

CITY OF VALLEJO PLANNING COMMISSION

Charles Legalos, Chairperson
Kent Peterman, Vice Chair
Gary Salvadori
Linda Engelman
Robert McConnell
Norm Turley
Gail Manning

MONDAY
07 MAY 2007

7:00 P.M.

City Hall
555 Santa Clara Street
Vallejo, California 94590

Those wishing to address the Commission on a scheduled agenda item should fill out a speaker card and give it to the Secretary. Speaker time limits for scheduled agenda items are five minutes for designated spokespersons for a group and three minutes for individuals.

Those wishing to address the Commission on any matter not listed on the agenda but within the jurisdiction of the Planning Commission may approach the podium during the "Community Forum" portion of the agenda. The total time allowed for Community Forum is fifteen minutes with each speaker limited to three minutes.

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

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

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

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

If any party challenges the Planning Commission's actions on any of the following items, they may be limited to raising only those issues they or someone else raised at the public hearing described in this agenda or in written correspondence delivered to the Secretary of the Planning Commission.

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

A. ORDER OF BUSINESS CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. APPROVAL OF THE MINUTES: None.

E. WRITTEN COMMUNICATIONS: None.

F. REPORT OF THE SECRETARY

1. Upcoming Meeting of Monday, May 21, 2007
 - a. Mare Island Economic Development Report
 - b. Site Development 05-0007 for an addition to a single-family residence in the View District
 - c. Downtown Vallejo Specific Plan and Master Plan Amendment to adopt temporary use regulations for the Georgia Street Corridor

G. CITY ATTORNEY REPORT

1. Agenda format changes in keeping with (1991) City of Vallejo planning Commission Rules of Order and Procedure
2. Hot Topics in Planning: Planning for Global Warming and AB 32

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

1. Report of the Presiding Officer and members of the Planning Commission
2. Council Liaison to Planning Commission
3. Planning Commission Liaison to City Council

I. COMMUNITY FORUM

Members of the public wishing to address the Commission on items not on the agenda are requested to submit a completed speaker card to the Secretary. The Commission may take information but may not take action on any item not on the agenda.

J. CONSENT CALENDAR AND APPROVAL OF THE AGENDA

Consent Calendar items appear below in section K, with the Secretary's or City Attorney's designation as such. Members of the public wishing to address the Commission on Consent Calendar items are asked to address the Secretary and submit a completed speaker card prior to the approval of the agenda. Such requests shall be granted, and items will be addressed in the order in which they appear in the agenda. After making any changes to the agenda, the agenda shall be approved.

All matters are approved under one motion unless requested to be removed for discussion by a commissioner or any member of the public.

K. PUBLIC HEARINGS

1. [CONSENT ITEM] Tentative Map 07-0006 for a five lot subdivision on Reis Avenue. Current Tentative Map 02-0004 expired. Proposed CEQA Action: Exempt. Staff recommends **approval** based on the findings and conditions. Staff Person: Marcus Adams, (707)648-5392
2. Site Development 07-0002 application for a telecommunication facility located at Catalina Circle

adjacent to the Napa/Sonoma Marsh Wildlife Area. Proposed CEQA Action: Exempt per Section 15301, "Existing Facilities". Staff recommends **continuance** of the application to the meeting of June 4, 2007. Staff Person: Marcus Adams, (707)648-5392

3. Major Conditional Use Permit 05-0026 to restore an abandoned commercial use in a residential area and substitute another use. Proposed CEQA Action: Exempt. Staff recommends **continuance** of the application to the meeting of May 21, 2007. Staff Person: Katherine Donovan, (707)648-4327
4. Code Text Amendment 06-0004 for a revision of Chapter 16.70 of the Vallejo Municipal Code, Screening and Landscaping Regulations. *Continued from the meeting of April 16, 2007.* Proposed CEQA Action: Exempt. Staff recommends a recommendation to City Council of **approval** based on the findings and conditions. Staff Person: Katherine Donovan, (707)648-4327

L. OTHER ITEMS

None.

M. ADJOURNMENT



STAFF REPORT

CITY OF VALLEJO PLANNING COMMISSION

Date of Hearing: May 7, 2007 **Agenda Item:** Consent **K1**

Application Number: Tentative Map #07-0006 as governed by Chapter 15.08 of the Vallejo Municipal Code (V.M.C.)

Recommendation: Recommend **Approval** of Tentative Map #07-0006 subject to the findings and conditions contained in the staff report, including the 2003 Planning Commission adoption of the Mitigated Negative Declaration for the project.

1. **PROJECT DESCRIPTION:** The project is a tentative map to subdivide a 30,247 square foot parcel into five lots ranging from 5,466 to 8,860 square feet. In 2003, Tentative Map permit #02-004 was approved for the same project, but the approval for the 2002 map has since expired. The applicant has proposed no changes from the approved tentative map. The project is illustrated on a tentative map sheet dated March 2007, drawn by Virgil Chavez Surveying (see Attachment B).
2. **LOCATION:** **Reis Avenue @ Maple Avenue APN: 0074-110-500**
3. **APPLICANT:** HA Signature Homes, Inc.
1322 ½ East 5th Street
Benicia, CA 94510
4. **PROPERTY OWNER:** HA Signature Homes, Inc.
5. **EXISTING LAND USE:** The property is currently vacant.
6. **SURROUNDING LAND USES:** The subject property is encompassed by single family residential uses.
7. **CONSISTENCY WITH THE GENERAL PLAN:** The General Plan Land Use designation for this site is Residential, Low-Density. The compatibility standards for land use designations contained in the Plan indicate that the LDR zoning designation is "clearly compatible" with the General Plan land use designation.

- 8. ENVIRONMENTAL REVIEW:** On June 2, 2003, the Planning Commission adopted a mitigated negative declaration for the proposed tentative map. California Environmental Quality Act (CEQA) Section 15162(a) establishes the criteria for lead agencies to determine if an adopted negative declaration requires subsequent review. Staff has determined that none of the conditions cited in Section 15162(a) are applicable to the proposed project consequently, no further CEQA review is required.

Because the applicant is not proposing any changes to the map, staff recommends as a condition of approval that the mitigations associated with the initial study and the mitigation monitoring plan be applicable for the current map.

9. CONFORMANCE WITH APPLICABLE ZONING REGULATIONS:

ZONING. The property is zoned Low Density Residential (LDR). The project complies with the maximum density, lot size, and lot coverage for LDR districts.

- 10. NOTICING AND PUBLIC COMMENTS:** Notice of the proposed project was sent to: property owners within 500 feet of the subject property, the Home Acres Home Improvement Association, and the applicant on March 26, 2007. Staff did not receive any public comment related to the project.

- 11. DEPARTMENT AND AGENCY REVIEW:** Notice of the application was sent to the Building Division, the City & Traffic Engineer, Vallejo Sanitation and Flood Control District, Fire Prevention, the Water Superintendent and PG&E. Comments from these departments are incorporated in the conditions of approval.

- 12. STAFF ANALYSIS:** The proposed tentative map to subdivide one lot into five single family lots was originally approved in 2003. The current property owner purchased the site in February 2007 and subsequently discovered that the original approved tentative map had expired on September 24, 2007.

In 2006, Site Development permits #05-0076 and #05-0077 were approved for the construction of five single family homes on the subject lots. It is the applicant's desire to fulfill the conditions of approval for the site development permits and obtain building permits prior to the September 24, 2007 expiration.

Tentative Map Environmental Issue

Due to the fact that the open drainage swale which traversed the lots had to be rerouted and buried in a concrete pipe for development purposes, off-site mitigation and restoration was required by the Department of Fish and Game. The five year mitigation plan is in its second year and the applicant has provided staff with a copy of the annual monitoring report required by Fish and Game (see Attachment C). Staff will require as a condition approval, continual copies of the annual monitoring report provided to Department of Fish and Game.

As of the date of this report, the applicant is still in the process of receiving his final approval for the mitigation and restoration plan from the U.S. Army Corps of Engineers. As noted in mitigation measure number one (see Attachment D), grading permits will not be issued until the applicant provides staff with Army Corp approval or compliance with Section 404 of the Clean Water Act.

13. STAFF RECOMMENDATION:

Staff recommends the Planning Commission **ADOPT** a Resolution approving Tentative Map #07-0006 subject to findings and conditions found in the attached Resolution.

EXPIRATION

This tentative map shall expire 36 months after the date of approval unless final maps have been filed or unless the tentative map is extended by the City prior to the expiration date.

APPEAL

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

Prepared by:  _____
Marcus Adams, Associate Planner

Reviewed by:  _____
Don Hazen, Planning Manager

- Attachment A: Resolution and attached conditions of approval
- Attachment B: Tentative map
- Attachment C: DFG required annual monitoring report
- Attachment D: Mitigation monitoring and reporting form and initial study
- Attachment E: Conflict of Interest Map

J:\PL\Marcus\2007permits\TM\reisave(07-006)\staffreport

CITY OF VALLEJO PLANNING COMMISSION

RESOLUTION NO. PC-07-_____

**A RESOLUTION OF THE PLANNING COMMISSION
APPROVING A TENTATIVE MAP**

TM #07-0006

Reis Avenue Tentative Map

Reis Avenue @ Maple Ave.

0074-110-500

WHEREAS an application for a Tentative Map to subdivide an existing property into five lots has been received from property owner HA Signature Homes, Inc. The subject property is located at Reis Avenue, and the application consists of the following:

1. Application Form and supplemental application materials received on March 5, 2007.
2. Tentative Map drawings (1 sheet), dated March, 2007, prepared by Virgil Chavez Land Surveying.

WHEREAS, the official record for this project includes, but is not limited to, the Staff Report, application materials, Mitigated Negative Declaration monitoring report, and all letters, comments and materials received at the public hearing; and

WHEREAS, The Planning Division and designated City Staff has reviewed the project in accordance with applicable regulations and have recommended conditional approval of the application to the Planning Commission, as set forth in the Staff Report dated May 7, 2007; and

WHEREAS, The Planning Commission held a duly-noticed public hearing on May 7, 2007 and has heard and considered testimony from interested persons and based on evidence received at the public hearing, and all of the evidence before it, the Planning Commission makes the following factual findings:

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS.

Section 1. On March 28, 2003, an Initial Study was prepared which revealed the project will have a less than significant impact with mitigation incorporation on the environment.

Section 2. On April 2, 2003, a Mitigated Negative Declaration was prepared, containing a proposed finding of No Significant Impact, with an attached copy of the Initial Study justifying the finding. Mitigation measures were included in the project description. The Mitigated Negative Declaration was posted at the Solano County Clerk's Office for 30 days, and the minimum Public Notice and Review Period of 30days was duly provided.

The Monitoring and Reporting Program is included in the Conditions of Approval for this Project

Section 3. The Planning Commission finds that on the basis of the whole record before it including the initial study, the staff report, and any comments received, there is no substantial evidence that the project will have a significant effect on the environment if the mitigation measures and the Monitoring and Reporting Program are adopted. The Mitigated Negative Declaration reflects the Planning Department's independent judgment and analysis.

Section 4. The Planning Commission may rely on the prior Mitigated Negative Declaration for this project on the basis of substantial evidence in light of the whole record, none of the conditions set forth in CEQA guidelines Section 15162(a) exist, in that there is NO:

- Substantial changes proposed for the project
- New information of substantial importance

II. FINDINGS RELEVANT TO THE APPROVAL OF THE TENTATIVE MAP.

Section 1. The proposed subdivision of property as conditioned, together with the provisions for its design and improvements:

- A) Is consistent with the goals and policies of the Vallejo general plan and any applicable specific plans; and
- B) Conforms with Title 15 and Title 16 of the Vallejo Municipal Code; and
- C) Conforms to the requirements of the Subdivision Map Act.

III. RESOLUTION RECOMMENDING APPROVAL OF THE TENTATIVE MAP, SUBJECT TO CONDITIONS OF APPROVAL

NOW, THEREFORE, LET IT BE RESOLVED that the Planning Commission hereby

ADOPTS the Mitigated Negative Declaration and Mitigation Monitoring Plan

APPROVES the tentative map (TM 07-0006) for the Reis Avenue subdivision, based on the findings contained in the staff report and subject to the Conditions of Approval attached hereto and incorporated herein by reference.

V. VOTE

PASSED and APPROVED at a regular meeting of the Planning Commission of the City of Vallejo, State of California, on the 7th day of May, 2007, by the following vote to-wit:

AYES:
NOES:
ABSENT:

CHARLES LEGALOS, CHAIRPERSON
City of Vallejo PLANNING COMMISSION

Attest:

Don Hazen
Planning Commission Secretary

RINDLER CREEK MITIGATION SITE PROGRESS REPORT

February 13, 2007

Prepared by:

The Solano Resource Conservation District
1170 N. Lincoln, Suite 110
Dixon, CA 95620
(707) 6768 – 1655 ext. 3

Contacts:

Andrea Mummert, Watershed Protection Program Coordinator
Jodie Salz, District Manager

Project Overview

The Rindler Creek mitigation site provides off-site mitigation for riparian and wetland habitat loss at the following three sites: 1) flood control maintenance by the Vallejo Sanitation and Flood Control District in a channelized portion of Rindler Creek, along Columbus Parkway, Vallejo, CA; 2) development by the De Silva Group on the Garthe Trust property, near intersection of Columbus Parkway and Springs Road, Vallejo, CA; and 3) development by Premium Investments (now HA Signature Homes) on Reis Avenue, Vallejo, CA.

Project Goal

Long-term cattle grazing has resulted in downcutting, trampling, and erosion problems along Rindler Creek. The goal of the mitigation project is to enhance wildlife habitat and riparian and wetland vegetation communities along Rindler Creek near the intersection of Columbus Parkway and Saint John's Mine Road. See Appendix A for mitigation success criteria.

Tasks Completed

Fencing was installed to exclude cattle from approximately 1000 feet of the stream channel and adjacent riparian area. Cattle are allowed access to a portion of the site's upper stock pond to maintain open water areas as potential habitat for California red legged frogs (*Rana aurora draytonii*). (December 2005)

Herbicide spot-treatments were used to control invasive non-native thistles (artichoke thistle, *Cynara cardunculus*; yellow starthistle, *Centaurea solstitialis*; purple starthistle, *Centaurea calcitrapa*) within the restoration planting area. Work was completed by a licensed herbicide applicator (Agrichem). (December 2005 and May 2006)

An initial planting installed a total of 705 native plants. 415 were wetland species and 280 were upland species. See Table 1 for plantings by species. (December 2005)

An old spring box was rehabilitated and a hydraulic ram pump was installed to provide cattle with an off-stream water source, outside of the restoration planting area. (June - September 2006).

A re-planting installed a total of 452 native plants to replace those in the January 2006 planting that experienced mortality. 307 were wetland species and 145 were upland species. See Table 2 for plantings by species. (January 2007)

First Year Planting Results

In July and August of 2006, surveys were conducted to assess the success of the December 2005 planting. All remaining plants were located and live plants were flagged. These surveys showed that the initial January 2006 planting experienced an overall survival rate of 11.3% (8.7% among the wetland species, and 15.2% among upland plants). See Table 1 for survival rates by species.

This low survival rate was largely attributable to severe flooding that occurred in Vallejo in January 2006, during the first week after the plantings were installed. Much of the site was underwater, and many of the plantings were washed out by the flooding. Additionally, very hot and dry conditions during July 2006 resulted in drought stress and mortality among many of the remaining plantings.

See Appendix B for photopoint images of the site shortly after the December 2005 planting and in July of 2006. In the July photos, very few of the tree tubes set up to protect the plantings are visible: many of them had been flooded out, and summer vegetation growth covered others. The exclusionary fencing for cattle is visible in the July 2006 photos.

Management Adjustments to Improve Planting Survival Rates

In order to meet a mitigation success criteria of 50% survival (of the initial 705 plants), after 5 years, a total of 353 plants will need to be successfully established (approximately 145 upland plants, and 205 wetland plants).

The following measures have been or will be taken to improve the survival rate of replacement plantings:

A botanist (Carol Witham) was contracted in August 2006 to provide recommendations for species selection and planting locations. The species planted in 2007 were modified according to these suggestions.

Survival patterns from 2005-2006 were evaluated to determine which species did well at the site, and at which locations plants did well. These patterns were taken into consideration in determining species selection and planting locations for 2007.

A total of 452 plants were replaced in January of 2007. A smaller number of plants were planted than in 2005 in order to allow for greater time and attention per individual plant for planting methods and maintenance needs.

The 2007 plantings were spread over a greater distance along the wetland-to-upland gradient, with more of the plants located farther from the stream channel to reduce the likelihood that future flooding events will take out a large number of plantings.

Each plant will be mulched with native grass straw to increase soil moisture retention and to better anchor the plants and tree tubes to prevent them from being washed out during flood events.

A drip irrigation system will be installed. (In the summer of 2006, water was provided with a backpack watering unit. Drip irrigation will provide a greater quantity of water and more frequent waterings.)

Future Tasks

Additional seeding with annuals including California poppy (*Eschscholzia californica*) and lupine species (*Lupinus* sp.) will take place in late spring of 2007.

