*REVISED AGENDA

VALLEJO PLANNING COMMISSION
REGULAR MEETING – 7:00 P.M.
VIA TELECONFERENCE

Peggy Cohen-Thompson, Vice-Chair
Diosdado "J.R." Matulac
Kathleen Diohep
Randy Larson
Thomas Judt
Jamar Stamps
Charles Palmares

VIA TELECONFERENCE

www.cityofvallejo.net

July 20, 2020

This AGENDA contains a brief general description of each item to be considered. The posting of the recommended actions does not indicate what action may be taken. If comments come to the Planning Commission without prior notice and are not listed on the AGENDA, no specific answers or response should be expected at this meeting per State law.

Notice of Availability of Public Records: All public records relating to an open session item, which are not exempt from disclosure pursuant to the Public Records Act, that are distributed to a majority of the Planning Commission will be available on the City of Vallejo website at www.cityofvallejo.net subject to staff's ability to post the documents prior to the meeting.

Disclosure Requirements: Government Code Section 84308 (d) sets forth disclosure requirements which apply to persons who actively support or oppose projects in which they have a "financial interest", as that term is defined by the Political Reform Act of 1974. If you fall within that category, and if you (or your agent) have made a contribution of $250 or more to any commissioner within the last twelve months to be used in a federal, state or local election, you must disclose the fact of that contribution in a statement to the Commission.

Appeal Rights: The applicant or any party adversely affected by the decision of the Planning Commission may, within ten days after the rendition of the decision of the Planning Commission, appeal in writing to the City Council by filing a written appeal with the City Clerk. Such written appeal shall state the reason or reasons for the appeal and why the applicant believes he or she is adversely affected by the decision of the Planning Commission. Such appeal shall not be timely filed unless it is actually received by the City Clerk or designee no later than the close of business on the tenth calendar day after the rendition of the decision of the Planning Commission. If such date falls on a weekend or City holiday, then the deadline shall be extended until the next regular business day.

Notice of the appeal, including the date and time of the City Council's consideration of the appeal, shall be sent by the City Clerk to all property owners within two hundred or five hundred feet of the project boundary, whichever was the original notification boundary.

The Council may affirm, reverse or modify any decision of the Planning Commission which is appealed. The Council may summarily reject any appeal upon determination that the appellant is not adversely affected by a decision under appeal.

	The Council Chambers in City Hall is ADA compliant. Devices for the hearing impaired are available from the City Clerk. Requests for disability related modifications or accommodations, aids or services may be made by a person with a disability to the City Clerk's office no less than 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act of 1990 and the federal rules and regulations adopted in implementation thereof.

If you have any questions regarding any of the following agenda items, please call the assigned planner or project manager at (707) 648-4326.

Please note: Due to the Coronavirus emergency, all Planning Commission meetings will be held via teleconference. Members of the public will be able to submit public comment. Members of the public interested in participating or observing the Planning Commission meeting may either click the links below or type the link into an internet browser. You will be taken to the internet platform where the meeting is being held.

***REVISED AGENDA**
City of Vallejo Planning Commission **July 20, 2020**

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1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. OATH OF OFFICE OF NEWLY APPOINTED COMMISSIONERS

4. ROLL CALL

5. ELECTION OF CHAIR AND VICE CHAIR

6. APPROVAL OF MINUTES

A. June 15, 2020

7. WRITTEN COMMUNICATIONS

8. REPORT OF THE SECRETARY

A. Upcoming Meetings:

August 8, 2020	Northern Waterfront – Tentative Map Study Session (Tentative)
August 17, 2020	444 Alabama Street – Use Permit (Tentative)

9. CITY ATTORNEY REPORT

10. REPORT OF THE PRESIDING OFFICER AND MEMBERS OF THE PLANNING COMMISSION AND LIAISON REPORTS

A. Report of the Presiding Officer and Members of the Planning Commission

B. Council Liaison to Planning Commission

11. COMMUNITY FORUM

Due to the current Shelter at Home Order and in conformance with the Governor's Executive Order N-29-30, the City of Vallejo has opted to hold Planning Commission meetings via teleconference. Any interested members of the public desiring to communicate with the Planning Commission as part of the Community Forum must do so by accessing the link at the conclusion of this paragraph. There will be no public access to City Hall for any Planning Commission meetings until further notice.

https://www.opentownhall.com/9251

12. CONSENT CALENDAR AND APPROVAL OF THE AGENDA

Due to the current Shelter at Home Order and in conformance with the Governor's Executive Order N29 30, the City of Vallejo has opted to hold Planning Commission meetings via teleconference. Any interested members of the public desiring to communicate with the Planning Commission as part of Public Comment Regarding Consent Calendar Items must do so by accessing the link at the conclusion of this paragraph. There will be no public access to City Hall for any Planning Commission meetings until further notice.

https://www.opentownhall.com/9252

13. PUBLIC HEARING

Due to the current Shelter at Home Order and in conformance with the Governor's Executive Order N-29-30, the City of Vallejo has opted to hold Planning Commission meetings via teleconference. Any interested members of the public desiring to communicate with the Planning Commission as part of Public Comment Regarding Public Hearing Items must do so by accessing the link at the conclusion of this paragraph. There will be no public access to City Hall for any Planning Commission meetings until further notice.

https://www.opentownhall.com/9254

A. Project Title:	602 Georgia Street – Variance and Minor Exception
Applicant:	Jean Drolet
Location:	602 Georgia Street / APN: 0056-201-200
Project Description:	Variance to allow a new garage within the basement of an existing single-family dwelling to be located 7 feet, 7 inches from the Sutter Street property line, a Minor Exception to allow a setback of 7 feet, 7 inches from the Sutter Street property line, and a Minor Exception to allow the height of the existing dwelling to be increased to 37 feet, 6 inches. Other proposed alterations and an addition to the dwelling were approved by the Architectural Heritage and Landmarks Commission (AHLC) on June 4, 2020 and that decision has been appealed to the City Council.
Proposed Environmental Determination:	Categorically exempt pursuant to Sections 15301(e) (Class 1, “Existing Facilities”) and 15331 (Class 31, “Historical Resource Restoration/Rehabilitation”) of the California Environmental Quality Act (CEQA) Guidelines; see Section V for further details.
Staff Recommendation:	Staff recommends that the Commission adopt the attached Resolution No. PC 20-07 to **APPROVE** Variance #VAR19-0002 and Minor Exception #ME19-0006, subject to the findings and conditions contained in the Resolution.
Project Manager:	Aaron Sage, Principal Planner aaron.sage@cityofvallejo.net

14. OTHER

https://www.opentownhall.com/9255

A. Planning Commission Rules of Order and Procedure Discussion
This is an informational item only; no Planning Commission action taken

B. Discussion of Future Agenda Items

15. ADJOURNMENT

I, Narcissa Wilson, Planning Executive Secretary, do hereby certify that I have caused a true copy of the above notice and agenda to be delivered to each of the members of the Vallejo Planning Commission, at the time and in the manner prescribed by law and that this agenda was posted at City Hall, 555 Santa Clara Street, CA at 10:30 a.m. Monday, July 13, 2020.

Narcissa Wilson

Dated June 13, 2020 Narcissa Wilson, Planning Executive Secretary

CITY OF VALLEJO PLANNING COMMISSION
REGULAR MEETING MINUTES
COUNCIL CHAMBERS
June 15, 2020

1. CALL TO ORDER

Chairman Schussel called the meeting to order at 7:00 P.M.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present: Chair Schussel, Vice-Chair Cohen-Thompson, Commissioners Matulac, Larson, Judt, Diohep
Absent: None
Staff Present: Planning and Development Services Director Hayes, Assistant City Attorney Eckmeyer, Planning Manager Hamid, Senior Planner Hightower, Associate Planner Orozco

4. APPROVAL OF MINUTES

A. May 18, 2020

On a motion of Vice-Chair Cohen-Thompson, second by Commissioner Matulac, the commission approve the minutes with the following vote:

VOTE:

AYES: Chairman Schussel, Vice-Chair Cohen-Thompson, Commissioner Larson, Matulac, Judt, Diohep
NOES: None
ABSENT: None
ABSTAIN: None

5. WRITTEN COMMUNICATIONS - NONE

6. REPORT OF THE SECRETARY

A. Upcoming Meetings:

July 6, 2020	No agenda items tentatively scheduled; meeting may be canceled.

July 20, 2020	Selection of the Planning Commission Chair/Vice-Chair (Tentative) Planning Commission Rules of Order and Procedure Discussion (Tentative) 2269 Tennessee Street – Use Permit (Tentative) 602 Georgia Street – Variance and Minor Exception (Tentative) Northern Waterfront – Tentative Map (Tentative)

Planning Manager Hamid reported on items A.

7. CITY ATTORNEY'S REPORT - None

8. REPORT OF THE PRESIDING OFFICER AND MEMBERS OF THE PLANNING COMMISSION AND LIAISON REPORTS

A. Report of the Presiding Office and Members of the Planning Commission

Chairman Schussel commented on the pre-meeting with staff; in regards to running the meeting and discussed about the content on the agenda. Chairman Schussel reminded everyone on how the meeting is ran via zoom and submit comments via online.

B. Council Liaison to Planning Commission - NONE

9. COMMUNITY FORUM – NONE

10. CONSENT CALAENDAR AND APPROVAL OF THE AGENDA

On a motion of Vice-Chair Cohen-Thompson, second by Commissioner Matulac, the commission approve the consent calendar and approval of the agenda with the following vote:

VOTE:

AYES:	Chairman Schussel, Vice-Chair Cohen-Thompson, Commissioner Larson, Matulac, Diohep, Judt
NOES:	None
ABSENT:	None
ABSTAIN:	None

11. PUBLIC HEARING

A. Sunny Acupressure Spa; Use Permit (UP) #20-0001

Ex Parte Communications:

Chairman Schussel: Visited the site.

Chairman Schussel introduced the item.

Associate Planner presented the item.

Staff responded to questions from the Commission.

Chairman Schussel opened for public comment.

Speakers: None

Chairman Schussel closed public comment.

Commissioners commented on the project.

Action: Vice-Chair Cohen-Thompson, second by Commissioner Matulac, made the motion to approve Use Permit (UP) #20-0001 based on the findings in Resolutions No. PC20-06 and subject to the Conditions of Approval provided as Exhibit A to the resolution.

Amendment Motion: Commissioner Diohep made an amendment to the motion to add a condition of approval to ask the applicant to submit a certified business plan to ensure it is a legitimate business.

Amendment Vote:

AYES:	Commissioner Matulac, Diohep and Judt.
NOES:	Chairman Schussel, Vice-Chair Cohen-Thompson, Commissioner Larson
ABSENT:	None
ABSTAIN:	None

Vote:

AYES: Chairman Schussel, Vice-Chair Cohen-Thompson,

DRAFT

	Commissioner Larson, Matulac and Judt.
NOES:	Commissioner Diohep
ABSENT:	None
ABSTAIN:	None

Chairman Schussel called for a break.

12. OTHER

A. Zoning Code: Draft Zoning Map
This is an informational item only; no Planning Commission action taken.

Planning Manager Hamid presented the item and introduced Senior Planner Hightower and Consultant Khan from Dyett & Bhatia.

Senior Planner Hightower and Consultant Khan presented the item.

Commissioners asked questions and staff responded.

Commissioners and staff commented on the proposed zoning code.

B. Discussion of Future Agenda Items – none.

13. ADJOURNMENT

Chairman Schussel adjourned the meeting at 9:25 P.M.

_____
ROBERT SCHUSSEL, CHAIRPERSON

ATTEST:

_____
CESAR OROZCO
ASSOCIATE PLANNER

DRAFT

STAFF REPORT
CITY OF VALLEJO
PLANNING COMMISSION

I. PROJECT INFORMATION

DATE OF MEETING:	July 20, 2020 **Item No. 13-A**
PREPARED BY:	Aaron Sage, AICP, Principal Planner
PROJECT LOCATION:	602 Georgia Street (APN: 0056-201-200)
PROJECT NUMBERS:	Variance #VAR19-0002 Minor Exception(s) #ME19-0006
PROJECT SUMMARY:	Variance to allow a new garage within the basement of an existing single-family dwelling to be located 7 feet, 7 inches from the Sutter Street property line, a Minor Exception to allow a setback of 7 feet, 7 inches from the Sutter Street property line, and a Minor Exception to allow the height of the existing dwelling to be increased to 37 feet, 6 inches. Other proposed alterations and an addition to the dwelling were approved by the Architectural Heritage and Landmarks Commission (AHLC) on June 4, 2020 and that decision has been appealed to the City Council.
PROPOSED ENVIRONMENTAL DETERMINATION:	Categorically exempt pursuant to Sections 15301(e) (Class 1, "Existing Facilities") and 15331 (Class 31, "Historical Resource Restoration/Rehabilitation") of the California Environmental Quality Act (CEQA) Guidelines; see Section V for further details.
RECOMMENDATION:	Staff recommends that the Commission adopt the attached Resolution No. PC 20-07 to **APPROVE** Variance #VAR19-0002 and Minor Exception #ME19-0006, subject to the findings and conditions contained in the Resolution.

PROJECT DATA SUMMARY:

Applicant/Property Owner:	Jean Drolet 602 Georgia Street Vallejo, CA 94590
Zoning District:	Low Density Residential (LDR)

General Plan Designation:	Primarily Single Family (R-SF)
Specific Plan:	None
Existing Uses:	Single-Family Residence
Surrounding Land Uses:	North: Single-Family Residences South: Single-Family Residences East: Single-Family Residences West: Apartments and Single-Family Residences
Lot Area:	7,008 square feet (0.16 acres)

II. PROJECT DESCRIPTION

Table 1 – Project Timeline	
Date	**Action/Event**
7/10/18	Certificate of Appropriateness application submitted.
7/31/19	Variance and Minor Exception applications submitted.
8/31/19	Variance and Minor Exception applications deemed complete.
6/4/20	AHLC approves Certificate of Appropriateness.
7/20/20	Planning Commission hearing on Variance and Minor Exception.

A. Site Location and Context

The subject property is located in the Architectural Heritage District, one block east of Sonoma Boulevard on the northeastern corner of Georgia and Sutter Streets; see Figures 1 and 2 below for location maps. The surrounding neighborhood includes a variety of residential buildings, primarily single-family homes constructed between 1880 and 1930. The site is at a prominent location due to its location on a major east-west roadway and its proximity to the Downtown. The site is adjacent to a two-story Queen Anne house to the east and a two-story Colonial Revival house with a basement to the north. See Attachment 1, Exhibit B, Sheets A0.3-0.4 for neighborhood context photos.

B. Existing Conditions

The site is developed with a single-family residence of approximately 3,615 square feet; see Figures 2 and 3 below for photos. The structure occupies approximately 29 percent of the lot with the main entrance on Georgia Street. The site includes a front yard adjacent to Georgia Street and side yard adjacent to Sutter Street that is landscaped with shrubs and trees. A cement retaining wall topped with a wrought iron fence lines the property on Georgia Street and wraps around the corner of the site. There is no existing off-street parking on the property.

Figure 1 – Project Location Map

Figure 2 – Existing House (Georgia Street façade)

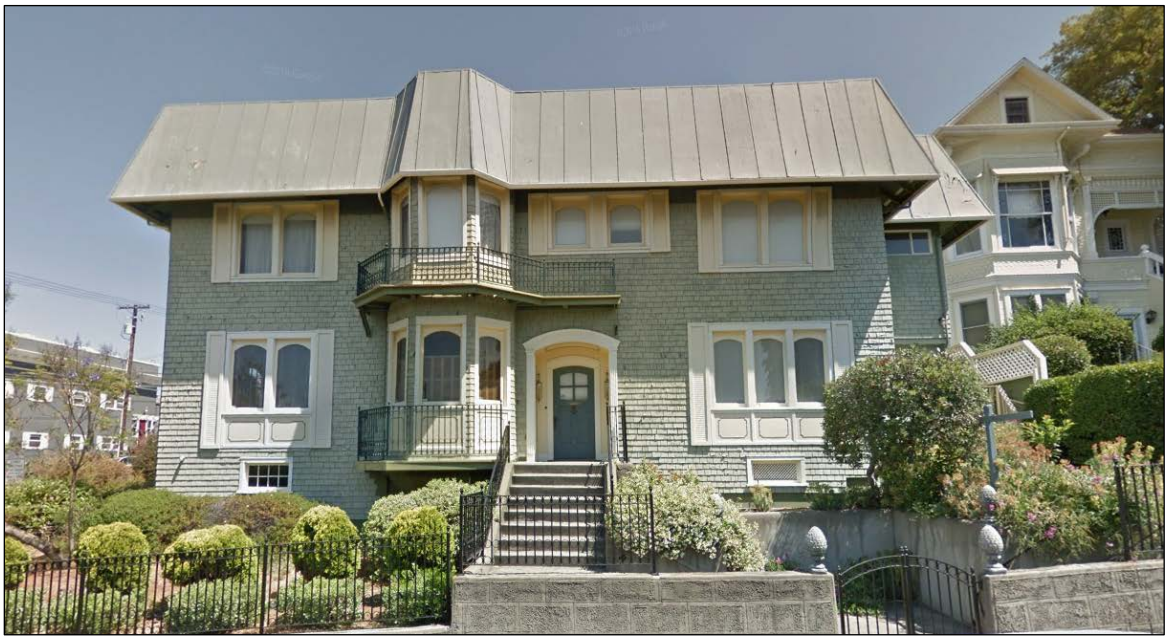


Figure 3 – Existing House (Sutter Street façade)

C. Project Description

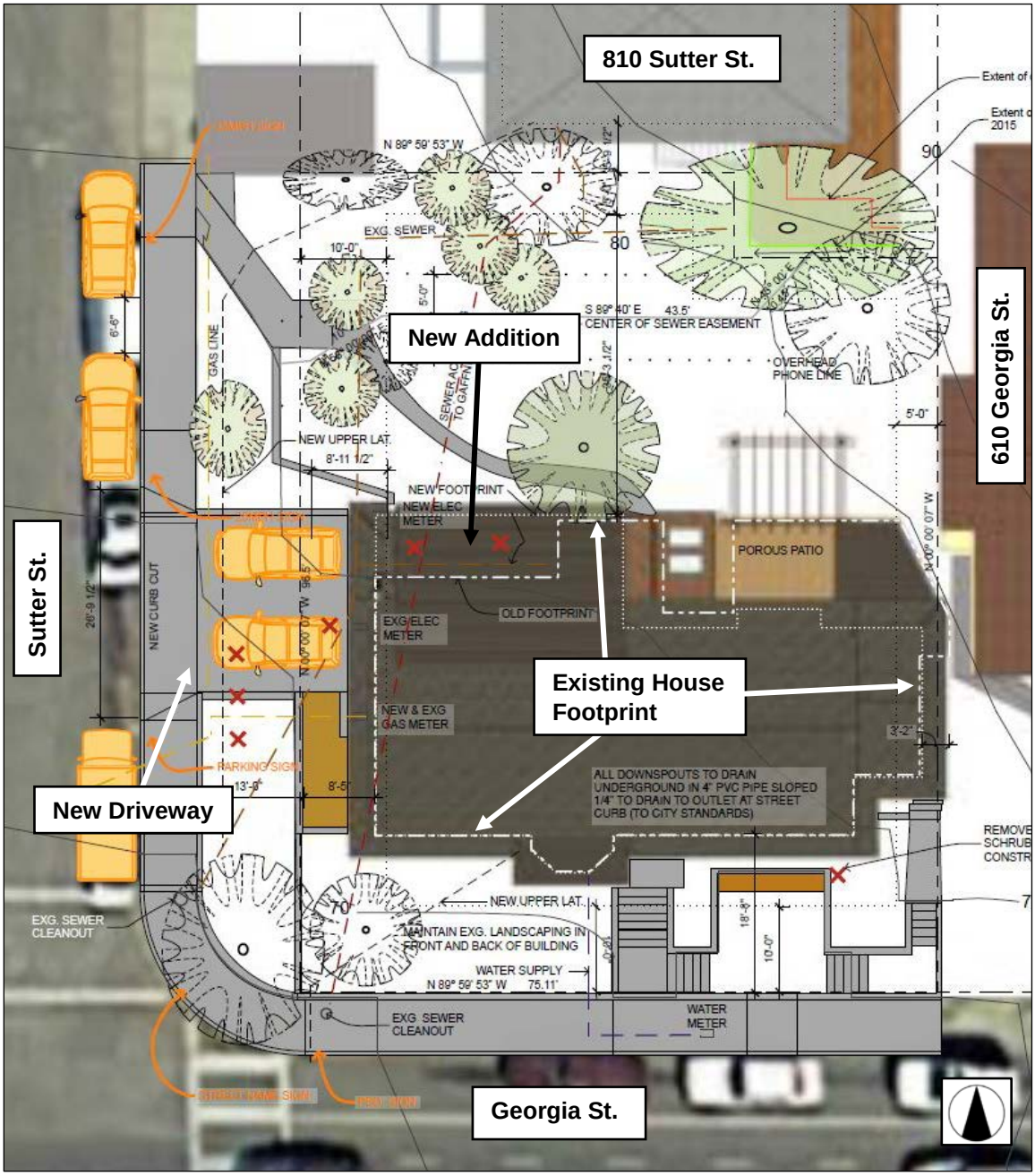
A statement from the applicant describing the intent of the project is provided in Attachment 2. The key elements of the project relevant to the Planning Commission's purview are as follows:

- Construction of new foundation meeting modern seismic standards;
- Expansion of existing basement to accommodate new 700-square-foot, three-car garage with a workshop and driveway from Sutter Street, with a proposed setback of 7 feet, 7 inches from the Sutter Street property line, where 20 feet is normally required per Vallejo Municipal Code (VMC) Section 16.62.150.B (this requires a Variance);
- Construction of two-story, 450-square-foot addition on north side, with a proposed setback of 7 feet, 7 inches from the Sutter Street property line, where 10 feet is normally required per VMC Section 16.14.060.D.1 (this requires a Minor Exception);
- Raising of existing house by 19.5 inches to a total height of 37 feet, 6 inches, where 35 feet is normally allowed per VMC Section 16.14.060.H, to accommodate lowering of the adjacent grade for creation of the garage, correct five inches of differential settling, and address drainage issues at northeast corner due to portions of existing wood framing being located below the adjacent grade level (this requires a Minor Exception);

See Figures 4, 5, and 6 for the proposed site plan and renderings showing the proposed exterior changes. The net living area of the home will increase from 3,615 to 3,750 square

feet, plus the 700 square foot garage and a 1,200 square foot accessory dwelling unit (ADU) in the basement. The ADU has already been approved separately pursuant to State law, and is not part of this application.[1]

Figure 4 – Proposed Site Plan



[1] The ADU approval includes only the exterior changes at the ground level that are directly tied to the ADU construction (e.g. new door and additional windows), but not the increased building height.

Figure 5 – Georgia Street Rendering

Figure 6 – Sutter Street Rendering

For the Commission's information, the applicant has also proposed the following as part of a Certificate of Appropriateness approved by the AHLC on June 4, 2020:

- Removal of non-original sunroom, breakfast nook, deck and gazebo on north side of house;
- Replacement of existing shingle siding at basement level with James Hardie horizontal lap siding around the base of the structure; elsewhere, retain shingle siding and replace in kind where necessary;
- Removal of non-original false mansard roof to expose original gable roof;
- Construction of new shed roof over bay window on Georgia Street façade;
- Replacement of all existing windows with new cellular PVC windows matching profile of remaining original windows on Sutter Street façade;
- Removal of non-original Juliet balcony on the first and second story; and
- Reconstruction of original entry canopy on Georgia Street façade based on photographic evidence.

The AHLC approval (see Attachment 3) includes a condition requiring that the above Variance and Minor Exceptions permits be granted prior to issuance of a building permit. The architectural historian's report presented to the AHLC is provided in Attachment 4 for reference. Other interior alterations not subject to Planning Commission or AHLC purview include reconfiguration and expansion of the existing laundry, kitchen, and breakfast nook on the first floor, and a new walk-in closet and bathroom on the second floor.

III. STAFF ANALYSIS / REQUIRED FINDINGS

A. Garage Variance

As noted earlier, the proposed garage requires a Variance from the requirement of VMC Section 16.62.150.B because it is located less than 20 feet from the property line on Sutter Street. Staff believes this standard is intended to ensure that vehicles parked in the driveway do not block pedestrians from using the sidewalk, and that drivers exiting the garage have adequate visibility of oncoming pedestrians. With this in mind, it is important to note that there is approximately 15 feet of public right-of-way between the sidewalk on Sutter Street and the property line. Therefore the actual setback from the sidewalk to the garage doors will be approximately 23 feet, leaving adequate room for driver visibility and vehicles parked in the driveway, as confirmed by the City's traffic engineer. In addition, staff has confirmed with the Public Works Department that there are no plans to widen Sutter Street and reduce the setback from the sidewalk to the property line.

Per VMC Section 16.84.030, the Commission is required to make the following findings (in **bold text**) for approval of a Variance. Staff's analysis follows each finding in *italics*.

A. A hardship peculiar to the property and not created by any act of the owner exists. In this context, personal, family or financial difficulties, loss of prospective profits and neighboring violations are not hardships justifying a

variance. Further, a previous variance can never have set a precedent, for each case must be considered only on its individual merits.

The following conditions collectively constitute a hardship that is peculiar ("strange, odd, or unusual") to the subject property:

1. *The property lacks off-street parking where such parking is generally provided on other single-family residential properties in the vicinity;*
2. *The property does not have access to an alley, a peculiar condition for this area of Vallejo and one that limits the options available for providing access to parking;*
3. *The property is developed with an existing historic dwelling which is located less than 20 feet from the Sutter Street property line and cannot be relocated without adverse impacts to the dwelling;*
4. *The City's traffic engineer has determined that a new driveway on Georgia Street (where a greater setback is possible) cannot be established due to safety issues; and*
5. *The property contains a fully landscaped yard on the north side of the dwelling, such that a garage in this location would substantially reduce the only usable yard area on the property.*

B. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property in the same vicinity and that a variance, if granted, would not constitute a special privilege of the recipient not enjoyed by his neighbors.

The requested Variance will allow off-street parking to be established on the property, where none currently exists. Off street parking is a substantial property right as it allows the occupants of the property to park their vehicles in a more secure and convenient manner, and it is required by the Zoning Ordinance. Off street parking is available on most other single-family properties in the vicinity, and would therefore not constitute a special privilege not enjoyed by the applicant's neighbors.

C. The granting of the variance will not be materially detrimental to the public health, safety or welfare or will not impair an adequate supply of light and air to adjacent property.

Although the proposed driveway will remove one on-street parking space, the requested Variance will benefit the neighborhood by creating 5 off-street parking spaces, thereby removing or reducing the need for the property's occupants to compete with other drivers in the neighborhood for limited on-street parking. Light and air will not be impaired as the proposed garage is located in a basement beneath the existing dwelling, rather than a new structure.

In addition, the Variance will not have detrimental traffic safety impacts based on the City traffic engineer's review and approval of the proposed driveway. The proposed garage doors will be located over 20 feet from the sidewalk on Sutter Street, allowing adequate space for vehicles to park in the driveway without blocking the sidewalk, and landscaping adjacent to the driveway will be kept at a height of 3 feet or lower to provide adequate visibility for drivers to see approaching pedestrians.

D. The conditions upon which the requested variance is based would not be applicable, generally, to other property within the same zoning classification.

The hardships described in Finding A above are not generally applicable to other property in the Low Density Residential (LDR) zoning district. Other properties in the LDR district generally have off-street parking, alley access, and conforming setbacks, and do not have designated historic buildings.

E. Either the variance is so insignificant that granting it will not be incompatible with the Vallejo general plan; or the potentially adverse effects of the variance on said plan, which would be avoided by denying the variance, are exceeded by the individual hardship which would be relieved by granting the variance.

The requested Variance does not violate any General Plan polices and would not have any adverse effects on the General Plan.

B. Minor Exception for Sutter Street Setback

As noted earlier, the proposed addition on north side of the existing dwelling requires a Minor Exception to allow a setback of 7 feet, 7 inches from the Sutter Street property line, where 10 feet is normally required per VMC Section 16.14.060.D.1. Minor Exceptions are essentially a "relief valve" built into the Zoning Ordinance to allow flexibility in the application of zoning requirements, where the findings below can be made. As stated in VMC Section 16.80.010, the purpose of Minor Exceptions is to "allow certain exceptions from the literal application of the provisions of this title."

The required findings for the requested setback exception, with staff's analysis, are as follows:

A. The Minor Exception would not exceed twenty-five percent of the prescribed measurable standards;

The proposed setback of 7 feet, 7 inches (7.58 feet) varies from the minimum setback of 10 feet by approximately 24.2 percent.

B. The Minor Exception would not adversely affect any development or persons upon abutting property, with adversely affect to mean to impact in a

substantial, negative manner the economic value, habitability, or enjoyability of properties;

The reduced setback will not adversely affect any adjoining property due to the large distances from the proposed addition to the surrounding buildings. To the contrary, the reduced setback benefits surrounding properties and the Architectural Heritage District by allowing the proposed garage to maintain the same setback as the existing dwelling, thereby achieving a design that is more compatible with the existing dwelling and its neighbors (as opposed to recessing the garage behind the existing dwelling).

C. The Minor Exception would not result in a hazard to pedestrian and/or vehicular traffic;

As discussed in Variance Finding A above, the City's traffic engineer has reviewed the proposed plans and determined that no traffic safety hazards will occur.

D. The Minor Exception would be reasonably necessary to the sound development of such property, or would result in better environmental quality of development of such property than without such exception.

As discussed in Finding B above, the proposed setback reduction benefits surrounding properties and the Architectural Heritage District by allowing the proposed garage to maintain the same setback as the existing dwelling, thereby achieving a design that is more compatible with the existing dwelling and its neighbors (as opposed to recessing the garage behind the existing dwelling).

C. Minor Exception for Building Height

As noted earlier, the proposed raising of the existing house by 19.5 inches to a total height of 37 feet, 6 inches requires a Minor Exception to exceed the maximum height of 35 feet under VMC Section 16.14.060.H. The height increase is occurring primarily due to the lowering of the adjacent grade for creation of the garage, but also to correct five inches of differential settling (i.e., leveling the house), and to address drainage issues at northeast corner due to portions of existing wood framing being located below the adjacent grade level.

The required findings for the requested height exception, with staff's analysis, are as follows:

A. The Minor Exception would not exceed twenty-five percent of the prescribed measurable standards;

The proposed height of 37 feet, 6 inches exceeds the maximum height of 35 feet by approximately 7 percent.

B. The Minor Exception would not adversely affect any development or persons upon abutting property, with adversely affect to mean to impact in a substantial, negative manner the economic value, habitability, or enjoyability of properties;

The AHLC considered the proposed height increase, and analysis by the City's consulting architectural historian, and determined that the increase would not have adverse impacts on the historical significance of the existing dwelling or of other nearby buildings or the Architectural Heritage District as a whole.

The neighbor at 810 Sutter Street has raised concerns that the project will adversely affect her property by reducing the view of Mare Island and the Mare Island Strait currently available from her second floor balcony and windows. However, the applicant has submitted information (see Attachment 1, Exhibit B, Sheet A0.7) indicating that the project will only marginally impact the neighbor's view, leaving the Mare Island Strait (and Mare Island beyond) visible.

The project's view impact is reduced by the removal of the existing mansard roof which extends further to the south and currently marks the bottom of the neighbor's view. The applicant's analysis is conservative in that it is based on a person only 4 feet, 6 inches in height, whereas most adults are taller than this and will consequently have a better view. As discussed earlier, the height increase occurs mainly due to the lowering of the grade for the garage excavation; the actual position of the roof relative to the neighbor's view will only increase by a few inches, where the west end of the home will be leveled and raised to its original height.

The City Council has created a Residential View District (VMC Chapter 16.36) to regulate view impacts, and has applied this District to designated areas of the City, but not the subject property or its vicinity. The Council has not indicated any desire to establish a View District in this area, nor is there any adopted City policy or regulation indicating that view impacts outside of the View District are considered an adverse effect. Therefore, even if the property were to impact the neighbor's view (which does not appear to be the case), the current policy of the City is that view impacts are not considered an adverse effect for the purpose of land use decisions.

C. The Minor Exception would not result in a hazard to pedestrian and/or vehicular traffic;

The proposed height increase has no impact on pedestrian or vehicular traffic.

D. The Minor Exception would be reasonably necessary to the sound development of such property, or would result in better environmental quality of development of such property than without such exception.

The proposed height increase is necessary to establish a garage beneath the existing dwelling, which, as discussed in the Variance findings above, is necessary to provide off-street parking. Such parking is a substantial property right and requirement of the Zoning Ordinance, and therefore the height exception is necessary to the sound development of the property. Without the proposed exception, additional excavation would be required, creating additional noise, traffic and air quality impacts (due to a longer construction and more truck trips). Therefore, the height exception would result in better environmental quality.

IV. ENVIRONMENTAL REVIEW

As noted earlier, the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Sections 15301(e) (Class 1, "Existing Facilities") and 15331 (Class 31, "Historical Resource Restoration/Rehabilitation") of the CEQA Guidelines. Under CEQA, the State has identified classes of projects which have been determined to not have a significant impact on the environment and are therefore exempt from the requirements of CEQA. The Class 1 exemption includes additions to existing structures not exceeding 50 percent of the existing floor area, or 2,500 square feet, whichever is less; the proposed addition falls within these limits. The Class 31 exemption applies to "maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the [Secretary's Standards]". In approving the Certificate of Appropriateness on June 4, 2020, the AHLC determined that the project is consistent with the Secretary's Standards (see AHLC findings in Attachment 3 and architectural historian's analysis of the Secretary's Standards in Attachment 4).

The City has also considered whether or not any of the exceptions found under Section 15300.2 of the CEQA Guidelines apply, which would preclude the project from being categorically exempt. The project is consistent with Section 15300.2 as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects due to unusual circumstances, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not adversely affect any historical resource, as discussed above. Therefore, the project remains categorically exempt and no further environmental review is required.

V. NOTICING AND PUBLIC COMMENTS

Pursuant to VMC Section 16.84.020.D, the City provided notice of this hearing on July 6, 2020 to all property owners and neighborhood groups within 500 feet of the subject property. See Attachment 5 for public communications regarding this project (including communications submitted to the AHLC). The primary concerns raised regarding this project are provided below in bold, with staff's analysis in italics:

- **The project adversely affects the historic significance of the existing house and the Heritage District due to the house's association with former AHLC member and civic leader Richard Lemke (Kathleen Gaffney, 810 Sutter St.).**

Staff analysis: On June 4 the AHLC determined that the project fully conforms with the Secretary's Standards and the alterations made by Mr. Lemke in the 1970s have not acquired historic significance in their own right.

- **The proposed height increase will obstruct views of Mare Island from the adjacent house to the north (Kathleen Gaffney, 810 Sutter St.).**

- *Staff analysis: See discussion in Section III.C, Finding B above.*

- **The applicant and the neighbor to the north share an existing sewer line which the neighbor claims runs beneath the existing house may be adversely impacted by the project. (Kathleen Gaffney, 810 Sutter St.)**

- *Staff analysis: Any legal dispute over the sewer line is a private civil matter that has no bearing on the Commission's review of the project. The Vallejo Flood and Wastewater District (VFWD) has jurisdiction over construction permits for the sewer line and has stated that no sewer permits will be issued until after this dispute is resolved. The attached resolution includes a condition of approval (by reference to the AHLC conditions) stating that approval of sewer permits shall be at the sole discretion of VFWD; see Attachment 3, Exhibit A, VFWD Condition 2.*

- **The project may adversely affect the structural integrity, sunlight and privacy of the adjacent house to the east (Kurt Seligman, 610 Georgia St.).**

- *Staff analysis: The project includes a new foundation that will conform with modern seismic standards, which will contribute to the safety of adjacent structures. Plan review and inspections by the City's Building Division will ensure that construction of the foundation is performed in a safe manner without destabilizing the adjacent house. Regarding sunlight and privacy, removal of the existing mansard roof will increase the sunlight to the adjacent house, and the project does not introduce new windows on the east elevation.*

VI. CONCLUSION / STAFF RECOMMENDATION

Based on the above analysis and the project's consistency with General Plan 2040 and the Vallejo Municipal Code, staff recommends that the Commission adopt Resolution No. PC 20-07 to **APPROVE** Variance #VAR19-0002 and Minor Exception #ME19-0006, subject to the findings and conditions contained in the Resolution. (Note: To avoid redundancy, the Resolution incorporates all conditions of the AHLC approval by reference; see Attachment 3, Exhibit A for AHLC conditions.)

VII. EXPIRATION

Pursuant to VMC Section 16.84.040, approval of this Variance expires automatically 24 months after its approval unless authorized construction has commenced prior to the

expiration date (July 20, 2022 if approved at this meeting). Pursuant to VMC Section 16.80.100.D, Minor Exceptions normally expire 6 months after approval, unless otherwise specified in the approval. Staff has specified a 24-month expiration in the attached conditions in order to match the Variance expiration.

VIII. APPEAL PROCEDURE

Pursuant to VMC Section 16.102.020, the applicant or any party adversely affected by the decision of the Planning Commission may, within ten days after the rendition of the decision, appeal in writing to the City Council by filing a written appeal with a fee of $1,243 dollars with the City Clerk. Such written appeal shall state the reason or reasons for the appeal and why the appellant believes he or she is adversely affected by the decision. Such appeal shall not be timely filed unless it is actually received by the City Clerk or designee no later than the close of business on the tenth calendar day after the rendition of the decision. If such date falls on a weekend or City holiday, then the deadline shall be extended until the next regular business day.

IX. ATTACHMENTS

1. Resolution No. PC 20-07
    A. Conditions of Approval
    B. Project Plans
2. Applicant Statement
3. AHLC Resolution approving Certificate of Appropriateness
    A. Conditions of Approval
4. Architectural Historian's Report
5. Public Communications

CITY OF VALLEJO PLANNING COMMISION

RESOLUTION NO. PC 20-07

A RESOLUTION APPROVING VARIANCE #VAR19-0002 AND MINOR EXCEPTIONS #ME19-0006 FOR EXPANSION AND RENOVATION OF AN EXISTING SINGLE-FAMILY RESIDENCE AT 602 GEORGIA STREET

APN #0056-201-200

* *

I. GENERAL FINDINGS

WHEREAS, on August 29, 2017, the City Council adopted General Plan 2040; and

WHEREAS, the subject property is located at 602 Georgia Street, designated as Assessor's Parcel Number (APN) 0056-201-200 (the "Property"), and zoned Low Density Residential ("LDR"); and

WHEREAS, on July 31, 2019, Jean Drolet (the "Applicant") submitted an application for a variance of the Vallejo Municipal Zoning Code (the "Variance") to allow a new garage within the basement of an existing single-family dwelling to be located 7 feet, 7 inches from the Sutter Street property line (where 20 feet is normally required), an exception to the standard setback (the "Minor Exception") to allow a setback of 7 feet, 7 inches from the Sutter Street property line (where 10 feet is normally required), and a height exception (the "Minor Exception")to allow the height of the existing dwelling to be increased to 37 feet, 6 inches (where 35 feet is normally allowed) (the "Project"); and

WHEREAS, on August 31, 2019, the above application was deemed complete for processing; and

WHEREAS, the Project is consistent with all applicable policies of General Plan 2040 (the "General Plan") and complies with all applicable development standards of the Vallejo Zoning Ordinance (the "Zoning Ordinance"); and

WHEREAS, on July 20, 2020, the City of Vallejo Planning Commission (the "Commission"), after giving all public notices required by State law and the Vallejo Municipal Code (the "VMC"), conducted a duly noticed public hearing to consider the Project, at which testimony and evidence, both written and oral, was presented to and considered by the Commission; and

WHEREAS, the Commission considered testimony and evidence, both written and oral, presented to the Commission, including the oral and written reports from City staff dated July 20, 2020, and other documents contained in the record of proceedings relating to the Project, which are maintained in the offices of the City of Vallejo Planning Division; and

WHEREAS, based on recommendations, testimony and evidence in the record and provided at the public hearing, the Commission makes the following findings for approval of the proposed Variance and Minor Exceptions:

II. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDING

A. The Project is categorically exempt from further review under the California Environmental Quality Act ("CEQA") pursuant to Sections 15301(e) (Class 1, "Existing Facilities") and 15331 (Class 31, "Historical Resource Restoration/Rehabilitation") of the CEQA Guidelines. The Class 1 exemption includes additions to existing structures not exceeding 50 percent of the existing floor area, or 2,500 square feet, whichever is less; the proposed addition falls within these limits. The Class 31 exemption applies to "maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the [Secretary's Standards]". In approving a Certificate of Appropriateness for the Project on June 4, 2020, the Architectural Heritage and Landmarks Commission (the "AHLC") determined that the Project is consistent with the Secretary's Standards.

III. FINDINGS RELEVANT TO THE APPROVAL OF THE VARIANCE (VMC Section 16.84.030)

A. A hardship peculiar to the Property and not created by any act of the owner exists. The following conditions collectively constitute a hardship that is peculiar ("strange, odd, or unusual") to the subject Property and justifies the granting of the requested Variance:

1. The Property lacks off-street parking where such parking is generally provided on other single-family residential properties in the vicinity;
2. The Property does not have access to an alley, a peculiar condition for this area of Vallejo and one that limits the options available for providing access to parking;
3. The Property is developed with an existing historic dwelling which is located less than 20 feet from the Sutter Street property line and cannot be relocated without adverse impacts to the dwelling;
4. The City's traffic engineer has determined that a new driveway on Georgia Street (where a greater setback is possible) cannot be established due to safety issues; and
5. The Property contains a fully landscaped yard on the north side of the dwelling, such that a garage in this location would substantially reduce the only usable yard area on the Property.

B. The requested Variance is necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property in the same vicinity and would not constitute a special privilege of the recipient not enjoyed by his neighbors. The Variance will allow off-street parking to be established on the Property, where none currently exists. Off street parking is a substantial

property right as it allows the occupants of the property to park their vehicles in a more secure and convenient manner, and it is required by the Zoning Ordinance. Off street parking is available on most other single-family properties in the vicinity, and would therefore not constitute a special privilege not enjoyed by the applicant's neighbors.

C. The granting of the Variance will not be materially detrimental to the public health, safety or welfare or will not impair an adequate supply of light and air to adjacent property. Although the proposed driveway will remove one on-street parking space, the requested Variance will benefit the neighborhood by creating 5 off-street parking spaces, thereby removing or reducing the need for the Property's occupants to compete with other drivers in the neighborhood for limited on-street parking. Light and air will not be impaired as the proposed garage is located in a basement beneath the existing dwelling, rather than a new structure.

   In addition, the Variance will not have detrimental traffic safety impacts based on the City traffic engineer's review and approval of the proposed driveway. The proposed garage doors will be located over 20 feet from the sidewalk on Sutter Street, allowing adequate space for vehicles to park in the driveway without blocking the sidewalk, and landscaping adjacent to the driveway will be kept at a height of 3 feet or lower to provide adequate visibility for drivers to see approaching pedestrians.

D. The conditions upon which the requested Variance is based would not be applicable, generally, to other property within the same zoning classification. The hardships described in Section III (A) above are not generally applicable to other property in the LDR zoning district. Other properties in the LDR district generally have off-street parking, alley access, and conforming setbacks, and do not have designated historic buildings.

E. The Variance is so insignificant that granting it will not be incompatible with the General Plan. The requested Variance does not violate any General Plan polices and would not have any adverse effects on the General Plan.

IV. FINDINGS RELEVANT TO THE APPROVAL OF THE MINOR EXCEPTION FOR REDUCED SUTTER STREET SETBACK (VMC Section 16.80.090)

A. The Minor Exception would not exceed twenty-five percent of the prescribed measurable standards, as the proposed setback of 7 feet, 7 inches (7.58 feet) varies from the minimum setback of 10 feet by approximately 24.2 percent.

B. The Minor Exception would not adversely affect any development or persons upon abutting property, with adversely affect to mean to impact in a substantial, negative manner the economic value, habitability, or enjoyability of properties. The reduced setback will not adversely affect any adjoining property due to the large distances from the proposed addition to the surrounding buildings. To the contrary, the reduced setback benefits surrounding properties and the Architectural Heritage District by allowing the proposed garage to maintain the

same setback as the existing dwelling, thereby achieving a design that is more compatible with the existing dwelling and its neighbors (as opposed to recessing the garage behind the existing dwelling).

C. The Minor Exception would not result in a hazard to pedestrian and/or vehicular traffic. As discussed in Section III(A)A above, the City's traffic engineer has reviewed the proposed plans and determined that no traffic safety hazards will occur.

D. The Minor Exception would be reasonably necessary to the sound development of such property. As discussed in Section III(B)above, the proposed setback reduction benefits surrounding properties and the Architectural Heritage District by allowing the proposed garage to maintain the same setback as the existing dwelling, thereby achieving a design that is more compatible with the existing dwelling and its neighbors (as opposed to recessing the garage behind the existing dwelling).

V. FINDINGS RELEVANT TO THE APPROVAL OF THE MINOR EXCEPTION FOR INCREASED BUILDING HEIGHT (VMC Section 16.80.090)

A. The Minor Exception would not exceed twenty-five percent of the prescribed measurable standards, as the proposed height of 37 feet, 6 inches exceeds the maximum height of 35 feet by approximately 7 percent.

B. The Minor Exception would not adversely affect any development or persons upon abutting property, with adversely affect to mean to impact in a substantial, negative manner the economic value, habitability, or enjoyability of properties, for the following reasons:

1. The AHLC considered the proposed height increase, and analysis by the City's consulting architectural historian, and determined that the increase would not have adverse impacts on the historical significance of the existing dwelling or of other nearby buildings or the Architectural Heritage District as a whole.

2. The neighbor at 810 Sutter Street has raised concerns that the project will adversely affect her property by reducing the view of Mare Island and the Mare Island Strait currently available from her second floor balcony and windows. However, the applicant has submitted information (see attached Exhibit B, Sheet A0.7) indicating that the Project will only marginally impact the neighbor's view, leaving the Mare Island Strait (and Mare Island beyond) visible.

3. The Project's view impact is reduced by the removal of the existing mansard roof which extends further to the south and currently marks the bottom of the neighbor's view. The applicant's analysis is conservative in that it is based on a person only 4 feet, 6 inches in height, whereas most adults are taller than this and will consequently have a better view. As

discussed earlier, the height increase occurs mainly due to the lowering of the grade for the garage excavation; the actual position of the roof relative to the neighbor's view will only increase by a few inches, where the west end of the home will be leveled and raised to its original height.

4. The City Council has created a Residential View District (VMC Chapter 16.36) to regulate view impacts, and has applied this District to designated areas of the City, but not the subject Property or its vicinity. The Council has not indicated any desire to establish a View District in this area, nor is there any adopted City policy or regulation indicating that view impacts outside of the View District are considered an adverse effect. Therefore, even if the property were to impact the neighbor's view (which does not appear to be the case), the current policy of the City is that view impacts are not considered an adverse effect for the purpose of land use decisions.

C. The Minor Exception would not result in a hazard to pedestrian and/or vehicular traffic, as the proposed height increase has no impact on pedestrian or vehicular traffic.

D. The Minor Exception would be reasonably necessary to the sound development of such Property, and would result in better environmental quality of development of such Property than without such exception. The proposed height increase is necessary to establish a garage beneath the existing dwelling, which, as discussed in the Variance findings above, is necessary to provide off-street parking. Such parking is a substantial property right and requirement of the Zoning Ordinance, and therefore the height exception is necessary to the sound development of the property. Furthermore, without the proposed exception, additional excavation would be required, creating additional noise, traffic and air quality impacts (due to a longer construction and more truck trips). Therefore, the height exception would also result in better environmental quality.

NOW, THEREFORE, LET IT BE RESOLVED that based on the findings above, the evidence and testimony, both written and oral, presented at the public hearing, and information contained in the staff report attached hereto and incorporated herein by this reference, the Commission hereby approves applications #VAR19-0002 and #ME19-0006, subject to the Conditions of Approval attached hereto as Exhibit A, and the plans attached hereto as Exhibit B.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Vallejo, State of California, on the 20th day of July, 2020 by the following vote to-wit:

AYES:
NOES:
ABSENT:

_____
Fill in later, CHAIRPERSON
City of Vallejo Planning Commission

Attest:

_____
AARON SAGE, SECRETARY
City of Vallejo Planning Commission

Exhibits:

A. Conditions of Approval
B. Project Plans

EXHIBIT A

CONDITIONS OF APPROVAL
VARIANCE #VAR19-0002
MINOR EXCEPTION #ME19-0006
602 GEORGIA STREET
APN: 0056-201-200

PROJECT DESCRIPTION

Variance to allow a new garage within the basement of an existing single-family dwelling to be located 7 feet, 7 inches from the Sutter Street property line (where 20 feet is normally required), a Minor Exception to allow a setback of 7 feet, 7 inches from the Sutter Street property line (where 10 feet is normally required), and a Minor Exception to allow the height of the existing dwelling to be increased to 37 feet, 6 inches (where 35 feet is normally allowed).

1. The conditions applicable to Certificate of Appropriateness #18-0018, as adopted by the Architectural Heritage and Landmarks Commission on June 4, 2020, shall also apply to this permit, except as specified herein.

2. The Variance and Minor Exception shall expire 24 months from the date of approval unless construction permits are obtained and work has begun. The effective date of the permits and approvals is July 20, 2022. No further extension may be granted.

1890 - 1908/11

Original Victorian was built at 602 Georgia St. on land that used to belong to the Frisbee Mansion property. It was moved to 806 Sutter between 1908 and 1911. The house seems to have been removed between 1935 and 1937.

