

REVISED
AGENDA

Contra Costa County
HISTORICAL LANDMARKS ADVISORY COMMITTEE

Thursday, August 13, 2020
2:00 P.M.

To slow the spread of COVID-19, the Health Officer's Shelter Order of June 16, 2020, prevents public gatherings. In lieu of a public gathering, the Historic Landmarks Advisory Committee will be accessible live online or by telephone to all members of the public as permitted by the Governor's Executive Order N29-20.

Historical Landmarks Advisory Committee meeting can be accessed live either online or by telephone. BY JOINING THE ZOOM MEETING DIRECTLY AT: <https://cccouny-us.zoom.us/j/93790953812>

Meeting ID: 937 9095 3812

ACCESS THE MEETING BY TELEPHONE AT: (888)278-0254 FOLLOWED BY ACCESS CODE 198675##.

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PERSONS WHO WISH TO ADDRESS THE HLAC COMMITTEE MEMBERS DURING PUBLIC COMMENT OR WITH RESPECT TO AN ITEM THAT IS ON THE AGENDA MAY DO SO EITHER ONLINE OR BY TELEPHONE. IF ACCESSING THE MEETING ONLINE, REQUEST TO SPEAK BY CLICKING THE "RAISE HAND" FUNCTION. IF ACCESSING THE MEETING BY TELEPHONE, REQUEST TO SPEAK BY DIALING #2.

1. Call to Order
2. Public Comment
3. Approval of Summary Minutes for July 16, 2020
4. Discussion Items:
 - A. Will Nelson *Principal Planner* and Daniel Barrios *Planner II* from Envision Contra Costa 2040 to provide the status of the in progress General Plan update
 - B. Review of Draft Historic Preservation Ordinance *attached*
 - Pages 1-7 revised per HLAC members' and public's comments from last meeting
 - Review of pages 8-17
 - Comments provided by the Diablo Historic Preservation Committee (DHPC) - *attached*
 - C. Historic Resources Inventory (HRI) Update – *Melissa Jacobson*

D. Potential Eligibility List

- Contra Costa Historical Society Historic Building List
- Development regulation difference between an Eligibility List and the HRI

E. Pending Items:

- Rehabilitation of the Byron Hot Springs – no change in status

5. Committee Member's Comments

6. Next Agenda Discussion: Thursday, November 12, 2020 at 2PM

Attachments:

1. Summary Minutes for July 16, 2020 Meeting
2. *Revised* Contra Costa County Historic Preservation Ordinance, Draft No. 1 020420
3. Comments provided by the Diablo Historic Preservation Committee (DHPC)

The Historical Landmarks Advisory Committee (HLAC) will provide reasonable accommodations for persons with disabilities planning to participate in HLAC meetings who contact Ms. Dominique Vogelpohl at least 48 hours before the meeting, at (925) 674-7888.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the Community Development Division to a majority of members of the Historical Landmarks Advisory Committee less than 96 hours prior to that meeting are available for public inspection at the Community Development Division of the Department of Conservation and Development, 30 Muir Road, Martinez, during normal business hours.

Contra Costa County Historical Landmarks Advisory Committee (HLAC)
Summary Minutes for July 16, 2020

Members Present: Carol Jensen (Chair), Melissa Jacobson (Vice Chair), Raymond O'Brien, Melinda McCrary, Aruna Bhat

Members Absent: none

Staff: Dominique Vogelpohl, Stan Muraoka AICP

1. Call to Order: The meeting was called to order at 2:05 PM.

2. Public Comment:

- Dee Giesler, Co-Chair of the Diablo Historical Preservation Committee, announced that publication date of the Diablo Treasures book has be delayed.
- Dee Geisler also commented that there should be more transparency for buyers of homes and wanted to know if there was commitment for this from the County.
- Mugs Freeman, Diablo resident and former member of the Diablo Historical Preservation Committee said she wanted to let the Committee members know she was in attendance.
- Amein Punjani and Jeneffer Jones Punjani, owners/applicants for Tree Permit TP19-0031, said they were in attendance.

3. Approval of Summary Minutes for February 13, 2020: Committee members discussed adding a checklist to the agenda for items discussed that are not on the next agenda. Raymond O'Brien moved to approve the minutes; Melissa Jacobson seconded. The minutes were approved: 4 Ayes (O'Brien, Jacobson, McCrary, Jensen), 1 Abstention (Bhat), 0 Nays.

4. Discussion Items:

A. Review of Draft Historic Preservation Ordinance.

- Committee members and persons in attendance discussed pages 1 through 7 of the Draft Historic Preservation Ordinance
 - Raymond O'Brien commented on the combining district and the HRI (draft Ordinance page 2, Article I Sec. C.f and C.i).
 - Melissa Jacobson commented on properties on the HRI versus the state list (draft Ordinance page 2, Article I Sec. C.i).
 - Dee Geisler stated that she had concerns as an owner of a historic home in Diablo. Carol Jensen said that the draft Ordinance was at a preliminary stage.
 - Raymond O'Brien commented on removing demolition from an alteration permit (draft Ordinance page 3, Article I Sec. C.n).
 - Raymond O'Brien commented on the composition of the HLAC (draft Ordinance page 5, Article III Sec. A).

- Melissa Jacobson commented on HRI as a process as well as a list (draft Ordinance page 2, Article I Sec. C.i and draft Ordinance page 3, Article I Sec. C.I).
- Melinda McCrary commented that there should be a time frame for updating the HRI (draft Ordinance page 5, Article IV Sec. A).
- Tony Geisler comments on the Certificate of Appropriateness and that the Diablo Historical Preservation Committee was focused on protecting 53 homes (draft Ordinance page 8, IV-Districts Sec. D). Stan Muraoka recommended putting this on the next HLAC agenda.
- Raymond O'Brien commented that the action by the advisory committee needed property owner agreement (draft Ordinance page 6, Article IV Sec. G). Aruna Bhat commented that the public hearing referenced therein should be consistent with the County public hearing process.
- Stan Muraoka noted the public in attendance for Discussion Item 4.E and suggested that the HLAC discuss this item next. The HLAC considered 4.E next.

