



City Hall
555 Santa Clara Street
Vallejo, CA 94590

**AGENDA
VALLEJO CITY COUNCIL
VALLEJO HOUSING AUTHORITY
JANUARY 23, 2007**

MAYOR
Anthony Intintoli, Jr.

CITY COUNCIL
Gary Cloutier, Vice Mayor
Gerald Davis
Tom Barteo
Hermie Sunga
Stephanie Gomes
Tony Pearsall

This AGENDA contains a brief general description of each item to be considered. The posting of the recommended actions does not indicate what action may be taken. If comments come to the City Council without prior notice and are not listed on the AGENDA, no specific answers or response should be expected at this meeting per State law.

Those wishing to address the Council on any matter for which another opportunity to speak is not provided on the AGENDA but which is within the jurisdiction of the Council to resolve may come forward to the podium during the "COMMUNITY FORUM" portion of the AGENDA. Those wishing to speak on a "PUBLIC HEARING" matter will be called forward at the appropriate time during the public hearing consideration.

Copies of written documentation relating to each item of business on the AGENDA are on file in the Office of the City Clerk and are available for public inspection. Information may be obtained by calling (707) 648-4527, TDD (707) 649-3562, or at our web site: <http://www.ci.vallejo.ca.us/>

The Vallejo Sanitation & Flood Control District is located at 450 Ryder Street, (707) 644-8949. A public agenda book is available at the District Office during regular business hours for those desiring additional information on agenda items.



Vallejo City Council Chambers is ADA compliant. Devices for the hearing impaired are available from the City Clerk. Requests for disability related modifications or accommodations, aids or services may be made by a person with a disability to the City Clerk's office no less than 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act of 1990 and the federal rules and regulations adopted in implementation thereof.

ITEM **ACTION**

**VALLEJO CITY COUNCIL
SPECIAL MEETING/CLOSED SESSION
4:45 P.M.- CITY COUNCIL CHAMBERS**

NOTICE: Members of the public shall have the opportunity to address the City Council concerning any item listed on this notice before or during consideration of that item. No other items may be discussed at this special meeting.

- A. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION LUMSEY, ET AL v. TRAVEL INN, ET AL., SOLANO COUNTY SUPERIOR COURT, CASE NO. FCS023582, PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a)

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**VALLEJO CITY COUNCIL
SPECIAL MEETING/
5:30 P.M.- CITY COUNCIL CHAMBERS**

- A. INTERVIEWS FOR APPOINTMENT TO THE CIVIL SERVICE COMMISSION

VALLEJO HOUSING AUTHORITY
SPECIAL MEETING
6:45 P.M. -- CITY COUNCIL CHAMBERS

1. CALL TO ORDER

A. ROLL CALL

2. CONSENT ITEMS

A. DESIGNATION OF EXECUTIVE DIRECTOR

PROPOSED ACTION: Adopt the Resolution designating Joseph M. Tanner as Executive Director.

B. APPROVAL OF THE REVISIONS TO CHAPTER TWENTY-FIVE OF THE ADMINISTRATIVE PLAN RECOMMENDED BY THE HOUSING AND REDEVELOPMENT COMMISSION

The Housing Authority has adopted an Administrative Plan as required by the U. S. Department of Housing and Urban Development (HUD). As practicable, all Administrative Plan chapters, (updates and revisions) are provided to the Housing and Redevelopment Commission (HRC) for their review and comment prior to their adoption by the Housing Authority Board (HAB). HUD requires revision of the Administrative Plan prior to the implementation of any policy changes which affect information contained within the Plan. Recently, the HRC asked to revisit Chapter 25 and to recommend certain changes to the HAB.

PROPOSED ACTION: Adopt the enclosed resolution approving the revisions to Chapter Twenty-Five of the Administrative Plan.

C. COMMISSIONER HERMINIO SUNGA'S DISCLOSURE OF A REMOTE INTEREST IN HOUSING ASSISTANCE PAYMENT CONTRACTS FOR 2450 SPRINGS ROAD AND 1423 OAKWOOD AVENUE

PROPOSED ACTION: Adopt the Resolution accepting the disclosure letter of Commissioner Sunga.

3. ADJOURN

VALLEJO CITY COUNCIL
REGULAR MEETING
7:00 P.M. -- CITY COUNCIL CHAMBERS

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. PRESENTATIONS AND COMMENDATIONS
 - A. PRESENTATION OF PROCLAMATION DECLARING JANUARY AS NATIONAL BLOOD DONOR MONTH – PRESENTED TO ARIEL MERCADO, ACCOUNT MANAGER OF THE AMERICAN RED CROSS NORTHERN CALIFORNIA REGION.
 - B. PRESENTATION OF CERTIFICATES TO ANTI-LITTER CONTEST WINNERS FROM THE BEAUTIFICATION COMMISSION.

5. PUBLIC COMMENT REGARDING CONSENT CALENDAR ITEMS

Members of the public wishing to address the Council on Consent Calendar Items are requested to submit a completed speaker card to the City Clerk. Each speaker is limited to three minutes pursuant to Vallejo Municipal Code Section 2.02.310. Requests for removal of Consent Items received from the public are subject to approval by a majority vote of the Council. Items removed from the Consent Calendar will be heard immediately after approval of the Consent Calendar and Agenda.

6. CONSENT CALENDAR AND APPROVAL OF AGENDA

All matters are approved under one motion unless requested to be removed for discussion by a Councilmember, City Manager, or member of the public subject to a majority vote of the Council.

- A. CITY COUNCIL MINUTES JANUARY 10, 2006; JANUARY 24, 2006; JANUARY 9, 2007
- B. FINAL READING AND ADOPTION OF AN ORDINANCE ADDING CHAPTER 2.39 TO THE VALLEJO MUNICIPAL CODE TO CREATE THE DESIGN REVIEW BOARD INCLUDING COUNCIL REQUESTED PROVISIONS RELATED TO NUMBER OF BOARD MEMBERS AND RESIDENCY REQUIREMENTS.

PROPOSED ACTION: Adopt the ordinance adding Chapter 2.39 to the Vallejo Municipal Code to create a Design Review Board for the Downtown and Waterfront planning areas.

7. PUBLIC HEARINGS

- A. CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION'S CONDITION OF APPROVAL TO PLANNED DEVELOPMENT PERMIT #06-0200 REQUIRING COSTCO TO PROVIDE ADDITIONAL PARKING LOT LANDSCAPING IN ACCORDANCE WITH THE NORTHGATE SPECIFIC PLAN AND THE STANDARD REQUIREMENTS REGULATING CONSTRUCTION HOURS (7 A.M. TO 6 P.M., MONDAY THROUGH SATURDAY)

PROPOSED ACTION: Approve a resolution upholding the applicant's appeal of the Planning Commission's condition of approval requiring additional parking lot landscaping, and modifying the Planning's Division's standard requirement relating to hours for construction.

8. POLICY ITEMS - NONE

9. ADMINISTRATIVE ITEMS

- A. CONSIDERATION OF THREE RESOLUTIONS: 1) A RESOLUTION HOLDING ON FIRST READING AN ORDINANCE AMENDING VALLEJO MUNICIPAL CODE CHAPTER 11.38 (CONTROL OF BACKFLOW & CROSS-CONNECTION TO MUNICIPAL WATER SYSTEM; 2) A RESOLUTION HOLDING ON FIRST READING AN ORDINANCE AMENDING VALLEJO MUNICIPAL CODE SECTION 11.48.120 (SERVICE CHARGES – FIRE PROTECTION SERVICE CUSTOMER ACCOUNTS); AND 3) A RESOLUTION ESTABLISHING A MONTHLY ADMINISTRATIVE FEE FOR NON-STANDARD INSTALLATION OF BACKFLOW PREVENTION DEVICES

On January 9, 2007, the City Council adopted a resolution of intention directing preparation and submission of ordinances amending the Vallejo Municipal Code to allow "non-standard" installation of backflow prevention devices on sites with space or design standard constraints, to clarify the basis of fire service charges, and to separate out the charges for the annual inspection and testing of backflow prevention devices which are a part of a fire prevention device apparatus with no increase in cost to the customer.

Staff has also prepared a resolution retaining existing monthly backflow prevention charges and establishing a monthly administrative fee to cover the City's cost for regulatory compliance of "non-standard" installation of backflow prevention devices.

PROPOSED ACTION: Staff recommends adoption of three resolutions: 1) a resolution holding on first reading an ordinance amending VMC Chapter 11.38 (Control of Backflow and Cross-Connection to Municipal Water System); 2) a resolution holding on first reading an ordinance amending VMC Section 11.48.120 (Service Charges – Fire Protection Service Customer Accounts); and 3) a resolution establishing a monthly administrative fee for non-standard installation and other charges associated with backflow prevention devices.

10. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

**A. APPROVAL OF RESOLUTION APPOINTING MEMBERS TO
THE CIVIL SERVICE COMMISSION**

Applicants for the Civil Service Commission were interviewed earlier this evening.

PROPOSED ACTION: Adopt a resolution appointing members to the Civil Service Commission.

11. WRITTEN COMMUNICATIONS

Correspondence addressed to the City Council or a majority thereof, and not added to the agenda by the Mayor or a Council member in the manner prescribed in Government Code, Section 54954.2, will be filed unless referred to the City Manager for a response. Such correspondence is available for public inspection at the City Clerk's office during regular business hours.

12. CITY MANAGER'S REPORT

13. CITY ATTORNEY'S REPORT

14. COMMUNITY FORUM

Anyone wishing to address the Council on any matter for which another opportunity to speak is not provided on the agenda, and which is within the jurisdiction of the Council to resolve, is requested to submit a completed speaker card to the City Clerk. When called upon, each speaker should step to the podium, state his /her name, and address for the record. Each speaker is limited to three minutes pursuant to Vallejo Municipal Code Section 2.20.300.

15. REPORT OF THE PRESIDING OFFICER AND MEMBERS OF THE CITY COUNCIL

16. CLOSED SESSION: *May recess to consider matters of pending litigation (GC 54956.9), personnel (GC 54957), labor relations (GC 54957.6), and real property negotiations (GC 54956.8). Records are not available for public inspection.*

17. ADJOURNMENT



VALLEJO HOUSING AUTHORITY

Date: January 23, 2007

TO: Chair and Members

FROM: Craig Whittom, Assistant City Manager/Community Development
Laura J. Simpson, Housing and Community Development Manager

SUBJECT: DESIGNATION OF EXECUTIVE DIRECTOR

BACKGROUND AND DISCUSSION

Article III, Section 4 of the Vallejo Housing Authority Bylaws stipulate that the Board "shall appoint, by adoption of a resolution, the Executive Director". Staff recommends the Board appoint Joseph M. Tanner as Executive Director of the Vallejo Housing Authority. The description of the Executive Director duties are described below as listed in the Housing Authority By-Laws.

Section 4. Executive Director. The Authority shall appoint, by adoption of a resolution, the Executive Director. The Executive Director shall be responsible for supporting and implementing the policies and directions of the Housing Authority, and shall have general supervision over the administration of its business and affairs, subject to the control of the Authority.

The Executive Director shall administer the affairs of the Authority in accordance with the operational, fiscal, personnel and other policies adopted by the Board, and applicable Federal and State statutes and regulations. He/she shall keep the Board fully advised as to the status of the affairs of the Authority.

The Executive Director shall advise and make recommendations to the Board on all matters requiring policy determination. He/she shall represent the Board in meetings with other agencies and organizations, and shall report to the Board on the results.

The Executive Director shall appoint administrative, management and maintenance staff in accordance with recognized personnel practices and the Personnel Rules and Regulations adopted by the Board of Commissioners.

The Executive Director shall establish and enforce regulations to implement Board policies and to administer the affairs of the Board. He/she shall supervise and participate in the development and preparation of proposals, applications and budgets for Federally assisted programs as well as local developments or projects. He/she shall direct the operation and maintenance of all developments managed by the Authority and shall oversee all programs, grants and contractual agreements entered into by the Authority.

The Executive Director shall have the authority to execute contracts and agreements in amounts of \$25,000 or less, on behalf of the Authority, if funds for such contracts or services have been budgeted by the Authority.

The Executive Director shall perform such other duties and responsibilities as may be prescribed by the Board.

Fiscal Impact

There is no fiscal impact from this action.

RECOMMENDATION

Staff recommends the approval of the attached resolution authorizing Joseph M. Tanner as Executive Director of the Vallejo Housing Authority.

ALTERNATIVES CONSIDERED

No alternatives were considered.

ENVIRONMENTAL REVIEW

None.

PROPOSED ACTION

Adopt the enclosed resolution designating Joseph M. Tanner as Executive Director.

DOCUMENTS AVAILABLE FOR REVIEW

Attachment A - Resolution
Attachment B - Bylaws of the Vallejo Housing Authority

PREPARED BY/CONTACT

Craig Whittom, Assistant City Manager/Community Development, (707) 648-4579, or cwhittom@ci.vallejo.ca.us, or

Laura Simpson, Housing and Community Development Manager, (707) 648-4393, lsimpson@ci.vallejo.ca.us

RESOLUTION NO. 07 -

BE IT RESOLVED by the Housing Authority of the City of Vallejo
THAT Joseph M. Tanner is hereby appointed as Executive Director.

BY-LAWS OF THE
HOUSING AUTHORITY OF THE CITY OF
VALLEJO, CALIFORNIA

(APPROVED FEBRUARY 1, 2000)

ARTICLE I - THE AUTHORITY

Section 1. Name of Authority. The name of the Authority shall be the "Housing Authority of the City of Vallejo, California", in accordance with Resolution No. 27822 N.S. of the Council of the City of Vallejo adopted June 8, 1942.

Section 2. Seal of Authority. The seal of the Authority shall be in the form of a circle and shall bear the name of the Authority and the year of its organization.

Section 3. Office of Authority. The office of the Authority shall be in the City of Vallejo at such place as the Authority may from time to time designate by resolution.

ARTICLE II - COMMISSIONERS

Section 1. Commissioners of the Authority. The Commissioners of the Authority shall be the Mayor, the six Councilpersons of the City of Vallejo, in accordance with Resolution No. 71-407 of the City of Vallejo, adopted June 23, 1971, and effective September 1, 1971, and two Tenant Commissioners, one of whom shall be over 62 years of age, so long as the Authority has tenants of such age, in accordance with Resolution 76-329 N.C. of the City of Vallejo, adopted April 19, 1976.

Section 2. Powers. The Authority shall have all the powers granted pursuant to the Housing Authorities Law of the State of California.

Tenant Commissioners shall have all rights, powers, duties, privileges and immunities of any other Commissioner.

Section 3. Term of Office. The term of office of each Commissioner of the Authority shall be coincident with the term of office of each as Mayor and Councilperson, respectively, as prescribed in Section 302 of the Charter of the City of Vallejo, with the exception of the two Tenant Commissioners whose term shall be four (4) years from date of appointment by the City Council of the City of Vallejo, but only as long as he/she remains a tenant of the Authority.

Section 4. Vacancies. Should the office of any Commissioner of the Authority become vacant, the vacancy shall be filled automatically upon the appointment of a qualified person to fill the vacancy concurrently existing on the City Council, in the manner prescribed in Section 303 of the Charter of the City of Vallejo, with the exception of Tenant Commissioners who shall be tenants of the Authority and shall fill an unexpired term.

By-Laws of the Housing Authority
Of the City of Vallejo, California
Passed – February 1, 2000

If a Tenant Commissioner ceases to be a tenant of the Authority, he/she shall be disqualified as Commissioner, and another tenant shall be appointed by the City Council to fill the unexpired term.

Section 5. Removal. The entire membership of the Authority, or any individual Commissioner, may be removed from office in the manner prescribed by law.

ARTICLE III - OFFICERS

Section 1. Officers. The officers of the Authority shall be a Chairperson, a Vice-Chairperson, an Executive Director, a Treasurer, and a Secretary.

Section 2. Chairperson. The Mayor of the City of Vallejo shall be Chairperson of the Authority. The Chairperson shall preside at all meetings of the Authority. Except as otherwise authorized by resolution of the Authority, the Chairperson shall sign all contracts, deeds and other instruments made by the Authority. At each meeting the Chairperson shall submit such recommendations and information as he/she may consider proper concerning the business, affairs and policies of the Authority.

Section 3. Vice-Chairperson. The Vice-Mayor of the City of Vallejo shall be Vice-Chairperson of the Authority. The Vice-Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson. In case of the resignation or death of the Chairperson, the Vice-Chairperson shall perform such duties as are imposed on the Chairperson until such time as a new Chairperson is selected.

Section 4. Executive Director. The Authority shall appoint, by adoption of a resolution, the Executive Director. The Executive Director shall be responsible for supporting and implementing the policies and directions of the Housing Authority, and shall have general supervision over the administration of its business and affairs, subject to the control of the Authority.

The Executive Director shall administer the affairs of the Authority in accordance with the operational, fiscal, personnel and other policies adopted by the Board, and applicable Federal and State statutes and regulations. He/she shall keep the Board fully advised as to the status of the affairs of the Authority.

The Executive Director shall advise and make recommendations to the Board on all matters requiring policy determination. He/she shall represent the Board in meetings with other agencies and organizations, and shall report to the Board on the results.

The Executive Director shall appoint administrative, management and maintenance staff in accordance with recognized personnel practices and the Personnel Rules and Regulations adopted by the Board of Commissioners.

By-Laws of the Housing Authority
Of the City of Vallejo, California
Passed – February 1, 2000

The Executive Director shall establish and enforce regulations to implement Board policies and to administer the affairs of the Board. He/she shall supervise and participate in the development and preparation of proposals, applications and budgets for Federally assisted programs as well as local developments or projects. He/she shall direct the operation and maintenance of all developments managed by the Authority and shall oversee all programs, grants and contractual agreements entered into by the Authority.

The Executive Director shall have the authority to execute contracts and agreements in amounts of \$25,000 or less, on behalf of the Authority, if funds for such contracts or services have been budgeted by the Authority.

The Executive Director shall perform such other duties and responsibilities as may be prescribed by the Board.

The compensation of the Executive Director, if any, shall be determined by resolution of the Authority.

Section 5. Secretary. The Executive Director shall be the Secretary of the Authority. The Executive Director may assign the duties of this position to other persons or entities.

Any person appointed to fill the office of Secretary, or any vacancy therein, shall serve at the pleasure of the Authority. No member of the Authority shall be eligible for the office of Secretary.

The Secretary shall keep the records of the Authority, shall attend the meetings of the Authority, unless excused, shall act as secretary at the meetings of the Authority, shall keep a record of the proceedings of the Authority and shall perform all other duties incident to the office. He/she shall keep in safe custody the seal of the Authority and shall have power to affix such seal to all contracts and instruments authorized to be executed by the Authority.

The compensation of the Secretary, if any, shall be determined by resolution of the Authority.

Section 6. Treasurer. The Executive Director shall be the Treasurer of the Authority. The Executive Director may assign the duties of this position to other persons, or entities.

The Treasurer shall be responsible for the care and custody of all funds of the Authority and shall deposit the same in the name of the Authority in such bank or banks as the Authority may select. Except as otherwise authorized by resolution of the

By-Laws of the Housing Authority
Of the City of Vallejo, California
Passed – February 1, 2000

Authority, the Treasurer shall sign all orders and checks for the payment of money, and the Treasurer shall pay out and disburse such moneys under the direction of the Authority. He/she shall keep regular books of accounts showing receipts and expenditures. He/she shall prepare monthly reports that accurately indicate the expenditures of the Authority and compare such expenditures to the amounts approved by the Authority in the annual budget. He/she shall render to the Authority biannually (or more often when requested), an account of transactions and also of the financial condition of the Authority. He/she shall give such bond for the faithful performance of his/her duties as the Authority may determine.

The Treasurer shall invest surplus Authority funds in a manner consistent with a formally adopted investment policy of the Authority. The Treasurer shall prepare biannually (or more often when requested), and submit to the Authority, a report indicating the amount of the Authority's surplus funds, the investments that were made with these funds, and the amount of interest earned. The Treasurer shall also indicate the efforts undertaken to maximize the Authority's return on its investment within the parameters of the Authority's investment policy.

The Treasurer shall cause to have a financial audit conducted in conformance with the regulations and requirements of the U.S. Government, the State of California, and the Authority.

The Treasurer shall implement and maintain a financial accounting system that is in conformance with the regulations and requirements of the U.S. Government, the State of California, and the Authority.

The Treasurer shall cause to have a written accounting procedures manual and shall ensure that the procedures are implemented.

The compensation of the Treasurer, if any, shall be determined by resolution of the Authority.

Section 7. Additional Duties. The officers of the Authority shall perform such other duties and functions as may from time to time be required by the Authority or these by-laws or rules and regulations of the Authority.

Section 8. Term of Office. The term of office of the Chairperson and Vice-Chairperson shall be coincident with the term of office of each as Mayor and Vice-Mayor, as prescribed in Sections 302 and 319 of the Charter of the City of Vallejo. The Secretary, Treasurer, and Executive Director shall hold office and serve at the pleasure of the Authority.

Section 9. Vacancies. Should the office of Chairperson or Vice-Chairperson become vacant, the vacancy shall be filled automatically upon the appointment of a

By-Laws of the Housing Authority
Of the City of Vallejo, California
Passed – February 1, 2000

Mayor or Vice-Mayor, as the case may be, in the manner prescribed in Section 303 of the Charter. Should the office of Secretary, Treasurer, or Executive Director become vacant, the Authority shall appoint a successor.

Section 10. Additional Personnel. The Authority may from time to time employ such persons, as it deems necessary to exercise its powers, duties and functions as prescribed by the Housing Authorities Law of California and all other laws of the State of California applicable thereto. The selection, qualifications, and compensation of such personnel (including the Secretary, Executive Director, and Treasurer) may be determined by the Authority subject to the laws of the State of California.

Section 11. Contracts for Services. The Authority may satisfy its personnel and management requirements through direct hiring, contracts with the City of Vallejo, or contracts with individuals, service providers, or businesses.

Section 12. Fiduciary Obligation. The Commissioners of the Authority and its officers shall have a fiduciary obligation to take actions in the best interest of the Authority. Commissioners shall abstain from voting on, or influencing, any business where the Commissioner has a conflict or is not able or willing to take actions in the best interest of the Authority.

Officers shall notify, in writing, the Authority if and when there is an item of Authority business where the officer has duties or responsibilities, in addition to those of the Authority, that conflict with his/her duties and responsibilities as an officer of the Authority.

ARTICLE IV - MEETINGS

Section 1. Regular Meeting. Regular meetings shall be held at such time and place as may from time to time be determined by resolution of the Authority.

Section 2. Special Meetings. A special meeting may be called at any time by the Chairperson of the Authority, or by a majority of the Commissioners, by delivering written notice to each Commissioner and to each local newspaper of general circulation and radio or television station requesting notice in writing. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at such meeting. The written notice may be dispensed with as to any Commissioner who at or prior to the time the meeting convenes files with the Secretary of the Authority a written waiver of notice. The waiver may be given by telegram. The written notice may be dispensed with as to any Commissioner who is actually present at the meeting at the time it

By-Laws of the Housing Authority
Of the City of Vallejo, California
Passed – February 1, 2000

convenes. The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public. To the extent any of the provisions of this section are inconsistent with the Brown Act, the Brown Act shall control.

Section 3. Open Meetings, Closed Sessions. All meetings of the Authority shall be open and public, and all persons shall be permitted to attend any meeting of the Authority, except that the Authority may hold closed sessions during the course of any regular or special meeting as permitted by the Ralph M. Brown Act, or other laws of the State of California.

Section 4. Adjournment of Meetings. The Authority may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all Commissioners are absent from any regular or adjourned meeting the Secretary of the Authority may declare the meeting adjourned to a stated time and place and he/she shall cause a written notice of the adjournment to be given in the same manner as provided in Section 2 for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by resolution, by-law, or other rule of the Authority.

Section 5. Quorum. The powers of the Authority shall be vested in the Commissioners thereof in office from time to time. Five members shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, but a lesser number may adjourn from time to time. When a quorum is established, action may be taken by the Authority only upon a vote of a majority of all Commissioners of the Authority. All resolutions shall be in writing and shall be copied verbatim into the journal of the proceedings of the Authority.

Section 6. Order of Business.

1. Roll call;
2. Comments on Consent Calendar by members of the public;
3. Consent Calendar and Approval of Agenda (may include unadopted minutes of previous meetings and payment of claims);
4. Public Hearings;
5. Policy Items;
6. Administrative Items;
7. Presentations and Commendations;

By-Laws of the Housing Authority
Of the City of Vallejo, California
Passed – February 1, 2000

8. Communications;
9. Reports of Committees;
10. Report of Executive Director and Treasurer
11. Community Forum
12. Adjournment

Section 7. Manner of Voting. The voting on all questions coming before the Authority shall be by roll call or electronic voting, and the yeas and nays shall be entered upon the minutes of such meeting.

Section 8. Community Forum. Community forum is the opportunity for members of the public to directly address the Authority at any regular meeting on any item of interest to the public, not appearing on the agenda, that is within the subject matter jurisdiction of the Authority. Community forum is limited to ten (10) minutes, with each speaker limited to three (3) minutes. Except as otherwise permitted by the Brown Act (cf. Gov. Code 54954.2 and 54954.3), no discussion or action shall be taken on matters brought up during the community forum.

Section 9. Consent Calendar and Approval of Agenda. The Executive Director may recommend that certain items be placed on the Consent Calendar for action by the Authority. Each item placed on the Consent Calendar shall appear with a recommendation of the Executive Director as to the action to be taken by the Authority. Upon motion by any Commissioner, all items placed upon the Consent Calendar may be acted upon collectively, and each shall be deemed to have received the action recommended by the Executive Director. If any Commissioner requests removal of any item from the Consent Calendar, or if any member of the public requests removal of an item for the purpose of addressing it and a majority of the Commissioners concur in that request, the item shall be removed from the Consent Calendar and shall be heard and acted upon immediately after the approval of the Consent Calendar and Approval of the Agenda. Consistent with the Brown Act, prior to the Authority taking action on the Consent Calendar and Approval of Agenda, members of the public shall be given the opportunity to directly address the Authority on any item appearing on the Consent Calendar, including requesting the removal of any item thereon as set forth above, with each speaker limited to three (3) minutes.

Section 10. Rules of Procedure. All rules of order not herein provided for shall be determined in accordance with "Roberts Rules of Order, Revised".

ARTICLE V - PUBLIC PARTICIPATION

Section 1. Policy. Members of the public shall be afforded the opportunity to directly address the Authority on any agenda item as required by the Brown Act (cf. Gov. Code 54954.3).

By-Laws of the Housing Authority
Of the City of Vallejo, California
Passed – February 1, 2000

Section 2. Addressing the Authority. Any person desiring to address the Authority by oral communication shall first secure the permission of the Chairperson; provided, however, that preference will be given to those persons who have submitted a card provided for that purpose, or in the absence of the card system those who have submitted to the Secretary a written request in advance or at the commencement of the meeting of their desire to speak, and they will be given preferential recognition by the Chairperson in the order in which received.

Section 3. Card System. Cards will be available for persons who wish to address the Authority at a public hearing or on another item of agenda business. After filling out the information requested, the cards shall be handed to the Secretary or designated staff member, no earlier than fifteen (15) minutes before the commencement of the meeting. The Chairperson will call on those wishing to speak in the order in which the cards are received, except as provided elsewhere in this article. After such persons are heard, the Chairperson may then call for any additional speakers.

Section 4. Method For Obtaining Recognition By Chairperson. If a written request for permission to address the Authority has not been submitted, a person wishing to gain recognition may approach the speaker's podium and wait, silently, to be recognized by the Chairperson.

Section 5. Time Limit. Persons wishing to address the Authority on items of business listed on the agenda will have (5) minutes to do so; provided, however, that any speaker may request additional time and will be granted such only with the permission of the chairperson and subject to the consent of the Authority.

Section 6. Discussion Between Citizens and Authority. All remarks shall be addressed to the Authority as a body and not any member thereof. No person, other than the Chairperson, Authority and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Authority, without the permission of the Chairperson. No question shall be asked of a Authority member or member of the staff except through the Chairperson.

Section 7. Topic For Discussion. Members of the public shall address their remarks only to the agenda item then under discussion by the Authority.

Section 8. Manner of Addressing Authority. Prior to speaking, each member of the public shall state their name and business or home address in a clear and audible tone of voice.

Section 9. Repetition. Recognized speakers shall refrain from unnecessary repetition of issues and points already raised by previous speakers.

ARTICLE VI - RULES OF ORDER AND DEBATE

Section 1. Rules of Order. At all meetings of the Authority, Roberts Rules of Order, as amended, shall be the governing rules of order and debate, unless such are in conflict with these rules, in which case these rules shall apply and govern.

Section 2. Chairperson. The Chairperson, if present, shall preside at all meetings of the Authority. In the absence of the Chairperson, the Vice-Chairperson shall preside. In the absence of the Chairperson and the Vice-Chairperson, the senior Authority member present shall preside. The presiding officer may debate and vote, and may make a motion, offer a resolution, or introduce an ordinance, without relinquishing the chair.

Section 3. Preservation of Order. The presiding officer shall preserve order and decorum, prevent attacks on personalities or the impugning of Authority members' motives, confine Authority members in debate to the question under discussion, and otherwise curtail disruption of the meeting.

Section 4. Points of Order. The presiding officer shall determine all points of order, subject to the right of any Authority member to appeal to the Authority. If an appeal is taken, the question shall be "Shall the decision of the presiding officer be sustained?"

Section 5. Personal Privilege. The right of a Authority member to address the Authority on a question of privilege shall be limited to cases in which the members' integrity, character or motives are assailed, questioned or impugned.

Section 6. Dissents and Protests. Any Authority member shall have the right to dissent from any action of the Authority or ruling of the Chairperson and have the reason therefore entered in the minutes. Such dissent shall be in writing, couched in respectful terms, and presented to the Authority not later than the next regular meeting following the date of such action.

Section 7. Authority members. Authority members desiring to speak shall so signify by utilizing the system provided for that purpose, or in its absence shall address the Chairperson. The presiding officer shall call upon Authority members in the sequence in which they have sought recognition. An Authority member shall not call for a showing of hands or other demonstration of those present in the audience, unless granted permission to do so by the presiding officer. No Authority member may speak for longer than ten (10) minutes at any one time, unless additional time is granted upon a majority vote of the Authority.

Section 8. Discussion Prior to Formal Action. It shall not be necessary to make a motion, offer a resolution, or introduce an ordinance, before debate by the Authority, or before the public is allowed to speak. No such motion or resolution, or introduction of an ordinance, shall be made at any time before a public hearing is closed.

Section 9. Second Not Required. A second shall not be required in order to make a motion, offer a resolution, or introduce an ordinance for Authority action.

Section 10. Amendment. An amendment merely changes the wording of the motion or matter to be voted upon; it is made by striking out, inserting, adding, or substituting certain words, phrases, sentences or paragraphs in the original motion. An amendment to an amendment cannot be amended, i.e., there can be no more than two amendments under consideration at the same time.

Section 11. Substitute Motion. A substitute motion, proposing to strike out the entire original motion and to insert in its place a more satisfactory motion, ranks as an amendment to the main motion.

Section 12. Division of Question. If a motion, or any proposed amendment thereto, contains two or more separable propositions, the Chairperson may, and upon request of a Authority member shall, divide the question.

Section 13. Motions to Postpone. A motion to postpone indefinitely is debatable if the main motion to which it applies is debatable. The motion cannot be amended nor referred. If carried, the subject cannot be brought up again except by way of a motion to reconsider at a subsequent meeting as provided in Section 20 below.

A motion to postpone definitely (i.e. to a time certain) has priority over motions to refer, to amend, to postpone indefinitely, and the main motion. It is debatable as to desirability of postponement and the time to which postponement is to be made. It can be amended by changing the time to which postponement is to be made. It yields only to a motion to close debate or to table.

Section 14. Motion to Refer. A motion may be made to refer the question at hand to a specified committee, staff member, other person, or to a special committee to be appointed. The motion is debatable as to desirability of referring, as to size and method of appointment of the committee if one is to be appointed, and as to instructions and responsibility of those to whom referred. The motion shall have priority over the main motion, a motion to amend, and a motion to postpone indefinitely. It cannot be tabled or postponed.

Section 15. Motion to Close Debate (Previous Question): Limit Debate.

By-Laws of the Housing Authority
Of the City of Vallejo, California
Passed – February 1, 2000

- A. A motion to close debate requires a two-thirds vote for passage. It is not debatable and cannot be amended. It yields only to a motion to lay on the table. If the motion carries, and unless the motion is made to include "all pending questions," the Chairperson shall put pending amendments to the main question, without debate, in the inverse order of their introduction, before putting the main question to vote.
- B. A motion to limit debate shall be subject to the same rules as a motion to close debate, said motion to specify time limits for each speaker, or the number of speakers for affirmative and negative sides, or the total time limit for consideration of the main motion or question.

Section 16. Motion to Table. A motion to table (i.e. to lay on the table) is not debatable and cannot be amended. The motion is in order where a motion to close debate has been carried, or when it is pending. The motion is proper only when the pending subject needs to be set aside temporarily because something else of immediate urgency has arisen. If the motion is carried, consideration of the subject matter may be resumed at that meeting or the next succeeding meeting on motion to take from the table made by any Authority member, and if not taken up by that time, the subject expires. The subject, however, may be reintroduced before the Authority at a later date as a new matter.

Section 17. To Withdraw a Motion. A motion or offer of a resolution may be withdrawn by the maker at any time before vote by the Authority, after first gaining recognition from the presiding officer.

Section 18. Motion to Reconsider. A motion to reconsider any action taken by the Authority may be made at any time at the meeting such action was taken or at a recessed session of that meeting. The motion may be made only by an Authority member who had previously voted with the prevailing side. A resolution or motion authorizing or relating to the approval of a contract may be reconsidered only prior to the actual execution of the contract. A question can be reconsidered only once during the meeting.

Section 19. Motion to Reconsider at Subsequent Meeting. After the Authority has taken action on a matter or question, a motion to reconsider that action, or to reconsider any prior action taken on a matter or question having substantially the same content or purpose of the matter already acted upon, shall not be made at any subsequent meeting for at least one calendar year from the date of such action, except by a Authority member who voted in the majority on such matter or question, or upon the written consent of a majority of Authority members filed with the Secretary. The item then before the Authority shall be whether the matter or question should be reconsidered, and, if the Authority approves the request, the matter or question shall be placed on a future agenda for consideration.

By-Laws of the Housing Authority
Of the City of Vallejo, California
Passed – February 1, 2000

Section 20. Method of Voting. Votes of the Authority shall be cast and displayed so that each Authority member's vote may be recorded by the Secretary. In the event of a breakdown or a malfunction of the electronic voting equipment, the Secretary shall call the roll for voting in the descending order that the names of the Authority members appear on the electronic voting board. At the conclusion of the voting the Secretary shall announce the results of the vote by stating whether the measure carried or failed and by what vote. Voting by proxy shall not be permitted.

Section 21. Tie Vote. Any question on which the vote is tied is lost, provided, that the presiding officer or any Authority member may request the Secretary to carry over the item to the next regular meeting at which a full Authority will be present.

Section 22. Abstention. It shall be the duty of each Authority member present at a meeting of the Authority to vote on each matter or question before the Authority for action, unless:

- A. Disqualified under the terms of the *Political Reform Act (Government Code, Sections 87100, et seq.)* wherein it is reasonably foreseeable that the decision would have a material financial effect on the Authority member, the Authority member's immediate family, or on specified economic interests of the Authority member if that financial effect is different from the effect on the general public; or
- B. Disqualified under the terms of *Government Code, Sections 1090 et. seq.*, dealing with public contracts in which the Authority member may have a direct or indirect financial interest, the prohibition including preliminary discussions, negotiations, planning, and solicitation of bids.
- C. Abstention for any reason other than those mentioned above shall constitute consent to the action proposed, and the Secretary shall announce at the meeting and enter in the minutes that the abstention was cast as an "aye" vote pursuant to this rule.
- D. Nothing in this section is intended to abrogate the judicially declared "limited rule of necessity" adopted in the State pertaining to the duty of members of public and legislative bodies to vote on matters which require their action.

Section 23. Point of Order. An Authority member may, without waiting for recognition, rise to a point of order to secure a ruling from the presiding officer on a matter thought to be of sufficient importance to require immediate attention. An Authority member may:

- A. Question the validity of the parliamentary procedure being followed;

By-Laws of the Housing Authority
Of the City of Vallejo, California
Passed – February 1, 2000

- B. Call a speaker to order for the inappropriate use of language or any breach of decorum;
- C. Call attention to a condition that inconveniences members;
- D. Raise a parliamentary inquiry, or call attention to a violation of correct procedure; or
- E. Question a ruling by the presiding officer on a point of parliamentary procedure prior to appealing the decision of the presiding officer to the Authority.

Rising to a Point of Order is in order at any time. Under this provision an Authority member may interrupt a speaker who has the floor. It is not debatable, cannot be amended, and requires no vote of the Authority. The Authority member rising to a point of order may explain his/her position and the Chairperson may state his/her position in ruling on the request.

Section 24. Appeal From the Decision of the Presiding Officer. An Authority member may appeal to the Authority a decision or ruling of the presiding officer. It must be made immediately following the decision or ruling in question, and it may be made when another has been recognized (had the floor). The motion is debatable if appeal is to a decision regarding a debatable motion. It may not be amended, postponed, or referred to a committee. It is not debatable if the ruling appealed relates to decorum or violation of rules of speaking, or is made when an undebatable motion is pending. The appeal is subject to a motion to close debate and to table when debatable. The motion may be reconsidered.

Section 25. Points of Information. An Authority member may make a request for information relevant to the business at hand but not related to parliamentary procedure. The request may be directed to the presiding officer or through the presiding officer to another Authority member or to an officer or employee of the Authority. The request must be put in the form of a question. If directed to an Authority member who has the floor, the presiding officer will ask consent of the speaker to the interruption.

Section 26. Motion to Adjourn or Recess. An unqualified motion to adjourn has priority over all other motions except the motion to fix time of the next meeting. It is always in order, except:

- A. When repeated without intervening business or discussion;
- B. When made as an interruption of a Authority member speaking;

By-Laws of the Housing Authority
Of the City of Vallejo, California
Passed – February 1, 2000

- C. When a previous question has been ordered and is being discussed; and
- D. While a vote is being taken.

The motion to adjourn is not debatable and cannot be amended. Before putting the motion to adjourn to vote of the Authority, the presiding officer may inform the Authority of any important matter demanding its attention and consideration before adjournment.

As a privileged motion, that is, when other business is pending, the motion to recess yields only to the unqualified motion to adjourn and to the motion to fix time of the next meeting. After a recess business proceeds from the point reached immediately preceding the recess.

Section 27. Precedence of Motions. When a question or motion is before the Authority, only the following motions may be entertained, in descending order of preference.

1. A motion to fix the time of the next meeting under Section 26;
2. A motion to adjourn under Section 26;
3. A motion to table or lay on the table under Section 16;
4. A motion to close debate under Section 15;
5. A motion to refer under Section 14;
6. A motion to postpone definitely or to a time certain under Section 13;
7. A motion to postpone indefinitely under Section 13;
8. An amendment, motion to amend, or a substitute motion under Section 10 and 11.

The debatability of any such motion is as described in the sections referred to herein above. No such motion shall be entertained, though, if it is not in order.

ARTICLE VII – AMENDMENTS

Amendments to By-Laws. The By-laws of the Authority shall be amended only with the approval of at least five members of the Authority at a regular or special meeting, but no such amendment shall be adopted unless at least seven days' written notice thereof has been previously given to all of the members of the Authority.

ARTICLE VIII – SEVERABILITY

By-Laws of the Housing Authority
Of the City of Vallejo, California
Passed – February 1, 2000

Severability. If any provision or clause of these By-Laws or the application thereof to any person or circumstances is held to be unconstitutional, or to be otherwise invalid, by any court of competent jurisdiction, such invalidity shall not affect other provisions, clauses, or applications thereof which can be implemented without the invalid provision, clause, or application, and to this end the provisions and clauses of these By-Laws are declared to be severable.



VALLEJO HOUSING AUTHORITY

Date: January 23, 2007

TO: Chair and Members

FROM: Craig Whittom, Assistant City Manager/ Community Development
Laura J. Simpson, Housing and Community Development Manager

SUBJECT: APPROVAL OF THE REVISIONS TO CHAPTER TWENTY-FIVE OF THE
ADMINISTRATIVE PLAN RECOMMENDED BY THE HOUSING AND
REDEVELOPMENT COMMISSION

BACKGROUND AND DISCUSSION

The project-based voucher law was initially enacted in 1998, as part of the statutory merger of the certificate and tenant-based voucher programs. Under the Quality Housing and Work Responsibility Act of 1998, a public housing agency has the option to use a portion of their available tenant-based voucher funds for project-based rental assistance. In 2000, Congress substantially revised the project-based voucher law, which was incorporated into the Fiscal Year 2001 Appropriations Act. The Housing Authority of the City of Vallejo (HA) adopted a Project Based Voucher (PBV) program based on these statutory changes.

As a pre-cursor to codifying the changes to the PBV program, HUD published a proposed rule for comment on March 18, 2004. The final rule, which incorporates all comments received by Housing Authorities, as well as professional and trade organizations and individuals, was published on October 13, 2005. The final rule was effective on November 14, 2005. Chapter 25 of the HA's Administrative Plan describes the Project Based Voucher program. This chapter was reviewed by the Housing and Redevelopment Commission (HRC), and recommended for adoption by the Housing Authority Board (HAB) on April 12, 2006. The HAB adopted the PBV Program on April 26, 2006. Recently, the HRC asked to revisit Chapter 25 and to recommend certain changes to the HAB.

Overview

On August 15, 2006 the HA issued a Request for Proposals (RFP) from experienced housing providers to receive project-based voucher subsidies for existing housing in the City of Vallejo. The RFP prompted questions from the HRC relative to certain components of the PBV program as described in Chapter 25 of the Administrative Plan. The questions focused on certain policy issues, which project-based voucher regulations allow local jurisdictions to determine. The HRC also requested clarification of the actions taken by the HA following a tenant eviction.

25 Percent and 100 Percent Caps

Currently, the Administrative Plan states that, "In accordance with 24 CFR § 983.56, the HA will not select a proposal to provide PBV assistance for units in a building or enter into an Agreement of HAP contract if the number of dwelling units in the building that will receive PBV HAP is more than 25 percent of the number of dwelling units in the building.

The HA will allow an exception to the maximum amount of PBV units allowed in a building for excepted units. Excepted units will be allowed to project base assistance in 100 percent of the building. Excepted units are:

- 1) Units in a multifamily building that are specifically made available for elderly or disabled families
- 2) Units in a multifamily building that are specifically made available for families receiving supportive services."

The HRC was concerned that allowing excepted units to project-base up to 100 of a building may be contradictory to HUD's goal of deconcentrating poverty. Staff recommended, and the HRC approved, that the sentence "*Excepted units will be allowed to project base assistance in 100 percent of the building*" be revised to "*Excepted units may be allowed to project base assistance in 100 percent of the building. The actual number of excepted units selected will be determined at the time of proposal selection.*" This change will give the HA the flexibility to project base up to 100 percent of the units in a senior-only building, while allowing discretion in the selection of other excepted units.

Owner Selection Criteria

After the PBV Final Rule was published, staff rewrote the existing PBV chapter. The chapter was reviewed by HUD staff, who provided extensive technical guidance. The current chapter is the result of considerable input from HUD staff.

The PBV program is very complicated. Each project selected for the program must go through a Subsidy Layering Review and an Environmental review. It is due to the complexity of the PBV program, and restrictive HUD requirements, that owners of multiple properties, who have experience with federal and other governmentally subsidized programs, have an advantage.

The HRC was concerned that the current owner selection criteria in the Administrative Plan was overly restrictive, and prohibited owners of smaller Vallejo properties the opportunity to participate in the PBV program. The HRC recommended, and staff agreed, to alter the Factor Summary and Points system to provide a benefit to owners of eight or more units.

Tenant Evictions

The HRC expressed a concern that the current PBV policy did not clearly describe the ramifications incurred if a tenant was evicted from a PBV unit. Staff recommended, and the

HRC concurred, that the following sentence be included in Section IV, C. of Chapter 25 of the Administrative Plan, second paragraph:

"Title 24 CFR § 982.552 apply to the Project Based Voucher program. The HA must terminate program assistance for a family evicted from housing assisted under the program for serious violation of the lease. Serious violation of the lease includes, but is not limited to, non-payment of rent; non-payment of security deposit; late rent payments; failure to maintain the unit according to Housing Quality Standards; damage by tenant or guests which exceeds normal wear and tear; violation of specific lease provisions. For the PBV program, failure of families living in excepted units to adhere to their Contract of Participation constitutes a serious violation of the lease. The HA is required to give the family an opportunity for an informal hearing prior to terminating assistance, in accordance with 24 CFR § 982.555(a)(1)(v)."

Similarly, the HRC requested, and the HA agreed, that the paragraph pertaining to owner terminations of tenancy more clearly detail the fact the owner would lose a PBV unit, in such circumstances, and the tenant would be given a tenant based Housing Choice Voucher.

FISCAL IMPACT

There are no direct costs to the HA associated with the adoption of a PBV program.

RECOMMENDATION

Staff recommends that the Housing Authority Board approve the revisions to Chapter Twenty-Five of the Administrative Plan.

ALTERNATIVES CONSIDERED

The alternative is to maintain the PBV policy as it is currently written. However, both staff and the HRC believe that the proposed changes will enhance clarity of the chapter, and improve the PBV program.

ENVIRONMENTAL REVIEW

Environmental clearance of properties awarded project-based vouchers will be required, in accordance with 24 CFR § 983.11.

PROPOSED ACTION

Adopt the enclosed resolution approving the revisions to the PBV program, Chapter Twenty-Five of the Administrative Plan.

DOCUMENTS AVAILABLE FOR REVIEW

Attachment A - Resolution

Attachment B - Chapter Twenty-Five of the Administrative Plan

CONTACT:

Craig Whittom, Assistant City Manager/Community Development, (707) 648-4579, or cwhittom@ci.vallejo.ca.us, or

Laura Simpson, Housing and Community Development Manager, (707) 648-4393, lsimpson@ci.vallejo.ca.us

Melinda Nestlerode, Senior Community Development Analyst, (707) 648-4408, mnestlerode@ci.vallejo.ca.us

RESOLUTION NO. _____

BE IT RESOLVED by the Housing Authority of the City of Vallejo that Chapter Twenty-Five of the Housing Authority's Administrative Plan, as amended, is hereby adopted.