Brown Shingle First Bay Tradition Home
Designed by: Will Jones
Built by: W. D. Pennycook

1908/11 - 1973

1973 - present

602 Georgia St.

COA Application
February 2020

APN: 0056-201-200

ABBREVIATIONS

@	AT	MAX.	MAXIMUM
&	AND	MECH.	MECHANICAL
ABV.	ABOVE	MFR.	MANUFACTURER
A.C.	ASPHALTIC CONCRETE	MH.	MAN HOLE
AC	AIR CONDITIONING	MIN.	MINIMUM
ACT.	ABOVE COUNTERTOP	MIR.	MIRROR
ACOUST.	ACOUSTICAL	MIR.	MIRROR
ADDN'L.	ADDITIONAL	MISC.	MISCELLANEOUS
ADJ.	ADJACENT	MW.	MICROWAVE
AFF.	ABOVE FINISH FLOOR	MOD.	MODULE
AGG.	AGGREGATE	MTL.	METAL
ALUM.	ALUMINUM		
ALT.	ALTERNATE	(N)	NEW
ARCH.	ARCHITECTURAL	NEC	NATIONAL ELECTRIC CODE
AVG.	AVERAGE	NIC.	NOT IN CONTRACT
		N/A	NOT APPLICABLE
BD.	BOARD	NTS.	NOT TO SCALE
BENC	BENCH		
BF.	BOTH FACES	O/	OVER
BF.	BOTH FACES	O.C.	ON CENTER
BIC.	BUILT-IN CABINET	O.D.	OUTSIDE DIAMETER
BLDG.	BUILDING	OFD.	OVERFLOW DRAIN
BLK.	BLOCK	OH.	OVERHEAD
BLK'G.	BLOCKING	OPP.	OPPOSITE
BLW	BELOW		
BRZ.	BRONZE	PERF.	PERFORATED
BTM.	BOTTOM	PLAM.	PLASTIC LAMINATED
BTR.	BETTER	PLYWD	PLYWOOD
BTWN.	BETWEEN	PNT.	PAINT
BVL.	BEVELED	PP.	POWER POLE
BW.	BOTH WAYS	PSF	POUNDS PER SQUARE FOOT
		PT.	PRESSURE TREATED
CAB.	CABINET	PVC.	POLY VINYL CHLORIDE
CBC	CALIFORNIA BUILDING CODE	PVMT.	PAVEMENT
CCR	CALIFORNIA CODE OF REGULATIONS	PUE.	PUBLIC UTILITY EASEMENT
CEC	CALIFORNIA ELECTRIC CODE		
CF	CUBIC FEET	QT.	QUARRY TILE
CFC	CALIFORNIA FIRE CODE	QT.	QUARRY TILE
CLG.	CEILING		
CJ.	CONTROL JOINT	R.	RISER
CLR.	CLEAR	RAD.	RADIUS
CMC	CALIFORNIA MECHANICAL CODE	RD.	ROOF DRAIN
CMU	CONCRETE MASONRY UNIT	RDWD.	REDWOOD
CNTR.	COUNTER	REINF.	REINFORCING
C.O.	CLEAN OUT	REF.	REFRIGIERATOR
COL.	COLUMN	REQ'D	REQUIRED
COMP.	COMPOSITION	RET.	RETAINING
CONC.	CONCRETE	REV.	REVISION
CONN.	CONNECTION	RM.	ROOM
CONT.	CONTINUOUS	RO.	ROUGH OPENING
CONTR.	CONTRACTOR		
CPC	CALIFORNIA PLUMBING CODE	S.	STEP
CT.	CERAMIC TILE	SC.	SOLID CORE
		SC.	SOLID CORE
DBL.	DOUBLE	SCHED.	SCHEDULE
DET.	DETAIL	SD	SOAP DISPENSER
DEPT.	DEPARTMENT	SDR.	STORM DRAIN
D.F.	DOUGLAS FIR	SECT.	SECTION
DIA.	DIAMETER	SEZ	STREAM EASEMENT ZONE
DIM.	DIMENSION	SF	SQUARE FOOT/FEET
DIV.	DIVISION	SHT.	SHEET
DN	DOWN	SHLVS.	SHELVES
DW	DISHWASHER	SHWR.	SHOWER
DWG.	DRAWING	SIM.	SIMILAR
DRY.	DRYER	SLR.	SEALER
		SPECS.	SPECIFICATIONS
EXG.	EXISITNG	SQ.	SQUARE
EA.	EACH	S&P	SHELF & POLE
EJ.	EXPANSION JOINT	SS	SANITARY SEWER
ELECT.	ELECTRIC/ELECTRICAL	S.S.D.	SEE STRUCTURAL DRAWINGS
ELEV.	ELEVATION	S.ST.	STAINLESS STEEL
EMER.	EMERGENCY	STD.	STANDARD
EN.	EDGE NAIL	STMG.	STEAM GENERATOR
EOP.	EDGE OF PAVEMENT	STL.	STEEL
EOS.	EDGE OF SLAB	STOR.	STORAGE
EQ.	EQUAL	STRUCT.	STRUCTURAL
EQUIP.	EQUIPMENT	SUSP.	SUSPENDED
EXT.	EXTERIOR	S.W.	SHEARWALL
FA.	FIRE ALARM	T.	TREAD
FACP	FIRE ALARM CONTROL PANEL	TC.	TRASH COMPACTOR
FAU	FORCED AIR UNIT	TEL.	TELEPHONE
FFE.	FINISHED FLOOR ELEVATION	TEMP.	TEMPERED
FG.	FIXED GLASS	T&G	TONGUE & GROOVED
FH.	FIRE HYDRANT	TV	TELEVISION
FIN.	FINISH	TYP.	TYPICAL
FLR.	FLOOR		
		UBC	UNIFORM BUILDING CODE
GA.	GAUGE	UFC	UNIFORM FIRE CODE
GALV.	GALVANIZED	UMC	UNIFORM MECHANICAL CODE
GC.	GENERAL CONTRACTOR	UON	UNLESS OTHERWISE NOTED
GFI.	GROUND FAULT INTERRUPTER	UPN	UNIFORM PLUMBING CODE
GI.	GALVANIZED IRON		
GLB.	GLUED LAMINATED BEAM	VCT	VINYL COMPOSITION TILE
GND.	GROUND	VENT.	VENTILATION
GSM.	GALVANIZED SHEET METAL	VERT.	VERTICAL
GYP.	BD. GYPSUM WALL BOARD	VIF.	VERIFY IN FIELD
		VNR.	VENEER
HB	HOSE BIBB		
HC	HOLLOW CORE / HANDICAP	W/	WITH
HDWR.	HARDWARE	WC.	WATER CLOSET
HORIZ.	HORIZONTAL	WD.	WOOD
HP.	HIGH POINT	W.	WASHER
HT.	HEIGHT	WH.	WATER HEATER
HTG.	HEATING	W/O	WATER HEATER
HVAC	HEATING/VENTILATION/AIR CONDITIONING	WP.	WATER PROOF
HW.	HOT WATER		
		YD.	YARD
ID.	INSIDE DIAMETER		
ID.	INSIDE DIAMETER		
INCL.	INCLUDED		
INFO.	INFORMATION		
INSUL.	INSULATION		
INT.	INTERIOR		
INF.	INFRARED		
LAM.	LAMINATE		
LB.	POUND		
LF.	LINEAL FOOT		
LVL.	LAMINATED VENEER LUMBER		

HISTORY

1890 A VICTORIAN HOME WAS ORIGINALLY BUILT AT THIS LOCATION. (SEE COVER PAGE). THE SITE WAS PREVIOUSLY PART OF THE FRISBEE MANSION ESTATE.
1908/11 THE VICTORIAN HOME WAS MOVED TO THE BACKYARD AND TURNED TO BECOME 806 SUTTER ST. IT WAS REPLACED BY THE CURRENT STRUCTURE ON GEORGIA, WHICH WAS PROBABLY DESIGNED BY WILL JONES.
1835 BETWEEN 1935 AND 1937, THE VICTORIAN WAS REMOVED FROM THE BACKYARD. WE DO NOT KNOW WHAT HAPPENED TO IT.
1945 THE SECOND FLOOR BACK AND SIDE PORCHES WERE APPARENTLY CLOSED IN. THE AREA UNDER THE SIDE PORCH WAS ALSO ENCLOSED.
1973 THE APPEARANCE OF THE HOME WAS SIGNIFICANTLY ALTERED THROUGH THE ADDITION OF A FAUX MANSARD AND ITALIANATE ORNAMENTATION INCLUDING ARCH WINDOWS AND SHUTTERS. TWO ADDITIONS WERE ADDED TO THE BACK OF THE HOUSE. A LARGE ROOM WITH BAR WAS ADDED TO THE LIVING ROOM. A BREAKFAST ROOM REPLACED A MUD ROOM NEXT TO THE KITCHEN
1990 THE LOT WAS SUBDIVIDED BETWEEN 602 GEORGIA ST. AND 810 SUTTER ST.

IN ADDITION, OVER THE LIFE OF THIS HOME, AN INDEPENDENT ENTRANCE WAS ADDED TO THE ENCLOSED EAST PORCH WITH AN EXTERIOR STAIRCASE LEADING TO IT FROM GEORGIA. EVIDENCE SUGGESTS THE FOLLOWING ALTERATIONS: A MAID'S ROOM ADJACENT THE KITCHEN WAS TRANSFORMED INTO A LAUNDRY ROOM AND ITS CLOSET TURNED INTO A PANTRY. THE DOOR OF THE THIRD UPSTAIR BED ROOM CLOSET WAS RELOCATED TO THE HALWAY TO FACILITATE THE INSTALLATION OF HEATING VENTS

MATERIALS

ALL MATERIALS WILL BE CHOSEN CONSISTENT WITH THE NEED TO MAINTAIN THE HISTORICAL INTEGRITY OF THE NEIGHBORHOOD AND TO RESTORE THE ORIGINAL APPEARANCE OF THIS HOME.

COMPOSITION SHINGLE ROOFING:	50 YEAR CLASS A
MODIFIED BITUMEN ROOFING:	CLASS A, APP TORCH DOWN MULTI-PLY MODIFIED BITUMEN ROOFING
SIDING:	EXISTING WOOD SHINGLES WILL BE RETAINED, OR REPLACED AS NEEDED WITH FACTORY-PRIMED WOOD SHINGLES ADDITIONS AND BASEMENT WILL USE FIBER-CEMENT LAP BOARDS
WINDOWS:	PAINTED CELLULAR PVC WINDOWS MATCHING THE PROFILE OF TRADITIONAL WOOD SHASH WINDOWS WITH ENERGY EFFICIENT DOUBLE-GLAZED PANES
DOORS:	THE EXISTING FRONT DOOR WILL BE RETAINED. NEW DOORS: PAINTED FIBERGLASS IN COMPLIANCE W/ CBC CH. 7A

2013 CALGREEN MANDATORY MEASURES

SITE DEVELOPMENT (4.106):
STORM WATER DRAINAGE MANAGEMENT PLAN SHALL BE IMPLEMENTED DURING CONSTRUCTION

INDOOR WATER USE (4.303):
MAXIMUM PLUMBING FIXTURE FLOW REQUIREMENTS SHALL BE AS FOLLOWS:
SHOWER HEADS: 2GPM
LAVATORY FAUCETS: 1.5 GPM
KITCHEN FAUCETS: 1.8 GPM
WATER CLOSETS: 1.28 GALLONS/FLUSH
WHEN A SHOWER IS SERVED BY MORE THAN ONE SHOWER HEAD, THE COMBINED FLOW RATE OF ALL SHOWER HEADS CONTROLLED BY A SINGLE VALVE SHALL NOT EXCEED 2.0 GALLONS PER MINUTE AT 80 PSI.

OUTDOOR WATER USE (4.304):
AUTOMATIC IRRIGATION SYSTEM CONTROLLERS WITH LOW FLOW EMITTERS (DRIP).

ENHANCED DURABILITY AND REDUCED MAINTENANCE (4.406):
ANNULAR SPACES AROUND PIPES, ELECTRICAL CABLES, CONDUITS OR OTHER OPENINGS IN PLATES AT EXTERIOR WALLS SHALL BE PROTECTED AGAINST THE PASSAGE OF RODENTS BY CLOSING SUCH OPENINGS WITH CEMENT MORTAR, CONCRETE MASONRY OR SIMILAR METHOD ACCEPTABLE TO THE ENFORCING AGENCY.

CONSTRUCTION WASTE REDUCTION, DISPOSAL AND RECYCLING (4.408):
A MINIMUM OF 65% OF THE CONSTRUCTION WASTE GENERATED AT THE SITE IS DIVERTED TO RECYCLE OR SALVAGE. THIS IS ACHIEVED BY USING COUNTY CERTIFIED LAND FILLS OR IMPLEMENTATION OF A WASTE MANAGEMENT PLAN. WASTE MANAGEMENT PLAN SHALL BE APPROVED BY ENVIRONMENTAL SERVICES DIVISION.

BUILDING MAINTENANCE AND OPERATION (4.410):
AN OPERATION AND MAINTENANCE MANUAL SHALL BE PROVIDED TO THE OCCUPANT OR OWNER.

FIREPLACES (4.503):
ANY INSTALLED GAS FIREPLACE SHALL BE A DIRECT VENT SEALED COMBUSTION TYPE.

POLLUTANT CONTROL (4.504):
DUCT OPENINGS AND OTHER AIR DISTRIBUTION COMPONENT OPENINGS SHALL BE COVERED DURING CONSTRUCTION.
ADHESIVES, SEALANTS AND CAULKS SHALL BE COMPLIANT WITH VOC AND OTHER TOXIC COMPOUND LIMITS.
PAINTS, STAINS AND OTHER COMPONENTS SHALL BE COMPLIANT WITH VOC LIMITS.
AEROSOL PAINTS AND COATINGS SHALL BE COMPLIANT WITH PRODUCT WEIGHTED MANUFACTURER LIMITS FOR VOC AND OTHER TOXIC COMPOUND LIMITS.
CARPET AND CARPET SYSTEMS SHALL BE COMPLIANT WITH VOC LIMITS.
DOCUMENTATION SHALL BE PROVIDED TO THE COUNTY BUILDING INSPECTOR VERIFYING THAT COMPLIANT VOC LIMIT FINISH MATERIALS HAVE BEEN USED.
80% OF FLOOR AREA RECEIVING RESILIENT FLOORING SHALL COMPLY WITH THE VOC EMISSION LIMIT DEFINED IN THE COLLABORATION FOR HIGH PERFORMANCE SCHOOLS (CHPS) LOW EMITTING MATERIALS LIST OR BE CERTIFIED UNDER THE RESILIENT FLOOR COVERING INSTITUTE (RFCI) FLOOR SCORE PROGRAM.
PARTICLE BOARD, MEDIUM DENSITY FIBER BOARD (MDF) AND HARDWOOD PLYWOOD USED IN INTERIOR FINISH SYSTEMS SHALL COMPLY WITH THE LOW FORMALDEHYDE STANDARDS.

INTERIOR MOISTURE CONTROL (4.505):
VAPOR RETARDERS AND CAPILLARY BREAK IS INSTALLED AT SLAB-ON-GRADE FOUNDATIONS.
WATERPROOFING MEMBRANE APPLIED TO FOUNDATION WALLS
MOISTURE CONTENT OF BUILDING MATERIALS USED IN WALL AND FLOOR FRAMING IS CHECKED BEFORE ENCLOSURE.

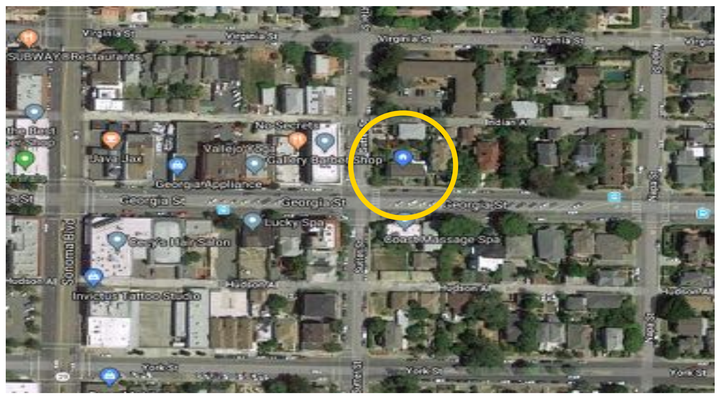
ENVIRONMENTAL COMFORT (4.507):
HVAC WILL USE THREE MULTI-ZONE HIGH-EFFICIENCY MINISPLIT HEAT PUMPS (COP EXCEEDING 3.5 @ 32F).

INDOOR AIR QUALITY AND EXHAUST (4.506):
BATHROOM FANS SHALL BE CONTROLLED BY A HUMIDISTAT WHICH SHALL BE READILY ACCESSIBLE. HUMIDISTAT CONTROLS SHALL BE CAPABLE OF ADJUSTMENT BETWEEN A RELATIVE HUMIDITY RANGE OF 50 TO 80 PERCENT.

QUALIFICATIONS (702):
HVAC SYSTEM INSTALLERS ARE TRAINED AND CERTIFIED IN THE INSTALLATION OF HVAC EQUIPMENT.

VERIFICATIONS (703):
VERIFICATION OF COMPLIANCE WITH THIS CODE MAY INCLUDE CONSTRUCTION DOCUMENTS, PLANS, SPECIFICATIONS, BUILDER OR INSTALLER CERTIFICATION, INSPECTION REPORTS OR OTHER METHODS ACCEPTABLE TO THE ENFORCING AGENCY WHICH SHOW SUBSTANTIAL CONFORMANCE.

VICINITY MAP



PROJECT DATA

YEAR BUILT: circa 1908/11, 1945, 1973

BUILDING AREA:

	Existing	Proposed
MAIN LIVING AREA:	3615 SF	4950 SF
1st FLOOR:	1999 SF	1939 SF
2nd FLOOR	1616 SF	1811 SF
ADU (BASEMENT LEVEL):	0 SF	1200 SF
GARAGE:	0 SF	700 SF
COVERED PATIO:	15 SF	187 SF
OPEN PATIO:	243 SF	432 SF

SITE COVERAGE:

PARCEL AREA:	7008 SF	7008 SF
TOTAL PROJECT AREA:	8074 SF	8074 SF
BUILDING IMPERVIOUS COVERAGE:	2153 SF	2122 SF
BUILDING FOOT PRINT:	2153 SF	1954 SF
COVERED PATIOS:	15 SF	187 SF
PATIOS (INCLUDING DG):	243 SF	432 SF
DECKS:	200 SF	322 SF
WALKWAY:	466 SF	466 SF
DRIVEWAY COVERAGE:	0 SF	451 SF
TOTAL IMPERVIOUS COVERAGE:	3062 SF (44% of parcel) (38% of total)	3210 SF (46% of parcel) (40% of total)
TOTAL ALLOWABLE IMPERVIOUS COVERAGE:		50%

CONSTRUCTION SUMMARY:

CONSTRUCTION TYPE: V-B,
OCCUPANCY GROUP: R-3

APPLICABLE CODES:
2016 RESIDENTIAL CODE
2016 GREEN BUILDING STANDARDS CODE
2016 ELECTRIC CODE
2016 MECHANICAL CODE
2016 PLUMBING CODE
2016 ENERGY CODE
2013 HISTORICAL BUILDING CODE

JURISDICTION:
CITY OF VALLEJO'S PLANNING DIVISION
555 SANTA CLARA ST
VALLEJO, CA 94590
707.648.4374

STRUCTURAL DATA

SNOW LOAD INFORMATION: (N/A)

PROJECT ELEVATION:	80'

VERTICAL DESIGN LOADS (ROOF):

ROOF DEAD LOAD:	15 PSF
ROOF LIVE LOAD:	20 PSF

VERTICAL DESIGN LOADS (FLOORS):

FLOOR DEAD LOAD:	12 PSF
FLOOR LIVE LOAD:	40 PSF

VERTICAL DESIGN LOADS (WALLS):

EXTERIOR WALL DEAD LOAD:	10 PSF
EXTERIOR WALL DEAD LOAD (STONE VENEER):	25 PSF
INTERIOR WALL DEAD LOAD:	10 PSF

LATERAL DESIGN LOADS (WIND):

WIND SPEED (3) SEC GUST:	110 MPH
BASIC WIND SPEED:	101 MPH
EXPOSURE:	C
RISK CATAGORY:	II
IMPORTANCE FACTOR (I):	1.0
TOPOGRAPHIC FACTOR (Kzt):	1.0

LATERAL DESIGN LOADS (SEISMIC):

SEISMIC DESIGN CATEGORY (IBC 1613.5.6):	D
RISK CATEGORY:	II
IMPORTANCE FACTOR (I):	1.0
Ss:	1.306g
S1:	0.4370g
Fa:	1.0
Fv:	1.56
SDS:	0.871g
Cs (N-S):	0.1339
Cs (E-W)	0.2488

SOILS DESIGN CRITERIA:

SOIL BEARING CAPACITY:	250-450 KPA (5000 - 9000 PSF)
SOIL BEARING PRESSURE (SHORT TERM):	250-450 KPA (5000 - 9000 PSF)
FROST DEPTH:	12 INCHES
PASSIVE EARTH PRESSURE:	350 PCF
SOIL FRICTION FACTOR:	0.30
CONCRETE COMPRESSIVE STRENGTH (F'c):	2500 PSI AT 28 DAYS

PROJECT DESCRIPTION

THIS CENTURY-OLD HOME WILL BE RESTORED TO ITS FORMER FIRST-BAY TRADITION APPEARANCE IN A MANNER CONSISTENT WITH THE HISTORICAL CHARACTER OF THE NEIGHBORHOOD. WE WILL RESTORE THE ORIGINAL GABLE ROOF, REMOVE THE INAPPROPRIATE TRIMS AND WILL RETURN WINDOWS TO THEIR ORIGINAL STYLE. A NEW FOUNDATION WILL BE INSTALLED TO PREVENT DIFFERENTIAL SETTLING AND MEET THE SEISMIC CODE. TAKING ADVANTAGE OF THE FOUNDATION WORK, WE WILL BUILD A MODERATE-INCOME ACCESSIBLE ACCESSORY DWELLING UNIT AND A GARAGE IN THE NEWLY CREATED BASEMENT. WE WILL LEVEL THE HOUSE TO COMPENSATE FOR NEARLY FIVE INCHES OF DIFFERENTIAL SETTLING. IN ALL, THE HOUSE WILL BE RAISED A MAXIMUM OF 19.5" AT THE FRONT DOOR TO IMPROVE BACKYARD ACCESS AND DRAINAGE MANAGEMENT. A NEW ADDITION, SUPPORTIVE OF THE HISTORICAL CHARACTER, WILL REPLACE TWO OUT-OF-FORM ADDITIONS. FINALLY, WHEN WE REPLACE THE CLADDING, WE WILL UPGRADE THE SHEETING FOR SEISMIC STRENGTHENING (AND CODE COMPLIANCE), AND WILL REPLACE WALL INSULATION.

DESPITE THE SCOPE OF THE PROJECT THE OVERALL FOOTPRINT OF THE HOUSE WILL DROP SLIGHTLY. THE MAIN LIVING AREA WILL EXPAND BY ONLY 99 SF. THE NUMBER OF BEDROOMS IN THE MAIN LIVING AREA WILL RISE TO THREE BUT STILL BELOW THE ORIGINAL BEDROOM COUNT OF THIS HOME WHICH LIKELY LOST TWO BEDROOMS WITH THE MAID ROOM TRANSFORMED INTO A LAUNDRY ROOM AND ONE BEDROOM LOSING ITS STATUS BECAUSE THE CLOSET DOOR WAS RELOCATED TO THE HALLWAY TO MAKE ROOM FOR A HEATER VENT. DESPITE RAISING THE HOUSE A SMALL AMOUNT, REMOVING THE FAUX MANSARD ROOF WILL MAKE IT LESS IMPOSING OVERALL AND WILL MITIGATE THE IMPACT THAT RAISING THE HOUSE WILL HAVE ON THE NEIGHBOR'S VIEWS. MECHANICAL SYSTEMS WILL BE REPLACED BY STATE-OF-THE-ART LOW-CARBON AND HIGHLY ENERGY EFFICIENT SYSTEMS.

DESIGN TEAM

OWNER:
Jean Drolet
602 Georgia St,
Vallejo, CA 94590
(951) 251-5326
jd_vallejo@netdynamo

ARCHITECT:
Designed by owner

LAND SURVEYOR:
N/A. Structure has been at that location for over 100 years.

STRUCTURAL ENGINEER:
FIRM **TBA**
ADDRESS
CITY, STATE XXXXX
TEL

T-24 ENGINEER:
Prepared by owner with online service such as eztitle24.com

GEOTECHNICAL ENGINEER:
N/A. Structure has been at that location for over 100 years.

Produced by
Jean Drolet
602 Georgia St.,
Vallejo, CA, 94590
tel: (951)251-5326
jd_vallejo@netdynamo.com

CONTENTS

PAGE	ADU	COA	PERMIT	VARIANCE	DESCRIPTION
GENERAL					
	√	√	√		COVER SHEET
A0.0	√	√	√		PROJECT DATA
A0.1	√	√			EXTERIOR PERSPECTIVES
A0.2	√	√			EXTERIOR PERSPECTIVES
A0.3	√	√			NEIGHBOR PHOTOGRAPHS
A0.4	√	√			NEIGHBOR PHOTOGRAPHS
A0.5					MYTH OF THE 3-STORY HOUSE
A0.6					NEIGHBOR DRIVEWAYS
A0.7		√			VIEW ANALYSIS
SITE					
A1.1	√	√	√		EXISTING SITE PLAN
A1.2	√	√	√		PROPOSED SITE PLAN
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A2.2	√	√	√		FIRST FLOOR
A2.3	√	√	√		SECOND FLOOR
A2.4	√	√	√		ROOF
A2.5	√		√		EXISTING BASEMENT
A2.6	√		√		EXISTING FIRST FLOOR
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A2.10			√		FIRST FLOOR REFLECTED CEILING
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BUILDING ENVELOPE					
A4.1	√	√			DOOR & WINDOW SCHEDULE
A4.2	√	√			FINISHES
SECTIONS					
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A6.1		√			BUILDING CUTS
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MPE0.2		√			FIRST FLOOR POWER & SIGNAL PLAN
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STRUCTURAL					
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MISCELLANEOUS					
		√			TITLE 24 REPORT

602 Georgia St.

Vallejo, CA 94590
APN: 0056-201-200

Jean Drolet (Owner)

Document Date:
February, 2018

Document Phase:
Construction Documents

rev.	date	remark
1	2/01/2018	General Plans For ADU Application
2	7/01/2018	Certificate of Approriateness
3	9/28/2018	Minor Updates
4	1/06/2019	Update Table of Contents
5	11/28/2019	Update Description

Project Data

A0.0

1 A0.1 South-East Perspective
NTS

2 A0.1 South-East Perspective (proposed)
NTS

3 A0.1 South-West Perspective
NTS

4 A0.1 South-West Perspective (proposed)
NTS

Produced by
Jean Drolet
602 Georgia St.,
Vallejo, CA, 94590
tel: (951)251-5326
jd_vallejo@netdynamo.com

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February 2018

Document Phase:
Schematic Design

rev.	date	remark
1	2/01/2018	General Plans For ADU Application
2	7/01/2018	General Plans For ADU and COA Application
3	11/28/2019	Reflects changes recommended by staff

Exterior Perspectives

A0.1

1 A0.2 North-West Perspective
From Indian Alley across Sutter, NTS

2 A0.2 North-West Perspective (proposed)
From Indian Alley across Sutter, NTS

3 A0.2 North-East Perspective
From neighbor's deck, NTS

4 A0.2 North-East Perspective (proposed)
From neighbor's deck, NTS

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Jean Drolet
602 Georgia St.,
Vallejo, CA, 94590
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3	11/28/2019	Reflects changes recommended by staff

Exterior Perspectives

A0.2

Image capture: Feb 2009 © 2020 Google

Gaffney used to park in her driveway until her husband bought an antique car. She then asked the City for a handicap space on the street claiming that it is to hard to maneuver into her 13'-wide driveway.

Image capture: Mar 2015 © 2020 Google

Image capture: Mar 2019 © 2020 Google

1 A0.3 Impacts on 810 Sutter

These three Google Street View photographs show the yard between 602 Georgia and 810 Sutter in 2009, 2015 and 2019.

- Historically the olive tree has been much larger than it is now. I reduced its size by over 75% in 2014 at the request of 810 Sutter. It has not grown much since.
- There will be no impact to air and light from the addition. The new addition will not even cast a shadow on the neighbor's properties.

2 A0.3 545 Georgia

Kitty corner from the applicant's property, this 4-story apartment building has a stunning brick facade and terra-cotta roof

3 A0.3 807 Sutter

Across Sutter street, this 3-story apartment building has a simple stucco facade but remains imposing due to its size.

Produced by
Jean Drolet
602 Georgia St.,
Vallejo, CA, 94590
tel: (951)251-5326
jd_vallejo@netdynamo.com

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Vallejo, CA 94590
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Jean Drolet (Owner)

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Document Phase:
Schematic Design

rev.	date	remark
1	10/31/17	General Plans For ADU Application
2	9/28/2018	Fixed Typos
3	2/29/2020	Added Google Street Views

Neighbor Photographs

A0.3

1 A0.4 810 Sutter

Directly to the North of the property lies a greek revival (could be American foursquare) single-family house. Despite its average size, it rises much higher than the applicant's property. (see also A0.4-3 below).

2 A0.4 601 Georgia

Directly across Georgia street lies a beige stucco apartment building that appears to have art-deco influences.

3 A0.4 810 Sutter

4 A0.4 610 Georgia

To the East, a large Victorian multi-family home with a narrow facade on Georgia extends deep to the back and sits back noticeably farther from the street than the applicant's home. It too towers above the applicant's home.

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rev.	date	remark
1	10/31/17	General Plans For ADU Application
2	9/28/2018	Fixed Typos
3	2/29/2020	Added Google Street Views

Neighbor Photographs

A0.4

A B C D E F G

1 2 3 4 5 6 7

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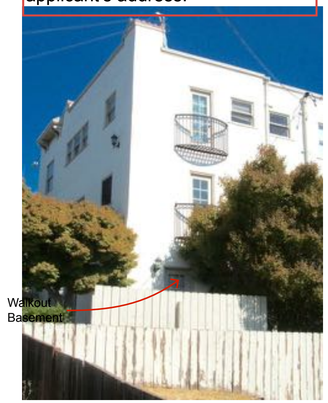
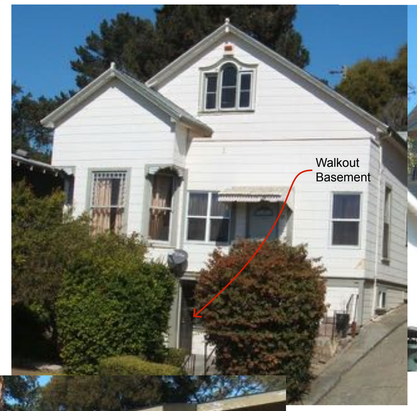
Jean Drolet
602 Georgia St.,
Vallejo, CA, 94590
tel: (951)251-5326
jd_vallejo@netdynamo.com

There are no less than 21 residential buildings with three or more stories within 500 feet of the applicant's address.



This house has 4.5 floors.

Recently received
COA
to rebuild two-story
building
and adding a garage
below.



602 Georgia St.

Vallejo, CA 94590
AAN: 0056-201-200

Jean Drolet (Owner)

Document Date:

Document Phase:
Schematic Design

rev.	date	remark
1	10/31/17	General Plans For ADU Application
2	9/28/2018	Fixed Typos
3	2/29/2020	Added Google Street Views

Myth Of The 3-Story House

A0.5

	A	B	C	D	E	F	G
1	817 Sutter	817 Sutter	530 Virginia	717 Eldorado	715 Eldorado	803 - 815 Virginia	720 Sutter
2	915 Sutter	915 Sutter					
3	700 Capitol		701 Capitol	606 Napa	718 York	514 Eldorado	526 York
4	712 Capitol	723 Capitol	740 Capitol	744 Georgia (Napa)	537 York	534 York	
5	701 Napa	645 Georgia	701 Georgia	610 York	599 York		
6		701 Virginia	700 Virginia	607 Sutter	545 York	531 York	
7	735 Virginia	721 Virginia	721 Virginia		610 Sutter	607 Sutter	

Additional Examples of Non-Conforming Driveways:

- 900 block of Napa
- 900 Capitol
- 706 Virginia
- 701 Virginia
- 815 Napa
- 812 Napa
- 820 York
- 426 Eldorado
- 718 York
- 613 Georgia
- 700 Carolina
- 1018 Sutter

*Approximate addresses based on Google Street View.

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jd_vallejo@netdynamo.com

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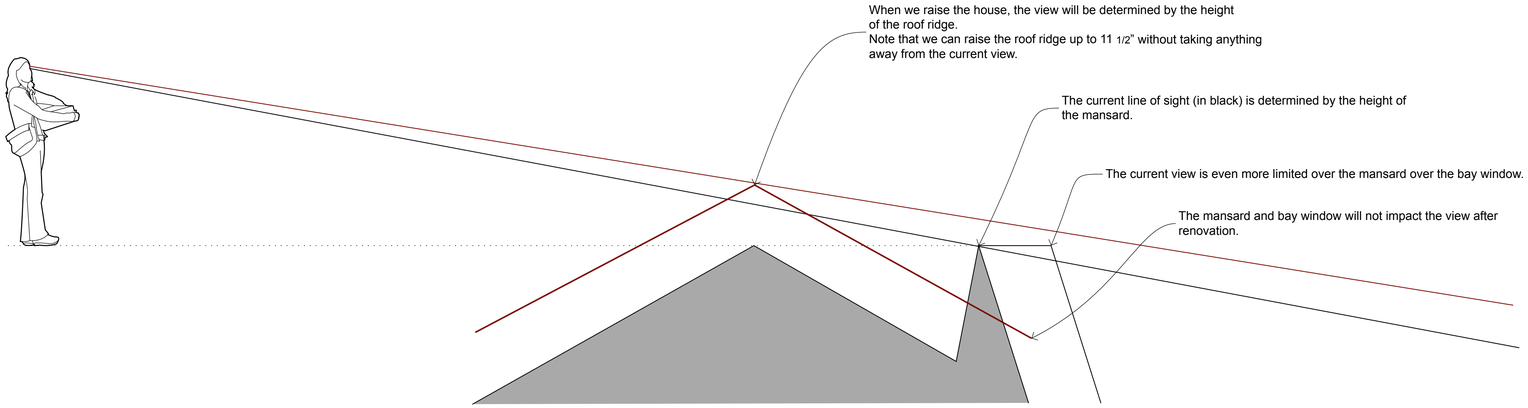
Document Phase:
Schematic Design

rev.	date	remark
1	10/31/17	General Plans For ADU Application
2	9/28/2018	Fixed Typos
3	2/29/2020	Added Google Street Views

Neighborhood Driveways

A0.6



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Jean Drolet
602 Georgia St.,
Vallejo, CA, 94590
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jd_vallejo@netdynamo.com

Approximate impact from raising the house 17 1/2"

Roof and mansard depicted at current elevation. Orange line shows the proposed new height.

Removing the mansard will improve the view at the ends of the house and mitigate the view impacts elsewhere.

Flashing is 3", but just a tiny line in the pictures below.

The mansard shingles can be recognized as the thick dark horizontal line in the pictures below.

Shingle exposure is 5".

Estimated View Impact
Top of Mansard
(flashing is thin gray line)
Top of Gable Roof

View from the bedroom balcony on the side of the house (Multiple Listing System, 2013)

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February, 2018

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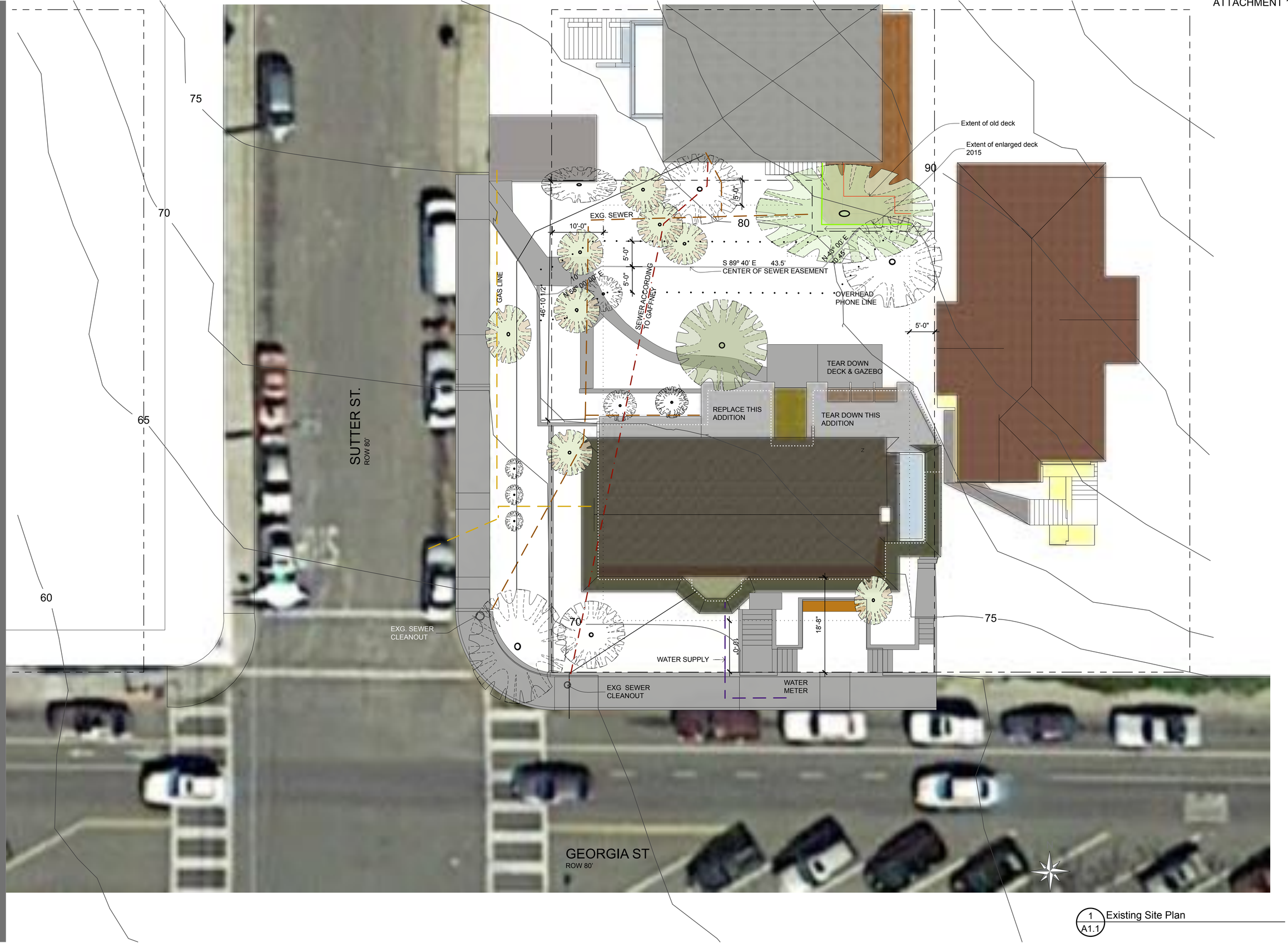
Construction Documents

rev.	date	remark
1	2/01/2018	Plans For Certificate Of Appropriateness
2	2/28/2020	Added model with 18" rise, and MLS pictures of the view.

VIEW IMPACTS simplified

A0.7



1 A1.1 Existing Site Plan

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Jean Drolet
602 Georgia St.,
Vallejo, CA, 94590
tel: (951)251-5326
jd_vallejo@netdynamo.com

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Document Date:
June, 2018

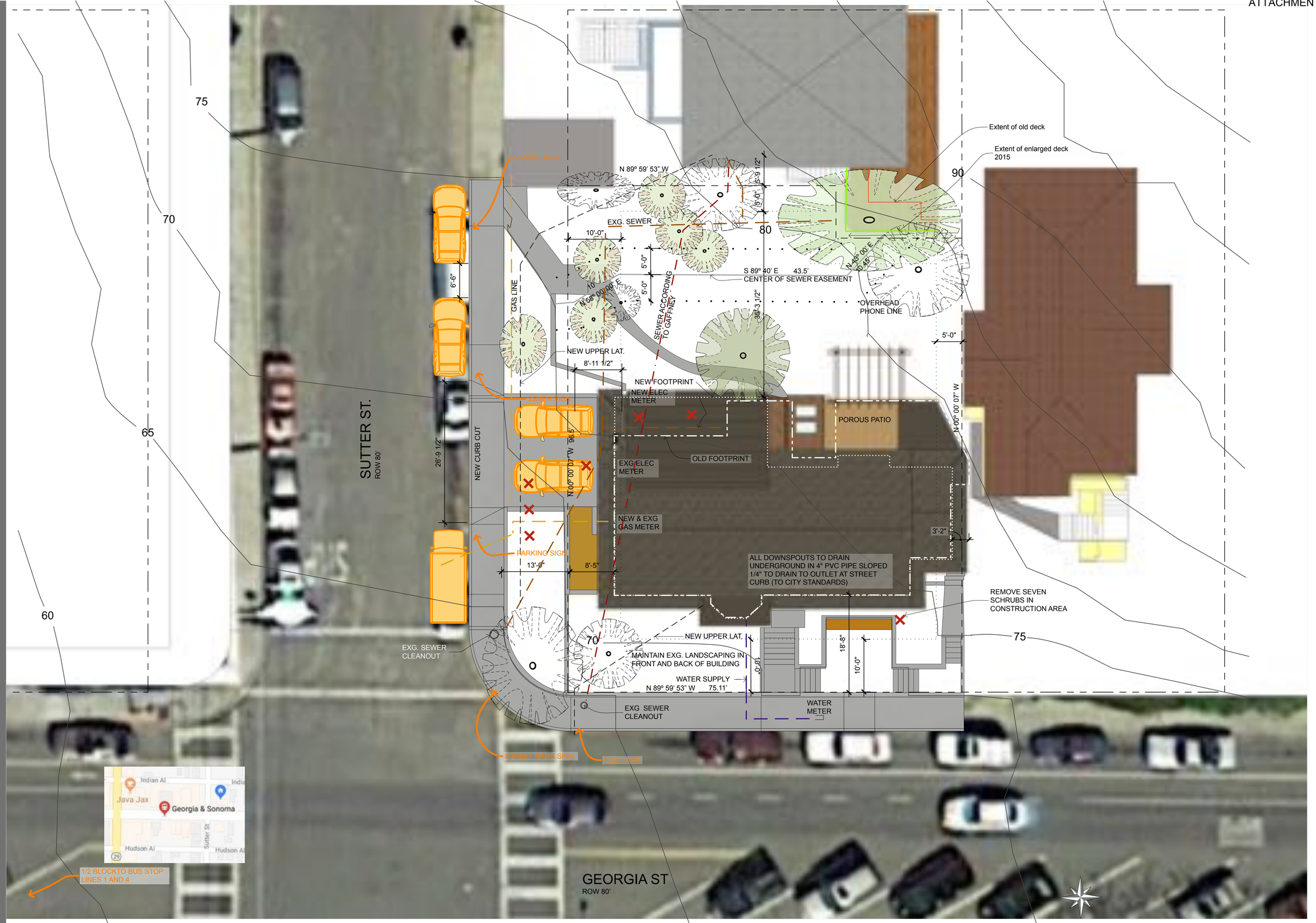
Document Phase:
Schematic Design

rev.	date	remark
1	2/01/2018	General Plans For ADU Application
2	9/28/2018	Fixed Typo
3	1/06/2019	Show new upper lat.
4	11/28/2019	Misc. Improvements

Scale: 1/16" = 1'
0 10 20

Existing Site Plan

A1.1



1 A1.2 Proposed Site Plan

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Jean Drolet
602 Georgia St.,
Vallejo, CA, 94590
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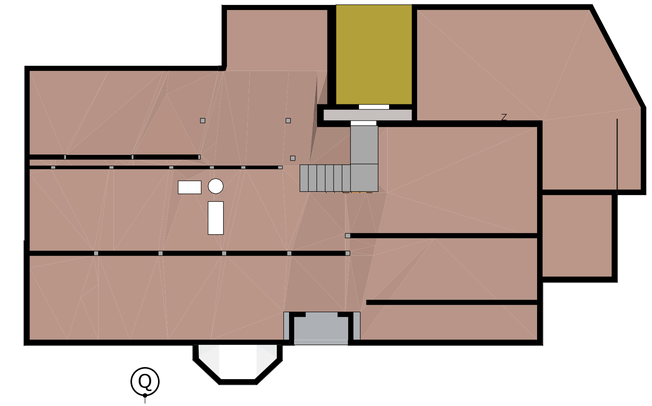
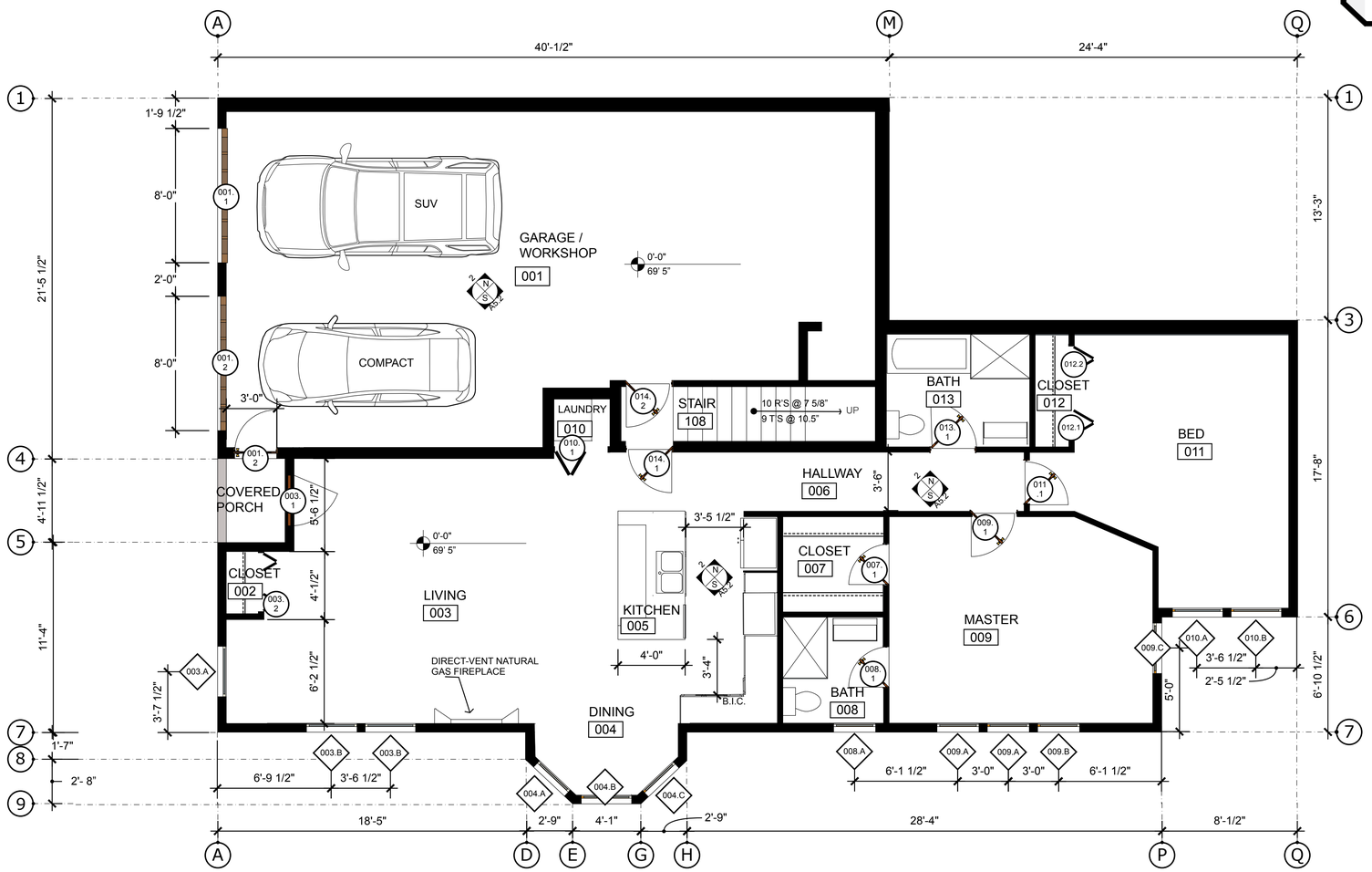
3	1/06/2019	Show new upper lat.
4	11/28/2019	Misc. Improvements

Scale: 1/16" = 1'
0 10 20

Proposed Site Plan

A1.2





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Jean Drolet (Owner)

Document Date:
February 2018

Document Phase:
Schematic Documents

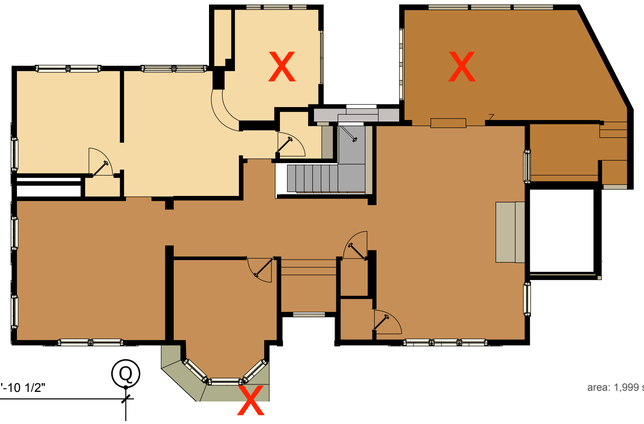
rev.	date	remark
1	12/15/17	1st Draft
2	2/01/2018	ADU SUBMISSION
3	2/19/2018	Fixed window numbering

