

**PROGRAMMATIC AGREEMENT
BETWEEN
THE SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY,
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AND THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE TOWN OF LOCKE ACQUISITION PROJECT,
TOWN OF LOCKE, SACRAMENTO COUNTY,
CALIFORNIA**

WHEREAS, Sacramento Housing and Redevelopment Agency (SHRA), Sacramento County, California, has determined that the Town of Locke Acquisition Project (Undertaking) may have an effect on the Locke Historic District, a National Historic Landmark (Locke) listed in the National Register of Historic Places (NRHP), and has consulted the California State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (Council), pursuant to 36 CFR 800 regulations effective January 11, 2001 implementing Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended (16 U.S.C. 470f); and

WHEREAS, the Sacramento County Board of Supervisors passed Resolution No. 2001-015 on May 22, 2001 giving final authority to the SHRA to purchase the land under the town of Locke and take steps necessary to transfer ownership of some of the underlying land to building owners and various non-profit organizations; and

WHEREAS, the SHRA, in an effort to preserve the town of Locke, proposes to purchase the 10 acres of land under the town from Locke Property Development, Inc., a Hong Kong-based firm, on or before December 31, 2001 using Community Development Block Grant (CDBG) funds from the Department of Housing and Urban Development under Title I of the Housing and Community Development Act of 1970, and may ultimately plan to subdivide the 10 acres into individual lots for sale to the building owners and tenants, or transfer title of the land to a non-profit organization or other entity; and

WHEREAS, the SHRA, in an effort to preserve the town of Locke, anticipates future year use of CDBG funds for future Undertakings, including rehabilitation and infrastructure improvements; and

WHEREAS, Locke is included within the Walnut Grove-Locke Special Planning Area (SPA) specified in Title V, Chapter 4, Article 2, Sections 504-20 through 504-37 of the Sacramento County Zoning Code as adopted December 3, 1997 (Attachment 1) and is considered a Traditional Cultural Property for the purposes of this agreement; and

WHEREAS, the County of Sacramento Building Inspection Division (BID) has been consulted as part of this undertaking and has been invited to concur in this Programmatic Agreement; and

WHEREAS, the National Park Service, as represented by the Pacific West Regional Office, has been invited to concur with the conditions of this agreement because of the National Historic Landmark designation and has declined to participate in the consultation for this PA;

Now, THEREFORE, the SHRA, ACHP, and the SHPO agree that the Undertaking and future undertakings by SHRA under the CDBG Program shall be implemented according to the following stipulations in order to take into account the effects of the Undertakings on Historic Properties and to satisfy SHRA's Section 106 compliance responsibilities.

STIPULATIONS

The SHRA or their assignees shall ensure that the following stipulations are carried out:

A. APPLICABILITY OF AGREEMENT

1. The historic properties covered by this Programmatic Agreement (PA) are depicted on the map attached as Attachment 2 to this PA indicating the area of acquisition and designated contributing properties subjected to this PA.
2. The SHRA, in consultation with the ACHP and the SHPO has determined on the basis of adequate studies, that the Undertaking has little potential for affecting archaeological resources, and the parties agree that the unforeseen discovery of such resources will be addressed as stipulated below.

B. LEASING AND SUBLEASING OF PROPERTY

1. Prior to the transfer, sale or conveyance by some other means from the control and jurisdiction of the SHRA, the SHRA may enter into interim lease agreements that will permit tenants to continue residing and transacting business in their properties. The leases will also permit tenants to adaptively reuse contributing historic properties provided that the lease agreements require tenants to follow the conditions set forth in this PA in maintaining, rehabilitating, or adapting these historic structures for use.
2. The SHRA shall monitor the leased contributing historic properties to ensure that the conditions of this PA as set forth in Stipulation E and Attachments 1 and 3, are followed in rehabilitating, maintaining or adapting the historic property for other uses and shall take appropriate remedial action to assure compliance with this PA and the Locke SPA where deviations are observed. Appropriate remedial action shall include notification of the SHPO and ACHP.

C. TRANSFER OF PROPERTY BY DEED

1. Upon the conveyance of any property by deed upon which there is a historic property depicted on Attachment 2, the SHRA and subsequent transferees shall convey the property with the preservation covenant set out in Attachment 3 to this PA included in any instrument of conveyance for such property.
2. The SHPO shall be notified of the name of each transferee of a parcel at Locke that includes a historic property depicted on Attachment 2. Such notification shall occur within 30 days of execution of the quit claim deed or other transfer document. This requirement only applies to transfers from the SHRA and does not apply to subsequent transfers to which the SHRA is not a party.
3. The SHRA shall apprise prospective Locke tenants and property owners of the financial tools and economic incentives that are available, including but not limited to federal and state tax incentives for the preservation and adaptive rehabilitation of historic properties.
4. The SHRA shall apprise prospective Locke tenants and property owners of the historic covenant requirements and the SPA conditions regarding preservation and adaptive rehabilitation of historic properties.
5. Future undertakings in Locke funded with federal funds originating from Housing and Urban Development shall be implemented in accordance with Stipulations E 2 through E 8 of this agreement.

D. ASSIGNMENT AND ASSUMPTION OF THIS AGREEMENT

1. The signatories and concurring parties to this Agreement acknowledge and understand that SHRA intends to establish a non-profit, public benefit corporation to hold title to Locke. This non-profit shall hold title until such time as various other non-profit organizations, existing or to be established, are identified to fulfill the obligations of SHRA under this Programmatic Agreement and assume the responsibilities of preserving and protecting the physical, historic and cultural assets of Locke. Therefore, SHRA shall be entitled to assign its rights and obligations under this agreement to another entity or entities, subject to the approval of the signatories hereto.

The ACHP and SHPO and other signatories shall be notified in writing by SHRA of this assignment. ACHP, SHPO, and other signatories shall have fifteen (15) days, from the date of the written notification, to review and comment upon the proposed assignment. At the end of the 15-day period, absent any objection by the ACHP or SHPO, the assignment shall be deemed approved. If, during the 15-day comment period, the SHRA, ACHP, and SHPO cannot resolve any objections regarding the assignment, should any arise, these parties shall resolve the issue(s) pursuant to Stipulation J of this PA.

