

CITY OF VALLEJO PLANNING COMMISSION

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

**MONDAY
19 MARCH 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.

Vallejo Planning Commission
March 19, 2007

- A. ORDER OF BUSINESS CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL
- D. APPROVAL OF THE MINUTES: None.
- E. CONSENT CALENDAR AND APPROVAL OF THE AGENDA
 - 1. Upcoming Special Meeting of Tuesday, March 20, 2007 7:00 PM
 - a. Draft Inclusionary Housing Ordinance, continued from March 19, 2007.
- F. REPORT OF THE SECRETARY
 - 1. Upcoming Meeting of Monday April 2, 2007
 - a. Site Development 06-0045 for a single-family home in the Residential View District located at 516 Hichborn St.
 - b. Tentative Map 07-0004 to create two parcels for commercial development on Mare Island
- 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. Inclusionary Housing Ordinance. Continued from the meeting of February 21, 2007.

Staff recommends a continuance to the special meeting of March 20, 2007.
 - 2. Planned Development 06-0018 for a new custom home in Hiddenbrooke located at 1757 Durrow Ct. Proposed CEQA Action: Exempt. *Continued from the meeting of March 5, 2007.*

Staff recommends **approval** based on the findings and conditions.
 - 3. Use Permit #546A – Appeal of staff determination concerning Rose Imports located at 1605 Solano Ave. *Continued from the meeting of February 21, 2007*

Staff recommends the Planning Commission **DENY** the appellants appeal and **AFFIRM** the Planning Division's determination that the used auto sales occurring at 1605 Solano Avenue require use permit approval, as stated in Section 16.22.040(B)(3) of the Vallejo Municipal Code.
 - 4. Permit 04-0022 for a self-service refueling center, fast food and sit-down restaurant on a vacant parcel fronting on Sonoma Blvd. Proposed CEQA Action: Mitigated Negative Declaration. *Continued from the meeting of March 5, 2007.*

Staff recommends **adopting** a Mitigated Negative Declaration and Monitoring Plan subject to the findings contained in the attached resolution.

Staff recommends **approval** of Use Permit #04-0022 subject to the findings and conditions.

L. OTHER ITEMS

None.

M. WRITTEN COMMUNICATIONS

None.

N. ADJOURNMENT TO SPECIAL MEETING OF MARCH 20, 2007.

CITY OF VALLEJO
SPECIAL MEETING – PLANNING COMMISSION

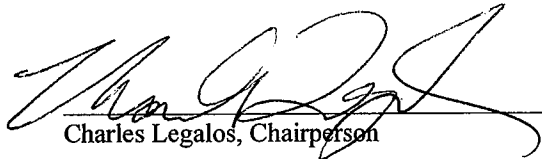
March 20, 2007

In accordance with the provisions of the Ralph M. Brown Act Government Code Section 54956, you and each of you are hereby notified that I, Charles Legalos, the undersigned, have called a special meeting of the Planning Commission of the City of Vallejo in the Council Chambers, 555 Santa Clara Street, Vallejo, CA on March 20, 2007, at 7:00 PM to consider the following matters:

NOTICE: Members of the public shall have the opportunity to address the Commission concerning any item listed on this notice before or during consideration of that item.

1. Draft Inclusionary Housing Ordinance.

Dated: March 14, 2007

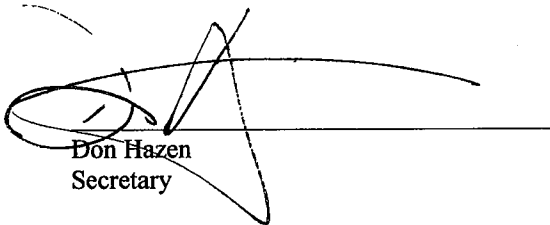


Charles Legalos, Chairperson

CERTIFICATION

I, Don Hazen, Secretary, undersigned, do hereby certify that I have caused a true copy of the above notice to be delivered to each of the members of the Planning Commission of the City of Vallejo, California, at the time and in the manner prescribed by law, or said members have waived notice thereof by their consent attached hereto.

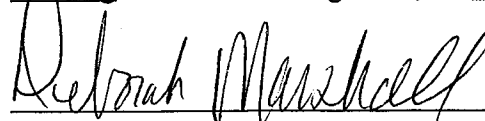
Dated: March 14, 2007



Don Hazen
Secretary

AFFIDAVIT OF POSTING
CITY OF VALLEJO

I, Deborah Marshall certify that I caused to be posted the notice of the Planning Commission Special Meeting in the areas designated, on March 14, 2007.


City Clerk /Designee (Date)



STAFF REPORT

CITY OF VALLEJO PLANNING COMMISSION

Date of Hearing: March 20, 2007

Agenda Item: K1

Application Number: Code Text Amendment #07-0001, as governed by Vallejo Municipal Code Chapter 16.86, Amendment to the Zoning Ordinance.

Recommendation: Staff recommends that the Planning Commission review the revised proposed Ordinance, which incorporates feedback from Commissioners and public comment from February 21, 2007 Planning Commission meeting, and approve the resolution recommending City Council approval of the Code Text Amendment #07-0001, amending Title 16 of the Vallejo Municipal Code by adding Chapter 16.56 entitled "Inclusionary Housing Ordinance." Alternatively, the Planning Commission may 1) recommend alternatives discussed in this staff report to be incorporated by staff into the draft ordinance to Council, or 2) approve a resolution recommending to Council that the draft ordinance not be approved and the reasons for this recommendation.

Location: Citywide

Applicant: City of Vallejo

Project Description: The proposed redlined inclusionary ordinance has been revised to reflect comments and input from members of the Planning Commission and the public on February 21, 2007. This staff report also addresses alternative options that could be incorporated into the ordinance, that have not been included by staff, but might be recommended by the Planning Commission to Council for incorporation into the ordinance.

The originally proposed code text amendment would add Chapter 16.56 to the Vallejo Municipal Code Entitled "Inclusionary Housing Ordinance." The proposed ordinance would require developers of residential or mixed-use developments, or applicants proposing condominium conversions to develop affordable units on-site and concurrently with market-rate units, targeted to specific income levels. Ownership units would be required to provide 10% of total project

units affordable to Moderate-Income Households, and 5% affordable to Low-Income Households, except in the case of condominium conversion projects, which would be required to provide 15% affordable to Low-Income Households. Rental projects would be required to include 10% of total project units affordable to Very Low-Income Households. To assist developers in achieving the requirements under this ordinance, certain incentives may be requested and granted. Alternative compliance measures may be permitted in certain cases.

Environmental Review: An Initial Study resulting in a Negative Declaration was prepared for the proposed text amendment pursuant to California Environmental Quality Act (CEQA) Section 15061(b)(3), Title 14 of the California Code of Regulations.

Public Notice: Notice of this pending application and public hearing was published in the Vallejo Times Herald on January 22, 2007.

1. PROJECT DESCRIPTION

At the February 21, 2007 Planning Commission meeting, staff presented the purpose of the draft ordinance, the benefits of the ordinance, the elements of the ordinance and how it would fit into the City's comprehensive affordable housing strategy. Staff also discussed the findings of the inclusionary impact study performed by David Rosen and Associates (DRA). A public hearing was opened at that meeting. In response to feedback from Planning Commissioners and the public on February 21, 2007, certain modifications have been made to the draft ordinance, including:

- Raising the threshold units at which the ordinance will apply
- Exempting projects that had applications submitted and accepted by Vallejo Planning Division as of November 7, 2006
- Designating a preference for households that live or work in Vallejo
- Delineating specific uses for the fees collected under this ordinance
- Increasing the allowable density bonus requested by developers
- Deepening the rental targeted income to Very Low Income
- Including Mobile Home Parks and adaptive reuse specifically under applicable residential projects

Alternative options that were raised by Commissioners or the public are discussed in this staff report and might be considered for incorporation into the ordinance include:

- Alternative compliance measures specifically for projects that receive tentative map approval within 12 months of ordinance adoption
- Additional incentives, such as deferred fees and expedited Planning review
- Allowance of in-lieu fees payments for all projects
- Equity share mortgages for ownership units
- Maintenance provisions and HOA dues
- Exploring other means of providing affordable housing

As proposed, the ordinance requires for ownership projects that 10% of the units be sold at prices affordable to Moderate-income and 5% of units be sold at prices affordable to Low-income, based upon Area Median Income in Solano County and adjusted for family size. For rental projects, 10% of the units would be required to be affordable to Very Low-income households. For condominium conversion applications, 15% of the resulting ownership units would be required to be affordable to Low-income households. Alternative compliance measures are included, as well as incentives that may assist developers in meeting inclusionary requirement.

2. ENVIRONMENTAL REVIEW

An Initial Study was performed for this project resulting in a Negative Declaration. Adoption of the ordinance in and of itself would not induce population growth or displacement. New homes generated due to implementation of the ordinance would be subject to environmental review on a project specific basis.

3. CONSISTENCY WITH THE GENERAL PLAN

The proposed Code Text Amendment would be compatible with the General Plan.

- Per Objective B.3.ii.2 of the City Housing Element, the City will explore the adoption of an inclusionary housing program, and alternative compliance options.
- Per Objective B.3.iii. the City will encourage the development of affordable housing for lower-income workers employed in Vallejo.
- The proposed inclusionary ordinance may assist in achieving Objective A.1.ii.1.b. Review of regulations that might unduly constrain housing development, such as allowing density bonuses only for projects in the PD zone. The inclusionary ordinance can include current state density bonus provision to comply with State law.
- Objective B.1.iv is to increase types of new development that will qualify for density bonuses, which would be an effect of the inclusionary ordinance.
- By including condominium conversions as subject to the inclusionary ordinance, the ordinance also serves to facilitate Objective B.1.v. to ensure that condominium conversion applications will not adversely affect housing affordability, choice, and balanced neighborhood goals.

4. PUBLIC COMMENTS

Sixteen members of the public spoke at the Planning Commission hearing on February 21, 2007. They are listed in Section 6, Staff Analysis, under Public Comments, and their issues are listed and addressed in this report.

5. REFERENCES

City of Vallejo General Plan

6. STAFF ANALYSIS

History. The consideration of an inclusionary zoning policy originated with the City Council adoption of the Housing Element in 2002. The Housing Element was certified by the State as the City's plan to meet its affordable housing goals through 2006 and

beyond. Specifically, Objective B.3.ii.2 of the City Housing Element, states that the City will explore the adoption of an inclusionary housing program, and alternative compliance options.

Public Process. Since the 2002 Housing Element adoption, public discussion on Inclusionary zoning began most recently with the City Council Study Session on Affordable Housing in June 2006, and has continued for the past nine months through March 2007. Staff has taken the following steps to notify the public and hold meetings on this topic:

- June 5, 2006: City Council Study Session on Affordable Housing, introducing Inclusionary Zoning- direction from Council to draft an ordinance.
- July 2006: Firm of David Rosen and Associates (DRA) hired to prepare comprehensive impact study of inclusionary zoning in Vallejo.
- October 22, 2006: Public Notice in Times Herald notifying of Resolution of Intent to consider an Inclusionary Ordinance.
- November 2, 2006: Mailing sent to 99 interested stakeholders regarding the November 7, Council meeting, and as an invitation to Focus Group meetings held on the background study. Sent to developers, nonprofits, social service agencies, housing advocates, and others.
- November 6, 2006: Inclusionary background report posted on City Housing website.
- November 7, 2006: Council adopted a Resolution of Intent to consider an Inclusionary Zoning Ordinance.
- November 14, and November 15, 2006: Focus Group meetings held with averaging 20 people attending each.
- December 5, 2006: Council Study Session on Inclusionary Housing held direction from Council to proceed with Draft Ordinance.
- January 3, 2007: Additional focus group meeting held- about 20 attending.
- January 22, 2007: Notice of public hearing for the proposed Chapter was published in the Vallejo Times Herald.
- February 13, 2007: Staff meeting with 16 members of Solano County Realtors Association.
- February 5, 2007: Staff meeting with Bob Glover of Homebuilders Association.

- February 20, 2007: Staff meeting with Vallejo Unified School District representatives.
- Ongoing: NPH and the Greenbelt Alliance have also done considerable outreach on this issue and held specific workshops on this issue and have received signatures in support of inclusionary zoning from over 700 Vallejo residents.
- February 21, 2007: Planning Commission Public Hearing on Draft Inclusionary Ordinance—About sixteen speakers representing a variety of interests spoke at the meeting.
- Ongoing: On the City's website, under Housing and Community Development, Inclusionary Housing Study, all previous staff reports, presentations and background reports have been posted for public review.
- March 20, 2007: Planning Commission hearing continued.

Comments received by Public and Commissioners. The following is a summary overview of the recommendations received by staff from the public and Commissioners at the Planning Commission meeting on February 21, 2007. It is not intended to list each and every comment but to generally categorize the primary concerns raised, and to address common themes.

The public speakers on this item represented a variety of organizations and interests. The list of speakers and their issues is divided into those that were supportive with suggested revisions to the ordinance and those that were opposed to the ordinance.

Supportive of Ordinance with Suggested Revisions

- Bob Stalker—Legal Services of Northern California: Target Very Low income renters, rather than Low.
- Bob Glover—Northern California Homebuilders Association: Allow builders to request 1 for 1 market rate unit bonus for each affordable unit provided, allow in-lieu fees as an alternative compliance measure in all cases, phase in the ordinance over 12 months to allow for developers in the pipeline.
- Evelyn Stivers—Nonprofit Housing Association of Northern California: Lower targeted income levels for owner and rental, allow rental development to be an alternative compliance option for ownership projects.
- Nicole Byrd—Greenbelt Alliance: supportive of the ordinance, expedite the planning process.
- Cole Carter—developer: Requested exemption for his specific 17-unit project.
- Deborah Pugh, Kimberly Leslie, Don Jordan—residents: supportive of the ordinance.
- Solano County Realtors Association, Lori Collins, George Oakes, Diana Lang, Corinne Oakes, Beth Brittenbach, and Jennifer Wilson: Resale Restriction Agreement on ownership units limits appreciation to homebuyers of affordable

units, may be a disincentive to maintain the units, and made it difficult for buyers to move up since appreciation was limited. Liked the model of a silent second subsidy program administered by Vallejo Neighborhood Housing Services. Thought 5% downpayment was too high, and recommended live/work preference for Vallejo, and allowances for hardship cases such as divorce, layoff, or serious illness.

- Western Center on Law and Poverty Letter: supportive of ordinance, lower targeted incomes to Very Low and Extremely Low households, strengthen condo conversion ordinance, require acquisition and rehabilitation option to target affordability levels to existing tenants.

Opposed to Ordinance

- Erin Hannigan—Chamber of Commerce: ordinance imposes constraints on development, may slow development, and limits equity appreciation for affordable homebuyers.
- Dan Glaze—Vallejo Unified School District: ordinance results in a potential decrease of approximately \$2.5 to \$3 million in the purchase price of four sites that the School District is selling to help defray a \$60 million VUSD loan.

Commissioners

Planning Commissioners gave verbal comments at the meeting and three Commissioners submitted e-mailed comments to staff after the meeting. Those comments are attached to this report with staff responses where appropriate.

Manning: Suggested increasing threshold number, concerned about developers caught in the pipeline with active projects, felt inclusionary zoning was a useful tool but not a silver bullet to address affordable housing, need more incentives if possible such as expedited review, reduced fees, allow in-lieu fees for all projects and use these for downpayment assistance, lower targeted income for rental.

McConnell: Significant issues raised and addressed in Attachment to this report. In general, concern about keeping units dispersed throughout the city, limit parking reduction to transit-proximate developments, add hardship criteria, how will fees be used, preference for live/work in Vallejo, include mobile home parks, and other issues.

Legalos: Consider other funding sources for affordable housing, look at using houseboats for affordable housing, include eligibility criteria and add preference for living or working in Vallejo, find ways to incent the proper maintenance of affordable housing stock, take out different interior finishes from incentives list- not useful.

Salvadori: Felt this affected only developers, did not see how this was part of City's comprehensive strategy. Felt alternative ways to address affordable housing should be explored, rather than inclusionary zoning. Public input process should be extended through the summer.

Turley: Opposed ordinance, thought affordable housing could be provided through Habitat for Humanity's sweat equity model, mobile home parks, and pre-fabricated housing.

Peterman via March 6 e-mail: Concern that limited equity is disincentive for maintenance and will not allow owners to move up, concerned about allowing different product types would not blend in, increase the threshold, concerned about negative impact on landowners and rental market, likes VNHS model of providing affordable ownership housing which requires City funding.

The following sections of the staff report are intended to describe the revisions made to the draft ordinance and to address the Commissioners and public's issues raised, beginning with a description of how the inclusionary ordinance fits into the City's housing strategy as codified in the Housing Element, and other Housing planning documents.

A. Inclusionary Zoning as Part of the City's Comprehensive Affordable Housing Strategy

An inclusionary ordinance is one tool available to cities as part of a comprehensive approach to address the critical affordable housing shortage in Vallejo. The City participates in the affordable housing solution through land use zoning and administering publicly funded housing subsidy programs, which also leverage private and public lender resources, while an inclusionary ordinance will require participation from the private development community.

Who contributes to affordable housing creation:

The residents of Vallejo already participate in affordable housing programs through payment of federal taxes. Federal funds come to Vallejo in the form of Community Development Block Grant funds, HOME funds, and Housing Authority funds. Homebuyers participate in affordable housing through payment of property taxes in Redevelopment areas, of which a portion is required under State Law to be used for affordable housing development. In addition, all residents contribute by accommodating new development growth in the city.

The City of Vallejo has contributed through the land use policy by zoning land for multifamily development at higher densities.

Currently residential developers in Vallejo do not contribute to affordable housing development, except where Redevelopment has required participation through a negotiated Disposition and Development Agreement, as the case with Triad. In fact, residential developers decrease opportunities for affordable housing development as sites are developed with housing affordable to only Above Moderate income categories. Staff is recommending Inclusionary Zoning to include private developer participation in affordable housing.

Commercial developers also do not currently contribute to affordable housing in Vallejo. In some cities a jobs-housing linkage fee, also known as a commercial linkage fee, is collected on new commercial development, and those funds are used for new affordable housing development, based upon the demand for affordable housing that is created by the new jobs in commercial development. Staff is not recommending a linkage fee at this time, but it is a policy that could be addressed in the future.

The following are components of the City's current strategy to provide affordable housing in the City of Vallejo. Existing City programs are targeted to Extremely Low, Very Low, and Low income households primarily. Inclusionary zoning is a way to provide additional Low and Moderate income units, which have been the income groups the City has least been able

to serve. Targeting these groups minimizes the financial impact to developers and allows the City to create mixed-income communities for the local workforce.

Public Participation through City Programs:

1. Vallejo Housing Authority Housing Choice Voucher Program – Through the receipt and administration of Federal funds, Vallejo's Housing Division, which includes the Vallejo Housing Authority, provides direct rental subsidy to up to 2,266 families who are predominantly **Extremely Low income** (below 30% AMI).

2. Subsidized Rental Housing – Through the provision of Redevelopment Housing set-aside funds, HOME funds, and CDBG funds, Vallejo subsidizes the new construction or substantial rehabilitation of rental housing primarily for **Very Low-income** families. The Housing division currently has a Request for Qualifications and Proposals out for new affordable rental developments targeted to Very Low income.

3. City Downpayment Assistance and Home Rehabilitation Loan Programs – Through HOME and CDBG funds, the City works directly with Vallejo Neighborhood Housing Services to provide loan assistance to **Low-Income** Households to purchase a home, or rehabilitate an owner-occupied home. The funds for these programs are limited however, and each of these programs is able to serve approximately 5 families per year.

Private Residential Developer Participation: An Inclusionary ordinance as drafted would require that all residential developers set aside a minimum percentage of affordable units in each new project: Ownership at 10% Moderate and 5% Low, and Rental, 10% at Very Low, and Condominium Conversion at 15% Low. Alternative compliance measures, such as acquisition and rehabilitation may achieve additional units at Very Low income levels.

B. Proposed Changes to the Ordinance

In response to the comments listed above, staff has made the following revisions to the draft Inclusionary Ordinance, which is attached as a redlined document to this report:

1. Reduced targeted income level of rental housing to Very Low Income, or 50% AMI under Applicability.
2. Included mobile home parks, and adaptive reuse as projects to which the ordinance would apply under Definitions, for Residential Projects, to which ordinance is applied.
3. Exempted the projects in Planning's Residential Activity List as of November 7, 2006, from the ordinance, under Exemptions. This would exempt Sandy Beach Estates and Skyline Estates.
4. Increased threshold to five units or more, under Definitions, for Residential Project, to which ordinance will apply. Five lots is the threshold number for a major subdivision.
5. Under Eligible Household, in Definitions, added a preference indicated for households that live or work a minimum of 30 hours per week in Vallejo.

6. Delineated specific uses for the fees collected under this ordinance, under Use and Expenditure of Fees, split fees collected under the ordinance, beyond costs to administer the ordinance, equally between rental development and homeowner downpayment assistance.

7. Increased the allowable density bonus requested by developers to a 1 market-rate unit per 1 affordable unit, subject to State Density Bonus Law, under Incentives.

C. Discussion of Alternative Options

The following recommendations were raised but have not been included in the revision, with the rationale for that described below. The Planning Commission may wish to recommend certain alternatives be considered for inclusion in the ordinance by the City Council.

- Alternative compliance measures for projects receiving tentative map approval in the first 12 months from the date the ordinance is adopted (“grandfathering”)
- Allowing rental housing development as an alternative compliance measure for ownership developments
- Additional incentives, such as deferred fees and expedited Planning review
- Allowance of in-lieu fees payments for all projects
- Equity share mortgages for ownership units
- Shorter Term of affordability
- Addressing maintenance issues and HOA dues
- Exploring other means of providing affordable housing

Alternative Compliance Measures for First 12 months: It was suggested by several parties, including the Homebuilders Association that a phased in approach might allow developers to minimize financial impacts to projects that are already in the planning stages, such as KB Homes who is in a purchase contract with the Vallejo Unified School District. These alternative compliance measures would be a lesser cost burden to the developer but still allow them to contribute toward affordable housing development. An alternative compliance measure for projects that receive tentative map approval in the first 12 months after ordinance adoption might include **land dedication** sufficient to allow the development of a minimum number of affordable multifamily rental units, **and/or in-lieu fee payments** that would contribute toward the needed local subsidy. The developer could partner with a non-profit or for-profit to development the rental housing affordable to Very Low income. A minimum project size would be established at 40, and land would be required to be graded and improved with all off-sites. An in-lieu fee subsidy of approximately \$50,000 per unit might also be required of the developer. This is the average per unit local subsidy for affordable rental housing. For example if a 30-unit affordable component is required, the developer could meet this through the dedication of land sufficient to build a minimum of 40 units and provide an in-lieu fee of \$50,000 times 30 units or \$1 million toward affordable housing development. Any units built beyond the 30-unit requirement might be sold as credit to another market-rate developer. Or some combination of land dedication and in-lieu fee might be required. The land dedication option, in the case of the KB Homes and Vallejo Unified School District site, would minimize the cost to that developer and the Vallejo School District because it would be less than the cost of providing the affordable units within the project, but would still provide needed land or funding for affordable housing development.

Allowing Rental Housing targeted to Very Low Income as an Alternative Compliance Measure: This option would allow the construction of rental housing either on-site or off-site, concurrently with market-rate ownership units, to meet the inclusionary requirement. It has not been recommended because there is a need for the creation of affordable ownership units in the Low and Moderate-income categories, and this would result in no new ownership units in those categories, and may result in off-site construction.

Deferred Fees: As is publicly known, the City is in a financial deficit situation at this time, and for the foreseeable future staff does not recommend the City to defer fees that defray staff costs for Planning, Building, and Engineering review.

Expedited Planning Review: A recent organizational study indicates that Planning is understaffed compared to other Bay Area jurisdictions based on project caseload. Until revenues increase, Planning staff cannot expedite review any further than current deadlines established by City policy. If staffing were to increase, the expedited review could be revisited.

Allowing In-Lieu Fee Payments for all Residential Projects, versus only for Fractional Units: A suggestion was made to allow developers the option to pay in-lieu fees rather provide units on the site or through another alternative compliance measure. This option was not recommended by staff for several reasons: 1) This does not result in the simultaneous construction of affordable units and market-rate units, the affordable units would be built at a much later time; 2) this does not result in mixed-income communities, which Council has emphasized as one goal of the inclusionary program; 3) It takes a substantial accumulation of fees into a housing fund to be able to subsidize a new affordable rental development. City subsidies to create new affordable rental housing for Very Low income renters averages approximately \$50,000 or more per unit. A minimum size project for many nonprofit developers is about 50 units, which means the City subsidy would need to be at least \$2.5 million before a commitment could be made to a new project. This would greatly delay the provision of new affordable housing, and the sites available for affordable housing would continue to decrease as new market-rate development occurs. This alternative would allow the creation of housing for a lower income group.

If in-lieu fees were used for homebuyer downpayment assistance loans, as some have suggested, the amount per loan is estimated to anywhere from \$80,000 to \$100,000 per loan. This would allow buyers to purchase an existing home, but would not increase the affordable housing stock within the City of Vallejo, unless a deed restriction were recorded on the unit as well. Once a unit is sold, and the down payment loan repaid to the City, the unit does not remain affordable, unless a deed restriction that requires sale to a Low or Moderate-income buyer is also put in place. If the loan repayment to the City is insufficient to loan to another Moderate or Low-income buyer to make a unit affordable, then no other unit could be made affordable until the City had sufficient funds to finance another downpayment assistance loan. Staff is recommending that in-lieu fees collected under the proposed ordinance be split equally between rental and ownership subsidies. Equity share loans are discussed further below.

Allowing Equity Share Deferred Mortgages rather than Requiring a Resale Restriction Agreement capping Equity at Increase in Area Median Income:

Local Realtors have expressed disagreement with restricting the sales price on affordable units, which in turn limits the Realtors' sales commission on resale of these units, as commission is

based upon the sales price of the unit. It also limits the appreciation on the unit for the eligible buyer. Realtors have mentioned that it is a disincentive for maintaining the unit, or even of purchasing the unit. It is true that buyers of Inclusionary Units will not benefit from a surge in home appreciation. It is not the purpose of the inclusionary ordinance to create a windfall profit in the form of appreciation for single households. It is the purpose to add affordable units to the housing stock over the long term, to increase housing opportunities for Low and Moderate income buyers. However, neither are market-rate homebuyers guaranteed appreciation. Inclusionary units allow families who would not otherwise be able to purchase a home, the ability to own a home without spending over 35% of their income on monthly payments, putting them at risk of foreclosure. The foreclosure rate for Vallejo was recently the 15th highest in the nation, indicating that the demand for ownership units has pushed families to stretch beyond their reasonable financial limits, and has threatened their health and safety by putting them at risk of foreclosure and bankruptcy which has lasting negative impacts.

The limited appreciation for buyers under a Resale Restriction Agreement is not a perfect solution because it may make it more difficult for a buyer to be able to move into another home later. One possible compromise would be to allow equity to increase the longer the household lives in the unit. For example, the sales price might be allowed to increase by 5% in addition to the AMI after 5 years, 10% after 10 years, and so on. This would mean the City may have to commit additional downpayment assistance to the unit upon future resale to keep it affordable to an eligible household, but it would be an incentive to maintain the unit over time, and would allow greater appreciation. Also, if a buyer's income increases over time, they may be able to save additional funds toward a down payment of a new home rather than putting those toward a high mortgage payment. The City is not in the position to create a windfall profit for a limited few, but it is the public interest to increase the available affordable housing stock for ownership in Moderate and Low income categories.

Vallejo Neighborhood Housing Services (VNHS) has been cited as a model for homeownership assistance. In fact, the City provides funding through CDBG and HOME funds every year toward downpayment assistance loans administered by VNHS. During this fiscal year and last year, VNHS had provided three (3) downpayment assistance loans, which have been primarily in conjunction with assistance from the City's Section 8 Homeownership Assistance program. Loans have average \$115,000 per unit and above. The City has extremely limited resources for down payment assistance. Even if funds were increased under the City's downpayment assistance program, only an added one or two units might be made affordable per year. Whereas, under an inclusionary ordinance, private developers would be contributing to the affordable housing solution by limiting to affordable prices, which requires no additional City funding at the first sale.

Requiring A Shorter Term of Affordability for Ownership Units: To ensure that all inclusionary units may be counted by the State toward Fair Share Affordable Housing goals, many cities find it prudent to use the same terms of affordability and definitions of affordability as set by the State Housing and Community Development Department, which would be a minimum of 45 years for ownership and 55 years for rental development. Special exemptions for market-rate sales would be allowed in very limited hardship circumstances. Staff is recommending the 45 year restriction to ensure that all units created are counted toward State Housing Element goals.

Addressing Maintenance Issues and HOA dues: Several Realtors and Planning Commissioners raised concerns about whether the limitation on equity appreciation on ownership units would be a disincentive to maintain ownership units. Based upon conversations with jurisdictions, including Emeryville, Palo Alto, and Pleasanton, that have had inclusionary ordinances in place, this has been an issue in only a small number of resales of affordable units. There is a provision included in the Resale Restriction Agreement that requires inspection of an inclusionary unit for basic maintenance requirements prior to resale. If a unit is in need of repair for habitability, funds would be retained from sales proceeds in escrow for this purpose, or the seller would be allowed to make repairs prior to sale. The very circumstance of owning a unit is incentive for upkeep of property. In addition, requisite Homeowner Association dues will ensure exterior property maintenance. The escalation of homeownership association dues is a valid concern as there is little control the buyer has over this. The initial qualification of the buyer does include the HOA fees as part of the 35% housing costs, so it is taken into account as an expense in the sale of the unit. A mandatory educational workshop for first-time buyers will be included as part of the implementation procedures manual for the Inclusionary Ordinance, if adopted. This course will address budgeting and maintenance issues.

Exploring Other Methods of Providing Affordable Housing: Several commissioners raised the question of what other methods of providing affordable housing are available to the City. The City of Vallejo is currently in the fortunate position of having a variety of resources and programs already in existence that facilitate affordable housing. These programs are described in the Comprehensive Affordable Housing Strategy in section A above. The difficulty is that the City is already maximizing all of its federal and local dollars through rental housing development, or downpayment and home rehabilitation loans, or Housing Choice Vouchers, and we are still unable to meet our ABAG Fair Share Housing Goals. Resources are limited, and through Inclusionary Zoning, the City can bring the private sector developers to the table as part of the housing solution. The proposed ordinance provides many incentives, concessions, and flexibility to allow developers to propose creative solutions within their project. It was not within the purview of this study to consider other alternatives, such as a commercial linkage fee, or raising revenue through a ballot measure; however, the Planning Commission could recommend to City Council to pursue these options in the future.

Fiscal Impact. It is estimated that approximately \$250,000 might be generated per year in in-lieu fees. This estimate is based on at least two projects with fractional unit payments. The cost of administering the inclusionary program will initially be lower, but as more units become part of the City's affordable housing inventory, a half-time staff position would be required to administer the program. Alternatively the City might contract with a consultant to monitor the units. This cost is estimated to range from \$75,000 to \$125,000 per year after full program implementation, as estimated by costs incurred by other Bay Area cities.

Conclusion. The City wishes to encourage the balanced and integrated provision of housing affordable to all income levels. The proposed inclusionary ordinance assists the city in achieving this goal.

7. STAFF RECOMMENDATION

Staff recommends that the Planning Commission make the recommendation to City Council to **APPROVE** the Inclusionary Housing Ordinance as revised as CTA #007-

0001 subject to the following findings; or to recommend alternatives as described in this report to City Council for incorporation into the ordinance. Alternatively, the Planning Commission may recommend not approving an inclusionary ordinance to City Council.

Findings:

- A. Persons of low and moderate income are experiencing increasing difficulty in locating and maintaining adequate, safe and sanitary affordable housing within the City of Vallejo, as housing costs have risen faster than incomes over the past decade. Many persons who work in Vallejo, or who wish to live in Vallejo, cannot afford housing in the city.
- B. An inclusionary background study was prepared by consulting firm, David Rosen and Associates in November 2006, calculating the affordability gap between sales prices and affordable prices in Vallejo, and demonstrating the potential impact of inclusionary requirements in Vallejo; and
- C. An Inclusionary Housing Ordinance has been drafted that would require new ownership and rental residential projects or condominium conversions to provide a specified percentage of affordable housing for Moderate or Low-income households; and
- D. As noted in the City's Housing Element, a regional shortage of affordable housing is contributing to overpayment for housing accommodations, sometimes leading to temporary or permanent homelessness. According to the Association of Bay Area Governments' Regional Housing Needs Projections, the City of Vallejo needs to provide housing affordable to persons of very low, low and moderate income.
- E. Increasing the production and availability of affordable housing is problematic. Prices and rents for affordable housing remain below the level needed to attract new construction. At the same time, escalating land costs and rapidly diminishing amounts of land available for development hinder the provision of affordable dwelling units solely through private action. Federal and State housing finances and subsidy programs are not sufficient by themselves to satisfy the affordable housing needs; however, programs and activities to expand affordable housing opportunities can be accomplished through public/private partnership action.
- F. The ordinance meets Objective B.3.ii.2 of the City Housing Element, which indicates that the City will study the adoption of an inclusionary housing program, and alternative compliance options.
- G. The ordinance meets Objective B.3.iii. of the City Housing Element to encourage the development of affordable housing for lower-income workers employed in Vallejo.
- H. The ordinance assists in achieving Objective A.1.ii.1.b. of the City Housing Element, the review of regulations that might unduly constrain housing development.

- I. The ordinance includes provisions to bring the City into compliance with State Density Bonus law.
- J. The ordinance supports Objective B.1.iv of the City Housing Element to increase types of new development that will qualify for density bonuses.
- K. By including condominium conversions as subject to the inclusionary ordinance, the ordinance also assists in meeting Objective B.1.v. to ensure that condominium conversion applications will not adversely effect housing affordability, choice, and balanced neighborhood goals.
- L. Requiring affordable units within each housing development serves the goal of maintaining an economically balanced community. Requiring developments of new housing to include some housing affordable to households at a range of incomes is fair, not only because new development without affordable units contributes to the shortage of affordable housing but also because zoning and other ordinances concerning new housing in the city should be consistent with the community's goal to foster an adequate supply of housing for persons at all economic levels.

ATTACHMENTS

Attachment 1 – Proposed Ordinance

Attachment 2—Proposed City Council Fee Resolution

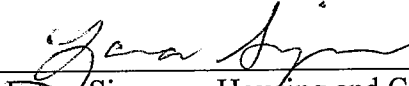
Attachment 3—Planning Commission Resolution

Attachment 4—Staff responses to McConnell and Peterman questions and Manning's comments

Attachment 5—NPH Study of 30 years of Inclusionary Zoning, Appendix A

Attachment 6—Correspondence since February 21, 2007

Attachment 7—Current Affordable Sales Prices and Rents

Prepared by: 
Laura Simpson, Housing and Community Development Manager

Reviewed by: 
Don Hazen, Planning Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF VALLEJO ADDING
CHAPTER 16.56 TO THE VALLEJO MUNICIPAL CODE

WHEREAS, Persons of low and moderate income are experiencing increasing difficulty in locating and maintaining adequate, safe and sanitary affordable housing within the City of Vallejo, as housing costs have risen faster than incomes over the past decade. Many persons who work in Vallejo, or who wish to live in Vallejo, cannot afford housing in the city; and

WHEREAS, As noted in the City's Housing Element, a regional shortage of affordable housing is contributing to overpayment for housing accommodations, sometimes leading to temporary or permanent homelessness. According to the Association of Bay Area Governments' Regional Housing Needs Projections, the City of Vallejo should facilitate the provision of housing affordable to persons of very low, low and moderate income; and

WHEREAS, Increasing the production and availability of affordable housing is problematic. Prices and rents for affordable housing remain below the level needed to attract new construction. At the same time, escalating land costs and rapidly diminishing amounts of land available for development hinder the provision of affordable dwelling units solely through private action. Federal and State housing finances and subsidy programs are not sufficient by themselves to satisfy the affordable housing needs; however, programs and activities to expand affordable housing opportunities can be accomplished through public/private partnership action; and

WHEREAS, An inclusionary background study was prepared by consulting firm, David Rosen and Associates in November 2006, calculating the affordability gap between sales prices and affordable prices in Vallejo, and demonstrating the potential impact of inclusionary requirements in Vallejo; and

WHEREAS, An Inclusionary Housing Ordinance has been drafted that would require new ownership and rental residential projects or condominium conversions to provide a specified percentage of affordable housing for Moderate or Low-income households; and

WHEREAS, The proposed Inclusionary Housing Ordinance meets Objective B.3.ii.2 of the City Housing Element, which indicates that the City will study the adoption of an inclusionary housing program, and alternative compliance options; and

WHEREAS, The ordinance meets Objective B.3.iii. of the City Housing Element to encourage the development of affordable housing for lower-income workers employed in Vallejo; and

WHEREAS, The ordinance assists in achieving Objective A.1.ii.1.b. of the City Housing Element, the review of regulations that might unduly constrain housing development; and

City of Vallejo Inclusionary Housing Ordinance, _____ March 20, 2007.

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WHEREAS, The ordinance includes provisions to bring the City into compliance with State Density Bonus law; and

WHEREAS, The ordinance supports Objective B.1.iv of the City Housing Element to increase types of new development that will qualify for density bonuses; and

WHEREAS, By including condominium conversions as subject to the inclusionary ordinance, the ordinance also assists in meeting Objective B.1.v. to ensure that condominium conversion applications will not adversely effect housing affordability, choice, and balanced neighborhood goals; and

WHEREAS, Requiring affordable units within each housing development serves the goal of maintaining an economically balanced community. Requiring developments of new housing to include some housing affordable to households at a range of incomes is fair, not only because new development without affordable units contributes to the shortage of affordable housing but also because zoning and other ordinances concerning new housing in the city should be consistent with the community's goal to foster an adequate supply of housing for persons at all economic levels.

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

SECTION 1. Chapter 16.56 is hereby added to the Vallejo Municipal Code to read as follows:

INCLUSIONARY HOUSING ORDINANCE

- 16.56.010 Purpose
 - 16.56.020 Definitions
 - 16.56.030 Applicability
 - 16.56.040 Incentives
 - 16.56.045 Affordable Housing Plan Required
 - 16.56.050 Time Performance Required
 - 16.56.060 Continued Affordability; City Review of Occupancy
 - 16.56.070 Alternatives to On-Site Construction
 - 16.56.080 Use and Expenditure of Fees
 - 16.56.090 Affordable Housing Agreement
 - 16.56.100. Enforcement
 - 16.56.110. Severability
 - 16.56.120 Exemptions
- SECTION 2. Effective Date

16.56.010. Purpose.

The provisions of 16.56.010 through 16.56.130 inclusive, shall be known as the Inclusionary Housing Ordinance. This Ordinance is enacted under the City's general police power. The purpose of this Ordinance is to provide for the development of

City of Vallejo Inclusionary Housing Ordinance, March 20, 2007.

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affordable housing concurrently and in an integrated manner with market-rate housing, and to require new development to provide affordable housing in a fair and consistent manner, to implement that City's General Plan, including its Housing Element, and to enable the City to comply with State Housing Element law.

16.56.020. Definitions.

A. **Affordable Housing Plan.** Affordable Housing Plan means the plan submitted by the developer of a Residential Project and approved, or modified and approved, by the City that describes how the inclusionary housing requirements will be met by the Residential Project, including but not limited to the number, location, and type of affordable units that will be provided, the timing of the construction of the affordable units for phased developments, buyer screening and selection methodology, and compliance with all other requirements of this chapter and of the rules and regulations adopted to implement this chapter.

B. **Affordable Ownership Price.** Affordable Ownership Price means a sales price that results in a monthly housing payment consistent with California Health and Safety Code Section 50052.5(b), as amended from time to time. The affordable price shall be the sum of the affordable mortgage as calculated in this Section plus a five (5) percent down payment. In addition, eligible buyers shall be responsible for paying customary closing costs. For Low Income Households, average monthly housing payment during the first calendar year of a household's occupancy, including mortgage interest and principal payments on a thirty-year fixed rate mortgage based on the then current Freddie Mac thirty-year mortgage rate or successor index, property taxes, assessments or other government assessments or special taxes, such as special taxes imposed under a community facilities district on the subject Residential Project and applicable to the Affordable Unit, mortgage insurance, homeowner's insurance, homeowners or condominium association dues which apply to the unit being purchased by the eligible homebuyer, allowances for utilities as published annually by the Vallejo Housing Authority, or successor index, and any assessments paid by homeowners, is equal to or less than one-twelfth (1/12) of thirty percent (30%) of seventy percent (70%) of the area median income adjusted for household size.

For Moderate Income Households, average monthly housing payments, during the first calendar year of a household's occupancy, including mortgage interest and principal payments on a thirty-year fixed rate mortgage based on the then current Freddie Mac thirty-year mortgage rate or successor index, property taxes, mortgage insurance, homeowner's insurance, actual homeowners association dues which apply to the unit being purchased by the eligible homebuyer, allowances for utilities as published annually by the Vallejo Housing Authority, or successor index, and any assessments paid by homeowners, is equal to or less than one-twelfth (1/12) of thirty-five percent (35%) of one hundred ten percent (110%) of the area median income allowed for Moderate Income Households, adjusted for household size.

C. **Affordable Rent.** The definition of Affordable Rent shall be consistent with California Health and Safety Code Section 50053, as amended from time to time. Monthly rent, including allowances for utilities as published annually by the Vallejo

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Housing Authority or successor index, and all fees for housing services, must be equal to or less than one-twelfth (1/12) of thirty percent (30%) of fifty percent (50%) of the area median household income, adjusted for household size for Very Low Income Households.

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D. Affordable Unit. Living Units that are required under this chapter to be rented at an Affordable Rent or available at an Affordable Ownership Price to specified households, and initially occupied by specified households. Subject to 16.56.020B and C. Affordable Units shall be comparable in overall number of bedrooms, proportion of units in each bedroom category, quality of exterior appearance and overall quality of construction to market rate units in the same residential project. Interior features and finishes in affordable units shall be durable, of good quality and consistent with contemporary standards for new housing. A minimum of one (1) full bathroom must be provided in two bedroom Affordable Units. All other Affordable Units shall have the identical bathroom count to those in market rate units in the development subject to this chapter and of identical bedroom count.

E. Area Median Income. Area median income as published pursuant to California Code of Regulations, Title 25, Section 6932 (or its successor provision).

F. Condominium Conversion Project. A rental residential development or mobile home park for which the owner has applied for a tentative or parcel map for the conversion of residential property into a condominium, community apartment project or stock cooperative project.

G. Eligible Household. A household whose household income does not exceed the maximum specified in 16.56.030, for a given Affordable Unit. Affordable Units for ownership shall only be purchased by income eligible households as specified in 16.56.030, who are also First Time Homebuyers. A preference point will be given to households who live and/or work in Vallejo in compliance with State and Federal Fair Housing law, where working in Vallejo is defined as working on a site located in the City of Vallejo for a minimum of 30 hours per work.

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H. First Time Homebuyer. A household which has not owned a home for the three calendar years prior to the date they apply for home purchase, with the exception of households which owned a home during the prior three calendar period but lost it through divorce proceedings or as a result of medical expenses resulting from an uninsured medical emergency.

I. Household Income. The combined adjusted gross income for all adult persons living in a Living Unit as calculated for the purpose of the Section 8 program under the United States Housing Act of 1937, as amended, or its successor.

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J. Living Unit. One or more rooms designed to be occupied or intended for occupancy as separate living quarters with a stove, sleeping and bathroom facilities.

K. Low Income Household. The definition of Low

Income Household shall be consistent with California Health and Safety Code Section 50079.5 for lower income households, as amended from time to time. Low Income Household means persons and families whose income does not exceed eighty percent (80%) of area median income, adjusted for household size. "Adjusted for household size" shall be consistent with California Health and Safety Code Section 50052.5(h), as amended from time to time. Maximum annual household income for Low Income Households shall be set based on presumed occupancy levels of one person in a studio apartment, two (2) persons in a one (1) bedroom unit, three (3) persons in a two (2) bedroom unit, and one additional person for each additional bedroom thereafter.

L. Low Income Owner Unit. Low Income Owner Unit means a Living Unit in a Residential Project that is offered for purchase at construction completion at an Affordable Ownership Price to a Low Income Household.

M. Low Income Renter Unit. Low Income Renter Unit means a Living Unit in a Residential Project that is offered at an Affordable Rent to a Low Income Household.

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N. Market Rate Units. Market Rate Units are Living Units in Residential Projects that are not Affordable Units under subsection (c) of this section.

O. Moderate Income Household. The definition of Moderate Income Household shall be consistent with California Health and Safety Code Section 50093, as amended from time to time. Moderate Income Household means persons and families whose income does not exceed one hundred-twenty percent (120%) of area median income, adjusted for household size. "Adjusted for household size" shall be consistent with California Health and Safety Code Section 50052.5(h), as amended from time to time. Presumed occupancy levels shall be one person in a studio apartment, two (2) persons in a one (1) bedroom unit, three (3) persons in a two (2) bedroom unit, and one additional person for each additional bedroom thereafter.

P. Moderate Income Owner Unit. Moderate Income Owner Unit means a Living Unit in a Residential Project that is offered for purchase at construction completion at an Affordable Ownership Price to a Moderate Income Household.

Q. Owner Project. Owner Project is a Residential Project, or portion thereof, which is intended to be sold to owner-occupants upon completion.

R. Rental Project. A Rental Project is a Residential Project, or portion thereof, which is intended to be rented to tenants upon completion.

S. Residential Project. Any mixed-use, adaptive reuse, mobile home park or other residential project that includes five (5) or more living units or residential lots, or living units and residential lots which total five (5) or more in Contemporaneous construction of five (5) or more living units on a lot, or on contiguous lots for which there is evidence of common ownership or control, even though not covered by the same City land use approval, shall also be considered a Residential Project. Construction shall be considered contemporaneous for all units which do not have completed final inspections

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for occupancy and which have outstanding, at any one time, any one or more of the following: planned district, subdivision map, conditional use permit or other discretionary City land use approvals, or building permits, or applications for such an approval or permits.

T. Very Low Income Household. The definition of Very Low Income Household shall be consistent with California Health and Safety Code section 50105, as amended from time to time. Very Low Income Household means persons and families whose income does not exceed fifty percent (50%) of area median income, adjusted for household size. "Adjusted for household size" shall be consistent with California Health and Safety Code Section 50052.5(h), as amended from time to time. Maximum annual household income shall be set based on presumed occupancy levels of one person in a studio apartment, two (2) persons in a one (1) bedroom unit, three (3) persons in a two (2) bedroom unit, and one additional person for each additional bedroom thereafter.

U. Very Low Income Renter Unit. Very Low Income Renter Unit means a Living Unit that is offered at an Affordable Rent to a Very Low Income Household.

16.56.030. Applicability.

Subject to the provisions of this chapter all Residential Projects shall provide affordable units as follows:

A. For Rental Projects:

- (1) At least ten percent (10%) of all new Living Units shall be Very Low Income Renter Units.

B. For Owner Projects:

- (1) At least five percent (5%) of all new Living Units shall be Low Income Owner Units and ten percent (10%) of all new Living Units shall be Moderate Income Owner Units.

C. For Condominium Conversion Projects:

- (1) At least fifteen percent (15%) of all rental units converted to ownership units shall be Low Income Owner Units. In the event this requirement results in a fractional unit obligation, regardless of what fraction, the number of Low Income Owner Units required of the Condominium Conversion Project will be increased by one unit. The alternative compliance options stipulated in Section 16.56.060 of this chapter shall not apply to Condominium Conversion Projects. The number of units in a condominium conversion project are subject to this chapter shall be determined as part of the approval of the housing plan and the tentative or parcel map for the condominium conversion and shall provide for the tenants' rights to purchase units.

D. For purposes of calculating the number of affordable units required by this section, any additional units authorized as a density bonus pursuant to California Government Code Section 65915(b)(1) or (b)(2), as amended, shall not be counted as part of the Residential Project.

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E. When the application of the Affordable Unit requirements set forth in subsections (a) and (b) results in a number that includes a fraction and where the fraction is 0.5 or greater, the developer of the Residential Project must construct the next higher whole number of Affordable Units, and where the fraction is less than 0.5, the developer is allowed to pay a fee to the City in lieu of constructing an Affordable Unit pursuant to 16.56.070C.

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F. Affordable Units must be geographically dispersed throughout the project site.

16.56.040. Incentives.

Residential Projects which are subject to this chapter may request the following as part of the Affordable Housing Plan:

A. Affordable Units may have different interior finishes and features than Market Rate Units in the same Residential Project, so long as the interior finishes and features are durable, of good quality and consistent with contemporary standards for new housing.

B. Affordable Units may be constructed using an alternative housing product type, for example, townhome, in a single-family detached project, than the Market Rate Units in the same Residential Project, but in no case shall Affordable Units be less than 75% of the total square footage of the similar type of Market Rate Units in the Residential Project, and must generally be assimilated into the overall design and character of the Residential Project.

C. A Residential Project with structured parking may provide up to 20% fewer parking spaces per unit than the required number of spaces under Vallejo's zoning code applicable to the Residential Project if the Residential Project developer/owner has prepared a parking study demonstrating that the parking reduction will not have a significant impact on parking in the project vicinity and the City concurs with the findings of the parking study. This parking reduction will not apply to projects with surface parking or stand alone garages constructed at grade.

D. If the Developer commits to four bedroom Affordable Units, each four bedroom Affordable Unit shall be deemed to be 1.25 units for the purpose calculating the total number of Affordable Units in a Residential Project.

E.. The Residential Project developer may request and the City may approve additional zoning code revisions for the Residential Project needed to enable the Project to benefit from all of the incentives offered in this Section 16.56.040 and the provisions of California Government Code Section 65915(b)(1), and (b)(2), as amended, State Density Bonus law. Developers may request an additional market-rate unit per each affordable unit provided in the project. Developers are encouraged to request the highest density necessary for project feasibility. Revisions to the zoning code which qualify for approval under this Section include, and may not be limited to, changes in restrictions on height, floor area ratio, density, set back and side yard requirements.

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F. Funds under the control of the City, City of Vallejo Housing Authority or the City of Vallejo Redevelopment Agency cannot be used to grant, finance, or otherwise subsidize Residential Projects unless:

(1) The Residential Project will provide an amount of Affordable Units in excess of the requirements of this chapter; or,

(2) The Residential Project serves households with lower incomes than required under Section 16.56.020A and B while providing the same, or greater, number of Affordable Units required under Section 16.56.030A and B.

16.56.045. Affordable Housing Plan Required.

A. The developer of a Residential Project shall submit, concurrently with or prior to the submission of an application for the first discretionary approval for a Residential Project, a proposal describing the proposed Affordable Housing Plan for the Residential Project, in accordance with this chapter and the intended method for implementing the plan, including but not limited to: unit floor plans, affordable unit locations on site plan, number and type of affordable units, proposed affordable rents and prices and proposed market-rate rents or prices, proposed construction schedule, and Affordable Unit marketing plan.

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B. Approval Process of Affordable Housing Plans. The approval process for affordable housing plans will include the following steps:

1. Submission of the affordable housing plan as part of the project application submitted to the Planning Division. Staff shall then refer the affordable housing plan to the Director of the Housing and Community Development who will review and either approve or deny the plan based on compatibility with the following: this chapter, adopted city affordable housing goals, and currently identified city housing needs.

2. The Affordable Housing Plan shall be included as an attachment to the staff report in the public hearings for the planning entitlements requested for the Residential Project.

C. Appeal. The Director's decision on the Affordable Housing Plan may be appealed to City Council by filing a Notice of Appeal within ten days of the Director's decision. In considering the appeal, sections 16.56.130 B and C shall govern.

16.56.050. Time Performance Required.

A. No building permit shall be issued for any Market Rate Unit until the developer of the Residential Project has obtained building permits for Affordable Units sufficient to meet the requirements of Section 16.56.030, or received certification from the Housing and Community Development Manager that the developer has met, or made arrangements satisfactory to the City to meet, an alternative requirement of Section 16.56.060. No final inspection for occupancy for any Market Rate Unit shall be completed until the developer has constructed and received certificate(s) of occupancy for the Affordable Units required by Section 16.56.030 or completed corresponding alternative performance under Section 16.56.060.

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B. Conditions to carry out the purposes of this chapter shall be imposed on the first approval for a Residential Project.

C. If the Residential Project is to be constructed in phases, the phasing plan and the Affordable Housing Plan shall delineate the number of affordable units to be built in each phase and the provisions of subsection A shall apply to each phase. If the affordable units are not equally distributed among the phases, then the phasing plan and the Affordable Housing Plan shall determine the manner of compliance with subsection A, and the City may require security or other arrangements satisfactory to the City to assure compliance with this section.

16.56.060. Continued Affordability; City Review of Occupancy.

A. Regulatory agreements consistent with the requirements of this chapter shall be recorded against Residential Projects with rental Affordable Units. For Affordable Units designated for owner occupancy, resale restrictions, deeds restrictions; notes and deeds of trust and/or other documents consistent with the requirements of this chapter shall be recorded against owner-occupied Affordable Units. Only resale restrictions and associated documents will be used to assure continued affordability of owner-occupied Affordable Units, and no equity sharing provisions will be used to assure continued affordability of such Affordable Units.

In the case of Affordable Units that are initially rented, these recorded rent restrictions and associated documents shall be consistent with the California Health and Safety Code Section 33334.3(f)(1)(A), as amended from time to time, but in no case shall the minimum term be less than 55 years.

B. The City Housing and Community Development Manager shall annually certify compliance with rules published by the Manager within six months of the effective date of this chapter to establish rent restrictions, tenant income certification procedures, property management and maintenance standards, occupancy requirements, other compliance standards and associated documents for this chapter. In the case of Affordable Units that are initially sold, these documents shall be consistent with California Health and Safety Code Section 33334.3(f)(1)(B), but in no case shall the minimum term be less than 45 years. In the case of owner-occupied Affordable Units that are transferred during the required term, renewed restrictions shall be entered into on each change of ownership, with a 45 year renewal term. The forms of regulatory agreements, resale restrictions, deeds of trust and other documents authorized by this subsection A, and any change in the form of any such document which materially alters any policy in the document, shall be approved by the City Manager or his designee within six months of the effective date of this chapter.

C. In the case of Affordable Units which are initially owner-occupied, the documents required by subsection A. shall prohibit subsequent rental occupancy, unless approved for hardship reasons by the Housing and Community Development Manager. Such hardship approval shall include provision for United States military personnel who are required to leave the country for active military duty. For Affordable Units which are initially rented, the documents required by subsection A shall provide for continued occupancy for one year, dated from the required annual income certification under the

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Regulatory Agreement by households occupying the units whose incomes increase during their occupancy so that they may exceed the maximum household income otherwise permitted for the Affordable Unit.

D. The maximum sales price permitted on resale of an Affordable Unit designated for owner-occupancy shall not exceed: the seller's purchase price paid by the owner/seller at the time the owner/seller acquired the unit under this chapter, increased by the percentage increase, if any, in the area median income during period of the owner/seller's ownership. The documents required by subsection (a) may authorize the seller to recover the depreciated value at time of sale of capital improvements made by the seller that were approved in writing by the City in advance of construction and the seller's necessary costs of sale and may authorize an increase in the maximum allowable sales price to achieve such recovery. The resale restrictions shall allow the City a right of first refusal to purchase any affordable owner-occupancy unit at the maximum price that could be charged to a purchaser household, at the time the owner proposes any sale. The Housing and Community Development Manager shall publish rules enforcing resale restrictions, disclosure statements to be issued to purchasers of resale-restricted owner-occupied Affordable Units, occupancy requirements, and restrictions on third mortgages and cash out refinancing secured by Affordable Units, and cost recovery for capital improvements to owner occupied Affordable Units.

E. No household shall be permitted to begin occupancy of an ownership or rental Affordable Unit unless the City has approved the household's eligibility. If the City maintains a list of, or otherwise identifies, eligible households, initial and subsequent occupants of Affordable Units shall be selected first from the list of identified households, to the maximum extent possible.

16.56.070. Alternatives to On-Site Construction.

A. Rental Rehabilitation. A developer of a renter or owner Residential Development may satisfy the requirements of Section 16.56.030(a) and 16.56.030 (b) by purchasing and rehabilitating, or make possible another developer's purchasing and rehabilitating blighted, older rental housing, restricted to Very Low Income households, as recorded in an Affordable Housing Agreement and regulatory agreement. When electing this alternative compliance option, the Housing and Community Development Manager will have the authority to approve an Affordable Housing Plan. It is the intention of this subsection (d) that it be used only to rehabilitate rental housing that is at least forty (40) years old, suffers from severe deterioration, and is restored through physical rehabilitation to a renewed useful life of fifty-five (55) years. The unit and bedroom count distribution must remain comparable and proportionate to the market rate Residential Project. A fifty-five year rent restriction must be recorded against the property, and all other provisions of this chapter will apply to the rehabilitated affordable rental housing.

B. In lieu of building Affordable Units within an Owner Project, a developer may elect to construct, or make possible construction by another developer, Affordable Units not physically contiguous to the Market Rate Units. At the discretion of the

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Housing and Community Development Manager or the Manager's designee, off-site construction of Affordable Units pursuant to this subsection (a) may be approved only if:

(1) construction has started or, if construction not required, certificates of occupancy and a regulatory agreement or resale restriction agreements are recorded for the related Affordable Units before building permits are issued for the related Market Rate Units;

(2) final inspections for occupancy for the related Market Rate Units must be completed after certificates of occupancy for the off-site Affordable Units are issued;

(3) the City will require the developer of the Market Rate Units to purchase the site for the off-site Affordable Units, secure all planning entitlements, and record affordability covenants against the site, and secure a building permit for the Affordable Units required of the Market Rate Units prior to issuance of a building permit for the related Market Rate Units; and,

(4) The City will require that the completion of off-site Affordable Units shall be further secured by a letter of credit from the developer in an amount at a minimum equal to the in lieu fee amount described under subsection (c) and recorded in an Affordable Housing Agreement.

C. In-lieu Fees. At the discretion of the City Council, a developer may pay a fee to the City in lieu of building Affordable Units within a Residential Project only under the following condition:

(1) When the application of the requirements set forth in 16.56.030A or B results in a number that includes a fraction, a developer is allowed to pay a fee to the City if the resulting fractional amount is lower than 0.5.

In lieu fees shall be paid upon issuance of building permits for Market Rate Units in a Residential Project. If building permits are issued for only part of a Residential Project, the fee amount shall be based only on the number of units then permitted.

The City Council shall establish the in lieu fee by resolution in an amount that that is adequate, at a minimum, to cover the difference between the Affordable Ownership Price defined in 16.56.020B and the median price of a newly constructed Market Rate ownership home in Vallejo for the preceding calendar year, weighted for Low and Moderate income requirements. The fee will be revised and published annually by February 15th by the Housing and Community Development Manager based on the percent increase or decrease in the median sale price of a newly constructed home in Vallejo for the preceding twelve (12) month period, using standard accepted real estate data services, e.g. Dataquick.

16.56.080. Use and Expenditure of Fees.

A. The City Council may, by resolution, establish reasonable fees and deposits for the administration of this chapter. The fees collected under this chapter and all earnings from investment of the fees shall be expended exclusively to provide or assure continued provision of affordable housing through acquisition, construction, development assistance, rehabilitation, financing, rent subsidies or other methods, and for costs of administering programs which serve those ends. After reimbursement of program administrative costs funds collected under this program will be split equally between rental housing development, and homeownership downpayment assistance. Funds will

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be tracked separately within an Inclusionary Housing Fund Account. Funds expended to administer this program may be reimbursed through fees collected under this ordinance.

B. The City will charge the seller of any owner-occupied Affordable Unit an asset management fee of one percent (1%) of the restricted resale price to a new Affordable Unit homebuyer. These asset management fees will be used by the City Manager to defray the costs of assuring compliance with the resale restriction provisions of this chapter.

16.56.090 Affordable Housing Agreement.

Developers of Residential Projects will be required to enter into affordable housing agreements with the City to document the obligations of the developer under this chapter. The affordable housing agreement must be approved by the Housing and Community Development Manager and executed by the developer prior to completion of a final map for a single family detached housing development. If the foregoing approvals are not required, then the affordable housing agreement must be approved by the City and executed by the developer prior to issuance of a grading or building permit, whichever occurs first.

For a multifamily development, the Affordable Housing Agreement must be approved by the City and executed by the developer prior to issuance of entitlement approval or design review approval of the market rate residential development.

16.56.095. Rules and Regulations to Implement Inclusionary Housing Ordinance.

The City Manager may adopt rules and regulations to assist in the implementation of this chapter, including but not limited to provisions for the calculation of eligible buyers or tenants, screening and/or prescreening of eligible buyers or tenants, methods of selection of buyers or tenants, suggested design, size, type and location of affordable units, and implementation documentation and requirements, such as deeds of trust, regulatory agreements and the like.

16.56.100. Enforcement.

A. The City Attorney is authorized to enforce the provisions of this chapter and all regulatory agreements and resale controls placed on affordable units, by civil action and any other proceeding or method permitted by law.

B. Failure of any official or agency to fulfill the requirements of this chapter shall not excuse any developer from the requirements of this chapter.

16.56.110. Severability.

If any clause, sentence, section, or part of this chapter, or any fee or requirement imposed upon any person or entity, is found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall affect only such clause, sentence, section or part, or such person or entity, and shall not affect or impair any of the remaining provisions, clauses, sentences, sections, or parts or the effect of this chapter on

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other persons or entities. It is hereby declared to be the intention of the City Council that this chapter would have been adopted had such unconstitutional, illegal, or invalid clause, sentence, section, or part not been included herein, or had such person or entity been expressly exempted from the application of this chapter.

16.56.120. Exemptions.

A. Projects with submitted and accepted planning applications as listed in the Planning Division's Residential Activity Listas of November 7, 2006, or have an executed development agreement with the City prior to the effective date of the Ordinance adopting this chapter will be exempt from this chapter. If such a project is not built and the developer/owner later returns for amendments to the discretionary land use approvals, or because the entitlement has expired, the Residential Project shall then comply with this Chapter to the extent permitted by law.

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16.56.130. Adjustments or Waivers.

A. The requirements of this Chapter may be adjusted or waived if the Developer demonstrates to the satisfaction of the City Council that there is not a reasonable relationship between the impact of a proposed Residential Project and the requirements of this Article, or that applying the requirement of this Article would take property in violation of the United States or California Constitutions.

B. To receive an adjustment or waiver, the Developer must request it when applying for first approval of the Residential Project.

C. The matter shall be considered before the City Council within thirty days. In making the finding or determination, or in considering any appeal, the City Council may assume the following: (1) the Developer is subject to the inclusionary housing requirements in this Article; (2) availability of any incentives, affordable financing, or subsidies; and (3) the most economical affordable housing product in terms of construction, design, location, and tenure. For purposes of a taking determination, the Developer has the burden of providing economic and financial documentation and other evidence necessary to establish that application of this Article would constitute a taking of the property without just compensation.

D. If it is determined that the application of the provisions in this Article would constitute a taking, the inclusionary requirements for the Residential Project shall be modified to reduce the inclusionary housing obligations to the extent and only to the extent necessary to avoid a taking. If it is determined that no taking would occur by application of this Article, the requirements of the Article remain applicable and no approvals for the Residential Project shall be issued unless the Developer has executed an Affordable Housing Plan pursuant to the requirements of this Article.

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SECTION 2. Effective Date.

This ordinance shall take effect thirty days after final passage.

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RESOLUTION NO. ____ N.C.

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

WHEREAS, an inclusionary background study was prepared by David Rosen and Associates (DRA);

WHEREAS, the study was an effort to evaluate the cost of providing a minimum percentage of units affordable to Moderate or Low income households in new ownership and rental residential development;

WHEREAS, the gap to price difference for a Low income household in 2006 is \$602,500 and for a moderate income household is \$454,000, with the weighted in-lieu fee per affordable unit based on this methodology as performed by DRA is \$504,100;

WHEREAS, the proposed inclusionary housing ordinance would allow for an in-lieu fee payment where a fractional unit results from the application of the percentage requirement for a fractional unit below .5;

WHEREAS, the study mentioned above have been read by the Council and incorporated in this Resolution by reference as though fully set forth herein;

WHEREAS, the City Council held a study session on this matter on March ____ 2007;

BE IT RESOLVED that the City Council adopts the attached fee schedule (Attachment B)

BE IT FURTHER RESOLVED, that the City Manger, in consultation with the Finance Director, is directed to update the Fee Schedule annually on January 1st of each year, by the Consumer Price Index For All Urban Consumers, or whatever comparable Price Index the Manager and Finance Director determines to be appropriate to reflect the increase in costs in the San Francisco Bay Area; and,

BE IT FURTHER RESOLVED that the adoption of the above fees is found to be exempt from the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the adoption of this code will have a significant effect on the environment.

ADOPTED by the Council of the City of Vallejo at a regular meeting held on _____ by the following vote:

CITY OF VALLEJO PLANNING COMMISSION

RESOLUTION NO. PC-07-_____

**A RESOLUTION OF INTENTION
TO AMEND THE ZONING ORDINANCE
Code Text Amendment #07-0001**

**Inclusionary Housing Ordinance
citywide**

WHEREAS, Chapter 16.56, an Inclusionary Housing Ordinance amending the Title 16 of the Vallejo Municipal Code has been prepared; and

WHEREAS the City of Vallejo Planning Commission conducted a duly noticed public hearing to consider Code Text Amendment #07-0001 on February 21, 2007 and continued to March 20, 2007, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission; and

WHEREAS based on evidence received at the public hearing, the Planning Commission recommends that the following findings be adopted by the Vallejo City Council:

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

Section 1. An Initial Study and Notice of Intent to Adopt a Negative Declaration were prepared by the City and made available to the public for review on January 22, 2007. The Notice of Intent to Adopt the Negative Declaration was duly sent, posted, and available for public review.

Section 2. The Initial Study identifies no potentially significant environmental effects.

Section 3. Based on the entire record, including the environmental findings contained in section 2 "Environmental Review" of the staff report attached hereto and incorporated herein by this reference, the proposed amendment to the zoning ordinance will have no potentially significant environmental effect. The inclusionary zoning ordinance should have no adverse impact on land use and planning, geology and soils, hydrology/ water quality, air quality, biological resources, mineral resources, hazards/ hazardous materials, noise, public services, utilities and significant impacts on population and housing, and transportation/ circulation. Population and housing may increase, but not significantly due to development standards, second unit ordinance requirements, parking standards, design review, etc., which would also impact the number of vehicles domiciled at the respective properties. Additionally, individual CEQA review would be applicable to unites created through subdivision, parcel split and rezonings.

II. FINDINGS RELEVANT TO DETERMINATION OF PROJECT CONSISTENCY WITH APPLICABLE GENERAL PLAN

Section 1. The amendments to the City of Vallejo's Zoning Ordinance are subject to the procedures contained in Chapter 16.86 of the City of Vallejo Municipal Code.

Section 2. The City of Vallejo General Plan contains Objective B.3.ii.2 of the City Housing Element which states that the City will explore the adoption of an inclusionary housing program, and alternative compliance options.

Section 3. The City of Vallejo General Plan contains Objective B.3.iii. which states that the City will encourage the development of affordable housing for lower-income workers employed in Vallejo.

Section 4. The City of Vallejo General Plan contains Objective A.1.ii.1.b. which consists of regulations that might unduly constrain housing development. The proposed inclusionary ordinance may assist in achieving Objective A.1.ii.1.b. The inclusionary ordinance can include current state density bonus provision to comply with State law.

Section 5. The City of Vallejo General Plan contains Objective B.1.iv which seeks to increase types of new development that will qualify for density bonuses. The proposed inclusionary ordinance would increase developments that qualify for density bonuses.

Section 6. The City of Vallejo General Plan contains including condominium conversions as subject to the inclusionary ordinance, the ordinance also serves to facilitate Objective B.1.v. to ensure that condominium conversion applications will not adversely affect housing affordability, choice, and balanced neighborhood goals. This amendment is consistent with the General Plan.

IV. RESOLUTION RECOMMENDING AMENDMENT TO THE ZONING ORDINANCE

NOW, THEREFORE, LET IT BE RESOLVED that the Planning Commission hereby APPROVES this resolution of intent to amend the zoning ordinance by adopting Code Text Amendment 07-0001, recommending to City Council that Title 16 of the Vallejo Municipal Code be amended by adding Chapter 16.56 entitled "Inclusionary Housing Ordinance," based on the findings contained in this resolution, with reference to the staff report and subject to the Conditions of Approval attached herein.

V. VOTE

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

AYES:
NOES:
ABSENT:

CHARLES LEGALOS, CHAIRPERSON
City of Vallejo PLANNING COMMISSION
Attest:

Don Hazen
Planning Commission Secretary

Questions from Commissioner McConnell and staff responses.

1. Why is there a difference of 15% for rental set aside vs. 10% for purchases for low and Moderate income?

Because rental development was economically feasible at the time of the study, our consultant recommended putting in place a lower percentage requirement for rental. When the rental market heats up again, the City could consider a higher requirement.

2. Comment on the desirability of the goal of having units distributed evenly throughout the city.

Distributing affordable housing throughout the city allows families to have housing opportunities in all areas of the city, in all communities. This avoids one neighborhood being overly concentrated with very low income housing at a high density, and attendant issues.

3. What can the city do to contest the assignment of required low, very low and moderate income required units by ABAG? What has and will the City of Vallejo do with respect to this assigned figure? How do other cities compare?

The City of Vallejo is not contesting the ABAG figures. Other cities have significant requirements, particularly more urban areas, Oakland, San Francisco, and San Jose. Cities have not met their goals but have not received penalties as long as their city is sufficiently zoned for residential. Some cities have been sued because they do not have a certified Housing Element.

4. What other tools are there to develop affordable housing exist for the City of Vallejo aside from what is discussed this report?

The main options for affordable housing are through land use policy- as we are proposing with inclusionary, setting aside funds from the General Fund-which is already under funded, creating a Commercial Linkage fee for commercial development, or raising revenue which requires 2/3rds or a majority vote, which is extremely difficult to achieve.

5. Do you consider the cut off line of having received a tentative map approval or final planning approval as a fair point of establishing a cut off point? What other alternatives exist or can be utilized?

A cut off must be established at some point--the 40 units in the pipeline could be grandfathered in and exempted.

6. Why is the process and the criteria for selecting buyer and renter qualification for affordable housing not established as a part of this ordinance? It seems we will be anointing a very few select individuals with the blessing of buyer assisted. It only seems proper to establish this criteria at this time. Your presentation indicated as many as 80%

of the population of the City of Vallejo meets the criteria of moderate, low income, or very low income.

The criteria for buyers is in the ordinance. Income eligibility and being a first-time homebuyer is established. If the Council wants to establish preferences such as living or working in Vallejo it can be proposed. However, Fair Housing Law indicates that even with preferences we must still allow anyone to apply.

7. Why the establishment of such a small number as 3 units for requiring compliance with the paying for affordable housing subsidies?

So that all projects are required to comply, with every new project land becomes less and less available for new development. Also, if we set the threshold higher, developers may try to avoid it by building fewer units, which is an undesirable outcome. Could be established at 5 units.

8. Which 40 units and developers will be affected by the establishing of a Nov. 7, 2006 establishment date?

Two projects, Sandy Beach Estates (developer Cole Carter) 17 units, and Skyline Estates 23 units.

9. There are 571 units in the pipeline that have not received a planning approval. After exempting Lennar Mare Island due to a Development Agreement there are only 40 units affected. Which ones and whose are they? Same as above.

10. Will the 223 unit project at Rollingwood & Benician Road project be subject to the requirement. Where are they in the process. Please address the concerns expressed by the Vallejo School Board at the hearing of Feb. 21, 2007.

Yes, they will be subject as stated in the staff report. They have not submitted an application to Planning yet. They are concerned about their land value being impacted by the requirement, however, that dollar estimate was established before the draft Ordinance was made available. In other words, there are incentives and options in the ordinance that would make compliance easier and less costly to the developer. The developer is trying to use this to negotiate a lower land price.

11. The 300 unit project at Crossroads. Where are they in the process of not being subject to this project?

They would be subject to the ordinance, as stated in the staff report.

12. What will be the cost per unit on the remaining Units at both Rollingwood and Crossroads if this ordinance applies to them. Why should they be included since they have already incurred substantial expenses in moving this project along on a foundation that such a requirement did not exist?

Because they have not submitted Planning applications at this point and they will be taking substantial land out of commission that could be used for affordable housing. The Inclusionary ordinance was under direction from Council since June 2006.

13. What is the projected breakdown on the 1,800 projected requirement of very low vs. low vs. moderate income? What number of this will be for rental vs. purchase?

It would likely be primarily for sale housing, given past trends, and therefore, mostly 10% Moderate, and 5% Low based on the draft ordinance. But if the rental market improves, this could change.

14. If Triad is only being required to provide 9% affordable units, why is it not fair and equal to require more from later projects?

