

**PROPEL  
VALLEJO**



**NEW ZONING CODE**  
Shaping Vallejo the Way We Envisioned!



**ARCHITETURAL HERITAGE AND PRESERVATION CHAPTER**

**Prepared for**

**City of Vallejo**

**Michelle Hightower, Project Manager**

**Afshan Hamid, Planning Manager**

**By**

**DYETT & BHATIA**

Urban and Regional Planners

**February 2020**



## **INTRODUCTION**

---

The new Zoning Code will include an update to Chapter 16.38 Architectural Heritage and Historic Preservation of the existing Code. Regulations in this chapter will be combined with base district standards and are intended to implement the following General Plan 2040 policy:

Policy NBE-1.9

*Cultural Resources. Protect and preserve archaeological, historic, and other cultural resources.*

The City of Vallejo has three historic districts, namely St. Vincent's Hill, Architectural Heritage District, and the Mare Island Historic District, over 1,400 contributing cultural resources to the districts and 75 City Landmarks or buildings/structures that have significant historical, architectural, or cultural meaning and have been given legal protection from alteration and destruction. Vallejo is also a Certified Local Government (CLG) by the National Park Service (NPS) and the California State Historic Preservation Office (SHPO), and has the authority to identify, evaluate, register and preserve historic properties in the City through the adoption and implementation of regulations for historic resources. In order for Vallejo to maintain status as a CLG, the regulations must meet requirements established by the federal and State governments. These include, but are not limited to, specific professional requirements for commissioners, a system for survey and inventory of historic properties, and a process for review and recommendation of properties to the National Register. CLGs are also required to submit annual reports detailing preservation program accomplishments and actions. Pursuant to the City's CLG agreement with SHPO, a draft of the following regulations will be sent to SHPO for their assessment once the Planning Commission and AHLC have completed their review.

The draft Architectural Heritage and Historic Preservation chapter of the new Zoning Code offers enhanced provisions for historic preservation, and clear rules and criteria for designating historic districts and landmarks, and approving alterations and additions for designated resources. It builds on Chapter 16.38 in the existing Code and maintains the requirement for a Certificate of Appropriateness (COA) permit required for physical changes to historic resources. The chapter provides a summary table listing when a COA permit is required and identifies the review authority and public noticing required for each review or permit. The chapter also includes specific provisions to address the problem of "demolition by neglect" and reinforces the duty to maintain historic resources.

## **Chapter 16.05**

### **Architectural Heritage and Historic Preservation**

---

#### **Sections:**

16.05.010	Specific Purposes
16.05.020	Historic Resources Inventory
16.05.030	Mare Island Historic District
16.05.040	Establishment of "H" Districts and "L" Landmark Designations
16.05.050	Initiation of Designation
16.05.060	Criteria for Establishment of Historic Districts and Landmarks
16.05.070	Amendments to "H" Historic District or "L" Landmark
16.05.080	Land Use and Property Development Regulations
16.05.090	Certificate of Appropriateness
16.05.100	Maintenance and Upkeep

#### **16.05.010 Specific Purposes**

The purpose of the Architectural Heritage and Historic Preservation chapter is to create and establish regulations for historic districts and landmark designations for specific properties that will conserve and enhance the city's architectural heritage and historic resources.

More specifically, the Historic district and landmark designations are intended to:

- A. Designate, preserve, protect, enhance and perpetuate those historic buildings, structures, landscaping, districts and neighborhoods that contribute to and serve as visible reminders of the cultural, aesthetic and architectural heritage of Vallejo;
- B. Foster civic pride in the beauty and accomplishments of the past;
- C. Deter demolition, destruction, alteration, misuse, or neglect of historically, culturally, archaeologically or architecturally significant districts, sites, buildings and objects that form an important link to the city's past;
- D. Encourage development tailored to the character and significance of each historic district or landmark through an historic district conservation plan that includes goals, objectives, and design standards;
- E. Provide a review process for appropriate alterations and additions to cultural, architectural and historical resources, consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties where applicable;
- F. Promote maintenance of a harmonious outward appearance of both historic and modern structures through complementary scale, form, color, proportion, texture and material;
- G. Stabilize and improve the economic values of designated historic buildings, structures, architectural resources, districts and neighborhoods; and