E. LONG-TERM PRESERVATION PLANNING

1. The SHRA shall develop design guidelines for the Locke Historic District for rehabilitation and new construction. The design guidelines shall be consistent with the recommended approaches set forth in the *Secretary of Interior's Standards for the Treatment of Historic Properties* and shall be sensitive to the Chinese heritage of Locke and its status as a traditional cultural property. The SHRA shall afford the SHPO and the ACHP an opportunity to comment of the draft design guidelines. The SHPO and the ACHP shall have thirty (30) calendar dates from receipt of the draft guidelines in which to review and comment.
2. **REHABILITATION OF COMMERCIAL/RESIDENTIAL STRUCTURES**
 - a. Per the Walnut Grove/Locke SPA (Title V, Chapter 4, Article 2, Sections 504-20 through 504-37 of the Sacramento County Zoning Code as adopted December 3, 1997 - Attachment 1), the BID shall ensure that all plans for exterior rehabilitation and interior public spaces, as feasible, of commercial/residential structures listed that contribute to the Locke Historic District, are compatible with the historic and architectural qualities of the historic property and are consistent with the recommended approaches set forth in *The Secretary of the Interior's Standards for the Treatment of Historic Properties* and in the design guidelines developed under Stipulation E1. Buildings considered commercial/residential are depicted in Attachment 2. The BID shall ensure that plans for exterior and/or interior rehabilitation shall follow the plan check review process outlined in the Locke SPA Section 504-21.5(b) (Attachment 1).
 - b. The tenant or prospective buyer shall be encouraged to have any modification or rehabilitation plans designed by an architect trained and experienced in the rehabilitation of historic buildings using the State Historical Building Code, part 8, Title 24, of the California Code of Regulations.
3. **REHABILITATION OF RESIDENTIAL STRUCTURES**
 - a. Per the Walnut Grove/Locke SPA, BID shall ensure that all plans for exterior rehabilitation of residential structures listed as contributing to the Locke Historic District shall follow the plan check review process outlined in SPA Section 504-21.5(b). Buildings included as residential are depicted in Attachment 2. Plans shall be consistent with *the Secretary of the Interior's Standards for the Treatment of Historic Properties*.
 - b. The tenant or prospective buyer shall be encouraged to have any modification or rehabilitation plans designed by an architect trained and experienced in the rehabilitation of historic buildings using the State Historical Building Code, part 8, Title 24, of the California Code of Regulations.
4. **NEW CONSTRUCTION**
 - a. New construction plans shall refer to development standards outlined in the Locke SPA Section 504.31 and shall be reviewed following procedures outlined in the Locke SPA Section 504.26(c).

- b. Per the Walnut Grove/Locke SPA, BID shall ensure that all plans for new construction shall follow the plan check review process outlined in SPA Section 504-21.5(b) and be designed in accordance with the design guidelines developed under Stipulation E1. The SHPO shall be afforded an opportunity to comment on the construction documents following procedures outlined in the Locke SPA.

5. DEMOLITION

- a. Per the Walnut Grove/Locke SPA, the BID shall ensure that any proposed demolition will follow procedures outlined in SPA Section 504.28. Applicants for demolition permits shall be required to provide documentation showing that there is no prudent or feasible alternative to demolition. Feasible alternatives may include but are not limited to securing, stabilizing, supporting, or otherwise preventing a building from collapse. The SHPO shall be afforded an opportunity to comment on proposed demolition. SHPO shall have thirty (30) calendar dates from receipt of the draft guidelines in which to review and comment.
- b. Prior to demolition of any contributing structure, or portion thereof, recordation of that structure for inclusion in the *Historic American Buildings Survey/Historic American Engineering Record* program shall occur, if the building is not already included in the program. National Park Service, Pacific West Regional Office, shall be notified regarding the appropriate level of HABS/HAER recordation and shall be included in the review process required by the HABS/HAER program

6. SIGNAGE

- a. To avoid intrusiveness and inappropriate signing within the Locke historic district, tenants and owners shall be required to follow the policy regarding signs as outlined in the Walnut Grove/Locke SPA Section 504-27.

7. LANDSCAPING, PARKING AND OPEN SPACE

- a. To avoid intrusiveness and inappropriate modifications to the existing landscape design within Locke, tenants and owners shall be required to comply with landscaping policies outlined in the Walnut Grove/Locke SPA Section 504-32.
- b. Development plans for parking facilities and open space within the Locke Historic District shall follow procedures outlined in the Walnut Grove/Locke SPA Section 504-33 and 504.35(b).

8. UTILITY SYSTEMS AND STREET IMPROVEMENTS

- a. A licensed structural engineer experienced in assessing historic structure integrity shall monitor historic structures located within Locke during any underground excavation for utilities or street improvement projects that may result in equipment vibration. The engineer will determine effects of equipment vibration, trenching, and other related construction on the historic structures. If the stability of any structure is threatened, work will halt immediately. The engineer will make recommendations to stabilize the structure.
 - (i) The County shall consult the SHPO about the proposed repairs. The SHPO shall respond to any request for comments submitted under this stipulation within 48 hours following the receipt of such request. The County will take the SHPO's comments into account. Failure of the SHPO to respond within this time frame shall not preclude the County from assuming that the SHPO does not object to any action deemed by the County to be appropriate under this stipulation.
 - (ii) The County shall take all reasonable steps to assure that any stabilization work or damage to any historic property caused by utility work or street improvements is completed or repaired in a manner that complies with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* (1995) (*Standards*).

(iii) If the SHPO objects to the proposed method of repair or stabilization, or suggests an alternative or modified method, the County shall revise its proposed method in accordance with the SHPO recommendations to the maximum extent feasible, notify the SHPO in writing that the revisions have been completed, and thereafter, proceed with the proposed repairs as revised.

b. Utility or other lines between buildings and trenches under sidewalks shall be excavated by hand. If it is necessary to breach sidewalks, the breach shall conform to existing sidewalk joints. Removed sections shall be replaced "in kind" to minimize visual alteration to Locke.

F. REPORTING

1. The SHRA, its successors and assigns, will provide the SHPO and the ACHP with a written summary of actions taken to implement the provisions of the preservation covenant within one (1) year after the transfer of any parcel of Locke that includes a historic property covered by this PA. The summary will also include actions taken with respect to Leases in Furtherance of Conveyance. Similar written reports will be submitted to the SHPO and the ACHP annually thereafter.
2. The SHRA shall prepare annual monitoring reports of leased historic properties and submit copies of these reports to the SHPO for a thirty (30) day review and comment period. The comment period shall begin on the day following receipt of the reports. Failure of the parties to comment within the time frame shall be deemed concurrence with the reports. Reporting shall continue for the life of the original historic covenant.

G. MONITORING

1. The SHPO and the Council may monitor any activities carried out pursuant to this PA, and the ACHP will review such activities if so requested. The SHRA and as applicable, any Lessee, will cooperate with the SHPO and the Council in carrying out these monitoring responsibilities as required under the covenant attached hereto pertaining to transfers by deed, lease, or other instrument of conveyance.

H. RESOLVING OBJECTIONS

1. At any time during the implementation of measures stipulated by this PA, should an objection pertaining to the implementation of this PA be raised by a member of the public, the SHRA shall notify the parties in this PA and take the objection into account, consulting with the objector, and should the objector so request, with any of the other parties to this PA to address the objection.

