

CITY OF VALLEJO PLANNING COMMISSION

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

MONDAY
17 SEPTEMBER 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: August 20, 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. 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. *Continued from the meeting of August 20, 2007.*

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

- 2. Use Permit 07-0009 is an application to allow alcohol service (beer and wine only) in conjunction with Gracie's, an existing barbeque restaurant located at 1801 Sonoma Blvd. The restaurant is currently open seven days per week, from 11 a.m. to 9:30 p.m. and may eventually stay open until midnight. Proposed CEQA Action: Exempt. Staff Planer: Katherine Donovan 648-4327.

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

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L. OTHER ITEMS

None.

M. ADJOURNMENT

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

C. ROLL CALL:

Present: McConnell, Manning, Turley, Peterman, Legalos, Gourley, Harrington-Cole.

Absent: None.

Deborah Marshall: Before we vote on the minutes, we will have to do voice votes tonight. The electronic board will not work until you choose your seats and we can assign names to a voting station.

D. APPROVAL OF THE MINUTES.

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

AYES: McConnell, Turley, Peterman, Legalos.

NOS: None.

ABSENT: None.

ABSTAIN: Manning, Gourley, Harrington-Cole.

Motion carries.

Commissioner Peterman made a motion to approve the minutes of August 6, 2007.

AYES: McConnell, Peterman, Turley, Manning.

NOS: None.

ABSENT: None.

ABSTAIN: Gourley, Legalos, Harrington-Cole.

Motion carries.

E. WRITTEN COMMUNICATIONS

None.

F. REPORT OF THE SECRETARY

1. Next week seat changes will be on the agenda.
2. The large bundle of material in front of you is for reference and training purposes. I don't expect you to read them all at once, but hopefully you will become familiar with them and they will help you in your job.

G. CITY ATTORNEY REPORT

Claudia Quintana: The Solano County Bar Association is having an event. I am passing down a flyer. I plan on attending and some of the rest of you might be interested in attending.

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

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1. Report of the Presiding Officer and members of the Planning Commission

Chairperson Legalos welcomed the new Commissioners and thanked Commissioners Peterman and Turley for taking them on site visits.

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

I. COMMUNITY FORUM

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

Dina Tasini, Forward Planning Manager for Lennar Mare Island, 690 Walnut, Vallejo: Good evening Commissioners. I have a picture of the house I am going to be speaking about. I was actually requested by Commissioner McConnell if I could give a brief overview about the proposal that was made by Sunset House and to update you where we are today. In June we came to the Architectural Heritage Landmarks Commission with a proposal that Sunset House would come in and renovate this house that you see before you. At the time, the AHLC was not in support of this project based on the fact that we had requested removal of the siding and the windows, and the Staff Report prepared by Leslie Dill, the Historian, did not support that proposal. We went back to the drawing board with Sunset to see if there were other ways to do this, and the AHLC was nice enough to circle back with us and have a special meeting which we did in July where we expressed our concern about having the balance between Economic Development and Historic Preservation and that there really were no other means to do this besides replacing the siding and the windows. The AHLC at that time approved the project. Then, several weeks later, I contacted Sunset to find out where they were in the process, and they had decided to not go forward. Based on the fact that they didn't feel very comfortable with the process that we had here, and they were worried that down the line they would be brought back in and not make their schedule; in addition, they didn't feel that the budget we had provided was enough because of the amount of scrutiny that they felt was going to be made on this project. We told them that the AHLC has completed their review and approves the project, and that we were flexible with the budget. Their corporate people just didn't have that comfort level, so they are not going to be coming here to the island. However, I know that there are many community members and members of the AHLC that are still trying to speak with Sunset and trying to get them to turn this around. The reason why I am happy that you asked me to come here and speak is because we are seeing some of these similar problems come up with potential tenants of buildings as well when they look at the process. Last year we had a similar problem with building 106 where we had somebody come in and they felt that the process was just too arduous and costly and so they went somewhere to get a concrete tilt-up building. So, we are hoping that as we work through this, we can make this a smoother process, and I think what staff is trying to do to educate – the AHLC is a good step in that direction. We are going to be having some study sessions but we are trying to figure out how to create that balance right now. I hope that gives

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you a little bit of an update as to where we are, and if you have any questions, I would be happy to answer them.

Commissioner Turley: Do I understand correctly that this is an old house that has been restored?

Dina Tasini: Yes. That is correct. That is one of the Historic Resources on the island.

Commissioner Turley: Now that it is restored, what are you going to do with it?

Dina Tasini: It is not restored. What was proposed is that the Sunset House come in and restore it. It has a fresh coat of paint on it right now, so that in the picture that I have tonight, it looks as if it has been restored, but it has not been restored. They were going to do an exterior and interior, as well as landscaping, decking, and it was going to be part of their Design House that they have yearly. They have two homes, usually yearly. It brings about 20,000 to 30,000 people to the island, so we were very excited about this, and it was unfortunate that we hit that blockade or that blockage with the AHLC, and, as a result, I think we find ourselves in this position.

Don Hazen: Mr. Chair, I don't usually respond to general communication that doesn't have to do with agenda items but, if you are interested, I can update you a little bit on what steps staff is taking in examining our existing processes and areas that we think we are moving in the way of improvement of that process. So, at your pleasure, I would be happy to summarize those for you.

Chairperson Legalos: Please do.

Don Hazen: I am not sure if Ms. Tasini is aware of some of the latest things that staff has been initiating. One of them was that we had an internal meeting about two weeks ago to talk about the role of the AHLC in how we can streamline that process, and we have indicated to some of the LMI folks that we are actually reversing the way we do processing, and bringing the AHLC on board early on in almost at the preliminary stage of applications before Lennar expends great amounts of money for engineering and site development. We feel that that is a step in the right direction, and we have been told by folks at Lennar that they support that. In addition to that, the City Manager has formed a task force for Mare Island that is made up of management representatives of each of the departments to create a forum for Lennar to give us kind of a punch list of what their issues are in dealing with the City and the various processes. We had our first meeting last week, and I think it was a very helpful meeting, and we are meeting again next week, so for roughly every two weeks, we are having an ongoing dialogue. So, while it may be unfortunate that we suffered a setback for the Sunset House, I think we are looking forward and trying to use that as a learning experience, and I think both parties are working good in that respect.

Chairperson Legalos: Does that task force have a name?

Don Hazen: I believe it is called the Lennar Mare Island Task Force.

Commissioner Peterman: Mr. Hazen, I commend the Planning Department for doing that because I think too long we have lost too many things because people have been too mired in red tape, and I think it is time that we really cut through that so that we could begin to attract the kinds of place, businesses, and people that we want to attract.

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Deborah Marshall: Before we vote on the agenda there is a correction that needs to be made. The new Commissioners were added but I neglected to remove Linda Engleman's name and that needs to be done.

Commissioner Peterman: I move that we approve the consent calendar and the agenda with the change of removing Linda Engleman's name.

AYES: McConnell, Turley, Manning, Peterman, Legalos, Gourley, Harrington-Cole.

NOS: None.

ABSENT: None.

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

Michelle Hightower: Good evening Commissioners: Lennar Mare Island has applied for their second commercial subdivision on Mare Island. This area is generally south of the causeway and it is within the Mare Island Historic District which is delineated here with the dash lines. It includes several buildings that are contributors to the Mare Island Historic District, and it is approximately 82 acres of land. The area is generally bounded by G Streets to the north, Azuar Drive to the west, 2nd Street, and Connolly Street to the south, and then Railroad to the east. It includes railroad tracks, existing railroad exposed. It includes existing buildings that are delineated here with the building footprints and the delineations here show that some of the buildings here will be retained and some of the buildings here will be demolished as a part of the project. The project includes the creation of 23 lots and one parcel. Those lot sizes range from 1.1 to 5.5 acres. There is one parcel, and that would be for the pump station or existing utility buildings. Eight of the lots are for eight existing buildings, and seven of those existing buildings are Notable Resources. You may recall in the Mare Island Specific Plan presentation to you, we indicated that there are three levels of classifications for contributors to the Mare Island Historic District and that is that Landmarks are the highest, Notable Resources are the mid-level, and they are historically considered individually significant and then you have the Component Resources which is the third level as stated. Seven of those buildings that will be retained, are Notable Resources and the lots created for those existing Notables will include areas for parking lots, driveway access, and landscaping. Photographs below show some of the buildings that will be retained and some of the landscaping that would be included with the

parcels. As indicated below, the process is full of utility buildings and also one of the lots is for a non-contributor to the island, and that is, as some of you may notice, the Sports Center on Mare Island on Railroad Avenue. Fourteen of the lots created will be for new development, new jobs for Mare Island - commercial, light industrial, R&D and civic, as well as some residential activities expected. This requires the demolition of approximately 31 buildings, and 2 of those buildings are Notable Resources. Fourteen of those buildings are components. This project will also require the relocation of Morton field. That's the open space ball area that you see when you first enter Mare Island to the immediate south. The existing roads will be widened and improved. Here you see a photograph of some of the existing conditions on the island that show no curb and gutter, no sidewalks. On streets like this, there will be curb, gutter, sidewalk, and landscape strip planted. Also, there will be new infrastructure, and in addition to that, new streetlights. The photograph here shows one the buildings behind the Rodman Center - the photograph on the left, and the buildings to the right will be demolished to accommodate new development behind the Rodman Center as well as a larger parking lot. Some of the project requirements include a Certificate of Appropriateness, or COA from our Architectural Heritage and Landmarks Commission as well as the Planning Division for the demolition of two Notable Resources. That is a requirement of the Mare Island Specific Plan, and those resources that are being demolished are consistent with that analyzed in the subsequent Environmental Impact Report that was prepared for the Mare Island Specific Plan back in November of 2005. Also, COAs and unit plans will be required for any new development within the project area. That is a requirement also from the Historic Project Guidelines. All new development will require a COA. Also, a COA is required for Improvement Plans. That includes all of the roadways, sidewalks, streetlights. A COA from the AHLC is required prior to Lennar submitting or recording the final map. In addition to that, environmental remediation is currently taking place and is a project requirement, and no further action determination from the Department of Toxic and Substances Control will be required. Lastly, I would like to mention that a Deferred Improvement Agreement was requested by Lennar for the public improvements, and they have included that as a condition of approval. That allows the No Further Action Determination to be given before the public improvements are put into place. Based on our review of the project, it complies with our general plan, the Mare Island Specific Plan, as well as our Subdivision Ordinance. With respect to CEQA, the project relies on the certified CEQA documents. That includes the 1998 EIS/EIR for the disposal of the Mare Island Shipyard, the Addendum that was certified in 1999. That was done for the Mare Island Specific Plan, and then the subsequent Environmental Impact Report, and that was prepared for the 2005 Mare Island Specific Plan, Amended and Restated. The project is recommended for approval. You may have noticed that we have lots of conditions and that is because it is a vesting tentative map and staff wanted to make sure that all of the requirements for future development are indicated in these Conditions of Approval.

I am happy to answer any questions. As you know, Dina Tasini is here this evening and she can also answer questions for Lennar.

Commissioner Peterman: Good evening, Michelle. I think you did a very fair job with this report, so I am excited. I have a question about the ball field. I know in Vallejo with the sale to KB Homes of that lot, we desperately need ball fields, so I'm just wondering if there will be a new ball field before the other one is torn up or torn down.

Michelle Hightower: Well, as a Condition of Approval, Lennar is to provide us with a conceptual design of the relocated Morton field, so it probably will happen. I am not

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sure that the construction will happen, but the location of it will be determined before that final map is recorded.

Commissioner Peterman: I would hope that the construction would happen too because we desperately need fields for our youth to play in. Then, I have another question about the bicycle/pedestrian walkway. How wide is that exactly?

Michelle Hightower: Approximately 12 feet.

Commissioner Peterman: And, is it delineated for pedestrians on one side and bicycles on the other?

Michelle Hightower: Just one walkway. I believe it would be made of concrete and you have two foot shoulders on the side.

Commissioner Peterman: So let's not worry about that. Sometimes when we walk across the bridge and all the sudden somebody comes roaring up behind you on a bicycle and then honks their horn, and you almost fly off the bridge. So, I am hoping that there could be . . . but that sounds it's wide enough to peaceably co-exist, and then, I am assuming that the difference in the widths of the sidewalk is because of the streets that they are on . . . the streets and the property, 'cause I notice there is a significant difference in the widths of the sidewalk.

Michelle Hightower: That is correct. I know that I stated that the project is entirely within the Historic District, so that one of the requirements is that the new development be consistent with the existing buildings that are being retained and that includes the roadway as well, so, the new alignment does accommodate the existing buildings and it does vary, according to that.

Commissioner Peterman: Once again may I say that since it is a vesting tentative map that I am very delighted that you put in all the things that we needed to have in there. Thank you very much for doing that.

Commissioner Turley: Just one question, Ms. Hightower. In slide on Side One that you showed, you referred to a pump station that has 9,670 square feet, and I am wondering, would that be a sewer pumping station or a water pumping station?

Michelle Hightower: It's a sewer.

Commissioner McConnell: Michelle, in this particular application, it is my understanding that there will be no provisions for housing in this project . . . is that correct?

Michelle Hightower: No. My understanding is that this particular parcel here will be cleaned to residential standards and Lennar does propose to have a residential development there.

Commissioner McConnell: And, what size will that residential development be?

Michelle Hightower: That hasn't been determined yet.

Commissioner McConnell: And, why do we have a residential development in this commercial lot area?

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Michelle Hightower: It is to create a mixed-use community. There is a commercial development being proposed here where Morton field is currently located, so this does give you an opportunity to have residential adjacent to commercial.

Commissioner McConnell: And, approximately how many units are going to be in that residential area?

Michelle Hightower: That is undetermined at this time, but we are anticipating that that would be a mixed-use type of development.

Commissioner McConnell: There has been a large amount of criticism about Lennar not pushing the commercial development in favor of advocating the residential, and I am concerned about that. I am not sure if we should be approving residential for this particular application. At this time I do have some reservations about that that I would like to hear your thoughts on and possibly those of the applicants as well. So, if you can address that perhaps a little later, I would like to move on to some other things first. During the recent open house at Mare Island, a number of business people who were there and workers on the island expressed to me some concern about the impact that the demolition and construction projects are having out there already. What type of coordination will be put into place to minimize the impact of demolition of these structures and also the disruption on the traffic patterns while this demolition is occurring?

Michelle Hightower: For demolition on the island, we do require a Demolition Plan as part of our request and that will give us the route of trucks. It will give us the time that the demolition will take place, and any other impacts that it might have on the surrounding area.

Commissioner McConnell: Our customary practice is to notify property owners within anywhere from 200 to 500 feet, and yet, I can envision this type of demolition will impact property owners and visitors well beyond that limitation, so when that plan is devised by staff, I would request that perhaps a notification go to everyone on this street no matter where they are, whether it is 200 or 500 feet because it is going to have a tremendous impact out there when this takes place.

Michelle Hightower: There is currently no residential in this particular vicinity. I believe the closest is the Mansion Town Home that is at Flagship and Kansas and Azuar Drive. I do understand that for the current project that Lennar has underway, they did provide a lot of information regarding the demolition and ways that they are helping the community to be aware of the demolition. And that is for the current demolition at Building 866. I do anticipate that they will do the same thing for any demolition in the area.

Commissioner McConnell: Actually, the comments that were expressed to me were more from business owners and employees out there than residential individuals, but if you are going to have demolition at one end of the street, I can see where it might impact the ability to deliver at the far end of the street, so, I believe there needs to be special care given to the impact upon all of the businesses up and down the street that will have to route around that.

Michelle Hightower: That would be required in the Demolition Plan.

Commissioner McConnell: And, the Community Facilities Building of the Rodman Theatre. . . has there been any thought given to reserving that theatre for use as a Performing Arts Center for the City of Vallejo since I think it will actually be many, many years before we build one?

Michelle Hightower: I would have to defer that to Lennar in terms of reuse.

Commissioner McConnell: And, by approving a vesting map, we are not taking away the ability of the City to have a Performing Arts venue at that location, are we?

Michelle Hightower: That's correct. We are not.

Commissioner McConnell: The plan also calls for a Community Facilities District. Could you tell us a little bit about how the costs are going to be determined for that levy in that district?

Michelle Hightower: I believe it has to do with some of the public improvements that will take place - the roadways, as well as landscaping that will have to be maintained, but most of that is provided by the Public Works Department so I am unable to give exact information that. I could defer to Don or Claudia if you have any information on it.

Don Hazen: Other than just to add that it is my understanding that there will be no capital facilities financed through this CFD process and that is strictly as Michelle said, for landscape maintenance and that sort of infrastructure.

Commissioner McConnell: But, there ultimately will be pass-throughs to the tenants or the property owners out there?

Don Hazen: Absolutely. If it passes.

Commissioner McConnell: During the construction project when some of those properties are going to be owned by private investors and some of them are going to be owned by Lennar, has there been a formula devised as to how the allotment is going to be made?

Claudia Quintana: In general terms, what happens when you create a Facilities District is that you have an election, and that's the first thing you have. Normally, the election is held when there is the least amount of property owners, but there is a geographical area that is set forth in a map or some document like that. Thereafter, the geographical area that is encompassed can vary in that little lots can be sold and the future owners carry the weight.

Commissioner McConnell: During the time that the sales process is occurring, will Lennar be carrying that burden, that weight, that you are referring to?

Claudia Quintana: I think you are probably going to have to ask Dina when she gets here, but I think the plan is to have the Facilities District formed initially and as soon as possible.

Commissioner McConnell: I wouldn't want to see a recurrence of the taxiing problem that occurred on Mare Island before where the City and different residents wound up in litigation over that. So, I think that needs to be very carefully spelled out especially in the disclosure documents that will ultimately be drafted and presented to potential buyers. You have a requirement that there will be utility services provided. Is there any reason why we shouldn't add as a condition that there will be an automatic cutoff device installed on those gas and power and water meters as well?

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Don Hazen: At the time of requesting those permits, the Uniform Plumbing Code and Building Codes and all of those are applicable and those are already built-in requirements of the Uniform Codes so there is not really any need to add that as conditions for the subdivision map, per se, which is what you are really reviewing.

Commissioner McConnell: Does the automatic turn off devices apply both to gas, electric, and water?

Don Hazen: I'm not going to profess to be an expert in that, but by electric cutoff, I am assuming you are talking about some type of circuit breaker systems. I think you are getting to seismic and major catastrophes in that you get the cutoff, and the applicant may correct me if I am wrong, but I believe the codes already have that stuff covered. You know - the construction codes.

Commissioner McConnell: If it is not in the Building Codes, I am not that familiar with them. I would like to see it as a condition of any project on that location.

Claudia Quintana: If I can just add one thing here, it is that often there are other mechanisms, for example, for electricity. If you wanted to say that electricity is going to be automatically cut off under certain circumstances, that may or may not work for PG&E, so I would just caution you against making those kinds of conditions if you haven't done it before again because it will probably be administered by a utility . . . not staff.

Commissioner McConnell: Perhaps when the actual subdivision project comes along, we can review it at that time. I think it is a wise thing to start requiring in all circumstances though. You know, the representation that there is going to be one assembled streetlight delivered to the corporation yard for every 50 streetlights . . . why do we have one assembled streetlight for every 50 streetlights to be delivered? What's the reason for that?

Claudia Quintana: That is to make sure that there is ample supply should the streetlights become deficient . . . then we get extra. So, if they propose 100, then we have two in our supply.

Commissioner McConnell: Assembled, though?

Claudia Quintana: Assembled and ready-to-go in case one of them becomes deficient.

Commissioner McConnell: Okay. I just didn't quite understand why we wanted an assembled streetlight for every 50. Thank you for explaining that. As the vesting map relates to landscaping, I'd like to ask a clarification. We have on our agendas, later this evening, a landscaping ordinance which ultimately will hopefully be adopted by the City Council. If we approve the vesting map tonight, will the landscape requirement be the one we have today or would it be the one that might be applicable if that ordinance is passed?

Claudia Quintana: The answer is that it depends because usually vesting lights have to do with when the application is incomplete which happened several weeks ago. Now for the general applicable standards that say everybody in the City of Vallejo has to maintain this particular green in the grass or something like that, just for an example, then that would be applicable to them. But, if it has to do with the requirement that they install something, then I think the time already has past since the application was incomplete in the past.

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Commissioner McConnell: That's sort of what I thought. Okay, and you have a condition that is dependent upon the Navy quitclaiming deeds to the remainder of Parcel A in here. When will we know about the Navy quitclaiming Parcel A to us?

Claudia Quintana: Unfortunately, I would have to defer that to Dina to see who has more information on the status.

Commissioner McConnell: So, it still hasn't happened, right?

Claudia Quintana: That is correct.

Commissioner Manning: Great report, Michelle. Thank you. There is one clarification which is just a small one. On Page 7 where you talk about the preservation policy, it says none of the project areas within the National Historic Landmark District . . . Can you clarify that for me?

Michelle Hightower: Okay. If you look at this drawing, it shows the dash line which indicates the Mare Island Historic District boundary and those identified within the mark are the National Historic Landmark District, and as far as you can see, our project is outside of any of those districts.

Chairperson Legalos: Ms. Hightower, I have a couple of questions here. I think the easiest one relates to Commissioner Peterman's question about pedestrian and bike lanes. I hear a fair number of complaints from pedestrians on the waterfront about bikers on the waterfront, and there is no indication as to whether biking is allowed or not allowed in that area. I believe it is allowed but pedestrians believe it isn't, and I think it would be useful to have the lanes marked as bike lanes. Is that included already or is that something we will need to ask for?

Michelle Hightower: I do not believe it is included but it is something that you can make the request of this evening.

Chairperson Legalos: Thank you. Again, piggybacking on Commissioner Peterman's comments, you said that the new ball field location would be determined but the ball field won't necessarily be in place when the old one is removed. Correct?

Michelle Hightower: That's correct.