E. Discussion and Recommendation: 1733 El Nido, Diablo Historic District: Historical Resources and Design Compliance Assessments (County File TP19-0031).

- Stan Muraoka explains that the County has received an application for a Tree Permit to accommodate the demolition of an existing residence and construction of a new residence, and that the existing residence is listed as a contributor to the Diablo Historic District. Stan stated that the items before the HLAC are the HRE of the existing residence, the Peer Review completed by the County's consultant, and the Design Compliance Assessment of the proposed new residence in relation to the Diablo Historic District. Subsequently, the HLAC commenced its discussion.
 - Melissa Jacobson asks about the tree permit. Tony Geisler states that the property has one historic tree. Amein Punjani states that the new residence is designed with the tree in mind. Tony states that the Diablo Advisory Council reviewed the application and concurs with the findings of the HRE, and that the existing residence, because of its condition, is not individually historic.
 - Melissa Jacobson comments on the real estate disclosures on historic properties. Amein Punjani comments that it would have been useful to have this disclosure as if they knew then what they know now, they would have approached their project differently. Melinda McCrary states her concern about this process.
 - Melinda McCrary asks about Al Layton. Mugs Freeman comments that Al Layton is not associated with the property during the period of significance.
 - Tony Geisler comments that the Diablo Municipal Advisory Council supports the project and that the loss of the home cannot be helped because of its condition.
 - Amein Punjani comments that the historic tree will be preserved.
 - Raymond O'Brien asks about the design of the new residence. Amein Punjani shows an illustration of the new residence.
- On the Motion that the new residence will not adversely affect the character of the Diablo Historic District: 4 Ayes (O'Brien, Jacobson, Jensen, Bhat), 0 Abstention, 1 Nay (McCrary).
- On the Motion that the residence is neither a historical resource nor a contributor to the Diablo Historic District: 4 Ayes (O'Brien, Jacobson, Jensen, Bhat), 0 Abstention, 1 Nay (McCrary).

C. Contra Costa Historical Society Historic Building List

- The HLAC moved this item to the next meeting.

D. Historic Resource Inventory Update

- The HLAC moved this item to the next meeting.

B. Disclosures for Historic Properties for the Contra Costa County Board of Realtors

- Carol Jensen states that there are various Boards of Realtors in the County and these Boards have disclosures that are distributed to their members. Carol states that she is urging the realtors to disclose historic properties.

5. Committee Member's Comments

- Items for next meeting's agenda:
 - Contra Costa Historical Society Historic Building List
 - Historical Resources Inventory Update
 - Eligibility List
 - Rehabilitation of the Byron Hot Springs
 - Review of Draft Historic Preservation Ordinance
- Additional agenda item from Committee member comments at the February 13, 2020 meeting
 - Status of General Plan Update

6. Next Agenda Discussion: Thursday, August 13, 2020 at 2:00 PM.

The meeting adjourned at 4:30 PM.

**COUNTY OF CONTRA COSTA
HISTORIC PRESERVATION ORDINANCE**

PROPOSED - DRAFT NO. 3 as Edited

ARTICLE I. – INTRODUCTION

Sec. A. - Title of ordinance.

This ordinance shall be known as the Historic Preservation Ordinance of the County of Contra Costa.

Sec. B. - Purpose and intent.

The Historical Preservation Ordinance is adopted for the preservation, protection, enhancement, and perpetuation of resources of architectural, historical, and cultural merit within Contra Costa County and to benefit the economic, social and cultural enrichment, and general welfare of the people. The purpose of this ordinance is to:

- a. Identify, protect, preserve, and enhance historic resources (as defined in Section XXXX below) representing distinctive elements of the cultural, social, economic, political, and architectural history of Contra Costa County;
- b. Provide a mechanism to compile, update and maintain the heritage resource inventory;
- c. Enhance the visual identity of Contra Costa County by maintaining the scale and character of historic resources and their settings, and integrating the preservation of historic resources into public and private development;
- d. Encourage, through public and private action and collaboration with other organizations, the maintenance and rehabilitation of historic resources;
- e. Promote public knowledge, participation, understanding, and appreciation of Contra Costa County's rich history and sense of place;
- f. Foster civic pride and a sense of identity based upon the recognition and use of Contra Costa County's historic resources;
- g. Protect and enhance Contra Costa County's attraction to tourists and visitors thereby stimulating business and industry;
- h. Promote awareness of the economic, social and cultural benefits of historic preservation in collaboration with other organizations;
- i. Provide for consistency with state and federal preservation standards, criteria, and practices; and
- j. Make available incentive opportunities to preserve Contra Costa County's historic resources.

Sec. C - Definitions.