H. Implement the policies of the General Plan related to cultural and historical resources.

**16.05.020 Historic Resources Inventory (Text for this section to be provided.)**

**16.05.030 Mare Island Historic District**

I. **Development Review.** All new construction, demolition, alteration and relocation of contributing resources, including but not limited to landscaping, signage, and fencing within the Mare Island Historic District, as defined in the Mare Island Specific Plan, shall be subject to the standards, regulations and procedures contained in the Mare Island Specific Plan/Master Plan, and all of its appendices, particularly:

1. Appendix B.1 Mare Island Historic District Project Guidelines
2. Appendix B.4 Design Guidelines for the Mare Island Historic District

**16.05.040 Establishment of "H" Historic Districts and "L" Landmark Designations**

An "H" Historic District designation may be combined with any base zoning district and an "L" property designation may be within any base zoning district or "H" Historic District. The standards set forth in this chapter shall apply to all properties within a designated "H" Historic District and any "L" designation of a property.

**16.05.050 Initiation of Designation**

- A. An application to add a new "H" Historic District designation or "L" Landmark property designation may be initiated by the City Council or the Architectural Heritage and Landmarks Commission. In addition, an application to add a new "H" Historic District designation may be initiated by at least fifty percent of the affected property owners, and an application to add a new "L" Landmark property designation may be initiated by the subject property owner.
- B. After an analysis is conducted by staff, the City Council may, after determining that the criteria of Section 16.05.050 have been met, adopt an ordinance designating certain structures, sites, landscape elements, objects, works of art, or portions or groups thereof, as an "H" Historic District or an "L" Landmark property. Each such ordinance shall include the location of the designated Historic District or Landmark, a description of the characteristics which justify its designation, a description of the particular features that shall be preserved, and, where appropriate, a list of features or structures which do not contribute to the historical significance of the Historic District and Landmark and which may be altered or demolished without a certificate of appropriateness.

**16.05.060 Criteria for Establishment of Historic Districts and Landmarks**

Prior to adopting an ordinance designating an "H" Historic District or "L" Landmark, the City Council shall determine that the area, structure, feature or site to be designated satisfies at least one of the following criteria:

- A. Possesses value as a visible reminder of the cultural heritage of the City.

- B. Is identified with a person, group, or event that contributed significantly to the cultural or historical development of the City.
- C. Is listed in, or has been determined eligible for listing in, the California Register of Historical Resources or the National Register of Historic Places.
- D. Exemplifies a particular architectural style, a significant period in the City's historical development, or a way of life important to the City.
- E. Is the first, last, only, or most significant remaining example of an architectural style in a neighborhood, the city or region, or is an area containing a significant concentration of such examples.
- F. Is identified as the work of a person or group whose work has influenced the heritage of the City or region.
- G. Embodies elements of outstanding attention to architectural or landscape design, detail, materials, or craftsmanship.
- H. Is related to a designated historic District or Landmark in such a way that its preservation is essential to the integrity of the District or Landmark.

**16.05.070 Amendments to "H" Historic District or "L" Landmark.**

An amendment to an "H" Historic District and historic district conservation plan or Historic District specific plan or an "L" Landmark designation shall be initiated, recommended by the Architectural Heritage and Landmarks Commission, and approved by the City Council in the same manner as specified for new designations.

**16.05.080 Land Use and Property Development Regulations**

The land use regulations and development regulations applicable to a building, structure or area subject to an "H" Historic District or "L" Landmark designation shall be as prescribed for the base zoning district with which it is combined, provided that where conflicts arise, the criteria and requirements of any applicable historic district conservation plan or specific plan, shall govern.