Chairperson Legalos: Okay. Delays can be very, very long on these things, and I do agree that we need these recreational facilities given some of the difficulties we are having in the City with youth having little to do here so I would like to see the new field in place before the old field is removed. Then, I have a question about the mixed-use. The term "Town Center character" is used in reference to development on Mare Island. Does that apply to this parcel . . . this area?

Michelle Hightower: Yes, it does.

Chairperson Legalos: What does that mean?

Michelle Hightower: The Town Center is included or envisioned to be a commercially mixed-use area but does also include residential. It is the primary commercial area of the island.

Chairperson Legalos: And, is it left rather general like that as to what a Town Center looks like because sometimes there are some that are very attractive and

there are some that are less. But, there are no guidelines as to what a Town Center character would be?

Michelle Hightower: No, there are not, and that information comes from our Mare Island Specific Plan. It allowed flexibility for development on the island so there are no specifics on what the Town Center would actually look like. We do have discretion over the design of the buildings through the Architectural Heritage and Landmarks Commission as well as the unit plan process.

Don Hazen: I would only add to Michelle's comment that those are the sort of standards or the findings that you will make when you are reviewing the actual development plans, and if you feel that it is consistent with what you perceived to be that character policy, then that's the standard to hold them to and, unfortunately, we will probably be looking at those on a piecemeal basis as opposed to one large master plan. It becomes really critical at the site development state.

Chairperson Legalos: So, then we will have an opportunity to influence what happens.

Don Hazen: Absolutely.

Chairperson Legalos: My last question is about these historic buildings. What makes these Notable Buildings notable?

Michelle Hightower: During the Lennar Mare Island Specific Plan process, we, meaning the City Staff and members of our Architectural Heritage and Landmarks Commission as well as the Lennar team, reviewed each of the historic buildings and gave a ranking and the ranking was based on the architectural significance that the building was used for and how it contributes to the district. So, the notable resources are considered architecturally significant. They are individually significant as opposed to the components which may not be architecturally significant and are just contributors because of the number of them such as the bomb shelters. There are a lot of them, so each of them is considered as a component.

Chairperson Legalos: Well, another 10 buildings are listed because they are unique, and not necessarily attractive. In fact, some of them are very unattractive. What will these buildings look like as this area is built out? They are not attractive right now. What's the plan for the buildings?

Michelle Hightower: Well, for most of the notables, you can't make exterior changes to them, so what you see currently, you only see in business with respect to perhaps painting, window trim, and that sort of thing.

Chairperson Legalos: So, it might be difficult in some cases to have an attractive Town Center character if you have a building, for example, that looks like a corrugated steel Quonset hut and you have to keep that.

Michelle Hightower: That's correct.

Chairperson Legalos: But, the plan is to retain them as they are?

Michelle Hightower: Yes. We will go to this drawing and it actually shows one of the bedrooms here which is the Rodman Center, and this would be the future commercial development as well as the mixed-use residential project here. It gives you a nice area for development as well as lots 14 and 15 and 9. All of these

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buildings of parcels will be vacant so it does give you an opportunity to build new but also blends in with the existing historic buildings.

Chairperson Legalos: And, are the current color schemes also considered as historic significance, or can those be changed?

Michelle Hightower: Those can be changed.

Commissioner Gourley: Just a quick question. On that particular drawing that we can't see, all the way to the right as you go out Azuar Drive, there is a little piece at the end. It's all the way out. You don't have it shown. It basically says "offer of dedication for public RW by separate" . . . What's the plan for that particular parcel?

Michelle Hightower: That is to allow the railroad to have its own easement. It is for the railroad line.

Commissioner Manning: I wanted to get a clarification. Chairperson Legalos brought up a point about the design. My understanding was that there is an extensive Design Guidelines that was done and has been approved and a lot of things that we just mentioned are in those Design Guidelines so rather than say specifically what type of building or how a new building would fit in with the architecture, there is a lot of discussion in those guidelines on how to do that. Is that correct?

Michelle Hightower: That is correct.

Chairperson Legalos: If there are no further questions or comments from the Commission, I will open the Public Hearing.

Dina Tasini, Forward Planning Manager for Lennar Mare Island: Thank you for reviewing this tonight, and obviously reviewing it pretty closely based on some of your comments and questions. I will try to hit on the ones that weren't answered by staff and then any additional questions we will deal with after that point. With respect to Commissioner McConnell's question regarding how we make sure that our demolition is done in such a manner as to not disrupt all traffic and business on the island, we are confronted with that pretty much on a daily basis here. What we try to do and what we are perfecting on a daily basis is that we notify all of the tenants. We place signs up ahead of time so people know that certain areas are going to be closed, and we also evaluate our program based on what streets should be closed when and the other ones need to be open. So, obviously we can't close Walnut, Azuar at the same time and make people have to go down only Nimitz. We would have a problem with that. So, we do look at that and we are very concerned and we have had a lot of experience with that now that we have closed a great number of streets. In addition, we now have on our website, the notification daily as to what streets will be closed, what construction activity is ongoing, and we update that. I believe it is a daily update now. Am I correct? Oh, weekly, I'm sorry; so we do have that on the web. Then, I believe it was both Commissioner McConnell and Commissioner Legalos that had some concerns about how are we having residential here. This was one of the areas and I think the only area in the Specific Plan where mixed-use was actually called out so residential was intended to be adjacent to where Lennar's offices are currently. We have not determined how many units that will be or what type of units they will be but it is called out in the Specific Plan.

Parcel A is where there is remediation right now. Hence, there is a delay to that being able to be used at this time. With respect to the bike path, I would caution

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about delineating them at this point and time. What the intent is that there will be a multi-use path. So, there will pedestrians and bicycles at some point and time, so I think it would be a little bit premature to have them in this area be delineated and Public Works hasn't wanted to do that to date. So, it is just something I might caution the Planning Commission on, something to delineate that at this time. As Commissioner Manning pointed out so well, we do have to find Guidelines. What is before you is the map. We do not have designs as to the specific buildings or how the Town Center will be laid out but that will be brought to you at a later time when we do our unit plan, With respect to the park, we have not determined a location for that yet based on availability of different properties and remediation that's still ongoing in adjacent areas. I think I have answered most of your questions.

Commissioner McConnell: Is it possible to get a commitment from Lennar that the Rodman Theatre will be kept available for the Vallejo Symphony or other performing arts venues unless something else . . .

Dina Tasini: I am going to refer that question to Tom Sheaff.

Tom Sheaff with Lennar Mare Island: Commissioner McConnell: That has been a topic of conversation for almost 10 years now as you might be aware. There initially was a lot of discussion about offering Rodman as a community facility, as a community building. Not only does it have the theatre, but it has a lot of facilities within the building such as basketball, handball. There is a pool, a bowling alley, some meeting rooms and some office space. Unfortunately, the City, when we were talking about which facilities the City would take - they declined to take Rodman and there were a number of different reasons for that. Construction costs exceeded the costs to build new. It would cost the City, in the taxing mechanism that had been put into place, quite a bit of money in addition to the fire house, Public Works, the Marketing Center, the Police Station, and other public facilities out there. So, it was something that was considered. It was something that was discussed. If the City wishes to re-open that, we will be happy to discuss it with the City at any time. It is a fairly complex, difficult piece of property to deal with, and it is very well located, and, if done correctly, I think; it will turn out to be a very nice facility for something along those lines.

Commissioner McConnell: Would it be possible to get an understanding that before you commit to having that theatre section of the building used for other purposes than a performing arts venue, that you would come back to the City and also the Vallejo Symphony to see if there was any interest or ability to utilize that space for a Performing Arts Center and, in particular, a symphony performing center.

Tom Sheaff: Sure, we would be happy to sit down with the City and discuss any and all possibilities. No question about it.

Commissioner McConnell: By the time we get a Performing Arts Center built, I would think we might be many, many years away, and I would like to at least keep that potentiality of that space open to the extent that it is economically feasible for you to do so. One other question, and that relates to the railroad tracks. There are a number of conditions in here: 43 through 47 and 71, talking about removal of spur lines and replacement of tracks, ultimately. What's the vision that Lennar has for removal of a lot of tracks out there and keeping some of the principal ones? Where are you going on that general area?

Tom Sheaff: There has been a longstanding effort to make sure that the railroad stays in place on Mare Island, primarily for the four or five existing users, but also, just as importantly, the future capability as an alternative way of moving goods and

services around rather than trucking in. It is a somewhat attractive amenity to outside users. On the other hand, there is a huge cost to Cal Northern. They no longer service General Mills as most of you are aware, and the only reason that they come down past American Canyon is for Mare Island, and so there is a tremendous amount of expense there. We have investigated numerous ways of dealing with that. We have met with all of the existing businesses who use rail on Mare Island, and there is an economic equation there that none of those businesses are willing to step up to in terms of not having either the City or Lennar to continue to subsidize that operation. In addition to that, there is a fairly significant multi-million dollar capital improvement required along with that. Now, having said all that, that paints a fairly bleak picture. We are committed to continuing to work with Cal Northern and the City in order to try and keep the rail in place, but it was recognized in all of the original documents 10 years ago that it was going to be a significant challenge, and, at that time; there was no firm obligation on the part of either Lennar or the City to go one way or the other on it.

Commissioner McConnell: How many jobs are dependent on Mare Island today for rail availability?

Tom Sheaff: Well, the businesses that utilized rail, if I understand your question correctly, off the top of my head; I would say that there is approximately 150 to 200 jobs that are attributable to those businesses. Those same businesses also use primarily, trucking, as a method of moving their services around. Sometimes it is more convenient and cost effective, and that is when it gets utilized.

Commissioner McConnell: And, of the commercial sites that you are envisioning with this application, do you currently anticipate any businesses coming there where they will require or desire to have rail?

Tom Sheaff: In this application, it is probably unlikely in this area. This tended to be more of the office, light-industrial, portion of the island, down along the waterfront, down near the dry docks, down near the large green building – XKT Jefco, those types of businesses. They are really the users of the rail along with the area up at the northwest portion of the island adjacent to Highway 37; those four large buildings up there. Currently one, and when Wine Central gets back in operation, they are a potential user also. Commissioner Legalos: If you don't mind, I would like to say just one thing about the playing field and Rodman. Right now, and one of the reasons that we are pushing to try and expedite this map, I think as everyone is aware, is that it is job-related. Another factor, and it is a close second, is to try and bring amenities to the island for the businesses and also the residents. So, we want to continue to proceed as quickly as possible with the conversion of that field to a retail use. Unfortunately, it is constrained by a couple of things. First and foremost, the alternative locations for that field are all constrained by the environmental cleanup of which we have some, but not total control over, and some are still Navy-retained conditions where we have very little control over those areas. We are committed to moving as quickly as possible. We went as far as we felt like we could go and still maintain some momentum that will allow us to continue to develop and invest in that area, and if there is a way that we could sit down with the Planning Department and get the assurances that the City needs that would allow the Planning Commission to move forward without a specific condition to have it built, that would be, I think, preferred by not only us but especially those out there that are interested in accelerating those amenities. The one little side note that I would make is that in 10 years of being either directly or indirectly involved with the management of that field, very few times has there ever been the type of use for Little League Baseball or Junior Soccer or anything like that. They have always utilized areas off of Mare Island primarily because of the maintenance costs

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involved with that field and the funding GVRD and others have had and the challenges they have had, certainly are not specific to the mainland itself. It exists out on Mare Island also. Very few times has there ever been the type of use for Little League Baseball, or Junior Soccer or anything like that. They have always utilized areas off of Mare Island primarily because of the maintenance costs involved with that field, and the funding GVRD and others have had and the challenges they have had certainly are not specific to the mainland itself; it exists out on Mare Island also. We would request that you approve the application if you so approve, but without a specific condition, mostly because we don't have 100% control over the outcome.

Commissioner McConnell: So, are you saying that there is no location at present that would be suitable or allowable?

Tom Sheaff: Today there is no location that you could simply pick up that function and move it to another location. The alternative sites for that, as we have discussed with the Planning Department and others at the City for some time, are out there and we know what our requirement is. It is really just the timing issue. To my knowledge, there are no uses of that field. It is actually leased out to the Christian Fellowship. They have football practice there. I am sorry. I have forgotten the name of the organization. It is a high school here in Vallejo. You will see soccer players that I would say are adults out there. There is a semi-pro football team that practices on that site. It has never really lent itself to the use sports that you are speaking of.

Commissioner Peterman: I understand what you are saying, and I am sure that that is true but with the closing of a Little League field right now, I think it might just be an ideal place for Little League kids to have their games, and so I would hope that you would proceed with that as rapidly as possible so that field becomes available.

Tom Sheaff: We would, and I think the other commitment we can make this evening is to circle back with those local organizations, find out what their needs are, and set some of the monetary issues aside temporarily and just see what their needs are, and; we would be happy to do that.

Chairperson Legalos: I have one more question for Ms. Tasini. In terms of marking the pedestrian and bike lanes, are you saying that it shouldn't be done because it has not been done?

Dina Tasini: No, I am saying that it wouldn't go well in the plan to have multi-use paths, which means we are going to have a pedestrian path adjacent to a bike path, and it will be different materials, the monolith versus . . .

Chairperson Legalos: That wasn't what I was suggesting. I was suggesting some kind of indication of signage or markings that would make it clear to everyone that bike use was permitted. I spend a fair amount of time down on the waterfront, and I have seen probably once or twice a week, an unpleasant encounter between someone on a bike and someone walking, usually with the pedestrian claiming that biking is not allowed because there is a bike lane in the street. Where I have never seen that happen is around White Slough where there actually a sign at each end that indicates that it is a bike path, and there are dotted lines. So, I am not suggesting different materials.

Dina Tasini: We actually are going to have different materials, but I understand what you are saying now.

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Chairperson Legalos: There is some indication that both of those uses are permitted.

Dina Tasini: I think that will be fine.

Chairperson Legalos: If there are no further questions from the Commission, and I have no cards on this item, I will close the Public Hearing and bring the matter back into the hands of the Commission.

Commissioner McConnell: Thank you Chairman Legalos. I will offer the motion that is in the packet with the conditions and findings as presented by Staff and the additional request is articulated by staff tonight.

Commissioner Turley: I do have one quick question for Ms. Hightower. Have there been any public comments on this?

Michelle Hightower: No, there were not.

Commissioner Turley: Would you accept from the amendment to add as a Condition of Approval, signage indicating that the biking and pedestrian areas are in fact designated for both those activities?

Commissioner McConnell: Signage is fine.

AYES: McConnell, Turley, Manning, Peterman, Legalos, Gourley, Harrington-Cole.
NOS: None.
ABSENT: None.

It is unanimous. Motion carries.

- 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.

Katherine will present this item.

Katherine Donovan: Good evening, Commission and welcome to the two new Commissioners: Commissioner Harrington-Code and Commissioner Gourley. This item came before you in May. We reviewed a lot of the issues. There was quite a bit of discussion and at the end of that meeting, the item was sent back to be reviewed by Staff with a Sub-Committee of the Commission, and we also got comments from the Commissioners that were reviewed by the Sub-Committee and by Staff. As you can see, we have made a number of additional revisions, and I think the end result is a much tighter, better document, and I would like to thank Commissioner Turley and Commissioner McConnell for meeting with me and going over these issues and discussing a lot of different aspects of how to get the best possible revision that we could. Some of the things that are new this time around, we included wording that would allow fencing materials that were not specifically listed as allowed materials to be approved by the Planning Manager. This was one

of the items we discussed because, as you know, there are new materials on the market all the time now and, rather than listing each and every allowed material, we felt that this was a good way to address it. It would require some review but we would not need to adjust the Ordinance each time something new came on. We also discussed fence heights, and rather than changing the existing fence height requirements, we added a process through which we could approve up to one foot additional fence height in a relatively quick manner, but we would notify neighbors and there would be a posting requirement so that neighborhood people would see the notice, even if they had not received it and would be able to respond to the Planning Division. We also added a requirement that, for new required landscaping, automatic irrigation systems would be installed. This is actually generally done. It is one of our Standard Requirements. By tightening it up and adding that to the Ordinance, it is now firmly understood that that is a requirement of the City. We also added a requirement that the Lighting Plan and the Tree Shading Plan be coordinated so we wouldn't have the problems that you are aware of at the Home Depot parking lot where once the trees grow and mature, all of the sudden, the lighting is no longer adequate because the tree canopy is below the lighting. I think that this is commonly done in other cities, and I think this is a very good suggestion.

And, finally, we had a requirement that when landscaping, and particularly street trees, had to be reduced because of specific site constraints, that that specific number of street trees would be provided to this City by the Applicant to be planted elsewhere, and I think that's a very good suggestion. As you know, the streets that have street trees are very lovely, and this would be a mechanism where we could increase our street trees in other areas.

At the original meeting and even before the meeting, there are really two main issues of concern that came up. One was relating to the fence site and there was a lot of disagreement as to whether to keep it at the existing height levels or to increase it, and I think we have come up with a very nice compromise which I discussed a little bit earlier, allowing up to one foot additional fence height and having a streamlined process. We did have a process before but it was a fairly lengthy and expensive process. This would be a much quicker, cheaper process but would still allow input from the neighborhood. The other issue was whether or not to prohibit chain link fence, and it just didn't seem that there was a compromise possible. The suggestion that we had originally included in the Ordinance was to allow it only where it would not be visible from a public right-of-way, and since it was an issue that was either a yea or nay issue, there did not seem to be any other way to make a compromise. We left it the way it is with the understanding that the Planning Commission would ultimately vote one way or the other, and actually, ultimately, it will be City Council's decision. But, just because we left it in, don't feel that that is something we are not giving you any leeway on. We understand that this was a very divisive issue.

There were other suggestions that came up that we did not include in the additional revisions we made. A couple of the Commissioners wanted to remove the view protection that we have. Right now there is a condition that for view lots, fencing around the real property line be no higher than four feet; however, if you can see through it, you can make it up to five feet. In the 6 ½ years that I have worked here in this City, that has become a contentious issue only once, and so it seems like it was not something that was extremely controversial and did not cause a lot of problems, and so we kept that in.

There were also a number of different suggestions for revising the proposed parking lot standards. Included in your packet was a matrix of different cities and what their

requirements were, and I think that the standards that had been proposed were pretty much middle of the road. They were certainly not radical compared to other cities, and so, the decision was made to leave them as they are. Again, if the Planning Commission voted to change that, it is certainly up to you. Another suggestion was that we add a definition of ground cover and a list of acceptable ground covers. We did not do that because we felt it was beyond the scope of what we were doing here with this Ordinance revision. We do have a City Street Tree List. We also have a new Shrub List which was developed in consultation with the Beautification Commission, the City Landscape Manager, and some of the Planners, and I felt that it would be more appropriate to develop a list in that group too – that same mechanism, rather than as part of the Ordinance itself. In the Proposed Changes, we have included a reduction of the Allowable Non-Living Materials, and there was a discussion of whether that was appropriate or not because in some areas specifically mentioned in the Southwest areas such as New Mexico, non-living materials are used very beautifully and they are very good for low water use. However, I have not seen that done here in the City very effectively, and it does not seem to be a technique that has made its way here yet, and so, we left the proposed changes to the Ordinance as it is.

And, finally, there was some descriptive language that was suggested in the original Amendment Revisions proposed by Commissioner McConnell, and we went through and some of those descriptive items have been added, and some were not. Specifically, in the very beginning of the Ordinance, there is sort of a Preamble that is a description of the intent of the Ordinance, and Commissioner McConnell had two specific suggestions. The first suggestion, we determined that it was really already covered by a more general description, and since this is a very general description in that first portion, we felt that that existing description was more appropriate. The second descriptive passage that Commissioner McConnell wanted to include in the Preamble piece related to whom the Ordinance was geared and who it should apply to. The entire Municipal Code applies to private development, and under some circumstances, it does not apply to public projects, and adding into this specific section of the Code that it would apply where it could apply, seemed to be at one time, both redundant, and also somewhat to imply that the rest of the Code may not apply in that manner, and so for that reason; we declined to add that. With that, if you have any questions, I would be glad to answer any questions from the Commission.

Commissioner Gourley: I had a couple of questions regarding parking structure versus parking lots. We are hopefully, sometime soon, have a parking structure in town. Will we have trees in it?

Katherine Donovan: The standard here applies specifically to parking lots, however; I can see at some point in time where we might actually have underground parking structures that had nothing above or that had a lot above, and if it was simply a flat lot; I think it would apply. Otherwise, even if it was a structure that had parking at the top that was not covered, it is a different situation, and I don't think it would apply because the circumstances would be different. You wouldn't have soil below. It would be above the ground level. It would not be having the same impact. I think a parking structure would be reviewed more like a building site is reviewed.

Don Hazen: Commissioner Gourley: I might also add that most of the Master Plans in the City where parking structures are envisioned such as the Downtown, Waterfront, and Mare Island have their own Design Guidelines that do address parking structures, and in that respect we would be looking to vegetation to help soften the visual impact of those. Whether they are actually planted every so many

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spaces is probably a fair statement. I would agree with Katherine, but we will not preclude landscaping with parking structures.

Commissioner Gourley: How would that work? For so many parking places or, I guess, square footage, you need another tree? Or, is that not applicable?

Don Hazen: As Katherine mentioned, and I agree, we would not treat them the same as we would a surface parking lot, but we would still be looking for landscaping to help augment the architecture and the visual appearance of that.

Commissioner Gourley: Okay. Now, one of the other questions I have is: This, I assume, when we make these changes, it affects new construction. It also indicates somewhere in there, when ownership is changed. Or they sell their home.

Katherine Donovan: No. That was a suggestion that was made but it is not the way that the Ordinance would be applied. Normally, when someone comes forward with a Project that requires some sort of a planning approval, at that time we review the Project with the current Ordinance to see that it complies with all of the requirements of the current Ordinance. So, if you live in your home or if you have a business and you are not doing anything, then nothing changes. It is only when you come forward and you are doing something new that these would be applied.

Commissioner Gourley: What about business changes, and you sell your residence. Does the new owner have to comply?