Triad is subject to a DDA which was negotiated and under which they receive other benefits such as Redevelopment subsidized land, and because they are a catalyst project, the Agency agreed to take on the 6% Very Low requirement. However, the City does not have resources to meet this Redevelopment Law requirement, beyond that which will be used toward the Triad requirement. Any new development in a Redevelopment Area must meet the 9% Mod, and 6% Very Low Requirement. The Agency does not have any further resources to meet the 9% and 6% requirement on future projects.

15. How can a Low income owner occupied house with a fair market value of \$700,000.00 be afforded under this ordinance with a projected purchase date of summer, 2009?

Because the price will be set to an affordable price in 2009 based on the Area Median Income limit in Solano County in 2009.

16. Are we defining affordable housing based upon the purchase price or upon the ability of very low, low, and moderate income people to pay a pre defined amount? If the definition is based upon the ability to pay, isn't this ignoring the reality of the market place?

Yes, we are, and yes it is.

17. If the fair market value of housing increases by 25% in the next three years, but income increases by only 7% does the developer have to hold the price on sales or does the City have to further subsidize the chosen applicant?

The developer would be limited in the affordable sales price. The city does not have resources to add to make the units affordable.

18. If union members who earn more than non union members are only at 80% of Area Median Income, they are Low Income or below. That either relegates them to rental

subsidy or makes them compete with others for the owner subsidized unit. What do we do about those who don't obtain a purchase subsidy?

There will very likely be a very large demand for the for-sale units, and typically cities hold lotteries to determine an order of application review. Then those who meet all the lender's qualifications will be approved in the order of the lottery selection. We will not be able to meet all of the demand.

19. Why do you represent that rents will continue to rise in 2007? If so, for how long and at what percentage compared to the 2007-2013 ABAG required period of projected required units? What do we do if the housing market tightens even more, or reduces?

The projections are based upon projections from real estate professionals, such as California Apartment Owners Association. We don't know for how long. But the point of the Inclusionary Zoning ordinance is that it is long-term policy and should not be based upon fluctuating market conditions. It is part of the General Plan implementation which is a visioning document.

20. The staff report seems contradictory in whether to permit units that appear different on the outside of the structure compared to non subsidized units. What position are you advocating and why?

Affordable units should architecturally blend in with the overall site development and be incorporated into the development in such a way that they do not stand out. The attached units could be placed on corner lots so as to blend in with the single family units. We are trying to allow some flexibility to developers in meeting the requirement, and still reach the goal of mixed-income communities.

21. How many 4 bedroom units will be permitted in a subsidized unit or project?
There is no limit, it is up to the developer.

22. If we permit 4, 5, 6, or more bedrooms in a subsidized unit what restrictions are there from the occupying owner or renter using it as a home business, such as a care home or half way house?

The units would be restricted to be Owner-occupied, not rental. The owner could use them for home business if City zoning allows for that.

23. If we have a limitation of years on a large subsidized unit, what do you envision happening to that unit at the end of the restrictive period? What is to stop a purchaser at that time from buying the unit and using it for a Rehab house for registered sex offenders if it qualifies geographically? Or, a drug or prison parole half way house? This would be a particular concern for the multiple bedroom units.

This question is irrelevant. Anyone can buy any home for sale in Vallejo at anytime and use it for any legal purposes.

24. If we build a mixed use at the lot on Redwood & Sonoma, will there be a subsidized housing requirement at that location?

There will be an affordable housing requirement on all new projects with residential components. The City is not subsidizing inclusionary housing. INCLUSIONARY HOUSING is NOT SUBSIDIZED- subsidized means the City finances the project in some way- inclusionary housing is AFFORDABLE based upon the rent or sales price restrictions required.

25. If a purchaser places the subsidized unit into a living trust there might never be a "sale" where the City recoups it's money. How does the use of a living trust affect the appreciation allocation on the unit? How will the City of Vallejo track this and impose the 45 year limitation if the Recorder does not alert the City?

In the Resale Restriction Agreement the city can designate allowable transfers, if resident remains in unit for 45 years, could will the unit to children. If 45 years is not up, must be sold to eligible buyer.

26. What is to stop a subsidized owner from sub letting or placing the purchased unit in a living trust and then having the trust rent it out? How would the City ever learn of this without a period review process in place?

INCLUSIONARY HOUSING is NOT SUBSIDIZED- subsidized means the City finances the project in some way- inclusionary housing is AFFORDABLE based upon the rent or sales price restrictions required.

27. The report contends that the city has the ability to enforce provisions. The city is widely acknowledged as not being able to enforce it's own codes unless there is a complaint, and then it is limited by staff availability. How do you expect the city to enforce the maintenance of units requirement as contended on page 9 of the staff report, last paragraph.

The ownership units will be inspected upon resale and either the seller would have to pay for repairs, or the funds would have to be deposited out of the sale into escrow to ensure work is completed.

28. If you offer off site construction of affordable units, doesn't that destroy, weaken, or minimize the concept of affordable housing being diffused throughout the entire city? How does the City protect those neighborhoods where there are already many subsidized units in place such as the downtown, historical district, St. Vincent Hill, and the area surrounding Sereno Village?

Off-site construction might result in some units built off-site, but the requirements are stringent and would be useful where a developer owns other land in the City. It would lessen the dispersal effect of the ordinance, but it allows flexibility for the developer.

29. What will be the financial impact of building a small, i.e. 3 unit project if the "in lieu" fee is paid? Page 10 seems to state that the in lieu fee per affordable unit is \$504,100.00. However, the report contends that this results in a fee payment of \$252,050. Explain this.

A fee payment is made where a fractional unit of less than .5 is required, so a fee on a three-unit project would be $3 \times .15 \times 504,100$, equals \$226,845. A fee for a fractional unit would always be less than .5 of the \$504,100, or less than \$252,050.

30. If land dedication is selected as a mitigation, what criteria exists to determine the acceptability of the offered land? Will there be a requirement of the lot being "buildable" or buildable with additional expenses due to slope, slide, noise, or other environmental mitigation requirements?

Yes, I would expect it would have criteria of being buildable and a minimum value.

31. What is the difference in dollars for a 3 unit building if the in lieu fee is based on an affordability gap vs. a cost to build gap formula?

Don't have that information at this time.

32. How far away from tentative map approval or other final planning approval are any of the projects now in the pipeline?

A few months.

33. If we generate \$250,000 of in lie fees and your estimate of one half staff person being required or an outside contractor requiring up to \$125,000 PER YEAR is accurate, isn't the effect of this requirement mostly enabling more government employees?

No, any funds not needed for administration would be used for new affordable housing development or downpayment assistance.

End of questions on staff report material.

Questions generated by a review of the language of the proposed ordinance:

1. How can housing designated as student housing only utilize these provisions? Should student housing such as might be built for the state college Maritime Academy or the private school on Mare Island be subjected to these requirements?

Full-time Students are typically not eligible for affordable housing programs unless the housing is sponsored by the university or academy, because student income is "artificially" low in that it is a short-term situation. Exclusively student housing might not make sense, however, housing that is open to faculty, students, and others, should have a requirement.

2. How much does it cost the agency to buy down an interest rate to a Freddie Mac thirty year mortgage rate? Does or has the agency done this?

The Agency does not do this typically.

3. HSC §50053. (b) reads: for any rental housing development that receives assistance on or after January 1, 1991, and a condition of that assistance is compliance with this section, "affordable rent," including a reasonable utility allowance, shall not exceed:

(1) For extremely low income households the product of 30 percent times 30 percent of the area median income adjusted for family size appropriate for the unit.

(2) For very low income households, the product of 30 percent times 50 percent of the area median income adjusted for family size appropriate for the unit.

(3) For lower income households whose gross incomes exceed the maximum income for very low income households, the product of 30 percent times 60 percent of the area median income adjusted for family size appropriate for the unit. In addition, for those lower income households with gross incomes that exceed 60 percent of the area median income adjusted for family size, it shall be optional for any state or local funding agency to require that affordable rent be established at a level not to exceed 30 percent of gross income of the household.

How do you apply the mandates of this section without nearly everyone in the City of Vallejo compared to the citizens of Vacaville or Lafayette qualifying?

We are using Solano County Area Median Income. Many households in Vallejo will qualify.

4. How many first time home buyers has the agency assisted in the last 3 years? What are the actual dollars placed into a purchase through affordable housing purchases?

Roughly 15 homebuyers through downpayment assistance loans. Loans average around \$80,000 per loan, some are higher.

5. I Recommend to City Council that Section 16.56.030 be amended by adding Paragraph G to read as follows: Affordable Units must be geographically dispersed throughout the City of Vallejo giving consideration to the already existing presence of affordable units whether as authorized by this ordinance or as established or existing under the provisions of the Section 8 program within the City of Vallejo.

6. 16.56.040 provides for alternative housing type, such as townhouses in a single family detached project. Isn't this drawing attention to the difference of anyone who lives there by having observable and known differences? Or, is this a practice that is supported?

This assists the developer financially in meeting the Inclusionary obligation and other cities allow it as well.

7. 16.56.040 permits a 20% reduction in parking spaces. I recommend that this be limited to projects within walking distance of the ferry building or the park and drive lot. Other areas such as the downtown transit station and the Sereno Transit Village are all ready over impacting the area.

8. 16.56.040: provides a credit of 1.25 units for those over 4 bedrooms. I recommend that there be a provision that this credit can not be transferred to projects off site. I recommend specific restriction against any home businesses being conducted at these locations.

9. 15.56.040. What restrictions or controls will exist for the use of funds created by this ordinance as permitted by 15.56.040 F (1) and (2). (Where "excess" of affordable units exists or the project serves households with lower incomes than required under 16.56.020A and B).

10. 16.56.060. I recommend a deed restriction on type of uses that may be permitted at such a unit.

11. 16.56.060B requires restarting the 45 year restriction upon a transfer. I recommend that the deed restriction also include the placing of the unit into trust or the creation of a life estate or any other type of remainder interest in property.

12. 16.56.060C prohibits rental use unless approved for hardship reasons. What are the criteria for hardship exceptions, and, shouldn't they be specified in this ordinance?

We can specify them in the Resale Restriction Agreement in the implementation procedures. Could be life-threatening illness, divorce, or lay offs.

13. 16.56.060D - profit on resale. What is the procedure that a real estate agent or a resident without an agent will be able to determine what the purchase price will be. Should there be a limitation on the commission that can be charged on a subsidized unit? Otherwise, the commission comes out of the equity share that the owner would otherwise have.

The purchase price will be set by the city based upon AMI at the time of sale.

14. 16.56.070B If you permit a developer to "make possible construction by another developer" the building of affordable units not physically contiguous to the market rate units, doesn't this violate the fundamental purpose of having affordable units interspersed throughout the city and not concentrated in the same area time and time again.

15. 16.56.070C(1) requires the City Council to establish the in lieu fee by resolution. Had that fee been established on Feb. 15, 2007, what would the recommended by staff fee have been?

It is in the draft fee resolution.

16. 16.56.080A permits the city to charge administrative fees on funds generated by this ordinance. Section B permits the city to charge the seller 1% of the restricted resale price. What are the projections as to whether the tracking of these funds will cost the city money compared to the 1% fee or will make the City money.

It will not be costly to track fees. They will be deposited into a separate Inclusionary Housing Fund.

17. 16.56.095 enables the City Manger, and thus his designate, to adopt rules and regulations to calculate buyers or tenants eligible under this ordinance. My recommendation is that these rules and regulations be required to be reviewed and specifically approved by a city council.

18. 16.56.120 establishes Nov. 7, 2006 as the deadline for designating projects that will not be required to be under this ordinance. My recommendation is that there be a procedure by which a developer can petition directly to the City Council for an exclusion of this requirement. This seems harsh when applied to Crossroads and the Sandy Beach developer. 16.56.130 seems to be overly restrictive for adjustments or waivers.

19. 16.56.130D exempts the developer if there is a "taking" Who gets to decide whether there is a taking and on what grounds? Isn't this just inviting a law suit?

The courts decide. No Inclusionary ordinance in the country has ever been found to result in a taking.

Questions generated during the hearing process:

1. What is the current and projected vacancy rate for rentals in each of the next 7 years?

Through September 2006, North Bay Apt. vacancy rate was 4.1% compared to 5.3% a year ago. Average apartment rent rose 3.8% through Sept. 06. Hendricks and Partners Apartment Update.

2. Comments suggested that eligibility for entitlement under this ordinance be limited to those who actually work in the City of Vallejo and thus increase our job base. How do we implement such a restriction in an ordinance? What Constitutional rights of freedom of

travel might be restricted? Or, can this be made an enforceable clause of contract? Even if it is, how do we monitor and enforce it?

We can put in preference for live/work in Vallejo as a criteria, but we cannot exclusively limit it to this group under Fair Housing Law.

3. What is the date by which you currently forecast residential build out will occur?

Cannot forecast.

4. Can we use Marina slips as sites for affordable housing? Can houseboats be used?

Staff would not recommend this, for both safety and economic development reasons.

5. The concept of equity share was created by Roy Malone in San Francisco during the 1970's housing increase. He and his partner wrote a book on this subject. It called for a equity share that matched the per-centage of down payment advanced by the investor and the purchaser. It called for sale of the unit within a period of time more limited than 45 years. Shouldn't the City of Vallejo call for a similar approach on the percentage of share and the time limitation in which the unit should be sold?

This is not a wealth creation policy, nor a lottery, it is a policy to create affordable units for the long-term.

6. Please integrate the mobile home park owners into this formula.

New mobile home parks would be required to comply as residential projects.

7. If the ordinance permits credit for the rehabilitation of 40 year plus projects that are deteriorated, it appears to me that this simply further encourages the tax code policies of rewarding deterioration and encumbering enhancement. The good property owner suffers while the "slum lord" prospers without capital expenditure. This practice is what has resulted in Vallejo having so many deteriorated buildings. We need a new and different approach on what units qualify for transfer credit under this ordinance. Otherwise, you simply further encourage those properties that are or shortly will be at the 40 year eligibility and can certainly be let go.

Commissioner Peterman's questions and staff responses:

Inclusionary Housing Ordinance Comments/Questions

I realize that Inclusionary Zoning/Housing is a huge issue. I feel that everyone in Vallejo deserves the opportunity to have a home. I feel that we should be very thoughtful in this ordinance and give our city the best we possibly can. I personally have spent hours reading the material and researching the subject in a variety of sources. Also I must state that I certainly appreciate the many hours of hard work that you have put into this. Thank you for taking the time to read this and respond to my questions and comments.

Kent Peterman

Vice-Chair City of Vallejo Planning Commission

1. I think that we all wish to provide housing opportunities for all members of our community and all segments of our society and I also believe that to do so was the intent of the City Council in requesting this ordinance; I do however have some concerns about the ordinance as presented.
2. I'm concerned about the disincentive to maintain property if the price can't go up.
 - A. The price will rise as the Area Median Income rises. If the owner improves the property, such as adding a bathroom, the price will be adjusted to include the fair market value of improvements. The Resale Restriction Agreement recorded on ownership units and the Regulatory Agreement for rental units will have requirements to meet certain maintenance standards. The city will inspect for-sale units prior to resale to ensure that unit is maintained, and funds would be held in escrow for deferred maintenance or repairs at the resale. Based on information from other inclusionary zoning jurisdictions, deterioration above and beyond normal depreciation was not a significant issue.
3. If the residents can't sell for more money would it not affect people's ability to move up?
 - A. Salaries will likely increase, and because housing costs will be limited, the initial buyer will be more likely to save future funds for a down payment for a move up house. If the market goes up dramatically, it may make it more difficult for an owner to afford another home at time of resale. Alternative language has been proposed in the Planning Commission report that could gradually increase equity in the home (up to fair market value), the longer a family remains in the home.
4. Putting different kinds of houses in a specific area seems to me to counteract the purpose of Inclusionary Housing and would serve to spotlight the residents of inclusionary housing rather than helping them to blend in.

A. The basic requirement of the ordinance is to provide inclusionary units within the project so that they are indistinguishable. The alternative, which a developer may request, of providing an attached product is an incentive to help the developer defray the cost of the inclusionary units. Allowing alternative product type would still allow for mixed-income communities. The off-site compliance option would not achieve a mixed-income community; however, it would meet the goal of providing new affordable rental housing at a lower targeted affordability level.

5. If price of market rate houses increase might we price a whole other segment out of the market?

A. Answer above.

6. Forty five years seems too long. Many ordinances have a lesser period which would allow people to see a "light at the end of the tunnel" and actually own their house.

A. The 45-year period allows the units to be counted toward State Fair Share goals and Redevelopment goals because it is in compliance with Redevelopment law. Staff recommends keeping the 45-year term.

7. On p. 6 it is stated that waterfront Development is exempt but waterfront Disposition is at 9% can you explain this?

A. The Triad Downtown development has a 9% requirement to be affordable to Moderate-income. The Waterfront Development was very recently amended to include an affordable housing component. There is a clause in the scope of Waterfront development which states a goal to achieve 9% affordability at moderate income for the Kaiser property (Parcel T-1) only.

8. Applying the ordinance to three units or more seems extremely low. I think we should raise that considerably.

A. The draft ordinance is revised to raise the threshold to 5, to conform with the 5 lot parcel threshold for a major subdivision.

9. DRA report says "even in the absence of Inclusionary requirements multifamily rental housing is not economically feasible in the current VJO market." So what would the requirements do to that scenario?

A. The requirements would not affect current projects because there are currently no apartment projects in the pipeline. Land prices will adjust for future rental development proposals to factor in an inclusionary requirement, and this may slow the initiation of new rental projects somewhat as landowners' price expectations adjust.

10. On Page ES-8 of the DRA report there is mention of a Negative impact on landowners. Can you explain this further?

A. The entire report addresses the financial impact of an inclusionary requirement. Powerpoint slides located on the City website under Inclusionary Study on the Housing page show that per square foot land value is reduced with an inclusionary requirement because the sales price and profit of a project are reduced with restricted affordability, so the land price is negotiated downward. However, ownership projects are still well in the threshold for significant profit and overhead for developers, (16%). The impact to the developer is summarized in the November 28, 2006 Memorandum from DRA, which was included in the Planning Commission packet.

11. Concessions:

a. Density bonus: How does that affect quality of life? Might it cause problems? (P.30)

A. Vallejo's existing general plan allows higher density zoning than developer's request, in most cases. Developers tend to request the density needed for their development and usually fall below the maximum, or require a re-zoning. The density bonus could only apply in limited situations so staff does not believe it will affect quality of life in any significant way. Each project will be evaluated as it comes in.

b. Report says "density bonus can reduce market appeal" (p. 39) also states that it may result in different materials making it less attractive to developers "a density bonus with Stacked Flat Condominium prototype substantially reduces land residual value" (p.43) I am concerned about this.

A. Developers need not request the density bonus if it does not improve the bottom line of their project.

c. A reduction in site development standards including architectural design requirements. (Page 31). What would that do to VJO? I think it imperative that we maintain high standards of design.

A. The draft ordinance does not recommend any change in architectural design requirements.

12. Numbers of parking spaces in tables do not seem to allow for guest/visitor parking. Where will they park? An incentive to change parking requirements would further exacerbate this situation.

A. Parking requirements do include a proportion for visitor parking.

13. Agreement with buyer p.2 Article 2...property may not appreciate/may depreciate and Selling restrictions: Extraordinary sale...no great profit. This is a disincentive again to maintain/improve property.

14. I feel we should explore alternatives:

- a. We have an incredible model in VNHS (Vallejo Neighborhood Housing Services) I think that they are a better way to bring about inclusionary housing that would truly be inclusionary. They place people in various parts of the city and a variety of neighborhoods. They have a proven track record for doing this and they have the infrastructure so it could cost less in the end. (I have attached an information sheet about VNHS and some of their programs.)

A. If you are referring to the Downpayment Assistance Program which VNHS administers for the City, the City has provided an average of about \$300,000 in downpayment assistance loan funds to VNHS over the past two years. VNHS has provided 3 loans per year with an average loan amount of \$163,500 this year, and \$115,000 last year. Inclusionary Zoning would allow as proposed would allow the City to achieve a significantly greater number of affordable ownership units. Using the current VNHS model requires additional resources to be used to provide downpayment assistance loans, and there are not significant other resources available for these loans, other than funds that are currently targeted under City Council direction to City Park and the Country Club Crest. The Staff Report discusses the downpayment loan option in the alternative section under In-lieu fee payments.

- b. Dedicating land to a nonprofit developer or jurisdiction such as VNHS or Christian Help Center or one of the many organizations that are already helping people to acquire homes. This could help with needed infill

A. This option has been included in the discussion in the alternatives section of the Planning Commission staff report for projects that come into Planning for a tentative map approval in the first 12 months after ordinance adoption.

- c. Habitat for Humanity model is a good one
 - i. From what I've read Habitat holds second mortgage for the difference between affordable price and market price and the second is only paid back if the property is sold.

A. The draft ordinance is proposing the same idea, and it also includes a resale restriction agreement, which Habitat also uses, to limit the resale price.

- d. . In lieu fees
 - i. give people a wider choice of housing possibly

ii. Can builders get together to build an “in lieu”?

A. In lieu fees are discussed in the Planning Commission staff report, in general, the City could accept fees for all projects, which does not result in mixed-income communities, or concurrent affordable construction. It also requires waiting to accumulate enough funds to fund a new affordable development, or using the funds for downpayment assistance for homebuyers. This is a policy decision for consideration.

e. Off Site Compliance

i. More affordable houses built

ii. Partner with non profits who have a vested interest (see 14a/b)

A. Off-site compliance is already included in the draft ordinance as an alternative option.

f. Can developer credits be pooled and transferred to other locations?

A. This option has been added under the Alternatives discussion section of the Planning Commission staff report.

g. What about incentives for building? (see p. 5 from HBA...home builders association).

A. HBA's requested incentives have been in some measure incorporated in the revised ordinance or discussed in the Alternatives section of the staff report.

VNHS (included by Commissioner Peterman)

Vallejo Neighborhood Housing Services, Inc. (VNHS) was incorporated in 1980, at which time its target area was the Southside of Vallejo, California. In its 25th year in business, VNHS is recognized as one of the premier providers of home ownership opportunities for low and moderate-income residents of Solano, Napa and Contra Costa counties. VNHS is currently ranked 17th in production in the National NeighborWorks® Campaign for Home Ownership 2002 (which includes over 100 NeighborWorks® organizations), in spite of serving one of the ten least affordable markets in the nation.

Led by a resident-majority volunteer board and managed by an eight-member professional staff,

VNHS offers a variety of programs such as:

- 1) The Homebuyers Club, a six-week training course for potential homebuyers,
- 2) Fastrack, an eight-hour course for more mortgage-ready buyers, below-market rate first mortgage loans
- 3) Second mortgages for down payment assistance,
- 4) Closing cost grants for first time homebuyers
- 5) Post purchase products such as exterior paint grants,

- 6) Very low interest rate housing rehabilitation loans,
- 7) Foreclosure prevention and early intervention delinquency counseling.
- 8) VNHS also builds housing for sale to very low and low-income families,
- 9) Purchases vacant housing and rehabilitates it for sale to first time homebuyers
- 10) Manages its own stock of rental housing available to very low and low-income residents.
- 11) Additionally, VNHS continues its work with the Vallejo Neighborhood Revitalization (VNR) initiative, a multi-agency approach to promote and measure targeted neighborhood revitalization.

From: "gailmanning" <gailmanning@pacbell.net>
To: "'Don Hazen'" <dhazen@ci.vallejo.ca.us>, <lsimpson@ci.vallejo.ca.us>
Date: 2/27/2007 7:20 PM
Subject: My suggestions on Inclusionary Housing

CC: <charles@criticalcontacts.com>, "'Brian Dolan'" <Bdolan@ci.vallejo.ca.us>
Don and Laura,

Here are my recommendations and thoughts regarding Inclusionary Housing Ordinance

Ordinance MUST be "benefits-based" including more incentives for Developers to build. All the research I read sites incentives as one of the key success factors.

- * Density Bonus should not be just compliant with the CA density bonus law; it should include >% and more flexibility
- * Building code revisions and incentives such as reduced or fee exemptions and expedited review should be included
- * Please keep in mind in-fill housing in particular as this is where most of our new housing will come from. So things like Adaptive Use (including using building code requirements for historic properties), Mixed Use, Up Zoning should be included
- * Set a threshold of >20 units to start and reduce to 10 units after Ordinance in place for a few years (and program is successful). Don't create an ordinance that reduces the number of smaller in-fill housing. These small projects are crucial to the revitalization of our community. Don't price these out with this ordinance!
- * In lieu fees should be allowed and these \$s could be set aside for funding the new owner's down payments. This also could cover the additional administrative costs needed to administer this ordinance. In the DRA survey all the cities surveyed exempted projects < 5 units. The current Vallejo Ordinance is < 3. There will not be enough profit margin in this smaller build projects. And it sends wrong message. Set the number higher to start and write the ordinance in a way that can be modified later.
- * Exclude the smaller projects already in the pipeline, the Sandy Beach project in particular. What about the six manufactured houses we approved on Illinois street? Would they also be caught in the change? Again, wrong message! They planned, negotiated and filed permits without any knowledge of this ordinance. A large developer can manage these additional costs, but this will take any profit out of these smaller projects like Sandy Beach.
- * Unit interiors or exterior finishes, alternative product type, parking reduction, larger unit incentives: I agree with these incentives. Let's add more!!

Other general comments:

- * Proposed rental fees too high, close to market rate. Suggest you use a percentage of market rate instead
- * Condo conversion % seem very high. We don't have very many large apartment buildings that could become condos. I suggest more analysis based on average Vallejo # of apartment units.
- * I'm still concerned about the little to know equity of the buyers. It seems that this hasn't been a disincentive in other communities. More important is helping them get the down payment.
- * Why did you pick 45 years for ownership? Looking at the survey and the other reports I found on line, the norm seemed to be 30 years.
- * I heard several good ideas during the public hearing, hope you took good notes!
- * I understand the concern raised by the Vallejo School District, however I feel that if this Ordinance is crafted correctly any initial decrease in land value can be kept to a minimum.

Thank you for allowing me to give my input. I learned a lot and I hope my comments help.

Gail Manning

707-373-3079

SUMMARY OF INCLUSIONARY HOUSING SURVEY

Jurisdiction	County	Year Adopted	Minimum Project Size	% Units Required	Target Population	Alternatives to Construction	Units Produced	Length of Affordability
Agoura Hills	Los Angeles	1987	11	10	MI	OSA ILF	50	N/A
Alameda County	Alameda	2000	0	N/A	N/A	N/A	N/A	N/A
Arroyo Grande	San Luis Obispo	1993	5	10	LI	OSA ILF LDA	1	30
Benicia	Solano	2000	10	10	VLI LI	OSA ILF LDA DCT	N/A	30
Berkeley	Alameda	1986	5	20	VLI LI MI	None	75	P
Brea	Orange	1993	20	10	VLI LI MI	OSA ILF	278	30
Calistoga	Napa	1990	5	20	LI MI	None	78	N/A
Carlsbad	San Diego	1993	0	15	LI	OSA ILF	1142	N/A
Chula Vista	San Diego	1981	50	10	VLI LI MI	OSA ILF LDA DCT	1172	55 to Permanent
Clayton	Contra Costa	1995	10	10	VLI LI	OSA ILF LDA	84	N/A
Contra Costa County	Contra Costa	N/A	0	15-25	MI	LDA	756	15-30
Coronado	San Diego	1982	2	20	LI MI	ILF	N/A	N/A
Corte Madera	San Mateo	1989	10	10	MI	None	43	P
Cotati	Sonoma	1985	5	15	MI	ILF	N/A	N/A
Cupertino	Santa Clara	1983	N/A	15	VLI LI MI	ILF	160	99
Danville	Contra Costa	1999	8	10-15	MI	OSA ILF DCT	70	20
Davis	Yolo	1974	5	25-35	VLI LI MI	OSA ILF LDA DCT	1453	N/A
Del Mar	San Diego	N/A	10	10	LI	ILF	N/A	30

APPENDIX A

Jurisdiction	County	Year Adopted	Minimum Project Size	% Units Required	Target Population	Alternatives to Construction	Units Produced	Length of Affordability
Dublin	Alameda	1996	20	12.5	VLI LI MI	OSA ILF LDA DCT	59	30-55
East Palo Alto	San Mateo	1994	2	20	VLI LI MI	OSA ILF	115	50-59
Emeryville	Alameda	1990	30	20	MI	OSA	463	45-55
Encinitas	San Diego	1990	10	10	VLI	ILF	56	55
Fairfax	Marin	N/A	0	N/A	N/A	N/A	N/A	N/A
Fremont	Alameda	2002	7	15	VLI LI MI	OSA ILF LDA	N/A	30-99
Gonzales	Monterey	N/A	0	N/A	N/A	N/A	N/A	N/A
Half Moon Bay	San Mateo	1996	10	20	VLI LI MI	OSA ILF	12	P
Healdsburg	Sonoma	1993	0	15	LI MI	OSA ILF LDA	N/A	10
Hercules	Contra Costa	1997	10	10	MI	OSA	N/A	N/A
Hesperia	San Bernardino	1991	5	**	N/A	LDA	202	30
Huntington Beach	Orange	2001	3	10	LI	ILF LDA	313	30-60
Irvine	Orange	1977	0	5-15	VLI LI MI	OSA ILF LDA DCT	4469	N/A
Isleton	Sacramento	2000	N/A	15	VLI	OSA ILF DCT	N/A	10
Laguna Beach	Orange	1985	3	25	VLI LI MI	OSA ILF	139	30-55
Larkspur	Marin	1990	10	10-15	LI MI	ILF LDA	85	N/A
Livermore	Alameda	1986	N/A	10	LI	OSA ILF LDA	217	55-99
Lompoc	Santa Barbara	1992	10	10	VLI LI MI	OSA ILF	3	30
Long Beach	Los Angeles	N/A	5	N/A	N/A	ILF	N/A	N/A
Los Altos	Santa Clara	1990	2	10-20	N/A	None	50	30
Los Gatos	Santa Clara	N/A	5	10	MI	ILF	N/A	55
Mammoth Lakes	Mono	2000	0	10	LI MI	OSA ILF DCT	2	50
Marin County	Marin	N/A	10	15	LI MI	OSA ILF LDA DCT	N/A	N/A
Menlo Park	San Mateo	1980s	5	10-15	LI MI	OSA ILF	28	55
Mill Valley	Marin	1988	2	10-15	VLI LI MI	OSA ILF	319	case by case

Jurisdiction	County	Year Adopted	Minimum Project Size	% Units Required	Target Population	Alternatives to Construction	Units Produced	Length of Affordability
Monrovia	Los Angeles	1990	0	20	MI	None	280	30-Permanent
Monterey	Monterey	1981	10	15	MI	OSA LDA	438	30
Monterey County	Monterey	1980	7	10-15	N/A	OSA ILF DCT	1368	30-Permanent
Morgan Hill	Santa Clara	1977	0	10	LI MI	ILF	302	45-55
Morro Bay	San Luis Obispo	N/A	0	10	LI MI	ILF	N/A	30
Mountain View	Santa Clara	1999	4	10	LI MI	ILF	N/A	55
Napa	Napa	1999	0	10	VLI LI MI	OSA ILF LDA	56	30-Permanent
Napa County	Napa	1992	0	10	VLI LI MI	OSA ILF LDA DCT	N/A	40
Nevada County	Nevada	1995	20	10	MI	OSA	N/A	10-30
Novato	Marin	1999	0	10-15	LI	ILF DCT	40	P
Oceanside	San Diego	1991	3	10	LI MI	ILF	N/A	55
Oxnard	Ventura	1999	10	10	VLI LI	ILF	15	20
Palo Alto	Santa Clara	1973	5	15-20	LI MI	OSA ILF LDA	274	59
Pasadena	Los Angeles	1991	10	15	LI MI	OSA ILF LDA	14	30-Permanent
Patterson	Stanislaus	1995	5	10	LI MI	ILF	5	P
Petaluma	Sonoma	1984	5	15	LI MI	OSA ILF LDA	1442	P
Pismo Beach	San Luis Obispo	2001	5	10	MI	OSA ILF LDA	N/A	30
Pleasant Hill	Contra Costa	1991	5	5-25	VLI LI	OSA ILF LDA DCT	5	P
Pleasanton	Alameda	1978	0	15-20	VLI LI MI	OSA ILF LDA DCT	300	P
Port Huememe	Ventura	N/A	10	25	LI MI	ILF	20	N/A
Portola Valley	San Mateo	1991	0	15	LI MI	ILF	N/A	N/A
Poway	San Diego	1993	0	15	VLI LI	OSA ILF	N/A	N/A
Rancho Palos Verdes	Los Angeles	1997	5	5-10	VLI LI	OSA ILF	N/A	variable
Richmond	Contra Costa	2001	10	10-17	VLI LI MI	OSA ILF	N/A	30
Rio Vista	Sacramento	2002	400	10	LI	None	N/A	N/A

Jurisdiction	County	Year Adopted	Minimum Project Size	% Units Required	Target Population	Alternatives to Construction	Units Produced	Length of Affordability
Ripon	San Joaquin	2001	5	10	LI	ILF LDA DCT	N/A	P
Rohnert Park	Sonoma	2002	5	15	VLI LI MI	OSA ILF LDA DCT	N/A	30-50
Roseville	Placer	1988	0	10	VLI LI MI	ILF LDA DCT	2000	30-Permanent
Sacramento	Sacramento	2000	10	15	VLI LI	OSA LDA	92	30
Salinas	Monterey	1992	10	12	LI MI	None	453	30
San Anselmo	Marin	1995	10	10	LI MI	OSA ILF LDA	N/A	P
San Benito County	San Benito	1997	0	20	N/A	None	N/A	variable
San Carlos	San Mateo	1991	0	10	LI MI	OSA ILF	40	N/A
San Clemente	Orange	1980	6	4	VLI	OSA ILF LDA	627	N/A
San Diego	San Diego	1994	0	20	LI	OSA LDA	537	N/A
San Francisco	San Francisco	1992	10	10-17	LI MI	OSA ILF	302	N/A
San Juan Bautista	San Benito	2000	6	16.7	VLI LI MI	OSA ILF	1	55
San Juan Capistrano	Orange	1995	2	30	VLI LI	ILF	196	10 - 30
San Leandro	Alameda	1980	20	10	LI	OSA	312	15-55
San Luis Obispo	San Luis Obispo	1999	5	15	VLI LI MI	OSA ILF LDA	N/A	30
San Mateo	San Mateo	1992	11	10	LI MI	OSA	102	30-Permanent
San Mateo County	San Mateo	1994	5	20	VLI LI	None	124	variable
San Rafael	Marin	1988	10	10	VLI LI MI	OSA ILF	611	N/A
Santa Barbara County	Santa Barbara	1993	5	5-20	VLI LI MI	OSA ILF	2244	30
Santa Clara	Santa Clara	1992	10	10	MI	None	N/A	N/A
Santa Cruz	Santa Cruz	1980	5	15	VLI MI	OSA ILF LDA DCT	640	N/A
Santa Cruz County	Santa Cruz	1978	3	15	LI MI	OSA ILF	750	P
Santa Monica	Los Angeles	1985	2	10-20	VLI LI	OSA ILF LDA	N/A	N/A
Santa Rosa	Sonoma	1992	0	15	VLI LI	OSA ILF LDA	385	30

Jurisdiction	County	Year Adopted	Minimum Project Size	% Units Required	Target Population	Alternatives to Construction	Units Produced	Length of Affordability
Sebastopol	Sonoma	1994	3	20	LI	ILF	9	15
Solana Beach	San Diego	1997	4	10	LI	OSA ILF	N/A	30
Sonoma	Sonoma	1995	5	10	VLI MI	None	11	30-45
South San Francisco	San Mateo	2001	4	20	LI MI	ILF	N/A	N/A
Sunnyvale	Santa Clara	1980	10	10	LI MI	ILF	749	20
Sutter County	Sutter	1995	10	5	LI MI	OSA ILF LDA DCT	N/A	N/A
Tiburon	Marin	1988	0	10	LI MI	OSA ILF	19	N/A
Union City	Alameda	2001	2	15	VLI LI MI	OSA ILF	N/A	N/A
Vista	San Diego	N/A	0	6	LI	ILF LDA	N/A	N/A
Watsonville	Santa Cruz	1991	N/A	20	VLI LI MI	OSA ILF	11	40
West Hollywood	Los Angeles	1986	2	20	LI MI	OSA ILF	13	P
Winters	Yolo	1994	5	15	VLI LI MI	ILF LDA	76	55
Woodland	Yolo	N/A	10	10-20	VLI LI	OSA ILF LDA	N/A	40
Yolo County	Yolo	1996	10	10	VLI LI	ILF	N/A	30
Yountville	Napa	1992	5	15	VLI LI MI	OSA ILF LDA	19	N/A

Key:

- OSA Off-site Allowance
 - ILF In-lieu Fees
 - LDA Land Dedication Allowance
 - DCT Developer Credit Transfer
 - VLI Very Low-Income
 - LI Low-Income
 - MI Moderate-Income
 - N/A Not Available
 - P Permanent
- * Voluntary Policy
- ** City encourages through a modified version of state density bonus law.

SURVEY INSTRUMENT



For the purpose of this study, "inclusionary" is defined as a mandatory requirement or voluntary goal to reserve a certain percentage of housing units for lower-income households in new residential developments. The affordable units are often expected to be dispersed throughout the development (hence the term "inclusionary"), in an effort to generate a mix of income levels within new residential areas.

SURVEY OF INCLUSIONARY HOUSING POLICIES

CITY:

AGENCY/DEPARTMENT:

RESPONDENT:

RESPONDENT TITLE:

ADDRESS:

CITY, ZIP:

TELEPHONE:

FAX:

EMAIL:

DATE:

APPENDIX B

GENERAL POLICY	1	Is inclusionary housing produced in your jurisdiction?	<input type="radio"/> Yes <input type="radio"/> No
	2	Is there a formal policy for inclusionary housing?	<input type="radio"/> Yes <input type="radio"/> No
	3	Is local inclusionary policy documented as a: <input type="radio"/> Local Ordinance <input type="radio"/> General Plan policy <input type="radio"/> Other (please specify):	
	4	What year was the policy adopted?	
	5	Has policy been amended? If yes, what year?	<input type="radio"/> Yes <input type="radio"/> No
	6	Does policy impose requirements on both rental and for-sale housing? If yes, do these requirements differ for rental and for-sale housing?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Yes <input type="radio"/> No
	7a	Are projects with less than a certain number of units exempt from all inclusionary requirements (including in-lieu fees)? If yes, please specify minimum project size that is subject to inclusionary requirements: _____ units	<input type="radio"/> Yes <input type="radio"/> No
	7b	Are smaller projects permitted to meet inclusionary requirements differently than larger projects? Example: Some cities allow payment of an in-lieu fee as an option for projects below a certain number of units, but not for larger projects; in this case, the respondent would check "Yes" and explain below. If yes, please explain how projects of _____ units or fewer may meet inclusionary requirements differently:	<input type="radio"/> Yes <input type="radio"/> No
	8a	What percent of total rental units is required/encouraged to be affordable (for new development permits)? _____ %	
	8b	Which income level(s) are rental inclusionary units targeted to? Example: if there is a 10% inclusionary requirement, with half of the units targeted to very low income households at 50% AMI and the other half targeted to low income at 60% AMI, write 5% next to "very low" and 5% next to "low." ____ % very low - at or below 50% of area median income (AMI), as defined by HUD ____ % low - 51% - 80% of AMI ____ % moderate - 81% - 120% of AMI ____ other (please explain):	
	8c	What percent of total ownership units is required/encouraged to be affordable (for new development permits)? _____ %	
	8d	Which income level(s) are ownership inclusionary units targeted to? Example: if there is a 10% inclusionary requirement, with half of the units targeted to low income households at 50% AMI and the other half targeted to moderate income at 100% AMI, write 5% next to "low" and 5% next to "moderate." ____ % very low - at or below 50% of area median income (AMI), as defined by HUD ____ % low - 51% - 80% of AMI ____ % moderate - 81% - 120% of AMI ____ other (please explain):	
	9	Does the percentage of units required to be affordable vary depending on project size, density, or at the option of the developer? If yes, please attach a program description or explain here:	<input type="radio"/> Yes <input type="radio"/> No

SUPPLEMENTAL POLICY	9 Inclusionary requirements are: <input type="radio"/> Voluntary <input type="radio"/> Mandatory for all developers <input type="radio"/> Mandatory with exceptions	
	10 Does policy require that both market-rate and inclusionary units required be constructed concurrently?	<input type="radio"/> Yes <input type="radio"/> No
	11 Does policy allow inclusionary affordable units to be built off-site?	<input type="radio"/> Yes <input type="radio"/> No
	If yes, how many units have been built off-site since implementation?	<input type="radio"/> No Data on Record
	12 Does policy allow land dedications to substitute for construction?	<input type="radio"/> Yes <input type="radio"/> No
	If yes, how many units have been built as a result since implementation?	<input type="radio"/> No Data on Record
	13A Does policy contain an in-lieu fee option?	<input type="radio"/> Yes <input type="radio"/> No
	If yes, please complete questions 13B – 13G.	
	13B How many units have been funded partially or in whole by these funds? _____	<input type="radio"/> No Data on Record
	13C How many dollars have been collected in in-lieu fees since implementation? \$ _____	<input type="radio"/> No Data on Record
	13D Which of the following are used to trigger the ability to pay fees instead of construction?	
	<input type="radio"/> Minimum parcel size of _____	<input type="radio"/> Maximum parcel size of _____
	<input type="radio"/> Minimum unit # of _____	<input type="radio"/> Maximum unit # of _____
	<input type="radio"/> Other: _____	
	13E On what basis is the in-lieu fee calculated?	
	<input type="radio"/> Based on financing gap between affordable rent/sale price and market rent/sales price	
	<input type="radio"/> Based on cost to provide an affordable unit in jurisdiction (replacement cost)	
	<input type="radio"/> Based on assessed value of market rate units	
	<input type="radio"/> Based on square footage of market rate units	
	<input type="radio"/> Other (please explain): _____	
13F Please attach a schedule of current in-lieu fees, or list current fee levels here.		
13G For which of the following housing activities are in-lieu fees used? Please check all that apply.		
<input type="radio"/> New construction of rental/ownership housing		
<input type="radio"/> Acquisition/rehab of existing rental/ownership housing		
<input type="radio"/> Homeownership assistance (e.g. downpayment or mortgage assistance, single family rehab)		
<input type="radio"/> Rental assistance (e.g. rent subsidies, emergency rent assistance)		
<input type="radio"/> Other (please explain): _____		
14 Does policy allow for developer credit transfers?	<input type="radio"/> Yes <input type="radio"/> No	
If yes, how many transfers have been executed since implementation?	<input type="radio"/> No Data on Record	
15 Does policy allow for developers to avoid inclusionary requirements by proving infeasibility?	<input type="radio"/> Yes <input type="radio"/> No	
16 Are linkage fees used to tie affordable housing construction to commercial growth?	<input type="radio"/> Yes <input type="radio"/> No	
If yes, please note the total amount of fees collected since implementation. \$ _____	<input type="radio"/> No Data on Record	
17 If policy allows for development of units off-site, does it require that more units be built off-site than would have been required on-site?	<input type="radio"/> Yes <input type="radio"/> No	
If yes, please explain how this allowance is defined. _____		
18 Does policy allow differences in design standards for affordable units?	<input type="radio"/> Yes <input type="radio"/> No	
19 Does policy require dispersion of affordable housing units throughout market rate developments?	<input type="radio"/> Yes <input type="radio"/> No	
If yes, how is this deconcentration ensured? _____		
20 What penalties exist if developers do not comply with inclusionary requirements?		
<input type="radio"/> Permits refused <input type="radio"/> Extra fees <input type="radio"/> Future development refused <input type="radio"/> None <input type="radio"/> Other (please explain): _____		
21 Please indicate which additional incentive strategies are used to promote affordable housing construction?		
<input type="radio"/> Density bonus <input type="radio"/> Fast-track processing <input type="radio"/> Standards reduction <input type="radio"/> Growth control exemption		
<input type="radio"/> Tax abatement <input type="radio"/> Fee waiver <input type="radio"/> Fee deferral <input type="radio"/> Fee reduction		
<input type="radio"/> Other (please explain): _____		
22 Do federal, state and/or local subsidies supplement funding for inclusionary projects?	<input type="radio"/> Yes <input type="radio"/> No	
If yes, please identify the average subsidy per unit:		
For rental units: \$ _____		
For for-sale units: \$ _____		

PRODUCTION	23	How many total residential units have been constructed since policy implementation?	<input type="radio"/> No Data on Record
	24	How many total residential units were constructed in the five-year period 1997-2001?	<input type="radio"/> No Data on Record
	25	How many inclusionary affordable units have been entitled since policy implementation?	<input type="radio"/> No Data on Record
	26	How many inclusionary affordable units have been constructed since policy implementation?	<input type="radio"/> No Data on Record
	27A	How many inclusionary affordable units were constructed by market rate developers directly satisfying their inclusionary obligation either on-site or off-site during the five-year period from 1997-2001?	<input type="radio"/> No Data on Record
	27B	How many affordable units were constructed during the five-year period from 1997-2001 by an entity other than a market-rate developer, such as a non-profit, through land dedication or in-lieu fees?	<input type="radio"/> No Data on Record
	28	Of the inclusionary affordable units constructed by market rate developers, How many were for sale? How many were for rent?	<input type="radio"/> No Data on Record <input type="radio"/> No Data on Record
HOMEOWNERSHIP	29	Since policy implementation, how many inclusionary ownership units have been constructed by a market-rate developer? _____ units.	<input type="radio"/> No Data on Record
	30	Since policy implementation, how many inclusionary ownership units have been constructed by another entity, such as a non-profit, through land dedication or in-lieu fees? _____ units	<input type="radio"/> No Data on Record
	31	Affordable sales prices are computed as _____ % of target group's median household income.	
	32	What methods are used to ensure the units are occupied by subsequent targeted income group populations? <input type="radio"/> Deed restrictions <input type="radio"/> Resale controls <input type="radio"/> Recapture mechanisms <input type="radio"/> None <input type="radio"/> Other:	
	33	How are resale prices computed?	
	34	Newly constructed units for homeownership are marketed by: <input type="radio"/> City <input type="radio"/> County <input type="radio"/> Developers <input type="radio"/> Realtors <input type="radio"/> Not monitored <input type="radio"/> Other:	
	35	Long-term affordability requirements for ownership units are monitored by: <input type="radio"/> State <input type="radio"/> City <input type="radio"/> County <input type="radio"/> Developers <input type="radio"/> Realtors <input type="radio"/> Third Party <input type="radio"/> Other:	
	36	How long is affordability required for sale units? <input type="radio"/> _____ years <input type="radio"/> Permanent	
	37	Does the jurisdiction have a way of prolonging affordability beyond this term? If yes, please describe.	<input type="radio"/> Yes <input type="radio"/> No
	RENTAL	38	Since policy implementation, how many inclusionary rental units have been constructed by a market-rate developer? _____ units
39		Since policy implementation, how many inclusionary rental units have been constructed by another entity, such as a non-profit, through land dedication or in-lieu fees? _____ units	<input type="radio"/> No Data on Record
40		Affordable monthly rent is defined as _____ % of target group's median household income.	
41		What methods are used to ensure the apartments are occupied by subsequent targeted income group populations? <input type="radio"/> Deed restrictions <input type="radio"/> Rental restriction agreements <input type="radio"/> Contracts with property owner <input type="radio"/> None <input type="radio"/> Other:	
42		Describe methods used for disposition of the housing after the affordability controls expire? <input type="radio"/> First right-of-refusal by: <input type="radio"/> City/County <input type="radio"/> Non-profit <input type="radio"/> Other: <input type="radio"/> Other (please explain): <input type="radio"/> None	
43		Newly constructed rental units are marketed by: <input type="radio"/> State <input type="radio"/> City <input type="radio"/> County <input type="radio"/> Developers <input type="radio"/> Realtors <input type="radio"/> Other (please explain):	

PERFORMANCE REVIEW	44 Long-term affordability requirements for rental units are monitored by: <input type="radio"/> State <input type="radio"/> City <input type="radio"/> County <input type="radio"/> Developers <input type="radio"/> Realtors <input type="radio"/> Third Party <input type="radio"/> Other (please explain):
	45 How long is affordability required for rental units? <input type="radio"/> _____ years <input type="radio"/> Permanent
	46 Does the jurisdiction have a way of prolonging affordability beyond this term? <input type="radio"/> Yes <input type="radio"/> No If yes, please describe.
	47 Have inclusionary housing practices in your jurisdiction stimulated the production of affordable housing that would not have been built otherwise? Please explain. <input type="radio"/> Yes <input type="radio"/> No
	48 How has the growth of affordable housing compared to the growth of market-rate housing since inclusionary policy was implemented? (Please note if both have been stagnant or booming.)
	49 What have been the primary obstacles to implementation of inclusionary policy? <input type="radio"/> Community opposition <input type="radio"/> Developer opposition <input type="radio"/> Local government processes <input type="radio"/> Lack of funding <input type="radio"/> Scarcity of land <input type="radio"/> Other (please explain):
	50 How has inclusionary policy affected relations with market-rate and non-profit developers?
	51 Please describe the extent to which special groups (e.g., farm workers, seniors) are specifically targeted by inclusionary practices in your jurisdiction.
	52 What changes would make the inclusionary policy more effective in promoting affordable housing development?
	53 Is the inclusionary policy for your jurisdiction available online? <input type="radio"/> Yes <input type="radio"/> No If yes, please indicate the web address: If no, please attach a copy of policy.

Please return survey to Non-Profit Housing Association of Northern California
 369 Pine Street, Suite 350, San Francisco, CA 94104. Via Fax: (415) 989-8166.

ADDITIONAL READINGS & RESOURCES

Brown, Karen Destorel, *Expanding Affordable Housing Through Inclusionary Zoning: Lessons from the Washington Metropolitan Area*, The Brookings Institution Center on Urban and Metropolitan Policy, Washington, D.C., October 2001.

Calavita, Nico, and Grimes, Kenneth, "Inclusionary Zoning in California: The Experience of Two Decades," *Journal of the American Planning Association*, American Planning Association, Vol. 64, No. 2, Chicago, Illinois, Spring 1998.

Calavita, Nico, Grimes, Kenneth, and Mallach, Alan, "Inclusionary Housing Programs in California and New Jersey: A Comparative Analysis," in *Housing Policy Debate*, Fannie Mae Foundation, Volume 8, Issue 11, Washington, D.C., 1997.

California Affordable Housing Law Project and the Western Center on Law and Poverty, *Inclusionary Zoning: Legal Issues*. Oakland: The California Affordable Housing Law Project, 2002.

California Affordable Housing Law Project and the Western Center on Law and Poverty, *Inclusionary Zoning: Policy Considerations and Best Practices*. Oakland: The California Affordable Housing Law Project, 2002.

Heller, Frederik, Field Guide to Inclusionary Zoning, National Association of Realtors, www.realtor.org/libweek.risf/pages/fg806, Washington, D.C.

Institute for Local Self-Government, *California Inclusionary Housing Reader*. Sacramento: Institute for Local Self-Government, 2003.

Johnston, Robert, and Schwartz, Seymour, *Local Government Initiative for Affordable Housing: An Evaluation of Inclusionary Housing Programs in California*. Davis: Kellogg Public Service Research Program, December 1981.

Judd, Richard, and Rosen, David Paul, "Inclusionary Housing in California: Creating Affordability Without Public Subsidy", in *ABA Journal of Affordable Housing and Community Development Law*, pp. 4-7, 1992.

Judd, Richard, and Seifel, Libby, "Creating Mixed-Income Communities: Inclusionary Housing" in book to be published by Solano Press Books, Point Arena, 2003.

Mallach, Alan, *Inclusionary Housing Programs: Policies and Practices*, New Brunswick, New Jersey, 1984.

National Housing Conference, "Inclusionary Zoning: Lessons Learned in Massachusetts," *Affordable Housing Policy Review*, Vol. 2, Issue 1, Washington, D.C., January 2002.

New Century Housing, "Inclusionary Zoning: A Viable Solution to the Affordable Housing Crisis?" *New Century Housing*, Vol. 2, Issue 1 October 2000. Washington, D.C.: The Center for Housing Policy, July 2000.

Zatz, Shoshana, *Creating Affordable Communities: Inclusionary Housing Programs in California*. Sacramento: California Coalition for Rural Housing, November 1994.

WEBSITES WITH ADDITIONAL TOOLS OR RESOURCES

Policy Link: <http://www.policylink.org/EquitableDevelopment/>

Innovative Housing Institute: <http://www.inhousing.org/>

Massachusetts Housing Partnership Fund:
<http://www.mhp.net/termsheets/inclusionaryzoning.pdf>

Inclusionary Housing in California: 30 Years of Innovation was researched and written collaboratively by staff from the California Coalition for Rural Housing (CCRH) and the Non-Profit Housing Association of Northern California (NPH).



The California Coalition for Rural Housing (CCRH) is a statewide network of non-profit housing developers, legal service providers, and public housing agencies who support the production of decent, safe, and low-cost housing for rural and low-income Californians. CCRH advocates at all levels of government and provides technical assistance to community groups and non-profits on housing issues.

CCRH Staff

Robert Wiener,
Executive Director
Andy Potter,
Program Specialist



The Non-Profit Housing Association of Northern California (NPH) works to advance affordable housing as the foundation for thriving individuals, families and neighborhoods. As the collective voice of those who finance, build, operate and support affordable housing, NPH promotes the proven methods offered by the non-profit housing sector and focuses government policy on housing solutions.

NPH Staff

Dianne J. Spaulding,
Executive Director
Doug Shoemaker,
Policy and Program Director
Tina Duong,
*Communications and
Resource Development Director*
Shannon Dodge,
*Fair Share Housing Campaign
Regional Coordinator*
Amy Cardace,
*Sustainable Communities
Leadership Program Fellow*

CCRH and NPH would like to offer special thanks to:

All of the public agency staff who took time out of their hectic schedules to complete our survey.

Bill Higgins of the Institute for Local Self-Government and Chris McKenzie of the California League of Cities for their assistance in encouraging local governments to respond to the surveys.

Deborah Collins and Sima Alizadeh of the California Affordable Housing Law Project for collaborating on early research.

Rick Judd of Goldfarb and Lipman, and David Stoloff for assistance in reviewing drafts of the report.

The Sustainable Communities Leadership Program of the Environmental Careers Organization for providing funding for the initial research.

CCRH would like to thank:

Sociological Initiatives Foundation

Designed by *Janet Fong Design*

ACKNOWLEDGEMENTS

Santa Alicia Apartments, home to 84 very low- and low-income families in Irvine (Orange County), was developed by BRIDGE Housing Corporation

Photo credit: BRIDGE Housing Corporation



CALIFORNIA COALITION FOR RURAL HOUSING

926 J Street, Suite 1400
Sacramento, CA 95814
tel: (916) 443-4448
fax: (916) 447-0458
www.calruralhousing.org



NON-PROFIT HOUSING ASSOCIATION OF NORTHERN CALIFORNIA

369 Pine Street, Suite 350
San Francisco, CA 94104
tel: (415) 989-8160
fax: (415) 989-8166
www.nonprofithousing.org

Vallejo is 1 of 4 cities in Solano County (with at least 5 communities)

Rent ranking
for cities in Solano County

City	Avg Rent
1. Benicia	\$1,176
2. Vacaville	\$1,148
3. Fairfield	\$1,137
4. Vallejo	\$1,062

Occupancy ranking
for cities in Solano County

City	Avg Occ.
1. Benicia	96.8%
2. Vacaville	94.9%
3. Vallejo	92.0%
4. Fairfield	91.6%

Rent growth % Rankings Yr. over Yr.
for cities in Solano County

City	Avg Rent
1. Vallejo	6.6%
2. Benicia	2.7%
3. Vacaville	2.6%
4. Fairfield	-2.7%

Occupancy growth Rankings Yr. over Yr.
for cities in Solano County

City	Avg Occ.
1. Vacaville	1.9%
2. Fairfield	1.0%
3. Benicia	0.5%
4. Vallejo	-2.5%

3/5/2007

Data source: RealFacts (415)884.2480. Data is deemed reliable but accuracy cannot be guaranteed.

Solano County is 1 of 1 counties in Vallejo-Fairfield CA MSA

Rent ranking
for counties in Vallejo-Fairfield CA MSA

County	Avg Rent
1. Solano	\$1,115

Occupancy ranking
for counties in Vallejo-Fairfield CA MSA

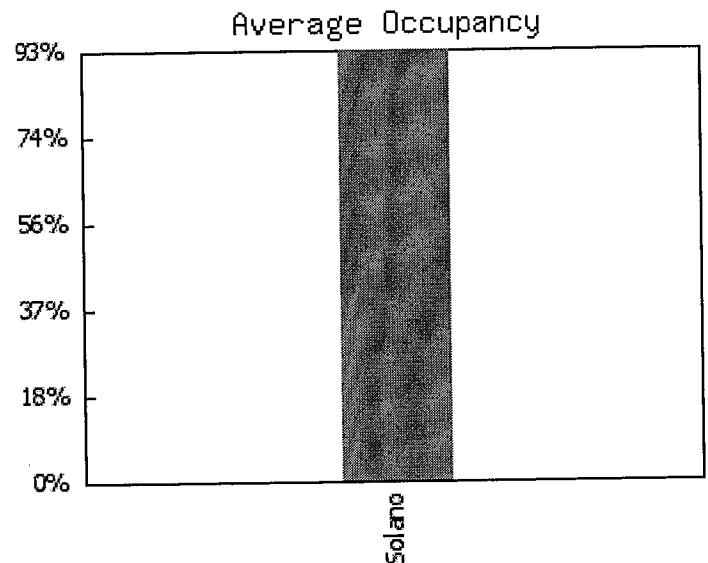
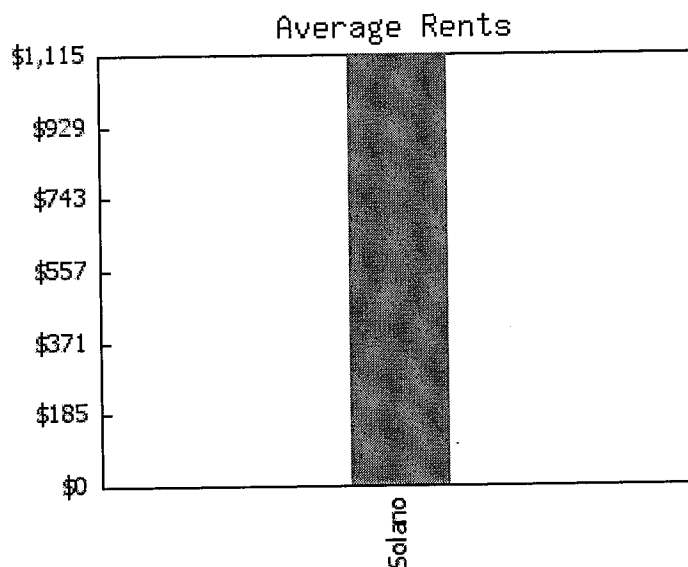
County	Avg Occ.
1. Solano	93.4%

Rent growth % Rankings Yr. over Yr.
for counties in Vallejo-Fairfield CA MSA

County	Avg Rent
1. Solano	2.1%

Occupancy growth Rankings Yr. over Yr.
for counties in Vallejo-Fairfield CA MSA

County	Avg Occ.
1. Solano	0.4%



3/5/2007

Data source: RealFacts (415)884.2480. Data is deemed reliable but accuracy cannot be guaranteed.

REALFACTS**Market Overview****Inventory Analysis**

Vallejo

4Q2006

Properties/Units	21 / 3,187	Average units per property	151
Class A	1 / 133	Average year built	1979
Class B	8 / 1,606	Size range (units)	50 - 560
Class C	12 / 1,448	Age range	1960 - 2005

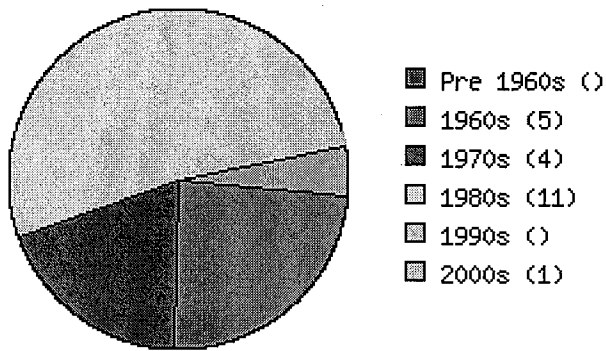
Unit Mix (all unit types appear in this report)

Totals	Units	%	Benchmark	Average	Benchmark	Average	Benchmark	Avg. Rent	Benchmark
		of Mix	% of Mix	Sq. Ft	Avg Sq Ft	Rent	Avg. Rent	Sq. Ft.	Avg. Rent
All	3,187	100.0%	100.0%	838	841	\$1,062	\$1,253	\$1.27	\$1.49
Urban Loft									
studio	40	1.3%	5.1%	450	474	\$713	\$1,065	\$1.58	\$2.25
jr 1bd									
1bd 1bth	1,276	40.0%	38.3%	690	699	\$927	\$1,127	\$1.34	\$1.61
1bd 1.5bth									
1bd TH									
2bd 1bth	659	20.7%	18.2%	879	860	\$1,054	\$1,113	\$1.20	\$1.29
2bd 1.5bth	8	0.3%	1.7%	925	934	\$1,016	\$1,191	\$1.10	\$1.28
2bd 2bth	1,012	31.8%	25.7%	960	1,006	\$1,205	\$1,455	\$1.26	\$1.45
2bd 2.5th									
2bd TH	87	2.7%	3.4%	935	1,067	\$1,112	\$1,461	\$1.19	\$1.37
3bd 1bth									
3bd 1.5bth	12	0.4%	0.3%	1,390	1,088	\$1,375	\$1,615	\$0.99	\$1.48

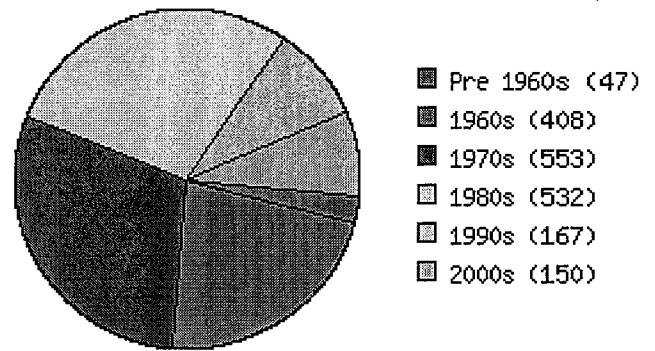
3bd 2bth	93	2.9%	3.5%	1,229	1,230	\$1,488	\$1,661	\$1.21	\$1.35
3bd 3bth									
3bd TH									
4bd									
5bd 2bth									
5bd TH									

Age of Existing Inventory

Area: Vallejo



Benchmark: Nor Cal Region



3/5/2007

Data source: RealFacts (415)884.2480. Data is deemed reliable but accuracy cannot be guaranteed.

February 24, 2007

Commissioner Charles Legalos
Vallejo City Hall
555 Santa Clara Street
Vallejo, CA 94590

Subject: Follow up and Summary of Cole Carter's comments at the February 21, 2007 Vallejo Planning Commission Meeting.

Dear Commissioner Legalos,

This letter is a follow up and summary of my comments at the February 21 Planning Commission meeting.

I would first like to thank you for the opportunity to speak last week at the meeting on the topic of the Inclusionary Zoning Ordinance.

My partner, Cindy Yip, and I purchased the property located at 201 Sandy Beach Rd, Vallejo in June, 2005. We submitted our Tentative Parcel Map (TPM) application documents to the Planning Department for a 17 unit Planned Development.

During our 1½ year effort to prepare our Tentative Map application we had numerous meetings with planning staff at several levels and as early as July, 2005. We have sat through "track meetings" working with all departments (Public Works, Water, Fire, etc.). We submitted our Tentative Parcel Map application in Oct., 2006. At no time throughout this lengthy process were we ever notified that we might be subject to a proposed Inclusionary Zoning Ordinance. In December, 2006 we were notified of the proposed ordinance via a letter from Laura Simpson.

I would like to make five points.

- 1) It is unfair to make this ordinance retroactive to include those projects already in the Tentative Parcel Map (TPM) pipeline (IE: an in process TPM application). We have committed considerable time and expense to complete our tentative map application. This includes but is not limited to: surveying the property; providing an extensive geological investigation; designing the parcel layout and streets subject to the requirements of Vallejo Planning, Public Works and Fire Department; engaging Chaudhary and Assoc., Civil engineers, to engineer our parcel plan and meet the stringent requirements of our geological engineer; engage our architect to provide 6 different house designs that meet the challenging topography of our parcel; Paying our \$23,760 Tentative Parcel Map application fee and submitting our application to Vallejo with respect to all the known requirements that Vallejo had at the time.
- 2) Our project has unique conditions involving steep slope and problematic soil issues that will require extraordinary expense to mitigate. This will involve extensive excavation and replacement of soil, a sophisticated network of retaining walls and very expensive foundations that cannot be scaled back for the affordable units. Our site preparation costs are extraordinary and will prohibit us from building affordable units of any size without great loss on the affordable units.

- 3) Our project is small at 17 parcels and steep as mentioned above. We originally planned and expected to build 25 units on our property. For a number of reasons that include requirements of Vallejo Public Works and the Fire Department, our project is now reduced to 17. If our project were much larger and less topographically challenged, it would be more feasible to include a portion of affordable housing in our project.
- 4) According to Laura Simpson's presentation, there are approximately 40 units that are presently "In the pipeline" of the tentative map process and might be affected by this inclusionary zoning ordinance. If the "In the Pipeline" developers are subjected to the inclusionary zoning ordinance and must provide 15% of the units as affordable housing, Vallejo will only gain 6 extra affordable housing units. We comprise 17 of those 40 in the TPM "Pipeline" and would need to provide 2.4 units of affordable housing. These "In the pipeline" projects will not provide much to Vallejo in terms of additional affordable housing units although they do present tremendous economic hardship for us.
- 5) One of the points mentioned in the presentation by staff was that the City would be able to, through the ordinance, provide "developer certainty" for interested developers coming to the City to do business. That is a great concept but flies in the face of what it means to us. It is the exact opposite. We feel Ambushed. We already purchased the property and completed all preliminary work to begin physical development before we knew of an impending inclusionary zoning ordinance.

In early 2005 we decided to bring our business to Vallejo. We came in good faith to work with Vallejo as partners and perhaps contribute to your City's future. We were excited about our project. The threat of this Inclusionary Zoning Ordinance is making us feel uncomfortable about our decision to do business in Vallejo.

We respectfully request that you exempt our project from any Inclusionary Zoning Ordinance that might be passed.

Best Regards,



Cole Carter

Cc
Vallejo Planning Commission Members
Katherine Donovan
Brian Dolan

MANDARICH
DEVELOPMENTS

March 7, 2007

Laura Simpson
Housing and Community Development Manager
City of Vallejo
200 Georgia Street
Vallejo, CA 94590

Re: Inclusionary Housing Ordinance

Ms. Simpson:

Attached for your information are two proformas for Belvedere, a 336 age-restricted condominium project that we are currently building in the City of Vallejo. Although we are not required to include inclusionary housing for the Belvedere project, for illustration purposes we have prepared two proformas; one with inclusionary housing and one without inclusionary housing. The amounts on the proformas reflect our actual purchase price for the land, contracts for the development work, and costs for the condominium buildings. We are in the process of obtaining landscaping bids and bids for the clubhouse.

The proforma with inclusionary housing has 10% of the homes priced at \$240,194 and 5% at \$200,194. On this proforma, we did not lower the cost for the quality of the interior finishes and fixtures for the homes with the inclusionary housing requirements. The savings to downgrade these features would be approximately \$10,000 per home.

In summary:

Belvedere without inclusionary housing

Revenues	\$174,158,040
Gross Profit	\$ 21,320,250
Gross Profit Percentage	12.2%

Belvedere with inclusionary housing

Revenues	\$161,178,004
Gross Profit	\$ 8,340,214
Gross Profit Percentage	5.2%

Adjustment for lower quality fixtures and finishes

51 homes x \$10,000 per home = \$510,000

Revised Gross Profit	\$ 8,850,214
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Revised Gross Profit Percentage 5.49%

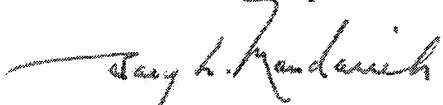
Contribution for inclusionary housing is approximately \$12,470,036
(\$21,320,250 - \$8,850,214)

The difficulty in providing inclusionary housing in the City of Vallejo is that the land and development costs are too expensive. In Belvedere our land cost in this proforma is only \$8,166 per unit, since we bought the land over seven years ago as part of a large purchase. Typically land with offsite improvements completed would be 8-10% of the finished price of the product or \$40,000-\$50,000 per unit. In Belvedere bonds were sold to complete the majority of the offsite improvements and there is an annual mello roos payment of \$377 per home. If land was purchased for Belvedere today, the gross profits would be reduced by at least \$10,000,000 with land at \$40,000 per unit.

Laura, the point of this letter is to demonstrate that the proposed Inclusionary Housing Requirements would have stopped our Belvedere project with very low land basis from proceeding and will stop future housing developments in the City of Vallejo.

Please call me to discuss the proposed Inclusionary Housing Ordinance and these illustrative proformas. I can be reached at (916) 727-1800.

Mandarich Developments



Gary L. Mandarich, President

cc: Don Hazen
 Craig Whittom
 Marcel Lip

Preliminary Project Profenna w/Inclusionary Housing
336 Active Adult Cordos (Parcels 5 & 6)

7551

BELVEDERE

Preliminary Project Proforma 336 Active Adult Condos (Parcels 5 & 6)

March 5, 2007

Plan No.	2A + 2C + 2D	2E	2F	3A	3B	4	336	Assumptions
# of Units	84	42	42	28	56	84	1,387.75	Total # of Units
Size (Sq. Ft.)	1,165	1,223	1,255	1,448	1,514	1,535	456,204.00	Average Square Footage
Total sqft.	97,880	51,366	52,710	40,544	84,784	128,940		Total Square Footage
1	499,990.00	479,990.00	489,990.00	619,990.00	534,990.00	549,990.00	506,240.00	Avg. sales price
2	384.84	382.47	202.43	252.11	353.96	353.96	374.07	Avg. square foot price
3	6,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	
4	6,440.00	6,720.00	6,860.00	7,280.00	7,430.00	7,700.00	7,067.50	7% of base price at a 20% markup
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Notes: Items may be subject to change due to cost fluctuations during construction.
Note: Plan 2D is 1,200 Square Feet. However there are only 7 of these units.

Construction Hard Costs incl. Clubhouse
Construction Hard Costs excl. Clubhouse

Affordable Sales Prices based upon 2006 AMI

	Low	Moderate
1 bedroom	\$87,000	\$213,800
2 bedroom -	\$106,000	\$240,190
3 bedroom	\$125,000	\$272,600
4 bedroom	\$140,000	\$282,441
5 bedroom	\$155,000	\$304,925



City of Vallejo Memo

To: Planning Commission
From: Planning Division, Marcus Adams *MA*
Date: March 19, 2007
Re: Item K2- Perez Residence Hiddenbrooke Custom home @ 1757 Durrow Ct.

BACKGROUND:

On February 5, 2007, a Planning Commission public hearing was scheduled to consider the Planning Division's recommended conditional approval for a new custom home located within the Hiddenbrooke residential community. Due to the fact that three Commissioners were absent; the applicant requested a continuance to March 5th in hope of having a full Commission present for their project. The applicant then subsequently requested another continuance to the March 19th hearing.

On February 22, 2007, the applicants, along with their attorney, hosted a community meeting at Hiddenbrooke in hope of resolving the issues raised by neighbors and the staff related to the proposed square footage and lot coverage of their proposed custom home. Though no physical changes were proposed for the home, nor were any compromises reached between the applicants and neighbors at the meeting, staff did commit to providing for the Commission and the public, revised square footages that clarified total building mass versus lot coverage area.

Table 1.

Figures	Total building square footage	Lot coverage square footage	Lot square footage	Lot coverage
Feb. 5 th staff report	14,029	9,354	43,995	21.3%
Revised figures	11,586	8,120	43,995	18.6%

The revised figures deduct the square footages of areas such as terraces, breezeways and porches, which were previously included in the overall building square footage and the lot coverage calculation in the staff report and public notice.

Though presentations made by both the Hiddenbrooke Architectural Review Committee (HARC) representatives and the applicant's designer at the community meeting emphasized the lower figures and the "living" space square footage (versus non-living space, e.g. garages), neighbors continued to base their opposition on the overall mass of the building which would be visible. HARC also clarified that the "community" they considered in relationship to the project site included Hiddenbrooke neighborhoods (with custom homes/lots) outside of the immediate Knolls neighborhood.