- A. **Ordinary Maintenance and Repair; Repair for Public Safety.** Nothing in this Section is intended to prohibit ordinary maintenance or repair of any exterior or interior architectural feature in or on any property subject to an "H" or "L" designation that does not involve a change in design, material or external appearance thereof. Nor is this Section intended to prohibit the construction, reconstruction, alteration, restoration, demolition or removal of any such architectural feature when the Chief Building Official certifies that such action is required for the public safety, due to an unsafe or dangerous condition which cannot be otherwise rectified, and where in such case, the Architectural Heritage and Landmarks Commission shall be notified.
- B. **State Historical Building Code.** The California State Historical Building Code provides alternative building regulations for the rehabilitation, preservation, restoration or relocation of structures designated as cultural resources. For any property subject to an "H" or "L" designation, such work on cultural resources shall be subject to the provisions of the California State Historical Building Code, rather than the Uniform Building Code, as provided by Section 6.06.071 of the Municipal Code.

- C. **The Secretary of the Interior's Standards for the Treatment of Historic Properties.** The latest published version of the U.S. Secretary of the Interior's "Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings" shall be used as guidelines in carrying out responsibilities for such actions under this chapter, as refined by Historic District conservation plans and specific plans and master plans adopted by the City.
- D. **Allowable Modifications in Base District Standards.** The Director may modify the dimensional requirements specified in this Code by up to 25 percent, and the Architectural Heritage and Landmarks Commission may allow additional modification, upon finding that the requested modification is necessary to facilitate conservation, rehabilitation, restoration, and adaptive reuse of, and appropriate additions to, identified historic buildings and landmarks. Such modifications shall be subject to the same procedures as specified for certificates of appropriateness. Specific waivers and modifications may be granted for:
1. **Setbacks.** Front, side, and rear yard setback standards.
  2. **Parking.** The dimensional standards for parking spaces, aisles, driveways, landscaping, garages on sloping lots, and parking facility design.
  3. **Fences and Walls.** Standards for the location, height, and design of fences and walls.
  4. **Lot Coverage.** Standards for the maximum amount of lot coverage.
  5. **Height.** Maximum building height or other height limitations.
  6. **Other Standards.** Up to 25 percent of other development standards not listed above.

16.05.090 **Certificate of Appropriateness.**

A certificate of appropriateness shall be required prior to the construction, demolition, alteration, or relocation of, or addition to, any main or accessory structure or other designated feature in a Historic District, or on the property of a designated Landmark. The purpose of this requirement is to ensure the integrity of structures and the general character in Historic Districts or the integrity and general character of designated Landmarks that are of historical or architectural significance.

- A. **Authority.** The Architectural Heritage and Landmarks Commission or Director shall have the authority to review and approve, approve with conditions, or disapprove a certificate of appropriateness pursuant to the procedures and criteria in this Section.
- B. **Exemptions.**
1. No certificate of appropriateness is required for ordinary maintenance, or for the demolition, alteration or relocation of, or addition to, a structure or feature identified as non-contributing in the applicable designation ordinance. Maintenance shall include, but not be limited to, painting, minor repair, routine maintenance and upgrading that does not involve significant changes to the designated structure, feature or site.
  2. No certificate of appropriateness is required to prevent any work necessary to correct the unsafe or dangerous condition of any structure, other feature or part thereof, where such condition has been declared unsafe or dangerous by the Chief Building Official or Fire Marshal, and where such work has been declared necessary by such officials to correct the condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed.

3. No certificate of appropriateness is required for alteration of the interior of a structure, unless such structure is designated as a Landmark.
  4. No certificate of appropriateness is required for development or alteration of an Accessory Dwelling Unit.
  5. No certificate of appropriateness is required for paving, decks, fences, and retaining walls except those identified in Table 16.05.01.
- C. Initiation.** An application for a certificate of appropriateness shall only be submitted by a qualified applicant, as defined in Section TBD of this Code.
- D. Procedure.** Shall be as prescribed in Section TBD of this Code.
- E. Review Authority and Public Notice.** The authority to review a certificate of appropriateness and public notice shall be as provided in Table 16.05.01.

