

## CITY OF VALLEJO PLANNING COMMISSION

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

**MONDAY  
16 JULY 2007**

**7:00 P.M.**

City Hall  
555 Santa Clara Street  
Vallejo, California 94590

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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: May 7, 2007, May 21, 2007 and June 18, 2007.
- E. WRITTEN COMMUNICATIONS: None.
- F. REPORT OF THE SECRETARY
  - 1. Upcoming Meeting of Monday, August 6, 2007
    - a. Tentative Map 07-0004 to create 23 parcels for commercial development on Mare Island. Staff Person: Michelle Hightower 648-4506.
- G. CITY ATTORNEY REPORT
- 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. Code Text Amendment 06-0004 to revise Chapter 16.70 – Screening and Landscaping Regulations. *First continued from the meeting of April 16, 2007 to the meeting of July 16, 2007 and now continued to the meeting of August 20, 2007.* Staff Person: Katherine Donovan, 648-4327.
  - 2. Planned Development 07-0002 application to amend PD 06-0008 for a church, Iglesia di Adventista, located at 2274 Sacramento Street. Proposed CEQA Action: Exempt. Staff Person: Marcus Adams 648-5392.

Staff recommends **approval** based on the findings and conditions.

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L. OTHER ITEMS

M. ADJOURNMENT

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A. The meeting was called to order at 7:00 p.m.

B. The pledge of allegiance to the flag was recited.

C. ROLL CALL:

Present: Commissioners McConnell, Manning, Legalos, Turley, Salvadori, Engelman, Peterman.

Absent: None.

D. APPROVAL OF THE MINUTES.

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 – *Moved to June, 2007*

d. Draft Inclusionary Housing Ordinance

e. Mare Island Economic Development packet

G. CITY ATTORNEY REPORT

1. Agenda format changes in keeping with (1991) City of Vallejo Planning Commission Rules of Order and Procedure

Claudia Quintana: Yes, thank you. There are a couple of things that I wanted to mention. The first one is that you will notice your Agenda looks a little bit different than it normally does, and I just wanted to clarify some of the things that are contained therein. I went back to the 1991 Commission Rules of Order and Procedure, and I noticed that the items were a little out of order in the old Agenda so I put them in the order that they were approved by City Council, and since we wanted to start implementing the procedure for consent items, I looked that up, and it says in the Rules of Order Procedure that the consent items should just be labeled Consent and placed in the regular public hearing until somebody moves them to the consent portion of the agenda, so that is what Mr. Hazen has just done. There is one item that will be treated as Consent at his request unless somebody objects, and if somebody does object, then we will certainly let whoever objects have an opportunity to speak. If anybody has any questions about it, please feel free to talk to me, and I will be happy to answer any questions.

The second item I wanted to address is that in the last couple of seminars that I have been to, there has been a lot of interest in this issue of global warming in the planning communities and AB 32. I have a great deal of written information in case any of the commissioners are interested in seeing how AB 32 is going to start affecting planning decisions. Specifically, it will be addressed in

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environmental documents here in the next few big projects. If anybody is interested, please give me a call and I will see what I can get for you.

Chairperson Legalos: Commissioner Salvadori:

Commissioner Salvadori: Thank you. I was a little slow on the uptake. I wanted to ask Mr. Hazen. Regarding the Mare Island Economic Development Report, is that the presentation by the Economic Development Commission? What exactly is that?

Don Hazen: I believe this is just a packet of information that will be presented to you, but we were talking just before the meeting about the fact that I need to touch bases with the Economic Development Commission to also see if they will be prepared to make a presentation on the 21<sup>st</sup> at your previous request as well. I believe that is a separate item.

Commissioner Salvadori: Ms. Quintana, I would be very happy to see some of the information about AB 32. Thanks.

Chairperson Legalos: Do any of the commissioners have anything to report? Seeing none, Council Liaison is not present. Is there a report from the Planning Commission to City Council?

Don Hazen: No report.

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 – None.
2. Council Liaison to Planning Commission – None.
3. Planning Commission to City Council – None.

I. COMMUNITY FORUM

*Members of the public wishing to address the Commission on Consent Calendar items are requested to submit a completed speaker card to the Secretary. Any member of the public who wishes to speak as to any consent item may do so at the public comment period preceding the approval of the consent calendar and agenda. Any member of the public may request that any consent item be removed from the consent calendar and be heard and acted upon in Public Hearing portion 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.*

None.

J. CONSENT CALENDAR AND APPROVAL OF THE AGENDA

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Commissioner Peterman: With Item K1 on Consent Calendar, I move that we approve the consent calendar and the agenda.

Chairperson Legalos: Please vote.

AYES: Commissioners McConnell, Manning, Legolas, Turley, Salvadori, Engelman, Peterman.

NOS: None.

ABSENT: None.

Motion carries.

Chairperson Legalos: Ms. Quintana – Do we have to go through all of these items or can we go directly to K4?

Claudia Quintana: I believe with regard to K2 and K3, they have been noticed for today. Is that correct, Mr. Hazen?

Don Hazen: That's correct so we would need to formally continue those.

Claudia Quintana: You need to open the Public Hearing and move to continue them to the next date.

Chairperson Legalos: Can we have item K2, Ms. Marshall?

K. PUBLIC HEARINGS

1. **[Consent] 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.

Deborah Marshall: K2 is Site Development 07-2002. It is an application for a telecommunication facility located at Catalina Circle adjacent to the Napa/Sonoma Marsh Wildlife Area. The proposed CEQA action is exempt per Section 15301, "Existing Facilities." The staff recommends a continuance of the application to the meeting of June 4, 2007. The staff person on this item is Marcus Adams.

Chairperson Legalos: Thank you. Seeing no cards, I will close the Public Hearing. Do we have a motion to continue?

Commissioner Salvadori: I would like to make a motion that we continue this item to the meeting of June 4.

Chairperson Legalos: Thank you. Please vote.

AYES: Commissioners McConnell, Manning, Legalos, Turley, Salvadori, Engelman, Peterman.

NOS: None.

ABSENT: None.

Motion carries.

- 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.

Chairperson Legalos: Ms. Marshall, may we have item K3 please?

Chairperson Legalos: I will open the Public Hearing, seeing no cards and no speakers. I will close the Public Hearing and matter back into the hands of the Commission. Do we have a motion? Commissioner Salvadori.

Commissioner Salvadori: I would like to move continuance of this item to the meeting of May 21.

Chairperson Legalos: Please vote.

AYES: Commissioners McConnell, Manning, Legalos, Turley, Salvadori, Engelman, Peterman.

NOS: None.

ABSENT: None.

Motion carries.

- 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.

Chairperson Legalos: May we have item K4 please?

Chairperson Legalos: Miss Donovan.

Katherine Donovan: Good evening Chair and members of the Commission. This item is one that we have long been awaiting. It was originally requested by Commissioner McConnell and we have been working on it for about eight months now. The reasons for this comprehensive revision include, of course, Commissioner McConnell's request. Staff has also long wanted to update and strengthen the standards in the Screening and Landscaping Ordinance. We have also added a new process to streamline some of the applications that were required under the previous ordinance. We have added new parking lot standards, and we have made some clarifications to areas that have caused confusion in the past. Specific changes related to screening and fencing include the prohibiting of plain smooth-face block walls. You can use the smooth-face block but it has to be finished with stucco or some other appropriate material. We are also prohibiting chain link where it is visible from the public right-of-way and clarifying which districts barbed wire or razor wire are allowed in. We are not changing those districts but there had previously been some questions about areas where it didn't specifically say you can't have these types of fences. People felt that they could have them. So, we have clarified that. In the recommendations that Commissioner McConnell made, there were some recommendations to increase the fence height, and staff did not include that change in the ordinance because there is a process in place at this time that would allow an increase in fence height on a case-by-case basis, our Minor

Exception Process, and we felt that allowing fences of 7 ½ or 8 feet, could have, just by right, some pretty extreme consequences on adjacent properties and there would be no appeal to that. If we keep it the way it is, you could still have the ability to have a higher fence, but your neighbors would have a chance to have something to say about it. The new process that I spoke of earlier has several areas in the Screening and Landscaping Ordinance that previously required a Site Development Process and as you may know, that is a relatively expensive and time-consuming process. We have proposed a process similar to what we use in our residential view district where, if we review the proposed project and it appears appropriate to the area, we would send notice to the neighbors within a 200 foot radius. If there are no objections, it would be approved as an over-the-counter approval. If someone objects, then the applicant would be required to go through the Site Development process and we are hoping that this would just streamline things and make life a little easier for both the applicants and the Planning Division for these fairly minor applications.

Other changes in the Ordinance that would affect residential districts are: Previously there was no allowance for anything other than a 3 or 4 foot fence in the front yard. We are adding an allowance for an entry feature such as a pergola or a trellis over the front gate. It can be no higher than 10 feet and no broader or wider than 10 feet. We are also increasing the street tree requirement from 1 to 2 street trees per 50 feet of street frontage. There had been some confusion about what exactly the front yard setback referred to, and we have made a clarification on that. Previously you were allowed to have up to 50 percent of the front yard with nonporous surface and, of the remaining 50 percent, 30 percent of that could be covered with non living materials. We have reduced that to 10 percent so you would have a minimum of 40 percent of living materials in your front yard. We have also added limitations on nonporous surfaces on side and rear yards. I spoke with our Vallejo Sanitation and Flood Control District and they said that they generally figure no more than 50 percent of a residential neighborhood would be covered with nonporous surface. That includes streets and houses and so we felt that putting a limitation on how much paving goes in the front yard would go a long way in helping us meet some clean water standards here.

We also made one other change. Currently the Screening and Landscaping Ordinance allows up to 6 months for landscaping to be installed for a residential single family home. What typically happens is that is part of the Site Development process, and it is required to be in place prior to occupancy. It is very hard to go back and make sure that these things are done 6 months later, and most people want to buy a house with a front yard already there. They are not ready when they first buy a house to make landscaping decisions and, so having something in place that they can later modify, seems to work quite well. This is basically just catching up with current practice. Changes we are recommending in commercial and industrial districts include increasing the boundary landscape requirement to 5 feet for all districts. It currently varies from 2 to 5 feet. We are also increasing the street tree requirement from 1 to 2 per 50 feet of street frontages in all districts. A couple of the districts already require this, but not all of them. We are requiring all portions of the site not used for structures, parking, recreational uses, driveways and walkways to be landscaped. Again, some of the districts required this previously, but not all of them. For the industrial districts, we are removing the requirement for landscaping in vehicle storage and parking areas because our new parking lot standards would require more than what is already required by this, and for vehicle storage areas, they are required to be screened from public view. It doesn't make sense to require things that you can't see to be landscaped. Perhaps one of the major changes that I personally am very pleased to implement, are our parking lot standards. We previously had some very lenient standards, and there wasn't much



of a standard. We have put in place a boundary landscaping requirement of 5 feet along all of the parking lot edges that are less than 100 feet and 10 feet where the edge of the parking lot would be more than 100 feet. We did this rather than requiring it for 10 feet for any parking lot because some of our lots that are being developed are not large enough as it is to have a reasonable sized parking lot and to require 10 feet of landscaping on all sides if you have a 50 foot wide lot. It means you can't put parking in place. This seemed to be a reasonable compromise. We are also requiring a minimum of 1 tree per 7 parking spaces overall, so that if you had a parking lot that had 70 spaces, you would put 10 trees in that lot. We are also requiring that you provide a shade plan that would show that within 10 years, 50 percent of the lot would be shaded. If you put in the required number of trees but you don't reach that shading requirement, you would have to put in more trees. We are also requiring landscaping at the ends of the rows, and within the rows every 8 spaces. Additional landscaping would have to be implemented. For lots that have over 4 rows or other 100 spaces, landscaped walkways would be required between the parking rows. Finally, we are requiring plant materials that will withstand parking lot conditions, and there are other minor changes but those are the big ones. If anyone has any questions, I would be happy to answer them.

Chairperson Legalos: Commissioner Engelman.

Commissioner Engelman: Thank you. Through the Chair to Katherine. I have a problem with the chain link fencing. How did we arrive at banning chain link fences from public view? Is it a personal decision? I don't understand how we got there because I grew up with a chain link fence in my front yard. I have no problem with this. It was there for personal reasons for my parents' discretion, and I don't see anything wrong with the chain link fences, so I am wondering why we are going to make a law that we can't have chain link fences in our front yard where the public can see them. Does that mean also the side yard? Because, as you are driving down the street, you can see the side yard and the chain link fence won't be allowed there either.

Katherine Donovan: Generally, it would not prohibit it in the side yard as long as you have a fence across from the house to the edge of the side yard so it wouldn't be visible. This is something that we have discussed amongst ourselves for quite awhile and gone back and forth because, as you probably know, chain link fence is one of the cheaper and sturdier materials. However, it is the waive of the nicer communities to not allow chain link, and we felt that while we were making these major revisions, it is an esthetic decision that was recommended by Commissioner McConnell.

Commissioner Engelman: I know – we have had our debates over the last year.

Katherine Donovan: We did actually discuss the possibility of prohibiting it altogether, but felt that in back yards it is quite reasonable. If you have a large dog, it is a very sturdy kind of fencing. They can't dig through it, and as long as it is not visible, we didn't feel that we should do that.

Don Hazen: I would like to follow up on Katherine's good explanation for that to go a little further too in that we did an overall review of the General Plan and the Zoning Ordinance and tried to get a feel for what the design direction is that the City would be moving towards, and we felt that the neighborhood quality would be enhanced by having owners look at alternative designs such as picket fences or other type of split rail or picket which has more of a residential character to it. Chain link was viewed as more of kind of a utility-type fence that didn't we felt didn't have any redeeming qualities. There was also a prevalent use of chain link right now

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which would be grandfathered in. We, of course, would allow those to remain unless they removed those. We felt that was a fair balance.

Commissioner Engelman: Well, I still have a problem because I grew up in Los Angeles at a time right after World War II where, in the subdivision that my parents were able to buy, it was entry level, and there was a problem with wild dogs and keeping kids in fenced-in yards. It enabled incoming families to make their property safer for their personal property, possessions, animals, and also for having a play yard for the children where they could still be safe, they could be seen, and it was a way that was affordable for people to keep their property nice. The landscaping inside was always perfect. I have a problem with this because what I see is that it is nice but part of the wonderful quality of Vallejo is that we have entry-level houses, the medium level houses, the million dollar houses. The million dollar houses are in planned communities and those regulations are there and people sign up when they buy the house. But, I feel that we are doing a disservice to the people who are young families, immigrants coming in who are used to other nations where all they are doing is bringing their customs and their own way of thinking which will eventually be incorporated, but I really cannot go along with banning chain link fences in the front yard or keeping them from public view. I have a major problem with it. Maybe it is because I grew up with one in the front yard, and our house was one of the best ones in the neighborhood. People all said that, but I have a problem with that. I also have a problem with, instead of making it easier to do business here in Vallejo, we are making it more expensive. When we go to the Business Plan point, it is going to be more expensive for people who start a new business and they have a big parking lot. The overall upkeep first at the start up, with the additional landscaping requirements, and then the upkeep, instead of making it easier for people to come and do business here, we are going to put more restrictions on them for esthetics. Right now, being a bottom-line kind of person, I have to think that maybe we need to step back and look at this. We should be making it easier, not that I am saying 50 percent of a parking lot shaded is wrong. I think that, in the summertime especially, it is a great thing, but at this time, I believe it is being a little too restrictive, and I think that we are potentially putting more costs onto the people that we want to entice here – to Vallejo – our business community. I have a problem what that. We should be making it easier. We should be encouraging it, not putting built-in overhead on people trying to come in.

Chairperson Legalos: Mr. Hazen.

Don Hazen: We appreciate your comments Commissioner Engelman, and I think what we could do at this point is just explain the rationale behind our suggestions and then let the Commission discuss those points amongst yourselves. The only thing I will leave you with as far as this report is that I think Staff is operating under the premise that higher quality design standards actually build value into properties, and there are plenty of studies out there that show that communities that systematically raise their development standards actually build value and enhance property values. That is the premise that we are operating from, but we will let you discuss that amongst yourselves. Thank you.

Chairperson Legalos: Commissioner Salvadori.

Commissioner Salvadori: Thank you. Through the Chair to Katherine. I have a number of questions and, if you feel it is appropriate to respond, please do. If you feel that it is something you have to take back and discuss more after this hearing, I would understand that too. I started on Page 2 of the Staff Report.

Katherine Donovan: Excuse me – of the Staff Report or of the Amendment?

Commissioner Salvadori: I'm sorry - of the attachment. Item D - its talks about nonresidential and multi-use dwellings, and, for the purposes of this subdivision, nonresidential use shall not include home occupations. Does it include other mixed use or live/work spaces? Where do they fall? - residential or nonresidential?

Katherine Donovan: It would depend on the Zoning Districts. This is actually current Code and it is nothing we have changed, but if you had a live/work situation that was in a commercial or industrial district, then this would apply. If you have a live/work that was in a single family home, it would not.

Commissioner Salvadori: In the next paragraph, discussion is "fencing around approved special events shall be removed at the conclusion of the event." I am not one for more control, but I'd sure like to see a time frame. You can perhaps specify within 24 hours instead of at the conclusion of the event.

Katherine Donovan: Temporary fencing requires an Administrative Permit and in that Administrative Permit process, we put a time frame. This usually applies to things such as those weekend car sales we get, or Christmas tree lots - things like that.

Commissioner Salvadori: Why wouldn't you include that in the Ordinance?

Katherine Donovan: It is in a different section of the Code. It is in our Temporary and Accessory Use section.

Commissioner Salvadori: Okay. Being very sensitive to codes where there are three different places to find an answer, I would like to see as much of it in one as you could and make it as clear as possible. Page 6. "Measurement of Height and Screening." I read this as having to do with shorter fences and a boundary at property lines that were downgrade so that the fence might not look so tall if it was sitting on top of a retaining wall. I think that the intent here is so that the person on the downgrade side doesn't look up and have the equivalent of a 10 foot fence. On the other hand, if you have a 4 foot retaining wall and a 4 foot fence on top of it, the people on the upgrade side can look over at the top of that fence and they are looking into a swimming pool, so I am not so sure I agree that is necessarily a good approach. You may have to have the 10 foot fence to maintain the level of privacy for the people that are in the home.

Katherine Donovan: There is actually two sections. This has long been an issue of how to describe it to people - for all of us in the Planning Department. If you look, there is the "Measurement of Height of Screening" and then right below it, there is "Fencing on Retaining Walls." Previously, they seemed to contradict each other, and what I have tried to do here is to make it clear that the upper one - the "Measurement of Height of Screening", is not including the retaining wall. This does not refer to a situation where you have a retaining wall with a fence on top of it. That would be in the lower section.

Commissioner Salvadori: Even if it is not a retaining wall - Even if it is a rather steep grade - Still, if you put a 4 foot fence up on the uphill side, the people on the uphill side look over the fence right down into their neighbor below.

Katherine Donovan: We have been back and forth, and back and forth, and the problem is, if you allow a higher fence, you can cause a situation where the people below are basically looking at a prison wall, particularly if they are on the East side so that it is blocking the sun most of the day. It is a very difficult situation but I have

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to say, it is one that doesn't come up that often, and so we didn't really change the regulation, we just clarified it a bit.

Commissioner Salvadori: Okay. In the section about "Measurement and Location of Fencing and Screening", the way I read this, all fences had to be pretty much along the property line but there are times when you want fences within the property line – around pools and spas, maybe around a garden. How are those allowed based on this?

Katherine Donovan: If you read it, it says that "in all but residential zoning districts", so the fencing is required in nonresidential zoning districts. It is required to be installed on the property line except when adjacent to a public street. This does not apply to residential zoning. Swimming pools also have a fencing requirement that is part of the Building Code.

Commissioner Salvadori: I understand that, but they don't always have to be on the property line.

Katherine Donovan: No, they don't. This does not apply to a residential district.

Commissioner Salvadori: Let me understand this. In a residential zone, 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". So, this doesn't apply to where the fences need to be related to the property line in residential districts. Is there somewhere else where it states where they will be, or can they be anywhere?

Katherine Donovan: They can be anywhere within your property. The first sentence: "In all but residential zoning districts, fencing is to be installed on the property line."

Commissioner Salvadori: So, I could locate a fence 6 inches in from my property line?

Katherine Donovan: If you wanted.

Commissioner Salvadori: And the person on the other side, 6 inches in from their property line, and you have a 1 foot area that is non-maintainable?

Katherine Donovan: You could. I have never had it happen. This is not a change.

Commissioner Salvadori: We actually had that issue in front of this Commission. They had a fence that existed on the property line and the person who backed up to them, wanted to build a fence 1 foot from their fence. It was actually presented to this Commission within the past year or so, so I am concerned about that. I am concerned that people will decide to do that and we are actually allowing it. One of the other areas, "Linear Commercial Pedestrian Shopping and Service Districts", and the requirement for the 2 foot landscaping offer . . .

Katherine Donovan: That's actually changed to 5, page 7.

Commissioner Salvadori: I'm sorry. It is page 7. It is 5 in some locations and I thought it was 2 in some.

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Katherine Donovan: It used to be 2 in some and we changed it to 5.

Commissioner Salvadori: This is what I may not be understanding but if we were to be redeveloping Georgia Street, we would want a 5 foot landscaping buffer?

Katherine Donovan: If you go to the very end of the Ordinance – the very last page, page 11, No. 2 – “The Planning Division may waive partially or completely these standards in cases where the existing building abuts the street property line or is within 5 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.” We added that section specifically for the instance that you are talking about because we do have Georgia Street where it doesn’t really apply because that is in the Specific Plan area but Tennessee Street, the area around Broadway, the buildings are right up to the street. If one of those lots was vacant and new construction came in, we would not want it set back from all the rest of the buildings. We would want it right up to the right up to the sidewalk.

Commissioner Salvadori: And so, for most of the Sonoma Boulevard, that would also fall into that category until you get farther out where it is . . .

Katherine Donovan: Right. What we look for is consistency, so if all of the other buildings are right up to the sidewalk, that is what we are going to want for new construction.

Commissioner Salvadori: Ok, thank you. Now on page 8, looking at “Single Family Uses In Residential Districts”. Talking about the landscaping, and I understand where you are going in terms of the ability for water absorption, but I think that the approach, by suggesting the only successful method of that is living landscaping . . . It isn’t. It wasn’t all that many years ago where many people went to a substantial amount of nonliving landscaping for water conservation reasons, and whether it is stone or whether it is bark or another aggregate material, I don’t think that’s a bad thing. I think you can landscape very successfully and very beautifully that way, but to require a “living” which is often thought of as “green grass”, that often looks the worst if it is not cared for. So, I am not sure other than for the absorption reasons, and I wouldn’t want the front yard to be paved and nonporous but with good utilization and good sense of design and a water percolation through whatever you put there, I think you can do it with nonliving material and still be respectful of minimizing the water runoff but also respectful of water conservation. That is one I would certainly like us to rethink.

Katherine Donovan: I wouldn’t disagree with you that it is possible to do very attractive non-plant, porous landscaping, however; I don’t see it here. Generally, when we have yards that are paved 50 percent and then nonporous 30 percent, and often more than 30 percent, it is not a well thought out design. It is simply something to cover the ground so that they don’t mow the lawn. I think you can also use that same argument that you don’t necessary have to have a high water need landscaping, you can certainly do zero---scaping which uses very little water and get a very attractive yard, but we don’t see a lot of that either.

Commissioner Salvadori: Probably, more than anything, I see a lot of live (well they were live at one point), landscaping lawns that are now just dried weeds. That is not very attractive either.

Katherine Donovan: No, it is not.

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Don Hazen: Commissioner Salvadori, let me add that we had extensive discussion when we were fine tuning this Ordinance that we envision a day when we really do a complete overhaul of our whole Landscape Ordinance, and we talked about things in the staff meeting about putting together a listing of various types of low-growing shrubs, medium growth, and high growth, deciduous, evergreen, putting together a full plant palate that is compatible with this type of climate and also developing a list of various street trees – ones that won't have invasive root problems. We also talked about water consumption ----- We have talked about maintenance bonds for insuring that new projects are on the hook for about a year or two to keep the landscaping healthy and give it a chance to get going. We balanced wanting to do an outstanding job on this but still meet the responsiveness to the Commission as far as getting this back to you, and as Katherine said in the beginning; we took the opportunity to at least point the policy ship in a different direction, but we are not there yet and this would really take a lot more work. I think what we are thinking about in, hopefully, the near future, is doing a whole, complete reorganization and updating of the whole entire Zoning Ordinance but for right now, we are stuck with the unfortunate fact that we have to do it one section at a time. Our work is definitely not done on this. Your points are very well taken.

Commissioner Salvadori: Thank you. It is probably easier to incorporate these things in large, new developments. Some of them will begin overlaid and in fill or even modifications, additions to existing family residences. I can see that happening. For things like this – I really think we could err on the side of creativity rather than autocratic decisions.

Katherine Donovan: In the section that I quoted to you earlier, there are exceptions that can be made by the Planning Manager, and if someone came in with a front yard landscape plan that had 90 percent nonliving material, no more than 50 percent paving, and it was an extremely well-done, beautiful plan, I would argue very strongly with Don, and I don't think it would take much argument for him to approve that. I have not seen a plan like that in the six years that I have worked here at the City.

Commissioner Salvadori: We will respectfully disagree. Now I am going to pop into the "Parking Lot Standards". Regarding the 100 foot demarcation line, was there anything significant about that? You talked about the fact that you only had 50 feet but it could have been 150. . .

Katherine Donovan: I looked at about ten other cities and boiled it down to about six other cities and took pieces that I thought were very relevant here and there. I have had a number of projects where they are trying to do a commercial development on a 50x130 foot lot and it is almost impossible to develop that with a parking area. I knew that I needed to have something that wasn't as strict as a lot of the other cities had where they had just a 10 foot landscape boundary in the front. The only other city that did something like this was the City of Benicia, and they did something very similar to this. They did a 50 and 100 foot. It seemed quite reasonable to me because if you have a 100 foot length or depth, you have a little more leeway there. When you are trying to develop something that is 50 foot wide and you take 10 feet on either end, there is nothing left. You can't have a driveway and parking. Whereas if you have 100 feet and you take 10 feet on either end, that is just 20 off – you still have got 80 feet. So, that was sort of the rationale first. Benicia had done it and so I looked at why they had done it and whether it made sense to us, and it seemed to make sense.

Commissioner Salvadori: Do you know where they applied it? How long ago did they . . .

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Katherine Donovan: I don't know when they applied it.

Commissioner Salvadori: That City has been almost built out for 15 years.

Katherine Donovan: It is amazing how many in-field projects they have managed to squeeze during those years though.

Commissioner Salvadori: A tree for every 7 spots – for head-in spots, that is a tree for every 3. Right? That's a lot of space.

Don Hazen: Well, that standard actually is that you take the total number of parking spaces, divide by 7, and that is how many trees we need, but where they are spaced is open to the designer. Then, Katherine has another section further down where she talks about having a landscape finger every 8 spaces. So, I don't . . .

Commissioner Salvadori: I wouldn't talk about that. The other thing I wanted to talk about was the shading. Fifty percent shading in almost every parking lot I am familiar with would mean that everything but the driving lanes are shaded because the driving lanes are about 50 percent of the parking space in good parking lots. We have some where you can hardly pull into the spot or back out of it but in a good parking lot, that is a very aggressive standard, I would say. That means that in 10 years, all of the parking spaces are going to be shaded. The only thing that won't be shaded are the driving lanes. I was up in Vacaville in what I would have considered a pretty nice parking lot trying to get my car from this side to that side. You had to walk quite a bit in order to go across what was visually a nice looking landscape buffer but in order to get across it, you (1) had to find a walkway, (2) You had to find a walkway that a car was not parked in front of, and so I ended going all the way down the row and all the way back up the row. That isn't customer nor business friendly and so I just caution us when we start to design that and require the walking landscape buffer, that we think about the people who are using the lot and don't make it so beautiful that it is very inconvenient for them to get from one side to the other.

Katherine Donovan: One thing you may notice that I didn't require although I considered was that when you have back-to-back parking spaces, to have a row of landscaping in between. That is why we have the fingers instead because you can still get the carts across the rows because you don't have a long strip of landscaping. It is an option. Someone could design it that way, but it is not required.

Commissioner Salvadori: Perhaps I misread it because I thought that in places, that was required – that there was a division.

Katherine Donovan: If you have a parking lot that has more than 4 rows or more than 100 spaces, you have to have a landscaped walkway between the rows but that wouldn't be each and every row. I am visualizing Kohl's parking lot, and they have, I believe, just one raised walkway. I can't tell you the number of times I have been in a parking lot and there is no place for pedestrians to walk. You have to walk behind the cars, and that is not really a safe place to walk.

Commissioner Salvadori: Actually, that solution is not any better because in order to get that raised walkway, you have to walk across 3 driving lanes and . . .

Katherine Donovan: Unless you are parked on that lane.

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Commissioner Salvadori: Unless you are parked on that lane, yes, that's right.

Katherine Donovan: We could require them every row but that seemed like overkill, and then you have the problem that you can't get across them. I think it is pretty hard to make standards that fit every situation.

Commissioner Salvadori: I would ask you to look up how people use them. I think you will find that 90 percent of the people in a parking lot, even one like Kohl's, will walk in the driving lane. Even though that isn't the best idea, that is where they are going to walk. So, to create walking paths that are going to go unused, I am not so sure that is great. I only have one other thing. That is, with a lot of the landscape requirements, and it may be in here because I have missed other things, the irrigation requirement, because beautiful landscaping turns into dead brush in this climate in a manner of a couple of months.

Katherine Donovan: We do have our standard conditions that require that we review the irrigation plans. It is not part of the Ordinance, but we also have a maintenance requirement on Page 10B. We don't say exactly how they have to provide the water but they are required to water. It is standard when we get landscape plans in for new projects that we require them to provide their irrigation plans also. I have had people install brand new landscaping, brand new irrigation, and never turn the irrigation on. It is not unheard of.

Commissioner Salvadori: So, that brings me to the final question and that is: What is the enforcement?

Katherine Donovan: We do have a code enforcement mechanism, but our Code Enforcement Department is quite slim at the moment.

Commissioner Salvadori: That part I understand but nowhere in the Code is there the "What if."

Don Hazen: Can I respond to that please? Whenever you approve a project and there is a set of blueprints and there is a set of conditions, that's the plan and that is the condition that that property is expected to remain in, and so any time that we see landscape suffering, we go after that and tell them that they were approved to have x-number of shrubs, x-number of trees. They are dying; you have to replace them. This is not necessarily back to square-one either. If you have used 5-gallon shrubs, and it is 10 years later, we would have them size those appropriately. So, anytime you approve a project, that's the way that we expect our property to be maintained, and so you don't necessarily have to see it in all the ordinances. That's the stamped Plan of Approval that we have on file for every project.

Commissioner Salvadori: And, for those parcels that either pre-date the Project Plan or never needed one, or whatever, what's the requirement for that?

Don Hazen: Code Enforcement could go after that as basically a nuisance or property neglect – eyesore or those type of things – the same as weed abatement or abandoned automobiles. It is in the category of nuisance and lack of property maintenance.

Commissioner Salvadori: I hear you. I just feel that if there isn't a better level of expected enforcement – it is kind of like red lights – nobody stops anymore because there is no enforcement. In Italy they say that a red light is a suggestion. I don't see anything wrong, but maybe there is something wrong, with actually in putting in



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the Code, what the "what ifs" are, or the "or else's". I don't want to get into what those will be right now – just suggest that maybe we can include those.

Katherine Donovan: We actually were looking into requiring a surety bond for new landscaping but it would have required a lot of input from both the Finance Department and the Legal Department, and in the interest of getting this to you before next year, we did not include that requirement.

Chairperson Legalos: Commissioner Turley.

Commissioner Turley: Thank you. Ms. Donovan: Years ago when street trees were planted, if someone was very fond of a particular canopy, they would plant those trees without any regard to the root system, and then I think that maybe years later they found out that if the root system was causing so much damage to the curbs, gutters, and sidewalks and even the streets, that I think now they are picking trees with a root system that goes straight down. Is that the case now?

Katherine Donovan: Yes. We have a City-approved street tree list that has been feted by our Landscape Maintenance Director who is also a certified arborist. I don't know if that is the exact title, but he is an arborist; he knows trees. There is also a requirement that you can't plant a street tree within, I believe, it is 6 feet of a water main.

Commissioner Turley: And a sewer?

Katherine Donovan: Yeah.

Commissioner Turley: Okay, thank you.

Chairperson Legalos: Katherine: I have a couple of questions. On page 5, part F6A "Whenever a wall or fence is installed along a rear property line and it will obstruct the view, it shall be limited to 4 feet in height." Can you tell me why that ...?

Katherine Donovan: That was existing in our current Ordinance and it was intended to be for view protection.

Chairperson Legalos: Does this mean the property owner – what view is being protected? – the view in or the view out, or both?

Katherine Donovan: It could be both. If you look at B, you can use an open fence that doesn't obstruct the view. That can be 6 feet in height.

Chairperson Legalos: It seems that if a property owner wants to restrict his or her own view, up to the legal limit, why not allow that?

Katherine Donovan: If the property owner puts in a fence, a building permit is not required, so the only time this would come into effect is if someone complained because somebody blocked their view.

Chairperson Legalos: So, somebody would be complaining that their view, for example, into your yard, was being blocked by your 6 foot fence and that they had a right to have a view into your yard?

Katherine Donovan: No. Although it is not defined in this ordinance, I think we all recognize that a view refers to a scenic view or a view of something like the Mare

Island Straits or the Marin Headlands – something like that. We did actually have a case where someone wanted a view into someone else's yard, and, I believe, the Planning Commission let them know that this was not what was meant by this view here.

Chairperson Legalos: It would seem to me that that property owner would have a right to privacy and therefore would have a right to have a 6 foot fence or a fence that would have a maximum height rather than the right being given to others to have a clear view into the person's property. This to me sounds like a formula for problems.

Katherine Donovan: I believe that there are situations whenever you get into any view restrictions or allowances, you are getting into sticky legal ground. I know in El Cerrito, and in Tiburon and in Belvedere and those areas, projects often take years to approve because there are competing view interests. This is something that was existing in the ordinance. It has not been a problem except in that one particular case, and when we reviewed this ordinance, one of the decisions that we made was that we were going for the "norm", and we were going to try to address situations that commonly come up. We weren't trying to address each and every situation that might come up because there is no way you can write an ordinance that does that. If the Commission feels that they would like to remove this, they can vote to do that. This is not something we changed; this is what is existing now.

Chairperson Legalos: Well, at this point, I would like to see that removed. On page 8, we have Sections E and F. Section E pertains to "Nonresidential and Multifamily Uses in Residential Zoning Districts". Some multifamily would be a duplex and up?

Katherine Donovan: One and two houses are considered single family, so if you have a duplex, you still go under the single family standards. So, it is three and more.

Chairperson Legalos: So, four-plexes would be included in this part? If you look at F2 on "Materials", there is no similar requirement under "Part E."

Katherine Donovan: We've got the boundary landscaping requirements for the commercial and we review those plans as they come to us. We haven't found the necessity although, if you drive down Springs Road, you might want to make an argument, but that's an existing condition, so, even if we changed, it wouldn't apply. But, when we require landscape plans for commercial properties, we don't normally have a problem with too much nonporous surface. The majority of multifamily uses that we are getting these days are in Plan Development areas. I can't think of a single project that we have gotten where the landscape plans came in with an excess of nonporous surface, but we could always add that Section, but it hasn't been a problem.

Chairperson Legalos: Well, we could add that section, or another way to deal with my concern here is to raise the bar in terms of what multifamily is considered because, four-plexes are not generally commercial properties.

Katherine Donovan: The problem with that is that there are a number of standards that apply – not just the landscaping, and what I am thinking now is that where this most often comes up is, if you have a one or two-family property, in terms of the parking, you can back into the street. If you have three or more units, you have to design your parking so that you come out facing forward. I think this is a very good standard, and I wouldn't want it so that three or four units could back into the street.

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I think that would become a traffic hazard. If we change the definition of what a single family or a multifamily would be, it would have larger implications.

Chairperson Legalos: I am not as concerned about the setback requirement as I am about the nonporous surfaces and the area that needs to be covered, apparently, with vegetation. I don't see any requirements for that in Part E. I think there should be.

Katherine Donovan: We could certainly add that.

Chairperson Legalos: If we are going to include a small multifamily – I can see this is we are just talking about 50 units – even 20 units, but when you get down to 4 units, and these are located in residential neighborhoods, it just seems to me that we need some more specificity about what is required for landscaping.

Katherine Donovan: But, we could certainly add that in there and I think the way to get around it would be to just add a No. 4 and just say: " for multifamily uses . . . " and not have it apply to the nonresidential projects since that is already . . .

Chairperson Legalos: Okay. I would like to see us do that also.

Katherine Donovan: Are you making notes of these things?

Chairperson Legalos: I am making notes. Then, the last issue I have, I think, is pretty simple. On the parking lot shade requirement – I don't have the same concern that Commissioner Salvadori has about it although I agree with some of his concerns on that. My concern is more about some requirements in terms of putting in shade trees that do not obstruct the artificial lighting. There was an issue at Home Depot where they had put in trees that formed a canopy below the electric lighting, and the parking lot was dark at night. I believe there was some ---- of problems occurring, and they have since removed those trees. I think it is important that this be in here somewhere or in some other landscaping requirement that the canopies be above the artificial lighting.

Katherine Donovan: It is not actually in this Section but this is something that Don brought up because he had come across it before, and the solution that they did where he worked before is that they required the lighting plan to be submitted with, or prior to, the landscaping plans, so that it was already worked out before the project was approved.

Chairperson Legalos: Okay, thank you. If there are no other comments or questions from the Commission, I will open the Public Hearing. We have one speaker, Thom Morgan.

Thom Morgan: Can you hear me? Thank you for taking the time to hear me on this.

Chairperson Legalos: Will you please state your name for the record.

Thom Morgan: Thom Morgan. I am a fence contractor. I do a lot of my work primarily in the Blackhawk area where we do install the chain link fencing. There are products out there, above and beyond, just the standard chain link but that is not the main reason that I came up to speak tonight. I understand what the Planning Commission is trying to do. We are trying to beautify Vallejo. I don't think anybody has a disagreement with that. The problem that I see with this ordinance is that there is no feasible, economical way to enforce it. We have looked, and I

have heard it in discussions, that at the time of sale, somebody can go out there and look, making sure that the trees are 2 feet tall. We don't have the workforce in this City to handle this, and, I don't see where we are going to do it, to get the monies to pay for this. A couple of Planning Commissioners have brought this up – saying that it is a good intent, but there is no money to enforce this. We can go out right now and look at buildings that have had permits to be built, have a landscape plan, and the weeds are 3 ½ feet tall. It is on the books already that it is supposed to be taken care of as a nuisance. It is not being taken care of. Adding more requirements is not going to correct the problem. We need to figure out how we can get the Code Enforcement to do what they are supposed to be doing. Adding more requirements to them is going to overburden an already, understaffed department. It is not the inherent structure of each individual fence. I could show you wooden fences that are falling down right along Tuolumne Street, that have got 7 coats of paint that have worn off, but that's approved because it is a wood product. There is vinyl out there that is no maintenance. Like I said, there is the wire mesh that is approved. It is probably the worst type of wire mesh that you could use because it is the lightest wire. It is most susceptible to rust, collapsing. Vines will pull it down. Those are all items that you are allowing underneath this. It just comes to the point that beautifying is great. You can look at the beautiful chain link fence going down Sonoma Boulevard that CalTrans has. It looked great when it was maintained, but nobody could maintain these things, and that same thing is true in residential areas where if it gets run over, the homeowner doesn't have the money to fix it, so it is going to look in disrepair. Making them tear up the whole fence and put in a wood fence is definitely going to be beyond their budget if they can't come in and do a small repair on a slightly damaged fence. So, somewhere, putting these into effect, you need to consider, who is going to pay to go out and measure 12 months down, and remember, that bush is supposed to be 2 foot high, 2 foot wide.

Chairperson Legalos: Thank you Mr. Morgan. Your time is up. There being no further speakers, I will close the Public Hearing and bring the matter back into the hands of the Commission. Commissioner Salvadori.

Commissioner Salvadori: Thank you. The speaker reminded me that there was something else I wanted to ask Ms. Donovan. You said that there is no permit requirement for a new fence. Did I hear you correctly?

Katherine Donovan: A fence of 6 feet or under does not require a permit unless there is electricity involved, like, it has an electric gate or something like that.

Commissioner Salvadori: So any homeowner could install a new fence or replace an existing fence without any permit requirement?

Katherine Donovan: That's right.

Commissioner Salvadori: So, we would have to assume that somehow they would know that the chain link fence that they want to put up is not okay.

Katherine Donovan: Just like we have to assume that they know that they can't put up an 8 foot fence. Many people call us before they do anything. Our Zoning Ordinance is online. We call back callers. We try to make calls back within 24 hours – usually within an hour or two. I don't think that we should dumb down our standards because we think we might have trouble enforcing. We will have trouble enforcing the standards we have now. We will have the same trouble enforcing higher standards. But, we also have many more properties that comply than that don't. The standards are mainly used when we have new projects coming in, and if

we increase our standards, require a higher standard now for new projects that come in, we are adding value to our City.

Don Hazen: I think you have a way to do that. The Development Plan – The Specific Plan for new projects. But, I do take issue with dumbing down the standards. I think that the assumption for most homeowners that certain fencing is okay – wood fencing is okay, maybe steel fencing is okay - maybe chain link fencing is okay – chicken wire probably isn't okay. So, I don't think it is fair, and I am pretty sensitive to this, to assume that they should know. I am actually flabbergasted that there isn't a permit required for fencing. There is in most places that I have been. It is one of the bigger things that has more impact on more people. We have a permit requirement to replace a broken water heater, and we don't have a permit required . . .

Katherine Donovan: Well, a water heater can cause a fire or blow up a house. A fence is a relatively minor thing. The Building Code specifically does not require a building permit for a fence.

Commissioner Salvadori: I believe you. But, also believe me, I have been in places where it did and it was required. So, if we are going to overlay a Code that most people wouldn't . . . I mean, you could go to Home Depot and buy chain link fencing, and you would assume it would be okay to put it up because there is no requirement to really get it checked out. I think the speaker had a good point. No. 1: Yes, we do want to do all we can to beautify Vallejo. In the larger developments, I think staff is doing a remarkable job and you can require more in situations like that, but let's look at the 90 percent of the City of Vallejo and the people that are here and as those houses turn over, people want to make changes. They want to improve what they have got, repair what is broken. If we make a Code that is so restrictive, there is nothing worse than having them put up a fence that they think is ok and we get five more Code Enforcement people and they get told that they have to tear down the fence they put up for \$5,000 and put something else up.

Chairperson Legalos: Mr. Hazen.

Don Hazen: Let me suggest that staff has made their presentation. We have explained why we are saying what we are saying but I really would encourage you all to discuss this. We will tailor this anyway you want. We will forward it on to the City Council in any shape or fashion that you see fit but I really want to hear the input from all of the Commissioners because I don't think staff can contribute any more to this conversation unless you want to go a certain direction and you ask us: "How can we get there?", and we would be glad to offer you suggestions. I really would like to hear the thoughts of all of the Commissioners at this point because we are kind of going along for the ride now. We have given our presentation and . . .

Chairperson Legalos: I will be quiet at this point but this is the purpose of it, so staff can hear what each of us have to say. We may not all agree so you may need to just take what you hear and bring it back.

Don Hazen: For example, there may be four other members that feel they want to ban chain link, so I would like to respond to the rest of the commissioners and then we will tailor this anyway you wish. I haven't heard from all the commissioners yet.

Chairperson Legalos: Commissioner Turley.

Commissioner Turley: Thank you Mr. Chairperson. To control some contractor or Home Depot from putting up a chain link fence on a property that costs them a lot of

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money and then they find afterwards that they are not permitted. I am just wondering if maybe a simple way of handling it would be to write a letter to Home Depot and write a letter to the fencing contractors telling them that chain link fences are not allowed in Vallejo, and that would probably control the situation. Thank you.

Chairperson Legalos: Commissioner Manning.

Commissioner Manning: Thank you. I think this is a great ordinance. I am glad that it was brought before us and I want to thank Commissioner McConnell for proposing it. What I like about it, is it clarifies a lot of confusion in the current ordinances. The one thing I see in participating in these meetings is how much confusion there is in the ordinances and how it costs people a lot of money. As a business person, the clearer I am about what the rules are, the easier it is to abide by the rules and the easier it is to get business done here. I think clarifying our ordinances is a good goal for us and it makes us more business friendly. I also think that it is time to raise some of our standards. These changes that I have proposed, do that. I don't have any problems with chain link fences but in residential communities, times have changed, and people can go to Home Depot and places like that and get lots of different choices. What we are talking about and what is proposed here is just along the front of the property line. Not on the side; not along the back; just along the front. Having once lived next to somebody who totally paved their front yard and put in white gravel, I really like the idea of the section on Page 8 where it talks about the materials and clarifying and reducing the amount of non-permeable, nonliving materials. I have not seen too many in Vallejo that have been done successfully, however, I have seen it in Sedona or in Phoenix. I also think as we talked about things such as global warming and our environment, there are many plants that are native to California that can survive. It doesn't have to be grass. In fact, I would encourage people not to put grass in their front yard. So, I think those are all my comments, and, some of the things that people are talking about or I have heard other commissioners talking about, are things that are in the existing ordinance. As Mr. Hazen says, this is a step but there is a lot more to be done. One of the things to be done is to get a new general plan that helps the City and our community proceed in a clearer direction on what we want to become, what we want to do. But, right now, I am all for cleaning up and tightening up an ordinance. Thank you.

Chairperson Legalos: Commissioner McConnell.