Staff believes that when analyzing neighborhood compatibility, the immediate neighborhood should be the sub-set of comparison and that the mass and bulk of a home should take into account all areas of a home, not only living areas. Though the revised figures result in a 2,500 square foot reduction in overall building square footage, and an approximate 3% reduction in lot coverage, staff still believes that the proposed home is inconsistent with the two goals cited from the Hiddenbrooke Design Guidelines in the February 5th staff report (see Attachment 1, pg. 7):

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

Staff also still believes that the without a significant reduction in the overall mass, scale, and lot coverage of the proposed home, the following two of the four findings necessary for unit plan approval, per Section 16.116.100(C)(D) can not be made¹:

- C) 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;
- D) 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.

¹ See Table 2 below for neighborhood custom home lot comparisons.

Revised Comparable Lot Coverage's

Table 2.

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	2,072	58,806	3.5%
1749 Durrow	6,289	3,300	69,260	4.8%
Averages	4,991	2,863	49,969	5.1%
Site	11,586	8,314	43,995	18.9%

Source: Real Estate Solutions, Planning Division records

RECOMMENDATION:

Staff continues to recommend that the proposed home not exceed 8.0% lot coverage with a maximum ground floor area of 3,200 square feet and overall building square footage of 6,400 (exempting non-covered buildings/structures).

Table 3.

Proposed & Alternative Ground Level Square Footages	Lot Coverage
8,120	18.6 %
6,000	13.6%
4,060	9.2%
3,200	7.3%

Attachment A: Planned Development (Unit Plan) Resolution

Attachment B: February 5, 2007 staff report/conditions/attachments

Attachment C: PowerPoint presentation

Attachment D: Conflict of Interest map

Attachment E: HARC Hiddenbrooke custom lot

CITY OF VALLEJO PLANNING COMMISSION

RESOLUTION NO. PC-07-04

**A RESOLUTION OF THE PLANNING COMMISSION
APPROVING A PLANNED DEVELOPMENT PERMIT APPLICATION
(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 19th day of March, 2007, by the following vote to-wit:

AYES:

NOES:

ABSENT:

CHARLES LEGALOS, CHAIRPERSON
City of Vallejo PLANNING COMMISSION
Attest:

Don Hazen
Planning Commission Secretary

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



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.

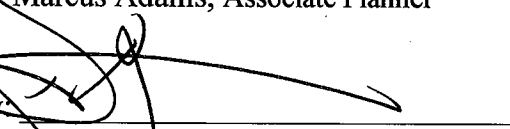
EXPIRATION

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

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 &

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 VSFCDD 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 VSFCDD 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.

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)

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.

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)

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)

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

- 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.

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.

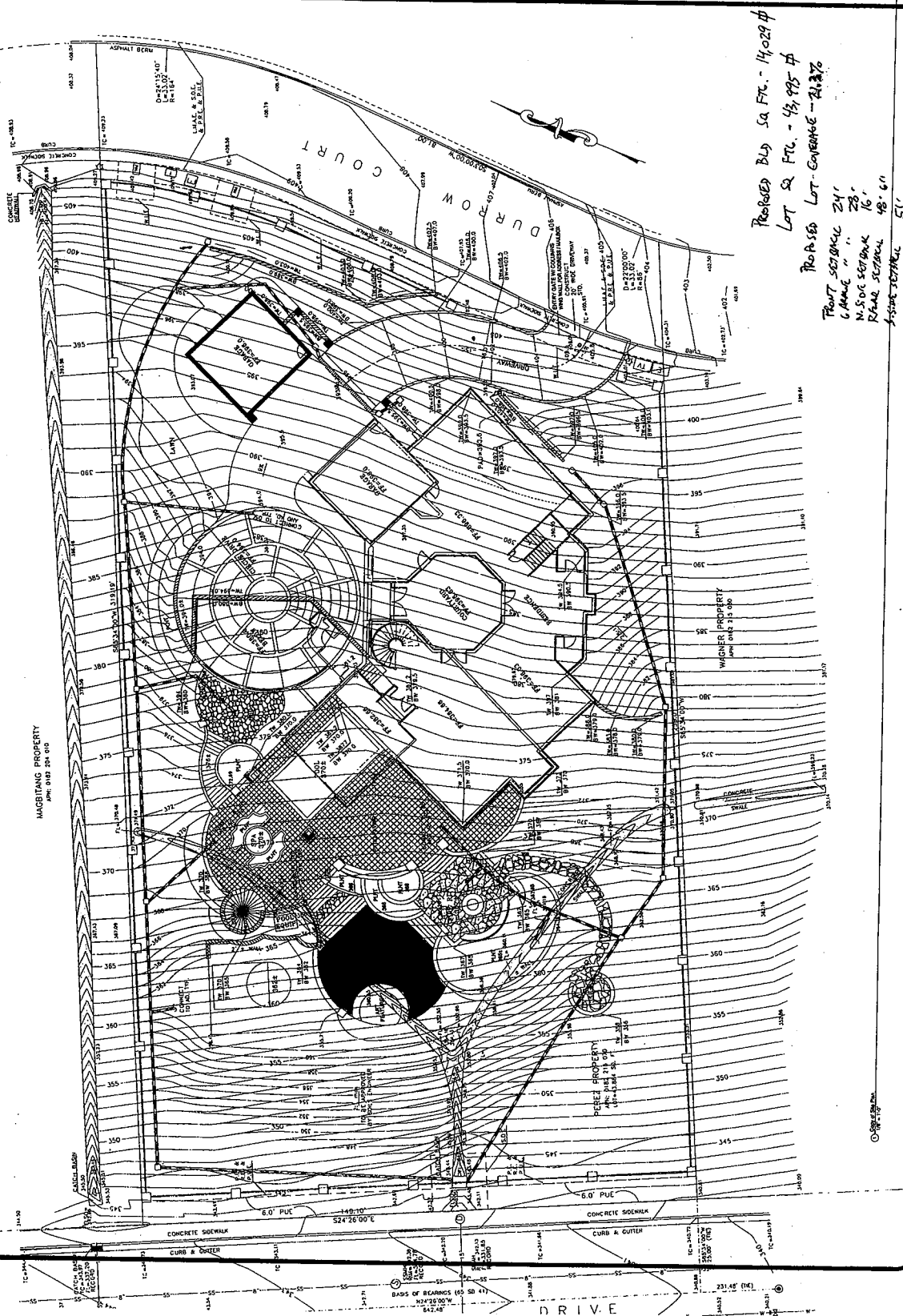
10. All public improvements shall be designed to City of Vallejo standards and to accepted engineering design standards. The City Engineer has all such standards on file and the Engineer's decision shall be final regarding the specific standards that shall apply. (PW2)
11. Site grading shall comply with 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)

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.



June 16, 2006

A-1

LOWER FLOOR PLAN

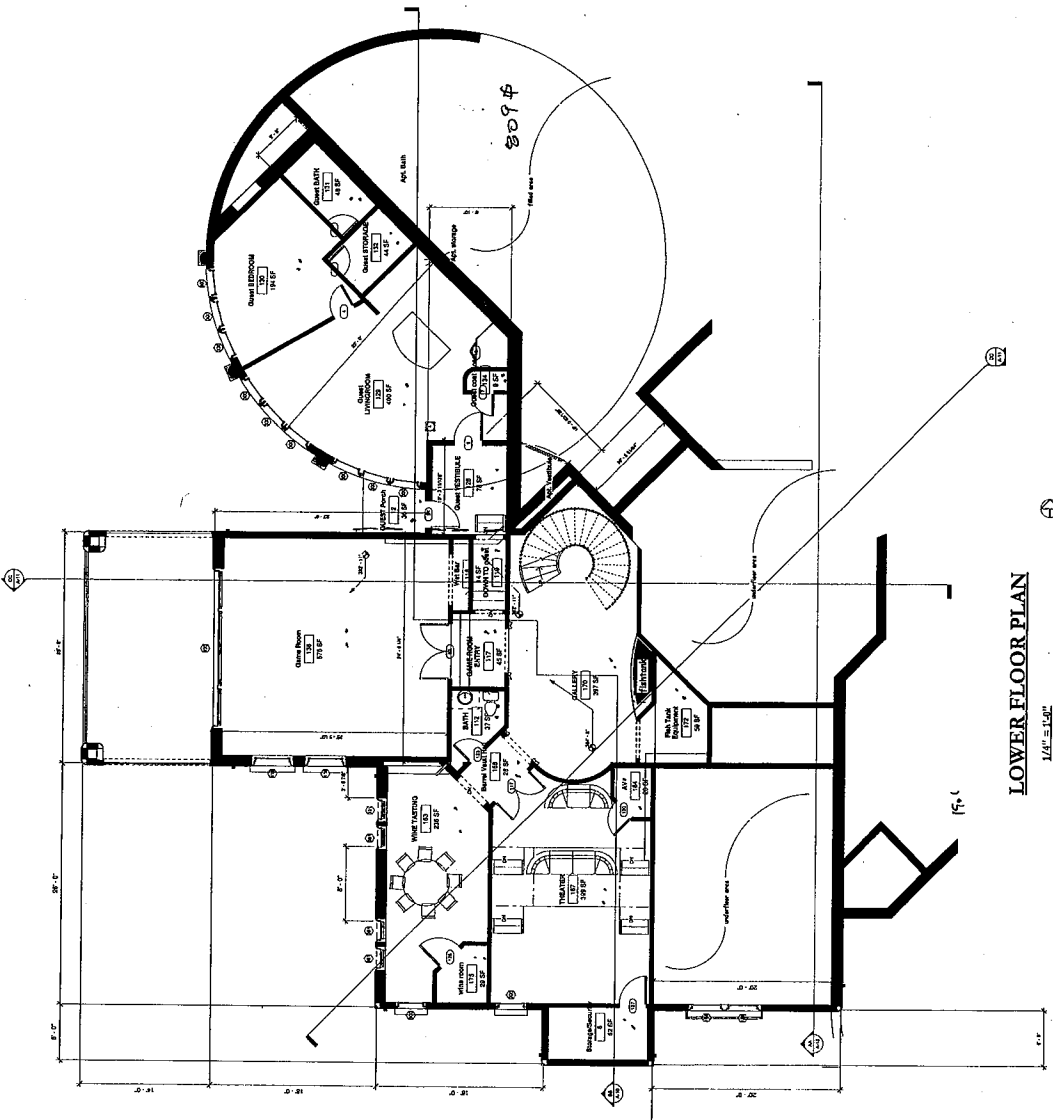
PEREZ RESIDENCE
1757 DUNBROOK COURT @ HIDDEN BROOK
VALLEJO, CA



SUNRISE CONSTRUCTION
ORIN WAKEFIELD
DESIGNER-BUILDER
3 HIDDEN SPRINGS ROAD NAPA, CA 94558
(707) 266-9596 L.L.C. #380471

1,901 sq

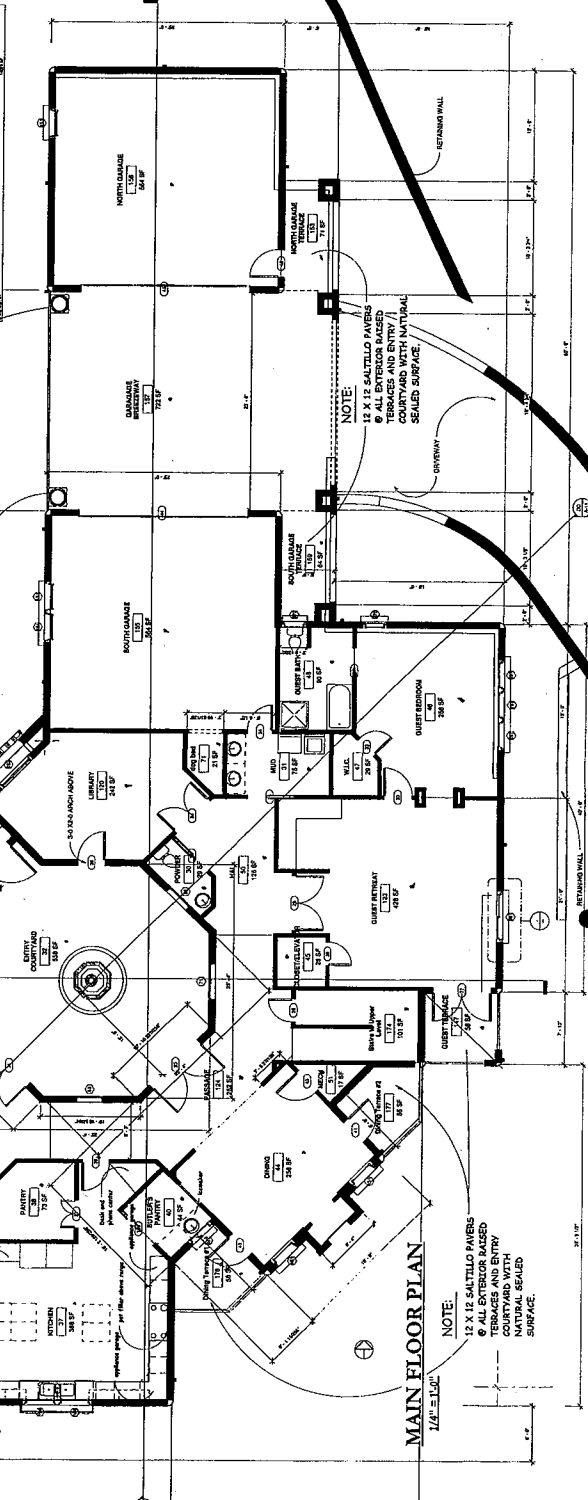
Room	Area	Notes
Living Room	1,200 sq	
Dining Room	800 sq	
Kitchen	600 sq	
Bathroom	400 sq	
Bedroom	300 sq	
Garage	200 sq	
Staircase	100 sq	
Entry	50 sq	
Storage	20 sq	
Other	10 sq	



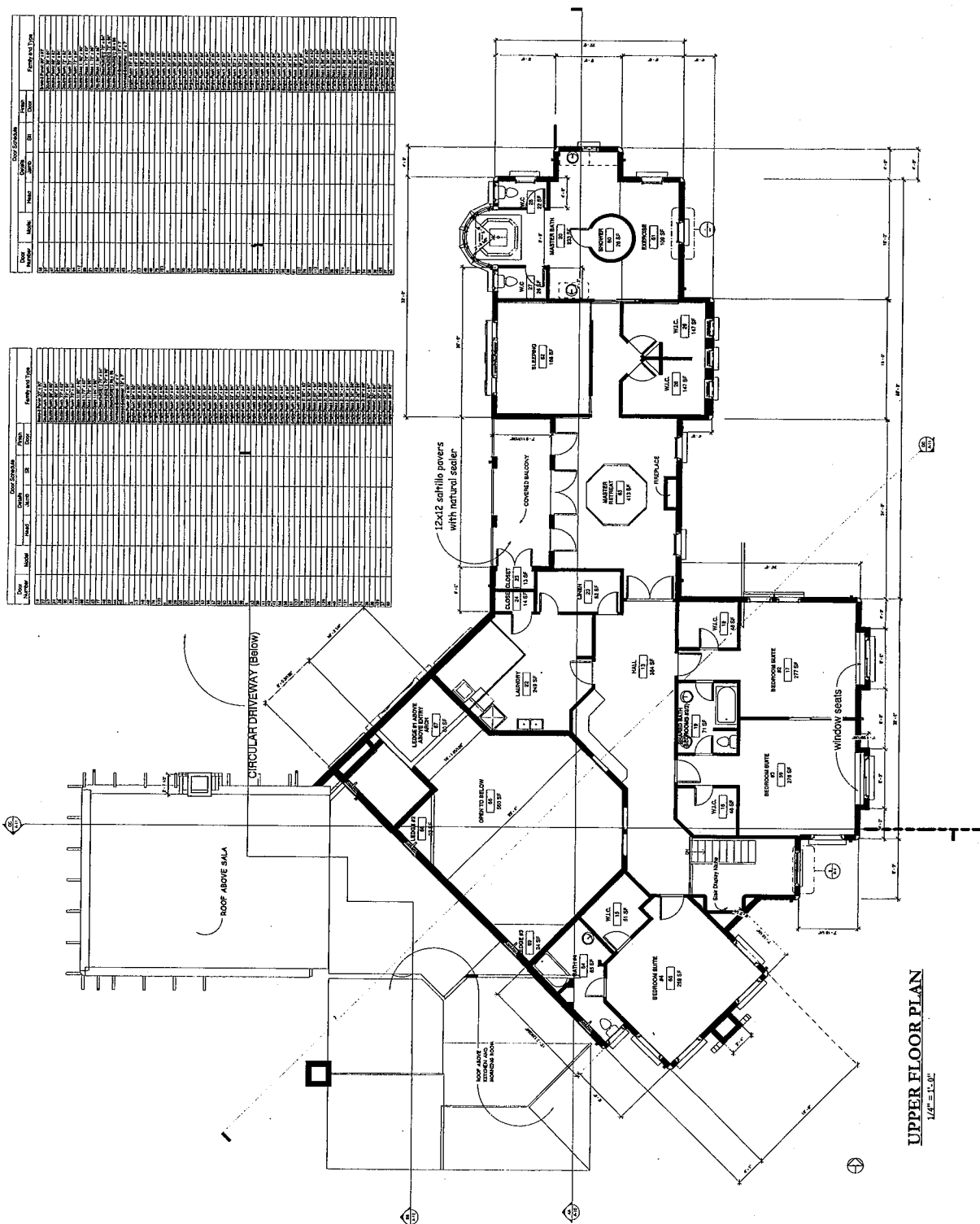
LOWER FLOOR PLAN
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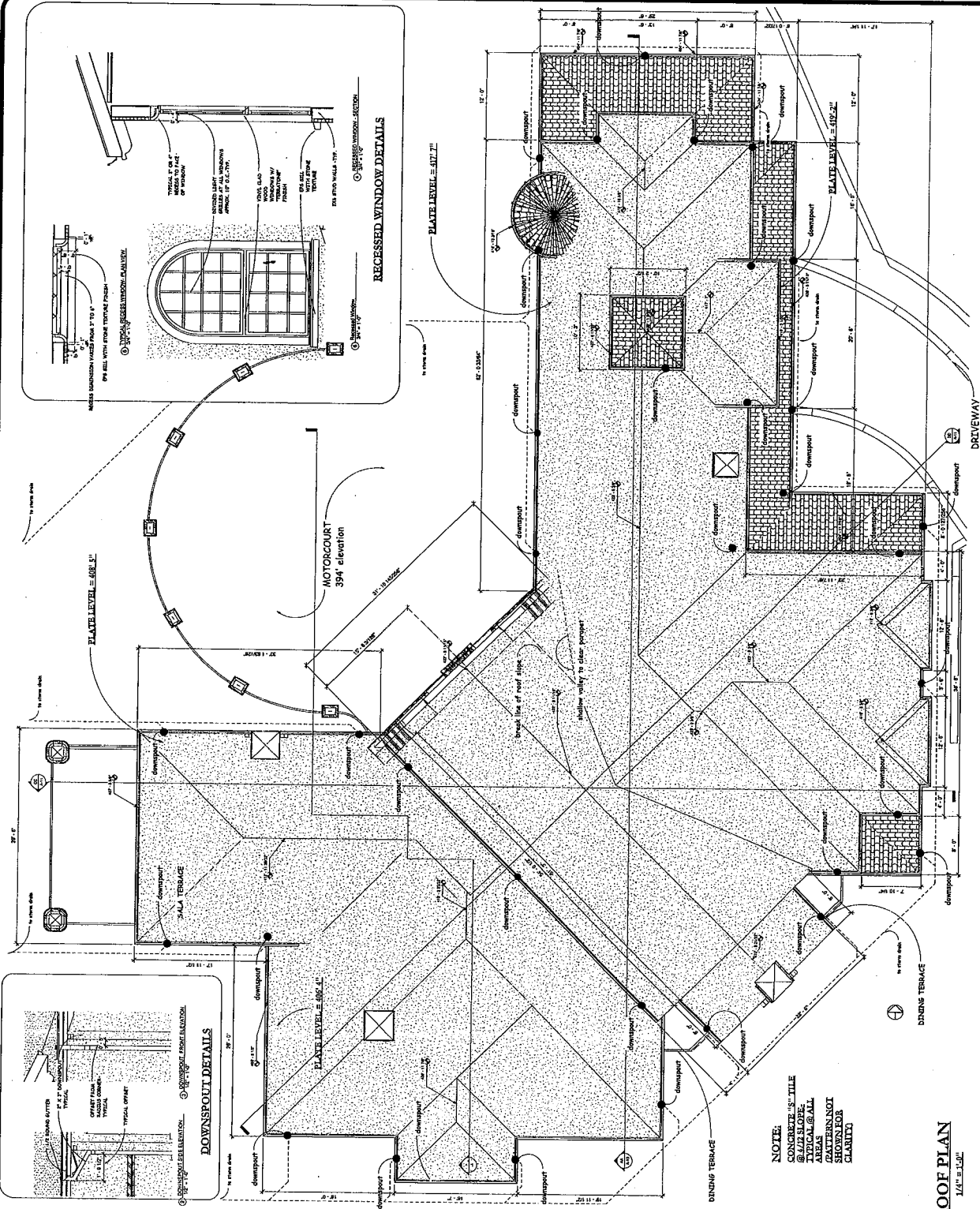


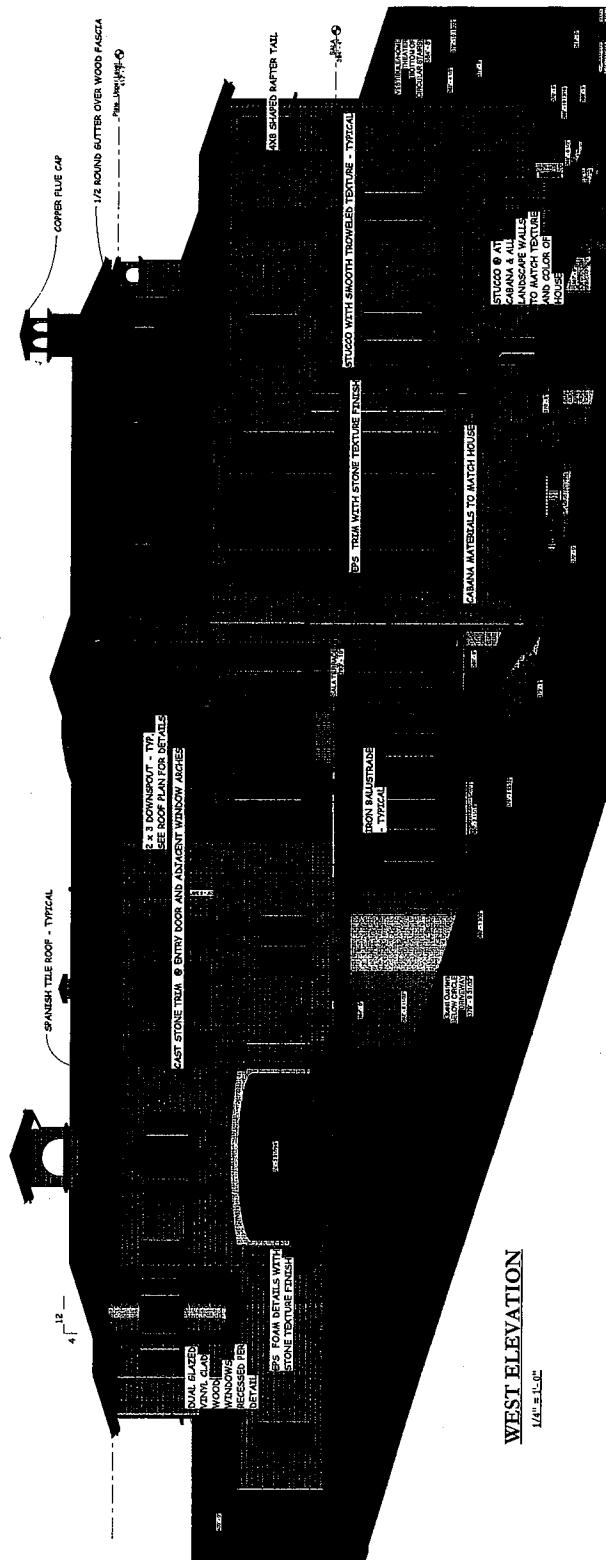
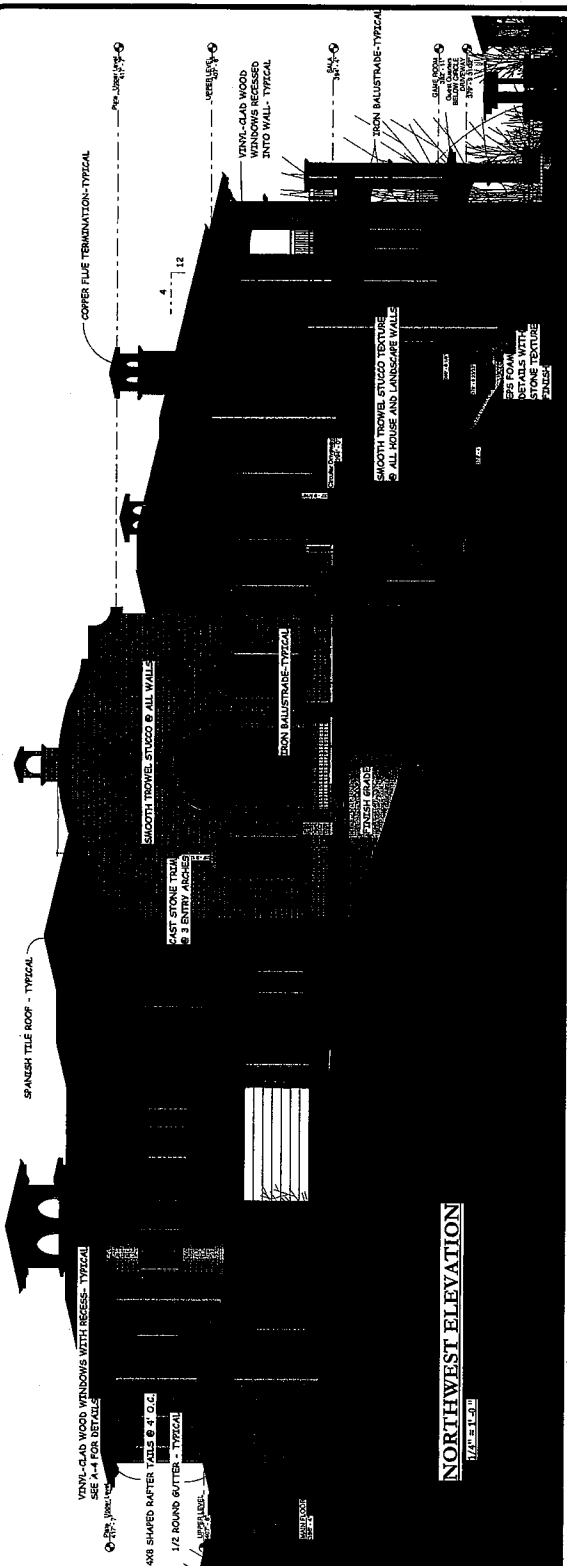
Room	Area	Notes
1. ENTRY	100.00	SEE LANDSCAPE PLAN FOR SURFACES AT MOTORCOURT AND DRIVEWAY AREAS
2. LIVING ROOM	100.00	
3. DINING ROOM	100.00	
4. KITCHEN	100.00	
5. BREAKFAST ROOM	100.00	
6. BATH	100.00	
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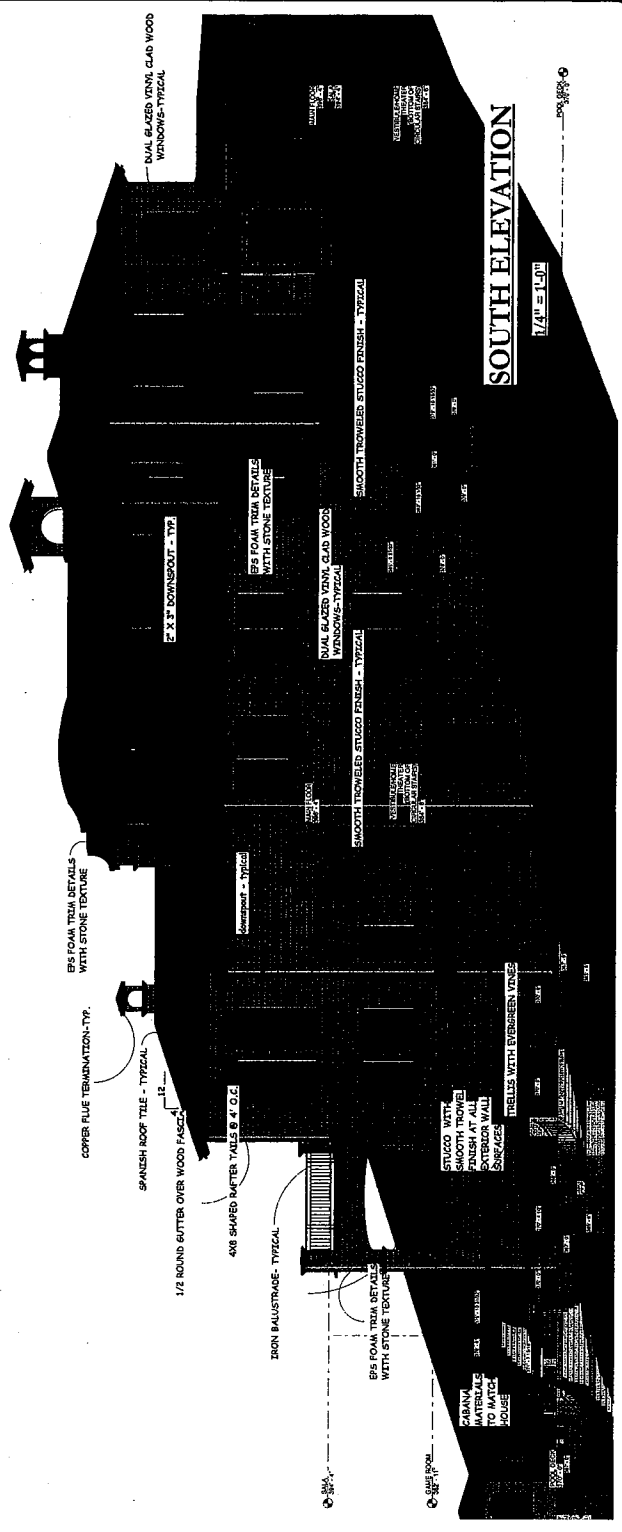
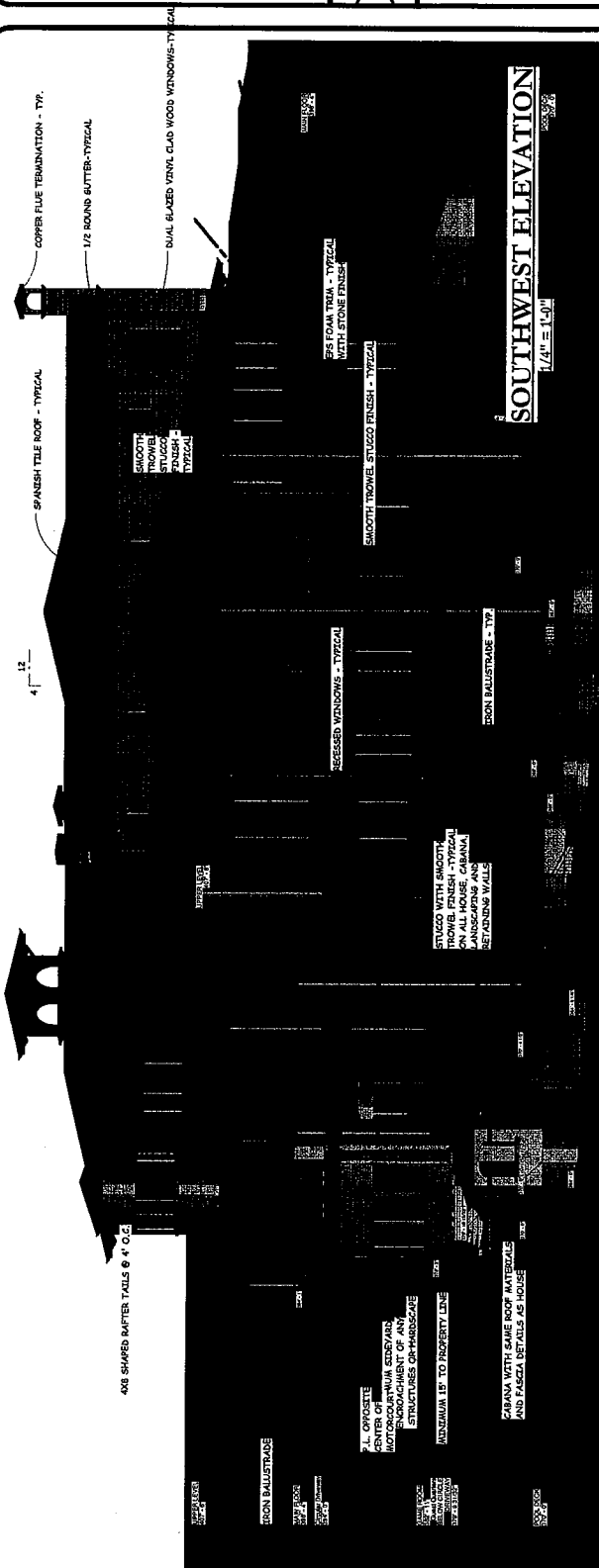


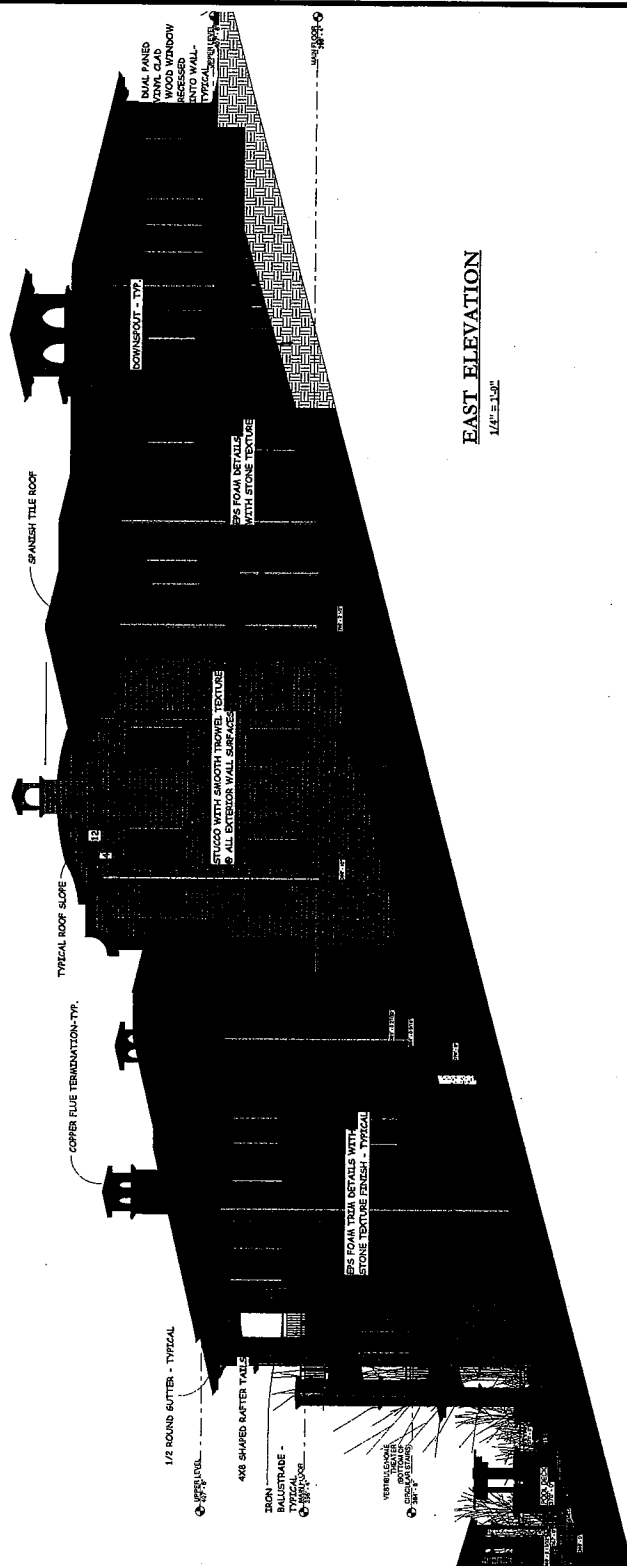
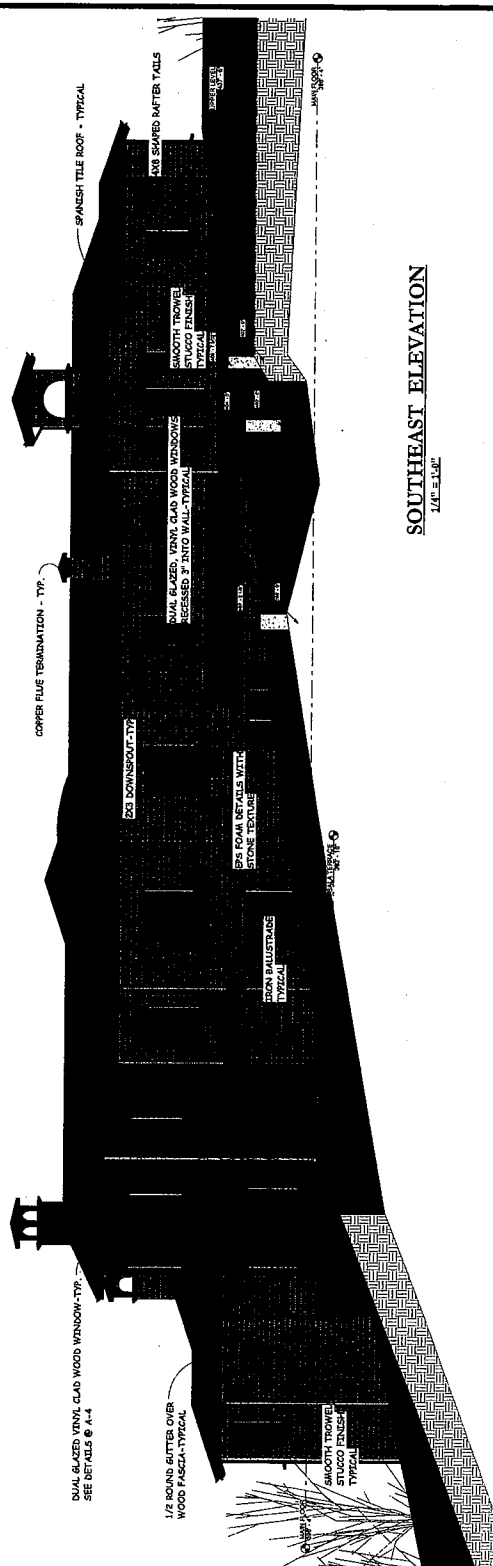
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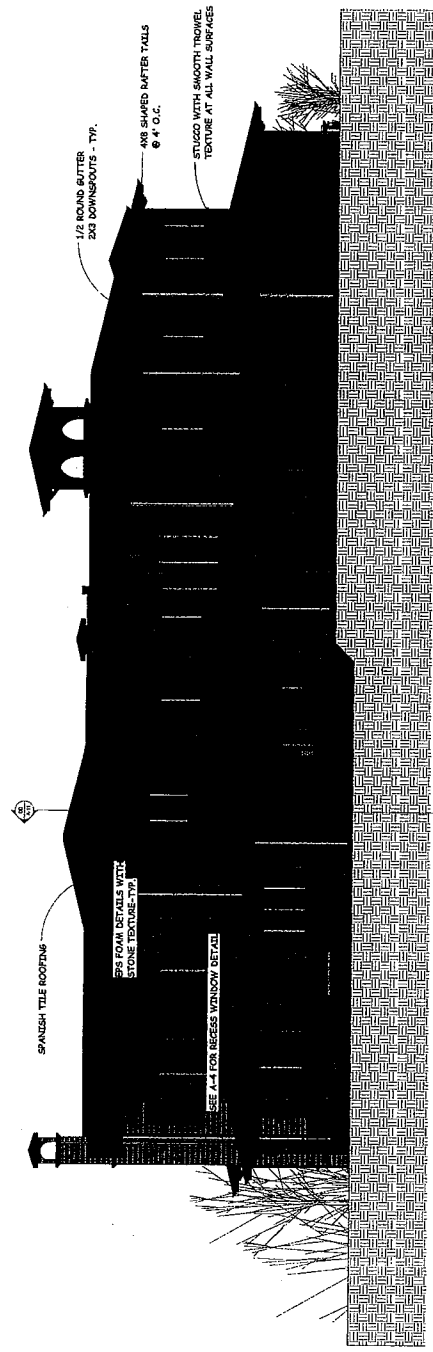
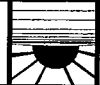




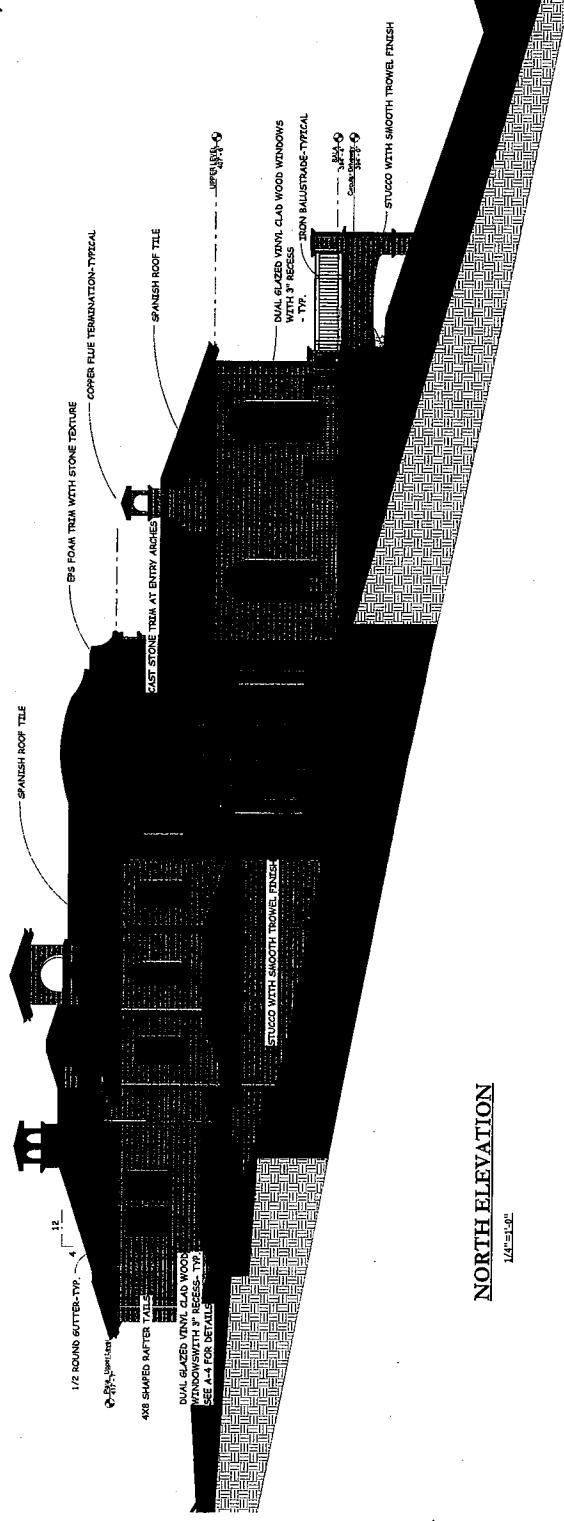



$$\underline{1/4" = 1'-0"}$$


1/4" = 1'-0"



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



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

A-9

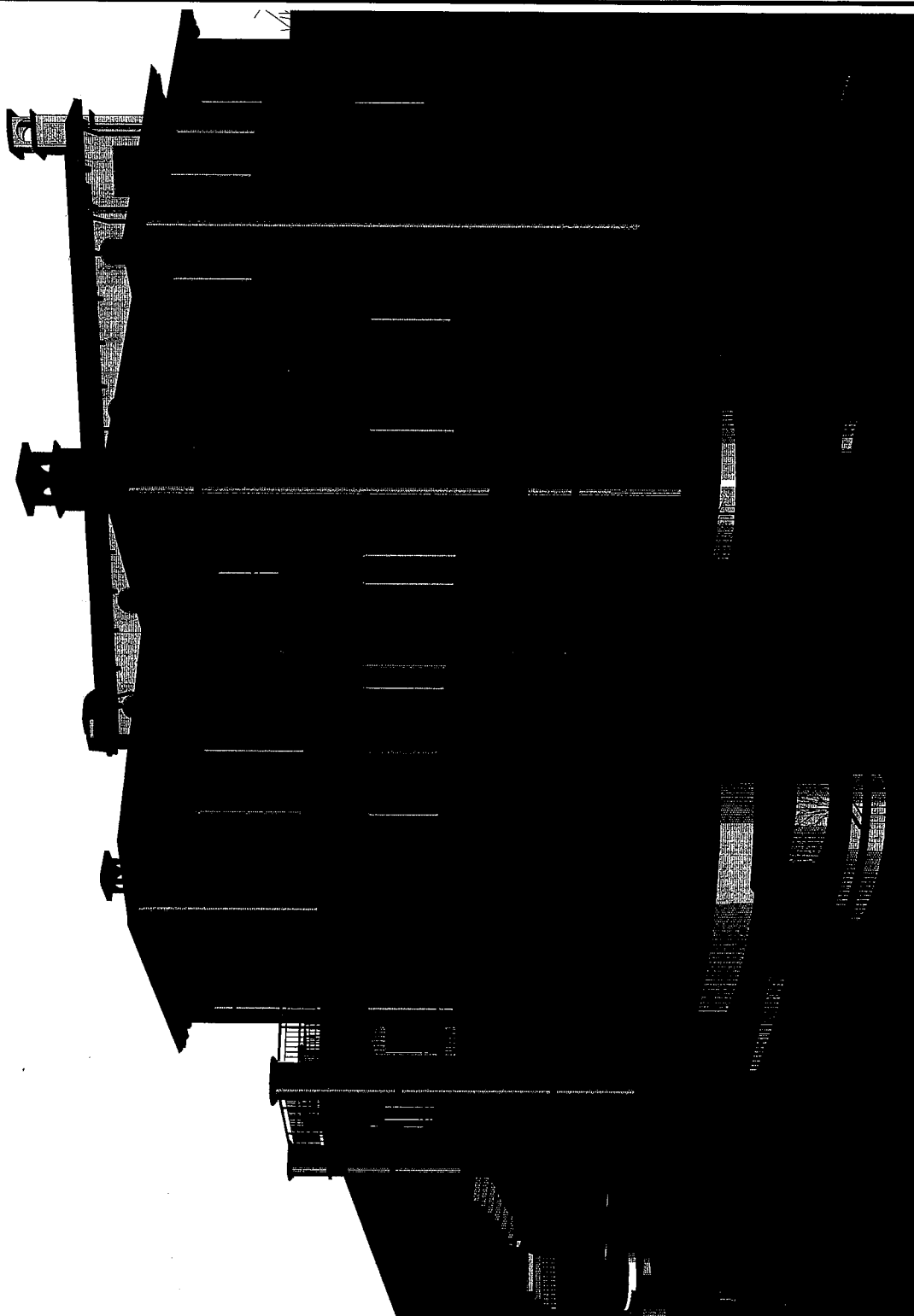
June 13, 2006

PERSPECTIVE
VIEW

PEREZ RESIDENCE
1757 DUBROW COURT @ HIDDENBROOK,
VALLEJO, CA



SUNRISE CONSTRUCTION
ORIN WAKFIELD
DESIGNER-BUILDER
3 HIDDEN SPRINGS ROAD NAPA, CA 94558
(707) 254-9596 LIC. #380471





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

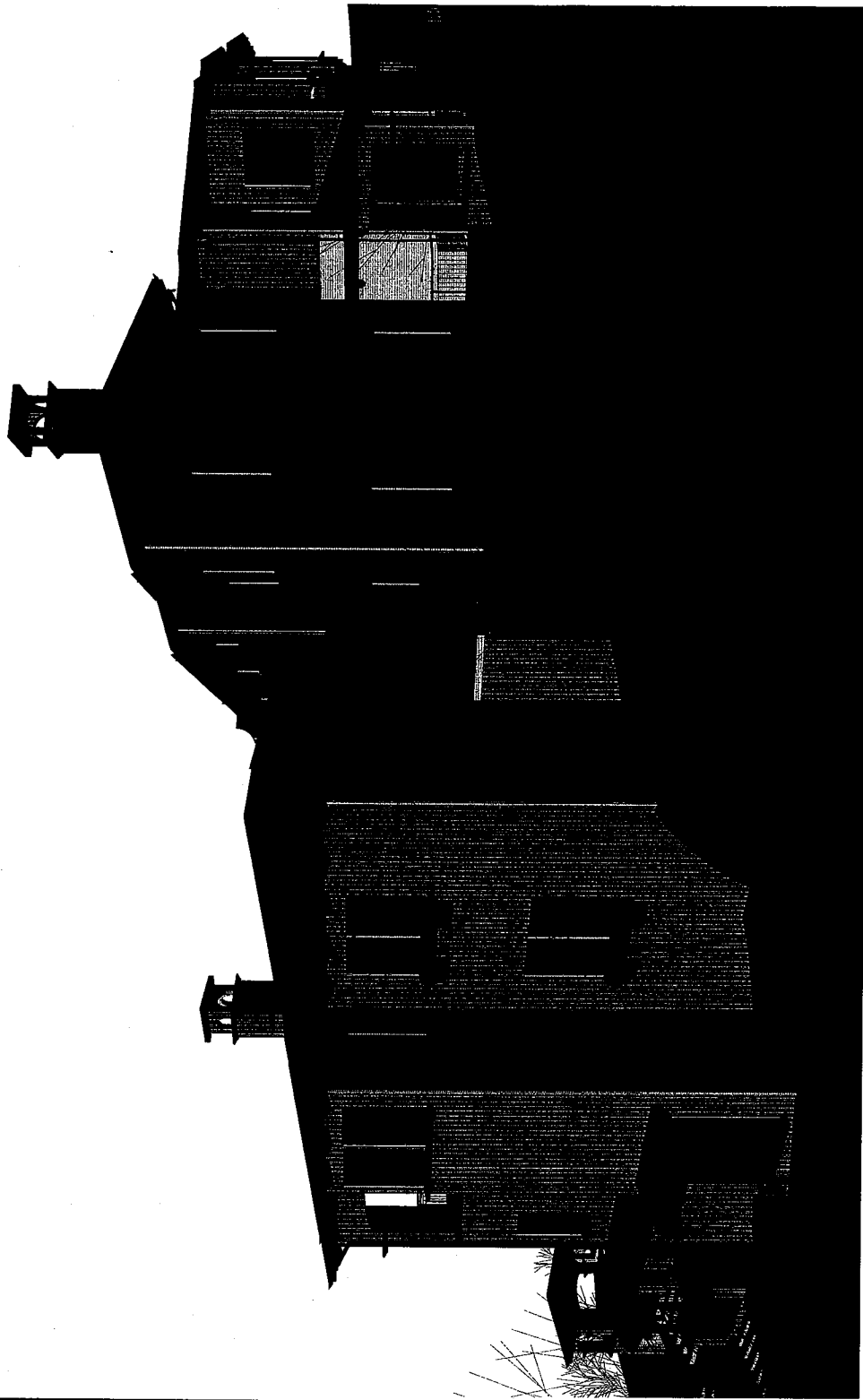
PEREZ RESIDENCE

1757 DUNBROOK COURT @ HIDDEN BROOK
VALLEJO, CA

PERSPECTIVE
VIEW

June 13, 2006

A-9



SUNRISE CONSTRUCTION
 ORIN WAKSEFIELD
 DESIGNER-BUILDER
 3 HIDDEN SPRINGS ROAD
 NAPA, CA 94558
 (707) 26-9596 JLC #380471

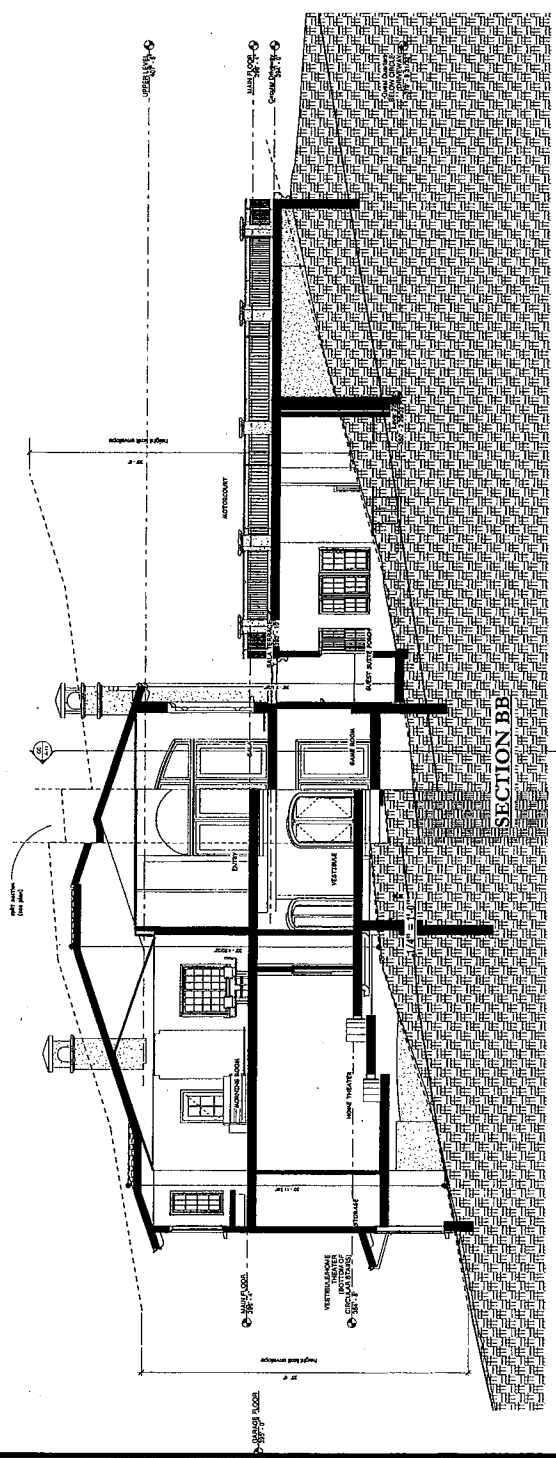
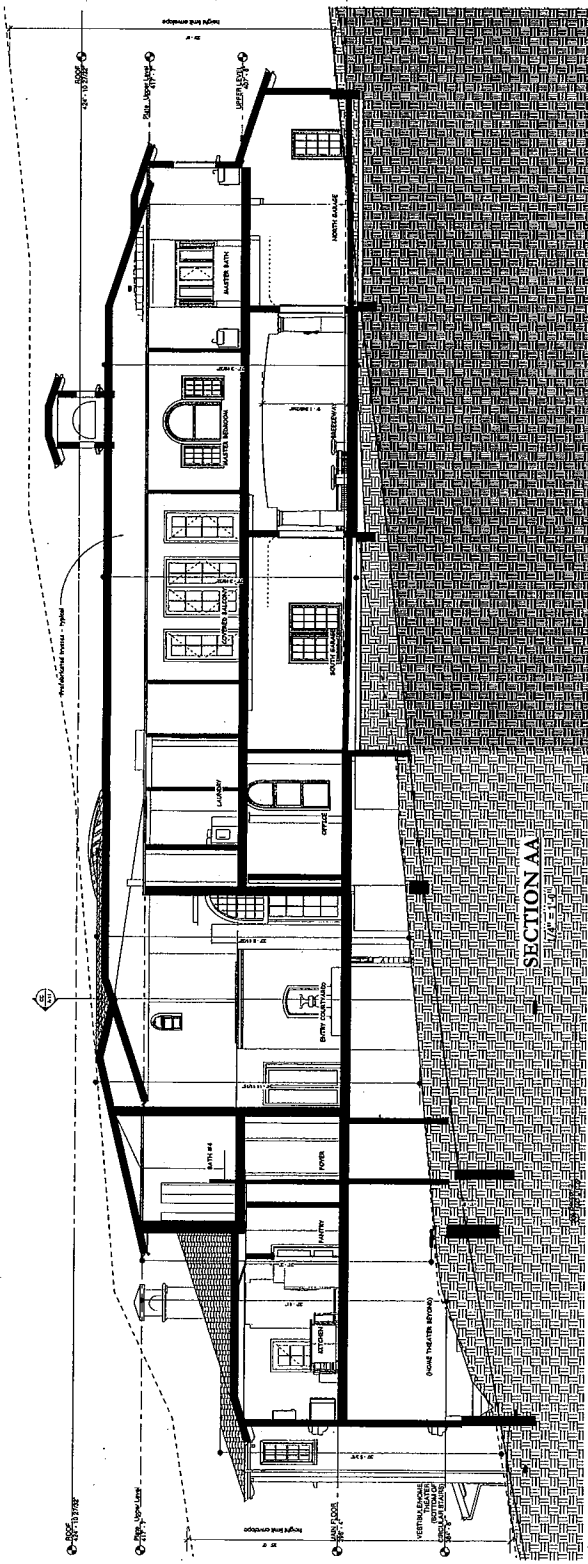


PEREZ RESIDENCE
 1757 DUNROW COURT @ HIDDENBROOKE
 VALLEJO, CA

SECTIONS
 AA & BB

June 13, 2006

A-10





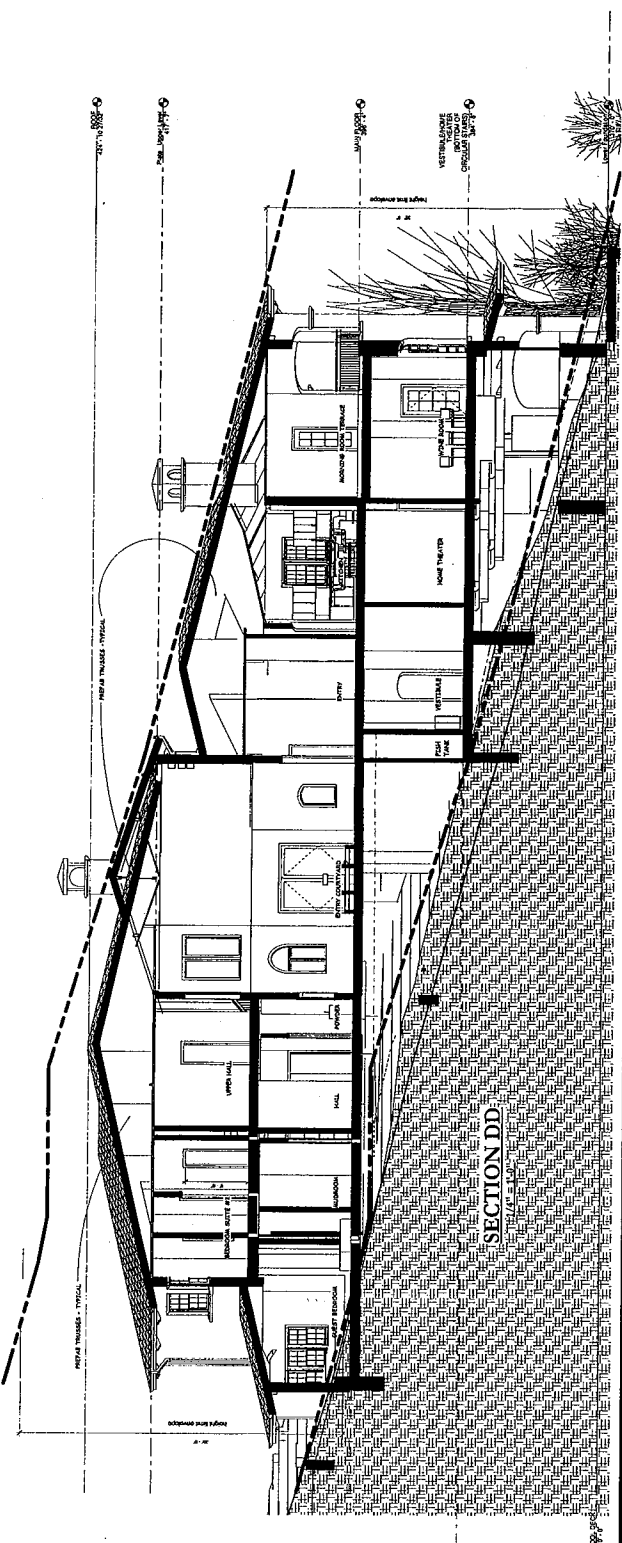
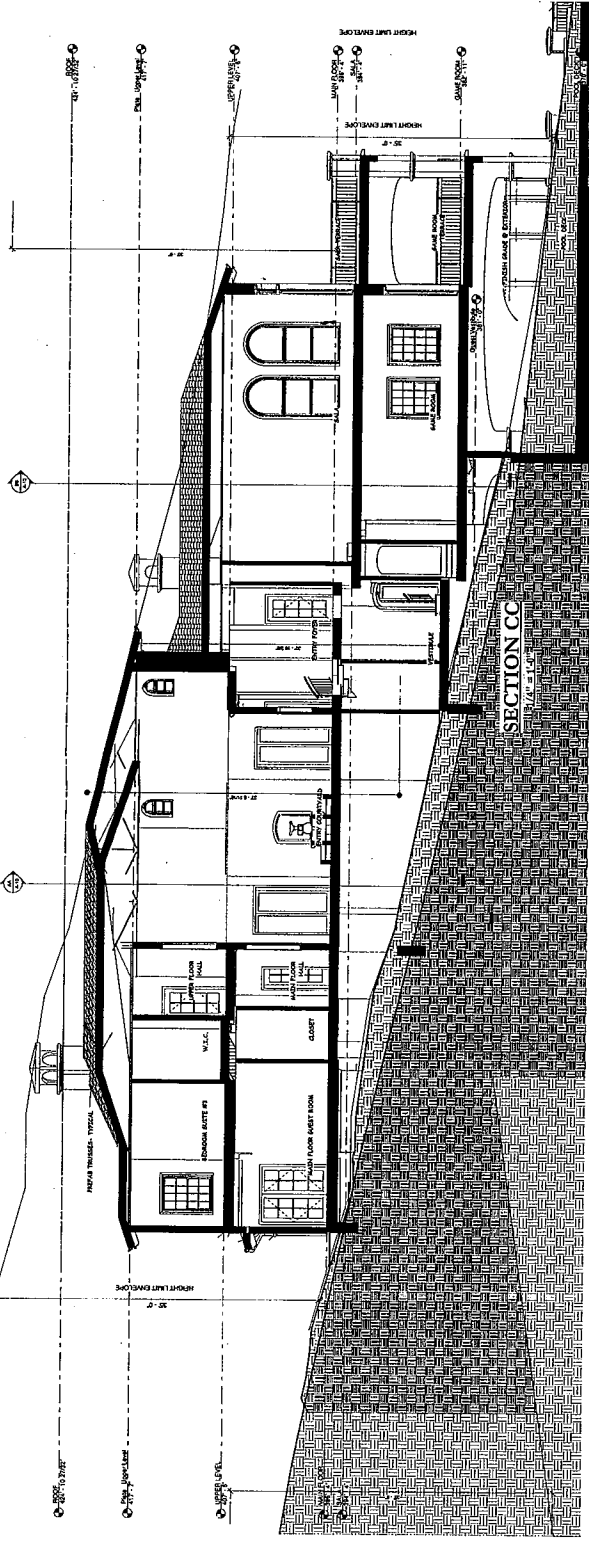
PEREZ RESIDENCE

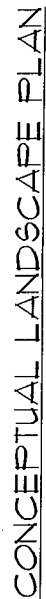
1757 DURROW COURT @ HIDDENBROOKE, VALLEJO, CA

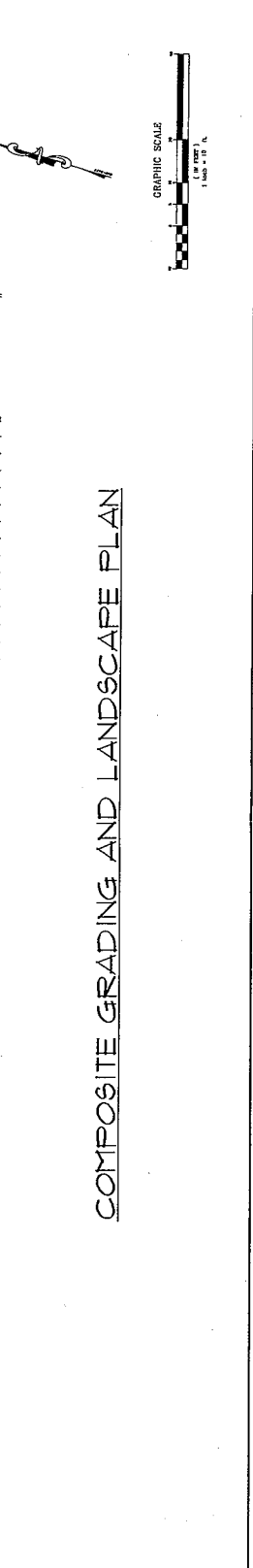
SECTIONS
CC&DD

June 13, 2006

A-11



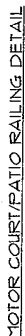




COMPOSITE GRADING AND LANDSCAPE PLAN

TRELLIS/SEAT WALL DETAIL

SIDE YARD GOOD NEIGHBOR FENCE



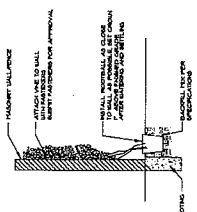
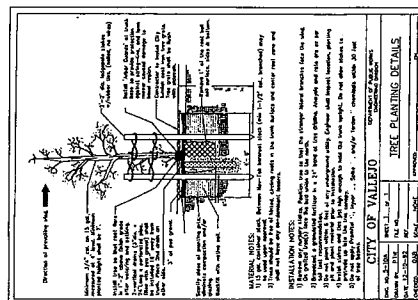
NOTE: RETAINING WALLS SHALL BE STUCCO MATERIAL TO MATCH TEXTURE AND COLOR OF LOUGE

PLANT LIST

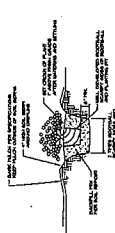
[illegible]

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

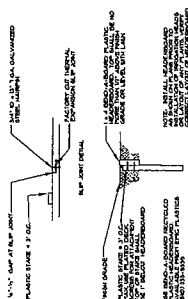
- [illegible]



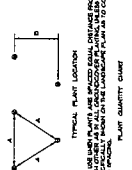
VINE PLANTING DETAIL



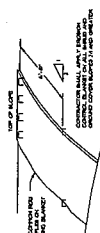
SHRUB PLANTING DETAIL



PLASTIC HEADERBOARD DETAIL



DATE	NO. PLANTS PER AC.
1960	100
1961	100
1962	100
1963	100
1964	100
1965	100
1966	100
1967	100
1968	100
1969	100
1970	100
1971	100
1972	100
1973	100
1974	100
1975	100
1976	100
1977	100
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2102	100
2103	100
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2105	100
2106	100
2107	100
2108	100
2109	100
2110	100
2111	100
2112	100
2113	100
2114	100
2115	100



INTERVIEW QUESTIONS



HYDRO-SEED DETAIL

REGIONAL CATHOLIC NETWORK

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 Durrow 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,

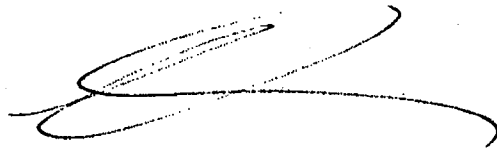
Concerned Hiddenbrook residents:

(5) Dennis Royce 1735 Landmark Dr. Vallejo CA 94591

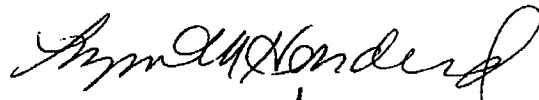
(6) Timothy D. [Signature] 1743 Landmark Dr. Vallejo CA 94591

- > 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:
- >

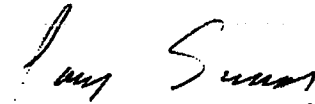
① erick & Lina Nelson
1759 Landmark Dr.
Vallejo, CA. 94591
707. 644. 1433



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



③ Larry & Margaret
1775 Landmark Dr.



