

Notice of Exemption

2020100306

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: Solano675 Texas St, Suite 600 6th FloorFairfield, CA 94533

From: (Public Agency): City of Vallejo - Planning Division
555 Santa Clara St
Vallejo, CA 94590

(Address)

Project Title: N/AProject Applicant: Jean Drolet (property owner), 602 Georgia St., Vallejo, CA 94590

Project Location - Specific:

602 Georgia St., Vallejo, CA 94590 (APN: 0056-201-200)Project Location - City: Vallejo Project Location - County: Solano**Description of Nature, Purpose and Beneficiaries of Project:**

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. Includes 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 36 feet (where 35 feet is normally allowed).

Name of Public Agency Approving Project: City of VallejoName of Person or Agency Carrying Out Project: Project applicant / owner, see above**Exempt Status: (check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ Categorical Exemption. State type and section number: Existing Facilities (15301(e)), Historical Resource Rehab (15331)
☐ Statutory Exemptions. State code number: _____

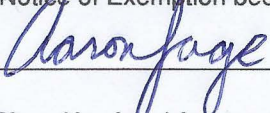
Reasons why project is exempt:

Project is an addition to an existing single-family dwelling of less than 50 percent of existing floor area, and a rehabilitation of a historical resource that is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

Lead Agency

Contact Person: Aaron Sage, Principal Planner Area Code/Telephone/Extension: (707) 648-5391**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☒ No

Signature:  Date: 10/15/20 Title: Principal Planner☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

Governor's Office of Planning & Research

Oct 16 2020**STATE CLEARINGHOUSE**

Revised 2011

RESOLUTION NO. 20-126 N.C.

**DENYING THE APPEAL AND UPHOLD THE DECISIONS OF THE
ARCHITECTURAL HERITAGE AND LANDMARKS COMMISSION
AND PLANNING COMMISSION TO APPROVE THE PROJECT
AT 602 GEORGIA STREET**

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, on July 31, 2019, 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 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 ("AHLC"), 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 AHLC; and

WHEREAS, on June 4, 2020, the AHLC adopted Resolution No. AHLC 20-05, with Conditions of Approval, approving the COA; and

WHEREAS, on June 15, 2020, Kathleen Gaffney appealed the AHLC's decision to the City Council; and

WHEREAS, on July 20, 2020, the City of Vallejo Planning 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 Planning Commission; and

WHEREAS, on July 20, 2020, the Planning Commission adopted Resolution No. PC 20-07, with Conditions of Approval, approving the Variance and Minor Exceptions; and

WHEREAS, on July 27, 2020, Kathleen Gaffney appealed the Planning Commission’s decision to the City Council; and

WHEREAS, on September 22, 2020, the City of Vallejo City Council, after giving all public notices required by State law and the Vallejo Municipal Code, conducted a duly noticed public hearing to consider the appeals, at which testimony and evidence, both written and oral, was presented to and considered by the City Council; and

WHEREAS, based on recommendations, testimony and evidence in the record and provided at the public hearing, the City Council makes the following factual findings:

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:

Overall character:

“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.”

New windows:

“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

¹ Weeks and Grimmer 2017, 78.

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."

IV. 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 policies and would not have any adverse effects on the General Plan. The overall project is consistent with the all applicable General Plan 2040 policies, including the following:
 - 1. Policy NBE-1.10: Historic Resources: Encourage the protection, rehabilitation, and reuse of historic buildings and structures.
 - 2. Policy NBE-1.11: Historic Districts: Preserve the integrity of the City's historic districts, including downtown, as physical changes occur within them.
 - 3. Policy NBE-2.3: Inviting, Compatible Design. Promote attractive development that is compatible with surrounding uses.
 - 4. Policy NBE-3.13: Neighborhood Character. Preserve the character of existing single-family residential neighborhoods.

V. 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).

VI. 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.

VII. RESOLUTION DENYING THE APPEALS AND UPHOLDING THE DECISIONS OF THE AHLC AND PLANNING COMMISSION TO APPROVE THE PROJECT

NOW, THEREFORE, LET IT BE RESOLVED that based on the findings above, the evidence and testimony, both written and oral, presented at the City Council hearing and information contained in the staff report attached hereto and incorporated herein by this reference, the City Council hereby **DENIES** the appeals and upholds the decisions of the AHLC and the Planning Commission to approve the Project, subject to the Conditions of Approval attached hereto as **Exhibit A**, and in accordance with the plans attached hereto as **Exhibit B**.

APPEAL DENIED by the City Council of the City of Vallejo at a regular meeting held on October 13, 2020 with the following vote:

AYES: Mayor Sampayan, Vice Mayor Sunga, Councilmembers Brown, Dew, and Verder-Aliga
NOES: None
ABSENT: Councilmember Miessner
ABSTAIN DUE TO CONFLICT OF INTEREST: Councilmember McConnell

DocuSigned by:

Mayor Bob Sampayan

BOB SAMPAYAN, MAYOR

ATTEST:

DocuSigned by:

Dawn G. Abrahamson

DAWN G. ABRAHAMSON, CITY CLERK

Exhibits:

- A. Conditions of Approval
B. Project Plans

I hereby certify that this is a true and correct copy of the original document on file in the City Clerk's Office of the City of Vallejo.

Date: *10/15/20* Attest: *Dawn G. Abrahamson*

DAWN G. ABRAHAMSON
City Clerk & Ex-Officio
Clerk of the Council of the
City of Vallejo