For the purposes of this ordinance, the following words and phrases have the meanings ascribed to them in this section, unless the context or the provision clearly requires otherwise:

- a. *Alteration* means any work, other than demolition or preventative maintenance, affecting the exterior appearance of significant historical or architectural features, or the historic context of a designated landmark, including, but not limited to, exterior changes, additions, new construction, grading and relocation.
- b. *Building* (as applied in the context of this chapter) means any construction, such as a house, garage or barn, created to shelter any form of human activity. Building may also refer to a historically related complex, such as a house and a barn.
- c. *Demolition* means the act or process that partially or completely destroys, or dismantles a landmark or historic resource.
- d. *Evaluation* means the process by which the significance and integrity of a building, structure, object, or site is judged by an individual who meets the professional qualification standards published by the National Park Service in the Federal Register (Code of Federal Regulation, 36 CFR Part 61), as determined by the State Office of Historic Preservation, using the designation criteria outlined in Article II of this Chapter, Chapter 3.50 of the Zoning Ordinance or Division C16 of the County Code.
- e. *Feature* means elements embodying the historical significance or architectural style, design, general arrangement and components of all of the exterior surfaces of any landmark or historic resource, including, but not limited to, the type of building materials, and type and style of windows, doors, or other elements related to such landmark or historic resource.
- f. *-h Historic Preservation Combining District* means an area of historic and architectural significance, and of special character or aesthetic interest to Contra Costa County and designated as a Combining Zoning District according to the procedures and criteria outlined in Chapter XXXX of the Zoning Ordinance.
- g. *HLAC* means the County of Contra Costa Historical Landmarks Advisory Committee as established by the Board of Supervisors.
- h. *HLAC Staff* also referred to as “staff” refers to the County of Contra Costa Planning Department staff member assigned to the Historical Landmark Advisory Committee.
- i. *Historic Resource Inventory* means a compilation of historic resources located in unincorporated Contra Costa County which are listed in federal or state registers or have been designated as a Landmark or Historic District pursuant to this Chapter, a - h Historic Preservation Combining District pursuant to the Zoning Ordinance, or a heritage tree pursuant to the Contra Costa County Ordinance Code, or that potentially meet the designation criteria outlined in Article XXX, Chapter XXX of the Zoning Ordinance or Division XXX of the County Code. This definition does not prevent the County from exercising jurisdiction in the event of proposed city annexation.
- j. *Heritage tree* means a tree designated as a heritage tree pursuant to Division XXXXX of the County Ordinance Code.
- k. *Historic resource* means any evaluated building, structure, object, vista or site that potentially meets the designation criteria outlined in Article II of this chapter, Chapter XXXX of the Zoning Ordinance or Division XXXX of the County Code, the Sacramento-San Joaquin Delta National Heritage Area, or that is listed in a federal or state register.

- l. *Historic Resources Inventory* means a) the process of systematically identifying, researching, photographing, and documenting historic resources within a defined geographic area, and b) the resulting inventory of evaluated properties that may be consulted for future designation. All surveys shall be conducted in accordance with the Secretary of the Interior's Standards and Guidelines for Identification and Evaluation, as may be amended.
- m. *Integrity* means the authenticity of a resource's historic identity, evidenced by the survival of physical characteristics that existed during the resource's historic or prehistoric period.
- n. *Alteration Permit* means a permit approving an alteration to of an historic resource listed in the Historic Resources Inventory (HRI) pursuant to the provisions of this chapter.
- o. *Mills Act* means California Government Code Sections 50280 et seq., as it may be amended.
- p. *National Register of Historic Places* means the official inventory of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, and culture which is maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq., 36 C.F.R. Sections 60, 63).
- q. *Non-Contributing* means a feature, addition or building, structure, object or site which does not add to the sense of historical authenticity or evolution of an historic resource or landmark or where the location, design, setting, materials, workmanship, history, and/or association of the feature, addition or building, structure, object or site has been so altered or deteriorated that the overall integrity of that historic resource or landmark has been irretrievably lost.
- r. *Object* (as applied in the context of this chapter) means a construction, such as a statue, monument or milepost that may be, by nature of design, moveable yet related to a specific setting or environment.
- s. *Owner* means the person(s) whose name appears as the owner of a property on the last tax assessment roll of Contra Costa County.
- t. *Preventative maintenance* means any work to prevent deterioration or damage to the structural integrity or any exterior feature of a landmark or historic resource that does not involve a change in design, material or exterior appearance. Such work includes, but is not limited to, painting, roof repair, foundation or chimney work, or landscape maintenance.
- u. *Qualified historical building or property* for the purposes of the State Historical Building Code means any building, site structure, object, district or collection of structures, and their associated sites, deemed of importance to the history, architecture or culture of an area by an appropriate local, state or federal government jurisdiction. This shall include designated buildings or properties on, or determined to be eligible for, official national, state or local historical registers or official inventories such as the National Register of Historic Places, California Register of Historical Resources, State Historic Landmarks, State Points of Historical Interest, and officially adopted county registers, inventories, or surveys of historical or architecturally significant sites, places, scenic corridors, Visas, or landmarks.

- v. *Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings* means the illustrated version of the Standards and Guidelines for Rehabilitation developed by the Technical Preservation Services Branch, Preservation Assistance Division of the National Park Service, as it may be amended.
- w. *Secretary of the Interior's Standards for the Treatment of Historic Properties* means principles developed by the National Park Service (36 C.F.R. 68.3, as it may be amended from time to time) to help protect historic properties by promoting consistent preservation practices and providing guidance to historic building owners and building managers, preservation consultants, architects, contractors, and project reviewers on how to approach the treatment of historic properties. The Secretary of the Interior Standards for the Treatment of Historic Properties may also be referred to in this chapter as "Secretary of the Interior's Standards."
- x. *Site* (as applied in the context of this chapter) means the location of a significant event, a prehistoric or historic occupation or activity, building or structure, whether standing, ruined or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing buildings, structures or objects. Examples of a site are a Native American shell mound, designed or natural landscape, military landmark, trail, or campsite.
- y. *State Historical Building Code* means California Code of Regulations, Part 8 of Title 24 (California Building Standards Code), as it may be amended.
- z. *Structure* (as applied in the context of this chapter) means a functional, man-made construction, such as, but not limited to, a fence, a wall, bridge, water tank tower, or tunnel, typically made for purposes other than creating shelter.
- aa. *California Scenic Highway and Corridor Protection Program* means the California Department of Transportation program acknowledging the many state highways that are located in areas of outstanding natural beauty. California's Scenic Highway Program was created by the Legislature in 1963. Its purpose is to protect and enhance the natural scenic beauty of California highways and adjacent corridors, through special conservation treatment. The state laws governing the Scenic Highway Program are found in the Streets and Highways Code, Sections 260 through 263.

