration shall also be given the future care and maintenance of these materials.
- i. Signs - A sign shall be subordinate to the overall character of the area and be subordinate to the individual buildings to which they are related.
- j. Street Furniture - Street furnishings, including bicycle racks, waste receptacles and light standards, shall not impede one's ability to interpret the historic character of the area.

6. Any special guidelines prepared and adopted to assist in the above review, as well as the Secretary of the Interior's Standards for Rehabilitation shall also be considered.

D. Findings for a Certificate of Appropriateness on a Neighborhood Conservation Property or in a Neighborhood Conservation Area.

No certificate of appropriateness shall be issued unless the following findings are made:

- 1. Mass and Scale - The traditional mass and scale of the area shall be maintained.
- 2. Building Form - A building shall have basic roof and building forms that are similar to those seen traditionally in a neighborhood.
- 3. Construction Materials - Building materials shall contribute to the visual continuity of the neighborhood.
- 4. Building Orientation - The traditional patterns of building orientation shall be maintained.
- 5. Building Alignment - The distance from the street or property line to the front of the building shall be similar to that seen traditionally in the neighborhood.
- 6. Project Context - The project shall be compatible with those neighborhood characteristics that result from common ways of building. This sense of setting shall be preserved.
- 7. Character-Defining Features - Major character-defining features of the property under review shall not be destroyed.

E. Findings for a Certificate of Appropriateness to Demolish a Building or Structure.

No certificate of appropriateness that proposes removal or demolition of a building or structure listed in the city's Historic Resources Inventory, a landmark or a contributing resource in a landmark district shall be issued unless findings are made on each of the following factors:

1. The architectural significance of the building or structure;
2. The historic significance of the building or structure;
3. The structural integrity of the building or structure;
4. The location of the building or structure within or in close proximity to a landmark or landmark district;
5. The economic feasibility of rehabilitating the building or structure including the economic return on the property after rehabilitation has been completed; and
6. The applicant's plans for the property if the certificate of appropriateness is approved.

(Ord. O2000 4; Ord. O1999 31)

15.52.060 Maintenance and lawful demolition of buildings and structures.

A. General.

1. Nothing contained in this chapter shall be construed to prevent ordinary maintenance or repair of any exterior features of a landmark or neighborhood conservation property, or of a building or structure within a landmark district or neighborhood conservation area which does not involve any change or modification of such exterior features. In such cases, the work shall be approved by staff, and no certificate of appropriateness from the commission shall be required. Examples of this work shall include, but not be limited to, the following:

- a. Caulking or re-glazing windows.
- b. Minor repairs to windows, doors, siding, gutters, etc.
- c. Construction, demolition or alteration of side and rear yard fences.
- d. Repairing or re-paving of flat concrete work in the side and rear yards.
- e. Re-paving of existing front yard paving, concrete work and walkways, if the same material in appearance as existing is used.
- f. Roofing work, if no change in appearance occurs.
- g. Foundation work, if no change in appearance occurs.
- h. Chimney work, if no change in appearance occurs.
- i. Landscaping, unless the resource designation specifically identifies the landscape layout, features or elements as having particular historical, architectural or cultural significance.

2. The administrative determination whether a certificate of appropriateness shall be required may be appealed to the commission and shall be filed and processed in the same manner as a certificate of appropriateness.

B. Immediately Dangerous Buildings or Structures.

1. The provisions of this chapter shall not be construed to regulate, restrict, limit or modify the authority of the city and the building official, or his or her designee, to issue permits for the demolition of a landmark, contributing resource in a landmark district, neighborhood conservation property, contributing resource in a neighborhood conservation area or any other cultural resource listed in the Historic Resources Inventory that is determined to be dangerous by damage sustained from an earthquake or other

natural disaster. However, the building official, or his or her designee, shall first consult with the planning department and the State Historic Preservation Officer, or his or her local designee, for the purpose of discussing the following:

- a. Whether the condition of the building(s) or structure(s) is immediately dangerous within the meaning of the Napa Municipal Code; and
- b. Whether there are any feasible alternatives to demolition that will protect adequately the health and safety of the public including, but not limited to, abatement of the immediate threat through repair, securing the premises through security fencing or other measures, stabilization and limited demolition.

2. If the building official, or his or her designee, determines that the building or structure is immediately dangerous and that there is no feasible alternative to demolition, the building official, or his or her designee, may issue a permit authorizing the demolition of the building or structure without complying with the consultation process.

C. Lawful Demolition, Removal or Disturbance.

1. When a building or structure has been lawfully demolished or removed pursuant to any provisions of this chapter, it shall be deleted from the list of city landmarks, neighborhood conservation properties or from the Historic Resources Inventory.

Upon deletion, the provisions of this chapter shall not be considered to encumber any remaining property on which the landmark was located, unless the commission finds that any such remaining site features retain historic significance, which therefore merit preservation.

2. When a contributing resource in a landmark district has been lawfully demolished or removed pursuant to any provisions of this chapter, the commission shall downgrade the property to a non-contributing resource in the landmark district.