I. DISCOVERIES AND UNANTICIPATED EFFECTS

1. Should any historic property be discovered after beginning to carry out the Undertaking or the Undertaking will affect a known historic property in an unanticipated manner, the SHRA or the County shall stop work promptly pursuant to 36 CFR 800.13(b) and shall consult with the SHPO regarding the appropriate treatment of the site and/or property. The final mitigation plan shall be approved by the SHPO.

J. DISPUTE RESOLUTION

1. Should any signatory object at any time to the manner in which the terms of this PA are being implemented or to any plans, specifications, or actions proposed pursuant to this agreement, the SHRA shall immediately notify the other signatories of the objection, request their comments on the objection with fourteen (14) calendar days following receipt of the SHRA notification, and then proceed to consult with the objecting party for no more than fourteen (14) calendar days to resolve the objection. The SHRA will honor the request of any other signatory to participate in the consultation and will take any comments provided by the other signatories into account. If at the end of the fourteen (14)-day consultation period, the SHRA determines that the objection cannot be resolved, the SHRA shall notify the Council and consult further with the SHPO and the objecting party to remove the objection. If the SHRA determines that the objection cannot be resolved, the SHRA shall request that further comments of the Council pursuant to 36 CFR § 800.2 (b)(2). Any Council comment provided in response to such a request will be taken into account by the SHRA in accordance with 36 CFR 800.6 (c) (2) with reference only to the subject of the dispute; the SHRA's responsibility to carry out all actions under this agreement that are not the subject of the dispute will remain unchanged.

K. PUBLIC OBJECTION

1. At any time during implementation of the measures stipulated in this PA, should a member of the public raise an objection pertaining to the treatment of a Historic Property, the SHRA shall promptly notify the SHPO, take the objection into account, consult with the SHPO and when requested by the objecting party, with the Council, for a period of time not to exceed fourteen (14) calendar days to address the objection. At its discretion, the SHRA may suspend work on an Undertaking while the objection is under consideration.

L. AMENDMENTS, NONCOMPLIANCE AND TERMINATION

1. If any signatory believes that the terms of this PA cannot be carried out or that an amendment to its terms should be made, that signatory shall consult with the others immediately to develop amendments to this PA pursuant to 36 CFR §800.14(b)(3), 800.6(c)(7) and 800.6(c)(8). If this PA is not amended as provided in this stipulation, SHRA or the SHPO may terminate it, whereupon the SHRA shall proceed in accordance with 36 CFR §800.6(c)(8).

M. DURATION OF THIS AGREEMENT

1. Unless terminated pursuant to Stipulation L above, this PA will be in effect until the signatories determines that all of its terms have been satisfactorily fulfilled. Upon a determination by SHRA that all of the terms of this PA have been satisfactorily fulfilled, this PA will terminate and have no further force or effect. The SHRA will promptly provide the other signatories with written notice of its determination and of termination of this PA.

Execution of this Memorandum of Agreement by the SHRA, and the California SHPO, its subsequent acceptance by the Council, and implementation of its terms evidences that the SHRA has offered the Council an opportunity to comment on the Undertaking and its effects on historic properties, and that the SHRA has taken into account the effects of the Undertaking on Historic Properties.

SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY



11/20/01
Date

By: Anne M. Moore
Title: Executive Director

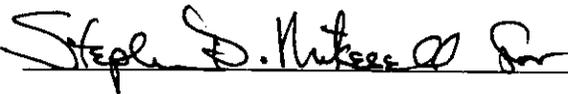
ADVISORY COUNCIL ON HISTORIC PRESERVATION



(for) By: John Fowler
Title: Executive Director

11/20/01
Date

CALIFORNIA STATE HISTORIC PRESERVATION OFFICER

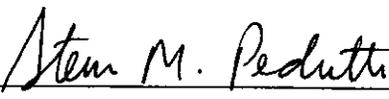


11/21/01
Date

By: Dr. Knox Mellon
Title: State Historic Preservation Officer

CONCURRING PARTY

COUNTY OF SACRAMENTO



11/20/01
Date

By: Steven M. Pedretti
Title: Director of County Engineering & Administration

LIST OF ATTACHMENTS

Attachment 1.

Walnut Grove-Locke Special Planning Area, Sacramento County Zoning Code

Attachment 2.

Map of Locke Acquisition Area

Attachment 3.

Covenant for the Historic Properties at the Town of Locke Historic District

Attachment 1

Zoning Code of Sacramento County

Chapter 4
Article 2

WALNUT GROVE - LOCKE SPECIAL PLANNING AREA (SPA)

504-20. **INTENT.** It is the intent of the Board of Supervisors in adopting the Special Planning Area (SPA) Ordinance to recognize the existing uses in these communities and to encourage rehabilitation of existing structures and construction of new structures which will be consistent with the fabric of the area with a minimal disruption in the lifestyle of the residents. This SPA Ordinance recognizes the unique design and environment of Walnut Grove and Locke and promotes the retention of viable commercial centers in the Historical Preservation Areas as well as preservation of the cultural aspects of these communities. The SPA requires review of projects measured against these unique standards.

The further purpose of this Ordinance is to recognize the established ownership pattern in Walnut Grove and Locke and provide for and encourage the division of property for individual ownership.

504-21. **DEFINITION.** Except as provided herein, the definitions in Article 1, Chapter 25 of Title I of the Sacramento County Zoning Code shall apply.

- (a) DCMAC means Delta Citizens Municipal Advisory Council.
- (b) SHRA means Sacramento Housing and Redevelopment Agency.
- (c) OHP means California State Office of Historic Preservation.
- (d) SRDHS means Sacramento River Delta Historical Society.
- (e) DERA means Sacramento County Department of Environmental Review and Assessment.
- (f) CEQA means California Environmental Quality Act.
- (g) New Construction. New buildings or structures not existing on-site on the date of adoption of this Ordinance.
- (h) Residential Dwelling Units. Units developed for residential purposes including and limited to apartments, rooming or boarding houses, townhouses, condominiums, halfplexes, duplexes and single-family dwellings.
- (i) Exterior Remodeling. Any exterior modification which requires a building permit from the Sacramento County Building Inspection Division of Public Works.
- (j) Interior Remodeling. Any work on the interior of the buildings such as new walls, and upgrading of the electrical and plumbing.
- (k) Historical Preservation Area. The areas or buildings in Locke and Walnut Grove which have been deemed eligible for listing on the National Register of Historic Places and/or the California Register of Historical Resources, including, but not limited to, those districts and/or structures shown on Exhibits 504-36 and 506-37.
- (l) Dangerous Building. For the purposes of this Code, a dangerous building shall be as defined in Chapter 16.22 of the Sacramento County Code.

504-21.5. **PROJECT REVIEW PROCESS.** For all construction and uses, the following review processes apply within the SPA area:

- (a) Building Permit Review Process. Building permits for construction projects, as set forth in Section 504-26, which are subject to this process are reviewed for compliance with the Zoning Code and this SPA. No further review, beyond a building permit, is required when all standards and use requirements of the Zoning Code and this SPA are met.