ARTICLE II - ARCHEOLOGICAL AND HISTORICAL RESOURCES.

No person shall damage, injure, collect, remove or disturb any object of paleontological, archaeological or historical interest or value in the County of Contra Costa.

ARTICLE III – GENERAL PLAN

This Historic Preservation Plan is written and intended to comply and elaborate the guidance outlined in the 2040 General Plan for the County of Contra Costa as approved by the Board of Supervisors on XXX, XX, 2020

Article IV – Contra Costa County Historical Society

The official Historical Society for the County of Contra Costa is the Contra Costa County Historical Society, established in 1951, whose mission is the care and preservation of the history of the County of Contra Costa.

All nominees to the Historical Advisory Committee are made by the Historical Society from their members in good standing and shall represent the residents in the County of Contra Costa supervisorial districts.

Article III – Historical Landmarks Advisory Committee

Sec A. – Composition

The Historic Landmarks Advisory Committee will consist of 4 public members residing within Contra Costa County, and one member representing the Department of Planning & Conservation. Public advisory committee appointees will be nominated by the Contra Costa County Historical Society to the Board of Supervisors for approval.

Sec. B – Term

Advisory committee members serve four-year, staggered terms.

Sec. C – Governance

Officers consist of a Chair Person and Vice Chair Person.

Sec. D - Duties

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ARTICLE IV – HISTORIC RESOURCES INVENTORY

Sec A - Historic Resources Inventory

The Historical Landmark Advisory Committee (“Advisory Committee”) shall undertake and complete a Historic Resources Inventory. Upon completion of such survey(s), the Advisory Committee shall undertake to establish and maintain an inventory of structures, historical districts, and areas having a special historical, cultural, architectural or aesthetic interest or value. This inventory may include single structures or sites, portions of structures, groups of structures, historic districts, manmade or natural landscape elements, objects, works of art, or integrated combinations thereof.

Sec. B - Historic Resources Inventory Studies and Analysis.

Upon completion of such inventory, the Advisory Committee:

- a. May carry out, assist and collaborate in studies and programs designed to identify and evaluate structures, objects, sites and areas worthy of preservation, and establish archives where pictorial evidence of the structures and their architectural plans, if any, may be preserved and maintained;
- b. May consult with and consider the ideas and recommendations of civic groups, public agencies, and citizens interested in historic preservation;
- c. With permission of the owner or, where appropriate, of the owner's authorized agent, inspect structures, objects, sites and areas which it has reason to believe worthy of preservation;
- d. May disseminate information to the public concerning those structures, objects, sites and areas deemed worthy of preservation, and may encourage and advise property owners and members of the community generally in the protection, enhancement, perpetuation and use of designated structures, property in historical districts, and other officially recognized property of historical, cultural or architectural interest;
- e. May consider methods for encouraging and achieving preservation, and may establish such policies, rules, and regulations as it deems necessary to administer and enforce this ordinance, subject to approval by the Board of Supervisors. Sec. F - Initiation of Designation.

The public or interested party(ies) shall initiate the designation of a historic resource by application and payment of fee. In addition, initiation may be made by the Board of Supervisors or Historic Landmarks Advisory Committee, neighborhood associations, historic preservation organizations, the verified application of the owner or authorized agent of property to be designated, or by the application of at least twenty-five unrelated residents of an unincorporated township or by a Municipal Advisory Council.

Any such application shall be filed with the advisory committee upon forms which it shall provide, and shall be accompanied by all data required by the advisory committee.

Sec G - Action by Advisory Committee—Public Hearing.

Upon receipt of a request/application for designation, and the property owners(s') consent to the designation, the staff, shall schedule a public hearing and cause notice thereof to be published. The staff shall also cause all owners of property within a three-hundred-foot radius of the property in question, and any neighborhood group applicable to the property, to be notified of such application by mail. These notifications shall be made at least ten days prior to the date scheduled for the hearing. After conducting a public hearing, the Advisory Committee shall determine whether to recommend to the Board of Supervisors that the proposed resource be added to the Historic Resources Inventory. No such designation shall be final prior to ratification at a subsequent meeting of the Board of Supervisors.

Sec. H- Action by Advisory Committee—Time Limitation.

The Advisory Committee shall offer a public hearing, approve, disapprove, or modify the request within one hundred eighty days after receipt of the request.

Sec. I - Action by Advisory Committee—Notice of Action Taken

The Advisory Committee shall promptly notify in writing the applicant and owner of the property of such action taken. The Advisory Committee shall also mail a notice of its decision to persons requesting such notification. A copy of the notice of decision shall be filed with the Planning Department staff.

Sec. J - Resubmission—Reconsideration.

If a proposal initiated by application has been disapproved by the advisory committee, or by the Board of Supervisors on appeal, subsequent application that is the same or substantially the same may not be submitted or reconsidered for at least one year from the effective date of final action on the original proposal unless substantial additional data becomes available, in which case the Advisory Committee may rule to hear a resubmitted application after six months.

Sec. K - Additional Action.

When a recognized resource has been designated as provided above, the Advisory Committee shall cause a copy of the designation, or notice thereof, to be recorded in the office of the County Clerk- Recorder and copies filed with the following: Planning Division, Building Department, and Housing Authority. Such recognized resource shall also appear on all zoning maps.

Mill’s Act

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Williamson Act

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IV - Districts

Sec. A - Establishment of Overlay Districts.

This chapter establishes two overlay zoning districts: the “Historic District” (H-D) and the “Scenic Highway or Corridor” or “Historic Vista” District (H-C).