Chapter 25

(Revised and Approved by Housing Authority Resolution on _____)

Project-Based Vouchers (PBV)

(24 CFR Part 983)

INTRODUCTION

The Housing Authority of the City of Vallejo (HA) has established a project-based voucher assistance program in compliance with the final rule, 24 CFR Section 983, which was effective November 14, 2005. This policy is intended to provide an overview of the PBV program, and to describe local discretionary policies. The HA will adhere to, and enforce, all provisions of the PBV program as codified at 24 CFR 983. This program is being implemented for the purpose of providing a resource of stable affordable housing units in the volatile economic market of the City of Vallejo, and to help increase participation by private owners of affordable housing.

SECTION I

Overview of the Project Based Voucher Program

A. How the Program Works

In the PBV program, rental subsidy is attached to the structure, rather than to the tenant. The HA enters into a HAP contract with an owner for units in existing housing or in newly constructed or rehabilitated housing. If the HA contracts with an owner to construct or rehabilitate a PBV project, the housing is developed under an Agreement between the owner and the HA. The Agreement defines the terms of construction or rehabilitation of the project. In the Agreement, the HA agrees to execute a HAP contract after the owner completes the construction or rehabilitation of the units.

During the term of the HAP contract, the HA makes housing assistance payments to the owner for units leased and occupied by eligible families. The PBV program is funded with a portion of appropriated funding available under the voucher Annual Contributions Contract (ACC). There is no additional funding for project-based vouchers or administrative costs.

B. Number of Allowable PBV Units

HUD regulations allow the Housing Authority to project-base up to 20 percent of

its funding allocation for the Housing Choice Voucher program under the Housing Authority's (ACC). The number of units actually project-based will be impacted by the bedroom distribution of project-based units, the payment standard/rents established for each project, and the annual funding provided by the Department of Housing and Urban Development (HUD). The regulations also place a cap of 25 percent on the number of units in any one building that may have project-based voucher assistance. However, projects for seniors, disabled, single family homes, buildings with 4 or fewer units, and approved properties with supportive services may be project-based at up to 100 percent of the units. Excepted units may be allowed to project-base assistance in 100 percent of the building. The actual number of excepted units selected will be determined at the time of proposal selection.

C. Special Housing Types

PBV regulations (983.9) prohibit assistance for shared housing, cooperative housing, manufactured home space rental or the homeownership program. The HA will allow PBV assistance, for persons with disabilities only, in group homes and assisted living projects.

SECTION II

Selection of PBV Owner and Projects

A. Selection of Proposals

The HA will advertise in a newspaper of general circulation that the HA will accept applications for assistance under a PBV Program (24 CFR Section 983). The HA will publish a Public Notice in the Vallejo Times Herald, which is a local newspaper of general circulation. The advertisement will be published once a week for three consecutive weeks and will state the following:

- Application Deadline (30 days after the last published date of advertisement).
- Only applications submitted in response to the advertisement will be considered.
- Detailed application and selection information will be provided at the request of interested parties.
- Address and/or website where detailed application and selection information will be accessible.

The HA will not select proposals for PBV projects which are prohibited under the regulations, in accordance with 24 CFR § 983.53, or 24 CFR § 983.54. Additionally only projects that meet the requirements detailed in 24 CFR § 983.57 may be selected. The HA will only consider PBV applications which have been submitted pursuant to the competitive selection process.

In the case of projects which have received governmental housing assistance

from any federal, state or local agency, including assistance such as tax concessions or tax credits, the HA will provide PBV assistance only in accordance with HUD subsidy layering regulations (24 CFR § 4.13). The HA will not enter an Agreement or HAP contract for such projects until HUD, or an independent entity approved by HUD, has conducted any required subsidy layering review.

B. Notification of Selection

After selection of an owner application, the HA will give prompt written notice to the party or parties who submitted the selected application. The HA will also provide prompt public notice of such selections. The HA will publish a Public Notice in the Vallejo Times Herald, which is a local newspaper of general circulation.

C. Public Review of Selection

All documentation regarding the basis for the selection of a PBV proposal will be made available for public inspection at the Housing Authority office.

D. PBV Maximum Units and Exceptions to Maximum

In accordance with 24 CFR § 983.56, the HA will not select a proposal to provide PBV assistance for units in a building or enter into an Agreement of HAP contract if the number of dwelling units in the building that will receive PBV HAP is more than 25 percent of the number of dwelling units in the building.

The HA will allow an exception to the maximum amount of PBV units allowed in a building for excepted units. Excepted units will be allowed to project base assistance in 100 percent of the building. Excepted units are:

- 1) Units in a multifamily building that are specifically made available for elderly or disabled families
- 2) Units in a multifamily building that are specifically made available for families receiving supportive services.

In order to qualify for the exception, families receiving supportive services must have at least one member receiving at least one qualifying supportive service. The service may be provided on, or off, the project site. Qualifying supportive services are:

- 1) Services provided in conjunction with a Family Self Sufficiency Contract of Participation between the family member and the HA
- 2) Services provided to families who are not participating in the Family Self Sufficiency program, which are designed to promote self sufficiency:
 - a. Homeownership counseling
 - b. Household skill training
 - c. Budgeting and personal finance counseling

- d. Job training
- e. Employment counseling
- f. Education
 - i. GED preparation classes
 - ii. Community college
 - iii. Vocational school, or
 - iv. 4 year college or university

If any family member demonstrates a pattern of substance abuse, the family member must enroll in substance or alcohol abuse treatment or counseling as a condition of living in an excepted unit, and remaining in any assisted housing program.

If a family at the time of initial tenancy is receiving, and while the resident of an excepted unit has received, FSS or any other supportive service, the unit qualifies as an excepted unit. The unit continues to count as an excepted unit for as long as the family resides in the unit and continues to use the support services or has successfully completed their support service agreement.

In referring families to the owner for admission to excepted units, the HA will give preference to elderly or disabled families; or to families receiving supportive services depending on the basis that units are excepted. Only "qualified families" can live in excepted units.

If the family living in the unit at the time a unit is selected as an excepted unit is not a qualifying family (i.e. not elderly in a unit for the elderly, does not want to participate in the support services for a unit selected based on support services) or does not want to participate, the unit will not be eligible.

At the time of initial lease execution between the family and the owner, the family and the HA must sign a statement of family responsibility. The statement of family responsibility must contain all family obligations, including the family's participation in a service program.

The HA will conduct annual monitoring of all families participating in supportive services and living in excepted units. At the family's regularly scheduled annual reexamination, the HA will review the families standing in accordance with their statement of family responsibility. The HA will use third party verification to verify that the family is fulfilling its service agreement. The HA will interview the family, and document the families current status. Any revisions or additions to the statement of family responsibility will be documented, and a revised statement of family responsibility will be signed by the family and the HA.

Failure by the family, without good cause, to fulfill its service obligation will require the HA to terminate assistance. The exception will continue to apply to the unit as long as the unit is made available to another qualifying family.

E. Site Selection

The HA will not select a proposal, or enter into an Agreement or HAP contract for existing, newly constructed, or rehabilitated PBV housing for any site, unless it has determined that the site is consistent with the goal of deconcentrating poverty and expanding housing and economic opportunities, as described in the HA Five Year Plan and the Annual Plan. Further, in accordance with 24 CFR § 983.57(b)(1), the project must demonstrate that it will meet the goal of deconcentrating poverty and expanding housing and economic opportunities by meeting at least one of the following requirements:

- 1) The census tract in which the proposed PBV development will be located is in a HUD-designated Enterprise Zone, Economic Community, or Renewal Community;
- 2) The PBV development will be located in a census tract where the concentration of assisted units will be, or has, decreased as a result of public housing demolition;
- 3) The census tract in which the proposed PBV development will be located is undergoing significant revitalization;
- 4) State, local, or federal dollars have been invested in the area, which has assisted in the achievement of the statutory requirement to deconcentrate poverty and expand housing and economic opportunities;
- 5) New market rate units are being developed in the same census tract as the proposed PBV development, and the likelihood is that such market rate units will positively impact the poverty rate in the area;
- 6) If the poverty rate in the area where the proposed development will be located is greater than 20 percent, there has been an overall decline in the poverty rate within the last five years;
- 7) There are meaningful opportunities for educational and economic advancement in the census tract where the proposed PBV development will be located.

The Housing and Community Development Manager will appoint a committee to review owner applications. Each application will be evaluated, and given a point value in correspondence with the point system outlined at the end of this section. The selection committee will apply the following criteria to the site approval:

- 1) The proposed site meets all regulatory requirements as outlined in 24 CFR Part 983
- 2) The proposed site is in full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964 (42 U.S.C 2000d-2000d(4)) and HUD's implementing regulations at CFR Part 1; Title VIII of the Civil

Rights Act of 1968 (42 U.S.C. 3601-3629); and HUD's implementing regulations at 24 CFR Parts 100 through 199; Executive Order 11063 (27 FR 11527; 3 CFR, 1959-1963 Comp., p 652) and HUD's implementing regulations at 24 CFR Part 107

- 3) The proposed site meets Section 504 selection requirements described in 24 CFR 8.4(b)(5)
- 4) The proposed site meets the HQS Site Standards
- 5) The proposed site meets at least one of the goals of deconcentrating poverty and expanding housing and economic opportunities as described in Section II, Part E, of this Chapter.
- 6) If not an elderly or handicapped resident project, upon completion, project will be within two miles of places of significant employment offering a range of jobs for lower income workers, and a significant health facility
- 7) If an elderly or handicapped resident project, upon completion, project will be within ¼ mile of shopping, a significant health facility and neighborhood services, or is within ¼ mile of bus or rail line to shopping, a significant health facility and neighborhood services, or sponsor certifies it shall offer weekly transportation services to residents to shopping, a significant health facility and neighborhood services.

F. Additional Site Selection Restrictions for Existing or Rehabilitated Housing
For the purposes of the PBV program, the definition of rehabilitation housing is housing in need of repairs worth \$3,000 or more, per unit, in order to meet housing quality standards. In addition to the criteria listed above, existing or rehabilitated housing proposed for PBV assistance must:

- 1) Be adequate in size, exposure and contour to accommodate the number and type of units proposed, and adequate utilities and streets must be available to service the site
- 2) Promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons
- 3) Be accessible to social, recreational, educational, commercial and health facilities and services and other municipal facilities and service that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted, standard housing of similar market rents
- 4) Be in a location where travel time and cost via public transportation or private automobile from the site to places of employment providing a range of jobs for lower-income workers is not excessive.

G. Additional Site Selection Restrictions for New Construction
In addition to the criteria listed above, newly constructed housing proposed for

PBV assistance must:

- 1) Be adequate in size, exposure and contour to accommodate the number and type of units proposed, and adequate utilities and streets must be available to service the site
- 2) Not be located in an area of minority concentration, and must not be located in a racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area
- 3) Promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons
- 4) Not be one that is seriously detrimental to family life or in which substandard dwelling or other undesirable conditions predominate, unless there is a concerted program to remedy the undesirable condition in progress
- 5) Be accessible to social, recreational, educational, commercial, and health facilities and services, and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting of unassisted, standard housing of similar market rents.
- 6) Be in a location where travel time and cost via public transportation or private automobile from the site to places of employment providing a range of jobs for lower-income workers is not excessive.

Proposed sites may be located in areas of minority concentration only if the location complies with the provisions listed in 24 CFR § 983.57(e)(3)(i through vi).

H. Environmental Review

Activities under the PBV program are subject to HUD environmental regulations in 24 CFR Parts 50 and 58. The City of Vallejo, or approved designee under contract with the City of Vallejo, will perform the environmental review.

The HA will not enter into an Agreement or HAP contract with an owner, and the HA, the owner, and its contractor will not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct real property or commit or expend program or local funds for PBV activities, until one of the following occurs:

- 1) The City of Vallejo, or approved designee under contract with the City of Vallejo, has completed environmental review procedures required by 24 CFR Part 58, and HUD has approved the environmental certification and request for release of funds
- 2) The City of Vallejo, or approved designee under contract with the City

of Vallejo, has determined that the project to be assisted is exempt under 24 CFR 58.34, or is categorically excluded and not subject to compliance with environmental laws under 24 CFR 58.35(b)

- 3) HUD has approved a Request for Release of funds (HUD-7015.15)
- 4) HUD has performed an environmental review under 24 CFR Part 50 and has notified the HA in writing of environmental approval of the site

The HA will supply all available, relevant information necessary for the environmental review to be completed. The owner must carry out any mitigating measures required as a result of the environmental review.

I. Housing Authority Owned Units

The HA does not own or operate any properties. Should the HA acquire property in the future, all provisions of 24 CFR 983.59 will be adhered to.

J. Ranking and Selection Point Values

In order to rank and select applications, the HA will use the following factors for the PBV Program. Each factor is comprised of several components with an associated point value. The total points awarded to an application will be aggregate of the component subtotals for each factor.

The point system used for the selection of PBV applications is directly associated with established HA goals. In the PHA Five Year Plan, adopted for fiscal years 2005 through 2009, the HA established the following goals:

- 1) Leverage private or other public funds to create additional housing opportunities: Assist in the production of 26 units of 2 or more bedrooms for persons at 50 percent of the Area Median Income (AMI) or less.
- 2) Concentrate on efforts to improve specific management functions: Assisted housing finance.
- 3) Promote self-sufficiency and asset development of assisted households
 - a. Increase the number and percentage of employed persons in assisted families
 - b. Provide or attract supportive services to improve assistance recipients' employability

Additionally, the PHA Annual Plan for fiscal year 2006 states that the HA intends to project base tenant-based Section 8 vouchers in order to provide access to neighborhoods outside of high poverty areas, and to attract affordable housing development to the jurisdiction.

FACTOR SUMMARY AND POINTS FOR NEW CONSTRUCTION

FACTOR	MAX POINTS
A. Site Location Adequacy	5 points
B. Design Adequacy	10 points
C. Previous Experience of Applicant and Related Participants in Development, Marketing and Management	45 points
D. Project Feasibility and Readiness to Begin Construction	25 points
E. Public Purpose Relative to Area Housing Needs	20 points
TOTAL MAXIMUM POINTS:	105

FACTOR COMPONENTS:

The factors listed above will be reviewed according to the following components:

SITE LOCATION ADEQUACY		
1.	If not an elderly or handicapped resident project, upon completion, project will be within two miles of places of significant employment offering a range of jobs for lower income workers, and a significant health facility.	If no – 0 pts. If yes – 5 pt.
2.	If an elderly or handicapped resident project, upon completion, project will be within ¼ mile of shopping, a significant health facility and neighborhood services, or is within ¼ mile of bus or rail line to shopping, a significant health facility and neighborhood services, or sponsor certifies it shall offer weekly transportation services to residents to shopping, a significant health facility and neighborhood services.	If no- 0 pts. If yes – 5 pt.
MAXIMUM POINTS		5

DESIGN ADEQUACY		
1.	Project architectural elevations, setbacks, and massing considered acceptable both for proposed use and in relation to adjacent land uses by local Planning Department as evidenced by written Planning Department staff comments.	Does not meet standard – 0 pts. Meets standard - 5 pts.
2.	Project amenities are appropriate for the planned use: If a family housing development, the site plan provides for laundry facilities and significant recreational facilities on site or such facilities exist or are to be provided in conjunction with project development within ¼ mile of the project site.	Does not meet standard – 0 pts. Meets standard - 5 pts.
3.	Project amenities are appropriate for the planned use: If a senior housing development, both (a) units offer access to exterior in the form of balconies and first floor patio areas and (b) interior furnished common areas are offered having square footage figures not less than required under California Tax Allocation Committee Regulations.	Does not meet standard – 0 pts. Meets standard - 5 pts.
	MAXIMUM POINTS	10

Previous Experience of Applicant and Related Participants in Development, Marketing and Management		
1.	Number of low income housing units developed and completed (as primary or co-sponsor).	0 – 7 – 0 pts <u>8 – 500 – 5 pts</u> 501 – 1000 – 10 pts More than 1000 – 15 pts
2.	Number of low income housing units managed by proposed property management agent	Less than 500 – 0 pts 501 to 1500 – 5 pts More than 1500 – 10 pts
3.	Project Financing Experience (by primary or co-sponsor)	If project independently financed without using government bonds – 10 points If bond financed, number of units bond financed: Less than 100 – 0 pts 101 to 500 – 10 pts over 500 – 20 pts.
MAXIMUM POINTS		45

Project Feasibility and Readiness to Commence Construction		
1.	Zoning status	Likely to be obtained – 0 pts. Zoning approved – 5 pts.
2.	Amount of projected construction period or permanent period debt financing required for feasibility conditionally committed and/or reserved by official governmental action.	Less than 50% - 0 pts 50% to 80% - 10 pts Over 80% - 20 pts
MAXIMUM POINTS		25

Public Purpose Relative to Local Housing Needs		
1.	Percentage of all units, including non-PBV units, to be restricted to low or very low income occupancy	Less than 50% - 0 pts 50% to 75% - 5 pts Over 75% - 10 pts
2.	Senior housing	5 pts
3	Family or special, or City identified priority needs*	10 pts
	MAXIMUM POINTS	20

*Priority Needs would be those indicated in the City of Vallejo Consolidated Plan for a particular community or any other official document that indicates a community's needs as it relates to housing. Applicants will be asked for justification/documentation of how their project meets priority needs.

FACTOR SUMMARY AND POINTS FOR EXISTING OR REHABILITATION PROJECTS

FACTOR	MAX POINTS
A. Site Location Adequacy	5 points
B. Design Adequacy	10 points
C. Previous Experience of Applicant and Related Participants in Development, Marketing and Management	45 points
E. Public Purpose Relative to Area Housing Needs	45 points
TOTAL MAXIMUM POINTS:	105

FACTOR COMPONENTS:

The factors listed above will be reviewed according to the following components:

SITE LOCATION ADEQUACY		
1.	If not an elderly or handicapped resident project, project is within two miles of places of significant employment offering a range of jobs for lower income workers, and a significant health facility.	If no – 0 pts. If yes – 5 pt.
2.	If an elderly or handicapped resident project, project is within ¼ mile of shopping, a significant health facility and neighborhood services, or is within ¼ mile of bus or rail line to shopping, a significant health facility and neighborhood services, or sponsor certifies it shall offer weekly transportation services to residents to shopping, a significant health facility and neighborhood services.	If no- 0 pts. If yes – 5 pt.
	MAXIMUM POINTS	5

DESIGN ADEQUACY

1.	Project architectural elevations, setbacks, and massing considered acceptable both in relation to adjacent land uses by local Planning Department as evidenced by written Planning Department staff comments.	Does not meet standard – 0 pts. Meets standard - 5 pts.
2.	Project amenities are appropriate: If a family housing development, the site provides laundry facilities and significant recreational facilities on site, or such facilities exist within ¼ mile of the project site.	Does not meet standard – 0 pts. Meets standard - 5 pts.
3.	Project amenities are appropriate: If a senior housing development, both (a) units offer access to exterior in the form of balconies and first floor patio areas and (b) interior furnished common areas are offered having square footage figures not less than required under California Tax Allocation Committee Regulations.	Does not meet standard – 0 pts. Meets standard - 5 pts.
	MAXIMUM POINTS	10

Previous Experience of Applicant and Related Participants in Development, Marketing and Management		
1.	Number of low income housing units developed and completed (as primary or co-sponsor).	Less than 100 – 0 pts 101 to 500 – 5 pts 501 – 1000 – 10 pts More than 1000 – 15 pts
2.	Number of low income housing units managed by proposed property management agent	Less than 500 – 0 pts 501 to 1500 – 5 pts More than 1500 – 10 pts
3.	Project Financing Experience (by primary or co-sponsor)	If project independently financed without using government bonds – 10 points If bond financed, number of units bond financed: Less than 100 – 0 pts 101 to 500 – 10 pts Over 500 – 20 pts.
MAXIMUM POINTS		45

Public Purpose Relative to Local Housing Needs		
1.	Percentage of all units, including non-PBV units, to be restricted to low or very low income occupancy	Less than 50% - 0 pts 50% to 75% - 10 pts Over 75% - 20 pts
2.	Supportive services as defined in Section II, Part D, of this plan provided on site	10 pts
3.	Senior Housing	5 pts
4.	Other City identified priority needs*	10 pts
MAXIMUM POINTS		45

*Priority needs would be those indicated in the City of Vallejo Consolidated Plan for a particular community or any other official document that indicates a community's needs as it relates to housing. Applicants will be asked for justification/documentation of how their project meets priority needs.

SECTION III

Housing Quality Standards and Housing Assistance Payment Contract

A. Housing Quality Standards

The provisions of 24 CFR § 982.401 regarding Housing Quality Standards (HQS) apply to the PBV program. HQS are described in detail in Chapter 10 of this Administrative Plan.

All housing considered for the PBV program must comply with program accessibility requirements of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR Part 8. Housing first occupied after March 13, 1991, must comply with design and construction requirements of the Fair Housing Amendments Act of 1988 and implementing regulations at 24 CFR 100.205, as applicable.

The HA will examine the proposed site prior to the proposal selection date. If the units to be assisted already exist, the HA will inspect all the units before the proposal selection date, and will determine whether the units comply with HQS. The HA will not execute a HAP contract until all units fully comply with HQS.

The HA will inspect each contract unit prior to occupancy. The HA will not approve a new family to move into a contract unit until the unit fully complies with HQS. The HA will inspect a random sample of contract units as least annually during the term of the HAP contract. At least 20 percent of the contract units in each building will be inspected annually, to determine if the contract units and the premises are maintained in accordance with HQS. The randomly selected units

will be identified by generating a report to determine the total number of PBV units in each building, determining 20 percent of the total; and selecting the units which add up to 20 percent by starting the count at the first unit, and skipping enough evenly numbered units to meet the 20 percent requirement. Where possible, no unit will be selected in two consecutive years. If more than 20 percent of the annual sample of inspected contract units in a building fails the annual HQS inspection, the PHA will re-inspect 100 percent of the contract units in the building.

In addition to the random sampling of annual inspections, the HA will conduct an inspection whenever needed to determine that the contract units comply with HQS, and that the owner is providing maintenance, utilities and other services in accordance with the HAP contract. The HA will react to complaints by clients living in contract units by conducting special inspections of their units. The HA will include PBV contract units in supervisory quality control HQS inspections.

The HA will allow thirty days for repairs identified in HQS inspections to be completed, with the exception of emergency repair items, which must be corrected within 24 hours. The HA may grant an extension, on a case by case basis. However all emergency repair items must, at a minimum, have the emergency nature of the repair abated in 24 hours. Any extension of the repair deadline will be documented in the file. Failure of an owner to complete repairs within the specified timeframe will result in abatement of housing assistance payments and removal of that unit from the contracted PBV units. Failure of a tenant to complete repairs within the specified timeframe will result in termination of their assistance, in accordance with 24 CFR§ 982.404(b).

B. Agreement for Rehabilitated or Newly Constructed Units

The HA will enter into an Agreement with the owner, in a form required by HUD headquarters. In the Agreement the owner agrees to develop the contract units to comply with HQS, and the HA agrees that, upon timely completion of the development, in accordance with the terms of the Agreement, the HA will enter into a HAP contract with the owner for the contract units. The Agreement must describe the following features of the housing to be developed and assisted under the PBV program:

- 1) Site
- 2) Location of contract units on site
- 3) Number of contract units by area (size) and number of bedrooms and bathrooms
- 4) Services, maintenance, or equipment to be supplied by the owner without charges in addition to the rent to owner

- 5) Indication of whether the design and construction requirements of the Fair Housing Act and implementing regulations at 24 CFR 100.205 and the accessibility requirements of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR 8.22 and 8.23 apply to units under the Agreement. If applicable, any work item resulting from these requirements must be included in the description of work to be performed under the Agreement.
- 6) Estimate initial rents to owner for the contract units
- 7) Description of the work to be performed under the Agreement. If the Agreement is for rehabilitation of units, the work description must include the rehabilitation work write up, specifications and plans. If the Agreement is for new construction, the work description must include the working drawings and specifications

The housing must comply with HQS requirements as described in Chapter 10 of this Administrative Plan. In addition, the HA requires that the Agreement specify the following design and construction provisions:

- 1) Project architectural elevations, setbacks, and massing considered acceptable both for proposed use and in relation to adjacent land uses by City of Vallejo Planning Department as evidenced by written Planning Department staff comments.
- 2) Demonstration that project amenities are appropriate for the planned use.
 - a. If a family housing development, the site plan provides for laundry facilities and significant recreational facilities on site or such facilities exist or are to be provided in conjunction with project development within ¼ mile of the project site.
 - b. If a senior housing development, units offer access to exterior in the form of balconies and first floor patio areas, and, interior furnished common areas are offered having square footage figures not less than required under California Tax Allocation Committee Regulations.

The HA will not enter the Agreement with the owner until the subsidy layering review is completed, the environmental review is completed, and the HA has received environmental approval. The Agreement must be executed promptly after HA notice of proposal selection to the selected owner.

C. Development Requirements for Rehabilitated or Newly Constructed Units

In the case of an Agreement for development of nine or more contract units, the owner and the owner's contractor and subcontractors must pay Davis-Bacon wages to laborers and mechanics employed in development of the housing. The HUD prescribed form of Agreement shall include the labor standards clauses required by HUD, such as those involving Davis-Bacon wage rates.

The owner and owner's contractor s and subcontractors must comply with the contract Work Hours and Safety Standards Act, Department of Labor regulations in 29 CFR Part 5, and other applicable federal labor relations laws and regulations. The HA will monitor compliance with labor standards.

The owner must comply with Section 3 of the Housing and Urban Development Act of 19678 (12 U.S.C. 1701u) and the implementing regulations at 24 CFR Part 135. The owner must further comply with equal employment opportunity requirements as described in 24 CFR §983.154(c)(2).

The Agreement and HAP contract shall include the owner's certification that the owner and other project principals are not on the U.S. General Services Administration list of parties excluded from federal procurement and nonprocurement programs. The owner must disclose any possible conflict of interest that would be a violation of the Agreement, the HAP contract or HUD regulations.

D. Completion and Acceptance of Completed Units

The Agreement must specify the deadlines for the completion of the project and the submission of the required evidence of completion. The owner must complete the housing in accordance with these deadlines. The HA will require the following as evidence of completion:

- 1) Owner certification that the work has been completed in accordance with HQS and all requirements of the Agreement
- 2) Owner certification that all labor standards and equal opportunity requirements have been met in the development of the project
- 3) Owner certification that all other provisions specified 24 CFR 983

Upon receipt of the owner notice that the housing is completed, the HA will inspect to determine if the housing has been completed in accordance with the Agreement and meets HQS. If the HA determines that the housing is in accordance with the Agreement, meets HQS, and that the owner has submitted all required evidence of completion, the HA will submit the HAP contract for execution by the owner, and will then execute the HAP contract.

E. Housing Assistance Payments Contract

The PBV HAP contract must be in the form required by HUD headquarters (24

CFR § 982.162). The HAP contract must specify:

- 1) Total number of contract units by number of bedrooms
- 2) Project's name, street address, city, state and zip code; block and lot number; and any other information necessary to clearly identify the site and the building
- 3) The identity of the specific contract units in each building, including the number of contract units in the building; the location of each contract unit; the area of each contract unit; and the number of bedroom an bathrooms in each contract unit
- 4) Services, maintenance and equipment to be supplied by the owner without additional charges
- 5) Utilities available to the contract units, with a breakdown of which utilities will be provided by the owner, and which utilities will be paid by the tenant
- 6) Accessibility requirements of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementation regulations at 24 CFR Part 8
- 7) HAP contract term
- 8) Number of exception units in any building that will be set aside for qualifying families
- 9) Initial rent to owner for the first 12 months of the HAP contract term

The HAP contract is executed after the HA has determined that each contract unit complies with HQS. For existing housing, the HAP contract must be executed within fourteen working days after the HA selected the owner proposal and the HA has inspected the proposed units. Necessary reviews such as the subsidy layering review and the environmental review must also be completed before an existing project can go to HAP.

For newly constructed or rehabilitated housing, the HAP contract is executed after the HA has inspected the completed units, has determined that the units have been completed in accordance with the Agreement, and the owner has furnished all required evidence of completion.

The initial term of the HAP contract will be for ten years. Within one year before expiration of the initial term, the HA may agree to extend the term of the HAP contract. The term of any HA approved extension will be for five years. The HA may continue to extend the term of the HAP contract in five year increments. Prior to approval of an extension to the term of the HAP, the HA will determine if

the owner has complied with the owner obligations according to the HAP contract.

At the discretion of the HA, the HAP contract may be amended to substitute a different unit with the same number of bedrooms within a building for a unit that was previously approved as a PBV unit. The HA will inspect the new unit prior to approval of the substitution, and determine the reasonable rent.

The HA may add additional units to the HAP contract, provided that the addition does not exceed the 25 percent per building threshold for PBV, or exceed 20 percent of authorized budget authority. The HAP contract must be amended within three years following the HAP execution date. The anniversary and expiration dates for the additional units will be the same as for the original units, in accordance with 24 CFR § 983.206(b) and (c).

The HAP contract will describe the owner's maintenance and operations obligations. The owner must:

- 1) Maintain and operate the contract units and premises in accordance with HQS, including performance of ordinary and extraordinary maintenance
- 2) Provide all services, maintenance, equipment and utilities specified in the HAP contract
- 3) Continue to comply with a design, architecture and quality requirements specified in the Agreement (for new construction or rehabilitated housing)
- 4) Maintain and replace items in the unit in accordance with the standard practice for the building as established by the owner.

The HA will vigorously enforce the owner's obligation to maintain contract units in accordance with HQS. An owner's failure to comply with HQS requirements will result in abatement of housing assistance payments, termination of assistance for the contract unit, and a reduction in the numbers of contracted unit, in accordance with 24 CFR § 983.207(b).

By execution of the HAP contract, the owner certifies that at all times during the term of the HAP contract:

- 1) All units are in good and tenantable condition, and the owner is maintaining the premises and all contract units in accordance with HQS
- 2) The owner is providing all services, maintenance, equipment and utilities as agreed to under the HAP contract

- 3) Each unit for which the owner is receiving housing assistance payments is leased to an eligible family referred by the HA, and the lease is in accordance with the HAP contract and HUD requirements
- 4) The members of the family reside in each contract unit for which the owner is receiving housing assistance payments, and the unit is the family's only residence
- 5) The owner, (or principal or other interested party), is not the spouse, parent, child, grandparent, grandchild, sister, or brother of any member of a family residing in a contract unit
- 6) The housing assistance payment is the correct amount due under the HAP contract
- 7) The rent to owner does not exceed rents charged by the owner for comparable unassisted units
- 8) Except for the housing assistance payment and the tenant rent, the owner has not received and will not receive any payment or other consideration for the rental of the contract unit.
- 9) The family does not own or have any interest in the contract unit.

SECTION IV

Occupancy and Administration of PBV Contract Units

A. Participant Selection

PBV participants will be selected from the PBV waiting list, or from current Housing Choice Voucher (HCV) participants. Except for voucher participants, the HA will only select families determined eligible for admission at commencement of PBV assistance.

In order to minimize displacement of in-place families living in existing or rehabilitation PBV projects, the HA will determine whether the family is eligible for assistance upon selection of the owner's proposal. Once the family is determined to be eligible, they will be placed on the PBV waiting list and given an absolute selection preference. Admission of in-place families is not subject to income-targeting under 24 CFR 982.201(b)(2)(i). The family will be referred to the owner from the waiting list.

If a family living in a selected PBV unit is determined to be ineligible for the PBV program, the HA will request that the owner identify an alternative PBV unit, in order to avoid displacement of the ineligible family. If no such unit is available,

the owner must attempt to place the family in other available unit, not assisted through the PBV program. If no alternative units are available, the owner must issue a notice to terminate the family's tenancy, in accordance with California State law and the owner's policies.

The HA will use a separate, single waiting list for the PBV program. Preferences for the PBV waiting list will be the same as for the HCV waiting list, with the exception of in-place tenants, as described above. In-place tenants deemed to be eligible for the program will have the highest preference on the PBV waiting list. The HA will offer to place applicants who are currently listed on the HCV waiting list on the PBV waiting list as well. Preferences for the PBV waiting list are listed below, in preferential order:

- 1) Tenants residing in a unit on the projects proposal selection date.
- 2) Living or working in the City of Vallejo
- 3) Disabled *
- 4) Veteran

* Disabled families requiring special services will be given preference to units providing those services over families who do not require special services. The HA will not grant preferences to persons with a specific disability in compliance with 24 CFR 982.207(b)(3). The preference for disabled families requiring special services will be limited to:

- 1) The population of families (including individuals) with disabilities that significantly interfere with their ability to obtain and maintain themselves in housing
- 2) Families who, without appropriate supportive services, will not be able to obtain or maintain themselves in housing
- 3) Families for whom such services cannot be provided in a nonsegregated setting

With the exception of in-place families, income targeting requirements at 24 CFR § 982.201(b)(2) apply to the PBV program. At least 75 percent of the combined families admitted to the HCV and PBV programs from the waiting list during the fiscal year shall be extremely low-income families.

Prior to being placed on the PBV waiting list, all families will complete a pre-application. The pre-application will ask each family whether they require a unit with special accessibility features. Those families who require special accessibility features will be identified in the HA waiting list database. The HA must select families from the waiting list to occupy PBV units with special accessibility features for persons with disabilities. The HA will first refer families

who require such accessibility features to the owner in accordance with 24 CFR 8.26 and 100.202.

An applicant may refuse an offer of PBV assistance without affecting their position on the HCV waiting list. Owner rejection of a family for the PBV program does not affect the family's position on the HCV waiting list. The HA will not take any of the following actions against an applicant who has applied for, received, or refuse an offer of PBV assistance:

- 1) Refuse to list the applicant on the HCV waiting list
- 2) Deny any admission preference for which the applicant is currently qualified
- 3) Change the applicant's place on the waiting list
- 4) Remove the applicant from the HCV waiting list

When a family accepts an offer of PBV assistance, the family will be invited to and oral briefing. The briefing will include the following subjects:

- 1) Description of how the program works
- 2) Family and owner responsibilities
- 3) How the HA determines the total tenant payment for a family
- 4) Family obligations under the program
- 5) Description of the HA policy on providing information to owners
- 6) Fair housing information
- 7) Moves with continued assistance initiated by the family
- 8) Moves with continued assistance because the unit is the wrong size or the unit has accessible features that are needed by another family and not by the family currently residing in the unit.

If the family head or spouse is a disabled person, the HA will take appropriate steps to assure effective communication. The HA will take reasonable steps to assure meaningful access to the briefing by persons with limited English proficiency.

During the briefing, the HA will ask the family whether it requires a unit with design features for disabled persons, and which features are required by the family. The HA will notate the disabled families file with the information, and refer those families to owners of units which meet the families desired criteria.

B. Leasing of Contract Units

During the term of the HAP contract, the owner must lease contract units only to eligible families selected and referred by the HA from the HA waiting list. The owner is responsible for adopting written selection procedures which improve housing opportunities for very low-income families, and otherwise comply with owner obligations outlined in 24 CFR Part 983.

The HA has no responsibility or liability to the owner for the family's behavior or suitability for tenancy. The HA will screen all applicants to establish that they do not have a pattern of illegal drug activity, violent criminal activity, abuse of alcohol to the extent that it disturbs their neighbors right to peaceful enjoyment of the premises, and to ensure that they are not registered sex offenders. The HA will not screen applicants for tenant suitability.

The owner is responsible for screening and selection of the family to occupy the owner's unit. The owner may consider a family's background with respect to the factors listed at 24 CFR § 983.255(b)(2). If the HA is in possession of the following information, they will provide it to the owner upon request:

- 1) Family's current and prior address
- 2) Name and address of the landlord at the family's current and any prior addresses
- 3) Information about the tenancy history of family members
- 4) Information about drug trafficking and criminal activity by family members

The HA will provide the same information to all owners, upon request.

The tenant and owner must enter a written lease. The owner and the tenant must execute the lease. The HA will review the owner's lease form to determine if the lease complies with state and local law. The HA will not approve the tenancy if the HA determines that the lease does not comply with state or local law.

The lease must specify all of the provisions found in 24 CFR § 983.256(c), and must include the Tenancy Addendum. The Tenancy Addendum shall state the program tenancy requirements, and the composition of the household as approved by the HA. All provisions in the HUD-required Tenancy Addendum must be included in the lease.

For families occupying excepted units, the family and the PHA must sign a statement of family responsibility at the time of initial lease execution between the family and the owner, in accordance with Section II, Part D of this chapter. The statement of family responsibility must contain all family obligations including the family's participation in a service program under this section.

Any changes in the lease must be in writing agreed to by both parties. The owner must immediately give the HA a copy of all such changes. The initial term of the lease must be for one year.

C. Termination of Tenancy

Upon lease expiration, an owner may renew the lease; refuse to renew the lease for good cause; refuse to renew the lease without good cause. If the owner refuses to renew the lease without good cause, the family will be issued a Housing Choice Voucher and the unit would be removed from the PBV HAP contract. This action would permanently reduce the contracted number of project-based units. If a family residing in an excepted fails without good cause to complete its FSS Contract of Participation o supportive services requirement, such failure is grounds for lease termination by the owner, and termination of the family from the program.

The regulations located at Title 24 CFR §982.552 apply to the PBV program. The HA must terminate program assistance for a family evicted from housing assisted under the program for a serious violation of the lease. Serious violations of the lease include, but are not limited to, non-payment of rent; non-payment of security deposit; late rent payments; failure to maintain the unit according to Housing Quality Standards; damage by tenant or guests which exceeds normal wear and tear; violation of specific lease provisions. For the PBV program, failure of families living in excepted units to adhere to their Contract of Participation constitutes a serious violation of the lease. The HA is required to give the family an opportunity for an informal hearing prior to termination assistance, in accordance with 24 CFR §982.555(a)(1)(v).

The owner may collect a security deposit consistent with amounts charged by the owner to unassisted tenants. Under no circumstances should the security deposit exceed two times the rent to owner.

The owner must notify the HA of any vacancy or expected vacancy in a contract unit within two working days of receipt of a notice to vacate from the family. After receiving the owner notice, the HA will make every reasonable effort to promptly refer a sufficient number of families for the owner to full the vacancy. The owner and the HA must make reasonable good faith efforts to minimize the likelihood and length of any vacancy. If any contract units have been vacant for a period of 120 days or more since the owner notice of vacancy, the HA will give the owner notice amending the HAP contract to reduce the number of contract units by subtracting the number of units that have been vacant for such period.

D. Over-Occupied, Under Housed, or Accessible Units

The subsidy standard for the PBV program will be the same as for the HCV program, as described in Chapter 5 of this Administrative Plan. If the HA determines that a family is occupying a wrong-size unit, or a unit with

accessibility feature that the family does not require, the HA will promptly notify the family and the owner of the determination. The HA will offer the family continued assistance in another unit.

The HA will first assess whether an appropriately sized PBV contract unit is available. The HA will offer the PBV contract unit to the family. If the family does not accept the offer and move into the new PBV unit within 60 days, the HA will terminate housing assistance payments on behalf of the family.

If no PBV contract unit is available, the HA will offer to assist the family under the Housing Choice Voucher program. The HA will issue a voucher of the appropriate size to the family. If the family has not moved from the PBV assisted unit at the expiration of the term of the voucher, (including any extension granted by the HA in accordance with Chapter 8 of this Administrative Plan), the HA will terminate housing assistance payments on behalf of the family.

E. Tenant Moves

The family may terminate the lease at any time after the first year of occupancy. Prior to issuing a notice to move, the family must contact the HA to request assistance under the HCV program. The family must give the owner advance written note of their intent to vacate, with a copy to the HA, in accordance with the lease. When the family issues notice of their intent to vacate a PBV unit, they will be issued a voucher and provided with a briefing to explain the HCV program.

If the family terminates the assisted lease before the end of one year, the family relinquishes the opportunity for continued tenant based assistance.

If a family is residing in a unit excepted from the 25 percent cap no longer qualifies for the exception (e.g., a family that does not successfully complete its FSS Contract of Participation or the supportive services requirement as defined in this Administrative Plan, or the family no longer qualifies as elderly or disabled), the family must move from the excepted unit within 60 days from notification by the HA. The HA will cease housing assistance payments 60 days from the date of notification to the family and owner. If the family fails to move:

- 1) The unit will be removed from the PBV HAP contract, or
- 2) If the project is partially assisted, the PBV HAP contract may be amended to substitute a different unit in the building, if:
 - a. It is within in the first three years of the HAP contract
 - b. The owner requests it
 - c. Funding is available

d. Rents are rent reasonable

- 3) If the owner terminates the lease and evicts the family, the unit may remain under HAP contract.

F. Rent to Owner

The amount of the initial rent to owner is established at the beginning of the HAP contract term. For rehabilitated, or newly constructed housing the Agreement states the estimated amount of the initial rent to owner, but the actual amount of the initial rent to owner is established at the beginning of the HAP term. With the exception of certain tax credit projects, as described in 24 CFR § 983.301(c), the rent to owner is:

- 1) An amount not to exceed 110 percent of the Fair Market Rent (FMR), minus the utility allowance; or
- 2) The reasonable rent; or
- 3) The rent requested by the owner

Rent to owner for tax credit projects meeting the criteria outlined at 24 CFR § 983.301(c), is the lowest of:

- 1) The tax credit rent minus any utility allowance;
- 2) The reasonable rent; or
- 3) The rent requested by the owner

The HA will re-determine the rent upon the owners request or when there is a five percent or greater decrease in the published FMR. The owner may request an increase in the rent only at the annual anniversary of the HAP contract. The request must be in writing, and must be received by the HA at least 60 days prior to the HAP contract anniversary date. The HA will provide a written notice of the re-determined rent to the owner. The notice of rent adjustment constitutes an amendment of the rent to owner specified in the HAP contract.

The contract year is the period of 12 calendar months preceding each annual anniversary of the HAP contract during the HAP contract term. The annual anniversary of the HAP contract is the first day of the first calendar month after the end of the preceding contract year.

At all times during the term of the HAP contract, the rent to owner may not exceed the reasonable rent, as determined by the HA, in accordance with 24 CFR § 983.303. For each unit, the HA will use at least three comparable units in

the private unassisted market, which may include comparable unassisted units in the premises or project. By accepting each monthly housing assistance payment from the HA, the owner certifies that the rent is not more than rent charged by the owner for comparable unassisted units in the premises.

Rents for PBV units receiving additional subsidies under any federal or other governmental program, including, but not limited to HOME, Section 236, Section 221, tax credits, tax exemption or grants, may be further restricted, in accordance with 24 CFR § 983.304.

G. Payments

Housing Assistance Payments shall be made for the months during which a contract unit is leased to and actually occupied by an eligible family, in compliance with the provisions of the HAP contract. The month housing assistance payment by the HA to the owner is the rent to owner minus the tenant rent. To receive housing assistance payment in accordance with the HAP contract, the owner must comply with all the provisions of the HAP contract.

The owner may keep the housing assistance payment payable for the calendar month when a family moves out of a PBV unit. However, the owner may not keep the payment if the HA determines that the vacancy is the owners fault.

The owner will be entitled to vacancy payments for a period of two months. The vacancy payment cannot exceed the monthly rent to owner under the assisted lease, minus any portion of the rental payment received by the owner, including amounts available from the tenant's security deposit. Any vacancy payment may cover only the period the unit remains vacant. The HA will make vacancy payment to the owner only if:

- 1) The owner give the HA prompt, written notice certifying that the family has vacated the unit, and containing the date when the family moved out;
- 2) The owner certifies that the vacancy is not the fault of the owner and that the unit was vacant during the period for which payment is claimed;
- 3) The owner provides any additional information required and request by the HA to verify that the owner is entitled to the vacancy payment
- 4) The owner submits a request for vacancy payments in writing, within 10 days from the date the PBV unit became vacant

The family is responsible for paying the tenant rent. The amount that the HA determines to be the family's Total Tenant Payment is the maximum amount the owner may charge the family for rent of a contract unit. The owner may not demand or accept any rent payment from the tenant in excess f the tenant rent

as determined by the HA. The owner must immediately return any excess payment to the tenant. The HA will not use housing assistance payment or other program funds, (including any administrative fee reserve), to pay any part of the tenant rent or to pay any other claim by the owner.

If the amount of the utility allowance exceeds the total tenant payment, the HA shall pay the amount of such excess as a reimbursement for tenant-paid utilities, and the tenant rent to the owner shall be zero. The HA will pay the utility reimbursement directly to the utility supplier on behalf of the family.


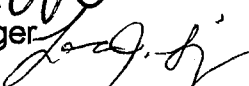
With the exception of assisted living developments, the owner may not require the tenant or family members to pay charges for meals or supportive services. In assisted living developments receiving project-based assistance, owner may charge tenants, family members or both for meals or supportive services. If someone other than the assisted family pays for the extra charges for living in an assisted living development, those payments will be considered income to the assisted family. The charges may not be included in the rent to owner, nor may the value of meals and supportive services be included in the calculation of reasonable rent. The owner may not charge the tenant or family member extra amounts for items customarily included in rent in the locality or provide at no additional cost to unsubsidized tenant in the premises.



VALLEJO HOUSING AUTHORITY

Date: January 23, 2007

TO: Chair and Commissioners

FROM: Craig Whittom, Assistant City Manager/Community Development 
Laura J. Simpson, Housing and Community Development Manager 

SUBJECT: COMMISSIONER HERMINIO SUNGA'S DISCLOSURE OF A REMOTE INTEREST IN HOUSING ASSISTANCE PAYMENT CONTRACTS FOR 2450 SPRINGS ROAD AND 1423 OAKWOOD AVENUE

BACKGROUND AND DISCUSSION

Commissioner Herminio Sunga has submitted a letter, see Attachment A, disclosing his remote interest in Housing Assistance Payments ("HAP") contracts for Section 8 Housing Choice Voucher Program tenants residing at 2450 Springs Road and 1423 Oakwood Avenue.

Under Government Code Section 1090, public officials are prohibited from being financially interested in a contract or sale in either his or her public and private capacities. However, Government Code Section 1090 does not stand alone. Government Code section 1091 enumerates certain exceptions, called "remote interests," that a public official can have in a contract and states that a remote interest will not be deemed to be an interest within the meaning of Government Code section 1090. Subsection (b) (12) of Government Code section 1091 addresses interests in HAP contracts and defines when such an interest will be considered a remote interest:

(12) That of an elected officer otherwise subject to Section 1090, in any housing assistance payment contract entered into pursuant to Section 8 of the United States Housing Act of 1937 (42 U.S.C. Sec. 1437f) as amended, **provided that the housing assistance payment contract was in existence before Section 1090 became applicable to the officer and will be renewed or extended only as to the existing tenant**, or, in a jurisdiction in which the rental vacancy rate is less than 5 percent, as to new tenants in a unit previously under a Section 8 contract. This section applies to any person who became a public official on or after November 1, 1986. (emphasis added.)