0 5 10

Basement

A2.1

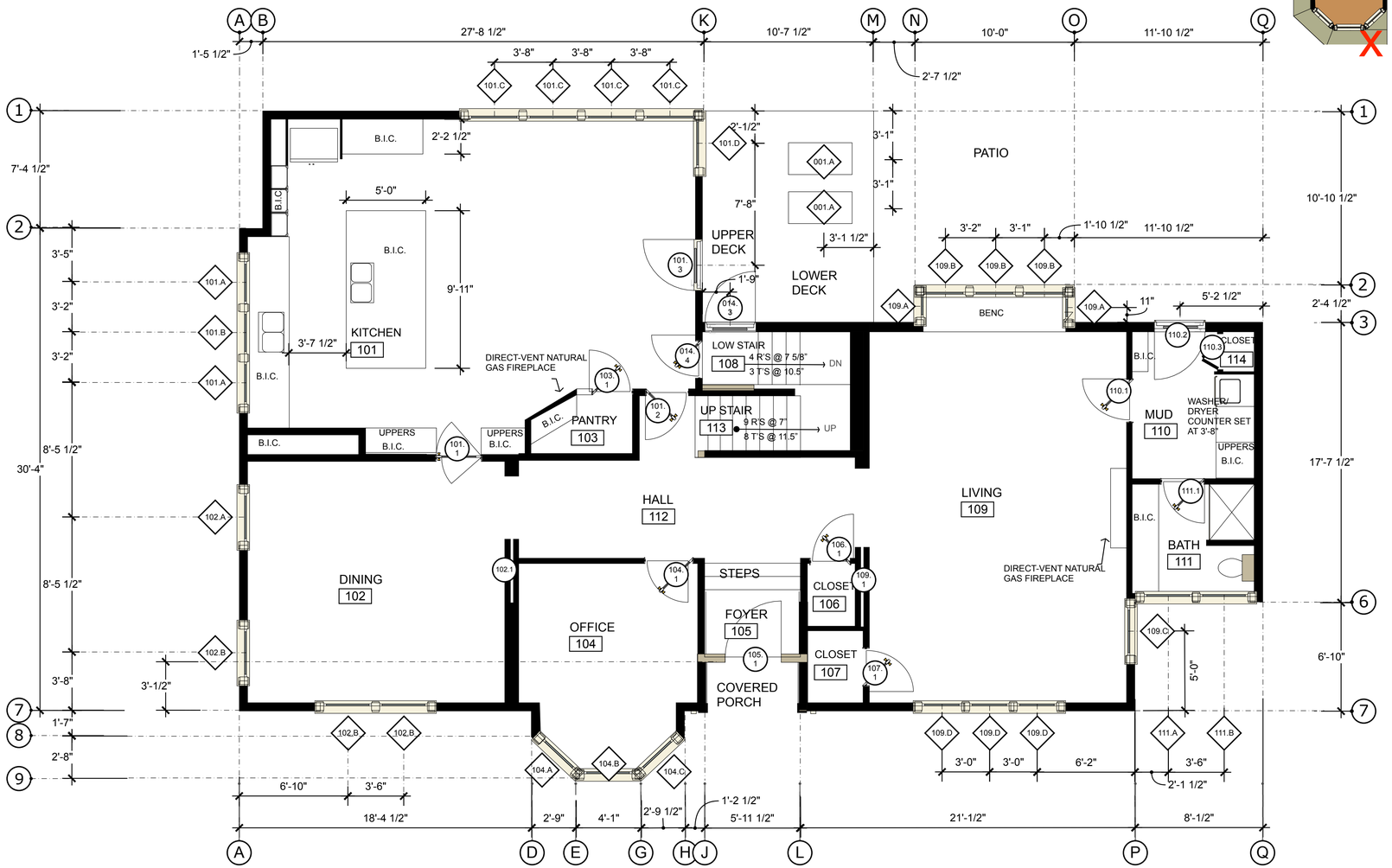
1 / A2.1 Basement
3/16" = 1' - 0"
area: 1,900 sf, (ADU: 1,200 SF)



N

Produced by
Jean Drolet
602 Georgia St.,
Vallejo, CA, 94590
tel: (951)251-5326
jd_vallejo@netdynamo.com

area: 1,999 sf



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Jean Drolet (Owner)

Document Date:
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Document Phase:
Schematic Documents

rev.	date	remark
1	12/15/17	1st Draft
2	2/01/2018	ADU SUBMISSION
3	2/19/2018	Fixed window numbering

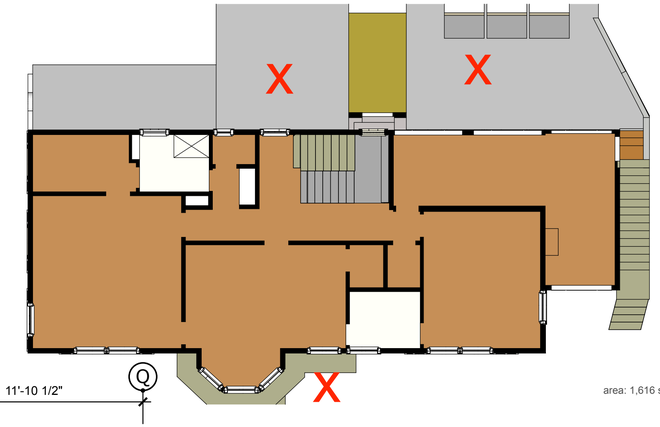
0 5 10

First Floor

A2.2

1 A2.2 First Floor
1/8" = 1' - 0"

area: 1,939 sf



area: 1,616 sf

N

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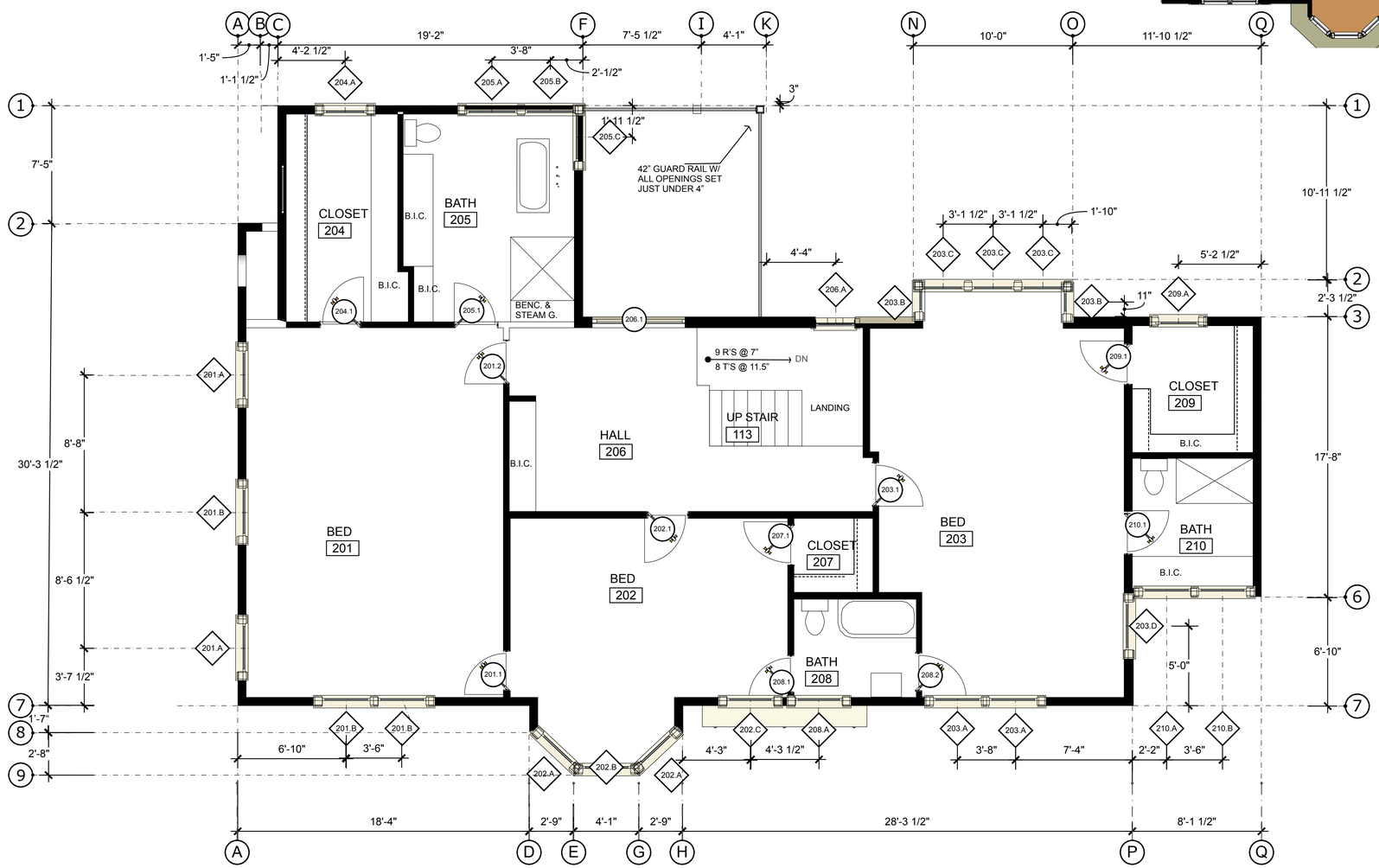
tel: (951)251-5326
jd_vallejo@netdynamo.com



area: 1,811 sf

1 Second Floor
A2.3 1/8" = 1' - 0"

602 Georgia St.

Vallejo, CA 94590
AAN: 0056-201-200

Jean Drolet (Owner)

Document Date:
February 2018

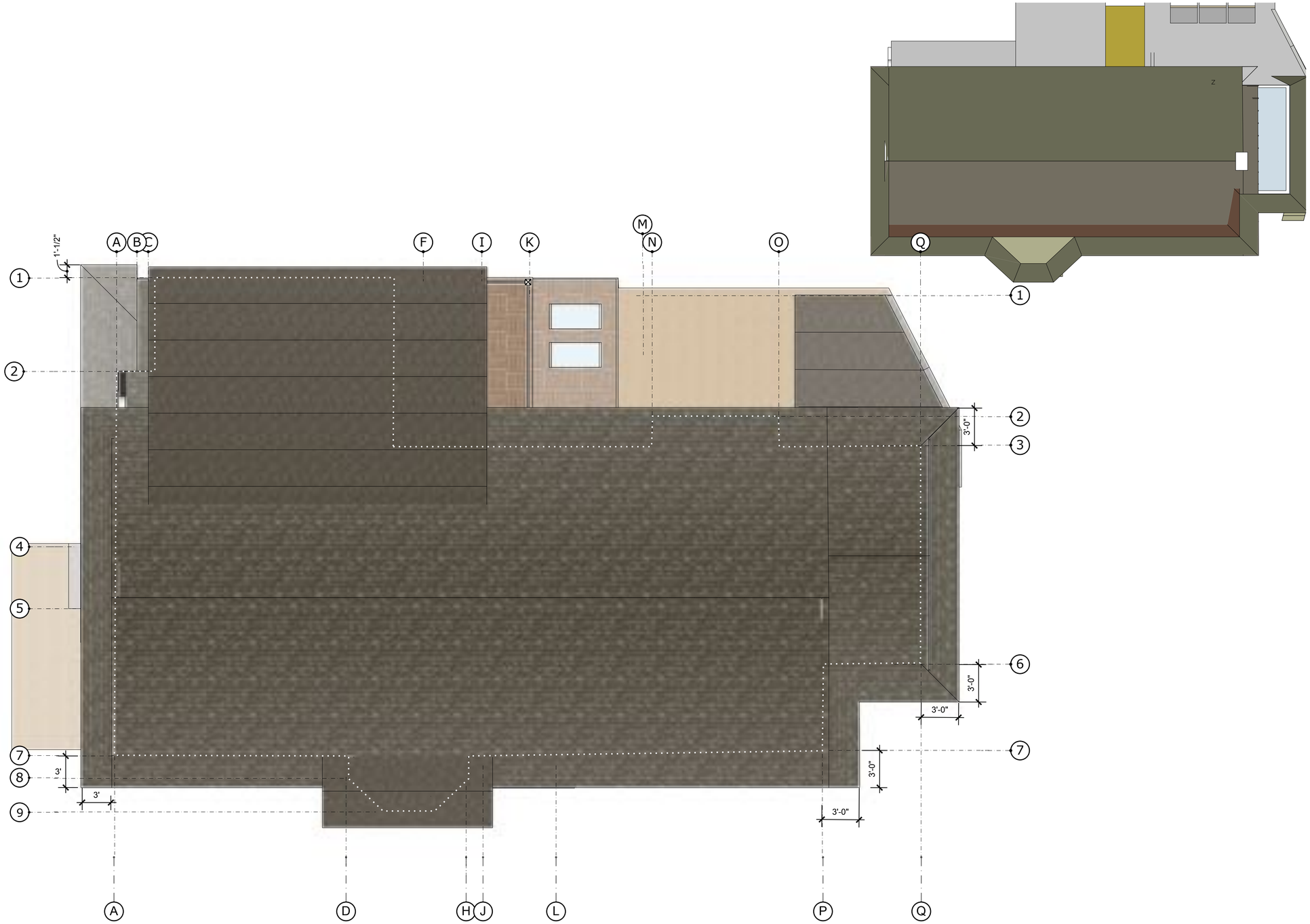
Document Phase:
Schematic Documents

rev.	date	remark
1	12/15/17	1st Draft
2	2/01/2018	ADU SUBMISSION
3	2/19/2018	Fixed window numbering

0 5 10

Second Floor

A2.3



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0 5 10

Roof

A2.4

1 / A2.4 Roof
1/8" = 1' - 0"

1 A3.1 South Elevation
1/8" = 1'-0"

2 A3.1 South Elevation (proposed)
1/8" = 1'-0"

The house will be lifted 17 1/2" over original elevation. Due differential settling, it will be lifted a few more inches near the SW corner and in the front, resulting in a lift of 19 1/2" at the front door.
The maximum total height will be 34' 2 1/2" above current grade (below the same as the 35' code limit). But the need to excavate the garage and basement apartment entrance brings the total height to 36' 6" above the basement floor for an eight foot clearance in the basement apartment.

Finishes
Class A Composite Shingles, Owens Corning Oakridge Driftwood with 5 5/8" exposure.

Retain existing wood shingles. Replace with factory-primed wood shingles as needed.

Trim: painted "cobble stone" made of wood, cellular PVC, or fiber cement.

Basement and new addition clad with James Hardie lap board with same exposure as shingles.

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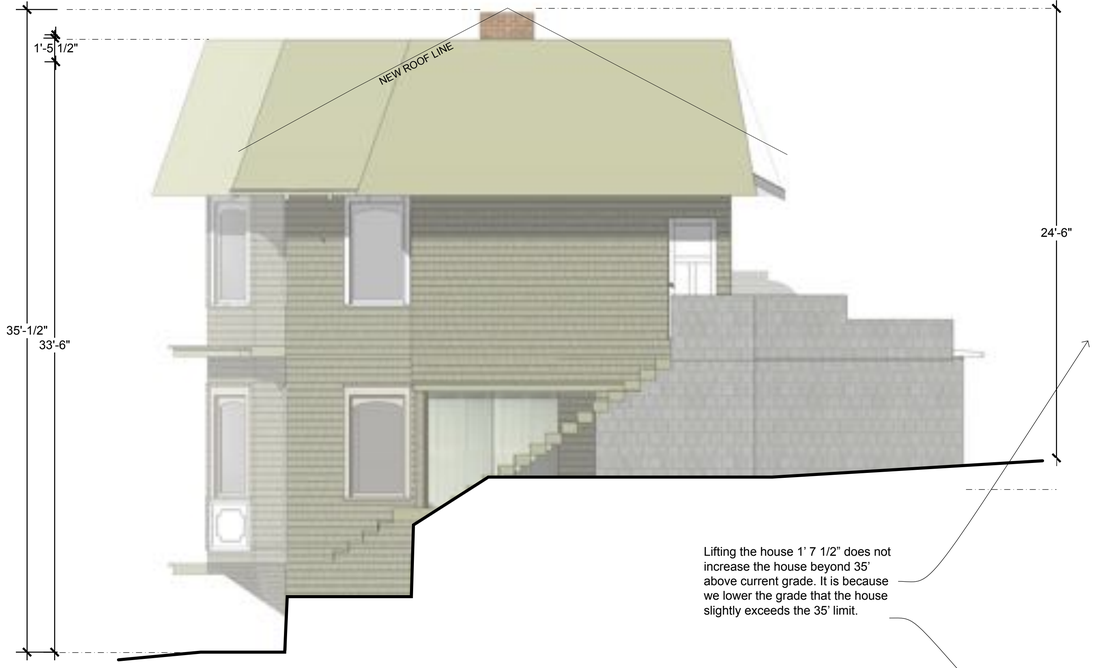
3	11/28/2019	With staff requirements and reviewed height
4	02/25/2020	Added Annotations

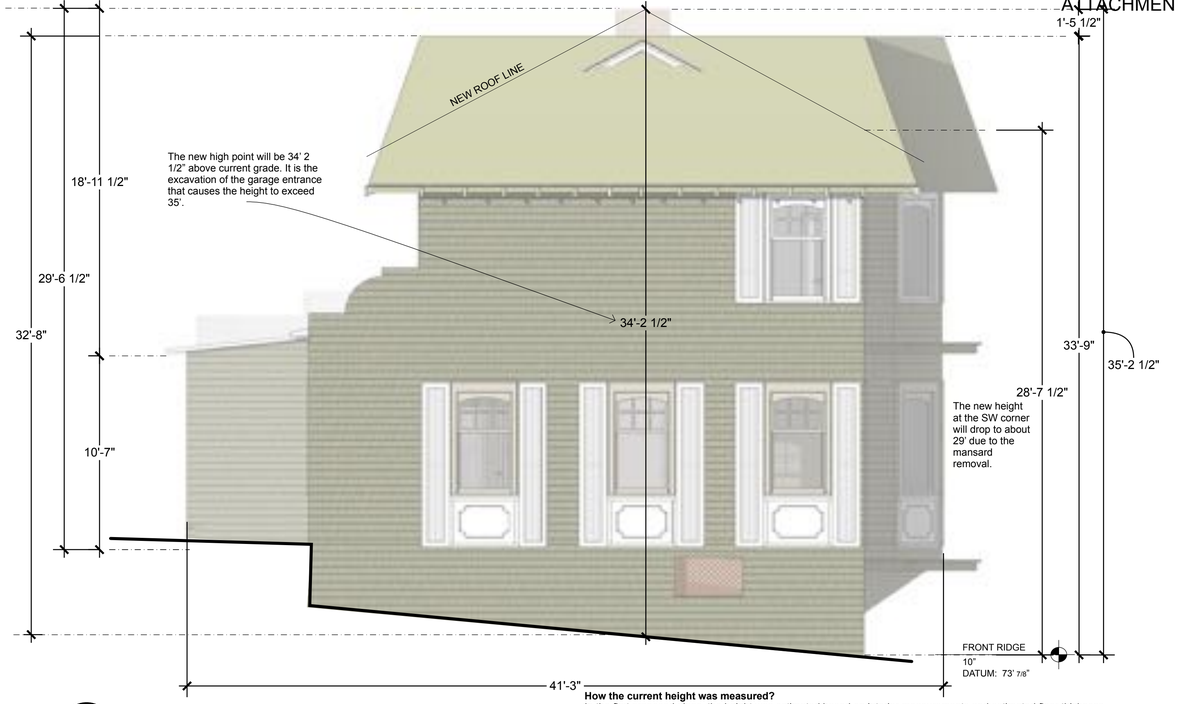
0 5 10

Elevations

A3.1



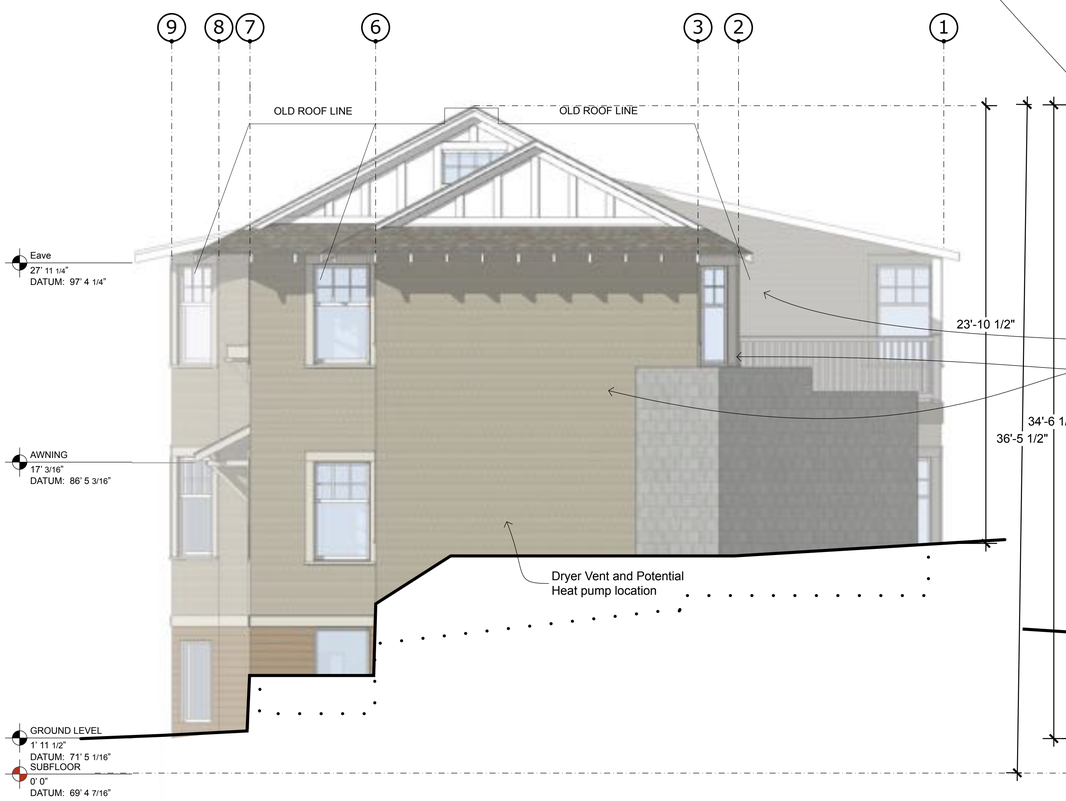
1 A3.2 East Elevation
1/8" = 1'-0"



3 A3.2 West Elevation
1/8" = 1'-0"

How the current height was measured?
In the first proposed plans, the height was estimated based on interior measurements and estimated floor thickness. All estimates were conservative and that resulted in a slight overestimation of the building height.
Following a neighbor's complaint, planning staff visited the house and attempted to measure the height on a rainy day. Due to the slippery wet roof, they were not able to access the roof for a direct measurement. This led to a second estimate of the building height.
Finally, I did a direct measurement of the building height, by extending a stick over the mansard. A rope attached to the level stick was allowed to drop to the landing at the front entrance of the house. The rope was marked at both ends and its length measured, leading to a height of 28' 5" from the surface of the landing to the top of the mansard. Then we followed the row of shingles that aligns with the landing surface to the SW corner of the house, where we measure 64" from the shingle row to the ground. This leads to a total height of 33' 9".

Lifting the house 1' 7 1/2" does not increase the house beyond 35' above current grade. It is because we lower the grade that the house slightly exceeds the 35' limit.



2 A3.2 East Elevation (proposed)
1/8" = 1'-0"

Driveway cuts through hill side below grade.
We may want to lower the grade a few more inches to allow for more headroom in the basement apartment without impacting the upper floors. Therefore we are requesting a minor exception to allow for a total height of 37' 6", which represents a 7% deviation from the standard, where a minor exception allows up to 25%.

4 A3.2 West Elevation (proposed)
1/8" = 1'-0"

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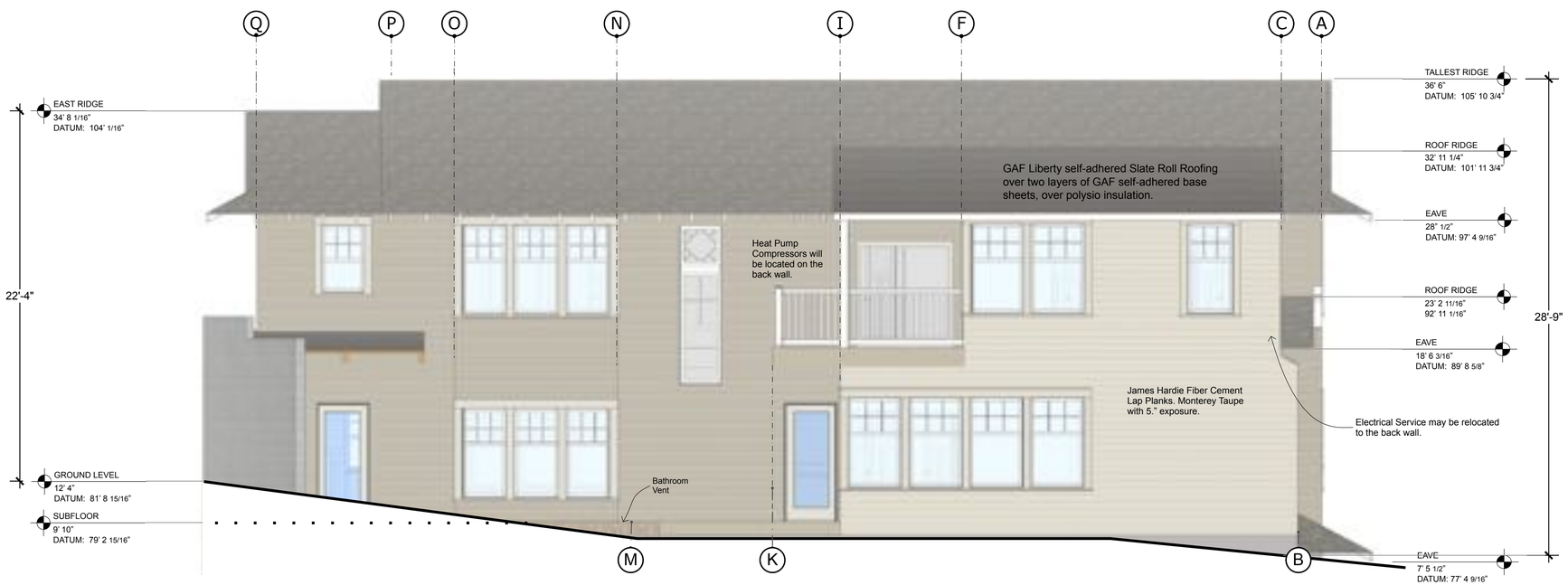
0 5 10

Elevations

A3.2

1 A3.3 North Elevation
1/8" = 1'-0"



2 A3.3 North Elevation (proposed)
1/8" = 1'-0"

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Elevations

A3.3

Understanding the Design Choices
602 Georgia St.

The best way to understand this design is to step back and look at the process that lead to it and where the owners come from.

I was born in a UNESCO world heritage site. I attended high school in a building that was burned by native americans and later damaged by cannon balls shot by british people who would become the first Americans. They later turned against the Crown and fought a famous battle under George Washington on the campus where I attended graduate school. Throughout much of my life, I have lived among some of the most famous historical sites on the continent and I have come to appreciate the value of historical buildings and how they can be improved to meet contemporary needs. My spouse also appreciates old buildings and loves to renovate them. It is no surprise that we bought a home in one of Vallejo's historical districts.

Nearly six years ago, we took a ferry trip and arrived in Vallejo from San Francisco on our bicycles. We started exploring Georgia Street in search of beautiful historical homes. We soon came across our home as we entered the Vallejo Historical Heritage District. It was a strange home; out of touch with its surroundings. It clearly had suffered from a bad sixties hangover. I could not help but scratch my head about this building. I could <u>feel</u> the potential for restoring this home, but I had no idea how to do it. My attention soon moved to other buildings along our path.

Six month later we started shopping for a home in Vallejo and eventually bought that strange green house.

I interviewed many architects for this project. A few would certainly do a great job, but the interview process convinced me that we could do a better job mostly on our own, not because we are more qualified, we are not, but rather because we could commit the very long hours needed to tackle this project. We researched and designed for hundreds of hours in order to reach the best compromise between the many design factors that affect this project. We still hired an architect to act in an advisory role and to make sure that we were on the right track. However, the proposal is ours and not that of an architect. It is the result of a long and deliberate process to restore the building's historical integrity while improving the building safety, sustainability, and usefulness without completely breaking the bank.

From the start, we understood that this house needed a lot of help: the appearance and differential settling would need solutions. Soon after we purchased our home, the seller gave us some old pictures that helped make sense of the situation. This pushed us on the path to restore the home to its former appearance.

Unfortunately, this house also needs major foundation work. Previous owners attempted to address the foundation and runoff issues. They failed because they did not really bite the bullet; pouring more concrete on clay without considering the soils bearing capacity does not solve the

problems. After learning that there is sandstone a few feet below the clay, my choice became clear. As a civil engineer I understand that the best solution is to sit a new foundation on the stronger soils. And if you are going to dig like this, you might as well add a basement... Initially we just wanted to add a garage to the basement. But given the housing crisis in California and the high cost of renovations, we chose to add an apartment also. That makes sense on so many levels.

We had two more problems to address: runoff and backyard access.

There is a difference of over 20ft. in elevation between the SW and NE corners of our lot. Unfortunately, this means that the NE corner is buried to some extent. This has exposed the wood structure to dirt and termites in the past. Previous owners, have partially mitigated this problem by grading that part of the property. However, they could not go far enough with grading alone. We think that we can address this problem by raising the house 11”, addingmajor french drains, and building a special foundation wall with a skirt that wraps around remaining part of the wood structure that is too close to the ground.

Currently, access to the backyard is awkward. We need to climb two steps to reach the yard. This is something that we need to think about as we grow older and lose mobility. This problem would also be addressed by raising the house 11”.

There has been some confusion regarding our proposal to raise the house and its impact on the neighborhood. Here is a few FAQs about raising the house:

- You say that you are raising the house 11” but in some place you mention raising the house 14”. Which is it?
  We are technically raising the house by 11” relative to its original elevation. However, because some parts of the house have settled more than others, it will be necessary to raise the house a little more in some areas just to make it level. So, the house will raise 11” in the NE corner, 14” at the front door and 16” in SW corner. In these three locations however, the removal of the mansard with drop the roof elevation by about five feet and thus make the house less imposing.
- How will raising the house impact its relation to neighboring buildings? Obviously the impact will be small because we are raising the house by just a small amount. However, the impact will not be as you might expect because we will also be removing the faux mansard. Although we will raise the house, it will appear to have been lowered from most vantage points (see A10.8). Because the house is currently dwarfed by its neighbors, any rise helps restore balance with the neighboring buildings.
- Will raising the house impact neighbor views? There will be no material impact on the view enjoyed by neighbors. The removal of the mansard cancels out much of the impact of raising the house on the view and even improves the view in some areas. There will be only small reductions and improvements to the view.
- Are you raising the house to avoid excavation costs in the basement? No. Our main objective is to protect the house from significant hillside runoff. A secondary objective is

to improve backyard access from the main floor. The amount of digging is not really a function of whether we raise the house or not. It is instead a function of reaching the sandstone on which to sit a strong foundation -- that is a primary goal.

- Why not raising the house more or less? Raising the house more would create a more harmonious relationship of the roof line with that of the neighboring house but any additional rise would impact the neighbor views as we already used the mitigating effect of removing the mansard, and further raising the house, risks turning it into a three-story house. Raising the house less would fail to address a major concern: runoff.

There are several benefits to this project both to the owner and the residents of Vallejo. The negative impacts are mostly transient.

Pros:

- Returns the building to it original First Bay Tradition appearance. This will greatly improve the appearance of this highly-visible intersection and support the historical component. It is also hoped that this project will encourage other owners to return their old homes to their original appearance.
- Seismically retrofits the foundation and strengthens the upper floors.
- Improves drainage around the property.
- Improves backyard access.
- Adds a high-quality accessible housing unit without subdividing the existing living space or increasing the building footprint. This will help mitigate the statewide housing crisis.
- Adds two covered and two uncovered parking spaces at the cost of only one on-street parking space. This will help mitigate the parking shortage in the area.
- Improves energy efficiency.
- Replaces carbon-based heating system with clean efficient electric conditioning.
- Replaces wood-burning fireplace with a more environmentally friendly alternative.
- Improves landscaping around the house.
- Improves kitchen, bedroom layouts and other interior elements.
- Pulls the house away from the property line.
- Improves the visibility of the yellow victorian next door by removing the mansard.

Cons

- Construction activities will cause some manageable disturbance during workdays.
- Expensive project with uncertain payback.

Other

- No material impact on the view enjoyed by neighbors. The net effect of raising the house and removing the faux mansard is too small to qualify as a pro or con.

If plan B were implemented, we would see none of these benefits and view impacts would be about the same.

CITY OF VALLEJO ARCHITECTURAL HERITAGE AND LANDMARKS COMMISION

RESOLUTION NO. AHLC 20-05

A RESOLUTION APPROVING CERTIFICATE OF APPROPRIATENESS #COA18-0018 FOR EXPANSION AND RENOVATION OF AN EXISTING SINGLE-FAMILY RESIDENCE AT 602 GEORGIA STREET

APN #0056-201-200

* *

I. GENERAL FINDINGS

WHEREAS, on August 29, 2017, the City Council adopted General Plan 2040; and

WHEREAS, the subject property is located at 602 Georgia Street and is designated as Assessor's Parcel Number (APN) 0056-201-200 (the "subject property"), zoned Low Density Residential (LDR) and is located within the Architectural Heritage District ("Heritage District"); and

WHEREAS, on July 1, 2018, Jean Drolet ("Applicant") submitted an application for a Certificate of Appropriateness ("COA") to expand and renovate an existing single-family residence at the subject property, including: removal of two prior additions, a false mansard-style roof, and other exterior features added in the 1970s; a new two-story addition of approximately 450 square feet; new windows and exterior siding; and a new driveway and basement garage/workshop (the "Project"); and

WHEREAS, on December 10, 2018, the above application was deemed complete for processing; and

WHEREAS, the Project is consistent with all applicable policies of General Plan 2040 and complies with all applicable development standards of the Vallejo Zoning Ordinance; and

WHEREAS, on June 4, 2020, the City of Vallejo Architectural Heritage and Landmarks Commission ("Commission"), after giving all public notices required by State law and the Vallejo Municipal Code ("VMC"), conducted a duly noticed public hearing to consider the Project, at which testimony and evidence, both written and oral, was presented to and considered by the Commission; and

WHEREAS, the Commission considered testimony and evidence, both written and oral, presented to the Commission, including the oral and written reports from City staff dated June 4, 2020, the report by Steven Treffers dated March 16, 2020, and other documents contained in the record of proceedings relating to the Project, which are maintained in the offices of the City of Vallejo Planning Division; and

WHEREAS, based on recommendations, testimony and evidence in the record and provided at the public hearing, the Commission makes the following findings for approval of the proposed COA:

II. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDING

A. The project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Sections 15301(e) (Class 1, "Existing Facilities") and 15331 (Class 31, "Historical Resource Restoration/Rehabilitation") of the CEQA Guidelines. The Class 1 exemption includes additions to existing structures not exceeding 50 percent of the existing floor area, or 2,500 square feet, whichever is less; the proposed addition falls within these limits. The Class 31 exemption applies to "maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the [Secretary's Standards]". As discussed in the staff report and Treffers report, the project is consistent with the Secretary's Standards.

III. FINDINGS RELEVANT TO THE APPROVAL OF THE COA (VMC Section 16.38.310)

A. With respect to property in an architectural heritage district or a historic district, the proposed work does not adversely affect the exterior features of the subject property or the relationship and congruity between the subject structure or feature and its neighboring structures and surroundings, including facade, setback, bulk, height, color and wall of continuity; nor does the proposed work adversely affect the special character or special historical, cultural, architectural or aesthetic interest or value of the district, based on the following facts and analysis, in addition to other facts and analysis presented in the staff report and Treffers report:

<u>Overall character</u>:

"The historic character of 602 Georgia Street is comprised of the physical characteristics that reflect its significance a First Bay Tradition-style home characteristic of Vallejo's early residential development. As detailed in the character-defining features above, these include its rectangular massing, two-story height, asymmetrical composition, and wood shingle-clad exterior. These elements will be retained following implementation of the project. Materials proposed to be removed, including non-original additions, wall panels, and metal railings, are non-original and do not contribute to the significance of the building."

<u>New windows</u>:

"Some original windows on the secondary elevations are proposed to be removed and replaced with compatible divided light windows. These original windows do contribute to the historic character of the building; however, the removal of all the original windows has affected the integrity of these features overall. The replacement of all the windows with historically compatible types will be improve the historic character of the building from its current appearance… Although the proposed windows will not be constructed of wood, the Standards

acknowledge the use of historic materials is not required. The new windows will be consistent in size, design, and configuration to the historic windows."

Addition and Garage Doors:

"Although an addition is proposed, it is located at the rear of the building and will not affect the overall rectangular massing of the building or the primary façade's asymmetrical composition. Further, while new garage doors and an entrance are proposed, they are below grade on a secondary elevation and will not be highly visible or affect the overall visual character of the building."

Shed Roof over Bay:

"Historically, the extending bay culminated in a tourelle which extended above the roof plane. This feature is not proposed to be reconstructed; however, the Standards do not dictate missing historical features be replaced in kind.[1] Rather they allow for the introduction of new features which are compatible to the overall historic character of the building. The proposed shed roof does not negatively affect the existing roof form or introduce a highly visible feature such as a new gable. Rather the shed roof is compatible with the original roof form, yet differentiated through its short extension."

Significance of 1970s Alterations:

"Although the 1972 NRHP nomination does not define a period of significance, the narrative discussion of the historic district's significance suggests it ends in the early twentieth century. Therefore the non-original additions and materials, which are proposed to be removed, do not reflect the important associations of the historic district and have not acquired significance in their own right. Instead, many alterations are at odds with the original design and character of the building and their removal will not negatively affect the historic character of the building."

Height Increase:

"As proposed, new additions and construction includes the slight raising of the building, the installation of a basement-level garage, and an addition at the rear of the building. The building will be raised to no more than 19.5" to prevent differential settling and meet seismic code. These two objectives are necessary of the longevity of the building and the safety of those who occupy it. The building will not be moved on the site and will remain in its current location. A height increase of 19.5" is minimal and will not be highly visible or affect the visual character of the building in any way."

NOW, THEREFORE, LET IT BE RESOLVED that based on the findings above, the evidence and testimony, both written and oral, presented at the public hearing, and information contained in the staff report attached hereto and incorporated herein by this reference, the Commission hereby approves application #COA18-0018, subject to the

[1] Weeks and Grimmer 2017, 78.

Conditions of Approval attached hereto as Exhibit A, and the plans attached hereto as Exhibit B.

PASSED AND ADOPTED at a regular meeting of the Architectural Heritage and Landmarks Commission of the City of Vallejo, State of California, on the 4th day of June, 2020 by the following vote to-wit:

AYES:
NOES:
ABSENT:

_____
ANGELA MCDONALD, CHAIRPERSON
City of Vallejo Architectural Heritage and Landmarks Commission

Attest:

_____
AARON SAGE, SECRETARY
City of Vallejo Architectural Heritage and Landmarks Commission

Exhibits:

A. Conditions of Approval
B. Project Plans

EXHIBIT A

CONDITIONS OF APPROVAL
CERTIFICATE OF APPROPRIATNESS (COA) #18-0018
602 GEORGIA STREET
APN: 0056-201-200

PROJECT DESCRIPTION

Expansion and renovation of an existing single-family residence, including: removal of two prior additions, a false mansard-style roof, and other exterior features added in the 1970s; a new two-story addition of approximately 450 square feet; new windows and exterior siding; and a new driveway and basement garage/workshop.

A. Planning Division

Staff Contact: Aaron Sage, (707) 648-5391, aaron.sage@cityofvallejo.net

Pre-Building Permit:

1. Prior to building permit issuance, obtain approval of a Minor Exception and Variance for the proposed building height and driveway. This condition shall be null and void if the Vallejo Zoning Ordinance is amended such that these approvals are no longer required.

2. Prior to building permit issuance, submit a numbered list to the Planning Division with a written response on how each condition of project approval contained in this report will be satisfied. The list should be submitted to the project planner who will coordinate development of the project. The approved COA will be included in the permit set after the cover sheet with each condition listed and how the applicant will address each condition in writing.

3. Prior to building permit issuance, the Planning Division shall confirm that the building permit drawings and subsequent construction substantially conform with the approved Planning application drawings.

4. Prior to building permit issuance, submit 3 sets of landscaping plans prepared by a registered landscape architect to the Planning Division for review and approval. The requirement for a registered landscape architect may be waived at the discretion of the Planning Manager. Landscape plans shall comply with Chapter 16.70 (VMC), and are to include the following:

    a. Location, species and size of all mature trees six inches in trunk diameter or greater;
    b. Replacement of any mature trees to be removed;
    c. One City-approved street trees to be planted at least 6 feet from any sewer line;
    d. Specification of low-growth-type species adjacent to doors, windows, and walkways;
    e. Low-water-using and drought-resistant plant materials;
    f. Screening of the required backflow preventers;

g. All trees to be a minimum of 15-gallon, double staked; at least 50 percent of the proposed shrubs shall be a minimum of 5-gallon;
h. Irrigation plan indicating all components of the irrigation system including sprinklers and other outlets, valves, backflow prevention devices, controllers, piping and water usage.

Overall Project:

5. All vents, gutters, downspouts, flashings, electrical conduits, etc., shall be painted to match the color of the adjacent surface.

6. All mechanical equipment and utility meters shall be screened in a manner approved by the Planning Division. Electrical transformers shall be screened or placed underground.

7. Proposed landscaping shall be completed prior to obtaining certificate of occupancy.

8. Required landscaping shall be maintained in a neat, clean, and healthy condition. This shall include pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and the regular watering of all plantings.

9. All roof-mounted mechanical devices and their components such as air conditioners, heating equipment, exhaust fans, vents or ducts, or similar equipment shall be screened from view in a manner approved by the Planning Division. All wall-mounted air conditioners shall be flush mounted.

10. Obtain an inspection from the Planning Division prior to occupancy/final building inspection. All inspections require a minimum 24-hour notice. Occupancy permits shall not be granted until all construction and landscaping is completed and finaled in accordance with the approved plans and required conditions of approval or a bond has been posted to cover all costs of the unfinished work as agreed to by the Planning Manager.

11. Construction-related activities shall be limited to between the hours of 7 a.m. and 6 p.m., Monday through Saturday. No construction is to occur on Sunday or federal holidays. Construction equipment noise levels shall not exceed the City's maximum allowable noise levels.

12. The project shall be constructed and operated in accordance with the authorized use as described in the application materials, staff report, and approved plans [COA18-0018] (dated February 2020), as attached to the June 4, 2020 AHLC staff report and as amended by the following Conditions of Approval (COA). Any additional uses or facilities other than those approved with this permit as described in the project description and the approved plans will require a separate application and approval. Any deviation from the approved drawings and COA shall require prior written approval from the Planning Manager or his or her designee.

13. The Planning Manager or his/her designee shall conduct a site visit prior to the issuance of an occupancy permit by the Building Division to confirm compliance with approved plans, conditions of approval, and code requirements.

14. The Certificate of Appropriateness shall expire 18 months from the date of approval unless construction permits are obtained and work has begun. The effective date of the permits and approvals is December 4, 2021 (if approved and not appealed).

15. A request for a time extension from the expiration date of December 4, 2021 (if approved) can be considered if an application with required fee is filed at least 45 days before the original expiration date, otherwise a new application is required. A public hearing will be required for all extension applications, except those involving only Design Review. Extensions are not automatically approved. Changes in conditions, City policies, surrounding neighborhood, and other factors permitted to be considered under the law, may require, or permit denial.

16. Applicant shall indemnify, hold harmless, and defend City, its officers, officials, directors, employees, agents, volunteers and affiliates and each of them from any and all claims, demands, causes of action, damages, costs, expenses, actual attorney's fees, applicant's fees, expert fees, losses or liability, in law or in equity, of every kind and nature whatsoever arising out of or in connection with Applicant's operations, or any subcontractor's operations, to be performed under this agreement for Applicant's or subcontractor's tort negligence including active or passive, or strict negligence, including but not limited to personal injury including, but not limited to bodily injury, emotional injury, sickness or disease, or death to persons and/or damage to property of anyone, including loss of use thereof, caused or alleged to be caused by any act or omission of Applicant, or any subcontractor, or anyone directly or indirectly employed by any of them or anyone for the full period of time allowed by the law, regardless to any limitation by insurance, with the exception of the sole negligence or willful misconduct of the City. No modification of the project, any application, permit, certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the Applicant's indemnity obligation.

B. Building Division

Staff Contact: Steve Arnold, (707) 648-4387, steve.arnold@cityofvallejo.net

1. Must comply with the current Building Code and Standards.

2. Must obtain permit and pay fees.

C. Vallejo Flood and Waste Water

Staff Contact: Gus Silva, (707) 648-8949, gussilva@vallejowastewater.org

1. Must fill out Sanitary Sewer & Storm Drain Information Form and pay District Connection Fees.

2. Approval of this Certificate of Appropriateness does not constitute an encroachment or construction permit for new sanitary sewers, nor is it intended to confer any rights upon the applicant in the pending lawsuit between the applicant and the owner of the adjacent property to the north (810 Sutter Street). Approval of sewer permits shall be at the sole discretion of the Vallejo Flood & Wastewater District.

D. Public Works

Staff Contact: Philip Ho, (707) 554-5902, Philip.ho@cityofvallejo.net

Specific project conditions are as follows:

1. Submit civil drawings including but not limited to improvement plans, grading plans erosion control plans and utility plans. Plans shall have City Standard Cover Sheet. (COV, Regulations & Standard Specifications, 2011).

2. Submit engineer's cost estimate for the proposed development consistent with the City's unit price for all construction items. Deposit plan review fee when submitting the plans for review.

3. Shall comply with ADA accessibility requirements. The proposed driveway shall meet City current ADA standard. (VMC Chapter 16.75.030; PW22)

4. Site plan to identify new or proposed impervious areas. C.3 is not required. Stormwater shall be collected on-site and conveyed to public storm drain system. Stormwater shall not drain to or impact adjacent properties.

5. Sutter Street front yard landscaping shall only have ground cover and/or trees for driveway visibility.

Standard Conditions: The following code requirement conditions will apply prior to detailed construction plans submitted to the city for review:

PW1. **HOW PROJECT CONDITIONS SATISFIED.** Prior to building permit issuance, submit a numbered list to the **Planning Division** stating how each condition of project approval contained in this report will be satisfied. The list should be submitted to the project planner who will coordinate development of the project.

PW2. **PUBLIC IMPROVEMENT STANDARDS.** All public improvements shall be designed to City of Vallejo standards and to accepted engineering design standards. The **City Engineer** has all such standards on file and the Engineer's decision shall be final regarding the specific standards that shall apply. (COV, Regulations & Standard Specifications, 2011).

PW3. **IMPROVEMENT PLANS.** Prior to building permit submittals, submit three sets of plans to the **Department of Public Works** for plan check review and approval. (Improvement or civil plans are to be prepared by a licensed civil engineer.) Plans are to include, but may not be limited to, grading and erosion control plans, improvement plans, joint trench utility, street light plans, and landscaping, irrigation and fencing plans and all supporting documentation, calculations and pertinent reports. (COV, Regulations & Standard Specifications, 2011, Section 1.1.7–A).

PW4. **GRADING** Prior to issuance of grading permit, submit a soils report for review. An independent soils and geological review of the project may be required. The City shall select the soils engineer with the cost of the study to be borne by the developer/project sponsor. Site grading shall comply with City Municipal Code. (VMC, Chapter 12.40).

PW5. **LINE OF SIGHT CRITERION.** In design of grading and landscaping, line of sight distance shall be provided based on Caltrans standards. Installation of fencing, signage, above ground utility boxes, etc. shall not block the line of sight of traffic and must be set back as necessary. (VMC, Section 10.14).

PW6. **ON-SITE SOILS ENGINEER.** During grading operations, the project geologist or soils engineer and necessary soils testing equipment must be present on site. In the absence of the soils engineer or his representative on site, the **Department of Public Works** shall shut down the grading operation. (VMC, Section 12.40.080.

PW7. **DUST AND EROSION CONTROL.** All dust and erosion control shall be in conformance with City standards and ordinances. (VMC, Sections12.40.050 & 12.40.070).

PW8. **COMPACTION TESTS.** Prior to building permit issuance or acceptance of grading, compaction test results and certification letter from the project soils engineer and civil engineer confirming that the grading is in conformance with the approved plans must be submitted to the **Department of Public Works** for review and approval. Test values must meet minimum relative compaction recommended by the soils engineer (usually at least 90 percent). (COV, Regulations & Standard Specifications, 2011, Section 2.4.1).

PW9. **DRIVEWAY STANDARDS.** Entrances to any private project must be standard driveway approaches unless deviation is permitted by the **City Engineer**. (VMC, Section10.04.260).

PW10. **STREET EXCAVATION PERMIT.** Obtain a street excavation permit from the **Department of Public Works** prior to performing any work within City streets or rights-of-way, or prior to any cutting and restoration work in existing public streets for utility trenches. All work shall conform to City standards. (VMC, Section 10.08).

