

CITY OF VALLEJO PLANNING COMMISSION

Charles Legalos, Chairperson
Kent Peterman, Vice Chair
Linda Engelman
Robert McConnell
Norm Turley
Gail Manning
Bruce P. Gourley
Suzanne Harrington Cole

**MONDAY
20 AUGUST 2007**

7:00 P.M.

City Hall
555 Santa Clara Street
Vallejo, California 94590

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

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

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

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

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

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

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

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

- A. ORDER OF BUSINESS CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL
- D. APPROVAL OF THE MINUTES: July 16, 2007 and August 6, 2007.
- E. WRITTEN COMMUNICATIONS: None.
- F. REPORT OF THE SECRETARY
- G. CITY ATTORNEY REPORT
- H. REPORT OF THE PRESIDING OFFICER AND MEMBERS OF THE PLANNING COMMISSION AND LIAISON REPORTS
 - 1. Report of the Presiding Officer and members of the Planning Commission
 - 2. Council Liaison to Planning Commission
 - 3. Planning Commission Liaison to City Council

I. COMMUNITY FORUM

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

J. CONSENT CALENDAR AND APPROVAL OF THE AGENDA.

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

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

K. PUBLIC HEARINGS

- 1. Tentative Map 07-0004 to create 23 parcels for commercial development on Mare Island. Proposed CEQA Action: Exempt. Staff Planner: Michelle Hightower, 648-4506. *Continued from the meeting of August 6, 2007.*

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

- 2. Code Text Amendment 06-0004 would revise the City's Screening and Landscaping Regulations to update requirements for fencing and landscaping throughout the City and to clarify certain sections of the existing regulations. Issues reviewed will include fence heights and allowed materials, landscape setbacks, and restrictions within the front yard area of single-family residences. Proposed CEQA Action: Exempt. Staff Planner: Katherine Donovan 648-4327.

Staff recommends a recommendation of **approval** to City Council based on the findings and conditions.

L. OTHER ITEMS

M. ADJOURNMENT

Vallejo Planning Commission Minutes
July 16, 2007

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

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

C. ROLL CALL:

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

Absent: Manning.

D. APPROVAL OF THE MINUTES.

Before the approval of the minutes Deborah Marshall made a correction. On the minutes of June 18, 2007, Item K 1, the vote should be as follows, not as recorded in the typed minutes:

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

NOS: Manning, Salvadori.

ABSENT: None.

Commissioner Peterman: With the correction stated by Deborah, I move that we approve the minutes of May 7, 2007, May 21, 2007, and June 18, 2007.

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

NOS: None.

ABSENT: Manning.

Motion carries.

E. WRITTEN COMMUNICATIONS

None.

F. REPORT OF THE SECRETARY

1. Upcoming Meeting of Monday, August 6, 2007

a. Tentative Map 07-0004 to create 23 parcels for commercial development on Mare Island. Staff Person: Michelle Hightower 648-4506.

b. Don also reported that the Council would be hearing the tow yard application and the Durrow Ct application in Hiddenbrooke.

G. CITY ATTORNEY REPORT

None.

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

1. Report of the Presiding Officer and members of the Planning Commission – None.

2. Council Liaison to Planning Commission – None.

3. Planning Commission to City Council – I was just going to report the same thing that Don reported.

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July 16, 2007

I. COMMUNITY FORUM

Members of the public wishing to address the Commission on Consent Calendar items are requested to submit a completed speaker card to the Secretary. Any member of the public who wishes to speak as to any consent item may do so at the public comment period preceding the approval of the consent calendar and agenda. Any member of the public may request that any consent item be removed from the consent calendar and be heard and acted upon in Public Hearing portion of the agenda. Such requests shall be granted, and items will be addressed in the order in which they appear in the agenda. After making any changes to the agenda, the agenda shall be approved.

None.

J. CONSENT CALENDAR AND APPROVAL OF THE AGENDA

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

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

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

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

NOS: None.

ABSENT: Manning.

Motion carries.

K. PUBLIC HEARINGS

- 1. Code Text Amendment 06-0004** to revise Chapter 16.70 – Screening and Landscaping Regulations. *First continued from the meeting of April 16, 2007 to the meeting of April 16, 2007 and now it is recommended that we continued the matter to the meeting of August 20, 2007.* Staff Person: Katherine Donovan, 648-4327.

Commissioner Peterman: I move that we continue CTA 06-0004 to the meeting of August 20, 2007.

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

NOS: None.

ABSENT: Manning.

Motion carries.

- 2. Planned Development 07-0002** application to amend PD 06-0008 for a church, Iglesia di Adventista, located at 2274 Sacramento Street. Proposed CEQA Action: Exempt. Staff Person: Marcus Adams, 648-5392.

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

Marcus Adams: Thank you Deborah. Good evening Commissioners. If you recall, back in September of last year, we brought before you the proposal for a new

church at 2274 Sacramento Street, which is on the screen now. If you have been out to the site recently, you know that the building now just has the frame and the Golden Bubble sign is alas, no more, but what has occurred since then is that the church has received funding which has enabled them to propose to add a second story onto the approved one-story building which we approved back in September. A few reasons that they felt that they needed the second story were, if you recall, the future widening of Sacramento Street took away some of the square footage of their proposed building, and also, with the limited amount of parking and the situation that they had there, they were limited on how much building area they could use as far as on that first floor. So, by adding this second floor, they would be able to have some offices on the upper level where as before they were going to be very limited on what type of office space that they would have. The second floor would not have any type of congregational or religious assembly there. Once again, it would just be for counseling and office purposes only, so the parking requirement would not increase because you would not have functions going on, on both the upper and lower level at the same time. So, the parking requirements stayed the same. Tonight I just wanted to concentrate on the issue of the second story and on the architecture because as you will recall also, this is in the White Slough Specific Plan area and one of the things that we look at with the White Slough is the siding of the building and architecture, and, as you recall, back in September we did briefly discuss some of the architectural elements. They have since revised their plans and we will go through that tonight. *Marcus gave a PowerPoint presentation.* Here, once again, we have the pictures of the site, rear view and a view of the drainage channel of Austin Creek and then the slough. Here we have the elevations of the original plan as we approved back in September. Once again, if you do recall, we had stated that there was some concerns with the architecture and we said that Staff would work with the applicant to revise it to be more in compliance with some of your wishes and along with the White Slough Specific Plan, but I just wanted to give you the reminder there of what we did approve back in September. Here are the revised elevations illustrating the second story, and we have both the front and rear view here. If you get a chance to read the short memo here, you can see from the Staff's recommendations that we had as far as for the architecture. I am going to go over some of those now. As far as for the front and the rear, first of all we felt that the building, and we realized what they were trying to do as far as give us a lot of architectural detail, but we thought that the building was a little too detailed and they went maybe too far-reaching in what they were doing so we simplified that with some of our recommendations, once again, staying in compliance with the Slough's Specific Plan and architectural suggestions. One of the things that we opted to do was that on this side here they had what architects call "coins" on the side of the building. We asked that those be removed. Here is the illustration of what it looks like without the coins. This steeple here with the white base . . . that was a change from the original submittal, and if you also recall, we asked that they eliminate the front door. They were going to have a front door on Sacramento Street. We felt that that may be an issue so they did remove that and put that over to the side, and so now they replaced that with what we feel is a nice steeple here. Here on the rear elevation . . . so on our second story and the first story, what we are recommending is that the mullions on the window . . . once again we felt were a little bit too busy so here is a what they look like without the mullions . . . just a simple window. Carrying over this theme . . . Staff would not have an issue if they want to carry this theme right here along the side and rear. I sketched that in so you could see what that would look like. And, we also asked that the transom area up here and then the architectural detail below the windows be eliminated as we felt the diamond shapes really didn't have anything that integrated the rest of the building. We thought removal of those would make for a better looking building. Also, here they had three vents. I am not sure if they were actually functional vents or just architectural element vents but we felt that either way they should just be removed

and they just have the one, which I believe is a functional vent. Here is what it would look like with the vent removed. A representative from the congregation is here tonight, and I was able to briefly go over some of these with her and her drafter, and she will comment. I know that she is okay with the Staff's recommendations on these items. Here is a side elevation, and, once again, we will go over some of the changes here but once again, in cleaning up the windows, getting rid of the mullions, the transom and the architectural detail below . . . unfortunately you can't see too well, but on the door what we asked them to do is to bring back that arched element. If you will recall, on the front of the building you had the arches so instead of having a rectangular door here, you would go with they have originally placed on the door here, kind of an arched door but you still could have a door entry but you are just carrying that arch element. Also, over the windows, what we call a fanlight so you would have this window area once again carrying the arches over that which would integrate the rest of the architecture in the building. So, those were the major changes. You will note again that the parking requirements stay the same so there are really no other issues beyond just the architecture and the addition of the second story. We just thought since you had approved a one-story building that it would be only fitting that we bring back this plan because, as you can see, there is a definite change from what we approved back in September. With that, I am available for any questions you may have.

Commissioner Turley: I would like my fellow Commissioners to look at this left side elevation. You notice that the rear half of the building is two stories and the front half is one story. I don't find this very eye appealing at all. I have seen a lot of one-story buildings, two-story buildings, etc., but I have never seen a building that is 1 ½ like this one is. I don't consider that to be very . . . Mr. Hazen you want to comment on that?

Don Hazen: I would just ask that this is the portion of the presentation where it is just questions to Staff and then your thoughts and opinions about the project should probably occur after the Public Hearing is closed, so at this point, I would just . . .

Commissioner Turley: Alright.

Chairperson Legalos: Thank you Mr. Hazen. Do you have further comments Commissioner Turley?

Commissioner Turley: No further comment at this time.

Commissioner McConnell: Why was the building put at two stories in the back and one in the front?

Marcus Adams: I am not sure if they felt they didn't need the whole second story throughout the whole structure or if there was something related to the . . . if you will recall also they are trying to retain and use that same foundation and as much of the framing as possible, and it could be that the engineer felt that the load couldn't be supported for the whole structure. I am not positive. Hopefully maybe one of the representatives tonight can answer that question for you.

Chairperson Legalos: Mr. Adams: I have a question on the setback from the street. When the application first came before the Commission, I believe the setback was calculated at six feet after the proposed widening of Sacramento Street. Would this mean it is now 37 feet 7 inches back from the street after widening? Or, at the street's current width?

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Marcus Adams: From its current location, that is 31 feet 7 inches from its current location.

Chairperson Legalos: So, once the street is widened, what will the actual distance be?

Marcus Adams: How far will the building be from the street? We are allowing them to be about a foot away from the back of the sidewalk, so, they are not going to have any landscaping in the front so you will have a sidewalk, which is usually about 4 feet in width, and then you will have the street.

Chairperson Legalos: An additional lane is being added to the street. Is that correct?

Marcus Adams: I haven't seen the Capitol Improvement Plan as far as how many lanes are going to be added to Sacramento. It is a Public Work's document and they just gave us the requirement for the setback. They didn't give us the plans actually for the street widening.

Chairperson Legalos: Well, if one lane were added to the street, where would this put the front of the building in relation to the street?

Marcus Adams: I can look through here. Once again, I don't have a plan for the street widening but I can tell you though that the plan as far as Public Works and the required setback would have it. You would have the lane of the street. You would then have your curb and gutter, then a sidewalk and then the building behind the sidewalk. So, approximately you are going to have anywhere from 5 to 7 feet from the building wall to the street.

Chairperson Legalos: To the sidewalk, or to the street?

Marcus Adams: To the street. Right, because you are going to have the sidewalk, then the curb and gutter, then the street.

Chairperson Legalos: But, there is no door on the front any more? That shouldn't be an issue.

Commissioner Turley: Mr. Hazen: Questions only. No comments, right?

Don Hazen: You just generally don't want to indicate that you have already made your mind up on a project before the public has had an opportunity to participate in the Public Hearing.

Chairperson Legalos: Ms. Quintana.

Claudia Quintana: Let me just give you a bit of input here. Normally the point of having Public Hearings such as this is for everyone to have their input and then after everyone has spoken you can make your conclusions, and if you have questions, certainly direct them to Staff at this point. When the applicant comes up, you can certainly direct questions to the applicant, and after all the facts are in, then at that time, it would be desirable to hear what your opinion is and that will form the basis for the findings that are legally required to support your decision.

Commissioner Turley: Mr. Chairman, then I do have some questions. Mr. Adams: I went through this material twice and there were a few questions that it left me with

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so I couldn't find the answers there but now I am going to assume that the pavement will be removed, replaced and restriped. Is that correct?

Marcus Adams: That's correct.

Commissioner Turley: And then, what is going to happen to the breeze walk between the two buildings? Could you explain that please?

Marcus Adams: Right. I know that was one of the concerns from the last hearing. The chief building official has issued a letter to the neighboring property owner saying that it wasn't to be removed. Gary West and myself actually went out to the site with the neighboring property owner and pointed out what needed to be done. As you know, it is yet to be done but they want to put a new business in there and we are not signing off on that business license for the neighboring property until these building code violations issues are addressed. Once again, the applicant is here tonight but she did inform me that she spoke with the neighboring property owner and they are trying to work out some type of an agreement to remove that breezeway and it is just a matter of who is going to pay for what, and then getting it done.

Commissioner Turley: How would you possibly remove that breezeway?

Marcus Adams: It shouldn't be that big of an issue. I am not a . . .

Commissioner Turley: Are you talking about perhaps enclosing it?

Marcus Adams: No. They are going to eliminate it so that you won't have the connecting breezeway between the two buildings. The structural component of that breezeway between the two is not integral to either of the buildings.

Commissioner Turley: Okay, and what about the cyclone fence and the razor wire and the flaps on the cyclone fence? Is that all going to be removed, or what's the status on that?

Marcus Adams: I think you are referring to the Vallejo Sanitation and Flood Control District fence in the rear of the property.

Commissioner Turley: No, on the left side.

Marcus Adams: On the left side of the property? Okay, if it is a fence that is not Vallejo Sanitation and Flood Control Districts or even if it is, if they have a cyclone and there is a wire or barbwire, that needs to be removed and we will ask them to remove that promptly. As far as the flaps, once again, if it is on the side, that is not going to be . . . They will take that fence down, and if they do put up a new fence, it is going to need to be one that is either a wrought iron or some type of material that Staff could approve of. But, not the razor wire, not barbwire, and not the slatted fence that you are talking about.

Commissioner Turley: The cyclone fence will remain?

Marcus Adams: This is on the side of the property or the rear?

Commissioner Turley: On the left side of the property.

Marcus Adams: I haven't been out to the site recently but I don't think they are proposing a cyclone fence so the applicant may want to respond to that.

Commissioner Turley: If they are not proposing it, then it must mean they will remove it.

Marcus Adams: That they will remove it. Yes, correct.

Commissioner Turley: Also, you mentioned that an investigation would have to be made to find out if there is a vapor barrier under that slab. Have you determined if there is or not?

Marcus Adams: You said a vapor barrier?

Commissioner Turley: A vapor barrier under the slab, and, let's see. I will show you where that is. It's on page 14, No. 8 under Building Division. It says: "Confirm vapor barrier under existing slab."

Marcus Adams: In speaking with the applicant and her drafter today, we are expecting an engineer's report shortly, so that is why that condition is there. I don't know if it has been identified as far as the reference that you are referring to but I know that we are still awaiting the engineering report which will once again decide whether that foundation is going to be suitable or not for them to retain it or if they going to have to put a new foundation.

Don Hazen: I would also just supplement too that that's a typical standard condition that would be determined at the time that a building permit is applied for so it's not really deemed relevant for purposes of this design review. That's a building code issue that would be looked at, at that time.

Commissioner Turley: Mr. Adams: I have one further question. The glass in the windows . . . is that decorative, stained glass, or plain glass?

Marcus Adams: To my knowledge it is regular glass. It is not stained glass or decorative glass. Except for, I think, on one of the glasses you do see like a cross, and I believe that will either be colored or possibly, stained.

Chairperson Legalos: If there are no further questions from the Commission, I will open the Public Hearing. Does the applicant wish to address the Commission?

Olga Karim Wer-Rodriguez: Good evening, Commissioners. I represent the Spanish Seventh-Adventist Church in Vallejo. Approximately almost a year ago we were here before you to request approval to build our church. I am here for two reasons. One, to thank you for the approval and, the second one is to request consideration of the second story. I would like to answer Mr. Turley's question. The reason that we do not go all the way, a second story, you know, all the way in length is because they have informed us that we would need additional parking but if you do approve and you do recommend a second story, that would be great for us, if you do not put a condition that we need additional parking. Since that was an issue, Mr. Rossetti, who is our general contractor and he is the one that drew our plans, I believe that he made a very beautiful design for our church. So, does that answer your question sir? The City has taken 31.7 feet from our property line. That forced us to move our existing building 11.1 feet back, so we had to redo the plans. We had to start all over again. I remember last meeting you enforced 15 conditions for us to be able to be approved for building. I believe Mr. Rossetti has made all of those conditions within our plans and we are meeting those conditions. The Planning Department is working very closely with us. We accept the recommendations that they have made regarding the structural design, the

windows, etc. I believe that that is going to enhance the beauty of our building and that's exactly what we want. We know that the City wants to beautify Vallejo and we want to be part of that. We want to maintain our building beautiful. We would like to put a wrought iron fence, not a chain link, or, I don't know exactly what you call it, but something that will go with the new neighborhood I would say, and I hope, because it is going to look beautiful. The engineer . . . we have two engineers. They have gone to inspect our building and they have submitted the plans of how they plan to reinforce our foundations, and they feel that the present foundation that we had would need reinforcement. But, the actual frame, with some changes, it would be able to stand the second story and they will continue to work with the Planning and the Building Department. I don't know if you have any other questions. We have our general contractor here that, if you have any questions to ask him, he will be glad to come forward and answer. I again appeal to you in your approval. It will be a temple that we want to build so that we can come once a week to worship the God we love and the God you serve. Thank you.

Chairperson Legalos: Can you comment on the type of glass on the windows? Is it going to be plain glass?

Olga Karim Wer-Rodriguez: Last meeting, if I recall well, they suggested that we have plain glass. But, for us, that will not be an issue. We will just go along with any recommendations from the Planning Commission.

Chairperson Legalos: So, if there were a recommendation for stained glass, the additional expense would not be a problem for you?

Olga Karim Wer-Rodriguez: We are a worldwide congregation. We have 20 to 30 million members throughout the world. We are under the umbrella of the Northern California Conference. They will give us the funding for our building so all we are awaiting is for you, the Building Department, to give us the green light to start. We are ready to go. If you have no other questions; I thank you.

Chairperson Legalos: Thank you. I will close the Public Hearing and bring the matter back into the hands of the Commission.

Commissioner McConnell: If I could prevail on Commissioner Turley to articulate why he feels the design needs to be considered more carefully.

Commissioner Turley: I sure don't think that that's very pleasing to my eye to have that second story on the rear half of the building and a one-story on the front half. The only other two options I can see is having a complete second story which I think would be very attractive or put additional space on the left side of the building. However, with that additional space would be needed, of course would be up to the church and the architects. But, that would be my preference by far and like, for instance, if they would decide, well, let's make a one-story addition to the left side of the building and eliminate the second story, then I think the lady mentioned that there would be a parking problem. On page 10 under No. 2 on the Plan Development, in the original proposal, the parking lot was at the corner of Redwood and Sacramento. So, they could go back to the original proposal and have parking at Sacramento and Redwood but I don't think that this is the answer. Thank you.

Commissioner McConnell: I will move the motion that is in the packet based on the findings and conclusions as stated therein with the additional suggestion request that Staff continue to work with the applicant about any design improvements that the staff feels are appropriate and proper under the circumstances.

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Chairperson Legalos: Thank you. In general I like the recommendations for simplification. I am just wondering if maybe they don't go a little bit too far. Would this not mean just unadorned, plain glass windows, some of which have arches over them, and the windows on the back side of the building are just plain rectangular windows, correct?

Marcus Adams: That's correct.

Chairperson Legalos: It is not very ecclesiastical.

Marcus Adams: As far as my thoughts on the stained glass . . . I kind of went back and forth on that. Knowing the neighborhood pretty well . . . you know, it's in transition, and I would just think . . .

Chairperson Legalos: I live in that neighborhood.

Marcus Adams: Okay. The cost of, you know, especially at that first level . . . there may be even more . . . and the cost of replacing true stained glass as you know is very expensive. That's my first thought as far as the stained glass, although traditionally you love to see stained glass in churches. On the rear level, I know that you and I had talked about having some type of picture window, taking advantage of the view . . . some say, the Slough or the creek, but we did talk about that again tonight. That is something that Staff is going to work with the contractor and the applicant about seeing if that is possible. I appreciate Commissioner McConnell's trust in our Staff's ability to work out those type of issues, and we will explore maybe a picture window in the rear on the second level. That's my thoughts on the stained glass.

Commissioner McConnell: There are other kinds of textured glass and glass with little bubbles in it and glass that is more attractive than plain window glass that would probably be not so attractive to vandals as full-fledged stained glass would be. I just feel that some kind of decorative element in the glass itself would be more appropriate for a church.

Chairperson Legalos: I agree with that. I think especially the elevation here, the arched area, the fanlights. I think that would be the appropriate place to put some type of decorative glass, whether it be some of the methods that you talked about or even if we are talking a different color or something, but we could explore that.

Commissioner McConnell: I would like to add as a condition that something other than plain glass be put in the windows. Would that be an amendment?

Chairperson Legalos: That's okay. Thank you.

Commissioner Peterman: I agree with Chair Legalos. I think that if you have something that sort of diffuses the light, it is a better atmosphere than just having plain glass.

Chairperson Legalos: We have a motion on the floor. Please vote.

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

NOS: None.

ABSENT: Manning.

Motion carries.

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L. OTHER ITEMS

None.

M. ADJOURNMENT

There being no further business to discuss, this session of the Vallejo Planning Commission is now adjourned at 7:37 p.m.

Respectfully submitted,



(for) DON HAZEN, Secretary

Vallejo Planning Commission Minutes
August 6, 2007

- A. The meeting was called to order at 7:30 p.m.
- B. The pledge of allegiance to the flag was recited.
- C. ROLL CALL:

Present: Commissioners McConnell, Manning, Turley, Peterman.

Absent: Engelman, Legalos.

Note: Chairperson Legalos is in interviews for the two new Planning Commissioners during the time of this meeting.

- D. APPROVAL OF THE MINUTES.

Commissioner McConnell made a motion to approve the minutes of the meeting of July 16, 2007.

AYES: McConnell, Turley, Peterman.

NOS: None.

ABSTAIN: Manning.

No action taken and minutes continued to the meeting of August 20, 2007.

- E. WRITTEN COMMUNICATIONS

None.

- F. REPORT OF THE SECRETARY

1. Upcoming Meeting of Monday, August 20, 2007

- a. Use Permit 05-0002 for an outdoor hand car wash located at 500 Lincoln Road East. Staff Person: Marcus Adams, 648-5392.

Code Text Amendment 06-0004 revision of Chapter 16.70 – Screening and Landscaping Regulations of the VMC. *Continued from the meeting of July 16, 2007.* Staff Person: Katherine Donovan, 648-4327.

- G. CITY ATTORNEY REPORT

None.

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

- 1. Report of the Presiding Officer and members of the Planning Commission – None.
- 2. Council Liaison to Planning Commission – None.
- 3. Planning Commission to City Council – Our decision to deny Arrow Tow was upheld at the City Council appeals hearing.

- I. COMMUNITY FORUM

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

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Hearing portion of the agenda. Such requests shall be granted, and items will be addressed in the order in which they appear in the agenda. After making any changes to the agenda, the agenda shall be approved.

None.

J. CONSENT CALENDAR AND APPROVAL OF THE AGENDA

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

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

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

AYES: McConnell, Turley, Manning, Peterman.

NOS: None.

ABSENT: Legalos, Engelman.

Motion carries.

K. PUBLIC HEARINGS

1. **Tentative Map 07-0004** to create 23 parcels for commercial development on Mare Island. Proposed CEQA Action: Exempt. Staff Person: Michelle Hightower, 648-4506.

Staff recommends continuance to the meeting of August 20, 2007.

Commissioner McConnell: I move that we continue the item to the meeting of August 20, 2007.

AYES: McConnell, Turley, Manning, Peterman.

NOS: None.

ABSENT: Engelman, Legalos.

Motion carries.

L. OTHER ITEMS

None.

M. ADJOURNMENT

There being no further business to discuss, this session of the Vallejo Planning Commission is now adjourned at 7:34 p.m.

Respectfully submitted,



(for) DON HAZEN, Secretary

**STAFF REPORT
CITY OF VALLEJO
PLANNING COMMISSION**

DATE OF MEETING: August 20, 2007 Agenda Item: K-1

PREPARED BY: Michelle Hightower

PROJECT NUMBER: Tentative Map #07-0004

PROJECT LOCATION: Area generally bounded by G Street, Azuar Drive, 2nd Street and Railroad Avenue within Mare Island Reuse Area 2A and portions of 2B, 3B and 6 – Town Center; APN 0066-050-070

PROJECT SUMMARY: A request to subdivide 82.20 acres of land into 23 lots and one parcel to accommodate existing buildings and new mixed-use development (commercial office/retail, research & development, light industrial, warehouse and residential) in the area.

RECOMMENDATION: Adopt a Resolution 07-19 Approving Tentative Map #07-0004, as governed by Chapter 15.08 Tentative Maps of the Vallejo Municipal Code, based on the findings and conditions provided in the Resolution. (See Attachment A.)

**PROPOSED
ENVIRONMENTAL
DETERMINATION:**

The project will not result in any new or more significant effects than already identified in the Final Environmental Impact Statement/ Environmental Impact Report (FEIS/EIR) for the Disposal and Reuse of the Mare Island Naval Shipyard certified in April 1998, the Addendum to the FEIS/EIR for the Mare Island Specific Plan adopted in March 1999, and the Final Subsequent Environmental Impact Report (SEIR) for the Mare Island Specific Plan Amended and Restated certified in November 2005; there are no substantial changes and there is no new information concerning this project; therefore, reliance on the previous environmental documents is appropriate pursuant to CEQA statutes § 21166.

**PROJECT DATA
SUMMARY:**

Name of Applicant/
Property Owner: Dina Tasini, Lennar Mare Island, LLC

Date of Completion: June 12, 2007

General Plan Designation: Commercial/General and Employment

Zoning Designation: MUPD – Mixed Use Planned Development

Mare Island Specific Plan

Specific Plan Land Use: **Reuse Area 2A** (Town Center) – Mixed Use (Office/Research & Development (R&D)/Light Industrial), Educational/Civic, High Density Residential;
Reuse Area 2B (West Business Park) – Mixed Use (Office/R&D/Light Industrial);
Reuse Area 3B (Waterfront Mixed Use) – Mixed Use (Office/R&D/Light Industrial/Warehouse/Retail Commercial), Live-Work Residential, Educational/Civic, Developed Recreation;
Reuse Area 6 (North Residential Village) – Retail, Educational/Civic, Developed Recreation and Residential.

PROJECT DESCRIPTION:

Subdivision Lots and Parcel: The proposed commercial subdivision would allow the applicant (Lennar Mare Island, LLC) and master developer of Mare Island to create legal lots for the transfer of ownership, and to facilitate new construction in the area. (See Attachment E Vesting Tentative Map dated June 25, 2007 prepared by Chaudhary & Associates.) The proposed subdivision is part of an Island-wide project involving the reuse of Mare Island, a former U.S. Naval base, as a civilian community. The applicant has proposed eight lots encompassed with eight existing buildings, 14 buildable lots for new construction, one lot for an existing rail line and one parcel for a sewer pump station. Table 1 provides a summary of the proposed lots and sizes.

Table 1 - Proposed Lot and Parcel Areas

Lot Number	Reuse Area	Existing Use	Lot Size (Acres)
Lot 1	2B	Vacant	5.54
Lot 2	2B	Vacant Buildings	2.04
Lot 3	2B	Vacant Buildings	1.81
Lot 4	2B/6	Office	2.38
Lot 5	2B	Vacant Buildings	2.38
Lot 6	3B	Light Industrial	1.11
Lot 7	3B	Light Industrial	1.51
Lot 8	3B	Vacant Buildings	2.12
Lot 9	3B	Vacant Buildings	2.25
Lot 10	3B	Vacant	2.27
Lot 11	2A	Vacant Buildings	2.62
Lot 12	2A	Recreational	2.75
Lot 13	2A	Vacant Buildings/Parking	2.16
Lot 14	2A	Vacant	2.17
Lot 15	2A	Vacant	2.34
Lot 16	2A	Vacant Warehouse	3.73
Lot 17	2A	Office	3.75
Lot 18	2A	Office	2.45
Lot 19	2A	Vacant Buildings	2.23
Lot 20	2A	Vacant Buildings	2.06
Lot 21	2A	Vacant Recreational	4.04
Lot 22	2A	Open Space/Recreational	3.66
Lot 23	2A	Rail line	4.02
Parcel A	2A	Utility Buildings	.22

The proposed lot sizes range from 1.1 to 5.54 acres, and the parcel created for the pump station is approximately 9,670 square feet. The project area is generally flat with elevations ranging from approximately seven to 21 feet. The area is developed with existing buildings, parking lots, streets, sidewalks, landscaping, street lights and utilities.

Mare Island Historic District: The subject project area is within the Mare Island Historic District (Historic District). A number of the buildings affected by the proposed subdivision are designated as contributing resources to the Historic District. (See Attachment C) The Mare Island Specific Plan Project Guidelines provides three classification levels for contributing resources. This includes Landmarks (Highly Significant); Notable Resources (Individually Significant); and Component Resources (Not Individually Significant). The classification provides the level of treatment for the buildings or structures.

New Lots for Existing Buildings: As mentioned, the proposed subdivision includes the creation of eight lots for the retention of eight existing buildings, and one parcel for the retention of two existing utility buildings. Seven of the buildings proposed for retention are classified as a Notable Resource and one building is a non-contributor. The Notables proposed for retention include Building 459 (Lot 18), Building 543 (Lot 17), Building 535 (Lot 4), all of which are currently occupied and being used for administrative office purposes. Buildings 221 (Lot 6) and 273 (Lot 7) are also Notables and are currently being used for light industrial and warehouse/storage space. The remaining two Notables include Building 545 Rodman Center (Lot 18), a former recreational center and Building 527 (Lot 16), a large warehouse. Both of these buildings are currently vacant. The lots created for the existing Notables include parking lots, driveway access, and landscaping.

Three of the buildings to be retained are non-contributors to the Historic District. This includes Building 523 Sports Center (Lot 12), which is being used as an indoor recreational center, and Buildings 839 and 861 (Parcel A), which are utility structures.

New Lots For Future Development: The proposal includes 14 buildable lots for new development. This includes Lots 1,2,3,5,8,9,10,11,13,14,15,19,20&22. Three of the lots are vacant parking lot areas and the remaining eleven are developed with existing buildings. To accommodate new construction, the applicant has proposed the demolition of 31 vacant buildings that currently exist on the property. Many of the buildings proposed for demolition fall along a new property line separating two lots or are within a proposed street right-of-way.

The proposed demolition includes two buildings classified as Notable Resources. This involves Building 259, (Lot 8) and Building 455 (Lot 2), both formerly used for warehouse/storage purposes. Fourteen buildings proposed for demolition are classified as Components. The building types range from small utility buildings to large warehouse/storage facilities. An additional 15 buildings are non-contributors to the Historic District.

To facilitate new commercial/retail development near the Causeway, the applicant has proposed to relocate Morton Field (Lot 22), an existing 3-acre ball field with bleachers and lighting to a site to be determined.

Subdivision Layout and Street Design: Primary access to the area is provided via Azuar Drive and Gⁿ Street. The primary north-south streets include Railroad Avenue, Walnut Avenue and Azuar Drive. The east-west streets include G, E, Pintado, A, 2nd and Connolly Streets. The applicant has proposed to maintain all of the existing streets and to alter the design of one from

a through-street to a cul-de-sac. All of the streets would be widened and improved to City standards and per the Mare Island Street Cross-Sections, Appendix D to the Mare Island Specific Plan. Bus stops are proposed along Railroad Avenue and 12-foot multi-use trails are proposed along Walnut Avenue and Azuar Drive.

The following table provides the details of the proposed street designs within the project area:

Table 2- Proposed Typical Street Design

Street Name	Right-of-Way Proposed/Existing	Dimensions
G Street (North/South) Railroad Ave. to Azuar Dr.	102' Existing: 80' ^a	South Side Only – 12' Multi-use Path, 5' Planter, 10.3' Travel Lane (Remaining Area outside of Project Area Boundary)
Railroad Avenue (North/South) E St. to Connolly St.	87' Existing: 42' to 60'	Both Sides - 5' Sidewalk, 5.5' Planter, Two-13.5' Travel Lanes, Two-11.0 Travel Lanes (Designated as a truck route)
Walnut Avenue (North/South) G to Connolly St.	55' to 63' Existing: 36' to 40'	East to West-5' Sidewalk, 6.5' Planter, Two-13.5' Travel Lanes (west travel lane varies up to 21.5' for parking), 4.5' Planter, 12' Multi-Use Trail
Azuar Drive (North/South) E to Connolly St.	89' Existing: 38' to 40'	East to West – 5' Sidewalk, 5.5' Planter, 12.5' Travel Lane, 12' Travel Lane, 14' Median, 12' Travel Lane, 12.5' Travel Lane, 5.5' Planter, 12' Multi-Use Trail
E Street/Pintado Street Azuar Dr. to Railroad Ave. Connolly Street Walnut Ave. to Railroad (East/West)	47' Existing: E-25', Pintado-30', Connolly 35'	Both Sides – 4.5' Sidewalk, 5.5' Planter, Two 13.5' Travel Lanes
A Street (East/West) Azuar Dr. to Railroad Ave.	47.5' Existing: 30'	South to North – 5' Sidewalk, 5' Planter, Two-13.5' Travel Lanes, 5.5' Planter, 5.0' Sidewalk
2 nd Street (East/West) Azuar Dr. to Oak St.	51.5' (New Street)	South to North – 4.5' Sidewalk, 5.5' Planter, 8' Parking Lane, 10' Travel Lane, 12' Travel Lane, 5' Planter, 4.5' Sidewalk

***Notes: Right-of-Way includes curb and gutter.**
a – Estimated Existing Right of Way Width

As shown, on-street parking would be provided along Walnut Avenue and 2nd Street. All of the streets would ultimately be public and dedicated to the City of Vallejo. Lennar has requested in some areas that construction of the street improvements be deferred for two years to allow for a No Further Action determination from the Department of Toxic and Substances Control regarding site remediation.

Street Lights: The applicant has included as part of the vesting tentative map, street light designs for the subdivision. Teardrop lamp and poles are proposed for Azuar Drive, Walnut Avenue and the east-west streets. Cobra head design lights are proposed for Railroad Avenue.

Infrastructure: To support existing and new development, ten-foot public utility easements would be placed outside of the street right-of-way. Additional easements are proposed across several of the new lots for utilities and for a rail line. Easements would be granted as

appropriate for the non-public areas, and agreements for parking lot maintenance and drainage between lots are also proposed.

Site Grading: The application submittal included preliminary grading plans for the project area. As noted, the project area is generally flat with elevations that range from seven to 21 feet, with grades that increase from the north to the south. The actual amount of grading necessary for future development would be determined through the Planned Development Unit Plan (Unit Plan) process for the individual sites.

ANALYSIS:

The project would subdivide approximately 82 acres into 23 lots to accommodate existing and new mixed-use development, including commercial, light industrial, and R&D, as well as warehouse/storage, civic/educational and residential uses. The applicant has indicated that future development plans for the lots that do not contain buildings proposed for retention is unknown at this time. The applicant or future property owner will be required to submit to the Planning Division for review and approval a Unit Plan application for any new construction, reuse of an existing building (if different from the current use), or to significantly rehabilitate an existing building. In addition, because the project area is completely within the Historic District, approval of a Certificate of Appropriateness (COA) from the Architectural Heritage and Landmarks Commission (AHLC) would also be required for new construction and alteration of a contributing resource or the project site of a contributing resource. A COA Demolition Permit from the AHLC and Planning Division is also required for all building demolition within the project area, and notification of the approved demolitions by the Planning Division must be provided to the AHLC.

Street improvements are proposed for the existing roadways, which include widening of travel lanes, new curbs and gutters. As shown in Table 2, the existing streets typically range from 30 to 60 feet in width and would be widened to 47 to 102 feet. In some areas, both Railroad Avenue and Azuar Drive would be widened from two to four lanes and would include a median strip. Sidewalks, planter strips and street trees, as well new lighting are also proposed. Given that the project site is within the Historic District, the Street and Public Improvement Plans would require a COA approval from the AHLC to ensure that the designs are consistent with the Historic Design Guidelines.

The Vallejo Municipal Code (VMC) Subdivision Regulations do not require AHLC approval of subdivision maps. However, given that the subject property is within the Historic District, to allow AHLC input on the proposal, staff forwarded copies of the public hearing notice and the application contents to the AHLC for their review and comment. No comments were received from the AHLC; however, as stated, future construction projects, significant rehabilitation projects, and the Improvement Plans for the subdivision will require COA approval from the AHLC.

As conditioned, the project is consistent with the City of Vallejo General Plan, the VMC and Mare Island Specific Plan and its applicable appendices. The proposal's consistency with these documents is discussed below. Policies and standards are underlined.

General Plan

Land Use: This proposal is consistent with the General Plan land use designation of Commercial, General and Employment.

Commercial Development Goal 7: To promote the use of Mare Island as a commercial economic asset for the City of Vallejo.

The proposal to subdivide property on Mare Island to accommodate the commercial, industrial and residential uses would contribute to the economic assets of the City by providing employment, sales tax and property tax revenue.