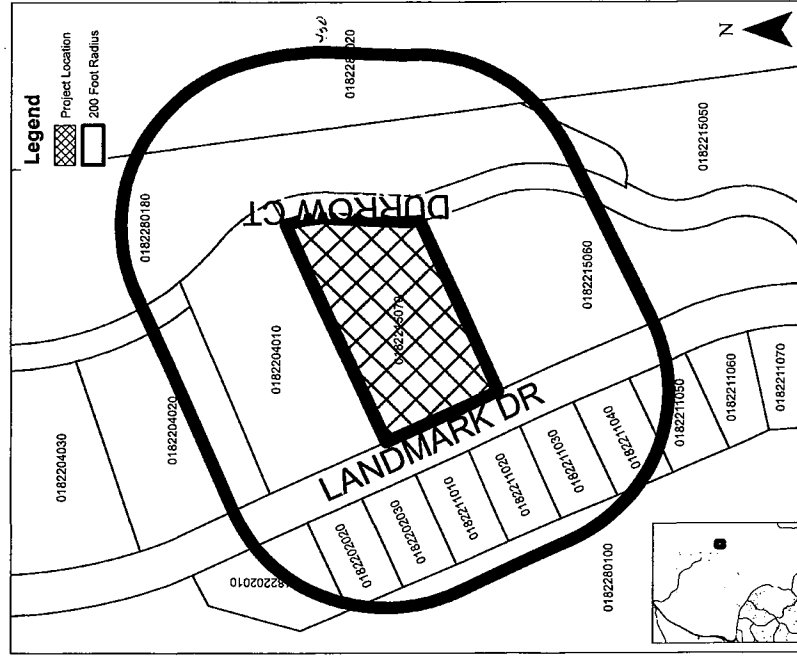
④ 1799 Landmark Dr Vjo —



Custom Single Family Home 1757 Durrow Ct. @ Hiddenbrooke

Attachment D

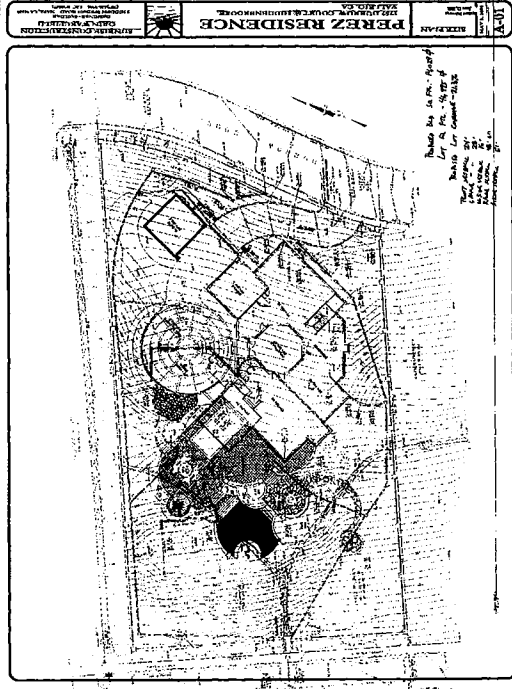
200 Foot Radius Map



Vicinity Map

Attachment C

Custom Single Family Home 1757 Durrow Ct. @ Hiddenbrooke

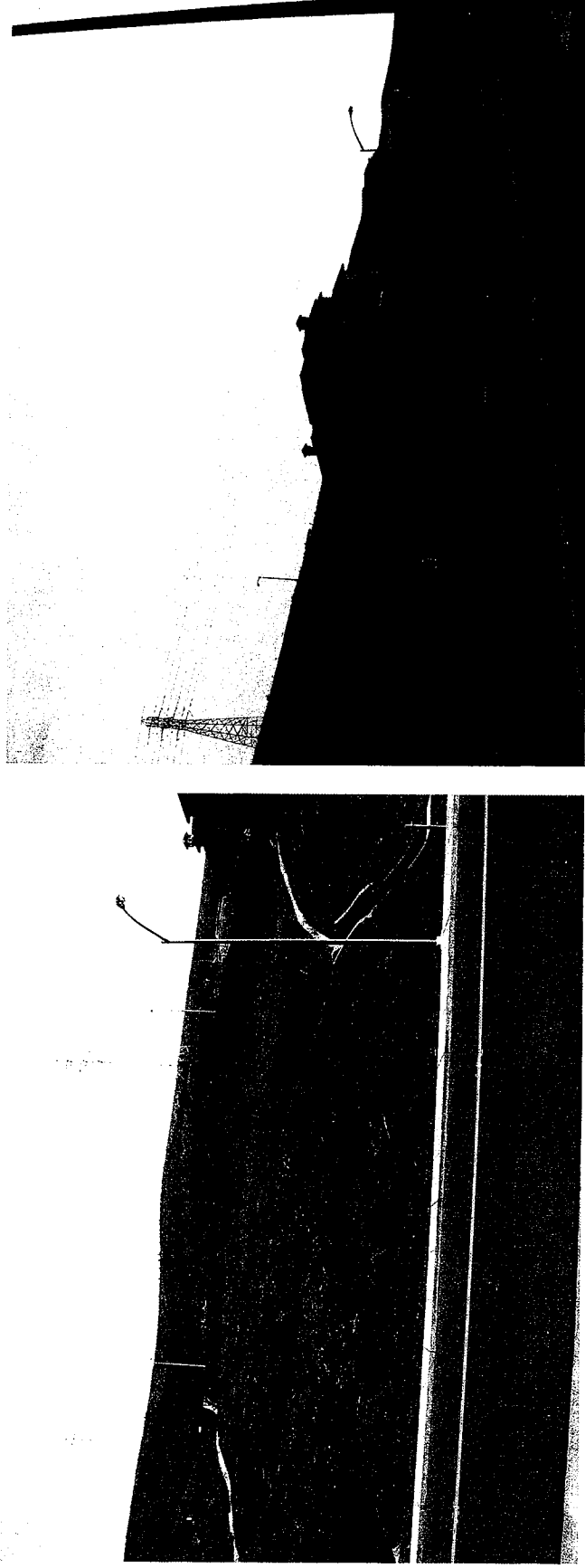


Custom Single Family Home

1757 Durrow Ct. @ Hiddenbrooke

Address	Total Building square footage	1 st 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	7.00%
1797 Durrow	vacant	vacant	45,738	N/A
1740 Durrow	5,632	1,857	58,806	3.20%
1749 Durrow	6,289	3,661	69,260	5.30%
<i>Averages</i>	<i>4,991</i>	<i>2,863</i>	<i>49,969</i>	<i>5.10%</i>
Site	14,029	9,354	43,995	21.30%

Custom Single Family Home 1757 Durrow Ct. @ Hiddenbrooke



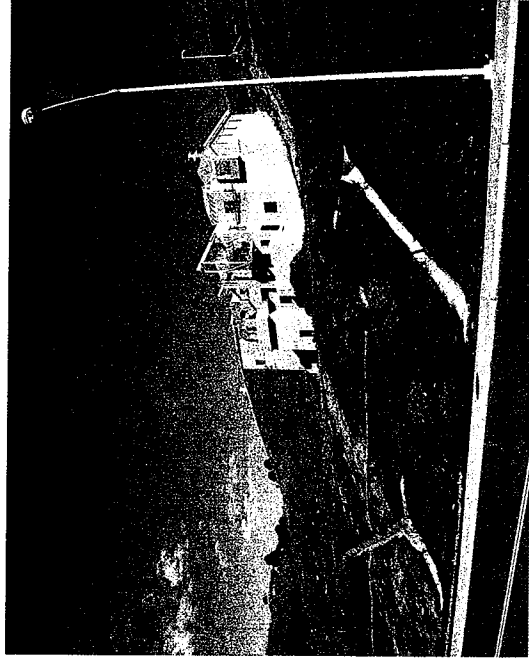
Subject site: Lot 19

Custom Single Family Home 1757 Durrow Ct. @ Hiddenbrooke

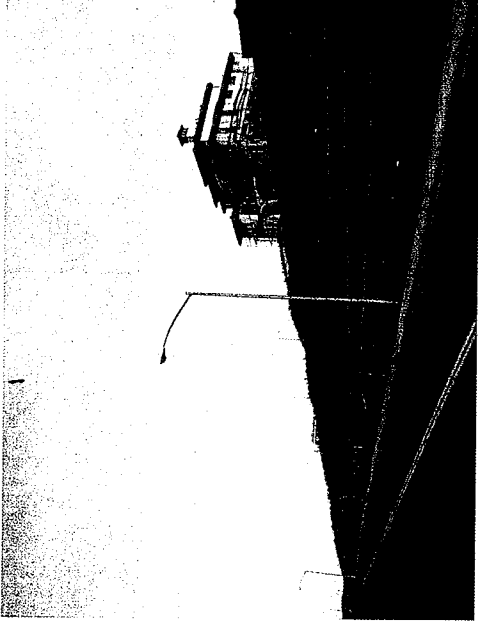


Subject site with custom home next door

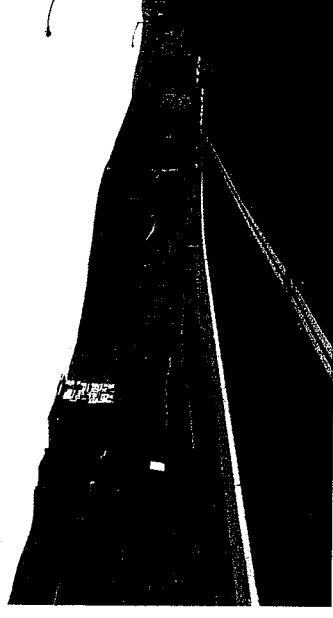
Custom Single Family Home 1757 Durrow Ct. @ Hiddenbrooke



1789 Durrow Ct. (lot 15)
3,070 s.f. 7.0% lot coverage

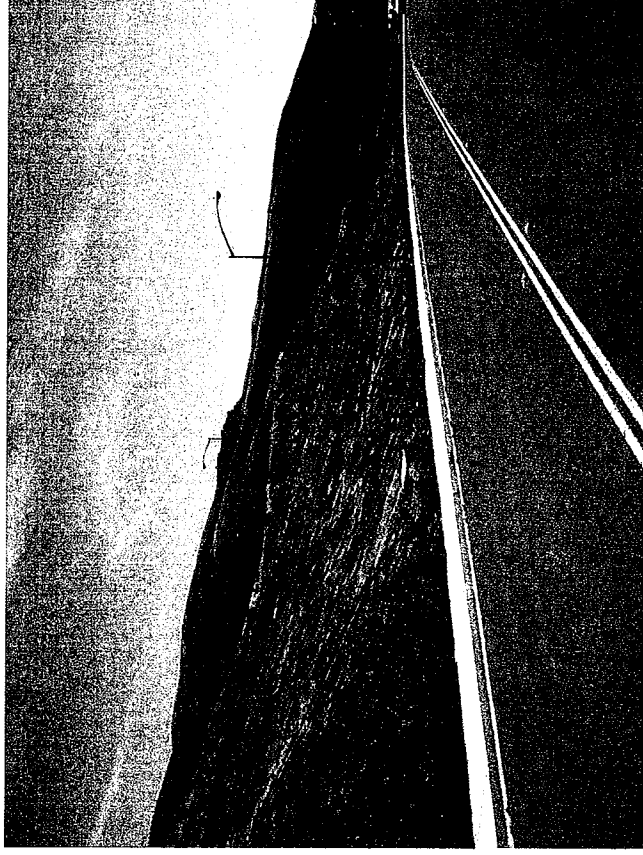


1749 Durrow Ct. (lot 20)
6,289 s.f. 5.3% lot coverage



1740 Durrow Ct. (lot 21)
5,632 s.f. 3.2% lot coverage

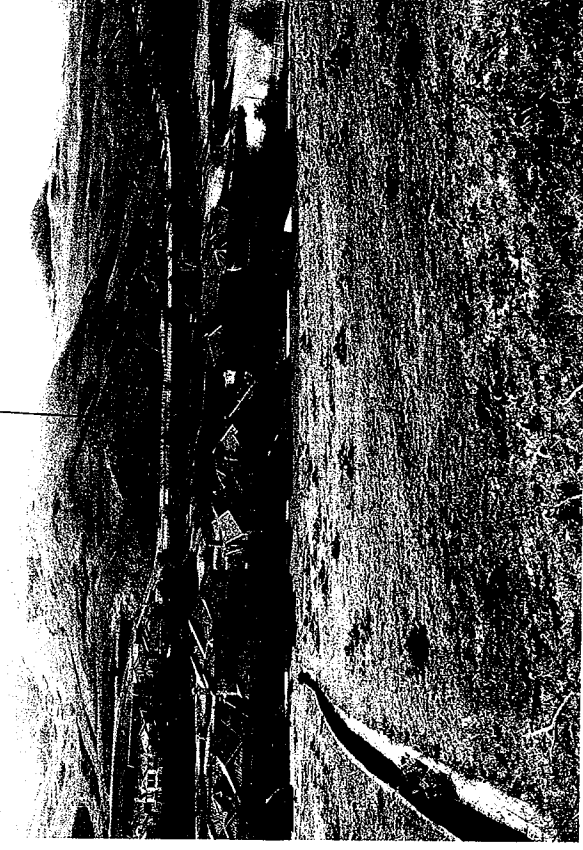
Custom Single Family Home 1757 Durrow Ct. @ Hiddenbrooke



View of 1749 Durrow Ct. (lot 20) before/after custom home

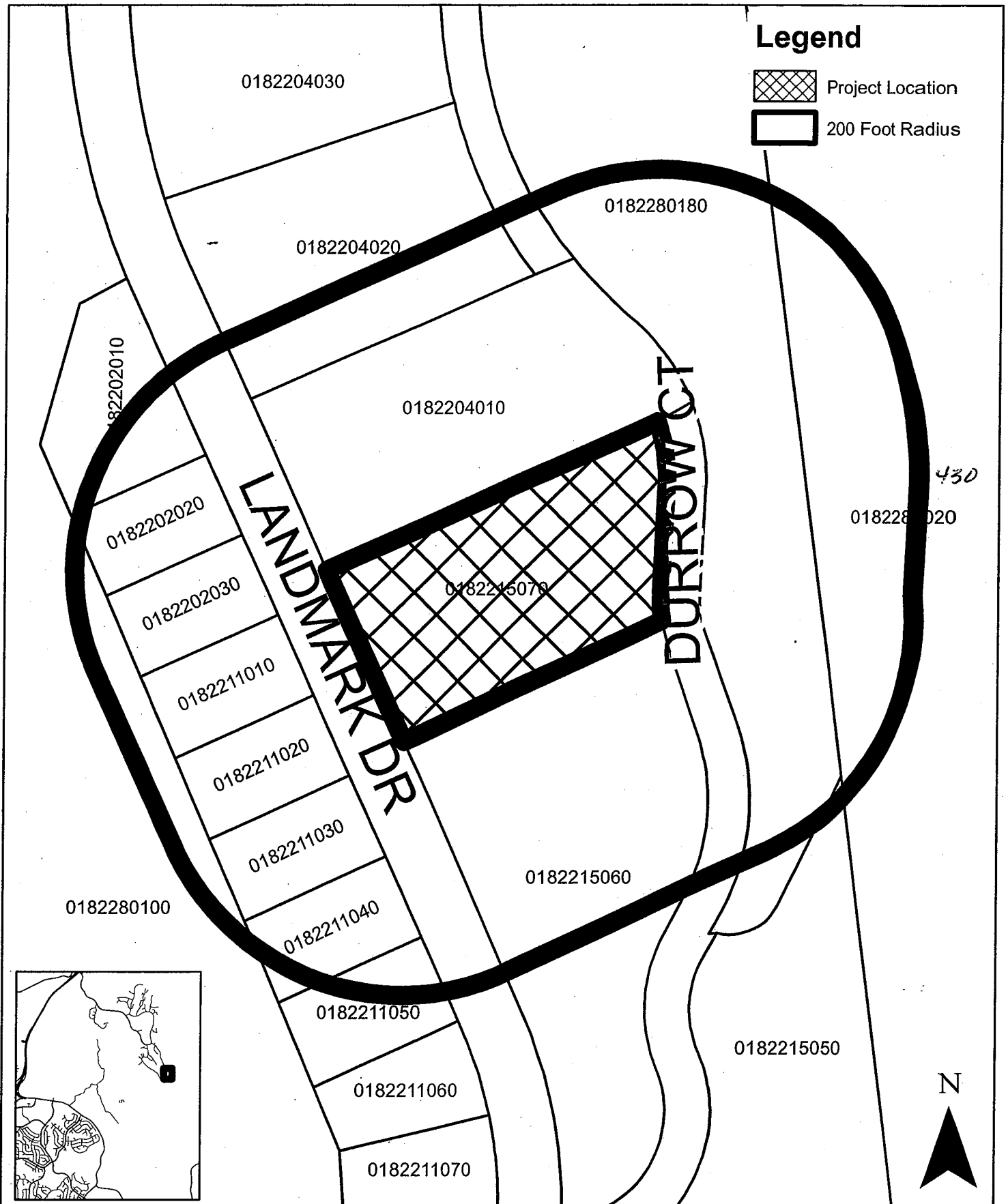
Custom Single Family Home 1757 Durrow Ct. @ Hiddenbrooke

1791 Landmark Dr. 3,166 s.f., 32.7% l.c.



Production/Tract Homes: Landmark Drive

200 Foot Radius Map



Submitted By :

HIDDENBROOKE ARCHITECTURAL REVIEW COMMITTEE - HOMES PROPOSED FOR CUSTOM LOTS

Address	Lot #	Lot Size (acres)	Lot Size (sq. ft.)	Home Size (Living Area)	Floor Area Ratio	Total Size of Home (living+garage+deck/patios)	Lot Coverage	Status
1740 Durrrow Court	21	1.35	58,806	4,576	8%	6,433	11%	Under Construction
1789 Durrrow Court	15	1.10	47,916	3,070	6%	4,517	9%	Under Construction
1781 Durrrow Court	16	1.00	43,560	4,152	10%	N/A	N/A	Pending
1749 Durrrow Court	20	1.59	69,260	6,289	9%	7,035	10%	Under Construction
1757 Durrrow Court	19	1.01	43,996	10,278	23%	14,030	32%	Pending
2292 Bennington Dr.	35	0.32	13,775	3,372	24%	4,814	35%	Under Construction
2274 Bennington Dr.	37	1.06	46,138	4,091	9%	5,629	12%	Under Construction
2300 Bennington Dr.	14.3	0.34	14,864	4,253	29%	5,078	34%	Complete
2306 Broadleigh Dr.	7	0.55	23,802	3,200	13%	n/a	n/a	Complete
2308 Broadleigh Dr.	n/a	0.30	13,147	4,080	31%	n/a	n/a	Complete
2310 Broadleigh Dr.	15-3	0.64	27,684	5,100	18%	n/a	n/a	Complete
2339 Broadleigh Dr.	5	3.81	166,159	7,103	4%	9,646	6%	Complete
971 Lynchhurst Lane	302	0.64	27,765	3,526	13%	4,271	15%	Under Construction
2309 Pinnacle Dr.	13-4	0.38	16,433	3,650	22%	n/a	n/a	Complete
2107 Staghorn Dr.	20	1.07	46,609	6,324	14%	9,187	20%	Pending



City of Vallejo Memo

To: Planning Commission
From: Planning Division, Marcus Adams *MA*
Date: March 19, 2007
Re: Item K3- Rose Imports appeal of Planning Division land use determination

BACKGROUND:

On February 21, 2007, a public hearing was held by the Planning Commission to consider Rose Import Motors' (Solano Avenue dealership) appeal of the Planning Division's determination that their used car dealership, located on three parcels, was operating without a required rezoning and major conditional use permit, per Section 16.22.040(B)(3) of the Vallejo Municipal Code and that the parking of used cars on one of the parcels (APN 0057-182-020, lot 18) was in violation of the conditions of approval for Use Permit #546, which restricted the use of lot 18 to a commercial driveway. Upon hearing public testimony regarding the appeal from all parties, the Planning Commission continued the hearing to March 19th to allow time for Kathryn Ghavimi of Rose Imports to provide an aerial photograph identifying a used car dealership on APN 0057-182-020, lot 18 prior to 1970¹ (see Exhibit 1).

On March 14, 2007, Mrs. Ghavimi provided staff with aerial photographs of the subject site. Staff was unable to identify an actual used car "dealership" on lot 18 from the photograph provided, but according to a long time neighborhood resident who purchased a car from Kardon Motors, the dealership in question, Kardon Motor's actual dealership office was located at 1515 Solano Avenue, while 1615 Solano Avenue, and possibly lot 18 of APN 0057-182-020, may have been used by Kardon for staging purposes only, not as an actual dealership.

It is evident from the aerial survey photos taken in 1963, 1966, and 1970 that: a) used cars were not being displayed at 1605 Solano Ave. and b) that an intensification of use had occurred at 1615 Solano Avenue and APN 0057-182-020 in 1970. Staff, however, can not confirm from the 1970 aerial photograph that: the intensification represented a used car lot on both parcels; that the intensification occurred prior to 1970; and that the land use causing the intensification was legally established.

¹ Prior to 1970, a use permit was not required for auto sales in commercially zoned districts

Even if a determination was made that an actual used car dealership was located on lot 18 for one or two years prior to 1970, the property was (and still is) zoned "residential" (R-1, see Exhibit 2) and the use of the property as an auto dealership was not legal. Uses that are not legally established cannot be grandfathered.

Staff also believes that no documentation has been provided, including the aerial photograph, to establish that a car dealership was located at 1605 Solano Avenue prior to 1970, and that Polk Directory records indicate that a tire company was located at 1605 Solano Avenue from as early as 1957 to 1972. This determination is supported by long time neighborhood residents.

RECOMMENDATION:

Based upon staff's research found in this memo and the attached staff report and exhibits, staff recommends the Planning Commission **DENY** the appeal and **AFFIRM** the following Planning Division findings and determination:

- Used auto sales occurring at 1605 Solano Avenue require use permit approval, as stated in Section 16.22.040(B)(3) of the Vallejo Municipal Code; and
- Used auto sales and/or display occurring at residentially zoned assessors parcel number 0057-182-020 were not legally established.

DETERMINATION:

- Within 45 days of the Planning Commission's decision, the property owner shall either abate the used auto sales at the two subject parcels or submit the following applications with fee payment: use permit application, zoning map amendment and general plan amendment. Failure to submit the applications or abate the auto sale use within 45day period will result in immediate administrative citations.

Exhibit 1: Aerial photo and Solano County Assessor information provided by appellant

Exhibit 2: Zoning regulations for R-1 Districts, 1964-1969

Exhibit 3: February 21, 2007, Planning Commission memo

Attachment A: December 18, 2006 Planning Commission minutes

Attachment B: December 18, 2006 Planning Division staff report

Attachment C: Conflict of Interest map

Attachment D: PowerPoint presentation

On-line Property Information

1605 Solano Ave

Assessor's Parcel Number

0057-182-150

California Government code section 6254.21 prohibits the displaying of names and addresses on a government website

Property Information

Acres	0.00	Exemption	\$0
Lot Size	0	Census	2512.000
Tac	7000	Tac No	0
Tac Last Year	7000	Tac Year	0
Recorded Map	n/a	Created on	n/a
Created By	n/a	Subdivison -	
Use Code - 3500 - commercial sales & services		Unit - n/a Lot - n/a Block - n/a Sublot - n/a	

Property Characterisitcs

No Property Characteristics Information Available

Values By Year

	2006/07	2005/06	2004/05	2003/04	2002/03
Status	AC	AC	AC	AC	AC
Tax Area Code	7000	7000	7000	7000	7000
Tac Last Year	7000	7000	7000	7000	7000
Use Code	3500	3500	3500	3500	3500
Exem Status	NA	NA	NA	NA	NA
Full Values					
Land	\$98,320	\$96,392	\$94,502	\$92,770	\$90,951
Improvements	\$109,103	\$106,964	\$104,867	\$102,945	\$100,926
Trees/Vines	\$0	\$0	\$0	\$0	\$0
Mineral Rights	\$0	\$0	\$0	\$0	\$0
F M & E	\$0	\$0	\$0	\$0	\$0
Personal Prop	\$0	\$0	\$0	\$0	\$0
Penalties	\$0	\$0	\$0	\$0	\$0
Exemptions	\$0	\$0	\$0	\$0	\$0
Total	\$207,423	\$203,356	\$199,369	\$195,715	\$191,877

On-line Property Information

1615 Solano front

Assessor's Parcel Number

0057-182-010

California Government code section 6254.21 prohibits the displaying of names and addresses on a government website

Property Information

Acres	0.00	Exemption	\$0
Lot Size	0	Census	2512.000
Tac	7000	Tac No	0
Tac Last Year	7000	Tac Year	0
Recorded Map -	n/a	Created on	n/a
Created By	n/a	Subdivision -	
Use Code - 3000 - vacant commercial land		Unit - n/a Lot - n/a Block - n/a Sublot - n/a	

Property Characterisitcs

No Property Characteristics Information Available

Values By Year

	2006/07	2005/06	2004/05	2003/04	2002/03
Status	AC	AC	AC	AC	AC
Tax Area Code	7000	7000	7000	7000	7000
Tac Last Year	7000	7000	7000	7000	7000
Use Code	3000	3000	3000	3000	3000
Exem Status	NA	NA	NA	NA	NA
Full Values					
Land	\$39,012	\$38,247	\$37,497	\$36,810	\$36,088
Improvements	\$0	\$0	\$0	\$0	\$0
Trees/Vines	\$0	\$0	\$0	\$0	\$0
Mineral Rights	\$0	\$0	\$0	\$0	\$0
F M & E	\$0	\$0	\$0	\$0	\$0
Personal Prop	\$0	\$0	\$0	\$0	\$0
Penalties	\$0	\$0	\$0	\$0	\$0
Exemptions	\$0	\$0	\$0	\$0	\$0
Total	\$39,012	\$38,247	\$37,497	\$36,810	\$36,088

On-line Property Information

1615 Back lot

Assessor's Parcel Number

0057-182-020

California Government code section 6254.21 prohibits the displaying of names and addresses on a government website

Property Information

Acres	0.00	Exemption	\$0
Lot Size	0	Census	2512.000
Tac	7000	Tac No	0
Tac Last Year	7000	Tac Year	0
Recorded Map	n/a	Created on	n/a
Created By	n/a	Subdivision -	
Use Code - 3000 - vacant commercial land		Unit - n/a Lot - n/a Block - n/a Sublot - n/a	

Property Characteristics

No Property Characteristics Information Available

Values By Year

	2006/07	2005/06	2004/05	2003/04	2002/03
Status	AC	AC	AC	AC	AC
Tax Area Code	7000	7000	7000	7000	7000
Tac Last Year	7000	7000	7000	7000	7000
Use Code	3000	3000	3000	3000	3000
Exem Status	NA	NA	NA	NA	NA
Full Values					
Land	\$39,012	\$38,247	\$37,497	\$36,810	\$36,088
Improvements	\$0	\$0	\$0	\$0	\$0
Trees/Vines	\$0	\$0	\$0	\$0	\$0
Mineral Rights	\$0	\$0	\$0	\$0	\$0
F M & E	\$0	\$0	\$0	\$0	\$0
Personal Prop	\$0	\$0	\$0	\$0	\$0
Penalties	\$0	\$0	\$0	\$0	\$0
Exemptions	\$0	\$0	\$0	\$0	\$0
Total	\$39,012	\$38,247	\$37,497	\$36,810	\$36,088

© PACIFIC AERIAL SURVEYS
8407 EDGEWATER DRIVE
OAKLAND, CA 94621 / (510) 632-2020
THIS PHOTO IS AN ENLARGED
PORTION OF FILE NEGATIVE
NEGATIVE #: AV 550-8-11
DATE FLOWN: 7-25-63
SCALE (unverified): 1" to ± _____
Scale will vary. Not a map.



© PACIFIC AERIAL SURVEYS

8407 EDGEWATER DRIVE
OAKLAND, CA 94621 / (510) 632-2020

THIS PHOTO IS AN ENLARGED
PORTION OF FILE NEGATIVE

NEGATIVE #: 710-9-16

DATE FLOWN: 4-20-66

SCALE (unverified): 1" to ±
Scale will vary. Not a map.

2



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3407 EDGEWATER DRIVE

OAKLAND, CA 94621 / (510) 632-2020

THIS PHOTO IS AN ENLARGED
PORTION OF FILE NEGATIVE

NEGATIVE # AN 965-07-15

DATE FLOWN: 9-8-70

SCALE (unverified): 1" to ± _____
Scale will vary. Not a map.

3



SECTION 5. REGULATIONS FOR R-1 DISTRICTS

5.1 The following regulations shall apply in all R-1 Districts and shall be subject to the provisions of Section 12.

(a) Uses permitted:

1. One family dwellings, public parks and playgrounds.
2. Two family dwellings, schools, churches, and libraries, when such uses will not be detrimental to the neighborhood in which they are to be located and subject to securing a use permit in each case.
3. Accessory buildings and uses on the same lot with any of the above uses, provided however that no accessory building shall be constructed on a vacant lot unless concurrently with the construction of the main building.

(b) Building Height Limits:

2½ stories but not exceeding 35 feet in height.

(c) Building Site Area Required:

Each dwelling, together with its accessory buildings, shall be located on a building site in one ownership having an area of not less than 5000 square feet; provided that any parcel of land of a less area under one ownership at the time of the adoption of this ordinance, or shown as a lot on any subdivision map filed in the office of the County Recorder of the County of Solano, prior to the adoption of this Ordinance, when the owner thereof owns no adjoining land, may be used as a building site for one dwelling by the owner of such parcel of land or by his successor in interest when all other regulations for the district are complied with. (In no case shall there be more than one (1) dwelling on any one lot except as otherwise provided in this Ordinance.)

(d) Percentage of Lot Coverage

The buildings on any lot shall not cover in aggregate more than 40 percent of its area.

(e) Front Yard Required:

Each lot shall have a front yard not less than 15 feet in depth.

(f) Side Yards Required:

Each lot shall have side yards each having a width of not less than 5 feet except as follows:

1. On any parcel of land of an average width of less than 50 feet, which parcel was under one ownership at the time of, or is shown as a lot on any subdivision filed in the office of the County Recorder of the County of Solano, prior to the adoption of this Ordinance, when the owner thereof owns no adjoining land, the width of each side yard may be reduced to ten percent of the width of such parcel, but in no case to less than 3 feet.

2. Whenever a side yard is adjacent to a street the regulations for front yards shall apply: provided that for a corner lot, the side yard adjacent to a street need not exceed 10 feet.

3. In case a dwelling is so located on a lot that the front or rear thereof faces any side lot line, such dwelling shall be not less than 15 feet from such lot line.

(g) Rear Yard Required:

Each lot shall have a rear yard of a depth of not less than 20 percent of the depth of the lot, to a maximum required depth of 20 feet.

SECTION 5. REGULATIONS FOR R-1 DISTRICTS

5.1 The following regulations shall apply in all R-1 Districts and shall be subject to the provisions of Section 12.

(a) Uses permitted:

1. One family dwellings, public parks and playgrounds.

2. Two family dwellings, schools, churches, and libraries, when such uses will not be detrimental to the neighborhood in which they are to be located and subject to securing a use permit in each case.

3. Accessory buildings and uses on the same lot with any of the above uses, provided however that no accessory building shall be constructed on a vacant lot unless concurrently with the construction of the main building.

4. Dwellings for the reception, custody and care of persons, including mentally handicapped children and foster care children only, as such term "foster care" is defined in the Welfare and Institutions Code of the State of California, for compensation, when such use will not be detrimental to the neighborhood in which they are to be located and subject to securing a use permit in each case and further subject to the following conditions:

(1) The operator and premises must be licensed or certified by the public agency legally empowered to do so.

(2) Placement and supervision services must be provided only by the public agency legally empowered to effect such placement and supervision.

(3) The total number of occupants in the housing unit must not exceed twice the number of bedrooms therein.

(4) The operator of such housing unit must be a resident of said unit.

(5) The premises shall be subject to fire and health inspection by the City of Vallejo and the use permitted thereon shall be contingent upon compliance with fire and health regulations and requirements.

5. The care of not more than four (4) children, twelve years of age or younger.

6. The care of more than four (4) children, twelve years of age or younger, when such use will not be detrimental to the neighborhood in which they are to be located and subject to securing a use permit in each case.

7. The care of children shall be subject to the following conditions:

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3. In case a dwelling is so located on a lot that the front or rear thereof faces any side lot line, such dwelling shall be not less than 15 feet from such lot line.

(g) Rear Yard Required:

Each lot shall have a rear yard of a depth of not less than 20 percent of the depth of the lot, to a maximum required depth of 20 feet.



City of Vallejo Memo

To: Planning Commission
From: Planning Division, Marcus Adams *MA*
Date: February 21, 2007
Re: Item K1- Rose Imports appeal of Planning Division land use determination

BACKGROUND:

On December 18, 2006, a public hearing was held by the Planning Commission to consider Rose Import Motors (Solano Avenue dealership) appeal of the Planning Division's determination that their used car dealership located on three parcels was operating without a required major conditional use permit, per Section 16.22.040(B)(3) of the Vallejo Municipal Code and that the parking of used cars on one of the parcels (APN 0057-182-010, lot 18) was in violation of the conditions of approval for Use Permit #546. The Planning Commission heard public testimony regarding the appeal from all parties, including neighbors but did not offer a motion regarding the appeal.

In lieu of a motion, the Commission requested that the item be continued and that staff host a community meeting with Rose Imports and their neighbors. On January 30, 2006, the City held the requested community meeting. Below are the unresolved issues presented by the Commission at the December 18th hearing followed by the applicable parties' positions, based on the community meeting and further research:

Issue #1: Grandfathering of the dealership use

The issue of grandfathering of the dealership use, which was recommended by one of the Commissioners, was briefly discussed at the community meeting between staff and Rose Imports. Rose Imports believes that 1615 Solano Avenue encompasses lots 18 and 19 and consequently, they should be grandfathered in by staff, as were lots 20 and 21. However, based on staff research of department records, and conversation with the Solano County Assessors Office, 1615 Solano Avenue has never included lots 18 and 19.

As with the Solano County Assessors and Recorder's Office, the Planning Division tracks historical land use data by parcel numbers, not addresses. Rose Imports property tax assessment is based on parcel numbers. Upon further research, staff was able to establish that lots 18 and 19 of APN 0057-182-020 at one time had a single family home on recognized as 245 Perkins Avenue from 1947 to 1954. In 1955, the single family home

was moved to Broadway Street near Sereno Drive, where it still sits today. At some point, the parcel in question was no longer recognized as 245 Perkins Avenue and only by the parcel number. Based on these findings and verification with the Assessor's Office, staff is unable to grandfather in the current use at lots 18 and 19.

Staff still supports its original determination regarding the historic use at 1605 Solano Avenue and due to the fact that Rose Imports has not provided staff with any new information regarding the parcel, staff is unable to grandfather in the used car use currently occurring.

Issue #2: Land use activity associated with the dealership

The issues of light body repair and spray painting in the parking lot were discussed at the community meeting. Rose Imports stated that the reason this activity occurs in the parking lot is because there is no other available location on their property. The applicant's compromise offered to the neighbors was to do this activity at the western end of their lot (1605 Solano Ave.). Staff's position on this issue is that these types of activities must occur within an enclosed building, which has been inspected and permitted by the City of Vallejo Building Division, Solano County Environmental Health, and Bay Area Air Quality Management. Staff intends to pursue abatement of this activity regardless of the Planning Commission decision.

Issue #3: Employee parking and staging of cars on public streets

This topic was discussed at the community meeting without a consensus being reached. Rose Imports stated that they attempt to limit the amount of staging and employee parking that occurs on public streets, but due to the amount of inventory and number of employees, they are often left with no choice but to use the public streets. The neighbors expressed their desire to see this practice eliminated either by having employees park on private property or with limited hours of public street parking.

It is still staff's position that use permit conditions of approval and a neighborhood petition by property owners for restricted hour parking would be the most appropriate way to address the parking issue.

Issue #4: Buffer zone, lot 18, between Rose Imports and 235 Perkins Avenue

This issue remained unresolved as all three parties, (Planning Division, neighbors and Rose Imports) had different ideas about how lot 18 should be used and developed as a buffer between a commercial and residential use. The lot is zoned residential (LDR).

Rose Imports-

It is Rose Import's position that lot 18 should be allowed to accommodate used cars, stored cars and/or employee cars on the lot. If the lot had to be used as a buffer zone, Rose would prefer the buffer area be kept to a minimum and that trees not be used for the

landscaping. Rose also expressed concern that the buffer area could become a magnet for transients without adequate fencing and appropriate landscaping.

Perkins Avenue Neighbors-

The neighbors would like lot 18 to serve as a landscaped buffer between the commercial and residential use. They agreed with Rose Imports that trees would not be the most desirable landscaping planting. The property owner of lot 17, immediately adjacent to lot 18, stated that she would prefer if all of lot 18 was landscaped to prevent cars from being parked on the lot.

Planning Division-

Staff believes that the appropriate buffer width should be approximately 15 feet, and that is should be landscaped densely enough and with plant selections that would make the lot inhospitable for transients to encamp on.

Issue #5: Waiver or reduction of use permit application fee

As stated by the Planning Manager at the December 18th hearing, Planning Division staff does not have the discretion to waive application fees which are adopted by the City Council. According to records of use permits issued in 1984, the approximate year when Rose Imports started operating at their Solano Avenue location, the cost of a use permit was \$300 + .10/square foot. A reduction in use permit fees related to the cost of a permit in 1984 could only be granted by the City Council according to the City Attorney's Office.

The Development Services Director has agreed however to charge one use permit fee (\$1,833) for the two parcels that would require a use permit application.

RECOMMENDATION:

Based upon staff's research and findings staff recommends the Planning Commission **DENY** the appellants appeal and **AFFIRM** the following Planning Division determinations:

- Used auto sales occurring at 1605 Solano Avenue require use permit approval, as stated in Section 16.22.040(B)(3) of the Vallejo Municipal Code and;
- Used auto sales occurring at assessors parcel number 0057-182-150 are in violation of Use Permit #545;
- Within 45 days of the Planning Commission's decision, the property owner shall either abate the used auto sales at the two subject parcels or submit the following applications with fee payment: use permit application, zoning map amendment

and general plan amendment. Failure to submit the applications or abate the auto sale use within 45day period will result in immediate administrative citations.

Attachment A: December 18, 2006 Planning Commission minutes

Attachment B: December 18, 2006 Planning Division staff report

Attachment C: Conflict of Interest map

Attachment D: PowerPoint presentation

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K. PUBLIC HEARINGS

1. USE PERMIT 546A – Appeal of staff determination concerning Rose Imports located at 1605 Solano Avenue.

Staff recommends the Planning Commission DENY the appellants appeal and AFFIRM the Planning Division's determination that the used auto sales occurring at 1605 Solano Avenue require use permit approval, as stated in Section 16.22.040(B)(3) of the Vallejo Municipal Code.

Marcus Adams: This first item deals with an appeal dealing with Rose Imports on Solano Avenue bordered by Solano, Tuolumne, and Perkins. *Marcus did a PowerPoint presentation which included the fact that there are three parcels on this site. Two of the three are addressed in this appeal.* Issue number one is located at 1605 Solano Avenue. *There was a picture of this parcel on the screen.* There were three issues that we dealt with on this property: 1) the vehicle parking there; 2) the establishment of the land use at the location; 3) the use permit process. The question of whether a used car dealership had ever been established through the use permit process which has been required since 1920 was not established by us. According to our research there were two tire companies there previously. I would like to refer you to Attachment A (lots 22 – 26) so we can clarify which lots these are. They are in Linier Commercial. For a used car dealership in this zoning a use permit is required. The second parcel is located on Perkins and raps around to Solano Avenue. There are two lots on this Perkins parcel; lots 18 and 19. The issue again is whether a use car lot had ever been established. The original use permit for 1959 is attachment H. The use was for a service station and the conditions, especially, for lot 18 which was to be used as a commercial driveway not allowing parking of commercial vehicles or trucks. There is also language in there about avoiding any type of incompatible hazards or uses such as noise, light, smell, etc. *Marcus showed a picture of lot 18 and its location next to a residential property.* Where the red arrow is shows the driveway and the curb cut. Next to the car parked on the street is lot 19. The use back in 1959 was for a service station with lot 18 being the commercial driveway and lot 19 was to have the service station on there. The reason lot 19 was to be used as a commercial driveway was to act as a buffer between that residential use and the commercial use. At the time of the original use permit lot 19 was zoned residential. There may be some question as to why the Planning Commission would put a commercial project on a residential lot however, be that as it may, the lot 18 definitely served as a buffer. There is no evidence of a new use permit or a use permit amendment which would allow for used car sales to go on. That is the steps that would need to be taken if you wanted to have used car sales on a site with a use permit for some other purpose. Use permits run with the property.

Our recommendations tonight are as follows, there are two options:

1. That the property owners apply for a conditional use permit to operate the use car lot at both 1605 Sonoma and 0050-182-150 and we would recommend a rezoning. It is zoned residential so you would want to rezone that to commercial use.
2. Apply for the conditional use permit just for 1605 Solano and abate the use car sales on lot 18. Also you may have seen reference to a fence. The plans that were approved back in 1959 had a fence to separate lots 18 & 19. This further served as a buffer. Lot 18 was the commercial driveway and lot 19 was going to be the service station. There is some discrepancy as to whether that fence was ever erected or not. Whether there was on was not it is in the original approval and the purpose was to separate those uses.

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Marcus Adams: Some other issues I wanted to clarify were that I put use permit 545. It should have been use permit 546 and attachment I is the zoning ordinance from 1958 to 1969. There are no used car lots permitted outright. They required a use permit. Under CC zoning in 1970 – 1980, page 30, you will see sales of autos and parts requires a use permit. Any questions?

Don Hazen: Just to follow up on Marcus's great presentation I want to reiterate that really all you are dealing with tonight is do you support staff's determination on what process they need to follow if they wish to pursue the use. We would not want to get into the merits of a use permit or the merits of the rezone. This is strictly just whether you concur with the process or not. If they decide to follow through with this there would be another application and you would have a change to have another hearing on those uses.

Commissioner Turley: On page two, number 9, first paragraph, last sentence, you say the parking of cars on City streets eventually stopped. The day I was there I counted seven cars with Rose Import on the license plate. How many more belonged to them I do not know. I wanted you to be aware of that.

Marcus Adams: I did not delve too much into that because it is not part of the issue at hand. I just included it as history in the staff report. I have noticed on my visit today and other days that there were some used cars on the street. At the time we received the complaint, in 2001, the planner who had the case at that time determined that it did stop for at least awhile. It does appear that that is occurring again but, once again, it is not part of this issue.

Commissioner Turley: On page five, last paragraph, last sentence, it seems to be incomplete. Never mind, I did not see the last part of that sentence. That is the end of my questions.

Chairperson Legalos: On Attachment K, the project location indicated here, the parcels that border Perkins Street, is that 18 & 19 that are hatched?

Marcus Adams: On Attachment K it is hard to see but it is 18 and 19.

Chairperson Legalos: Then I am assuming that the area above that that borders on Solano is 20?

Marcus Adams: Yes.

Chairperson Legalos: What is the status of 20? The cars are parked all the way out to the sidewalk on Solano.

Marcus Adams: 20, we were able to establish that was a used car establishment that was put there previous to 1970. We had to grandfather it in because it had been established. The complaint was for 18 & 19.

Chairperson Legalos: So it is simply not part of the issue at this point.

Marcus Adams: Yes.

Chairperson Legalos: The fence that is there now is between 17 & 18.

Marcus Adams: Correct.

Chairperson Adams: 17 is the parcel that has the house on it?

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Marcus Admas: Yes.

Chairperson Legalos: The fence that is referred to here is in the middle of the hatched area?

Marcus Adams: Yes. There is a dashed line between 18 & 19. You can see it better on the site plan. One more thing to clear up is that the cement slab on Tuolumne is where an illegal modular home was placed. We ask that they take it down. That is why you see the slab. Rose is not expanding onto Tuolumne. The owners of that lot have applied for permits.

Commissioner Manning: I have to say, I drove around there a long time to try to locate exactly what the uses were. Now that you explain it I understand. Thank you.

Chairperson Legalos opened the Public Hearing.

Kathryn Glauimi, 1605 Solano Ave, Vallejo: I am the other owner on the property. I will be as brief as possible. In September of this year Marcus came down to our lot and took some pictures. Walked up in the middle of a work day and said, "I am sorry but you do not have a license to do business here." 22 years I have been at this location. That was like a slap in the face, first of all. Our business generates 1.2 million dollars of sales tax to the City of Vallejo. We have been paying City business license for 22 years. In other business in this town we have been paying for over 30 years. We own several pieces of property in this town. We have brought a lot of business into this town along with other dealerships. I do not feel that we should be penalized for something that the City Planning checked off on my business license 22 years ago. I walked in and said I wanted to get a business license. Business License sent me up to Planning to get it checked off. Someone in Planning signed off my permit to do this. This was in 1984. Before that the location was Vallejo Chrysler. Before that, in 1968, it was Carden Motors. The only thing any of us can fall back on at this point is the Polk Directories, and there were two locations. In 1968 there was Carden Motors at 1615 Solano, which is the corner he is actually talking about. Further over there was 1515. This is where it gets confusing. According to the County records 1515 should be 1615. It is hard to prove with the Polk Directories which piece of property was actually licensed. 1515 is a block over and has nothing to do with our property. We have now dropped the address and gone with the parcel number. Nobody knows in 1968 where this dealership was at. We just know that there was one on 1605. In 1968 to 1971 there was Golden State Tire Company. That was 1605 which is the corner next to the cabinet shop. In 1972 to approximately 1984 Vallejo Chrysler was there at 1605. 1615 was Carden Motors a used car lot; 1605 was Carden Motors a used car lot between 1968 and 1971. Then in 1974 Chrysler Plymouth was at 1515 across the street. At the same time they had their staging lot at 1615 which is the one that is in question at this point. It is not 1615 parcel 18, 19, and 20. It is all of 1615. He was issued a permit at that time to do business at that location. That was in 1970. In 1970 someone said you need a use permit for used cars. One year later someone says duh you forgot to mark it off and 22 years later we have to take care of that mistake. That should have been something that was caught forever ago. I am required to keep track of the laws and rules and regulations. When a new one comes in you are very well aware of it. In 1970 use permits were required. One year later Chrysler went in and why didn't someone say they needed a use permit. I went in 10 years later they said it was a car dealership before and therefore it must be proper. Now I am supposed to pay for this; the City wants us to get use permits for something. They want a driveway put in, a driveway to where? There is no need for a driveway there. Our neighbors are concerned. We have been neighbors for 22 years. Granted, yes we do park our cars off the lot. You have to do that because there is no place else to move them to get

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them in and out. We understand that and we have worked back and forth with this a lot. Molly will come us and ask us to move a car and we will do that. We work very closely with them and we do not have major conflicts with them. It could be whole lot worse if we end up selling it and something else goes in there. I don't blame Molly for being worried about that. She is the lady that is right on the other side of our fence. I do disagree with the fact that there was a fence there. There was never, ever a fence between 19 and 19 or 20. I know Molly says she remembers it. People who live in the area for over 50 years remember it. There were a lot of other items in here that were remembered that really are not true. There is no indication on our property whatsoever that there was ever a hole put in that property where there was a fence. The fence between Molly's property and our property is there and is probably the same fence. It has never been changed in the 22 years we have been there. I do not think there was another fence located on there. The City was at fault for there not being a use permit for this auto sales use not us. We are not the ones that did not issue the permit. We were issued a license to do business at that property. I went through the proper steps. The City is the one that did not go through the proper steps. If we had done it back then it would have cost, what \$200 or \$300. Now at this point it will cost us \$3000 or \$4000. We should not have to do that. I do not think it is fair for us as business people in this town. I can show you pictures of what they are talking about. They have it totally confused. *She showed a picture of the lot in 1986 where they had been in business for one year.* There is no fence or any indication that a fence had been there. Business licenses were issued for the entire 1615 not A, B and C. It was a whole parcel, not the back part, the front part. I do not think it is fair to break it up into particles. There was never a fence and hopefully there won't need to be a fence. There is no reason for it. What brought the whole thing up is that we put a shed up. Molly, our neighbor, was probably not happy with that. We thought we could do that. We were unaware that we could not. As soon as we were contacted by the City we took that shed down. We are not in any other violations. We are trying to run a business here and I think that is all we are asking is that someone work with us and tell us what we need to do but it is not our expense or responsibility. The City was the one that dropped the ball on us. Thank you.

Molly Leavitt, 235 Perkins Ave, Vallejo: I have lived at this address since November 1946. I remember one morning equipment moving the house next door away and a sign going up saying Shell Oil Coming. I went to City Hall the records showed the lot next to my parcel as residential. A Planning Commission meeting was held and permission was given for Shell to go ahead with their plans. I stood up at that meeting and called Mr. Nelson's attention to the fact that permission had been given on a residential lot. They looked at the plot drawings and agreed with me. They said it would be taken care of. The decision was made that the residential part could only be used as a driveway. A record was made of that decision. Now many years later other problems have followed. They started moving cars off the lot. What followed over the years were many practices that broke more laws. Cars are still being parked on all the streets around Solano, Perkins and Tuolumne. The streets and the residential lot is used to dig out a *word I could not understand*, grind away and worst of all paint the cars. The pollution is very noticeable. All of this is against the law. During the summer they moved a 16 x 20 shed onto the residential lot right on the property line. I did not figure it was to keep the salesmen out of the sun while they smoked their cigarettes. That is when I went to City Hall to complain. He has been allowed to put cars on that residential lot but I ask that no activity that would change the appearance of the cars allowed. No painting, grinding, or dent repair allowed. He has a building on the property and it should be used for these types of activities. I am complaining because of illegal activities in the use of this property not because it is being used as commercial property. I do not want to see any other buildings put on the property. People my age come to visit me and when cars are parked all over

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Perkins, they usually have canes and walkers. I have asked them to move cars and they have done that but I do not feel like going around the corner and doing that very often. Thank you.

Ralph Isaacs, 227 Perkins Ave, Vallejo: I live on the right hand side of Molly. Molly is the closest to Rose Imports and I am right next to her. I find myself at a little bit of a disadvantage in that my wife does not always show me the mail when I come home from work. When Molly came over and ask if I was coming to the hearing tonight I said what hearing. Like a good husband I was wondering and she explained what was going on. I find that I agree with the owners of the property. Someone in Planning made a very large error. It is going to cost someone something. It is either going to cost the residents who live on Perkins, possibly, more discomfort or these people that are trying to make a living or possibly eliminating part of their dealership for the so called driveway. I have to agree with them. I don't see what purpose this driveway would serve on this lot. There is quite a bit of congestion. The owners are always, let me repeat, always willing to come and correct whatever we have. But there is heavy congestion, there is a lot of traffic. I am concerned about the safety coming off of Solano onto Perkins since there is work at times being performed on Perkins that I think should be performed on the car lot itself. As a resident I do not see any reason why they could not continue to operate the way they were doing. If the use permit is to be issued I would like to see itemized things that they are allowed to do on the property. I agree with Molly maybe they are doing some things that should not be done. Good neighbors. Always willing to cooperate. I hope that this can be resolved because I think there are two parties. On the side of the owners I would be livid if 22 years later people that you never met made a drastic error and then there is of course the residents and their rights.

Rev F Douglas Northrip, 242 Perkins Ave, Vallejo: I live directly across the street from Rose Imports. My family has lived there since 1951. I remember the fence very clearly. It was between 18 & 19 as long as there was a gas station there. When the gas station was removed the lot was vacant for a year or so. Whoever put the first car lot there removed the fence with no notification and repaved lot 18. As long as the fence was between the two there had never been any paving done to use that as a driveway. The gas station did not use it as a driveway behind the station. My encounters over the last four or five years with Rose's staff, I have never met the owners, but I have had a number of occasions to go over and complain at the office about workmen painting. One day last summer they filled my house with fumes of spray paint. When the shed went up they were spray painting in the shed without proper ventilation or masks or whatnot. As recently as yesterday they had cars parked in front of my residence. When I came out at 2:30 in the afternoon they apologized for having them there and moved them quickly. Some of the staff is very pleasant to me. Some of the staff is very rude to me. In general I view them as being hostile to all of the neighbors. I do not have good relationships with Rose Import staff. They tolerate me and try and keep me pacified but I could not ever say they were friendly towards me. I would like the lot turned back into a driveway and not used to park cars on. The cars that are parked back there are there for a long, long period of time. They are not quick sales. They are cars that are not well attended to. There are weeds growing up among them. The building that was put on the lot is still on the lot. It has been dismantled and is up next to the fence on Perkins. I am afraid that it is going to be put back up again. Thank you.

Ojan Ghauimi, 1605 Solano Ave, Vallejo: The problem that we were having is that we put the shed up because the people were not happy if we wanted to take a dent out or something. Every lot in this town has these sheds. Everyone of them is without permits. If I did it wrong everyone else did wrong too. We removed the shed. This gentleman here, *points at Rev. Northrip*, came in one day in street clothes and

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told us we should not be in the business and should get out of here that we had no license. 21 years ago we got a license properly. Someone checked it out and said we have the license. We pay \$2000+ for our license fee each year. Every quarter we pay \$300,000 sales tax. We have 22 employees. Some of the cars they see parked belong to the employees. The employees have to park. They don't commute together or take the bus. They have to park somewhere. We cannot park in the courthouse because that is 1 hour parking. The only thing we can do is park in the street. If people have a problem we gladly move the cars. Do we have cars in the street, sure. It is a business there. We have to move the cars around. We cannot just tell the customers to go home. The majority of the parking problems are the employee's cars. If there is a solution for that I would be glad to do it for you. Mr. Ghauimi referred to a display that showed the area that referred to the driveway and the area where they fence was originally supposed to go. I do not know where the driveway goes. Maybe it goes to Heaven but it does not go through. He also referred to the display to show where 1615 and 1515 were located. When we purchased the property I did not even know there were three parcels. We never saw the fence. When I came to Vallejo there was nothing there but Chrysler. The dealership is not the issue. The issue is the driveway. The cars are sitting there. They do not bother anyone. There is a lot. If you want me to build a building give me permission. I will build a house on it. I have no problem I have the money to back it up. If parking the cars there is illegal then what is the property good for? If someone tells me I would be glad to do it. Thank you.

Chairperson Legalos: One of the remarkable things is that in the photo you showed us you have very orderly rows of vehicles. You can see that any of those vehicles could be accessed easily. The current status of the lot is that the entire lot is jammed with vehicles. It is hard to imagine taking less than ½ hour to get at some of them. Have you considered looking for a larger area? Perhaps your business has been so successful and grown so much that you have actually outgrown the facility.

Ojan Ghauimi: I do not know where the location of a facility that is available is. I can't afford it. The amount of money at a new facility would be much more.

Chairperson Legalos: There is a lot of commercially zoned land available in the City.

Ojan Ghauimi: Do I have to look at that possibility?

Chairperson Legalos: No.

Ojan Ghauimi: If the City was willing to give me 3 or 4 million dollars I would gladly borrow the money and go and build it. I have no problem with that. To answer your question I cannot afford it.

Buck Kamphausen, 200 Rollingwood Dr, Vallejo: I have been involved in commercial property in Vallejo and I am also in the automobile business along with the funeral and cemetery business. I would be quite surprised if the same thing happened to me that happened to this gentleman. When you are trying to produce income in a City that does not have too much income. When a gentleman such as you tells someone to go get a bigger lot, with the prices of real estate in this town, I don't believe any small business could exist in this town. It seems shameful to me to have a Commission telling an individual like this that is producing. He has too lots in this town and I like to see businesses come into this town. I want to see this town change and be much better than what it is with vocational training and everything else. To see this kind of thing happen. I would just forget it and grandfather him in. He has a right to do business in this town. Thank you.

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Chairperson Legalos closed the Public Hearing.

Commissioner McConnell: What would the purpose of the fence fulfill?

Marcus Adams: I think it establishes a buffer between a commercial use, the intensity of the commercial use, and the residential use. When you read through the minutes which I have attached and you look at the site plan and you see that for them to even allow a commercial use on a residentially zoned property the fence was supposed to be there to separate those uses so you would not have these incompatible uses. There are not only the cars but there are lights that glow into the windows at night. It just serves as a divider.

Commissioner McConnell: And is it staff's position that the only way that some of the problems that staff sees and the public has addressed is to make this business subject to the obtaining of a use permit where conditions can be placed on it.

Marcus Adams: That is correct. That is exactly right. That is the purpose of a use permit so that some of the issues we have heard tonight can be addressed. It is hard for staff to apply those until a complaint comes in. Without the use permit and those conditions staff's hands are pretty much tied unless there is a public health situation or a gross violation of some kind.

Commissioner McConnell: What kind of records did you find when you searched the City records back to 1950 and 1970 in the Planning Division?

Marcus Adams: Within the Planning Division itself we have our card file. Also in our parcel books there is information about what types of businesses are there. Then there is the Polk Directory. That is where we were able to establish that there had or had not been a used car dealership there and when it was established on the three parcels. We also have unit investigations that we can look into sometimes. Lastly we have the business license records. Those do not go as far back as the 1950s and 1960s.

Commissioner McConnell: I understand that a business license, which is nothing more than a revenue earning measure for the City. Did staff attempt to research any records of the previously operating businesses at this location? Did you go back and see what you could find in a file or anything?

Marcus Adams: The Polk Directory told us what businesses were there for that time period. We searched for those businesses and those business names. That is about all we did.

Commissioner McConnell: Are there any files in the City that you can look into?

Marcus Adams: The only files related to the property that we could look into was the use permit that was issued in 1959, #546. If the proper permits were never obtained we would not have a file or record of them.

Commissioner McConnell: Were you able to contact any people involved in those businesses at the time to speak to?

Marcus Adams: No. I did not search for people that used to work at those companies.

Commissioner McConnell: Is it within the power of the Planning Division to waive or reduce use permit application fees?

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Don Hazen: Staff does not really have that type of discretion. The City Code is adopted by City Council and they mandate that we follow those letters of the law. I think our feeling is that it is never too late to enforce an Ordinance particularly when we are dealing with neighborhood compatibility issues and most especially when there have been complaints by neighbors. If we discover we have a code violation we are really compelled to act on that. It never entered our thought whatsoever to waive that because it was brought to our attention, we have a, in our opinion, use that is not in compliance with the codes. To us it was a straight forward matter.

Commissioner McConnell: I understand staff's thinking on that. In your view the only way to reduce an applicant's application fee is by specific act of City Council?

Don Hazen: Well we really never got down to the discussion of the fee. Yes the fee schedule is set by Council. I presume the Council could waive that if someone wanted to petition the Council and say they had been here for 20 years and I think I am entitled to a waiver on the fee. We did not get down to that level of analysis to be honest with you.

Commissioner McConnell: I will ask the City Attorney if "Grandfathering" is an actual recognized legal principle that is enforceable. Now, Mr. Adams, there is a residential lot here. If this was a use permit, and I understand that it is not, but if it was, what would staff's position be on what could be placed into that residential lot?

Marcus Adams: My recommendation would be to rezone that and not have residential. Then you could have a commercial use on it. There is question as to whether residential is compatible with the General Plan. Then you could have the commercial use on lot 19. Lot 18 would need to have some type of a buffer. Maybe not all of lot 18 would need to be buffer. We recognize that the driveway is not needed now but there should be up to 20 feet between the residential use and the commercial application. That way we avoid the situation like we have now. If they want to leave it residential, the owner spoke of putting a house there. Staff would love it if they put a house there. That is what it is zoned for. That would be great.

Commissioner McConnell: If we were to approve a rezoning we would want to have the commercially owned property merged into one lot?

Marcus Adams: We would want to have lot 19 merged into lot 20.

Commissioner McConnell: I am assuming that we could provide for some screening through trees and things like that.

Marcus Adams: You would want to have screening and landscaping on lot 18.

Commissioner McConnell: And that would address the problems with light intrusion.

Marcus Adams: Light, yes.

Commissioner McConnell: For sound microphones could be programmed so as to go into the lots only.

Marcus Adams: Correct.

Commissioner McConnell: What about the number of employees that have to park in this area?

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Marcus Adams: This is a case where I think the success has been too good. Normally with use permits we look into such things as employee parking. We ask that the parking does not affect the neighborhood. Somehow, someday, Rose Imports would have to find a way to have the employee's park within the property there. People can park on City streets but part of the use permit is to lessen the impacts of that use on the neighborhood. That is something that would have to be looked into.

Commissioner McConnell: My office is not far from that neighborhood and there is a 2 hour restriction on parking in front of my office but I have never seen an officer attempt to enforce that in the years that I have been there. We can put conditions there but what good does it do us if we really do not have the ability to enforce them?

Marcus Adams: That is correct. The Traffic Engineer prefers that we handle these things on the front end rather than wait for a problem to come up and then you have limited parking. That is why you see so much limited parking areas in Vallejo.

Commissioner McConnell: In your knowledge of use car dealerships in the City of Vallejo has there ever been a restriction placed on the number of vehicles that could be placed on that lot?

Marcus Adams: Not the total number. Normally what we would do is have them demarcate the parking lots and that way we can keep a hold on the number of cars that would be there. To my knowledge we have never said you can only 70 cars there for sale but we have them demarcate the lot and then the Commission says that there can be no cars for sale within the identified stalls. That usually handles that situation and potential problem.

John Nagel: The first issue has to do with lot 18 and the fact that it is zoned residential. There is no way that you can grandfather in a use that is against the law. Zoning is an ordinance adopted by the City Council and Planning Commission setting all the different laws. There is no way that that lot could be grandfathered in or used for a commercial activity without a rezoning as the Commission has been told. As to the other lot in order for something to be grandfathered in what essentially has to happen is that the use has to be a legal use at the time and then the use has changed afterwards, therefore what it becomes is a legal non-conforming use. You have to look at what the situation was in 1970 because that is when the Ordinance changed. The allegation is that in 1968 it was a used car lot. What the records show is that there was no proof that in 1968 there was a used car lot there nor was there a use permit that would permit a use car lot to be there so therefore I cannot see how you can construct an argument that somehow now the lots 22 through 26 are somehow a legal non-conforming use because there was a legal use there prior to the requirement of a use permit for a car lot. People sometimes get confused about what the intent of a business license is. It is unfortunate that historically it has been referred to in terms of a license. In people's minds when they hear that they believe that is gives some measure of permission, permitting, or approval for the activity which the person is paying tax for. In reality it is simply a taxing mechanism in which the City receives a report from the owner when income is generated there and they pay a tax on that and therefore the Planning Commission missing that the underlying use was there would not grandfather them in because taxes were paid. Trying to look at the business license, the approvable uses that are there, and the zoning I just simply don't see how the use on lot 18 by itself or lots 22 through 26, that you could permit them to have a used car lot without a use permit for 22 through 26 and without a rezoning of lot 18 to CL and a use permit along with that rezoning. I can see where the Commission has no ability to construct an argument that would permit them to continue their use.

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Commissioner McConnell: What about the potential estoppel argument where the applicant came to the Planning Division and the Planning Division signed off on this. Doesn't that raise potential estoppel?

John Nagel: No because the purpose of a business license is simply to collect the tax. I do not know of any cases where that alone would allow this to rise to the level of estoppel. You have to remember, the principle of equitable estoppel is such that the fairness, not the law, but the fairness of the facts would require that something happen other than what the law requires. An equitable estoppel against a government entity, the government has a little bit more advantage than a private individual. That is because the purpose of government is to protect the greater public and that is by having zoning laws. I think it would be very unlikely that a court would ever say that equitable estoppel would require the City to change its zoning of that lot. As to the use permit for lots 22 through 26 I think there would be a little more likelihood that a court might consider that. I think it would be improbable that a court would consider that because the purpose of a use permit is to address the issues that Marcus raised in terms of how one mitigates a use that is going to have a larger impact than is normally in the zoning. I don't see an equitable estoppel argument on any of the lots prevailing.

There was a lady in the audience that stood and started loudly stating information. Chairperson Legalos called out of order because the public hearing was closed and asked her to be seated which she did.

Commissioner McConnell: I think this is a situation that requires some negotiation between staff, the applicants, and the neighborhoods. Maybe more in the form of a mediation session rather than simply voting this up or down tonight. I would like to send it back for further discussion to see if some middle ground can be accomplished. Middle ground means that both sides need to give up more than they are willing to give up and get less than what they hoped for. That is the answer to resolve this neighborhood dispute here. Perhaps the lot is oversaturated with vehicles and that is causing some parking problems. Perhaps some of the noise and lighting problems can be addressed through screening. Perhaps we could have a neighborhood hot line where they could contact the office rather than having to come over physically. I think there are a lot of accommodations that can be considered. Until that attempt is made I think it is premature to go ahead and vote this up or down this evening. I would also like to suggest to staff that they explore the potentiality for finding a way, if not to waive, then to at least reduce the use permit application fee back to what it would have been at the time it should have been obtained. That only seems fair and equitable and just as well. Those are my thoughts on the process. I am looking forward to hearing others at this time.

Commissioner Manning: I think this whole thing is very unfortunate for both the owners and the neighbors. You did not go out there because of the use permit you went out there because there was a complaint from the neighbors. If they had a use permit what would you have done?

Marcus Adams: We would have addressed the complaint issues. In this case the major ones were using the building for something other than approved for; the parking; and lighting and noise. We would just have handled the complaint issues.

Commissioner Manning: How would you have addressed the building? Would you have cited them?

Marcus Adams: I am not going to respond to some of the characterizations that were made but normally what I would do is visit the site, see if the complaints were valid,

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talk to a manager or property owner and let them know what the problem was. Staff really tries to avoid getting to the point where it has to come to the Planning Commission. If we can't work something out verbally when we are there we send a letter making a record of that. We call it a courtesy letter officially informing them of the complaint. We give them a certain amount of time to correct that. If that does not happen then we would send one more notice and possibly make some phone calls, then a citation happens. After a citation happens they can address the citation or appeal the citation. That is how I would have handled it and actually that is how this process worked. Staff definitely did try to work this out. They may disagree on how but there were phone calls and stuff. It is a confusing situation with the addresses. We wrote letters to explain that and we did try to come to a compromise on the situation.

Commissioner Manning: My impression is that the fence is actually perpendicular to Perkins. It was between the two lots on Solano. It was splitting them down the middle. When you look at it, it looks like on big lot when you go there now.

Marcus Adams: Right.

Commissioner Manning: The fence we were talking about was pretty much going down the middle of that lot where the gas station was towards the Perkins side. I don't understand how putting a fence there now would buffer the neighbors. I understood what you were saying about lot 18. Why would splitting the area they have for selling their cars help?

Marcus Adams: That would not be our first recommendation as far as putting the fence up. Our first preference would be to rezone it and to do some other things such as shrubbery. At a minimum the fence would then eliminate any possibility that the commercial use would start to drift on over to lot 18 from lot 19 and then next to that property. There needs to be some type of barrier to prevent us having to be back here in a few months or years down the road.

Commissioner Manning: Just going out there today, any indication that lot 18 was ever a residential zoning, it is hard to discern that, it is just like part of that big lot where the cars are there. The great irony to me is that if there had not been a complaint by the neighbors because of the spraying and paint and because of the building of the construction there we would not even know about this. It could have continued on for another 40 years without anyone knowing the right permits were not there and that it was not zoned properly.

Marcus Adams: I am not going to comment on that. I will comment on one thing to make clear that the business license, when it is just a renewal, does not come to the Planning Division to check the legality of the use. It usually goes through the mail. When a new business comes or it is a reestablishment or they are changing the use staff gets a chance to check that. Renewals are done through the mail.

Commissioner Manning: You are saying that because Rose Imports came in it was just a renewal. It was a new license they were applying for.

Marcus Adams: No, what I am saying is that the impression that maybe year after year the Planning Division got a chance to look at this and make determinations is not accurate because renewals are done through the mail.

Commissioner Manning: I do not know if it is appropriate but I just want to comment on having been a small business owner in this community and going down to get a business license I had to go to the Planning Division to get it OK'd. My assumption

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would have been the same at these owners here; that they had done the right thing. The whole thing is unfortunate. I do not see what other recourse we have because it is not zoned appropriately for what they are using it for.

Don Hazen: I want to offer a couple of things in that regard as well. You might recall at your last meeting you dealt with an ice cream businessman that had a series of business license renewals for the last 20 years or so too. Because of complaints it was discovered that he did not have the necessary permits. Luckily for him he found another site. We also had the issue of the outdoor storage that was brought to our attention from the adjacent use who was an adult day care type use. This seems to be a consistent pattern that maybe we need to look at how we renew business licenses but we are in the position, and I know you are not suggesting it to be selective, but it seem ironic that we are dealing with that tonight and you have had two such projects at your previous meetings as well. I think at those two meetings you address this by going in and applying the regulations that we have to enforce. It is painful. I recognize that.

Commissioner Peterman: At one point the appellant said that the same address applies to all three parcels. Is that true?

Marcus Adams: Not according to our records. The County records show lots 22 – 26 being 1605 Solano and then the rest of that being along Tuolumne there. 1615 is lots 19 & 20 front Solano and Perkins and the parcel with the parcel number fronts Perkins. At no time has it been one parcel or one address.

Commissioner Peterman: So is the residential parcel has the 1515 Solano address.

Marcus Adams: That is the one that Katherine pointed out is the address of the cabinet shop down the street. That is why we voided that citation and is why we refer to that as the parcel number instead of that site address. That site address does not even face Perkins. The County handles the addresses through a third party, MetroScan. The parcel number has been consistent as far as that parcel on Perkins since we have been keeping records of parcel numbers.

Commissioner Peterman: I still do not understand if it faces Perkins why it does not have a Perkins address. I certainly agree that if I had started a business 30 some years ago and went through all the hoops that I thought I had to and someone told me sorry Charlie you are out of luck I would be quite annoyed too. You are saying that the fence should be between 18 & 19 correct?

Marcus Adams: Correct.

Commissioner Peterman: That would be a small parcel then that would really be of little use to them. Would there be some way to make the fence closer to the existing fence? Or could they plant some vegetation closer to the existing fence so they would have use of that property?

Marcus Adams: I think that is something we would entertain with a new use permit application. We would have to use the appropriate buffer between the residential and commercial uses. Do we need a 30 foot buffer, probably not but do we need more than 2 feet, I would think so. That would have to be negotiated.

Commissioner Peterman: I just wanted to say the I think having 15 feet would be more than is actually necessary for that kind of buffer between the residential and the commercial. When they talk about how much revenue they bring into the City, Heaven knows we need that. I would hate for that to discontinue. Thank you.

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Commissioner Turley: I am a little bit disappointed that this project is even being brought before us. Here is a business that has been in business for more than 30 years and all of a sudden a bunch of new people come along and say there is a problem there. Well, maybe there is a little problem there. I even mentioned the Rose Import cars in the street. But really that is no big deal. I am concerned about the maintenance building meeting code compliance especially in the painting area. I would hope that that is Fire Department approved and also has adequate ventilation so the fumes do not bother the neighbors. I really believe that this project should be grandfathered in with no additional fees. I think \$4000 had been mentioned. For some of the small businesses it is a big deal. There is a saying that might fit here very nicely, "If it ain't broke, don't fix it." It might be bent a little bit but I do not believe it is really broke. I would also favor postponing this project for further discussion and consideration. Perhaps mediation would be appropriate. No way do I want to go on record of trying to drive a small business out of town that produces more than a million dollars to the City tax coffers. Thank you.

Commissioner McConnell: We have a situation here that has to be resolved. The applicant has a problem in that if they ever want to sell this property they now have a cloud on their title. That could cause substantial delay in the ability pass clear title. This matter has to be resolved. I am going to offer a motion to continue this so that the matter can be studied further by staff and the applicant because this has to get finished. Waiving the fee, fencing, combining the lots, screening; these things are not going to resolve the problem that this application presents this evening. With that thought in mind I am going to move that this matter be continued to the January 15, 2007 meeting. Before that time I would hope that the applicant, the owners and staff would meet and make some adjustments so that this can be worked out.

Commissioner Peterman: I would wonder if that would give them enough time to sit down and negotiate. I think we should put it a little further out.

Commissioner McConnell: That is fine. I am open to any dates that everyone is agreeable with.

Commissioner Peterman: I would like to amend it to the first meeting in February, which would be the 5th.

Commissioner McConnell: I accept that.

Commissioner Manning: If we send this back to the Planning Division what would they come back to us with? The owners still have to rectify this.

Don Hazen: I guess I understand what the Commission would like to see happen. I am sure we can work those things out but I would have to defer to our City Attorney as far as the legal avenue we would have to take to get to this mutually acceptable solution.

John Nagel: Essentially what staff would have to do is to reevaluate their initial analysis and determine that they were inaccurate or wrong as to lots 22 – 26 to see whether or not a use permit is needed or not. As to lot 18 it is zoned residential and it has a use permit on it that is not to sell cars it was to be a driveway for another business. I do not know how staff could get around that issue to say OK we are going to give a use permit for something on residential property that is not allowed. It is very awkward. If the issue were simply a use permit needed to be obtained and the property owner did not want to pay the fees they could petition City Council and possibly the fees could be waived because of the historical presence of the property owners on the site. In the best of all worlds that may indeed be the best way of

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finding middle ground as to lot 22 – 26. Lot 18 is much more difficult because it is zoned residential. At this point staff is not even certain that they could make the finding to change it from residential to commercial because of the General Plan. If that finding cannot be made there is no legal basis for even changing the zoning. Too assume the worst and that analysis is correct then I am not sure anything could be done for lot 18. The other lots could obtain a use permit and petition the City Council to waive the fees. There is also no certainty that the City Council would be willing to do that.

Don Hazen: From a policy standpoint I look at the number of applications we talked about at the last meeting and another one tonight and from a policy standpoint I do not like the idea of retroactively going after people and saying you did not apply for a use permit 20 years ago. I am very troubled by that and I think in the end what we are looking for is getting to whatever those issues were that prompted people to wait many years to bring it to the City's attention which usually means it is at a breaking point where patience have run out. I would like for staff to really emphasize on working out solutions. If there is a complete failure on negotiations between the two parties we would come to you as a last resort. From a policy standpoint I do not believe we need to be so quick to delve into our file cabinet and look at what paperwork we have on file. I would like to see us spend more time putting the parties together and working out the issues. I do not mean to say that staff had not done their job and followed the letter of the law. Sometimes the law is very painful and in the end all we are looking for is just to make all the parties be satisfied and co-exist. I am confident that we can do that in the future and I hope that we don't have to bring these sort of matters to you on a consistent basis unless all else fails.

Commissioner Turley: Here is another point. Commissioner McConnell said that there is a cloud on the title. I am familiar with what that term means. He also pointed out that should you want to sell this property you would have to get the cloud removed before you could transfer title. If I owned that property and there was a cloud on it and I had no plans on selling it I would just let it ride. Then if 20 years from now I decided to sell the property I knew there was a cloud on it. Then about a year before I would sell it I would proceed in clearing the title. Thank you.

ASYES: McConnell, Morris, Turley, Peterman
NOS: Legalos.
ABSENT: Engelman, Salvadori.

Motion carries.

2. **Use Permit 06-0039** is an application for additions to the chapel and administrative areas of Skyview Memorial Cemetery located at 200 Rollingwood. Proposed CEQA Action: Exempt.

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

Buck Kamphause, 200 Rollingwood Dr, Vallejo:

3. **Tentative Map 06-0002** is an application for the conversion of 54 units into condos located at 301 Fairgrounds Drive. Proposed CEQA Action: Exempt.

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

4. **Code Text Amendment 06-0004** is a revision of Chapter 16.70 of the VMC-Screening and Landscaping Regulations.

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Continued to the meeting of February 5, 2007.

L. OTHER ITEMS

None.

M. WRITTEN COMMUNICATIONS

None.

N. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 8:51 P.M.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Deborah Marshall".

(for) DON HAZEN, Secretary



STAFF REPORT

CITY OF VALLEJO PLANNING COMMISSION

Date of Hearing:

December 18, 2006

Agenda Item: K1

Application Number:

Use Permit #546A (appeal) as governed by Section 16.102.030 of the Vallejo Municipal Code (V.M.C.)

Recommendation:

Recommend **DENIAL** of appeal of Use Permit #546A and **ACCEPTANCE** of staff determination that the use being conducted at 1605 Solano Avenue requires conditional use permit approval and that the use occurring at Lot 18 of assessors parcel number 0057-182-020 is in violation of conditions of approval associated with Use Permit #546 based upon the findings contained in this staff report.

1. **PROJECT DESCRIPTION:** The applicant is appealing a Planning Division staff determination that Rose Import Motors is operating a used car dealership located at, 1605 Solano Avenue, and never received a conditional use permit to operate. Also being appealed is staff's determination that the conditions of Use Permit #546 are being violated by the parking of used cars for the same dealership on Lot 18 of Assessor's Parcel Number (APN) 0057-182-020, which abuts a residential property (see Attachment A).

The appellant believes that a used car dealership was previously established at 1605 Solano Avenue before their tenure and that their use should be grandfathered in. The appellant also believes that due to the length of time used cars have been displayed on Lot 18 (Assessor's Parcel Number 0057-182-020), and Rose Imports having received a business license from the City to operate, they should not have to get a use permit to continue to display cars.

2. **LOCATIONS:** 1) 1605 Solano Avenue APN: 0057-182-150
2) Perkins @ Solano APN: 0057-182-020 (lot 18)
3. **APPLICANT:** Kathryn & Ojan Ghavimi
508 Atkins Court
Benicia, CA 94510
4. **PROPERTY OWNER:** Kathryn & Ojan Ghavimi

5. EXISTING LAND USE:

- 1) The property is currently occupied by vehicles displayed for the purpose of used retail sales; an office building; and a building being used for vehicle maintenance and cleaning.
- 2) Assessors parcel number 0057-182-020, lot 18 is occupied by vehicles displayed for the purpose of used retail sales

6. SURROUNDING LAND USES:

- 1) 1605 Solano Avenue is encompassed by adjoining used car sales to the east, commercial uses to the north and west and residential use to the south.
- 2) Lot 18 is encompassed by adjoining used car sales to the north and west and residential uses to the east and south.