**Table 16.05.01**

Project Type	Decision Authority	Notice (Calendar Days)
Demolition or Relocation of Primary Structure or Accessory Structure		
Structure on HRI or identified as contributor to District or Landmark	AHLC	14 days
Structure not on HRI <sup>a</sup> and identified as non-contributor to Historic District or Landmark	Secretary*	None
New Principal Structure	AHLC	14 days
New Accessory Structure		
500 square feet or more	AHLC	14 days
Less than 500 square feet	Secretary*	None
Additions		
Additions over 500 square feet or 20% of existing floor area (whichever is less)	AHLC	14 days
All other additions	Secretary*	None
Alterations		
Alteration of character defining features of a Landmark	AHLC	None
All other alterations	Secretary*	None
New Driveway	Secretary*	None
Paving over 33% or 200 square feet of required front yard (whichever is less)	Secretary*	None
Sign (New/Alteration)	Secretary*	None
Fence in required yard abutting a street	Secretary*	None
Retaining Wall in front yard	Secretary*	None
Deck over 30 inches tall and visible from street	Secretary*	None

\*Secretary or Director's designee

<sup>a</sup> Historic Resources Inventory



- F. Findings for Approval.** To approve an application for a certificate of appropriateness, the Architectural Heritage and Landmarks Commission or Director shall find, as applicable:
1. The project is in conformance with the U.S. Secretary of the Interior’s Standards for the Treatment of Historic Properties applicable to the project and any ordinance designating the Historic District or Landmark.
  2. For projects located in a Historic District, the proposed project is consistent with any conservation plan or specific plan adopted for the Historic District.
  3. For projects that require demolition, the Architectural Heritage and Landmarks Commission shall also find, as applicable:
    - a. It is not feasible to preserve or restore the structure after considering alternatives and balancing interest in preservation versus cost.
    - b. The retention of the structure constitutes a hazard to public safety.
    - c. The structure is a deterrent to a major improvement program which substantially benefits the City.
    - d. Retention of the structure in the judgment of the commission is not in the interest of the majority within the Historic District.
- G. Conditions of Approval.** The Director may impose, or recommend that the Architectural Heritage and Landmarks Commission impose, such conditions in a certificate of appropriateness that are necessary to accomplish the purposes of this Code and prevent or minimize adverse impacts upon the public. These conditions shall run with the land and not be affected by a change in ownership.
- H. Effect of Issuance of a Certificate of Appropriateness.** Issuance of a certificate of appropriateness shall authorize the development, exterior alteration, restoration, or relocation of the site or structure within the Historic District or of the Landmark designation pursuant to the terms and conditions of the certificate of appropriateness and authorize the applicant to apply for a zoning or building permit.
- I. Expiration of a Certificate of Appropriateness.** Approval of the certificate of appropriateness shall expire automatically twenty-four months after the date of approval, unless authorized construction has commenced prior to the expiration date; except that upon written request prior to expiration, the Director may extend the approval for an additional twelve months. If the Secretary denies the application for extension, the applicant may appeal to the commission within ten calendar days after the Director has denied the extension.
- J. Amendment to Certificate of Appropriateness.** A certificate of appropriateness may be amended, extended, or modified only in accord with the procedures and criteria established for its original approval.

**16.05.100 Maintenance and Upkeep.**

- A. General.** All owners of sites, structures or features included in the City’s Historic Resources Inventory, in an Historic District or subject to a Landmark designation, shall maintain such sites, structures or features in good repair, and no owner shall permit such sites, structures or features to fall into a state of disrepair that would, in the judgment of the Director, produce a detrimental effect upon the character of such sites, structures or features. Structures and premises shall be considered

in good repair if they do not present material evidence of disrepair or material variance in condition from surrounding structures that comply with the provisions of this Code. The purpose of this Section is to prevent an owner or other person having legal custody and control over a property from facilitating demolition of a historic resource by neglecting it and by permitting damage to it by weather, vandalism, wood-destroying insects, or other factors within the owner's means to prevent.