PW11. **ENCROACHMENT PERMIT.** Prior to building permit issuance, obtain an encroachment permit from the **Department of Public Works** for all work proposed within the public right-of-way. (VMC, Section 10.16).

PW12. **TRAFFIC CONTROL PLAN.** Prior to start of construction; submit a traffic control plan to the **Department of Public Works** for review and approval. (CA MUTCD).

PW13. **COORDINATION OF CONSTRUCTION INSPECTION.** Construction inspection shall be coordinated with the **Department of Public Works** and no construction shall deviate from the approved plans. (COV, Regulation & Standard Specification Sections 1.1.4 & 1.1.5).

PW14. **PLAN CHANGES.** The project design engineer shall be responsible for the project plans. If plan deviations are necessary, the project engineer must first prepare a revised plan or details of the proposed change for review by the **Department of Public Works** and, when applicable, by **Vallejo Flood and Wastewater District**. Changes shall be made in the field only after approval by the City. At the completion of the project, the design engineer

must prepare and sign the "as built" plans. (COV, Regulation & Standard Specification Section 1.1.9).

PW15.**BONDS AND FEES.** Prior to approval of construction plans, provide bonds and pay applicable fees. Bonding shall be provided to the City in the form of a "Performance Surety" and a separate "Labor and Materials Surety" in amounts stipulated by City ordinance. (VMC, Section 15.12.090)

PW16.**INSTALL IMPROVEMENTS.** Prior to occupancy/final building inspection, install the improvements required by the **Department of Public Works** including but not limited to streets and utilities.

PW17.**SIDEWALK REPAIR.** Prior to occupancy/final building inspection, remove and replace any broken curb, gutter, sidewalk or driveway approach as directed in the field by the **City Engineer**. (VMC, Section 10.04).

PW18.**FLOOD PROTECTION.** NA

PW19.**STREET TREES.** Prior to release for occupancy, plant required street trees in accordance with City Municipal Code. The list of approved trees is available in the office of the Public Works Director. The minimum standard shall be at least one tree for each 50 feet of street frontage or fraction thereof, including secondary or side streets. Street tree(s) shall be inspected by Public Works Landscape Inspector prior to release for occupancy. (VMC, Section 15.06.190 and Regulations and Standard Specifications Section 3.3.48).

PW20.**JOINT TRENCH**. The developer shall provide joint trench plans for the underground electrical, gas, telephone, cable television and communications conduits and cables including the size, location and details of all trenches, location of all building utility service stubs and meters and placement or arrangements of junction structures as a apart of the Improvement Plans submitted for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer. (VMC, Sections 15.06.160&170).

PW21.**SIGNAL INTERCONNECT CABLES**. There may be fiber optic and /or copper signal inter connect cables located at the edge of the roadway or under the sidewalk. The plans should address either the relocation of these cables or a note should be made of the cable location. A warning should be included on the plans stating that if the cable damaged, the entire length of the cable between the two nearest hubs will be will be replaced by the contractor unless otherwise authorized by the City Engineer.

PW22.**ADA COMPLIANCE WITHIN CITY ROW.** In order to ensure ADA compliance within any and all City ROW, ADA compliance will be addressed in accordance to the state government and federal codes: HEALTH AND SAFETY CODE DIVISION 13 PART 5.5. ACCESS TO PUBLIC ACCOMMODATIONS BY PHYSICALLY HANDICAPPED PERSONS [**19955** - 19959.5] (Part 5.5 added by Stats. 1969, Ch. 1560.)
http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=13.&title=&part=5.5.&chapter=&article=
GOVERNMENT CODE DIVISION 5 CHAPTER 7 ACCESS TO PUBLIC BUILDINGS BY PHYSICALLY HANDICAPPED PERSONS [4450 – 4461] (Chapter 7 added by Stats. 1968, Ch. 261.)

http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=5.&title=1.&part=&chapter=7.&article=
FEDERAL
THE AMERICAN WITH DISABILITIES ACT OF 1990
https://www.ada.gov/2010_regs.htm

E. FIRE PREVENTION
Staff Contact: Vincent Sproete, (707) 648-4565, Vincent.sproete@cityofvallejo.net

1. All building, facilities and improvements shall be accessible to fire department apparatus by way of approved access roadways. Access is approved.

2. Prior to final inspection, in accordance with the 2019 California Fire Code approved address numbers shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall clearly contrast with their background. The characters shall be a minimum of 4" high with a 1/2" stroke. The size of the building and distance or location of the address numbers from the roadway may necessitate larger numbers.

3. Provide smoke detectors in all sleeping rooms and common hallways. Detectors shall be hardwired with battery backup. Electrical circuits supplying detectors shall be separate dedicated lines with no other devices on the circuits.

4. Provide carbon monoxide detectors outside each sleeping area in the immediate vicinity of the bedrooms.

5. All fire-sprinkler systems shall be designed and installed i1accordance with NFPA Standard 130, and the California Fire, Building, Residential and Plumbing Code. Submit two sets of plans to the Vallejo Fire Department. Water flow calculations can be provided by the Vallejo Water Department.

6. A final inspection from the Fire Prevention Division is required.

F. WATER DIVISION
Staff Contact: Melissa Cansdale, (707) 553-7223, Melissa.cansdale@cityofvallejo.net

A. CODE REQUIREMENTS. All code requirements as stated in Title 11 of the Vallejo Municipal Code (VMC) and Vallejo Standard Specifications and Standard Drawings adopted in 2011 (VSSSD) that apply to this project shall be conformed to. The project is being made aware of codes that require extra attention by the following items.

1. **WATER SYSTEM PLANS (VSSSD Section 4.1).** All water system improvements shall be consistent with the latest Vallejo Water System Master Plan, prepared by Kennedy/Jenks Engineers. Prior to Improvement plan approval and building permit issuance, water system improvement plans shall be

submitted to the Water Department for review and approval, and shall contain at least:

a. Location and size of fire sprinkler service connection(s).

b. Location and size of existing and proposed domestic service connection(s).

c. Location and size of irrigation service connection(s), if any.

d. Location of fire hydrants.

e. Location of structures with respect to existing public water system improvements, such as mains, meters, etc.

f. Location and size of any new water mains.

g. Location and size of backflow prevention devices (required on water service connections to irrigation systems, certain commercial water users, and to commercial fire sprinkler systems, per City Ordinance 922 N.C. (2d).

2. **FIRE FLOW REQUIREMENTS (VSSSD Section 4.1).** Fire flow requirements of the Fire department shall be complied with. Fire flow at no less than 25 psig residual pressure shall be available within 1,000 feet of any structure. One half of the fire flow shall be available within 300 feet of any structure.

   a. For single family residential units, the fire flow is 1,500 gpm.

   b. For other developments, see the Vallejo Water System Master Plan, 2015, prepared by Kennedy Jenks.

3. **HYDRAULIC CALCULATIONS (VSSSD Section 4.1).** Prior to Improvement Plan and building permit issuance, hydraulic calculations shall be submitted to the Water Director demonstrating that the fire flow requirements are complied with.

4. **FIRE PROTECTION SYSTEMS (VSSSD Section 4.1).** Fire hydrant placement and fire sprinkler system installation, if any, shall meet the requirements of the Fire Department. For combined water and fire services, the requirements of both the Fire Department and the Vallejo Water System Master Plan, with latest revisions, shall be satisfied.

5. **WATER EASEMENTS (VSSSD Section 4.1).** Easements shall be granted for all water system improvements installed outside the public right-of-way in the City's Standard Form for Grant of Water Line Easement with the following widths:

   a. 15 ft. wide (minimum) for water mains.

b. 10 ft. wide (minimum) for fire hydrants, water meters, backflow preventers, double detector check valves, etc

.

c. Other facilities will be reviewed by the Water Department.

6. **WATER METERS (VMC 11.04.110 and 11.16.090).** Each parcel shall be metered separately and shall have a separate fire sprinkler service connection.

7. **WATER SERVICE BONDS AND FEES (VMC Sections 11.16, 11.18, 11.20 and 11.24).** Water service shall be provided by the City of Vallejo following completion of the required water system improvements and payment of applicable fees. Performance and payment bonds shall be provided to the City of Vallejo prior to construction of water system improvements. Fees include those fees specified in the Vallejo Municipal Code including connection and elevated storage fees, etc., and fees for tapping, tie-ins, inspections, disinfection, construction water, and other services provided by the City with respect to the water system improvements. The Water Department may be contacted for a description of applicable fees. These fees have to be paid prior to issuance of the building permit.

B. CONDITIONS OF APPROVAL

1. Apply and pay for Fire Flow Test with the Water Department in order to determine operation of sprinkler system and final service size.

2. Provide water meter and service sizing calculations per most recent California Plumbing Code, include a water fixture count table.

3. As of January 1, 2011, all new residential construction will require fire sprinklers to be installed per the 2010 California Residential Code. Therefore, a NFPA 13 D automatic fire sprinkler system with a minimum 1" Tap and Meter Set is required.

4. As of January 1, 2018, all units in multi-family, commercial, or combination thereof, buildings shall be individually metered (if existing plumbing allows or is re-configured) by the City, additional meters at the owner/applicant's expense; or, master metered by the City, and sub-metered by the property owner, with approved/certified meters. Per California Senate Bill 7 (SB7).

5. A reduced pressure backflow device at the water meter is not required for a Residential Multipurpose Piping Sprinkler System unless one of the following is present: swimming pool, spa, hot tub, gray water irrigation system, sewage ejector pump, solar water heating system, ethylene or propylene glycol system, well or any other cross- connections.

6. **WATER SYSTEM INSTALLATION.** Prior to occupancy or final building inspection, install water system improvements as required. Backflow device/s where required

shall be installed in areas hidden from public view and/or shall be mitigated by landscaping.

Rincon Consultants, Inc.

449 15th Street, Suite 303
Oakland, California 94612

510 834 4455 OFFICE

info@rinconconsultants.com
www.rinconconsultants.com

March 16, 2020
Project No. 19-07740

Aaron Sage
Principal Planner
City of Vallejo
555 Santa Clara Street
Vallejo, California 94590
Via email: aaron.sage@cityofvallejo.net

Subject: Historical Resources Impacts Assessment for the 602 Georgia Street Project in Vallejo, California 94590

Dear Mr. Sage:

Rincon Consultants, Inc. (Rincon) was retained to conduct a historical resources impacts assessment for a project at 602 Georgia Street, Vallejo, California. The proposed project involves various improvements to an existing single-family residential building originally constructed in 1915. The residence is included in the National Register of Historic Places (NRHP)-listed Vallejo Old City Historic District and therefore is considered a historical resource as defined in Section 15064.5(a) of the California Environmental Quality Act (CEQA) Guidelines.[1] The current assessment was prepared to determine if the project conforms with the Secretary of the Interior's Standards for Rehabilitation (Standards) and would result in an impact to a historical resource.[2] Per Section 15064.5(b)(3) of the CEQA Guidelines, a project that is found to comply with the Standards generally mitigates impacts to a less than significant level. Methods for the current assessment included a review of project plans and relevant historic documentation, a site visit, and preparation of this memorandum to present the results.

The impacts assessment was conducted by Senior Architectural Historian Steven Treffers, M.H.P, Debi Howell-Ardila, M.H.P., and Architectural Historian Alexandra Madsen, M.A., all of whom meet the Secretary of the Interior's *Professional Qualification Standards* (PQS) for architectural history and history. With 10 years of experience in historic preservation planning in California, Mr. Treffers has extensive experience with CEQA Standards-compliance reviews and historical resources assessments.

[1] Architectural Heritage Society. 1973. National Register of Historic Places Nomination for Vallejo Old City Historic District. Listed on March 20, 1973.
[2] Kay Weeks and Anne Grimmer, *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*. National Park Service, Washington, D.C., 2017.

Project Description

The project involves exterior alterations to the single-family residence located at 602 Georgia Street. Proposed alterations include additions, removal of non-historic or non-character-defining features, and restoration of some original features. Specifically these are:

- Removal of non-original mansard roof; restoration of original gable roof and construction of new shed roof over projecting two-story bay
- Installation of new foundation to prevent differential settling and meet seismic code; this will raise the residence to a maximum of 19.5”
- Removal of two non-original additions and deck/gazebo on rear (north) elevation and replacement with new rear addition capped by shed roof
- Construction of a basement-level garage; new garage doors and entrance will be located on below grade and accessed via Sutter Street on east
- Creation of new doorway on east end of north elevation, capped by short canopy
- Replacement of existing windows with “wood window” profile with painted cellular PVC with simulated divided lights on outside of glass; first and second floors will feature three-fifth windows with single-pane lower sashes and six-pane upper sashes while basement floors will be single-pane casement windows
- Removal of non-original exterior wall panels underneath lower-level windows
- Repair and replacement of exterior wood cladding in-kind as needed
- Installation of new canopy roof over main entrance
- Lap siding and “belly band” trim board for basement cladding
- Removal of non-original railings on extending bay

Vallejo Old City Historic District

The Vallejo Old City Historic District was nominated to the NRHP in November 1972 and officially listed in March 1973. The historic district was described 1972 as follows:

> *The Old City area of Vallejo was the location of many of Vallejo’s first Victorian homes. Because of the steep hill, the area was never developed commercially as the neighboring downtown business area expanded. Consequently, we find Vallejo’s original residential area, verging on the community’s major business district that has remained an island while the community has grown around and beyond it.*
>
> *Today the area is dotted with an array of excellent examples of Victorian architecture dating from the 1850s. While none of these homes were built on the grand and lavish scale often associated with the Victorian era, they are representative of the types of homes built in small and growing communities in the West during the last half of the 19th century. Many of these homes have been maintained through the years in their original appearances, while others have been allowed to fall into disrepair or have been remodeled and “modernized” to the extent that they no longer give a hint of their original character. The original large plots of ground have in most cases been divided into smaller lots and other homes built on them. Thus today we find the area covered with homes built at various times from the 1850s up until 1965. In addition to the homes*

> *that have been well preserved, there are still a number of Victorian homes in the area, including some of the finest, that could easily be returned to original exterior condition.*

The historic district was designated prior to the adoption of the NRHP Criteria for Evaluation.[3] However, based on the information and narrative presented in the 1972 nomination, it can reasonably be assumed the historic district and the property at 602 Georgia Street are significant under Criteria A and C as a representation of the City's early residential development and the architectural styles which reflect it.

Property Background

As described in the 1972 NRHP nomination, 602 Georgia Street was a "large dark shingled building, soon to be remodeled." Per the site visit and background research conducted as part of this assessment, it appears the alterations which occurred circa and since 1972 include:

- Installation of a plywood mansard roof
- Replacement of original windows on main (south) elevation and installation of non-original window surrounds and shutters
- Removal of third story tourelle
- Installation of wall panels underneath lower-level windows
- Addition of decorative metal railings on main (south) elevation

Character-Defining Features

The intent of the Standards is to provide for the long-term preservation of a property's significance through the preservation of its historic materials and features. These historic materials and features are commonly referred to as character-defining features and are indispensable in a historic property's ability to convey the reasons for its historical significance. To ensure a proposed project's compliance with the Standards, a historic property's character-defining features should therefore be identified and preserved as part of the final design.

According to Preservation Brief 17, *Architectural Character: Identifying the Visual Aspects of Historic Buildings as an Aid to Preserving Their Character*, there is a three-step process to identifying character-defining features.[4] Step 1 involves assessing the distinguishing physical aspects of the exterior of the building as a whole, including its setting, shape and massing, orientation, roof and roof features, projections, and openings. Step 2 looks at the building more closely—at materials, trim, secondary features, and craftsmanship. Step 3 encompasses the interior, including individual spaces, relations or sequences of spaces (floor plan), surface finishes and materials, exposed structure, and interior.

The residence at 602 Georgia Street is significant as a part of the Vallejo Old Town Historic District and for its representation of the early residential development of Vallejo and its distinctive First Bay Tradition-style architecture. As such, its character-defining features relate to its representation of the early residential development and its original architectural elements. These include:

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[3] National Park Service, *Host to Apply the National Register Criteria for Evaluation*, National Register Bulletin. U.S. Department of the Interior, National Park Service, 1997.

[4] Lee H. Nelson, *Architectural Character: Identifying the Visual Aspects of Historic Buildings as an Aid to Preserving Their Character*, Preservation Brief No. 17. U.S. Department of the Interior, National Park Service, Technical Preservation Services.

- Generally rectangular massing
- Two-story height
- Asymmetrical composition created by the extending off-center, two-story bay on main (south)
- Exposed rafter tails (currently concealed by mansard roof)
- Rhythmic window openings
- Primary, recessed entrance along Georgia Street
- Wood shingle-clad exterior
- Decorative wing wall along Sutter Street
- Highly visible location at the corner of Georgia and Sutter streets
- Relatively shallow set-back

Project Impacts Analysis

CEQA Section 21084.1 requires a lead agency determine whether a project may have a significant effect on the environment, which includes historical resources. Impacts to a historical resource occurs when there is a substantial adverse change in the significance of a resource such that it is materially impaired. Material impairment is defined as demolition or alteration "in an adverse manner [of] those characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the California Register."[5] Under Section 10564.5 of the CEQA Guidelines, a project that is found to conform with the Standards is generally found to not result in significant impacts to historic resources under CEQA.

Secretary of the Interior's Standards Review

The Standards establish professional standards and provide guidance on the preservation and protection of historic properties. The Standards make broad-brush recommendations for maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations. They cannot, in and of themselves, be used to make essential decisions about which features of a historic property should be saved and which might be changed. Rather, they provide philosophical consistency to the work.[6] There are Standards for four distinct, but interrelated, approaches to the treatment of historic properties: preservation, rehabilitation, restoration, and reconstruction. The Rehabilitation Standards are the most commonly used treatment for historic buildings and therefore have been utilized in the review of the current project.[7] Following the guidance of the Standards, the Rehabilitation Standards are most appropriate for the current project because of the building's current physical condition. The building requires more extensive repair and replacement because of alterations and the removal of original materials, including windows and the third-story tourelle.[8] The following presents a standard-by-standard analysis of potential project-related impacts to the residence at 602 Georgia Street.

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[5] CEQA Guidelines Section 15064.5[b][2][A].

[6] Weeks and Grimmer 2017, 3.

[7] Weeks and Grimmer 2017, 3.

[8] Weeks and Grimmer 2017, 3.

Rehabilitation Standard No. 1

A property shall be used for its historic purpose or be placed in a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

The subject building was constructed in 1915 for use as a residence and will continue to maintain this use after implementation of the project. Therefore, the project complies with Rehabilitation Standard No. 1.

Rehabilitation Standard No. 2

The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and special relationships that characterize a property shall be avoided.

The historic character of 602 Georgia Street is comprised of the physical characteristics that reflect its significance a First Bay Tradition-style home characteristic of Vallejo's early residential development. As detailed above in the character-defining features above, these include its rectangular massing, two-story height, asymmetrical composition, and wood shingle-clad exterior. These elements will be retained following implementation of the project. Materials proposed to be removed, including non-original additions, wall panels, and metal railings, are non-original and do not contribute to the significance of the building. Some original windows on the secondary elevations are proposed to be removed and replaced with compatible divided light windows. These original windows do contribute to the historic character of the building; however, the removal of all the original windows has affected the integrity of these features overall. The replacement of all the windows with historically compatible types will be improve the historic character of the building from its current appearance. Although an addition is proposed, it is located at the rear of the building and will not affect the overall rectangular massing of the building or the primary façade's asymmetrical composition. Further, while new garage doors and an entrance are proposed, they are below grade on a secondary elevation and will not be highly visible or affect the overall visual character of the building. As a result, the project complies with Rehabilitation Standard No. 2.

Rehabilitation Standard No. 3

Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, will not be undertaken.

The proposed project would remove many non-original elements which were added to the building post 1972. These include the removal of the mansard roof, the metal railings, wall panels, and rear additions. The shed awning over the primary entrance will be reintroduced and is based on historical photographs. The roof form would largely be restored to its original appearance as based on historical photographs and documentation. Historically, the extending bay culminated in a tourelle which extended above the roof plane. This feature is not proposed to be reconstructed; however, the Standards do not dictate missing historical features be replaced in kind.[9] Rather they allow for the introduction of new features which are compatible to the overall historic character of the building. The proposed shed roof does not negatively affect the existing roof form or introduce a highly visible feature such as a new gable. Rather the shed roof is compatible with the original roof form, yet differentiated through its short extension. Similarly, the new rear addition will be located in a less visible, secondary location and set back from the existing wall plane to clearly differentiate it from the original building. Further supporting the differentiation will be the use of lap board siding, which is compatible but unique from the original wood shingle siding. The below-grade accessory dwelling unit will also employ horizontal siding to

[9] Weeks and Grimmer 2017, 78.

differentiate it from the original materials. As a result, the project is in conformance with Rehabilitation Standard No. 3.

Rehabilitation Standard No. 4

Changes to a property that have acquired historic significance in their own right will be retained and preserved.

Although the 1972 NRHP nomination does not define a period of significance, the narrative discussion of the historic district's significance suggests it ends in the early twentieth century. Therefore the non-original additions and materials, which are proposed to be removed, do not reflect the important associations of the historic district and have not acquired significance in their own right. Instead, many alterations are at odds with the original design and character of the building and their removal will not negatively affect the historic character of the building. Therefore, the project is in conformance with Rehabilitation Standard No. 4.

Rehabilitation Standard No. 5

Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

The proposed project will retain the distinctive features and finishes that characterize 602 Georgia Street. These include most notably the wood-shingle siding, exposed rafter tails, and projecting bay on the main elevation. Although some original windows will be removed, they and non-original windows on the primary façade will be replaced with historically compatible windows. As a result, the project conforms with Rehabilitation Standard No. 5.

Rehabilitation Standard No. 6

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

The project includes the preservation of existing original wood shingles as feasible. For those shingles that are deteriorated beyond repair, in-kind replacement will be completed with compatible wood shingles. Replacement of missing features includes the reintroduction of a Dutch gable roof as well as a shed awning over the primary entrance, both of which are visible in photographs of the building dating to before alterations completed circa 1972. The project also proposes to replace windows with "wood widow" profile with painted cellular PVC with simulated divided lights on the outside of glass. The first and second floors will feature three-fifth windows with single-pane lower sashes and six-pane upper sashes while basement floors will be single-pane casement windows; this is consistent with the historic original windows as based on pictorial evidence. Although the proposed windows will not be constructed of wood, the Standards acknowledge the use of historic materials is not required. The new windows will be consistent in size, design, and configuration to the historic windows. Therefore, the project is in compliance with Rehabilitation Standard No. 6.

Rehabilitation Standard No. 7

Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

The project does not propose any chemical or physical treatments such as sandblasting. Therefore, the project is in compliance with Rehabilitation Standard No. 7.

Rehabilitation Standard No. 8

Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

It is not anticipated that any archaeological resources will be disturbed as part of the implementation of the project. The project is therefore anticipated to be in compliance with Rehabilitation Standard No. 8.

Rehabilitation Standard No. 9

New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

As proposed, new additions and construction includes the slight raising of the building, the installation of a basement-level garage, and an addition at the rear of the building. The building will be raised to no more than 19.5” to prevent differential settling and meet seismic code. These two objectives are necessary of the longevity of the building and the safety of those who occupy it. The building will not be moved on the site and will remain in its current location. A height increase of 19.5” is minimal and will not be highly visible or affect the visual character of the building in any way. The below-grade accessory dwelling unit will be placed on a secondary location and not affect the overall visual character of the building. The basement level of the building will be differentiated through horizontal wall planking which will make the new construction visually distinct from the old. Similarly, the new addition at the rear of the property will also be located in a secondary, less-visible location and differentiated through the use of distinct but compatible materials. As a result the historic integrity of the property and its environment will remain intact and the project will comply with Rehabilitation Standard No. 9.

Rehabilitation Standard No. 10

New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

None of the new additions or related new construction will permanently alter the essential form and integrity of the building. All are located in secondary locations and do not substantially alter the original character and features of the building. The rear addition and below-grade elements could be removed in the future without permanently impairing the building. The project is therefore in compliance with Rehabilitation Standard No. 10.

Conclusions and Recommendations

As detailed above, the proposed project is in conformance with all 10 Standards for Rehabilitation. The project can therefore can be considered to comply with the Standards and avoid an impact to historical resources as defined in Section 10564.5 of the CEQA Guidelines. Should you have any questions or comments regarding this report, please do not hesitate to contact me at 531-834-4455, or streffers@rinconconsultants.com

Sincerely,

Rincon Consultants, Inc.

Steven Treffers, M.H.P.
Senior Architectural Historian

M E M O R A N D U M

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

DATE: June 4, 2020

TO: Architectural Heritage and Landmarks Commission

FROM: Aaron Sage, Principal Planner

SUBJECT: 602 Georgia Street – Revised Conditions / Response to Stephen Flynn Letter

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Attached to this memo please find revised conditions of approval from the Public Works Department, and one new condition pertaining to the sewer issue discussed in item 2 below. The Public Works conditions have been revised to better address the scope of the proposed project and are not in response to any issues raised by the public.

In addition, to support the AHLC in its deliberations on this item, staff has prepared the following responses to the letter from Stephen Flynn dated June 1 (written on behalf of Kathleen Gaffney of 810 Sutter Street). Mr. Flynn's main points are stated in **bold** (refer to letter for complete text), and staff's responses are in *italics*:

The Application should be denied and no further action should be taken unless and until:

1. **The Planning Commission approves the variance and minor exemptions;**

   Staff Response: The code language cited by Mr. Flynn is found in VMC Section 16.38.280, not 16.38.230. In compliance with this section, the Planning Commission hearing has been scheduled for July 20, 2020. Condition of Approval 1 already requires that the applicant obtain a Variance and Minor Exception prior to issuance of a building permit. Therefore, the AHLC may take action prior to Planning Commission action.

   It should be noted that because two separate public hearings are required for different actions by different legislative bodies, concurrent approval is not actually possible, and one commission must take action first. The same procedural objections raised by the commenter could also be raised if the Planning Commission were to take action first; namely, that the AHLC might deny or modify the COA in a manner that conflicts with the Planning Commission's action. The applicant is aware of these risks and will file for an amendment to the COA if necessary. Ultimately, as noted above under Condition of Approval 1 no building permit may be issued for the project until all required approvals are granted.

2. The lawsuit concerning the sewer line which will be removed as a part of the renovations is settled or adjudicated by the court;

   Staff Response: The proposed plans include conceptual locations for construction of a new upper sewer lateral connecting to Ms. Gaffney's house, and assume abandonment of the existing shared sewer line which runs beneath the applicant's house. Approval of these plans does not constitute an encroachment construction permit for new sewers, nor does it confer any rights upon the applicant in the pending lawsuit referred to above. If the applicant and Ms. Gaffney are unable to resolve this dispute, and the applicant is unable to build the project utilizing the existing sewer line, the project will not move forward.

To clarify this matter, staff has include the following condition of approval in the attached revised conditions:

> *"Approval of this Certificate of Appropriateness does not constitute an encroachment or construction permit for new sanitary sewers, nor is it intended to confer any rights upon the applicant in the pending lawsuit between the applicant and the owner of the adjacent property to the north (810 Sutter Street). Approval of sewer permits shall be at the sole discretion of the Vallejo Flood & Wastewater District."*

3. The City Council transfers the property to the Applicant pursuant to the Code for the construction of a driveway on City property;

   Staff Response: Driveways within the City right-of-way are necessary to provide off-street parking as required by the City's Zoning Ordinance, and such driveways are explicitly allowed under VMC Section 10.04.210 et seq. Construction of the driveway does not transfer City property and the driveway must be removed at such time it is not longer needed to access the property.

4. The City Council revokes or amends the resolution creating residential limited parking in the proposed location of the Applicant's driveway;

   Staff Response: The commenter is incorrect. The resolution referenced above does not alter the process for establishing a private driveway as outlined in VMC Chapter 10.04. The resolution referenced above pertains to management of on-street parking and does not prohibit the removal of on-street parking, or establishment of a private driveway, within the subject area.

5. The Applicant submits revised plans with correct and accurate measurements establishing that the non-paved area of the parcel will be more than 50%;

   Staff Response: The submitted plans are drawn to scale and include building dimensions. Staff has calculated the nonpaved area at approximately 4,400 square feet, well above the proposed building footprint of approximately 2,100 square feet. The project complies with this requirement.

6. The Application resubmits a new application with the required indemnification properly and unconditionally signed;

   Staff Response: The applicant did not provide the requested indemnification signature. However, this language is included as Condition of Approval 16 including the same indemnification language as that required on the City's application form. Therefore, the City has adequate legal protection on this issue and this point is moot.

7. The City clarifies whether the ADU application was ever complete, and if so, whether it was governed by the Government Code of the City's ADU ordinance;

   Staff Response: The City must process ADU applicants under the holding legal authority at the time of application, for this instance it was at the time of the 2018 State Law regulations. As noted by the commenter, the ADU is not part of the AHLC's purview on the Certificate of Appropriateness. Regarding the subdivision condition restricting the property to one unit, any such condition is rendered null and void by State ADU law.

8. The City determines whether an ADU is allowed given the condition restricting the Applicant's property to one residential dwelling unit as a part of the 1990 subdivision approval;

   Staff Response: Staff has conducted a site visit to verify the applicant's height measurements. The specific height measurement is not within the AHLC's purview as it requires a Minor Exception that will be reviewed by the Planning Commission. The AHLC's purview on this issue is limited to whether the required findings for the Certificate of Appropriateness can be made. Staff does not concur with this comment and recommends that the AHLC proceed with a decision on the proposed plans for the following reasons:

   - *The City has submitted expert testimony that the proposed height increase and other exterior alterations will not adversely affect the historical significance of the property. The visibility of the basement level and the perception that the building may have a third story does not adversely affect the building's historic significance, as there are numerous three-story buildings in the project vicinity, including directly across the street at 726 Sutter Street, 545 Georgia Street, and 546 Georgia Street. Rather, the overall height increase is the more critical factor, and the City's architectural historian has concluded this overall increase is appropriate.*

   - *The commenter is incorrect that the bottom level of the house constitutes a "story". The proposed plans clearly show that floor level above the basement is less than 6 feet above grade on the entire north and east elevations, and the easternmost portion of the south elevation. In addition, the north portion of the building perimeter is substantially longer than the south due to the jog in the wall whether the addition meets the existing building. Therefore, the floor level above the basement is less than 6 feet above grade for well over 50 percent of the building perimeter, and the definition of "story" does not apply. The windows at the southeast corner of the basement are four feet, six inches tall, not five feet as stated by the commenter.*

   - *The comment is incorrect that the area under the roof constitutes a "story" as it does not include any floor surface. The definition of "story" states: "Story" means that portion of a building between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above" (emphasis added).*

9. The AHLC confirms the procedures for a special meeting have occurred; and

   Staff Response: All Brown Act requirements have been met for this meeting. The date was scheduled for the first Thursday due to the urgency of reviewing agenda items which had been delayed due to prior meeting cancellations due to the COVID-19 emergency. The majority of the legislative body were polled and agreed to hold the meeting and are able to attend.

10. The AHLC is in a position to hold its hearing in-person to accommodate Gaffney's disability [impaired vision].

    Staff Response: The City of Vallejo, like other cities, continues to follow of the Governor of California's Executive Order N-29-20 to accommodate telephonic hearings during the COVID-19 emergency. Ms. Gaffney is able to listen to the audio for this meeting on the webcast or the local cable station, and staff delivered enlarged copies of all hearing documents to Ms. Gaffney on the afternoon of June 4. This provides "reasonable accommodation" for Ms. Gaffney's disability pursuant to the Americans with Disabilities Act.

13. The Planning Manager or his/her designee shall conduct a site visit prior to the issuance of an occupancy permit by the Building Division to confirm compliance with approved plans, conditions of approval, and code requirements.

14. The Certificate of Appropriateness shall expire 18 months from the date of approval unless construction permits are obtained and work has begun. The effective date of the permits and approvals is December 4, 2021 (if approved and not appealed).

15. A request for a time extension from the expiration date of December 4, 2021 (if approved) can be considered if an application with required fee is filed at least 45 days before the original expiration date, otherwise a new application is required. A public hearing will be required for all extension applications, except those involving only Design Review. Extensions are not automatically approved. Changes in conditions, City policies, surrounding neighborhood, and other factors permitted to be considered under the law, may require, or permit denial.

16. Applicant shall indemnify, hold harmless, and defend City, its officers, officials, directors, employees, agents, volunteers and affiliates and each of them from any and all claims, demands, causes of action, damages, costs, expenses, actual attorney's fees, applicant's fees, expert fees, losses or liability, in law or in equity, of every kind and nature whatsoever arising out of or in connection with Applicant's operations, or any subcontractor's operations, to be performed under this agreement for Applicant's or subcontractor's tort negligence including active or passive, or strict negligence, including but not limited to personal injury including, but not limited to bodily injury, emotional injury, sickness or disease, or death to persons and/or damage to property of anyone, including loss of use thereof, caused or alleged to be caused by any act or omission of Applicant, or any subcontractor, or anyone directly or indirectly employed by any of them or anyone for the full period of time allowed by the law, regardless to any limitation by insurance, with the exception of the sole negligence or willful misconduct of the City. No modification of the project, any application, permit, certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the Applicant's indemnity obligation.

B. Building Division

Staff Contact: Steve Arnold, (707) 648-4387, steve.arnold@cityofvallejo.net

1. Must comply with the current Building Code and Standards.

2. Must obtain permit and pay fees.

C. Vallejo Flood and Waste Water

Staff Contact: Gus Silva, (707) 648-8949, gussilva@vallejowastewater.org

1. Must fill out Sanitary Sewer & Storm Drain Information Form and pay District Connection Fees.

~~1.~~2. Approval of this Certificate of Appropriateness does not constitute an encroachment or construction permit for new sanitary sewers, nor is it intended to confer any rights upon the applicant in the pending lawsuit between the applicant and the owner of the adjacent property to the north (810 Sutter Street). Approval of sewer permits shall be at the sole discretion of the Vallejo Flood & Wastewater District.

D. Public Works

Staff Contact: Philip Ho, (707) 554-5902, Philip.ho@cityofvallejo.net

~~1. If the total new or proposed impervious surface area exceeds 2,500 square feet, applicant to submit stormwater control plan (SWCP) and comply with C.3 requirements. If the impervious area does not exceed 2,500 square feet, this condition does not apply. The site plan does not clearly identify all new or proposed impervious areas; prior to submittal of building permit plans, these areas shall be clearly identified on construction drawings.~~

Specific project conditions are as follows:

1. Submit ~~directly to Public Works Department all~~ civil drawings including but not limited to improvement plans, grading plans erosion control plans and utility plans. Plans shall have City Standard Cover Sheet. (COV, Regulations & Standard Specifications, 2011).

2. Submit engineer's cost estimate for the proposed development consistent with the City's unit price for all construction items. Deposit plan review fee when submitting the plans for review.

3. Shall comply with ADA accessibility requirements. The proposed driveway shall meet City current ADA standard. (VMC Chapter 16.75.030; PW22)

4. Site plan to identify new or proposed impervious areas. C.3 is not required. Stormwater shall be collected on-site and conveyed to public storm drain system. Stormwater shall not drain to or impact adjacent properties.

5. Sutter Street front yard landscaping shall only have ground cover and/or trees for driveway visibility.

~~3. Deposit Engineering and Inspection fees when submitting plans for review.~~

~~4. The project shall comply with ADA accessibility requirements. The proposed driveway approach shall be to city current ADA standard. (VMC Chapter 16.75.030; PW22)~~

~~5. Lot drainage shall be collected onsite and conveyed by sidewalk cross drains to public street. Lot drainage shall not adversary impact neighboring property.~~

Standard Conditions: The following code requirement conditions will apply prior to detailed construction plans submitted to the city for review:

PW1. **HOW PROJECT CONDITIONS SATISFIED.** Prior to building permit issuance, submit a numbered list to the **Planning Division** stating how each condition of project approval contained in this report will be satisfied. The list should be submitted to the project planner who will coordinate development of the project.

Aaron Sage

From: nicholegange@hotmail.com
Sent: Thursday, June 04, 2020 9:55 AM
To: Aaron Sage
Subject: Renovation of 602 Georgia St

Hello,

I'm emailing to support the renovation of 602 Georgia st. The owners care deeply about the community and would only pursue a project if it was a good fit for the area. The project seems reasonable. I used to live on Georgia st. It's nice that homeowners want to maintain their property and continue to approve the aesthetics of the street.
Thank you for your consideration,
Nichole Gange
304 Hermosa Ave.
Vallejo, CA 94589
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Aaron Sage

From: Kyle Hotaling <kylehotaling5@gmail.com>
Sent: Thursday, June 04, 2020 10:35 AM
To: Aaron Sage
Subject: Support 602 Georgia st

Hello,

My name is Kyle Hotaling and live at 304 Hermosa Ave, Vallejo, CA 94589. My wife and I bought the house 4 years ago after moving to Vallejo.

I am writing in support of the renovation project at 602 Georgia st.

Please support projects and proposals that involve improving the aesthetics and integrity of buildings and houses in Vallejo.

Thank you ,

Kyle H

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Aaron Sage

From: Albert La Spina <aflaspina@gmail.com>
Sent: Thursday, June 04, 2020 8:58 AM
To: Aaron Sage
Subject: 602 Georgia St Vallejo CA 94590 renovation

I wholly approve of the proposed renovation at 602 Georgia St Vallejo, to return the building to its original design. The building currently does not fit the architectural style of the rest of the buildings on the block and frankly, in my opinion, is an eyesore and needs to be corrected.

Albert La Spina, 96 B Street, Vallejo CA, 94590

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Aaron Sage

From: tlsaltz <tlsaltz@yahoo.com>
Sent: Wednesday, June 03, 2020 9:24 PM
To: Aaron Sage
Cc: Pamela Lazor-corbitt
Subject: Renovation of 602 Georgia

Aaron,
Hi. My name is Terry Saltz. I live and own a home in Vallejo's Heritage District at 723 Georgia Street. I also rent out a home at 729 Georgia Street. I consider myself and my Partner Pamela Lazor very invested in our community. We both fully support the renovation project at 602 Georgia Street. We feel that the completed project will have a long term positive effect on the community. We believe the view impact is minimal and should not prevent permit approval. The end result will align the home closer to its original architecture and will set the bar on how homeowners can restore their vintage heritage homes.

Please count both our names as a yes on this project.

Thank you,

Terry Saltz and Pamela Lazor
723/729 Georgia Street.

sent by phone

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Aaron Sage

From: Darrell Schramm <schrammd@sonic.net>
Sent: Thursday, June 04, 2020 9:01 AM
To: Aaron Sage
Subject: 602 Georgia St.

Dear Mr. Sage:

I met Mr. Drolet shortly after he moved to Vallejo. I was immediately impressed with his eagerness to work with the city in its efforts of renewal and improvement. In fact, he has done volunteer work in that regard. When this willingness to work for improvement extended to his own residence at 602 Georgia Street, I was not surprised.

Mr. Drolet's house has a Victorian appearance inside, but the outside of the house is a glaring incongruity. Its jarring appearance does not fit in with the others houses on that block, nor in the next heading east. In fact, it is doubtlessly the ugliest house on the block. The false Mansard roof-front alone is an eyesore. His new design would make it far more compatible and harmonious with the rest of the buildings in the area. And, in fact, it would be an improvement to our downtown area as well.

I have spoken with Mr. Drolet and have viewed his plans for renovation and improvement. What strikes me is how carefully and considerately he has gone about drawing up these plans. I strongly urge you to approve his request for renovation and improvement of his residence.

Sincerely,
Mr. Darrell Schramm
101 Benson Ave.
Vallejo 94590

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Aaron Sage

From: Henry Beecher <henrycbeecher@gmail.com>
Sent: Monday, June 01, 2020 9:54 PM
To: Aaron Sage
Subject: Certificate of Appropriateness (COA) #18-0018 for 602 Georgia St

Dear Mr. Sage,

Please include this communication as part of the community input for the Vallejo Architectural Heritage and Landmarks Commission meeting scheduled for June 4th, 2020. As a current resident and homeowner in Vallejo, I urge the AHLC to approve the.Certificate of Appropriateness (COA) #18-0018 for 602 Georgia St.

As the AHLC is aware, too much of Vallejo's former historic glory has already been lost to unchecked 'urban renewal', neglect, and ill-conceived modernization among other counter-productive forces. The AHLC has a not-to-be-missed opportunity to reverse, indeed undo, an obvious adulteration of what originated as an early example of a California Craftsman style home by approving the Certificate of Appropriateness (COA) #18-0018 for 602 Georgia St. The proposed plans submitted by the owners will effectively re-gift all Vallejoans with a long-concealed gem and greatly enhance the integrity of the Heritage District of which it is part.

Furthermore at their own considerable expense the owners are committed to safeguarding the structure by re-engineering the foundation. This substantial undertaking is an essential countermeasure to seismic effects that will be beneficial to 602 Georgia as well as to its adjacent neighbors both of which are at a higher elevation. Even though executing the new foundation necessitates raising the structure about a foot, the extent to which this impacts the views and sight lines from the adjacent homes is negligible - especially as maintaining the integrity of the hillsides in back and next to 602 Georgia is a far greater benefit to those homeowners.

I urge the AHLC not to deprive current and future Vallejoans of this rare opportunity to regain one of the City's former architectural beauties. Thanks you for your time and consideration,

Henry Beecher
142 Goldenrod St
Vallejo, CA 94589
(707)674-4095

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Aaron Sage

From: D. Belef <davebelef@yahoo.com>
Sent: Monday, June 01, 2020 12:11 PM
To: Aaron Sage
Subject: 602 Georgia Street – Certificate of Appropriateness (COA) #18-0018

Please add these comments to the record and forward to the commissioners, regarding the:

VALLEJO ARCHITECTURAL HERITAGE AND LANDMARKS COMMISSION SPECIAL MEETING JUNE 4, 2020, 6:30 P.M.

Item: C. 602 Georgia Street – Certificate of Appropriateness (COA) #18-0018

The applicant for **Item: C. 602 Georgia Street – Certificate of Appropriateness (COA) #18-0018**
has my full support for this project -which addresses many important needs in Vallejo: Restoration of historic homes; providing additional parking, adding to our housing inventory; careful and considerate support for our heritage; well thought-out and researched projects; improved infrastructure (sewer etc) and more. Excellent work! This is an example of what Vallejo needs to strive towards.

Sincerely,
David Belef

232 Edgemont
Vallejo CA 94590

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Aaron Sage

From: Jimmy Genn <jimmygenn@gmail.com>
Sent: Monday, June 01, 2020 1:43 PM
To: Aaron Sage
Cc: Drolet Jean
Subject: Rehab of 602 Georgia

Dear Mr. Sage,
Hello. I hope this Email finds you well. Not scientific, but Hooray! Finally there may be hope for our wonderful historic buildings that have been so badly bastardized. It will be a pleasure to look upon 602 post renovation, instead of, as now, an embarrassment to our Heritage. Great when something so wrong, can turn out right. The closer we can come to 1915, the better.The changes that will allow our old structures to be useful into 2020 (parking, modern bathrooms and kitchens), the better. Correcting materials (stucco, go away), fake rock, aluminum and asbestos sidings, ripped off Italianate fronts replace with craftsman-like shingles and fake pitched roofs, etc. The Applicants are applauded for their efforts, and generous thinking.
I ask the Commission to, please, approve this. This is Progress! Thank you and the Commission for your efforts for our History. Jimmy W. Genn

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Aaron Sage

From: Alan Mercado <alanmercadosfo@gmail.com>
Sent: Monday, June 01, 2020 2:46 PM
To: Aaron Sage
Subject: Renovations for 602 Georgia St

Dear Mr. Sage, I am pleased to hear that the renovation proposals for 602 Georgia St. are coming up for a hearing this Thursday. I fully support this proposal. The preliminary sketches I have seen are a vast improvement over what exists currently. I firmly believe the proposed renovation will complement the historic district it occupies as it harkens more closely to the original appearance of the house, compared to its current state. I say hooray to the removal of the ugly 1960's faux mansard roof! Thank you.
Alan Mercado
639 Virginia St
Vallejo
Sent from my iPhone
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Aaron Sage

From: kevin milton <kevinmilton_2000@yahoo.com>
Sent: Tuesday, June 02, 2020 9:06 AM
To: Aaron Sage
Subject: Renovation of 602 Georgia St.

Kevin andSusan Milton,809 Georgia St

We moved to Vallejo in 1991. We have seen many changes. To have homeowners not only fix or clean up the property they purchase, BUT to try to return them to their original historical beauty. This is all positive. I feel this is the direction Vallejo residents want and staff should go. We definitely are in favor of this amazing project.

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Aaron Sage

From: Lisa Nunez-Hancock <linunez12@yahoo.com>
Sent: Wednesday, June 03, 2020 8:46 AM
To: Aaron Sage
Subject: Support of renovation of 602 Georgia Street

Hello,

I am writing in support of the renovation/ preservation of 602 Georgia Street. As a resident of St. Vincent's Hill we should support those in our community that want to improve their homes, gardens parks and buildings.

Sincerely,

Lisa Núñez-Hancock

********** This is an EXTERNAL EMAIL. Stop and think before clicking links or opening attachments. **********

Stephen M. Flynn, Esq.
smflynn@smflynn-law.com
www.smflynn-law.com

2151 Main Street
Napa, CA 94559
Tel. 707-259-1137

June 1, 2020

Architectural Heritage and Landmarks Commission
555 Santa Clara Street,
Vallejo, CA 94590

Re: **Opposition to Certificate of Appropriateness**
COA #18-0018
Property: 602 Georgia Street, APN 0056-201-200

Dear Members of the Commission:

This letter is being submitted on behalf of Kathleen Gaffney in opposition to the application for a Certificate of Appropriateness ("COA") to renovate the single-family home located at 602 Georgia Street (the "Property") by Jean Drolet (the "Applicant"). Ms. Gaffney owns the neighboring property located at 810 Sutter Street.

As discussed below, approval of a COA at this point is premature and procedurally improper and should be denied on those grounds.

PROJECT BACKGROUND

The Applicant originally applied for a COA on July 1, 2018. As a part of the Applicant's proposed plans, Gaffney's sewer line, which has, for a century, crossed the Applicant's property, would be removed.[1]

On September 13, 2018, the Applicant sent Gaffney a demand letter insisting that she remove her sewer line. The Applicant requested that the City attorney send a "notice letter" in the hopes of "convincing" Gaffney to remove her sewer line. The Applicant also threatened to "hold [the Vallejo Flood & Wastewater District] responsible for any damages" and complained of the district's "extraordinary failure" to provide sewer line for Gaffney which did not traverse his property.

Despite the strong-arm tactics, to date, the issue of the sewer line – and the Applicant's ability to unilaterally remove it – is the subject of a pending lawsuit in the Solano County Superior Court (*Gaffney v. Drolet*, Case No. FCS052125). For its part, the Vallejo Flood & Wastewater District has a "do not issue" order for any permit to remove Gaffney's sewer pending the result of the litigation.

[1] The Applicant's and Gaffney's parcels were once a single parcel and were subdivided in the 1990.

Notwithstanding unresolved issue of the sewer line, a hearing for the COA with the Architectural Heritage and Landscape Committee ("AHLC") was originally scheduled for January 17, 2019. At the time, the Staff Report recommending granting a COA.

The January 17 hearing was postponed until January 24, 2019 and then until February 21, 2019, when it was taken off calendar by the request of the Applicant. In the February 2019 Staff Report, the staff recommended denying the COA. The Applicant's stated purpose for postponing the hearing was to "ensure that both the COA and variance [application with the Planning Commission] be considered together." (See discuss below re the need for both hearing to occur simultaneously.)

The application was postponed several more months to accommodate the Applicant's vacation plans in April 2019. On March 13, 2019, the City notified the Applicant that he needed to advise staff by April 1, 2019 as to whether he would proceed with a COA hearing in May 2019. In the event the Applicant did not respond, the City recommending setting the COA hearing for the May AHLC meeting with a recommendation to deny the application.

The Applicant responded to the March 13 letter accusing the City of issuing "an ultimatum to agree to a hearing . . or abandon the project" and requesting a continuance "until at least August 2019."

On April 11, 2019, the City advised the Applicant that he needed to provide a response by April 25, 2019 stating whether he intended to (a) apply for a variance with the Planning Commission (see discussion below), (b) revise the plans to comply with the Secretary of the Interior's Standards, and (c) provide an analysis or option from a qualified professional documenting that the proposed plans complied with the Secretary's Standards. If no response was provided, the City stated that it intended to schedule the ALHC hearing for May 16, 2019 with a recommendation for denial.

On April 29, 2019, the Applicant responded stating the he would file for a variance and minor exemptions (see discussion below) and would "shoot for a COA hearing in September 2019."

No hearing occurred in September 2019, but during this time, and despite the City's demand the Applicant do so at his expense, the City hired its own expert, at great cost to the taxpayers, to review the proposed plans for compliance with the Secretary of the Interior's Standards.

Despite delays totaling almost two years, now, in the midst of the COVID pandemic and (a) before the Planning Commission has approved required variances and exceptions for the project, and (b) before resolution of a lawsuit with Gaffney whose sewer the Applicant intends to remove as a part of his renovation, this hearing has been put on calendar for a *special* meeting on the first Thursday of June. In addition to the Planning Department approvals and resolution of the lawsuit, the entire project requires additional action and approvals from the City Council (as discussed below).

1. **The COA Must be Heard Concurrently or After the Applicant's Requests for a Variance and Minor Exemptions**

As noted in the Staff Report, in addition to a COA from this AHLC, the Project requires a variance and two minor exemptions from the Planning Commission. The AHLC is nevertheless being asked to review plans which currently violate the City Code and zoning ordinances.