Land Use and Density Goal 3: To encourage a variety of density standards and design requirements for commercial, industrial and residential development on Mare Island in a manner that accounts for Mare Island's unique and complex land use patterns, historic resources and environmental constraints.

The proposed subdivision includes the retention and continued use of several historic resources, allows for new commercial, industrial and residential development and involves property that currently has land use restrictions due to environmental conditions.

Vallejo Municipal Code

Zoning Regulations: The project area is located on Mare Island and is zoned Mixed Use Planned Development (MUPD). The Specific Plan is the Planned Development Master Plan for Mare Island. The project must therefore be consistent with the Mare Island Specific Plan (Specific Plan), which is discussed in the following section.

Subdivision Regulations: The applicant has filed a vesting tentative map to subdivide an 82.2-acre area into 23 lots and one parcel. This proposal has been reviewed and found to be in compliance with the Vallejo Municipal Code Title 15 Subdivisions, subject to the conditions of approval for the following reasons:

1. The design or improvements are not likely to cause substantial environmental or wildlife damage. The project site is within an urban area that has been previously developed and does not contain any wildlife.
2. The design is not likely to cause serious public health problems. The subject project area is currently undergoing environmental remediation under the regulation of the Department of Toxic and Substances Control (DTSC), and land use restrictions have been placed on the property to protect the public health and environmental until the remediation efforts have been completed.
3. The design of the subdivision will not conflict with public easements for access through or use of, property within the subdivision unless alternate easements will be provided and will be substantially equivalent. The Public Works Department has reviewed the application and has included as a condition of approval that the design not conflict with any public easements or access.

Mare Island Specific Plan

Mare Island is a former naval base that served as naval facility between 1854 and 1996. In 1993 prior to base closure, the City of Vallejo conducted a community-based planning process for the potential reuse of Mare Island as a civilian area of the City. This effort resulted in the development of the Final Mare Island Reuse Plan (Reuse Plan), which identified 13 Reuse Areas for Mare Island, as well as wetlands along all sides of the island, and dredge ponds areas on the west side of the island. The Reuse Plan described the desired character of each reuse area and the potential redevelopment opportunities.

In 1999, the City adopted the Mare Island Specific Plan as the implementation document for the Reuse Plan, which was amended in 2005 and 2007. The Specific Plan is the regulatory document for Mare Island and serves as the zoning ordinance for the area.

Land Use: The project is located within Reuse Area 2A and portions of Reuse Areas 2B, 3B and 6 of the Specific Plan. Land uses allowed within these areas are listed above. While the project involves the subdivision of land for the transfer of property, it is essential that existing and proposed future land uses are consistent with the Land Use Plan. The existing land uses, which include office, light industrial, and warehouse/storage are consistent with the Land Use Plan. As a recommended condition of approval, all future development projects for new construction, significant rehabilitation of an historic structure or building, or reuse of an existing building, if different than the current use, shall be consistent with the Land Use Plan of Specific Plan.

Preservation: Integrate the historic resources into public and private development.

As proposed, individual lots encompassing seven existing historic resources would be created that would allow integration of these buildings into public and private development.

Preservation Policy: In making decisions that affect the character of the Historic District or a National Historic Landmark, the City shall follow the criteria and priorities set forth in the Mare Island Historic Project Guidelines (Project Guidelines) - Appendix B.1 of the Specific Plan.

Consistency with the Project Guidelines is discussed in a subsequent section of this report. None of the project area is within a National Historic Landmark District, nor are any of the contributing resources classified as a National Historic Landmark.

Land Use

Reuse Area 2A: Land uses should reinforce the Town Center character while requiring minimal change to historic context and building fabric.

The proposal to allow the retention and development of light industrial, warehouse/storage, office, R&D, civic/educational and residential activities is consistent with this policy.

Reuse Area 2A: Circulation improvements maintain and extend the existing street grid encouraging a more urban parcelization pattern.

The proposed street layout maintains the existing grid with the exception of the design for 2nd Street, which would be modified to terminate as a cul-de-sac between Azuar Drive and Walnut Avenue. The modification is necessary in order to retain Building 535, a Notable Resource.

Reuse Area 2B: Land uses should reinforce the mixed use, employment-oriented nature of Mare Island's middle sector.

See response to first Land Use Policy 2A.

Reuse Area 2B: Circulation improvements maintain and extend the existing street grid pattern supporting land use development needs.

See response to second Land Use Policy 2A. The retained street patterns would support the land development needs in the area.

Reuse Area 2B: With the exception of one building, the historic structures do not offer sufficient opportunities for reuse that will generate or support new jobs and can be demolished in accordance with the criteria in the Historic Project Guidelines.

The project includes demolition of 14 Component Resources which based on a number of factors, including condition and location, cannot be reused adequately. Demolition of these buildings is also needed to allow for parking for those buildings to be retained, street right-of-way, and new construction that would generate and support new jobs on the Island.

Reuse Area 3B: The large number of historic resources in Reuse Area 3B are of a type that are well suited to reuse for designated land uses.

Buildings 459, 527, 543, and 545 are Notable Resources proposed for retention. Two of the buildings (Building 459 and 543) are currently occupied and both buildings 527 and 545 are well suited for reuse to support activities consistent with the Land Use Plan for the area.

Urban Design

A. Island Entrances: Develop strong Island gateways and entrance corridors at the Causeway and North Gate.

To support this standard, the applicant has proposed an entrance monument at the intersection of G Street and Railroad Avenue that includes two large palm trees and a monument sign.

B. Street Grid: Reuse and extend Mare Island's existing street grid to provide an interconnected system of neighborhoods, land uses, and vehicular/bicycle/pedestrian corridors.

The proposal includes the reuse of the existing streets and also allows for multi-use paths for bicycles and pedestrians along Walnut Avenue and Azuar Drive.

C. Street Widths: Maintain historic street widths where they are part of the established neighborhood setting and design the circulation systems for adjacent, new development areas using the established street widths as a way of extending the historic character of the Island.

The existing street system consists of two to three-lane roadways. As proposed, the streets would be upgraded and widened. However, based on the traffic studies prepared for the Mare

Island Development Plan, the improvements are needed to accommodate future traffic volumes on the Island at build-out.

- D. Standard Specifications: Alternative design standards for the Island's infrastructure are to be considered where appropriate and as approved by the City to maintain historic character, including for street widths, curbs and gutters, on-street parking, sidewalk treatment and location, street light location, and landscape requirements.

The Mare Island Street Cross-Sections provide guidelines for the design of major streets on Mare Island. However, the document allows for modifications based on additional review of the Specific Plan. With the exception of Railroad Avenue, the proposed street and right-of-way designs are consistent with the Specific Plan Cross Sections. To maintain the historic setting, the right-of-way design for Railroad Avenue has been modified to include the landscape strip or planter behind the sidewalk.

- E. Main Street: Establish Walnut Avenue as a historic "Main Street" spine connecting diverse uses with a central retail/recreational center. Orient building massing along Walnut toward the street. Streetscape improvements should enhance the historic character and be designed for bicycle and pedestrian use as well as for cars.

The proposed subdivision allows for Walnut Avenue to serve as a historic Main Street that includes an entry feature with palm trees, accent plants and signage. The proposed uses for Building 545 Rodman Center and the former Morton Field are retail and recreation, respectively. As proposed, Walnut Avenue includes a 12' multi-path along the west side within the project area boundaries. As a recommended condition of approval, the applicant would be required to orient buildings along Walnut Avenue toward the street.

- F. Shared Parking: Shared parking within a single property or among neighboring properties where a mix of uses produces peak parking demand at different times of the day is encouraged as a way to reduce the overall number of parking spaces required. Shared parking arrangements would be implemented through the Unit Plan process.

The proposal includes two areas where shared access easements for parking would be necessary. Future uses on the sites are expected to include a mix of activities that could produce peak parking demand at alternate times of the day and would allow for a reduction in parking space demand for the properties. A project requirement is that all new construction be subject to both a Unit Plan and COA. The final parking design and easement agreements would be determined as part of the respective application process.

- J. Mix of Uses: Promote development that supports and expands the rich mix of land uses that have existed on Mare Island.

Development on the Island includes a rich mix of land use including residential, commercial, industrial, civic and recreational uses.

- M. Building Setbacks: Building setbacks for new, infill buildings and for the rehabilitation of historic buildings in the Historic District shall be compatible with the established setting of an area, neighborhood or existing group of buildings. Setback areas shall be landscaped in a manner that is compatible with the historic setting of the area.

To maintain the historic setting and development patterns of the area, a recommended condition of approval is to require that new buildings which front Railroad or Walnut Avenue or Azuar Drive to have consistent setbacks as the existing buildings in the area including those proposed for retention as part of this project.

Setting and Site Design, criteria for reuse and/or new and infill development.

- i. Compatibility with existing development on and adjacent to the project site.

As a recommended condition of approval, new buildings would be required to maintain consistent setbacks and development patterns with existing development in the area.

- ii. Provision for landscaped areas designed to be compatible with the existing setting and for adequate parking areas, either on-site or off-site, that do not compromise the integrity of the historic setting.

A recommended condition of approval is that landscaped and parking areas along the major roadways, which include Walnut and Railroad Avenue, be compatible with the existing areas. As mentioned, this would be reviewed through future Unit Plan and COA applications.

Exterior Lighting

- lii Existing streetlights that have a historic character should be retained if feasible. Where they must be replaced, the new streetlight poles and luminaries should be designed to match or resemble the old, as approved by the City.

The applicant has proposed teardrop street lights within the subdivision, which are designed to resemble the historic lights, for all of the streets with the exception of Railroad Avenue, which will have cobra head design lighting. The street light design for Railroad Avenue was approved by the AHLC in March 2007. Final lighting design for other areas within the subdivision would be part of the Improvement Plans, which are subject to approval by the AHLC.

Urban Design Guidelines and Standard by Reuse Area

Town Center Reuse Area 2A

- i Principal building entrances of the Rodman Center and of other existing and proposed buildings along Walnut Avenue should be oriented to face the street.

The applicant has indicated that buildings along Walnut Avenue would have entrances that front this historic street. As a recommended condition of approval/project requirement, all new buildings would be subject to Unit Plan review, which would address this issue more closely. In addition, as previously stated, the Project Guidelines require that new construction within the Historic District be subject to a COA from the AHLC.

- ii Where feasible, parking should be located behind the buildings.

As a recommended condition of approval, parking lots for existing and future buildings within the project area shall be located in the rear, behind the buildings.

- iii Building setbacks should establish a compatible building edge along the street and complement adjacent or nearby historic buildings.

See response to Urban Design Policy/Standard "M" above.

- iv The intersection of Railroad Avenue and G Street should be designed to have a major landscaped entry feature.

The applicant has proposed an entry feature at the intersection of Railroad Avenue and G Street that includes two large palm trees and signage.

- v. The retail center should be designed to form an attractive entry into Mare Island. Buildings should be located to buffer the view of parking areas from the main streets.

Staff recommends as a condition of approval/project requirement that new retail development at the former Morton Field be designed with an attractive entry and that the buildings be located to buffer the view of parking areas from G Street, Walnut and Railroad Avenue.

- vii The design of new buildings should complement the character of existing buildings that have been identified for preservation and rehabilitation.

As a recommended condition of approval/project requirement, future development in the area should complement the existing buildings in the area and buildings proposed for retention as part of this project.

West Business Park Reuse Area 2B

- iii The area east of Azuar Drive should comply with the Rodman Center guidelines and standards described above. New buildings should be sited to reinforce the street edges of Azuar Drive and Walnut Avenue, with parking located behind the buildings and landscaped to buffer views of parked cars.

See response to Urban Design Policy/Standard "M" above.

- iv Streetscape design should continue the street tree pattern and edge conditions found in the Rodman Center area.

See response to Urban Design Policy/Standard "M" above.

Waterfront Business Campus Reuse Area 3B

- i Infill development should generally match the scale, setbacks, and site relationships of the existing buildings that would remain.

Building setbacks are addressed in response to "M" above. Final design of new buildings would be subject to Unit Plan and COA review.

- ii The Island-wide street grid should be extended and reinforced as a framework for existing buildings and infill development, to the extent feasible.

See response to second Land Use Policy 2A above.

- iii Healthy street trees: if appropriate to the historic setting, should be preserved and supplemented by new trees to reinforce the character of the streetscape.

New street trees are proposed as part of the street improvements for the area. This would reinforce the character of the streetscape along Walnut Avenue. There are currently no street trees along Railroad Avenue nor Azuar Drive within the project area, and there are a few trees scattered along the cross-streets. While new street trees would alter the existing historic streetscape, the overall aesthetic quality of the area would be enhanced.

Transportation

Roadway Policies and Standards

- i Railroad Avenue should serve as the principal traffic, truck and railroad artery on Mare Island, providing access from State Route 37 and the Causeway to the key industrial and employment center. Intersection and access/control along Railroad Avenue should be designed with this role in mind.

As proposed, in some areas Railroad Avenue is designed as a four-lane road with a median, which is consistent with the above policy. The intersections are proposed to be widened to accommodate the future traffic conditions at build-out.

- ii Walnut Avenue should serve as the primary pedestrian and bicycle corridor on Mare Island. Traffic volumes should be minimized, to the maximum extent possible, to enhance the attractiveness of this route for these uses.

Walnut Avenue, as proposed includes a 12-foot multi-use-path for pedestrians and bicyclists. The roadway would be maintained with two travel lanes in both directions which should minimize traffic volumes.

- iii Azuar Drive should be designed to serve as the primary access to the residential, recreational, and mixed use components of Mare Island.

The applicant has proposed a four-lane road with a median for Azuar Drive to accommodate traffic to the areas south of G Street, which lead to residential, recreation and mixed-use development.

- vii The historic pattern of east-west streets connecting Railroad Avenue, Walnut Avenue, and Azuar Drive should be retained and enhanced. These streets should provide local access to Reuse Areas 2A-4.

The east-west streets within the proposed subdivision would be retained as proposed. New street trees, landscape planters, sidewalks, curbs and gutters would enhance these streets.

Parking: The Specific Plan provides alternate parking requirements than from those provided in the VMC to allow for shared parking arrangements and the siting of existing buildings for Mare Island.

The applicant has provided a conceptual parking layout for the existing buildings. Based on the existing and proposed uses of the buildings, the parking spaces provided are consistent with the parking requirements provided in the Specific Plan. In two instances, the property line crosses the proposed parking spaces and a parking lot easement and maintenance agreement would be necessary.

Mare Island Specific Plan Historic Project Guidelines

The Project Guidelines address alterations to contributing resources or alterations within the project site of a contributing resource, new construction, and building demolition within the Historic District. As mentioned, the Project Guidelines require that new construction within the Historic District be subject to COA approval by the AHLC. This has been included as a recommended condition of approval/project requirement. In addition, proposals to demolish buildings within the Historic District are subject to a COA Demolition Permit. In addition, the proposed demolition of a Notable Resource also requires a Site Development Analysis and a Relocation Analysis to ensure that all alternatives to demolition have been considered; and finally demolition of a Component Resource requires finding that the demolition is necessary for the implementation of the Specific Plan (Development Plan).

The April 2006 Settlement Agreement between the City, Lennar, National Trust for Historic Preservation and two members of the Vallejo Architectural Heritage Foundation allows for the demolition permit, Site Development Analysis and finding for the Component Resources within Reuse Areas 2A, 2B, and 3A be approved by the Planning Division, and that a notice of the determination be provided to the AHLC. As a recommended condition of approval, the applicant shall be required to apply for COAs to demolish all buildings within the Historic District, which includes a finding for the Component Resources, and a Site Development Analysis for the demolition of the two Notable Resources for review and approval by the AHLC and Planning Division.

Mare Island Design Guidelines for the Historic District

The Project Guidelines require that projects within the Historic District are consistent with the Mare Island Design Guidelines for the Historic District (Design Guidelines) - Appendix B.4 of the Specific Plan. Based on the Design Guidelines Aggregated Character Areas Map, most of the project area is within the Industrial Character Area; a smaller portion generally bordered by G Street, Azuar Drive, Building 527 (Lot 16) and Pintado Street is within a Residential Character Area. Compliance with applicable design guidelines is discussed below.

New Construction Guidelines

9.2 Reflect historical development pattern. These patterns include the manner in which the buildings were located on their sites, landscapes were designed and streets are arranged.

As mentioned above, staff recommends as a condition of approval/project requirement that future development is consistent with the patterns established by existing buildings, in addition to how the streets are arranged.

Parcel Line: The parcel line may be established by features that delineate the historic bounds of a structure and its related site. A parcel boundary may be defined by lands historically associated with the function of the property (such as gardens, yards, or outdoor use areas).

edges of abutting streets, rail lines or public walkways, historic fence or hedge lines or footprint of a building.

The proposed parcel lines delineated for the existing Notable Resources include the areas associated with the properties, including parking areas, driveways, walkways, and landscaping.

As proposed seven existing Notable Resources would be retained. Existing features, such as parking lots, driveways, outdoor areas, and landscaping, define the proposed parcel lines for these buildings.

Industrial Character Area

Industrial General Curbs & Gutter: Curb and gutter should be used sparingly and should be visually subdued to blend with adjacent paved surfaces.

The proposal includes street improvements such as curb and gutter throughout the industrial area. While this would not be visually subdued, staff has determined that such improvements are necessary for reasons of pedestrian and vehicular safety, and area drainage.

Sidewalks & Crosswalks: Sidewalks shall be defined by painted striping, or subtle change in paving material and color. Edges can be defined by bollards.

New raised sidewalks along with curbs and gutters are proposed as part of this subdivision; however, as designed, the sidewalks would enhance safety and drainage in the area.

Street Trees: Installation of street trees may be considered with creating visual connections or defining a street edge.

Street trees are proposed for all of the streets within the subdivision, creating visual connections and defining the street edges.

Street Lights: Contemporary, industrial fixture appropriate.

Along Railroad Avenue, cobra head light fixtures are proposed, which are a contemporary industrial design.

Objectives: Retain the utilitarian character of the area; maintain the effects of the historical mix of circulation mode; enhance connections to the waterfront.

The historic mix of vehicular, pedestrian and bicycle modes of travel are maintained with the existing streets, sidewalks, and proposed multi-use paths along both Azuar Drive and Walnut Avenue. To enhance the connections to the waterfront, new street trees and sidewalks are proposed along the east-west streets.

10.1 Improvements to the streetscape should not impede one's ability to interpret the historic character of the industrial areas.

The proposed building set backs for new construction, and future site and building designs through the Unit Plan and COA process would require that the ability to interpret the historic character of the industrial areas be maintained.

10.3 Minimize the visual impacts of curbs and gutters in the industrial areas.

The proposal to modify the design of Railroad Avenue from the Mare Island Street Cross-sections by constructing the landscaped areas/planters behind the sidewalk should minimize the visual impacts of curbs and gutters in the industrial areas.

10.4 Visually blend a sidewalk with the adjacent ground plane.

See response to Industrial Character Area Standard 10.3 above.

10.5 Where a sidewalk must be installed, minimize its contrast with the dominant ground plane.

The Public Works Department has determined that sidewalks must be installed. However, the proposed placement of the sidewalks adjacent to the street would minimize the contrast between the sidewalk and street.

10.6 Crosswalks should be defined with simple treatments.

As required, the crosswalks would be designed per City standard.

10.7 Street trees should be used with restraint in the Industrial Area.

See response to Waterfront Business Campus 3B Policy/Standard above.

10.9 Where new street lights are to be installed, a utilitarian design should be used.

New street lights along Railroad are proposed to be cobra heads, which are considered a utilitarian design.

10.12 Where historic buildings align, this siting pattern should be maintained.

See response to Urban Design Policy/Standard "M" in previous section.

Character Area C Lumberyards

Design Policies: Maintain similar building forms and orientation; minimize visual impacts of curbs and gutters; maintain historic streets; promote pedestrian access and views to the waterfront.

See response to Industrial Character Area, Objective above.

Design Guidelines Summary

Building Orientation and Setbacks: Buildings should generally (but not always) align with adjacent building and appear isolation within a specific lot, depending on external storage and access needs.

See response to Urban Design Policy/Standard "M" in previous section. Future building placement and associated external storage and access needs would be address in the Unit Plan review process for each lot.

Residential Character Area – The North Gate (A grouping that consists of former barracks and social buildings including Building 545 Rodman Center, Building 459 former barracks that has been renovated as administrative offices, and Morton Field).

Design Policies: Maintain setbacks established by existing buildings along Walnut, located surface parking to the rear of a building, streetscape design should provide a sense of connection, and preserve the sense of open space at Morton Field to the extent feasible.

See response to Urban Design Policy/Standard "M" in previous section. The final site design of Morton Field site would be addressed in the Unit Plan and COA review process for the lot.

ENVIRONMENTAL DETERMINATION:

The subject property is located within the boundaries of the Mare Island Specific Plan. The City Council accepted the Final Mare Island Reuse Plan in July 1994 and certified a Final Environmental Impact Statement/Environmental Impact Report (FEIS/EIR) for the Disposal and Reuse of Mare Island Naval Shipyard in 1998. In 1999, the City Council adopted the Mare Island Specific Plan as the implementation document for the Reuse Plan, and approved an Addendum to the 1998 FEIS/EIR for the Mare Island Specific Plan. A Subsequent Environmental Impact Report (SEIR) and Mitigation Monitoring Program was subsequently certified by the City Council in November 2005 for the Mare Island Specific Plan Amended and Restated in December 2005, which superseded the 1999 Specific Plan. The proposal to subdivide 82.2 acres for existing and future commercial, industrial, warehouse/storage, and residential development within the Town Center is consistent with the project analyzed in the 2005 SEIR for the Mare Island Specific Plan. Mitigation Measures for the above environmental documents are recommended as a condition of approval.

Section 15162 of the California Environmental Quality Act (CEQA) Guidelines states that once an EIR and/or Negative Declaration has been certified for a project, no subsequent EIR or Negative Declaration shall be prepared unless: 1) substantial changes are proposed in the project which will require major revisions of the previous SEIR and FEIS/EIR due to involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; 2) substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous SEIR or FEIS/EIR due the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or 3) new information of substantial importance is presented which was not known and could not have been known at the time the previous EIR or Negative Declaration was certified. Staff has determined no subsequent environmental document is required for the following reasons:

1. The 2005 SEIR analyzed full build out of Mare Island, as provided in the Land Use Plan of the Specific Plan and in the Preliminary Master Development Plan, Appendix E to the Specific Plan. The proposed subdivision does not include any changes in land use intensity or type, nor does it propose additional demolition of buildings that contribute to the Mare Island Historic District beyond what was identified in the

Development Plan. The project includes a roadway system that is consistent with the street cross-sections as provided in Appendix D, Street Cross-Sections for Mare Island. Potential impacts including land use, socioeconomics, public services, cultural resources, aesthetics and scenic resources, biological resources, water resources, geology and soils, traffic and circulation, air quality, noise, utilities, hazardous materials and waste have already been discussed in the EIS/ EIR as well as the SEIR, the FSEIR and the addendum to the 2005 SEIR. Therefore, in the absence of substantial changes, or new information to the project the findings and conclusions of the FEIS/EIR, the addendum to the FSEIR, and SEIR are applicable, and are herein incorporated by this reference.

2. The 2005 SEIR concluded that the Specific Plan project would create significant and unavoidable impacts in the historical resources, transportation, air quality, and noise categories. No information is available that would suggest a changed circumstance surrounding the project or that would identify new significant impacts as a result of the proposed subdivision.
3. No new information has been presented which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental documents were certified as complete which shows that project, which allows for the subdivision of land to accommodate existing and future commercial, industrial, warehouse/storage, and residential development within the Town Center, will have one or more significant effects not discussed in the previous SEIR, FSEIS/EIR or Addendum; nor that that significant effects previously examined will be substantially more severe than shown in the previous SEIR, FSEIS/EIR or Addendum; or that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects. The environmental remediation, which was identified in both the FEIS/EIR and SEIR is ongoing under the oversight of the Department of Toxic and Substances Control (DTSC). Land Use Restrictions are in place to ensure the protection of the public health and environment.

Staff has recommended as a condition of approval that all applicable mitigation measures identified in the previous environmental documents for the Specific Plan continue to apply to the proposed project.

CONCLUSION/RECOMMENDATION:

Based on the proceeding, staff recommends that the Planning Commission adopt Resolution No. PC 07-19 recommending approval of Tentative Map #07-0004 subject to the findings provided in the Resolution and Conditions of Approval provided in Attachment A.1.

ATTACHMENTS:

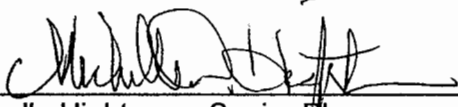
- A. Resolution Recommending Approval of Tentative Map #07-0004 with Conditions of Approval as Attachment A.1
- B. Conflict of Interest Map
- C. Existing Buildings Disposition Table

- D. Photographs of Existing Buildings
- E. Vesting Tentative Map Drawings

The following documents are part of the record and are available upon request:

- A. Final EIS/EIR for the Disposal and Reuse of Mare Island Naval Shipyard
- B. Mare Island Specific Plan Addendum to the Final EIS/EIR for the Disposal and Reuse of Mare Island Naval Shipyard
- C. Final Subsequent EIR for the Mare Specific Plan Amended and Restated
- D. Consent Agreement between Lennar Mare Island, City of Vallejo and DTSC
- E. Environmental Services Cooperative Agreement
- F. Pre-Decision Covenant to Restrict Use of Property
- G. Release of Land Use Covenants

Prepared by:


Michelle Hightower, Senior Planner

Approved by:


Don Hazek, Planning Manager

CITY OF VALLEJO PLANNING COMMISSION

RESOLUTION NO. PC 07-19

A RESOLUTION OF THE PLANNING COMMISSION
APPROVING A VESTING TENTATIVE MAP APPLICATION
TM 07-0004

Subdivision of a 82.2-Acre Site on Mare Island; Reuse Area 2A, with
Portions of Reuse Areas 2B, 3B and 6
Area Generally Bounded by
Railroad Avenue/G Street/Azuar Drive/2nd Street

I. GENERAL FINDINGS

WHEREAS, an application was filed by Lennar Mare Island, LLC seeking approval for a Vesting Tentative Map to create 23 lots and one parcel for the purposes of sale and redevelopment; and

WHEREAS, the City of Vallejo Planning Commission conducted a duly noticed public hearing to consider the application for the Vesting Tentative Map on August 20, 2007, at which testimony and evidence, both written and oral, were presented to and considered by the Planning Commission; and

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

II. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

Section 1. A Final Subsequent Environmental Impact Report (SEIR) for the Mare Island Specific Plan has been prepared and was certified in November 2005. The proposal to subdivide an 82.2-acre area for existing and future commercial, industrial, warehouse/storage, and residential development was analyzed in SEIR and mitigation measures were identified.

Section 2. Per Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, once an EIR and/or Negative Declaration has been certified for a project, no subsequent EIR or Negative Declaration shall be prepared for a unless: 1) substantial changes are proposed to the project; 2) substantial changes occur with respect to the circumstances under which the project is undertaken; or 3) new information of substantial importance is presented which was not known and could not have been known at the time the previous EIR or Negative Declaration was certified. Based on the discussion contained in the staff report, there is no evidence of the circumstances noted in condition 1, 2, or 3 above, therefore a subsequent/supplemental environmental document is not required.

III. FINDINGS RELEVANT TO VESTING TENTATIVE MAP AND FINDINGS FOR PROJECT APPROVAL AND FOR DETERMINATION OF PROJECT CONSISTENCY WITH APPLICABLE GENERAL PLAN

Section 1. The Planning Commission finds that applicant submitted an application for a Vesting Tentative Map, pursuant to the City of Vallejo Municipal Code Chapter 15.10 Vesting Tentative Maps for the creation of legal parcels.

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

1. The Vesting Tentative Map is consistent with the goals and policies of the Vallejo General Plan.
2. The Vesting Tentative Map is consistent with Section 15162 of the CEQA Guidelines.
3. The Vesting Tentative Map is consistent with the goals and policies of the Mare Island Specific Plan.
4. The Vesting Tentative Map is in conformance with the Subdivision Map Act and the Subdivision Ordinance.
5. The design or improvements are not likely to cause substantial environmental or wildlife damage.
6. The design is not likely to cause serious public health problems.
7. The design of the subdivision will not conflict with public easements for access through or use of, property within the subdivision unless alternate easements will be provided and will be substantially equivalent.

IV. RESOLUTION RECOMMENDING APPROVAL OF THE VESTING TENTATIVE MAP APPLICATION FOR TM 07-0004, SUBJECT TO CONDITIONS OF APPROVAL

NOW, THEREFORE, LET IT BE RESOLVED that the Planning Commission hereby APPROVES Tentative Map #07-0004 for a Vesting Tentative Map that would allow the creation of 23 lots and one parcel on Mare Island for the purpose of sale, based on the findings contained in this Resolution and subject to the Conditions of Approval 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 ___ 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

**TENTATIVE MAP #07-0004
CONDITIONS OF APPROVAL**

**A. Planning Division
Michelle Hightower (648-4506)****General Conditions**

1. Submit a numbered list to the Planning Division stating how each condition of project approval for the above project will be satisfied. The list should be submitted to the project planner who will coordinate the project.
2. All applicable conditions of approval and California Environmental Quality Act (CEQA) mitigation measures for the Mare Island Specific Plan are incorporated by reference as a condition of approval for this project.

For Applicant/Subdivider Only

3. Prior to Final Map submittal, applicant shall submit an application for a Certificate of Appropriateness (COA) for a Site Development Analysis to allow the demolition of two Notable Resources, namely Buildings 259 in Reuse Area 3B and Building 455 in Reuse Area 2B for review and approval by the Architectural Heritage and Landmarks Commission (AHLC) and Planning Division. In the event the Site Development Analysis determines that building/s retention or relocation can be accomplished, the applicant will be required to revise the Final Map to accommodate the buildings. Notification of the Planning Division's decision on a Site Development Analysis shall be provided to the AHLC.
4. Prior to Final Map submittal, applicant shall submit an application for a COA to demolish all Component Resources and non-contributors to the Mare Island Historic District within the project area for review and approval by the Planning Division. Notification of the demolition permits shall be provided to the AHLC.
5. Prior to Final Map submittal, applicant shall submit an application for a COA for review and approval by the AHLC to allow the construction of street improvements within the Historic District as indicated in the subdivision Improvement Plans.
6. Prior to Final Map recordation, Conditions, Covenants and Restrictions (CC&Rs) for each parcel or lot shall be approved by the Planning Manager, City Engineer, and City Attorney and recorded. The CC&Rs shall include but not be limited to requirements regarding treatment of existing historic resources and new construction within the Mare Island Historic District boundaries.
7. Prior to Final Map recordation, the applicant shall submit a site plan and design of the proposed relocated Morton Field to the Planning Division for review and approval.
8. The Applicant shall provide to the Planning Division a recorded copy of any amendments to the Land Use Covenants that may be imposed by the Department

of Toxic and Substances Control (DTSC) as part of a No Further Action determination for any property within the subdivision.

9. The Planning Division shall confirm that final Improvement Plans substantially conform to the approved or amended as necessary Vesting Tentative Map drawings prior to improvement plan approval.
10. The Applicant/Subdivider shall ensure that the environmental assessment and remediation are of the entire subject project area are performed pursuant to the Consent Agreement and the Environmental Services Cooperative Agreement under the oversight of the California Department of Toxic and Substances (DTSC).

For Applicant/Subdivider and Property Owner/s
Project Requirements:

11. All future development projects for new construction or significant rehabilitation of an historic structure or building or reuse of an existing building (if different from current occupancy) shall be consistent with the Mare Island Specific Plan, including but not limited to the Mare Island Specific Plan Historic Project Guidelines and Historic Design Guidelines and the Vallejo Municipal Code. Projects shall be compatible with existing buildings within the Historic District.
12. A COA from the AHLC and a Planned Development Unit Plan shall be required for any future construction, reuse of an existing building, or a significant rehabilitation project within the project area boundaries.
13. The approval of the Vesting Tentative Map or Final Map shall not constitute the approval of the construction of any improvements within the project area boundaries.
14. To maintain the historic character and development pattern of the areas, particularly along Railroad, and Walnut Avenue and Azuar Drive, new buildings with frontage on these streets shall have consistent setbacks with the existing buildings. Where feasible, parking shall be placed in the rear, landscaping shall be compatible with the existing setting, and new buildings along Walnut Avenue shall be oriented with primary entrances that front Walnut Avenue.
15. Future retail development at the former Morton Field site shall be designed to form an attractive entry into Mare Island with buildings that buffer the view of parking areas from Railroad and Walnut Avenues and G Street.

B. Building Division
Gary West (648-4387)

For Applicant/Subdivider Only

1. Prior to recordation of the Final Map, the applicant shall prepare plans for review and approval by the Chief Building Official and Fire Marshall that detail the manner in which currently occupied buildings proposed for retention, with the exception of Building 543 and 459, conform to the current Building and Fire Codes, as adopted by the City of Vallejo,

For Property Owner/s Only

2. For all projects that require a building permit, pay Building Division plan check review fees and all applicable building permit fees.
3. Submit 3 sets of construction plans to the Building Division for review and approval.
4. All projects shall be designed to meet the requirements of the Uniform Building Code and or California State Historic Building Code, as adopted by the City of Vallejo.
5. Prior to the issuance of building permits, a soils/foundation report must be submitted to and reviewed by the Building Division.

**C. Public Works Engineering
Emi Pearce (648-4697)**

For Applicant/Subdivider Only

1. Submit to Public Works a Final Map for review and approval, prepared by a licensed land surveyor or registered Civil Engineer authorized to practice land surveying in the State of California. The submitted map shall include all documents necessary for map review (title report, closure calculations, monument security, fees, etc).
2. Submit grading, drainage, improvement, utility, landscape & irrigation plans, and address map for review and approval. Site plan shall show all proposed and existing improvements and utility services.
3. Prior to approval of the Final Map, the Subdivider shall enter into a Public Improvement Agreement to design and submit hydrology calculations to the City Engineer to show that the proposed street sections have been designed to include drainage (the dry travel lanes shall be a minimum of ten feet in width), so as to serve the drainage and collect runoff, per City and VSFCD Standards as they may be modified by the DA and Specific Plan, as amended, to the reasonable satisfaction of the City Engineer, taking into account health and safety issues pursuant to Section 2.3.7 of the DA. A street gutter is not part of the travel lane.
4. Prior to approval of the Improvement Plans, obtain permits required for development from governmental and other jurisdictional agencies, such as the Department of Toxic Substance Control, Regional Water Quality Control Board, California Public Utilities Commission, etc., as applicable, and submit copies to the City Engineer.
5. Prior to approval of the Final Map, the Subdivider shall enter into a Public Improvement Agreement with the City for design and construction of the infrastructure improvements to Azuar Drive, Walnut Avenue, Railroad Avenue, G Street, E Street, Pintado Street, A Street, and Second Street. Prior to approval of

the Final Map, the Subdivider shall pay to the City all applicable plan check and inspection fees for infrastructure grading and improvements, and post performance and payment bonds for infrastructure engineering (design,) grading and public improvements (landscape bonds may be separate from other public improvements) as required by the City Standard as they may be modified by the DA and Specific Plan, as amended, to the reasonable satisfaction of the City Engineer, taking into account health and safety issues pursuant to Section 2.3.7 of the DA, which shall include The Vallejo Municipal Code, City of Vallejo Regulations and Specifications for Public Improvements, dated August 1992, and other documents as required by the City Engineer.

6. Prior to approval of Final Map, Subdivider shall submit to City performance, and labor and material bonds for project/subdivision improvements. Note that landscape bonds may be separate from other public improvements.
7. Prior to approval of the Final Map, the Subdivider shall pay to the City charges required by Solano County for providing copies of the recorded map to the City and applicable Public Works Department map check fees.
8. Identify on the Final Map all easements to be conveyed to the City.
9. Identify on the Final Map all easements to be conveyed to other jurisdictions and private parties.
10. The exterior boundary of the land included in the subdivision shall be clearly indicated on the map. Please note that this boundary is not clearly shown on lots 1, 4, 6, and 23 of the Vesting Tentative Map. If a parcel is a remainder parcel, it shall be indicated so. Otherwise, the boundary of the map is also the property line of the immediately adjacent parcel.
11. Costs for operation and maintenance of non-standard street lighting, beyond that of City Standard street lighting, shall be funded through a Community Facilities District (CFD). Covenants, Conditions and Restrictions of all deeds issued within the project shall contain provisions requiring participation in the CFD.
12. The Subdivider shall provide apportionment of assessment of existing districts resulting from the subdivision prior to approval of the Final Map.
13. Prior to approval of Final Map submit for review and secure approval of the Covenants, Conditions and Restrictions by the City Attorney, Planning Manager, VSFCD and Public Works Director.
14. Prior to approval of the Final Map, the Subdivider shall enter into a Benefit District Participation Agreement acceptable to the Public Works Director. Security shall be deposited in an escrow account in the form of cash or credit based upon an estimate of the cost of improvements to be included in the Benefit District that are attributable to this subdivision. Pursuant to the Benefit District Participation Agreement, Subdivider shall cooperate in the formation and implementation of a Local Improvement Benefit District pursuant to Chapter 14.36 of the Vallejo Municipal Code or other funding mechanism mutually acceptable to the City and

Subdivider for construction of backbone infrastructure on Mare Island and related improvements.

