

ATTACHMENT 2

RESOLUTION R2020-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A CERTIFICATE OF APPROPRIATENESS FOR MAJOR ALTERATIONS TO A LOCAL LANDMARK LOCATED AT 1221 SEMINARY STREET AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION ARE EXEMPT FROM CEQA

WHEREAS, Marc Porat ("Applicant") submitted an application (File No. PL18-0212) for a Certificate of Appropriateness pursuant to Napa Municipal Code ("NMC") Section 15.52.070 ("Certificate of Appropriateness") for alterations to a Local Landmark within the Calistoga local historic district, including moving the structure 10 feet east, construction of accessory structures, an addition larger than 120 square feet, and substantial exterior rehabilitation to the property (the "Project") at 1221 Seminary Street (APN 003-152-013) ("Site") on December 28, 2018; and

WHEREAS, the Project was deemed complete on February 7, 2020; and

WHEREAS, the Cultural Heritage Commission held a duly noticed public hearing on March 12, 2020, on the Certificate of Appropriateness, where it considered all written and oral testimony submitted to it including a presentation by Staff.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Napa as follows:

Section 1. The City Council hereby determines that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines (Categorical Exemptions; Class 1) which exempts minor alterations to existing historic residential structures, including additions that do not exceed 50 percent of the floor area of the structure before the addition, or 2,500 square feet, whichever is less; Section 15303 (Categorical Exemption: Class 3) which exempts in urbanized areas buildings not exceeding 10,000 square feet in floor area on sites zoned for such use; and Section 15331 (Categorical Exemptions: Class 31), which exempts interior and exterior alterations to existing structures and additions to existing structures, and the rehabilitation of historic resources which are consistent with the Secretary of Interior's Standards for the Treatment of Historic Property.

Section 2. The City Council makes the following findings with respect to consistency with the City's Historic Preservation Ordinance's requirements for approval of a Certificate of Appropriateness, consistency with the City's Historic Design Guidelines and compliance with the Secretary of Interior's Standards for Rehabilitation of Historic Buildings as they pertain to the requested Certificate of Appropriateness:

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- A. *The project preserves, enhances or restores the exterior architectural features of the local landmark.*

The Project falls within the Rehabilitation category of the Secretary of Interior's Standards for Treatment of Historic Properties. The repair and alteration proposed as part of the Project enhances the exterior architectural features while ensuring the structure may continue to exist.

- B. *The project will not result in a substantial adverse change to the integrity of the local landmark or its major exterior character-defining features.*

The Project proposes to conduct positive changes to the property to save the structure which will result in the establishment of a Bed & Breakfast. The Department of Parks and Recreation (DPR) survey that established the building as a Local Landmark identifies the structure as "Italianate in character with a low hip roof supported by an elaborately bracketed cornice." The Project scope does not include any changes to the roof line or any character-defining features. The proposed maintenance and rehabilitation intend to re-install period details such as the cornices. The survey described the structure's "...very fine veranda with a turned second story balustrade encircling the front and sides of the house." As part of the rehabilitation of the structure, the second story balustrade will be recreated which will further restore the Italianate style home.

Lastly, the DPR property description describes the landscaping on the Site: "Shade trees surround the house and similar large trees are found throughout the neighborhood Earl developed." While the Project does include the removal of the large American Elm tree due to poor health (Exhibit A), and the removal of the other trees on the Site (except the mature Strawberry tree located at the rear of the Site), the Applicant will be planting plants that comply with the City of Napa's guidelines for "Bioretention Facility Plant Matrix" (Exhibit B).

- C. *The project will not adversely affect the special character or special historic, architectural, or aesthetic interest or value of the local landmark.*

The Thomas Earl House was irreparably destroyed in the 2014 South Napa earthquake and lost a key defining feature of the only historic structure to be made of unreinforced concrete. The Applicant has indicated that the concrete will be removed and replaced with drywall. While concrete will no longer be used, the Italianate style home once restored would be a model of historic architecture in the Calistoga Avenue Historic District. Improvements made to the property will rehabilitate the structure to return the property to a state of utility for a contemporary use while not damaging any of the historic features that characterize the Italianate style architecture.

- D. *The project is consistent with the applicable Secretary of the Interior's Standards.*

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The Project is consistent with the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties in that the property will be placed in a new use that requires minimal change to the defining characteristics of the building and its site environment, its character will be maintained, its distinctive features will be preserved, deteriorated features will be repaired, and the addition will not destroy the historic integrity of the property.