A water storage tank will be added to the off-stream water source setup.

Clearing of non-native annual grasses and seeding with native grasses is planned for portions of the site in 2007 and 2008.

Budget Status

Adequate funding has been allocated to continue site monitoring and maintenance for 5 years from the start of restoration work, through 2011.

Site management improvements, re-plantings, and care and maintenance of plantings, will continue until the mitigation success criteria are met.

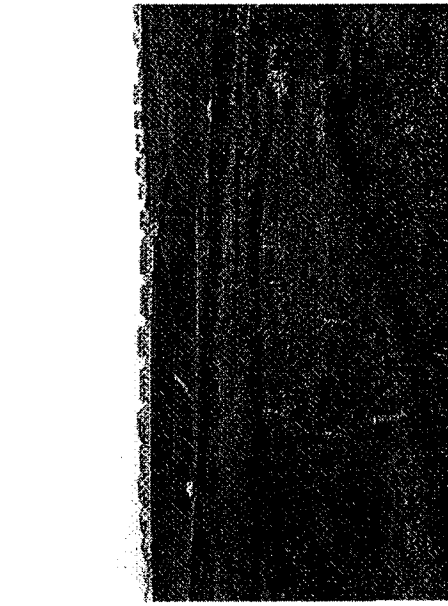
Appendix A

*From California Department of Fish and Game, Project Descriptions and Conditions
Notification Number: 1600-2005-0763-3, April 17, 2006; amended May 9, 2006*

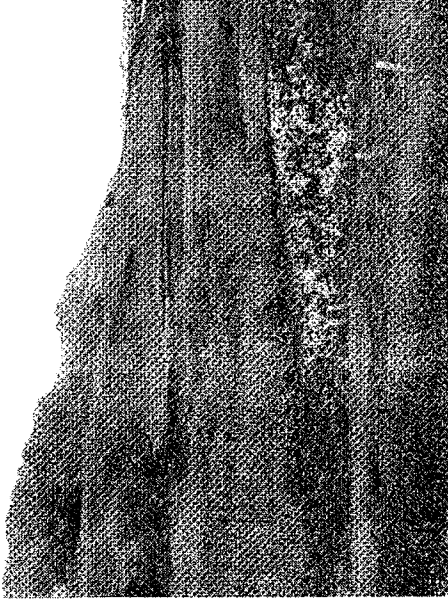
Condition 14.

To ensure a successful revegetation effort, all plants shall be monitored and maintained as necessary for five years. All planting shall have a minimum of 50% survival at the end of 5 years and native wetland plant species in the mitigation area shall attain 50% cover after three years and 75% coverage after 5 years. If the survival and/ or cover requirements are not meeting these goals, the Operator is responsible for replacement planting, additional watering, weeding, invasive exotic eradication, or any other practice, to achieve these requirements. Replacement plants shall be monitored with the same survival and growth requirements. An annual status report on the mitigation shall be provided to the Department of Fish and Game by December 31 of each year. This report shall include survival, percent cover, and height of both tree and shrub species. The number by species of plants replaced, and overview of the revegetation effort, and the method used to assess these parameters shall also be included. Photos from designated photo stations shall be included. If the survival or cover requirements are not met after 5 years, the operator shall contact the Department to determine how to achieve the mitigation goals. The additional measures may include further replacement planting and monitoring or monetary compensation.

Appendix B: January 2006 Photopoints Locations 1 and 2



Location 1, View 1



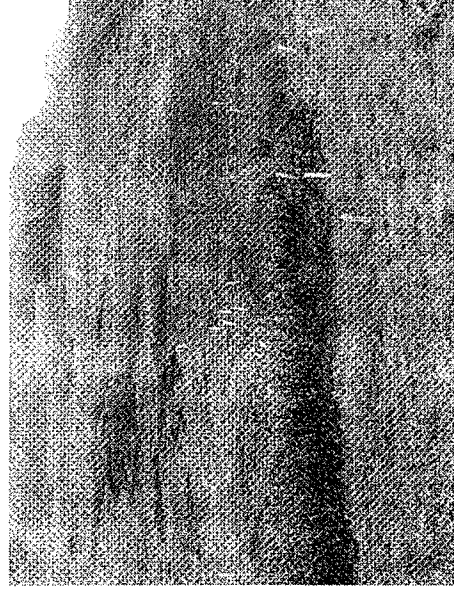
Location 1, View 2



Location 1, View 3



Location 2, View 1

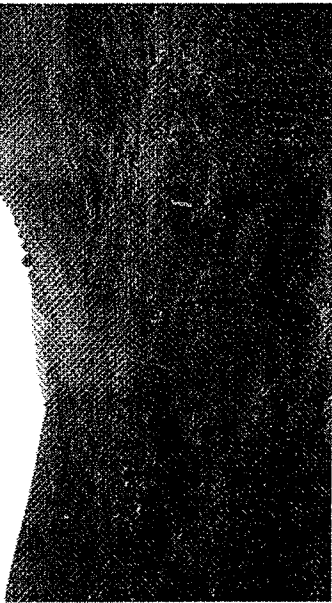


Location 2, View 2

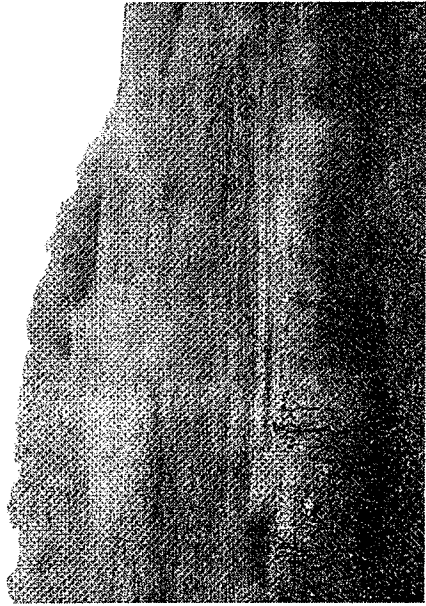


Location 2, View 3

Appendix B cont'd: January 2006 Photopoints Location 3



Location 3, View 1

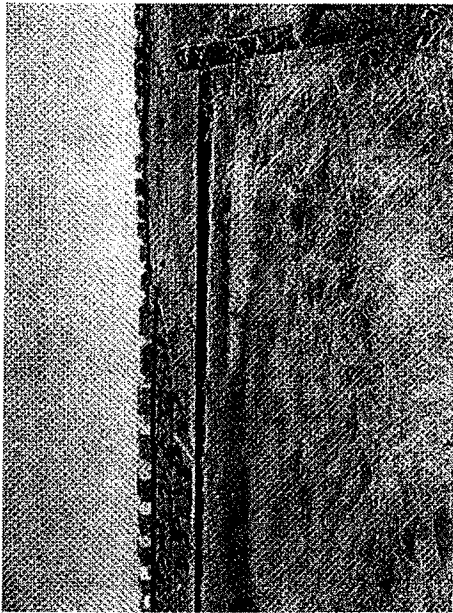


Location 3, View 2



Location 3, View 3

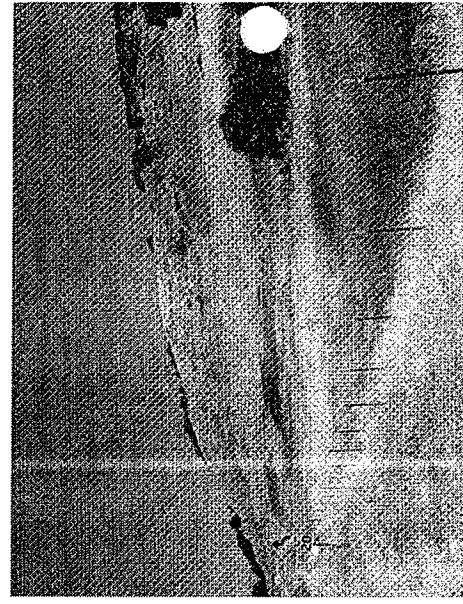
Appendix B cont'd: July 2006 Photopoints Locations 1 and 2



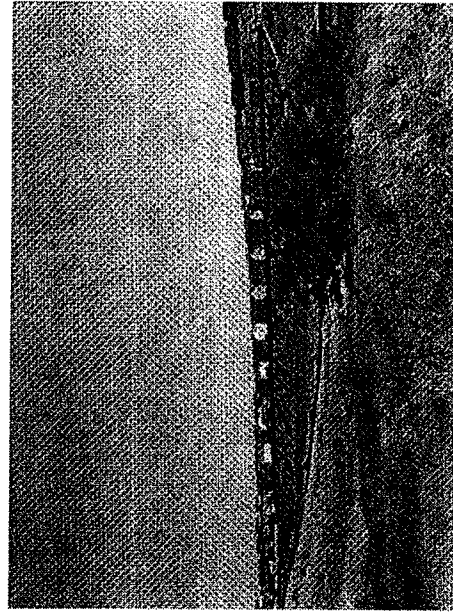
Location 1, View 1



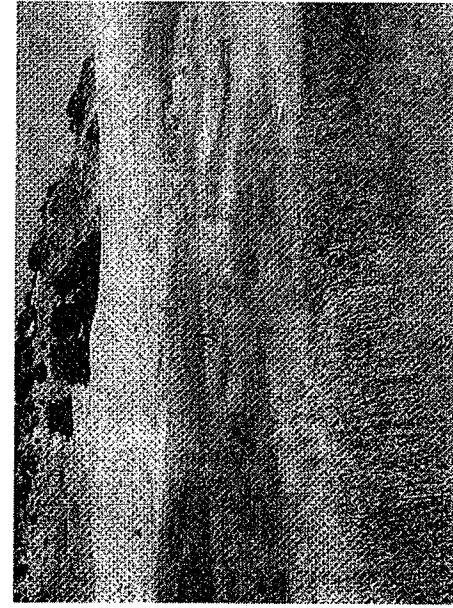
Location 1, View 2



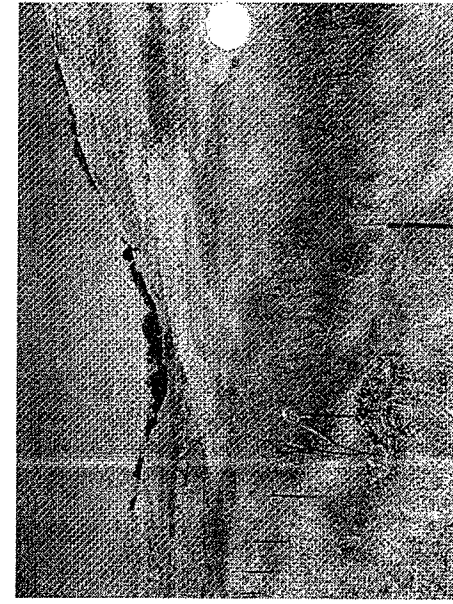
Location 1, View 3



Location 2, View 1

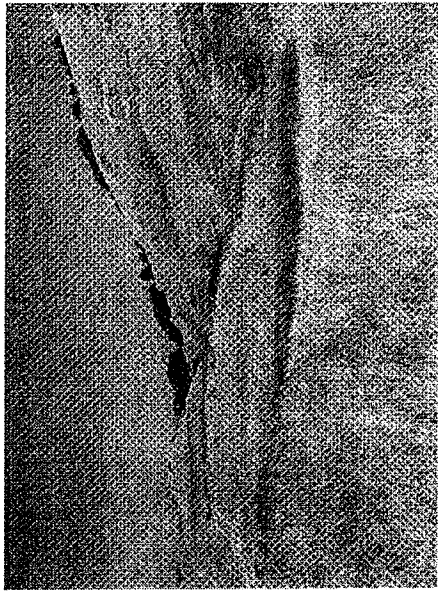


Location 2, View 2

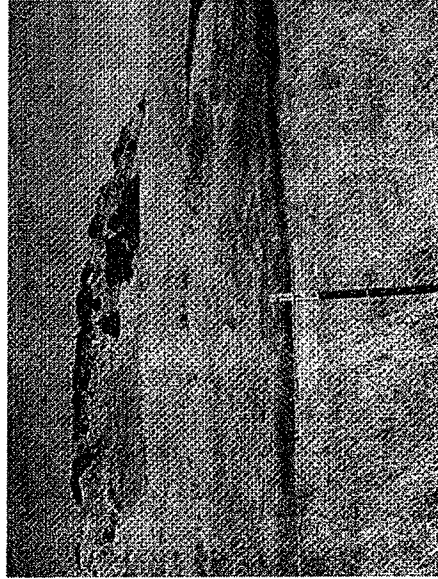


Location 2, View 3

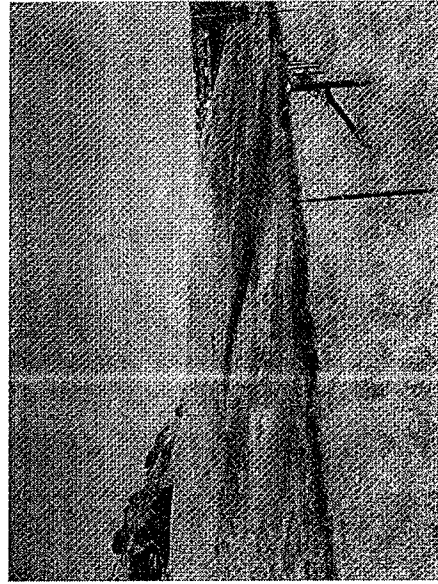
Appendix B cont'd: July 2006 Photopoints Location 3



Location 3, View 1



Location 3, View 2



Location 3, View 3

TABLE 1: December 2005 Planting and Survival		Number planted Dec 2005	Number surviving Jul-Aug 2006	Percent survival	Estimated height range
UPLAND SPECIES					
Coast live oak (<i>Q.a.</i>) and/or Valley oak (<i>Q.l.</i>)	<i>Quercus agrifolia</i> and/or <i>Quercus</i> <i>lobata</i>	60	15	25.0%	18 - 24 in
California buckeye	<i>Aesculus californica</i>	30	6	20.0%	21 - 28 in
Quailbush	<i>Atriplex lentiformis</i>	20	0	0.0%	N/A
Elderberry	<i>Sambucus mexicana</i>	20	4	20.0%	18 - 36 in
Coyote brush	<i>Baccharis pillularis</i>	20	0	0.0%	N/A
Buckwheat	<i>Eriogonum</i> <i>fasciculatum</i>	20	3	15.0%	12 - 18 in
Coffeeberry	<i>Rhamnus californica</i>	20	0	0.0%	N/A
Toyon	<i>Heteromeles</i> <i>arbutifolia</i>	20	0	0.0%	N/A
Blue wildrye	<i>Elymus glaucus</i>	40	8	20.0%	24 - 42 in
Creeping wildrye	<i>Leymus triticoides</i>	40	6	15.0%	24 - 42 in
Unidentifiable woody (no leaves)			2	N/A	N/A
UPLAND TOTAL		290	44	15.2%	
RIPARIAN/WETLAND SPECIES					
Black willow (<i>S. las</i>) and/or Red willow (<i>S. laev.</i>)	<i>Salix lasiandra</i> and/or <i>Salix laevigata</i>	120	15	12.5%	18 - 48 in
California sycamore	<i>Plantanus racemosa</i>	30	3	10.0%	14 - 21 in
Western cottonwood	<i>Populus fremontii</i>	30	1	3.3%	18 - 24 in
California box elder	<i>Acer negundo</i>	30	3	10.0%	18 - 24 in
California blackberry	<i>Rubus ursinus</i> <i>Carex barbarae</i>	5	1	20.0%	18 in
Santa barbara sedge (<i>C.b.</i>) and/or Slender sedge (<i>C.p.</i>)	and/or <i>Carex</i> <i>praegracilis</i>	80	6	7.5%	6 - 15 in
Common rush	<i>Juncus effusus</i>	40	4	10.0%	6 - 15 in
Flat bladed rush	<i>Juncus xiphioides</i>	40	3	7.5%	6 - 15 in
Deer grass	<i>Muhlenbergia rigens</i>	40	0	0.0%	N/A
WETLAND/ RIPARIAN TOTAL		415	36	8.7%	
OVERALL PLANTING TOTAL		705	80	11.3%	

TABLE 2: January 2007 Re-Planting

	Number planted in Jan 2007		Number planted in Jan 2007
UPLAND SPECIES		RIPARIAN/ WETLAND SPECIES	
Coast live oak	5	Black willow	60
Valley oak	15	Red willow	60
California buckeye	6	California sycamore	12
Quailbush	6	Western cottonwood	15
Elderberry	12	California box elder	10
Coyote brush	30	California blackberry	5
Buckwheat	6	Santa barbara sedge	15
Blue wildrye	20	Slender sedge	30
Creeping wildrye	15	Common rush	35
		Flat bladed rush	15
		New species - not planted in 2005 - 2006	
Common yarrow	20	Meadow barley	20
California wild rose	10	Baltic sedge	20
		California wild grape	10
		WETLAND/ RIPARIAN TOTAL	307
UPLAND TOTAL	145	OVERALL PLANTING TOTAL	452

CITY OF VALLEJO
ENVIRONMENTAL CHECKLIST FORM
(Published March 28, 2003, Revised May 29, 2003)

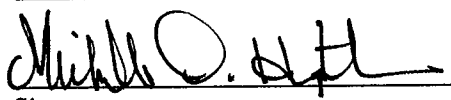
1. **Project Title:** Casa Del Reis Tentative Map
2. **Lead Agency Name and Address:** City of Vallejo Planning Division
555 Santa Clara Street, Vallejo, CA 94590
3. **Contact Person and Phone Number:** Michelle D. Hightower, Planner
707-648-4506
4. **Project Location:** Reis/Maple Avenue
APN # 0074-110-500
5. **Project Sponsor's Name & Address:** H&H Brothers Construction
3267 Terrace Beach Drive
Vallejo, CA 94591
6. **General Plan Designation:** Low Density Residential
7. **Zoning:** LDR
8. **Description of the Project:** Tentative map to subdivide a 30,247.44 square foot parcel into five lots ranging from 5,466 to 8,860 square feet. The subdivision would facilitate the development of five single-family custom homes on the property.
9. **Surrounding Land Uses and Setting:** To the north, east and west are single-family residential dwelling units. The southern property line abuts the Interstate 780 freeway and the adjacent lot east of the site is occupied by a Pacific Gas & Electric substation.
10. **Other public agencies whose approvals are required:** Caltrans approval of site drainage under freeway.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The environmental factors checked below () would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the following checklist.