The two HAP contracts at issue were entered into prior to Mr. Sunga becoming a public official in December 2005 and the tenants remain unchanged from that time. As such, Mr. Sunga's interests in the contracts are clearly remote interests under Government Code section 1091. Once a public official determines that he or she has a remote interest in a contract, the public official must disclose the remote interest and have that disclosure noted in the official records of the body the public official belongs to. As the Housing Authority Board has delegated the

authority to enter into HAP contracts to the Community Development Director and Housing and Community Development Program Manager, Commissioner Sunga will not have an occasion to declare his remote interest in the two HAP contracts during a Board meeting. Consequently, staff has determined that the best manner for him to disclose his remote interest is through a disclosure letter submitted to the Board so that the Board can formally accept the disclosure letter and it can become part of the Board's official records.

Commissioner Sunga's disclosure will permit either the Board or staff to take future actions regarding these two HAP contracts. If Board is considering an item that could affect Commissioner Sunga's interest in these two contracts, then Commissioner Sunga will restate his disqualification and will not participate in the Board's consideration of the item.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDATION

It is recommended that the Board adopt the attached resolution accepting the disclosure letter from Commissioner Sunga.

ENVIRONMENTAL REVIEW

Adoption of this Resolution is not a project under the California Environmental Quality Act ("CEQA") pursuant to section 15387 (d) of Title 14 of the California Code of Regulations and no environmental review is required.

PROPOSED ACTION

Adopt the Resolution accepting the disclosure letter of Commissioner Sunga.

DOCUMENTS AVAILABLE FOR REVIEW

Attachment A – Disclosure letter from Commissioner Sunga, dated January 9, 2007
Attachment B – Resolution

CONTACT:

Craig Whittom, Assistant City Manager/Community Development, (707) 648-4579, or cwhittom@ci.vallejo.ca.us, or

Laura Simpson, Housing and Community Development Manager, (707) 648-4393, lsimpson@ci.vallejo.ca.us

January 9, 2007

Mayor Anthony Intintoli, Chairman,
and Members of the Board of Commissioners
Housing Authority of the City of Vallejo
555 Santa Clara Street
Vallejo, CA 94590

Dear Mayor Intintoli:

I wish to advise the Board of Commissioners of my financial interest in two Housing Assistance Payment ("HAP") contracts regarding the Section 8 Housing Choice Voucher Program for tenants residing at 2450 Springs Road and 1423 Oakwood Avenue.

On August 12, 2003, I entered into a HAP contract regarding the Section 8 Housing Voucher Program for the tenant residing 2450 Springs Road. This tenant continues to reside at the property.

On October 1, 2005, my wife entered into a HAP contract regarding the Section 8 Housing Voucher Program for the tenant residing at 1423 Oakwood Avenue. This tenant continues to reside at the property.

I became a public official on December 6, 2005 when my term on the City Council began and when I concurrently became a member of the Board of Commissioners of the Housing Authority of the City of Vallejo.

As the two HAP contracts at issue were entered into prior to my becoming a public official in December 2005 and as the tenants remain unchanged from that time, my financial interest in these contracts are considered a remote interest under Government Code section 1091. Consequently, I wish to disclose my remote interest in these two HAP contracts to the Board of Commissioners of the Housing Authority of the City of Vallejo.

Furthermore, pursuant to Government Code section 1091, whenever any item(s) come before the Board that could affect my financial interest in these contracts I will restate my disqualification and will not participate in any Board action on the item(s).

Sincerely,


Herminio Sunga

RESOLUTION NO. _____

BE IT RESOLVED by the Board of Commissioners of the Housing Authority of the City of Vallejo as follows:

WHEREAS, Government Code Section 1091 requires Housing Authority Board Commissioners to disclose their remote interest in Housing Assistance Payment contract to the Housing Authority Board of Commissioners ("Board"); and

WHEREAS, Commissioner Sunga has submitted to the Board a disclosure letter, dated January x, 2007, in which he discloses his remote interest in two Housing Assistance Payment contracts for Section 8 Housing Voucher Program tenants residing at 2450 Springs Road, and 1423 Oakwood Avenue, Vallejo, California.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Housing Authority of the City of Vallejo that the Board hereby accepts the disclosure letter of Commissioner Sunga.

**VALLEJO CITY COUNCIL
MINUTES**

JANUARY 10, 2006

The City Council met in special meeting/closed session on the above date to discuss the appointment of the Interim City Manager at 4:00 p.m. in the Council Chambers Conference Room.

The City Council met in a special meeting/closed session at 5:00 p.m. on the following matters: (A) Conference with Real Property Negotiators Mark Akaba, Utilities Director, and Erik Nugteren, Deputy Water Superintendent, concerning real property (Solano County APN 0147-010-010; Lake Madigan Reservoir), regarding the negotiation of price and terms of payment with numerous adjacent property owners regarding easement agreement pursuant to Government Code Section 54956.8 (B) conference with legal counsel – anticipated litigation: initiation of litigation, pursuant to Government Code Section 54956.9(C); number of potential cases: one (1). (C) Approval of a Workers' Compensation Claim settlement-pending litigation: Medical exposure, pursuant to Government Code Section 54956.9(A). (D) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8. (E) Property: Mare Island Dredge Ponds (440 acres at the western and southwestern edges of Mare Island, including 281 acres of disposal ponds and levees, within which are 275 acres of jurisdictional wetlands and other waters of the United States. There are six contiguous ponds (ponds 28, 1M, 1N, 4S, 4M, and 4N) located west of Azuar Drive; Pond 7, located at the southern edge of Mare Island; Piers 34 and 35 in the southeastern section of Mare Island, and pipeline alignments and roads connecting the piers to the ponds(s) Agency Negotiators: Robert W. Nichelini, Acting City Manager, Craig Whittom, Director of Community Development; Robert Stout, Director of Finance, and Gerald Ramiza, McDonough, Holland & Allen. Negotiating Parties: Weston Solutions under Negotiation: Price and Terms of payment.

The City Council met in a special meeting at 6:30 p.m. to interview candidates for appointments to the Commission on Aging.

1. CALL TO ORDER

A regular meeting of the Vallejo City Council was held on the above date in the Council Chambers of the Vallejo City Hall. The meeting was called to order at 7:00 p.m. by Mayor Anthony J. Intintoli, Jr.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present: Mayor Intintoli, Vice Mayor Pearsall, Councilmembers Cloutier, Davis, Bartee, Sunga, Gomes

Absent: None

Staff: Interim City Manager Robert Nichelini
City Attorney Fred Soley
City Clerk Allison Villarante

4. PRESENTATIONS AND COMMENDATIONS

A. PRESENTATION OF PROCLAMATION DECLARING JANUARY AS NATIONAL VOLUNTEER BLOOD DONOR MONTH TO AMERICAN RED CROSS.

Ariel Marcado accepted the proclamation on behalf of the American Red Cross.

B. PRESENTATION OF DONATION FROM PROCEEDS OF THE MAYOR'S PRAYER BREAKFAST OF NOVEMBER 18, 2005, TO FIRE CHIEF DONALD PARKER & THE VALLEJO DISASTER COUNCIL BY MICHAEL BROWN, PRESIDENT OF THAT NONE PERISH (TNP)

Fire Chief Donald Parker accepted the donation of \$3,000.

5. PUBLIC COMMENT REGARDING CONSENT CALENDAR ITEMS

6. CONSENT CALENDAR AND APPROVAL OF AGENDA

Hearing no additions or deletions, the agenda was approved and the following resolutions were offered by Vice Mayor Pearsall:

RESOLUTION NO.06-02 N.C. FOR THE PAYMENT OF CLAIMS

RESOLUTION NO.06-03 N.C. APPROVING THE NEW MASTER STREET TREE LIST FOR THE CITY OF VALLEJO.

RESOLUTION NO.06-04 N.C. RELATING TO REFUNDING OF 1996 WATER REVENUE BONDS, AND AUTHORIZING THE CITY MANAGER TO RETAIN OUTSIDE LEGAL AND FINANCIAL CONSULTANTS, AND DIRECTING THE CITY MANAGER TO TAKE STEPS NECESSARY TO PREPARE DOCUMENTS FOR CITY COUNCIL CONSIDERATION.

RESOLUTION NO.06-05 N.C. A RESOLUTION OF INTENTION TO AMEND THE FY 2005/06 COMMUNITY DEVELOPMENT DEPARTMENT BUDGET TO INCLUDE FUNDING FOR THE PROPERTY BASED IMPROVEMENT DISTRICT AND THE BUSINESS IMPROVEMENT DISTRICT.

RESOLUTION NO.06-06 N.C. ACCEPTING THE PUBLIC IMPROVEMENTS AS COMPLETE IN NORTHGATE NEIGHBORHOOD "D" SUBDIVISION UNIT NO.2 AND

RESOLUTION NO.06-07 N.C. ACCEPTING ONE GRANT DEED FOR ONE OPEN SPACE PARCEL.

RESOLUTION NO.06-08 N.C. SETTING ROBERT W. NICHELINI'S BASE SALARY FOR THE PERIOD HE SERVES AS ACTING CITY MANAGER AS TEN PERCENT (10%) ABOVE HIS BASE SALARY AS POLICE CHIEF.

The above resolutions were adopted with the following vote:

AYES: Mayor Intintoli, Vice Mayor Pearsall, Councilmembers Cloutier, Davis, Barte, Sunga, Gomes
NOES: None

ABSENT: None
ABSTENTIONS: Vice Mayor Pearsall and Councilmember Davis on those items pertaining to the companies/corporations/firms in which their stock ownership is \$10,000 or more as listed in their current FPPC Form 700 Statement of Economic Interests, and Councilmember Bartee on Consent Item 10.L due to conflict of interest.

7. PUBLIC HEARINGS

A. CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION DECISION TO APPROVE SITE DEVELOPMENT PLAN #05-0046 TO CONSTRUCT A TWO – STORY ADDITION TO AN EXISTING RESIDENCE IN THE RESIDENTIAL VIEW DISTRICT.

On October 17, 2005, the Planning Commission approved Site Development Plan #05-0046, (5-0, one member recused, one member absent) allowing the addition of approximately 460 square feet of floor area in a two-story addition to an existing 1,074-square-foot, single-family home located at 133 B Street in the Residential View District. Mr. Mel Brooks, the adjacent property owner, is appealing that decision to the City Council.

The appellant contends that the project would dramatically affect the view from 127 B Street. Photos presented suggested that the view obstructions were minimal and acceptable.

A handout entitled "133 B Street, Vallejo CA: Appeal of Site Development Plan, prepared by Ian McKinley, Architecture Inc." was noted.

Chris Nutter, representative for appellant Mel Brooks, made a brief presentation.

Steve Allofent, the applicant, offered a rebuttal, highlighting compromises he had already made for the project and stressing his efforts to satisfy the appellant.

Mayor Intintoli added to the record various documents identified as Items 8-F of the staff report.

Kristine Torsakistian, the appellant's attorney, made a rebuttal and stressed the project's view obstructions.

The following people spoke in opposition to the appeal: Jean Ericson, (Address not available), Charle Legallas, 38 Daniels Avenue, Happy Johnson, 137 B Street, Kevin Klutt, 97 B Street, Bridget Coutou (Address not available), Misty Ismael, (Address not available), Dell Shren, (Address not available).

Anita Yeffy, 96 C Street, said that she thought that the City was biased.

Councilmember Cloutier said that the appeal was frivolous.

Vice Mayor Pearsall said that he thought there was limited view obstruction.

RESOLUTION NO.06-09 N.C. offered by Mayor Intintoli denying the appeal and upholding the Planning Commission's decision to approve Site Development Plan #05-0046.

The above resolution was adopted with the following vote:

AYES: Mayor Intintoli, Vice Mayor Pearsall, Councilmembers Cloutier, Davis, Barteo, Sunga, Gomes
NOES: None
ABSENT: None
ABSTENTIONS: None

B. CONSIDERATION OF TWO RESOLUTIONS: 1) DETERMINING WHETHER TO ANNEX THE SUBDIVISION KNOWN AS FARRAGUT VILLAGE UNIT NO.4 TO COMMUNITY FACILITIES DISTRICT NO. 2005-1A (MARE ISLAND) AND CALLING A SPECIAL ELECTION TO SUBMIT TO THE LANDOWNERS IN THE TERRITORY PROPOSED FOR ANNEXATION AND (2) DETERMINING THE RESULTS OF THE SPECIAL ELECTION TO ANNEX CERTAIN TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2005-1A (MARE ISLAND)

On April 26, 2005, the City Council formed Community Facilities Districts No. 2005-1A on Mare Island ("CFD 2005-1a"). CFD 2005-1A was formed pursuant to the Mello-Roos Community Facilities Act of 1982 (Sections 53311 et seq. of the California Government Code). The formation of CFD 2005-1a enables the City to levy a special tax to fund certain maintenance services (i.e. park, landscape and open space maintenance, among others) and to fund infrastructure improvements (i.e. sanitary sewer, storm drain and streets, among others) through the use of bond debt. This bond debt would be payable solely from the special taxes levied on property within CFD 2005-1A, not from the General Fund or other Funds of the City.

On November 29, 2005, the Council adopted a resolution of intention to annex territory to CFD 2005-1A, and set a public hearing for this Council meeting. The Council will conduct a public hearing to take public testimony and conduct an election of the affected landowners on the question of annexation. The results of the election will determine whether the subdivision known as Farragut Village Unit No. 4 will be annexed into CFD 2005-1A.

The staff report was briefly discussed, with emphasis on the various uses of the funds.

Mayor Intintoli opened the public hearing. There were no speakers. The public hearing was closed.

RESOLUTION NO.06-10 N.C., offered by Vice Mayor Pearsall, Determining to Annex Certain Territory to Community Facilities District No. 2005-1A (Mare Island) of the City of Vallejo and Calling a Special Election to submit to the Landowners in the Territory Proposed for Annexation to Said Community Facilities District the Question of Such Annexation;

The above resolution was adopted with the following vote:

AYES: Mayor Intintoli, Vice Mayor Pearsall, Councilmembers Cloutier, Davis, Barteo, Sunga, Gomes
NOES: None
ABSENT: None
ABSTENTIONS: None

The special election on such annexation was conducted with two ballots for a total of 16 votes representing 100 percent of the eligible land owners in favor of the annexation.

RESOLUTION NO.06-11 N.C., offered by Mayor Intintoli adopting the "Resolution Determining the Results of the Special Election to Annex Certain Territory to Community Facilities District No. 2005-1A (Mare Island) of the City of Vallejo."

The above resolution was adopted with the following vote:

AYES:	Mayor Intintoli, Vice Mayor Pearsall, Councilmembers Cloutier, Davis, Barte, Sunga, Gomes
NOES:	None
ABSENT:	None
ABSTENTIONS:	None

C. CONSIDERATION OF TWO RESOLUTIONS: 1) DETERMINING WHETHER TO ANNEX THE SUBDIVISION KNOWN AS FARRAGUT VILLAGE UNIT NO. 4 TO COMMUNITY FACILITIES DISTRICT NO. 2005-1B (MARE ISLAND) AND CALLING A SPECIAL ELECTION TO SUBMIT TO THE LANDOWNERS IN THE TERRITORY PROPOSED FOR ANNEXATION AND (2) DETERMINING THE RESULTS OF THE SPECIAL ELECTION TO ANNEX CERTAIN TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2005-1B (MARE ISLAND)

On April 26, 2005, the City Council formed Community Facilities District No. 2005-1B on Mare Island ("CFD 2005-1B"). CFD 2005-1A was formed pursuant to the Mello-Roos Community Facilities Act of 1982 (Sections 53311 et seq. of the California Government Code) (the "Act"). CFD 2005-1B was formed pursuant to the City of Vallejo-Mare Island Services Financing Code. The formation of CFD 2005-1B enables the City to level a special tax therein to fund certain maintenance services (i.e. public or private facilities such as landscape, sewer and vehicle parking, among others) that are not otherwise permitted to be funded through Community Facilities District No. CFD 2005-1B.

On November 29, 2005, the Council adopted a resolution of intention to annex territory to CFD 2005-1B, and set a public hearing for this Council meeting. The Council will conduct a public hearing to take public testimony and conduct an election of the affected landowners on the question of annexation. The results of the election will determine whether the subdivision known as Farragut Village Unit No. 4 will be annexed into CFD 2005-1B.

Mayor Intintoli opened the public hearing. There were no speakers. The Mayor closed the public hearing.

RESOLUTION NO.06-12 N.C., offered by Mayor Intintoli adopting "Resolution Determining to Annex Certain Territory to Community Facilities District No. 2005-1B (Mare Island) of the City of Vallejo and Calling a Special Election to Submit to the Landowners in the Territory Proposed for Annexation to Said Community Facilities District the Question of Such Annexation";

The above resolution was adopted with the following vote:

AYES: Mayor Intintoli, Vice Mayor Pearsall, Councilmembers Cloutier, Davis, Bartee, Sunga, Gomes
NOES: None
ABSENT: None
ABSTENTIONS: None

The special election on such annexation was conducted, with two ballots for a total of 16 votes representing 100 percent of the eligible land owners in favor of the annexation.

RESOLUTION NO.06-13 N.C., offered by Mayor Intintoli adopting "Resolution Determining the Results of the Special Election to Annex Certain Territory to Community Facilities District No. 2005-1B (Mare Island) of the City of Vallejo".

The above resolution was adopted with the following vote:

AYES: Mayor Intintoli, Vice Mayor Pearsall, Councilmembers Cloutier, Davis, Bartee, Sunga, Gomes
NOES: None
ABSENT: None
ABSTENTIONS: None

8. **POLICY ITEMS- NONE**

9. **ADMINISTRATIVE ITEMS**

A. **CONSIDERATION OF A RESOLUTION TO AMEND THE FISCAL YEAR 2005/2006 HOME INVESTMENT PARTNERSHIPS PROGRAM BUDGET**

On March 8, 2005 the City Council adopted the Fiscal Year 2005/2006 HOME Investment Partnerships Program Budget. On December 13, 2005 the City Council adopted a resolution of intention to amend the Fiscal Year 2005/2006 HOME Budget.

A portion of the HOME funds allocated in the 2004/2005 Fiscal Year remain unspent. Staff recommends that the City Council reauthorize these funds, for certain activities, in Fiscal Year 2005/2006. The estimated balance of HOME funds as of June 30, 2005 was \$1,391,346. Staff recommends the City Council reauthorize \$417,786 of the unspent balance to the same activities in the current fiscal year. These activities include down payment assistance loans, and the construction of affordable housing. Staff recommends that the City Council place the remaining balance of \$973,560 in an "unallocated" account for future housing activities. Staff expects to present the City Council with a recommendation regarding the proposed use of the \$973,560 in February 2006.

Guy Ricca, Senior Community Development Analyst, made a brief presentation summarizing the proposed budget amendment and detailing projected uses for the "unallocated" funds.

RESOLUTION NO.06-14 N.C., offered by Councilmember Davis amending the Fiscal Year 2005/2006 HOME Investment Partnerships Program Budget.

The above resolution was adopted with the following vote:

AYES: Mayor Intintoli, Vice Mayor Pearsall, Councilmembers Cloutier, Davis, Bartee, Sunga, Gomes
NOES: None
ABSENT: None
ABSTENTIONS: None

B. CONSIDERATION OF AN ORDINANCE AMENDING CERTAIN TIME LIMITATIONS WITH RESPECT TO THE REDEVELOPMENT PLAN FOR THE MARINA VISTA REDEVELOPMENT PROJECT

SB 1096, which took effect August 2004, requires that redevelopment agencies across the state pay a total of \$250 million to the Educational Revenue Augmentation Fund (ERAF) each year for the two fiscal years 2004-05 and 2005-06. For Fiscal Year 2005-2006, the estimated payment owed by the Agency for all project areas is approximately \$1,356,680. In order to lessen the unexpected financial burden, SB 1096 allows the City Council to amend each redevelopment plan by ordinance to extend the time limit of the effectiveness of the plan and the time limit to repay indebtedness and receive tax increment revenue for each year that an ERAF payment is required for Fiscal Years 2004-05 and 2005-06 (up to two years). The City Council adopted Ordinance No. 1541 on January 11, 2005 which amended the Marina Vista Redevelopment Plan, and the time limit to repay indebtedness and receive tax increment from the Marina Vista Redevelopment Project Area.

Following that amendment, the Marina Vista Redevelopment Plan is currently scheduled to terminate on February 26, 2006. Under SB 1096, the time limit on the effectiveness of the Redevelopment Plan for Marina Vista can be extended to February 26, 2007. Currently, the time limit on the Agency's ability to pay indebtedness or receive tax increment revenue is February 26, 2016 (10 years after the expiration of the effectiveness of the Redevelopment Plan). Under SB 1096, the limit to pay indebtedness and receive tax increment revenue can be extended to February 26, 2017, provided, however, that all indebtedness approved or incurred by the Agency prior to December 31, 1993 may be repaid according to terms and that the Agency may receive tax increment revenue after February 26, 2017 to repay such debt accordingly.

Bonnie Robinson Lipscomb, Senior Community Development Analyst, gave a brief presentation on the proposed action. She explained the details of the repayment process and proposed time extension.

Mr. Whittom made reference to the on-going merger and amendment process and said that they expected to be back before the Council by the end of the following month with the preliminary report on the project.

RESOLUTION NO.06-15 N.C., offered by Councilmember Cloutier holding on first reading an ordinance extending the time limit for the effectiveness of the Redevelopment Plan and the repayment of debt and receipt of tax increment for the Marina Vista Redevelopment Project.

The above resolution was adopted with the following vote:

AYES: Mayor Intintoli, Vice Mayor Pearsall, Councilmembers Cloutier, Davis, Sunga, Gomes

NOES: None
ABSENT: None
ABSTENTIONS: Bartee

10. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

A. APPOINTMENTS TO THE COMMISSION ON AGING

Interviews of applicants for the Commission on Aging were held earlier this evening.

RESOLUTION NO.06-16 N.C., offered by Councilmember Bartee appointing Tana Casimiro, Edward Celestina, Jack Goldsmith, Brenda Mitchell, Jack Nunnally and reappointing Carolina Labrado, to the Commission on Aging.

The above resolution was adopted with the following vote:

AYES: Mayor Intintoli, Vice Mayor Pearsall, Councilmembers Cloutier , Davis,
Bartee, Sunga, Gomes
NOES: None
ABSENT: None
ABSTENTIONS: None

11. WRITTEN COMMUNICATIONS- NONE

12. CITY MANAGER'S REPORT

City Manager Nichelini commented on the progress of the Hiddenbrooke Temporary Emergency Medical Facility.

13. CITY ATTORNEY'S REPORT- None

14. COMMUNITY FORUM

Irwin A. Olson Jr., 154 Muirwood Place, criticized the hiring of outside attorneys and Mr. Giuliani.

15. REPORT OF PRESIDING OFFICER AND MEMBERS OF CITY COUNCIL

Councilmember Bartee spoke about parliamentary procedure regarding the Commission on Aging. He asked if some of the Commission terms could be made less than full-terms, to which the City Clerk answered "yes." Councilmember Bartee asked for updates on the City budget.

In response to Councilmember Bartee's request for updates on the budget, Mayor Intintoli said that, according to Mr. Stout, reliable numbers were expected to be available the first week of February.

Councilmember Davis wished everyone a Happy New Year and complimented the staff on the improved quality of the visual presentations.

Councilmember Gomes addressed the Major Development Update, and commented on the

formation of the Design Review Board.

16. **CLOSED SESSION** - None

17. **ADJOURNED**

The meeting was adjourned at 8:51 p.m.

ANTHONY J. INTINTOLI, JR., MAYOR

ATTEST:

ALLISON VILLARANTE, CITY CLERK

VALLEJO CITY COUNCIL
MINUTES

JANUARY 24, 2006

The City Council met in Special Meeting/Closed Session concerning conference with legal counsel – Liability Claims, Pursuant to Government Code Section 54956.95(a); and conference with Labor Negotiator(s): Robert Nichelini Acting City Manager; Robert Stout, finance Director; Dennis Morris, Human Resources Director. Employee Organization(s): International Association of Fire Fighters (IAFF), pursuant to Government Code, Section 54967.6. The meeting was called to order at 4 p.m. by Mayor Anthony J. Intintoli, Jr. All Councilmembers were present.

1. CALL TO ORDER

A regular meeting of the Vallejo City Council was held on the above date in the Council Chambers of the Vallejo City Hall. The meeting was called to order at 7:00 p.m. by Mayor Anthony J. Intintoli, Jr.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present: Mayor Intintoli, Vice Mayor Pearsall, Councilmembers Cloutier, Davis, Bartee, Gomes, and Sunga.

Absent: None

Staff: Interim City Manager John P. Thompson
City Attorney Fred Soley
City Clerk Allison Villarante

4. PRESENTATIONS AND COMMENDATIONS- None

5. PUBLIC COMMENT REGARDING CONSENT CALENDAR ITEMS- None

6. CONSENT CALENDAR, APPROVAL OF AGENDA

Councilmember Gomes asked that Consent Items E, Approval of a resolution authorizing the City Manager to amend two consultant services agreements for public improvement plan review and inspection services; H, Approval of a resolution of intention to amend the fiscal year 2005-2006 Water Enterprise fund budget; and I, Approval of resolution authorizing agreement with Diane M. Henderson, DMH Land Use Planning, be removed from the Consent Calendar. It was further requested that Item C, Approval of a resolution accepting loan of artwork at City Hall and allocating funds for display; Item G, Approval of a resolution authorizing an employment agreement with John P. Thompson to serve as Interim City Manager, be removed from the Consent Calendar.

Mayor Intintoli removed Consent Items C, E, G, H, and I and placed them on the regular agenda as Items 6.1, 6.2 and 6.3, 6.4 and 6.5.

Councilmember Bartee recused himself from Consent Items B and D.

Hearing no further additions or deletions, the agenda was approved as amended and the following resolutions and ordinance were offered by Vice Mayor Pearsall:

RESOLUTION NO.06-17 N.C. FOR THE PAYMENT OF CLAIMS

ORDINANCE NO.1564 N.C. (2D) ADOPTING THE ORDINANCE TO AMEND CERTAIN TIME LIMITATIONS WITH RESPECT TO THE REDEVELOPMENT PLAN FOR THE MARINA VISTA REDEVELOPMENT PROJECT.

RESOLUTION NO.06-21 N.C., OFFERED BY COUNCILMEMBER BARTEE ADOPTING THE RESOLUTION OF INTENTION TO AMEND THE FISCAL YEAR 2005-2006 WATER ENTERPRISE FUND BUDGET BY ONE MILLION FIVE HUNDRED AND SEVENTY-FIVE THOUSAND AND FOUR HUNDRED DOLLARS (\$1,575,400) AND AUTHORIZING THE CITY MANAGER TO SIGN THE FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE COUNTY OF SOLANO AND THE CITY OF VALLEJO REGARDING IMPROVEMENTS TO WATER FACILITIES IN THE HOMEACRES AREA.

RESOLUTION NO.06-19 N.C., OFFERED BY COUNCILMEMBER CLOUTIER, WITH COUNCILMEMBER BARTEE ABSTAINING, AMENDING THE FY 2005/06 COMMUNITY DEVELOPMENT DEPARTMENT BUDGET TO INCLUDE FUNDING FOR THE PROPERTY BASED IMPROVEMENT DISTRICT AND THE BUSINESS IMPROVEMENT DISTRICT.

6.1 APPROVAL OF RESOLUTION ACCEPTING LOAN OF ARTWORK AT CITY HALL AND ALLOCATING FUNDS FOR DISPLAY

Recently, there has been interest in the artwork by Mr. Saunders, entitled, Assume Beauty Is All of Us that is currently housed at the Fetterly Gallery be displayed in the Council Chambers to be enjoyed by visitors of City Hall. The Executive Director of the Community Arts Foundation has agreed to loan the piece. In an effort to protect and secure the artwork, City staff will transport the artwork and build a Plexiglas box for security, protection and professional display. Additionally, the piece will be covered by California Joint Powers Risk Management Authority (CJPRMA), the City's pool insurer at no additional charge.

Based on Councilmember Gomes' suggestion, it was decided that the Plexiglas box would be made large enough to accommodate future art work.

Councilmember Cloutier announced that Triad offered to pay for the Plexiglas box.

Mayor Intintoli said that those aspects of the resolution related to the proposed cost would be amended.

Councilmember Davis requested that there be a staff committee to process requests for displays of artwork.

Councilmember Sunga volunteered to serve as a liaison to the committee.

Joyce Scharf, 22 Bayberry Street, said that local artists should be given the opportunity to display their work.

A brief discussion ensued regarding the process of selecting art.

RESOLUTION NO.06-18 N.C., offered by Councilmember Cloutier, as amended, accepting a loan of artwork by world-renown artist, Mr. Raymond Saunders to be displayed in the City Hall Council Chambers for a period of approximately one year.

The above resolution was adopted with the following vote:

AYES:	Mayor Intintoli, Vice Mayor Pearsall, Councilmembers Cloutier, Davis, Barte, Gomes, Sunga.
NOES:	None
ABSENT:	None
ABSTENTIONS:	None

6.2 APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND TWO (2) CONSULTANT SERVICES AGREEMENTS FOR PUBLIC IMPROVEMENT PLAN REVIEW AND INSPECTION SERVICES

As a result of requests by Lennar Mare Island and DESILVA for accelerated plan reviews on their respective developments (i.e. Mare Island and Garthe Ranch) and the continuing high volume of other current development plans for review by city staff, Council previously authorized staff to enter into agreements with various consulting firms with municipal plan review experience to provide the personnel needed to meet the developers' schedules. Work is continuing on these two contracts and the level of expenditures is nearing the approved limits. Accordingly the developers have requested that the agreements be extended to complete these services. The work will continue to be 100% funded by the developers. At this time, staff recommends Council authorize the City Manager to execute amendments to these two agreements with Harris and Associates. Work previously authorized for Garthe Ranch was not to exceed \$97,370; Staff now recommends amending the agreement to not exceed a total of \$125,000. In addition, work previously authorized by Lennar was not to exceed \$150,000; staff now recommends amending the agreement to not exceed \$300,000.

Councilmember Gomes commented on the details of the contracting services, including its funding.

A brief discussion ensued regarding contracting services, fee schedules, and clarification of processes.

Vice Mayor Pearsall asked about the budget related to personnel issues.

Councilmember Barte addressed the budget cuts, stating that he thought that staff positions that were necessary might have been eliminated.

RESOLUTION NO.06-20 N.C., offered by Vice Mayor Pearsall authorizing the City Manager to negotiate and execute a Consultant Services Agreement between the City of Vallejo and Harris & Associates, Concord, California for Garthe Ranch and Mare Island improvement plan review and inspection services on an as-needed basis.

The above resolution was adopted with the following vote:

AYES: Mayor Intintoli, Vice Mayor Pearsall, Councilmembers Cloutier, Davis, Barte, Gomes, Sunga.
NOES: None
ABSENT: None
ABSTENTIONS: None

6.3 APPROVAL OF RESOLUTION AUTHORIZING AN EMPLOYMENT AGREEMENT WITH JOHN P. THOMPSON TO SERVE AS INTERIM CITY MANAGER FOR A PERIOD OF SIX MONTHS STARTING ON JANUARY 30, 2006 AND AUTHORIZING EXECUTION THEREOF BY THE MAYOR

On January 10, 2006, the City Council unanimously adopted a resolution appointing John P. Thompson Interim City Manager of the City of Vallejo effective January 30, 2006, subject to the execution of an employment agreement satisfactory to Mr. Thompson and the City Council. An employment agreement, satisfactory to Mr. Thompson, has been prepared for consideration by the Council. The agreement calls for a monthly salary of \$13,500; a monthly car allowance of \$500; payment of the employee's share of the Social Security tax and Medicare tax; payment of up to \$1,500 toward the cost of a membership in the International City/County Management Association ("ICMA") for calendar year 2006; and approval of leave with pay from May 4, 2006 through May 22, 2006 due to travel arrangements made prior to Mr. Thompson's appointment. No other benefits, e.g., sick leave, administrative leave, health, vision, dental, CALPERS retirement, are being provided to Mr. Thompson.

Councilmember Gomes questioned whether there would be a conflict of interest because of Mr. Thompson's previous work with Triad.

Mayor Intintoli asked if Mr. Thompson would have to come back to the Council for approval of outside contracts regarding those matters related to Triad, to which Mrs. Gomes answered yes.

Fred Soley, City Attorney, agreed to the amended contract.

Leon Singleton, 348 BW Williams Drive, commented on the Council's decision to hire and fire City Managers without taxpayer input or consent. He asked about Mr. Kemp.

RESOLUTION NO.06-22 N.C., offered by Councilmember Gomes approving an Employment Agreement with John P. Thompson to serve as Interim City Manager of the City of Vallejo for a six month period starting on January 30, 2006 and authorizing the execution of the agreement by the Mayor.

The above resolution was adopted with the following vote:

AYES: Mayor Intintoli, Vice Mayor Pearsall, Councilmembers Cloutier, Davis, Barte, Gomes, Sunga.
NOES: None
ABSENT: None
ABSTENTIONS: None

6.4 APPROVAL OF A RESOLUTION OF INTENTION TO AMEND THE FISCAL YEAR 2005-2006 WATER ENTERPRISE FUND BUDGET BY: 1) INCREASING APPROPRIATIONS BY TWO HUNDRED AND FIVE THOUSAND AND EIGHT HUNDRED DOLLARS (\$205,800) FOR WATERLINE REPAIRS IN WILSON AVENUE, OUTSIDE LEGAL FEES, AND PERSONNEL COSTS; AND 2) BY ADDING A WATER SUPERINTENDENT AND A SENIOR PIPE MECHANIC POSITION, AND REVISING THE PIPE MECHANIC LISTING TO REFLECT FLEXIBLE STAFFING.

Four different issues have been combined in this mid-year budget adjustment request. The Water Enterprise Fund's portion of the Public Works Department's Wilson Avenue Improvement Project Phase 2, already part of the approved FY2005-2006 budget at \$400,000, must be increased by \$168,000 due to the escalation of construction costs. Projected outside legal fees for resolution of a watershed access issue in the Vallejo Lakes System will exceed available appropriations by \$25,000. The Water Superintendent position has been frozen for over two years due to a golden handshake retirement; the incremental cost associated with adding back the position and filling it through promotion is covered by other salary savings in Water Administration. Water Distribution is requesting a small increase in personnel cost appropriations and a revision to its approved positions in order to promote Pipe Mechanic I positions to Pipe Mechanic II positions and to add a Sr. Pipe Mechanic position to be filled from existing ranks, for no net increase in staffing.

Councilmember Gomes asked for clarification on the proposed resolution.

Mr. Leach explained that the action taken by the Council is to reject bids and to authorize staff to go out to bid again for the project in an attempt to reduce costs.

Councilmember Gomes criticized the proposed action because it seemed like it was "putting the cart before the horse."

There was further discussion regarding clarification of the details of the proposed mid-year budget adjustment with comments from the City Attorney concerning "adjusting in a timely manner."

Further discussion ensued in an attempt to convey the staff's view of the situation to Councilmember Gomes.

RESOLUTION NO.06-23 N.C., was offered by Councilmember Bartee adopting the resolution of Intention to amend the Fiscal Year 2005-2006 Water Enterprise Budget by; 1) increasing appropriations by a total of \$205,800 for the Wilson Avenue Improvement Project, outside legal fees, and personnel costs; and 2) by adding a Water Superintendent and a Sr. Pipe Mechanic Position, and revising the Pipe Mechanic listing to reflect flexible staffing.

The above resolution was adopted with the following vote:

AYES:	Mayor Intintoli, Vice Mayor Pearsall, Councilmembers Cloutier, Davis, Bartee, Sunga.
NOES:	Gomes
ABSENT:	None
ABSTENTIONS:	None

6.5 APPROVAL OF RESOLUTION AUTHORIZING AGREEMENT WITH DIANE M. HENDERSON, DMH LAND USE PLANNING, TO PROVIDE PROFESSIONAL PLANNING SERVICES AS PART-TIME CONTRACT PLANNING MANAGER

On January 1, 2006, Brian Dolan, City of Vallejo Planning Manager, became the Acting Development Services Director until a permanent Director is hired. To perform the role of Planning Manager during this period, a contract Planning Manager will be needed. After interviewing several candidates, Diane M. Henderson, of DMH Land Use Planning, has been chosen to assist in the supervision of the Planning Division under the direction of the Acting Development Services Director.

After some discussion on the matter and concerns expressed by Councilmembers about the proposed action putting the City at risk, Mayor Intintoli entertained a resolution to hold the item over for a week to discuss it with Mr. Thompson.

RESOLUTION NO.06-24 N.C., was offered by Councilmember Gomes holding over the issue for a week in order to discuss it with Mr. Thompson.

The above resolution was adopted with the following vote:

AYES: Mayor Intintoli, Vice Mayor Pearsall, Councilmembers Cloutier, Davis, Barteo, Gomes, Sunga.
NOES: None
ABSENT: None
ABSTENTIONS: None

7. PUBLIC HEARING- NONE

8. POLICY ITEMS

A. CONSIDERATION OF DREDGE POND THREE PARTY SETTLEMENT AGREEMENT BETWEEN LENNAR MARE ISLAND, LLC, WESTON SOLUTIONS, INC., AND THE CITY OF VALLEJO

Beginning in 1994, the City took a series of actions with the intent of activating seven dredge ponds on Mare Island. In early 1998, a feasibility study was conducted that determined that there was an economic benefit to reactivation of the dredge ponds. On March 21, 2000, the City Council approved Resolution No. 00-126 N.C., which authorized City staff to enter into an Agreement to Negotiate Exclusively with Roy F. Weston, Inc. Subsequent to the Agreement to Negotiate Exclusively, Roy F. Weston, Inc. changed their name to Weston Solutions, Inc. (Weston). In October 2002, after completion of an extensive due diligence period, the City Council authorized City staff to enter into a Memorandum of Understanding and Sublease for the Regional Dredge Management Facility for Mare Island (City Council Resolution No. 02-434 N.C.) with Weston.

In October 2005, Lennar Mare Island, LLC (Lennar), the Master Developer for Mare Island, forwarded to City staff an unsolicited alternative to reactivation of the Dredge Material Disposal Facility (DMDF). City staff, Weston Solutions, Inc. (Weston), and Lennar have reached an Agreement on a Three Party Settlement Agreement that would permanently terminate the Mare Island DMDF project in return for certain payments by Lennar. As described further in the staff report and in detail in the Three Party

Settlement Agreement, Lennar will pay to the City: \$2,000,000 in four equal annual installments of \$500,000 each, to the Mare Island Historic Park Foundation (MIHPF) \$250,000, to be placed in trust, jointly controlled by City and Lennar, to the Greater Vallejo Recreation District (GVRD), \$250,000 to be placed in trust controlled jointly by the City and Lennar, to the Vallejo City Unified School District (VCUSD) \$200,000, or in kind services to be used on Mare Island. Lennar will pay Weston an undisclosed amount in consideration of its abandonment of the Mare Island DMDF.

Mr. Soley addressed the benefits of the agreement related to eliminating risk, terms and conditions, compensation elements, and the Vallejo City Unified School District. The Wetlands were also discussed.

In response to a question of Councilmember Gomes regarding the confidentiality of project costs, Mr. Soley explained that the confidentiality was due to audits and that when audits are conducted that payment will be identified.

Councilmember Gomes expressed concerns and asked about the Wetland Mitigation Bank study.

Councilmember Bartee commented on the Wetland Mitigation Bank and asked that it be put on a future agenda.

Councilmember Cloutier commented on potential emergency repairs.

The following people spoke in favor of the agreement: Michael Palmaffy, 395 Amador Street, Chairman of the GVRD Board, Gregory Gazaway, 32 Sandy Beach, Jim Youngblood 641 Tisdale Avenue, Joke (Yoka) Jolivet, 440 Kirkland Avenue, Mark Hammon, 420 Klein Avenue, Redondo Thomas, 64 Tisdale, Wendell Quigley, 601 Tisdale Avenue, Nami Aminpour, 581 Kirkland Avenue, Nancy Phelps, 360 Crisp Avenue, Darrell W. Edwards, 228 Louisiana Street, Certa Hinton, 651 Tisdale Avenue, Al Vidal, 580 Kirkland Avenue. Myrna Hayes, 816 Braniforte Street, asked for 10 percent for the Mare Island regional park. Charles Legalos, 38 Daniels, expressed concern regarding obstruction of views. Diana Krevsky, 983 Grant Street, Benicia, addressed the Mare Island regional park.

Councilmember Bartee asked for information regarding the fence and the 10 percent for the Mare Island Regional Park, stating that he thought it was a good idea. Kevin Klott, 541 Kirkland Avenue, expressed concerns about levees. Councilmember Cloutier asked about the fence.

Mr. Soley said that they would need to confer with Weston and would return with a report in the next couple of weeks.

Councilmember Cloutier said the fence should be moved where it could not be seen.

Councilmember Sunga said he thought the 10 percent for the Mare Island Regional Park was a good idea and thanked everyone. He also spoke about the positive economic impacts of the agreement.

Councilmember Gomes thanked Craig Whittom and the public and spoke about her experience regarding pushing the agreement forward. She commented on fiscal impact and asked if a cap could be set on project costs.

Discussion followed regarding the details of the fiscal impact of the agreement.

RESOLUTION NO.06-25 N.C., offered by Councilmember Cloutier authorizing the City Manager to execute the Dredge Pond Three Party Settlement Agreement.

The above resolution was adopted with the following vote:

AYES: Mayor Intintoli, Vice Mayor Pearsall, Councilmembers Cloutier, Davis, Barteo, Gomes, Sunga.
NOES: None
ABSENT: None
ABSTENTIONS: None

The City Council meeting recessed from 8:47 p.m. to 8:56 p.m.

9. **ADJOURN TO A JOINT MEETING OF THE VALLEJO REDEVELOPMENT AGENCY, VALLEJO PUBLIC FINANCING AUTHORITY, AND THE MARINE WORLD JOINT POWERS AUTHORITY- 8:57 P.M.**
10. **RECONVENE THE CITY COUNCIL MEETING- 9:02 P.M.**
11. **ADMINISTRATIVE ITEMS**
 - A. **CONSIDERATION OF A RESOLUTION ACCEPTING THE CITY CLERK'S CERTIFICATION OF A REFERENDUM AGAINST CITY COUNCIL RESOLUTION NO. 05-401 N.C. (APPROVING GENERAL PLAN AMENDMENT #03-0005) AS SUFFICIENT AND ADOPTION OF A RESOLUTION REGARDING CITY COUNCIL OPTIONS**

On November 29, 2005 the City Council adopted Resolution No. 05-401 N.C. Approving An Amendment To The General Plan Land Use Map For Approximately 178 Acres Of Real Property, Assessor's Parcel Nos. 0082-010-100, 0082-010-120, From A Combination Of Low Density Residential, Medium Density Residential And Open Space To Low Density Residential And Open Space And Approximately 12 Acres Of Real Property, Assessor's Parcel Nos. 0072-180-030 And 0072-180-050, From Low Density Residential And Employment To Open Space-Wetlands conditioned upon completion of annexation of the Easterly Parcel into the City of Vallejo by the Solano County Local Agency Formation Commission within one year. On December 29, 2005 the City Clerk received a referendum petition against Resolution No. 05-401 N.C. with approximately 7,521 signatures. Pursuant to Elections Code Section 9237, a referendum petition must be signed by ten percent (10%) of the registered voters in the City based upon the County Election Official's last official report of registration to the Secretary of State. Therefore, in order to be deemed sufficient, the submitted Referendum Petition would have to be signed by no less than 4583 registered voters.

On December 29, 2005, the City Clerk transmitted the Referendum Petition to the Solano County Registrar of Voters for the purpose of determining whether it contained sufficient valid signatures. Based upon the sampling process set forth in Elections Code Section 9115, on January 11, 2006, the County Registrar determined that the referendum petition regarding Resolution No. 05-401 N.C. contained a sufficient number of valid signatures and has thus been found to be valid and sufficient. Elections Code section 9114 requires that sufficient referendum petitions must be submitted to the City Council at the next regular City Council meeting following the County Registrar of Voters'

certification. The Council must now adopt a resolution accepting the City Clerk's certification that the Referendum Against City Council Resolution No. 05-401 N.C. is sufficient.

Election code 9241 requires that the City Council either rescind Resolution No. 05-401 N.C. or submit Resolution No. 05-401 N.C. to the voters. Therefore, staff requests that the Council direct staff to prepare two resolutions for its consideration at a February 2006 Council meeting. The first resolution shall rescind Resolution No. 05-401 N.C. and the second resolution shall order an election on the Referendum Against City Council Resolution No. 05-401 N.C. The City Council will then consider which action it deems appropriate.

Councilmember Gomes noted a correction in the staff report.

Jocelyn Lee, 151 Sandhurst Court, Smart Growth Open Space for Vallejo, spoke about the necessity of accepting the referendum against City Council Resolution No. 05-401.

RESOLUTION NO.06-26 N.C., offered by Mayor Intintoli accepting the City Clerk's certification of a Referendum against City Council Resolution No. 05-401 N.C and

The above resolution was adopted with the following vote:

AYES: Mayor Intintoli, Vice Mayor Pearsall, Councilmembers Cloutier, Davis, Barteo, Gomes, Sunga.
NOES: None
ABSENT: None
ABSTENTIONS: None

RESOLUTION NO.06-27 N.C., offered by Mayor Intintoli directing staff to prepare two resolutions for Council's consideration at a February 2006 City Council meeting: a) resolution rescinding Resolution No. 05-401 N.C and b) resolution ordering an election on the Referendum Against City Council Resolution No. 05-401 N.C.

The above resolution was adopted with the following vote:

AYES: Mayor Intintoli, Vice Mayor Pearsall, Councilmembers Cloutier, Davis, Barteo, Gomes, Sunga.
NOES: None
ABSENT: None
ABSTENTIONS: None

B. SOLANO COLLEGE SMALL BUSINESS DEVELOPMENT CENTER UPDATE

During the past several years, the City of Vallejo has entered into a service agreement with the Solano College Small Business Development Center (SBDC) to ensure services are directed to Vallejo businesses. SBDC provides free/low cost assistance to small businesses which includes business plan development, marketing plan development, cash flow management, and personnel management. The SBDC is primarily funded through the State of California Community College and the U.S. Small Business Administration. A component of the SBDC's budget includes matching contributions from local cities. The City of Vallejo matching contribution for FY 2005-06 is \$12,000.

This funding was budgeted in the approved FY 2005-06 Economic Development Division budget. This report is provided in compliance with the service agreement between the City and SBDC.