Commissioner McConnell: Thank you Mr. Chairperson. First off, I want to especially thank Katherine for the hard work she has done on this project. I appreciate the effort and certainly the Planning Department as well. I have listened to some of the comments tonight both from the commissioners and the speakers, and some additional comments or thoughts have entered my mind. I think Mr. Morgan is correct. We should address the question of enforcement as well as maybe of the need for a permit process. Those were not specifically addressed in this ordinance, and this ordinance, and this ordinance was put forth by me merely to be a sounding board – a starting point for discussion, and I think it has served that purpose rather well. Perhaps we should be considering a recommendation for a permit process just to make people aware of the need to comply with fencing standards as well. On enforcement, that raises a considerably larger area, and I believe it is something that City Council is ultimately going to have to answer and address. Our enforcement is scattered throughout different offices at this point. It is not centralized. It is fragmented. There is a considerable amount of criticism as to how code enforcement is implemented in this City, and I have heard comments this morning about it. So, that would certainly be a suggestion I would pass on to City Council as to address the reorganization as to how Code is

enforced throughout this City, rather than just leaving it within the Code Enforcement Office as well as the Police Department, the Fire Department, the Building Department, and anybody else who wants to get into the scene. I believe there should be a central location where somebody can pick up the phone and find out what is expected of them. What I would like to do tonight is also address some of the concerns that my proposal put into the ordinance and the staff did not endorse or present in their version of it. Along those lines, what I would especially like to do is maybe talk about philosophy, and goals and ideals that we have as a Commission. As Mr. Morgan said, the idea is to try to enhance the appearance of this City because by doing so, we all feel better about ourselves. We are proud of our community. Some of the concerns that he addressed as well are property-raised issues of safety when we age. We do have concerns about how we get across the parking lot. We are concerned about whether we have to walk down a traffic lane. Those are all part of the design criteria that need to be put into the parking lot, and the parking design is solely that of Katherine's, and I commend her highly for it. It is work that needs to be done, and I think she has done an excellent effort in this respect. Certainly, we could address some of those concerns that were raised tonight in our Parking Lot Design Standards. What I would like to talk about are some of the differences between Attachment 1 which is the City's Staff's Recommendations; Attachment 3, which is mine. In particular, the heart of the matter can be found in Section 10. Section 10 starts off with a purpose for this very ordinance, and the guideline which was to provide for the enhancement of high-quality, visual-appealing screening fence and landscaping, as well as the provisions and standards established herein, shall apply to all private and government project sites and land use, unless otherwise prohibited. We have heard a lot of criticism tonight about how vague some of the standards are, and it is my belief that if we spell-out what we are looking for, applicants, upon reading this ordinance in its revised form, will see that we are looking for an enhancement of high-quality, visually-appealing screening fences, walls and landscaping. There is a gulf between how commissioners and staff looks at an ordinance compared to an applicant. An applicant walks in and takes a look at the ordinance and says: "Oh, this is all I have to do. Piece of cake." We look at it as a starting point. We can add to it. So, I believe that by putting this type of verbiage into the ordinance, we start to get the applicant coming in, thinking about high-quality design enhancements, and we will hopefully come with a better project than what he might otherwise be thinking of. The part that is in here about the government and private projects – over the seven years I have sat up here, I have heard considerable criticism of how we ask things of our citizens that we do not ask of our government agencies, and most recently, I am hearing about Serena Village. There needs to be clarification, in my opinion, in the ordinance that we are asking our government agencies to step up to the plate, where we also expect it of our private citizens, and by adding this type of language, I think that we do that. There shouldn't be one standard for government agencies and a different one for private citizens. The chain link fence is an issue that Linda and I have debated back and forth, and my initial proposal was to ban them. But, I will admit that I put a few front porches into this ordinance knowing that they would be strict and are revised, but I did so for the very reason to engender discussion. We disagreed on the width of the boards. I can certainly go with six inches instead of eight inches, but the idea was to start the discussion. I think that has come. Prior to that, it has to do with the very last section that I proposed, which is Section 100. That, staff has not seen to endorse. It reads: "The above chapter shall be interpreted and applied with the goal providing to the City of Vallejo, its occupants and visitors, an environment of the highest possible attainment. A presumption of obtaining this goal shall exist and waiver or 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 limitation and necessities of the subject property. I have sat in on some Code Enforcement hearings. I have

been involved with them, and many individuals walk through the door, not knowing exactly why they are there. By requiring written findings on an application, it lets the citizen and the applicant know what is wrong. It also forces government officials to articulate what needs to be done. So, I would like to see this requirement in here, and I think by putting in this goal of the highest possible standards, we again say to our applicants – “Let’s think about your project. Let’s have a better project. Let’s go for something really good here.” A lot of this language, I admit, is posturing, but why not. Another example of that is the word “continuous” on landscaping. We have heard it from several commissioners tonight. We have heard it from Mr. Morgan about how we require planting, and, before long, they are all dead. That’s quite right. If we look back in the project that we voted on, in the Consent Calendar tonight, on the Exhibit where it talks about the plants that they required, and the number of ones that have died in here – we look back and we see that most of these plants that were required to be installed and maintained under our current standards – did not make it. Probably less than 20 percent. If applicants and property owners are reading the ordinance and we are getting the result of less than 20 percent success rate, something is wrong. Continuous versus maintained may not amount to a significant difference from a legal standpoint, but it does amount to a perception difference in the mind of the reader. I would urge that we put back into the ordinance, “continuously maintained” because it is very easy to turn off the water, to not fertilize. So, I would put it in there. I have a neighbor who was required to put in a street tree, and we all knew it would die, and sure enough, it did. The City hasn’t done anything about it. But, if we have that continuous requirement, I think maybe some people will start to think about it and take efforts to implement that.

Chain link fences are hot issues, and one of the reasons that motivated me to seek or, at least, suggest an all-out restriction of them, was about six months. We had a gentleman come down from North Vallejo, and at a community forum, he spoke about chain link fences. He made one of the most impassioned pleas for this City to strike them because, he told us the story, of how in his neighborhood, at least, it was creating a ghetto mentality, and he thought that was detrimental to the welfare of his neighborhood and the City. He spoke with such compassion and such motivation that I was stricken by his dedication. So, I do think we should restrict chain link fences, from the public view, as a compromise suggested by staff, and I endorse it. I think I agree with that. It is an excellent suggestion. One of the things Mr. Morgan spoke about is how to implement this, and one of the suggestions that is in here, is that it be implemented upon transfer of ownership – that is, when the house sells, because at that point in time we can say: “okay, you’ve got a chain link fence in here. You should take it out and put in an approved fence.” So, I would like to see some consideration addressed on that issue as well. One of the other requirements or suggestions I made, was the use of synthetic materials. We have heard talk tonight about how there are a lot of fences that are simplistic, that are poorly operated. They aren’t going to hold up. While the world is constantly changing, and we do have a lot synthetic material being utilized now, the Planning Commission does not have the expertise to address those concerns, so why not, like the street trees, put this back in the hands of professional staff, and as new products are introduced into the market, they can say, “this is okay”, and “this is not”. We should have an approved type of fencing materials just like we have City-approved trees. Why not? It makes all the sense in the world, so that when an applicant does come down and say, “I want to build a fence”, and maybe we require the permit – that’s a good idea too. We can hand him a list. It says here: “This is it. This is what you can choose from.” I think it would help a lot and those are some of the other ideas that I believe should be re-established in there. This size of the planning area. Again, that is something we can talk about all night long - whether it is 5 feet, 10 feet, 15 feet, 2 feet. Two feet, even Mr. Dolan admitted was ludicrous.



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So, I am glad to see "5 feet." I pushed for a higher amount just to get some discussion going – just like I pushed for a tree requirement of only 40 feet rather than 50 feet. These are items that are better addressed by arborists as to how far out these trees spread. We have some street trees that aren't going to spread very far. We have some are extremely short in height, and this kind of decision, I think, can be made in consultation with the Beautification Commission just like the type of materials to be used in walls. They have an interest in beautifying this City; that's supposed to be their purpose. We are supposed to advise, so I would like to see some coordination with the Beautification Commission as well. If you have read through some of the differences between Attachment 1 and Attachment 3, I would like to see some of the suggestions I have put in Attachment 3 discussed, and maybe put back in. This is a complex enough ordinance where we don't necessarily need to finalize it tonight. We can send it back to staff for further discussions and implementation to some of these suggestions that we have talked about tonight – some of the criticisms that Commissioner Salvadori has addressed, and bring it back on another night for another hearing, in two weeks, or four weeks. I think we can actually obtain a very excellent ordinance if we address it that way. We have been working on it for eight months. It is not going to be the end of the world if we don't do it tonight. Those are my observations and my suggestions at this time as well. Thank you.

Chairperson Legalos: I would like to say that I support Commissioner McConnell's suggestion that we continue this and bring it back. There are a couple of things I didn't mention before that I would like to have considered. On Page 10, it mentions "Ground Cover. 16.70.090. A Tree". I think we need more specificity as to what "ground cover" means. Is it weeds? What is it? What is an acceptable ground cover? Another question that I have, and I was surprised that Commissioner McConnell didn't raise the question, but I will help him out. "Fence Heights." When was the 6 foot limit established? What was the basis for 6 feet?

Katherine Donovan: I can't actually answer that. What I can say is that we looked at a variety of different cities and what their fence heights were and they did vary, but what I found fairly frequently was that cities that allowed higher than 6 foot fences in residential districts, required the additional height to be in an open type of fence, like lattice, something like that. It was also fairly common to require an agreement between the two property owners. As I said before, we discussed this back and forth quite a bit amongst staff, and ultimately decided to keep the 6 foot fence height because we do have a process through which you can get a taller fence if your particular situation calls for it. But, in our opinion, far more often than not, a 6 foot fence was perfectly adequate, and if allowed outright, a higher fence could have a detrimental impact on an adjacent property owner. That property owner would have no rights if we changed the fence height in the ordinance.

Chairperson Legalos: It is probably reasonable but not necessarily correct to assume the height has something to do with human stature?

Katherine Donovan: Probably.

Chairperson Legalos: And, 6 feet was at the point that these requirements were set. Six feet was adequate to prevent most people from being able to see over the fence.

Katherine Donovan: I think it is probably still adequate for most people not to be able to see over a 6 foot. In order to see over a 6 foot fence, you would have to be well over 6 feet tall.

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Chairperson Legalos: Probably, but I think human stature has increased. If this is a 50-year old standard. , ,

Katherine Donovan: I don't believe it is quite that old. My guess would be that it came in in the 70's or 80's, but that is only a guess.

Chairpoerson Legalos: Well, I could see increasing it to 7 feet at this point, allowing 7 feet without any special procedure or special permission. Then, the last thing I want to add is that I am totally opposed to chain link fences. Visible chain link fences in residential neighborhoods look terrible. Commissioner Peterman.

Commissioner Peterman: Poor Commissioner Engelman is surrounded by people who hate chain link fences. It is sort of like being the only Republican in the Democratic Convention. First of all, I would like to speak about fences. I apply for the 6 foot height because I think we should build bridges with our neighbors, not divide us from them, and where I live, we have a water view, and we are required to not have any fences at all, and then we got into a huge discussion of what constitutes a fence, and we had to go to Webster and decide, is it a fence if it's a shrub, is it too tall, etc. But, I think that with the things that are in place, I think that you are absolutely right. People could build a taller fence; they just need to go through a process, and I think that is not a bad thing. Also, I wanted to talk to Commissioner McConnell about the street trees. I was on the Beautification Commission when the list was made. It was approved by the City and a lot of work went into that so that those kinds of things that have happened in our City won't happen any more. I am sure that the commission would be delighted to also look at the kinds of fencing that would be or should be allowed. I just wanted to point out that although the commission did bring forth and make the tree list, they do not in any way enforce it or have people who go out to enforce it. That is done through the maintenance people, and it is not done by the commission.

Chairperson Legalos: I am not sure whose light was on first. Commissioner McConnell.

Commissioner McConnell: Thank you Mr. Chairman. I did want to respond to your noticing that I had raised a discussion on the height of the fences. I live in a much older neighborhood; built in the 1950's, and at that time, no doubt, 6 foot fences were adequate. However, I began to notice more frequently that people walking down the sidewalk (I am on a corner on opposite sides yard) could very easily see into my back yard. I recently attended a high school party where every one of the high school students was substantially taller than I am, and I am your average height, somewhat, of my generation. Fence heights do need to be updated. The country of Holland recently increased their door jamb size to 7 feet because the average sized person in Holland is now 6'4". So, we are having the same consideration here, in this town, and there is a substantial difference between a corner lot with a view up to an inner city lot that needs to be addressed by staff and planning and the more I think about it, the more I am further inclined to say that we need a permitting application process. Because, if somebody is going to have higher than 6 foot fence, or are going to be automatically entitled to a 7 foot, how are they even going to know about it unless there is some requirement that says: "you have got to come down here first." So, whether there is the process now in place that you say they can have a minor variance, but how do they get a minor variance if they now have to have a permit? There isn't any.

Katherine Donovan: Well, They don't need a permit for a 6 foot fence. They do need a building permit for a fence over 6 feet.

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Commissioner McConnell: How many people who are willing to go to Home Depot and hire somebody or do it themselves are even going to be aware of that subtle distinction?

Katherine Donovan: I think that if you require a permit for a fence, you have the same problem as if you change the standard. If people don't know it; they are not going to come in for the permit.

Commissioner McConnell: They are more apt to know it if there is a permitting requirement because a reputable contractor is going to bring that to their attention. A lot of people who are aware of things will at least ask about it. It can be notified on the City web page. It is starting to make more and more sense, the more we talk about it. So, those are my observations as to the height of the fence and why maybe we should consider higher. I mean, 6 feet is fine for somebody like me, but we have got a whole generation of high schoolers that are well over that already.

Katherine Donovan: If I may as the Commission to try and exercise, our minimum side edge setbacks in residential neighborhoods are 5 feet. If you are standing next to a 15, 25 foot building wall, and 5 feet away is a 7 foot fence; you are in a canyon. Actually, Don was straddling the line. He didn't know whether he thought it would be a good idea or not, and he stood next to the wall, and we marked where 7 feet was, and he changed his mind and decided that 6 feet was more than adequate.

Don Hazen: With the provision that if they could justify a height exception, then we had a discretionary authority on a case-by-case basis to go up to 7 ½ feet under our current Code.

Chairperson Legalos: Commissioner Salvadori.

Commissioner Salvadori: Thank you. We are having a lot of discussion on fences, and it struck me after a bit of an impassioned plea by Mr. Morgan, that maybe what we need is some examples because I have in my mind and I am going to guess that some of the commissioners have the same vision as I do with regard to a chain link fence; it's a silver-linked fence with points at the top and silver pipes across the top and the side and maybe there are some other versions of a chain link fence that might be different. Certainly, there are many versions of different types of fencing that we might want to see what they look like to attack it from both directions – those that we would like to have and those that we would definitely not like to have. I wonder if it is possible for staff to get from cooperative fencing contractors, a variety of different kinds of fencing materials that are out there now that would help us make a decision of what things we like and what things we don't like. One thing that came to mind with regard to chain link fences and back yards is that you can see through it. If you do have any kind of a view and you do want to protect the back yard, are there other things? Yeah, there are other things but especially a colored chain link fence almost becomes invisible as you are looking out, in a view. My suggestion is only that maybe we could get some visuals of what is out there and what we might want to consider and what we would definitely want to restrict.

Chairperson Legalos: Mr. Hazen:

Don Hazen: I don't want to preclude Commissioner Manning from expressing further views, but as we move towards kind of a final stage here, it sounds like we are hearing a lot of divergent viewpoints, and there are a couple of ways that I might suggest that we can go from this point. It sounds like there might be unanimous consent for a continuance to kind of fine tune this, tweak it, and perfect it. There are a couple of ways we can do it. This evening, we can go through all of the major

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points and just take a straw vote or as I think Claudia had a great suggestion – to create maybe a three-member subcommittee to work with staff, and if that includes maybe going out and looking at sites and looking at alternative examples, that might be a preference to the Commission. So, that we can improve the Draft Ordinance even further, and it would be nice, ideally, to get a consensus before this moves on to Council. So, I would kind of leave you with those thoughts.

Chairperson Legalos: Commissioner Manning.

Commissioner Manning: I think that is a great suggestion. I just had to get my two cents in here. There are so few things you can do in the City without a permit, and I would really wonder if we could do it yourself and build our fences in the back without a permit, and I also don't think we need to have more permitting. We don't have the staff. We are already shorthanded at the City to add more, so I just wanted to put that out there.

Chairperson Legalos: Okay, Commissioner McConnell:

Commissioner McConnell: Thank you Mr. Chairperson. I was going to present a motion for a continuance. I think the timing needs to be discussed because the way Mr. Hazen is issuing this, I think it would be more than a 30 day process.

Don Hazen: You know, it just depends how much participation that we can get from several of you. We can meet as often as you are available. You know, like Katherine said, it has gone on eight months now and it would be nice to kind of wrap this up in the next couple of months but the other option is to just continue it to an unspecified date, and we would just re-notice it again. We simply do just a one-eighth ad in the paper, so it is not a real laborious task to re-notice this again, and you don't need to strap yourself with setting the next agenda and give yourself the latitude you need to take this to the next level.

??Chairperson Legalos: Well, we could do that but I wouldn't want to. We lose some kind of continuity on this, and if we re-notice it, it may lag on for months and months and months.

Don Hazen: I would suggest 60 days. I would just throw that out because I think there has been a lot of critical points where there is just opposite viewpoints of this. I think it might take some time to see if there is a common ground in the middle somewhere. There are some pretty serious viewpoints being expressed tonight, and 60 days goes by a lot quicker than what we sometimes realize, so I just throw that out. Ultimately, it is your choice how you want to proceed.

??Chairperson Legalos: Sixty days sounds like a reasonable time period to me. That would be until the 2<sup>nd</sup> meeting in July. In the interim I would suggest that each of us submit to staff, comments that address specific code sections that we have talked about tonight so that the staff will have the benefit of each person's comments, section by section. So, with that thought in mind, I would move to continue this to the second meeting in July for further discussion at that time.

Don Hazen: Before you take action on that motion, may I ask also if there would be interest on the part of the Commission to participate in a subcommittee with staff.

Chairperson Legalos: That is just what I was going to do. Commissioner McConnell.

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Commissioner McConnell: I will certainly be willing to participate. I think most of my ideas have already been set out in writing but, sure.

Chairperson Legalos: Anyone else? Is it going to be a subcommittee of one person?

Commissioner Salvadori.

Commissioner Salvadori: The good news, the bad news, and then the ugly – unfortunately my term on the Planning Commission will have expired by then and although I have had, obviously, some impassioned opinions about this, and I will continue to have them, I just don't think that would be right if I couldn't be here to participate in the vote.

Chairperson Legalos: You could always speak as a member of the public.

Commissioner Salvadori: I may do that, but I do not want to be part of the Planning Commission's Ad Hoc Committee to do that.

Chairperson Legalos: Thank you. Commissioner Turley.

Commissioner Turley: Mr. Chairperson: Anytime I can help you or the Planning Commission, you can count me in.

Chairperson Legalos: Thank you. Commissioner Engelman.

Commissioner Engelman: I too will be gone so remember; I like chain link fencing. I mean, it has a place; it's serviceable, it's legal, and I personally don't like wrought iron fences because they remind me of ghettos. To each his own. That is why we all have different colored houses and different views, and that is why different countries look different, and I think that is what makes America great. I am going to fight for individual preference.

Chairperson Legalos: Commissioner Peterman.

Commissioner Peterman: Not to attack Commissioner Engelman, but we live near a mobile home park that had a wonderful wooden fence around it, and they tore the wooden fence down and put up a chain link fence with yellow plastic inserts, and it now looks like something I can't say over the air. But, I think that there certainly is a good reason for not having chain link fences all around the perimeters like that. In this particular instance, a lot of people have built wooden fences inside that chain link fence with the slats so that they could maintain their privacy. It went from a place that was very private to a place that is very un-private, so I think we need to consider that as well.

Chairperson Legalos: Thank you. We have a Motion to Continue. Please vote.

AYES: Commissioners McConnell, Manning, Legalos, Turley, Salvadori, Engelman, Peterman.

NOS: None.

ABSENT: None.

Motion Carries.

Chairman Legalos: Thank you. There being no further business, this meeting of the Vallejo Planning Commission is now adjourned. Excuse me – Commissioner Turley.

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Commissioner Turley: Thank you Mr. Chairperson. I need to talk about item K1 for just a minute. Is that okay with you?

Chairperson Legalos: It is not on the agenda, on the Consent Calendar and it has been approved as a Consent Calendar item. So I don't believe you can.

Commissioner Turley: Can I ask a question, then?

Chairperson Legalos: Ms. Quintana?

Claudia Quintana: I just wanted to point out that once the Commission had acted on an item and the Public Hearing has been open, people have spoken, and it is closed, it is no longer subject to any action by the Commission.

Commissioner Turley: Well, can I talk about it without requesting any action?

Claudia Quintana: Before the adjournment of the meeting – I think that is possible.

Chairperson Legalos: Commissioner Engelman.

Commissioner Engelman: If I remember correctly, to re-open a subject like that, needs an approval from the whole body before we can go back to a closed item.

Claudia Quintana: I think that is correct, so it would be subject via vote.

Chairperson Legalos: Okay, then please vote on the Proposal to Re-open the Meeting.

Commissioner Turley: I have some questions, and it is very important to me. This caught me cold, and I need to know how to act in the future.

Chairperson Legalos: Okay, thank you. Please vote.

AYES: Commissioner McConnell, Turley, Legalos.

NOS: Commissioner Manning, Salvadori, Peterman, Engelman.

ABSENT: None.

Motion fails.

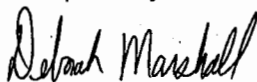
L. OTHER ITEMS

None.

M. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 8:50 P.M.

Respectfully submitted,



(for) DON HAZEN, Secretary

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The meeting was called to order at 7:00 p.m.

B. The pledge of allegiance to the flag was recited.

C. ROLL CALL:

Present: Commissioners McConnell, Manning, Legalos, Turley, Salvadori,  
Engelman, Peterman.

Absent: None.

D. APPROVAL OF THE MINUTES: None.

E. WRITTEN COMMUNICATIONS: None.

F. REPORT OF THE SECRETARY

1. Upcoming Meeting of Monday, June 4, 2007

- a. Resolution of Intention for Code Text Amendment to Architectural Heritage and Historic preservation Ordinance
- b. Development Agreement 07-0001 Lennar Mare Island Annual Review
- c. Site Development 07-0002 appeal of a telecommunication facility located at Catalina Circle
- d. Temporary Use Regulations, Downtown Georgia Street Corridor
- e. CIP Report

G. CITY ATTORNEY REPORT

None.

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 – None.
2. Council Liaison to Planning Commission – None.
3. Planning Commission to City Council – None.

I. COMMUNITY FORUM

*Members of the public wishing to address the Commission on Consent Calendar items are requested to submit a completed speaker card to the Secretary. Any member of the public who wishes to speak as to any consent item may do so at the public comment period preceding the approval of the consent calendar and agenda. Any member of the public may request that any consent item be removed from the consent calendar and be heard and acted upon in Public Hearing portion 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.*

None.

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*

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*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*

Commissioner Peterman: I move that we approve the consent calendar and the agenda.

AYES: Commissioners McConnell, Manning, Legolas, Turley, Salvadori, Engelman, Peterman.

NOS: None.

ABSENT: None.

Motion carries.

K. PUBLIC HEARINGS

1. **Site Development 05-0007** Addition to a single family residence in the Residential View District located at 145 B Street. Proposed CEQA Action: Exempt. Staff recommends **continuance**. Staff Person: Katherine Donovan, (707) 648-4506.

Deborah Marshall: We do have some speakers who want to speak on this item now.

Chairperson Legalos: Okay, I will open the Public Hearing and the members of the public will have three minutes to speak on this item unless you are representing an association or group. The first speaker is Gary Hepple.

Gary Hepple: Mr. Chairman, Gary Hepple: Fabro, Leveso, et al, 300 Tuolumne Street, Vallejo. I represent Sandra Lee. My intent in filling out the speaker card was only that it be there in case the matter was not continued. We don't need to speak twice, so if the matter will be continued . . .

Chairperson Legalos: The matter will be continued.

Gary Hepple: Sandra Lee also filled out a card for the same reasons, so she doesn't need to speak either.

Chairperson Legalos: The next speaker is Kim Geddes.

Kim Geddes: Good evening, Commissioners. I am Kim Geddes, and I live at 142 B Street, and I just wanted to say that I am very concerned with the project at 145 B Street, and we have been assured for many years that our views would not be obstructed, especially in that our view has been altered with the elevation change of the house already. Now, plans have stalled another two years and yet another proposal is going to be before you very shortly and this regards our concerns for view preservation, and I just wanted to state my concern. Thank you very much.

Chairperson Legalos: The next speaker is Richard Underwood.

Richard Underwood: Good evening Commissioners. I too reside at 142 B Street and can pretty much voice my concern as well. I just wanted to reiterate, the public as well as the private view corridor is going on here. Thank you very much.



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Chairperson Legalos: Thank you. Since there are no further speakers, I will close the Public Hearing and bring the matter back into the hands of the Commission.

Katherine Donovan: Actually, I would ask that you take the matter back into the Planning Commission's arms and continue the Public Hearing for either a date set (Do we have a date?) – then just continue it indefinitely and we can set it at a later point.

Chairperson Legalos: Okay, do we have a motion? Commissioner Salvadori.

Commissioner Salvadori: I would like to move for continuance of the Public Hearing at this point, to a date uncertain, but to a date that is convenient for Staff and the applicant.

Chairperson Legalos: Thank you. I just have a question for Mr. Hazen. This has been a situation that has been dragging on, literally, for years, and it has caused considerable difficulties in the neighborhood. One of the neighbors had to pay additional points on a refinance specifically because of a condition of his house, and there is concern about how much more delay there is likely to be on this case. Can you give us some idea about how long it will take to get the additional information we are looking for?

Don Hazen: The reason we pulled it from the agenda is that I didn't believe that we had all the information, all the facts, and all the design alternatives addressed. We are meeting internally this week, or next week, with the applicant also to further discuss the issues. Also, we have not left off the table, the possibility of having a neighborhood meeting because I think we need to get a feel for how this project will impact the neighborhood prior to staff formulating its recommendation on this project. So, I would hope that within the next one to two months, this will be re-appearing on your agenda.

Chairperson Legalos: Fine. Thank you. Please vote.

AYES: Commissioners McConnell, Manning, Legalos, Turley, Salvadori, Engelman, Peterman.

NOS: None.

ABSENT: None.

Motion carries.

2. **Major Conditional Use Permit 05-0026** to restore an abandoned commercial se in a residential area and substitute another use. Proposed CEQA Action: Exempt. Staff recommends approval based on the findings and conditions. *Continued from the meeting of May 7, 2007.* Staff Person: Katherine Donovan, (707) 648-4328.

Chairperson Legalos: Commissioner Salvadori.

Commissioner Salvadori: Thank you Chair Legalos. I need to recuse myself on Item K2 because I live within the conflict of interest boundary.

Chairperson Legalos: Katherine Donovan.

Katherine Donovan: Good evening Chair and members of the Commission. Excuse us while we have technical difficulties. This project is Use Permit 05.0026, the property at 800 Main Street. It is on the corner of Main and Alameda. As you can see, right there in the center of the city. Here is the picture of the project sites. As you can see, this is a commercial building that was built in the 1930's. It has commercial space underneath with apartments above. The downstairs commercial use has been vacant for a number of years, and because the zoning is Medium Density Residential, the commercial use would not be allowed to continue without approval of a Major Use Permit to re-establish

the abandoned commercial use which was as an antique store – the most recent use there – and to substitute another nonconforming use of a similar or lesser intensity. As I said, the building was constructed in 1930. That was prior to the Zoning Ordinance coming into effect. The building covers the property almost completely. There is three feet on one side, one foot on another side, and on the other two sides; it is built to property line. As I said, the ground floor is commercial with residential upstairs. Because of the building construction type and the proximity to the property lines, it would not be feasible to convert this lower ground floor space into a residential use. As you may be aware, there are egress requirements for residential uses. Windows would have to be built into the sides and because the building is so close to the property lines, that would be feasible, in addition to other building code issues that would have to be addressed. The owner would like to use that ground floor for low-intensity office uses. Things like: A single practitioner attorney, tax preparation, an accountant, possibly a landscape architect, or an architect. The current situation is that there is a rather wide city right-of-way along Alameda Street that provides parking for this use but the parking is such that the cars back into Alameda Street at that intersection. If this project is approved, the applicant will be required to obtain a judgment permit from the Public Works Department and redevelop that area so that the parking would conform to our current city standards and the cars would be able to come out facing forward. That long stretch is currently entirely driveway. It would be redeveloped with two driveways. The parking would be parallel to the street so that the cars would pull into the parking spaces, back out, and come out forward. We would also be able to get some landscaping along there between the parking and the sidewalk and around the corner where the signal light is. Given that it would be difficult if not impossible to convert this building to a conforming use and we could improve the situation by turning that existing parking area that is within the city right-of-way into a parking lot that meets city standards, which would lower the danger on that intersection. Staff is recommending that the Planning Commission approve this application. If you have any questions, I would be happy to answer.

Chairperson Legalos: Thank you Mr. Chairman. Ms. Donovan: Can you tell me what you think and what you think the Public Works Department might think in regard to parking. What would you do to that, other than straight in, and back out parking?

Katherine Donovan: Let me see if I can backup to the site plan. I am not sure how well you can see that, but we have worked with the applicant to design its parking so that there would be two driveways and people would pull in the driveway and park parallel to the street. You would be able to get seven cars in that way. This isn't actually the final configuration, but it shows an approximation of what it would end up looking like, and we would be able to get seven cars parked that way in a much less dangerous situation. Since this is city-owned property, we are particularly sensitive to this.

Chairperson Legalos: Commissioner McConnell.

Commissioner McConnell: Thank you Mr. Chairman. To the Chair to Katherine. In our packet there is a series of four photographs, and one of them depicts not only the building that we are seeing on the screen, but what looks like a one-level, then red clapboard building in the back. Is that red clapboard building a part of this project, or not?

Katherine Donovan: It is not. It is a separate parcel. Those two properties were originally one parcel but were subdivided quite a long time ago, and they are two separate properties. The buildings, themselves, are actually two separate buildings. We ask the applicant to develop the entire right-of-way in front of those two buildings because they are not either property. It is city-owned right-of-way, and could get a better parking situation by doing that whole length at one time.

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Commissioner McConnell: Okay, when the antique store was there, I believe they had access to or usage of that section in the rear, and they used it for storage. Is it possible from building 1, the corner building, to access building 2 from inside of that structure?

Katherine Donovan: I don't believe there is any interior access but the applicant is here tonight, and you could ask him.

Commissioner McConnell: Okay. What is the size and the square footage of the public right-of-way that the applicant is actually going to be developing.

Katherine Donovan: The length of the block is 130 feet and the width of that area is about 29 feet, I believe.

Commissioner McConnell: And, when the applicant pays an impact fee – that's a one-time payment fee only, is it not?

Katherine Donovan: The Encroachment Permit is a one-time fee. I am not . . .

Commissioner McConnell: What is the amount of that – the encroachment fee?

Katherine Donovan: It is in the neighborhood of \$275.00.

Commissioner McConnell: So, for \$275.00, the building owner gets basically the lifelong usage of 130x29 foot land. Correct?

Katherine Donovan: That's pretty standard. As you know, our original street grid here in the older part of town is 80 feet wide, and very few of our streets are that wide, so most people have 10 to 15 feet worth of property that they use as their front yards and believe it is their front yard, but it actually belongs to the City, and in this case, it has been used for parking, probably since that building was constructed.

Commissioner McConnell: Okay, and the landscaping that is going to go in there - That's going to consist of trees, and what else?

Katherine Donovan: They will have to provide a landscape plan for us. We have to be careful of the line of site there because it is right on that intersection, but I wouldn't want it to be something as boring as lawn, so hopefully we will get some perennials, some ornamental grasses, things that would grow not more than two to three feet but would provide a lot of interest on that corner.

Commissioner McConnell: Are there any proposals to develop the rear building. I notice that there is clapboard now that has been placed over it. It looks like there is new foundation work. The eaves are still rotting out.

Katherine Donovan: We don't have a proposal from the applicant at this time. As you may remember, a couple of years ago, we had an application for a church at that location, which was denied by the Planning Commission.

Commissioner McConnell: Okay, thank you.

Chairperson Legalos: Commissioner Peterman.

Commissioner Peterman: As somebody who used to go to that antique shop, I say hurrah and hallelujah for fixing the parking. I almost got wiped out many times backing up. I have a question about the actual plan regarding the offices. It seems like the

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offices are very small and then there is that large room in the middle. Can you explain to me, that large space in the middle? Can you explain to me why that is?

Katherine Donovan: I think that what has been presented tonight is really a conceptual plan and depending on the actual tenant, they may come up with something different. I think what they had in mind here was an office that would be wide open for someone like an architect who wanted to lay out tables and have a lot of space.

Commissioner Peterman: Thank you, Katherine.

Commissioner McConnell: Katherine – I have a question on the dimensions of the parking area. They are 29 feet that you stated. Does not include the sidewalk?

Katherine Donovan: No.

Commissioner McConnell: Because, I measured that myself and I got 19 feet from the building wall to the edge of the sidewalk.

Katherine Donovan: I am going by the site plan and I am going by my memory, so I could be off. I believe it is more than that because I think they had a 5 foot sidewalk, two parking spaces. You may be correct. Maybe I was adding incorrectly, but there is a 5 foot walkway, 2 parking spaces which should be 9 feet wide each, and then there was about 4 feet before the sidewalk started.

Commissioner McConnell: I did measure it with a tape and I got 19 feet from the building wall to the edge of the sidewalk, so I was wondering how you could get two cars parked in there and still have room left to landscape. If you have two cars at 9 feet each, that is 18 feet. That only leaves a foot.

Katherine Donovan: There may be an error in the dimensions of the plan and we may have to revisit that parking layout but the intent will be that it will be that type of parallel parking so that there will be only two driveways and the cars will not enter the street backing up.

Commissioner McConnell: It seems to be though that it won't be possible to do any landscaping – not in a 12 inch strip.

Don Hazen: Mr. Chair – I might suggest – we base our analysis really on the information provided by the applicant and, if the information they have given us is in error and flawed, and you feel that landscaping is an essential component of this project, if we find out that these dimensions are wrong, then we would have to come back before you with the corrected facts. This might be something you might want to ask the applicant about in the Public Hearing.

Chairperson Legalos: I don't feel that landscaping that little strip is a critical issue. I think landscaping the corner will add a lot to improve the area but I don't feel that it is a critical issue. If there are no further questions, I will open the Public Hearing and we have no cards. Does the applicant wish to address the Commission? Is the applicant here? Would you please come up to the podium and state your name please.

Pramod Prasad: We have already given him the application and whatever was given by Public Works Department is fine with me.

Chairperson Legalos: Can you comment on the width of the parking area.

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Pramod Prasad: No sir. I haven't measured but I don't know whether 9 feet was looked at as the width of the parking or the land because, the two cars would be like this, but I haven't measured – no. I have never done that. I had given the job to someone else and I don't know whether they have. I am sure they have measured because the plan is there and Ms. Donovan has looked at it.

Chairperson Legalos: Okay, thank you

Pramod Prasad: Thank you.

Chairperson Legalos: Seeing no further speakers, I will close the Public Hearing and bring the matter back into the hands of the Commission. If there is no further discussion, do we have a motion? Commissioner Peterman.

Commissioner Peterman: I move that we approve Use Permit 05.0026 subject to the findings contained in the report.

Chairperson Legalos: Please vote.

AYES: Commissioners McConnell, Manning, Legalos, Turley, Engelman, Peterman.

NOS: None.

ABSENT: None.

Unanimous with Commissioner Salvadori recusing.

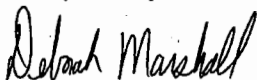
L. OTHER ITEMS

None.

M. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 7:30 P.M.

Respectfully submitted,



(for) DON HAZEN, Secretary

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- A. The meeting was called to order at 7:00 p.m.
- B. The pledge of allegiance to the flag was recited.
- C. ROLL CALL:

Present: Commissioners McConnell, Manning, Legalos, Turley, Salvadori, Engelman, Peterman.

Absent: None.

- D. APPROVAL OF THE MINUTES.

Chairperson Legalos: May we have a motion for approval of the Minutes of the meeting of March 19, 2007? Commissioner Peterman.

Commissioner Peterman: I move that we approve the Minutes of March 19, 2007.

Chairperson Legalos: Thank you. Please vote.

AYES: Commissioners McConnell, Manning, Legalos, Turley, Salvadori, Peterman.

NOS: None.

ABSENT: None.

ABSTAINING: Engelman.

It is unanimous, with one abstaining. Motion carries.

Chairperson Legalos: May we have a motion to approve the Minutes of the meeting of April 2, 2007. Commissioner Peterman:

Commissioner Peterman: I move that we approve the Minutes of April 2, 2007.

Chairperson Legalos: Please vote.

AYES: Commissioners McConnell, Manning, Legalos, Turley, Salvadori, Peterman, Engelman.

NOS: None.

ABSENT: None.

It is unanimous. Motion carries.

Chairperson Legalos: May we have a motion for the approval of the Minutes of April 16, 2007, please.

Commissioner Peterman: I move that we approve the Minutes of the meeting of April 16, 2007.

AYES: Commissioners McConnell, Manning, Legalos, Turley, Salvadori, Engelman.

NOS: None.

ABSENT: None.

ABSTAINING: Peterman.

Chairperson Legalos: May we have a motion for the approval of the Minutes of June 4, 2007 please. Commissioner Peterman.

Commissioner Peterman: I move that we approve the Minutes of June 4, 2007.

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Chairperson Legalos: Please vote.

AYES: Commissioners McConnell, Manning, Legalos, Turley, Salvadori, Peterman, Engleman.

NOS: None.

ABSENT: None.

Motion carries.

E. WRITTEN COMMUNICATIONS

None.

F. REPORT OF THE SECRETARY

1. Upcoming Meeting of Monday, July 16, 2007

- a. Code Text Amendment 06-0004 to revise Chapter 16.70 – Screening and Landscaping Regulations. *Continued from the meeting of April 16, 2007 to the meeting of July 16, 2007. Has been continued to August 20, 2007.* Staff Person: Katherine Donovan, 648-4327.
- b. Tentative Map 06-0003 to create 23 parcels for Skyline States subdivision. Staff Person: Marcus Adams, 648-5392. *Continued to a future meeting.*
- c. Site Development 06-0022 for a second story addition in the View District located at 35 Burnham Street. Staff Person: Marcus Adams, 648-5392.

2. a. Receiving Planning Commission Packets Electronically Starting July 16, 2007

After polling the Commissioners, most of them want both an electronic copy and a hard copy, with Commissioner Turley wanting only a hard copy. Commissioner Manning suggested that the minutes be done electronically only. The packets can be accessed from the web. Deborah Marshall will notify the Commissioners where to access them. Hard copies will be mailed and not delivered. Due to the scanning process and the fact that at least one Commissioner wants only a hard copy the minutes cannot be done electronically only.

G. CITY ATTORNEY REPORT

None.

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

Chairperson Legalos: Do we have any reports from the Planning Commission?  
Commissioner McConnell.

Commissioner McConnell: Thank you, Mr. Chairman. Tonight I would like to bring the attention of the Planning Commission and City Staff to two developments that have occurred that I have recently become aware of. One relates to an occurrence in Contra Costa County where an individual who is an employee of that county submitted an application in the unincorporated area of Contra Costa County for a building that would have taken the place of another building on a lot. He proposed

that the new building be substituted for the original building and the original building be considered the secondary housing unit. The Planning Division of the County approved it and as fate would have it, someone objected upon a view consideration, thus bringing the attention of everyone, the fact that they had approved a new structure to become a primary structure and substituted the original structure as a secondary unit. I felt that that was taking advantage of the secondary housing ordinance as it written, and I would like to ask Staff to investigate the adequacy of our secondary housing unit and report back when it can. Whether we need to address, or we need to enforce or increase the requirements of that ordinance, because I don't think someone should be permitted to create a new structure – and say that that will be the primary structure and use the existing structure as a second unit – that I think, was not the intent of the secondary housing unit.

The other matter I would like to bring to the Commission and Staff is a decision of the California State Supreme Court which was filed on June 7, 2007. *Hernandez vs. City of Hanford*. In reviewing this, it strikes me that this is going to present an excellent opportunity to cities everywhere within the State of California to reshape its zoning approach and how it regulates economic activities within the City. It is a fairly lengthy decision, and I would ask that our City Staff and City Attorney take a look at this decision and report back to us in a month as to their review of this matter. I believe that we will be able to address some of the concerns the Downtown Association has voiced about competition from other areas in town. I believe that it presents a tool for a city to entirely revamp its zoning approach to how to regulate economic activity within the city and, in my opinion, I think it presents a tremendous opportunity for us that I am sure every city in the State of California is going to be looking at and will be addressing in the due course of time. Thank you Mr. Chairman.

Chairperson Legalos: Thank you. Are there any other reports of the Commission? May we have the report of the Liaison to the City Council please.

2. Council Liaison to Planning Commission – None.
3. Planning Commission to City Council - None

#### I. COMMUNITY FORUM

*Members of the public wishing to address the Commission on Consent Calendar items are requested to submit a completed speaker card to the Secretary. Any member of the public who wishes to speak as to any consent item may do so at the public comment period preceding the approval of the consent calendar and agenda. Any member of the public may request that any consent item be removed from the consent calendar and be heard and acted upon in Public Hearing portion 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.*

None.

#### 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*



Chairperson Legalos: We have nothing on the Consent Calendar, and I would like to suggest that item K3 be moved up to K1.

Commissioner Peterman: With Item K3 moved to K1, I move that we approve the consent calendar and the agenda.

AYES: McConnell, Manning, Legolas, Turley, Salvadori, Engelman, Peterman.

NOS: None.

ABSENT: None.

Motion carries.

K. PUBLIC HEARINGS

- 1. Use Permit 07-0002** Reconsideration of tow yard located at 107 Couch Street. The applicant is proposing a tow storage yard with capacity for 30 vehicles. Access to the yard would be from Couch Street only. No structures are proposed for the yard which is enclosed by a chain link fence with vinyl slats. The applicant operates a towing storage yard on Maine Street and the current proposed yard would serve as an over-flow yard for the Maine Street lot. Proposed CEQA Action: Exempt per Section 15332, "In-Fill Development". Staff Person: Marcus Adams, 648-5392.

Don Hazen: Yes, Mr. Chair and Commission members. Item K3 was intended to be a reconsideration of a tow yard that you had previously reviewed and had denied. The applicant filed an Appeal before the City Council but at the same time, had also modified his application to include provisions which he believes can address the concerns that were addressed by the Commission, which led to the vote of denial. It was my suggestion that before we took it to the Council, that we checked with the Commission to see if they would be willing to re-hear this item because there were elements of that project proposal that you were not given in the original submittal. From a procedural standpoint, the City Attorney advises that it is really a two-step process. The first step is that you would need to vote a majority vote. At least, the majority members that had voted to deny it would need to agree to re-hear this item, and, if so, then we would bring that back at a later date. So, for this evening, it is convenient that the applicant had requested a continuance anyway because some members of his team were out on vacation. So, what I would suggest is that we go through the formal process of taking a vote this evening to see whether there is majority support of the Commission to re-hear this item. Included in your packet is an overview of some of the changes that the applicant was requesting so that can kind of help assist in your decision on whether you wish to re-hear it or not. I also believe there are members of the public that came to speak to this item tonight, and my advice on that is, let's see how the re-hearing vote goes, and if you do agree to have a re-hearing, I would like to go ahead and suggest a meeting date. Then, if members of the public, for some reason, may be unable to attend that, it would be up to the Chair whether you wish to at least open it for testimony, but there is no plan for a staff presentation this evening.

Chairperson Legalos: I understand.

Commissioner Turley: You sure you want me to go first? Anyway, I have read the material on K3, and I think I know where you are going, and I would just like to ask a procedural question. Can we discuss the content of the changes before we vote on whether or not to re-hear the case?

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Claudia Quintana: Yes, and in fact if somebody wanted to speak, that would be fine too. But, the only issue before the Commission tonight is whether or not you want the re-hearing. So, you are not denying the project, improving the project – nothing like that, only whether or not you want a re-hearing.

Commissioner Turley: And, I was saying that if a member of the public wants to speak, we open a Public Hearing and . . .

Claudia Quintana: That's correct.

Chairperson Legalos: Okay, Commissioner Turley.

Commissioner Turley: I have read all of the material in there concerning K3 and it hasn't changed my feelings at all, and I personally would like to support the decision that we made the last time in denying approval. Thank you.

Chairperson Legalos: Thank you.

Commissioner Peterman: I just have a point of order question. When I asked Ms. Quintana if I could vote on it, she said "yes", and Mr. Hazen said "no". So, do I vote or not?

Don Hazen: Well, I think I was just referring to the majority of the members who voted no last time. Is that correct?

Claudia Quintana: That's correct. There has also been some discussion about which procedure to use – whether it was a Motion to Reconsider which would have entailed sort of going back to the previous hearing in reconsidering just one item, but since this is a Motion for Re-Hearing and it will encompass the totality of the action, tonight considered action sort of stands on its own, so it will be fine if you vote.

Commissioner McConnell: Thank you Mr. Chairman. If I may ask a question to Staff: Has the applicant withdrawn its Appeal?

Don Hazen: No, the applicant has essentially kept the Appeal application active but has waived his right to an Expedited Appeal Hearing. So, if you vote to not re-hear this, then we would schedule it for City Council on that Appeal application that we have right now.

Commissioner Salvadori: I am a little confused with something that was said that perhaps I misheard. If any member of the Commission that voted on the affirmative side in the prior vote can request that this item be brought back, and then other members of the Commission sitting here, can vote whether or not they want it back. Probably it needs a majority of those who voted in the affirmative last time.

Don Hazen: It doesn't need that. Just one.

Chairperson Legalos: Are there any members of the public who would like to address the Commission on this issue? Seeing none: do we need a motion, Ms. Quintana?

Claudia Quintana: I don't know if you said it. You probably did, but I didn't hear it, as to whether you opened the Public Hearing.

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Chairperson Legalos: Well, I asked if there was anyone who wished to speak. There was none.

Claudia Quintana: Okay.

Deborah Marshall: There is one person who does want to speak if you are not going to bring it back. If the vote goes to where it is another night, he will come back on that night, but otherwise he does want to be heard.

Claudia Quintana: Well, it is hard to know. So, if you would like to speak on the re-hearing issue, the time is now, not afterwards.

Deborah Marshall: So, he will speak, then.

Chairperson Legalos: Then, I will now open the Public Hearing.

Tony Nino: I own a few properties around the premises where they are applying for a license for towing and basically, parking. I had brought in with me some pictures that I would like to share with you guys if I can and go over them. May I pass them to you? There isn't really much for me to talk about besides my photos. I had passed by and taken photos of the property. On Photo 1, 2, 3 and 4: It shows the frontage of the lot where it is actually visible from Sonoma Boulevard., and it shows the condition of the property on top of the cars that are parked there. Also there are pictures 5, 6 and 7. They are numbered on the back of the pictures. It shows the condition of the inside lots – of how much bushes there is and garbage laid out around and also that could cause, basically, fire. Photos 8, 9 and 10 – it shows garbage and old transmissions, engines that's inside the truck beds, and pictures 11 through 14 are also photos of vehicles there, and based on my experience in cars, that those vehicles are probably the latest one is 1980 and 1970's vehicle that looks like there is maybe \$200.00 to maybe \$1,000.00 worth sitting on the lot. It shows the condition of them. God knows how much leakage there is – how much contamination there in that property, and there is also a square box inside the property. It shows a lot of garbage that has been basically, collected, on the property. That should answer basically what we need to see and know – what type of property this is turning into on Sonoma Boulevard, which is our main street in Vallejo.

Chairperson Legalos: Thank you Mr. Nino. If there are no other speakers, I will close the Public Hearing and bring the matter back into the hands of the Commission.

Commissioner Turley: Thank you Mr. Chairman. Somewhere in our package, it says that most of these cars will be kind of in and out cars but yet if you will look at those pictures that were just given to us, you can see where weeds are growing up around some of them. So, some of them are there for quite awhile.

Commissioner Manning: Tonight we are just here to talk about whether or not we are going to re-hear this, and my position on that is that it is our responsibility as a Planning Commission to try to work out these things and not have them passed onto City Council if we can avoid that. Since the applicant is coming back with a revision, I thought it was our responsibility to hear that revision and then make a decision. If we decide, even with the revision, to deny as we did the first time, there is just more information for the City Council if they do appeal it to go to City Council. So, that was my thinking about why we should hear this again.

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Commissioner McConnell. Thank you Mr. Chairman. If I may, I have a question to our Staff. Would you refresh my memory as to what the present status of this applicant is with respect to property being at that location? With the applicant being on the premises: is that something he has a right to do at this time, or did he just sort of move in and take over.

Don Hazen: He was granted an Administrative Permit to do this on a temporary basis and then with the provision that if he wanted to continue it, and I believe the initial period was 90 days, then he needed to pursue it on a more permanent basis, and so that's what this application was for.