	Aesthetics		Hazards & Hazardous Materials		Public Services
	Agriculture Resources	X	Hydrology/Water Quality		Recreation
X	Air Quality		Land Use/Planning		Transportation/Traffic
X	Biological Resources		Mineral Resources		Utilities/Service Systems
	Cultural Resources	X	Noise		Mandatory Findings of Significance
	Geology/Soils		Population/Housing		

DETERMINATION: On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described herein have been added to the project and agreed to by the project sponsor or revisions in the project have been made by or agreed to by the project sponsor. A MITIGATED NEGATIVE DECLARATION will be prepared.	X
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	


Signature

3/28/03
Date

Michelle D. Hightower
Printed Name

City of Vallejo Planning Division
For

	Potentially Significant Impact	Less Than Significant w/Mitigation	Less Than Significant Impact	No Impact
1. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?				O
The project site is not located within any scenic vistas. Supporting Source #1, #3.				
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway				O
The site is not located within a scenic highway corridor. Supporting Source #1, #3.				
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				O
The site is currently undeveloped. Approval of the tentative map would facilitate the development of five single-family homes on the property, which would significantly change the existing visual character of the site. However, each home will be subject to a Site Development Permit, which would insure that the project (1) makes a positive contribution to the existing development on neighboring properties; (2) the new structures are compatible and harmonious with the design and use of existing structures on neighboring properties; (3) respects the existing views, privacy, and access to light and safety of neighboring properties; and (4) does not adversely affect neighboring properties, with "adversely affect" to mean to impact in a substantial, negative manner the economic value, habitability, or enjoyability of these properties. Supporting Sources #1, #4.				
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				O
Residential activity on vacant property will generate new sources of light or glare; however, such sources will be consistent with the surrounding residential uses and will not be significant.				
2. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				O
The site is an infill property within an established urban area. Development of single-family homes on the site would not impact farmland.				
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				O
See 2 (a) above.				
	Potentially Significant Impact	Less Than Significant w/n Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-				O

	Potentially Significant Impact	Less Than Significant w/Mitigation	Less Than Significant Impact	No Impact
agricultural use?				
See 2 (a) above.				
3. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				0
The proposed development of single-family homes on the site is consistent with the General Plan and applicable air quality plans.				
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				0
See 3 (a) above.				
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?		0		
<p>Particulates in the atmosphere result from many kinds of dust- and fume-producing industrial and agricultural operations, combustion, and atmospheric photochemical reactions. Construction and vehicular traffic are major sources of particulates in urban areas. Natural sources of particulates include wind erosion from exposed surfaces. Construction activities would temporarily increase criteria pollutants, primarily particulate matter. This would be a potentially significant impact of the project. Construction activities would also generate dust primarily through filling, compacting and excavating activities, and construction equipment exhaust. Particulates would be generated by fugitive sources (fugitive sources include vehicle travel over unpaved roads, wind erosion, or stockpiles of materials, and are distinguished from emissions from a stack or tailpipes) as well as by fuel combustion sources (tailpipe emissions).</p> <p>If standard dust control measures are used, construction of buildings on a site this size would not be expected to produce significant amounts of dust. Such measures are described in Caltrans <i>Highway Design Manual (Manual)</i>, which sets forth policies intended to reduce air pollution generated by roadway construction projects. The Manual addresses air pollution through control of water and wind erosion, and control of burning.</p> <p><i>Mitigation Measures:</i></p> <ol style="list-style-type: none"> 1. Water active sites at least twice daily. Increase the frequency of watering when wind speeds exceed 15 miles per hour. Effective watering generally reduces dust by as much as 50 percent over uncontrolled conditions. 2. Enclose, cover, water twice daily, or apply soil binders to exposed stock piles (e.g., sand, gravel, or dirt). 3. Cover all trucks hauling dirt, sand, soil, or other loose materials. Maintain at least six inches of freeboard. 4. Sweep up dirt or debris spilled onto paved surfaces as soon as practicable to reduce suspension of particulate matter through vehicle movement over these surfaces. 5. Designate a person or persons to oversee the implementation of a comprehensive dust control program and to increase watering, as necessary. 6. Maintain and operate construction equipment so as to minimize particulates from exhaust emissions. During construction, trucks and equipment should be running only when necessary. Equipment should be kept in good 				

	Potentially Significant Impact	Less Than Significant w/Mitigation	Less Than Significant Impact	No Impact
condition and well-tuned to minimize exhaust emissions.				
d) Expose sensitive receptors to substantial pollutant concentrations?				O
No pollutant concentrations are anticipated, as residential activity generally does not result in substantial releases of pollutants.				
e) Create objectionable odors affecting a substantial number of people?				O
No unusual odors are expected from a residential development.				
4. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game (DFG) or U.S. Fish and Wildlife Service?			O	
<p>The site contains an open drainage swale ranging from two to four feet in depth that runs east-west and covers approximately 25 percent of the property. Per the Vallejo Sanitation and Flood Control District (VSFCD) and as part of the project proposal, the existing open drainage ditch will be relocated and undergrounded within a 15 foot easement along the eastern and southern property lines. The existing area would then be backfilled. Based on visual observations of the area, the swale contains vegetation that is characteristic of a wetlands environment and potential wildlife habitat. However, because the property is an urban infill site within an established residential area, no special status habitat or special status species are suspected to exist. A site visit was conducted by the DFG who indicated that the site is potentially an isolated wetlands with a relatively low value to biological resources. However, the removal of a seasonal water source, even one that appears to be of low value would need to be mitigated. A Streambed Alteration Permit from the DFG would also be required.</p> <p>Mitigation:</p> <ol style="list-style-type: none"> 1. The project will be subject to review by the U.S. Army Corps of Engineers (USACE). In the event it is determined by the USACE that relocation of the existing drainage swale may adversely affect a wetlands environment, the project proponent shall demonstrate to the satisfaction of the City of Vallejo that the project is in compliance with Section 404 of the Clean Water Act, prior to the issuance of a grading or building permit, which ever occurs first. 2. Per the California Department of Fish and Game, a Streambed Alteration Permit is required, prior to the filing of the Final Map. A biological assessment conducted by a qualified biologist is required to assist DFG in determining the value of the site to wildlife species. Based on the assessment, an offsite enhancement of an existing wetland or riparian area nearby will need to be conducted, prior to the issuance of a grading or building permit, which ever occurs first. 				
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		O		
See 4 (a) above.				
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		O		

	Potentially Significant Impact	Less Than Significant w/Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?		0		
<p>There are no known historical, archaeological, or paleontological resources in the area, but in a city such as Vallejo that has been settled for a long period by California standards, there is a possibility that resources may be exposed when excavation or grading occur.</p> <p><i>Mitigation:</i> In the event unsuspected archaeological or paleontological resources are discovered during any phase of the project, land alteration work within 50 feet of the find shall be halted, the Planning Division notified, and a qualified professional consulted to evaluate the resource and suggest an appropriate management plan as necessary. Supporting Source #1.</p>				
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				0
See 5 (a) above				
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				0
See 5 (a) above.				
d) Disturb any human remains, including those interred outside of formal cemeteries?				0
See 5 (a) above.				
5. GEOLOGY AND SOILS. Would the project				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				0
No faults are known to or are suspected of existing on the site. Supporting Source #20 and 21.				
ii) Strong seismic ground shaking?				0
The site would be subject to ground shaking typical of the Bay Area.				
iii) Seismic-related ground failure, including liquefaction?				0
The site is not known to be highly susceptible to ground failure, liquefaction, landslides, and erosion. Standard geotechnical investigations/soils reports will be required prior to review of construction drawings to ensure that any soils issues including expansive soils are addressed in project design. Supporting Source #20 and 21.				
iv) Landslides?				0
See 6 (a) above.				
b) Result in substantial soil erosion or the loss of topsoil?				0
See 6 (a) above.				

	Potentially Significant Impact	Less Than Significant w/Mitigation	Less Than Significant Impact	No Impact
c) Be located on a geologic unit or soil that is <u>unstable</u> , or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				0
See 6 (a) above.				
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				0
See 6 (a) above.				
7. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				0
There are no such hazardous materials normally associated with residential uses.				
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				0
See 7 (a) above.				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				0
See 7 (a) above.				
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				0
The site is not known to or suspected of containing hazardous materials.				
e) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				0
Development of single-family homes on the site would not impair implementation of or physically interfere with any emergency response or evacuation plan.				
8. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?				0
Standard conditions imposed by the VSFCD and Vallejo Water Department will reduce any impacts to water quality to less-than-significant levels. Supporting Source #25.				
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				0

	Potentially Significant Impact	Less Than Significant w/Mitigation	Less Than Significant Impact	No Impact
Development of single-family homes on this vacant site will result in greater impervious surface, but not of sufficient size to result in significant reductions in groundwater recharge.				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			0	
The project site slopes approximately three percent to the west and minor grading will be required for the construction of the single-family homes. The drainage swale, which varies from two to four feet in depth and runs east west through the property will also be removed and undergrounded along the eastern and southern property lines. The existing ditch area will be backfilled. The minor grading and relocation of the drainage ditch will not significantly change the topography of the site. Standard conditions imposed by VSFCDC will reduce any impacts from erosion or siltation to less-than-significant levels.				
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			0	
See 8 (c) above. Drainage will be directed to the storm water disposal system. Standard conditions imposed by the VSFCDC will prevent the project from resulting in flood conditions. Supporting Source #25.				
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				0
See 8 (d) above.				
f) Otherwise substantially degrade water quality?				0
See 8 (a) above.				
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				0
The site is not within a flood zone. Supporting Source # 21.				
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				0
See 8 (g) above				
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				0
No levees or dams are located in the vicinity.				
j) Inundation by seiche, tsunami, or mudflow?				0
No such threats exist near the site.				
9. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				0

	Potentially Significant Impact	Less Than Significant w/Mitigation	Less Than Significant Impact	No Impact
The site is an urban infill property on a local street. Development of single-family homes on the site will not physically divide an established community.				
b) Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				0
Development of five single-family homes on the site is consistent with the LDR (Low Density Residential) zoning district and the Low Density Residential General Plan designation for the property. Supporting Source #3 and #4.				
c) Conflict with any applicable habitat conservation plan or natural communities' conservation plan?				0
No such plans apply to this site.				
10. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				0
No mineral resources are known to or are suspected of occurring on this site.				
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				0
The site is not designated for resource recovery.				
11. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				0
The site is directly adjacent to the Interstate 780 freeway. A continuous 10-foot high soundwall has been constructed along the southern property line to mitigate the impact of freeway noise on the existing residential neighborhood. The site plan for development of single-family homes should provide the maximum distance possible from the southern property line near the freeway to help minimize the noise level from the freeway.				
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				0
The site is not in proximity to any generator of groundborne vibration or groundborne noise.				
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			0	
The site is currently undeveloped. Construction of single-family homes on the property will increase the ambient noise levels in the project vicinity; however, the site is located within an established single-family residential area and is adjacent to a freeway. The proposed development will not have ongoing noise producing activities during its operation that would cause substantial increase in ambient noise levels.				
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		0		

	Potentially Significant Impact	Less Than Significant w/Mitigation	Less Than Significant Impact	No Impact
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There will be some unavoidable-increase in noise levels-while the single-family-homes are-being constructed. Although this impact will be short-term in nature, it has the potential to adversely impact the neighboring residential development. The following mitigation measures are included to reduce the level of potential impact to a less-than-significant level.

Mitigation Measures:

1. Construction-related activities, including the arrival and departure of construction equipment and the warming and priming of engines, shall be limited to between the hours of 7 a.m. and 6 p.m., Monday through Friday, and from the hours of 8 a.m. to 5 p.m. on Saturdays. No construction shall occur on Sundays or Federal holidays.
2. Construction equipment noise levels shall not exceed the City's maximum allowable noise levels as identified in the General Plan and Zoning Ordinance.

12. POPULATION AND HOUSING. Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Population growth will be consistent with that anticipated by the General Plan and the zoning for the area.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

The site is vacant; therefore, no housing would be displaced by the proposed development.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

See 12 (b) above.

13. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?

Future demands on services generated by single-family homes would be consistent with growth and development on the site as anticipated in the General Plan and zoning ordinance. No significant impacts to services are anticipated.

b) Police protection?

See 13 (a) above.

c) Schools?

The proposed five single-family homes will not generate a significant demand for school services. The project will be subject to school impact fees to offset any impact on school services. Such fees shall be paid at the time of building permit issuance.

d) Parks?

park mitigation fees shall be paid at the time of building permit issuance.

e) Other public facilities?

	Potentially Significant Impact	Less Than Significant w/Mitigation	Less Than Significant Impact	No Impact
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See 13 (a) above.

14. RECREATION.

a) Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

0

The proposed five single-family homes will not generate a significant increase in use of recreational facilities.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

0

The proposed residential development will include outdoor living areas, but will not include shared recreational facilities. Its small size will not require new or expanded recreational facilities. No adverse physical effect will result.

15. TRANSPORTATION/TRAFFIC. Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

0

The project site is located on Reis Avenue, a local street. The existing street system is sufficient to handle the increase of traffic from the proposed residential activity.

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

0

See 15 (a) above.

c) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?

0

There are no hazardous design features or incompatible uses in the vicinity. The site is located on Reis Avenue, near a "T" intersection with Maple Avenue. Driveway access details for the residential development will be reviewed for consistency with applicable safety standards by the City Engineer.

d) Result in inadequate emergency access?

0

Development of single-family homes on the site would provide sufficient emergency access consistent with applicable development standards.

e) Result in inadequate parking capacity?

0

Adequate parking for the five single-family homes will be required per the zoning standards.

f) Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

0

Development of single-family homes on the property would not conflict with adopted policies supporting alternative transportation.

UTILITIES AND SERVICE SYSTEMS. Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional

	Potentially Significant Impact	Less Than Significant w/Mitigation	Less Than Significant Impact	No Impact
Water Quality Control Board?				0
Wastewater treatment will be provided by the VSFCO. No significant impacts will result relating to wastewater treatment. Drainage is proposed along the eastern and southern property lines to facilities under the freeway.				
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				0
VSFCO has sufficient capacity to handle wastewater from development on the site. Drainage is proposed along the eastern and southern property lines to facilities under the freeway				
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				0
The site is an urban infill property with existing storm water facilities in the vicinity. There would be no anticipated negative environmental impacts resulting from the connection to these systems.				
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				0
Sufficient water supply is available. The Water Division has provided design solutions to tie into the existing water system.				
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				0
See 16 (b) above.				
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				0
Sufficient landfill capacity is available. Supporting Source # 21.				
g) Comply with federal, state, and local statutes and regulations related to solid waste?				0
The project will be conditioned to comply with all applicable solid waste regulations.				
17. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a threatened, rare or endangered species or eliminate important examples of the major periods of California history or prehistory?		0		
The proposed project would not degrade the quality of the environment, reduce habitat of a fish or wildlife species, or cause populations to drop.				
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that				0

	Potentially Significant Impact	Less Than Significant w/Mitigation	Less Than Significant Impact	No Impact
the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				
The proposed project would not have any impacts that are individually limited, but cumulatively considerable.				
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				0
The proposed project would not have any negative environmental effects on human beings, either directly or indirectly.				