Katherine Donovan: No. Only if there is new development. If you bought a home or had your existing home and you did a major addition, it might apply at that time. We might require site development at that time if the addition was of a magnitude that required that site development. If you had an existing commercial building and new business moved in, and as part of their business, they needed a Major Use Permit, or they needed to do a major remodel that would require site development or some other planning approval; at that time we would review and apply these standards.

Commissioner Peterman: Thank you Katherine for all the work that you have done on this. I notice that you have a required irrigation system but we have had projects before where the people were going to plant drought resistant plants and water them until they took hold. Will there be some kind of provision for that in this Ordinance? Where it is very difficult to get water – for example?

Katherine Donovan: I think we could use that in that last Reduced Landscape Requirement section, however, my experience has been, unless you time things very well and you are very vigilant, even the most drought tolerant landscaping requires fairly regular watering until it has been established. We would certainly work with Applicants to do our best, but I have had very few Applications come through that I felt were drought tolerant enough that I felt they did not require an irrigation system.

Commissioner Peterman: Okay. Then, I was one of the people who thought that six feet was high enough, and ivy use is a great compromise, and I like the fact that you are going to noticing the neighbors because I would hate for it to become such a streamline process that anybody could go just slap an extra foot onto their fence and call it good, so I appreciate that that is going to be done. Then, we have had this discussion before about the nonliving materials. I think Commissioner Salvadori said it best at our May 7 meeting when he said that there is a heck of a lot of brown grass throughout the City. I have seen in our City a lot of places that used some of the materials and the effect, so I would hate to eliminate that as a

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possibility, especially with water becoming an issue, and global warming and changing climates. We have had droughts. We could easily have them again. I would hate for us not to be able to use all of those kinds of resources to beautify our City as well as saving water. My other question is when you talk about that kind of fencing and you mention molded wire. I envision that it would be kind of stapled on to some wood framing, but is that pretty much the way it is usually done?

Katherine Donovan: You know, I was thinking of this the other day, trying to remember when I had last seen anyone use welded wire as fencing, and frankly, I can't remember ever having seen it in the recent past. I have a picture in my mind of exactly what you are talking about. There is like a wood frame with welded wire, but I can't remember having seen it. Does anyone on the Commission remember having seen such a thing?

Commissioner Peterman: That's why that vision came to mind. My concern would be that if that wasn't in place, then I am sure you would require people to do something like that. They could become the chain link of the new millennium, you know, plunked around, sort of unrolled and stuck into the ground so that's my fear, and I am sure that is something you would address with each Applicant.

Commissioner Gourley: One of the questions I was going to ask had to do with the fencing issue, and I think that is where I got the idea that these were going to be not grandfathered, because it is does state in one of the sections, any chain link fence not otherwise authorized by this order shall be removed or replaced by an approved type upon transfer of title.

Katherine Donovan: I think that you are reading the suggested ordinance by Commissioner McConnell. That's not the ordinance we are reviewing tonight. If you will look in your packet, just after the Staff report, Exhibit B, this is what we are proposing.

Commissioner Gourley: Okay, that's great. I am glad you brought up the welded wire because that was another question. I don't even know what it is.

Katherine Donovan: It comes in rolls. There are various types. Some of it comes with vinyl coating. I am trying to think of where . . . Commissioner Peterman, you said you had seen some. Where have you seen it?

Commissioner Peterman: They use it in concrete.

Commissioner Gourley: It is kind of the rectangular type?

Katherine Donovan: Yes, sometimes you see it in concrete. I use it myself around the vegetable garden to keep rabbits out.

Commissioner Gourley: From what I have read, and if I have gotten the correct section, that is acceptable, and the chain link is not.

Katherine Donovan: The welded wire is part of the Code, and frankly it didn't occur to anyone to change that. It is so rarely used that I don't think it is really a problem. We certainly could strike that from the Code if the Commission felt it would be appropriate. But, the chain link was actually something we had discussed at Staff level, and it was included in Commissioner McConnell's suggested Ordinance, and various people have actually brought it up to me, and that is why we included that one.

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Commissioner Manning: We are all getting educated tonight on the different types of metal fencing. So, and probably Commissioner McConnell knows this. I know that in some older communities (I am thinking of Grass Valley and Nevada City), there is a lot of that old, what I thought was welded wire, and it is just kind of got a welded top to it, and it is actually quite lovely. That's what I thought they were referring to. It is lovely and sort of vintage.

Katherine Donovan: I don't know where you would get that anymore but I know exactly what you are talking about. I think all of those things are welded wire. I think welded wire is sort of like saying "a wooden fence." It is a large field.

Commissioner Manning: Okay, thanks.

Commissioner Turley: In regard to welded wire, they sometimes put that in concrete rather than low bars and I have some in the back of my house. When I bought my house I have a view of the Carquinez Straits, so they allowed a four foot fence, and then, because I have a pool, then they required me to have a five foot fence, and so, I forget the Director's name that was here 20 years ago. He told me "Okay, why don't you just box in with 2x4's on top of the four foot fence" (every 8 feet – a big box), and then put the welded wire on and I think it has rectangle openings of about two inches by about four inches, and that is where it was used at my house.

Katherine Donovan: Now that you mention it, I believe I have seen it used in the Bridgeport subdivision and in the Northgate subdivision under those exact circumstances to keep a view fence.

Commissioner Peterman: I have also seen it used where people have planted things along a trail up the fence which is effective and a quite nice application of it.

Chairperson Legalos: I have never seen it used and don't know what it is and what it looks like, and I am wondering if there is a concern here that it would be an attractive and cheap way around the prohibition on chain link fencing. In most cases, it is attractive, or it tends not to be attractive?

Katherine Donovan: It tends to be very invisible. It is probably the least visibly obtrusive type of fencing you can find, and I think that is why it is used in these View Ordinances. Unlike chain link, it is not sturdy enough to stand on its own. You really need a good framework to support it, and so I think it is not going to be as cheap. I may be wrong about that. I tried to research prices, and it was not easy.

Chairperson Legalos: I am more concerned with it being ugly. We have an artist rendering here that comes from Commissioner Peterman, which reassures me a bit.

Don Hazen: Mr. Chair, you might find it useful to qualify if you are leaning in that direction to permit welded wire, that you kind of specify welded wire required with framing of wooden material or a decorative welded wire so that it leaves a little bit open for interpretation, but you could set those sort of quality standards in with that.

Chairperson Legalos: We have done that to some extent with chain link in the past. We required that chain link be painted or coated, which I am not arguing in favor of chain link, but simply in favor of being able to establish some requirements to improve the appearance of welded wire if we want to allow that.

Commissioner Turley: I would like to know how Mr. McConnell feels about that welded wire.

Commissioner McConnell: When Commissioner Manning described the fences in Nevada City, Grass Valley, I envisioned what are really cast iron fences that you see in turn-of-the-century homes that are really quite elaborate and specially made. Of course, when Commissioner Turley talks about the grid pattern around his swimming pool, that's quite a different type of fencing. I think I do appreciate and would embrace the suggestion of our Planning Director Mr. Hazen that we adopt maybe a modification of requiring enhanced visual appearances of welded wiring. I think that is an excellent suggestion and I would like to incorporate that into our resolution.

Chairperson Legalos: Ms. Donovan: I have a couple of questions. Would this prohibit replacing an existing chain link fence?

Katherine Donovan: I think that if normally we have a nonconforming use, that nonconforming use can continue to exist indefinitely unless it has been "abandoned for one year or more", so I think the way that we would apply this, and Claudia, I think, can confirm this, is that, if a chain link fence were taken down and one was not there for a year, and then you wanted to replace it – you could not. Otherwise, if you had an existing chain link fence and you were just replacing the chain or redoing it, I think it would be allowed because it would be an existing nonconforming use.

Chairperson Legalos: Ms. Quintana, can you comment on that?

Claudia Quintana: Yes, my understanding was that the existing Ordinance was applied to new development. I actually whispered a question to Don Hazen a few minutes ago about the applicability of this Ordinance, and it seems to be that the Commission can determine the applicability and we can just articulate what that is and put it in here. We can put in a section about applicability. If you would like it to apply to redevelopment you can say that and we will stick it on there, or if you would like there to be nonconforming uses, you can put that there, or whatever you want.

Don Hazen: And, I would also supplement what Katherine said about nonconforming. It is more than just an abandonment, but there is also a provision that if more than 50 percent of the value of that fence is destroyed, you know, say a car crashes through the chain link fence and wipes out more than 50 percent of that fence, then you lose nonconforming rights as well. So, it is a two-fold test.

Chairperson Legalos: Would that also apply in a less dramatic case, the cost of replacing the fence or repairing the fence for just simple deterioration which is equivalent to at least 50 percent of the cost of the fence.

Don Hazen: Generally, on nonconforming uses, you are allowed to maintain them in the normal course of maintenance to protect your investment, but if you decide to start replacing it piece by piece, and you take out more than 50 percent of that fencing, you lose the nonconforming status for the whole entire piece. You can certainly repaint and re-nail this welded wire if it comes loose. That sort of thing is allowed under the nonconforming statutes.

Commissioner Harrington-Cole: Is that 50 percent, say, in a year, or 50 percent all at once, or . . . ?

Don Hazen: The value. So, you would make an assumption on what that structure is worth. So, if you have a 50 foot long stretch of chain link fencing and Staff . . .

there is two ways you can go about it. If fancy elements of it contributed to the value of it and more than 50 percent of the value of that structure is removed, then you have to take out the entire thing. So, it is easy to say with a fence – 50 percent of the 50 foot would be 25 feet, and that wipes out half of the value of the fence. We use that more so in buildings and signs, for example. The wind blows down part of a sign and the sign doesn't meet our current codes but they have protected at least more than 50 percent of the value of that structure, then they are allowed to rebuild it. The same would transfer to fences as well.

Commissioner Harrington-Cole: So, if I have a fence and it is falling over and I have a guy come out and replace 10 percent of it, and then I wait two months and I have him come out and do the next 10 percent.

Don Hazen: Yes, you have discovered one of the oldest secrets in the world. That would be legitimate replacement: ten percent at a time. Some cities actually go a little further and say "within any calendar year", and things like that, but we don't do that.

Claudia Quintana. I don't know whether it is really feasible to put 10 percent in the Ordinance because it gets a little hard to calculate, but my thought, if you are interested, and I am thinking perhaps some of the Commissioners are interested in this line. It is that if we could say it is the intent of these regulations to apply to new development or upon the installation of new landscaping and fencing due to either renovation and repair, and if you like, we can put that in and I think that will assure people that they don't have to rush out and repair or actually replace everything right away.

Commissioner Manning: Katherine, just a further clarification about the chain link fences and residential. When we say public right-of-way, does that include alleys?

Katherine Donovan: Alleys are public right-of-way, although that is not my intent. We might want to change the wording from "public right-of-way" to "public street".

Commissioner Manning: That would be good. I am just thinking about all of the old neighborhoods where they really need more protection for the alleys.

Commissioner Gourley: For example, a person buys a new home – an existing home. The front yard has no fence. He wants to fence it in because of his kids, or his dog, or the neighbor's dog. He puts in a chain link fence. If this were to pass as is, he would be in violation. Is there anything currently that deals with enforcement?

Katherine Donovan: We have a Code Enforcement Division, and it is their job to enforce certain portions of the Municipal Code, including at this time, the Zoning Ordinance, and so that is our enforcement mechanism. If you are in violation of some portion of the Zoning Ordinance, it is the Code Enforcement Division's job to go after you.

Commissioner Gourley: More specifically, what is the likelihood, without a complaint from a neighbor, that that would happen?

Katherine Donovan: I think the vast majority of our Code Enforcement is done by complaint, and, on something like this, where they don't require a building permit unless they are over six feet, and in residential areas you are not allowed to have a fence over six feet. So, it has been consistently a problem, but I think that having the Ordinance that we want is important, and dealing what the enforcement as we can, is what we will do. It is particularly difficult. If we don't have the Ordinance that

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we want; we can't enforce it. So, although we may have some problems with the enforcement, it is better to have the good Ordinance to begin with.

Chairperson Legalos: Ms. Donovan: In connection with that line of questioning, would the fencing companies be notified of these changes?

Katherine Donovan: It is not standard that we notify any particular general body when we do changes, but I think that there is probably a fairly limited number of fencing companies, and I don't think it would be a hardship for the Planning Division once the Ordinance is completed and approved, to send out the revised Ordinance to the fencing companies, certainly in the City, and probably, I would suggest, in the neighboring cities also.

Chairperson Legalos: I think that would be a good idea given the fact that our Code Enforcement Department is stretched pretty thin at this time. Also, the question on the Application of this to other places like public utilities, PG&E - I had a question from a resident about PG&E switching station out in Glen Cove where PG&E wants to put six foot chain link fencing around that is fully visible from the street. The switching station is at the end of a cul-de-sac and directly across from this individual's house. Would this apply in those situations?

Katherine Donovan: I am going to have to defer to Don on this one.

Don Hazen: Yes, they do have to come before the City Public Works Department for an Encroachment Permit because those utilities are generally in public right-of-ways or public utility easements, and those are routed to the Planning Department, and if this was adopted as is, we would definitely tell them to change over to something that is permitted by the City, so, yes, we have jurisdiction over that.

Chairperson Legalos. My next question is about ground cover. I know have this as acceptable street trees and acceptable shrubs. Where would we create a list of acceptable ground cover, and how would we go about doing that? One of my main concerns here is that if we require ground cover, the easiest thing for anybody to do is to put in ivy, which is so invasive that you cannot keep it out of adjacent properties, so how and where could we specify acceptable, or maybe unacceptable ground covers, would be easier.

Katherine Donovan: My suggestion would be that a liaison from the Planning Commission go before the Beautification Commission and ask them if they would be willing to work with the Planning Commission if you are interested. The Landscape Maintenance Manager and some of the Planning Division could come up with a list of acceptable and unacceptable landscaping. When I was working on this Ordinance, I came across some very interesting sites that had really good plant lists of drought tolerant plants or plants that were good in the Bay Area, or other things. Normally we use the Sunset Western Garden Book as our "bible", but these sites had some really good alternatives. East Bay MUD also has a really, really good book out called "Water Wise Gardening" that has got incredible plant lists.

Chairperson Legalos: I think that is a great suggestion. We might just have the right person here to do that.

Don Hazen: I would be glad to. I also wanted to say that I think that one of the good things about those lists that come out of the Beautification Commission, is that they very carefully look at the kinds of plants and make sure that they are the kinds of plants that would grow well in Vallejo and I think that is very vital.

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Chairperson Legalos: My last question: Can you describe in a little more detail, the permitting process that would allow more neighborhood involvement in minor approvals. How do you get the neighborhood involvement and what is the nature of it?

Katherine Donovan: Okay. The generic process is – let me find the exact section. It is described on page 4 of this Ordinance under “E – Courtyard.” And, in general, we started with the process that we use in the Residential View District where we notify the neighbors within a 200 foot radius of any project that is going to change the footprint of the existing building, and that was the basis for this Ordinance. One of the newer revisions was that it also be posted in three visible locations, and I believe we increased (let me just check here), this is also within a 200 foot radius. There was some discussion of increasing that to a 500 foot radius, and at this point and time I can't quite remember why we didn't. Do you remember, Commissioner McConnell?

Commissioner McConnell: I think we were just concentrating on many other items, but I think 500 is desirable.

Katherine Donovan: Okay, so that might be something to include in the resolution . . . to change that number to 500 feet. The difference from this and the Residential View District is the posting requirement. There is no posting requirement in the Residential View District. In the Residential View District, when we send out these notices, on the vast majority of them, we get no comment on. When we do get comment, then it goes before the Planning Commission for site development. I read the majority of these three months ago and I don't remember all of the ins and outs. We did not require the fencing to go before the Planning Commission for two reasons. One: Because we didn't feel that in most cases it would rise to that level of controversy, and the price of an Application going to the Planning Commission is significantly higher than the price of an Application at a Staff level.

Chairperson Legalos: If there are no further questions. Commissioner Harrington-Cole.

Commissioner Harrington-Cole: I just have one. Occasionally or often when you send out a notice, you also notify the neighborhood associations?

Katherine Donovan: We always do. Yes.

Commissioner Harrington-Cole: That is not included in here, but is that a given?

Katherine Donovan: You know, it is a given, but I think it should be included.

Chairperson Legalos: There being no further questions, I will now open the Public Hearing. We have one card. The speaker is Mr. Thom Morgan.

Thomas Morgan: If I can take two minutes, I can educate you on welded wire. I am a fencing contractor. Welded wire is a thinner steel than chain link. And, yes it is welded in a grid pattern. There are multiple patterns, and it is predominantly used with a wooden frame, particularly in view lots. Like you said, up in the Northgate area where three or four feet of it is the mesh or the welded wire to where you can see through it, but it is a lighter gauge wire than the chain link, and that is the major difference. But it doesn't last as long because it is just spot welded. If people do grow ivy over it, it will pull it down.

What I came to here tonight about is the landscaping. The requirements on this look like it is predominantly directed towards residential. We can drive up and down Solano, Sonoma Boulevard. There are businesses that have weeds growing. We can go along public roads where there are weeds growing. There is no enforcement on it now. How could we make the requirements stricter and expect them to be enforced. There is nothing there occurring now where on the public streets and the public medians there are two foot, three foot high weeds. It is not getting taken care of by the City personnel, let alone, requiring the City to go after the public. The other comment I had was, on the chain link fence, it is visible from the street right-of-way. If I have got a dog and I want to enclose it, I am going to use a chain link material because it is sturdier than wood. You can see if it is a large dog, it is going to knock down a wood fence. If you are on a sloped street, and the street is coming down the hill, somebody can look over a front yard six foot high fence and see into a back yard a six foot high fence. That fence now is not going to be acceptable but yet if you walk right up to the fence and stand right in front of it, there is no way that you can see it because of the slope of the hill. I don't think going into the back yards is what the City needs to be doing. That's getting a little too close to inspecting everybody. The front yard – that's great. You, know, it isn't the best looking fence in the world. There are other options out there, and you have made some of the changes to it. There are still a few more, but you have allowed that with the wording that says "others are acceptable", but you know, the view to the backyard. . . You start off no fences, then you had the chain link fences, and your neighbors would talk through the fence. Now we have got permanent privacy by wood fencing to where you don't know your neighbors. Years ago, you could go to a lot of the older neighborhoods. That's all they had. You could sit in your backyard and have a barbeque, and look over and see your neighbors. So, it actually does allow a little bit of neighborhood togetherness because you can see everybody and you can make sure nobody else is checking out everybody else's houses or breaking in because you can see through them. But, that was my biggest concern on this which was the requirement of the back yard being visible from the street and just a great idea. The Planning Commission or the City Council just needed to come up with a way to enforce it.

Chairperson Legalos: Excuse me. I have a question. On the welded wire, in your estimation, how long would a welded wire fence remain in good condition in our climate?

Thom Morgan: In our climate? One is going to be the construction because the wood will be the first part to fail, and the wood these days is not as good as it was ten – fifteen years ago. You could be looking at having to do repairs and replacement within five to ten years, and if you are growing something on there, sooner.

Commissioner Turley: To you, just for the record, my welded wire fencing is 20 years old, and it is just as good today as it was when it was put up.

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

Commissioner Manning: I thought the speaker brought up a good point about the chain link fence and since Commissioner Engelman is no longer with us, I feel that I have to bring it up for her, but it does promote community between yards, and I don't think our intention was to preclude it from being in the back yard, and we do have a lot of homes that have up slopes and could see a chain link fence from the street. I don't think our intent was to preclude those. This is the same thing that I brought up in the older neighborhoods with alleys. I don't think our intent is to

preclude chain link fences from the alleys either necessarily. At least, I am not comfortable with that. So, I would like to just reword this or tighten this up a little bit to be clear about what I thought out intent was which was that at the street side, facing in front of the house, there would be no visible chain link along the front property line or the front entrance of the house.

Don Hazen: Commissioner Manning, I think the intent also is on the side yards where it is visible from the street, so not as you start to approach the rear part of a lot where the homes screen the side yard, but in the front 20 foot or so setback, if people were to put chain link on those sides in basically what is the front yard of most lots, that was also the intent of the Staff too, to prohibit that, because it was visible from the street.

Katherine Donovan: I actually have a suggestion so that if we change this so that it doesn't say where it is visible from the public right-of-way, we change it to something like that it can't be in front of the front wall of the house, so that the fence could be . . . and we have this issue of calling it the front setback because we have a required setback and then there is where the setback actually is, and so what I would like to have it say is behind where the house actually sits. So, you could have it, as long as it was not in front of the house.

Chairperson Legalos: So, are you saying, up to the front corner? Is that what you are saying?

Katherine Donovan: To the front wall of the house.

Chairperson Legalos: Up to the front wall of the house.

Katherine Donovan: Or, you could not have it beyond the front wall of the house.

Commissioner Gourley: Until I got this packet and started looking at chain link fences, I never realized how much of an issue it could be. So, this afternoon on the way down here, I took a ride around my block and looked. Had you asked me this morning before I took this ride, and understand, I drive down this street every day more than once, I probably would have said, "I think there are one or two chain link fences in this block and specifically in the front yards of these homes." I would have told you maybe there is one or two in my neighborhood. I went around three blocks. The street I live on is one block long. There is one of each side, and I encountered 40 fences in front yards. I didn't count the number of houses total, so I don't know what percentage of houses have their front yards fenced. Of those 40 fences, 30 of them were chain link. It concerns me greatly for two reasons. Before I say why, first I want to congratulate Commissioner McConnell for all of the work that he has done on this. I think it is great, and I see a lot of progress being made on behalf of the City and the beautification thereof and the encouragement of new people coming in. I have a real problem with the unenforceable regulations that we currently have with no immediate, foreseeable change in the enforcement ability in the near future, and I think it sends the wrong message to the community that we will pass regulations, knowing they are not enforceable. It cheapens the regulation if citizens know they are not enforceable. I think a lot of the landscaping issues are right on, and I am obviously not that concerned about chain link fences but I have a real problem which is completely disallowing them and so I would probably not support the issue with the chain link fences in there. Also, on the way down here, driving by, now I can't get chain line fences out of my mind, I drove by several schools, churches, businesses, and City property, all with chain link fences, and from what I am hearing is that in the future, we would have none of those.