7. CONFORMANCE WITH ZONING REGULATIONS:

- 1) 1605 Solano Avenue is zoned Linear Commercial (CL). Automotive and equipment sales are permitted with conditional use permit approval, per Section 16.22.040(B)(3)VMC
- 2) Lot 18 (APN 0057-182-020) is zoned Low Density Residential, (LDR). Automotive and equipment sales are not permitted within LDR zoning districts.

- 8. NOTICING AND PUBLIC COMMENTS:** Notice of the appeal was sent to: property owners within 500 feet of the subject property and the applicant on December 6, 2006. As of the date of this report, staff received one phone inquiry related to the notice. The property owner wanted to know why she was sent a notice when she doesn't live near Rose Imports. Staff explained to her that since she owned a rental property with 500' of Rose Imports, she was notified of the public hearing. The property owner requested that no notices be sent to her in the future.

- 9. ENFORCEMENT CASE HISTORY:** On July 25th and November 8, 2001, Planning Division staff sent letters to Rose Imports informing them that complaint's had been received (and confirmed) from neighbors stating that Rose Imports was parking their vehicles on city streets. The parking of used cars on city streets eventually stopped.

On August 2, 2006, a neighboring property owner of Rose Imports came into the Planning Department to file the following complaints regarding Rose's operation: 1) an accessory structure, i.e. temporary metal carport, had been erected at the property line of assessors parcel number 0057-182-020 (lot 18) and that light body work, painting, and auto storage was occurring within the structure; 2) Lot 18, which was

never intended to be used as a parking lot for used cars, was in fact being used as a used car display area which was a violation of a use permit granted many years ago (UP #546); 3) Rose Imports never got the proper permits to operate their business at their location since she had never received a notice from the City informing her and her neighbors of their proposed use.

On August 7, 2006, staff conducted a site visit to Rose Imports in order to verify the complaint received. Upon inspection, staff did observe the accessory structure located on Lot 18 as well as used car sale display being conducted at the lot and at 1605 and 1615 Solano Avenue. Staff sent the owners of Rose Imports, Mr. & Mrs. Ghavimi, a letter informing them of the zoning ordinance and use permit violations occurring at their location with a deadline to comply or instructions on how to appeal staff's determination (see Attachment B).

On August 18, 2006, the case was turned over to Code Enforcement for administrative citations with three citations being issued on August 25, 2006, (see Attachment C).

On November 1, 2006, Kathryn Ghavimi filed an appeal to the Planning Commission of staff's determination that a use permit is required for used auto sales occurring at 1605 Solano Avenue and that the used car sale display occurring at Lot 18 is a violation of Use Permit #546 (see Attachment G).

10. ADMINISTRATIVE CITATION EVIDENCE:

Staff's determination that land use violations are occurring at the two Rose Import properties were based on the following:

Appeal Issue #1- 1605 Solano Avenue

Based on **Polk Directory records**¹, two tire companies were located at 1605 Solano Avenue from 1957 to 1971 (copies of Polk records available at Planning Division office). Starting in 1970, used car sales required a conditional use permit, per the **Vallejo Zoning Ordinance**. The Planning Division has no record of a use permit for used auto sales at 1605 Solano Avenue ever being issued. Staff has found the Polk Directories to be the most accurate way of determining land uses at properties when the use was established prior to the City keeping business license records (approximately, 1965).

Appeal Issue #2- APN #0057-182-150, Lot 18

In 1959, **Use Permit #545** was approved by the Planning Commission to allow a

¹ R.L. Polk & Company are a private firm who as part of the Association of North American Directory Publishers, produce national Directories for cities which include a complete inventory of residents and businesses in the community for which it is published. They are highly regarded by Planning Departments' country wide as a reliable, accurate source of information.

service station to operate at the site, lots 18 and 19 (see Attachment H). Specific conditions were placed on lot 18 that the lot not allow "parking of trucks or other commercial vehicles on the property and that there shall be no creation of odors, smoke, or noise thereon, and that there shall be no further illumination of the property which would constitute a nuisance to adjoining properties." The site plan approved as part of the use permit illustrated a 6' board fence to separate lots 18 and 19. According to neighborhood testimony, the fence was installed.

Because use permits run with the property and not with the use, and based on the fact that the Planning Division has no record of a new use permit being issued for the lot in question allowing used car sale display, staff determined that the used auto sale display on lot 18 was a violation of the conditions of Use Permit #545.

11. STAFF RECOMMENDATION:

Appeal Issue #1: Used car sales/display being operated at 1605 Solano Avenue without required conditional use permit approval.

As detailed in staff's letters to Rose Imports dated August 7th, September 12th, and October 19th staff's research indicates that M & M Tire Company was located at the subject property from 1957-1965, and that Golden State Tire Company was located there from 1968-1971. Staff concurs with the Ghavimi's that Vallejo Chrysler Plymouth established a dealership at 1605 Solano Avenue; however, records indicate the dealership was established in 1972, two years after use permits were required for used car sales in the City. Because the used car sale use was never "legally established" staff does not consider it eligible to be grandfathered in and believes for the use to be legally conforming, a conditional use permit must be granted. As of the date of this report, the appellants have not provided any evidence supporting a claim that used car sales were established at 1605 Solano Avenue prior to 1970.

Based upon staff's research and findings staff recommends the Planning Commission **DENY** the appellants appeal and **AFFIRM** the Planning Division's determination that the used auto sales occurring at 1605 Solano Avenue require use permit approval, as stated in Section 16.22.040(B)(3) of the Vallejo Municipal Code. The appellant shall submit a use permit application, including a detailed site plan illustrating all structures, driveways, and demarcated auto display spaces within thirty days of the Commission's decision. Failure to submit the use permit application and associated plans within the thirty day period shall result in immediate administrative citations.

Appeal Issue #2: Used cars sales/display occurring at assessors parcel number 0057-182-150 Lot 18 are in violation of Use Permit #545 which allowed a commercial driveway to be established on Lot 18 with the conditions that there shall be no parking of trucks or other commercial vehicles on the property and that there shall be no creation of odors, smoke, or noise thereon, and that there shall be no further illumination of the property which would constitute a nuisance to adjoining properties.

Staff believes it is very clear that the use permit issued in 1959 to establish a service station at assessors parcel number 0057-182-150 took into account the residential zoning of the property and its abutting residential property with the conditions applied to the permit and the allowed use for Lots 18 and 19. This is borne out by the approved plans for the service station which although hard to identify, detail clearly enough a six foot board fence separating lot 19 and 18, with lot 18 to be used only as a commercial driveway. Though the Ghavimi's state that the previous property owner, Ron Barber, does not remember a driveway use or fence being located at lot 18, staff conversation with neighbors, including the abutting neighbor of lot 18, who has resided at her property for over 50 years, indicate otherwise.

It is staff's belief that whether the fence was removed before the Barber's and Ghavimi's owned the property or not, the purpose of a fence being approved and at one time, installed, was to clearly separate a commercial use on a residentially zoned property from a single family home abutting the use. Staff believes this issue goes to the very fundamental basis for zoning regulations: to promote the health, safety, and general welfare of the public, while protecting their property rights.

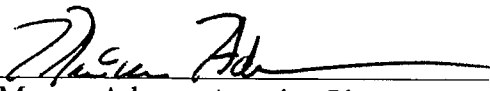
The Ghavimi's question/statement of "why should we now need to get a use permit when according to Mr. Adams the city failed to obtain one (a use permit) after almost 30 years" (see November 20th appeal letter) infers that because the City has not required a use permit for the activity taking place at lot 18 for over 25 or 30 years, the non-permitted use should be allowed to continue, despite any negative impacts on neighbors.

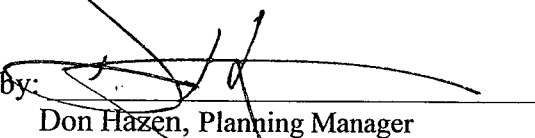
Staff has repeatedly explained to the Ghavimi's that these issues regarding the uses on their lot only came to the Planning Division's attention when the complaint was filed (August 2006) and upon receiving the complaint, staff took immediate action. It should be kept in mind that though the Planning Division does make all attempts to check the legality of uses at properties before signing off on business licenses, for the most part, when a business has been established at a particular location, especially for years, staff signs off when a new owner or name change is taking place and does not do an extensive historical land use review of the site. It should also be noted that the business license application for commercial uses are only a "tax" not a permit to operate according to the City Attorney's Office.

Based on these facts, and the fact that as of the date of this report, the appellants have not provided staff with any documented evidence to support a finding that a used car lot was ever legally established on lot 18 of assessor parcel number 0057-182-020, staff recommends the Planning Commission **DENY** the appellants appeal and **AFFIRM** the Planning Division's determination that the used car display and parking at lot 18 of assessor parcel number 0057-182-020 is in violation of Use Permit #546 and should be abated, with a six foot board fence placed at the property line between lot 19 and 18, as identified in the associated plans within thirty days of the Commission's decision. Failure to abate the violation and install the fence within the

thirty day period shall result in immediate administrative citations.

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

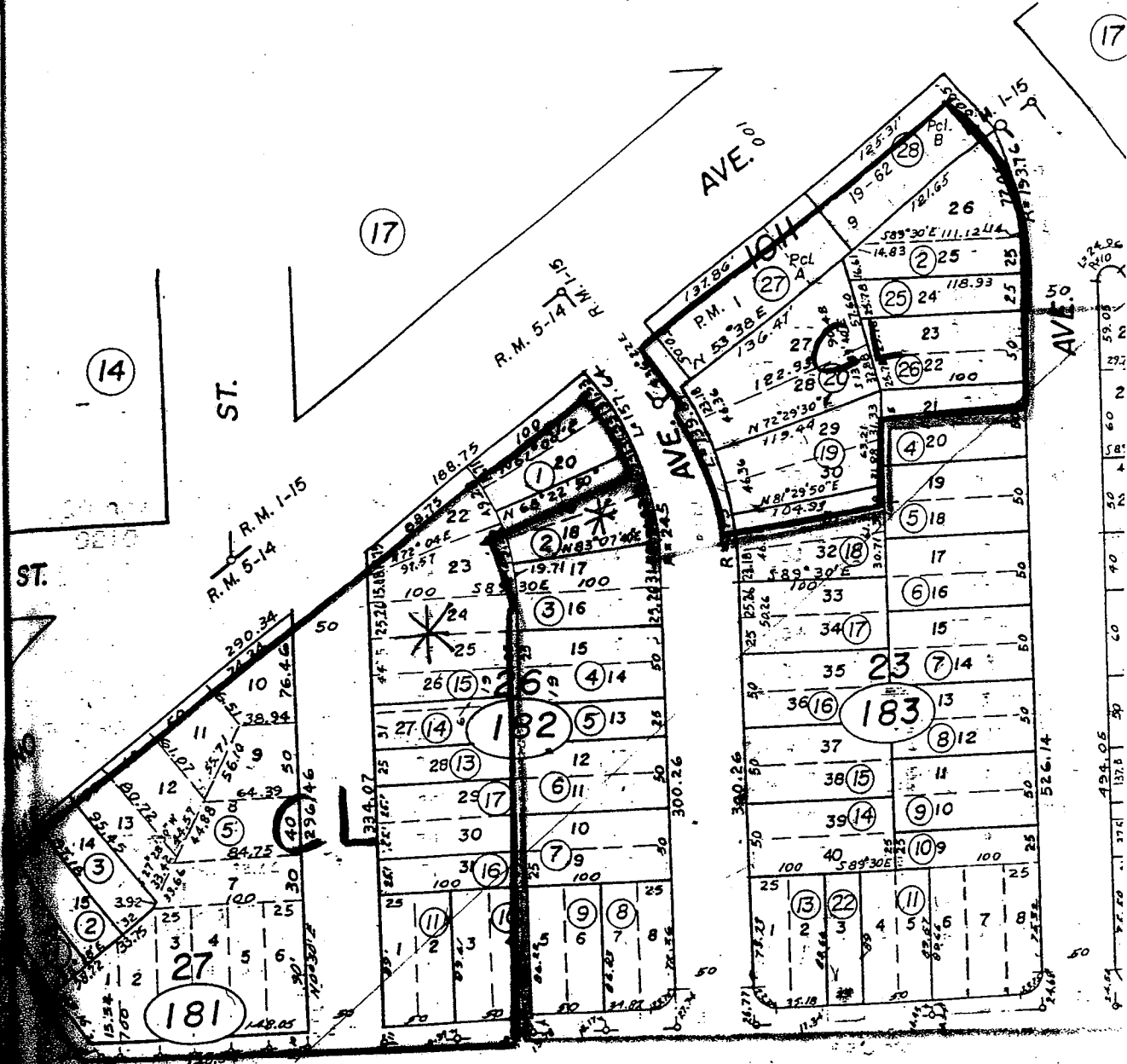
Prepared by: 
Marcus Adams, Associate Planner

Reviewed by: 
Don Hazen, Planning Manager

- Attachment A: Parcel map identifying subject lots
- Attachment B: August 7, 2006 Planning Division letter sent to Rose Imports
- Attachment C: Administrative citations
- Attachment D: September 1, 2006 letter from the Ghavimi's
- Attachment E: September 12, 2006 letter to the Ghavimi's
- Attachment F: October 19, 2006 letter to Kathryn Ghavimi
- Attachment G: November 1, 2006 appeal application & November 20th appeal statement letter
- Attachment H: Use Permit #546 and associated plans/documents
- Attachment I: 1969, 1970 zoning ordinance standards
- Attachment J: Site pictures
- Attachment K: Conflict of Interest Map

J:\PL\Marcus\2006permits\appeals\roseimports\staffreport

POR. S 1/2 SEC. 18, T 3 N.,



GEORGIA

WALLACE

TUOLUMNE

PERKINS

GLEASON



CITY OF VALLEJO

Development Services Department

ATTACHMENT: B

Planning Division
707-648-4326
707-552-0163 Fax

Building Division
707-648-4374
707-552-0163 Fax

Code Enforcement Division
707-648-4469
707-649-3540 Fax

555 SANTA CLARA STREET • P.O. BOX 3056 • VALLEJO • CA • 94590-5934

August 7, 2006

Kathryn & Ojan Ghavimi
508 Atkins Court
Benicia, CA 94510

SUBJECT: Use Permit #546-violation of commercial driveway use conditions @
1515 Solano Avenue & potential current use violation, Used Auto
Sales w/o required Use Permit: 1605, 1615 Solano Avenue, APN 0057-
182-150

Dear Mr. & Mrs. Ghavimi,

The Planning Division has received an anonymous complaint that the property located at 1515 Solano Avenue is being used in violation of the use originally approved in 1959 which was for a commercial driveway. As I attempted to explain to you and your husband Ojan on Monday August 7th, the properties, 1605 & 1615 Solano Avenue, where Rose Imports operates were originally developed with a service station. Because the adjacent lot, in question (1515 Solano Avenue) was (and still is) zoned for residential use, the owner, Mr. Warren J. Miller, applied for, and was granted, a use permit (#546, enclosed) to use the lot for the sole purpose of a commercial driveway, with the following conditions: 1) no parking of trucks or other commercial vehicles on the property; 2) that use of the property create no odors, smoke, or noise; and 3) no further illumination which would constitute a nuisance to adjoining properties occur. As of the date of this letter, the lot in question, 1515 Solano Avenue, was not being used per Use Permit #546 conditions and purpose, and in fact, now contains a structure which abuts the neighboring property line, blocking a window (see enclosed picture) and used cars for sale.

Upon researching the history of this parcel and 1605/1615 Solano Ave., where Rose Imports displays their vehicles, it was discovered that the building permit to demolish the service station was issued in 1976 (copy enclosed), but that a "use permit" for used auto sales was never issued, according to Planning Division records. Use permits for used auto sales at the site of Rose Imports have been required by the City of Vallejo since 1970. According to long time neighborhood residents, used car sales did not occur at 1605/1615 Solano Ave. prior to 1970. The Building Division permit records show that the earliest a building permit was granted for any used auto sale use at the site was March 9, 1988 by Blanca Motors. Business license records indicate 1981 as the earliest record of auto sales at the property, Rose Imports.

To avoid an administrative citation of \$200.00 or more per cite, and possible revocation or suspension of Use Permit #546, please do one of the following by **August 17, 2006:**

1. Remove the steel canopy structure and all vehicles from property located at 1515 Solano Avenue and use the property only as a commercial driveway OR apply for a lot line adjustment and zoning map amendment changing the zoning of the parcel to a commercial use (linear commercial) and merge the parcel with your parcels at 1605/1615 Solano Avenue; and,
2. Provide evidence of a use permit granted by the Planning Commission for used auto sales at 1605/1615 Solano Avenue OR if no evidence is available (no evidence of use permit was found within City records) apply for a Use Permit to legalize the current used car sales occurring at the property.

Judging from you and your husband's verbal responses made to me during my site visit, I presume you will want to appeal any enforcement action related to the violations cited in this letter. In order for you to appeal the Planning Division's determination and/or code enforcement citations, one of two actions need to occur:

1. You refuse to apply for the required use permit to legalize used car sales by the above date and refuse to remove the structure and cars from 1515 Solano Avenue, in which case, you will receive an administrative citation, which may be appealed to the Planning Commission; or,
2. You remove the structure and cars from 1515 Solano Avenue, avoiding a \$200 administrative citation, but appeal the Planning Division's determination that a use permit is required for auto sales at 1605/1615 Solano Ave. to the Planning Commission, who will then determine the future use of the residentially zoned 1515 Solano Avenue and whether you need to apply for a use permit to continue used car sales

Sincerely,



Marcus Adams
Associate Planner

Cc: Rose Imports

Ella Mae Lofton, Code Enforcement Officer- South Division

Citation #: 06-1262A

CASE #CE06-1262

Administrative Citation

☒ 1st Citation ☐ 2nd Citation ☐ 3rd Citation ☐ 4th Citation ☐ 5th Citation

PERSON CITED:

GHAVIMI OJAN & KATHRYN JT

VIOLATION ADDRESS

PARCEL#

1605 SOLANO AVENUE

0057182150

MAILING ADDRESS

508 ATKINS CT BENICIA CA 94510

An administrative fine in the amount stated below is now being imposed. To avoid **additional citations** please correct this code violation by **9/3/2006**. Other enforcement action may result if compliance is not achieved by the third citation.

Municipal Code Section Violated	Fine Amount	VIOLATION DESCRIPTION:
16.22.040	\$200.00	Requires a Major Use Permit for used auto sales.
Total fine amount	\$200.00	(see reverse side for payment and appeal instructions)

Municipal Code Section Violated	CORRECTIONS REQUIRED
16.22.040	Please apply for a Major Use Permit, or provide evidence of major use permit or that used cars sells established on the lots prior to 1970. If you have any questions, please contact Marcus Adams in Planning Division at 648-5392.

Date and time violation was observed: 8/23/06

Citation Date: 8/24/2006

Issuing Officer: Dong M. Yoo

Signature: 

Citing Department / Division: Code Enforcement Division

Phone Number: (707) 648-4469

Department Address: Code Enforcement Division, 555 Santa Clara St. 2nd floor, Vallejo, CA**READ REVERSE SIDE FOR IMPORTANT APPEAL INFORMATION**

CITY OF VALLEJO

Citation #: 06-1264A

CASE #CE06-1264

Administrative Citation

☒ 1st Citation ☐ 2nd Citation ☐ 3rd Citation ☐ 4th Citation ☐ 5th Citation

PERSON CITED:

GHAVIMI OJAN & KATHRYN JT

VIOLATION ADDRESS

PARCEL#

1515 SOLANO AVENUE

0057-182-020

MAILING ADDRESS

508 ATKINS CT BENICIA CA 94510

An administrative fine in the amount stated below is now being imposed. To avoid **additional citations** please correct this code violation by 9/3/2006. Other enforcement action may result if compliance is not achieved by the third citation.

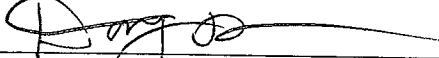
Municipal Code Section Violated	Fine Amount	VIOLATION DESCRIPTION:
Use permit #546	\$200.00	Violation of Use Permit #546 conditions of approval: non-permitted use of parcel.
Total fine amount	\$200.00	(see reverse side for payment and appeal instructions)

Municipal Code Section Violated	CORRECTIONS REQUIRED
	Please remove the cars and structure(s) from this parcel. If you have any questions, please contact Marcus Adams at 648-5392 in Planning Division.-

Date and time violation was observed: 8/23/06

Citation Date: 8/24/2006

Issuing Officer: Dong M. Yoo

Signature: 

Citing Department (Division: Code Enforcement Division

Phone Number: (707) 648-4469

Department Address: Code Enforcement Division, 555 Santa Clara St. 2nd floor, Vallejo, CA

READ REVERSE SIDE FOR IMPORTANT APPEAL INFORMATION

September 1, 2006

City of Vallejo
Planning Division
555 Santa Clara St
Vallejo, CA
94590

RE: citation CE06-1264

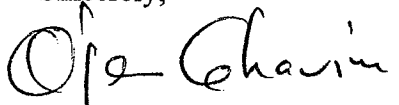
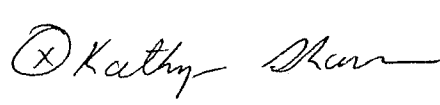
Mr. Marcus Adams,

In your letter dated August 7, 2006 you requested that we remove the shed and vehicles located on 1515 Solano Avenue but unfortunately Northbay Cabinet Shop is located at 1515 Solano Avenue. Since that time we have found out that the shed is actually located on back area of our lot and it is scheduled to be removed on Friday September 8, 2006 as there seems to have been an "anonymous complaint" as to its location.

You also stated that the use permit issued for that location does not allow for trucks or commercial vehicles to be parked on it. There were no trucks or commercial vehicles parked there. They were all cars and SUVs. Perhaps the City Planning Department needs to work with us, instead of against us, on the problem so it can be corrected.

Please contact us what you suggest be done as soon as possible.

Sincerely,

 
Ojan and Kathryn Ghavimi

CITY OF VALLEJO

Development Services Department

Attachment E



Planning Division
707-648-4326
707-552-0163 Fax

Building Division
707-648-4374
707-552-0163 Fax

Code Enforcement Division
707-648-4469
707-649-3540 Fax

555 SANTA CLARA STREET • P.O. BOX 3056 • VALLEJO • CA • 94590-5934

September 12, 2006

Kathryn & Ojan Ghavimi
508 Atkins Court
Benicia, CA 94510

SUBJECT: Administrative Citations- CE06-1262, CE06-1263, CE06-1264, Rose
- Imports

Dear Mr. & Mrs. Ghavimi,

The Planning Division is in receipt of your letter dated September 1, 2006 and after further investigation, has the following comments and determinations:

Ghavimi statement (*paraphrased*):

Based on Polk Directory records of an auto dealership being located at 1615 and 1515 Solano Ave. in 1968, and a tire company located at 1605 Solano Ave., this is enough proof that used car sales were established at the three properties prior to 1970.

Planning Division response:

A review of the Development Services Division Polk Directories indicated the following:

-1515 Solano Avenue

Though now recognized by the Solano County Recorder Office as being located at Assessor Parcel Number 0057-182-020, lots 18 and 19 of Block 182 near the intersection of Solano and Perkins Ave., was originally located near the intersection of Solano Ave. and Wallace Street, currently occupied by North Bay Cabinets as you state in your other September 1st letter. That 1515 Solano Avenue location (Solano and Wallace) hosted an automobile dealership as early as 1957 until 1998. The current 1515 Solano Avenue as recognized by the County, which to avoid any further confusion, will now be recognized as APN #0057-182-020 (lots 18 and 19) was not recognized in the Polk Directories and has always been vacant according to Polk and long time residents.

In 1959, Use Permit #546 was approved by the Planning Commission for a service station at Solano and Perkins Avenue. The address stated on the Notice of Hearing and on the Resolution was 1615 Solano Avenue. Both documents state the use permit would allow a commercial driveway to be established on property at Lot 18, Block 26, Vallejo Annex Subdivision. This Lot 18 is the same Lot 18 identified today as APN #0057-182-020 (lot 18). The site plan approved for this Use Permit illustrates a 6' fence separating

the proposed service station and residentially zoned Lot 18. The service station was located at 1615 Solano until 1967. In 1968, Kardon Motors used 1615 Solano for a used car lot, then in 1970 the lot was vacant, and from 1971 until 1976, 1615 Solano was a staging lot for the Vallejo Chrysler Plymouth dealership located at the original 1515 Solano Avenue.

It is staff's determination that even if Kardon Motors used Lot 18 to display used cars for the one year in 1968, which according to long time residents they didn't, this did not void the condition of Use Permit #546 that Lot 18 be used ONLY as a commercial driveway, with a fence separating the commercial use from a residential property. If Kardon or Vallejo Chrysler Plymouth wanted to use the lot for vehicle display, the Use Permit should have been amended or a new use permit issued for used car sales at the property.

Staff will recognize that used car sales were established at 1615 Solano Avenue, but not legally established at Lot 18, Assessor Parcel Number 0057-182-020 and therefore, the lot should be used only for the purpose of a commercial driveway, with no structures placed on the property. It is also staff's opinion that commercial driveways do not have any vehicles parked on them, commercial or non-commercial. This was the purpose of the fence that existed separating Lots 18 & 19, to prevent any unintended nuisances from affecting the neighboring residential property. Due to your stated confusion regarding the actual location of 1515 Solano Avenue, ~~staff will request that citation CE06-1264 be voided if the carport structure is removed from Lot 18 and that citation CE06-1263 be voided as of the date of this letter.~~

-1605 Solano Avenue

According to Department Polk Directories, M & M Tire company was located at 1605 Solano Avenue from 1957-1965. Golden State Tire Company was located there from 1968-1971 (no Polk Directories are available for 1966-67). Starting in 1970, used car sales required a use permit in the City of Vallejo. Establishment of a tire company does not constitute establishment of a used car lot and so the Planning Division has determined that the used car lot of Vallejo Chrysler Plymouth at 1605 Solano Avenue established in 1972 required a use permit, which according to our records, was not obtained.

Ghavimi Statement (paraphrased):

The Solano County Recorder has all three properties zoned commercial.

The Solano County land use designations do differ from the City of Vallejo Zoning district designations, but the County land use designations do not take priority or void and City zoning district designations. Lot 18 has been, and still is zoned residential (LDR- Low Density Residential).

Summary

Though staff understands your questioning why after 20 years, the City would take action on your establishment's operating status and legality, staff also has the responsibility to enforce the Zoning Ordinance and land use activity, especially when brought to our attention by City of Vallejo residents, no matter how long the questionable or non-permitted activity has been taking place. To ignore or not act on the complaints, when

found valid in our opinion, would be injustice to resident tax payers. Fortunately for you and your husband, there is an appeal process that you can utilize, where a third party, in this case the Planning Commission, can hear your rebuttal against our determination. The appeal process for our determination that Lot 18 be used only for a commercial driveway, and that a use permit be acquired for used car sales at 1605 Solano Avenue, can be started by submitting an appeal letter and fee of \$286.00 to the Planning Division, with a copy of the appeal and fee receipt to the City Clerk. ~~You will have ten days from the date of this letter (September 22, 2006) to initiate your appeal. Failure to do so will result in a second administrative citation for used auto sales at 1605 Solano Avenue, and a first citation for violation of Use Permit #546 at Assessor Parcel Number 0057-182-020, Lot 18.~~

Sincerely,



Marcus Adams
Associate Planner

Cc: Rose Imports (Solano Ave. dealership)

~~Dong Yoon, Code Enforcement Officer~~



CITY OF VALLEJO

Development Services Department

Attachment F

Planning Division
707-648-4326
707-552-0163 Fax

Building Division
707-648-4374
707-552-0163 Fax

Code Enforcement Division
707-648-4469
707-649-3540 Fax

555 SANTA CLARA STREET • P.O. BOX 3056 • VALLEJO • CA • 94590-5937

October 19, 2006

Kathryn & Ojan Ghavimi
508 Atkins Court
Benicia, CA 94510

SUBJECT: Administrative Citations- CE06-1262, CE06-1263, CE06-1264, Rose Imports

Dear Kathryn,

Thank you for your patience during our phone conversation yesterday and for explaining to me the confusion of the letter sent to you from the Planning Division dated September 12, 2006. The purpose of this letter will be to explain the voidance of the above citations and what the current status is regarding the legality of used car sales being operated at the three parcels owned by Ojan and yourself.

-1605 Solano Avenue/Citation CE 06-1262A: ACTIVE

As stated in the September 12th letter, Polk Directories indicate that a tire company was located at 1605 Solano Avenue from 1957-1971. In 1972, Vallejo Chrysler Plymouth established a used car lot at the property. Used car lots have required use permits in the City of Vallejo since 1970. According to our records, no use permit has been approved for 1605 Solano Avenue, parcel number 0057-182-150.

I am aware of your argument that the used car use has been operating for 20+ years at the property, so if the use has been operating without proper permits, the City bears responsibility; however, when a land use violation is brought to the City's attention, especially via a public complaint, as stated in the September 12th letter, the City has an obligation to address the violation, whether it has been over-looked for 20+ years or not. The City has not established a policy of "grandfathering" in non-permitted uses as of the date of this letter, therefore, the administrative citation for this property is still active and has not been voided.

1615 Solano Avenue/Citation CE 06-1263A: VOIDED

Based on records indicating that Kardon Motors established used car sales at 1615 Solano Avenue in 1968 for one year, staff will use that establishment of used car sales prior to 1970 (which is when used car sales required a use permit) as a basis for "grandfathering" in the used car use at this property.

Parcel number 0057-182-020/Citation CE 06-1264A: VOIDED

Your letter to staff dated September 1, 2006 infers that you were confused about the request to "remove the shed and vehicles located on 1515 Solano Avenue since Northbay Cabinet Shop is located at 1515 Solano Avenue." Based on your stated confusion regarding the address of parcel number 0057-182-020, this administrative citation was voided as staff agrees that this address assigned to this parcel according to Solano County Assessor/Recorder records is inaccurate.

Please be aware though that just because this citation was voided does not mean that there are no violations at the property. As stated in the September 12, 2006 letter, Use Permit #546 specifically stated that Lot 18, which is located on parcel number 0057-182-020, was to be used ONLY as a commercial driveway. Used car sales were never legally established for either Lot 19 or Lot 18 of parcel 0057-182-020. Use permits run with the land, as do the conditions of approval for use permits; therefore, the parking of used cars on Lot 18 of parcel 0057-182-020 is a violation of Use Permit #546 as this does not constitute a use of a commercial driveway. Failure to remove the vehicles from Lot 18 of parcel number 0057-182-020 and replace the fence that divided Lot 19 from Lot 18 according to approved plans (see enclosed) and confirmed by long time neighbors by **November 2, 2006** will result in an administrative citation of \$200 or more per cite.

It is our hope that we can work together to correct the above mentioned violations however, as stated in the September 12, 2006 letter, you do have the opportunity to appeal this determination to the Planning Commission by submitting an appeal letter and fee of \$286.00 to the Planning Division, with a copy of the appeal and fee receipt to the City Clerk. You will have ten days from the date of this letter (October 30, 2006) to initiate your appeal for citation CE 06-1262A. Failure to do so will result in a second administrative citation for used auto sales at 1605 Solano Avenue, as well as a first citation for violation of Use Permit #546 at Assessor Parcel Number 0057-182-020, Lot 18 on November 2, 2006.

Sincerely,



Marcus Adams
Associate Planner

Cc: Rose Imports (Solano Ave. dealership)

~~Dong Yeo, Code Enforcement Officer~~



Planning Application

PAID
NOV 01 2006
COMMERCIAL SERVICES DIV.

Development Services Department
555 Santa Clara Street
Vallejo CA 95490
PH: (707) 648-4326
FX: (707) 552-0163
www.ci.vallejo.ca.us

Attachment G

CK 51340
R 58212

Application No: _____

Planner: _____

APPLICANT TO COMPLETE THIS PAGE

Property Address: 1605 Solano Ave ~~1605 Solano Ave~~ Parcel 0057-182-020

- | | | |
|--|--|---|
| <input type="checkbox"/> Administrative Permit | <input type="checkbox"/> Parcel Map | <input type="checkbox"/> Site Development |
| <input type="checkbox"/> Major Use Permit | <input type="checkbox"/> Planned Development | <input type="checkbox"/> Tentative Map |
| <input type="checkbox"/> Minor Use Permit | <input type="checkbox"/> Preliminary Review | <input type="checkbox"/> Zoning Amendment |
| <input type="checkbox"/> Minor Exception | <input type="checkbox"/> Sign Permit | <input checked="" type="checkbox"/> Other <u>Appeal</u> |

Applicant Name Kathryn Blavim Applicant Phone (707) 977-9539

Applicant Address 508 Atkins Ct City Berkeley Zip 94570

Name of Legal Property Owner Olya & Kathryn Blavim Owner Phone (707) 977-9539

Owner Address Same as Applicant City _____ Zip _____

Architect Name _____ Architect Phone (____) _____

Architect Address _____ City _____ Zip _____

I hereby certify the truth of this application and acknowledge that any inaccuracies in it shall, at the City's option, result in automatic invalidation of the action based thereon and that final approval is dependent on compliance with the City's requirements.

Signature of Owner: Kathy Blavim Date: 10-31-06

Signature of Applicant: Kathy Blavim Date: 10-31-06

Detailed Description of Proposal: Zoning District CP/LDR APN: 0057-182-150
0057-182-020

Appeal of required use permit on 1605 Solano Ave
and Appeal of now existing use permit #546 on parcel
0057-182-020 lot 18

Residential

Lot Area: _____ Existing Units: _____ Proposed Units: _____ No. of Units Demolished: _____

Total Sq Ft Proposed: _____

Commercial / Industrial

Existing Building Sq Ft: _____ Total Sq Ft Demo: _____ Total Bldg Sq Ft Proposed: _____

Parking

Existing Parking Spaces: _____ Proposed Parking Spaces: _____

Sign

Total Existing Signs: _____ Total Proposed Signs: _____ Bldg/Tenant Space Frontage: _____

Maximum Sign Area: _____ Area of Existing Signs: _____ Area of Proposed Signs: _____

Circle One: Single/Double Face Electrical Freestanding/Monument Projecting Roof Wall Other

Total Area: _____ Sign Area Remaining: _____ Action: _____

November 20, 2006

City of Vallejo
Planning Commission
555 Santa Clara St
Vallejo, CA
94590

To whom it may concern,

Back in September of this year, Marcus Adams came to our business located at 1605 Solano Avenue and informed us that our location was not properly permitted to be in business. As any normal business person who had been at the same location for over 21 years would have done, we took this as a "slap in the face". After doing some checking on the history of this location (including the whole block), we discovered that an established dealership had been here since before we took over (formerly Vallejo Chrysler).

We are filing an appeal to the City Planning Commission as to the need to obtain a use permit for the property located at 1605 Solano and 1615 Solano (including parcel 0057-182-020). Apparently, per Mr. Adams, parcel 0057-182-020 had originally had a use permit issued on it as a driveway separated by a fence. We have spoken with Mr. Ron Barber, the previous dealership owner, to see if he knew anything about the driveway or a fence and he said that he was not aware of this during the time he was doing business here.

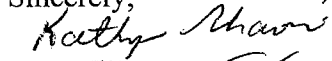
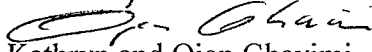
When we began our business at this location, we went through the normal process of obtaining a business license. This included going to the planning department and having them check that this property was properly permitted to do business as an auto dealership. According to Mr. Adams, use permits were required since at least 1970 but Vallejo Chrysler and Rose Import Motors were both issued business license to do business at this location after the planning department signed off for the business. Why did they not at that time request a use permit be obtained? Why wait **over 25 years** and then request it?

As for the property located at 1615 Solano Avenue, Mr. Adams is stating that the back parcel is to be used as a driveway only. But in his letter dated September 12, 2006, he stated "It is staff's determination that even if Kardon Motors used lot 18 to display used cars for the one year in 1968 this did not void the condition of Use Permit #546 that lot #18 be used **ONLY** as a commercial driveway, with a fence separating the commercial use from a residential property. **If Kardon or Vallejo Chrysler Plymouth wanted to use the lot for vehicle display, the Use permit should have been amended or a new permit issued for used car sales at the property.**" Why should we now need to get a use permit when according to Mr. Adams the city failed to obtain one after almost 30 years? In the same letter Mr. Adams stated that since 1615 Solano Avenue had Kardon Motors prior to 1970, the "grandfathering" on the used car use at this property will void

citation 06-1263A. If this is true, then this should be good for the complete piece of property not just parcels of it.

We have been paying our city business license and sales taxes for Rose Import Motors for almost 26 years. During all that time the city has definitely profited from us being at this location. We realize that the city of Vallejo is having financial problems, but we hope that this use permit problem can be solved and we can continue to bring these much needed income into the city's accounts.

Sincerely,



Kathryn and Ojan Ghavimi

Cc: Marcus Adams, Associate Planner

Vallejo City Planning Commission
RESOLUTION NO. 599-53

Use Permit Application No. 546

WHEREAS, the Planning Commission of the City of Vallejo has considered the USE PERMIT of Warren J. Miller to allow a commercial driveway to be established on property owned by the applicant, on Lot 16, Block 26, Vallejo Annex Subdivision, City of Vallejo, at the rear of 1615 Solano Avenue, in an R-1 Single Family Residential District adjacent to a C-3 General Commercial District, now, therefore,

BE IT RESOLVED: That the Planning Commission of the City of Vallejo GRANTS the USE PERMIT as per application, with the conditions that there shall be no parking of trucks or other commercial vehicles on this property, that there shall be no creation of odors, smoke, or noise thereon, and that there shall be no further illumination of the property which would constitute a nuisance to adjoining properties.

Reference is made to the minutes of the Planning Commission meeting of October 20, 1959, for the report and recommendation.

The above resolution was passed after a public hearing at a regular meeting of the Planning Commission, held Tuesday, October 20, 1959, by the following vote of Commissioners:

AYES: Conger, Dougherty, Edwards, Oliver, and Pearce.

NAYS: None.

ABSENT: Fisher and Lonnott.

David L. Conger, Chairman

Attest: W. Schroeter, Secretary

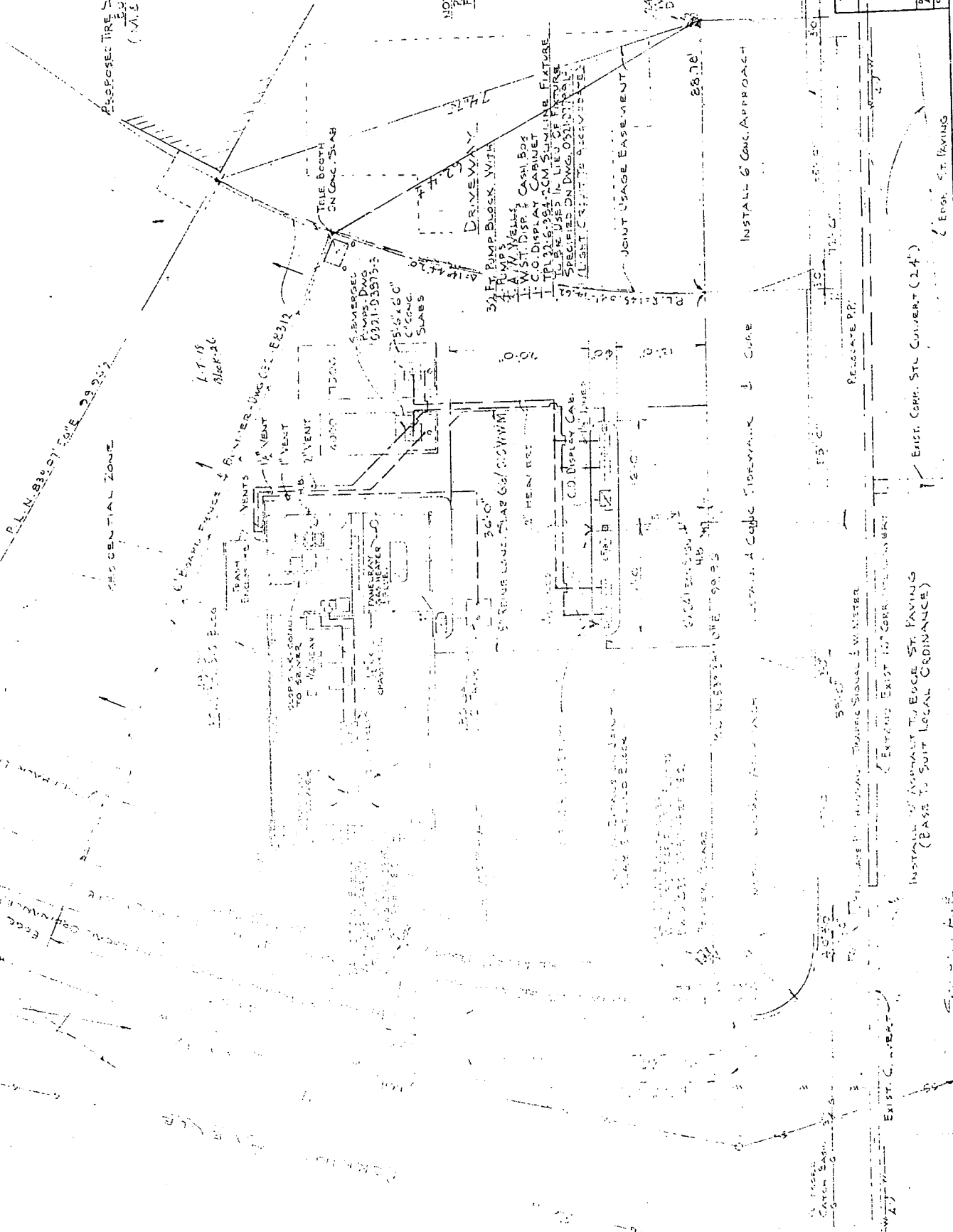
PROPOSED TIRE SALE AND TIRE RECAPPING
BUILDING
(WATER TIRE CO.)

NOTE:
REMOVE EXIST. SLOPS &
FOUNDATIONS.

EXHIBIT A
10-4-59
Site Plan
Sheet 1 of 1
PLANNING DEPARTMENT
CITY OF VALLEJO

241 (10000) EASEMENTS
WITH 1200 FEET 56' (56) SPOTS
DMG 321-0287-1-1-2

TIDE WATER ASSOCIATED OIL CO. SAN FRANCISCO CALIFORNIA	
SERVICE STATION B/LA23	DATE 2/2/60
5000 & PERKINS AVES.	DATE 5/26/60
VALLEJO CALIF.	
DR 240	CH 1



EXIST. CORR. STL. CONCRETE (24")

INSTALL 12\"/>

5000 & PERKINS AVES.

CITY PLANNING COMMISSION

NOTICE OF HEARINGS

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Vallejo will hold public hearings on the applications for Zoning Ordinance No. 15 N.C., the Zoning Ordinance, of the City of Vallejo and amendments thereto, of the following:

Request by Walter J. C. Pickering to establish a self-service laundry on property owned by the applicant, on Lot 52, Block 1, Brooklyn Subdivision, City of Vallejo, at 306 Tennessee Street, in a 2-1 limited Commercial District.

Request by Marion J. Miller to allow a commercial driveway to be established on property owned by the applicant, on Lot 18, Block 1, California Subdivision, City of Vallejo, at the corner of California Avenue, in an R-1 Single Family Residential District.

Request by Elmo W. Maher to establish a professional office on property owned by Elmo W. Maher, on Lot 9, Lane R-2 Subdivision, City of Vallejo, at 621 Anador Street, in an R-2 Multiple Family Residential District.

NOTICE IS HEREBY GIVEN that public hearings will be held on the 29th day of March, 1964, at the hour of 8:00 P.M., in the Council Chambers of the City of Vallejo, California, at which time and place any person who is interested may appear and be heard thereon.

W. J. C. Pickering

SECTION 9. REGULATIONS FOR C-3 DISTRICTS.

9.1 The following regulations shall apply in all C-3 Districts and shall be subject to the provisions of Section 12.

(a) Uses Permitted:

1. All uses permitted in any R or C-1 District without regard to securing any use permit.

2. Lumber Yards, mills, carpenter shops, blacksmith and welding shops, clothing manufacture, bottling works, feed and fuel yards, manufacture of handicraft products, wholesale storage of petroleum products, and other uses which in the opinion of the Planning Commission are similar in character to those enumerated in this section and subject to the securing of a use permit in each case.

3. Junk yards, auto wrecking and contractors yards only when conducted within a building or when enclosed by a solid fence at least 7 feet in height and subject to the securing of a use permit in each case.

Notwithstanding the provisions of Section 13 of this ordinance, all existing junk yards and auto wrecking yards, unless conducted within a building, shall be enclosed by a solid fence at least 7 feet in height by January 1, 1967.

(b) Building Height Limit:

Eight stories but not exceeding 100 feet.

(c) Yards Required:

Same as specified for C-1 Districts.

SECTION 7. REGULATIONS FOR C-1 DISTRICTS.

7.1 The following regulations shall apply to all C-1 Districts and shall be subject to the provisions of Section 12.

(a) Uses permitted:

1. All uses permitted in any R District, without regard to securing any use permit.

2. Stores and shops for the conduct of any retail business but not including second hand stores automobile service stations for the sale of gasoline, oil and minor accessories only; banks, barber shops, beauty parlors, restaurants, excluding drive-ins, music or dance studios; dressmaking, millinery, shoe and tailor shops; messenger offices; storage garages; studios; telegraph offices, theatres and other business uses which in the opinion of the Planning Commission, are of the same general character as those enumerated in this subsection and not obnoxious or detrimental to the neighborhood in which they are to be located.

3. Stores and shops for the conduct of any wholesale business, creameries; laundries; storage of goods or material, automobile sales and service; used car sales; drive-ins; sale of used or second hand goods; mortuaries, automobile storage or repair, nurseries; animal hospitals and pet shops; and other uses which in the opinion of the Planning Commission are similar in character to those enumerated in this subsection and will not be obnoxious or detrimental to the neighborhood in which they are to be located and all subject to the securing of a use permit in each case."

4. No dance hall, road house, night club, commercial club, or any establishment where liquor is served, or commercial place of amusement or recreation or any such place or any other place where entertainers are provided, whether as social companions or otherwise, shall be established in any C-1 District closer than two hundred (200) feet to the boundary of any dwelling district, unless and until a use permit shall first have been secured for the establishment, maintenance and operation of such use.

5. The use of power-driven machinery incidental and accessory to any of the uses permitted in C-1 Districts.

(b) Building Height Limit:

Six stories but not exceeding 75 feet.

(c) Yards required:

None Except:

1. Where a portion of a block is in any "R" District in which case the front yard depth and/or the side yard width, on the frontage of the block adjacent to such "R" District, shall be the same as required for the adjacent "R" District.

2. Where any building line is established by this ordinance or if an Official Plan Line is established by any Master Street and Highway Plan of the City, then the yards shall have a depth and/or width of not less than that specified thereby.

(d) In recommending C-1 Districts, the Planning Commission may require all uses permitted be placed under Planned Unit Development regulations.

308 COMMUNITY SHOPPING AND SERVICE DISTRICT (C-C)

A. Description. Areas of the City so designated provide for commercial concentrations which offer comparison as well as convenience goods and services. Normally, the principal land use is a department store. Each concentration serves approximately twenty-five thousand (25,000) persons. Such concentrations should be established on the basis of market analysis and should be not less than fifteen (15) acres in area.

B. Land Use Objectives

1. To provide community shopping facilities which are conveniently and safely accessible.
2. - Since over fifty (50%) per cent of the patrons of such a district are multi-purpose shoppers, the design of any new district should provide for efficient, safe and coordinated vehicular and pedestrian circulations.

C. Uses Permitted

1. Establishments retailing foodstuffs, non-alcoholic beverages, off-sale alcoholic beverages, drugs, apparel, fabrics, hardware, paints, floor and wall coverings, furniture, appliances, jewelry, flowers, plant nursery products, toys, curios, gifts, musical merchandise, cameras, tobacco products, office supplies, books and stationery, hobby and craft supplies, pets and pet supplies, and sporting goods.
2. Establishments collecting and distributing laundry and dry cleaning; laundrettes; barber and beauty shops; shoe, appliance, radio and T.V. repair shops; banks and offices; dressmaking and tailoring; instruction in arts, crafts and trades; mail order offices; travel agencies; auction rooms; mortuaries; and parking lots.
3. Restaurants, nightclubs and bars, provided no alcoholic beverage is dispensed within two hundred (200) feet of a residential zoning district.
4. Miniature golf courses, movie theaters, bowling alleys, billiard parlors, skating rinks, and actor's workshops.
5. Lodge halls, hotels, motels, and residential clubs.
6. Dwelling units when located on other than the street level of the building and where the street level of the building is designed for and used for uses otherwise permitted in this Ordinance.
7. Service stations and carwashes.
8. Those incidental and appurtenant authorized in Section 401, Subsection A.

308 COMMUNITY SHOPPING AND SERVICE DISTRICT (C-C) (Continued)

D. Uses Permitted if Authorized by Use Permit under procedure prescribed in Section 502

1. Those authorized in Section 401, Subsection B.
2. Motorcycle sales and service.
3. Animal hospitals
4. Sale of automobiles or automobile parts.
5. On-sale of alcoholic beverages when within two-hundred (200) feet of a residential zoning district.
6. Drive-in restaurants, when not within one hundred (100) feet of a residential zoning district.

E. Basic Site Development Standards

1. Maximum Building Height - seventy-five (75) feet except that when within fifty (50) feet of an abutting residential district the height of any structure may not exceed that height permitted in the abutting residential district.
2. Off-street parking - as prescribed by Section 402, Subsection B.
3. Signs - as prescribed by Section 402, Subsection C.
4. Landscaping - as prescribed by Section 402, Subsection D.

NOTE: Exceptions to the use of land and Basic Site Development Standards of this district are in following subsections:

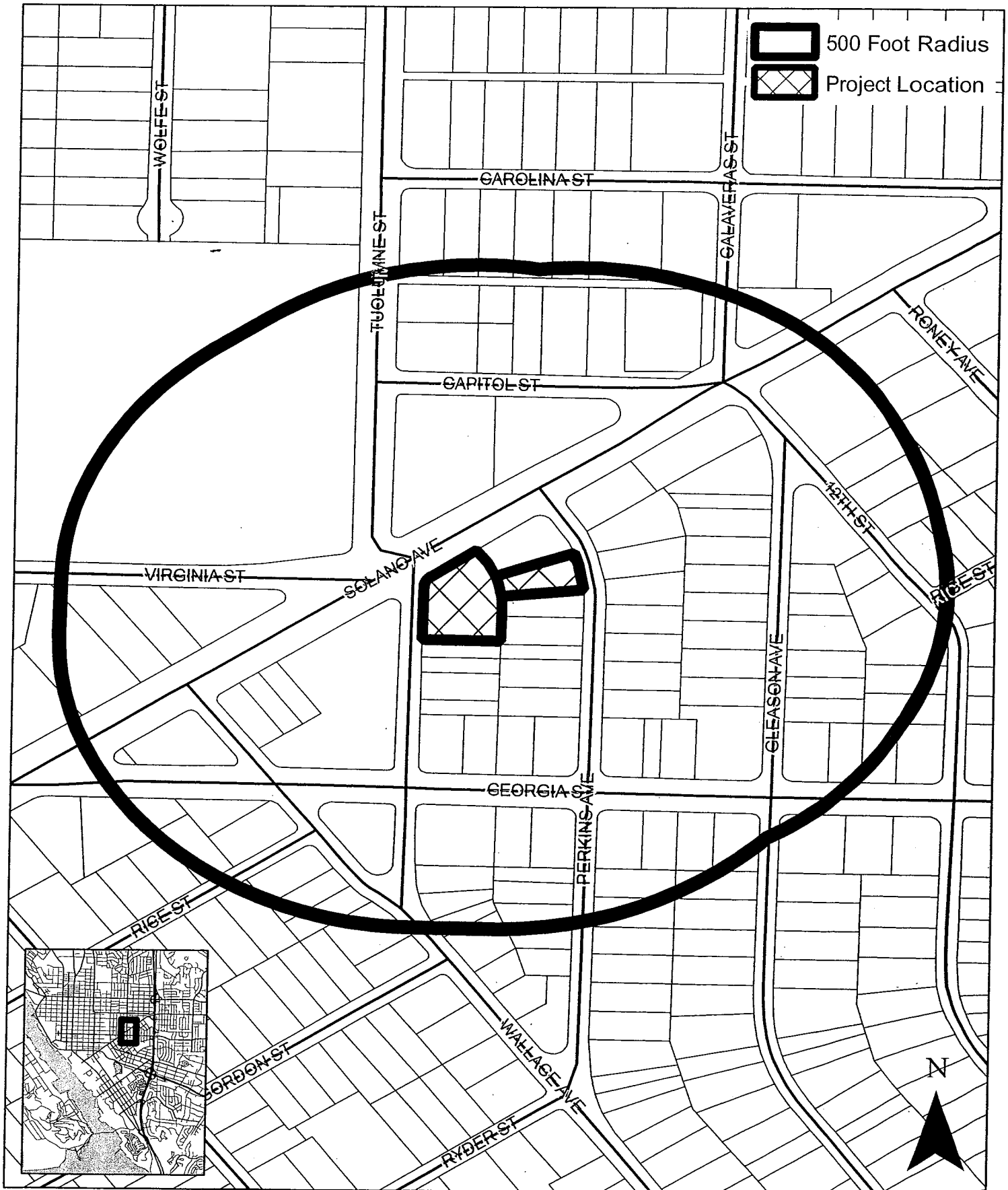
- 403A - Integrated Project Development
- 403B- Nonconforming Uses
- 403C- Exceptions to Minimum Lot Areas in Residential Districts
- 403D- Exceptions to Required Depths of Side Yards in Residential Districts
- 403E- Exceptions to Required Depths of Yards Abutting Streets in Residential Districts
- 403F- Exceptions to Maximum Heights
- 403G- Permitted Yard Encroachments

Conflict of Interest Map

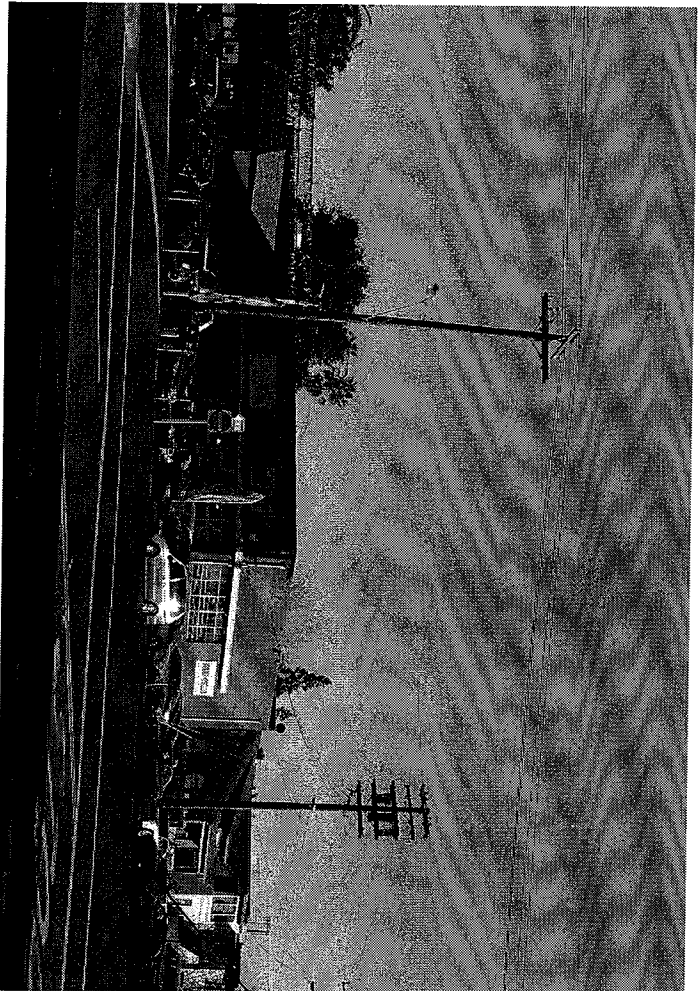
ATTACHMENT C

Appeal of Use Permit # 546A

1605 Solano Avenue - (APN#s 0057-182-150 and 020)



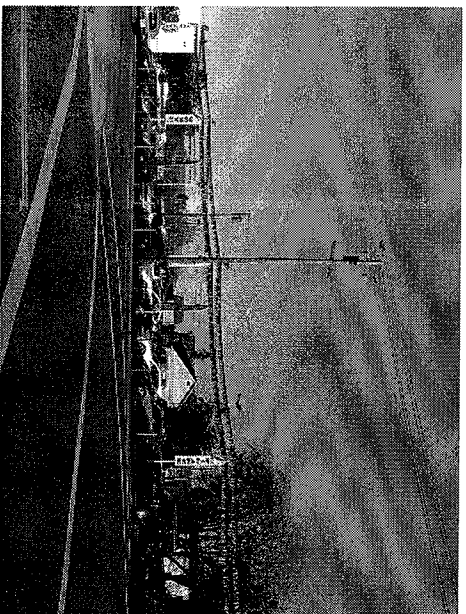
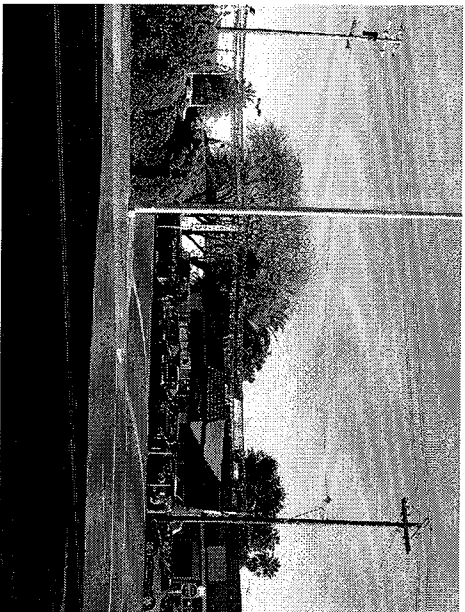
Rose Imports (Solano Ave. Dealership)



Tuolumne St.

Solano Ave. (lots 22-26)

Land Use Issues (1605 Solano Ave.)



- Used Vehicle Parking
- Auto dealership establishment
- Use Permit Approval

Land Use Issues

(APN: 0057-182-150 [lot 18])



- Used Vehicle Parking

- Historical allowed use



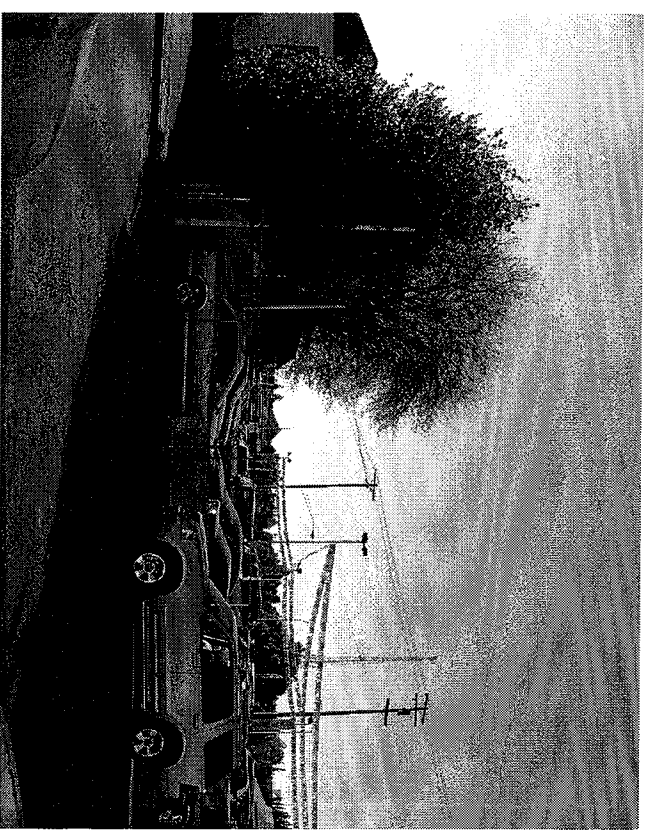
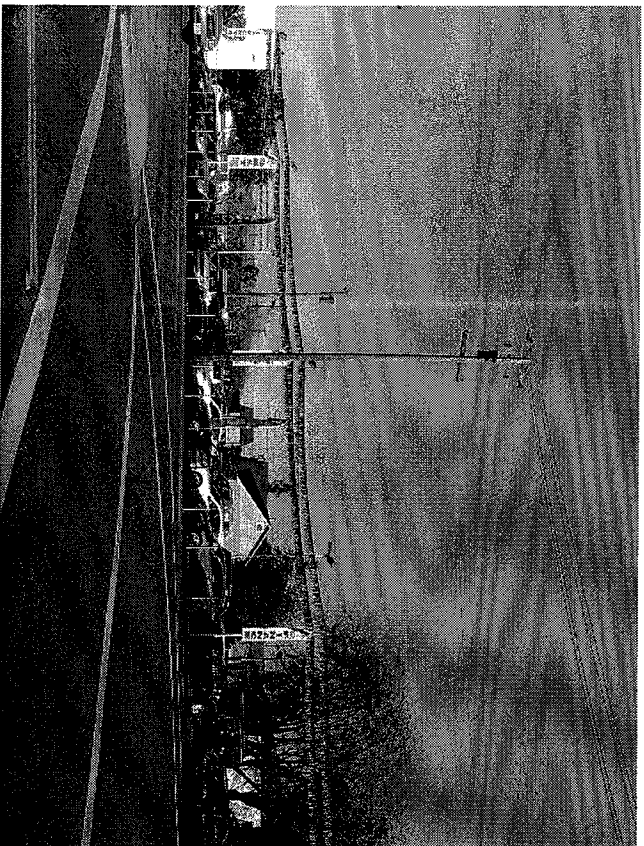
- Current use impacts on neighbors

Lot 18

Lot 19

Recommendations

(within 45 days)



1. Apply for a conditional use permit to operate a used car lot at 1605 Solano Ave. & APN: 0057-182-150 , with a rezoning and general plan amendment or;
2. Abate the used car sales/display at the two subject parcels

PLANNING DIVISION

CITY OF VALLEJO

March 19, 2007

TO: Planning Commission

FROM: Darren Goon, Assistant Planner

SUBJECT: *Item K-4* Major Use Permit #04-0022 (Vallejo Crossroads);
- Vacant Lot on Highway 29 – APN# 0067-150-320

1. At the time the packet was prepared, staff was awaiting comments from Caltrans regarding the applicant's responses to the letter dated March 2, 2007 from Caltrans. Staff will comment on this matter at the time of the public hearing.



To: Mr. Taner Aksu
Address: City of Vallejo
555 Santa Clara Street
Vallejo, CA 94590
Re: Vallejo Crossroads- Response to Caltrans Comments dated March 2, 2007

From: Mousa Abbasi
Date: March 6, 2007
CC:

MEMORANDUM

The following is the response to Caltrans' comments dated March 2, 2007 on the Vallejo Crossroads Mitigated Negative Declaration:

1. As lead agency, the City of Vallejo is responsible for all project mitigation, including improvements to state highways.

The City, as a lead agency, will ensure resolution of Caltrans concerns prior to submittal of an encroachment permit application by the developer; and will ensure the project's fair share contribution to state highway improvements.

2. The applicant is proposing a left-turn lane in the median from Sonoma Boulevard (State Route 29) to the project. The Department recommends that, due to the high concentration of vehicle traveling Sonoma Boulevard, the vehicles exiting this proposed project's driveway must take a right turn only.

The City and applicant concur with Caltrans recommendation. The City has placed this recommendation in project's Conditions of Approval. The City's Traffic Engineer condition states "A proposed median break in State Highway 29 (Sonoma Boulevard) for the proposed project is not allowed. Access to the shopping center from north bound State Highway 20 (Sonoma Boulevard) shall be right in and right out only." The project's access and site circulation plan was revised to conform to this condition as shown Figure 1.

3. The proposed project generates an increase in vehicle trips that will impact our existing traffic signals at the intersections of State Route 29 (SR 29) and Meadows Drive, Mini Drive, and State Route 37.

The City concurs with Caltrans concern and will ensure the project's fair share contribution to state highway improvements.

4. The sidewalk and ramp thickness "T" at driveway shall be 4" concrete, and 6" concrete for commercial.

The City will ensure that the project's driveways are designed to conform to Caltrans standards before an encroachment permit application are submitted to Caltrans.

5. On page 3-2, Table 4 shows that there would be 270 vehicles in the AM peak hour and 235 vehicles in the PM peak hour entering the proposed project site, which may significantly impact

operation on SR 29 northbound. The queue analyses should be provided to address those impacts, and a right-turn storage lane may be required to mitigate this impact.

The applicant has revised project's site plan as shown in Figure 1. This plan assumes the following land uses:

- Gas Station with Convenience Store and Car Wash - 12 fueling positions
- Fast Food Restaurant with Drive-Thru - 3,500 SF
- Specialty Retail - 16,000 SF

The AM and PM peak hour trip generation calculations for the revised site plans are summarized in Tables 1. The revised site plan would result in a trip generation of 157 trips (80 inbound and 77 outbound) during the AM peak hour and 163 trips (81 inbound and 81 outbound) during the PM peak hour. A 50% reduction rate was applied to project's trip generation to account for pass-by trip that are already on SR 29 and not generated by the project (Trip Generation Handbook, Institute of Transportation Engineers, 2nd Edition, 2004).

Table 1
Revised Project Site Plan Trip Generation

Land Use	Size	AM Peak Hour					PM Peak Hour				
		Rate	In/Out %	In	Out	Total	Rate	In/Out %	In	Out	Total
Gas Station	12 Pumps	10.64	51%/49%	65	63	128	13.33	50%/50%	80	80	160
Fast-Food Restaurant	3.5 KSF	53.11	51%/49%	95	91	186	34.64	52%/48%	63	58	121
Specialty Retail	16 KSF	N/A	N/A	N/A	N/A	N/A	2.71	44%/56%	19	24	43
Subtotal				160	154	314			162	162	324
Pass-by reduction		-50%		-80	-77	-157	-50%		-81	-81	-162
Total				80	77	157			81	81	162

Sources: *Trip Generation*, Institute of Transportation Engineers, 7th Edition, 2003.
Trip Generation Handbook, Institute of Transportation Engineers, 2nd Edition, 2004.

Without the application of the pass-by trip reduction rate to the project's trip generation rates, Table 1 shows that there would be 160 vehicles in the AM peak hour and 162 vehicles in the PM peak hour entering the proposed project site (in comparison to 270 vehicles in the AM peak hour and 235 vehicles in the PM peak hour in the old site plan).

It is anticipated that 45% of the vehicles entering the project site will utilize the southern proposed driveway and 55% the northern driveways. At 95% confidence level, the right-turn queue will be approximately 60 feet at the southern driveway; and 73 feet at the northern. It is recommended to install a 12-foot wide, 75-foot long right lane at both driveways to mitigate the queue impacts. 90-foot tapering length is recommended for the southern right-turn lane (Caltrans Highway Design Manual, September 1, 2006). These right-turn lanes and tapering will be constructed with SR 29 Right-of-Way (ROW).

6. Peak-hour volumes at the northbound approach in "Cumulative + Project Conditions" for SR 29 and Meadows Drive intersection should be the sum of the "Cumulative Conditions" northbound

volumes and the project's driveway right-turn traffic volumes. Figures 7, 8, 9, and 10 (Pages 3-10, 3-12, 3-14, and 3-16 respectively) show there are 100 vehicles absent at the northbound approach of SR 29 and Meadows Drive intersection in "Cumulative + Project Conditions". These additional volumes at the northbound approach would decrease intersection operations and mitigation measures may be required.

The traffic analysis of the project's traffic impact study dated November 29, 2005, was conducted by using project's site plan proposed by the developer then. The old site plan proposed a left-turn lane in the median from SR 29 to and from the project. This assumption caused the "absent" vehicles referenced in Caltrans comment above.

However, the applicant revised the site plan (Figure 1) to conform to Caltrans recommendation and City's Conditions of Approval of this project, to disallow the proposed median break in SR 29. TCE revised the traffic analysis for the SR 29 and Meadow Drive intersection with the assumption that access to the shopping center from north bound SR 29 shall be right in and right out only. The revised level of service (LOS) calculations indicates that this intersection operates at acceptable LOS during both the AM and PM peak hours. However, the 95th percentile queues at Sonoma Boulevard & Meadows Drive of the eastbound right-turn lane during the AM peak hour; of the eastbound left-turn lane during the PM peak hour; and of the northbound left-turn during the PM peak hour exceed storage capacity. The following mitigations are recommended at this intersection:

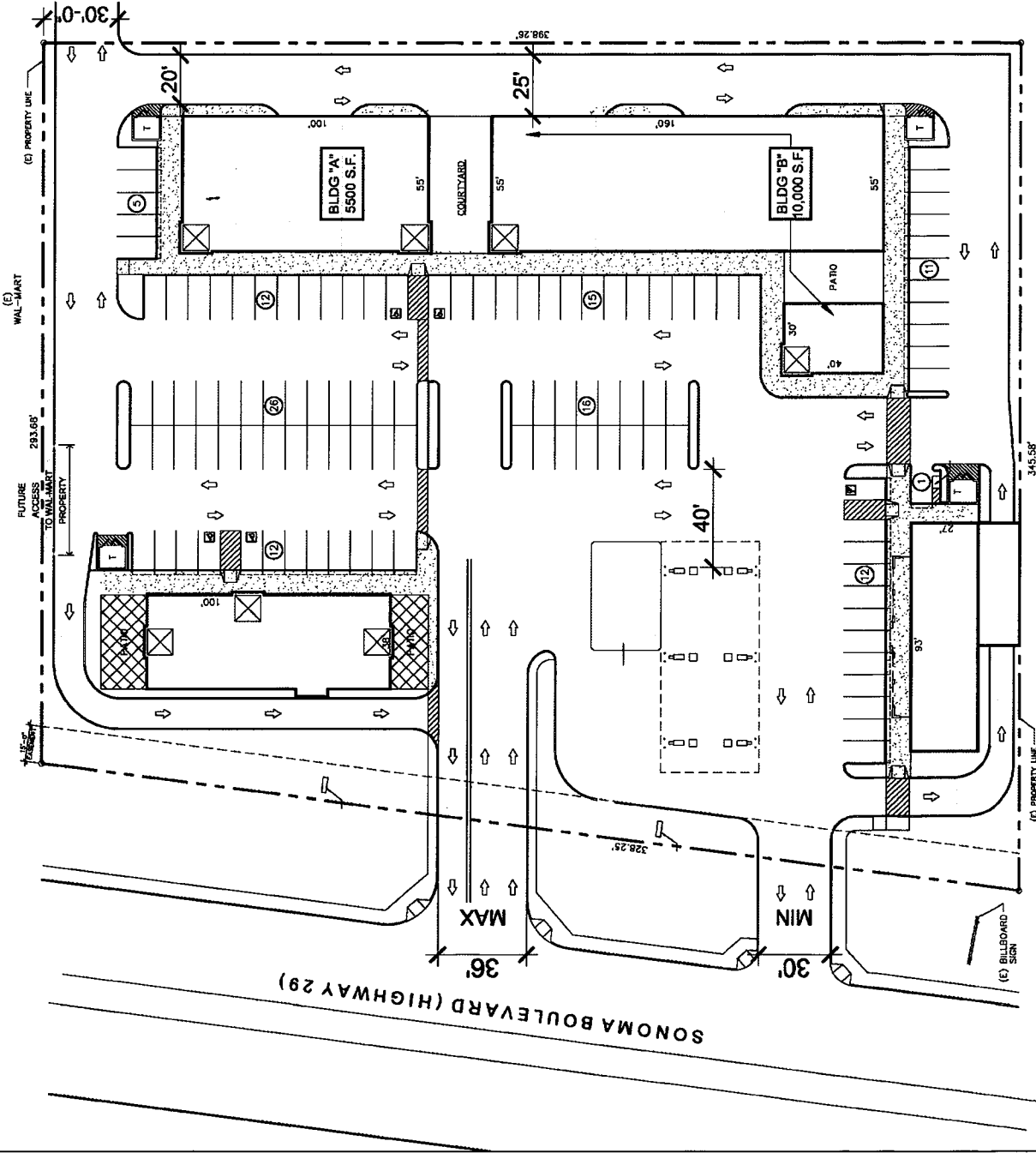
- Widen the eastbound approach to provide one left turn lane, one through-right turn lane, and one right turn lane, with a storage capacity of 245 feet each;
- Re-stripe the northbound approach to provide two left-turn with a storage capacity of 350 feet each, two-through, and one right-turn lanes; and
- Re-stripe the southbound approach to provide a storage capacity of 150 feet.

The study intersection continues to operate at an acceptable service level during both the AM and PM peak hours when these mitigations are implemented.