SUPPORTING INFORMATION SOURCES

1. Project Specific Factor/Project Design.
2. Earlier Analyses.
3. City of Vallejo General Plan, July 1999.
 - a. Housing Element.
 - b. Source Reduction and Recycling Element.
 - c. Geotechnical Hazards Map.
 - d. Land Use Capability Map.
4. City of Vallejo Municipal Code (as adopted).
 - a. Title 16 – Zoning.
 - b. Title 16 - Buildings and Construction.
 - c. Title 7 - Public Health and Safety.
 - d. Title 10 - Street and Sidewalks.
 - e. Title 16 – Subdivisions.
 - f. Title 11 – Water.
5. Applicant's Environmental Statement.
 - a. Traffic Analysis.
 - b. Geotechnical Analysis.
6. State of California, Subdivision Map Act (Government Code Sections 66410 to 66499.58).
7. Association of Bay Area Governments, Projections 2000.
8. Vallejo Citywide Traffic Study, June 1994.
9. Institute of Transportation Engineers, Trip Generation Handbook (4th edition).
10. City of Vallejo, Regulations and Specifications for Public Improvements (as adopted).
11. City of Vallejo, Vallejo Water System Master Plan, 1985.
12. City of Vallejo, 1995 Urban Water Management Plan.
13. Vallejo Sanitation and Flood Control District, Wastewater Facilities Master Plan, 1992.
14. Vallejo Sanitation and Flood Control District, Storm Drainage Master Plan, 1992.
15. Greater Vallejo Recreation District Master Plan, May 1986.
16. Greater Vallejo Recreation District and City of Vallejo, Vallejo Trails Master Plan, June 1988.
17. Uniform Building Code (as adopted).
18. Uniform Fire Code (as adopted).

19. Vallejo Fire Prevention Standards.
 0. Verbal and/or written comments from Vallejo Building Division.
21. Verbal and/or written comments from Vallejo Department of Public Works (Engineering Division).
22. Verbal and/or written comments from Vallejo Water Division.
23. Verbal and/or written comments from Vallejo Fire Prevention Division.
24. Verbal and/or written comments from Vallejo Police Department.
25. Verbal and/or written comments from Vallejo Sanitation and Flood Control District.
26. Verbal and/or written comments from Vallejo City Unified School District.
27. Verbal and/or written comments from Greater Vallejo Recreation District.
28. Verbal and/or written comments from Pacific Gas and Electric Company.
29. Verbal and/or written comments from Pacific Bell.
30. Verbal and/or written comments from California Department of Transportation.
31. Neighborhood Plans.
 2. California Department of Fish and Game.
33. U.S. Fish and Wildlife Service.
34. California Archeological Inventory, Northwest Information Center, Sonoma State University.
35. Federal Emergency Management Agency, Flood Insurance Program.
36. California Department of Conservation, *Special Report 166 - Mineral Land Classification: Aggregate Materials in the San Francisco - Monterey Bay Area.*
37. Office of Planning and Research, Hazardous Waste and Substance Sites List.
38. City of Vallejo, Emergency Operations Plan, September 1998.
39. Solano County Integrated Waste Management Plan.
40. Bay Area Air Quality Management District CEQA Guidelines, April 1996.

CITY OF VALLEJO

MITIGATION MONITORING AND REPORTING FORM

Project Action: Tentative Map #02-0004, Casa Del Reis 5-Lot Subdivision

The following mitigation measures have been identified to avoid or lessen to an insignificant level the adverse environmental effects that could result from the project actions:

Biological Resources:

1. The project will be subject to review by the U.S. Army Corps of Engineers. In the event it is determined by the U.S. Army Corps of Engineers that relocation of the existing drainage swale may adversely affect a wetlands environment, the project proponent shall demonstrate to the satisfaction of the City of Vallejo that the project complies with Section 404 of the Clean Water Act, prior to the issuance of a grading or building permit, which ever occurs first.

Construction-related Noise:

1. Construction-related activities, including the arrival and departure of construction equipment and the warming and priming of engines, shall be limited to between the hours of 7 a.m. and 6 p.m., Monday through Friday, and from the hours of 8 a.m. to 5 p.m. on Saturdays.
2. No construction shall occur on Sundays or Federal holidays.
3. Construction equipment noise levels shall not exceed the City's maximum allowable noise levels as identified in the General Plan and Zoning Ordinance.

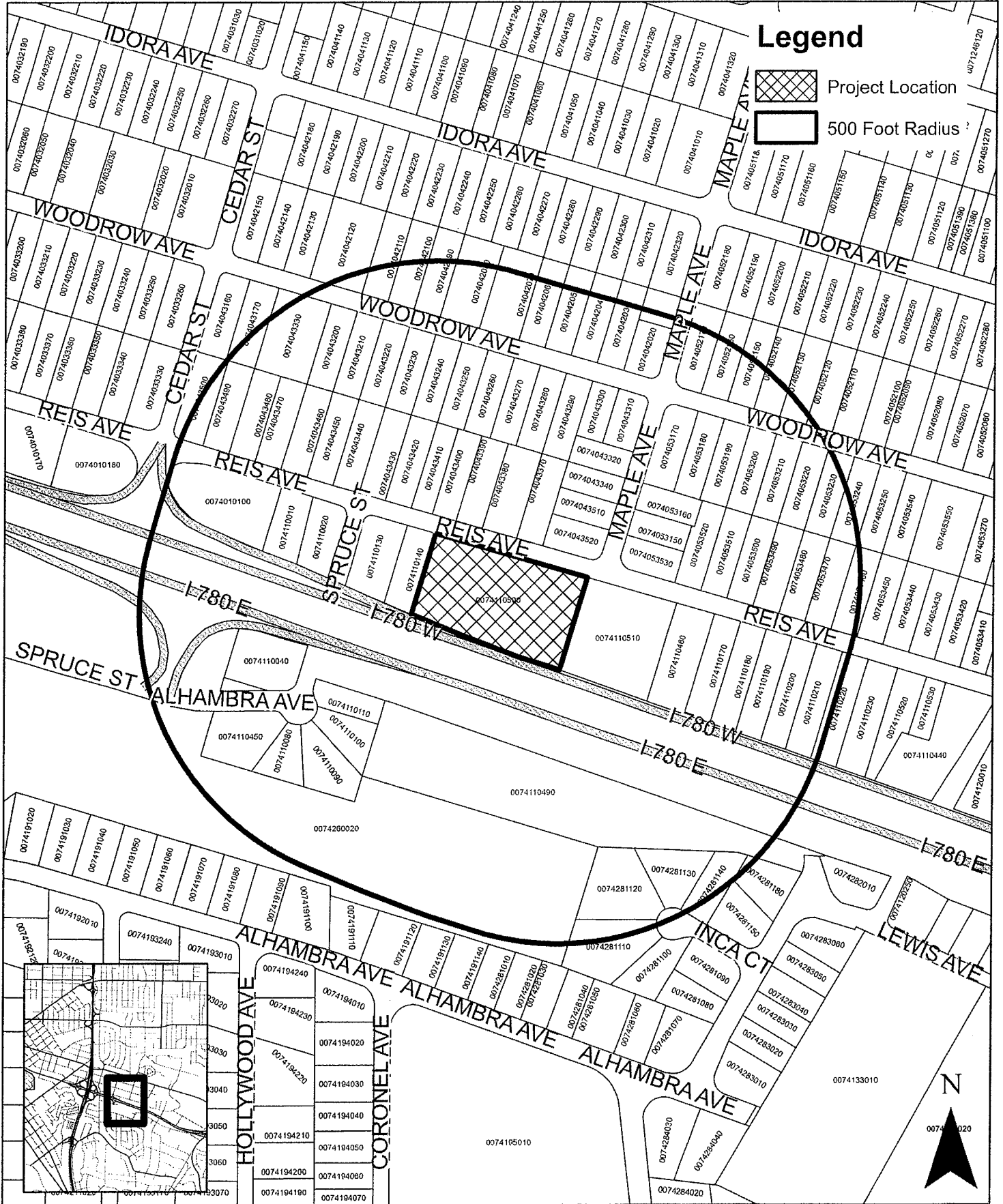
Air Quality:

1. Water active sites at least twice daily. Increase the frequency of watering when wind speeds exceed 15 miles per hour. Effective watering generally reduces dust by as much as 50 percent over uncontrolled conditions.
2. Enclose, cover, water twice daily, or apply soil binders to exposed stock piles (e.g., sand, gravel, or dirt).
3. Cover all trucks hauling dirt, sand, soil, or other loose materials. Maintain at least six inches of freeboard.
4. Sweep up dirt or debris spilled onto paved surfaces as soon as practicable to reduce suspension of particulate matter through vehicle movement over these surfaces.
5. Designate a person or persons to oversee the implementation of a comprehensive dust control program and to increase watering, as necessary.
6. Maintain and operate construction equipment so as to minimize particulates from exhaust emissions. During construction, trucks and equipment should be running only when necessary. Equipment should be kept in good condition and well-tuned, to minimize exhaust emissions.

Archaeological Resources:

1. In the event unsuspected archaeological, paleontological resources or human remains are discovered during any phase of the project, land alteration work within 50 feet of the find shall be halted, the Planning Division notified and a qualified professional consulted to evaluate the resource and suggest an appropriate management plan as necessary.

500 Foot Notification Map





STAFF REPORT

CITY OF VALLEJO PLANNING COMMISSION

Date of Hearing: May 7, 2007

Agenda Item: K4

Application Number: Code Text Amendment #06-0004

Recommendation: Staff recommends that the Planning Commission forward the recommendation to City Council to **Approve** Code Text Amendment #06-0004.

Location: Citywide

Applicant: City of Vallejo

1. PROJECT DESCRIPTION

The proposed code text amendment would revise Chapter 16.70 "Screening and Landscaping Regulations" of the Vallejo Municipal Code to update requirements for fencing and landscaping throughout the City and to clarify certain sections of the existing regulations. Issues reviewed will include fence heights and allowed materials, landscape setbacks, and restrictions within the front yard area of single-family residences.

2. ENVIRONMENTAL REVIEW

The proposed Code Text Amendment was reviewed pursuant to the requirements of the California Environmental Quality Act (CEQA) and was determined to be exempt per Section 15061(b)(3), Title 14 of the California Code of Regulations. This particular text amendment is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The text amendment and any actions resulting from it would not result in significant effects on the environment. Environmental review for individual projects would occur in the project approval process. Any potential impacts associated with a particular project would be addressed at that time.

3. CONSISTENCY WITH THE GENERAL PLAN

The proposed Code Text Amendment would be compatible with the General Plan. It would support the General Plan policy of providing buffering between different land uses and different densities of use and improve the design of parking lots.

4. PUBLIC COMMENTS

Notice of this pending application and public hearing was published in the Vallejo Times Herald on November 27, 2006. The public hearing for the proposed text amendment was originally scheduled for December 18, 2006 and has been continued to a date certain several times to allow staff time to thoroughly review the entire chapter and research the proposed changes.

5. REFERENCES

City of Vallejo General Plan

City of Vallejo Zoning Ordinance:

Chapter 16.70 – Screening and Landscaping Regulations

6. STAFF ANALYSIS

At the request of Commissioner McConnell, a Resolution of Intention to revise the Chapter 16.70 “Screening and Landscaping Regulations” of the Vallejo Municipal Code was put before the Planning Commission and approved on September 6, 2006. Commissioner McConnell submitted proposed amendments for staff “review and suggestions” (see Attachment 3). Many of the proposed amendments are base on Commissioner McConnell’s recommendations. Staff’s intent with these proposed amendments is to provide an ordinance that will encourage higher quality development by requiring higher quality materials for walls and fences, restrict non-living materials in landscape areas, require additional landscaping and street trees along street frontages, and set landscape standards for parking lots, including tree coverage and interior landscape areas.

Proposed Changes. Staff has taken this opportunity to do a comprehensive update to the Screening and Landscaping chapter. There are a number of small changes that would strengthen standards to require higher quality fencing and landscaping as well as some clarifications to sections of the code that have proven over time to be open to interpretation. These changes include restricting chain link fencing to areas that are not visible from the public right-of-way, increasing the number of street trees required in most districts, increasing the amount of boundary landscaping required in most commercial and industrial districts, and decreasing the amount of impervious surface allowed in residential districts. These revisions are intended to improve the quality of fencing and increase the number of trees and the amount of landscaping throughout the City, as well as reducing pollutant run-off into the Bay.

Major changes to the Chapter include simplifying the approval process for minor improvements from a full site development process to a notification process similar to what is used in the Residential View District (see Section 16.70.060E) and significantly amending the existing parking lot landscaping standards. Staff reviewed the standards in a number of cities including Benicia, Fairfield, Vacaville, Novato, Concord, and Walnut Creek and used those standards to establish parking lot standards for Vallejo that would provide attractive, well-designed parking lots. Without specific standards, it is often difficult for staff to enforce high quality parking lot design. The proposed parking lot standards would require one tree per seven parking spaces in the lot (total number of parking spaces divided by seven equals number of trees) as well as a parking lot shade plan that demonstrates that a minimum of fifty percent of the parking lot would be shaded within ten years. Landscape areas would be required at the ends of parking aisles as well as every eight parking spaces and, for larger parking lots, between parking rows.

Recommended Changes. Commissioner McConnell submitted proposed amendments for staff review. Some of the suggestions, such as prohibiting chain link fence, adding to the required boundary landscaping, and increasing the number of street trees required, were included in staff's proposed amendments, although in modified form. Other suggestions, including increasing fence height, were not adopted. Staff believes that the current maximum fence height of six feet in residential and commercial districts and eight feet in industrial districts is appropriate in the majority of circumstances. Allowing a maximum fence height of seven or eight feet outright would impose an unusually high fence as close as five feet to the adjacent residence, blocking sunlight and air circulation and providing a prison-like atmosphere. As there is an existing process, the minor exception process, that would allow fence height to be increased by twenty-five percent of the current limit (up to seven-and-one-half in residential and commercial districts and up to ten feet in industrial districts) in those limited instances where a taller fence would be desirable and would not have negative impacts to adjacent properties, the increase in the fence height is not necessary or desirable.

Deletions. Several sections have been deleted because those sections have become redundant due to the new requirements for boundary landscaping. Section 16.70.070C(2) has been deleted because parking lots would be covered under the new parking lot standards. That section also requires that two percent of any vehicle storage area be landscaped; however, as vehicle storage areas must be screened from view, any landscaping within the storage area would not be visible to the public. Section 16.70.075 "Required Landscaping Along Springs Road" has also been deleted as the new boundary landscaping requirements would make the five-foot boundary landscaping requirement of this section redundant.

Conclusion. The proposed amendments to the Screening and Landscaping Regulations of the City of Vallejo would ensure higher quality development in the City, including revised processing to streamline minor applications, new parking lot standards to provide better parking lot design, and increased street tree and boundary landscaping to improve streetscapes throughout the City.

7. STAFF RECOMMENDATION

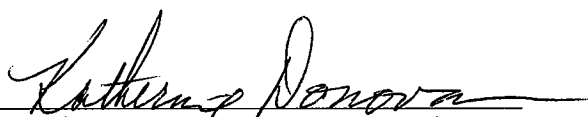
Staff recommends that the Planning Commission make the recommendation to City Council to **APPROVE** CTA #06-0004 subject to the following:

Findings:

1. As described in Section 3 of this report, the proposed amendment is consistent with the City's General Plan.
2. The proposed amendment would increase the quality of screening and landscaping within the City.

ATTACHMENTS

- Attachment 1 – Proposed Ordinance
- Attachment 2 – Existing Ordinance
- Attachment 3 – Proposed Amendments by Robert McConnell
- Attachment 4 – Multi-city Comparison of Parking Lot Landscape Requirements

Prepared by: 
Katherine Donovan, Associate Planner

Reviewed by: 
for Don Hazen, Planning Manager

Note: Proposed new text is *shown in italics*, text to be deleted ~~shown as strikeout~~.

Chapter 16.70

SCREENING AND LANDSCAPING REGULATIONS

Sections:

- 16.70.010 Title and purpose.
- 16.70.020 Required screening.
- 16.70.025 Temporary fencing.
- 16.70.030 Design standards applicable to required screening.
- 16.70.040 Screening of residential property.
- 16.70.050 Safety standards applicable to required screening and landscaping.
- 16.70.060 Height standards applicable to fencing and screening.
- 16.70.061 Measurement of height of screening.
- 16.70.062 Fences on retaining walls.
- 16.70.065 Measurement of location of fencing and screening.
- 16.70.070 Required landscaping.
- 16.70.075 Required landscaping along Springs Road.
- 16.70.080 Special regulations applicable to landscaping along designated scenic highways.
- 16.70.090 Design standards applicable to required landscaping.

16.70.010 Title and purpose.

The provisions of Section 16.70.010 through Section 16.70.090, inclusive, shall be known as the screening and landscaping regulations. The purpose of these provisions is to prescribe standards for screening, fences, walls, and landscaping within the city for the conservation and protection of property, the assurance of safety and security, the enhancement of privacy, the control of dust, the abatement or attenuation of noise, and the improvement of the visual environment, including the provision of a neat appearance in keeping with neighborhood character. (Ord. 1385 N.C. (2d). 1 (part), 1997; Ord. 558 N.C.(2d). 2 (part), 1980.)

16.70.020 Required screening.

A screen shall be installed and maintained in the following locations in accordance with the regulations in Sections 16.70.040 and 16.70.050, inclusive:

- A. Civic, Commercial, Industrial, Agricultural and Extractive Use Types. Along all boundaries other than streets, where the building site abuts residential uses.
- B. Automotive and Equipment Use Types. On building sites with automotive and equipment use types, regardless of zoning, along all off-street parking and zoning district boundaries, other than streets.