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Katherine Donovan: If I might respond to that: Schools and City property would not apply. Churches are private, so it would apply to churches. Any government owned property would not apply.

Commissioner Gourley: The only thing I can think of is that two friends, a little older than I am, who, at one point in their life, decided to put in a fence in their front yard. One of them for sure put it in because he had replaced a wooden fence every six months or repaired it every six months because he lived next door to a school and it got kicked out or had graffiti on it. He put in a chain link fence. He no longer had problems. The chain link keeps his dogs in the yard and the kids out, which is what his purpose was. Let's face it; he put a fence there for a reason. Not necessarily to talk to his neighbors, either through or over, but to either keep things out or keep things in. The expense to him when he had to maintain a wooden fence or something along that line was more than he could afford, particularly in his later years. I have two friends like that. I may have others but I just happen to know of those two chain link fences. So, I have a real problem just completely disallowing chain link fences.

Commissioner Turley: We talked about prohibiting chain link fences from the front of the house toward the street. If you don't like chain link fences so much, why not prohibit them anywhere where they would be visible from the street?

Commissioner Harrington-Cole: Katherine, if we don't want to see not in the front of the house – I walk dogs regularly and there are houses that have chain link fences that go from the house wall over to the wooden wall. Would you exclude those as well or would you be okay with chain link fences from the back yard house back?

Katherine Donovan: The way it was originally written, the thought was that if you wanted a chain link fence in your backyard, you would have a wooden fence across the side yards that would block the visibility of it. But, I think the speaker had a good comment that, you know, if you live on a hillside site, then you can't have chain link at all because it is visible. I guess the question is: "How much of a hardship is it to people to not allow chain link fence if you are visible at all?" I guess it is where the Commission wants to draw the line, and I, myself, have mixed feelings. I don't like chain link fence but on the other hand, I can see where there are a certain set of circumstances under which a chain link fence really serves the purpose that no other kind of fencing will really serve. So, I have to admit we threw it in the hands of the Commission because it was a very difficult decision. That's your job.

Don Hazen: To further cloud the issue, I might suggest that if you are leaning towards backing off on that restriction on residential properties, that we not forget about industrial/commercial/office, etc., so if you are thinking of maybe having like a two-tier set of regulations that you have would have maybe, I would suggest nonresidential uses shall not have chain link fences when they are visible from the public street and then if the Commission is thinking about the hardship being created for residential properties, and the other thing, there has been quite a bit of mention about the lack of enforceability of this. I would just throw out my thoughts that we should be building these regulations for how we want the future of the City to be, and our current lack of adequate staff to do the enforcing shouldn't be a deterrent to build for the future, and in addition to that, I take the view that most citizens are law-abiding, and the law of averages is on our side in that respect.

Chairperson Legalos: Thank you Mr. Hazen. It seems to me that we may be taking a position that the only available economically feasible solution is chain link and their must be other options that are not prohibitively expensive, and if there are not,

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and the chain link is not allowed, I am certain that some innovative individual or company is going to come up with some more options when they see the opportunity here. I can agree with making some changes in perhaps allowing chain link on the side up to the front wall of the building. But, what the concern was is appearance of the City in upgrading the City. We have been working in other areas, trying to do that, and I think it is important to stay focused on that and to support that and to not allow chain link fences. I think changing "what is visible from the public right-of-way" to "not visible from the public street" is fine, but I am not in favor of continuing to allow chain link fencing across the front of properties.

Commissioner McConnell: I have listened to everyone's comments tonight, and I think there have been some excellent suggestions that probably need to be included within the resolution, whether we adopt it tonight or send it back to staff for further writing, and bring it back to us in 30 days. This suggestion to Mr. Hazen about enhanced visual appearances of welded wiring and posts that go with them or the supporting structure I think is something that needs to be addressed and probably included. The suggestion of our City attorney, Ms. Quintana, should be included. The 500 foot notification requirement, I believe, should be included. I would really not like to see us not address the overall intent and concern of this Ordinance simply because we wind up debating and disagreeing upon chain link fences, per se, and most of it seems to be relating to enforceability, if I am hearing the discussion properly. My understanding of the City's position and their policy is that Code Enforcement is splintered amongst three different offices and agencies to begin with, and secondly, they only respond to complaints that are received. I know that I have seen and heard and witnessed other complaints that have been received and been ignored by City staff. I believe that with this resolution we should consider recommending to the City Council, an adoption of a change in policy, and that recommendation should be that the City Code Enforcement be consolidated in one office, and secondly, that it not be complaint driven only. That the enforcement procedures should be able to be initiated by City staff and not only in response to a complaint. I believe that would address some of the concerns of our newest Commissioners and some of the concerns of our citizens about enforceability because, I agree, we shouldn't keep the Ordinance, and in that sense, I don't think we are, but I believe we should free up our City staff to do the job that they are capable of doing, and by having a policy of it being only complaint reactionary, defeats that very purpose. So, I would like us to consider that recommendation as well, and maybe we should continue this for 30 days just to finalize or try to tighten the language so that we can come back and actually see what we are voting on in written form.

Claudia Quintana: I have a procedural suggestion. There have been a lot of possible changes discussed tonight, and it is not clear to me whether we had a majority go a particular way, and I am wondering whether the Commission would be open to voting on those changes one by one, and perhaps from there on Staff could take it and incorporate the changes where a majority has the upper hand and perhaps the ones where they don't.

Chairperson Legalos: Ms. Quintana: Would we need to take a vote on whether to vote on the specific issues? Do we have to vote on whether or not we want to follow your suggestion?

Claudia Quintana: We could if you want to. I think it is a reasonable suggestion. I think if there is any opposition, certainly we should talk about it.

Commissioner Turley: One simple question. How is it there are no public comments on this project?

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Katherine Donovan: I haven't received a single phone call at both of the hearings we had. This evening we had one and I believe at the last hearing, we had only one speaker also. I think Commissioner McConnell had indicated when we had discussions about it that he has friends that he has discussed it with but we didn't get any phone calls. Keep in mind however that an ordinance like this, because it is City wide, we don't send out a notice to individuals. It is only advertised in the paper. So, it is a slightly different notification process and unless people are in the habit of following City agendas or looking in the paper under the legal ads, they may not be aware of what is happening.

Commissioner Peterman: In my discussions with Nimat Shakoor-Grantham, it is my understanding from talking to her that the policy isn't necessarily only to go after complaint driven issues but that they just don't have the staffing to necessarily report the issues, but if they see something out of compliance they can certainly deal with it. Is that correct?

Katherine Donovan: That's correct. In order to be responsive to citizens, they address the complaints that have come in first, and if they are out there and they notice other things in that vicinity, they certainly address them, but at this time we don't have the staff levels to be just going out looking for enforcement.

Commissioner Turley: I move that we accept a suggestion from the City Attorney to vote on these various suggestions.

Commissioner Manning: So, we are voting on whether or not we want to vote on the changes?

Katherine Donovan: Yes, I want to vote on the changes.

Commissioner Gourley: We are voting in total, individually, and they are going to be enumerated individually.

Chairperson Legalos: That's correct. Go ahead. Yes.

AYES: McConnell, Legalos, Peterman, Turley, Harrington-Cole.

NOS: Gourley, Manning

ABSENT: None.

It is unanimous.

Chairperson Legalos: Do we have a motion on voting. . .

Commissioner Peterman: It would like to add to that welded wire fencing should be framed and appropriately installed, and attractive.

Commissioner Manning: As we talked about before, I don't know if all welded wire needs to be framed, so in principle, I have concern about that one piece of Commissioner Peterman's motion. It can be attractive without a frame. That's a maybe. I need some clarification.

Don Hazen: You know, the trend in most of the newer zoning ordinances throughout the various jurisdictions is to include photos and pictures, and I am just wondering if maybe during this if we eventually do a 30-day continuance, if Staff might be able to come back with some examples of welded wire and then we can

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kind of flush out the final acceptance of that at the next meeting or we can even distribute it with the packet so that you are already sort of primed for the meeting.

Chairperson Legalos: That's an excellent suggestion. What are we voting on?

Don Hazen: Let me try to take a stab at each one of these and go down, and I think regarding the welded wire, we don't need to get so specific as to what type of welded wire, but are you basically directing Staff that you want that to be a part of the Ordinance that we bring back in 30 days? Some type of welded wire to be defined.

Chairperson Peterman: I would just like to include that it would be attractive welded wire so that if Commissioner Manning comes up with a non-framed wonderful wire, I'm open to that.

Commissioner Manning: Yes, I am fine with clarifying welded wire.

Commissioner Gourley: Are we voting on clarifying welded wire?

Don Hazen: I just would offer my assistance to kind of walk us through the various things and to kind of follow up on what Claudia is suggesting is okay. You have all agreed as a group that we can come back in 30 days so now we are just going to take a voice vote on what components the majority of you feel should be included in the next Ordinance draft. The welded wire was the only thing I think that is pretty vague still. Everything else as we go down the list will be cut and dry; I promise you that.

So for now, I think, unless there was somebody that was opposed to welded wire, for now you can just vote to go along with that and then when we come back, you can make the final decision.

Chairperson Legalos: So, we are voting on welded wire? Thank you.

Don Hazen: Right. That would be a component of the next draft Ordinance that we bring to you.

Chairperson Legalos: Right. Please vote.

AYES: Manning, Gourley, McConnell, Legalos, Peterman, Turley, Harrington-Cole.

NOS: None.

ABSENT: None.

Motion carries.

Chairperson Legalos: Mr. Hazen: The next component, please.

Don Hazen: Please jump in if I have missed a few here. But, the applicability of . . . I think that is a critical point that Claudia has suggested, and I think that really deals with the issue of "Who should this Ordinance apply to?", and I will ask Claudia if she could assist me in that discussion on the applicability. We want to vote on applicability now. Is there any policy decision that they should make in having that be a part of our next Ordinance as far as how far reaching this new Ordinance would be?

Claudia Quintana: I think the issue of applicability is a policy issue and you will be determining how far you want to go at this point and if you need to re-read the

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paragraph that I had read before and if you have a different suggestion, you can vote on that as well. What I had written here – I had said that these Guidelines would apply to new development or upon the installation of new landscaping and/or fencing due to renovation or repair. So, since we are sort of being lax about this, that would be the general framework. Obviously, if we think of a better way to say it, we will say it better and bring it back to you. You would have the ultimate vote on that, but that is the general direction that we are seeking from you, and that is what you are voting on – whether this is the general direction you want to take.

Chairperson Legalos: Okay. Please vote.

AYES: Manning, Gourley, McConnell, Legalos, Peterman, Turley, Harrington-Cole.
NOS: None.
ABSENT: None.

It is unanimous. Motion carried.

Don Hazen: Okay, the next thing I show is changing the language from view from public right-of-way to public streets.

Chairperson Legalos: Okay. May we have a vote?

AYES: McConnell, Legalos, Peterman, Turley, Harrington-Cole.
NOS: Manning, Gourley,
ABSENT: None.

It is 5-to-2. Motion carries.

Don Hazen: I think I am going to jump into a dicey one now. I think the whole provision about the chain link fencing, with a lot of discussion occurring on that – whether it should be allowed in front yards or in the front half of sides and we are just not sure what the majority view of the Commission is on that - a full issue - I should have probably actually done that before I got into the street versus right-of-way thing because I have a feeling that is the only . . . Claudia has got something.

Claudia Quintana: Actually I was just going to suggest again if one of you feel strongly about it, just pose your position and have people vote on whether or not they agree with you. And, then we can take it from there.

Commissioner Turley: I move that cyclone fences be prohibited wherever they are visible from the street.

Commissioner Manning: What do I do, make a counter motion. I am not sure what the protocol is. A substitute amendment?

Claudia Quintana: You can certainly do that or you can vote on it. You can certainly do a substitute motion. You can have a talk about it right now and flush out the issues.

Commissioner Manning: You know, again, I just want to put the argument out there that I understand from the street front that we want to improve the looks of our community, and I will support that, but again, we have a lot of neighborhoods that have the backyards that go up a hill, and so you are going to see the chain link fence and, if we put this Ordinance in, you may not be able to do that. I don't think that is appropriate. I don't think it is fair, and I think it is excessive, and I think we want to do something that is fair. I want to say that we are talking about this now

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and we are envisioning it but it is going to go down in writing, and all of us will be gone in five years – ten years from now, and people are going to have to live by this. I think there is going to be a lot of regrets about it and a lot of frustration. People putting in dog walks or those kind of things which this is not in particular for, but I think we want to do this in a way that it is a little less onerous to people, and again, I would support what we had suggested which was up to the front wall of the house. I think that is a fair compromise but I really don't support anything beyond that.

Commissioner McConnell: Thank you Mr. Chairman. I would like to maybe clarify something about our language selection here. We are talking in terms that maybe need to be defined more clearly. The front wall of the house, the backyard, the visible from the street idea, and perhaps we need to more specifically address some of our concerns. For instance, "viewable from the street". Mr. Morgan brings up the point that on a drive down or up a hill, you can see them, and I think that phrase may be a little vague. The front of the house - we have side yards as well as interior lots, and the side yard presents a different configuration because you frequently have an L-shaped fence which is on two different streets, and I would not be in favor of having a chain link fence directly on the street, so I think maybe we need to clarify that point as well. Between two backyards, I don't have any problem with chain link fences there because those are communal property lines and it would require an agreement of both neighbors, I believe. Where we could run into trouble is where we did have the one occurrence a year and a half ago where somebody wanted to build a fence and he didn't want to put it on his neighbor's property so he built one six inches or three feet back, so he had two fences with a no-man's land in between, and that is not good either. So, as long as we have a good neighbor chain link fence on back lots; I think that would be agreeable. But, I wouldn't want to see a repeat of two fences on each person's lots where one is maybe a wooden fence and the other one is a chain link fence where there is nothing in between but dead ground and weeds. That doesn't make any sense at all either. So, maybe we need to have Staff more clearly delineate where we would permit chain link fences rather than where we would like to ban them. It might make more sense if we approach it from that idea. So, I would offer the motion that Staff be directed to specify the areas where chain link fence can be permitted as compared to where it will be banned.

Chairperson Legalos: We have a motion on the floor. Is that a substitute motion?

Commissioner McConnell: Yes, it is.

We will vote on the substitute motion first.

AYES: Manning, McConnell, Legalos, Peterman, Turley, Harrington-Cole.

NOS: Gourley.

ABSENT: None.

Motion carries.

Don Hazen. The next thing I have in my notes is dealing with the noticing. I think there was a suggestion of increasing it to 500 feet.

Chairperson Legalos: Excuse me, Mr. Hazen. I need to ask Commissioner Turley to withdraw his motion. We have a substitute motion.

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Don Hazen: I know, but at the same time, there was talk of doing a greater notification, so there was a suggestion that we do a 500 foot radius and also have the text indicate the applicable neighborhood associations as well.

Chairperson Legalos: Thank you. Please vote.

AYES: Manning, McConnell, Legalos, Peterman, Turley, Harrington-Cole.

NOS: Gourley.

ABSENT: None.

It is so ordered.

Don Hazen: And, then the last thing that my notes show, and I feel free to add others that I have missed, but I believe it had to do with more of an organizational recommendation that the Code Enforcement functions be consolidated into one Department and that it not restrict itself to only complaint driven type of enforcement. It would also open it up to proactive type of code enforcement as well.

Chairperson Legalos: Thank you. I would like to ask Commissioner McConnell. I am aware of the Fire Prevention and the Code Enforcement. What is the third organization that deals with those issues?

Commissioner McConnell: People also frequently call the Police Department for code enforcement. This is a recommendation only. We don't have a jurisdiction to adopt it, but my idea is that there should be a central phone number where anybody can look up in the phone book or on a website, you know, Code Enforcement, and regardless of what area it actually falls within, they can reach one person who can direct it to the appropriate internal office.

Don Hazen: I might also add that it is my understanding as well that I believe the Building Division is also interested in adding some building code enforcement inspection services as well. I might suggest because this really is getting into areas I know that Commissions don't typically deal with, but I would suggest that in 30 days when we come back with the revised Ordinance, that maybe we come back with a description of the current enforcement structure and why we believe (and this would be from the City Manager's level on down) the structure is either working or not working and what areas of improvement City Management would also recommend in light of what you are saying and then we could then give you an opportunity to view from the internal management structure why we believe this either is working or is not, and let us handle it this way if you concur.

Chairperson Legalos: I think that would be very helpful, and I am glad that you pointed out that the Building Department does get involved in those issues because I have seen it happen myself with someone putting up an un-permitted retaining wall and having construction done on site without a permit. So, I think it would be very useful to the Commission to have a very clear view of what all of the enforcement mechanisms are in the City.

Commissioner Manning: I just wanted to make a comment about Code Enforcement since we have been talking about it so much tonight. I want to just commend our City's Code Enforcement. Over the last five years it has made tremendous strides in the City and I know we still have a long way to go, but even with the shortage of Staff, I think they have done a phenomenal job. I know having a business in the Downtown starting in 2000, just information about how to reach Code Enforcement and how responsive they are and from when, you know, I have

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constantly had dumped couches and refrigerators in the alley, and that isn't the case anymore. Things have changed dramatically, especially in the alleys in our community, and, I just wanted to put that out there, and there have been great strides made in our community with the Code Enforcement.

Chairperson Legalos: Thank you. Mr. Hazen. Can you restate your suggestion to vote on?

Don Hazen: My suggestion on the issue of the structure of Code Enforcement in the City that we come back to you with a management analysis that describes the current structure and why we believe it is the most effective structure or why we believe it is not, and then, in light of the thoughts that you have, I think you would be able to kind of finalize your recommendations after you hear from City Management and then we could defer you making a formal recommendation until the next meeting.

Chairperson Legalos: Thank you. Please vote.

AYES: Manning, Gourley, McConnell, Legalos, Peterman, Turley, Harrington-Cole.

NOS: None.

ABSENT: None.

Unanimous.

Chairperson Legalos: I would like to thank Mr. Hazen for his willingness to take on this extra work. I think it can be very helpful to the Commission and to the community. Thank you.

Don Hazen: And, now we are back to the agenda as far as do you wish to continue this for 30 days, and I might actually pull my calendar out here and see when that next meeting is. Thank you, Katherine. You would be voting on the continuance to September 17.

Chairperson Legalos: Please vote

AYES: Manning, Gourley, McConnell, Legalos, Peterman, Turley, Harrington-Cole.

NOS: None.

ABSENT: None.

It is unanimous. Motion carries.

L. OTHER ITEMS

None.

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M. ADJOURNMENT

There being no further business to discuss, this session of the Vallejo Planning Commission is now adjourned at 9:35 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Deborah Marshall".

(for) DON HAZEN, Secretary

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

DATE OF MEETING: September 17, 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

The Planning Commission approved a Resolution of Intention to revise the Screening and Landscaping Regulations on September 6, 2006. Staff brought proposed revisions to the Planning Commission on May 7, 2007, when the Planning Commission voted to continue the item to allow staff to meet with a subcommittee of the Planning Commission to discuss specific issues brought up at the Planning Commission hearing. Staff met with the subcommittee and brought the revised draft Code Text Amendment back to the Planning Commission on August 20, 2007. At this hearing, the Planning Commission requested that staff make revisions related to five specific issues and return with the revised draft on September 17, 2007. These five issues included: 1) the types of welded wire that would be allowed as fencing; 2) the applicability of the ordinance; 3) changing the wording of where chain link fencing would be allowed from “visible from the public right-of-way” to “visible from public streets”; 4) where chain link fencing would be allowed (this item would replace item 3); and 5) expand the public noticing radius from 200 feet to 500 feet and include neighborhood associations in the noticing requirement. The Planning Commission also requested staff to provide the Commission with a management analysis of code enforcement within the City indicating what departments were involved and the specific areas of enforcement responsibility of each department, which is not a part of the proposed Code Text Amendment.

ANALYSIS

New Revisions. In addition to the previously presented revisions to the Screening and Landscaping Regulations (see Exhibit B of Exhibit C, Staff Report dated August 20, 2007), the following changes, shown in bold, italicized text in Exhibit B, have been made:

In Section 16.70.010, the following statement has been added to address the applicability of the ordinance: "These regulations shall apply to new development or upon the installation of new landscaping and/or fencing due to either major renovation or repair." This statement was added to clarify when the new regulations would apply and to ensure that screening and landscaping that was legally installed prior to the adoption of these revisions would not need to be removed and replaced unless the landscaping and/or fencing was undergoing a major renovation.

In Section 16.70.030(A)(3), the description of welded wire fencing that would be allowed has been expanded. The new wording requires that the welded wire be attractive, with either a wood or other appropriate frame or of a type that is designed to be free-standing. In the same section, the location of chain link fencing has been revised. The new draft language states that "Chain link fencing shall be allowed in residential zoning districts only behind the front plane of the house. For corner lots, chain link fencing shall not be allowed on the exterior side property line beyond the side plane of the house."

In Section 16.70.060(E), the noticing radius has been changed from two hundred to five hundred feet and the requirement that a notice be sent to every identified neighborhood group within one thousand feet of the subject property has been added.

One final revision has been included at the request of the Vallejo Police Department. In Section 16.70.030, Subsection C has been added to prohibit electrified fences within the City.

