

CITY OF VALLEJO PLANNING COMMISSION

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

WEDNESDAY
5 FEBRUARY 2007

7:00 P.M.

City Hall
555 Santa Clara Street
Vallejo, California 94590

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

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

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

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

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

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

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

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

- A. ORDER OF BUSINESS CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL
- D. APPROVAL OF THE MINUTES: November,
- E. CONSENT CALENDAR AND APPROVAL OF THE AGENDA
- F. REPORT OF THE SECRETARY
 - 1. Upcoming Meeting of Wednesday, February 21, 2007
 - a. Use Permit #546A – Appeal of staff determination concerning Rose Imports located at 1605 Solano Avenue.
 - b. Variance 06-0001 for shopping center i.d. sign at Redwood Plaza.
 - c. Use Permit 06-0021 for beer and wine service at an existing Mexican Restaurant located at 324 Virginia Street.
 - d. Use Permit 06-0024 for a new auto dealership, Team GMC, Pontiac, Buick located at Auto Mall/Columbus Parkway.
- G. CITY ATTORNEY REPORT
- H. COMMUNITY FORUM
- I. REPORT OF THE PRESIDING OFFICER AND COMMISSIONERS
- J. LIAISON REPORTS
 - 1. Council Liaison to Planning Commission
 - 2. Planning Commission Liaison to City Council
- K. PUBLIC HEARINGS
 - 1. Code Text Amendment 06-0004 Revision of Chapter 16.70 Screening and Landscaping Regulations.
Continued to the meeting of April 16, 2007.
 - 2. Planned Development 06-0025 addition to Zio Fraedo's. *Continued from the meeting of January 17, 2007.* Proposed CEQA Action: Exempt.

Staff recommends **approval** based on the findings and conditions in the staff report.
 - 3. Use Permit 06-0018, is a request to modify the Planning Commission additional conditions placed on an Ice Cream Commissary located at 1853 Broadway Street. Proposed CEQA Action: Exempt.

Due to the fact that these conditions were required by the Planning Commission, Planning Division recommends the Planning Commission reconsider the merits of the Applicant's request.
 - 4. Planned Development 06-0018 for a new custom home in Hiddenbrooke located at 1757 Durrow Ct. Proposed CEQA Action: Exempt.

Staff recommends **approval** based on the findings and conditions in the staff report.
- L. OTHER ITEMS

None.

M. WRITTEN COMMUNICATIONS

None.

N. ADJOURNMENT

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- A. The meeting was called to order at 7:01 p.m.
- B. The pledge of allegiance to the flag was recited.
- C. ROLL CALL:

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

Absent: Salvadori, McConnell.

- D. APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 6, 2006 AND THE REGULAR MEETING OF NOVEMBER 6, 2006.

On a motion by Commissioner Peterman the minutes of September 6, 2006 were unanimously approved with Commissioner Manning abstaining.

With Commissioners Peterman and Manning abstaining from the vote and two Commissioners absent action could not be taken and the item was continued to the meeting of January 4, 2007.

- E. CONSENT CALENDER AND APPROVAL OF THE AGENDA

On a motion by Commissioner Peterman the consent calendar and agenda were unanimously approved.

- F. REPORT OF THE SECRETARY

1. Upcoming Meeting of Monday, November 20, 2006

- a. Use Permit 06-0014 and Planned Development 06-0020. Applications for Costco expansion and tire center relocation/enlargement. Continued from the meeting of November 6, 2006.
- b. Use Permit 546A appeal of staff determination concerning Rose Imports located at 3273 Sonoma Blvd.
- c. Use Permit 06-0018 is an application for an Ice Cream Commissary located at 1853 Broadway Street.
- d. Use Permit 06-0020 is an application for outdoor storage in the South Vallejo Industrial park located at 100 Corporate Place Suite A (PetroChem).

- G. CITY ATTORNEY REPORT

Claudia Quintana: As I stated to you last time I attended the League of California Cities legislative briefings wherein they gave a whole lot of us attendees a list of the new laws for this year. What I am going to do, because there are laws that pertain to what you are doing here, in prepare a brief and hand it out in the next 2 to 4 weeks. On November 7, 2006 the City Council voted to go ahead with a resolution of intention to study whether or not the City of Vallejo needed an inclusionary housing ordinance. Staff is going to be working on that particular issue. The Housing Department is conducting some focus groups to get some information. It will probably be before you in either December or January to consider. I just wanted to alert you to that.

- 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

Gerald Davis: Good evening Mr. Chairperson and Commissioners. I would first of all like to congratulate Gail Manning on her appointment to the Planning Commission. We had several excellent candidates and I think we have made a great selection. I wish her well. This is also my first chance to see Mr. Hazen in action, I understand he is the new Planning Manager for the City of Vallejo and I would like to welcome him also. About the biggest thing, and your Chairperson was there last Monday night, was the property that Wal-Mart bought on Redwood and Sonoma Blvd. It was a 5 hour meeting with 58 speakers. The end result was that the Council did vote to proceed with studies such as EIR and Economic Development studies and so forth. We certainly received the letter from the Planning Commission and took that into account. The majority of the Council, which was 4 to 3 in this case, believed that we needed the information to make a rational decision. That was our belief in how we voted how we did. The City Attorney has already mentioned the Inclusionary Zoning, which I personally oppose. That was 6 to 1 and that is the way it goes but the reason I opposed it, just so you know, and I am not lobbying you now, we have many ways of taking care of affordable housing. This was demonstrated most recently by the Bordoni Ranch approval where it was worked out where there would be 20 units of granny houses built into that. We will see what staff comes up with and what your advice on it is. I appreciate all the hard work that you are doing. Any questions?

K. PUBLIC HEARINGS

1. Zoning Map Amendment 05-0002, Planned Development 05-0012, and Tentative Map 05-0004. Applications for six units located at Illinois and Fern Street. Proposed CEQA Action: Mitigated Negative Declaration.

Staff recommends that the Planning Commission recommend City Council **approval**.

Darren Goon: On your dais tonight there is a handout for the PowerPoint presentation. You will also notice there is a memo to modify Public Works condition of approval #7, located on page 22 of the Staff Report. *Darren read both the old language and the new language.*

The project is located on Illinois Street. There is a neighborhood of existing single family homes are located to the west and south of the subject property. To the north are two detached multi-family residential units. Located to the east of the subject property is a legal non-conforming truck storage and maintenance facility.

There are four components to this project. First it requires a Mitigated Negative Declaration. Staff feels that to rezone the subject property and construct six single

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family dwellings could have a significant effect on the environment. However, the negative declaration and the initial study with the mitigation measures should make this project impacts less than significant. This initial study was made available for public review October 25, 2006. With the mitigated negative declaration staff concludes that potential adverse environmental effects of this problem would be less than significant.

The second component of this project is a Zoning Map Amendment. The property is currently zoned Intensive Use Limited (IU-L). The applicant is proposing to rezone this project to Planned Development Residential (PDR). That would yield a density of 12.76 units per gross acre. The General Plan for this property allows a density of 17.4 or more units per acre.

The third component of this project is the Planned Development Master Plan for the six residential units. These would be two-story detached manufactured dwelling units. The applicant will be making a presentation as well, which you have in front of you on the dais.

A couple things I want to point out: Staff is recommending staff is recommending Planning Condition of Approval #4 (Prior to Building Permit Submittal) that would require the applicant to work with staff to redesign and enhance the street-facing building elevations on the two units that are visible from Illinois Street. We felt it was necessary to enhance the most visible sides of the project. The Master Plan basically creates the Zoning for this project. PD allows for a varied amount of uses, setbacks and site development standards. Although the open space for these homes is minimal there is a building setback from property line to the house of about 20 feet.

To further enhance the streetscape and interior landscaping, staff has also recommended a condition that all five-gallon trees be upsized to 15 gallon trees per Planning Condition of Approval #8f (Prior to Building Permit Submittal).

In order to construct the proposed six homes, the two parcels, APN#'s 0056-024-080 and 090 (subject property), must be rezoned from Intensive Use Limited (IU-L) to Planned Development Residential (PDR) (Attachment C). The site development standards for each planned development are established on a case by case basis.

Darren gave a PowerPoint presentation on the project which included slides showing the parcels that would be rezoned and the zoning of the surrounding parcels, a brief overview of the site plan, landscaping including the fact that the tree size had been upsized to 15 gallon trees, floor plans, elevations, storm water prevention plan and erosion control, site utility plan, and their grading and drainage plan.

Staff feels that a planned development will create compact and well designed neighborhood that will create an individual open space with each home.

The last component of the project is a tentative map. The site is .47 acres. They want to divide that into six parcels. The proposed parcel sizes range from 1,936 square feet to 3,915 square feet. Lot dimensions would be approximately 54 feet x 72.5 feet. Two of the lots are proposed to be 40.5 feet by 72.5 feet. The remaining two lots would be 45.5 feet by 72.5 feet. Staff reviewed the map with the subdivision review guidelines, and the City's code on tentative maps and found that this project is consistent. Staff feels that this is a good project for this site. We feel that it is going to enhance the area. It will also serve as a transition between the low density uses and the adjacent legal non-conforming uses.

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Staff recommends that the Planning Commission forward a recommendation to the City Council **ADOPT** a Mitigated Negative Declaration subject to the mitigation measures contained in this report.

Staff recommends that the Planning Commission forward a recommendation to the City Council to **APPROVE** Zoning Map Amendment #05-0002 subject to the findings and conditions provided in this report.

Staff recommends that the Planning Commission forward a recommendation to the City Council to **APPROVE** Planned Unit Development #05-0012 subject to the findings and conditions provided in this report.

Staff recommends that the Planning Commission forward a recommendation to the City Council to **APPROVE** Tentative Map #05-0004 subject to the findings and conditions provided in this report.

Any questions?

Commissioner Peterman: I remember a few months ago we had an issue with someone who lived near Couch Street with a facility that had a lot of noise nearby where they lived. I noticed that this has a truck maintenance and storage facility. Do you know the hours of that by any chance?

Darren Goon: It is pretty much just a daytime thing. It has been there for many, many years. During my site visits I never saw much activity going on. However, I do not know the exact operation hours or what they store in there.

Commissioner Peterman: There is no actual guest parking except in front of the garages.

Darren Goon: That is correct.

Commissioner Peterman: I love the fact that they are going to replace those chain link fences with wooden fences. I thank you also for increasing the sizes of the trees. I would hope that they would put landscaping along the fences between them and the truck maintenance and storage yards to further dampen that. I am glad that there are backyards so the families can enjoy being in the backyards. Good job with all of that thank you.

Commissioner Turley: The package shows one car garages. However, on the second page it seems that they are two car garages. Can you comment on that please?

Darren Goon: They would be two car garages. The applicant can better explain why the elevations show one car garages but the sit plan shows two car garages. In my conversations with the applicants they have expressed that they will all be two car garages.

Commissioner Turley: Page 2 shows the garages exactly opposite of each other. Is that correct?

Darren Goon: Yes.

Commissioner Turley: I am a little concerned about two people across the street from each other backing out at the same time and causing a problem in the

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neighborhood. Is it at all feasible to stagger the garages so when they back out they would not have a chance to back into their neighbor?

Darren Goon: That is something that staff could work out with the applicant. The applicant is in the audience tonight and they have a representative from their manufacturer. They can give you their input on that also.

Commissioner Turley: I think you said there would be an association there, right?

Darren Goon: Condition number 7 that Public Works is modifying says that there would not be an HOA but they would have CC&Rs which are privately enforced.

Commissioner Turley: Would the cleaning and maintaining of the main driveway be included in that?

Darren Goon: The is something that could be added into their CC&Rs.

Commissioner Turley: Standing in the street looking at this project, on the right hand side is where they store these moving trucks, right?

Darren Goon: Correct.

Commissioner Turley: These trucks are roughly 15 feet high. If you put a six foot fence in there, there will be about 9 feet of ugly trucks showing above the fence. How would a 15 foot fence along that one line work so that the houses would be shaded from those ugly trucks parked there?

Darren Goon: Staff would have to research that and check if that could be made as part of the planned development.

Don Hazen: We have had some preliminary discussions with that adjacent property owner. I believe they may in the near future be submitting a residential housing project for that site. In addition to that staff would not recommend a 15 foot high fence. There is just not a lot of activity occurring on that site right now and I think the highest and best use of that underutilized parcel is eventually going to be more of a residential nature. Such a tall barrier would not be a good idea from the Police standpoint of stopping crime. They would not want to create such a blind spot back behind those units.

Commissioner Manning: Thank you for such a nice report. It made my job easy. When you say enhancements on the Illinois Street side, what do you mean by that?

Darren Goon: If you look at the site plan on page two of the attachments there would be a porch of some sort there. Staff would like the opportunity to work with the applicant to come up with an enhanced elevation, something that would give it some visual interest as viewed from Illinois Street so it look more like the front of a house. That could be achieved through several things: landscaping, trim, the addition of a porch.

Chairperson Legalos: On page 25 it refers to the map as a vesting tentative map. We have had some controversy over that language earlier this year. On page one it says it is a tentative map.

Darren Goon: To clarify that, it is a tentative map. The word vesting was a typo on staff's part. We apologize for that.

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Chairperson Legalos: I also had a question on the fence and the truck storage. The tentative map shows a seven foot fence. I thought that the height limit in Vallejo was six feet.

Darren Goon: That is correct. Staff added a condition about the modification of the fence. If you give me just a minute I can find that condition for you. That is prior to building permits for Planning, on page 12, Condition number 6. So we have addressed that.

Commissioner Legalos: Thank you. I am sorry I missed that. The last question I have is on the Neg Dec. Some of the items listed in the Neg Dec at the bottom of the page I do not find listed in the check sheet such as aesthetics and there are others.

Don Hazen: I can address that. What is on the cover sheet are all of the categories. Only the ones that are checked off have the mitigation measures. What you are looking at is just the standard form and then the Xs are on the ones that are applicable.

Chairperson Legalos: On the standard form they have not indicated impacts for several areas.

Don Hazen: Only the ones with Xs have impacts.

Chairperson Legalos: Was there an error in the report?

Darren Goon: There was an error underneath the section that says Environmental Factors Potentially Effected. It is possible that we may have missed an X or inadvertently put an X somewhere.

Chairperson Legalos: Well the Xs are not there but the items are listed in the report as items where there is an impact. I am looking at the first page of the Neg Dec., the last paragraph where it lists initial study identified potential impacts and you have about eight areas listed there. The checklist does not identify impacts to four of those areas.

Don Hazen: We would want you to look at the actual checklist. The other references are in error. If the City Council ultimately adopts the Neg Dec that cover sheet would be corrected and what gets actually recorded at the Clerk's office will be the actual mitigations based on the checklist itself. I apologize for that confusion.

Chairperson Legalos opened the Public Hearing.

John Piccolo-Wignall: I am the Principal Partner in the CLW Partnership. Primarily I am here to address some of your questions. I would like to address the misspelling of the projects name. It is Paissano Villages, which means good friends in Italian. The reason I came up with that is two fold. My aunt and uncle, who I love very dearly own Paissano's restaurant here in Vallejo. The whole intent of this Paissano Villages Planned Development is to bring together close friends. The intent of marketing this project is for young couples to get a starter home and everyone conversing and watching together to facilitate a proper environment for the growing family. I want to address the access and egress for the project. I sat in detail with the City Engineer regarding the driveways. It satisfied his requirements for backing up. The radius was sufficient to make sure the cars were not going to be backing into each other. It is a relatively small project. I came before this Commission about 18 months ago with the intent of putting apartments on the project. There were some concerns from the neighbors that addressed the preference for having single family homes there. After

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speaking with the Planning Division they basically convinced me to look at PUDs. After a lot of soul searching I was persuaded to look at single family residences in the form of a PUD. I have been working with the City for about a year and a half and I am satisfied with this project. I know there may be some people in the audience that may have some concerns about the water runoff and things of that nature but I have been working with the City for a long time to address all these problems. I have a couple representatives here to speak on my behalf regarding modular homes as well as my Civil Engineer to discuss some of the issues regarding site drainage and soil erosion and things of that nature. Feel free to ask them up whenever you would like. They will be happy to answer any questions you have. Do you have any questions for me?

Commissioner Manning: In your drawings you have pictures of front porches. Do you intend to put front porches on the front of the homes?

John Piccolo-Wignall: Staff has asked me to increase the visual impact of the homes on Illinois Street. Certainly I was planning on doing that as well as the front elevations on the remaining four homes. The plans that you see before you basically came from the factory. They are generic. My intent is to enhance all of the homes whether it be different variations in the pitch of the roof, porches with brick or stone or stucco, or a combination of things. I will do it to all of the houses. I do not want to give special treatment to the ones that face Illinois.

Commissioner Manning: I have a suggestion. I would encourage you to look at the neighborhood around you; particularly on Fern Street. There are great old homes there. There is also the Historic Museum. You could go and look at old homes there.

John Piccolo-Wignall: I welcome your input. You can put any conditions you wish with me having to adhere to the architectural concerns you might have. I am currently doing 8 homes in Fairfield and these questions are not new to me. I am prepared to address them with staff.

Commissioner Manning: I was happy to see that the trees were upgraded from 5 gallon to 15 gallon trees. Have you gotten the tree list from the City?

John Piccolo-Wignall: Yes. I do quality projects. I just want to express that to you tonight. I was born and raised here in Vallejo. This is pretty much my home. I went to school here. I have my name on this project as well as my other projects and I stand by my work.

Commissioner Manning: You will look to the neighborhood around you in picking the trees?

John Piccolo-Wignall: Staff is working with us on a list of trees that will fit the neighborhood.

Commissioner Manning: The Beautification Commission has put together a list of accepted trees for the City of Vallejo. The trees should not only fit the neighborhood but come off that list.

Commissioner Legalos: On the tentative map in between the garages that are built out to the road it shows some dots and dashes. Then Attachment A, which shows the drawing of the façades it shows what looks like a fence that is probably about 4 or 5 feet wide. What is the actual spacing between the garages?

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John Piccolo-Wignall: Between the garages we cannot abut them together. There has to be a one hour separation between them based on staff's recommendation. We are actually separating them by one inch to adhere to the guidelines for an appraisal standpoint. They cannot be like condominiums. They have to be physically separated.

Commissioner Legalos: How does one maintain those walls with only one inch between them?

John Piccolo-Wignall: There will be a façade board covering that up. There is no reason for any maintenance in that one inch space between those walls.

Commissioner Legalos: The material does not need to be painted or cleaned?

John Piccolo-Wignall: No because if you look at the ridge line it is a dado it is not a valley going between the garages. There are going to be pretty much touching gables. There won't be anything coming down there. In actuality there will be a piece of sheet metal about 12 inches long that will actually connect the two. But from a structural standpoint for intensive purposes they will not be attached.

Commissioner Legalos: They will be independent?

John Piccolo-Wignall: Yes.

Commissioner Legalos: This is a small thing. It will just be an architectural enhancement.

John Piccolo-Wignall: Probably.

Otis Orsburn: I am with Silvercrest Western Homes. We are the manufacturers of factory built housing. Essentially what we find with the type of homes that we build is that there is a lot of misconceptions and fears that people have on the quality and durability and the compatibility of our homes with existing neighborhoods. *Mr. Orsburn did a PowerPoint that showed examples of homes his company provides. The quality, enhancements, floor plans, elevations, and manufacturing process were all discussed. All homes meet standard building code. They can have one, two or three garages and there are various types of architecture and models. Factory tours are given every Saturday in Woodland if anyone is interested in coming.*

Commissioner Turley: This type of home is new to me. I would like to ask you how many modules per house that you are going to be building here are there?

Otis Orsburn: With this particular product there are two home sections per home; a lower floor and a second floor.

Commissioner Turley: From the time you set the first module how long does it take to complete that home?

Otis Orsburn: It is really up to the general contractor. Typically a home from start to finish should be about 30 days.

Commissioner Turley: If you build the two or three modules in Woodland why are you then building the garages on site?

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Otis Orsburn: It is the difference in elevation. There is a small crawl space in the California built homes and the garages are on grade. There is a crawl space that is transportable and you build the garage to meet the difference in elevation.

Commissioner Turley: So you are saying there is a crawl space under the houses?

Otis Orsburn: Yes there is of about 15 inches.

John Moore, 1132 Tennessee St, Vallejo: My purpose is to share some experiences that I have had with this particular neighborhood over time and also to tell you that I represented the applicant in the acquisition of the property and also the owners of the property to the west and east of the property. About 15 years ago one of my clients wanted to do something similar with this property and unfortunately his partner wanted to do a commercial project. At that time Mike Meiring indicated to us that the City was really looking to do a rezone of the entire area to bring it more in line with its intended use. As you know there is a significant amount of spot zoning in Vallejo. This property at that time was MDR. Seeing what this applicant is wanting to do is bringing to the forefront what the City of Vallejo Planning staff has been trying to do in this neighborhood for the past 15 years. I am certain that the quality of work that he is capable of doing will enhance and encourage other property owners in that neighborhood to bring the same quality projects into that neighborhood. I hope you will give this project your favorable consideration and approve it and recommend to the City Council their approval. Thank you.

Phil Eifstrom: I am here tonight to represent Mr. Buck Kamphausen. We own the property at 623 Broadway, which includes the trucking facility adjacent NE of the property. We have no problems with this project and are very impressed with what we have seen so far. We highly recommend that you approve this project. Thank you.

Chairperson Legalos: Would it be possible to park those trucks on the other side of the lot so that they would not be adjacent to the homes that are being built?

Phil Eifstrom: What I would do is let Mr. Sessler address that. I am just here representing the owner.

Fred Sessler, 617 Amador St, Vallejo: I am here to ask for approval of this particular development. I will address the trucks and boxes that are in the other lot at the other moment. This project is the perfect example of infill which the Council has been asking those of us in the industry to do for some time. I feel that the manufactured home is just as good as one that would be built by any other construction company. I have given the tenant of the property with the trucks and boxes notice to move. I hope to have that cleaned up within the next 30 to 60 days. We do plan a residential project on our property. We do plan to come in and ask you to rezone the other property. Right now these two properties are zoned industrial. That means we could put warehouses into that single-family neighborhood. With his development and our development we think we would be improving that neighborhood very much and cleaning it up. We hope to accomplish something for the City Of Vallejo. I hope you approve this project.

Mike Coakley, 1516 Vervais Ave, Vallejo: I am a property manager and I drive all over town every day trying to locate people and residents. In 1954 I had a girlfriend that lived on that street and I know the neighborhood well. That street is a very narrow street and I understand that. All I see is that looking at that area it has been kind of a blight. I think that what these two owners are trying to do is nothing but positive for Vallejo. It is a step forward. They are fixing the inside of the City first

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which is what I think more cities should do. I hope you give a favorable opinion to this. Thank you.

Jack Ohringer: I am probably the closest person to this project. I live at 1727 Fern but my property does about the project. I have properties on Illinois and Fern. I like the project. I am very happy that they are not putting apartments there. I would have been very unhappy with apartments. I read in the paper about affordable housing. While I agree with the idea I don't like the way it sounds. It has a temporary affect on the builder and a long term affect on the neighborhood. It is not very pleasant to have your property affected. Anyway I am for the project and as the closest person to it I thought I would express that.

Chairperson Legalos closed the Public Hearing.

Commissioner Engelman: If there are no further statements from the Commission I would like to offer approval of the project.

Two additional speakers came forward, Commissioner Engelman delayed her motion until after they spoke and Chairperson Legalos reopened the Public Hearing.

Cecil Pearson: I have observed this vacant lot for a long time. The housing that is being proposed on there is being rezoned to be a mobile home park. The rezoning is required because the lots are substandard in size. If they built some of the houses that they showed and had some character to them that would be good. There is room for three large homes on that lot, manufactured or not. When you put six on that lot, side by side, it allows for only two car spaces. There are four bedrooms and three bathrooms in each one of those units. That is a bigger potential for four cars to be parked next to that house which is going to overload that parking area since there is only two parking spaces per house. The houses are double stacked. They are only 15 feet wide. They are not 30 feet wide. They are 15 feet wide and 26 feet tall. That is like a big silo with a garage tacked on the side of it. The storage lot next to it would love to see this project go in there because then they would rezone their lot and do the same thing. What we would have is a high-density modular home park. It is not going to fit into the neighborhood because it is just stacked up houses. It is not what they built it is how many they built. The streets there are deteriorating. Our street is almost a gravel road now. Our street is a thoroughfare all the way from Broadway to Sonoma. There is no speed bumps and no stop signs. People travel that street at 40 or 50 miles per hour. If you put a whole bunch more house in there with 4 bedrooms in them it sounds like you would either end up with a whole lot of people in there or a whole lot of kids with traffic zooming down the street. There is poor lighting on the street. Napa Street is the same. All the neighborhood streets are deteriorated and narrow. This project would put a lot of traffic on them. This is a flood area. There is only four storm drains on that street, all the way from Broadway to Sutter. In the last flood that street flooded so much people were running a boat up and down that street. The sewers fill up and backed into the houses. The infrastructure is not ready to be increased with more houses of that density until it is fixed. I don't think they should build it. I need to add that I have a petition that is signed by 58 of the residents opposing this.

Jeri MacDonald: I have heard many people speak here this evening for this project. I actually I actually live in the neighborhood. The neighborhood in which these units are proposed is full of beautiful ornate stucco homes built in the 1930s. I ask that the City Council drive by if they are unfamiliar with the area. People have been restoring, fixing up, painting these homes. They have been putting a lot of money, work and effort into fixing their homes. I have spent \$40,000 on my home so far. I do not want a multi-unit, high-density, over-crowded, and over-stressed, six-unit complex at the

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end of my street in a very little lot. If you have not seen the size of this lot please do so. If the developer wants to develop six units that is way too much. I think it would be much too much traffic. The architectural history of the neighborhood is not in mind in this development. Already the developer has cut down a huge palm tree that was on the property and put up a cyclone fence. Garbage continues to grow on this site. I think the neighbors have been very concerned. The developer said he was listening to the residents of the neighborhood. I find that hard to believe. This is the first time I have ever see him. I ask that four units, at most, be allowed on this lot and that they reflect the time period and style of the other homes in this area as you did for the Star Mansion area. The beauty of this neighborhood continues to improve and I would hope that it is not going to be undermined by manufactured housing. I do not think the drawings and material that has been given to the Commission reflects the true nature of this development. Please take this statement to hand. Reconsider what is being built. I do not want my property value to diminish. I want that area to continue to grow and become a beautiful section of Vallejo. Thank you.

Chairperson Legalos reclosed the Public Hearing.

Commissioner Turley: I thought this project was clear sailing until the last two speakers. This gentleman mentioned that he had a petition with 58 signatures against this project. I am just a little disappointed that a large part of these 58 people did not show up tonight to explain their comments in person. However, assuming that the petition is legitimate, I am concerned about these 58 signatures. He also mentioned the storm drains are overloaded. On this project there are a lot of surface areas and all that water is going to be dumped into the street. I am concerned about having to row a boat down the street. I would like to see a little more input from the Commissioners. Just to rubber stamp this project and find out it contributes unfavorably to a bad situation would not be acceptable. Those are my comments for now.

Chairperson Legalos: Because the applicant has asked for an opportunity to respond to some of the concerns that were raised and I am going to reopen the Public Hearing for the second time.

John Piccolo-Wignall: There has been a misinformation campaign that Cecil Pearson has been conducting for the last two weeks. I spoke with Darren Goon a couple weeks ago regarding public comments and there were very minimal public comments to this project. When it was brought to our attention that this individual was going around misinforming the general public about this project my partner and I, over the last three days, have contacted several members that reside in that area and for every single one, with the exception of one or two, we were able to persuade them that this was not a trailer park, these were not inferior homes, these are all built to UBC standards, and in fact our standards exceed the standards required by the Vallejo Building Division. Number two, addressing the issue of the water in the storm drains, the storm last year had an impact on all of the State of California. It was pretty much a 100 year flood. I have my Civil Engineer here tonight who has worked extensively with Mr. Sharife in Public Works to address any concerns about erosion and surface water, and things of that nature. I just wanted to address those two points and if there were any other questions feel free to ask.

Commissioner Manning: Can you tell us roughly how much you are going to ask for each of those homes?

John Piccolo-Wignall: My partner, Ray Jackson, he is an appraiser, and we have estimated for our market the going rate that a 3 bedroom 2 ½ bath home goes for

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\$410,000 and the larger units would go for about \$435,000. It is approximately what the current market is for that area.

Commissioner Turley: Mr. Chairperson could you please ask Mr. Cecil Pearson to bring his petition up for us to examine.

Chairperson Legalos: Yes, thank you Commissioner Turley. I would request that Mr. Pearson bring the petition up and give it to Ms. Marshall please.

Commissioner Engelman made a motion that the Commission take a short break to examine the petition.

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

NOS: None.

ABSENT: McConnell, Salvadori.

Motion carries.

The Commission took a seven minute break and reconvened at 8:40 pm.

Commissioner Turley: Mr. Chairperson do you know of anyone here tonight that knows about the flooding condition on that street in the past. I mean an engineer. Perhaps if Brian Dolan were here tonight, because he has been here a long time, he might know. When this project was approved by Public Works did they take into consideration that these storm sewers were overloaded? Did they take into consideration of all the water that would be collecting on this project dumping into the street? Can you answer that please?

Chairperson Legalos: I think I will ask Mr. Hazen to respond to that.

Don Hazen: The Public Works Department has approved this application and what they submitted to you for your consideration are conditions of approval. In the conditions they do have things related to flooding and hydrology and those sort of infrastructure impacts. There is no Public Works representative here this evening but I think we have to assume that those conditions they recommended are conditions of approval. So these are simply engineering matters that they reviewed when these plans moved forward. We got no indications from Public Works that there are unavoidable impacts that this project did not address to their satisfaction.

Commissioner Turley: Do you happen to know if larger storm drains have been installed since the last flood?

Don Hazen: That I certainly could not tell you but they are not asking for oversized storm drains in this project's conditions of approval.

Commissioner Turley: Mr. Chairperson if this street was flooded out and they were rowing boats down there and you are adding to that situation small storm drains don't make sense.

Chairperson Legalos: I think we need to get some factual information about the flooding situation and potential on that street.

Commissioner Engelman: On page 11 on hydrology and watercology the applicant is required to make mitigations as stated in a letter 2/26/06 by the Waterfront Engineering. They also have conditions from VSFC. On page 13 the Public Works Department has requires them to comply with the City of Vallejo flood protection.

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Prior to building permit submittal a geotechnical report must be submitted for review which will give you your water and drainage and soil circulation. Drainage, irrigation, site grading, utility and landscape plans must be submitted for review and approval. If you start looking through the conditions of approval the staff has been pretty adequate. We have to remember here that we are only a recommending body we are not the final authority. This will be forwarded to the City Council for final approval. It is their jurisdiction for the streets and the conditions of the roads and the condition of landscaping. Our duty is to recommend approval or not. The applicants and the opponents have the right to state their case before the City Council. In the conditions of approval the staff has already made the necessary requirements to mitigate the problems that were brought up tonight. That is happening all over the City with the roads. That is one of the main complaints we hear.

The first tape stopped and the second one did not click on automatically as it should have. A comment by Chairperson Legalos and one by Commissioner Manning was missed.

Commissioner Peterman: One of the concerns of the neighbors seems to be the lighting issue.

John Piccolo-Wignall: We have a standard established by the Police Department that deals with the lighting. We will have the project lit per Police Department standards. We have used that on other projects here in Vallejo and it seems to work well. There are motion detectors and things of that nature. Going to the concerns about the price of the homes. I did a project on Monterey Street last year which sold for \$460,000. There were granite counter tops and Brazilian hardwood floors. It was very nice.

Commissioner Peterman: I also would like to say that I totally support infill because as I drive around Vallejo I see a lot of blighted areas and I think we really need to do something about those little pockets of blight. I totally support that kind of infill that will help to develop it and make it into a residential neighborhood.

Commissioner Turley: It seems like our responsibility is to ask all the questions and get all the answers. As far as I am concerned I do not have an answer right now as to whether this project will adversely affect the flooding conditions on that street. If we postponed this to the next meeting we would not have to re-discuss the entire project all we would have to do was determine the flooding situation. I would hate to have this go to City Council and then they had questions about the water and ask the Planning Commission what they were thinking. I will not be able to support this project.

Don Hazen: I think it is staff's responsibility to provide those answers for you. I would like to draw your attention to page 13 of the initial study checklist, subsection D. Staff was required to prepare the initial study and one of the things that we look at in the environmental review is if there will be any runoff or drainage issues. Section D, which the Public Works Department provided specifically says that this project is a small residential project that is less than one acre. All site drainage will be directed to the City storm drainage system. Conditions initiated by VSFCDD will prevent the project from having any significant drainage, flooding or water quality impact. I believe that addresses the issue. I just wanted to reiterate that for the record and hope that that would address that issue.

Commissioner Engelman: I have no problem with this project. Chairperson Legalos reminded me of a project we turned down and got soundly overturned at City Council. That is when our liaison came to us and said that he would appreciate it if we would

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try to improve on what we feel about these infill projects. Anyway, I do feel this is a good project. The neighbors do have some concerns and I hope that between now and the time this goes to City Council you will take measures to alleviate some of these concerns. I will move that we recommend that the City Council adopt a mitigated negative declaration subject to the findings contained in this report and that we send recommendations to the City Council that they approve Zoning Map Amendment #05-0002, approve Planned Unit Development #05-0012, and approve Tentative Map #05-0004 with the findings and conditions in the staff report incorporating the change in Public Works Condition #5 on page 22 to read as noted in the memo provided to the Commission by staff.

Claudia Quintana: On a rezoning the Commission needs to find that it is consistent with the General Plan so I would ask that you include that finding in your motion and your reasons why it is or is not.

Commissioner Engelman: I will add that we find that it is consistent with the General Plan. Does that clear it up.

Claudia Quintana: Yes.

Don Hazen: I would just like to add one thing. If we could also add as part of that motion that staff clean up the document to eliminate any inconsistencies related to the environmental review so that what we forward to City Council would be a good clean, consistent document.

Commissioner Peterman: I would like to add a friendly amendment that the applicant take into account and consideration the nature and character of the neighborhood when working on the exteriors of the buildings.

Commissioner Engelman: I will add the cleaning up of the environmental review and accept Commissioner Peterman's friendly amendment.

Chairperson Legalos: Concerning the petition that we have received, we have discussed some of the issues with Mr. Hazen and Ms. Quintana. The statement that the six houses overcrowds the lot is true is it were zoned low density residential. However it is presently zoned Intensive Use Limited and will be rezoned to Planned Development and this does not apply. We, on this Commission, several months ago approved a project with higher density on Sonoma Blvd, and prior to that we approved phase two of Sycamore Place. This project is consistent with other projects that we have approved. The City Council has the auspice to look favorably with this kind of development. That said we have had a request to reopen the public hearing so the opponents could give us a re-rebuttal. I am not going to do that. That is not part of our process. However, the opponents of this proposal will have the opportunity to speak before the City Council if we do recommend a recommendation of approval.

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

NOS: None.

ABSENT: McConnell, Salvadori.

Motion carries.

These findings are made based upon all evidence in the record including the staff report, all of which are incorporated by reference.

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- A. The proposed Zoning Map Amendment as conditioned is consistent with the General Plan.
- B. The proposed Zoning Map Amendment is necessary for the development of the six family homes.
- C. The proposed Zoning Map Amendment is necessary for the future orderly and consistent development of the subject area.

Planned Unit Development (Master Plan / Unit Plan)

Staff recommends that the Planning Commission forward a recommendation to the City Council to **APPROVE** Planned Unit Development (Master Plan / Unit Plan) #05-0012 subject to the findings and conditions provided in this report.

Findings:

These findings are made based upon all evidence in the record including the staff report, all of which are incorporated by reference.

- A. The proposed master plan is consistent with the goals and policies of the Vallejo General Plan per Section 3 of this report. The project is not located in a specific plan area.
- B. The master plan furthers the stated purpose of the planned development district per Section 9 of this report.
- C. The master plan is in conformity with public convenience, the general welfare and good land use practice.
- D. The master plan will not be detrimental to health, safety and general welfare per Section 9 and the proposed Mitigated Negative Declaration.
- E. The master plan will not adversely affect the orderly development or the preservation of property values.
- F. The unit plan is consistent with the intent, purpose and development standards of the master plan per Section 9 of this report.
- G. 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 per Section 9 of this report.
- H. 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.

Tentative Map

Staff recommends that the Planning Commission forward a recommendation to the City Council to **APPROVE** Tentative Map #05-0004 subject to the findings and conditions provided in this report.

Findings:

These findings are made based upon all evidence in the record including the staff report, all of which are incorporated by reference.

- A. The Tentative Map is consistent with the goals and policies of the Vallejo General Plan per Section 3 of this report.
- B. The Tentative Map will not result in any significant environmental impacts that cannot be mitigated per Section 2 of this report.
- C. As conditioned, the Tentative Map meets the specific standards prescribed in the Zoning Ordinance as discussed in Section 4 of this report.
- D. As conditioned, the Tentative Map is in conformance with the Subdivision Map Act and the Subdivision Ordinance as discussed in Section 5 of this report.

CONDITION COMPLIANCE REQUIRED PRIOR TO BUILDNG PERMIT SUBMITTAL:

Planning Division

1. Prior to submittal of final map, submit a numbered list to the Planning Division stating how each project requirement 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, submit a complete set of construction plans to the project planner for review and approval.
3. The project shall comply with all measures included in the Mitigated Negative Declaration.

MITIGATION MEASURES

Air Quality

Construction Phase:

- 1) Water active sites at least twice daily.
- 2) Cover all trucks hauling dirt, sand, soil, or other loose materials. Maintain at least six inches of freeboard.
- 3) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- 4) Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.
- 5) Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- 6) Hydroseed or apply (nontoxic) soil stabilizers to inactive construction areas

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(previously graded areas inactive for ten days or more).

- 7) Enclose, cover, water twice daily, or apply (nontoxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- 8) Limit traffic speeds on unpaved roads to 15 mph.
- 9) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- 10) Replant vegetation in disturbed areas as quickly as possible.

CULTURAL RESOURCES

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

HYDROLOGY AND WATER QUALITY

- 1) The project is located within a 100-year flood zone. The applicant shall mitigation measures as proposed in the letter dated February 16, 2006 by Waterfront Engineering.

NOISE

- 1) Equipment and trucks used for the project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, and use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible).
- 2) The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
- 3) The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction related noise sources and noise sensitive receptors nearest the project site during all project construction.
- 4) During all project site construction, the construction contractor shall limit all construction-related activities to the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday. No construction shall be allowed on Sundays and public holidays.
- 5) Mechanical ventilation such as air conditioning systems shall be required for all dwelling units on site to ensure that windows can remain closed for prolonged periods of time to meet interior noise standards.

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4. Prior to building permit submittal, submit a colors and materials board, showing the exterior materials to be used. T-111 or Panel Siding shall not be used on this project.
5. Prior to the building permit submittal, submit details of the window, door and garage trim to the project planner for review and approval.
6. Prior to building permit submittal, submit details and location of any proposed fencing to the Project Planner for review and approval. Fencing shall comply with Section 16.70 of the Vallejo Municipal Code. The fencing shown on page C-1 of the submitted plans calls for seven (7) foot high wood fencing, the maximum height of fencing shall not exceed six (6) feet per Section 16.70. 060F of the Vallejo Municipal Code.
7. Prior to building permit submittal, work with staff to revise the two side elevations for the two units that front on Illinois Street. The revised elevations shall be enhanced architecturally to provide more visual interest as viewed from Illinois Street.
8. Prior to building permit submittal, the applicant shall work with staff to revise the landscape plans to meet City requirements. Submit 2 sets of revised landscaping plans prepared by a registered landscape architect to the Planning Division for review and approval. The requirement for a registered landscape architect may be waived at the discretion of the Planning Manager. Landscape plans shall comply with Chapter 16.70 (VMC), and are to include the following:
 - a. The use of a variety of plant materials including perennials and ornamental grasses.
 - b. A minimum of 1 City-approved street tree per unit to be planted at least 6 feet from any sewer line;
 - c. Specification of low growth type species adjacent to doors, windows and walkways;
 - d. Low-water using and drought-resistant plant materials;
 - e. Screening of required backflow preventer;
 - f. All trees to be minimum of 15 gallon, double staked; at least 50% of the proposed shrubs shall be a minimum of 5 gallon;
 - g. Irrigation plan indicating all components of the irrigation system including sprinklers and other outlets, valves, backflow prevention devices, controllers, piping and water usage.
9. Prior to building permit submittal, submit an official stamped certification by a licensed and registered engineer or architect that the proposed project and structure complies with Section 7.98 (Floodplain Management Regulations).