Sec. B - Classification and intent of districts.

- a. Historic District. This district may be made applicable to any area in the county found to have significant historical, architectural or aesthetic value. Any zoning district, or a portion thereof, may be designated an "historic district." It is the purpose of this district and the intent of the Board of Supervisors in adopting same to achieve maximum feasible rehabilitation. Rehabilitation, as distinct from restoration, is the process of returning a property to a state of utility, through repair or alteration, which makes possible an

efficient contemporary use. In rehabilitation, those portions of the property important to illustrating historic, architectural and cultural values are preserved or restored.

b. Scenic Corridor or Historic Vista. This district may be made applicable to any area in the county identified by the State of California as a scenic corridor or locally identified as an "historic vista". Any zoning district, or a portion thereof, may be designated a "Scenic Corridor or Historic Vista." It is the purpose of this district and the intent of the Board of Supervisors in adopting same to maintain the maximum scenic or historic vista feasible. In maintaining scenic corridors or historic vistas those portions of the property important to illustrating historic, architectural and cultural values are preserved or restored.

Sec. C - Initiation of amendment—Procedure.

Any one of the above overlay districts may be applied to property, or amendments regarding such classification of property shall be accomplished, using the procedures established in Chapter XXX of this code; however, whenever Chapter SSS refers to the "planning advisory committee," for the purposes of this chapter such reference means the Historical Landmarks Advisory Committee.

Sec. D. - Certificates of Appropriateness when a certificate of appropriateness is required.

Activity on a site or structure, shall require a certificate of appropriateness when such site or structure is:

- a. In an Historic District;
- b. A designated County Landmark Structure;
- c. A designated Historic Structure;
- d. A designated Structure of Merit;
- e. A designated Contributing Structure.

Sec. E - Applicability—Type of activity; exceptions.

- a. A certificate of appropriateness shall be required before the following actions affecting a site or structure designated under Section XXXX may be undertaken:
 - i. The construction of a new principal or accessory structure;
 - ii. The alteration of an existing structure in any manner which affects the exterior architectural appearance of the structure. "Exterior architectural appearance" is defined as the architectural character and general composition of the exterior of a structure, including, but not limited to, the type and texture of the building material and the type, design, and character of all windows, doors, stairs, porches, railings, molding and other appurtenant elements;
 - iii. The erection or alteration of a sign, accessory structure, fence or deck which is more than thirty inches above grade level;
 - iv. The installation or placement of concrete, asphalt or other impervious surfacing, for a purpose other than a driveway, which covers thirty-three and one-third percent or more, or two hundred square feet or more, whichever is greater, of a front yard on a through lot or covers thirty-three and one-third percent or more, or two hundred square feet or more, whichever is greater, of

the front and/or side yards on a corner lot. For the purpose of this section, a "yard" is defined as the area from the back of the sidewalk to the building line parallel to the street;

- v. The erection or alteration of a retaining wall within a front yard. For the purpose of this section, a "yard" is defined as the area from the back of the sidewalk to the building line parallel to the street;
 - vi. The addition of one-hundred square feet or more of new building construction or an expansion of one hundred square feet or more of floor area into any existing portion of a structure which will result in modification to the exterior of the structure;
 - vii. The installation or placement of a driveway
 - viii. The interior alteration of a structure designated as a County landmark;
 - ix. The moving or demolition of an existing primary or accessory structure, excluding signs and fences.
- b. Exceptions.
- i. Advisory committee approval is not required and the provisions of this section do not apply to the painting, routine maintenance, or minor repair has defined in the rules of the advisory committee unless such structure is designated on the Historic Resource Inventory.
 - ii. Nothing herein shall prevent any changes in the interior features of a church where such changes are necessitated by changes in the liturgy, it being understood that the appropriate church officials, as owner of the property, are the exclusive authority on liturgy and are the decisive parties in determining what architectural changes are appropriate to the liturgy; provided, that when it is proposed to make changes necessitated by changes in liturgy, the church officials shall communicate the nature of the change to the advisory committee in order to receive comment and, if required, the advisory committee shall issue a certificate of appropriateness. However, prior to the issuance of any certificate, the advisory committee and church officials shall jointly explore such possible alternative design solutions as may be appropriate or necessary in order to preserve the interior features of such church.
 - iii. No certificate of appropriateness shall be required to prevent any emergency measures of construction, alteration or demolition which are deemed 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 building official or the fire marshal, and where the proposed measures have 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.

Sec. F - Contents of application.

The application shall contain the name, address, and phone number of the applicant, the location of the proposed activity, a concise statement of the nature and extent of the proposed activity, and all other necessary information prescribed by the rules of the advisory committee. The application shall be signed by the applicant, or the applicant's agent. The application shall be accompanied by any required fee as prescribed by the Board of Supervisors. If, at the time of filing of the application, the applicant has made application or submission of the proposed activity for approval by the planning advisory committee or other county agencies, the staff shall make every reasonable effort to assure that the matters are processed and heard concurrently.

Sec. G - Certificate of appropriateness—Process.