Conclusion. The proposed revisions to the Screening and Landscaping Regulations have been subject to two public hearings, with revisions as requested by the Planning Commission. This final draft of the proposed revisions would clarify certain sections of the ordinance, update other sections to current standards, and provide new standards for parking lot landscaping that would ensure high quality development within 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

Attachment 1. Resolution

Attachment 2. Proposed Ordinance

Attachment 3. Draft Minutes from August 20, 2007 Planning Commission meeting

Attachment 4. Staff report dated August 20, 2007

RESOLUTION NO. PC-07-12

**A RESOLUTION HOLDING ON FIRST READING AN ORDINANCE
TO AMEND THE ZONING ORDINANCE**

[Code Text Amendment]

CTA 06-0004

Screening and Landscaping Regulation Revisions

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 the City of Vallejo Planning Commission voted 7-0 to continue the item to allow staff to make specific changes requested by the Planning Commission;

WHEREAS the City of Vallejo Planning Commission conducted a third duly noticed public hearing to consider the proposed Code Text Amendment, attached herein as Attachment 2 to the staff report, on September 17, 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 hearings, the Planning Commission makes the following factual findings:

I. 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.

II. FINDINGS RELEVANT TO CODE TEXT AMENDMENTS AND DETERMINATION OF CONSISTENCY WITH GENERAL PLAN.

Section 1. The Planning Commission finds that amendments to the City of Vallejo's Zoning Ordinance are subject to the procedures contained in Chapter 16.86 of the City of Vallejo Municipal Code and that such amendment may be initiated by a Resolution of Intention of the Planning Commission pursuant to Vallejo Municipal Code Section 16.86.030.

Section 2. The Planning Commission finds that the amendment is consistent with the General Plan in that:

1. It encourages high quality development that complements the existing character of the City.
2. It encourages well-designed parking lots, minimizing the visual impacts of such lots on adjacent development.
3. It promotes the use of trees and plants in landscaping to reduce air pollutant levels.

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 APPROVES this resolution of intention to amend Chapter 16.70 "Screening and Landscaping Regulations" of the zoning ordinance based on the findings contained in this resolution, with reference to the staff report attached hereto and incorporated herein, and recommends that staff forward this matter to City Council for their action, consistent with Vallejo Municipal Code Section 16.86.060.

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 17th day of September, 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. *These regulations shall apply to new development or upon the installation of new landscaping and/or fencing due to either major renovation or repair.* (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 *attractive* welded wire *either with a wood or other appropriate frame or of a type designed to be free-standing*, chain link or wrought iron, or other material approved by the Planning Manager. *Chain link fencing shall be allowed in residential zoning districts only behind the front plane of the house. For*

corner lots, chain link fencing shall not be allowed on the exterior side property line beyond the side plane of the house.

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.)

C. ***Electrified Fences. Electrified fences are not allowed in any zoning district.***

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 ~~five~~ **five** hundred foot radius of the site and every identified neighborhood group within one thousand feet of the subject property 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.)

Chairperson Legalos: There is some indication that both of those uses are permitted.

Dina Tasini: I think that will be fine.

Chairperson Legalos: If there are no further questions from the Commission, and I have no cards on this item, I will close the Public Hearing and bring the matter back into the hands of the Commission.

Commissioner McConnell: Thank you Chairman Legalos. I will offer the motion that is in the packet with the conditions and findings as presented by Staff and the additional request is articulated by staff tonight.

Commissioner Turley: I do have one quick question for Ms. Hightower. Have there been any public comments on this?

Michelle Hightower: No, there were not.

Commissioner Turley: Would you accept from the amendment to add as a Condition of Approval, signage indicating that the biking and pedestrian areas are in fact designated for both those activities?

Commissioner McConnell: Signage is fine.

AYES: McConnell, Turley, Manning, Peterman, Legalos, Gourley, Harrington-Cole.
NOS: None.
ABSENT: None.

It is unanimous. Motion carries.

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- 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.

Katherine will present this item.

Katherine Donovan: Good evening, Commission and welcome to the two new Commissioners: Commissioner Harrington-Code and Commissioner Gourley. This item came before you in May. We reviewed a lot of the issues. There was quite a bit of discussion and at the end of that meeting, the item was sent back to be reviewed by Staff with a Sub-Committee of the Commission, and we also got comments from the Commissioners that were reviewed by the Sub-Committee and by Staff. As you can see, we have made a number of additional revisions, and I think the end result is a much tighter, better document, and I would like to thank Commissioner Turley and Commissioner McConnell for meeting with me and going over these issues and discussing a lot of different aspects of how to get the best possible revision that we could. Some of the things that are new this time around, we included wording that would allow fencing materials that were not specifically listed as allowed materials to be approved by the Planning Manager. This was one

of the items we discussed because, as you know, there are new materials on the market all the time now and, rather than listing each and every allowed material, we felt that this was a good way to address it. It would require some review but we would not need to adjust the Ordinance each time something new came on. We also discussed fence heights, and rather than changing the existing fence height requirements, we added a process through which we could approve up to one foot additional fence height in a relatively quick manner, but we would notify neighbors and there would be a posting requirement so that neighborhood people would see the notice, even if they had not received it and would be able to respond to the Planning Division. We also added a requirement that, for new required landscaping, automatic irrigation systems would be installed. This is actually generally done. It is one of our Standard Requirements. By tightening it up and adding that to the Ordinance, it is now firmly understood that that is a requirement of the City. We also added a requirement that the Lighting Plan and the Tree Shading Plan be coordinated so we wouldn't have the problems that you are aware of at the Home Depot parking lot where once the trees grow and mature, all of the sudden, the lighting is no longer adequate because the tree canopy is below the lighting. I think that this is commonly done in other cities, and I think this is a very good suggestion.

And, finally, we had a requirement that when landscaping, and particularly street trees, had to be reduced because of specific site constraints, that that specific number of street trees would be provided to this City by the Applicant to be planted elsewhere, and I think that's a very good suggestion. As you know, the streets that have street trees are very lovely, and this would be a mechanism where we could increase our street trees in other areas.

At the original meeting and even before the meeting, there are really two main issues of concern that came up. One was relating to the fence site and there was a lot of disagreement as to whether to keep it at the existing height levels or to increase it, and I think we have come up with a very nice compromise which I discussed a little bit earlier, allowing up to one foot additional fence height and having a streamlined process. We did have a process before but it was a fairly lengthy and expensive process. This would be a much quicker, cheaper process but would still allow input from the neighborhood. The other issue was whether or not to prohibit chain link fence, and it just didn't seem that there was a compromise possible. The suggestion that we had originally included in the Ordinance was to allow it only where it would not be visible from a public right-of-way, and since it was an issue that was either a yea or nay issue, there did not seem to be any other way to make a compromise. We left it the way it is with the understanding that the Planning Commission would ultimately vote one way or the other, and actually, ultimately, it will be City Council's decision. But, just because we left it in, don't feel that that is something we are not giving you any leeway on. We understand that this was a very divisive issue.

There were other suggestions that came up that we did not include in the additional revisions we made. A couple of the Commissioners wanted to remove the view protection that we have. Right now there is a condition that for view lots, fencing around the real property line be no higher than four feet; however, if you can see through it, you can make it up to five feet. In the 6 ½ years that I have worked here in this City, that has become a contentious issue only once, and so it seems like it was not something that was extremely controversial and did not cause a lot of problems, and so we kept that in.

There were also a number of different suggestions for revising the proposed parking lot standards. Included in your packet was a matrix of different cities and what their

requirements were, and I think that the standards that had been proposed were pretty much middle of the road. They were certainly not radical compared to other cities, and so, the decision was made to leave them as they are. Again, if the Planning Commission voted to change that, it is certainly up to you. Another suggestion was that we add a definition of ground cover and a list of acceptable ground covers. We did not do that because we felt it was beyond the scope of what we were doing here with this Ordinance revision. We do have a City Street Tree List. We also have a new Shrub List which was developed in consultation with the Beautification Commission, the City Landscape Manager, and some of the Planners, and I felt that it would be more appropriate to develop a list in that group too – that same mechanism, rather than as part of the Ordinance itself. In the Proposed Changes, we have included a reduction of the Allowable Non-Living Materials, and there was a discussion of whether that was appropriate or not because in some areas specifically mentioned in the Southwest areas such as New Mexico, non-living materials are used very beautifully and they are very good for low water use. However, I have not seen that done here in the City very effectively, and it does not seem to be a technique that has made its way here yet, and so, we left the proposed changes to the Ordinance as it is.

And, finally, there was some descriptive language that was suggested in the original Amendment Revisions proposed by Commissioner McConnell, and we went through and some of those descriptive items have been added, and some were not. Specifically, in the very beginning of the Ordinance, there is sort of a Preamble that is a description of the intent of the Ordinance, and Commissioner McConnell had two specific suggestions. The first suggestion, we determined that it was really already covered by a more general description, and since this is a very general description in that first portion, we felt that that existing description was more appropriate. The second descriptive passage that Commissioner McConnell wanted to include in the Preamble piece related to whom the Ordinance was geared and who it should apply to. The entire Municipal Code applies to private development, and under some circumstances, it does not apply to public projects, and adding into this specific section of the Code that it would apply where it could apply, seemed to be at one time, both redundant, and also somewhat to imply that the rest of the Code may not apply in that manner, and so for that reason; we declined to add that. With that, if you have any questions, I would be glad to answer any questions from the Commission.

Commissioner Gourley: I had a couple of questions regarding parking structure versus parking lots. We are hopefully, sometime soon, have a parking structure in town. Will we have trees in it?

Katherine Donovan: The standard here applies specifically to parking lots, however; I can see at some point in time where we might actually have underground parking structures that had nothing above or that had a lot above, and if it was simply a flat lot; I think it would apply. Otherwise, even if it was a structure that had parking at the top that was not covered, it is a different situation, and I don't think it would apply because the circumstances would be different. You wouldn't have soil below. It would be above the ground level. It would not be having the same impact. I think a parking structure would be reviewed more like a building site is reviewed.

Don Hazen: Commissioner Gourley: I might also add that most of the Master Plans in the City where parking structures are envisioned such as the Downtown, Waterfront, and Mare Island have their own Design Guidelines that do address parking structures, and in that respect we would be looking to vegetation to help soften the visual impact of those. Whether they are actually planted every so many

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spaces is probably a fair statement. I would agree with Katherine, but we will not preclude landscaping with parking structures.

Commissioner Gourley: How would that work? For so many parking places or, I guess, square footage, you need another tree? Or, is that not applicable?

Don Hazen: As Katherine mentioned, and I agree, we would not treat them the same as we would a surface parking lot, but we would still be looking for landscaping to help augment the architecture and the visual appearance of that.

Commissioner Gourley: Okay. Now, one of the other questions I have is: This, I assume, when we make these changes, it affects new construction. It also indicates somewhere in there, when ownership is changed. Or they sell their home.

Katherine Donovan: No. That was a suggestion that was made but it is not the way that the Ordinance would be applied. Normally, when someone comes forward with a Project that requires some sort of a planning approval, at that time we review the Project with the current Ordinance to see that it complies with all of the requirements of the current Ordinance. So, if you live in your home or if you have a business and you are not doing anything, then nothing changes. It is only when you come forward and you are doing something new that these would be applied.

Commissioner Gourley: What about business changes, and you sell your residence. Does the new owner have to comply?

Katherine Donovan: No. Only if there is new development. If you bought a home or had your existing home and you did a major addition, it might apply at that time. We might require site development at that time if the addition was of a magnitude that required that site development. If you had an existing commercial building and new business moved in, and as part of their business, they needed a Major Use Permit, or they needed to do a major remodel that would require site development or some other planning approval; at that time we would review and apply these standards.

Commissioner Peterman: Thank you Katherine for all the work that you have done on this. I notice that you have a required irrigation system but we have had projects before where the people were going to plant drought resistant plants and water them until they took hold. Will there be some kind of provision for that in this Ordinance? Where it is very difficult to get water – for example?

Katherine Donovan: I think we could use that in that last Reduced Landscape Requirement section, however, my experience has been, unless you time things very well and you are very vigilant, even the most drought tolerant landscaping requires fairly regular watering until it has been established. We would certainly work with Applicants to do our best, but I have had very few Applications come through that I felt were drought tolerant enough that I felt they did not require an irrigation system.

Commissioner Peterman: Okay. Then, I was one of the people who thought that six feet was high enough, and ivy use is a great compromise, and I like the fact that you are going to noticing the neighbors because I would hate for it to become such a streamline process that anybody could go just slap an extra foot onto their fence and call it good, so I appreciate that that is going to be done. Then, we have had this discussion before about the nonliving materials. I think Commissioner Salvadori said it best at our May 7 meeting when he said that there is a heck of a lot of brown grass throughout the City. I have seen in our City a lot of places that used some of the materials and the effect, so I would hate to eliminate that as a

possibility, especially with water becoming an issue, and global warming and changing climates. We have had droughts. We could easily have them again. I would hate for us not to be able to use all of those kinds of resources to beautify our City as well as saving water. My other question is when you talk about that kind of fencing and you mention molded wire. I envision that it would be kind of stapled on to some wood framing, but is that pretty much the way it is usually done?

Katherine Donovan: You know, I was thinking of this the other day, trying to remember when I had last seen anyone use welded wire as fencing, and frankly, I can't remember ever having seen it in the recent past. I have a picture in my mind of exactly what you are talking about. There is like a wood frame with welded wire, but I can't remember having seen it. Does anyone on the Commission remember having seen such a thing?

Commissioner Peterman: That's why that vision came to mind. My concern would be that if that wasn't in place, then I am sure you would require people to do something like that. They could become the chain link of the new millennium, you know, plunked around, sort of unrolled and stuck into the ground so that's my fear, and I am sure that is something you would address with each Applicant.

Commissioner Gourley: One of the questions I was going to ask had to do with the fencing issue, and I think that is where I got the idea that these were going to be not grandfathered, because it does state in one of the sections, any chain link fence not otherwise authorized by this order shall be removed or replaced by an approved type upon transfer of title.

Katherine Donovan: I think that you are reading the suggested ordinance by Commissioner McConnell. That's not the ordinance we are reviewing tonight. If you will look in your packet, just after the Staff report, Exhibit B, this is what we are proposing.

Commissioner Gourley: Okay, that's great. I am glad you brought up the welded wire because that was another question. I don't even know what it is.

Katherine Donovan: It comes in rolls. There are various types. Some of it comes with vinyl coating. I am trying to think of where . . . Commissioner Peterman, you said you had seen some. Where have you seen it?

Commissioner Peterman: They use it in concrete.

Commissioner Gourley: It is kind of the rectangular type?

Katherine Donovan: Yes, sometimes you see it in concrete. I use it myself around the vegetable garden to keep rabbits out.

Commissioner Gourley: From what I have read, and if I have gotten the correct section, that is acceptable, and the chain link is not.

Katherine Donovan: The welded wire is part of the Code, and frankly it didn't occur to anyone to change that. It is so rarely used that I don't think it is really a problem. We certainly could strike that from the Code if the Commission felt it would be appropriate. But, the chain link was actually something we had discussed at Staff level, and it was included in Commissioner McConnell's suggested Ordinance, and various people have actually brought it up to me, and that is why we included that one.

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Commissioner Manning: We are all getting educated tonight on the different types of metal fencing. So, and probably Commissioner McConnell knows this. I know that in some older communities (I am thinking of Grass Valley and Nevada City), there is a lot of that old, what I thought was welded wire, and it is just kind of got a welded top to it, and it is actually quite lovely. That's what I thought they were referring to. It is lovely and sort of vintage.

Katherine Donovan: I don't know where you would get that anymore but I know exactly what you are talking about. I think all of those things are welded wire. I think welded wire is sort of like saying "a wooden fence." It is a large field.

Commissioner Manning: Okay, thanks.

Commissioner Turley: In regard to welded wire, they sometimes put that in concrete rather than low bars and I have some in the back of my house. When I bought my house I have a view of the Carquinez Straits, so they allowed a four foot fence, and then, because I have a pool, then they required me to have a five foot fence, and so, I forget the Director's name that was here 20 years ago. He told me "Okay, why don't you just box in with 2x4's on top of the four foot fence" (every 8 feet – a big box), and then put the welded wire on and I think it has rectangle openings of about two inches by about four inches, and that is where it was used at my house.

Katherine Donovan: Now that you mention it, I believe I have seen it used in the Bridgeport subdivision and in the Northgate subdivision under those exact circumstances to keep a view fence.

Commissioner Peterman: I have also seen it used where people have planted things along a trail up the fence which is effective and a quite nice application of it.

Chairperson Legalos: I have never seen it used and don't know what it is and what it looks like, and I am wondering if there is a concern here that it would be an attractive and cheap way around the prohibition on chain link fencing. In most cases, it is attractive, or it tends not to be attractive?

Katherine Donovan: It tends to be very invisible. It is probably the least visibly obtrusive type of fencing you can find, and I think that is why it is used in these View Ordinances. Unlike chain link, it is not sturdy enough to stand on its own. You really need a good framework to support it, and so I think it is not going to be as cheap. I may be wrong about that. I tried to research prices, and it was not easy.

Chairperson Legalos: I am more concerned with it being ugly. We have an artist rendering here that comes from Commissioner Peterman, which reassures me a bit.

Don Hazen: Mr. Chair, you might find it useful to qualify if you are leaning in that direction to permit welded wire, that you kind of specify welded wire required with framing of wooden material or a decorative welded wire so that it leaves a little bit open for interpretation, but you could set those sort of quality standards in with that.

Chairperson Legalos: We have done that to some extent with chain link in the past. We required that chain link be painted or coated, which I am not arguing in favor of chain link, but simply in favor of being able to establish some requirements to improve the appearance of welded wire if we want to allow that.

Commissioner Turley: I would like to know how Mr. McConnell feels about that welded wire.

Commissioner McConnell: When Commissioner Manning described the fences in Nevada City, Grass Valley, I envisioned what are really cast iron fences that you see in turn-of-the-century homes that are really quite elaborate and specially made. Of course, when Commissioner Turley talks about the grid pattern around his swimming pool, that's quite a different type of fencing. I think I do appreciate and would embrace the suggestion of our Planning Director Mr. Hazen that we adopt maybe a modification of requiring enhanced visual appearances of welded wiring. I think that is an excellent suggestion and I would like to incorporate that into our resolution.

Chairperson Legalos: Ms. Donovan: I have a couple of questions. Would this prohibit replacing an existing chain link fence?

Katherine Donovan: I think that if normally we have a nonconforming use, that nonconforming use can continue to exist indefinitely unless it has been "abandoned for one year or more", so I think the way that we would apply this, and Claudia, I think, can confirm this, is that, if a chain link fence were taken down and one was not there for a year, and then you wanted to replace it – you could not. Otherwise, if you had an existing chain link fence and you were just replacing the chain or redoing it, I think it would be allowed because it would be an existing nonconforming use.

Chairperson Legalos: Ms. Quintana, can you comment on that?

Claudia Quintana: Yes, my understanding was that the existing Ordinance was applied to new development. I actually whispered a question to Don Hazen a few minutes ago about the applicability of this Ordinance, and it seems to be that the Commission can determine the applicability and we can just articulate what that is and put it in here. We can put in a section about applicability. If you would like it to apply to redevelopment you can say that and we will stick it on there, or if you would like there to be nonconforming uses, you can put that there, or whatever you want.

Don Hazen: And, I would also supplement what Katherine said about nonconforming. It is more than just an abandonment, but there is also a provision that if more than 50 percent of the value of that fence is destroyed, you know, say a car crashes through the chain link fence and wipes out more than 50 percent of that fence, then you lose nonconforming rights as well. So, it is a two-fold test.

Chairperson Legalos: Would that also apply in a less dramatic case, the cost of replacing the fence or repairing the fence for just simple deterioration which is equivalent to at least 50 percent of the cost of the fence.

Don Hazen: Generally, on nonconforming uses, you are allowed to maintain them in the normal course of maintenance to protect your investment, but if you decide to start replacing it piece by piece, and you take out more than 50 percent of that fencing, you lose the nonconforming status for the whole entire piece. You can certainly repaint and re-nail this welded wire if it comes lose. That sort of thing is allowed under the nonconforming statutes.

Commissioner Harrington-Cole: Is that 50 percent, say, in a year, or 50 percent all at once, or . . . ?

Don Hazen: The value. So, you would make an assumption on what that structure is worth. So, if you have a 50 foot long stretch of chain link fencing and Staff . . .

there is two ways you can go about it. If fancy elements of it contributed to the value of it and more than 50 percent of the value of that structure is removed, then you have to take out the entire thing. So, it is easy to say with a fence – 50 percent of the 50 foot would be 25 feet, and that wipes out half of the value of the fence. We use that more so in buildings and signs, for example. The wind blows down part of a sign and the sign doesn't meet our current codes but they have protected at least more than 50 percent of the value of that structure, then they are allowed to rebuild it. The same would transfer to fences as well.

Commissioner Harrington-Cole: So, if I have a fence and it is falling over and I have a guy come out and replace 10 percent of it, and then I wait two months and I have him come out and do the next 10 percent.

Don Hazen: Yes, you have discovered one of the oldest secrets in the world. That would be legitimate replacement: ten percent at a time. Some cities actually go a little further and say "within any calendar year", and things like that, but we don't do that.

Claudia Quintana. I don't know whether it is really feasible to put 10 percent in the Ordinance because it gets a little hard to calculate, but my thought, if you are interested, and I am thinking perhaps some of the Commissioners are interested in this line. It is that if we could say it is the intent of these regulations to apply to new development or upon the installation of new landscaping and fencing due to either renovation and repair, and if you like, we can put that in and I think that will assure people that they don't have to rush out and repair or actually replace everything right away.

Commissioner Manning: Katherine, just a further clarification about the chain link fences and residential. When we say public right-of-way, does that include alleys?

Katherine Donovan: Alleys are public right-of-way, although that is not my intent. We might want to change the wording from "public right-of-way" to "public street".

Commissioner Manning: That would be good. I am just thinking about all of the old neighborhoods where they really need more protection for the alleys.

Commissioner Gourley: For example, a person buys a new home – an existing home. The front yard has no fence. He wants to fence it in because of his kids, or his dog, or the neighbor's dog. He puts in a chain link fence. If this were to pass as is, he would be in violation. Is there anything currently that deals with enforcement?

Katherine Donovan: We have a Code Enforcement Division, and it is their job to enforce certain portions of the Municipal Code, including at this time, the Zoning Ordinance, and so that is our enforcement mechanism. If you are in violation of some portion of the Zoning Ordinance, it is the Code Enforcement Division's job to go after you.