The project's fair share contribution to these improvements is estimated at 2.16% (Caltrans Guide for the Preparation of Traffic Impact Studies, December 2002).

7. Any work or traffic control within the state ROW requires an encroachment permit that is issued by the Department.

The City's Conditions of Approval of this project concurs with this comment and states "Prior to building permit submittal, obtain an encroachment permit from Caltrans for any work within Sonoma Boulevard."



Vallejo Crossroads		Figure
Site Plan		1

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5505
FAX (510) 286-5559
TTY (800) 735-2929



*Flex your power!
Be energy efficient!*



March 2, 2007

SOL029033
SOL-029-5.20
SCH2007012080

Mr. Darren Goon
City of Vallejo
555 Santa Clara Street
Vallejo, CA 94590

Dear Mr. Goon:

Vallejo Crossroads Gas Station and Retail Center – Mitigated Negative Declaration

Thank you for including the California Department of Transportation (Department) in the environmental review process for the proposed project. We have examined the Mitigated Negative Declaration for the Vallejo Crossroads Gas Station and Retail Center Project (State Route 29), and offer the following comments:

As lead agency, the City of Vallejo is responsible for all project mitigation, including improvements to state highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. Any required roadway improvements should be completed prior to issuance of the project's building permit. While an encroachment permit is only required when the project involves work in the State Right of Way (ROW), the Department will not issue an encroachment permit until our concerns are adequately addressed. Therefore, we strongly recommend that the lead agency ensure resolution of the Department's concerns prior to submittal of an encroachment permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

Traffic

The applicant is proposing a left-turn lane in the median from Sonoma Boulevard (State Route 29) to the project site. Please refer to the Highway Design Manual, section 405.2, which can be accessed at the following website: <http://www.dot.ca.gov/hq/oppd/hdm/hdmtoc.htm>

The proposed project generates an increase in vehicle trips that will impact our existing traffic signals at the intersections of State Route 29 (SR 29) and Meadows Drive, Mimi Drive, and State Route 37. These existing signals do not account for additional delay and traffic volume that this proposed project would create in the future. Therefore, an adjustment for traffic signal timing may be necessary, which will have to be coordinated with the Department.

The sidewalk and ramp thickness "T" at driveway shall be 4" concrete for residential, and 6" concrete for commercial. Please refer to Sections A87A and A88A, of the 2006 Caltrans Standard Plans. Please refer to the following website:

http://www.dot.ca.gov/hq/esc/oe/project_plans/HTM/stdplns-US-customary-units-new06.htm

Also, additional information for commercial driveway width, sight distance, and general information on driveways is contained in the Highway Design Manual, section 205.

The Department recommends that, due to the high concentration of vehicles traveling Sonoma Boulevard (SR 29), the vehicles exiting this proposed project's driveway must make a right turn only.

Highway Operations

On page 3-2, Table 4 shows that there would be 270 vehicles in the AM peak hour and 235 vehicles in the PM peak hour entering the proposed project site, which may significantly impact operation on SR 29 northbound. The queue analyses should be provided to address those impacts, and a right-turn storage lane may be required to mitigate this impact.

Peak-hour volumes at the northbound approach in "Cumulative + Project Conditions" for the SR 29 and Meadow Drive intersection should be the sum of the "Cumulative Conditions" northbound volumes and the project's driveway right-turn traffic volumes. Figures 7, 8, 9, and 10 (Pages 3-10, 3-12, 3-14, and 3-16 respectively) show there are 100 vehicles absent at the northbound approach of the SR 29 and Meadow Drive intersection in "Cumulative + Project Conditions". These additional volumes at the northbound approach would decrease intersection operations, and mitigation measures may be required.

Encroachment Permit

Any work or traffic control within the State ROW requires an encroachment permit that is issued by the Department. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans which clearly indicate State ROW to the address at the top of this letterhead, marked ATTN: Michael Condie, Office of Permits.

Mr. Darren Goon
March 2, 2007
Page 3

Should you have any questions regarding this letter, please call Christian Bushong of my staff at (510) 286-5606.

Sincerely,

A handwritten signature in black ink that reads "Timothy C. Sable". The signature is fluid and cursive, with the first name "Timothy" being more prominent and the last name "Sable" following in a similar style.

TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: State Clearinghouse

STAFF REPORT

CITY OF VALLEJO PLANNING COMMISSION

Date of Hearing:

March 5, 2007

Agenda Item: K-5

Application Numbers:

Mitigated Negative Declaration and Use Permit #04-0022 as governed by Section 16.82 of the Vallejo Municipal Code.

Recommendation:

Adopt a Mitigated Negative Declaration subject to the findings contained in the attached resolution.

Approve Use Permit #04-0022 subject to the findings and conditions contained in the attached resolution.

Project Description:

The project consists of a 12-pump service station with a 2,500 square foot convenience store, and a 900 square foot carwash; 15,500 square feet of retail space and a 3,800 square foot fast food restaurant space with a drive through. The project site is approximately three acres. The applicant is also proposing to operate entire shopping center twenty-four hours (seven days a week).

Location:

The proposed Vallejo Crossroads commercial project is located approximately one half mile north of State Highway 37 and on the east side of State Highway 29. The project site is approximately three acres. (APN# 0067-150-320)

Applicant:

Pete Tobin / ARC Inc.
616 Marin Street
Vallejo, CA 94590

Property Owner:

Copeland Creek Apartments, LLC
336 Bon Air Center PMB#297
Greenbrae, CA 94904-3017

Project Sponsor

BPG, LLC Authorized Agent – Paul Ghafoori
1800 Sutter Street, Suite 775
Concord, CA 94520

Environmental Review:

An Initial Study and a Notice of Intent to Adopt a Mitigated Negative Declaration were prepared by the City

and made available to the public for review on January 18, 2007.

General Plan: Employment

Zoning: Intensive Use

Surrounding Land Use: The project is located on the east side of Sonoma Boulevard approximately one half mile north of State Highway 37. An existing commercial center is located to the north of the subject property. To the south is the Vallejo Garbage Service Facility. Located to the east of the subject property is an existing mini-storage facility with Broadway Street beyond and State Highway 29 with residential uses beyond to the west.

Public Notice: Notice of the proposed use permit application was sent to property owners within 500 feet of the subject property and the applicant on January 18, 2007. At the time this report was prepared, staff did not receive any public comments.

-
1. **PROJECT DESCRIPTION:** The proposed Vallejo Crossroads shopping center is located approximately one half mile north of State Highway 37 and on the east side of State Highway 29. The proposal is contingent upon adoption of a Mitigated Negative Declaration. The project is also subject to a Major Conditional Use Permit to allow gasoline sales, convenience sales, fast-food restaurant space(s) with a drive-thru, and to allow twenty-four hour operations. The project includes a 12-pump refueling facility and 2,500 square foot convenience store, 900 square foot carwash, 15,500 square feet of retail space and a 3,800 square foot quick service restaurant with a drive through. The project site is approximately three acres. The applicant is also proposing to operate twenty-four hours (seven days a week).
 2. **CONSISTENCY WITH THE GENERAL PLAN:** The General Plan Land Use designation for this site is Employment. The Intensive Use zoning district is considered clearly compatible with the Employment land use designation.
 3. **ENVIRONMENTAL REVIEW:** An Initial Study and a Notice of Intent to Adopt a Mitigated Negative Declaration were prepared by the City and made available to the public for review from January 18, 2007 through March 5, 2007.
 4. **CONFORMANCE WITH ZONING REGULATIONS:**

Gasoline Fueling Station - Gasoline sales activities are permitted in the Intensive Use (IU) zone with the approval of a major conditional use permit. Chapter

16.82.060 of the VMC requires gasoline sales activities to meet the following requirements:

1. The use shall be located at the intersection of two major streets or a major and a collector street, or be part of a planned shopping center, freeway service complex, or other planned commercial concentration.

The project is a part of a planned retail shopping center.

2. Where the use abuts or is across an alley from a residential zoning district, it shall comply with all the following standards:

- a. A six-foot masonry wall shall be constructed along the property line that abuts the residential zoning district, or along the property line that is across the alley from said zoning district;

Neither property line abuts a residential district. However, should the applicant desire to have a wall it would be subject to the provisions of Section 16.70 of the Vallejo Municipal Code.

- b. All site lighting and lighted signs shall be directed away or shielded from the residential zoning district;

A final lighting plan illustrating that the light will be shielded from the residential zoning district west of the project will be required as a condition of approval.

- c. The use shall comply with the front and side yard requirements which apply to the affected residential zoning district. All required yards shall be appropriately landscaped.

The project property lines do not abut an adjacent residential zoning district. A final landscaping plan will be required as a condition of approval.

3. The use shall have a site area of at least fifteen thousand square feet when the use is not in conjunction with a planned complex.

The service station is located within a 130,175 square foot retail center and complies with this requirement.

4. Minor emergency health and safety services, including public restrooms, will be available to the motoring public when the availability of such services are considered on a city-wide basis.

The applicant has indicated to staff the tentative locations of public restrooms and an air and water station for the motoring public. The applicant is providing

public restrooms in the convenience store, quick service restaurants, and retail shop spaces. However, the final locations of the restrooms will be determined by the tenants.

Convenience Store – The proposal includes a convenience market associated with the gasoline fueling station. Chapter 16.82.060 of the VMC, Standards and Criteria for certain conditionally permitted uses requires that all convenience markets meet all of the following conditions:

1. The site shall be at least fifteen thousand square feet.

The site area is approximately 130,175 square feet and complies with this requirement.

2. The site shall be located on a collector street.

The site is located on State Highway 29 (Sonoma Boulevard), an arterial street and exceeds this requirement.

3. Lighting and signs shall not adversely affect any residential area, traffic safety or crime deterrence.

Prior to the building permit submittal, a final lighting plan illustrating that the project lighting will not adversely affect the residential area approximately 200 feet to the west of the project, traffic safety, or crime deterrence will be required as a condition of approval.

4. No automobile repairing/dismantling shall be permitted in or adjacent to the site.

Automobile repair/dismantling are not proposed as project components; however, a condition of approval prohibiting this activity will be required.

5. No outdoor storage shall be permitted.

Outdoor storage areas are not proposed as a project component; however, a condition of approval prohibiting this activity will be required.

6. Architectural features shall be similar to or blend in aesthetically with structures in the neighborhood and vicinity.

The subject site is vacant and architectural features of the project as proposed and conditioned will blend in aesthetically with surrounding structures on adjacent lots, the surrounding neighborhood, and vicinity.

7. Comply with the provisions of section R below relating to the sale of alcohol for off-site consumption. (Ord. 1318, 2 (part) 1994; Ord. 558 N.C.(2d), 2 (part), 1980.)

The applicant is not proposing the sale of alcohol for off-site consumption, should the applicant and/or tenants desire off-site alcohol sales they would be subject to the provisions of Section 16.82.060R of the Vallejo Municipal Code.

Carwash – The proposal includes a carwash that is associated with the convenience market and the gasoline fueling station. Chapter 16.82.060B of the VMC, Standards and Criteria for certain conditionally permitted uses requires that all automated carwashes meet all of the following conditions:

1. Automated car washes shall be located at least one hundred feet distant from any residential use or residentially zoned district.

The carwash is over 250 feet away from any residential use or residentially zoned district.

2. The applicant for the conditional use permit agrees to maintain the premises and agrees, that if the use of the car wash is abandoned and/or becomes a public nuisance, the city may provide for maintenance of the premises and place a lien against the property to cover the costs of maintenance.

The above restriction will be required as a condition of approval.

Fast-Food Restaurant Space– Fast-food restaurants with a drive-thru are permitted in the Intensive Use Zone (IU) with the approval of a major conditional use permit. Chapter 16.82.060 of the VMC requires that fast food restaurants meet the following requirements:

1. No fast-food restaurant (with a drive-through) shall be allowed except by a major conditional use permit.

The fast-food restaurant space is being reviewed as a part of this major conditional use permit and therefore complies with this requirement.

2. The site shall be at least fifteen thousand square feet when not in conjunction with a shopping complex.

The shopping center site area is approximately 130,175 square feet and exceeds this requirement.

3. The site shall be located on a major collector or arterial street.

The site is located on State Highway 29 (Sonoma Boulevard), an arterial street that complies with this requirement.

4. The proposed location of the fast-food restaurant shall not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, the necessity for turning movements due to the relation of its access to public roads and intersections, or its location in relation to other buildings or proposed buildings on or near the site and the traffic patterns from such buildings; or cause frequent turning movements across sidewalks and pedestrian ways, thereby disrupting pedestrian circulation within a concentration of retail activity.

Directional signs will be required as a condition of approval to insure that turning movements onto the property, and ingress and egress from State Highway 29 will not create a potential traffic hazard for vehicles or pedestrians.

5. No fast-food restaurant shall preempt frontage on any highway or public road in such manner so as to substantially reduce the visibility and accessibility of an interior commercial area zoned or proposed for commercial use that is oriented to the same highway or public road.

The proposed restaurant will not substantially reduce the visibility and accessibility of the interior commercial uses. The proposed quick service restaurant is being constructed in conjunction with the gasoline station and adjacent retail buildings as part of a proposed commercial retail center.

6. All lighting located on the premises shall be shaded and screened so as to be directed away from all adjoining residentially zoned or developed property.

A final lighting plan with the above specifications will be required prior to building permit submittal as a condition of approval.

7. An adequate number of litter and trash receptacles shall be provided on the premises, and the fast-food restaurant shall maintain an off-premises litter collection program within a four-hundred-foot radius of the restaurant to collect packages and containers which have been carried off the premises and improperly discarded by patrons of the restaurant.

A litter collection program with the above specifications will be required as a condition of approval.

8. The design of the restaurant structure by its adaptability, absence of trademark architecture, and character shall facilitate its ready conversion to other commercial uses.

The building as sited and designed will facilitate conversion to other commercial uses.

9. The applicant for the conditional use permit agrees to maintain the premises, agrees that if the use of the fast-food restaurant is abandoned and/or becomes a public nuisance, the city may provide for maintenance of the premises and place a lien against the property to cover the cost of maintenance.

The above restriction will be required as a condition of approval.

Retail Buildings – The project proposal includes 15,500 square feet of retail space. Retail Uses are allowed in the Intensive Use zoning district subject to the following standards, per Section 16.34 and Section 16.75.030 Site Development Standards of the Vallejo Zoning Ordinance:

Zoning. The property is located in a zoning district currently designated as Intensive Use (IU). This zoning designation encourages a wide range of commercial services, manufacturing, and wholesale storage and distribution can be undertaken in close proximity to one another without encroachment or disturbance of incompatible land uses. Typically, the intensive use district would be applied to areas where sufficient acreage is available for screening and buffering unsightliness, noise, odor, traffic and hazards associated with intensive uses from less intense districts and public rights-of-way. Supportive uses, such as certain retail sales and eating and drinking establishments, would be appropriate if properly oriented and are serving primarily the general commercial and industrial uses.

The proposed retail buildings are properly oriented and are compatible with the Intensive Use zoning designation.

Setbacks and Landscaping. The project site is an interior lot with frontage on Highway 29 (Sonoma Boulevard). There are no specific setback requirements in the Intensive Use District (IU). However, Section 16.70.070C of the Vallejo Municipal Code states:

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

The project proposes a minimum of ten feet of landscaping as measured from the property line which is consistent with this standard. In addition, the applicant is proposing landscaping in the forty-foot public right-of-way.

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

The project is consistent with this standard, two percent is required and five percent is proposed.

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

The proposed commercial center has approximately ten percent landscaping for the entire project site. The project site is consistent with the setback and landscaping requirements of the Intensive Use zoning district.

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

There are approximately 328 linear feet of frontage along State Highway 29 (Sonoma Boulevard), seven street trees are required and eight street trees are proposed. As a condition of approval, the applicant will be required select street trees from the City's approved Street Tree list.

Height. The height limit within the Intensive Use District (IU) district is 75 feet.

The proposed structures are approximately 25.5 feet in height, which is consistent with Intensive Use zoning.

Parking. Per Section 16.62.100 E of the Vallejo Municipal Code, the minimum parking requirement for retail sales is one space for every 250-square-feet of gross first floor area. One accessible space is required for parking lots with 25 or fewer spaces. Minimum parking space dimensions are 18 feet by 9 feet for standard spaces, with an additional 5 foot wide aisle for accessible spaces. Back up space of 25 feet is required for 90-degree parking. The minimum width of commercial one-way driveways is 16 feet.

One hundred and ten parking spaces are provided on the site for both the convenience store and gasoline sales, retail buildings, and fast food restaurant space(s). The project is consistent with the parking standards for the proposed uses as illustrated on the submitted site plan. However, the square footage of the seating areas for the fast-food restaurant space(s) will be limited to the number of parking spaces provided and determined by Section 16.62 Off-Street Parking and Loading Regulations. In addition, the proposed retail spaces (Buildings A and B) meet the parking requirement for retail. The proposed shopping center can not support additional restaurants or eating and drinking establishments in the retail spaces, as a condition of approval staff is prohibiting restaurants or eating and drinking establishments from being located in the retail spaces, unless the applicant can demonstrate that they comply with Section 16.62 – Off-Street Parking and Loading Regulations.

Fencing. A fencing plan that complies with the zoning requirements, including a six-foot height limit, will be required as a condition of approval to maintain the privacy of the adjacent residential uses surrounding the proposed structure. The applicant

shall install and maintain a masonry wall and all landscaped buffers surrounding the property as a condition of approval.

There are no existing residential uses surrounding the proposed shopping center. Existing fencing surrounding the property is adequate. However should the applicant desire to install fencing it shall comply with Section 16.70 of the Vallejo Municipal Code.

Circulation and Access. The circulation pattern shall provide for pedestrian and vehicle connections with adjoining uses where such traffic is anticipated. Driveway intersections with arterial and major collector streets shall be kept to a minimum and shall be readily identifiable as access to the site. On large-scale projects, pedestrian traffic should be separated from vehicle traffic. Signalization and turning lanes may be required. Heavy truck traffic and loading areas should be kept separate from other traffic. Loading areas shall be screened from public view. Section 16.62.150B of the Vallejo Municipal Code states: "Except in the case of one-family and two-family dwellings in residential districts, vehicles shall drive into a street rather than back in."

The project has two driveways fronting on State Highway 29 (Sonoma Boulevard) and each driveway is limited to a right entrance in and a right entrance out. The Traffic Engineer has added a condition of approval prohibiting a median break in State Highway 29 (Sonoma Boulevard) southbound traffic for safety concerns. The project proposes two adjacent access points, one between the existing shopping center located to the north and the other between the existing self-storage to the east. According to the applicant, they have had discussions with the neighboring property owner(s) to the north to allow access between the two properties but no final agreement has been made. The other proposed access point between the self-storage facility and the subject property contains an existing easement that will be used for emergency access only.

The proposed project is consistent with the circulation and parking requirements for commercial developments. Interior access between both buildings is provided by twenty-five foot driveway aisles. Because this project is not considered a large-scale project, no separation of pedestrians and vehicles is required. There are no turning lanes or loading areas proposed for this project.

Traffic generated by this project will not be routed through the low density residential areas because the access to the site is provided on State Highway 29 (Sonoma Boulevard), an arterial.

Architectural Treatment. Overall architectural harmony is encouraged, with variation and interest provided through differing roof lines, canopies, building lines, setbacks, surface textures, colors and materials. Four-sided architectural treatment is appropriate on highly visible structures. The signing program should be an integral part of the building design in terms of size, placement, color and style. Open storage

and solid waste storage areas should be screened in a manner compatible with the primary architectural treatment.

The proposed project as conditioned is consistent with the architectural guidelines with respect to colors, façade treatments, building massing, form and organization. The proposed design of the three buildings offers a unique architectural style that incorporates the use of stone veneer, standing seamed metal roofing, cement plaster siding, stone block, and glass for exterior materials.

The proposed structures are architecturally compatible with the surrounding neighborhood. The massing of the proposed structures are respectful of other non-residential uses surrounding the property. The submitted building elevations illustrate one-story buildings with flat rooves, parapets with pitched roofs, foam/plaster cornices and foam/plaster accents that create greater visual interest along State Highway 29 (Sonoma Boulevard).

Staff has added a condition of approval requiring that the applicant provide a detailed sign program. The sign program shall ensure that all signage in the plaza is consistent with Section 16.64 of the Vallejo Municipal Code and with the architecture of both buildings.

Four covered solid waste storage areas are proposed, one for each of the proposed buildings. No additional outdoor storage facilities are proposed for this project.

Utilities. *Mechanical equipment, meter boxes and utility transformers shall be screened from view. Light standards shall be in scale and compatible with the adopted architectural style.*

As a condition of approval, the applicant shall provide staff with a revised site plan showing the location of all utility equipment and screen all such equipment from public view. Light standards shall be compatible with the architectural style.

Signs. Chapter 16.64 requires that no more than one of the following signs within the Intensive Use district may be permitted – one monument sign may be permitted not to exceed ten feet (10) in height and twenty-five (25) square feet in area; or one pole sign not to exceed twenty (20) feet in height and fifty (50) square feet in area provided the site meets all of the following requirements:

- a. The site shall be accessible by automobile and have off-street parking on the site.
- b. The site shall have a minimum principal street frontage of one hundred feet.
- c. The sign shall not be within one hundred feet of another similar sign.
- d. When in the determination of the development services director no other type of sign will properly identify the building or site.

For gasoline and service station price signs, one sign is permitted per street frontage. A price sign on the premises of a gasoline or service station contains only the following:

- a. The price(s) of motor fuel
- b. The type(s)/grade(s) of motor fuel;
- c. Credit card logos accepted by the station.

The applicant has expressed to staff that the project sponsors would like to address all the signage as part of the master sign program. Staff is adding a condition of approval that will require the applicant to submit a sign program for the center prior to building permit submittal.

There is an existing off-site sign (billboard) located in the Caltrans Right of Way fronting the project site. If the proposed sign is to be altered, moved or relocated it would be subject to Section 16.64.110 of the Vallejo Municipal Code. In 1984, the City Council found that off-site signs adjacent to freeways and State Highways in the City have reached the saturation point. No new off-site signs are permitted to be constructed, erected or placed if the sign is designed to be viewed primarily by persons traveling on such a freeway. This section does not prohibit repairs or alterations to any such existing off-site signs, so long as such repair or alteration does not exceed twenty percent of the total value of the display in any calendar year.

All off-site signs are permitted subject to the securing of a use permit in each case, to be evidenced by a tag issued and affixed by the building inspector in a uniform and secure manner, off-site signs are permitted in the Intensive Use Zoning District provided they do not exceed thirty feet in height, nor exceed forty feet in height when located within one hundred feet of the right-of-way of a freeway or state highway. It is uncertain if the existing sign has zoning entitlements. Staff is continuing to research the legality of this sign.

Staff is adding a condition of approval that would require the applicant to comply with the off-site signage (billboard) regulations if the sign is to be altered or relocated as a part of this project.

Late Night Operations – The property is zoned Intensive Use (IU). Late night business operations (between the hours of twelve o'clock a.m. and six o'clock a.m.) are allowed with the approval a Major Conditional Use Permit per Section 16.57.030A (1) and are subject to the following standards of the Vallejo Zoning Code:

1. All late night business operations, located within three hundred feet of a residential use or zoning district, and commenced on or after the effective date of the ordinance codified in this section, shall require a major conditional use permit, as prescribed in Chapter 16.82.

The proposed project is located within three hundred feet of a residential district and as such is being addressed by this use permit.

2. All late night business operations, located within three hundred feet of a residential use or zoning district, and commenced before the effective date of the ordinance codified in this section, shall be issued a minor conditional use permit, as prescribed in Chapter 16.82, with the following exceptions or limitations:

There was not a past history of twenty-four hour operations at this site prior to the ordinance being codified. The requirements below do not apply to this project because late night operations were not being conducted prior to the adoption of this ordinance.

a. The minor permit shall be issued without the necessity of the filing of an application or the payment of a fee;

b. The permit shall be conditioned on the operation of the business in such a manner as not to cause persons owning or occupying residential property within three hundred feet of the business to complain in writing to the city about its operation. No other condition shall be imposed on issuance of such permit;

c. Upon receipt of three written complaints, determined to be valid and in the form prescribed by the development services director, the minor permit shall be reviewed under the procedure set forth in the administrative rule promulgated by the city manager on the subject of mitigating adverse impacts of business operations;

d. If this review does not result in resolution of the complaints to the satisfaction of the development services director, then the minor permit shall be converted to and treated as an application for a major conditional use permit, without payment of a fee, and subject to review and processing in the manner as prescribed in Chapter 16.82 of the Vallejo Municipal Code.

5. DEPARTMENT REVIEW AND COMMENTS: Notice of the application was sent to the Building Division, City Engineer, Vallejo Sanitation and Flood Control, Fire Prevention, Water Department, Vallejo Police Department and Vallejo Alcohol Policy Coalition (VAPC). Comments are incorporated in Section 7 of this report.

6. REFERENCES:

- Vallejo General Plan
- Vallejo Zoning Ordinance
- §16.34 Intensive Use District Regulations
- §16.62 Off-street Parking and Loading Regulations
- §16.64 Sign Regulations
- §16.82 Conditional Use Permit Procedure
- 2006 California Environmental Quality Act Guidelines

STAFF ANALYSIS:

Gasoline Fueling Station

Gasoline sales activities are permitted in the Intensive Use (IU) zone with the approval of a major conditional use permit. The proposed gasoline sales use is consistent with the General Plan designation of Employment and the Zoning Code.

The applicant is proposing six fuel dispenser units (12-pumps) under a 3,760 square foot canopy. The proposed height of the canopy would be 25 feet and would match the proposed buildings in the shopping center with respect to exterior materials.

Convenience Store

The proposal includes a convenience market associated with the gasoline fueling station. The convenience market would be 2,500 square feet. Staff has determined that the proposed south elevation for the convenience store can be enhanced as viewed from the entrance to the carwash. This can be achieved by providing landscape trellis, or other architectural treatments to this elevation. Additionally, the applicant is not proposing alcohol related uses as a part of this use permit. Should the applicant desire to sell alcohol, they would need to apply for a separate use permit.

Carwash

The proposal includes a 900 square foot carwash that is associated with the convenience market and the gasoline fueling station. Staff has reviewed the landscaping in front of the carwash and is adding a condition that a landscape berm be installed in the front setback to screen the entrance to the carwash. In addition, the applicant shall be responsible for providing suitable landscaping to screen the carwash as viewed from State Highway 29 (Sonoma Boulevard).

Fast-Food Restaurant Space

Fast-food restaurants with a drive-thru are permitted in the Intensive Use Zone (IU) with the approval of a major conditional use permit. A 3,800 square foot quick service restaurant (fast food) with a drive-thru is proposed. The applicant is proposing several restaurants in one building. The proposed fast-food restaurant space(s) as conditioned will be compatible with the other proposed buildings on the site. Staff has reviewed the landscaping in front of the drive-thru and is adding a condition that a landscape berm be installed in the front setback to screen the drive-thru as viewed from State Highway 29 (Sonoma Boulevard).

Retail Buildings

The project proposal includes 15,500 square feet of retail space. Retail Uses are allowed in the Intensive Use zoning district subject to the following standards, per Section 16.34 and Section 16.75.030 Site Development Standards of the Vallejo Zoning Ordinance:

The applicant is proposing to construct 15,500 square feet of retail space. The proposed retail would be located in two buildings. The buildings would be one-story and be divided into eleven tenant spaces. The proposed site is approximately three acres.

Staff concludes that the retail buildings as conditioned create a unique architectural style that is of high quality and meets the expectations and requirements of the Vallejo Zoning Ordinance.

However, staff is requiring the applicant to enhance the proposed courtyard area proposed between the 1,200 square foot detached building and the 2,800 square foot tenant space (Building B). This can be achieved by additional landscaping, site furniture, or a water feature. Staff is also requiring as a condition of approval that the applicant to provide additional street trees in the parking areas.

Signs

The applicant is proposing to address the monument sign, a gasoline price sign, and signage for each individual tenant space as a part of the Master Sign Program. Staff is requiring the applicant to submit the Master Sign Program prior to building permit submittal, as a condition of approval of this project.

An existing off-site sign (billboard) is located in the Caltrans Right of Way fronting the project site. If the existing sign is to be altered, moved or relocated it would be subject to Section 16.64.110 of the Vallejo Municipal Code. In 1984, the city council found that off-site signs adjacent to freeways and State Highways in the city have reached the saturation point. No new off-site signs are permitted to be constructed, erected or placed if the sign is designed to be viewed primarily by persons traveling on such a freeway. This section of the Municipal Code does not prohibit repairs or alterations to any such existing off-site signs, so long as such repair or alteration does not exceed twenty percent of the total value of the display in any calendar year.

All off-site signs are permitted subject to the securing of a use permit in each case, to be evidenced by a tag issued and affixed by the building inspector in a uniform and secure manner, off-site signs are permitted in the Intensive Use Zoning District provided they do not exceed thirty feet in height, nor exceed forty feet in height when located within one hundred feet of the right-of-way of a freeway or state highway. A visual inspection by staff revealed no tag on the existing sign. The status of the existing billboard sign is uncertain. Staff is continuing to do further research to verify that this sign is consistent with the City's Zoning Code.

Staff is adding a condition of approval that would require the applicant to comply with the off-site signage (billboard) regulations if the sign is to be altered or relocated.

Late Night Operations

The property is zoned Intensive Use (IU). Late night business operations (between the hours of twelve o'clock a.m. and six o'clock a.m.) are allowed with the approval a Major Conditional Use Permit. According to the applicant, the late night operations would be primarily for the service station and convenience store and fast food uses. However, the applicant would like the option to allow other uses to operate after hours. --

Staff concludes that the proposed 24 hour operations will not have an adverse impact on the surrounding neighborhood or adjacent properties. The impacts to the surrounding residential neighborhoods will be minimal as the closest residential neighborhood is located at a minimum distance of 120 feet west of the subject property across State Highway 29 (Sonoma Boulevard). Noise, lighting, and glare from the proposed project will be minimal as the closest residential area is located across from State Highway 29 behind a sound wall. The submitted lighting plan shows that illumination levels at the property line will be minimal.

Mitigated Negative Declaration

Staff prepared an Initial Study for the proposed project. The Initial Study identified potential impacts in the areas of aesthetics, air quality, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, public services, and transportation/traffic. Staff concluded that there will be no significant adverse impact created as a result of the proposed project with the implementation of the mitigation measures and mitigation monitoring program attached with this staff report. No comments from the public or other agencies were received between January 18, 2007 and the time that this staff report was prepared.

7. STAFF RECOMMENDATION

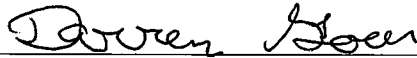
Staff recommends that the Planning Commission **ADOPT** the Mitigated Negative Declaration and **APPROVE** Use Permit #06-0006.

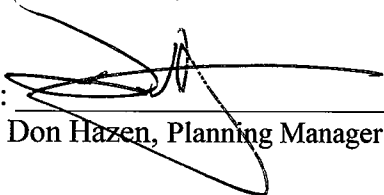
The applicant or any party adversely affected by a decision of the Planning Division may appeal the decision by filing an appeal to the Planning Commission. Such appeal must be filed in writing with the Secretary of the Planning Division within ten

calendar days after the Planning Division's action. The Commission may affirm, reverse, or modify any decision of the Planning Division that is appealed.

EXPIRATION

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

Prepared by: 
Darren Goon, Assistant Planner

Reviewed by: 
Don Hazen, Planning Manager

- Exhibit 1: Resolution and Conditions of Approval
- Exhibit 2: Mitigated Negative Declaration and Mitigation Monitoring Report
- Exhibit 3: Plans
- Exhibit 4: Conflict of Interest Map

CITY OF VALLEJO PLANNING COMMISSION

RESOLUTION NO. PC-07-05

**A RESOLUTION OF THE PLANNING COMMISSION
APPROVING A CONDITIONAL USE PERMIT APPLICATION
USE PERMIT #04-0022, MITIGATED NEGATIVE DECLARATION AND
MONITORING PROGRAM**

VALLEJO CROSSROADS RETAIL CENTER

The proposed Vallejo Crossroads commercial project is located on a three acre vacant parcel that is located approximately one half mile north of State Highway 37 and on the east side of State Highway 29 (Sonoma Boulevard).

APN# 0067-150-320

* * * * *

I. GENERAL FINDINGS

WHEREAS an application was filed by Pete Tobin of ARC Incorporated seeking approval for a conditional use permit to allow a 12-pump refueling facility and 2,500 square foot convenience store, 900 square foot carwash, 15,500 square feet of retail space and a 3,800 square feet of fast-food restaurant space(s) with a drive-thru.

WHEREAS the City of Vallejo Planning Commission conducted a duly noticed public hearing to consider the application for the Conditional Use Permit on March 6, 2007 and March 19, 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. On March 19, 2007, the Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project were adopted.

Section 2. For this project, as described in the Mitigated Negative Declaration, the proponent agrees to comply with all mitigation measures contained in the Initial Study, and incorporated into the conditions of approval for this project.

Section 3. The Planning Commission finds that on the basis of the whole record before it, including the initial study and any comments received, there is no substantial evidence that the project will have a significant effect on the environment and that the mitigated negative declaration reflects the Planning Department's independent judgment and analysis. (CEQA 15074)

III. FINDINGS RELEVANT TO USE PERMIT AND FINDINGS FOR PROJECT APPROVAL AND FOR DETERMINATION OF PROJECT CONSISTENCY WITH APPLICABLE GENERAL PLAN

Section 3. The Planning Commission finds that applicant submitted Major Use Permit application for a 12-pump refueling facility and 2,500 square foot convenience store, 900 square foot carwash, 15,500 square feet of retail space and a 3,800 square feet of quick service restaurant space with a drive-thru in the Intensive Use Zoning District pursuant to the City of Vallejo Municipal Code sections 16.34 Intensive Use Regulations and 16.82 Conditional Use Permit Procedure. Use Permit approval is governed by Chapter 16.82 of City of Vallejo Municipal Code.

Section 4. Planning Commission finds, based on the facts contained in sections 1, 2, 3, 4, 5, 6, and 7 of the staff report attached herein 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 that:

1. 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. The impacts, as described in subsection 1. and the location of the proposed conditional uses are consistent with the City's General Plan.

IV. RESOLUTION APPROVING THE CONDITIONAL USE PERMIT APPLICATION FOR THE VALLEJO CROSSROADS RETAIL CENTER, SUBJECT TO CONDITIONS OF APPROVAL, AND MITIGATED NEGATIVE DECLARATION AND MONITORING PROGRAM

NOW, THEREFORE, LET IT BE RESOLVED that the Planning Commission hereby APPROVES the Mitigated Negative Declaration and Monitoring Program, and the Conditional Use Permit application (UP# 04-0022) for the proposed gasoline station, convenience store, carwash, fast-food restaurant space(s) with drive-thru and the retail buildings, based on the findings contained in the staff report attached hereto and incorporated herein and subject to the Conditions of Approval attached to this resolution.

V. VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Vallejo, State of California, on the 19th day of March, 2007, by the following vote to-wit:

AYES:

NOES:

ABSENT:

CHARLES LEGALOS, CHAIRPERSON
City of Vallejo PLANNING COMMISSION
Attest:

Don Hazen
Planning Commission Secretary

CONDITIONS OF APPROVAL
MAJOR USE PERMIT #04-0022
(APN# 0067-150-320)

CONDITION COMPLIANCE REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMIT:

Planning Division

1. Submit a numbered list to the Planning Division stating how each condition of project approval will be satisfied.
2. The proposed parking is adequate for the retail uses (Buildings A and B), however should the applicant desire to have restaurant or food uses in these retail buildings, the applicant would have to provide additional parking or demonstrate that the project complies with the parking regulations (Section 16.62 of the Vallejo Municipal Code). Prior to building permit submittal, submit a revised site plan showing the additional parking if food uses are desired in these buildings for review and approval.
3. Prior to building permit submittal, submit a revised landscape plan illustrating raised landscape berms in front of the fast food drive through and car wash site fronting Sonoma Boulevard to screen these uses. The revised landscape plan shall also include the incorporation of additional trees and tree wells between the parking spaces in the parking lot, and an irrigation plan for the existing and proposed landscaping.
4. Prior to building permit submittal, submit a color and materials board including but not limited to samples of the exterior materials and colors for review and approval.
5. Prior to building permit submittal, provide a detail illustrating that all lighting on the gas station canopy is recessed underneath the canopy and illumination levels for review and approval.
6. Prior to building permit submittal, submit revised site plan showing the site furniture and design for the patio located between the detached 1,200 square foot tenant space and the 2,800 square foot tenant space on Building B to the project planner for review and approval.
7. Prior to building permit submittal, submit details on the exterior lighting fixtures to the project planner for review and approval. In addition, exterior lighting fixtures for the parking lot shall be consistent and compatible with the architecture of the buildings.

8. Prior to building permit submittal, provide a final photometric plan showing lighting contours for Planning Division review and approval. Lighting and glare shall not trespass onto adjacent residential properties per Section 16.72.100 of the Vallejo Municipal Code. Please include light standard (poles/housing) details with plan. Prior to the building permit submittal, a final lighting plan illustrating that the project lighting will not adversely affect the residential area approximately 200 feet to the west of the project, traffic safety, or crime deterrence will be required as a condition of approval.
9. 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.
10. Prior to building permit submittal, submit a roof plan showing the location of all rooftop equipment. Rooftop equipment shall be painted with a neutral color to blend in with the surrounding buildings, screened from public view and/or located behind a parapet wall.
11. Prior to building permit submittal, submit a construction logistics plan that incorporates the following measures:
 - a. Site grading and construction hours shall be limited to the daytime hours of 7am to 6pm, Monday through Friday and 9am to 5pm on Saturday (no grading or construction activities shall occur on Sundays or federal holidays)
 - b. Noise abatement measures (barriers and setbacks) shall be used during construction.
 - c. All construction vehicles shall be fitted with noise dampening devices (e.g., mufflers)
 - d. All construction noise shall comply with the City of Vallejo standards for maximum allowable noise levels from construction equipment.
12. Prior to building permit submittal, submit a revised site plan showing the incorporation and location of bicycle parking areas.
13. Prior to building permit submittal, submit details for all landscape furniture including but not limited to bicycle parking facilities, seating areas, water features etc. to the project planner for review and approval.
14. Prior to building permit submittal, submit one complete set of construction drawings for review and approval.

15. The billboard (existing) shall comply with Section 16.110 of the Vallejo Municipal Code or be removed.
16. Prior to building permit submittal, submit a an off-premises litter collection program detailing how the fast-food restaurant shall maintain within a four-hundred-foot radius of the restaurant to collect packages and containers which have been carried off the premises and improperly discarded by patrons of the restaurant. In addition the revised site plan shall show an adequate number of litter and trash receptacles provided on the premises.
17. Fencing is not proposed as a part of this project, if the applicant desires fencing, it shall comply with Section 16.70 of the Vallejo Municipal Code.

Building Division

1. Allowable square footage, fire sprinklers, construction type, Americans with Disabilities Act compliance, and Title 24 will be reviewed once the project is submitted for Building Plan Check

Public Works

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. landscaping, irrigation and fencing plans and all supporting documentation, calculations, and pertinent reports (PW3).
3. 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 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)
4. 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).
5. Prior to building permit submittal, obtain an encroachment permit from the Department of Public Works prior to performing any work within City streets or right-of-ways, or prior to any cutting and restoration work in existing

public streets for utility trenches. All work shall conform to City standards.
(PW11)

6. Prior to building permit submittal, submit a traffic control plan to the Department of Public Works for review and approval (PW 12).
7. 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).
8. Prior to building permit submittal, obtain an encroachment permit from Caltrans for any work with in Sonoma Boulevard.
9. Prior to building permit submittal, submit a site grading, drainage, improvement, utility and landscaping plans for review and approval. The site plan shall show all proposed and existing improvements and utility services.
10. If landscaping is required to be installed within the Sonoma Boulevard right-of-way, prior to approval of the site plan enter into an agreement with the City of Vallejo agreeing to maintain the landscaping and irrigation fronting the property within Sonoma Boulevard.
11. Prior to building permit submittal, secure approval of the site plan.
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

Traffic Engineer

1. Prior to building permit submittal, submit a revised site plan for review and approval, showing a truck turning template for the entire site area. The truck turning template shall be per Caltrans standard for legal truck (Tractor with semi trailer).
2. Prior to building permit submittal, submit a revised site plan showing that cars exiting from the Quick Service Restaurant shall be able to make a left turn into the shopping center. A 36 foot entrance shall have four (4) inches of solid yellow line and a break at the intersection of a drive through lane. Solid lines shall be placed to leave 16 feet width for an exiting lane and 20 feet for an entering lane.

3. Prior to building permit submittal, provide written proof to the City of Vallejo from Caltrans that the project has been reviewed for all improvements fronting the property within the Sonoma Boulevard right-of-way and have been approved. Submit frontage improvements and landscaping plans to Caltrans for review and approval.
4. The projects driveway entrances from Sonoma Boulevard shall be per City standard commercial driveway approach. Width of northern driveway approach on Sonoma Boulevard shall be 36 feet and southern driveway approach width shall be a minimum of 30 feet two way in and out. Prior to building permit submittal, submit a revised site plan illustrating driveways that comply with the above standards.
5. No median for the first 70 feet within the proposed northern driveway approach inside the project. Cars exiting the fast-food restaurant shall be able to make a left turn into the shopping center.
6. Location of the monument sign, if proposed, shall be reviewed by the Traffic Engineer.

Vallejo Sanitation and Flood Control District

1. The Preliminary Plan Review fee has not been paid. Pay a plan review fee. Project plans submitted for this project shall be considered subject to all VSFCD (Vallejo Sanitation and Flood Control District) guidelines, policies, and standards.
2. Prior to building permit submittal, submit a complete set of improvement plans and supporting documentation for proposed sanitary sewage and storm drainage work to VSFCD for review and approval.
3. The project, as submitted was incomplete. Prior to building permit submittal, submit a detailed site utility plan showing topographic contours and/or elevations, the existing and proposed sanitary sewer and storm drain facilities, mains, laterals, cleanouts, easements, connections, etc. for review and approval.
4. Prior to building permit submittal, a Vallejo Sanitation and Flood Control District Connection Permit is required. Pay all applicable review and connection fees.
5. Prior to building permit submittal, submit grading and erosion control plans, to the Vallejo Sanitation and Flood Control District for review and approval. Do not block drainage from adjacent lands.

6. The 100-year storm overflow pattern shall be shown on the grading plans. Provide a secondary (surface flow) drainage system to handle flows in excess of the capacity of the primary system (piped or channeled). The proposed building locations shall avoid this secondary path. Also determine the 100-year storm tributary area. This may differ from the 15-year tributary area.
7. Pretreatment of storm drainage water runoff is required, storm drainage runoff shall be conveyed over landscaped areas or otherwise treated, as feasible, before discharging into the public system. This is to improve the storm water quality leaving the site. Prior to building permit submittal, the project architect or civil engineer should contact Vallejo Sanitation and Flood Control District for possible design solutions and their impact on the design of the project.
8. Prior to building permit submittal, submit proof of NOI, Storm Water Pollution Prevention Plan, and Post Construction Best Management Practice Design Plan (see current Vallejo Sanitation and Flood Control Storm Water Management Plan Appendix 4B).
9. Prior to building permit submittal, provide information on erosion control measures that will be used ie; fiber rolls, inlet details construction entrance, etc.
10. Prior to building permit submittal, include standard Vallejo Sanitation and Flood Control notes on plans.
11. All restaurants shall have grease trap interceptors, prior to building permit submittal, show the location of all grease trap interceptors on the plans.
12. Prior to building permit submittal, provide information on the carwash facility. Provide information on the type of water ie; is the water recycled etc. The water must be treated before it is discharged into the public sanitary sewer. The overflow must also drain to the sanitary sewer.
13. Prior to building permit submittal, incorporate the Vallejo Sanitation and Flood Control District's general notes onto the drawings. Also obtain a Best management practice handbook and pretreatment questionnaire available from the Vallejo Sanitation and Flood Control District Office located at 450 Ryder Street Vallejo, CA 94590.

Fire Prevention

1. Prior to building permit submittal, submit a numbered list to the Fire Prevention Division stating how each condition of project approval will be satisfied.
2. The proposed buildings must be sprinklered. Prior to building permit submittal, submit plans for an automatic fire sprinkler system for review and approval. The fire sprinkler system shall be installed per NFPA 13 1998 Edition. The applicant shall install an approved and tested water supply capable of supplying the required fire flow as determined by the Fire Chief. Water supply systems shall provide required fire flows at all stages. All exterior fire protection equipment must be protected from vehicle impact. (2001 CFC Section 1003.1.2 added VMC Section 12.28.190; Appendix III-A)
3. Prior to building permit submittal, submit plans for all fire extinguishing systems and fire alarm plans for review and approval. Fees must be submitted to the Fire Prevention Division prior to plan approval.
4. A manual fire alarm system must be installed to provide audible and visual notification throughout the buildings. Prior to building permit submittal, provide details and submit plans for review and approval.
5. Prior to building permit submittal, submit construction plans and plans for required fire protection systems (automatic sprinklers, smoke alarms, etc.) to the Fire Prevention Division for review and approval. All applicable plan review and inspection fees shall be paid.
6. 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 903, Appendix III-A)
7. Prior to building permit submittal, 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 (2001 CFC Section 901.4)
8. Additional fire hydrants are required. Prior to building permit submittal, 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. (2001 CFC Section 903, Appendix III-B)

9. If security gates are desired at any of the entrances to the project, they shall be provided with a Fire Department approved entry system prior to building permit submittal.
10. An automatic fire extinguishing system is required for the protection of all hood, duct, plenum, and cooking surfaces. Prior to building permit submittal, submit plans for review and approval.
11. Prior to building permit submittal, submit fuel dispensing plans and provide details on the fuel dispensing to the Fire Prevention Division for review and approval.

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:
 - a. Location and size of fire sprinkler service connection(s).
 - b. Location and size of domestic service connection(s).
 - c. Location and size of irrigation service connection(s) if any.
 - d. Location of fire hydrants
 - e. Location of structures with respect to existing public water system improvements such as mains, meters, etc.
 - g. Location and size of backflow prevention devices (required on water service connections to irrigation systems, certain commercial water users, and to commercial fire sprinkler systems, per City Ordinance 922 N.C. (2d).
3. Prior to building permit submittal, hydraulic calculations demonstrating that the fire flow required by the Fire Marshall is satisfied shall be submitted to the Water Superintendent.
4. There are currently no existing water facilities that can serve this proposed development at this time. The Vallejo Municipal Code requires this development to install an appropriately sized water main extension that can provide the domestic demand and fire protection needs of the development. This water main shall extend to the full frontage of the parcel.
5. The water fees for this project shall be as calculated by the Water Division based on the Vallejo Municipal Code.

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 required street trees selected from the City's approved street tree list. A minimum of two trees for every fifty feet of frontage along Sonoma Boulevard.
3. Prior to occupancy of the tenant spaces obtain a sign permit for all new signage.
4. Prior to occupancy/final building inspection, install bicycle parking for all buildings for use by patrons.

Public Works

1. Prior to occupancy/final building inspection, install the improvements required by the Department of Public Works including but not limited to streets and utilities (PW 16).
2. 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)
3. 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)
4. Prior to final occupancy, all on site surface water shall be intercepted, piped and connected into a public storm drain system.
5. Prior to final occupancy, install frontage improvements along Sonoma Boulevard including but not limited to standard curb, gutter, sidewalk,

driveway, pavement widening, accelerate and decelerate lanes. Acceleration and deceleration lanes shall be per Caltrans standard.

6. Prior to final occupancy, install required street lighting fronting the property on Sonoma Boulevard per City standard.
7. Prior to final occupancy, install required street trees fronting the property on Sonoma Boulevard per City standard. Street trees shall be selected from the City's street tree list. (VMC, Section 15.06.190 and Regulations and Standard Specifications Section 3.3.48)

Traffic Engineer

1. Prior to final occupancy, install one-way signs (Caltrans regulatory sign R6-1 RT) within the median along Sonoma Boulevard in front of the two driveways.
2. Prior to final occupancy, install stop signs (Caltrans regulatory signs R-1-1 *30 Inch* and R3-2 *No Left Turn*) at the exit corner of both driveways of the project.
3. Prior to final occupancy, install a stop sign R1-1 at the exit of the 3,800 square foot fast-food restaurant space(s). Provide a left turn access for the cars getting out of the restaurant.

Vallejo Sanitation and Flood Control District

1. Prior to occupancy/final building inspection, provide a standard VSFCDD 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 final occupancy, provide a grease trap, sand trap, or interceptor.
3. Prior to final occupancy, install "NO DUMPING DRAINS TO BAY" markings per Vallejo Sanitation and Flood Control District requirements shall be installed at each storm drain inlet.

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. 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)

2. Prior to final occupancy, install 3A-40BC portable fire extinguishers every 75 feet of travel distance on each floor level as required by the Fire Prevention Division. (2001 CFC Standard 10-1; NFPA 10)
3. Prior to occupancy, install a "Knox" box key system shall be provided and installed in the front of the entrance with three sets of keys provided. Contact the Vallejo Fire Prevention Division for ordering instructions and applications at (707) 648-4565.
4. Prior to final 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 Traffic Manual, sign # RF26F)
5. 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.

Water Department

1. Prior to occupancy or final building inspection, install 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.

Crime Prevention

1. Prior to final occupancy/final building inspection, all applicable fees shall be paid and a final Crime Prevention inspection shall be conducted. All meetings and inspections require a minimum 24-hour advance request.
2. Prior to occupancy or final building inspection, street addresses shall be painted in a contrasting color on the roof to be visible by police air units from 1,500 feet. Numbers to be no less than 48" in height.
3. The street numbers shall be displayed in a prominent location on the street side of the property in such a position that the number is easily visible to approaching emergency vehicles. The numbers shall be no less than four inches in height and shall be of a contrasting color to the background to which they are attached. The numbers shall be illuminated during darkness.
4. Business name and addresses shall be stenciled on the rear or alley doors of each business.
5. All parking lot lights shall contain metal halide bulbs. Lights shall be shielded to prevent light trespass on to another property.

6. Prior to occupancy or final building inspection, roof vents and roof access shall be burglar proof.
7. All businesses shall be separated from floor to roof. Attic crawl spaces shall limit access to only the area above each business and not the entire length of the building.
8. Install peepholes and intercoms on all alley doors so that employees inside can see and speak to persons outside without opening the door.
9. Lighting shall be adequate enough to allow for the recognition of individuals in the parking lot.
10. Business names and addresses shall be visible to emergency vehicles.
11. Garbage containment areas shall not allow access to the second floor windows or roof.
12. Alleyways shall remain clear of obstructions and allow access for emergency vehicles at all times.
13. Plants, foliage and vegetation shall not block windows.
14. Prior to occupancy, install bollards in front of all exterior entry doors at street level.
15. Prior to occupancy, install a digital camera system to monitor and record activity inside and outside of the buildings and should also include the parking lot area, all cash register, and entrance doors.
16. Interior gates between the property to the east and the subject property shall have a system (Click to Enter) approved by the Crime Prevention Division.

STANDARD REQUIREMENTS

Planning Division

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. There shall not be any storage of merchandise outdoors except as allowed in Section 16.70 of the Vallejo Municipal Code. Trash and other debris shall be stored in the trash enclosure as illustrated on the site plan. If outdoor display

is desired shall comply with the following sections of the Vallejo Municipal Code Section 16.58 (Accessory and Temporary Use Regulations) and Section 16.96 (Administrative Permit Procedures).

3. The project is consistent with the parking standards for the proposed uses as illustrated on the submitted site plan. The square footage of the seating areas for the fast-food restaurant space(s) will be limited to the number of parking spaces provided as determined by Section 16.62 Off-Street Parking and Loading Regulations.
4. Restaurants and/or eating and drinking establishments are prohibited from being located in the retail spaces (Buildings A and B), unless the applicant can demonstrate that they comply with Section 16.62 – Off-Street Parking and Loading Regulations.
5. No automobile repair/dismantling shall be permitted on the site.
6. Trash receptacles, sixty gallons or less in size, shall be located at convenient locations outside the existing and proposed building, and the operators of the center shall remove all trash on a daily basis.
7. If public telephones are desired they shall be outgoing calls only.
8. There is to be no loitering of any kind near or about the building.
9. Landscaping planters in parking lots shall be a minimum of six feet wide.
10. The applicant for the conditional use permit agrees to maintain the premises, agrees that if the use of the fast-food restaurant is abandoned and/or becomes a public nuisance, the city may provide for maintenance of the premises and place a lien against the property to cover the cost of maintenance.
11. The applicant for the conditional use permit agrees to maintain the premises and agrees, that if the use of the car wash is abandoned and/or becomes a public nuisance, the city may provide for maintenance of the premises and place a lien against the property to cover the costs of maintenance.
12. All trees shall be a minimum of 15 gallons or greater.
13. No loading areas are proposed as part of this application, should loading and unloading areas be desired, they shall be screened from public view. Offsite unloading areas are not permitted. Unloading and loading areas shall be concealed from public view by being located on the interior building side or rear yards.

14. Refuse collection areas are to be visually screened with a solid perimeter wall. Screening, wall materials and colors shall be compatible with adjacent buildings. Refuse collection areas are to be located on the interior building side or rear yard.
15. No cyclone, chain link, concertina or wire fencing is permitted.
16. All decorative walls and fences shall be designed as an integral part of the overall site design. They will be constructed with materials that are complimentary to the theme of the entire project.
17. During construction, the following measures shall be applied:
 - A. Paving, applying water three times a day or applying (non-toxic) soil stabilizers on all unpaved access roads, parking areas, staging areas, and at construction sites.
 - B. Sweep daily (with water sweepers) all paved access roads, parking areas, staging areas, and at construction sites.
 - C. Sweep daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
 - D. All trucks hauling soil, sand and other loose materials shall be covered or run under a water-spray system to reduce material fly-off.
 - E. Speed limit on unpaved roads and access areas shall be limited to fifteen (15) miles per hour.
 - F. Hydro-seeding or application of soil stabilizers shall be applied to all inactive construction areas.
13. All HVAC (Heating, Ventilation and Air Conditioning) equipment installed for all buildings proposed for the project shall be sited and designed to achieve the City of Vallejo exterior noise standard of 50 dBA and an interior noise standard of 45 dBA, as measured from the nearest noise sensitive land use.
14. All utility equipment shall be painted to match the surrounding environment including but not limited to transformers, backflow preventors, etc.
15. The project is subject to the mitigations contained in the Negative Declaration and Mitigation Monitoring Program.

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. 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).
3. 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).
4. 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).
5. 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).
4. All dust and erosion control shall be in conformance with City standards, ordinance, and NPDES requirements (PW7).
5. Entrances to any private project must be standard driveway approaches unless deviation is permitted by the City Engineer. (PW9)
6. Construction inspection shall be coordinated with Public Works and no construction shall deviate from the approved plans. (PW13)
7. 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)

8. The developer shall provide joint trench plans for the underground electrical, gas, telephone, cable television and communications conduits and cables including the size, location, and details of all trenches, locations of all building utility service stubs and meters and placement or arrangements of junction structures as a part of the Improvement Plans submitted for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer. (PW20)
9. There are fiber optic and/or copper signal interconnect cables located at the edge of the roadway or under the sidewalk. The plans should address either the relocation of these cables or a note should be made of the cable location. A warning should be included on the plans stating that if the cable is damaged, the entire length of the cable between the two nearest hubs will be replaced by the contractor unless otherwise authorized by the City Engineer. (PW21)
10. Parking lot slope shall not be more than 3% in all directions.
11. Should the applicant desire an ingress/egress access between adjacent properties (northern and eastern) a reciprocal access easements between the adjacent properties would be required. Prior to recording, submit a copy of the easement to the Public Works Department for review and approval.

Traffic Engineer

1. The project's driveway entrances from Sonoma Boulevard shall be per City standard commercial driveway approach.
2. Signing and striping shall be per City standard. All pavement markings shall be thermoplastic.
3. A proposed median break in State Highway 29 (Sonoma Boulevard) for the proposed project is not allowed. Access to the shopping center from north bound State Highway 29 (Sonoma Boulevard) shall be right in and right out only.

Vallejo Sanitation and Flood Control District

1. All individual parcels shall drain and sewer directly to the public system.
2. Non-District facilities serving more than one lot will not be allowed.
3. All storm drainage shall be collected onsite and conveyed underground to the public storm drain system.

4. The sanitary sewer shall comply with VSFCD pretreatment requirements for sanitary sewage.
5. Vallejo Sanitation and Flood Control District comments shall be understood to require modification of the project to any extent necessary to meet Vallejo Sanitation and Flood Control District requirements, unless specifically stated..
6. Direct roof drainage across non-paved areas prior to entering storm drain inlets and gutter, when feasible.
7. Pretreatment of storm drainage water runoff is required, storm drainage runoff shall be conveyed over landscaped areas or otherwise treated, as feasible, before discharging into the public system. This is to improve the storm water quality leaving the site. The project architect or civil engineer should contact VSFCD for possible design solutions and their impact on the design of the project. Please contact Vallejo Sanitation and Flood Control District for Filter Trench and other solutions.
8. Comply with Vallejo Sanitation and Flood Control District pretreatment requirements for sanitary sewage.
9. All parcels shall be transferred with post construction storm water pollution prevention guidelines given to new owners. These guidelines shall be submitted with the improvement plans for review and acceptance for distribution as part of the improvement process.
10. All storm drainage shall be collected onsite and conveyed underground to the public storm drain system.
11. Area within refuse enclosures shall drain to the sanitary sewer system. The outside perimeter of the trash enclosure shall be graded to prevent storm water from draining into the sanitary sewer system. The trash enclosure shall be covered with a roof or awning.

Fire Prevention

1. The project shall conform to all applicable requirements of Title 19 (2001 CFC and all VMC Amendments)
2. Automatic fire sprinkler extinguishing systems are required for all residential, commercial, and industrial occupancies. (2001 CFC Section 1003.1.2 added VMC 12.28.190)
3. Total fire hydrant requirements and water flow requirements for all buildings shall be provided in accordance with Appendix III – B of the 2001 CFC.

4. All commercial cooking fire-extinguishing systems shall be compliant with UL-300 Standards.
5. Exits shall be illuminated to a minimum of not less than one (1) foot-candle at floor level whenever the buildings are occupied. Exit signs shall receive primary power supply from building power supplies with battery backup. This includes required emergency exit lighting.
6. Motor vehicle fuel dispensing stations must be installed in accordance with Article 52 of the 2001 California Fire Code. Fuel dispensing plans and permits are reviewed and issued by the Vallejo Fire Prevention Division. Solano County Environmental Health issues underground fuel storage permits.
7. Development sites shall be maintained weed free during construction. (2001 CFC Section 1103.2.4)

Water Division

1. 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.
2. 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.
3. Each unit or building structure shall be metered separately.
4. 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.
6. 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.
7. 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.

Crime Prevention

1. The minimum of one-half foot candle at ground level overlap shall be provided on outdoor pedestrian walkways intended for public use.
2. All drive up / walk-up windows shall be rotating and have a bullet resistant carousel for food and money exchange.
3. Lighting for all interior and exteriors shall be adequate.

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.

Form A

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613

For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # _____

Project Title: Vallejo Crossroads - Gas Station and Retail Center

Lead Agency: City of Vallejo

Contact Person: Darren Goon

Mailing Address: 555 Santa Clara Street

Phone: 707-649-3409

City: Vallejo, CA

Zip: 94590

County: Solano

Project Location:

County: Solano

City/Nearest Community: Vallejo, CA

Total Acres: 3

Cross Streets: East Side of State Highway 29 (Sonoma Boulevard) and Meadows Drive

Zip Code: 94589

Assessor's Parcel No. 0067-150-320

Section: 36

Twp. 4 North

Range: 4 West

Base: MDBM

Within 2 Miles: State Hwy #: 29

Waterways: Napa River

Airports: No

Railways: Union Pacific

Schools: Vallejo Unified School District

Document Type:

CEQA: ☐ NOP☐ Draft EIRNEPA: ☐ NOIOther: ☐ Joint Document☐ Early Cons☐ Supplement to EIR (Note prior SCH # below)☐ EA☐ Final Document☐ Neg Dec☐ Subsequent EIR (Note prior SCH # below)☐ Draft EIS☐ Other _____☒ Mit Neg Dec☐ Other _____☐ FONSI

Local Action Type:

☐ General Plan Update☐ Specific Plan☐ Rezone☐ Annexation☐ General Plan Amendment☐ Master Plan☐ Prezone☐ Redevelopment☐ General Plan Element☐ Planned Unit Development☒ Use Permit☐ Coastal Permit☐ Community Plan☐ Site Plan☐ Land Division (Subdivision, etc.)☐ Other _____

Development Type:

☐ Residential: Units _____

Acres _____

☐ Water Facilities: Type _____

MGD _____

☐ Office: Sq.ft. _____

Acres _____

Employees _____

☐ Transportation: Type _____☒ Commercial: Sq.ft. 25,100

Acres 3

Employees 45 +/-

☐ Mining: Mineral _____☐ Industrial: Sq.ft. _____

Acres _____

Employees _____

☐ Power: Type _____

MW _____

☐ Educational _____☐ Waste Treatment: Type _____

MGD _____

☐ Recreational _____☐ Hazardous Waste: Type _____☒ Other: Gasoline Sales

Project Issues Discussed in Document:

☐ Aesthetic/Visual☐ Fiscal☐ Recreation/Parks☐ Vegetation☐ Agricultural Land☐ Flood Plain/Flooding☐ Schools/Universities☐ Water Quality☒ Air Quality☐ Forest Land/Fire Hazard☐ Septic Systems☐ Water Supply/Groundwater☐ Archeological/Historical☐ Geologic/Seismic☐ Sewer Capacity☐ Wetland/Riparian☐ Biological Resources☐ Minerals☐ Soil Erosion/Compaction/Grading☐ Growth Inducement☐ Coastal Zone☒ Noise☐ Solid Waste☐ Land Use☐ Drainage/Absorption☐ Population/Housing Balance☒ Toxic/Hazardous☐ Cumulative Effects☐ Economic/Jobs☐ Public Services/Facilities☒ Traffic/Circulation☐ Other _____

Present Land Use/Zoning/General Plan Designation:

Zoning - Intensive Use (IU) General Plan Designation - Employment

Project Description: (please use a separate page if necessary)

The proposed Vallejo Crossroads commercial project is located approximately one half mile north of State Highway 37 and on the east side of State Highway 29. The project is subject to a Major Conditional Use Permit. The project includes a 12 Pump refueling facility and 2,500 square foot convenience store, 900 square foot carwash, 16,250 square feet of retail space and a 3,500 square foot quick service restaurant with a drive through. The project site is approximately three acres.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

September 2005

Reviewing Agencies Checklist

continued

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X". If you have already sent your document to the agency please denote that with an "S".

<input checked="" type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Emergency Services
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Parks & Recreation
<input type="checkbox"/> Caltrans District # _____	<input type="checkbox"/> Pesticide Regulation, Department of
<input type="checkbox"/> Caltrans Division of Aeronautics	<input type="checkbox"/> Public Utilities Commission
<input checked="" type="checkbox"/> Caltrans Planning	<input type="checkbox"/> Reclamation Board
<input type="checkbox"/> Coachella Valley Mountains Conservancy	<input type="checkbox"/> Regional WQCB # _____
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Colorado River Board Commission	<input type="checkbox"/> S.F. Bay Conservation & Development Commission
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> San Gabriel & Lower Los Angeles Rivers & Mountains Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> Santa Monica Mountains Conservancy
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Office of Public School Construction	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Fish & Game Region # _____	<input type="checkbox"/> SWRCB: Water Rights
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Forestry & Fire Protection	<input checked="" type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> General Services, Department of	<input type="checkbox"/> Water Resources, Department of
<input checked="" type="checkbox"/> Health Services, Department of	<input checked="" type="checkbox"/> Other Bay Area Air Quality Management District
<input type="checkbox"/> Housing & Community Development	<input type="checkbox"/> Other _____
<input type="checkbox"/> Integrated Waste Management Board	
<input type="checkbox"/> Native American Heritage Commission	

Local Public Review Period (to be filled in by lead agency)

Starting Date January 18, 2007

Ending Date March 5, 2007

Lead Agency (Complete if applicable):

Consulting Firm: _____
Address: _____
City/State/Zip: _____
Contact: _____
Phone: (____) _____

Applicant: Pete Tobin, Arc Inc. Architects

Address: 616 Marin Street

City/State/Zip: Vallejo, CA 94590

Phone: (707) 556-1111

Signature of Lead Agency Representative

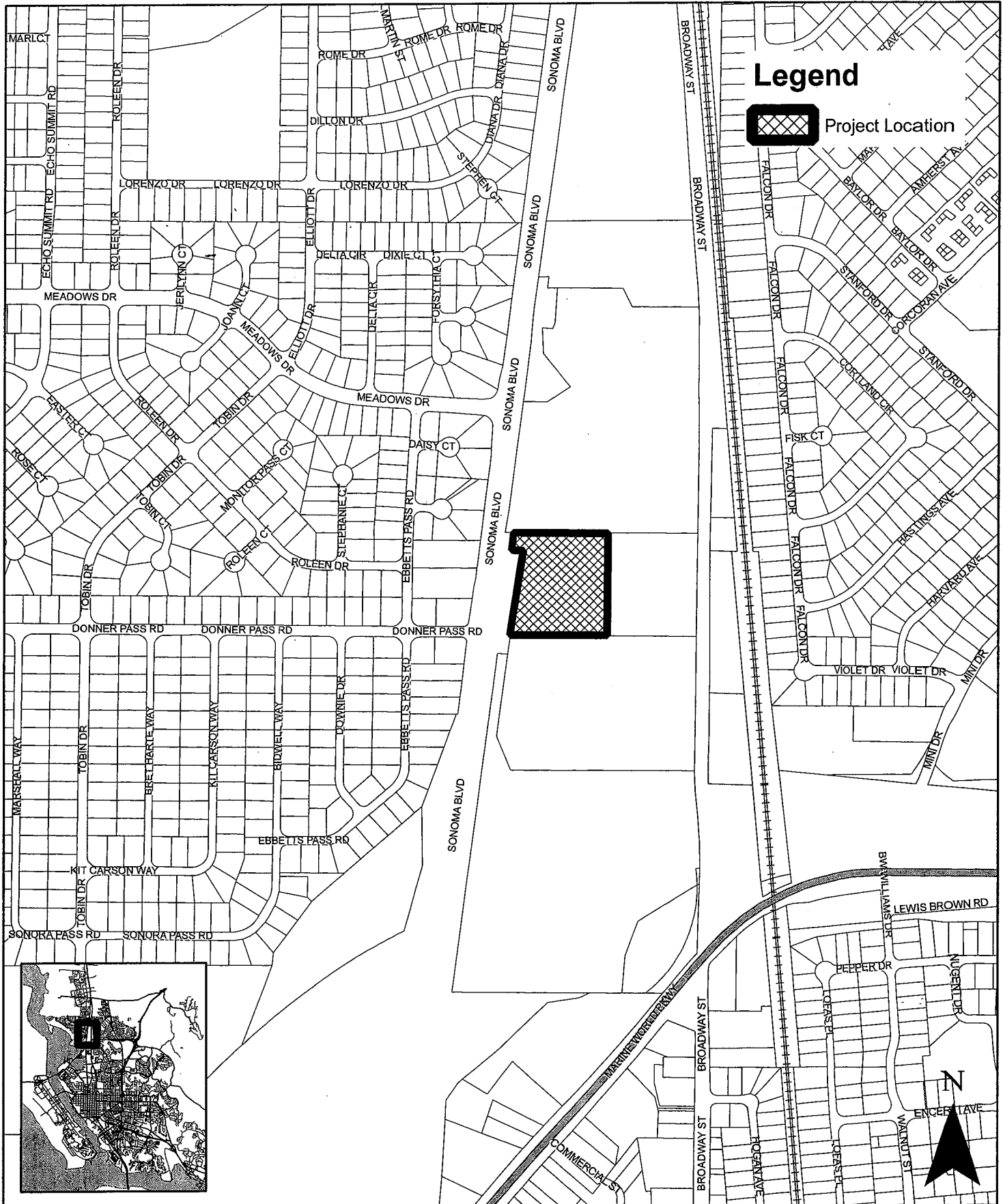
Doreen Green

Date

1/17/07

Vallejo Crossroads Gas Station & Retail Center Project Location Map

Vacant Lot on the east side of Highway 29 (Sonoma Boulevard) approximately one half mile north of Marine World Parkway and approximately one tenth of a mile south of Meadows Drive





CITY OF VALLEJO
NOTICE OF PUBLIC HEARING AND PROPOSAL
TO ADOPT A MITIGATED NEGATIVE DECLARATION

Notice is hereby given that the City of Vallejo Planning Commission will hold a hearing and proposes to adopt a MITIGATED NEGATIVE DECLARATION for the project described below pursuant to Resolution 96-447 N.C. adopted by the Vallejo City Council on December 10, 1996:

PROJECT APPLICATION: Use Permit #04-0022

LOCATION: Vacant lot on the east side of State Highway 29 (Sonoma Boulevard) approximately one-half mile north of Marine World Parkway and approximately one tenth of a mile south of Meadows Drive; APN 0067-150-320

PROJECT DESCRIPTION: The project is for a Major Use Permit to allow gasoline sales in the Intensive Use Zoning District and to allow twenty-four hour operations. The proposed Vallejo Crossroads commercial project is located approximately one half mile north of State Highway 37 and on the east side of State Highway 29. The project is subject to a Major Conditional Use Permit. The project includes a 12 Pump refueling facility and 2,500 square foot convenience store, 900 square foot carwash, 16,250 square feet of retail space and a 3,500 square foot quick service restaurant with a drive through. The project site is approximately three acres.

PROJECT PROPONENT: Paul Ghafoori, 580 BPG, LLC
1800 Sutter Street, Suite 775
Concord, CA 94520

FINDING: Based on an Initial Study prepared by the Planning Division of the City of Vallejo, it has been determined that the above project will not have a significant effect on the environment.

PROPERTY OWNERS, RESIDENTS, AND/OR TENANTS SHOULD CONTACT CITY STAFF BY TELEPHONE OR COME TO CITY HALL TO REVIEW THE PROJECT TO DETERMINE HOW IT MAY AFFECT THEM INDIVIDUALLY.

The public hearing on this project, including the adoption of the Negative Declaration, will be held by the Planning Commission on **March 5, 2007 at 7:00 P.M.** in the Council Chambers, City Hall, 555 Santa Clara Street, Vallejo. Additional information concerning this project, including the Negative Declaration, is available at the Planning Division, City Hall, 555 Santa Clara Street, Vallejo, or by calling 707-648-4326. You may also submit comments or questions in writing to the attention of the project planner **Darren Goon**, Planning Division, City Hall, P.O. Box 3068, Vallejo, CA 94590.

DATE OF NOTICE: January 18, 2007

PUBLIC REVIEW PERIOD FOR NEGATIVE DECLARATION:
January 18, 2007 to March 5, 2007.