Commissioner McConnell: How many days has he been at the location?

Don Hazen: He has exceeded that probably by about at least two months, but because this issue was pending, we typically wouldn't have him vacate the site because he is pursuing this in good faith and trying to get a City approval for a Permanent CUP.

Commissioner Engelman: Well, when we discussed this the last time, it all came down to use of that property and at that location, and I think that at that time, even through maybe the aesthetics has changed a little, basically, we didn't want that type of use there in that location. So, to me, I won't change my mind. It is still a tow yard and I don't believe it has any business there where it is located, and I don't think it benefits the City at this time or in the future with what our plans are.

Don Hazen: Not to speak for the applicant, but there was some discussion at your meeting also about – there was some initial questions about whether you could impose some frames on the CUP and the City Attorney said “no, not unless the applicant offered,” and so he was a little slow I think in coming up with that offer until after you made your decision. So, I think the applicant's view of this is: “Okay, you didn't like the use” so he is now going to propose it on a temporary basis – I believe, five years. That's his attempt to try to address your concern about the use was now to through out this as a temporary.

Chairperson Legalos: I think that Commissioner Manning's argument is very important and that the Planning Commission should not pass these decisions onto the City Council. However, it seems to me that an Appeal will be filed in any case and the City Council will be forced to hear it. So I wonder about the futility of the Commission going through the motions of re-hearing and either denying it again and having it appealed, or, approving it and having it Appeal. I think an Appeal, it seems to me, is almost inevitable although in principle I do certainly agree with Commissioner Manning but in this case, I am not in favor of re-hearing this.

Commissioner Engelman: I move to deny the re-hearing.

AYES: Engelman, Legalos,

NOS: Turley, McConnell, Peterman, Salvadori, Manning.

ABSENT: None.

Motion to deny carries.

Chairperson Legalos: Ms. Marshall may we have item K2 which was item K1?

**2. Specific Plan 98-01C and Code Text Amendment 06-0006** for an amendment to Architectural Heritage and Historic Preservation Ordinance. Staff Person: Michelle Hightower, 648-4506.

Michelle Hightower: Good evening Commissioners. As stated, this is the Proposal to Amend the Mare Island Specific Plan. As you may know, in 1999, the Specific Plan was first adopted and Lennar Mare Island proposed an Amendment in 2005 to amend the Specific Plan to include more detailed information than the 1999 Plan included. This specifically included information on Historic Resources. The 2005 Specific Plan included a Development Plan that proposed demolition of 183 Historic Resources and concerns were expressed regarding this demolition by members of the Vallejo Architectural Heritage Foundation as well as the National Trust for Historic Preservation. They, as part of the review process for the 2005 Plan indicated an intent to challenge the City Council's approval, so, shortly after the approval of the Plan, the City entered into negotiations with the Vallejo Architectural Heritage Foundation and National Trust and in April of 2006, an Agreement was reached and the Specific Plan Amendment that you are considering today is to make sure that the negotiated terms of that Agreement have been incorporated into a new Specific Plan for Mare Island. Staff also took this time to incorporate mitigation measures from the 2005 Final Subsequent Environmental Impact Report that was prepared for the 2005 Plan and also to address some issues that have taken place since the adoption of the 2005 Plan. Lastly, the purpose of this Specific Plan Amendment is to amend the Vallejo Municipal Code regarding Mare Island Historic Resources. As a part of the Settlement Agreement as stated, Lennar is to apply for an Amendment to the Specific Plan so we are collectively referring to this project as SPA-2, and that includes the primary terms which are listed for you - the retention of nine buildings designated for demolition, as I stated, 183 buildings were proposed for demolition. One of the negotiated terms is to retain 9 additional buildings. Also, to reuse buildings that were currently designated with no reuse.

The Mare Island Specific Plan included the Historic Project Guidelines, and as a part of the Historic Project Guidelines, a classification system was established. The classification system includes City Landmarks as the highest designation, and Notable Resources as the mid-level, and Component Resources as the lowest level, stating that they do not have individual significance but they contribute to the district. So, one of the negotiated terms of the Settlement Agreement was to elevate 15 of the buildings from the lowest designation or classification to the mid-level, which is Notable Resources. In addition to that, the Agreement includes more stringent criteria to demolish certain Notable Resources. In the Historic Project Guidelines, currently there are four requirements that a project proponent would have to submit before they can demolish an Historic Resource. We included three additional criteria. Lennar also included as part of a separate agreement or as part of the mitigation, to allow a loan up to \$250,000 for property owners to rehabilitate their properties, and this is included in the Historic Project Guidelines. Lastly, as part of the Settlement Agreement, Lennar and City Staff were to consult with the National Trust and members of the Vallejo Architectural Heritage Foundation on the project. This shows several examples of some of the buildings that were reclassified and retained as part of the negotiations. Building 527 is a warehouse. It will now be retained. Building 854 was a former pump house. It will now be retained. Building 766 was a former latrine. It has now been reclassified from a Component to a Notable as well as Building 6D which is a garage, and Building 259 which was reclassified from a Component to a Notable. It was formerly used for storage.

So as part of the Settlement Agreement, we have several changes. We have the Specific Plan document, Chapter 2, Attachment B, in the packet.

The Settlement Agreement negotiated terms have been incorporated into this particular chapter. We have reformatted that document and we have also included several deletions to remove duplicated information that's also in the Historic Project Guidelines. In the Historic Project Guidelines, which is your Attachment C, we have also reformatted the document and amended the tables, the demolition criteria, as well the process to include those negotiated terms previously stated. Also, the Historic Resources Catalogue which is your Attachment D – we changed the description of those buildings that have been reclassified as well as changed the indexes. In the Preliminary Development Plan, which is your Attachment E, we have changed the classifications as required and also we have reduced the number of new buildings that Lennar can build to offset those numbers of buildings that will be retained so that there will be no new developments. And, we have also consulted with the National Trust and the Vallejo Architectural Heritage Foundation throughout this process. We met with them in September and several meetings in the months of April and May, and we've included in your packet, the Staff report to the Architectural Heritage and Landmarks Commission as well as comments from those two agencies. The Specific Plan Amendment 2 Project also incorporates mitigation measures that were required as part of the Subsequent Environmental Impact Report. One of those is to include a Feasibility Analysis for the Proposed Demolitions that requires a project proponent to analyze all of reuse and relocation options before they submit a request to demolish a Notable building. Also, as a mitigation, project proponents that have projects within a Historic Landscape must submit a Cultural Landscape Evaluation and the photograph shows Club Drive Park which is an example of an Historic Landscape.

Other Specific Plan Amendments include, as a part of a Separate Agreement, we are prohibiting re-activation of the ten inactive dredge ponds. There were a number of revisions made and corrections throughout the documents, specifically relating to the Land Use Table. The Land Use Table in the Specific Plan Document as it currently exists used approximations, and, to eliminate any confusion, the document has been revised so that the Land Use Table matches exactly with the table provided in the Environmental Impact Report as well as the Development Plan. And we also included requirements for new residential subdivisions. One primary requirement is that we will not allow garage conversions on Mare Island. We also require that any enclosures of patios must be approved through our unit plan process.

The Amendments to the Vallejo Municipal Code include deleting a lot of the information that is currently in Section 2 of Chapter 16.38.C currently the Vallejo Municipal Code calls for the development of Historic Project Guidelines and, as stated in 2005, the Guidelines were included as part of the Specific Plan and so therefore that information is no longer valid. We have deleted information or project requirements that are currently in the Vallejo Municipal Code and now replaced it with a reference to go to the Mare Island Specific Plan for all projects within the Mare Island Historic District, and that makes the Vallejo Municipal Code and the Mare Island Specific Plan, consistent. So, as part of this approval process, we met with the Architectural Heritage Landmarks Commission. First in September, we had a study session and then we had another follow-up study session in May and on May 17, we received a recommendation from the Architectural Heritage Landmarks Commission to forward the Specific Plan Amendment, particularly the information regarding the Historic Resources to the City Council for approval. Tonight we are here, requesting your recommendation to the City Council and that City Council meeting has been rescheduled from June 26 to July 10. Lastly, the Settlement

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Agreement included \$15,000 for training on the Historic Project Guidelines, and Lennar and City staff anticipate that taking place in September 2007. I am available for any questions that you might have as well as the Mare Island representatives.

Commissioner Turley: Michelle: In terms of the number of pages there was in this project, I really have to commend you for the outstanding, professional job you have done in putting such a big project together. I think this is the biggest project I have seen since I have been on the Planning Commission, and my compliments to you. It is not important that the Commissioners refer to this, but on page 112, you are talking about new walls and fences, and I am just wondering if chain link fences will be allowed or permitted on the side yards or the backyards because I don't see that covered here.

Michelle Hightower: One page 112, item B1, "Materials for visible fences should be wood, masonry, and/or wrought iron. Chain link fences are not allowed for front yard areas." We could add that chain link fences are not allowed in any yard.

Commissioner Turley: Okay. This refers to just the front yard. So, you are going to include all sides of the yard?

Michelle Hightower: If that is your recommendation.

Commissioner Turley: That's my recommendation. Thank you. That's the end of my questions.

Chairperson Legalos: If there are no other comments from the Commission, I will now open the Public Hearing. Do we have any speakers, Ms. Marshall?

Deborah Marshall: None.

Chairperson Legalos: Seeing no speakers, I will close the Public Hearing.

Commissioner McConnell: Thank you Mr. Chairman. I would like to provide some information to the Planning Commission at the request of Adrian Waterman who is the Board President of the Vallejo Architectural Heritage Foundation. She extends her apologies tonight for not being able to be personally present. She unfortunately had a last-minute occurrence that prevented her from attending. She specifically asked that I thank the Commission and the City staff for their assistance in this project and read the following letter which she submitted to the Planning Commission:

*"Dear Vallejo Planning Commissioners:*

*The Vallejo Architectural Heritage Foundation would like to thank you for your work in preserving Mare Island's Historic Resources. In order for the Mare Island Naval Shipyard's legacy to be remembered, a balance has to be struck between preserving the assets which gave it national importance in capitalizing on them. We are pleased with the results, with the corroboration by all parties working together, and the Revised Specific Plan Amendment as approved by the AHLC with the corrections noted to be made regarding specific language. The reorganization and information by Staff has resulted in clear working documents. The addition of preconditions to demolition will help prevent creation of vacant lots, provide more flexibility over time for addressing changing market conditions, and will allow more opportunities for use of these existing national historic buildings. Improvements made regarding the feasibility analysis of buildings being evaluated for demolition creates a better tool for critical evaluation of the historic resources and brings the*

*documents more in line with state and federal laws. As the recent U.S. COMOS Conference reflects, Mare Island has historic marketability on national level. The successful ongoing reuse of its marketable industrial assets is essential to that vitality, across which is already under way. Writer's challenge is to see ourselves as others see us. What we may consider our backyard legacy, is to others, a national legacy.*

*We look forward to continuing to work with the City to capitalize on Mare Island and those unique historic assets.*

*Sincerely,*

*Adrian Waterman,  
Vallejo Architectural Heritage Foundation Board President"*

Chairperson Legalos: If there is no further comment, may we have a motion.

Commissioner McConnell: Mr. Chairman: I will submit the motions to the packet with the Findings and Conclusions as set forth.

Chairperson Legalos: Please vote.

AYES: McConnell, Manning, Legalos, Salvadori, Peterman, Turley, Engelman.

NOS: None.

ABSENT: None.

Motion carries.

Chairperson Legalos: Ms. Marshall. May we have Item K3 which was formerly item K2 please.

Don Hazen: Mr. Chair, I will go ahead and take this opportunity to introduce this.

3. **USE PERMIT 06-0019** is an application for conversion of a commercial building into a church, located at 2020 Sacramento Street. Proposed CEQA action: Exempt per Section 14332, "In-Fill Development". Staff Person: Devan Reiff 649-5392.

Don Hazen: I would like to take this opportunity to introduce Devan Reiff. He is our newest addition to Staff. He is functioning right now as a temporary planner. He comes to us with several years' experience including working for the City of Portland, New York City, and so he has broad horizons and he has brought a lot of valuable insight into the department and he has been quietly working behind the scenes for a couple of months now, helping us reduce our backlog, and so this is his first Planning Commission item, and we are real glad to have him aboard.

Chairperson Legalos: Thank you. And, welcome aboard. It is a pleasure to have you.

Devan Reiff: Thanks very much. Good evening Commissioners. Tonight is an Application for a Use Permit 06-0019 to convert an existing commercial building into a church. The location is 2020 Sacramento Street. It is about half a block south of the Sunrise Memorial Cemetery and south of Valle Vista. The site had been an auto glass retailer and warehouse. It was purchased by the Bay Pentecostal



Church, who is the applicant, approximately six months ago and they have done some work to clean up the site and secure it and make it presentable even though it is currently vacant still. So, here is a before and an after picture of the current site. The adjacent parcels – adjacent to the north is an automobile repair shop. To the south is a series of single family homes, some of which are duplexes. You can see one here. To the east, that big vacant parcel you see in the back, is a parcel owned by the Vallejo Sanitation and Flood Control District. In terms of neighborhood character, across Sacramento Street to the west are single family homes. There you see a vacant lot on Denio Street. North on Sacramento Street, the same side of the block as the subject parcel, is the commercial district which is a mix of automotive uses and, in this case, to the left there, a nonprofit social service provider. This is about two or three lots north of the current applicant site. The General Plan designation here is high-density residential. The Staff feels the application for a church is compatible with that designation. The zoning is linear commercial which we also find to be compatible and, of course, linear commercial districts allow religious assembly with a Major Use Permit which is the subject of our application tonight.

The Project Application is to convert this building which is 2,960 square feet into a new church for the Bay Pentecostal Faith. There would be a maximum capacity of 108 seats. Parking would be surface parking: 25 parking spaces on the lot you see just here, and there would be one additional ADA accessible space. There would also be interior and exterior renovations to the site. We will take a look here at the site plan. This is the existing building. There are no proposals to add to this building in terms of square footage. The parking, as you can see, is around what is now the current vacant lot and would be accessed here, with the driveway here. This would be the front door of the church. In terms of the elevations, the architect has done some simple renderings of what the church could look like. The main change to the exterior is, of course, this steeple, which rises to a height of 30 feet. The code building tops out at about 18 feet. There would be also the addition of stained glass windows, these arched doors. You can see the stained glass windows kind of continue along on the side there, on the bottom elevation. In terms of the floor plan, again, there is no expansion of this space. They are going to use what they have. There will be moveable seats for up to 108 parishioners. There will be a pulpit, portable baptistery. There will be two classrooms with dividable, moveable doors, and a small kitchen, and a small pastor's office.

In terms of the landscaping, the applicant currently has a separate lot line adjustment application to merge these two lots. Currently they are two separate lots which would bring the adjacent vacant lot as providing adequate parking. So, as I mentioned, there would be 25 parking spaces, including one ADA accessible space. Around the perimeter, landscaping elements such as cypress and bushes are proposed. At the entrance of the church would be ground cover and red palm. Because there is a single family house as we saw on the orange, which is essentially right here where the legend is, we are going to suggest that we add a condition of approval that is not currently in your resolution which would require that the applicant replace the existing 4-foot fence with a 6-foot fence and also make whatever landscaping improvements he can to separate his parking lot from that adjacent house. In terms of Staff Analysis, we find that this is exempt from CEQA based on the Class 3 Categorical Exemption for New Construction or Conversion of Small Structures.

In terms of the use, the church services are two services on Sunday; one from 8:00 am to noon, and; one from 5:00 pm to 8:00 pm. There will be a Saturday night choir practice and two small group gatherings in the evenings on Wednesday and Friday. Further, the applicant has informed me that twice yearly they have meetings in

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community workshops which would be held on the weekends. Services would also include amplified music and hymnal singing, but the applicant reports that so far, at their current services held right up the block on Marin Street, that there have been no noise complaints from the neighbors. In terms of parking, Staff finds that the parking is adequate. Buildings for religious assembly are required to have one parking space for every 80 square feet for every square foot where the seats are not fixed, as the area where the sanctuary will be – it measures 1,920 square feet. That requires 24 parking spaces. They are adding another parking space in addition to that as I mentioned, including one ADA accessible space. So, Staff considers the on-site parking to be sufficient for the expected services and the activities of the church. I don't believe I mentioned that the typical services, according to the applicant, number about 50 people, so they have room to expand with their application for 108 seats.

In terms of the design of the church, the Staff finds that the improved designs are an improvement over the current building, with its modest steeple and the addition of the arched stained glass windows. We have found that the possible noise impacts from the amplified music will be mitigated. The church choir is expected to be in the rear of the building which is here at the pulpit. Also – the width of Sacramento Street – it is an arterial. It is four lanes wide and the ambient noise from the traffic we expect would also mitigate whatever noise effects there might be. In terms of lighting impacts, we are also going to require an additional condition not in your resolution that would ask the applicant to require low level lighting to avoid glare to the neighborhood and that the applicant submit a Revised Site Plan showing what height his light fixtures will be and that they follow the Planning Division standards, especially for commercial lighting.

In terms of findings for the application, they can be made as seen in your attached Resolution. In summary, the Staff recommends that the Commission approve Use Permit 06-0019 with the attached conditions. I am here to answer any questions and, the pastor of the applicant is also here as well. Thank you.

Chairperson Legalos: Thank you.

Commissioner Turley: Thank you Mr. Chairman. You pronounce your last name Reiff ("reef")? That's a good name. Could you show me the picture please of the front of the building with the steeple on it?

Devan Reiff: Sure.

Commissioner Turley: Okay, now where that left stained glass window would be is a big, steel overhead door there, right?

Devan Reiff: Right, currently.

Commissioner Turley: And that would be replaced?

Devan Reiff: Correct.

Commissioner Turley: Okay. Now, do you have a picture showing the right-hand side of the building?

Devan Reiff: I believe it may show in this picture here. Let's take a quick look. No, I am sorry. I guess you can see just a little bit of it. There are no entrances currently. I guess there is that one.

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Commissioner Turley: You don't have a picture showing what I am going to talk about. Also, on the right-hand side of the building there is a great big sliding steel door. Now, is that going to be replaced – be removed and replaced by filling the . . . ?

Devan Reiff: I believe so. I think they intend for those to be windows that are decorative only.

Commissioner Turley: Okay.

Don Hazen: The floor plan in your agenda packet shows solid walls with just the windows on the side, so they will fill that in as well.

Commissioner Turley: Okay, thank you. And, the cyclone fence in the rear of the property will remain?

Devan Reiff: I believe if it was requested from the Commissioner, that we could work with the applicant to remove that fence and replace it with something that was more either, decorative, or more appropriate.

Commissioner Turley: I am not going to request that; I am just asking a question.

Devan Reiff: I believe that at this time, the cyclone fence is intended to remain.

Commissioner McConnell: Thank you Mr. Chairman. Will there be an HVAC system in this building?

Devan Reiff: We haven't discussed that with the applicant.

Don Hazen: That would be a good question for the applicant as far as what type of system. Obviously the building codes would require air ventilation but we would have to check with the applicant on that.

Chairperson McConnell: Well, my concern relates to a noise control issue. I would imagine the organ will be amplified, and one of the requirements that I think we should place on them is that during the time that they are using amplified music, that all doors and windows would have to remain closed. Secondly, I would make the request that the chain link fence in the back would be covered with vines.

Devan Reiff: Yes.

Chairperson Legalos: I have some questions that relate to possible noise issues. The siding on approximately two-thirds of the right side of the building - is there a plan to remove that steel siding and replace it? It looked as though, with the new windows in, that the steel siding was gone

Devan Reiff: My understanding is that structurally they would do what they would have to do to have the windows. If that requires removing the steel siding, then they would, but we haven't discussed the specifics of the construction of that wall. In terms of noise control, if that was also a condition, then we would absolutely require that.

Chairperson Legalos: So, at this point you haven't discussed any insulation in that wall, and, is the ceiling to be vaulted? Because it has the steel roof also, so it would be the same issue about insulation in the ceiling.

Devan Reiff: Right.

Chairperson Legalos: Do you know whether it is a vaulted ceiling or a flat ceiling?

Devan Reiff: I don't know. The architect has worked up the plans to this level of detail, and in terms of construction details or construction plans, we haven't gotten to that point yet.

Chairperson Legalos: I believe these issues could impact on the sound transmission. In terms of the sound, I was wondering if, given the assembly area, if you subtract the square footage for the classrooms, the restrooms, the kitchen – the assembly area looks like about 1,900 square feet. Is amplified music necessary in a space that small?

Devan Reiff: I understand from the applicant that amplified music is part of their current services. Is it necessary to their worship ceremonies? That, I don't know.

Chairperson Legalos: Well, my question was more – Is it necessary for the music to be heard in a space that size, that you amplify it?

Devan Reiff: Right. I see.

Chairperson Legalos: It seems to me that un-amplified music might be sufficient. The question of whether or not it is required for the service – aside. Then, the other comment that I would like to make that, while traffic might mask some of the sound, I don't think there is much traffic on that street at 8:00 o'clock on Sunday morning, and I think that might be a particularly sensitive time for some people who would prefer to sleep. I know there is not much traffic on that street around 10:00 o'clock in the evening. I don't recall when choir rehearsal times were, but I believe there are activities planned from Wednesday evenings from 7:00 to 10:00. Would there be music? Or, singing?

Devan Reiff: My understanding of their services are that there is a Saturday night choir practice but that the week night activities in the evening are bible study or discussion.

Chairperson Legalos: So, I would still like to learn more information on the architecture of the building – the interior in particular, and the possible impact on sound transmission and on whether or not amplification is really necessary in a space that small.

Devan Reiff: Yes, we will go ahead for you.

Chairperson Legalos: If there are no other comments – we will open . . .

Commissioner Turley: Thank you Mr. Chairman. Mr. Legalos, if you are interested in the sound level in there, we could ask for a certain maximum decibel and they could use the sound equipment only way down low.

Chairperson Legalos: Yes, we could do that. If it is way down low, it might not be worth investing in sound equipment, but I think we need to hear from the applicant as to the requirement for the applicant, but thank you for your comments. I will now open the Public Hearing. Does the applicant wish to address the Commission?

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Pastor Benjamin Patts: Good evening Commissioners. I am Benjamin Patts. I am pastor of the church. One of the main reasons we need to use the sound is because most of our services are recorded on tapes and so it is necessary to have this instrument. But, we are very much willing to lower any volume to not cause a commotion or noise that would disturb the neighborhood.

Chairperson Legalos: Do you wish to make any other comments?

Pastor Benjamin Patts: As far as asking for, or hoping for your consideration for this project, I believe that the church is really good for the community. As far as the traffic is concerned, we don't have many members – probably 50 people as of now, and if you notice, if you pass by that street, you can see that there are a lot of cars parking already that are not ours, and I don't think it will cause a lot of problems. The building next to us is a shop. They own a lot of cars and most of the time they use that parking lot – that place, only from the inside to the street. I really believe that it will not cause a lot of situations since the neighbors are used to a lot of cars in the place.

Chairperson Legalos: Thank you very much.

Don Hazen: While the speaker was up, I would ask if maybe he would like to acknowledge that he has heard the recommendations of Staff to add some conditions as well as some comments on the conditions that you are possibly contemplating because those would be cost issues, and I would just ask at some point before you close the Public Hearing that you have an opportunity to at least acknowledge that he has heard those and is accepting of them.

Commissioner McConnell: Thank you Mr. Chairman. To the applicant: Sir, are you planning to have an air conditioning system in this facility?

Pastor Benjamin Patts: Yes sir.

Commissioner McConnell: And, you don't see any difficulty requiring that you keep the windows and doors closed during the use of amplified systems?

Pastor Benjamin Patts: Not at all sir.

Commissioner McConnell: And, you don't have any objections to placing vines over the rear chain link fence?

Pastor Benjamin Patts: Not whatsoever.

Commissioner McConnell: There was some other recommendations made by Staff. You heard those. Did you have any problems with any one of those?

Pastor Benjamin Patts: I said that I am willing to do anything to follow your recommendations. I will want to be a good citizen. I will follow whatever the City – the Planning Commission requires. Yes.

Commissioner McConnell: I can recall one other religious assembly organization that was requested to do some landscaping and they never got around to it. They are still there. What kind of a time deadline are you looking at doing this project and moving into the property?

Pastor Benjamin Patts: Actually it has been long overdue. It has been eight months we have been waiting. So, we are trying to start as soon as we can.

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Commissioner McConnell: So, once you start, when do you think you will be able to finish and move in?

Pastor Benjamin Patts: Probably in two months.

Commissioner McConnell: Great. And, I notice that the car repair facility to your north is listed for sale right now. Are there any plans by your organization to purchase that property?

Pastor Benjamin Patts: We really want to, but we need finance for that.

Commissioner McConnell: Because, otherwise, you will need to be compatible with whatever might move in there.

Pastor Benjamin Patts: I understand.

Chairperson Legalos: I would just like to add that it may be in here and I may have missed a condition requiring continual maintenance and irrigation of the landscaping? Did I miss that or is it not in there because we generally do ask for that.

Devan Reiff: Let me make sure that that is a condition.

Chairperson Legalos: That will be added?

Devan Reiff: Absolutely.

Chairperson Legalos: Mr. Patts, did you understand that?

Pastor Benjamin Patts: Yes, sir.

Chairperson Legalos: It will be adding the condition to maintain the landscaping on a continual basis.

Pastor Benjamin Patts: Absolutely, sir.

Chairperson Legalos: Okay, fine, thank you.

Pastor Benjamin Patts: Thank you so much.

Chairperson Legalos: If there are no other speakers, I will close the Public Hearing and bring the matter back into the hands of the Commission.

Commissioner Salvadori: Thank you. Chairman Legalos: I was thinking about your question about the 1,900 square foot area. Just estimating – but this room looks like it is probably somewhere in the neighborhood of 2,000 to 2,500. Not a lot different than the size of that area. I notice that we need amplified voices.

Chairperson Legalos: Yes, we do. Thank you. If there is no further discussion, do we have a motion?

Commissioner Manning: I just wanted to say that I felt this was a lovely proposal and I think it is a very nice addition to the community and to that neighborhood, and I personally am not concerned about noises coming from churches.

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Commissioner Salvadori: I would like to move that we adopt the Resolution PC-07-16 relating to the Use Permit 06-0019, with the additions as presented by Staff and the Commissioners at this meeting, with the findings and conditions in the Staff Report.

AYES: McConnell, Manning, Legalos, Engelman, Peterman, Salvadori, Turley.

NOS: None.

ABSENT: None.

Motion carries.

Chairperson Legalos: That concludes the Public Hearings, and we will now move on to Other Items. We have one item on this evening's agenda – election of officers.

L. OTHER ITEMS

1. Election of Officers.

Commissioner McConnell: Thank you Mr. Chairman. I would like to nominate as Chair, Charles Legalos, and Vic-Chair, Kent Peterman.

AYES: McConnell, Manning, Legalos, Engelman, Peterman, Salvadori, Turley.

NOS: None.

ABSENT: None.

Motion carries.

Chairperson Legalos: Ms. Quintana: Are the plaques an "L" item, or are they after adjournment. They are not listed as an "L" item.

Claudia Quintana: I don't know why. Apparently they have always been an "L" item.

Chairperson Legalos: Then, it is my pleasure to give these plaques to Commissioner Salvadori and Commissioner Engelman for eight years of devoted duty and contribution to the If there are no further questions and no further business the City of Vallejo.

M. ADJOURNMENT

There being no further business to discuss, this session of the Vallejo Planning Commission is now adjourned at 8:08 pm.

Respectfully submitted,



(for) DON HAZEN, Secretary



# City of Vallejo Memo

**To:** Planning Commission  
**From:** Planning Division, Marcus Adams *M.A.*  
**Date:** July 16, 2007  
**Re:** Item K3 (revised proposal) Planned Development #07-0022, Religious Assembly @ 2274 Sacramento Street

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## BACKGROUND & DISCUSSION:

On September 18, 2006, the Planning Commission approved (5 to 1) a unit plan application for "religious assembly" at 2274 Sacramento Street submitted by members of Iglesia Adventista Del Septimo Dia (Seventh Day Adventist) [see Exhibit C: Planning Commission minutes]. After receiving their approval, the congregation received additional funding from church headquarters, thus allowing them to amend their approved unit plan to include a second story for office space purposes.

The architecture for the proposed second story is consistent with the first story architecture which has been revised to address the Commission's concerns of a lack of consistency between the front, side, and rear elevations and a desire for a more contemporary design, in compliance with the White Slough Specific Plan (see Exhibit C: Planning Commission minutes) expressed at the September 18<sup>th</sup> hearing. To further meet the Commission's architectural concerns, staff recommends the following modifications to the applicant's current proposal:

- Removal of the window muntins at the side and rear elevations.
- Removal of the quoins (corner architectural details) on the front elevation
- Removal of the transom and architectural detail below the 2<sup>nd</sup> story windows (i.e. windows only on the 2<sup>nd</sup> story)
- Replace the transoms above the first floor windows with a fanlight (i.e. arched fixed window) or remove the transoms.
- Removal of the architectural detail below the first floor windows.
- Replace the double arched entry door with a single arched entry (*as was proposed for the Sacramento Street entry door*)
- Removal of the two side gable vents at the rear elevation.



Because the second story floor area would be used for offices only and not fellowship, the amount of required parking would not increase from what was originally required.

RECOMMENDATION:

Staff believes the addition of a second story for office and counseling purposes would not negatively impact the surrounding neighborhood and that the second story architecture, along with the overall church architecture, will be consistent with the architectural goals of the White Slough Specific Plan to the best extent possible when taking into account the site constraints and the applicant's desire to utilize the existing foundation.

Staff recommends the Planning Commission adopt a resolution approving Planned Development permit #07-0022 subject to the following findings and attached conditions of approval (see Exhibit A):

Findings:

These findings are based upon all evidence in the record including the staff report, testimony, and written correspondence, all of which is incorporated by reference:

1. The proposed use is consistent with the intent, purpose and development standards of the White Slough Specific Area Plan, which in accordance with Section 16.116.020(B)(2) V.M.C., shall act as the master plan;
2. The unit plan is consistent with the goals and policies of the Vallejo general plan and any applicable specific plan;
3. The unit plan serves to achieve groupings of structures which will be well related one to another and which, taken together, will result in a well-composed urban design, with consideration given to site, height, arrangement, texture, material, color and appurtenances, the relation of these factors to other structures in the immediate area, and the relation of the development to the total setting as seen from key points in the surrounding area;
4. The unit plan is of a quality and character which harmonizes with, and serves to protect the value of private and public investments in the area.

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Exhibit A: Resolution (attached conditions of approval)  
Exhibit B: Revised development plans & corresponding engineer's letter  
Exhibit C: September 18, 2006 Planning Commission minutes  
Exhibit D: September 18, 2006 Planning Division staff report  
Exhibit E: Conflict of Interest map

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**CITY OF VALLEJO PLANNING COMMISSION**

**RESOLUTION NO. PC-07-**

**A RESOLUTION OF THE PLANNING COMMISSION  
APPROVING A PLANNED DEVELOPMENT (UNIT PLAN) APPLICATION  
#07-0022**

*Iglesia Adventista Del Septimo Dia*

The proposed project is located at 2274 Sacramento Street.

APN# 0051-040-310

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WHEREAS an application was filed by Olga Karin Wer-Ramirez seeking approval for a Unit Plan permit to allow a second story on an approved building for religious assembly purposes; and

WHEREAS the City of Vallejo Planning Commission conducted a duly noticed public hearing to consider the application for the Unit Plan permit on September 18, 2006 at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission; and

WHEREAS on September 18, 2006, on completion of the public hearing, the Planning Commission approved Planned Development (Unit Plan) #06-0008; and

WHEREAS based upon issuance of a revised project proposal, the Planning Commission conducted a duly noticed public hearing to consider the application for the Unit Plan on July 16, 2007 at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission; and

WHEREAS based on evidence received at the public hearing, the Planning Commission makes the following factual findings:

**I. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS**

Section 1. The Planning Commission finds that on the basis of the whole record before it there is no substantial evidence that the project will have a significant effect on the environment per Section 15303, Class 3 Categorical Exemption, "New Construction or Conversion of Small Structures" of the California Environmental Quality Act.

**II. FINDINGS RELEVANT TO PLANNED DEVELOPMENT (UNIT PLAN) PROJECT APPROVAL AND FOR DETERMINATION OF PROJECT CONSISTENCY WITH APPLICABLE GENERAL PLAN**

Section 1. The Planning Commission finds that the applicant submitted a Planned Development (Unit Plan) application for amendment of a religious assembly use pursuant to the City of Vallejo Municipal Code Sections 16.116.140(B) and 16.116.100.

Section 2. Planning Commission finds, based on the facts contained in the Commission memo and sections 1-12 of the staff report attached herein and incorporated herein by this reference, and the evidence presented at the public hearing, and subject to the conditions attached to this resolution that:

1. The unit plan is consistent with the intent, purpose, and development standards of the White Slough Specific Plan.
2. The unit plan is consistent with the goals and policies of the Vallejo general plan.
3. The unit plan serves to achieve groupings of structures which will be well related one to another and which, taken together, will result in a well-composed urban design, with consideration given to site, height, arrangement, texture, material, color and appurtenances, the relation of these factors to other structures in the immediate area, and the relation of the development to the total setting as seen from key points in the surrounding area.
4. The unit plan is of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area.

### **III. RESOLUTION APPROVING THE CONDITIONAL USE PERMIT APPLICATION FOR RELIGIOUS ASSEMBLY AT 2274 SACRAMENTO STREET**

NOW, THEREFORE, LET IT BE RESOLVED that the Planning Commission hereby APPROVES the Planned Development (Unit Plan) application (UP# 07-0022) for religious assembly, based on all the evidence before it and the findings contained in this resolution and in the staff report attached hereto and incorporated herein and subject to the Conditions of Approval attached to this resolution.

### **IV. VOTE**

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Vallejo, State of California, on the 16<sup>th</sup> day of July, 2007, by the following vote to-wit:

AYES:  
NOES:  
ABSENT:

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CHARLES LEGALOS, CHAIRPERSON  
City of Vallejo PLANNING COMMISSION  
Attest:

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Don Hazen  
Planning Commission Secretary

## **CONDITIONS OF APPROVAL**

### **Planning Division**

1. Prior to building permit issuance, submit a numbered list to the Planning Division stating how each condition of project approval contained in this report will be satisfied. The list should be submitted to the project planner who will coordinate development of the project.
2. Prior to building permit issuance, provide revised plans illustrating the placement of the proposed church structure a minimum of 31'7" back (east) from its current location.
3. Prior to building permit issuance, submit revised plans illustrating the following:
  - removal of the window muntins (side and rear elevations)
  - removal of the foam architectural details at the front elevation corners
  - removal of the transoms above the 2<sup>nd</sup> story windows and the architectural detail below 2<sup>nd</sup> story windows, (i.e., windows only on 2<sup>nd</sup> floor)
  - replacement of the transoms above the 1<sup>st</sup> floor windows with an fanlight window (i.e. arched/half-moon window) or eliminate transoms altogether
4. Prior to building permit issuance, submit a parking mitigation plan for review and acceptance by the Planning Division which details alternative measures to reduce parking demand, i.e. van pools, multiple services, etc.
5. Prior to building permit issuance, the applicant shall submit revised plans revised plans illustrating a maximum of nine delineated compact spaces, and wheel stops on all spaces adjacent to the building.
6. Prior to building permit issuance, submit site lightning to the Planning Division for review and approval. Exterior illumination shall be provided by lightning fixtures utilizing high-pressure sodium vapor (HPS) or metal halide lamps, or their equivalent. All pole mounted or raised fixture housing shall be constructed so that the light is diffused downward. All light devices shall be protected by weather and vandal resistant covers.
7. Prior to building permit issuance, submit 3 sets of landscaping plans prepared by a registered landscape architect to the Planning Division for review and approval. The landscape issuance shall comply with the landscaping requirement of the White Slough Specific Plan (pg. A.2-7) and shall sufficiently screen the parking lot while reflecting the character of the surrounding area, i.e. natural grasses, reeds, etc. The requirement for a registered landscape architect may be waived at the discretion of the Planning Manager. Landscape plans shall comply with Chapter 16.70 (VMC), and are to include the following:

- a. Location, species and size of all mature trees six inches in trunk diameter or greater;
  - b. Replacement of any mature trees to be removed;
  - c. Two City-approved street trees to be planted at least 6 feet from any sewer line;
  - d. Specification of low-growth-type species adjacent to doors, windows, and walkways;
  - e. Low-water-using and drought-resistant plant materials;
  - f. Screening of the required backflow preventers;
  - g. All trees to be a minimum of 15-gallon, double staked; at least 50 percent of the proposed shrubs shall be a minimum of 5-gallon;
  - h. Irrigation plan indicating all components of the irrigation system including sprinklers and other outlets, valves, backflow prevention devices, controllers, piping and water usage; and
  - i. Six inch high curbing around planters.
8. Prior to building permit issuance, the applicant shall submit a color board indicating exterior materials and colors to the Planning Division for review and approval. Color chips shall be attached to the building elevation drawings. Once installed, all improvements are to be maintained in accordance with the approved plans. Any changes, which affect the exterior character, shall be resubmitted to the Planning Division for approval.
  9. Building permit issuance shall not occur until the sale of the adjacent property to the church is final.
  10. Prior to building permit issuance, submit details and location of any proposed fencing to the Planning Division for review and approval. Fencing shall comply with Chapter 16.70 (VMC).
  11. Prior to building permit issuance, submit design details of trash enclosure to the Planning Division for review and approval. Trash enclosure shall meet the requirements of the Vallejo Garbage Service. Materials and colors shall be similar to those approved for the building.
  12. Prior to building permit issuance, obtain an administrative permit from the Planning Division for any temporary office or construction trailer.
  13. Prior to building permit issuance, the Planning Division shall confirm that the building permit drawings and subsequent construction substantially conform with the approved Planning application drawings.
  14. Prior to building permit issuance, the applicant shall submit revised plans identifying a HVAC system for the church, with energy star ratings or better and a

- screening material subject to Planning Division approval.
15. Prior to building permit issuance, the applicant shall submit revised plans illustrating a main entry oriented to the north side (parking lot facing) of the building, subject to Planning Division approval.
  16. Prior to final Building Division inspection/occupancy, the applicant shall submit a detailed description of all social services to be provided at the property. The description should include, but not be limited to: days and hours of service, type of service provided, location of service provision, and expected population to be served by the service.
  17. Prior to occupancy/final building inspection, install landscaping and irrigation per approved plans. The landscape architect shall verify in writing that the landscaping and irrigation have been installed in accordance with the approved landscape plans with respect to size, health, number and species of plants, and the overall design concept.
  18. Prior to occupancy/final building inspection, provide a letter from a landscape architect confirming that the installed irrigation controls have been tested and programmed with a weather moisture sensor or other climate control capability.
  19. Prior to occupancy/final building inspection, install parking lot per approved plans. Each parking space designated for compact cars and handicapped parking shall be identified by a permanent marking reading "compact," and "handicapped parking only."
  20. Prior to occupancy/final building inspection, install trash enclosure per approved plans.
  21. Prior to occupancy/final building inspection, install fencing per approved plans.
  22. Prior to occupancy/final building inspection, obtain a sign permit from the Planning Division prior to the erection of any sign, including flags, banners, etc. All signs shall comply with Chapter 16.64 (VMC).
  23. Prior to occupancy/final building inspection, the applicant shall establish and submit to the Planning Division a community dispute resolution program. The program shall identify a church member who can respond to community complaints and include the contact information for this member. A copy of the program and contact information shall be made available to any established community/neighborhood groups upon request.

**Building Division**

1. Upon building permit issuance, the applicant shall submit construction plans illustrating ADA parking and path of travel that complies with the current 2001 California Building Code.
2. Upon building permit issuance, provide T-24 energy calculations for the project
3. Provide revised plans indicating handrail(s) for ramps.
4. Submit revised plans illustrating ADA details as plans do not match details on page 8; men's restroom does not comply.
5. Revised plans with details for the front door ramp and roadway are needed.
6. Prior to building permit issuance, provide revised construction plans illustrating the removal of the breezeway between the subject and adjacent building.
7. Upon building permit issuance, provide a structural evaluation from of licensed civil engineer of the building trusses and foundation.
8. Confirm vapor barrier under existing slab.
9. Provide an architect and/or engineer stamp and signature on revised plans.

**City and Traffic Engineer**

1. Prior to approval of construction plan, the applicant shall obtain ownership of lot 53 (APN#51-040-320) or encumber this lot 53 for parking use of lot 52.
2. Submit site grading, drainage, improvement, utility and landscaping and irrigation plans for review and approval. Site plan shall show all proposed, existing improvements, utility services and ultimate frontage improvements along Sacramento Street. Secure approval of site plans prior to building permit.
3. Prior to approval of site plan dedicate required right of way to the City of Vallejo along Sacramento Street fronting the property.
4. Prior to approval of site plan dedicate six feet Public Utility Easement behind new right of way line.
5. Prior to issuance for building permit record a merger map merging the two lots into one lot. Obtain necessary applications from the Planning Division for lot merger.



6. Enter into a deferred improvement agreement with the City of Vallejo to participate in the cost of under grounding overhead utility wires and installation required frontage improvements that include but limited to curb, gutter, sidewalk, pavement widening grading, street light, street trees and striping along Sacramento Street fronting the property.

### **Solano County Environmental Health Department**

1. Please have the applicant submit plans and completed application and supplemental questionnaire (five sets of complete plans). The issuance material can be picked up at our Fairfield office.

#### **Fire Prevention**

1. Submit a numbered list to the Fire Prevention Division stating how each condition of project approval will be satisfied.
2. Prior to building permit issuance, building/construction plans and plans for required fire protection systems (automatic sprinklers, smoke alarms, etc.) shall be submitted to the Fire Prevention Division for review and approval. All applicable plan review and inspection fees shall be paid.
3. Prior to occupancy/final inspection, install a key box as approved by the Fire Prevention Division. Information and applications concerning the purchase of allowed lock boxes can be obtained through the Fire Prevention Office.
4. Prior to occupancy/final building inspection, install 3A-40BC portable fire extinguishers as required by the Fire Prevention Division. (1998 CVC Standard 10-1; NFPA 10)
5. Prior to occupancy/final building inspection, install approved numbers or addresses on all buildings in such a position as to be clearly visible and legible from the street. Residential buildings shall have numerals or letters not less than 3 inches in height, and approved color that contrasts the background. Commercial occupancies shall have numerals or letters not less than 6 inches in height of contrasting background, and illuminated at night. (1998 CVC Section 901.4.4; added VMC Section 12.28.170)
6. Prior to occupancy/final building inspection, install "No Parking/Fire Lane" signs along interior access roadways, in locations where vehicle parking would encroach on a 20-foot clear width of roadway. (CVC Section 22500.1; CalTrans Traffic Manual, sign#R26F).
7. Prior to occupancy/final building inspection, all applicable fees shall be paid and a final Fire Prevention inspection shall be conducted. All meetings and

inspections require a minimum 24-hour advance request.

### **Vallejo Sanitation and Flood Control District (VSFCD)**

1. Prior to building permit issuance, submit complete improvement plans and supporting documentation for proposed sanitary sewage and storm drainage work to **VSFCD** for review and approval.
2. Prior to building permit issuance, a **VSFCD** Connection Permit is required. Pay all applicable review and connection fees.
3. The project as submitted was incomplete. Please provide revised plans illustrating: 1) topographic contours and/or elevations, 2) all proposed and existing District facilities to serve the project. Provide site utility plan showing existing and proposed sanitary sewer and storm drain facilities, mains, laterals, connections, etc.
4. The use of the existing private sanitary sewer main and/or lateral is conditioned upon passing a standard **VSFCD** air test.
5. Prior to occupancy/final building inspection, provide a standard **VSFCD** cleanout at the right-of-way/easement line per District standards and a two-way cleanout at the building per the U.P.C.

### **Water Superintendent**

1. Submit a numbered list to the **Water Division** stating how each condition of project approval will be satisfied.
2. All water system improvements shall be consistent with the Vallejo Water System Master Plan, 1985, prepared by Kennedy/Jenks Engineers as updated by Brown & Caldwell, 1996. Prior to building permit issuance, water system improvement plans shall be submitted to the **Water Division** for review and approval, and shall contain at least:
  - a. Location and size of fire sprinkler service connection(s).
  - b. Location and size of domestic service connection(s).
  - c. Location and size of irrigation service connection(s).
  - d. Location of fire hydrants.
  - e. Location of structures with respect to existing public water system improvements, such as mains, meters, etc.
  - g. Location and size of backflow prevention devices (required on water service connections to irrigation systems, certain commercial water users, and to commercial fire sprinkler systems, per City Ordinance 922 N.C. (2d).

3. Prior to building permit issuance, hydraulic calculations shall be submitted to the **Water Superintendent** demonstrating that the fire flow requirements are complied with.
4. Prior to occupancy of final building inspection, install water system improvements as required. Backflow device/s where required shall be installed in areas hidden from public view and/or shall be mitigated by landscaping.

## **STANDARD REQUIREMENTS**

### **Planning Division**

1. The approved use permit shall be contingent on completion of the attached land purchase agreement.
2. All parking spaces shall be demarcated, per City of Vallejo standards.
3. Construction-related activities shall be limited to between the hours of 7 a.m. and 6 p.m., Monday through Saturday. No construction is to occur on Sunday or federal holidays. Construction equipment noise levels shall not exceed the City's maximum allowable noise levels.
4. 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.
5. All proposed and future improvements shall not encroach within the hiking trail designated boundaries.
6. There shall be no outdoor storage or display of any kind except as allowed per Chapter 16.70 and 16.77 (VMC).
7. All mechanical equipment and utility meters shall be screened in a manner approved by the Planning Division. Electrical transformers shall be screened or placed underground.
8. All vents, gutters, downspouts, flashings, electrical conduits, etc., shall be painted to match the color of the adjacent surface.
9. All roof-mounted mechanical devices and their components such as air conditioners, heating equipment, exhaust fans, vents or ducts, or similar equipment shall be screened from view in a manner approved by the Planning Division. All wall-mounted air conditioners shall be flush mounted.

10. Obtain an inspection from the Planning Division prior to occupancy/final building inspection. All inspections require a minimum 24-hour notice. Occupancy permits shall not be granted until all construction and landscaping is completed and finalized in accordance with the approved plans and required conditions of approval or a bond has been posted to cover all costs of the unfinished work as agreed to by the Planning Manager.
11. The conditions herein contained shall run with the property and shall be binding on the applicant and all heirs, executors, administrators, and successors in interest to the real property that is the subject of this approval.
12. If the Planning Division, either independently or as a result of complaints from the public, becomes aware that the use is being conducted in a manner which violates the conditions of this use permit or other applicable City regulations, and Planning staff is unable to obtain compliance or abatement, staff will refer the use permit to the Planning Commission for possible suspension or revocation per Section 16.82.110, Vallejo Municipal Code.
13. The applicant shall establish a recycling program for the building in coordination with the Planning Division and when established, either participate in the Citywide commercial recycling program or demonstrate to the satisfaction of the Planning Division that the established recycling program is sufficient.
14. There shall be no chain link fencing installed on the property by the applicant.

**Building Division**

1. Commercial cooking equipment (if proposed) may require commercial hood and fire sprinklers.

**City and Traffic Engineer**

1. The project is within 100-year flood zone and shall therefore comply with Chapter 7.98 Flood Damage Protection, VMC.
2. Drive slope shall not be more than 6%.
3. Parking lot spaces shall not be more than 5% in any direction (VMC, Section 16.62.150(C)(1)).
4. Signage and striping shall be per City of Vallejo standard.
5. Number of compact parking stalls within the parking lot shall not be more than forty percent of total number of parking stalls.