Building Division

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1. Prior to building permit submittal, submit a revised roof plan. The roof valleys as presently illustrated show roof valleys dumping water over and at the property lines
2. Prior to building permit submittal, submit plans showing that the garage walls at the property line have a one-hour construction.

Public Works Department

1. Prior to building permit submittal, 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)
2. Prior to building permit submittal, apply to FEMA for a letter of Map Revision (LOMR) and secure their approval.
3. Comply with the City of Vallejo Flood Damage Protection Ordinance (Section 7.98 of the Vallejo Municipal Code).
4. Prior to building permit submittal, submit a geotechnical investigation report for this project for review.
5. Prior to building permit submittal, submit a site grading, drainage, improvement, utility and landscaping and irrigation plans for review and approval. Site plan shall show all proposed and existing improvements and utility services. Secure approval of the site plan prior to building permit submittal.
6. Prior to building permit submittal, establish a common access, drainage, parking and utility easements within the common area for the benefit of all six units.
7. Prior to building permit submittal, underground overhead utility wires fronting the property. All proposed utility wires serving the lots shall be under-grounded.
8. Prior to building permit submittal, dedicate a six foot Public Utility Easement fronting the property along Nigh & Mississippi Streets to the City of Vallejo.
9. Dedicate a six foot wide Public Utility Easement along Illinois Street fronting the property.
10. Prior to building permit submittal, submit an address map for review and approval.

11. Owner of the property shall request in writing from the Public Works Department to assign an address for each lot.
12. Prior to building permit submittal, 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)
13. Prior to building permit submittal, 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 Public Works for review and approval. Test values must meet minimum relative compaction recommended by the soils engineer (usually at least 90 percent). (PW8)
14. 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 in existing public streets for utility trenches. All work shall conform to City standards (PW 10).
15. 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 (PW 11).
16. Prior to building permit submittal, submit a traffic control plan to the Department of Public Works for review and approval (PW 12).
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 ordinance (PW 15).
18. The project is located within the 100-year flood zone and shall therefore comply with Chapter 7.98 – Flood Damage Protection, VMC. Prior to obtaining a grading permit, apply to the Federal Emergency Management Administration (FEMA) for a Conditional Letter of Map Revision (CLOMR). Prior to building permit submittal, apply to FEMA for a letter of Map Revision (LOMR). Prior to obtaining a certificate of occupancy or acceptance by the City, whichever is applicable, obtain an approved Letter of Map Revision from FEMA. It will take FEMA at least 90 days to obtain CLOMR or LOMR. FEMA can be contacted by telephone at

9415)923-7177, or FEMA, Mitigation Division, Building 105, Presidio of San Francisco, San Francisco, CA 94129-1250. (PW18)

19. Prior to building permit submittal, submit a final a final map prepared by a qualified civil engineer or land surveyor for review and approval. (VMC 15.12.030)
20. Prior to recording the final or parcel map, the owner shall pay the City charges required by Solano County for providing copies of the recorded map to the City (\$15.00/Sheet).
21. Pay the map checking fee. (Resolution No. 02-55 N.C.)

Water Division

1. Submit a numbered list to the Water Division stating how each condition of project approval will be satisfied.
2. All water system improvements shall be consistent with the Vallejo Water System Master Plan, 1985, prepared by Kennedy/Jenks Engineers. Prior to building permit submittal, water system improvement plans shall be submitted to the Water Division for review and approval, and shall contain at least:
 - b. Location and size of domestic service connection(s).
 - c. Location and size of irrigation service connection(s).
 - d. Location of fire hydrants
 - e. Location of structures with respect to existing public water system improvements such as mains, meters, etc.
 - g. Location and size of backflow prevention devices (required on water service connections to irrigation systems, certain commercial water users, and to commercial fire sprinkler systems, per City Ordinance 922 N.C. (2d).
3. Fire flow and pressure requirements of the Fire Department shall be satisfied. Fire flow at no less than 25 psig residual pressure shall be available within 1000 feet of any structure. One half of the fire flow shall be available within 300 feet of any structure.
 1. For single family residential units, the fire flow is 1500 gpm.
 2. For other developments, see the Vallejo Water System Master Plan, 1985, prepared by Kennedy/Jenks Engineers and its latest update by Brown and Caldwell dated April 1996
4. Prior to building permit submittal, hydraulic calculations demonstrating that the fire flow required by the Fire Marshall is satisfied shall be submitted to the Water Superintendent.
5. Fire hydrant placement and fire sprinkler system installation, if any, shall meet the requirements of the Fire Department. For combined water and fire services, the requirements of both the Fire Department and the Vallejo Water System Master Plan, with latest revisions shall be satisfied.

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6. Each lot or unit shall be metered separately.
7. Prior to building permit submittal, hydraulic calculations shall be submitted to the Water Division demonstrating that the fire flow requirements are complied with.
8. Water service shall be provided by the City of Vallejo following completion of the required water system improvements and payment of applicable fees. Performance and payment bonds shall be provided to the City of Vallejo prior to construction of water system improvements. Fees include those fees specified in the Vallejo Municipal Code including connection and elevated storage fees, etc. and fees for tapping, tie-ins, inspections, disinfection, construction water, and other services provided by the City with respect to the water system improvements. The Water Division may be contacted for a description of applicable fees.
9. The water service (if existing) on site may not meet Plumbing Code requirements for the number of fixture units in this development. Submit plumbing calculations that show the existing water service and/or meter size meets the current Plumbing Code requirements. If it does not, upsize the water service and meter size to recommended size. Application for water service changes should be directed to Water Engineering at 202 Flemming Hill Road, Vallejo, CA 94589.

Vallejo Sanitation and Flood Control District

1. Prior to building permit submittal, a VSFCD Connection Permit is required. Pay all applicable review and connection fees.
2. Prior to building permit submittal, submit a revised site utility plan showing the storm drain and sanitary sewer system within the lots private. The District's responsibility shall be from the ROW to the District's facility.
3. The existing sanitary sewer on the easterly side of your subdivision shall be protected and not encroached upon.
4. All individual parcels shall drain and sewer directly to the public system. Prior to building permit submittal, submit complete improvement plans and supporting documentation illustrating that the individual parcels drain and sewer directly to the public system. Please show the location of the sanitary sewer and cleanout on the site utility plan.
5. Prior to building permit submittal, the property owner shall submit a proposed easement description for approval by the District. Vallejo Sanitation and Flood Control District pipeline facilities shall be located in a 15 foot wide easements or street right-of-way.
6. Prior to building permit submittal, please show a manhole over the 12-inch SD pipe at the property line. Please show a Vallejo Sanitation and Flood Control District cleanout over the 6-inch SS pipe at the property line. The intention of this is to make the systems discernible between what is public and what is private. Please show the location on the drawings.
7. The sanitary sewer pipe size in Illinois Street is 15 inches not 18 inches.
8. Prior to building permit submittal, resubmit the design drawings showing the corrections above.

Fire Prevention

1. Prior to building permit submittal, resubmit plans showing an adequate roadway width. Access roads shall have an unobstructed width of not less than 20 feet. (2001 California Fire Code 902.2.2.1)
2. In Residential (Group R) Occupancies, single station smoke detectors shall be installed prior to occupancy/final building inspection in each sleeping area and at a point centrally located in the corridor or area giving access to each separate sleeping area. When the dwelling unit is of more than one story (including basement) there shall be a smoke detector on each story. When a story is split into more than one level, the smoke detector shall be installed on the upper level. (2001 CBC Section 310.9.1.1).
2. Prior to building permit submittal, submit a numbered list to the Fire Prevention Division stating how each condition of project approval will be satisfied.
3. Prior to building permit submittal, the applicant shall install an approved and tested water supply system capable of supplying the required fire flow as determined by the Fire Chief. Water supply systems for staged construction shall provide required fire flows at all stages. (2001 CFC Section 901.4)
4. Additional fire hydrants may be needed, prior to building permit submittal, submit a complete set of plans for review and approval. Prior to building permit submittal, submit a complete set of plans for review and approval. All fire hydrants are to have a "blue dot" high way reflector installed on the adjacent street of the driveway to clearly identify the fire hydrant locations (2001 CFC Section 903, Appendix III-B)

CONDITION COMPLIANCE REQUIRED PRIOR TO OCCUPANCY/FINAL INSPECTION:

Planning Division

1. Prior to final occupancy install required landscaping as illustrated on the approved landscape plan.
2. Prior to occupancy/final building inspection, install landscaping and irrigation per approved plans. The landscape architect shall verify in writing that the landscaping and irrigation have been installed in accordance with the approved landscaped plans with respect to size, health, number and species of plants and the overall design concept.
3. 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 complete and final 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.

Public Works

1. Prior to occupancy, remove and replace broken curb, gutter and sidewalk fronting the property as determined in the field by the City Engineer. (VMC, 10.04). Obtain a sidewalk permit from the Public Works Department prior to any work.
2. Prior to final occupancy, install frontage improvements as determined in the field by the City Engineer.

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3. Prior to occupancy/final building inspection, install the improvements required by Public Works including but not limited to streets and utilities. (PW16)
4. 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)
5. Prior to release for occupancy, plant street trees in accordance with Vallejo Municipal Code, Section 15.06.190 and Regulations and Specifications for Public Improvements, Section 3.3.48. The list of approved trees is available in the office of the Public Works Director. The minimum standard shall be at least one tree for each 50 feet of street frontage or fraction thereof, including secondary or side streets. Street tree(s) shall be inspected by Public Works Landscape Inspector prior to release for occupancy. (PW19)
6. Prior to occupancy, install required street tree fronting the property along Illinois Street. Street tree shall be selected from the City's approved street tree list. (VMC, Section 15.06.190 and Regulations and Standard Specifications Section 3.3.48)

Fire Prevention

1. 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 (2001 CFRC Section 901.4.4; added VMC Section 12.28.170)
2. Prior to final 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.
3. 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).
4. In Residential (Group R) Occupancies, single station smoke detectors shall be installed prior to occupancy/final building inspection in each sleeping area and at a point centrally located in the corridor or area giving access to each separate sleeping area. When the dwelling unit is of more than one story, (including basement) there shall be a smoke detector on each story. When a story is split into more than one level, the smoke detector shall be installed on the upper level.

Water Department

1. Prior to occupancy or final building inspection, install water appropriately sized water system improvements as required. Backflow device shall be installed in compliance with the Vallejo Municipal Code and in areas hidden from public view and/or shall be mitigated by landscaping.
2. Individual water services/meters for these units shall be situated only along the frontage at Illinois Street.

Vallejo Sanitation and Flood Control District

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1. If comments from VSFCDC and the City of Vallejo call for differing standards of development, the higher standard shall apply.
2. If any of the VSFCDC comments are in conflict with comments from the City of Vallejo request clarification.
3. Applicant shall pay all fees (plan review fees, connection fees, etc.) required by VSFCDC for the subject project.
4. Prior to occupancy/final building inspection, provide a standard VSFCDC cleanout at the right-of-way/easement line per District standards and a two-way cleanout at the building per U.P.C.
5. Direct roof drainage across non-paved areas prior to entering storm drain inlets and gutter, when feasible.
6. VSFCDC comments shall be understood to require modification of the project to any extent necessary to meet VSFCDC requirements, unless specifically stated.
7. Prior to occupancy, install VSFCDC cleanout per standard drawing number seventeen.
8. Prior to occupancy, install VSFCDC manhole (Sanitary and Storm Drain) per standard drawing number seven and eleven.
9. The VSFCDC would prefer the public portion of the sanitary sewer pipe material to be PVC SDR 26.
10. VSFCDC personnel shall inspect all work on the District's system.

Crime Prevention

1. Street number shall be displayed in a prominent location and be easily visible to oncoming emergency vehicles. The numbers shall be illuminated during darkness.
2. Post signs and paint curbs red which have emergency vehicle access lanes.
3. There shall be an illuminated map of the complex affixed at the entrance to the property that allows the viewer to see his/her location and the location of the units on the property.
4. All exterior lighting shall be sufficient to establish a sense of well-being to pedestrians and to facilitate the recognition of persons at a reasonable distance.
5. Metal halide bulbs are recommended.
6. All exterior lighting shall not trespass onto other adjoining properties.
7. Landscaping shall not block or obstruct the view of any door, window, or lighting fixture.

STANDARD REQUIREMENTS

Planning Division

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1. 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.
2. T-111 or panel siding shall not be used on this project.
3. All landscaping and fencing surrounding the proposed use shall be maintained in a clean, attractive, and well kept condition and any dead or dying material shall be replaced promptly. There shall be no barbwire or razor fencing allowed.

Public Works

1. 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.
2. Surface runoff from the site shall be intercepted on site and piped into the public storm drain system (No sidewalk cross drains allowed). Show the point connection of drainage pipe to public storm drain system. Surface drainage of each lot shall be directed to the court and shall not cross neighboring lots, unless a Homeowner Association established to maintain the private storm drain system.
3. The driveway approach and the common driveway inside the project shall not be less than 25 feet in width.
4. Multiple trenches require grinding and overlay along Illinois Street. Limit of work shall be determined by the City Engineer.
5. Water meters shall not be located with the driveway approach.
6. Identify public and private sanitary sewer and storm drain lines in the common court.
7. Establish a Home Owners Association for this project. All private improvements shall be owned and maintained by the homeowners association.
8. Remove and replace broken curb and gutter fronting the property as determined I in the field by the City Engineer. (VMC, Section 10.04)
9. Entrances to any private project must be standard driveway approaches unless deviation is permitted by the City Engineer. (PW9)
10. Construction inspection shall be coordinated with Public Works and no construction shall deviate from the approved plans. (PW13)
11. 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 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)
12. Standard driveway and approach shall be per City standard. (VMC Section 16.62.150)

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13. 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 (PW 2).
14. 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 (PW 4).
15. 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 (PW 5).
16. 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 to the Department of Public Works shall shut down the grading operation (PW 6).
17. All dust and erosion control shall be in conformance with City standards and ordinances (PW 7).

Fire Prevention

1. The project shall conform to all applicable requirements of Title 19 (2001 CFC and all VMC Amendments)
2. Should security gates be desired at any entrances to the project, they shall be provided with a Fire Department approved entry system.
3. Development sites shall be maintained weed free during construction. (2001 CFC Section 1103.2.4)
3. Every sleeping room below the fourth story shall have at least one exterior opening for rescue purposes. The opening shall be a minimum of 5.7 square feet, and 20 inches wide by 24 inches high. The finished sill height shall be no higher than 44 inches from the floor. Ladder access shall be provided for buildings over the first floor.

Water Division

1. Easements shall be provided for all water system improvements installed outside the public right-of-way:
 - a. Fifteen feet wide (minimum) for water mains.
 - b. Ten feet wide (minimum) for fire hydrants, water meters, backflow preventers, double detector check valves, etc.
2. Each unit or building structure shall be metered separately.
3. Water service shall be provided by the City of Vallejo following completion of the required water system improvements and payment of applicable fees. Performance and payment bonds shall be provided to the City of Vallejo prior to construction of water system improvements. Fees include those fees specified in the Vallejo Municipal Code, including connection and elevated storage fees, etc., and fees for tapping, tie-ins, inspections, disinfection, construction water, and other services provided by the City with

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respect to the water system improvements. The Water Division may be contacted for a description of applicable fees.

Vallejo Sanitation and Flood Control District

1. Direct roof drainage across non-paved areas prior to entering storm drain inlets and gutter, when feasible.
2. The following permits are identified as being required from other agencies prior to construction: Building Permit from the City of Vallejo. Additional permits may be required. It is the responsibility of the applicant to determine any and all permits that are required.
3. After the plans are approved, submit a Construction Permit Application (SSI) Form for connection fee calculation (\$20 Submittal Fee). Non-residential developments shall also submit a Pre-treatment Questionnaire for review by VSFCD Pollution Control Department.
4. Direct roof drainage across non-paved areas prior to entering storm drain inlets and gutter, when feasible.
5. All individual parcels shall drain and sewer directly to the public system.
6. Non-VSFCD facilities serving more than one lot will not be allowed.
7. VSFCD's sanitary sewer or storm drains shall not be installed in the rear of any of the lots.
8. All storm drainage shall be collected onsite and conveyed underground to the public storm drain system.

GENERAL REQUIREMENTS

1. All contractors and subcontractors working on the project shall have City of Vallejo business licenses.
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. 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.
4. 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.
5. All applicable requirements of any law or agency of the State, City of Vallejo and any other governmental entity at the time of the recording of the Final Map shall be met. The duty of inquiry as to such requirements shall be upon the applicant.
6. The subdivider shall defend, indemnify, and hold harmless the City of Vallejo or its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul, the approval of this subdivision by

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the City. The City shall promptly notify the subdivider of any action. The City may elect, in its discretion, to participate in the defense of any action.

L. OTHER ITEMS

None.

Chairperson Legalos asked that the elections to Chair and Vice-Chair be put on the next Planning Commission agenda as an action item.

M. WRITTEN COMMUNICATIONS

None.

N. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 9:00 P.M.

Respectfully submitted,



(for) BRIAN DOLAN, Secretary

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

C. ROLL CALL:

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

Absent: Engelman.

D. APPROVAL OF THE MINUTES.

None.

E. CONSENT CALENDER AND APPROVAL OF THE AGENDA

On a motion by Commissioner Legalos, Item L, by unanimous vote, was moved ahead of the Report of the Secretary so officers might be elected and the meeting run with a proper Chairperson and Vice-Chairperson.

On a motion by Commissioner Peterman the agenda was unanimously approved as changed after the following discussion:

Commissioner Salvadori: I do not have a problem with your request to do that but I see two lengthy addendums to Items K2 and K3. Before we approve the agenda I would like to hear whether or not there is substantial information in here that the Commission has not had a chance to look at.

Don Hazen: I believe the only information we gave you was clean-up on the environmental language. If there is more than that then I will have to defer to Mr. Adams.

Marcus Adams: I have not handed out any additional information on K2 and K3. There is the clean up language on K1 but nothing else.

Claudia Quintana: I believe those are my papers. I spilled over into your area.

Commissioner Salvadori: It was just a lot of information and I did not want to go into it blind. Thanks you.

L. OTHER ITEMS

Election of Chairperson and Vice-Chairperson.

On a motion by Commissioner McConnell, Commissioner Legalos was unanimously elected Chairperson and Commissioner Peterman was unanimously elected Vice-Chairperson.

F. REPORT OF THE SECRETARY

1. Upcoming Meeting of Monday, December 18, 2006
 - a. Code Text Amendment 06-0004 is a revision of Chapter 16.70 of the VMC – Screening and Landscaping Regulations.
 - b. Use Permit 05-0026 is an application to substitute one non-conforming use for another abandoned non-conforming use located at Alameda and Maine.

- 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

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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

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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

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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

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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

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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 perspective 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

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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 form 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

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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.

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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

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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

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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:

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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.

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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.

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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.

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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.

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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)

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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.

Marcus Adams: The present application that we are about to discuss tonight for the ice cream commissary came to staff by means of a business license renewal that was brought to our Planning Division counter. Upon researching the use permit at the former location, 444 Arkansas, it was discovered that that use permit did not actually allow for the type of business that was going on there with the parking of the ice cream trucks and the commissary so the applicants were forced to find a new

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location. Staff was pleased to be able to work with the applicant and to find a location within the City because of course we do not want to loose the business and considering how important our intensive use zoning districts can be. Sometimes we get plenty of requests to rezone those districts. This is a case where we had one and the applicant was able to utilize that space. Upon site visits to the location staff did see some room for improvement at this site. If you happened to go out there no doubt you saw the existing structure, the lack of landscaping, the old and deteriorating fencing. The old timers tell me that O'Connell Lumber use to be at that location. Before that it is questionable as to what was there. I am addressing the building because I feel that may come up and the uses that go on there. The building is not really being utilized right now. There is a small section where cars are being stored. There was a use permit that was approved for that site back in 1984 for auto towing and storage, auto mechanical and body repair, auto sales and auto part sales. I did try to research that further to find out if there were any specifications on that use permit as far as any detailed uses or landscaping plan. Unfortunately when we had to make way for our records storage that use permit is up in microfilm. I will have to research that further. For this current proposed use, the ice cream commissary, the improvement we would like to see is the replacement of the interior fence. There are some shipping storage units visible. In Intensive Use those type of units are allowed outside the building if they are screened sufficiently. We would like the fence to be 8' which is the maximum height allowed without having to go through the variance procedure. They abut the Tall Trees Mobile Home Park. We are asking them to put some landscaping to screen the ice cream trucks and the goings and comings there from the mobile homes. We did ask too that they put some street trees in because there are none out there which will help improve the aesthetic view of the site. Any questions?

Commissioner Peterman: I feel very sorry that the applicants have had to go through all of this. I hope this does not happen again. In the staff report you talked about chain link fence with slats in it. I think those are just as ugly as chain link fence without slats. I would encourage you to have them build a fence that is wooden or something that is not quite so unpleasing to the eye.

Commissioner Turley: I went out there the other day and I could not get in on the property because it was all locked up. Will that front chain link fence be removed?

Marcus Adams: There are no plans to remove that fence. I did ask them to have that fence open so you all could get in and out. Possibly you went out before I requested that. They plan on keeping the fence there. They say they have a lot of problem with transients walking by and people going in there and abandoning vehicles. I have actually noticed abandoned cars in that area. Having the fence has kept the abandoned cars from being parked in that front. No they will not be replacing the front fence.

Commissioner Turley: What do they do, open a gate?

Marcus Adams: The gate is wide enough that you can get a commercial vehicle in there. Most of the time they just have it open to where you can get a regular car in there or a pedestrian.

Commissioner Turley: I sure do think that front fence is ugly. I really do. That existing building on the left in the rear, is that going to be removed?

Marcus Adams: Not as part of this application. I spoke with the property owner, who just purchased the property last year, and he would eventually like to demolish the building and put a new building up or, if the framing is viable, use the framing and put

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a new building up. As far as this project he is not planning on doing any alterations or improvements to the building. The Chief Building Official did get these plans routed to him and he had no comment regarding the structural stuff. Apparently he did not feel the integrity of the building was a public safety issue. That building is not being used for any activity besides storage.

Commissioner McConnell: I also had trouble seeing the property because it was locked. I did the best I could from across the street. It concerns me also that we are not going to be removing what is a very ugly exterior exposure. This is on a major artery in from Napa County. That entire area from Raileys to Broadway is in dire need of help. If we don't begin to make some changes I can see why cars will be dumped there. You start to change a neighborhood one place at a time. I think this is a opportunity to start that change. I agree with Commissioner Turley about removing that fence. I also have some concerns about what is going to happen to these buildings. You are asking us to approve a use permit which once in place will stay on the property forever. I do see that it is supposed to be for five vehicles and certainly I am going to condition that use permit for a maximum of five vehicles. Otherwise if we approve a use permit for storage as stated in here we would wind up having a large, large storage facility out there. It would never be changed. It would remain the same. I hope the applicant does not intend to leave it that way and I would like to have confidence in him accomplishing that but there is nothing before us to that effect at this time. With respect to these other buildings just what are they going to be doing with these?

Marcus Adams: Nothing. There is really only one other building on this site and when he gets funds to do something with this building he will maintain the use as is with a new building. I would like to comment on your comment about the landscaping. This site has been a problem to the City concerning abandoned vehicles. It has been a Code Enforcement issue. When I was analyzing how far we should go as far as improving the site we weighed incremental steps vs. no steps. I just think this is a case where if the conditions were too onerous more than likely the property owner would say to the prospective tenant that it would be way too much and he was not going to do anything and we would get no improvement on this site and it would become more of a Code Enforcement issue. We have a new property owner who is willing to work with us on making some improvements. They would cost him something but he is willing to do that because he does want to see improvement in that area.

Commissioner McConnell: I agree it is just a question of how far do we go and what do we ask for at this point in time. But the use permit stays there forever. Yet we are being offered a representation that I will do something with the property at some time in the future and am not saying what I will do. Seems like we are being ask to approve a pig in a poke here. I am prepared to proceed and probably grant this with the five trees that you are asking for but I would like to improve the appearance of this area to the extent that we possibly can. One of the things that concerns me, as with Commissioner Peterman, is the chain link fence and the slats. I think we have to do better all around the City, even in an industrial area. Especially when that industrial area is such a highly visible area as this one is. That is an area of town that is ripe for redevelopment and change. You indicate in your staff report that the applicant is willing to do something that is reasonable. Just what seems reasonable in the applicant's eyes other than 5 street trees? Anything?

Marcus Adams: There is landscaping that is going to go along the border adjacent to the mobile home park. They have been asked to no longer have storage of cars in front. I think he thought the conditions that I put in the staff report were reasonable

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and was willing to do those. I realize that we do not have a commitment on this but doing something to that building, even painting it, is in his plans.

Commissioner McConnell: Painting it would help. We are talking about an area that is next to a residential center really, the mobile home park. There are numerous people in that mobile home park that have to get up very, very early. Yet you are asking that the applicant have hours of operation up to one hour after sunset. During the summer that could be as late at 10:15 or 10:20. That might cause a noise problem for some people who have to get up at 4:00 and 5:00 in the morning. I think we need to think about how we are going to control light and sound out there. We are talking about 5 ice cream trucks. We need to give some consideration to the residents in the mobile home park.

Marcus Adams: I need to clarify that it is actually one hour after sunset and no leaving until after 9:00 am. The Commission could certainly put a different time on that. There are five stalls with tandem trucks so there would be a maximum of ten trucks.

Commissioner Turley: I do not think that tandem parking is going to work out very long. I think they will tire of having to move one vehicle to get another one out. Is there room there to have side by side parking somewhere?

Marcus Adams: It is a huge lot and I am sure you could get in side by side but that would increase his leasing area and cost. It would be hard to enforce that because staff could not see in to see if it was tandem or not.

Don Hazen: If this were regular customer parking we would be a little more suspicious of the tandem parking but this is basically just an industrial use and this is an operation that the applicant obviously consents to and the trucks would be leaving all at the same time so I think staff is comfortable that the tandem will work for this type of a use.

Commissioner Turley: On the landscaping could curbs and sprinklers be included?

Marcus Adams: The landscaping would have to be irrigated and that would be handled when we reviewed the landscape plans. Our code only requires that curbs are required only in certain conditions: if you abut a curb or a pedestrian path. That is not the case here. We could definitely put that in as a condition but as far as the code they do not have to meet that standard.

Commissioner Manning: Can you clarify what an ice cream truck is. Are these the trucks that drive around town?

Marcus Adams: The trucks that I have seen this operator use are the traditional ice cream trucks. They are not vans or pick ups.

Commissioner Salvadori: What percentage of this parcel is actually leasable space for this use?

Marcus Adams: I do not know for sure. I would guess it is along the lines of 15%. It is just a small area. It seems to me that having the trucks parked in a row would increase the impact to the neighbors.

Commissioner Salvadori: As other uses proposed for the remaining space in this parcel do you see additional use permits coming before the Commission?

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Marcus Adams: It is a very large site and I could see that possibly happening. You may see some amendment to the current use permit. There is always the issue of landscaping and parking. I think the amount of parking required when you start adding new uses would really limit how you can develop that property.

Chairperson Legalos: I was there this afternoon and saw the bus. Are they planning on moving that bus out of there?

Marcus Adams: I asked them to start the bus so I could make sure it was not a non op. It started. He said the operators of that bus do not plan on keeping it there for long. There is nothing that I found that would not allow that bus to be there.

Chairperson Legalos: I concur with concerns expressed by other Commissioners about the fence. I think it should be replaced. The fencing between the trailer park and the front parking lot is a dilapidated wooden fence that has been repaired with sheets of plywood. I think that definitely needs to be replaced. That is incredibly ugly. This area is becoming attractive. The left you have the shopping center where Raileys is and it is nicely landscaped. The trailer park could look a little better but is certainly better than this parking lot. I have questions about the travel trailer that is parked just inside the second fence. What is that being used for?

Marcus Adams: That is being used as a residence for the on-site guard. I went to look at the use permit. Back in the 70s and 80s it was not uncommon for on site guards to be part of the plan. That permit is in storage and I will have to retrieve it and look at that. If it is not part of the permit the options we would have we could qualify it with live work or just eliminate it totally. Environmental health and restroom facilities would have to be considered along with proper electrical connections.

Chairperson Legalos: I had the impression that there may be more than a guard thing there. There are three children's bicycles parked near the trailer as well as a number of fishing poles. They do not look like things that a guard would use.

Marcus Adams: I think he likes to fish from my discussions with him. I have been there three times and never saw anyone but him. He, I don't want to say eccentric, but he collects a little bit of everything. They may be for grandkids but I don't believe kids are living there.

Chairperson Legalos: The last time I was there, there was some sort of blasting that was going on that was creating a cloud of white powdery dust and a great deal of noise from a large compressor mounted on a pick-up truck. The dust was so thick that I could not see the operator. It was blowing over the trailer park. Is that an approved use? What was happening there?

Marcus Adams: It would be an approved use under the old use permit in 1984. I will have to get the old report and see if there is anything about the uses having to be enclosed.

Chairperson Legalos: It was being done indoors. It was a tent like structure that was parked along the storage area. The front flap was open and the stuff was pouring out.

Don Hazen: Maybe I could suggest that the owner, if he is here tonight, might be able to answer all those questions.

Marcus Adams: He is not.

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Chairperson Legalos opened the Public Hearing.

Applicant: We have a very small ice cream business. We have only 10 trucks. The trucks do not make noise. When we come back to the shop there is no music, no nothing. They do not turn on the music until they go far away. We do not disturb anyone. Fifteen years we were across the street and we never had a complaint. We do not cause anyone any problems. We want to be good neighbors. Our business is the children. We do not turn on music in the yard. We do not have to turn it on. We do not allow anyone to even test their music in the yard. If they want to test it they test outside that. These are small ice cream trucks. Our trucks are all professional ice cream trucks.

Chairperson Legalos closed the Public Hearing.

Commissioner McConnell: I move that we approve use permit 06-0018 with the findings and conditions in the staff report as well as 1) that the front fence be replaced without chain link; 2) that the planting strip along the north boundary next to the mobile home park be planted in an area of not less than a 3' planting strip; 3) the storage for vehicles will be limited to not more than 10 ice cream trucks; 4) there will be no testing of sound equipment or amplified speaker systems at the yard location.

The meeting was turned over to Commissioner Peterman so Chairperson Legalos could make a friendly amendment.

Chairperson Legalos: I would like to add a friendly amendment that the wooden fencing between the auto parking lot and the trailer park be replaced with new wooden fencing and that the chain link fencing on the front and the side of the parking lot that is adjacent to the mall be replaced with iron fence.

Commissioner McConnell: That is fine but I am not sure if we want to restrict the back fence to wood only. I agree the rear fence should be replaced as well.

Chairperson Legalos: I was not actually referring to the rear fence I was referring to the fence to the right that is now a wooden fence between the trailer park and the site. But now that you mention it the rear of the front parking lot should also be replaced with more attractive fencing. I would not restrict that to wood.

Commissioner Salvadori: I am kind of concerned about the requirement for the wood fence. Do we know that the wood fencing is on this parcel and not something that was constructed by the trailer park to protect their homeowners? If we don't know that I do not know that we can issue this requirement.

Don Hazen: Typically in a case like this it behooves the owner to hire a surveyor if they have to because the condition is to put it on their side. Then if they find out it is someone else's parallel fence they will typically go to the mobile home park owner and tell them they are going to replace the fence and find out if they mind if they tear the existing fence down. Once you impose that condition they are required to find out where their property line is.

Chairperson Legalos: I am assuming that since the repairs were made from the parking lot side that it may be the parking lot owner's but that may be an incorrect assumption.

Commissioner Manning: I want a clarification on the restriction of 10 trucks. They are a small business and had to relocate already. If they want to grow their business one more truck we are saying they can't.

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Commissioner McConnell: That is correct. My concern here is that the use permit stays with the property forever. I share your concern about the need for increase but that would probably be a minor application that could be handled by staff. I do not want to have an open-ended use permit where all of a sudden we are looking at as many cars as can be placed on that lot as possible. I am happy to accommodate some number larger than but keep in mind that we do not want to open the door to everything out there either.

Commissioner Salvadori: If the business owner decided to change the configuration of his business and they were smaller trucks and put 20 there what is the negative impact on the surrounding area or on his property? It is a fleet storage area. The trucks are gone during the day during the peak buying hours and are back before there is really any inconvenience for anyone around. I just think this requirement is not protecting the land use but trying to run the business. He could decide to have more trucks of a smaller size better meets the customer requirements. I would find it hard to support a motion that restricted him to 10 vehicles.

Commissioner McConnell: We also have a responsibility to the citizens who live in this area. Added trucks obviously bring more pollution and noise and potential for accidents. If we can find a common ground between 10 and some other reasonable number or there is a staff procedure by which that number can be based upon I think we should entertain that as well.

Commissioner Turley: On the other hand suppose he decided to have some larger trucks.

Commissioner Manning: I think it is great that we are discussing and trying to improve the look of that neighborhood. It is turning around so the suggestions with the fencing and landscaping are really helpful. The other point for the small business here is staff has gone out of their way to try and keep them in the community and work with them to find another location. Part of what we want to do as a community is continue to encourage small businesses like this as a part of the diversity of our community. We had an applicant before this for a big box now here is a small box. We want to encourage those types of businesses to stay here. New, I do not know what the right proposal here is but I would like to hear another suggestion that would not just lock them into 10 trucks.

Don Hazen: If you do limit the number of trucks it would have to come back before you again to increase the number of trucks. It is being approved as a use permit through the public hearing process. If you are comfortable with the hours of operation and are comfortable with the applicant's testimony that they just virtually get in the trucks and drive them off the site, is it possible that these trucks are no different than someone pulling into a shopping center? Maybe you condition the use that it can only be used for startup and shutdown. Maybe there is not a need to limit the amount of trucks if they comply with all the other conditions.

Commissioner Salvadori: I would like to submit a substitute motion, that we approve use permit 06-0018 with the findings and conditions in the staff report and with the additional conditions that the front fence be improved and the landscaping on the front be improved and the landscaping on the side be increased to a three foot planting area. Those would be my only other conditions.

Commissioner McConnell: I am not locked into the idea of 10 vehicles. We should have some way in our procedures by which we could accommodate a reasonable expansion of a business without having to go all the way back to a use permit procedure. It seems like overkill. That may be an example of how our permitting

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process needs to be studied and altered. I am uncomfortable, at the same time, with just having an open end permit out there. There has to be some sort of reasonable accommodation, whether we increase it to 15 or 20, it needs to be put in place so we don't have a run amuck situation.

Don Hazen: In the exhibit that shows the site plan layout the leased area is shaded out. By approving the use permit tonight you are approving that layout of the site. If they were to add additional parking spaces you can see by the layout that they would only be able to add them on the interior of the site. If neighborhood compatibility is your concern you can see that they cannot physically add any more parking spaces along that common property line by virtue of that layout.

Commissioner McConnell: If they wanted to expand they would have to come back to us right?

Don Hazen: It looks like they could put 4 or 5 more spaces on the interior but beyond that they would have to come back.

Commissioner McConnell: Then I will modify my motion to include your suggestion as to limiting the number of vehicles.

Commissioner Salvadori: Could we vote on my substitute motion?

Commissioner Peterman: Could you please restate your motion.

Commissioner Salvadori: It is that we approve use permit 06-0018 with the findings and conditions in the staff report and with the additional conditions that the front fence be improved and the landscaping on the front be improved and the landscaping on the side be increased to a three foot planting area. Those would be my only other conditions.

Chairperson Legalos: When you say the front fence are you including the fence around the perimeter of that lot or just the fence parallel to Broadway?

Commissioner Salvadori: The fence along Broadway.

Chairperson Legalos: My suggestion was the fence along Broadway as well as the fencing on the two sides. I believe there is already a condition about improving the fencing in the back of the front section.

Commissioner Salvadori: Yes. The additional condition is to not have a chain link fence along Broadway.

Chairperson Legalos: That is correct and also to replace the wooden fencing.

Commissioner Salvadori: I did not put that in as part of my motion.

Chairperson Legalos: I would then like to offer a friendly amendment.

Commissioner Salvadori: I do not want that particular friendly amendment. The leased area is about 15% of the area and we are trying to make the new fence contingent on this application. I think that is overkill. But I do think they need to make the driveway side improved and more consistent with what we would like to see in that area.

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Commissioner Legalos: To require that I think would be consistent with decisions this Commission has made in the past where we have take the opportunity to make requirements that exceeded what some people might consider reasonable in terms of the scope of the application.

Commissioner McConnell: What we are attempting to do is reach middle ground here. *Commissioner McConnell read the Code concerning Intensive Use.* The street trees and the additional strip landscaping is the only requirement we are asking for. We are attempting to accommodate the applicant but I don't think we want to give away the store. The proposed amendment from Commissioner McConnell basically is a laissez faire position with no improvement at all. We do have to start taking a stand if we want to improve it recognizing the need to balance the needs of small businesses. But what we are talking about here is the property owner. That is not necessarily a small business man here. We are talking about improving the general appearance of this area which over time will impact the entire area. I think it is a reasonable accommodation to restrict this to getting increased fencing but not insist upon the full landscape requirement as mandated by the intensive use district. I will be voting in opposition to Commissioner Salvadori's motion but would encourage adoption of my motion as modified by Commissioner Legalos and presented as the main motion.

Commissioner Turley: The way to improve a neighborhood is one parcel at a time and I think that is a good point.

Vice-Chair Peterman: Can we call for the vote on the substitute motion now, please Ms. Marshall.

AYES: Manning, Salvadori.

NOS: McConnell, Legalos, Peterman, Turley.

ABSENT: Engelman.

Motion fails.

Vice-Chair Peterman: Now we move to Commissioner McConnell's motion. Perhaps you could restate that.

Commissioner McConnell: I move that we approve use permit 06-0018 with the findings and conditions in the staff report as well as 1) that the front fence be replaced without chain link; 2) that the planting strip along the north boundary next to the mobile home park be planted in an area of not less than a 3' planting strip 3) there will be no testing of sound equipment or amplified speaker systems at the yard location; 4) the approval as to the shaded area on Attachment A for parking purposes 5) and the back fence as suggested by Commissioner Legalos will also be required.

Chairperson Legalos: Just to clarify the fencing that I would like to see replaced is all of the fencing around the front section. I believe the back fence is already a condition of approval. It is the front fence parallel to Broadway and the fence between the trailer park and this parking area in question. The fence on the left side of the parking area and adjacent to the shopping mall.

Commissioner Salvadori: You are talking about basically all the fencing that is the perimeter of the lot that would be replace with non-chain link fence.

Chairperson Legalos: All of the fencing that is the perimeter of the front lot.

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Commissioner Salvadori: Now I am confused. The area that is under consideration for the ice cream area is in the back.

Chairperson Legalos: That is correct.

Commissioner Salvadori: So would you please describe to me, again the perimeter of the fencing you are talking about.

Chairperson Legalos: The fencing that is parallel to Broadway. The fencing that is on the left towards the shopping center as you face the property, back to Broadway.

Commissioner Salvadori: That is from Broadway to the end of the property line.

Chairperson Legalos: No, Broadway to the structure, to the end of the building.

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

NOS: Salvadori.

ABSENT: Engelman.

Motion carries.

Vice-Chair Peterman turned the meeting back over to Chairperson Legalos.

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:

9. As describe in Sections 5 and 9 of this report, the 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;
10. As described in Sections 3 and 4 this report, the impacts, as described above, and t he location of the proposed conditional use are consistent with the city general plan.