The variance is to construct the Applicant's proposed garage well within the Code's setback limits (see discussion below). The minor exemptions are to raise the level of the home to a height more than the 35' allowed by the Code and to build within Code-required setback limits. These are major aspects of the proposed project. However, according to Aaron Sage, the Planning Commission hearing on the variance and minor exemptions have been "postponed indefinitely."

The AHLC hearing on the COA must be postponed until such time as either (a) it can be heard simultaneously with the variance and minor exemption, or (b) after the Planning Commission has made a determination on those issues. Section 16.38.230 of the Code provides that, "if, at the time of filing of the application [for a COA], the applicant has made application or submission of the proposed activity for approval by the planning commission or other city agencies, the secretary shall make *every reasonable effort* to assure that the matters are processed and heard concurrently." There is no indication that "every reasonable effort" to hold the hearings concurrently. On the contrary, the Planning Commission hearing has been postponed indefinitely, while the AHLC hearing has been held out of regular order (see below) during the COVID pandemic.[2]

Because there is no pending hearing with the Planning Commission for the variance or the minor exemption, the AHLC is being asked to approve renovations which conflict with the City's Code. In effect, the AHLC would be issuing an advisory and hypothetical ruling based on conditions which do not currently exist. If this Commission grants a COA, the Planning Commission may deny the variance and/or the minor exemption which would send the Applicant's plans back to the drawing board and would require a second COA hearing with this Commission.

Sequencing is important to avoid needless duplication of work and to ensure that the AHLC is not being asked to make hypothetical advisory determinations. The AHLC should only be asked to approve plans which (a) comply with the Code, or (b) have obtained variances or exemptions for deviations from the Code. No doubt, this is why §16.38.230 mandates that the COA should be scheduled concurrently with any approval required by the Planning Commission.

Approving the COA before the approvals from the Planning Commission are obtained puts the cart before the horse. Moreover, in the Conditions of Approval (Ex. A of the Staff Report) there is no requirement that the Applicant obtain a variance or the minor exemptions

[2] Previously, former planner Tyler LeSage stated that the Planning Commission approvals "need to be resolve[d] prior to going to the AHLC." Email dated December 13, 2018 from LeSage to Applicant.

from the Planning Commission. At a minimum, the Conditions of Approval should include the receipt of the required variance and minor exemptions.

2. The COA Should Be Postponed Pending Resolution of the Litigation Between the Applicant and Ms. Gaffney

Ms. Gaffney's sewer line runs through the Applicant's Property as shown on the Site Plan submitted by the Applicant. As a part of the proposed renovations, Ms. Gaffney's sewer line will be *removed* by the Applicant *without her consent*.

To avoid the destruction of her sewer line, Ms. Gaffney filed a complaint in the Solano Superior Court to quiet title to the sewer line across the Applicant's Property. Trial is scheduled for October 2020. Ms. Gaffney has filed an application for a preliminary injunction with the Solano Superior Court asking that it enjoin any construction activity until such point as Ms. Gaffney's lawsuit is adjudicated on its merits.

As with the variance and minor exemption, asking the AHLC to issue a COA at this point puts the cart before the horse. The AHLC is being asked to approve a COA which expressly calls for the destruction of Ms. Gaffney's private sewer line before a court rules whether the Applicant has the right to do so. The issue is functionally no different than if the Applicant sought to build on Gaffney's lot without her approval.

If the AHLC issues a COA, the Applicant's proposed renovation would need to be materially changed when the court rules that the Applicant cannot unilaterally remove Ms. Gaffney's sewer line as a part of his proposed renovations. The changes would include, at a minimum, the relocation or removal of the garage and driveway, the location of the foundation on the west side of the home, and the addition to the north side of the home.

The Staff Report states that the Vallejo Flood & Wastewater District has stated that the "proposed relocation of [Gaffney's] sewer line . . . conforms to its standards." But the issue is not whether the proposed relocation of Gaffney's sewer line confirms to City standards (a technical issue), but whether the Applicant *can* relocate Gaffney's sewer line without her consent in the first place (a legal issue).

This distinction is recognized by the Vallejo Flood & Wastewater District which has *expressly stated that it will <u>not</u> issue any permit for the sewer relocation unless and until the parties' civil litigation is completed*. The existence of the do-not-issue order was conspicuously absent from the Staff Report. Below is the statement from the Vallejo Flood & Wastewater District:

> Per Melissa and the Engineering department, we will not be issuing any encroachment permits for the above addresses until the two homeowners can come to a mutual agreement about their upper laterals. They share a common lateral and have not been able to agree on the steps to take to fix the laterals.
>
> The sewer service lines in Infor have been notated with this information and Gus has prepared a memo to go in each of the Upper Lateral folders. We will also be

> placing a copy of the memo near the encroachment permit applications as a reminder in case the customers come in. Until further notice, please make sure that no permit is given for the two addresses. (See, **Ex. A**.)

This may, as stated in the Staff Report, be a "private civil matter," but it unclear how (or why) the AHLC could (or would) approve plans which expressly call for the unauthorized destruction of private property rights unless and until those rights have been adjudicated. Rather than wasting its time approving plans which likely will need to be revised as a result of the pending litigation, the AHLC should follow the lead of the Vallejo Flood & Wastewater District and defer any action until the resolution of the lawsuit. As stated above, trial is set to occur in just over four months.

3. The Plans Call for the Appropriation of City Property to Construct a Private Driveway on City Property

The home is located just 7 feet from the property line with the City. The Applicant intends to construct a private driveway over and across approximately 13 feet of the *City's* property. Not only does this violate the 20-foot setback requirement (Code §16.62.150(B)), but, in effect, the Applicant is exercising a private right of eminent domain. What was formerly property of the City will be *de facto* transferred to the private use of the Applicant. This much is evident by looking at the proposed site plan which shows two cars parked on the proposed driveway, the majority of which is owned by the City.

City property may only be transferred for the general (i.e. public) benefit. Cal. Gov. Code §§37350, *et seq*.; *see also*, *Green Valley Landowners Ass'n v. City of Vallejo* (2015) 241 CA4th 425 [general law statutes binding on charter city in the absence of charter language to the contrary]. Allowing the Applicant to take City property and transform it into a private driveway benefits the Applicant, not the public. In fact, the public (and the local homeowners) are harmed by the loss of dedicated on-street residential limited parking spots (as discussed below).

Further, under Section 102 of the Vallejo Charter, "the City shall continue to own, hold, possess, use, control . . . and become the owner of rights and of any property of every kind and nature now owned . . . ." The private driveway in the middle of City property violates Section 102 of the Charter by divesting the City of its right to possess, use and control the driveway on City property.

Moreover, real property owned by the City may only be transferred by written contract to the highest responsible bidder as approved by the City Council for the property following the procedures set forth in §§3.70.020 – 3.70.100 of the Code. To the extent the City Council desires to sell the property (assuming such a sale is for the public benefit), the bidding and other Code procedures must be followed. The AHLC has no power to approve plans which involve the transfer of City property without the City Council's determination to sell or transfer the same.

Thus, the AHLC hearing should be postponed until the Application obtains the property from the City Council to construct his driveway. Moreover, at a minimum, the Conditions of

Approval, must include a transfer of the City's property to the Application approved by the City Council.

4. The Removal of Residential Street Parking Requires a Resolution from the City Council

In early 2018, the Applicant submitted a petition accusing the City of Vallejo of "failing" after "great expense" to ensure sufficient parking for residents in the Georgia and Sutter intersection.

The Applicant gathered signatures for his petition and ultimately, the City Council acted on the petition by adopting Chapter 8.27 of the Code entitled "Residential Limited Parking Areas." Section 8.27.010 authorizes the City Council, by ordinance or resolution, to designate areas as "residential limited parking."

After adopting Chapter 8.27, the City issued a resolution creating residential limited on the 600 block of Georgia Street and the 800 block of Sutter Street.

The applicant now seeks to, in effect, reverse the City Council's resolution and appropriate for himself the same residential limited parking spaces he demanded the City create. The proposed project would eliminate two of the residential limited parking spaces on Sutter Street to make way for the applicant's new non-conforming driveway on City property.

The resolution authorizing the creation of the residential limited parking can only be repealed or amended by the *City Council*, not the Planning Commission or the AHLC. *See,* Vallejo City Charter, Section 312 and *Schildwachter v. City of Compton* (1939) 14 Cal.2d 342, 345. Under the equal dignities rule, an act of the Council can only be undone by the Council.

This application is premature because if the Applicant is to appropriate for himself two spaces which the City Council has specifically set aside for all local residents, only the City Council can make that determination. It makes no sense for the AHLC to provide an advisory COA for a project which will need to be dramatically redone in the event the City Council refuses to revoke or amend its resolution. Moreover, at a minimum, the Conditions of Approval, must include the City Council's reversal or amendment of the resolution creating the residential limited parking in the location of the Applicant's proposed driveway.

5. Further Information Needed from the Applicant Regarding the Nonpaved Area

The present application includes a request for a driveway (which, as stated above, requires a variance from the Planning Commission, an amendment of the City Council resolution creating the residential limited parking spaces, and, in all events, results in a private taking of public property).

Section 16.38.300(F) of the Code provides that "with respect to application for the installation of a driveway, a certificate of appropriateness *shall not be issued* unless the subject property retains a nonpaved area equal to or greater than the square footage of the footprint of all buildings or structures on the property."

Although the Applicant's plans are not drawn by an architect and many boundaries and walls do not have measurements shown, simply looking at the plans shows the realistic possibility that the nonpaved area is very close to or more than 50% of the structures on the property. The parcel itself is just 7,008 square feet and with the large building footprint, the new driveway, and the paved hardscape in the front, side and back yards, further investigation, at a minimum, is required. It is the Applicant's burden to provide proper and complete measurements. The AHLC cannot simply look at vaguely drafted plans not prepared by an architect and guess that the 50% limitation has not been exceeded.

6. The Application Does Not Include the Required Indemnification

As a part of the application, the Applicant was required to sign an indemnification agreement in favor of the City of Vallejo. The application was filed July 1, 2018 and, according to the Staff Report, was "deemed complete" on December 10, 2018.

However, the COA application was not complete because the applicant refused to sign the indemnification agreement, instead writing "under duress, with prejudice, without acceptance, not necessary." On March 18, 2019, Aaron Sage informed the Applicant that "in order for staff to give the project a favorable recommendation to the AHLC, we will need a new indemnification signature on the COA application, without any additional notes." It is unclear whether the Applicant has done so. If not, it remains to be seen how the AHLC can act on an application which is admittedly not complete because it did not include the required indemnification.

7. The Oversized Accessory Dwelling Unit Requires Further Research by the City

The issue of the accessory dwelling unit ("ADU") requires further analysis by the City. The Applicant filed an application for the construction of a 1,200sf ADU on February 8, 2018. As with the COA application, the Applicant refused to sign the required indemnification in the ADU application, instead writing "under duress, with prejudice, without acceptance, not necessary." The application was *never* complete given the refusal to sign the indemnity.

At the time of the application, Vallejo had not yet adopted an ADU ordinance. By default, the application was governed by Cal. Gov. Code §65852.2. Pursuant to §65852.2(a)(3), ADU applications must be approved within 60 days of the application. As with the continued delays on the COA, the ADU was not approved until January 11, 2019 – eleven months after the incomplete application was filed.

Between the time the incomplete application was submitted and its untimely approval, the City adopted an ADU ordinance following July 2018 hearing. The ordinance was passed on September 2018 and took effect October 25, 2018. The City's ordinance – which had been in effect for over two months before the Applicant's ADU was approved under the Government Code – limits ADU's to just 1,000sf meaning that the 1,200sf ADU the City approved violated §16.57.030(DD)(f) of the Code.

While perhaps a matter beyond the scope of the AHLC hearing, the City should explain (a) when the application was deemed compete, (b) how the application could be deemed complete when the Applicant refused to sign the required indemnity, (c) why the application was valid when it was not acted upon within the required 60 day time limit, and (d) why the adoption of the Vallejo ADU ordinance did not override the Government Code when the incomplete application was approved in 2019.

In addition to the timing of the ADU approval, in August 1990, the properties which now comprise the Applicant's property and Gaffney's property were subdivided pursuant to §§15.20.010, *et seq.* of the Code (see, fn. 1). As an express condition of the subdivision (§15.20.040(B)), both Gaffney's property and the Applicant's property were limited to "one residential dwelling unit." The addition of an ADU would create two residential dwelling units on the Applicant's property, in violation of the conditions of approval of the 1990 subdivision.

These issues matter for purposes of the AHLC because if the City concludes that its ordinance governed the incomplete application or that the subdivision conditions disallow a second dwelling unit, then the plans will need to be redone to provide for a smaller ADU or no ADU at all. These changes may require another hearing for a COA. As with the pending lawsuit, the need for Planning Commission variances and exemptions, hearing this matter now puts the cart before the horse.

8. The Height of the Building Is Too Tall

Prior to submitting the COA application, the Applicant considered a "scaled back ADU in the basement without raising the house (although it would be leveled)." The idea of having a scaled back ADU and not raising the house was scratched.

Instead, to make room for an over-sized 1,200 square foot accessory dwelling unit and a 3-car garage, the Applicant intends to raise the height of the building by almost to feet to a total height of 37'9". The maximum allowed by the Code is two stories or 35', whichever is less.

Before addressing the height issue, it should be noted that the current and estimated heights of the building are based on the Applicant's own calculations using a "rope attached to a level stick" which was placed on the existing roof and dropped to the front landing (Staff report, Elev. A3.2). Further, in the plans prepared by the Applicant, there is, conspicuously, no measurement of the new height of the home from the new lower elevation. The City has, despite attempts, never done its own measurements.

The Staff Report and the City's expert focus almost exclusively on the *height* of the project, and not on the other half of the equation – the number of *stories* and the effect those stories will have on the appearance of the property.

Pursuant to Section 16.38.310(A), before issuing a COA, the AHLC must find that the project will not "affect . . . the relationship and congruity between the subject structure . . . and its neighboring structures and surroundings, including . . . height."

In this case, the proposed Project would result in a *four* story building – twice the size allowed by the Code. Under §16.04.510 of the Code, a "story" includes both (a) a basement (if the basement is more than 6 feet above grade for more than 50% of the perimeter), and (b) the area under a roof (if the top wall plates on two opposite walls are four feet above the floor).

Here, it appears from the plans that the garage and accessory dwelling unit are more than 6' above the grade level for more than 50% of the perimeter. The entirety of the western and southern perimeters are at least 6' above grade level and these areas appear to constitute more than 50% of the perimeter (See, Staff Report, A.2.3, A.3.1 and A.3.2). [3] The Applicant has not submitted drawings with complete measurements making it difficult to determine. That burden is, however, with the Applicant, not the AHLC (or the Planning Commission) to guess or simply take the Applicant's word for it.

As a practical matter, when looking at the western elevation of the project, it is clear the garage and accessory dwelling unit constitute their own story, thus making the appearance of the home from Georgia and Sutter Streets appear incredibly tall and imposing. It is also apparent that the wall plates for the roof are more than four feet above the floor of roof area, meaning that the roof/attic constitutes a separate story.

The four-story building has the effect of both (a) making the Property incongruent with the surrounding historic single-family homes (none of which are 4 stories tall, see, Plans A0.6), and (b) blocking Ms. Gaffney's view of the water. Incidentally, since the plans exceed 2-stories, they must be stamped by a licensed architect. Cal. Bus. & Prof. §5537(a)(1) [exemption for license requirement for single family dwelling of woodframe construction not more than 2 stories]).

The expert hired by the City to review the project concludes that "19.5" is minimal and will not be highly visible or affect the visual character of the building in any way." However, the expert focus only on height, and not the number of stories. The building, which is, admittedly, prominently located, clearly appears to be a three or four story building when looking at it from the western and southern sides of Georgia street where the new basement, garage and 1,200sf accessory dwelling unit will be located. A casual observer may not notice a 19.5" height difference, but anyone can tell that what was once a two-story home now appears to be three or even four stories tall.

9. Special Meeting Requirements under the Brown Act May Not Have Been Satisfied

"Each legislative body of a local agency . . . shall provide, by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body, the time and place for holding regular meetings." Cal. Gov. Code §54954(a). The AHLC's regular meeting are the third Thursday of each month.

[3] The western elevation is 100% above grade and the windows on the south-eastern corner of the "basement" are five feet tall (which is not possible unless that elevation is more than 6' above the grade).

Despite repeated continuances of the pending COA application, for whatever reason, the pending COA hearing is scheduled for June 4 – the first Thursday of the month. Under the Brown Act, this is, by definition, a special meeting.

Special meetings may be called by the presiding officer of the local board or by a majority of the members of the legislative body. Cal. Gov. §54956(a). It is unclear whether the procedural requirements under the Brown Act have been called in this case, and, as a practical matter, given the current COVID pandemic and shut-down orders, it is especially unclear why the matter is not being heard later in the month on the AHLC's regular calendar.

10. Request for Reasonable Accommodations on Account of Gaffney's Disability

Despite 18 months of continuances and delays, a special meeting has been called during the City's shelter-in-place order. As a result, the AHLC meeting will be conducted via Zoom. Gaffney has impaired vision from a right cataract and left cornea transplant. As a result, she has difficulty making out print and details on a computer. Attached as **Exhibit B** is a letter from Gaffney's doctor requesting an accommodation on account of her visual disability. In this case, a reasonable accommodation would mean postponing the hearing until such time as it can be conducted in-person.

In *Dees v. Austin Travis County Mental Health and Mental Retardation*, 860 F.Supp. 1186 (W.D. Tex. 1994), the plaintiff suffered from mental illnesses which were treated with medication. A side-effect of the medication was that the plaintiff had difficulty functioning before 10am. The plaintiff sued the mental health board after it refused her request to hold meetings later in the day as a reasonable accommodation under the Americans with Disabilities Act. Under 28 C.F.R. §35.130(b)(7), a public entity is required to make "make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modification would fundamentally alter the nature of the service, program, or activity." The court held that holding meetings later in the day would not fundamentally alter the nature of the activity and that the board had violated the ADA by not accommodating the plaintiff.

CONCLUSION

The Application should be denied and no further action should be taken unless and until:

1. The Planning Commission approves the variance and minor exemptions;

2. The lawsuit concerning the sewer line which will be removed as a part of the renovations is settled or adjudicated by the court;

3. The City Council transfers the property to the Applicant pursuant to the Code for the construction of a driveway on City property;

4. The City Council revokes or amends the resolution creating residential limited parking in the proposed location of the Applicant's driveway;

5. The Applicant submits revised plans with correct and accurate measurements establishing that the non-paved area of the parcel will be more than 50%;

6. The Application resubmits a new application with the required indemnification properly and unconditionally signed;

7. The City clarifies whether the ADU application was ever complete, and if so, whether it was governed by the Government Code of the City's ADU ordinance;

8. The City determines whether an ADU is allowed given the condition restricting the Applicant's property to one residential dwelling unit as a part of the 1990 subdivision approval;

9. The AHLC confirms the procedures for a special meeting have occurred; and

10. The AHLC is in a position to hold its hearing in-person to accommodate Gaffney's disability.

Very truly yours,

Stephen M. Flynn

Exhibit A

From: Mariah Wood
To: Admin; Engineering
Subject: DO NOT ISSUE PERMIT
Date: Thursday, November 1, 2018 8:01:47 AM

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810 SUTTER ST & 602 GEORGIA ST

Good morning,

Per Melissa and the Engineering department, we will not be issuing any encroachment permits for the above addresses until the two homeowners can come to a mutual agreement about their upper laterals. They share a common lateral and have not been able to agree on the steps to take to fix the laterals.

The sewer service lines in Infor have been notated with this information and Gus has prepared a memo to go in each of the Upper Lateral folders. We will also be placing a copy of the memo near the encroachment permit applications as a reminder in case the customers come in. Until further notice, please make sure that no permit is given for the two addresses.

Thank you,

Mariah Wood
Office Assistant | Vallejo Flood & Wastewater District
450 Ryder Street | Vallejo CA 94590
Business: 707-644-8949 | Fax: 707-644-8975
mwood@vallejowastewater.org

Exhibit B

KAISER PERMANENTE VACAVILLE

OPHTHALMOLOGY

1 QUALITY DRIVE

VACAVILLE, CA 95688

PHONE: 707-624-2720

FAX: 707-624-2721

FAX COVER SHEET

DATE: 5/28/20

TO: Kathy Gaffney **FAX:** 707-559-6653

FROM: Dr Dinamant **PHONE:** 707-624-2720 x 4

 # OF PAGES: 2

(Including cover sheet)

COMMENTS: Kathy Gaffney

NOTICE TO RECIPIENT: This transmittal is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged and confidential. If the reader of this transmittal is not the intended recipient or the employee or agent responsible for delivering the transmittal to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error please notify us immediately by telephone and return the original transmittal.

The Permanente Medical Group, Inc.
OPHTHALMOLOGY
1 QUALITY DRIVE
VACAVILLE CA 95688-9494
Dept: 707-624-2720
Main: 624-4000X0000

May 27, 2020

Kathleen Gaffney
810 Sutter St
Vallejo CA 94590-6140

Dear City of Vallejo City Counsel, City of Vallejo AHLC and City of Vallejo Planning Department,

Kathleen Gaffney has impaired vision from a Right cataract and Left cornea transplant. She struggles making out print and details on the computer. She will need more time and more magnification than usual to perform detailed tasks. Due to her decreased vision she will not be able to adequately represent herself in a computer online meeting. She should be afforded accommodations for her vision limitations.

Sincerely,

JONATHAN IAN DIAMANT MD

AHLC (June 4, 2020) (PUBLIC HEARING)

AHLC (June 4, 2020) (PUBLIC HEARING)

Individual Statements

Stephen Flynn
outside Vallejo
June 4, 2020, 6:06 PM

Statement on Behalf of Kathleen Gaffney in Opposition to 602 Georgia COA Application

After repeated delays, the present COA application is being rushed through in a special meeting while the City is closed due to pandemic and demonstrations. At least two neighboring property owners did not receive notice of the special meeting. Despite her request for an accommodation due to her visual disability, the AHLC hearing is proceeding in an on line forum in which Ms. Gaffney cannot participate.

For the reasons set forth below, the COA is premature and procedurally improper and should be postponed until the following have occurred:

First, under the Municipal Code "every reasonable effort" must be made to assure that planning commission approvals are heard "concurrently" with the COA application. There have been no such efforts. The AHLC is being asked to approve a project which violates the Zoning Code in several major respects. Doing so gives the appearance that the variances and minor exemptions needed are a mere formality. The COA should be postponed and heard concurrently with the variance and minor exemption applications.

Second, the project calls for the destruction of Kathleen Gaffney's sewer line without her consent and during the pendency of a lawsuit seeking to quiet title to the same. The AHLC is being asked to grant approvals which expressly call for the destruction of private property rights. This too is bad for public appearances. The COA should be postponed until the Solano Superior Court determines whether the applicant has the right to remove Gaffney's sewer line without her consent. At a minimum, this must be a condition of any final COA approval.

Third, the project calls for the construction of a private driveway on City property. Transfers of City property must be for the benefit of the public and must follow procedures set forth in the Municipal Code. Approving the COA at this point would violate the City Charter, the Government Code and the Municipal Code. The COA should be postponed until the City Council approves the transfer of the property to the applicant for his driveway. At a minimum, this must be a condition of any final COA approval.

Fourth, the project calls for the destruction of residential limited parking spaces to make room for the applicant's private driveway on City property. These limited parking spaces were created by a resolution of the City Council. The AHLC has no authority to overturn a resolution of the City Council. The COA should be postponed until the City Council modifies or revokes its resolution creating residential limited parking on Sutter Street. At a minimum, this must be a condition of any final COA approval.

Fifth, as a condition of the 1990 subdivision of the Applicant's and Ms. Gaffney's property, the City required that the applicant's property be limited to "one residential dwelling unit." In violation of the subdivision approval, the proposed plans include both a residential dwelling unit and an over sized 1,200 square foot accessory dwelling unit (ADU).

Sixth, assuming for purposes of argument that the ADU does not violate the conditions of the 1990 subdivision approval, the ADU is 200 square feet larger than allowed by the Municipal Code. The application for the ADU was never complete because the applicant refused to sign the required indemnification agreement. The ADU is therefore governed by the more restrictive provisions of the Municipal Code. The COA is premature because the plans need to be revised to provide for an ADU of no more than 1,000 square feet.

Seventh, as with the ADU application, the applicant likewise refused to sign the required indemnification agreement for the COA application. It is unclear whether this defect has been rectified. Proceeding without the required indemnification is improper and exposes the City to liability.

Eighth, under the Code, no COA approving a driveway may be granted if the resulting non paved area of the parcel is less than 50%. The plans show the reasonable possibility that the non paved area is less than 50%, but do not contain measurements. At a minimum, revised plans with proper measurements must be submitted before a COA is granted.

AHLC (June 4, 2020) (PUBLIC HEARING)

AHLC (June 4, 2020) (PUBLIC HEARING)

The foregoing objections are contained in a letter included in the AHLC's package. Aaron Sage promised to provide a response to me and the AHLC this afternoon concerning the above issues, but as of 6:00pm, no response has been provided. How can the AHLC make a reasoned decision without the benefit of the City's response?

In summary, there is a right way of doing things, and a wrong way. The right way provides everyone with at least the satisfaction of a fair hearing and reasoned consideration of all issues. The wrong way results in suspicion, distrust, and, all to often, litigation.

The AHLC is being asked to vote on a purely hypothetical project which will likely need to be dramatically changed as a result of the above issues. Even if the AHLC believes the proposed renovations theoretically satisfy the Secretary of the Interior's Standards, prematurely granting a COA on a hypothetical project is clearly the wrong way of doing things.

THE FOLLOWING WAS ADDED DURING THE HEARING:

Response to Untimely Staff Response to Gaffney Objections

This is a brief response to the Staff's Responses to Gaffney's objections which were provided during the present AHLC hearing. This fails to comport with due process and requires, at a minimum, further analysis.

Specifically:

CONSTRUCTION OF DRIVEWAY ON CITY PROPERTY:

Vallejo claims driveway's within the city's right of way are "necessary to provide off street parking as required by the City's Zoning Ordinance." Off Street parking is not required within the historic district. As such, there is no requirement for any off street parking.

Vallejo claims CMV 10.04.210 allows construction of driveways. That section says nothing about constructing permanent driveways on city property. It requires that the owner reconstruct the curb and sidewalk at its expense.

DRIVEWAY WILL DESTROY RESIDENTIAL LIMITED PARKING

Vallejo claims the City Council's creation of residential limited parking in the location of the proposed garage does not "alter the process for establishing a private driveway as outline in VMC 10.04." The Code provision requires a permit for the creation of a driveway. It does not address the situation of a private driveway destroying residential limited parking created by the City Council.

SUBDIVISION APPROVAL LIMITS PROPERTY TO ONE RESIDENTIAL DWELLING

Vallejo claims, without citation of any authority, that the "subdivision condition" was "rendered null and void by State ADU law." The state ADU law sets forth standards for accessory dwelling units. Nothing in the law provides that as a condition of granting a subdivision that the city may not impose restrictions.

[redacted]

[redacted]

[redacted]

Karl Fredric Seligman
610 Georgia Street
Vallejo, CA 94590

June 3, 2020

City of Vallejo (City)
Architectural Heritage and Landmarks Commission (AHLC)
555 Santa Clara Street
Vallejo, CA 94590

Re: Opposition to Certificate of Appropriateness #18-0018 (COA)
[602 Georgia Street, APN 0056-201-200]
[Special Meeting - June 4, 2020]

Dear AHLC Members:

I did not receive notice of the special meeting called for the consideration of the above referenced COA. (VMC § 16.38.290(D).) I also hold no ill intent against my neighbor(s), and in fact applaud many of the types of remedial work contemplated by the project proposed in connection with the above-referenced COA. Nevertheless, because the COA is being considered now, I have no choice but to oppose it. Litigation between the adjacent landowners is ongoing, irregularities persist in that virtually none of the issues that were raised have been addressed by the City staff in a meaningful way, the reports prepared by the City staff and their consultants are fatally unreliable, and the COA is void ab initio in that it is constructively incomplete in its current form. It also appears that the AHLC is acting as a Certified Local Government body without complying with state law governing Certified Local Government Application and Procedures and increasing its vulnerability to a writ. (Cal. Gov. Code §§ 65850, 25373, 37361.) Nevertheless, without waiver in doing so, I hereby join in the June 1, 2020, opposition filed by Kathleen Gaffney (810 Sutter Street, Vallejo, CA 94590), subject to the following supplemental comments.

Litigation

Litigation between the Applicant and Gaffney is ongoing, making any anticipatory entitlement decisions entirely inappropriate as premature. Approval of the COA would be wholly speculative because it would necessitate that the AHLC presume that the project could simply proceed once the lawsuit concludes. Notably, the rights and obligations pending in dispute, albeit centering on the identified topic of the lateral sewer line serving 810 Sutter Street, pertain to real property land rights. Common sense dictates that the terms of ownership must be resolved before decision making on any modifications to the parcels is ripe for consideration. Indeed, as a practical matter the pendency of the litigation has precluded pursuing any voluntary collaborative effort on the many issues wrapped up in connection with the COA that I would encourage all stakeholders to view as shared concerns normally best suited for community discussion and resolution. These circumstances alone warrant that the AHLC exercise its discretion to reject the COA without prejudice.

If the City has an honest desire to expedite resolution of the dispute between the Applicant and Gaffney, whether because it is holding up the separate COA process or otherwise, it can intervene in the lawsuit rather than spend more money on outside consultant historians. The particulars of the lateral sewer lines are well known to the City, which approved the subdivision of the parcels now subject to the dispute, albeit on the condition that they each be used for single family occupancy. Although conditions, whatever they are, would typically run with the land, the City clearly has important appurtenant interests here, as exemplified by the disputed issues surrounding the COA.

Irregularities

Beyond conceding what everyone should have already known 2 years ago, namely, that residence subject to the COA is a historical resource included in the National Register of Historic Places because it is listed as part of the Vallejo Old City Historic District (District), the City has done little to nothing to address the many issues that have been raised in connection with the proposed project, including:

- The actual dominance the proposed structure will have to the streetscape, in light of artistic renditions that are not to scale but demonstrate a commanding presence that is more in keeping with a mini-mansion.
- The potential for a substantial adverse effect on the significance of surrounding homes once the entire "compound" is finished, given that the relative importance of a change to the historic character of a property remains specific to both the subject property, as well as to how it contributes to the District.
- The potential for a substantial adverse effect diminishing adjacent property values and therefore constituting a regulatory constitutional takings.
- The historical significance of the water well located on the rear of the property.
- The safety implications to the delicate water, sewer, foundation and related infrastructure of the adjacent historic homes, whether from potential subsidence or a change in underground water flows.
- Justification for the abandonment of the February 2019 commitment to consider the COA and the variance simultaneously.
- The impact of the relaxation of materials requirements (not opposing synthetics) that have been consistently insisted upon in the past by both the City staff and AHLC as a condition to approval of changes, on the surrounding homes in the District.
- The loss of the historic significance 602 Georgia Street has gained in its own right, as a home well identified with Vallejo, the District, and inextricably with Richard Lemke, a long standing prominent member of the Vallej business, civic and philanthropic community who was instrumental in establishing the District, the Naval Museum and the AHLC itself. Indeed, Mr. Lemke sat on the AHLC. He was particularly proud of 602 Georgia Street where he and his wife Christine hosted numerous civic affairs. One of Mr. Lemke's later lasting contributions was the return of historic street lamps to Georgia Street.

As outlined above, the changes contemplated by the COA traverse well beyond merely disputing the type of materials to be used and loss of virtually every existing characteristic of the

home, including the mansardstyle roof, making the structure so well identified as part of the neighborhood. None of the aforementioned points have been thoroughly vetted, and it is not an exhaustive list. The City staff never followed-up with me, despite an initial promise to do so – which says a lot in itself. It is worth emphasizing that in connection with examining a contributing building in the District each change needs to be evaluated within the context of the historic building itself, as well as the District as a whole. Moreover, whether former modifications have occurred inside or outside the period of significance is not controlling as to whether historic significance has been gained in its own right.

The City's staff report(s) support the COA blindly, without any deep discussion of the persisting issues, simply and conveniently omitting them or concluding that they should be permitted because in the entirety the proposed modifications conform to something closer to First Bay character. Wanting to return a property to its original appearance is not adequate justification by itself to remove later changes and may not meet the Standards for Rehabilitation if it requires the removal of later materials, features, or spaces that have acquired significance in their own right. To dispense with this aspect of the analysis is to do a disservice to our community.

The indemnifications identified in connection with the COA may be required but they are represented in a disingenuous manner. Coupled with reference to other steps that will still need to be taken, their inclusion is undoubtedly designed to eliminate fear from a bad outcome. But it doesn't work that way. In litigation, a property owner and his contractors would point to the municipality's approvals as a defense to what would otherwise be their liability alone. In turn, the City would point the finger at the property owner and his contractors. A legal merry-go-round nightmare where those who had nothing to do with the project, and perhaps opposed it, would be left to pay the legal cost to defeat those defenses. To be fair, any project of the size this COA contemplates, implicating adjacent homes over 120 years old, necessitates indemnification of (at minimum) the property owners who are up slope, together with representations and warranties.

Reports

As mentioned above, the thrust of the City's COA staff reports is to advance that the proposed modifications, despite implicitly acknowledging that they may, in a separate property evaluation of another property within the Historic District, be refused, be permitted in this case because the resulting home will be stylized in First Bay character. This constitutes a wholesale departure from the role both City staff and the AHLC have played to protect Vallejo's inventory of historic homes for more than 40 years. Moreover, I cannot understate my disappointment in observing that the City has persisted with this in an effort to strong-arm an approval of the COA from the AHLC.

My conclusion that the posture of the City staff has changed comes from numerous observations. Most disconcerting, the reports prepared for the COA fail to identify and grapple with legitimate but competing interests and perspectives (see above) in a balanced way, instead crafting a narrative that justifies the sought-out result it wants from the AHLC. By summarily dispensing with what is actually only a sampling of concerns that have been raised and omitting further mention of others (even where they were identified in earlier versions of the report(s) and

are now left unaddressed), the cherry picking approach uses examples to selectively justify grand deviations on some of the normally more "hot button" topics (e.g. many garages in the neighborhood without set-backs) without mention of other undesirable characteristics these so called comparative properties possess (e.g. for the few garages that exist, most are single car, at best). More importantly, perhaps, these particulars go toward the overall character of the District woefully absent from the City staff narrative. That omission constitutes a fatal error in the value of the entirety of the report(s).

I understand that Ms. Gaffney's attorney has encountered a refusal from the City to public disclosure of the details surrounding use of Rincon to prepare the supporting report to which City staff anchors their recommendation. This lack of transparency places the resulting work product in the dubious light. At a minimum, it underscores the conclusion that the staff is willing to derogate their roles. According, an independent expert is needed to perform a wholly independent review and analysis of their findings.

I understand that Ms. Gaffney argues, at least in part, that consideration of the COA be continued, perhaps to allow time to cure. But no matter how the AHLC decides to proceed, the Members should view the current form of the COA dead on arrival.

The COA should be denied.

I make no waivers herein, express or implied. Instead, I hereby reserve all rights I have in both law and in equity.

Sincerely,

Karl Fredric Seligman
610 Georgia Street
Vallejo, CA 94590

cc: Mr. Stephen M. Flynn, Esq., Attorney for Kathleen Gaffney

Aaron Sage

From: KATHY GAFFNEY <kgdoctor@aol.com>
Sent: Wednesday, June 03, 2020 9:48 PM
To: Gillian Hayes; Mayor Bob Sampayan; Greg Nyhoff; Shannon Eckmeyer; Aaron Sage
Cc: kgdoctor@aol.com
Subject: Requested copy of report , Sage keeps telling Flynn it is not done , blatant lies Request FOIA DOJ and PRS nextrequest
Attachments: RE 602 Georgia Site Visit today_1.pdf

Request FOIA DOJ, CPRA , Nextrequest
My attorney has asked Aaron Sage for reports from Rincon regarding 602 Georgia St Vallejo , Private property , nothing to do with City . Sage has denied report as not finished. This is not true please supply Reports and all reports , documents , photos , transcripts, files , diagrams ,flash drives electronic files and electronic reports any communication from Aaron Sage,Steven Trafffer, Deborah Howell Ardilla , Art or Arthur Henriques or any other City of Vallejo employee regarding Rincon Architectural Inc top from and also any City of Vallejo employees including but not limited to Public works and Vallejo Sanitation and Flood District regarding Rincon Architectural Inc., , any Rincon employees , consultants or contracted employees
602 Georgia St, 302 Georgia St , 802 Georgia St , 602 Georgia St neighbor, 602 Georgia St Neighborhood all names 602 Georgia St Vallejo has been listed under. Nextrequest Why? I am asking for immediate response via Sunshine Orandance.
Kathleen Gaffney (tried to send to Aaron Sage went to Dawn Abrahamson)
707 430 6833
********** This is an EXTERNAL EMAIL. Stop and think before clicking links or opening attachments.
****

Aaron Sage

From: KATHY GAFFNEY <kgdoctor@aol.com>
Sent: Thursday, June 04, 2020 7:41 AM
To: Gillian Hayes; Aaron Sage; Mayor Bob Sampayan
Cc: kgdoctor@aol.com; smflynn@smflynn-law.com
Subject: Requested item Denied by Aaron Sage
Attachments: RE 602 Georgia Site Visit today_1.pdf

********** This is an EXTERNAL EMAIL. Stop and think before clicking links or opening attachments. **********

My attorney Steven Flynn has request any and all documents from Rincon Arch. INC including all information ,document , electronic files , Maps, diagram , memo, phone messages to any and all employees of the City of Vallejo including Aaron Sage and Arthur Henriques but not limited too.. . This includes report , comments ,maps, photos, document , plans, electronic files , email from Deborah (Debi) Howell Ardilla Rincon Consultant for 602 Georgia St Vallejo or any other communication , reports ,maps, diagrams, photos, plans fax , electron files flash drive , document, electronic file , phone calls, or any and communication a private property owned by Jean Drolet involved in a lawsuit where we both have suits against each other. Deborah Howell Ardilla was brought out at the cost of $4,250 to the Tax payers of Vallejo for a PRIVATE Property issue that City of Vallejo, has nothing to do with. We are again requesting any and all Rincon Inc files and any and all files produced by Steven Traffers Rincon Arch. Inc or any other employee of Rincon Arch.Inc , Rincon Consultant Deborah Howell Ardilla involving 602 Georgia St Neighbor602 Georgia St , 802 Georgia and 302 Georgia St Vallejo or hidden under any other name involving 602 Georgia St Vallejo CA., Jean Drolet. We would also like an explanation why a theCity of Vallejo, City of Vallejo Planning Department has employed via Master agreement of $20,000 dollars are doing the work and paying the fees and cost for Deborah Howell Ardilla $4,250 for work done on a Private Property involved in a mutual lawsuit between 602 Georgia St and 810 Sutter St. Vallejo. I would like an explanation as would the tax paying citizen WHY we are paying for Jean Drolet and 602 Georgia St Vallejo cost? You have a duty as fiduciaries of the City of Vallejo to insure funds are spent appropriately and not to Private Property issues. These files , electronic file and plans documents do exist and we would like all immediately via FOIA DOJ , Nextrequest and CPRA.
Kathleen Gaffney

Leslie Trybull

From: Sent: To:
Cc: Subject:

Received, thanks!

Steven Treffers, Senior Architectural Historian

Rincon Consultants, Inc.
Environmental Scientists | Planners | Engineers 510-834-4455 x9984
rinconconsultants.com

From: Art Henriques <Art.Henriques@cityofvallejo.net>
Sent: Thursday, September 26, 2019 9:13 AM
To: Steven Treffers <streffers@rinconconsultants.com>
Cc: Deborah Howell-Ardila <dhardila@rinconconsultants.com>; Aaron Sage <Aaron.Sage@cityofvallejo.net> **Subject:** RE: 602 Georgia Site Visit today

Let's see if this reduced file size will go through the email system.

Arthur Henriques, MUP
Contract Planner
City of Vallejo | *Planning & Development Services Dept., Planning Division (707) 648-8604* | *art.henriques@cityofvallejo.net*

From: Art Henriques
Sent: Thursday, September 26, 2019 9:07 AM
To: Steven Treffers <streffers@rinconconsultants.com>
Cc: Deborah Howell-Ardila <dhardila@rinconconsultants.com>; Aaron Sage <Aaron.Sage@cityofvallejo.net> **Subject:** RE: 602 Georgia Site Visit today

Good morning Steven and Debi. I am working on getting you an electronic copy of the plans. The plans are too large for the City's email system, I am working on an alternative.

Arthur Henriques, MUP
Contract Planner
City of Vallejo | *Planning & Development Services Dept., Planning Division*

Steven Treffers <streffers@rinconconsultants.com> Thursday, September 26, 2019 9:15 AM
Art Henriques
Deborah Howell-Ardila; Aaron Sage

RE: 602 Georgia Site Visit today

CAUTION: This email originated from outside of Rincon Consultants. Be cautious before clicking on any links, or opening any attachments, until you are confident that the content is safe .

1

(707) 648-8604 | art.henriques@cityofvallejo.net

From: Steven Treffers <streffers@rinconconsultants.com>
Sent: Wednesday, September 25, 2019 4:52 PM
To: Aaron Sage <Aaron.Sage@cityofvallejo.net>; Art Henriques <Art.Henriques@cityofvallejo.net> **Cc:** Deborah Howell-Ardila <dhardila@rinconconsultants.com>
Subject: 602 Georgia Site Visit Tomorrow

Hi Aaron and Art,

I wanted to send an email and introduce you to our senior architectural historian Debi Howell-Ardila, who will be attending the site visit at 602 Georgia Street at tomorrow 9/26 at 3:30PM. Debi has extensive experience with the Secretary of the Interior's Standards and will be a great asset to the team on this project.

The two of us had an opportunity to go over everything today, including the original staff report and original NRHP nomination. I am however embarrassed to admit that I somehow misplaced the project plans you sent me, which had the historic photograph of the building on the cover. Would you be able to resend those so that she has an opportunity to review prior to the meeting tomorrow?

Thanks and please feel free to reach out if you need anything prior to then.

Steven Treffers, Senior Architectural Historian

Rincon Consultants, Inc.
Environmental Scientists | Planners | Engineers 510-834-4455 x9984
rinconconsultants.com

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********** This is an EXTERNAL EMAIL. Stop and think before clicking links or opening attachments. **********

Aaron Sage

From: kgdoctor@aol.com
Sent: Thursday, June 04, 2020 7:45 AM
To: Gillian Hayes; Aaron Sage; Mayor Bob Sampayan
Subject: Requested last night and returned in one hour with NONE we know this is not true and not privileged information

- *Public Record Requests*
  CITY OF VALLEJO
-
- MAKE REQUEST
- ALL REQUESTS
- DOCUMENTS
- SETTINGS
- SIGN OUT

Request Visibility: Unpublished

_Request #20-350

OPEN

Request FOIA DOJ, CPRA , Nextrequest
My attorney has asked Aaron Sage for reports from Rincon regarding 602 Georgia St Vallejo , Private property , nothing to do with City . Sage has denied report as not finished. This is not true please supply Reports and all reports , documents , photos , transcripts, files , diagrams ,flash drives electronic files and electronic reports any communication from Aaron Sage,Steven Trafffer, Deborah Howell Ardilla , Art or Arthur Henriques or any other City of Vallejo employee regarding Rincon Architectural Inc top from and also any City of Vallejo employees including but not limited to Public works and Vallejo Sanitation and Flood District regarding Rincon Architectural Inc., , any Rincon employees , consultants or contracted employees
602 Georgia St, 302 Georgia St , 802 Georgia St , 602 Georgia St neighbor, 602 Georgia St Neighborhood all names 602 Georgia St Vallejo has been listed under. Nextrequest Why? I am asking for immediate response via Sunshine Orandance.
Kathleen Gaffney
707 430 6833
Read more

Received

June 3, 2020 via web

Departments

Requester

Kathleen Gaffney

kgdoctor@aol.com
810 Sutter St , Vallejo , CA 94590

707 430 6833
N/A

Documents

Public (pending)
(none)

Requester

(none)

Staff

Point of Contact
Narcissa Wilson

- **Send Message**
-

Department Assignment Public
Removed: All Other Departments.
June 3, 2020, 10:23pm by Dawn Abrahamson, City Clerk

Department Assignment Public
All Other Departments
June 3, 2020, 9:42pm

Request Opened Public
Request received via web
June 3, 2020, 9:42pm

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****

June 4 2020

To: Aaron Sage Secretary of AHLC
Please distribute this to the Commissioners of the AHLC. Aaron Sage Secretary of AHLC

Aaron.Sage@cityofvallejo.net
Gillian.Hayes@cityofvallejo.net,
Bob.Sampayan@cityofvallejo.net,

Please forward to ALL Commissioners of the AHLC Vallejo Immediately
Re: AHLC meeting June 4 2020 regarding project 602 Georgia St Vallejo CA.

Wilson Paz
David Paz
611 Virginia St
Vallejo CA 94590

June 4 2020
To the;
AHLC ,Vallejo CA.
To Aaron Sage Secretary of AHLC, City of Vallejo Planner Vallejo CA

Aaron.Sage@cityofvallejo.net,
Cc Gillian.Hayes@cityofvallejo.net,
Cc Bob.Sampayan@cityofvallejo.net,
To:
Aaron Sage Secretary of AHLC Vallejo CA.
City of Vallejo Planner Vallejo CA, CLG Vallejo CA
Members of the AHLC Commission , Vallejo CA

This is to inform the AHLC Vallejo and the city of Vallejo that neither Wilson Pac or myself David Pac , property owner and manager of 611 Virginia St Vallejo CA ., received any notification of AHLC , City of Vallejo , meeting scheduled for June 4 2020 in regards to 602 Georgia St Vallejo CA.. I am requesting the meeting be cancelled . As a property owner, manager of property that lies with
in the 200 ft of 602 Georgia St. Vallejo CA, you were required by law to notified. Neither of us have been notified of this upcoming meeting.for 602 Georgia St. I (we) have been denied my (our) right of notification regarding this issue of 7 days prior to event and rights to voice our concerns over this Historical project in the Vallejo Old town City Historic District.
Our tenants were not notified either and therefore have not been allowed the opportunity to voice their concerns , if applicable, regarding the project at 602 Georgia St Vallejo CA.
Sincerely,

_____
David Paz
___June 4 2020 _____
Date

_____
Wilson Paz
___June 4 2020_____

Jan 17 2019

Please except my apology for this packet to the members of the AHLC being so late arriving. I have been requesting information that I was promised , some of it a month ago and still have not received from the City of Vallejo Planning Department. I was promised I would receive the critical information yesterday. I did not. Please find time to read this as it does have critical information you will need to make a fair decision on 802 Georgia St. Vallejo CA,
Sincerely,
Kathleen Gaffney
810 Sutter St
Vallejo CA

January 16 2019

To : Architectural Heritage and Landmarks Commission 1

Regarding COA for
602 Georgia St. Vallejo CA 9590

Please be on notice that I Kathleen Gaffney object to the proposed plan of Jean Drolet 602 Georgia St. Vallejo California and ask that his plans not be approved.

A. Government Code section 65852.2 (B)(i)
Imposed standard on accessory dwelling units that include , but not limit to, parking , heights, setbacks, lot coverage, landscape , architectural review maximum size of a unit and standards that prevent adverse impact on any real property that is listed in the California Register of Historic Places.

B.. Violation of California Code of Regulations CEQA Title 14 Chapter 3
Section 15300.2 (f) § 15300.2. Exceptions
Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resources.

SIGNIFICANT EVIDENCE OF HISTORIC IMPORTANCE
And HISTORIC RESOURCE

B1. Significant Evidence of Historic Importance of 602 Georgia St Vallejo CA as as follow:

Tue, Jan 15, 2019 2:59 pm

Allison, Eric@Parks (Eric.Allison@parks.ca.gov)
To:you Details

Dear Ms. Gafney:
I enjoyed speaking with you today. As we discussed, my office's database indicates that 602 Georgia Street in Vallejo is listed on the National Register of Historic Places as a contributing element to the Vallejo Old City Historic District. It was listed on January 1, 1973. By virtue of this National Register listing, the property is also listed on the California Register of Historical Resources.

Please let me know if I can be of further assistance. I have forwarded your inquiry regarding the afore-mentioned district to my colleague, Joseph McDole, and he will provide additional information.

Regards,

Eric Allison
CHRIS Coordinator
California Office of Historic Preservation
1725 23rd St, Ste 10
Sacramento, CA 95816

January 16 2019

(916) 445-7044 (ph)
(916) 445-7053 (fx)

B1 602 Georgia St and 810 Sutter St are LISTED in the NATIONAL REGISTER # 73000460 (please note registered in 1973 long after remodel in of 602 Georgia St. Vallejo CA and accepted in the National and State Register)
Vallejo Old City Historic District
Picture (included) of 602 Georgia St was submitted in original application in 1972.

B3. 602 Georgia St Vallejo CA and 810 Sutter St are both listed in the National Register of Historic Places Inventory List. Every house in the Vallejo Old city Historic District is listed individually by address and description making every house listed in Inventory a National Registry House. Full list is available . Both houses are listed here. Bounded by Sonoma Blvd, Monterey St, Carolina St, York St Vallejo CA.