Mayor Intintoli asked Mr. Soley if he needed to recuse himself from this item because his wife works at the college, to which Mr. Soley answered no.

Chuck Gleason, Small Business Development Center, gave a brief update and semi-annual report on the Small Business Development Center.

This was an information item. No action was required.

**C. VALLEJO CONVENTION AND VISITORS BUREAU QUARTERLY REPORT
(BUSINESS IMPROVEMENT DISTRICT)**

The Vallejo Tourism Business Improvement District (BID) was established to fund marketing programs to promote the City of Vallejo as a tourism destination and to fund projects, programs, and activities that benefit hotels within the City of Vallejo. A service agreement between the City of Vallejo and the Vallejo Convention and Visitors Bureau (CVB) was negotiated to expend the funds. The primary purpose of the agreement is for promotion, advertisement, and marketing programs for Vallejo's lodging facilities. The creation of the VTBD was designed to augment the reduction of the General Fund allocation to the CVB. The City disburses the assessment collected from the lodging facilities to the CVB on a monthly basis. This report is provided in compliance with the service agreement between the City and CVB.

Rick Wells, President and C.E.O. of CVB, gave a brief update and semi-annual report on the Vallejo Convention and Business Bureau.

This was an information item. No action was required.

**D. VALLEJO CONVENTION AND VISITORS BUREAU QUARTERLY REPORT
(TRANSIENT OCCUPANCY TAX)**

Over the past number of years, the City has allocated to the Vallejo Convention and Visitors Bureau (CVB) a portion of the Transient Occupancy Tax (TOT). The CVB uses this funding to promote Vallejo as an overnight destination, promote the extension of time people stay in Vallejo, and to promote tourism. This report is provided in compliance with the service agreement between the City and CVB.

Mike Brown, Vice President of Marketing of CVB, gave a brief update and semi-annual report on the Vallejo Convention and Business Bureau's T.O.T.

This was an information item. No action was required.

E. VALLEJO CHAMBER OF COMMERCE MARKETING UPDATE

The City entered into a service agreement with the Vallejo Chamber of Commerce to assist with the recruitment of new business to Vallejo and the retention of existing businesses in Vallejo, thus increasing the City's tax base. The scope of the FY 2005-06 agreement includes: contacting high priority targets which include a major bookstore retailer, an electronics company, and a specialty grocery store; understanding and

supporting marketing plans of the City's marketing partners and shopping center owners and other commercial property owners in Vallejo; maintaining the Vallejo Economic Development Information System (VEDIS) database; facilitating meetings of representatives involved in business recruitment for major development projects with City staff; preparing collateral materials containing demographic and economic information for responses to inquiries; and submitting progress reports to the City. This report is given in compliance with the service agreement between the City of Vallejo and the Vallejo Chamber of Commerce.

Karen Moss, Consulting Director, gave a brief update and semi-annual report on the Chamber of Commerce's FY 2005-06 agreement.

Councilmembers Davis and Cloutier thanked Ms. Moss for her efforts to bring new businesses to the City of Vallejo.

A brief discussion ensued relating to attracting new businesses to Vallejo.

This was an information item. No action was required.

F. SOLANO EDC QUARTERLY UPDATE

The City of Vallejo and Solano EDC entered into a service agreement as a part of a regional partnership promoting Vallejo to prospective businesses. Solano EDC with the County and the seven cities in Solano County has embarked on developing a comprehensive long range marketing plan created to generate new awareness, branding and attraction of new investment and jobs for Solano County. This report is provided in compliance with the service agreement between the City of Vallejo and Solano EDC.

Chuck Gleason gave a brief update and semi-annual report on Solano EDC's marketing efforts and progress.

This was an information item. No action was required.

12. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES- NONE

Mayor Intintoli addressed the change in the law related to Greater Vallejo Recreation District appointments, stating that the City Council, not the mayor, has the authority to appoint members to the GVRD Board. He explained the history of his appointments. Mayor Intintoli asked that the Council approve his previous appointments due to their qualifications.

Michael Palmaffy, 395 Amador Street, Chairman of the GVRD Board, expressed his support to the Mayor's selections and asked the Council to support the nominees.

Jovita Bazan-Lopez, 804 Georgia Street, and Robert Straw, 766 West J, Benicia, Vallejo Intertribal Council, said that there was a conflict of interest concerning Janet Laine and spoke against the Glencove Waterfront project, which would directly overlook sacred Native American burial grounds.

Darrell W. Edwards, 228 Louisiana Street, spoke against approving the appointments.

Diana Lang, 1255 Tuolumne Street, urged the Council to keep the bigger picture in mind.

Lee Pono (Address not available), Vallejo Intertribal Council, said that Janet Laine described the VIC as an exclusionary group but it was untrue. She said that the Council should look at the other applicants because of Janet Laine's bias.

The following people spoke in support of the appointment of Janet Laine: Bob Mintzer, 220 Bluebell Place, Maisha Draves, 130 Shoal Drive Way, Jaja Jackson, 130 Shoal Drive West,

Councilmember Bartee said that he would like to approve the first three appointments and to interview the others.

Councilmember Gomes asked who was responsible for monitoring changes in state and federal laws and said that she thought a more thorough process was necessary.

Mayor Intintoli explained that there were so many changes in laws yearly that it was hard to keep track of them, among other causes.

Councilmember Gomes stated that there is a need for better advertising regarding upcoming positions for appointments.

Councilmember Davis said that he would like to reserve enough time for the Council to interview applicants as well as be provided with background information.

Discussion ensued regarding the interview and appointment process.

It was decided that Mr. Welsh, Mr. Humphreys, and Suzanne Huddleston would be confirmed in their previous positions.

RESOLUTION NO.06-28 N.C., offered by Mayor Intintoli, as amended, accepting GVRD Appointments.

The above resolution was adopted with the following vote:

AYES:	Mayor Intintoli Vice Mayor Pearsall, Councilmembers Cloutier, Davis, Bartee, Gomes, Sunga.
NOES:	None
ABSENT:	None
ABSTENTIONS:	None

RESOLUTION NO.06-29 N.C., offered by Councilmember Bartee scheduling Council interviews with remaining candidates in two weeks, or sooner if needed.

The above resolution was adopted with the following vote:

AYES:	Vice Mayor Pearsall, Councilmembers Cloutier, Davis, Bartee, Gomes, Sunga.
NOES:	None
ABSENT:	None
ABSTENTIONS:	Mayor Intintoli

13. WRITTEN COMMUNICATIONS

Mayor Intintoli reported he received a letter from Alan Davis.

14. CITY MANAGER'S REPORT

Mayor Intintoli expressed Council's appreciation to Mr. Nichelini for serving as Interim City Manager.

15. CITY ATTORNEY'S REPORT

Mr. Soley thanked Mr. Nichelini.

16. COMMUNITY FORUM

Jeanette McCree-Goudeall, 1509 Elliot Drive, said that a democratic process should be adopted regarding the display of any artwork in the City of Vallejo.

Mayor Intintoli reminded the speaker that the Community Forum was for matters that had not been considered on the regular Agenda.

Wayne Diggs, 1835 Broadway, expressed concerns regarding recycling facilities.

The following speakers addressed issues relating to the flood: Cathy Hall, 210 Hampshire Street, Chris Echevarria, 222 Hampshire Street, Michael Perry, 216 Hampshire Street, John Donham, (Address not available), North Bay Athletic Association, Angela Camille, (Address not available), North Bay Athletic Association, Karen Gallagher, 3478 Buskirk Avenue, Pleasant Hill, North Bay Athletic Assoc., spoke about issues related to the flood and the North Bay Athletic Association, Robert Hall 200 Hampshire Street.

Jennifer Wilson, 1826 Tennessee Street, spoke about her experience related to interaction with the City. She said that the City of Vallejo did not support or protect its citizens.

Darrell W. Edwards, 228 Louisiana St, asked the City Attorney for a copy for various laws. He also spoke about donations to the North Bay Athletic Association.

Myrna Hayes, 816 Braniforte, spoke about the MI regional park and the Flyaway Festival.

Mr. Soley spoke briefly about issues related to the flood.

17. REPORT OF THE PRESIDING OFFICER AND MEMBERS OF THE CITY COUNCIL

Mayor Intintoli asked that the meeting be closed in memory of Willie McKnight.

Councilmember Sunga thanked Mr. Nichelini and spoke about the status for certain allocated funds.

Councilmember Bartee thanked Mr. Nichelini and spoke about a short-term loan program for people affected by flooding.

18. CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL - LIABILITY CLAIMS, PURSUANT TO GOVERNMENT CODE SECTION 54956.95(a) In the Matter of Melvin K. Ainsworth; Tort Claim No. 05-021**

19. ADJOURNMENT

The meeting was adjourned at 11:13p.m. in memory of Willie McKnight.

ANTHONY J. INTINTOLI, JR., MAYOR

ATTEST:

ALLISON VILLARANTE, CITY CLERK

**VALLEJO CITY COUNCIL
MINUTES
JANUARY 9, 2007**

The Vallejo City Council met in a special meeting/closed session concerning: public employee performance evaluation: City Attorney, pursuant to Government Code Section 54957(b)(1). The meeting was called to order at 6:00 p.m. by Mayor Anthony J. Intintoli, Jr. All Councilmembers were present. The matter concerning conference with labor negotiators pursuant to Government Code Section 54957.8, negotiators: Joseph Tanner, City Manager, Dennis Morris, Human Resources Director, Employee Organization(s): International Association of Firefighters, Local 1186, (IAFF) , Vallejo Police Officers Association (VPOA), International Brotherhood of Electrical Workers, Local 2376 (IBEW) and Confidential, Administrative, and Managerial Professionals (CAMP) was removed from the agenda and not heard.

1. CALL TO ORDER

A regular meeting of the Vallejo City Council was held on the above date in the Council Chambers of the Vallejo City Hall. The meeting was called to order at 7:00 p.m. by Mayor Anthony J. Intintoli, Jr.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present: Mayor Intintoli, Vice Mayor Pearsall, Councilmembers Cloutier, Davis, Bartee, Sunga, Gomes

Absent: None

Staff: City Manager Joseph Tanner
City Attorney Fred Soley
Acting City Clerk Mary Ellsworth

4. PRESENTATIONS AND COMMENDATIONS - None

5. PUBLIC COMMENT REGARDING CONSENT CALENDAR ITEMS - None

6. CONSENT CALENDAR AND APPROVAL OF AGENDA

Mayor Intintoli welcomed City Manager Joseph Tanner.

At the request of Mayor Intintoli, Consent Items 6-B concerning the authorization to purchase police vehicles from Wondries Fleet Group, and 6-D, concerning consultant and professional services agreement with the Dangermond Group to prepare the final Mare Island Regional Park Task Force Report, were removed from the Consent Calendar and placed on the regular agenda as Items 6.1 and 6.2.

Hearing no further additions, corrections or deletions, the agenda was approved as amended and the following resolutions and minutes were offered by Vice Mayor Cloutier:

- A. CITY COUNCIL MINUTES OCTOBER 4, 2005; OCTOBER 18, 2005, OCTOBER 25, 2005, NOVEMBER 1, 2005; NOVEMBER 15, 2005; NOVEMBER 29, 2005; DECEMBER 6, 2005; DECEMBER 13, 2005; SPECIAL MEETING/CLOSED

SESSION NOVEMBER 8, 2005

- B. RESOLUTION AUTHORIZING THE PURCHASE OF EIGHT (8) FORD CROWN VICTORIA POLICE VEHICLES FROM WONDRIES FLEET GROUP OF ALHAMBRA, CALIFORNIA IN THE AMOUNT OF \$213,220.79 IN ACCORDANCE WITH THE REQUIREMENTS OF REQUEST FOR QUOTATION (RFQ) #502-2902-13. This Item was moved to 6.1.
- C. RESOLUTION NO. 07-02 N.C. AWARDING THE FY 2006-2007 WATER METERS REPLACEMENT PROJECT TO VULCAN CONSTRUCTION AND MAINTENANCE INC., OF FRESNO, CALIFORNIA
- D. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSULTANT AND PROFESSIONAL SERVICES AGREEMENT WITH THE DANGERMOND GROUP TO PREPARE THE FINAL MARE ISLAND REGIONAL PARK TASK FORCE REPORT. This Item was moved to 6.2
- E. RESOLUTION NO. 07-04 N.C. AMENDING THE LABOR AGREEMENT BETWEEN THE CITY OF VALLEJO AND THE CONFIDENTIAL, ADMINISTRATIVE, MANAGERIAL AND PROFESSIONAL ASSOCIATION OF VALLEJO (CAMP)
- F. RESOLUTION NO. 07-05 N.C. AMENDING THE LABOR AGREEMENT BETWEEN THE CITY OF VALLEJO AND THE VALLEJO EXECUTIVE MANAGEMENT ASSOCIATION (VEMA)

The above resolutions and minutes were adopted by the following vote:

AYES: Mayor Intintoli, Vice Mayor Cloutier, Councilmembers Bartee, Davis, Gomes, Pearsall and Sunga
NOES: None
ABSENT: None
ABSTAINING: None

- 6.1 RESOLUTION AUTHORIZING THE PURCHASE OF EIGHT (8) FORD CROWN VICTORIA POLICE VEHICLES FROM WONDRIES FLEET GROUP OF ALHAMBRA, CALIFORNIA IN THE AMOUNT OF \$213,220.79 IN ACCORDANCE WITH THE REQUIREMENTS OF REQUEST FOR QUOTATION (RFQ) #502-2902-13.

Councilmember Sunga questioned what kind of preference was given to local vendors. John Cerini, Maintenance Superintendent, stated that the local vendor preference is five percent and this was considered during the evaluation of the bids. The local vendor was not the low bidder, even with the five percent.

RESOLUTION NO. 07-01 N.C. offered by Mayor Intintoli authorizing the purchase of eight (8) Ford Crown Victoria Police Vehicles from Wondries Fleet Group of Alhambra, California in the amount of \$213,220.79 in accordance with the requirements of Request for Quotation (RFQ) #502-2902-13.

The above resolution was adopted by the following vote:

AYES: Mayor Intintoli, Vice Mayor Cloutier, Councilmembers Bartee, Davis, Gomes, Pearsall and Sunga
NOES: None

ABSENT: None
ABSTAINING: None

6.2 RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSULTANT AND PROFESSIONAL SERVICES AGREEMENT WITH THE DANGERMOND GROUP TO PREPARE THE FINAL MARE ISLAND REGIONAL PARK TASK FORCE REPORT.

Craig Whittom, Assistant City Manager/Community Development Director, responded to questions of Councilmember Gomes concerning how cost was taken into consideration during the selection process, and whether the quotes from the other organizations were in line with the one being accepted. Mr. Whittom stated that the panel who did the negotiating felt this was the most qualified group.

RESOLUTION NO. 07-03 N.C. offered by Mayor Intintoli authorizing the City Manager to execute a consultant and professional services agreement with the Dangermond Group to prepare the Final Mare Island Regional Park Task Force Report.

The above resolution was adopted by the following vote:

AYES: Mayor Intintoli, Vice Mayor Cloutier, Councilmembers Bartee, Davis, Gomes, Pearsall and Sunga
NOES: None
ABSENT: None
ABSTAINING: None

7. PUBLIC HEARINGS

A. PUBLIC HEARING FOR THE ABANDONMENT OF A PORTION OF SHASTA STREET RIGHT-OF-WAY BETWEEN ALABAMA STREET AND OHIO STREET

Mayor Intintoli opened the public hearing.

Gary Leach, City Engineer, stated that staff received a petition from nine of the property owners along the portion of Shasta Street requesting abandonment of ten feet of right-of-way. He reported that this action will reduce the existing right-of-way from 80 to 60 feet which allows 12 feet behind the curb for utilities. All the property owners have been notified and the proposed abandonment was noticed in the newspaper. There have been no objections.

Mayor Intintoli closed the public hearing.

RESOLUTION NO. 07-06 N.C., offered by Mayor Intintoli abandoning portions of Shasta Street right-of-way between Alabama Street and Ohio Street.

The above resolution was adopted by the following vote:

AYES: Mayor Intintoli, Vice Mayor Cloutier, Councilmembers Bartee, Davis, Gomes, Pearsall and Sunga
NOES: None
ABSENT: None
ABSTAINING: None

8. POLICY ITEMS - None

9 RECESS TO A JOINT MEETING WITH THE VALLEJO REDEVELOPMENT AGENCY

The City Council recessed to a joint meeting with the Vallejo Redevelopment Agency at 7:07 p.m. Upon roll call, all members were present. Councilmember Bartee recused himself from this item due to a financial interest within the sphere of influence of the project.

10. ADMINISTRATIVE ITEMS

A. CONSIDERATION OF SECOND AMENDMENT TO THE TRIAD DOWNTOWN DISPOSITION AND DEVELOPMENT AGREEMENT; TERMINATION OF THE ASSIGNMENT AND ASSUMPTION AGREEMENT RELATIVE TO THE DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF VALLEJO AND TRIAD DOWNTOWN VALLEJO, LLC; AND TERMINATION OF THE ASSIGNMENT AND ASSUMPTION AGREEMENT RELATIVE TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF VALLEJO AND TRIAD DOWNTOWN VALLEJO LLC

On October 28, 2005, the Redevelopment Agency of the City of Vallejo (Agency) entered into a Disposition and Development Agreement (DDA) with Triad Downtown Vallejo LLC (Triad) for the development of certain public and private parcels located within the boundaries of the Vallejo Central Redevelopment Project Area and the Marina Vista Redevelopment Project Area. The City of Vallejo entered into a Development Agreement (DA) with Triad regarding the proposed development. On December 20, 2005, the Agency and City authorized the execution of the First Amendment to the Triad Downtown DDA and the execution of the Assignment and Assumption Agreement relative to the DDA between the Agency and Triad and the execution of the Assignment and Assumption Agreement relative to the DA between the City and Triad.

As a result of the termination of the relationship between Triad and D.R. Horton, a Second Amendment to the Triad Downtown DDA and termination of the Assignment and Assumption Agreement relative to the DDA between Agency and Triad and the termination of the Assignment and Assumption Agreement relative to the DA between the City and Triad is necessary.

Annette Taylor, Community Development Analyst, made a power point presentation which addressed the background of the project and the changes to the Triad Downtown DDA, Sections 1-4; Termination of Assignment and Assumption Agreement to the Disposition and Development Agreement and the Development Agreement; fiscal impact of the second amendment, including the method of financing, the schedule of performance, and the Section 33433 Report.

Speakers: Buck Kamphausen, 200 Rollingwood Drive, Vallejo, addressed the lack of parking for the Empress Theater, the Museum and the Old Post Office, noting that he addressed this in a letter earlier. He stated that the public is using his lot (Capital and Marin Streets) and it is private property and not for public use. He asked that Triad take parking into consideration.

Joanne Schivley expressed concern about the short term leases that are being imposed on property owners in downtown Vallejo so that only retail is allowed, and asked that leases for something other than retail in the downtown be considered.

Ms. Taylor addressed parking stating because the City is in negotiations with Triad, by the Development Agreement, staff cannot transfer or lease the properties without Triad's approval. Therefore, the letter sent by Mr. Kamphausen was forwarded to Triad's representatives to review. She stated that a parking management plan is being developed to address the parking needs as the lots are constructed.

Ms. Taylor further stated that concerning the retail corridor, staff has met with a committee that was formed by various downtown organizations. This issue will be brought back to Council in February.

Vice Mayor Cloutier asked how realistic the June 1 start date is, and who will build the project. He is raising this issue to assure the public that there is a realistic start date for this project. Chris Austin, Triad representative, stated that although it is a challenge, they believe it is a realistic date--all of their expectations are they will break ground in April.

Vice Mayor Cloutier asked if this is consistent with what staff is aware of. Ms. Taylor replied yes.

Councilmember Gomes asked who replaced D. R. Horton. Mr. Austin replied that Triad has replaced D. R. Horton—they are doing the work themselves and they are prepared to do this.

Councilmember Gomes stated that it is very important that the start dates are realistic because businesses are counting on this. Mr. Austin explained the challenges connected with the start date which relates to lenders. There was further discussion between Councilmember Gomes and Mr. Austin concerning the funding for condominiums.

Mr. Whittom stated that staff is working diligently with the developer to make sure everything is in order to get this project going. The developer must provide evidence of financing before we close on the property.

In answer to a question of Councilmember Gomes concerning the parking, Ms. Taylor stated that staff believes the parking plan will address the parking needs in the future.

Mr. Austin responded to questions of Councilmember Sunga concerning the price of the condos increasing due to the change, and how it will affect the affordability. Mr. Austin replied yes, the price of the condos would be higher; and there are still a number of required affordable units in the building.

Ms. Taylor addressed questions of Councilmember Sunga concerning parking issues. She stated that the number of parking spaces that were projected in the specific plan and the EIR will cover the amount of parking spaces that are needed for future build-out in the downtown. Staff will address Mr. Kamphausen's proposal within the next month.

Ms. Taylor responded to questions of Councilmember Pearsall concerning a completion date for Parcels B and C. Ms. Taylor replied three years.

Councilmember Davis asked if Triad planned to build energy efficient units. Mr. Austin replied they are pursuing Leed certification for Virginia Street.

RESOLUTION NO. 07-07 N.C. offered by Vice Mayor Cloutier approving and authorizing the execution of a second amendment to the Disposition and Development Agreement between the Redevelopment of the City of Vallejo and Triad Downtown Vallejo, LLC.

The above resolution was adopted by the following vote:

AYES:	Mayor Intintoli, Vice Chairman Cloutier, Councilmembers Davis, Gomes, Pearsall and Sunga
NOES:	None
ABSENT:	None
ABSTAINING:	Councilmember Bartee

RESOLUTION NO. 07-08 N.C. offered by Councilmember Davis approving and authorizing the execution of the of the termination of an assignment and assumption agreement relative to the Disposition an development Agreement between the Redevelopment Agency of the City of Vallejo and Triad Downtown Vallejo, LLC.

The above resolution was adopted by the following vote:

AYES: Mayor Intintoli, Vice Chairman Cloutier, Councilmembers Davis, Gomes, Pearsall and Sunga
NOES: None
ABSENT: None
ABSTAINING: Councilmember Bartee

RESOLUTION NO. 07-09 N.C. offered by Councilmember Sunga approving the termination of assignment and assumption agreement relative to the Development Agreement between the City of Vallejo and Triad Downtown Vallejo LLC.

The above resolution was adopted by the following vote:

AYES: Mayor Intintoli, Vice Chairman Cloutier, Councilmembers Davis, Gomes, Pearsall and Sunga
NOES: None
ABSENT: None
ABSTAINING: Councilmember Bartee

11. RECONVENE CITY COUNCIL MEETING

The City Council reconvened at 8:00 p.m. Councilmember Bartee returned to the dais. All Councilmembers were present.

12. ADMINISTRATIVE ITEMS (CONTINUED)

B. CONSIDERATION OF EXCLUSIVE RIGHT TO NEGOTIATE AGREEMENT BETWEEN THE CITY OF VALLEJO AND TOURO UNIVERSITY REGARDING NORTH MARE ISLAND

A proposed Exclusive Right to Negotiate Agreement has been developed between the City of Vallejo and Touro University regarding North Mare Island. The agreement addresses an approach to move forward on the final transfer of Navy-owned parcels on Mare Island, including the approximately 90 acres Navy-owned acreage remaining on North Mare Island.

Craig Whittom, Assistant City Manager/Community Development, introduced Susan McCue, Economic Development Program Manager, and Jerry Ramisa, Counsel with McDonough, Holland and Allen, who assisted with the project. Mr. Whittom made a power point presentation describing the location of the property and providing background information on the project, including the three obstacles involved with the previous ERN periods. He also addressed the key elements of the proposed ERN which include the commitment by Touro to fund both City and contractor costs regarding North Island share of the early transfer costs, business terms of an agreement regarding moving early transfer forward which involves funding of those contractor prior costs and future costs to bring the North Island to conclusion. The costs in the first stage are approximately \$250,000 for anticipated city costs and up to \$800,000 of early transfer costs that Touro has agreed to provide security for during this negotiating period. Mr. Whittom stated that the term of the agreement is proposed to be 180 days with a very aggressive schedule in an effort to explore as quickly as possible Touro's stated commitment to

solve the very difficult infrastructure financing dilemma. The reality of the project is if the infrastructure problems of more than 30 million dollars can't be solved, then the vision cannot be realized. Benchmarks for the year-end period are that within 60 days they will have a preliminary infrastructure financing plan. Staff expects to provide Council with an update on this within 60-90 days.

Mr. Whittom explained the alternatives that have been considered over a period of time which include holding the property for improving market conditions, solicit a new development team, or to enter into an ERN with Lennar.

Mr. Whittom stated that questions submitted by Lennar concerning the recommendation were responded to this afternoon.

In response to concerns expressed by Councilmember Sunga concerning the financing, Bruce Lang, Arcades, Project Manager for Touro, provided an update on the meeting with Touro's Board stating that the Board approved the project. He further stated that Touro has committed funding for 350 to 500 million dollars.

Mr. Whittom responded to a question of Councilmember Sunga concerning the self-sustainability on the note; is this something that needs to be addressed now as far as the project's contribution to island-wide costs without burdening the present and future homeowners on the island. Mr. Whittom stated that the North Island will pay its proportionate share of infrastructure and operating costs on the island. The actual analysis will be conducted once a land plan is in place and a transfer structure is developed.

Richard Hassel, Touro University, responded to Councilmember Sunga's question concerning whether there will be a diminished commitment from Touro on the existing university if the project goes through.

Mr. Whittom responded to Councilmember Sunga's question concerning last meeting in which Council was told that they would get an answer to a question concerning DTSC and whether Weston's addition to the contract will expedite the transfer. Mr. Whittom responded that having one contractor was responsive to DTSC and the Navy's interest.

Vice Mayor Cloutier questioned what Touro's present commitments are on the campus where they now occupy and does Touro have commitments to rehab certain buildings.

Mr. Whittom addressed the on-going commitment in terms of moving forward on development of the south island, stating that there is a recital in the ERN that acknowledges that Touro will continue to invest in the south island and this will be included in an eventual agreement with Touro.

Mr. Hassel stated that Touro has 1.1 million square feet of the 44 acres and they are occupying less than half of it. The square footage that is currently not occupied is historical square footage that requires maintenance and upkeep. Touro is anxious to purchase the property and continue their investment in the build out of the 44 acre property, and they have a strategic plan that supports that.

Councilmember Bartee thanked Touro and city staff for developing this. He encouraged Touro to continue to work in good faith and possibly include language in the ensuing agreement that outlines relationships and the continued mutual cooperation in working towards what would be the best development of the island.

Councilmember Bartee stated that he wants to be sure we have clear measurable performance schedules in the final agreement--make sure we get the best return on investment for fair market value on land when we do the transfers, and he would not want to see any further delays in the visual enhancement of G Street and the north entry way to the Island. He would like a commitment on timeframes. He thanked Lennar for their continued involvement and commitment in working toward the mutual agreement between the City, Touro and Lennar.

Councilmember Gomes stated that there has been a change over what was planned a year ago and because of that people are uncomfortable. She stated it will be up to staff to complete the due diligence during the ERN period, and staff will need to be as thorough as possible.

RESOLUTION NO. 07-10 N.C. offered by Mayor Intintoli authorizing the City Manager to execute an Agreement to Negotiate Exclusively with Touro University for North Mare Island (Reuse Area #1A).

The above resolution was adopted by the following vote:

AYES:	Mayor Intintoli, Vice Mayor Cloutier, Councilmembers Bartee, Davis, Gomes, Sunga and Pearsall
NOES:	None
ABSENT:	None
ABSTAIN:	None

C. CONSIDERATION OF A RESOLUTION OF INTENTION DIRECTING PREPARATION & SUBMISSION OF ORDINANCES TO THE CITY COUNCIL AMENDING VALLEJO MUNICIPAL CODE CHAPTER 11.38 (CONTROL OF BACKFLOW & CROSS-CONNECTION TO MUNI WATER SYSTEM) AND VALLEJO MUNICIPAL CODE SECTION 11.48.120 (SERVICE CHARGES – FIRE PROTECTION SERVICE CUSTOMER ACCOUNTS)

The "Downtown Vallejo Design Guidelines," adopted by the City Council in September 2005, include recommendations for the siting of utilities such as backflow prevention devices which make it difficult to conform to the installation requirements of Vallejo Municipal Code Chapter 11.38. In order to accommodate "non-standard" installations in the Downtown Specific Plan Area, or on other sites with space or design standard constraints, the Vallejo Municipal Code must be revised to address issues which arise with "non-standard" installations.

The Vallejo Municipal Code also needs to be revised to clarify that fire service charges are based on the size of the fire prevention device, not "meter" size. Currently, fire service charges are set in part to recover costs associated with the annual inspection of the backflow prevention devices which are a part of a fire prevention device apparatus. Staff recommends charging separately for the annual inspection and testing of backflow devices, instead of including this fee in the fire service charge, as it is done currently. The combined fees would result in no net increase in total monthly fees to the customer for fire service, and would allow for better tracking of backflow maintenance program revenue.

Erik Nugteren, Water Superintendent, made the staff presentation stating that by modifying the Code it will allow the property owners in the Downtown area to put the backflow prevention devices in the basement. The City will no longer maintain the devices which will remove the City's liability.

Mr. Nugteren responded to questions of Councilmember Bartee concerning the fee structure and what percentage of downtown properties has back flow devices on both fire and domestic water. Mr. Nugteren stated that there will be no increase in the fee.

Councilmember Davis noted that the building owned by Triad on Georgia Street has a connection for the Fire Department in the middle of the sidewalk. He hopes that during the design of the buildings in the future that that can be prevented so it is an actual connection that fits in with the building and doesn't become a pedestrian hazard.

Mr. Austin, Triad, stated that he would look into this.

RESOLUTION NO. 07 -11 N.C. of intention offered by Councilmember Bartee directing preparation and submission of ordinances to the City Council amending V.M.C. Chapter 11.38 (Control of Backflow and Cross-Connection to Municipal Water System), and Section 11.48.120 (Service Charges – Fire Protection Service Customer Accounts).

The above resolution was adopted by the following vote:

AYES:	Mayor Intintoli, Vice Mayor Cloutier, Councilmembers Bartee, Davis, Gomes, Sunga and Pearsall
NOES:	None
ABSENT:	None
ABSTAIN:	None

13. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

A. APPROVAL OF RESOLUTION APPOINTING MEMBERS TO THE YOUTH ACTIVITIES COMMISSION

Applicants for the Youth Activities Commission were interviewed on November 13, 2006 and December 7, 2006.

RESOLUTION NO. 07-12 N.C. offered by Mayor Intintoli appointing the following to the Youth Activities Commission: Elysa Jade Jacqueline Corpus, Shanel Dickson, Melia Lartique, Meline Ledbetter, Patricia Rainwater and Sean Verdadero

The above resolution was adopted by the following vote:

AYES:	Mayor Intintoli, Vice Mayor Cloutier, Councilmembers Bartee, Davis, Gomes, Sunga and Pearsall
NOES:	None
ABSENT:	None
ABSTAIN:	None

14. WRITTEN COMMUNICATIONS - None

15. CITY MANAGER'S REPORT

Mr. Tanner expressed his pleasure in being the new City Manager. He wished the firefighters injured during a fire the past weekend a speedy recovery.

16. CITY ATTORNEY'S REPORT - None

17. COMMUNITY FORUM

Speakers: Allen Wildermuth, 1852 Landmark Drive, welcomed Mr. Tanner, and expressed appreciation to the Council for reducing the budget of the public safety contracts. Robert Rowe, 1825 Sonoma Boulevard, #302, addressed city funds, the environment, and development

18. REPORT OF THE PRESIDING OFFICER AND MEMBERS OF THE CITY COUNCIL

Mayor Intintoli expressed appreciation for the sacrifices made by CAMP and VEMA who have reached an agreement with the City which has a positive impact on the budget problems.

19. CLOSED SESSION - None

20. ADJOURNMENT

The meeting adjourned at 8:45 p.m.

ANTHONY J. INTINTOLI, JR., MAYOR

ATTEST: _____
MARY ELLSWORTH, ACTING CITY CLERK



CONSENT B

Agenda Item No.

COUNCIL COMMUNICATION

Date: January 23, 2007

TO: Honorable Mayor and Members of the City Council

FROM: Craig Whittom, Assistant City Manager/Community Development
Brian Dolan, Development Services Director *BD*
John Bunch, Project Planner *JB*

SUBJECT: FINAL READING AND ADOPTION OF AN ORDINANCE ADDING
CHAPTER 2.39 TO THE VALLEJO MUNICIPAL CODE TO CREATE THE
DESIGN REVIEW BOARD

SUMMARY

The subject ordinance was introduced and held on first reading at the Council meeting of December 19, 2006. At that time, the City Council required two changes. The changes specified that the Design Review Board shall consist of seven full members and that at least four members shall have their primary residence within the City limits. Remaining members shall have their primary place of employment or primary place of residence within the City limits.

DISCUSSION

The needed changes have been incorporated into the attached ordinance. The requirement for seven full members led to changes to several sections, starting at 2.39.040. The requirement specifying residency and employment is shown at 2.39.050B.

Council also requested that staff amend the submittal requirements for persons wishing to serve on the DRB and other boards and commissions so that City Council will have a better understanding of the applicants qualifications. Staff is pursuing these changes independent of this ordinance amendment.

PROPOSED ACTION

Adoption of the attached ordinance adding Chapter 2.39 to the Vallejo Municipal Code to create a Design Review Board for the Downtown and Waterfront planning areas.

DOCUMENTS ATTACHED

a. Ordinance adding Chapter 2.39

PREPARED BY: John Bunch, Contract Planner
(707) 648-4326

CONTACT: Brian Dolan, Development Services Director
(707) 648-4326

DATE OF REPORT: January 23, 2007

J/Planning/John Bunch/Design Review Board Staff Report CC4.doc

ORDINANCE NO. _____ N.C. (2d)

AN ORDINANCE OF THE CITY OF VALLEJO ADDING CHAPTER 2.39 TO THE VALLEJO MUNICIPAL CODE TO CREATE THE DESIGN REVIEW BOARD

THE COUNCIL OF THE CITY OF VALLEJO DOES ORDAIN AS FOLLOWS:

SECTION 1. The Vallejo Municipal Code is hereby amended by enacting, adopting and adding thereto a new chapter to Title 2, said new chapter to be numbered and to read as follows:

**“Chapter 2.39
DESIGN REVIEW BOARD**

- 2.39.010 Creation.**
- 2.39.020 Purpose.**
- 2.39.030 Powers and Duties.**
- 2.39.040 Membership.**
- 2.39.050 Qualifications.**
- 2.39.060 Term of Office.**
- 2.39.070 Termination of Membership.**
- 2.39.080 Filing of Vacancy.**
- 2.39.090 Officers.**
- 2.39.100 Compensation.**
- 2.39.110 Meetings and Quorum.**
- 2.39.120 Rules and Records.**

2.39.010 Creation.

There is hereby created a Design Review Board, hereinafter referred to as the “board.”

2.39.020 Purpose.

The City Council finds and declares that a disregard for the integration of design with the general appearance, scale, capacity, use and character of certain neighborhoods and districts within the city adversely affects the health, safety, welfare and economy of the citizens of the city. The purpose of the board is to promote orderly, harmonious and attractive development, to encourage the stability of land values and investments in those neighborhoods and districts designated by the city council and to promote the general health, safety and welfare of the citizens of the city.

2.39.030 Powers and Duties.

The board shall:

- A. Conduct design review and make decisions to approve or deny unit plans for development projects within the boundaries of the districts specified in the Downtown Vallejo Specific Plan and the districts specified in the Vallejo Waterfront Design Guidelines. This shall include all new projects, additions to existing building space, and major exterior improvements.
- B. Use the adopted design guidelines as the primary guiding document, in accord with the applicable specific plan or master plan. When approving unit plan applications, the board shall explicitly find that the project, as conditioned, is consistent with the adopted specific plan or master plan development standards and the adopted design guidelines.
- C. Review and make recommendations to the city council regarding proposals to amend the adopted design guidelines and to establish a design program for commercial signs in the downtown or waterfront districts.
- D. Review and comment on the design of other development projects which may be referred by the planning commission or city council.
- E. Exercise such other powers and duties as prescribed by city ordinance or conferred by the city council.

2.39.040 Membership.

The board shall consist of seven members appointed by the city council.

2.39.050 Qualifications.

- A. Board members shall be at least 18 years old.
- B. All board members shall have their primary residence or primary place of employment within the Vallejo City Limits. A minimum of four board members shall have their primary residence within the city limits.
- C. All board members shall have a demonstrated competence and interest in architecture, landscape architecture or urban design through education, training or experience. This includes, but is not limited to, an understanding of design principles and the ability to read, analyze and interpret architectural and site plans.
- D. It is the intent that a majority of board members have experience as professional architects, landscape architects, or urban planners with a substantial background in urban design.

2.39.060 Term of Office.

- A. The term of office for each board member shall be four years.
- B. The initial terms of board members first appointed shall be staggered as follows: two for the term of four years; two for the term of three years; two for the term of two years; and one for the term of one year. To arrange this result, the city council shall specify terms of members first appointed.

2.36.070 Termination of Membership.

Membership shall terminate prior to the end of a term of office in the event of:

- A. Death;
- B. Resignation;
- C. Forfeiture of office in accordance with chapter 2.26 of this code; and
- D. Removal shall be governed by section 407 of the city charter.

2.39.080 Filling of Vacancy.

- A. A vacancy shall be filled in the same manner as the original appointment. If an appointment is made due to an expired term, it shall be made for a new full term. Otherwise, the appointment shall be for the unexpired portion of the term.

2.39.090 Officers.

- A. The board members shall elect a chairperson and a vice-chairperson from among its members. Each shall serve a term of one year and until a successor is appointed and takes office. The planning manager or the manager's designee shall serve as non-voting secretary to the board.
- B. The chairperson or, in the chairperson's absence, the vice-chairperson, shall preside at all meetings of the board. If both the chairperson and vice-chairperson are absent from a meeting or abstain from participation, the remaining voting members shall elect a temporary chairperson. They shall perform the duties necessary or incidental to their offices.
- C. The secretary shall keep minutes of each meeting and shall record the official actions taken. The secretary shall certify each official document and shall perform other such duties as the board assigns.

2.39.100 Compensation.

Each board member shall serve without compensation, unless otherwise provided by ordinance or resolution adopted by the city council. Reimbursement of expenses shall be as authorized by the planning manager.

2.39.110 Meetings and Quorum.

- A. The board shall fix the time and place of its regular meetings and may hold special meetings in the manner prescribed by state law.
- B. Four voting members of the board constitute a quorum for the transaction of business. An affirmative vote of at least three members is required to take official action. A tie vote shall have the same effect as a denial.

2.39.120 Rules and Records.

The board may adopt rules and procedures for the transaction of its business. The board secretary shall keep a record of all determinations, findings and actions of the board."

SECTION 2. Severability

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more portions may be declared invalid.

SECTION 3. Effective Date

This Ordinance shall take effect and be in full force and effect from and after thirty (30) days after its final passage.



COUNCIL COMMUNICATION

Date: January 23, 2007

TO: Honorable Mayor and Members of the City Council

FROM: Craig Whittom, Assistant City Manager/Community Development *W*
Brian Dolan, Development Services Director *BD*
Don Hazen, Planning Manager *DH*

SUBJECT:

Consideration of an appeal of the Planning Commission's conditions of approval to Planned Development permit #06-0020 requiring Costco to provide additional parking lot landscaping in accordance with the Northgate Specific Plan and the standard requirement regulating construction hours (7 a.m. to 6 p.m., Monday through Saturday).

BACKGROUND AND DISCUSSION:

On December 4, 2006, the Planning Commission considered a proposal for a 14,721 square foot expansion of the existing 125,438 square foot Costco Wholesale warehouse, located at 198 Plaza Drive in the Gateway Plaza Shopping Center. The applications involved for the project were as follows:

- a) Adoption of a Negative Declaration
- b) Use Permit #06-0014 considering the economic impact analysis of the proposed expansion;
- c) Planned Development (Unit Plan) #06-0020 for the design, compatibility, and conformance with the Vallejo Zoning Ordinance and the Northgate Specific Plan; and;
- d) Minor Exception #06-0024 to exceed the allowable floor area ratio

The Planning Commission voted 5-1 to approve the above applications. However, the Commission added a condition of approval to Planned Development (Unit Plan) #06-0020 to require the applicant to upgrade the landscaping within their existing parking lot to achieve conformance with the Northgate Specific Plan (see Exhibit 5, Planning Commission minutes [pg.11]).

It was the Commission's opinion that despite the small size of the project, the cost of a parking lot retrofit, and the previous City failure to require the original development of the site to meet the Specific Plan standards, Costco needed to bring the parking lot up to the Specific Plan standards.

On December 13, 2006, David Babcock & Associates, on behalf of Costco, submitted an appeal to the City Council of the additional parking lot landscape condition added by the Planning Commission (see Exhibit 3) and the standard condition of approval limiting construction hours to the Monday-Saturday, 7:00 a.m. to 6:00 p.m. (excluding holidays) The basis for the appeal is summarized below:

Parking Lot Landscaping

- The building expansion is less than ten percent of the total building area. The Costco expansion is minor in nature and does not significantly affect the existing parking field.
- After previous discussion with all parties, the economic assumptions for this project were based on the existing parking to remain "as is" with the exception of some minor re-striping and one row of parking modified to accommodate handicapped parking and access to adjoining development.
- At the time of original approval, Costco complied with the landscape requirements imposed by the City; therefore, the parking lot landscaping should be grandfathered.

Construction Hours

- In order to provide minimal disruption and maximum safety to Costco members and employees, much of the construction work will be performed after store hours. Additionally, temporary shut downs of power and life safety equipment will be required to complete the work. These operations are best performed after store hours when the public is not shopping.
- Costco's desired exterior construction hours of 6:00 a.m. to 10:00 p.m. seven days a week and interior construction hours of twenty-four hours a day, seven days a week would enable them to complete the project as quickly as possible while at the same time, keeping the warehouse open to the public.

RECOMMENDATION:

1. Parking Lot Landscaping

Staff's recommendation to the Planning Commission did not require Costco to upgrade the parking lot landscaping. Staff's position was based on the following:

- The scope of the project appeared to be minor in proportion to the existing size of the building.
- Retrofitting the parking lot would require saw cutting and trenching of existing parking to install irrigation lines.

- The City previously determined the parking lot to be acceptable.
- Upon review of the available files related to the original approval of Gateway Plaza Retail Center (Planning Commission minutes, Use Permit #89-05 Staff Report, etc.), staff determined that the design of the Costco parking lot was approved by the City as illustrated on the 1989 approval site plan (see Exhibit 6).

2. Construction Hours

Staff was only made aware of Costco's desire to amend the construction hour's minutes before the Commission hearing and informed the applicant that they could address the issue during their presentation. The applicants did not address the issue during their presentation so it was not until after the hearing that staff was told they still desired to amend the allowable hours of construction. The applicant was advised that staff could not modify an approved condition and they would have to add this to their appeal.

Staff understands the need for Costco to have expanded construction hours in order to facilitate rapid completion of their project and not impact the shopping customers. However, staff also believes that city residents living in nearby residentially zoned neighborhoods should be able to rely on normal hours of peace and quiet after a certain time and on weekends and holidays. We believe our proposed modified language balances these two concerns.

Based on Staff's original recommendation to the Planning Commission described above, Staff recommends that the City Council uphold the applicant's appeal of the Planning Commission's condition of approval to provide additional parking lot landscaping in accordance with the Northgate Specific Plan.

Staff also recommends that the City Council uphold the applicant's appeal of the Planning Division's standard requirement regulating construction hours (Monday-Saturday, 7:00 a.m. to 6:00 p.m., excluding holidays) with staff's modification of the proposed hours (interior construction 24hrs/7days, exterior construction Mon-Sat. 6a.m. to 10 p.m.) as follows:

- Interior construction allowed 24 hrs a day, seven days a week.
- Exterior construction, including operation of any power equipment, i.e. generators, lifts, etc., Mon.-Sat. 7a.m. to 6 p.m., excluding observed holidays.
- Designation of an on-site Project Coordinator who will supply a contact phone number to the Planning Division project planner and to any established neighborhood group within the Northgate area in order to respond to any complaints or questions related to the construction of the project.

ALTERNATIVES CONSIDERED:

The Planning Commission's justification for requiring Costco to bring the parking lot

landscaping into conformance with the Northgate Specific Plan requirement of one tree for every six spaces was based on their opinion that Costco is a very visible retailer in the city, and as a responsible corporate citizen, they should not be relieved from meeting parking lot landscaping requirements while other businesses in Vallejo, both big and small, have had such a requirement imposed on them (see Exhibit 4, pg. 4).

The Commission also felt that while the proposed expansion may be small in scale when compared with the square footage of the existing building (approximately 10%), this may be the only time to bring the parking lot into conformance with the Northgate Specific Plan.

The issue of amending the standard construction hours was never brought to the Commission's attention during the December 4th hearing; therefore, the Commission approved the standard requirement without discussion.

Staff has prepared and attached an alternative Resolution (see Exhibit 2) in the event that the City Council wishes to deny the applicant's appeal of the Planning Commission's condition of approval requiring additional parking lot landscaping in conformance with the Northgate Specific Plan, with modified hours for construction, as recommended.

ENVIRONMENTAL REVIEW:

On December 4, 2006, the Planning Commission adopted a Negative Declaration for the project based upon substantial evidence in light of the whole record that the proposed project will not have a significant effect on the environment. The Negative Declaration is located with Exhibit 4, Attachment B.

PROPOSED ACTION:

Approve a Resolution upholding the applicant's appeal of the Planning Commission's condition of approval requiring additional parking lot landscaping in conformance with the Northgate Specific Plan, and with a modified requirement for limitation on hours of construction.

DOCUMENTS ATTACHED:

- Exhibit 1. Resolution upholding the appeal of the Planning Commission's additional condition of approval, with modified construction hours
- Exhibit 2. Alternative Resolution denying the appeal of the Planning Commission's additional condition of approval, with modified construction hours
- Exhibit 3. Appellant statement letter dated December 13, 2006
- Exhibit 4. December 4, 2006 Planning Commission staff report and Attachments A & B
- Exhibit 5. December 4, 2006 Planning Commission minutes
- Exhibit 6. 1989 Costco site plan submitted with original application & 1998 Costco site plan
- Exhibit 7. Conflict of Interest radius map

CONTACT:

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Marcus Adams, Associate Planner
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K:/citywide/public/ai/pl/costco-appeal(ccstaffreport)ll

RESOLUTION NO. _____ N.C.