- C. Storage and Loading Areas. Storage or loading areas wherever such facilities are adjacent to residential zoning district or storage and loading areas visible from a public street. Also along the perimeter of open off-street parking adjacent to residential zoning districts.
- D. Nonresidential and Multi-dwelling Uses in or Adjacent to Residential Districts. On building sites with nonresidential or multi-dwelling uses located in or adjacent to residential zoning districts along all property lines abutting single-family residences. For the purpose of this subsection, nonresidential use shall not include home occupations. (Ord. 1385 N.C.(2d) 1 (part), 1997; Ord. 947 N.C. (2d) 1 (part), 1987; Ord. 649 N.C.(2d) 17, 1982; Ord. 558 N.C. (2d) 2 (part), 1980.)

16.70.025 Temporary fencing.

Temporary fencing may be used to provide security for approved "special events", for construction sites, for vacant structures, and for vacant land, which can not otherwise be secured. The fencing shall consist of chain link fencing or other materials as approved by the Planning Manager and be limited in height to six (6) feet. The fencing around approved "special events" shall be removed at the conclusion of the event. The fencing for construction sites shall not be installed until a Building Permit or Grading Permit has been issued and shall be removed prior to final inspection. In the event that the Building Permits expire before the construction is completed, the Planning Manager may issue an Administrative Permit to allow the fencing to remain for a longer period of time. The use of temporary fencing around occupied structures that can be secured by other means is prohibited. The use of temporary fencing around vacant land or vacant structures shall be subject to the terms and conditions specified in an Administrative Permit authorizing this fencing. (Ord. 1385 N.C.(2d) 1 (part), 1997.)

16.70.030 Design standards applicable to required screening.

- A. Screening Types. A screen may consist of one or more of the following types:
 1. Walls. A wall shall consist of concrete, stone, brick, tile or similar type of solid masonry material a minimum of four inches thick. *Plain concrete (smooth-faced) blocks are not allowed as fencing material unless capped and finished with stucco or other material as approved by the Planning Manager. The color, materials, and design of the wall shall compliment or otherwise enhance the site and the surrounding area.*
 2. Berms. A berm shall be constructed of earthen materials, and it shall be landscaped.
 3. Open Fence. An open fence may be constructed of welded wire, chain link or wrought iron. *Chain link fencing shall not be allowed in residential zoning districts where it is visible from the public right-of-way.*
 4. Solid Fence. A solid fence shall be constructed of wood, masonry, welded wire or chain link type fence combined with plant materials or wood slats to form an opaque screen. *Chain link fencing shall not be allowed in residential zoning districts where it is visible from the public right-of-way.*
 5. Planting. Plant materials, when used *either alone or combined with welded wire or chain link fence* as a screen, shall consist of compact evergreen

plants, planted in a minimum three-foot-wide planting strip. They shall be of a kind, or used in such a manner, so as to provide screening having a height which meets the requirements set forth in Section 16.70.050 and a minimum height of two feet and width of two feet within twelve months after initial installation. The planning manager may require installation of walls, berms or solid fence, if, after twelve months after installation, the plant materials have not formed an opaque screen or if, at any time, the plant materials are not maintained so as to create the desired screen.

- B. Barb or Razor Wire. Barb type or razor wire is allowed in resource conservation and rural-residential zoning districts and may be permitted in linear commercial, freeway commercial, waterfront commercial and intensive use zoning districts when not visible from the street or *from* low, medium, or high density residential or public and quasi public facility districts. *Barb type or razor wire is not allowed in other zoning districts.* (Ord. 1385 N.C.(2d) 1 (part), 1997; Ord. 947 N.C.(2d), 1 (part), 1987; Ord. 558 N.C. (2d) 2 (part). 1980.)

16.70.040 Screening of residential property.

Whether required as a condition of project approval, or desired by the property owner, residential property shall be screened using "walls", "open fencing" or "solid fencing" as described above. Additional acceptable materials include decorative metals, such as wrought iron, and stucco. The use of wood products shall be limited to pickets, 1" by 6" redwood boards, or as otherwise "commonly used in the industry". The use of "plywood or other composite panels or materials" shall be prohibited, unless the Planning Manager determines that the material is appropriate ~~in order~~ to maintain or enhance the architectural character of the subdivision.

16.70.050 Safety standards applicable to required screening and landscaping.

- A. Safety Standards. Fences, walls, other screening and landscaping, whether provided in accordance with the provisions of Section 16.70.020 or provided in addition to those provisions, shall be subject to review by the traffic engineer in the following areas:
1. Within ten feet of the point of intersection of:
 - a. A vehicular accessway or driveway and a street; or
 - b. A vehicular accessway or driveway and a sidewalk.
 2. Within twenty feet of the point of intersection of two or more vehicular access ways, including driveways, alleys, or streets.
 3. As used in this section, "point of intersection" shall be measured from the face of curb or, if none, from the edge of pavement.
- B. Applicability. The standards described in subsection A shall govern the areas as illustrated in the "areas subject to safety standards." The "areas subject to safety standards" is a part of this title and all references to this section include it. (Ord. 1385 N.C.(2d) 1 (part), 1997; Ord. 558 N.C.(2d) 2 (part), 1980.)

(Insert "Areas Subject to Safety Standards" here)

16.70.060 Height standards applicable to fencing and screening.

In accordance with the provision of Section 16.70.050 or in addition to those provisions, fences, walls and other screening shall be subject to the following height standards:

- A. Commercial, Professional and Limited Offices and Medical Districts. Required screening, except for plant material, shall not be more than six feet in height.
- B. Intensive Use Districts. Required screening, except for plant materials, shall not be more than eight feet in height.
- C. Automotive and Equipment Type Uses. Notwithstanding the provisions of an applicable zone, fences, walls and other screening on any building site with an automotive and equipment use type, except sales/rental-light equipment, required screening shall not be more than eight (8) feet in height. Fences, walls and other screening on any building site with an automotive and equipment sales/rental-light use shall not be more than six (6) feet in height.
- D. Parking Facilities. Notwithstanding the provisions of an applicable zone, screening around an unenclosed off-street parking facility shall not be more than six feet in height.
- E. Courtyard. Fences, walls and other screening installed to create a courtyard without a roof shall be a maximum of five feet in height and be set back a minimum of ten feet from the front property line or back of sidewalk, whichever is the least. ~~Such screening is subject to the site development plan procedure, described in Chapter 16.90. If the Planning Manager determines that the project may be inappropriate for the property or may adversely impact the neighborhood, the property owner shall submit a site development application per Chapter 16.90. If the Planning Manager determines that the project is appropriate for the property and would not adversely affect the neighborhood, a notice shall be sent to the property owners within a two hundred foot radius of the site at least fifteen calendar days prior to the date on which a decision would be made. If neighboring property owners believe the project would adversely affect their properties or the neighborhood character, the property owner shall submit a site development application per Chapter 16.90. If no objections are received from neighboring property owners within the comment period, the plans may be signed off to allow issuance of a building permit.~~ In reviewing the plan for the proposed courtyard, the planning manager shall consider, but not be limited to, the following:
 - 1. Building characteristics including the dimensions, color and architectural design;

2. Compatibility of the architectural and design features of the proposed courtyard with the features of the adjoining, as well as neighboring buildings; and
 3. Landscaping, including the effort to minimize removal of existing vegetation and to match replacements with vegetation of the site.
- F. All Other Building Sites. Fences, walls, and other screening on building sites not subject to the regulations of subsections A through E shall be subject to the following height limits:
1. Within Required Front Yard Setback. Except as provided in Sections 16.70.050 and 16.70.065, the maximum height of screening located within any required front setback shall be three feet unless the Traffic Engineer determines that a four foot fence would not create a visibility hazard and six feet thereafter. *One entry gateway, trellis, or other entry feature may be permitted in the required front yard setback area with the approval of the Traffic Engineer, provided the maximum height and width of the feature do not exceed ten feet.*
 2. Within Required Side Yard Setback for Corner Lot. Except as provided in Sections 16.70.050 and 16.70.065, the maximum height of screening located within ten feet of a side property line, adjoining a public street shall be three feet, unless the Traffic Engineer determines that a four foot fence would not create a visibility hazard, and six feet thereafter. The planning manager, in consultation with the traffic engineer, may reduce the fence setback to three feet from the back of the sidewalk where the side yard is three feet below street grade.
 3. An encroachment permit shall be obtained prior to erecting a fence or wall between the curb or sidewalk and the property line.
 4. Within Required Side and Rear Yard Setbacks for Interior Lots. The maximum height shall not be more than six feet.
 5. A fence shall be provided around swimming pools as required in Chapter 12.44 of this code.
 6. All Other Areas.
 - a. Whenever a wall or fence is installed along a rear property line that will obstruct a view, it shall be limited to four feet in height.
 - b. Open fences that do not obstruct the view may be six feet in height.
- G. For designated city landmarks and properties that are located within a designated heritage or historic district:
1. The maximum height for fences within the front setback area and/or the street side yard setback area shall be three feet six inches.
 2. Requests for a variance to allow a fence on any property subject to the regulations of Chapter 16.36, which exceeds the height limits of this chapter shall be subject to review and approval by the architectural heritage and landmarks commission.
 3. Requests for minor exceptions shall be subject to review and approval by the secretary of the architectural heritage and landmarks commission or

his/her designee. (Ord. 1385 N.C.(2d) 1 (part), 1997; Ord. 1250 N.C. (2d) 1, 1992; Ord. 947 N.C. (2d).1 (part), 1987; Ord. 649 N.C. (2d).18, 1982; Ord. 578 N.C. (2d) 1, 1980; Ord. 558 N.C. (2d).2 (part), 1980.)

16.70.061 Measurement of height of screening.

The height of fences, walls and other screening *not including retaining walls* shall be measured above the actual adjoining level of finished grade as defined in Section 16.04.230, except that where there is a difference in elevation on opposite sides of such fence, wall or other screening, the height shall be measured from the highest elevation. Notwithstanding these requirements, where the finished elevation of the property is lower at the boundary line, or within five feet inside the boundary line, than an abutting property elevation, such change in elevation may be used in lieu of, or in combination with, additional screening to satisfy a screening requirement. Where screening is required along a public or private street and the roadway elevation is higher than the property in question, the planning manager may require screens to be higher than permitted by the applicable height limit. (Ord. 1385 N.C.(2d) 1 (part), 1997; Ord. 588 N.C. (2d) 2 (part), 1980.)

16.70.062 Fencing on retaining walls.

The total height of fences and the retaining walls that they are mounted on or attached to shall be limited in height to six (6) feet. However, the Planning Manager may approve higher fencing through the ~~Site Development~~ *Administrative Permit Process as described in Section 16.70.060E* if it is determined that there will be little or no impact on the adjoining properties and the adjoining property owners consent.

16.70.065 Measurement of location of fencing and screening.

In all but residential zoning districts, fencing is to be installed on the property line except when adjacent to a public street; in that case, the fencing is to be installed behind required landscaping. In residential zones, when the back of the sidewalk is not the property line, the planning manager may allow the setback to be measured from the inside of the sidewalk. If there is no sidewalk, the planning manager, in conjunction with the public works department, may allow the setback to be measured from the future location of the sidewalk. Further, if a fence is to be located in the public right-of-way, an encroachment permit will be required. (Ord. 1384 N.C.(2d) 1 (part), 1997; Ord. 947 N.C.(2d).2 1987.)

16.70.070 Required landscaping.

The following landscaping shall be installed and maintained in accordance with the regulations of Section 16.70.090. Provisions of Section 16.74.030 Water Conservation Guidelines shall also apply.

A. Neighborhood, Waterfront Shopping and Service, Limited Office, Professional Office and Medical Districts.

1. Boundary Landscaping. Boundary landscaping is required for a minimum depth of five feet along all property lines abutting streets except for the area required for street openings.

2. Additional Landscaping. Additional landscaping, equal to at least *five ten* percent of the total *lot* area ~~of the building site~~, is required and a minimum of twenty-five percent of such landscaping shall be located in the area devoted to parking. *All portions of the building site, exclusive of structures, parking areas, recreational uses, driveways and walkways, shall be landscaped.*
3. Trees. At least two street trees are required for each fifty feet of street frontage or fraction thereof.

B. Linear Commercial and Pedestrian Shopping and Service Districts.

1. Boundary Landscaping. Boundary landscaping is required for a minimum depth of ~~two~~ *five* feet along all property lines abutting streets except for the area required for street openings.
2. Additional Landscaping. All portions of the building site, exclusive of structures, parking areas, recreational uses, driveways and walkways, shall be landscaped.
3. Trees. At least ~~one~~ *two* street trees ~~is are~~ required for each fifty feet of street frontage or fraction thereof.

C. Intensive Use District.

1. Boundary Landscaping. Boundary landscaping is required for a minimum depth of ~~four~~ *five* feet along all property lines abutting streets except for the area required for street openings.
- ~~2. Vehicle Storage and Parking Areas. In addition to the landscaping required by subsection A, not less than two percent of any vehicle storage or parking area shall be landscaped.~~
32. Additional Landscaping. All portions of the building site, exclusive of structures, parking areas, recreational uses, driveways and walkways, shall be landscaped.
43. Trees. At least ~~one~~ *two* street trees ~~is are~~ required for each fifty feet of street frontage or fraction thereof.

D. Freeway Shopping and Service Districts.

1. Boundary Landscaping with Vehicular Easement. Where a vehicular easement is created parallel to a street, it shall be separated from such street by landscaping at least five feet wide except for the area required for street openings.

2. Boundary Landscaping without Vehicular Easement. Where a vehicular easement is not created parallel to the street, landscaping at least ten feet wide shall be installed along and adjacent to the ultimate right-of-way line of any abutting street except for the area required for street openings.
3. Trees. At least two street trees are required for each fifty feet of street frontage or fraction thereof.

E. **Nonresidential and Multifamily Uses in Residential Zoning Districts.** Where nonresidential and multifamily uses are located in residential zoning districts, landscaping shall be installed and maintained in accordance, with the following provisions and the provisions of Section 16.70.090:

1. Area. Landscape areas shall comprise a minimum of twenty percent of all building sites and shall include as a minimum:
 - a. A fifteen-foot wide area along all street frontages; and
 - b. A ten-foot wide area along all interior property lines *exclusive of structures*.
2. Trees. At least two street trees are required for each fifty feet of street frontage or fraction thereof.
3. Off-Street Parking. Landscaping of off-street parking areas shall include, but not be limited to the following:
 - a. Ends of parking rows capped with a landscape planter to define rows;
 - b. A maximum distance of thirty-five feet between planted areas located along parking rows.

F. **Single-family Uses in Residential Zoning Districts.** Where single-family uses are located in residential zoning districts, landscaping shall be installed and maintained in accordance with the following provisions and the provisions of Section 16.70.090:

1. Trees. At least ~~one~~ *two* street trees ~~is~~ *are* required for each fifty feet of street frontage or fraction thereof.
2. Materials. No more than fifty percent of the front yard ~~setback~~ *in front of the building line* shall be covered by nonporous surfaces, such as concrete, brick or asphalt, for driveways and walkways. Of the remaining portion of front setback, no more than ~~thirty~~ *ten* percent shall be covered by decorative nonliving materials such as sand, stone, gravel, wood or water. *Of the rear and side yards, no more than fifty percent shall be covered with non-porous surfaces.*
3. ~~Trimming~~ *Timing*. Landscaping of front yard setbacks shall be completed ~~within six months of~~ *prior to* occupancy.

G. **Automotive and Equipment Use Types.** Notwithstanding the provisions of an applicable zoning district, on any building site with an automotive and equipment

use type, only the following landscaping shall be required in accordance with the regulations of Section 16.70.160. Boundary landscaping is required for a minimum depth of five feet along all property lines abutting streets except for the area required for street openings and the area within four feet on either side of street openings. (Ord. 1148 N.C. (2d), 1, 1991; Ord. 649 N.C. (2d), 19, 1982; Ord. 595 N.C. (2d), 12, 1981; Ord. 558 N.C. (2d), 2 (part), 1980.)

*H. **Parking Lot Standards.** Landscaping in parking lots shall be required as follows. These are minimum standards and the Planning Manager may require additional landscaping as appropriate on a case by case basis. All required dimensions are minimum interior dimensions, not including required curbing around the planting area.*

1. Where the parking lot dimension adjoining a property line is one hundred feet or less, a minimum of five feet of boundary landscaping shall be provided. Where a parking lot dimension adjoining a street or residential use or district is greater than one hundred feet, a minimum of ten feet of boundary landscaping shall be provided.

2. A minimum of one tree per each seven parking spaces shall be provided within the parking lot (i.e. total number of spaces divided by seven equals number of trees required). In addition, a parking lot shade plan shall be submitted that demonstrates that a minimum of fifty percent of the parking lot will be shaded within ten years. Shading provided by trellises with vining plant cover over walkways within the parking lot may contribute to the percentage of shaded area.