CONDITIONS OF APPROVAL (Revised conditions from Planning Commission are identified in *italics*):

Planning Division

11. 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.
12. Prior to building permit submittal, provide a revised plan illustrating the following:
 - a) boundary landscaping at a minimum depth of *three* feet along the north property line for a linear distance of 95' (the proposed leasing area). The plant variety proposed for the required landscaping shall reach a mature minimum height of eight feet and shall function as screening for the proposed use. The selected plant variety shall also consist of a compact evergreen type and shall reach a minimum height of two feet within twelve months of planting.
 - b) a new eight foot *decorative wood fence* from the front north end warehouse

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building wall to the north property line.

c) four street trees for the street frontage on Broadway Street. Staff recommends that the applicant select a variety consistent with other street trees at adjacent properties or at Vallejo Transit or a variety from the City of Vallejo street tree list. Mature height of the variety chosen shall take into account the power lines on Broadway Street.

d) *replacement (or elimination) of the front property line chain link fence with a wrought iron fence and gate*

e) *new wrought iron fence at the south property line from Broadway Street westerly terminating at the existing building*

f) *a new wood fence at the north property line (abutting the mobile home park)*

The proposed landscaping shall meet the following standards: three sets of landscaping plans prepared by a registered landscape architect to the Planning Division for review and approval. The requirement for a registered landscape architect may be waived at the discretion of the Planning Manager. Landscape plans shall comply with Chapter 16.70 (VMC), and are to include the following:

- a. Four City-approved street trees to be planted at least 6 feet from any sewer line;
 - b. Low-water-using and drought-resistant plant materials;
 - c. Screening of the required backflow preventers;
 - d. All trees to be a minimum of 15-gallon, double staked; at least 50 percent of the proposed shrubs shall be a minimum of 5-gallon;
 - e. Irrigation plan indicating all components of the irrigation system including sprinklers and other outlets, valves, backflow prevention devices, controllers, piping and water usage; and
 - f. Six inch high curbing around planters.
13. Prior to final inspection/occupancy, all required landscaping and screening material shall be installed to the satisfaction of the Planning Division.
 14. Prior to final inspection/occupancy, provide written confirmation from Solano County Resource Management that all requirements have been satisfied.
 15. No mechanical repair, maintenance, or cleaning of the trucks shall occur at the property.
 16. Hours of operation (leaving and arriving) for the ice cream trucks shall be restricted from 9:00 a.m. to one hour after sunset.
 17. *Emissions, dust, and all other airborne particles and fumes from outdoor uses shall be contained with an enclosed temporary structure and shall not violate Bay Area Air Quality Management standards.*
 18. *There shall be no testing of amplified sound systems of the ice cream vehicles at the project site.*

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 submittal, building construction plans and plans for required fire protection systems (automatic sprinklers, smoke alarms, etc.) shall be submitted to the Fire Prevention

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Division for review and approval. All applicable plan review and inspection fees shall be paid.

11. A fire alarm system will be required for this project.
12. If security gates are desired at any entrances to the project, they shall be provided with a Fire Department approved entry system.
13. Additional fire hydrant(s) may be required. Submit a complete set of plans for review and approval. All fire hydrants are to have "blue dot" highway reflectors installed on the adjacent street of the driveway to clearly identify the fire hydrant locations. (1998 CFC Section 903, Appendix III-B) Hydrant map is needed.
14. 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)
15. Prior to occupancy/final building inspection, install 3A-40BC portable fire extinguishers as required by the Fire Prevention Division. (1998 CFC Standard 10-1; NFPA 10)
16. 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. Commercial occupancies shall have numerals or letters not less than 6 inches in height of contrasting background, and illuminated at night. (1998 CFC Section 901.4.4; added VMC Section 12.28.170) Minimum 6" addresses.
17. 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)
18. Prior to occupancy/final building inspection, all applicable fees shall be paid and a Fire Prevention inspection shall be conducted. All meetings and inspections require a minimum 24-hour advance request.

STANDARD REQUIREMENTS

Planning Division

24. All parking spaces shall be demarcated, per City of Vallejo standards.
25. 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.
26. 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.
27. 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.
28. All vents, gutters, downspouts, flashings, electrical conduits, etc., shall be painted to match the color of the adjacent surface.

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29. 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.
30. Obtain an inspection from the Planning Division prior to final inspection/occupancy. All inspections require a minimum 24-hour notice.
31. 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.
32. 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.
33. 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

20. Submit site grading, drainage improvement and utility plans for review and approval. Site plan shall show all existing and proposed improvements. Prior to building permit secure approval of site plan.
21. The proposed building is at the border of 100 year flood zone. Therefore, prior to building permit, provide evidence that the building pad is not in the flood zone.

(The following conditions may apply)

22. 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)
23. 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)
24. 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)
25. 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)

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26. 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)
27. 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)
28. All dust and erosion control shall be in conformance with City standards, ordinance, and NPDES requirements. (PW7)
29. 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)
30. Entrances to any private project must be standard driveway approaches unless deviation is permitted by the City Engineer. (PW9)
31. 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)
32. 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)
33. Prior to start of construction submit a traffic control plan to the Department of Public Works for review and approval. (PW12)
34. Construction inspection shall be coordinated with the Department of Public Works and no construction shall deviate from the approved plans. (PW13)
35. 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)
36. 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)
37. 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)
38. 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)
39. The project is within the 100-year flood zone and shall therefore comply with Chapter 7.98 – Flood Damage Protection, VMC. Prior to obtaining grading permit, apply to Federal Emergency Management Administration (FEMA) for a Conditional Letter of Map Revision (CLOMR). Prior to obtaining building permit, apply to FEMA for a Letter of Map Revision (LOMR). Prior to obtaining certificate of occupancy or acceptance by the City, whichever is applicable, obtain an approved Letter of Map Revision from FEMA. It will take FEMA at least 90 days to obtain

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CLOMR or LOMR. FEMA can be contacted at telephone (415) 923-7177, or FEMA, Mitigation Division, Building 105, Presidio of San Francisco, CA 94129-1250. (PW18)

Vallejo Sanitation and Flood Control District

2. Prior to building permit submittal, a VSFCD Connection Permit is required. Pay all applicable review and connection fees.
3. The project as submitted was incomplete. The following information is needed:
 - c. All proposed and existing District facilities to serve the project. Provide site utility plan showing existing and proposed sanitary sewer and storm drain facilities, mains, laterals, connections, etc.
 - e. Please show location of sanitary sewer and cleanout on site utility plan.
4. Prior to occupancy/final building inspection, provide standard VSFCD cleanout at the right of way/easement line per District standards and a two-way cleanout at the building per the U.P.C.
5. Direct roof drainage across non-paved areas prior to entering storm drain inlets and gutter, when feasible.
6. Pave and stripe area for proposed stock room and parking lot area if applicable.

Fire Prevention

1. Development sites shall be maintained weed free during construction. (1998 Section 1103.2.4) CFC

Solano County Resource Management (Environmental Health)

1. Plans have not been received regarding this project. Please contact Pam Jones @ 707 784-3321 for submittal requirements.

GENERAL CONDITIONS

2. 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.

3. **Use Permit 06-0020** is an application for outdoor storage at the South Vallejo Industrial Park located at 100 Corporate Place Suite A (PetroChem). Proposed CEQA Action: Exempt.

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

Marcus Adams: The applicant, PetroChem, has an existing outdoor storage use that is occurring within the South Vallejo Industrial Park area. This came to our knowledge through a complaint from an anonymous person. Upon inspection we did find out that the use was occurring without the proper permits. You do need a use permit to have outdoor storage if it is not one of the original outdoor storage areas that were allowed when the South Vallejo Industrial Park was first created. Upon

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finding out that information the applicant got an application to us with plans illustrating the fenced off area and what would be occurring in the fenced off area, the amount of parking spaces for the total center, the relocation of the trash enclosure. We had observed that some landscaping had been removed from the back planter portion of the outdoor storage area. We have asked that that landscaping be replaced. There are also some trees that have been removed, not by PetroChem. I have been told by the owner today and it is his belief that it is not his property that it is the next door property owner. We will look into that and determine which property owner it is and ask that those trees be replaced by the responsible party. We do ask that the landscaping screens in the outdoor storage area, and in the pockets on 5th street, be enhanced. Whether it is the property owner or the City of Vallejo's land, either way we will ask the applicant to do what needs to be done so that it is screened from public view and stay consistent with the current landscaping variety. Any questions?

Commissioner McConnell: Tell me about the three citations this applicant has received.

Marcus Adams: The citations were for the outdoor storage. We gave PetroChem some time to get the plans in to us and there was a delay in them doing that. We had to then cite them to speed along the process. The initial citation was due to the complaint and the others were due to the time lag for getting the plans in.

Commissioner McConnell: So, someone complained and they drug their feet.

Marcus Adams: Pretty much.

Commissioner McConnell: Three citations?

Marcus Adams: Yes.

Commissioner McConnell: When I inspected the site there is a landscaped barrier from the street north of Sodi down to the chain link fence with the razor wire on top. Whose property is that?

Marcus Adams: That is the are there is a discrepancy with. It is my view that it belongs to the property owner but he feels that it, at least, could belong to the City Of Vallejo as one of our Landscape Maintenance District areas. I will speak to Sam Gonzales and clarify whose land that is. We are going to add a condition tonight that the barbed wire that is visible from the street be removed.

Commissioner McConnell: Why is an outdoor storage facility required to have a Major Use Permit?

Marcus Adams: Some of our most persistent problems as far a code enforcement is with outdoor storage. If you have no controls on it then what is stored and how much is stored is hard to control. You use the use permit as a tool to restrict what and how much go in there. In the industrial park normally the outdoor storage area is put in an area that was designated as parking so you will loose those parking spots. That is another reason for the use permit process.

Commissioner McConnell: There are three residential structures above this facility. Are they consistent with the zoning in that area or are they out of place? Their view is of the parking lot.

Marcus Adams: You are talking about across the street on 5th Street?

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Commissioner McConnell: Yes.

Marcus Adams: I have seen the residences and they came and looked at the plans. I did not check for their conformance because it is not part of this application.

Commissioner McConnell: Are they going to plant trees that grow high enough to block the view of the storage area?

Marcus Adams: Not necessarily trees. They may plant vegetation like the kind that is there and already being used to screen. You have to be practical as far as how much screening. Not so much that the homes can't see it but if you are walking down the street you can't see down in there. 75% of the landscaping does do that. There are just a few pockets that don't.

Commissioner McConnell: By in large this park is well landscaped and maintained.

Marcus Adams: I agree.

Commissioner McConnell: There is a concern expressed by a neighbor as to chemical odors and spills. What is going to be stored in this outside facility by PetroChem?

Marcus Adams: According to PetroChem, and what I have seen, there are not going to be any hazardous materials stored out there. There is a condition that they cannot store those types of things out there. The applicant may be better able to explain what exactly will be out there.

Commissioner McConnell: In your report it states that the property operator put up a chain link fence that prevented access to parking and waste facilities. Was there no communication between the property owner and the renter out there about what they could and could not do? Did you have any follow up with this individual that is going to have the day care out there?

Marcus Adams: Yes. I went and let her know about tonight's hearing and ask her how things were going. She said that she did get the approval from the State. They came and inspected her and did not have a problem. She is pretty content with what is going on. She asked that staff make sure that they comply with the conditions that are in the staff report.

Commissioner McConnell: Attachment B to the report has policy plans of the South Vallejo Industrial park on it. Is day care next to a chemical usage consistent with what is approved in an industrial park?

Marcus Adams: It is actually elderly day care that she is doing there. I guess it could be questioned. That is why when you have this situation where you have a major use permit for an outdoor storage. You as Commissioners can determine if uses are possibly incompatible or you can place restrictions there so that you don't have a situation.

Commissioner McConnell: It concerns me that we are potentially opening the door for a chemical storage facility to be adjacent to a day care facility in an industrial park. That does not sound consistent with good planning.

Marcus Adams: I just think that with good conditions and limiting the types of things that can be stored outdoors seems to me to be the way you address those types of situations.

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Commissioner McConnell: It sounds potentially dangerous to me but I would like to hear more about it.

Commissioner Salvadori: The actual geography that this outdoor storage is taking is supposed to be parking, is that right?

Marcus Adams: Along the far south side was parking and still is parking and will not be affected by this application. Now other tenants will not have access to them. PetroChem will be the only ones to have access to those spaces. Only one space was eliminated with this reconfiguration. That had more to do with the garbage enclosure.

Commissioner Salvadori: Will they be used as parking spaces or as storage spaces?

Marcus Adams: They have stated that they will still be used as parking spaces for PetroChem employees. Today when I was out there one of their trucks was parked there utilizing three of the four spaces with the way it was parked.

Commissioner Salvadori: How many square feet of laydown area for storage are we talking about? We are here to approve outdoor storage but you are saying it is parking.

Marcus Adams: No, what I stated was that there were four parking spaces within the outdoor storage area. Those four parking spaces are going to remain it is just that they will not be accessible to other park tenants.

Commissioner Salvadori: So what was in the area that is now going to be called outdoor storage?

Marcus Adams: We had the four parking spaces and then on the building there was some loading doors and the area in between that was an open asphalt area. Trucks would come in there to pull in and pull out.

Don Hazen: I think Commissioner McConnell raised the question about the day care. You know we are dealing with adults and not children. I think that does deserve further research on staff's part to see in that is a permitted use in the South Vallejo Industrial Park. Just as we had found that the ice cream gentleman had unlawful occupancy and applied for a permit tonight. I would hate for something to happen out there and we did not do our due diligence. We will follow up to make sure that that tenant is legally there. I think it would be a good idea tonight to question the owner as far as the material being stored there. It is our understanding that there is not a dangerous situation out there. Our recommendation for approval and CEQA assessment is all predicated on the fact we do not believe there is any danger from chemicals stored there.

Commissioner Turley: Will the finished landscaping include curbing and sprinklers?

Marcus Adams: There is already an irrigation system on the site. I believe it is a drip system because of the type of plants that are out there. We will verify that there is an irrigation system there, if not they will have to show us how they are going to irrigate the site. As far as the curb, I am not sure what are you are asking that they put curbs in.

Commissioner Turley: Any area where there would be plants or trees.

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Marcus Adams: There is already existing curbs on the interior. As far as on the landscaped berm you have a sidewalk and the down slope and then I do not think there is a curb along the fence it would not be necessary for any reason that I could think of. Referring to the parking area, I do not see any need for curbs in that area where they are doing outdoor storage. Where the trees are going to be replaced there is a curb there. Between the parking and the landscaped area and the building there is a curb there.

Commissioner Turley: Page 3, end of the second paragraph, the person registering the complaint said that landscaping had been removed and the waste facilities blocked. That landscaping will be replaced?

Marcus Adams: Right, that is the landscaping that I said would be replaced.

Commissioner Turley: The second half of the second paragraph, you stated that you told him that removing screening landscaping was a violation. Will that landscaping be replaced also?

Marcus Adams: Correct.

Commissioner Turley: Now, on page 6, number 7, second paragraph, you state that she said the storage area is visible from 5th Street and very unattractive and that three trees had been removed. She was also concerned that this unsightliness might continue at the new location. Do we plan on replacing the threes also?

Marcus Adams: Yes. That could not be a condition of this permit because it is a different parcel. We did, on that same day, turn that over to Code Enforcement. It is a different parcel and different property owner.

Commissioner Salvadori: We would like better photographs in the packets. We appreciate the attempts but these are unusable. Enough said.

Chairperson Legalos: When I was at the property I was told that the only landscaping that was removed was from the area inside the parking lot. There is a series of bays for storage that parallel 5th Street. As far as I could see all those bays have concrete paving except the one on the far right which has dirt. Are we asking that that be replaced?

Marcus Adams: We are asking that that be replaced as well as some trees on the southern boundary and the landscaping on the landscape berm that seems to not be filled in.

Chairperson Legalos: It does not seem necessary to have them replace the small space by the bays if the berm landscaping is going to be replaced because that will screen the same area.

Marcus Adams: That is your call. It is just dirt now and is supposed to be a landscaped area. That would be consistent with the Industrial Plan. One of the reasons that that park looks so nice is because of the amount of landscaping both within the parking areas and outside the boundary.

Chairperson Legalos: When I went out there today the PetroChem employee that I toured the lot with pointed out a fenced in area within the storage area and from where I was looking it looked almost like a cage, and I was told that the individuals in day care used that as an exercise area or recreation area. It really looked like a

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cage. I think we need to look into the day care. It did not seem like a very pleasant setting.

Marcus Adams: Before the applicant even came to myself and Brian Dolan, that is why this plan was amended, if you will recall, and we limited some of the uses that were allowed or prohibited. Overall the thought was that it was too restrictive and some new uses were allowed. They checked with staff to make certain that that was an allowed use in there. They did not mention this outdoor recreation area but we did know that they were going to have an elderly day care center. Also at that time PetroChem had not moved in from the next door building. These plans were routed to Solano County Environmental Health, Fire Prevention and no problems were sited. We can revisit the compatibility but they are both allowed uses. County Health did come out and approved the project.

Commissioner Legalos: Is there some way of maybe helping them find a more appropriate location for that?

Marcus Adams: She has spoken to me about relocating the recreation area to the other side or doing something on the grass area in the front or maybe trying to work something out within the building itself. To my knowledge they are not using the outdoor area for much.

Don Hazen: I thank Marcus for letting me know that that is a permitted use but I think what we will still do is ask our Fire Department to take a look at that. I am noticing the same thing that that rear fence is an area that I am questioning if it has suitable emergency egress out through that back. I think we should be prudent on that. They are licensed by the State at that facility but again I think that when we are looking at other uses it is important to disclose what hazardous materials are being stored on site. Beyond this particular application I think we are going to examine what we ask for when application are first filed and we are dealing with industrial places just so we have a good handle on that.

Commissioner Turley: I was not paying too much attention to the day care facility. Is the outside area where they go outside fenced in.

Marcus Adams: It is fenced in.

Chairperson Legalos opened the Public Hearing.

Pat Leaser: I am the Senior Vice-President of PetroChem Insulation and one of the owners of 110 Corporate Place. That is right next door to 100 Corporate Place. PetroChem Insulation is an industrial insulation operation. We do not store any hazardous chemicals. Our name is PetroChem because we do work at the petroleum and chemical facilities. The only materials that we do have on storage are a small amount of products that are kept in locked units and they are notified through the Fire Department as required by law. The owner of 100 Corporate Place asked us if we could rent some space from him and some of that extra parking lot because we needed parking for some additional cement mixers which we use for mixing up fireproofing to take materials out on the job sites. There is some shelving where we can store some palatable materials that aren't damaged by the weather and that type of stuff. The owner did not have a problem with us fencing it in. We were the second builder in the South Vallejo Industrial Park. When we built the warehouse that we have we did have that fenced in area originally. When this came about we had no idea we had to get a permit to fence in this other section when we got permission from the owner of the facility when we rented it. We told him what our intent was and he said no problem. Now that we received the citation and the complaint that we

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were out of compliance we are here. I did not know that we had to comply within a certain amount of time. Once we did know that we applied for the permit to get things rectified. We have been a member of the community for almost twenty years. There has been a lot of questions regarding the trees between the two lots. Those were trees that were planted originally and the landscaping has been done by the City. They contracted out. They were pine trees that were installed there and grew up. Approximately three years ago we had to get permits to get those pine trees removed because they were leaning on the building and we were having transients living underneath those pine trees and the parking lot that we are now trying to get at 100 Corporate Place we were having nothing but abandoned cars and all kinds of trash because the trees were so big that people were going in there at night and doing things. There was a tree on the corner that was actually blocking the view for the police to look in. We had to get two different permits to have trees removed. Once we had the permits we had the trees professionally removed we have had none of those problems. The City has pulled out all the original trees planted in this area and replaced them because they were falling over or diseased. We have not removed any trees other than the ones the City was removing. The question regarding the landscaping we removed when we put the fence in; all we did was trim back so the fencing company could put the posts in. The areas where there were no landscaping was caused by transients or people walking from one point to another before we blocked it off. We do not store any hazardous materials. We have refractory brick. We have cement mixers and trucks we store over there. I am in the process of putting in a security system. It is a monitoring system. The new fence we put up at 100 Corporate Place someone came in the middle of the night hooked up a truck and pulled it off. We filed a police report. Fortunately they did not do anything but they tried to steal a couple pieces of our equipment. We had them chained down and they were not able to remove them. Since we have been there we have lost six vehicles. I hope I have explained who we are and what we do and why some of those trees are missing.

Commissioner Turley: How long have you been doing business at that particular address?

Pat Leaser: Since the early 1980s. Right when it first opened. We were the second business to go in there.

David Caldwell, 4158 Summer Gate Ave, Vallejo: I own 100 Corporate Place. I think most of the questions were adequately answered. I would just like to state too that the trees that he is discussing which is in a strip between my parking lot and their building was a total hazard for both pieces of property. The pine trees were out of hand. There were transients living in there. There were an exceptionally large amount of cars left there as well as trash. It was usage for everybody in the area. The only landscaping removed on the north side, by 5th Street, was down below that you cannot see from 5th Street. It was removed to install the fence. That landscaping is in a maintenance district. I am paying \$7500 a year to the City of Vallejo to keep it maintained. If it is not we need to go back and do some accounting here. On top of that both PetroChem and myself have to pay an outside landscaping contractor to maintain the landscape, and it is good. I think the whole corporate area is a very clean looking area. The permitted use as far as the adult day care is only a day care. No one will stay overnight. It was approved by the City, County, and State. The Fire Department approved it also. I have no problems with you looking into the fenced off area for the elderly people. I would like to see it improved but that is neither here or there but it was approved by the City already. The person who complained, my tenant, the whole reason she complained had to do with being approved by the State. We pretty much knew that the planned approval would go through. Now that the approvals have gone through with the State she is happy with it. To address the

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question about communications. I communicate with all my tenants. I even communicated with that tenant to see if PetroChem could hook onto a corner of her fence and take off from there prior to any fences being put up. All of my tenants approved it before I told PetroChem it was OK to put the fence up. Any questions?

Commissioner Manning: I wanted to ask about the dumpster. The complainant said the other tenants could not get to the dumpster.

Pat Leaser: That is a good question. That was one of the issues that I did have with PetroChem because I did have an enclosure for the dumpster for all my tenants in the building. One of the conditions was that they would relocate the dumpster. Instead of locating it outside of the fenced in area, which would have taken one more parking space. The City and the applicant and myself all agreed that what we would do was take part of the inside area that they are paying rent for and put the enclosure in there. It is a small area that will be gated so that all tenants would have access to. The other one was gated anyway. This just moved it from the north side of my parking to where the fence actually stops. The garbage situation has been taken care of.

Chairperson Legalos closed the Public Hearing.

Commissioner Salvadori: I move that we approve use permit 06-0020 subject to the findings and conditions in the staff report and with the condition that the razor wire be removed.

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

NOS: None.

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:

4. As described in Sections 5 and 9 of this report, the 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;
5. As described in Section 2 of this report, the impacts described above and the proposed location of the building expansion is consistent with the city general plan.

CONDITIONS OF APPROVAL:

Planning Division

19. 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.

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20. Prior to closure of Code Enforcement Case and within thirty days of Planning Commission approval, the property owner shall replace the landscaping removed at the rear of Suite A and the parking lot trees removed at the landscaping strip between the rear parking lot and 110 Corporate Place building wall. The proposed landscaping shall include plant selections that at mature height will sufficiently screen from 5th Street, Petro-Chem materials to be stored outdoors.

Plant materials which are to be used as a screen shall consist of compact evergreen plants, planted in a minimum three foot wide planting strip (*if possible*-italics added). The plants should form an opaque screen within twelve months of installation. If the applicant and/or property owner establishes with staff that he is unable to meet this screening requirement within the existing planting strip, the landscaping berm between the back of 5th Street sidewalk and the property line fence shall be enhanced so as to sufficiently screen the outdoor storage use, as described above.

21. The applicant shall provide the Planning Division with a signed statement by the property owner acknowledging that they have received a copy of this staff report and Planning Commission minutes, with notation that they assume responsibility for tenant compliance with the conditions of approval and continued compliance of the South Vallejo Industrial Park Policy Plan.

STANDARD REQUIREMENTS

Planning Division

34. The tenant at Suite A shall comply with all standards and requirements of the South Vallejo Industrial Park Policy Plan including outdoor storage screening and landscaping requirements. Failure to comply will result in administrative citation proceedings to the property owner by the City.
35. All parking spaces shall be demarcated, per City of Vallejo standards.
36. 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.
37. 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.
38. 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.
39. All vents, gutters, downspouts, flashings, electrical conduits, etc., shall be painted to match the color of the adjacent surface.
40. 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.
41. Obtain an inspection from the Planning Division prior to closure of Code Enforcement case. All inspections require a minimum 24-hour notice.
42. 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

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subject of this approval.

43. 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.
44. 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.

Fire Prevention

1. Prior to building permit submittal, the applicant shall submit plans for review and approval.

GENERAL CONDITIONS

3. 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.

Chairperson Legalos reopened the public hearing on item L-1 for further discussion as requested by Commissioner Turley.

Commissioner Turley: Just for the record because the election of Chairperson and Vice-Chairperson were elected in the middle of the year were they elected for six months or a year?

Claudia Quintana: The new Chairperson takes over for the unfinished term of the former Chairperson. The term would expire at the end of June of 2007.

Commissioner Turley: Do we, as a Commission select the liaison to the City Council or is that person appointed by the Chairperson?

Commissioner Salvadori: It is the Chairperson's responsibility to ask for a volunteer. Typically someone feels strongly that they must volunteer and they are accepted.

Commissioner Turley: Then my question is should we give the City Attorney time to provide us with a good answer or should we accept Commissioner Salvadori's statement? What should we do?

Claudia Quintana: I think we should wait to the next meeting because it is not on the agenda and we need to give proper Brown Act notice.

Commissioner Salvadori: I would like it put on the next agenda as a discuss and take action item.

Commissioner Peterman: I am not withdrawing but my concern is that there is an item that needs the liaison to go to the City Council meeting before our next meeting.

Commissioner Salvadori: Since we cannot take any action tonight I would assume that we need to maintain our current liaison. If we are done with that subject I have a couple

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of issues. One actually relates to the Council as the liaison. I could not be here at the last Planning Meeting. I did get an opportunity to congratulate Commissioner Manning. I do however, believe that the City Council did not treat Commissioner Morris properly in the way that they replaced a Commissioner and not only a Commissioner but a sitting Chair. Typically the Chair and Commissioner are reappointed but that is not the issue. The issue is more that someone who has volunteered that length of time to provide service to the City should have been recognized other than just dismissed and banished. I do not think that was the proper way to send off a Chair of a Commission. I don't think the Council liaison is doing their job because they are seldom here. I know Councilmember Davis was here at the last Planning Commission meeting. I have to say that in my nearly eight years here the number of times you see a Councilperson liaison is distressingly seldom. I think if they were here more often, in a listening and questioning capacity, with an opportunity to give the Commissioners time and opportunity to ask questions and give input there might be a better understanding at the Council level of what we do here. Not too long ago this Commission sent a resolution to the City Council about an oversight committee for the single largest economic development opportunity this City has. To my knowledge we have heard nothing. We have not heard that it has been agendaized, voted up or voted down. It has just kind of gone into limbo. I think that is a very sad state. I would ask that the Planning Commission Liaison at the next Council meeting raise that issue. I would ask staff to raise that issue also and if possible get it agendaized on the City Council agenda.

Chairperson Legalos: I agree with you 100% on that and on the absence of the liaison of the City Council to the Commission. I do not know what Mr. Davis's plans were for attending the last meeting but I did send him an e-mail and ask him to attend because of the issue that was decided at the City Council at their prior meeting. The presence of the liaison would certainly be valuable to the Commission.

Deborah Marshall: Commissioner Salvadori I know, that not on a Council level or anything, Commissioner Morris was recognized. I did order him a plaque and commended him for his years of work as well as being the Commission's latest Chair. I should be ready to pick up Wednesday. I will be getting that to him. He specifically asked that it not be presented at a meeting and that I just give it to him but he is getting some recognition.

Commissioner McConnell: I want to clarify the record. I have been here for 6 ½ years, almost as long as Commissioner Salvadori and I do have a distinct recollection that during that time Council Member Schively attended our meeting almost religiously. Councilmember Cloutier attended to a lesser degree but was here frequently as well.

Don Hazen: For clarification on the oversight committee, for when I put in the inquiry, what was the purpose of the committee?

Commissioner Salvadori: It was precipitated by the annual review of Lennar Development Agreement and staff's position that they were meeting all of the requirements of that agreement. Some of us felt that that was a very loose interpretation of the spirit redevelopment of Mare Island. Commissioner McConnell, Commissioner Engelman and I were members of an ad hoc committee and we were putting together what we thought would be a good composition for a committee of citizens and appointed or elected City officials to overlook and not oversee but look over what was actually happening out there in the best interests of the City and what was expected as part of the reuse plan and the regional development plan. What we came up with as a Commission and proposed was something that was agreeable to Lennar and what we felt would be a composition in the best interests of the City. A resolution was passed by the Planning Commission that the City Council take action to create such a committee.

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Don Hazen: And you are saying that never went to Council?

Commissioner Salvadori: Correct.

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



**STAFF REPORT
CITY OF VALLEJO PLANNING COMMISSION**

Date of Hearing: February 5, 2007

Agenda Item: K2

Application Number: Planned Development Unit Plan #06-0025, as governed by Chapter 16.116 "Planned Development Permit Procedure" of the Vallejo Municipal Code.

Recommendation: Staff recommends that the Planning Commission **Approve** Planned Development Unit Plan #06-0025 subject to the findings and conditions contained in this report.

Location: 23 Mare Island Way; APN 0055-010-260

Applicant: Tony LoForte
23 Harbor Way
Vallejo, CA 94590

Property Owner: City of Vallejo

Project Description: The application is for the demolition of the existing, nine-hundred-square-foot, substandard banquet room and the replacement with an approximately 1,500-square-foot banquet room. The new construction would also include an expanded rear entry area and a new outdoor dining patio on the southeast side, adjacent to the existing bar area.

General Plan: Waterfront Commercial Zoning: Mixed Use Planned Development (MUPD)

Existing Land Use: The property has an existing restaurant.

Surrounding Land Uses: To the north of the project site is a restaurant, with the Coast Guard Station beyond. To the south is lawn area, with the Harbormaster's office beyond. To the east is vacant land and to the west is the Mare Island Strait, with Mare Island beyond.

Related Projects: The project is within the Vallejo Waterfront Planned Development Master Plan area. For properties within the Waterfront Plan area, Unit Plan applications are reviewed by the Design Review Board. Until the Design Review Board is formed, these projects are to be reviewed by the Planning Commission.

1. PROJECT DESCRIPTION

The project includes the demolition of the existing banquet room at Zio Fraedo's restaurant and the construction of a new, larger banquet room, an expanded rear entry with ADA access, and a raised outdoor dining patio along the side of the building adjacent to the bar. The walkway running along the southeast side of the building from the Promenade to Harbor Way would be widened and repaved and landscaped as part of the project to provide improved shoreline access and a better view corridor to the water.

The addition would be designed to match the existing building, with twin gables and a mansard roof in the rear. The windows would match the existing windows in the main dining room and two sets of French doors would lead to the raised patio area adjacent to the bar, one from the banquet room and one from the bar itself. The railing around the raised dining patio would match the existing railing for the ADA access ramp in the front of the building. The underside of the raised patio would be stuccoed to match the building.

2. ENVIRONMENTAL REVIEW

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA) and was determined to be exempt per Section 15301, Title 14 of the California Code of Regulations as it consists of an addition to an existing structure of less than 2,500 square feet.

3. CONSISTENCY WITH THE GENERAL PLAN

The General Plan designation for this property is Waterfront Commercial. The proposed project is compatible with the General Plan Designation as it provides a visitor-serving facility for water-oriented uses.

4. CONSISTENCY WITH VALLEJO WATERFRONT PLANNED DEVELOPMENT MASTER PLAN AND DESIGN GUIDELINES (Revised)

The proposed project is located within the Vallejo Waterfront Planned Development Master Plan (Waterfront Plan) area. Ensuring that the waterfront and downtown regain their historic place as the cultural heart of the community and that they are revitalized with quality development that is pedestrian and transit friendly are primary objectives of the Waterfront Plan. Goals of the plan that are relevant to this project include establishing attractive, pedestrian oriented uses along the waterfront; encouraging uses that will enhance the "around-the-clock" vitality of the area; establishing the waterfront as an economically and socially vital center for Vallejo; preserving and enhancing visual access to the waterfront; and locating uses that will most benefit from view of the waterfront so that they will have positive orientation and access to the available visual amenities.

Design policies and standards require that new development be compatible with the character of the historic downtown and adjacent neighborhoods and that more active uses such as dining rooms be oriented onto sidewalks and open space. For restaurant buildings at the Promenade in the Northern Waterfront, the Waterfront Plan specifies that “no portion of the restaurant building shall be located closer to the high water mark than 55 feet (as defined by the Bay Conservation and Development Commission).” The project has been reviewed by BCDC and requires approval prior to construction. Staff and the applicant met in the field with representatives of BCDC to review the proposed project design. The project design was revised to address the concerns of BCDC, which included maintaining and expanding view corridors and public access to the waterfront and maintaining an open feeling along the Promenade. The project complies with the requirements of the Waterfront Design Guidelines.

Parking. The Waterfront Plan does not include specific parking requirements for individual uses but provides parking structures and lots scattered throughout the Master Plan area to encourage people to park once and use the well-designed pedestrian walkways and the Promenade. The parking lot in front of the restaurant provides parking for 40 vehicles, with an additional 12 parking spaces designated for the restaurant’s use in the adjacent parking lot to the north for a total of 52 spaces. Currently, there is additional parking across Harbor Way as well as in the two parking lots adjacent to the Harbor Master’s office. With the implementation of the Waterfront Plan, the existing lawn area adjacent to this project site will be developed as a parking lot, with a park (Promenade Park) to the south of the Harbor Master’s office. It is not anticipated that the relatively minor increase in square footage of the banquet room would have a significant impact on parking in the area.

Landscape. The Waterfront Design Guidelines require that landscape buffers be provided between surface parking lots in the Northern Waterfront District and the street and residential or pedestrian uses beyond. The landscape buffer may consist of a combination of trees, shrubs, vines, low walls, and landscape structures and should be located between the surface parking lot and adjacent sidewalks. If a hedge is used, the buffer should be a minimum of 6 feet wide; if trees and shrubs are used, the buffer should be 10 feet wide. Where widths are constrained, a low wall may be used in place of shrubs or hedges. The height of the shrubs, hedges, or walls should be no more than 3.5 feet tall. For parking lots with more than 24 stalls, a tree canopy that will cover 50 percent of the lot when the trees are mature (approximately 10 years) shall be provided. Trees should be planted “orchard style” (evenly spaced throughout the parking lot). Additional landscaping within the interior of the parking lot should comprise a minimum of 15 percent of the net parking area exclusive of perimeter-planting strip used for screening purposes.

Although the existing parking lot would not be changed due to the project, some of the landscape requirements for new parking lots can be incorporated into the existing parking layout. In response to comments from BCDC, the walkway to the south of the parking lot would be widened from 8 feet to 12 feet, removing 4 feet of planting area to provide better access to the waterfront. The remaining 3 feet of planting area, as well as other

planting areas within the parking lot, shall be intensively landscaped to provide the maximum impact from these fixed planting areas as a condition of project approval. Trees shall be provided within the parking lot and along the sides of the parking lot to provide the tree canopy required by the Design Guidelines. The planting areas adjacent to Harbor Way shall be designed to buffer the parking lot from the adjacent street and the future residential development across Harbor Way.

Although the site is currently landscaped, some of that landscaping would be removed to build the new banquet room and the existing landscaping needs refurbishing. As a condition of project approval, new landscaping shall be installed between the proposed patio and building wall and the pedestrian walkway to provide the maximum impact in this small area. The landscaping in the front of the building shall be revitalized, including screening the blank wall on the far left (north) side of the front elevation. New landscaping shall also be installed between the rear wall of the building and the Promenade. The Waterfront Plan requires the maintenance of the allee of trees along the Promenade. None of the existing Eucalyptus trees that form the allee shall be removed as part of this project.

5. PUBLIC NOTICE AND COMMENTS

A notice regarding the public hearing to be held on January 17, 2007 was published in the Times-Herald on December 21, 2006 and sent to property owners within 200 feet of the property on December 19, 2006. The public hearing on this item was delayed to February 5, 2007, as noted on the January 17, 2007 agenda. Staff received no comments regarding this project.

6. DEPARTMENT REVIEW AND COMMENTS

Plans for this project were reviewed by the Building Division, Department of Public Works, Vallejo Sanitation and Flood Control, Fire Prevention, the Water Superintendent, Crime Prevention, and the Community Development Department. Comments from these departments and entities have been incorporated into this staff analysis.

7. REFERENCES

State of California, Office of Planning and Research; CEQA: California Environmental Quality Act.

City of Vallejo General Plan

City of Vallejo Zoning Ordinance:

Chapter 16.112 – Mixed Use Planned Development District
Chapter 16.116 – Planned Development Permit Procedure

Vallejo Waterfront Planned Development Master Plan

8. STAFF ANALYSIS

The proposed project would replace the existing, substandard banquet room with a larger banquet room, provide better access, including ADA access, from the Promenade, and provide outdoor dining along the side of the building, with views across the open area adjacent to the building to the water beyond. It would also widen the public accessway to the waterfront Promenade and the view corridor to the water from Harbor Way.

The restaurant was established in the 1970s when two single-family homes were moved to the site from the Fleming Subdivision off Tennessee Street and developed into a restaurant that provided live music and dancing in the bar during the evening. In recent years, the business has changed hands several times. The current business owners are working to expand their business at this location, including more private events that would utilize the additional space provided by the proposed new banquet room.

The new addition has been designed to be compatible with the existing building, with a double-gable and mansard roof and windows matching those of the existing dining room in the rear of the building. The addition would have stucco siding and composition shingle roofing to match the existing building. Although the building is of a later period than the majority of the downtown and adjacent St. Vincent's Hill Historic District, it represents a period of Vallejo's history. As it is removed from the older historic areas, the difference in architectural style from those neighborhoods is not incompatible with the general sense of historic development of the City.

As specified in the Waterfront Plan, the new banquet room would be situated to take advantage of the water views and to be visible from the Promenade, providing a sense of vitality to the area. The Waterfront Plan Design Guidelines encourage restaurants along the waterfront to provide outdoor seating areas that take advantage of the location and "activate" adjacent walkways and open spaces. The proposed outdoor seating area would be adjacent to a primary public access walkway to the Promenade. Specific design standards are provided in the Design Guidelines for specific anticipated new development; however, existing development is not addressed. The proposed project is consistent with the existing building and with anticipated new development.

Conclusion. The waterfront is envisioned as a lively place where a variety of restaurants and shops would provide services for visitors and residents of the City. Allowing this minor expansion would forward this vision, bringing more people to the waterfront and providing dining, including outdoor seating, that would take advantage of the water views. The proposed expansion would comply with the Waterfront Plan and has been reviewed and approved in the field by BCDC. Staff is anticipating formal BCDC approval of the project as agreed upon in the field.

9. STAFF RECOMMENDATION

Staff recommends:

That the Planning Commission **APPROVE** Planned Development #06-0025 subject to the following:

Findings:

1. The project is exempt from CEQA per Section 15301, Title 14 of the California Code of Regulations per Section 2 of this report.
2. The proposed Unit Plan is consistent with the intent, purpose, and development standards of the Vallejo Waterfront Planned Development Master Plan and Design Guidelines per Sections 4 and 8 of this report.
3. The proposed Unit Plan is consistent with the goals and policies of the Vallejo General Plan per Section 3 of this report.
4. The proposed Unit Plan serves to achieve groupings of structures that will be well related on to another and that, 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 per Sections 1, 4, and 8 of this report.
5. The proposed Unit Plan is of a quality and character that harmonizes with and serves to protect the value of private and public investments in the area per Sections 1, 4, and 8 of this report.

CONDITIONS OF APPROVAL

Planning Division

1. Prior to building permit submittal, 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, submit three sets of landscaping plans prepared by a registered landscape architect to the Planning Division for review and approval. The requirement for a registered landscape architect may be waived at the discretion of the Planning Manager. Landscape plans shall comply with Chapter 16.70 (VMC) and the revised Waterfront Plan and Design Guidelines, and are to include the following:
 - a. location, species and size of all mature trees six inches in trunk diameter or greater;

- b. replacement of any mature trees to be removed;
- c. a minimum of 4 street trees chosen from the Street Tree Recommendations in Table 2.1 of the Waterfront Plan to be planted at least 6 feet from any sewer line;
- d. sufficient canopy trees in the parking lot, planted evenly throughout the lot, to shade a minimum of 50 percent of the parking lot when the trees are mature (approximately 10 years);
- e. specification of low growth type species adjacent to doors, windows, and walkways;
- f. low-water using and drought-resistant plant materials;
- g. planting areas shall be planted with a variety of trees, shrubs, perennials, and ornamental grasses so as to provide the maximum impact from the planting areas, with the planting areas adjacent to Harbor Way contain plantings of sufficient height and density to buffer the parking lot from Harbor Way and the future residential uses across the street;
- h. screening of required backflow preventer;
- i. all trees to be minimum of 15 gallon, double staked; at least 50 percent of the proposed shrubs shall be a minimum of 5 gallon;
- j. irrigation plan indicating all components of the irrigation system including sprinklers and other outlets, valves, backflow prevention devices, controllers, piping, and water usage; and
- k. 6 inch high curbing around planters.