Commissioner Gourley: More specifically, what is the likelihood, without a complaint from a neighbor, that that would happen?

Katherine Donovan: I think the vast majority of our Code Enforcement is done by complaint, and, on something like this, where they don't require a building permit unless they are over six feet, and in residential areas you are not allowed to have a fence over six feet. So, it has been consistently a problem, but I think that having the Ordinance that we want is important, and dealing what the enforcement as we can, is what we will do. It is particularly difficult. If we don't have the Ordinance that

we want; we can't enforce it. So, although we may have some problems with the enforcement, it is better to have the good Ordinance to begin with.

Chairperson Legalos: Ms. Donovan: In connection with that line of questioning, would the fencing companies be notified of these changes?

Katherine Donovan: It is not standard that we notify any particular general body when we do changes, but I think that there is probably a fairly limited number of fencing companies, and I don't think it would be a hardship for the Planning Division once the Ordinance is completed and approved, to send out the revised Ordinance to the fencing companies, certainly in the City, and probably, I would suggest, in the neighboring cities also.

Chairperson Legalos: I think that would be a good idea given the fact that our Code Enforcement Department is stretched pretty thin at this time. Also, the question on the Application of this to other places like public utilities, PG&E - I had a question from a resident about PG&E switching station out in Glen Cove where PG&E wants to put six foot chain link fencing around that is fully visible from the street. The switching station is at the end of a cul-de-sac and directly across from this individual's house. Would this apply in those situations?

Katherine Donovan: I am going to have to defer to Don on this one.

Don Hazen: Yes, they do have to come before the City Public Works Department for an Encroachment Permit because those utilities are generally in public right-of-ways or public utility easements, and those are routed to the Planning Department, and if this was adopted as is, we would definitely tell them to change over to something that is permitted by the City, so, yes, we have jurisdiction over that.

Chairperson Legalos. My next question is about ground cover. I know have this as acceptable street trees and acceptable shrubs. Where would we create a list of acceptable ground cover, and how would we go about doing that? One of my main concerns here is that if we require ground cover, the easiest thing for anybody to do is to put in ivy, which is so invasive that you cannot keep it out of adjacent properties, so how and where could we specify acceptable, or maybe unacceptable ground covers, would be easier.

Katherine Donovan: My suggestion would be that a liaison from the Planning Commission go before the Beautification Commission and ask them if they would be willing to work with the Planning Commission if you are interested. The Landscape Maintenance Manager and some of the Planning Division could come up with a list of acceptable and unacceptable landscaping. When I was working on this Ordinance, I came across some very interesting sites that had really good plant lists of drought tolerant plants or plants that were good in the Bay Area, or other things. Normally we use the Sunset Western Garden Book as our "bible", but these sites had some really good alternatives. East Bay MUD also has a really, really good book out called "Water Wise Gardening" that has got incredible plant lists.

Chairperson Legalos: I think that is a great suggestion. We might just have the right person here to do that.

Don Hazen: I would be glad to. I also wanted to say that I think that one of the good things about those lists that come out of the Beautification Commission, is that they very carefully look at the kinds of plants and make sure that they are the kinds of plants that would grow well in Vallejo and I think that is very vital.

Chairperson Legalos: My last question: Can you describe in a little more detail, the permitting process that would allow more neighborhood involvement in minor approvals. How do you get the neighborhood involvement and what is the nature of it?

Katherine Donovan: Okay. The generic process is – let me find the exact section. It is described on page 4 of this Ordinance under “E – Courtyard.” And, in general, we started with the process that we use in the Residential View District where we notify the neighbors within a 200 foot radius of any project that is going to change the footprint of the existing building, and that was the basis for this Ordinance. One of the newer revisions was that it also be posted in three visible locations, and I believe we increased (let me just check here), this is also within a 200 foot radius. There was some discussion of increasing that to a 500 foot radius, and at this point and time I can't quite remember why we didn't. Do you remember, Commissioner McConnell?

Commissioner McConnell: I think we were just concentrating on many other items, but I think 500 is desirable.

Katherine Donovan: Okay, so that might be something to include in the resolution . . . to change that number to 500 feet. The difference from this and the Residential View District is the posting requirement. There is no posting requirement in the Residential View District. In the Residential View District, when we send out these notices, on the vast majority of them, we get no comment on. When we do get comment, then it goes before the Planning Commission for site development. I read the majority of these three months ago and I don't remember all of the ins and outs. We did not require the fencing to go before the Planning Commission for two reasons. One: Because we didn't feel that in most cases it would rise to that level of controversy, and the price of an Application going to the Planning Commission is significantly higher than the price of an Application at a Staff level.

Chairperson Legalos: If there are no further questions. Commissioner Harrington-Cole.

Commissioner Harrington-Cole: I just have one. Occasionally or often when you send out a notice, you also notify the neighborhood associations?

Katherine Donovan: We always do. Yes.

Commissioner Harrington-Cole: That is not included in here, but is that a given?

Katherine Donovan: You know, it is a given, but I think it should be included.

Chairperson Legalos: There being no further questions, I will now open the Public Hearing. We have one card. The speaker is Mr. Thom Morgan.

Thomas Morgan: If I can take two minutes, I can educate you on welded wire. I am a fencing contractor. Welded wire is a thinner steel than chain link. And, yes it is welded in a grid pattern. There are multiple patterns, and it is predominantly used with a wooden frame, particularly in view lots. Like you said, up in the Northgate area where three or four feet of it is the mesh or the welded wire to where you can see through it, but it is a lighter gauge wire than the chain link, and that is the major difference. But it doesn't last as long because it is just spot welded. If people do grow ivy over it, it will pull it down.

What I came to here tonight about is the landscaping. The requirements on this look like it is predominantly directed towards residential. We can drive up and down Solano, Sonoma Boulevard. There are businesses that have weeds growing. We can go along public roads where there are weeds growing. There is no enforcement on it now. How could we make the requirements stricter and expect them to be enforced. There is nothing there occurring now where on the public streets and the public medians there are two foot, three foot high weeds. It is not getting taken care of by the City personnel, let alone, requiring the City to go after the public. The other comment I had was, on the chain link fence, it is visible from the street right-of-way. If I have got a dog and I want to enclose it, I am going to use a chain link material because it is sturdier than wood. You can see if it is a large dog, it is going to knock down a wood fence. If you are on a sloped street, and the street is coming down the hill, somebody can look over a front yard six foot high fence and see into a back yard a six foot high fence. That fence now is not going to be acceptable but yet if you walk right up to the fence and stand right in front of it, there is no way that you can see it because of the slope of the hill. I don't think going into the back yards is what the City needs to be doing. That's getting a little too close to inspecting everybody. The front yard – that's great. You, know, it isn't the best looking fence in the world. There are other options out there, and you have made some of the changes to it. There are still a few more, but you have allowed that with the wording that says "others are acceptable", but you know, the view to the backyard. . . You start off no fences, then you had the chain link fences, and your neighbors would talk through the fence. Now we have got permanent privacy by wood fencing to where you don't know your neighbors. Years ago, you could go to a lot of the older neighborhoods. That's all they had. You could sit in your backyard and have a barbeque, and look over and see your neighbors. So, it actually does allow a little bit of neighborhood togetherness because you can see everybody and you can make sure nobody else is checking out everybody else's houses or breaking in because you can see through them. But, that was my biggest concern on this which was the requirement of the back yard being visible from the street and just a great idea. The Planning Commission or the City Council just needed to come up with a way to enforce it.

Chairperson Legalos: Excuse me. I have a question. On the welded wire, in your estimation, how long would a welded wire fence remain in good condition in our climate?

Thom Morgan: In our climate? One is going to be the construction because the wood will be the first part to fail, and the wood these days is not as good as it was ten – fifteen years ago. You could be looking at having to do repairs and replacement within five to ten years, and if you are growing something on there, sooner.

Commissioner Turley: To you, just for the record, my welded wire fencing is 20 years old, and it is just as good today as it was when it was put up.

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

Commissioner Manning: I thought the speaker brought up a good point about the chain link fence and since Commissioner Engelman is no longer with us, I feel that I have to bring it up for her, but it does promote community between yards, and I don't think our intention was to preclude it from being in the back yard, and we do have a lot of homes that have up slopes and could see a chain link fence from the street. I don't think our intent was to preclude those. This is the same thing that I brought up in the older neighborhoods with alleys. I don't think our intent is to

preclude chain link fences from the alleys either necessarily. At least, I am not comfortable with that. So, I would like to just reword this or tighten this up a little bit to be clear about what I thought out intent was which was that at the street side, facing in front of the house, there would be no visible chain link along the front property line or the front entrance of the house.

Don Hazen: Commissioner Manning, I think the intent also is on the side yards where it is visible from the street, so not as you start to approach the rear part of a lot where the homes screen the side yard, but in the front 20 foot or so setback, if people were to put chain link on those sides in basically what is the front yard of most lots, that was also the intent of the Staff too, to prohibit that, because it was visible from the street.

Katherine Donovan: I actually have a suggestion so that if we change this so that it doesn't say where it is visible from the public right-of-way, we change it to something like that it can't be in front of the front wall of the house, so that the fence could be . . . and we have this issue of calling it the front setback because we have a required setback and then there is where the setback actually is, and so what I would like to have it say is behind where the house actually sits. So, you could have it, as long as it was not in front of the house.

Chairperson Legalos: So, are you saying, up to the front corner? Is that what you are saying?

Katherine Donovan: To the front wall of the house.

Chairperson Legalos: Up to the front wall of the house.

Katherine Donovan: Or, you could not have it beyond the front wall of the house.

Commissioner Gourley: Until I got this packet and started looking at chain link fences, I never realized how much of an issue it could be. So, this afternoon on the way down here, I took a ride around my block and looked. Had you asked me this morning before I took this ride, and understand, I drive down this street every day more than once, I probably would have said, "I think there are one or two chain link fences in this block and specifically in the front yards of these homes." I would have told you maybe there is one or two in my neighborhood. I went around three blocks. The street I live on is one block long. There is one of each side, and I encountered 40 fences in front yards. I didn't count the number of houses total, so I don't know what percentage of houses have their front yards fenced. Of those 40 fences, 30 of them were chain link. It concerns me greatly for two reasons. Before I say why, first I want to congratulate Commissioner McConnell for all of the work that he has done on this. I think it is great, and I see a lot of progress being made on behalf of the City and the beautification thereof and the encouragement of new people coming in. I have a real problem with the unenforceable regulations that we currently have with no immediate, foreseeable change in the enforcement ability in the near future, and I think it sends the wrong message to the community that we will pass regulations, knowing they are not enforceable. It cheapens the regulation if citizens know they are not enforceable. I think a lot of the landscaping issues are right on, and I am obviously not that concerned about chain link fences but I have a real problem which is completely disallowing them and so I would probably not support the issue with the chain link fences in there. Also, on the way down here, driving by, now I can't get chain line fences out of my mind, I drove by several schools, churches, businesses, and City property, all with chain link fences, and from what I am hearing is that in the future, we would have none of those.

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Katherine Donovan: If I might respond to that: Schools and City property would not apply. Churches are private, so it would apply to churches. Any government owned property would not apply.

Commissioner Gourley: The only thing I can think of is that two friends, a little older than I am, who, at one point in their life, decided to put in a fence in their front yard. One of them for sure put it in because he had replaced a wooden fence every six months or repaired it every six months because he lived next door to a school and it got kicked out or had graffiti on it. He put in a chain link fence. He no longer had problems. The chain link keeps his dogs in the yard and the kids out, which is what his purpose was. Let's face it; he put a fence there for a reason. Not necessarily to talk to his neighbors, either through or over, but to either keep things out or keep things in. The expense to him when he had to maintain a wooden fence or something along that line was more than he could afford, particularly in his later years. I have two friends like that. I may have others but I just happen to know of those two chain link fences. So, I have a real problem just completely disallowing chain link fences.

Commissioner Turley: We talked about prohibiting chain link fences from the front of the house toward the street. If you don't like chain link fences so much, why not prohibit them anywhere where they would be visible from the street?

Commissioner Harrington-Cole: Katherine, if we don't want to see not in the front of the house – I walk dogs regularly and there are houses that have chain link fences that go from the house wall over to the wooden wall. Would you exclude those as well or would you be okay with chain link fences from the back yard house back?

Katherine Donovan: The way it was originally written, the thought was that if you wanted a chain link fence in your backyard, you would have a wooden fence across the side yards that would block the visibility of it. But, I think the speaker had a good comment that, you know, if you live on a hillside site, then you can't have chain link at all because it is visible. I guess the question is: "How much of a hardship is it to people to not allow chain link fence if you are visible at all?" I guess it is where the Commission wants to draw the line, and I, myself, have mixed feelings. I don't like chain link fence but on the other hand, I can see where there are a certain set of circumstances under which a chain link fence really serves the purpose that no other kind of fencing will really serve. So, I have to admit we threw it in the hands of the Commission because it was a very difficult decision. That's your job.

Don Hazen: To further cloud the issue, I might suggest that if you are leaning towards backing off on that restriction on residential properties, that we not forget about industrial/commercial/office, etc., so if you are thinking of maybe having like a two-tier set of regulations that you have would have maybe, I would suggest nonresidential uses shall not have chain link fences when they are visible from the public street and then if the Commission is thinking about the hardship being created for residential properties, and the other thing, there has been quite a bit of mention about the lack of enforceability of this. I would just throw out my thoughts that we should be building these regulations for how we want the future of the City to be, and our current lack of adequate staff to do the enforcing shouldn't be a deterrent to build for the future, and in addition to that, I take the view that most citizens are law-abiding, and the law of averages is on our side in that respect.

Chairperson Legalos: Thank you Mr. Hazen. It seems to me that we may be taking a position that the only available economically feasible solution is chain link and there must be other options that are not prohibitively expensive, and if there are not,

and the chain link is not allowed, I am certain that some innovative individual or company is going to come up with some more options when they see the opportunity here. I can agree with making some changes in perhaps allowing chain link on the side up to the front wall of the building. But, what the concern was is appearance of the City in upgrading the City. We have been working in other areas, trying to do that, and I think it is important to stay focused on that and to support that and to not allow chain link fences. I think changing "what is visible from the public right-of-way" to "not visible from the public street" is fine, but I am not in favor of continuing to allow chain link fencing across the front of properties.

Commissioner McConnell: I have listened to everyone's comments tonight, and I think there have been some excellent suggestions that probably need to be included within the resolution, whether we adopt it tonight or send it back to staff for further writing, and bring it back to us in 30 days. This suggestion to Mr. Hazen about enhanced visual appearances of welded wiring and posts that go with them or the supporting structure I think is something that needs to be addressed and probably included. The suggestion of our City attorney, Ms. Quintana, should be included. The 500 foot notification requirement, I believe, should be included. I would really not like to see us not address the overall intent and concern of this Ordinance simply because we wind up debating and disagreeing upon chain link fences, per se, and most of it seems to be relating to enforceability, if I am hearing the discussion properly. My understanding of the City's position and their policy is that Code Enforcement is splintered amongst three different offices and agencies to begin with, and secondly, they only respond to complaints that are received. I know that I have seen and heard and witnessed other complaints that have been received and been ignored by City staff. I believe that with this resolution we should consider recommending to the City Council, an adoption of a change in policy, and that recommendation should be that the City Code Enforcement be consolidated in one office, and secondly, that it not be complaint driven only. That the enforcement procedures should be able to be initiated by City staff and not only in response to a complaint. I believe that would address some of the concerns of our newest Commissioners and some of the concerns of our citizens about enforceability because, I agree, we shouldn't keep the Ordinance, and in that sense, I don't think we are, but I believe we should free up our City staff to do the job that they are capable of doing, and by having a policy of it being only complaint reactionary, defeats that very purpose. So, I would like us to consider that recommendation as well, and maybe we should continue this for 30 days just to finalize or try to tighten the language so that we can come back and actually see what we are voting on in written form.

Claudia Quintana: I have a procedural suggestion. There have been a lot of possible changes discussed tonight, and it is not clear to me whether we had a majority go a particular way, and I am wondering whether the Commission would be open to voting on those changes one by one, and perhaps from there on Staff could take it and incorporate the changes where a majority has the upper hand and perhaps the ones where they don't.

Chairperson Legalos: Ms. Quintana: Would we need to take a vote on whether to vote on the specific issues? Do we have to vote on whether or not we want to follow your suggestion?

Claudia Quintana: We could if you want to. I think it is a reasonable suggestion. I think if there is any opposition, certainly we should talk about it.

Commissioner Turley: One simple question. How is it there are no public comments on this project?

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Katherine Donovan: I haven't received a single phone call at both of the hearings we had. This evening we had one and I believe at the last hearing; we had only one speaker also. I think Commissioner McConnell had indicated when we had discussions about it that he has friends that he has discussed it with but we didn't get any phone calls. Keep in mind however that an ordinance like this, because it is City wide, we don't send out a notice to individuals. It is only advertised in the paper. So, it is a slightly different notification process and unless people are in the habit of following City agendas or looking in the paper under the legal ads, they may not be aware of what is happening.

Commissioner Peterman: In my discussions with Nimat Shakoor-Grantham, it is my understanding from talking to her that the policy isn't necessarily only to go after complaint driven issues but that they just don't have the staffing to necessarily report the issues, but if they see something out of compliance they can certainly deal with it. Is that correct?

Katherine Donovan: That's correct. In order to be responsive to citizens, they address the complaints that have come in first, and if they are out there and they notice other things in that vicinity, they certainly address them, but at this time we don't have the staff levels to be just going out looking for enforcement.

Commissioner Turley: I move that we accept a suggestion from the City Attorney to vote on these various suggestions.

Commissioner Manning: So, we are voting on whether or not we want to vote on the changes?

Katherine Donovan: Yes, I want to vote on the changes.

Commissioner Gourley: We are voting in total, individually, and they are going to be enumerated individually.

Chairperson Legalos: That's correct. Go ahead. Yes.

AYES: McConnell, Legalos, Peterman, Turley, Harrington-Cole.

NOS: Gourley, Manning

ABSENT: None.

It is unanimous.

Chairperson Legalos: Do we have a motion on voting. . .

Commissioner Peterman: It would like to add to that welded wire fencing should be framed and appropriately installed, and attractive.

Commissioner Manning: As we talked about before, I don't know if all welded wire needs to be framed, so in principle, I have concern about that one piece of Commissioner Peterman's motion. It can be attractive without a frame. That's a maybe. I need some clarification.

Don Hazen: You know, the trend in most of the newer zoning ordinances throughout the various jurisdictions is to include photos and pictures, and I am just wondering if maybe during this if we eventually do a 30-day continuance, if Staff might be able to come back with some examples of welded wire and then we can

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kind of flush out the final acceptance of that at the next meeting or we can even distribute it with the packet so that you are already sort of primed for the meeting.

Chairperson Legalos: That's an excellent suggestion. What are we voting on?

Don Hazen: Let me try to take a stab at each one of these and go down, and I think regarding the welded wire, we don't need to get so specific as to what type of welded wire, but are you basically directing Staff that you want that to be a part of the Ordinance that we bring back in 30 days? Some type of welded wire to be defined.

Chairperson Peterman: I would just like to include that it would be attractive welded wire so that if Commissioner Manning comes up with a non-framed wonderful wire, I'm open to that.

Commissioner Manning: Yes, I am fine with clarifying welded wire.

Commissioner Gourley: Are we voting on clarifying welded wire?

Don Hazen: I just would offer my assistance to kind of walk us through the various things and to kind of follow up on what Claudia is suggesting is okay. You have all agreed as a group that we can come back in 30 days so now we are just going to take a voice vote on what components the majority of you feel should be included in the next Ordinance draft. The welded wire was the only thing I think that is pretty vague still. Everything else as we go down the list will be cut and dry; I promise you that.

So for now, I think, unless there was somebody that was opposed to welded wire, for now you can just vote to go along with that and then when we come back, you can make the final decision.

Chairperson Legalos: So, we are voting on welded wire? Thank you.

Don Hazen: Right. That would be a component of the next draft Ordinance that we bring to you.

Chairperson Legalos: Right. Please vote.

AYES: Manning, Gourley, McConnell, Legalos, Peterman, Turley, Harrington-Cole.

NOS: None.

ABSENT: None.

Motion carries.

Chairperson Legalos: Mr. Hazen: The next component, please.

Don Hazen: Please jump in if I have missed a few here. But, the applicability of . . . I think that is a critical point that Claudia has suggested, and I think that really deals with the issue of "Who should this Ordinance apply to?", and I will ask Claudia if she could assist me in that discussion on the applicability. We want to vote on applicability now. Is there any policy decision that they should make in having that be a part of our next Ordinance as far as how far reaching this new Ordinance would be?

Claudia Quintana: I think the issue of applicability is a policy issue and you will be determining how far you want to go at this point and if you need to re-read the

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paragraph that I had read before and if you have a different suggestion, you can vote on that as well. What I had written here – I had said that these Guidelines would apply to new development or upon the installation of new landscaping and/or fencing due to renovation or repair. So, since we are sort of being lax about this, that would be the general framework. Obviously, if we think of a better way to say it, we will say it better and bring it back to you. You would have the ultimate vote on that, but that is the general direction that we are seeking from you, and that is what you are voting on – whether this is the general direction you want to take.

Chairperson Legalos: Okay. Please vote.

AYES: Manning, Gourley, McConnell, Legalos, Peterman, Turley, Harrington-Cole.

NOS: None.

ABSENT: None.

It is unanimous. Motion carried.

Don Hazen: Okay, the next thing I show is changing the language from view from public right-of-way to public streets.

Chairperson Legalos: Okay. May we have a vote?

AYES: McConnell, Legalos, Peterman, Turley, Harrington-Cole.

NOS: Manning, Gourley,

ABSENT: None.

It is 5-to-2. Motion carries.