6. Surface runoff from the site shall be intercepted on site, piped and tied into the public storm drain system.

*(The following conditions may apply)*

7. Prior to building permit issuance, submit a numbered list to the Planning Division stating how each condition of project approval contained in this report will be satisfied. The list should be submitted to the project planner who will coordinate development of the project.
8. All public improvements shall be designed to City of Vallejo standards and to accepted engineering design standards. The City Engineer has all such standards on file and the Engineer's decision shall be final regarding the specific standards that shall apply.
9. Prior to building permit issuance, submit three sets of plans to the Department of Public Works for plan check review and approval. (Improvement or civil plans are to be prepared by a licensed civil engineer.) Plans are to include, but may not be limited to, grading and erosion control plans, improvement plans, joint trench utility, street light plans, and landscaping, irrigation and fencing plans and all supporting documentation, calculations, and pertinent reports.
10. Site grading shall comply with Chapter 12.40 – Excavations, Grading, and Filling (VMC). Prior to issuance of grading permit, submit a soils report for review. An independent soils and geological review of the project may be required. The City shall select the soils engineer, with the cost of the study to be borne by the developer/project sponsor.
11. In design of grading and landscaping, line-of-sight distance shall be provided based on Caltrans standards. Installation of fencing, signage, above ground utility boxes, etc. shall not block the line-of-sight of traffic and must be set back as necessary.
12. During grading operations, the project geologist or soils engineer and necessary soils testing equipment must be present on site. In the absence of the soils engineer or his representative on site, the Department of Public Works shall shut down the grading operation.
13. All dust and erosion control shall be in conformance with City standards, ordinance, and NPDES requirements.
14. Prior to building permit issuance or acceptance of grading, compaction test results and certification letter from the project soils engineer and civil engineer confirming that the grading is in conformance with the approved plans must be submitted to the Department of Public Works for review and approval. Test values must meet minimum relative compaction recommended by the soils engineer (usually at least 90 percent).

15. Entrances to any private project must be standard driveway approaches unless deviation is permitted by the City Engineer.
16. Obtain a street excavation permit from the Department of Public Works prior to performing any work within City streets or rights-of-way, or prior to any cutting and restoration work for utility trenches in existing public streets. All work shall conform to City standards.
17. Prior to building permit issuance, obtain an encroachment permit from the Department of Public Works for all work proposed within the public right-of-way.
18. Prior to start of construction submit a traffic control plan to the Department of Public Works for review and approval.
19. Construction inspection shall be coordinated with the Department of Public Works and no construction shall deviate from the approved plans.
20. The project design engineer shall be responsible for the project plans. If plan deviations are necessary, the project engineer must first prepare a revised plan or details of the proposed change for review by the Department of Public Works and, when applicable, by Vallejo Sanitation and Flood Control District. Changes shall be made in the field only after approval by the City. At the completion of the project, the design engineer must prepare and sign the "as built" plans.
21. Prior to approval of construction plans, provide bonds and pay applicable fees. Bonding shall be provided to the City in the form of a "Performance Surety" and a separate "Labor and Materials Surety" in amounts stipulated by City ordinances.
22. Prior to occupancy/final building inspection, install the improvements required by the Department of Public Works including but not limited to streets and utilities.
23. Prior to occupancy/final building inspection, remove and replace any broken curb, gutter, sidewalk, or driveway approach as directed in the field by the City Engineer.
24. The project is within the 100-year flood zone and shall therefore comply with Chapter 7.98 – Flood Damage Protection, VMC. Prior to obtaining grading permit, apply to Federal Emergency Management Administration (FEMA) for a Conditional Letter of Map Revision (CLOMR). Prior to obtaining building permit, apply to FEMA for a Letter of Map Revision (LOMR). Prior to obtaining certificate of occupancy or acceptance by the City, whichever is applicable, obtain an approved Letter of Map Revision from FEMA. It will take FEMA at

least 90 days to obtain CLOMR or LOMR. FEMA can be contacted at telephone (415) 923-7177, or FEMA, Mitigation Division, Building 105, Presidio of San Francisco, CA 94129-1250.

25. Prior to release for occupancy, plant street trees in accordance with Vallejo Municipal Code, Section 15.06.190 and Regulations and Specifications for Public Improvements, Section 3.3.48. The list of approved trees is available in the office of the Public Works Director. The minimum standard shall be at least one tree for each 50 feet of street frontage or fraction thereof, including secondary or side streets. Street tree(s) shall be inspected by Public Works Landscape Inspector prior to release for occupancy.
26. The developer shall provide joint trench plans for the underground electrical, gas, telephone, cable television, and communications conduits and cables including the size, location, and details of all trenches; locations of building utility service stubs and meters; and placement or arrangement of junction structures as a part of the Improvement Plans submitted for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.
27. There are fiber optic and/or copper signal interconnect cables located at the edge of the roadway or under the sidewalk. The plans should address either the relocation of these cables or a note should be made of the cable location. A warning should be included on the plans stating that if the cable is damaged, the contractor shall replace the entire length of the cable between the two nearest hubs unless otherwise authorized by the City Engineer.

### **Fire Prevention**

1. Automatic fire sprinkler extinguishing systems are required for all residential, commercial, and industrial occupancies. (1998 CFC Section 1003.1.2. added VMC Section 12.28.190)
2. Development sites shall be maintained weed free during construction. (1998 CFC Section 1103.2.4)

### **Vallejo Sanitation and Flood Control District**

1. All individual parcels shall drain and sewer directly to the public system.
2. Non-District facilities serving more than one lot will not be allowed.
3. Pretreatment of storm drainage water runoff is required; storm drainage runoff shall be conveyed over landscaped areas or otherwise treated, as feasible, before discharging into the public system. This is to improve the stormwater quality leaving the site. The project architect or civil engineer should contact VSFCD for

possible design solutions and their impact on the design of the project.

4. VSFCDD will install a new fence on the backside of the property and a new ss lower lateral with the completion of the Sacramento Street Sewer Relief Project.
5. New improvements must not encroach on VSFCDD easement on the backside of property, fence line will be adjusted per previous agreement enclosed. The new improvement drawings must match new fence alignment.

### **Water Superintendent**

1. Fire flow requirements of the Fire Department shall be complied with. Fire flow at no less than 25 psig residual pressure shall be available within 1,000 feet of any structure. One half of the fire flow shall be available within 300 feet of any structure.
  - a. See the Vallejo Water System Master Plan, 1985, prepared by Kennedy Jenks and its latest update by Brown and Caldwell dated April 1996.
2. Fire hydrant placement and fire sprinkler system installation, if any, shall meet the requirements of the Fire Department. For combined water and fire services, the requirements of both the Fire Departments and the Vallejo Water System Master Plan, with latest revisions, shall be satisfied.
3. Easements shall be granted for all water system improvements installed outside the public right-of-way in the City's Standard Form for Grant of Water Line Easement with the following widths:
  - a. 15 ft. wide (minimum) for water mains.
  - b. 10 ft. wide (minimum) for fire hydrants, water meters, backflow preventers, double detector check valves, etc.
4. Each unit or structure shall be metered separately.
5. Water service shall be provided by the City of Vallejo following completion of the required water system improvements and payment of applicable fees. Performance and payment bonds shall be provided to the City of Vallejo prior to construction of water system improvements. Fees include those fees specified in the Vallejo Municipal Code including connection and elevated storage fees, etc., and fees for tapping, tie-ins, inspections, disinfection, construction water, and other services provided by the City with respect to the water system improvements. The Water Division may be contacted for a description of applicable fees.



### **GENERAL CONDITIONS**

1. The applicant shall defend, indemnify, and hold harmless the City of Vallejo and its agents, officers, and employees from any claim, action, or proceeding against the City and its agents, officers, and employees to attack, set aside, void, or annul this approval by the City. The City may elect, at its discretion, to participate in the defense of any action.

### **APPEAL PROCEDURE**

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.

### **EXPIRATION**

Approval of a unit plan shall expire automatically thirty-six months after approval of the master plan unless authorized construction has commenced prior to the expiration date; however, after this thirty-six month period, if said authorized construction has commenced, the unit plan shall expire upon expiration of the building permits.





IGLESIA ADVENTISTA DEL SEPTIMO DIA  
 274 SACRAMENTO STREET, VALLEJO, CALIFORNIA

ELECTRICAL CALCULATIONS

SQUARE FOOTAGE BUILDING ..... 2500 S.F.

GENERAL  
 GENERAL LIGHTING DEMAND - 250 X 3 WATTS PER  
 SQUARE FOOT = 7500 WATTS

SMALL APPLIANCE CIRCUIT ..... 1000 WATTS  
 TOTAL WATTS ..... 10500 WATTS

FIXED APPLIANCE  
 HEATER MOTOR ..... 750 WATTS

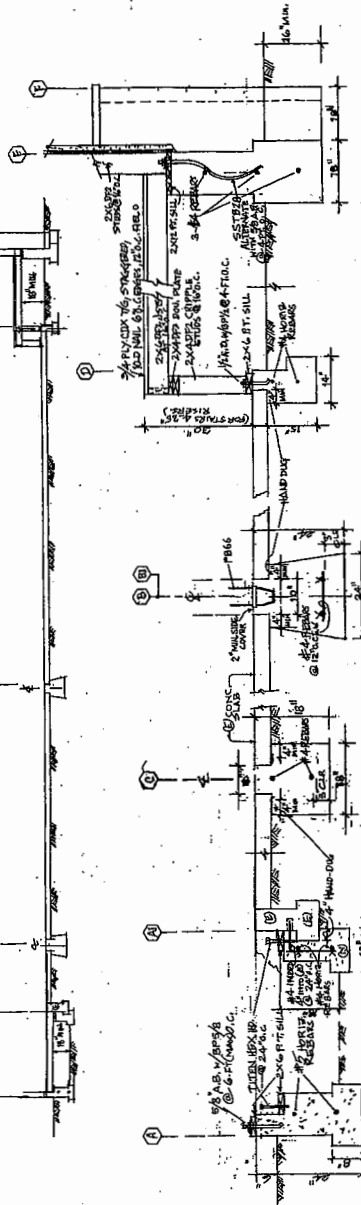
DEMAND FACTOR  
 DEMAND TOTAL = 10500 X .75 = 7875 WATTS  
 FIRST 10000 (10000/10000) DEMAND FACTOR = .85  
 REMAINING 1000 (1000/10000) DEMAND FACTOR = .45  
 TOTAL DEMAND IN WATTS = 10488 WATTS

CALCULATIONS  
 VOLTAGES IN CIRCUIT - 200V, DEMAND IN WATTS =  
 10488 WATTS, 200V = 52.44 AMPS  
 V = V x I OR W = V x I ; 10488 = 200 x I ; I = 52.44 AMPS

(SERVICES ENTRANCE INSTALLATION - 125 AMPS)

- ON EXISTING CONCRETE FLOORING:
1. TAKE UGLY CONCRETE OFF, PATCH OUT CRACKS AND REPAIR WITH PORTLAND CEMENT PATCH.
  2. INSTALL 1/2" WIRE MESH, POUR 1" SACK FEA.
  3. APPLY "WATER REPELLENT" TO NEW FLOORING.
  4. SEALER AND USE STANDARD ACETYLENE CONCRETE.
  5. SEAL WITH WATER REPELLENT STAIN (OPENS CHOICE OF COLORS).

FOUNDATION & FLOOR PLAN  
 (SCALE 3/8" = 1'-0")



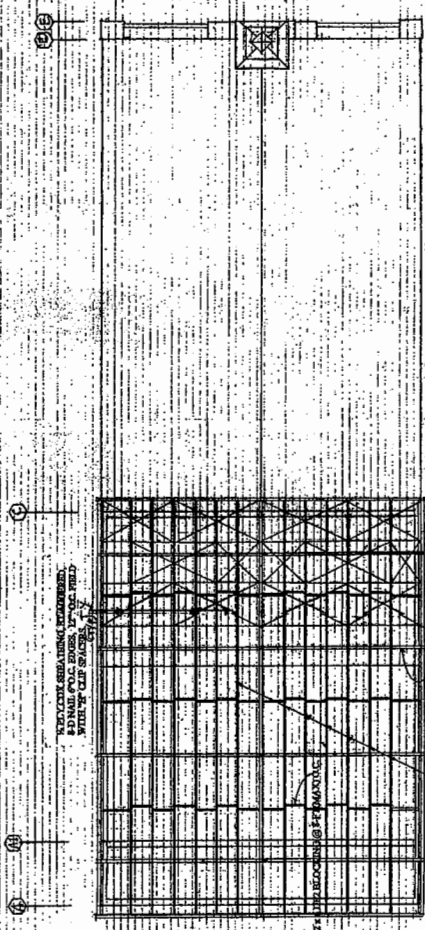
DETAILS (SCALE 7/8" = 1'-0")

GENERAL REPAIR OF EXISTING BUILDING  
 FOR CHURCH CONVERSION

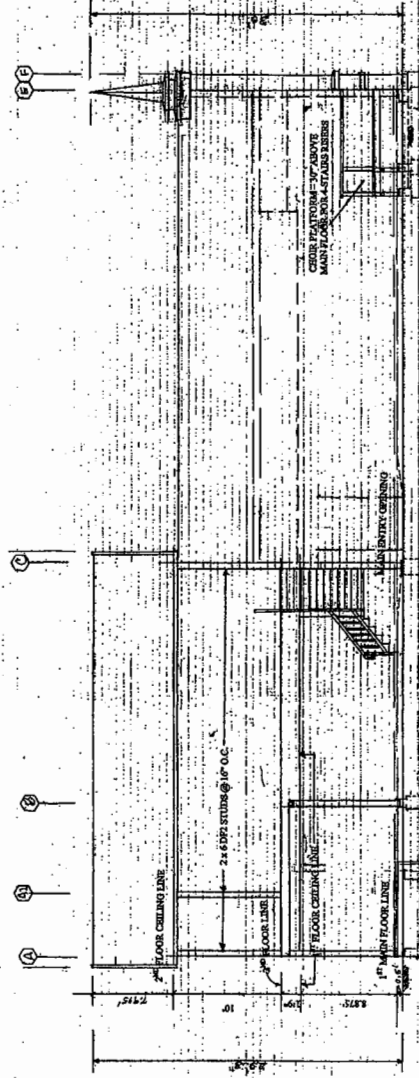
IGLESIA ADVENTISTA DEL SEPTIMO DIA  
 274 SACRAMENTO STREET, VALLEJO, CA  
 SERA OLGA PABRIZZI, COORDINATOR - 1978/1979

PLANNED BY: ROBERT ROBERTSON, ARCHITECT  
 210 BEECH ST., CHICAGO, ILL. 60604

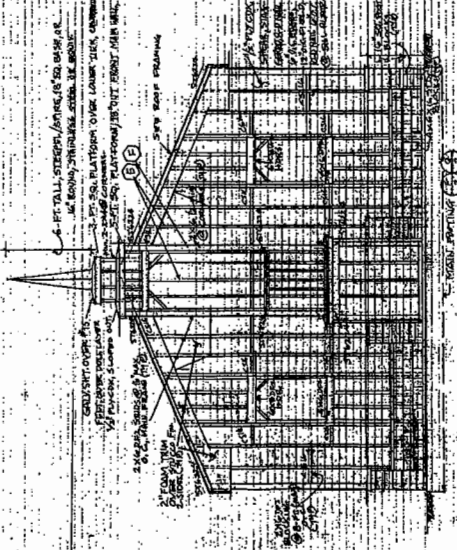




SECOND FLOOR ROOF FRAMING PLAN  
SCALE: 3/16" = 1'-0"



CROSS ELEVATION - SCALE 3/16" = 1'-0"



ROOF FRAMING SCALE 3/16" = 1'-0"

GENERAL REPAIR OF EXISTING  
BUILDING FOR CONVERSION

KCH ESJA ARCHITECTS INC. - SUITE 1001A  
CORPORATE - 1545 CALA WALKER, COSTA MESA, CA 92626  
274 SACRAMENTO STREET, VALLEJO, CALIFORNIA

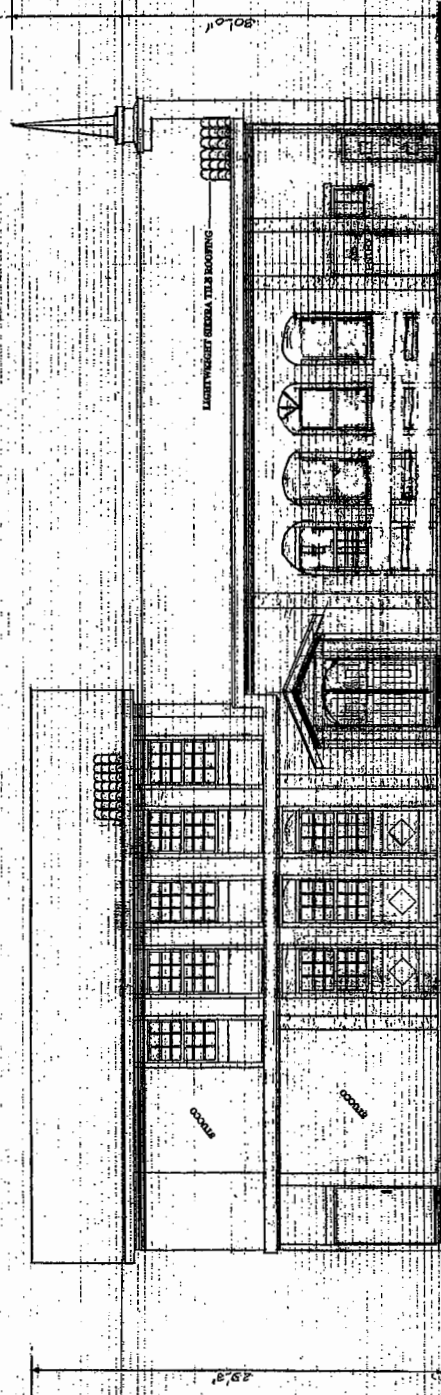
PLANNING - ROBERT F. HANSEN, FOSTER WILCOX  
200 S. JAY STREET, FORTY VALLEY, CA 94544  
(925) 338-7799







IGLESIA ADVENTISTA DEL  
SEPTIMO DIA

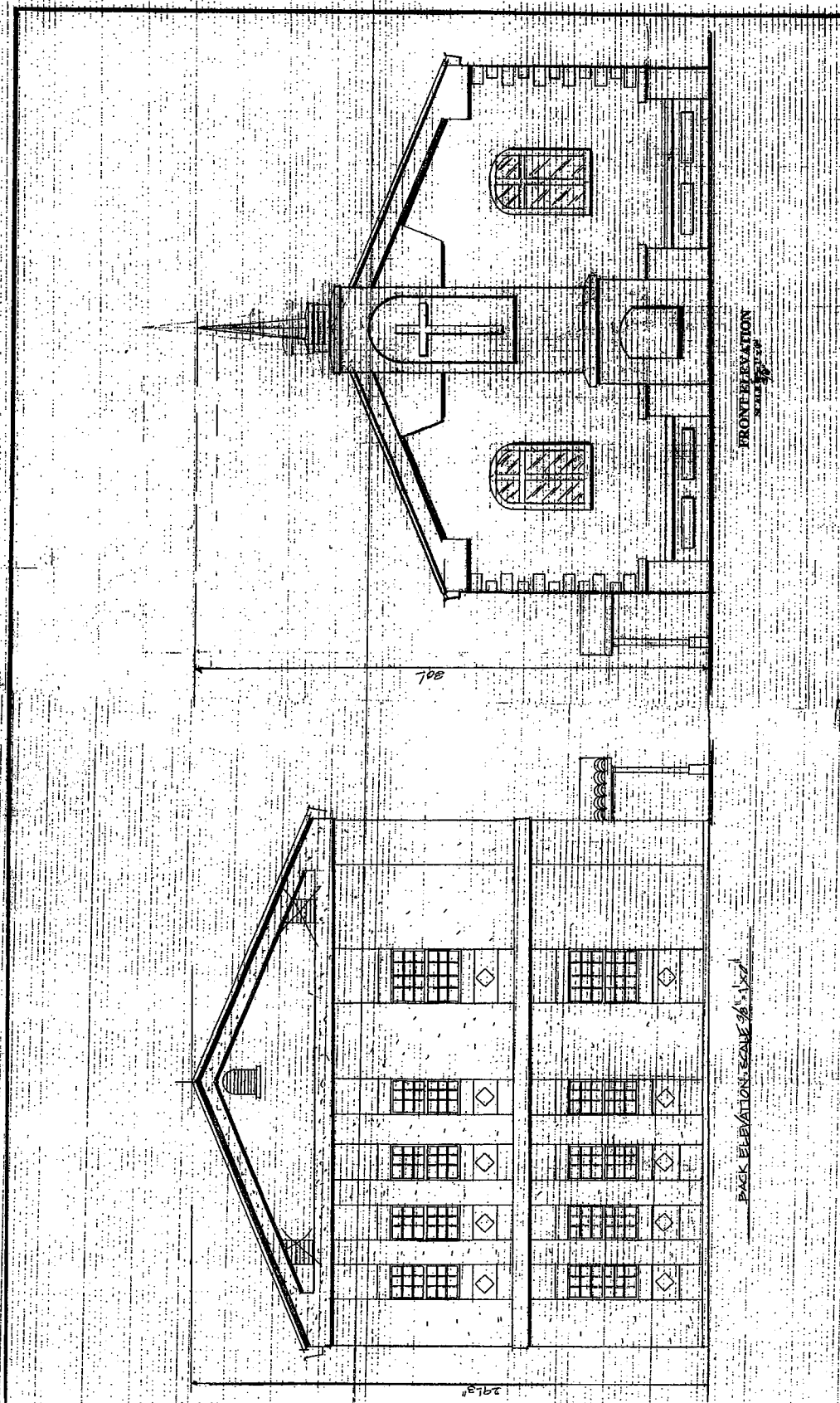


LEFT SIDE ELEVATION  
(SCALE 1/8" = 1'-0")

GENERAL REPAIR OF EXISTING  
BUILDING FOR CATHOLIC CONVERSION

IGLESIA ADVENTISTA DEL SEPTIMO DIA  
1015 25TH AVENUE  
CONCORDIA, MISSOURI 64601 (763-123-1166)

MANUSCRIPT  
DRAWING  
DATE: 11/15/2010  
DRAWN BY: C. J. BROWN, C.A.S. 2008



FRONT ELEVATION  
SCALE 1/8" = 1'-0"

BACK ELEVATION SCALE 3/8" = 1'-0"

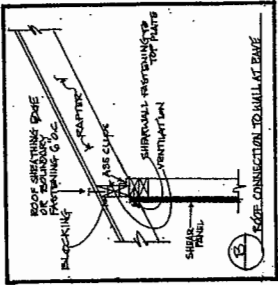
GENERAL REPAIR OF EXISTING BUILDING  
FOR CONVERSION INTO A CHURCH

IGLESIA ADVENTISTA DEL SEPTIMO DIA  
CORPORATION  
C/O CLAY RAMIREZ 274 SACRAMENTO ST. VALLEJO, CA  
(925) 712-1169

PLANS PROVIDED BY: ROLFE F. ROBERT, GEN. BLDG. CONTRACTOR  
210 RUIZ AV. CERRITOS, CA 94504  
(925) 252-5820 (925) 252-5826

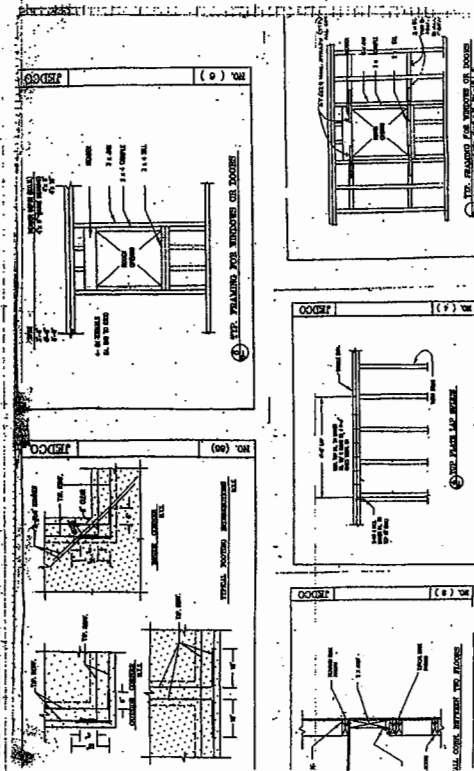
**MAKING SCHEDULE PER IBC 2003, TABLE 601.5-9**

CONSTRUCTION	MINIMUM	MAXIMUM
1. JOINTS IN ALL EXISTING WALLS	2'-0"	8'-0"
2. JOINTS IN ALL EXISTING FLOORS	2'-0"	8'-0"
3. JOINTS IN ALL EXISTING ROOFS	2'-0"	8'-0"
4. JOINTS IN ALL EXISTING CEILING	2'-0"	8'-0"
5. JOINTS IN ALL EXISTING PARTITIONS	2'-0"	8'-0"
6. JOINTS IN ALL EXISTING STAIRS	2'-0"	8'-0"
7. JOINTS IN ALL EXISTING ELEVATORS	2'-0"	8'-0"
8. JOINTS IN ALL EXISTING MECHANICAL	2'-0"	8'-0"
9. JOINTS IN ALL EXISTING ELECTRICAL	2'-0"	8'-0"
10. JOINTS IN ALL EXISTING PLUMBING	2'-0"	8'-0"
11. JOINTS IN ALL EXISTING GAS	2'-0"	8'-0"
12. JOINTS IN ALL EXISTING TELEPHONE	2'-0"	8'-0"
13. JOINTS IN ALL EXISTING CABLE	2'-0"	8'-0"
14. JOINTS IN ALL EXISTING DATA	2'-0"	8'-0"
15. JOINTS IN ALL EXISTING FIRE	2'-0"	8'-0"
16. JOINTS IN ALL EXISTING SOUND	2'-0"	8'-0"
17. JOINTS IN ALL EXISTING VIBRATION	2'-0"	8'-0"
18. JOINTS IN ALL EXISTING AIR	2'-0"	8'-0"
19. JOINTS IN ALL EXISTING LIGHT	2'-0"	8'-0"
20. JOINTS IN ALL EXISTING POWER	2'-0"	8'-0"
21. JOINTS IN ALL EXISTING HEAT	2'-0"	8'-0"
22. JOINTS IN ALL EXISTING COOLING	2'-0"	8'-0"
23. JOINTS IN ALL EXISTING HUMIDITY	2'-0"	8'-0"
24. JOINTS IN ALL EXISTING CLEAN	2'-0"	8'-0"
25. JOINTS IN ALL EXISTING SAFE	2'-0"	8'-0"
26. JOINTS IN ALL EXISTING SOUND	2'-0"	8'-0"
27. JOINTS IN ALL EXISTING VIBRATION	2'-0"	8'-0"
28. JOINTS IN ALL EXISTING AIR	2'-0"	8'-0"
29. JOINTS IN ALL EXISTING LIGHT	2'-0"	8'-0"
30. JOINTS IN ALL EXISTING POWER	2'-0"	8'-0"
31. JOINTS IN ALL EXISTING HEAT	2'-0"	8'-0"
32. JOINTS IN ALL EXISTING COOLING	2'-0"	8'-0"
33. JOINTS IN ALL EXISTING HUMIDITY	2'-0"	8'-0"
34. JOINTS IN ALL EXISTING CLEAN	2'-0"	8'-0"
35. JOINTS IN ALL EXISTING SAFE	2'-0"	8'-0"



**BRICK WALL SCHEDULE**

TYPE	PAVE MATERIALS	PAVE SCHEDULE	ALL PAVE	BRICK WALL	Y
1"	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.
2"	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.
3"	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.
4"	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.
5"	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.
6"	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.
7"	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.
8"	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.
9"	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.
10"	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.	1/2" CONCRETE ON 1/2" P.O.C.



10

PLANS PREPARED BY:  
 KELLER F. ROBERT, CEM. READING COLLEGE, PA 19388  
 (610) 382-0700

IGLESIA ADVENTISTA DEL SEPTIMO DIA  
 COORDINATOR:  
 BOB LANGRISH 274 SACRAMENTO ST, VALLEJO, CA  
 (916) 732-1763

GENERAL REPAIR OF EXISTING BUILDING  
 FOR CONVERSION INTO A CHURCH

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- A. The meeting was called to order at 7:00 p.m.
- B. The pledge of allegiance to the flag was recited.
- C. ROLL CALL:

Present: Commissioners Turley, McConnell, Morris, Legalos, Salvadori, Peterman.

Absent: Engelman.

- D. APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF AUGUST 7, 2006 AND THE REGULAR MEETING OF SEPTEMBER 6, 2006 WERE UNANIMOUSLY CONTINUED TO THE NEXT MEETING ON A MOTION BY COMMISSIONER LEGALOS.

- E. CONSENT CALENDER AND APPROVAL OF THE AGENDA

Brian Dolan: Item L-1 was put on the agenda but I do not really think it is ready to go. There is some more dialogue to have. We do not have a report on it and I would recommend that we reschedule that to the next meeting.

On a motion by Commissioner Legalos the consent calendar and agenda, with revisions, were unanimously approved.

- F. REPORT OF THE SECRETARY

- 1. Upcoming Meeting of Monday, October 2, 2006

- A. No items scheduled at this time.

- 2. A. Consideration of canceling the October 2, 2006 Planning Commission Meeting.

Meeting cancelled.

- G. CITY ATTORNEY REPORT

None.

- H. COMMUNITY FORUM

None.

- I. REPORT OF THE PRESIDING OFFICER AND COMMISSIONERS

None.

- J. LIAISON REPORTS

- 1. Council Liaison to Planning Commission

None.

- 2. Planning Commission Liaison to City Council

None.

**2. Planned Development 06-0008** for Iglesia Adventista Del Septimo Dia church located at 2274 Sacramento Street. Continued from the meeting of July 17, 2006. Proposed CEQA Action: Exempt.

Staff recommends approval based on the findings and conditions in the staff report.

Marcus Adams: This proposal tonight is by the Spanish speaking Seventh Day Adventist congregation to inhabit the existing building at 2274 Sacramento Street. They would use the existing framing and foundation but with a new building for their services. To clear up any confusion there was a couple of questions. We did get a couple of calls today, it is, indeed, the building next door to the Golden Bubble, they will not be inhabiting the space inhabited by the Golden Bubble Bar. *Marcus gave a PowerPoint presentation covering some of the issues that had come up with the project.* One of the major issues was the parking. There are two lots that we are dealing with tonight. There is the lot with the existing building and there is a lot adjacent to that. Another issue was with the structure itself and the integrity of the foundation. A third issue was the common breezeway between the church and the bar. In conformance with the White Slough Specific Plan itself and the future widening of Sacramento Street. In the original proposal the parking lot was at the corner of Redwood and Sacramento. That lot would have been Ok for the parking but we prefer the parking to be on site or adjacent to it. Fortunately for the congregation they were able to have a tentative agreement to purchase the property right next door and this area would be the proposed parking lot. The original parking required for the church is 22 spaces. Due to the widening of Sacramento Street it has been reduced to 19. We did want to recommend a condition that if the church has complaints regarding the parking that they provide an alternative parking arrangement or parking mitigation plan which could include such things as van pools, staggering the congregation meeting times. The parking that they are proposing would meet the requirements. I have spoken with the applicant about limiting the amount of seats that they have so the church will not expand and require more parking. Regarding the structural and the foundation integrity the CBO and myself visited this site. The CBO believes it is questionable as to whether this can be used for the building that is being proposed. The applicant does have an engineer who did provide a letter which is in your packet giving a preliminary determination that he thinks the foundation and the structure is sound enough. If there is not enough support for the proposed building there is a condition that they would need to come back to staff with a new proposal which would be better suited to the White Slough Plan as far as the site orientation and architecture. The bar did not have enough room for entertainment so they would use this outside breezeway for more space. Now it is storage for the Heavenly Taste restaurant that is here. The CBO said that this breezeway does not meet building code and is a fire safety issue and he has asked that it be removed. The church and the property owner would have to share the cost of removing that. That would be done before this lot could be developed. As far as conformance with the White Slough Specific Plan, one of the reasons we brought this before you tonight is the attention that has recently surrounded White Slough. One issue is site organization related to how the building is sited. The Specific Plan asked that the buildings be water oriented. If possible the backs of the buildings or the parking lots are not to face the water. Because they are using the existing building they are limited as to how they can order the building. We had asked them to revise the plans where there are details on the rear of the building and side of the building. That revised plan is before you tonight and they did respond to staffs request. They did the best possible so that the rear of the building does not look like the rear of the building and have no details. There is an arched window, more windows were added. There is landscaping in the rear towards Austin Creek.

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With these improvements and the conditions of approval we felt that it could be met. There is detailed architecture in the front, side and rear of the building. *Marcus pointed to a spot where there is public access.* The Army Corp of Engineers is going to go in and do some flood improvements. At that time the actual hiking trail that is proposed to run along the Slough will be installed here. VSFCD is address that in their comments and conditions as far as not prohibiting public access and any future improvements would not encroach the public access area. *Marcus pointed to the Slough storm drain area.* Finally the Sacramento Street widening project. As part of our review we routed this to other departments. Public Works informed us of the widening. Staff did a visit and we discovered that the existing building is actually encroaches in the future right-of-way of the Sacramento Street widening. We recommended a condition of approval that all the improvements and landscaping be done behind the future property line. *Marcus pointed out on the slides how the improvements at a dentist office and the ones here would be.* The church also has community services that they are going to make available, not only to the congregation, but to the community at large. I will let them speak to those issues tonight. I am open for any questions.

Commissioner Peterman: You said that the building will be moved back vs 14 feet of it being chopped off. How is that going to affect the structure. When I went to look at it, it looked pretty shaky. How will that affect the integrity of the entire area?

Marcus Adams: The building will be moved back. The drafter believed that the first 12 feet, that actually do encroach, is actually not on a secure foundation. The foundation was not there in the first place and they would have had to build it up. Instead of doing that they will use the existing foundation and tap into it for the rear part. They will loose parking four spaces, from 23 to 19, but they will gain some space tying into that foundation moving it back.

Commissioner Legalos: There was some discussion of changing the layout of the building and putting the congregation area at the back of the building. They said that would reduce the usable area. How would that reduce it, just turning it around.

Marcus Adams: I do not know that answer perhaps the applicant can speak to that. From my prospective I did not think it would reduce the usable area. Possibly the reception and office area might have been reduced. The seating capacity, in my opinion, would still be able to stay the same.

Commissioner Legalos: I have some questions on the architectural detail. Looking at the back elevation I see that it is very contemporary. The side is a little less contemporary. When you get to the front it is not at all contemporary. The front does not go with the back. There is an imbalance in the back. It looks like someone forgot to put two windows in.

Marcus Adams: The gap was caused due to the floor plan. The applicant and drafter have been more than willing to work with staff on the architecture. We can definitely address those issues as far as architecture and making it so that they all coincide more closely.

Commissioner Legalos: It seems to me that the front is really out of phase with the rest. The front looks like a very traditional church architectural façade to me. The brickwork on the bottom around the front also does not seem to fit with a contemporary design.

Marcus Adams: They are going to revise the brickwork.

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Brian Dolan: I think Commissioner Legalos's comments about the differences in the two elevations is very accurate. The applicant's desire is to have a simple and traditional architecture, more in keeping with the traditions of this particular group. It started with a much simpler building and we have been working towards asking for more detail. I do not think they would have a big problem changing the side elevation so it would more closely mimic the front. I do not believe it was their intent to make it contemporary. I think you are accurate in saying that the rear elevation is kind of odd in that it does not match the other two. The gaps are primarily related to what is going on, on the inside. They have been very cooperative and I am sure we could come up with three matching elevations if you crafted a condition that we could work with.

Commissioner Legalos: Doesn't the White Slough Specific Plan state that the architecture should be contemporary?

Brian Dolan: I do not know that I recall the contemporary word.

Commissioner Legalos: It says, "Architectural style shall be contemporary and trademark architecture is prohibited." I would lean with making the left side and the front more consistent with the rear rather than going in the other direction.

Marcus Adams: I pointed out the contemporary requirement to the drafter. The first draft was a very, very traditional, no frills, Spanish style building. That is why he went with this other style of contemporary architecture.

Commissioner Legalos: Back on the 15 foot setback. There was concern that an orientation change would cause a reduction in space. What about reducing the size of the building by 14 feet.

Marcus Adams: Beyond reducing their capacity, that would be the biggest loss. It would either be in the administration area or the congregation area. They are working with us but they were upset about being limited on their seating capacity. They say if that want it takes as far as the parking and being a good neighbor they are willing to do that.

Commissioner Legalos: Is there room to move back towards White Slough?

Marcus Adams: The building is going to be moved back. They are going to lose approximately 2 to 4 feet. They is why they are going to lose the parking spaces.

Commissioner Turley: I would like to really understand this project as well as I possibly can. It seems like we have two major business there with a space or breezeway between them and then we have three smaller satellite buildings.

Marcus Adams: I am with you so far.

Commissioner Turley: What is going to happen to those satellite buildings?

Marcus Adams: Those buildings are not the church's property. The Chief Building Official has spoken to the property owner of those buildings. Some of those buildings are encroaching in easements. We are working on the breezeway issue with the property owner right now. Staff is aware of them and those that are not up to code or are encroaching are going to have to be addressed.

Commissioner Turley: If there are going to be quite a few people involved in this church and they have evening meetings, especially in the winter time, those satellite

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buildings would sure be good hiding places for people looking for trouble. Originally we were going to have the parking on the east side of the main building. I understand that tonight we have a revised plan so the parking will be on the west side.

Marcus Adams: The parking was originally going to be at the corner of Redwood and Sacramento Streets. Now the parking is going to be adjacent to the structure.

Commissioner Turley: If you are in the street looking at the front of both structures, the new parking area will be to the left of the building.

Marcus Adams: Yes sir.

Commissioner Turley: Will there be lighting provided for that parking lot?

Marcus Adams: The applicant did not submit a lighting plan. That is a condition of approval.

Commissioner Turley: The left building is the one that is going to house this new church?

Marcus Adams: Correct.

Commissioner Turley: What is going to happen to the building on the right?

Marcus Adams: The right building is going to be used for what is currently happening there. There is a restaurant that serves lunch and dinner. I asked the property owners if the bar still operates. He said that he has a active alcohol license there and the bar does operate but it is more for private parties and things like that. They are planning on continuing with the operation. I spoke with the restaurant owner and he says for at least a few more years. This is going to continue with the current use.

Commissioner Turley: Is it really appropriate to have a church with a bar right next door?

Marcus Adams: Well, like I said, the bar no longer operates as it has in the past where you have a bar open until two or three PM. It is only open for private parties and functions and things like that.

Commissioner Turley: So while they are having an evening church service they could have a real wild party next door.

Marcus Adams: Hopefully they are not that type of church goers but it is a possibility.

Commissioner Turley: Do you plan on repaving the parking lot and re-stripping it?

Marcus Adams: Yes.

Commissioner Salvadori: If my calculation is correct the seating is for about 156 in the congregation part of the building. That is counting the 12 x 13.

Marcus Adams: You are right and that is why the staff report says the number is limited to 92 seats.

Commissioner Salvadori: That is a big reduction.



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Marcus Adams: They are aware of that.

Commissioner Salvadori: OK. With 19 parking spaces that would mean the 8 people would have to arrive in each car with 156. With 92 we are probably down to 5 people in each car. That is still a big assumption.

Marcus Adams: Right.

Commissioner Salvadori: The rear property line abuts another property. It is not open to the open space at White Slough. How do we get ourselves in a situation where we say there can be passage through there to White Slough. You are actually traversing someone else's property.

Marcus Adams: One of the conditions was that there be a fence there at that property line from VSFCDC and the properties on Sacramento Street. In our discussions today with VSFCDC the property there is an easement which will be the future hiking trail along the access road for VSFCDC. Currently the means to get back there is a double gate at Redwood and Sacramento. VSFCDC does have some parcels to the north that they would like to provide public access.

Commissioner Salvadori: So we are not going to require public access for this applicant on the rear part of this parcel.

Marcus Adams: That is correct.

Brian Dolan: The White Slough Specific Plan does call for a trail along the body of water and it is assumed by us and by VSFCDC that that trail will be on their property. I am not sure that I understand what you are saying about a private piece of property between this piece of property and the VSFCDC channel.

Commissioner Salvadori: I was looking at the conflict of interest map and the parcel that is shown right to the east of the property line it abuts another parcel.

Brian Dolan: I believe that is the parcel that is known as Austin Creek which is really the flood control channel.

Commissioner Salvadori: OK, so it is not a private parcel?

Brian Dolan: It belongs to VSFCDC.

Marcus Adams: You have the church and going to the east you have VSFCDC parcel which includes that easement and then you have the parcel which is the storm drain channel.

Commissioner McConnell: The White Slough Specific Plan does call for public access. What is staff's interpretation of public access as required by the White Slough Specific Plan?

Marcus Adams: Our interpretation of public access was related to the proposed hiking trail, as Mr. Dolan has stated, would encircle the Slough. As far as accessing that trail, at some point you would be able to have that. Our interpretation was not that each and every lot along Sacramento would need to provide access but that you would have some type of an entry point to that and also that you would not prohibit any type of access to the trail.

Commissioner McConnell: So how far apart would these entry points be?

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Marcus Adams: The point that VSFCDC spoke of with Brian and myself about today was approximately four parcels to the north of the current site. You also have the Redwood and Sacramento entry point and at the end, towards 37, there would be another entry point.

Commissioner McConnell: So staff's interpretation is that we do not have a specific distance, like every 200 feet or every mile, it is just where the parcels happen to line up.

Marcus Adams: The Specific Plan did not mention any minimum distances.

Commissioner McConnell: Well that is something that needs to be addressed in the consideration of the White Slough Specific Plan and the changes that I think need to be made in it. On this particular parcel there is currently a razor wire fence out there. Is that fence going to be replaced?

Marcus Adams: I was told that when VSFCDC took over there was no longer any razor wire out there. If it is still there we will have to ask them to remove that. They just put up a new fence.

Commissioner McConnell: Well it was there when I was there Friday. I did notice that you asked for 14 conditions in this report which was a very large number, more so than in the past. I think that is desirable. On the parking lot are we going to require any type of mitigation against oil or gas leaking from the cars and doing into Austin Creek? Maybe a berm at the end or street drainage.

Marcus Adams: The White Slough Specific Plan does mention berms and such things in the parking lot. These plans were not meant to be the final plans. They will work with the Planning Department and VSFCDC to establish some type of mitigation.

Commissioner McConnell: I would like to make that an additional requirement for this project.

Brian Dolan: The parking lot plan will be reviewed by Public Works and their storm drainage will go to the public storm drains. It won't go back into the creek.

Commissioner McConnell: Will there be a slant on that parking lot and a berm so it can't flow towards Austin Creek?

Brian Dolan: It will all flow to an inlet and be ultimately collected in the system in Sacramento Street when that is redone.

Commissioner McConnell: The landscaping on the parking lot, that is just traditional City Code requirements right now, one street tree every fifty feet?

Marcus Adams: Regarding the street trees yes, but as written in the staff report, we asked that the landscaping coincide with the existing terrain. There is the creek area and they can try to duplicate that as far as the plants they use. The landscaping plan is a preliminary plan also. We are going to get a lot more detail with pictures.

Commissioner McConnell: One of the requirements of the Specific Plan is that buildings will be sited to take advantage of their proximity to the water. What is staff's interpretation of that phrase?

Marcus Adams: An example of that is the Solano Dermatology building where you see that even though they didn't put their entrance right against the Slough there,

against the creek, they had a side entry that was visible from the Slough and the creek area. That is why in this particular project we asked that the rear of the building not just be your traditional rear view. One of the things that staff was working with the applicant on was the contemporary look. We wanted to maybe move the pulpit so that you could possibly have a cathedral window looking out. Those types of methods are staff's interpretation. If we were to say that the present foundation was not sufficient they would need to come back to the Planning Division and at that time we would definitely look at sighting that building so it does coincide more with the White Slough Specific Plan.

Commissioner McConnell: So it goes beyond just mere architectural enhancements.

Marcus Adams: It does, in my opinion, as far as how the building is sighted.

Brian Dolan: I agree with everything that Marcus said but I would like to add that I think there are degrees to which you can take that principle that is required in the Plan and apply it. I think we, clearly, have given some special latitude to the applicant. They are trying to reuse an existing structure that has an orientation already. The primary intent of that policy was to make sure that new development did not turn its back on the water and pretend it was not there and have only service entrances. What they have done with the windows in the back is not the ideal solution and probably, if we were starting from scratch, we would get something more dramatic because there would not be the limitations of the existing thing. I think you can call it consistent with varying degrees of compliance with that principle. You have to take the individual circumstances into effect including considering the use, the size of the lot, how it really orients, how much of a view you can actually see from this particular lot if you stand there. Other lots have better opportunities to view the White Slough than this one.

Commissioner McConnell: So the height of the building would be an important consideration on any project on White Slough?

Brian Dolan: I agree, particularly when you get to a second story. You would clearly get a better view of the Slough than a one story. In a one story you might not be able to see it at all.

Commissioner McConnell: One of the frequent concerns about church services is the amount of noise produced in terms of music sound levels. I did not see anything in here about double paneled windows or sound control. Is that being addressed?

Marcus Adams: That is being addressed by the Building Division when they do their Code check and planning check on that. We have the Noise Ordinance and sound standards that have to be met. That would be reviewed when the project goes to the Building Division.

Commissioner McConnell: One of the conditions that we have placed on other religious assemblies is that they have an adequate HVAC system so they won't be opening the doors and windows during services. Is that going to be a requirement by staff upon this applicant?

Marcus Adams: I did not put it in there as a requirement. I am sure that if it is something that the Commission wishes to do we could definitely add that.

Brian Dolan: We have residential across the street, correct?

Marcus Adams: Correct.

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Brian Dolan: It is a similar orientation to the case you are referring to. I do not know that we would have music so loud that it would be louder than the traffic on Sacramento Street going across the street but it is certainly something that the Commission could require, as you have in similar circumstances.

Commissioner McConnell: I think it is something that we probably should require. It has been a source of controversy in the past. We have had several complaints from time to time over the years about this type of activity. I think we should add that on as a 15<sup>th</sup> condition. What is the current status of this Commission's recommendation of a moratorium on building in White Slough?

Brian Dolan: We are bringing the requested amendment to the City Council, to the White Slough, as requested by Wal-Mart. That is on the agenda for the 26<sup>th</sup>. In the staff report we remind them of the letter you sent them. The purpose of the meeting on the 26<sup>th</sup> is to discuss their processing options. It describes their choices as they move forward. Clearly, the recommendation of the Planning Commission is out there as an option.

Commissioner Legalos: When Sacramento Street is widened how far back from the street will be the front entrance to this building?

Marcus Adams: It will be approximately six feet.

Commissioner Legalos: So the front entrance to a building will be just about six feet from a four lane road? Most of the people show up at the beginning of the service so we are going to have 100 or so people coming up from the parking lot and getting into a six foot space between the roadway and the door. It would seem to me from an ease of access standpoint and a safety standpoint, it would make more sense to have the entrance on the side of the building.

Marcus Adams: That is a good point and originally they were not going to have a pronounced side entry. After we talked to them then enhanced the side entry. There has been some discussion and the applicant is aware of this of not even having a door along Sacramento Street. That way you would not have people entering and exiting from there.