15. Concurrent with Final Map approval, a Community Facilities District (CFD) shall be formed for performing maintenance of all public landscaping within the right of way, maintenance of all public open space and other maintenance functions as may be necessary. Codes, Covenants and Restrictions (CC&R's) for the project shall require formation of another funding mechanism acceptable to the City in the event that the CFD is ever dissolved.
16. Prior to approval of the Final Map, the Subdivider shall pay to the City all applicable plan check and inspection fees for Final Map, infrastructure grading and project improvements in the amounts specified in the MARE ISLAND IMPROVEMENT PLAN REVIEW AND INSPECTION SERVICES AGREEMENT BETWEEN THE CITY OF VALLEJO AND LENNAR MARE ISLAND, LLC, dated February 14, 2006, or any subsequent agreement in place at the time of Final Map approval.
17. The public utility and street tree easement width must be as wide as is necessary (normally six to ten feet) to house, without any conflict, all utility boxes and appurtenances, street trees, gas, electric, street lights, fire hydrants, water meters, telephone, cable, etc. Show proof that adequate room is provided to the satisfaction of the City Engineer.
18. Prior to approval of Final Map provide clearance from all utility companies indicating that their conditions were met.
19. Prior to approval of the Final Map, the Subdivider shall enter into a Public Improvement Agreement to provide services to each lot.
20. Subdivider shall be required to provide full roadway width asphalt concrete overlay where multiple transverse utility crossings have been installed within existing roadways per City Standard as they may be modified by the Development Agreement (DA) and Specific Plan, as amended, to the satisfaction of the City Engineer, taking into account health and safety issues pursuant to Section 2.3.7 of the DA.
21. All utility services are to be stubbed to the new parcels.
22. All common access, utility, and drainage easements, shall be recorded. These easements are to be recorded on Parcel 2 for the benefit of Parcel 3 and Parcel 4, Parcel 3 for the benefit of Parcel 2 and Parcel 5, Parcel 4 for the benefit of Parcel 2 and Parcel 5, and recorded on Parcel 5 for the benefit of Parcel 3 and Parcel 4, to the satisfaction of the City Engineer.

These easements also are to be recorded on Parcel 6 for the benefit of Parcel 7, Parcel 7 for the benefit of Parcel 6 and Parcel 8, Parcel 8 for the benefit of Parcel 7 and Parcel 9, Parcel 9 for the benefit of Parcel 8 and Parcel 10, and recorded on Parcel 10 for the benefit of Parcel 9, to the satisfaction of the City Engineer.

These easements are also to be recorded on Parcel 11 for the benefit of Parcel 12 and Parcel 13, Parcel 12 for the benefit of Parcel 11 and Parcel 13, and recorded on Parcel 13 for the benefit of Parcel 11 and Parcel 12, to the satisfaction of the City Engineer.

These easements also are to be recorded on Parcel 14 for the benefit of Parcel 15, Parcel 15 for the benefit of Parcel 14, to the satisfaction of the City Engineer.

These easements are also to be recorded on Parcel 16 for the benefit of Parcel 17, and recorded on Parcel 17 for the benefit of Parcel 16, to the satisfaction of the City Engineer.

These easements are also to be recorded on Parcel 18 for the benefit of Parcel 19, and recorded on Parcel 19 for the benefit of Parcel 18, to the satisfaction of the City Engineer.

And these easements are also to be recorded on Parcel 20 for the benefit of Parcel 21, and recorded on Parcel 21 for the benefit of Parcel 20, to the satisfaction of the City Engineer.

23. Parking easements when required shall be recorded to the satisfaction of the City Engineer.
24. Prior to approval of the Final Map, submit a joint maintenance and easement agreement. Such agreement shall be included in the Conditions, Covenants and Restrictions for the purpose of performing all necessary operations and maintenance of the common access, utilities, parking and drainage.
25. Submit for review and approval to the Public Works Department the aforementioned common access driveway, drainage, parking and utility easements on newly created lots.
26. Subdivider shall design and construct roadway improvements on all streets shown on the Vesting Tentative Map. Said improvements shall be constructed in accordance with City of Vallejo Regulations and Specifications for Public Improvements, dated August 1992 ("City Standards"), and will generally include: curb, gutter & sidewalks, roadway storm drain system, bike lanes, two or more travel lanes in each direction, median, turn pockets, street lights, traffic signals, signing & striping, acceleration and deceleration lanes and median landscaping.
27. Within two years of the execution of the Public Improvement Agreement, Subdivider shall complete construction of the Azuar Drive, Walnut Avenue, Railroad Avenue, G Street, E Street, Pintado Street, A Street, and Second Street infrastructure improvements within the boundary of the Vesting Tentative Map. Prior to City Council acceptance of the public improvements, provide receipt of a No Further Action notice from the Department of Toxic and Substances Control (DTSC). At the discretion of the City Engineer, an extension of time for construction of infrastructure improvements may be granted for segments of infrastructure improvements within the boundary of the vesting tentative map where a Soil Disturbance Form is not yet granted, only after Subdivider has actively pursued

approval of a Soil Disturbance Form from the Department of Toxic and Substances Control.

28. At approval of Final Map, provide an offer to dedicate to the City, Azuar Drive, Walnut Avenue, Railroad Avenue, G Street, E Street, Pintado Street, A Street and Second Street within the boundary of the Vesting Tentative Map as public rights-of-way.
29. Prior to approval of the Final Map, Improvement Plans for G Street shall be submitted and approved by the Planning Division and Public Works Department, unless extended by the City Engineer. Fees and bonds shall be required.
30. All curb returns shall be a minimum of 30 feet radius per the City Standards and Specifications.
31. All corners of the proposed parcels shall be monumented per City standards. If monuments are not installed prior to approval of the Final Map, the property owner shall furnish to the City security, guaranteeing the payment of the cost of setting monuments for the Final Map prior to the approval of the Final Map.
32. Prior to Final Map Approval, submit street signing and striping plans for review and approval by the City Engineer. Plans shall comply with Caltrans and City of Vallejo Standards. All crosswalks shall be painted the thermoplastic paint perpendicular to the adjacent curb such that the shortest distance is used to cross the street. All stop signs shall have limit line per City Standard 3-29 including the northbound stop sign on Walnut Avenue at G Street.
33. Submit street names to Public Works Department for review and approval by City's Fire, Police, and Public Works departments and U.S. Postal Service.
34. Vertical and horizontal alignment of all streets shall conform to City of Vallejo standards unless otherwise approved by the City Engineer.
35. Subdivider shall provide and install all parking enforcement signs within the project as identified on the approved improvement plans.
36. Expose all water valves in the street within 24 hours following completion of paving.
37. Street lights for this project shall be per City standard, or as approved by City Engineer.
38. Prior to acceptance of the project, deliver one complete streetlight assembly (pole, luminaire and lamp) to the City Corporation yard for every 50 city street lights, or fraction thereof, identified on the approved street light plan.
39. Install required street lights fronting the property. Centerline of streetlights within landscape strips shall be installed 2.5 feet from face of curb.

40. In concurrence with the recording of the Final Map, existing Island Energy easements that will not be used within the proposed Town Center Development shall be quit claimed to Subdivider by Island Energy.
41. Prior to approval of Final Map, obtain a letter from Island Energy indicating that they have reviewed the proposed Final Map and have no objection or comment.
42. Underground all existing overhead utility wires within the proposed right-of-way within the Town Center project boundary.
43. All railroad tracks along Railroad Avenue, A Street, and Azuar Drive shall be replaced in working order during reconstruction of the street.
44. All inactive railroad spurs shall be removed from all streets encompassed by this Vesting Tentative Map, except for the railroad tracks along Railroad Avenue, A Street, and Azuar Drive.
45. All railroad improvements shall comply with California Public Utilities Commission standards.
46. Prior to approval of Final Map, obtain a letter from CPUC Rail Crossings Engineering Section indicating that they have reviewed the proposed Final Map and have no objection or comment.
47. Per the Specific Plan, show active train warning devices along Walnut Avenue on the Improvement Plans.
48. The two bus stops along Railroad Avenue, and the two bus stops on Walnut Avenue shall be per City Standards. Railroad Avenue, a minor arterial (30 to 35 mph), shall have a 400 linear feet bus stop, and Walnut Avenue, a major collector (25 mph), shall have a 230 linear feet bus stop. The bus shelter on Railroad Avenue between A Street and Pintado Street should be located as shown in the City Standards to meet the stopping sight distance and acceleration distance. Adjust the subdivision boundary accordingly.
49. Bus improvements shall include a bus shelter per the Mare Island bus shelter design detail.
50. Bus stops locations shall be per the Street Cross-Sections manual produced by Chaudhary & Associates, Inc. dated June 1, 2004 and the Mare Island Specific Plan unless approved by the Transportation Division.
51. Bus stop locations should not be located too close to each other. Approximately two blocks should separate each bus stop. The bus stop on Railroad Avenue between 2nd Street and A Street should be relocated to the area between Connolly Street and 2nd Street. However, if plans change such that Building 599 is to be demolished, contact the Transportation Division for possible new bus stop locations. Adjust the subdivision boundary accordingly.

52. The sidewalks along Railroad Avenue from G Street to the transition shall be 5 feet in width and the planter strips shall be 6 feet in width. The sidewalks along Railroad Avenue from the transition to Connolly Street shall be 5 feet in width and the planter strips shall be 5.5 feet in width.
53. The sidewalks along Walnut Avenue from G Street to Connolly Street shall be 5 feet in width, the Class I Multi-Use Trail shall be 8 feet in width with 2 foot shoulders on both sides, the planter strip on the east side shall be 6.5 feet in width and the planter strip on the west side shall be 4.5 feet in width.
54. The sidewalks along Azuar Drive from G Street to Kansas Street shall be 5 feet in width, the Class I Multi-Use Trail shall be 8 feet in width with 2 foot shoulders on both sides, and the planter strips shall be 5.5 feet in width.
55. The Class I Multi-Use Trail along G Street from Railroad Avenue to Walnut Avenue Street shall be 8 feet in width with 2-foot shoulders on both sides, and the planter strips shall be 5 feet in width.
56. The sidewalks along Pintado Street and E Street from Railroad Avenue to Azuar Drive shall be 4.5 feet in width and the planter strips shall be 5.5 feet in width.
57. The sidewalks along A Street from Railroad Avenue to Azuar Drive shall be 5 feet in width, the planter strips on the south side of the street shall be 5 feet in width, and the planter strips on the north side shall be 5.5 feet in width.
58. The sidewalks along 2nd Street from Oak Avenue to Azuar Drive shall be 4.5 feet in width, and the planter strips shall be 5.5 feet in width.
59. Handicapped curb ramps shall be required to be installed in accordance with design standards included in the City's Standard Plans and Specifications and the American Disabilities Act.
60. Curb ramps shall be constructed to cross both sides and in all directions at an intersection unless otherwise approved by the City Engineer.
61. All private water meters shall be installed behind the sidewalk.
62. A Preliminary Geotechnical Evaluation for the project was provided. Submit actual Geotechnical Investigation Report prepared by the Subdivider's Soils Engineer for the proposed subdivision prior to submittal of any improvement plan showing public improvements.
63. An independent soils and geological review of the project is required by the City. The City shall select the soils engineer with the cost of the review to be borne by the Subdivider.
64. All progress reports, daily reports, and the final report including test data generated by the project soils engineer, soils technicians and other firm representatives of the soils engineer regarding site grading, trench backfill, and roadway compaction must be submitted to the City in a timely manner, no later than a week after

generation; such reports will provide the City with current information relative to the grading, backfill and roadway construction operations.

65. Subgrade compaction test data and a letter from the soils engineer that the intent of the soils report has been met must be submitted prior to aggregate base placement. Aggregate base compaction test data and a letter from the soils engineer that the intent of the soils report has been met must be submitted prior to asphaltic concrete placement.
66. City Standard Specifications requires 95% compaction for the top 2.5 feet of streets.
67. Per the Preliminary Geotechnical Evaluation, settlements resulting from added fills will extend beyond the footprint of the actual area of fill placement and adversely affect performance of nearby structures and/or improvements. Therefore, a letter from the Geotechnical Engineer is required that indicates that the settlement for all existing utilities or public improvements that are to remain has either been mitigated or is minimal.
68. Drains that cross the sidewalk should be designed to convey water at the shortest distance possible. Seventy feet of drain as shown on the north side of lot 21 is too long. The drain should be run on private property to the location behind the sidewalk to which the drain will cross and tie into the back of the storm drain catch basin.
69. Dust and erosion control shall be in conformance with City Standard as they may be modified by the DA and Specific Plan, as amended, to the reasonable satisfaction of the City Engineer, taking into account health and safety issues pursuant to Section 2.3.7 of the DA and ordinances. State Water Quality Control Board regulations and the project Storm Water Pollution Prevention Plan (SWPPP) shall be adhered to.
70. Based on Best Available Data, the parcels are designated by the Federal Emergency Management Agency (FEMA) as Special Flood Hazard Area Zone X. Flood zone X is used on new and revised maps in place of zones B and C. Zones B and C are areas identified in the Community Flood Insurance Study as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. The failure of a local drainage system creates areas of high flood risk within these rate zones. Flood insurance is available in participating communities but is not required by regulation in these zones. Based on Section 7.98.130 of Flood Ordinance 1526 N.C. (2d), the Director of Development Services shall administer, implement, and enforce the flood ordinances.
71. Per the Dowling Associates Intersection Recommendations dated April 6, 2007, signalized intersections are recommended at Azuar Drive and G Street, Railroad Avenue and G Street, and Railroad Avenue and A Street. Traffic signals shall be required at these intersections.

72. Per the Dowling Associates Intersection Recommendations dated April 6, 2007, a two-way stop is recommended at Azuar Drive and A Street, and Walnut Avenue and A Street. Two-way stops shall be required at these intersections. The two-way stop shall be located on the lower volume street.
73. Per the Dowling Associates Intersection Recommendations dated April 6, 2007, a one-way stop is recommended at Walnut Avenue and G Street. A one-way stop shall be required at this intersection. The one-way stop shall be located on the lower volume street.
74. Per the Specific Plan (page 126), install stop signs on east-west streets to control access to the major north-south corridors.
75. Provide fee title dedication of Parcel A (DOM 4) to the Vallejo Sanitation and Flood Control District by separate instrument.
76. Plant required street trees in accordance with City Municipal Code. Street tree(s) shall be inspected by Public Works Landscape Inspector.

For Applicant/Subdivider and Property Owner/s

77. All improvements shall be in accordance with the current City of Vallejo Regulations and Specifications and Vallejo Sanitation and Flood Control District Standard Specifications.
78. The Subdivider shall obtain the signed deferred improvement agreement between the Individual Parcel Owner (where a building currently exists) and the City at the time of sale and provide an original copy to the City. The deferred improvement agreement shall be executed with the City and shall state that site improvements shall be completed and accepted by the City within 12 months of completion of the public improvements fronting the individual parcel owner's property as determined by the City Engineer.
79. Construction inspection shall be coordinated with the Department of Public Works and no construction shall deviate from the approved plans.
80. No building permit shall be granted over any existing or proposed easement. New structures shall not be located within the utility easements or utility lines shall be relocated and the existing easement quitclaimed.
81. Submit on-site and off-site cost estimates that match the construction plans for review and approval by the City Engineer.
82. Prior to acceptance of the public improvements, relocate any utility line, which may be in conflict with the existing improvements, into a public right-of-way or public utility easement. This shall not preclude abandonment in place of utility lines where appropriate and approved by the City Engineer.
83. No private easements shall be located on City property or public right-of-way.

84. Driveways to lot 1 shall be right-in and right-out only from Azuar Drive and shall be signed as such unless the Navy quitclaims the remainder parcel to the Subdivider. In addition, all utilities for the lot shall be stubbed from Azuar Drive until the remainder parcel of lot 1 is obtained.
85. Once subdivision improvements are accepted by the City as public rights-of-way, they are not to be used for staging building construction activities, including but not limited to, storage of construction material and equipment. The street and sidewalks must be kept free of construction debris, mud, and other obstacles and must remain open to traffic at all times.
86. Frontage improvements shall be constructed to conform to the Street Cross-Sections manual prepared by Chaudhary & Associates, Inc. dated June 1, 2004.
87. Indicate removal of the wooden staircase on the south entrance to building 223 from the public right-of-way in Connolly Street.
88. Driveway location, width, and slope shall conform to City Standard as they may be modified by the DA and Specific Plan, as amended, to the reasonable satisfaction of the City Engineer, taking into account health and safety issues pursuant to Section 2.3.7 of the DA.
89. Existing driveways on some parcels are within 15 feet of the required set back from curb return and are not acceptable. Improvement Plans shall be designed so that all driveway approaches are set back at least 15 feet from the curb return.
90. No driveways are allowed onto major arterial streets (G Street) except as approved by the City Engineer.
91. Driveway approach width shall not be less than 30 feet per City Standards. All driveway approaches are to be constructed per City Standards (commercial driveway 30' or 36'). Remove all existing driveway approaches that will not be used and replace with City Standard curb, gutter and sidewalk.
92. Show all known driveway approaches on the Improvement Plans. All driveway approaches that will remain in their present location shall be removed and replaced with a driveway approach designed per City Standards.
93. Any grading operation must be done during the dry season (April 15 to October 1) unless approved by the City Engineer.
94. All grading shall be in conformance the Vallejo Municipal Code for grading and excavation.
95. Any off site grading shall require written permission from the owner(s) of the property on which grading is to be performed.
96. All individual building down drains and area drains must be tied to closed pipes and drain to appropriate drainage facilities.

97. Site drainage shall be collected on-site and conveyed to the public storm drain system for each parcel. Sheet flow of water over driveways, sidewalks, slopes, or onto adjacent parcels shall not be permitted. Sidewalk cross drains shall be installed per City Standard as they may be modified by the DA and Specific Plan, as amended, to the reasonable satisfaction of the City Engineer, taking into account health and safety issues pursuant to Section 2.3.7 of the DA, to carry surface water into the gutter.
98. No surface runoff shall adversely impact neighboring property.
99. During construction, it shall be the responsibility of the contractor to provide for safe traffic control in and around the site. This may include but not be limited to signs, flashing lights, barricades and flag persons.
100. Adequate line of sight per the Highway Design Manual shall be provided for all the access locations, including existing and proposed driveways.
101. Traffic control for road closure and detours shall meet or exceed Caltrans specifications. Illuminated arrow boards will be used at point of detour on G Street. Reassurance DETOUR signs will be placed at ¼ mile intervals and at major intersections. A DETOUR sign with an advance turn arrow will be used in advance of a turn.
102. Retaining walls over 1 foot in height shall be reviewed and approved by the Public Works Department and Building Division. Building permits shall be required.
103. (PW2.) PUBLIC IMPROVEMENT STANDARDS. 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. (COV, Regulations & Standard Specifications, 1992).
104. (PW3.) IMPROVEMENT PLANS. Prior to building permit submittals, 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. (COV, Regulations & Standard Specifications, 1992 Section 1.1.7-A).
105. (PW4.) GRADING 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 Subdivider/project sponsor. Site grading shall comply with City Municipal Code. (VMC, Chapter 12.40).
106. (PW5.) LINE OF SIGHT CRITERION. 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. (VMC, Section 10.14).

107. (PW6.) ON-SITE SOILS ENGINEER. 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. (VMC, Section 12.40.080).
108. (PW7.) DUST AND EROSION CONTROL. All dust and erosion control shall be in conformance with City standards and ordinances. (VMC, Sections 12.40.050 & 12.40.070).
109. (PW8.) COMPACTION TESTS. Prior to building permit issuance or acceptance of grading, compaction test results and certification letter from the project soils engineer and civil engineer confirming that the grading is in conformance with the approved plans must be submitted to the Department of Public Works for review and approval. Test values must meet minimum relative compaction recommended by the soils engineer (usually at least 90 percent). (VMC, Section 12.40.070-R).
110. (PW9.) DRIVEWAY STANDARDS. Entrances to any private project must be standard driveway approaches unless deviation is permitted by the City Engineer. (VMC, Section 12.04.100).
111. (PW10.) STREET EXCAVATION PERMIT. 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. (VMC, Section 10.08).
112. (PW11.) ENCROACHMENT PERMIT. Prior to building permit issuance, obtain an encroachment permit from the Department of Public Works for all work proposed within the public right-of-way. (VMC, Section 10.16).
113. (PW12.) TRAFFIC CONTROL PLAN. Prior to start of construction, submit a traffic control plan to the Department of Public Works for review and approval. (Caltrans Traffic Manual).
114. (PW13.) COORDINATION OF CONSTRUCTION INSPECTION. Construction inspection shall be coordinated with the Department of Public Works and no construction shall deviate from the approved plans. (COV, Regulation & Standard Specification Sections 1.1.4 & 1.1.5).
115. (PW14.) PLAN CHANGES. The project design engineer shall be responsible for the project plans. If plan deviations are necessary, the project engineer must first prepare a revised plan or details of the proposed change for review by the Department of Public Works and, when applicable, by Vallejo Sanitation and Flood Control District. Changes shall be made in the field only after approval by the City. At the completion of the project, the design engineer must prepare and sign the "as built" plans. (COV, Regulation & Standard Specification Section 1.1.9).

116. (PW15.) BONDS AND FEES. 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. (VMC, Section 15.12.090, Resolution Nos. 84-554 N. C. and 02-55 N. C.)
117. (PW20.) JOINT TRENCH. The Subdivider 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, location 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. (VMC, Sections 15.06.160&170).

For Property Owner/s Only

118. At the time of sale, a Deferred Improvement Agreement shall be executed between the Individual Parcel Owner where a building currently exists and the City including all applicable plan check and inspection fees for onsite design, grading and improvements, and post performance and payment bonds for onsite design, grading and improvements as required by the City Standard as they may be modified by the DA and Specific Plan, as amended, to the reasonable satisfaction of the City Engineer, taking into account health and safety issues pursuant to Section 2.3.7 of the DA, which shall include the Vallejo Municipal Code, City of Vallejo Regulations and Specifications for Public Improvements, dated August 1992, and other documents as required by the City Engineer.
119. Within 12 months of completing the improvements fronting their property as determined by the City Engineer, the Individual Parcel Owner where a building currently exists shall install on-site improvements. The City shall review the sales agreement for compliance.
120. Prior to issuance of a Building Permit or any City development permit, the Individual Parcel Owner where a building currently exists shall submit site improvement plans to Public Works for review and approval. Improvement plans shall include, but not be limited to, grading, drainage, domestic water, sanitary sewer, storm drain, joint trench, signing and striping, and landscaping. Landscape plans shall include, but not be limited to, planting, irrigation, private or public fencing, entrance monuments or features, private or public retaining wall, and drainage patterns. Site improvement plans shall be prepared by a registered Civil Engineer licensed to practice in the State of California. All Improvement Plans shall be per City Standards. Submit a minimum of 3 set of site improvement plans.
121. Prior to issuance of any City development permit on a vacant parcel, provide evidence that the existing off-site Mare Island infrastructure planned to be used to support this development meets the requirements of City Standards as they may be modified by the DA and Specific Plan, as amended, to the reasonable satisfaction of the City Engineer.

122. If any lot is to be regraded after grading is completed, a new grading permit is required. Review of the proposed grading by a soils engineer and field testing of the grading shall be required.
123. On-site improvements shall take into consideration the public right-of-way and public utility easements required per the Street Cross-Sections manual produced by Chaudhary & Associates, Inc. dated June 1, 2004.
124. Prior to Building Permit issuance, as required by the City Engineer, a traffic study shall be conducted by the Individual Parcel Owner to evaluate in and out access plus internal traffic circulation. Scope of work and consultant will be determined by the City of Vallejo. The City of Vallejo shall hire the consultant and Individual Parcel Owner pays the cost of this study.
125. Submit turning templates for parking lots showing how adequate vehicular turning movements are provided to the satisfaction of the City Traffic Engineer and City Engineer.
126. Provide a plan showing truck template or truck circulation if trucks will be used in the business operation. Trucks shall be able to make turnaround within the property, as required by the City Engineer.
127. Existing parking area traffic control measures (directional arrows, etc.) to remain will need to be, at minimum, restriped with thermoplastic. All parking stalls and striping shall be per City standard.
128. Parking lot slope shall not be more than 5% in any direction unless otherwise approved by the City Engineer.

D. Water Division
Eric Jansen (648-5204)

For Applicant/Subdivider and Property Owner/s

1. 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, unless superceded by requirements of the Mare Island Water Master Plan prepared by Korve Engineering. Prior to Improvement Plan approval and building permit issuance, water system improvement plans shall be submitted to the Water Division for review and approval, and shall at least:
 - a. Location and size of fire sprinkler service connection(s).
 - b. Location and size of domestic service connection(s).
 - c. Location and size of irrigation service connection(s).
 - d. Location of fire hydrants.
 - e. Location of structures with respect to existing public water system improvements, such as mains, meters, etc.
 - f. Location and size of any new water mains.
 - 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).

2. 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. For other developments, see the Vallejo Water System Master Plan, 1985, prepared by Kennedy Jenks and its latest update by Brown and Caldwell dated April 1996.
3. Prior to Improvement Plan approval and building permit issuance, hydraulic calculations shall be submitted to the Water Superintendent demonstrating that the fire flow requirements are complied with.
4. 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.
5. Easements shall be granted for all water system improvements installed outside the public right-of-way in the City's Standard Form for Grant of Water Line Easement with the following widths:
 - a. 15 ft. wide (minimum) for water mains.
 - b. 10 ft. wide (minimum) for fire hydrants, water meters, backflow preventers, double detector check valves, etc.
 - c. Other facilities will be reviewed by the Water Division.
6. Each unit or structure shall be metered separately.
7. 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 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, disinfections, 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.
8. All water system improvements shall be consistent with the Mare Island Water Model prepared by Korve Engineering dated June 3, 2005.
9. Phasing of the improvements shall be installed to ensure that the required fire flow to Mare Island is maintained.
10. Water improvement plans shall be submitted to and approved by the Water Superintendent. Special attention shall be given to address the environmental issues and Alternative B water plan as stated in the Mare Island Water System Hydraulic model and modifications as stated in these conditions. The water improvements along Railroad Avenue shall be installed and operational within two (2) years after the execution of the Public Improvement Agreement. Should the Developer be unable to get DTSC clearance to allow construction of the Railroad

improvements within one (1) year from date of the planning commission approval of the vesting tentative map, the developer shall be required to install an 18-inch water main along Walnut Avenue, (where environmental clearance already exists) within two (2) years after execution of the Public Improvement Agreement.

The existing 12-inch water main located along Walnut Avenue shall be reused under the following scenario: Subdivider shall provide three pipeline soil assessments and pipeline excavation assessments in a manner acceptable to the Water Superintendent. Such assessments must demonstrate greater than 75% useful life remaining on the existing 12-inch water main located along Walnut Ave.

As to the other mains set forth in the water improvement plan, developer shall obtain DTSC No Further Action Notices, and thereafter, Subdivider shall install the other water mains as required by the modified Alternative B water master plan, under the same conditions as required for the other public improvements associated with this project. Any eighteen inch (18-inch) water mains installed in Walnut Avenue and Railroad Avenue shall connect to the existing 18-inch main currently terminated at the intersection of Azuar Drive, Flagship Drive, and Kansas Street on the south end of the proposed project and shall connect to the existing 20-inch main in G Street on the north end of the proposed project. Should the Subdivider be required to install an 18-inch water main along Walnut Avenue, then the water main in Azuar Drive may be a 12-inch main and the revised water main in the Promenade may be an 8-inch main.

11. Show on improvement plans the limits of all IR sites. The water model shall limit or required additional items of work to be done if a water improvement is to be installed in an IR site.
12. Water meters, back flow devices, and Fire Assemblies shall be set in a public street at back of sidewalk or back of curb if no sidewalk is installed in a landscaped area.

**E. Vallejo Sanitation and Flood Control District
Mike Monahan (644-8949)**

For Applicant/Subdivider Only

1. The following permits are identified as being required from other agencies prior to construction: Approval from the City of Vallejo Department of Public Works. Additional permits may be required. It is the responsibility of the applicant to determine any and all permits that are required.
2. If any of the VSFCD comments are in conflict with comments from other reviewing agencies, please request clarification.
3. The existing sanitary sewer and storm drain systems that remains from the operation of the Island by the US Navy are both in very poor condition. Most of these remaining systems are at the end of their usable lives. The sewer on Mare Island is a large source of infiltration and inflow (I/I) leaking into the VSFCD sewer

collection system and will need to be rehabilitated or replaced to meet VSFCO standards.

SEWER

4. All sanitary sewer (SS) within the parcel(s) shall be privately owned and maintained by the property owner.
5. Prior to rehabilitation or replacement, the sewer system shall be observed by closed circuit television inspection (TVI). Refer to VSFCO standard specifications for requirements for TVI.
6. Prior to rehabilitation or replacement, the sewer system shall be smoke tested for cross connection with non-sewer sources of inflow such as ground water collection, storm drain inlets and roof water leaders. All cross connections with non-sewer sources shall be eliminated, and the non-sewer sources of inflow shall be re-routed to the storm drain system, or other.
7. As an alternative to rehabilitation or replacement, the sanitary sewer system can be evaluated for infiltration and inflow (I/I) by pressurized air testing of the sewer system. Any sewer that is able to pass a District standard air test can remain in service without rehabilitation or replacement. It can be anticipated for Mare Island that the success rate of such air tests will be 0(zero)%.

STORM DRAIN

8. All storm drains (SD) within the new parcel(s) shall be privately owned and maintained by the property owner, unless otherwise approved by VSFCO. It is recommended, but not required, that a new on-site storm drain be constructed by the subdivider for the benefit of future property owners.

STORM WATER QUALITY AND PRE-TREATMENT

9. Pretreatment of storm water runoff is required. Refer below to standard conditions of approval.

GRADING

10. The storm overflow pattern will need to be shown on the grading plans. Determine the 100-year storm tributary area. This may differ from the 15-year tributary area. Ensure that there are no buildings within the limits of the 100-year storm overflow pattern.
11. Grading and improvement plans shall include storm water pollution prevention plans for use during site development and building construction to mitigate impacts of this development. Refer below to standard conditions of approval.
12. Applicant shall pay all fees (plan review fees, connection fees, etc.) required by VSFCO for the subject project.

13. Improvement plans shall comply with the VSFCD Engineering Design Standards and Policies, within the Master Bid Document dated March 2007 or later, regarding design and construction of storm drains (SD) and sanitary sewer (SS) facilities. Improvement plans shall indicate that proposed improvements are to be constructed in accordance with Standard Plans And Specifications included in the VSFCD Master Bid Document dated March 2007, or later edition.
14. Prior to preparation of grading and improvement plans, the Sudivider's engineering consultant will prepare a plan to study the proposed design of the sanitary sewers and storm drains. The plan shall be at a scale of 1"=80' or larger. The plan shall show the pipe slopes with the elevations of rims and inverts for both sanitary sewer and storm drain systems.
15. VSFCD reserves the right to require that gravity sewers, with lateral connections, be no more than 10-feet deep.
16. Grading and improvement plans shall include storm water pollution prevention plans for use during site development and building construction to mitigate impacts of this development. This plan shall include calculations, measures related to debris, refueling areas, disposal of excess materials, site cleanup, hazardous substance containment, street cleaning, catch basin cleaning, and other similar measures (see Section 10 Storm Water Runoff of the VSFCD Engineering Design Standards and Policies).
17. Pretreatment of storm drainage water runoff is required, storm drainage runoff shall be conveyed over landscaped areas or otherwise treated using structures before discharging into the public system. This is to improve the stormwater quality leaving the site. As much as practicable, developer shall incorporate measures described in "Start at the Source" a residential site planning and design guidance manual for storm water quality protection (written by BASMA).
18. The development shall be planned so that all VSFCD SD and SS facilities shall be accessible by standard access. Standard access means that each structure (MH or CB) shall be accessible by an AC paved path, 15-feet wide from the public street to each maintenance structure (MH, CB, etc.), such that VSFCD maintenance vehicles can drive to and park over the facilities. Unless otherwise allowed by VSFCD, District vehicles must be able to drive forward in and forward out. The designer shall refer to VSFCD standard detail No 25 for access criteria.
19. Existing storm drain and/or sanitary sewer facilities that are to be abandoned in place shall be filled with grout, otherwise they shall be removed.
20. All sanitary sewers (public and private) within the new parcel(s), that are not to be abandoned, will be replaced with new SS from the wall of each building to the point of connection with the public sewer main in accordance with minimum District standards. Where existing pipes can be rehabilitated in-place, the District will allow that existing pipes be rehabilitated, provided that the property owner has demonstrated that the rehabilitated sewers will be isolated from non-sewer inflow, and will meet minimum District requirements including pipe size and slope. Construction documents for replacement or rehabilitation of the existing sewer system would have to be prepared by a licensed civil engineer. Construction

documents shall be approved by VSFCO. Construction shall be inspected by VSFCO.

Applicant/Subdivider and Property Owner

21. Any SD on the parcel(s) that is intended to remain for public ownership and maintenance responsibility of VSFCO shall be reconstructed to VSFCO standards including VSFCO standards for full vehicle maintenance access and easements.
22. The current property owner is aware that the existing SD system to remain is in poor condition and that the ownership and maintenance of the SD to remain will be the responsibility of the property owner, not VSFCO. Prior to sale of the land the current owner is required to disclose this information to the new property owner who in turn is required to disclose this to any subsequent property owner.
23. Any storm water from the parcel shall be re-routed to connect to the public SD system and shall not be routed to SD on neighboring private property except by a fully executed, recorded cooperative agreement between the owner of the subject parcel and the neighboring private property owners.
24. Any storm water routed through the subject parcel(s) from neighboring property will have to be connected to public SD so that it is not conveyed through the private SD on the subject parcel(s) except by a fully executed, recorded cooperative agreement between the owner of the subject parcel and the neighboring private property owners.
25. For the property that fronts the limit of work in the public R/W, the on-site private sewers shall be disconnected from the public sewer main and are not to be re-connected to the public sewer. The disconnection of the on-site private sewer from the public sewer main shall be shown clearly on the plans with wording to the effect that the existing on-site sanitary sewer upper lateral yard piping, upstream of the lower VSFCO lateral and the VSFCO cleanout (DCO), is not functional and is to be re-constructed by the future developer/property owner. It is the Districts preference that the lower lateral and DCO be installed in the public R/W as part of the public infrastructure improvements.
26. If the property will continue to be occupied by a rental/lease arrangement and the current property owner wants the sewer to continue to be active, then the current property owner will have to reconstruct the sanitary sewer upper lateral yard piping as part of the infrastructure improvements for the subdivision.
27. Prior to addressing the existing on-site private SS the developer will have the option to demonstrate that the existing SS is suitable for rehabilitation. This will require potholing and survey of the SS inverts at each end to determine the pipe slope, and CCTV inspection (TVI) that is observed by VSFCO at the time of TVI. If the developer wanted to try to re-use the existing SS as is, then the developer would also have to satisfactorily pass an air pressure test, witnessed by VSFCO, in addition to the TVI and survey of invert elevations.

**F. Landscape and Maintenance District
Joe Bates (648-4434)**

Applicant/Subdivider Only

1. Prior to Final Map approval, landscape conditions of approval derived from the applicants Vesting Tentative Map or Tentative Map shall be satisfied.
2. All public landscape improvements shall be designed to City of Vallejo standards and regulations, and compliment accepted engineering industry design standards. The Landscape Maintenance Manager has access to applicable standards on file and will coordinate with Planning and Engineering for specific standards that shall apply.

G. Fire Prevention

Applicant/Subdivider and Property Owner

1. The project shall conform to all applicable requirements of Title 19 - Public Safety, California Code of Regulations, Uniform Fire Code (as adopted), and Vallejo Fire Prevention Standards.
2. If security gates are desired at any entrances to the project, they shall be provided with a Fire Department approved entry system.