C.
City of Vallejo, City of Vallejo Planning DepartmentViolation of The Exception to the Exemption section 15300.2 Title 14
Does Nullified section15301(e)(1)
Information was provide by:
Scott Morgan
Director of State Clearinghouse and Deputy Director of Administration at Governor's Office of Planning and Research
Sacramento area
Phone conversation Tuesday January 15 2019
14 CCR § 15300.2 (f)

§ 15300.2. (f) Exceptions.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.
14 CCR § 15300.2, 14 CA ADC § 15300.2 (f)

C1.
City of Vallejo, City Planning Department is in direct Violation of California CODES OF REGULATIONS by accepting Title 14 section 15301 (e) (1). Are in Violation of California Environment Quality Act under Proposed Environmental Determination
602 Georgia St, Does NOT fall under the Architectural Heritage District but is on the NATIONAL and STATE REGISTER under VALLEJO OLD CITY HISTORIC DISTRICT / HISTORIC RESOURCE therefore is not eligible for the title 14 section 15301 (e)(1) Exemption

C2. City of Vallejo, City of Vallejo Planning Department are in Violation of not recognizing 602 Georgia St Vallejo CA as a "significance Historic Resource :

January 16 2019

C3. City of Vallejo , City Planning Department is in Violation of not informing a member of the public the appeals process when member of public felt this exemption was being improperly used because the project at 602 Georgia St Vallejo CA is a significant adverse impact on historic resources, it is very important that any appeal be requested as a 35 day statue of limitation will begin on the day it is approved. Available to Public January 11 2019 , no information regarding appeal .

D.
City of Vallejo, City Planning Department in Violation of not acknowledging California Department of Parks and Recreation Office of Historic Preservation CRITERIA
California Register of Historic Resources
CALIFORNIA REGISTER OF HISTORICAL RESOURCES
*Associated with events that have made a signifiant contribution to the broad patterns of local or regional history of the cultural heritage of California or the United States
*Associated with the live of a person important to local, California or National history
Nation Register of Historic Places
*Associated with events that have made a significant contribution to the broad pattern of our history
*Embodies the distinct characteristics of a type , period or method of construction…
*Associated with the lives of a person significant with our past.
Resource listed in the Nation Registry

RE: 602 Georgia St, Vallejo

Wed, Jan 16, 2019 4:37 pm

McDole, Joseph@Parks (Joseph.McDole@parks.ca.gov)
To:you Details
reg prgms chart.pdf (24 KB)
Ms. Gaffney,
Rather than resending the link, I've attached the pdf.

Sincerely,
Joseph McDole
State Historian II
Information Management Unit
California Office of Historic Preservation
1725 23rd St, Suite 100,
Sacramento CA 95816-7100
www.ohp.parks.ca.gov
916 445-7039 phone
916 445-7053 fax
joseph.mcdole@parks.ca.gov

January 16 2019

D2. City of Vallejo , City Planning of Vallejo are in Violation of not recognizing Department of Parks and Recreation Office of Historic Preservation CRITERIA
California Register of Historic Resources: *Associated with events that have made a signifiant contribution to the broad patterns of local or regional history of the cultural heritage of California or the United States
*Associated with the live of a person important to local, California or National history
Nation Register of Historic Places
*Associated with events that have made a significant contribution to the broad pattern of our history
*Embodies the distinct characteristics of a type , period or method of construction…
Associated with the lives of a person significant with our past

D2a.
602 Georgia St. is the previous home of Richard and Christine Lemke
Founder of the Vallejo Naval Historical Museum
Help Found Architectural Historic Commission which lead to countless historic homes being saved
President of the Navy league for years
Receive countless award for his countless years of volunteering to maintain Vallejo cultural presence making it in 2009 Cultural Capital of America.
Richard support the Theater
Many civil and social events where held at 602 Georgia St, at Ric and Christine **Lemke.** He was a business man and she had her Dressmaking shop at 602 Georgia St for many decades. Christine Lemke was a business owner in her own, support the Vallejo Symphony
Christine was a member of the Vallejo Soroptimist and the Professional Business women Club to name a only a few of this couples involvement in supporting Vallejo. Please see letter of thanks from many mayors of Vallejo , Solano County Board of Supervisors , Chairperson, Vallejo Naval Museum and the USS Seawolf.

E. City of Vallejo, City Planning are in Violation of approving Jean Drolet submitted **Garage/workshop** plans
1.**Proposed Foundation Plan goes over over my sewer line.**
2. Currently Jean Drolet (defendant) and myself Kathleen Gaffney (Plantiff) are involved in a lawsuit over my sewer line. My Attorney Is James Falcone,ESQ

F. City of Vallejo , City Planners have willfully violated a fiduciary duty for Tax payers monies by approving plans with Driveway cutbacks Karger than what is allowed after spending the City of Vallejo has spent $3,361.27 Residential parking Zone B see cost sheet.
In 2018 Mr Jean Drolet instigated a petition to the City of Vallejo that demanded"(per petition) that Vallejo take Immediate action to restore parking availbity to residents of this High Density Residential area..needed and granted and in enforced 1/2/2019

January 16 2019

Less than a year later he now wants to take he wants two of the still very limited High Density parking on Sutter St for his personal use. On Sutter St from 602 Georgia St to Indian Alley (West side) there four legal space , one being a handicapped
(per VPD parking space is 20ft) 602 Georgia St. is requesting for driveway cut out *26 ft 91/2 inches*
Losing two out four parking places will be lost for personal gain of Jean Drolet.. There one apartment across from 602 Georgia St (Brick Apartment building) corner of Georgia and Sutter has 37 units, 807 Sutter Gerard Apartments corner of Georgia and Sutter has 25 units and the Valley Terrace corner of Sutter and Virginia St has 22 units with parking only for tenants not visitors. See parking diagram
G.
City of Vallejo , City Planning of Vallejo is in Violation of ordinance 277 NC 25, 1957 10.04.260 for approving Submission to AHLC for approval of Driveway more than 20 feet at curb line.

H. City of Vallejo , City of Vallejo Planners are in Violation of non compliance with rules, Misrepresentation, Manipulation of photos, Municipal Codes , Ordinances, Protocol and Procedures regarding VARIANCE, including but not limited to heights ,cutback for driveway and setbacks . including 21 day notification , Historical Resources may not have light and air effected. The planning commission shall grant the requested variance in whole or part conditionally or unconditionally only if the facts presented with the application or at the public hearing or determined by investigation, the following conditions are found only
A1. That Hardship peculiar to the property to the and not created by any act of the owners exists,. In this context , personal , family or financial difficulties , loss of prospective profits and neighboring violations are NOT hardship justifying variances. Further a previous variance can never set a precedent for each case imust be considered only on it individual merits
B1,The. Such variance is necessary for the preservation and enjoyments of substantial property rights possessed by others conforming property in the same vicinity and that a variance if granted DOES NOT constitute a Special privilege of the recipient cause by his neighbors.
C1. The granting of the variance will not be materially detrimental to public health safety or welfare or will not impair an adequate supply of light and air. See addition D1. and E1.

I am Very opposed to any vinyl and not wood being use. Wood window fames are available as are wood shingles. The rocks are not fitting for this era of a house. It appears the Planning Department allowing Vallejo to be sold out again .
I am 5th general Californian , Dr. John Marsh first doctor in California if my great ,great , great , Great Grandfather, I do understand historic pride. My husband was born here and can remember what Vallejo use to look like before the 1960's sell out. Are we going to let Vallejo be sold out again? I am sure you on this Commission have

January 16 2019

read the Department of Interiors Guideline and Standards . Napa took four year to repair their Courthouse because they followed the Standard and Guidelines. Unless we stop the people who want to make a fast buck and move on Vallejo will never reach its potential. We have a chance to be on the level with Napa and Benicia but only if we have the courage to stand up for our CITY.

Kathleen Gaffney
810 Sutter St.
Vallejo CA 94590
707 430 6833

STATE OF CALIFORNIA
AUTHENTICATED
ELECTRONIC LEGAL MATERIAL

State of California

GOVERNMENT CODE

Section 65852.2

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit may be rented separate from the primary residence, buy may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily use and includes a proposed or existing single-family dwelling.

(iii) The accessory dwelling unit is either attached or located within the living area of the proposed or existing primary dwelling or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) The total area of floorspace of an attached accessory dwelling unit shall not exceed 50 percent of the proposed or existing primary dwelling living area or 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback

of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the proposed or existing primary dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a zone for single-family use one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered by a local agency, special district, or water corporation to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. The department may review and comment on this submitted ordinance.

(i) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and

sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(6) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(Amended by Stats. 2017, Ch. 602, Sec. 1.5. (AB 494) Effective January 1, 2018.)

THOMSON REUTERS
WESTLAW California Code of Regulations

§ 15300.2. Exceptions.
14 CA ADC § 15300.2
BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations Currentness
Title 14. Natural Resources
Division 6. Resources Agency
Chapter 3. Guidelines for Implementation of the California Environmental Quality Act
Article 19. Categorical Exemptions

14 CCR § 15300.2

§ 15300.2. Exceptions.

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Sections 21084 and 21084.1, Public Resources Code; Wildlife Alive v. Chickering (1977) 18 Cal.3d190; League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland (1997) 52 Cal.App.4th 896; Citizens for Responsible Development in West Hollywood v. City of West Hollywood (1995) 39 Cal.App.4th 925; City of Pasadena v. State of California (1993) 14 Cal.App.4th 810; Association for the Protection etc. Values v. City of Ukiah (1991) 2 Cal.App.4th 720; and Baird v. County of Contra Costa (1995) 32 Cal.App.4th 1464.

HISTORY

What are Exemptions Under CEQA and How Are They Used?

There are types of exemptions under CEQA: statutory and categorical. Statutory exemptions are projects specifically excluded from CEQA consideration as defined by the State Legislature. These exemptions are delineated in PRC § 21080 et seq. A statutory exemption applies to any given project that falls under its definition, regardless of the project's potential impacts to the environment. However, it is important to note that any CEQA exemption applies only to CEQA and not, of course, to any other state, local or federal laws that may be applicable to a proposed project.

Categorical exemptions operate very differently from statutory exemptions. Categorical exemptions are made up of classes of projects that generally are considered not to have potential impacts on the environment. Categorical exemptions are identified by the State Resources Agency and are defined in the CEQA Guidelines (14 CCR Section 15300-15331). Unlike statutory exemptions, categorical exemptions are not allowed to be used for projects that may cause a substantial adverse change in the significance of an historical resource (14 CCR Section 15300.2(f)). Therefore, lead agencies must first determine if the project has the potential to impact historical resources and if those impacts could be adverse prior to determining if a categorical exemption may be utilized for any given project.

If it is determined that a statutory or categorical exemption could be used for a project, the lead agency may produce a notice of exemption, but is not required to do so. If a member of the public feels that a categorical exemption is being improperly used because the project could have a significant adverse impact on historical resources, it is very important that any appeals be requested and comments be filed making the case for the exemption's impropriety. If a notice of exemption is filed, a 35-day statute of limitations will begin on the day the project is approved. If a notice is not filed, a 180-day statute of limitations will apply. As a result, lead agencies are encouraged to file notices of exemption to limit the possibility of legal challenge.

RELATED PAGES

CEQA Questions and Answers (/?page_id=21722)

Are Archeological Sites Part of the California Register? (/?page_id=21725)

How Can Substantial Adverse Change be Avoided or Mitigated? (/?page_id=21727)

How Should a Citizen Approach Advocating for Historical Resources Under CEQA? (/?page_id=21731)

What are Local CEQA Guidelines? (/?page_id=21729)

What Information Is Useful to Have When Contacting OHP About a CEQA Project? (/?page_id=21732)

What is Substantial Adverse Change to a Historical Resource? (/?page_id=21726)

What is the California Register and What Does it Have to Do With CEQA? (/?page_id=21724)

When Does CEQA Apply? (/?page_id=21723)

Who Ensures CEQA is Being Followed Properly? (/?page_id=21730)

From: Allison, Eric@Parks <Eric.Allison@parks.ca.gov>
To: kgdoctor@aol.com <kgdoctor@aol.com>
Subject: 602 Georgia St, Vallejo
Date: Tue, Jan 15, 2019 2:59 pm

Dear Ms. Gafney:

I enjoyed speaking with you today. As we discussed, my office's database indicates that 602 Georgia Street in Vallejo is listed on the National Register of Historic Places as a contributing element to the Vallejo Old City Historic District. It was listed on January 1, 1973. By virtue of this National Register listing, the property is also listed on the California Register of Historical Resources.

Please let me know if I can be of further assistance. I have forwarded your inquiry regarding the afore-mentioned district to my colleague, Joseph McDole, and he will provide additional information.

Regards,

Eric Allison

CHRIS Coordinator

California Office of Historic Preservation

1725 23rd St, Ste 100

Sacramento, CA 95816

eric.allison@parks.ca.gov

(916) 445-7044 (ph)

(916) 445-7053 (fx)

National Register of Historic Places in Solano County, California

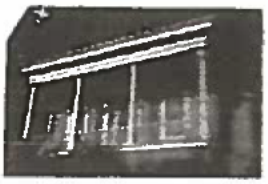
No Photo Yet

National Register #73000460
Vallejo Old City Historic District
Bounded By Sonoma Boulevard, Monterey Street, Carolina Street, York Street
Vallejo

Vallejo Old City Historic District was the location of many of Vallejo's first Victorian homes. Because of the steep hill, the area was never developed commercially.

Today the district contains examples of Victorian architectures dating from the 1850's. While none of these houses have the lavish scale often associated with the Victorian era, they are typical of houses built in small and growing communities in the West during the last half of the 19th century.

Many of these homes have been maintained in their original appearance, while others have been allowed to fall into disrepair or have been remodeled and modernized to the



USA-Vallejo-1012 Sutter Street-2.jpg
3,008 × 2,000;
2.46 MB

USA-Vallejo-1012 Sutter Street-3.jpg
3,008 × 2,000;
2.49 MB

USA-Vallejo-1018 Sutter Street.jpg
3,008 × 2,000; 2.3 MB

USA-Vallejo-400 Alameda Street.jpg
3,008 × 2,000;
2.79 MB

USA-Vallejo-426 El Dorado.jpg
2,000 × 3,008;
2.16 MB

USA-Vallejo-545 Georgia Street.jpg
3,008 × 2,000;
3.09 MB

USA-Vallejo-602 Georgia Street.jpg
3,008 × 2,000;
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USA-Vallejo-606-608 Napa Street.jpg
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USA-Vallejo-611 Napa Street.jpg
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USA-Vallejo-616 Napa Street.jpg
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USA-Vallejo-621 Sutter Street.jpg
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2.56 MB

7. DESCRIPTION

CONDITION	(Check One)					
	☐ Excellent	☐ Good	☒ Fair	☐ Deteriorated	☐ Ruins	☐ Unexposed
	(Check One) ☒ Altered ☐ Unaltered			(Check One) ☐ Moved ☒ Original Site		

DESCRIBE THE PRESENT AND ORIGINAL (If known) PHYSICAL APPEARANCE

The area to be nominated is roughly bounded by Sutter on the West, Monterey on the East, Carolina on the North and the alley south of York St. on the South. The buildings which have been photographed are those which are most significant and show the best the area has to offer. They are mainly the earliest homes in the earliest building styles. The later (Bungalow and Spanish Revival) styles are not photographed as they are familiar to most people.

The Victorian and turn of the century homes found in Vallejo are of several types. The first of these is the Italianate house. This house is distinguished by a narrow vertical appearance and a flat roof. The roofline is heavily bracketed. The entry and windows are accented by heavily carved detail of a classical nature. The siding is generally redwood.

The second type found in this area is the Queen Anne house. This home has a broader aspect and gabled roof. The design tended to be assymetrical and sometimes included a tower. Most houses have a bay window. The exterior was given interest by patterned shingles in the diamond, fishscale or other unique designs.

The third style found in this area is the "Steep pitched roof" style. These homes were built at the turn of the century and have a more austere look. The details are generally simpler than the earlier types, although they have patterned shingles.

The California Bungalow style is usually a one story home with projecting eves and heavy brackets under them. In many cases the wood siding is only two or three inches wide.

Built somewhat earlier, the Hip roof with a dormer window is also a distinct style with a blocky, symmetrical look.

The Mission or Spanish revival home is the only one that used stucco. These homes had arched windows and tile roofs.

Although the above styles of homes are the most common found in the area, there were many individual homes which comform to no set style. These were built to the wishes of the owner rather than the dictates of fashion.

It is our intention to nominate the entire area of homes, not just those photographed. The boundries of this area were set with several ends in mind. First, to define the core of the Victorian area. Then, the lines were changed somewhat for the sake of coherency (i.e., except in the case of Monterey St. and a portion of Carolina St., both sides of the streets are included). This was done because the City of Vallejo plans to zone this a historic area in order to preserve its integrity. Thus the entire street frontage would be protected. The block of Capitol Street between Sutter and Sonoma has been included because the street here gives way to a set of steep stairs. This block of stairs is planned by several private groups to be landscaped and dotted with statues of the city fathers which would ultimately make it the natural gateway to the area.

continued

30 372

SEE INSTRUCTIONS

SIGNIFICANCE

PERIOD *(Check One or More as Appropriate)*

- [ ] Pre-Columbian
- [ ] 15th Century
- [ ] 16th Century
- [ ] 17th Century
- [ ] 18th Century
- [x] 19th Century
- [ ] 20th Century

SPECIFIC DATE(S) *(If Applicable and Known)*

AREAS OF SIGNIFICANCE *(Check One or More as Appropriate)*

- Aboriginal
  - [ ] Prehistoric
  - [ ] Historic
- [ ] Agriculture
- [x] Architecture
- [ ] Art
- [ ] Commerce
- [ ] Communications
- [ ] Conservation
- [ ] Education
- [ ] Engineering
- [ ] Industry
- [ ] Invention
- [ ] Landscape Architecture
- [ ] Literature
- [ ] Military
- [ ] Music
- [ ] Political
- [ ] Religion/Philosophy
- [ ] Science
- [ ] Sculpture
- [ ] Social/Humanitarian
- [ ] Theater
- [ ] Transportation
- [ ] Urban Planning
- [ ] Other *(Specify)*

STATEMENT OF SIGNIFICANCE

The Old City area of Vallejo was the location of many of Vallejo's first Victorian homes. Because of the steep hill, the area was never developed commercially as the neighboring downtown business area expanded. Consequently, we find Vallejo's original residential area, verging on the community's major business district, that has remained an island while the community has grown around and beyond it.

Today the area is dotted with an array of excellent examples of Victorian architectures dating from the 1850's. While none of these homes were built on the grand and lavish scale often associated with the Victorian era, they are representative of the types of homes built in small and growing communities in the West during the last half of the 19th century. Many of these homes have been maintained through the years in their original appearance, while others have been allowed to fall into disrepair or have been remodeled and "modernized" to the extent that they no longer give a hint of their original character. The original large plots of ground have in most cases been divided into smaller lots and other homes built on them. Thus today we find the area covered with homes built at various times from the 1850's up until 1965. In addition to the homes that have been well preserved, there are still a number of Victorian homes in the area, including some of the finest, that could easily be returned to original exterior condition.

RECEIVED
NOV 30 1972

SEE INSTRUCTIONS

Form 10-300a
(July 1969)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM

(Continuation Sheet)

STATE	California	
COUNTY	Solano	
FOR NPS USE ONLY		
ENTRY NUMBER		DATE
MAR 20 1979		

(Number all entries)

#7. Description: (Page 9)

Virginia Street 925	1	Asphalt shingle home
935	1	Trim stucco cottage
937, 1/2,41,39	4	Two story Queen Anne, needs repair
943	5	Large Queen Anne apartments, needs repair (Same as 429,A,B,C,D, 429 Monterey)
Georgia Street 546	26	Large apartments (Same as 825 Sutter)
602	1	Large dark shingled building, soon to be remodeled (1972) (See also 810 Sutter)
610	1	Large handsome Queen Anne
622	1	Large handsome Queen Anne
638A	vac.	vac.
638	1	Large stucco
700	2	Gray and white hip roof with dormer window (Same as 702 Napa)
708	1	Unkempt house with Italianate detail
714, 1/2	2	Small cottage
720	1	Twin peak roofed large home, dark shingles
732,34	4	Modern fourplex
728,36,40	3	Wooden house
744	Comm'l	Small wood and stuccostone store (See also 615 El Dorado)
802,08	2	Small Queen Anne
804,06,08,10	4	Wood fourplex, shingles and carved detail, newly painted (1972)

Form 10-300a
(July 1969)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM

(Continuation Sheet)

STATE	California
COUNTY	Solano
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

(Number all entries)

#7. Description: (Page 16)

Sutter Street		
901	1	Dark barn roofed house with shingles and siding
909,13	2	909-Small dark shingled hip roof structure, 913-Twin to 909 but remodeled with mansard
917,19	2	Small cottage duplex
921	2	(Same as 645 Capitol)
1001,A,B,C	4	Restored hip roof house, tower room, stucco inset gable
1021,23	2	Barn roofed shingled house, columned porch
1031,33	2	Stucco ranch style duplex
1031	1	Small bungalow
1018	1	Small hip roof house, unusual porch
1016	1	Two story bungalow
1012		Heavy roof line with fine detail, portico with columns
1008	1	Small stuccoed bungalow
928	2	Bungalow (Also see 701 Capitol)
926	1	Large asphalt shingle house, almost hidden by huge pines
918	1	Shepstone house, most unusual Gothic house, tower room, interesting trim
* 810,06	2	Two story building with flattened hip roof, unusual pilasters on building corners (Also see 602 Georgia)
724,26	offices	(Same as 601,A,03,A,05,07 Georgia)
720,1/2	2	Two story flat roofed building, tall pine

NATIONAL REGISTER OF HISTORIC PLACES

VALLEJO OLD CITY HISTORIC DISTRICT

Description:

Registration Date: 3/20/1973

State Register

Location:
City: Vallejo
County: Solano

Directions:

Back (javascript:history.go(-1);) Return to Listed Resources Listing (/ListedResources)

Address: 1725 23rd Street, Suite 100, Sacramento, CA 95816

Public Information Inquiries: (916) 445-7000

Email:

Select Language ▼

Happening this Friday, December 7, in honor of those who served at Pearl Harbor. The restoration of the historic M... https://t.co/lovLK5xcey (https://t.co/lovLK5xcey) 2h (https://twitter.com/calshpo/st

Copyright © 2018 State of California

ATTACHMENT 6 - Public Communications
Page 92 of 122

	California Historical Landmarks	California Points of Historical Interest	California Register of Historical Resources	National Register of Historic Places
Criteria	• The first, last, only or most significant of its type in the state or within a large geographic region (Northern, Central or Southern California). • Associated with an individual or group having a profound influence on the history of California. • A prototype of, or an outstanding example of, a period, style, architectural movement or construction or is one of the more notable works or the best surviving work in a region of a pioneer architect, designer or master builder.	Same as those for Landmarks, but directed to local (city or county) regions.	• Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States. • Associated with the lives of persons important to local, California or national history. • Embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values. • Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.	• Associated with events that have made a significant contribution to the broad patterns of our history. • Associated with the lives of persons significant in our past. • Embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction. • Has yielded, or may be likely to yield, information important in history or prehistory.
Relation to other registration programs	Resources listed as California Historical Landmarks are automatically listed in California Register.	Resources listed as Points of Historical Interest are concurrently listed in California Register.	Resources listed in National Register or as California Historical Landmarks or Points of Historical Interest are also listed in California Register.	Resources listed in National Register are automatically listed in California Register.
Owner Consent	Written consent of property owner(s) is required.	Written consent of property owner(s) is required.	Consent of property owner(s) not required, but cannot be listed if owner(s) objects.	Consent of property owner(s) not required, but cannot be listed if owner(s) objects.
Local Government Notification	Local government must be given 60 days to comment on application before public hearing is held.	Local government must be given 60 days to comment on application before public hearing is held.	Clerk of local government must be given 90 days to comment on application before it is sent to OHP.	Local government must be given 60 days to comment on application before public hearing is held.
Effects of Designation	• Local building inspector must grant code alternatives provided under State Historic Building Code. • Local assessor may enter into contract with property owner for property tax reduction (Mills Act). • Limited protection (environmental review may be required under CEQA if property is threatened by a project). Contact local planning agency for further information. • Bronze plaque (with text) at site and highway directional marker (no text).	• Local building inspector must grant code alternatives provided under State Historic Building Code. • Local assessor may enter into contract with property owner for property tax reduction (Mills Act). • Limited protection (environmental review may be required under CEQA if property is threatened by a project). Contact local planning agency for further information. • Highway directional marker (no text). Owner may place own plaque or marker.	• Local building inspector must grant code alternatives provided under State Historic Building Code. • Local assessor may enter into contract with property owner for property tax reduction (Mills Act). • Limited protection (environmental review may be required under CEQA if property is threatened by a project). Contact local planning agency for further information. • Owner may place own plaque or marker.	• Tax incentives, in some cases, for rehabilitation of depreciable structures. • Tax deduction available for donation of preservation easement. • Local building inspector must grant code alternatives provided under State Historic Building Code. • Local assessor may enter into contract with property owner for property tax reduction (Mills Act). • Preservation consideration in federally funded or licensed undertakings (Section 106, National Historic Preservation Act). • Limited protection (environmental review may be required under CEQA if property is threatened by a project). Contact local planning agency for further information. • Owner may place own plaque or marker.

Richard ""Mr. Ric"" Lemke

Notice Guest Book

March 11, 1926 ~ Sept. 4, 2013

Richard Harvey Lemke, 87 of Vallejo passed away due to a long illness on Sept. 4. Richard was born in West Bend, Wisconsin in 1926. Richard served on the submarine "Manta". When he was stationed at Mare Island Naval Shipyard, he met his future wife, Christina Herger, who was the well-known dress maker in Vallejo. After leaving the Navy he returned to San Francisco and permanently to Vallejo in 1940, where he was the longtime owner of Mr. Ric's Men's Clothing Store on Marin St.

Mr. Lemke was the founder of the Vallejo Naval Historical Museum and he helped found the Architectural Heritage Commission which led to scores of historic houses being saved. For many years he was the president of the Navy League.

Mr. Lemke received many awards for his continuous volunteer service to maintain the cultural presence of Vallejo. The Vallejo Vision Task Force gave him the title as part of the Alta California campaign, which led Vallejo to be designated a 2009 Cultural Capital of America. In 2009 he was named the first 2009 honorary mayor of Vallejo.

For many years, he and his wife Christina were always a celebrated couple at many public social events.

He is survived by his wife, Christina Lemke; brother, Robert Lemke; sister-in-laws, Dorothy Herger, Bernice Strawn and Lucille Herger; and nieces and nephews.

Vallejo is losing its King of Culture. His history can be found at the Vallejo Naval and Historical Museum.

Visitation will be held on Wednesday, Sept. 11 from 4 to 8 p.m. Funeral service will be held on

RESOURCES

More Obituaries for Richard Lemke

Looking for an obituary for a different person with this name?

Funeral Etiquette
Expert adv
what to do

Christina Caroline Lemke

Notice Guest Book

April 17, 1919 - Jan. 3, 2014
Christina was born in San Francisco to Mr. and Mrs. Joseph L. Herger in 1919, and with her family, moved to Vallejo in 1926. She was a graduate of Vallejo Senior High School. Her career as "the well known dressmaker" of Vallejo lasted from the 1940's to 2013. She was a member of the Vallejo Business and Professional Women's Club and The Vallejo Soroptimists. Her marriage to Richard Lemke "Mr. Ric" brought everlasting joy. For many years the Lemkes were a celebrated couple at many public and private events. They were avid supporters of The Vallejo Naval Historical Museum and The Vallejo Symphony Orchestra. Christina is survived by her sisters, Dorothy Herger of Vallejo, Bernice Strawn of Colorado; in-laws, Robert Lemke of Corona, CA, Melvin Strawn of Colorado, Lucille Herger of Vallejo; and nieces and nephews. Visitation will be held Wednesday, Jan. 8, from 2 to 6 p.m., at Skyview Memorial Chapel, 200 Rollingwood Drive, Vallejo. There will be a Mass of Christian burial at St. Vincent Ferrer Catholic Church, 925 Sacramento St., Vallejo, Thursday, Jan. 9, at 1 p.m., followed by burial at All Souls Catholic Cemetery. A reception will be held at the Vallejo Naval Historical Museum, 734 Marin St., Vallejo, at 3 p.m. Contributions may be made to the Vallejo Naval Historical Museum. Arrangements by Skyview Memorial Lawn, Vallejo.

Published in TimesHeraldOnline on Jan. 7, 2014

SIGN THE GUEST BOOK

Add to this heartfelt collection of memories and condolences.

SERVICES

Skyview Memorial Lawn
200 Rollingwood Drive
Vallejo, CA 94591
(707) 644-7474

Website
View Map
Send Flowers

RESOURCES

More Obituaries for Christina Lemke

Looking for an obituary for a different person with this name?

Funeral Etiquette
Expert adv
what to do

PLANNING GUIDE

Free funeral plannin
guide compliments
Skyview Memorial L

DOWNLOAD N

ENDORSED FILED
Clerk of the Superior Court
JAN - 8 2019
By J. WOOD
DEPUTY CLERK

JAMES J. FALCONE, ESQ. sbn #131235
LAW OFFICE OF JAMES J. FALCONE
300 Capitol Mall, Suite 1800
Sacramento, CA 95814
Telephone: 916/ 442-4204

Attorney for Kathleen G. Gaffney

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SOLANO

Kathleen G. Gaffney, Kathleen G. Gaffney Plaintiffs, v. Jean Drolet and Does 2-20, Defendants.	FCS052125 VERIFIED COMPLAINT to QUIET TITLE and for DECLARATORY & INJUNCTIVE RELIEF

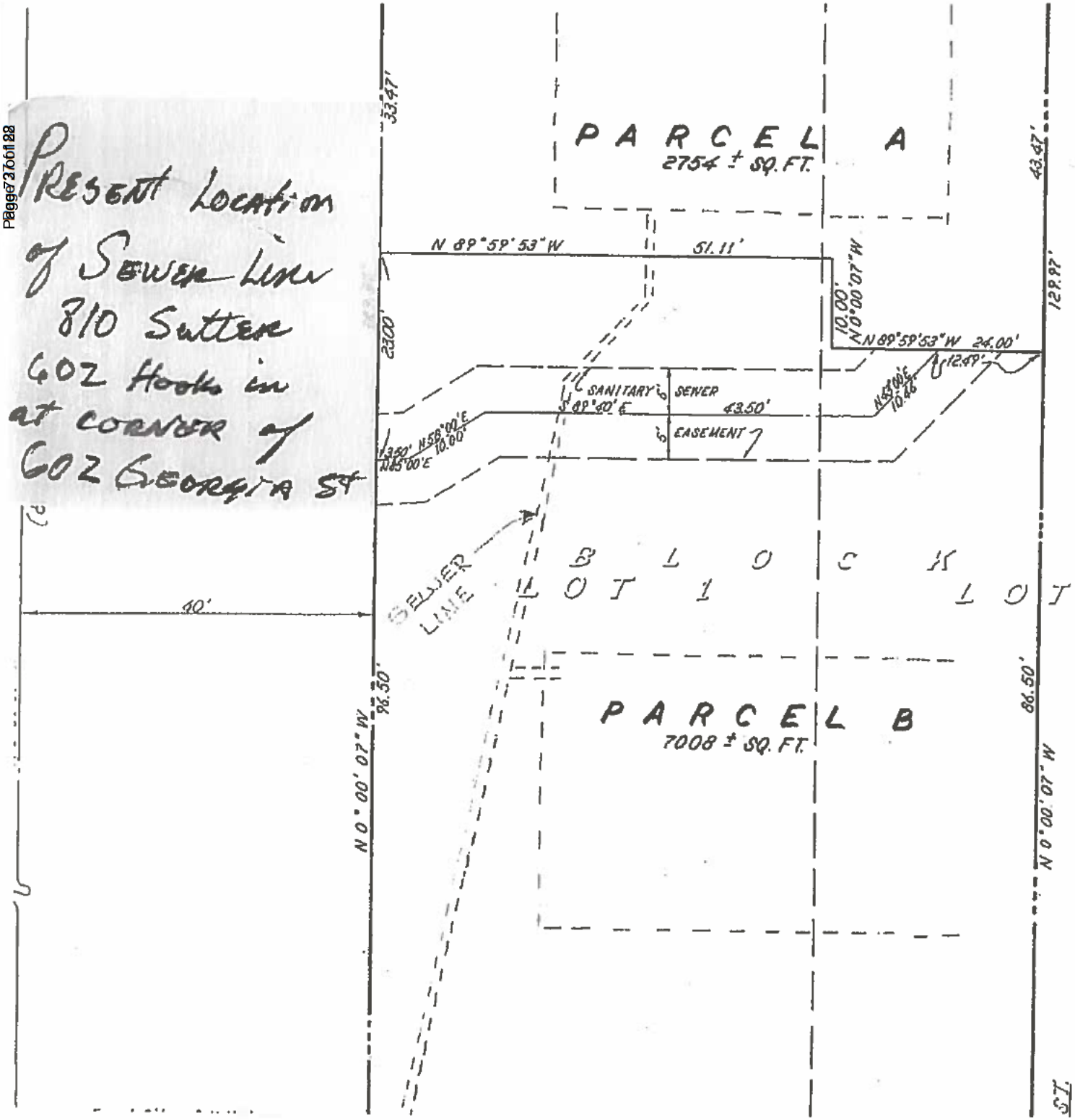
ASSIGNED TO
JUDGE Daniels
FOR ALL PURPOSES

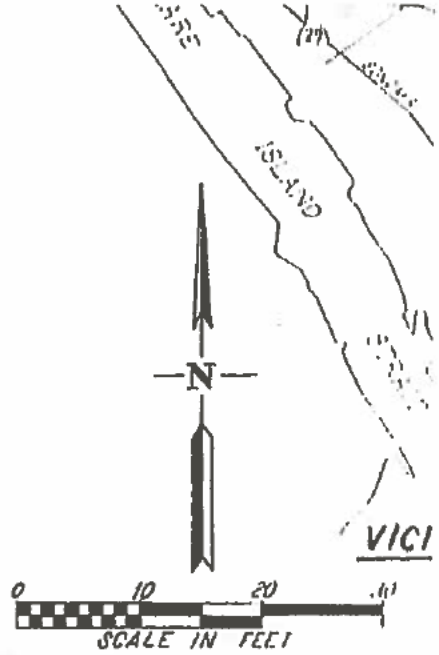
Plaintiff alleges:

1. Plaintiff Kathleen G. Gaffney, ("Gaffney") is now, and at all times mentioned in this complaint was, a resident of Solano County, and is the owner of, and has possession of, real property located at 810 Sutter Street, Vallejo, CA 94590, APN: 0056-201-210, more particularly described in attached Exhibit A. (the "Gaffney Property") Plaintiff is informed and believes that her house at 810 Sutter was built in 1900.

LAW OFFICE
JAMES J.
FALCONE
300 Capitol Mall, Suite 1800
Sacramento, CA 95814
Phone (916) 442-4204

Present Location of Sewer Line 810 Sutter 602 Hooks in at corner of 602 Georgia St





Proposed Plans 602 Georgia St have foundation of house/Garage over sewer line

LEGEND
DISTINCTIVE
ORIGINAL CO
NEW PARCE

und City of Vallejo
ndard Street Monument
own in Bk.28 P.M. Pg. 44 S.C.R.

PARCEL N
OF
A DIVISION OF
WEST HALF OF LOT 2,
BOOK 1 OF MAP
SOLANO COUNTY

Petition To Restore Resident Parking In The Vicinity Of Georgia At Sutter

Following changes to parking enforcement downtown we have observed a marked reduction in the availability of unrestricted parking spaces for residents. These spaces are often used by drivers who go downtown or use the Ferry. We demand that Vallejo takes immediate action to restore parking availability to residents of this high-density residential area, where little off-street parking exists.

Whereas there was plenty of parking available to residents prior to recent changes in downtown parking enforcement and this problem was caused by the City's actions;

whereas Vallejo hired parking consultants at great expense to avoid the sort of problem listed above and failed to anticipate this problem;

and whereas residents of more affluent neighborhoods have plentiful access to free on-street parking in their neighborhoods.

We the undersigned demand that the City takes immediate action to restore unrestricted parking availability to the residents of this area at no cost to the residents. We suggest making all parking spaces time restricted to non residents and providing free parking permits to all residents living within a block of the Georgia-Sutter intersection.

DATE	PRINT NAME	SIGNATURE	ADDRESS	COMMENT
01/26/12	VENUS TORRES	[illegible]	546 Georgia St #109	
01/26/12	JEAN DROLET	[illegible]	602 Georgia St	

DATE	PRINT NAME	SIGNATURE	ADDRESS	COMMENT
1-20-18	Debbie LaPlant		546 Georgia Apt 208	
1-20-18	D'Angelo Woodward		546 Georgia St #202	We need this!
1-20-18	Kenneth Jose Cisneros II		546 Georgia St #208	
1-20-18	MADALYN Wilson		546 Georgia Apt 105	And Paint spaces!! Please
1-24-18	Deb Braussard		546 Georgia St #205	
1-25-18	Charlie Hyatt		546 Georgia St #304	Those who go into Vallejo Re[illegible] by rent[illegible] mining should have [illegible]
1/27/18	Kathy Rios		[illegible] Rios 810 Sa[illegible]	
1/27/18	Robert Rios		810 Sa[illegible]	

Please returned petition to Jean Drolet at 602 Georgia St., Vallejo, CA by Jan 21st, 2018. Request more petition forms at jd_vallejo@netdynamo.com or download from https://drive.google.com/drive/folders/1e6TDzTc6o-v5pKhh6HqtBvy095G-Nl4J?usp=sharing

13

INTERDEPARTMENTAL INVOICE

INVOICE DATE	INVOICE #
December 17, 2018	28614
PROJECT NAME/LOCATION	
Zone B Permit Parking	

City of VALLEJO California

Public Works Maintenance Division
111 Amador Street
Vallejo, CA 94590
P: 707-648-4471

Bill To:
555 Santa Clara Street
Parking
Allison Mattioli

INVOICE DETAIL

MATERIAL DESCRIPTION	QTY	RATE	AMOUNT
Sign poles	14.00	$ 30.00	$ 420.00
Sign Hardware	21.00	$ 7.00	$ 147.00
Concrete / Grout	14.00	$ 6.00	$ 84.00
			$ -
			$ -
			$ -
			$ -
			$ -
Transfer Material total cost to account #		TOTAL MATERIAL	$ 651.00

EQUIPMENT DESCRIPTION	QTY	RATE	AMOUNT
316	16	$ 32.50	$ 520.00
325	13	$ 32.50	$ 422.50
		$ -	$ -
		$ -	$ -
		$ -	$ -
		$ -	$ -
Transfer Equipment total cost to account # 001-2601-431.20-01		TOTAL EQUIPMENT	$ 942.50

LABOR TYPE	LABOR DESCRIPTION	EMPLOYEE ID #	HOURS REG	HOURS OT	REG RATE	OT RATE	AMOUNT
EMPL	Install signs and poles	208232	16		$ 65.90	$ 82.16	$ 1,054.45
EMPL	Install signs and poles	208364	13		$ 54.87	$ 68.14	$ 713.33
					$ -	$ -	$ -
					$ -	$ -	$ -
					$ -	$ -	$ -
					$ -	$ -	$ -
					$ -	$ -	$ -
Transfer TEMP Labor cost to account #		001-2601-431.01-06			TOTAL TEMP LABOR		$ -
Transfer EMPL Labor total cost to account #		001-2601-431.20-01			TOTAL COV LABOR		$ 1,767.77
					TOTAL LABOR		$ 1,767.77

COMMENTS:

TOTAL DUE $ 3,361.27

Prepared By:
Robert Cole
Enclosure(s):

FOR OFFICE USE ONLY

Ref WO #'s:		
TP28614		

INVOICE

1

BAY AREA BARRICADE SERVICE, INC.
1861 ARNOLD INDUSTRIAL WAY #1
CONCORD, CA 94520
(925) 686-1089 • FAX (925) 686-1096
TOLL FREE (877) 686-1089
email: BayareaBarricade@yahoo.com
website: www.babsinc.com

CITY OF VALLEJO
NOV 13 2018
PUBLIC WORKS DEPT.

INVOICE NO.	0358899-IN
INVOICE DATE	11/5/2018

ACCOUNT NO.	COVALLE

Allison

BILL TO
City of Vallejo
Maint. Division
111Amador St.
Vallejo, CA 94590-6301

SHIP TO
111 AMADOR ST
Parking Project

ORDERED BY	ORDER DATE	PURCHASE ORDER NO.	TERRITORY	SALES REPRESENTATIVE
Robert Cole	10/31/2018			Sales
SHIP VIA		**F.O.B. POINT**	**TERMS**	**TAX EXEMPT NO.**
			30 - Net 30	

QT. ORD	U/M	QTY SHIP	QTY B/O	PRODUCT CODE	DESCRIPTION	*	UNIT PRICE	EXTENSION
27	EA	27		40000	12x18 Grn/Wht HIP Metal Sign "2 Hour Parking..Except Zone B..		22.500	607.50

VENDOR 00000705
ACCT 431.25000.431.15.24
AMT 658.37
APPROVED BY
DATE
REG / PO / FPO
Group# Item#
"OTHER SERVICES"

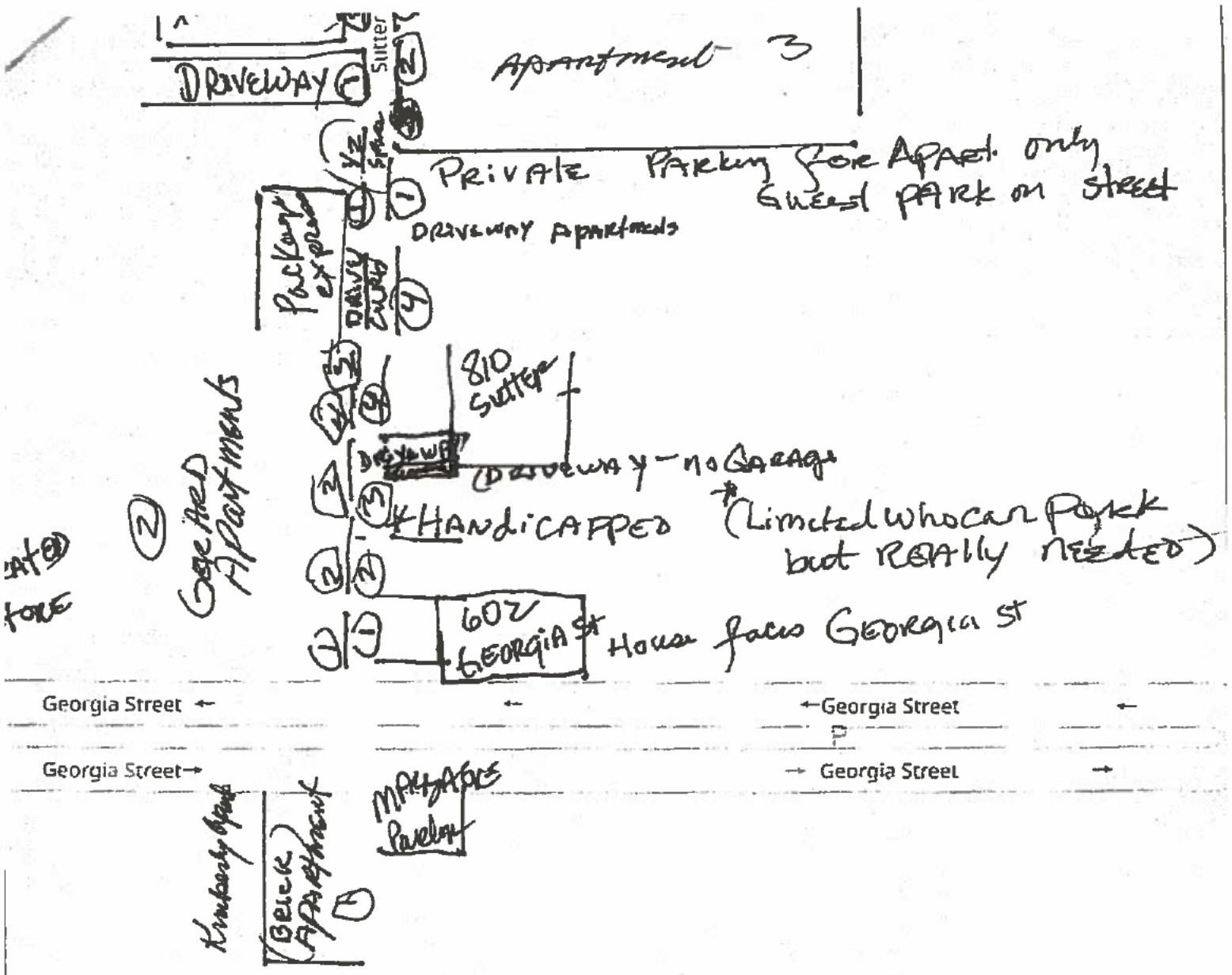
* TAX: Y = YES, N = NO

COMMENTS

SUB TOTAL	607.50
SALES TAX	50.87
MISC. / FREIGHT	0.00
INVOICE TOTAL	658.37

Safeguard

Virginia St



① 37 unit apartment

② 24 units apartment

③ 22 units apartment

4 space on Right side of Sutter

NEW Request Curb cut

is 26'. 9½" inches

PER VPD - legal space is 19"-20"

WE Lose 2 of 4 space from Georgia to Indian Alley

(Ord. 277 N.C. § 25, 1957.)

10.04.260 - Driveway defined—Approved width.

A. A driveway is defined as any approach leading to or from a street which passes over or upon the curbing, parking, or sidewalk area, for the purpose of a vehicular approach to a "garageway." (A "garageway" being defined as: "the approach to a garage, carport, or off-street parking stall, as the same may be legally permitted under the appropriate or applicable ordinances of the city of Vallejo as they now exist or may hereafter be amended.")

B. Such driveway width shall not be less than eight feet at the property line and not less than twelve feet or more than twenty feet at the curb line except that with the approval of the public works director, such driveway may be constructed to a greater width.

C. It is unlawful to construct any driveway entering places of business, such as public garages, oil stations, service stations, and businesses of like character in a commercial district, with an entrance width in excess of sixty percent of the frontage, and in no case shall the entrance width of any one driveway exceed thirty-five feet, and no driveway shall be closer than twenty feet to an adjacent driveway, nor closer than five feet from any property line except with the approval of the public works director. When the place of business occupied is on a corner, no driveway entrance may be so constructed as to be nearer the corner property line than twenty feet, except with the approval of the public works director.

D. All permits issued for driveways in a residential district which do not conform to the foregoing requirements shall be null and void at such time as the location is declared to be commercial district, and upon due notice (as provided in Sections 10.04.010 to 10.04.080, inclusive) the same must be corrected to meet the requirements as set forth herein.

E. Driveways shall be constructed in the same manner as sidewalks, except that the thickness shall be at least six inches.

(Ord. 277 N.C. § 26, 1957.)

10.04.270 - Elimination of abandoned driveway—Authority of public works director.

The public works director shall have the power and authority to determine that the use for which a driveway was constructed has been abandoned and give written notice requiring that the curb, parkway and sidewalk shall be restored to its original condition, or that a curb be constructed if none previously

The planning commission shall grant the requested variance in whole or in part, conditionally or unconditionally, only if from the facts presented with the application or at the public hearing, or determined by investigation, the following conditions are found:

A. That a hardship peculiar to the property and not created by any act of the owner exists. In this context, personal, family or financial difficulties, loss of prospective profits and neighboring violations are not hardships justifying a variance. Further, a previous variance can never have set a precedent, for each case must be considered only on its individual merits.

B. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property in the same vicinity and that a variance, if granted, would not constitute a special privilege of the recipient not enjoyed by his neighbors.

C. That the granting of the variance will not be materially detrimental to the public health, safety or welfare or will not impair an adequate supply of light and air to adjacent property.

D. That the conditions upon which the requested variance is based would not be applicable, generally, to other property within the same zoning classification.

E. That either the variance is so insignificant that granting it will not be incompatible with the Vallejo general plan; or the

16.84.030 - Required findings.