3. Planting areas. All planting areas, including tree wells, shall have a minimum interior dimension of four feet. Per Sections 16.62.140 B and C, a maximum of two feet of the parking stall depth may be landscaped with low-growth, hearty plant materials in lieu of paving, allowing a bumper overhang while maintaining the required parking dimensions. This two-foot overhang is in addition to the required four-foot planter depth. Ends of parking rows shall be capped with a landscape planter with minimum interior width of four feet and a minimum length equal to the length of the adjoining parking space(s). In addition, a landscape finger of the same dimensions as the row caps shall be provided between adjacent side-by-side parking spaces at least every eight parking spaces in a row. In parking lots with more than four rows of parking or one hundred total spaces, a landscaped walkway shall be provided between parking rows from the back of the parking lot to the front. All areas of parking lots not used for driveways, drive aisles, parking spaces, or walkways shall be landscaped.

4. Planting materials. Landscape areas within parking lots shall be planted with a combination of trees, shrubs, ornamental grasses, and groundcovers to provide maximum visual interest. All plant materials shall be of types that tolerate parking lot conditions.

16.70.075 — Required landscaping along Springs Road.

~~For all properties along Springs Road between Modoc Street and Rollingwood Drive the following landscape requirement shall apply. Landscaping is required along Springs Road for a minimum depth of five (5) feet from the property line except for the~~

~~area required for driveway openings. No structures except approved signs shall be constructed or installed within this area. (Ord. 1385 N.C.(2d) 1 (part), 1997.)~~

16.70.080 Special regulations applicable to landscaping along designated scenic highways.

In reviewing landscape plans, the minimum landscaping requirements of Section 16.70.070 may be increased or otherwise modified in order to meet the following objectives:

- A. Uses which by their nature will detract from the scenic qualities of a particular designated route should be screened as much as practicable.
- B. Landscaping should not obstruct significant views.
- C. Landscaping should harmonize with the natural landscaping of the site. (Ord. 558 N.C.(2d) 2 (part), 1980.)

16.70.090 Design standards applicable to required landscaping.

- A. All required landscaping materials are defined as follows:
 - 1. Shrubs, of one-gallon size or larger;
 - 2. Street trees, of fifteen-gallon size or larger, and double-staked. *In certain prominent public areas, trees larger than fifteen gallon size may be required to create a strong design element;*
 - 3. Ground cover; and
 - 4. Decorative nonliving landscaping materials such as sand, stone, gravel, wood or water may be used to satisfy a maximum of ~~thirty~~ *ten* percent of required landscaping area when approved by the planning division; except as provided in Section 16.70.070F.
 - 5. *Plants used in landscaping shall be drought tolerant and suited to the climate of the City.*
- B. Separation. Any landscaped area shall be separated from an adjacent vehicular area by a wall or curb at least six inches higher than the adjacent vehicular area.
- C. Existing Vegetation. Every effort shall be made to incorporate on-site trees and shrubbery into the required landscaping. Significant trees to be removed shall be replaced on a one for one basis with large size boxed trees.
- D. Maintenance. Required landscaping shall be maintained in a neat, clean and healthy condition. This shall include pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary and the regular watering of all plantings.
- E. Reduction of standards prescribed in this chapter are as follows:

1. The planning division may reduce these standards by not more than fifty percent when adherence to these standards would be impractical due to:
 - a. Location of existing structure;
 - b. Special site organization requirements;
 - c. Topography; and
 - d. Novel or experimental techniques of design or land development;

2. The planning division may waive partially or completely these standards in cases where the existing building abuts street property line or is within five feet of the street property line, *or when it would be appropriate for new construction to abut street property lines, such as in a developed commercial area. Landscape planters, window boxes, or other container plantings may be required in these circumstances.* (Ord. 1148 N.C.(2d), 2, 1991; Ord. 558 N.C. (2d), 2 (part), 1980.)

Chapter 16.70

SCREENING AND LANDSCAPING
REGULATIONS

Sections:

16.70.010	Title and purpose.
16.70.020	Required screening.
16.70.025	Temporary fencing.
16.70.030	Design standards applicable to required screening.
16.70.040	Screening of residential property.
16.70.050	Safety standards applicable to required screening and landscaping.
16.70.060	Height standards applicable to fencing and screening.
16.70.061	Measurement of height of screening.
16.70.062	Fences on retaining walls.
16.70.065	Measurement of location of fencing and screening.
16.70.070	Required landscaping.
16.70.075	Required landscaping along Springs Road.
16.70.080	Special regulations applicable to landscaping along designated scenic highways.
16.70.090	Design standards applicable to required landscaping.

16.70.010 Title and purpose.

The provisions of Section 16.70.010 through Section 16.70.090, inclusive, shall be known as the screening and landscaping regulations. The purpose of these provisions is to prescribe standards for screening, fences, walls, and landscaping within the city for the conservation and protection of property, the assurance of safety and security, the enhancement of privacy, the control of dust, the abatement or attenuation of noise, and the improvement of the visual environment, including the provision of a neat appearance in keeping with neighborhood character. (Ord. 1385 N.C.(2d) § 1 (part), 1997; Ord. 558 N.C. (2d) § 2 (part), 1980.)

16.70.020 Required screening.

A screen shall be installed and maintained in the following locations in accordance with the regulations in Sections 16.70.040 and 16.70.050, inclusive:

A. Civic, Commercial, Industrial, Agricultural and Extractive Use Types. Along all boundaries other than streets, where the building site abuts residential uses.

B. Automotive and Equipment Use Types. On building sites with automotive and equipment use types, regardless of zoning, along all off-street parking and zoning district boundaries, other than streets.

C. Storage and Loading Areas. Storage or loading areas wherever such facilities are adjacent to residential zoning district or storage and loading areas visible from a public street. Also along the perimeter of open off-street parking adjacent to residential zoning districts.

D. Nonresidential and Multi-dwelling Uses in or Adjacent to Residential Districts. On building sites with nonresidential or multi-dwelling uses located in or adjacent to residential zoning districts along all property lines abutting single family residences. For the purpose of this subsection, nonresidential use shall not include home occupations.

(Ord. 1385 N.C.(2d) § 1 (part), 1997; Ord. 947 N.C.(2d) § 1 (part), 1987; Ord. 649 N.C.(2d) § 17, 1982; Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.70.025 Temporary fencing.

Temporary fencing may be used to provide security for approved "special events," for construction sites, for vacant structures, and for vacant land, which can not otherwise be secured. The fencing shall consist of chain link fencing or other materials as approved by the planning manager and be limited in height to six feet. The fencing around approved "special events" shall be removed at the conclusion of the event. The fencing for construction sites shall not be installed until a building permit or grading permit has been issued and shall be removed prior to final inspection. In the event that the building permits expire before the construction is completed, the planning manager may issue an administrative permit to allow the fencing to remain for a longer period of time. The use of temporary fencing around occupied structures that can be secured by other means is prohibited. The use of temporary fencing around vacant land or vacant structures shall be subject to the terms and conditions specified in an administrative permit authorizing this fencing. (Ord. 1385 N.C.(2d) § 1 (part), 1997.)

16.70.030 Design standards applicable to required screening.

A. Screening Types. A screen may consist of one or more of the following types:

1. Walls. A wall shall consist of concrete, stone, brick, tile or similar type of solid masonry material a minimum of four inches thick.

2. Berms. A berm shall be constructed of earthen materials, and it shall be landscaped.

3. Open Fence. An open fence may be constructed of welded wire, chain link or wrought iron.

4. Solid Fence. A solid fence shall be constructed of wood, masonry, welded wire or chain link type fence combined with plant materials or wood slats to form an opaque screen.

5. Planting. Plant materials, when used as a screen, shall consist of compact evergreen plants, planted in a minimum three-foot-wide planting strip. They shall be of a kind, or used in such a manner, so as to provide screening having a height which meets the requirements set forth in Section 16.70.050 and a minimum height of two feet and width of two feet within twelve months after initial installation. The planning manager may require installation of walls, berms or solid fence, if, after twelve months after installation, the plant materials have not formed an opaque screen or if, at any time, the plant materials are not maintained so as to create the desired screen.

B. Barb or Razor Wire. Barb type or razor wire is allowed in resource conservation and rural-residential zoning districts and may be permitted in linear commercial, freeway commercial, waterfront commercial and intensive use zoning districts when not visible from the street or low, medium, or high density residential or public and quasi-public facility districts.

(Ord. 1385 N.C.(2d) § 1 (part), 1997; Ord. 1368 N.C.(2d) § 18, 1996; Ord. 947 N.C.(2d) § 1 (part), 1987; Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.70.040 Screening of residential property.

Whether required as a condition of project approval, or desired by the property owner, residential property shall be screened using "walls," "open fencing" or "solid fencing" as described above. Additional acceptable materials include decorative metals, such as wrought iron, and stucco. The use of wood products shall be limited to pickets, one inch by six inch redwood boards, or as otherwise "commonly used in the industry." The use of "plywood or other composite panels or materials" shall be prohibited, unless the planning manager determines that the material is appropriate in order to maintain or enhance the architectural character of the subdivision. (Ord. 1385 N.C.(2d) § 1 (part), 1997; Ord.

1368 N.C.(2d) § 18, 1996; Ord. 947 N.C.(2d) § 1 (part), 1987; Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.70.050 Safety standards applicable to required screening and landscaping.

A. Safety Standards. Fences, walls, other screening and landscaping, whether provided in accordance with the provisions of Section 16.70.020 or provided in addition to those provisions, shall be subject to review by the traffic engineer in the following areas:

1. Within ten feet of the point of intersection of:

a. A vehicular accessway or driveway and a street;

or

b. A vehicular accessway or driveway and a sidewalk.

2. Within twenty feet of the point of intersection of two or more vehicular access ways, including driveways, alleys, or streets.

3. As used in this section, "point of intersection" shall be measured from the face of curb or if none, from the edge of pavement.

B. Applicability. The standards described in subsection A shall govern the areas as illustrated in the areas subject to safety standards. The areas subject to safety standards is a part of this title and all references to this section include it.

(Ord. 1385 N.C.(2d) § 1 (part), 1997; Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.70.060 Height standards applicable to fencing and screening.

In accordance with the provision of Section 16.70.050 or in addition to those provisions, fences, walls and other screening shall be subject to the following height standards:

A. Commercial, Professional and Limited Offices and Medical Districts. Required screening, except for plant material, shall not be more than six feet in height.

B. Intensive Use Districts. Required screening, except for plant materials, shall not be more than eight feet in height.

C. Automotive and Equipment Type Uses. Notwithstanding the provisions of an applicable zone, fences, walls and other screening on any building site with an automotive and equipment use type, except sales/rental - light equipment, required screening shall not be more than eight feet in height. Fences, walls and other screening on any building site with an automotive and equipment sales/rental - light use shall not be more than six feet in height.

D. **Parking Facilities.** Notwithstanding the provisions of an applicable zone, screening around an unenclosed off-street parking facility shall not be more than six feet in height.

E. **Courtyard.** Fences, walls and other screening installed to create a courtyard without a roof shall be a maximum of five feet in height and be set back a minimum of ten feet from the front property line or back of sidewalk, whichever is the least. Such screening is subject to the site development plan procedure, described in Chapter 16.90. In reviewing the plan for the proposed courtyard, the planning manager shall consider, but not be limited to, the following:

1. Building characteristics including the dimensions, color and architectural design;

2. Compatibility of the architectural and design features of the proposed courtyard with the features of the adjoining, as well as neighboring buildings; and

3. Landscaping, including the effort to minimize removal of existing vegetation and to match replacements with vegetation of the site.

F. **All Other Building Sites.** Fences, walls, and other screening on building sites not subject to the regulations of subsections A through E shall be subject to the following height limits:

1. **Within Required Front Yard.** Except as provided in Sections 16.70.050 and 16.70.065, the maximum height of screening located within any required front yard shall be three feet unless the traffic engineer determines that a four foot fence would not create a visibility hazard and six feet thereafter.

2. **Within Required Side Yard for Corner Lot.** Except as provided in Sections 16.70.050 and 16.70.065, the maximum height of screening located within ten feet of a side property line, adjoining a public street shall be three feet unless the traffic engineer determines that a four foot fence would not create a visibility hazard and six feet thereafter. The planning manager in consultation with the traffic engineer may reduce the fence setback to three feet from the back of the sidewalk where the side yard is three feet below street grade.

3. An encroachment permit shall be obtained prior to erecting a fence or wall between the curb or sidewalk and the property line.

4. **Within Required Side and Rear Yard for Interior Lots.** The maximum height shall not be more than six feet.

5. A fence shall be provided around swimming pools as required in Chapter 12.44 of this code.

6. **All Other Areas.**

a. Whenever a wall or fence is installed along a rear property line that will obstruct a view, it shall be limited to four feet in height.

b. Open fences that do not obstruct the view may be six feet in height.

G. For designated city landmarks and properties that are located within a designated heritage or historic district:

1. The maximum height for fences within the front setback area and/or the street side yard setback area shall be three feet six inches.

2. Requests for a variance to allow a fence on any property subject to the regulations of Chapter 16.36, which exceeds the height limits of this chapter shall be subject to review and approval by the architectural heritage and landmarks commission.

3. Requests for minor exceptions shall be subject to review and approval by the secretary of the architectural heritage and landmarks commission or his/her designee. (Ord. 1385 N.C.(2d) § 1 (part), 1997; Ord. 1368 N.C.(2d) § 18, 1996; Ord. 1250 N.C.(2d) §1, 1992; Ord. 947 N.C.(2d) § 1 (part), 1987; Ord. 649 N.C.(2d) § 18, 1982; Ord. 578 N.C.(2d) § 1, 1980; Ord. 558 N.C.(2d) § 2(part), 1980.)

16.70.061 Measurement of height of screening.

The height of fences, walls and other screening shall be measured above the actual adjoining level of finished grade as defined in Section 16.04.230, except that where there is a difference in elevation on opposite sides of such fence, wall or other screening, the height shall be measured from the highest elevation. Notwithstanding these requirements, where the finished elevation of the property is lower at the boundary line, or within five feet inside the boundary line, than an abutting property elevation, such change in elevation may be used in lieu of, or in combination with, additional screening to satisfy a screening requirement. Where screening is required along a public or private street and the roadway elevation is higher than the property in question, the planning manager may require screens to be higher than permitted by the applicable height limit. (Ord. 1385 N.C.(2d) § 1 (part), 1997; Ord. 1368 N.C.(2d) § 18, 1996; Ord. 588 N.C.(2d) § 2 (part), 1980.)

16.70.062 Fencing on retaining walls.

The total height of fences and the retaining walls that they are mounted on or attached to shall be limited in height to six feet. However, the planning manager may approve higher fencing through the site development

permit process if it is determined that there will be little or no impact on the adjoining properties and the adjoining property owners consent. (Ord. 1385 N.C.(2d) § 1 (part), 1997.)

16.70.065 Measurement of location of fencing and screening.

In all but residential zoning districts, fencing is to be installed on the property line except when adjacent to a public street; in that case the fencing is to be installed behind required landscaping. In residential zones, when the back of the sidewalk is not the property line, the planning manager may allow the setback to be measured from the inside of the sidewalk. If there is no sidewalk, the planning manager in conjunction with the public works department, may allow the setback to be measured from the future location of the sidewalk. Further, if a fence is to be located in the public right-of-way, an encroachment permit will be required. (Ord. 1385 N.C.(2d) § 1 (part), 1997; Ord. 1368 N.C.(2d) § 18, 1996; Ord. 947 N.C.(2d) § 2, 1987.)

16.70.070 Required landscaping.

The following landscaping shall be installed and maintained in accordance with the regulations of Section 16.70.090. Provisions of Section 16.74.030 Water Conservation Guidelines, shall also apply.

A. Neighborhood, Waterfront Shopping and Service, Limited Office, Professional Office and Medical Districts.

1. **Boundary Landscaping.** Boundary landscaping is required for a minimum depth of five feet along all property lines abutting streets except for the area required for street openings.

2. **Additional Landscaping.** Additional landscaping, equal to at least five percent of the total area of the building site, is required and a minimum of twenty-five percent of such landscaping shall be located in the area devoted to parking.

3. **Trees.** At least two street trees are required for each fifty feet of street frontage or fraction thereof.

B. Linear Commercial and Pedestrian Shopping and Service Districts.

1. **Boundary Landscaping.** Boundary landscaping is required for a minimum depth of two feet along all property lines abutting streets except for the area required for street openings.

2. **Additional Landscaping.** All portions of the building site, exclusive of structures, parking areas, recreational uses, driveways and walkways, shall be landscaped.

3. **Trees.** At least one street tree is required for each fifty feet of street frontage or fraction thereof.

C. Intensive Use District.

1. **Boundary Landscaping.** Boundary landscaping is required for a minimum depth of four feet along all property lines abutting streets except for the area required for street openings.

2. **Vehicle Storage and Parking Areas.** In addition to the landscaping required by subsection A, not less than two percent of any vehicle storage or parking area shall be landscaped.

3. **Additional Landscaping.** All portions of the building site, exclusive of structures, parking areas, recreational uses, driveways and walkway, shall be landscaped.

4. **Trees.** At least one street tree is required for each fifty feet of street frontage or fraction thereof.

D. Freeway Shopping and Service Districts.

1. **Boundary Landscaping with Vehicular Easement.** Where a vehicular easement is created parallel to a street, it shall be separated from such street by landscaping at least five feet wide except for the area required for street openings.