Within five working days after an application for a certificate of appropriateness has been found to be complete and accepted for processing, the staff of the advisory committee shall do one of the following:

- a. If the proposed project consists of exterior alterations to an existing building, consists of the installation of a driveway, installation of impervious surfacing, the erection or alteration of a sign, fence, retaining wall or deck which is thirty inches or more above grade level, or constitutes new building construction of less than one hundred square feet, and meets the design standards adopted by the advisory committee, the staff shall approve the certificate of appropriateness. If the proposed project does not, in the judgment of the staff, meet the design standards adopted by the advisory committee, the staff shall schedule the project for the next available advisory committee meeting.
- b. If the proposed project consists of the moving or demolition of an existing accessory structure which is not listed on the county's historical resource inventory, the advisory committee staff member shall mail a notice of the pending application to the owners of property within two hundred feet of the affected site at least seven days prior to the staff member's action on the application. If the staff member or any of the parties notified believe that the project may adversely affect the character of the district, the staff member shall schedule the project for the next available advisory committee meeting. Failure of any party to receive notice of the pending action shall not invalidate the proceedings.
- c. If the proposed project is for the interior alteration of a structure designated as a county landmark, the staff shall schedule the project for the next available advisory committee meeting.
- d. If the proposed project is for the construction of a new principal or accessory structure or constitutes new construction of one hundred square feet or more, the staff shall schedule the project for the next available advisory committee meeting. At least seven days prior to the project being considered by the advisory committee, a notice shall be sent to owners of property within two

hundred feet of the subject property and any neighborhood group applicable to the property.

- e. If the proposed project consists of the moving or demolition of an existing primary structure, or an accessory structure which is listed on the county's historical resources inventory, the staff shall schedule a public hearing before the advisory committee. At least twenty-one days prior to said hearing, notice of said public hearing shall be published in a local newspaper, and mailed to the owners of property within 500 feet of the affected site. Failure of any party to receive notice of the hearing shall not invalidate the proceedings.
- f. With respect to subsections AXXXXXX. and BXXXXXX. of this section, any interested person may appeal the decision of the staff to approve the certificate of appropriateness as meeting the minimum design standards by filing notice of appeal with the staff within five working days after the decision is made. If such an appeal is taken, the staff shall schedule the matter for the next available meeting and so advise the applicant and the appellant. The staff shall notify the advisory committee in a timely manner of every application approved by the staff.
- g. Whenever the staff member of the advisory committee finds that the decision on any application is beyond his or her purview of authority, the application shall be forwarded to the advisory committee for its determination.

Sec. H - Design review standards.

- a. Adoption of Standards. The advisory committee shall develop and adopt minimum regulations and standards. The advisory committee may appoint an advisory board or committee of such number as it determines advisable to recommend such regulations and standards. Upon adoption of such regulations and standards, the advisory committee shall forward them to the Board of Supervisors with a recommendation that such regulations and standards be incorporated into this chapter. The advisory committee shall not so adopt and recommend until it has conducted a public hearing thereon.
- b. Basic Site Development Standards. Whenever a property is subject to a zoning district, and has been designated under Section XXXXXXX, all of the site development standards and provisions applicable to that zoning district shall also be applicable. In addition, the site development standards and provisions set forth in this chapter shall likewise apply.
- c. New Construction Standards. To review and approve new buildings when a certificate of appropriateness is required pursuant to Section XXXXXXX, the advisory committee shall adopt and apply "new construction standards."
- d. Secretary of Interior's Standards. To review and approve any alterations or other work on existing buildings when a certificate of appropriateness is required pursuant to Section XXXXX, the advisory committee shall adopt and apply the most current Secretary of Interior's Standards provided by the U.S. Department of the Interior.

Sec. I - Special considerations and policies.

a. The following policies of the county shall guide the advisory committee in its deliberations and actions:

- i. It is the purpose of this chapter and the intention of the Board of Supervisors in adopting same to achieve the maximum restoration architecturally feasible. "Restoration" is the process of accurately recovering the form and details of a property as it appeared at a particular period of time by removing later work and by replacing missing original work.
- ii. It is also the purpose of this chapter and the intention of the Board of Supervisors in adopting same that the advisory committee be lenient in its judgment of plans for structures which have little or no historic value, or of plans for new construction unless such plans would seriously impair the historic or architectural value of surrounding structures.

b. With respect to applications containing the moving or demolition of a structure, the following special considerations shall be utilized by the advisory committee when the matter before it so dictates:

- i. If an application proposes to move or demolish a structure which the advisory committee considers will be a great loss to the county, the advisory committee shall enter into negotiations with the owner thereof to work out an economically feasible plan for the preservation of the structure;
- ii. If the advisory committee finds that the retention of the structure constitutes a hazard to public safety and the hazard cannot be eliminated by economic means available to the owner, the advisory committee shall approve the application;
- iii. If the advisory committee considers the structure valuable for the period of architecture it represents an important to the neighborhood in which it exists, the advisory committee may nevertheless approve the application if any of the following circumstances exists:
 - a. The structure is a deterrent to a major improvement program which substantially benefits the county.
 - b. Retention of the structure in the judgment of the advisory committee is not in the interest of the majority within the historic district;
- iv. The advisory committee may approve the moving of a structure of historical or architectural value as an alternative to demolition.
 - a. All fencing erected within the historic district shall be in keeping with the character/period of these districts

b. The maximum height for fences within any required front yard and/or required street side yard shall be three feet six inches and six feet thereafter. For the purpose of this section, a "required yard" for interior or through lots shall be a minimum depth of fifteen feet from the front property line. For corner lots, required yards shall be a minimum depth of fifteen feet from the front property line and ten feet from any other property line abutting a street. The maximum height for all other fences shall be six feet.

c. Manufactured housing proposed for installation in places listed on the National Register of Historic Places shall be subject to all applicable county design review standards as provided in Section 16.75.040G.

d. With respect to applications 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.

Sec. J - Required findings.

Prior to granting a certificate of appropriateness the architectural heritage and landmarks advisory committee or the staff of the advisory committee, as is appropriate, shall find:

- a. With respect to property in a historic district, that the proposed work shall 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 shall the proposed work adversely affect the special character or special historical, cultural, architectural or aesthetic interest or value of the district.
- b. With respect to the demolition, or portion thereof, of a designated historic resource, that the structure is in such condition that it is not feasible to preserve or restore it, taking into consideration the economic feasibility of alternatives to the proposal, and balancing the interest of the public in preserving the designated landmark or portion thereof, and the interest of the owner of the historic resource site in its utilization.
- c. With respect to historic structures or structures of merit, that the proposed work shall not adversely affect the interior or exterior architectural feature; nor shall the proposed work adversely affect the character or special historical, cultural, architectural or aesthetic interest or value of the structure and its site, viewed both as to the structure and as to its setting.