DON HAZEN
Planning Manager

CHARLES LEGALOS
Planning Commission Chairperson

Legend

- Project Location
- 500 Foot Radius

Map Labels:

- Streets:** DELTA CIR, MEADOWS DR, DAISY CT, STEPHANIE CT, EBBETTS PASS RD, DONNER PASS RD, DOWNIE DR, SONOMA BLVD, BROADWAY ST.
- Property Lots (APNs):** 0067293050, 0067294060, 0067294300, 0067294310, 0067294050, 0067294320, 0067294360, 0067294350, 0067294400, 0067294380, 0067294390, 0067294040, 0067294030, 0067294020, 0067294330, 0067294340, 0067263110, 0067263120, 0067263130, 0067263140, 0067263150, 0067263160, 0067263170, 0067263180, 0067263190, 0067263200, 0067263210, 0067263220, 0067263230, 0067263240, 0067263250, 0067263260, 0067263270, 0067263280, 0067263290, 0067263300, 0067263310, 0067263320, 0067263330, 0067263340, 0067263350, 0067263360, 0067263370, 0067263380, 0067263390, 0067263400, 0067263410, 0067263420, 0067263430, 0067263440, 0067263450, 0067263460, 0067263470, 0067263480, 0067263490, 0067263500, 0067263510, 0067263520, 0067263530, 0067263540, 0067263550, 0067263560, 0067263570, 0067263580, 0067263590, 0067263600, 0067263610, 0067263620, 0067263630, 0067263640, 0067263650, 0067263660, 0067263670, 0067263680, 0067263690, 0067263700, 0067263710, 0067263720, 0067263730, 0067263740, 0067263750, 0067263760, 0067263770, 0067263780, 0067263790, 0067263800, 0067263810, 0067263820, 0067263830, 0067263840, 0067263850, 0067263860, 0067263870, 0067263880, 0067263890, 0067263900, 0067263910, 0067263920, 0067263930, 0067263940, 0067263950, 0067263960, 0067263970, 0067263980, 0067263990, 0067264000, 0067264010, 0067264020, 0067264030, 0067264040, 0067264050, 0067264060, 0067264070, 0067264080, 0067264090, 0067264100, 0067264110, 0067264120, 0067264130, 0067264140, 0067264150, 0067264160, 0067264170, 0067264180, 0067264190, 0067264200, 0067264210, 0067264220, 0067264230, 0067264240, 0067264250, 0067264260, 0067264270, 0067264280, 0067264290, 0067264300, 0067264310, 0067264320, 0067264330, 0067264340, 0067264350, 0067264360, 0067264370, 0067264380, 0067264390, 0067264400, 0067264410, 0067264420, 0067264430, 0067264440, 0067264450, 0067264460, 0067264470, 0067264480, 0067264490, 0067264500, 0067264510, 0067264520, 0067264530, 0067264540, 0067264550, 0067264560, 0067264570, 0067264580, 0067264590, 0067264600, 0067264610, 0067264620, 0067264630, 0067264640, 0067264650, 0067264660, 0067264670, 0067264680, 0067264690, 0067264700, 0067264710, 0067264720, 0067264730, 0067264740, 0067264750, 0067264760, 0067264770, 0067264780, 0067264790, 0067264800, 0067264810, 0067264820, 0067264830, 0067264840, 0067264850, 0067264860, 0067264870, 0067264880, 0067264890, 0067264900, 0067264910, 0067264920, 0067264930, 0067264940, 0067264950, 0067264960, 0067264970, 0067264980, 0067264990, 0067265000, 0067265010, 0067265020, 0067265030, 0067265040, 0067265050, 0067265060, 0067265070, 0067265080, 0067265090, 0067265100, 0067265110, 0067265120, 0067265130, 0067265140, 0067265150, 0067265160, 0067265170, 0067265180, 0067265190, 0067265200, 0067265210, 0067265220, 0067265230, 0067265240, 0067265250, 0067265260, 0067265270, 0067265280, 0067265290, 0067265300, 0067265310, 0067265320, 0067265330, 0067265340, 0067265350, 0067265360, 0067265370, 0067265380, 0067265390, 0067265400, 0067265410, 0067265420, 0067265430, 0067265440, 0067265450, 0067265460, 0067265470, 0067265480, 0067265490, 0067265500, 0067265510, 0067265520, 0067265530, 0067265540, 0067265550, 0067265560, 0067265570, 0067265580, 0067265590, 0067265600, 0067265610, 0067265620, 0067265630, 0067265640, 0067265650, 0067265660, 0067265670, 0067265680, 0067265690, 0067265700, 0067265710, 0067265720, 0067265730, 0067265740, 0067265750, 0067265760, 0067265770, 0067265780, 0067265790, 0067265800, 0067265810, 0067265820, 0067265830, 0067265840, 0067265850, 0067265860, 0067265870, 0067265880, 0067265890, 0067265900, 0067265910, 0067265920, 0067265930, 0067265940, 0067265950, 0067265960, 0067265970, 0067265980, 0067265990, 0067266000, 0067266010, 0067266020, 0067266030, 0067266040, 0067266050, 0067266060, 0067266070, 0067266080, 0067266090, 0067266100, 0067266110, 0067266120, 00

CITY OF VALLEJO

PROPOSED MITIGATED NEGATIVE DECLARATION

Based on the findings of the attached Initial Study, the City of Vallejo has prepared this Mitigated Negative Declaration for the following project, pursuant to Resolution No. 96-447 N.C. adopted by the Vallejo City Council on December 10, 1996.

PROJECT ACTIONS:

Use Permit #04-0022

LOCATION:

Vacant lot on the east side of State Highway 29 (Sonoma Boulevard) approximately one-half mile north of Marine World Parkway and approximately one tenth of a mile south of Meadows Drive; APN 0067-150-320

PROJECT DESCRIPTION: The project is for a Major Use Permit to allow gasoline sales in the Intensive Use Zoning District and to allow twenty-four hour operations. The proposed Vallejo Crossroads commercial project is located approximately one half mile north of State Highway 37 and on the east side of State Highway 29. The project is subject to a Major Conditional Use Permit. The project includes a 12 Pump refueling facility and 2,500 square foot convenience store, 900 square foot carwash, 16,250 square feet of retail space and a 3,500 square foot quick service restaurant with a drive through. The project site is approximately three acres.

PROPONENT:

Paul Ghafoori, 580 BPG, LLC
1800 Sutter Street, Suite 775
Concord, CA 94520

FINDING: Based on an Initial Study prepared by the Planning Division of the City of Vallejo, it has been determined that the above project could have a significant effect on the environment. However, the mitigation measures described below have been incorporated into the project or recommended as conditions of approval, mitigating to a less-than-significant level the potential adverse environmental effect of this action.

REASON TO SUPPORT FINDING:

Based on the information submitted as a part of the application and review of the plans, an Initial Study was prepared for the project. The Initial Study identified potential impacts in the areas of aesthetics, air quality, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, public services, and transportation/traffic. Based on the analysis, mitigation measures have been proposed which address those issues. Thus, it is staff's determination that there will be no significant adverse impact created as a result of the proposed project with the implementation of the following mitigation measures.

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.
- 3) Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.
- 4) Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- 5) Hydroseed or apply (nontoxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- 6) Enclose, cover, water twice daily, or apply (nontoxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- 7) Limit traffic speeds on unpaved roads to 15 mph.
- 8) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- 1) Replant vegetation in disturbed areas as quickly as possible.

NOISE

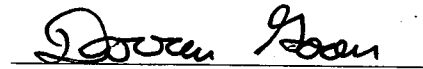
- 1) Equipment and trucks used for the project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, and use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible).
- 2) The project 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.

MANDATORY FINDINGS OF SIGNIFICANCE

- 1). Mitigation measures mentioned in the Mitigation Monitoring and Reporting Program shall be implemented to prevent environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

Date Prepared: January 18, 2007

A handwritten signature in black ink, appearing to read "Darren Goon", is written over a horizontal line.

DARREN GOON
Assistant Planner

Environmental Checklist

Vallejo Crossroads – Gas Station and Retail Center

1. Project title: Vallejo Crossroads, Major Conditional Use Permit

2. Lead agency name and address:

City of Vallejo Planning Division
555 Santa Clara Street
P.O. Box 3068
Vallejo, CA 94590

3. Contact person and phone number:

Darren Goon, 707-649-3409

4. Project location:

Vacant lot on the east side of State Highway 29 (Sonoma Boulevard) approximately one-half mile north of Marine World Parkway and approximately one tenth of a mile south of Meadows Drive; APN 0067-150-320

5. Project sponsor's name and address:

Paul Ghafoori, 580 BPG, LLC
1800 Sutter Street, Suite 775
Concord, CA 94520

6. General plan designation: Employment

7. Zoning: Intensive Use

8. Description of project:

The proposed Vallejo Crossroads commercial project is located approximately one half mile north of State Highway 37 and on the east side of State Highway 29. The project is subject to a Major Conditional Use Permit. The project includes a 12 Pump refueling facility and 2,500 square foot convenience store, 900 square foot carwash, 16,250 square feet of retail space and a 3,500 square foot quick service restaurant with a drive through. The project site is approximately three acres.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:

The project is located on the east side of Sonoma Boulevard approximately one half mile north of State Highway 37. An existing commercial center is located to the north of the subject property. To the south is the Vallejo Garbage Service Facility. Located to the east of the subject property is an existing mini-storage facility with Broadway Street beyond and State Highway 29 with residential uses beyond to the west.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

The project would require approval of the City of Vallejo Planning Commission with respect to the major conditional use permit.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.


- X I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

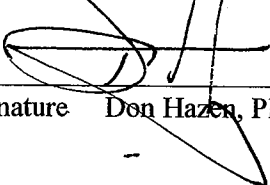
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or

NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature  Date 1/18/07
Darren Goon, Assistant Planner

Signature  Date 1/18/07
Don Hazen, Planning Manager

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	--------------

I. AESTHETICS -- Would the project:

- a) Have a substantial adverse effect on a scenic vista?

X

The project site is currently vacant and surrounded by developed properties. No scenic vistas will be adversely affected by this project.

- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

X

The project is not within the vicinity of a scenic highway and there are no rock outcroppings or historic buildings on the site.

- c) Substantially degrade the existing visual character or quality of the site and its surroundings?

X

The lot is currently vacant and there is no significant visual character as surrounding properties are already developed.

- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

X

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	--------------

The project would be expected to have nighttime exterior illumination features, including exterior building illumination, peripheral exterior lighting (open space plaza, parking and loading areas, access drives, landscaped areas), and illuminated signage. These illumination features would be visible at night from State Highway 29.

Project exterior lighting features would be introduced in an area of the City that is already highly urbanized with an abundance of existing lights surrounding the project sites. Therefore, as experienced from the north, south and east (the existing uses on the same side of State Highway 29 as the project site), the project exterior lighting features would not be expected to have conspicuous and adverse light and glare impacts. The adjacent residential neighborhood to the west may be vulnerable to the effects of added project-related light and glare; however, the impact on this area, which is located across Sonoma Boulevard and behind a sound wall at least 120 feet or more west of the project site, is not expected to be significant.

The project would be required to comply with existing lighting controls set forth in Vallejo Municipal Code section 16.72.100, which states that "When located in a zoning district specified below, all commercial and industrial uses shall be so operated as not to produce humidity, heat, cold, or glare which is readily detectable without instruments by the average person at the following points of determination: At or beyond any boundary of the zone."

Through their review of the Major Conditional Use Permit for the project, the Planning Commission (advisory body) would

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>ensure project compliance with this code section. Compliance would ensure that potential light and glare impacts would remain less-than-significant.</i>				

II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:
The site does not contain agricultural resources.

X

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

X

The site does not include any Farmland.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

X

The site is not zoned for agricultural use and does not have a Williamson Act contract.

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

X

See (a) and (b) above.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

X

According to the Air Quality Impact Analysis for the Vallejo-Crossroads Project, prepared by Donald Ballanti, Certified Meteorologist, the San Francisco Bay Area Air Basin is currently a non-attainment zone for ozone (state and federal ambient standards) and particulate matter (PM_{2.5} and PM₁₀) (state ambient standard). While an air quality plan exists for ozone, none currently exists for particulate matter. The Bay Area 2005 Ozone Strategy is the current ozone air quality plan.

A project would be judged to conflict with or obstruct implementation of the regional air quality plan if it would be inconsistent with the growth assumptions, in terms of population, employment or regional growth in Vehicle Miles Traveled. The project would not conflict with any of the growth assumptions made in the preparation of the plan nor would obstruct implementation of control measures contained in the regional air quality plans.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

X

Construction

According to the Air Quality Impact Analysis for the Vallejo Crossroads Project, prepared by Donald Ballanti, Certified Meteorologist, the proposed project would not require the demolition of any existing structures. Construction activities on the site would temporarily affect local air quality by

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causing a temporary increase in particulate dust and other pollutants. Uncontrolled dust emissions during construction have the potential to exceed ambient air quality standards locally. This impact is potentially significant, but normally mitigatable.

The BAAQMD significance threshold for construction dust impact is based on the appropriateness of construction dust controls. The BAAQMD guidelines provide feasible control measures for construction emission of PM₁₀. If the appropriate construction controls are to be implemented (based on site size and proximity to sensitive receptors), then air pollutant emissions for construction activities would be considered less-than-significant.

Operation

Development projects in the Bay Area are most likely to violate an air quality standard or contribute substantially to an existing or projected air quality violation through generation of vehicle trips. New vehicle trips add to carbon monoxide concentrations near streets providing access to the site. Carbon monoxide concentrations near streets providing access to the site. Carbon monoxide is an odorless, colorless poisonous gas whose primary source automobiles in the Bay Area. Concentrations of this gas are highest near intersections of major roads.

The Bay Area Air Quality Management District's BAAQMD CEQA Guidelines recommends estimation of carbon monoxide concentrations for projects where project traffic would impact intersections or roadway links operating at a Level of Service D, E, or F or would cause a Level of Significance to decline to D, E, or F. The traffic analysis identifies one intersection as

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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meeting this criterion (Sonoma Boulevard and Marine World Parkway). Carbon monoxide concentrations under worst-case meteorological conditions have been predicted for this intersection. Peak hour traffic volumes were applied to a screening form of the CALINE-4 dispersion model to predict maximum 1- and 8-hour concentrations near these intersections for existing, project and cumulative conditions. The model results were used to predict the maximum 1- and 8-hour concentrations, corresponding to the 1- and 8-hour averaging times specified in the state and federal ambient air quality standards for carbon monoxide.

The existing worst case estimate of concentration was 11.2 and 7.2 parts per million (PPM) for the 1-hour and 8 hour averaged concentrations, respectively. The addition of projected and cumulative traffic would increase the concentration by up to 0.3 PPM, but concentrations would remain below the state/federal standards. Project impacts on local carbon monoxide concentrations would be **less-than-significant**.

Construction-related air quality impacts are anticipated with any construction project. The following mitigation measures, as recommended by BAAQMD for construction sites greater than 4 acres in area, would be required for the project:

- Water all active construction sites at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<p><i>apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.</i></p> <ul style="list-style-type: none"> <i>• Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.</i> <i>• Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.</i> <i>• Hydroseed or apply (nontoxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).</i> <i>• Enclose, cover, water twice daily, or apply (nontoxic) soil binders to exposed stockpiles (dirt, sand, etc.).</i> <i>• Limit traffic speeds on unpaved roads to 15 mph.</i> <i>• Install sandbags or other erosion control measures to prevent silt runoff to public roadways.</i> <i>• Replant vegetation in disturbed areas as quickly as possible.</i> <p>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</p> <p><i>According to the Air Quality Impact Analysis for the Vallejo Crossroads Project, prepared by Donald Ballanti, to evaluate emissions associated with the project, the URBEMIS-2002 computer program was employed. The daily increase in regional emissions from auto travel is shown in Table 1 for reactive organic gases (hydrocarbons) and oxides of</i></p>				
				X

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nitrogen (two precursors of ozone) and PM_{10}
(particulate matter, 10 micron).

	Reactive Organic Gases	Nitrogen Oxides	PM_{10}
Project New Daily Emissions	30.1	27.8	22.2
BAAQMD Threshold	80	80	80

Guidelines for the evaluation of project impacts issued by the Bay Area Air Quality Management District consider emission increases to be significant if they exceed 80 lbs. per day for regional pollutants (ROG and NO_x , PM_{10}). The emission increases shown in the table above are well below the criteria, so the project would have a **less-than-significant** impact on regional air quality.

d) Expose sensitive receptors to substantial pollutant concentrations?

X

The project would result in the new emissions of Toxic Air Contaminants (TACs). The proposed gasoline station would be a source of gasoline vapors that would include Toxic Air Contaminants (TACs) such as benzene.

Gasoline vapors are released during the filling of both the stationary underground storage tanks and the transfer from those underground tanks to individual vehicles. The BAAQMD has stringent requirements for the control of gasoline vapor emissions from gasoline dispensing facilities that require all new facilities to install and maintain CARB Certified Vapor Recovery Systems. As a potential source of TACs, a gasoline filling station is subject to the BAAQMD toxic risk screening and risk management procedures.

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A screening risk assessment has been conducted utilizing the procedures and emission factors defined in the California Air Pollution Control Officers' Air Toxics "Hot Spots" Program Gasoline Service Station Industry-wide Risk Assessment Guidelines. Using aerial photographs of the project environments, the distance between the center of the proposed gasoline facility and the nearest residence was determined.

The CAPCOA procedures provide a very conservative estimate of cancer risk per million gallons of gasoline pumped based on distance from the facility. The risk is based on a continuous exposure over a 70-year lifetime. The resulting risk of cancer (per million gallons pumped) is 3.46 in one million.

BAAQMD rules and regulations require that permits be denied for new sources of any carcinogenic air contaminant unless it be shown that it will not result in :

A maximum individual cancer risk greater than one in a million at any receptor location, if the facility is constructed without T-BACT (Toxic Best Available Controls).

- A maximum individual cancer risk greater than ten in one million at any receptor location, if the facility is constructed without T-BACT (Toxic Best Available Controls).*
- A Maximum individual cancer risk greater than ten in one million at any receptor location, if the facility is constructed with T-BACT.*

The proposed gasoline facility would be equipped with emission control equipment that qualifies as T-BACT for this type of facility, the appropriate limit on risk is 10 in

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<p><i>one million. This threshold would be exceeded only if throughput exceeded 2.9 million gallons per year. This indicates that a gasoline station at the proposed location could obtain a permit from the BAAQMD (under current rules and regulations).</i></p> <p><i>The actual throughput limitation on the facility will be established by the BAAQMD based on there own risk analysis. The throughput limit will be established at a level that will ensure that cancer and non-cancer risks are below the significance thresholds. BAAQMD regulations and procedures, already established and enforced as part of their air quality permit review process, would ensure that any potential impacts due emission of hazardous or toxic air contaminants would be reduced to a level that is less-than-significant.</i></p> <p>e) Create objectionable odors affecting a substantial number of people?</p> <p><i>The project would include restaurants which are a source of cooking odors. Reaction to cooking odors varies widely with individuals. Some people find them objectionable, while others find them pleasant. Restaurant cooking odors have, in some instances, been the subject of complaints.</i></p> <p><i>Distance between odor sources and sensitive receptors is the primary determinant of potential for odor complaints, as distance determines dilution of odor strength. The project would not place any cooking odor sources in proximity to upwind from residences or other sensitive uses. Project odor impacts are therefore considered to be less-than-significant.</i></p>				X

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

X

The project site is surrounded by existing development. No known special status species exist on the site. Animal species in the vicinity are those that are well-adapted to human disturbance.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

X

The site does not include any riparian habitat or other known sensitive natural community.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

X

The project would not adversely affect any federally protected wetlands.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery

X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
sites? <i>The site does not support any native resident or migratory fish or other special status wildlife species.</i>				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? <i>The project does not conflict with any local policies or ordinances protecting biological resources. In addition there are no trees in existence on the site.</i>				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? <i>The project is not within the area of any approved local, regional, or state habitat conservation plan.</i>				X
V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5? <i>There are no know historical, archaeological, or paleontological resources in the project vicinity; however, should any archaeological or paleontological resources be discovered during any phase of the project, the following project conditions would limit impacts to a less-than-significant level:</i>			X	
<ul style="list-style-type: none"> <i>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</i> 				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>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.</i>				
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5? <i>See (a) above.</i>			X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? <i>See (a), above.</i>			X	
d) Disturb any human remains, including those interred outside of formal cemeteries? <i>See (a), above.</i>			X	
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. <i>The project site is not within an Alquist-Priolo Earthquake Fault Zone. The San Francisco Bay Area is, however, recognized as one of the most seismically active regions in the United States. City standard building code compliance will reduce this impact to a</i>			X	

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>less than significant level</i>				
ii) Strong seismic ground shaking? <i>See (i) above</i>			X	
iii) Seismic-related ground failure, including liquefaction? <i>See (i) above.</i>			X	
iv) Landslides? <i>The subject lot is essentially level, there would not be an adverse impact to people or structures including the risk of loss, injury, or death.</i>				X
b) Result in substantial soil erosion or the loss of topsoil? <i>The site is level and located within an urban infill area. The site is not known to be highly susceptible to ground failure, liquefaction, landslides, and erosion. Standard geotechnical investigations/soils reports will be required prior to review of construction drawings to ensure that any soils and slope stability issues are addressed in the project design.</i>			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? <i>See (b) above.</i>			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? <i>See (b) above.</i>			X	
e) Have soils incapable of adequately				

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supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? <i>The project would be served by the City sewer system. No septic tanks or alternative waste water disposal systems would be used for the project.</i>				X
VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? <i>The project would include the routine transportation, use, or disposal of hazardous materials. According to the e-mail provide to staff by the project architect, state regulations and measures implemented by oil companies require that refueling facilities have a hazardous materials management plan and call for specific safety measures.</i> <i>These measures include spill containment systems at each fuel pump and at each underground storage tank, an emergency shut-off valve on the face of the building which completely shuts down the entire fuel system in case of any spill and fuel detection monitors installed under each pump. Implementation of these measures would create a less-than-significant impact to the public or surrounding environment.</i>			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? <i>See a. above.</i>			X	

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c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? <i>The nearest school is located more than one quarter of a mile away from the project site.</i>			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? <i>The project is not known to be a site listed as a hazardous materials site.</i>				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? <i>The project is not located within an airport land use plan or within two miles of an airport.</i>				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? <i>The project is not within the vicinity of a private airstrip.</i>				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? <i>The project would not impair implement of or physically interfere with an adopted emergency response plan or emergency evacuation plan.</i>				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? <i>The project is <u>not</u> located adjacent to an area subject to wildland fires.</i>				X
VIII. HYDROLOGY AND WATER QUALITY - Would the project:				
a) Violate any water quality standards or waste discharge requirements? <i>The project site is approximately three acres. Projects sites greater than one acre are subject to a Storm Water Pollution Prevention Plan. Conditions imposed by Vallejo Sanitation and Flood Control District and the Storm Water Pollution Prevention Plan will create a less-than-significant impact.</i>			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? <i>The project will result in a greater impervious surface but, the amount of surface area is not of sufficient size to result in significant reductions in groundwater recharge.</i>				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
substantial erosion or siltation on- or off-site? <i>The site is an urban infill site and there are no streams, rivers or other water courses on the site. The project would not increase erosion or siltation.</i>				
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? <i>All site drainage will be directed to the City's storm drain system and conditions implemented by the Vallejo Sanitation and Flood Control District will prevent the project from having any significant drainage, flooding, or water quality impacts.</i>				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? <i>See (d) above.</i>				X
f) Otherwise substantially degrade water quality? <i>See (d) above.</i>				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? <i>The project is a commercial project that does not propose housing.</i>				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? <i>The project is not located within a 100-year flood hazard area and would not affect flood</i>				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>flows.</i>				
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? <i>There are no dams or levees in the project vicinity and would not expose people or structures to significant risk of loss, injury or death.</i>				X
j) Inundation by seiche, tsunami, or mudflow? <i>The project site is not located in close proximity to a body of water that could be affected by an earthquake-generated tsunami (ocean wave) or seiche (inland body of water wave). The project is located on level topography in the northwest part of Vallejo and is not susceptible to mudflows from higher elevations.</i>				X
IX. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community? <i>The project is an infill site and would not divide an established community.</i>				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? <i>The project would not conflict with any applicable land use plan, policy, or regulation adopted to avoid or mitigate an environmental effect.</i>				X
c) Conflict with any applicable habitat				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
conservation plan or natural community conservation plan?				X
<i>There are no habitat or natural community conservation plans within the vicinity of the project site.</i>				
X. MINERAL RESOURCES -- Would the project: --				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
<i>There are no known mineral resources in the vicinity of the project site.</i>				
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
<i>See (a) above.</i>				
XI. NOISE B Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
<i>Short-term construction-related noise levels may be in excess of the standards established in the General Plan; however, short-term noise impacts are not considered to be significant. Nevertheless, the following mitigation measures shall be implemented to lessen construction-related noise impacts:</i>				
1. <i>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</i>				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>shrouds, wherever feasible).</i>				
2. <i>The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.</i>				
3. <i>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.</i>				
4. <i>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.</i>				
<i>The site is not located in an area known to exceed General Plan Standards for residential uses.</i>				
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? <i>See (a) above.</i>				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? <i>See (a) above.</i>				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? <i>See a) above.</i>		X		
e) For a project located within an airport land use plan or, where such a plan has not been				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<p>adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</p> <p><i>The project is not located with an airport land use plans or within two miles of an airport.</i></p>				
<p>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</p> <p><i>The project is not located within the vicinity of a private airstrip.</i></p>				X
<p>XII. POPULATION AND HOUSING -- Would the project:</p>				
<p>a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</p> <p><i>The project is commercial, which is within the anticipated growth in the City's General Plan. A project of this size would not indirectly induce substantial growth.</i></p>				X
<p>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</p> <p><i>The project would not displace any existing housing.</i></p>				X
<p>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</p> <p><i>The project would not displace any people.</i></p>				X
<p>XIII. PUBLIC SERVICES</p>				
<p>a) Would the project result in substantial adverse physical impacts associated with the</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:-				

Fire protection?

The project would result in construction of a new gas station, a 2,500 square foot convenience market, a 3,500 square foot fast food restaurant, and 16,250 square feet of retail commercial space, which is included in growth anticipated in the City's General Plan. The project would not result in any substantial adverse physical impacts associated with the provision of governmental facilities or services.

X

Police protection?

See above.

X

Schools?

See above.

X

Parks?

See above.

X

Other public facilities?

See above.

X

XIV. RECREATION --

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

X

The proposed project does not include a

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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residential component or will significantly increase the population in Vallejo and therefore would not increase the demand on public parks.

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

X

The project does not include recreational facilities or require the construction or expansion of recreational facilities.

XV. TRANSPORTATION/TRAFFIC -- Would the project:

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

X

*The City Traffic Engineer has accepted the Final Traffic Impact Analysis Report prepared by T.Y. Lin International /CCS dated November 29, 200. According to the Final Traffic Impact Analysis Report,, the level of service calculations indicate that the State Route 29 (Sonoma Boulevard) / State Route 37 interchange and other intersections in close proximity will continue to operate at acceptable levels of service during both the AM and PM peak hours. Impacts to traffic would be **less-than-significant**.*

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

X

See (a) above.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location, that results in substantial safety risks? <i>The limited size of the project precludes any impacts to air traffic.</i>			X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? <i>The project driveways front on State Highway 29 (Sonoma Boulevard), the project will be subject to Caltrans approval and City of Vallejo regulations which would make impacts less-than-significant.</i>			X	
e) Result in inadequate emergency access? <i>The project has been designed to meet the standards for emergency access.</i>				X
f) Result in inadequate parking capacity? <i>The project includes parking that is consistent with the Vallejo Municipal Code requirements.</i>				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? <i>The project would not conflict with adopted policies, plans, or programs supporting alternative transportation. The closest bus stops are located north of the project site on Broadway Street to the east and Sonoma Boulevard to the west.</i>				X
XVI. UTILITIES AND SERVICE SYSTEMS B Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
Control Board? <i>The project is within the development anticipated in the General Plan and would not exceed wastewater treatment requirements of the BAWQCB.</i>				
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? <i>The project is within the development anticipated in the General plan and would not require or result in the construction or expansion of new water or wastewater treatment facilities.</i>				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? <i>Existing storm water collection facilities are adequate to serve the project.</i>				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? <i>Sufficient water supplies are available to serve the project from existing entitlements and resources.</i>				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? <i>The project would not exceed the capacity of the wastewater treatment provider (VSFCD).</i>				X
f) Be served by a landfill with sufficient				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
permitted capacity to accommodate the project's solid waste disposal needs? <i>The project is within development anticipated in the Vallejo General Plan and would be served by a landfill with sufficient capacity to accommodate the project's solid waste disposal needs.</i>				X
g) Comply with federal, state, and local statutes and regulations related to solid waste? <i>The project complies with federal, state, and local statutes and regulations related to solid waste as a condition of project approval.</i>				X
XVII. MANDATORY FINDINGS OF SIGNIFICANCE --				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? <i>With implementation of proposed mitigations, the project has no potentially significant impacts.</i>			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? <i>The proposed project would not have any impacts that are individually limited, but cumulatively considerable.</i>				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X		
<i>With implementation of proposed mitigation, the project has no environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.</i>				

SUPPORTING INFORMATION SOURCES

1. Project Specific Factor/Project Design
2. City of Vallejo General Plan, July 1999
3. City of Vallejo Municipal Code (as adopted)
4. State of California, Subdivision Map Act (Government Code Sections 66410 to 66499.58)
5. Vallejo Citywide Traffic Study, June 1994
6. BAAQMD CEQA Guidelines Assessing the Air Quality Impacts of Projects and Plans, Bay Area Air Quality Management District, April 1996, revised December 1999.
7. City of Vallejo, Regulations and Specifications for Public Improvements (as adopted)
8. City of Vallejo, Vallejo Water System Master Plan, 1985, prepared by Kennedy/Jenks Engineers, as updated by Brown & Caldwell, 1996.
9. City of Vallejo, 1995 Urban Water Management Plan
10. Vallejo Sanitation and Flood Control District, Wastewater Facilities Master Plan, 1992.
11. Vallejo Sanitation and Flood Control District, Storm Drainage Master Plan, 1992.
12. Greater Vallejo Recreation District Master Plan, May 1986.
13. Greater Vallejo Recreation District and City of Vallejo, Vallejo Trails Master Plan, June 1988
14. Uniform Building Code (as adopted)
15. Uniform Fire Code (as adopted)
16. Vallejo Fire Prevention Standards.
17. Verbal and/or written comments from Vallejo Department of Public Works (Engineering Division)
18. Verbal and/or written comments from Vallejo Department of Public Works (Traffic Engineering Division)
19. Verbal and/or written comments from Vallejo Water Division
20. Verbal and/or written comments from Vallejo Fire Prevention Division
21. Verbal and/or written comments from Vallejo Police Department
22. Verbal and/or written comments from Vallejo Sanitation and Flood Control District
23. California Archeological Inventory, Northwest Information Center, Sonoma State University
24. Federal Emergency Management Agency, Flood Insurance Program
25. California Department of Conservation, *Special Report 166 - Mineral Land Classification: Aggregate Materials in the San Francisco - Monterey Bay Area*
26. Office of Planning and Research, Hazardous Waste and Substance Sites List
27. City of Vallejo, Emergency Operations Plan, September 1998
28. Solano County Integrated Waste Management Plan
29. T.Y. Lin International/CCS, Final Traffic Report Vallejo Crossroads, November 29, 2005.
30. Donald Ballanti Certified Consulting Meteorologist, Air Quality Analysis for the Vallejo Crossroads Project, December 8, 2006.
31. Letter, ILS Associates Inc., Regarding 100 Year Flood Zone, February 16, 2006
32. E-mail, Pete Tobin, ARC Inc., Regarding Hazardous Materials, December 15, 2006.

March 5, 2007

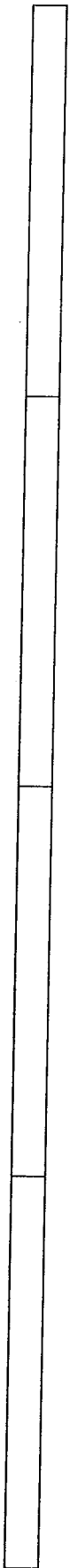
Impact	Mitigation Measure(s)	Implementation Procedure	Monitoring Responsibility
Air Quality Construction related activities will most likely impact air quality as anticipated with any construction project.	<ul style="list-style-type: none"> Water all active construction sites at least twice daily. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard. Pave, apply water three times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites. 	Require as a condition of project approval.	Building Division
		Require as a condition of project approval.	Building Division
		Require as a condition of project approval.	Building Division
		Require as a condition of project approval.	Building Division

	<ul style="list-style-type: none"> • Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. 	Require as a condition of project approval.	Building Division
	<ul style="list-style-type: none"> • Hydroseed or apply (nontoxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more). 	Require as a condition of project approval.	Building Division
	<ul style="list-style-type: none"> • Enclose, cover, water twice daily, or apply (nontoxic) soil binders to exposed stockpiles (dirt, sand, etc.). 	Require as a condition of project approval.	Building Division
	<ul style="list-style-type: none"> • Limit traffic speeds on unpaved roads to 15 mph. 	Require as a condition of project approval.	Building Division
	<ul style="list-style-type: none"> • Install sandbags or other erosion control measures to prevent silt runoff to public roadways. 	Require as a condition of project approval.	Building Division
	<ul style="list-style-type: none"> • Replant vegetation in disturbed areas as quickly as possible. 	Require as a condition of project approval.	Building Division

<p>Noise</p> <p>Short-term construction-related noise levels may be in excess of the standards established in the General Plan.</p>	<ul style="list-style-type: none"> • 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). • The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site. • 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. • During all project site 	<p>Require as a condition of project approval.</p>	<p>Building Division</p>
--	--	--	--------------------------

	<p>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.</p>		
<p>The project may cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels during the construction phase.</p>	<ul style="list-style-type: none"> • 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). • The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site. • The construction 	<p>Require as a condition of project approval.</p>	<p>Building Division</p>

	<p>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.</p> <ul style="list-style-type: none"> 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. 		
<p>Mandatory Findings of Significance</p> <p>The project has a potential to cause substantial adverse effects on human beings, either directly or indirectly</p>	<ul style="list-style-type: none"> With implementation of proposed mitigation, the project has no environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly. 	<p>Require as a condition of approval.</p>	<p>Planning, Building and Public Works</p>



Donald Ballanti
Certified Consulting Meteorologist

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El Cerrito, CA 94530
(510) 234-6087
Fax: (510) 232-7752

December 8, 2006

Darren Goon, Assistant Planner
City of Vallejo
555 Santa Clara Street
Vallejo, CA. 94590

Subject: Air Quality Impact Analysis for the Vallejo Crossroads Project, Vallejo (APN 67-15-32)

Dear Mr. Goon:

At the project sponsor's request I have conducted an air quality impact analysis for the Vallejo Crossroads project. The project was considered would include a sit-down restaurant of 7,000 sq. ft., two fast-food restaurants totaling 6,000 sq. ft., and a service station with 12 pumps.

In analyzing the impacts of the proposed improvements to the site, I have utilized the methods and assumptions recommended by the Bay Area Air Quality Management District in their *BAAQMD CEQA Guidelines*. My calculations utilized daily trip generation and intersection turning movements prepared by T.Y. LIN International/CCS.¹

The operational impacts of the proposed project were found to be **less-than-significant** based on the thresholds of significance recommended by the BAAQMD. Construction impacts were found to be potentially significant on a local scale, but could be reduced to a level that is **less-than-significant** with adoption of construction dust mitigation measures.

Thresholds of Significance

The document *BAAQMD CEQA Guidelines*² provide the following definitions of a significant air quality impact:

¹T. Y. Lin International/CCS, *Final Traffic Report Vallejo Crossroads*, November 29, 2005.

²Bay Area Air Quality Management District, *BAAQMD CEQA Guidelines*, 1996 (Revised Dec. 1999).

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- A project contributing to carbon monoxide (CO) concentrations exceeding the State Ambient Air Quality Standard of 9 parts per million (ppm) averaged over 8 hours or 20 ppm for 1 hour would be considered to have a significant impact.
- A project that generates criteria air pollutant emissions in excess of the BAAQMD annual or daily thresholds would be considered to have a significant air quality impact. The current thresholds are 15 tons/year or 80 pounds/day for Reactive Organic Gases (ROG), Nitrogen Oxides (NO_x) or PM₁₀. Any proposed project that would individually have a significant air quality impact would also be considered to have a significant cumulative air quality impact.
- Any project with the potential to frequently expose members of the public to objectionable odors would be deemed to have a significant impact.
- Any project with the potential to expose sensitive receptors or the general public to substantial levels of toxic air contaminants would be deemed to have a significant impact.

Despite the establishment of both federal and state standards for PM_{2.5} (particulate matter, 2.5 microns), the BAAQMD has not developed a threshold of significance for this pollutant. For this analysis, PM_{2.5} impacts would be considered significant if project emissions of PM₁₀ exceed 80 pounds per day.

The BAAQMD significance threshold for construction dust impact is based on the appropriateness of construction dust controls. The BAAQMD guidelines provide feasible control measures for construction emission of PM₁₀. If the appropriate construction controls are to be implemented (based on site size and proximity to sensitive receptors), then air pollutant emissions for construction activities would be considered less-than-significant.

Project Impact Discussion

The following are responses to CEQA checklist air quality questions based on the BAAQMD thresholds of significance.

a) *Would the project conflict with or obstruct implementation of an air quality plan?*

The San Francisco Bay Area Air Basin is currently non-attainment for ozone (state and

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federal ambient standards) and particulate matter (PM_{2.5} and PM₁₀) (state ambient standard). While an air quality plan exist for ozone, none currently exists for particulate matter. The *Bay Area 2005 Ozone Strategy*³ is the current ozone air quality plan.

A project would be judged to conflict with or obstruct implementation of the regional air quality plan if it would be inconsistent with the growth assumptions, in terms of population, employment or regional growth in Vehicle Miles Traveled. The project would not conflict with any of the growth assumptions made in the preparation of the plan nor obstruct implementation of any of the proposed control measures contained in the plan.

The project would not conflict with the growth assumptions made in the preparation of the regional air quality plans nor would obstruct implementation of control measures contained in the regional air quality plans.

b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Construction

The proposed project would not require demolition of any existing structures. Construction activities on the site would temporarily affect local air quality by causing a temporary increase in particulate dust and other pollutants. Uncontrolled dust emissions during construction have the potential to exceed the ambient air quality standards locally. This impact is potentially significant, but normally mitigatable.

The BAAQMD significance threshold for construction dust impact is based on the appropriateness of construction dust controls. The BAAQMD guidelines provide feasible control measures for construction emission of PM₁₀. If the appropriate construction controls are to be implemented (based on site size and proximity to sensitive receptors), then air pollutant emissions for construction activities would be considered **less-than-significant** (see page 4 for appropriate measures for the proposed project).

Operation

Development projects in the Bay Area are most likely to violate and air quality standard or contribution substantially to an existing or projected air quality violation through generation

³ Bay Area Air Quality Management District, *Bay Area 2005 Ozone Strategy*, January 4, 2006.

of vehicle trips. New vehicle trips add to carbon monoxide concentrations near streets providing access to the site. Carbon monoxide is an odorless, colorless poisonous gas whose primary source in the Bay Area is automobiles. Concentrations of this gas are highest near intersections of major roads

The Bay Area Air Quality Management District's *BAAQMD CEQA Guidelines* recommends estimation of carbon monoxide concentrations for projects where project traffic would impact intersections or roadway links operating at Level of Service D, E, or F or would cause Level of Service to decline to D, E, or F. The traffic analysis identifies one intersection as meeting this criterion (Sonoma Blvd. and Marine World Parkway). Carbon monoxide concentrations under worst-case meteorological conditions have been predicted for this intersection. Peak hour traffic volumes were applied to a screening form of the CALINE-4 dispersion model to predict maximum 1- and 8-hour concentrations near these intersections for existing, project and cumulative conditions. The model results were used to predict the maximum 1- and 8-hour concentrations, corresponding to the 1- and 8-hour averaging times specified in the state and federal ambient air quality standards for carbon monoxide.

The existing worst-case estimate of concentration was 11.2 and 7.2 parts per million (PPM) for the 1-hour and 8-hour averaged concentrations, respectively. The addition of project and cumulative traffic would increase concentrations by up to 0.3 PPM, but concentrations would remain below the state/federal standards. Project impacts on local carbon monoxide concentrations would be **less-than-significant**.

Mitigation Measure 1: The following measures are recommended for inclusion in construction contracts to control fugitive dust emissions:

- Water all active construction areas at least twice daily.
- Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Sweep daily (preferably with water sweepers) all paved access road, parking areas and staging areas at construction sites.
- Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.

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According to BAAQMD guidance, the above mitigation measures would reduce construction impacts to a level that is **less-than-significant**.

c) Would the project result in cumulatively considerable air pollutants?

To evaluate emissions associated with the project, the URBEMIS-2002 computer program was employed. The daily increase in regional emissions from auto travel is shown in Table 1 for reactive organic gases (hydrocarbons) and oxides of nitrogen (two precursors of ozone) and PM₁₀ (particulate matter, 10 micron). The URBEMIS-2002 output is attached.

Guidelines for the evaluation of project impacts issued by the Bay Area Air Quality Management District consider emission increases to be significant if they exceed 80 lbs per day for regional pollutants (ROG and NO_x, PM₁₀). The emission increases shown in Table 1 are well below these criteria, so the project would have a **less-than-significant** impact on regional air quality.

Table 1: Project Regional Emissions in Pounds Per Day

	Reactive Organic Gases	Nitrogen Oxides	PM ₁₀
Project New Daily Emissions	30.1	27.8	22.2
BAAQMD Threshold	80.0	80.0	80.0

d. Expose sensitive receptors to substantial pollutant concentrations?

The project would result in the new emissions of Toxic Air Contaminants (TACs). The proposed gasoline station would be a source of gasoline vapors that would include TACs such as benzene.

Gasoline vapors are released during the filling of both the stationary underground storage tanks and the transfer from those underground tanks to individual vehicles. The BAAQMD has stringent requirements for the control of gasoline vapor emissions from gasoline dispensing facilities that require all new facilities to install and maintain CARB Certified

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Vapor Recovery Systems. As a potential source of TACs, a gasoline filling station is subject to the BAAQMD's toxic risk screening and risk management procedures.

A screening risk assessment has been conducted utilizing the procedures and emission factors defined in California Air Pollution Control Officers' *Air Toxics "Hot Spots" Program Gasoline Service Station Industry-wide Risk Assessment Guidelines*.⁴ Using aerial photographs of the project environs, the distance between the center of the proposed gasoline facility and the nearest residence was determined.

The CAPCOA procedures provide a very conservative estimate of cancer risk per million gallons of gasoline pumped based on distance from the facility. This risk is based on a continuous exposure over a 70-year lifetime. The resulting risk of cancer (per million gallons pumped) is 3.46 in one million.

BAAQMD rules and regulations require that permits be denied for new sources of any carcinogenic air contaminant unless it can be shown that it will not result in:

- A maximum individual cancer risk greater than one in one million at any receptor location, if the facility is constructed without T-BACT (Toxic Best Available Controls).
- A maximum individual cancer risk greater than ten in one million at any receptor location, if the facility is constructed with T-BACT.

The proposed gasoline facility would be equipped with emission control equipment that qualifies as T-BACT for this type of facility, the appropriate limit on risk is 10 in one million. This threshold would be exceeded only if throughput exceeded 2.9 million gallons per year. This indicates that a gasoline station at the proposed location could obtain a permit from the BAAQMD (under current rules and regulations).

The actual throughput limitation on the facility will be established by the BAAQMD based on their own risk analysis. The throughput limit will be established at a level that will ensure that cancer and non-cancer risks are below the significance thresholds. BAAQMD regulations and procedures, already established and enforced as part of the air quality permit review process, would ensure that any potential impacts due to emission of hazardous

⁴ California Air Pollution Control Officers Association (CAPCOA), *Gasoline Service Station Industry-wide Risk Assessment Guidelines*, December 1997.

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The actual throughput limitation on the facility will be established by the BAAQMD based on their own risk analysis. The throughput limit will be established at a level that will ensure that cancer and non-cancer risks are below the significance thresholds. BAAQMD regulations and procedures, already established and enforced as part of the air quality permit review process, would ensure that any potential impacts due to emission of hazardous or toxic air contaminants would be reduced to a level that is **less-than-significant**.

e. Create objectionable odors affecting a substantial number of people?

The project would include restaurants which are a source of cooking odors. Reaction to cooking odors varies widely with individuals. Some people find them objectionable, while others find them pleasant. Restaurant cooking odors have, in some instances, been the subject of complaints.

Distance between odor sources and sensitive receptors is the primary determinant of potential for odor complaints, as distance determines dilution of odor strength. The project would not place any cooking odor sources in proximity to or upwind from residences or other sensitive uses. Project odor impacts are therefore considered to be **less-than-significant**.

I hope that you find this analysis useful. Please call if you have questions.

Sincerely,



Donald Ballanti
Certified Consulting Meteorologist

Attachments

Cc: Glenn Larsen/Paul Ghafoori
Peter Tobin
Kam Shadan

URBEMIS 2002 For Windows 8.7.0

File Name: <Not Saved>
Project Name: Vallejo Crossroads
Project Location: San Francisco Bay Area
On-Road Motor Vehicle Emissions Based on EMFAC2002 version 2.2

SUMMARY REPORT
(Pounds/Day - Summer)

OPERATIONAL (VEHICLE) EMISSION ESTIMATES	ROG	NOx	CO	SO2	PM10
TOTALS (lbs/day, unmitigated)	30.12	27.77	281.44	0.15	22.17

URBEMIS 2002 For Windows 8.7.0

File Name: <Not Saved>
Project Name: Vallejo Crossroads
Project Location: San Francisco Bay Area
On-Road Motor Vehicle Emissions Based on EMFAC2002 version 2.2

DETAIL REPORT
(Pounds/Day - Summer)

UNMITIGATED OPERATIONAL EMISSIONS

	ROG	NOx	CO	SO2	PM10
High turnover (sit-down)	4.51	3.83	39.06	0.02	2.93
Fast food rest. w/ drive	16.59	17.13	173.09	0.10	14.57
Gasoline/service station	9.02	6.81	69.29	0.03	4.67
TOTAL EMISSIONS (lbs/day)	30.12	27.77	281.44	0.15	22.17

Includes correction for passby trips.
Does not include double counting adjustment for internal trips.

OPERATIONAL (Vehicle) EMISSION ESTIMATES

Analysis Year: 2007 Temperature (F): 85 Season: Summer

EMFAC Version: EMFAC2002 (9/2002)

Summary of Land Uses:

Unit Type	Acreage	Trip Rate	No. Units	Total Trips
High turnover (sit-down)		127.15 trips/1000 sq. ft.	7.00	890.05
Fast food rest. w/ drive		496.12 trips/1000 sq. ft	6.00	2,976.72
Gasoline/service station		162.78 trips/Pumps	12.00	1,953.36
		Sum of Total Trips		5,820.13
		Total Vehicle Miles Traveled		14,518.58

Vehicle Assumptions:

Fleet Mix:

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Light Auto	55.20	1.80	97.80	0.40
Light Truck < 3,750 lbs	15.10	3.30	94.00	2.70
Light Truck 3,751- 5,750	16.10	1.90	96.90	1.20
Med Truck 5,751- 8,500	7.10	1.40	95.80	2.80
Lite-Heavy 8,501-10,000	1.10	0.00	81.80	18.20
Lite-Heavy 10,001-14,000	0.40	0.00	50.00	50.00
Med-Heavy 14,001-33,000	1.00	0.00	20.00	80.00
Heavy-Heavy 33,001-60,000	0.90	0.00	11.10	88.90
Line Haul > 60,000 lbs	0.00	0.00	0.00	100.00
Urban Bus	0.10	0.00	0.00	100.00
Motorcycle	1.70	82.40	17.60	0.00
School Bus	0.10	0.00	0.00	100.00
Motor Home	1.20	8.30	83.30	8.40

Travel Conditions

	Residential			Commercial		
	Home- Work	Home- Shop	Home- Other	Commute	Non-Work	Customer
Urban Trip Length (miles)	11.8	4.6	6.1	11.8	5.0	5.0
Rural Trip Length (miles)	15.0	10.0	10.0	15.0	10.0	10.0
Trip Speeds (mph)	30.0	30.0	30.0	30.0	30.0	30.0
% of Trips - Residential	27.3	21.2	51.5			
% of Trips - Commercial (by land use)						
High turnover (sit-down) rest.				5.0	2.5	92.5
Fast food rest. w/ drive thru				5.0	2.5	92.5
Gasoline/service station				2.0	1.0	97.0

Changes made to the default values for Land Use Trip Percentages

Changes made to the default values for Operations

The operational emission year changed from 2005 to 2007.

TYLIN INTERNATIONAL
engineers | planners | scientists

To: Taner Aksu
Address: City of Vallejo
555 Santa Clara Street
P.O. Box 3068
Vallejo, CA 94590
Re: Comparison of Vallejo Crossroads Trip Generation

From: Mousa Abbasi/Shusuke Iida
Date: March 10, 2006
CC: File

MEMORANDUM

T.Y. Lin International (TYLI) has prepared this memorandum to compare the trip generation of the revised Vallejo Crossroads development site plan to the trip generation of the original site plan as calculated in the Vallejo Crossroads Traffic Impact Analysis final report dated November 29, 2005. The purpose of this memorandum is to calculate the difference in trip generation between the original and revised project site plans to determine whether a new traffic study is necessary.

Trip generation relates land uses to the number of vehicles entering or exiting the site. The trip generation rates are based on traffic counts and surveys at similar existing land uses. The traffic generation rates for this study are based on the standard reference *Trip Generation* (Institute of Transportation Engineers, 7th Edition, 2003). The site plan evaluated in the November 29, 2005 Vallejo Crossroads TIA report assumed the following land uses:

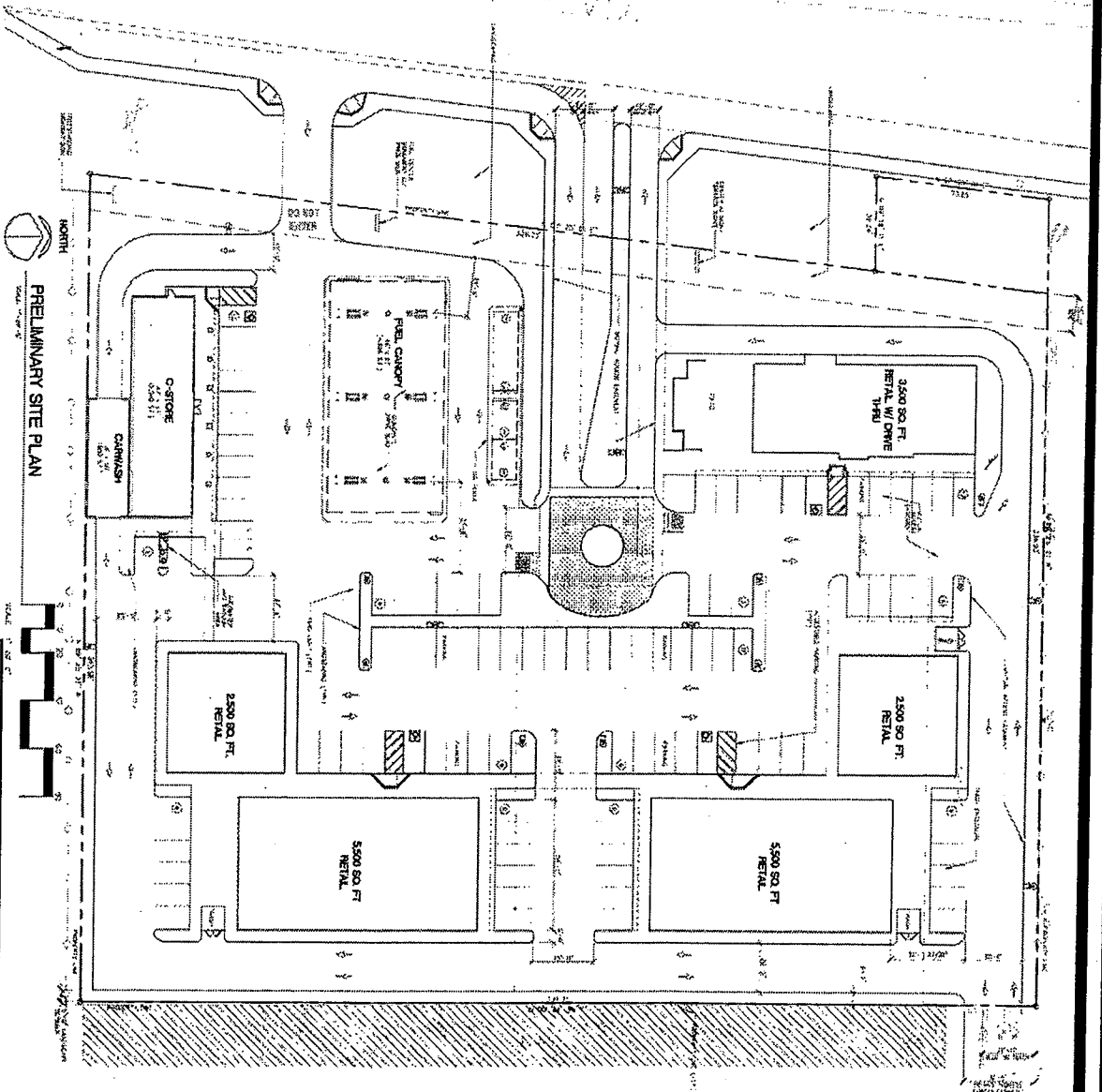
- Gas Station with Convenience Store and Car Wash – 12 fueling positions
- Fast Food Restaurant with Drive-Thru – 6,000 SF
- High-Turnover (Sit-Down) Restaurant – 7,000 SF

The revised site plan, which is shown in Figure 1, assumes the following land uses:

- Gas Station with Convenience Store and Car Wash – 12 fueling positions
- Fast Food Restaurant with Drive-Thru – 3,500 SF
- Specialty Retail – 16,000 SF

The AM and PM peak hour trip generation calculations for the original and revised site plans are summarized in Tables 1 and 2, respectively. The original site plan would result in a trip generation of 264 trips (135 inbound and 129 outbound) during the AM peak hour and 223 trips (118 inbound and 105 outbound) during the PM peak hour. The revised site plan would result in a trip generation of 157 trips (80 inbound and 77 outbound) during the AM peak hour and 163 trips (81 inbound and 81 outbound) during the PM peak hour.

SOROKA, REVO



→

Table 1
Original Project Site Plan Trip Generation

Table 10-10: Trip Generation Rates for Various Land Uses											
Land Use	Area (KSF)	Area (KSF)	Trips per Hour	AM Peak Hour	PM Peak Hour	Off-Peak Hour	Trips per Hour	AM Peak Hour	PM Peak Hour	Off-Peak Hour	
Gas Station	12 Pumps	10.64	51%/49%	65	63	128	13.33	50%/50%	80	80	160
Fast-Food Restaurant	6 KSF	53.11	51%/49%	163	156	319	34.64	52%/48%	108	100	208
Sit-Down Restaurant	7 KSF	11.52	52%/48%	42	39	81	10.92	61%/39%	47	30	77
Subtotal				270	258	528			235	210	445
Pass-by reduction		-50%		-135	-129	-264	-50%		-117	-105	-222
Total				135	129	264			118	105	223

Sources: *Trip Generation*, Institute of Transportation Engineers, 7th Edition, 2003.
Trip Generation Handbook, Institute of Transportation Engineers, 2nd Edition, 2004.

Table 2
Revised Project Site Plan Trip Generation

Land Use	Area	Area (KSF)	Trips per Hour	AM Peak Hour	PM Peak Hour	Off-Peak Hour	Trips per Hour	AM Peak Hour	PM Peak Hour	Off-Peak Hour	
Gas Station	12 Pumps	10.64	51%/49%	65	63	128	13.33	50%/50%	80	80	160
Fast-Food Restaurant	3.5 KSF	53.11	51%/49%	95	91	186	34.64	52%/48%	63	58	121
Specialty Retail	16 KSF	N/A	N/A	N/A	N/A	N/A	2.71	44%/56%	19	24	43
Subtotal				160	154	314			162	162	324
Pass-by reduction		-50%		-80	-77	-157	-50%		-81	-81	-162
Total				80	77	157			81	81	162

Sources: *Trip Generation*, Institute of Transportation Engineers, 7th Edition, 2003.
Trip Generation Handbook, Institute of Transportation Engineers, 2nd Edition, 2004.

The trip generation calculation indicates the revised Vallejo Crossroads site plan would generate 107 fewer trips in the AM peak hour and 61 fewer trips in the PM peak hour. Therefore, a new traffic study for the revised site plan would not be required since the Vallejo Crossroads Traffic Impact Analysis final report dated November 29, 2005, assumed a worse-case scenario.

Final Traffic Impact Analysis Report

Vallejo Crossroads

prepared for

City of Vallejo

prepared by

TYLIN INTERNATIONAL / **CCS**

November 29, 2005

Final Traffic Impact Analysis Report

Vallejo Crossroads

prepared for

City of Vallejo

prepared by

T.Y. Lin International/CCS

100 B Street, Suite 330
Santa Rosa, CA 95401
(707) 578-4860

TYLI/CCS # 310286.00

November 29, 2005

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APPENDIX

A	Intersection Traffic Counts
B	Intersection Capacity Analysis Worksheets
C	Signal Warrants

EXECUTIVE SUMMARY

This traffic study has been prepared for the proposed Vallejo Crossroads development in the City of Vallejo. The purpose of this study is to evaluate potential traffic impacts resulting from the proposed project. This evaluation focuses on AM and PM peak hour level of service (LOS) analyses for the study intersections identified in the City of Vallejo.

The proposed location for the Vallejo Crossroads project is on the east side of Sonoma Boulevard south of Meadows Drive. The project, which would be located south of the existing Meadows Plaza shopping center, would include construction of a gas station with a convenience store, one sit-down restaurant, and two fast food restaurants. The project would generate a total of 264 trips during the AM peak hour and 223 trips during the PM peak hour.

Under Existing Conditions, the intersection of Sonoma Boulevard & Marine World Parkway operates at LOS E during the PM peak hour. The other two study intersections operate at acceptable levels of service during both peak hours.

Traffic that would be generated by the proposed Vallejo Crossroads project was added to the Existing Conditions traffic. The intersection of Sonoma Boulevard & Marine World Parkway would continue to operate at LOS E during the PM peak hour. The other study intersections would operate at acceptable levels of service during both peak hours under Existing Plus Project Conditions. The southbound left-turn lane in the median on Sonoma Boulevard that would provide access into the project site would also operate acceptably. This movement would have minimal queuing with an average delay of about 11 seconds during the AM peak hour and 15 seconds during the PM peak hour. Although the traffic analysis indicates the left-turn operations at the proposed median cut would be acceptable, the construction of the left-turn pocket would be subject to City of Vallejo and Caltrans approval.

Existing Plus Project Conditions following completion of the State Route 37 (SR-37) project was also evaluated. The two Sonoma Boulevard & Marine World Parkway ramp end intersections would operate at LOS B during the peak hours. The proposed southbound left-turn lane in the median on Sonoma Boulevard into the project site would operate acceptably, identical to Existing Plus Project Conditions.

Traffic that would be generated by the Sonoma Villas development was added to the Existing Conditions traffic to estimate Cumulative Conditions. The intersection of Sonoma Boulevard & Marine World Parkway would operate at LOS E during the PM peak hour. The other two study intersections would operate at acceptable levels of service during both peak hours under Cumulative Conditions.

Intersection calculations of Cumulative Conditions following completion of the SR-37 project indicated the two Sonoma Boulevard & Marine World Parkway ramp end intersections would operate at LOS B during the peak hours.

Cumulative Plus Project Conditions include traffic that would be generated by the proposed Vallejo Crossroads project and the Sonoma Villas development. The intersection of Sonoma Boulevard & Marine World Parkway would operate at LOS E during the PM peak hour. The other study intersections would operate at acceptable levels of service during both peak hours under Cumulative Plus Project Conditions. The southbound left-turn lane in the median on Sonoma Boulevard would have minimal queuing with an average delay of about 11 seconds during the AM peak hour and 17 seconds during the PM peak hour.

The two Sonoma Boulevard & Marine World Parkway ramp end intersections would continue to operate at LOS B during the peak hours under Cumulative Plus Project Conditions following completion of the SR-37 project. The proposed southbound left-turn lane in the median on Sonoma Boulevard into the project site would operate acceptably, identical to Cumulative Plus Project Conditions.

The City of Vallejo's review of existing roadway geometry indicates that inadequate space is available to provide double left-turn lanes at the study intersections. Furthermore, based on discussions with the City Traffic Engineer, the City and Caltrans would not approve median cuts to accommodate double-left turn lanes. However, based on the traffic analysis, the project would not result in any of the left-turn volumes at the study intersections to exceed 300 vehicles.

SECTION 1

INTRODUCTION

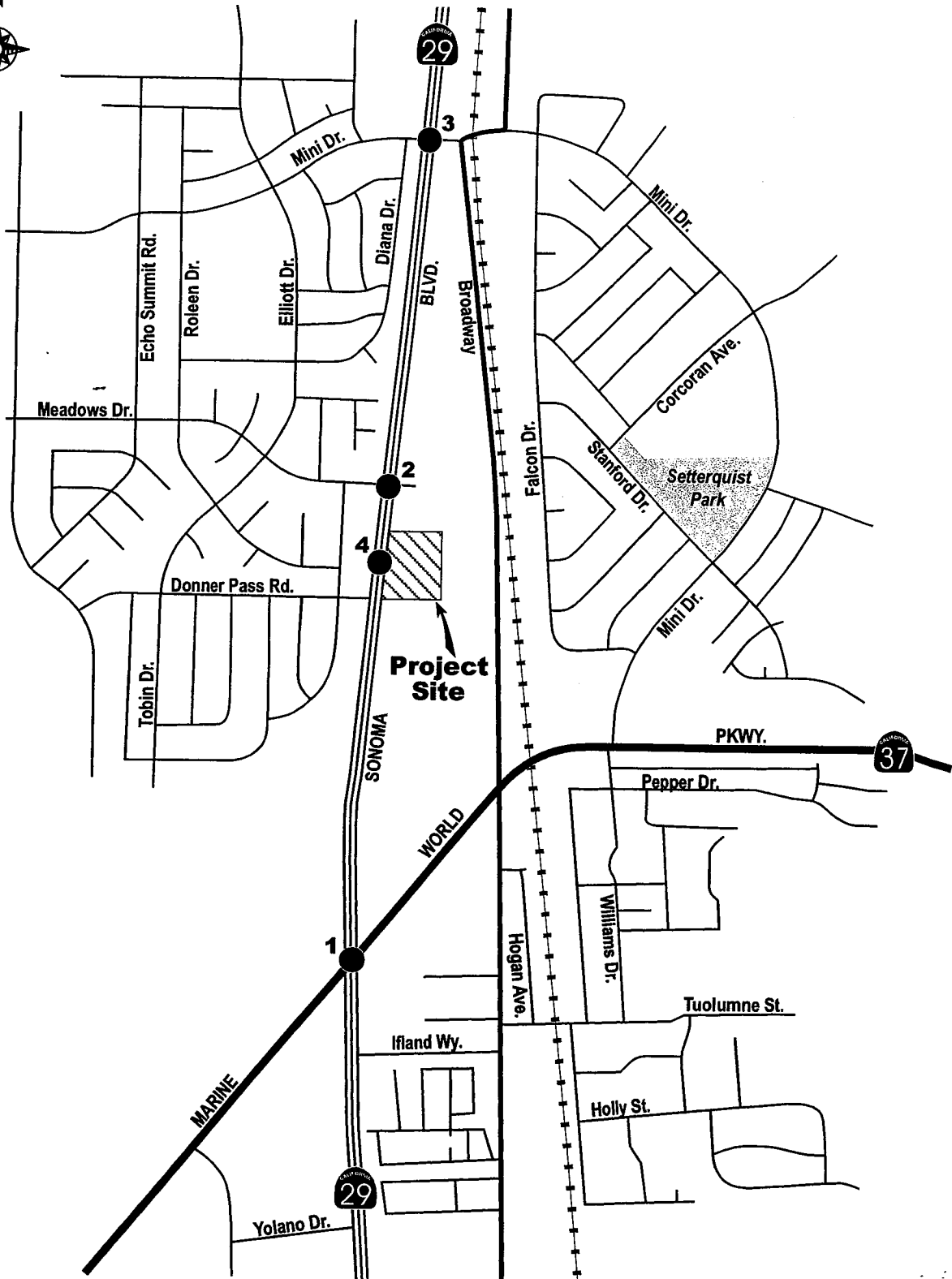
This traffic impact study has been prepared for the proposed Vallejo Crossroads development located in the City of Vallejo. The purpose of this study is to evaluate the potential traffic impacts associated with the project including intersection operations and access.

PROJECT DESCRIPTION

The proposed location for the Vallejo Crossroads development is on the east side of Sonoma Boulevard south of Meadows Drive, as shown in Figure 1. The project, which would be located south of the existing Meadows Plaza shopping center, would include construction of a gas station with a convenience store, one sit-down restaurant, and two fast food restaurants. The project site plan, at the time of this report, is shown in Figure 2. The project would generate a total of 264 trips during the AM peak hour and 223 trips during the PM peak hour.

The project would provide two inbound driveways and one outbound driveway on Sonoma Boulevard. The City will require the developer to follow the design standards set forth in the "Highway Design Manual" Section 205.3(4) for Commercial Driveways, and "2004 Standard Plans" during the development of design plan sheets. The City will also require the developer to design all approaches to the driveways in accordance with the Caltrans' standard titled "Standard Private and Commercial Driveway Approach For Rural Areas With Unimproved Frontage On Conventional State Highways". The developer will be required to obtain an encroachment permit from Caltrans prior to construction.

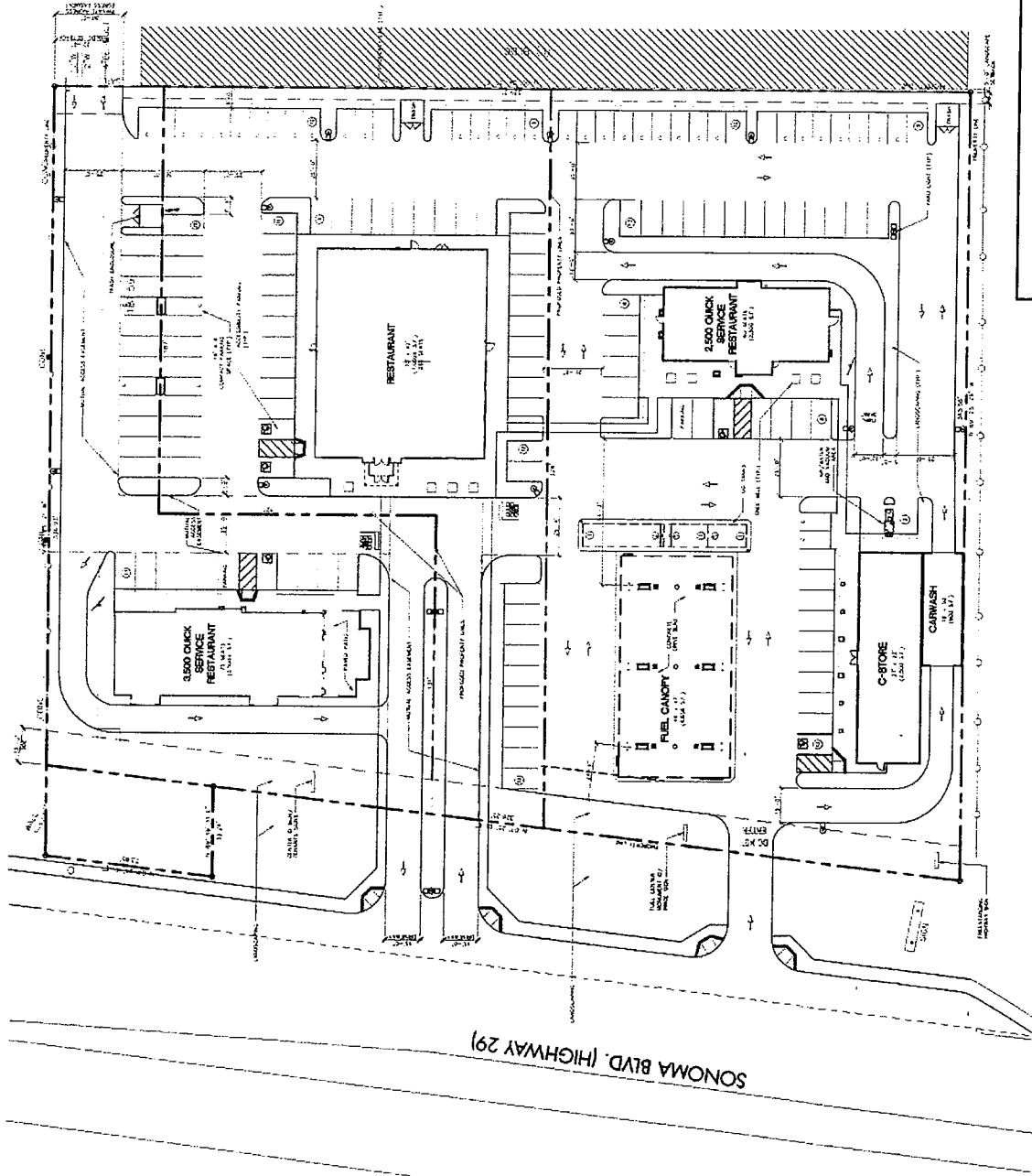
All frontage improvements for transit, bicycle, and pedestrian facilities in the project area will be installed according to City and Caltrans standards. The City will collect Transportation Impact Mitigation Fee (TIMF) from the developer to pay for the project's fair share of mitigation for cumulative impacts.



Legend	
● ¹	Study Intersection

Vallejo Crossroads TIA
Project Area

Figure
1



Figure

2

Vallejo Crossroads TIA

Site Plan

STUDY SCOPE

The traffic analysis focuses on the following key study intersections:

1. Sonoma Boulevard (SR-29) & Marine World Parkway (SR-37)
2. Sonoma Boulevard & Meadows Drive
3. Sonoma Boulevard & Mini Drive
4. Sonoma Boulevard & Project Driveway

Figure 1 also shows the locations of the study intersections. These intersections were selected based on their proximity to the project site and propensity for project traffic to utilize these locations.

STUDY SCENARIOS

Traffic impacts are evaluated for the following traffic scenarios:

- Existing Conditions
- Existing Plus Project Conditions
- Existing Plus Project Conditions following completion of the SR-29/SR-37 interchange project
- Cumulative Conditions
- Cumulative Conditions following completion of the SR-29/SR-37 interchange project
- Cumulative Plus Project Conditions
- Cumulative Plus Project Conditions following completion of the SR-29/SR-37 interchange project

SECTION 2

EXISTING CONDITIONS

This section describes the existing traffic conditions in the study area, in terms of existing roads and traffic operations.

EXISTING ROADS

The proposed project site would primarily be served by Sonoma Boulevard, Marine World Parkway, Meadows Drive, and Mini Drive:

Sonoma Boulevard (SR-29) is a north-south running highway that extends between Interstate 80 (I-80) in the south and SR-20 in the north. In the vicinity of the project site, it is a divided four-lane highway with a posted speed limit of 50 miles per hour.

Marine World Parkway (SR-37) is an east-west running highway that extends between I-80 in the east and US-101 in Marin County in the west. In the vicinity of the project site, it is an undivided four-lane roadway with a posted speed limit of 50 miles per hour.

Meadows Drive is a four-lane roadway that extends between Meadows Plaza in the east and residential areas to the west. The posted speed limit is 35 miles per hour.

Mini Drive is a four-lane roadway that extends between Marine World Parkway in the east and residential areas to the west. The posted speed limit is 30 miles per hour.

APPROACH AND METHODOLOGY

Traffic operations were evaluated in terms of intersection operations. Intersection operations were evaluated for the AM and PM peak hours at the study intersections using the criteria and methodology described below.

Level of Service Concept

Intersections are evaluated in terms of “level of service” (LOS), which is a measure of driving conditions and vehicle delay. Levels of service range from A (best) to F (poorest). Levels of service A, B and C indicate conditions where traffic can move relatively freely. Level of service D describes conditions where delay is more noticeable. Level of service E describes conditions where traffic volumes are at or close to capacity, resulting in significant delays. Level of service F characterizes conditions where traffic demand exceeds available capacity, with very slow speeds (stop-and-go) and long delays (over a minute). See Table 1 for a more detailed description of LOS.

Standards of Significance

Study intersection levels of service and delay are provided to determine the magnitude of project-related impacts. In the City of Vallejo, LOS D is considered the acceptable limit for intersection operations. For study purposes, a significant traffic impact is considered if project related traffic degrades level of service from an acceptable range (LOS A, B, C or D) to an unacceptable range (LOS E or F).

Signalized Intersection Analysis Methodology

The signalized study intersections were evaluated with the TRAFFIX software using the methodologies from Chapter 16 of the *2000 Highway Capacity Manual*. This methodology evaluates the amount of green signal time available to each traffic approach and the total intersection capacity used by the traffic demand, and assigns a LOS based on the average control delay that the drivers would experience at the intersection during the peak hour. The criteria for the six distinct levels of service are summarized in Table 1.

Unsignalized Intersection Analysis Methodology

The unsignalized study intersections were evaluated using the methodology from Chapter 17 of the *2000 Highway Capacity Manual* in the Traffix software. This methodology separately evaluates each turning movement that yields to an opposing movement and assigns a LOS. The LOS is based on the average total delays of traffic on the minor approach waiting for an adequate gap in conflicting traffic flows. Under this methodology, the LOS is not defined for the intersection as a whole. The LOS criteria for unsignalized intersections are shown in Table 2.

Table 1
Level of Service Definitions for Signalized Intersections

Level of Service	Average Control Delay per Vehicle (Secs)	Description
A	0 – 10.0	Very low delay. Occurs when progression is extremely favorable and most vehicles arrive during the green phase. Most vehicles do not stop at all. Short cycle lengths may also contribute to low delay.
B	10.1 – 20.0	Generally occurs with good progression, short cycle lengths, or both. More vehicles stop than with LOS “A,” causing higher levels of average delay.
C	20.1 – 35.0	These higher delays may result from fair progression, longer cycle lengths, or both. Individual cycle failures may begin to appear at this level. The number of vehicles stopping is significant at this level, though may still pass through the intersection without stopping.
D	35.1 – 55.0	The influence of congestion becomes more noticeable. Longer delays may result from some combination of unfavorable progression, long cycle lengths, or high v/c ratios. Many vehicles stop, and the proportion of vehicles not stopping declines. Individual cycle failures are noticeable.
E	55.1 – 80.0	These high delay values generally indicate poor progression, long cycle lengths, and high v/c ratios. Individual cycle failures are frequent occurrences.
F	> 80.0	This level, considered to be unacceptable to most drivers, often occurs with oversaturation, that is, when arrival flow rates exceed the capacity of the intersection. It may also occur at high v/c ratios below 1.0 with many individual cycle failures. Poor progression and long cycle lengths may also be major contributing causes to such delay levels.