2. **Boundary Landscaping without Vehicular Easement.** Where a vehicular easement is not created parallel to the street, landscaping at least ten feet wide shall be installed along and adjacent to the ultimate right-of-way line of any abutting street except for the area required for street openings.

3. **Trees.** At least two street trees are required for each fifty feet of street frontage or fraction thereof.

E. Nonresidential and Multifamily Uses in Residential Zoning Districts. Where nonresidential and multifamily uses are located in residential zoning districts, landscaping shall be installed and maintained in accordance with the following provisions and the provisions of Section 16.70.090:

1. **Area.** Landscape areas shall comprise a minimum of twenty percent of all building sites and shall include as a minimum:

a. A fifteen-foot wide area along all street frontages; and
b. A ten-foot wide area along all interior property lines.

2. **Trees.** At least two street trees are required for each fifty feet of street frontage or fraction thereof.

3. **Off-Street Parking.** Landscaping of off-street parking areas shall include, but not be limited to the following:

a. Ends of parking rows capped with a landscape planter to define rows;

b. A maximum distance of thirty-five feet between planted areas located along parking rows.

F. Single-Family Uses in Residential Zoning Districts. Where single-family uses are located in residential zoning districts, landscaping shall be installed and maintained in accordance with the following provisions and the provisions of Section 16.70.090:

1. Trees. At least one street tree is required for each fifty feet of street frontage or fraction thereof.

2. Materials. No more than fifty percent of the front yard setback shall be covered by nonporous surfaces, such as concrete, brick or asphalt, for driveways and walkways. Of the remaining portion of front setback, no more than thirty percent shall be covered by decorative nonliving materials such as sand, stone, gravel, wood or water.

3. Trimming. Landscaping of front yard setbacks shall be completed within six months of occupancy.

G. Automotive and Equipment Use Types. Notwithstanding the provisions of an applicable zoning district, on any building site with an automotive and equipment use type, only the following landscaping shall be required in accordance with the regulations of Section 16.70.160. Boundary landscaping is required for a minimum depth of five feet along all property lines abutting streets except for the area required for street openings and the area within four feet on either side of street openings.

(Ord. 1385 N.C.(2d) § 1 (part), 1997; Ord. 1148 N.C.(2d) § 1, 1991; Ord. 649 N.C.(2d) § 19, 1982; Ord. 595 N.C.(2d) § 12, 1981; Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.70.075 Required landscaping along Springs Road.

For all properties along Springs Road between Modoc Street and Rollingwood Drive the following landscape requirement shall apply. Landscaping is required along Springs Road for a minimum depth of five feet from the property line except for the area required for driveway openings. No structures except approved signs shall be constructed or installed within this area. (Ord. 1385 N.C.(2d) § 1 (part), 1997.)

16.70.080 Special regulations applicable to landscaping along designated scenic highways.

In reviewing landscape plans, the minimum landscaping requirements of Section 16.70.070 may be increased or otherwise modified in order to meet the following objectives:

A. Uses which by their nature will detract from the scenic qualities of a particular designated route should be screened as much as practicable.

B. Landscaping should not obstruct significant views.

C. Landscaping should harmonize with the natural landscaping of the site.

(Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.70.090 Design standards applicable to required landscaping.

A. All required landscaping materials are defined as follows:

1. Shrubs, of one-gallon size or larger;

2. Street trees, of fifteen-gallon size or larger, and double-staked;

3. Ground cover; and

4. Decorative nonliving landscaping materials such as sand, stone, gravel, wood or water may be used to satisfy a maximum of thirty percent of required landscaping area when approved by the planning division; except as provided in Section 16.70.070F.

B. Separation. Any landscaped area shall be separated from an adjacent vehicular area by a wall or curb at least six inches higher than the adjacent vehicular area.

C. Existing Vegetation. Every effort shall be made to incorporate on-site trees and shrubbery into the required landscaping. Significant trees to be removed shall be replaced on a one-for-one basis with large size boxed trees.

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

E. Reduction of standards prescribed in this chapter are as follows:

1. The planning division may reduce these standards by not more than fifty percent when adherence to these standards would be impractical due to:

a. Location of existing structure;

b. Special site organization requirements;

c. Topography; and

d. Novel or experimental techniques of design or land development;

2. The planning division may waive partially or completely these standards in cases where the existing building abuts street property line or is within five feet of the street property line.

(Ord. 1368 N.C.(2d) § 17, 1996; Ord. 1148 N.C.(2d) § 2, 1991; Ord. 558 N.C.(2d) § 2 (part), 1980.)

The enclosed proposed amendments to VMC 16.70 are submitted for staff review and suggestions as deemed appropriate.

Sincerely,

Robert McConnell

NOTE:

1. CHANGES ARE IN BOLD TEXT
2. TEXT PLACED INTO PARENTHESIS (***) IS TO BE REMOVED.
3. TEXT PLACED INTO BRACKETS {***} IS TO BE ADDED.

16.70.010 Title and purpose.

16.70.020 Required screening.

16.70.025 Temporary fencing.

16.70.030 Design standards applicable to required screening.

16.70.040 Screening of residential property.

16.70.050 Safety standards applicable to required screening and landscaping.

16.70.060 Height standards applicable to fencing and screening.

16.70.061 Measurement of height of screening.

16.70.062 Fencing on retaining walls.

16.70.065 Measurement of location of fencing and screening.

16.70.070 Required landscaping.

16.70.075 Required landscaping along Springs Road.

16.70.080 Special regulations applicable to landscaping along designated scenic highways.

16.70.090 Design standards applicable to required landscaping.

16.70.010 Title and purpose.

The provisions of Section 16.70.010 through Section (16.70.090) {16/70.100}, inclusive, shall be known as the screening and landscaping regulations. The purpose of these provisions is to prescribe standards for screening, fences, walls, and landscaping within the city for the conservation and protection of property, the assurance of safety and security, the enhancement of privacy, the control of dust, the abatement or attenuation of noise, {THE ENHANCEMENT OF HIGH QUALITY VISUALLY APPEALING SCREENING, FENCES, WALLS, AND LANDSCAPING,} and the improvement of the visual environment, including the provision of a neat appearance in keeping with neighborhood character. {THE PROVISIONS AND STANDARDS ESTABLISHED HEREIN SHALL APPLY TO ALL PRIVATE AND GOVERNMENT PROJECTS, SITES, AND LAND USE UNLESS OTHERWISE PROHIBITED.} (Ord. 1385 N.C.(2d) § 1 (part), 1997; Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.70.020 Required screening.

A screen shall be installed and maintained in the following locations in accordance with the regulations in Sections 16.70.040 and 16.70.050, inclusive:

A. Civic, Commercial, Industrial, Agricultural and Extractive Use Types. Along all boundaries other than streets, where the building site abuts residential uses.

B. Automotive and Equipment Use Types. On building sites with automotive and equipment use types, regardless of zoning, along all off-street parking and zoning district boundaries, other than streets.

C. Storage and Loading Areas. Storage or loading areas wherever such facilities are adjacent to residential zoning district or storage and loading areas visible from a public street. Also along the perimeter of open off-street parking adjacent to residential zoning districts.

D. Nonresidential and Multi-dwelling Uses in or Adjacent to Residential Districts. Can building sites with nonresidential or multi-dwelling uses located in or adjacent to residential zoning districts along all property lines abutting single family residences. For the purpose of this subsection, nonresidential use shall not include home occupations.

(Ord. 1385 N.C.(2d) § 1 (part), 1997; Ord. 947 N.C.(2d) § 1 (part), 1987; Ord. 649 N.C.(2d) § 17, 1982; Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.70.025 Temporary fencing.

Temporary fencing may be used to provide security for approved "special events," for construction sites, for vacant structures, and for vacant land, which cannot otherwise be secured. The fencing shall consist of (chain link fencing or other) materials as approved by the planning manager {FROM A LIST AS APPROVED BY THE PLANNING COMMISSION IN CONSULTATION WITH THE BEAUTIFICATION COMMISSION} and be limited in height to (six) {SEVEN} feet. {CHAIN LINK FENCING SHALL NOT BE USED WITHIN THE CITY OF VALLEJO UNLESS OTHERWISE SPECIFICALLY PERMITTED}. The fencing around approved "special events" shall be removed at the conclusion of the event. The fencing for construction sites shall not be installed until a building permit or grading permit has been issued and shall be removed prior to final inspection. In the event that the building permits expire before the construction is completed, the planning manager may issue an administrative permit to allow the fencing to remain for a

longer period of time. The use of temporary fencing around occupied structures that can be secured by other means is prohibited. The use of temporary fencing around vacant land or vacant structures shall be subject to the terms and conditions specified in an administrative permit authorizing this fencing. {TEMPORARY FENCING SHALL NOT BE PERMITTED TO REMAIN IN PLACE FOR LONGER THAN FOUR MONTHS UNLESS SPECIFICALLY PERMITTED BY THE PLANNING DIRECTOR. (Ord. 1385 N.C.(2d) § 1 (part), 1997.)

16.70.030 Design standards applicable to required screening.

A. Screening Types. A screen may consist of one or more of the following types:

1. Walls. A wall shall consist of concrete, stone, brick, tile or similar type of solid masonry material a minimum of four inches thick. {THE COLOR AND DESIGN OF THE WALL SHALL COMPLIMENT OR OTHERWISE ENHANCE THE LOCATION AND SURROUNDING AREA.}

2. Berms. A berm shall be constructed of earthen materials, and it shall be landscaped.

3. Open Fence. An open fence may be constructed of (welded wire, chain link) {ENHANCED WIRE NOT INCLUDING CHAIN LINK} (or) wrought iron, {OR OTHER SYNTHETIC MATERIAL AS APPROVED HEREIN..

4. Solid Fence. A solid fence shall be constructed of wood, masonry, (welded wire or chain link) {OR OTHER MODERN MATERIALS FOR A FENCE} (type fence) combined with plant materials or wood slats to form an opaque screen.

5. Planting. Plant materials, when used as a screen, shall consist of compact evergreen plants {WITH FLOWERING PLANTS}, planted in a minimum {FOUR} (three)-foot-wide planting strip. They shall be of a kind, or used in such a manner, so as to provide screening having a height which meets the requirements set forth in Section 16.70.050 and a minimum height of two feet and width of two feet within twelve months after initial installation. The planning manager may require installation of walls, berms or solid fence, if, after twelve months after installation, the plant materials have not formed an opaque screen or if, at any time, the plant materials are not {CONTINUOUSLY} maintained so as to create the desired screen.

B. Barb or Razor Wire. Barb type or razor wire is allowed in resource conservation and rural-residential zoning districts {ONLY UPON FIRST OBTAINING SPECIFIC APPROVAL OF THE PLANNING DIRECTOR} (and may be permitted in linear commercial, freeway commercial, waterfront commercial and intensive use zoning districts when not visible from the street or low, medium, or high density residential or public and quasi-public facility districts.)

(Ord. 1385 N.C.(2d) § 1 (part), 1997: Ord. 1368 N.C.(2d) § 18, 1996: Ord. 947 N.C.(2d) § 1 (part), 1987; Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.70.040 Screening of residential property.

Whether required as a condition of project approval, or desired by the property owner, residential property shall be screened using "walls," "open fencing" or "solid fencing" as described above. Additional acceptable materials include decorative metals, such as wrought iron, {OTHER SYNTHETIC MATERIAL} and stucco. The use of wood products shall be limited to pickets, one inch by (six) {EIGHT} inch redwood boards, or as otherwise "commonly used in the industry." The use of "plywood or other composite panels or materials" shall be prohibited, unless the planning manager determines that the material is appropriate in order to maintain or enhance the architectural character of the subdivision. (Ord. 1385 N.C.(2d) § 1 (part), 1997:

{2. ANY CHAIN LINK FENCE NOT OTHERWISE AUTHORIZED BY THIS ORDINANCE SHALL BE REMOVED AND REPLACED BY AN APPROVED TYPE OF SCREENING UPON THE OCCURRENCE OF A TRANSFER OF TITLE TO THE SUBJECT PROPERTY EXCEPT FOR A TRANSFER FROM ONE SPOUSE TO ANOTHER, FROM ONE REGISTERED DOMESTIC PARTNER TO ANOTHER, OR FROM AN OWNER INTO A LIVING TRUST.}

Ord. 1368 N.C.(2d) § 18, 1996: Ord. 947 N.C.(2d) § 1 (part), 1987: Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.70.050 Safety standards applicable to required screening and landscaping.

A. Safety Standards. Fences, walls, other screening and landscaping, whether provided in accordance with the provisions of Section 16.70.020 or provided in addition to those provisions, shall be subject to review by the traffic engineer {WHO SHALL PROVIDE WRITTEN RECOMMENDATIONS} in the following areas:

1. Within ten feet of the point of intersection of:
 - a. A vehicular accessway or driveway and a street; or
 - b. A vehicular accessway or driveway and a sidewalk.
2. Within twenty feet of the point of intersection of two or more vehicular access ways, including driveways, alleys, or streets.
3. As used in this section, "point of intersection" shall be measured from the face of curb or if none, from the edge of pavement.

B. Applicability. The standards described in subsection A shall govern the areas as illustrated in the areas subject to safety standards. The areas subject to safety standards is a part of this title and all references to this section include it.

(Ord. 1385 N.C.(2d) § 1 (part), 1997; Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.70.060 Height standards applicable to fencing and screening.

In accordance with the provision of Section 16.70.050 or in addition to those provisions, fences, walls and other screening shall be subject to the following height standards:

A. Commercial, Professional and Limited Offices and Medical Districts. Required screening, except for plant material, shall not be more than (six) {SEVEN} feet in height.

B. Intensive Use Districts. Required screening, except for plant materials, shall not be more than eight feet in height.

C. Automotive and Equipment Type Uses. Notwithstanding the provisions of an applicable zone, fences, walls and other screening on any building site with an automotive and equipment use type, except sales/rental - light equipment, required screening shall not be more than eight feet in height. Fences, walls and other screening on any building site with an automotive and equipment sales/rental - light use shall not be more than (six) {SEVEN} feet in height.

D. Parking Facilities. Notwithstanding the provisions of an applicable zone, screening around an unenclosed off-street parking facility shall not be more than (six) {SEVEN} feet in height.

E. Courtyard. Fences, walls and other screening installed to create a courtyard without a roof shall be a maximum of (five) {SIX} feet in height and be set back a minimum of ten feet from the front property line or back of sidewalk, whichever is the least. Such screening is subject to the site development plan procedure, described in Chapter 16.90. In reviewing the plan for the proposed courtyard, the planning manager shall consider, but not be limited to, the following:

1. Building characteristics including the dimensions, color and architectural design;
2. Compatibility of the architectural and design features of the proposed courtyard with the features of the adjoining, as well as neighboring buildings; and

3. Landscaping, including the effort to minimize removal of existing vegetation and to match {AND MAXIMIZE} replacements with vegetation of the site.

F. All Other Building Sites. Fences, walls, and other screening on building sites not subject to the regulations of subsections A through E shall be subject to the following height limits:

1. Within Required Front Yard. Except as provided in Sections 16.70.050 and 16.70.065, the maximum height of screening located within any required front yard shall be (three) {FIVE} feet unless the traffic engineer determines that (a four foot fence) {SUCH A HEIGHT} would (not) create a visibility hazard and (six) {SEVEN} feet thereafter.

2. Within Required Side Yard for Corner Lot. Except as provided in Sections 16.70.050 and 16.70.065, the maximum height of screening located within ten feet of a side property line, adjoining a public street shall be (three) {FOUR} feet unless the traffic engineer determines that {SUCH} a (four foot) fence would (not) create a visibility hazard and (six) {SEVEN} feet thereafter. {IN THE SPECIFIC INTERESTS OF SAFETY ONLY} The planning manager in consultation with the traffic engineer may reduce the fence setback to three feet from the back of the sidewalk where the side yard is three feet below street grade.

3. An encroachment permit shall be obtained prior to erecting a fence or wall between the curb or sidewalk and the property line.

4. Within Required Side and Rear Yard for Interior Lots. The maximum height shall not be more than (six) {EIGHT} feet.

5. A fence shall be provided around swimming pools as required in Chapter 12.44 of this code.

6. All Other Areas.

a. Whenever a wall or fence is installed along a rear property line that will obstruct a view, it shall be limited to (four) {FIVE} feet in height.

b. Open fences that do not obstruct the view may be (six) {SEVEN} feet in height.

G. For designated city landmarks and properties that are located within a designated heritage or historic district:

1. The maximum height for fences within the front setback area and/or the street side yard setback area shall be three feet six inches.

2. Requests for a variance to allow a fence on any property subject to the regulations of Chapter 16.36, which exceeds the height limits of this chapter shall be subject to review and approval by the architectural heritage and landmarks commission.

3. Requests for minor exceptions shall be subject to review and approval by the secretary of the architectural heritage and landmarks commission or his/her designee.