Prior to occupancy/final building inspection install landscaping and irrigation per approved plans. The landscape architect shall verify in writing that the landscaping and irrigation have been installed in accordance with the approved landscaped plans with respect to size, health, number and species of plants and the overall design concept.

- 3. All mechanical equipment, utilities, and service areas shall be screened from public view by landscaping and/or design features. Submit revised plans to the project planner showing the location of all mechanical equipment, utilities, and service areas, including garbage and recycling, prior to building permit submittal.

Crime Prevention

- 1. No noise or music from entertainment shall be heard from the exterior of the premises.
- 2. The front and rear doors shall be closed at all times during the operation of the premises except in cases of emergency and to permit deliveries.
- 3. The area surrounding the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the stated area.

PROJECT REQUIREMENTS

Planning Division

1. Prior to building permit submittal, provide written approval of project from the Bay Conservation and Development Commission (BCDC).
2. The business shall comply with all conditions of approval for the original use permit for the restaurant, UP 1603.
3. As noted in the Waterfront Design Guidelines, all facades facing the outdoor patios and the Promenade shall be clear windows.
4. Per the Waterfront Design Guidelines, none of the trees that make up the eucalyptus allee along the Promenade shall be removed as part of this project.

Building Division

1. Submit three sets of construction plans to the Building Division for review and approval. The project is to be designed to meet the requirements of the Uniform Building Code (as adopted).
2. The project shall meet the requirements of Title 24 of the California Administrative Code for handicapped accessibility, including but not limited to ramps, parking spaces, and signage.

Vallejo Sanitation and Flood Control

1. All storm drainage shall be collected onsite and conveyed underground to the public storm drain system.
2. Direct roof drainage across non-paved areas prior to entering storm drain inlets and gutter, when feasible.

Fire Prevention

1. The project shall conform to all applicable requirements of Title 19 – Public Safety, California Code of Regulations, Uniform Fire Code (as adopted), and Vallejo Fire Prevention Standards.
2. Prior to building permit submittal, building/construction plans and plans for required fire protection systems such as 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 building inspection, install portable fire extinguishers as required by Fire Prevention Division.

GENERAL REQUIREMENTS

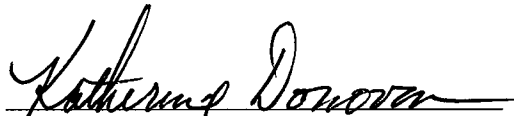
1. All contractors and subcontractors working on the project shall have City of Vallejo business licenses.
2. Construction-related activities shall be limited to between the hours of 7 a.m. and 6 p.m., Monday through Saturday. No construction is to occur on Sunday or federal holidays. Construction equipment noise levels shall not exceed the City's maximum allowable noise levels.
3. Required landscaping shall be maintained in a neat, clean, and healthy condition. This shall include pruning, weeding, removal of litter, fertilizing, replacement of plants when necessary, and the regular watering of all plantings.
4. 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.
5. The applicant shall defend, indemnify, and hold harmless the City of Vallejo or its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul, the approval of this approval by the City. The City may elect, in its discretion, to participate in the defense of any action.

ATTACHMENTS


Attachment 1 – Conflict of Interest map

Attachment 2 – Site Plans, Floor Plans, and Elevations

Prepared by:


Katherine Donovan, Associate Planner

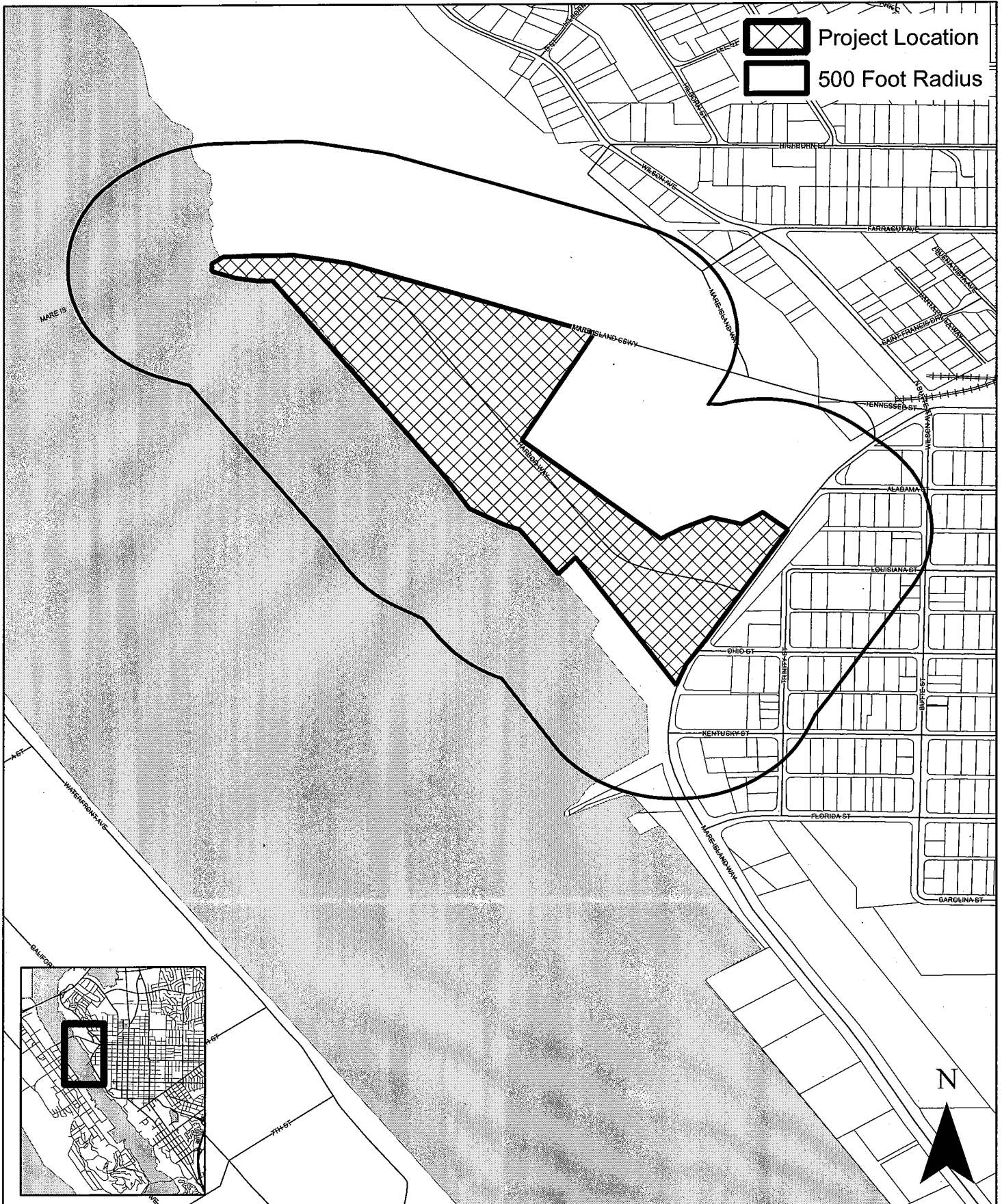
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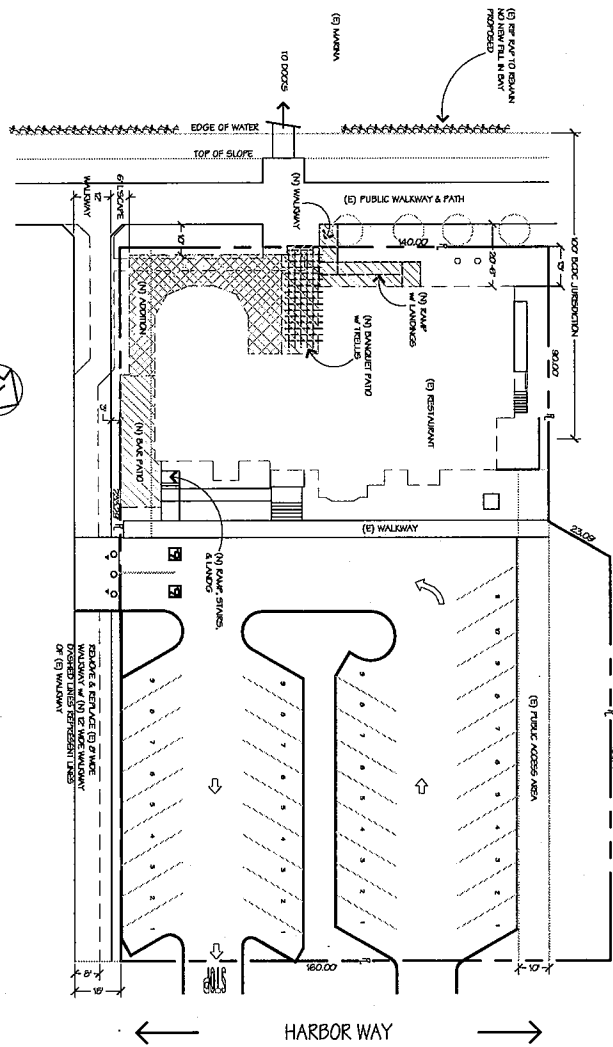
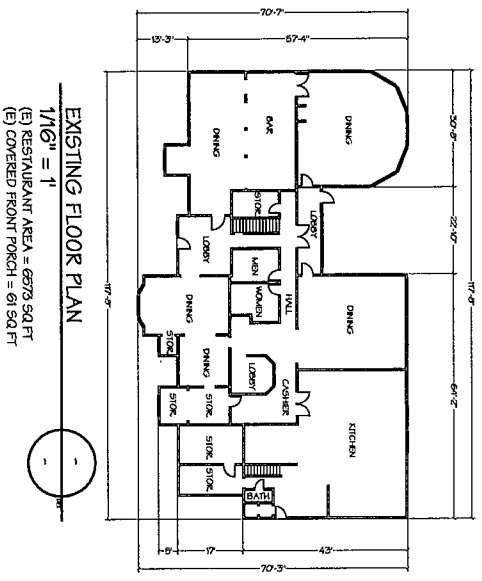
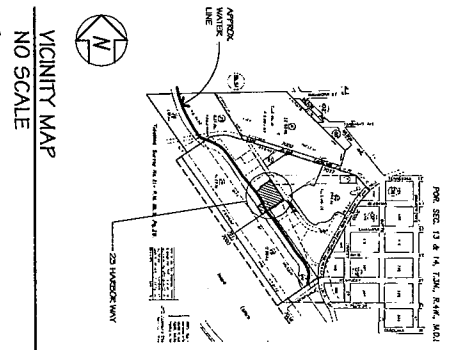
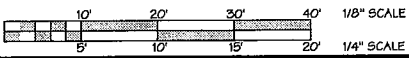

Don Hazen, Planning Manager

Conflict of Interest Map

Planned Development #06-0025

23 Harbor Way - (APN# 0055-010-260)





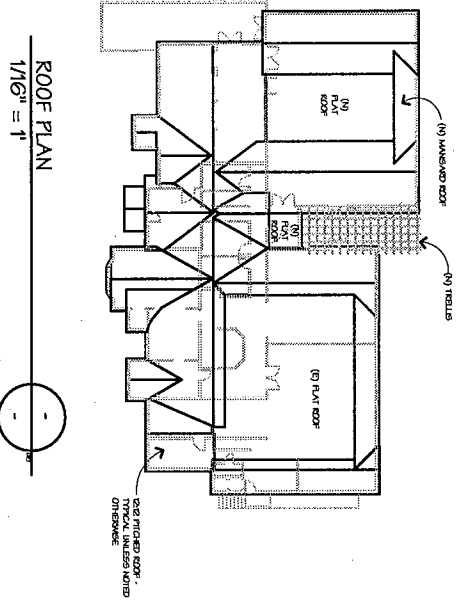
PROJECT ANALYSIS:

CAPACITY:
 DINING/RESTAURANT SEAT: 400/175 = 271
 BAR: 20
 LOBBY: 100
 CHAIRS: 58
 STORAGE: 50/1,000 = 2
 (E) CAPACITY = 287
 TOTAL CHAIRS = 339

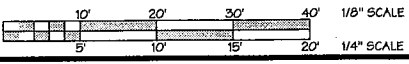
PARKING:
 (E) STANDARD: 35 SPACES
 (E) ACCESSIBLE: 2 SPACES
 TOTAL = 37 SPACES

WALKWAY:
 (N) WALKWAY AREA = 982 SQ FT
 (N) WALKWAY AREA = 282 SQ FT
 (N) WALKWAY AREA = 282 SQ FT
 TOTAL WALKWAY FOOTPRINT AREA = 1546 SQ FT
 AREA OF (E) CONSTRUCTION WITHIN THE SPECIFIED PARKING: 1827 SQ FT

LOT COVERAGE:
 (E) BLDG FOOTPRINT AREA = 6973 SQ FT
 (E) BAR AREA = 20 SQ FT
 (E) LOBBY AREA = 100 SQ FT
 TOTAL BLDG FOOTPRINT AREA = 7093 SQ FT
 AREA OF (E) CONSTRUCTION WITHIN THE SPECIFIED PARKING: 1827 SQ FT

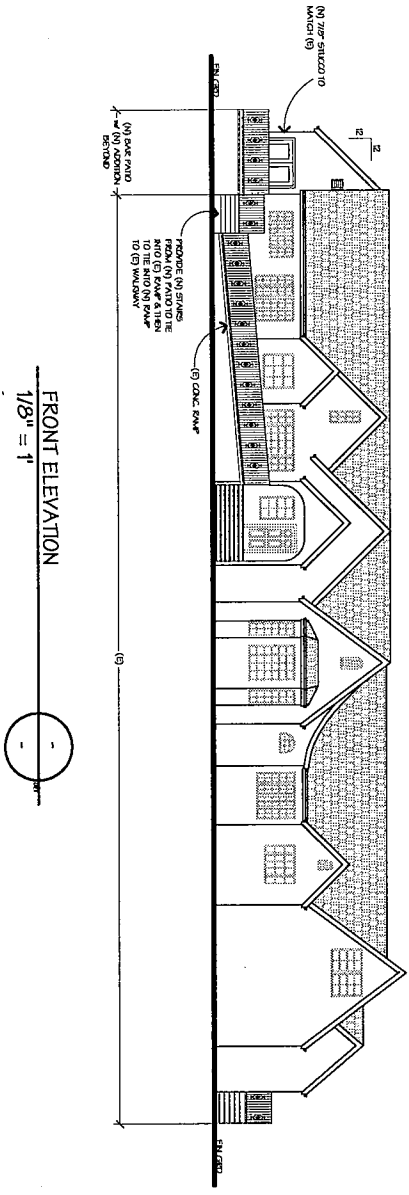


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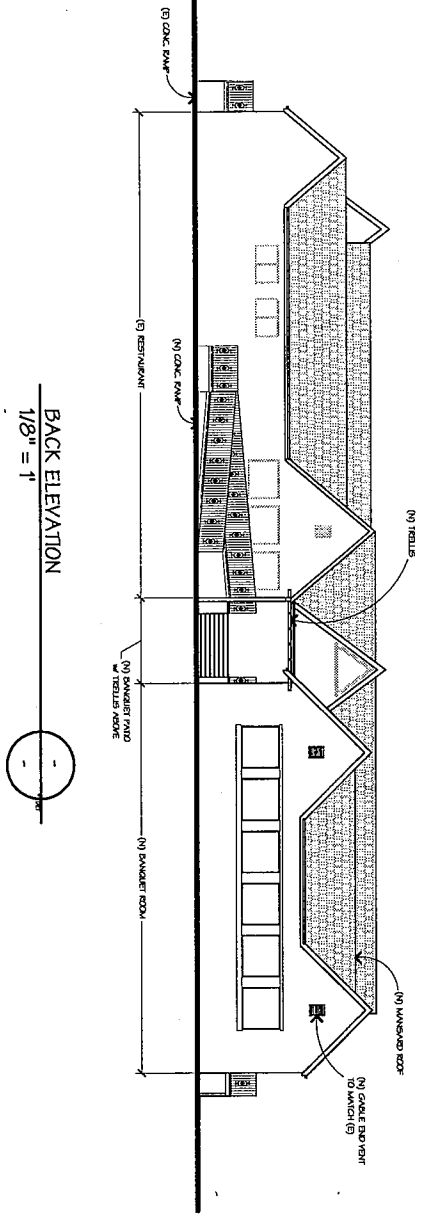


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FRONT ELEVATION
 1/8" = 1'



BACK ELEVATION
 1/8" = 1'

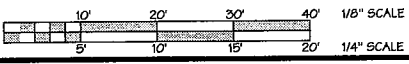


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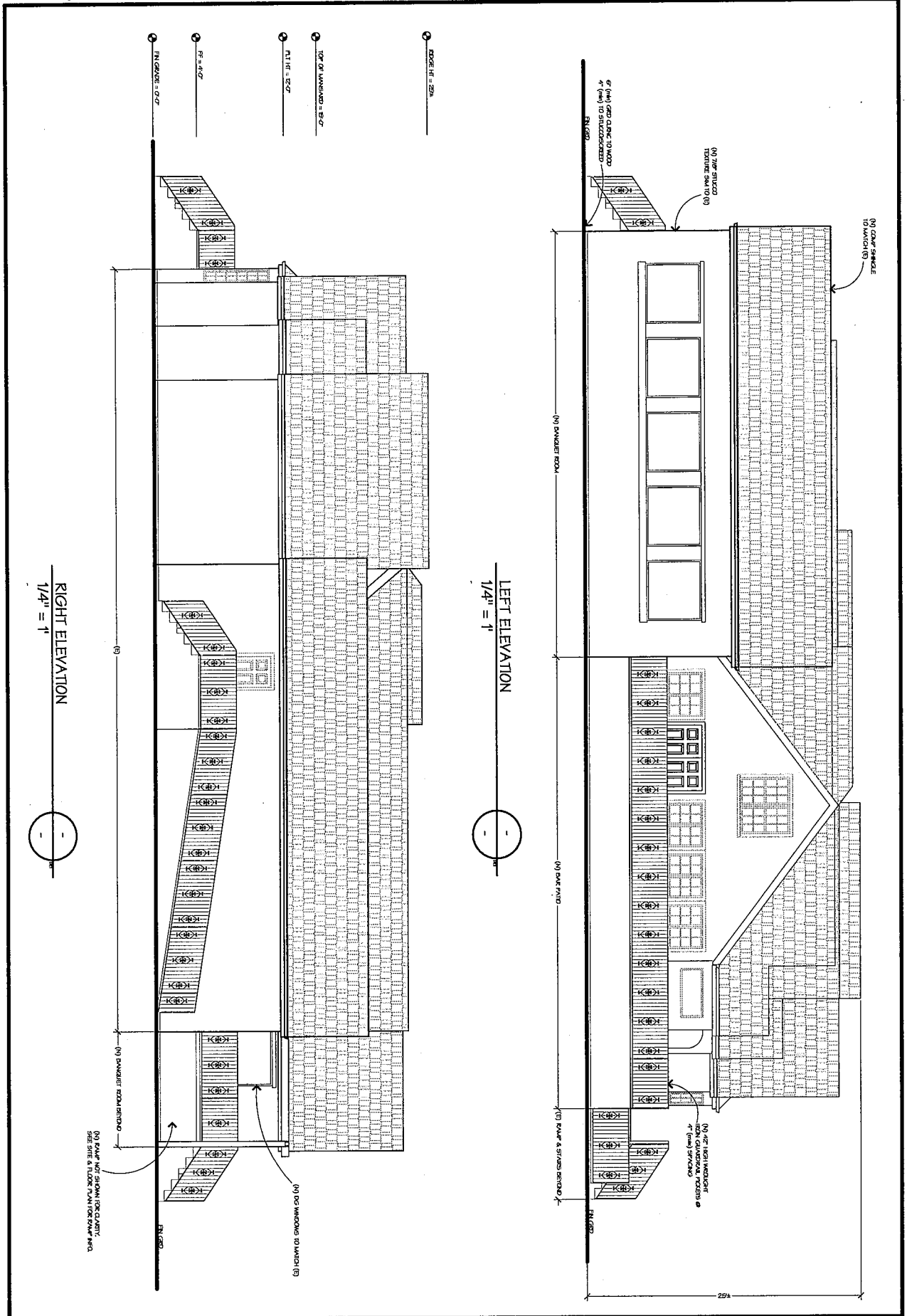
A New Banquet Room for:
 ZIO FRAEDO'S
 23 Harbor Way, Vallejo

REVISED FOR S

m. Kennedy design
 Building Plans & Energy Calcs
 715 Tennessee St, Vallejo, CA 94590
 TEL 707.644.3440 FAX 707.643-2222



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NOT TO SCALE

RIGHT ELEVATION
1/4" = 1'

LEFT ELEVATION
1/4" = 1'

By: J
Date: 09-22-06
Proj: 206-083
Sheet #

A New Banquet Room for:
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23 Harbor Way, Vallejo

m. kennedy design
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City of Vallejo Memo

To: Planning Commission
From: Planning Division, Marcus Adams
Date: February 5, 2005
Re: Item K3 (Modification of Conditions) Use Permit #06-0018, Ice Cream Commissary

BACKGROUND:

On December 4, 2006, the Planning Commission approved Use Permit #06-0018 to allow an ice cream commissary at 1853 Broadway Street. As part of the approval, the Commission added two conditions and modified one of the Planning Division conditions related to landscaping and fencing at the site. After calculating the cost of complying with the modified conditions, the property owner has requested the opportunity to have the conditions modified. Below are the approved conditions, followed by the property owner's statement and requests:

Planning Condition 2b- *Prior to building permit submittal, provide a revised landscaping plan illustrating:*

- a new eight foot decorative wood fence from the front north end warehouse building wall to the north property line.

“We request that this addition remain consistent with Staff’s recommendations outlined in Section 6, paragraph 8; “...new eight foot chain/link fence with slats which would extend from the north end of the warehouse to the north property line.” At this industrial site a “decorative” wood fence would appear curious and out of character with the existing appearance and use.”

Planning Condition 2d- *Prior to building permit submittal, provide a revised landscaping plan illustrating:*

- replacement (or elimination) of the front property line chain link fence with a wrought iron fence and gate.

“The existing chain/link security fence is desired to remain in place as is. Landscaping at this boundary will improve the street appearance and aid in the general upgrade of the

site. Any type of rigid at this location will reduce the effectiveness of the purpose of the security fencing and be far too costly justify the application. The leased area is in the rear portion of the property, cannot be seen from any public view and has no connection with the front (Broadway) of the site. Current monthly lease is \$400 and it would take several years at this rate to recover the expense. The applicants request this item be modified to conform to staff observations.”

Planning Condition 2e- *Prior to building permit submittal, provide a revised landscaping plan illustrating:*

- new wrought iron fence at the south property line from Broadway Street westerly terminating at the existing building

“We request this fence remain in place as outlined above (Item 2d). The location of the property is in an area frequented on occasion by an undesirable human element and a rigid type fence will not allow for the protection of the premises. Transients, neighbors and unknown others occasionally throw trash and garbage over the existing fence and only constant monitoring and cleaning ensures the yard is kept presentable. Changing the nature of the fencing at this industrial site would be inconsistent with the nature, purpose, and intent of the zoning. Its cost would be prohibitive to the applicants and unconnected with their operation. Applicants request a modification to this recommendation to allow the existing fence.”

Planning Condition 2f- *Prior to building permit submittal, provide a revised landscaping plan illustrating:*

-a new wood fence at the north property line (abutting the mobile home park)

“The existing wood fence at this location is in good repair and its replacement would seem unnecessary and without identifiable purpose. The cost of any property fence should be shared by owners on both sides. Removing the existing fence and replacing it would benefit the Tall Trees property without cost to its owners and further have no connection with applicants’ designs.

RECOMMENDATION:

Due to the fact that these conditions were required by the Planning Commission, Planning Division staff has no recommendation to bring forward on the applicant’s appeal. If the Planning Commission approves this request or modifies its original conditions, the Commission must find that the original findings can still be made.

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 Sections 5 and 9 of the attached staff report, the 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. As described in Sections 3 and 4 of the attached staff report, the impacts, as described above, and t he location of the proposed conditional use are consistent with the city general plan.

Attachment A: Property owner's appeal statement letter

Attachment B: December 4, 2006 Planning Commission minutes

Attachment C: December 4, 2006 Planning Division staff report

Attachment D: Pictures of site

January 23, 2007

Application Number: Conditional Use permit #06-0018

Subject: Request for modifications to recommendations.

Reference is made to Conditions Of Approval;

Item 1; Accepted

Item 2a; Accepted

2b; We request that this addition remain consistent with Staff recommendations outlined in section 6, par 8; "...new eight foot chain/link fence with slats which would extend from the north end of the warehouse to the north property line." At this industrial site a "decorative " wood fence would appear curious and out of character with the existing appearance and use.

Item 2c; Accepted

Item 2d; The existing chain/link security fence is desired to remain in place as is. Landscaping at this boundary will improve the street appearance and aid in the general upgrade of the site. Any type of rigid fence at this location will reduce the effectiveness of the purpose of the security fencing and be far too costly to justify the application. The leased area is in the rear portion of the property, cannot be seen from any public view and has no connection with the front (Broadway) of the site. Current monthly lease is \$400 and it would take several years at this rate to recover the expense. The applicants request this item be modified to conform with staff observations.

Item 2e; We request this fence remain in place as outlined above (Item 2d). The location of the property is in an area frequented on occasion by an undesirable human element and a rigid type fence will not allow for the protection of the premises. Transients, neighbors and unknown others occasionally throw trash and garbage over the existing fence and only constant monitoring and cleaning ensures the yard is kept presentable. Changing the nature of the fencing at this Industrial site would be inconsistent with the nature, purpose and intent of the zoning. Its cost would be prohibitive to the applicants and unconnected with their operation. Applicants request a modification to this recommendation to allow the existing fence.

Item 2f; The existing wood fence at this location is in good repair and its replacement would seem unnecessary and without identifiable purpose. The cost of any property fence should be shared by owners on both sides. Removing the existing fence and replacing it would benefit the Tall Trees property without cost to its owners and further have no connection with applicants' designs.

All other recommendations are accepted hereby.

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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.

Marcus Adams: The present application that we are about to discuss tonight for the ice cream commissary came to staff by means of a business license renewal that was brought to our Planning Division counter. Upon researching the use permit at the former location, 444 Arkansas, it was discovered that that use permit did not actually allow for the type of business that was going on there with the parking of the ice cream trucks and the commissary so the applicants were forced to find a new

location. Staff was pleased to be able to work with the applicant and to find a location within the City because of course we do not want to lose the business and considering how important our intensive use zoning districts can be. Sometimes we get plenty of requests to rezone those districts. This is a case where we had one and the applicant was able to utilize that space. Upon site visits to the location staff did see some room for improvement at this site. If you happened to go out there no doubt you saw the existing structure, the lack of landscaping, the old and deteriorating fencing. The old timers tell me that O'Connell Lumber use to be at that location. Before that it is questionable as to what was there. I am addressing the building because I feel that may come up and the uses that go on there. The building is not really being utilized right now. There is a small section where cars are being stored. There was a use permit that was approved for that site back in 1984 for auto towing and storage, auto mechanical and body repair, auto sales and auto part sales. I did try to research that further to find out if there were any specifications on that use permit as far as any detailed uses or landscaping plan. Unfortunately when we had to make way for our records storage that use permit is up in microfilm. I will have to research that further. For this current proposed use, the ice cream commissary, the improvement we would like to see is the replacement of the interior fence. There are some shipping storage units visible. In Intensive Use those type of units are allowed outside the building if they are screened sufficiently. We would like the fence to be 8' which is the maximum height allowed without having to go through the variance procedure. They abut the Tall Trees Mobile Home Park. We are asking them to put some landscaping to screen the ice cream trucks and the goings and comings there from the mobile homes. We did ask too that they put some street trees in because there are none out there which will help improve the aesthetic view of the site. Any questions?

Commissioner Peterman: I feel very sorry that the applicants have had to go through all of this. I hope this does not happen again. In the staff report you talked about chain link fence with slats in it. I think those are just as ugly as chain link fence without slats. I would encourage you to have them build a fence that is wooden or something that is not quite so unpleasing to the eye.

Commissioner Turley: I went out there the other day and I could not get in on the property because it was all locked up. Will that front chain link fence be removed?

Marcus Adams: There are no plans to remove that fence. I did ask them to have that fence open so you all could get in and out. Possibly you went out before I requested that. They plan on keeping the fence there. They say they have a lot of problem with transients walking by and people going in there and abandoning vehicles. I have actually noticed abandoned cars in that area. Having the fence has kept the abandoned cars from being parked in that front. No they will not be replacing the front fence.

Commissioner Turley: What do they do, open a gate?

Marcus Adams: The gate is wide enough that you can get a commercial vehicle in there. Most of the time they just have it open to where you can get a regular car in there or a pedestrian.

Commissioner Turley: I sure do think that front fence is ugly. I really do. That existing building on the left in the rear, is that going to be removed?

Marcus Adams: Not as part of this application. I spoke with the property owner, who just purchased the property last year, and he would eventually like to demolish the building and put a new building up or, if the framing is viable, use the framing and put

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a new building up. As far as this project he is not planning on doing any alterations or improvements to the building. The Chief Building Official did get these plans routed to him and he had no comment regarding the structural stuff. Apparently he did not feel the integrity of the building was a public safety issue. That building is not being used for any activity besides storage.

Commissioner McConnell: I also had trouble seeing the property because it was locked. I did the best I could from across the street. It concerns me also that we are not going to be removing what is a very ugly exterior exposure. This is on a major artery in from Napa County. That entire area from Raileys to Broadway is in dire need of help. If we don't begin to make some changes I can see why cars will be dumped there. You start to change a neighborhood one place at a time. I think this is a opportunity to start that change. I agree with Commissioner Turley about removing that fence. I also have some concerns about what is going to happen to these buildings. You are asking us to approve a use permit which once in place will stay on the property forever. I do see that it is supposed to be for five vehicles and certainly I am going to condition that use permit for a maximum of five vehicles. Otherwise if we approve a use permit for storage as stated in here we would wind up having a large, large storage facility out there. It would never be changed. It would remain the same. I hope the applicant does not intend to leave it that way and I would like to have confidence in him accomplishing that but there is nothing before us to that effect at this time. With respect to these other buildings just what are they going to be doing with these?

Marcus Adams: Nothing. There is really only one other building on this site and when he gets funds to do something with this building he will maintain the use as is with a new building. I would like to comment on your comment about the landscaping. This site has been a problem to the City concerning abandoned vehicles. It has been a Code Enforcement issue. When I was analyzing how far we should go as far as improving the site we weighed incremental steps vs. no steps. I just think this is a case where if the conditions were too onerous more than likely the property owner would say to the prospective tenant that it would be way too much and he was not going to do anything and we would get no improvement on this site and it would become more of a Code Enforcement issue. We have a new property owner who is willing to work with us on making some improvements. They would cost him something but he is willing to do that because he does want to see improvement in that area.

Commissioner McConnell: I agree it is just a question of how far do we go and what do we ask for at this point in time. But the use permit stays there forever. Yet we are being offered a representation that I will do something with the property at some time in the future and am not saying what I will do. Seems like we are being ask to approve a pig in a poke here. I am prepared to proceed and probably grant this with the five trees that you are asking for but I would like to improve the appearance of this area to the extent that we possibly can. One of the things that concerns me, as with Commissioner Peterman, is the chain link fence and the slats. I think we have to do better all around the City, even in an industrial area. Especially when that industrial area is such a highly visible area as this one is. That is an area of town that is ripe for redevelopment and change. You indicate in your staff report that the applicant is willing to do something that is reasonable. Just what seems reasonable in the applicant's eyes other than 5 street trees? Anything?

Marcus Adams: There is landscaping that is going to go along the border adjacent to the mobile home park. They have been asked to no longer have storage of cars in front. I think he thought the conditions that I put in the staff report were reasonable

and was willing to do those. I realize that we do not have a commitment on this but doing something to that building, even painting it, is in his plans.

Commissioner McConnell: Painting it would help. We are talking about an area that is next to a residential center really, the mobile home park. There are numerous people in that mobile home park that have to get up very, very early. Yet you are asking that the applicant have hours of operation up to one hour after sunset. During the summer that could be as late at 10:15 or 10:20. That might cause a noise problem for some people who have to get up at 4:00 and 5:00 in the morning. I think we need to think about how we are going to control light and sound out there. We are talking about 5 ice cream trucks. We need to give some consideration to the residents in the mobile home park.

Marcus Adams: I need to clarify that it is actually one hour after sunset and no leaving until after 9:00 am. The Commission could certainly put a different time on that. There are five stalls with tandem trucks so there would be a maximum of ten trucks.

Commissioner Turley: I do not think that tandem parking is going to work out very long. I think they will tire of having to move one vehicle to get another one out. Is there room there to have side by side parking somewhere?

Marcus Adams: It is a huge lot and I am sure you could get in side by side but that would increase his leasing area and cost. It would be hard to enforce that because staff could not see in to see if it was tandem or not.

Don Hazen: If this were regular customer parking we would be a little more suspicious of the tandem parking but this is basically just an industrial use and this is an operation that the applicant obviously consents to and the trucks would be leaving all at the same time so I think staff is comfortable that the tandem will work for this type of a use.

Commissioner Turley: On the landscaping could curbs and sprinklers be included?

Marcus Adams: The landscaping would have to be irrigated and that would be handled when we reviewed the landscape plans. Our code only requires that curbs are required only in certain conditions: if you abut a curb or a pedestrian path. That is not the case here. We could definitely put that in as a condition but as far as the code they do not have to meet that standard.

Commissioner Manning: Can you clarify what an ice cream truck is. Are these the trucks that drive around town?

Marcus Adams: The trucks that I have seen this operator use are the traditional ice cream trucks. They are not vans or pick ups.

Commissioner Salvadori: What percentage of this parcel is actually leasable space for this use?

Marcus Adams: I do not know for sure. I would guess it is along the lines of 15%. It is just a small area. It seems to me that having the trucks parked in a row would increase the impact to the neighbors.

Commissioner Salvadori: As other uses proposed for the remaining space in this parcel do you see additional use permits coming before the Commission?

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Marcus Adams: It is a very large site and I could see that possibly happening. You may see some amendment to the current use permit. There is always the issue of landscaping and parking. I think the amount of parking required when you start adding new uses would really limit how you can develop that property.

Chairperson Legalos: I was there this afternoon and saw the bus. Are they planning on moving that bus out of there?

Marcus Adams: I asked them to start the bus so I could make sure it was not a non op. It started. He said the operators of that bus do not plan on keeping it there for long. There is nothing that I found that would not allow that bus to be there.

Chairperson Legalos: I concur with concerns expressed by other Commissioners about the fence. I think it should be replaced. The fencing between the trailer park and the front parking lot is a dilapidated wooden fence that has been repaired with sheets of plywood. I think that definitely needs to be replaced. That is incredibly ugly. This area is becoming attractive. The left you have the shopping center where Raileys is and it is nicely landscaped. The trailer park could look a little better but is certainly better than this parking lot. I have questions about the travel trailer that is parked just inside the second fence. What is that being used for?

Marcus Adams: That is being used as a residence for the on-site guard. I went to look at the use permit. Back in the 70s and 80s it was not uncommon for on site guards to be part of the plan. That permit is in storage and I will have to retrieve it and look at that. If it is not part of the permit the options we would have we could qualify it with live work or just eliminate it totally. Environmental health and restroom facilities would have to be considered along with proper electrical connections.

Chairperson Legalos: I had the impression that there may be more than a guard thing there. There are three children's bicycles parked near the trailer as well as a number of fishing poles. They do not look like things that a guard would use.

Marcus Adams: I think he likes to fish from my discussions with him. I have been there three times and never saw anyone but him. He, I don't want to say eccentric, but he collects a little bit of everything. They may be for grandkids but I don't believe kids are living there.

Chairperson Legalos: The last time I was there, there was some sort of blasting that was going on that was creating a cloud of white powdery dust and a great deal of noise from a large compressor mounted on a pick-up truck. The dust was so thick that I could not see the operator. It was blowing over the trailer park. Is that an approved use? What was happening there?

Marcus Adams: It would be an approved use under the old use permit in 1984. I will have to get the old report and see if there is anything about the uses having to be enclosed.

Chairperson Legalos: It was being done indoors. It was a tent like structure that was parked along the storage area. The front flap was open and the stuff was pouring out.

Don Hazen: Maybe I could suggest that the owner, if he is here tonight, might be able to answer all those questions.

Marcus Adams: He is not.

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Chairperson Legalos opened the Public Hearing.

Applicant: We have a very small ice cream business. We have only 10 trucks. The trucks do not make noise. When we come back to the shop there is no music, no nothing. They do not turn on the music until they go far away. We do not disturb anyone. Fifteen years we were across the street and we never had a complaint. We do not cause anyone any problems. We want to be good neighbors. Our business is the children. We do not turn on music in the yard. We do not have to turn it on. We do not allow anyone to even test their music in the yard. If they want to test it they test outside that. These are small ice cream trucks. Our trucks are all professional ice cream trucks.

Chairperson Legalos closed the Public Hearing.

Commissioner McConnell: I move that we approve use permit 06-0018 with the findings and conditions in the staff report as well as 1) that the front fence be replaced without chain link; 2) that the planting strip along the north boundary next to the mobile home park be planted in an area of not less than a 3' planting strip; 3) the storage for vehicles will be limited to not more than 10 ice cream trucks; 4) there will be no testing of sound equipment or amplified speaker systems at the yard location.

The meeting was turned over to Commissioner Peterman so Chairperson Legalos could make a friendly amendment.

Chairperson Legalos: I would like to add a friendly amendment that the wooden fencing between the auto parking lot and the trailer park be replaced with new wooden fencing and that the chain link fencing on the front and the side of the parking lot that is adjacent to the mall be replaced with iron fence.

Commissioner McConnell: That is fine but I am not sure if we want to restrict the back fence to wood only. I agree the rear fence should be replaced as well.

Chairperson Legalos: I was not actually referring to the rear fence I was referring to the fence to the right that is now a wooden fence between the trailer park and the site. But now that you mention it the rear of the front parking lot should also be replaced with more attractive fencing. I would not restrict that to wood.

Commissioner Salvadori: I am kind of concerned about the requirement for the wood fence. Do we know that the wood fencing is on this parcel and not something that was constructed by the trailer park to protect their homeowners? If we don't know that I do not know that we can issue this requirement.

Don Hazen: Typically in a case like this it behooves the owner to hire a surveyor if they have to because the condition is to put it on their side. Then if they find out it is someone else's parallel fence they will typically go to the mobile home park owner and tell them they are going to replace the fence and find out if they mind if they tear the existing fence down. Once you impose that condition they are required to find out where their property line is.

Chairperson Legalos: I am assuming that since the repairs were made from the parking lot side that it may be the parking lot owner's but that may be an incorrect assumption.

Commissioner Manning: I want a clarification on the restriction of 10 trucks. They are a small business and had to relocate already. If they want to grow their business one more truck we are saying they can't.

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Commissioner McConnell: That is correct. My concern here is that the use permit stays with the property forever. I share your concern about the need for increase but that would probably be a minor application that could be handled by staff. I do not want to have an open-ended use permit where all of a sudden we are looking at as many cars as can be placed on that lot as possible. I am happy to accommodate some number larger than but keep in mind that we do not want to open the door to everything out there either.

Commissioner Salvadori: If the business owner decided to change the configuration of his business and they were smaller trucks and put 20 there what is the negative impact on the surrounding area or on his property? It is a fleet storage area. The trucks are gone during the day during the peak buying hours and are back before there is really any inconvenience for anyone around. I just think this requirement is not protecting the land use but trying to run the business. He could decide to have more trucks of a smaller size better meets the customer requirements. I would find it hard to support a motion that restricted him to 10 vehicles.

Commissioner McConnell: We also have a responsibility to the citizens who live in this area. Added trucks obviously bring more pollution and noise and potential for accidents. If we can find a common ground between 10 and some other reasonable number or there is a staff procedure by which that number can be based upon I think we should entertain that as well.

Commissioner Turley: On the other hand suppose he decided to have some larger trucks.