3. Cultural resources in which the commission finds that more than fifty percent (50%) of the significant features and characteristics are destroyed by natural disaster(s) shall be considered lawfully demolished or removed for the purposes of this section. (Ord. O1999 31)

15.52.070 Economic hardship.

A. The commission may, in its discretion, approve a proposed project which does not otherwise satisfy the requirements of this chapter, or overturn a staff decision, and approve a certificate of appropriateness if the commission finds:

1. Denial of the certificate of appropriateness would result in an undue economic hardship to the property owner; and

2. No feasible alternatives or mitigation measures are available to reduce the negative impact of the proposed project on the cultural resource; and

3. Reasonable economic use of the cultural resource would be lost by the property owner; and

4. The economic hardship suffered by the property owner would exceed historic or cultural value of the cultural resource; and

5. The economic hardship is unique and is not the result of the property owner's own conduct.

B. The applicant shall bear the burden of proving economic hardship and shall provide substantiation of the claim as the commission may require. The commission also may consider additional information, documentation and expert testimony, the cost of

which shall be paid by the applicant and considered by the commission in its related findings.

C. The commission may identify specific forms of relief or mitigation and recommend them for approval by the city council.
(Ord. O1999 31)

15.52.080 Preservation incentives.

In order to carry out more effectively and equitably the purpose of this chapter, the commission may recommend that the council, by resolution, adopt a program of economic and other incentives to support the preservation, maintenance and appropriate rehabilitation of the city's cultural resources.

(Ord. O1999 31)

15.52.090 Notice of public hearing.

The following procedures shall be observed when a public hearing is required by this title:

A. Notice required under this chapter shall include:

1. The date, time and place of the hearing;
2. The identity of the hearing body;
3. A brief description of the matter to be considered and permits required;
4. A description (text or diagram) of the location of the property involved;
5. Substantially, the following statement:

“The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the city is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the city must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge which is not filed within that 90-day period will be barred. If a citizen wishes to challenge the nature of the above actions in court, they may be limited to raising only those issues they or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City of Napa at, or prior to, the public hearing.”

B. Notice required under this chapter shall be given not less than ten (10) calendar days prior to the public hearing by publication in a newspaper of general circulation and in accordance with the following:

1. Notice shall be mailed to the applicant, the owner of the property, persons who have requested notice of a hearing for a specific project, and all property owners listed on the last equalized assessment roll who are within three hundred feet of the proposed project site.

2. The applicant shall provide appropriate mailing labels (name, address and assessor's parcel number) for surrounding property owners.

3. Notice for all applications considered by the city council at a public hearing which have been considered previously by the commission shall also include mailed notice to each person who enters written or oral comments to the commission hearing, or who specifically requests a notice from the city clerk.

C. The commission, on its own motion, may continue a hearing from time to time.

No additional notice shall be required for the continuance of a noticed public hearing to a specific date. At their own discretion, applicants may request that their project be acted upon rather than continued.

D. Each application which goes to the city council from the commission, whether by appeal or as otherwise required by state law or the provisions of this title, shall appear on the city council's next agenda available after the commission's hearing on the application. At this time, the application shall be set for public hearing at a subsequent meeting and noticed in accord with the provisions of this section.

(Ord. O1999 31)

15.52.100 Appeal procedure.

In accord with the following provisions, any applicant or other interested person dissatisfied with any action taken under this chapter may appeal such action and decision:

A. Unless otherwise indicated, appeals from the decision of the planning director or any other administrative official, in taking any of the actions authorized by this chapter, shall be made to the commission through the planning director. Appeals from the decision of the commission in taking any of the actions authorized by this chapter shall be made to the council through the city clerk.

B. Unless otherwise indicated, all appeals shall be made in writing and be accompanied by the appropriate fee. Appeals must be received by the planning director or city clerk not later than ten (10) calendar days following the date of action from which such appeal is being taken. If the tenth calendar day is a weekend or a city holiday, the deadline is extended to the next working day of the city.

C. The letter of appeal must state: (1) the specific action objected to; (2) the action appellant requests the council to take; (3) the reason for the appeal; and (4) the name, address and telephone number of the appellant or contact person if there are multiple appellants.

D. Within three working days of receipt of the appeal, the city clerk shall examine the appeal, and if it is found to be incomplete, return it by certified mail to the appellant for revision. Appellant shall have five (5) working days to file an amended appeal. Upon failure to file an amended appeal within said five days, the appeal shall be deemed withdrawn.

E. The receipt of a written appeal shall stay all actions, or put in abeyance all permits or other discretionary approvals which may have been granted, pending the effective date of the decision of the body hearing the appeal.

F. Appeals shall be scheduled for the earliest regular meeting of the hearing body, not less than fifteen (15) days or more than forty-five (45) days after the date of filing an appeal, consistent with the agenda preparation procedures and schedule of the hearing body.

G. All decision-making bodies hearing appeals shall consider the project in its entirety, or de novo.

(Ord. O1999 31)