A RESOLUTION UPHOLDING THE APPEAL OF THE PLANNING COMMISSION'S CONDITION OF APPROVAL OF PLANNED DEVELOPMENT (UNIT PLAN) #06-0020 TO BRING THE PARKING LOT LANDSCAPING INTO CONFORMANCE WITH THE NORTHGATE SPECIFIC PLAN AND MODIFYING THE STANDARD REQUIREMENT FOR CONSTRUCTION HOURS

BE IT RESOLVED by the City Council of the City of Vallejo as follows:

WHEREAS, on December 4, 2006, the Planning Commission held a public hearing to consider a Negative Declaration, Planned Development (Unit Plan) #06-0020, Use Permit #06-0014 and Minor Exception #06-0024 for Assessors Parcel Number 0081-570-030 to allow an 14,721 square foot expansion of the existing Costco Warehouse and relocation of the existing tire center; and

WHEREAS, on December 4, 2006, on completion of the public hearing, the Planning Commission voted 5-1 constituting an approval of adoption of a Negative Declaration, Planned Development (Unit Plan) #06-0020, Use Permit #06-0014, and Minor Exception #06-0024 ; and

WHEREAS, a timely appeal of conditions of approval relating to parking lot landscaping and allowed hours of construction was filed with the City Clerk by David Babcock & Associates on behalf of Costco, on December 13, 2006; and

WHEREAS, the City Council has reviewed the report provided to the Planning Commission on Planned Development (Unit Plan) #06-0020 and the minutes from the public hearing held on December 4, 2006, and all other comments and information provided by the applicant; and

WHEREAS, the City Council, on January 23, 2006, in the City Council Chambers of City Hall, 555 Santa Clara Street, held a public hearing to consider the appeal to the Planning Commission approval for Planned Development (Unit Plan) #06-0020; and

WHEREAS, all interested persons filed written comments with the City Clerk at or before the hearing, all persons desiring to be heard were given an opportunity to be heard in this matter, and all such verbal and written testimony was considered by the City Council.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Vallejo that after consideration of all the evidence in the record, including the staff report, written correspondence, and testimony, that:

1. There is no substantial evidence in light of the whole record that approval of Planned Development (Unit Plan) #06-0020 will have a significant effect on the

environment and that the Negative Declaration reflects the City Council's independent judgment and analysis.

2. The notice of the hearing was given for the time and in the manner prescribed by law; and
3. Planned Development (Unit Plan) #06-0020 is consistent with the Goals, Objectives, Policies, and intent of the General Plan, as amended; and
4. Planned Development (Unit Plan) #06-0020 meets all the required findings stated in Section 16.116.100 of the Vallejo Municipal Code; and
5. The Unit Plan as conditioned is consistent with the intent, purpose and development standards of the Northgate Specific Plan, in that it will result in a high quality retail use; and
6. The Unit Plan is consistent with the goals and policies of the Vallejo General Plan ; and
7. The design of proposed expansion within the Unit Plan and its relationship to surrounding open spaces, serves to achieve groupings of structures that will be well related to one another. Taken together these structures will result in a well composed urban design with consideration given to site, height, arrangement, texture, materials, color and appearances, the relation of these factors to other structures in the immediate area, and the relation of the development to the total setting as seen as seen from key points in the surrounding area; and
8. The Unit Plan is of a quality and character that harmonizes with and serves to protect the value of public and investments in the area; and
9. The Unit Plan will not be detrimental to health, safety and general welfare; and
10. The City's interest in completing the project in a timely fashion justifies a minor adjustment in standard restrictions on construction hours

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby upholds the appeal of the Planning Commission's condition of approval requiring additional landscaping in conformance with the Northgate Specific Plan and modifies the standard requirement regarding regulation of construction hours for Planned Development #06-0020 based on the findings above and subject to conditions (**modified standard requirement is noted in *italicized font***) herein:

**CONDITIONS OF APPROVAL FOR PLANNED DEVELOPMENT (Unit Plan)
#06-0020, USE PERMIT #06-0014 AND MINOR EXCEPTION #06-0024**

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 a minimum of one 15-gallon tree to be installed in all parking lot landscape planters which are

missing trees unless determined infeasible by the Planning Division or a traffic hazard by the Traffic Engineer. The proposed trees shall be of the same variety of the existing trees in the parking lot or shall be chosen from the City of Vallejo's Recommended Street Tree List, which is available at the Planning Division.

3. Prior to building permit submittal, the applicant shall submit revised illustrating an accessible parking lot pedestrian pathway (acceptable to the Chief Building Official) that is landscaped with trees, includes special paving, and is illuminated to a maximum of 1 foot candle.
4. Prior to building permits submittal, provide revised plans illustrating a minimum of two bicycle racks to be installed near the building entrance.
5. Prior to building permit issuance, submit a sign application for all proposed signs on the building.
6. Prior to building permit issuance, obtain an administrative permit from the Planning Division for any temporary office or construction trailer.
7. 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.
8. Prior to final building inspection, all proposed landscaping and bicycle racks shall be installed.
9. Prior to occupancy/final building inspection, an inventory of all landscaping on the site shall be conducted. All damaged or dead plants, including ground covers, shall be replaced with the same planting or a planting to be approved by the Planning Division.
10. Prior to occupancy/final building inspection, obtain a sign permit from the Planning Division prior to the erection of any Grand Re-Opening or similar advertisement signs, including flags, banners, etc. All signs shall comply with Chapter 16.64 (VMC).

Building Division

1. Prior to building permit submittal, provide revised plans indicating ADA path of travel from the ground floor building exits to the public way.
2. Prior to building permit submittal, provide revised plans indicating ADA path of travel between different buildings in the shopping plaza.

3. Prior to building permit submittal, provide revised plans indicating an exit analysis of building with exiting load per door including the width of exiting path to public way for exit discharge.

City and Traffic Engineer

1. Submit geotechnical investigation report that includes recommendation on proposed retaining wall installation and parking lot grading. A third party review of soils report may be required at the project owner's expense.
2. Submit site grading, drainage, improvement, utility and landscaping and irrigation plans for review and approval. Site plan shall show all proposed, existing improvements and utility services. Secure approval of site plans prior to building permit.
3. Prior to approval of construction plans pay \$119,725.00 toward Northgate Fee District 94-1 for the new additional square footage (19,921 square feet).
4. Due to line of sight conflict, remove three parking stalls from west side and four from east side of new Tire Center building.
5. Proposed 24 feet width for parking driveway in front of new Tire Center is not acceptable. Minimum width shall be 25 feet.

Economic Development

1. Parking will replace landscaping. Repair/enhance existing landscaping.

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, a VSFCD Connection Permit is required. Pay all applicable review and connection fees.

STANDARD REQUIREMENTS

Planning Division

1. All parking spaces shall be demarcated, per City of Vallejo standards.
2. *Exterior construction-related activities shall be limited to the hours of 7 a.m. and 6 p.m., Monday through Saturday. Interior construction shall be allowed 24hrs a day, seven days a week. Construction equipment noise levels shall not exceed the City's maximum allowable noise levels.*

Costco shall designate an on-site Project Coordinator who will supply a contact phone number to the Planning Division project planner and to any established neighborhood group within the Northgate area in order to respond to any complaints or questions related to the construction of the project.

3. Replant vegetation in disturbed areas as quickly as possible.
4. Hydroseed or apply soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).

5. Enclose, cover, water twice daily, or apply soil binders to exposed stock piles (e.g., sand, gravel, or dirt) and all unpaved parking and staging areas.
6. Cover all trucks hauling dirt, sand, soil, or other loose materials. Maintain at least six inches of freeboard.
7. Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
8. Sweep daily (with water sweepers) all paved parking and staging areas.
9. Provide daily clean-up of mud and dirt carried onto paved streets from the site.
10. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
11. Designate a person or persons to oversee the implementation of a comprehensive dust control program and to increase watering, as necessary.
12. Maintain and operate construction equipment so as to minimize particulates from exhaust emissions. During construction, trucks and equipment should be running only when necessary. Equipment should be kept in good condition and well-tuned, to minimize exhaust emissions.
13. In the event unsuspected historical, archaeological, or paleontological resources are discovered during any phase of the projects, land alteration work within 50 feet of the find shall be halted, the Planning Division notified, and a qualified professional consulted to evaluate the resource and suggest an appropriate management plan as necessary.
14. In the event that human remains should be discovered, land alteration work within 50 feet of the find shall be halted, the Planning Division and the County Coroner notified and a qualified professional consulted to evaluate the resource and suggest an appropriate management plan as necessary.
15. 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.
16. There shall be no outdoor storage or display of any kind except as allowed per Chapter 16.70 and 16.77 (VMC).

17. 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.
18. All vents, gutters, downspouts, flashings, electrical conduits, etc., shall be painted to match the color of the adjacent surface.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.

City and Traffic Engineer

1. Parking lot spaces shall not be more than 5% in any direction (VMC, Section 16.62.150(C)(1).
2. Signage and striping shall be per City of Vallejo standard. (VMC, Section 16.62.140)

3. 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. (PW1)
4. 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. (PW2)
5. 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. (PW3)
6. 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. (PW4)
7. 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. (PW5)
8. 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. (PW6)
9. All dust and erosion control shall be in conformance with City standards, ordinance, and NPDES requirements. (PW7)
10. 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). (PW8)
11. Entrances to any private project must be standard driveway approaches unless deviation is permitted by the City Engineer. (PW9)

12. 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. (PW10)
13. 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. (PW11)
14. Prior to start of construction submit a traffic control plan to the Department of Public Works for review and approval. (PW12)
15. Construction inspection shall be coordinated with the Department of Public Works and no construction shall deviate from the approved plans. (PW13)
16. 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. (PW14)
17. 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. (PW15)
18. Prior to occupancy/final building inspection, install the improvements required by the Department of Public Works including but not limited to streets and utilities. (PW16)
19. 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. (PW17)

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. Direct roof drainage across non-paved areas prior to entering storm drain inlets and gutter, when feasible.

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.
-

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.

January 23, 2007

k/citywide/public/ai/pl/costco-appeal(resolutionII-uphold)

RESOLUTION NO. _____ N.C.

A RESOLUTION DENYING THE APPEAL OF THE PLANNING COMMISSION'S CONDITION OF APPROVAL OF PLANNED DEVELOPMENT (UNIT PLAN) #06-0020 TO BRING THE PARKING LOT LANDSCAPING INTO CONFORMANCE WITH THE NORTHGATE SPECIFIC PLAN

BE IT RESOLVED by the City Council of the City of Vallejo as follows:

WHEREAS, on December 4, 2006, the Planning Commission held a public hearing to consider Planned Development (Unit Plan) #06-0020, Use Permit #06-0014, Minor Exception #06-0024 and a Negative Declaration on Assessors Parcel Number 0081-570-030 to allow a 14,721 square foot expansion of the existing Costco Warehouse and relocation of the existing tire center; and

WHEREAS, on December 4, 2006, on completion of the public hearing, the Planning Commission voted 5-1 constituting an approval of Planned Development (Unit Plan) #06-0020, Use Permit #06-0014, Minor Exception #06-0024 and adoption of a Negative Declaration; and

WHEREAS, a timely appeal was filed with the City Clerk by David Babcock & Associates on behalf of Costco, on December 13, 2006; and

WHEREAS, the City Council has reviewed the report provided to the Planning Commission on Planned Development (Unit Plan) #06-0020 and the minutes from the public hearing held on December 4, 2006, and all other comments and information provided by the applicant; and

WHEREAS, the City Council, on January 23, 2006, in the City Council Chambers of City Hall, 555 Santa Clara Street, held a public hearing to consider the appeal to the Planning Commission approval for Planned Development (Unit Plan) #06-0020; and

WHEREAS, all interested persons filed written comments with the City Clerk at or before the hearing, all persons desiring to be heard were given an opportunity to be heard in this matter, and all such verbal and written testimony was considered by the City Council

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Vallejo that after consideration of all evidence in the record, including the staff report, written correspondence and testimony, that 1) the proposed addition to the Costco facility is substantial enough to merit a complete upgrading of the existing parking lot landscaping to current standards and 2) that the City's interest in completing the project in a timely fashion justifies a minor adjustment in standard restrictions on construction hours.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby denies the appeal of David Babcock & Associates (on behalf of Costco) to the Planning Commission's condition of approval of Planned Development #06-0020 related to parking lot landscaping requirements, and approving the project with modified limitations on hours of construction, subject to conditions (**modified requirement is noted in *italicized font***) herein:

**CONDITIONS OF APPROVAL FOR PLANNED DEVELOPMENT (Unit Plan)
#06-0020, USE PERMIT #06-0014 AND MINOR EXCEPTION #06-0024**

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 a minimum of one 15-gallon tree to be installed in all parking lot landscape planters which are missing trees unless determined infeasible by the Planning Division or a traffic hazard by the Traffic Engineer. The proposed trees shall be of the same variety of the existing trees in the parking lot or shall be chosen from the City of Vallejo's Recommended Street Tree List, which is available at the Planning Division.
3. Prior to building permit submittal, the applicant shall submit revised illustrating an accessible parking lot pedestrian pathway (acceptable to the Chief Building Official) that is landscaped with trees, includes special paving, and is illuminated to a maximum of 1 foot candle.
4. Prior to building permits submittal, provide revised plans illustrating a minimum of two bicycle racks to be installed near the building entrance.
5. Prior to building permit issuance, submit a sign application for all proposed signs on the building.
6. Prior to building permit issuance, obtain an administrative permit from the Planning Division for any temporary office or construction trailer.
7. 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.
8. Prior to final building inspection, all proposed landscaping and bicycle racks shall be installed.

9. Prior to occupancy/final building inspection, an inventory of all landscaping on the site shall be conducted. All damaged or dead plants, including ground covers, shall be replaced with the same planting or a planting to be approved by the Planning Division.
10. Prior to occupancy/final building inspection, obtain a sign permit from the Planning Division prior to the erection of any Grand Re-Opening or similar advertisement signs, including flags, banners, etc. All signs shall comply with Chapter 16.64 (VMC).

Building Division

1. Prior to building permit submittal, provide revised plans indicating ADA path of travel from the ground floor building exits to the public way.
2. Prior to building permit submittal, provide revised plans indicating ADA path of travel between different buildings in the shopping plaza.
3. Prior to building permit submittal, provide revised plans indicating an exit analysis of building with exiting load per door including the width of exiting path to public way for exit discharge.

City and Traffic Engineer

1. Submit geotechnical investigation report that includes recommendation on proposed retaining wall installation and parking lot grading. A third party review of soils report may be required at the project owner's expense.
2. Submit site grading, drainage, improvement, utility and landscaping and irrigation plans for review and approval. Site plan shall show all proposed, existing improvements and utility services. Secure approval of site plans prior to building permit.
3. Prior to approval of construction plans pay \$119,725.00 toward Northgate Fee District 94-1 for the new additional square footage (19,921 square feet).
4. Due to line of sight conflict, remove three parking stalls from west side and four from east side of new Tire Center building.
5. Proposed 24 feet width for parking driveway in front of new Tire Center is not acceptable. Minimum width shall be 25 feet.

Economic Development

1. Parking will replace landscaping. Repair/enhance existing landscaping.

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, a **VSFCD** Connection Permit is required. Pay all applicable review and connection fees.

STANDARD REQUIREMENTS

Planning Division

1. All parking spaces shall be demarcated, per City of Vallejo standards.
2. *Exterior construction-related activities shall be limited to the hours of 7 a.m. and 6 p.m., Monday through Saturday. Interior construction shall be allowed 24hrs a day, seven days a week. Construction equipment noise levels shall not exceed the City's maximum allowable noise levels.*

Costco shall designate an on-site Project Coordinator who will supply a contact phone number to the Planning Division project planner and to any established neighborhood group within the Northgate area in order to respond to any complaints or questions related to the construction of the project.
3. Replant vegetation in disturbed areas as quickly as possible.
4. Hydroseed or apply soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
5. Enclose, cover, water twice daily, or apply soil binders to exposed stock piles (e.g., sand, gravel, or dirt) and all unpaved parking and staging areas.
6. Cover all trucks hauling dirt, sand, soil, or other loose materials. Maintain at least six inches of freeboard.
7. Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
8. Sweep daily (with water sweepers) all paved parking and staging areas.
9. Provide daily clean-up of mud and dirt carried onto paved streets from the site.
10. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
11. Designate a person or persons to oversee the implementation of a comprehensive dust control program and to increase watering, as necessary.
12. Maintain and operate construction equipment so as to minimize particulates from exhaust emissions. During construction, trucks and equipment should be running only when necessary. Equipment should be kept in good condition and well-tuned, to minimize exhaust emissions.

13. In the event unsuspected historical, archaeological, or paleontological resources are discovered during any phase of the projects, land alteration work within 50 feet of the find shall be halted, the Planning Division notified, and a qualified professional consulted to evaluate the resource and suggest an appropriate management plan as necessary.
14. In the event that human remains should be discovered, land alteration work within 50 feet of the find shall be halted, the Planning Division and the County Coroner notified and a qualified professional consulted to evaluate the resource and suggest an appropriate management plan as necessary.
15. 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.
16. There shall be no outdoor storage or display of any kind except as allowed per Chapter 16.70 and 16.77 (VMC).
17. 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.
18. All vents, gutters, downspouts, flashings, electrical conduits, etc., shall be painted to match the color of the adjacent surface.
19. 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.
20. 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.
21. 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.
22. 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.

23. 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.

City and Traffic Engineer

1. Parking lot spaces shall not be more than 5% in any direction (VMC, Section 16.62.150(C)(1)).
2. Signage and striping shall be per City of Vallejo standard. (VMC, Section 16.62.140)
3. 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. (PW1)
4. 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. (PW2)
5. 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. (PW3)
6. 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. (PW4)
7. 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. (PW5)

8. 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. (PW6)
9. All dust and erosion control shall be in conformance with City standards, ordinance, and NPDES requirements. (PW7)
10. 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). (PW8)
11. Entrances to any private project must be standard driveway approaches unless deviation is permitted by the City Engineer. (PW9)
12. 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. (PW10)
13. 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. (PW11)
14. Prior to start of construction submit a traffic control plan to the Department of Public Works for review and approval. (PW12)
15. Construction inspection shall be coordinated with the Department of Public Works and no construction shall deviate from the approved plans. (PW13)
16. 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. (PW14)
17. 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. (PW15)

18. Prior to occupancy/final building inspection, install the improvements required by the Department of Public Works including but not limited to streets and utilities. (PW16)
19. 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. (PW17)

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. Direct roof drainage across non-paved areas prior to entering storm drain inlets and gutter, when feasible.

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.

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.



December 13, 2006

Marcus Adams
Planning Division
City of Vallejo
555 Santa Clara Street
Vallejo, CA 94590

RE: Costco Application for Planning Commission Appeal

Dear Mr. Adams;

Enclosed please find the attached application for appeal to City Council for the Costco Warehouse expansion project. During the Planning Commission hearing, we were not given an opportunity to express our concerns about the modified condition (added and approved by the Planning Commission at the very end of the meeting) regarding parking lot trees. We also wanted to explain the problems with limited construction hours for a remodel project of this complexity. After careful review and consideration of the issues presented during the December 4, 2006 Planning Commission hearing, Costco has decided to appeal Condition Item 2 (tree planters in parking lot) and Standard Requirement Planning Division Item 2 (hours of construction).

Following are the reasons for Costco's request for an appeal:

Planning Condition #2- (as modified at the PC hearing 12.04.06)

- The building expansion is less than ten percent of the total building area. The Costco expansion is minor in nature and does not significantly affect the existing parking field.
- After previous discussion with all parties, the economic assumptions for this project were based on the existing parking to remain "as is" with the exception of some minor re-striping and one row of parking modified to accommodate handicapped parking and access to adjoining development. As stated before, the existing parking is to remain with very minor changes.
- It is unclear why the Costco parking lot was previously approved without trees and different from current parking tree ordinance. It is possible that at the time, Costco did comply with the existing landscape requirements. Therefore, we request that Costco be grandfathered into the original parking tree design.

- The cost of adding new trees and tree wells is excessive based on the scope and cost of the building expansion. The addition of tree wells requires extensive work including excavation for the new tree wells, installation of irrigation lines and replacement of asphalt paving and concrete curbs.

Standard Requirement Planning Division Item 2 (hours of construction):

- In order to provide minimal disruption and maximum safety to Costco members and employees, much of the construction work will be performed after store hours. Additionally, temporary shut downs of power and life safety equipment will be required to complete the work. These operations are best performed after store hours when the public is not shopping.
- Costco would like permission to work beyond the standard construction hours of 7 a.m. to 6 p.m. M-Sat, in order to complete the expansion work as quickly as possible and at the same time keep the warehouse open to the public.

Sincerely,

A handwritten signature in black ink that reads "David E. Babcock" followed by a horizontal line.

David E. Babcock AIA, ASLA

Cc: Kim Sanford

marcus Adams - RE: Costco Vallejo

From: "Kim Sanford" <KSanford@costco.com>
To: "marcus Adams" <marcusadams@ci.vallejo.ca.us>
Date: 12/18/2006 9:54 AM
Subject: RE: Costco Vallejo

7 days a week preferably. -Kim

-----Original Message-----

From: marcus Adams [mailto:marcusadams@ci.vallejo.ca.us]
Sent: Monday, December 18, 2006 9:50 AM
To: Kim Sanford
Subject: RE: Costco Vallejo

6 a.m. to 10 p.m. 7 days a week or Mon-Sat, Mon-Fri.?

>>> "Kim Sanford" <KSanford@costco.com> 12/18/2006 9:46 am >>>

We would like to be able to work on the interior 24hrs. The Exterior work we would request the construction hours of 6am-10pm.

Thanks,

Kim Sanford | Director of Real Estate Development

999 Lake Drive | Issaquah, WA 98027

Direct Line: (425) 427-7540

Facsimile: (425) 427-3102

E-mail: ksanford@costco.com

The information contained in this transmission is privileged and/or confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.

-----Original Message-----

From: marcus Adams [mailto:marcusadams@ci.vallejo.ca.us]
Sent: Monday, December 18, 2006 9:35 AM
To: Timothy Tamura
Cc: Annette Taylor; Kim Sanford
Subject: Re: Costco Vallejo

Hey Tim,

I received your appeal application and statement letter and they seem to be complete; however, the statement letter does not specify what extended construction hours Costco is requesting. Are they leaving it up to the Planning Division to recommend to Council what's appropriate?

Marcus Adams
Associate Planner
City of Vallejo
(707) 648-5392

>>> "Timothy Tamura" <ttamura@dbabcock.com> 12/14/2006 11:02 am >>>
Marcus;

I submitted the Planning Commission Appeal application and Appeal letter on Thursday December 14, 2006.

Also included with the package is the Signage Permit application. Please call me at your convenience to confirm completeness of submittals. Thanks

Timothy Tamura

David Babcock & Associates

Architecture Planning Landscape
3581 Mt. Diablo Blvd., Ste. 235, Lafayette, CA 94549

(925) 283-5070

(925) 283-4823 Fax

<http://www.dbabcock.com/>



STAFF REPORT

CITY OF VALLEJO PLANNING COMMISSION

Date of Hearing: December 4, 2006 **Agenda Item:** K1

Application Numbers: Use Permit #06-0014 as governed by Section 16.82 of the Vallejo Municipal Code (V.M.C.)

Planned Development (Unit Plan) #06-0020 as governed by Section 16.116.090 of the Vallejo Municipal Code.

Minor Exception #06-0024 as governed by Section 16.80.090 of the Vallejo Municipal Code.

Recommendations: Recommend **Approval** of Use Permit #06-0014, Planned Development (Unit Plan) #06-0020, and Minor Exception #06-0024 subject to the findings and conditions contained in the staff report.

Recommend adoption of the Negative Declaration based upon substantial evidence in light of the whole record that the proposed project will not have a significant effect on the environment.

Project Description: The applicant is proposing an expansion to an existing Costco warehouse located in the Gateway Plaza Shopping Center at 198 Plaza Drive. The expansion would involve adding 14,721 square feet to the existing grocery area on the south side of the building.

Also included in Costco's expansion plans is a relocation of the existing tire center from the south side of the building to the north side. The new tire center would be 200 square feet larger than the existing tire center (5,200 square feet vs. 5,000 square feet). The proposed project is illustrated on a development plan package from David Babcock & Associates dated August 7, 2006 (see Attachment 1)

Location: 198 Plaza Drive, APN: 0081-570-030

Applicant: Costco Wholesale Corporation
999 Lake Drive
Issaquah, WA 98201

Property Owner: Costco Wholesale Corporation

Environmental Review: An Initial Study and Negative Declaration have been prepared for adoption for this project. The determination of the Initial Study was that the proposed project would not have a significant effect on the environment due to negligible impacts of the proposed expansion.

General Plan: Commercial Retail

Zoning: Mixed Use Planned Development (MUPD)

Surrounding Land Use: The surrounding land uses for the subject site include: retail commercial to the north and west, residential to the south, and a vacant parcel approved for commercial development to the east.

Public Notice: Notice of the proposed project and the intent of the City to adopt a negative declaration were sent to property owners within 500 feet of the subject property and the applicant on September 29th and November 21, 2006. Comments received are addressed in Section 7 of this report.

1. PROJECT DESCRIPTION:

The applicant is proposing an expansion to an existing Costco warehouse located in the Gateway Plaza Shopping Center at 198 Plaza Drive. The expansion would involve adding 14,721 square feet to the existing grocery area on the south side of the building. Also included in Costco's expansion plans is a relocation of the existing tire center from the south side of the building to the north side. The new tire center would be 200 square feet larger than the existing tire center (5,200 square feet vs. 5,000 square feet) [see Attachment 1-Development Plan Package].

The existing 125,438 square feet Costco Wholesale is a membership only retail/wholesale warehouse that offers general retail products including, but not limited to: fresh produce, meat, seafood, fresh baked goods, flowers, clothing, books, software, home electronics, jewelry, art, hot tubs, and furniture. The Vallejo Costco also offers the following services to its members: tire center, pharmacy, optometry, photo processing, and a gas station.

The proposed 14,721 square feet addition would result in an increased floor area for the following product areas¹:

- Fresh food, + 9,778 square feet
- Grocery, + 3,302 square feet
- Liquor, + 1,883 square feet
- Food service, + 791 square feet
- Sport goods, + 665 square feet
- Pharmacy, + 633 square feet
- Tire center, +178 square feet
- Detergent/cleaning supplies, water, paper products, diapers, and pet supplies +/- undetermined due to fact was formerly part of grocery

The proposed expansion would allow the Vallejo Costco to be similar to other Bay Area Costco in terms of the services and product selection available. An estimated 10 to 20 employees would be added due to the expansion. Operating and delivery hours are not proposed to be changed. The architecture for the expansion would match the existing building (cement plaster over concrete block).

2. CONSISTENCY WITH THE GENERAL PLAN:

The proposed expansion of Costco Wholesale would further the objective of General Plan Land Use Commercial Development Goal 4: "To have well-designed large commercial shopping areas serving the needs of the city."

¹ The resulting increase in product area would also be a result of some product areas being reduced in size, i.e. majors (home furnishings & appliances), office goods, optical, health and beauty aids, photo, and clothes/books

The proposed project will be reviewed for compliance with the Northgate Specific Plan in compliance with General Plan Land Use Commercial Development Goal 3, policy 1: "use the Northgate Specific Plan as the development guide to evaluate projects proposed within the Northeast Quadrant."

3. ENVIRONMENTAL REVIEW:

On October 25, 1988, the City Council certified the Final Subsequent Environmental Impact Report for the Northgate Specific Plan area (#88-01) which included the Costco parcel. The development of Gateway Plaza Retail Center was approved on June 19, 1989. As part of this approval, a Negative Declaration was adopted by the Planning Commission.

The finding that no significant impact on the environment by the Commission was based on implementation of the 1988 FSEIR mitigation measures and five additional mitigation measures related to: lighting, signage lighting, a traffic analysis, no unscreened outdoor storage, and landscaping. These mitigation measures were adopted along with the 1989 Negative Declaration.

Based on completion of the attached Initial Study, staff has determined that the proposed project is in compliance with the 1988 FSEIR and 1989 Negative Declaration and would not have a significant effect on the environment. Staff recommends Planning Commission recommendation of adoption by the City Council of the attached Negative Declaration (see Attachment B).

4. CONFORMANCE WITH APPLICABLE ZONING REGULATIONS:

The proposed Costco expansion is subject to Planned Development (Unit Plan) review per Section 16.112.020 of the Vallejo Municipal Code (V.M.C.). The proposed project is also subject to Section 16.76.030(C) V.M.C which requires major conditional use permit approval for enlargements of superstores. Section 16.76.040 requires all superstore project applicants to prepare an economic impact analysis for proposed structures or enlargements. Potential impacts and compliance with the above-cited zoning ordinance sections are addressed in the staff analysis of this report (Section 9).

Other applicable zoning ordinance sections are as follows:

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 Northgate Specific Plan, adopted by the City Council in 1988, and most recently amended in 2003, serves as the Master Plan for the area. Conformance with the Specific Plan will be addressed in Section 5 of this report.

PARKING. The off-street parking requirement for “general retail sales and food/beverage retail sales” is one space for every 250 square feet of gross first floor area, per Section 16.62.100 V.M.C. The total gross floor area, including the proposed expansion of the warehouse, would be 140,337 square feet rendering a parking requirement of 561 spaces. An additional 62 parking spaces are proposed for the project resulting in a total of 626 parking spaces. Due to concerns of the Traffic Engineer, seven (7) of the proposed parking spaces will be required to be removed, leaving a total of 619 spaces, 58 more than the required amount.

All other development standards, including design standards, are addressed in the Northgate Specific Plan as follows:

5. CONFORMANCE WITH APPLICABLE NORTHGATE SPECIFIC PLAN DEVELOPMENT STANDARDS:

SITE ORGANIZATION

*Buildings should be sited to reduce the visual impact parking from the street.
Buildings should be clustered.*

Pedestrian connections should be provided to the street to accommodate transit use.

Though the addition to the existing building will not aid in screening the parking lot from the street, it will not further enhance the visual impact of the parking lot from the street.

The existing parking lot pedestrian circulation route from the building to the street does not include a clear, defined, handicapped accessible path. A condition of approval has been recommended by the Chief Building Official that the applicant provide an accessible path of travel to a public street.

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.

Taking into account the proposed expansion area, the FAR for the site would be 0.27. The proposed excess FAR is further addressed under the STANDARDS subsection below.

ENTRY SEQUENCE

The entry to each site should be planned to provide an entry statement and sequence which should incorporate signage, landscape corridor.

Secondary access points should be planned for services and emergency purposes and as additional access for customers and tradespeople.

Landscaped areas shall provide adequate visual access to entrances and exits of all structures.

There are no proposed changes to Costco's main entry; however, the pronounced notched entry to the tire center will be eliminated due to its relocation to the north side of the building.

The Chief Building Official has expressed concern about the building's secondary exits in relationship to the occupancy load. A condition of approval has been recommended that construction plans include an exiting analysis for the building.

Current landscaping provides adequate visual access to the entrances and exists and there are no proposed changes to the existing landscaping.

STANDARDS

Setbacks:

- *Minimum building setbacks shall be 25 feet from face to curb*
- *No buildings shall encroach within the required landscape zones adjacent to the street and property lines*

FAR and Coverage:

- *Allowable FAR shall be .25*

Building Height:

- *Maximum building height shall be 45 feet*

Lot Standards:

- *No minimum lot size*

The distance from the south facing building setback to the face of curb on Turner Parkway will be approximately 129 feet. The proposed expansion will not encroach within the existing landscaped area between Turner Parkway and the driveway adjacent to the building.

The applicant's proposed FAR of approximately .27 exceeds the allowable FAR of .25 by 0.02 (current FAR is .24). Due to this fact, the applicant has applied for an exception to the FAR measurable standard, per Section 16.80.090 of the Vallejo Zoning Ordinance, to allow the proposed FAR, consistent with minor exception findings.

The existing 38' maximum height of the building would not change.

PARKING- The landscape design objectives for parking lots are to: 1) visually break up large paved areas with landscaping and 2) to provide shade.

A minimum of one 15-gallon tree shall be planted in the interior of the parking area for every six standard or compact spaces.

A landscape planter, minimum 5 feet wide, shall be provided at the ends of all parking rows.

Maximum grades for parking lots shall be 5%, excluding access drives.

Parking locations and layouts shall provide for safe and convenient pedestrian circulation. Landscaped pedestrian links to the building with special paving shall be encouraged.

Standard parking stalls shall be a minimum of 9'x18; compact stalls a minimum of 8' x 16'. A 2-foot reduction in length is permitted when the vehicle front overhangs a pedestrian walk (minimum 4 feet wide) or landscaped area.

The number of required compact car spaces shall comply with Chapter 16.62 of the City of Vallejo Zoning Ordinance.

Parking shall be allowed along the front curb of the building.

Where applicable, shared parking for adjacent uses (where peak use occurs at different times) will be allowed and encouraged to minimize parking lots. The City will determine the amount of shared parking during the Unit Plan review stage.

Parking for the handicapped shall be provided in accordance with California state law.

Special closed-in parking spaces shall be provided for car and vanpools.

Bicycle racks shall be provided near the building entrance.

Pedestrian pathways should be illuminated separately to a maximum of 1 fc.

The parking lot design was originally approved in the early 1990's and does not fully comply with the Northgate Specific Plan standards. The parking lot does not have landscape planters with a required 15-gallon tree every six stalls.

Given the minor scope of this project (approximately 10% floor area expansion), staff believes it would be impractical and unreasonable to require a full retrofit of the

parking lot to meet current standards. Instead, staff has conditioned the project to install 15-gallon trees in the planters which are missing trees, and install trees along a new ADA accessible pathway which is being required by the Building Division.

Due to the fact that Turner Parkway, which is adjacent to the Costco store, is a Class 2 bicycle trail, staff recommends that a minimum of two bicycle racks be installed near the building entrance.

SIGNAGE

All signage shall be integrated with the design, materials and colors of the building. Interior illumination and use of neon is acceptable.

Signage visible from the freeway shall not significantly impact residential areas.

The amount of signage for the commercial center shall not be determined by parcels. Rather, the amount of signage shall be determined by the size of the overall commercial project. This is to avoid over signing when one project may extend over several parcels.

Though the applicant identifies proposed new signage for the building (see Attachment 1: Sheet 7), the signs proposed will be addressed under a separate sign permit application.

ARCHITECTURAL GUIDELINES

Spandrel elements may be accented with one or two colors, tones of the same color, or changes in texture.

Acceptable glazing colors are clear, grey tints, low reflective gray, blue or green glass. Excessive use of reflective glass or reflective metal surfaces is discouraged.

Building facades should be accented with details such as reveal joints, balcony railings, accent bands (tile, brick, stone or concrete). Accent banding should be secondary to predominantly neutral colors of the major wall materials. These secondary façade elements can vary in material, color and detailing among buildings.

Various coursings of masonry units can be used to achieve patterns, shadows, etc.

The central entry portions of the buildings should be emphasized through changing elements such as glazing, panel colors, size of accent bands, etc.

The proposed expansion of the existing building would retain the current architecture, which includes some of the recommended façade accent details cited above. New accent details proposed are a tube steel trellis in front of the tire center wall facing the

main west parking lot and in front of the tire center auto bays and split face concrete masonry columns for the north and west building elevations (see Attachment 1: Sheets 5 & 6).

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, Economic Development and the Environmental Management Health Division. Comments are incorporated in Section 7 of this report.

7. PUBLIC COMMENTS:

No comments were received from the one neighborhood group who was notified of the project. Staff did receive a couple of phone inquiries asking for an explanation of the proposed project. Upon providing explanation, the inquirers were satisfied and did not voice opposition to the project.

8. REFERENCES:

California Environmental Quality Act (CEQA Guidelines 2006), Article 6. Negative Declaration Process, Sections 15070-1073

City of Vallejo General Plan: Section II-Land Use (pgs. 6-7)

City of Vallejo Zoning Ordinance: Chapter 16.62- Off-Street Parking, Section 16.76.030(C), Superstore major conditional use procedure, Section 16.76.040 Economic Impact Analysis procedure, Section 16.112.020- Planned Development, Unit Plan process

Northgate Specific Plan: Section 3 Private Development Standards- Commercial Center (pgs. A52-A58)

9. STAFF ANALYSIS:

In 2005, the Vallejo City Council adopted Ordinance number 1555 N.C. (2d) adding Chapter 16.76 to the Vallejo Municipal Code (see Attachment C). The purpose of the ordinance was to “regulate large retail establishments that sell a combination of discounted merchandise and groceries and other non-taxable merchandise.” The Council determined that the establishment of these large retail establishments, classified as “superstores” in the City of Vallejo, could have negative economic, environmental, and social impacts on the City.

By subjecting superstores to additional scrutiny beyond what would occur through the site or planned development and use permit process, it is hoped that potential negative impacts on existing neighborhood stores; City infrastructure; air quality and public

transportation, and the City's economy can be avoided.

Though the proposed project is an expansion of an "existing superstore" and not a proposed new superstore, staff determined that based on the language of Section 16.76.030(C)(D) V.M.C. (see below), the proposed project would still be subject to the new ordinance requirements.

16.76.030(C)- The requirement to obtain a major conditional use permit shall apply to any proposal to reconfigure, remodel, redesign, enlarge, or change the Use of an existing building or structure within the city for a superstore.

16.76.030(D)-...In addition to the findings required under Section 16.82.050 for the granting of a conditional use permit, a major conditional use permit for a superstore shall only be granted if a finding is made, upon consideration of all the economic impacts presented in the economic impact analysis under Section 16.70.040, that the positive economic impacts created by the proposed superstore would outweigh the negative economic impacts or, that despite any negative impacts, other considerations warrant the granting of major conditional use permit for the superstore.

To assist the City in determining the potential economic impacts of the proposed Costco expansion, the City hired Economics Research Associates (ERA) to conduct the economic impact analysis in accordance with the "superstore" ordinance economic impact analysis requirements (see Attachment D- Superstore Ordinance, No. 1555 N.C. (2d)).

The major findings of ERA are as follows (see Attachment E for complete report)

- Due to the fact that future demand for general merchandise in the affected area (Benicia, American Canyon and Vallejo) will exceed new sales volume created by Costco, both in the short term and long term, the Costco Expansion will have minimal sales impact on retailers in the area
- Because of the relatively small size of the expansion, and no change of the mix of products; services being sold; and operating hours, the Costco expansion will not require a significant increase in City services
- City of Vallejo residents can expect little net savings from the expansion. The expansion will most likely not draw additional shoppers from City of Vallejo residents, nor increase the amount of purchases from present Costco members.

Planning Division and Economic Development staff has reviewed the economic impact analysis and has found that the Superstore Ordinance content requirements for the analysis have been met by the study. Staff agrees with ERA's conclusion that the economic and social impacts of the proposed Costco expansion would not have a negative impact on existing neighborhood stores, the surrounding community and the

City of Vallejo as a whole. Based on these findings; the analysis of all other applicable Vallejo Municipal Code requirements; and conformance with applicable sections of the Northgate Specific Plan, Staff believes the proposed expansion should be approved.

As noted in Section 5 of this report, that applicant has requested a minor exception to exceed the maximum allowable FAR of .25, for the parcel, per the Northgate Specific Plan. Staff believes that the 0.02 FAR exception would not have an adverse impact on the property or adjacent properties as required setbacks would still be maintained and no parking spaces would be eliminated. Staff believes the benefits of the added products due to the expansion far outweigh any negligible impacts of the increased FAR.

10. STAFF RECOMMENDATION:

Staff recommends that the Planning Commission **APPROVE** Planned Development (Unit Plan) #06-0020 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 Northgate Specific 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 2 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 4, 5 and 9 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.

Staff recommends that the Planning Commission **APPROVE** Use Permit #06-0020 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. The proposed location, size, design and operating characteristics of the proposed conditional use will be compatible with adjacent uses, building or structures, with consideration given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities, to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity and physical character of surrounding streets; and to any other relevant impact of the proposed use;
2. The impacts described above and the proposed location of the building expansion is consistent with the city general plan;
3. Based upon consideration of the findings of the economic impact analysis performed by Economics Research Associates, and reviewed by the City of Vallejo, the positive impacts from the proposed Costco expansion would outweigh the negative economic impacts of the project.

Staff recommends that the Planning Commission **APPROVE** Minor Exception Permit #06-0024 subject to the following findings:

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:

5. As per Section 16.80.090(A) VMC, the proposed additional two percent of floor area coverage would not exceed 25% of the prescribed measurable standards;
6. As per Section 16.80.090(B) VMC, granting of the exception permit would not adversely affect development and/or persons upon abutting property, with adversely affect to mean to impact in a substantial, negative manner the economic value, habitability, or enjoyability of properties;
7. As per Section 16.80.090(C) VMC, granting of the minor exception would not result in a hazard to pedestrian and/or vehicular traffic and
8. The minor exception would result in better environmental quality of development of such property than without such exception.

Staff recommends that the Planning Commission **ADOPT** the Negative Declaration, based on the findings of the Initial Study conducted by Planning Division Staff attached in this report

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 a minimum of one 15-gallon tree to be installed in all parking lot landscape planters which are missing trees unless determined infeasible by the Planning Division or a traffic hazard by the Traffic Engineer. The proposed trees shall be of the same variety of the existing trees in the parking lot or shall be chosen from the City of Vallejo's Recommended Street Tree List, which is available at the Planning Division.
3. Prior to building permit submittal, the applicant shall submit revised illustrating an accessible parking lot pedestrian pathway (acceptable to the Chief Building Official) that is landscaped with trees, includes special paving, and is illuminated to a maximum of 1 foot candle.
4. Prior to building permits submittal, provide revised plans illustrating a minimum of two bicycle racks to be installed near the building entrance.
5. Prior to building permit issuance, submit a sign application for all proposed signs on the building.
6. Prior to building permit issuance, obtain an administrative permit from the Planning Division for any temporary office or construction trailer.
7. 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.
8. Prior to final building inspection, all proposed landscaping and bicycle racks shall be installed.
9. Prior to occupancy/final building inspection, an inventory of all landscaping on the site shall be conducted. All damaged or dead plants, including ground covers, shall be replaced with the same planting or a planting to be approved by the Planning Division.
10. **Prior to occupancy/final building inspection, obtain a sign permit from the Planning Division prior to the erection of any Grand Re-Opening or similar advertisement signs, including flags, banners, etc. All signs shall comply with Chapter 16.64 (VMC).**

Building Division

1. Prior to building permit submittal, provide revised plans indicating ADA path of travel from the ground floor building exits to the public way.
2. Prior to building permit submittal, provide revised plans indicating ADA path of travel between different buildings in the shopping plaza.
3. Prior to building permit submittal, provide revised plans indicating an exit analysis of building with exiting load per door including the width of exiting path to public way for exit discharge.

City and Traffic Engineer

1. Submit geotechnical investigation report that includes recommendation on proposed retaining wall installation and parking lot grading. A third party review of soils report may be required at the project owner's expense.
2. Submit site grading, drainage, improvement, utility and landscaping and irrigation plans for review and approval. Site plan shall show all proposed, existing improvements and utility services. Secure approval of site plans prior to building permit.
3. Prior to approval of construction plans pay \$119,725.00 toward Northgate Fee District 94-1 for the new additional square footage (19,921 square feet).
4. Due to line of sight conflict, remove three parking stalls from west side and four from east side of new Tire Center building.
5. Proposed 24 feet width for parking driveway in front of new Tire Center is not acceptable. Minimum width shall be 25 feet.

Economic Development

1. Parking will replace landscaping. Repair/enhance existing landscaping.

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, a VSFCD Connection Permit is required. Pay all applicable review and connection fees.

STANDARD REQUIREMENTS

Planning Division

1. All parking spaces shall be demarcated, per City of Vallejo standards.
2. 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.
3. Replant vegetation in disturbed areas as quickly as possible.

4. Hydroseed or apply soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
5. Enclose, cover, water twice daily, or apply soil binders to exposed stock piles (e.g., sand, gravel, or dirt) and all unpaved parking and staging areas.
6. Cover all trucks hauling dirt, sand, soil, or other loose materials. Maintain at least six inches of freeboard.
7. Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
8. Sweep daily (with water sweepers) all paved parking and staging areas.
9. Provide daily clean-up of mud and dirt carried onto paved streets from the site.
10. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
11. Designate a person or persons to oversee the implementation of a comprehensive dust control program and to increase watering, as necessary.
12. Maintain and operate construction equipment so as to minimize particulates from exhaust emissions. During construction, trucks and equipment should be running only when necessary. Equipment should be kept in good condition and well-tuned, to minimize exhaust emissions.
13. In the event unsuspected historical, archaeological, or paleontological resources are discovered during any phase of the projects, land alteration work within 50 feet of the find shall be halted, the Planning Division notified, and a qualified professional consulted to evaluate the resource and suggest an appropriate management plan as necessary.
14. In the event that human remains should be discovered, land alteration work within 50 feet of the find shall be halted, the Planning Division and the County Coroner notified and a qualified professional consulted to evaluate the resource and suggest an appropriate management plan as necessary.
15. 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.
16. There shall be no outdoor storage or display of any kind except as allowed per Chapter 16.70 and 16.77 (VMC).

17. 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.
18. All vents, gutters, downspouts, flashings, electrical conduits, etc., shall be painted to match the color of the adjacent surface.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.

City and Traffic Engineer

1. Parking lot spaces shall not be more than 5% in any direction (VMC, Section 16.62.150(C)(1).
2. Signage and striping shall be per City of Vallejo standard. (VMC, Section 16.62.140)

(The following conditions may apply)

3. 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. (PW1)

4. 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. (PW2)
5. 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. (PW3)
6. 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. (PW4)
7. 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. (PW5)
8. 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. (PW6)
9. All dust and erosion control shall be in conformance with City standards, ordinance, and NPDES requirements. (PW7)
10. 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). (PW8)
11. Entrances to any private project must be standard driveway approaches unless deviation is permitted by the City Engineer. (PW9)
12. 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. (PW10)

13. 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. (PW11)
14. Prior to start of construction submit a traffic control plan to the Department of Public Works for review and approval. (PW12)
15. Construction inspection shall be coordinated with the Department of Public Works and no construction shall deviate from the approved plans. (PW13)
16. 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. (PW14)
17. 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. (PW15)
18. Prior to occupancy/final building inspection, install the improvements required by the Department of Public Works including but not limited to streets and utilities. (PW16)
19. 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. (PW17)

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

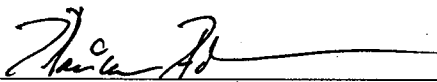
1. Direct roof drainage across non-paved areas prior to entering storm drain inlets and gutter, when feasible.