Commissioner Legalos: I think that would be wise. It would also make the orientation of the building more consistent with the dermatology building and kind of set a standard of style for the area which would be nice.

Marcus Adams: In that situation, if you had a grander entry on the side, you may loose some congregation area because you would have an actual entryway there. It would not be much but they would loose some space.

Commissioner Legalos: It might be better than losing congregants. The only other comment I have is that the razor wire was still there this afternoon.

Commissioner Salvadori: I am in agreement with Commissioner Legalos on the side entry. The loss of congregation area is complete in line with the loss of seating. If we are going to reduce the number of seats from 156 to 92 that would more than compensate for the amount of area taken by the entrance. It is the same square footage it is just that other things need to move around. Commissioner Legalos was talking about arrival but we need to think about departure. After church is often the time we congregate all together outside. I prefer the side entry.

Commissioner Turley: Do you happen to know if Mr. Ramirez owns that bar?

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Marcus Adams: No. The applicant does not own the bar.

Chairperson Morris opened the Public Hearing.

Olga Karinwer-Ramirez: I represent the Spanish Seventh Day Adventist Congregation. Before we purchased the building we made sure that we could use the building as a church. We did not buy the property because it was beautiful. It was the cheapest. It was the only thing we could afford. We did not see the front. We saw the future, we saw what we could convert into a beautiful place of worship. With those dreams we came to the Planning Division. They have been fantastic in letting us know about the codes and so forth which we were in agreement and we drew the plans, went to the City, and today before you for approval. I am very impressed. All the questions that you have delivered to Mr. Adams are because you are concerned about our safety and our beautification of our City and the rules and regulations. I have read the staff report and we are willing to work with the City. We know that there are a lot of conditions and we want to meet those conditions. We know they are there for a purpose. As you were talking we believe that the side entrance makes very good sense. We thank you for that. We are willing to revise the plans. We seek approval and give assurance that we are law abiding citizens. We are a traditional congregation. We do not have drums and so forth. We have piano music and maybe a guitar or so. We will be very respectful to our neighbors in the residential area. There are many community services that we are going to provide to the community including: free English and Spanish lessons to the community, pastoral counseling and marriage counseling, we have professional counselors in our congregation. We are not going to have people at 11:00 or 12:00 at night. We can assure you that we will maintain, not only the rules of 9:00 or 10:00, but also maintain the property with the pride and beauty that Vallejo deserves. Do you have any questions?

Commissioner Legalos: How strong are your feeling about wanting something that looks more traditional and less contemporary?

Olga Karinwer-Ramirez: We are willing to work with the Planning Division. We are not set as to the looks. To me it looks beautiful because you see the way it looks right now. To me this is fantastic but we want to comply. Anything that we will build we want it to be for our pride and the City's pride. We feel we can work along with the Planning Division.

Commissioner Legalos: You do not feel strongly about maintaining something that we see as the front elevation here.

Olga Karinwer-Ramirez: No. I believe that if making it more contemporary is what is required we will be able to draw some plans that will look like a church but maintain the look that the City wants.

Commissioner Legalos: My experience in renovation is that contemporary architecture tends to be less expensive than traditional. Unless you are building the Crystal Cathedral.

Olga Karinwer-Ramirez: We need to save money and are not building the Crystal Cathedral. We would not have the money for that.

Katy Meissner, 135 Scenic Way, Vallejo: I just have a couple of points. I appreciate the staff and Commission's attention to the White Slough compatibility. That is very important and I appreciate your comments. The biggest thing sounds like it is the parking. The residences across the street are fourplexes and have covered parking

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behind them. There is always street parking. The congregation might want to talk to the dermatology center they are not open all the time and they might be able to work some sort of a deal. It sounds like if there are complaints the congregation will work with the City. I am just wondering if it could be defined how those complaints would be handled. I know the PD has difficulty handling complaints for other things right now. Another concern about having a church there is that a lot of times churches are vacant, there is no one there, there are homeless encampments in that area right now. When you have a structure that is open and has people in it all the time it kind of helps discourage that type of use. I like the idea of a side entrance, it would face the street and the water. That would sort of discourage that kind of activity. If they feel like they are exposed they are less likely to be there. We looked at the site Saturday. It is so much cleaner. With the dermatology center and this plan it is quite an improvement. Thank you.

Chairperson Morris closed the Public Hearing.

Commissioner McConnell: I move that we approve Planned Development 06-0008 with the 14 specified conditions and findings in the staff report and the additional conditions that there be no chain link fence, they will install an HVAC system for purposes of noise control, all energy consuming devices be energy star rated or better, establish and maintain a community dispute resolution system.

Chairperson Morris: I am not sure we can get so specific. What kind of community dispute resolution system?

Commissioner McConnell: There would be the designation of one person that the community can contact with any grievances they may have and the publication of the contact information for that person.

Chairperson Morris: A church contact?

Commissioner McConnell: Exactly.

Commissioner Legalos: I would like to offer a friendly amendment. I would add that the main entrance be oriented to the side of the building.

Commissioner McConnell: I accept that friendly amendment.

Brian Dolan: I wanted to address Commissioner McConnell's condition about the chain link fence. I wanted to point out that VSFCDC just installed a black chain link fence along the whole length of the rear as a part of their project. If you see a chain link fence it is not that the church is disobeying their conditions, VSFCDC put it in. There is a story behind that. There was a lot of encroachment into their property with private fences from each lot. They are doing their improvements back there to address the flood control issues. They tore down all those fences because they needed their property back and they did not feel like they could tear down all the fences without putting a fence back up. That was their solution. We were not entirely aware of it but that is what is there now.

Commissioner McConnell: I understand that and it is fine. That is also one of the reasons why amendments need to be made. Hopefully they will apply to government agencies as well as private.

Brian Dolan: I do believe that the chain link fence with the black lining on it is the least offensive of the chain link family.

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Commissioner Turley: I am not going to be able to support this project. There is a strong possibility that the people in the bar could be drinking too much and stagger into the church causing disturbances. The bar and the church are only separated by about five feet. I just do not think they are compatible or compliment each other. For instance, when the church, in the evening, might be singing the Lord's Prayer people in the bar could be singing some other music. I think there would be lots of trouble between them. I think Mr. Ramirez should try to find another location for his church.

AYES: Commissioners McConnell, Morris, Legalos, Salvadori, Peterman.

NOS: Turley.

ABSENT: Engelman.

Motion carries.

Findings:

These findings are based upon all evidence in the record including the staff report, testimony, and written correspondence, all of which is incorporated by reference:

1. As describe in Section 5 of this report, the proposed use is consistent with the intent, purpose and development standards of the White Slough Specific Area Plan, which in accordance with Section 16.116.020(B)(2) V.M.C., shall act as the master plan;
2. As described in Sections 3 and 5 of this report, the unit plan is consistent with the goals and policies of the Vallejo general plan and any applicable specific plan;
3. As describe in Sections 5 and 8 of this report, the unit plan serves to achieve groupings of structures which will be well related one to another and which, taken together, will result in a well-composed urban design, with consideration given to site, height, arrangement, texture, material, color and appurtenances, the relation of these factors to other structures in the immediate area, and the relation of the development to the total setting as seen from key points in the surrounding area;
4. The unit plan is of a quality and character which harmonizes with, and serves to protect the value of private and public investments in the area.

CONDITIONS OF APPROVAL:

**Planning Division**

1. Prior to building permit issuance, submit a numbered list to the Planning Division stating how each condition of project approval contained in this report will be satisfied. The list should be submitted to the project planner who will coordinate development of the project.
2. Prior to building permit submittal, provide revised plans illustrating the placement of the proposed church structure a minimum of 14' back (east) from its current location. Revised plans should also show the area between the future property line and the current property line fronting Sacramento Street (approximately 33') being lightly landscaped with shrubs, ground cover or lawn, similar to Solano Dermatology two parcels to the north, that can easily be removed when the widening takes place. Street trees should be planted behind the future property line. Please indicate existing and future property lines and city right-of-ways on the plans.
3. Prior to building permit submittal, the applicant shall submit revised plans revised plans illustrating a maximum of nine delineated compact spaces, and wheel stops on all spaces adjacent

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to the building.

4. Prior to building permit issuance, submit site lightning to the Planning Division for review and approval. Exterior illumination shall be provided by lightning fixtures utilizing high-pressure sodium vapor (HPS) or metal halide lamps, or their equivalent. All pole mounted or raised fixture housing shall be constructed so that the light is diffused downward. All light devices shall be protected by weather and vandal resistant covers.
5. Prior to building permit issuance, submit 3 sets of landscaping plans prepared by a registered landscape architect to the Planning Division for review and approval. The landscape submittal shall comply with the landscaping requirement of the White Slough Specific Plan (pg. A.2-7) and shall sufficiently screen the parking lot while reflecting the character of the surrounding area, i.e. natural grasses, reeds, etc. The requirement for a registered landscape architect may be waived at the discretion of the Planning Manager. Landscape plans shall comply with Chapter 16.70 (VMC), and are to include the following:
  - a. Location, species and size of all mature trees six inches in trunk diameter or greater;
  - b. Replacement of any mature trees to be removed;
  - c. Two City-approved street trees to be planted at least 6 feet from any sewer line;
  - d. Specification of low-growth-type species adjacent to doors, windows, and walkways;
  - e. Low-water-using and drought-resistant plant materials;
  - f. Screening of the required backflow preventers;
  - g. All trees to be a minimum of 15-gallon, double staked; at least 50 percent of the proposed shrubs shall be a minimum of 5-gallon;
  - h. Irrigation plan indicating all components of the irrigation system including sprinklers and other outlets, valves, backflow prevention devices, controllers, piping and water usage; and
  - i. Six inch high curbing around planters.
6. Prior to building permit submittal, the applicant shall submit a color board indicating exterior materials and colors to the Planning Division for review and approval. Color chips shall be attached to the building elevation drawings. Once installed, all improvements are to be maintained in accordance with the approved plans. Any changes, which affect the exterior character, shall be resubmitted to the Planning Division for approval.
7. Building permit issuance shall not occur until the sale of the adjacent property to the church is final.
8. Prior to building permit issuance, submit details and location of any proposed fencing to the Planning Division for review and approval. Fencing shall comply with Chapter 16.70 (VMC).
9. Prior to building permit issuance, submit design details of trash enclosure to the Planning Division for review and approval. Trash enclosure shall meet the requirements of the Vallejo Garbage Service. Materials and colors shall be similar to those approved for the building.
10. Prior to building permit issuance, obtain an administrative permit from the Planning Division for any temporary office or construction trailer.
11. Prior to building permit issuance, the Planning Division shall confirm that the building permit drawings and subsequent construction substantially conform with the approved Planning application drawings.
12. Prior to final Building Division inspection/occupancy, the applicant shall submit a detailed description of all social services to be provided at the property. The description should include, but



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not be limited to: days and hours of service, type of service provided, location of service provision, and expected population to be served by the service.

13. Prior to occupancy/final building inspection, install landscaping and irrigation per approved plans. The landscape architect shall verify in writing that the landscaping and irrigation have been installed in accordance with the approved landscape plans with respect to size, health, number and species of plants, and the overall design concept.
14. Prior to occupancy/final building inspection, install parking lot per approved plans. Each parking space designated for compact cars and handicapped parking shall be identified by a permanent marking reading "compact," and "handicapped parking only."
15. Prior to occupancy/final building inspection, install trash enclosure per approved plans.
16. Prior to occupancy/final building inspection, install fencing per approved plans.
17. Prior to occupancy/final building inspection, obtain a sign permit from the Planning Division prior to the erection of any sign, including flags, banners, etc. All signs shall comply with Chapter 16.64 (VMC).

**Building Division**

1. Upon building permit submittal, the applicant shall submit construction plans illustrating ADA parking and path of travel that complies with the current 2001 California Building Code.
2. Upon building permit submittal, provide T-24 energy calculations for the project
3. Provide revised plans indicating handrail(s) for ramps.
4. Submit revised plans illustrating ADA details as plans do not match details on page 8; men's restroom does not comply.
5. Revised plans with details for the front door ramp and roadway are needed.
6. Prior to building permit submittal, provide revised construction plans illustrating the removal of the breezeway between the subject and adjacent building.
7. Upon building permit submittal, provide a structural evaluation from of licensed civil engineer of the building trusses and foundation.

**City and Traffic Engineer**

1. Prior to approval of construction plan, the applicant shall obtain ownership of lot 53 (APN#51-040-320) or encumber this lot 53 for parking use of lot 52.
2. Submit site grading, drainage, improvement, utility and landscaping and irrigation plans for review and approval. Site plan shall show all proposed, existing improvements, utility services and ultimate frontage improvements along Sacramento Street. Secure approval of site plans prior to building permit.
3. Prior to approval of site plan dedicate required right of way to the City of Vallejo along Sacramento Street fronting the property.
4. Prior to approval of site plan dedicate six feet Public Utility Easement behind new right of way line.

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5. Prior to submittal for building permit record a merger map merging the two lots into one lot. Obtain necessary applications from the Planning Division for lot merger.
6. Enter into a deferred improvement agreement with the City of Vallejo to participate in the cost of under grounding overhead utility wires and installation required frontage improvements that include but limited to curb, gutter, sidewalk, pavement widening grading, street light, street trees and striping along Sacramento Street fronting the property.

**Solano County Environmental Health Department**

1. Please have the applicant submit plans and completed application and supplemental questionnaire (five sets of complete plans). The submittal material can be picked up at our Fairfield office.

**Fire Prevention**

1. Submit a numbered list to the Fire Prevention Division stating how each condition of project approval will be satisfied.
2. Prior to building permit issuance, building/construction plans and plans for required fire protection systems (automatic sprinklers, smoke alarms, etc.) shall be submitted to the Fire Prevention Division for review and approval. All applicable plan review and inspection fees shall be paid.
3. Prior to occupancy/final inspection, install a key box as approved by the Fire Prevention Division. Information and applications concerning the purchase of allowed lock boxes can be obtained through the Fire Prevention Office.
4. Prior to occupancy/final building inspection, install 3A-40BC portable fire extinguishers as required by the Fire Prevention Division. (1998 CVC Standard 10-1; NFPA 10)
5. Prior to occupancy/final building inspection, install approved numbers or addresses on all buildings in such a position as to be clearly visible and legible from the street. Residential buildings shall have numerals or letters not less than 3 inches in height, and approved color that contrasts the background. Commercial occupancies shall have numerals or letters not less than 6 inches in height of contrasting background, and illuminated at night. (1998 CVC Section 901.4.4; added VMC Section 12.28.170)
6. Prior to occupancy/final building inspection, install "No Parking/Fire Lane" signs along interior access roadways, in locations where vehicle parking would encroach on a 20-foot clear width of roadway. (CVC Section 22500.1; CalTrans Traffic Manual, sign#R26F).
7. Prior to occupancy/final building inspection, all applicable fees shall be paid and a final Fire Prevention inspection shall be conducted. All meetings and inspections require a minimum 24-hour advance request.

**Vallejo Sanitation and Flood Control District (VSFCD)**

1. Prior to building permit issuance, submit complete improvement plans and supporting documentation for proposed sanitary sewage and storm drainage work to VSFCD for review and approval.
2. Prior to building permit issuance, a VSFCD Connection Permit is required. Pay all applicable review and connection fees.

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3. The project as submitted was incomplete. Please provide revised plans illustrating: 1) topographic contours and/or elevations, 2) all proposed and existing District facilities to serve the project. Provide site utility plan showing existing and proposed sanitary sewer and storm drain facilities, mains, laterals, connections, etc.
4. The use of the existing private sanitary sewer main and/or lateral is conditioned upon passing a standard VSFCO air test.
5. Prior to occupancy/final building inspection, provide a standard VSFCO cleanout at the right-of-way/easement line per District standards and a two-way cleanout at the building per the U.P.C.

**Water Superintendent**

1. Submit a numbered list to the **Water Division** stating how each condition of project approval will be satisfied.
2. All water system improvements shall be consistent with the Vallejo Water System Master Plan, 1985, prepared by Kennedy/Jenks Engineers as updated by Brown & Caldwell, 1996. Prior to building permit issuance, water system improvement plans shall be submitted to the **Water Division** for review and approval, and shall contain at least:
  - a. Location and size of fire sprinkler service connection(s).
  - b. Location and size of domestic service connection(s).
  - c. Location and size of irrigation service connection(s).
  - d. Location of fire hydrants.
  - e. Location of structures with respect to existing public water system improvements, such as mains, meters, etc.
  - g. Location and size of backflow prevention devices (required on water service connections to irrigation systems, certain commercial water users, and to commercial fire sprinkler systems, per City Ordinance 922 N.C. (2d).
3. Prior to building permit issuance, hydraulic calculations shall be submitted to the **Water Superintendent** demonstrating that the fire flow requirements are complied with.
4. Prior to occupancy of final building inspection, install water system improvements as required. Backflow device/s where required shall be installed in areas hidden from public view and/or shall be mitigated by landscaping.

**STANDARD REQUIREMENTS**

**Planning Division**

1. The approved use permit shall be contingent on completion of the attached land purchase agreement.
2. All parking spaces shall be demarcated, per City of Vallejo standards.
3. Construction-related activities shall be limited to between the hours of 7 a.m. and 6 p.m., Monday through Saturday. No construction is to occur on Sunday or federal holidays. Construction equipment noise levels shall not exceed the City's maximum allowable noise levels.

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4. 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.
5. All proposed and future improvements shall not encroach within the hiking trail designated boundaries.
6. There shall be no outdoor storage or display of any kind except as allowed per Chapter 16.70 and 16.77 (VMC).
7. All mechanical equipment and utility meters shall be screened in a manner approved by the Planning Division. Electrical transformers shall be screened or placed underground.
8. All vents, gutters, downspouts, flashings, electrical conduits, etc., shall be painted to match the color of the adjacent surface.
9. All roof-mounted mechanical devices and their components such as air conditioners, heating equipment, exhaust fans, vents or ducts, or similar equipment shall be screened from view in a manner approved by the Planning Division. All wall-mounted air conditioners shall be flush mounted.
10. Obtain an inspection from the Planning Division prior to occupancy/final building inspection. All inspections require a minimum 24-hour notice. Occupancy permits shall not be granted until all construction and landscaping is completed and finalized in accordance with the approved plans and required conditions of approval or a bond has been posted to cover all costs of the unfinished work as agreed to by the Planning Manager.
11. The conditions herein contained shall run with the property and shall be binding on the applicant and all heirs, executors, administrators, and successors in interest to the real property that is the subject of this approval.
12. If the Planning Division, either independently or as a result of complaints from the public, becomes aware that the use is being conducted in a manner which violates the conditions of this use permit or other applicable City regulations, and Planning staff is unable to obtain compliance or abatement, staff will refer the use permit to the Planning Commission for possible suspension or revocation per Section 16.82.110, Vallejo Municipal Code.
13. The applicant shall establish a recycling program for the building in coordination with the Planning Division and when established, either participate in the Citywide commercial recycling program or demonstrate to the satisfaction of the Planning Division that the established recycling program is sufficient.

**Building Division**

1. Commercial cooking equipment (if proposed) may require commercial hood and fire sprinklers.

**City and Traffic Engineer**

1. The project is within 100-year flood zone and shall therefore comply with Chapter 7.98 Flood Damage Protection, VMC.
2. Drive slope shall not be more than 6%.
3. Parking lot spaces shall not be more than 5% in any direction (VMC, Section 16.62.150(C)(1)).

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4. Signage and striping shall be per City of Vallejo standard.
5. Number of compact parking stalls within the parking lot shall not be more than forty percent of total number of parking stalls.
6. Surface runoff from the site shall be intercepted on site, piped and tied into the public storm drain system.

*(The following conditions may apply)*

7. Prior to building permit issuance, submit a numbered list to the Planning Division stating how each condition of project approval contained in this report will be satisfied. The list should be submitted to the project planner who will coordinate development of the project.
8. All public improvements shall be designed to City of Vallejo standards and to accepted engineering design standards. The City Engineer has all such standards on file and the Engineer's decision shall be final regarding the specific standards that shall apply.
9. Prior to building permit issuance, submit three sets of plans to the Department of Public Works for plan check review and approval. (Improvement or civil plans are to be prepared by a licensed civil engineer.) Plans are to include, but may not be limited to, grading and erosion control plans, improvement plans, joint trench utility, street light plans, and landscaping, irrigation and fencing plans and all supporting documentation, calculations, and pertinent reports.
10. Site grading shall comply with Chapter 12.40 – Excavations, Grading, and Filling (VMC). Prior to issuance of grading permit, submit a soils report for review. An independent soils and geological review of the project may be required. The City shall select the soils engineer, with the cost of the study to be borne by the developer/project sponsor.
11. In design of grading and landscaping, line-of-sight distance shall be provided based on Caltrans standards. Installation of fencing, signage, above ground utility boxes, etc. shall not block the line-of-sight of traffic and must be set back as necessary.
12. During grading operations, the project geologist or soils engineer and necessary soils testing equipment must be present on site. In the absence of the soils engineer or his representative on site, the Department of Public Works shall shut down the grading operation.
13. All dust and erosion control shall be in conformance with City standards, ordinance, and NPDES requirements.
14. Prior to building permit issuance or acceptance of grading, compaction test results and certification letter from the project soils engineer and civil engineer confirming that the grading is in conformance with the approved plans must be submitted to the Department of Public Works for review and approval. Test values must meet minimum relative compaction recommended by the soils engineer (usually at least 90 percent).
15. Entrances to any private project must be standard driveway approaches unless deviation is permitted by the City Engineer.
16. Obtain a street excavation permit from the Department of Public Works prior to performing any work within City streets or rights-of-way, or prior to any cutting and restoration work for utility trenches in existing public streets. All work shall conform to City standards.
17. Prior to building permit issuance, obtain an encroachment permit from the Department of Public Works for all work proposed within the public right-of-way.

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18. Prior to start of construction submit a traffic control plan to the Department of Public Works for review and approval.
19. Construction inspection shall be coordinated with the Department of Public Works and no construction shall deviate from the approved plans.
20. The project design engineer shall be responsible for the project plans. If plan deviations are necessary, the project engineer must first prepare a revised plan or details of the proposed change for review by the Department of Public Works and, when applicable, by Vallejo Sanitation and Flood Control District. Changes shall be made in the field only after approval by the City. At the completion of the project, the design engineer must prepare and sign the "as built" plans.
21. Prior to approval of construction plans, provide bonds and pay applicable fees. Bonding shall be provided to the City in the form of a "Performance Surety" and a separate "Labor and Materials Surety" in amounts stipulated by City ordinances.
22. Prior to occupancy/final building inspection, install the improvements required by the Department of Public Works including but not limited to streets and utilities.
23. Prior to occupancy/final building inspection, remove and replace any broken curb, gutter, sidewalk, or driveway approach as directed in the field by the City Engineer.
24. The project is within the 100-year flood zone and shall therefore comply with Chapter 7.98 – Flood Damage Protection, VMC. Prior to obtaining grading permit, apply to Federal Emergency Management Administration (FEMA) for a Conditional Letter of Map Revision (CLOMR). Prior to obtaining building permit, apply to FEMA for a Letter of Map Revision (LOMR). Prior to obtaining certificate of occupancy or acceptance by the City, whichever is applicable, obtain an approved Letter of Map Revision from FEMA. It will take FEMA at least 90 days to obtain CLOMR or LOMR. FEMA can be contacted at telephone (415) 923-7177, or FEMA, Mitigation Division, Building 105, Presidio of San Francisco, CA 94129-1250.
25. Prior to release for occupancy, plant street trees in accordance with Vallejo Municipal Code, Section 15.06.190 and Regulations and Specifications for Public Improvements, Section 3.3.48. The list of approved trees is available in the office of the Public Works Director. The minimum standard shall be at least one tree for each 50 feet of street frontage or fraction thereof, including secondary or side streets. Street tree(s) shall be inspected by Public Works Landscape Inspector prior to release for occupancy.
26. The developer shall provide joint trench plans for the underground electrical, gas, telephone, cable television, and communications conduits and cables including the size, location, and details of all trenches; locations of building utility service stubs and meters; and placement or arrangement of junction structures as a part of the Improvement Plans submitted for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.
27. There are fiber optic and/or copper signal interconnect cables located at the edge of the roadway or under the sidewalk. The plans should address either the relocation of these cables or a note should be made of the cable location. A warning should be included on the plans stating that if the cable is damaged, the contractor shall replace the entire length of the cable between the two nearest hubs unless otherwise authorized by the City Engineer.

**Fire Prevention**

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1. Automatic fire sprinkler extinguishing systems are required for all residential, commercial, and industrial occupancies. (1998 CFC Section 1003.1.2. added VMC Section 12.28.190)
2. Development sites shall be maintained weed free during construction. (1998 CFC Section 1103.2.4)

**Vallejo Sanitation and Flood Control District**

1. All individual parcels shall drain and sewer directly to the public system.
2. Non-District facilities serving more than one lot will not be allowed.
3. Pretreatment of storm drainage water runoff is required; storm drainage runoff shall be conveyed over landscaped areas or otherwise treated, as feasible, before discharging into the public system. This is to improve the stormwater quality leaving the site. The project architect or civil engineer should contact VSFCD for possible design solutions and their impact on the design of the project.
4. VSFCD will install a new fence on the backside of the property and a new ss lower lateral with the completion of the Sacramento Street Sewer Relief Project.
5. New improvements must not encroach on VSFCD easement on the backside of property, fence line will be adjusted per previous agreement enclosed. The new improvement drawings must match new fence alignment.

**Water Superintendent**

1. Fire flow requirements of the Fire Department shall be complied with. Fire flow at no less than 25 psig residual pressure shall be available within 1,000 feet of any structure. One half of the fire flow shall be available within 300 feet of any structure.

a. See the Vallejo Water System Master Plan, 1985, prepared by Kennedy Jenks and its latest update by Brown and Caldwell dated April 1996.

2. Fire hydrant placement and fire sprinkler system installation, if any, shall meet the requirements of the Fire Department. For combined water and fire services, the requirements of both the Fire Departments and the Vallejo Water System Master Plan, with latest revisions, shall be satisfied.

3. Easements shall be granted for all water system improvements installed outside the public right-of-way in the City's Standard Form for Grant of Water Line Easement with the following widths:

a. 15 ft. wide (minimum) for water mains.

b. 10 ft. wide (minimum) for fire hydrants, water meters, backflow preventers, double detector check valves, etc.

4. Each unit or structure shall be metered separately.

5. Water service shall be provided by the City of Vallejo following completion of the required water system improvements and payment of applicable fees. Performance and payment bonds shall be provided to the City of Vallejo prior to construction of water system improvements. Fees include those fees specified in the Vallejo Municipal Code including connection and elevated storage fees, etc., and fees for tapping, tie-ins, inspections, disinfection, construction water, and other services provided by the City with respect to the water system improvements. The Water Division may be contacted for a description of applicable fees.

**GENERAL CONDITIONS**

1. The applicant shall defend, indemnify, and hold harmless the City of Vallejo and its agents, officers, and employees from any claim, action, or proceeding against the City and its agents, officers, and employees to attack, set aside, void, or annul this approval by the City. The City may elect, at its discretion, to participate in the defense of any action.

**L. OTHER ITEMS**

1. Report from the Mare Island Ad Hoc Committee.

Continued to the next meeting.

**M. WRITTEN COMMUNICATIONS**

None.

**N. ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 8:50 P.M.

Respectfully submitted,



Vallejo Planning Commission Minutes  
September 18, 2006

A handwritten signature in black ink that reads "Deborah Marshall". The signature is written in a cursive style with a large initial 'D'.

(for) BRIAN DOLAN, Secretary



## STAFF REPORT

### CITY OF VALLEJO PLANNING COMMISSION

**Date of Hearing:** September 18, 2006      **Agenda Item:** K2

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Application Numbers:      Planned Development (Unit Plan) #06-0008 as governed by Section 16.82 of the Vallejo Municipal Code (V.M.C.)

Recommendation:      Recommend **Approval** of Planned Development (Unit Plan) #06-0008 subject to the findings and conditions contained in the staff report.

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Project Description:      The Planned Development application is a proposal by Iglesia Adventista del Septimo Dia to convert an existing building located at 2274 Sacramento Street into a church for the Spanish speaking Seventh-day Adventist congregation. Anticipated maximum capacity for the approximate 2,640 square foot church would be 92 seats, with 19 surface parking spaces being provided on the adjacent northern lot. The project is illustrated on a development plan package drawn by Rollie F. Rosete (see Attachment A).

Two services would be held on Saturdays from 9:30-1:00 p.m. and 5:00-8:00 p.m. and one service on Tuesdays and Thursday nights from 7:00-8:00 p.m. The church is also proposing to provide social services throughout the week during normal business hours and early evenings.

Location:      2274 Sacramento Street, APN: 0051-040-310, 320

Applicant:      Olga & Vince Ramirez  
419 Avalon Circle  
Vallejo, CA 94589

Property Owner:      Olga & Vince Ramirez

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Environmental Review:      The proposed project meets the requirements for the Class 2 Categorical Exemption, Section 15302 "Replacement or Reconstruction" under Article 19 of the California Environmental Quality Act (CEQA) because the project



1. **PROJECT DESCRIPTION:** The Planned Development application is a proposal by Iglesia Adventista del Septimo Dia to convert an existing building located at 2274 Sacramento Street into a church for the Spanish speaking Seventh-day Adventist congregation. Anticipated maximum capacity for the approximate 2,640 square foot church would be 92 seats, with 19 surface parking spaces being provided on the adjacent northern lot. Currently, most church members attend Seventh-day Adventist services in three North Bay locations: 1) 833 Louisiana Street, 2) 1111 Colusa Street and 3) Seventh-day Adventist church located in Napa.

Two services would be held on Saturdays from 9:30-1:00 p.m. and 5:00-8:00 p.m. and one service on Tuesdays and Thursday nights from 7:00-8:30 p.m. The church is also proposing provision of social services during the week during normal business hours and early evenings. These social services would include, but not be limited to: ESL/Spanish language classes, career development training, drop-in counseling, alcohol/smoking addiction recovery classes and food giveaways. The majority of the social services would be available during the day with only the language classes and counseling occurring in the early evening. The food giveaways would consist of canned and dry goods packaged in bags and distributed to church members and guests after the Saturday morning service.

The building has been vacant for an undetermined amount of time and was last used as a florist shop. Prior to its last use, the building was used as an entertainment assembly hall for the neighboring Golden Bubble bar. The applicants intend to use the existing foundation and building frame for their church. The architecture for the reconstructed building is intended to stay true to the simple traditional vernacular church style of Seventh-day churches found in Latin American countries utilizing stucco walls, minimal ornamentation and clay tile style roofing (see sheet 6, Attachment A). The interior of the church would consist of: offices, worship/congregation area, multi-purpose area, kitchen, and rest-rooms.

2. **CONSISTENCY WITH THE GENERAL PLAN:** The General Plan Land Use designation for this site is Commercial Retail. Uses which are permitted under the zoning designation of MUPD are conditionally compatible with the Commercial Retail land use designation.
3. **ENVIRONMENTAL REVIEW:** The proposed project meets the requirements for the Class 2 Categorical Exemption, Section 15302 "Replacement or Reconstruction" under Article 19 of the California Environmental Quality Act (CEQA) because the project would consist of reconstruction of an existing commercial structure located on the same site as the structure being replaced with substantially the same size, purpose (assembly), and capacity.

4. **CONFORMANCE WITH ZONING REGULATIONS:**

**ZONING.** The property is zoned Mixed Use Planned Development (MUPD). The allowable uses for MUPD districts are determined during the Master Plan/Unit Plan

approval process. The White Slough Specific Area Plan, adopted by the City Council in 1995, serves as the Master Plan for the area. The White Slough Specific Area Plan is divided into seven Development Zones. The subject parcels are located within Development Zone 4. Religious assembly is an allowed civic use (see Attachment C) within this development zone area subject to Unit Plan approval, per Section 16.116.090 V.M.C.

**PARKING.** The off-street parking requirement for “religious assembly” is one space for every eighty square feet of floor area where seats are not fixed. The congregation area for the proposed building is 1,517 square feet, which yields a parking requirement of nineteen spaces. The multi-purpose designated area for the church is 795 square feet which yields a parking requirement of ten spaces. The applicant has stated that the congregation area will not be used for multi-purpose purposes or vice-versa; therefore, twenty-nine parking spaces would not be needed. The proposed twenty-three spaces would meet the parking requirement if both areas were not used simultaneously; however, staff is aware that the primary complaint from neighbors regarding churches in the city revolves around “parking,” even though in most cases, churches are meeting their required parking standard.<sup>1</sup>

To address any potential future parking problems that may occur in the adjacent Roosevelt Terrace neighborhood, staff has recommended as a condition of approval that if the Development Services Department receives complaints related to church members and guests parking in the adjacent neighborhoods, the church will submit to the Planning Division a parking mitigation and implementation plan which would include such measures as van pools and staggering meeting times to alleviate any parking shortages.

The plans for the proposed parking lot do not illustrate lighting or wheel stops on the northern boundary. The plans also indicate twelve compact stalls which exceeds the allowable compact stall amount of nine spaces. Staff has recommended as a condition of approval revised plans illustrating: parking lot lighting with a photometric plan, a maximum of nine delineated compact spaces, and wheel stops on all spaces.

**LANDSCAPING.** A landscape plan was not submitted with the development plan materials. The Planning Division has recommended as a condition of approval submittal of a landscape/irrigation plan which complies with the landscaping requirement of the White Slough Specific Plan (pg. A.2-7) and Chapter 16.70 V.M.C. prior to building permit submittal.

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<sup>1</sup> Though the applicants’ plans indicate 23 parking spaces, due to the future widening of Sacramento Street, and the subsequent revised placement of the building, four parking spaces will be lost, leaving the church with 19 spaces, equal to the city’s requirement.

**5. CONFORMANCE WITH THE WHITE SLOUGH SPECIFIC AREA PLAN DEVELOPMENT STANDARDS:**

**SITE ORGANIZATION**

*Buildings shall be sited to take advantage of their proximity to the water by such techniques as making sure the back of the building and/or the service area is not facing the water...*

Because the applicants are proposing to convert the existing building utilizing the existing foundation, and due to the fact that the property fronts Sacramento Street, conforming to the Plan's intent of "making sure the back of the building and/or service area is not facing the water" is a challenging goal. The applicants' original submittal had the back of the building facing the Austin Creek storm drain channel and White Slough with standard minimal architectural detail. Staff met with the applicants' designer/draftsman and explained the importance of enhancing the rear of the building since it could not logically have its entrance facing the water. Based on this meeting, the plans were revised to add an arched clerestory window with cross design, additional windows, window trim, and a scored water mark to distinguish the rear gable from the building wall.

*Buildings shall be sited to place parking, service, and loading areas placed away from the water. If this is not feasible due to site constraints, landscaped berms and/or walls and fencing shall screen the parking areas from the water.*

Submitted plans indicate a four foot landscape border around the north and east property lines; however, since the plant selection is not identified, it is not apparent to staff whether the proposed landscaping would sufficiently screen the parking area from the water. A condition of approval requiring a landscape/irrigation plan with landscaping sufficiently screening the parking lot will be recommended. The landscaping proposed for this area shall reflect the character of the surrounding area, i.e. natural grasses, reeds, etc.

*The maximum floor area ratio (FAR) for non-residential uses is 0.25. However, property aggregation is encouraged, and higher FAR's will be permitted for projects where aggregation occurs.*

The existing FAR for the site is 0.44, though it should be noted that when the proposed sale of the adjacent lot to the north is final, and the two lots merged, the far will be 0.22, thus conforming to the FAR standard.

*At a minimum, there shall be a 25-foot access and landscape easement from the point of highest tide inward or the designated edge of the water.*

Though the subject site would host development that abuts Austin Creek and White Slough, there is another parcel owned by Vallejo Sanitation and Flood Control

District (VSFCD) and easement between the subject property and the water. VSFCD has included a condition of approval restricting any new improvements which would encroach within the easement area behind the church.

## ARCHITECTURAL

*Architectural style shall be contemporary. Thematic or trademark architecture is prohibited.*

The proposed architecture combines traditional Spanish details (stucco walls, tile roof) with contemporary features (arched clerestory windows, foam trim) [see Attachment A].

*Buildings should be designed to take advantage of their proximity to the water by such techniques as placing windows, terraces, entry ways on the water side. Large blank walls should be avoided. Instead, offsets, varied wall materials and colors and other details shall be used to visually break up wall surfaces.*

Staff did recommend to the applicants that the submitted floor plan which has the kitchen and rest rooms in the rear of the building (facing the water); multi-purpose area and congregation area in the middle of the building; and office/reception area in the front of the building (facing Sacramento Street) be changed to bring the building closer in conformance with the above-cited goal.

Staff's recommendation for the floor plan was to place the congregation area at the rear of the building so that a large picture window (possibly with stained or other decorative glass) could be placed behind the pulpit and baptismal area while shifting the kitchen/rest room and multi-purpose area in front of the congregation area. The main entry would be relocated from the front of the building to a side entry facing the parking lot. The applicants were not in favor of staff's recommendation as it would decrease the amount of area for the congregation and increase construction costs. As noted above (Site Organization), the applicant's did revise the architecture to improve the Slough view elevation and break up the stucco walls.

*Building colors shall be neutral in color. However, accent colors are acceptable if they are secondary (10 percent of the total exterior wall area) to the overall color scheme. The use of reflective glass or reflective metal surfaces on the water side of buildings is prohibited.*

Submitted plans indicate stucco walls but as of the date of this report, a colors and materials board has not been submitted. Staff has recommended submittal of a colors and materials board as a condition of approval.

*Maximum building height within 50 feet from the point of highest tidal action or the designated edge of the water shall be 35 feet. Outside this 50-foot band, the maximum building height is 75 feet.*

The proposed maximum building height would be 33 feet.

*All roof top equipment and other utility structures shall be screened from public view.*

The above-cited standard has been recommended as a condition of approval.

## PUBLIC ACCESS

*The City of Vallejo and Solano County General Plans encourage and require the development and protection of public access routes in and around the planning area. The Vallejo Trails Master Plan shows a proposed hiking and jogging trail within the planning area. The San Francisco Bay Trail is proposed to go through the planning area as well (pgs 21-22).*

The White Slough Specific Area Plan identifies a hiking trail to be located behind the subject property beginning at the terminus of Sereno Drive along the perimeter of the South Lagoon, continuing along the western berm of Austin Creek, behind the subject property, and tying into a trail along the south side of SR37 (see Attachment C- Public Access Project map). Staff has recommended as condition of approval that the proposed project not encroach within the hiking trail designated boundaries.

- 6. DEPARTMENT REVIEW AND COMMENTS:** Notice of the application was sent to the Building Division, City and Traffic Engineering Department, Vallejo Sanitation and Flood Control District, Fire Prevention, Water Superintendent, and the Environmental Health Division. Comments are incorporated in Section 7 of this report.

## 7. PUBLIC COMMENTS:

No comments were received from the three neighborhood groups who were notified of the project. Staff did receive three inquiries from neighbors regarding details of the church's proposed activities. Upon hearing from staff what the proposed social services would entail, including hours of operation, the inquiring neighbors were not in opposition of the project. The adjacent tenant (A Heavenly Taste) was generally not opposed to the church, but had a "time will tell" position on its impact to their business and the neighborhood as a whole.

## 8. REFERENCES:

California Environmental Quality Act (CEQA Guidelines 2006), Section 15302.

City of Vallejo General Plan: Section III-Land Use (pg. 26)

City of Vallejo Zoning Ordinance: Chapter 16.62- Off-Street Parking, Chapter 16.112- Mixed Use Planned Development, Section 16.116.090- Unit Plan process



Whit Slough Specific Area Plan: Allowed Uses (pg. A.2-2), Development Standards (pg. A.2-6)

9. **STAFF ANALYSIS:** The applicants, acting as the representatives for the Seventh-day Adventist Spanish speaking congregation, has been working with city staff to present an acceptable site plan for the proposed location since the beginning of the year. The major issue for the applicants had been related to finding a parcel close enough to the church property for their parking lot. Staff has worked closely with the applicant to ensure that the concerns of the city and surrounding neighbors of the church site are addressed with the development proposal. As noted in Sections 4 & 5 of this report, the subject property is located within the White Slough Specific Plan boundaries, abutting the Austin Creek drainage channel. Because the purpose of the Specific Plan regarding development is to enhance the environment of the Slough and Austin Creek, thus improving the image of the area, staff has given the project a through review while keeping in mind the limited budget of the congregation. Following is an analysis of specific issues related to the project.

*Reuse of existing building and architecture*

As with most small congregations, Iglesia del Septimo had a limited budget to work with when embarking on purchasing property to build their church. A primary reason for choosing the subject property was their hope that they could use the existing building shell and foundation. The re-use of the existing building would also save the church money by having certain fees waived, e.g., school fees.

During the public notice period, staff received complaints that the adjacent building (Golden Bubble) was being burglarized due to the church's building be un-secure. Entry would occur from the church structure; through a breezeway connecting the two buildings and into the adjacent tenant's space (A Heavenly Taste) [see Attachment B-site pictures]. Upon request from the applicant, staff inspected the property along with the Chief Building Official to determine if the structure was being properly secured and to investigate the breezeway in question. Based on the inspection, the Chief Building Official determined that the breezeway was not a permitted appendage and must be removed, with each property owner being responsible for fifty percent, since it is on the property line. The Golden Bubble property owner was present during the inspection. Staff has recommended as a condition of approval that the applicant submit construction plans illustrating the removal of the breezeway.

The Chief Building Official questioned the structural integrity of the wall and roof framing of the subject building as well as the ability to use the existing foundation to support the proposed project. Though the applicant's engineer believes the foundation, roof frame and exterior frame can be reused (see Attachment D), a condition of approval requiring a comprehensive structural/foundation report from licensed civil engineer will be recommended. If the report finds that the existing

framing and foundation can not be salvaged, the applicant shall submit new plans with site organization which conforms with the White Slough Specific Plan.

- Architecture

As noted above, the applicant has stated to staff that because of a limited budget, costs for the building of the church and development of the site are trying to be kept low. This was evidenced in the applicant's original design for the church. Keeping the budgetary issues in mind, staff has worked with the applicant and contractor in revising the plan to enhance the architecture and bring the project in closer conformance with the development standards of the White Slough Specific Plan. Staff does not believe the brick siding detail is an appropriate accent for a church reflecting Spanish styled architecture. A condition of approval will be recommended requiring the applicant to submit a colors and materials board.

*Future Widening of Sacramento Street*

The White Slough Specific Plan refers to a widening of Sacramento Street from two to four lanes, from Redwood Street to SR 37. The widening will also include standard improvements such as curbs, gutters, sidewalk, and bike lanes (see Attachment E, Street Widening Plan). Though the Plan states that "improvements to Sacramento Street are in the City's five year capital improvement program" [fiscal years 1995/1996-1999/2000], there are currently no funds earmarked for these improvements. Project approval will be conditioned on the applicants/property owner entering into a deferred improvement agreement for the widening of Sacramento Street and other public improvements. It is anticipated by Public Works that the proposed widening funding will come from these deferred improvement agreements with Sacramento Street property owners before funding could occur through a capital improvement program.

Though a more definitive date can not be determined at this time, staff believes the Sacramento widening will occur and that any future development should be designed to take the widening into account. The existing building at the subject site encroaches approximately 12'3" within the future right-of-way. Staff believes that it would not be cost-efficient for the church to rebuild their structure at the existing footprint, only to have part of the building torn down for the Sacramento Street widening. Staff has spoken to the applicant about this issue and recommended that the building be set back 14' to allow for the future widening of Sacramento Street. The recently completed Solano Dermatology site, two parcels north of the subject property, was developed with the future widening in mind (building placement and landscaping).

The area between the future property line and the current property line fronting Sacramento Street (approximately 33') should be lightly landscaped with shrubs, ground cover or lawn, similar to Solano Dermatology two parcels to the north that can easily be removed when the widening takes place. Street trees should be planted

behind the future property line.

### *Parking*

As noted in Section 4 of this report, the proposed uses at the church would require a total of twenty-nine spaces if active at the same time. Staff is familiar with the practices of Seventh-day Adventist churches and understands, as told to by the client that the multi-purpose area and the congregation area do not function as two separate uses during the same time period. Typically, parishioners attend Saturday service, and then congregate in the multi-purpose room to eat and associate. Other uses of the multi-purpose room would not involve usage of the adjacent congregation area.

Staff was concerned about the applicant's ability to secure parking for the proposed church due to the fact that at the time the application submitted was a parking lot for the church on or adjacent to the site had not been identified. The applicant proposed using vacant lots for parking that were located on Sacramento Street, a few parcels away from the site, but staff told the applicant that having the parking lot away from the site may encourage parishioners to park on neighboring streets and parking spaces impacting the neighborhood negatively. Staff encouraged the applicant to reach a purchase agreement (contingent on use permit approval) with the vacant adjacent lot property owner for parking lot use. The applicant has reached such agreement (see Attachment F-vacant land agreement) with the adjacent property owner. Staff has recommended a condition of approval stating that a building permit shall not be issued until the sale of the adjacent property to the church is final and that the approved use permit shall be contingent on completion of the attached land purchase agreement.

Finally, staff feels the social services identified to occur at the church would have a benign impact on the neighborhood; however, oversight of the proposed services as well as any future services or intensification of the approved services should be provided by the City. Staff has recommended as a condition of approval that the proposed social services be detailed in writing for staff review and approval. Future services or expansion of the approved services shall also be reviewed and approved by the Planning Division.

## **10. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission **APPROVE** Planned Development (Unit Plan) #06-0008 subject to the following findings and conditions:

### Findings:

These findings are based upon all evidence in the record including the staff report, testimony, and written correspondence, all of which is incorporated by reference:

1. As describe in Section 5 of this report, the proposed use is consistent with the intent, purpose and development standards of the White Slough Specific Area Plan, which in accordance with Section 16.116.020(B)(2) V.M.C., shall act as the master plan;
2. As described in Sections 3 and 5 of this report, the unit plan is consistent with the goals and policies of the Vallejo general plan and any applicable specific plan;
3. As describe in Sections 5 and 8 of this report, the unit plan serves to achieve groupings of structures which will be well related one to another and which, taken together, will result in a well-composed urban design, with consideration given to site, height, arrangement, texture, material, color and appurtenances, the relation of these factors to other structures in the immediate area, and the relation of the development to the total setting as seen from key points in the surrounding area;
4. The unit plan is of a quality and character which harmonizes with, and serves to protect the value of private and public investments in the area.

**CONDITIONS OF APPROVAL (conditions/revisions in italics indicates added per Planning Commission hearing):**

**Planning Division**

1. Prior to building permit issuance, submit a numbered list to the Planning Division stating how each condition of project approval contained in this report will be satisfied. The list should be submitted to the project planner who will coordinate development of the project.
2. Prior to building permit submittal, provide revised plans illustrating the placement of the proposed church structure a minimum of 14' back (east) from its current location. Revised plans should also show the area between the future property line and the current property line fronting Sacramento Street (approximately 33') being lightly landscaped with shrubs, ground cover or lawn, similar to Solano Dermatology two parcels to the north, that can easily be removed when the widening takes place. Street trees should be planted behind the future property line. Please indicate existing and future property lines and city right-of-ways on the plans.
3. Prior to building permit submittal, the applicant shall submit revised plans revised plans illustrating a maximum of nine delineated compact spaces, and wheel stops on all spaces adjacent to the building.
4. Prior to building permit issuance, submit site lightning to the Planning Division for review and approval. Exterior illumination shall be provided by lightning fixtures utilizing high-pressure sodium vapor (HPS) or metal halide lamps, or their equivalent. All pole mounted or raised fixture housing shall be constructed

so that the light is diffused downward. All light devices shall be protected by weather and vandal resistant covers.