Commissioner Manning: I think it is great that we are discussing and trying to improve the look of that neighborhood. It is turning around so the suggestions with the fencing and landscaping are really helpful. The other point for the small business here is staff has gone out of their way to try and keep them in the community and work with them to find another location. Part of what we want to do as a community is continue to encourage small businesses like this as a part of the diversity of our community. We had an applicant before this for a big box now here is a small box. We want to encourage those types of businesses to stay here. Now, I do not know what the right proposal here is but I would like to hear another suggestion that would not just lock them into 10 trucks.

Don Hazen: If you do limit the number of trucks it would have to come back before you again to increase the number of trucks. It is being approved as a use permit through the public hearing process. If you are comfortable with the hours of operation and are comfortable with the applicant's testimony that they just virtually get in the trucks and drive them off the site, is it possible that these trucks are no different than someone pulling into a shopping center? Maybe you condition the use that it can only be used for startup and shutdown. Maybe there is not a need to limit the amount of trucks if they comply with all the other conditions.

Commissioner Salvadori: I would like to submit a substitute motion, that we approve use permit 06-0018 with the findings and conditions in the staff report and with the additional conditions that the front fence be improved and the landscaping on the front be improved and the landscaping on the side be increased to a three foot planting area. Those would be my only other conditions.

Commissioner McConnell: I am not locked into the idea of 10 vehicles. We should have some way in our procedures by which we could accommodate a reasonable expansion of a business without having to go all the way back to a use permit procedure. It seems like overkill. That may be an example of how our permitting

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process needs to be studied and altered. I am uncomfortable, at the same time, with just having an open end permit out there. There has to be some sort of reasonable accommodation, whether we increase it to 15 or 20, it needs to be put in place so we don't have a run amuck situation.

Don Hazen: In the exhibit that shows the site plan layout the leased area is shaded out. By approving the use permit tonight you are approving that layout of the site. If they were to add additional parking spaces you can see by the layout that they would only be able to add them on the interior of the site. If neighborhood compatibility is your concern you can see that they cannot physically add any more parking spaces along that common property line by virtue of that layout.

Commissioner McConnell: If they wanted to expand they would have to come back to us right?

Don Hazen: It looks like they could put 4 or 5 more spaces on the interior but beyond that they would have to come back.

Commissioner McConnell: Then I will modify my motion to include your suggestion as to limiting the number of vehicles.

Commissioner Salvadori: Could we vote on my substitute motion?

Commissioner Peterman: Could you please restate your motion.

Commissioner Salvadori: It is that we approve use permit 06-0018 with the findings and conditions in the staff report and with the additional conditions that the front fence be improved and the landscaping on the front be improved and the landscaping on the side be increased to a three foot planting area. Those would be my only other conditions.

Chairperson Legalos: When you say the front fence are you including the fence around the perimeter of that lot or just the fence parallel to Broadway?

Commissioner Salvadori: The fence along Broadway.

Chairperson Legalos: My suggestion was the fence along Broadway as well as the fencing on the two sides. I believe there is already a condition about improving the fencing in the back of the front section.

Commissioner Salvadori: Yes. The additional condition is to not have a chain link fence along Broadway.

Chairperson Legalos: That is correct and also to replace the wooden fencing.

Commissioner Salvadori: I did not put that in as part of my motion.

Chairperson Legalos: I would then like to offer a friendly amendment.

Commissioner Salvadori: I do not want that particular friendly amendment. The leased area is about 15% of the area and we are trying to make the new fence contingent on this application. I think that is overkill. But I do think they need to make the driveway side improved and more consistent with what we would like to see in that area.

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Commissioner Legalos: To require that I think would be consistent with decisions this Commission has made in the past where we have take the opportunity to make requirements that exceeded what some people might consider reasonable in terms of the scope of the application.

Commissioner McConnell: What we are attempting to do is reach middle ground here. *Commissioner McConnell read the Code concerning Intensive Use.* The street trees and the additional strip landscaping is the only requirement we are asking for. We are attempting to accommodate the applicant but I don't think we want to give away the store. The proposed amendment from Commissioner McConnell basically is a laissez faire position with no improvement at all. We do have to start taking a stand if we want to improve it recognizing the need to balance the needs of small businesses. But what we are talking about here is the property owner. That is not necessarily a small business man here. We are talking about improving the general appearance of this area which over time will impact the entire area. I think it is a reasonable accommodation to restrict this to getting increased fencing but not insist upon the full landscape requirement as mandated by the intensive use district. I will be voting in opposition to Commissioner Salvadori's motion but would encourage adoption of my motion as modified by Commissioner Legalos and presented as the main motion.

Commissioner Turley: The way to improve a neighborhood is one parcel at a time and I think that is a good point.

Vice-Chair Peterman: Can we call for the vote on the substitute motion now, please Ms. Marshall.

AYES: Manning, Salvadori.

NOS: McConnell, Legalos, Peterman, Turley.

ABSENT: Engelman.

Motion fails.

Vice-Chair Peterman: Now we move to Commissioner McConnell's motion. Perhaps you could restate that.

Commissioner McConnell: I move that we approve use permit 06-0018 with the findings and conditions in the staff report as well as 1) that the front fence be replaced without chain link; 2) that the planting strip along the north boundary next to the mobile home park be planted in an area of not less than a 3' planting strip 3) there will be no testing of sound equipment or amplified speaker systems at the yard location; 4) the approval as to the shaded area on Attachment A for parking purposes 5) and the back fence as suggested by Commissioner Legalos will also be required.

Chairperson Legalos: Just to clarify the fencing that I would like to see replaced is all of the fencing around the front section. I believe the back fence is already a condition of approval. It is the front fence parallel to Broadway and the fence between the trailer park and this parking area in question. The fence on the left side of the parking area and adjacent to the shopping mall.

Commissioner Salvadori: You are talking about basically all the fencing that is the perimeter of the lot that would be replace with non-chain link fence.

Chairperson Legalos: All of the fencing that is the perimeter of the front lot.

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Commissioner Salvadori: Now I am confused. The area that is under consideration for the ice cream area is in the back.

Chairperson Legalos: That is correct.

Commissioner Salvadori: So would you please describe to me, again the perimeter of the fencing you are talking about.

Chairperson Legalos: The fencing that is parallel to Broadway. The fencing that is on the left towards the shopping center as you face the property, back to Broadway.

Commissioner Salvadori: That is from Broadway to the end of the property line.

Chairperson Legalos: No, Broadway to the structure, to the end of the building.

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

NOS: Salvadori.

ABSENT: Engelman.

Motion carries.

Vice-Chair Peterman turned the meeting back over to Chairperson Legalos.

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:

9. As describe in Sections 5 and 9 of this report, the 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;
10. As described in Sections 3 and 4 this report, the impacts, as described above, and the location of the proposed conditional use are consistent with the city general plan.

CONDITIONS OF APPROVAL (Revised conditions from Planning Commission are identified in *italics*):

Planning Division

11. 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.
12. Prior to building permit submittal, provide a revised plan illustrating the following:
 - a) boundary landscaping at a minimum depth of *three* feet along the north property line for a linear distance of 95' (the proposed leasing area). The plant variety proposed for the required landscaping shall reach a mature minimum height of eight feet and shall function as screening for the proposed use. The selected plant variety shall also consist of a compact evergreen type and shall reach a minimum height of two feet within twelve months of planting.
 - b) a new eight foot *decorative wood fence* from the front north end warehouse

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building wall to the north property line.

c) four street trees for the street frontage on Broadway Street. Staff recommends that the applicant select a variety consistent with other street trees at adjacent properties or at Vallejo Transit or a variety from the City of Vallejo street tree list. Mature height of the variety chosen shall take into account the power lines on Broadway Street.

d) *replacement (or elimination) of the front property line chain link fence with a wrought iron fence and gate*

e) *new wrought iron fence at the south property line from Broadway Street westerly terminating at the existing building*

f) *a new wood fence at the north property line (abutting the mobile home park)*

The proposed landscaping shall meet the following standards: three sets of landscaping plans prepared by a registered landscape architect to the Planning Division for review and approval. The requirement for a registered landscape architect may be waived at the discretion of the Planning Manager. Landscape plans shall comply with Chapter 16.70 (VMC), and are to include the following:

- a. Four City-approved street trees to be planted at least 6 feet from any sewer line;
 - b. Low-water-using and drought-resistant plant materials;
 - c. Screening of the required backflow preventers;
 - d. All trees to be a minimum of 15-gallon, double staked; at least 50 percent of the proposed shrubs shall be a minimum of 5-gallon;
 - e. Irrigation plan indicating all components of the irrigation system including sprinklers and other outlets, valves, backflow prevention devices, controllers, piping and water usage; and
 - f. Six inch high curbing around planters.
13. Prior to final inspection/occupancy, all required landscaping and screening material shall be installed to the satisfaction of the Planning Division.
 14. Prior to final inspection/occupancy, provide written confirmation from Solano County Resource Management that all requirements have been satisfied.
 15. No mechanical repair, maintenance, or cleaning of the trucks shall occur at the property.
 16. Hours of operation (leaving and arriving) for the ice cream trucks shall be restricted from 9:00 a.m. to one hour after sunset.
 17. *Emissions, dust, and all other airborne particles and fumes from outdoor uses shall be contained with an enclosed temporary structure and shall not violate Bay Area Air Quality Management standards.*
 18. *There shall be no testing of amplified sound systems of the ice cream vehicles at the project site.*

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 submittal, building construction plans and plans for required fire protection systems (automatic sprinklers, smoke alarms, etc.) shall be submitted to the Fire Prevention

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Division for review and approval. All applicable plan review and inspection fees shall be paid.

11. A fire alarm system will be required for this project.
12. If security gates are desired at any entrances to the project, they shall be provided with a Fire Department approved entry system.
13. Additional fire hydrant(s) may be required. Submit a complete set of plans for review and approval. All fire hydrants are to have "blue dot" highway reflectors installed on the adjacent street of the driveway to clearly identify the fire hydrant locations. (1998 CFC Section 903, Appendix III-B) Hydrant map is needed.
14. 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)
15. Prior to occupancy/final building inspection, install 3A-40BC portable fire extinguishers as required by the Fire Prevention Division. (1998 CFC Standard 10-1; NFPA 10)
16. 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. Commercial occupancies shall have numerals or letters not less than 6 inches in height of contrasting background, and illuminated at night. (1998 CFC Section 901.4.4; added VMC Section 12.28.170) Minimum 6" addresses.
17. 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)
18. Prior to occupancy/final building inspection, all applicable fees shall be paid and a Fire Prevention inspection shall be conducted. All meetings and inspections require a minimum 24-hour advance request.

STANDARD REQUIREMENTS

Planning Division

24. All parking spaces shall be demarcated, per City of Vallejo standards.
25. 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.
26. 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.
27. 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.
28. All vents, gutters, downspouts, flashings, electrical conduits, etc., shall be painted to match the color of the adjacent surface.

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29. 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.
30. Obtain an inspection from the Planning Division prior to final inspection/occupancy. All inspections require a minimum 24-hour notice.
31. 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.
32. 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.
33. 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

20. Submit site grading, drainage improvement and utility plans for review and approval. Site plan shall show all existing and proposed improvements. Prior to building permit secure approval of site plan.
21. The proposed building is at the border of 100 year flood zone. Therefore, prior to building permit, provide evidence that the building pad is not in the flood zone.

(The following conditions may apply)

22. 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)
23. 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)
24. 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)
25. 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)

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26. 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)
27. 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)
28. All dust and erosion control shall be in conformance with City standards, ordinance, and NPDES requirements. (PW7)
29. 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)
30. Entrances to any private project must be standard driveway approaches unless deviation is permitted by the City Engineer. (PW9)
31. 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)
32. 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)
33. Prior to start of construction submit a traffic control plan to the Department of Public Works for review and approval. (PW12)
34. Construction inspection shall be coordinated with the Department of Public Works and no construction shall deviate from the approved plans. (PW13)
35. 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)
36. 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)
37. 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)
38. 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)
39. The project is within the 100-year flood zone and shall therefore comply with Chapter 7.98 – Flood Damage Protection, VMC. Prior to obtaining grading permit, apply to Federal Emergency Management Administration (FEMA) for a Conditional Letter of Map Revision (CLOMR). Prior to obtaining building permit, apply to FEMA for a Letter of Map Revision (LOMR). Prior to obtaining certificate of occupancy or acceptance by the City, whichever is applicable, obtain an approved Letter of Map Revision from FEMA. It will take FEMA at least 90 days to obtain

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CLOMR or LOMR. FEMA can be contacted at telephone (415) 923-7177, or FEMA, Mitigation Division, Building 105, Presidio of San Francisco, CA 94129-1250. (PW18)

Vallejo Sanitation and Flood Control District

2. Prior to building permit submittal, a VSFCD Connection Permit is required. Pay all applicable review and connection fees.
3. The project as submitted was incomplete. The following information is needed:
 - c. All proposed and existing District facilities to serve the project. Provide site utility plan showing existing and proposed sanitary sewer and storm drain facilities, mains, laterals, connections, etc.
 - e. Please show location of sanitary sewer and cleanout on site utility plan.
4. Prior to occupancy/final building inspection, provide standard VSFCD cleanout at the right of way/easement line per District standards and a two-way cleanout at the building per the U.P.C.
5. Direct roof drainage across non-paved areas prior to entering storm drain inlets and gutter, when feasible.
6. Pave and stripe area for proposed stock room and parking lot area if applicable.

Fire Prevention

1. Development sites shall be maintained weed free during construction. (1998 Section 1103.2.4) CFC

Solano County Resource Management (Environmental Health)

1. Plans have not been received regarding this project. Please contact Pam Jones @ 707 784-3321 for submittal requirements.

GENERAL CONDITIONS

2. 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.
3. **Use Permit 06-0020** is an application for outdoor storage at the South Vallejo Industrial Park located at 100 Corporate Place Suite A (PetroChem). Proposed CEQA Action: Exempt.

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

Marcus Adams: The applicant, PetroChem, has an existing outdoor storage use that is occurring within the South Vallejo Industrial Park area. This came to our knowledge through a complaint from an anonymous person. Upon inspection we did find out that the use was occurring without the proper permits. You do need a use permit to have outdoor storage if it is not one of the original outdoor storage areas that were allowed when the South Vallejo Industrial Park was first created. Upon



STAFF REPORT

CITY OF VALLEJO PLANNING COMMISSION

Date of Hearing: December 4, 2006 **Agenda Item: K2**

Application Number: Conditional Use Permit #06-0018 as governed by Section 16.82 of the Vallejo Municipal Code (V.M.C.)

Recommendation: Recommend **Approval** of Use Permit #06-0018 subject to the findings and conditions contained in the staff report.

Project Description: The applicant has applied for a conditional use permit to establish an ice cream commissary/fleet storage facility at the rear of a site currently occupied by multiple tenants engaging in miscellaneous warehousing and storage activity. The proposed project would include a new 640 square foot storage room and a five space parking lot for the ice cream trucks. The proposed project is illustrated on a site plan and elevations drawn by Rommel Mendez, dated September 21, 2006 (see Attachment 1)

Location: 1835 Broadway Street; APN 0052-110-150

Applicant: Rommel Mendez, *for Pawar Gurdeep*
454 Topsail Drive
Vallejo, CA 94591

Property Owner: Ron Brazell
2 Coghlan Street
Vallejo, CA 94590

Environmental Review: The proposed use of “ice cream commissary” is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) because the project would consist of small storage building not exceeding 10,000 square feet in floor area and would not involve the use of significant amounts of hazardous substances, per Section 15303 (Class 3 [e]: New Construction or Conversion of Small Structures of Article 19 (Categorical Exemptions) of Title 14. California Code of Regulations Chapter 3.

General Plan: Employment

Zoning: Intensive Use (IU)

Surrounding Land Use: The subject site is encompassed by the Park Place shopping center to the south, Tall Trees mobile home park to the north, Vallejo Transit maintenance yard to the east and O’Connor Lumber to the west.

Public Notice: Notice of the proposed project was sent to property owners within 500 feet of the subject property and the applicant on November 2, 2006. Comments received are addressed in Section 7 of this report.

1. PROJECT DESCRIPTION:

In the summer of 2006, representatives from 5 Star Ice Cream, an ice cream truck operation, came to the city to renew their business license at their storage yard located at 444 Arkansas Street. Although 5 Star had been operating from this location for years with active business licenses, after research of department records, staff discovered the zoning designation for their location did not allow an ice cream commissary use and that they would need to find another location zoned for their desired use.

After visiting multiple locations and checking with staff to confirm zoning/land use compatibility, 5 Star signed a lease for the proposed site for their commissary, which will include a new storage building with walk-in freezer and outdoor parking for ten ice cream trucks (parked in tandem within five delineated spaces). The site currently hosts a warehouse building which was formerly occupied by O'Connor Lumber and is now for the most part, vacant with some auto storage occurring in a small section of the building.

2. PROJECT SITE LAND USE HISTORY:

In 1978, Site Development permit #78-57 was approved to allow the use of lumber and hardware sales and storage. The large warehouse structure on the lot currently was utilized for the lumber use. In 1980, Use Permit #1741 was approved to allow a temporary workshop for training the developmentally disabled. In 1984, Use Permit #1963 was approved to allow auto storage/towing; repair, auto body, and auto sales/auto part sales at the site.

3. CONSISTENCY WITH THE GENERAL PLAN LAND USE DESIGNATIONS:

The zoning classification of Intensive Use (IU) is identified as being "clearly compatible" with the Employment land use designation (pg. 111-27, General Plan). The General Plan identifies the South Vallejo Industrial Park Plan as the development master plan for which design standards and use regulations should be identified.

4. CONSISTENCY WITH THE GENERAL PLAN DEVELOPMENT GOALS:

The IU zoning districts in the city are generally recognized as districts zoned for industrial or light industrial uses, depending on their proximity to less intense districts. Applicable general plan development goals would be related to "industrial" policies. Though the four industrial development goals are mainly related to proposed development, Industrial Development Goal 2, and its associated policy (see below), could be considered applicable for this proposed project:

-To have a higher percentage of residents working in the Vallejo area

Policy 1. Review large vacant acreages for potential development; existing industrially zoned areas should not be rezoned unless the zoning is inappropriate.

Due to the ability of the applicant to find a location that is acceptable for his proposed use, the small business will continue to be able to operate out of Vallejo and employ Vallejo residents.

By maximizing the intensity of the warehouse/storage use at the lot, it is hoped that the property owner will improve the condition of the lot for intensive uses. Continued maintenance of the lot and having active tenants at the site will lessen the likelihood of real estate developers/speculators inquiring about rezoning the lot for non-industrial/warehouse uses.

5. ENVIRONMENTAL REVIEW:

The proposed use of "ice cream commissary/fleet storage" is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) because the project would consist of small storage building not exceeding 10,000 square feet in floor area and would not involve the use of significant amounts of hazardous substances, per Section 15303 (Class 3 [e]: New Construction or Conversion of Small Structures of Article 19 (Categorical Exemptions) of Title 14. California Code of Regulations Chapter 3.

6. CONFORMANCE WITH APPLICABLE ZONING REGULATIONS:

The subject site is zoned Intensive Use (IU) and is subject to Chapter 16.34 of the Vallejo Municipal Code (V.M.C.). The proposed use of an 'ice cream commissary,' which would be categorized under the "wholesaling, storage, and distribution: light" commercial use type, is a permitted use. The proposed use of 'fleet storage,' which is categorized under the "automotive and equipment: storage, non-operating vehicles" commercial use type, is a permitted use subject to major use permit approval.

Other applicable zoning ordinance sections are as follows:

PARKING. Off street parking requirements are determined by the use(s) on a parcel, per Section 16.62.100 V.M.C. The proposed ice cream commissary use would have a parking requirement of four spaces for the first 5,000 square feet of floor area.

Five tandem parking spaces are proposed for the project for a total of ten parking spaces. The proposed 640 square foot storage building would require four spaces.

REQUIRED SCREENING. Section 16.70.060(C) V.M.C. identifies the screening requirement for IU zoned districts and automotive and equipment type uses.

Notwithstanding the provisions of an applicable zone, fences, walls and other screening on any building site with an automotive and equipment use typed, except sales/rental-light equipment, required screening shall not be more than eight feet in

height. Fences, walls and other screening on any building site with an automotive and equipment sales/rental-height use shall not be more than six feet in height.

The proposed ice cream truck fleet storage area is in the rear north-west corner of the site, abutting mobile homes within the Tall Trees mobile home park. Staff recommends as a condition of approval that the applicant install boundary landscaping at a minimum depth of two feet along the north property line for a linear distance of 95' (the proposed leasing area). The plant variety proposed for the required landscaping shall reach a mature minimum height of eight feet and shall function as screening for the proposed use, as detailed in Section 16.70.030(A)(5) V.M.C.

Staff will also recommend as a condition of approval that the existing interior chain link fence/gate with red slats be replaced with a new eight foot chain link fence/gate with slats which would extend from the front north end warehouse building wall to the north property line. This new fence would then screen the shipping cargo containers which are currently visible from Broadway Street.

REQUIRED LANDSCAPING. Section 16.70.070(G) V.M.C. identifies the landscaping requirement for IU zoned districts.

Notwithstanding the provision of an applicable zoning district, on any building site with an automotive and equipment use type, only the following landscaping shall be required in accordance with the regulations of Section 16.70.1690. Boundary landscaping is required for a minimum depth of five feet along all property lines abutting streets except for the area required for street openings and the area within four feet on either side of street openings.

Currently, there is no boundary landscaping for the front of the parcel which fronts Broadway Street. Staff is not familiar with the landscape history of the site, but it appears from the estimated age of the asphalt and chain link fence at the front of the property, there has not been landscaping at the front of the lot for quite some time, if ever at all.

Staff believes for the small amount of improvements that are being proposed for the site, a requirement for the property owner to rip out five feet of the existing asphalt to provide boundary landscaping would be onerous. In discussions with the property owner, who just purchased the property this year, it was told to staff that he does plan on doing something with the existing warehouse building, i.e. refurbish or demolish, in the future. The property owner did state to staff though that he would be willing to improve the property with new landscaping within reason, with such improvements as street trees. Staff informed the property owner that at that time of proposed future larger scale development, staff will require conformance with the boundary landscaping requirement.

Staff will recommend as a condition of approval, planting of a minimum of four street

trees for the street frontage on Broadway Street. Staff recommends that the applicant select a variety consistent with other street trees at adjacent properties or at Vallejo Transit or a variety from the City of Vallejo street tree list. Mature height of the variety chosen shall take into account the power lines on Broadway Street.

6. DEPARTMENT REVIEW AND COMMENTS:

Notice of the application and accompanying plan was sent to the Building Division, Traffic and City Engineer, Vallejo Sanitation and Flood Control District, the Water Superintendent, Solano County Environmental Health Division and Fire Prevention,; comments received can be found in the conditions of approval of this report.

7. PUBLIC COMMENTS:

The proposed project was mailed to property owners within a 500 foot radius of the subject site and the applicant on November 2, 2006. As of the date of this report, no comments were received.

8. REFERENCES:

California Environmental Quality Act (CEQA Guidelines 2006), Section 15303 (Class 3 [e]: New Construction or Conversion of Small Structures of Article 19 (Categorical Exemptions) of Title 14

City of Vallejo General Plan, pages II-8 & III-27

City of Vallejo Zoning Ordinance: Chapter 16.62- Off-Street Parking and Chapter 16.70- Screening and Landscaping Regulations

South Vallejo Industrial Park Policy Plan, Section III & IV

9. STAFF ANALYSIS:

Staff is pleased with the applicant's proposal for an ice cream commissary and fleet storage facility at the proposed location, and believes, as noted in Sections 3,4,&6, that the proposed land use, and associated development is compatible with the existing land use at the site, and is also consistent with the general plan and zoning ordinance. Staff does realize however that the deteriorating warehouse building, shipping containers, and lack of landscaping at the site fails to promote a positive visual image to passer-bys from Broadway Street.

As noted in Section 6 of this report, staff does not believe the association between the proposed level of improvements for the site, and requiring improvements for the site in general, including the warehouse building, is a strong enough nexus for this project. However, staff believes that the curb appeal improvements which will be required as part of this project will aid in screening the unsightliness of the property

and will hopefully be an impetus for the new property owner to further improve his property in order to better attract future tenants and maximize his investment.

Due to the proposed project's proximity to the mobile homes at Tall Trees Mobile Home Park, staff recommends that the hours of operation (leaving and arriving) for the trucks be restricted from 9:00 a.m. to one hour after sunset. Staff also recommends that no mechanical repair, maintenance, or cleaning of the trucks occur at the property.

10. STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of Use Permit #06-0018 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 Sections 5 and 9 of this report, the 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. As described in Sections 3 and 4 this report, the impacts, as described above, and the location of the proposed conditional use are consistent with the city general plan.

CONDITIONS OF APPROVAL (Revised conditions from Planning Commission are identified in italics):

Planning Division

1. 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 a revised plan illustrating the following:
 - a) boundary landscaping at a minimum depth of *three* feet along the north property line for a linear distance of 95' (the proposed leasing area). The plant variety proposed for the required landscaping shall reach a mature minimum height of eight feet and shall function as screening for

the proposed use. The selected plant variety shall also consist of a compact evergreen type and shall reach a minimum height of two feet within twelve months of planting.

b) a new eight foot *decorative wood fence* from the front north end warehouse building wall to the north property line.

c) four street trees for the street frontage on Broadway Street. Staff recommends that the applicant select a variety consistent with other street trees at adjacent properties or at Vallejo Transit or a variety from the City of Vallejo street tree list. Mature height of the variety chosen shall take into account the power lines on Broadway Street.

d) *replacement (or elimination) of the front property line chain link fence with a wrought iron fence and gate*

e) *new wrought iron fence at the south property line from Broadway Street westerly terminating at the existing building*

f) *a new wood fence at the north property line (abutting the mobile home park)*

The proposed landscaping shall meet the following standards: three sets of landscaping plans prepared by a registered landscape architect to the Planning Division for review and approval. The requirement for a registered landscape architect may be waived at the discretion of the Planning Manager. Landscape plans shall comply with Chapter 16.70 (VMC), and are to include the following:

- a. Four City-approved street trees to be planted at least 6 feet from any sewer line;
 - b. Low-water-using and drought-resistant plant materials;
 - c. Screening of the required backflow preventers;
 - d. All trees to be a minimum of 15-gallon, double staked; at least 50 percent of the proposed shrubs shall be a minimum of 5-gallon;
 - e. Irrigation plan indicating all components of the irrigation system including sprinklers and other outlets, valves, backflow prevention devices, controllers, piping and water usage; and
 - f. Six inch high curbing around planters.
3. Prior to final inspection/occupancy, all required landscaping and screening material shall be installed to the satisfaction of the Planning Division.
 4. Prior to final inspection/occupancy, provide written confirmation from Solano County Resource Management that all requirements have been satisfied.

5. No mechanical repair, maintenance, or cleaning of the trucks shall occur at the property.
6. Hours of operation (leaving and arriving) for the ice cream trucks shall be restricted from 9:00 a.m. to one hour after sunset.
7. *Emissions, dust, and all other airborne particles and fumes from outdoor uses shall be contained with an enclosed temporary structure and shall not violate Bay Area Air Quality Management standards.*
8. *There shall be no testing of amplified sound systems of the ice cream vehicles at the project site.*

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 submittal, 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. A fire alarm system will be required for this project.
4. If security gates are desired at any entrances to the project, they shall be provided with a Fire Department approved entry system.
5. Additional fire hydrant(s) may be required. Submit a complete set of plans for review and approval. All fire hydrants are to have "blue dot" highway reflectors installed on the adjacent street of the driveway to clearly identify the fire hydrant locations. (1998 CFC Section 903, Appendix III-B) Hydrant map is needed.
6. 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)
7. Prior to occupancy/final building inspection, install 3A-40BC portable fire extinguishers as required by the Fire Prevention Division. (1998 CFC Standard 10-1; NFPA 10)
8. 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. Commercial occupancies shall have numerals or letters not less than 6 inches in height of contrasting background, and illuminated at night. (1998 CFC Section 901.4.4; added VMC Section 12.28.170) Minimum 6" addresses.

9. 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)
10. Prior to occupancy/final building inspection, all applicable fees shall be paid and a Fire Prevention inspection shall be conducted. All meetings and inspections require a minimum 24-hour advance request.

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. 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.
4. 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.
5. All vents, gutters, downspouts, flashings, electrical conduits, etc., shall be painted to match the color of the adjacent surface.
6. 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.
7. Obtain an inspection from the Planning Division prior to final inspection/occupancy. All inspections require a minimum 24-hour notice.
8. 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.
9. 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.

10. 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. Submit site grading, drainage improvement and utility plans for review and approval. Site plan shall show all existing and proposed improvements. Prior to building permit secure approval of site plan.
2. The proposed building is at the border of 100 year flood zone. Therefore, prior to building permit, provide evidence that the building pad is not in the flood zone.

(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)
20. The project is within the 100-year flood zone and shall therefore comply with Chapter 7.98 – Flood Damage Protection, VMC. Prior to obtaining grading permit, apply to Federal Emergency Management Administration (FEMA) for a Conditional Letter of Map Revision (CLOMR). Prior to obtaining building permit, apply to FEMA for a Letter of Map Revision (LOMR). Prior to obtaining certificate of occupancy or acceptance by the City, whichever is applicable, obtain an approved Letter of Map Revision from FEMA. It will take FEMA at least 90 days to obtain CLOMR or LOMR. FEMA can be contacted at telephone (415) 923-7177, or FEMA, Mitigation Division, Building 105, Presidio of San Francisco, CA 94129-1250. (PW18)

Vallejo Sanitation and Flood Control District

1. Prior to building permit submittal, a VSFCD Connection Permit is required. Pay all applicable review and connection fees.
2. The project as submitted was incomplete. The following information is needed:
 - c. All proposed and existing District facilities to serve the project. Provide site utility plan showing existing and proposed sanitary sewer and storm drain facilities, mains, laterals, connections, etc.
 - e. Please show location of sanitary sewer and cleanout on site utility plan.
3. Prior to occupancy/final building inspection, provide standard VSFCD cleanout at the right of way/easement line per District standards and a two-way cleanout at the building per the U.P.C.
4. Direct roof drainage across non-paved areas prior to entering storm drain inlets and gutter, when feasible.
5. Pave and stripe area for proposed stock room and parking lot area if applicable.

Fire Prevention

1. Development sites shall be maintained weed free during construction. (1998 CFC Section 1103.2.4)

Solano County Resource Management (Environmental Health)

1. Plans have not been received regarding this project. Please contact Pam Jones @ 707 784-3321 for submittal requirements.

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 use permit shall expire automatically twenty-four months after its approval unless authorized construction has commenced prior to the expiration date.

Prepared by: _____
Marcus Adams, Associate Planner

Reviewed by: _____
Don Hazen, Planning Manager

Attachment A: Site plan and elevations
Attachment B: pictures of site
Attachment C: Conflict of Interest Map

EXPIRATION

Approval of a use permit shall expire automatically twenty-four months after its approval unless authorized construction has commenced prior to the expiration date.

Prepared by: Marcus Adams
Marcus Adams, Associate Planner

Reviewed by: Don Hazen
Don Hazen, Planning Manager

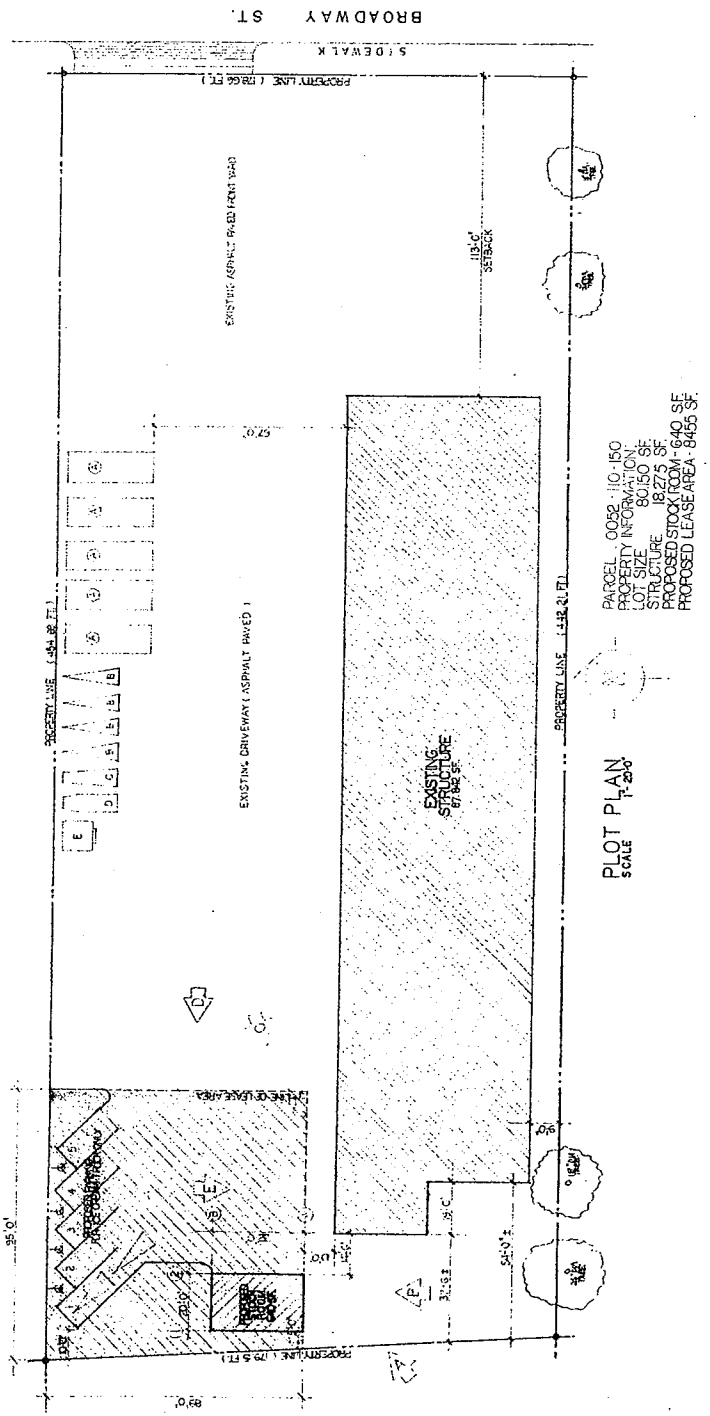
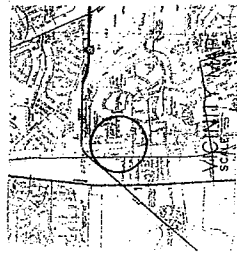
- Attachment A: Site plan and elevations
- Attachment B: pictures of site
- Attachment C: Conflict of Interest Map

Attachment A

OWNER RUSSELL PAVAR 9055 BROADWAY ST WILLEMING, CA 94507 TEL: (916) 778-0271	PROJECT ICE CREAM TRUCK - COMMISSARY
SCALE DRAWN DATE SHEET NO.	SHEET NO. 1

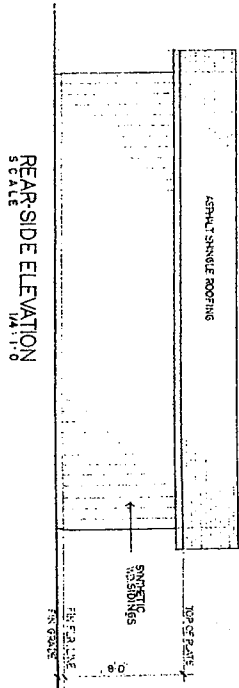
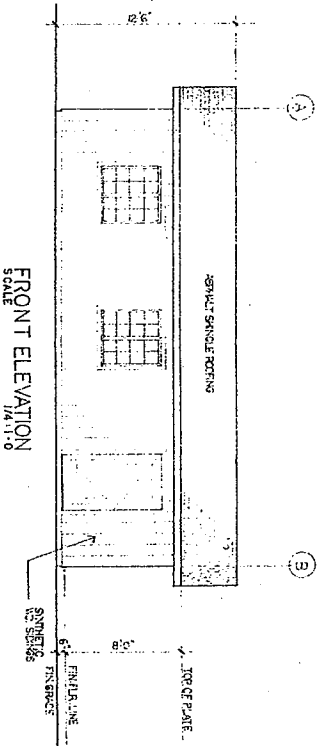
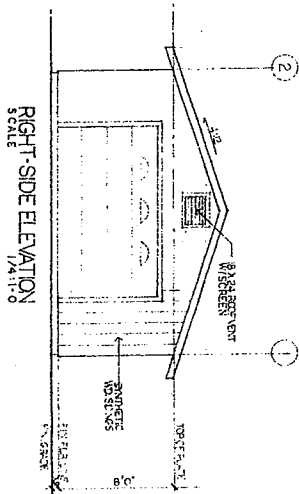
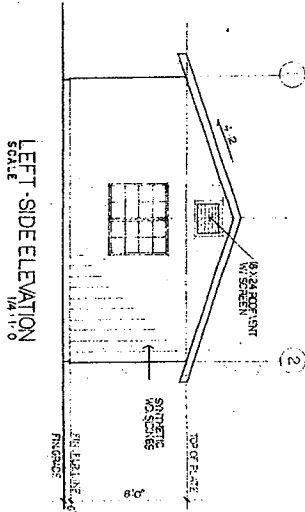
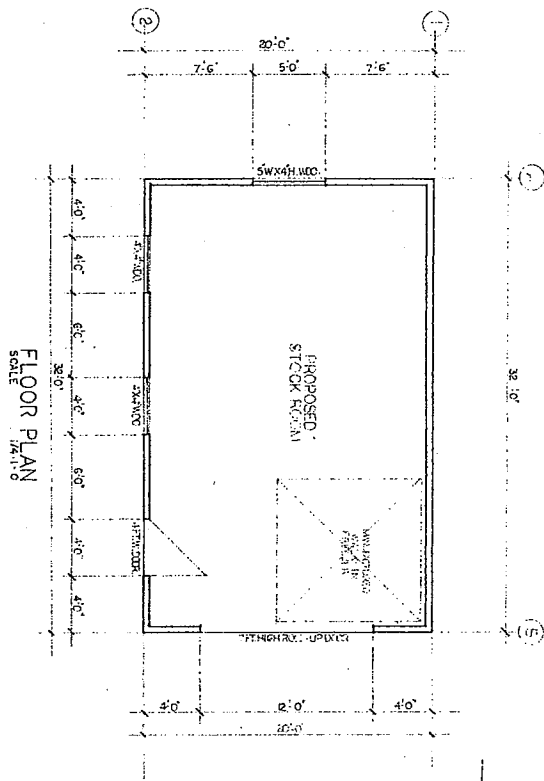
- LEGEND:
- A . 30 FOOT CONTAINER
 - B . FULL SIZE PICKUP TRUCK
 - C . MINI VAN
 - D . REPRESENTATIONAL VEHICLE
 - E . CRANE
 - G . GFCI OUTLET

SCOPE OF WORK:
 A PROPOSED ICE CREAM TRUCK PARKING AND A NEW 9'x10' GFCI STOCK ROOM. SPECIFIED AS FOLLOWS: 1. ICE CREAM TRUCK PARKING TWO TRUCK PARKING WILL BE PROVIDED WITH ELECTRICAL OUTLET. THE ELECTRICAL OUTLET WILL BE USED WHILE THE TRUCKS PARK AT NIGHT. 2. PROPOSED STOCK ROOM WILL PROVIDE WALK IN FREEZER AND SUPPLIES.