GENERAL CONDITIONS

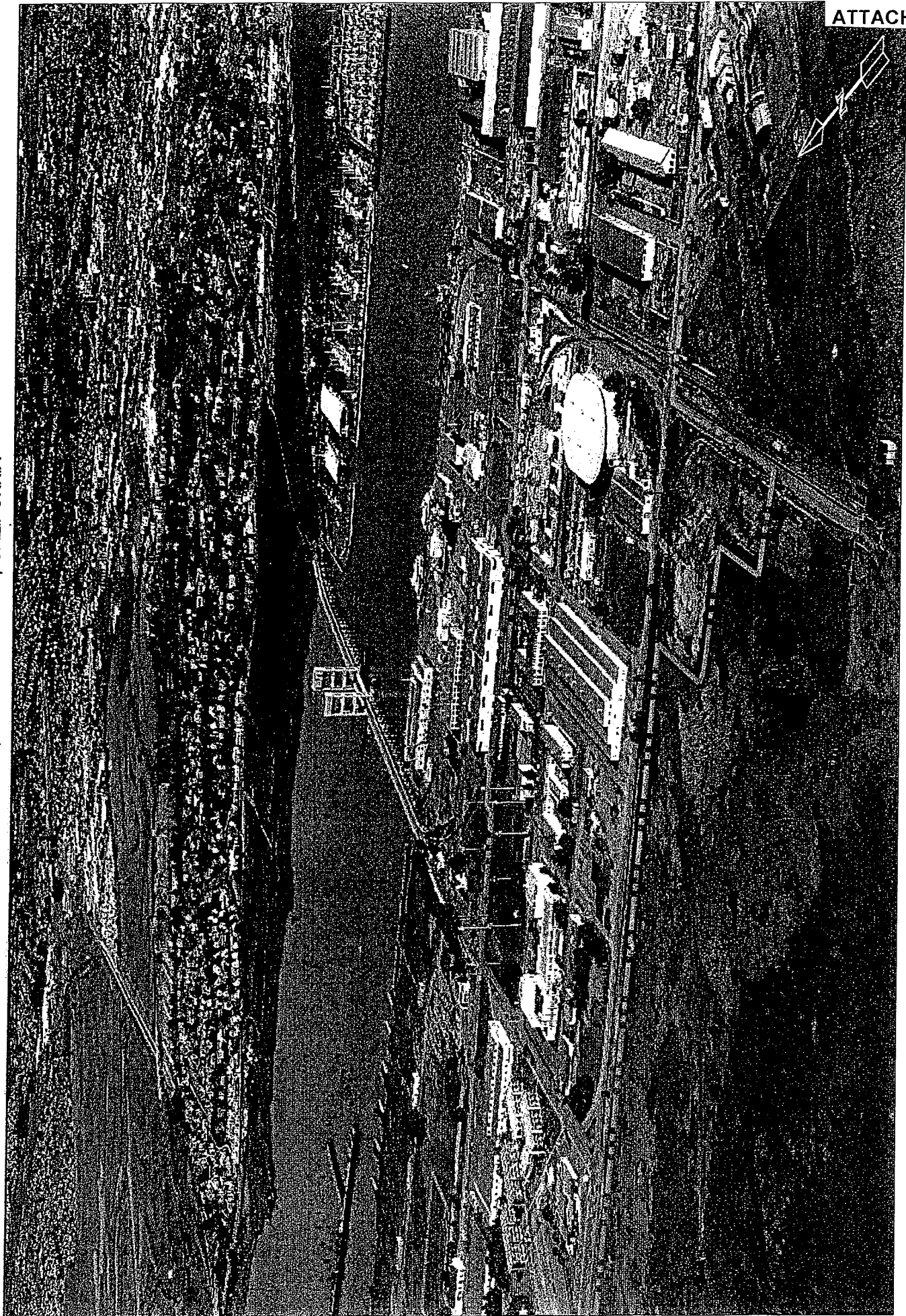
1. Prior to recordation of the Final Map, CC&R's shall be recorded that include but are not limited to those conditions that fall within the Applicant/Subdivider and Property Owner, or Property Owner Only categories as specified in these Conditions of Approval, unless otherwise specified by Staff.
2. The conditions herein contained shall run with the property and shall be binding on the applicant, and all heirs, executors, administrators, and successors in interest to the real property that is the subject of this approval.
3. Subdivider shall comply with all applicable law concerning the recordation of the final map prior to final map recordation. Subdivider has the duty of inquiry with respect to such applicable law.
4. The Subdivider shall defend, indemnify, and hold harmless the City of Vallejo or its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul, the approval of this subdivision by the City. The City shall promptly notify the Subdivider of any action. The City may elect, in its discretion, to participate in the defense of any action.

TM 07-0004

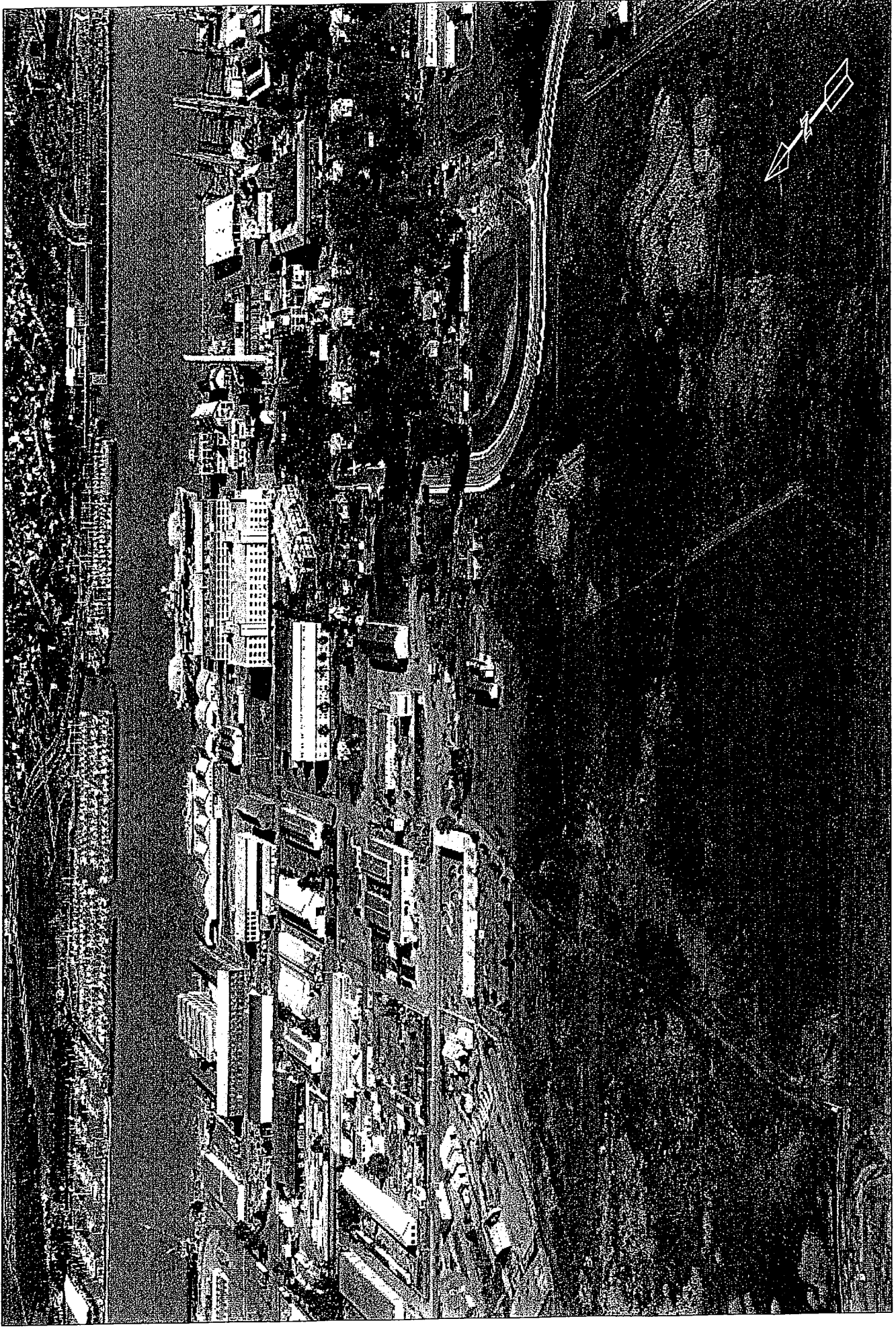
Historic Building/Structures Disposition

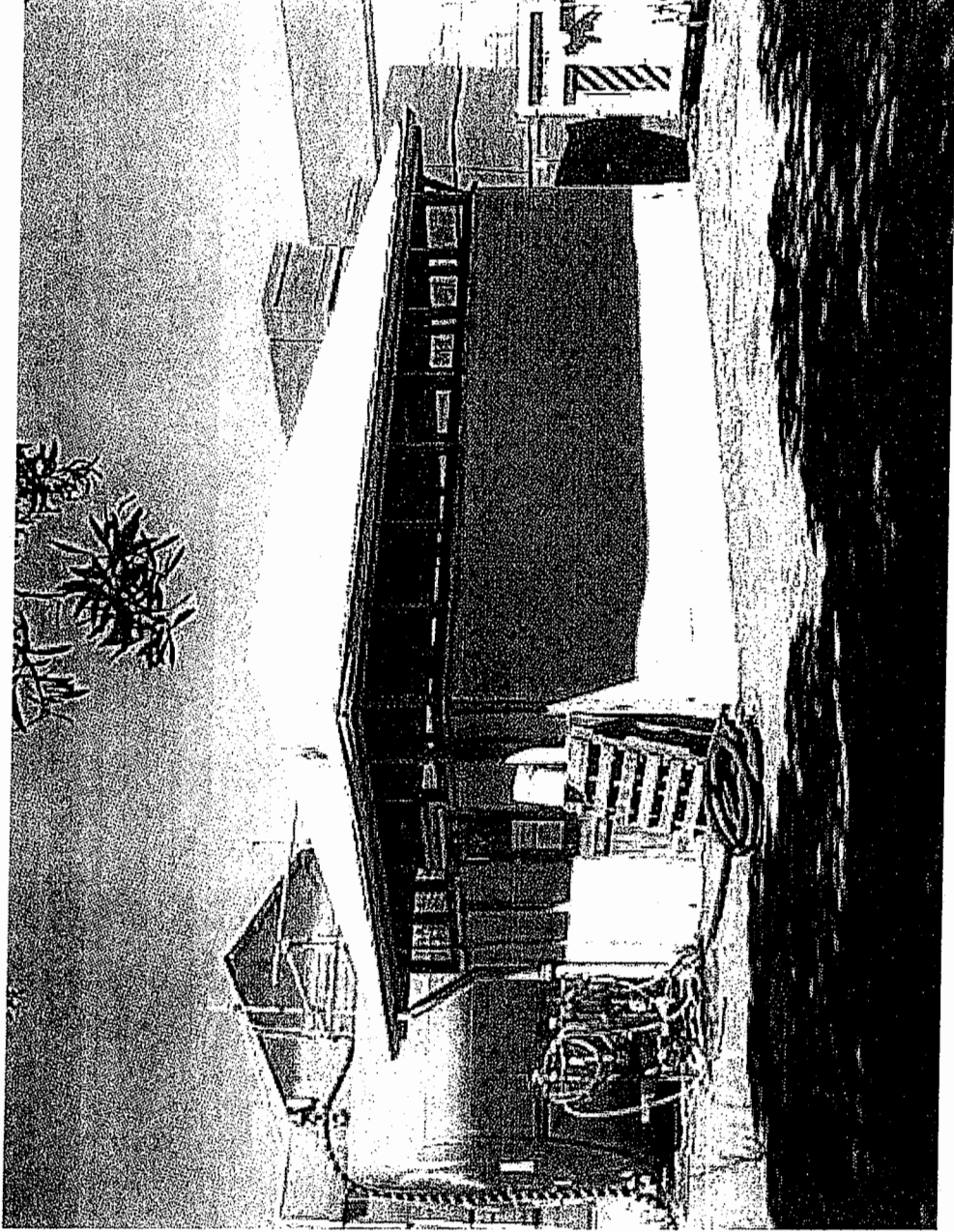
No.	Building No.	Reuse Area	Classification	Disposition	Reuse	Parcel No./ Location
1.	77A	3B	Component	Demolish	None	8/Railroad
2.	100	3B	Component	Demolish	None	9/Railroad
3.	100A	3B	Component	Demolish	None	10/Railroad
4.	102	3B	Component	Demolish	None	9/Railroad
5.	213	3B	Component	Demolish	None	8/Railroad
6.	221	3B	Notable	Retain	Warehouse	6/Railroad
7.	223	3B	Notable	Retain	Warehouse	7/Railroad
8.	259	3B	Notable	Demolish	None	8/Railroad
9.	373	3B	Component	Demolish	None	8/Railroad
10.	409	2B	Component	Demolish	None	5/Walnut
11.	455	2B	Notable	Demolish	None	2/Walnut
12.	459	2A	Notable	Retain	Office	18/Walnut
13.	475	6	Component	Demolish	None	4/2 nd St.
14.	489	2B	Component	Demolish	None	3/5/Azuar
15.	523	2A	Non-Historic	Retain	Sports Ctr/Civic	12/Walnut
16.	527	2A	Notable	Retain	Warehouse	16/Walnut
17.	543	2A	Notable	Retain	VCUSD	17/Walnut
18.	545	2A	Notable	Retain	Office	18/Walnut
19.	553	2A	Non-Historic	Demolish	None	13/Azuar
20.	559	3A	Component	Demolish	None	11/Azuar
21.	657	2A	Component	Demolish	None	19/Walnut
22.	669	2B	Non-Historic	Demolish	None	2/4 Walnut
23.	729	2A	Non-Historic	Demolish	None	20/Azuar
24.	739	2A	Non-Historic	Demolish	None	19/Railroad
25.	749	2A	Component	Demolish	None	20/Azuar
26.	761	2A	Component	Demolish	None	20/Azuar
27.	775	2A	Non-Historic	Demolish	None	19/Walnut
28.	803	6	Component	Demolish	None	4/2 nd Street
29.	833	3A	Non-Historic	Demolish	None	10/Railroad
30.	835	2B	Non-Historic	Demolish	None	2 nd St.
31.	837	2B	Non-Historic	Demolish	None	2/Walnut
32.	839	2A	Non-Historic	Retain	Utility	A/Railroad
33.	861	3B	Non-Historic	Retain	Utility	10/Railroad
34.	933	2A	Non-Historic	Demolish	None	22/Walnut
35.	535	2B/6	Notable	Retain	Office, Storage	4/Walnut
36.	A	2B	Non-Historic	Demolish	None	2/Azuar
37.	B	2B	Non-Historic	Demolish	None	2/Azuar
38.	C	2B	Non-Historic	Demolish	None	2 nd Street
39.	D	2B	Non-Historic	Demolish	None	2 nd Street
40.	E	2A	Non-Historic	Demolish	None	11/Azuar
41.	F	2B	Non-Historic	Demolish	None	5/Walnut

TOWN CENTER 2A AND A PORTION OF 2B AND 3B
COMMERCIAL SUBDIVISION
MARE ISLAND, CITY OF VALLEJO, CALIFORNIA

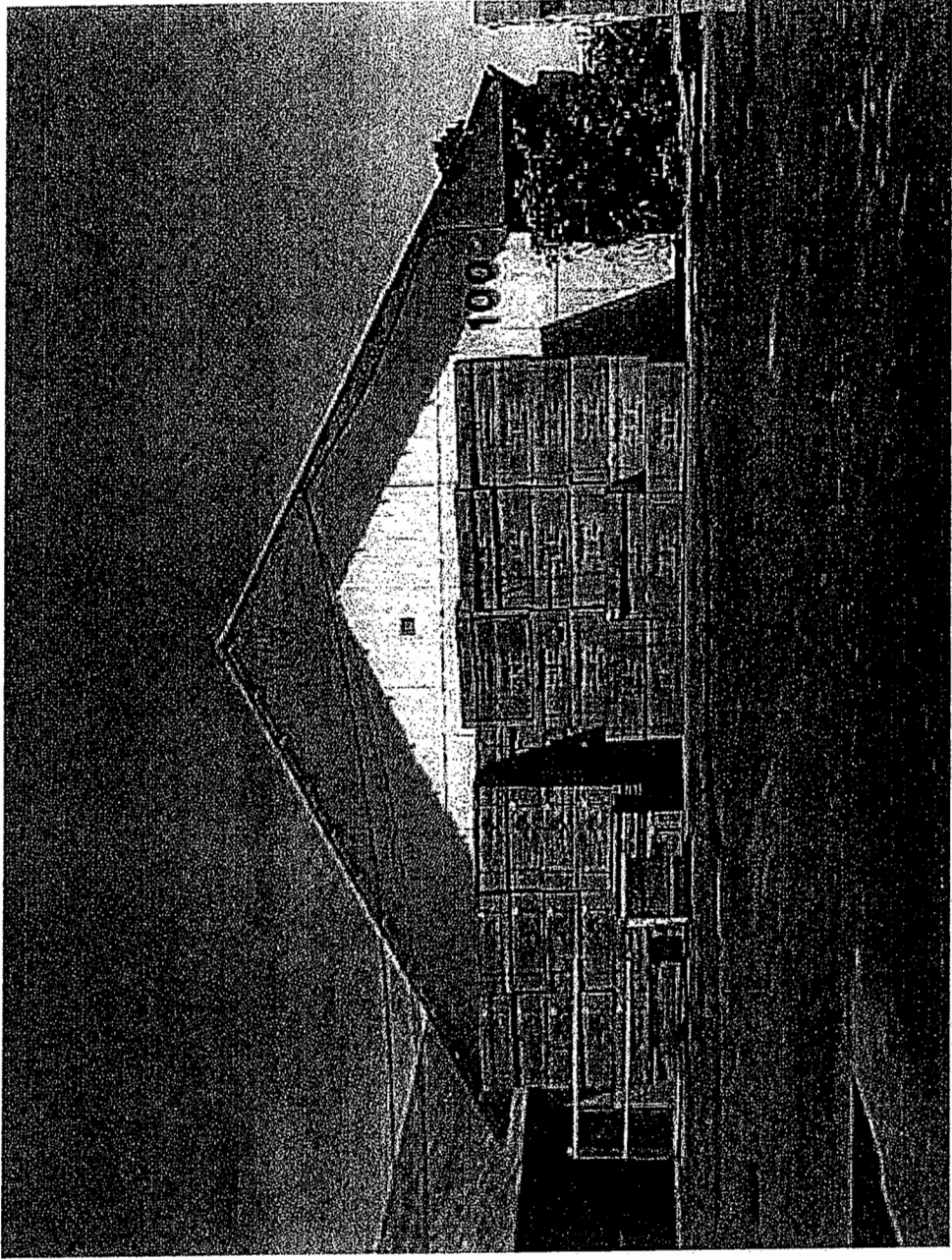


TOWN CENTER 2A AND A PORTION OF 2B AND 3B
COMMERCIAL SUBDIVISION
MARE ISLAND, CITY OF VALLEJO, CALIFORNIA

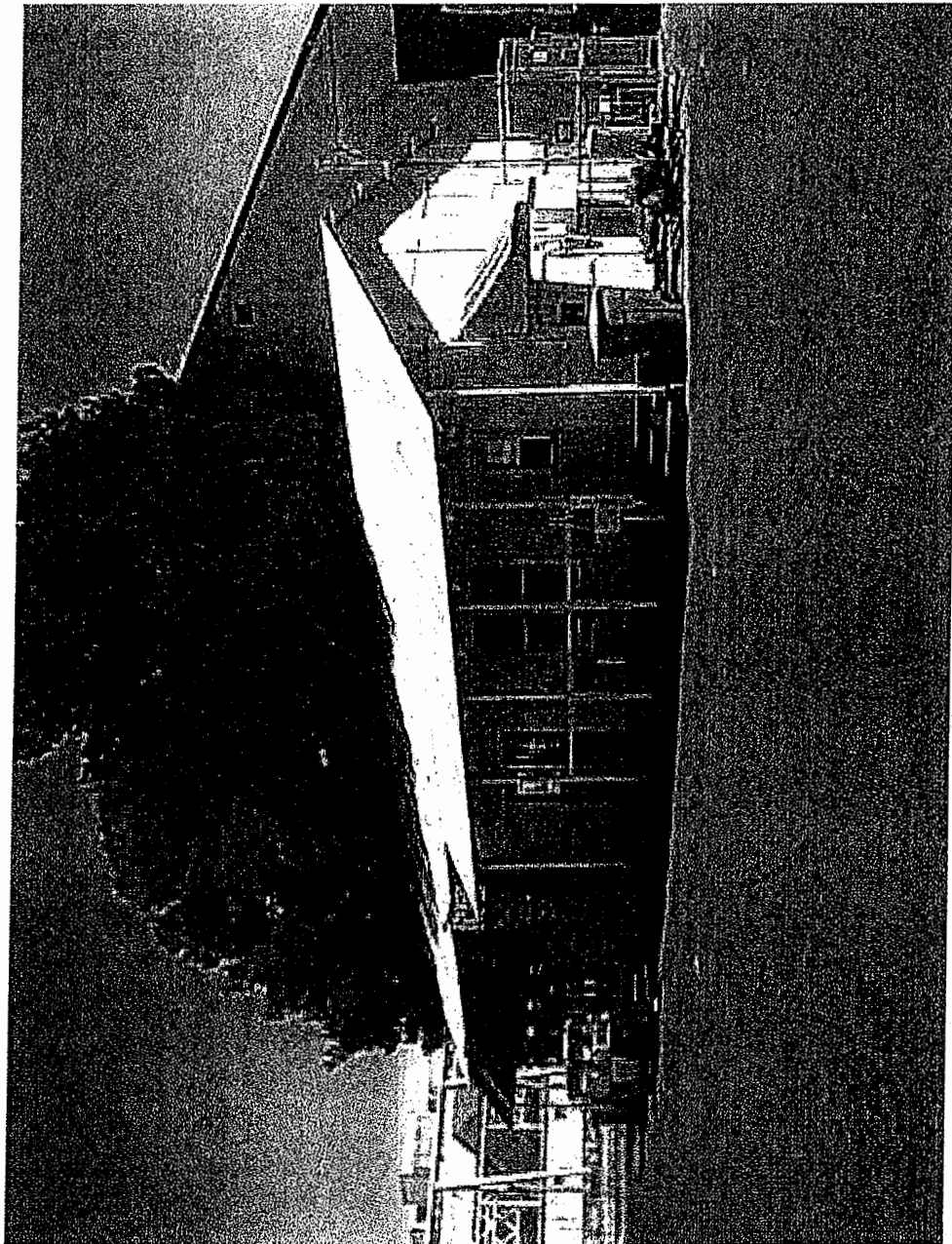




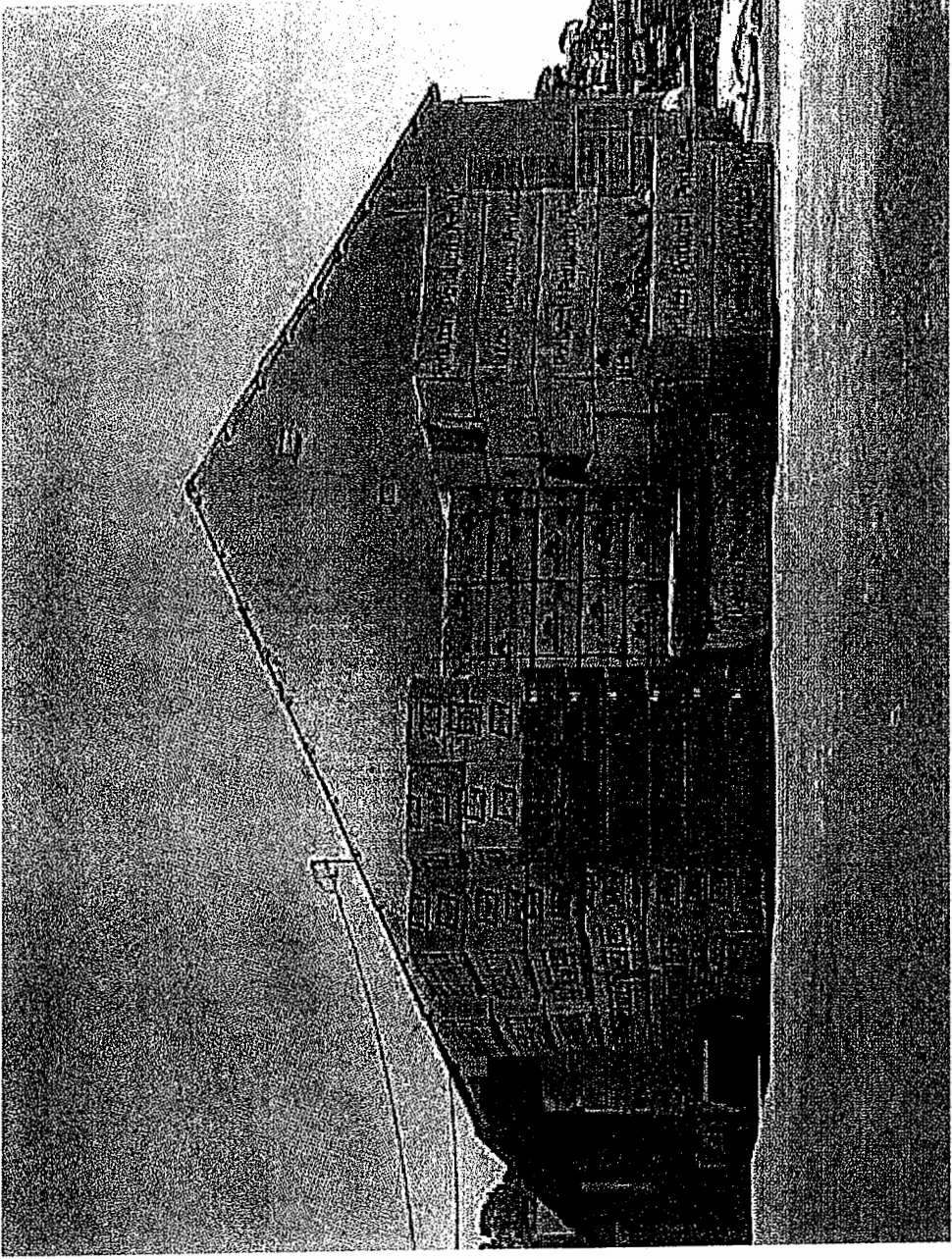
Building 77 A



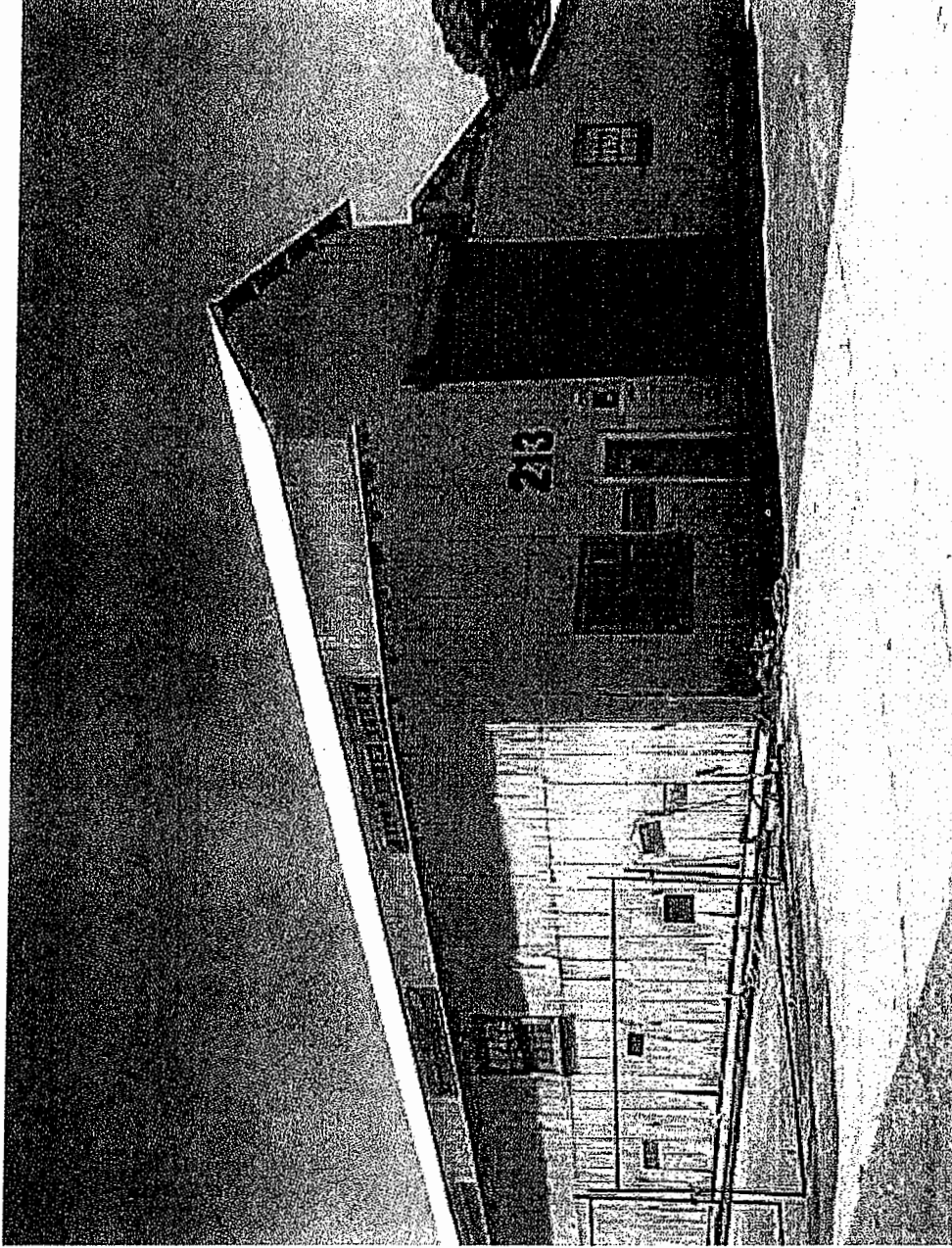
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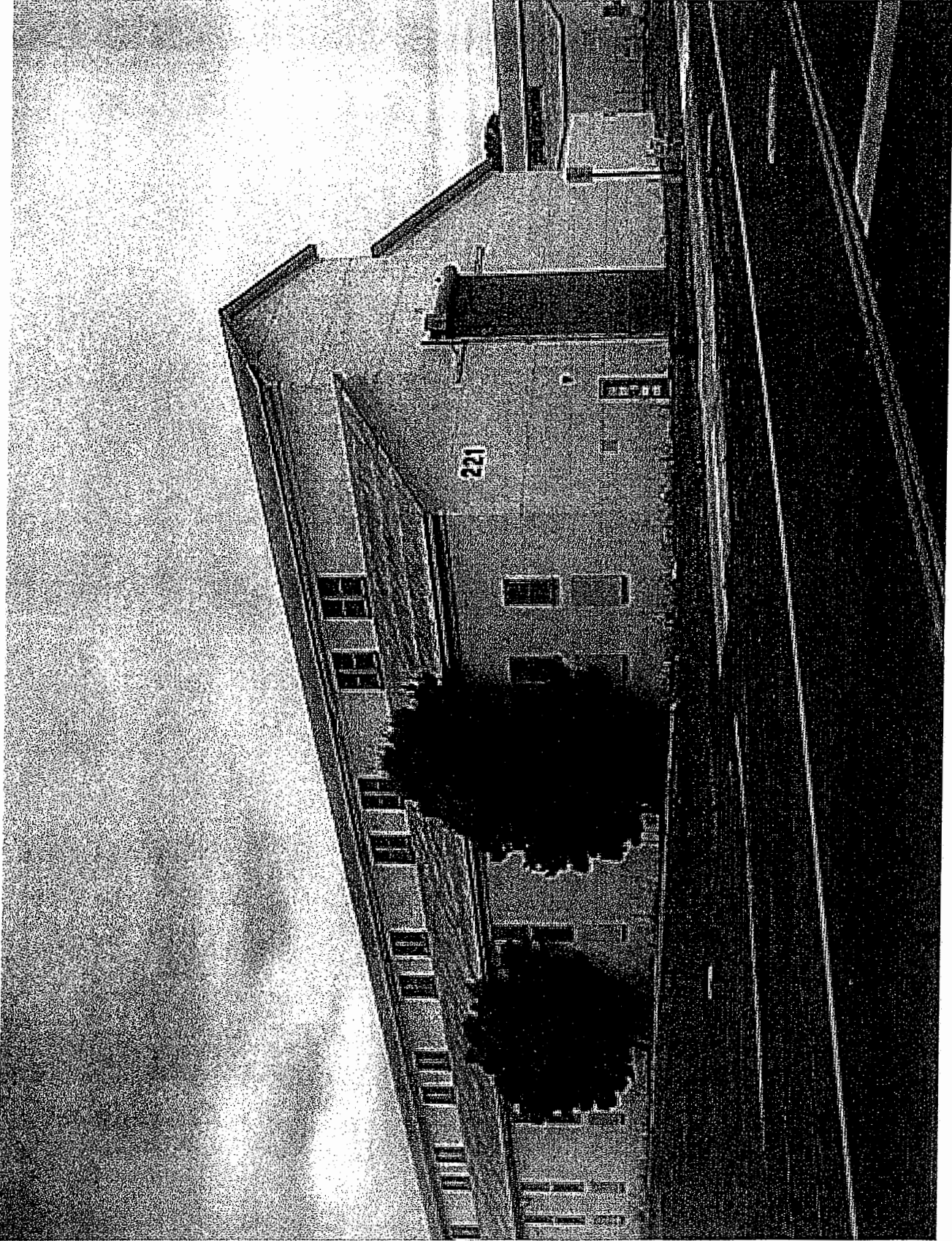
Building 100 A