The planning commission shall grant the requested variance in whole or in part, conditionally or unconditionally, only if from the facts presented with the application or at the public hearing, or determined by investigation, the following conditions are found:

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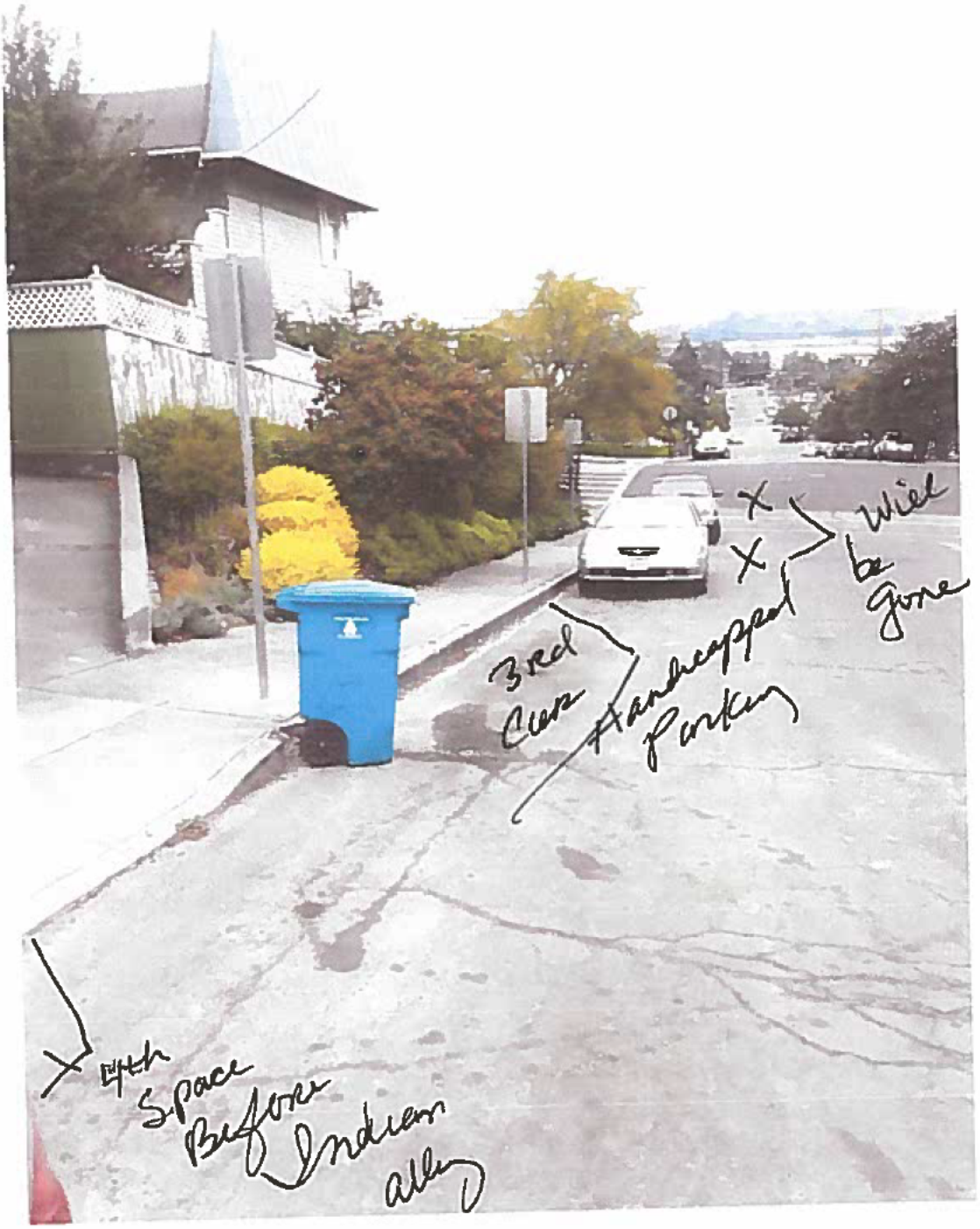
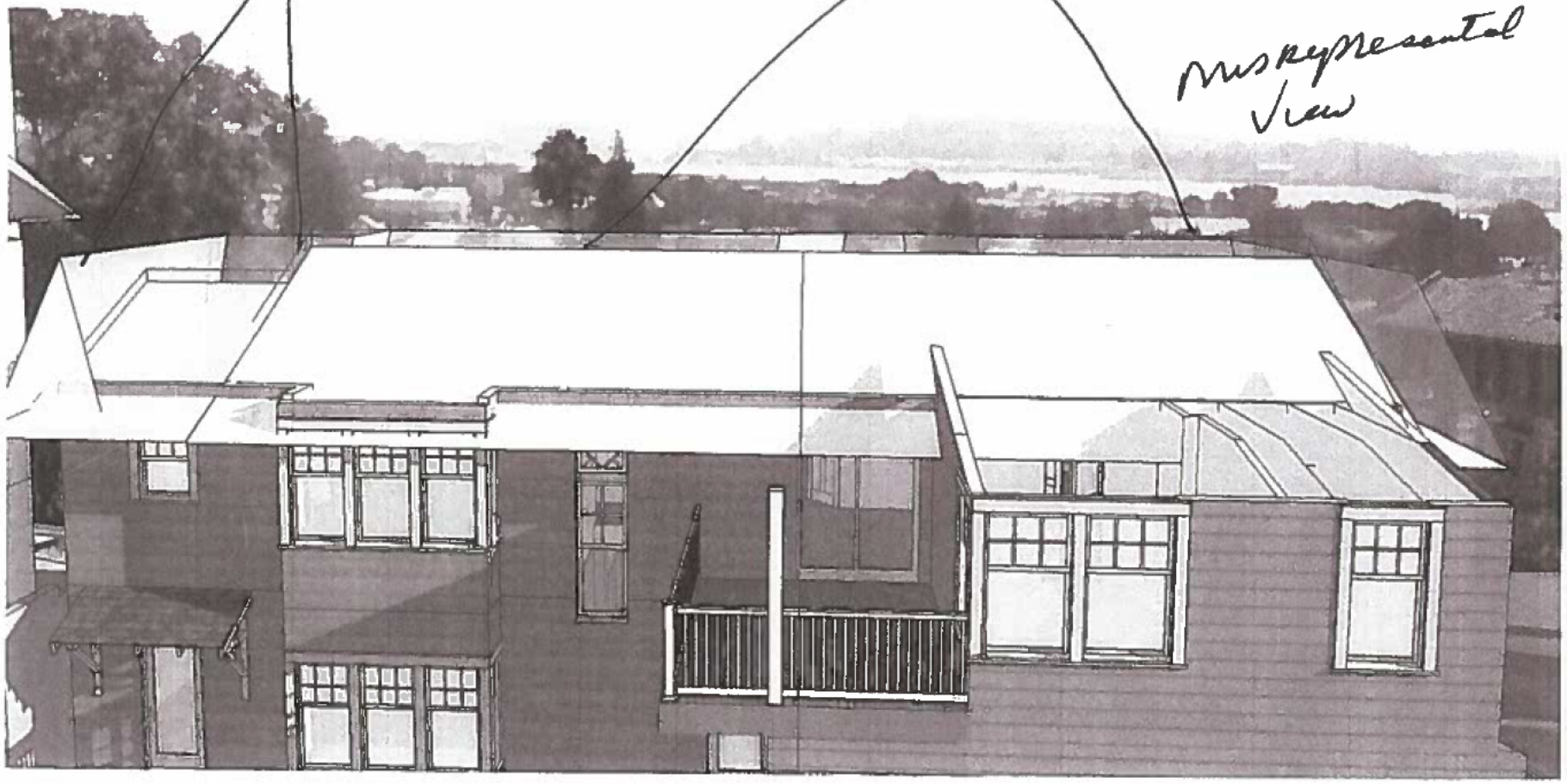
810 Sutter


X
X
Will be gone
3rd Car
Handicapped Parking
X
4th Space Before Indian alley

only this part of Mansa is 5 ft

Mansard is only 2 to 3 inches at most

misrepresented view



Mr Droldt's picture of what it will look like

e Maps 574 Indian Al

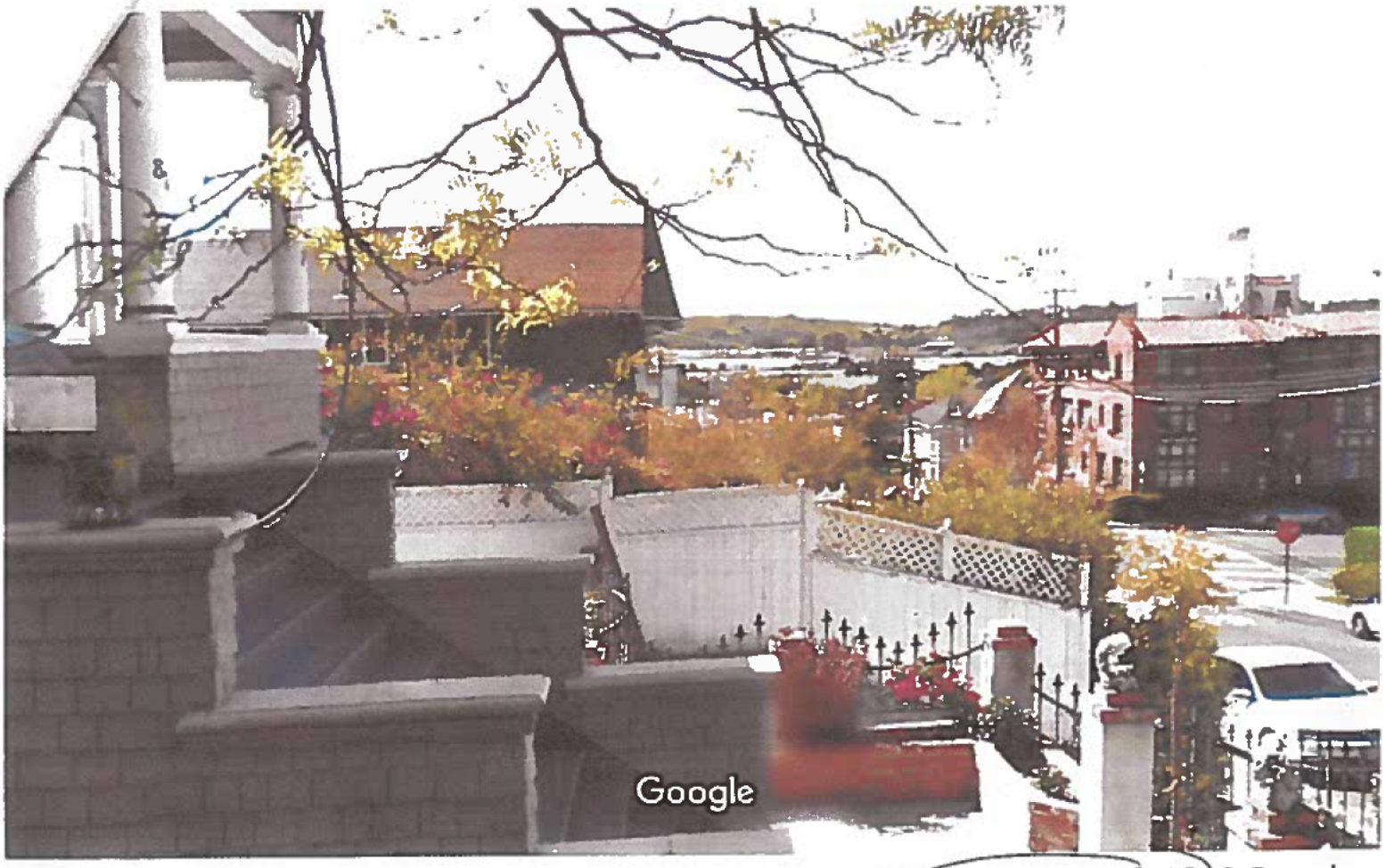
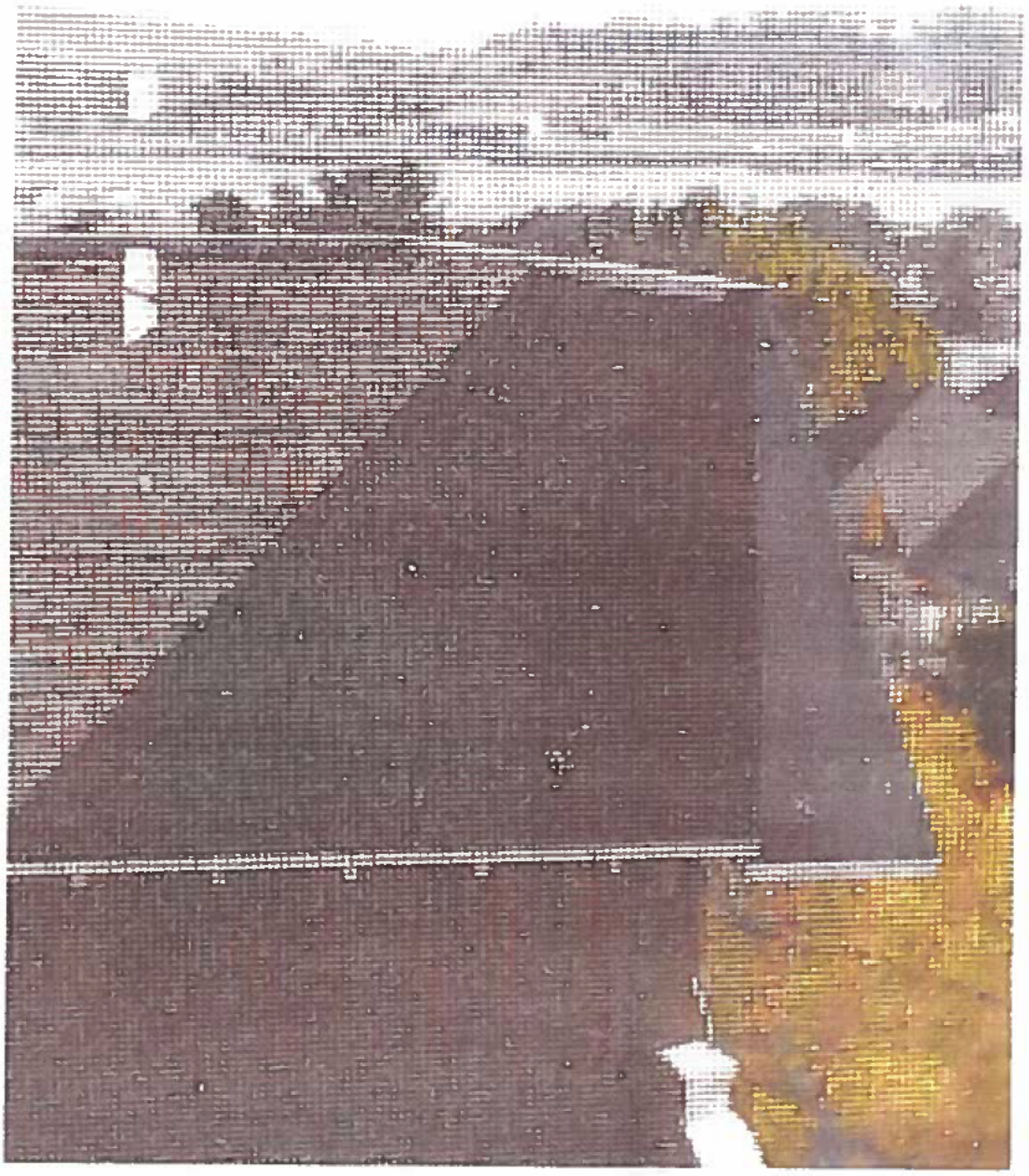


Image capture: Apr 2015 © 2018 Google
Vallejo, California
Google, Inc.
Street View - Apr 2015

810 Sutter

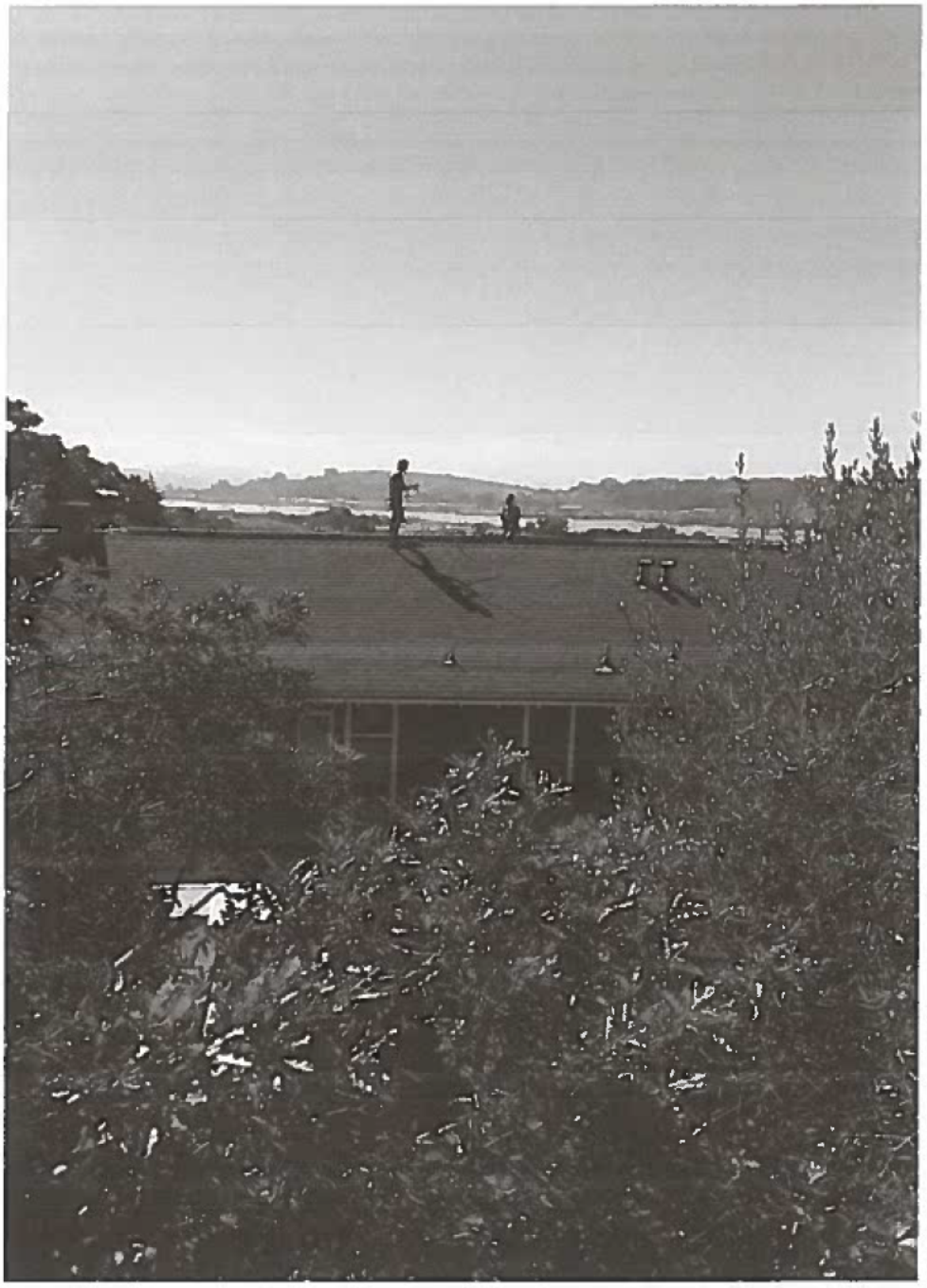
2015 Water View from Porch

no longer there if House enlarged over my sewer line that run down yard



VIEW from 2nd floor
FRONT BEDROOM

/ " Enclosed



Camera on Box
(Kept falling over)
for construction

Karl Seligman
610 Georgia Street
Vallejo, CA 94590
kf_seligman@hotmail.com

January 17. 2019

Architectural Heritage and Landmarks Commission
City of Vallejo
555 Santa Clara Street
Vallejo, CA 94590

Re: 602 Georgia Street, Vallejo, CA [#18-0018]

Dear Members of the Commission:

Because I may not be able to address you in person, I am writing to provide the City and the Commission my initial response to the application and request that you defer action on it to a future hearing date. I am still studying the proposal and have numerous questions that may be resolved through an interactive process with my neighbors. The application materials only became available earlier this month, post holidays, and there has been insufficient time to fully vet them so as to support due process.

Preface
I want to preface my comments by expressing how sad I am to discover the discourse that has arisen between my adjacent property owners. For nearly 20 years, the owners of these parcels have communicated and worked collaboratively on shared concerns. I understand that a lawsuit has already been filed on a collateral concern, a fact that disturbs me immensely. I would like to engage both property owners to partner with me in mediation to seek a comprehensive solution. Together, we represent 100% of the immediately impacted owners because the other properties in the vicinity are apartment buildings.

Scope
The proposed project appears to contemplate both a 2,035 expansion in total square footage and uncertain increase in height. This seems big on paper, as it is the size (or bigger) than many homes in the vicinity. However, I realize it is an issue of aesthetic perception. With the materials provided it is difficult to fully ascertain the location of the proposed Sutter Street addition with the given drawings, set back variances, and descriptions. And although the proposal provides a modest height increase, City staff have stated that their own height measurements are significantly greater. Accurate information in this regard is critical to understanding the change on the character of the surrounding homes, the block, and the neighborhood as whole. It is notable that in the past, when faced with the necessary removal of failing "tack-on" structures such as the existing enclosed gazebo and covered room, the City has encouraged, with support of the residents, a return to original footprints as part of the restoration process. I am not advocating for my neighbor to suffer a loss of useful space, I only point out that many of us had add-on structures around the buildings that needed to simply come down.

No information on the proposal included any evaluation of the impact on access to light or views from my westerly/north western windows. I ask that this be addressed.

Characteristics

The proposal provides for use of numerous alternative or synthetic materials. This appears to include PVC windows and composite siding. It has long been the experience of many of us in the neighborhood that we had to replace "in-kind." This made sense in connection with our shared goal of authenticity and a continuum of complementary characteristics throughout the neighborhood. I, along with others, have struggled with the expense and practical difficulty in sourcing various traditional replacements. This includes wooden shingles and wood-clad double hung windows. Nevertheless, I am entirely receptive to the premise that the new material options have improved to the point that they may be able to replicate traditional styling with modern materials to the point that insisting on old world craftsmanship is unnecessary, or outweighed by other durability considerations. But I don't actually know that to be true and would like the opportunity to see samples first hand. My point is that if these materials options are going to be acceptable, this is the opportunity to make sure.

Infrastructure

While it may not be the primary concern of the commission, or the focus at this stage,. I do want to mention that all the property owners have been historically aware of the fragile existing infrastructures that come with our historic homes. This includes gas, water, and sewer lines that are already a century old and may be particularly susceptible to subsidence or ground movement that could occur with major excavations and/or construction. Similarly, we have been warned that any change in drainage, including by downside neighbors, can cause underground water routes to change direction because water will naturally move toward the easiest escape (flow) route. I have great reservations in this regard because in a worst-case scenario it can undermine structure integrity. I need to know more from the City and my neighbor as to what risks may exist, remediation efforts to be utilized, and indemnification if something goes awry.

Conclusion

I applaud efforts to engage in property restoration.[i] Indeed, it is that interest and passion that has many of us in these very homes. However, we should all be able to agree that it is a shared concern to get it right. Please defer action on this proposal to a future calendar hearing.

Thank you.

Respectfully,

Karl Seligman

---

[i] Richard Lemke, and his wife Christine, the former owners of the subject home, absolutely loved it. I believe they made many of the now criticized changes to the property in the spirit of adding to the neighborhood. Mr. Lemke wanted to place large copper panels on the roof line, but his dream never materialized.

Feb. 7 2019

City of Vallejo
Received
FEB 12 2019
Planning Division

Tyler LeSage
Cc Leslie Trybull
Leslie~ Please forward this to the City Council Members, City Planner Supervisor , Aaron Sage and Michelle Hightower
Thank You

Hello, according to CEQA guidelines there should not be a fee for filing this appeal. For a quick response Please call me at 707 430 6833 if there is. I am still out of town so phone or text is best way to reach me quickly. Email me for project concerns . I should be back in town by Feb 13/14 2019 so we can schedule pictures of propose elevation and actual elevation of 602 Georgia's roofline/proposed elevation and measurements.
Have you decided what measurements you are going to use?Your figures or Jean Drolet's? They have changed so often . Please send me in an email the exact plans and measurements and exact plans how you and Aaron Sage intend on doing the measurements (exact feet and inches being raised and where pictures are to be taken from. As you know I told you my balcony has a 9+ inch step up. So guessamate views Mr. Drolet presented are complexly wrong.
Have you contact Karl my next door neighbor to see what is convenient for him? As you know we both are is concerned with significant adverse impact of losing our view in our historic resources.
Thanks,
Kathleen Gaffney

February 7 2019
To: Tyler LeSage

City Planning Department, Mayor Sampayan, City Counsel Members, Members of the Architectural Heritage Landmark Commission

I am writing this Appeal to the City of Vallejo, City of Vallejo Planning Department's in regards to the approval of the City Planners approval , verbally confirmed by Tyler LeSage and Aaron Sage when I explained then that CEQA Exception 14CCR15301(e)(1) submitted by Jean Drolet 602 Georgia St Vallejo CA 94590, for his proposed project at 602 Georgia St Vallejo CA 94590 to the City of Vallejo, City Planning Department was improper and should not be accepted after seeing it in the Notice of Public Hearing AHLC COA for January 17 2019.

Due to the fact that the AHLC COA meeting was cancelled but if the Proposed Environmental Determination shall apply and if prior acceptance by the AHLC of 14CCR Section 15301.(e)(1) applies and is accepted by the AHLC , I wish to Appel Proposed Environmental Determination to the AHLC also at this time.

Background

As I explained to Tyler LeSage and Aaron Sage , after speaking with Scott Morgan State of California Clearinghouse Director/Deputy Director of Administration I was told there is an "Exception to the Exemption" if a Historic Resource is involved. CCR14 section 15300.2(f) is the "Exception" to the Exemption.Therefore unlike statutory exemptions, categorical exceptions are not allowed to be used for projects that MAY cause substantial adverse change in the significance of a Historical Resource.(14CCR Section 15300.2(f). Per the California Parks and Recreations :
Therefore , lead agency MUST first determine the project has the POTENTIAL to impact historical resources and if those are impacted could be adverse prior to determine if a categorical exemption may be utilized for any given project. As a member of the public who believe my National/State Registry home and the other Registry / Historic Resource homes/places in the Vallejo Old City Historic District listed on the National/State Registry, and the Architectural Heritage District of Vallejo *will be significantly adversely impacted feel the* categorical exemption CCR14 Section 15301.(e)(1) is being improperly used because the project could have a" significant adverse impact on Historic Resources including any and all National/State Registry homes in the Vallejo

Old City Historic District, including but not limited too, 602 Georgia St., 810 Sutter St,610 Georgia St Vallejo CA., Vallejo Old City Historic District, Architectural Heritage District City of Vallejo CA..

Examples of Significant Adverse Impact on Historic Resources

The proposed project appears to add 2035 square footage to the original footprint of the National/State Registry home (602 Georgia St Vallejo CA) We are uncertain of the proposed heigh increase as it varies with owner prospective and the City Planners, with the additional square footage and height increase is a significant adverse impact to the Vallejo Old City Historic District by dwarfing the historic homes in this Historic District and the proposed plan resembles a new apartment building verse a Historic family home. It is also difficult to ascertain location of proposed Sutter St. additions with the drawings provided, besides the height increase to several feet over the 35 ft city limit according to city staff. Set back, cut backs, variances and descriptions are also not in accordance with city code , CEQA and AHLC will cause significant adversely impact on this historic resources and surrounding historic resources. Critical accurate information is imperative to understand the adverse changes that may occur on the the surrounding homes, the block and the entire Historic Registered Neighborhood of Vallejo Old City Historic District. No information has been provided on the significantly adverse impact that may be created by this project. Property owners have been historically aware of extremely delicate and fragile infrastructures that come with our historic homes.This would include gas, water and sewer lines that are a 100 years old and are highly susceptible to subsidence or ground movement that may cause substantial adverse impact in a historic resource. Having been warned that any change of drainage, including downside neighbors, can cause underground water routes to change directions as water naturally move to the easiest escape route. Thus causing significantly adverse impacts that would undermine Historic Resources structures integrity. The light and air quality of this project in the Vallejo Old City Historic District will also have a significantly adverse impact on historic resources. Also the significant adverse impact of 602 Georgia St. proposed project foundation plans that goes over my existing sewer line.(Proposed plans approved by you)

Thank you for your time and Consideration.
Sincerely,

Kathleen Gaffney
810 Sutter St
Vallejo CA 94590
707 430 6833

My attorney is James J. Falcone lawsuit over sewer line.

JAMES J. FALCONE, ESQ. sbn #131235
LAW OFFICE OF JAMES J. FALCONE
300 Capitol Mall, Suite 1800
Sacramento, CA 95814
Telephone: 916/ 442-4204

Attorney for Kathleen G. Gaffney

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SOLANO

Kathleen G. Gaffney, Kathleen G. Gaffney Plaintiffs, v. **Jean Drolet and Does 2-20,** Defendants.	**VERIFIED COMPLAINT to QUIET TITLE and for DECLARATORY & INJUNCTIVE RELIEF**

Plaintiff alleges:

1. Plaintiff Kathleen G. Gaffney, ("Gaffney") is now, and at all times mentioned in this complaint was, a resident of Solano County, and is the owner of, and has possession of, real property located at 810 Sutter Street, Vallejo, CA 94590, APN: 0056-201-210, more particularly described in attached **Exhibit A**. (the "Gaffney Property") Plaintiff is informed and believes that her house at 810 Sutter was built in 1900.

LAW OFFICE
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Sacramento, CA 95814
Phone (916) 442-4204

2. Defendant Jean Drolet ("Drolet") at all times mentioned in this complaint was a resident of Solano County and is the owner of, and has possession of, real property located at 602 Georgia Street, Vallejo, CA 94590, APN: 0056-201-200, more particularly described in attached **Exhibit B** (the "Subject Property"). Plaintiff is informed and believes that the house on the Subject Property was built in 1915.

4. Both the Gaffney Property and the Subject Property individually are registered historic properties in both the State-registered Vallejo Old City Historic District and federally- registered in the Vallejo Old City Historic District. Venue is proper in Solano County as it is the residence of defendants and, pursuant to Code of Civil Procedure Section 760.050, it is where the subject Property is located.

5. The true names and capacities, whether individual, corporate, associate or otherwise of Defendants named herein as Doe 2 through Doe 20 are unknown to Plaintiff , who therefore sue these Defendants by their fictitious names. Plaintiff will ask leave to amend this complaint to show their true names and capacities when they have been ascertained.

6. Plaintiff is informed and believes, and thereon alleges, that at all times herein mentioned, Defendants were acting on their own behalf and as agents or employees of each of the other Defendants, and the acts described hereinafter were done in the course and scope of such agency or employment, as well as on their own behalf, and as aiders and abettors. Further, Defendants were authorized by Defendant principals in the doing and the manner of the acts alleged, and ratified said behavior. (Hereafter, unless otherwise specified, named Defendants and Doe 1 through Doe 20 will be referred to collectively as "Defendants")

LAW OFFICE
JAMES J.
FALCONE
300 Capitol Mall, Suite 1800
Sacramento, CA 95814
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7. This is neither an action on a retail installment contract nor on a retail installment account, subject to the provisions of section 1812.10 of the California Civil Code, nor on a motor vehicle contract or purchase order subject to the provisions of section 2984.4 of the California Civil Code. The allegations herein stated have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

SUMMARY OF FACTS

8. The Gaffney Property is located adjacent to, and uphill from, the Subject Property. Prior to September 1990, these two parcels were one Parcel.

9. Plaintiff is informed and believes that her house was built in 1900, and the sewer line serving this house (the "Subject Sewer") was put in at that time. The County could not confirm the date of installation of the sewer, but given that it is a combination of terra cotta and cast iron pipe, estimated it to be that old. The Subject Sewer runs underground from the Gaffney House on the North end of the parcel downhill to connect to the sewer main under Georgia Street.

10. Plaintiff is informed and believes that the house on the Subject Property was built in 1915, and was always connected to and utilized the existing Subject Sewer line. Plaintiff and her predecessors repeatedly accessed the Subject Property to maintain and repair the Subject Sewer.

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JAMES J.
FALCONE
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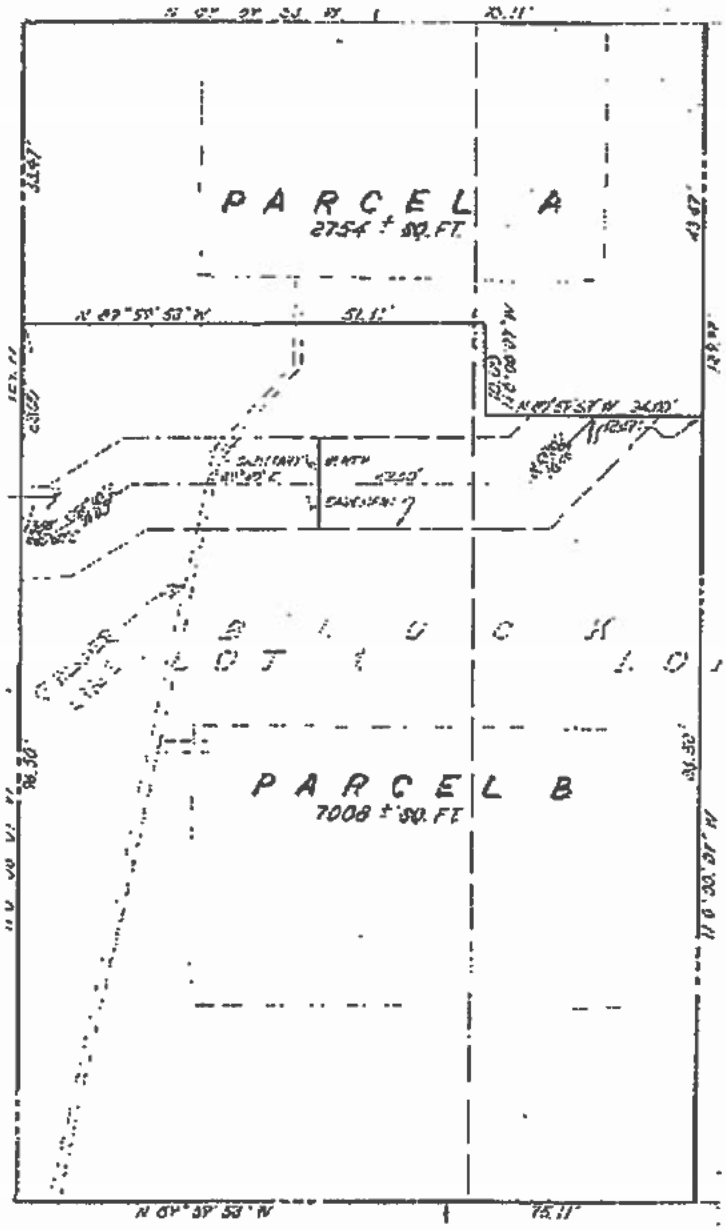
11. In 1990 a Parcel Map was recorded, splitting the parcel, then owned by the Lemke family, into two parcels, **Parcel A** (now owned by Gaffney) and **Parcel B** (now owned by Drolet).



Hashed line ending in lower-left corner is the Subject Sewer.

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JAMES J.
FALCONE
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12. Since 2014 Gaffney has requested that defendants permit her access to the Subject Property to replace the terra cotta and cast iron sections of the Subject Sewer, but they have not allowed it, pleading with her to wait while they make plans for the Subject Property. As a result, Gaffney has had to hire plumbers numerous times to clear the line and make emergency repairs totaling over $3,000. Having a sewer that may stop at any moment has cause Plaintiff anxiety every time they flush their toilet or run water down the drain. During this time the cost of replacing the Subject Sewer has increased, causing Gaffney further harm. In 2018 Drolet refused Gaffney further access to the Subject Sewer for maintenance and repairs on the Subject Property, and demanded that it be relocated. Gaffney has always hosted a large family gathering at the Gaffney Property on Thanksgiving and Christmas. They were unable to host this year for either Holiday, as they were afraid to have their sewer line to be heavily used knowing that Drolet would not allow access to repair. This resulted in further distress and depression. Further, plaintiff is informed that Drolet has submitted plans to the planning department to build a structure on top of the Subject Sewer, further damaging plaintiff.

FIRST CAUSE OF ACTION
(QUIET TITLE to Prescriptive Easement)

13. Plaintiff incorporates paragraphs 1- 12 herein.

14. Plaintiff and her predecessors' Subject Sewer actually occupied the Subject Property under such circumstances as to constitute reasonable notice to the owner.

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JAMES J.
FALCONE
300 Capitol Mall, Suite 1800
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Such occupation was hostile to the owner's title. Plaintiff claims the property as her own, under either color of title or claim of right. Possession of the Subject Property has been continuous and uninterrupted for over five years.

15. Plaintiff has acquired a prescriptive easement that burdens defendant's real property (The "Easement").

16. Defendants claim an interest in the Prescriptive Easement Area as the holder of the legal title to the Property, which interest is adverse to that of Plaintiff.

17. Plaintiff is seeking to quiet title against all adverse claims of all Defendants, including the claims of the fictitiously named Defendants described above and the claim of defendant Drolet as holder of the legal title.

18. The adverse claims are without any right whatever. Defendants have no right, title, estate, lien, or interest whatever in the easement adverse to Plaintiff's title.

19. Plaintiff seeks to quiet title as of December 26, 1995, five years after the Parcel Map was recorded.

LAW OFFICE
JAMES J.
FALCONE
300 Capitol Mall, Suite 1800
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SECOND CAUSE OF ACTION
(QUIET TITLE to IMPLIED EASEMENT Civil Code §1104)

20. Plaintiff incorporates paragraphs 1- 12 herein.

21. Plaintiff is informed and believes and on that basis alleges that there was a common ownership of a parcel and a transfer or conveyance of one parcel, or a portion of a parcel, to another.

22. Prior to the division of title, there existed an obvious, and apparently permanent, use of the Easement by the Gaffney house. The Easement arises from an implied grant or reservation to support the public policy that land should not be rendered unfit for occupancy or cultivation. Based on this policy an easement is implied whereas here it is absolutely essential to ensure habitability and use of the dominant tenement.

23. The easement is reasonably necessary to the use and benefit of the quasi-dominant tenement.

THIRD CAUSE OF ACTION
(QUIET TITLE to EQUITABLE EASEMENT Civil Code §1104)

24. Plaintiff incorporates paragraphs 1- 13 herein.

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25. Plaintiff and her predecessors have used and improved the Subject Sewer and Easement since 1990 with an innocent belief that it had the right to use the Easement.

26. There would be irreparable harm if the Plaintiff could not continue to use the Easement, as there is no other access to the sewer main.

27. Defendants would suffer little harm from the further use of the Easement.

FOURTH CAUSE OF ACTION
(DECLARATORY RELIEF)

28. Plaintiff incorporates paragraphs 1- 12 herein.

29. Plaintiff is informed and believes, and on that basis alleges, that an actual controversy has arisen and now exists between it and the Defendants, as Defendants claim to have an interest in the Easement adverse to Plaintiff's interest in the Easement.

30. Plaintiff disputes that the Defendants' claimed interests constitute valid interests in the Easement, and that Defendants has any right, title or interest in the Easement.

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JAMES J.
FALCONE
100 Capitol Mall, Suite 1800
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FIFTH CAUSE OF ACTION
(NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS)

31. Plaintiff incorporates paragraphs 1- 12 herein.

32. Defendants knew that Gaffney needed regular access to the Subject Property to maintain the Subject Sewer. Defendants knew, or should have known, that their failure to exercise due care in performance of the acts described above prohibiting access to the Subject Property would cause Plaintiff severe emotional distress. As a proximate result of the acts alleged, Plaintiff suffered mental anguish, and emotional and physical distress, and will continue to live in a constant state of emotional tension and distress, all to Plaintiff's damage.

PRAYER

WHEREFORE, Plaintiff prays for judgment as follows:

As to the 1st Cause of Action:

A. For judgment that plaintiff has a prescriptive easement in and to the described real property;

B. for judgment that defendants do not have any right, title, estate, or interest in or lien on the described real property that is adverse to plaintiff's rights.

As to the 2nd Cause of Action:

C. For judgment that plaintiff has an implied easement in and to the described real property;

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D. for judgment that defendants do not have any right, title, estate, or interest in or lien on the described real property that is adverse to plaintiff's rights.

As to the 3rd Cause of Action:

E. For judgment that plaintiff has an equitable easement in and to the described real property;

F. for judgment that defendants do not have any right, title, estate, or interest in or lien on the described real property that is adverse to plaintiff's rights.

As to the Fourth Cause of Action:

G. For judgment determining the rights and duties of the parties to this complaint as to the Subject Sewer and Subject Property;

As to the Fifth Cause of Action:

H. General damages in a sum according to proof;

I. Special damages including loss of benefits and medical expenses;

J. For interest provided by law, including, but not limited to, Civil Code §3291;

As to All Causes of Action:

K. For an order requiring defendants to show cause, if any they have, why they should not be enjoined as hereinafter set forth, during the pendency of this action;

L. For a temporary restraining order, preliminary injunction and permanent injunction requiring that Jean Drolet, Does 1-20, and their agents, servants, employees, and all persons acting thereunder, in concert with them or for them, to allow Plaintiff and her agents reasonable access to the Subject Property for

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JAMES J.
FALCONE
300 Capitol Mall, Suite 1800
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maintenance and repair of the Subject Sewer, and refrain from abusing, violating, building, planting, grading, and/or otherwise interfering with the Easement, constructing any fence or other barrier to prevent Plaintiff's access to the Easement, interfering in any way with Plaintiff's use of the Easement; and

M. For general and special damages in excess of $25,000;

N. For costs of suit herein incurred; and

O. For such other and further relief as the court may deem proper.

Dated: January 7, 2019

LAW OFFICE OF JAMES J. FALCONE

JAMES J. FALCONE, ESQ.
Attorney for Kathleen G. Gaffney

LAW OFFICE
JAMES J.
FALCONE
300 Capitol Mall, Suite 1800
Sacramento, CA 95814
Phone (916) 442-4204

VERIFICATION

I, KATHLEEN G. GAFFNEY, declare;

I am the Plaintiff in the above entitled action and have read the foregoing Complaint and know the contents thereof.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct.

Executed December 17, 2018.

KATHLEEN G. GAFFNEY

LAW OFFICE
JAMES J.
FALCONE
300 Capitol Mall, Suite 1800
Sacramento, CA 95814
Phone (916) 442-4204

RECORDING REQUESTED BY

First American Title Company of Napa

3 AND WHEN RECORDED MAIL TO

Name KATHLEEN G. GAFFNEY
Street Address 2436 E. Atlantic Avenue
City, State, Zip Fairfield, Ca. 94533

Order No. 00209348-CW
8706-4396449

Recorded in Official Records, Solano County
Marc C. Tonnesen
Assessor/Recorder

8/22/2013
8:00 AM
AR21
86

03 First American Title Co

Doc#: 201300082723

Titles: 1 Pages: 2

Fees	16.00
Taxes	1,126.40
Other	0.00
PAID	$1,142.40

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

THE UNDERSIGNED GRANTOR(s) DECLARE(s)
APN(S) 0056-201-210

Documentary Transfer Tax is $281.60/City $844.80
☑ computed on full value of interest or property conveyed, or
☐ full value less value of liens or encumbrances remaining at the time of sale

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

ELPIDIO A. PUNZALAN AND LIGAYA N. PUNZALAN, HUSBAND AND WIFE, AS JOINT TENANTS

hereby GRANT(s) to

KATHLEEN G. GAFFNEY, A SINGLE PERSON

the following real property in the ☑ City of Vallejo, County of Solano, State of California:

LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF
AND DESIGNATED AS EXHIBIT "A"

Dated: August 8, 2013

ELPIDIO A. PUNZALAN

LIGAYA N. PUNZALAN

STATE OF CALIFORNIA
COUNTY OF Napa } SS:
On August 19, 2013, before me,
C. Jacks, Notary Public,
personally appeared **Elpidio A. Punzalan and Ligaya N. Punzalan**, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

FOR NOTARY SEAL OR STAMP

C. JACKS
COMM. #1899511
NOTARY PUBLIC • CALIFORNIA
NAPA COUNTY
Comm. Exp. AUG. 14, 2014

PLAINTIFF'S EXHIBIT
A

MAIL TAX STATEMENTS AS DIRECTED ABOVE

grnldefv (05/25/11)

EXHIBIT "A"

LEGAL DESCRIPTION

Real property in the City of Vallejo, County of Solano, State of California, described as follows:

PARCEL A, AS SHOWN ON THE MAP ENTITLED: "PARCEL MAP OF A DIVISION OF LOT 1 AND THE WEST HALF OF LOT 2, BLOCK 285, BOOK 1 OF MAPS, PAGE 123, SOLANO COUNTY RECORDS, CITY OF VALLEJO, CALIFORNIA", FILED FOR RECORD IN THE OFFICE OF THE COUNTY RECORDER OF SOLAND COUNTY, CALIFORNIA ON DECEMBER 26, 1990 IN BOOK 36 OF MAPS, PAGE 22.

APN: 0056-201-210

END OF DOCUMENT

RECORDING REQUESTED BY:
Fidelity National Title Company
Order No.: FSJP-1011300404

When Recorded Mail Document To:
Jean Drolet
602 Georgia Street
Vallejo, CA 94590

2.

Recorded in Official Records, Solano County
Marc C. Tonnesen
Assessor/Recorder

02 Fidelity Title Co

2/20/2014
8:00 AM
AR51
06

Doc#: 201400011692

Titles: 1 Pages: 3

Fees	19.00
Taxes	1,540.00
Other	0.00
PAID	$1,559.00

APN/Parcel ID(s): 0056-201-200

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

The undersigned grantor(s) declare(s)

☐ This transfer is exempt from the documentary transfer tax.
☑ **The documentary transfer tax is $385.00** and **City Tax is $1,155.00** and is computed on:
  ☑ the full value of the interest or property conveyed.
  ☐ the full value less the liens or encumbrances remaining thereon at the time of sale.
The property is located in ☑ the **City of Vallejo.**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Dorothy Herger, Successor Trustee of the Lemke Family 1995 Revocable Trust who acquired title as Dorothy Hereger, Successor Trustee of the Lemke Family 1995 Revocable Trust,

hereby GRANT(S) to Jean Drolet, a married man as his sole and separate property,

the following described real property in the City of Vallejo, County of Solano, State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Dated: February 13, 2014

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dorothy Herger, Successor Trustee of the Lemke Family 1995 Revocable Trust

BY: Dorothy Herger
Dorothy Herger, Successor Trustee

PLAINTIFF'S EXHIBIT
B

MAIL TAX STATEMENTS AS DIRECTED ABOVE

GRANT DEED
(continued)

APN/Parcel ID(s): 0056-201-200

State of California

County of Solano

On 13 Feb. 2014 before me, DM NOWLIN, notary public, personally appeared Dorothy Herger,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

(Seal)

D. M. NOWLIN
Commission # 2044057
Notary Public - California
Solano County
My Comm. Expires Oct 4, 2017

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 0056-201-200

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF VALLEJO, COUNTY OF SOLANO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Parcel B as shown on the Parcel Map filed December 26, 1990 in Book 36 of Parcel Maps, Page 22, Solano County Records.

APN: 0056-201-200

END OF DOCUMENT

JAMES J. FALCONE, ESQ. sbn #131235
LAW OFFICE OF JAMES J. FALCONE
300 Capitol Mall, Suite 1800
Sacramento, CA 95814
Telephone: 916/ 442-4204

Attorney for **Kathleen G. Gaffney**

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SOLANO

Kathleen G. Gaffney, Kathleen G. Gaffney Plaintiffs, v. **Jean Drolet and Does 2-20,** Defendants.	**VERIFIED COMPLAINT to QUIET TITLE and for DECLARATORY & INJUNCTIVE RELIEF**

Plaintiff alleges:

1. Plaintiff Kathleen G. Gaffney, ("Gaffney") is now, and at all times mentioned in this complaint was, a resident of Solano County, and is the owner of, and has possession of, real property located at 810 Sutter Street, Vallejo, CA 94590, APN: 0056-201-210, more particularly described in attached **Exhibit A.** (the "Gaffney Property") Plaintiff is informed and believes that her house at 810 Sutter was built in 1900.

LAW OFFICE
JAMES J.
FALCONE
300 Capitol Mall, Suite 1800
Sacramento, CA 95814
Phone (916) 442-4204

2. Defendant Jean Drolet ("Drolet") at all times mentioned in this complaint was a resident of Solano County and is the owner of, and has possession of, real property located at 602 Georgia Street, Vallejo, CA 94590, APN: 0056-201-200, more particularly described in attached **Exhibit B** (the "Subject Property"). Plaintiff is informed and believes that the house on the Subject Property was built in 1915.

4. Both the Gaffney Property and the Subject Property individually are registered historic properties in both the State-registered Vallejo Old City Historic District and federally- registered in the Vallejo Old City Historic District. Venue is proper in Solano County as it is the residence of defendants and, pursuant to Code of Civil Procedure Section 760.050, it is where the subject Property is located.

5. The true names and capacities, whether individual, corporate, associate or otherwise of Defendants named herein as Doe 2 through Doe 20 are unknown to Plaintiff , who therefore sue these Defendants by their fictitious names. Plaintiff will ask leave to amend this complaint to show their true names and capacities when they have been ascertained.

6. Plaintiff is informed and believes, and thereon alleges, that at all times herein mentioned, Defendants were acting on their own behalf and as agents or employees of each of the other Defendants, and the acts described hereinafter were done in the course and scope of such agency or employment, as well as on their own behalf, and as aiders and abettors. Further, Defendants were authorized by Defendant principals in the doing and the manner of the acts alleged, and ratified said behavior. (Hereafter, unless otherwise specified, named Defendants and Doe 1 through Doe 20 will be referred to collectively as "Defendants")

LAW OFFICE
JAMES J.
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7. This is neither an action on a retail installment contract nor on a retail installment account, subject to the provisions of section 1812.10 of the California Civil Code, nor on a motor vehicle contract or purchase order subject to the provisions of section 2984.4 of the California Civil Code. The allegations herein stated have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

SUMMARY OF FACTS

8. The Gaffney Property is located adjacent to, and uphill from, the Subject Property. Prior to September 1990, these two parcels were one Parcel.

9. Plaintiff is informed and believes that her house was built in 1900, and the sewer line serving this house (the "Subject Sewer") was put in at that time. The County could not confirm the date of installation of the sewer, but given that it is a combination of terra cotta and cast iron pipe, estimated it to be that old. The Subject Sewer runs underground from the Gaffney House on the North end of the parcel downhill to connect to the sewer main under Georgia Street.

10. Plaintiff is informed and believes that the house on the Subject Property was built in 1915, and was always connected to and utilized the existing Subject Sewer line. Plaintiff and her predecessors repeatedly accessed the Subject Property to maintain and repair the Subject Sewer.