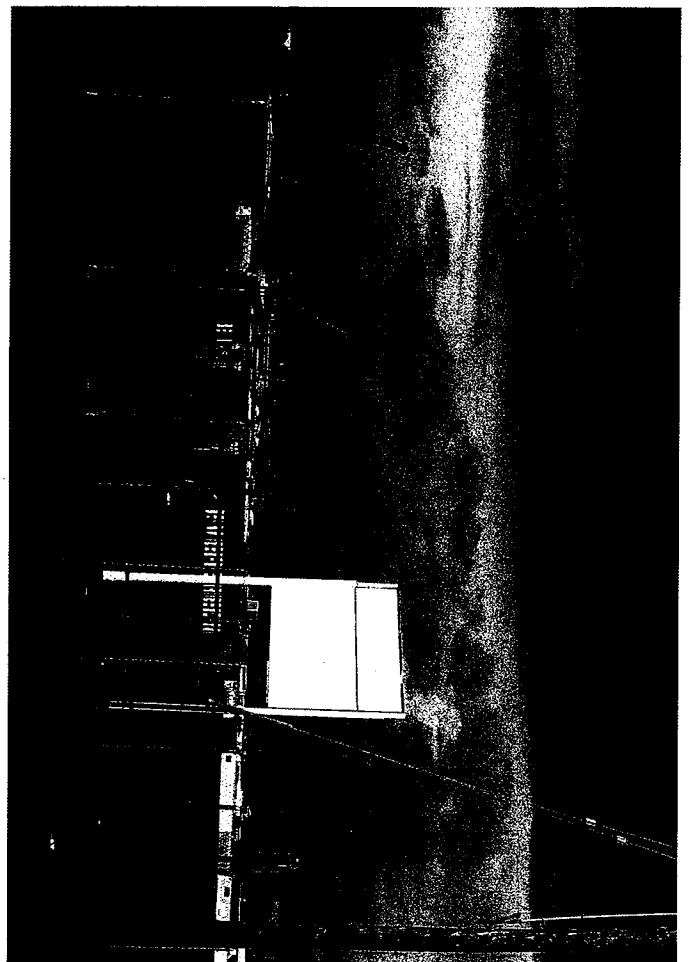
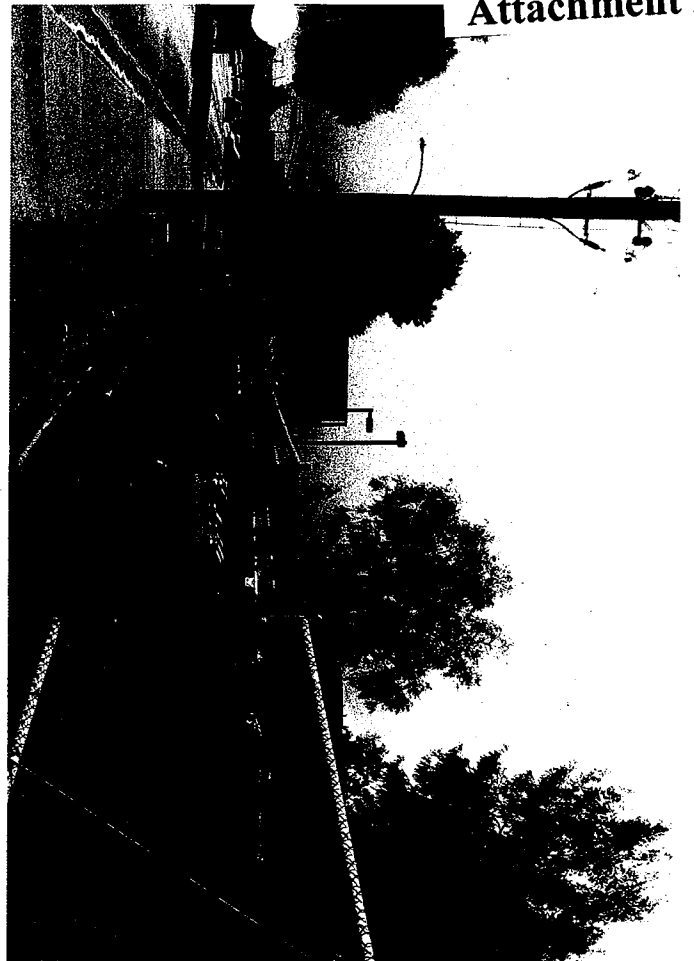
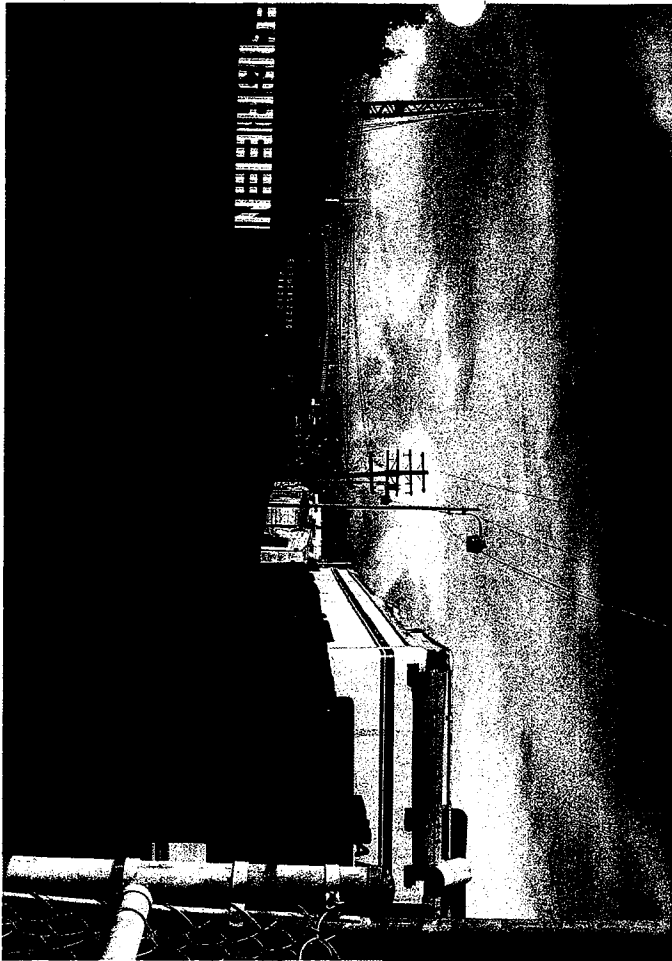


PARCEL - 0002 - 110-110
 PROPERTY INFORMATION
 LOT SIZE - 80,150 SF
 STRUCTURE - 18,275 SF
 PROPOSED STOCK ROOM - 640 SF
 PROPOSED LEASE AREA - 8,465 SF

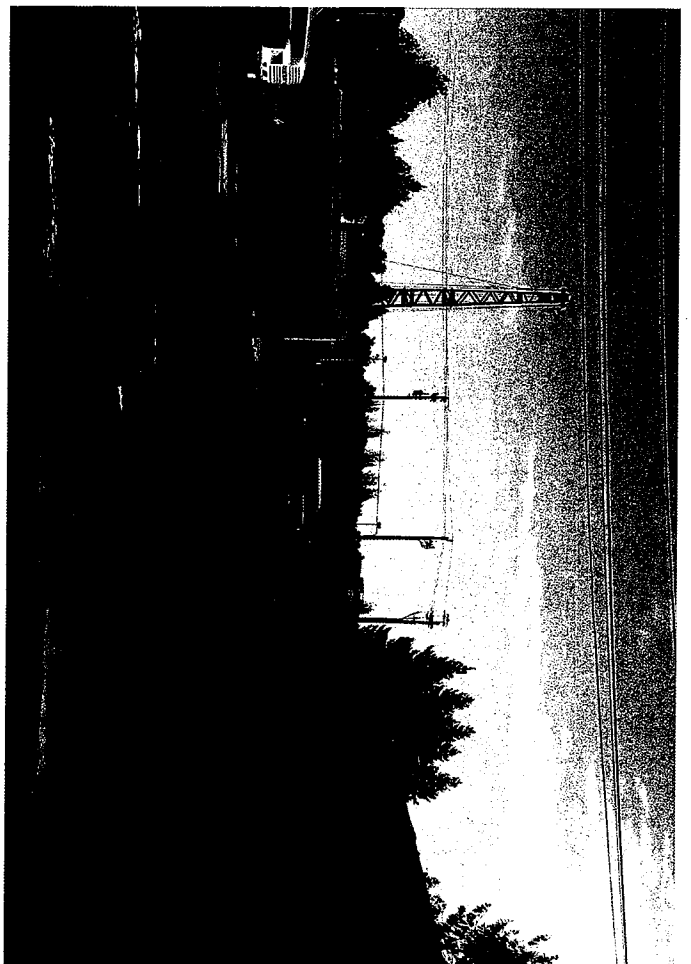
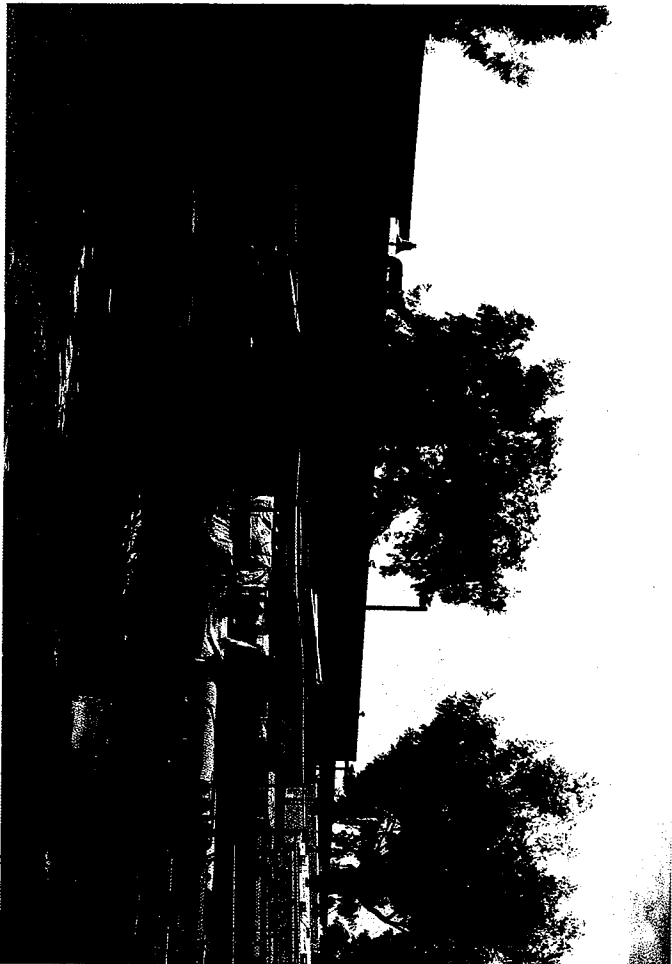
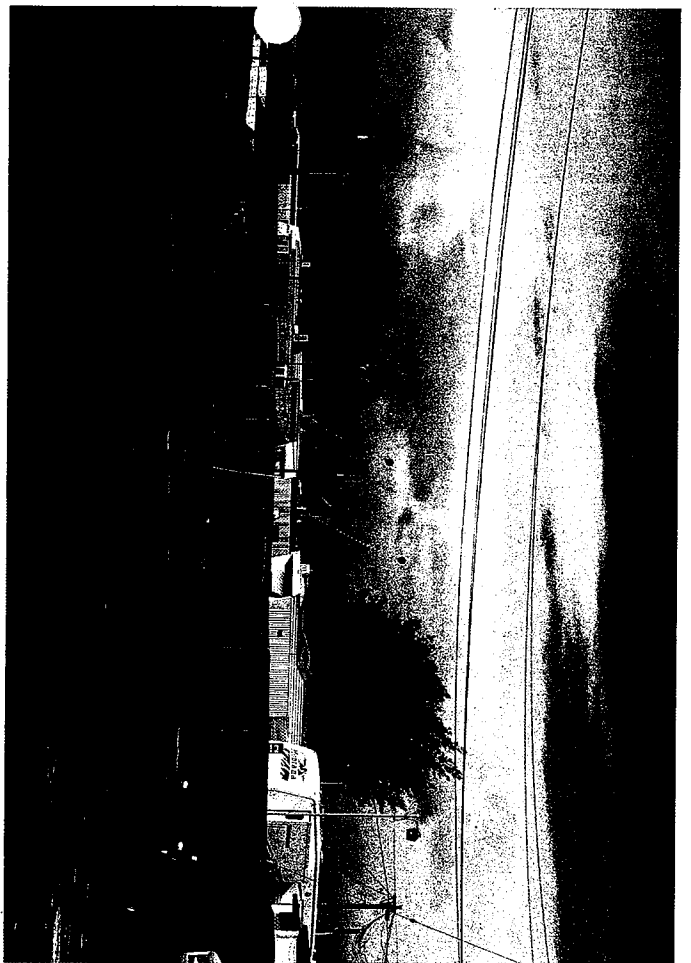
PLOT PLAN
 SCALE 1/8\"/>



2	PROJECT : ICE CREAM TRUCK - COMMISSARY .	SCOTT & SENEVZ 2141 Broadway Street San Francisco, CA 94109 Tel: 415.774.8888 www.scottandsenevz.com
	LOCATION : 835 BROADWAY ST. VALLEJO CA. 94589	
SCALE : 3/8" = 1'-0"	OWNER : GURDEEP PAWAR	PLANNING DESIGN
DRAWN : [blank]	TEL : 707.712-6721	
CHECKED : [blank]		









ITEM K4

CITY OF VALLEJO PLANNING COMMISSION

RESOLUTION NO. PC-07-04

**A RESOLUTION OF THE PLANNING COMMISSION
APPROVING A CONDITIONAL USE PERMIT APPLICATION
(Planned Unit Development [Unit Plan] #07-0018)**

Perez Custom Home @ Hiddenbrooke
1757 Durrow Court
APN: 0182-215-070

I. GENERAL FINDINGS

WHEREAS an application was filed by Orin Wakefield seeking approval for a Planned Unit Development (Unit Plan) permit to allow the construction of a custom home on a vacant lot,

WHEREAS the City of Vallejo Planning Commission conducted a duly noticed public hearing to consider the application for the Conditional Use Permit on February 5, 2007, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission,

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

II. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS.

Section 1. The project is exempt from the requirements per Class 32 "In Fill Development Projects," Section 15332 of the California Environmental Quality Act.

Section 2. The Planning Commission hereby adopts the environmental findings contained in section 2 "*Environmental Review*" of the staff report attached hereto as "Exhibit 1" and incorporated herein by this reference.

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

Section 3. The Planning Commission finds that applicant submitted a Planned Development (Unit Plan) application which is required for construction of a single family home in the Hiddenbrooke Community, as Planned Development approval is governed by Chapter 16.116 of City of Vallejo Municipal Code.

The Planned Development Permit is required for a family residential use in the Mixed Use Planned Development District pursuant to the City of Vallejo Municipal Code sections 16.112 and 16.116.

Section 4. Planning Commission finds, based on the facts contained in sections 2,3, 4, 7, and 8 of the staff report attached hereto as Exhibit 1 and incorporated herein by this reference, and given and the evidence presented at the public hearing, and subject to the conditions attached to this resolution as Exhibit 2, that:

1. The Unit Plan, as conditioned, is consistent with the intent and purpose of the Hiddenbrooke Specific Plan, as per Sections 3 and 4 of this staff report.
2. The Unit Plan as conditioned is consistent with the goals and policies of the Vallejo General Plan, as discussed in Section 6 of this staff report.
3. The Unit Plan as conditioned, 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 the 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 as per Sections 8 and 9.
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.

IV. RESOLUTION RECOMMENDING APPROVAL OF THE PLANNED DEVELOPMENT (UNIT PLAN) APPLICATION #06-0018 FOR THE CONSTRUCTION OF CUSTOM SINGLE FAMILY HOME, SUBJECT TO CONDITIONS OF APPROVAL

NOW, THEREFORE, LET IT BE RESOLVED that the Planning Commission hereby APPROVES the Planned Development (Unit Plan) application (PD 06-0018) for construction of a custom single family home, based on the findings contained in the staff report attached hereto and incorporated herein as "Exhibit 1" and subject to the Conditions of Approval contained in "Exhibit 2" attached hereto and incorporated herein by reference.

V. VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Vallejo, State of California, on the 5th day of February, 2007, by the following vote to-wit:

AYES:

NOES:

ABSENT:

CHARLES LEGALOS, CHAIRPERSON
City of Vallejo PLANNING COMMISSION
Attest:

Don Hazen
Planning Commission Secretary

EXHIBIT 1



STAFF REPORT

CITY OF VALLEJO PLANNING COMMISSION

Date of Hearing: February 5, 2007 **Agenda Item: K4**

Application Number: Planned Development (Unit Plan) #06-0018 as governed by Section 16.116 of the Vallejo Municipal Code (VMC)

Recommendation: Recommend **Conditional Approval** of Planned Development #06-0018 subject to the findings and conditions contained in the staff report, including a reduction of lot coverage from 21.3% to 7.3%.

Location: 1757 Durrow Court (Lot 19) APN: 0182-215-070

Applicant: Orin Wakefield

Property Owner: Ron & Eunice Perez

Environmental Review: The proposed project is categorically **EXEMPT**, per Class 32 "In Fill Development Projects," Section 15332 of the California Environmental Quality Act.

General Plan: Residential- Low Density

Zoning: Mixed Use Planned Development (MUPD)

Surrounding Land Use: The surrounding land uses for the subject site include: open space to the east and residential to the north, south, and west.

Public Notice: Notice of the proposed project and public hearing was sent to the Hiddenbrook Architectural Review Committee, the Hiddenbrook Property Owners Association, the Hiddenbrooke Community Association, October 10th and 17, 2006 and January 24, 2007. Comments received are addressed in Section 7 of this report.

1. PROJECT DESCRIPTION:

The project proposal is to construct a 14,029 square foot two and a half story, custom single-family home on a vacant 1.01 acre lot at 1757 Durrow Court (lot 19) in the Knolls @ Hiddenbrooke Development. The proposed Mission Revival styled home with stucco siding and California Spanish clay tile roof would contain six bedrooms of which two would be guest quarters, and six baths. The project is illustrated on a development plan package prepared by Sunrise Construction, dated June 23, 2006 with landscape drawings prepared by Borrecco/Kilian & Associates, Inc., dated November 11, 2005 (see Attachment B).

- 2. ENVIRONMENTAL REVIEW:** The proposed project is exempt from the California Environmental Quality Act (CEQA) per Section 15332, Class 32 Categorical Exemption, "In Fill Development Projects" of CEQA because the proposed development would occur within city limits on a project site no more than five acres substantially surrounded by urban uses and can be adequately served by all required utilities and public services.

3. CONSISTENCY WITH THE GENERAL PLAN:

The General Plan Land Use designation for this site is Residential Low Density. The proposal to develop the vacant parcel with a single-family home is consistent with this land use designation.

4. CONFORMANCE WITH APPLICABLE ZONING REGULATIONS:

The project area is zoned Mixed Use Planned Development (MUPD). Adopted development standards for residential uses within the Hiddenbrooke community are found in the Hiddenbrooke Specific Plan. The Hiddenbrooke Specific Plan designates the site as SVLP-F. The preferred land use designation for this neighborhood is custom single family homes with the alternative land use being zero-lot patio homes. General Standards for the SVLP-F neighborhood are as follows:

Energy Conservation:

- A. Residential units shall be sited to take advantage of passive solar heating techniques, when consistent with the requirements of Titles 24 and 25.
- B. Where optimum siting is not possible, residential units shall be designed with overhangs, such as eaves, on east, south, and west elevations.
- C. All buildings shall be equipped with energy and water conservation features.

The project will generally comply with all of the above noted standards, and will be designed to meet Title 24 and 25 criteria.

Landscaping:

- A. Drought resistant landscaping shall be used within the front yards of all single family detached and attached units.
- B. One street tree shall be installed for each 50 feet of street frontage or one street tree be installed for every residential lot, whichever is smaller.
- C. A minimum of 100 feet of fire resistant landscaping and maintained grasslands shall be used adjacent to open space areas in compliance with City standards. The 100 foot band shall not be irrigated unless required by the Fire Department.

The submitted landscaping plan (sheet L1-L3) does identify drought tolerant planting selections however, sheet L1 does not identify the plant varieties on the conceptual landscape plan or in some cases, gives a generic description, e.g. "drought tolerant flowering shrubs." The plant symbols used are not identified always within the plant list (sheet L3) as well. Staff believes that the conceptual landscape plan will meet the standards above; however, a condition of approval for a revised landscape plan which clearly identifies plant type/name on the sheet L1 illustrating drought tolerant landscaping for the front yard and rear yard fronting Landmark Drive and replacement of regular to high water usage plants for these areas will be required.

Miscellaneous:

- A. Outdoor storage of boats, trailers, recreational, and off-road vehicles shall be prohibited.

Recorded Conditions, Covenants and Restrictions (CC&Rs) adequately address outside storage of vehicles and currently restrict the use of the property to residential.

- B. Fire, police, and emergency medical alarm systems shall be provided for every residential unit.

A condition of approval will be included requiring that fire, police, and emergency medical alarm systems be illustrated on construction plans.

- C. Residential units shall be compatible with neighboring units in terms of architectural design and scale.

The architectural design of the custom home incorporates architectural elements and materials that are consistent with the surrounding homes and the

Hiddenbrooke Design Guidelines including, but not limited to: Spanish style clay roof, earth-toned stucco finish and arched windows.

The proposed 14,029 square foot custom home would be more than double the square footage on the neighboring home (lot 20, 1749 Durrow Court) which is 6,289 square feet and currently, the largest custom home on the Court. It is staff's opinion that based on the proposed total square footage, the proposed home is not compatible with the neighboring units in terms of scale.

- D. To the extent possible, driveways shall not be on inside curves.

The driveway is not located on an inside curve.

- F. Residences fronting on collector roads shall be setback to mitigate noise impacts.

The subject does not front a collector road.

- G. Measures and/or programs to maximize the quality of stormwater runoff shall be used in the development concept of each lot.

The applicant will be required to meet Vallejo Sanitation and Flood Control District's storm water quality standard condition, as stated in this report.

- H. Six inches of top soil (imported from outside the project area) shall be provided to each residential lot by the home builder prior to occupancy of the residential unit or amendments sufficient to meet the City's specifications.

A condition of approval will be included requiring compliance with item H noted above.

- I. Residential units shall not be converted to commercial units, except for home occupations as defined by the Vallejo Municipal Code.

Item I will be made a condition of approval for this project.

- J. Buyers of residential lots shall be notified by the owners of the City's requirement for supplemental geotechnical studies.

Item J will be made a condition of approval for this project.

4. CONSISTENCY WITH OTHER ADOPTED POLICIES:

In January of 1999, the Hiddenbrooke Design Guidelines were approved by the City. The purpose of these guidelines is to make certain that all projects are of a high quality with respect to architecture, site planning, landscaping, site amenities, entries,

and fencing. These guidelines require that the developer/homebuilder obtain approval from the Hiddenbrooke Architectural Review Committee (HARC) prior to submitting the plans to the City for review and approval. The applicant's plans were reviewed and conditionally approved by the HARC on June 23, 2006. The design guidelines applicable for the development of the subject custom lot are identified below:

- A. The maximum number of primary dwelling units per lot shall be one.

Only one home is proposed.

- B. No structure shall exceed 35 feet in height, as defined in the Vallejo Municipal Code.

The maximum height proposed for the custom home is 35 feet from finished grade, as measured in accordance with Section 16.04.560 of the Vallejo Municipal Code.

- C. Lot size and setbacks shall be determined during the unit plan approval process and based on the type of unit designed for a specific neighborhood.

According to the Design Guidelines, the setbacks for this project are per Standard A, which are 25 feet from the front property line for front facing garages, 25 feet from the front property line to the house, 20 foot side yard setbacks, and a 50 foot rear yard setback.

The home proposes to have a 28 foot front setback to the front facing garage, a 24 foot setback from the front property line, 16 foot (north) and 51 foot (south) side yard setbacks, and a 48'6" rear yard setback. A condition of approval will be required for the applicant to submit revised plans illustrating either: a) a front entry wall and gate at its current proposed location not exceeding four feet in height or b) the current front entry wall and gate setback a minimum of 15' from the front property line.

- D. Permitted accessory structures may include garages, greenhouses and lath houses (non-commercial), gazebos, storage buildings, guest houses, second family residential units (with separate unit plan approval), and servant quarters.

The submitted plans do indicate two guest living areas. Staff is concerned that even though the lower floor guest quarters does not have its own kitchen, a separate entrance from the main structure is being proposed which increases the possibility that the guest quarters could be converted into a separate living unit. Staff will require as a condition of approval that a deed restriction be recorded for the proposed structure to be used only as a single family dwelling unit.

- E. No individual accessory structure shall exceed 1,200 square feet. The cumulative square footage of all accessory structures shall not exceed 50 percent of the lot's total front, side, and rear yard areas.

No accessory structures are being proposed at this time.

- F. Tennis courts, swimming pools and spas are permitted.

Submitted plans (Sheet SD-1) propose an approximate 370 square foot pool within the rear yard. Required setbacks and secured access, i.e. fence, gates, are shown on the plans.

- G. Rear yard view and golf course fencing

The subject property's rear yard is not adjacent to open space or the Hiddenbrooke golf course.

- H. Landscape Plans

HARC requires submittal of landscape plans from all homeowners/homebuilders before commencement of home construction. HARC has reviewed and approved the applicant's landscape plans. As noted in Section 8 of this report, staff has determined upon review that the conceptual landscape plan does not clearly identify the plant variety/types which are being proposed. Revised plans shall clearly identify the proposed plants on the plan and shall be drought tolerant for the yard areas fronting Durrow Court and Landmark Drive.

- I. Mailboxes

The Hiddenbrooke Design Guidelines state that individual and/or grouped mailboxes material and location are to be identified on submitted plans. Vallejo Post Office approval for the mailbox configuration, i.e. single or grouped, is to be obtained before placement. Staff has required as a condition of approval that the applicant submit documentation from the Vallejo Post Office approving the proposed mailbox location.

5. DEPARTMENT REVIEW AND COMMENTS:

Notice of the application was sent to the Building Division, the Traffic Engineer, the City Engineer, Vallejo Sanitation and Flood Control District, Fire Prevention, Water Superintendent, and Landscape Management. Comments from these departments are incorporated into the conditions of approval.

6. PUBLIC COMMENTS:

Staff did not receive any public comments upon mailing of their initial public notice; however, upon mailing of the second public notice, which was required due to the applicant's request to apply for a minor exception to allow an encroachment within the required side yard setback, staff received multiple comments and a neighborhood petition opposing not only the minor exception, but the project itself (see Attachment C). The five objections cited in the neighbor's petition are summarized as follows:

- a) The size of the proposed home, 14,000 square feet, is inconsistent with the average size of other single-family homes in the neighborhood (3,500 square feet) and the other custom homes which are half the size
- b) The 14,029 square foot single-family home exceeds the square footage limits of the City of Vallejo's policy
- c) The proposed home would block the view and sunrise from the existing homes below
- d) The fact that the home requires a minor exception to encroach within the required side yard setback illustrates that it is too large for the lot (*the minor exception application has since been withdrawn, and the home, revised to conform with required side yard setbacks*)
- e) We are concerned that portions of the home will be rented out to multiple families and/or businesses

Staff's response to the neighbors concerns is addressed in the following staff analysis.

7. STAFF ANALYSIS:

Upon initial review of the proposed custom home, staff's concerns mirrors those of the neighbors related to the size (total square footage) of the home and the proposed guest quarters in the lower unit. Staff also has concerns regarding the proposed entry gate and wall, which as addressed in Section 6 of this report, will be required to meet front setback standards upon plan re-submittal.

Though it is presumed by staff that the Hiddenbrooke Architectural Review Committee reviews proposed plans for consistency with the Hiddenbrooke Design Guidelines, staff believes the "siting" of the home was not thoroughly considered as expressed in the Guidelines on page 4-24: "the Hiddenbrooke Architectural Review Committee shall consider each site independently and give extensive consideration to the individual impact of each plan upon adjacent home sites, common areas, and the appearance from the golf course." Staff also believes that the proposed home does not achieve the following goals of the Guidelines:

Goal #1- To ensure that the individual neighborhoods and homes enhance and complement the overall community identity while expressing their own high quality individuality

Goal #3- To ensure that, where publicly visible, individual homes settle gracefully into their sites

As shown in the table below, staff also believes that the following two findings cannot be made due to the mass, scale, and lot coverage of the proposed home being incompatible with the existing homes, including custom homes, in the neighborhood (see Attachment D for full analysis of subject and surrounding homes).

- 1) 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;
- 2) 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.

Comparable Lot Coverage's

Table 1.

Address	Total Building square footage	1st floor square footage	Lot square footage	Lot coverage
1765 Durrow	vacant	vacant	44,866	N/A
1773 Durrow	vacant	vacant	43,560	N/A
1781 Durrow	vacant	vacant	43,560	N/A
1789 Durrow	3,070	3,070	43,995	7.0%
1797 Durrow	vacant	vacant	45,738	N/A
1740 Durrow	5,632	1,857	58,806	3.2%
1749 Durrow	6,289	3,661	69,260	5.3%
Averages	4,991	2,863	49,969	5.1%
Site	14,029	9,354	43,995	21.3%

Source: Real Estate Solutions, Planning Division records

8. STAFF RECOMMENDATION:

In order to achieve consistency with the development pattern of the existing custom homes, and to address the concerns of the neighbors, staff recommends that the proposed home not exceed the 1st floor square footage of 3,200 square feet, total square footage of 6,400 square feet and lot coverage of 7.3%.

Below is a table which illustrates different home square footages which staff believes, could achieve compatibility (dependent on design) with the average custom home square footage (4,991) on Durrow Court and the average lot coverage (5.1%).

Table 2.


Proposed/Optional 1st Floor Square Footage	Lot coverage
9,354	21.3%
5,000	11.4%
3,200	7.3%
2,250	5.1%

Staff recommends the Planning Commission **ADOPT** a Resolution approving Planned Development (Unit Plan) #06-0018 subject to findings and conditions found in the attached Resolution.

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: Development plan package prepared by Sunrise Construction
- Attachment B: Neighborhood petition
- Attachment C: In-fill statistical analysis spreadsheet
- Attachment D: Conflict of Interest Map

J:\PL\Marcus\2006permits\PD\durrowct1757(customhm-PD06-18)\staffreport

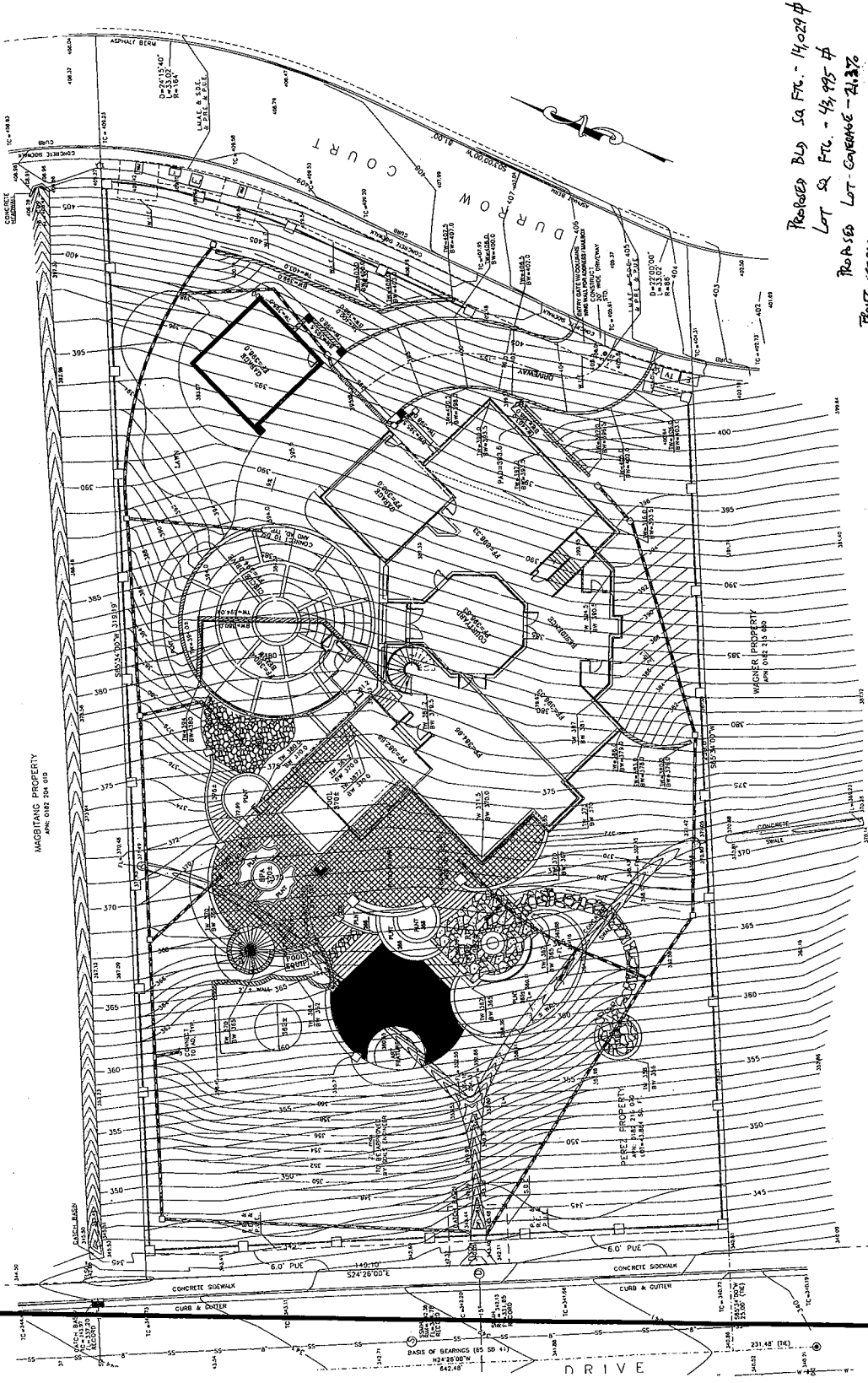
SUNRISE CONSTRUCTION
 ORIN WAKFIELD
 DESIGNER-BUILDER
 3 HIDDEN SPRINGS ROAD NAPA, CA 94558
 (707) 254-9596 LIC. #258071



PEREZ RESIDENCE
 1757 DURROW COURT @ HIDDENBROOK
 VALLEJO, CA

SITE PLAN
 Revised University
 June 23, 2006
 MAY 8, 2006

A-01



Revised Bldg SA Ftc. - 14,029 sq ft
 Lot SA Ftc. - 44,995 sq ft
 Proposed Lot Coverage - 24.3%
 Front Setback 24'
 Side " " 28'
 Rear Setback 16'
 Rear Setback 48' 6"
 Front Setback 51'

© 2006/2005

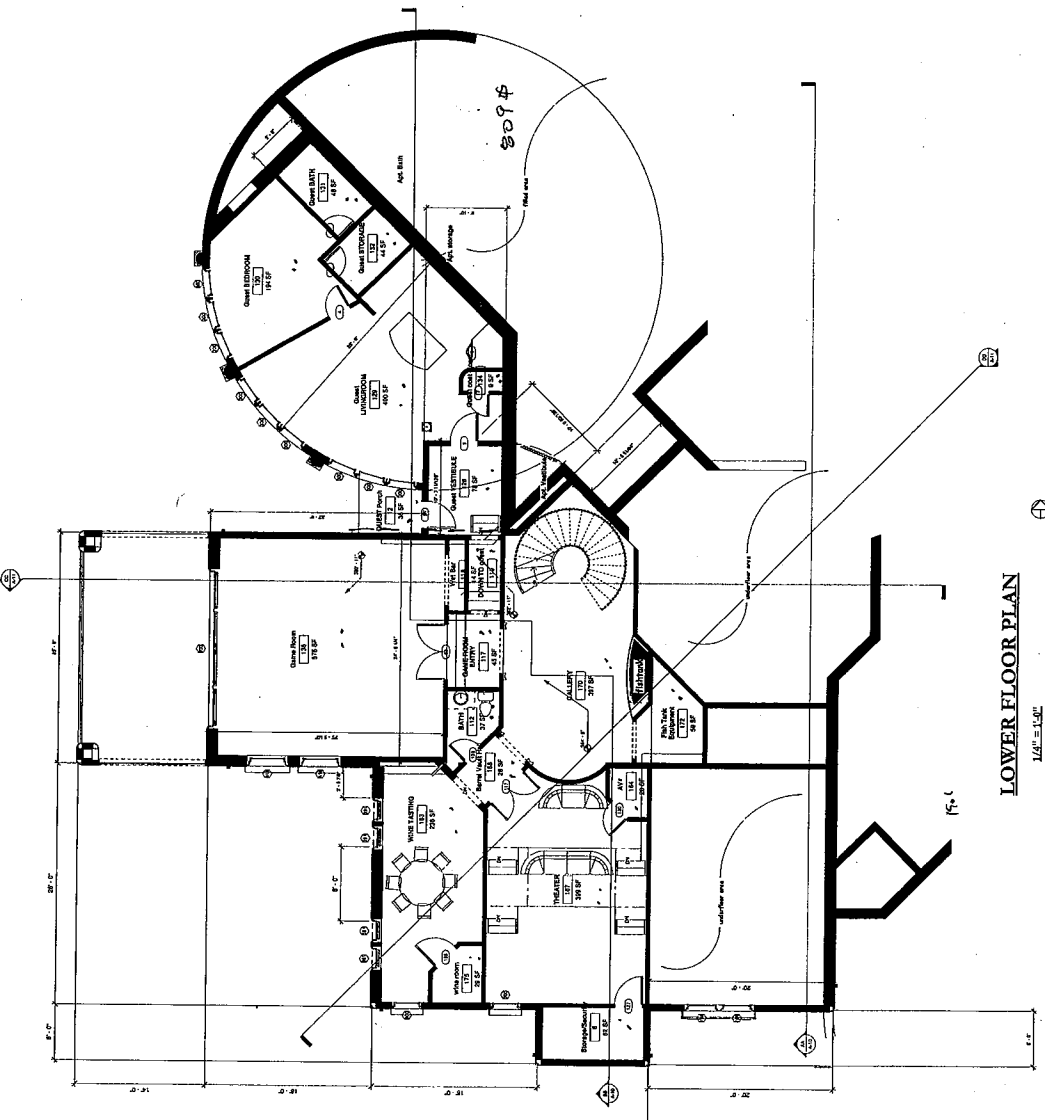
PEREZ RESIDENCE
1757 DURROW COURT @ HIDDENBROOKE
VALLEJO, CA

SUNRISE CONSTRUCTION
ORIN WAKEFIELD
DESIGNER-BUILDER
3 HIDDEN SPRINGS ROAD NAPA, CA 94558
(707) 256-5596 LIC. #580471



1,901 #

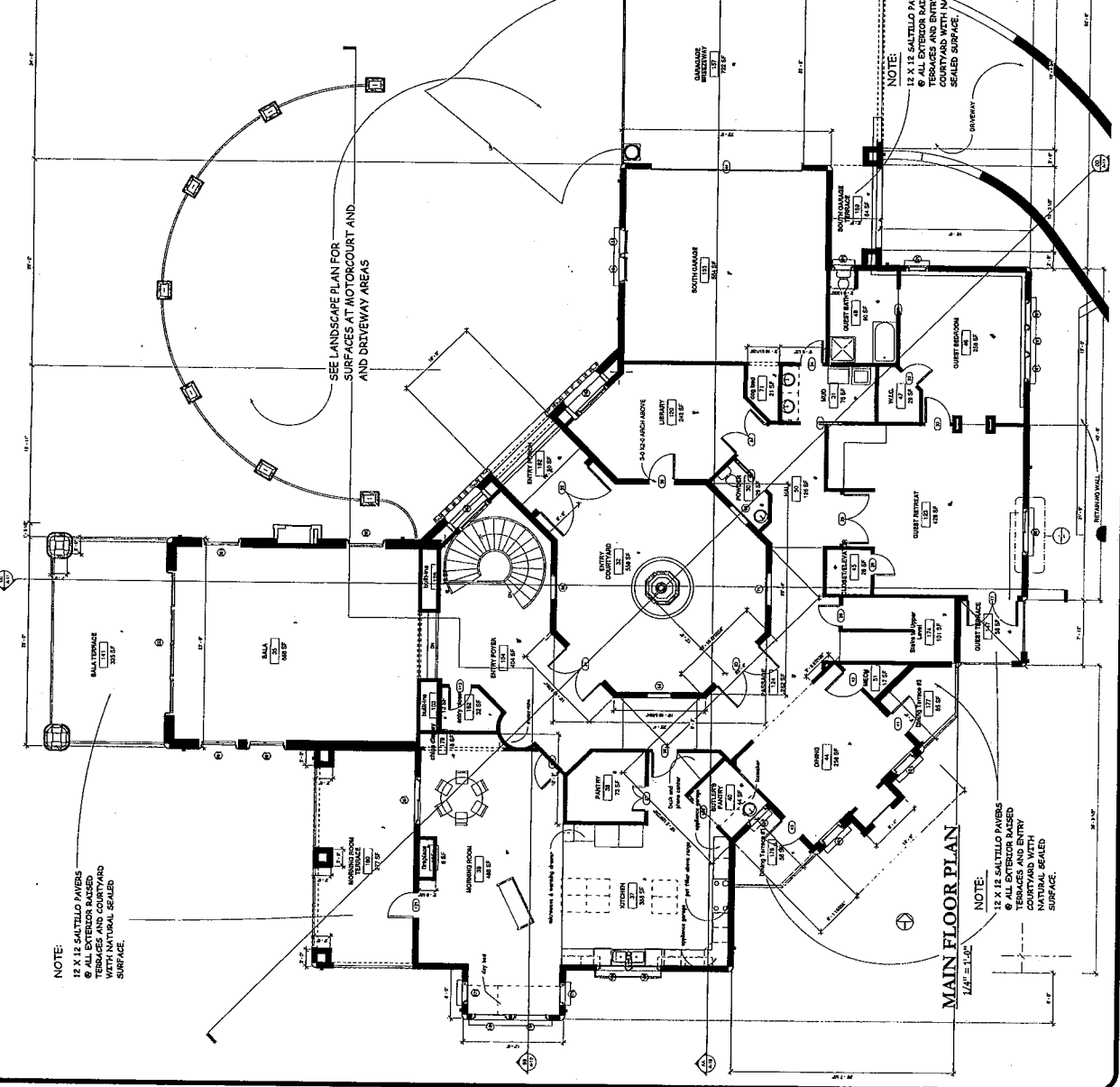
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2	FOUNDATION				
3	FRAMING				
4	ROOFING				
5	MECHANICAL				
6	ELECTRICAL				
7	PLUMBING				
8	PAINTING				
9	LANDSCAPING				
10	GENERAL CONTRACTOR				
11	PERMITS				
12	INSULATION				
13	CEILING				
14	FLOORING				
15	WALLS				
16	DOORS				
17	WINDOWS				
18	STAIRS				
19	BATHS				
20	KITCHEN				
21	BREAKFAST ROOM				
22	DINING ROOM				
23	LIVING ROOM				
24	HALLWAY				
25	CLOSET				
26	LAUNDRY				
27	PORCH				
28	SCREENING				
29	POOL				
30	SPACED				
31	CONCRETE				
32	FOUNDATION				
33	FRAMING				
34	ROOFING				
35	MECHANICAL				
36	ELECTRICAL				
37	PLUMBING				
38	PAINTING				
39	LANDSCAPING				
40	GENERAL CONTRACTOR				
41	PERMITS				
42	INSULATION				
43	CEILING				
44	FLOORING				
45	WALLS				
46	DOORS				
47	WINDOWS				
48	STAIRS				
49	BATHS				
50	KITCHEN				
51	BREAKFAST ROOM				
52	DINING ROOM				
53	LIVING ROOM				
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56	LAUNDRY				
57	PORCH				
58	SCREENING				
59	POOL				
60	SPACED				