GENERAL CONDITIONS

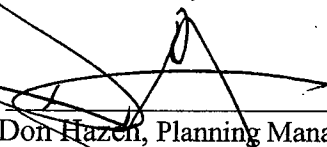
1. The applicant shall defend, indemnify, and hold harmless the City of Vallejo and its agents, officers, and employees from any claim, action, or proceeding against the City and its agents, officers, and employees to attack, set aside, void, or annul this approval by the City. The City may elect, at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

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.

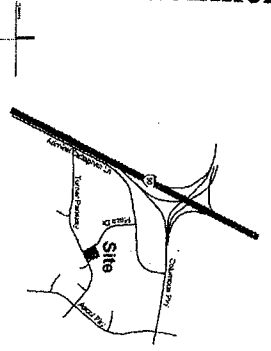
Prepared by: 

Marcus Adams, Associate Planner

Reviewed by: 

Don Hazen, Planning Manager

Attachment A: Costco development plan package with revised color floor plans
Attachment B: Initial Study and Negative Declaration
Attachment C: Superstore Ordinance # 1555 N.C. (2d)
Attachment D: Economic Impact Analysis
Attachment E: Conflict of Interest Map



VICINITY MAP
N.T.S.

PROJECT DIRECTORY

APPLICANT:
COSTCO WHOLESAL
899 LAKE DRIVE
ISSAQUAH, WA 98027
PHONE: (425) 427-7940
FAX: (425) 427-3102
CONTACT: KIM SANFORD

ARCHITECTS:
DAVID BARCOCK & ASSOCIATES
3581 MOUNT DIABLO BLVD., SUITE 235
LAFAYETTE, CA 94591
PHONE: (925) 283-5070
FAX: (925) 283-4823
CONTACT: DAVID BARCOCK

MILVANNY G2 ARCHITECTURE
1110 121st AVENUE NE
SUITE 500
BELLEVUE, WA 98004
PHONE: (425) 483-7416
FAX: (425) 483-2890
CONTACT: JOSEPH WELCH

CIVIL ENGINEER / SURVEY:
KIER & WRIGHT
1233 QUARRY LANE, SUITE 145
PLEASANTON, CA 94586
PHONE: (925) 249-6555
FAX: (925) 248-6993
CONTACT: STEVE CALOAGNO

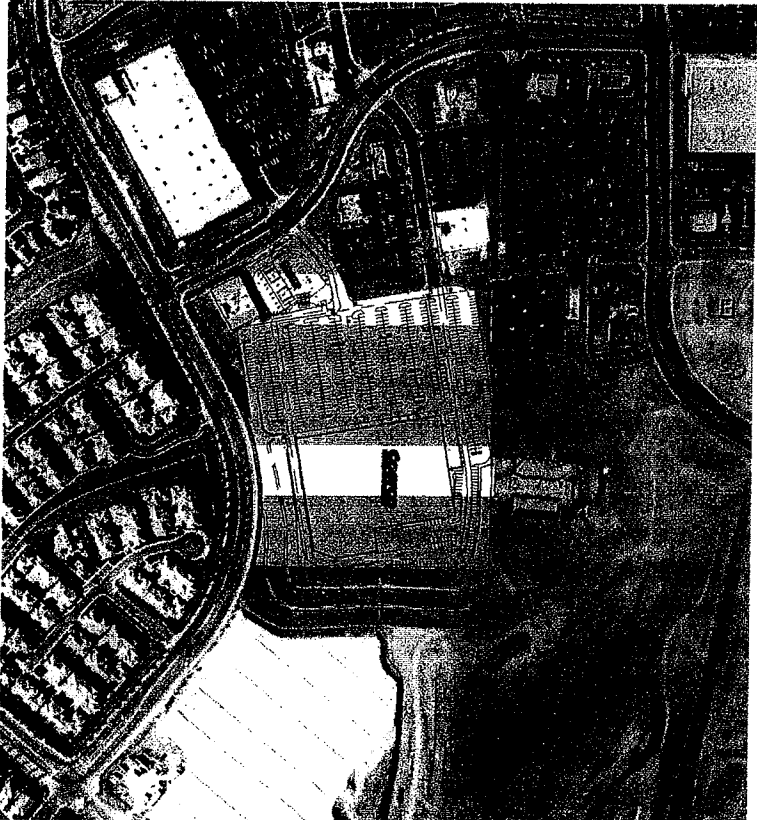
LANDSCAPE ARCHITECT:
DAVID BARCOCK & ASSOCIATES
3581 MT. DIABLO BLVD., SUITE 235
LAFAYETTE, CA 94591
PHONE: (925) 283-5070
FAX: (925) 283-4823
CONTACT: DAVID BARCOCK



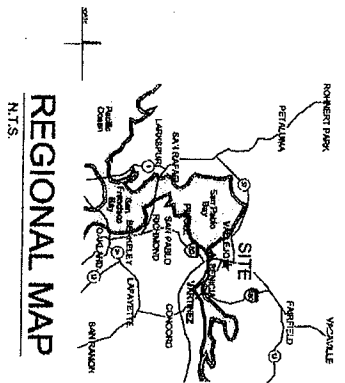
VALLEJO, CALIFORNIA

COSTCO WHOLESAL
VALLEJO, CALIFORNIA

- MAJOR USE PERMIT
- PLANNED DEVELOPMENT UNIT PLAN



AERIAL SITE OVERLAY
N.T.S.



REGIONAL MAP
N.T.S.

PROJECT DATA

PROJECT ADDRESS: 188 PLAZA DRIVE
VALLEJO, CA 94591
PARCEL NUMBER: 0081-570-030
CURRENT GENERAL PLAN DESIGNATION: NORTHGATE SPECIFIC PLAN
CURRENT ZONING: (MUPD) MIXED USE PLANNED DEVELOPMENT
JURISDICTION: CITY OF VALLEJO, CA

SHEET INDEX

- TITLE SHEET
- EXISTING AERIAL & SITE PHOTOS
- CONCEPT SITE PLAN
- CONCEPT FLOOR PLAN
- CONCEPT BUILDING ELEVATIONS
- CONCEPT BUILDING ELEVATIONS
- SIGNAGE EXHIBIT
- PRELIMINARY LANDSCAPE PLAN
- TOPOGRAPHIC SURVEY
- DEMOLITION PLAN
- PRELIMINARY GRADING & DRAINAGE PLAN
- PRELIMINARY UTILITY PLAN

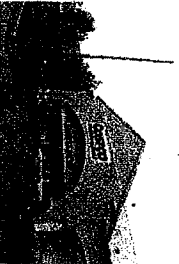
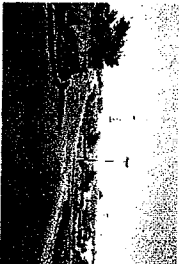
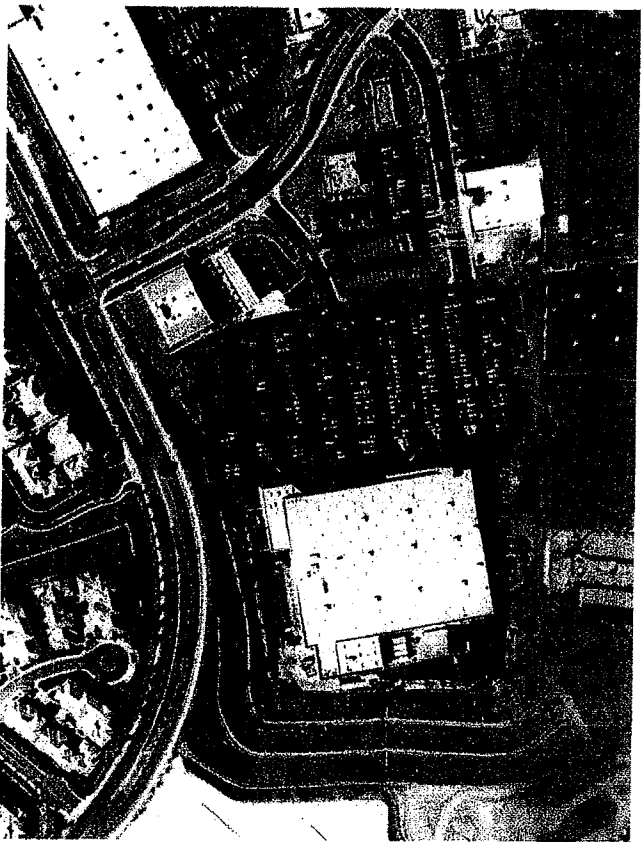
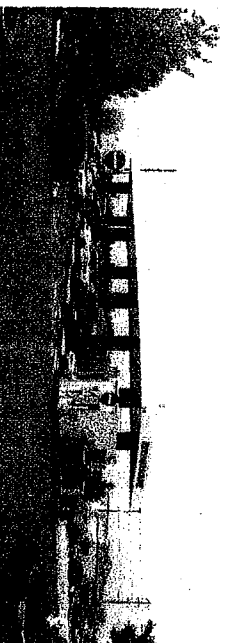
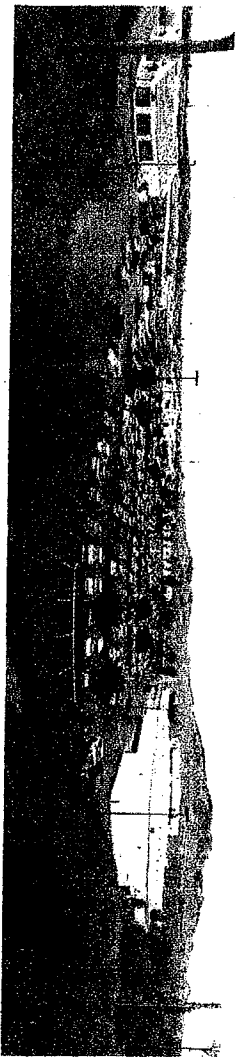
TITLE SHEET

0008.P.101
AUGUST 7, 2008
TITLE SHEET

DAVID BARCOCK & ASSOCIATES
188 PLAZA DRIVE
VALLEJO, CA 94591



188 PLAZA DRIVE
VALLEJO, CA 94591



COSTCO
WHOLESALE

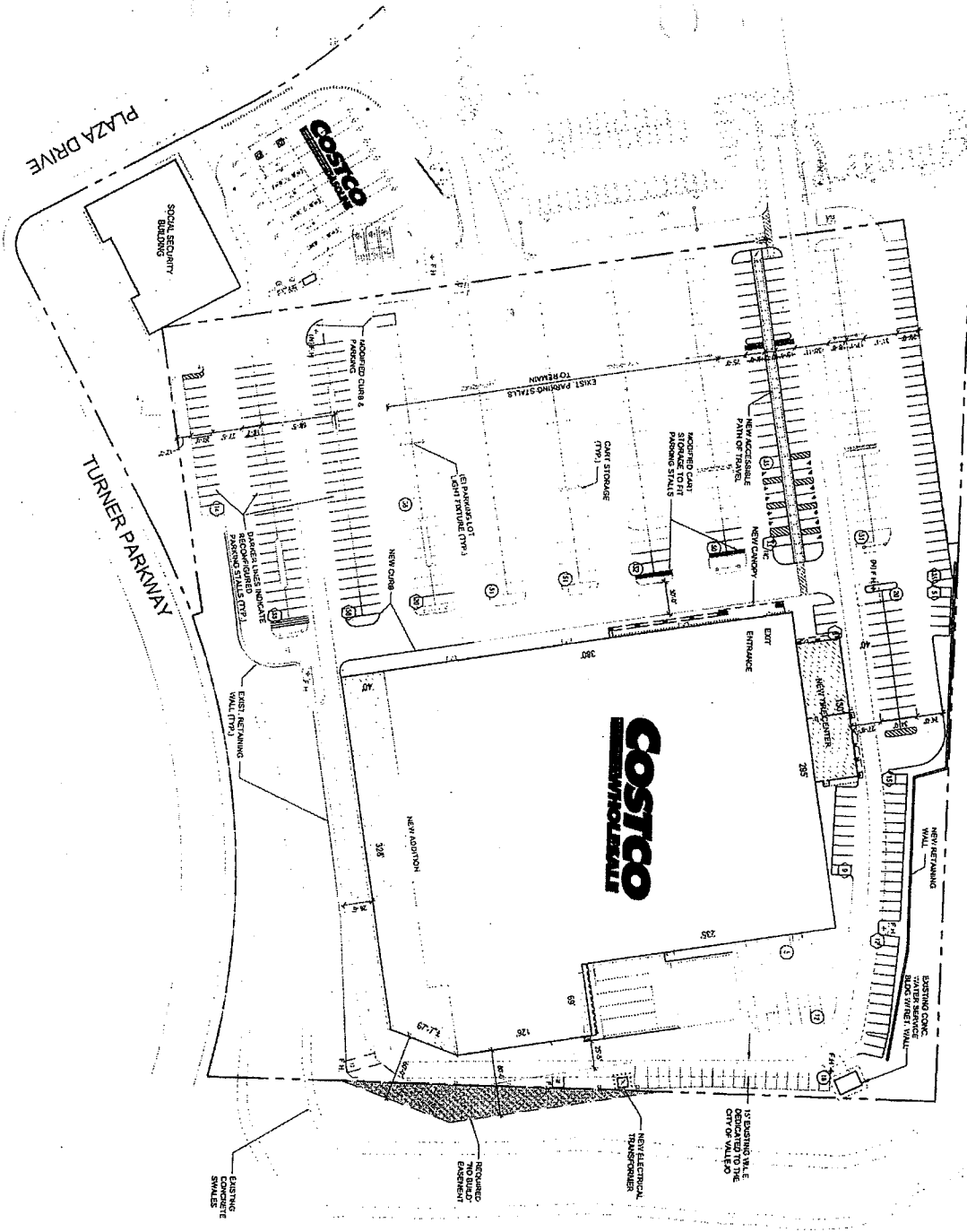
198 PLAZA DRIVE
VALLEJO, CA 94591

DAVID BABCOCK
& ASSOCIATES

DATE: 10/10/06
PROJECT: COSTCO WHOLESALE
198 PLAZA DRIVE, VALLEJO, CA 94591

1008 P-101
AUGUST 17, 2006
EXISTING AERIAL
& SITE PHOTOS

EXISTING AERIAL & SITE PHOTOS



COSTCO
WHOLESALE
VALLEJO, CALIFORNIA

PROJECT DATA

CLIENT: COSTCO WHOLESALE
999 LAKE DRIVE 88027
ISSAQUAH WA 98027

PROJECT ADDRESS: 198 PLAZA DRIVE
VALLEJO, CA 94591

GAS STATION: 110 PLAZA DR. (NOT A-PART)

ZONING: MIXED USE PLANNED DEV. (MUPD)

SITE AREA: 11.72 ACRES (610,523 S.F.)

BOUNDARIES INFORMATION: THIS PLAN HAS BEEN PREPARED BY USING KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS TOPO SURVEY DATED 01.16.06

BUILDING DATA:

EXIST. BUILDING AREA 120,416 S.F.
EXIST. FIRE CENTER 5,022 S.F.
TOTAL EXIST. BUILDING 125,438 S.F.
DEMO EXIST. FIRE CENTER (5,022 S.F.)
NEW BUILDING ADDITION 14,721 S.F.
NEW FIRE CENTER 5,208 S.F.
TOTAL NEW BUILDING 140,337 S.F.

PARKING DATA:

EXISTING PARKING: 564 STALLS

NO. OF STALLS PER 1000 S.F. OF EXIST. BUILDING AREA: 4.50 STALLS

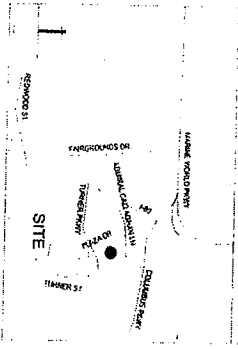
REVISED PARKING:
10' WIDE STALLS 397 STALLS
9' WIDE STALLS 226 STALLS
INC. ACCESSIBLE STALLS 13 STALLS
TOTAL NEW PARKING 626 STALLS

TOTAL PARKING (GAINED): 62 STALLS

NO. OF STALLS PER 1000 S.F. OF NEW BLDG. AREA (140,337 S.F.): 4.46 STALLS

JURISDICTION REQUIRES 1 STALL PER 250 SF OF FLOOR SPACE (41'000) 591 STALLS

VICINITY MAP



CONCEPT SITE PLAN

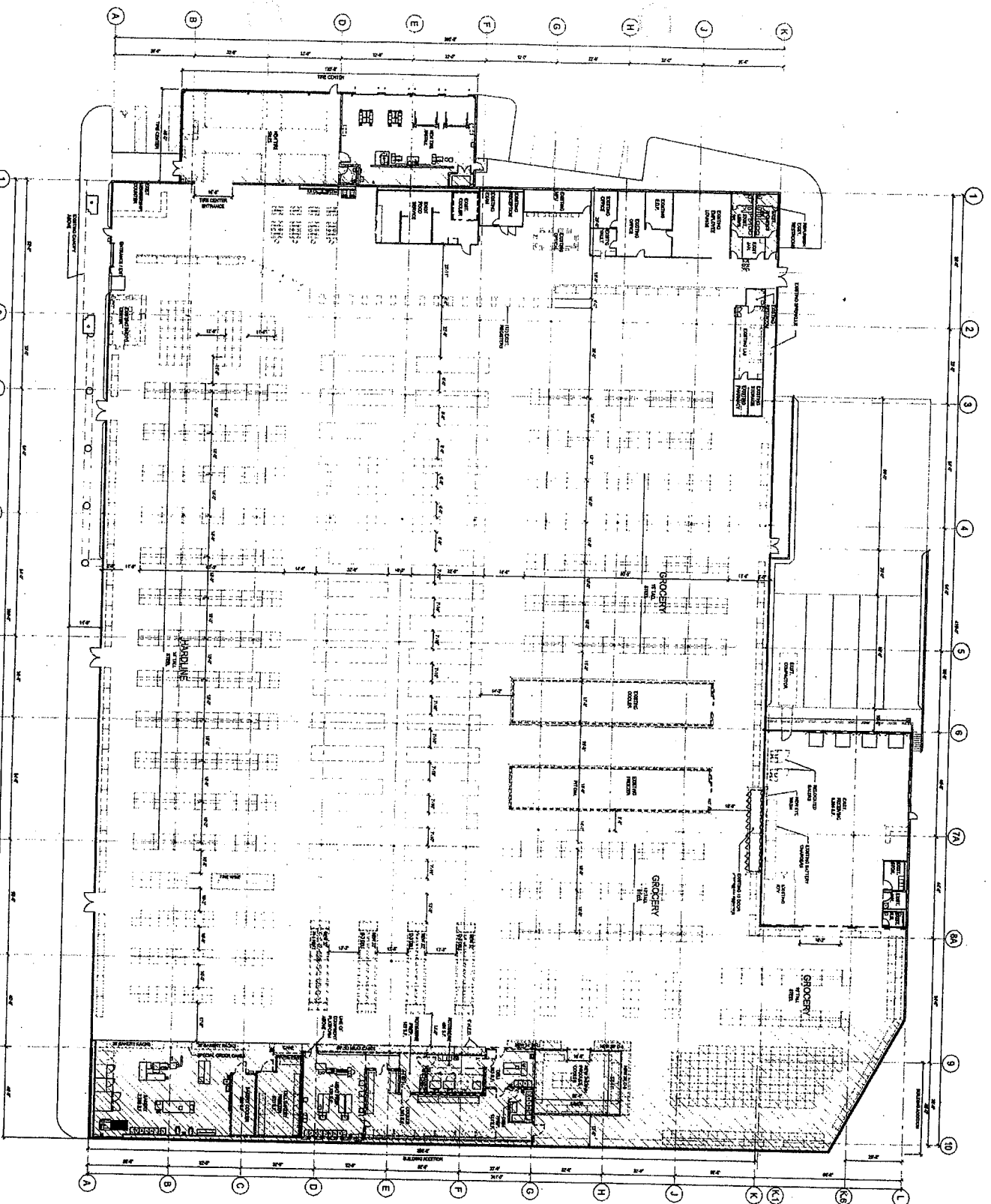
DAVID BARCOCK & ASSOCIATES
198 PLAZA DRIVE
VALLEJO, CA 94591

0008 P.101
AUGUST 17, 2006
CONCEPT
SITE PLAN

COSTCO WHOLESALE

CONCEPT FLOOR PLAN

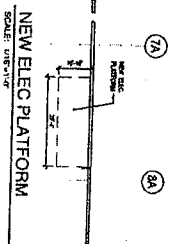
VALLEJO, CALIFORNIA



PROJECT DATA

BUILDING DATA:	
EXIST. BUILDING AREA	120,416 S.F.
EXIST. TIRE CENTER	5,022 S.F.
TOTAL EXIST. BUILDING	125,438 S.F.
EXIST. TIRE CENTER	15,022 S.F.
NEW BUILDING ADDITION	14,721 S.F.
NEW TIRE CENTER	5,200 S.F.
TOTAL NEW BUILDING	140,357 S.F.
EXIST. RACK COUNT:	
GROCERY RACKS	181
CENTER SECTION	14,688 S.F.
HARDWARE RACKS	116
NEW RACK COUNT:	
GROCERY RACKS	146
CENTER SECTION	17,481 S.F.
HARDWARE RACKS	144

NOTES:
EXISTING CONDITIONS TO BE FIELD VERIFIED.



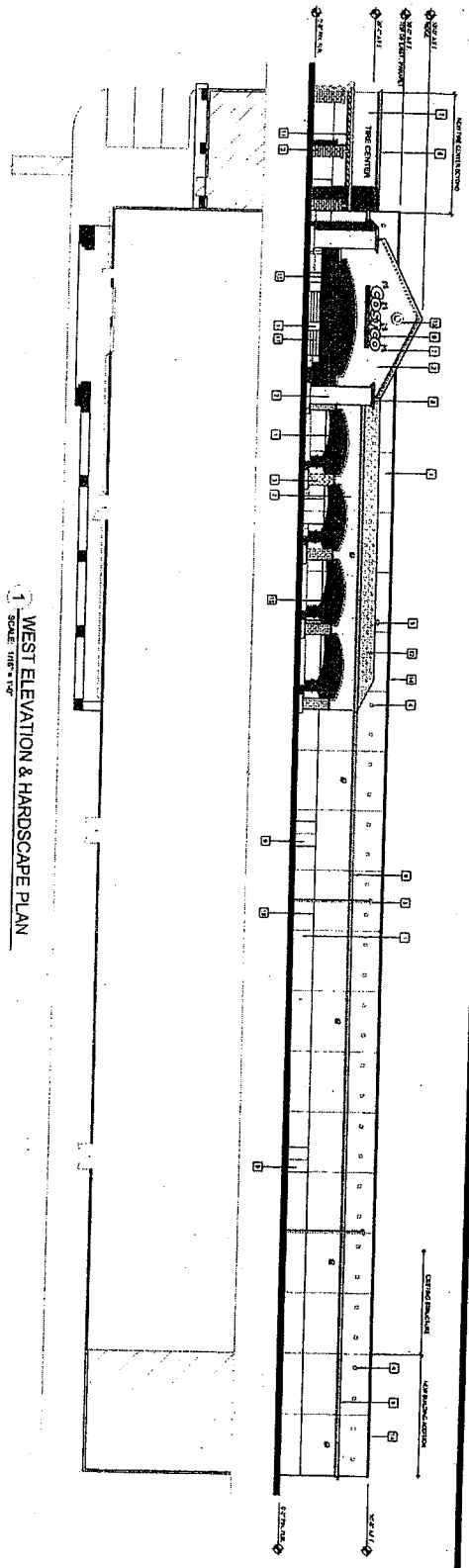
NORTH



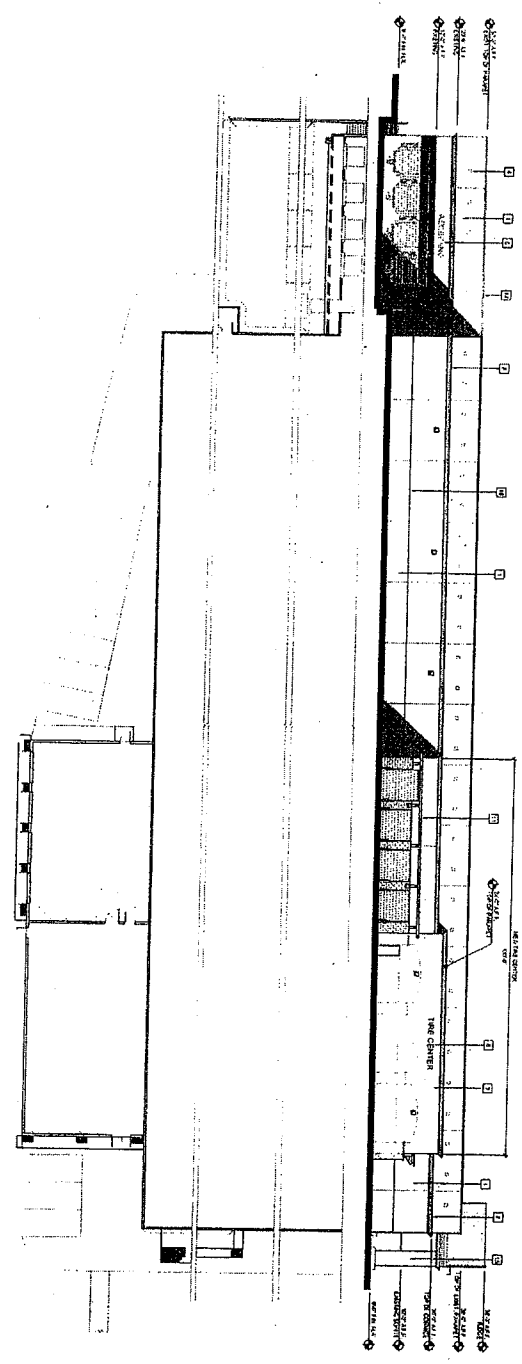
100 BROADWAY
VALLEJO, CA 94591
132

ADJUVANTY, INC.
1100 LITTLE ACACIA BLVD
VALLEJO, CA 94591
ADJUVANTY, INC. ARCHITECTS
ARCHITECTS

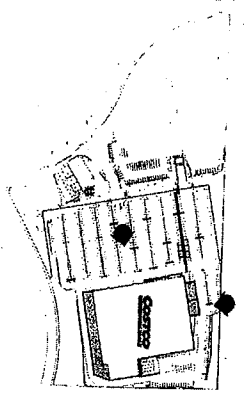
93-0170-12
AUGUST 7, 2006
BUILDING
ADDITION
TIRE CENTER
4



1 WEST ELEVATION & HARDSCAPE PLAN
SCALE: 1/8" = 1'-0"



2 NORTH ELEVATION & HARDSCAPE PLAN
SCALE: 1/8" = 1'-0"

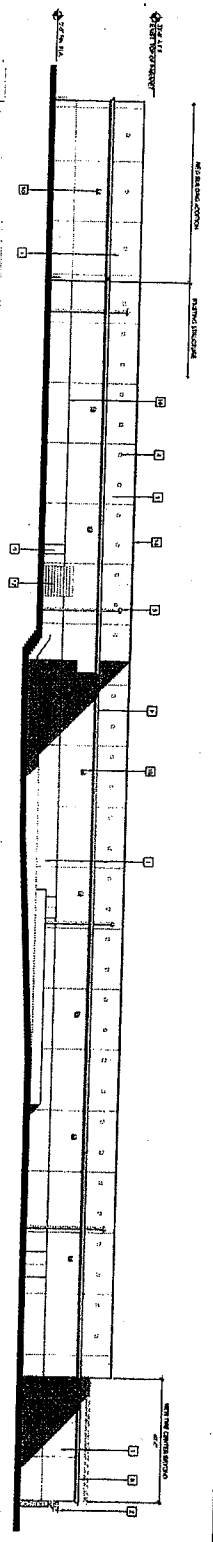


KEY PLAN
NO SCALE

CONCEPT BUILDING ELEVATIONS

SEE SHEET 8 FOR FINISH SCHEDULE

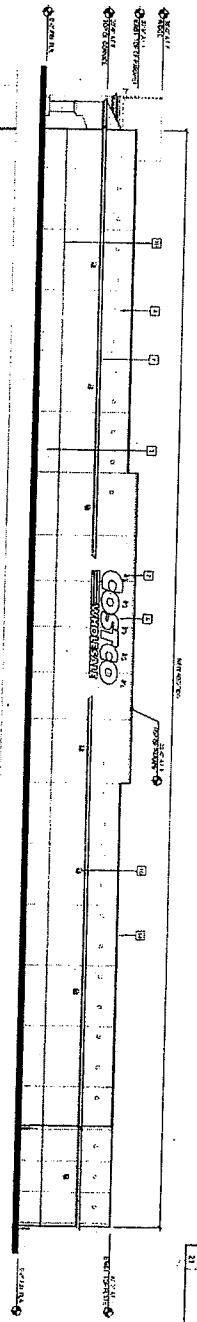
CONCEPT BUILDING ELEVATIONS



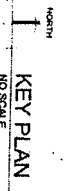
3 EAST ELEVATION & HARDSCAPE PLAN
SCALE: 1/8" = 1'-0"

EXTERIOR FINISH SCHEDULE

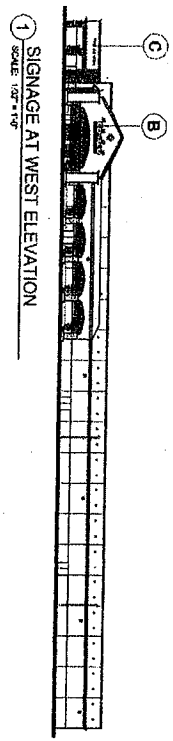
NO.	DESCRIPTION	FINISH
1	INTERIOR WALLS	PERMITS
2	INTERIOR CEILING	PERMITS
3	OUTSIDE WALLS	PERMITS
4	ROOF	PERMITS
5	CONCRETE FLOOR	PERMITS
6	CONCRETE CURB	PERMITS
7	CONCRETE DRIVE	PERMITS
8	CONCRETE SIDEWALK	PERMITS
9	CONCRETE DRIVE	PERMITS
10	CONCRETE SIDEWALK	PERMITS
11	CONCRETE DRIVE	PERMITS
12	CONCRETE SIDEWALK	PERMITS
13	CONCRETE DRIVE	PERMITS
14	CONCRETE SIDEWALK	PERMITS
15	CONCRETE DRIVE	PERMITS
16	CONCRETE SIDEWALK	PERMITS
17	CONCRETE DRIVE	PERMITS
18	CONCRETE SIDEWALK	PERMITS
19	CONCRETE DRIVE	PERMITS
20	CONCRETE SIDEWALK	PERMITS
21	CONCRETE DRIVE	PERMITS
22	CONCRETE SIDEWALK	PERMITS
23	CONCRETE DRIVE	PERMITS
24	CONCRETE SIDEWALK	PERMITS
25	CONCRETE DRIVE	PERMITS
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27	CONCRETE DRIVE	PERMITS
28	CONCRETE SIDEWALK	PERMITS
29	CONCRETE DRIVE	PERMITS
30	CONCRETE SIDEWALK	PERMITS
31	CONCRETE DRIVE	PERMITS
32	CONCRETE SIDEWALK	PERMITS
33	CONCRETE DRIVE	PERMITS
34	CONCRETE SIDEWALK	PERMITS
35	CONCRETE DRIVE	PERMITS
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37	CONCRETE DRIVE	PERMITS
38	CONCRETE SIDEWALK	PERMITS
39	CONCRETE DRIVE	PERMITS
40	CONCRETE SIDEWALK	PERMITS
41	CONCRETE DRIVE	PERMITS
42	CONCRETE SIDEWALK	PERMITS
43	CONCRETE DRIVE	PERMITS
44	CONCRETE SIDEWALK	PERMITS
45	CONCRETE DRIVE	PERMITS
46	CONCRETE SIDEWALK	PERMITS
47	CONCRETE DRIVE	PERMITS
48	CONCRETE SIDEWALK	PERMITS
49	CONCRETE DRIVE	PERMITS
50	CONCRETE SIDEWALK	PERMITS



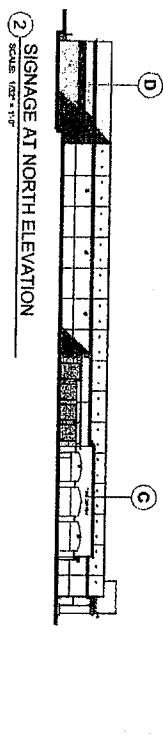
4 SOUTH ELEVATION & HARDSCAPE PLAN
SCALE: 1/8" = 1'-0"



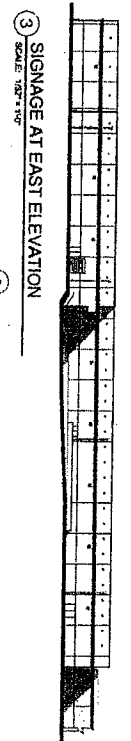
KEY PLAN
NO SCALE



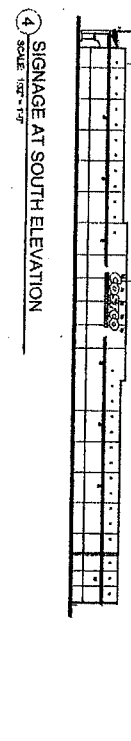
1 SIGNAGE AT WEST ELEVATION
SCALE: 1/8" = 1'-0"



2 SIGNAGE AT NORTH ELEVATION
SCALE: 1/8" = 1'-0"

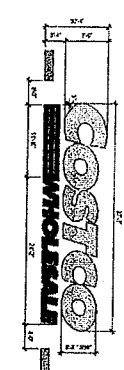


3 SIGNAGE AT EAST ELEVATION
SCALE: 1/8" = 1'-0"

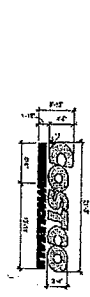


4 SIGNAGE AT SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

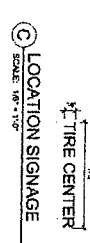
NO.	DESCRIPTION	AREA	HT.	WID.	AMOUNT/FT.	TOTAL SQ. FT.
1	COSTCO PROPOSED	4	7'-0"	20'-0"	2.5	200.00
2	COSTCO PROPOSED	5	7'-0"	20'-0"	2.5	200.00
3	EXISTING	6	7'-0"	20'-0"	2.5	200.00
4	EXISTING	7	7'-0"	20'-0"	2.5	200.00
5	EXISTING	8	7'-0"	20'-0"	2.5	200.00
TOTAL PROPOSED						400.00
TOTAL EXISTING						600.00
TOTAL SIGNAGE AREA						1000.00



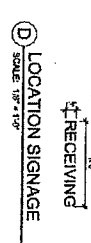
A BUILDING SIGNAGE
SCALE: 1/8" = 1'-0"



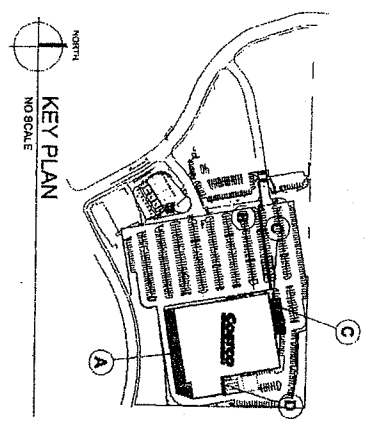
B CANOPY SIGNAGE
SCALE: 1/8" = 1'-0"



C LOCATION SIGNAGE
SCALE: 1/8" = 1'-0"



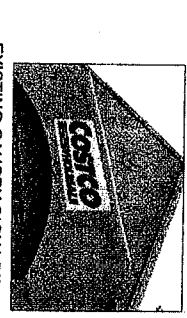
D LOCATION SIGNAGE
SCALE: 1/8" = 1'-0"



KEY PLAN
NORTH
NO SCALE



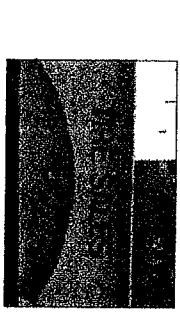
E EXISTING BUILDING SIGNAGE
SCALE: N/A



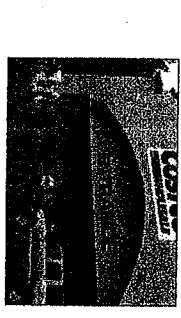
F EXISTING CANOPY SIGNAGE
SCALE: N/A



G EXISTING LOCATION SIGNAGE
SCALE: N/A



H EXISTING LOCATION SIGNAGE
SCALE: N/A

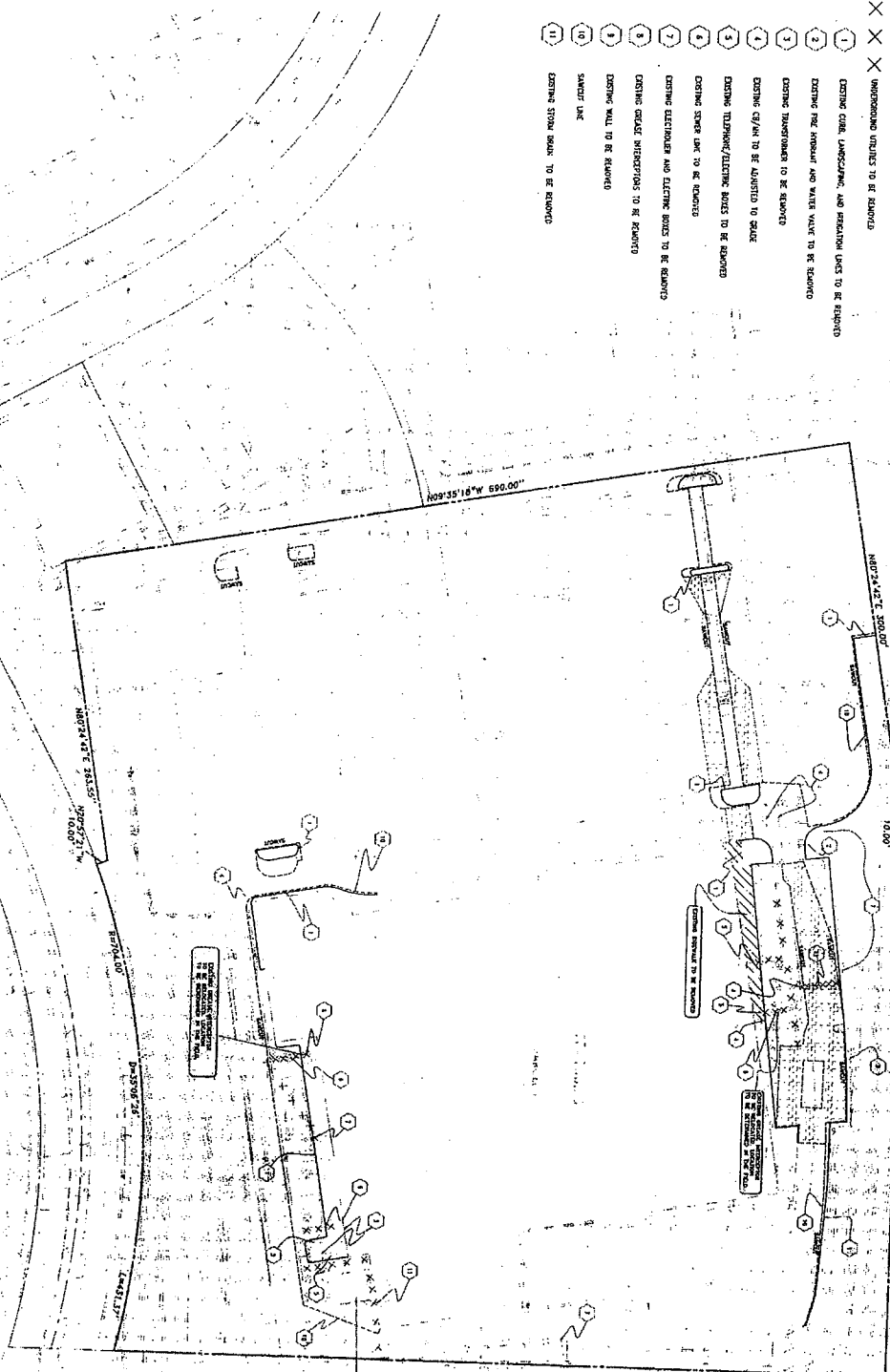


I EXISTING LOCATION SIGNAGE
SCALE: N/A

SIGNAGE EXHIBIT

DEMOLITION LEGEND

- 1 [Symbol] EXISTING CURB, LANDSCAPING, AND RETENTION WALLS TO BE REMOVED
- 2 [Symbol] EXISTING FIRE PROTECTANT AND WATER VALVE TO BE REMOVED
- 3 [Symbol] EXISTING TRANSFORMERS TO BE REMOVED
- 4 [Symbol] EXISTING CEILING TO BE ABANDONED TO CRACK
- 5 [Symbol] EXISTING UTILITIES/ELECTRIC BOXES TO BE REMOVED
- 6 [Symbol] EXISTING STAIR LIFT TO BE REMOVED
- 7 [Symbol] EXISTING ELEVATORS AND ELECTRIC BOXES TO BE REMOVED
- 8 [Symbol] EXISTING GYPSUM PARTITIONS TO BE REMOVED
- 9 [Symbol] EXISTING WALL TO BE REMOVED
- 10 [Symbol] SAMPLER LIFT
- 11 [Symbol] EXISTING STAIR WALK TO BE REMOVED



DATE	11/27/11
BY	JK
CHECKED	JK
SCALE	1" = 20'
PROJECT	VALLEJO COSTCO
SHEET	1

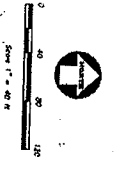
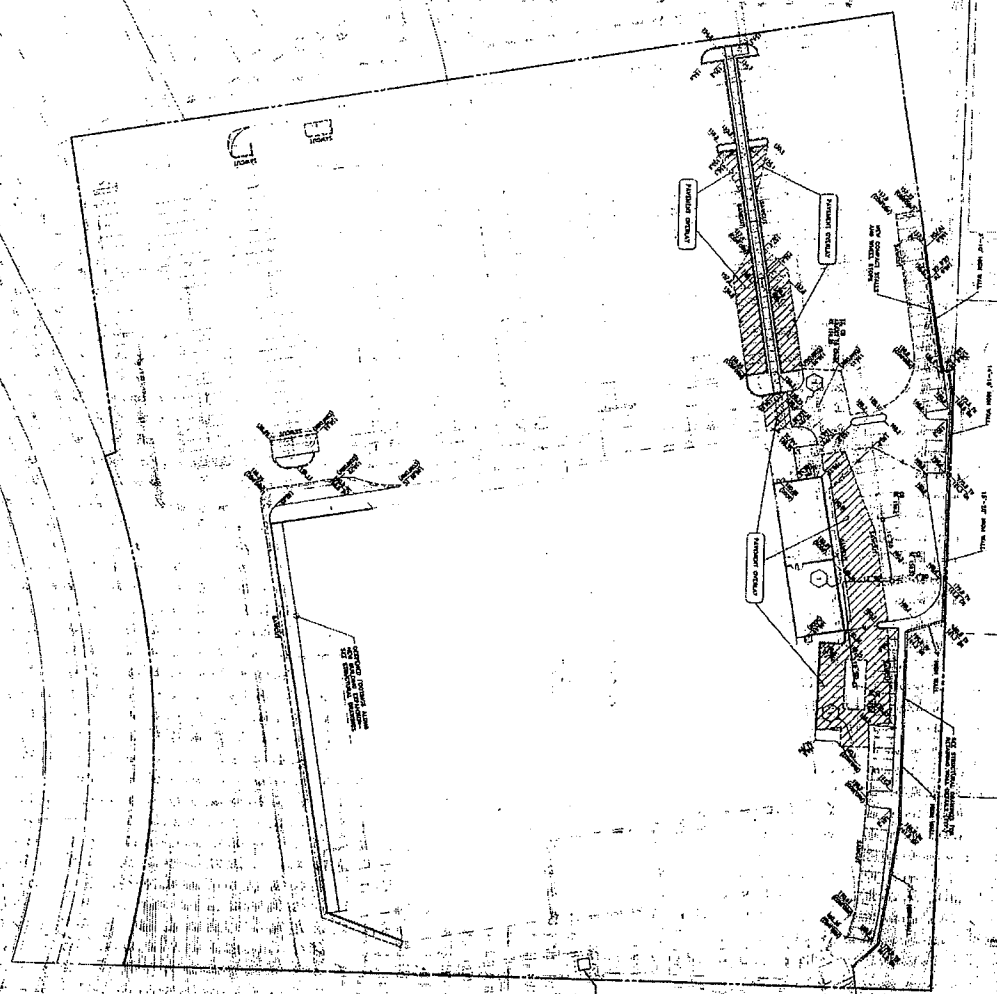
DEMOLITION PLAN
OF
VALLEJO COSTCO
FOR
COSTCO
CALIFORNIA

KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
1233 Quarry Lane, Suite 110
Menlo Park, California 94025
925-249-8555
Fax 925-249-8561

NO.	REVISION	BY	CHK.	DATE
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				

LEGEND

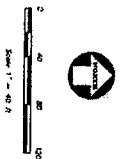
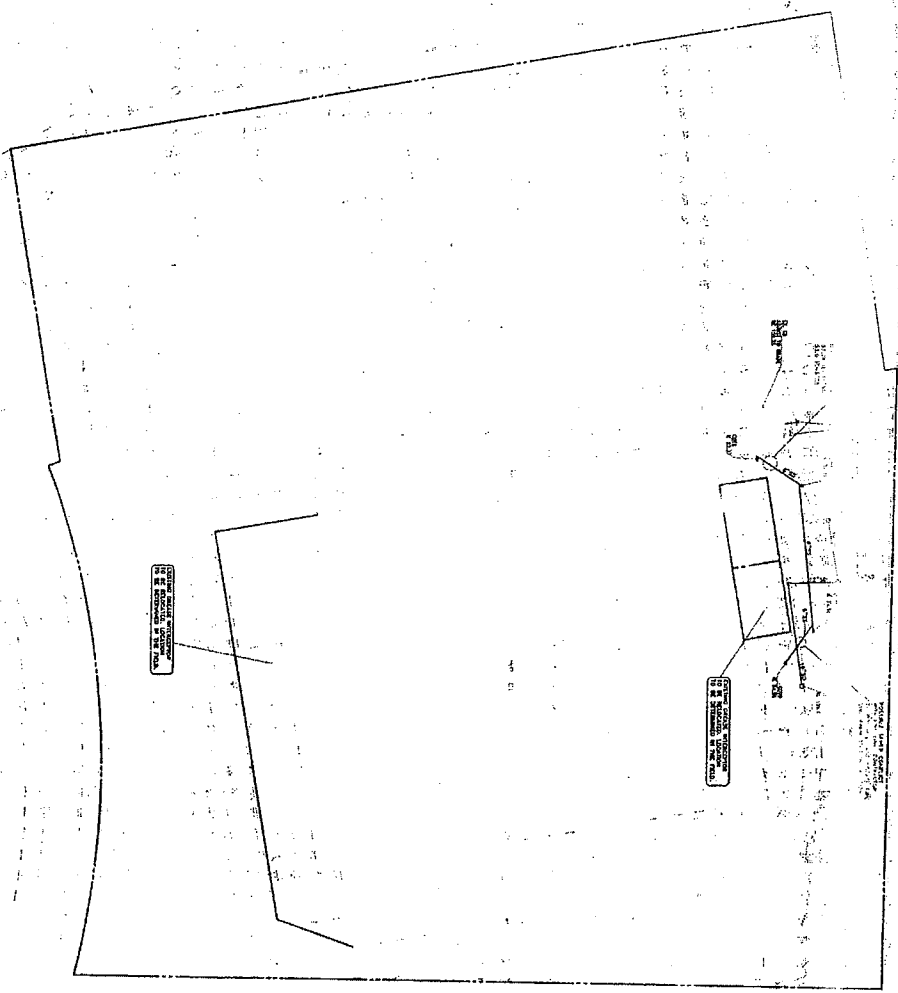
- ▲ AREA BASIN
- CATCH BASIN
- TLOW LINE
- PAVEMENT
- SW ELEVATION
- SPOD ELEVATION
- TOP OF ROAD LINE
- TOP OF CURB
- TOP OF WALL
- OBSTRUCTION
- EXISTING
- NEW AC PAVEMENT
- PAVEMENT PROBLEMS
- ADJUST SW TO FINISHED GRADE