(Ord. 1385 N.C.(2d) § 1 (part), 1997; Ord. 1368 N.C.(2d) § 18, 1996; Ord. 1250 N.C.(2d) § 1, 1992; Ord. 947 N.C.(2d) § 1 (part), 1987; Ord. 649 N.C.(2d) § 18, 1982; Ord. 578 N.C.(2d) § 1, 1980; Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.70.061 Measurement of height of screening.

The height of fences, walls and other screening shall be measured above the actual adjoining level of finished grade as defined in Section 16.04.230, except that where there

is a difference in elevation on opposite sides of such fence, wall or other screening, the height shall be measured from the highest elevation. Notwithstanding these requirements, where the finished elevation of the property is lower at the boundary line, or within five feet inside the boundary line, than an abutting property elevation, such change in elevation may be used in lieu of, or in combination with, additional screening to satisfy a screening requirement. Where screening is required along a public or private street and the roadway elevation is higher than the property in question, the planning manager may require screens to be higher than permitted by the applicable height limit. (Ord. 1385 N.C.(2d) § 1 (part), 1997; Ord. 1368 N.C.(2d) § 18, 1996; Ord. 588 N.C.(2d) § 2 (part), 1980.)

16.70.062 Fencing on retaining walls.

The total height of fences and the retaining walls that they are mounted on or attached to shall be limited in height to (six) {EIGHT} feet. However, the planning manager may approve higher fencing through the site development permit process if it is determined that there will be little or no impact on the adjoining properties and the adjoining property owners consent. (Ord. 1385 N.C.(2d) § 1 (part), 1997.)

16.70.062 Fencing on retaining walls.

The total height of fences and the retaining walls that they are mounted on or attached to shall be limited in height to six feet. However, the planning manager may approve higher fencing through the site development permit process if it is determined that there will be little or no impact on the adjoining properties and the adjoining property owners consent. (Ord. 1385 N.C.(2d) § 1 (part), 1997.)

16.70.065 Measurement of location of fencing and screening.

In all but residential zoning districts, fencing is to be installed on the property line except when adjacent to a public street; in that case the fencing is to be installed behind required landscaping. In residential zones, when the back of the sidewalk is not the property line, the planning manager may allow the setback to be measured from the inside of the sidewalk. If there is no sidewalk, the planning manager in conjunction with the public works department, may allow the setback to be measured from the future location of the sidewalk. Further, if a fence is to be located in the public right-of-way, an encroachment permit will be required. (Ord. 1385 N.C.(2d) § 1 (part), 1997; Ord. 1368 N.C.(2d) § 18, 1996; Ord. 947 N.C.(2d) § 2, 1987.)

16.70.070 Required landscaping.

The following landscaping shall be installed and {CONTINUOUSLY} maintained in accordance with the regulations of Section 16.70.090. Provisions of Section 16.74.030 Water Conservation Guidelines, shall also apply.

A. Neighborhood, Waterfront Shopping and Service, Limited Office, Professional Office and Medical Districts.

1. Boundary Landscaping. Boundary landscaping is required for a minimum depth of {FIFTEEN} (five) feet along all property lines abutting streets except for the area required for street openings.

2. Additional Landscaping. Additional landscaping, equal to at least {TEN} five percent of the total area of the building site, is required and a minimum of {THIRTY-FIVE} (twenty-five) percent of such landscaping shall be located in the area devoted to parking.

3. Trees. At least two street trees are required for each {FORTY} (fifty) feet of street frontage or fraction thereof. {THIS STANDARD MAY BE REDUCED ONLY UPON SPECIFIC APPROVAL OF THE PLANNING DIRECTOR. IN THE EVENT OF SUCH A REDUCTION A LIKE NUMBER OF TREES SHALL BE PROVIDED TO THE CITY FOR PLANTING AT A SITE TO BE SELECTED BY THE CITY ENGINEER.}

B. Linear Commercial and Pedestrian Shopping and Service Districts.

1. Boundary Landscaping. Boundary landscaping is required for a minimum depth of (two) {FIFTEEN} feet along all property lines abutting streets except for the area required for street openings.

2. Additional Landscaping. All portions of the building site, exclusive of structures, parking areas, recreational uses, driveways and walkways, shall be landscaped.

3. Trees. At least (one) {TWO} street trees {are} (is) required for each (fifty) {FORTY} feet of street frontage or fraction thereof. {THIS STANDARD MAY BE REDUCED ONLY UPON SPECIFIC APPROVAL OF THE PLANNING DIRECTOR. IN THE EVENT OF SUCH A REDUCTION A LIKE NUMBER OF TREES SHALL BE PROVIDED TO THE CITY FOR PLANTING AT A SITE TO BE SELECTED BY THE CITY ENGINEER.}

C. Intensive Use District.

1. Boundary Landscaping. Boundary landscaping is required for a minimum depth of (four) {FIFTEEN} feet along all property lines abutting streets except for the area required for street openings.

2. Vehicle Storage and Parking Areas. In addition to the landscaping required by subsection A, not less than (two) {TWENTY} percent of any vehicle storage or parking area shall be landscaped.

3. Additional Landscaping. All portions of the building site, exclusive of structures, parking areas, recreational uses, driveways and walkway, shall be landscaped.

4. Trees. At least (one) {TWO} street trees are (is) required for each (fifty) {FORTY} feet of street frontage or fraction thereof. {THIS STANDARD MAY BE REDUCED ONLY UPON SPECIFIC APPROVAL OF THE PLANNING DIRECTOR. IN THE EVENT OF SUCH A REDUCTION A LIKE NUMBER OF TREES SHALL BE PROVIDED TO THE CITY FOR PLANTING AT A SITE TO BE SELECTED BY THE CITY ENGINEER.}

D. Freeway Shopping and Service Districts.

1. Boundary Landscaping with Vehicular Easement. Where a vehicular easement is created parallel to a street, it shall be separated from such street by landscaping at least (five) {FIFTEEN} feet wide except for the area required for street openings.

2. Boundary Landscaping without Vehicular Easement. Where a vehicular easement is not created parallel to the street, landscaping at least (ten) {FIFTEEN} feet wide shall be installed along and adjacent to the ultimate right-of-way line of any abutting street except for the area required for street openings.

3. Trees. At least two street trees are required for each {FORTY} (fifty) feet of street frontage or fraction thereof. THIS STANDARD MAY BE REDUCED ONLY UPON SPECIFIC APPROVAL OF THE PLANNING DIRECTOR. IN THE EVENT OF SUCH A REDUCTION A LIKE NUMBER OF TREES SHALL BE PROVIDED TO THE CITY FOR PLANTING AT A SITE TO BE SELECTED BY THE CITY ENGINEER.}

E. Nonresidential and Multifamily Uses in Residential Zoning Districts. Where nonresidential and multifamily uses are located in residential zoning districts, landscaping shall be installed and maintained in accordance with the following provisions and the provisions of Section 16.70.090:

1. Area. Landscape areas shall comprise a minimum of (twenty) {TWENTY FIVE} percent of all building sites and shall include as a minimum:

- a. A fifteen-foot wide area along all street frontages; and
- b. A (ten) {FIFTEEN} foot wide area along all interior property lines.

2. Trees. At least two street trees are required for each (fifty) {FORTY} feet of street frontage or fraction thereof. THIS STANDARD MAY BE REDUCED ONLY UPON SPECIFIC APPROVAL OF THE PLANNING DIRECTOR. IN THE EVENT OF SUCH A REDUCTION A LIKE NUMBER OF TREES SHALL BE PROVIDED TO THE CITY FOR PLANTING AT A SITE TO BE SELECTED BY THE CITY ENGINEER.}

3. Off-Street Parking. Landscaping of off-street parking areas shall include, but not be limited to the following:

- a. Ends of parking rows capped with a landscape planter to define rows; {LANDSCAPING OR OTHER PLANTED MATERIALS WITHIN THE ROW AT DISTANCES OF NOT LESS THAN TWENTY-FIVE FEET.}
- b. A maximum distance of thirty-five feet between planted areas located along parking rows.

C. OFF STREET PARKING AREAS SHALL HAVE A PEDESTRIAN CROSSING ZONE MARKED BY RAISED REFLECTIVE STREET MARKINGS, AND CONTINUOUSLY MAINTAINED PAINTED BOUNDARIES FOR THE CROSSING ZONE.

F. Single-Family Uses in Residential Zoning Districts. Where single-family uses are located in residential zoning districts, landscaping shall be installed and maintained in accordance with the following provisions and the provisions of Section 16.70.090:

1. Trees. At least (one) {two} street trees (is) {are} required for each (fifty) {FORTY} feet of street frontage or fraction thereof. THIS STANDARD MAY BE REDUCED ONLY UPON SPECIFIC APPROVAL OF THE PLANNING DIRECTOR. IN THE EVENT OF SUCH A REDUCTION A LIKE NUMBER OF TREES SHALL BE PROVIDED TO THE CITY FOR PLANTING AT A SITE TO BE SELECTED BY THE CITY ENGINEER.}

2. Materials. No more than fifty percent of the front yard setback shall be covered by nonporous surfaces, such as concrete, brick or asphalt, for driveways and walkways. Of the remaining portion of front setback, no more than thirty percent shall be covered by decorative nonliving materials such as sand, stone, gravel, wood or water.

3. (Trimming) {TIMMING} . Landscaping of front yard setbacks {AND ALL REQUIRED LAND SAPPING} shall be completed within six months of occupancy. {A CONTINUOUSLY OPERATING IRRIGATION SYSTEM SHALL BE INSTALLED}.

G. Automotive and Equipment Use Types. Notwithstanding the provisions of an applicable zoning district, on any building site with an automotive and equipment use type, only the following landscaping shall be required in accordance with the regulations of Section 16.70.160. Boundary landscaping is required for a minimum depth of (five) {FIFTEEN} feet along all property lines abutting streets except for the area required for street openings and the area within (four) {FIFTEEN} feet on either side of street openings.

{H. ALL LANDSCAPING SHALL BE SUPPORTED AND CONTINUOUSLY MAINTAINED BY USE OF AN ADEQUATE AND CONTINUOUSLY OPERATING IRRIGATION SYSTEM WHICH SHALL PROVIDE BOTH WATER AND ADEQUATE FERTILIZER TO SUSTAIN CONTINUOUS AND HEALTHY GROWTH.}

{I. IN THE EVENT ANY LANDSCAPING IS NOT MAINTAINED CONSISTENT WITH THE STANDARDS OF THIS MUNICIPALITY, THEN THE PLANNING DIRECTOR, OR HIS DESIGNATED, MAY 1) PROVIDE A WRITTEN THIRTY DAY NOTICE TO THE PROPERTY OWNER OF THIS DELINQUENCY; AND 2) IN THE EVENT OF THE PROPERTY OWNER FAILING TO CORRECT THE ABOVE DEFICIENCY WITHIN THIS TIME PERIOD, EMPLOY OR OTHERWISE CAUSE TO BE USED ADEQUATE SUPPLIES AND PERSONNEL TO REPLACE THE DEFECTIVE LANDSCAPING. UPON COMPLETION OF THE REPLACEMENT LANDSCAPING THE PLANNING DIRECTOR, OR HIS DESIGNATE, SHALL BILL THE LANDOWNER FOR THE ACTUAL COST OF THE REPLACEMENT LANDSCAPING, INCLUDING LABOR AND ADMINISTRATIVE FEES, PLUS 20%. SHOULD THIS AMOUNT NOT BE PAID WITHIN SIXTY DAYS THEREAFTER, THE PLANNING DIRECTOR, OR HIS DESIGNATE, MAY CAUSE THIS AMOUNT, PLUS INTEREST AT 18.0% A.P.R. THEREON, FROM THE DATE OF FIRST NOTIFICATION TO THE PROPERTY OWNER, BE PLACED AS A LIEN UPON THE SUBJECT PROPERTY.}

(Ord. 1385 N.C.(2d) § 1 (part), 1997: Ord. 1148 N.C.(2d) § 1, 1991: Ord. 649 N.C.(2d) § 19, 1982: Ord. 595 N.C.(2d) § 12, 1981: Ord. 558 N.C.(2d) § 2 (part), 1980.)

(16.70.075 Required landscaping along Springs Road.

For all properties along Springs Road between Modoc Street and Rollingwood Drive the following landscape requirement shall apply. Landscaping is required along Springs Road for a minimum depth of five feet from the property line except for the area required for driveway openings. No structures except approved signs shall be constructed or installed within this area. (Ord. 1385 N.C.(2d) § 1 (part), 1997.) --DELETED-

16.70.080 Special regulations applicable to landscaping along designated scenic highways.

In reviewing landscape plans, the minimum landscaping requirements of Section 16.70.070 may be increased or otherwise modified in order to meet the following objectives:

A. Uses which by their nature will detract from the scenic qualities of a particular designated route should be screened as much as practicable.

B. Landscaping should not obstruct significant views.

C. Landscaping should harmonize with the natural landscaping of the site.

(Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.70.090 Design standards applicable to required landscaping.

A. All required landscaping materials are defined as follows:

1. Shrubs, of one-gallon size or larger;

2. Street trees, of fifteen-gallon size or larger, and double-staked;

3. Ground cover; and

4. Decorative nonliving landscaping materials such as sand, stone, gravel, wood or water, {BUT NOT INCLUDING CONCRETE OR CEMENT} may be used to satisfy a maximum of thirty percent of required landscaping area when approved by the planning division; except as provided in Section 16.70.070F.

B. Separation. Any landscaped area shall be separated from an adjacent vehicular area by a wall or curb at least six inches higher than the adjacent vehicular area.

C. Existing Vegetation. Every effort shall be made to incorporate on-site trees and shrubbery into the required landscaping. Significant trees to be removed shall be replaced on a one-for-one basis with large size boxed trees.

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

E. Reduction of standards prescribed in this chapter are as follows:

1. The planning division may reduce these standards by not more than fifty percent when adherence to these standards would be impractical due to:

a. Location of existing structure;

b. Special site organization requirements;

c. Topography; and

d. Novel or experimental techniques of design or land development;

2. The planning division may waive partially or completely these standards in cases where the existing building abuts street property line or is within five feet of the street property line.

{3. WHEREVER AND WHENEVER THE PLANNING DIVISION REDUCES OR WAIVES ANY LANDSCAPING OR PLANTING DEVELOPMENT, THAT DECISION SHALL BE SUPPORTED IN A WRITTEN OPINION BY SUBSTANTIAL AND COMPELLING EVIDENCE. THAT DECISION SHALL BE SUBJECT TO APPEAL IN THE NORMAL MANNER TO THE PLANNING COMMISSION BY ANY AFFECTED PROPERTY OWNER OR OCCUPANT WITHIN FIVE HUNDRED FEET OF THE LOCATION. THE APPEAL MAY BE FILED WITHIN SIXTY DAYS OF THE DATE THE DECISION BY THE PLANNING DIVISION IS MADE. ANY DECISION WAVING OR REDUCING ANY LANDSCAPING OR PLANTING DEVELOPMENT SHALL BE IMMEDIATELY AND PROMINENTLY POSTED UPON THE PROPERTY AND SHALL CONTINUOUSLY BE POSTED IN A GOOD

AND READABLE CONDITION FOR PERIOD OF SIXTY DAYS FOLLOWING THE DECISION OF THE PLANNING DIVISION.

(Ord. 1368 N.C.(2d) § 17, 1996: Ord. 1148 N.C.(2d) § 2, 1991: Ord. 558 N.C.(2d) § 2 (part), 1980.)

{16.70.100. THE ABOVE CHAPTER, 16.70 ET SEQ., SHALL BE INTERPRETED AND APPLIED WITH THE GOAL OF PROVIDING TO THE CITY OF VALLEJO, IT'S OCCUPANTS AND VISITORS, AN ENVIRONMENT OF THE HIGHEST POSSIBLE ATTAINMENT. A PRESUMPTION OF OBTAINING THIS GOAL SHALL EXIST. ANY WAIVER OF DERIVATION FROM THIS GOAL MUST BE SHOWN BY A PREPONDERANCE OF WRITTEN FINDINGS TO BE IN THE INTEREST OF THE PUBLIC GOOD OR DICTATED BY THE PHYSICAL LIMITATIONS AND NECESSITIES OF THE SUBJECT PROPERTY.

DATED: JULY 18, 2006

Multi-City Comparison of Parking Lot Landscaping Requirements

City	Boundary Landscaping	Number of trees	Landscape Islands	Overall Percentage
Benicia	5' (<100' property line) or 10' (>100' property line)	1 per 6 spaces	3' wide w/out trees; 4' wide with trees. 2' additional for auto overhang	5%, not including perimeter landscaping
Fairfield		1 per 10 spaces along perimeter; 1 per 8 spaces interior	5' wide	
Vacaville	10' for streets, res. Districts; 5' otherwise	Shade plan required; 50% of lot shaded		5%, not including perimeter landscaping
Concord		At 20' intervals along access drives, at ends of rows, and as required by approving body in interior		
Walnut Creek	To screen parking lots from view and minimize expansive appearance.		2' inside width; 4' w/trees. 4' wide between parking rows; every 10 spaces	
Novato	10' for streets, res. Districts; 5' otherwise	1 per 3 spaces	4' minimum dimensions; at ends of aisles, every 8 spaces	5%, not including perimeter landscaping