Sec. K - Variances—Public hearing.

The owner of property which is subject to the provisions of this chapter as specified in Section XXXX may apply for a variance to the development standards of this chapter. Upon receipt of a request for a variance, the staff shall schedule a public hearing and cause notice thereof to be published once in a newspaper of general circulation in the county, and also mail a notice of the hearing to appropriate property owners as defined by the noticing procedures specified by state law and/or county policy. The variance shall be reviewed in accordance with the provisions of Chapter XXXX of this code, entitled variances, except that whenever Chapter XXXX refers to the "planning advisory committee" for the purposes of this chapter such reference means the "architectural heritage and landmarks advisory committee."

Sec. L - Minor exceptions.

The owner of property which is subject to the provisions of this chapter as specified in Section XXXX may apply for a minor exception to the development standards of this chapter. Said requests shall be governed by the provisions of Chapter XXXX and be processed as described therein, except that the request shall be subject to review and approval by the staff of the Historic Landmarks advisory committee or his/her designee.

Sec. M - Time limitation of approval.

Approval of the certificate of appropriateness shall expire automatically eighteen months after the date of approval by the historic landmarks advisory committee or by the staff, unless authorized construction has commenced prior to the expiration date; except that upon written request prior to expiration, the staff may extend the approval for an additional twelve months. If the staff denies the application for extension, the applicant may appeal to the advisory committee within ten days after the staff has denied the extension.

Sec. N - Revocation or suspension of a certificate.

The Historic Landmarks Advisory Committee shall have the power to revoke or suspend a certificate of appropriateness where the permit was obtained by fraud; or where the conditions of such certificate have not been or are not complied with.

Sec. O - Certificate of appropriateness—Refiling application.

At the conclusion of the hearing, or within thirty days thereafter, the advisory committee shall render its decision approving or disapproving the application. If the application is approved, the staff shall issue a certificate of appropriateness. No application for the same or substantially similar proposed activity may be filed within one year after disapproval of the activity.

Sec. P - Certificate of appropriateness—Appeal process.

Any person aggrieved by the decision of the staff of the advisory committee may appeal the matter to the advisory committee by filing a notice of appeal within five days of the staff's decision. Any person aggrieved by the decision of the advisory committee may appeal to the Board of Supervisors by filing a notice of appeal with the county clerk-recorder within ten

days after the advisory committee renders its decision. Notice and hearing on such appeal shall be the same as prescribed by the Board of Supervisors for zoning and land use appeals under this title. The decision of the Board of Supervisors shall be final and conclusive in the matter.

V. - Other Provisions

Sec. A - Fees.

The planning division may collect such application or other fees for the administration of this chapter as are authorized from time to time by the Board of Supervisors.

Sec. B - Alternative building code.

The building official may use the State Historic Building Code in his review of any designated structure.

Sec. C - Duty to keep in good repair.

The owner of a designated structure, or of a structure in an historic or heritage district shall keep in good repair all of the exterior portions thereof and such interior portions as are necessary to prevent deterioration or decay.

Sec D - Property owned by public agencies.

The advisory committee shall notify all public agencies which own or may acquire property in the county about the existence and character of designated landmarks and historic districts. In the case of any public agency which is not subject to the zoning jurisdiction of the county, it is encouraged to seek the advice of the advisory committee prior any construction, alteration or demolition of any structure in an historic or heritage district or of any designated structure.

Sec. E - Notice; recording.

With respect to the parcels of real property located within the boundaries of the “Scenic Highway or Corridor” or “Historic Vista” District (-HC) and the” Historic District” (-HD) and other parcels designated and made subject to the requirements of Chapter XXX of this code, the county Clerk-Recorder shall cause to be recorded in the office of the recorder of Contra Costa County, California, a "Notice of Restriction" substantially as follows:

NOTICE OF RESTRICTION

Notice is hereby given that this property in the County of Contra Costa, California, is subject to Historic Preservation Ordinance. Prior to commencing any construction remodeling the property owner shall consult with the Planning Department, County of Contra Costa and secure a Certificate of Appropriateness if required by the above referenced ordinance.

	County of Contra Costa
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By	_____
	County Clerk-Recorder

Sec. F - Amendments.

The advisory committee may initiate amendments to this chapter as needed to accomplish its purpose as defined in the 2040 General Plan. Said amendment shall be processed in accordance with the provisions of Chapter XXXXX except that whenever Chapter XXXXX refers to the "planning advisory committee" for the purposes of this chapter such reference means the "Historic Landmarks Advisory Committee."

Sec. G - Designation of Historic Resource.

Additional contributing resources including previously unevaluated or undiscovered resources may be designated as a Historic Resource by the Board of Supervisors given recommendation by the Historic Landmark Advisory Committee pursuant to this chapter. Such previously unevaluated or undiscovered resources may be potentially eligible for listing in the California Register of Historical Resources.

Sec. H - Additional Action.

When a structure has been designated as provided above, the advisory committee shall cause a copy of the designation, or notice thereof, to be recorded in the office of the county recorder and copies filed with the following: planning division, building department, and housing authority. Such structure shall also appear on all zoning maps.

ARTICLE VI

Sec. A - Combining Zones - Design Review - Historic (-DH) Combining Zone.