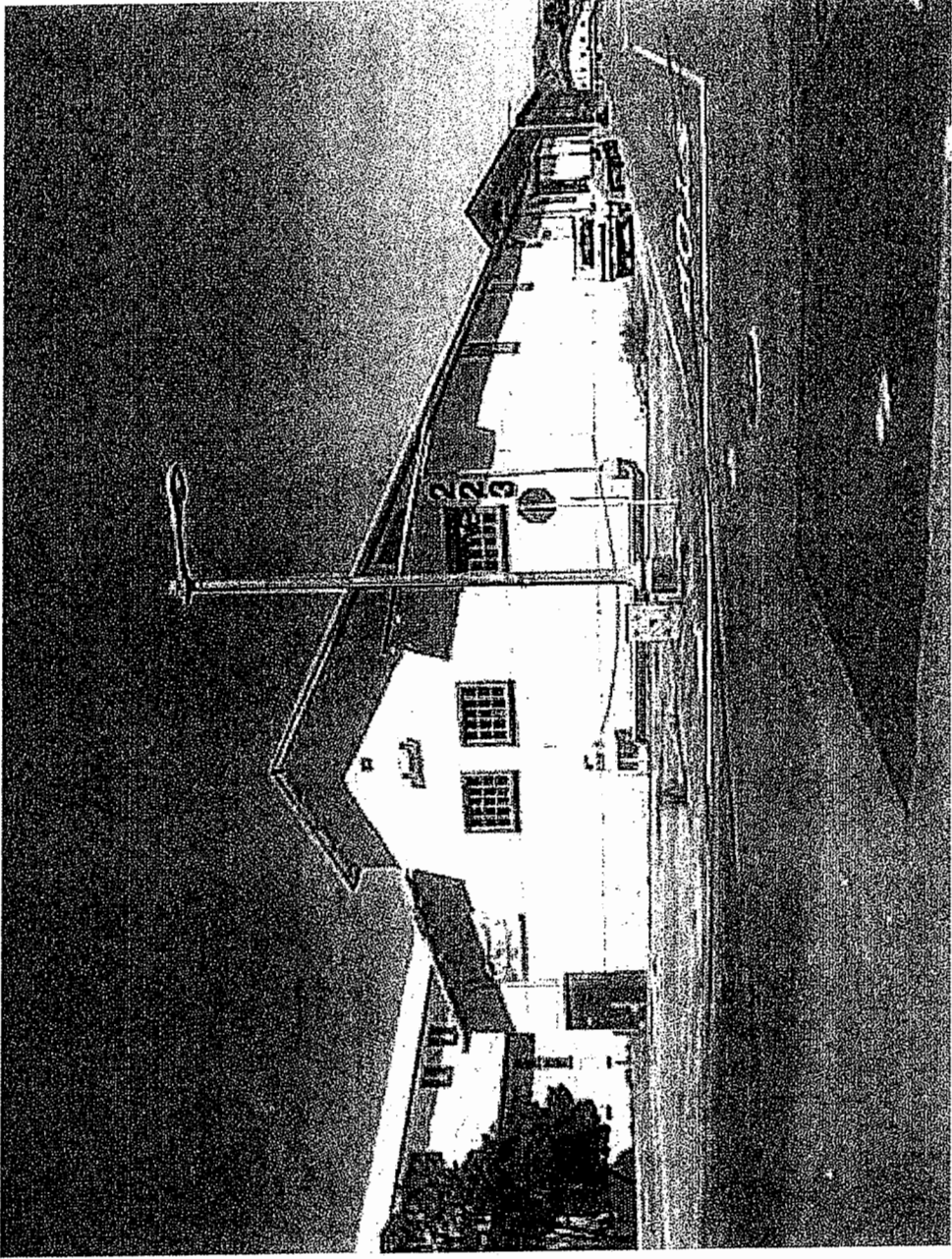
Building 102



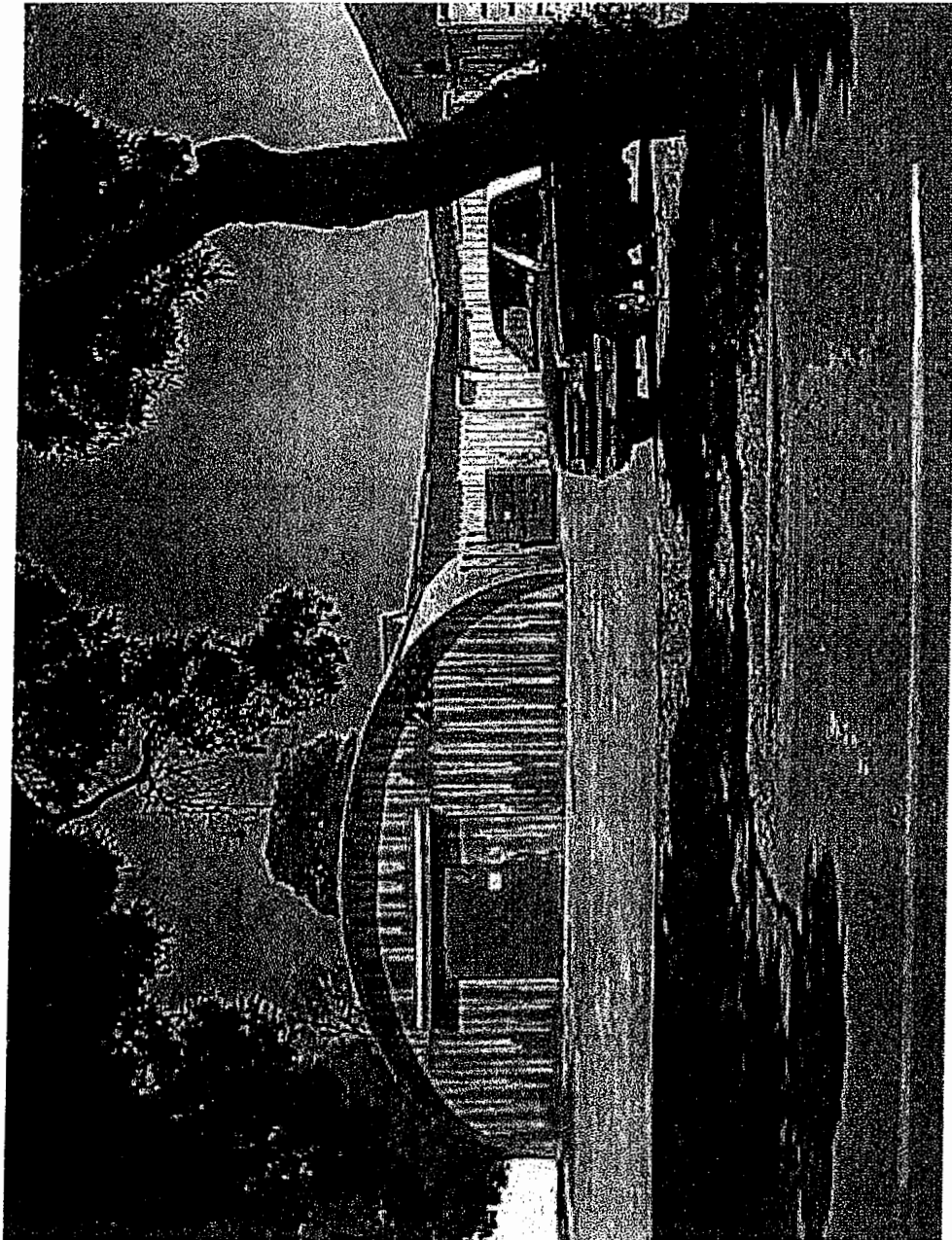
Building 213



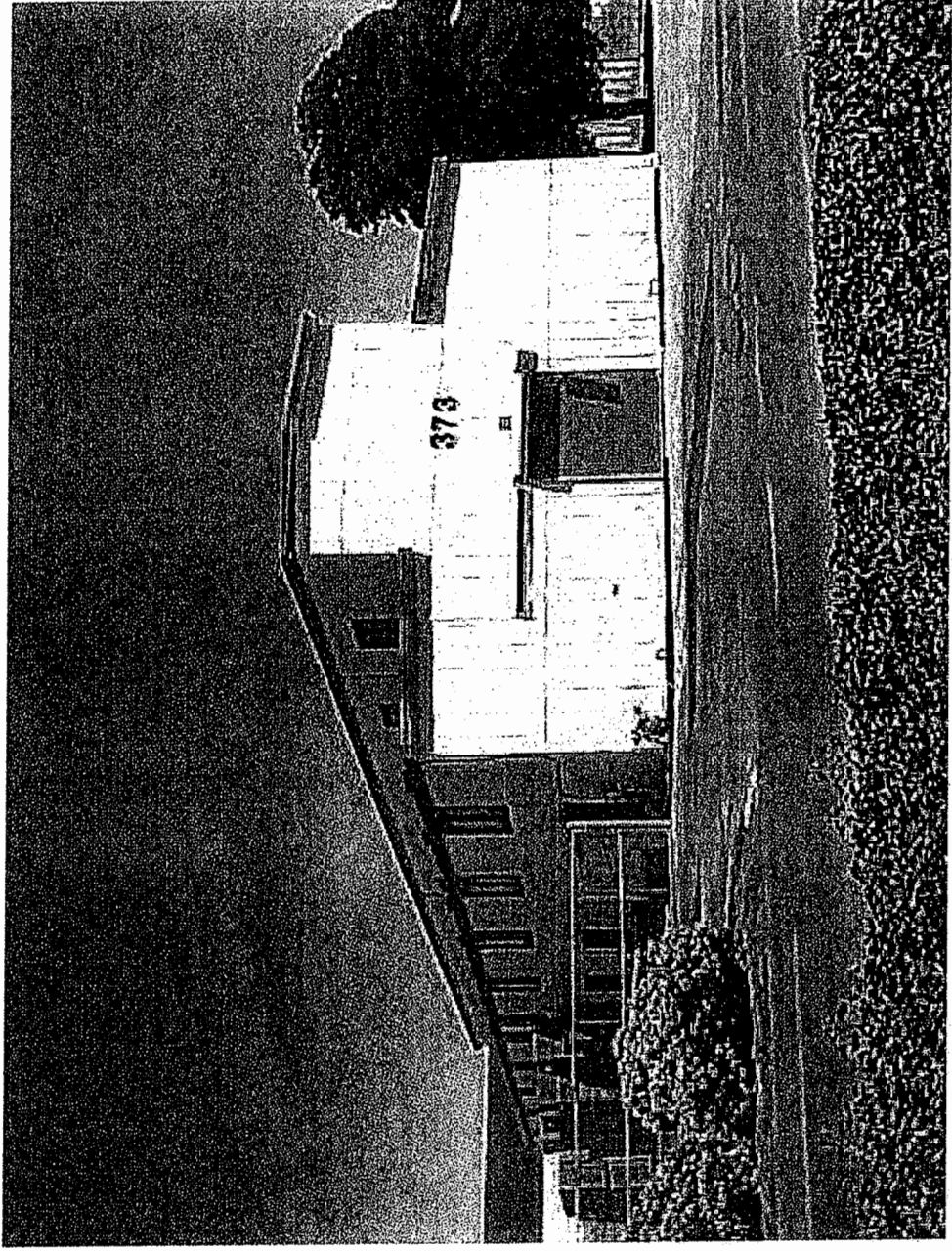
Building 221



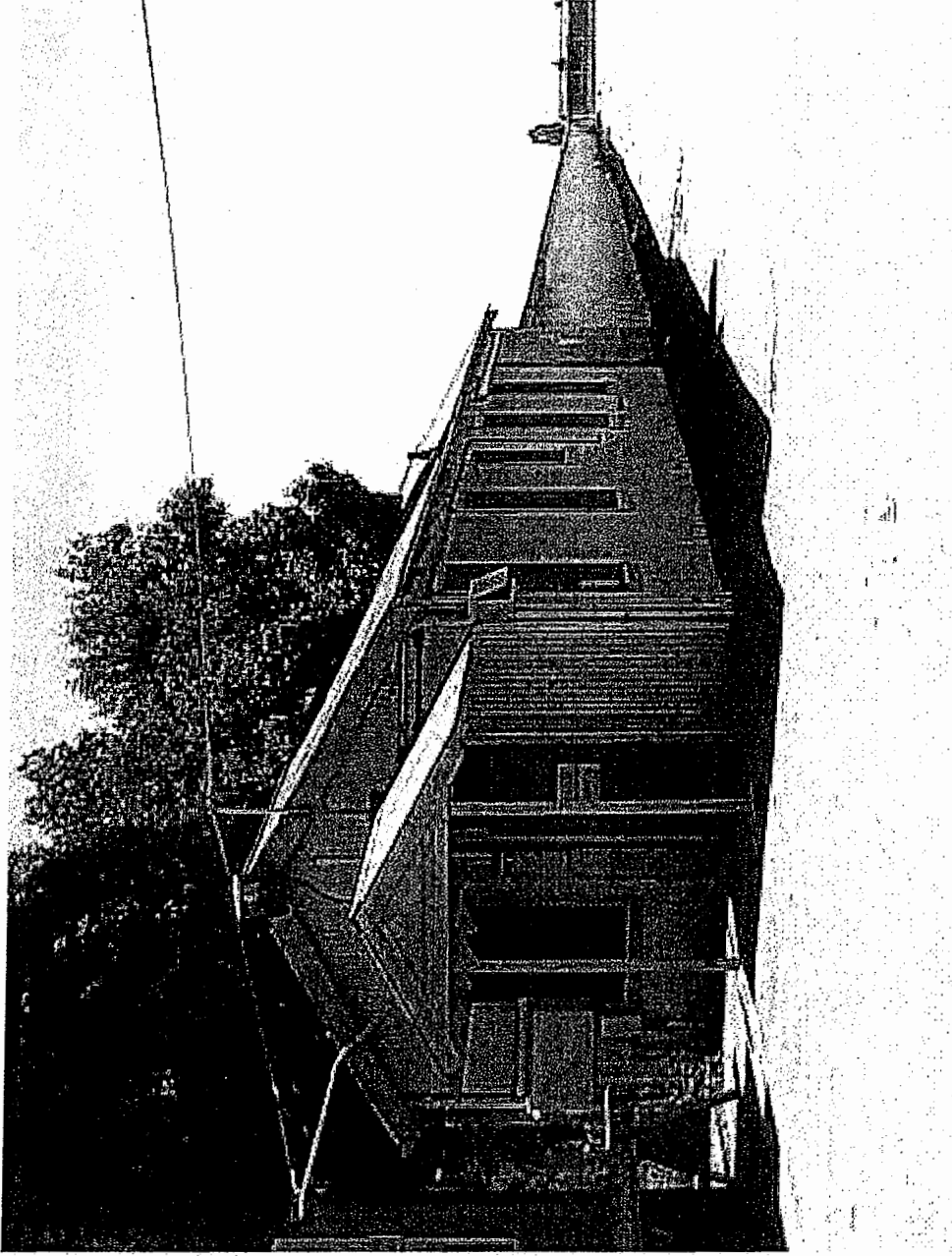
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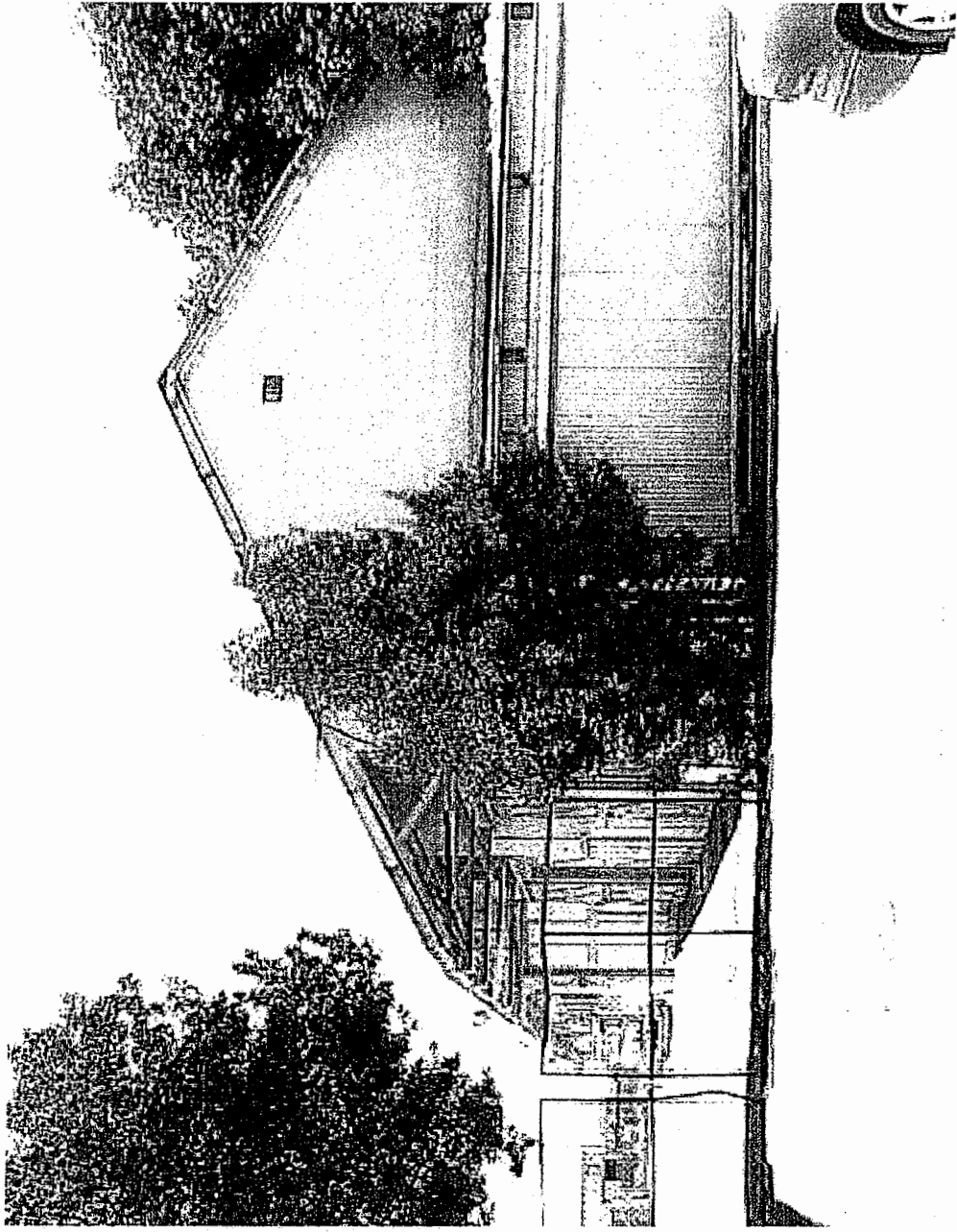
Building 259