Don Hazen: I think I am going to jump into a dicey one now. I think the whole provision about the chain link fencing, with a lot of discussion occurring on that – whether it should be allowed in front yards or in the front half of sides and we are just not sure what the majority view of the Commission is on that - a full issue - I should have probably actually done that before I got into the street versus right-of-way thing because I have a feeling that is the only . . . Claudia has got something.

Claudia Quintana: Actually I was just going to suggest again if one of you feel strongly about it, just pose your position and have people vote on whether or not they agree with you. And, then we can take it from there.

Commissioner Turley: I move that cyclone fences be prohibited wherever they are visible from the street.

Commissioner Manning: What do I do, make a counter motion. I am not sure what the protocol is. A substitute amendment?

Claudia Quintana: You can certainly do that or you can vote on it. You can certainly do a substitute motion. You can have a talk about it right now and flush out the issues.

Commissioner Manning: You know, again, I just want to put the argument out there that I understand from the street front that we want to improve the looks of our community, and I will support that, but again, we have a lot of neighborhoods that have the backyards that go up a hill, and so you are going to see the chain link fence and, if we put this Ordinance in, you may not be able to do that. I don't think that is appropriate. I don't think it is fair, and I think it is excessive, and I think we want to do something that is fair. I want to say that we are talking about this now

and we are envisioning it but it is going to go down in writing, and all of us will be gone in five years – ten years from now, and people are going to have to live by this. I think there is going to be a lot of regrets about it and a lot of frustration. People putting in dog walks or those kind of things which this is not in particular for, but I think we want to do this in a way that it is a little less onerous to people, and again, I would support what we had suggested which was up to the front wall of the house. I think that is a fair compromise but I really don't support anything beyond that.

Commissioner McConnell: Thank you Mr. Chairman. I would like to maybe clarify something about our language selection here. We are talking in terms that maybe need to be defined more clearly. The front wall of the house, the backyard, the visible from the street idea, and perhaps we need to more specifically address some of our concerns. For instance, "viewable from the street". Mr. Morgan brings up the point that on a drive down or up a hill, you can see them, and I think that phrase may be a little vague. The front of the house - we have side yards as well as interior lots, and the side yard presents a different configuration because you frequently have an L-shaped fence which is on two different streets, and I would not be in favor of having a chain link fence directly on the street, so I think maybe we need to clarify that point as well. Between two backyards, I don't have any problem with chain link fences there because those are communal property lines and it would require an agreement of both neighbors, I believe. Where we could run into trouble is where we did have the one occurrence a year and a half ago where somebody wanted to build a fence and he didn't want to put it on his neighbor's property so he built one six inches or three feet back, so he had two fences with a no-man's land in between, and that is not good either. So, as long as we have a good neighbor chain link fence on back lots; I think that would be agreeable. But, I wouldn't want to see a repeat of two fences on each person's lots where one is maybe a wooden fence and the other one is a chain link fence where there is nothing in between but dead ground and weeds. That doesn't make any sense at all either. So, maybe we need to have Staff more clearly delineate where we would permit chain link fences rather than where we would like to ban them. It might make more sense if we approach it from that idea. So, I would offer the motion that Staff be directed to specify the areas where chain link fence can be permitted as compared to where it will be banned.

Chairperson Legalos: We have a motion on the floor. Is that a substitute motion?

Commissioner McConnell: Yes, it is.

We will vote on the substitute motion first.

AYES: Manning, McConnell, Legalos, Peterman, Turley, Harrington-Cole.

NOS: Gourley.

ABSENT: None.

Motion carries.

Don Hazen. The next thing I have in my notes is dealing with the noticing. I think there was a suggestion of increasing it to 500 feet.

Chairperson Legalos: Excuse me, Mr. Hazen. I need to ask Commissioner Turley to withdraw his motion. We have a substitute motion.

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Don Hazen: I know, but at the same time, there was talk of doing a greater notification, so there was a suggestion that we do a 500 foot radius and also have the text indicate the applicable neighborhood associations as well.

Chairperson Legalos: Thank you. Please vote.

AYES: Manning, McConnell, Legalos, Peterman, Turley, Harrington-Cole.

NOS: Gourley.

ABSENT: None.

It is so ordered.

Don Hazen: And, then the last thing that my notes show, and I feel free to add others that I have missed, but I believe it had to do with more of an organizational recommendation that the Code Enforcement functions be consolidated into one Department and that it not restrict itself to only complaint driven type of enforcement. It would also open it up to proactive type of code enforcement as well.

Chairperson Legalos: Thank you. I would like to ask Commissioner McConnell. I am aware of the Fire Prevention and the Code Enforcement. What is the third organization that deals with those issues?

Commissioner McConnell: People also frequently call the Police Department for code enforcement. This is a recommendation only. We don't have a jurisdiction to adopt it, but my idea is that there should be a central phone number where anybody can look up in the phone book or on a website, you know, Code Enforcement, and regardless of what area it actually falls within, they can reach one person who can direct it to the appropriate internal office.

Don Hazen: I might also add that it is my understanding as well that I believe the Building Division is also interested in adding some building code enforcement inspection services as well. I might suggest because this really is getting into areas I know that Commissions don't typically deal with, but I would suggest that in 30 days when we come back with the revised Ordinance, that maybe we come back with a description of the current enforcement structure and why we believe (and this would be from the City Manager's level on down) the structure is either working or not working and what areas of improvement City Management would also recommend in light of what you are saying and then we could then give you an opportunity to view from the internal management structure why we believe this either is working or is not, and let us handle it this way if you concur.

Chairperson Legalos: I think that would be very helpful, and I am glad that you pointed out that the Building Department does get involved in those issues because I have seen it happen myself with someone putting up an un-permitted retaining wall and having construction done on site without a permit. So, I think it would be very useful to the Commission to have a very clear view of what all of the enforcement mechanisms are in the City.

Commissioner Manning: I just wanted to make a comment about Code Enforcement since we have been talking about it so much tonight. I want to just commend our City's Code Enforcement. Over the last five years it has made tremendous strides in the City and I know we still have a long way to go, but even with the shortage of Staff, I think they have done a phenomenal job. I know having a business in the Downtown starting in 2000, just information about how to reach Code Enforcement and how responsive they are and from when, you know, I have

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constantly had dumped couches and refrigerators in the alley, and that isn't the case anymore. Things have changed dramatically, especially in the alleys in our community, and, I just wanted to put that out there, and there have been great strides made in our community with the Code Enforcement.

Chairperson Legalos: Thank you. Mr. Hazen. Can you restate your suggestion to vote on?

Don Hazen: My suggestion on the issue of the structure of Code Enforcement in the City that we come back to you with a management analysis that describes the current structure and why we believe it is the most effective structure or why we believe it is not, and then, in light of the thoughts that you have, I think you would be able to kind of finalize your recommendations after you hear from City Management and then we could defer you making a formal recommendation until the next meeting.

Chairperson Legalos: Thank you. Please vote.

AYES: Manning, Gourley, McConnell, Legalos, Peterman, Turley, Harrington-Cole.

NOS: None.

ABSENT: None.

Unanimous.

Chairperson Legalos: I would like to thank Mr. Hazen for his willingness to take on this extra work. I think it can be very helpful to the Commission and to the community. Thank you.

Don Hazen: And, now we are back to the agenda as far as do you wish to continue this for 30 days, and I might actually pull my calendar out here and see when that next meeting is. Thank you, Katherine. You would be voting on the continuance to September 17.

Chairperson Legalos: Please vote

AYES: Manning, Gourley, McConnell, Legalos, Peterman, Turley, Harrington-Cole.

NOS: None.

ABSENT: None.

It is unanimous. Motion carries.

L. OTHER ITEMS

None.

**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:

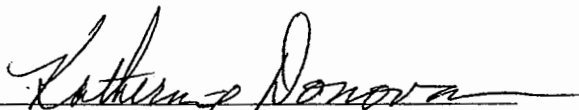
Findings:

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.
-


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
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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

<p>3' w/ screening</p>	<p>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),</p>
<p>5' (<100' w/ screening)</p>	<p>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.)</p>
<p>5' (<100' w/ screening)</p>	<p>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.)</p>
<p>5' (<100' w/ screening)</p>	<p>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.)</p>
<p>Benicia</p>	<p>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.</p>

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

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

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

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

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

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

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

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

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

Katherine Donovan: If you wanted.

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

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

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

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

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

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

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

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

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

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

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

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

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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

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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?

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

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

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

DATE OF MEETING: September 17, 2007
PREPARED BY: Katherine Donovan
PROJECT NUMBER: UP 07-0009
PROJECT LOCATION: 1801 Sonoma Boulevard; APN 0056-164-040

PROJECT

DESCRIPTION: Application for a major use permit to allow beer and wine to be served in conjunction with an existing restaurant. The restaurant is currently open seven days per week, from 11 a.m. to 9:30 p.m. and may eventually stay open until midnight.

RECOMMENDATION: Recommend Approval with Conditions.

CEQA: Categorically Exempt per Section 15301, Title 14 of the California Code of Regulations.

1. PROJECT DATA SUMMARY

Name of Applicant: Ken Ingersoll
Date of Completion: July 19, 2007
General Plan Designation: Downtown Mixed Use
Zoning Designation: MUPD (Downtown Vallejo Specific Plan District 2, Central Downtown)

Site/Surrounding Land Use:

Site: The site is currently occupied by Gracie's, a barbeque restaurant.

North: There is a liquor store directly north of the project site, with Casa de Vallejo, an independent senior housing facility, beyond.

South: A variety of commercial uses including a bridal shop, a cocktail lounge, and the Victory Surplus store occupy the buildings south of the project, some with residential uses on upper floors.

East: There is a church on the opposite corner to the east, with residential uses beyond.

West: A variety of office and commercial uses including a branch U.S. Post Office and the Dream Center occupy the buildings to the west of the project site.

Lot Area: 9,750 square feet (lot also contains the liquor store)

Total Floor Area: The floor area of the building is 1,160 square feet, with an additional 850 square feet of outdoor seating.

Landscape Area/Coverage: The existing site has approximately 230 square feet of landscape area.

Parking Required/Provided: The property shares a 17-space parking lot with the small U.S. Post Office branch next door. In the Downtown Vallejo Specific Plan area, the ground floor of buildings to a depth of sixty feet is exempt from off-street parking requirements. As the building is less than sixty feet deep, no parking is required for this project.

2. BACKGROUND SUMMARY

The Downtown Vallejo Specific Plan requires approval of a major conditional use permit for establishments that serve alcohol, referring to the Vallejo Municipal Code for specific limitations for on-site alcohol sales. Section 16.82.060(Q) of the Vallejo Municipal Code sets forth a number of requirements for the on-site sale of alcohol. These requirements are intended to minimize impacts related to alcohol sales and consumption and include a requirement that all servers undergo “responsible beverage service” training, that there be a “complaint response/ community relations” program, and that appropriate signage be posted. These requirements are included as conditions of approval for this application. Section 16.82.060(Q) limits prohibits new use permits for alcohol sales within one thousand feet of any other alcohol outlet unless the new use is a bona fide eating establishment.

3. ANALYSIS

Gracie’s is an existing barbeque restaurant on the corner of Sonoma Boulevard and Virginia Street. The building was originally a gas station, probably built in the 1930s. The current business owner has remodeled the exterior and added an outdoor seating area surrounded by a low concrete wall under the old gas station canopy and added landscaping along the street frontages as well as within the patio area. He is now applying for approval to serve beer and wine at the restaurant. Although his current business hours are 11 a.m. to 9:30 p.m. seven days per week, he has indicated that the hours may eventually expand to midnight. Staff generally recommends that business owners indicate how late they may be open in the future to ensure that the approval meets the long-term plans for the business.

As the restaurant is a bona fide eating establishment, the one thousand foot limitation would not apply to this project. The application includes service to midnight, although currently the business is not open past 9:30 p.m. The applicant has requested approval of service until midnight in anticipation of future demand. Given the downtown location, these hours of operation are reasonable and would not have detrimental impact on nearby uses. The intent of the Downtown Vallejo Specific Plan is to encourage the development of an active mixed use area, with Arts and Entertainment as an attraction to residents and visitors. Providing services in the evening hours would help attract more visitors to the area, providing customers to other businesses and providing service to customers of the entertainment venues anticipated in the Downtown Plan.

Although the outdoor dining provided on the open patio area may allow more noise than an enclosed building, any music would be limited to non-amplified acoustical music.

Residential uses in the vicinity are not in immediate contact with the building and, given the limited size of the restaurant, are not likely to be significantly affected by the extension of the hours. Should noise become a problem in the future, the applicant shall be required to enclose the patio area or limit late night seating to the enclosed building. Late night seating would be past 10 p.m. on weeknights and midnight on weekends.

In reviewing the project, staff discovered that the applicant applied for a building permit to do tenant improvements to the building, but failed to request the required inspections, including final inspection and certificate of occupancy. In addition, the scope of work on the building expanded without plan revisions so that some of the work was not included in the building permit. These issues have been brought to the attention of the applicant and he has indicated that he intends to remedy the situation. As a condition of approval for this application, all issues related to construction permitting and sign offs for occupancy must be resolved prior to commencing beer and wine service.

The restaurant is on a prominent corner in the downtown. Allowing beer and wine sales would be appropriate to the area and the restaurant and is consistent with development envisioned in the Downtown Vallejo Specific Plan. The Vallejo Police Department has indicated that they see no problem with approval of this application. The applicant has also presented his plans to the Vallejo Alcohol Policy Coalition, which has decided not to oppose this application.

4. ENVIRONMENTAL DETERMINATION

The proposed project has been reviewed for conformance with the requirements of the California Environmental Quality Act (CEQA). The project qualifies for a Class 1 categorical exemption from the requirements of CEQA per Section 15301, Title 14 of the California Code of Regulations as it consists of the licensing of an existing private facility involving negligible or no expansion of use beyond that existing at the time of approval.

5. CONCLUSION/RECOMMENDATION

Staff has determined that the proposed project, as conditioned, is consistent with the City's General Plan and Municipal Code, and all applicable ordinances, standards, guidelines, and policies. Therefore, staff recommends that the Planning Commission approve Use Permit 07-0009 based on the findings and subject to the attached Conditions of Approval.

FINDINGS

1. The project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Title 14 of the California Code of Regulations as it consists of the licensing of an existing private facility involving negligible or no expansion of use beyond that existing at the time of approval.
2. The Planning Commission finds that applicant submitted a Major Use Permit application, which is required for the on-site sale of alcoholic beverages. Use Permit approval is governed by Chapter 16.82 of City of Vallejo Municipal Code. The Use Permit is required for on-site sale of alcoholic beverages in all districts of the Downtown pursuant to the Downtown Vallejo Specific Plan and the City of Vallejo Municipal Code section 16.82.060Q.

3. The location, size, design and operating characteristics of the proposed conditional use will be compatible with adjacent uses, building or structures, with consideration given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities, to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity and physical character of surrounding streets; and to any other relevant impact of the proposed use per Sections 2 and 3 of this staff report.
4. The impacts, as described in Finding 3, above, and the location of the proposed conditional use are consistent with the City General Plan per Sections 2 and 3 of the staff report.

EXPIRATION

Approval of the use permit shall expire automatically 24 months after its approval unless the conditions of approval have been met and the appropriate alcohol license has been received from the California Department of Alcoholic Beverage Control prior to the expiration date.

APPEAL RIGHTS

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.

ATTACHMENTS

1. Resolution
2. Conflict of Interest Map
3. Site Plan and photos

CITY OF VALLEJO PLANNING COMMISSION

RESOLUTION NO. PC 07-_____

**A RESOLUTION OF THE PLANNING COMMISSION
APPROVING A CONDITIONAL USE PERMIT APPLICATION
UP 07-0009**

*On-site Sale of Beer and Wine in Conjunction with Restaurant
1801 Sonoma Boulevard
0056-164-040*

WHEREAS an application was filed by Ken Ingersoll seeking approval for a conditional use permit to allow beer and wine service in conjunction with an existing restaurant;

WHEREAS the City of Vallejo Planning Commission conducted a duly noticed public hearing to consider the application for the Conditional Use Permit on September 17, 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:

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS.

Section 1. The project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Title 14 of the California Code of Regulations as it consists of the licensing of an existing private facility involving negligible or no expansion of use beyond that existing at the time of approval.

II. FINDINGS RELEVANT TO USE PERMIT AND FINDINGS FOR PROJECT APPROVAL AND FOR DETERMINATION OF PROJECT CONSISTENCY WITH APPLICABLE GENERAL PLAN

Section 1. The Planning Commission finds that applicant submitted a Major Use Permit application, which is required for the on-site sale of alcoholic beverages. Use Permit approval is governed by Chapter 16.82 of City of Vallejo Municipal Code. The Use Permit is required for on-site sale of alcoholic beverages in all districts of the Downtown pursuant to the Downtown Vallejo Specific Plan and the City of Vallejo Municipal Code section 16.82.060Q.

Section 2. Planning Commission finds, based on the facts contained in sections 1, 2, 3, 4, and 5 of 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 location, size, design and operating characteristics of the proposed conditional use will be compatible with adjacent uses, building or structures, with consideration given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities, to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity and physical character of surrounding streets; and to any other relevant impact of the proposed use per Sections 2 and 3 of the staff report.
2. The impacts, as described in subsection 1, and the location of the proposed conditional use are consistent with the City General Plan per Sections 2 and 3 of the staff report.

III. RESOLUTION RECOMMENDING APPROVAL OF THE CONDITIONAL USE PERMIT APPLICATION FOR UP 06-0021, SUBJECT TO CONDITIONS OF APPROVAL

NOW, THEREFORE, LET IT BE RESOLVED that the Planning Commission hereby APPROVES the conditional Use Permit application UP 07-0009 to allow the on-site sales of beer and wine in conjunction with a restaurant based on the findings contained in this resolution and subject to the Conditions of Approval attached hereto as Exhibit A and incorporated herein by reference.

IV. 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

CONDITIONS OF APPROVAL
MAJOR USE PERMIT #07-0009
(APN 0056-164-040)

A. Planning Division

1. Submit a numbered list to the Planning Division stating how each condition of project approval contained in this report will be satisfied. The list should be submitted to the project planner who will coordinate development of the project.
2. The hours of operation for this use are limited to midnight. Later hours of operation require approval of a late-night business permit per Section 16.57.030 of the Vallejo Municipal Code.
3. Any music in the outdoor seating area shall be limited to non-amplified acoustical music.
4. Should the City receive complaints about noise in the hours between the hours of 10 p.m. and midnight on weekday evenings, seating shall be limited to indoor areas or the patio shall be enclosed.

PROJECT REQUIREMENTS:

A. Planning Division

1. All exterior lighting shall be high pressure sodium, or equivalent type, and shall have an illumination intensity of between one and four footcandles. Lights shall be directed and shielded so as not to glare onto adjoining residential properties. Lights shall have a housing to protect against breakage. Broken or burnt out lights shall be replaced within one hundred twenty business hours.
2. No alcohol shall be sold for off-site consumption in association with this application.
3. All graffiti shall be removed from the walls, fences, and/or building within one hundred twenty hours of its appearance on the property.
4. No exterior vegetation shall be planted that is susceptible to use as a hiding place for persons on the premises.
5. The applicants shall establish and maintain a "complaint response/community relations" program which includes the following:
 - a. Coordinate with the local community division of the Vallejo Police Department regarding appropriate monitoring of community complaints concerning activities associated with the subject facility.

- b. A local phone number for the area commander of the local police substation in the geographical area where the establishment is located for the receipt of complaints from the community regarding the subject facility and the main Vallejo Police Department phone number shall be posted at the entry or at the reception desk.
 - c. A representative of the subject facility should voluntarily meet with representatives of the neighbors and/or neighborhood association, at their request, to resolve neighborhood complaints regarding the establishment.
6. The following signs shall be prominently posted in English, Spanish, and the predominant language of the facility's clientele:
- a. A sign shall be prominently posted within any subject establishment, and outside, so as to be seen by anyone entering the establishment, stating that "California State Law prohibits the sale of alcoholic beverages to persons under twenty-one years of age." (A notice shall also be placed on all menus.)
 - b. "No Loitering or Public Drinking" signs shall be posted in the alcohol beverage display areas in a readily visible manner.
6. A copy of the conditions of approval of the conditional use permit must be kept on the premises of the establishment and presented to any police officer or any authorized city official upon request.
7. All servers shall, within ninety days of employment, complete an approved course in "responsible beverage service training". The outlet shall, within ten days, provide evidence of the employee's completion of this training to the Planning Division.
8. This use permit is for the specific type and size establishment and maximum hours of operation approved in this application. Should the type of alcohol license approved by ABC change or hours of operation be expanded, the use permit issued for on-site alcohol sales at this location shall become null or void, and a new use permit shall be required prior to resuming the sale of alcohol products.
9. Prior to implementation of use permit and any sale of beer and wine, applicant shall obtain approval from the Planning Division for the previously installed signage and awnings, as well as building permits for all un-permitted work and required improvements including installation of retractable glass panels around the outdoor seating area, the awnings, and ADA accessibility improvements.
10. Prior to implementation of use permit and any sale of beer and wine, applicant shall obtain a building permit and resurface existing outdoor utility structure with a stucco finish to match the main building.

B. Building Division

1. Property shall be brought into ADA compliance as necessary.
2. Apply for building permits for all construction work done without permits, including retractable glass panels around outdoor seating area.

C. Department of Public Works

1. Prior to implementation of use permit and any sale of beer and wine, property owner shall enter into a deferred improvement agreement with the City of Vallejo for removing existing wide driveway approach fronting the property along Virginia Street with City standard curb, gutter, and sidewalk.