<p>DATE: 03</p>	<p>PRELIMINARY GRADING AND DRAINAGE PLAN OF VALLEJO COSTCO FOR COSTCO</p>	<p>KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC. 12450 Quality Lane, Suite 140 Palo Alto, California 94304 Tel: 650-321-1511 Fax: 650-321-7490</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>REVISION</th> <th>BY</th> <th>DATE</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	REVISION	BY	DATE																					<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>REVISION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>	NO.	REVISION										
NO.	REVISION	BY	DATE																																					
NO.	REVISION																																							

VALLEJO CALIFORNIA

- LEGEND**
- ASH AUTOMATIC SPRINKLER RISER
 - ASH CATCH BASIN
 - SS SANITARY SEWER
 - SDBH STORM DRAIN MANHOLE
 - SSCO SANITARY SEWER CLEANOUT TO GRADE
 - SD STORM DRAIN LINE
 - WA WATER METER
 - WS WATER SERVICE



**PRELIMINARY UTILITY PLAN
OF
VALLEJO COSTCO
FOR
COSTCO**

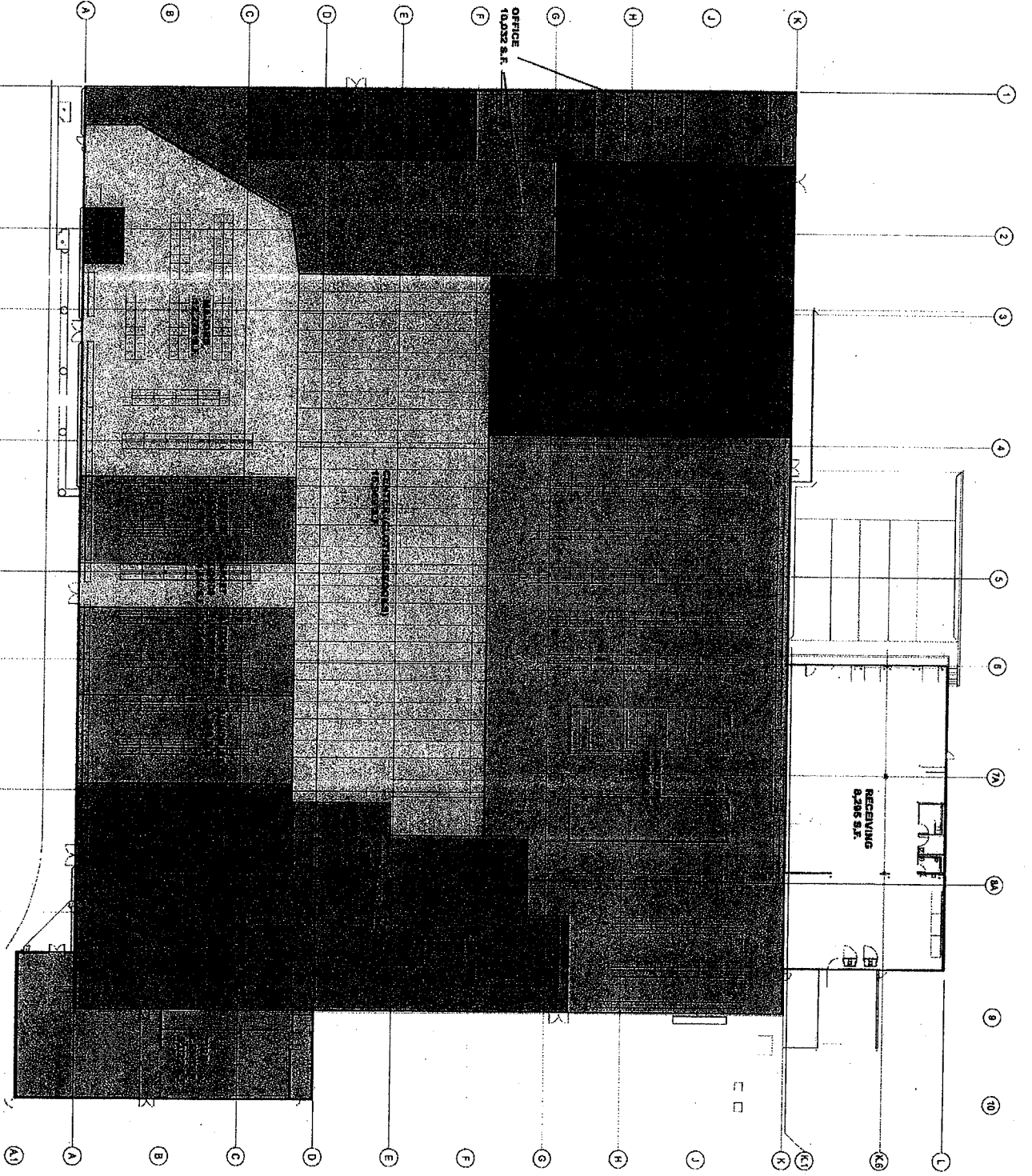
CALIFORNIA

**KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.**
1231 Quarry Lane, Suite 141
Walsham, California 94556
Phone: (925) 249-9551
Fax: (925) 249-9561

NO.	REVISION

NO.	REVISION

DATE	1/18/06
SCALE	1" = 40'
PROJECT	
NO.	C4



COSTCO WHOLESAL
VALLEJO, CALIFORNIA

EXISTING PRODUCT PLACEMENT

PROJECT DATA

BUILDING DATA:	120,418 S.F.
BUILDING AREA	5,022 S.F.
TIRE CENTER	125,438 S.F.
TOTAL BUILDING	161
RACK COUNT:	15,920 S.F.
GROGGERY RACKS	118
CENTER SECTION	
HARDLINE RACKS	

NOTES:
EXISTING CONDITIONS TO BE FIELD VERIFIED.

OCTOBER 23, 2006

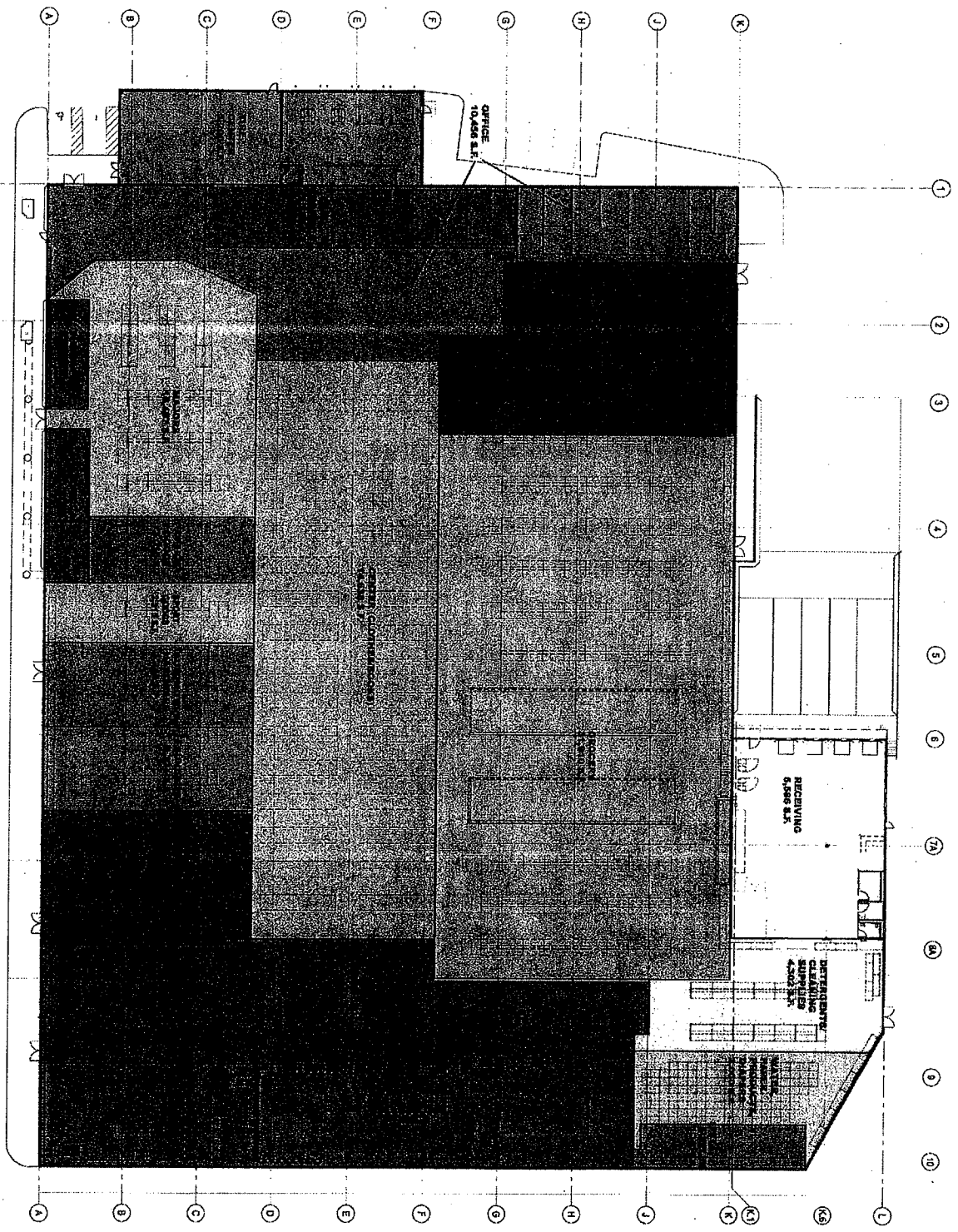


COSTCO WHOLESALE

PROPOSED PRODUCT PLACEMENT

VALLEJO, CALIFORNIA

OCTOBER 23, 2006

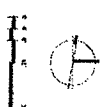
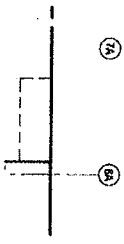


PROJECT DATA

EXIST. BUILDING DATA	
EXIST. BUILDING AREA	120,416 S.F.
EXIST. TIRE CENTER	5,022 S.F.
TOTAL TIRE CENTER	125,438 S.F.
EXIST. TRUCK BUILDING	10,721 S.F.
NEW BUILDING ADDITION	4,267 S.F.
NEW TIRE CENTER	5,200 S.F.
TOTAL NEW BUILDING	140,397 S.F.
EXIST. RACK COUNT	
GROCERY RACKS	14,638 S.F.
CENTER SECTION	161
HANDLINE RACKS	116
NEW RACK COUNT	
GROCERY RACKS	14,638 S.F.
CENTER SECTION	17,481 S.F.
HANDLINE RACKS	120

NOTES:
EXISTING CONDITIONS TO BE FIELD VERIFIED.

NEW ELEC PLATFORM
SCALE: 1/8"=1'-0"



COSTCO
WHOLESALE
VALLEJO, CA
132
1880 PLAZA DRIVE
VALLEJO, CA 94588

10-24-06
OCTOBER 23, 2006
BUILDING
ADDITION
TIRE CENTER
P-2

**CITY OF VALLEJO
ENVIRONMENTAL CHECKLIST FORM**

1. **Project title:** Costco Warehouse Expansion
2. **Lead agency name and address:**
City of Vallejo Planning Division, 555 Santa Clara Street, Vallejo, CA 94590
3. **Contact person and phone number:** Marcus Adams – 707-648-5392
4. **Project location:** Gateway Shopping Center, 198 Plaza Drive, Vallejo CA 94591
5. **Project sponsor's name and address:**
Costco Wholesale Corporation 999 Lake Drive, Issaquah, WA 98207
6. **General plan designation:** Commercial Retail
7. **Zoning:** Mixed Use Planned Development
8. **Description of project:**
The applicant is proposing an expansion to an existing Costco warehouse located in the Gateway Plaza Shopping Center. The expansion would involve adding 14,721 square feet to the existing grocery area on the south side of the building.

Also included in Costco's expansion plans is a relocation of the existing tire center from the south side of the building to the north side. The new tire center would be 200 square feet larger than the existing tire center (5,200 s.f. vs. 5,000 s.f.)
9. **Surrounding land uses and setting:**
Costco is located within the Gateway Plaza Shopping Center and is encompassed by the following uses: retail commercial to the north and west, residential to the south, and a vacant parcel approved for commercial development to the east.
10. **Other public agencies whose approval is required** (e.g., permits, financing approval, or participation agreement.)
Solano County Resource Management, Environmental Health Division

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

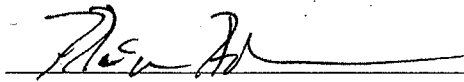
- Aesthetics Agriculture Resources Air Quality

- | | | |
|--|---|---|
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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


Signature

September 28, 2006
Date

Marcus Adams
Printed Name

September 28, 2006
Date

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
--	--------------------------------	---	------------------------------	-----------

I. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
---	--------------------------	--------------------------	--------------------------	----------

The proposed building expansion would not exceed the existing height of the current building; therefore, scenic vistas of Sulphur Springs Mountain would not be impacted.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
--	--------------------------	--------------------------	--------------------------	----------

The proposed project is not located in the vicinity of a state scenic highway.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
---	--------------------------	--------------------------	--------------------------	----------

The proposed building expansion would retain the architecture style of the building and would not encroach upon the existing landscape setbacks.

d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
--	--------------------------	--------------------------	--------------------------	----------

The reconfiguration and addition of parking spaces will not require new lighting.

II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? <i>The sites are urban infill lots. There would be no impacts to farmland due to development of the proposed projects.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? <i>See (a) above.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? <i>See (a) above.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan? <i>The Bay Area 2000 Clean Air Plan (CAP) is the applicable air quality plan for this project. The BAAQMD CEQA Guidelines provides suggested thresholds for projects with potentially significant emissions. Due to the relatively small size of the project, BAAQMD thresholds will not be surpassed.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? <i>Although the Project does not meet BAAZD thresholds for significant impacts, staff will require the following construction period</i>	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------------	--	------------------------------------	--------------

mitigations-

- 1) *Replant vegetation in disturbed areas as quickly as possible.*
- 2) *Hydroseed or apply soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).*
- 3) *Enclose, cover, water twice daily, or apply soil binders to exposed stock piles (e.g., sand, gravel, or dirt) and all unpaved parking and staging areas.*
- 4) *Cover all trucks hauling dirt, sand, soil, or other loose materials. Maintain at least six inches of freeboard.*
- 5) *Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.*
- 6) *Sweep daily (with water sweepers) all paved parking and staging areas.*
- 7) *Provide daily clean-up of mud and dirt carried onto paved streets from the site.*
- 8) *Install sandbags or other erosion control measures to prevent silt runoff to public roadways.*
- 9) *Designate a person or persons to oversee the implementation of a comprehensive dust control program and to increase watering, as necessary.*
- 10) *Maintain and operate construction equipment so as to minimize particulates from exhaust emissions. During construction, trucks and equipment should be running only when necessary. Equipment should be kept in good condition and well-tuned, to minimize exhaust emissions.*

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the

X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?

The proposed project will not result in a cumulatively considerable net increase of any criteria pollutant

d) Expose sensitive receptors to substantial pollutant concentrations?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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Because of the relative small size of the project, and low use intensity no exposure to sensitive receptors to substantial pollutant concentrations will occur.

e) Create objectionable odors affecting a substantial number of people?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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The Project would not create objectionable odors.

IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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The project is located on a commercial lot with no species identified as a candidate, sensitive, or special status species or riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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See (a) above.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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There are no federally protected wetlands on the site.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The site is a commercial lot with no waterways, wildlife corridors, or wildlife nursery site present.

V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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There are no known historic, archaeological, or paleontological resources at the sites but in a city such as Vallejo that has been settled for a long period by California standards, there is a possibility that resources may be exposed when excavation or grading occur.

Mitigation:

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

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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See (a) above.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? <i>See (a) above.</i>	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? <i>There are no known burial grounds on the sites. In the event that human remains should be discovered, land alteration work within 50 feet of the find shall be halted, the Planning Division and the County Coroner notified and a qualified professional consulted to evaluate the resource and suggest an appropriate management plan as necessary.</i>	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. <i>The City of Vallejo is not affected by the Alquist-Priolo Earthquake Fault Zones. Project will meet the California Building Code standards for earthquake safety.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
ii) Strong seismic ground shaking? <i>The site would be subject to ground shaking typical of the Bay Area. The California Building Code (CBC) contains specific requirements intended to protect buildings and people from impacts due to earthquake activity.</i>	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? <i>It is unlikely that the soils will be subject to liquefaction and seismic-related ground failure.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
iv) Landslides? <i>The Project is not located in a landslide area according to the City of Vallejo Engineer</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Result in substantial soil erosion or the loss of topsoil? <i>See (iii) above.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? <i>The Project is not located on a geologic unit or soil that is unstable or would be become unstable due to the building expansion.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? <i>The Project is not located on expansive soil as defined in the UBC</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? <i>The project would utilize the City's sewer system.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

VII. HAZARDS AND HAZARDOUS MATERIALS Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? <i>The Project would not involve transport of hazardous materials.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? <i>(see a. above)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? <i>(see a. above)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? <i>The site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? <i>The site is not located within an airport land use plan or within two miles of an airport.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

VIII. HYDROLOGY AND WATER QUALITY – Would the project:

a) Violate any water quality standards or waste discharge requirements? <i>The project would not violate waste discharge requirements.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? <i>The Project would have no effect on groundwater supplies or recharge.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site? <i>There are no streams or rivers on the site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site? <i>The project will not alter the existing drainage pattern of the site or area.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? <i>The project is not expected to exceed the planned stormwater drainage system capacity.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) Otherwise, substantially degrade water quality? <i>See (d)(e) above</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? <i>The project does not include housing.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows? <i>The site is not within the 100-year flood zone.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? <i>The project is not in the vicinity of a levee or dam.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
j) Inundation by seiche, tsunami, or mudflow? <i>No such threats exist in the vicinity.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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IX. LAND USE AND PLANNING - Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|----------|
| a) Physically divide an established community?
<i>The project would not physically divide an established community.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
<i>The project proposed use is in conformance with the Vallejo Zoning Ordinance and the General Plan land use designations.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan?
<i>The project would not conflict with any applicable habitat of natural community conservation plan.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

X. MINERAL RESOURCES -- Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|----------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
<i>There are no known mineral resources at the sites.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?
<i>See (a) above.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

XI. NOISE □ Would the project result in:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|----------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
|---|--------------------------|--------------------------|--------------------------|----------|

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
applicable standards of other agencies? <i>The building expansion use would not generate excessive noise levels and would be in compliance with relevant standards and regulations related to noise impacts.</i>				
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? <i>The proposed expansion would not generate groundborne vibration or noise. See also (d) below.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? <i>There would not be a substantial permanent increase in ambient noise levels.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? <i>The construction for the proposed project would create a periodic increase in ambient noise levels than without the project; however, construction noise levels will be required to not exceed City of Vallejo noise standard levels and construction will be limited to City of Vallejo construction hours.</i>	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

XII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? <i>The Project would not induce population growth</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? <i>The project would not displace any existing housing.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? <i>See (b) above.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

XIII. PUBLIC SERVICES

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

Fire protection? <i>Future demands on services generated by the project would be consistent with growth and development on the site anticipated in the General Plan and zoning ordinance. No significant impacts to services are anticipated.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Police protection? <i>See (a) above.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Schools? <i>No housing component to the project is proposed.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Parks? <i>There are no parks on the project site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Other public facilities? <i>No significant impacts are anticipated on other public facilities as a result of this project.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

XIV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
or be accelerated? <i>The Project would not increase the use of existing neighborhood and regional parks or other recreational facilities.</i>				

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? <i>The project does not include any recreational facilities or propose expansion of existing facilities.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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XV. TRANSPORTATION/TRAFFIC -- Would the project:

a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? <i>The Project is not expected to generate any new vehicular trips.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? <i>See (a, Part A.) above.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? <i>The project would not include any design features or incompatible uses that would substantially increase hazards.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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e) Result in inadequate emergency access? <i>The project is designed to provide adequate emergency access, according to the City of Vallejo Traffic Engineer.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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f) Result in inadequate parking capacity? <i>The Project would meet the City's parking requirement.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? <i>The project would not conflict with any adopted policies, plans, or programs supporting alternative transportation.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
XVI. UTILITIES AND SERVICE SYSTEMS				
<input type="checkbox"/> Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? <i>The project would not exceed the wastewater treatment requirements of the Vallejo Sanitation and Flood Control District (VSFCD), according to VSFCD.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? <i>The project would not require or result in the construction of new water or wastewater treatment facilities according to VSFCD.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? <i>The project will not require or result in construction of new storm water drainage facilities or expansion of existing facilities according to VSFCD.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? <i>There are sufficient water supplies to meet the project demands according to VSFCD.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Result in a determination by the wastewater treatment provider that serves or may serve the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<p>project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</p> <p><i>Vallejo Sanitation and Flood Control District has indicated that the District has sufficient capacity to meet project demand.</i></p>				
<p>f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs?</p> <p><i>Vallejo Garbage Service has indicated that it has sufficient capacity to meet the demands of the project.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
<p>g) Comply with federal, state, and local statutes and regulations related to solid waste?</p> <p><i>The project would comply with federal, state, and local statutes and regulations related to solid waste.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
<p>XVII. MANDATORY FINDINGS OF SIGNIFICANCE --</p>				
<p>a) Do the projects have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
<p>b) Do the projects have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
<p>c) Do the projects have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

SUPPORTING INFORMATION SOURCES

1. ERA Economic Impact Analysis for proposed Costco Expansion
2. City of Vallejo Municipal Code (as adopted)
 - a. Title 16 – Zoning
 - b. Title 16 - Buildings and Construction
 - c. Title 7 - Public Health and Safety
4. Institute of Transportation Engineers, Trip Generation Handbook (4th edition)
5. City of Vallejo, Regulations and Specifications for Public Improvements (as adopted)
6. City of Vallejo, Vallejo Water System Master Plan, 1985.
7. City of Vallejo, 1995 Urban Water Management Plan
8. Vallejo Sanitation and Flood Control District, Wastewater Facilities Master Plan, 1992
9. Vallejo Sanitation and Flood Control District, Storm Drainage Master Plan, 1992
10. Uniform Building Code (as adopted)
11. Verbal and/or written comments from Vallejo Department of Public Works (Engineering Division)
12. Verbal and/or written comments from Vallejo Water Division
13. Verbal and/or written comments from Vallejo Sanitation and Flood Control District
14. Bay Area Air Quality Management District CEQA Guidelines, April 1996
15. California Geological Survey Website- Alquist-Priolo Earthquake fault zones as of May 1, 1999



CITY OF VALLEJO

PROPOSED NEGATIVE DECLARATION

Based on completion of the attached Initial Study, the City of Vallejo has prepared this proposed Negative Declaration for the following project pursuant to Resolution No. 96-447 N.C. adopted by the Vallejo City Council on December 10, 1996.

PROJECT ACTIONS:

Use Permit #06-0014
Planned Development (Unit Plan) #06-0020

PROJECT DESCRIPTION:

The applicant is proposing an expansion to an existing Costco warehouse located in the Gateway Plaza Shopping Center. The expansion would involve adding 14,721 square feet to the existing grocery area on the south side of the building.

Also included in Costco's expansion plans is a relocation of the existing tire center from the south side of the building to the north side. The new tire center would be 200 square feet larger than the existing tire center (5,200 s.f. vs. 5,000 s.f.)

LOCATION:

198 Plaza Drive

PROPONENT:

Costco Wholesale Corporation
999 Lake Drive
Issaquah, WA 98207

FINDING:

This project will not have a significant effect on the environment.

REASONS TO SUPPORT FINDING: The proposed Costco expansion will occur on an existing paved area, thus not disturbing any open space or environmental jurisdictional features.

DATE PREPARED:

October 3, 2006

BRIAN DOLAN
Development Services Director

- c. Use Permit #546A – Appeal of staff determination concerning Rose Imports located at 1605 Solano Avenue.
- d. Use Permit 06-0039 is an application for additions to the chapel and administrative areas of Skyview Memorial Cemetery located at 200 Rollingwood.
- e. Amendment to the Waterfront PDMP and Design Guidelines as required by the settlement with the Waterfront Coalition. The settlement was approved by the City Council at their last meeting.

G. CITY ATTORNEY REPORT

Claudia Quintana: As I promised you, at a previous meeting, I have handed out a synopsis of the legislation that effects Planning and Land Use. You may peruse it at your leisure and if you have any questions please contact me.

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

Chairperson Legalos: Commissioner Peterman has taken over as Liaison to the City Council. Mr. Peterman do you have a report?

None.

K. PUBLIC HEARINGS

- 1. **Use Permit 06-0014, Planned Development 06-0020 and Minor Exception 06-0024** are applications for Costco expansion and tire center relocation/enlargement. Proposed CEQA Action: Negative Declaration. Continued from the meeting of November 6, 2006.

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

Marcus Adams: This involves the Costco expansion to their existing warehouse in the Gateway Plaza Shopping Center. The proposed expansion would be 14,721 square feet. The major part of the change would be in the fresh fruit and grocery sections of the store with some limited square footage additions to the other sections of the store. Also proposed with the expansion would be a relocation or realignment of the tire center. *Marcus pointed out the illustration boards set up behind Deborah Marshall.* The exterior architecture is not proposed to change much from the existing

façade. The present tire center will be eliminated and you will have that on the north side of the building. There are three applications involved with this Costco change: the Use Permit, a Planned Development Unit Plan, and a Minor Exception. Because of the Super Store Ordinance that we passed last year the Use Permit is before you tonight with the Costco Expansion. The environmental consultant is here tonight to answer any questions you might have concerning the EIA. Representatives from Costco are also here to give a short presentation and answer any questions not answered in the staff report. I will go over the Minor Exception and conformance with the Northgate Specific Plan. The project is in compliance with the Specific Plan except for the floor area ratio. The maximum allowed is 25% and they actually have 27%. We have a minor exception process here in the City that allows you to exceed a measurable standard by 25% and this two percent increase over the allowable 25% is well under that 25%. We did not feel that recommending approval of that minor exception would be a negative impact on the site or the surrounding community.

As you will note on the cover page CEQA should read "based upon substantial evidence in light of the whole record, the project will not have a significant effect on the environment. When you make a motion tonight we ask that you recommend that change. I think I have explained well enough finding number 5 about the 27% and the minor exception, just incase anyone had any confusion about what that means.

The last change concerns Section 16.70.040. We need to add the finding that the positive economic impacts created by the proposed superstore would outweigh the negative economic impacts or, that despite any negative impacts, other considerations warrant the granting of a major conditional use permit for the superstore. We ask that that be included in the record tonight. I will be happy to answer any questions about the staff report.

Commissioner Turley: There are three addendums to what we see here? Have you passed out these addendums to the Commission?

Marcus Adams: There will be two, actually and they were in a memo that was passed out to the Commission.

Commissioner Turley: OK.

Commissioner McConnell: You are representing that the increase in this project is 14,721 square feet. It is my understanding that they are going to be demolishing the current tire center. The net gain is 14,700, right?

Marcus Adams: Yes.

Commissioner McConnell: In the project description, where the square footages are broken down, the first four items total 15,734.

Marcus Adams: If you note in the footnote I did not include the decrease in some of the areas.

Commissioner McConnell: You indicate that this is a minor exception based upon the square footage.

Marcus Adams: The minor exception is related to the floor area ration compared to the lot.

Commissioner McConnell: In this staff report you make a recommendation that they add a few trees and the landscape ordinance we have does not apply to this project

Vallejo Planning Commission Minutes
December 4, 2006

because it is a fairly minor expansion. I wonder if you can explain why you reached that conclusion. What is the justification for that position.

Marcus Adams: The justification for that is that what we look at is the intensity of the overall development and compare it to the overall requirements, whether it is bringing it up to code, in this case the landscaping code, and the relationship of what we would request in relationship to what they are developing. To add improvements in landscape some type of nexus needs to be established. We did not think this would be appropriate. The way the site is was developed to code at the time or if it was something that was missed at that point it is existing and so instead of having them dig up the entire parking lot it would be a situation where they would just fill in some areas and enhance the landscaping that way.

Commissioner McConnell: What is the total cost for this project?

Marcus Adams: I am not sure.

Commissioner McConnell: When staff considered the recommendation that the parking and landscaping requirement not be brought up to code did staff give any consideration to the cost to do that?

Marcus Adams: Not in hard numbers. We did kind of have an idea of the cost and we considered the time frame. We also considered, once again, the nexus of what they are doing in relationship to having to redo the entire parking lot and landscaping.

Commissioner McConnell: Costco owns this property. They are a fairly large retail operation; probably one of the most significant one in the entire City. A lot of people pay good money to walk through those doors. I am having some difficulty justifying not asking such a corporate client to come up to standards. It concerns me that we might excuse a company that we might like while we have a company that, maybe we don't like as much, but we do impose such a requirement on them. About a year ago we required Marine World to redo their parking lot. We gave them some latitude in how they would meet those standards but we still made that request of them and justly so, I think. That is probably applicable in these circumstances as well. I would like to hear the applicant's position on that. If we don't do it on this application, when?

Don Hazen: What we looked at is, is the recommendation to retrofit that parking lot practical, reasonable and proportional to the project that is before us today. We struggled with the fact that we have a parking lot out there now that probably should not have been approved in that configuration. We recognize that it does not meet the Northgate Specific Plan standards. We looked at roughly less than 10% of an add on for an existing facility and we looked at what it would entail to go ahead and retrofit in landscape plantings. We looked at saw cuttings and trenching in the asphalt to bring an irrigation system to those planters. We weighed all those. This is certainly something that the Commission should discuss to help elaborate how we arrived at that conclusion. We felt that to do a full retrofit based on this scope of a project did not meet those tests for reasonableness, proportionality, and whether it was practical or not.

Commissioner McConnell: That is why I wanted to inquire into that at this stage of the hearing. When we bring it back into the hands of the Commission we can discuss the policies and considerations at that time. I would like to get as much information about that as we could. I appreciate the comments very much. On the EIA there is a conclusion in there that this will not effect surrounding stores. It is probably true but it bothers me that it is a conclusionary comment and not a factually

Vallejo Planning Commission Minutes
December 4, 2006

supported statement. Will the consultant be addressing the facts upon which that conclusion was reached?

Marcus Adams: Yes.

Commissioner McConnell: I would appreciate it if it was put into written materials in the future. I think it would assist all people who review these informational packets. I think it is a desirable way of proceeding.

Deborah Marshall had Chairperson Legalos stop the meeting for a two minute break to deal with technical problems with the recording and broadcasting equipment.

Chairperson Legalos reconvened the meeting.

Chairperson Legalos: The ordinance on the landscaping states that the trees shall provide shade. I do not see that any of the trees over there provide shade. They are not appropriate plantings for shade. For most of the areas there are 19 stalls in between plantings. That far exceeds the six that are required. There is mention made of requiring plantings only in the planters that are empty. I counted only one that was empty.

Marcus Adams: Yes, I went over there today and I too only counted one. I saw some planters that had distressed plants but there was only one that was empty. As Commissioner McConnell said we did do that for Marine World but on the other hand Best Buy comes to mind where there was a condition to do some landscaping improvements and the Commission downscaled the enhancements. I think we should be consistent with Best Buy and Kohls and they do compare with Costco.

Chairperson Legalos: It seems to me that the Commission has been very consistent on asking for landscaping upgrades. It was earlier this year that we required a small restaurant on Broadway to make major changes in their parking lot and their fencing which proportionately was more significant in terms of cost and economic impact for them than this would be for Costco to bring their parking lot into compliance.

Marcus Adams: We discussed both side of the story and we realized this would be an issue tonight. It is in your jurisdiction.

Chairperson Legalos: On page 10 of the staff report says, City of Vallejo residents can expect little net savings from the expansion. The expansion will most likely not draw additional shoppers from City of Vallejo residents, nor increase the amount of purchases from present Costco members. Why would they do this?

Marcus Adams: I will let them answer that.

Chairperson Legalos opened the Public Hearing.

David Babcock: Also tonight Kim Sanford is here with Costco. I will give a brief explanation of the project. I think it is pretty simplistic. Costco proposes to add about 15,000 square feet on the south side of the building and reconfigure the inside of the store to provide more of the modern amenities that new facilities are currently enjoying. It is an attempt to bring this up closer to the typical Costco prototype. As far as the outside of the building, the concept was pretty much to match what was there to blend in with the existing structure. We looked at different approaches to this project and felt like, let's upgrade the canopy, that was one of the concepts that staff had originally presented. We have embellished that a little bit with some articulation of some of the details and curves of the front entrance. We are reworking the front

canopy and also moving the existing tire center, on the south side, tearing that off, building a new tire center on the north side of the building and expanding about 40 feet to the south. That in a nutshell is what the project is about. It is a pretty simple project. I was listening to some of the comments about the landscaping. I knew the landscaping requirement was part of the guidelines but it never really has come up until tonight. Costco is always in favor of landscaping projects, however, with this one we really were not doing anything to the parking lot. There was no plan to go in and completely tear up the parking lot. Therefore, it was not addressed as part of our proposal. As far as the economic questions we will defer to the consultants answers. Other than that I am available to answer questions.

Commissioner McConnell: I appreciate your comments. I do not think any of us are upset about the architecture here. What I have is a comment, not only for you, concerning large retail stores of this nature, but maybe also for Costco management. Over the weekend I was engaged in a conversation by a member of the general public who basically said that shopping at Costco and big box stores was not an enjoyable experience because of the cement flooring that is uncomfortable for walking long distances. This person actually preferred to shop at stores that had carpet on the floor. It raises a question in my mind about what we are doing to address people who have some mobility issues, if not an actual disability, and how that might be resolved through architectural standards. I know that when I am at Costco I do not see any of those electric carts that you see at other places. Perhaps that is something you can factor into your future designs.

Commissioner Peterman: Where the new tire center is going is handicapped parking. Is the handicapped parking going to be moved or is it going to be reduced?

David Babcock: Right now the proposed handicapped parking is across..*David Babcock pointed to a spot on one of the illustration boards that showed the exact location of the handicapped parking.* It is pretty much direct access coming to the tire center or to the front door. The handicapped parking area is in a good spot.

Chairperson Legalos: Will there be the same number of handicapped parks?

David Babcock: It is a function of the total number of cars. We meet the code. Yes there will be the number required by code.

Chairperson Legalos closed the Public Hearing.

Chairperson Legalos reopened the Public Hearing for the purposes of hearing from James Edison the environmental consultant.

James Edison: We were hired to do the economic impact study. Our task was to put together a study in conformance with the City's ordinance regarding big box and food stores. I have heard two questions so far. The first had to do with affecting the surrounding area. What we did was the affected area which is Vallejo, Benicia, and American Canyon. Our findings in that regard are based on our projections of increases in real income in the households in the affected area as well as increase in population. Both of those draw additional retail demand. Based on the numbers we have the addition at Costco is well under the projected increase in the near future and therefore it will not have any affect on existing stores. In the sense that the ordinance is concerned with, which is drawing customers away from other stores, the idea is that there is room for additional customers because there will be additional customers coming to the community and also the customers who are there are projected to be a little more wealthy in the future than they are now given the trend in Vallejo and the affected area in the last decade or so. The second question had to

do with not drawing additional shoppers or their spending more. The report actually says it is not significantly more. That is in response to the ordinance which requires us to examine that question. I would say that what is not significant from the prospective of the City and the economy of the region may be very significant for Costco. In this case we are projecting that Costco will see around \$15,000,000 a year in additional revenue based on this new square footage. For an individual store that is quite a bit of money but for the regional economy it is not a big number. In our opinion it is not a number that is going to make a big difference to the fabric of the retail stores in the area and change how things are going to evolve over the next 10 to 20 years.

Commissioner McConnell: I am happy to hear that you have extended your study to American Canyon and Benicia as well. If my understanding of the District Court of Opinion on the Wal-Mart decision, out of American Canyon, was correct, economic impact studies must address the surrounding communities and not just the geographical area of the city in which the project is proposed to be located. Do you address concerns as to whether we will be bringing or impacting any business out of Suisun City or Fairfield?

James Edison: No we did not address that far.

Commissioner McConnell: What kind of a geographic radius, in terms of miles, did you actually consider?

James Edison: The area we considered was American Canyon, Benicia and the City of Vallejo. We are limited to some extent by data. Available population data we cannot collect by radius. Usually it is by community. That is how the census does it. We pick our areas. That was in consultation with staff. If there is something you think you want us to consider in particular, an area you want us to examine, that is something we can follow up on. For now that was the judgment we made, those communities.

Commissioner McConnell: This is a new analysis for us as well. This is the first time we have had a big box before us. I believe I have been informed that when a super center opens a large box store that it draws from approximately a 20 mile radius. My concern is that if we don't ask our economic advisors to address that 20 mile radius perhaps we are under requiring what is necessary and leaving ourselves open to challenges at a later time. It does concern me that we did not address the impact it might have on a surrounding Costco. You are telling me you do not think there will be a significant impact based upon your economic data.

James Edison: That is based upon an analysis of projected additional demand based on income and population. In answer to your question about a 20 mile radius, this is a little different circumstance from when you are opening a new super center. Costco is already there. It is already supplying customers. This is just making it bigger. There will be some additional impact from the expansion. Someone said that if there was not additional impact why would Costco do it. There are actually a number of reasons. There are operational reasons, they want a different mix of products, or they are trying to prevent losing customers as opposed to gaining customers. For example Safeway is opening all sorts of new bakery facilities and changing their product mix so Costco may need to change their store just to counter that as opposed to getting new customers. We do studies for new Wal-Marts, for example. We then need to look at a wider radius but that tempered by the existence of other Wal-Marts. You have a Wal-Mart that is coming in, in American Canyon. You would not necessarily look past that Wal-Mart to see what affect it has on customers because no one past that Wal-Mart is going to come driving by it to get to

Vallejo Planning Commission Minutes
December 4, 2006

this one. If we were to do a Wal-Mart study it is a more extensive study. You look at a wider radius. It is more analysis. It also costs more money. It requires more work.

Commissioner McConnell: We are expanding the tire shop and the grocery area out there. We are expanding the liquor sales area and the food service court. Did your economic report, that we do not have factually in-depth before us, address whether there would be any impact on like natured businesses within the radius of your study area?

James Edison: We examined the issue of the tire center. It is only expanding by 200 square feet and in addition to the fact that the Board of Equalization does not actually break down Costco sales by tires. Because Costco is a general merchandise retail store if you go to the Board of Equalization and ask what the sales are it is all tracked as general merchandise. That is an issue we run into with other studies because sometimes to show evidence of an impact you need to show data about general merchandise sales and tire sales and other things but just because they sold tires does not mean that is the basket it ended up in, in terms of tracking the data. We ended up using just general merchandise. We assumed that any additional sales would be in that same category and we compared it to projections for general merchandise for the surrounding area.

Commissioner McConnell: So you would conclude that based upon your study that there will be no adverse economic impact on any of the businesses presently within the City of Vallejo or the studied area due to the expansion of this store.

James Edison: That is our finding.

Chairperson Legalos: Two weeks ago the First District Court of Appeal ruled that American Canyon had violated CEQA because it did not extend the economic impact analysis to adjacent communities even though there is a Wal-Mart within four miles of the propose American Canyon Wal-Mart. It seems to me that the scope does have to be increased.

James Edison: I am not directly familiar with that. I have heard about it. What I would say is that when looking at American Canyon it was a matter do we look past American Canyon. There is a Wal-Mart that is four miles away. Therefore we are not going to look any further than four miles in any direction. Is that what they did or is it a matter of saying there is a Wal-Mart four miles away. We are not going to look at communities that are past that Wal-Mart because anything that is going to affect the project will not be past that.

Chairperson Legalos: They said they had to look at the impact in adjacent communities. They were not limiting it to the existing Wal-Mart that is about three miles away and the proposed one that would be about four miles away. That decision has stopped construction except for soil stabilization activity.

James Edison: I think that is worth considering. But I think we are dealing with a different situation here because it is an expansion not a new store. A 15,000 square foot addition, I do not believe, deserves the scrutiny of a new Wal-Mart. I do not recall off the top of my head how many square feet of sales that is but it is 120,000 or 130,000 square feet, I believe. It draws a great deal more attention and scrutiny, not only from the community but also from courts.

Chairperson Legalos: If you just look at the question of square footage I would have to agree with you. If you look at the question of profit margins for a grocery store a fairly small change in square footage could result in a significant impact in terms of

Vallejo Planning Commission Minutes
December 4, 2006

net sales and profit. The dollar value might not look high but given the narrow margins that might still be very significant.

James Edison: Costco also has narrow margins.

Chairperson Legalos: Yes, I am sure they do.

James Edison: They are all in a narrow margin business.

Chairperson Legalos: I have a question on Section 3, page 5, the first full paragraph in your report referring to the increase from 43% to 48% in the food service total salable area. What hypothesis is behind that conclusion that you can make a projection from square footage?

James Edison: In the absence of any basis for sales we assume that the sales are equal per square foot. It is a fair point to say you could analyze it more closely to understand but here, because we are trying to understand the difference in sales from one to another and the impact of a change in their footprint we just made the best estimate we could and that seemed the most reasonable.

Chairperson Legalos: It would seem to me that the greater impact, or the variables that would actually account for the impact would be the product mix and the price. If you assume a combination of products and prices even one square foot would result in a different amount of sales than a different mix of products and prices in a square foot. I am not sure I can accept that kind of an inference unless you have some other facts to base this on or you have made other observations in other retail situations that would support this general statement.

James Edison: I think that is based on a lack of information. That is to say we just made an average assumption, as you correctly observed. I would say that the kind of detailed study you are talking about was not within the scope of either the budget or the period of time we had to do the study. We do not have all that data available.

Chairperson Legalos: Let me give you a hypothetical example on something I am certain that Costco is not planning to do. Suppose that additional 5% of square footage was Pilipino products. What would the impact be on Seafood City? It would be far different than if that 5% increase in square footage was product more typically sold in the region.

James Edison: The presumes that the people shopping at Seafood City would go to the Pilipino section at Costco. If there were not a large enough selection for them they would not necessarily go at all.

Chairperson Legalos: I only used that as an example because I think it is a good illustration of the impact of product mix and pricing. I find it difficult to accept this assumption that square footage is a good measure of the impact on existing stores. I would like to see some data that suggests that and supports that. The other question I have, and this is a product mix question, there are a very small number of items sold at Costco right now that are not sold in bulk. If this 5% increase were to be non-bulk sales, again that would have a much more significant impact on existing stores than if it was all bulk sales. Do you know if they are planning to do more of the non-bulk sales?

James Edison: The only information we had was the general characterizations of the floor area and the types of sales and not individual items. You could ask the proponent about that but I do not have that information.

Vallejo Planning Commission Minutes
December 4, 2006

Chairperson Legalos: I think that information is very important to have because I think it could significantly affect the impact.

Commissioner Salvadori: I have a couple comments regarding micro-management and assumptions on how you would value probability and sales volume based on square footage. I agree with the consultant. You have to find something that is reasonable common denominator. Costco has an optical department. There are a lot fewer people who walk through there than walk through the area with seafood sales. The other important thing is that in any grocery environment what is being sold there is going to change on a consistent basis based on what the shoppers want when they attend that particular retailer. I think if you take an area and define that a certain number of square feet will be for grocery sales, that is fine. What that looks like six months from now could be very different from what it looks like today in any retailer. I don't believe there is an economical way, a reasonable way to take each one of these categories and establish a probability or retail volume per square foot. It is like having 20 different stores in one location. It is like the rest of Northgate mall with all the differences located under one roof and operated by one proprietor. I think the approach that the consultant took on how you evaluate the overall effect using a square footage ratio is probably pretty reasonable and an industry standard for a business this size.

Chairperson Legalos: I agree that it is logical but I am still skeptical about the assumptions underlying projections from square footage. Also the product mix issue, especially if there were a plan to do less bulk sales would have a greater effect on the other stores in the area. I would like some more information on that.

Don Hazen: This is kind of a milestone we are getting our first environmental impact study related to a big box. I would not want to have you leave the subject with the impression that, first of all from a legal standpoint that this study is inadequate in any way. The threshold for American Canyon was so much higher because they were dealing with a new facility and they flat out said that it would not have a significant impact. The threshold before you this evening is the word significant. Will this have a significant adverse impact? Because references were made to American Canyon, and Claudia would concur, we meet the legal tests as far as the detail that this study has included. I think from staff's prospective the study follows normal, accepted, standard practice for fiscal impact studies. Taking this roughly speaking 14,000 square foot addition, the study basically concludes that it will have a very minor impact on the surrounding market and so it did not feel the need to keep on expanding the range of analysis once the initial conclusions were made. Any square foot addition is going to affect the market but the key word is significant. We can ask for a lot of detail but I think at some point that numbers can be just a damaging as they can be helpful. I don't know if we are leaving the consultant with enough detail of what we are looking for. It won't be disruptive of the local market. Sure it will have some impact but will it be significant. I think that is really your test before you this evening. Is there going to be an adverse, substantial impact to the surrounding market? We believe that the study follows the standard practice for that business.