5. Prior to building permit issuance, submit 3 sets of landscaping plans prepared by a registered landscape architect to the Planning Division for review and approval. The landscape submittal shall comply with the landscaping requirement of the White Slough Specific Plan (pg. A.2-7) and shall sufficiently screen the parking lot while reflecting the character of the surrounding area, i.e. natural grasses, reeds, etc. The requirement for a registered landscape architect may be waived at the discretion of the Planning Manager. Landscape plans shall comply with Chapter 16.70 (VMC), and are to include the following:
  - a. Location, species and size of all mature trees six inches in trunk diameter or greater;
  - b. Replacement of any mature trees to be removed;
  - c. Two City-approved street trees to be planted at least 6 feet from any sewer line;
  - d. Specification of low-growth-type species adjacent to doors, windows, and walkways;
  - e. Low-water-using and drought-resistant plant materials;
  - f. Screening of the required backflow preventers;
  - g. All trees to be a minimum of 15-gallon, double staked; at least 50 percent of the proposed shrubs shall be a minimum of 5-gallon;
  - h. Irrigation plan indicating all components of the irrigation system including sprinklers and other outlets, valves, backflow prevention devices, controllers, piping and water usage; and
  - i. Six inch high curbing around planters.
6. Prior to building permit submittal, the applicant shall submit a color board indicating exterior materials and colors to the Planning Division for review and approval. Color chips shall be attached to the building elevation drawings. Once installed, all improvements are to be maintained in accordance with the approved plans. Any changes, which affect the exterior character, shall be resubmitted to the Planning Division for approval.
7. Building permit issuance shall not occur until the sale of the adjacent property to the church is final.
8. Prior to building permit issuance, submit details and location of any proposed fencing to the Planning Division for review and approval. Fencing shall comply with Chapter 16.70 (VMC).
9. Prior to building permit issuance, submit design details of trash enclosure to the Planning Division for review and approval. Trash enclosure shall meet the requirements of the Vallejo Garbage Service. Materials and colors shall be

similar to those approved for the building.

10. Prior to building permit issuance, obtain an administrative permit from the Planning Division for any temporary office or construction trailer.
11. Prior to building permit issuance, the Planning Division shall confirm that the building permit drawings and subsequent construction substantially conform with the approved Planning application drawings.
12. *Prior to building permit issuance, the applicant shall submit revised plans identifying a HVAC system for the church, with energy star ratings or better and a screening material subject to Planning Division approval.*
13. *Prior to building permit submittal, the applicant shall submit revised plans illustrating a main entry oriented to the north side (parking lot facing) of the building, subject to Planning Division approval.*
14. Prior to final Building Division inspection/occupancy, the applicant shall submit a detailed description of all social services to be provided at the property. The description should include, but not be limited to: days and hours of service, type of service provided, location of service provision, and expected population to be served by the service.
15. Prior to occupancy/final building inspection, install landscaping and irrigation per approved plans. The landscape architect shall verify in writing that the landscaping and irrigation have been installed in accordance with the approved landscape plans with respect to size, health, number and species of plants, and the overall design concept.
16. Prior to occupancy/final building inspection, install parking lot per approved plans. Each parking space designated for compact cars and handicapped parking shall be identified by a permanent marking reading "compact," and "handicapped parking only."
17. Prior to occupancy/final building inspection, install trash enclosure per approved plans.
18. Prior to occupancy/final building inspection, install fencing per approved plans.
19. Prior to occupancy/final building inspection, obtain a sign permit from the Planning Division prior to the erection of any sign, including flags, banners, etc. All signs shall comply with Chapter 16.64 (VMC).
20. *Prior to occupancy/final building inspection, the applicant shall establish and submit to the Planning Division a community dispute resolution program. The program shall identify a church member who can respond to community*

*complaints and include the contact information for this member. A copy of the program and contact information shall be made available to any established community/neighborhood groups upon request.*

### **Building Division**

1. Upon building permit submittal, the applicant shall submit construction plans illustrating ADA parking and path of travel that complies with the current 2001 California Building Code.
2. Upon building permit submittal, provide T-24 energy calculations for the project
3. Provide revised plans indicating handrail(s) for ramps.
4. Submit revised plans illustrating ADA details as plans do not match details on page 8; men's restroom does not comply.
5. Revised plans with details for the front door ramp and roadway are needed.
6. Prior to building permit submittal, provide revised construction plans illustrating the removal of the breezeway between the subject and adjacent building.
7. Upon building permit submittal, provide a structural evaluation from of licensed civil engineer of the building trusses and foundation.
8. Confirm vapor barrier under existing slab.
9. Provide an architect and/or engineer stamp and signature on revised plans.

### **City and Traffic Engineer**

1. Prior to approval of construction plan, the applicant shall obtain ownership of lot 53 (APN#51-040-320) or encumber this lot 53 for parking use of lot 52.
2. Submit site grading, drainage, improvement, utility and landscaping and irrigation plans for review and approval. Site plan shall show all proposed; existing improvements, utility services and ultimate frontage improvements along Sacramento Street. Secure approval of site plans prior to building permit.
3. Prior to approval of site plan dedicate required right of way to the City of Vallejo along Sacramento Street fronting the property.
4. Prior to approval of site plan dedicate six feet Public Utility Easement behind new right of way line.

5. Prior to submittal for building permit record a merger map merging the two lots into one lot. Obtain necessary applications from the Planning Division for lot merger.
6. Enter into a deferred improvement agreement with the City of Vallejo to participate in the cost of under grounding overhead utility wires and installation required frontage improvements that include but limited to curb, gutter, sidewalk, pavement widening grading, street light, street trees and striping along Sacramento Street fronting the property.

### **Solano County Environmental Health Department**

1. Please have the applicant submit plans and completed application and supplemental questionnaire (five sets of complete plans). The submittal material can be picked up at our Fairfield office.

#### **Fire Prevention**

1. Submit a numbered list to the Fire Prevention Division stating how each condition of project approval will be satisfied.
2. Prior to building permit issuance, building/construction plans and plans for required fire protection systems (automatic sprinklers, smoke alarms, etc.) shall be submitted to the Fire Prevention Division for review and approval. All applicable plan review and inspection fees shall be paid.
3. Prior to occupancy/final inspection, install a key box as approved by the Fire Prevention Division. Information and applications concerning the purchase of allowed lock boxes can be obtained through the Fire Prevention Office.
4. Prior to occupancy/final building inspection, install 3A-40BC portable fire extinguishers as required by the Fire Prevention Division. (1998 CVC Standard 10-1; NFPA 10)
5. Prior to occupancy/final building inspection, install approved numbers or addresses on all buildings in such a position as to be clearly visible and legible from the street. Residential buildings shall have numerals or letters not less than 3 inches in height, and approved color that contrasts the background. Commercial occupancies shall have numerals or letters not less than 6 inches in height of contrasting background, and illuminated at night. (1998 CVC Section 901.4.4; added VMC Section 12.28.170)
6. Prior to occupancy/final building inspection, install "No Parking/Fire Lane" signs along interior access roadways, in locations where vehicle parking would encroach on a 20-foot clear width of roadway. (CVC Section 22500.1; CalTrans



Traffic Manual, sign#R26F).

7. Prior to occupancy/final building inspection, all applicable fees shall be paid and a final Fire Prevention inspection shall be conducted. All meetings and inspections require a minimum 24-hour advance request.

### **Vallejo Sanitation and Flood Control District (VSFCD)**

1. Prior to building permit issuance, submit complete improvement plans and supporting documentation for proposed sanitary sewage and storm drainage work to **VSFCD** for review and approval.
2. Prior to building permit issuance, a **VSFCD** Connection Permit is required. Pay all applicable review and connection fees.
3. The project as submitted was incomplete. Please provide revised plans illustrating: 1) topographic contours and/or elevations, 2) all proposed and existing District facilities to serve the project. Provide site utility plan showing existing and proposed sanitary sewer and storm drain facilities, mains, laterals, connections, etc.
4. The use of the existing private sanitary sewer main and/or lateral is conditioned upon passing a standard **VSFCD** air test.
5. Prior to occupancy/final building inspection, provide a standard **VSFCD** cleanout at the right-of-way/easement line per District standards and a two-way cleanout at the building per the U.P.C.

### **Water Superintendent**

1. Submit a numbered list to the **Water Division** stating how each condition of project approval will be satisfied.
2. All water system improvements shall be consistent with the Vallejo Water System Master Plan, 1985, prepared by Kennedy/Jenks Engineers as updated by Brown & Caldwell, 1996. Prior to building permit issuance, water system improvement plans shall be submitted to the **Water Division** for review and approval, and shall contain at least:
  - a. Location and size of fire sprinkler service connection(s).
  - b. Location and size of domestic service connection(s).
  - c. Location and size of irrigation service connection(s).
  - d. Location of fire hydrants.
  - e. Location of structures with respect to existing public water system improvements, such as mains, meters, etc.
  - g. Location and size of backflow prevention devices (required on water service

connections to irrigation systems, certain commercial water users, and to commercial fire sprinkler systems, per City Ordinance 922 N.C. (2d).

3. Prior to building permit issuance, hydraulic calculations shall be submitted to the **Water Superintendent** demonstrating that the fire flow requirements are complied with.
4. Prior to occupancy of final building inspection, install water system improvements as required. Backflow device/s where required shall be installed in areas hidden from public view and/or shall be mitigated by landscaping.

## **STANDARD REQUIREMENTS**

### **Planning Division**

1. The approved use permit shall be contingent on completion of the attached land purchase agreement.
2. All parking spaces shall be demarcated, per City of Vallejo standards.
3. Construction-related activities shall be limited to between the hours of 7 a.m. and 6 p.m., Monday through Saturday. No construction is to occur on Sunday or federal holidays. Construction equipment noise levels shall not exceed the City's maximum allowable noise levels.
4. 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.
5. All proposed and future improvements shall not encroach within the hiking trail designated boundaries.
6. There shall be no outdoor storage or display of any kind except as allowed per Chapter 16.70 and 16.77 (VMC).
7. All mechanical equipment and utility meters shall be screened in a manner approved by the Planning Division. Electrical transformers shall be screened or placed underground.
8. All vents, gutters, downspouts, flashings, electrical conduits, etc., shall be painted to match the color of the adjacent surface.
9. All roof-mounted mechanical devices and their components such as air conditioners, heating equipment, exhaust fans, vents or ducts, or similar

equipment shall be screened from view in a manner approved by the Planning Division. All wall-mounted air conditioners shall be flush mounted.

10. Obtain an inspection from the Planning Division prior to occupancy/final building inspection. All inspections require a minimum 24-hour notice. Occupancy permits shall not be granted until all construction and landscaping is completed and finalized in accordance with the approved plans and required conditions of approval or a bond has been posted to cover all costs of the unfinished work as agreed to by the Planning Manager.
11. The conditions herein contained shall run with the property and shall be binding on the applicant and all heirs, executors, administrators, and successors in interest to the real property that is the subject of this approval.
12. If the Planning Division, either independently or as a result of complaints from the public, becomes aware that the use is being conducted in a manner which violates the conditions of this use permit or other applicable City regulations, and Planning staff is unable to obtain compliance or abatement, staff will refer the use permit to the Planning Commission for possible suspension or revocation per Section 16.82.110, Vallejo Municipal Code.
13. The applicant shall establish a recycling program for the building in coordination with the Planning Division and when established, either participate in the Citywide commercial recycling program or demonstrate to the satisfaction of the Planning Division that the established recycling program is sufficient.
14. *There shall be no chain link fencing installed on the property by the applicant.*

#### **Building Division**

1. Commercial cooking equipment (if proposed) may require commercial hood and fire sprinklers.

#### **City and Traffic Engineer**

1. The project is within 100-year flood zone and shall therefore comply with Chapter 7.98 Flood Damage Protection, VMC.
2. Drive slope shall not be more than 6%.
3. Parking lot spaces shall not be more than 5% in any direction (VMC, Section 16.62.150(C)(1)).
4. Signage and striping shall be per City of Vallejo standard.

5. Number of compact parking stalls within the parking lot shall not be more than forty percent of total number of parking stalls.
6. Surface runoff from the site shall be intercepted on site, piped and tied into the public storm drain system.

*(The following conditions may apply)*

7. Prior to building permit issuance, submit a numbered list to the Planning Division stating how each condition of project approval contained in this report will be satisfied. The list should be submitted to the project planner who will coordinate development of the project.
8. All public improvements shall be designed to City of Vallejo standards and to accepted engineering design standards. The City Engineer has all such standards on file and the Engineer's decision shall be final regarding the specific standards that shall apply.
9. Prior to building permit issuance, submit three sets of plans to the Department of Public Works for plan check review and approval. (Improvement or civil plans are to be prepared by a licensed civil engineer.) Plans are to include, but may not be limited to, grading and erosion control plans, improvement plans, joint trench utility, street light plans, and landscaping, irrigation and fencing plans and all supporting documentation, calculations, and pertinent reports.
10. Site grading shall comply with Chapter 12.40 – Excavations, Grading, and Filling (VMC). Prior to issuance of grading permit, submit a soils report for review. An independent soils and geological review of the project may be required. The City shall select the soils engineer, with the cost of the study to be borne by the developer/project sponsor.
11. In design of grading and landscaping, line-of-sight distance shall be provided based on Caltrans standards. Installation of fencing, signage, above ground utility boxes, etc. shall not block the line-of-sight of traffic and must be set back as necessary.
12. During grading operations, the project geologist or soils engineer and necessary soils testing equipment must be present on site. In the absence of the soils engineer or his representative on site, the Department of Public Works shall shut down the grading operation.
13. All dust and erosion control shall be in conformance with City standards, ordinance, and NPDES requirements.
14. Prior to building permit issuance or acceptance of grading, compaction test results and certification letter from the project soils engineer and civil engineer confirming that the grading is in conformance with the approved plans must be

submitted to the Department of Public Works for review and approval. Test values must meet minimum relative compaction recommended by the soils engineer (usually at least 90 percent).

15. Entrances to any private project must be standard driveway approaches unless deviation is permitted by the City Engineer.
16. Obtain a street excavation permit from the Department of Public Works prior to performing any work within City streets or rights-of-way, or prior to any cutting and restoration work for utility trenches in existing public streets. All work shall conform to City standards.
17. Prior to building permit issuance, obtain an encroachment permit from the Department of Public Works for all work proposed within the public right-of-way.
18. Prior to start of construction submit a traffic control plan to the Department of Public Works for review and approval.
19. Construction inspection shall be coordinated with the Department of Public Works and no construction shall deviate from the approved plans.
20. The project design engineer shall be responsible for the project plans. If plan deviations are necessary, the project engineer must first prepare a revised plan or details of the proposed change for review by the Department of Public Works and, when applicable, by Vallejo Sanitation and Flood Control District. Changes shall be made in the field only after approval by the City. At the completion of the project, the design engineer must prepare and sign the "as built" plans.
21. Prior to approval of construction plans, provide bonds and pay applicable fees. Bonding shall be provided to the City in the form of a "Performance Surety" and a separate "Labor and Materials Surety" in amounts stipulated by City ordinances.
22. Prior to occupancy/final building inspection, install the improvements required by the Department of Public Works including but not limited to streets and utilities.
23. Prior to occupancy/final building inspection, remove and replace any broken curb, gutter, sidewalk, or driveway approach as directed in the field by the City Engineer.
24. The project is within the 100-year flood zone and shall therefore comply with Chapter 7.98 – Flood Damage Protection, VMC. Prior to obtaining grading permit, apply to Federal Emergency Management Administration (FEMA) for a Conditional Letter of Map Revision (CLOMR). Prior to obtaining building

permit, apply to FEMA for a Letter of Map Revision (LOMR). Prior to obtaining certificate of occupancy or acceptance by the City, whichever is applicable, obtain an approved Letter of Map Revision from FEMA. It will take FEMA at least 90 days to obtain CLOMR or LOMR. FEMA can be contacted at telephone (415) 923-7177, or FEMA, Mitigation Division, Building 105, Presidio of San Francisco, CA 94129-1250.

25. Prior to release for occupancy, plant street trees in accordance with Vallejo Municipal Code, Section 15.06.190 and Regulations and Specifications for Public Improvements, Section 3.3.48. The list of approved trees is available in the office of the Public Works Director. The minimum standard shall be at least one tree for each 50 feet of street frontage or fraction thereof, including secondary or side streets. Street tree(s) shall be inspected by Public Works Landscape Inspector prior to release for occupancy.
26. The developer shall provide joint trench plans for the underground electrical, gas, telephone, cable television, and communications conduits and cables including the size, location, and details of all trenches; locations of building utility service stubs and meters; and placement or arrangement of junction structures as a part of the Improvement Plans submitted for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.
27. There are fiber optic and/or copper signal interconnect cables located at the edge of the roadway or under the sidewalk. The plans should address either the relocation of these cables or a note should be made of the cable location. A warning should be included on the plans stating that if the cable is damaged, the contractor shall replace the entire length of the cable between the two nearest hubs unless otherwise authorized by the City Engineer.

### **Fire Prevention**

1. Automatic fire sprinkler extinguishing systems are required for all residential, commercial, and industrial occupancies. (1998 CFC Section 1003.1.2. added VMC Section 12.28.190)
2. Development sites shall be maintained weed free during construction. (1998 CFC Section 1103.2.4)

### **Vallejo Sanitation and Flood Control District**

1. All individual parcels shall drain and sewer directly to the public system.
2. Non-District facilities serving more than one lot will not be allowed.
3. Pretreatment of storm drainage water runoff is required; storm drainage runoff shall be conveyed over landscaped areas or otherwise treated, as feasible, before

discharging into the public system. This is to improve the stormwater quality leaving the site. The project architect or civil engineer should contact VSFCDD for possible design solutions and their impact on the design of the project.

4. VSFCDD will install a new fence on the backside of the property and a new sewer lateral with the completion of the Sacramento Street Sewer Relief Project.
5. New improvements must not encroach on VSFCDD easement on the backside of property, fence line will be adjusted per previous agreement enclosed. The new improvement drawings must match new fence alignment.

## **Water Superintendent**

1. Fire flow requirements of the Fire Department shall be complied with. Fire flow at no less than 25 psig residual pressure shall be available within 1,000 feet of any structure. One half of the fire flow shall be available within 300 feet of any structure.
  - a. See the Vallejo Water System Master Plan, 1985, prepared by Kennedy Jenks and its latest update by Brown and Caldwell dated April 1996.
2. Fire hydrant placement and fire sprinkler system installation, if any, shall meet the requirements of the Fire Department. For combined water and fire services, the requirements of both the Fire Departments and the Vallejo Water System Master Plan, with latest revisions, shall be satisfied.
3. Easements shall be granted for all water system improvements installed outside the public right-of-way in the City's Standard Form for Grant of Water Line Easement with the following widths:
  - a. 15 ft. wide (minimum) for water mains.
  - b. 10 ft. wide (minimum) for fire hydrants, water meters, backflow preventers, double detector check valves, etc.
4. Each unit or structure shall be metered separately.
5. Water service shall be provided by the City of Vallejo following completion of the required water system improvements and payment of applicable fees. Performance and payment bonds shall be provided to the City of Vallejo prior to construction of water system improvements. Fees include those fees specified in the Vallejo Municipal Code including connection and elevated storage fees, etc., and fees for tapping, tie-ins, inspections, disinfection, construction water, and other services provided by the City with respect to the water system improvements. The Water Division may be contacted for a description of applicable fees.

## **GENERAL CONDITIONS**

1. The applicant shall defend, indemnify, and hold harmless the City of Vallejo and its agents, officers, and employees from any claim, action, or proceeding against the City and its agents, officers, and employees to attack, set aside, void, or annul this approval by the City. The City may elect, at its discretion, to participate in the defense of any action.
-

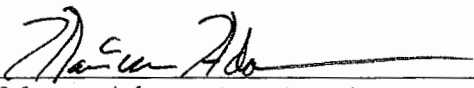


**APPEAL PROCEDURE**

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.

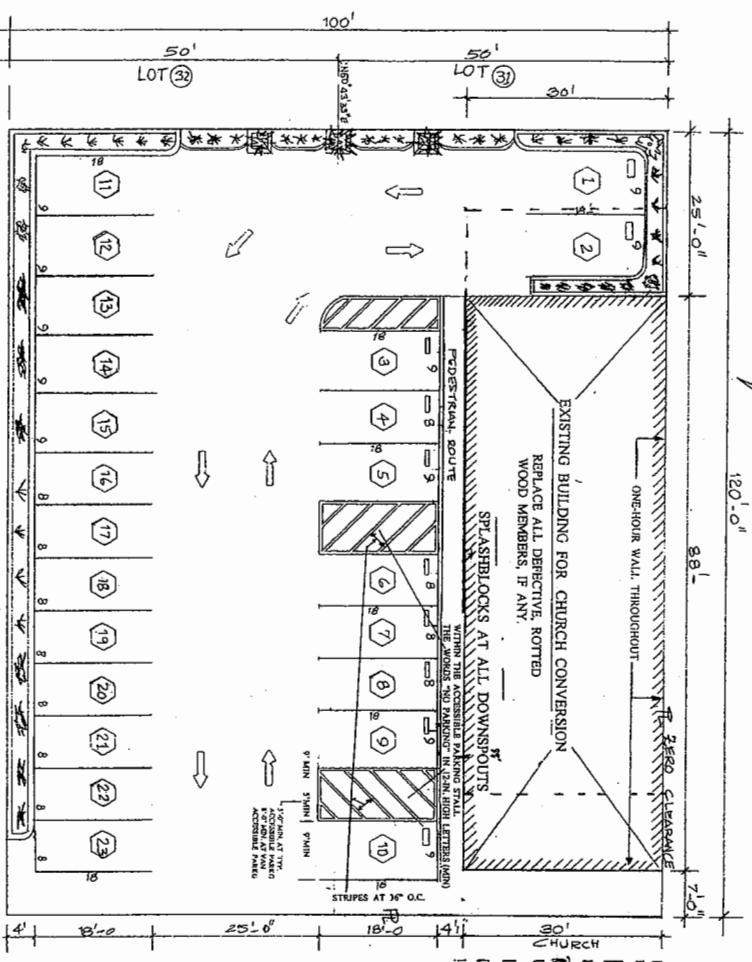
**EXPIRATION**

Approval of a unit plan shall expire automatically thirty-six months after approval of the master plan unless authorized construction has commenced prior to the expiration date; however, after this thirty-six month period, if said authorized construction has commenced, the unit plan shall expire upon expiration of the building permits.

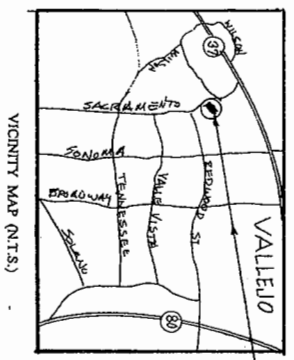
Prepared by:   
Marcus Adams, Associate Planner

Reviewed by: \_\_\_\_\_  
Brian Dolan, Development Services Director

- Attachment A: Iglesia del Septimo development plan package
- Attachment B: Site pictures
- Attachment C: Public Access Project Map (White Slough Plan)
- Attachment D: Letter from Mahalat Engineering Corporation
- Attachment E: Proposed street widening plan
- Attachment F: Vacant land purchase agreement
- Attachment G: Conflict of Interest Map



LOT PLAN & PARKING SPACES  
SCALE 1" = 10' X 0"



SITE LOCATION

- GENERAL NOTES**
- All work shall conform to the adopted editions of the 2001 International Building Code, California Building Code, City and County codes and ordinances, other applicable codes and standards, and the specifications of the General Contractor to be sure of full compliance.
  - Site conditions and conditions shown herein are based on information provided by the owner and the architect and/or discrepancies.
  - The Contractor shall verify all conditions of the site and relationship of the building to the site. The Contractor shall provide a written report to the architect and the owner. Provide water stub for future irrigation. (See detail).
  - Adjustments to any part of these plans shall be approved by owner and the architect; these plans shall be approved over sealed dimensions.
  - All work in contact with concrete shall either be form-concrete, rebar, or shall be protected with a minimum of 1/2" concrete.
  - CONCRETE: Normal weight with compressive strength of 3500 PSI at 28 days unless otherwise indicated.
  - Mixing concrete cover for reinforcing steel:
    - Cast-in-place concrete: 3" over rebar
    - Formed surfaces below grade: 2" over rebar
    - All other walls: 1 1/2" over rebar
  - All new windows shall be dual glazed with a gas-tightness and air-tightness. Windows with a gas-tightness and air-tightness of .25 or less, or provide copy of the required CERTIFICATION for the window.
  - Electrical outlets within 6'-6" of stairs or other vertical surfaces shall be protected with a minimum of 1/2" concrete. (See detail).
  - Water closets shall be 1.6 gallon average flush. Shower/tub areas with repeated flush.
  - Water closets shall be 1.6 gallon average flush. Shower/tub areas with repeated flush.

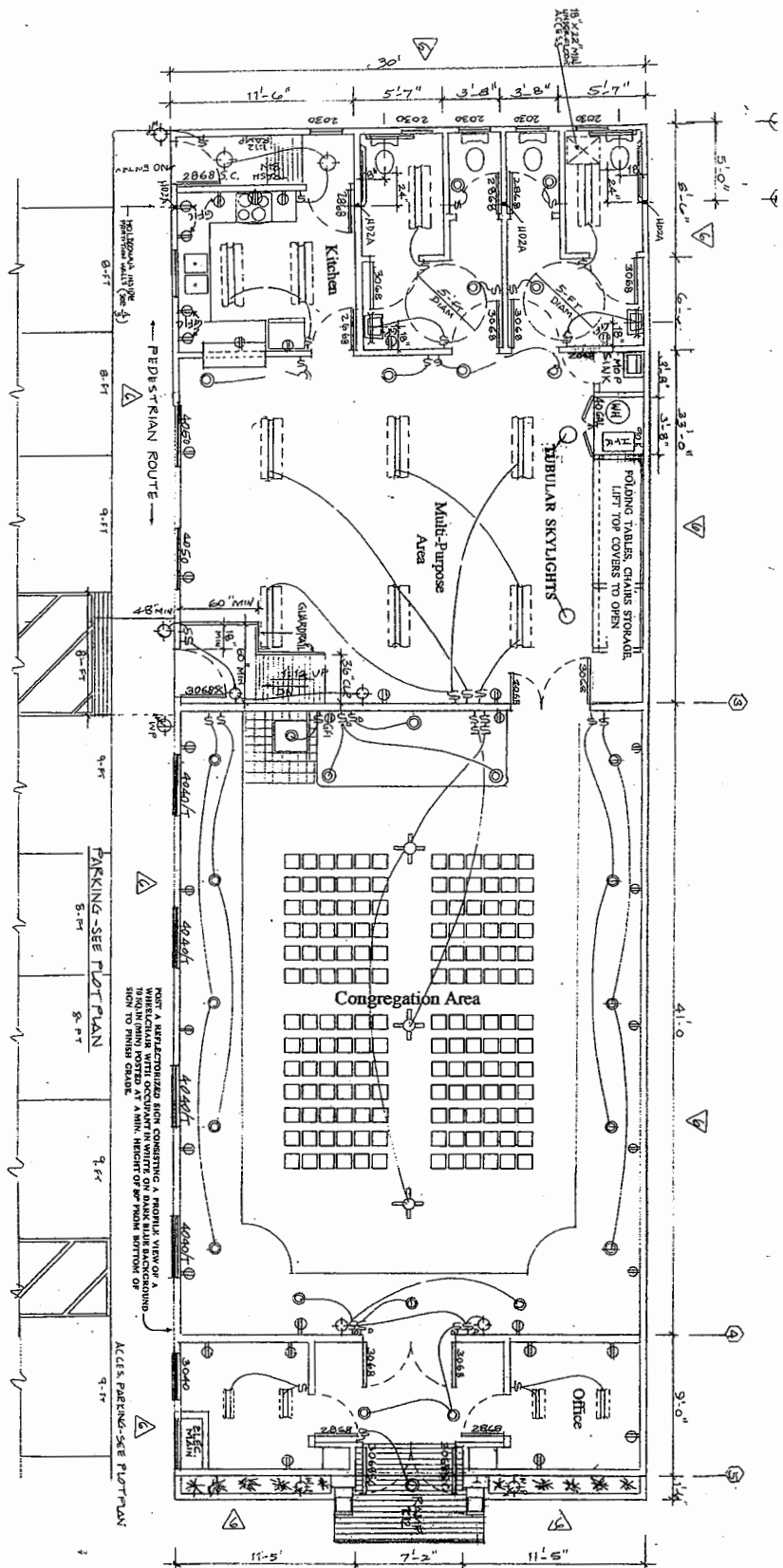
GENERAL REPAIR OF EXISTING BUILDING FOR CONVERSION INTO A CHURCH

IGLESIA ADVENTISTA DEL SEPTIMO DIA  
COORDINATOR:  
SRA. OLGA RAMIREZ 2214 SACRAMENTO ST., VALLEJO, CA  
(1-707-712-1765)

NAME: JEROME, ROLLIE F. ROSETE, GEN. BLDG. CONTRACTOR  
2120 BLUE AVE. CIRCLE, PINOLE, CA 94564  
(1-510-221-5823) (1-510-296-4791) (LIC# 456585)

# Adventist Church

2274 Sacramento  
Street Valjeo  
California  
94590



FLOOR PLAN - SCALE 1/4" = 1' X 0"

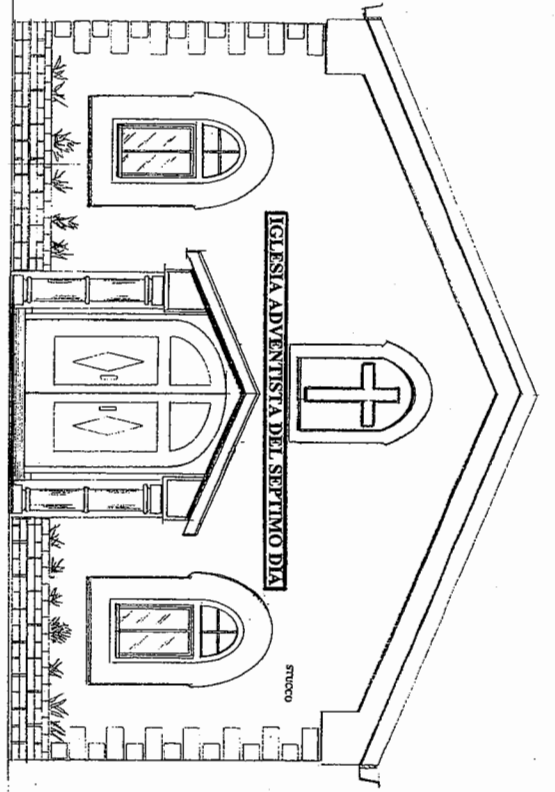
NOTE: SHEARWALL TYPE  
SEE SHEARWALL SCHEDULE

SYMBOLS	
⊙	12" VAC RECEPTACLE
⊙	120V/240V RECEPTACLE
⊙	20A VAC RECEPTACLE
⊙	1/2" SWITCH, SINGLE POLE
⊙	1/2" SWITCH, 3-WAY
⊙	1/2" SWITCH, 4-WAY
⊙	1/2" SWITCH, WIDENABLE
⊙	RESSESSED CEILING LIGHT
⊙	FLUORESCENT LIGHT
⊙	FLUORESCENT LIGHT W/DRIPTRAY
⊙	FLUORESCENT LIGHT W/DRIPTRAY
⊙	ELECTRICAL FAN WALL LIGHTS
⊙	WALL LIGHT
⊙	WALL, LITE W/INTERRIOORED
⊙	SMOKE DETECTOR (MANUALLY RESET)
⊙	MECHANICAL VENT
⊙	MOTION DETECT WALL LIGHT
⊙	SHEARWALL SCHEDULE
(N)	NEW
(E)	EXISTING

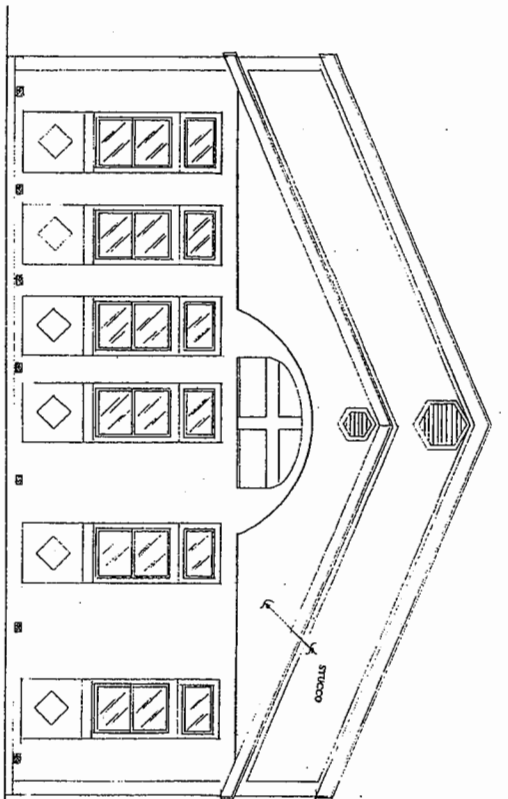
GENERAL REPAIR OF EXISTING BUILDING  
FOR CONVERSION INTO A CHURCH

IGLESIA ADVENTISTA DEL SEPTIMO DIA  
CONGREGACION VALLEJO  
CERRILLO OLIVERA, SAMIRIZ 2274 SACRAMENTO ST. VALLEJO, CA  
(415)771-1285

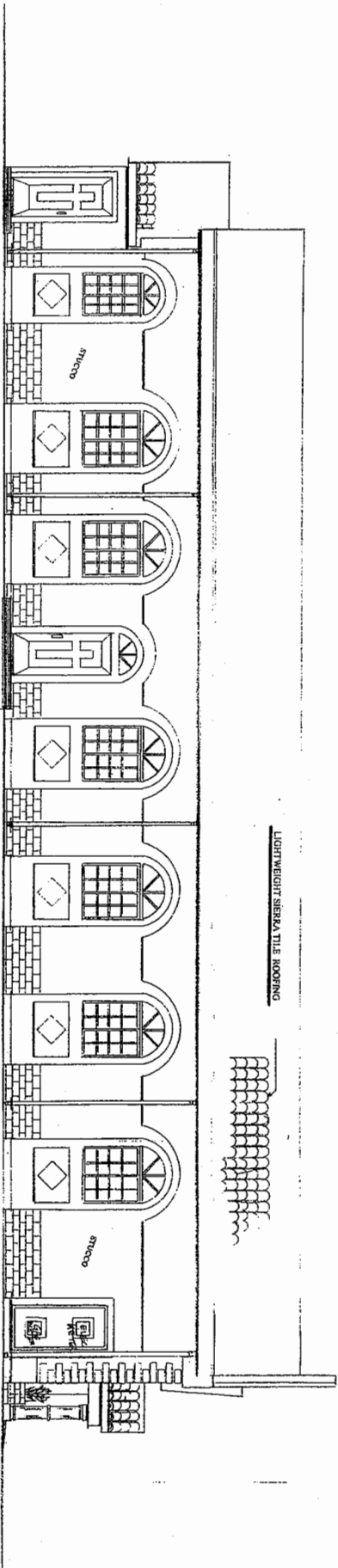
PLANNING DESIGNER: ROLLIE F. ROSETTE, GEN. BLDG. CONTRACTOR  
2120 BLUE JAY CIRCLE, PUNOIE, CA 94564  
(415)232-5821 (415)803-2470



FRONT ELEVATION (SCALE 3/8"=1' x 0")



BACK ELEVATION (SCALE 3/8"=1' x 0")



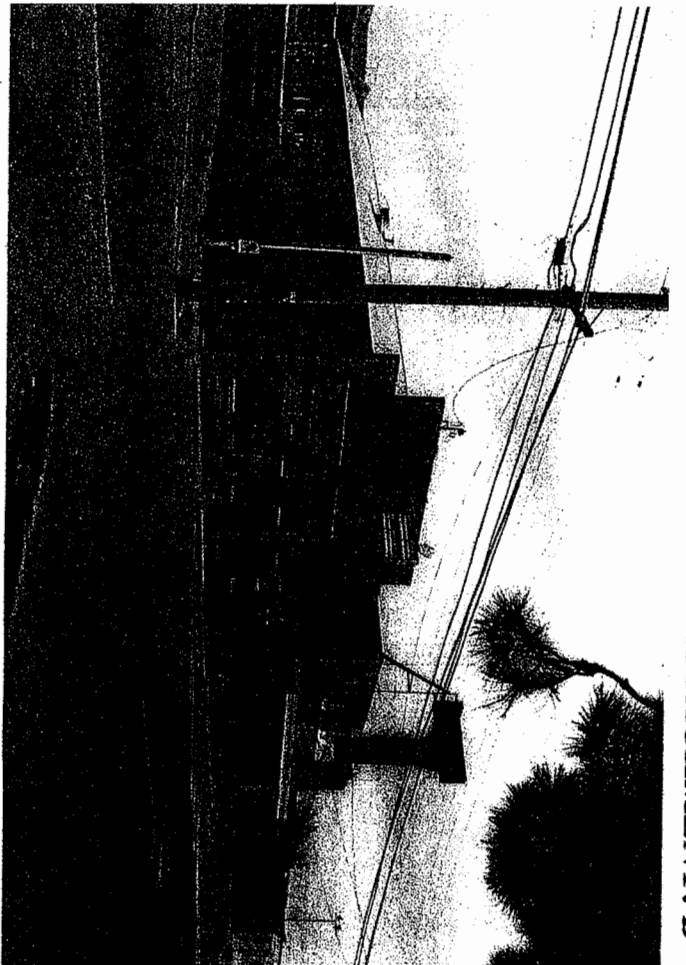
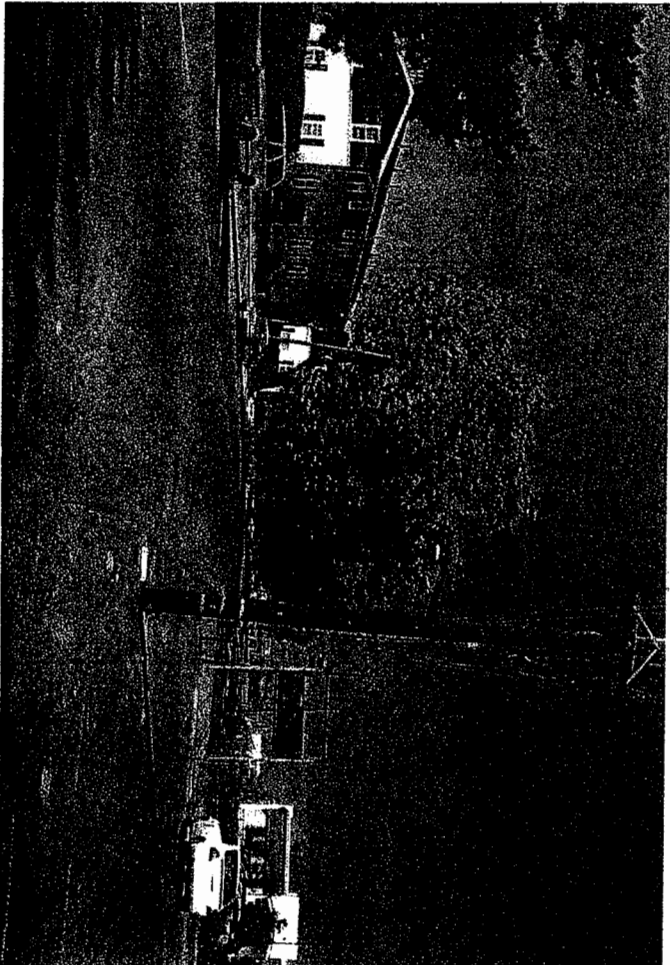
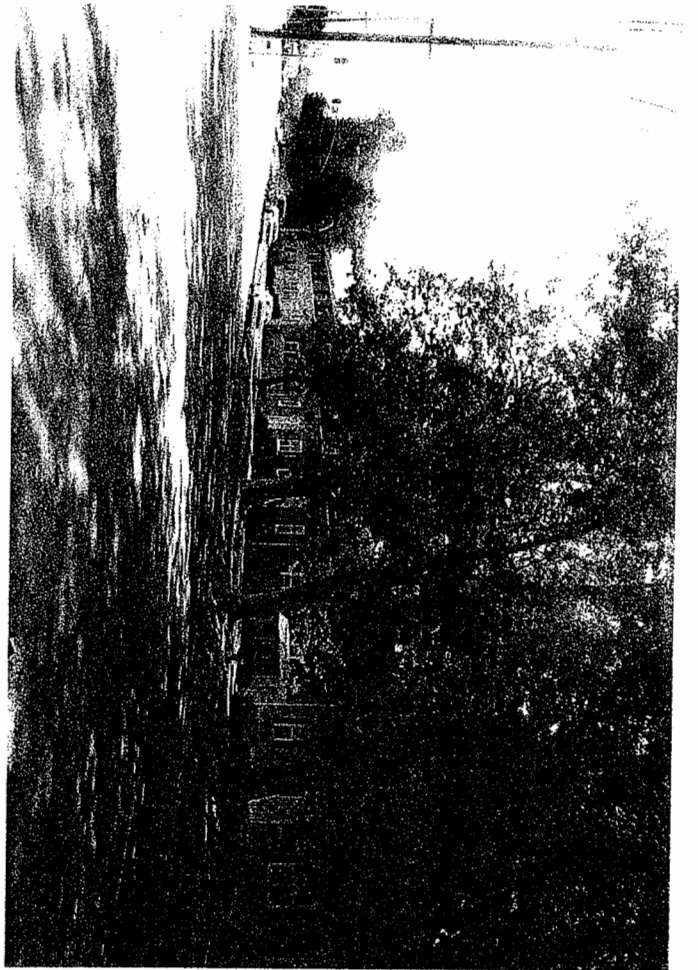
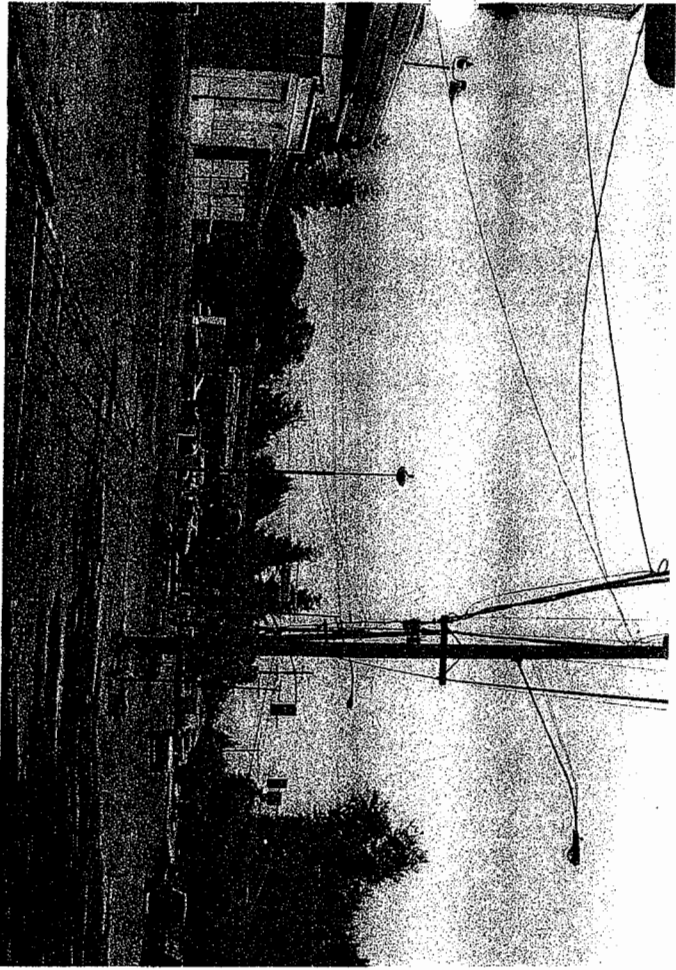
LEFT SIDE ELEVATION (SCALE 1/2"=1' x 0")