**B. Standards of Review.** The standards of review for "good repair" and "disrepair" are as follows:

1. **Good Repair.** Includes and is defined as the level of maintenance that ensures the continued availability of the structure and premises for a lawfully permitted use, and prevents unreasonable deterioration, dilapidation, and decay of the exterior portions of the structure and premises.
2. **Disrepair.** Includes but is not limited to unreasonable deterioration of exterior walls, plaster, mortar or vertical or horizontal supports; deterioration of roofs and exterior chimneys; ineffective waterproofing, including broken windows or doors; or the deterioration of any other exterior feature that would create a hazardous or unsafe condition.

**C. Minimum Maintenance.** Consistent with all other state and city codes requiring that buildings and structures be kept in good repair, and subject to approval of a certificate of appropriateness if required, the owner or other person having legal custody and control of a property shall repair such building or structure if it is found to have any of the following defects.

1. Building elements so attached that they may fall and injure members of the public or property.
2. Deteriorated or inadequate foundation.
3. Defective or deteriorated flooring.
4. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
5. Members of ceilings roofs, ceilings or roof supports or other horizontal members which sag, split or buckle due to defective materials or deterioration.
6. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration.
7. Deteriorated, crumbling or loose exterior plaster.
8. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.
9. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
10. Any fault, defect or deterioration in the building which renders it structurally unsafe or not properly watertight.

**D. Notice to Comply.**

1. **Unmaintained Resources.** If the Director or Chief Building Official determines that any site or structure is not being maintained in accordance with this Section, the Director or Chief Building Official shall issue a Notice to Comply requiring the owner or other person having legal custody and control of the site or structure to take action in order that the site

or structure may be preserved in accordance with this Section. The Director and/or Chief Building Official may also meet with the owner or other person having legal custody and control of the site or structure to discuss ways to bring the site or structure into conformance with this Section.

2. ***Protection of Deteriorated, Vacant and Vandalized Resources.*** The Director and/or Chief Building Official shall have the authority to issue a Notice to Comply to any owner of any property subject to this Section upon determining that the property has become subject to vandalism or constitutes a public nuisance. In such circumstances, the Chief Building Official shall have the authority to issue any order deemed appropriate to keep the property from being further vandalized or from becoming a public nuisance including, but not limited to, ordering that the building be secured and fenced.
3. For the purposes of this provision, the property shall include exteriors of any accessory building located on a property in the City's Historic Resources Inventory.
4. Security measures that the Chief Building Official may order shall include, but not be limited to, the following:
  - a. The installation of the maximum allowed height under this Code of chain-link perimeter fencing and at least one securely-locked pedestrian gate and the posting of "NO TRESPASSING" signs at regular intervals.
  - b. Steel or plywood closures, with one-inch diameter air holes, installed at all doors and windows. (Sandwich panel installation shall be used so as to avoid drilling into window frames and sashes, doors, ornament or masonry units.)
  - c. The removal of all debris from the premises, including but not limited to wood, paper, cans, bottles and fecal matter.
  - d. Any temporary modifications required to be made to secure the building shall be reversible.
5. Any plans or proposals for work required to be performed pursuant to an Notice to Comply to secure any building from being further vandalized or from becoming a public nuisance must first be reviewed by the Director and Chief Building Official to ensure that any work to secure the building will not damage or alter the historic character of the building. This review by the Director and Chief Building Official shall be completed within 10 calendar days from the date any request for review is submitted. If the work to be performed includes substantial alteration, the procedures set forth in this Section shall be utilized for review.
6. Nothing herein shall be interpreted to prohibit an owner from taking immediate temporary measures to secure a building from unauthorized entry.
7. It shall be unlawful for any property owner to fail to comply with any Notice to Comply issued by the Chief Building Official under this provision.
8. In addition to the remedies provided by this Code, should an owner fail to comply with Order to Comply, the City may take the necessary measures, including those authorized under this Code, to immediately secure the property against vandalism or prevent it from becoming a public nuisance. The City shall have the authority to assess the cost of performing this work as a lien against real property on which the building is located and take whatever additional action the City deems necessary to recover its costs and further secure the property and provide for its preservation. Prior to taking these measures, the City shall send a Notice of Intention to the owner.