- (b) Plan Check Review Process. All building permits for construction projects, as set forth in Section 504-26, which are subject to this review shall be reviewed for compliance with the requirements of this SPA and the Zoning Code and for compatibility and conformance with the Secretary of the Interior's Standards for Historical Preservation, which is on file in the Sacramento County Planning Department. Building permits shall be referred to SHRA, OHP, SRDHS and DCMAC. After consideration of SHRA's, OHP's and SRDHS's recommendations, DCMAC shall forward a recommendation to the Planning Director within 40 days after the building permit is filed. The Planning Director shall review the recommendations of SHRA, OHP, SRDHS and DCMAC, and approve or deny the building permit based on compliance with historic preservation standards and the requirements of this SPA and the Zoning Code. The action on the building permit shall be taken within 10 days after receipt of the recommendation. The action of the Planning Director may be appealed to the Board of Zoning Appeals pursuant to Title I, Chapter 15, Article 3 of the Zoning Code. Such appeals are subject to environmental review, in compliance with CEQA.
- (c) Development Plan Review (DPR). This process is very similar to the Plan Check Review process above; however, a formal application is required, in addition to the building permit. The maps and information necessary to describe the project and its impacts upon the adjoining properties are required. The design, compatibility of the uses, parking, landscaping and lighting will be considered. The action of the Planning Director may be appealed to the Board of Zoning Appeals pursuant to Title I, Chapter 15, Article 3 of the Zoning Code. Such appeals are subject to environmental review, in compliance with CEQA.
- (d) Use Permits. Use permits shall be required for those uses as indicated in the Use Tables in the Zoning Code, or as specified in the SPA. The Use Permit process shall be in accordance with Title I, Chapter 10, Article 3 of the Zoning Code. In addition to the Zoning Code requirements, the distribution and elements of review shall include those set forth in (b) and (c) above.
- (e) Rezones. Land use categories may be changed by rezone as provided for in Title I, Chapter 15, Article 2 of the Zoning Code. In addition to the requirements of the Zoning Code, the application review distribution shall include SHRA, OHP, SRDHS and DCMAC and the intent of this SPA shall be considered.
- (f) Variances. Variances from the standards in the Zoning Code or this SPA may be considered through the variance process as provided for in Title I, Chapter 10 of the Zoning Code. In addition to the requirements of the Zoning Code, the application review distribution shall include SHRA, OHP, SRDHS, DCMAC and the intent of this SPA shall be considered.
- (g) Special Development Permits. Projects within the SPA that are designed to achieve the purposes set forth in Title I, Chapter 10, Article 6 of the Zoning Code may be considered through the Special Development Permit process, as provided for in Title I, Chapter 10, Article 6. In addition to the requirements of the Zoning Code, the application review distribution shall include SHRA, OHP, SRDHS, DCMAC and the intent of this SPA shall be considered.
- (h) Uses Not Otherwise Provided For. Uses not provided for in this SPA may be considered by the Planning Director as set forth in Title I, Chapter 10, Article 3, Section 110-30.5.

504-22. EXHIBITS

LOCKE ENVIRONS - SECTION 504-36.
WALNUT GROVE - SECTION 504-37.

504-23. EXISTING USES AND BUILDINGS. Each use and principle building in existence on the effective date of the original Ordinance (March 10, 1983) is deemed to be a conforming use and a conforming building. However, if such use is discontinued for a period of time exceeding 12 months, it may be reestablished as provided in the Use Tables as a permitted use or by use permit. If the use is not permitted in the use category, but is listed elsewhere in the Zoning Code or this SPA, it may be considered for re-establishment through a request for a use permit to be heard by the Project Planning Commission. Uses not listed in the Zoning Code or this SPA shall be subject to the process set forth in Title I, Chapter 10, Article 3, Section 110-30.5.

- (a) EXISTING LOTS. Lots existing as of the date of this ordinance are deemed to be conforming in lot size and shape and shall retain building rights for any use permitted by the SPA.

504-24. PROHIBITED USES. Psychiatric Facility, Sanitarium, Social Rehabilitation Center, Massage Parlor, Tattoo Shop, Live Theater - Adult, Motion Picture Theater - Adult, and Bookstore - Adult.

504-25. PERMITTED USES. Unless prohibited in Section 504-24 above, uses within Land Use Categories shown on the maps in Sections 504-36 and 504-37 shall be determined by using the Land Use Tables in Title II of the Zoning Code as follows:

(a) RESIDENTIAL AREA.

Allows all uses as set forth in Title II, Chapter 1, Article 1, Section 201-02, Table I - Residential - Open Space Lots Land Use Table, under the RD-10 Zone, subject to the density requirement in Section 504-29 and the following additions: Neighborhood Parks and Community Gardens are permitted uses.

(b) COMMERCIAL RESIDENTIAL AREA.

Allows all uses as set forth in (a) above and the uses in Title II, Chapter 25, Article 2, Section 225-11, Table II - Commercial Land Use Table under the GC Zone. The following uses are to be considered permitted uses subject to Special Condition 10, as set forth in Section 225-14.

Cabinet shop.

Building Trades Serviceyard and Workshop including electricians and plumbers.

Winery.

(c) BOATHOUSE COMMERCIAL AREA.

Allows all the uses as set forth above in (a) and (b) with the following additions:

(1) Boat sales, rent, parts, building, storage, launching, minor and major repair, food market with beer and wine offsale, retail sales, snack bar, fuel docks and all other marina related ancillary facilities are permitted uses.

(2) Mini-storage building, cabinet shop and Recreation Vehicle Storage are permitted uses subject to a Plan Check Review.

- (3) Commercial Boat Docks and Piers, Marinas and Resorts are permitted uses subject to Development Plan Review.
- (d) **INDUSTRIAL AREA.**
Allows all uses set forth in Title II, Chapter 30, Article 2, Section 230-11, Table IV. Industrial Use Table under the MP and M-1 Zones, with the following exceptions. The following are permitted uses subject to Special Condition No. 1, as set forth in Section 230-13.
- (1) Petroleum Storage
 - (2) Fertilizer and agricultural chemicals, storage, sales, service and blending.
- (e) **OFFICE WAREHOUSE AREA.**
Allows all uses set forth in (a), (b), (c) and (d) except Petroleum Storage.
- (f) **AGRICULTURE - OPEN SPACE AREA.**
The following uses are permitted:
- (1) Community gardens
 - (2) Nature and wildlife appreciation area, other than a zoo
 - (3) Other passive recreation pursuits
 - (4) Incidental agricultural uses. Pens, hutches, etc., are not allowed closer than 300 feet from a dwelling unit, except in those cases where the pen, hutch, etc., preexisted this Ordinance, or violates the setback by subsequent residential development.
 - (5) On Sacramento County Assessor's Parcel No. 146-0110-022 (1979), trucking and limited manufacturing including the fabrication of fiberglass products.