• ALL DOWNSHOUTS @ BLACKSPRUSH

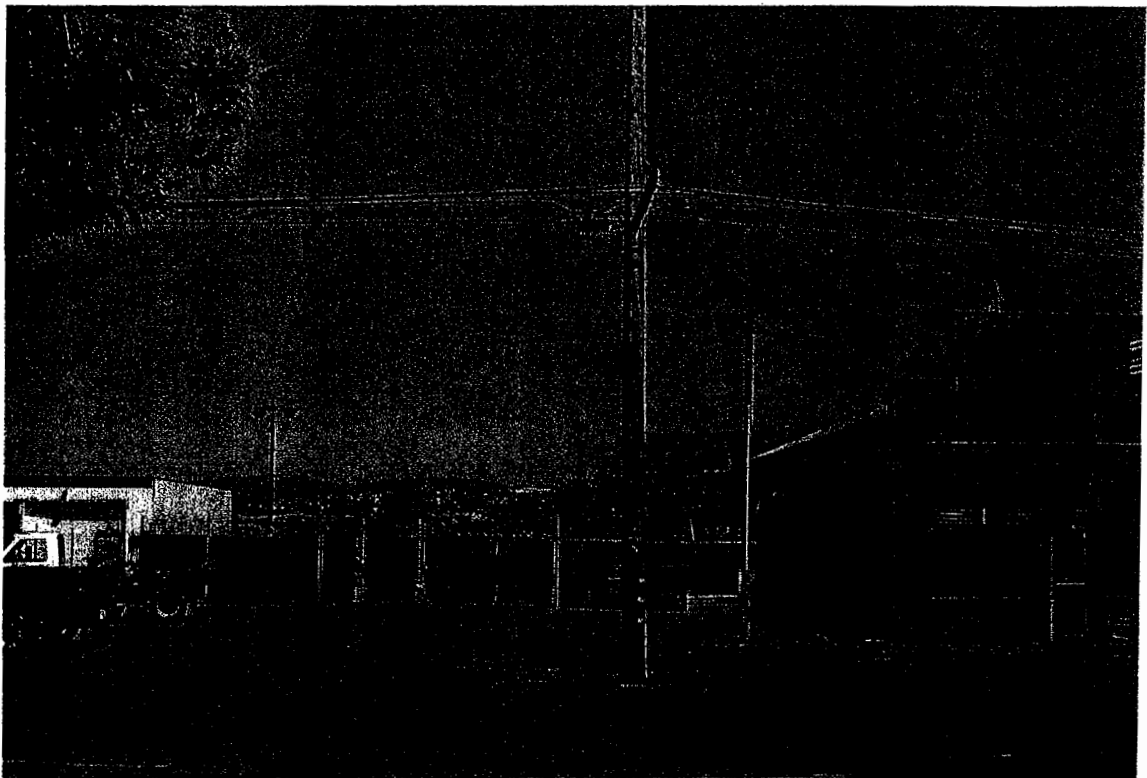
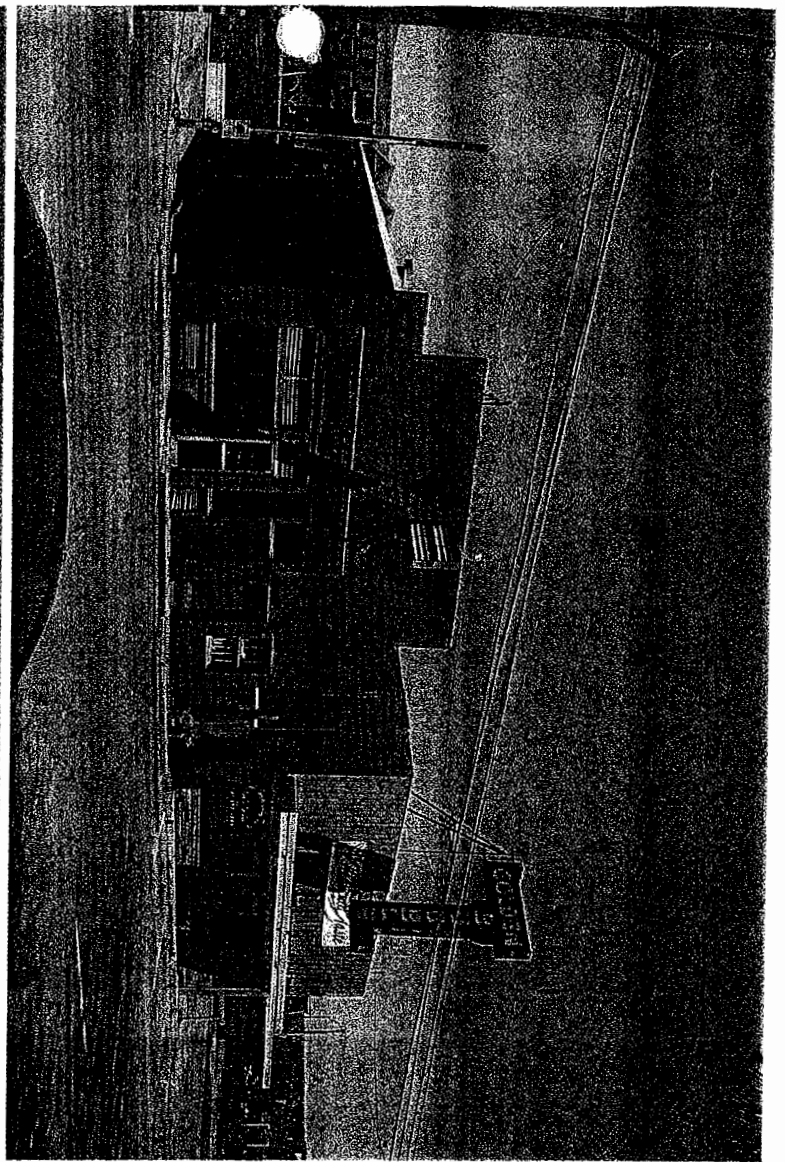
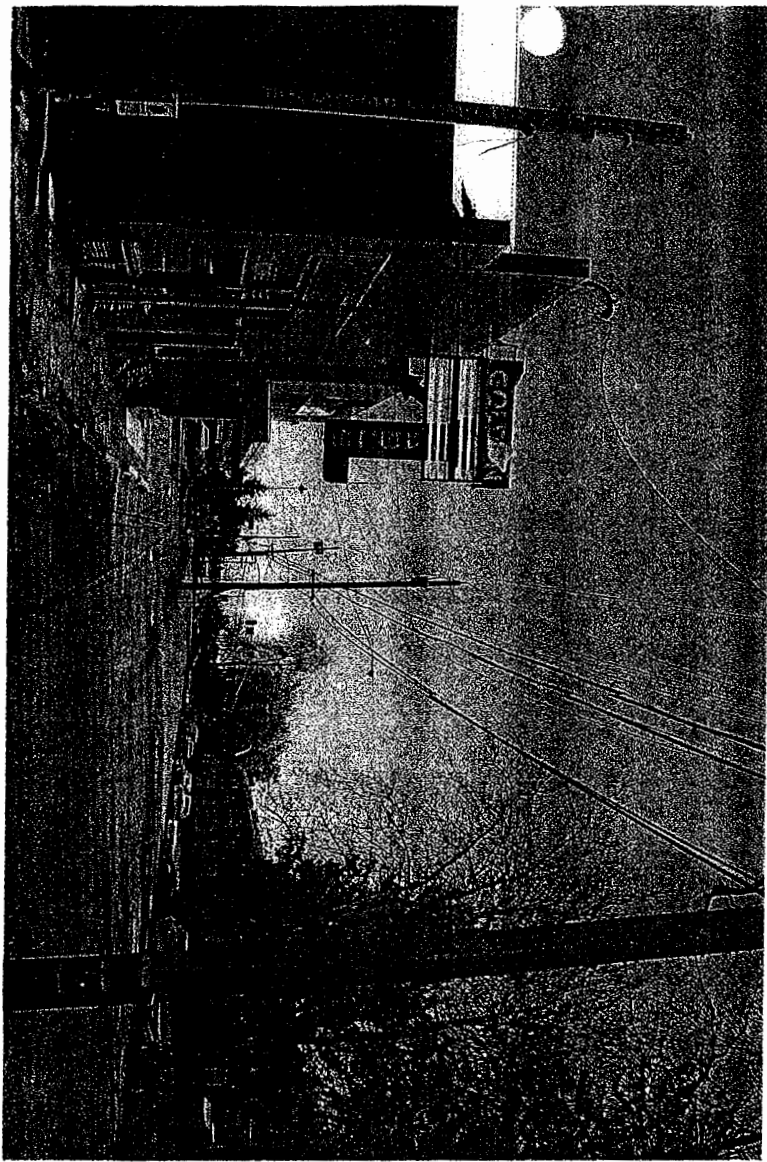
GENERAL REPAIR OF EXISTING  
BUILDING FOR CHURCH CONVERSION

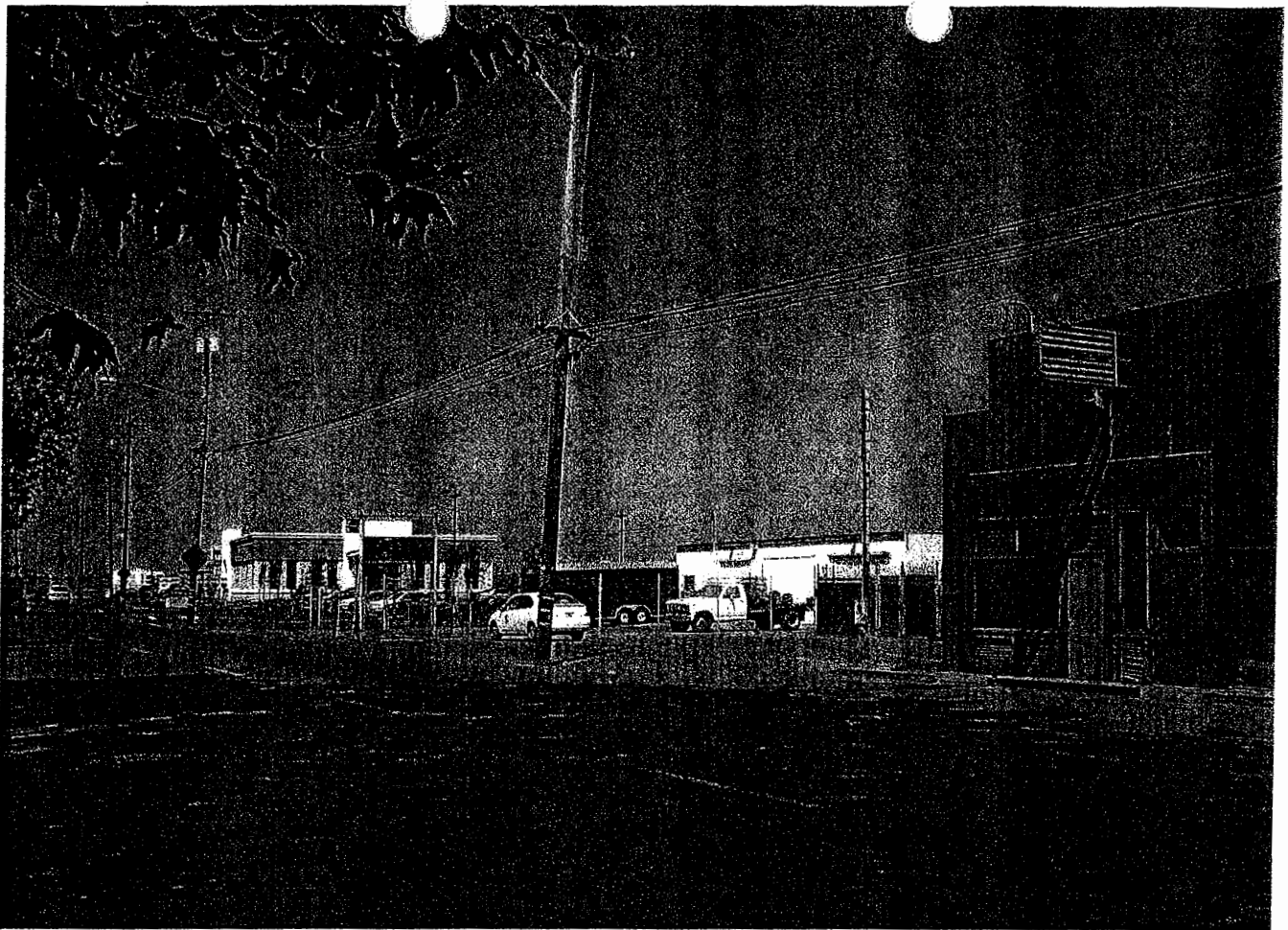
IGLESIA ADVENTISTA DEL SEPTIMO DIA  
COMMISSIONER: SRA. OLGA RAMIREZ (1-707-712-1285)  
1871 27th ADOLESCENTS STREET, VALLEJO, CALIFORNIA

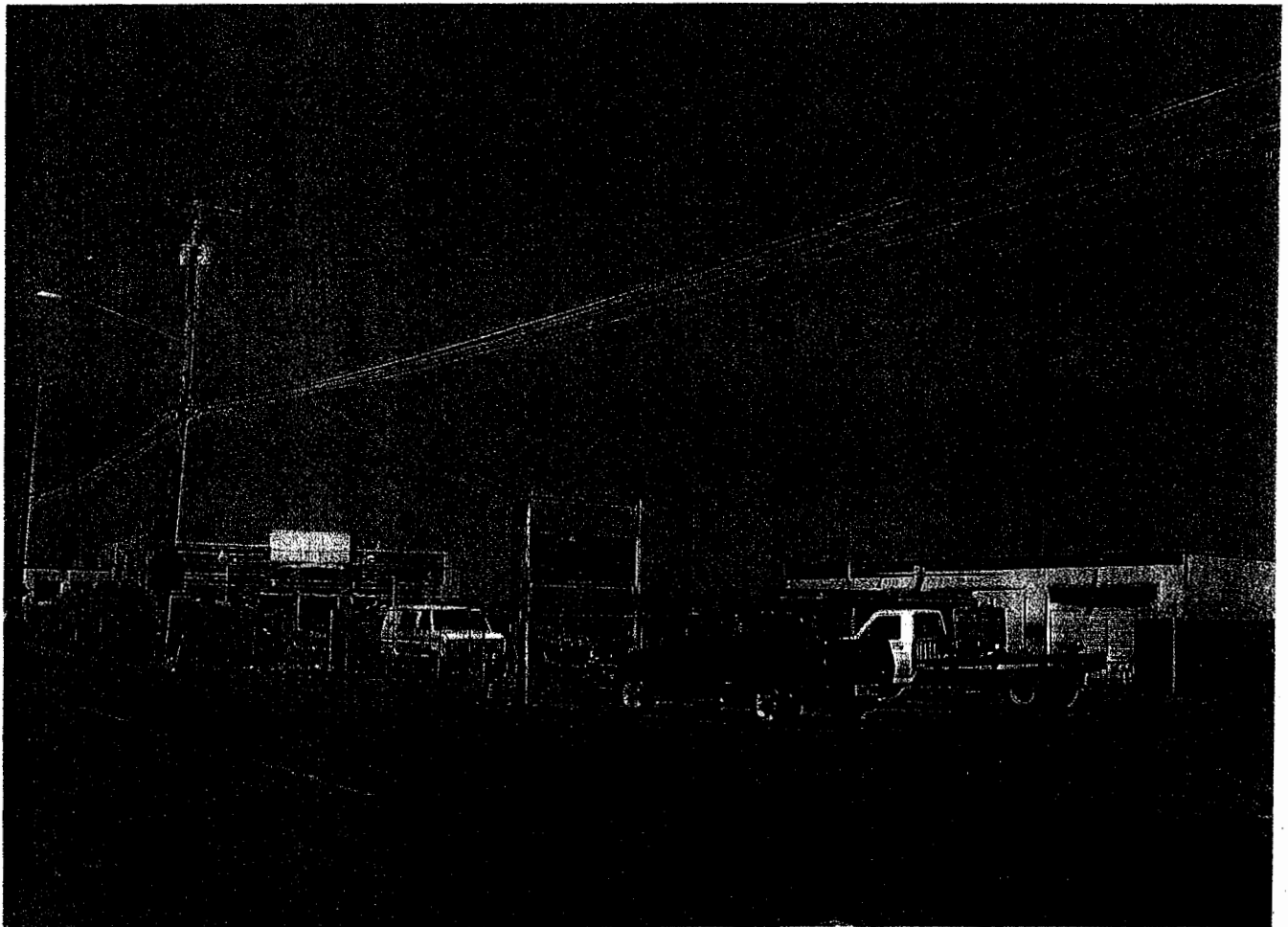
PLANS DESIGNER:  
ROLLEE P. ROSETTE, GBC, LIC# B436585  
2120 BLUE AVE CIRCLE, FRENDALE, CA 94554  
(415) 222-2082 / (415) 632-4725



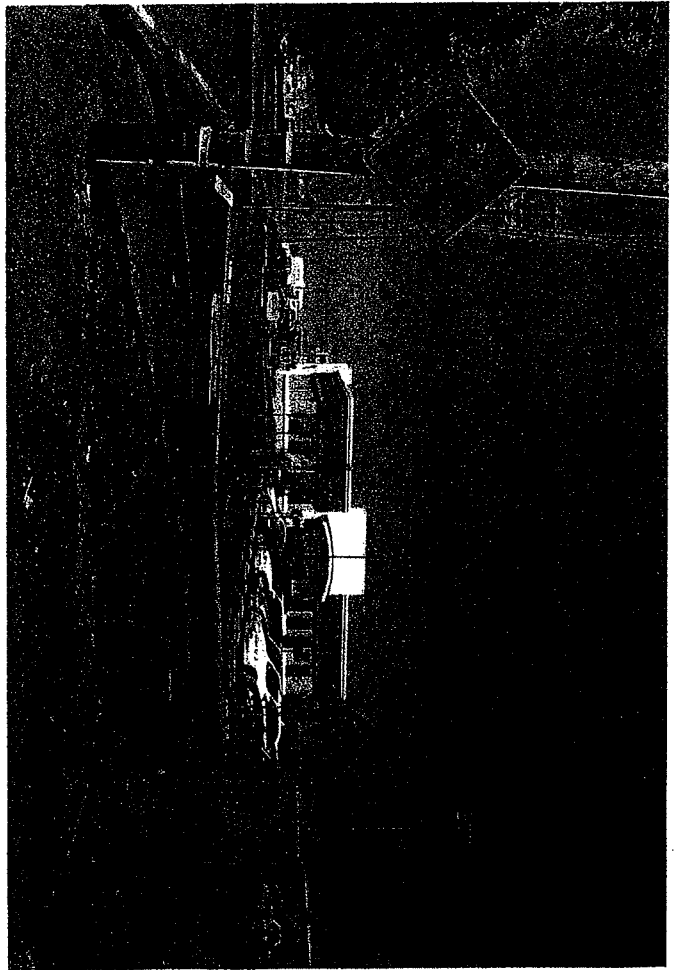
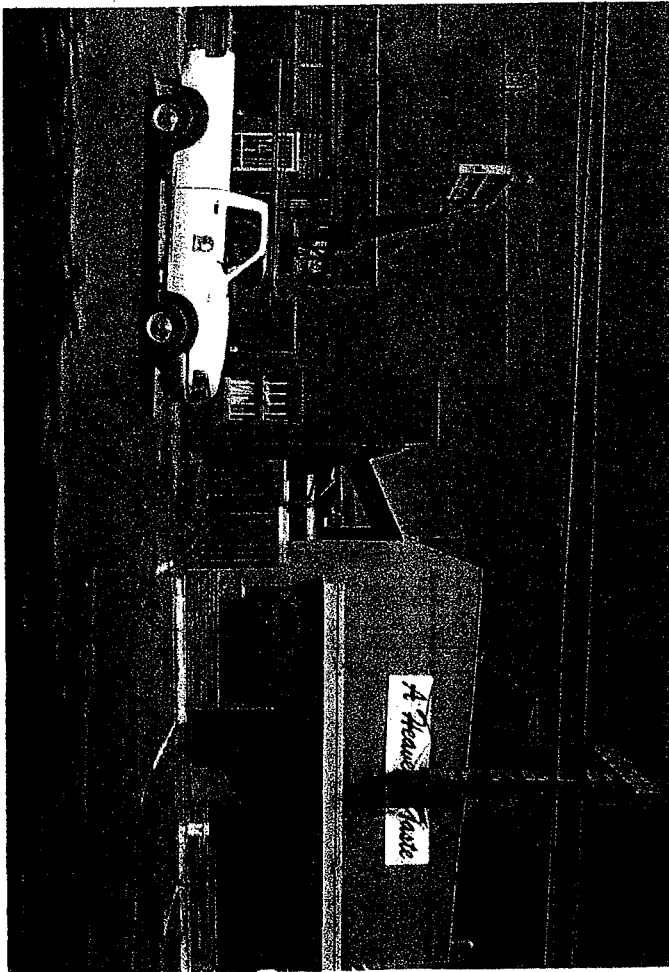
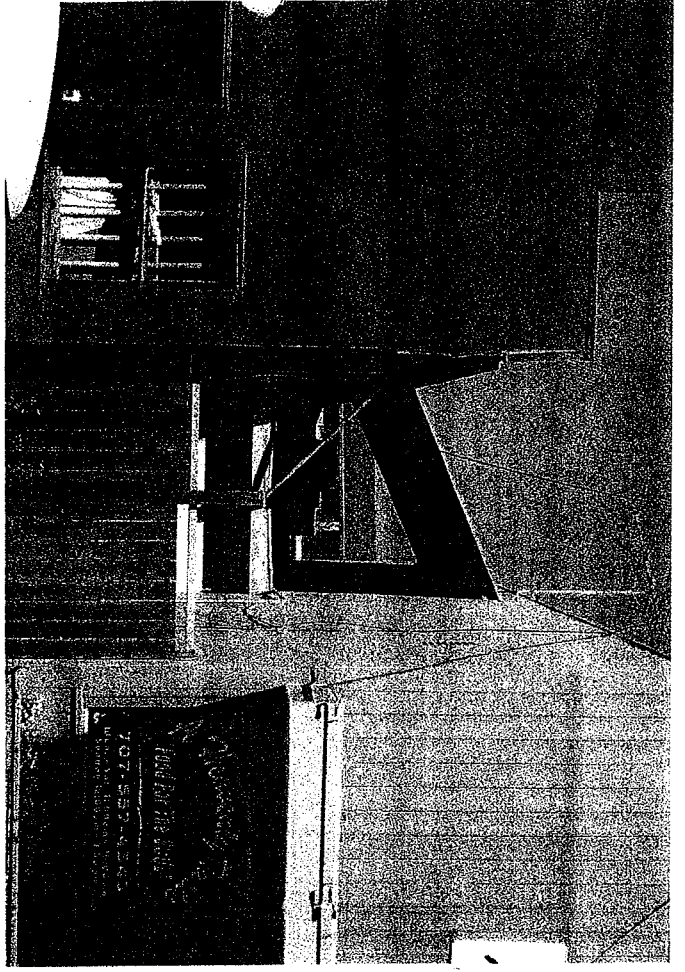
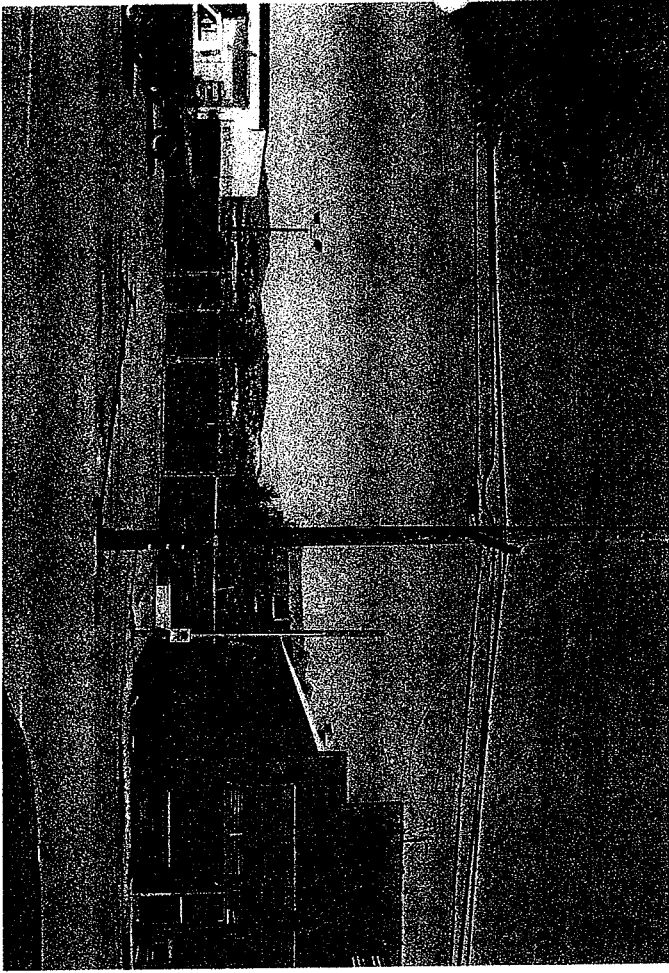
ATTACHMENT: B

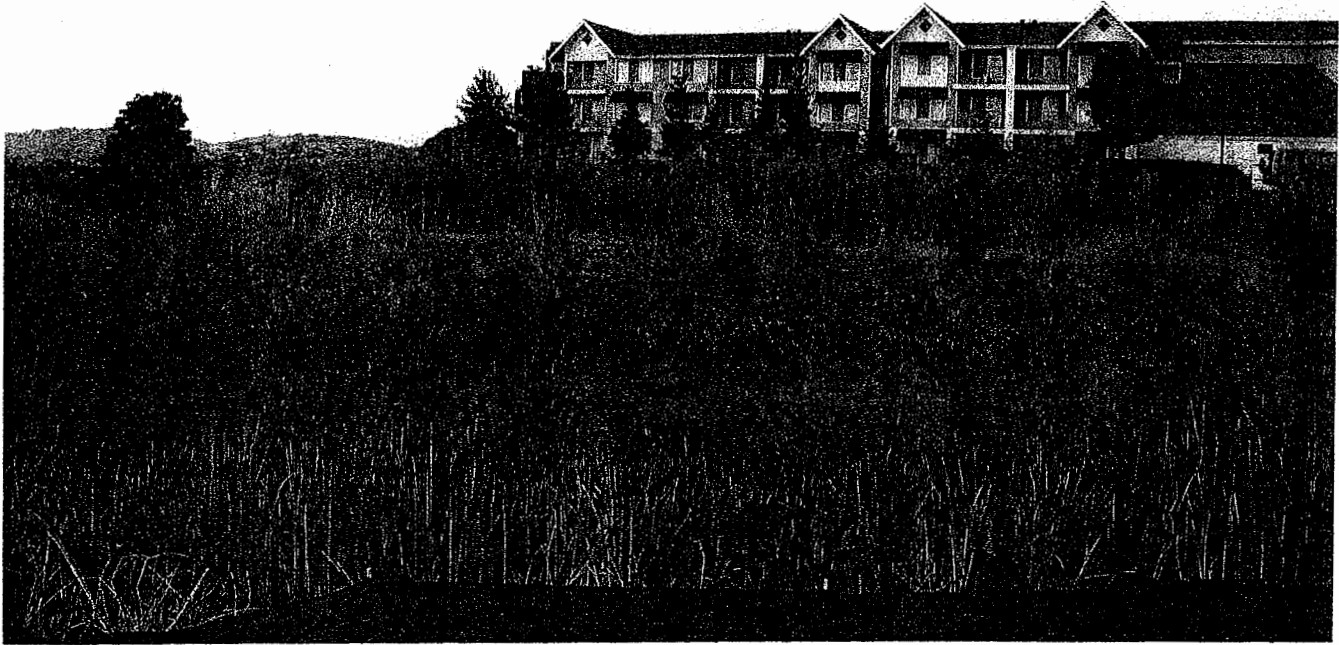


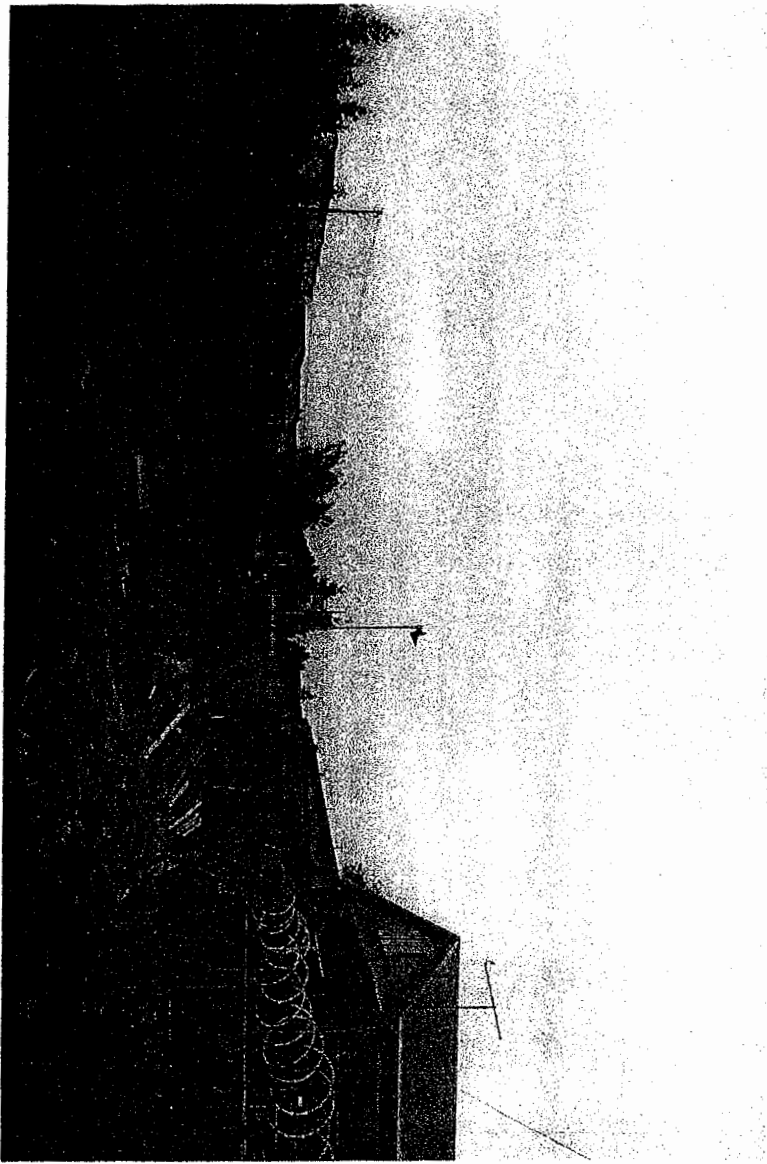


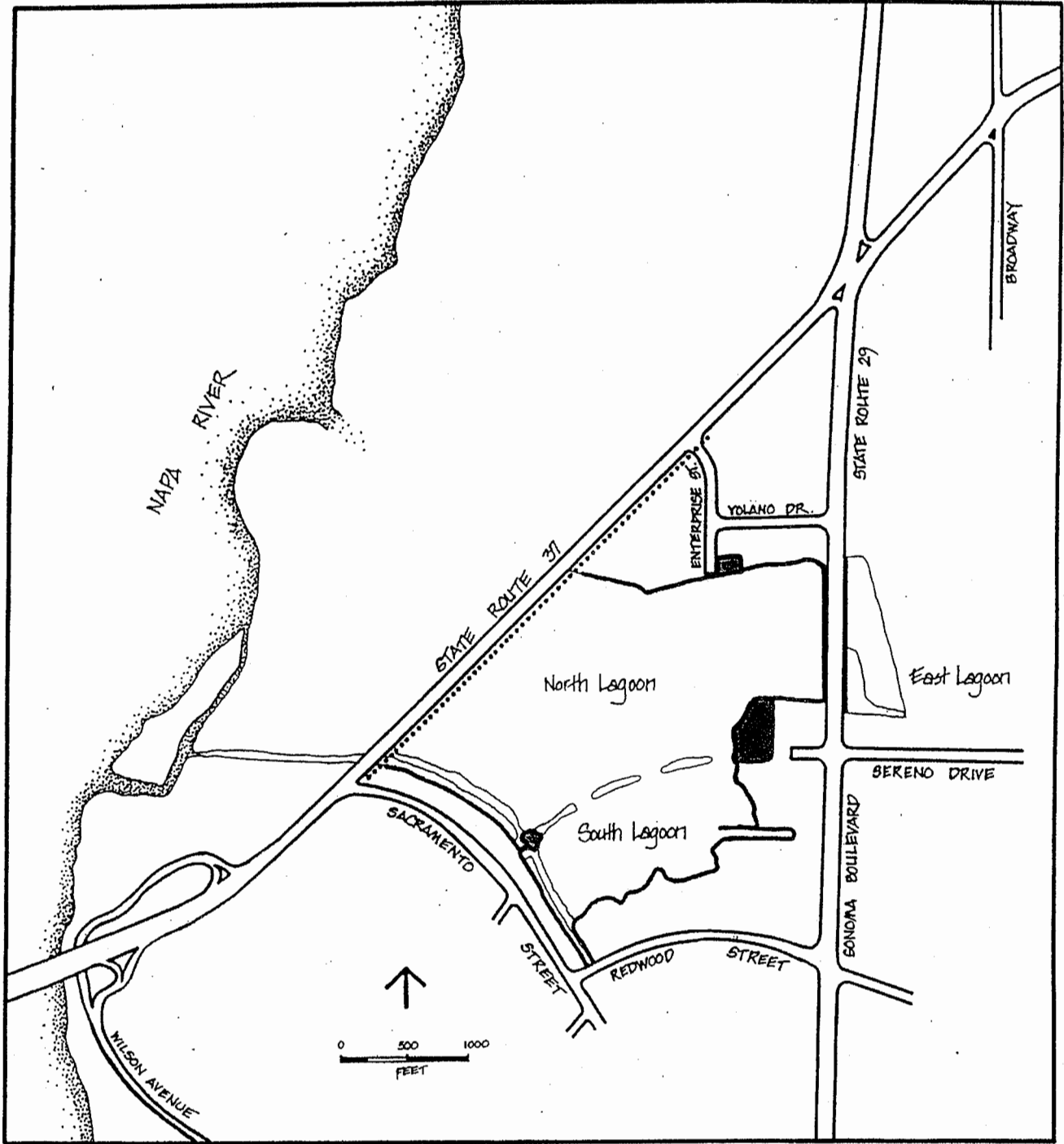









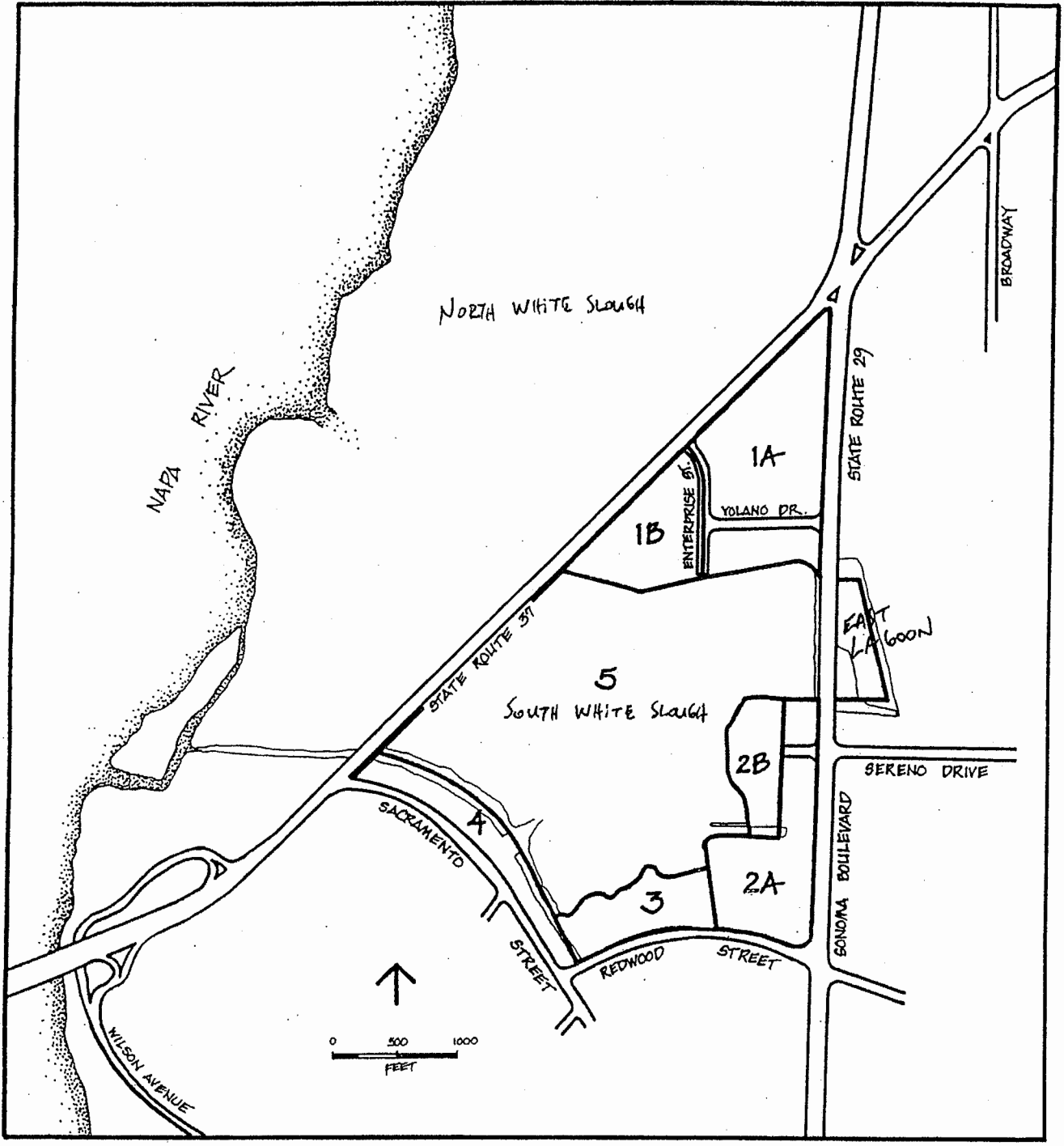






Plan Illustration 6: Public Access Project

-  Staging Areas
-  Hiking Trail
-  Bike Path



**Plan Illustration 11: South White Slough Area Development Zones**

Eating and drinking establishments  
Food and beverage sales  
Gasoline sales and services  
Indoor sports and recreation  
Personal services  
Retail services  
Spectator sports and entertainment

□ Zone 2B: The area at the end of Sereno Drive

Residential uses

Multiple dwellings

Civic uses

Administrative services  
Community education  
Community recreation  
Cultural exhibits and library services  
Essential services  
Major impact services and utilities (water-oriented)  
Parking services

Commercial Uses

Eating and drinking establishments  
Outdoor sports and recreation

**Zone 3: The area along Redwood Street**

Residential Uses

Multiple dwellings

Commercial Uses

Administrative and professional services  
Business support services  
Eating and drinking establishments  
Food and beverage retail sales  
Retail sales

**Zone 4: The area along Sacramento Street**

Residential Uses

Multiple dwellings

Civic Uses

Community education

Community recreation  
Cultural exhibits and library services  
Essential services  
Religious assembly

Commercial uses

Administrative and professional services  
Business support services  
Financial, insurance, and real estate services

August 15, 2006

Ms. Olga Wer-Ramirez  
Vallejo Seventh-Day Adventist Spanish Church  
2274 Sacramento Street  
Vallejo, CA 94590

Subject: Engineering report for the building at 2274 Sacramento Street, Vallejo, California.  
MEC Project Number 06037.

Dear Ms. Wer-Ramirez:

In accordance with your request, we conducted a site observation of the subject building on August 4, 2006. The purpose of our observation was to visually evaluate the condition of the structure and determine if the structural framing and the foundation can be used in your proposed remodeling project. We understand that this letter is needed for the conditional approval through City of Vallejo Planning Department.

This summary report is based solely on a visual observation, excluding measurements, calculations, analyses, or testing, unless specifically stated otherwise. The recommendations herein are based on engineering judgments and professional opinions. Upon your request, we could provide you with a comprehensive report that would incorporate a detailed investigation, material testing, and analysis.

#### DESCRIPTION AND OBSERVATIONS

At the time of our site visit, the building was totally gutted and the framing was exposed. All non-load bearing interior walls and the exterior sheathing were removed. The roofing and the roof framing, the exterior studs and the concrete floor were remaining. The roof is framed with wood trusses at about 8 feet on center. The exterior walls are 2-by-4 at 16 inches on center. The roof trusses are supported by 6-by-6 posts.

The foundation consists of a perimeter footing and a concrete floor slab. The perimeter footing has a 6-inch stem that is above the finish floor. The concrete slab appears to be placed separately from the foundation footing.

As part of this effort we looked at the proposed plans prepared by the owner's contractor. The proposed plans do not add any additional loads to the building. There is no proposed loft inside the building and no major addition is being proposed.



Ms. Olga Wer-Ramirez  
Property located at 2274 Sacramento Street, Vallejo, CA 94590.  
August 15, 2006  
Page 2 of 2

## CONCLUSIONS

Based on our observation of the existing building and the proposed use, we are of the opinion that the building may be salvaged. The roof framing, the exterior framing, and the foundation may be reused in the proposed scheme.

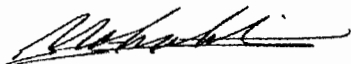
The use of the structural framing should be conditioned by updating the lateral load capacity of the building. New sheathing, structural members, and hardware should be designed to brace the building against wind and earthquake.

The foundation may be retrofitted to meet the need of the proposed building. There is, however, no need to reconstruct the foundation. The improvement plans for the foundation should include drainage around the perimeter of the building.

This letter is prepared for the exclusive use of the addressee in relation to the proposed application to the City of Vallejo for use permit and is not intended to be a comprehensive report on the design and construction defects of the subject building. The professional opinions in this letter are made in accordance with generally accepted civil engineering principles and practice for similar type reports. This warranty is in lieu of all other warranties, either expressed or implied.

We hope that this letter addresses your concerns and needs. If you have any questions regarding the information presented here, please do not hesitate to call.

Sincerely,



Ali G. Mahalatnia, P.E., SECB  
Principal Engineer



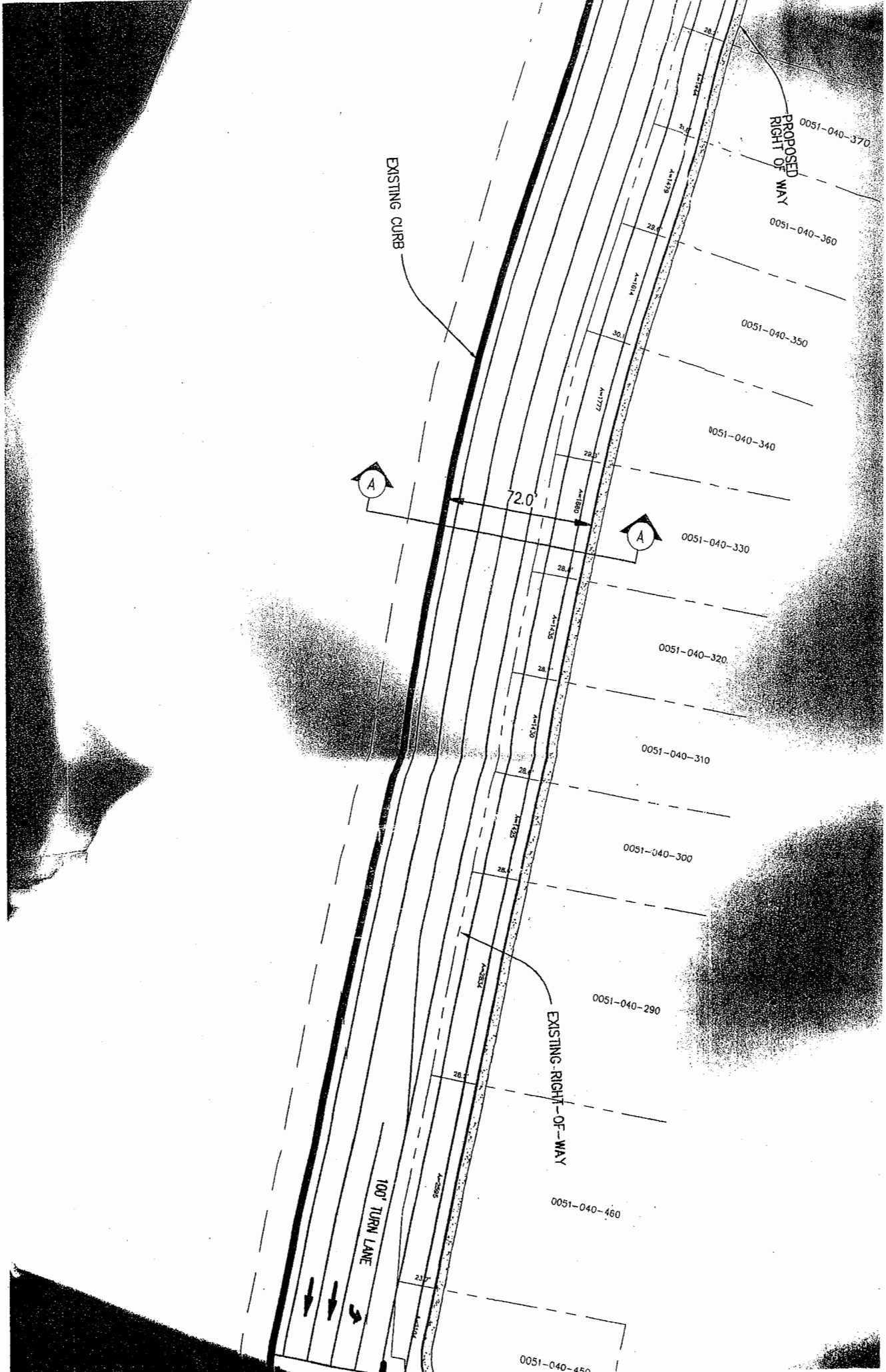
RENEWAL DATE: 03/31/07

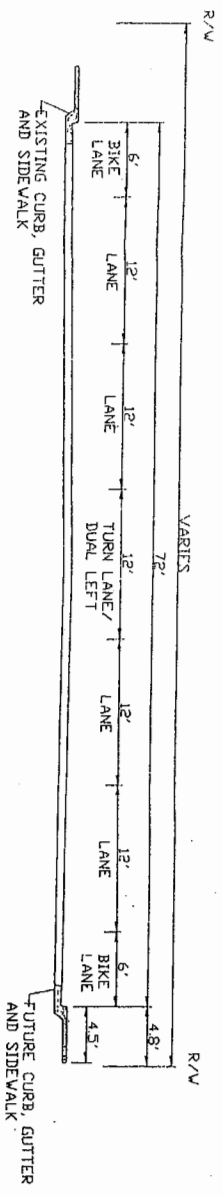
AM:jor,cbm

cc: Addressee (1)  
Mr. Marcus Adams, City of Vallejo (1, via email)  
File (1)

06037R01







SECTION A-A  
NOT TO SCALE



Date June 29, 2006, at Vallejo, California.

1. OFFER:  
A. THIS IS AN OFFER FROM Vincent Ramirez, Olga Ramirez ("Buyer").  
B. THE REAL PROPERTY TO BE ACQUIRED is described as \_\_\_\_\_

\_\_\_\_\_, Assessor's Parcel No(s) 51-040-320, situated in  
Vallejo, County of Solano, California, ("Property").

C. THE PURCHASE PRICE offered is One Hundred Sixty-Five Thousand  
Dollars \$ 165,000.00

D. CLOSE OF ESCROW shall occur on August 1, 2006 (date) (or  30 Days After Acceptance).  
2. FINANCE TERMS: Obtaining the loans below is a contingency of this Agreement unless: (i) either 2D or 2L is checked below; or (ii) otherwise agreed in writing. Buyer shall act diligently and in good faith to obtain the designated loans. Obtaining deposit, down payment and closing costs is not a contingency. Buyer represents that funds will be good when deposited with Escrow Holder.

A. INITIAL DEPOSIT: Buyer has given a deposit in the amount of \_\_\_\_\_ \$ 25,000.00  
to the agent submitting the offer (or to  \_\_\_\_\_), by Personal Check  
(or  \_\_\_\_\_), made payable to \_\_\_\_\_  
which shall be held uncashed until Acceptance and then deposited within 3 business days after Acceptance  
(or  \_\_\_\_\_), with  
Escrow Holder, (or  into Broker's trust account).

B. INCREASED DEPOSIT: Buyer shall deposit with Escrow Holder an increased deposit in the amount of \_\_\_\_\_ \$ \_\_\_\_\_  
within \_\_\_\_\_ Days After Acceptance, or  \_\_\_\_\_.

C. FIRST LOAN IN THE AMOUNT OF \_\_\_\_\_ \$ \_\_\_\_\_  
 NEW First Deed of Trust in favor of  lender,  seller,

OR  ASSUMPTION of Existing First Deed of Trust;  
encumbering the Property, securing a note payable at maximum interest of \_\_\_\_\_ % fixed rate, or  
\_\_\_\_\_ % initial adjustable rate with a maximum interest rate of \_\_\_\_\_ %, balance due in  
\_\_\_\_\_ years, amortized over \_\_\_\_\_ years (OR, if checked,  payable in interest-only installments). Payments  
due  monthly,  quarterly,  semi-annually,  annually.  
Buyer shall pay loan fees/points not to exceed \_\_\_\_\_.

D.  ALL CASH OFFER (if checked): No loan is needed to purchase the Property. Buyer shall, within 7 (or  
 \_\_\_\_\_) Days After Acceptance, provide Seller written verification of sufficient funds to close this transaction.

E. ADDITIONAL FINANCING TERMS: \_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

F. BALANCE OF PURCHASE PRICE:  
(not including costs of obtaining loans and other closing costs) in the amount of \_\_\_\_\_ \$ 140,000.00  
to be deposited with Escrow Holder within sufficient time to close escrow.

G. PURCHASE PRICE (TOTAL): \_\_\_\_\_ \$ 165,000.00

H. LOAN APPLICATIONS: Within 7 (or  \_\_\_\_\_) Days After Acceptance, Buyer shall provide Seller a letter from lender or mortgage loan  
broker stating that, based on a review of Buyer's written application and credit report, Buyer is prequalified or preapproved for any NEW loan  
specified above.

I. VERIFICATION OF DOWN PAYMENT AND CLOSING COSTS: Buyer (or Buyer's lender or loan broker pursuant to 2H) shall, within  
7 (or  \_\_\_\_\_) Days After Acceptance, provide Seller written verification of Buyer's down payment and closing costs.