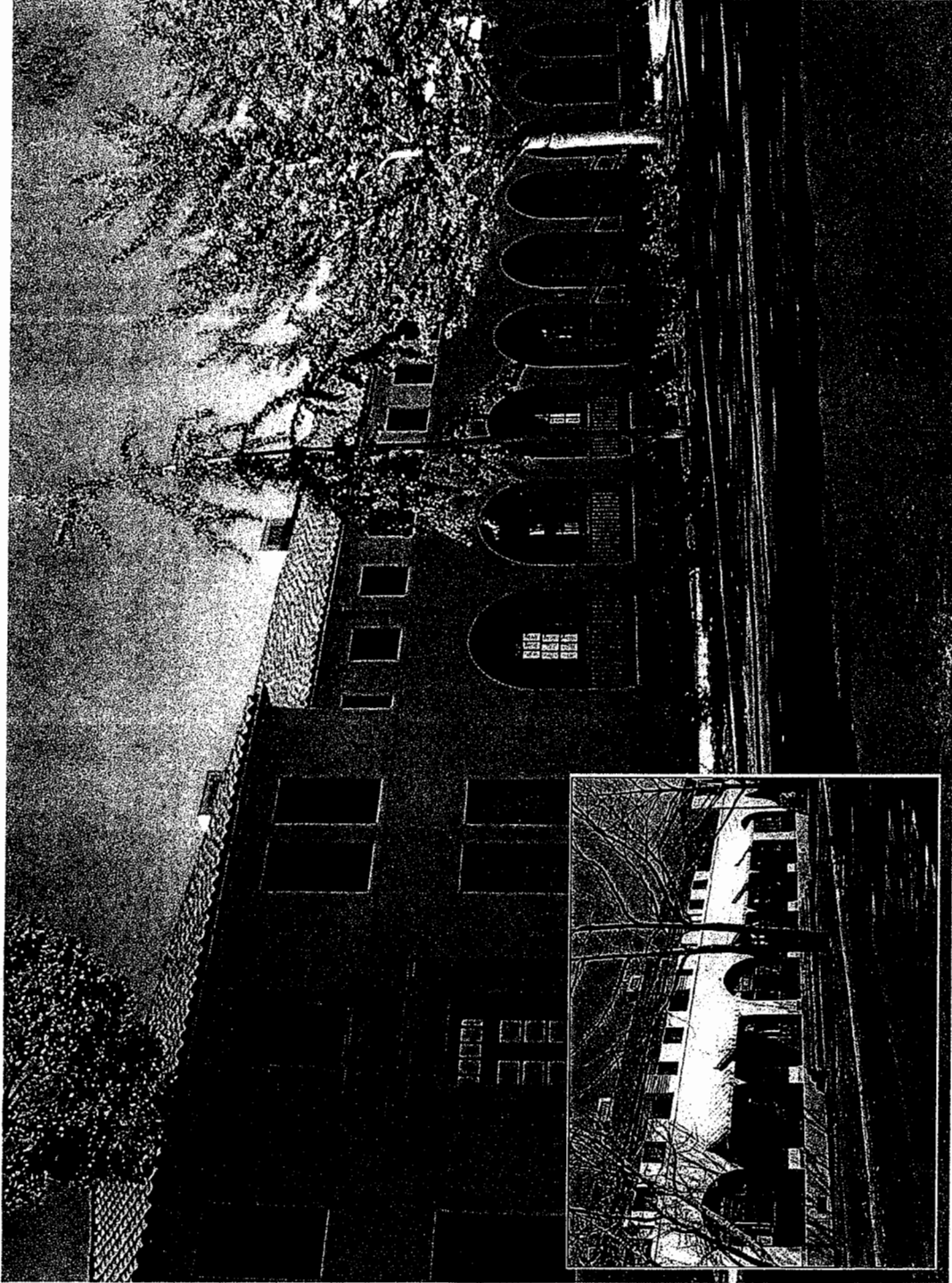
Building 373



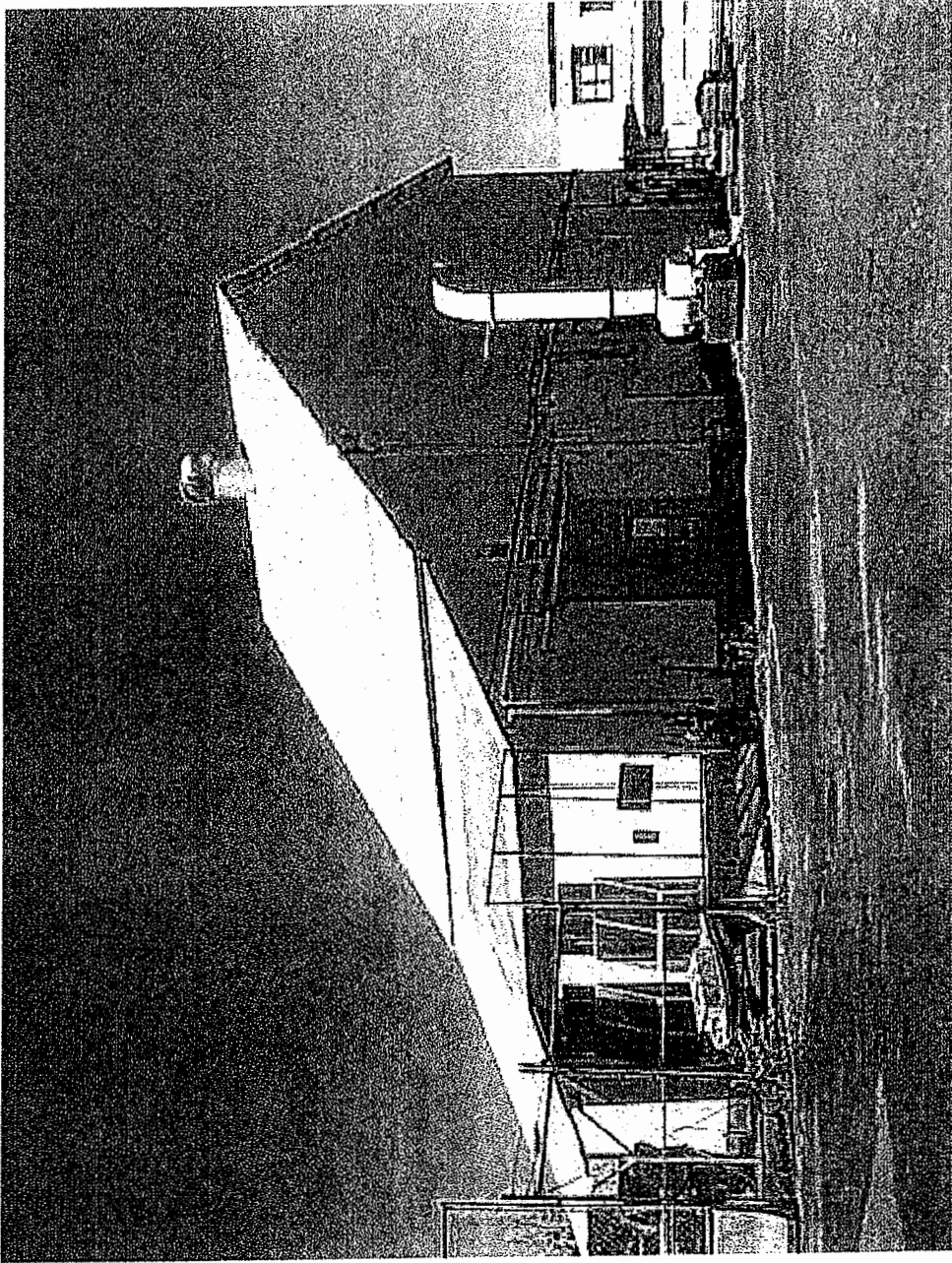
Building 409



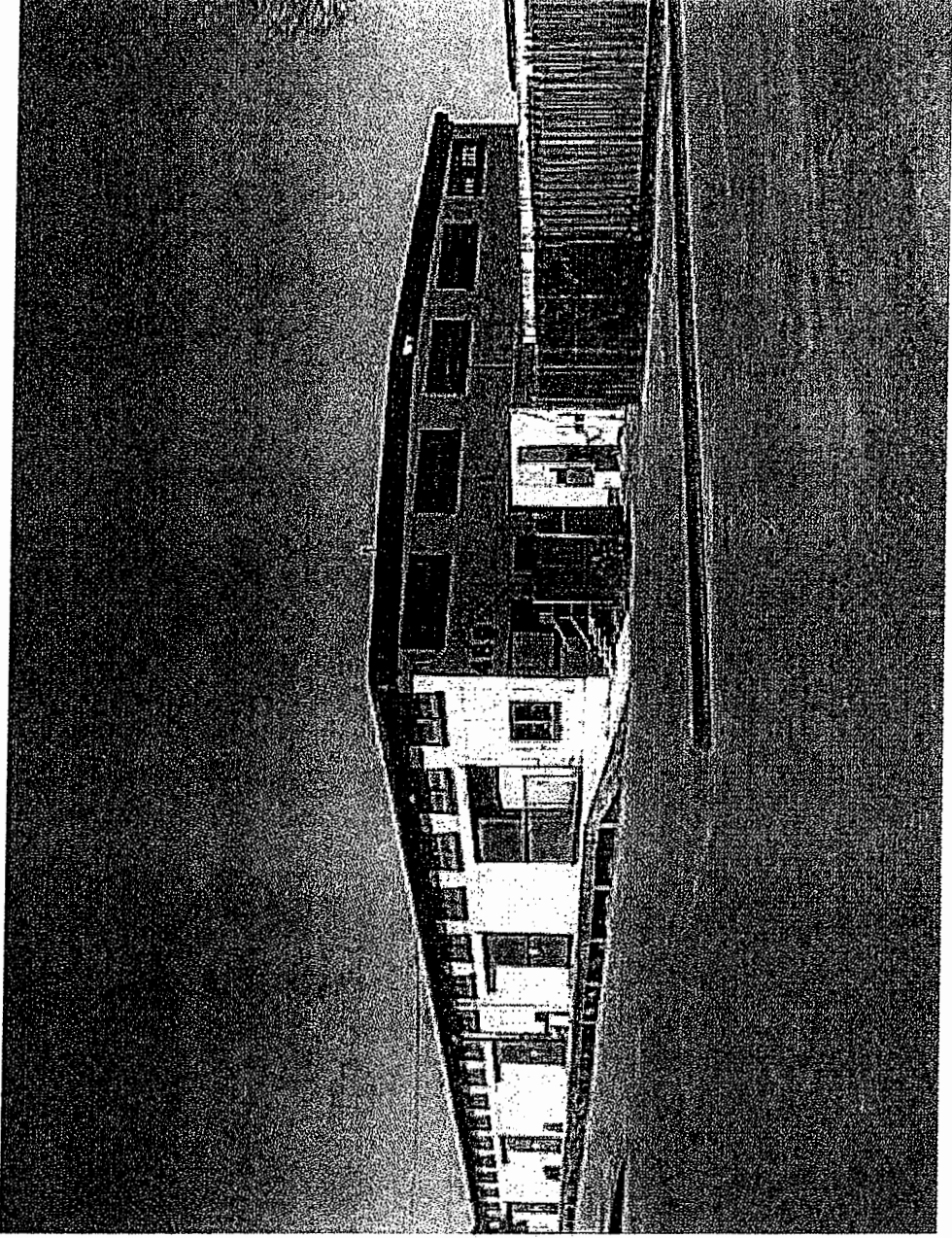
Building 455



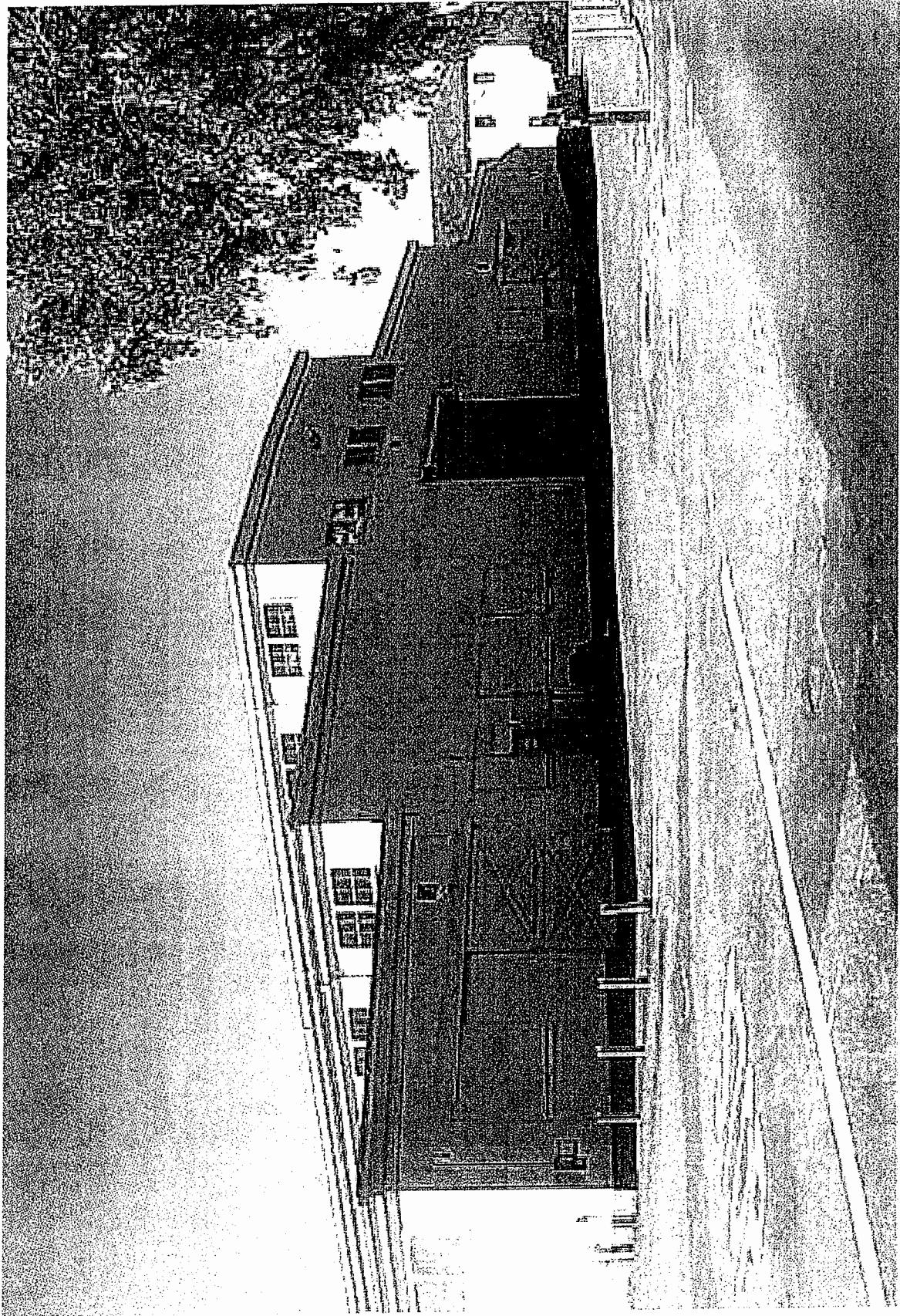
Building 459



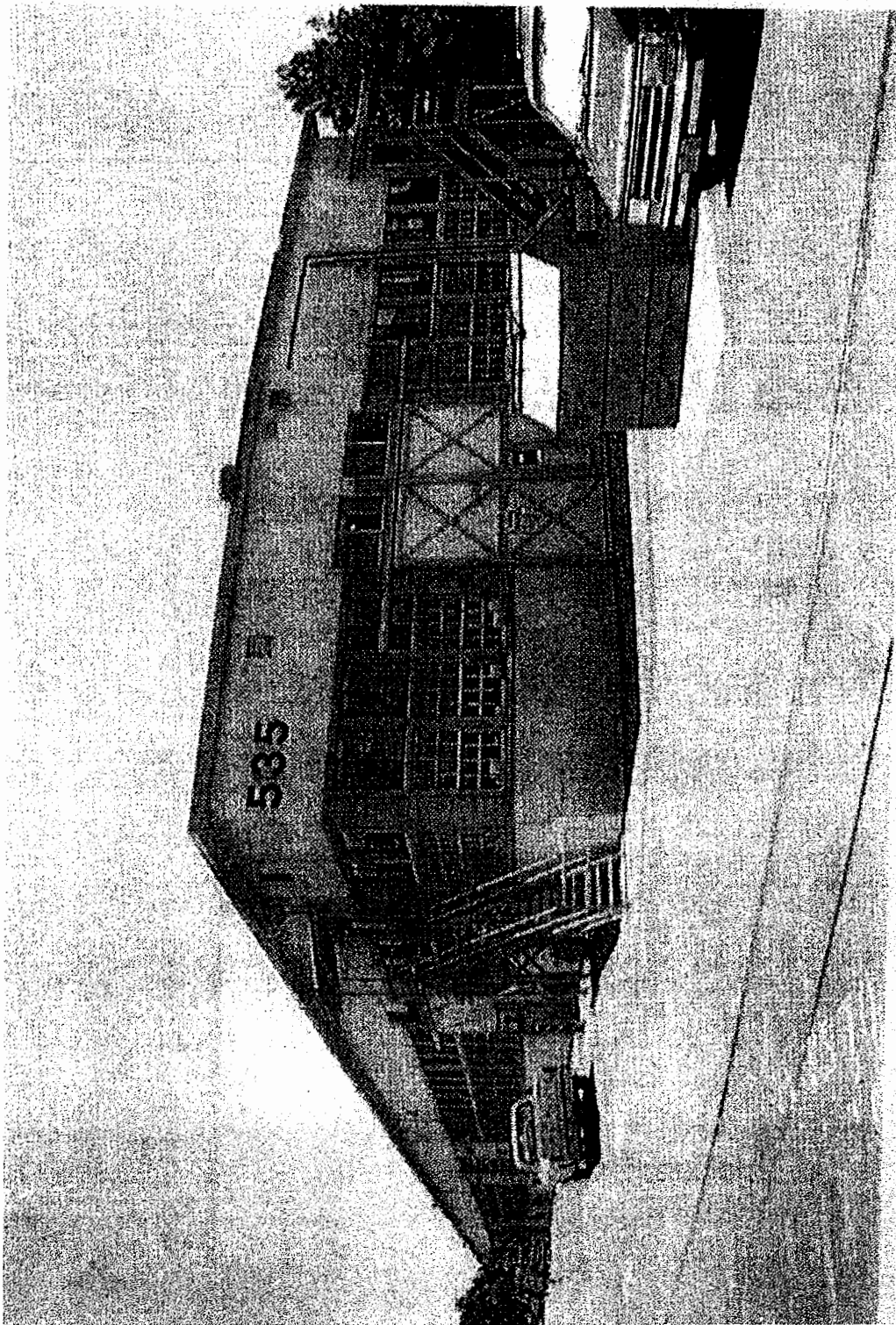
Building 475



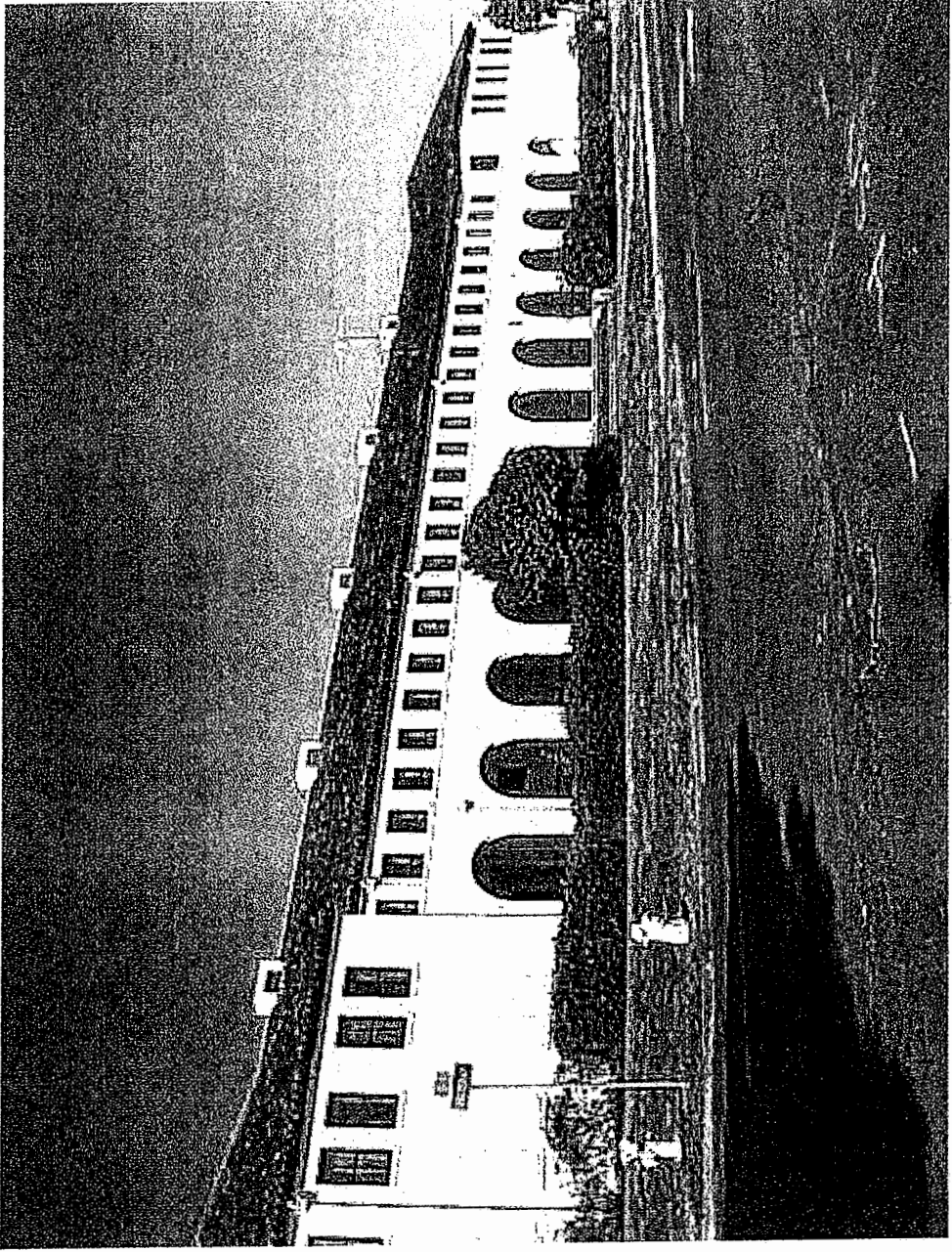
Building 489



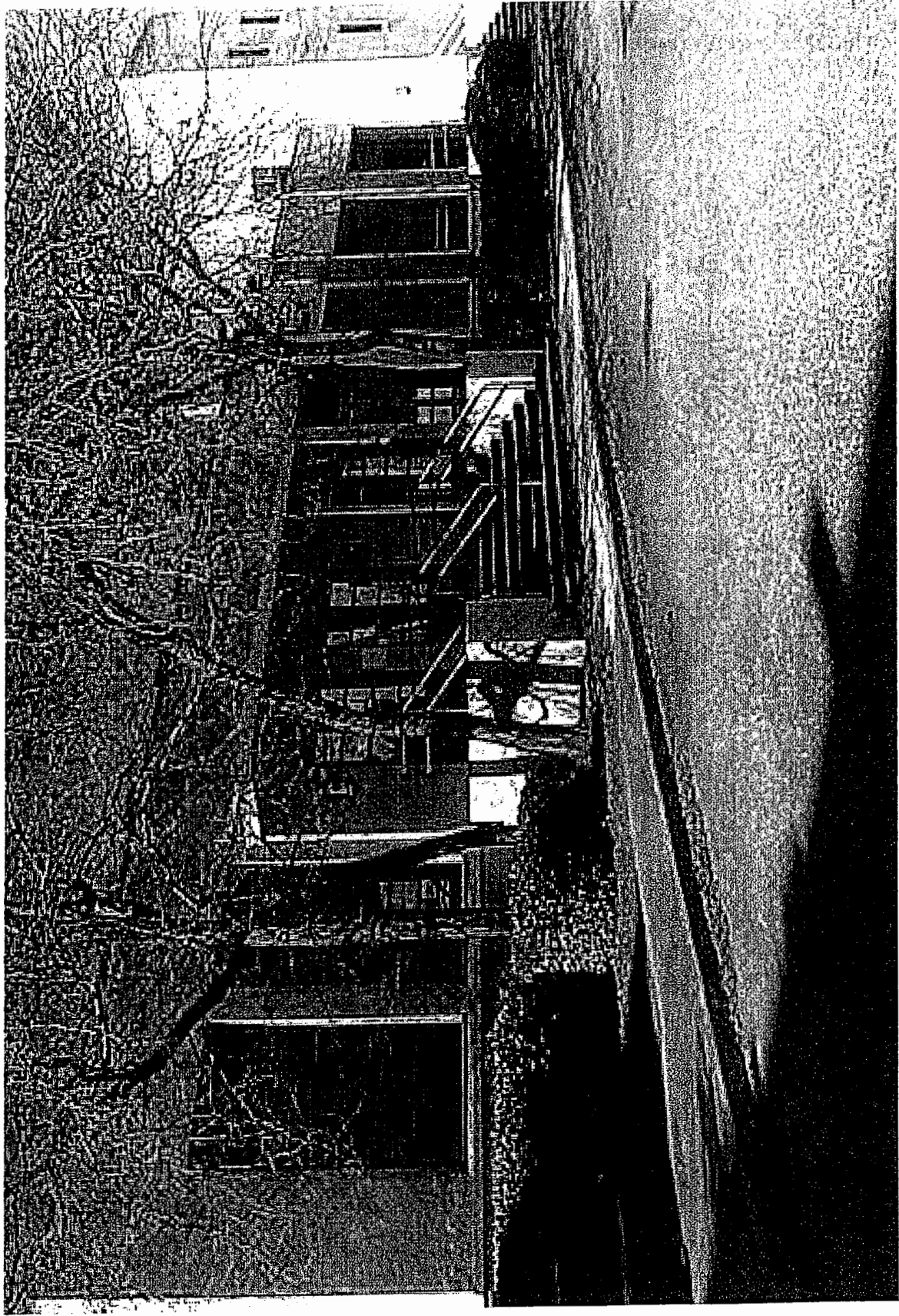
Building 527



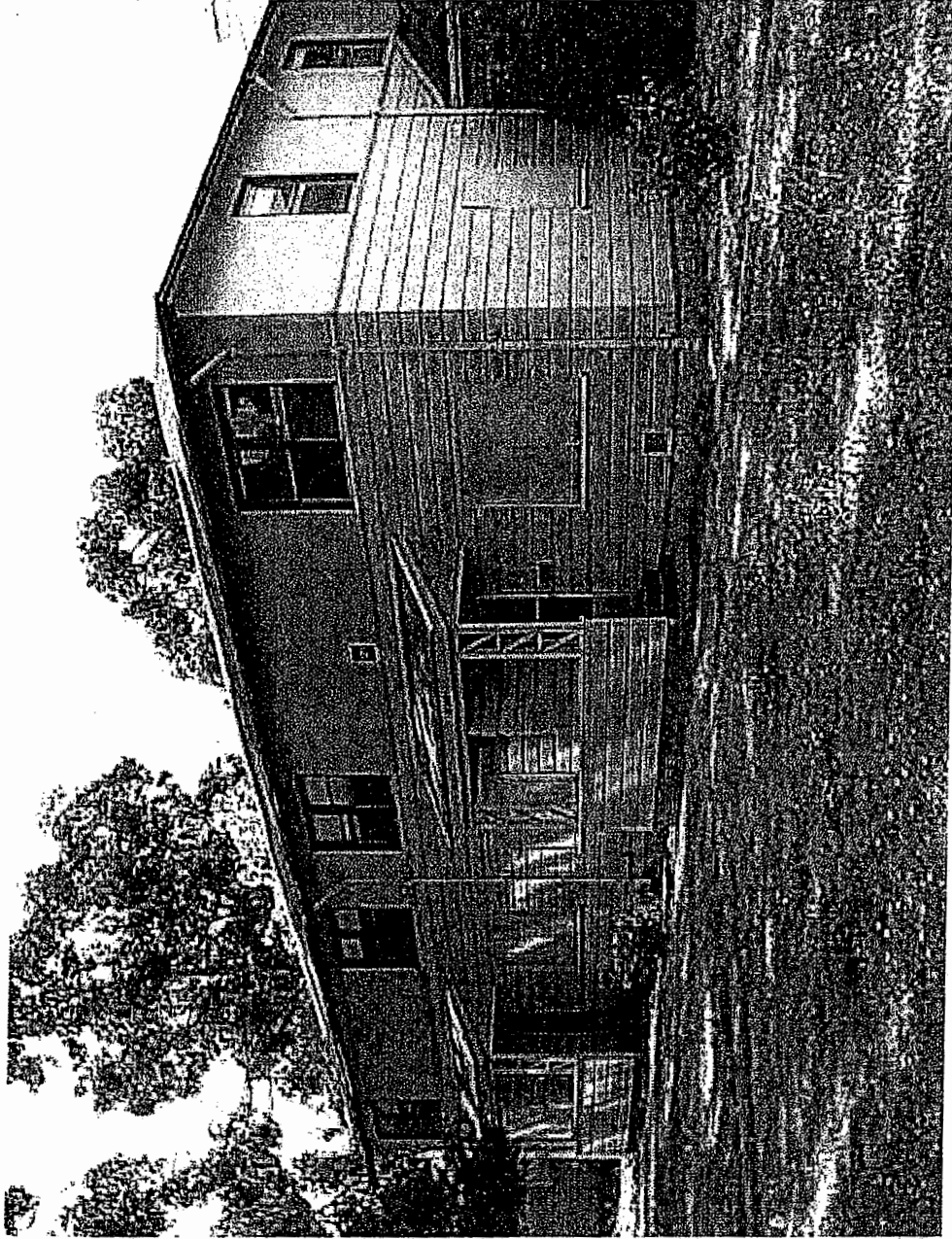
Building 535



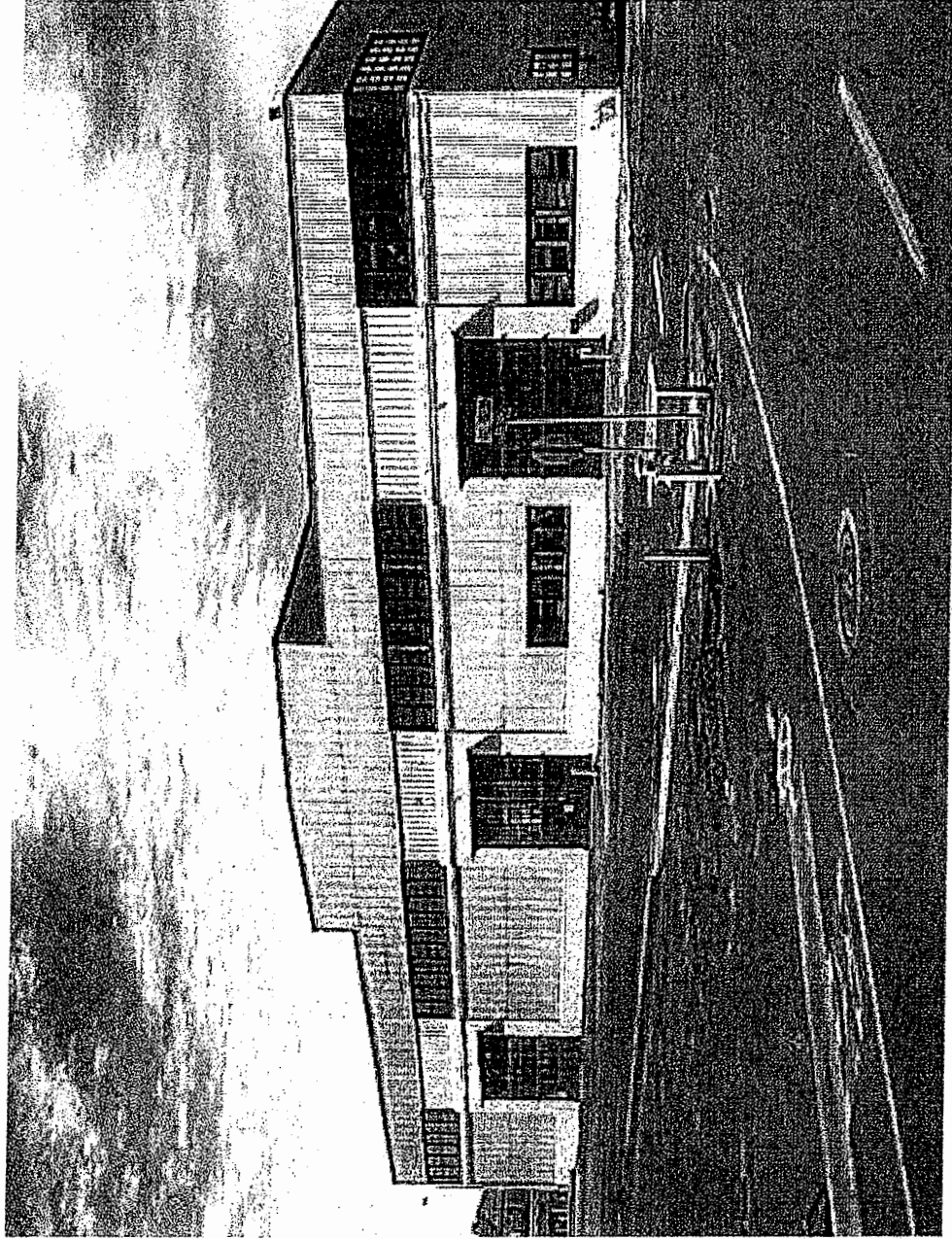
Building 543



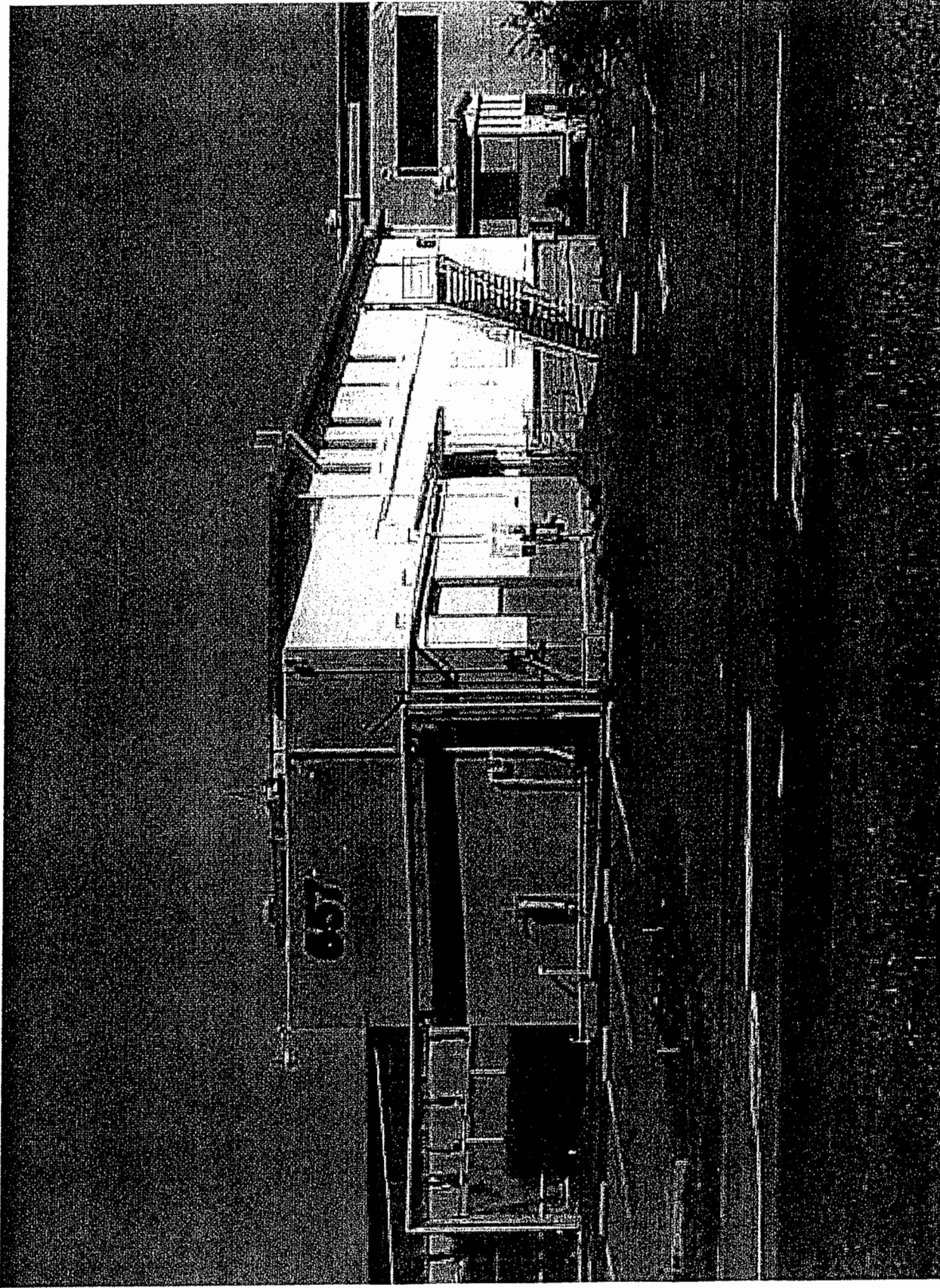
Building 545



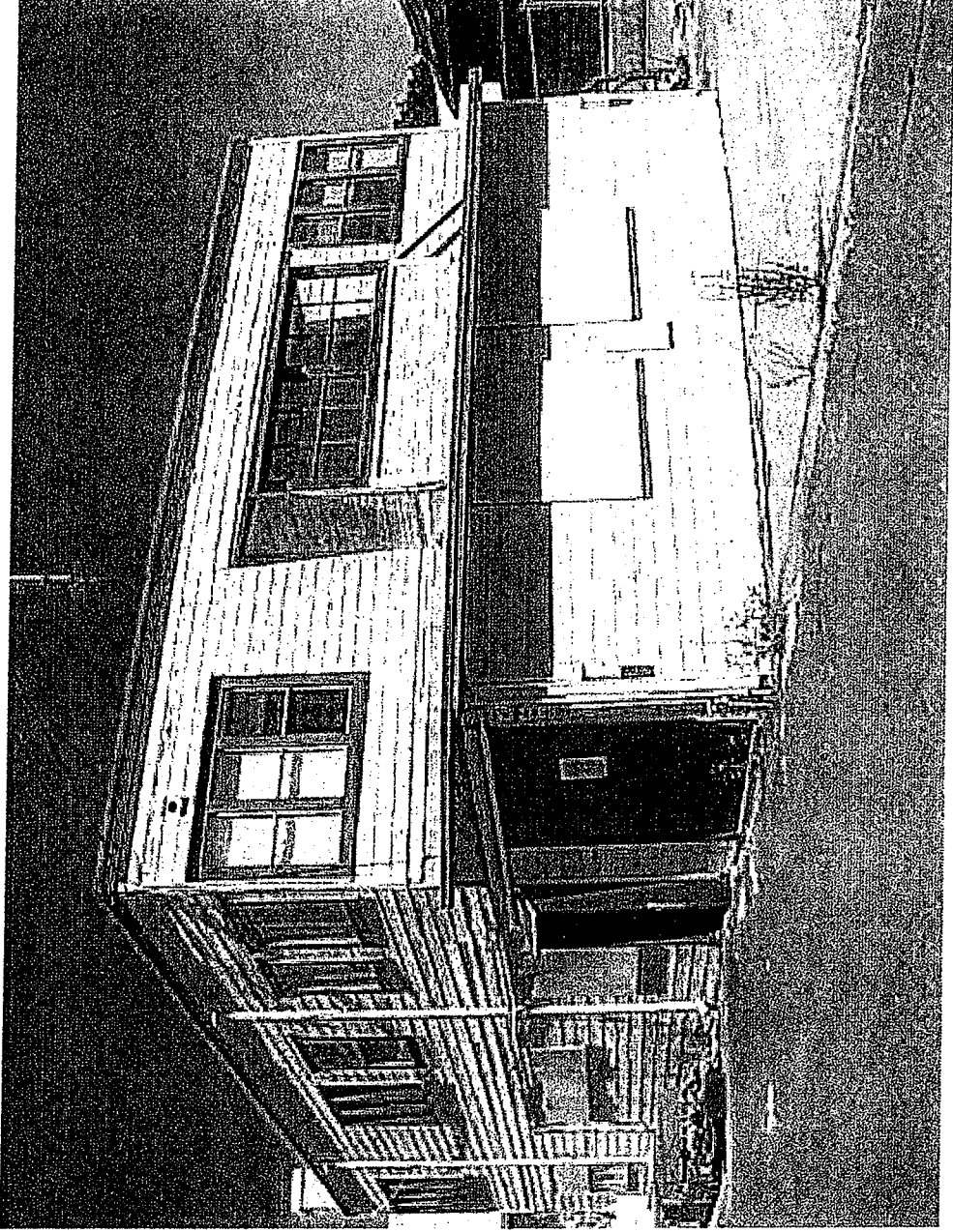
Building 553



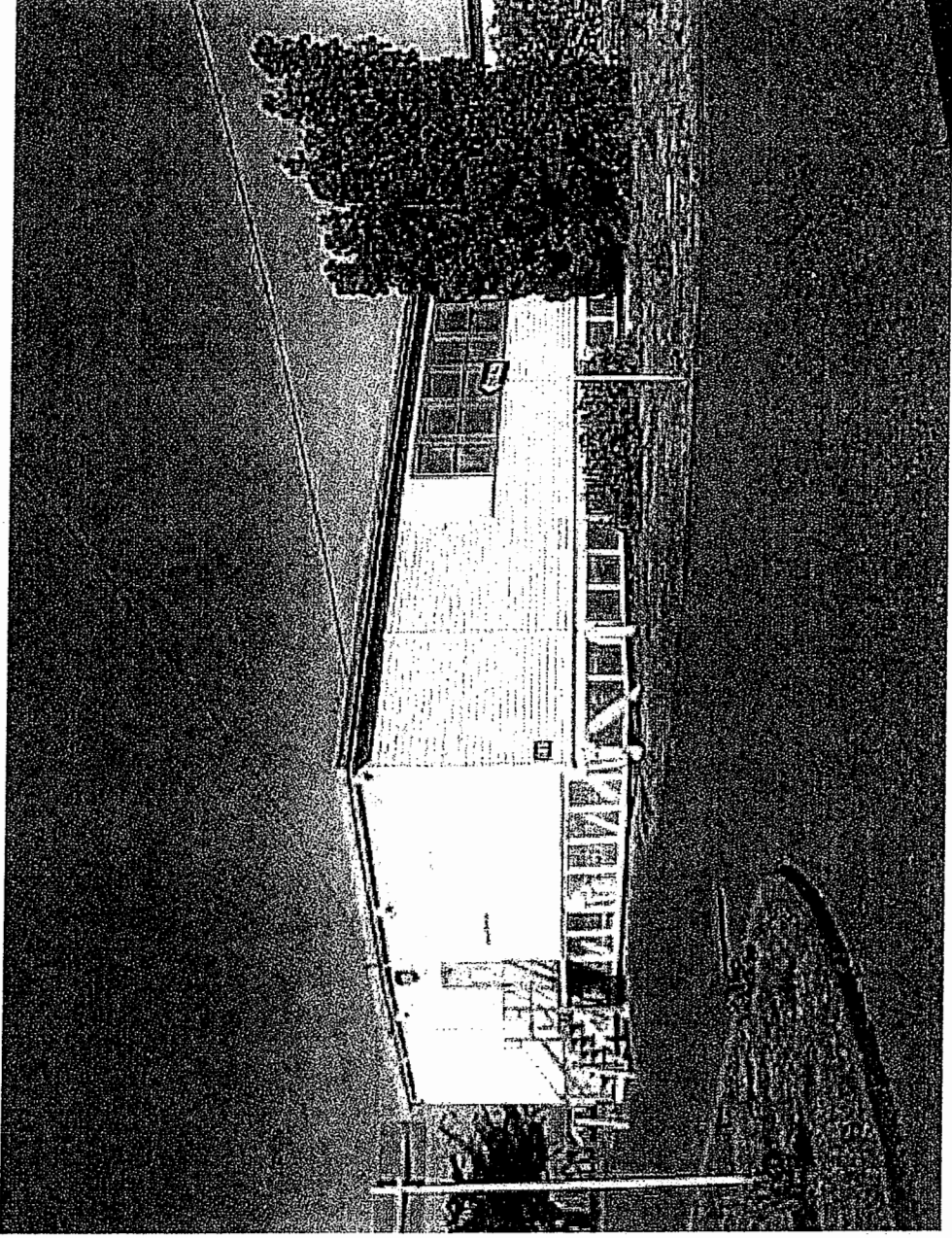
Building 559



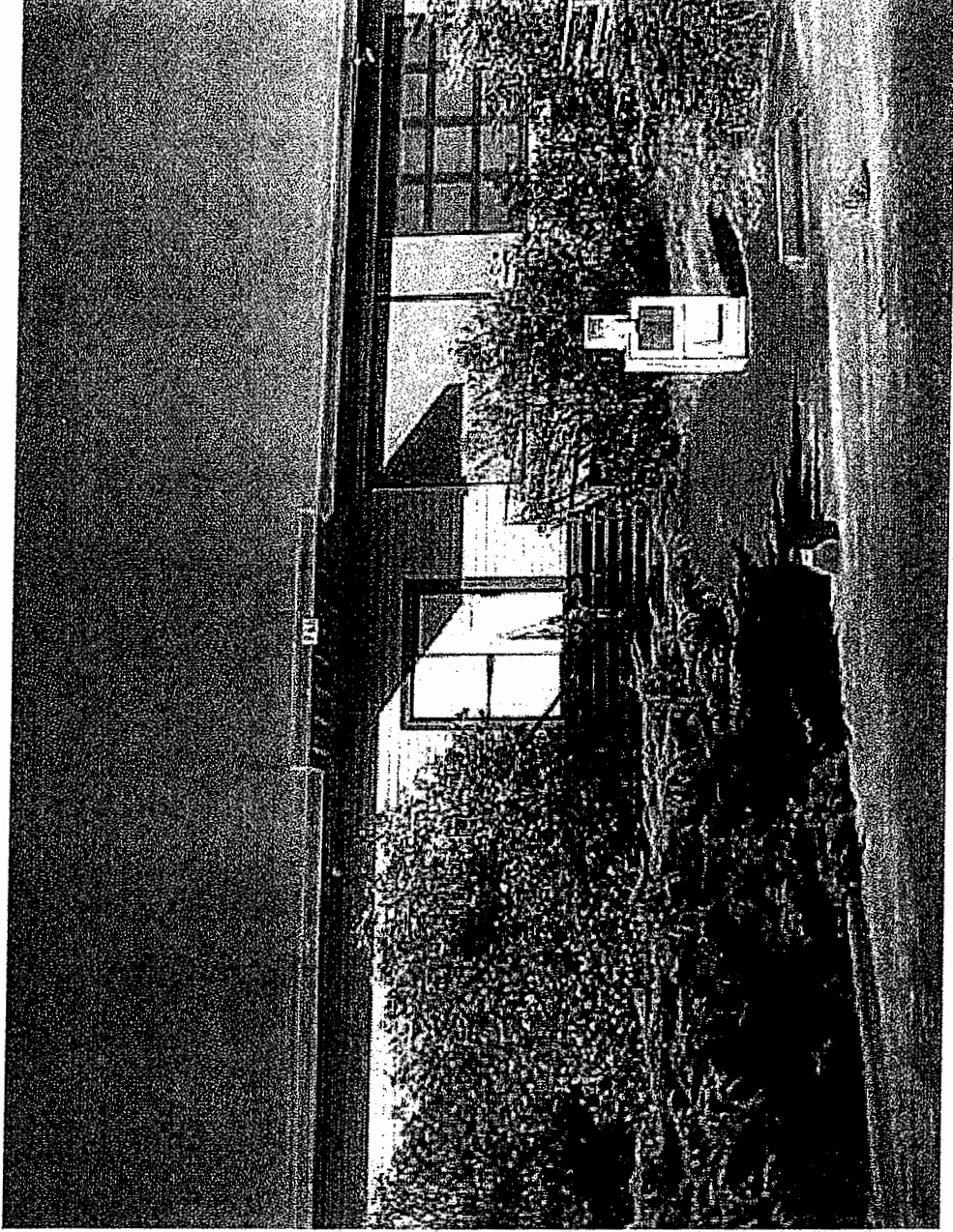
Building 657



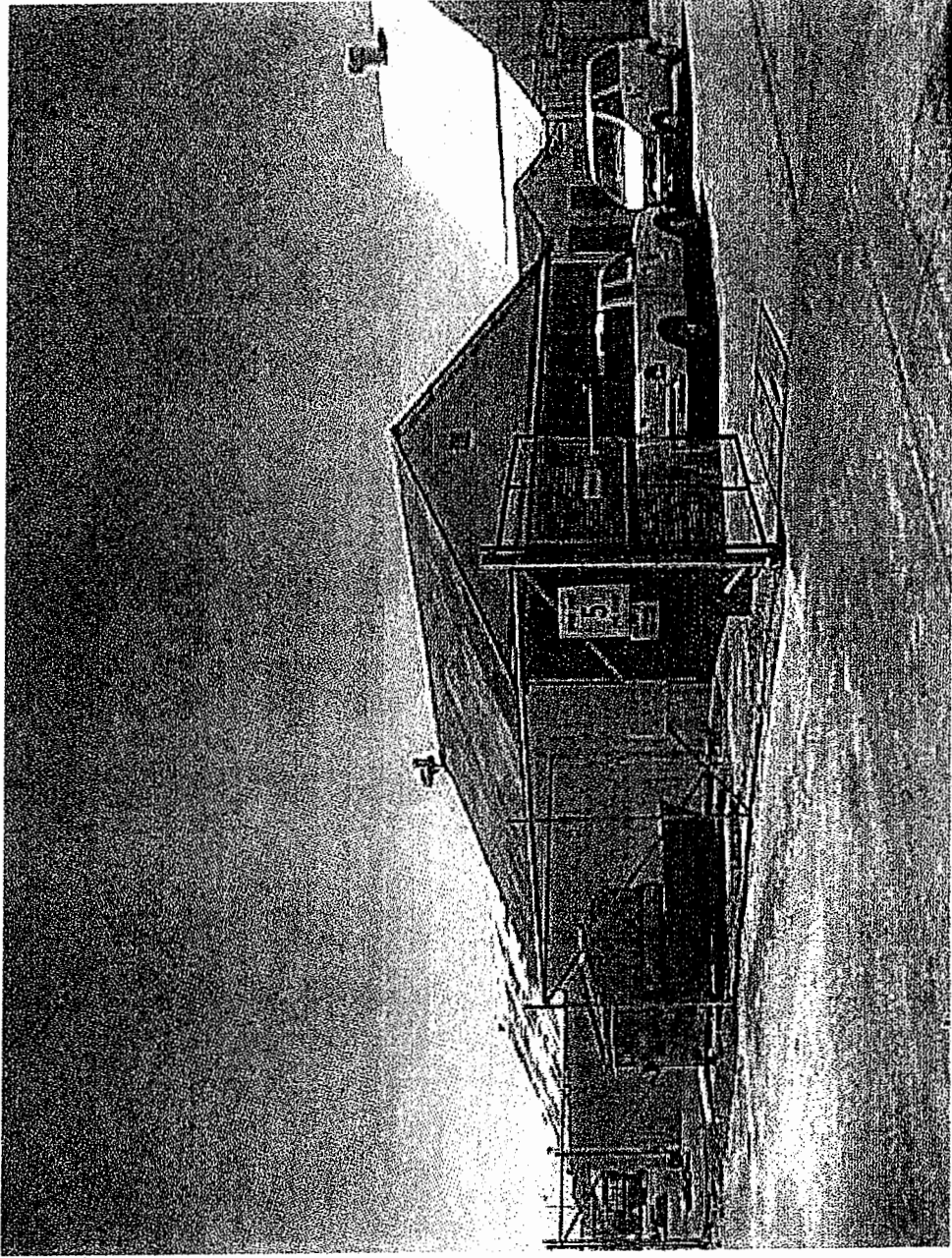
Building 669



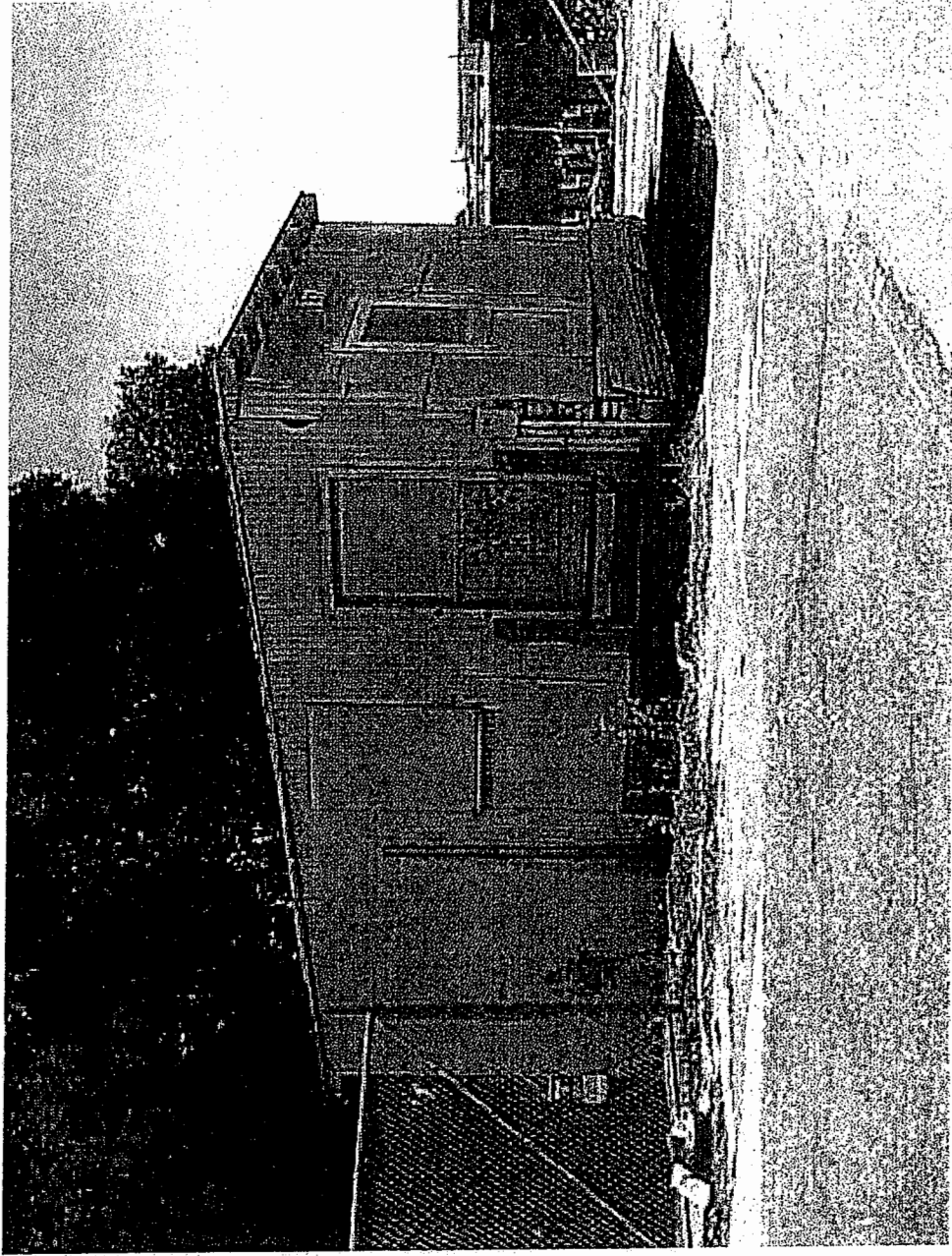
Building 749



Building 761



Building 803



Building 837

VESTING TENTATIVE MAP
TOWN CENTER DEVELOPMENT
 REUSE AREA 2A AND PORTIONS OF 2B, 2B AND 6
 COMMERCIAL SUBDIVISION AND
 APARTMENTS OR CONDOMINIUMS
 HAYES ISLAND, CITY OF VALLEJO, CALIFORNIA
PRELIMINARY DEVELOPMENT PLAN

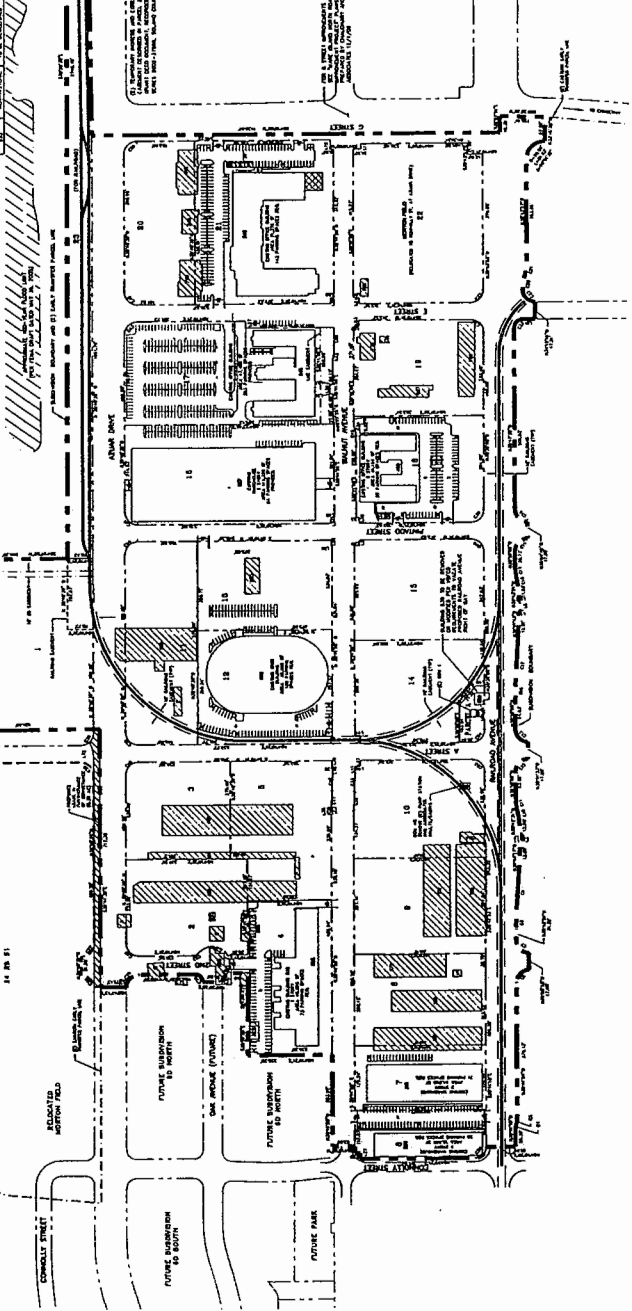
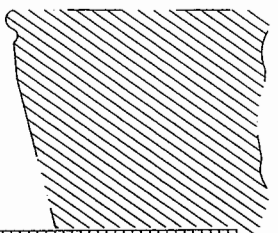
HISTORIC RESOURCES

NO.	ADDRESS	DATE	TYPE
1	1000	1920	RESIDENTIAL
2	1005	1920	RESIDENTIAL
3	1010	1920	RESIDENTIAL
4	1015	1920	RESIDENTIAL
5	1020	1920	RESIDENTIAL
6	1025	1920	RESIDENTIAL
7	1030	1920	RESIDENTIAL
8	1035	1920	RESIDENTIAL
9	1040	1920	RESIDENTIAL
10	1045	1920	RESIDENTIAL
11	1050	1920	RESIDENTIAL
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13	1060	1920	RESIDENTIAL
14	1065	1920	RESIDENTIAL
15	1070	1920	RESIDENTIAL
16	1075	1920	RESIDENTIAL
17	1080	1920	RESIDENTIAL
18	1085	1920	RESIDENTIAL
19	1090	1920	RESIDENTIAL
20	1095	1920	RESIDENTIAL
21	1100	1920	RESIDENTIAL
22	1105	1920	RESIDENTIAL
23	1110	1920	RESIDENTIAL
24	1115	1920	RESIDENTIAL
25	1120	1920	RESIDENTIAL
26	1125	1920	RESIDENTIAL
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96	1475	1920	RESIDENTIAL
97	1480	1920	RESIDENTIAL
98	1485	1920	RESIDENTIAL
99	1490	1920	RESIDENTIAL
100	1495	1920	RESIDENTIAL

PARKING SPACES BY REUSE AREA

REUSE AREA	NO. OF SPACES	TYPE
1	15	STREET
2	15	STREET
3	15	STREET
4	15	STREET
5	15	STREET
6	15	STREET
7	15	STREET
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96	15	STREET
97	15	STREET
98	15	STREET
99	15	STREET
100	15	STREET

PARKING AND LAND USE NOTE
 THE PARKING SPACES SHOWN IN THIS PLAN ARE BASED ON THE CURRENT ZONING ORDINANCE OF THE CITY OF VALLEJO AND THE CITY ENGINEER'S OFFICE. THE CITY ENGINEER'S OFFICE IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE CITY ENGINEER'S OFFICE IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREIN.