504-26. REVIEW PROCEDURES FOR PERMITTED USES NOT REQUIRING A USE PERMIT. Unless otherwise specified, all construction projects indicated as permitted uses in Section 504-25 shall be reviewed as follows:

- (a) INTERIOR REMODELING is permitted with a Building Permit Review in all areas.
- (b) EXTERIOR REMODELING AND ADDITIONS.
 - (1) Historical Preservation Area - Plan Check Review Process.
 - (2) All Other Areas - Building Permit Review.
- (c) NEW CONSTRUCTION.
 - (1) Historical Preservation Area - Development Plan Review.
 - (2) Commercial Residential outside the Historical Preservation Area. Plan Check Review Process.
 - (3) Residential Areas. Building Permit Review on existing lots. Special Development Permit for projects exceeding 10 units per acre.
 - (4) ALL OTHER AREAS. Plan Check Review Process.

504-27. SIGNS.

- (a) Pole signs are prohibited.
- (b) Signs shall be placed flat against the building, or projected at right angles from the building and shall not project above the roof line of the building. Signs projecting at right angles from the building shall be under the canopy when located in Locke.

- (c) Signs shall not have flashing, moving, or animated illumination. Lighting of signs shall be arranged so as to not produce a glare on other properties in the vicinity, and the source of light shall not be visible from adjacent property, or a public street.
- (d) All signs shall reflect the historical character of the area through the design, color, material, and lighting used. Materials may be wood, metal, or other historically appropriate combinations of materials.
- (e) A business name or logo and address number may be permanently applied or lettered directly onto window glass or glass in doors or may be a sign placed in the window. Sign materials and lettering style must be appropriate to the historic context. Painted lettering or wooden signs are acceptable.
The aggregate of all window signage is limited to a maximum coverage of 25% of the total storefront window display area or six square feet, whichever is greater. This signage is in addition to the maximum allowed per building.
- (f) Total area of all advertising devices shall not exceed the following:
 - (1) For the Historical Preservation Area - 20 square feet per building
 - (2) For the boat house commercial area - 900 square feet
 - (3) For the general commercial, office/warehouse, and industrial areas - two (2) square feet per foot of building frontage.
 - (4) Only one side of the sign is considered in determining the allowable sign area.
 - (5) Buildings that have frontage on two streets, other than corner buildings, may use the allowable sign area on both streets.
- (g) Signs meeting the above standards shall be reviewed through the Plan Check Review process.
- (h) Signs that do not meet the above standards, monument signs, directory signs and off site signs may be considered through a Use Permit request heard by the Zoning Administrator.
- (i) Existing signs on and before the effective date of this ordinance shall be considered conforming and may be repaired or replaced after a review through the Plan Check Review process.

504-28. **DEMOLITION.** Any Demolition Permits for structures proposed to be completely removed from a site that is located within the Historical Preservation Area shall be subject to approval by the Planning Director. The Planning Director shall refer the proposal within 10 days to DCMAC, OHP, SHRA, SRDHS and Building Inspection for a coordinated review and recommendations.

The DCMAC shall consider the request within 30 days after receipt of the demolition application. Representatives of SHRA, OHP, SRDHS and the Building Inspection Division of the Public Works Agency shall be invited to attend by DCMAC.

Within 10 days after receipt of the DCMAC's recommendation, the Planning Director shall refer the application to DERA for CEQA review or deny the requested Demolition Permit. The demolition permit may be denied when it is found that the Chief Building Inspector has determined that the building is not in danger of collapsing or when the Planning Director, after consultation with the Chief Building Inspector, DCMAC, SHRA, SRDHS and OHP, determines that feasible alternatives to demolition are available. Feasible alternatives may include but are not limited to: securing, stabilizing, supporting or otherwise preventing the building from collapsing. The Planning Director's determination is final unless appealed to the Board of Zoning Appeals pursuant to Title I, Chapter 15,

Article 3 of the Zoning Code. Such appeals are subject to environmental review, in compliance with CEQA.

When a building is determined to be a DANGEROUS BUILDING by the Director of the Department of Planning and Community Development, it may be removed immediately in accordance with the procedures set forth in Chapter 16.22 of the County Code.

After obtaining approval, but prior to issuance of a demolition permit, the applicant must provide documentation of the structure for the historical record. At minimum, the documentation must include clear photographs of all sides of the structure, details of unique or representative construction features, and any history of the structure known to, or reasonably obtainable by the applicant. No demolition permit shall be issued until this information is received. Historical materials such as doorknobs, hinges, light fixtures, tubs and the like should be salvaged for re-use, preferably on the same site. If the owner does not wish to salvage such items, a reasonable opportunity to salvage should be offered to local or other organizations, for the benefit of historic preservation.

If the building is demolished, an application for development plan review by the Planning Director will be required when a new structure is proposed. The new structure shall be compatible with the architectural style, and materials of the buildings common to the area.

504-29. RESIDENTIAL DENSITY.

- (1) **Historical Preservation Area.** Existing and new buildings shall not exceed two units per 22 feet of building frontage on one street. Building frontage shall be considered the narrowest dimension when the building fronts on more than one street. Residential or commercial is allowed on either floor. When a Use Permit is required to reestablish an existing use, pursuant to Section 504.23, a greater density than two units per 22 feet of building frontage may be considered based on the original density existing on March 10, 1983, subject to a review of the impacts that density may have under present conditions. An increase in density for other circumstances may be considered through a Special Development Permit.
- (2) **Undeveloped Areas Outside the Historical Preservation Area.** The density in undeveloped areas shall not exceed 10 units per acre. Up to 15 units per acre may be considered through a Special Development Permit.
- (3) **Existing Lots.** All existing lots may have one single-family residence, one two-family residence, or two single-family residences as a permitted use notwithstanding the density requirements set forth herein.

504-30. **FINDINGS.** For a granting authority to approve a project subject to any of the PROJECT REVIEW PROCESSES set forth herein, the following findings shall be made.

- (a) The intent of the SPA has been met;
- (b) The design of the project is compatible with the surrounding character, cultural, and historical aspects; and
- (c) The standards of development required by this SPA have been met.

If these findings cannot be made, the project shall be denied. The hearing authority on the appeal of such a denial shall list the special and extenuating circumstances that make it difficult to conform to the above findings before granting an appeal.

504.31. DEVELOPMENT STANDARDS.

(a) YARDS.

- (1) New structures and/or additions within the Historical Preservation Areas must be consistent with existing setbacks of the existing structures in the area.
- (2) New structures and/or additions outside the Historical Preservation Areas shall meet the standard setbacks, required for the use in the Zoning Code, unless there are existing setbacks in the immediate area.