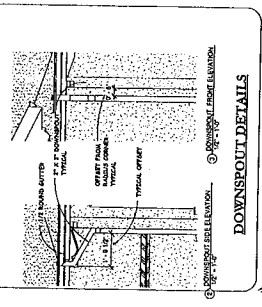
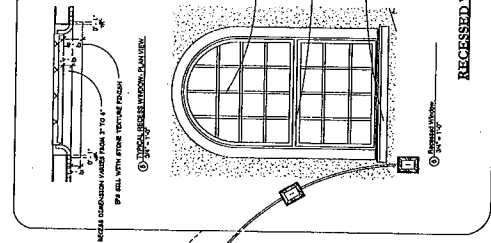
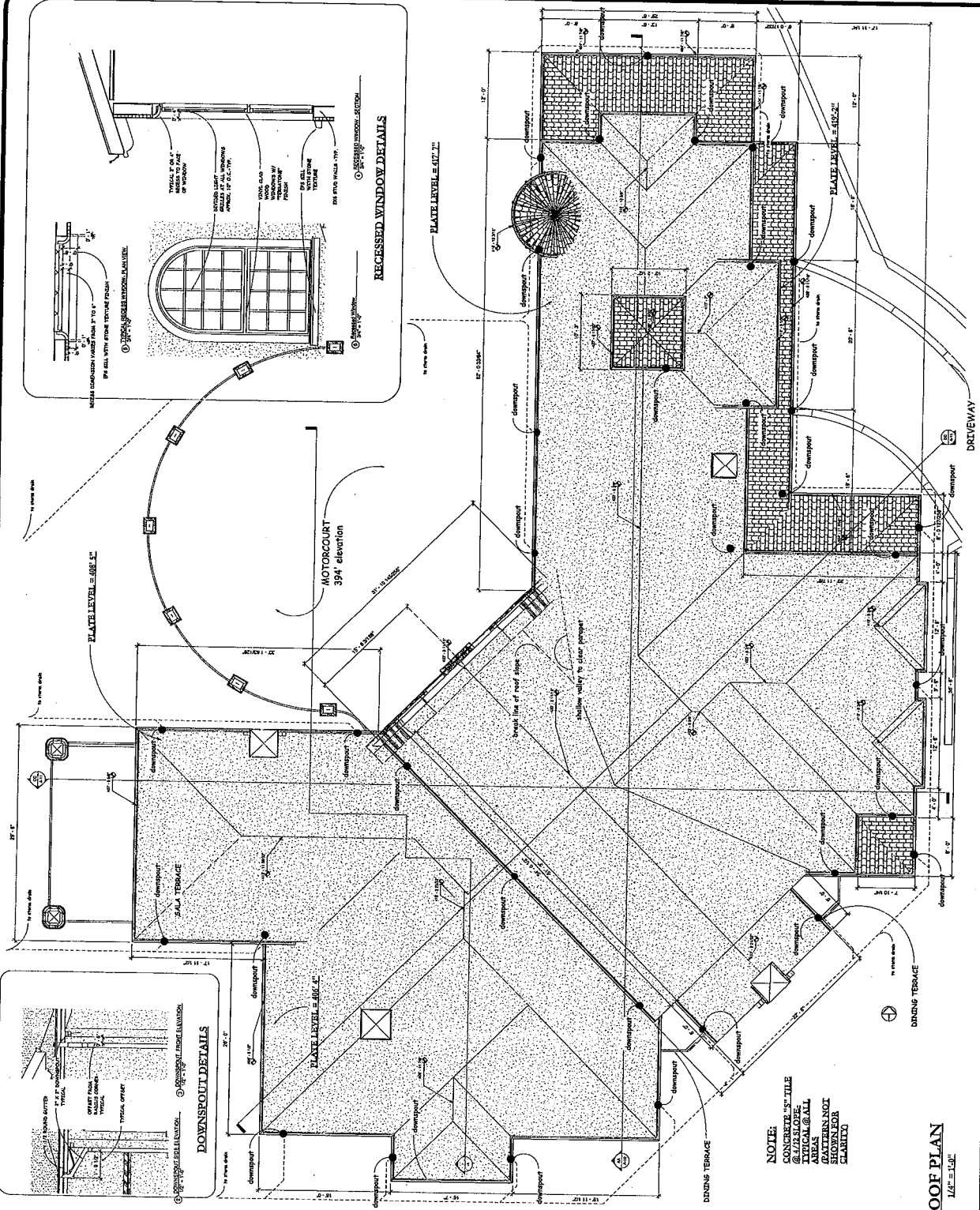
LOWER FLOOR PLAN
1/4" = 1'-0"



NO.	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
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2	12 X 12 SATILLO PAVES	50	SQ. YD.	12.00	600.00
3	12 X 12 SATILLO PAVES	25	SQ. YD.	12.00	300.00
4	12 X 12 SATILLO PAVES	10	SQ. YD.	12.00	120.00
5	12 X 12 SATILLO PAVES	5	SQ. YD.	12.00	60.00
6	12 X 12 SATILLO PAVES	2	SQ. YD.	12.00	24.00
7	12 X 12 SATILLO PAVES	1	SQ. YD.	12.00	12.00
8	12 X 12 SATILLO PAVES	1	SQ. YD.	12.00	12.00
9	12 X 12 SATILLO PAVES	1	SQ. YD.	12.00	12.00
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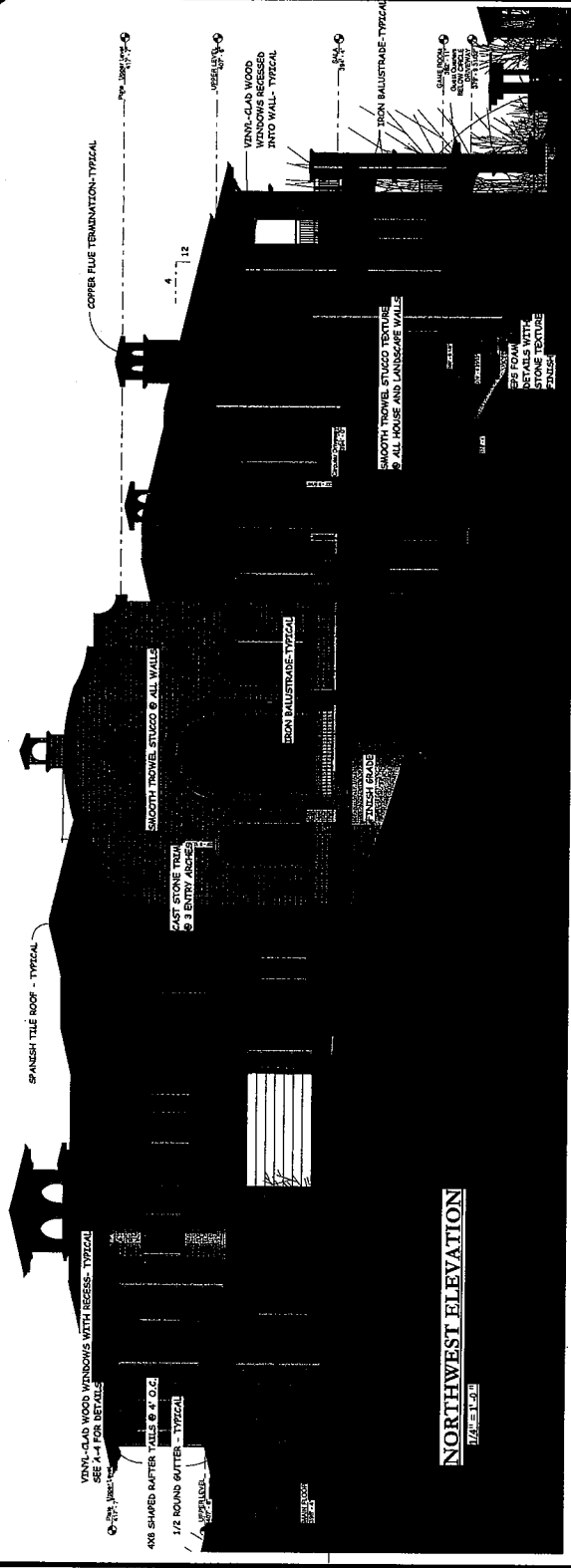


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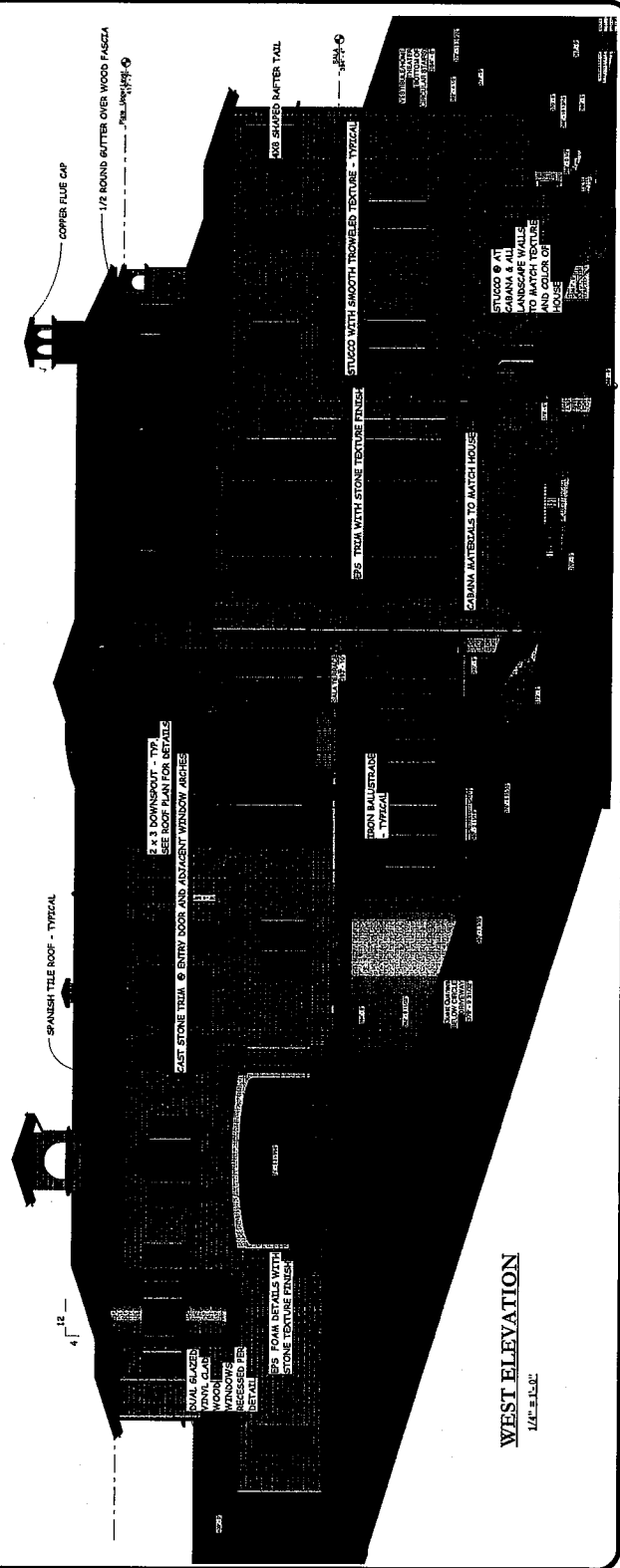


NOTE:
 CONCRETE 1/2" TILE
 @ 1/12 SLOPE
 1/4" DIA. @ ALL
 GATHERING NOT
 SHOWN FOR
 CLARITY

ROOF PLAN
 1/8" = 1'-0"



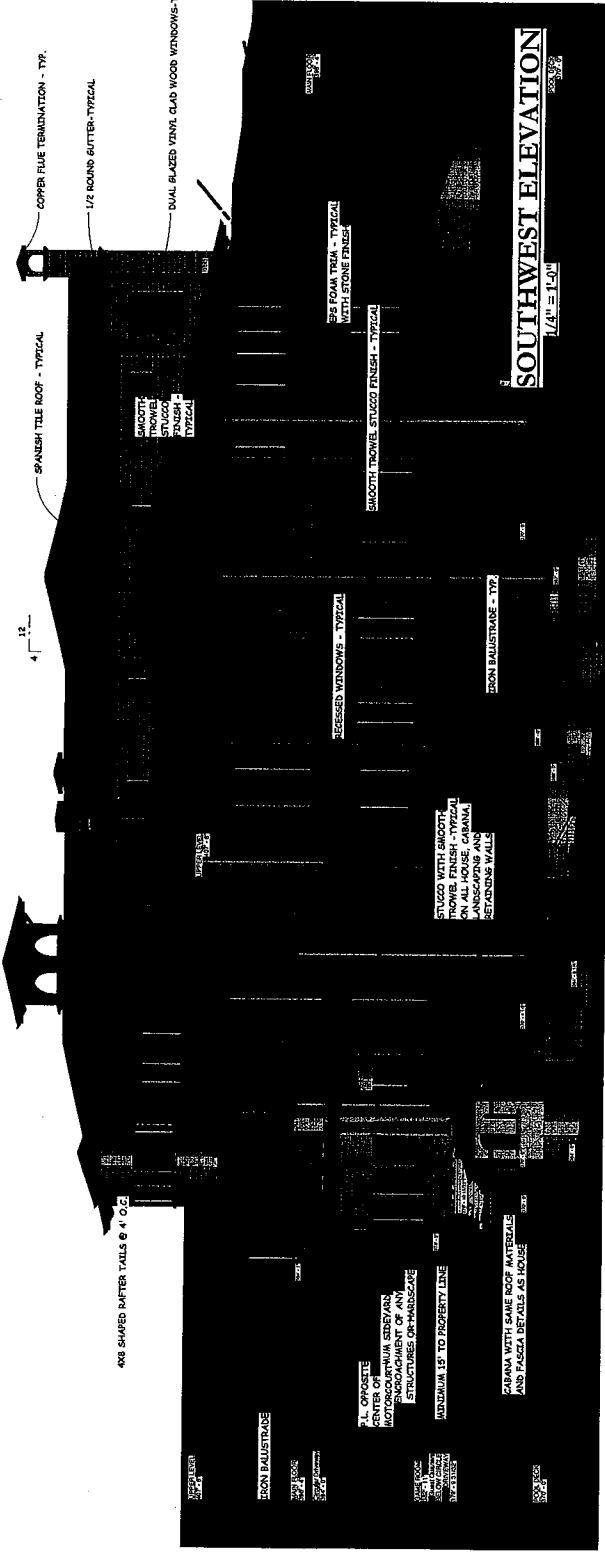
NORTHWEST ELEVATION
 1/4" = 1'-0"



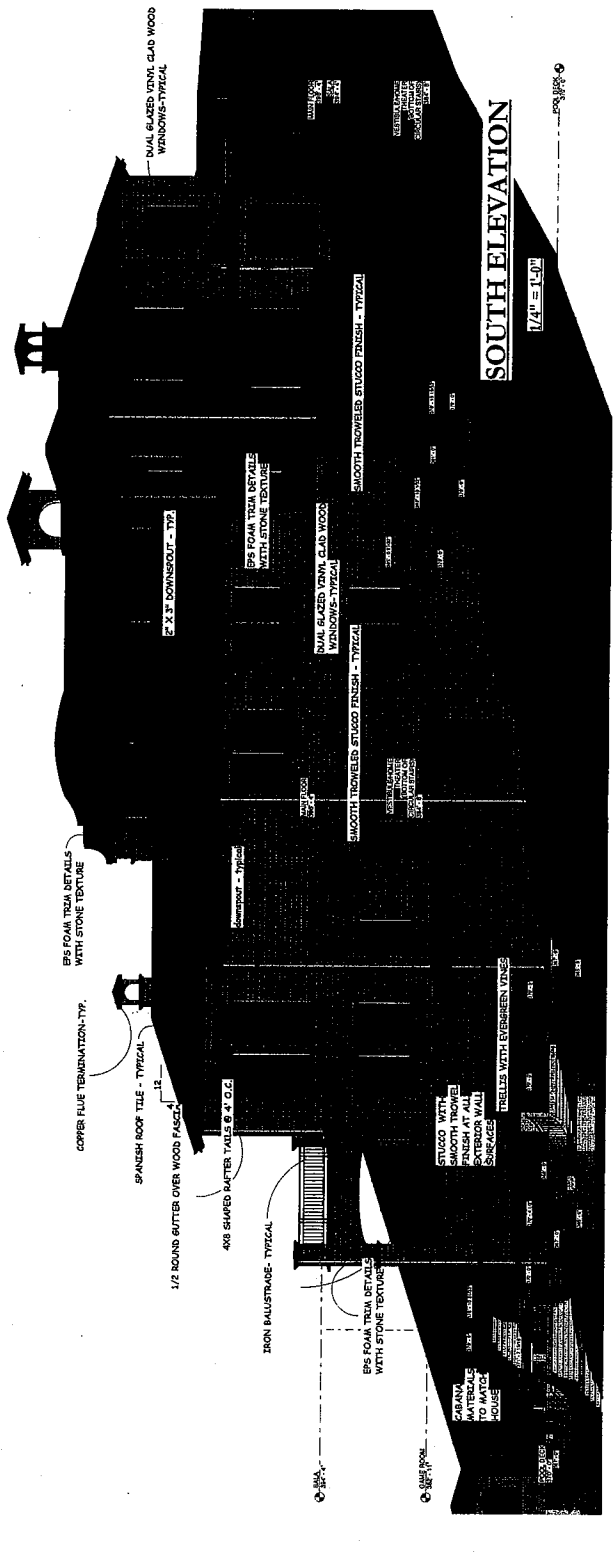
WEST ELEVATION
 1/4" = 1'-0"

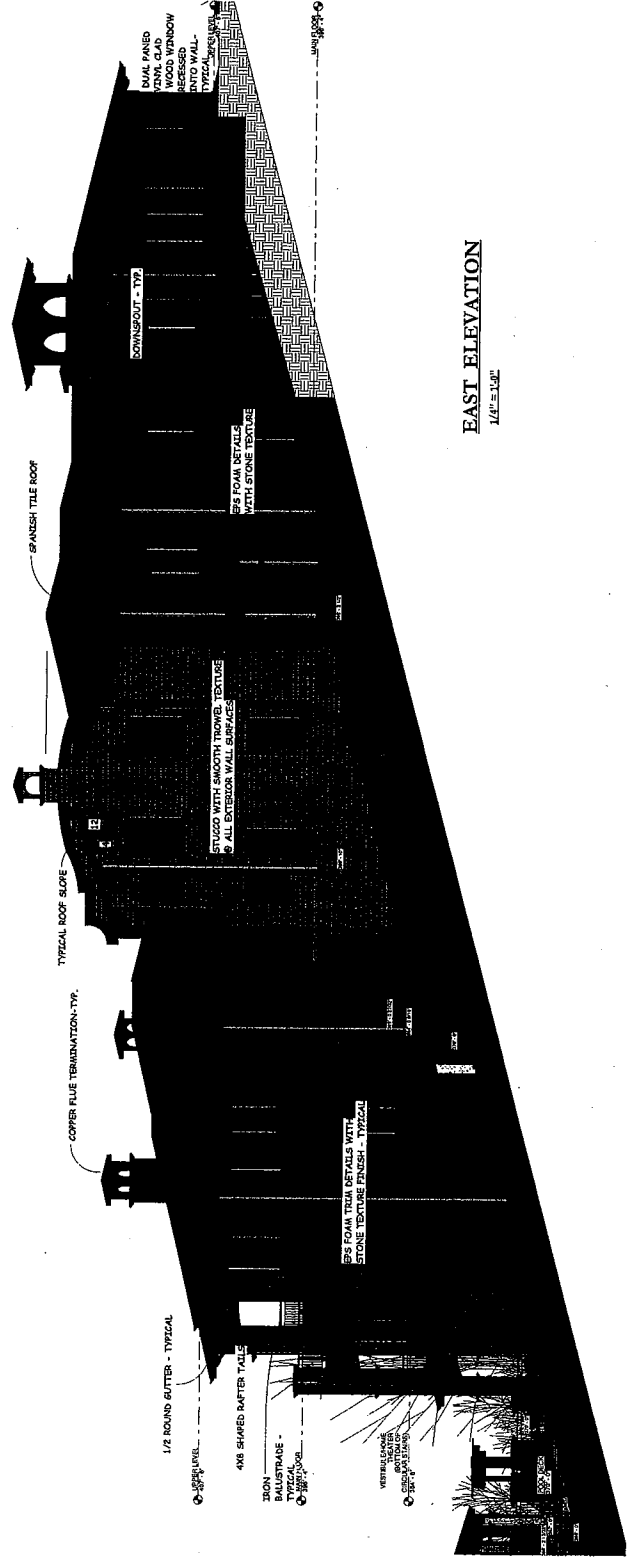


SOUTHWEST ELEVATION
 1/4" = 1'-0"

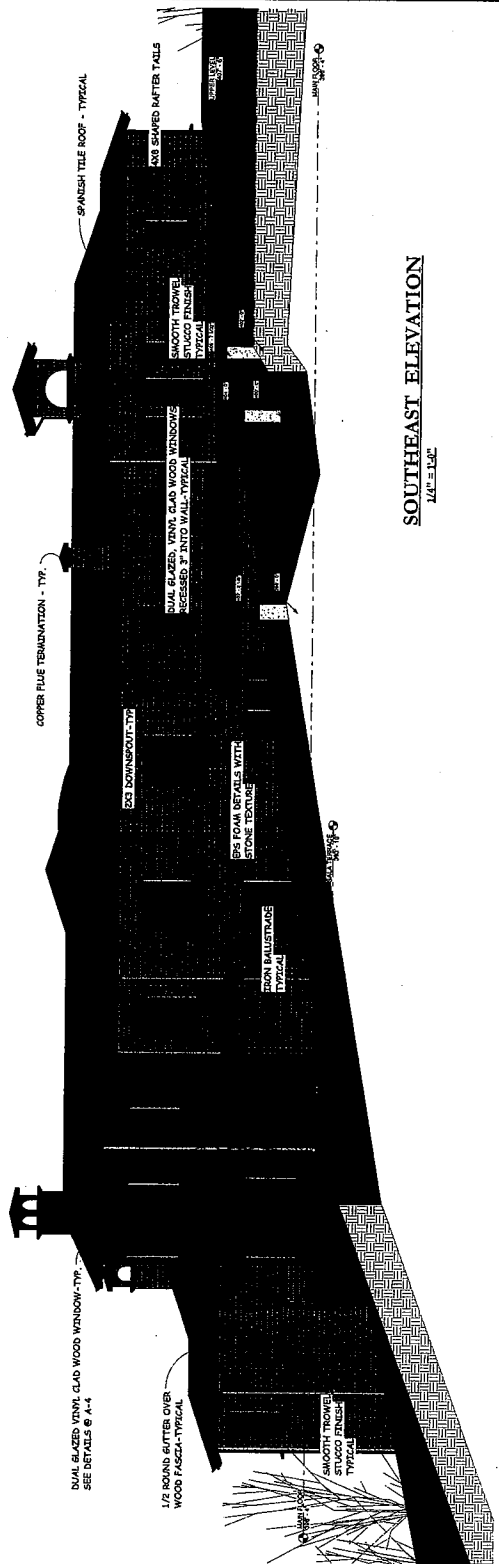


SOUTH ELEVATION
 1/4" = 1'-0"





EAST ELEVATION
 1/4" = 1'-0"



SOUTHEAST ELEVATION
 1/4" = 1'-0"

A-9

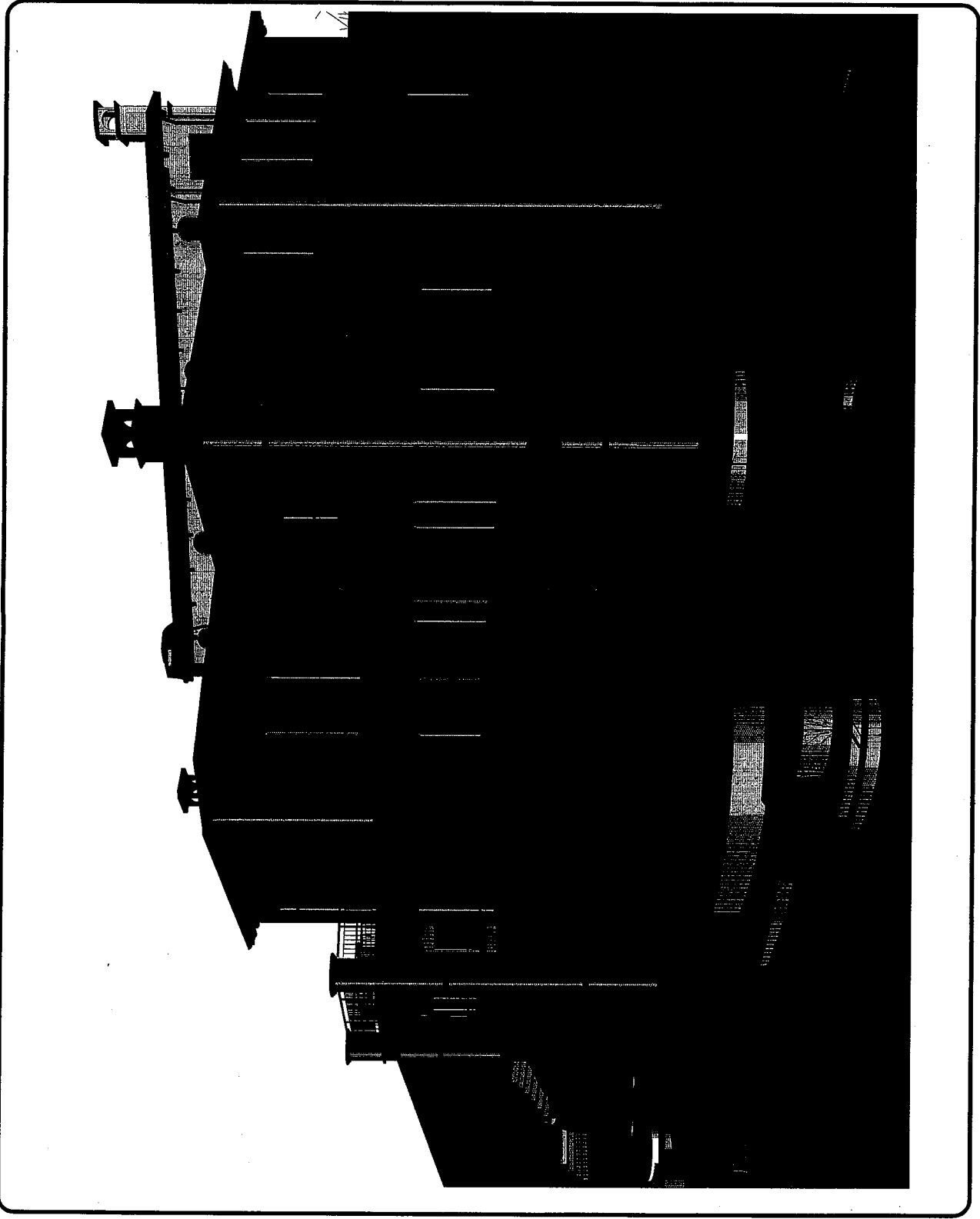
June 25, 2005

PERSPECTIVE
VIEW

PEREZ RESIDENCE
1757 DURROW COURT @ HIDDENBROOK,
VALLEJO, CA



SUNRISE CONSTRUCTION
ORIN WAKEFIELD
DESIGNER-BUILDER
3 HIDDEN SPRINGS ROAD NAPA, CA 94558
(707) 426-9596 LIC. #380471



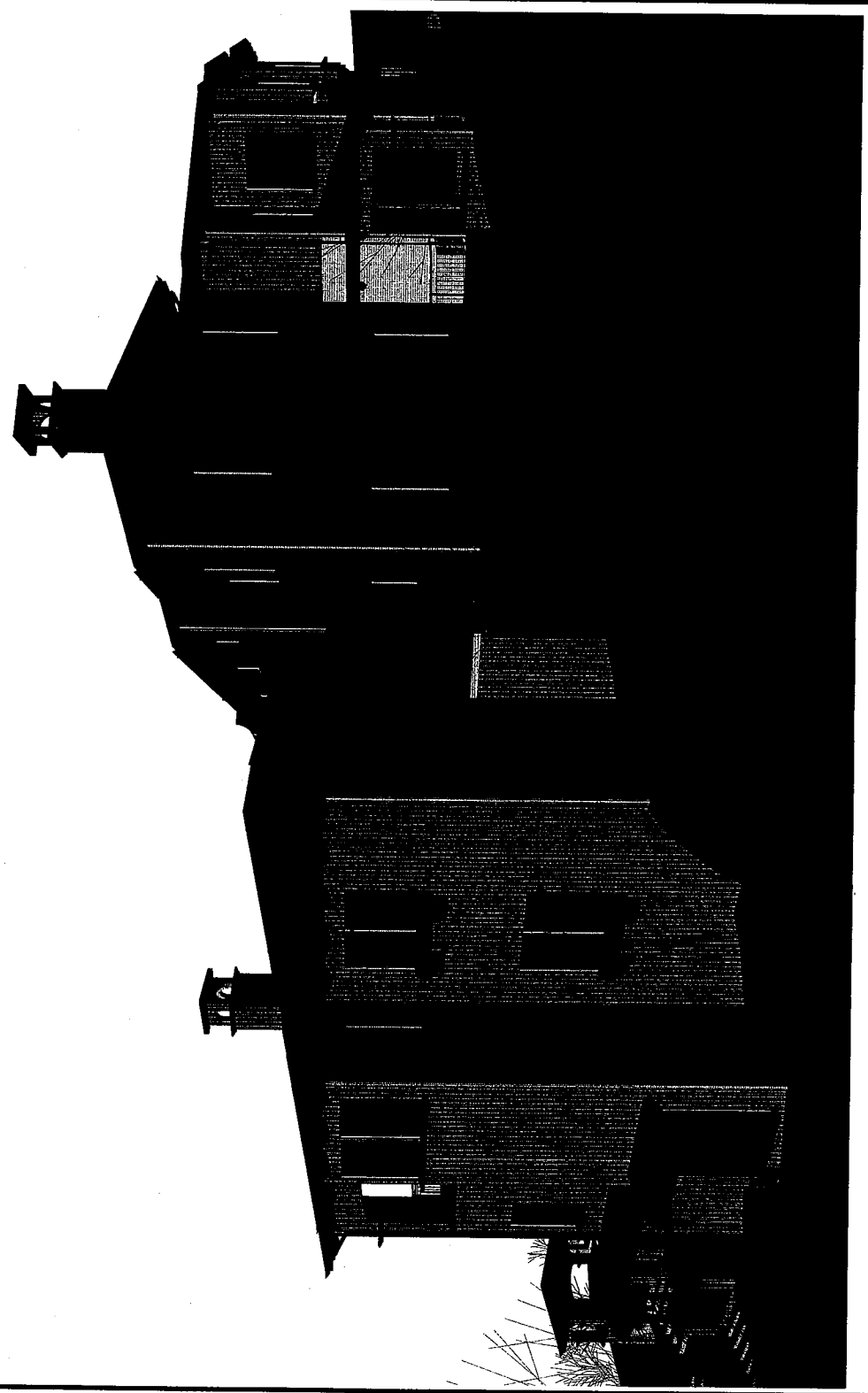
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ORIN WAKEFIELD
DESIGNER-BUILDER
3 HIDDEN SPRINGS ROAD NAPA, CA 94558
(707) 426-9596 LIC. #390471



PEREZ RESIDENCE
1757 DURROW COURT @ HIDDEN BROOK,
VALLEJO, CA

PERSPECTIVE
VIEW
June 23, 2006

A-9



SUNRISE CONSTRUCTION
 ORIN WAKEFIELD
 DESIGNER-BUILDER
 3 HIDDEN SPRINGS ROAD NAPA, CA 94558
 (707) 252-9296 LIC. #58471

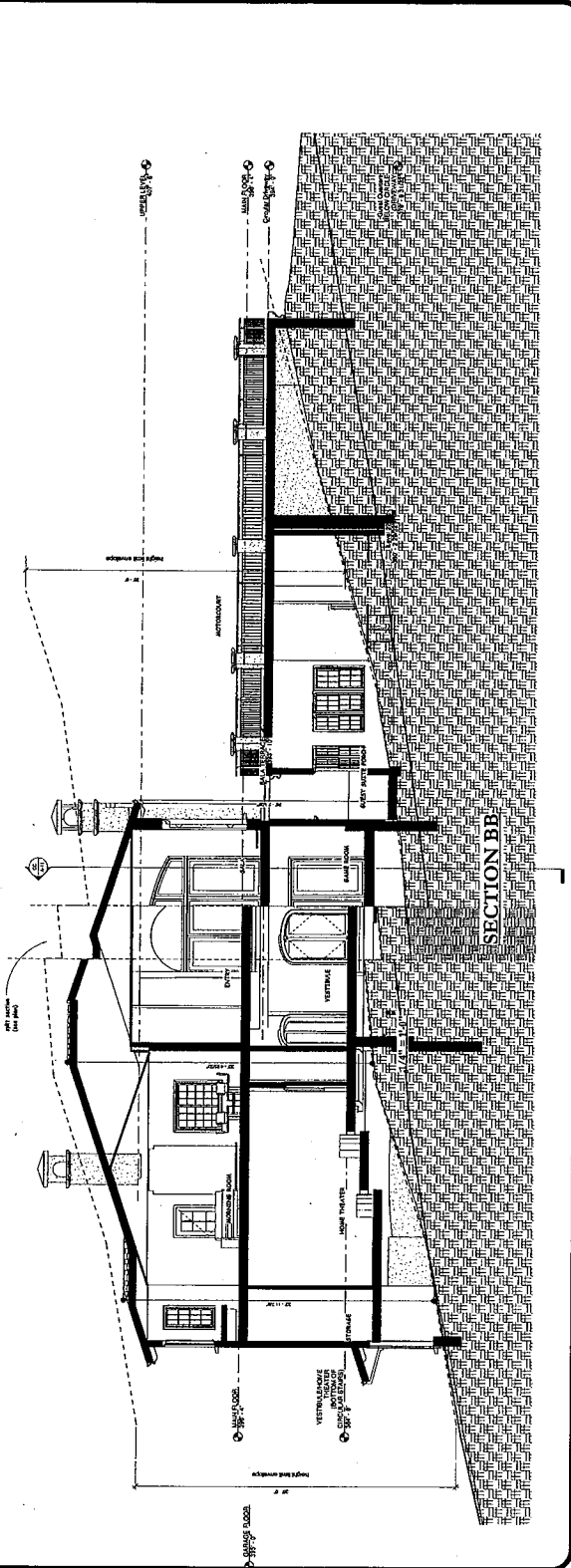
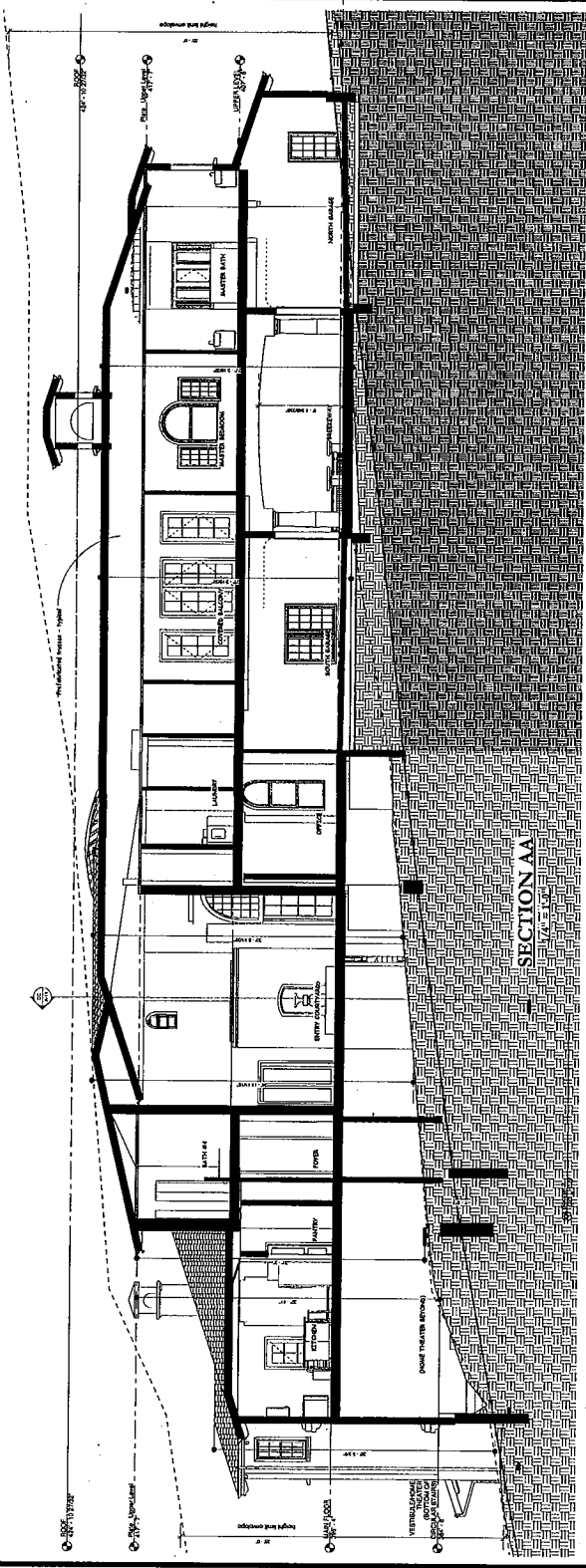