Chairperson Legalos: As Commissioner McConnell pointed out this is the first time we have had to apply this ordinance and I think we have to be very careful and thoughtful on how we do it.

Chairperson Legalos closed the Public Hearing.

Commissioner McConnell: I want to thank the applicant and the economic advisors for their assistance. I found the economic discussion very helpful. I think it caused us all to realize that there is a lot more to this economic impact study that needs to be

addressed than perhaps we first realized when we drafted it. I found the discussion very illuminating tonight. It makes me realize that we are going to have to go back to the drawing board with defining what it is we really want in a report of this nature if it comes before us again.

There are three different motions that need to be approved tonight. It would be my intent upon proceeding to that portion to address them in reverse order. That is take the Minor Exception, then the Planned Development and lastly the Use Permit. It is the use permit that I have the most concern with. I want to comment generally about this particular application and big box ordinances in general. One of the things that has always concerned me is when we have a large store and a parking lot and there is a space between the parking lot and the store. There is potential for congestion and accidents that occur between impacting vehicles and also pedestrians. From an architectural standpoint I would urge design so that we could separate them better. I know that when I am in a parking lot of that nature I always feel like I am a site in somebody's shooting gallery. I would urge architect's in the future to start addressing concerns for pedestrian safety in pedestrian walkways. The other thing that concerns me about the operation of Costco is the run amuck carts. You have parking cart facilities at the front and in the middle but nothing at the end. I would urge you to add them at the end even though it is not going to be before us tonight nor would I make it a condition under any circumstances. On the whole I think the operation there is reasonably well conducted. I have to bear in mind that this is still approximately 15,000 square feet alteration.

My first motion would be to approve Minor Exception 06-0024 with the findings and conditions in the staff report.

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

NOS: None.

ABSENT: Engelman.

Motion carries.

My second motion will be to approve the Use Permit 06-0014 with the findings and conditions in the staff report.

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

NOS: None.

ABSENT: Engelman.

Motion carries.

I now move the approval of Planned Development Unit Plan with the findings and conditions in the staff report and with some additional conditions. There are even more things required to bring things up to code than what we will be requiring this evening. We do have City standards and I have seen no evidence tonight to make me change my mind that we need to bring projects up to code. As I said before, if not now, when. Several people have commented to me that they actually enjoy shopping at the Vacaville store because it is much more lushly landscaped and is a more enjoyable environment and why don't you guys in Vallejo have something like that. Now is an opportunity to have something of that nature. I realize we are talking about only a 15,000 square foot addition but we are also talking about a very responsible corporate citizen. To whom much is given much is expected. I expect that they can and should come up to standards. I do not believe that the development on the building should be withheld until the parking lot is actually completed. I believe coordination timing could be left to staff. But my motion would

Vallejo Planning Commission Minutes
December 4, 2006

be to approve Planned Development Unit Plan 06-0020 with the findings and conditions in the staff report with the additional conditions that the parking lot be brought to standards and including the modified wording as previously requested by staff.

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

NOS: Salvadori.

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 Northgate Specific 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 2 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 4, 5 and 9 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.

Staff recommends that the Planning Commission **APPROVE** Use Permit #06-0020 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. The proposed location, size, design and operating characteristics of the proposed conditional use will be compatible with adjacent uses, building or structures, with consideration given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities, to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity and physical character of surrounding streets; and to any other relevant impact of the proposed use;
2. The impacts described above and the proposed location of the building expansion is consistent with the city general plan;
3. Based upon consideration of the findings of the economic impact analysis performed by Economics Research Associates, and reviewed by the City of Vallejo, the positive impacts from the proposed Costco expansion would outweigh the negative economic impacts of the project.

Staff recommends that the Planning Commission **APPROVE** Minor Exception Permit #06-0024 subject to the following findings:

Vallejo Planning Commission Minutes
December 4, 2006

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:

5. As per Section 16.80.090(A) VMC, the proposed additional two percent of floor area coverage would not exceed 25% of the prescribed measurable standards;
6. As per Section 16.80.090(B) VMC, granting of the exception permit would not adversely affect development and/or persons upon abutting property, with adversely affect to mean to impact in a substantial, negative manner the economic value, habitability, or enjoyability of properties;
7. As per Section 16.80.090(C) VMC, granting of the minor exception would not result in a hazard to pedestrian and/or vehicular traffic and
8. The minor exception would result in better environmental quality of development of such property than without such exception.

Staff recommends that the Planning Commission **ADOPT** the Negative Declaration, based on the findings of the Initial Study conducted by Planning Division Staff attached in this report

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 a minimum of one 15-gallon tree to be installed in all parking lot landscape planters which are missing trees unless determined infeasible by the Planning Division or a traffic hazard by the Traffic Engineer. The proposed trees shall be of the same variety of the existing trees in the parking lot or shall be chosen from the City of Vallejo's Recommended Street Tree List, which is available at the Planning Division.
3. Prior to building permit submittal, the applicant shall submit revised illustrating an accessible parking lot pedestrian pathway (acceptable to the Chief Building Official) that is landscaped with trees, includes special paving, and is illuminated to a maximum of 1 foot candle.
4. Prior to building permits submittal, provide revised plans illustrating a minimum of two bicycle racks to be installed near the building entrance.
5. Prior to building permit issuance, submit a sign application for all proposed signs on the building.
6. Prior to building permit issuance, obtain an administrative permit from the Planning Division for any temporary office or construction trailer.
7. 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.
8. Prior to final building inspection, all proposed landscaping and bicycle racks shall be installed.

Vallejo Planning Commission Minutes
December 4, 2006

9. Prior to occupancy/final building inspection, an inventory of all landscaping on the site shall be conducted. All damaged or dead plants, including ground covers, shall be replaced with the same planting or a planting to be approved by the Planning Division.
10. Prior to occupancy/final building inspection, obtain a sign permit from the Planning Division prior to the erection of any Grand Re-Opening or similar advertisement signs, including flags, banners, etc. All signs shall comply with Chapter 16.64 (VMC).

Building Division

1. Prior to building permit submittal, provide revised plans indicating ADA path of travel from the ground floor building exits to the public way.
2. Prior to building permit submittal, provide revised plans indicating ADA path of travel between different buildings in the shopping plaza.
3. Prior to building permit submittal, provide revised plans indicating an exit analysis of building with exiting load per door including the width of exiting path to public way for exit discharge.

City and Traffic Engineer

1. Submit geotechnical investigation report that includes recommendation on proposed retaining wall installation and parking lot grading. A third party review of soils report may be required at the project owner's expense.
2. Submit site grading, drainage, improvement, utility and landscaping and irrigation plans for review and approval. Site plan shall show all proposed, existing improvements and utility services. Secure approval of site plans prior to building permit.
3. Prior to approval of construction plans pay \$119,725.00 toward Northgate Fee District 94-1 for the new additional square footage (19,921 square feet).
4. Due to line of sight conflict, remove three parking stalls from west side and four from east side of new Tire Center building.
5. Proposed 24 feet width for parking driveway in front of new Tire Center is not acceptable. Minimum width shall be 25 feet.

Economic Development

1. Parking will replace landscaping. Repair/enhance existing landscaping.

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.

Vallejo Planning Commission Minutes
December 4, 2006

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, a VSFCD Connection Permit is required. Pay all applicable review and connection fees.

STANDARD REQUIREMENTS

Planning Division

1. All parking spaces shall be demarcated, per City of Vallejo standards.
2. 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.
3. Replant vegetation in disturbed areas as quickly as possible.
4. Hydroseed or apply soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
5. Enclose, cover, water twice daily, or apply soil binders to exposed stock piles (e.g., sand, gravel, or dirt) and all unpaved parking and staging areas.
6. Cover all trucks hauling dirt, sand, soil, or other loose materials. Maintain at least six inches of freeboard.
7. Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
8. Sweep daily (with water sweepers) all paved parking and staging areas.
9. Provide daily clean-up of mud and dirt carried onto paved streets from the site.
10. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

Vallejo Planning Commission Minutes
December 4, 2006

11. Designate a person or persons to oversee the implementation of a comprehensive dust control program and to increase watering, as necessary.
12. Maintain and operate construction equipment so as to minimize particulates from exhaust emissions. During construction, trucks and equipment should be running only when necessary. Equipment should be kept in good condition and well-tuned, to minimize exhaust emissions.
13. In the event unsuspected historical, archaeological, or paleontological resources are discovered during any phase of the projects, land alteration work within 50 feet of the find shall be halted, the Planning Division notified, and a qualified professional consulted to evaluate the resource and suggest an appropriate management plan as necessary.
14. In the event that human remains should be discovered, land alteration work within 50 feet of the find shall be halted, the Planning Division and the County Coroner notified and a qualified professional consulted to evaluate the resource and suggest an appropriate management plan as necessary.
15. 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.
16. There shall be no outdoor storage or display of any kind except as allowed per Chapter 16.70 and 16.77 (VMC).
17. 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.
18. All vents, gutters, downspouts, flashings, electrical conduits, etc., shall be painted to match the color of the adjacent surface.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.

Vallejo Planning Commission Minutes
December 4, 2006

City and Traffic Engineer

1. Parking lot spaces shall not be more than 5% in any direction (VMC, Section 16.62.150(C)(1).
2. Signage and striping shall be per City of Vallejo standard. (VMC, Section 16.62.140)

(The following conditions may apply)

3. 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. (PW1)
4. 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. (PW2)
5. 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. (PW3)
6. 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. (PW4)
7. 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. (PW5)
8. 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. (PW6)
9. All dust and erosion control shall be in conformance with City standards, ordinance, and NPDES requirements. (PW7)
10. 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). (PW8)
11. Entrances to any private project must be standard driveway approaches unless deviation is permitted by the City Engineer. (PW9)
12. 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. (PW10)
13. 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. (PW11)

Vallejo Planning Commission Minutes
December 4, 2006

14. Prior to start of construction submit a traffic control plan to the Department of Public Works for review and approval. (PW12)
15. Construction inspection shall be coordinated with the Department of Public Works and no construction shall deviate from the approved plans. (PW13)
16. 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. (PW14)
17. 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. (PW15)
18. Prior to occupancy/final building inspection, install the improvements required by the Department of Public Works including but not limited to streets and utilities. (PW16)
19. 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. (PW17)

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. Direct roof drainage across non-paved areas prior to entering storm drain inlets and gutter, when feasible.

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.

2. **Use Permit 06-0018** is an application for an Ice Cream Commissary located at 1853 Broadway Street. Proposed CEQA Action: Exempt.

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

3. **Use Permit 06-0020** is an application for outdoor storage at the South Vallejo Industrial Park located at 100 Corporate Place Suite A (ProChem). Proposed CEQA Action: Exempt.

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

Vallejo Planning Commission Minutes
December 4, 2006

David Caldwell, 4158 Summer Gate Ave, Vallejo:

M. WRITTEN COMMUNICATIONS

None.

N. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 9:45 P.M.

Respectfully submitted,

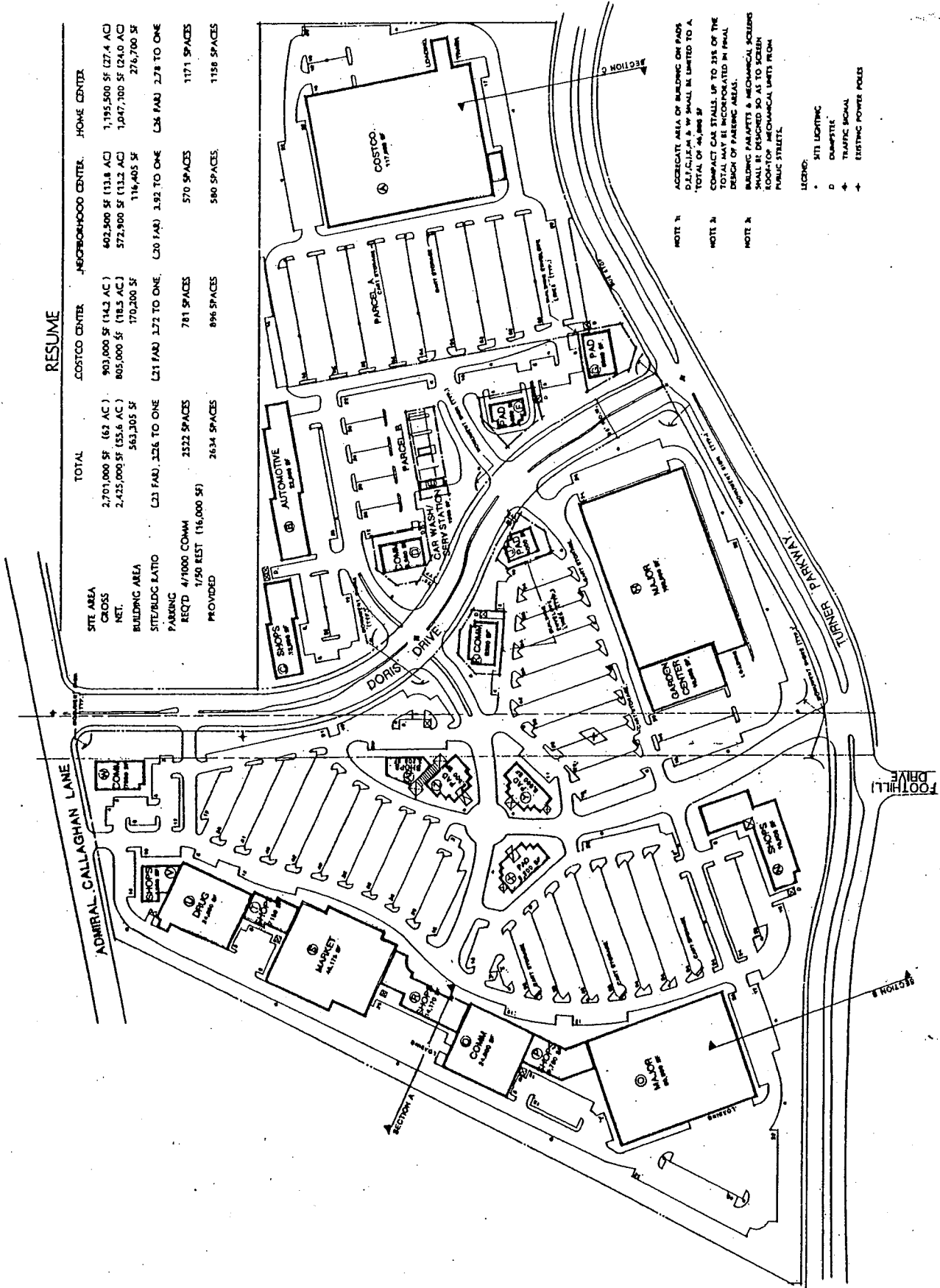


(for) DON HAZEN, Secretary

DRAFT

RESUME

	TOTAL	COSTCO CENTER	NEIGHBORHOOD CENTER	HOME CENTER
SITE AREA	2,701,000 SF (62 AC.)	903,000 SF (14.2 AC.)	402,500 SF (13.8 AC.)	1,395,500 SF (27.4 AC.)
GROSS NET.	2,425,000 SF (55.6 AC.)	805,000 SF (18.5 AC.)	572,500 SF (13.2 AC.)	1,047,500 SF (24.0 AC.)
BUILDING AREA	563,305 SF	170,200 SF	116,405 SF	276,700 SF
SITE/BLDG RATIO	(23 PAR.) 326 TO ONE	(23 PAR.) 372 TO ONE	(20 PAR.) 392 TO ONE	(26 PAR.) 278 TO ONE
PARKING REQ'D	4/1000 COMM	2522 SPACES	781 SPACES	1171 SPACES
1/50 REST	(16,000 SF)	2634 SPACES	896 SPACES	1158 SPACES
PROVIDED				



AGGREGATE AREA OF BUILDING ON PADS SHALL BE LIMITED TO A TOTAL OF 40,000 SF.
 COMPACT CAR STALLS UP TO 25% OF THE TOTAL AREA SHALL BE PERMITTED IN PARALLEL OF PARKING AREAS.
 BUILDING PARAPETS & MECHANICAL SCREENS SHALL BE FINISHED SO AS TO SCREEN EIGHTH-FLOOR MECHANICAL UNITS FROM PUBLIC STREETS.

NOTE 1:
 NOTE 2:
 NOTE 3:

- LEGEND:
- SITE LIGHTING
 - DUMPSTER
 - ▲ TRAFFIC SIGNAL
 - ✦ EXISTING POWER POLES

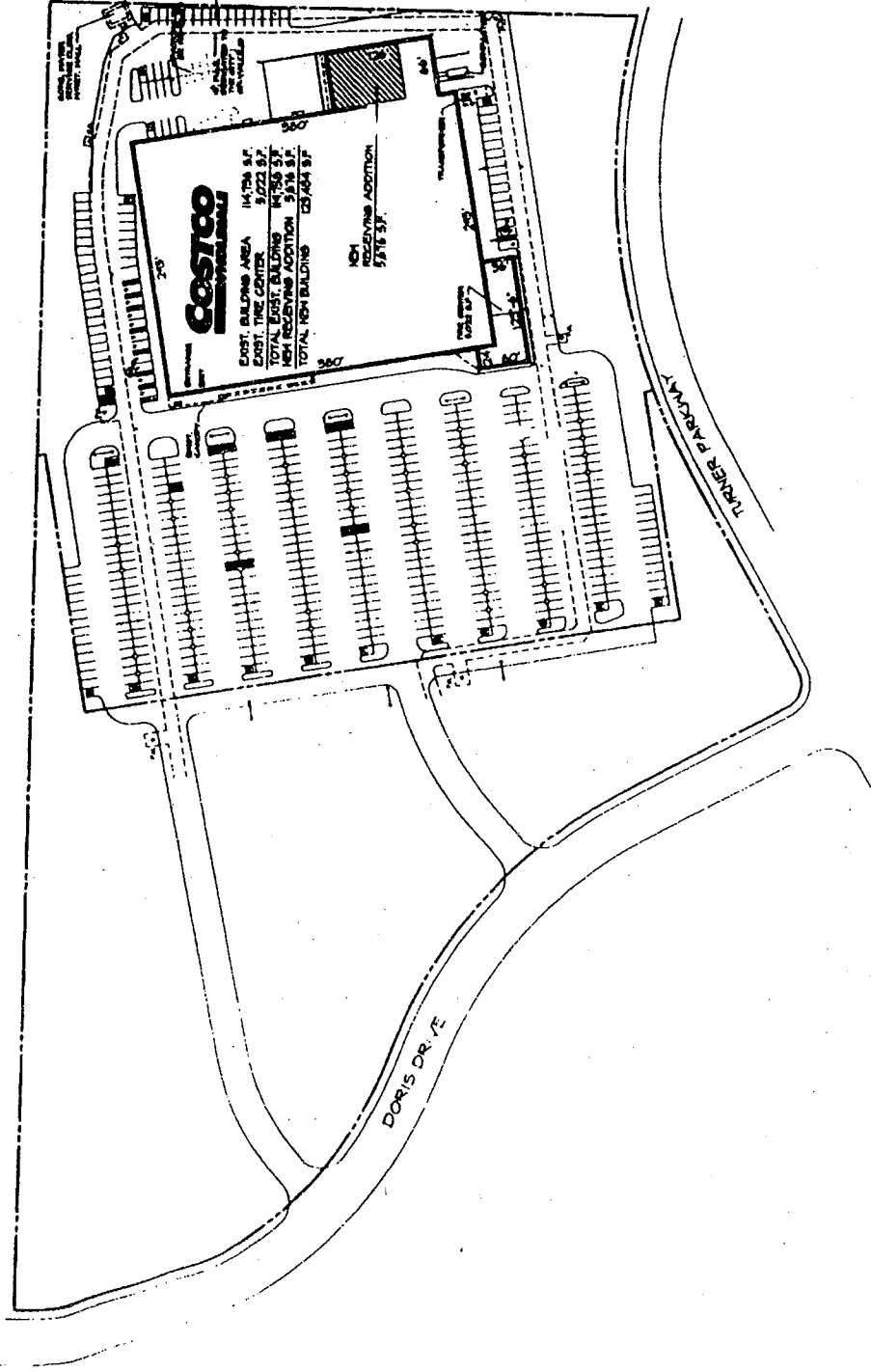
GATEWAY PLAZA 1989
 VALLEJO RETAIL CENTER, INC.

SCPA ARCHITECTURE AND PLANNING
 425 BRIDGE STREET, SAN FRANCISCO, CALIF. 94107



DATE: 11/11/89
 PROJECT NO.: 88-001
 SHEET NO.: 0100A

Concept Site Plan 1998



Project Data

CLIENT: COSTCO WHOLESALE
19800 W. PLAZA DRIVE
MILPITAS, CA 95027

PROJECT ADDRESS: 198 PLAZA DR.
VALLEJO, CA 94591

ZONING: COMMERCIAL / RETAIL

SITE AREA: 20.4 ACRES (880,345 SF)

SETBACKS: UNKNOWN

BOUNDARIES: UNKNOWN

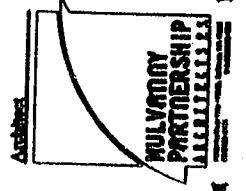
INFORMATION: THIS PLAN HAS BEEN PREPARED AS A CONCEPTUAL SITE PLAN. IT IS CONCEPTUAL IN NATURE AND NO GUARANTEE OF ITS ACCURACY IS IMPLIED.

BUILDING DATA:
EXISTING BUILDING AREA: 14,726 SF
EXISTING THE CENTER: 9,222 SF
TOTAL EAST BUILDING: 23,948 SF
NON RECEIVING ADDITION: 5,785 SF
TOTAL NEW BUILDING: 29,733 SF

PARKING DATA:
STANDARD STALLS: 540 STALLS
HANDICAPPED STALLS: 13 STALLS
TOTAL EXISTING PARKING: 653 STALLS
STALLS LOST TO ADDITION: 20 STALLS
TOTAL PROPOSED PARKING: 633 STALLS
4 STALLS PER 1000 SF OF BUILDING AREA.

NOTES:
EXISTING CONDITIONS TO BE FIELD VERIFIED.

95-017 B - WHEELS 123
MILPITAS ADDRESS & REMODEL - 02-19-98
VALLEJO, CA - 198 PLAZA DRIVE, VALLEJO, CA 94591



Costco Wholesale
VALLEJO, CALIFORNIA




ADMIN. A

Agenda Item No. _____

COUNCIL COMMUNICATION

Date: January 23, 2007

TO: Honorable Mayor and Members of the City Council

FROM: Gary A. Leach, Public Works Director 

SUBJECT: CONSIDERATION OF THREE RESOLUTIONS: 1) A RESOLUTION HOLDING ON FIRST READING AN ORDINANCE AMENDING VALLEJO MUNICIPAL CODE CHAPTER 11.38 (CONTROL OF BACKFLOW AND CROSS-CONNECTION TO MUNICIPAL WATER SYSTEM); 2) A RESOLUTION HOLDING ON FIRST READING AN ORDINANCE AMENDING VALLEJO MUNICIPAL CODE SECTION 11.48.120 (SERVICE CHARGES – FIRE PROTECTION SERVICE CUSTOMER ACCOUNTS); AND 3) A RESOLUTION ESTABLISHING A MONTHLY ADMINISTRATIVE FEE FOR NON-STANDARD INSTALLATION AND OTHER CHARGES ASSOCIATED WITH BACKFLOW PREVENTION DEVICES

BACKGROUND AND DISCUSSION

On January 9, 2007, the City Council adopted Resolution No. 07-11 N.C., a resolution of intention directing preparation and submission of ordinances amending the Vallejo Municipal Code as described below.

In September 2005 the Downtown Vallejo Design Guidelines were adopted to help implement the goals of the Downtown Vallejo Specific Plan by providing detailed design direction for public improvements and more flexible concepts for private development to encourage creative design solutions. Guidelines include those to minimize the visual impact of utilities, mechanical equipment and service areas. Specifically these guidelines state that, backflow prevention devices “should be located away from public streets, accessed from an alley in a recessed location or located underground.”

Chapter 11.38 of the Vallejo Municipal Code (“VMC”) addresses the responsibility and requirements for control of backflow cross-connection to the municipal water system. These regulations, as currently written, would require backflow prevention devices to be located in metal covered, underground vaults in the sidewalk in order to meet the Downtown Vallejo Design Guidelines. Such underground installations for every building



would be unsightly. The alley location is not acceptable to the Water Division primarily because it does not provide the necessary water flow to avoid stagnant water accumulating in isolated pipe runs to devices, which are used only when tested or during an emergency.

Accordingly it has been requested that backflow prevention devices be allowed to be installed in the basements of downtown buildings, or on other sites within the City with space or design standard constraints. While this satisfies the design goal to minimize the visual impact of such devices, it raises issues for the Water Division: 1) devices are not readily accessible for in-line maintenance and testing as required in Chapter 11.38 VMC; and 2) under current definitions of city vs. private water facilities, the City would be exposed to increased liability in the event of leakage of the device and damage to private property.

These issues, associated with "non-standard" installations, can be addressed by revisions to the municipal code. An ordinance revision to sections of Chapter 11.38 VMC has been prepared. Staff has prepared a revision to Resolution No. 04-444 N.C., which set backflow fees, to differentiate "standard" and "non-standard" installations and set up a monthly administrative fee only for "non standard" installations. The proposed ordinance modifications would allow the property owner to be responsible for testing and certifying these "non-standard" backflow installations rather than the City, as is the case for "standard" installations. The administrative fee would be set to recover costs associated with the collection and maintenance of submitted testing, maintenance, and certification records for each initial and/or annual inspection and maintenance of a protective device performed by a certified tester other than City Maintenance Division personnel.

Monthly charges for fire protection service is included in Section 11.48.120 VMC and incorrectly references "meter" size rather than the size of the fire protection device. This technical error should be corrected to properly identify the basis of the monthly fire protection service charge.

A fire service is unlike other metered, water services; it contains within its apparatus a separate backflow prevention device which must be annually inspected and replaced when needed. Staff recommends that the adopted monthly charge for each size of fire protection service be reduced by the adopted monthly charge for the associated backflow prevention device and the backflow charge be charged separately. This would result in the assessment of two separate charges to the water customer but at no increase in cost and will provide for better tracking of backflow maintenance program revenue.



Fiscal Impact

Backflow charges are contemplated to be separated from fire service charges with no net increase in cost to the water customer or revenue to the Water System. Staff recommends a monthly administrative fee of \$2.25 for “non standard” backflow installations to cover the cost of testing records collection and retention, following the “user pays” principle. Total annual administrative fee revenue would be minimal, however, due to the limited cost recovery needs and the limited number of potential “non standard” installations anticipated.

RECOMMENDATION

Staff recommends adoption of three resolutions: 1) a resolution holding on first reading an ordinance amending VMC Chapter 11.38 (Control of Backflow and Cross-Connection to Municipal Water System); 2) a resolution holding on first reading an ordinance amending VMC Section 11.48.120 (Service Charges – Fire Protection Service Customer Accounts); and 3) a resolution establishing a monthly administrative fee for non-standard installation of backflow prevention devices.

ALTERNATIVES CONSIDERED

One available alternative is to require the backflow prevention devices to be installed in vaults below the sidewalks throughout the downtown. This alternative would meet the requirements of Chapter 11.38 of the Vallejo Municipal Code and the design guidelines, but could impose significantly higher installation costs on the affected property owners, than a basement installation, and would result in metal vault doors (6' X 6') in the sidewalks which would not be in keeping with the aesthetic goals embodied in the adopted Downtown Vallejo Design Guidelines.

ENVIRONMENTAL REVIEW

The adoption of the proposed resolutions holding the ordinances on first reading is not a project under the California Environmental Quality Act (“CEQA”) pursuant to section 15378 (b)(2) of Title 14 of the California Code of Regulations. The adoption of the fee resolution is exempt under CEQA pursuant to Public Resource Code section 21080(b)(8) and section 15273 of Title 14 of the California Code of Regulations.



PROPOSED ACTION

Adoption of three resolutions: 1) a resolution holding on first reading an ordinance amending VMC Chapter 11.38 (Control of Backflow and Cross-Connection to Municipal Water System); 2) a resolution holding on first reading an ordinance amending VMC Section 11.48.120 (Service Charges – Fire Protection Service Customer Accounts); and 3) a resolution establishing a monthly administrative fee for non-standard installation and other charges associated with backflow prevention devices.

DOCUMENTS AVAILABLE FOR REVIEW

- a. A resolution holding on first reading an ordinance amending VMC Chapter 11.38, Control of Backflow and Cross-Connection to Municipal Water System.
- b. An ordinance amending VMC Chapter 11.38.
- c. A resolution holding on first reading an ordinance amending VMC Section 11.48.120, Service Charges – Fire Protection Service Customer Accounts.
- d. An ordinance amending VMC Section 11.48.120.
- e. A resolution establishing a monthly administrative fee for non-standard installation and other charges associated with backflow prevention devices.
- f. Copies of the current versions of Chapter 11.38 and Section 11.48.120 of the Vallejo Municipal Code can be found on the City's website.

CONTACT PERSONS

Erik Nugteren
Water Superintendent
(707) 648-4482
erik@ci.vallejo.ca.us

Pamela Sahin
Administrative Analyst II
(707) 648-4479
sahin@ci.vallejo.ca.us

JANUARY 23, 2007

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RESOLUTION NO. 07 - N.C.

A RESOLUTION HOLDING ON FIRST READING AN ORDINANCE AMENDING CHAPTER 11.38 OF THE VALLEJO MUNICIPAL CODE CONCERNING CONTROL OF BACKFLOW AND CROSS-CONNECTION TO THE MUNICIPAL WATER SYSTEM

BE IT RESOLVED by the Council of the City of Vallejo as follows:

WHEREAS the City Council adopted the "Downtown Vallejo Design Guidelines" in September 2005 which includes recommendations for the siting of utilities such as backflow prevention devices; and

WHEREAS such siting recommendations make it impractical to conform to the installation requirements of the Vallejo Municipal Code Chapter 11.38; and

WHEREAS in order to accommodate "non standard" installations in the Downtown Specific Plan Area, or on other sites with space or design standard constraints, the municipal code must be revised to address issues which arise with "non standard" installations; and

WHEREAS, the City Council of the City of Vallejo on January 9, 2007 adopted Resolution No. 07-11 N.C., a Resolution of Intention directing preparation and submission of an ordinance to the City Council amending V.M.C. Chapter 11.38 concerning control of backflow and cross-connection to the municipal water system.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Vallejo holds on first reading an ordinance amending Chapter 11.38 of the Vallejo Municipal Code concerning control of backflow and cross-connection to the municipal water system.

JANUARY 23, 2007

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ORDINANCE NO. _____ N.C.

AN ORDINANCE OF THE CITY OF VALLEJO AMENDING CHAPTER 11.38 OF THE VALLEJO MUNICIPAL CODE CONCERNING CONTROL OF BACKFLOW AND CROSS-CONNECTION TO THE MUNICIPAL WATER SYSTEM.

THE COUNCIL OF THE CITY OF VALLEJO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2 of Ordinance No. 922 N.C. (2d) and Section 11.38.020 of the Vallejo Municipal Code are hereby amended, and shall read as follows:

“11.38.020 Responsibility.

The director shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection. If, in the judgment of the director, an approved backflow prevention device is required, at the city’s water service connection to any customer’s premises, for the safety of the water system, the director or his/her designated agent shall give notice in writing to the customer to do one of the following:

- A. For standard installations pay to the city the fee specified by council resolution for the purchase and installation of a protective device required under the terms of this chapter; and a failure, refusal or inability on the part of the customer to pay for the installation of the device or devices immediately shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.
- B. For non-standard installations install an approved backflow prevention device at each service connection to his/her premises. The customer shall immediately install such approved device or devices at his/her own expense; and a failure, refusal or inability on the part of the customer to install the device or devices immediately shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.”

SECTION 2. Section 2 of Ordinance No. 922 N.C. (2d) and Section 11.38.030 of the Vallejo Municipal Code are hereby amended, and shall read as follows:

“11.38.030 Definitions.

In this chapter:

(Subsections A through L, unchanged.)

M. “Director” means the director of the public works department of the city or his/her designee.

(Subsections N and O, unchanged.)

P. "Non-standard installation" means an installation of an approved backflow prevention device at the water service connection to any customer's premises at a location, other than at or near the property line or immediately outside the building being served, to conform with design standards adopted by the city council, or due to site constraints making a standard installation physically infeasible, as determined by the water superintendent; but in all cases before the first branch line leading off the service line. The cost of installation and all future maintenance and inspection shall be borne by the water user or property owner of a non-standard installation.

Q. "Pollution" means the presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

R. "Standard installation" means an installation of an approved backflow prevention device at or near the property line or immediately outside the building being served; but in all cases located outside the building being served and before the first branch line leading off the service line.

S. "Water—Potable" means any water which, according to recognized standards, is safe for human consumption.

T. "Water—Nonpotable" means water which is not safe for human consumption or which is of questionable potability.

U. "Water service connection" means the terminal end of a service connection from the public potable water system; i.e. where the water purveyor loses jurisdiction and sanitary control over the water to its point of delivery to the customer's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There should be no unprotected takeoffs from the service line ahead of any meter or backflow prevention device located at the point of delivery to the customer's water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

V. "Water—Used" means any water supplied by city through its potable water system to a consumer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the water purveyor."

SECTION 3. Section 2 of Ordinance No. 922 N.C. (2d) and Section 11.38.040 of the Vallejo Municipal Code are hereby amended, and shall read as follows:

"11.38.040 Requirements.

A. Water System.

(Subsections A.1 and A.2, unchanged.)

3. The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system, and shall extend to the downstream end of the water meter. In the case of fire service connections, the city system shall cease at the property line intersected by the water service.

(Subsection A.4, unchanged.)

B. Policy

(Subsections B.1 through B.6, unchanged.)

7. It shall be the duty of the city at any premises where backflow prevention devices are installed to ensure a certified inspection or operation test is made at least once per year. These inspections and tests shall be at the expense of the customer and shall be performed by city maintenance division personnel for standard installations after applicable fees are paid, or by a certified tester, approved by the director, hired by customer, for non-standard installations.

Certified testers shall:

- a. Maintain current American Water Works Association certification;
- b. Perform field testing in accordance with the test procedures outlined in the State of California Department of Health Services' Manual of Cross-Connection Control;
- c. Use a differential pressure gauge that is calibrated annually;
- d. Use and submit required city certification forms; and
- e. Have a business license to operate in the City of Vallejo prior to conducting any tests.

In those instances where the director deems the hazard to be great enough he may require certified inspections at more frequent intervals. These additional inspections and tests shall be at the expense of the customer and shall be performed by a certified tester approved by the director. It shall be the duty of the director to see that these timely tests are made. Those devices found to be defective shall be repaired, overhauled or replaced at the expense of the customer. Records of all such tests, repairs and overhaul shall be submitted to the city water maintenance division within seven (7) days of testing."

SECTION 4. Section 2 of Ordinance No. 922 N.C. (2d) and Section 11.38.050 of the Vallejo Municipal Code are hereby amended, and shall read as follows:

"11.38.050 Fees.

A. The customer or property owner of a standard installation shall pay to the city the fee specified by council resolution for each initial and/or annual inspection and maintenance of a backflow prevention device made under the terms of this chapter and performed by city personnel. The customer or property owner shall pay the city the fee specified for any inspection

that reveals a failure to comply with the provisions of this chapter. Any request by a customer or property owner to inspect a backflow prevention device shall be accompanied by the fee specified. The inspecting official shall have the discretion to waive or reduce fees in the event that unusual circumstances, not the fault of the customer or property owner, necessitate repeated inspection.

B. The customer or property owner of a non-standard installation shall pay to the city the administrative fee specified by council resolution for the city's collection and maintenance of submitted testing, maintenance, and certification records for each initial and/or annual inspection and maintenance of a backflow prevention device performed by a certified tester other than city personnel."

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause, phrase or work of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect and be in full force and effect thirty (30) days from and after its final passage.

RESOLUTION NO. 07 - N.C.

A RESOLUTION HOLDING ON FIRST READING AN ORDINANCE OF THE CITY OF VALLEJO AMENDING SECTION 11.48.120 OF THE VALLEJO MUNICIPAL CODE CONCERNING SERVICE CHARGES FOR FIRE PROTECTION SERVICE CUSTOMER ACCOUNTS

BE IT RESOLVED by the Council of the City of Vallejo as follows:

WHEREAS the City Council adopted the "Downtown Vallejo Design Guidelines" in September 2005 which includes recommendations for the siting of utilities such as backflow prevention devices; and

WHEREAS such siting recommendations make it impractical to conform to the installation requirements of the Vallejo Municipal Code Chapter 11.38; and

WHEREAS in order to accommodate "non standard" installations in the Downtown Specific Plan Area, or on other sites with space or design standard constraints, the municipal code must be revised to address issues which arise with "non standard" installations; and

WHEREAS, a fire service contains within its apparatus a separate backflow prevention device which must be annually inspected and replaced when needed, and should therefore be charged separately from the fire service charge; and

WHEREAS, Vallejo Municipal Code section 11.48.120 should be revised to clarify that the basis for fire service charge assessment is the size of the fire prevention device; and

WHEREAS, the City Council of the City of Vallejo on January 9, 2007 adopted Resolution No. 07-11 N.C., a Resolution of Intention directing preparation and submission of an ordinance to the City Council amending V.M.C. Section 11.48.120 concerning service charges for fire protection service customer accounts.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Vallejo holds on first reading an ordinance amending Section 11.48.120 of the Vallejo Municipal Code concerning service charges for fire protection service customer accounts.

JANUARY 23, 2007

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ORDINANCE NO. _____ N.C.

AN ORDINANCE OF THE CITY OF VALLEJO AMENDING SECTION 11.48.120 OF THE VALLEJO MUNICIPAL CODE CONCERNING SERVICE CHARGES FOR FIRE PROTECTION SERVICE CUSTOMER ACCOUNTS.

THE COUNCIL OF THE CITY OF VALLEJO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13.06 of Ordinance 324 N.C., as amended by Ordinance 799 N.C. sections 1 and 2 and Ordinance 1211 N.C. (2d) section 13 and 1542 N.C. (2d) section 12 and Section 11.48.120 of the Vallejo Municipal Code are hereby amended, and shall read as follows:

"11.48.120 Service charges – Fire protection service customer accounts.

For each fire protection service connected to the municipal water system pipelines separately of the customer's domestic water service connection, excepting residential single-family dwellings, such customer shall pay in addition to the monthly backflow fees set by council resolution per Section 11.38.050 of this code for the associated backflow prevention device size and type the following monthly service charges based on the size of the installed fire protection device, effective for the service areas, as defined in Sections 11.48.010 A, B, and C of this code, and on the dates indicated:

Inside City Limits

Size	2/24/2005	7/1/2005	7/1/2006	3/15/2007	7/1/2007	7/1/2008
5/8 or 3/4-inch	\$11.60	\$13.30	\$14.40	\$10.55	\$11.35	\$12.15
1 inch	\$13.70	\$15.60	\$16.80	\$12.95	\$13.75	\$14.65
1-1/2 inch	\$17.90	\$20.00	\$21.50	\$16.82	\$17.82	\$18.92
2 inch	\$22.90	\$25.40	\$27.30	\$22.35	\$23.35	\$24.85
3 inch	\$34.50	\$37.90	\$40.60	\$26.85	\$28.15	\$30.35
4 inch	\$51.10	\$55.70	\$59.60	\$44.20	\$46.00	\$49.10
6 inch	\$92.60	\$100.40	\$107.20	\$89.05	\$91.85	\$97.35
8 inch	\$142.50	\$153.90	\$164.30	\$132.40	\$136.40	\$144.90
10 inch	\$200.70	\$216.40	\$231.00	\$186.45	\$191.85	\$203.75

Outside City Limits

Size	2/24/2005	7/1/2005	7/1/2006	3/15/2007	7/1/2007	7/1/2008
5/8 or 3/4-inch	\$16.90	\$18.40	\$18.60	\$14.75	\$15.55	\$15.85
1 inch	\$20.40	\$21.90	\$22.10	\$18.25	\$19.05	\$19.45
1-1/2 inch	\$27.30	\$28.90	\$29.10	\$24.42	\$25.32	\$25.82
2 inch	\$35.50	\$37.40	\$37.60	\$32.65	\$33.65	\$34.15
3 inch	\$54.80	\$57.10	\$57.30	\$43.55	\$44.75	\$45.55
4 inch	\$82.40	\$85.20	\$85.50	\$70.10	\$71.60	\$72.70
6 inch	\$151.30	\$155.50	\$155.90	\$137.75	\$139.95	\$142.05
8 inch	\$234.00	\$239.90	\$240.30	\$208.40	\$211.60	\$214.70
10 inch	\$330.40	\$338.40	\$338.90	\$294.35	\$298.65	\$302.95

Lakes System

Size	2/24/2005	7/1/2005	7/1/2006	3/15/2007	7/1/2007	7/1/2008
5/8 or 3/4-inch	\$9.40	\$12.10	\$12.70	\$8.85	\$9.75	\$10.05
1 inch	\$9.80	\$12.70	\$13.30	\$9.45	\$10.35	\$10.65
1-1/2 inch	\$10.70	\$13.80	\$14.40	\$9.72	\$10.72	\$11.02
2 inch	\$11.80	\$15.10	\$15.80	\$10.85	\$11.85	\$12.15
3 inch	\$14.40	\$18.20	\$19.00	\$5.25	\$6.35	\$6.75
4 inch	\$18.00	\$22.60	\$23.50	\$8.10	\$9.40	\$9.80
6 inch	\$27.00	\$33.70	\$34.80	\$16.65	\$18.45	\$19.05
8 inch	\$37.90	\$47.00	\$48.30	\$16.40	\$18.80	\$19.60
10 inch	\$50.50	\$62.50	\$64.10	\$19.55	\$22.65	\$23.75

SECTION 2. SEVERABILITY

If any section, subsection, sentence, clause, phrase or work of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 3. EFFECTIVE DATE

This Ordinance shall take effect and be in full force and effect thirty (30) days from and after its final passage.

RESOLUTION NO. 07 - N.C.

BE IT RESOLVED by the Council of the City of Vallejo as follows:

WHEREAS, the Vallejo Municipal Code section 11.38.050 provides that the fees to be charged for the replacement, inspection, testing and maintenance of water system backflow prevention devices shall be established by Council resolution; and

WHEREAS, the current fees were established in 2005 and were structured to cover the costs associated with City personnel inspecting and testing the back flow prevention devices; and

WHEREAS, in order to accommodate “non standard” installations of backflow prevention devices in the Downtown Specific Plan Area, or on other sites with space or design standard constraints, the City Council has held on first reading an Ordinance to permit customer’s to maintain, inspect and test these devices; and

WHEREAS, an “administrative” fee is needed to cover the cost of the City’s collection and maintenance of submitted testing, maintenance, and certification records for each initial and/or annual inspection and maintenance of a protective device performed by a certified tester other than City personnel; and

WHEREAS, the current fees were established in 2005 and are still sufficient to cover the cost of providing such services or equipment/devices to the customer, and

WHEREAS, though the proposed fees will establish a monthly administrative fee for City costs associated with non-standard installations there is no net increase in fees charged to customers; and

WHEREAS, the fees hereinafter set forth for the listed services or equipment/devices are not intended to produce revenues in excess of the cost of providing such services and equipment/devices to the customer; and

WHEREAS, imposition of these fees will be in accordance with the “user-pays” principle which has been accepted in concept by the City Council.

NOW THEREFORE BE IT FOUND AND DETERMINED by the City Council of the City of Vallejo that the adoption of this resolution is exempt under the California Environmental Quality Act pursuant to Public Resource Code section 21080(b)(8) and section 15273 of Title 14 of the California Code of Regulations because the fees and charges are for the purpose of meeting operating expenses.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Vallejo that the fees for replacement, initial and/or annual inspection, testing and maintenance of standard installation

backflow protective devices for residential, commercial, industrial, or institutional users, and the administrative fee for non-standard installations, are hereby established as follows:

1. STANDARD INSTALLATION

a) The customer or user of a standard installation shall pay the City of Vallejo the initial fee if determined that a backflow device is necessary and the replacement of existing device if required in compliance with Chapter 11.38 of the Municipal Code as follows:

	<u>Item</u>	<u>Charge</u>
1)	3/4" double check valve	\$177.00
2)	1" double check valve	\$189.00
3)	1- 1/2" double check valve	\$319.00
4)	2" double check valve	\$343.00
5)	3/4" reduced pressure	\$259.00
6)	1" reduced pressure	\$272.00
7)	1-1/2" reduced pressure	\$464.00
8)	2" reduced pressure	\$503.00
9)	3" to 10" double check valves	Actual Cost

Reduced pressure and double detector check valves greater than 3" shall be based on the estimated cost deposit as determined by the Water Superintendent to be applied against the itemized actual installation cost.

b) The customer or user of a standard installation shall pay the City of Vallejo a monthly fee for the annual testing, inspection and maintenance/replacement cost as follows:

	<u>Item</u>	<u>Charge</u>
10)	3/4 & 1" double check valve	\$ 3.85
11)	1-1/2" double check valve	\$ 4.68
12)	2" double check valve	\$ 4.95
13)	3" double check valve	\$ 9.35
14)	4" double check valve	\$11.55
15)	6" double check valve	\$17.05
16)	8" double check valve	\$28.60
17)	10" double check valve	\$39.60
18)	3/4 & 1" reduced pressure	\$ 4.40
19)	1-1/2" reduced pressure	\$ 6.05
20)	2" reduced pressure	\$ 6.60
21)	3" reduced pressure	\$11.55

22)	4" reduced pressure	\$14.85
23)	6" reduced pressure	\$22.55
24)	8" reduced pressure	\$40.15
25)	10" reduced pressure	\$51.15
26)	3" double detector check valve	\$13.75
27)	4" double detector check valve	\$15.40
28)	6" double detector check valve	\$18.15
29)	8" double detector check valve	\$31.90
30)	10" double detector check valve	\$44.55

2. NON STANDARD INSTALLATON

The customer or user of a non-standard installation shall pay the City of Vallejo a monthly administrative fee of \$2.25 for the City's collection and maintenance of submitted testing, maintenance, and certification records for each initial and/or annual inspection and maintenance of a protective device performed by a certified tester other than City Maintenance Division personnel.

BE IT FURTHER RESOLVED that the Finance Director is directed to continue to maintain appropriate accounts for deposit of these fees and related expenditures.

BE IT FURTHER RESOLVED that the fees established herein shall be effective and charged from and after March 15, 2007, and made applicable to the accounts of water customers obligated to pay said monthly fee and appear on their bills issued on and after said effective date.

BE IT FURTHER RESOLVED that Resolution No. 04-444 N.C is hereby rescinded effective March 15, 2007.

JANUARY 23, 2007

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