(b) HEIGHT.

- (1) Height of structures shall not exceed the height of existing structures adjacent and in the vicinity.
- (2) In areas where there is no existing height established, the standards in the Zoning Code for the proposed use shall apply.
- (3) Greater height may be considered through a Special Development Permit Process.

(c) LOT SIZE. Lot area, width and depth shall be determined by Section 504-35 of this ZPA.

504-32. LANDSCAPING. Specific landscaping requirements are not described in this Chapter; however, the review authority may require landscaping in areas where on-site and off-site parking is provided and where buildings are set back from the sidewalk. This landscaping requirement may be accomplished by provision of street trees, window boxes, hanging baskets, sidewalk planters, planter strips, shrubs or a combination of the items listed. Areas which may be required to be landscaped include slopes too steep for construction, side yards, back yards, or other open areas. Conditions of development plan review or use permit may require planting of these areas to retard erosion or to provide further visual amenities. If street trees are provided by the project proponent, they may be planted directly into the ground or in appropriate tubs. In all cases, landscaping required shall be designed to enhance the overall appearance of the area. Drought-resistant landscaping is encouraged.

504-33. PARKING.

- (a) Off-street parking shall be provided, using standards of the Zoning Code as a basic guide for each use; however, lesser standards may be applied if deemed by the Planning Department to be adequate for the proposed use considering the existing uses and the parking demand of the proposed use, the availability of vacant land for on-site and off-site parking, parking agreements and any other solutions the applicant may propose. Parking may be provided at locations other than the applicant's project site, with evidence of recorded and irrevocable agreements and easements. Property owners and commercial users of property are encouraged to form an association, assessment district, or community area with the purpose of acquisition, construction and maintenance of parking facilities.
- (b) Development plans for parking facilities, not associated with an application requiring other review, shall be submitted to the Planning Department for review and approval relative to design, internal circulation, landscaping and the parking standards in the Zoning Code, Title III, Chapter 30, Article 3. Varied surfaces such as turf block, terrazzo, and planting areas will be encouraged around trees and within parking areas. The parking plan is subject to the PLAN CHECK REVIEW PROCESS as set forth in Section 504-21.5.
- (c) Parking facilities for other means of transportation are also encouraged.
- (d) The establishment of new uses within the boathouse building in Locke will be conditional upon sufficient parking being provided either in the area between the building and the levee road, or in an off-site location acceptable to the approving authority.

504-34. DESIGN CRITERIA. This Chapter does not prescribe a specific style or scheme for development of the towns of Locke and Walnut Grove. Rather, it attempts to regulate rehabilitation activities which are sensitive to the cultural/historical nature of the area, which will relate to the existing construction and development in the towns, and which will promote the existing feeling within each town area. Different sections of this Chapter specify regulations which should preserve the existing amenities of the towns and be of benefit to the entire community. However, there are other elements involved in design which will set the real atmosphere of an area. These augmentative features listed below will be considered in review of development plans by the DCMAC, Planning Department, Project Planning Commission, and Board of Supervisors.

- (a) Architectural motif and style
- (b) Height, bulk, mass, shape and proportion of structures and their various subelements such as roof pitches, porches, windows and doors
- (c) Color and building materials
- (d) Relationship to adjacent structures and to overall community identity
- (e) Street furniture, including benches, light fixtures, trash receptacles, and other furnishings customarily located between the business establishment and the street right-of-way
- (f) Paving and sidewalk materials
- (g) Painting, finish work. Painting will generally conform to the colors historically used in Locke and Walnut Grove, including natural wood, ivory, off-white, light brown and tan. Other colors are permissible if documented by historical evidence. Generally, in Locke, only building fronts will be painted.

- (h) This DESIGN CRITERIA is intended to apply specifically to the Old Town Historical Preservation areas; however, any new development should be sensitive to the historical architectural style of the area. All development within the SPA will be reviewed based on the design criteria and the design of any structure should be compatible with the overall character of the area to the extent practical.
- (i) The design should be based on standards set forth in "~~REHAB RIGHT~~" and the "SECRETARY OF INTERIOR'S STANDARDS FOR HISTORICAL PRESERVATION." The documents are on file in the Sacramento County Planning Department.

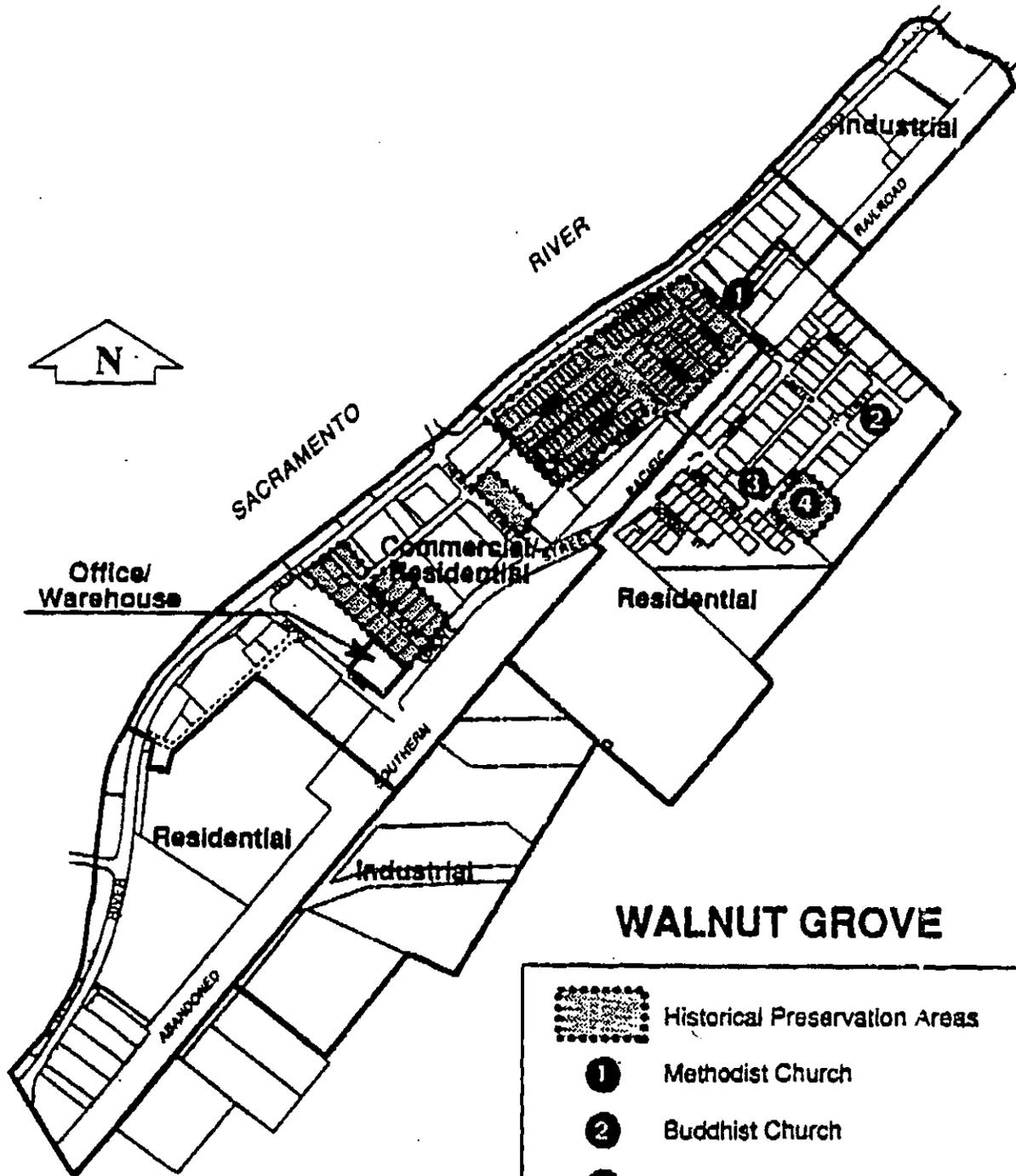
504-35. PARCEL MAPS AND SUBDIVISIONS.