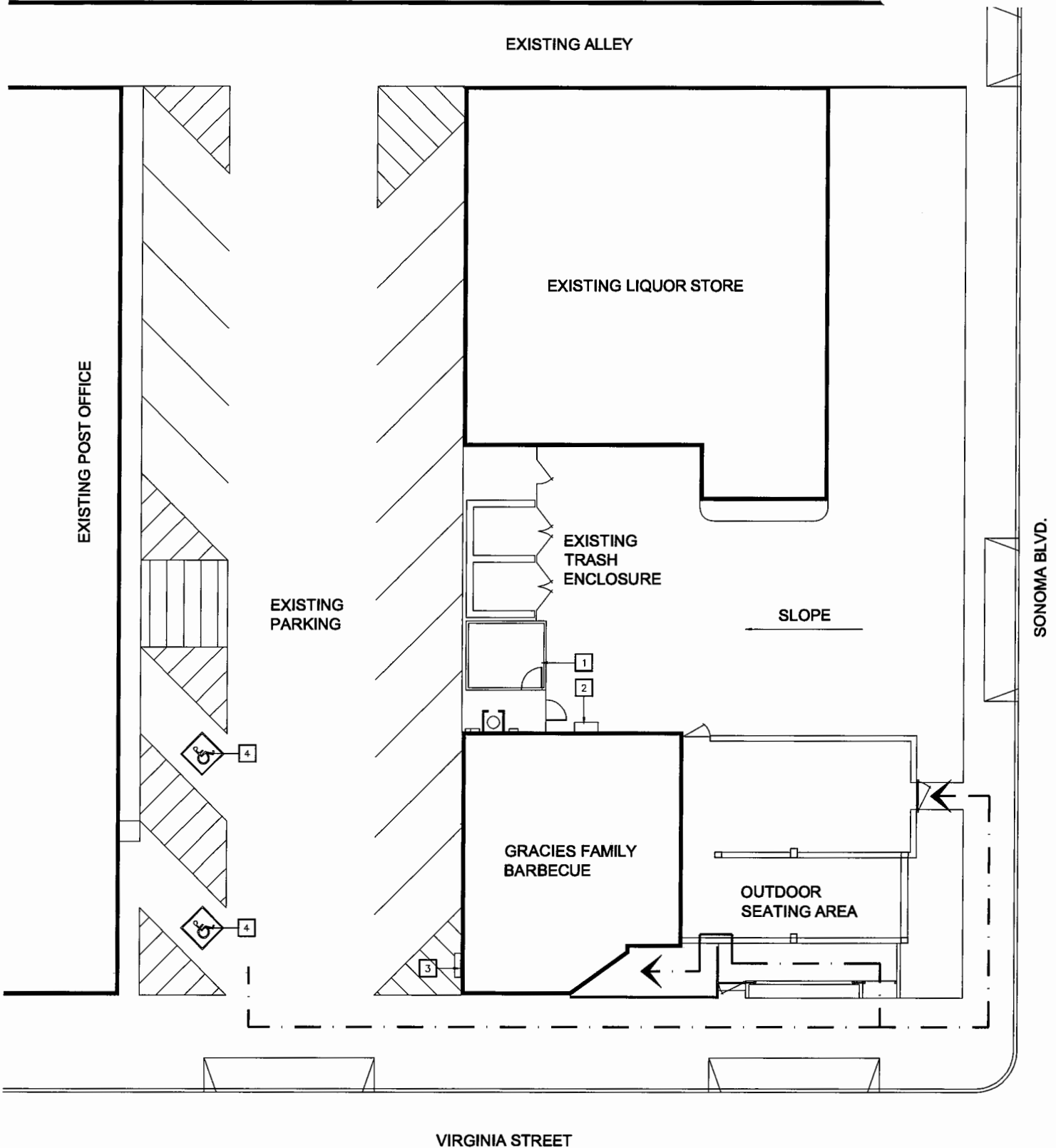
D. Police Department

1. Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 11:00 a.m. to midnight.
2. The premise shall be equipped and maintained in good faith and shall possess, in operative condition, such convenience for cooking foods as stove, ovens, broilers, or other devices as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed.
3. The area surrounding the premises as well as the proposed dock area shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the stated area.
4. All employees must complete the LEAD training provided by ABC or similar training such as the RBS training.
5. Shall not convert to public premises license.

GENERAL REQUIREMENTS:

1. All businesses on the premises and all contractors and subcontractors working on the project shall obtain current City of Vallejo business licenses.
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. The applicant shall defend, indemnify, and hold harmless the City of Vallejo and its agents, officers, and employees from any claim, action, or proceeding against the City and its agents, officers, and employees to attack, set aside, void, or annul

this approval by the City. The City may elect, at its discretion, to participate in the defense of any action.



VIRGINIA STREET



SITE PLAN

SCALE: 1/16" = 1'-0"

GRACIE'S BBQ - 1801 SONOMA BLVD.

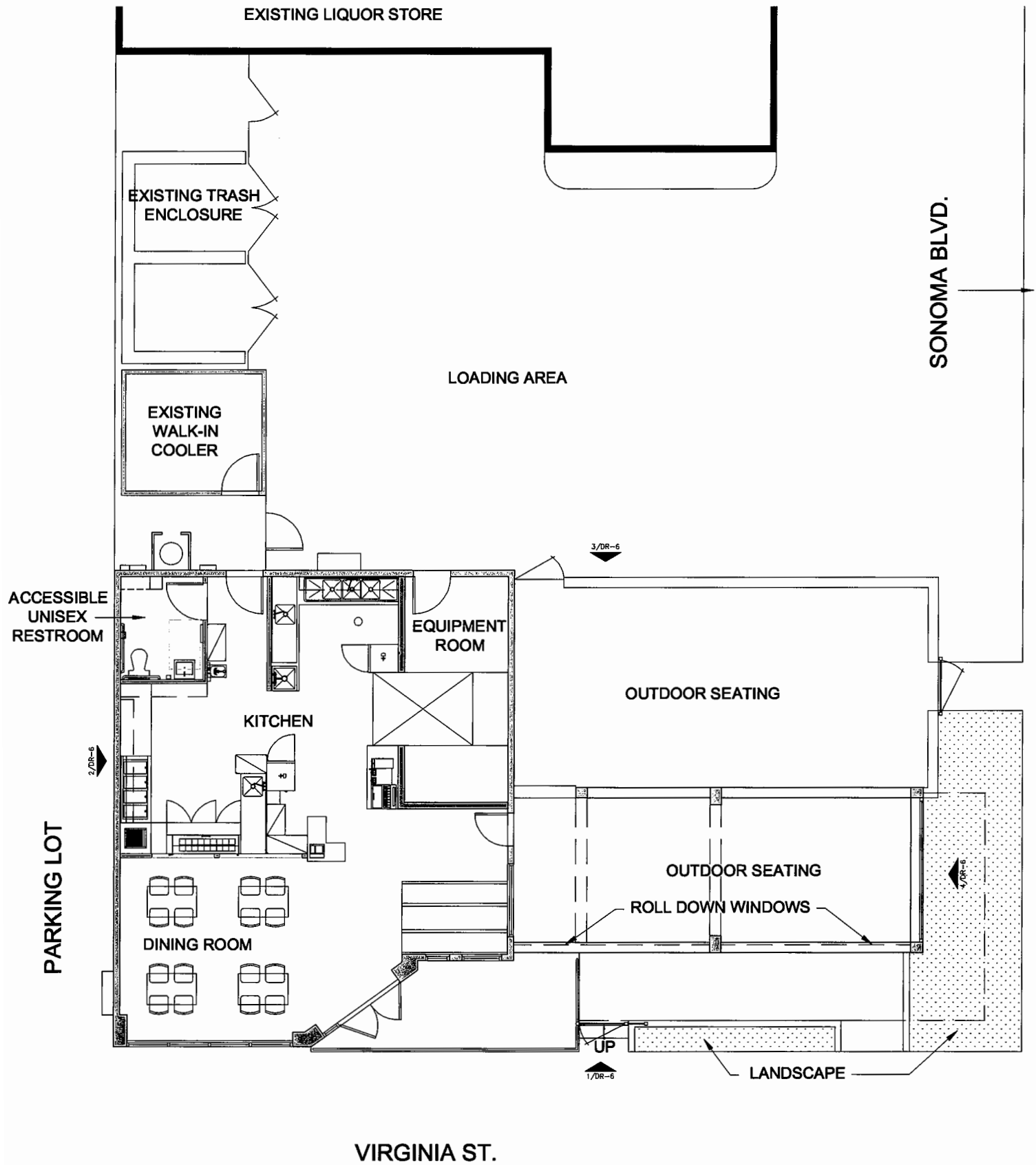
ARC Inc.

560 FIRST STREET, STE. B-201, BENICIA, CA 94510
616 MARIN STREET, VALLEJO, CA 94590

JOB NO:
GFB02

DWG DATE:
08-31-07

DWG NO:
DR-7



FLOOR PLAN
SCALE: 3/32" = 1'-0"

GRACIE'S FAMILY BBQ -1801 SONOMA BLVD.

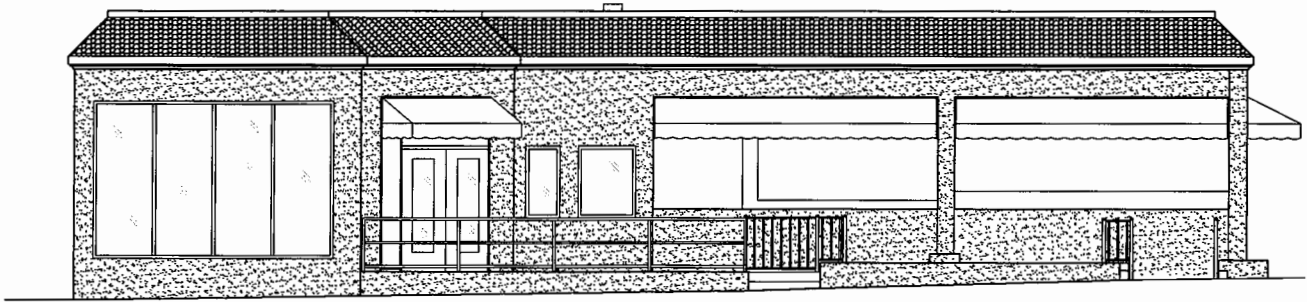
ARC Inc.

560 FIRST STREET, STE. B-201, BENICIA, CA 94510
616 MARIN STREET, VALLEJO, CA 94590

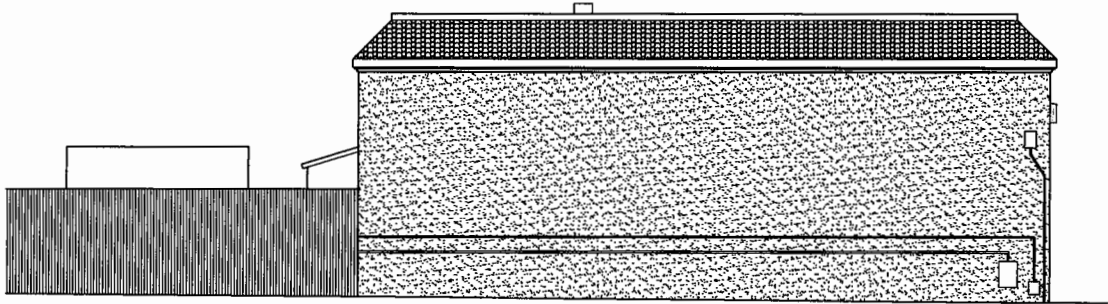
JOB NO:
GFB02

DWG DATE:
08-30-07

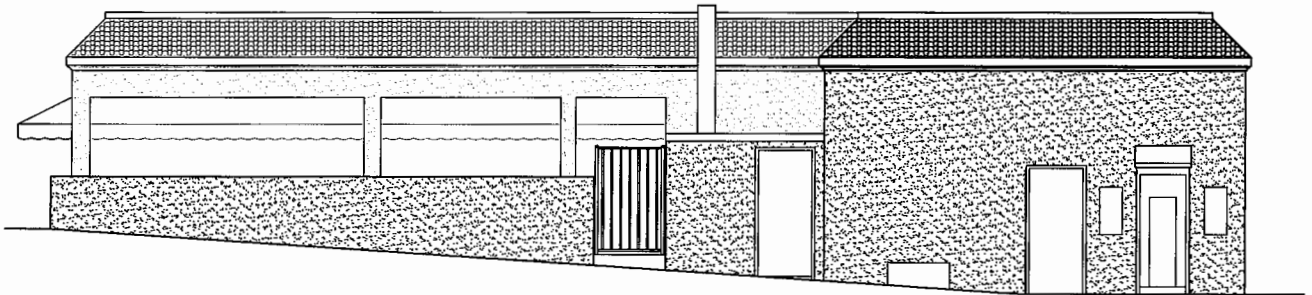
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DR-5



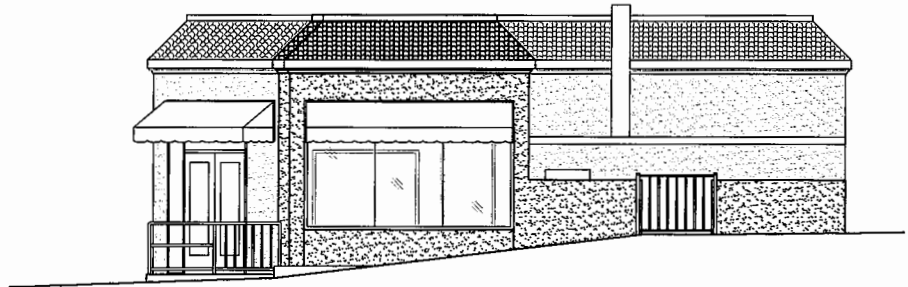
① VIEW FROM VIRGINIA ST.



② VIEW FROM PARKING LOT



③ VIEW FROM LOADING AREA



④ VIEW FROM SONOMA BLVD.

EXTERIOR ELEVATIONS

SCALE: 3/32" = 1'-0"

GRACIE'S FAMILY BBQ - 1801 SONOMA BLVD.

ARC Inc.

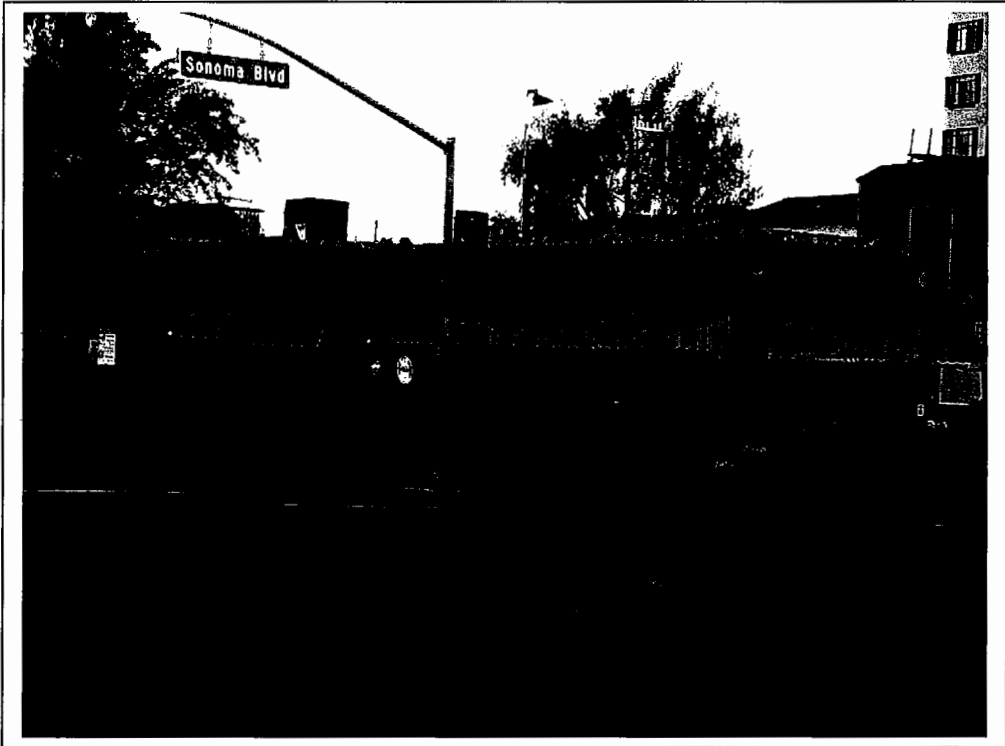
560 FIRST STREET, STE. B-201, BENICIA, CA 94510
616 MARIN STREET, VALLEJO, CA 94590

JOB NO:
GFB02

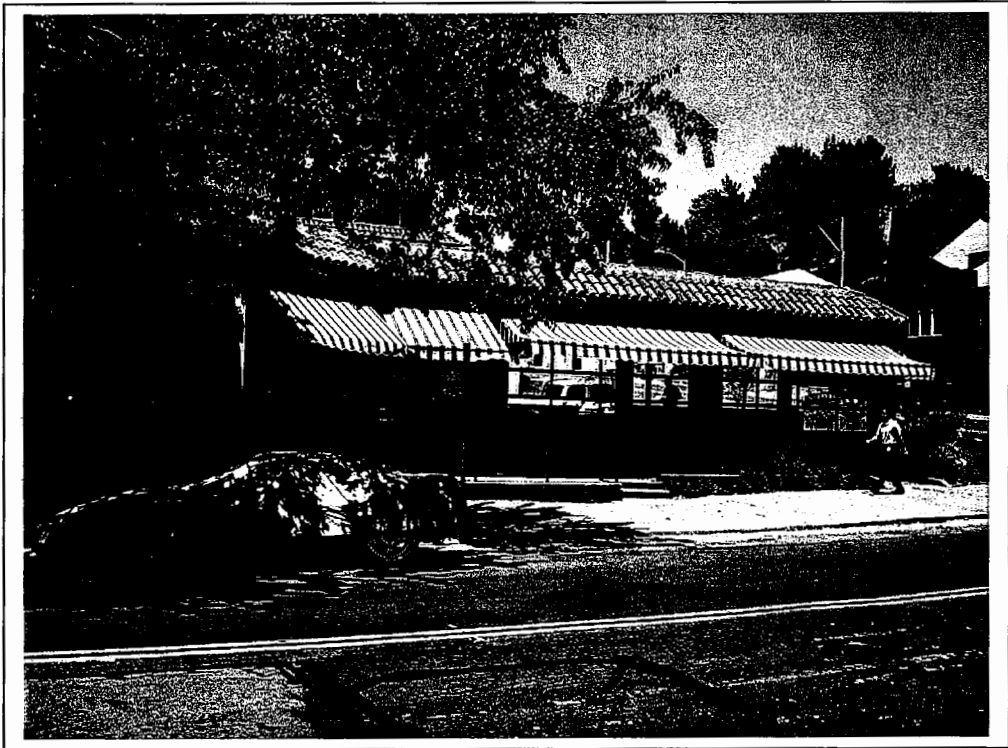
DWG DATE:
08-30-07

DWG NO:
DR-6

**Gracie's Family Barbecue
1801 Sonoma Blvd.
Vallejo, CA 94590**

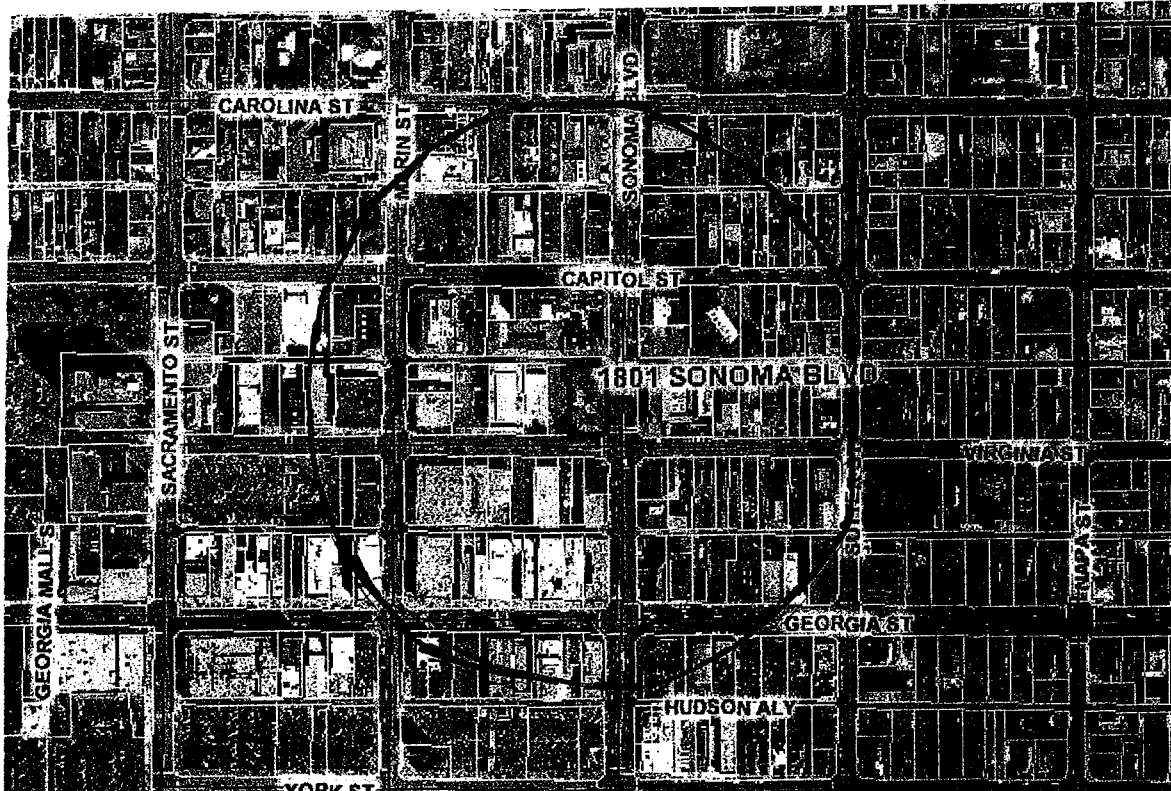


**Gracie's Family Barbecue
1801 Sonoma Blvd.
Vallejo, CA 94590**



**Gracie's Family Barbecue
1801 Sonoma Blvd.
Vallejo, CA 94590**





CONFLICT OF INTEREST MAP
(500-foot radius)

Use Permit #07-0009
1801 Sonoma Boulevard; APN: 0056-164-040