- a. Combining Zone Established. This Section establishes a Design Review—Historic (-DH) Combining Zone to identify and protect historic structures, sites, and districts, and establishes procedures and regulations for the review of projects that may affect such resources.
- b. Designation of Design Review—Historic (-DH) Combining Zone.
 - i. Following consideration by the Advisory committee, the Board may designate a (-DH) Combining Zone upon determining that it is consistent with General Plan Objective 7.5.2 (Maintenance of the Visual Integrity of Historic Resources).
 - ii. The boundaries of each (-DH) zone shall be specifically identified at the time of its creation. Said boundaries may be amended by a zone change in compliance with Chapter 130.63 (Amendments and Zone Changes) in Article 6 (Zoning Ordinance Administration) of this Title.
- c. Development Requirements within (-DH) Combining Zone.

- i. Development on multi-unit residential, commercial, or industrial zoned property within the (-DH) Combining Zone shall be reviewed for consistency with standards adopted under Subsection XXXX (Design Review Committee) in Article XXX (Planning Permit Processing) of this Title. If the development requires another discretionary permit, such as a Conditional Use or Development Plan Permit, said discretionary permit will satisfy the Design Review Permit requirement. For discretionary projects requiring public hearing, staff shall make a recommendation to the review authority based on the determination of consistency.
 - ii. Prior to issuance of a building permit for single-unit residential development, consistency with design and development standards under Subsection XX (Adoption of Historic Design Guidelines) below in this Section shall be determined by Administrative Permit (Section XXXXX, Administrative Permit, Relief, or Waiver) in Article XX (Planning Permit Processing) of this Title, subject to the guidelines and standards adopted for the specific (-DH) Combining Zone in which the development is located.
- d. Adoption of Historic Design Guidelines. The Board shall adopt, by resolution, guidelines and standards that shall delineate the requirements for design review within each historic district. Until such time as design guidelines and standards are adopted, the State of California and U.S. Department of the Interior guidelines shall apply.

Sec B - Design Review - Scenic Corridor or Historic Vista (-DC) Combining Zone—Reserved.

VII - Adoption.

The California Historical Building Code as amended and appearing in the 2016 California Building Standards Code, and all its appendices, California Code of Regulations Title 24, Part 8, is hereby adopted and incorporated herein by reference, save and except such portions as are deleted, modified or amended; as the county historical building code. One copy of said code and amendments is on file in the office of the building official of the County of Contra Costa, Martinez, California, for use and examination by the public.

From: [Dolores Geisler](#)
To: [Dominique Vogelpohl](#)
Cc: [Anthony Geisler](#)
Subject: Additional comments from HLAC Meeting
Date: Saturday, July 18, 2020 4:59:17 PM

Dear Dominique,

We are very pleased to see you back at work. You look wonderful!! Please send us a picture of your baby. Stan did a great job representing you with Diablo, and we hope he will continue to stay interested in what happens in our community.

I had some ideas about additions to the Draft Ordinance that would help transparency with prospective Diablo homeowners as stated below and wondered if you thought

COMMENTS ON PROPOSED DRAFT OF THE HISTORIC PRESERVATION ORDINANCE -

IV - Districts

I LIKE: the time stated for the County to get back to the applicants. There is a terrible perception that County and all government workers especially in California drag these processes on for months. **Under Section G. (Certificate of Appropriateness) a. I'd like to see at the end "and send a letter to the applicant explaining the delay."**

Section G - b. What is the meaning of native? It's great to inform the neighbors. Wonder it be appropriate to add **"and inform the applicant of the results"**.

Section H - b. Diablo is subject to Basic Site Development Standards? Eventually, we want to understand exactly what those restrictions might be so we can adequately inform the community.

I LIKE: Section I: "intention of the Board of Supervisors in adopting same that the advisory committee be lenient in its judgment of plans for structures that have little or no historic value, or of plans for new construction unless such plans would seriously impair the historic or architectural value of surrounding structures." ESSENTIAL to include "lenient".

We are concerned with how the County interfaces with prospective homeowners in Diablo

Many Diablo homeowners are independent thinkers who can be very outspoken. They are good neighbors and try to get along with the rest of their neighbors, make friends and work hard to make that happen. After all, they see each other often at the Post Office, Country Club, on walks and bike rides, at Diablo Property Owner gatherings, etc. You tend to want to get along with people you see often (or get very practiced at looking down or "away.") The Historic Preservation Committee's vision is to identify and preserve the lovely historic homes we have in Diablo which we have done with our book. This ordinance forces us to take a more expanded interest in what goes on between the County and Diablo prospective and actual

homeowners in order to **MAKE SURE THAT OUR VISION TO PRESERVE CONTINUES TO INSPIRE THE PEOPLE WHO RESIDE IN THE COMMUNITY.** We want the County to help us by keeping Diablo leaders aware of any activities with homeowners that can be problematic. We can look over the recommended changes and give input when we think it's necessary. Of course, the County will do what it needs to do about it but may benefit from another perspective.

Many people hoping to buy in Diablo don't know much about architecture and history. They should be handed a document requiring their signature which describes the Diablo Historic District and its vision to keep the community's historical ambiance which will start them thinking about how they can fit into this environment. Some will move on to other properties, but others will be excited about living in a community that has interesting elements to preserve and will continue to be a part of the process.

ALL HOMEOWNERS who aren't buying the property as an investment (Thank God there aren't many of those! Wish there were a law against it!) want a home which is a refuge for their families with neighbors who get along. They look at Diablo as a place which yields potential friends nearby for them and their children, is safe, has activities they can participate in that are nearby, evokes a feeling of "I'm home" when they slow down for the many bumps and gives them a great place from which to return to the outside world when needed.

The County and we of the Diablo Historic Preservation Committee must treat prospective Diablo homeowners fairly, OPENLY and promptly which will guarantee that both of us will achieve our objectives. Without that happening, there will be difficulties we'd both rather avoid.

Thank you for all of the work you do in helping to preserve Diablo homes and work with homeowners.

Best regards,

Dee Geisler