- (a) EXISTING DEVELOPED AREAS.
Parcels created for existing development or new parcels created from existing parcels that are less than one acre and located within a developed area are exempt from Zoning Code requirements such as lot area, frontage, setbacks, parking and density, and the design standards of Title 22, Chapter 22.110. of the County Code. Newly created parcels on vacant land within the developed areas shall be similar in size and shape to the existing parcels in the area. Construction on these parcels shall be in conformance with the standards set forth in Section 504.31(a) and (b).
- (b) UNDEVELOPED AREAS.

Parcels created on undeveloped land are subject to all the standards of the SPA and the relevant standards of the Zoning Code and the requirements of Title 22 of the County Code unless otherwise authorized by a Special Development Permit.

Adopted December 3, 1997

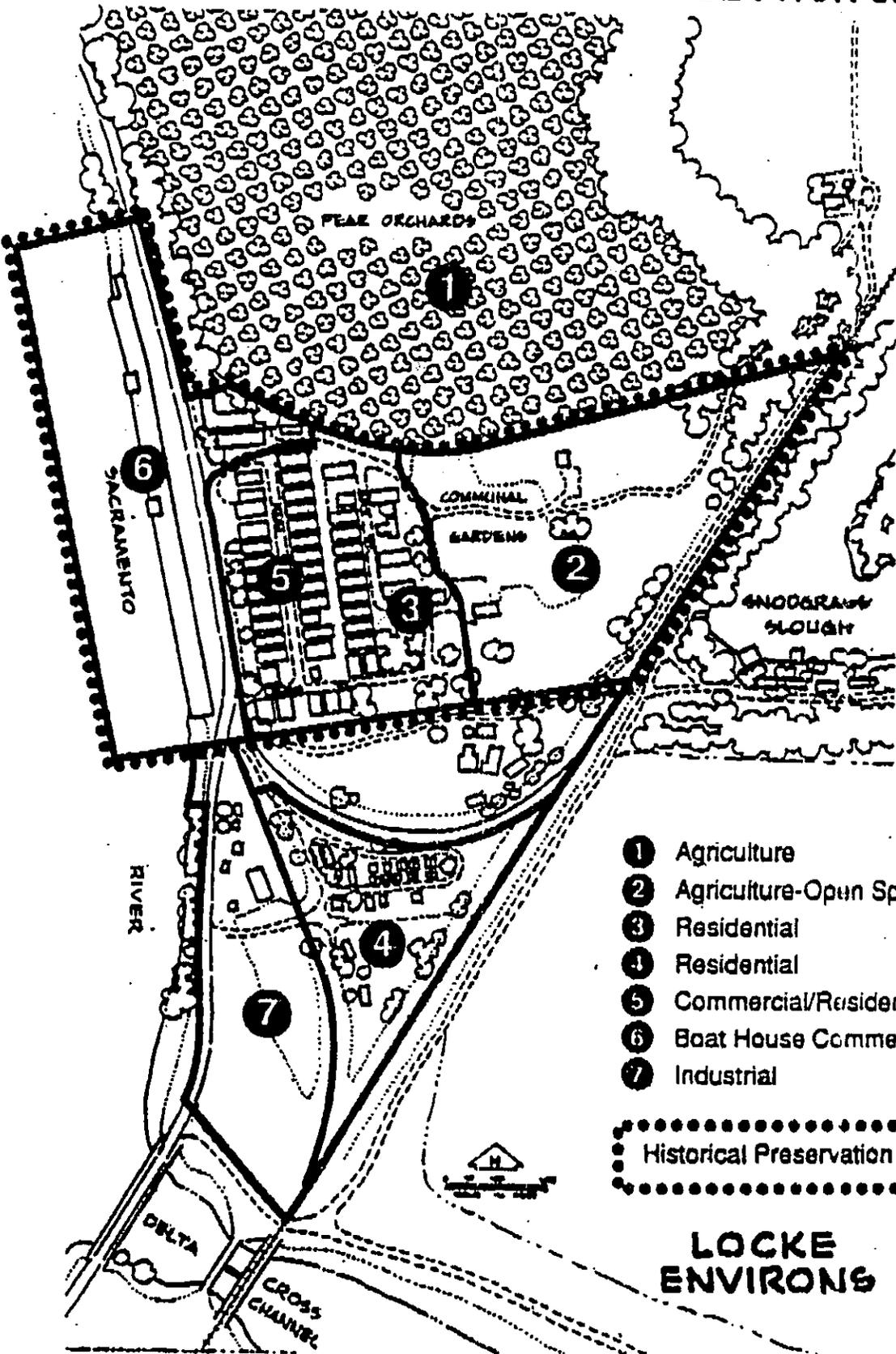
SECTION 50



WALNUT GROVE

-  Historical Preservation Areas
- 1** Methodist Church
- 2** Buddhist Church
- 3** Hayashi Company Warehouse
- 4** Japanese Language School (Senior Citizens Center)