PROPOSED LOT AND PARCEL AREAS

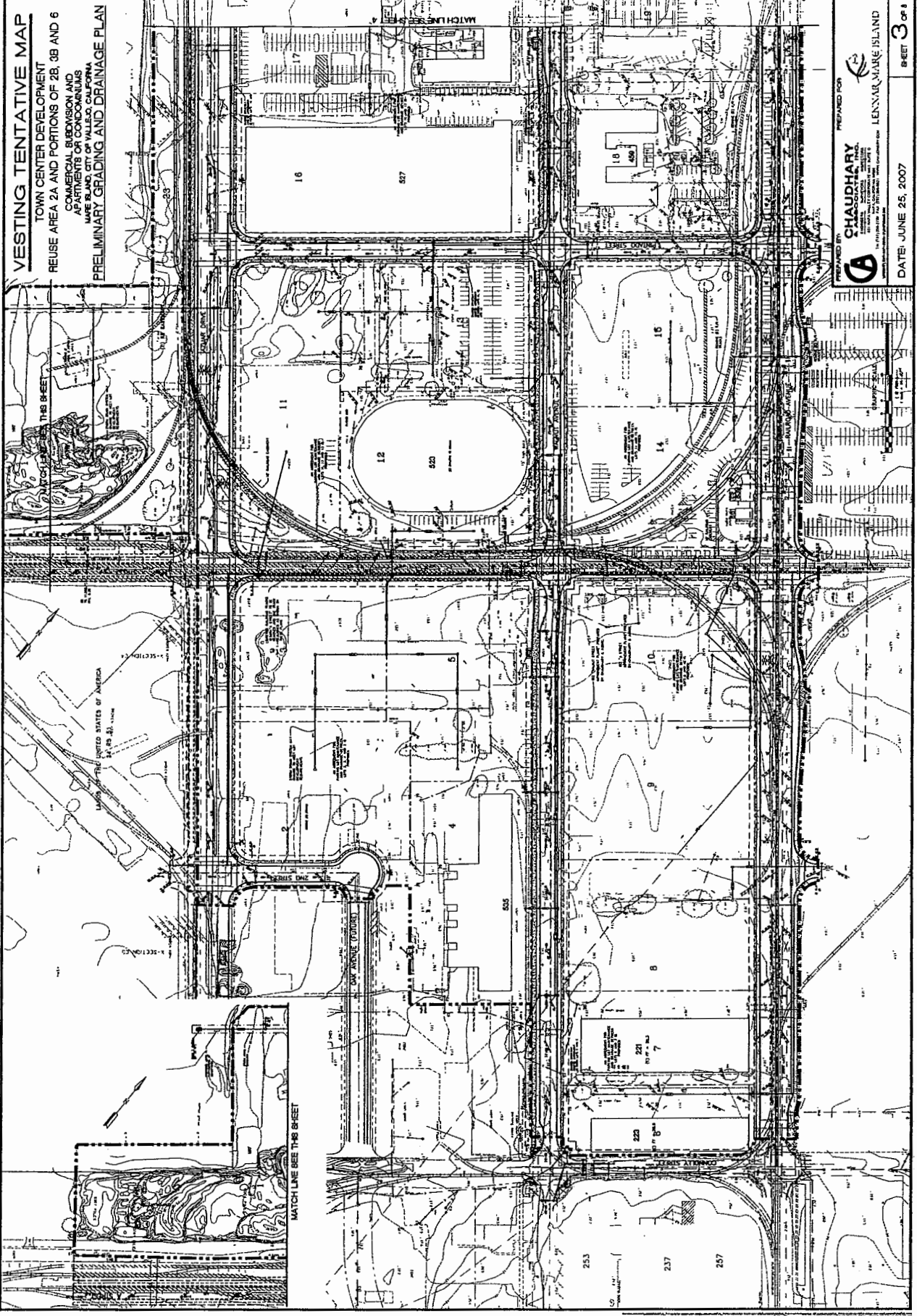
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4	1015	1015	1015
5	1020	1020	1020
6	1025	1025	1025
7	1030	1030	1030
8	1035	1035	1035
9	1040	1040	1040
10	1045	1045	1045
11	1050	1050	1050
12	1055	1055	1055
13	1060	1060	1060
14	1065	1065	1065
15	1070	1070	1070
16	1075	1075	1075
17	1080	1080	1080
18	1085	1085	1085
19	1090	1090	1090
20	1095	1095	1095
21	1100	1100	1100
22	1105	1105	1105
23	1110	1110	1110
24	1115	1115	1115
25	1120	1120	1120
26	1125	1125	1125
27	1130	1130	1130
28	1135	1135	1135
29	1140	1140	1140
30	1145	1145	1145
31	1150	1150	1150
32	1155	1155	1155
33	1160	1160	1160
34	1165	1165	1165
35	1170	1170	1170
36	1175	1175	1175
37	1180	1180	1180
38	1185	1185	1185
39	1190	1190	1190
40	1195	1195	1195
41	1200	1200	1200
42	1205	1205	1205
43	1210	1210	1210
44	1215	1215	1215
45	1220	1220	1220
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47	1230	1230	1230
48	1235	1235	1235
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51	1250	1250	1250
52	1255	1255	1255
53	1260	1260	1260
54	1265	1265	1265
55	1270	1270	1270
56	1275	1275	1275
57	1280	1280	1280
58	1285	1285	1285
59	1290	1290	1290
60	1295	1295	1295
61	1300	1300	1300
62	1305	1305	1305
63	1310	1310	1310
64	1315	1315	1315
65	1320	1320	1320
66	1325	1325	1325
67	1330	1330	1330
68	1335	1335	1335
69	1340	1340	1340
70	1345	1345	1345
71	1350	1350	1350
72	1355	1355	1355
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74	1365	1365	1365
75	1370	1370	1370
76	1375	1375	1375
77	1380	1380	1380
78	1385	1385	1385
79	1390	1390	1390
80	1395	1395	1395
81	1400	1400	1400
82	1405	1405	1405
83	1410	1410	1410
84	1415	1415	1415
85	1420	1420	1420
86	1425	1425	1425
87	1430	1430	1430
88	1435	1435	1435
89	1440	1440	1440
90	1445	1445	1445
91	1450	1450	1450
92	1455	1455	1455
93	1460	1460	1460
94	1465	1465	1465
95	1470	1470	1470
96	1475	1475	1475
97	1480	1480	1480
98	1485	1485	1485
99	1490	1490	1490
100	1495	1495	1495

LAND USE COVENANT AGREEMENT NOTE
 THE TRAMPER OF THE CATION LANE TRAMPER PARCEL (LTPC) IS APPROVED TO BE REUSED AS A COMMERCIAL SUBDIVISION AND APARTMENTS OR CONDOMINIUMS. THE TRAMPER OF THE CATION LANE TRAMPER PARCEL (LTPC) IS APPROVED TO BE REUSED AS A COMMERCIAL SUBDIVISION AND APARTMENTS OR CONDOMINIUMS. THE TRAMPER OF THE CATION LANE TRAMPER PARCEL (LTPC) IS APPROVED TO BE REUSED AS A COMMERCIAL SUBDIVISION AND APARTMENTS OR CONDOMINIUMS.

BUILDINGS NOT LISTED OR MANY CATALOGS

NO.	ADDRESS	DATE	TYPE
1	1000	1920	RESIDENTIAL
2	1005	1920	RESIDENTIAL
3	1010	1920	RESIDENTIAL
4	1015	1920	RESIDENTIAL
5	1020	1920	RESIDENTIAL
6	1025	1920	RESIDENTIAL
7	1030	1920	RESIDENTIAL
8	1035	1920	RESIDENTIAL
9	1040	1920	RESIDENTIAL
10	1045	1920	RESIDENTIAL
11	1050	1920	RESIDENTIAL
12	1055	1920	RESIDENTIAL
13	1060	1920	RESIDENTIAL
14	1065	1920	RESIDENTIAL
15	1070	1920	RESIDENTIAL
16	1075	1920	RESIDENTIAL
17	1080	1920	RESIDENTIAL
18	1085	1920	RESIDENTIAL
19	1090	1920	RESIDENTIAL
20	1095	1920	RESIDENTIAL
21	1100	1920	RESIDENTIAL
22	1105	1920	RESIDENTIAL
23	1110	1920	RESIDENTIAL
24	1115	1920	RESIDENTIAL
25	1120	1920	RESIDENTIAL
26	1125	1920	RESIDENTIAL
27	1130	1920	RESIDENTIAL
28	1135	1920	

VESTING TENTATIVE MAP
TOWN CENTER DEVELOPMENT
REUSE AREA 2A AND PORTIONS OF 2B, 3B AND 6
COMMERCIAL SUBDIVISION AND
ADJACENT AREAS OF THE
TOWN OF LENOX, MA
PRELIMINARY GRADING AND DRAINAGE PLAN



THIS SHEET

MAP OF THE UNITED STATES OF AMERICA
DATE: 12-23-83

MATCH LINE SEE THIS SHEET

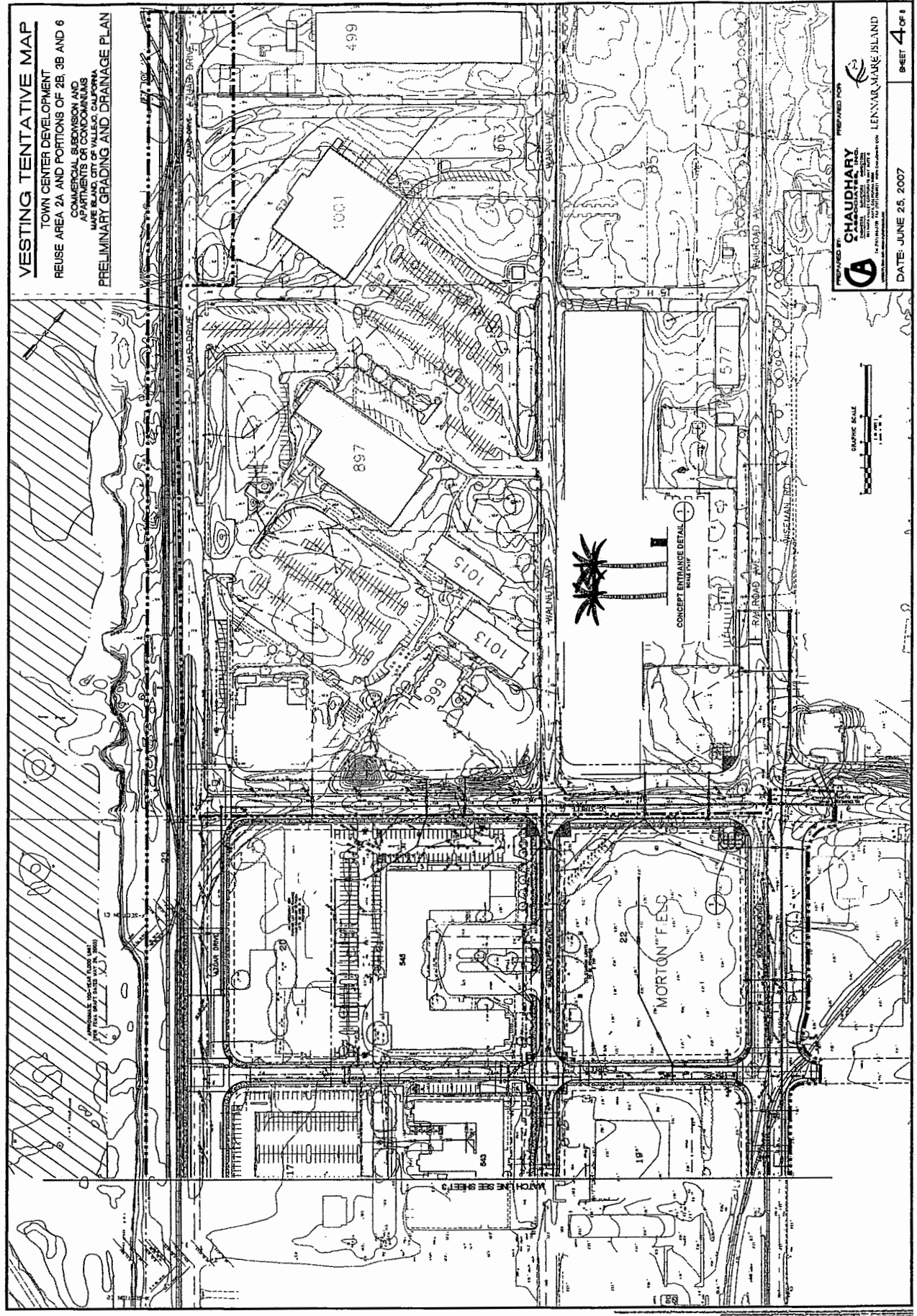
PREPARED FOR
CHAUDHARY
ARCHITECTS
100 N. STATE ST.
SUITE 200
BOSTON, MA 02109
TEL: 617-552-1100
FAX: 617-552-1101
WWW.CHAUDHARYARCHITECTS.COM

PREPARED FOR
LENNAR VARE ISLAND

DATE: JUNE 25, 2007

SHEET **3** OF 8

VESTING TENTATIVE MAP
TOWN CENTER DEVELOPMENT
 REUSE AREA 2A AND PORTIONS OF 2B, 3B AND 6
 COMMERCIAL SUBDIVISION AND
 APARTMENTS OR CONDOMINIUMS
 WITH PARKING
PRELIMINARY GRADING AND DRAINAGE PLAN



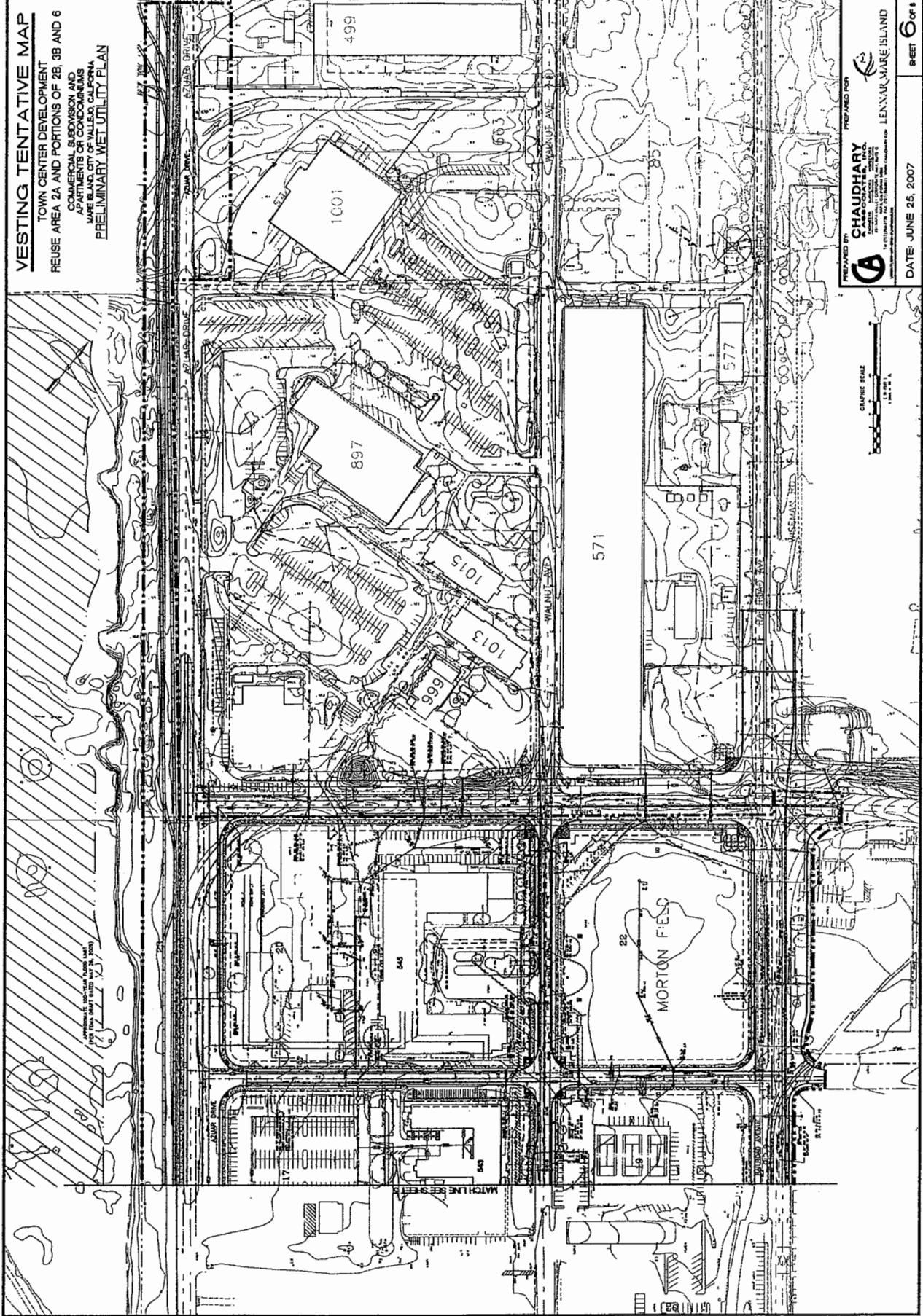
PREPARED FOR
CHAUDHARY
 ARCHITECTS
 10000 W. BROADWAY, SUITE 100
 DENVER, CO 80231
 TEL: 303.733.1100
 FAX: 303.733.1101
 WWW.CHAUDHARYARCHITECTS.COM

LENNAMARE ISLAND

DATE: JUNE 25, 2007

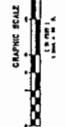
SHEET 4 OF 1

VESTING TENTATIVE MAP
TOWN CENTER DEVELOPMENT
 REUSE AREA 2A AND PORTIONS OF 2B, 3B AND 6
 COMMERCIAL SUBDIVISION AND
 APARTMENTS OR CONDOMINIUMS
 WITH UTILITIES AND
 MAINTENANCE WET UTILITY PLAN
PRELIMINARY



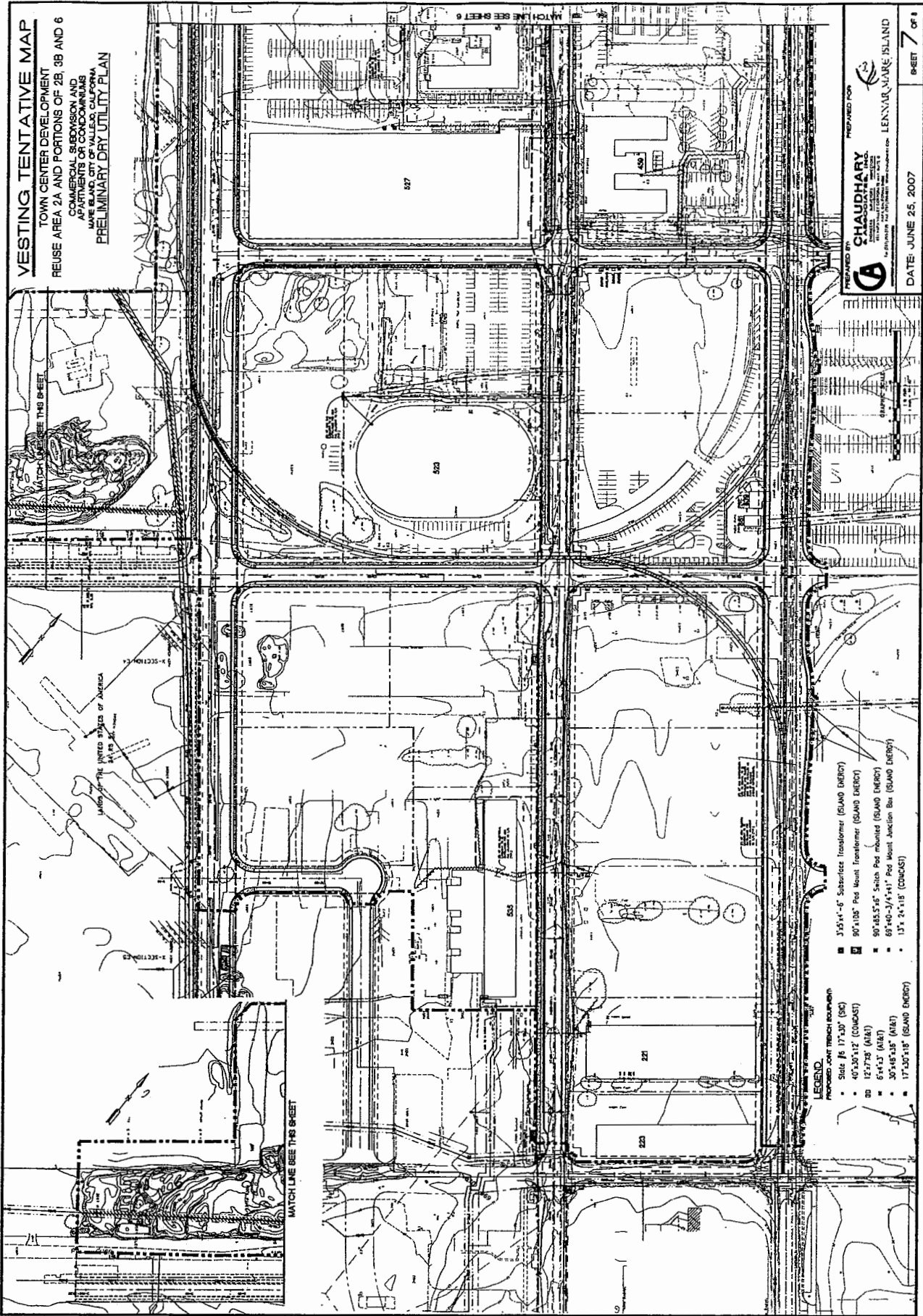
APPROXIMATE BOUNDARY LINES
 OF THE GREAT LAKES WATERWAY

MATCHLINE SEE SHEET



PREPARED BY
CHAUDHARY
 ENGINEERS, ARCHITECTS, PLANNERS
 1000 WEST 10TH AVENUE, SUITE 100
 DENVER, COLORADO 80202
 TEL: 303.733.1111 FAX: 303.733.1112
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VESTING TENTATIVE MAP
TOWN CENTER DEVELOPMENT
REUSE AREA 2A AND PORTIONS OF 2B, 3B AND 6
COMMERCIAL, RESIDENTIAL AND
APARTMENTS OR CONDOS UNITS
HAVE ISLAND, CITY OF VALLEJO, CALIFORNIA
PRELIMINARY DRY UTILITY PLAN



MATCH LINE SEE THIS SHEET

MATCH LINE SEE THIS SHEET

UNITED STATES OF AMERICA

- LEGEND**
- 3'-5 1/2" x 4'-0" Subsurface Transformer (ISLAND ENERGY)
 - 90" x 108" Pole Mount Transformer (ISLAND ENERGY)
 - 90" x 85.5" x 16" Switch Pole mounted (ISLAND ENERGY)
 - 69" x 40" x 3/4" x 1" Pole Mount Junction Box (ISLAND ENERGY)
 - 13" x 24" x 18" (CONCAST)

- LEGEND**
- Size 1/8 17" x 30" (SIC)
 - 40" x 30" x 12" (CONCAST)
 - 12" x 7" x 5" (AIR1)
 - 6" x 1" x 3" (AIR2)
 - 30" x 18" x 18" (AIR3)
 - 17" x 30" x 18" (ISLAND ENERGY)

**STAFF REPORT – PLANNING
CITY OF VALLEJO
PLANNING COMMISSION**

DATE OF MEETING: August 20, 2007

PREPARED BY: Katherine Donovan

PROJECT NUMBER: Code Text Amendment 06-0004

PROJECT DESCRIPTION:

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

RECOMMENDATION: Forward a Recommendation of Approval to City Council

CEQA: Exempt per Section 15061(b)(3), Title 14 of the California Code of Regulations.

Applicant: City of Vallejo

BACKGROUND SUMMARY

At the request of Commissioner McConnell, a Resolution of Intention to revise Chapter 16.70 "Screening and Landscaping Regulations" of the Vallejo Municipal Code was brought before the Planning Commission and approved on September 6, 2006. Commissioner McConnell submitted proposed amendments for staff "review and suggestions" (see Attachment 3 of Exhibit C). Staff prepared a proposed revision of Chapter 16.70, which included many of Commissioner McConnell's suggestions, and presented it to the Planning Commission on May 7, 2007. After lengthy discussion of various proposed revisions and some existing text, the item was continued with the understanding that a subcommittee composed of Commissioners McConnell and Turley would meet with Planning Division staff to discuss the proposed Code Text Amendment. In addition, all the commissioners were asked to submit their comments regarding the proposed revisions to staff.

Staff met with Commissioners McConnell and Turley to discuss the proposed revisions to Chapter 16.70 and to review the suggestions made by the other commissioners. A number of additions were made to the previously proposed revisions; however, there are several issues that staff and the subcommittee were unable to resolve, either because of a fundamental disagreement or because the Commission was divided on a particular issue. In those cases, staff has made the revisions the Planning Division believes will best serve the City with the knowledge that the Planning Commission may vote to make specific changes to the proposed amendment as the Commission sees fit.

ANALYSIS

New Revisions. In addition to the previously presented revisions to the Screening and Landscaping Regulations (see Attachment 1 of Exhibit C, Staff Report dated May 7, 2007), the following changes, shown in bold, italicized text in Exhibit B, have been made:

In Section 16.70.030(3) and (4), "or other material approved by the Planning Manager" has been added to the list of materials allowed for fencing. This language has been added to address the concerns of several commissioners regarding new materials that are coming into usage for fencing. The minimum depth for plant materials as screening was also increased from three feet to four feet. Throughout the chapter, the word "continuously" has been added to requirements for watering and maintenance.

In Section 16.70.060, a process to allow the approval of increased fence heights up to one foot more than would normally be allowed has been added through the approval of an administrative permit with public noticing. The noticing requirement to allow the approval of walled courtyards within the front setback has been revised to include that the notice be posted in 3 visible locations in the vicinity of the property.

In Section 16.70-065, the requirement that fencing be installed on the property line except when adjacent to a public street has been modified to apply only to fencing that is required by this chapter.

In Section 16.70.070 "Required Landscaping", a requirement has been added for each zoning district that an automatic irrigation system be installed. In Section 16.70.070(D), the required boundary landscape width has been increased from ten to fifteen feet. In Section 16.70.070, the same restriction on the percentage of paved surface that is allowed in single-family districts has been applied to multi-family properties.

In the new parking lot standards, Section 16.70.070(H), the location of the boundary landscaping has been clarified. In addition, a requirement has been added that the tree plan and the lighting plan be coordinated to ensure that the mature tree canopy does not obscure the parking lot lighting.

In Section 16.70.090(A)(5) "Design Regulations Applicable to Required Landscaping", a reference to the City's street tree and shrub lists has been added. In Section 16.70.090(E)(1), a requirement has been added that if the required number of street trees is reduced for a project, a like number of trees will be provided for planting elsewhere in the City.

Issues of General Concern. At the previous public hearing on May 7, 2007, there were two issues over which the Commission was divided: fence height and the proposed prohibition on chain link fencing. The subcommittee came up with a compromise on the fence height issue by leaving the heights at their current limits but allowing a streamlined process for approving heights up to one foot over the limit (see Section 16.70.060). Regarding the prohibition on chain link fencing, it appeared that the Planning Commission was split on this issue and that no compromise was possible. The staff recommendation remains to prohibit chain link fencing when visible from the public right-of-way; however, if the majority of the Commission disagrees, this proposed revision to the ordinance would be eliminated.

Suggested Revisions Not Included. In addition to suggestions related to fence heights and chain link fencing, a variety of revisions were proposed by individual commissioners,

some of which were not included in the proposed revisions. Two commissioners suggested that Section 16.70.060(F)(6) (a) and (b), which limit fences or walls along rear property lines that would obscure views to four feet unless open fencing is used be stricken from the ordinance. As this existing section if the code provides view protection to residential property owners and has been the subject of controversy only once in the past six years, staff did not include its removal in the proposed revisions.

Another suggestion was to include a definition of "ground cover" and provide a list of acceptable and unacceptable species. This revision was not included in the proposed ordinance as it is beyond the scope of this code text amendment.

The ordinance currently requires that trees be a minimum 15 gallon size. One commissioner requested that staff look into the feasibility of reducing the required size from 15 gallon to 5 gallon. After consulting with a professional landscape architect and the City's landscape maintenance superintendent, staff has determined that the 15 gallon requirement will ensure that trees have the best chance to survive and thrive.

Several commissioners expressed concerns about the parking lot standards. The concerns related to the burden such standards would place on business owners and developers. In a review of six other local communities (see Attachment 4 of Exhibit C), the proposed standards are actually less stringent than most of the other communities; only one community, Fairfield, allowed fewer trees than is required in the proposed parking lot standards. As these standards would apply only to new development or substantial remodels of existing development, staff does not believe that the proposed parking lot standards are unreasonable.

One other comment related to the decrease in the allowed use of pervious, non-living materials such as sand, stone, gravel, wood, or water, particularly as they might relate to water conservation techniques. At the Planning Commission meeting, this issue was raised using New Mexico and Arizona as examples of areas where such materials were more commonly utilized in landscape design. Although staff concurs that such materials can be well-utilized to provide attractive designs, the technique has not been much used locally. Staff would prefer to revise the ordinance to address conditions that more commonly occur rather than making modifications to allow a technique that isn't utilized locally.

There are several text changes that Commissioner McConnell proposed that, after consulting with the City Attorney's office, staff has not included in the proposed revisions. In Section 16.70.010 "Title and Purpose", Commissioner McConnell proposed to add two statements (see Attachment 3 of Exhibit B, Staff Report dated May 7, 2007). The first statement, "the enhancement of high quality visually appealing screening, fences, walls, and landscaping", has not been included because staff believes that the existing, more generic statement "the improvement of the visual environment" covers the intent of Commissioner McConnell's proposed addition in a more appropriate manner. The second statement, "The provisions and standards established herein shall apply to all private and government projects, sites, and land use unless otherwise prohibited" has not been included because the Municipal Code always applies to all projects unless otherwise prohibited and stating that these standards in particular apply is both redundant and implies that other standards may not apply to all projects.

Finally, a general concern that was voiced several times at the Planning Commission hearing related to the enforcement of the ordinance. While acknowledging that staff levels have not allowed adequate enforcement of existing ordinances, staff believes that

the enforcement of higher standards would be no more onerous than the enforcement of the existing standards. Procedures that would streamline existing processes have been included, which would allow better regulation while permitting more neighborhood involvement in minor approvals.

Conclusion. At the previous public hearing, a number of issues were raised regarding the Screening and Landscaping Regulations. These new revisions to the proposed Code Text Amendment address concerns raised by the Commission and members of the public, providing regulations that would ensure better development of the City.

ENVIRONMENTAL DETERMINATION

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

CONCLUSION/RECOMMENDATION

Staff has determined that the proposed code text amendment is consistent with the City's General Plan and will provide better standards and guidelines for existing and future development in the City. Therefore, staff recommends that the Planning Commission forward a recommendation of approval to City Council of Code Text Amendment 06-0004 based on the following findings.

FINDINGS

1. The proposed amendment is consistent with the City's General Plan.
2. The proposed amendment would increase the quality of screening and landscaping within the City.

ATTACHMENTS

- Exhibit A. Resolution
- Exhibit B. Proposed Ordinance
- Exhibit C. Staff report dated May 7, 2007
- Exhibit D. Minutes from May 7, 2007 Planning Commission meeting

CITY OF VALLEJO PLANNING COMMISSION

RESOLUTION NO. PC-07-12

A RESOLUTION OF THE PLANNING COMMISSION
TO AMEND THE ZONING ORDINANCE
[Code Text Amendment]
CTA 06-0004

Screening and Landscaping Regulation Revisions

I. GENERAL FINDINGS

WHEREAS a request was made by Commissioner McConnell to revise Chapter 16.70 “Screening and Landscaping Regulations” of the Vallejo Municipal Code;

WHEREAS a Resolution of Intention to revise Chapter 16.70 was approved by the Planning Commission on September 6, 2006;

WHEREAS the City of Vallejo Planning Commission conducted a duly noticed public hearing to consider a proposed Code Text Amendment, attached herein as Attachment 1 to Exhibit C, on May 7, 2007, at which testimony and evidence, both written and oral, were presented to and considered by the Planning Commission;

WHEREAS the Planning Commission voted 7 – 0 to continue the item to allow a subcommittee of the Planning Commission to meet with staff;

WHEREAS the subcommittee met with staff and new revisions were proposed;

WHEREAS the City of Vallejo Planning Commission conducted a second duly noticed public hearing to consider the proposed Code Text Amendment, attached herein as Exhibit B to the staff report, on August 20, 2007, at which testimony and evidence, both written and oral, were 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 proposed Code Text Amendment was reviewed pursuant to the requirements of the California Environmental Quality Act (CEQA) and was determined to be exempt per Section 15061(b)(3), Title 14 of the California Code of Regulations.

This particular text amendment is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The text amendment and any actions resulting from it would not result in significant effects on the environment. Environmental review for individual projects would occur in the project approval process. Any potential impacts associated with a particular project would be addressed at that time.

Section 2. The Planning Commission finds that, based on the facts stated above, the proposed code text amendment will not have a significant environmental effect.

Section 3. The Planning Commission hereby makes these findings based on the whole record, including the environmental findings contained in the Environmental Determination section of the staff report and incorporated herein by this reference.

III. RESOLUTION RECOMMENDING AMENDMENT TO THE ZONING ORDINANCE FOR CODE TEXT AMENDMENT 06-0004,

NOW, THEREFORE, LET IT BE RESOLVED that the Planning Commission hereby recommends that City Council APPROVE this resolution to amend the zoning ordinance by adopting Code Text Amendment 06-0004 to revise Chapter 16.70 "Screening and Landscaping Regulations" based on the findings contained in this resolution, with reference to the staff report attached hereto and incorporated herein, including Exhibit B, the proposed ordinance.

IV. VOTE

PASSED and recommended that City Council APPROVE this resolution and ADOPT the Ordinance at a regular meeting of the Planning Commission of the City of Vallejo, State of California, on the 20th day of August, 2007, by the following vote to-wit:

AYES:

NOES:

ABSENT:

CHARLES LEGALOS, CHAIRPERSON
City of Vallejo PLANNING COMMISSION

Attest:

DON HAZEN

PLANNING COMMISSION SECRETARY

Note: Previously proposed new text is *shown in italics*, additional new text is *shown in bold italics*, text to be deleted ~~shown as strikeout~~.

Chapter 16.70

SCREENING AND LANDSCAPING REGULATIONS

Sections:

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

16.70.010 Title and purpose.

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

16.70.020 Required screening.

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

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

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

16.70.025 Temporary fencing.

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

16.70.030 Design standards applicable to required screening.

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

5. Planting. Plant materials, when used *either alone or combined with welded wire or chain link fence* as a screen, shall consist of compact evergreen plants, planted in a minimum ~~three~~*four*-foot-wide planting strip. They shall be of a kind; or used in such a manner; so as to provide screening having a height which meets the requirements set forth in Section 16.70.050 and a minimum height of two feet and width of two feet within twelve months after initial installation. The planning manager may require installation of walls, berms or solid fence, if, after twelve months after installation, the plant materials have not formed an opaque screen or if, at any time, the plant materials are not *continuously* maintained so as to create the desired screen.
- B. Barb or Razor Wire. Barb type or razor wire is allowed in resource conservation and rural-residential zoning districts and may be permitted in linear commercial, freeway commercial, waterfront commercial and intensive use zoning districts when not visible from the street or *from* low, medium, or high density residential or public and quasi public facility districts. *Barb type or razor wire is not allowed in other zoning districts.* (Ord. 1385 N.C.(2d) 1 (part), 1997; Ord. 947 N.C.(2d) 1 (part), 1987; Ord. 558 N.C. (2d) 2 (part). 1980.)

16.70.040 Screening of residential property.

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

16.70.050 Safety standards applicable to required screening and landscaping.

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

standards” is a part of this title and all references to this section include it. (Ord. 1385 N.C.(2d) 1 (part), 1997; Ord. 558 N.C.(2d) 2 (part), 1980.)

(Insert “Areas Subject to Safety Standards” here)

16.70.060 Height standards applicable to fencing and screening.

In accordance with the provision of Section 16.70.050 or in addition to those provisions, fences, walls and other screening shall be subject to the following height standards: **These heights can be increased by up to one foot with approval of an administrative permit, with noticing as described in Section 16.70.060E.**

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

for the proposed courtyard, the planning manager shall consider, but not be limited to, the following:

1. Building characteristics including the dimensions, color and architectural design;
2. Compatibility of the architectural and design features of the proposed courtyard with the features of the adjoining, as well as neighboring buildings; and
3. Landscaping, including the effort to minimize removal of existing vegetation and to match replacements with vegetation of the site.

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

1. Within Required Front Yard Setback. Except as provided in Sections 16.70.050 and 16.70.065, the maximum height of screening located within any required front setback shall be three feet unless the Traffic Engineer determines that a four foot fence would not create a visibility hazard and six feet thereafter. *One entry gateway, trellis, or other entry feature may be permitted in the required front yard setback area with the approval of the Traffic Engineer, provided the maximum height and width of the feature do not exceed ten feet.*
2. Within Required Side Yard Setback for Corner Lot. Except as provided in Sections 16.70.050 and 16.70.065, the maximum height of screening located within ten feet of a side property line, adjoining a public street shall be three feet, unless the Traffic Engineer determines that a four foot fence would not create a visibility hazard, and six feet thereafter. The planning manager, in consultation with the traffic engineer, may reduce the fence setback to three feet from the back of the sidewalk where the side yard is three feet below street grade.
3. An encroachment permit shall be obtained prior to erecting a fence or wall between the curb or sidewalk and the property line.
4. Within Required Side and Rear Yard Setbacks for Interior Lots. The maximum height shall not be more than six feet.
5. A fence shall be provided around swimming pools as required in Chapter 12.44 of this code.
6. All Other Areas.
 - a. Whenever a wall or fence is installed along a rear property line that will obstruct a view, it shall be limited to four feet in height.
 - b. Open fences that do not obstruct the view may be six feet in height.

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

1. The maximum height for fences within the front setback area and/or the street side yard setback area shall be three feet six inches.
2. Requests for a variance to allow a fence on any property subject to the regulations of Chapter 16.36, which exceeds the height limits of this

chapter shall be subject to review and approval by the architectural heritage and landmarks commission.