Source: Transportation Research Board, *Highway Capacity Manual*, 2000.

Table 2
Level of Service Definitions for Unsignalized Intersections

Level of Service	Vehicle Delay (Seconds)	Description
A	0 - 10.0	Little or no delay
B	10.1 - 15.0	Short traffic delay
C	15.1 - 25.0	Average traffic delays
D	25.1 - 35.0	Long traffic delays
E	35.1 - 50.0	Very long traffic delays
F	> 50.0	Extreme delays potentially affecting other traffic movements in the intersection

Source: Transportation Research Board, *Highway Capacity Manual*, 2000.

INTERSECTION OPERATIONS

Study intersection operations were evaluated for morning (AM) and evening (PM) peak traffic conditions. These peak conditions generally occur between 7:00 and 9:00 AM, and 4:00 and 6:00 PM on weekdays. Turning movement counts at the study intersections during the morning and evening peak periods were collected by Marks Traffic Data for T.Y. Lin International/CCS in June 2005. The existing lane geometry and peak hour traffic volumes are shown on Figure 3. The count data is included in Appendix A.

The level of service analysis results for the study intersections are summarized in Table 3. The intersection capacity analysis worksheets are included in Appendix B. The level of service calculations indicate the intersection of Sonoma Boulevard & Marine World Parkway operates at LOS E during the PM peak hour. The other study intersections operate at acceptable levels of service during both the AM and PM peak hours under Existing Conditions.

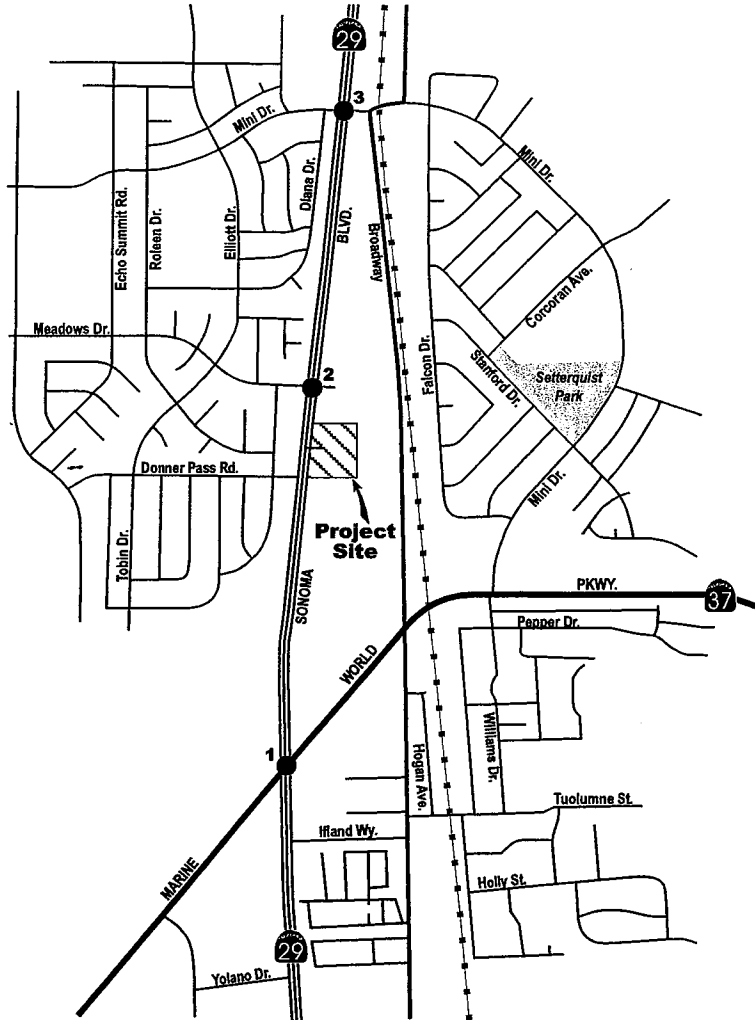
Table 3
Existing Conditions
Intersection Operations

	Intersection	Control	AM Peak Hour		PM Peak Hour	
			LOS	Delay	LOS	Delay
1	Sonoma Blvd. & Marine World Pkwy.	Signalized	D	52	E	60
2	Sonoma Blvd. & Meadows Dr.	Signalized	C	32	C	34
3	Sonoma Blvd. & Mini Dr.	Signalized	C	29	C	32

Notes:

LOS = Level of Service

Delay = Average delay for all vehicles at intersection, in seconds



1	
<p>235(208) 724(826) 352(362)</p> <p>Marine World Pkwy.</p> <p>144(252) 601(787) 101(70)</p> <p>Sonoma Blvd.</p> <p>23(67) 446(815) 104(205)</p>	<p>306(371) 865(679) 117(134)</p>

2	
<p>20(56) 805(985) 17(78)</p> <p>Meadows Dr.</p> <p>73(48) 85(91) 414(252)</p> <p>Sonoma Blvd.</p> <p>140(373) 641(902) 24(145)</p>	<p>13(73) 52(141) 16(82)</p>

3	
<p>59(96) 726(961) 136(284)</p> <p>Mini Dr.</p> <p>111(79) 298(195) 85(74)</p> <p>Sonoma Blvd.</p> <p>39(157) 616(782) 72(94)</p>	<p>220(169) 206(317) 61(44)</p>

Legend	
● ¹	Study Intersection
4(48)	AM(PM) Peak Hour Volumes
↔	Lane Configuration

Vallejo Crossroads TIA	Figure
Existing AM and PM Peak Hour Volumes and Lane Geometry	3

SECTION 3

IMPACTS AND MITIGATION

This section presents the evaluation of traffic impacts on the study intersections under the following scenarios:

- Existing Plus Project Conditions
- Existing Plus Project Conditions following completion of the SR-29/SR-37 interchange
- Cumulative Conditions
- Cumulative Conditions following completion of the SR-29/SR-37 interchange
- Cumulative Plus Project Conditions
- Cumulative Plus Project Conditions following completion of the SR-29/SR-37 interchange

TRIP GENERATION

Trip generation relates land uses to the number of vehicles entering or exiting the site. The trip generation rates are based on traffic counts and surveys at similar existing land uses. The traffic generation rate for the Vallejo Crossroads project is based on the standard reference *Trip Generation* (Institute of Transportation Engineers, 7th Edition, 2003). The Gas Station with Convenience Store and Car Wash, Fast-Food Restaurant with Drive-Through Window, and High-Turnover (Sit-Down) Restaurant land use categories were used to calculate AM and PM peak hour directional trips. A reduction to the project trip generation was made to account for pass-by trips. Pass-by trips are defined as trips made as intermediate stops on the way from an origin to a primary destination without a route diversion. Studies of gas stations and fast-food restaurants have shown that the majority of the traffic they generate are pass-by trips¹. This study assumes a pass-by factor of 50% for the project. The project trip generation is summarized in Table 4. The project would generate 264 trips (135 inbound and 129 outbound) during the AM peak hour and 223 trips (118 inbound and 105 outbound) during the PM peak hour.

¹ *Trip Generation Handbook*, Institute of Transportation Engineer, 2nd Edition, 2004.

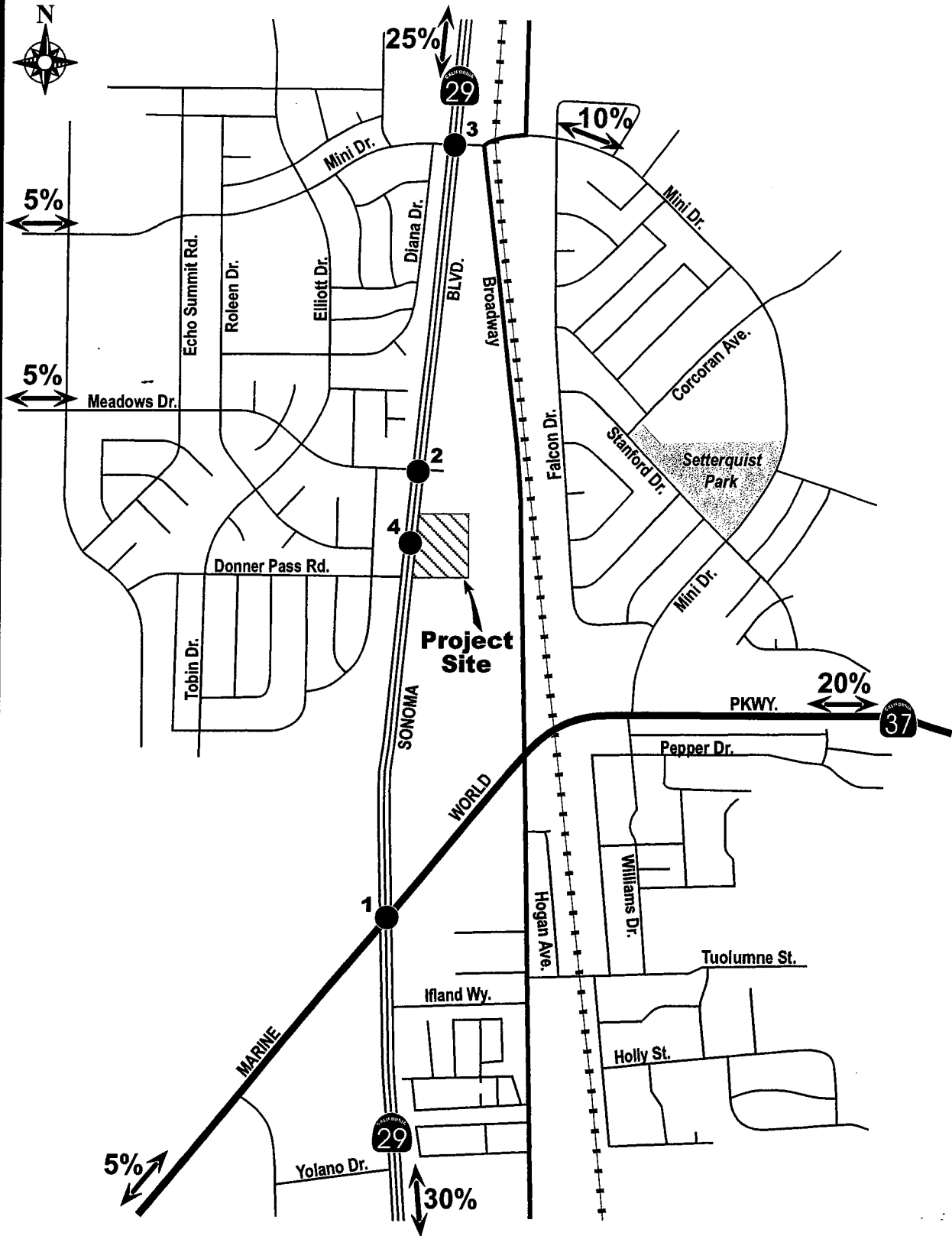
Table 4
Project Trip Generation

Land Use	Size	AM Peak Hour					PM Peak Hour				
		Rate	In/Out %	In	Out	Total	Rate	In/Out %	In	Out	Total
Gas Station	12 Pumps	10.64	51%/49%	65	63	128	13.33	50%/50%	80	80	160
Fast-Food Restaurant	6 KSF	53.11	51%/49%	163	156	319	34.64	52%/48%	108	100	208
Sit-Down Restaurant	7 KSF	11.52	52%/48%	42	39	81	10.92	61%/39%	47	30	77
Subtotal				270	258	528			235	210	445
Pass-by reduction		-50%		-135	-129	-264	-50%		-117	-105	-222
Total				135	129	264			118	105	223

Sources: *Trip Generation*, Institute of Transportation Engineers, 7th Edition, 2003.
Trip Generation Handbook, Institute of Transportation Engineers, 2nd Edition, 2004.

TRIP DISTRIBUTION

Trip distribution simulates the geographical pattern of travel, matching trips generated by one type of land use (e.g., residential or commercial) with trips generated by other types of land uses (e.g., employment, shopping, and education). This traffic study assumed trips generated by the proposed project would follow existing trip distribution patterns similar to nearby, existing developments. Figure 4 shows the assumed pattern of project trip distribution, based on the existing traffic counts collected and the location of the project site relative to other land uses in the area.



Vallejo Crossroads TIA

Project Trip Distribution

Figure

4

TRAFFIC IMPACTS

The traffic impacts for project conditions were identified in terms of intersection levels of service. Intersection levels of service during the AM and PM peak hours were evaluated for each of the study scenarios.

Existing Plus Project Conditions. Traffic that would be generated by the proposed Vallejo Crossroads project was added to the Existing Conditions traffic. The traffic volumes under Existing Plus Project Conditions are shown in Figure 5. The level of service analysis results for the study intersections are summarized in Table 5.

Table 5
Existing Plus Project Conditions
Intersection Operations

Intersection		Control	Existing		Existing + Project	
			LOS	Delay	LOS	Delay
AM Peak Hour						
1	Sonoma Blvd. & Marine World Pkwy.	Signalized	D	52	D	53
2	Sonoma Blvd. & Meadows Dr.	Signalized	C	32	D	36
3	Sonoma Blvd. & Mini Dr.	Signalized	C	29	C	29
4	Sonoma Blvd. & Project Driveway	Minor Stop	N/A	N/A	A(C)	2(15)
PM Peak Hour						
1	Sonoma Blvd. & Marine World Pkwy.	Signalized	E	60	E	62
2	Sonoma Blvd. & Meadows Dr.	Signalized	C	34	D	38
3	Sonoma Blvd. & Mini Dr.	Signalized	C	32	C	32
4	Sonoma Blvd. & Project Driveway	Minor Stop	N/A	N/A	A(D)	2(26)

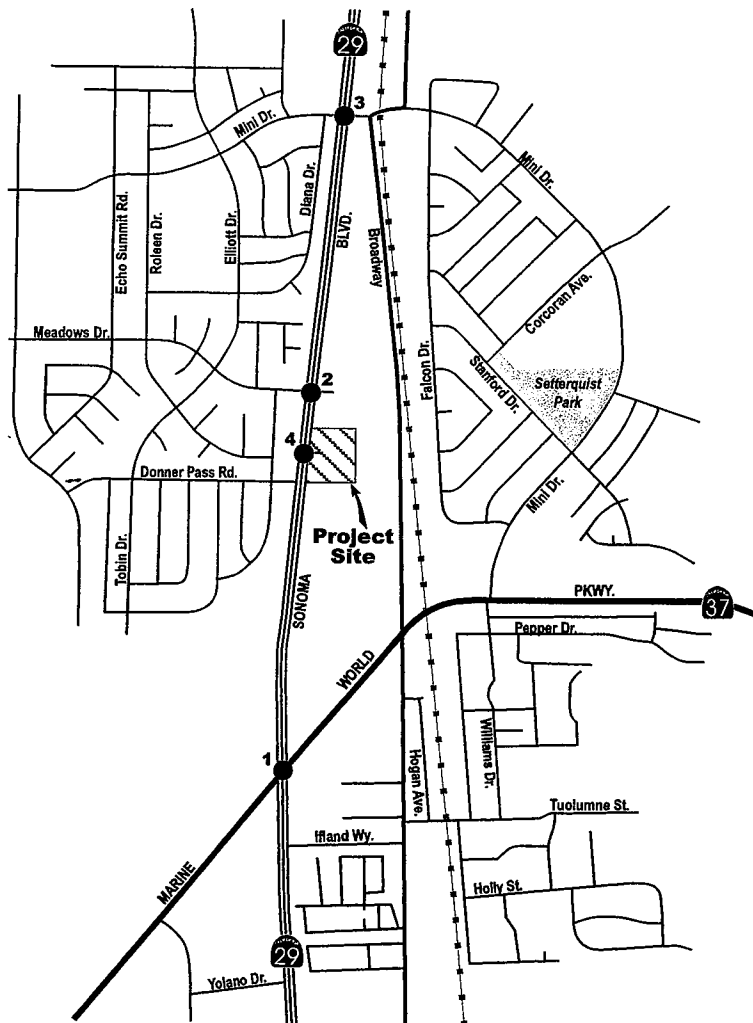
Notes:

LOS = Level of Service

A (D) = For Minor Stop intersections: average LOS for all vehicles at intersection (LOS for most difficult movement)

Delay = Average delay for all vehicles at intersection, in seconds

The level of service calculations indicate the intersection of Sonoma Boulevard & Marine World Parkway would continue to operate at LOS E during the PM peak hour under Existing Plus Project Conditions. The SR-29/SR-37 interchange project would improve traffic operations at this intersection, as described below. The other study intersections would continue to operate at acceptable levels of service during both the AM and PM peak hours. Therefore no mitigation measures would be required.



1	<div> <div> 238(211) 763(858) 378(383) </div> <div> 333(395) 865(679) 117(134) </div> </div> <div> <div> Marine World Pkwy. 151(258) 601(787) 101(70) </div> <div> Sonoma Blvd. 23(67) 487(850) 104(205) </div> </div>
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2	<div> <div> 20(56) 859(1032) 17(78) </div> <div> 13(73) 52(141) 16(82) </div> </div> <div> <div> Meadows Dr. 73(48) 85(91) 421(258) </div> <div> Sonoma Blvd. 217(436) 693(944) 24(145) </div> </div>
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3	<div> <div> 59(96) 760(991) 136(284) </div> <div> 220(169) 206(317) 75(56) </div> </div> <div> <div> Mini Dr. 111(79) 298(195) 92(80) </div> <div> Sonoma Blvd. 45(162) 648(808) 85(105) </div> </div>
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4	<div> <div> 1306(1377) 122(106) </div> <div> 258(210) </div> </div> <div> <div> Project Driveway 805(1420) 74(62) </div> <div> Sonoma Blvd. </div> </div>
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Legend	
● 1	Study Intersection
4(48)	AM(PM) Peak Hour Volumes
↔	Lane Configuration

Vallejo Crossroads TIA		Figure
Existing + Project Conditions AM and PM Peak Hour Volumes and Lane Geometry		5

The intersection of Sonoma Boulevard and the project driveway was evaluated to determine the need for a traffic signal using the Peak Hour Volume Warrant (Warrant No. 3) from the Manual on Uniform Traffic Control Devices for Streets and Highways (Federal Highway Administration, 2003). The Peak Hour Volume Warrant is intended for application where traffic conditions are such that for at least one hour of the day, the minor street suffers long delays in entering or crossing the major street. The Peak Hour Volume Warrant indicates the intersection would meet the warrant during both the AM and PM peak hours. The Peak Hour Volume Warrant worksheet is included in Appendix C.

The level of service calculations indicate the intersection would operate acceptably without the signal. The traffic analysis assumed construction of a southbound left-turn lane in the median on Sonoma Boulevard that would provide access into the project site. Based on the level of service calculations, this movement would have minimal queuing with an average delay of about 11 seconds during the AM peak hour and 15 seconds during the PM peak hour. The left-turn pocket should be designed in such a way to prevent left-turn movements out of the project site. Although the traffic analysis indicates the left-turn operations at the proposed median cut would be acceptable, the construction of the left-turn pocket would be subject to City of Vallejo and Caltrans approval.

Existing Plus Project Conditions following completion of interchange. Existing Plus Project Conditions following completion of the SR-37 project – under construction at the time of this report – was also evaluated. The highway project would include realignment of SR-37 and construction of a new interchange with SR- 29. The existing intersection of Sonoma Boulevard & Marine World Parkway would become the eastbound SR-37 off-ramp intersection. A new signalized intersection on Sonoma Boulevard would be constructed at the westbound SR-37 off-ramp terminus. Existing traffic count volumes were reassigned to estimate the base volumes through the new interchange. The traffic volumes under Existing Plus Project Conditions following completion of the SR-29/SR-37 interchange are shown in Figure 6. The level of service analysis results for the study intersections are summarized in Table 6.

Table 6
Existing Plus Project Conditions with SR-29/SR-37 Interchange
Intersection Operations

Intersection		Control	Existing + Project		Existing + Project With Interchange	
			LOS	Delay	LOS	Delay
AM Peak Hour						
1	Sonoma Blvd. & Marine World Pkwy. EB	Signalized	D	53	B	18
	Sonoma Blvd. & Marine World Pkwy. WB	Signalized	N/A	N/A	B	10
2	Sonoma Blvd. & Meadows Dr.	Signalized	D	36	D	36
3	Sonoma Blvd. & Mini Dr.	Signalized	C	29	C	29
4	Sonoma Blvd. & Project Driveway	Minor Stop	A(C)	2(15)	A(C)	2(15)
PM Peak Hour						
1	Sonoma Blvd. & Marine World Pkwy. EB	Signalized	E	62	B	19
	Sonoma Blvd. & Marine World Pkwy. WB	Signalized	N/A	N/A	B	11
2	Sonoma Blvd. & Meadows Dr.	Signalized	D	38	D	38
3	Sonoma Blvd. & Mini Dr.	Signalized	C	32	C	32
4	Sonoma Blvd. & Project Driveway	Minor Stop	A(D)	2(26)	A(D)	2(26)

Notes:

LOS = Level of Service

A (D) = For Minor Stop intersections: average LOS for all vehicles at intersection (LOS for most difficult movement)

Delay = Average delay for all vehicles at intersection, in seconds

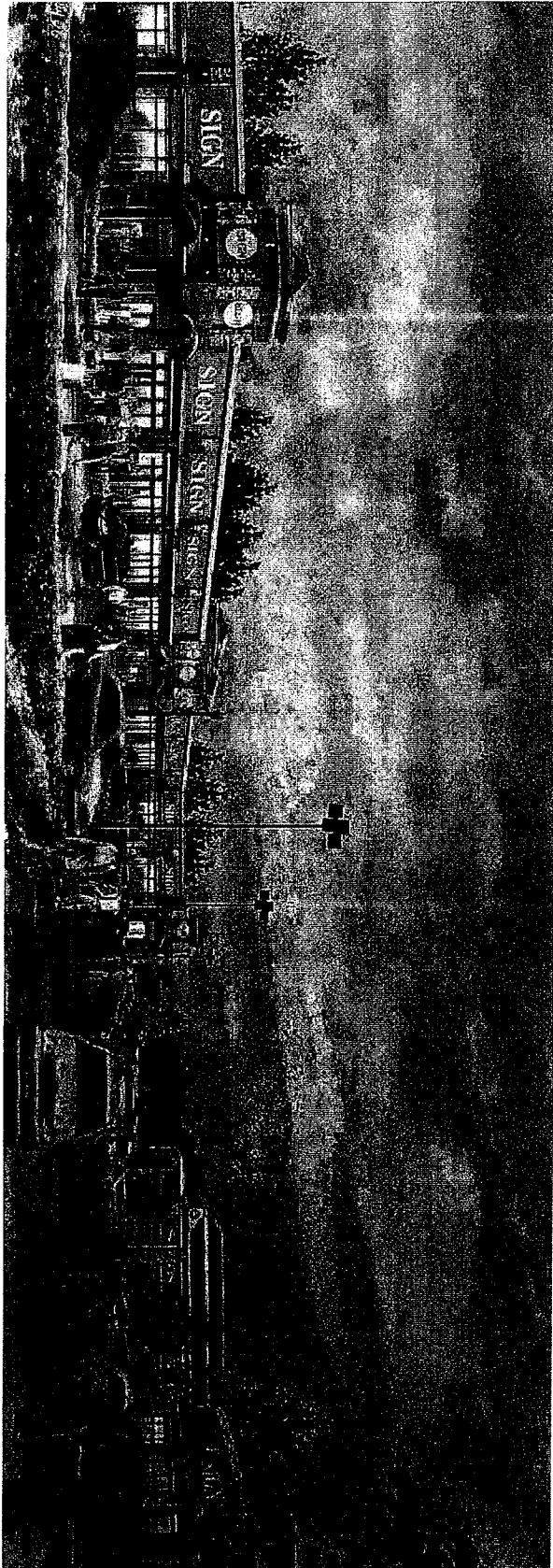
The level of service calculations indicate the study intersections would operate at acceptable levels of service during both the AM and PM peak hours under Existing Plus Project Conditions following completion of the SR-29/SR-37 interchange project. The interchange intersections would operate at LOS B during both peak hours.

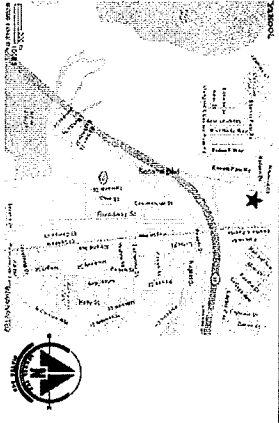
The proposed southbound left-turn lane in the median on Sonoma Boulevard into the project site would operate acceptably, identical to Existing Plus Project Conditions. The construction of the left-turn pocket would be subject to City of Vallejo and Caltrans approval.

VALLEJO CROSSROADS

SONOMA BOULEVARD and HIGHWAY 37

VALLEJO, CA 94590



VICINITY MAP		OWNER	ARCHITECT	DRAWING INDEX	
		MR. PAUL GHAFORI 560BPG, LLC 1800 SUTTER STREET, SUITE 775 CONCORD, CA 94520 TEL: (925) 869-7777 FAX: (925) 869-7776	ARC INC. ARCHITECTS 816 MARIN STREET VALLEJO, CA 94590 TEL: (707) 745-0802 FAX: (707) 556-1121	DR - 1 COVER SHEET DR - 2 SITE PLAN DR - 2.1 TRUCK PATH PLAN DR - 3 GSR PLAN AND ELEVATIONS DR - 4 RETAIL SHOPS-A PLAN AND ELEVATIONS DR - 5 RETAIL SHOPS-B PLAN AND ELEVATIONS DR - 6 C-STORE / CARWASH PLAN AND ELEVATIONS DR - 7 FUEL CANOPY PLAN AND ELEVATIONS DR - 8 CONCEPTUAL LANDSCAPE PLAN DR - 8.1 ENLARGED COURTYARD LAYOUT DR - 9 PHOTOGRAPHIC SITE PLAN	
SUBMITTED TO CITY OF VALLEJO PLANNING DEPARTMENT		SUBMITTED FOR DESIGN REVIEW SUBMITTAL AUGUST 2006		DR - 1 COVER SHEET	

VALLEJO CROSSROADS
SONOMA BLVD & HIGHWAY 37
VALLEJO, CALIFORNIA

ARC Inc.
ARCHITECTS

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816 MARIN STREET
VALLEJO, CA 94590
TEL: (707) 745-0802
FAX: (707) 556-1121
WWW.ARCINCARCHITECTS.COM

JOB NO.: AG102

DR - 1

COVER SHEET

DATE: 6-1-06

REV. NO. REV. DATE

06-21-06

02-21-07

02-21-07

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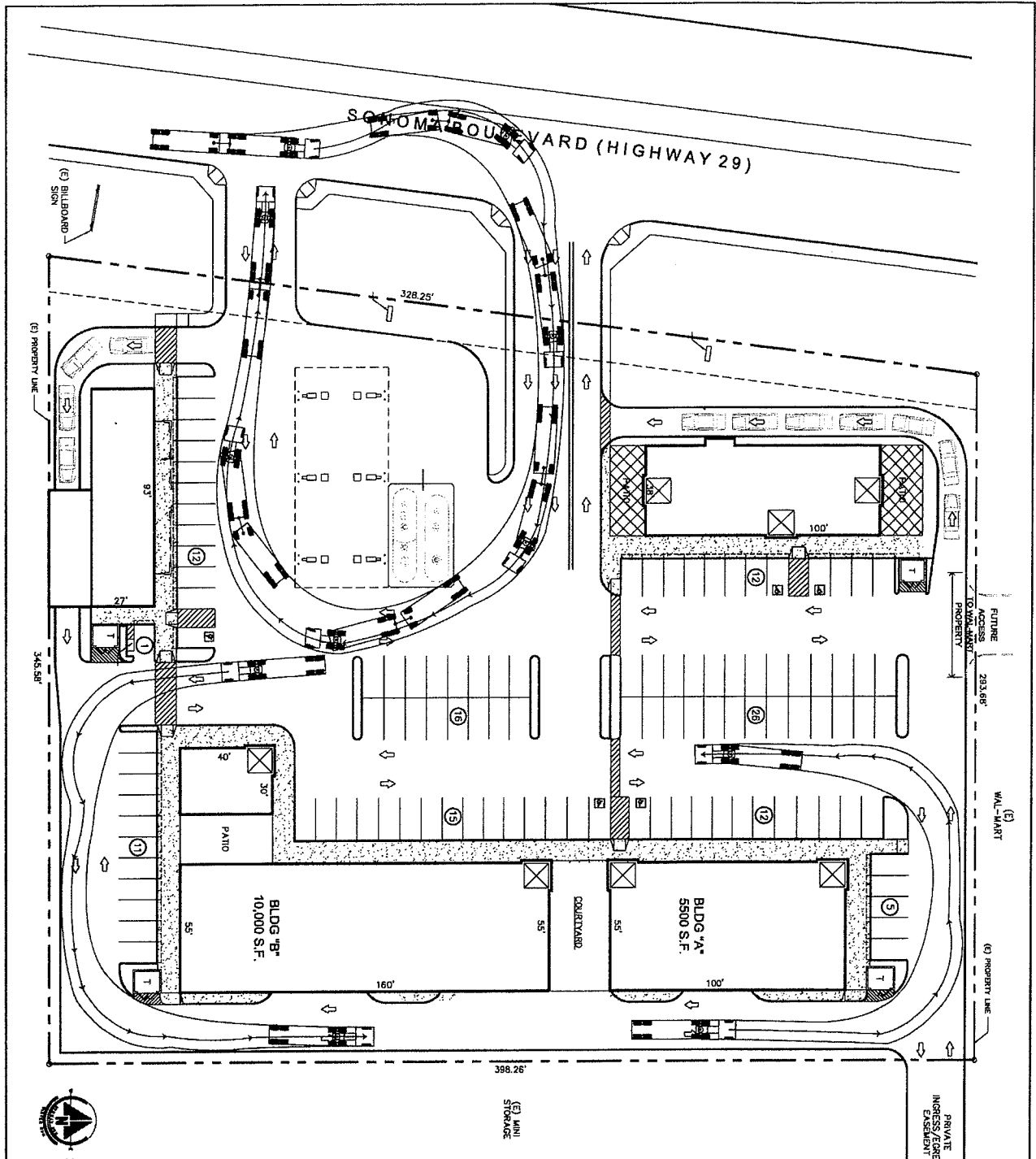
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SITE PLAN
SCALE: 1"=20'-0"

SITE DATA:

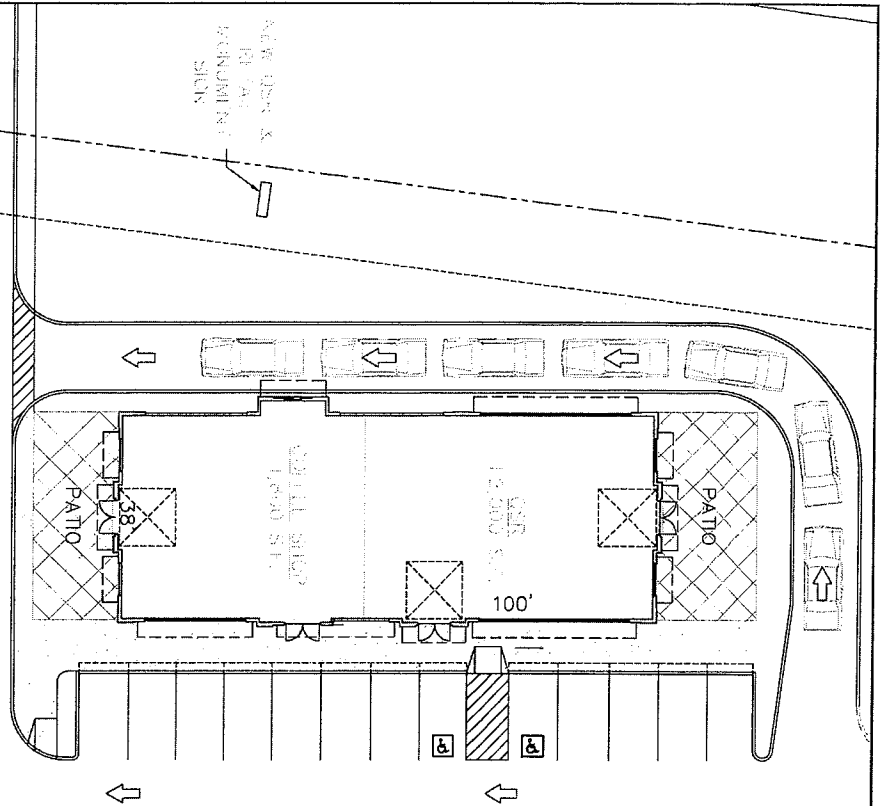
APN	0067-150-320
ZONING	LI-MINTENSIVE USE
SITE AREA	± 130,176 S.F. (± 3.0 AC.)
BUILDING AREA (COVERAGE)	25,100 S.F. (± 19%)
LANDSCAPE AREA (COVERAGE)	± 13,031.5 S.F. (± 10%)
PARKING REQUIRED:	
OSR WITH DRIVE THRU:	
3,500 S.F. (11,000 S.F. GROSS AREA) =	35 SPACES
RETAIL STORES (10,000 S.F. GROSS AREA) =	100 SPACES
7,500 S.F. (17,250 S.F. GROSS AREA) =	65 SPACES
2,500 S.F. (11,250 S.F. GROSS AREA) =	10 SPACES
TOTAL PARKING REQUIRED =	110 SPACES
PARKING PROVIDED:	
ACCESSIBLE	5 SPACES
REGULAR	106 SPACES
TOTAL PARKING PROVIDED =	110 SPACES

VALLEJO CROSSROADS
SONOMA BLVD & HIGHWAY 37
VALLEJO, CALIFORNIA



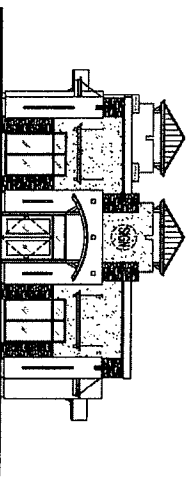
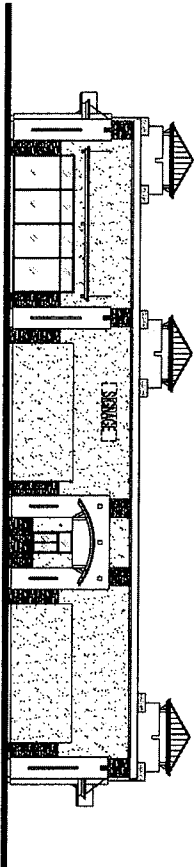
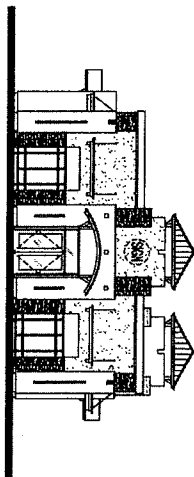
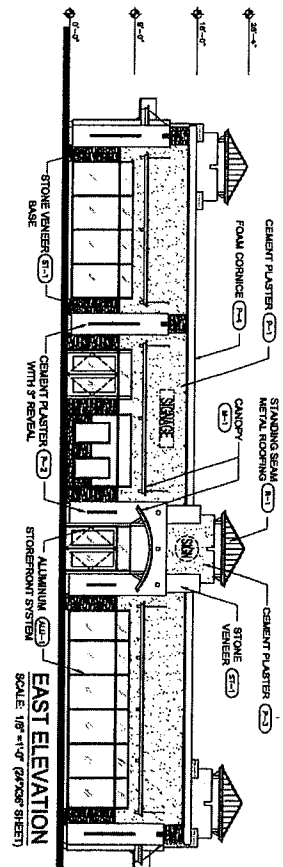
DATE:	08-09-06
REV. NO. / REV. DATE:	02-21-07
TRUCK PATH PLAN	
DR - 2.1	
JOB NO.:	AGL02

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FLOOR PLAN
SCALE: 3/8" = 1'-0" (P/COVER SHEET)

SIGNAGE CALCULATIONS			EXTERIOR FINISHES & COLORS		
LOCATION	TYPE	AREA	SYMBOL	MATERIAL	MANUFACTURER / COLOR
EAST ELEVATION	WALL SIGN	(228') 18 S.F. X 1' = 18 S.F.	(E-1)	PAINT (LIGHT FIELD)	BLUM EDWARDS -
	ROUND LOGO	(35' DIA.) 9.5 S.F. X 1' = 9.5 S.F.	(E-2)	PAINT (DARK POST)	BEZZA PULPURA PIE
		SUBTOTAL = 27.5 S.F.			
SOUTH ELEVATION	ROUND LOGO	(35' DIA.) 9.5 S.F. X 1' = 9.5 S.F.	(S-1)	PAINT (MEDIUM ACCENT)	BEZZA PULPURA PIE
	WALL SIGN	(127') 18 S.F. X 1' = 18 S.F.	(S-2)	PAINT (CORNER)	BLUM EDWARDS -
	ROUND LOGO	(35' DIA.) 9.5 S.F. X 1' = 9.5 S.F.	(S-3)	STANDING BEAM	BLUM EDWARDS -
		TOTAL SIGNAGE = 60.5 S.F.			
			(E-3)	STONE VENEER	COLOMVAL RED
			(E-4)	ALUMINUM STOREFRONT SYSTEM	EL DORADO STONE VENEER -
			(E-5)	METAL FRAMED CANOPY SYSTEM	VALLEJO CROSSROADS -
ALLOWABLE: 13.5 S.F. / LINEAR FOOT OF BUILDING FRONTAGE = (1.5 X 9') 13.5 S.F.					



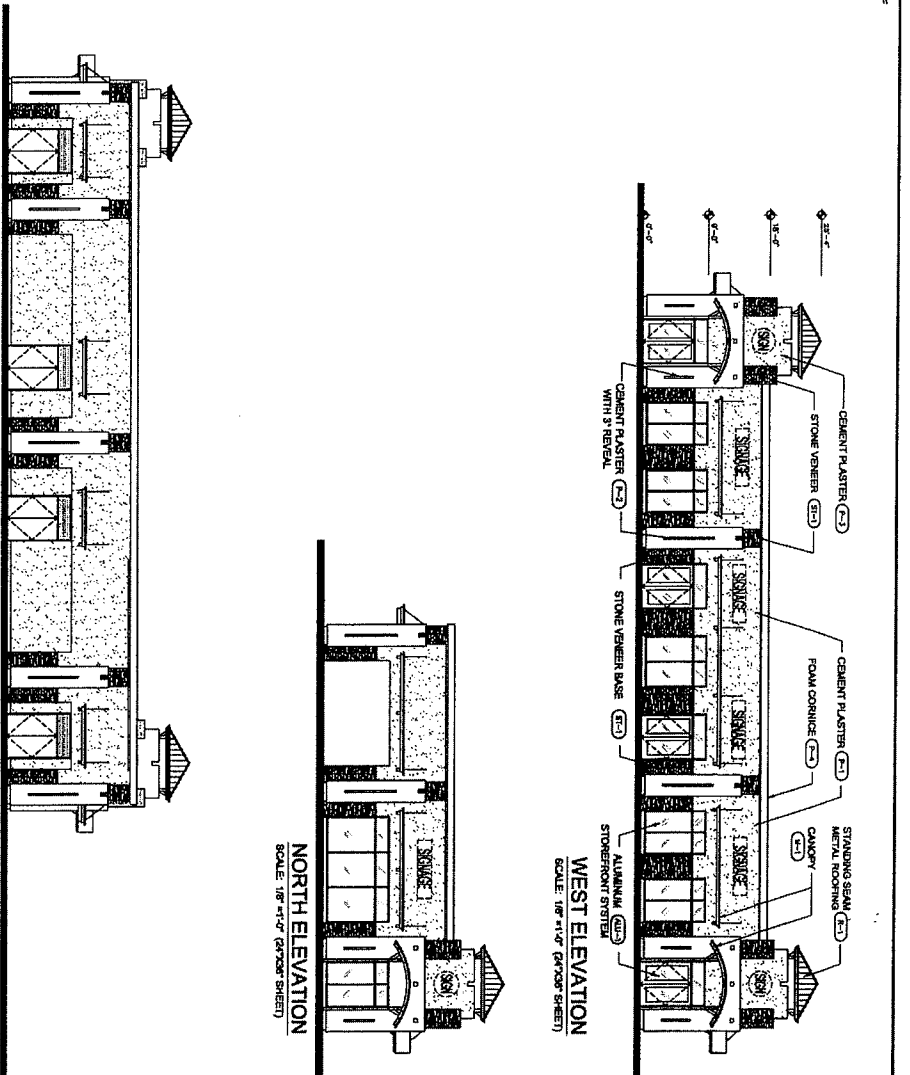
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VALLEJO CROSSROADS
SONOMA BLVD & HIGHWAY 37
VALLEJO, CALIFORNIA

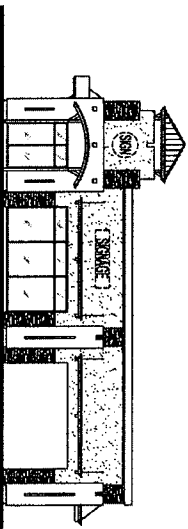
DR - 3
FLOOR PLAN & ELEVATIONS

DATE: 6-1-06
REV. NO.: 02-21-07
REV. DATE:

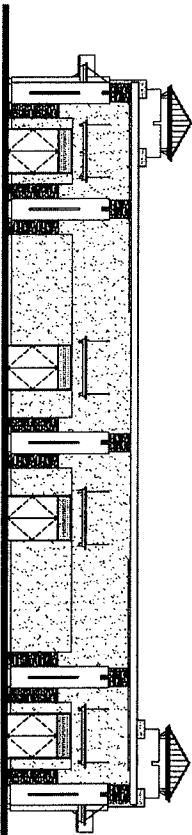


SIGNAGE CALCULATIONS			EXTERIOR FINISHES & COLORS		
LOCATION	TYPE	AREA	SYMBOL	MATERIAL	MANUFACTURER / COLOR
WEST ELEVATION	WALL SIGN	(220') 18.5' X 14' 8.5'.	(220')	PAINT (LIGHT FIELD)	DANN EDWARDS - DEEZEZ PURPLE/PIE
	ROUND LOGO	(3.6' DIA.) 18.5' X 2' 10.8'.			DANN EDWARDS - DEEZEZ PURPLE/PIE
NORTH ELEVATION	WALL SIGN	(220') 18.5' X 14' 8.5'.	(220')	PAINT (MEDIUM ACCEENT)	DANN EDWARDS - DEEZEZ PURPLE/PIE
	ROUND LOGO	(3.6' DIA.) 18.5' X 2' 10.8'.			DANN EDWARDS - DEEZEZ PURPLE/PIE
SOUTH ELEVATION	WALL SIGN	(220') 18.5' X 14' 8.5'.	(220')	STANDING BEAM	AEF 8241 - CORNADO, RED
	ROUND LOGO	(3.6' DIA.) 18.5' X 2' 10.8'.			AEF 8241 - CORNADO, RED
	WALL SIGN	(220') 18.5' X 14' 8.5'.	(220')	STONE VENEER	AEF 8241 - CORNADO, RED
	ROUND LOGO	(3.6' DIA.) 18.5' X 2' 10.8'.			AEF 8241 - CORNADO, RED
	WALL SIGN	(220') 18.5' X 14' 8.5'.	(220')	ROCKING STONE/FRONT	AEF 8241 - CORNADO, RED
	ROUND LOGO	(3.6' DIA.) 18.5' X 2' 10.8'.			AEF 8241 - CORNADO, RED
	WALL SIGN	(220') 18.5' X 14' 8.5'.	(220')	METAL FRAMED	AEF 8241 - CORNADO, RED
	ROUND LOGO	(3.6' DIA.) 18.5' X 2' 10.8'.			AEF 8241 - CORNADO, RED
ALLOWABLE 14.58 FT LINEAR FOOT OF BUILDING FRONTAGE (11.5 X 100) 186.5 FT		TOTAL SIGNAGE = 134.8 S.F.	(134')	CANOPY SYSTEM	AEF BUILDING SYSTEMS - 7MM

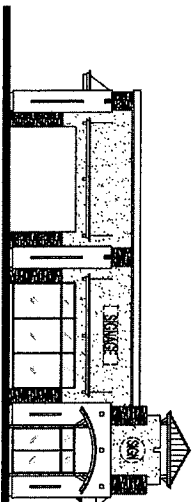
SOUTH ELEVATION
SCALE: 1/8" = 1'-0" (24" X 36" SHEET)



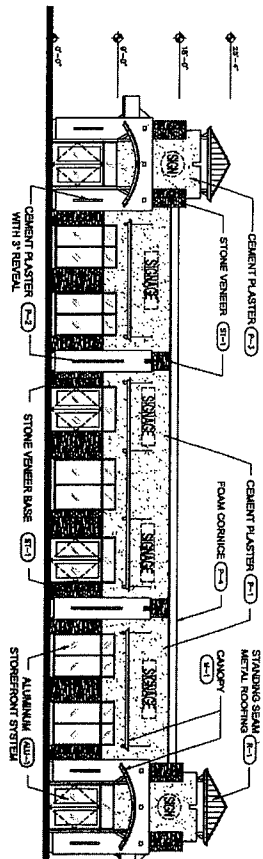
EAST ELEVATION
SCALE: 1/8" = 1'-0" (24" X 36" SHEET)



NORTH ELEVATION
SCALE: 1/8"=1'-0" (24"X36" SHEET)



WEST ELEVATION
SCALE: 1/8"=1'-0" (24X36" SHEET)



VALLEJO CROSSROADS
SONOMA BLVD & HIGHWAY 37
VALLEJO, CALIFORNIA

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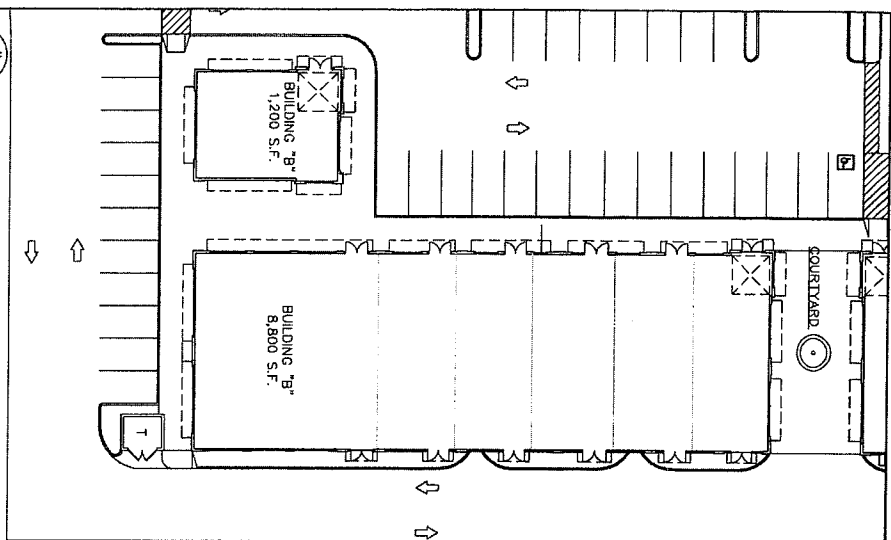
DR - 4

RETAIL SHOPS A
FLOOR PLAN &
ELEVATIONS

DATE: 6-1-06
REV. NO. REV. DATE

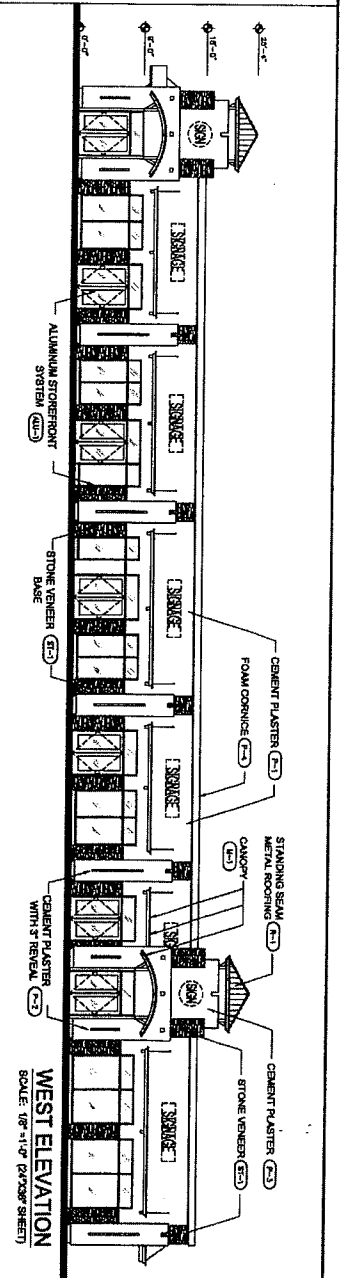
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arc@vrcincarculture.com

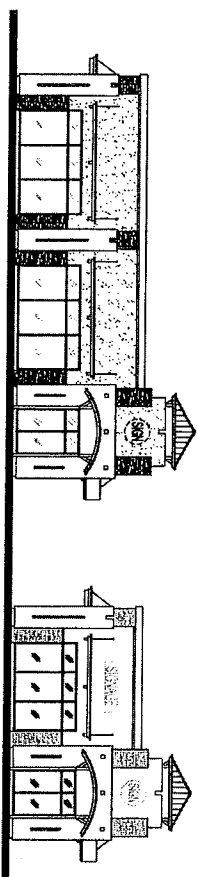


FLOOR PLAN
SCALE: 1/8" = 1'-0" (PARCH SHEET)

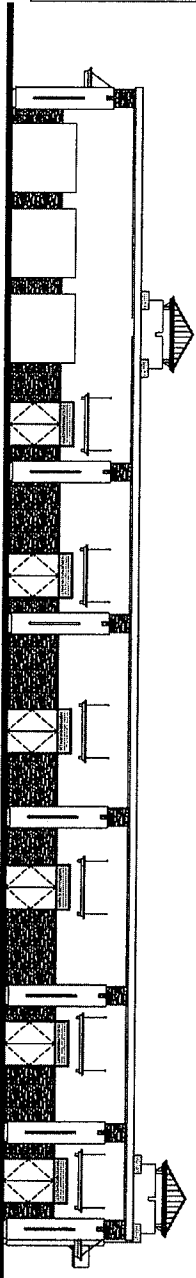
SIGNAGE CALCULATIONS			EXTERIOR FINISHES & COLORS	
LOCATION	TYPE	AREA	SYMBOL	MATERIAL
WEST ELEVATION	WALL SIGN	(2x2) 16 S.F. X 4 = 64 S.F.	(C-1)	PAINT (LIGHT RED)
	ROUND LOGO	(8 S.D.) 13 S.F. X 2 = 16 S.F.	(C-2)	PAINT (DARK RED)
NORTH ELEVATION	WALL SIGN	(2x7) 14 S.F. X 2 = 28 S.F.	(C-3)	PAINT (MEDIUM ACCENT)
	ROUND LOGO	(8 S.D.) 13 S.F. X 2 = 16 S.F.	(C-2)	PAINT (DARK RED)
SOUTH ELEVATION	WALL SIGN	(2x2) 16 S.F. X 4 = 64 S.F.	(C-1)	PAINT (LIGHT RED)
	ROUND LOGO	(8 S.D.) 13 S.F. X 2 = 16 S.F.	(C-2)	PAINT (DARK RED)
TOTAL SIGNAGE		194 S.F.		
ALLOWABLE: 1.5 S.F./LINEAR FOOT OF BUILDING FRONTAGE = (1.5 X 130) 195 S.F.				



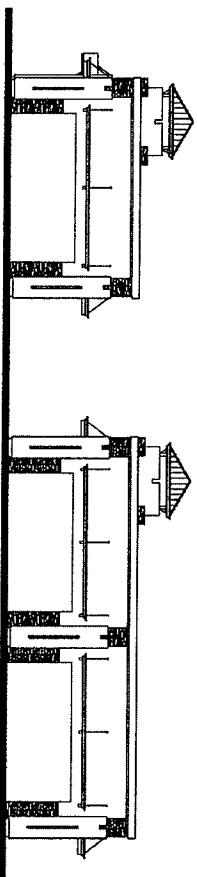
WEST ELEVATION
SCALE: 1/8" = 1'-0" (PARCH SHEET)



NORTH ELEVATION
SCALE: 1/8" = 1'-0" (PARCH SHEET)



EAST ELEVATION
SCALE: 1/8" = 1'-0" (PARCH SHEET)



SOUTH ELEVATION
SCALE: 1/8" = 1'-0" (PARCH SHEET)

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ARCHITECTS

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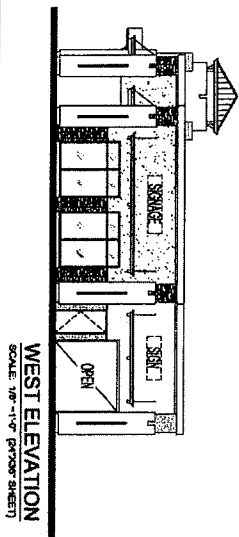
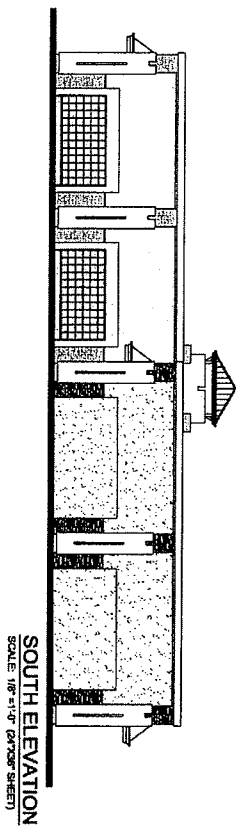
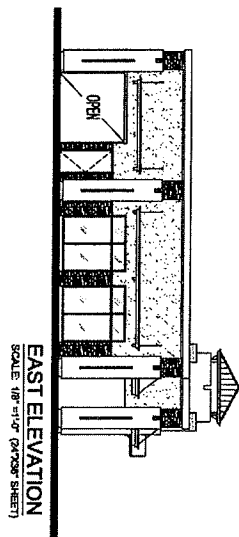
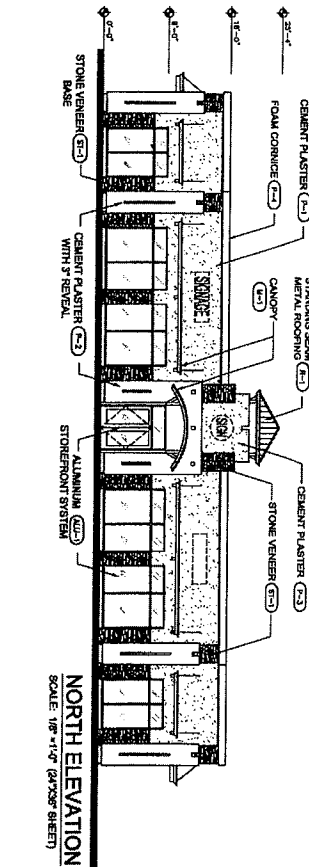
VALLEJO CROSSROADS
SONOMA BLVD & HIGHWAY 37
VALLEJO, CALIFORNIA

DR - 5
FLOOR PLAN & ELEVATIONS

DATE: 6-1-06

REV. NO. 02-21-07

JOE NO. AG102



SIGNAGE CALCULATIONS			EXTERIOR FINISHES & COLORS		
LOCATION	TYPE	AREA	SYMBOL	MATERIAL	MANUFACTURER / COLOR
NORTH ELEVATION	WALL SIGN ROUND LOGO	(27') 14.5 S.F. x 7.0 29.5 S.F. (3.5' DIA.) 3.5 S.F. x 1' 1.25 S.F.	(2-1)	PAINT (LIGHT FIELD)	DUNN EDWARDS - DEEZE PLUMBER P.E.
		SUBTOTAL = 37.5 S.F.	(2-2)	PAINT (DARK POST)	DUNN EDWARDS - DEBENT GIBBERA CLAY
WEST ELEVATION	WALL SIGN	(26') 18 S.F. x 1' 1.18 S.F.	(2-3)	PAINT (MEDIUM ACCEENT)	DUNN EDWARDS - DEBZO DEBENT SPIKE
	WALL SIGN (CAMMASH)	(27') 14.5 S.F. x 1' 1.4 S.F.	(2-4)	PAINT (CONCRETE)	DUNN EDWARDS - DEBZ1 SICILIAN VILLA
		SUBTOTAL = 30 S.F.	(2-5)	STANDING BEAM	A&P SPAN - COLONIAL RED
		TOTAL SIGNAGE = 67.5 S.F.	(3-1)	METAL ROOFING	EL DORADO STONE TENEER - COOPER WOODMAN LEGER
			(4-1)	STONE VENEER	ALUMINUM STYROFOAM TANI POWER COATING
			(4-2)	ALUMINUM STYROFOAM SYSTEM	METAL FRAMED ASS BUILDING SYSTEMS - TANI
			(5-1)	CANOPY SYSTEM	
ALLOWABLE 15.6 S.F./LINEAR FOOT OF BUILDING FRONTAGE = (15.5X .45) 6.97 S.F.					

VALLEJO CROSSROADS
SONOMA BLVD & HIGHWAY 37
VALLEJO, CALIFORNIA

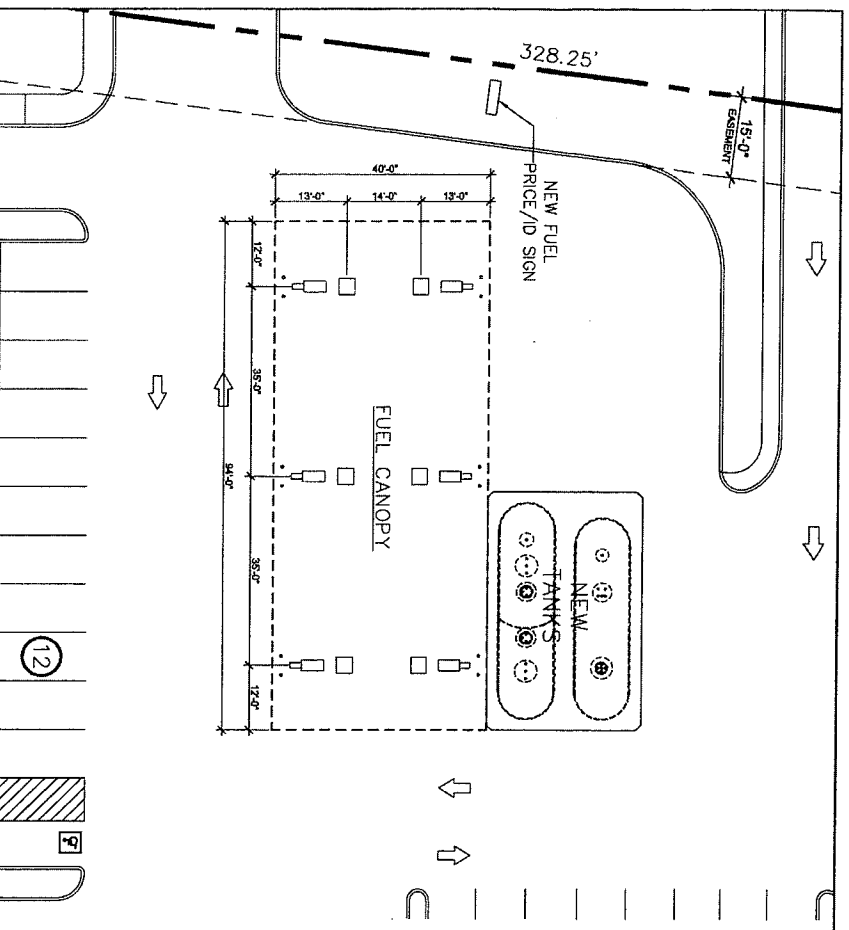
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arc@arcinstruments.com

DATE:	6-1-06
REV. NO.	REV. DATE
Δ	02-21-00
Δ	
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C-STORE FLOOR PLAN & ELEVATIONS	
DR - 66	
JOB NO.:	AGL020

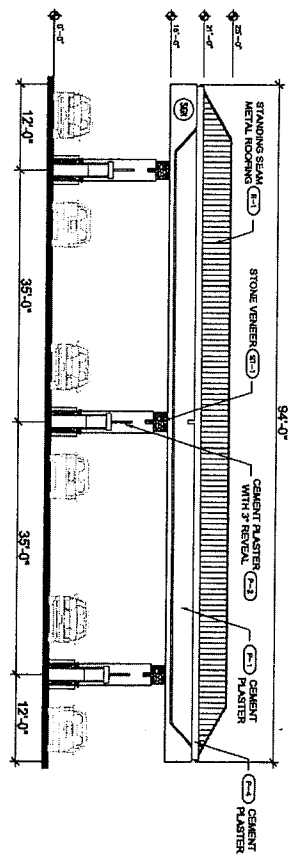
FLOOR PLAN SCALE: 3/32" = 1'-0" (ARCHITECT SHEET)



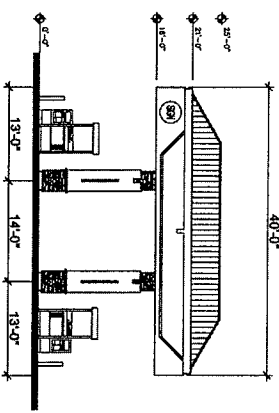
SIGNAGE CALCULATIONS

LOCATION	TYPE	AREA	SYMBOL	MATERIAL	MANUFACTURER / COLOR
EAST ELEVATION	ROUND LOGO	(2.5 DIA.) 5 S.F. X 1 = 5 S.F.	(E-1)	PAINT (LIGHT FIELD)	DANN EDWARDS - DEZZA PUMPKIN PIE
SOUTH ELEVATION	ROUND LOGO	(2.5 DIA.) 5 S.F. X 1 = 5 S.F.	(E-2)	PAINT (DARK POET)	DANN EDWARDS - DENIM GEORGIA CLAY
WEST ELEVATION	ROUND LOGO	(2.5 DIA.) 5 S.F. X 1 = 5 S.F.	(E-3)	PAINT (MEDIUM ACCENT)	DANN EDWARDS - DENIM GEORGIA CLAY
NORTH ELEVATION	ROUND LOGO	(2.5 DIA.) 5 S.F. X 1 = 5 S.F.	(E-4)	STANDING SEAM METAL ROOFING	ASP SPAN - COLONIAL RED
		TOTAL SIGNAGE = 20 S.F.	(E-1)	STONE VENEER	EL DORADO STONE VENEER - COPPER MOUNTAIN LEVCO
ALLOWABLE: 15 S.F./LINEAR FOOT OF BUILDING FRONTAGE = (15 X 45) 675 S.F.					
FUEL ID / PRICE SIGN	FREE-STANDING	(6'2" X 4'2") 15 S.F. X 1 = 15 S.F.			

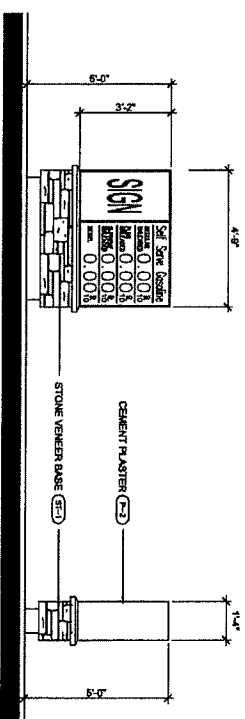
EXTERIOR FINISHES & COLORS



NORTH / SOUTH ELEVATION SCALE: 1/8" = 1'-0" (ARCHITECT SHEET)



EAST / WEST ELEVATION SCALE: 1/8" = 1'-0" (ARCHITECT SHEET)



FUEL ID/PRICE SIGN SCALE: 1/8" = 1'-0" (ARCHITECT SHEET)

DATE: 6-1-08
REV. NO. / REV. DATE:
02-21-07

VALLEJO CROSSROADS
SONOMA BLVD & HIGHWAY 37
VALLEJO, CALIFORNIA

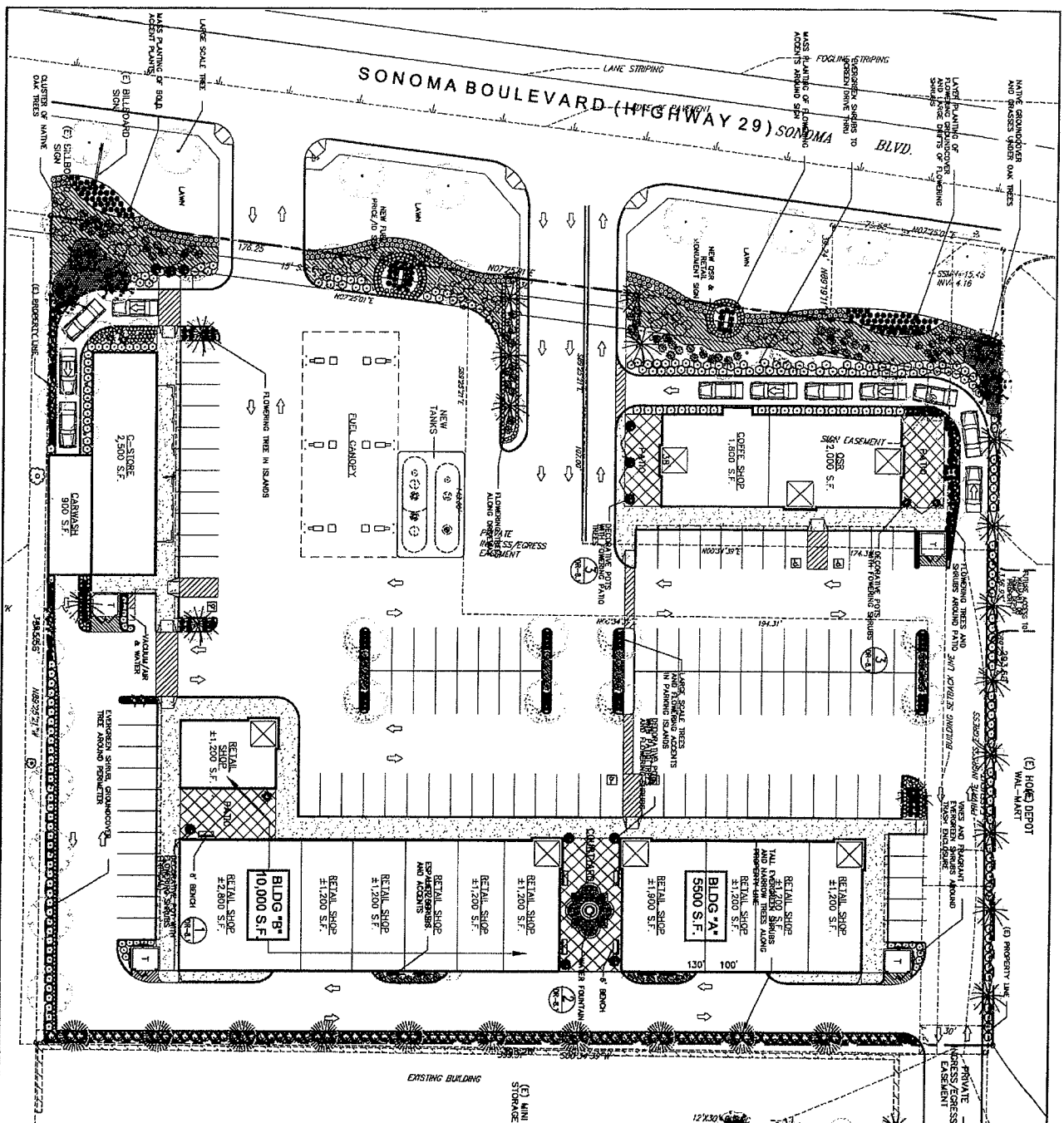
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DR - 7

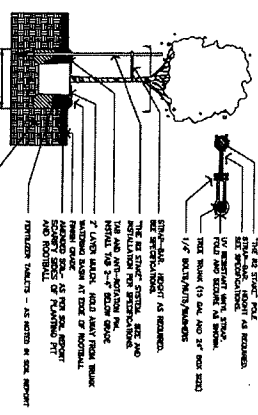
FUEL CANOPY PLAN AND ELEVATIONS

JOB NO.: AGL02



CONCEPTUAL PLANT LIST

SCIENTIFIC NAME	COMMON NAME	SIZE
ABUTILON STRIOS	MILK-THRUST	2' BOX
CARAGANA BELLULUS	EUROPEAN HORSEBEAN	15 GAL.
CERES CANADENSIS	EASTERN REDBUD	15 GAL.
GALESTRIA TRIANTHOUS	HONEY LOCUST	2' BOX
LARRETTRODIA INDICA	GRAPE ARNICLE	2' BOX
PISTACHIA CHINENSIS	CHINESE PISTACHE	15 GAL.
PRUNUS C. NEWPORT	FLOWERING PLUM	15 GAL.
PLATANUS ACERIFOLIA	STOKER	15 GAL.
QUERCUS LORATA	SCARLET OAK	2' BOX



TREE PLANTING AND STAKING DETAIL

GENERAL LANDSCAPE NOTES

- ALL LANDSCAPE AREAS SHALL BE MAINTAINED WITH A BARE, VULNERABLE, AND UNOCCUPIED APPEARANCE. THE LANDSCAPE SHALL BE MAINTAINED IN THIS MANNER UNTIL THE PLANTING IS COMPLETE.
- ALL LANDSCAPE AREAS SHALL BE MAINTAINED WITH A 2" LAYER OF MULCH.
- ALL TREES SHALL BE PLANTED AT A MINIMUM OF 15' FROM THE CURB.
- ALL TREES SHALL BE PLANTED AT A MINIMUM OF 15' FROM THE CURB.
- ALL TREES SHALL BE PLANTED AT A MINIMUM OF 15' FROM THE CURB.

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



SCALE: 1" = 20'-0"

DR - 8

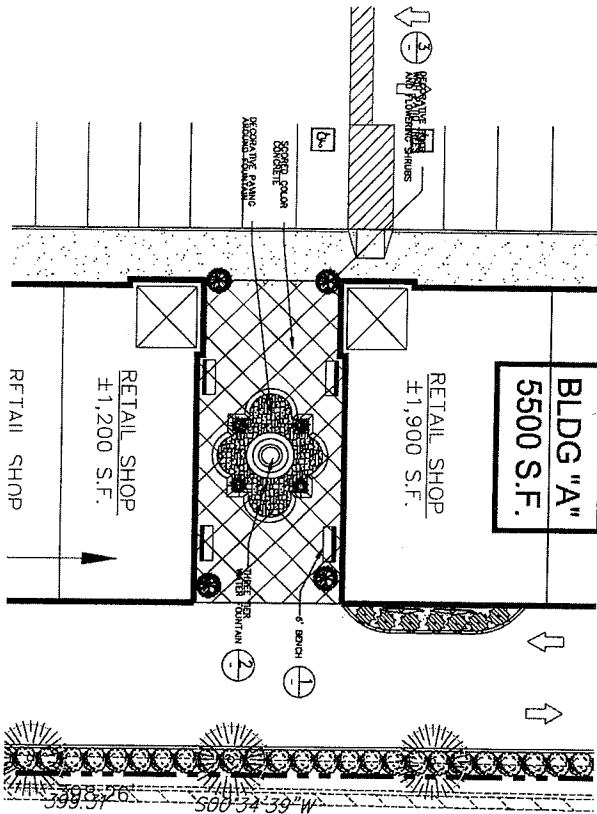
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BORRECCO/KILIAN & ASSOCIATES, INC.
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1241 Pine Street
Berkeley, California 94603
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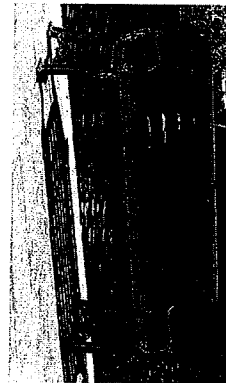
VALLEJO CROSSROADS
SONOMA BLVD & HIGHWAY 37
VALLEJO, CALIFORNIA

ARC Inc.
ARCHITECTS

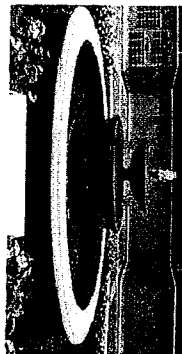
VALLEJO OFFICE:
1000 10th Street, Suite 200
Vallejo, CA 94590
Tel: (707) 745-9932
Fax: (707) 745-1111
www.arcinc.com



ENLARGED COURTYARD LAYOUT
SCALE: 1"=10'-0"



① 6" DECORATIVE W.L. BENCH



② THREE TIER FOUNTAIN



③ DECORATIVE POTS

NOTE: TO BE USED THROUGHOUT OTHER PLANS
IN THE RETAIL CENTER

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

DR - 8.1
JOB NO.: AGJ.02

ENLARGED
COURTYARD
LAYOUT

REV. NO.	REV. DATE
08-09-06	
07-26-07	

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VALLEJO CROSSROADS
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Conflict of Interest Map

Negative Declaration and
Use Permit #04-0022

Vacant Parcel Highway 29 (Sonoma Boulevard) - (APN# 0067-150-320)