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JAMES J.
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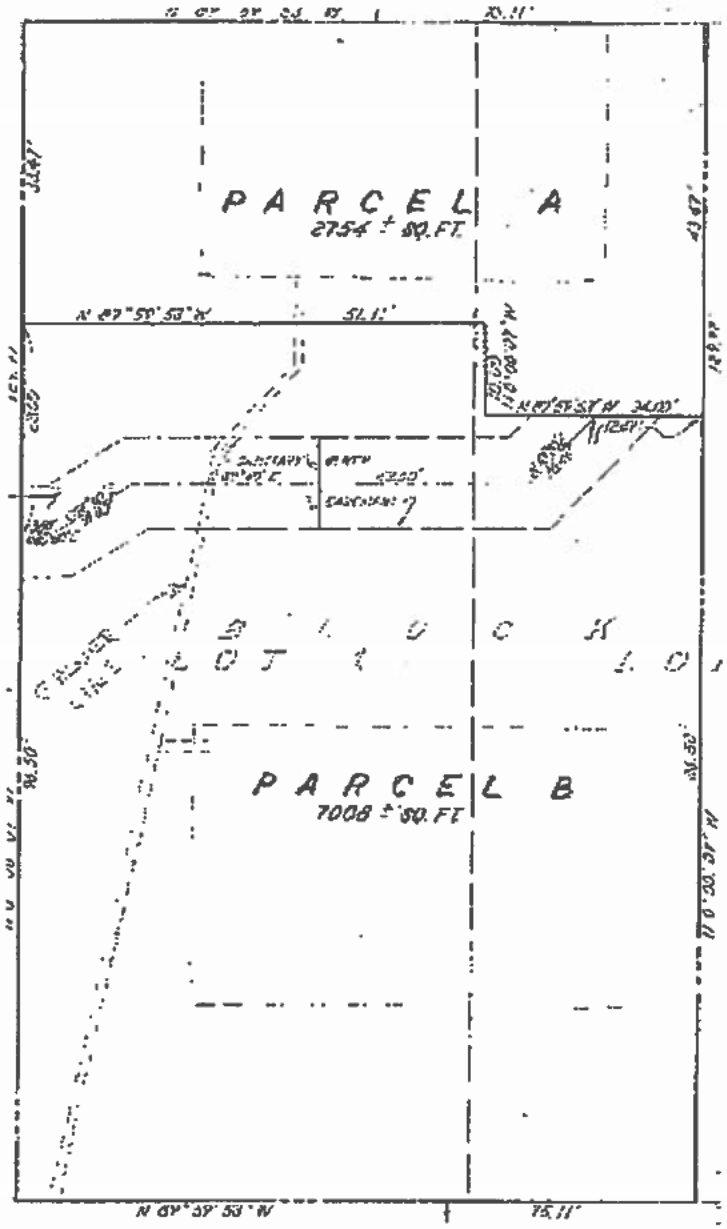
11. In 1990 a Parcel Map was recorded, splitting the parcel, then owned by the Lemke family, into two parcels, **Parcel A** (now owned by Gaffney) and **Parcel B** (now owned by Drolet).



Hashed line ending in lower-left corner is the Subject Sewer.

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JAMES J.
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12. Since 2014 Gaffney has requested that defendants permit her access to the Subject Property to replace the terra cotta and cast iron sections of the Subject Sewer, but they have not allowed it, pleading with her to wait while they make plans for the Subject Property. As a result, Gaffney has had to hire plumbers numerous times to clear the line and make emergency repairs totaling over $3,000. Having a sewer that may stop at any moment has cause Plaintiff anxiety every time they flush their toilet or run water down the drain. During this time the cost of replacing the Subject Sewer has increased, causing Gaffney further harm. In 2018 Drolet refused Gaffney further access to the Subject Sewer for maintenance and repairs on the Subject Property, and demanded that it be relocated. Gaffney has always hosted a large family gathering at the Gaffney Property on Thanksgiving and Christmas. They were unable to host this year for either Holiday, as they were afraid to have their sewer line to be heavily used knowing that Drolet would not allow access to repair. This resulted in further distress and depression. Further, plaintiff is informed that Drolet has submitted plans to the planning department to build a structure on top of the Subject Sewer, further damaging plaintiff.

FIRST CAUSE OF ACTION
(QUIET TITLE to Prescriptive Easement)

13. Plaintiff incorporates paragraphs 1- 12 herein.

14. Plaintiff and her predecessors' Subject Sewer actually occupied the Subject Property under such circumstances as to constitute reasonable notice to the owner.

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Such occupation was hostile to the owner's title. Plaintiff claims the property as her own, under either color of title or claim of right. Possession of the Subject Property has been continuous and uninterrupted for over five years.

15. Plaintiff has acquired a prescriptive easement that burdens defendant's real property (The "Easement").

16. Defendants claim an interest in the Prescriptive Easement Area as the holder of the legal title to the Property, which interest is adverse to that of Plaintiff.

17. Plaintiff is seeking to quiet title against all adverse claims of all Defendants, including the claims of the fictitiously named Defendants described above and the claim of defendant Drolet as holder of the legal title.

18. The adverse claims are without any right whatever. Defendants have no right, title, estate, lien, or interest whatever in the easement adverse to Plaintiff's title.

19. Plaintiff seeks to quiet title as of December 26, 1995, five years after the Parcel Map was recorded.

LAW OFFICE
JAMES J.
FALCONE
100 Capitol Mall, Suite 1800
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SECOND CAUSE OF ACTION
(QUIET TITLE to IMPLIED EASEMENT Civil Code §1104)

20. Plaintiff incorporates paragraphs 1- 12 herein.

21. Plaintiff is informed and believes and on that basis alleges that there was a common ownership of a parcel and a transfer or conveyance of one parcel, or a portion of a parcel, to another.

22. Prior to the division of title, there existed an obvious, and apparently permanent, use of the Easement by the Gaffney house. The Easement arises from an implied grant or reservation to support the public policy that land should not be rendered unfit for occupancy or cultivation. Based on this policy an easement is implied whereas here it is absolutely essential to ensure habitability and use of the dominant tenement.

23. The easement is reasonably necessary to the use and benefit of the quasi-dominant tenement.

THIRD CAUSE OF ACTION
(QUIET TITLE to EQUITABLE EASEMENT Civil Code §1104)

24. Plaintiff incorporates paragraphs 1- 13 herein.

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25. Plaintiff and her predecessors have used and improved the Subject Sewer and Easement since 1990 with an innocent belief that it had the right to use the Easement.

26. There would be irreparable harm if the Plaintiff could not continue to use the Easement, as there is no other access to the sewer main.

27. Defendants would suffer little harm from the further use of the Easement.

FOURTH CAUSE OF ACTION
(DECLARATORY RELIEF)

28. Plaintiff incorporates paragraphs 1- 12 herein.

29. Plaintiff is informed and believes, and on that basis alleges, that an actual controversy has arisen and now exists between it and the Defendants, as Defendants claim to have an interest in the Easement adverse to Plaintiff's interest in the Easement.

30. Plaintiff disputes that the Defendants' claimed interests constitute valid interests in the Easement, and that Defendants has any right, title or interest in the Easement.

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FIFTH CAUSE OF ACTION
(NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS)

31. Plaintiff incorporates paragraphs 1- 12 herein.

32. Defendants knew that Gaffney needed regular access to the Subject Property to maintain the Subject Sewer. Defendants knew, or should have known, that their failure to exercise due care in performance of the acts described above prohibiting access to the Subject Property would cause Plaintiff severe emotional distress. As a proximate result of the acts alleged, Plaintiff suffered mental anguish, and emotional and physical distress, and will continue to live in a constant state of emotional tension and distress, all to Plaintiff's damage.

PRAYER

WHEREFORE, Plaintiff prays for judgment as follows:

As to the 1st Cause of Action:

A. For judgment that plaintiff has a prescriptive easement in and to the described real property;

B. for judgment that defendants do not have any right, title, estate, or interest in or lien on the described real property that is adverse to plaintiff's rights.

As to the 2nd Cause of Action:

C. For judgment that plaintiff has an implied easement in and to the described real property;

LAW OFFICE
JAMES J.
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D. for judgment that defendants do not have any right, title, estate, or interest in or lien on the described real property that is adverse to plaintiff's rights.

As to the 3rd Cause of Action:

E. For judgment that plaintiff has an equitable easement in and to the described real property;

F. for judgment that defendants do not have any right, title, estate, or interest in or lien on the described real property that is adverse to plaintiff's rights.

As to the Fourth Cause of Action:

G. For judgment determining the rights and duties of the parties to this complaint as to the Subject Sewer and Subject Property;

As to the Fifth Cause of Action:

H. General damages in a sum according to proof;

I. Special damages including loss of benefits and medical expenses;

J. For interest provided by law, including, but not limited to, Civil Code §3291;

As to All Causes of Action:

K. For an order requiring defendants to show cause, if any they have, why they should not be enjoined as hereinafter set forth, during the pendency of this action;

L. For a temporary restraining order, preliminary injunction and permanent injunction requiring that Jean Drolet, Does 1-20, and their agents, servants, employees, and all persons acting thereunder, in concert with them or for them, to allow Plaintiff and her agents reasonable access to the Subject Property for

LAW OFFICE
JAMES J.
FALCONE
300 Capitol Mall, Suite 1800
Sacramento, CA 95814
Phone (916) 442-4204

maintenance and repair of the Subject Sewer, and refrain from abusing, violating, building, planting, grading, and/or otherwise interfering with the Easement, constructing any fence or other barrier to prevent Plaintiff's access to the Easement, interfering in any way with Plaintiff's use of the Easement; and

M. For general and special damages in excess of $25,000;

N. For costs of suit herein incurred; and

O. For such other and further relief as the court may deem proper.

Dated: January 7, 2019

LAW OFFICE OF JAMES J. FALCONE

JAMES J. FALCONE, ESQ.
Attorney for Kathleen G. Gaffney

LAW OFFICE
JAMES J.
FALCONE
300 Capitol Mall, Suite 1800
Sacramento, CA 95814
Phone (916) 442-4204

VERIFICATION

I, KATHLEEN G. GAFFNEY, declare;

I am the Plaintiff in the above entitled action and have read the foregoing Complaint and know the contents thereof.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct.

Executed December 17, 2018.

KATHLEEN G. GAFFNEY

LAW OFFICE
JAMES J.
FALCONE
300 Capitol Mall, Suite 1800
Sacramento, CA 95814
Phone (916) 442-4204

RECORDING REQUESTED BY

First American Title Company of Napa

3 AND WHEN RECORDED MAIL TO

Name KATHLEEN G. GAFFNEY
Street Address 2436 E. Atlantic Avenue
City, State, Zip Fairfield, Ca. 94533

Order No. 00209348-CW
8706-4396449

Recorded in Official Records, Solano County
Marc C. Tonnesen
Assessor/Recorder

8/22/2013
8:00 AM
AR21
06

03 First American Title Co

Doc#: 201300082723

Titles: 1 Pages: 2

Fees	16.00
Taxes	1,126.40
Other	0.00
PAID	$1,142.40

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

THE UNDERSIGNED GRANTOR(s) DECLARE(s)
APN(S) 0056-201-210

Documentary Transfer Tax is $281.60/City $844.80
☑ computed on full value of interest or property conveyed, or
☐ full value less value of liens or encumbrances remaining at the time of sale

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

ELPIDIO A. PUNZALAN AND LIGAYA N. PUNZALAN, HUSBAND AND WIFE, AS JOINT TENANTS

hereby GRANT(s) to

KATHLEEN G. GAFFNEY, A SINGLE PERSON

the following real property in the ☑ City of Vallejo, County of Solano, State of California:

LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF
AND DESIGNATED AS EXHIBIT "A"

Dated: August 8, 2013

ELPIDIO A. PUNZALAN

LIGAYA N. PUNZALAN

STATE OF CALIFORNIA
COUNTY OF Napa } SS:
On August 19, 2013, before me,
C. Jacks, Notary Public,
personally appeared **Elpidio A. Punzalan and Ligaya N. Punzalan**, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

FOR NOTARY SEAL OR STAMP

C. JACKS
COMM. #1899511
NOTARY PUBLIC • CALIFORNIA
NAPA COUNTY
Comm. Exp. AUG. 14, 2014

PLAINTIFF'S EXHIBIT
A

MAIL TAX STATEMENTS AS DIRECTED ABOVE

EXHIBIT "A"

LEGAL DESCRIPTION

Real property in the City of Vallejo, County of Solano, State of California, described as follows:

PARCEL A, AS SHOWN ON THE MAP ENTITLED: "PARCEL MAP OF A DIVISION OF LOT 1 AND THE WEST HALF OF LOT 2, BLOCK 285, BOOK 1 OF MAPS, PAGE 123, SOLANO COUNTY RECORDS, CITY OF VALLEJO, CALIFORNIA", FILED FOR RECORD IN THE OFFICE OF THE COUNTY RECORDER OF SOLANO COUNTY, CALIFORNIA ON DECEMBER 26, 1990 IN BOOK 36 OF MAPS, PAGE 22.

APN: 0056-201-210

END OF DOCUMENT

RECORDING REQUESTED BY:
Fidelity National Title Company
Order No.: FSJP-1011300404

When Recorded Mail Document To:
Jean Drolet
602 Georgia Street
Vallejo, CA 94590

2

Recorded In Official Records, Solano County

Marc C. Tonnesen
Assessor/Recorder

02 Fidelity Title Co

2/20/2014
8:00 AM
AR51
06

Doc#: 201400011692

Titles: 1 Pages: 3

Fees	19.00
Taxes	1,540.00
Other	0.00
PAID	$1,559.00

APN/Parcel ID(s): 0056-201-200

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

The undersigned grantor(s) declare(s)

☐ This transfer is exempt from the documentary transfer tax.
☑ **The documentary transfer tax is $385.00 and City Tax is $1,155.00** and is computed on:
  ☑ the full value of the interest or property conveyed.
  ☐ the full value less the liens or encumbrances remaining thereon at the time of sale.
The property is located in ☑ **the City of Vallejo.**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Dorothy Herger, Successor Trustee of the Lemke Family 1995 Revocable Trust who acquired title as Dorothy Hereger, Successor Trustee of the Lemke Family 1995 Revocable Trust,

hereby GRANT(S) to Jean Drolet, a married man as his sole and separate property,

the following described real property in the City of Vallejo, County of Solano, State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Dated: February 13, 2014

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dorothy Herger, Successor Trustee of the Lemke Family 1995 Revocable Trust

BY: Dorothy Herger
Dorothy Herger, Successor Trustee

PLAINTIFF'S EXHIBIT
B

MAIL TAX STATEMENTS AS DIRECTED ABOVE

GRANT DEED
(continued)

APN/Parcel ID(s): 0056-201-200

State of California

County of Solano

On 13 Feb. 2014 before me, DM NOWLIN, notary public, personally appeared Dorothy Herger,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

(Seal)

D. M. NOWLIN
Commission # 2044057
Notary Public - California
Solano County
My Comm. Expires Oct 4, 2017

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 0056-201-200

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF VALLEJO, COUNTY OF SOLANO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Parcel B as shown on the Parcel Map filed December 26, 1990 in Book 36 of Parcel Maps, Page 22, Solano County Records.

APN: 0056-201-200

END OF DOCUMENT

SUMMONS
(CITACIÓN JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
Jean Drolet and Does 2-20

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
Kathleen Gaffney

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center *(www.courtinfo.ca.gov/selfhelp)*, your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site *(www.lawhelpcalifornia.org)*, the California Courts Online Self-Help Center *(www.courtinfo.ca.gov/selfhelp)*, or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of $10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), *en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.*

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), *en el Centro de Ayuda de las Cortes de California,* (www.sucorte.ca.gov) *o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de $10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.*

CASE NUMBER
(Número del Caso):

The name and address of the court is:
(El nombre y dirección de la corte es):

Superior Court of Solano County
580 Texas Street
Fairfield, CA 94533

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
James J. Falcone sbn 131235 Law Office of James J. Falcone
300 Capitol Mall Suite 1800 (916) 442-4204
Sacramento, CA 95814

DATE: *(Fecha)* Clerk, by *(Secretario)* _____, Deputy *(Adjunto)*

(For proof of service of this summons, use Proof of Service of Summons *(form POS-010).)*
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, *(POS-010)).*

[SEAL]

NOTICE TO THE PERSON SERVED: You are served
1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of *(specify):*
3. ☐ on behalf of *(specify):*
   under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
   ☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
   ☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
   ☐ other *(specify):*
4. ☐ by personal delivery on *(date):*

Form Adopted for Mandatory Use
Judicial Council of California
SUM-100 [Rev. July 1, 2009]

CEB | Essential Forms
ceb.com

SUMMONS

Code of Civil Procedure §§ 412.20, 465
www.courtinfo.ca.gov

Other

City of Vallejo

Planning Commission

Rules of Order and Procedure

DRAFT

June 1991

Revised March 1992 MARK UP4

MAY 2 2020

DRAFT FOR JUNE 15 2020

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PLANNING COMMUSSION
OF THE
CITY OF VALLEJO, CALIFORNIA

RESOLUTION NO. 91-MR-03

RULES OF ORDER AND PROCEDURE

BE IT RESOLVED by the Planning Commission of the City of Vallejo, California that the following Rules of Order and Procedures be adopted for the organization of the Commission and conduct of its meetings, and these rules shall supersede all previous rules for this purpose:

SECTION 1.0 PREAMBLE

The objective of these rules of order and procedure is to ensure the orderly and efficient conduct of the meetings of the Planning Commission. These rules are intended to assure the right of the majority of the Commission to decide matters and issues brought before the Commission; the right of the minority on any issue to heard; and the right of absentee Commissioners to be protected. These rules also are intended to foster and promote the right of the citizens to have adequate notice of business scheduled for consideration by the Commission and a fair and reasonable opportunity to appear and be heard on the items of business presented to the Commission.

SECTION 2.0 GENERAL RULES

2.1 Meetings to be Public

All regular and special meetings of the Commission shall be open to the public, except for such closed sessions which are permitted to be held in private under the provisions of the Ralph M. Brown Act or other laws of the State of California

2.2 Attendance of Media at the Commission Meetings

All the public meetings of the Planning Commission shall be open to the news media, freely subject to recording by radio, television and photographic services, provided that such activities do not interfere with the orderly conduct of the meetings.

2.3 Quorum

A quorum shall be a majority of the commissioners appointed, but fewer adjourn from time to time and compel attendance of absent members in such manner as may be prescribed by these rules of order and procedure. Changed to match 2.26.090

2.4 Rules of Procedure

Rosenberg's Rules of Order shall be the rules of order and procedure for the transaction of business. Added back in [Changed to match 2.26.110)

2.4 Journal of Proceedings

An account of all public proceedings of the Commission shall be kept by the Secretary of the Commission, and shall be entered in a permanent book or other permanent form constituting the official record of the Commission.

2.5 Secretary

The Planning Manager shall serve as the Secretary to the Commission. The Secretary may make recommendations to the Commission and offer technical and professional assistance, but shall have no vote. The Secretary shall also keep the official minutes and perform such other duties as may be requested by the Commission.

2.6 Committees

A. The Commission may create committees in accordance with the rules and procedures contained herein to assist the Commission in carrying out its functions and responsibilities.
B. Every committee created by the Commission shall be advisory only. Any committee may be directed to undertake steps and/or study matters which are within the authority of the Commission.
C. Committees may be occupied entirely of Commissioners or a combination of Commissioners and other persons. A committee composed entirely of Commissioners shall consist of no more than three (3) Commissioners.
D. When requested by the Presiding Officer, the chairperson of each committee shall report or advise the Commission on actions taken or the progress or result of work/projects assigned to or undertaken by the committee. If available a completed subcommittee report may be given

[Later it says the Chair can create committees – we should confirm as at one point we were told it needed to be a Commission action.]

2.7 Seniority of Commissioners

Seniority shall be determined by the length of time on the Commission. In the event two or more commissioners have been on the Commission for the same length of time, seniority shall be determined by lot.

Section 3.0 <u>TYPES OF MEETINGS</u>

3.1 Regular Meetings

Regular meetings of the Commission shall be held on the first and third Mondays of every month at seven (7) p.m. If the first or third Monday falls on a legal holiday, the meeting shall be held on the following Wednesday at the same hour. If at any regular meeting, business before the

Commissions remains unfinished, the Commission may adjourn from time to time to dispose of the same or to transact any other unfinished business. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting, the Secretary may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be given in the same manner as provided in Section 3.3 for special meetings, unless such notice is waived as provided for special meetings. A copy of the notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within twenty-four (24) hours after the time of adjournment.

The Commissioners may vote to to cancel a regular Commission meeting

Afshan: This requires PC to meet in person in order to cancel a meeting and does not allow staff to cancel a meeting via email or phone with consent of the chair if an agenda is changed or moved.

WHERE POSSIBLE A GOOD FAITH EFFORT IS TO BE MADE POST THE NOTICE ON THE CITY WEBSITE (INTERNET) and other media

3.2 Cancellation of Regular Meetings

The Commission may cancel any of its regular meetings by a majority vote of the Commission. A copy of the notice of cancellation shall be posted on the bulletin board located immediately outside City Hall within twenty-four (24) hours after action by the Commission. QUESTION-DOES THIS ALSO REFER TO A CURRENT MEETING IN PROGRESS

WHERE POSSIBLE A GOOD FAITH EFFORT IS TO BE MADE TO POST THE NOTICE ON THE CITY WEBSITE and other media

3.3 Special Meetings

Special meetings maybe called by the Presiding Officer or at the request of four (4) Commissioners by delivering personally **,emailing** or by mailing written notice to each Commissioner and to each **local** newspaper requesting such notice. Such notice must be delivered **personally or by email** ,or mail at least twenty-four (24) hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting by the Commission. The Secretary shall post the call and notice on the bulletin board located immediately outside City Hall at least twenty-four (24) hours prior to the special meeting.

WHERE POSSIBLE A GOOD FAITH EFFORT IS TO BE MADE TO POST THE NOTICE ON THE CITY WEBSITE AND OTHER MEDIA

3.4 Study Sessions

The Commissions shall have the right to assemble in special meetings so as to be apprised of the various matters coming up at a regular meeting or special meeting and obtain such detailed information in regard thereto as will enable them to dispose of such matters with more knowledge at the regular or special meeting to follow. The public may attend, as provided in Section 2.1; however, discussion by the public will not be encouraged so that the Commission may use the time to ask and answer questions of the staff and other resource people. The public with the Presiding Officer's permission may address the Commission in study sessions following the same procedures as provided in Section 3.3. The twenty-four (24) hour notice and posting requirements of Section 3.3 shall also be applicable.

No action may be taken at a Study Session

WHERE POSSIBLE A GOOD FAITH EFFORT IS TO BE MADE TO POST THE NOTICE ON THE CITY WEBSITE AND OTHER MEDIA

3.5 Closed Sessions

The Commission may hold closed sessions during the course of any regular or special meeting in the manner permitted by law.

Section 4.0 **CHAMBER ATTENDANCE AND FACILITIES**

4.1 Council Chamber Attendance

Council Chamber attendance shall be limited to the posted seating capacity thereof. Entrance to City Hall will be appropriately regulated by the Secretary on occasions when the Council Chamber capacity is likely to be exceeded. While the Commission is in session, members of the public shall not remain standing in the Council Chamber except to address the Commission, and sitting in the floor shall not be permitted. During Commission meetings, no musical instruments, firearms (except in the possession of peace officers), toy firearms, placards or other items of potentially disruptive nature, shall be brought into the Council Chamber, nor shall any handbills or flyers be passed out in the Council Chamber. The Commission proceedings may be conveyed to those who have been unable to enter the Council Chamber.

4.2 Facilities

Regular and special meetings of the Planning Commissions shall be held in the Council Chamber, City Hall, Vallejo, California. Whenever at a regular or special meeting of the Commission a matter is set for public hearing, if it is anticipated that the attendance will be substantially greater than the capacity of the Council Chamber, the Secretary may make arrangements for the use of a suitable alternate facility for such meeting of the Commission. If a suitable alternate facility is not available, the public hearing may be continued to a date when a suitable alternate facility will be available. The Commission shall not conduct any regular or special meeting in any facility that prohibits the admittance of any person or persons on the basis of race, religion, creed, color, national origin, ancestry or sex. Facilities shall be accessible by the handicapped.

Section 5.0 DUTIES AND PRIVILEGES OF THE COMMISSION

5.1 Elections and Terms of Officers

At the first regular meeting of the Commission held in July of each year, the Commission shall hold aN organizational meeting, at which the Commission shall elect a Chairperson and a Vice-Chairperson who shall serve for one year. A commissioner may serve a maximum of two years as the Chair over an 8 year period. In the case of a vacancy in any office, it shall be filled by an election held in the first two months subsequent, and such replacement shall be for the duration of the unexpired term of such office. Elections shall be by nomination and open ballet; the member receiving the highest number of votes shall be declared elected.

A commissioner can be removed based on the process identified in Vallejo Municipal Code Chapter 2.26

Afshan: Only Council can terminate, this implies the PC can take action to terminate. Only CC can terminate.

5.2 Seating Arrangement During Meetings

After the Chairperson and Vice-Chairperson have been elected and seated, Commissioners shall select their seats in the order of relative seniorities on the Commission, and shall occupy selected seats until the next election of officers. However, two Commissioners may exchange seats at any time by mutual consent.

5.3 Presiding Officer

The Chairperson, if present, shall preside at all meetings of the Commission. In the absence of the Chairperson, the Vice-Chairperson shall preside. In the absence of the Chairperson and the Vice-Chairperson, the senior Commissioner shall preside. The Presiding Officer shall have the authority to appoint committees pursuant to Section 2.6

5.4 Preservation of Order

The Presiding Officer shall preserve order and decorum, prevent attacks on personalities or the impugning of Commissioners' motives, and confine Commissioners in debate to the question under discussion.

5.5 Points of Order

The Presiding Officer shall determine all points of order, subject to the right of any Commissioner to appeal the Commission. If an appeal is taken, the question shall be "Shall the decision of the Presiding Officer be sustained?"

5.6 Personal Privilege

The right of a Commissioner to address the Commission on a question of privilege shall be limited to cases in which that member's integrity, character, or motives are assailed, questioned or impugned.

5.7 Dissents and Protest

Any Commissioner shall have the right to dissent from any action of the Commission or ruling of the Presiding Officer, and shall have the reason thereof entered in the minutes. Such dissent shall be in writing, couched in respectful terms, and presented to the Commission not later than the next regular meeting.

5.8 Excusal During Meetings

A Commissioner shall leave the Council Chamber while the Commission is in session only with the permission of the Presiding Office. The Council Chamber for this purpose shall be defined as those rooms where the Commission meets, the Executive Conference Room, and its rest room facility.

Section 6.0 DECORUM

6.1 By the Presiding Officer

The Presiding Officer shall preserve order and decorum in the manner prescribed in Section 5.4.

6.2 By the Commissioners

While the Commission is in session the members must preserve order and decorum, and a Commissioner shall not, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Commission, nor disturb any Commissioner, nor refuse to obey the orders of the Commission or the Presiding Officer, except as otherwise provided in these rules.

6.3 By Other Persons

No member of the public shall approach the Commission table while the Commission is in session, unless specifically requested to do so by the Presiding Officer. Any message to or contact with any Commissioner while the Commission is in session shall be through the Secretary. Unruly conduct, such as undue noise, hissing, profanity, insult or physical disturbance shall not be permitted. Any person making personal, impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission shall be forthwith barred by the Presiding Officer from further audience before the Commission at that meeting, unless permission to continue is granted by a majority vote of the Commission.

6.4 Disruption of Meeting

In the event that any meeting is willfully disrupted by a group or groups of persons so as to render the orderly conduct of such meeting infeasible, and order cannot be restored by removal of individuals who are willfully disrupting the meeting, the Presiding Officer with the Commission's consent may, or upon motion of any Commissioner adopted by the Commission shall order the Council Chamber or other place of meeting cleared without awaiting completion of the item of business at hand and when the disruption has ceased, resume the meeting. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any such sessions. As a matter of public policy, it is in the public interest to allow duly accredited representatives of the press or other news media who were not involved in the disturbance to attend the sessions from which members of the general public have been excluded by reason of a willful disturbance.

Section 7.0 AGENDA PREPERATION -- much of this seems supplanted by Section 2.26.130

7.1 Declaration of Policy

A. It is established as the policy of the Planning Commission that no resolution, motion or item of business shall be introduced before the Commission at a regular meeting without having prior thereto been placed upon the written agenda prepared and posted for that meeting. All Commission meetings shall follow the prepared agenda unless changed by the Presiding Officer with the Commission's consent or upon a majority vote of the Commission.

B. Notwithstanding subsection A of this section, the Planning Commission may take action on items of business not appearing on the posted agenda under any of the following conditions:

1. Upon a determination by a two-thirds vote of the Commission (at least five Commissioners) or, if less than two-thirds of the members

are present, a unanimous vote of those members present that the need to take action arose subsequent to the agenda being posted as specified in Section 7.2.

2. The item was posted pursuant to Section 7.2 for a prior meeting of the commission occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which the action is being taken.

C. Nothing in this section shall be construed to prevent the Commission from discussing and referring to staff for appropriate study or placement on a subsequent agenda, items that are brought to the Commission's attention during community forum.

7.2 Preparation and Posting

The Secretary shall prepare and furnish to each Commissioner and to the City Attorney, and to such other persons as the Commission shall designate a written agenda for every regular meeting. The Secretary shall endeavor to arrange the agenda in such a manner that adjournment if at all possible may be had no later than **10PM.** of the date scheduled for the meeting. The agenda shall contain a brief general description of each item of business to be transacted or discussed at the meeting, and shall so specify the time and location of the meeting. The agenda shall be posted on the bulletin board located immediately outside the front entry to City Hall or other location that is freely accessible to members of the public at least seventy-two (72) hours prior to the regular meeting. WHERE POSSIBLE A GOOD FAITH EFFORT IS TO BE MADE TO POST THE AGENDA AND ATTACHMENTS ON THE CITY WEBSITE and other media

Except as provided in Section 7.1, no action shall be taken on any item not appearing on the posted agenda. Copies of the agenda, with all attachments, shall be available at the Planning Division and J.F. Kennedy Library for perusal by members of the public commencing at three (3) p.m. of the **Wednesday** before the Monday on which the meeting will be held. A copy of the Agenda, plus all attachments, shall be available to members of the public during the Commission meeting.

Afshan: This is not reasonable with staff capacity. We are following the legal 72 hour notification, same as Council, anything else is courtesy.

7.3 Items Included

A. Any items of business shall be placed upon the written agenda prior to the deadline announced or observed for the preparation thereof at the request of the Chairperson or any individual member of the commission, by the Secretary, or the City Attorney.

B. The Written agenda shall include the following information:

1. Disclosure requirements for political contributions;

2. Appeal rights;
3. Name of the staff person responsible for each agenda item;
4. Planning Division telephone number;
5. Speaker time limits

Section 8.0 **AGENDA CONTENT**

8.1 Order of Business

The business of the Commission shall be taken up for consideration and disposition in the following order as set forth in the agenda published by the Secretary, except that with the majority consent of the Commission, matters may be taken up out of order. Any item not on the agenda may be added and considered only in the manner prescribed by Section 7.1.

A. Call to Order;
B. Pledge of Allegiance;
C. Roll Call;
D. Approval of Minutes;
E. Written Communications;
F. Secretary's Report;
G. City Attorney's Report;
H. Report of the Presiding Officer and Members of the Planning Commission;
I. Report of the subcommittes
J. REPORT OF THE CITY COUNCIL LAISION
K. Community Forum;
L. Consent Calendar and Approval of the Agenda;
M. Public Hearings;
N. Other Agenda Items;
    a. FUTURE AGENDA ITEMS
O. Adjournment

8.2 Call to Order

The Presiding Officer shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Commission to order. If the Presiding Officer is not the Chairperson or Vice-Chairperson, upon the arrival of the Chairperson or Vice-Chairperson, as the case may be, the person who is then presiding shall relinquish the chair at the conclusion of the item of business then before the Commission.

8.3 Pledge of Allegiance

Immediately following the call to order, the Presiding Officer shall lead the Commission and audience in the recitation of the Pledge of Allegiance to the flag of the United States of America.

8.4 Roll Call

Before the Commission shall proceed with the business of the meeting, the Secretary or his or her designee shall call the roll of the Commissioners, and the names of those present shall be entered in the minutes. The later arrival of any absentee shall also be entered in the minutes with the time of arrival noted.

8.5 Minutes

A. The Secretary shall distribute copies of the unadopted minutes to each Commissioner along with the agenda and accompanying materials.

B. Unless reading of the minutes of the Commission meeting is requested by a member of the commission, with consent of the majority of the Commissioners, such minutes may be adopted without reading.

8.6 Written Communications

A. Written communications from the public will be received and filed, unless added to the agenda at the time the Commission has under consideration approval of the agenda and consent calendar. If any Commissioner objects to the addition of a written communication to the agenda, then a majority vote of the Commission shall be required to place an item on the agenda. A written request to address the Commission on a subject not scheduled for discussion will be treated the same as and considered at the time "Written Communications" is before the Commission. The Commission will determine if it wishes to have such a matter discussed and, if so, will designate the meeting at which it will be discussed.

Afshan: the goal is a public meeting, and this obscures the public from sending emails or something in writing the day of.

B. Anonymous or unsigned communications shall not be introduced to the Commission or placed under written communications.

8.7 Report of the Secretary

The Secretary may, from time to time, report on items that maybe of interest to the Commission and general public.

8.8 Report of the City Attorney

The City Attorney may, from time to time, report on items that may be of interest to the Commission and general public.

8.9 A Report of the Presiding Officer and Commissioners

A The Presiding Officer and any Commissioner may, from time to time, wish to make certain announcements, request information from staff, and to report on items of activity that may be of interest to the Commission and the general public.

B REPORT OF THE CITY COUNCIL LAISION

The City Council Laision, from time to time, MAY wish to make certain announcements, and report on items of activity that may be of interest to the Commission and the general public.

8.10 Community Forum

The Presiding Officer shall announce that members of the public have the opportunity to directly address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission and not on the current agenda. Fifteen (15) minutes shall be set aside for the community forum, and each speaker shall be allocated three (3) minutes, unless time is extended by the Presiding Officer with the Commission's consent. Except as provided in Section 7.1, no action shall be taken on matters brought up during community forum. Items of business listed on the agenda shall not be further discussed under the community forum without the Commission's consent.

8.11 Consent Calendar and Approval of the Agenda

A. The Secretary or City Attorney may recommend that items appearing on the agenda be placed on the consent calendar for action by the Commission. Any item placed on the consent calendar shall appear in its regular order on the agenda together with a recommendation of the Secretary or City Attorney as to the action to be taken by the Commission with respect to such item. Upon motion of any Commissioner, all items placed upon the consent calendar may be acted upon collectively, and each shall be deemed to have received the action recommended by the Secretary or City Attorney; except that if any Commissioner objects to the placement of an item on the consent calendar, or if any member of the public wishes to address the Commission on any such item, the item shall be removed from the consent calendar and shall be heard and acted upon in its proper place on the agenda as designated by the Presiding Officer.

B. After making changes in the agenda, if any, as permitted under these rules of order and procedure, the Commission shall approve the agenda which shall be and constitute the agenda of business to be considered at the meeting. The motion offered to approve the agenda shall include the adoption of the consent calendar.

8.12 Public Hearings

A. The commission may from time to time order that public hearings be conducted on items of public interest even though such may not be required by law.

B. Anyone desiring to address the Commission on the subject of the public hearing may indicate such interest in any of the three following ways:

1. Persons may submit a written request to the Secretary in advance of the meeting.
2. Persons may fill out a card that will be available at the start of all Planning Commission meetings, and submit the card to the Secretary during the meeting.
3. Persons may approach the podium to speak when the Presiding Officer opens the public hearing and indicates that persons wishing to address the Commission may do so at that time.

C. <u>Procedures for Public Hearings</u>

1. The Chair shall announce the public hearing and the secretary shall note any correspondence received concerning the matter, if any.
2. The report shall be presented.
3. The Presiding Officer shall declare the public hearing open.
4. The Presiding Officer shall first call on the Staff applicant, proponent and/ appellant of the matter. **[Do we want to state a time for this?]** The Presiding Officer may limit the amount of time for a presentation
5. The Presiding Officer shall call on each commissioner for any questions or clarifactions that they have
6. After commissioners have asked their questions the Presiding Officer will invite the Public to speak on the project.

7. The Commission shall hear those interested in the matter.
8. The Presiding Officer
   a. May limit individual presentations and may limit the number of speakers with similar positions;
   b. May order that no person speak more than once until all other persons wishing to speak have spoken once;
   c. May use the card system provided for in Section 11.4;
9. A Commissioner:
   a. May question any speaker during the hearing;
   b. Shall not indicate his or her decision regarding the matter, nor introduce a motion or resolution to approve, modify or deny the matter being heard until the public hearing is closed by the Presiding Officer
   c. Presiding officer Shall close the hearing
   d. Commissioners will discuss the item and make any comments prior to the motion.
   e. Presiding Officer will ask if a commissioner wishes to make a motion at the end of the Commission comments. A second is encouraged, but not required. The Presiding Officer will restate the motion or ask the originator to do so

   f. Commissioners debate the motion and provide any comments they have.
   .
10. **The Presiding Officer will restate the motion or ask the originator to do so then request that the Clerk record the vote of each commissioner.**
11. **The Secretary takes the roll call on the motion and announces the result of the vote.**
12. **The chair announces the results**

D. Continuance of Hearing

Any hearing being held, or noticed or ordered to be held, by the Commission at any meeting may by order or notice of continuance adopted by the Commission be continued or recontinued to any subsequent meeting in the same manner and to the same extent set forth in Section 3.1 for the adjournment of meetings; provided, however, if the hearing is continued to a time less than twenty-four (24) hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or notice of continuance was adopted.

8.13 Other Agenda Items

Discussion of Future Agenda Items

The Secretary, City Attorney, Presiding Officer or Commissioner may place items on the agenda of interest to the Commission and the general public or the action by the Commission but must follow the procedural requirements for future agenda items as identified in Chapter 2.26 of Vallejo Municipal Code.

8.14 Adjournment

It shall be the policy of the Commission to adjourn its regular meeting by ten (**10**) **p.m.** of each meeting date. The Secretary shall endeavor to arrange the agenda in such a manner that the Commission can adhere to this adjournment policy. A public hearing in progress shall not be interrupted and continued to a subsequent meeting for the sole purpose of satisfying the adjournment deadline. Items of business that remain on the agenda at **10pm**. shall be carried over to the next regular meeting, unless the Commission by the majority vote agrees to continue in session or agrees to adjourn the meeting to a date sooner than the next regular meeting to dispose of the remaining agenda items.

Section 9.0 RULES OF DEBATE

9.1 Presiding Officer

The Presiding Office may debate and vote. The Presiding Officer shall not be deprived of any rights and privileges of a Commissioner by reason of acting as the Presiding Officer except as set forth in Section 9.2.

9.2 Motions and Resolutions by the Presiding Officer

Prior to making a motion or resolution, the Presiding Officer shall relinquish the chair to the Vice-Chairperson or the next senior member of the Commission. Upon completion of the vote on the motion or resolution, the Presiding Officer will automatically regain the gavel and continues to chair the meeting.

9.3 Obtaining the Floor

Commissioners desiring to speak shall address the Presiding Officer, and upon recognition by the Presiding Officer, shall confine themselves to the question under debate, avoiding all indecorous language.

9.4 Parliamentary inquiries

A Commissioner may, without obtaining the floor, make an inquiry of the Presiding Officer for information on a point of order, a matter of parliamentary procedure or the rules of Commission bearing on the business at hand. The Presiding Officer's reply to a parliamentary inquiry is not subject to an appeal or reconsideration. However, if a Commissioner acts contrary to the Presiding Officer's opinion and is ruled out of order, an appeal may be taken to the Commission. If an inquiry is made when another Commissioner has the floor and an immediate answer is not

necessary, the Presiding Officer can defer a reply until the floor has been yielded. The Presiding Officer is not obligated to answer hypothetical questions.

9.5 Points of Information

A Commissioner may make a request for information relevant to the business at hand but not related to parliamentary procedure. The request may be directed to the Presiding Officer or through the Presiding Officer to another Commissioner or an officer or employee of the City. The request must always be put in the form of a question. If directed to a Commissioner who has the floor, the Presiding Officer will ask consent of the speaker to the interruption.

9.6 Questions of Personal Privilege

A commissioner may, without obtaining the floor, raise a question of personal privilege. An inquiry shall be addressed to the Presiding Officer and may be made without waiting for recognition. When disposed of, the business shall be resumed at exactly the point at which it was interrupted. The Presiding Officer shall rule whether the question put is one of personal privilege, as defined in Section 5.6, and, if so; whether it is of sufficient urgency to warrant interrupting the business then in progress. A no debatable appeal to the Commission may be taken from the Presiding Officer's ruling.

9.7 Interruptions

A Commissioner, once recognized, shall not be interrupted when speaking unless called to order by the Presiding Officer. When called to order while speaking, the Commissioner must cease speaking until the point of order be determined and, if in order, shall be permitted to proceed.

9.8 Restriction of Discussion

Commissioners shall confine their remarks and inquiries to the agenda item under consideration and speak only when recognized by the Presiding Officer, except as otherwise provided in these rules of order and procedure. A Commissioner shall not call for a showing of hands or other demonstration of those present in the audience, unless granted permission to do by the Presiding Officer.

9.9 Limitation of Debate

No Commissioner may speak for longer than ten (10) minutes at any time; unless additional time is granted upon a majority vote of the Commission.

9.10 Precedence of Motions

When a question is before the Commission, no motion shall be entertained except:

A. To adjourn;
B. To fix the hour of adjournment;
C. To lay on the table;
D. To call for a previous question;
E. To postpone to a certain day;
F. To refer;
G. To amend;
H. To substitute;
I. To postpone indefinitely.

These motions shall have precedence in the descending order indicated. Any such motion, except a motion to adjourn, amend, or substitute, shall be put to a vote without debate.

9.11 Motions and Resolutions to be Stated by the Secretary

The Secretary shall read the title of any motion, resolution, or item of business before debate, following which the Presiding Officer may request a report from the Secretary or other designated staff member.

9.12 Discussion Allowed Prior to Formal Motion

It shall not be necessary to make a motion or resolution prior to inquiry or debates by Commissioners, or the public is allowed to speak.

9.13 Second Not Required

A second shall not be required in order to make a motion or resolution.

9.14 Motions Out of Order

The Presiding Officer or any Commissioner may introduce a resolution or motion out of the regular order of the agenda, only with the majority consent of the Commission.

9.15 Motions to Adjourn

A motion to adjourn shall be in order at any time, except as follows:

A. When repeated without intervening business or discussion;
B. When made as an interruption of a member speaking;
C. When previous question has been ordered; or
D. While a vote is being taken.

A motion to adjourn is debatable only as to the time to which the meeting is to be adjourned.

9.16 Motion to Lay on the Table

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion prevails, consideration of the

subject may be resumed at the meeting only upon motion of a member voting with the majority.

9.17 Withdrawal of Motions

A motion may be withdrawn at any time before vote by the maker, after first gaining recognition from the presiding officer.

9.18 Motion for Previous Question

When a motion for the previous question is made by a Commissioner, the Presiding Officer shall allow no further debate and shall ask “Shall the item now be voted on?” If the question carries, the Presiding Officer shall put pending amendments to vote, without debate, in the inverse order of their introduction, before putting the main questions. If the question “Shall the main question now be voted on?” is decided negatively, the main question and its amendments remain before the Commission. The motion calling for the previous question must be decided upon by five-seventh vote in the affirmative.

9.19 Division of Question

If a question put before the Commission contains two or more separate propositions, the Presiding Office may, and upon request of a Commissioner, shall divide the question.

9.20 Motion to Amend an Amendment

After a motion to amend an amendment has been made and installed for debate, a motion to amend the same amendment further shall not be in order.

9.21 Motion to Postpone

A motion to postpone, except one to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely carries, the main motion is lost.

9.22 Motion to Reconsider

A motion to reconsider any action taken by the Commission may be made at the meeting such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session of that meeting. Such a motion may be made only by a Commissioner who voted with the prevailing side. After such a motion for reconsideration has been acted upon, no other such motion on the same question shall be made at that meeting.

9.23 Rehearing

After the Commission has taken action on a matter or question, a motion to reconsider the action taken on such matter or question, or on a matter or question having substantially the same content or purpose of the matter or question already acted upon, shall not be made at a subsequent meeting for a least one (1) year from the date of such action, except by a Commissioner who voted in the majority on such matter or question or upon the consent in writing of the majority of the Commissioners filed with the Secretary. Such matter or question may, however be reheard at a subsequent meeting after the one-year period has elapsed. The item before the Commission shall be whether the matter or question should be reheard; and, if the Commission approves the request, it shall be placed on a future agenda for consideration.

Section 10.0 **VOTING**

10.1 Quorum

A majority of the commission appointed constitutes a quorum for the transaction of business. [changed to match ordinance]

10.2 Abstention

It shall be the duty of each Commissioner present at a meeting of the Planning Commission to cast a vote, "aye" or "nay", unless excused because:

A. The Commissioner has a personal or pecuniary interest in the matter under consideration; or
B. The law otherwise declares that Commissioner's participation is a conflict of interest; or
C. The Commissioner is disqualified by reason of absence from the hearing of a matter, the decision on which under the law must be based upon findings supported by testimony or other competent evidence introduced in the proceeding.

If a conflict of interest does exist, the Commissioner shall declare this fact. The Commissioner is then excused from voting "aye" or "nay", and may cast an abstention vote. Other than to reflect the abstention, the vote shall not be counted for any purpose. Abstention for any reason other than those mentioned above shall constitute consent in the action proposes, and the Secretary shall announce at the meeting and enter in the Commission's minutes that the abstention was case as an "aye" vote pursuant to this rule.

Rosenberg says counting an abstention depends on the rules. Do we want to use the above rule?

Nothing in these rules of order and procedure is intended to abrogate the judicially declared "rule of necessity" adopted in the State of California pertaining to the duty of members of public legislative and administrative bodies to vote on matters which require their action.

Abstention is defined to include a Commissioner's refusal or failure to vote when present and capable of casting a vote, unless executed for the reasons set forth above.

10.3 Tie Vote

The affirmative vote of at least a majority present. shall be necessary to adopt any resolution or motion. Any question on which the vote is tied, is lost. In the event of a tie vote, the Presiding Officer or any Commissioner may request the Secretary to carry over the item to the next regular meeting where a full Commission will be present.

10.4 Roll Call

The votes shall be cast and displayed on the electronic voting board so that each Commissioner's vote may be recorded by the Secretary. In the event of a breakdown or malfunction of the electronic voting equipment, the Secretary shall call the roll in the descending order that names of the Commissioners appear on the electronic voting board. The Secretary at the conclusion of the voting shall announce the results of the vote by stating whether the measure carried or failed and by what vote.

Section 11.0 Public Participation

11.1 Policy

It is the policy of the Planning Commission that members of the public shall be afforded the opportunity to speak on any agenda item providing they are first recognized by the Presiding Officer.

11.2 Addressing the Commission

Any person desiring to address the Commission by oral communication shall first secure the permission of the Presiding Officer by approaching the speaker's podium and waiting, silently, to be recognized by the Presiding Officer.

11.3 Spokespersons

Designated spokespersons for recognized groups or organization will be given priority over individuals who desire to address the Commission.

11.4 Card System

Cards will be available at the rear of the Council Chamber for persons who wish to address the Commission at a public hearing or on another item of agenda business. After filling out the information requested, the cards shall

be handed to the Secretary or designated staff member. The Presiding Officer will call on those wishing to speak in the order in which the cards are received, except as provided in Section 8.11. After such persons are heard, the Presiding Officer may then call for any additional speakers.

11.5 Time Limits

Designated spokespersons for recognized groups or organization will have THREE (3) minutes to address the Commission; provided, however, that they may request additional time and will be granted such only with the permission of the Presiding Officer and subject to the consent of the Commission. Individuals will be given three (3) minutes to address the Commission unless additional time is allowed as provided for spokespersons.

11.6 Discussion Between Citizens and the Commission

All remarks shall be addressed to the Commission as a body and not any Commissioner thereof. No person, other than the Presiding Officer, Commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through a Commissioner, without the permission of the Presiding Officer. No question shall be asked of a Commissioner or a member of staff except through the Presiding Officer.

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11.7 Topic for Discussion

Members of the public shall address their remarks only to the agenda item under discussion by the Commission.

11.8 Manner of Addressing the Commission

Prior to speaking, each member of the public shall is requested to state his or her name and business or home address in a clear and audible tone of voice.

11.9 Repetition

Recognized speakers shall refrain from repetition of issues and points already raised by previous speakers.

Section 12.0 **AMENDMENTS**

12.1 Notice of Amendment

These rules of order and procedures may be amended by the Commission at any regular or special meeting, provided that notice of the proposed amendment or amendments, including the exact text of same, shall have

been delivered to each Commissioner at least three (3) days prior to the meeting date.

12.2 Submission for Council Approval

Any amendment adopted by the Commission shall be submitted to the City Council for approval at the earliest convenient time as required by Section 405 of the City Charter, and shall become effective only upon such approval being given.

ADOPTED as above at a regular meeting of the Planning Commission of the City of Vallejo held on May 20, 1991 by the following vote;

AYES: Kerstad, McDowell, Muatico, Capello, Servante, Johnson, Egklio

NOES: None

ABSENT: None

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BRIAN MATTSON, Secretary

CITY COUNCIL APPROVAL

The foregoing Rules of Order and Procedure were approved by Resolution No. 91-359 N.C. adopted by the City Council on June 11, 1991 pursuant to Section 405 of the City Charter of the City of Vallejo.

The foregoing Rules of Order and Procedures were revised by Resolution No. 92- N.C. adopted by the City Council on March 24, 1992 pursuant to Section 405 of the City Charter of the City of Vallejo.

PCRULES 92