PEREZ RESIDENCE
 1757 DUREW COURT @ HIDDENBROOK
 VALLEJO, CA

SECTIONS
 AA & BB

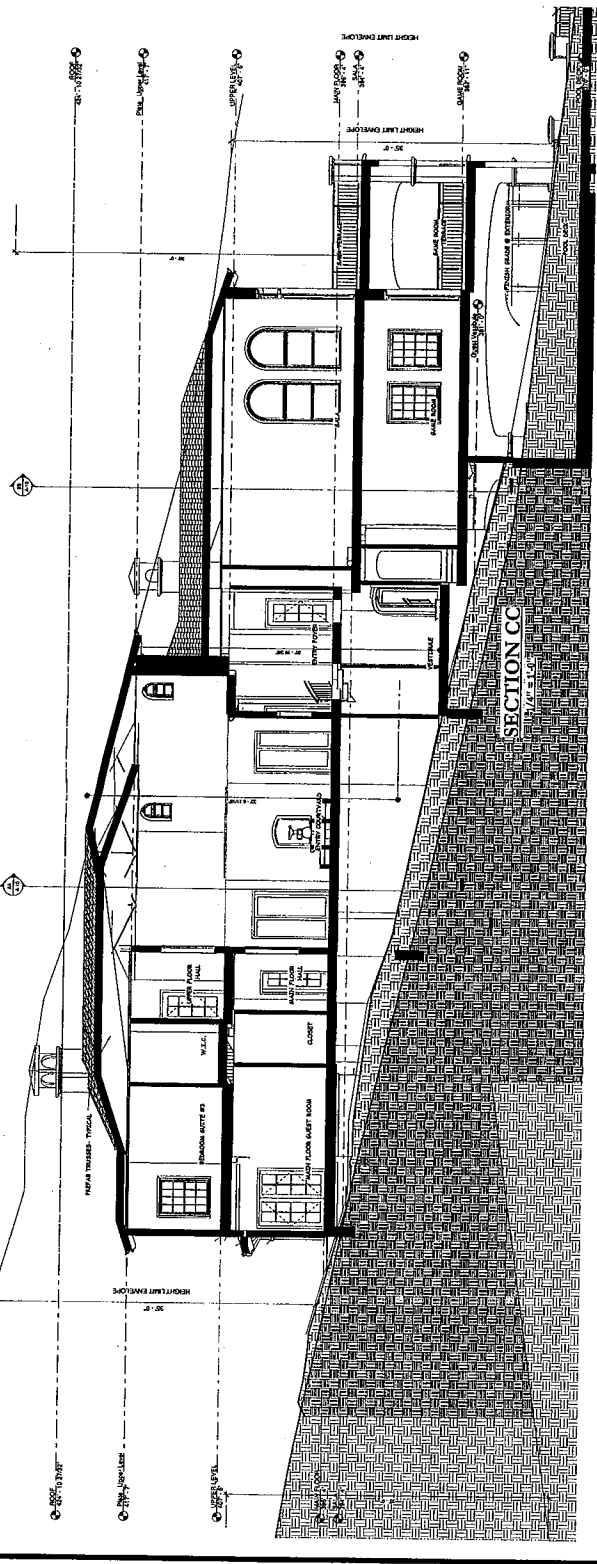
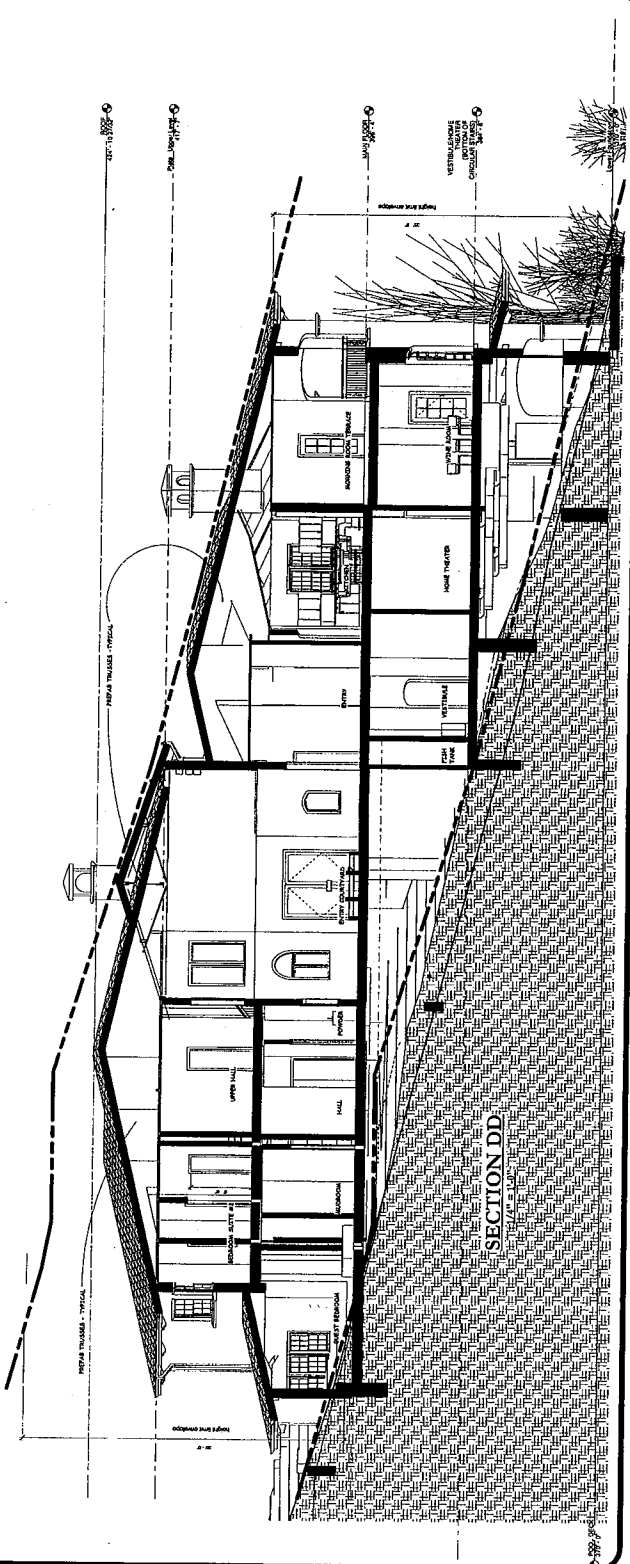
June 13, 2006

A-10



PEREZ RESIDENCE
1757 DURROW COURT @ HIDDEN BROOK
VALLEJO, CA

SUNRISE CONSTRUCTION
ORIN WAKFIELD
DESIGNER-BUILDER
3 HIDDEN SPRINGS ROAD NAPA, CA 94558
(707)252-9556 LIC. M380471



DATE: 01/27/05
 DRAWN BY: J. B. BORDO
 CHECKED BY: J. B. BORDO
 PROJECT: 157 DUNN COURT
 CLIENT: PEREZ RESIDENCE

BORDECO/KILIAN & ASSOCIATES, INC.
 LANDSCAPE ARCHITECTS
 1244 EL PASO STREET
 SAN ANTONIO, TEXAS 78204
 PHONE: 214.772.5306
 FAX: 214.772.5308

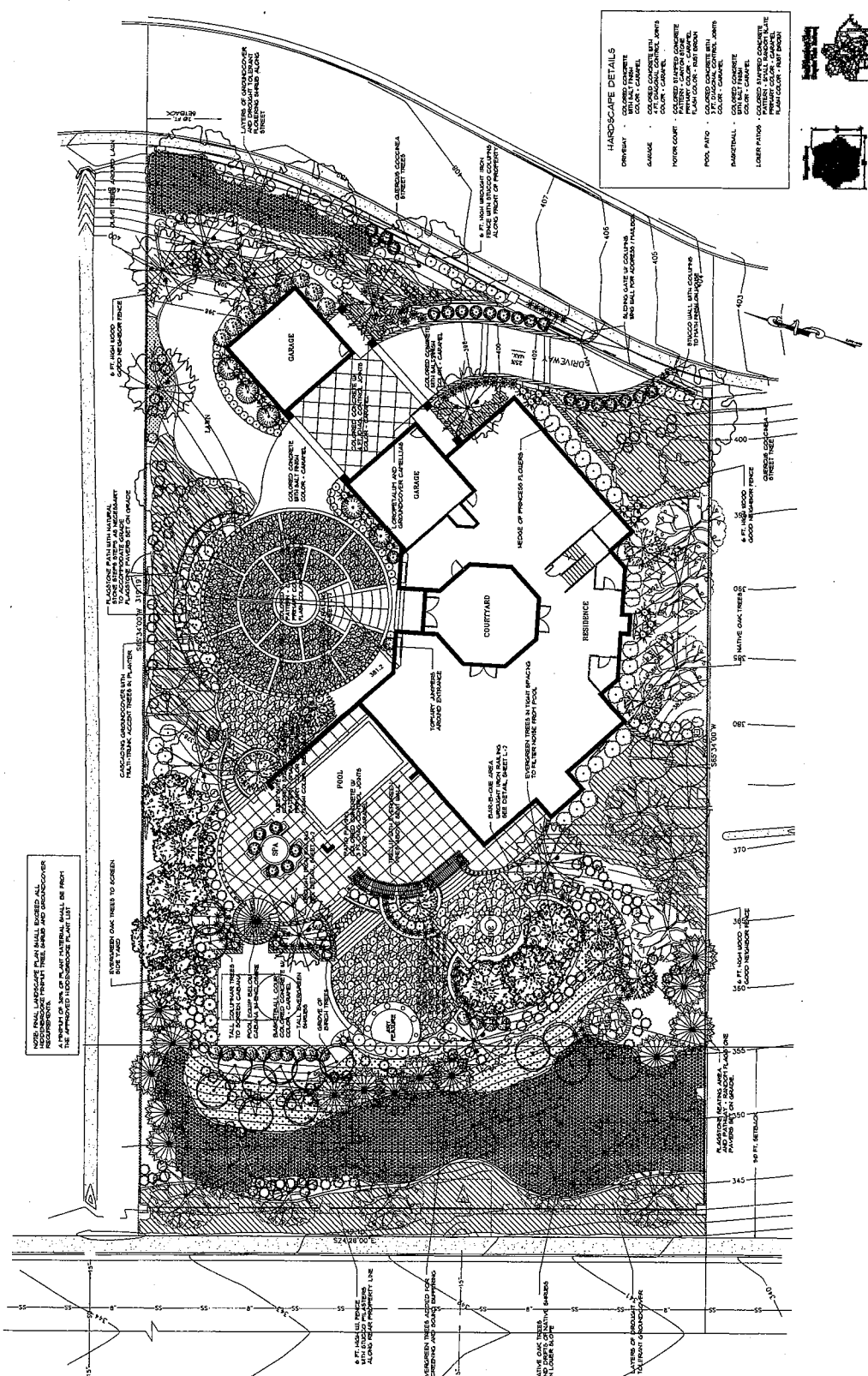


DATE	DESCRIPTION
01/27/05	FINAL SITE PLAN
01/27/05	FINAL CONCEPTS

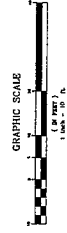
PEREZ RESIDENCE
 157 DUNN COURT

DATE: 01/27/05
 DRAWN BY: J. B. BORDO
 CHECKED BY: J. B. BORDO
 PROJECT: 157 DUNN COURT
 CLIENT: PEREZ RESIDENCE

CONCEPTS SHOWN AND STAGED PLANS AND DETAILS AFTER CONSULTATION AND WRITTEN AGREEMENT WITH BORDECO/KILIAN & ASSOCIATES, INC. (BK&A) LANDSCAPE ARCHITECTS. THIS BLOCK AND/OR SCENARIO SHALL BE CONSIDERED TO BE A COPY OF THE ORIGINAL DESIGN RETAINED BY BK&A IN ELECTRONIC FORMAT. BK&A WILL ONLY ACKNOWLEDGE SIGNED AND STAGED PLANS AND DETAILS AFTER CONSULTATION AND WRITTEN AGREEMENT WITH BORDECO/KILIAN & ASSOCIATES, INC. (BK&A) LANDSCAPE ARCHITECTS. THIS BLOCK AND/OR SCENARIO SHALL BE CONSIDERED TO BE A COPY OF THE ORIGINAL DESIGN RETAINED BY BK&A IN ELECTRONIC FORMAT. BK&A WILL ONLY



CONCEPTUAL LANDSCAPE PLAN



NOTE: FINAL LANDSCAPE PLAN SHALL EXCEED ALL REQUIREMENTS OF THE CITY OF SAN ANTONIO AND THE STATE OF TEXAS. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF SAN ANTONIO AND THE STATE OF TEXAS. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF SAN ANTONIO AND THE STATE OF TEXAS. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF SAN ANTONIO AND THE STATE OF TEXAS.

DATE: 05/11/2011
 DRAWN BY: J. BROWN
 CHECKED BY: J. BROWN
 PROJECT: PEREZ RESIDENCE
 SHEET: L-2

BORRERO/KIMMEL & ASSOCIATES, INC.
 LANDSCAPE ARCHITECTS
 1041 Park Street
 Berkeley, California 94703
 PHONE: 925/872-5306
 FAX: 925/872-5308

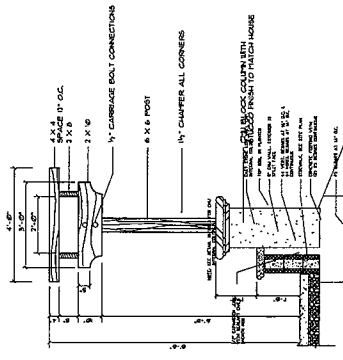


DATE	05/11/2011
BY	J. BROWN
CHECKED	J. BROWN
PROJECT	PEREZ RESIDENCE
SHEET	L-2

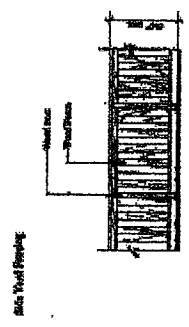
PEREZ RESIDENCE
 1751 DUNNWOOD COURT

STATE OF CALIFORNIA
 LANDSCAPE ARCHITECT
 LICENSE NO. 12345

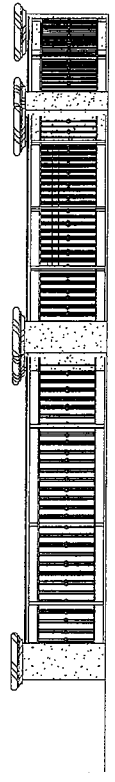
CONCEPTUAL LANDSCAPE PLAN IS PRELIMINARY AND SUBJECT TO CHANGES PER THE LOCAL GOVERNMENT REVIEW PROCESS. DO NOT USE THESE PLANS FOR CONSTRUCTION.



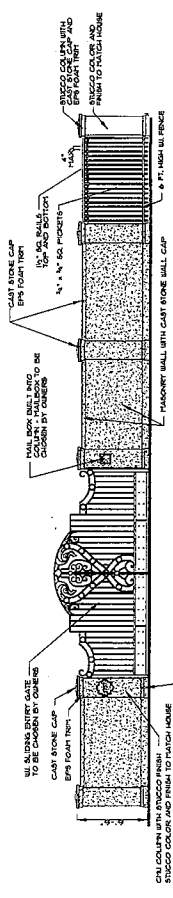
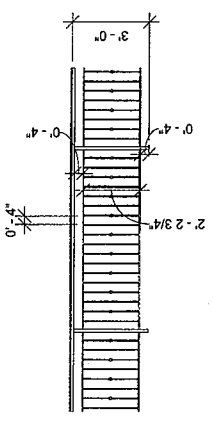
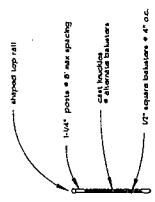
TRELLIS/SEAT WALL DETAIL



SIDE YARD GOOD NEIGHBOR FENCE
 4' High
 1/2" x 2" Pickets



MOTOR COURT/PATIO RAILING DETAIL



CONCEPTUAL ENTRY GATE

NOTE: RETAINING WALLS SHALL BE STUCCO MATERIAL TO MATCH TOWER AND COLOR OF HOUSE.

DISCLAIMER: ALL YELLOW, BROWN, TRACED, BLUEPRINT, ETC. DRAWINGS PROVIDED WITH BORRERO/KIMMEL & ASSOCIATES, INC. (BK&A) LANDSCAPE ARCHITECTS, TITLE BLOCK AND/OR SIGNATURE STAMPS, IS CONSIDERED TO BE A COPY OF THE ORIGINAL DESIGN PREPARED BY BK&A IN ELECTRONIC FORMAT. BK&A WILL ONLY REPRODUCE PRINTED AND SHIPPED PLOTS AND DRAWINGS AFTER CONSULTATION AND WRITTEN PERMISSION WITH THE ORIGINAL, ELECTRONIC FILES REMAINED BY BK&A. NO RESPONSIBILITY ON BK&A'S PART FOR ELECTRONIC DATA AND/OR REPRODUCED PLANS AND DRAWINGS USED WITHOUT BK&A'S SIGNATURE.

November 20, 2006

Mr. Marcus Adams
Vallejo City Planning Division
City Hall
P.O. Box 3068
Vallejo, CA 94590

Dear M. Adams:

**Re: Unit Plan PD # 06-0018; 1757 Darrow Court (Lot 19); APN: 0182-215-070;
Minor exception ME #06-0022**

Project Applicant: Orin Wakefield

As neighbors affected by the projects listed in the aforementioned notices (listed above), we would like to voice our objections to the project detailed. We believe the proposed house is much too large for our neighborhood and should be scaled back for the following reasons:

- 1. At over 14,000 sq ft, this house is completely inconsistent with the size and style of other of other single-family houses in the neighborhood. Most houses are under 3,500 sq ft and the other custom homes, on adjacent lots, half the size of the proposed new house.**
- 2. This 14,029 sq ft single-family dwelling is NOT within the sq footage limits of Vallejo policy. In Hiddenbrooke, we pay taxes to Vallejo and expect that homes built in our neighborhood will be built within Vallejo City Rules and codes.**
- 3. The proposed house will block the view and the sunrise from the existing houses below. We will in fact be living in the shadow of the proposed structure. This cannot help but negatively impact the aesthetics of the street and property values of the existing homes below.**

- 4. As witnessed by ME# 06-0022, the proposed structure is so large that there is insufficient room for the side-yard setback within existing building codes. The fact that it will not fit within code on 43,995 sq ft lot speaks volumes about the size of the structure.
- 5. We are also concerned that this large of a structure will be used for multiple families, renting portions of the house, and /or business.

We are all extremely concerned about this project. We want to reiterate that this proposed project is not within city rules/codes. It is simply far too large for that size lot, not consistent with the rest of our neighborhood and the above listed reasons.

Please keep us informed of all matters relating to the proposed structure described in the plan above.

Regards,


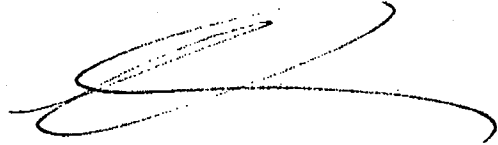
Concerned Hiddenbrook residents:

⑤ Deanna Royal 1735 Landmark Dr. Vallejo CA 94591

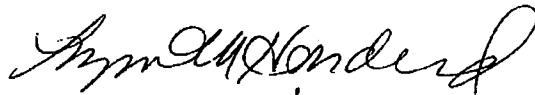

⑥ James Deane 1743 Landmark Dr. Vallejo CA 94591

- > square foot lot speaks volumes about the size of the structure.
- >
- > We are also concerned that this large of a structure will be used for
- > multiple families, renting portions of the house, and/or a business,
- > increasing traffic and noise in the neighborhood.
- >
- > Please keep us informed of all matters relating to the proposed
- > structure described in the Plan above.
- >
- > Regards,
- >
- > Concerned Hiddenbrook residents:
- >

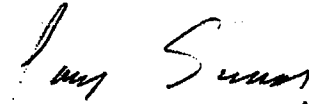
① erick + Gina Nelson
 1759 Landmark Dr.
 Vallejo, CA. 94591
 707. 644. 1433

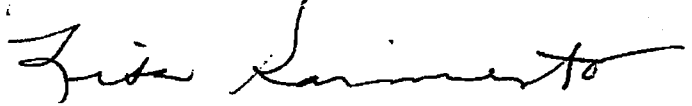
② Lynn + Todd Honderd
 1767 Landmark Dr
 Vallejo, CA 94591
 707 ~~644~~ 558 0230

③ Larry + Margaret
 1775 Landmark Dr.



④ 1799 Landmark Dr Vjo



Attachment C

Planned Development #06-0018: 1757 Durrrow Court

custom lots/homes		production lots/homes							
address	total s.f. (incl.garage)	bld. Sq.ftg. (1st floor)	lot s.f.	lot coverage	address	total s.f. (incl.garage)	bld. Sq.ftg. (1st floor)	lot s.f.	lot coverage
1765 Durrrow Ct.			44,866		1799 Landmark Dr.	4,259	1,695	14,199	11.9%
1773 Durrrow Ct.			43,560		1791 Landmark Dr.	3,166	2,681	8,202	32.7%
1781 Durrrow Ct.			43,560		1783 Landmark Dr.	3,996	1,540	8,291	18.6%
1789 Durrrow Ct.	3,070	3,070	43,995	7.0%	1775 Landmark Dr.	3,154	2,669	8,379	31.9%
1797 Durrrow Ct.			45,738	0.0%	1767 Landmark Dr.	3,996	1,540	8,467	18.2%
1740 Durrrow Ct.	5,632	1,857	58,806	3.2%	1759 Landmark Dr.	3,166	2,549	8,556	29.8%
1749 Durrrow Ct.	6,289	3,661	69,260	5.3%	1751 Landmark Dr.	3,996	1,540	8,644	17.8%
1757 Durrrow Ct.	14,029	10,163	43,995	23.1%	1743 Landmark Dr.	3,996	1,540	8,983	17.1%
					1735 Landmark Dr.	3,996	1,540	8,332	18.5%
					1727 Landmark Dr.	4,655	1,893	10,170	18.6%
					1710 Landmark Dr.	3,166	2,549	15,927	16.0%
					1718 Landmark Dr.	3,777	1,893	19,952	9.5%
					Avg. sq.ftg.	4,120	Avg. lot coverage		20.0%

200 Foot Radius Map

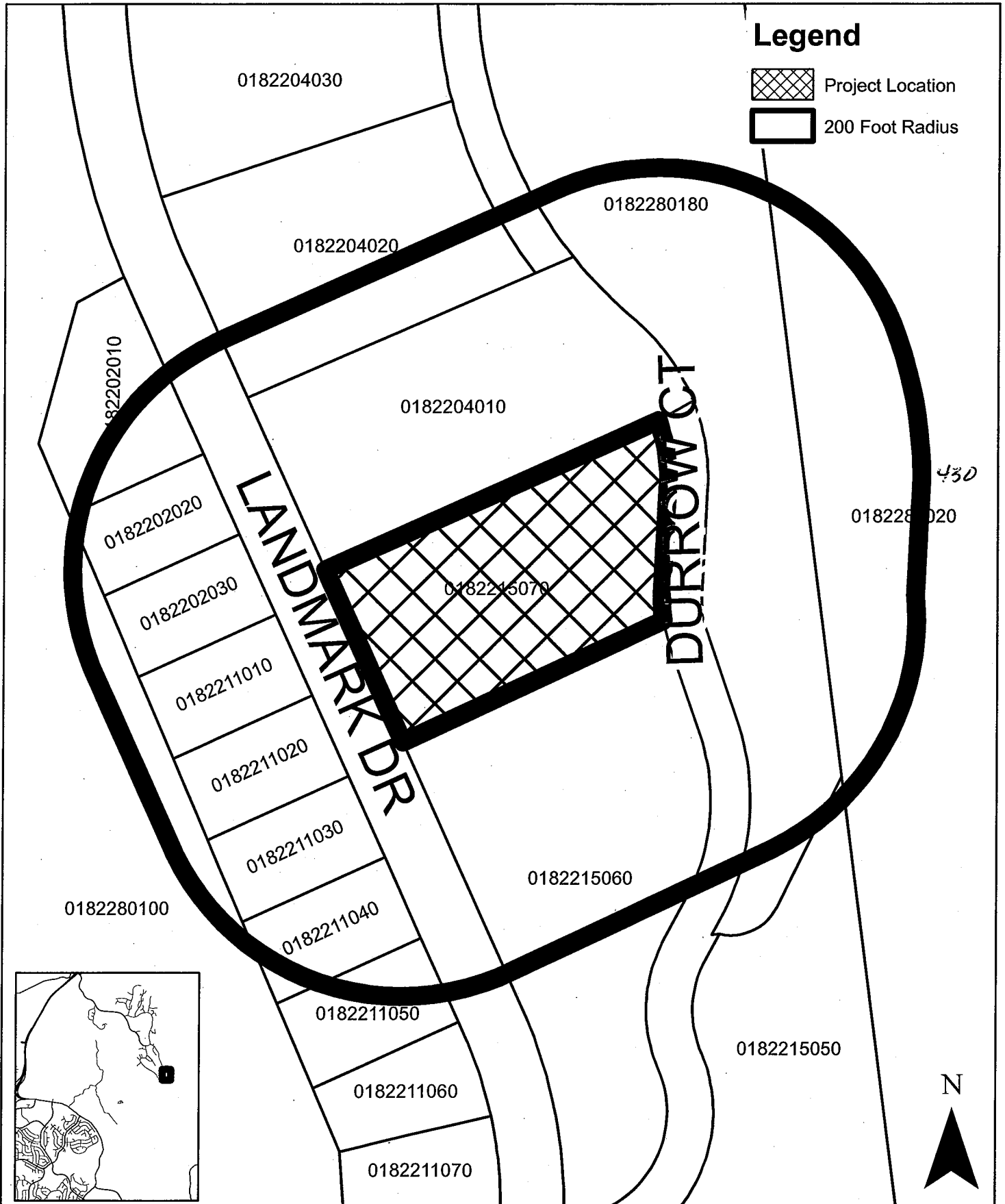


EXHIBIT 2

CONDITION COMPLIANCE REQUIRED PRIOR TO BUILDING PERMIT SUBMITTAL:

Planning Division

1. Submit revised landscape plans, subject to Planning Division approval, illustrating a revised landscape plan which clearly identifies plant type/name on the sheet L1 illustrating drought tolerant landscaping for the front yard and rear yard fronting Landmark Drive and replacement of regular to high water usage plants for these areas will be required.
2. Submit one set of construction plans illustrating fire, police, and emergency medical alarm system for the proposed home. If feasible, the alarm system should be connected to the Hiddenbrooke information/courtesy center.
3. Submit a letter of approval from the Vallejo Postal Service for the proposed mailbox location.
4. Submit revised plans detailing fencing that complies with the Hiddenbrooke Design Guideline fence types; that is consistent with neighboring custom lot proposed fencing (the Wagner's property); and that is approved by HARC.
5. Submit revised plans with proposed front and north side yard setbacks that conform to the Hiddenbrooke Design Guidelines.
6. Submit revised plans reducing the maximum building height to 35'.
7. Record a deed restriction with the Solano County Recorder's Office stating that the proposed structure will be used only as a single family dwelling unit.

Building Division

1. Submit revised plans listing the total garage area and total habitable area.
2. Fire sprinkler throughout may be required based on total square footage. Need square feet for each level; >3,000 square feet requires two exits to grade, minimum 36" wide.

Water Division

1. Submit a numbered list to the Water Division stating how each condition of project approval will be satisfied (W1).
2. All water system improvements shall be consistent with the Vallejo Water System Master Plan, 1985, prepared by Kennedy/Jenks Engineers as updated by Brown &

EXHIBIT 2

Caldwell, 1996. Prior to building permit submittal, water system improvement plans shall be submitted to the Water Division for review and approval, and shall contain at least (W3):

- b. Location and size of domestic service connection(s).
 - d. Location of fire hydrants.
 - e. Location of structures with respect to existing public water system improvements, such as mains, meters, etc.
3. Prior to building permit submittal, hydraulic calculations shall be submitted to the **Water Superintendent** demonstrating that the fire flow requirements are complied with.(W5)
 4. The water service (if existing) on site may not meet Plumbing Code requirements for the number of fixture units in this development. Submit plumbing calculations that show the existing water service and/or meter size meets the current Plumbing Code requirements. If it does not, upsize the water service and meter size to recommended size. Application for the water service changes should be directed to Water Engineering at 202 Fleming Hill Road, Vallejo, CA 94589.
 5. An appropriately sized RP backflow prevention device will be required on the domestic service.

Vallejo Sanitation and Flood Control District

1. Prior to building permit submittal, a VSFCD Connection Permit is required. Pay all applicable review and connection fees.
2. The project as submitted was incomplete. The following information is needed prior to building permit submittal: Please show location of sanitary sewer and cleanout on site utility plan.
3. Comply with VSFCD pretreatment requirements for sanitary sewage.

City Engineer

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. (PW1)
2. Prior to building permit submittal, submit a site grading, drainage and utility improvement plans prepared by a licensed civil engineer and landscape architect respectively for review and approval. All existing and proposed utilities should be shown on the site plan.

EXHIBIT 2

3. On site slopes, if disturbed during construction/grading, shall be landscaped in accordance with Hillside Landscape Guideline & Hiddenbrooke Specific Plan prior to occupancy. Submit your landscape and irrigation plan to Public Works, Planning and the project soil engineer for review.
4. The landslide within this lot has been mitigated, surface and subsurface drainage installed. Existing subdrains crossing the lot shall be shown on the site plan and shall not be disturbed during grading or drilling piers. Site plan shall have adequate cross sections showing location of existing subdrains vs location of proposed grading and piers.
5. This custom home site is required to submit to the City, a specific soils and geotechnical report for review and approval, prior to building permit submittal. A third party review of the soils report may be required after submittal.
6. Obtain separate permit from the Building Division for the construction of the swimming pool. Site plan shall clarify if grading for swimming pool will be performed during site grading.
7. Retaining walls that are part of the site grading do not require a building permit, but shall be reviewed by Public Works prior to building permit submittal. Submit structural calculations to Public Works for review, if any retaining walls are proposed.
8. Retaining walls that are not part of grading, and are part of the structure or will be installed after grading, need to be reviewed by the Building Division for building permit approval.
9. Prior to building permit submittal, provide a plot plan for review and approval.
10. Prior to building permit submittal, 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)
11. 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 Public Works for review and approval. Test values must meet minimum relative compaction recommended by the soils engineer (usually at least 90 percent). (PW8)
12. Prior to building permit submittal, obtain an encroachment permit from Public Works for all work proposed within the public right-of-way. (PW11)

EXHIBIT 2

Traffic Engineer

1. Prior to approval of a final site plan, provide evidence that the proposed driveway locations are not in conflict with the line of sight requirement

Fire Prevention

1. Submit a numbered list to the Fire Prevention Division stating how each condition of project approval will be satisfied.
2. The site plan will have to be redesigned because there appears to be access problems in case of a fire.
3. Prior to building permit submittal, 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. (F4)
4. Prior to building permit issuance, the applicant shall install an approved and tested water supply system capable of supplying the required fire flow as determined by the Fire Chief. Water supply systems for staged construction shall provide required fire flows at all stages. (F5) (1998 CFC Section 903, Appendix III-A)

CONDITION COMPLIANCE REQUIRED PRIOR TO OCCUPANCY/FINAL INSPECTION:

Planning Division

1. 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.
2. Prior to occupancy/final building inspection, install all approved landscaping and irrigation per the approved plans within 90 days of occupancy. Six inches of top soil (imported from outside the project area) shall be provided to the lot landscaping area prior to occupancy or soil amendments sufficient to meet the City's specifications. The landscape architect shall verify in writing that the landscaping and irrigation has been installed in accordance with approved plans with respect to size, health, number and species of plants, and the overall design concept.

EXHIBIT 2

3. Prior to occupancy/final building inspection, install fencing per approved plans.

Fire Prevention

1. 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 CFC Section 901.44; added VMC 12.28.170) (F9)
2. 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. (F11)
3. In Residential (Group R) Occupancies, single station smoke detectors shall be installed prior to occupancy/final building inspection in each sleeping area and at a point centrally located in each corridor or area giving access to each separate sleeping area. When the dwelling unit is of more than one story (including basements) there shall be a smoke detector on each story. When a story is split into more than one level, the smoke detector shall be installed on the upper level. (1998 CBC Section 310.9.1.1)
4. Prior to occupancy, 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 Manual, sign#R26F)[F10].
5. Additional fire hydrant is required in the street right-of-way and is required on-site as shown in the Fire Department copy of the plans. Submit a complete set of plans for review and approval. All fire hydrants are to have "blue dot" highway reflectors installed on the adjacent street of the driveway to clearly identify the fire hydrant locations. (1998 CFC Section 903, Appendix III-B)
6. Automatic fire sprinkler extinguishing systems are required for all residential, commercial, and industrial occupancies in lieu of re-design for access, a fully sprinkled building (F3). (1998 CFC Section 1003.1.2 added VMC Section 12.28.190)
7. Prior to permit issuance, paved fire apparatus roads shall be installed for every building or stockpile of combustible materials located more than 150 feet from fire department vehicle access. Said access roads are to be posted "No Parking/Fire Lane" and shall not be used for storage of materials (F6). (1998 CFC Section 901.4)

EXHIBIT 2

8. A fire alarm system is required if a sprinkler system is installed for off-site monitoring and interior notification.

Water Department

1. Prior to occupancy or final building inspection, install water system improvements as required. Backflow device/s where required shall be installed in areas hidden from public view and/or shall be mitigated by landscaping. (W10)

Vallejo Sanitation and Flood Control District

1. Prior to occupancy/final building inspection, provide a standard **VSFCD** cleanout at the right-of-way/easement line per District standards and a two-way cleanout at the building per the U.P.C.
2. Prior to occupancy/final building inspection, provide a grease trap, sand trap, or interceptor.

City Engineer

1. Prior to occupancy, install required street trees along Landmark Drive and Durrow Court. The street tree shall be selected from City approved street tree list. (VMC, Section 15.06.190 and Regulations and Standard Specifications Section 3.3.48)
2. Prior to occupancy/final building inspection, retaining walls that are related to the site grading shall be reviewed by Public Works. Submit structural design and calculations for review.
3. Site slopes that will be disturbed during construction and/or grading shall be landscaped in accordance with Hillside Landscape Guidelines & Hiddenbrooke Specific Plan requirements prior to occupancy. Submit a landscape and irrigation plan to Public Works and Planning for review.
4. Prior to occupancy provide six inches of topsoil on the lot.
5. 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 ordinance. (PW15)
6. Prior to occupancy/final building inspection, install the improvements required by Public Works including but not limited to streets and utilities. (PW16)
7. 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)

EXHIBIT 2

8. Prior to release for occupancy, plant street trees in accordance with Vallejo Municipal Code, Section 15.06.190 and Regulations and Specifications for Public Improvements, Section 3.3.48. The list of approved trees is available in the office of the Public Works Director. The minimum standard shall be at least one tree for each 50 feet of street frontage or fraction thereof, including secondary or side streets. Street tree(s) shall be inspected by Public Works Landscape Inspector prior to release for occupancy. (PW19)

STANDARD REQUIREMENTS

Planning Division

1. Development sites shall be maintained weed free during construction.
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. The homeowner shall be responsible for maintaining all landscaping which falls under their ownership in a clean, attractive, and well kept condition and to promptly replace any dead or dying material. Upon approval of the landscape plan by the HARC, the minimum tree requirement must be maintained at all times and mature trees shall not be removed by the homeowner without prior consent of the HARC.
4. No more than 50 percent of the front yard setback shall be covered by non-porous surfaces such as concrete, brick or asphalt.
5. No individual accessory structure shall exceed 1,200 square feet. The cumulative square footage of all accessory structures shall not exceed 50 percent of the lot's total front, side and rear yard area. Residential units shall not be converted to commercial units, except for home occupations as defined by the Vallejo Municipal Code.
6. Garage space shall be used for parking and cannot be converted to habitable space.
7. After project completion, additional excavation, construction, grading, building, landscaping, or other improvements may be subject to review and approval by the Hiddenbrooke Architectural Review Committee and/or City of Vallejo.
8. No antenna or satellite dish antenna for transmission or reception of television signals or any other form of electromagnetic radiation larger than 24 inches shall be erected, used, or maintained outdoors whether attached to a building or

EXHIBIT 2

- structure or placed in any landscape. Approved satellite dishes less than 24 inches must be kept a minimum of five feet from the side and/or rear property lines and completely from the front yard view.
9. Residential units shall not be converted to commercial units, except for home occupations as defined by the Vallejo Municipal Code.
 10. Sunrooms, patio enclosures, or similar additions attached to the primary home, shall require a Planned Development Unit Plan Amendment to either this permit or the original Planned Development for The Knolls subdivision, to be determined by staff.

Fire Prevention

- a. The project shall conform to all applicable requirements of Title 19-Public Safety, 1998 CVC and all VMC Amendments.
- b. Development sites shall be maintained weed free during construction. (1998 CFC Section 1103.2.4) [F12]
- c. If security gates are desired at any entrances to the project, they shall be provided with a Fire Department approved entry system.
- d. Every sleeping room below the fourth story shall have at least one exterior opening for rescue purposes. The opening shall be a minimum of 5.7 square feet and 20 inches wide by 24 inches high. The finished sill height of the opening shall be no higher than 44 inches from the floor. Ladder access shall be provided for buildings over the first floor. (1998 CBC Section 310.4)

Water Superintendent

1. Fire flow and pressure requirements of the Fire Department shall be satisfied. Fire flow at no less than 25-psig residual pressure shall be available within 1000 feet of any structure. One half of the fire flow shall be available within 300 feet of any structure. (W4)
 - a. For single-family residential units, the fire flow is 1500 gpm.
2. Fire hydrant placement and fire sprinkler system installation, if any, shall meet the requirements of the Fire Department. For combined water and fire services, the requirements of both the Fire Department and the Vallejo Water System Master Plan, with latest revisions, shall be satisfied. (W6)
3. Each lot shall be metered separately. (W8)
4. Water service shall be provided by the City of Vallejo following completion of the required water system improvements and payment of applicable fees.

EXHIBIT 2

Performance and payment bonds shall be provided to the City of Vallejo prior to construction of water system improvements. Fees include those fees specified in the Vallejo Municipal Code, including connection and elevated storage fees, etc., and fees for tapping, tie-ins, inspections, disinfection, construction water, and other services provided by the City with respect to the water system improvements. The Water Division may be contacted for a description of applicable fees. (W9)

5. Prior to occupancy or final building inspection, install water system improvements as required. Backflow device/s where required shall be installed in areas hidden from public view and/or shall be mitigated by landscaping. (W10)

Vallejo Sanitation and Flood Control District

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

Public Works

1. No sheet flow of lot run-off over slope and driveway is allowed. All down spouts shall be connected to a drainage pipe system and tied to a public storm drain system.
2. Landmark Drive shall not be used for staging building construction activities or storage of building materials. The street must be kept free of construction debris, mud and other obstacles. Street must remain open to traffic at all times.
3. Dust and erosion control shall be in conformance with City standards and ordinances. State Water Quality Control Board SWPPP's shall be adhered to.
4. Driveway slope shall not be more than 15%. (VMC Section 16.62.150)
5. Install standard driveway approach for the proposed driveway per City standard. (COV, Regulations & Standard Specifications 1992)
6. All down spouts shall be connected to a drainage pipe system and tied to the public storm drain system.
7. As-built bench mark as shown on the improvement as-built plans for Sky Valley Unit II shall be used for vertical control on the civil plan.
8. Any required/proposed re-grading has to be certified by Civil Engineer and Soils Engineer.
9. Power of street light fronting the property shall be connected to the residence power line.

EXHIBIT 2

10. 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)
11. 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)
12. 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)
13. 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/her representative on site, Public Works shall shut down the grading operation. (PW6)
14. All dust and erosion control shall be in conformance with City standards, ordinance, and NPDES requirements. (PW7)
15. Entrances to any private project must be standard driveway approaches unless deviation is permitted by the City Engineer. (PW9)
16. Obtain a street excavation permit from Public Works prior to performing any work within City streets or rights-of-way, or prior to any cutting and restoration work in existing public streets for utility trenches. All work shall conform to City standards. (PW10)
17. Construction inspection shall be coordinated with Public Works and no construction shall deviate from the approved plans. (PW13)
18. 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 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)

EXHIBIT 2

GENERAL CONDITIONS

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

APPEAL PROCEDURE

The applicant or any party adversely affected by a decision of the Planning Division may appeal the decision by filing an appeal to the Planning Commission. Such appeal must be filed in writing with the Secretary of the Planning Division within ten calendar days after the Planning Division's action. The Commission may affirm, reverse, or modify any decision of the Planning Division that is appealed.