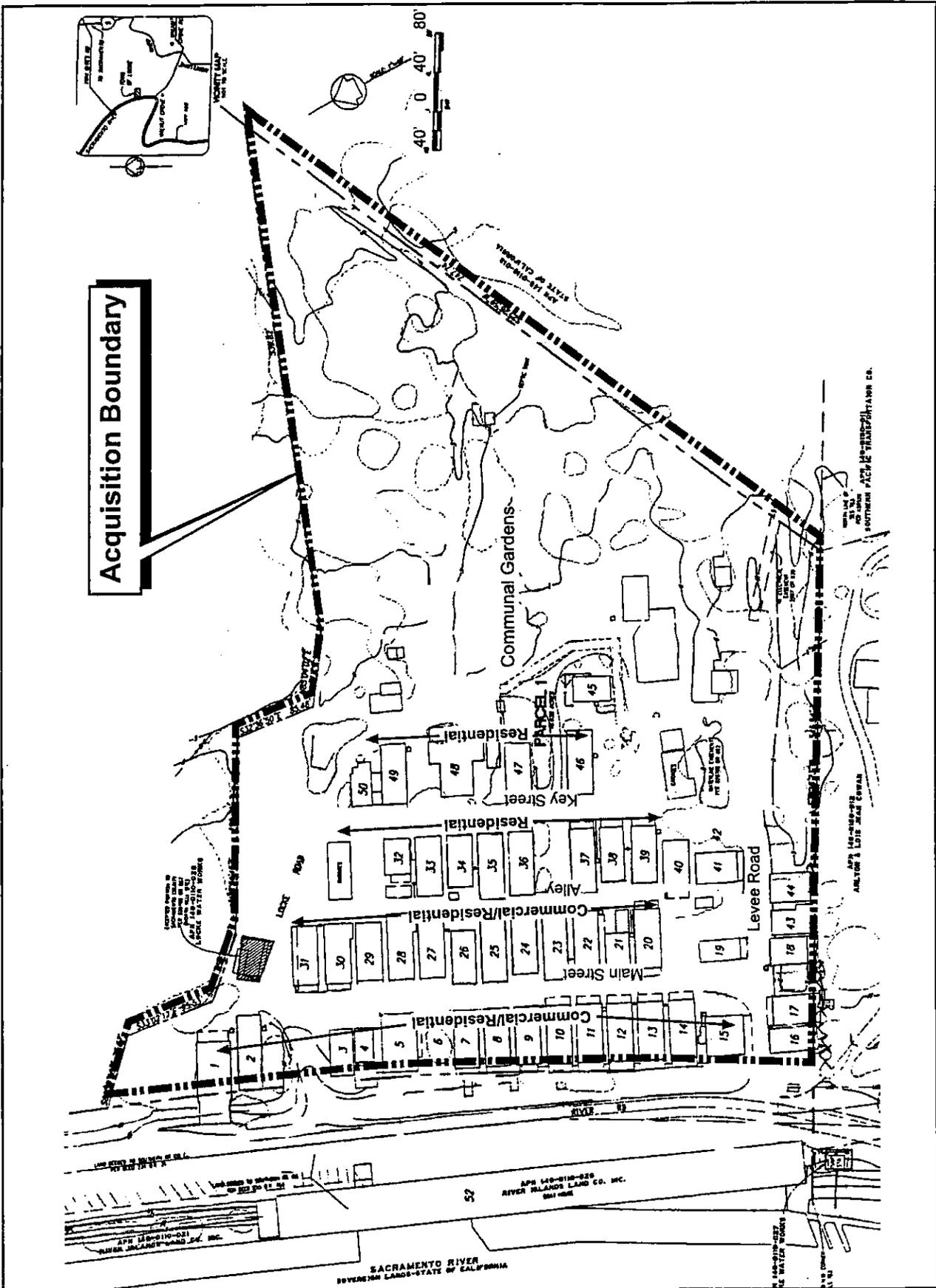
SECTION 502-37



- ① Agriculture
- ② Agriculture-Open Space
- ③ Residential
- ④ Residential
- ⑤ Commercial/Residential
- ⑥ Boat House Commercial
- ⑦ Industrial

.....
Historical Preservation Area
.....

**LOCKE
ENVIRONS**



Acquisition Boundary

ATTACHMENT 3

COVENANT FOR THE HISTORIC PROPERTIES AT THE TOWN OF LOCKE HISTORIC DISTRICT

- 1 The Grantee and its heirs, successors and assigns, hereby covenants and agrees as follows:
 - 1.1 No construction, alteration, remodeling, demolition, disturbance of the ground surface, or other action ("alteration") shall be undertaken or permitted to be undertaken on the historic properties identified in Exhibit 1 that would materially affect the integrity or the appearance of such historic properties unless such alterations are consistent with the Guidelines attached hereto as Exhibit 2. Prior to any such alterations taking place, the Grantee its heirs, successors, and assigns (hereafter Applicant) shall submit plans and specifications describing the proposed alterations to be reviewed by an employee(s) of the County of Sacramento who meets or exceeds the Secretary of Interior's Professional Qualification Standards (48 FR 44738-9) ("Reviewing Official(s)") in the discipline(s) pertinent to the action under review. Pertinent disciplines shall be archaeology and historic architecture. All Reviewing Official(s) shall review such plans and specifications and make a determination as to whether the proposed alterations are consistent with the attached Guidelines.
 - 1.2 If the Reviewing Official is able to conclusively determine that the proposed action may take place without further review for consistency with the Guidelines. If the Reviewing Official is unable to conclusively determine that the proposed alterations are consistent with the Guidelines, the Reviewing Official shall consult with the Applicant concerning the proposed alterations, to modify the proposed alterations to make them consistent with the Guidelines. The Reviewing Official shall render a final determination as to whether the plans and specifications are consistent with the Guidelines and, if not, what corrective action is necessary to make the proposed alterations consistent with the Guidelines.
 - 1.3 Upon acquisition of any standing historic property, the Grantee, its heirs, successors, and assigns will take prompt action to secure all of them from the elements, vandalism, or arson and will make any emergency stabilization. The Grantee, its heirs, successors, and assigns will retain or reuse, to the extent practicable, the historic structures, subject to consultation with SHPO.
 - 1.4 Should any archaeological site be discovered during any project activities, the Grantee, its heirs, successors, and assigns will stop work promptly and obtain the comments of the Reviewing Official regarding appropriate treatment of the site. The final mitigation plan shall be approved by the Reviewing Officials.
 - 1.5 The Grantee, its heirs, successors, and assigns shall allow the Bounty or his or her designee, at all reasonable advance notice, to inspect the historic properties in order to ascertain whether the Grantee, its heirs, successors, and assigns is complying with the condition of this preservation covenant.
- 2 This covenant is binding on the Grantee, its successors and assigns, in perpetuity and shall be deemed to run with the land. The restrictions, stipulations, and covenants contained herein shall be inserted by Grantee, its heirs, successors and assigns, verbatim or by express reference in any deed or other legal instrument by which it divests itself of either the fee simple title or any lesser estate in the historic properties, or any part thereof. To the fullest extent permitted by law and equity, the SHRA and its successors in office shall have the right to enforce the foregoing covenants. The SHRA and its successors in office shall be entitled to institute legal action to enforce performance and observance of these covenants, enjoin acts which are violative of these covenants, and exercise any other legal or equitable right or remedy with respect to covenants. These rights and remedies may be exercised separately or in connection with each other.