J. LOAN CONTINGENCY REMOVAL: (i) Within 17 (or  \_\_\_\_\_) Days After Acceptance Buyer shall, as specified in paragraph 18, remove  
the loan contingency or cancel this Agreement; OR (ii) ( if checked), loan contingency shall remain in effect until the designated loans are  
funded.

K. APPRAISAL CONTINGENCY AND REMOVAL: This Agreement is (OR, if checked,  is NOT) contingent upon the Property appraising at no  
less than the specified purchase price. If there is a loan contingency, at the time the loan contingency is removed (or, if checked,  within 17 (or  
 \_\_\_\_\_) Days After Acceptance), Buyer shall, as specified in paragraph 18, remove the appraisal contingency or cancel this Agreement.  
If there is no loan contingency, Buyer shall, as specified in paragraph 18, remove the appraisal contingency within 17 (or \_\_\_\_\_) Days  
After Acceptance.

L.  NO LOAN CONTINGENCY (if checked): Obtaining any loan in paragraphs 2C, 2E or elsewhere in this Agreement is NOT a contingency of this  
Agreement. If Buyer does not obtain the loan and as a result Buyer does not purchase the Property, Seller may be entitled to Buyer's deposit or  
other legal remedies.

M. SELLER FINANCING: The following terms (or  (if checked) the terms specified in the attached Seller Financing Addendum (C.A.R. Form SFA))  
apply ONLY to financing extended by Seller under this Agreement.

(1) BUYER'S CREDIT-WORTHINESS: Buyer authorizes Seller and/or Brokers to obtain, at Buyer's expense, a copy of Buyer's credit report.  
Within 7 (or  \_\_\_\_\_) Days After Acceptance, Buyer shall provide any supporting documentation reasonably requested by Seller.

Buyer's Initials ( VR ) ( OR )  
Seller's Initials ( CM ) ( \_\_\_\_\_ )

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_



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(2) **TERMS:** Buyer's promissory note, deed of trust and other documents as appropriate shall incorporate and implement the following additional terms: (i) the maximum interest rate specified in paragraph 2C shall be the actual fixed interest rate for Seller financing; (ii) deed of trust shall contain a REQUEST FOR NOTICE OF DEFAULT on senior loans; (iii) Buyer shall sign and pay for a REQUEST FOR NOTICE OF DELINQUENCY prior to Close Of Escrow and at any future time if requested by Seller; (iv) note and deed of trust shall contain an acceleration clause making the loan due, when permitted by law and at Seller's option, upon the sale or transfer of the Property or any interest in it; (v) note shall contain a late charge of 6% of the installment due (or  ) if the installment is not received within 10 days of the date due; (vi) title insurance coverage in the form of a joint protection policy shall be provided insuring Seller's deed of trust interest in the Property (any increased cost over owner's policy shall be paid by Buyer); and (vii) tax service shall be obtained and paid for by Buyer to notify Seller if property taxes have not been paid.

(3) **ADDED, DELETED OR SUBSTITUTED BUYERS:** The addition, deletion or substitution of any person or entity under this Agreement or to title prior to Close Of Escrow shall require Seller's written consent. Seller may grant or withhold consent in Seller's sole discretion. Any additional or substituted person or entity shall, if requested by Seller, submit to Seller the same documentation as required for the original named Buyer. Seller and/or Brokers may obtain a credit report, at Buyer's expense, on any such person or entity.

**N. ASSUMED OR "SUBJECT TO" FINANCING:** Seller represents that Seller is not delinquent on any payments due on any loans. Seller shall, within the time specified in paragraph 18, provide Copies of all applicable notes and deeds of trust, loan balances and current interest rates to Buyer. Buyer shall then, as specified in paragraph 18B(3), remove this contingency or cancel this Agreement. Differences between estimated and actual loan balances shall be adjusted at Close Of Escrow by cash down payment. Impound accounts, if any, shall be assigned and charged to Buyer and credited to Seller. Seller is advised that Buyer's assumption of an existing loan may not release Seller from liability on that loan. If this is an assumption of a VA Loan, the sale is contingent upon Seller being provided a release of liability and substitution of eligibility, unless otherwise agreed in writing. If the Property is acquired subject to an existing loan, Buyer and Seller are advised to consult with legal counsel regarding the ability of an existing lender to call the loan due, and the consequences thereof.

**3. POSSESSION AND KEYS:** Possession and occupancy shall be delivered to Buyer at  AM  PM,  on the date of Close Of Escrow;  on \_\_\_\_\_; or  no later than \_\_\_\_\_ Days After Close Of Escrow. The Property shall be unoccupied, unless otherwise agreed in writing. Seller shall provide keys and/or means to operate all Property locks.

**4. ALLOCATION OF COSTS (If checked):** Unless otherwise specified here, this paragraph only determines who is to pay for the report, inspection, test or service mentioned. If not specified here or elsewhere in this Agreement, the determination of who is to pay for any work recommended or identified by any such report, inspection, test or service is by the method specified in paragraph 18.

**A. INSPECTIONS AND REPORTS:**

(1)  Buyer  Seller shall pay to have existing septic or private sewage disposal system, if any, inspected \_\_\_\_\_

(2)  Buyer  Seller shall pay for costs of testing to determine the suitability of soil for sewage disposal \_\_\_\_\_

(3)  Buyer  Seller shall pay to have existing wells, if any, tested for water potability and productivity \_\_\_\_\_

(4)  Buyer  Seller shall pay to have Property corners identified \_\_\_\_\_

(5)  Buyer  Seller shall pay for a natural hazard zone disclosure report prepared by \_\_\_\_\_

(6)  Buyer  Seller shall pay for the following inspection or report \_\_\_\_\_

(7)  Buyer  Seller shall pay for the following inspection or report \_\_\_\_\_

**B. ESCROW AND TITLE:**

(1)  Buyer  Seller shall pay escrow fee \_\_\_\_\_  
Escrow Holder shall be North American Title Co.

(2)  Buyer  Seller shall pay for owner's title insurance policy specified in paragraph 14 \_\_\_\_\_  
Owner's title policy to be issued by \_\_\_\_\_  
(Buyer shall pay for any title insurance policy insuring Buyer's Lender, unless otherwise agreed in writing.)

**C. OTHER COSTS:**

(1)  Buyer  Seller shall pay County transfer tax or transfer fee \_\_\_\_\_

(2)  Buyer  Seller shall pay City transfer tax or transfer fee \_\_\_\_\_

(3)  Buyer  Seller shall pay HOA transfer fees \_\_\_\_\_

(4)  Buyer  Seller shall pay HOA document preparation fees \_\_\_\_\_

(5)  Buyer  Seller shall pay for \_\_\_\_\_

(6)  Buyer  Seller shall pay for \_\_\_\_\_

**5. STATUTORY DISCLOSURES AND CANCELLATION RIGHTS:**

**A. NATURAL AND ENVIRONMENTAL HAZARDS:** Seller shall, within the time specified in paragraph 18, deliver to Buyer if required by Law: (i) earthquake guides (and questionnaire) and environmental hazards booklet; (ii) disclose if the Property is located in a Special Flood Hazard Area; Potential Flooding (Inundation) Area; Very High Fire Hazard Zone; State Fire Responsibility Area; Earthquake Fault Zone; Seismic Hazard Zone; and (iii) disclose any other zone as required by Law and provide any other information required for those zones.

**B. DATA BASE DISCLOSURE:** Notice: Pursuant to Section 290.46 of the Penal Code, information about specified registered sex offenders is made available to the public via an Internet Web site maintained by the Department of Justice at [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov). Depending on an offender's criminal history, this information will include either the address at which the offender resides or the community of residence and ZIP Code in which he or she resides. (Neither Seller nor Brokers are required to check this website. If Buyer wants further information, Broker recommends that Buyer obtain information from this website during Buyer's inspection contingency period. Brokers do not have expertise in this area.)

Buyer's Initials (SKR) (VPR)  
Seller's Initials (CM) ( )

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_



6. SELLER DOCUMENTATION AND ADDITIONAL DISCLOSURE:

- A. Within the time specified in paragraph 18, if Seller has actual knowledge, Seller shall provide to Buyer, in writing, the following information:
  - (1) **LEGAL PROCEEDINGS:** Any lawsuits by or against Seller, threatening or affecting the Property, including any lawsuits alleging a defect or deficiency in the Property or common areas, or any known notices of abatement or citations filed or issued against the Property.
  - (2) **AGRICULTURAL USE:** Whether the Property is subject to restrictions for agricultural use pursuant to the Williamson Act (Government Code §§51200-51295).
  - (3) **DEED RESTRICTIONS:** Any deed restrictions or obligations.
  - (4) **FARM USE:** Whether the Property is in, or adjacent to, an area with Right to Farm rights (Civil Code §3482.5 and §3482.6).
  - (5) **ENDANGERED SPECIES:** Presence of endangered, threatened, 'candidate' species, or wetlands on the Property.
  - (6) **ENVIRONMENTAL HAZARDS:** Any substances, materials, or products that may be an environmental hazard including, but not limited to, asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, and contaminated soil or water on the Property.
  - (7) **COMMON WALLS:** Any features of the Property shared in common with adjoining landowners, such as walls, fences, roads, and driveways, and agriculture and domestic wells whose use or responsibility for maintenance may have an effect on the Property.
  - (8) **LANDLOCKED:** The absence of legal or physical access to the Property.
  - (9) **EASEMENTS/ENCROACHMENTS:** Any encroachments, easements or similar matters that may affect the Property.
  - (10) **SOIL FILL:** Any fill (compacted or otherwise), or abandoned mining operations on the Property.
  - (11) **SOIL PROBLEMS:** Any slippage, sliding, flooding, drainage, grading, or other soil problems.
  - (12) **EARTHQUAKE DAMAGE:** Major damage to the Property or any of the structures from fire, earthquake, floods, or landslides.
  - (13) **ZONING ISSUES:** Any zoning violations, non-conforming uses, or violations of "setback" requirements.
  - (14) **NEIGHBORHOOD PROBLEMS:** Any neighborhood noise problems, or other nuisances.
- B. **RENTAL AND SERVICE AGREEMENTS:** Within the time specified in paragraph 18, Seller shall make available to Buyer for inspection and review, all current leases, rental agreements, service contracts and other related agreements, licenses, and permits pertaining to the operation or use of the Property.
- C.  **TENANT ESTOPPEL CERTIFICATES:** (If checked) Within the time specified in paragraph 18, Seller shall deliver to Buyer tenant estoppel certificates (C.A.R. Form TEC) completed by Seller or Seller's agent, and signed by tenants, acknowledging: (i) that tenants' rental or lease agreements are unmodified and in full force and effect (or if modified, stating all such modifications); (ii) that no lessor defaults exist; and (iii) stating the amount of any prepaid rent or security deposit.
- D. **MELLO-ROOS TAX; 1915 BOND ACT:** Within the time specified in paragraph 18, Seller shall: (i) make a good faith effort to obtain a notice from any local agencies that levy a special tax or assessment on the Property (or, if allowed, substantially equivalent notice), pursuant to the Mello-Roos Community Facilities Act, and Improvement Bond Act of 1915, and (ii) promptly deliver to Buyer any such notice obtained.

7. CONDOMINIUM/PLANNED UNIT DEVELOPMENT DISCLOSURES:

- A. **SELLER HAS:** 7 (or  \_\_\_\_\_ ) Days After Acceptance to disclose to Buyer whether the Property is a condominium, or located in a planned unit development or other common interest subdivision.
  - B. If the Property is a condominium, or located in a planned unit development or other common interest subdivision, Seller has 3 (or  \_\_\_\_\_ ) Days After Acceptance to request from the HOA (C.A.R. Form HOA): (i) Copies of any documents required by Law; (ii) disclosure of any pending or anticipated claim or litigation by or against the HOA; (iii) a statement containing the location and number of designated parking and storage spaces; (iv) Copies of the most recent 12 months of HOA minutes for regular and special meetings; (v) the names and contact information of all HOAs governing the Property; and (vi) the following if Seller has actual knowledge: (a) any material defects in the condition of common area (such as pools, tennis courts, walkways or other areas co-owned in undivided interest with other); and (b) possible lack of compliance with HOA requirements (collectively, "CI Disclosures"). Seller shall itemize and deliver to Buyer all CI Disclosures received from the HOA and any CI Disclosures in Seller's possession. Buyer's approval of CI Disclosures is a contingency of this Agreement, as specified in paragraph 18.
8. **SUBSEQUENT DISCLOSURES:** In the event Seller, prior to Close Of Escrow, becomes aware of adverse conditions materially affecting the Property, or any material inaccuracy in disclosures, information or representations previously provided to Buyer of which Buyer is otherwise unaware, Seller shall promptly provide a subsequent or amended disclosure or notice, in writing, covering those items. **However, a subsequent or amended disclosure shall not be required for conditions and material inaccuracies disclosed in reports ordered and paid for by Buyer.**

9. CHANGES DURING ESCROW:

- A. Prior to Close Of Escrow, Seller may engage in the following acts, ("Proposed Changes"), subject to Buyer's rights in paragraph 18: (i) rent or lease any part of the premises; (ii) alter, modify or extend any existing rental or lease agreement; (iii) enter into, alter, modify or extend any service contract(s); or (iv) change the status of the condition of the Property.
- B. At least 7 (or  \_\_\_\_\_ ) Days prior to any Proposed Changes, Seller shall give written notice to Buyer of such Proposed Changes.

10. CONDITIONS AFFECTING PROPERTY:

- A. Unless otherwise agreed: (i) the Property is sold (a) in its PRESENT physical condition as of the date of Acceptance and (b) subject to Buyer investigation rights; and (ii) the Property is to be maintained in substantially the same condition as on the date of Acceptance.
- B.  (If checked) All debris and personal property not included in the sale shall be removed by Close Of Escrow.
- C. **SELLER SHALL, within the time specified in paragraph 18, DISCLOSE KNOWN MATERIAL FACTS AND DEFECTS AFFECTING THE PROPERTY AND MAKE OTHER DISCLOSURES REQUIRED BY LAW.**
- D. **NOTE TO BUYER:** You are strongly advised to conduct investigations of the entire Property in order to determine its present condition since Seller may not be aware of all defects affecting the Property or other factors that you consider important. Property improvements may not be built according to code, in compliance with current Law, or have had permits issued.
- E. **NOTE TO SELLER:** Buyer has the right to inspect the Property and, as specified in paragraph 18, based upon information discovered in those inspections: (i) cancel this Agreement; or (ii) request that you make Repairs or take other action.

Buyer's Initials ( AKR ) ( VFR )  
 Seller's Initials ( CM ) ( \_\_\_\_\_ )

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_



Property:

57-040-320

Date: June 29, 2006

11. ITEMS INCLUDED AND EXCLUDED:

- A. **NOTE TO BUYER AND SELLER:** Items listed as included or excluded in the MLS, flyers or marketing materials are not included in the purchase price or excluded from the sale unless specified in 11B or C.
- B. **ITEMS INCLUDED IN SALE:**
  - (1) All EXISTING fixtures and fittings that are attached to the Property;
  - (2) The following items: \_\_\_\_\_
  - (3) Seller represents that all items included in the purchase price, unless otherwise specified, are owned by Seller.
  - (4) All items included shall be transferred free of liens and without Seller warranty.
- C. **ITEMS EXCLUDED FROM SALE:** \_\_\_\_\_

12. BUYER'S INVESTIGATION OF PROPERTY AND MATTERS AFFECTING PROPERTY:

- A. Buyer's acceptance of the condition of, and any other matter affecting the Property is a contingency of this Agreement, as specified in this paragraph and paragraph 18. Within the time specified in paragraph 18, Buyer shall have the right, at Buyer's expense, unless otherwise agreed, to conduct inspections, investigations, tests, surveys, and other studies ("Buyer Investigations"), including, but not limited to, the right to: (i) inspect for lead-based paint and other lead-based paint hazards; (ii) inspect for wood destroying pests and organisms; (iii) review the registered sex offender database; (iv) confirm the insurability of Buyer and the Property; and (v) satisfy Buyer as to any matter specified below. Without Seller's prior written consent, Buyer shall neither make nor cause to be made: (i) invasive or destructive Buyer Investigations; or (ii) inspections by any governmental building or zoning inspector, or government employee, unless required by Law.
- B. Buyer shall complete Buyer Investigations and, as specified in paragraph 18, remove the contingency or cancel this Agreement. Buyer shall give Seller, at no cost, complete Copies of all Buyer Investigation reports obtained by Buyer. Seller shall make Property available for all Buyer Investigations. If the following have already been connected and available, Seller shall have water, gas, electricity, and all operable pilot lights on for Buyer's Investigations and through the date possession is made available to Buyer.  
**BUYER IS STRONGLY ADVISED TO INVESTIGATE THE CONDITION AND SUITABILITY OF ALL ASPECTS OF THE PROPERTY AND ALL MATTERS AFFECTING THE VALUE OR DESIRABILITY OF THE PROPERTY, INCLUDING BUT NOT LIMITED TO, THE ITEMS SPECIFIED BELOW. IF BUYER DOES NOT EXERCISE THESE RIGHTS, BUYER IS ACTING AGAINST THE ADVICE OF BROKERS. BUYER UNDERSTANDS THAT ALTHOUGH CONDITIONS ARE OFTEN DIFFICULT TO LOCATE AND DISCOVER, ALL REAL PROPERTY CONTAINS CONDITIONS THAT ARE NOT READILY APPARENT AND THAT MAY AFFECT THE VALUE OR DESIRABILITY OF THE PROPERTY. BUYER AND SELLER ARE AWARE THAT BROKERS DO NOT GUARANTEE, AND IN NO WAY ASSUME RESPONSIBILITY FOR, THE CONDITION OF THE PROPERTY. BROKERS HAVE NOT AND WILL NOT VERIFY ANY OF THE ITEMS IN THIS PARAGRAPH 12, UNLESS OTHERWISE AGREED IN WRITING.**
- C. **SIZE, LINES, ACCESS AND BOUNDARIES:** Lot size, property lines, legal or physical access and boundaries including features of the Property shared in common with adjoining landowners, such as walls, fences, roads and driveways, whose use or responsibility for maintenance may have an effect on the Property and any encroachments, easements or similar matters that may affect the Property. (Fences, hedges, walls and other natural or constructed barriers or markers do not necessarily identify true Property boundaries. Property lines may be verified by survey.) (Unless otherwise specified in writing, any numerical statements by Brokers regarding lot size are APPROXIMATIONS ONLY, which have not been and will not be verified, and should not be relied upon by Buyer.)
- D. **ZONING AND LAND USE:** Past, present, or proposed laws, ordinances, referendums, initiatives, votes, applications and permits affecting the current use of the Property, future development, zoning, building, size, governmental permits and inspections. Any zoning violations, non-conforming uses, or violations of "setback" requirements. (Buyer should also investigate whether these matters affect Buyer's intended use of the Property.)
- E. **UTILITIES AND SERVICES:** Availability, costs, restrictions and location of utilities and services, including but not limited to, sewerage, sanitation, septic and leach lines, water, electricity, gas, telephone, cable TV and drainage.
- F. **ENVIRONMENTAL HAZARDS:** Potential environmental hazards, including, but not limited to, asbestos, lead-based paint and other lead contamination, radon, methane, other gases, fuel, oil or chemical storage tanks, contaminated soil or water, hazardous waste, waste disposal sites, electromagnetic fields, nuclear sources, and other substances, including mold (airborne, toxic or otherwise), fungus or similar contaminant, materials, products or conditions.
- G. **GEOLOGIC CONDITIONS:** Geologic/seismic conditions, soil and terrain stability, suitability and drainage including any slippage, sliding, flooding, drainage, grading, fill (compacted or otherwise), or other soil problems.
- H. **NATURAL HAZARD ZONE:** Special Flood Hazard Areas, Potential Flooding (Inundation) Areas, Very High Fire Hazard Zones, State Fire Responsibility Areas, Earthquake Fault Zones, Seismic Hazard Zones, or any other zone for which disclosure is required by Law.
- I. **PROPERTY DAMAGE:** Major damage to the Property or any of the structures or non-structural systems and components and any personal property included in the sale from fire, earthquake, floods, landslides or other causes.
- J. **NEIGHBORHOOD, AREA AND PROPERTY CONDITIONS:** Neighborhood or area conditions, including Agricultural Use Restrictions pursuant to the Williamson Act (Government Code §§51200-51295), Right To Farm Laws (Civil Code §3482.5 and §3482.6), schools, proximity and adequacy of law enforcement, crime statistics, the proximity of registered felons or offenders, fire protection, other government services, availability, adequacy and cost of any speed-wired, wireless internet connections or other telecommunications or other technology services and installations, proximity to commercial, industrial or agricultural activities, existing and proposed transportation, construction and development that may affect noise, view, or traffic, airport noise, noise or odor from any source, abandoned mining operations on the Property, wild and domestic animals, other nuisances, hazards, or circumstances, protected species, wetland properties, botanical diseases, historic or other governmentally protected sites or improvements, cemeteries, facilities and condition of common areas of common interest subdivisions, and possible lack of compliance with any governing documents or Homeowners' Association requirements, conditions and influences of significance to certain cultures and/or religions, and personal needs, requirements and preferences of Buyer.

Buyer's Initials ( ohue ) ( VFR )  
 Seller's Initials ( cm ) ( \_\_\_\_\_ )

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_





Property: APN 57-040-220

Date: June 29, 2006

- K. **COMMON INTEREST SUBDIVISIONS: OWNER ASSOCIATIONS:** Facilities and condition of common areas (facilities such as pools, tennis courts, walkways, or other areas co-owned in undivided interest with others), Owners' Association that has any authority over the subject property, CC&Rs, or other deed restrictions or obligations, and possible lack of compliance with any Owners' Association requirements.
- L. **SPECIAL TAX:** Any local agencies that levy a special tax on the Property pursuant to the Mello-Roos Community Facilities Act or Improvement Bond Act of 1915.
- M. **RENTAL PROPERTY RESTRICTIONS:** Some cities and counties impose restrictions that limit the amount of rent that can be charged, the maximum number of occupants and the right of a landlord to terminate a tenancy.
- N. **MANUFACTURED HOME PLACEMENT:** Conditions that may affect the ability to place and use a manufactured home on the Property.
- 13. **BUYER INDEMNITY AND SELLER PROTECTION FOR ENTRY UPON PROPERTY:** Buyer shall: (i) keep the Property free and clear of liens; (ii) Repair all damage arising from Buyer Investigations; and (iii) indemnify and hold Seller harmless from all resulting liability, claims, demands, damages and costs. Buyer shall carry, or Buyer shall require anyone acting on Buyer's behalf to carry, policies of liability, workers' compensation and other applicable insurance, defending and protecting Seller from liability for any injuries to persons or property occurring during any Buyer Investigations or work done on the Property at Buyer's direction prior to Close Of Escrow. Seller is advised that certain protections may be afforded Seller by recording a "Notice of Non-Responsibility" (C.A.R. Form NNR) for Buyer Investigations and work done on the Property at Buyer's direction. Buyer's obligations under this paragraph shall survive the termination of this Agreement.
- 14. **TITLE AND VESTING:**
  - A. Within the time specified in paragraph 18, Buyer shall be provided a current preliminary (title) report, which is only an offer by the title insurer to issue a policy of title insurance and may not contain every item affecting title. Buyer's review of the preliminary report and any other matters which may affect title are a contingency of this Agreement as specified in paragraph 18.
  - B. Title is taken in its present condition subject to all encumbrances, easements, covenants, conditions, restrictions, rights and other matters, whether of record or not, as of the date of Acceptance except: (i) monetary liens of record unless Buyer is assuming those obligations or taking the Property subject to those obligations; and (ii) those matters which Seller has agreed to remove in writing.
  - C. Within the time specified in paragraph 18, Seller has a duty to disclose to Buyer all matters known to Seller affecting title, whether of record or not.
  - D. At Close Of Escrow, Buyer shall receive a grant deed conveying title (or, for stock cooperative or long-term lease, an assignment of stock certificate or of Seller's leasehold interest), including oil, mineral and water rights if currently owned by Seller. Title shall vest as designated in Buyer's supplemental escrow instructions. **THE MANNER OF TAKING TITLE MAY HAVE SIGNIFICANT LEGAL AND TAX CONSEQUENCES. CONSULT AN APPROPRIATE PROFESSIONAL.**
  - E. Buyer shall receive a standard coverage owner's CLTA policy of title insurance. An ALTA policy or the addition of endorsements may provide greater coverage for Buyer. A title company, at Buyer's request, can provide information about the availability, desirability, coverage, and cost of various title insurance coverages and endorsements. If Buyer desires title coverage other than that required by this paragraph, Buyer shall instruct Escrow Holder in writing and pay any increase in cost.
- 15. **SALE OF BUYER'S PROPERTY:**
  - A. This Agreement is NOT contingent upon the sale of any property owned by Buyer.
  - OR B.  (If checked) The attached addendum (C.A.R. Form COP) regarding the contingency for the sale of property owned by Buyer is incorporated into this Agreement.
- 16.  **MANUFACTURED HOME PURCHASE:** (If checked) The purchase of the Property is contingent upon Buyer acquiring a personal property manufactured home to be placed on the Property after Close Of Escrow. Buyer  has  has not entered into a contract for the purchase of a personal property manufactured home. Within the time specified in paragraph 18, Buyer shall remove this contingency or cancel this Agreement, (OR, if checked,  this contingency shall remain in effect until the Close Of Escrow of the Property).
- 17.  **CONSTRUCTION LOAN FINANCING:** (If checked) The purchase of the Property is contingent upon Buyer obtaining a construction loan. A draw from the construction loan  will  will not be used to finance the Property. Within the time specified in paragraph 18, Buyer shall remove this contingency or cancel this Agreement (or, if checked,  this contingency shall remain in effect until Close Of Escrow of the Property).
- 18. **TIME PERIODS; REMOVAL OF CONTINGENCIES; CANCELLATION RIGHTS:** The following time periods may only be extended, altered, modified or changed by mutual written agreement. Any removal of contingencies or cancellation under this paragraph must be in writing (C.A.R. Form CR).
  - A. **SELLER HAS:** 7 (or  \_\_\_\_\_ ) Days After Acceptance to deliver to Buyer all reports, disclosures and information for which Seller is responsible under paragraphs 2N, 4, 5A, 6, 7A, 10C and 14.
  - B. (1) **BUYER HAS:** 17 (or  \_\_\_\_\_ ) Days After Acceptance, unless otherwise agreed, in writing, to complete all Buyer Investigations; approve all disclosures, reports and other applicable information, which Buyer receives from Seller; and approve all matters affecting the Property (including lead-based paint and lead-based paint hazards as well as other information specified in paragraph 5 and insurability of Buyer and the Property).
  - (2) Within the time specified in 18B(1), Buyer may request that Seller make Repairs or take any other action regarding the Property (C.A.R. Form RR). Seller has no obligation to agree to or respond to Buyer's requests.
  - (3) By the end of the time specified in 18B(1) (or 2J for loan contingency; 2K for appraisal contingency; 16 for manufactured home purchase; and 17 for constructive home financing, Buyer shall remove, in writing, the applicable contingency (C.A.R. Form CR) or cancel this Agreement. However, if the following inspections, reports or disclosures are not made within the time specified in 18A, then Buyer has 5 (or  \_\_\_\_\_ ) Days after receipt of any such items, or the time specified in 18B(1), whichever is later, to remove the applicable contingency or cancel this Agreement in writing: (i) government-mandated inspections or reports required as a condition of closing; (ii) Common Interest Disclosures pursuant to paragraph 7B; (iii) a subsequent or amended disclosure pursuant to paragraph 8; and (iv) Proposed Changes pursuant to paragraph 9.
- C. **CONTINUATION OF CONTINGENCY OR CONTRACTUAL OBLIGATION; SELLER RIGHT TO CANCEL:**
  - (1) **Seller right to Cancel: Buyer Contingencies:** Seller, after first giving Buyer a Notice to Buyer to Perform (as specified below), may cancel this Agreement in writing and authorize return of Buyer's deposit if, by the time specified in this Agreement, Buyer does not remove in writing the applicable contingency or cancel this Agreement. Once all contingencies have been removed, failure of either Buyer or Seller to close escrow in time may be a breach of this Agreement.

Buyer's Initials (AKC) (VFR)  
Seller's Initials (CM) (        )

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_



Property:

651-040-320

Date: June 29, 2006

- (2) Continuation of Contingency: Even after the expiration of the time specified in 18B, Buyer retains the right to make requests to Seller, remove in writing the applicable contingency or cancel this Agreement until Seller cancels pursuant to 18C(1). Once Seller receives Buyer's written removal of all contingencies, Seller may not cancel this Agreement pursuant to 18C(1).
  - (3) Seller right to Cancel: Buyer Contract Obligations: Seller, after first giving Buyer a Notice to Buyer to Perform (as specified below), may cancel this Agreement in writing and authorize return of Buyer's deposit for any of the following reasons: (i) if Buyer fails to deposit funds as required by 2A or 2B; (ii) if the funds deposited pursuant to 2A or 2B are not good when deposited; (iii) if Buyer fails to provide a letter as required by 2H; (iv) if Buyer fails to provide verification as required by 2D or 2I or supporting documentation pursuant to 2M; or (v) if Seller reasonably disapproves of the verification provided by 2D or 2I or the credit report or supporting documentation pursuant to 2M. Seller is not required to give Buyer a Notice to Perform regarding Close Of Escrow.
  - (4) Notice To Buyer To Perform: The Notice to Buyer to Perform (C.A.R. Form NBP) shall (i) be in writing; (ii) be signed by Seller; and (iii) give Buyer at least 24 (or  \_\_\_\_\_) hours (or until the time specified in the applicable paragraph, whichever occurs last) to take the applicable action. A Notice to Buyer to Perform may not be given any earlier than 2 Days Prior to the expiration of the applicable time for Buyer to remove a contingency or cancel this Agreement or meet an 18C(3) obligation.
- D. EFFECT OF BUYER'S REMOVAL OF CONTINGENCIES: If Buyer removes, in writing, any contingency or cancellation rights, unless otherwise specified in a separate written agreement between Buyer and Seller, Buyer shall conclusively be deemed to have: (i) completed all Buyer Investigations, and review of reports and other applicable information and disclosures pertaining to that contingency or cancellation right; (ii) elected to proceed with the transaction; and (iii) assumed all liability, responsibility, and expense for repairs or corrections pertaining to that contingency or cancellation right, or for inability to obtain financing.
- E. EFFECT OF CANCELLATION ON DEPOSITS: If Buyer or Seller gives written NOTICE OF CANCELLATION pursuant to rights duly exercised under the terms of this Agreement, Buyer and Seller agree to Sign mutual instructions to cancel the sale and escrow and release deposits, less fees and costs, to the party entitled to the funds. Fees and costs may be payable to service providers and vendors for services and products provided during escrow. Release of funds will require mutual Signed release instructions from Buyer and Seller, judicial decision or arbitration award.
19. FINAL VERIFICATION OF CONDITION: Buyer shall have the right to make a final inspection of the Property within 5 (or \_\_\_\_\_) Days Prior to Close Of Escrow, NOT AS A CONTINGENCY OF THE SALE, but solely to confirm: (i) the Property is maintained pursuant to paragraph 10A; (ii) Repairs have been completed as agreed; and (iii) Seller has complied with Seller's other obligations under this Agreement.
20. ENVIRONMENTAL HAZARD CONSULTATION: Buyer and Seller acknowledge: (i) Federal, state, and local legislation impose liability upon existing and former owners and users of real property, in applicable situations, for certain legislatively defined, environmentally hazardous substances; (ii) Broker(s) has/have made no representation concerning the applicability of any such Law to this transaction or to Buyer or to Seller, except as otherwise indicated in this Agreement; (iii) Broker(s) has/have made no representation concerning the existence, testing, discovery, location and evaluation of/for, and risks posed by, environmentally hazardous substances, if any, located on or potentially affecting the Property; and (iv) Buyer and Seller are each advised to consult with technical and legal experts concerning the existence, testing, discovery, location and evaluation of/for, and risks posed by, environmentally hazardous substances, if any, located on or potentially affecting the Property.
21. LIQUIDATED DAMAGES: If Buyer fails to complete this purchase because of Buyer's default, Seller shall retain, as liquidated damages, the deposit actually paid. Buyer and Seller agree that this amount is a reasonable sum given that it is impractical or extremely difficult to establish the amount of damages that would actually be suffered by Seller in the event Buyer were to breach this Agreement. Release of funds will require mutual, Signed release instructions from both Buyer and Seller, judicial decision or arbitration award.

Buyer's Initials _____ / _____	Seller's Initials _____ / _____
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22. DISPUTE RESOLUTION:

- A. MEDIATION: Buyer and Seller agree to mediate any dispute or claim arising between them out of this Agreement, or any resulting transaction, before resorting to arbitration or court action. Paragraphs 22B(2) and (3) below apply whether or not the Arbitration provision is initiated. Mediation fees, if any, shall be divided equally among the parties involved. If, for any dispute or claim to which this paragraph applies, any party commences an action without first attempting to resolve the matter through mediation, or refuses to mediate after a request has been made, then that party shall not be entitled to recover attorney fees, even if they would otherwise be available to that party in any such action. THIS MEDIATION PROVISION APPLIES WHETHER OR NOT THE ARBITRATION PROVISION IS INITIALED.
  - B. ARBITRATION OF DISPUTES: (1) Buyer and Seller agree that any dispute or claim in Law or equity arising between them out of this Agreement or any resulting transaction, which is not settled through mediation, shall be decided by neutral, binding arbitration, including and subject to paragraphs 22B(2) and (3) below. The arbitrator shall be a retired judge or justice, or an attorney with at least 5 years of real estate transactional Law experience, unless the parties mutually agree to a different arbitrator, who shall render an award in accordance with substantive California Law. The parties shall have the right to discovery in accordance with Code of Civil Procedure §1283.05. In all other respects, the arbitration shall be conducted in accordance with Title 9 of Part III of the California Code of Civil Procedure. Judgment upon the award of the arbitrator(s) may be entered into any court having jurisdiction. Interpretation of this agreement to arbitrate shall be governed by the Federal Arbitration Act.
- (2) EXCLUSIONS FROM MEDIATION AND ARBITRATION: The following matters are excluded from mediation and arbitration: (i) a judicial or non-judicial foreclosure or other action or proceeding to enforce a deed of trust, mortgage, or installment land sale contract as defined in Civil Code §2985; (ii) an unlawful detainer action; (iii) the filing or enforcement of a mechanic's lien; and (iv) any matter that is within the jurisdiction of a probate, small claims, or bankruptcy court. The filing of a court action to enable the recording of a notice of pending action, for order of attachment, receivership, injunction, or other provisional remedies, shall not constitute a waiver of the mediation and arbitration provisions.
- (3) BROKERS: Buyer and Seller agree to mediate and arbitrate disputes or claims involving either or both Brokers, consistent with 22A and B, provided either or both Brokers shall have agreed to such mediation or arbitration prior to, or within a reasonable time after, the dispute or claim is presented to Brokers. Any election by either or both Brokers to participate in mediation or arbitration shall not result in Brokers being deemed parties to the Agreement.

Buyer's Initials ( AKR ) ( VFR )  
 Seller's Initials ( CS ) ( \_\_\_\_\_ )

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_



Property: 051-040-320

Date: June 29, 2006

- I. "Electronic Copy" or "Electronic Signature" means, as applicable, an electronic copy or signature complying with California Law. Buyer and Seller agree that electronic means will not be used by either one to modify or alter the content or integrity of this Agreement without the knowledge and consent of the other.
- J. "Law" means any law, code, statute, ordinance, regulation, rule or order, which is adopted by a controlling city, county, state or federal legislative, judicial or executive body or agency.
- K. "Notice to Buyer to Perform" means a document (C.A.R. Form NBP), which shall be in writing and signed by Seller and shall give Buyer at least 24 hours (or as otherwise specified in paragraph 18C(4)) to remove a contingency or perform as applicable.
- L. "Repairs" means any repairs, alterations, replacements, modifications or retrofitting of the Property provided for under this Agreement.
- M. "Signed" means either a handwritten or electronic signature on an original document, Copy or any counterpart.
- N. Singular and Plural terms each include the other, when appropriate.

**32. AGENCY:**

- A. **POTENTIALLY COMPETING BUYERS AND SELLERS:** Buyer and Seller each acknowledge receipt of a disclosure of the possibility of multiple representation by the Broker representing that principal. This disclosure may be part of a listing agreement, buyer-broker agreement or separate document (C.A.R. Form DA). Buyer understands that Broker representing Buyer may also represent other potential buyers, who may consider, make offers on or ultimately acquire the Property. Seller understands that Broker representing Seller may also represent other sellers with competing properties of interest to this Buyer.
- B. **CONFIRMATION:** The following agency relationships are hereby confirmed for this transaction:  
 Listing Agent Don Olson (Print Firm Name)  
 is the agent of (check one):  the Seller exclusively; or  both the Buyer and Seller.  
 Selling Agent \_\_\_\_\_ (Print Firm Name)  
 (if not same as Listing Agent) is the agent of (check one):  the Buyer exclusively;  the Seller exclusively; or  both the Buyer and Seller.  
 Real Estate Brokers are not parties to the Agreement between Buyer and Seller.

**33. JOINT ESCROW INSTRUCTIONS TO ESCROW HOLDER:**

- A. The following paragraphs, or applicable portions thereof, of this Agreement constitute the joint escrow instructions of Buyer and Seller to Escrow Holder, which Escrow Holder is to use along with any related counter offers and addenda, and any additional mutual instructions to close the escrow: 1, 2, 4, 14, 15B, 16, 17, 18E, 23, 24, 29, 30, 31, 33, 35, 38A, 39 and paragraph D of the section titled Real Estate Brokers on page 9. If a Copy of the separate compensation agreement(s) provided for in paragraph 35 or 38A, or paragraph D of the section titled Real Estate Brokers on page 9 is deposited with Escrow Holder by Broker, Escrow Holder shall accept such agreement(s) and pay out from Buyer's or Seller's funds, or both, as applicable, the Broker's compensation provided for in such agreement(s). The terms and conditions of the Agreement not set forth in the specified paragraphs are additional matters for the information of Escrow Holder, but about which Escrow Holder need not be concerned. Buyer and Seller will receive Escrow Holder's general provisions directly from Escrow Holder and will execute such provisions upon Escrow Holder's request. To the extent the general provisions are inconsistent or conflict with this Agreement, the general provisions will control as to the duties and obligations of Escrow Holder only. Buyer and Seller will execute additional instructions, documents and forms provided by Escrow Holder that are reasonably necessary to close the escrow.
- B. A Copy of this Agreement shall be delivered to Escrow Holder within 3 business days after Acceptance (or  \_\_\_\_\_). Buyer and Seller authorize Escrow Holder to accept and rely on Copies and Signatures as defined in this Agreement as originals, to open escrow and for other purposes of escrow. The validity of this Agreement as between Buyer and Seller is not affected by whether or when Escrow Holder Signs this Agreement.
- C. Brokers are a party to the Escrow for the sole purpose of compensation pursuant to paragraphs 35, 38A and paragraph D of the section titled Real Estate Brokers on page 9. Buyer and Seller irrevocably assign to Brokers compensation specified in paragraphs 35 and 38A, respectively, and irrevocably instruct Escrow Holder to disburse those funds to Brokers at Close Of Escrow, or pursuant to any other mutually executed cancellation agreement. Compensation instructions can be amended or revoked only with the written consent of Brokers. Escrow Holder shall immediately notify Brokers (i) if Buyer's initial or any additional deposit is not made pursuant to this Agreement or is not good at time of deposit with Escrow Holder; or (ii) if Buyer and Seller instruct Escrow Holder to cancel escrow.
- D. A Copy of any amendment that affects any paragraph of this Agreement for which Escrow Holder is responsible shall be delivered to Escrow Holder within 2 business days after mutual execution of the amendment.

**34. SCOPE OF BROKER DUTY:** Buyer and Seller acknowledge and agree that: Brokers: (i) do not decide what price Buyer should pay or Seller should accept; (ii) do not guarantee the condition of the Property; (iii) do not guarantee the performance, adequacy or completeness of inspections, services, products or repairs provided or made by Seller or others; (iv) shall not be responsible for identifying defects that are not known to Broker(s); (v) shall not be responsible for inspecting public records or permits concerning the title or use of the Property; (vi) shall not be responsible for identifying location of boundary lines or other items affecting title; (vii) shall not be responsible for verifying square footage, representations of others or information contained in inspection reports, MLS or PDS, advertisements, flyers or other promotional material, unless otherwise agreed in writing; (viii) shall not be responsible for providing legal or tax advice regarding any aspect of a transaction entered into by Buyer or Seller in the course of this representation; and (ix) shall not be responsible for providing other advice or information that exceeds the knowledge, education and experience required to perform real estate licensed activity. Buyer and Seller agree to seek legal, tax, insurance, title and other desired assistance from appropriate professionals.

**35. BROKER COMPENSATION FROM BUYER:** If applicable, upon Close Of Escrow, Buyer agrees to pay compensation to Broker as specified in a separate written agreement between Buyer and Broker.

**36. TERMS AND CONDITIONS OF OFFER:** This is an offer to purchase the Property on the above terms and conditions. All paragraphs with spaces for initials by Buyer and Seller are incorporated in this Agreement only if initialed by all parties. If at least one but not all parties initial, a counter offer is required until agreement is reached. Seller has the right to continue to offer the Property for sale and to accept any other offer at any time prior to notification of Acceptance. Buyer has read and acknowledges receipt of a Copy of the offer and agrees to the above confirmation of agency relationships. If this offer is accepted and Buyer subsequently defaults, Buyer may be responsible for payment of Brokers' compensation. This Agreement and any supplement, addendum or modification, including any Copy, may be Signed in two or more counterparts, all of which shall constitute one and the same writing.

Buyer's Initials ( DMR ) ( VFR )  
Seller's Initials ( DMR ) ( \_\_\_\_\_ )

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_



37. EXPIRATION OF OFFER: This offer shall be deemed revoked and the deposit shall be returned, unless the offer is Signed by Seller, and a Copy of the Signed offer is personally received by Buyer, or by \_\_\_\_\_ who is authorized to receive it by 5:00 PM on the third Day after this offer is signed by Buyer (or, if checked,  by \_\_\_\_\_ (date), at  AM  PM).

Date \_\_\_\_\_  
BUYER X Chris M. Ramirez  
By Vincent Ramirez  
Print Name Vincent Ramirez  
Title Vincent  
Address \_\_\_\_\_

Date \_\_\_\_\_  
BUYER X Olga Ramirez  
By \_\_\_\_\_  
Print Name Olga Ramirez  
Title \_\_\_\_\_  
Address \_\_\_\_\_

38. BROKER COMPENSATION FROM SELLER:

- A. Upon Close Of Escrow, Seller agrees to pay compensation to Broker as specified in a separate written agreement between Seller and Broker.
- B. If escrow does not close, compensation is payable as specified in that separate written agreement.

39. ACCEPTANCE OF OFFER: Seller warrants that Seller is the owner of the Property, or has the authority to execute this Agreement. Seller accepts the above offer, agrees to sell the Property on the above terms and conditions, and agrees to the above confirmation of agency relationships. Seller has read and acknowledges receipt of a Copy of this Agreement, and authorizes Broker to deliver a Signed Copy to Buyer.  
 (If checked) SUBJECT TO ATTACHED COUNTER OFFER, DATED \_\_\_\_\_

Date \_\_\_\_\_  
SELLER \_\_\_\_\_  
By \_\_\_\_\_  
Print Name \_\_\_\_\_  
Title \_\_\_\_\_  
Address \_\_\_\_\_

Date \_\_\_\_\_  
SELLER \_\_\_\_\_  
By \_\_\_\_\_  
Print Name \_\_\_\_\_  
Title \_\_\_\_\_  
Address \_\_\_\_\_

(\_\_\_\_\_/\_\_\_\_\_) Confirmation of Acceptance: A Copy of Signed Acceptance was personally received by Buyer or Buyer's authorized agent on (date) \_\_\_\_\_ at \_\_\_\_\_  AM  PM. A binding Agreement is created when a Copy of Signed Acceptance is personally received by Buyer or Buyer's authorized agent whether or not confirmed in this document. Completion of this confirmation is not legally required in order to create a binding Agreement; it is solely intended to evidence the date that Confirmation of Acceptance has occurred.

REAL ESTATE BROKERS:

- A. Real Estate Brokers are not parties to the Agreement between Buyer and Seller.
- B. Agency relationships are confirmed as stated in paragraph 32.
- C. If specified in paragraph 2A, Agent who submitted offer for Buyer acknowledges receipt of deposit.
- D. COOPERATING BROKER COMPENSATION: Listing Broker agrees to pay Cooperating Broker (Selling Firm) and Cooperating Broker agrees to accept, out of Listing Broker's proceeds in escrow: (i) The amount specified in the MLS or PDS, provided Cooperating Broker is a Participant of the MLS or PDS in which the Property is offered for sale or a reciprocal MLS or PDS, or  (if checked) (ii) the amount specified in a separate written agreement (C.A.R. Form CBC) between Listing Broker and Cooperating Broker.

Real Estate Broker (Selling Firm) \_\_\_\_\_ License # \_\_\_\_\_  
By \_\_\_\_\_ License # \_\_\_\_\_ Date \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

Real Estate Broker (Listing Firm) Don Olson License # \_\_\_\_\_  
By \_\_\_\_\_ License # \_\_\_\_\_ Date \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

ESCROW HOLDER ACKNOWLEDGMENT:

Escrow Holder acknowledges receipt of a Copy of this Agreement, (if checked,  a deposit in the amount of \$ \_\_\_\_\_), counter offer numbers \_\_\_\_\_ and \_\_\_\_\_, and agrees to act as Escrow Holder subject to paragraph 33 of this Agreement, any supplemental escrow instructions and the terms of Escrow Holder's general provisions.

Escrow Holder is advised that the date of Confirmation of Acceptance of the Agreement as between Buyer and Seller is \_\_\_\_\_

Escrow Holder North American Title Co. Escrow # \_\_\_\_\_  
By \_\_\_\_\_ Date \_\_\_\_\_  
Address \_\_\_\_\_  
Phone/Fax/E-mail \_\_\_\_\_

Escrow Holder is licensed by the California Department of  Corporations,  Insurance,  Real Estate. License # \_\_\_\_\_

(\_\_\_\_\_/\_\_\_\_\_) REJECTION OF OFFER: No counter offer is being made. This offer was reviewed and rejected by Seller on (Seller's Initials) \_\_\_\_\_ (Date) \_\_\_\_\_

THIS FORM HAS BEEN APPROVED BY THE CALIFORNIA ASSOCIATION OF REALTORS® (C.A.R.). NO REPRESENTATION IS MADE AS TO THE LEGAL VALIDITY OR ADEQUACY OF ANY PROVISION IN ANY SPECIFIC TRANSACTION. A REAL ESTATE BROKER IS THE PERSON QUALIFIED TO ADVISE ON REAL ESTATE TRANSACTIONS. IF YOU DESIRE LEGAL OR TAX ADVICE, CONSULT AN APPROPRIATE PROFESSIONAL. This form is available for use by the entire real estate industry. It is not intended to identify the user as a REALTOR®. REALTOR® is a registered collective membership mark which may be used only by members of the NATIONAL ASSOCIATION OF REALTORS® who subscribe to its Code of Ethics.



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Reviewed by \_\_\_\_\_ Date \_\_\_\_\_



# 500 Foot Radius Map