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

16.70.061 Measurement of height of screening.

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

16.70.062 Fencing on retaining walls.

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

16.70.065 Measurement of location of fencing and screening.

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

16.70.070 Required landscaping.

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

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

1. Boundary Landscaping. Boundary landscaping is required for a minimum depth of five feet along all property lines abutting streets except for the area required for street openings.
2. Additional Landscaping. Additional landscaping, equal to at least ~~five~~ *ten* percent of the total *lot* area ~~of the building site~~, is required and a minimum of twenty-five percent of such landscaping shall be located in the area devoted to parking. *All portions of the building site, exclusive of structures, parking areas, recreational uses, driveways and walkways, shall be landscaped.*
3. Trees. At least two street trees are required for each fifty feet of street frontage or fraction thereof.
4. *Irrigation. An automatic irrigation system shall be installed in conjunction with all required landscape installation. Irrigation shall be controlled and programmed to apply water at an appropriate rate for infiltration into the soil and plant root zone and to avoid run-off or ponding. An automatic rain sensor shall be installed for each controller to automatically turn off each system when irrigation is not required due to precipitation.*

B. **Linear Commercial and Pedestrian Shopping and Service Districts.**

1. Boundary Landscaping. Boundary landscaping is required for a minimum depth of ~~two~~ *five* feet along all property lines abutting streets except for the area required for street openings.
2. Additional Landscaping. All portions of the building site, exclusive of structures, parking areas, recreational uses, driveways and walkways, shall be landscaped.
3. Trees. At least ~~one~~ *two* street trees ~~is are~~ required for each fifty feet of street frontage or fraction thereof.
4. *Irrigation. An automatic irrigation system shall be installed in conjunction with all required landscape installation. Irrigation shall be controlled and programmed to apply water at an appropriate rate for infiltration into the soil and plant root zone and to avoid run-off or ponding. An automatic rain sensor shall be installed for each controller to automatically turn off each system when irrigation is not required due to precipitation.*

C. **Intensive Use District.**

1. Boundary Landscaping. Boundary landscaping is required for a minimum depth of ~~four~~ *five* feet along all property lines abutting streets except for the area required for street openings.
2. ~~Vehicle Storage and Parking Areas. In addition to the landscaping required by subsection A, not less than two percent of any vehicle storage or parking area shall be landscaped.~~

32. Additional Landscaping. All portions of the building site, exclusive of structures, parking areas, recreational uses, driveways and walkways, shall be landscaped.
43. Trees. At least ~~one~~ *two* street trees ~~is~~ *are* required for each fifty feet of street frontage or fraction thereof.
4. ***Irrigation. An automatic irrigation system shall be installed in conjunction with all required landscape installation. Irrigation shall be controlled and programmed to apply water at an appropriate rate for infiltration into the soil and plant root zone and to avoid run-off or ponding. An automatic rain sensor shall be installed for each controller to automatically turn off each system when irrigation is not required due to precipitation.***

D. Freeway Shopping and Service Districts.

1. Boundary Landscaping with Vehicular Easement. Where a vehicular easement is created parallel to a street, it shall be separated from such street by landscaping at least five feet wide except for the area required for street openings.
2. Boundary Landscaping without Vehicular Easement. Where a vehicular easement is not created parallel to the street, landscaping at least ***ten fifteen*** feet wide shall be installed along and adjacent to the ultimate right-of-way line of any abutting street except for the area required for street openings.
3. Trees. At least two street trees are required for each fifty feet of street frontage or fraction thereof.
4. ***Irrigation. An automatic irrigation system shall be installed in conjunction with all required landscape installation. Irrigation shall be controlled and programmed to apply water at an appropriate rate for infiltration into the soil and plant root zone and to avoid run-off or ponding. An automatic rain sensor shall be installed for each controller to automatically turn off each system when irrigation is not required due to precipitation.***

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

1. Area. Landscape areas shall comprise a minimum of twenty percent of all building sites and shall include as a minimum:
 - a. A fifteen-foot wide area along all street frontages; and
 - b. A ten-foot wide area along all interior property lines *exclusive of structures.*
 - c. ***For multi-family uses, no more than fifty percent of the front yard in front of the building line shall be covered by nonporous surfaces such as concrete, brick or asphalt for driveways and walkways. Of the remaining portion of front setback, no more***

than ten percent shall be covered by decorative nonliving materials such as sand, stone, gravel, wood or water.

2. Trees. At least two street trees are required for each fifty feet of street frontage or fraction thereof.
3. ~~Off Street Parking. Landscaping of off street parking areas shall include, but not be limited to the following:~~
 - a. ~~Ends of parking rows capped with a landscape planter to define rows;~~
 - b. ~~A maximum distance of thirty five feet between planted areas located along parking rows.~~

Irrigation. An automatic irrigation system shall be installed in conjunction with all required landscape installation. Irrigation shall be controlled and programmed to apply water at an appropriate rate for infiltration into the soil and plant root zone and to avoid run-off or ponding. An automatic rain sensor shall be installed for each controller to automatically turn off each system when irrigation is not required due to precipitation.

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

1. Trees. At least ~~one~~ *two* street trees ~~is are~~ required for each fifty feet of street frontage or fraction thereof.
2. Materials. No more than fifty percent of the front yard ~~setback in front of the building line~~ shall be covered by nonporous surfaces, such as concrete, brick or asphalt, for driveways and walkways. Of the remaining portion of front setback, no more than ~~thirty~~ *ten* percent shall be covered by decorative nonliving materials such as sand, stone, gravel, wood or water. *Of the rear and side yards, no more than fifty percent shall be covered with non-porous surfaces.*
3. ~~Trimming Timing.~~ Landscaping of front yard setbacks shall be completed ~~within six months of~~ *prior to* occupancy.
4. *Irrigation. An automatic irrigation system shall be installed in conjunction with all new landscape installation. Irrigation shall be controlled and programmed to apply water at an appropriate rate for infiltration into the soil and plant root zone and to avoid run-off or ponding. An automatic rain sensor shall be installed for each controller to automatically turn off each system when irrigation is not required due to precipitation.*

G. **Automotive and Equipment Use Types.** Notwithstanding the provisions of an applicable zoning district, on any building site with an automotive and equipment use type, only the following landscaping shall be required in accordance with the regulations of Section 16.70.160. Boundary

landscaping is required for a minimum depth of five feet along all property lines abutting streets except for the area required for street openings and the area within four feet on either side of street openings. ***An automatic irrigation system shall be installed in conjunction with all required landscape installation. Irrigation shall be controlled and programmed to apply water at an appropriate rate for infiltration into the soil and plant root zone and to avoid run-off or ponding. An automatic rain sensor shall be installed for each controller to automatically turn off each system when irrigation is not required due to precipitation.*** (Ord. 1148 N.C. (2d).1, 1991; Ord. 649 N.C. (2d).19, 1982; Ord. 595 N.C. (2d). 12, 1981; Ord. 558 N.C. (2d). 2 (part), 1980.)

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

1. *Where the parking lot dimension adjoining a property line is one hundred feet or less, a minimum of five feet of boundary landscaping shall be provided along all sides of the parking area except the area required for street and walkway openings. Where a parking lot dimension adjoining a street or residential use or district is greater than one hundred feet, a minimum of ten feet of boundary landscaping shall be provided along all sides of the parking area except the area required for street and walkway openings.*

2. *A minimum of one tree per each seven parking spaces shall be provided within the parking lot (i.e. total number of spaces divided by seven equals number of trees required). In addition, a parking lot shade plan shall be submitted that demonstrates that a minimum of fifty percent of the parking lot will be shaded within ten years. Shading provided by trellises with vining plant cover over walkways within the parking lot may contribute to the percentage of shaded area. The tree plan and lighting plan for the parking lot shall be coordinated to ensure that the lighting for the parking lot will not be obscured by the mature tree canopy.*

3. *Planting areas. All planting areas, including tree wells, shall have a minimum interior dimension of four feet. Per Sections 16.62.140 B and C, a maximum of two feet of the parking stall depth may be landscaped with low-growth, hearty plant materials in lieu of paving, allowing a bumper overhang while maintaining the required parking dimensions. This two-foot overhang is in addition to the required four-foot planter depth. Ends of parking rows shall be capped with a landscape planter with minimum interior width of four feet and a minimum length equal to the length of the adjoining parking space(s). In addition, a landscape finger of the same dimensions as the row caps shall be provided between adjacent side-by-side parking spaces at least every eight parking spaces in a row. In parking lots with more than four rows of parking or one hundred total spaces, a landscaped walkway shall be provided between parking rows from the back of the*

parking lot to the front. All areas of parking lots not used for driveways, drive aisles, parking spaces, or walkways shall be landscaped.

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

5. Irrigation. An automatic irrigation system shall be installed in conjunction with all new landscape installation. Irrigation shall be controlled and programmed to apply water at an appropriate rate for infiltration into the soil and plant root zone and to avoid run-off or ponding. An automatic rain sensor shall be installed for each controller to automatically turn off each system when irrigation is not required due to precipitation.

16.70.075 — Required landscaping along Springs Road.

~~For all properties along Springs Road between Modoc Street and Rollingwood Drive the following landscape requirement shall apply. Landscaping is required along Springs Road for a minimum depth of five (5) feet from the property line except for the area required for driveway openings. No structures except approved signs shall be constructed or installed within this area. (Ord. 1385 N.C.(2d) 1 (part), 1997.)~~

16.70.080 Special regulations applicable to landscaping along designated scenic highways.

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

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

16.70.090 Design standards applicable to required landscaping.

- A. All required landscaping materials are defined as follows:
 - 1. Shrubs, of one-gallon size or larger;
 - 2. Street trees, of fifteen-gallon size or larger, and double-staked. *In certain prominent public areas, trees larger than fifteen gallon size may be required to create a strong design element;*
 - 3. Ground cover: and
 - 4. Decorative nonliving landscaping materials such as sand, stone, gravel, wood or water may be used to satisfy a maximum of ~~thirty~~ *ten* percent of required landscaping area when approved by the planning division; except as provided in Section 16.70.070F.

5. *Plants used in landscaping shall be chosen from the Approved List for Street and Median Planting, the Recommended Shrub Plant List, or shall be drought tolerant and suited to the climate of the City.*
- B. Separation. Any landscaped area shall be separated from an adjacent vehicular area by a wall or curb at least six inches higher than the adjacent vehicular area.
- C. Existing Vegetation. Every effort shall be made to incorporate on-site trees and shrubbery into the required landscaping. Significant trees to be removed shall be replaced on a one for one basis with large size boxed trees.
- D. Maintenance. Required landscaping shall be maintained in a neat, clean and healthy condition. This shall include *continuous* pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary and the regular watering of all plantings. *Automatic irrigation systems shall be required for all required landscaping.*
- E. Reduction of standards prescribed in this chapter are as follows:
1. The planning division may reduce these standards by not more than fifty percent when adherence to these standards would be impractical due to:
 - a. Location of existing structure;
 - b. Special site organization requirements;
 - c. Topography; and
 - d. Novel or experimental techniques of design or land development.*If the required number of street trees is reduced, a like number of trees shall be provided to the City to be planted elsewhere.*
 2. The planning division may waive partially or completely these standards in cases where the existing building abuts street property line or is within five feet of the street property line, *or when it would be appropriate for new construction to abut street property lines, such as in a developed commercial area. Landscape planters, window boxes, or other container plantings may be required in these circumstances.* (Ord. 1148 N.C.(2d). 2, 1991; Ord. 558 N.C. (2d). 2 (part), 1980.)



STAFF REPORT

CITY OF VALLEJO PLANNING COMMISSION

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

Application Number: Code Text Amendment #06-0004

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

Location: Citywide

Applicant: City of Vallejo

1. PROJECT DESCRIPTION

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

2. ENVIRONMENTAL REVIEW

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

3. CONSISTENCY WITH THE GENERAL PLAN

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

4. PUBLIC COMMENTS

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

5. REFERENCES

City of Vallejo General Plan

City of Vallejo Zoning Ordinance:

Chapter 16.70 – Screening and Landscaping Regulations

6. STAFF ANALYSIS

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

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

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

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

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

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

7. STAFF RECOMMENDATION

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

Findings:

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

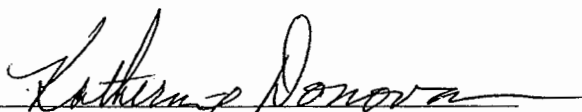
Attachment 1 – Proposed Ordinance

Attachment 2 – Existing Ordinance

Attachment 3 – Proposed Amendments by Robert McConnell

Attachment 4 – Multi-city Comparison of Parking Lot Landscape Requirements

Prepared by:


Katherine Donovan, Associate Planner

Reviewed by:


for Don Hazen, Planning Manager

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

Chapter 16.70

SCREENING AND LANDSCAPING REGULATIONS

Sections:

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

16.70.010 Title and purpose.

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

16.70.020 Required screening.

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

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

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

16.70.025 Temporary fencing.

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

16.70.030 Design standards applicable to required screening.

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

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

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

16.70.040 Screening of residential property.

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

16.70.050 Safety standards applicable to required screening and landscaping.

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

(Insert "Areas Subject to Safety Standards" here)

16.70.060 Height standards applicable to fencing and screening.

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

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

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

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

16.70.061 Measurement of height of screening.

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

16.70.062 Fencing on retaining walls.

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

16.70.065 Measurement of location of fencing and screening.

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

16.70.070 Required landscaping.

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

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

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

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

B. Linear Commercial and Pedestrian Shopping and Service Districts.

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

C. Intensive Use District.

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

D. Freeway Shopping and Service Districts.

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

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

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

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

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

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

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

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

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

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

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

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

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

~~16.70.075 — Required landscaping along Springs Road.~~

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

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

16.70.080 Special regulations applicable to landscaping along designated scenic highways.

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

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

16.70.090 Design standards applicable to required landscaping.

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

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

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

Chapter 16.70

SCREENING AND LANDSCAPING
REGULATIONS

Sections:

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

16.70.010 Title and purpose.

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

16.70.020 Required screening.

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

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

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

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

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

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

16.70.025 Temporary fencing.

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

16.70.030 Design standards applicable to required screening.

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

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

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

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

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

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

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

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

16.70.040 Screening of residential property.

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

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

16.70.050 Safety standards applicable to required screening and landscaping.

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

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

- a. A vehicular accessway or driveway and a street;
- or
- b. A vehicular accessway or driveway and a sidewalk.

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

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

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

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

16.70.060 Height standards applicable to fencing and screening.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. **All Other Areas.**

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

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

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

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

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

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

16.70.061 Measurement of height of screening.

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

16.70.062 Fencing on retaining walls.

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

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

16.70.065 Measurement of location of fencing and screening.

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

16.70.070 Required landscaping.

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

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

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

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

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

B. Linear Commercial and Pedestrian Shopping and Service Districts.

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

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

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

C. Intensive Use District.

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

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

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

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

D. Freeway Shopping and Service Districts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16.70.075 Required landscaping along Springs Road.

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

16.70.080 Special regulations applicable to landscaping along designated scenic highways.

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

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

B. Landscaping should not obstruct significant views.

C. Landscaping should harmonize with the natural landscaping of the site.
(Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.70.090 Design standards applicable to required landscaping.

A. All required landscaping materials are defined as follows:

1. Shrubs, of one-gallon size or larger;
2. Street trees, of fifteen-gallon size or larger, and double-staked;
3. Ground cover; and
4. Decorative nonliving landscaping materials such as sand, stone, gravel, wood or water may be used to satisfy a maximum of thirty percent of required landscaping area when approved by the planning division; except as provided in Section 16.70.070F.

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

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

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

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

1. The planning division may reduce these standards by not more than fifty percent when adherence to these standards would be impractical due to:
 - a. Location of existing structure;
 - b. Special site organization requirements;
 - c. Topography; and
 - d. Novel or experimental techniques of design or land development;
2. The planning division may waive partially or completely these standards in cases where the existing building abuts street property line or is within five feet of the street property line.

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

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

Sincerely,

Robert Mcconnell

NOTE:

1. CHANGES ARE IN BOLD TEXT
 2. TEXT PLACED INTO PARENTHESIS (***) IS TO BE REMOVED.
 3. TEXT PLACED INTO BRACKETS {***} IS TO BE ADDED.
- 16.70.010 Title and purpose.
16.70.020 Required screening.
16.70.025 Temporary fencing.
16.70.030 Design standards applicable to required screening.
16.70.040 Screening of residential property.
16.70.050 Safety standards applicable to required screening and landscaping.
16.70.060 Height standards applicable to fencing and screening.
16.70.061 Measurement of height of screening.
16.70.062 Fencing on retaining walls.
16.70.065 Measurement of location of fencing and screening.
16.70.070 Required landscaping.
16.70.075 Required landscaping along Springs Road.
16.70.080 Special regulations applicable to landscaping along designated scenic highways.
16.70.090 Design standards applicable to required landscaping.

16.70.010 Title and purpose.

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

16.70.020 Required screening.

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

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

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

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

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

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

16.70.025 Temporary fencing.

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

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

16.70.030 Design standards applicable to required screening.

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

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

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

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

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

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

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

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

16.70.040 Screening of residential property.

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

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

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

16.70.050 Safety standards applicable to required screening and landscaping.

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

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

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

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

16.70.060 Height standards applicable to fencing and screening.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. All Other Areas.

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

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

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

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

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

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

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

16.70.061 Measurement of height of screening.

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

is a difference in elevation on opposite sides of such fence, wall or other screening, the height shall be measured from the highest elevation. Notwithstanding these requirements, where the finished elevation of the property is lower at the boundary line, or within five feet inside the boundary line, than an abutting property elevation, such change in elevation may be used in lieu of, or in combination with, additional screening to satisfy a screening requirement. Where screening is required along a public or private street and the roadway elevation is higher than the property in question, the planning manager may require screens to be higher than permitted by the applicable height limit. (Ord. 1385 N.C.(2d) § 1 (part), 1997: Ord. 1368 N.C.(2d) § 18, 1996: Ord. 588 N.C.(2d) § 2 (part), 1987.)

3' w/ screening

16.70.062 Fencing on retaining walls.

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

5' w/ screening, not including landscaping

16.70.062 Fencing on retaining walls.

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

5' w/ screening per spaces

16.70.065 Measurement of location of fencing and screening.

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

5' (<100' or 10' w/ screening line)

16.70.070 Required landscaping.

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

Benicr

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

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

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

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

B. Linear Commercial and Pedestrian Shopping and Service Districts.

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

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

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

C. Intensive Use District.

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

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

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

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

D. Freeway Shopping and Service Districts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(16.70.075 Required landscaping along Springs Road.

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

16.70.080 Special regulations applicable to landscaping along designated scenic highways.

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

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

B. Landscaping should not obstruct significant views.

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

(Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.70.090 Design standards applicable to required landscaping.

A. All required landscaping materials are defined as follows:

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

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

3. Ground cover; and

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

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

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

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

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

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

a. Location of existing structure;

b. Special site organization requirements;

c. Topography; and

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

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

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

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

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

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

DATED: JULY 18, 2006

Multi-City Comparison of Parking Lot Landscaping Requirements

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

Motion carries.

- 3. Major Conditional Use Permit 05-0026** to restore an abandoned commercial use in a residential area and substitute another use. Proposed CEQA Action: Exempt. Staff recommends **continuance** of the application to the meeting of May 21, 2007. Staff Person: Katherine Donovan, (707) 648-4327.

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

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

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

Chairperson Legalos: Please vote.

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

NOS: None.

ABSENT: None.

Motion carries.

- 4. Code Text amendment 06-0004** for a revision of Chapter 16.70 of the Vallejo Municipal Code, Screening and Landscaping Regulations. *Continued from the meeting of April 16, 2007.* Proposed CEQA Action: Exempt. Staff recommends a recommendation to City Council of **approval** based on the findings and conditions. Staff Person: Katherine Donovan (707) 648-4327.

Chairperson Legalos: May we have item K4 please?

Chairperson Legalos: Miss Donovan.

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

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

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

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

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

Chairperson Legalos: Commissioner Engelman.

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

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

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

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

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

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

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

Chairperson Legalos: Mr. Hazen.

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

Chairperson Legalos: Commissioner Salvadori.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Salvadori: Let me understand this. In a residential zone, when the back of the sidewalk is not the property line, "the Planning Manager may allow the setback to be measured from the inside of the sidewalk. If there is no sidewalk, the Planning Manager, in conjunction with the Public Works Department, may allow the setback to be measured from the future location of the sidewalk". So, this doesn't apply to where the fences need to be related to the property line in residential districts. Is there somewhere else where it states where they will be, or can they be anywhere?

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

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

Katherine Donovan: If you wanted.

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

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

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

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

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

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

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

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

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

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

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

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

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

Katherine Donovan: No, it is not.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Katherine Donovan: Unless you are parked on that lane.

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

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

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

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

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

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

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

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

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

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

Commissioner Salvadori: I hear you. I just feel that if there isn't a better level of expected enforcement – it is kind of like red lights – nobody stops anymore because there is no enforcement. In Italy they say that a red light is a suggestion. I don't see anything wrong, but maybe there is something wrong, with actually in putting in the Code, what the "what ifs" are, or the "or else's". I don't want to get into what those will be right now – just suggest that maybe we can include those.

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

Chairperson Legalos: Commissioner Turley.

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

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

Commissioner Turley: And a sewer?

Katherine Donovan: Yeah.

Commissioner Turley: Okay, thank you.

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

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

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

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

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

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

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

Katherine Donovan: No. Although it is not defined in this ordinance, I think we all recognize that a view refers to a scenic view or a view of something like the Mare Island Straits or the Marin Headlands – something like that. We did actually have a case where someone wanted a view into someone else's yard, and, I believe, the Planning Commission let them know that this was not what was meant by "view".

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

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

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

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

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

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

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

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

Chairperson Legalos: I am not as concerned about the setback requirement as I am about the nonporous surfaces and the area that needs to be covered,

apparently, with vegetation. I don't see any requirements for that in Part E. I think there should be.

Katherine Donovan: We could certainly add that.

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

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

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

Katherine Donovan: Are you making notes of these things?

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

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

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

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

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

Thom Morgan: Thom Morgan. I am a fence contractor. I do a lot of my work primarily in the Blackhawk area where we do install the chain link fencing. There are products out there above and beyond just the standard chain link but that is not the main reason that I came up to speak tonight. I understand what the Planning Commission is trying to do. We are trying to beautify Vallejo. I don't think anybody has a disagreement with that. The problem that I see with this ordinance is that there is no feasible, economical way to enforce it. We have looked, and I have heard it in discussions, that at the time of sale, somebody can go out there and look, making sure that the trees are 2 feet tall. We don't have the workforce in this City to handle this and I don't see where we are going to do it, to get the monies to pay for this. A couple of Planning Commissioners have brought this up, saying that it is a good intent, but there is no money to enforce this. We can go out right now

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

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

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

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

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

Katherine Donovan: That's right.

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

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

Don Hazen: I think you have a way to do that. The Development Plan – the Specific Plan for new projects. But I do take issue with dumbing down the standards. I think that the assumption for most homeowners that certain fencing is

okay – wood fencing is okay, maybe steel fencing is okay - maybe chain link fencing is okay – chicken wire probably isn't okay. So, I don't think it is fair, and I am pretty sensitive to this, to assume that they should know. I am actually flabbergasted that there isn't a permit required for fencing. There is in most places that I have been. It is one of the bigger things that has more impact on more people. We have a permit requirement to replace a broken water heater, and we don't have a permit required . . .

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

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

Chairperson Legalos: Mr. Hazen.

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

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

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

Chairperson Legalos: Commissioner Turley.

Commissioner Turley: Thank you, Mr. Chairperson. To control some contractor or Home Depot from putting up a chain link fence on a property that costs them a lot of money and then they find afterwards that they are not permitted. I am just wondering if maybe a simple way of handling it would be to write a letter to Home Depot and write a letter to the fencing contractors telling them that chain link fences are not allowed in Vallejo, and that would probably control the situation. Thank you.

Chairperson Legalos: Commissioner Manning.

Commissioner Manning: Thank you. I think this is a great ordinance. I am glad that it was brought before us and I want to thank Commissioner McConnell for proposing it. What I like about it is it clarifies a lot of confusion in the current ordinances. The one thing I see in participating in these meetings is how much confusion there is in the ordinances and how it costs people a lot of money. As a business person, the clearer I am about what the rules are, the easier it is to abide by the rules and the easier it is to get business done here.

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

Chairperson Legalos: Commissioner McConnell.

Commissioner McConnell: Thank you, Mr. Chairperson. First off, I want to especially thank Katherine for the hard work she has done on this project. I appreciate the effort and certainly the Planning Department as well. I have listened to some of the comments tonight both from the commissioners and the speakers, and some additional comments or thoughts have entered my mind.

I think Mr. Morgan is correct. We should address the question of enforcement as well as maybe of the need for a permit process. Those were not specifically addressed in this ordinance. This ordinance was put forth by me merely to be a sounding board, a starting point for discussion, and I think it has served that purpose rather well. Perhaps we should be considering a recommendation for a permit process just to make people aware of the need to comply with fencing standards as well.

On enforcement, that raises a considerably larger area, and I believe it is something that City Council is ultimately going to have to answer and address. Our enforcement is scattered throughout different offices at this point. It is not centralized. It is fragmented. There is a considerable amount of criticism as to how code enforcement is implemented in this City, and I have heard comments this morning about it. So, that would certainly be a suggestion I would pass on to City Council as to address the reorganization as to how Code is enforced throughout this City, rather than just leaving it within the Code Enforcement Office as well as the Police Department, the Fire Department, the Building Department, and anybody

else who wants to get into the scene. I believe there should be a central location where somebody can pick up the phone and find out what is expected of them.

What I would like to do tonight is also address some of the concerns that my proposal put into the ordinance and the staff did not endorse or present in their version of it. Along those lines, what I would especially like to do is maybe talk about philosophy, and goals and ideals that we have as a Commission. As Mr. Morgan said, the idea is to try to enhance the appearance of this City because by doing so, we all feel better about ourselves. We are proud of our community.

Some of the concerns that he addressed as well are property-raised issues of safety when we age. We do have concerns about how we get across the parking lot. We are concerned about whether we have to walk down a traffic lane. Those are all part of the design criteria that need to be put into the parking lot, and the parking design is solely that of Katherine, and I commend her highly for it. It is work that needs to be done, and I think she has done an excellent effort in this respect. Certainly we could address some of those concerns that were raised tonight in our Parking Lot Design Standards.

What I would like to talk about are some of the differences between Attachment 1, which is the City's Staff's Recommendations, and Attachment 3, which is mine. In particular, the heart of the matter can be found in Section 10. Section 10 starts off with a purpose for this very ordinance, and the guideline which was to provide for the enhancement of high-quality, visual-appealing screening, fencing, and landscaping, as well as the provisions and standards established herein, shall apply to all private and government project sites and land use, unless otherwise prohibited. We have heard a lot of criticism tonight about how vague some of the standards are, and it is my belief that if we spell out what we are looking for, applicants, upon reading this ordinance in its revised form, will see that we are looking for an enhancement of high-quality, visually-appealing screening, fences, walls and landscaping.

There is a gulf between how commissioners and staff look at an ordinance compared to an applicant. An applicant walks in and takes a look at the ordinance and says: "Oh, this is all I have to do. Piece of cake." We look at it as a starting point. We can add to it. So, I believe that by putting this type of verbiage into the ordinance, we start to get the applicant coming in, thinking about high-quality design enhancements, and we will hopefully come with a better project than what he might otherwise be thinking of. The part that is in here about the government and private projects – over the seven years I have sat up here, I have heard considerable criticism of how we ask things of our citizens that we do not ask of our government agencies, and most recently, I am hearing about Sereno Village. There needs to be clarification, in my opinion, in the ordinance that we are asking our government agencies to step up to the plate, where we also expect it of our private citizens, and by adding this type of language, I think that we do that. There shouldn't be one standard for government agencies and a different one for private citizens.

The chain link fence is an issue that Linda and I have debated back and forth, and my initial proposal was to ban them. But, I will admit that I put a few front porches into this ordinance knowing that they would be strict and are revised, but I did so for the very reason to engender discussion. We disagreed on the width of the boards. I can certainly go with six inches instead of eight inches, but the idea was to start the discussion. I think that has come. Prior to that, it has to do with the very last section that I proposed, which is Section 100. That, staff has not seen to endorse. It reads: "The above chapter shall be interpreted and applied with the goal providing to the City of Vallejo, its occupants and visitors, an environment of the

highest possible attainment. A presumption of obtaining this goal shall exist and waiver or derivation from this goal must be shown by a preponderance of written findings to be in the interest of the public good or dictated by the physical limitation and necessities of the subject property." I have sat in on some Code Enforcement hearings. I have been involved with them, and many individuals walk through the door, not knowing exactly why they are there. By requiring written findings on an application, it lets the citizen and the applicant know what is wrong. It also forces government officials to articulate what needs to be done. So, I would like to see this requirement in here, and I think by putting in this goal of the highest possible standards, we again say to our applicants – "Let's think about your project. Let's have a better project. Let's go for something really good here."

A lot of this language, I admit, is posturing, but why not? Another example of that is the word "continuous" on landscaping. We have heard it from several commissioners tonight. We have heard it from Mr. Morgan about how we require planting, and, before long, they are all dead. That's quite right. If we look back in the project that we voted on, in the Consent Calendar tonight, on the exhibit where it talks about the plants that they required, and the number of ones that have died in here – we look back and we see that most of these plants that were required to be installed and maintained under our current standards – did not make it. Probably less than 20 percent. If applicants and property owners are reading the ordinance and we are getting the result of less than 20 percent success rate, something is wrong. Continuous versus maintained may not amount to a significant difference from a legal standpoint, but it does amount to a perception difference in the mind of the reader. I would urge that we put back into the ordinance, "continuously maintained" because it is very easy to turn off the water, to not fertilize. So, I would put it in there. I have a neighbor who was required to put in a street tree, and we all knew it would die, and sure enough, it did. The City hasn't done anything about it. But, if we have that continuous requirement, I think maybe some people will start to think about it and take efforts to implement that.

Chain link fences are hot issues, and one of the reasons that motivated me to seek, or at least suggest, an all-out restriction of them, was about six months ago, we had a gentleman come down from North Vallejo, and at a community forum, he spoke about chain link fences. He made one of the most impassioned pleas for this City to strike them because, as he told the story, of how in his neighborhood, at least, it was creating a ghetto mentality, and he thought that was detrimental to the welfare of his neighborhood and the City. He spoke with such passion and such motivation that I was stricken by his dedication. So, I do think we should restrict chain link fences from the public view, as a compromise suggested by staff, and I endorse it. I think I agree with that. It is an excellent suggestion. One of the things Mr. Morgan spoke about is how to implement this, and one of the suggestions that is in here, is that it be implemented upon transfer of ownership – that is, when the house sells, because at that point in time we can say: "okay, you've got a chain link fence in here. You should take it out and put in an approved fence." So, I would like to see some consideration addressed on that issue as well.

One of the other requirements or suggestions I made was the use of synthetic materials. We have heard talked tonight about how there are a lot of fences that are simplistic, that are poorly operated. They aren't going to hold up. While the world is constantly changing, and we do have a lot synthetic material being utilized now, the Planning Commission does not have the expertise to address those concerns, so why not, like the street trees, put this back in the hands of professional staff, and as new products are introduced into the market, they can say, "this is okay", and "this is not". We should have an approved type of fencing materials just like we have City-approved trees. Why not? It makes all the sense in the world, so

that when an applicant does come down and says, "I want to build a fence", and maybe we require the permit – that's a good idea too. We can hand him a list. It says here: "This is it. This is what you can choose from." I think it would help a lot and those are some of the other ideas that I believe should be re-established in there.

This "size of the planting area": again, that is something we can talk about all night long - whether it is 5 feet, 10 feet, 15 feet, 2 feet. Two feet, even Mr. Dolan admitted was ludicrous. So, I am glad to see "5 feet." I pushed for a higher amount just to get some discussion going – just like I pushed for a tree requirement of only 40 feet rather than 50 feet. These are items that are better addressed by arborists as to how far out these trees spread. We have some street trees that aren't going to spread very far. We have some are extremely short in height, and this kind of decision, I think, can be made in consultation with the Beautification Commission just like the type of materials to be used in walls. They have an interest in beautifying this City; that's supposed to be their purpose. We are supposed to advise, so I would like to see some coordination with the Beautification Commission as well.

If you have read through some of the differences between Attachment 1 and Attachment 3, I would like to see some of the suggestions I have put in Attachment 3 discussed, and maybe put back in. This is a complex enough ordinance where we don't necessarily need to finalize it tonight. We can send it back to staff for further discussions and implementation to some of these suggestions that we have talked about tonight – some of the criticisms that Commissioner Salvadori has addressed, and bring it back on another night for another hearing, in two weeks, or four weeks. I think we can actually obtain a very excellent ordinance if we address it that way. We have been working on it for eight months. It is not going to be the end of the world if we don't do it tonight. Those are my observations and my suggestions at this time as well. Thank you.

Chairperson Legalos: I would like to say that I support Commissioner McConnell's suggestion that we continue this and bring it back. There are a couple of things I didn't mention before that I would like to have considered. On Page 10, it mentions "Ground Cover", 16.70.090(A)(3)". I think we need more specificity as to what "ground cover" means. Is it weeds? What is it? What is an acceptable ground cover? Another question that I have, and I was surprised that Commissioner McConnell didn't raise the question, but I will help him out. "Fence Heights." When was the 6 foot limit established? What was the basis for 6 feet?

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

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

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Katherine Donovan: Probably.

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

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

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

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

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

Commissioner Peterman: Poor Commissioner Engelman is surrounded by people who hate chain link fences. It is sort of like being the only Republican in the Democratic Convention. First of all, I would like to speak about fences. I applaud the 6 foot height because I think we should build bridges with our neighbors, not divide us from them. Where I live, we have a water view, and we are required to not have any fences at all, and then we got into a huge discussion of what constitutes a fence, and we had to go to Webster and decide, is it a fence if it's a shrub, is it too tall, etc. But, I think that with the things that are in place, I think that you are absolutely right. People could build a taller fence; they just need to go through a process, and I think that is not a bad thing.

Also, I wanted to talk to Commissioner McConnell about the street trees. I was on the Beautification Commission when the list was made. It was approved by the City and a lot of work went into that so that those kinds of things that have happened in our City won't happen any more. I am sure that the commission would be delighted to also look at the kinds of fencing that would be or should be allowed. I just wanted to point out that although the commission did bring forth and make the tree list, they do not in any way enforce it or have people who go out to enforce it. That is done through the maintenance people, and it is not done by the commission.

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

Commissioner McConnell: Thank you, Mr. Chairman. I did want to respond to your noticing that I had raised a discussion on the height of the fences. I live in a much older neighborhood; built in the 1950's, and at that time, no doubt, 6 foot fences were adequate. However, I began to notice more frequently that people walking down the sidewalk (I am on a corner on opposite side yard) could very easily see into my back yard. I recently attended a high school party where every one of the high school students was substantially taller than I am, and I am your average height, somewhat, of my generation. Fence heights do need to be updated. The country of Holland recently increased their door jamb size to 7 feet because the average sized person in Holland is now 6'4". So, we are having the same consideration here, in this town, and there is a substantial difference between a corner lot with a view up and an inner lot that needs to be addressed by staff and

planning and the more I think about it, the more I am further inclined to say that we need a permitting application process. Because if somebody is going to have higher than 6 foot fence, or are going to be automatically entitled to a 7 foot, how are they even going to know about it unless there is some requirement that says: "you have got to come down here first." So, whether there is the process now in place that you say they can have a minor variance, but how do they get a minor variance if they now have to have a permit? There isn't any.

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

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

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

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

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

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

Chairperson Legalos: Commissioner Salvadori.

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

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out at a view. My suggestion is only that maybe we could get some visuals of what is out there and what we might want to consider and what we would definitely want to restrict.

Chairperson Legalos: Mr. Hazen:

Don Hazen: I don't want to preclude Commissioner Manning from expressing further views, but as we move towards kind of a final stage here, it sounds like we are hearing a lot of divergent viewpoints, and there are a couple of ways that I might suggest that we can go from this point. It sounds like there might be unanimous consent for a continuance to kind of fine tune this, tweak it, and perfect it. There are a couple of ways we can do it. This evening, we can go through all of the major points and just take a straw vote or as I think Claudia had a great suggestion – to create maybe a three-member subcommittee to work with staff, and if that includes maybe going out and looking at sites and looking at alternative examples, that might be a preference to the Commission. So, that we can improve the Draft Ordinance even further, and it would be nice, ideally, to get a consensus before this moves on to Council. So, I would kind of leave you with those thoughts.

Chairperson Legalos: Commissioner Manning.

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

Chairperson Legalos: Okay, Commissioner McConnell:

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

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

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

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

??Chairperson Legalos: Sixty days sounds like a reasonable time period to me. That would be until the 2nd meeting in July. In the interim I would suggest that each

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of us submit to staff, comments that address specific code sections that we have talked about tonight so that the staff will have the benefit of each person's comments, section by section. So, with that thought in mind, I would move to continue this to the second meeting in July for further discussion at that time.

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

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

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

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

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

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

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

Chairperson Legalos: Thank you. Commissioner Turley.

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

Chairperson Legalos: Thank you. Commissioner Engelman.

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

Chairperson Legalos: Commissioner Peterman.

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

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

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

NOS: None.

ABSENT: None.

Motion Carries.

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

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

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

Commissioner Turley: Can I ask a question, then?

Chairperson Legalos: Ms. Quintana?

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

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

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

Chairperson Legalos: Commissioner Engelman.

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

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

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

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

Chairperson Legalos: Okay, thank you. Please vote.

AYES: Commissioner McConnell, Turley, Legalos.

NOS: Commissioner Manning, Salvadori, Peterman, Engelman.

ABSENT: None.

Motion fails.

L. OTHER ITEMS

None.

M. ADJOURNMENT