E. The project is consistent with applicable historic design guidelines.

The Project is consistent with applicable historic design guidelines in that the addition to the Thomas Earl Home is located at the rear of the structure, the construction of new buildings are located to fit within the range of yard dimensions seen in the block, the primary entry will be rehabilitated to its historic location, there are no proposed changes to the roof form, the arrangement of historic windows will be rehabilitated and any replacement window will be matched to the original design, and the parking area will not be visibly obtrusive.

F. The project will not negatively impact the integrity of a cultural landscape through alteration of spatial organization, landscape features, circulation patterns, or small-scale features that are character defining features of the resource.

The Project will not negatively impact a cultural landscape in that it will not change a street layout, sidewalk configuration, or any other elements of the built environment surrounding the property.

G. The project is compatible with the character of the local landmark district as described in the designating resolution.

The Project is compatible with the character of the Calistoga Local Landmark District in that the neighborhood has several existing Bed and Breakfasts located amongst residential development. Architectural styles found in the Calistoga Avenue neighborhood include Italianate, Stick/Eastlake, Queen Anne, Colonial and Classical Revival and Craftsman. There is no proposed change to the existing architectural style and the historic residence will remain an example of an Italianate style home in the Calistoga Avenue Historic District.

H. The project does not adversely affect the special character of historic, architectural, or aesthetic interest or value of the local landmark district.

The Project does not result in an adverse change to the architectural or historic character of the structure or the neighborhood. The residence was built in or around 1860. The proposed alterations would not remove any of the character defining features. The Project includes maintaining the building's features that affect its aesthetic and social environments: its original roof style, its porch, and its yard. The exterior changes to accommodate the addition will match the existing building in style, material, and level of detail. The Project will allow continued use of the

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structure and will ensure the landmark's continued compatibility with the neighborhood.

Section 3. The City Council hereby approves the Certificate of Appropriateness as defined on the revised plans date stamped February 18, 2020, ("Plans"), subject to the following conditions of approval:

COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

1. The Planning Manager is authorized to determine whether the Applicant is in compliance with the requirements of the Certificate of Appropriateness.
2. The Certificate of Appropriateness authorizes alterations to a Local Landmark located at 1221 Seminary Street in accordance with the Plans and the conditions of approval set forth herein, which consist of moving the structure 10 feet east, construction of accessory structures, additions larger than 120 square feet, and substantial exterior rehabilitation to the property.
3. The plans submitted for building permits shall conform substantially to the Plans received on February 7, 2020.
4. Archaeological monitoring shall occur during all site ground disturbing activities. Prior to commencement of such activities, the Applicant shall provide a letter to the Planning Division identifying the firm and personnel who will be conducting the monitoring, along with a scope of work.
5. The historic report, "Historical Evaluation Rehabilitation of the Thomas Earl House" dated December 20, 2019, prepared by Bruce Judd, shall be kept on the Site for review by visitors and guests.
6. All conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of Building Permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
7. All exterior lighting on the Site shall be properly shielded and directed downward to preclude glare conditions that might impact adjacent properties or public streets.
8. The plans submitted for a Building Permit shall identify the locations of all mechanical and utility equipment, including transformers and backflow devices.
9. The Applicant shall repair deteriorated exterior historic features rather than replace them where reasonably feasible. Where the severity of deterioration requires replacement of an exterior distinctive feature, the new feature shall match the old in design, color, texture and materials to the greatest extent feasible. Replacement of missing exterior features will be substantiated by documentary and physical

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evidence. Photographs and a narrative explanation of required replacements shall be provided to the Planning Manager for review and approval prior to issuance of a certificate of occupancy.

10. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if necessary, shall be undertaken using the gentlest means possible.
11. All mechanical and utility equipment, including transformers and backflow devices must be screened and/or integrated into a building structure. Screens shall not be used where they would disproportionately increase the mass of the building or introduce elements that are inconsistent with the high level of design quality reviewed as part of this approval. Because transformers and backflow prevention devices are regularly maintained and tested, screening is required to meet certain criteria for the accessibility and visibility. Landscaping and screening of devices must be installed prior to issuance of a Certificate of Occupancy for the Project.
12. Construction activities shall be limited to specific times pursuant to NMC 8.08.025 which limits construction activities to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 4:00 p.m. on weekends or legal holidays, unless a permit is first secured from the City Manager (or his/her designee) for additional hours. The Ordinance further states that there will be: no start-up of machines nor equipment prior to 8:00 a.m., Monday through Friday; no delivery of materials nor equipment prior to 7:30 a.m. nor past 5:00 p.m., Monday through Friday; and no servicing of equipment past 6:45 p.m., Monday through Friday.
13. Prior to issuance of a building permit, the Applicant shall provide written clearance from the Engineering Division of the Napa Sanitation District confirming that the Applicant has complied with all Napa Sanitation District requirements applicable to the Project. The Napa Sanitation District has described the applicable requirements in a letter to the Planning Division dated August 8, 2019, attached hereto and incorporated herein as Exhibit A.

CITY GENERAL CONDITIONS

14. The plans submitted for improvement plan review and Building Permit review shall include a written analysis specifying how each of the conditions of approval have been addressed or incorporated into either the improvement plan set or building plan set.
15. Unless otherwise specifically provided in this resolution, each condition of this approval shall be satisfied prior to the first to occur of: (a) approval of a final map (if this resolution includes the approval of a tentative subdivision map or tentative parcel map), (b) issuance of a building permit, or (c) commencement of any use of land that is authorized by this resolution. An improvement agreement between the City and the Applicant (and landowner, if different) that obligates the Applicant to complete specified conditions of approval will be deemed to be a satisfaction of

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those specified conditions if: (i) the agreement is accompanied by required security for faithful performance and labor and materials, and (ii) the agreement is approved as to substance by the City Engineer, and approved as to form by the City Attorney.

16. No use authorized by this permit may commence until after the Applicant executes any required permit agreement.
17. Applicant shall pay all applicable fees and charges at the required time and at the rate in effect at time of payment (in accordance with the City's Master Fee Schedule; see individual departments regarding the timing of fee payment requirements).
18. Applicant shall design and construct all improvements and facilities shown on any approved tentative map, site plan, or other documents submitted for permit approval, and with the plans and specifications submitted to and approved by City, to comply with the General Plan, any applicable Specific Plan, the Napa Municipal Code (NMC), City ordinances and resolutions, the "Standard Specifications" of the Public Works and Fire Departments, as well as any approved tentative map, site plan or other documents submitted for permit approval and with the plans and specifications submitted to and approved by City.
19. 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.
20. To the full extent permitted by law, the Applicant shall indemnify, defend, release and hold City, its agents, officers, and employees from and against any claims, suits, liabilities, actions, damages, penalties or causes of action by any person, including Applicant, for any injury (including death) or damage to person or property or to set aside, attack, void or annul any actions of City, its agents, officers and employees, from any cause whatsoever in whole or in part arising out of or in connection with (1) the processing, conditioning or approval of the subject property; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation or operation of project improvements and regardless whether the actions or omissions are alleged to be caused by City or Applicant so long as City promptly notifies Applicant of any such claim, etc., and the City cooperates in the defense of same.
21. If the Applicant is not the owner of the subject property, all agreements required to be executed by the City must be executed by the Owner(s) as well as the Applicant.
22. The conditions of Project approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions (and mitigations) constitute written notice of the statement of the amount of such fees and a

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description of the dedications, reservations, and other exactions. You are hereby notified that the 90-day period in which you may protest those fees, the amount of which has been identified herein, dedications, reservations and other exactions have begun. If you fail to file a protest complying with all the requirements of Section 66020, you will be legally barred from later challenging such exaction.

23. Violation of any term, condition, mitigation measure or Project description relating to this approval is unlawful, prohibited and a violation of the Napa Municipal Code and can result in revocation or modification of this approval and/or the institution of civil and/or criminal enforcement and/or abatement proceedings.
24. Project approval would not have been granted but for the applicability and validity of each and every one of the specified mitigations and conditions, and if any one or more of such conditions and mitigations is found to be invalid by a court of law, this Project approval would not have been granted without requiring other valid conditions and/or mitigations consistent with achieving the purpose and intent of such approval.
25. This permit is subject to the expiration provisions of NMC Section 17.68.170 and may be extended in accordance with the requirements of NMC Section 17.68.130.

Section 4. This resolution shall become effectively immediately upon adoption.

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Napa at a regular meeting of said City Council held on the 16th day of June, 2020 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____

Tiffany Carranza
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney