

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
5 NOVEMBER 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: October 15, 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. Planned Development 07-0001, Tentative Map 07-0002, Zoning Map Amendment 07-0001, and Minor Exception 07-0001 are applications for a 24-unit townhome complex located on El Dorado between Illinois and Arkansas. Proposed CEQA Action: Mitigated Negative Declaration. Staff Planner: Katherine Donovan, 648-4327.

Staff recommends **continuance** to the meeting of November 19, 2007.

- 2. Site Development 07-0016 appeal of the conditions of approval. **Appeal withdrawn**, see attached fax. Staff Planner: Marcus Adams, 648-5392.
- 3. Use Permit 07-0013 to legalize an existing tow service/storage yard. Vehicles are stored on the property, both outside and within an enclosed building. Light vehicle repair is also conducted within the enclosed building. Proposed CEQA Action: Exempt. Staff Planner: Marcus Adams, 648-5392.

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

4. Code Text Amendment 07-0002 would allow "Construction Sales & Services (16.06.320 V.M.C.)" within all Freeway Commercial zoned districts as a conditionally allowed use. Currently, these uses are only allowed in Intensive Use, Intensive Use-Limited, and Planned Development Industrial zoned districts. Proposed CEQA Action: Exempt. Staff Planner: Marcus Adams, 648-5392.

Staff recommends a recommendation of **approval** to the City Council.

5. Planned Development 02-0015 Amendment. The applicant has petitioned to amend the condition of approval for Hyde Park which regulates the "entry gate" closure hours. Currently, the entry gate is to remain open every day between the hours of 6 a.m. and 8 p.m. The applicant would like to remove this condition, allowing the gates to be closed at all times. Proposed CEQA Action: Exempt. Staff Planner: Marcus Adams, 648-5392.

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

L. OTHER ITEMS

None.

M. ADJOURNMENT

**Sonoma State University's
24th Annual Planning Commissioners' Conference
Saturday, December 1, 2007**

**Presented by the Department of Environmental Studies & Planning,
The Institute for Community Planning Assistance,
And the Student Planning Association**

For Commissioners, Elected Officials, and Professional Staff

- Location:** The Cooperage, Sonoma State University (for a map visit <http://www.sonoma.edu/maps/maps.php?map=cooperage>). Free parking on campus.
- Schedule:**
- | | |
|------------------------------|-----------------------|
| Check-in, coffee and muffins | 8:30 a.m. - 9:00 a.m. |
| Conference | 9:00 a.m. - 1:00 p.m. |
| Lunch | 1:00 p.m. - 2:00 p.m. |
- Speakers:** Janet Ruggiero, FAICP, Community Development Director, City of Citrus Heights
Woody Tescher, Principal Technical Professional/Planning + Urban Design
Bill Higgins, Senior Staff Attorney, League of California Cities
- Topics include:**
- Planning commission roles and responsibilities
 - Recent developments in planning law
 - Key planning law concepts for planning commissioners
 - State of the art general and specific plans: practicality and innovation
- Cost:** \$90 per person, lunch and course materials included.
- Registration:** Register by email, fax, or mail using the attached registration form. Register early, as **space is limited**. REGISTRATION DEADLINE: November 28 or while seats last.
- Payment:** Visa® and MasterCard® accepted. Please make checks payable to Sonoma State University and send to: Department of Environmental Studies and Planning, Sonoma State University, 1801 E. Cotati Avenue, Rohnert Park, CA 94928.
- Refunds:** A refund minus a \$30 service fee will be given for cancellations through November 26, 2007. We regret that no refunds can be given after that date.

For more information contact the Institute for Community Planning Assistance at: 707/664-2306 (phone), 707/664.4202 (fax) or joann.smith@sonoma.edu.

Vallejo Planning Commission Minutes
October 15, 2007

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

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

C. ROLL CALL:

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

Absent: Excused: Legalos and Turley.

D. APPROVAL OF THE MINUTES.

Commissioner McConnell made a motion to approve the minutes of the meeting of October 1, 2007.

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

NOS: None.

ABSENT: Legalos and Turley.

It is unanimous. Motion carries.

E. WRITTEN COMMUNICATIONS

None.

F. REPORT OF THE SECRETARY

None.

G. CITY ATTORNEY REPORT

None.

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

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

2. Council Liaison to Planning Commission – None.

3. Planning Commission to City Council – 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.

J. CONSENT CALENDAR AND APPROVAL OF THE AGENDA

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

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

Commissioner McConnell: I move the approval of the agenda and the consent calendar.

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

NOS: None.

ABSENT: Legalos and Turley.

Motion carries.

K. PUBLIC HEARINGS

1. **Use Permit 07-0007**- An application proposing to legally establish an existing day care/pre-school facility. The Youth and Family Services day care/preschool facility operates Monday thru Friday, 7:30 a.m. to 5:30 p.m. The Applicant does not propose any new construction or extension of current operating hours. Maximum capacity is for 12 children, ages 2 to 6. Proposed CEQA Action: Exempt. Staff Planner: Marcus Adams, 648-5392.

Staff recommends approval based on the findings and conditions.

Marcus Adams: Good evening Commissioners. Good to see everyone. We have football, baseball tonight and you still came. The item that is presented before us tonight is for the Youth and Family Services located on Tennessee Street, and I have a brief power point presentation which we can go through.

The Youth and Family Services is located on Tennessee Street between Colusa and Amador Street. Here is a copy of the picture of the site plan that the applicant submitted to us. If you were out near the site, you will notice that there is the railroad tracks that run right by there on Tennessee. Here is a copy of the floor plan. Here is an overhead picture, and the reason that I include this tonight is because the main issues that we had. First of all, I should explain how this came before us. This is one of the second locations of the Youth and Family Services, and they have been in the process of trying to receive their business license for the past few years. Those of you who have been through the process know that you sometimes have to go through fire inspection or some other inspections, and so when they first submitted for their business license a few years back, they were going through the improvements to get this done, so this didn't actually come before the Planning Division until this year, and then when we researched to see if they did, indeed, have a Use Permit for this type of use at this facility, they did not, so we informed them that they are going to need a Use Permit before we go any further with that process and before they get too far into the improvement process. So, I wouldn't say that it was a willful trying to get around the Use Permit procedure. It was just a matter of them not even knowing that they needed the Use Permit until they actually came to our counter and

found out and then, they applied for the Use Permit right away after that. So, that's how the application came before us. As noted in the Staff Report, we had not received any complaints regarding the facility regarding just parking or any other type of use activities there but that was an issue that we did have. We, being the Planning Division, had a concern regarding the parking because, once again, if you have been out to the site, there is really no parking beyond just the parking that's along Tennessee Street in front of the building. But, they informed us that they do utilize the Seventh Day Adventist Church parking lot which you can access off Colusa, and there is Quincy Alley. Here is an overhead picture of that. The Youth and Family Services building is located right here and then they have a back ramp entrance. Here is a better picture. There is the building there for the Seventh Day Adventist Church. There is the parking lot and this is the rear of the subject site. There are approximately 14 spaces there in that parking lot, and it is kind of a shared parking agreement because, you can imagine, the church themselves rarely have any parking beyond the administrative meetings so that they really don't have any services during the time that Youth and Family Services are having their operation. So, we felt that with the shared parking agreement, that could actually be documented and that should solve any type of parking issues that would come up. Once again, staff did talk to the tenants there – the business owners, and there seemed to be no objections to the parking. This seems to be working just fine. Once again, another overhead picture of the site: So, with that communication, once that is recorded, of course, the question may come up whether or not they are able to get this documented parking agreement. If you will notice, in the Conditions of Approval, we stated that if they are unable to obtain a documented shared parking agreement, that if the Planning Division did hear about some parking complaints, that their staff would have to come back to us with some type of parking mitigation plan. Worse case scenario – if it became something that had to be brought back before the Commission, then of course we would do that being that it was a Conditional Use Permit. With that, I am free to answer any questions that you might have.

Commissioner McConnell: Thank you Mr. Chairman. Mr. Adams: When did this business actually apply for their business license the first time?

Marcus Adams: The Executive Director is here tonight, and she can correct me if I am wrong but I want to say 2005 is when they first went to the Business License Division.

Commissioner McConnell: I recall a discussion at the Planning Commission some time ago where we were assured that there was not going to be this lapse between the application for a business license and the review by the Planning Division. Did this application for the business license come in before those changes were made at the Planning Division?

Marcus Adams: I am familiar with what you are talking about. Indeed it did, and, once again, I think that in this case, what happened is that when they went down to get their business license, they never even made it up to the Planning Division for us to even talk to them. There are two sections that are checked there – Fire Prevention for Solano County, and, I think, at that time, when they called the Fire Prevention they found that they had to do all these tenant improvements so they were in the process of raising funds for that and getting that together. So, we only became knowledgeable about this in this year.

Commissioner McConnell: My concern is with the permitting process itself. There has been a great criticism of the permitting process of the City of Vallejo

Vallejo Planning Commission Minutes
October 15, 2007

and, what I am trying to do is understand how this situation arose and maybe review what might prevent it from occurring again in the future.

Don Hazen: I recall discussing this a few months ago, and I think there are still a few lingering cases out there that kind of lapsed into the old way of verifying that businesses are actually permitted and so, this is one of those holdovers. Since that last discussion we have had, I think that we have not had any similar cases arise, so I think we have tightened up that whole problem.

Commissioner McConnell: Is there any type of time restriction on how long a business license application can be outstanding before it either lapses or has to be acted upon?

Marcus Adams: I am not quite sure about the answer on that but this business was never issued. They never obtained their business license. They went down there and got the application form and then once they found out that they had to do certain things before they could even get the business license, they were in the process of doing that.

Commissioner McConnell: Are they open now?

Marcus Adams: Yes.

Commissioner McConnell: When did they open?

Marcus Adams: I will let the Executive Director answer that. I am not quite sure when they opened.

Commissioner McConnell: So, they have been engaged in business activities for some period of time without a business license as well?

Marcus Adams: But, they do have a business license for the administrative activities there, the issue that is not before us tonight. Not for the daycare and preschool facility.

Commissioner McConnell: When I reviewed their webpage, they appeared to be a rather sophisticated organization. There is a lot of talent in back of them. They have been dealing with the government for many years. I am surprised that this situation could have occurred, and I am concerned that it might reoccur. I don't think it should, so I would like to hear some comments about that from the applicant but it does cause me concern that they are open, that they are as sophisticated as they are, and that our permitting process didn't pick this up any earlier.

Chairperson Peterman: Are there any more comments or questions from the Commission? I just would like to point out that it is the second time this has happened to Youth and Family Services, and they do such wonderful work in our community that I would hope that we can expedite the processes for organizations like these that they don't get don't get mucked and mired in the system. That being said, I will open the Public Hearing and call the applicant now. Would you please give your name for the record?

Kate Bostick: I am the Executive Director for Youth and Family Services. For about two years now, I became Executive Director and I am trying to get everything in order and that being getting the business license and buildings up to par, and getting everything in order. I was able to do that last year with our

building at 408 Tennessee Street, and then I applied for the license for 1017 Tennessee, and the Fire Marshall had some things he wanted fixed, and as a nonprofit, they were costly, so we had to fund raise . So, we did that and fixed the repairs on the building. That needed to be done in order to pass so that we could then apply for the business license. Then, the Fire Marshall came back and he said that he wanted some more things fixed. So, we were told that we did need to comply and not argue, so we did. We fund raised again because the additional things were more money. So, we did fix those and then the Fire Marshall came out to clear us and he found some more things, so, we again did some more fund raising. And, we finished all of those things that we had to do, and we were cleared, and the minute we were cleared, we came down and applied and then we found out that we needed to get a Youth Permit and then we applied for the Youth Permit. And so, that is where we are. We had to pay a fee. I think it was \$2,000 or \$3,000. So, we are trying to get an order and follow the City's rules.

Commissioner McConnell: In your experience of going through this procedure, what do you feel that the City could have done or should have done differently about this permit process?

Kate Bostick: Well, for a nonprofit anyway, I think it would be nice to have everything right up front. It would have been very nice if the Fire Marshall who came out could have done one, thorough look and told us exactly everything at one time because we were trying to fund raise. It was very difficult to find money from citizens to fix things like that. They want to give you money to help people with services – little children, women. But, they don't really want to pay for a fire alarm door or something like that. If we knew right up front, then we could do a fund raiser that had to do with a one-time, help us build a barn, you know, help us get this going and get it done all at one time, and get this moving. But, when you have to fund raise for repairs and then you have to go back out and fund raise again for some more, and then you have to do it again, and then you have to pay a fee; it is difficult because it is not something that's in a budget that we get. So, it would be nice to have just one in common explain what is it you have to do, and how much it is probably going to cost and then let you do it at one time.

Commissioner McConnell: Other than your experiences with the Fire Marshall, is there anything else that you think could have been changed or improved upon?

Kate Bostick: I guess just maybe an easy step card or something that tells you when you need certain things because I don't think that as sophisticated as we are in therapy and things like that, I don't think we really understood the steps that we were supposed to take, and that maybe exist and we just didn't know it at the time. Maybe it would work better to have an easy step card of some kind showing first you do this, and then you do that, and then you do this.

Commissioner McConnell: I appreciate your comments and your input on this. Thank you very much.

Commissioner Manning: Could you just tell me a little bit more about the Fire Marshall's visits and what was found. Were there actual repairs? Tell me a little bit more about the type of repairs and, were they things that were just not things that he could see the first time he was there?

Kate Bostick: The first thing is that this Fire Marshall was different from the second Fire Marshall, so that right there is two different things. The first Fire

Vallejo Planning Commission Minutes
October 15, 2007

Marshall showed us in our large meeting room that we needed push doors so that people could exit quickly and how whoever was in that building before didn't have the front doors up to access for a wheelchair on one side. So, we had to fix that and a few things like exit signs or something like that. Then, the second one came and he said: "Now, you would need these doors too. You did these doors, but you need these doors." So, we did those doors and he advised that we needed the alarm to be hooked to a company so that if the alarm ever went off, they would call you or call the Fire Department in the middle of the night, and then you would be notified that your building was on fire. And, then, I think, the last time, they wanted us to add some lighting in the exit signs. I can't remember all the details of each time but there was always a little something more. They required electricians and wiring by companies and we have a monthly contract with a company now that monitors that building.

Commissioner Manning: When you first applied, did you get a basic list of things that you needed to do for the Fire Marshall?

Kate Bostick: We got a list each time. It was provided when they came out and did the inspection. Not ahead of time.

Commissioner Manning: Thank you.

Chairperson Peterman: Are there any more questions? I agree, especially with a nonprofit. It is difficult to continue to raise money for this type of thing. Raising money for a push bar door is not glamorous so it is hard to do but you have done a wonderful job in doing that. Thank you.

Kate Bostick: I will say that we were able to get a few of the items like the push bar door in the front, through donations. You know, a construction company was kind enough to do that but then when you get another one to do, you just hit them up. If you could have hit them up with all three of them at once, it would have been a little bit easier. But, anyway, I would say that professionals have told me not to argue or say anything to Fire Marshalls, so I just did whatever they told me to do.

Chairperson Peterman: Thank you, and thank you for all the work that you do for our community. Any cards on this? I will bring it back into the hands of the Commission now.

Commissioner McConnell: I move to approve a resolution approving a Conditional Use Permit application, Use Permit 07-0007 based upon the findings and conclusions as stated in the Staff Report.

Commissioner Manning: I just wanted to make a comment to Mr. Hazen before we vote on this. This is unfortunate but it is a real life example of what many business people in our community go through in the permitting process, and it is things that have to get fixed. I know this is a new, approved purview, but it is part of the problem with the City, but not only is it difficult for nonprofits like this, it is difficult for our business people – small businesses that are trying to start their business here. People can't budget when every time the Fire Marshall comes out, he says something different, or the Building Department does. We have to have a better process. We need to be more consistent and clear and have one visit. It costs the City money and it costs the businesses money and it delays great services, like these services for these children. I just want to make this comment and ask Mr. Hazen that you take this back to staff as a real life example as to what is broken and has to get fixed.

Don Hazen: Commissioner Manning: I appreciate your comments and what I would like to do is maybe address this development process after the study session this evening and update you on an outreach meeting that we had last week. Commissioner Peterman was also involved in that, and then kind of draw your attention again to the Council Memo that we distributed last week. So, I would like to kind of talk generally about that for a few minutes after the study session if that is okay.

Please vote.

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

NOS: None.

ABSENT: Legalos and Turley.

It is unanimous. Motion carries.

2. Planned Development 07-0001, Tentative Map 07-0002, Zoning Map Amendment 07-0001, and Minor Exception 07-0001 are applications for a 24-unit town home complex located on El Dorado between Illinois and Arkansas. Proposed CEQA Action: Mitigated Negative Declaration. Staff Planner: Katherine Donovan, 648-4327.

Staff recommends **continuance** to the meeting of November 5, 2007.

Commissioner McConnell: I make a motion to continue the meeting to November 5, 2007.

Please vote.

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

NOS: None.

ABSENT: Legalos and Turley.

It is unanimous. Motion carries.

L. OTHER ITEMS

1. Study session for I-80 Corridor.

Don Hazen: This is a study session for the I-80 Corridor. This was requested of the Commission about four week ago, and, in your packet, I prepared a brief Memo that kind of outlines that this is the kickoff of what could ultimately result in a process of a series of policy recommendations that will come from the Commission to the Council, hopefully. The I-80 Corridor, as I have suggested in the report, appears that the visual appearance of the Corridor and possibly the lack of "vision" for that corridor are two of the striking deficiencies that have come up in conversation with Commissioner McConnell and Chairman Legalos. We are joined this evening by Public Works' staff, Joe Bates, Gary Leach, John Cerini, and, I believe, that is Lee Taubeneck from CalTrans who have put together a very nice power point presentation as kind of a prior for what could be a series of policy discussions on the I-80 Corridor. I have included in the report and passed those on to the Public Works Team in advance, some of the questions that were given to me by you last week, so that they have a head start, kind of, on searching for the answers to these. Again, I would like to reiterate that as a study session we are not really looking for making any decisions this

evening. This is strictly just an information meeting and allows you to ask questions of the staff, and then, after that, we might participate in a discussion of where you would like to take it from there. I think there is a lot of potential for the City to start focusing in on some of these key corridors. We also are aware of the fact that it would be nice to update our General Plan. That is long overdue but there is also the budget realities of that. So, I think this is a healthy discussion that could start from this, and hopefully, it will carry us on to other areas of the City as well. With that, I would like to kick it off to the staff. This is not technically a public hearing but there may be folks in the audience that would like to ask questions as well.

Joe Bates: Welcome Gentlemen. Thank you for coming. I think most of you know me and I work in the Public Works' Maintenance Division in charge of landscaping and of course, this is Gary Leach to my immediate right, and next to him is John Cerini who is our Maintenance Superintendent and then Lee Taubeneck. Did I pronounce your name correctly? He is from CalTrans, and this entire presentation is regarding Vallejo's highway corridors and how they are maintained and what we would like to see done with them. I would like to point out right before we begin that the individual who is in charge of maintenance for CalTrans in the Solano County area is Ken Chandler and he is a resident of Vallejo. A lot of people who work at CalTrans are residents of Vallejo and they share a lot of the same concerns we have. So, he was on vacation and could not make it and Lee came here in his place. What I wanted to do, briefly, is to kind of give you a little bit of history of the corridors here in Vallejo because it is a perspective that I think sometimes gets overlooked in this process.

If you take a look at this right here, you see that the I-80 Corridor which was actually originally US Highway 40, began in 1927 with the construction of the first Carquinez Bridge, and if you take a look at this aerial photograph of it and you see where this bridge goes across and lands in the Vallejo area, you will see that there is nothing really there but farmland. That is all there was. The Carquinez Bridge came into Vallejo in 1927 to the East of Vallejo, and you made a left hand turn to go into Vallejo at that time. I would like to point out one thing if I can get my arrow here. There are rows of trees here. These are eucalyptus trees that were planted in the 1890's that are still there today, and I will refer to those a little bit later in the presentation. U.S. Highway 40 which goes down where Broadway was – that's where it originally went through. It is a part of Vallejo's history. It is a historic route. Moving up another 30 years to 1958 – I dug this out of the archives of City Hall. This is a Kodachrome slide, actually, and it shows Vallejo in 1958. It shows our population as being 51,000 people and what you see there is this big quilt and you wonder: "What is that?" The red areas are unincorporated Solano County; the yellow areas are places where they were holding annexation elections, deciding whether they wanted to come a part of Vallejo or not; blue is the City of Vallejo, and if you take a look down the center, and I will use my arrow a little bit here, you can see that U.S. Highway 40 came through Solano County, went into Vallejo, went back into Solano County, crossed over a road in Vallejo, went back into Solano County, went back into Vallejo, went back into Solano County, went back into Vallejo, went back into Solano County, went back into Vallejo, and back into Solano County so there was, needless to say, a lot of confusion about who was going to do what, where, and when, but there was a very aggressive movement that took place among people and one year later, in 1959, this is what we looked like. Almost everybody had voted to annex into the City. Those little stars that you see there – those are areas where people were still holding annexation elections but you see the population of Vallejo jumped by some 20,000 people, and at the same time, the City Council of Vallejo had applied to become an All America City. Vallejo was

voted in 1959, an All America City by the National League of Cities and by Look Magazine, and it was voted as one of the best cities in the United States of America to live. That's what was going on at that time. There is a picture of the City Council at that time. They were very proud of that achievement, and it was a very, very good time in Vallejo, and part of that was the highway. It was that we have this major highway coming through and all of these people are coming through Vallejo, and they are going to visit and we are going to lure them off this highway and get them to come into Vallejo and do business. So, that potential is still out there.

In 1962, the State of California, Department of Transportation, which is now CalTrans, entered into agreements with Vallejo on how we would maintain these overcrossings. Now, we have got a freeway where it is closed off. There aren't stop lights, and we are going to go over the freeway to the other side of town, and so we made agreements on how those areas would be maintained, and those agreements are still in effect today. What I am going to do for you right now is start at the Carquinez Bridge and we will work our way up the freeway and I will show you who takes care of what. I think you will be a little surprised.

Beginning with the Highway 29 exit, CalTrans takes care of that entire thing because that is the intersection of two interstate highways. So, all of the off ramp and all of the area around there is maintained by CalTrans. Of course, the cloverleaf with 780 and 80 is also maintained by CalTrans, and I think, pretty much everybody knows that. This is a picture I took of CalTrans out on the highway last Thursday. I do see them out there a lot. I hear people say: "I don't see them out there that much", but I do see them out there quite a bit. This is the Magazine Street overcrossing, and what I did is that I took little logos of each of our respective agencies to show you the areas that we actually maintain, and the agreement on these overcrossings is that CalTrans will maintain the overcrossing itself – the structure of the overcrossing. They also maintain the little screen and railing that goes across the walkway. That is to prevent things from being thrown onto the highway. The pavement going across the overcrossing is maintained by the City of Vallejo and the sidewalks, and the landscaping on each side of the overcrossing is maintained by the City of Vallejo going down to the bottom of the slope. Once you get to the bottom of the slope, then CalTrans takes it over from there. So, if you look over, I'll use my arrow here – City of Vallejo maintains all of this shrubbery, but when you get down to the bottom of the hill, CalTrans maintains that area there. Some of these – we actually have markers that will say "City" on one side, "State" on the other. But, we pretty much know who takes care of what.

The Benicia Road overcrossing is maintained by Solano County. It is not maintained by the City of Vallejo nor CalTrans. It is not in the Vallejo City limits and a lot of people are not aware of that but that is a fact. The Solano County Road Department takes care of that area and, you know, I sometimes think people feel like they are getting the runaround sometimes and they will call and say: "You know, we called CalTrans about a problem out there and they said that they don't take care of it, so we are assuming that you do." Then, I have to tell them: "Sorry, we don't take care of it either. It is actually Solano County." That is the way that is.

Moving north to Georgia Street, you can see the shrubbery on both sides again, maintained by the City of Vallejo. That little yard that you see on the north side of Georgia Street, right in here belongs to CalTrans. All of these little islands as you enter onto the freeway, are maintained by CalTrans. Right in the middle, on the flat areas of the cloverleaves are maintained by CalTrans. We maintain from

Vallejo Planning Commission Minutes
October 15, 2007

the top of the slope where the overpass crossing is down to the bottom of the slope and CalTrans was out the day that I was looking at this. They were working on that island out there last Thursday.

Moving north to Springs Road and the Solano Overcrossing: Again, very much the same thing. The City of Vallejo maintains the shrubbery on each side. CalTrans maintains the flat areas next to the freeway. There is a little yard (I am moving my arrow right there). There is a little house there. We just call it Miller Street for short, and it is actually a little transfer station where we dump our sweepers and then pick that up and take it to the landfill once a week.

On Tennessee Street side, I made this a little bit larger, but you can see again, we maintain the shrubbery on each side of the overcrossing. CalTrans maintains it once you get down to the bottom of the slope to the flat side. The same thing is true on the west side of Tennessee Street. The flat area out there is maintained by Caltrans, the slopes; the City of Vallejo.

Then we go up to Redwood Street on the east side. Now that gets a little more complicated because you would think: "How come the City maintains the north side but CalTrans maintains the south side?" The reason for that is that exit was actually added later on. Remember, years ago, this exit along right in here was actually Admiral Callaghan Lane and CalTrans purchased that in order to install the off-ramp, and that became their property so they maintain that.

On the other side, we maintain the shrubbery going along the north side but on the south side, CalTrans maintains that. Technically, our agreement says that we should be maintaining that. The reason CalTrans maintains that for us is because you can see this barricade there and we would have to climb over that barricade, and the only way we would get access to it would be through CalTrans' areas, and they would just prefer: "Hey, we will take care of that", because they don't want us to have to come out on the freeway, and so forth.

Now, we move to Highway 37 and Fairgrounds Drive and you will see a big, open space next to Highway 37 although by the Country Club Crest area. That's property that is actually owned by CalTrans and they maintain that. All of the freeway off-ramp areas are maintained by CalTrans but the Median at Fairgrounds Drive is maintained by the City of Vallejo and there is a little slope on the north and east side, where I am moving my arrow right now, that is maintained by the City. You go to the other side of Fairgrounds Drive and I am showing here that we maintain that island right in there. The landscaping up above is maintained by CalTrans and that landscaping on either side of the off-ramps is maintained by CalTrans.

Highway 37 and Wilson Avenue: When you come off of that new area, those two big areas in there are maintained by CalTrans. Highway 29: Now this is where Meyer Cookware is and that divide in the middle, that median, is maintained by CalTrans, however; across the street, there is ivy growing on the fence. That is maintained by the City of Vallejo, and the reason that we maintain that is because the City owns that property, so we are a property owner that has to keep our vegetation in control to make the CalTrans' sidewalk safe.

Downtown Area: Again, CalTrans maintains Highway 29. We maintain Georgia Street. People have asked me: "Why aren't there trees on Sonoma Boulevard when we have them in other areas of town?" The short answer is: "Well, Sonoma Boulevard is CalTrans, but if we want to put trees and do things like that

on Sonoma Boulevard then we need to make agreements on how those will be maintained, with CalTrans.

Highway 29: This is just north of where Big-O Tire is. In there, they maintain those medians in Sonoma Boulevard because, again, it is a state highway. You will see a little short fence there. That fence has a tendency to collect a lot of trash that blows across the median and so that is an area that has been a real challenge for them to maintain.

I wanted to talk just briefly about Vallejo's open forest because one of the questions we got was about the removal of trees along Highway 780, and this is kind of a view of what they looked like before they were removed, and you can see that these trees along here were actually dead and dying, and there is more of them that are dead and dying. I put in a little picture of the problem, and this little guy here is called the "eucalyptus longhorn burr" that hopped a plane from Australia, got loose at LAX and worked its way up Highway 101. Highways are a source of insects for urban forests and we preferred for them to get these trees out as quickly as possible because, again, now I am going to refer back to those eucalyptus trees that we saw that were planted in the 1890s. The risk of losing those to this insect is very, very good, and you want to get infected trees out as quickly as possible because once the tree dies, that insect moves on to the nearest live tree.

From the problems we face, this is the biggest and number one problem that the City of Vallejo maintenance and CalTrans face on our highways, and that is, illegal dumping. It is an epidemic in this town. What we see here – this is on a City Street right behind the AM/PM Minimart right off of Sonoma Boulevard, and what they do is that they literally get off the highway at Sonoma Boulevard. They go into this area which is not real visible. They dump their garbage, and they get back on at Magazine Street. They dump all kinds of things. We have seen everything out there. I would tell you everything but the kitchen sink, but we have seen lots of kitchen sinks. There are lots of them out there. This is in one of those medians. You drive by and you see landscaping. This is what it looks like behind it a lot of times, and we have to get in there and clean that up. They dump items such as televisions and computers and things that are difficult to get rid of. This is one of our pickup trucks. This is about four times a day, probably. We have since abandoned using this and gone to a bigger pickup – a big dump truck now.

Another problem we have is homeless encampments. There is a population of people that are living in these overpasses. It is something that you have to deal with with compassion and concern. Oftentimes we look at them almost like we are talking about some type of vermin or something and that is not the case. I have actually talked to a lot of these people. Some of them have really serious problems. I have talked to a couple that lost their house due to medical problems and they wanted to stay in Vallejo and they were living homeless in the overcrossing. There are other people that have certain mental illnesses that cause them to want to live there and then there are actually some people that this is a lifestyle. But, they have campfires and they burn shrubbery down. It happens quite a bit.

Some of the solutions that I wanted to talk about: I know we had talked about the Adopt-A-Highway program. That is a program sponsored by CalTrans where volunteers go out and clean areas. You can also sponsor people that clean areas. It is a difficult program in Vallejo, and one of the reasons that it is is because of the enormous speeds which people travel on Highway 80. I put this

in here just to let people know – this young, 24-year-old CalTrans worker was killed in our district on September 25 of this year. He was on Highway 680 in Dublin and was hit by a vehicle. 168 CalTrans' workers have been killed on California Highways since 1924. It is more than double the number of CHPs that are killed and you don't just take volunteers and say: "Let's go out on the highway and start picking up trash." It has got to be a highly organized program, highly supervised by CalTrans.

This is the Fairgrounds area looking north toward Hunter Hill. I stopped and took this picture and I gotta tell you, I felt scared. They say the speed limit is 65 miles per hour through there but the speeds are typically 75 to 80 miles an hour as they come down that hill.

Supplementation: That is something that some communities do. A question was asked: "Why does it appear that some of the more affluent communities' highways appear to look a little better than ours do?" One of the answers is that if you look through all of the cities throughout California, you will see that there are all kinds of creative agreements with CalTrans regarding the maintenance of these highways. Some of them supplement CalTrans' effort; some of them take money from CalTrans and maintain them themselves. There are all kinds of ways that it can be done but then you have got to realize you need a funding source if you are going to spend more money than is already being spent in the area.

City to State Liaisons: They use things that work well. Good relationships between City staff and CalTrans staff, good relationships between State Legislature and City Council people always make for good maintenance agreements for Cities. One of the things that a lot of the cities are doing is to develop some type of interstate highway plan through their community, and if you go to CalTrans or the state and say: "I am not happy with the way that the highways look in my community", it really does beg the question: "What would you like to see?" We can say we'd like to see the trash picked up more often, but - what do we really envision? I kind of go back to that 1959 thing. What is our vision for people as they pass through Vallejo on these interstate highways? What's our thought on that? What would we say? CalTrans has always been agreeable and workable with cities on how they want to do things.

There was a period of time when we were using signage in Vallejo to encourage people off the highway into the community. We have signs like that around areas. We could probably do some better ones. This one is one that Benicia does – that is out there, just letting people know: "Welcome to our Community." What would we like to say to people as they cross that Carquinez Bridge and come into Vallejo? Things to think about. What would we like them to see? I put vigilance as something that is important for a community in regard to maintenance of highways and streets and everything, but I will tell you the kind of vigilance that we really need. We need help trying to catch these people dumping this garbage. I got into a discussion with somebody today about this, and I said: "You know, Vallejo is my home. I live here. I love this community, so if I am going to treat Vallejo like my yard, and somebody comes and dumps garbage in my yard, the first day, I am going to clean it up and the second time it is going to happen, I am going to say: Who is doing this? And, what do I need to do to stop this from happening?" I think one of the frustrations we face as maintenance people is that we are the ones cleaning up, and the citizens are calling us, angry, and they are saying: "You are not doing a good enough job. You are not cleaning it up enough", and the crews and the people that I supervise are saying: "Why aren't they as mad at those people that are dumping

it?" One of the problems is that we can clean it up, but does that stop them from doing it? To a degree, that does help, because people have a tendency to dump where they see other stuff. "They dump there, so I can dump there." But, there is also an element there that is like: "Well, dump it there; the City will pick it up." So, we have to really deal with this illegal dumping thing, and part of our frustration is not just the dumping and the frustration of seeing it all the time. You would just be amazed at the tremendous resource it is taking from our agency, the City of Vallejo and CalTrans. We are dropping things that we would normally do and concentrating and focusing on this enormous problem. We are not hoeing the weeds, and we are not planting the flowers, and we are not doing the spraying, and there is a lot of things that we used to do that we are just not doing anymore because we are out there picking up garbage all day long, and we have got to somehow get a handle on this problem, I think, first.

I put this interesting little picture at the end. This is what I would never want to see all of us get into – an argument about whose fault things are. Because, I can tell you, as sure as I am sitting here that myself, the Public Works staff, the CalTrans staff - I work with all these people; I know all these people. As I mentioned before, there are many Vallejo residents, and we want these highways to look nice, and we want it really bad, and we are willing to do whatever we can. But, it is, I believe, a community effort, and so, with that in mind, I will conclude and maybe we can answer any questions you might have.

Chairperson Peterman: Thank you for that very well done presentation, Mr. Bates.

Gary Leach: We do have more presentation. This is just on the maintenance part of it. Quickly, I got back from vacation this week. I was gone last week and I got back and saw the questions that were generated I guess last week and I put together something kind of quickly here to give you an idea of what the capital improvements look like in this corridor for the next 25 years. I would like to preface that though by commenting on one thing that Joe was saying. It is not just illegal garbage dumping that we have a problem with now. It is theft. We have a lot of copper wire being stolen, light poles being stolen, solar panels being stolen, a lot of backroad devices. We have a lot of metal and things being stolen out there and sold to these recycling centers. We need to get a handle on that too because it is costing the City and CalTrans a whole lot of money to replace all of those facilities because of this issue which has come up in the last year or so.

With that, I did hand out the Executive Summary of Corridor Study which was done a couple of years ago by the Solano Transportation Authority and I would like to kind of just go through that real briefly. Based on the questions that were generated by the Commission, there might be a misconception of what CalTrans is responsible for in terms of setting the priorities for capital improvement projects on their facilities. Except for safety and maintenance projects, capital improvements on major highways all over California is really a collaborative process these days. It starts with the cities, the counties, goes through Solano Transportation Authority to CalTrans, through MTC, and finally, approved by the California Transportation Commission, so, it is really a collaborative effort, and they don't have full control of that and where they spend their money. It starts at the City and local level and works its way up. CalTrans normally does not initiate local enhancement projects such as sidewalks, lighting improvements, unless it is safety orientated, landscape improvements. Those projects are normally done by the local agency through grants, through private development conditions of approval, assessment districts, local sales tax in those counties that do have

the local sales tax initiatives. CalTrans got out of that business maybe ten years ago. I could expound on that, but they haven't done those kind of projects in a long time. They focus on safety and maintenance projects and capital improvement projects that go through that collaborative process in terms of setting the priority. As I said, I handed out the Executive Summary of this report, and anybody who wants to see a copy of more details can come and borrow this.

The first slide is on page 7 of the Executive Summary. It is kind of hard to see up there. It shows the I-680, 780 corridor. This shows projects in priority order as prepared by the Solano Transportation Authority, and you can see that there are numerous projects. This slide shows the Mid-Term Projects – the next five to ten years, and then the following page, page A, shows the more long-term projects, in kind of a 20-year period. On the first page of Mid-Term Projects, of the total 32 projects on that page, Vallejo, which is Segment 2 of this report, has about five projects costing about \$84,000,000. There is though, at this point, the highest priority for Solano County is the 680-80-12 Interchange because that is the most congested interchange in the county at this point. In that project alone there are about 10 projects associated with it, costing over \$623,000,000, so in terms of priorities and us getting more money for our segment of 80, it is going to be a long time before that happens because of the priority given to 680-80-12, at this time.

This again shows the more long-term projects. There is about 33 projects shown on here costing an estimated \$978,000,000, of which 10 projects are in the City of Vallejo, costing about \$83,000,000. So, these two pages alone show that there are 65 projects listed here, costing \$1.8 billion dollars. You are talking about a lot of money, and it is going to be a long time before those projects are completed, if ever.

On the segment in Vallejo – Segment 2 – this next slide is at the end of the Executive Summary. I have got attachments from the report itself. This shows the Segment 2 through Vallejo and shows some of the projects and identifies some of the projects through there. The next slide will show that. These are estimated to cost about \$48,000,000, to improve HOV lanes through Vallejo and the interchange improvements that they are proposing. Also, just for your information, we have kind of a follow-up on this report. We are going through a Project Study Report right now for the Turner Overpass and HOV lanes between 37 and the bridge. That will give us more detail – the criteria for improvements along this corridor for the next 20 years, and it will be a lot more detailed than this study gave us.

This slide shows one of the improvements at the Maritime Academy end of the corridor. It shows the HOV lane being extended where it ends now from the Carquinez Bridge Project to Maritime Academy off-ramp. It is the westbound off-ramp and it would actually close the on-ramp there so that people would have to use 29 to get onto 80, going the westbound direction with that project. This is a project that might be built in our lifetime because it is relatively inexpensive and cost effective to proceed with, and it is partially funded at this point.

The next slide shows the improvements to the 780-80 interchange and it does show that with that improvement, the off-ramp there at Benicia Road would be closed, which was another question that came up from the Commissioners. Again, this project is about a \$48,000,000, so it won't be happening in the immediate future.

The next project shows the proposed plans for the Turner Overcrossing, and, again, we are doing a PSR study which includes this Turner Overpass and which HOV lane between here and the bridge, and the reason that study is being funded is because the Solano County received a grant from Congressman Miller. It was a grant from George Miller kind of associated with the development of the fairgrounds. It is to study this overcrossing and get plans together and cost estimates together so that they could use that as determining how to get that built with that project – the development of the fairgrounds, although that project, at this point, is on hold, as far as I know. The development of the fairgrounds is.

The next slide shows the number one priority for the County which is the 680-80-12 Interchange, and it shows all of the improvements kind of blown up there, which is why this project is \$740,000,000.

The final slide here shows a project that the City is doing right now. It is under construction as we speak. It started out to be a joint project with CalTrans but unfortunately, they lost their funding for this project, so we have continued it and are funding it totally with City traffic, in fact, mitigation fee monies. What this will do is eliminate left turns from the eastbound off-ramp there onto Admiral Callaghan, and eliminate left turns out of the shopping center at that location. So, we will just have a left turn in to the eastbound on-ramp only and then, people that want to go eastbound or northbound on Admiral Callaghan would have to take the first ramp and go across the street, so it will be a through street and not just a right turn only on Redwood. Like I say, it is under construction right now. Total cost of the project is about 1.2 million dollars, albeit, one million is construction funded. With that, I will turn it over to Lee if he has anything to add to that, I guess, and otherwise, will answer questions.

Lee Taubeneck: Thank you and good evening. My name is Lee Taubeneck and I am the Planning Deputy for District Four. District Four comprises the nine counties of the Bay Area, from Napa, Solano, Sonoma, all the way down and through Santa Clara and Gilroy. Transportation Planning does take a historical look at community activity associated with traffic, so I appreciate Joe's presentation on the history. We also are on the front end in terms of planning with scoping documents and many of the projects that are included in the MIS by Solano Transportation Authority, I am very familiar with, on the capital improvement side. I would say that I am trained as a civil engineer but I do have a number of planners in my offices and they bring a very healthy dialogue to our conversations in terms of community character and inherent drive by traffic engineers to get traffic moving. Keep the traffic flowing. Route 29 is, in our character and our long range plans, split between what we consider to be an inter-regional road and a local service provider. Here in the City of Vallejo, it serves both functions. On the northern end approaching Napa County and communities at American Canyon, it has more expressway/throughway characteristics. Here in the City of Vallejo from Interstate 80, it carries more of the local traffic flavor that is reflected not only in terms of the traffic volumes and the peak hour fluxes during the day, but also into the destinations and the origins of the drivers on that route. Because of that, we do see opportunities for reflecting the community character although our right-of-way traditionally does not extend beyond sidewalks. We do have maintenance agreements that necessarily address the costs of on-going landscaping, whether it is watering or electrical service, lighting, or litter control or graffiti abatement. All of that is handled in what we consider to be maintenance agreements. Many of those are requirements on freeways and expressways on what we consider to be conventional highways or non-expressways or freeways. It is discretionary. We can negotiate that between cities and municipalities and the state. You showed

a few of your slides here on 29 in the city, and that is very valuable information. Typically our Maintenance Division handles that. I am not as familiar with those as perhaps I should be, but I can get more information on those if you would like to revisit those and discuss those further. One prime example is where we are working very effectively with municipalities with the City of El Cerrito. The corridor you may be familiar with is State Route 123 and San Pablo Avenue. We have actually, at the request of the City, relinquished that segment of State Route 123 to the City. They do carry the liability now associated with that on their sidewalks and pedestrians but they have much more control over the flavor of their sidewalks, including cafes or, you know, elongations of the sidewalk to allow for more of a cafeteria type atmosphere on their City streets. It also pays dividends for transit by providing opportunities for birthing at bus stops and also pedestrian crosswalks. It also allows you a little bit more flexibility in terms of signing, as the signing that Joe alluded to in his display being one example, although we are also regulated on freeways by outdoor advertising regulations that are in the State Code. So, those are just some of the opportunities that my planners continually bring to me on the opposite end of the spectrum where I, through my engineering glasses, typically look at getting more cars through and maintaining the speed limit at a higher rate. Speed limits are affected by speed surveys, and they are dedicated by local judges. We do perform speed surveys, as well as traffic studies that look at specific locations, whether they are ramps, or driveways. There is a higher than state-wide average, or, a perception that there is higher than state-wide average, incidents of collisions or accidents.

Just to echo some of the capital improvements about my program, we are very keen on the approach to Zampa and the extension of the HOV ramp in the westbound direction. It may or may not, as far as I am concerned, I don't think it was determined yet until a closure of any ramps, likewise at Benicia Road. We do understand that that's Solano Transportation Authority. That is a priority for them but whether it would necessitate closure of that road – I am not sure. And, of course, the large bond recipient project at 680-80-12 – we are keenly aware of that project and deal on a daily basis with Solano Transportation Authority and the County of Solano not only for truck access and collision avoidance, but also for carpool lanes which we see great benefit from in the coming 20 years.

So, these are some of my remarks in response to the viewing of the presentation. This is the first time I have seen it. I know the focus was on landscaping and maintenance, and I am prepared to respond to those. I don't think I can commit in any sense this evening for that, but I am directly connected with our District Director, Mr. Dijan Sartipi, and our Maintenance Deputy, Mr. Inyang, who could not be here this evening.

Chairperson Peterman: Thank you very much. Are there any questions from the Commission?

Commissioner Gourley: Help me out. Are the HOV lanes the same as a commuter lane?

Lee Taubeneck: Carpool lanes are high-occupancy vehicle lanes. On instruction of the number of riders, you do get the toll paid. I think it is 3 plus on Carquinez.

Commissioner Gourley: That was my next question. I have asked that about three times. I have never really got an answer that makes sense, or, even an answer. But, why is it that in some places in the State of California, it is two, and from Berkeley to Vallejo, it is three? Is there logic there?

Vallejo Planning Commission Minutes
October 15, 2007

Lee Taubeneck: We are subject to the fancies and whims of the State Legislature, and also, our Bay Area Transportation Authority of whom some of you may even be members. This is a parallel organization with Metropolitan Transportation Commission. We provide our comments on legislation, but they lobby long and hard but we provide our comments on legislation. We would like to get a standardized system. We do see a long-range vision for a regional carpool lane system as well as pole lanes, which is a delicate subject, but there have been franchises approved both in Alameda and Santa Clara Counties for toll lanes apart from bridges. And, those also would carry a ridership minimum.

Commissioner Gourley: Are you aware of any place else in the state where it is three as opposed to two?

Lee Taubeneck: I believe that Southern California has three plus. In certain parts.

Commissioner Gourley: No. I was there two weeks ago.

Lee Taubeneck: Orange County, Riverside, toll road 91, San Diego 125.

Commissioner Gourley: I am just talking of the high occupancy or . . . It's just a question – thank you.

Lee Taubeneck: I don't have authority on that.

Commissioner Manning: So, I wanted to ask this about Highway 29 and the downtown area – Georgia Street primarily. That is, it continues to be a problem for our pedestrians crossing over, and it is also an issue for the downtown itself because of course that Highway locks part of our Downtown corridor. So, one of the things, back when I was young and naïve, I first came to the City of Vallejo in 2000 with a bunch of people with this idea that we should put in angle parking on the 500 block of Georgia Street as a way to do traffic calming. I thought it would be like a three month process. I am still working on it. I have learned a lot in these last seven years. One of the things that told to us at the time was that this could never happen on that particular block because of it being Highway 29, and CalTrans required their be a left hand turn lane onto Highway 29 and therefore, because we had to have the left hand turn lane, there was not enough space there to put in angle parking. Can you comment on that?

Lee Taubeneck: Yes, certainly. Our current Design Manual is largely a carryover from the last century. We don't have standards for pedestrian or bicycle volumes at intersections. This is something that the National Design Manuals have but we currently do not. We are currently wrestling with that. We do actually have a Steering Committee in Sacramento that represents our department statewide. They are proceeding on just this issue in terms of when and where would volumes of pedestrians and bicyclists, take priority over volumes of automobiles or trucks? If any of you have been to the Silver Mile in Las Vegas, you know the volumes of pedestrians outweigh the vehicles. Probably, even in Reno, but I don't know that we have situations like that here in the Bay Area, but where it is a higher volume or where there are certain times of the day where we can set our signals sequencing to account for the higher than other times of the day, pedestrian traffic; we like to accommodate that. Certainly on conventional highway that is not in the inner regional road system like this segment of Highway 29 is in your City, it deserves some scrutiny.

Vallejo Planning Commission Minutes
October 15, 2007

Commissioner Manning: So, one of the things that we have been trying to work on in revitalizing our Downtown was to create this concept of a walkable community. You can't really have a walkable community when people are fearing their life if they don't get across the street. In fact, one of our prominent long-time business owners in Downtown, was hit by a car not too long ago, and it is a problem but I would love to know how we could work with you to, first of all, change the timing of the lights so that people could actually had enough time to get across, and other creative ways we could work on traffic calming. Also, this idea about doing things like angle parking, so, I know this is just informative tonight, but I would like to know what the process is or how we could maybe start a dialogue about that.

Lee Taubeneck: One very good way is a method that is being used throughout the Bay Area. It is called a Community Based Transportation Plan, and the CBTP is actually funded by Metropolitan Transportation Commission. They are the guardians of the discretionary funds that are allocated on an annual basis. The call for projects has recently gone out. The deadline for applications is, I believe, November 15. I would be happy to work with you on preparing whatever you need. My staff would be pleased to work with your staff or Public Works or Community Planning to put together such a proposal. That would be in the neighborhood of \$30,000 to \$100,000. They usually last about a year. They require a registered traffic engineer in the State of California, but you may even have somebody like that on your staff, in Public Works, or, certainly there are consultants that have that expertise. That is one way to go about it.

Commissioner Manning: Joe and Don: Is that something that we could follow up with?

Don Hazen: I think this evening we just want to be like sponges, and soak it all in.

Commissioner Manning: Right, but if the deadline is in November and there is a possibility of getting a \$30,000 to \$100,000 grant to work on the Downtown Walkable Community Plan . . .

Joe Bates: Just a comment: We are constantly looking for those kind of grants and we go after every one that makes sense for us to go after.

Commissioner Manning: So, you saw this one and you are actually looking into it?

Joe Bates: We haven't identified a project yet so maybe what you are indicating there – Georgia Street – might be a good location to look at.

Commissioner Manning: Okay. How would I follow up with you to help influence that decision?

Joe Bates: Get me a traffic engineer. We don't have one right now.

Commissioner Manning: That would be part of the grant.

Joe Bates: But, we have a parttime consultant that we are working with. I will have him look into it see what we can put together and maybe contact Lee's staff to see if we can . . .

Vallejo Planning Commission Minutes
October 15, 2007

Commissioner Manning: That would be great. I'm sorry, I don't mean to go on here but I had a couple more things I wanted to ask questions about – Just about the landscaping. Joe: That was a great presentation. First of all, what I saw in the pictures is that it seemed to me that the places that were green were being maintained by Public Works and the City, and the brown, grassy areas, were CalTrans. I think what I heard was: Unless we get capital funds somewhere, that that is the only way we are going to get that planted. Is that what I heard?

Joe Bates: I think it is both capital and maintenance funds. Normally CalTrans doesn't do landscape projects unless they are associated with a major freeway improvement like Highway 37. There is a landscape project for that that CalTrans did but I will defer to Lee on it, but I believe they kind of look to locals to fund those and maintain those kind of areas.

Commissioner Manning: Any grants you want to tell me about for that?

Joe Bates: No, unfortunately landscaping is really a rather latecomer to transportation projects along with storm water and some other features, but since the fifties, it has been part of the State Highway Commission and the California Transportation Commission purview, they, for a variety of reasons, and all of them intentional, directed the bulk of the funding for bridges and pavement. Landscaping doesn't get much, but as it was alluded to, when there is a capital improvement project in an urban area, on an urban freeway, we are required to include it in our project scopes. Many of the facilities for Interstate 80 were put in prior to the 60's, as Federal Route 40, so they predate that requirement. We do have programs for what we call replacement highway planting projects but there is a very, very long list, and it is state wide. I must say that I didn't notice any color coordination between whose landscaping was whose.

Commissioner Manning: I saw shrubbery and then I saw . . .

Joe Bates: I can share that our traditional landscaping view of eucalyptus trees is that they are nonnative and we don't particularly support nonnative vegetation. Many people, in fact, our partners in Sonoma County, actually believe that we seed the star thistle. That's not true. Stuff is blown in, lands there, and takes root and flowers, but we do have active weed abatement programs. The majority of the reason for that is for fire suppression within the first eight feet of any shoulder, and that is actively sprayed usually in an herbicide program although in counties like Mendocino, we do incorporate mechanical weed eradication.

Commissioner Manning: So, when you were talking Joe about the "All American City" – I believe that was the designation, you know, this town is a town of gardeners, and they have an annual garden tour every year and it has become more and more popular and we have some beautiful homes with great gardens and great neighborhoods in this community. That hasn't changed. That continues to this day but one would never know that, driving into our community. When you look at the freeway, besides the dumping, and I want to ask some questions about that too, but just driving through our town, you would never know the community that lies out there, and I know we can put signage and things like that, but Curtola Parkway is an area that Public Works not too long ago replanted. They did such a beautiful job. It is just really exquisite, and I know that our Public Works, and I know you, Joe, personally, are just really, really good landscapers. I mean, it is just not the ordinary. There are wonderful colors and choices and selections, and I remember when I first moved to California the early 70s, driving along the freeways. I was just so taken by the beautiful ceanothus and the oleanders and all of that is gone now, or most of them are,

Vallejo Planning Commission Minutes
October 15, 2007

now because we had to widen the highways. I know you can't give me an answer to this, but if one could make a wish, it would be that we could bring back the vegetation and bring back some of the beautiful coloring, and I know we have the expertise in our community to do that because I see it in areas such as along Curtola Parkway. Another thing I wanted to touch on is the issue of Code Enforcement and the dumping, and I agree that it is just a terrible problem. I know when we were having this problem in the Downtown area, back again in 2000 when I began to learn about all this stuff, that the Code Enforcement was wonderful, and it really made a big difference. What made a difference was people reporting, and if we could start a campaign in our City where people knew a number to call and knew to get the license plates and we actually went after these people, and we had a significant fine, I know it could make a huge difference. If people know that they can't dump in Vallejo without a severe penalty, it could make a huge difference. I don't know if there is a grant for that too, but, Don, I wonder if you have any suggestions of how we might work together on that.

Don Hazen: Well, I think Claudia might be able to shed a little light on the recent steps that have been taken as far as bringing in the community prosecutor, and I believe I saw it community wide on our cable outlet. Before the meeting they had an athlete that was saying: "Don't trash my town."

Claudia Quintana: The information I have on that is I believe there is a grant and I believe, actually, there are people working on trying to catch the people who are dumping, but that is actually the challenge – catching the people who are dumping. I think that it is relatively easy to find the garbage because it is everywhere, but in order to actually successfully prosecute someone, they need to be identified and the identification needs to stick so that I can be able to prove the case beyond a reasonable doubt. I have only been here for three years and in those three years, I have been presented with one case that in fact identified an actual culprit, and the person was actually caught, and confessed. There were good pictures and everything, and the person was prosecuted. Other than that, I do not have any other information of people who have actually been caught. There are a lot of reports where, in fact, people have seen somebody who may be associated with dumping, but no actual identification occurs. So, that is always been a challenge, I believe.

John Cerini: I'd like to add to that too. We share your concern about that issue, and there are joint efforts with Code Enforcement, Public Works, and Vallejo Garbage having to actually address it and try to be more aggressive in picking it up and try to do things to reduce it. So, we agree with your concern.

Commissioner Manning: I just want to thank you all for coming tonight and for answering my questions.

Chairperson Peterman: Also, I remember when Suzanne and I were on the Beautification Commission and Joe was liaison. One of the things that we were always told was that we need a populace that is going to be looking out and is going to be vigilant, and I think what Joe said about being vigilant is vital. So, we need to have people not just complaining to the City, but also just being out there with their camera phones or whatever, taking pictures of license plates and turning them in and saying: "I saw this person dumping." And, Joe, isn't there already a Hotline number for dumping? I remember you told us that at the Beautification Commission.

Joe Bates: There is. I don't know what it is right off the top of my head, but . . .

Vallejo Planning Commission Minutes
October 15, 2007

Chairperson Peterman: I was just going to say that the problem is that it is not widely disseminated, and it needs to be.

John Cerini: There is also a number 4556 that people can turn things in to. There was a VPOG number that was terminated at the change of the Police Substations and were trying to get that whole operation back in force.

Chairperson Peterman: We need to get those numbers disseminated to the public. I think that would really help if people had a number they could instantly call and say that they took a picture of somebody and they were just dumping.

John Cerini: I could say also that California Highway Patrol is an enforcement arm that we have on state highways, and they do respond. The Golden Gate Division is located in Vallejo, and I know you have good relations with them, so I would encourage you to use that.

Commissioner Harrington-Cole: I think we will all agree that 29 and I-80 in Vallejo are not attractive. They just aren't. They lack esthetics up one side and down the other. What I heard Joe say was that we should develop an Interstate Highway Plan. Can you recommend to us a venue to do that, i.e., the VAC, this Commission, a separate Commission, and once we develop the plan, how would we start to get that plan adopted by CalTrans and the City and have some changes actually made once we had adopted that plan? And, who would adopt it?

John Cerini: Well, I think any kind of plan would definitely be within the purview of the Planning Commission and, I think, the Beautification Commission as well. I will say, many years ago the Beautification Commission actually decided. . . It was a very small and simple plan, but they wanted to have wildflowers planted up and down the freeway, and they developed a plan. We presented it to CalTrans. CalTrans was very receptive to the idea, and the flowers were planted. Unfortunately, that year was a really bad drought year, and they did not do all that well but the possibility still exists. I think as far as the actual process of how that would work and who would adopt it and everything, I would see this Commission and perhaps the Beautification Commission working together on some type of vision as to what you would like to see these highways look like. Then, we can discuss it, bring it before the Council, and perhaps adopt something and then have discussions with CalTrans. Then, maybe Lee, you could give us some insight as to what some other cities have done along those lines, if you know.

Lee Taubeneck: I can't say that I know right now but I know that particularly on the El Camino Real corridor from San Jose through Colma and Daly City, there is a very concerted effort for what they are calling streetscaping which incorporates many of the landscaping components. That is a 19-city enterprise across two counties – San Mateo, and Santa Clara. They are looking at it as a long-term venture but they have quite a head of steam and quite a bit of support. I think anybody can do it.

Don Hazen: When Lee was mentioning CBPT and he said he had a staff of planners, I was going to also ask the question whether there is any grant. He is coming here, and we are asking him for money, but whether there was any local assistance because, as you know, our City is pretty much strapped for cash, and our staff resources are stretched pretty tight as it is. So, I am wondering if there is any type of local assistance given on these types of programs also?

Vallejo Planning Commission Minutes
October 15, 2007

Lee Taubeneck: That's a very good question. I don't know of any projects that are explicitly for beautification or landscaping, but it is certainly within the fair highways definition of local assistance. It would be a matter of refining the scope of what the project would look like if it is both 29 or 80, or 29 alone, then 80. I could see where it would be competitive.

Commissioner McConnell: I believe we have public card for questions. I would like to hear those then I would like to share in the questions.

Chairperson Peterman: Our first speaker is Deanna Lang.

Deanna Lang: Good evening Commissioners. That was a great presentation, and Joe, I want to thank you because you addressed a lot of maintenance and beautification to these really essential corridors. I used to joke when I moved to Vallejo and said my motto would be: "Make Vallejo a destination, not a drive-by." It is a very crass thing to say, but when you look at our major arteries, those are oftentimes almost blighted, and esthetically unfortunate corridors. You get off the beaten path and you see those houses and those gardens and it would be nice to have it more integrated. It is a nice presentation, intriguing in the way it brings up more questions than information. I see kind of three different areas: esthetics, maintenance, and safety. I want to applaud Commissioner McConnell for coming up with 23 great questions that I hope people will read because, again, that brings up more questions. Then, Commissioner Manning asked some really good questions. Again, where is the money? So, speaking of money: One of the things that is the most apparent, is the dumping and trying to find a solution or some sort of penalty which seems to work well. Commissioner Manning brought it up, and at first I was thinking: "How are people really going to know that dumping is not legal?" It makes sense that it is not, but if it is permissible or it seems that way and we don't have lighting. We don't have signage. It is easier that way to get away with. So, I am thinking in terms of signage and maybe in different languages because that's also a part of the population or people who might take advantage of our populace, as maybe having clear signage in the areas that are at least traditionally now, big dumping area. This should be in different languages, stating fines, and also, kind of like the great 1-800-EXHAUST situation where people are informed that they can make a call, and if they get time, date, and specific information, at least a citation can go out to that person having that vehicle license plate number or something can be followed up with that. Again, that takes money, but I think in the long run, it shows that we care and our eyes are on the roads and looking out for abuse.

One of my big pet peeves is that Redwood Highway 80 nightmare, where I see traffic backed up on the freeway, and I am really glad that that is being addressed. So, esthetics are really important, and one of our main corridors is 29 and Sonoma, and I would like to see some sort of coming together. Maybe that is a long-range plan, and yet another Commission brought together to talk about what we are going to have in our City Plan and going further in how we can utilize publics' desire to be a part of a solution, maybe that is adopting that median as you see as you go up to 37 that is just so blighted, really with very little, it seems to me, investment by individuals, companies who have business on that corridor, to come together and do a little enhancement. Some trees, some bushes, some signage. This has been talked about for years but how do you coalesce this, and maybe that can be put into an actual effort and more public hearings, like we all want more of that. But, it is essential because it shows that we care. It shows the businesses. It is a great opportunity for them to advertise. It shows individual desire. You can't just clean it up once a year.

Vallejo Planning Commission Minutes
October 15, 2007

Let's take a step further, show that we care, and I think other people will care. I am curious who determines the priority of the projects in CalTrans? It sounds like there are some serious hotspots, and I understand about HOV, but really, who is the determining body? If you could answer that, that would be great.

Lee Taubeneck: Well, I think Gary presented it pretty straight forward. The priorities for the entire county have been mapped out in terms of the Management Information System that they adopted in 2005. Those are being revisited constantly and the latest case in point is the Turner Overcrossing Scoping Document but if and when those projects do receive the money, and if and when perhaps Solano County votes for some sales tax funding, there might be the funding, and, you would have the plan in place. The visual would be that you would have the plan in place for the esthetic treatments, for the landscaping, so that when the State comes to ask you: "What is your vision for this segment of the corridor?", you would be able to tell them. That may be five years; that may be ten years off, but to take incremental steps now for that horizon, makes a lot of sense.

Gary Leach: Just to add to that – you know the key there is the local source of funding. It makes you more competitive for state and federal funds. It gives you a source of revenue for maintaining these facilities once they are put in. That is really a key. If it is not a half-cent sales tax, then, a city-wide maintenance district or something like that would work too. Or, a maintenance district along 29. We actually discussed that with the car dealers a couple of years ago, along 29 in Sonoma, and they were willing to come up with maintenance money but not the improvement money, so, it kind of fell apart. But, you really need local funds to make these esthetic and pedestrian-friendly investments. Although there are a lot of grants that are coming up that we will again be after and try to get, but without a local match, it is really tough to be competitive.

Chairperson Peterman: Thank you. I think that it is very important because if your front door is all battered and beaten, nobody is going to want to come in and see the inside of your house, and I think that is the way we are in Vallejo now. Our front doors don't look good, so as people drive through, they keep driving through because they don't want to stop.

Commissioner McConnell: I appreciate the opportunity to ask these gentlemen some questions. First, I want to express my gratitude and my appreciation to both Mr. Hazen and the gentlemen from the City and the State for being here tonight and sharing with us, this information. That information does go a long ways towards answering some of the questions I raised. However, there are some additional ones I would like to take this opportunity to investigate further. Lee: Do you mind if I put you on the hotspot for a moment? Incidentally, thank you for being here and taking your time also. One of the questions that I asked about was the I-80 corridor between Redwood and the exit to Napa (39). In particular, the fence along that particular stretch of Interstate 80 east. Have you had an opportunity to look at that during the daylight hours?

Lee Taubeneck: Redwood and Route 80?

Commissioner McConnell: Up to 39, yes. By the shopping center out there.

Lee Taubeneck: No – I believe that is within the reach of the Turner Overcrossing segment and I think there is a very steep embankment on the westbound side. I haven't personally been out there to look at it.

Vallejo Planning Commission Minutes
October 15, 2007

Commissioner McConnell: Well, there has been at least one serious accident out there – the cars going off into the fence. There have been one of them hitting the light standard. The only thing that separates traffic moving at that speed on the freeway and the surface road is a chainlink fence which is in dire need of reconstruction. I think what is classified in law as a “dangerous condition” and, sooner or later, there will be more suits than there have been already, and, there have been suits. What can CalTrans immediately do to remedy that particular dangerous situation?

Lee Taubeneck: Well, you are speaking to a non-traffic engineer. I am trained in transportation and I am a registered civil engineer. Our traffic engineers would have to look at it. You know, it is a barrier. It sounds like there are errant cars there, penetrating a chainlink fence, so there is damage to life, limb, and property. The permanent barriers are designed to deflect the traffic and keep them, at least, on the roadway. That doesn't avoid all the health concerns or personal casualty problems, but it does protect the property. I can refer this to our traffic safety engineer and he can get some people out or contact you or Gary next week, probably. We do look at the statistics on these. We have the statistics, and that is our yardstick for signaling a problem, but even if it doesn't meet the statistical threshold, we can still look into it.

Commissioner McConnell: I would really urge you to do that. Thirty-five years as a trial lawyer has taught me to recognize what a dangerous condition is, and you have one on your hands out there.

Gary Leach: This is on the westbound off-ramp?

Commissioner McConnell: No, this is on eastbound Interstate 80, after Redwood exit before you get to the next off-ramp.

Lee Taubeneck: Just to that note – part of the effort for the project study reports that I talked about for the Turner I-80 HOV, is to look at the accident history along that segment, and they are actually doing that right now, and that data should be available in the next several weeks.

Commissioner McConnell: That's fine, but I think something needs to be more immediately done before we do have more accidents and fatalities out there as we have had in the past. Incidentally, I agree with Commissioner Manning about her observation concerning the brown spots versus the green spots and where CalTrans' responsibility lies. Along Sonoma Boulevard, you showed a lovely photograph, Mr. Bates, of the ice plant, and just north of that there is a very ugly, brown spot, and, if you look along Interstate 80 from the bridge to the top of Hunter Hill, you see derelict maintenance. If this was a private land owner, I think Code Enforcement would be citing you. You mentioned that there is an 8 foot setback from where you do provide weed suppressant. Yet, we have had fires down off the Carquinez Straits. We have very ugly landscape immediately adjacent to the freeway, not simply 8 feet away – but immediately adjacent to it. And, one of the things that prompted me to ask for this study session was the number of observations that citizens around the City make about the condition of the corridors and the rather stringent comments we received from citizens about: “This is a terrible situation. This has to be one of the worst places in the entire state.” And, what we are doing as a City is coming to you, and asking for your help. We need your cooperation, but help also, and we truly do need that. I could continue on through all sorts of questions to try to extract answers or commitments tonight, but I think that is not going to get us anywhere. What I am going to do is ask for an agendaing of a motion in the future where you

Vallejo Planning Commission Minutes
October 15, 2007

gentlemen and staff can sit down and come back to us as a Planning Commission and say: "These are the situations, and this is what we can recommend, and this is what we would like you to start doing." Because, as you have said tonight, this is not going to be an immediate process. It is certainly going to go on well after I leave this Commission, but it needs to do so. As we are entering this phase now of less construction, I think this Planning Commission can seize the opportunity to be a planning body and to look into the future and start doing some recommendations that the past Environmental Impact Reports and Downtown plans and ad nauseum permits have not permitted us the opportunity to do. But, now is the time for what remains of the staff to come together with the Planning Commission and start enlisting the skills that exist on this Commission, and the staff, because this City needs help. When I looked at this particular hearing tonight, I couldn't help but be struck by the headline in this paper: "Image is everything." This is from the Times, and it talks about the branding of cities, and the need for appearances, and you have heard other Commissioners tonight say, when they come into this town, they look, and they want to keep driving. How many of you would want to stop at one of those motels along the I-80 corridors? Maybe a guy would, but when I am with my wife, she says: "We are not stopping there!" And, this is where we are losing tax dollars – our image. We need to fix this, and we need to fix it as rapidly as we can. I understand the budgeting. I spent a year and a half working at a State Personnel Board where I constantly had to hustle money for projects out of a budget that didn't exist. One of the experiences I had was putting the State Fire Marshall and the State Architect together where the architect said we need this type of esthetics in the building, and the State Marshall said, well, we need this type of fire prevention in the building and, I am hearing the same argument tonight from CalTrans. As an engineer, we need to move people. We need to design a project in this way. And yet, I want you to start looking at it from more of a planner's standpoint. I looked at your website today and there is a little article in here about District Seven's newsletter, I think from District Four. District Seven apparently has some planners that recognize the importance of landscaping in their projects, and there is a comment in here. "Many communities want to beautify the off-ramps leading into their cities to show civic pride, whether it is the name of the city or their logo. CalTrans provides the guidelines to initiate potential projects. A California Monument Program is also currently under study." They also talked about the transportation and the arts programs. One of the things they do is serve on the Public Advisory Group for the Arts, and we are right now in the throes of drafting a Public Arts statute. I note in here there is a statute where the state will help out on public arts as well and yet we are not taking advantage of it. So, we need to address this concern. It is an urgent need in the City and I recognize the restrictions of budgets. I spend my life doing budgets for businesses and individuals. Every day I do budgets for people before they file bankruptcies, and, I am recognizing similar patterns in our budgets but I know what the City budget is and I know what the State budget is also, and I know that if we are going to address these concerns and these needs and these desires; we are going to have to partner with the state to do this, and part of that partnering is educating the CalTrans' staff to put higher levels, right up to the Agency Secretary level to say: "We can't look at this as a County-wide project, we have to look at it, at least in this area, on a City basis (The City of Vallejo)." You have brought before the voters, a tax initiative, which has been voted down and the comments I have received is: "What's in it for the City of Vallejo?" This is all county stuff. And, it is time that if you want to sell this tax pass through, you start talking about – "How is it going to help the City of Vallejo?" Because, this is what we are. It says up there – "the City of Vallejo." It doesn't say: "State of California." It doesn't say: "County of Solano" It says: "City of Vallejo." We need help, so, Lee, I would like you to stay in close

Vallejo Planning Commission Minutes
October 15, 2007

contact with Mr. Hazen because we are going to be coming to you a lot. I thank you for being here tonight.

Lee Taubeneck: We look forward to working with you.

Chairperson Peterman: Thank you Commissioner McConnell. We have another speaker.

Michelle Morgan: Good evening Commissioners. I am Michelle Morgan. I am initially here because I am a member of the first group of Leadership Vallejo and I am serving on a community committee and supposed to be giving a report back to them. It is very timely that CalTrans is here tonight because one of the projects we are looking at is the east side of the freeway, the fencing between Redwood and Highway 37 is falling down and is an eyesore. So, that was one of the projects we were looking at and it sounds like from the report that that is Vallejo's responsibility. Is that correct? Where the Target center is? Because you showed us it was the responsibility of CalTrans and the fencing isn't included so we just wanted to confirm.

Lee Taubeneck: Yes, the fencing is part of our right-of-way establishment. It is CalTrans' responsibility.

Michelle Morgan: Okay, because that wasn't mentioned so is that on the priority list at all? Because, my second question is: It appears that part of the problem is the fencing being damaged so frequently, is the roadway here is only one lane going off to highway 37? It appears to me, it needs to be two lanes going off. I don't know if that's on the list of things to be done but people trying to get over are having problems with all the traffic so people are running off the freeway into the fencing, including the eyesore. So, I just wanted to check and see if that was a priority, and thank you for allowing me to speak.

Chairperson Peterman: Thank you Ms. Morgan.

Lee Taubeneck: Yeah, I will report this back to our maintenance supervisor tomorrow, and if I can get your phone number, I will give you a call.

Chairperson Peterman: I have another question. When we were on the Beautification Commission, there was talk about the California Conservation Corps – people coming in and cleaning up that area. I certainly understand Mr. Bates' point of view that you don't want amateurs out there because in fact it is difficult to drive along that stretch of road, let alone standing out there. Do you have any idea what happened to that? They were supposed to come and then all of the sudden, it didn't happen.

Lee Taubeneck: I don't know about the particular instance. I know that the Conservation Corps is generally available to us, however; they do have an educational component to their curricula, and they are interested in training their staff in power equipment. But, we do have seven fulltime landscapers for the County of Solano which, obviously, they address Vallejo as well. They do often call the CCC, but I don't know in terms of litter pickup if that is their priority or not.

Chairperson Peterman: That certainly is one of our priorities, I think. Just a little bit of litter makes it look bad, and a lot makes it look terrible.

Vallejo Planning Commission Minutes
October 15, 2007

Lee Taubeneck: We have \$18,000,000 this year for the nine counties and we are so far through the first quarter, and we have spent 55 percent of that. It doesn't go very far for nine counties.

Don Hazen: If there are no further questions of the Committee, I thought what I might do is kind of wrap up.

Chairperson Peterman: I believe Commissioner McConnell has something.

Commissioner McConnell: I am going to have a request, but I yield first to Mr. Hazen for him to continue first.

Don Hazen: Thank you. First of all, I wanted to express my extreme appreciation to the team that put an excellent package together, and I think for a kickoff meeting to kind of expose us to the scope of the issues; this was a very productive meeting. As I indicated in the Staff Report, what I envision at this point, with the consent of the Commission, would be to kind of move forward and develop a draft work plan that identifies the scope of our study at this point, and just from my personal viewpoint, one of the things that I have observed in almost a year of being with the City of Vallejo is that because of budgetary and staffing constraints, at least in the Planning Division, we have been deferring advanced planning and we have been typically just been responding to applications and consequently this Commission, that has been your primary role up to this point as well, one of the things that I mentioned to some of the staff kind of in a half joking way, is that by neglecting our advanced planning, it is almost like deferring maintenance on your car. When you finally do take it into the shop; it needs a whole lot of work. I think one of the things that I was astounded at is that I didn't realize, being a fairly newcomer to the City, that we were an All American City, and I have not seen the signage around the City which is one of the payoffs when you achieve that status. You get to brag about that and put that on a sign. Just my personal viewpoint is that it would be great to get back to that where we could proudly show those colors.

I also am excited at the opportunity for this Commission to take a role beyond just responding to applications every two weeks. I am also realistic enough to realize that this can't happen overnight. You can't defer advanced planning for the number of years that we have been doing that and jump right in and immediately accomplish something. Nor do I believe good plans should be rushed. One of the things that I would like to suggest as we kind of break from a study session, is that this is a subject that, in my mind, I see it as being a two-step process. There is the esthetics of the right-of-way boundaries which those power point presentations indicated that is a combination of City and CalTrans currently conducting the maintenance, and then as we move towards more of doing our general plan and land use updates throughout the City then we can move beyond the right-of-way boundaries and look at the abutting land uses and then together, both of those can be a cohesive plan. But, I would like to suggest at this point that we move forward, at least with the right-of-way issues, and I envision really conferring with all the various departments at the City Hall; the Beautification Commission needs to be involved; the Planning Commission needs to be involved, but also, any type you do of visioning, should really involve the community as well, so there is a lot of thinking that needs to be put into, I think, coming back with a good work plan that has that representation. But, I think in tough times you resort to real creative means, and I am just personally not willing to just sit down and say: "Oh, we can't do it." because we have got staff and we have got budget issues, as Commissioner McConnell said. Economic development and revitalizing a City really is a multi-pronged strategy.

Vallejo Planning Commission Minutes
October 15, 2007

We are working on improving our development process. I know our Economic Development Department is hard at work trying to attract business and retain businesses. We have got our Public Works' crews struggling to try to keep the image of the City in its best light, so, it is a multi-pronged strategy, but developing a vision for the I-80 corridor might just be the next area that we move in. I would like to just suggest that as we close out the study session, that you let staff do a lot of internal brainstorming and come back with some possible alternatives for you to consider at an upcoming agenda, and I would like to come back to you within four weeks. I know we are getting to the holiday season, but at least to have you review a work plan so that we can identify the scope of the project and how it will be structured, and then, with your consent, we can start time-lining this out and develop a work plan. So, those are just my kind of off-the-cuff type of comments to where we go from here.

Chairperson Peterman: Thank you Mr. Hazen. I also like that you would include the Beautification Commission and the community. I think both of those are vital.

Commissioner McConnell: Thank you Mr. Chairperson. I wanted to echo the comments of our co-chair. My thought was that we would agendize this for sometime in March with maybe a little bit more of a broader approach however. I am happy to hear of the November meeting which I guess would have to be the first or the second – I am not sure which, but I would like to have it agendized so that it will be a public hearing and we can receive comments and also take specific action on it as needed rather than just another study session. And, I think the idea of breaking it down into three different areas is fine as well. One of the things that I would suggest to staff is that when the Commission does get to studying adjoining land use issues that there be a report on the Supreme Court case of the City of Hanford where cities were provided with the economic tooling to designate specific economic districts where types of activities can be sanctioned and not permitted in other areas as well. I think that particular case gives a city an extremely advanced economic planning power that was unclear before the passage of the decision of that case. With that thought in mind, I will ask that this matter be agendized for the first meeting in November.

Chairperson Peterman: Thank you, and I would like to add my thanks to you gentlemen for being here, and thank you for that vital and valuable information and for all the work that you do for our City and for our State. Mr. Hazen, I know that you wanted to comment on the meeting that we had. I'd like to go back to the Report of the Secretary because, under the Brown Act, we couldn't add it to the agenda without making it an emergency item, but we could. . . Is that correct, Ms. Quintana, go back to that . . . ?

Claudia Quintana: Usually this agenda item has other discussion items, but for this particular agenda, I think staff changed it to one particular item. I think it is permissible to just leave it as a discussion item, as long as no action is actually taken.

Don Hazen: Thank you. It was really primarily in response to the questioning on the first project, and there were some comments made about the development process. I wanted to follow up with that but I didn't want to bog the rest of the meeting down. As you know, I have lived and breathed the development process for the year that I have been with the City and I know I am not alone. All of the development departments are involved in weekly meetings where we really are self-analyzing the internal process, and I will be the first to admit that there is plenty of work to be done still. And so, I am not going to try to celebrate any successes at this point although there are many. We had made great inroads, I

think, in streamlining the development process, making it clear to the public how that process works, i.e., through our website portal and updates to the City Council, and also; we are beginning to schedule a series of quarterly meetings with the development community.

We had our first meeting two weeks ago and Commissioner Peterman was sitting along side of me and we got to hear from the people that we do business with every day. How is this process working? How can it be improved? And, I am in the process now of finalizing a bullet point list of comments that we have received. I would be very happy to pass them on to you in your next packet so that you can see what we are hearing from the community and, I think our work will not be done on that. I don't think it will ever be done. There is always room for improvement but some of the key things that you have noticed in your tenure with the Commission – those comments have all been well received, and we are striving to try to improve that. I really am not prepared to go into: "We have cut our processing time down by X number of days", but we have set performance standards for ourselves as a City, and we are tracking that. We are trying to be responsive to community, but at the same time, not hurting those people that have fallen through the cracks through no fault of their own. I would like to think that we have made some progress in that. I know, when I first started here, we had a lot of applications that you were reviewing where we "blew it", and every year we would approve business licenses and then one year, a conscientious planner would identify and say: "We shouldn't have been signing off on these business licenses that needed a Use Permit." So, we are past that, I think, and I think we are well on the way of creating a development process that will help stimulate economic development in the City because people need to know what those ground rules are and I know Craig Whittom is out in the audience who really has been kind of spearheading this whole movement and coordinating with all the departments. The Planning Division is just one small player in this whole thing, but I would encourage you to go to our website and look up the Planning and Community Development portal that outlines the building, the Public Works and the Planning Development process. There were some comments made. A woman said: "I wish someone would just tell me right up front, what is needed." We have done that; we have called a single point of entry where if you need, for instance, a building permit from the City; we will tell you exactly what type of a permit you need, how many sets of plans, who gets those plans, how long it will take to get your comments back from the City. So, we have made a lot of progress, and I didn't want to interrupt the flow of the meeting, and I kind of wanted to save this for last. Commissioner Peterman, I know you may have had some perception of that meeting as well, and one of the things that I think we heard was, there was a gentle push to try to create more administrative level decisions instead of taking them to the public hearing. There was also some talk about delegating the day-to-day decision-making authority from the management ranks down to the people that actually work on the frontlines every day. So, those were some of the key things that we heard. It was also expressed – there needs to be an attitude from the top all the way down to the bottom that we are here to serve the public, and rather than being quick to say "no", we want to say "no, but if you do it this way, it will work." So, solution-oriented culture is what we are trying to create as well.

Commissioner Manning: Thank you Mr. Hazen for sharing that background. I know that all of you have been working hard in trying to improve the process, and so my comments earlier – I was aware, and I know personally, but I just wanted to make sure that this particular issue that was raised tonight about different people come and do a review. This particular one was a fire marshall but it is a different person a second time, and they have got a whole, new set of rules. I

Vallejo Planning Commission Minutes
October 15, 2007

see that happen over and over again, and I hope that is part of what is being addressed as well. Again, I know you are all working hard and I know we all recognize that this is a huge issue that needs to be fixed. As you say, it is never going to get perfect, but I appreciate all the hard work that you guys are putting in to make this better. Thanks.

Chairperson Peterman: The classic example, I think, is VNHS submitted two sets of plans for the same house and two different planners got them and came back with two entirely different things that needed to be changed in the plans. I thought that was fascinating. And, piggybacking on what Mr. Hazen has said: You people have done an amazing job in turning it all around but I think we heard from the stakeholders that more needs to be done and they were very vocal and very loud and very specific in the things that they felt. You guys were wonderful in standing up there and listening to them and being respectful and taking all of the suggestions that they had. Not all of them were said graciously and kindly, but you all were very kind and gracious in answering their questions and promising more and better services to our people. I think that is so vital, and I thank you for doing that. And, I also thank the people who took the time to come and give their feelings about what their problems were and what their feelings and issues were. And, Mr. Whittom had to unfortunately leave and catch an airplane, so he didn't get through all of it.

M. ADJOURNMENT

There being no further business to discuss, this session of the Vallejo Planning Commission is now adjourned at 9:20 p.m.

Respectfully submitted,



(for) DON HAZEN, Secretary

Item K-2



Fax Transmittal #3638
Date: 10/30/2007

6080 Kaiser Vallejo 2008 Hospital
Project # 6080 KAISER NO. 121.931-02

TO: Marcus Adams
City of Vallejo
555 Santa Clara Street
Vallejo, CA 94590

FROM: Kevin Westphal
McCarthy Building Companies, Inc.
965 Sereno Drive
Site Trailer at Main Entrance
Vallejo, CA 94589
Tel: 707/649-8970
Fax: 707/649-8980

707/552-0163

9

PAGES TRANSMITTED (Including This Cover)

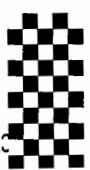
HARD COPY TO FOLLOW: YES: NO: (Unless Requested)

Marcus:

Attached please find the rescind appeal letter for the temporary parking lots as discussed.

Thanks.

KW



30 October 2007

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

RE: Temporary Parking Lots...

Site Development Application #07-0016, Community Baptist Church
Site Development Application #07-0017, Kiatchai K. Bannavikarn
Site Development Application #07-0018, Mach 1 Motorsports

SUBJECT: Rescind Appeal

Dear Mr. Adams:

McCarthy [Tenant and Agent for Owner] is in receipt of your Memo dated 10/24/07 and hereby formally rescinds the appeal previously filed on 10/4/07 and agrees to the revised conditions contained in your memo as annotated below:

CONDITIONS OF APPROVAL

Planning Division

1. Prior to parking lot use, the Planning Division shall confirm that all parking spaces and aisles meet minimum required dimensions.

McC 10/4/07 Response - No exception.

City 10/24/07 - Accepted

2. Prior to parking lot use, the proposed security fence design shall and location shall be approved by the Planning Division.

McC 10/4/07 Response - See Item 'h' above.

h. Both the Mach 1 and Bannavikarn lots have an existing 4 ft. chain link security fence in service which we propose to leave in place and cosmetically rehabilitate as needed. Primary ingress/egress to the Bannavikarn lot will be restricted to the primary southern Broadway entrance at Mach 1. We take exception to preparing and submitting a fence design for review and approval by the Planning Division.

City 10/24/07 - P2...Staff accepts McCarthy amendment as outlined in 10/4/07 letter, with the provision that the fence shall be subject to a final inspection and sections in disrepair shall be improved within 5 days of staff notification



3. Bannavikarn...Prior to parking lot use, the applicant shall submit revised plans indicating the removal of three parking spaces at the northern tip of the parcel, to be replaced with drought tolerant landscaping.

Mach 1...Prior to parking lot use, the applicant shall submit revised plans indicating the removal of three parking spaces at the southwestern portion of the parcel, to be replaced with drought tolerant landscaping.

McC 10/4/07 Response - No exception.

City 10/24/07 - Accepted

4. Mach 1...The applicant shall have air/dust samples collected and tested from any property owners who so request within a 200 ft. radius of the site within thirty days of this permit approval. A copy of the testing results shall be provided to the requesting party.

McC 10/4/07 Response - See Item 'g' above.

g. We will voluntarily collect a composite soil sample from the Mach 1 lot for analysis of total petroleum hydrocarbons as diesel/motor oil/gasoline/metals and furnish a laboratory analytical report. We take exception to air/dust sampling from property owners within a 200 ft. radius who so request.

City 10/24/07 - P4...Staff accepts McCarthy amendment as outlined in 10/4/07 letter.

5. If the parking lot will be used at night, submit a lighting plan for Planning & Building Division review and approval.

McC 10/4/07 Response - Parking lots will not be used at night.

City 10/24/07 - Accepted

6. Within 30 days of the conclusion of the temporary parking lot lease period, the applicant and/or property owner shall submit a signed action plan which details either: a) how the project site will be returned to its original condition prior to the temporary use within 30 days or b) an application for permanent parking use or other allowed use within CL districts.

McC 10/4/07 Response - No exception.

City 10/24/07 - Accepted



Traffic Engineer

1. Use permanent markings and signage.

McC 10/4/07 Response - Exception taken...these are temporary parking lots.

City 10/24/07 - TE1...Staff will require permanent signage (i.e. stop signs) at the driveway locations of all three lots.

2. Install temporary lighting if the parking lot will be used before sunrise and after sunset.

McC 10/4/07 Response - Parking lots will not be used at night.

City 10/24/07 - Accepted

City Engineer [Public Works]

Specific conditions are as follows:

1. Prior to operation comply with the following conditions:

- a. Enter into a deferred improvement agreement with the City of Vallejo for the installation of frontage improvements.

McC 10/4/07 Response - Defer to property owner after tenant lease expiration.

City 10/24/07 - PW1a...Staff accepts McCarthy amendment as outlined in 10/4/07 letter.

- b. Applicant shall clarify to the City of Vallejo how required signing and striping will be installed.

McC 10/4/07 Response - No exception.

City 10/24/07 - Accepted

- c. Place three inches thick compacted Class II aggregate base across the lot.

McC 10/4/07 Response...

Community Baptist: No exception.

Bannavikarn: In areas where existing hard surface is compromised only.



Mach 1: Existing surface was previously improved with compacted recycled asphaltic concrete. We will scarify, recompact, dress perimeter and add a veneer layer of compacted Class II AB.

City 10/24/07 - PW1c, P4...Staff accepts McCarthy amendment as outlined in 10/4/07 letter with the following erosion control plan submittal provisions:

- *that straw waddle be placed around the perimeter of all lots*
- *that all catch basins (both on and off site) are protected with gravel bags*

d. Apply dust palliative across entire lot over aggregate base [for dust control].

McC 10/4/07 Response - No exception.

City 10/24/07 - Accepted

e. Provide safe entry access to the parking lot.

McC 10/4/07 Response - No exception.

City 10/24/07 - Accepted

f. Install standard stop sign at the exit.

McC 10/4/07 Response - No exception.

City 10/24/07 - Accepted

g. Provide access control for the parking lot.

McC 10/4/07 Response - No exception.

City 10/24/07 - Accepted

h. Once items b, c, d, e, f, & g have been completed, inform Public Works Department for inspection.

McC 10/4/07 Response - No exception.

City 10/24/07 - Accepted



Mr. Marcus Adams
30 October 2007
Page 5 of 6

- i. Submit cost estimate and pay required Engineering and Inspection fee.

McC 10/4/07 Response - No exception.

City 10/24/07 - Accepted

Note:

Planning Division needs to work with Building Division for the ADA requirements.

McC 10/4/07 Response - ADA parking is made available to KVMC construction workers in other leased parking areas.

City 10/24/07 - Accepted

If parking lot will be used during night hours, temporary lighting may be considered.

McC 10/4/07 Response - Parking lots will not be used at night.

City 10/24/07 - Accepted

Vallejo Sanitation and Flood Control District

1. The preliminary plan review fee has not been paid. Project plans submitted for this project shall be considered subject to all VSFCD guidelines, policies and standards.
2. Prior to parking lot use, a VSFCD Connection Permit is required. Pay all applicable review and connection fees.
3. The project as submitted was incomplete. The following information is needed:

All proposed and existing District facilities to serve the project. Provide site utility plan showing existing and proposed sanitary sewer and storm drain facilities, mains, laterals, connections, etc.

Show SD runoff, flow arrows. Where is SD runoff going to?

McC 10/4/07 General Response Items 1 - 3:

VSFCD does not understand the intent and purpose of the temporary construction parking lot and we take exception to all comments. VSFCD guidelines, policies and standards are not relevant to the operation of the temporary lots. Storm drain and sanitary sewer facilities are not required.



Mr. Marcus Adams
30 October 2007
Page 6 of 6

We will install silt fence and filter barrier around the perimeter of each lot on the interior of the fence to manage storm water.

City 10/24/07...

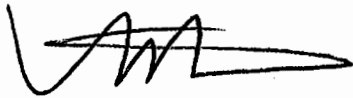
VSFCD 1: Staff agrees to waive the preliminary plan review fee.

VSFCD 2: Staff will require half payment of the VSFCD Connection Permit Fee.

VSFCD 3: Staff will require submittal of the erosion control plan, which shall include all Public Works plan requirements and identification (arrows will suffice) of lot drainage pattern.

Plan submittal to the applicable departments will be moving forward.

Respectfully
McCarthy Building Companies, Inc.



Kevin Westphal
Project Manager

cc: 38J, Robin Burr, Community Baptist/Bannavikarn/Mach 1

attachment: City 10/24/07 Memo [2-pages]



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

DATE OF MEETING: November 5, 2007

PREPARED BY: Marcus Adams *M.A.*

PROJECT NUMBER: UP #07-0013

**PROJECT
DESCRIPTION:**

The application is for the purpose of legalizing an existing tow service/storage yard operated by Arrow Towing. Vehicles are stored on the property, both outside and within an enclosed building. Light vehicle repair is also conducted within the enclosed building. The tow yard can be accessed from Maine Street and Garford Alley.

No new construction or tenant improvements are proposed. Arrow Towing has had a business license to operate at the subject site since November 2004. Hours of operation are seven days a week, 24hrs.

RECOMMENDATION: Approve with Conditions

CEQA: Categorically Exempt (Section 15301) (Class 1)

PROJECT DATA SUMMARY

Name of Applicant: Arrow Towing

Date of Completion: September 27, 2007

General Plan Designation: Residential-Low Density

Zoning Designation: Intensive Use (IU)

Site/Surrounding Land Use:

Site: 924 Maine Street

North: Residential

South: Vallejo Electric Motor Shop

East: City of Vallejo maintenance yard

West: Residential

Lot Area: square feet	14,430
Total Floor Area/Ratio:	7,100 square feet/.49
Landscape Area/Coverage:	N/A
Parking Required/Provided:	1 space: 400 square feet of gross floor area = 21 spaces/ 50 spaces average, 75 maximum

BACKGROUND SUMMARY

In August, 2007, Arrow Towing contacted the Planning Division for the purpose of obtaining a conditional use permit for their existing tow service and storage yard business at 924 Maine Street as required by the Code Enforcement Division. The Code Enforcement Division's current case with Arrow Tow Service is due to numerous neighborhood complaints regarding towed vehicles being parked on Maine Street; vehicles in Arrow Towing's possession being sold on Maine Street and the blockage of Maine Street during staging operations conducted by Arrow.

Arrow Towing has been operating at the subject parcel since November 2004 with Planning Division approval based on their business license "type of business" description of "towing services" (see Attachment 4). Towing services, without storage, is a permitted use within IU zoning districts; however, towing services, with storage, requires conditional use permit approval per Section 16.34.040(A)(2) of the Vallejo Municipal Code (VMC). Vallejo Sheet Metal occupied the subject property prior to Arrow Towing (1975-1997).

ANALYSIS

Although Arrow Towing has been storing cars as part of their towing operation more than likely from the inception of their business, staff does not believe the applicant fully understood the restrictions of his type of business relative to the zoning designation.

As noted above in the "surrounding land uses," the subject property is located in what could be considered a transitional area with residential, light industrial and public facility uses interspersed within a two block radius. Maine Street serves as a collector street leading into downtown (*the subject site is four blocks from the Downtown Specific Plan Area 4-Transition Mixed Use Neighborhood*).

The current and past light industrial use (see above, "Background Summary") is not consistent with the Residential-Low Density General Plan designation, but due to the fact that the previous uses pre-dated Vallejo's General Plan adoption (1983), they have been allowed to continue.

The afore-mentioned neighborhood complaints (vehicular parking/staging) have impacted the residential uses to the immediate west and north of the subject property. A neighbor also complained to staff about noise impacts from customers who come late at night to retrieve their vehicles. In this instance cited to staff, the customer was creating noise by banging (or possibly climbing) the metal sliding gate facing Maine Street, which screens the vehicular storage area.

Based on these complaints and public comments received during the processing of this application, staff believes continued vehicular storage should only be allowed with strict conditions which would address the negative impacts caused by Arrow's Towing operation.

The following staff recommended conditions of approval take into consideration the following description found in the "title and purpose" of Intensive Use Districts:

"Typically, the intensive use district would be applied to areas where sufficient acreage is available for screening and buffering unsightliness, noise, odor, traffic and hazards associated with intensive uses from less intense districts and public rights-of-way. If screening or buffering cannot be provided as a result of existing site constraints, then the uses will be limited to those that are completely enclosed within a building."

As well as the following required finding necessary for conditional use permit approval:

"That 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;"

- Recommended Conditions of Approval

1. The Maine Street vehicular storage area shall only be used for Arrow tow trucks and towed vehicles which will be released between the hours of 7:00 p.m. and 7:00 a.m. Towed vehicles shall be stored within the existing building at all other times, to be accessed from Garford Alley.
2. Non-operable, non-registered, and vehicles towed due to an accident, shall be stored within an enclosed building at all times.
3. Parking of towed vehicles, including vehicles either under the ownership of Arrow Towing or being sold on consignment, shall be prohibited on Maine Street at all times.

4. Staging of vehicles shall be prohibited on Maine Street between the hours of 7:00 a.m. and 7:00 p.m.
5. No vehicles shall be parked in front of the building, behind the sidewalk, at any time.
6. If the Planning Division, either independently or as a result of complaints from the public, becomes aware that the use is being conducted in a manner which violates the conditions of this use permit or other applicable City regulations, and Planning staff is unable to obtain compliance or abatement, staff will refer the use permit to the Planning Commission for possible suspension or revocation per Section 16.82.110, Vallejo Municipal Code.

After discussing the above recommended conditions with neighbors who contacted staff, staff believes that if the applicant strictly abides by these conditions, as well as the more general conditions found in Exhibit A of Attachment 1, previous public nuisances caused by Arrow Towing's operation can be severely curtailed.

ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt due to the fact that the existing use would involve no expansion or new construction (CEQA Section 15301, Existing Facilities).

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 the Conditional Use Permit, number UP 07-0013, based on the findings and subject to the attached Conditions of Approval.

FINDINGS

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

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

General Plan.

EXPIRATION

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

APPEAL

The applicant or any party adversely affected by a 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 and Planning Division. 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 regular business day.

ATTACHMENTS

1. Resolution
2. Site plan and floor plan
3. MapQuest® directions
4. Business license application
5. Pictures of site
6. Conflict of Interest Map

CITY OF VALLEJO PLANNING COMMISSION

RESOLUTION NO. PC 07-

A RESOLUTION OF THE PLANNING COMMISSION
APPROVING A CONDITIONAL USE PERMIT APPLICATION
USE PERMIT #07-0013

Arrow Towing

Arrow Towing is located at 924 Maine Street between Monterey and Colusa Streets.

APN# 0056-243-100

I. GENERAL FINDINGS

WHEREAS an application was filed by Keith Oberman of Arrow Towing seeking approval for a conditional use permit to legally operate a towing storage yard; and

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

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

II. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

Section 1. The Planning Commission finds that on the basis of the whole record before it there is no substantial evidence that the project will have a significant effect on the environment per Section 15301, Class 3 Categorical Exemption, "Existing Facilities" of the California Environmental Quality Act.

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

Section 2. The Planning Commission finds that applicant submitted Major Use Permit application #07-0013 for a towing storage yard pursuant to the City of Vallejo Municipal Code Chapters 16.34.040(A)(2) and 16.82 Conditional Use Permit Procedure.

Section 3. Planning Commission finds, based on the facts contained in the staff report attached herein and incorporated herein by this reference, and given and the evidence

presented at the public hearing, and subject to the conditions attached to this resolution that:

1. The location, size, design and operating characteristics of the proposed conditional use will be compatible with adjacent uses, building or structures, with consideration given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities, to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity and physical character of surrounding streets; and to any other relevant impact of the proposed use.
2. The impacts, as described in subsection 1 and the location of the proposed conditional use are consistent with the City's General Plan.

**IV. RESOLUTION APPROVING THE CONDITIONAL USE PERMIT
APPLICATION FOR A TOWING STORAGE YARD LOCATED AT 924 MAINE
STREET**

NOW, THEREFORE, LET IT BE RESOLVED that the Planning Commission hereby APPROVES the Conditional Use Permit application (UP# 07-0013) for a towing storage yard, based on the findings contained in the staff report attached hereto and incorporated herein and subject to the Conditions of Approval attached to this resolution.

V. VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Vallejo, State of California, on the 5th day of November, 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 #07-0013
(APN# 0056-243-100)

CONDITIONS OF APPROVAL:

Planning Division

1. The Maine Street vehicular storage area shall only be used for Arrow tow trucks and towed vehicles which will be released between the hours of 7:00 p.m. and 7:00 a.m. Towed vehicles shall be stored within the existing building at all other times, to be accessed from Garford Alley.
1. Arrow Towing shall install a sign, to be reviewed and approved by the Planning Division, either at the front entrance or the Maine Street electronic gate stating procedure and contact information for customers wishing to retrieve their vehicles after normal operating hours.
2. Non-operable, non-registered, and vehicles towed due to an accident, shall be stored within an enclosed building at all times.
3. Parking of towed vehicles, including vehicles either under the ownership of Arrow Towing or being sold on consignment, shall be prohibited on Maine Street at all times.
4. Staging of vehicles shall be prohibited on Maine Street between the hours of 7:00 a.m. and 7:00 p.m.
5. No vehicles shall be parked in front of the building, behind the sidewalk, at any time.

Building Division

1. Applicant will need to submit plans to the Building Division for code compliance ADA accessibility, ramps, bathrooms, firewalls, etc. as the information was not provided with this application.

Fire Prevention

1. Submit a numbered list to the Fire Prevention Division stating how each condition of project approval will be satisfied. (F1)
2. Additional fire hydrants may be required. Submit a complete set of plans for review and approval. All fire hydrants are to have "blue dot" highway reflectors installed on the adjacent street of the driveway to clearly identify the fire hydrant locations. (1998 CFC Section 903, Appendix III-B).

3. An off-site inspection is needed for this project.
4. Prior to building permit submittal, building construction plans and plans for required fire protection systems (automatic sprinklers, smoke alarms, etc.) shall be submitted to the Fire Prevention Division for review and approval. All applicable plan review and inspection fees shall be paid. (F4)
5. Prior to final inspection, install 3A-40BC portable fire extinguishers as required by the Fire Prevention Division. (1998 CFC Standard 10-1; NFPA 10) [F8]
6. Prior to final building inspection, install approved numbers or addresses on all buildings in such a position as to be clearly visible and legible from the street. Commercial occupancies shall have numerals or letters not less than 6 inches in height of contrasting background, and illuminated at night. For this facility, minimum 6" numbers. (1998 CFC Section 901.4.4; added VMC Section 12.28.170)[F9]
7. Prior to final building inspection, install "No Parking Fire Lane" signs along interior access roadways, in locations where vehicle parking would encroach on a 20-foot clear width of roadway (CVC Section 22500.1; CalTrans Traffic Manual, sign# R26F) [F10]
8. Prior to final building inspection, all applicable fees shall be paid and a final Fire Prevention inspection shall be conducted. All meetings and inspections require a minimum 24-hour advance request. (F11)
9. Development sites shall be maintained weed free during construction. (1998 CFC Section 1103.2.4) [F12]
10. The project shall conform to all applicable requirements of Title 19-Public Safety, 1998 CFC and all VMC amendments. (F2)

Public Works

1. Prior to final release, remove and replace broken curb, gutter, sidewalk and driveway fronting the property on Maine Street as determined in the field by City Engineer. Obtain sidewalk permit from Public Works Department to perform this work.

STANDARD CONDITIONS

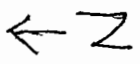
Planning Division

1. Required landscaping shall be kept in good condition and the property shall remain weed free at all times.

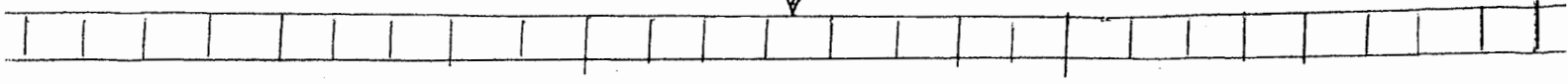
2. The conditions herein contained shall run with the property and shall be binding on the applicant and all heirs, executors, administrators, and successors in interest to the real property that is the subject of this approval.
3. If the Planning Division, either independently or as a result of complaints from the public, becomes aware that the use is being conducted in a manner which violates the conditions of this use permit or other applicable City regulations, and Planning staff is unable to obtain compliance or abatement, staff will refer the use permit to the Planning Commission for possible suspension or revocation per Section 16.82.110, Vallejo Municipal Code.

GENERAL CONDITIONS

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



RAIL ROAD TRACKS



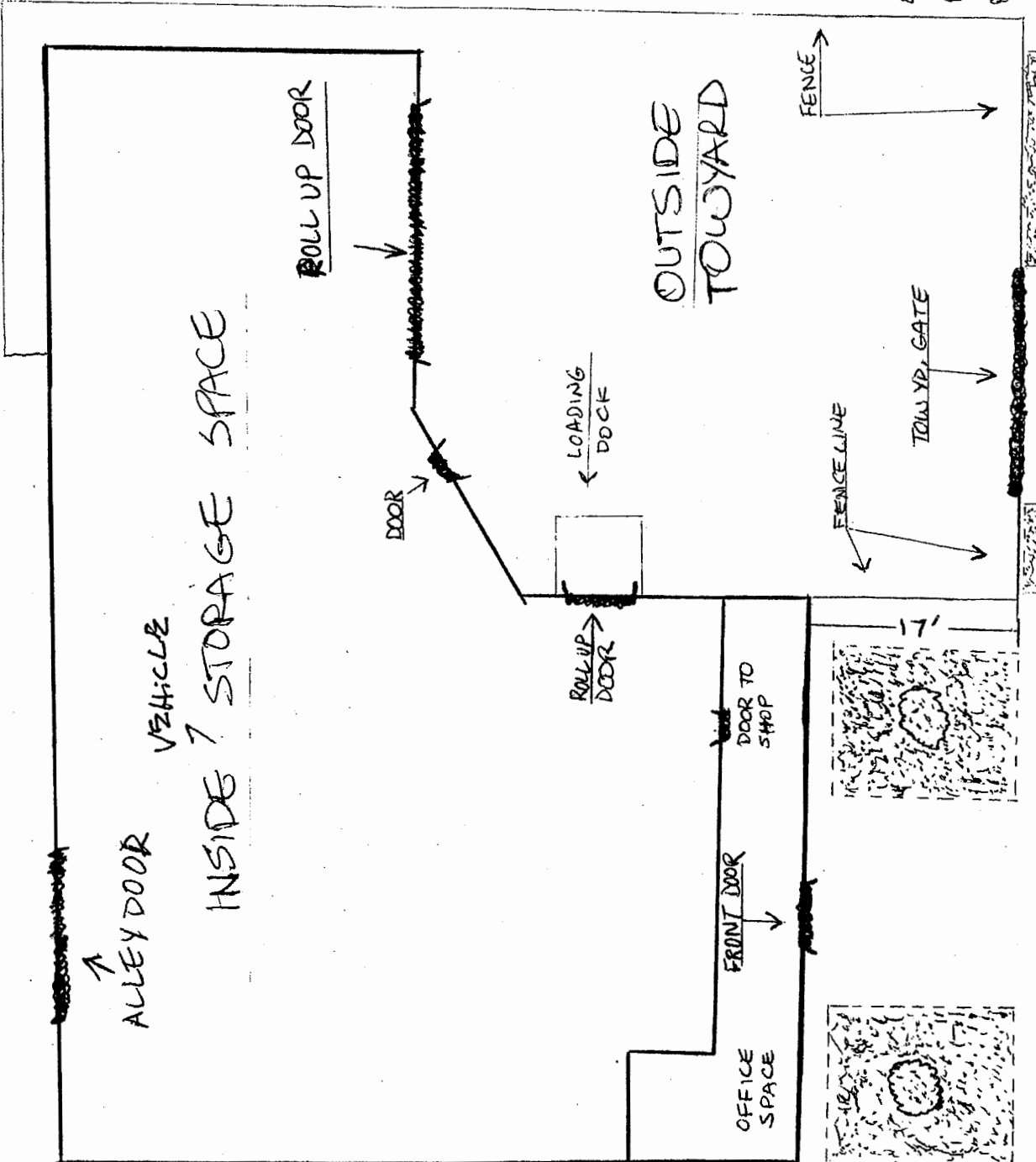
128'

FENCE

LANDSCAPE



1164" ALLEY



SIDE WALK

46'

MINOR ST

SIDE WALK

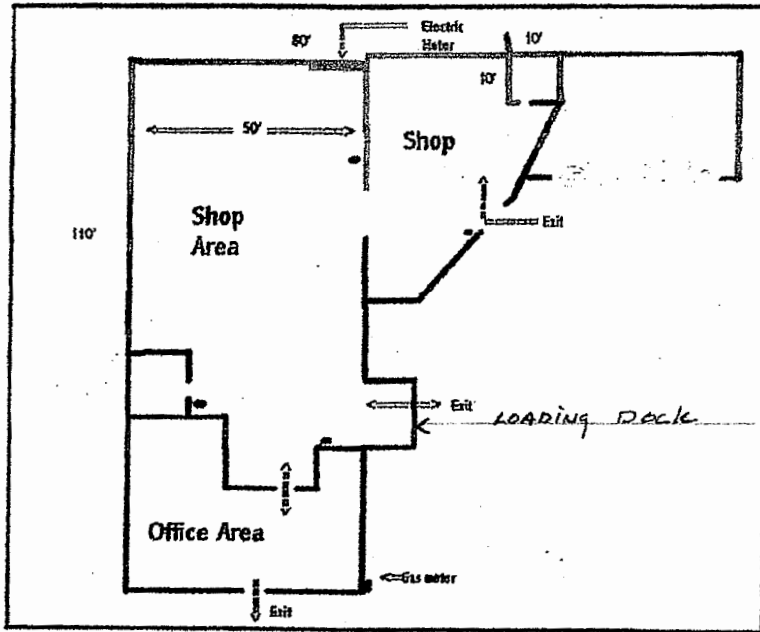
52'

SIDE WALK

LANDSCAPE

124'

- ◆ 7,100 + SQ. FT. OF OFFICE AND WAREHOUSE SPACE
- ◆ ELECTRIC GATED AND 5,700 SQ. FT. OF FENCED YARD
- ◆ LOADING DOCK
- ◆ EXECUTIVE OFFICES - 1,430 SQ. FT.
- ◆ INTENSIVE USE (I.U.) ZONING
- ◆ TWO LAVATORIES
- ◆ 200 AMP SERVICE - 3 PHASE POSSIBLE



FLOOR PLAN

Handwritten calculations:

$$\begin{array}{r}
 7100 \\
 1430 \\
 \hline
 8530 \\
 5700 \\
 \hline
 14230
 \end{array}$$

Maneuvers

Distance

Maps



1: Start out going SOUTH on SANTA CLARA ST toward GEORGIA ST.

<0.1 miles

[Map](#)



2: Turn LEFT onto GEORGIA ST.

0.6 miles

[Map](#)



3: Turn RIGHT onto ALAMEDA ST.

0.1 miles

[Map](#)



4: Turn LEFT onto MAINE ST.

0.1 miles

[Map](#)



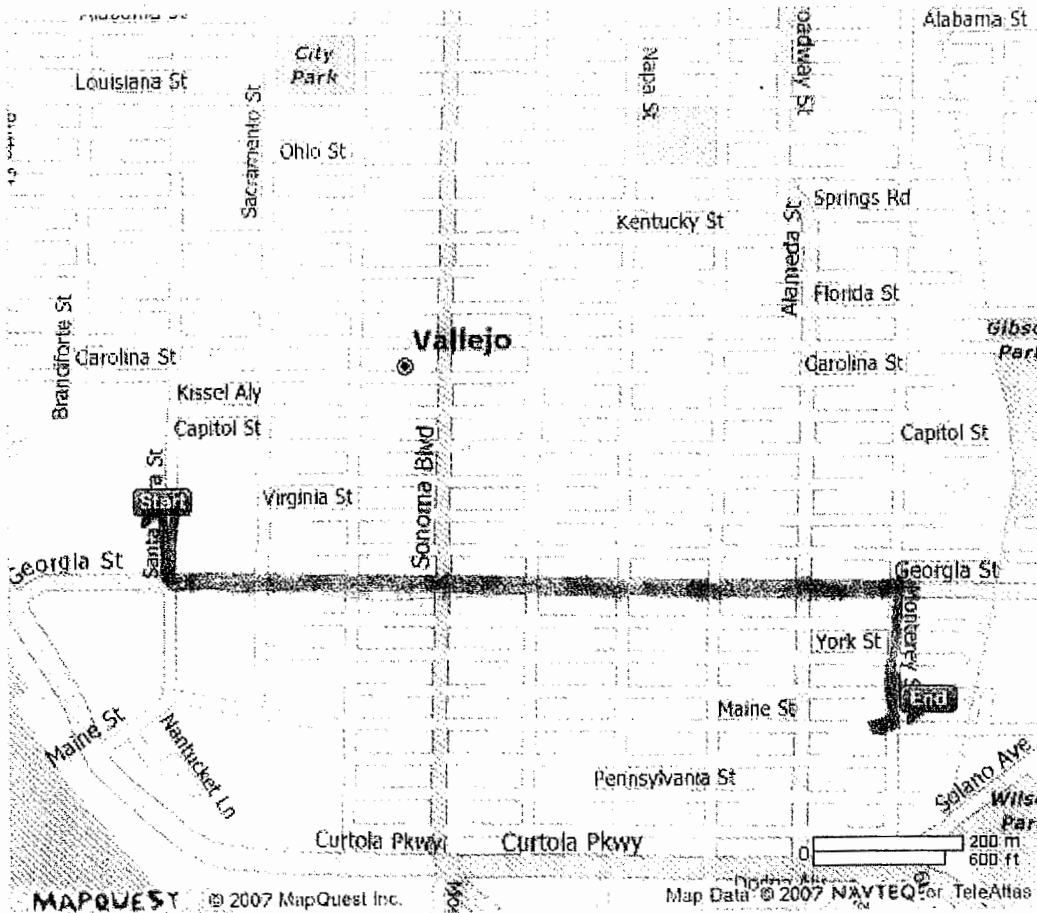
5: End at **924 Maine St**
Vallejo, CA 94590-6312, US

[Map](#)

Total Est. Time: 3 minutes **Total Est. Distance:** 0.96 miles

Driving Directions from 555 Santa Clara St, Vallejo, CA to 924 Maine St, Vallejo, CA

Page 2 of 2



All rights reserved. Use Subject to License/Copyright
These directions are informational only. No representation is made or warranty given as

PAID Cash
NOV 03 2004
BUSINESS LICENSES
License # 024938
GEO _____
Census _____

CITY OF VALLEJO
555 Santa Clara Street
P.O. Box 3068
Vallejo, CA 94590

BUSINESS LICENSE APPLICATION

1. Business Name ARROW TOW SERVICE Phone (707) 644-8869
 2. Business Location 924 MAINE ST. Zip Code 94590
 3. Mailing Address SAME Zip Code _____
 4. Type of Business TOWING SERVICE
 Number of Employees 2
 E-mail Address KMRTOWLMAN@AOL Web Address (URL) _____
 Facsimile (707) 6441008
 5. Check at least one of the following:
 A new business in Vallejo started/to start on 11-1-04
 A new contract in Vallejo started/to start on _____
 An existing business moved from _____
 An existing business purchased from _____ On _____
 6. Business owner(s) Name Address City Zip Phone
KEITH OBERMAN 2020 BROADWAY VALLEJO 94589 (707) 3330278

If business is a corporation, complete owner's information above for the corporate officers (President, Secretary)

7. Corporate Name _____
 8. Primary Owner's Social Security Number 571-06-9148
 9. Please complete the information below that applies to your business:
 Federal Employer ID No. 47-0945640 State Employer ID No. 24356136
 Resale Permit Number (BEAN) _____
 10. The following is for statistical purposes only. This information is voluntary.
 Minority owned business (51% or more) Women owned business (51% or more)
 11. Commercial Locations: In the event of a police or fire emergency, it may be necessary to contact someone during non-business hours.
 Name LYNN MIX Phone (707) 712-2665
 Name RICHARD PLUMLEY Phone (707) 254-7110
 12. I declare under penalty of perjury that the foregoing is correct. This was executed on 10/15/04
 at VALLEJO, CA.

Signature [Handwritten Signature]

=====
 (FOR OFFICE USE)
 Planning [Handwritten] Fire [Handwritten]
 Health [Handwritten] Police _____
 Building [Handwritten]

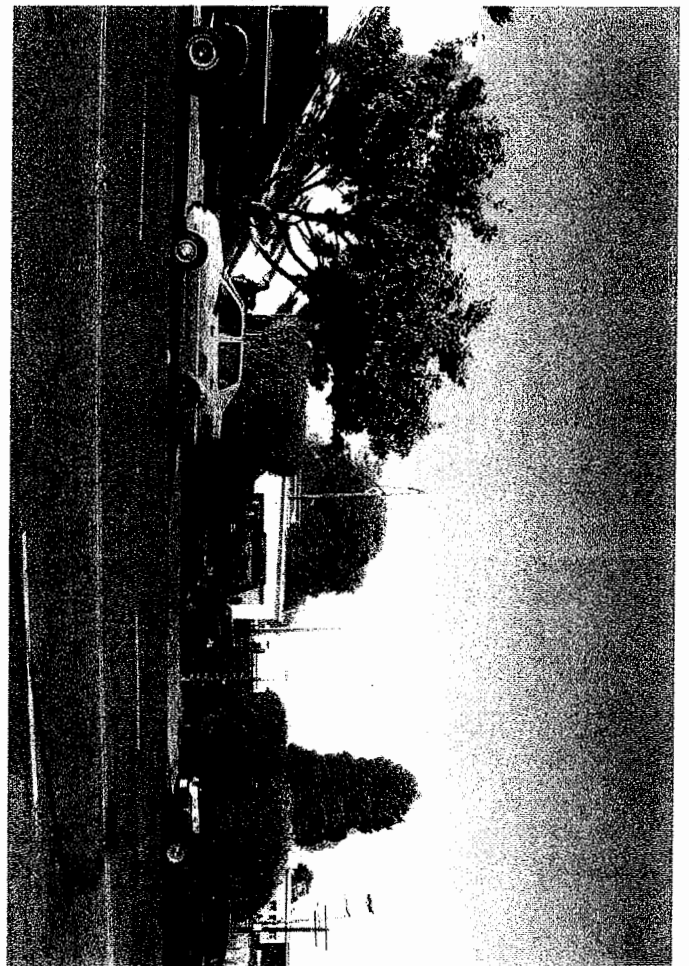
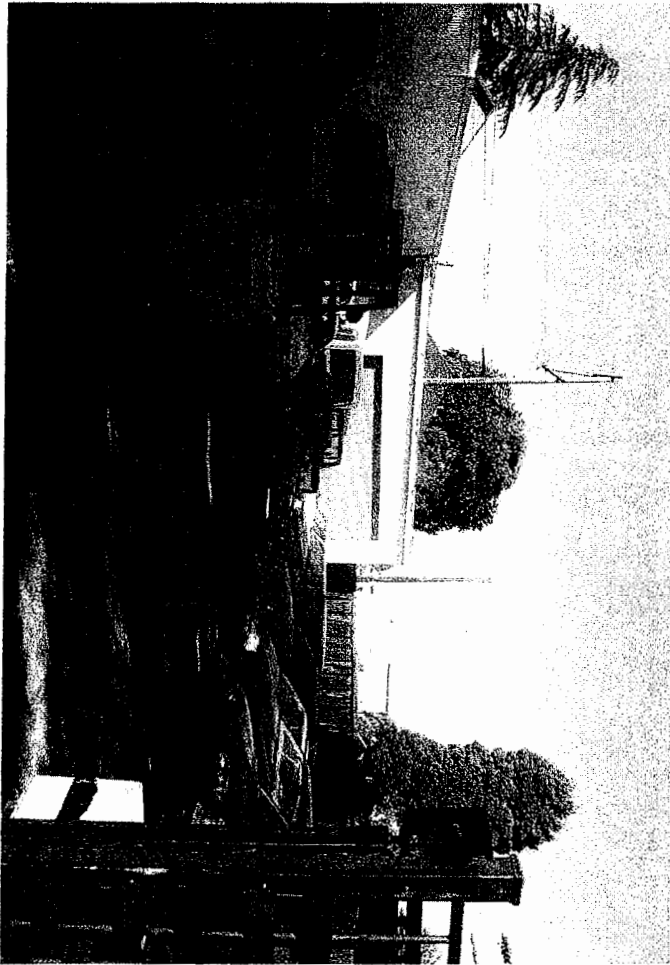
STATUS CODE _____ CLASS CODE _____ SIC CODE _____
 DID CODE _____ PAYMENT CODE _____ BUS. TYPE _____

NOTES:
 EXP. DATE 6/30/05 AMT PD 440 AMT OWED _____ DID _____ MISC AMT _____ CODE _____

I have received information about Ordinance No. 907 N.C.(2d) and intend to comply with all regulations and provisions of the Smoking Ordinance.
 Signature [Handwritten] Date 10/15/04

I have read Ordinance No. 558 N.C.(2d) and hereby agree to comply with all regulations and provisions of the ordinance for home occupation permit. Failure to comply will result in revocation of license and possible legal action.
 Signature _____ Date _____

BUS LIC.



Arrow Towing (500' Conflict of Interest/Vicinity Map)



Arrow Towing (500' Conflict of Interest/Vicinity Map)



Subject site

Arrow Towing (500' Conflict of Interest/Vicinity Map)



Subject site

Arrow Towing (500' Conflict of Interest/Vicinity Map)



Subject site

Arrow Towing (500' Conflict of Interest/Vicinity Map)



Subject site

Pointer 38°05'56.96" N 122°14'50.22" W

Streaming 100%

Eye alt 2133 ft

Arrow Towing (500' Conflict of Interest/Vicinity Map)



Subject site

Pointer: 38°05'56.96" N 122°14'50.22" W Streaming 100% Eye alt 2133 ft

Arrow Towing (500' Conflict of Interest/Vicinity Map)



Subject site

Arrow Towing (500' Conflict of Interest/Vicinity Map)



Subject site

Arrow Towing (500' Conflict of Interest/Vicinity Map)



Subject site

Arrow Towing (500' Conflict of Interest/Vicinity Map)



Subject site

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

DATE OF MEETING: November 5, 2007

PREPARED BY: Marcus Adams *M.A.*

PROJECT NUMBER: CTA #07-0002

**PROJECT
DESCRIPTION:**

The proposed code text amendment would allow “Construction Sales & Services (16.06.320 V.M.C.)” within all Freeway Commercial and Linear Commercial zoned districts as a conditionally allowed use. Currently, these uses are only allowed in Intensive Use, Intensive Use-Limited, and Planned Development Industrial zoned districts.

RECOMMENDATION: Approve

CEQA: Categorically Exempt (Section 15061)

PROJECT DATA SUMMARY

Name of Applicant: Paul Yu

Date of Completion: September 27, 2007

General Plan Designation: N/A

Zoning Designation: Freeway Shopping & Service District (CF),
Linear Commercial District (CL)

Site/Surrounding Land Use:

Site: Citywide

North: N/A

South: N/A

East: N/A

West: N/A

Lot Area: N/A
square feet

Total Floor Area/Ratio: N/A

Landscape Area/Coverage: N/A

Parking Required/Provided: N/A

BACKGROUND SUMMARY

In Summer of 2007, the applicant and his associates approached the Planning Division regarding the possibility of purchasing a building located at 724-734 Lincoln Road East and establishing a “cabinet and counter-top” home improvement showroom and warehouse. The applicant operates a cabinet and countertop showroom in Richmond and a showroom/warehouse in Rhonert Park.

The applicant was informed by staff that the proposed use was not permitted in the CF zoning district of which the subject property was located. After staff determined that they would be able to support the proposed use not only at the proposed site but in other CF & Linear Commercial (CL) zoning districts, staff informed the applicant that a code text amendment, expanding the list of permitted uses, would be the appropriate application.

ANALYSIS

The proposed use of a cabinet and countertop showroom/warehouse is classified as “Construction Sales and Services” under “Commercial Use Types” in the Vallejo Municipal Code, and is allowed in Intensive Use districts by right and in Intensive Use-Limited and Planned Development Industrial zoned districts with conditional use permit and unit plan approval, respectively. Construction sales and services are defined as follows:

The construction sales and services use type refers to establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sales of paint, fixtures and hardware; but excludes those classified as one of the automotive and heavy equipment use types. Typical uses include building materials stores, tool and equipment rental or sales, or building contractors. (Sec. 16.06.320 VMC)

To help determine whether the proposed use would be appropriate in CF/CL zoning districts, keeping in mind the emphasis being placed on the Interstate 80 corridor, staff conducted a visual survey of freeway frontages in Solano and

Contra Costa Counties (along the I-80 corridor) and received North Bay examples of such uses from the applicant. Based on examples of such uses observed during the visual survey (see Attachment 2-pictures) and the fact that these use types draw from a regional customer base due to their freeway exposure, staff concluded that “construction sales and services” use types that include warehouses and showrooms of finished products associated with the home improvement industry, i.e., kitchens; floor coverings; etc. would be appropriate for some properties found within Vallejo’s CF districts.

Staff believes that the long, linear nature of some of the parcels found in CF districts lend themselves to the type of buildings which would be suitable for these type uses, i.e. freeway facing showroom windows with minimal or rear site parking (see Attachment 2- pictures, Central Avenue Center). In some cases, such as the subject property at Lincoln Road East, existing buildings can be re-adaptively used to house the proposed new use types. Staff also believes that though not necessarily an “impulse consumer good,” these use types would benefit from the freeway visibility afforded to them, meeting the following intent of CF districts:

“It is the intent of this district to provide commercial goods and services in places conveniently and safely accessible from freeways, to discourage those uses that are unrelated to the needs of freeway users, and to prohibit those uses that may adversely affect adjacent noise sensitive land uses. Typically, the freeway shopping and service district would be applied to areas that are adjacent to freeway interchanges and convenient to freeway ingress and egress, as well as to those areas that are likely to be developed as freeways.” Section 16.28.010 VMC

Currently, “Construction Sales and Services” use types are not permitted within Linear Commercial (CL) zoned districts. Because the proposed code text amendment would establish a new “construction sales and service” use type which in some cases can be primarily “retail” in nature; staff will recommend that the proposed “home improvement material” sub use type be conditionally permitted within CL zoned districts. The purpose of the new sub use type will be to distinguish these particular “construction sales and services” uses from the broader uses more commonly associated with construction materials and uses.

To address potential negative impacts of such uses, in particular when a subject parcel may abut residential or other sensitive land uses, staff recommends that these uses be allowed within CF/CL zoning districts, subject to administrative minor use permit approval.

Proposed New Code Text Revisions. Additional new text is **shown in bold**, text to be deleted ~~shown as strikeout~~ :

16.06.320 Construction sales and services.

The construction sales and services use type refers to establishments or places of business primarily engaged in construction, **home improvement**

activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sales of paint, fixtures and hardware; but excludes those classified as one of the automotive and heavy equipment use types. ~~Typical uses include building materials stores, tool and equipment rental or sales, or building contractors.~~ **The following are construction sales and services use types:**

- A. Contractors Sales and services. Wholesale and retail sales and services associated with contractors. Typical uses include building materials stores, tool and equipment rental or sales, or building contractors.**
- B. Home Improvement Materials. Establishments associated with the sales (wholesale and retail) of a select or specific product associated with home improvement, which must include a showroom and may include a warehouse and small outdoor storage product area not visible from freeways or public rights-of-way. Typical uses include cabinet stores/showrooms; tile and granite counter-top stores; floor covering stores; etc. but excludes large home improvement stores which offer multiple product types and services. (Ord. 558 N.C.(2d) § 2 (part), 1980.)**

16.06.460 Retail sales.

Retail sales refers to places of business primarily engaged in the sale of commonly used goods and merchandise, but excludes those classified as agricultural supplies and services, animal sales and services, automotive and equipment, business equipment sales and services, ~~construction sales and services~~, food and beverage retail sales and gasoline sales. The following are retail sales use types:

- A. General.** The retail sale or rental, from the premises, of goods and merchandise for personal or household use, but excluding those uses listed above. Typical uses include department stores, apparel stores or furniture stores.
- B. Swap Meets.** The display, exchange, barter or sale of new or used common household items or office equipment and furnishings, providing that such activity is carried on in a swap lot. Typical uses include flea markets where clothing, personal effects, household furnishings and household appliances are sold or otherwise exchanged.
- C. Adult Uses.** The retail sale or rental, from the premises, of goods and merchandise for adult use as defined and regulated by Chapter 16.59. (Ord. 1388 N.C.(2d) § 4, 1998: Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.22.050 Uses subject to a minor use permit.

The following use types are permitted upon issuance of a minor use permit, as provided in Chapter 16.82:

A. Commercial Use Types.

1. Live/work.

2. Construction sales and services: home improvement materials

(Ord. 1469 N.C.(2d) § 9, 2001; Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.28.050 Uses subject to a minor use permit.

The following use types are permitted upon issuance of a minor use permit, as provided in Chapter 16.82:

A. Commercial Use Types.

1. Construction sales and services: home improvement materials.

ENVIRONMENTAL DETERMINATION

The proposed amendment activity is exempt due to the fact that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Site specific projects will be reviewed for CEQA conformance on a case-by-case basis (Categorically Exempt Section 15061).

CONCLUSION/RECOMMENDATION

Staff has determined that the proposed code text amendment, 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 recommend to the City Council, approval of Code Text Amendment CTA 07-0002, based on the findings and subject to the attached Conditions of Approval.

APPEAL

The applicant or any party adversely affected by a 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 and Planning Division. 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 regular business day.

ATTACHMENTS

1. Resolution (w/attached ordinance)
2. Pictures of proposed use type examples in bay area

CITY OF VALLEJO PLANNING COMMISSION

RESOLUTION NO. PC-07-

**A RESOLUTION OF THE PLANNING COMMISSION
TO AMEND THE ZONING ORDINANCE**

[Code Text Amendment]

CTA 07-0002

Construction Sales and Services Use Classification

I. GENERAL FINDINGS

WHEREAS an application was submitted by Paul Yu to revise Chapter 16.28 "Freeway Shopping and Service District" of the Vallejo Municipal Code;

WHEREAS upon review of the application received by Paul Yu, the Planning Division determined that a revision of Chapter 16.06 "Use Classifications," Chapter 16.22 "Linear Commercial District," and Chapter 16.28 "Freeway Shopping and Service District" would be necessary;

WHEREAS the City of Vallejo Planning Commission conducted a duly noticed public hearing to consider the proposed Code Text Amendment, attached herein as Exhibit 1 on November 5, 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 07-0002,

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 07-0002 to revise Chapter 16.02 "Use Classifications," Chapter 16.22 "Linear Commercial District," and Chapter 16.28 "Freeway Shopping and Service District" based on the findings contained in this resolution, with reference to the staff report attached including Exhibit 1, 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 5th day of November, 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: Additional new text is *shown in bold italics*, text to be deleted ~~shown as~~ ~~strikeout~~.

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

AN ORDINANCE OF THE CITY OF VALLEJO AMENDING SECTION 2 (PART) OF ORDINANCE NO. 558 N.C. (2d), AS AMENDED, OF THE VALLEJO MUNICIPAL CODE TO REVISE CHAPTER 16.06- USE CLASSIFICATIONS, CHAPTER 16.22 LINEAR COMMERCIAL DISTRICT AND CHAPTER 16.28 – FREEWAY SHOPPING AND SERVICE DISTRICT

Section 1. Chapter 16.06, Use Classifications

Sections 16.06.010 thru 16.06.310-No change.

16.06.320 Construction sales and services.

The construction sales and services use type refers to establishments or places of business primarily engaged in construction, *home improvement* activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sales of paint, fixtures and hardware; but excludes those classified as one of the automotive and heavy equipment use types. ~~Typical uses include building materials stores, tool and equipment rental or sales, or building contractors.~~ *The following are construction sales and services use types:*

- A. Contractors Sales and services. Wholesale and retail sales and services associated with contractors. Typical uses include building materials stores, tool and equipment rental or sales, or building contractors.*

Home Improvement Materials. Establishments associated with the sales (wholesale and retail) of a select or specific product associated with home improvement, which must include a showroom and may include a warehouse and small outdoor storage product area not visible from freeways or public rights-of-way. Typical uses include cabinet stores/showrooms; tile and granite counter-top stores; floor covering stores; etc. but excludes large home improvement stores which offer multiple product types and services. (Ord. 558 N.C.(2d) § 2 (part), 1980.)

Sections 16.06.330 thru 16.06.450-No change.

16.06.460 Retail sales.

Retail sales refers to places of business primarily engaged in the sale of commonly used goods and merchandise, but excludes those classified as agricultural supplies and

services, animal sales and services, automotive and equipment, business equipment sales and services, ~~construction sales and services~~, food and beverage retail sales and gasoline sales. The following are retail sales use types:

A. General. The retail sale or rental, from the premises, of goods and merchandise for personal or household use, but excluding those uses listed above. Typical uses include department stores, apparel stores or furniture stores.

B. Swap Meets. The display, exchange, barter or sale of new or used common household items or office equipment and furnishings, providing that such activity is carried on in a swap lot. Typical uses include flea markets where clothing, personal effects, household furnishings and household appliances are sold or otherwise exchanged.

C. Adult Uses. The retail sale or rental, from the premises, of goods and merchandise for adult use as defined and regulated by Chapter 16.59.
(Ord. 1388 N.C.(2d) § 4, 1998; Ord. 558 N.C.(2d) § 2 (part), 1980.)

Sections 16.06.470 thru 16.06.630-No change.

Section 2. Chapter 16.22, Linear Commercial District

Sections 16.22.010 thru 16.22.040-No change.

16.22.050 Uses subject to a minor use permit.

The following use types are permitted upon issuance of a minor use permit, as provided in Chapter 16.82:

A. Commercial Use Types.

1. Live/work.

2. Construction sales and services: home improvement materials
(Ord. 1469 N.C.(2d) § 9, 2001; Ord. 558 N.C.(2d) § 2 (part), 1980.)

Section 16.22.060-No change.

Section 3. Chapter 16.28, Freeway Shopping and Service District

Sections 16.28.010-16.28.040-No change.

16.28.050 Uses subject to a minor use permit.

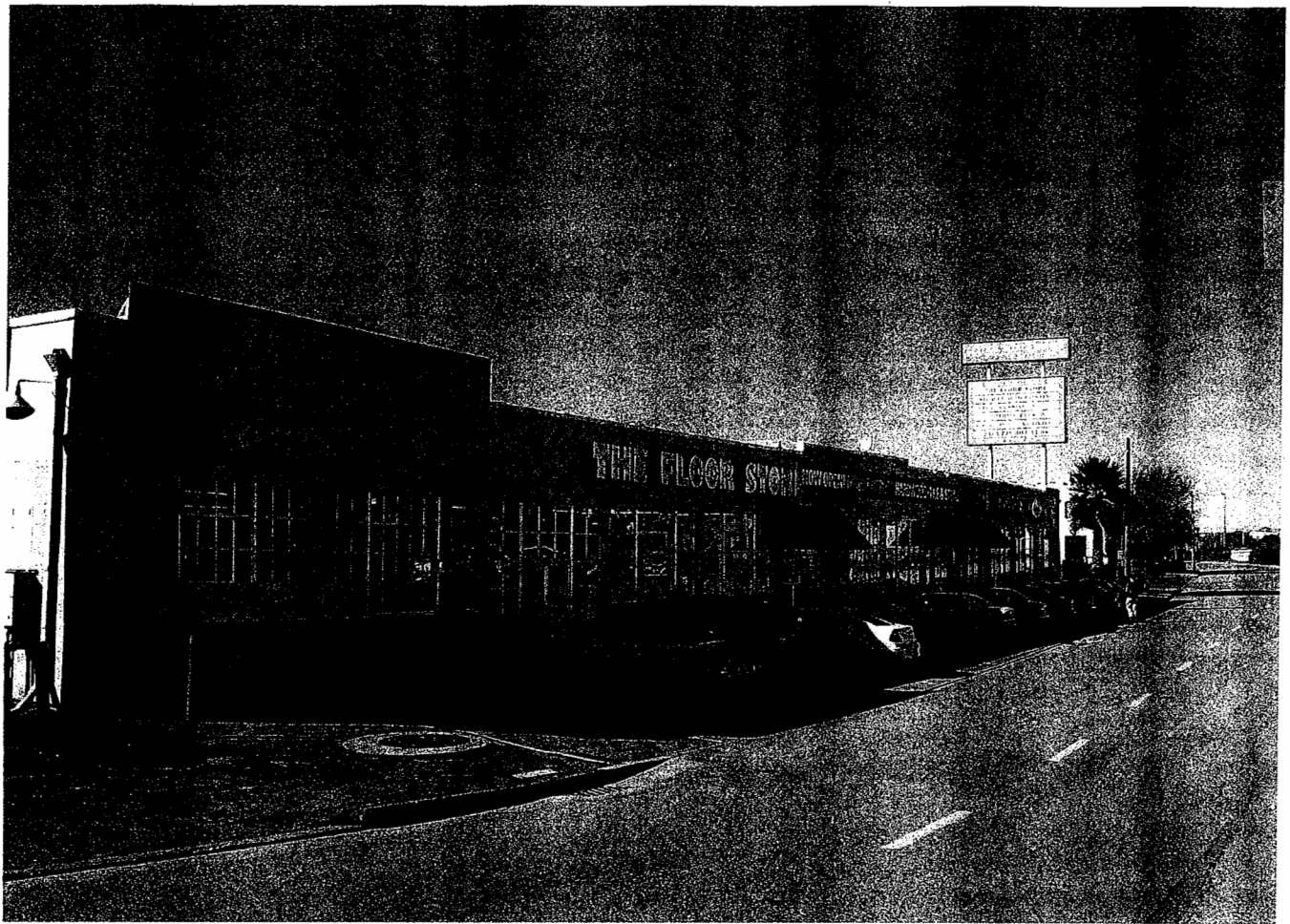
~~None.~~ ***The following use types are permitted upon issuance of a minor use permit, as provided in Chapter 16.82:***

A. Commercial Use Types.

1. Construction sales and services: Home Improvement materials- tile, cabinets, etc.

(Ord. 558 N.C.(2d) § 2 (part), 1980.)

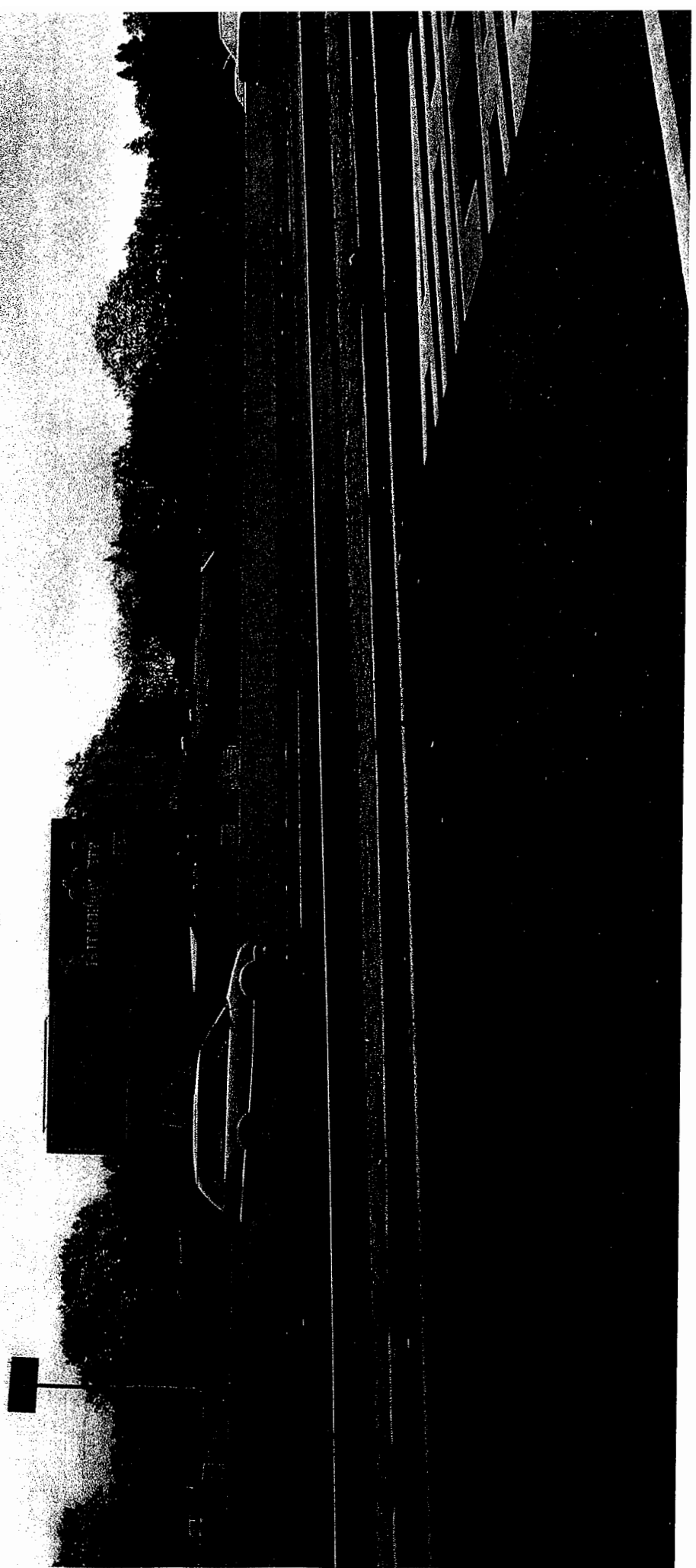
Section 16.28.060-No change.



RICHMOND, CA



PROPOSED SITE



Item K5

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

DATE OF MEETING: November 5, 2007

PREPARED BY: Marcus Adams *MA*

PROJECT NUMBER: PD (Amendment) #02-0015

**PROJECT
DESCRIPTION:**

The applicant has petitioned to amend the condition of approval for Hyde Park which regulates the "entry gate" closure hours. Currently, the entry gate is to remain open every day between the hours of 6 a.m. and 8 p.m. The applicant would like to remove this condition, allowing the gates to be closed at all times.

RECOMMENDATION: Denial

CEQA : Categorically Exempt, "Existing Facilities" (Section 15301)

PROJECT DATA SUMMARY

Name of Applicant: Hyde Park @ Northgate Homeowners Association

Date of Completion: September 19, 2007

General Plan Designation: Employment

Zoning Designation: Mixed Use Planned Development (MUPD)

Site/Surrounding Land Use:

Site: Single Family Residential driveway

North: Commercial (Costco, Best Buy)

South: Multi-family Residential (Belvedere)

East: Commercial (auto dealers)

West: Commercial (Northgate Marketplace)

Lot Area: 60,112 square feet
square feet

Total Floor Area/Ratio: N/A

Landscape Area/Coverage: N/A

Parking Required/Provided: N/A

BACKGROUND SUMMARY

On June 16, 2003, the Planning Commission approved a draft resolution approving Unit Plan PD #02-0015 for the development of the Hyde Park 133-unit single family subdivision. The project was proposed as a gated community; however, Planning Division staff recommended a non-gated community due to concerns that "gated residential developments present an image that the general public is not welcome and the surrounding community at large is not safe" (see Attachment 3, Planning Commission minutes, pg. 4, 14, 15). The Planning Commission agreed with staff's original recommendation for a non-gated community and did not approve the applicant's request (vote of 5-1-1). The applicant subsequently appealed the "non-gated" condition to the City Council.

On July 29, 2003, the City Council held a public hearing that included the appeal of the Planning Commission condition that Hyde Park be a non-gated community. The applicant/appellant based their argument for a gated community on the following:

- Gated communities 'exude quality, not exclusivity"
- Gates provide "a perception of additional security"
- Gates are a "desired amenity of prospective home buyers"
- The gates would prevent public use of private parks in the development
- The gates would help Hyde Park be "competitive with other luxury housing in the region."

Planning Division staff and the Planning Commission liaison continued to take the position that their main concern was "how the image (*of gates*) may affect the rest of the surrounding community," being that the gates project an image of "segregation and exclusion." Staff informed the Council that the packet also included a substitute resolution recommending any gates remain open from 6 a.m. to 8 p.m.

The Council adopted the substitute resolution on a vote of 4-3, with the majority basing their approval on: "consistency," i.e. other gated communities had been approved; aesthetic appeal; and the gate closure compromise contained in the substitute resolution (see Attachment 4, City Council minutes).

On September 19, 2007, the Planning Division received an application from Hyde Park @ Northgate Homeowners Association to remove the open gate hours from 6 a.m. to 8 p.m. to 24 hour gate closure. Supporting arguments stated in an August 22, 2007 letter to the Development Services Director (see Attachment 2) included multiple events of vandalism, abandoned cars, solicitation, and unauthorized use of the private parks.

ANALYSIS

The Planning Division and Community Development staff continue to fundamentally oppose gated single-family communities based on the following reasons:

- Gated communities present an "unsafe image" of the rest of the community outside their gates
- Gated communities decrease "social capital," i.e. people's sense of trust and inclination to do things together
- Gated communities break up neighborhoods by creating self-contained communities
- Gated communities can promote exclusion

By implying that there is a need to fence out the rest of the community, permanent closure of the gate may have a harmful economic impact on public and private investments in the area.

Regarding the appellant's specific amendment request for 24 hour gate closure, staff believes that the compromise originally offered by the developer is still appropriate based on the following:

- According to incident reports received from the Police Department, the number of incidents requiring "calls for service" during the day were not abnormal in comparison to similar (demographic and size) non-gated Northgate neighborhoods (see Attachment 6), with two out of three non-gated communities reporting more "calls for service" than Hyde Park
- According to the same Police report, the incident pattern during the day at Hyde Park, on average, did not differ from the incident pattern at Tiara, a gated (24 hour gate closure) residential development
- The developer of Hyde Park has stated to the Council in the past that gates could be placed at the parks' entrances to ensure homeowner access only (see Attachment 3, pg. 12 Council minutes)
- With installation of gates at the park entrances, other security issues could be handled by a private security firm, i.e. hourly patrols, as is customary in other "luxury housing developments"
- Permanent gate closure is a short term solution which perpetuates distrust and exclusion and avoids working towards long term solutions which encourage community trust and empowerment

ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt due to the fact that the existing use would involve no expansion or new construction (CEQA Section 15301, Existing Facilities).

CONCLUSION

Staff has determined that the proposed planned development (unit plan) amendment is not consistent with the following General Plan and Northgate Specific Plan goals and policies:

- "Use the Planned Development approach to create neighborhoods with a variety of complimentary and compatible uses which are unified by a common theme" *General Plan "Balanced Neighborhood Goal-Policy 6.*
- "The pattern created gives a sense of purpose to the city and means of organization and orientation for human activity. It is important that new developments have a recognizable pattern and that the pattern of older neighborhoods be preserved." *General Plan "Creating Neighborhoods" pg. III-5*
- "It is the Specific Plan's intention to create residential neighborhoods that are separated by open space and major streets" *Northgate Specific Plan, pg. 7*

The common theme and established pattern of the Northgate single-family neighborhoods is one of neighborhoods being open for vehicular and pedestrian access with well designed entries distinguished by landscaping and monument signs and entry

walls. Neighborhoods are separated by open space and major collector and arterial streets.

RECOMMENDATION

Staff recommends that the Planning Commission DENY Planned Development (Unit Plan) Amendment 02-0015, based on the following findings per Section 16.116.100 VMC:

1. "The proposed unit plan amendment is not consistent with the goals and policies of the Vallejo general plan and Northgate Specific Plan."
2. "The proposed unit plan amendment is not of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area."

APPEAL

The applicant or any party adversely affected by a 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 and Planning Division. 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 regular business day.

ATTACHMENTS

1. Resolution
2. Alternative resolution
3. MapQuest® directions
4. Applicant letter
5. Planning Commission minutes
6. City Council minutes
7. Police Department "calls for service" incident graph
8. Pictures of Hyde Park gate entrance
9. Conflict of Interest/Vicinity Map

CITY OF VALLEJO PLANNING COMMISSION

RESOLUTION NO. PC 07-

**A RESOLUTION OF THE PLANNING COMMISSION
DENYING A UNIT PLAN APPLICATION
PLANNED DEVELOPMENT (UNIT PLAN) AMENDMENT #02-0015**

Hyde Park

The Hyde Park subdivision is located at the intersection of North Ascot Pkwy. & Berkshire Lane.

APN# 0183-060-020

I. GENERAL FINDINGS

WHEREAS an application was filed by the Hyde Park at Northgate Homeowner Association seeking approval for a unit plan amendment for permanent closure of the Hyde Park entry gate; and

WHEREAS the City of Vallejo Planning Commission conducted a duly noticed public hearing to consider the application for the Unit Plan Amendment on November 5, 2007 at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission; and

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

II. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

Section 1. The Planning Commission finds that on the basis of the whole record before it there is no substantial evidence that the project will have a significant effect on the environment per Section 15301, Class 3 Categorical Exemption, "Existing Facilities" of the California Environmental Quality Act.

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

Section 2. The Planning Commission finds that applicant submitted Unit Plan amendment Permit application #02-0015 for 24 hour closure of the Hyde Park entry gate pursuant to the City of Vallejo Municipal Code Chapter 16.116.140(A)(2).

Section 3. Planning Commission finds, based on the facts contained in the staff report attached herein and incorporated herein by this reference, and given and the evidence

presented at the public hearing, and subject to the conditions attached to this resolution that:

1. "The proposed unit plan amendment is not consistent with the goals and policies of the Vallejo general plan and Northgate Specific Plan."
2. "The proposed unit plan amendment is not of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area."

IV. RESOLUTION DENYING THE UNIT PLAN AMENDMENT APPLICATION FOR 24 HOUR HYDE PARK GATE CLOSURE

NOW, THEREFORE, LET IT BE RESOLVED that the Planning Commission hereby DENYS the Unit Plan amendment application (UP# 02-0015) for 24 Hyde Park gate closure, based on the findings contained in the staff report attached hereto and incorporated herein and subject to the Conditions of Approval attached to this resolution.

V. VOTE

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

AYES:
NOES:
ABSENT:

CHARLES LEGALOS, CHAIRPERSON
City of Vallejo PLANNING COMMISSION
Attest:

Don Hazen
Planning Commission Secretary

CITY OF VALLEJO PLANNING COMMISSION

RESOLUTION NO. PC 07-

**A RESOLUTION OF THE PLANNING COMMISSION
DENYING A UNIT PLAN APPLICATION
PLANNED DEVELOPMENT (UNIT PLAN) AMENDMENT #02-0015**

Hyde Park

The Hyde Park subdivision is located at the intersection of North Ascot Pkwy. & Berkshire Lane.

APN# 0183-060-020

I. GENERAL FINDINGS

WHEREAS an application was filed by the Hyde Park at Northgate Homeowner Association seeking approval for a unit plan amendment for permanent closure of the Hyde Park entry gate; and

WHEREAS the City of Vallejo Planning Commission conducted a duly noticed public hearing to consider the application for the Unit Plan Amendment on November 5, 2007 at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission; and

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

II. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

Section 1. The Planning Commission finds that on the basis of the whole record before it there is no substantial evidence that the project will have a significant effect on the environment per Section 15301, Class 3 Categorical Exemption, "Existing Facilities" of the California Environmental Quality Act.

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

Section 2. The Planning Commission finds that applicant submitted Unit Plan amendment Permit application #02-0015 for 24 hour closure of the Hyde Park entry gate pursuant to the City of Vallejo Municipal Code Chapter 16.116.140(A)(2).

Section 3. Planning Commission finds, based on the facts contained in the staff report attached herein and incorporated herein by this reference, and given and the evidence

presented at the public hearing, and subject to the conditions attached to this resolution that:

1. The proposed unit plan amendment is consistent with the goals and policies of the Vallejo general plan and Northgate Specific Plan.
2. The proposed unit plan amendment is of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area.
3. The unit plan serves to achieve groupings of structures which will be well related one to another and which, taken together, will result in a well-composed urban design, with consideration given to site, height, arrangement, texture, material, color and appurtenances, the relation of these factors to other structures in the immediate area, and the relation of the development to the total setting as seen from key points in the surrounding area.
4. The unit plan is of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area.

**IV. RESOLUTION APPROVING THE UNIT PLAN AMENDMENT
APPLICATION FOR 24 HOUR HYDE PARK GATE CLOSURE**

NOW, THEREFORE, LET IT BE RESOLVED that the Planning Commission hereby APPROVES the Unit Plan amendment application (UP# 02-0015) for 24 Hyde Park gate closure, based on the findings contained in the staff report attached hereto and incorporated herein and subject to the Conditions of Approval attached to this resolution.






V. VOTE

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

AYES:
NOES:
ABSENT:

CHARLES LEGALOS, CHAIRPERSON
City of Vallejo PLANNING COMMISSION
Attest:

Don Hazen
Planning Commission Secretary

Maneuvers	Distance	Maps
 1: Start out going SOUTH on SANTA CLARA ST toward GEORGIA ST.	<0.1 miles	Map
 2: Turn LEFT onto GEORGIA ST.	1.7 miles	Map
 3: Turn LEFT onto STEFFAN ST.	<0.1 miles	Map
 4: Merge onto I-80 E via the ramp on the LEFT.	2.3 miles	Map
 5: Take the AUTO MALL COLUMBUS PKWY / CA-37 exit- EXIT 33- toward NAPA.	0.1 miles	Map
 6: Merge onto AUTO MALL COLUMBUS PKWY.	0.8 miles	Map
 7: Turn RIGHT onto ASCOT PKWY.	0.2 miles	Map
 8: End at Ascot Pkwy & Berkshire Ln Vallejo, CA 94591, US		Map

Total Est. Time: 10 minutes **Total Est. Distance:** 5.38 miles

MANDARICH
DEVELOPMENTS

August 22, 2007

Brian Dolan
Development Services Director
City of Vallejo
555 Santa Clara Street
City of Vallejo, CA 94590



Re: Hours of Operation – Entry Gates for Hyde Park

Dear Mr. Dolan:

The Board of Directors for the Hyde Park at Northgate Homeowners Association would like to obtain approval from the City of Vallejo to keep the gates closed. The Conditions of Approval for Hyde Park for the entry gates hours of operation are:

“The entrance security gate is approved. The gate shall remain open every day between the hours of 6am and 8pm.”

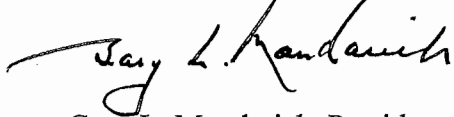
The Association Board would like the City to remove this condition. This request is initiated from the numerous events that have occurred due to open access to Hyde Park to the general public. These events include multiple episodes of vandalism, abandoned cars, solicitation, and unauthorized use of the private parks.

Homeowners in Hyde Park pay a substantial amount of monthly Homeowner’s Dues for the private streets and parks in Hyde Park. Unauthorized use of these private elements unfairly cost the residents of Hyde Park monies to maintain these elements being used by others. The location and easy access to enter Hyde Park from North Ascot Parkway has attracted people that impose on the privacy of residents in this community. In addition, there are several other gated communities in the City of Vallejo that are not required to leave their gates open during the day and this restriction should not apply to Hyde Park.

Attached is a completed application and a check in the amount of \$1,804.75 to process our request.

Please call me if you have any comments or concerns regarding our request.

Hyde Park at Northgate Homeowners Association

A handwritten signature in black ink, appearing to read "Gary L. Mandarich". The signature is written in a cursive style with a large initial "G".

Gary L. Mandarich, President

cc: Dee Casarez
Bruce Peaslee
George Reyes
Robert Sprague
Brian Mandarich

No report.

H. COMMUNITY FORUM

No one came forward to speak.

I. REPORT OF THE PRESIDING OFFICER AND COMMISSIONERS

None.

J. LIAISON REPORTS

1. Council Liaison to Planning Commission

None.

2. Planning Commission Liaison to City Council

None.

K. PUBLIC HEARINGS

1. CONSIDERSTION OF PLAN DEVELOPMENT AND TENTATIVE MAP 03-0004
This is an application for a Planned Development (Unit Plan) and Tentative Map to create 70 residential lots to allow the construction of 70 single family homes on the Orchards site and to create additional parcels for future school, park and open space uses.

Continued until June 18, 2003.

2. TENTATIVE MAP #02-0004. The project includes a proposal to subdivide a 30,247.44 square foot parcel into five lots ranging from 5,466 to 8,860 square feet. The subdivision would facilitate the development of five single-family custom homes on the property. Proposed CEQA Action: Mitigated Negative Declaration.

Continued until June 18, 2003.

3. Northgate Project General Plan Amendment 02-0002, Specific Plan Amendment 87-02K, Planned Development 02-0015, Planned Development 03-0008, Planned Development 03-0009. Applications have been filed for the Northgate Specific Plan area for the primary purpose of changing the planned land uses for the remaining, vacant 109+ acres located south of Columbus Parkway. The applications request: a) an amendment to the Vallejo General Plan to change the land use designation of the 109+ acre area from "Employment" to "Northgate Mixed-Use;" b) amendments to the Northgate Specific Plan to change the land use classification of the 109+ acre area from "Business Park" and "Office Park" to "Commercial," "Low-Density Residential," "Neighborhood Shopping and Services" and "Mixed Use;" c) accompanying text amendments to the adopted Northgate Specific Plan to address the changes in land uses and incorporation of the adjacent Northeast Quadrant Gateway (Planned Unit Development Nos. 575 and 582) into the Plan area; and d) Unit Plan approval for a 133-unit single-family residential development on a 27-acre portion of the vacant Plan area proposed for Low-Density Residential classification. Proposed CEQA Action: Mitigated Negative Declaration.

Staff recommends **approval** subject to conditions listed in the Staff Report.

Commissioner Morris recused himself from this item.

John Bunch: There are several members of staff involved in this project: Paul Jensen, Contract Planner; Alan Wolken, Economic Development Program Manager; Gary Leach, Asst Public Works Director and City Engineer. We will be available for questions before and after the Public Hearing.

Paul Jensen: By way of background, in 1988 City adopted Northgate Specific Plan covers 1165 acres in NE Quadrant. Most of Northgate is developed, with exception of 109+ acres designated for Business Park and Office Park use. Several years ago, the Plan was amended to permit auto sales and service land use to be developed in this area, which is otherwise limited to office, research and development, light industrial and some limited retail use. Property owners are currently proposing to change the Specific Plan to broaden the land uses for this undeveloped 109-acre area. Current Plan classifications for business and office park land uses would be replaced with new classifications for mixed use, commercial, neighborhood shopping and services and low-density residential.

As summarized in staff report, the requested changes in the allowable land uses require amendments to both the General Plan and the Northgate Specific Plan. Text and mapping amendments to the Plan have been prepared to address the proposal. Accompanying amendments to the Plan text have been drafted to bring Plan up-to-date, as most of areas have been built out delete a Park and Ride lot land use for City-owned property north of Columbus. City Transportation Division staff has determined that this is not a suitable site for park and ride lot. Incorporate boundaries of adjacent Northeast Quadrant Gateway and establish a Major Use Permit process for considering a freestanding, freeway-oriented sign for two or more new auto dealerships in Northgate and adjacent NE Quadrant areas. Amendments are proposed to the adopted NE Quadrant Gateway PUDs to address the sign process that would be established in the Northgate Plan. Incorporation of new Automall/auto center design guidelines. In addition, Unit Plan application has been filed for 27-acre portion of the 109-acre area proposed for Low-Density Residential classification. This application proposes development of 133-single-family homes on west side of Ascot (Hyde Park), which is described in staff report. I will defer details of project to applicant's presentation.

The project is subject to environmental review per CEQA. An EIR was prepared and certified in 1988 for adoption of the Northgate Specific Plan. However, circumstances have changed since 1988, which warranted new assessment of issues. Initial Study has been prepared, which identifies that the changes in the allowed land use and the elements of the specific residential proposal might result in significant environmental impacts. Major impacts are traffic, aesthetics and noise. Mitigation measures are recommended to reduce impacts. Two issues have come up during this review. Firstly, the City has received a number of letters from residents of the Tiara residential development. Their concern is the loss of a westbound, "slip" lane located next to the center median at the intersection of Tiara Drive and Turner Parkway. Slip lane is used by Tiara residents. Traffic engineers have recommended deletion of this slip lane, which would be replaced by a full, eastbound left-turn lane into undeveloped site proposed for the neighborhood shopping center use. This recommendation was studied last year and incorporated into street improvements currently under way.

It was determined that with the eventual connection of Ascot Parkway, the slip lane would be less critical to Tiara residents because of the more direct and shorter route to I-80. In addition, the traffic engineers have determined that the left turn lane into the shopping center site is needed regardless of whether this site is developed with a shopping center or if it is developed with other uses permitted under the current Business Park classification. A representative from Kimley-Horn is available to respond to questions on this and other traffic-related issues.

Secondly, a letter has been submitted by the BAAQMD, which requests that an air quality analysis be prepared. This study is being prepared and will be incorporated into the Mitigated Negative Declaration prior to the City Council review and consideration of this document.

Plan amendments and Unit Plan have been reviewed for consistency with the goals and policies of the General Plan. Most notable issue is the conversion of the land use, which would change an area that has historically been viewed as an employment center.

The staff recommendation to support this change is largely based on the current employment-based land use opportunities at Mare Island, which did not exist when Northgate was initially planned. Further, the introduction of the Low-Density Residential land use, would permit up to 150 residential units, which would still be within the residential density limit envisioned in the initial Northgate Plan adoption.

Major issues surrounding Hyde Park is the security gate. The project is proposed as a gated community. It has been the staff position and recommendation to discourage gated residential developments as they present an image that the general public is not welcomed and that the surrounding community at large is not safe.

The Planning Commission is advisory to City Council on the General Plan and Specific Plan amendments. However, the Commission has the authority to approve/disapprove the PUD amendments and the Unit Plan.

Given the complexity of and number actions, resolutions have been prepared for each action, which includes findings and conditions. Should the Planning Commission choose to proceed with recommendations in the staff report, action on the resolutions should be taken in the order in which they are presented.

Before I turn it over to Alan Wolken to address Economic Development involvement in project and process, I would like to note that there are a number of letters that have been submitted by residents of the area. Several letters, signed by about dozen Tiara residents, oppose the Neighborhood Shopping center land use for property at corner of Turner Parkway/Ascot Parkway. Also there is a letter from residents of Northgate Ascot Highlands that urges that certain restrictions be imposed on the neighborhood shopping center site to ensure that the center at this location does not result in a nuisance to the surrounding neighborhood.

Alan Wolken: Madame Chairperson and Commissioners I would like to just briefly touch base with some of the items that Economic Development Division has been involved with on this project. We have been involved with this for a number of years. Primarily to insure that the automotive dealerships in the City of Vallejo would be placed in a competitive advantage or at least not in a

disadvantage as they relate to other auto dealerships in the Bay Area. We have been working with the property owner and the auto dealerships to provide locations that are freeway oriented. Locations that will be able to meet the needs of the auto dealerships in Vallejo. We have a number of dealerships that have been very interested in the property that the developer has. To this regard, last July the Economic Development Division, the City of Vallejo, the automotive dealerships, Wilson Cornelius Ford and Team Chevrolet, along with the property owners entered into an MOU. This MOU was to include a number of components that, if they were met would allow automotive dealerships at this location. Some of the issues included signage, development design guidelines, which would ensure that the automotive dealerships that were in keeping, not only with the integrity, of the overall development components, but would also ensure that automotive dealerships were developed in such a way that it would promote automotive sales. We are also looking at CCRs on the property as well as detailed purchase agreements. All the elements I have referred to have been agreed to by all parties. We are very happy to bring that forward to you.

Regarding the uses proposed for the site. The overall site, we commissioned a market analysis last year to look at the various development components. When you see the development before you this evening, it is a mixed use development, we were very concerned that the development components would be market driven. What we did not want to see was that there were development components that would restrict the development of the property. It is imperative that we see this site developed but we also want to see it developed to the highest quality uses to the City of Vallejo. That is why we came up with the uses you will see before you this evening. We have residential, auto dealership, educational, and other commercial and retail components.

We also compared a fiscal impact analysis. This shows the impact of the project on the City of Vallejo. We also compared that to the previous uses that were approved for the site, the Office and Business Park.

Commissioner Salvadori: Around a year ago a request for zoning change for this property, a Use Permit, came before this Commission. In the area you are proposing as residential at this time a hotel and care center was projected. At that time the Commission asked for certainty that the auto mall was going to happen. We had a commitment a year ago that it was going to happen and here a year later we still don't have an auto mall and we are looking for another change to take more potential employment real estate and turn it into residential. Can you help me understand that?

Alan Wolken: Let me say that we have been working almost daily for the last year making sure that an auto mall would be part of this development. It is an extremely complex proposal that we have worked out with the automotive dealerships as well as the property owner. There are assessment districts on the property, there is also various site constraints in regards to the property owner getting the sites ready for automotive dealerships so we are happy to say the property owner has reached an agreement with the automotive dealerships to purchase those properties. There is a due diligence period but we feel very confident that the automotive uses will go forward on those sites. There are a number of other concerns in regards to signage. Freeway oriented signage is a big selling point for automotive dealerships. What you don't want to have are sites that aren't credibly acknowledge to Highway 80. That is a big, big selling point so we have been working, not only with the dealers and the property owner, but with the Planning staff to insure that the proper tools are in the document, the Specific Plan amendments as well as two PUDs which would allow for the types

of signage that is very critical and important for the automotive dealerships to be successful.

Commissioner McConnell: I would like to reserve my questions and comments until after the Public Hearing.

Terry Teeple, Pacific-Teal Development: I would like to introduce the balance of our Team: Gary Mandarich; President of Mandarich Developments, Robert Sprague & Favian Mercado also of Mandarich Developments, Bob Karn of Robert A. Karn & Associates, our Civil Engineer, Jerry Gonsalves from Stantec Consulting.

January 22nd we, along with Staff in a "Workshop" format, presented your Commission with the status of your planning efforts to that date. The goal of Staff and our Team that evening was to listen to any of your initial concerns, and then address them appropriately. Staff has in fact done that, and the issues you raised will be addressed this evening.

Terry Teeple and Favian Mercado presented a Powerpoint presentation containing the following information:

In 1998, Mandarich Developments began acquiring the Northgate property from COMAC Land. The project had been idle for the previous 5 years. Since acquiring the property, Mandarich has paid \$4,500,000 to Solano County and the City of Vallejo for delinquent taxes and assessments. Along with other home builders in the Northgate Specific Plan, Mandarich Developments has completed "The Bluffs" and "Visage", a 65 unit and a 21 unit respectfully, both single family detached neighborhoods. In addition, "Tiara", a gated 190 unit, luxury townhome community is in the final stages of completion.

In the past two (2) years, Mandarich has completed over \$6,000,000 in development site work; including the preparation of the sites that are intended to be the new homes of Wilson-Cornelius Ford and Team Chevrolet. Columbus Parkway has been constructed between Admiral Callaghan Lane and Ascot Parkway.

In an effort to best determine all of the appropriate land uses for the balance of the 109 acres of un-developed land in Northgate, the City engaged Bay Area Economics to prepare a "market overview". In the "Office Market" section of the Northgate Market Overview (specifically beginning on Page ii, of the Executive Summary), Bay Area Economics concludes -"a large number of factors reduce the short-term market feasibility of office development at Northgate. First, the large supply of Class A properties in Fairfield will dampen demand in Northgate". The Overview, in reference to a previous analysis of Solano County to determine residual office demand, goes on to say -"The study found enough pipeline supply was proposed at competing business parks to meet projected demand for new office space for at least 15 years". It goes on to state, "Second, the high vacancy rates in the inner Bay Area office markets may also limit the number of users moving to Solano County in search of affordable space". And "To the extent that office development occurs in Mare Island, this will also compete with Northgate. Third, low lease rates in Vallejo may not support new office development, particularly given the large number of assessments burdening the property. I

continue to quote -"Finally, Northgate's sloped topography, while offering attractive views, may also increase site development costs and limit demand". The Office Market section of the Northgate Market Overview dated June 2002 concludes by stating-" As a result of these factors, any office development at Northgate can expect slow absorption and will require aggressive marketing".

In the Fiscal Impact Analysis dated May, 2003, the projections for the existing, office park land uses show an absorption of the 109 acres to take in excess of twenty (20) years, and at a projected loss of \$754,000 annually. Incorporating the results of the Northgate Market Overview as commissioned by your Staff, the proposed land uses included in the entitlements before you this evening show project completion in approximately 4 to 5 years, and more importantly, generates a fiscally responsible, positive outcome for the City of approximately \$65,000 annually.

Just as this fiscal information was very important for your Staff and our Team to understand, it is equally, as important for your Commission, in making your recommendation to City Council. Both Mr. Al da Silva and Mr. Alan Wolken of your Economic Development Department, as well as your Finance Director, Mr. Fred Wright, have been involved with the Northgate Market Overview and Fiscal Impact Analysis from their inception, and agree with the conclusions. These members of your Staff, as well as Mr. Simon Alejandrino of Bay Area Economics are available to answer any questions you may have. *It is well to note that the Fiscal Impact Analysis completed just last month, under the direction of your Staff, is a direct result of Commissioner McConnell's request, at our January 22nd Workshop.* Both the Northgate Market Overview and Fiscal Impact Analysis have been provided to you, and can be found behind "Tab" 5 in your Northgate information binders.

Over this past year, Mandarich Developments has dedicated to the City of Vallejo 400 acres of Open Space on the north side of Columbus Parkway, immediately adjacent to the 109 acre Mixed Use Development before you this evening. In addition, Mandarich has already paid over \$700,000 to cure the judgements filed prior to the Mandarich ownership, and has committed to pay the City within 60 days of the final approval of these proposed land use entitlements, \$200,000 for costs that were incurred by your Staff in managing the various assessment districts...ALL of these delinquencies began accruing more than ten (10) years ago.

I think it is important to emphasize the "Public/Private" partnership that we continue to enjoy with the Solano Community College District. Just as it is important to provide a new home for Wilson-Cornelius Ford and Team Chevrolet, the incorporation into our Northgate Mixed-Use proposal of the "Vallejo Educational Center" will prove to be a tremendous asset to the Vallejo community for generations to come.

Running a parallel track to this land use entitlement process is the creation of Assessment District 2003-1 ...With the full support of your Staff, we have chosen to create this new district, in an effort to re-finance, existing Assessment Districts 58 & 64, from an existing interest rate of 8 1/2% to approximately 4 1/2%. The benefits are dramatic. Not only will the automobile dealerships and other land uses within the Northgate Mixed-Use Development be able to finance improvements at a much more favorable interest rate, residents of the adjacent

neighborhoods will enjoy a reduction in their assessments of between 25 and 30%.

The Northgate Community currently enjoys an "existing" trail system. Pro-actively, we have been working for the past several months with the Greater Vallejo Recreation District to define a "neighborhood park" that would meet the needs, not only of the land uses we propose, but also the adjacent, existing neighborhoods. I am very pleased to report that Mandarich Developments will dedicate the land and improve the proposed park of approximately six acres. It will be located immediately south of the Vallejo Educational Center, so as to provide daily enjoyment by students and faculty. Mr. Hew Hesterman is here this evening and intends to offer his support for our proposal. Our thanks to Mr. Hesterman and Mr. Sammy Gonzales, the Administrative Analyst of your Landscape Maintenance Districts.

Additional infrastructure and street improvements will be created in conjunction with the proposed Northgate Mixed-Use Plan. Columbus Parkway will be widened to its ultimate configuration between Ascot Parkway and Blue Rock Springs. In addition, Ascot Parkway will be completed between Columbus and Turner Parkways.

A comprehensive "sign program" has been developed for the entire project. The program includes directional, monument and site specific signage. This is an effort to insure a quality development, at one of the "gateways" to your City.

We have also developed Design Guidelines, and Covenants, Conditions and Restrictions or (CC&R's) to further insure the City a quality development.

The proposed shopping center will provide neighborhood-serving commercial services and additional tax revenue to the City. Pedestrian connectivity between the shopping center and Hyde Park (the proposed luxury, single family detached homes), has been provided through the land planning effort.

Much needed senior housing, which could include congregate care and assisted living is proposed for the area on the east side of Ascot Parkway, in the Mixed Use designation. Restaurants, hotels and retail uses are also proposed in this area. City Staff has been working with Extended Stay on a proposal that would include a 104 room facility. Such a facility would generate approximately \$90,000/year in revenue for the City in "TOT", or Transit Occupancy Tax, according to the information provided in the Northgate Fiscal Impact Analysis.

Hyde Park will provide an additional quality housing opportunity in the City of Vallejo. Hyde Park provides the next step up in quality from Tiara. Uniquely configured in what is referred to as a "two-pack", every-other garage is located on the lot near the rear. This affords a very pleasant street scene with "porch-forward" architecture on all four, floor plans. The site plan includes 133 homes, private streets and open space, and an elaborate, gated entry like Tiara... Typical of the quality housing produced to date in the City of Vallejo by Mandarich Developments. Two-story, single-family, detached homes range in size from 2408 -3051 square feet, and are located on lots that area minimum of 3,500 square feet.

And after nearly two (2) years in the collaborative, planning process, we have but ONE condition of approval on which we disagree with Staff. In Attachment 5, the Resolution having to do with the approval of the Hyde Park Unit Plan (PD 02-0015), we disagree with the proposed General Condition No.3 on Page 5-2. In Condition No.3, Staff is currently recommending against the proposed "gated" community; It recommends that Hyde Park be approved as a "non-gated" community. Hyde Park will continue to "raise the bar" of quality housing in the City of Vallejo, a tradition that is promulgated by Mandarich Developments. The proposed gates at Hyde Park exude quality. The gates are NOT about exclusivity!! Rather, like Tiara, the gates are about a life style that is often synonymous with quality and value. While gates provide the perception of additional security, aesthetics remain the real tangible value of a gated-community. With proposed elevation designs of English styles, Hyde Park will be priced from \$450,000. Like Tiara, Hyde Park will enable the City of Vallejo to continue to attract buyers that would otherwise be shopping for a new, luxury home in neighboring Fairfield or American Canyon.

In the spirit of compromise, and in the interest of providing Staff, your Commission and the City Council a solution to the question of Hyde Park being a gated vs. non-gated community, we offer the following modification to proposed Condition No.3: That you recommend gating Hyde Park, with the proviso that the gates be left open every day between the hours of 7:00 am and 6:00 pm. This will enable all services to the homeowners of Hyde Park to be served during the day, such as Fed-Express, UPS, the Postal service, utility and trash collection companies, visitors, guests, etc.. And, that the gates be programmed to be closed from 7:00 pm to 6:00 am thereby only open to homeowners and invited guests. Just as it is provided at Tiara, the appropriate "KNOX BOX" facilities will be installed to allow ingress of emergency vehicles. We would respectfully request your support for our proposed compromise.

On July 30th of last year, your City Council unanimously approved a Memorandum of Understanding. This four-party agreement was between the City of Vallejo, Wilson-Cornelius Ford, Team Chevrolet and Mandarich Developments. The MOU (as it is referred to), was later acted upon by City Council on December 17th of last year. Their action in December extended the terms of the MOU through the end of this month, providing time to complete the land use entitlements for Northgate; the actions that are before you tonight. It has not been an easy process! But nothing of this magnitude is ever easy. Staff will verify that Mandarich Developments has fulfilled all of our obligations under the terms of the MOU.

The Mandarich Development Team would be remiss, if we did not take this time to publicly thank the following people: Members of your very able Staff; John Bunch, Brian Dolan, Gary Leach, Tanner Aksu, Sammy Gonzales, Al da Silva and Alan Wolken. We would also like to thank Paul Jensen, the out-source planner who has done a masterful job on a very complex project. Your City Manager has provided terrific leadership in guiding all of us through a process that will now pay great dividends to the City of Vallejo. Also special thanks to the representatives of the Solano Community College District and to my longtime acquaintance, Mr. Hew Hesterman of the Greater Vallejo Recreation District. In my 35 years of land use entitlement, I have never had the "opportunity" to deal with automobile dealerships. With all sincerity, I personally wish to thank Jack Wilson, Rod Cornelius and Kenny Ross for tolerating my sick humor, for the spirited debates, and for putting a different spin on my next car-buying experience.

The land uses proposed in this proposed Northgate plan are justifiable on the basis of excellent land use planning and compatibility, and on fiscal responsibility.

The collaborative planning process has worked!!! We are ready to implement the Northgate Plan. With our proposed compromise to Hyde Park condition of approval no. 3, we request that you move staff's recommendations.

Our design and development team will do our best to answer any questions you might have. Thank you for indulging me in this lengthy, but very important presentation.

Ralph Miller: I live at 2267 Garnet Drive. My family and I live on the corner of Turner Parkway and Garnet Drive, about 30 yards from the intersection of Ascot and Turner, catty-corner to Tiara. We lived there 2 years before Tiara was even begun.

We realize that we cannot stand in the way of development, and indeed we applaud Vallejo for attracting a prospering new group of homeowners which will strengthen the tax base and enliven the city in many other ways. Since Tiara was built, however, we have experienced unpleasant side effects.

Adequate parking was not mandated in Tiara, and subsequently the overflow parking has spilled onto our streets. Many of the cars are old and beat-up, some are 'live-in' vans, some are virtually abandoned and have to be towed. The owners of these cars are strangers to us and our children, who play in our cul-de-sac, one of the major reasons we purchased a house there in the first place. Drivers also use the cul-de-sac to turn around in (about 10 plus times per day) while they are searching for a parking place. The parking in front of our houses is frequently taken over by these Tiara residents and therefore unavailable to our family and visiting friends.

May I add parenthetically that the Tiara parking situation has never been adequately resolved and continues to this day. When Ascot Parkway is cut through to Columbus, which should happen soon, and the stretch of Turner between Ascot and Garnet Drive is re-stripped for 'No Parking,' we fully expect the cars that now park there to be parked in front of our houses also. We think the answer to this problem is the issuance of parking permits to Garnet Drive residents (even for a small fee), which will make Tiara interlopers unwelcome. Notwithstanding the fact that these are 'public' streets, we did not purchase homes with a view to having hordes of gated-community dweller leaving their cars in front of our houses and traipsing a few blocks to their secure and well-landscaped town houses, behind the walls. We appeal to the Planning Commission to study the parking-permit solution as soon as possible.

We live also quite near the Gateway Plaza shopping mall. I walk nearly every day along Turner Parkway and there find abandoned carts from Target, Ross, Longs, Office Max, Costco, Home Depot, Cost Plus, Marshalls, and Linens In' Things, as well as litter from Wendy's and Taco Bell. If there is a new strip mall built between Turner and Columbus Parkway, it is bound to aggravate this problem.

As a 12 year Vallejo resident with a son in Vallejo schools and a wife who is employed by the Vallejo School District, I believe current residents should have responsible input into the restrictions that will be placed on future commercial and residential developments that directly impinge on our quality of life. Like most developers, Mr. Mandarich does not live in the communities he intends to build. Whatever long term consequences may arise from his developments are not his ultimate concern. The people who live adjacent to his development will suffer such consequences in their daily lives and in the future impact such developments have on their property values, which are their largest investment, and for many, who are like me retired, their *only* investment.

We residents of Garnet Drive adjacent to Tiara are alarmed at the thought that the new residences and shopping mall intended for the land under review tonight will 1) not have adequate parking, as Tiara does not, resulting in overflow parking on our streets, and 2) will not have adequate restrictions on merchants to prevent the abandonment of their shopping carts on our streets and intersections. We believe that both of these matters should be addressed by the Planning Commission before any permission is granted to continue with this development.

In addition, we are concerned that the presence of many new car dealerships along Columbus Parkway will result in even more 'drive-throughs' and 'turnarounds' by customers and salesmen test driving new vehicles since our streets are the closest ones to the dealerships. We believe that the dealerships must make formal commitments in advance to the City that they will restrict such behavior. There is already much unwarranted turning around and otherwise hair-raising traffic in the area, and aggravating that by adding to it the dealership traffic would be-as the other traffic is already- truly intolerable.

We hope the Planning Commission will see fit to impose these reasonable restraints on future developments in this area. Thank you.

Paulette Perfumo: I am the Superintendent/President of Solano Community College. It is a pleasure to be with all of you here this evening. As you heard earlier in the presentation this evening, it was Vallejo who predominantly helped us get our bond act through. Thank you. We are building a state of the art, higher education building here. We will have Solano Community College in partnership with Sonoma State to provide quality higher education to the citizens of Solano County. I hope by now you are all in receipt of my letter dated June 9, 2003. I have urged you to support the amendment to the Vallejo General Plan. May 12th I attended a public forum at Jessie Bethal High School. There was enthusiastic support for the Solano College Center. The predominant quote I heard that night was "When can we start taking classes in our center?" The community that was present there that evening are very enthusiastic and are already looking forward to the new campus here in Vallejo. We hope to build a 15,000 square foot facility. It would bring state of the art, higher education to Vallejo. It would utilize approximately 10 acres of the Northgate mixed-use development. Commissioner Salvadori asked if this was the selected site. We currently are calling it the preferred site. We are still in negotiations with Mandrich Development but we are hopeful that we will be able to reach a satisfactory agreement in those negotiations. In terms of economic development the value added component of higher education for the community has been well documented and it is my strong belief as someone who majored in economic development and did doctoral work in that field, that the community of Vallejo

Vallejo Planning Commission Minutes
June 16, 2003

has nothing but gain as a result of this partnership. I have to say that everyone that I have worked with to date in the community has been very, very enthusiastic and supportive. You may be aware that Anita Hawkes is on our citizen's bond oversight committee from the Chamber. We are just delighted with the support and look forward to your support of the amended plan so we can continue to pursue that 10 acres for higher education use. If you have any questions I will be glad to answer them. Thank you.

Commissioner Salvadori: I would like to hear from the auto dealership representatives.

Chairperson Engelman: Mr. Wilson and Mr. Ross would you like to step to the podium please and state your names.

Jack Wilson: Wilson Cornelius Ford, I would like to say that it has been a long process to get us to where we are today. It is my understanding that we have an agreement where all parties are satisfied. We look forward to the development of an auto mall that will be state of the art. It will be something that the City will be proud of, be something that will generate tax income for the City, as well as provide enhanced environment for people who want to shop our dealerships for cars. Thank you.

Ken Ross: Commissioners, as recent as this afternoon we seem to have all our i's dotted and t's crossed and have reached an agreement. In answer to your earlier question about sales tax, last year I believe the number was \$461,000 and traditionally an auto mall you will get 125% to 150% increase, thus the risky investment. Thank you for your support.

Chairperson Engelman closed the Public Hearing.

Commissioner McConnell: Mr. Jenson thank you for incorporating some of my requests from the January hearing into your findings about the financial impact upon the City. I note that in exhibit 5 of the Northgate Development on page iii, you project a substantial increase in the amount of revenue to be received by this City. This is based upon a model I assume. Can you explain a little about the assumptions that model is based on?

Gary Leach: The model was put together by Bay Area Economics. Simon Alejandrino may be able to explain the numbers that they use. It's a pretty typical model that they put together based on floor plates, square footages of buildings to come up with the cost and revenues that they attribute to the various uses that are proposed for the site. We are using very conservative numbers because there is no guarantee and we want to insure that we don't over inflate our estimates.

Commissioner McConnell: This increased assumption of revenue is based on what?

Simon Alejandrino: I am as Senior Associate at Bay Area Economics and we have worked for the City of Vallejo on a number of different projects. What we do in most basic terms is take a look at the land use program, both the current and proposed plans. We take a look at the number of employees and residents that

would be generated under each of these plans. If you look at your packets you will see that on the revenue side we take a look at property tax, property transfer tax, sales and use tax, etc. On the cost side we look at public service costs, police and fire costs, community based funding costs, and general government overhead function as well.

Commissioner McConnell: In the event that the State was to rework Prop 13 and place a larger value on residential property. Do you believe the addition of residential housing in this area would benefit the City?

Simon Alejandrino: I think it certainly would. Currently one of the main issues is that Prop 13 limits the amount of property tax that the City can receive and given the fact Bay Area housing market, extending up through Solano County, continues to go strong I do believe that the addition of residential component will be a net fiscal benefit assuming that Prop 13 is changed to increase the value of these homes.

Commissioner McConnell: Most of the concerns we have received from the public seem to revolve around traffic concerns. You made the projection that after this area was developed most of the people would not be using Ascot and Turner Parkways. Would they be going down Columbus Parkway?

Gary Leach: What I was referring to was the slip lane at the intersection of Tiara Drive and Turner. What the traffic engineers concluded was that the deletion of that slip lane was not critical because once Ascot Parkway is connected to Columbus Parkway it provides an easier route for residents to get to I 80. It should take some of the current residential traffic from Admiral Callaghan and Redwood away.

Commissioner McConnell: Are there any projections to expand Admiral Callaghan in the near future to four lanes or change the off ramp of I 80?

Gary Leach: We are working with Cal-Trans to revise the off ramps there at Redwood to relieve that situation. What that would do is the East bound off lane to Admiral Callaghan and to Redwood would be combined and we would be eliminating a lot of left turns there. It is hard to explain without a picture. Because of the State budget we are having to renegotiate with Cal-Trans as to the time frame of this project but we are trying to keep that project in the budget. I don't feel we can address traffic speed in this type of document. It is more of an enforcement or design issue.

Commissioner McConnell: In the past we have imposed on developers that they provide a garbage retrieval system. Would anyone on staff have objections to that as a condition?

John Bunch: There are a number of issues that will likely have to be addressed at the time that the commercial center comes to us including parking, garbage and also shopping carts. They need to be addressed at the project approval stage. Those would naturally come back for City approval. We have already indicated to the neighbors that we are very willing to take a look at these issues and intend to apply conditions that address their concerns. We will make note of the test driving in that area and will be discussing it with the auto dealerships.

Commissioner McConnell: Staff is against the gated community concept even with modified hours?

John Bunch: The perception on the part of the people on the outside of these communities is that they are not welcome. Also, that there is a need for this additional security because the community is not safe or at least not as safe as some people would like. I am not sure that that image or message is one that this community wants to put forth. We have recommended no gates in this project, in a prior Hiddenbrooke project, and we are likely to continue. It's really the image that we are concerned about. If the Commission wants to agree to a compromise that is something that you can do. If you were to agree to a compromise I would certainly suggest that the gates be closed for the minimum amount of time. Even with the gates open during the day, you are still going to have that image. It is just that the gates won't be totally closed. We would prefer 10 pm to 6 am over what the applicant is suggesting.

Terry Teeple: We think that there are circumstances with some types of housing where the image of quality and luxury justifies the gates. I have personally worked on approximately 15 gated communities. Half of them ended up with the compromise we proposed. We do not believe this denotes anything negative about the City of Vallejo at all. We would be willing to adjust the hours but I believe strongly that the gates are part of the overall project.

Commissioner Salvadori: Where are the people that use the proposed park supposed to park?

Paul Jensen: That was a question that came up early on. Given the size and nature of the park and working with GVRD it was determined that the type of park that this is, is really for the needs of the residents of the neighborhoods that it abuts. Most of the access would be pedestrian or bicycle. There is pedestrian access off of Irene Drive, April Court, and Ascot Parkway. There is also access from Columbus Parkway too. This is meant to be a neighborhood park, we did not want people coming from a distance to use this park. They could park and use it if they wanted but it is primarily a neighborhood park.

Commissioner McDowell: How many levels are we talking about for the office buildings in this Northgate project.

Paul Jensen: The height limit set by the specific plan is 45 feet and that would allow a 3 story building. There could be 4 stories for residential complexes. I believe the developer has a two story office building in mind. The educational building could also have a maximum of 3 stories. I believe the college has a two story building planned also.

Commissioner Turley: We have received six letters from residents and neighborhood groups as well as one from the Bay Area Quality Control. They are concerned with traffic and the air quality from this increased traffic. They are also concerned with added trash and shopping carts being taken from the center. I believe they have not had time to get their act together so to speak. I think we should give them more time to organize. Perhaps the residents should get together with the developers.

Commissioner Salvadori: All of the things that are projected at Northgate could go forward if we do not make the zoning change except the residential. Is that true.

John Bunch: The developer has sponsored a neighborhood meeting with the neighbors to talk about these issues. They have also talked to many of them individually. That does not mean that additional consideration could not be given, but there has been an attempt at outreach before this hearing.

Commissioner McDowell: Does the City agree with the compromised gated hours? I am not comfortable with the slip lane deletion and how it works. Can you share some more information on this subject?

John Bunch: We continue to oppose the gated community. If you are going to consider it we think the hours should be reduced from what is being proposed. We told the developer all along that we would not agree to a gated community even with limited hours.

Gary Leach: Currently the left turn from Tierra onto Turner has a very small slip lane. When a left turn lane is put in it will eliminate the slip lane. We have done site distance studies and there is adequate site distance without that slip lane.

Commissioner McDowell: What we want is the best design you can come up with. Is this the best you can come up with. We don't want to come back a little later and find there was something better.

Gary Leah: We believe that this configuration will relieve a lot of the current traffic as well as the traffic generated from the new development. I believe there will be a significant change in the traffic patterns once this development becomes a reality. It will be more convenient and safer.

Commissioner Salvadori: We have no problem developing residential areas here but we have a terrible problem developing employment opportunities here. What guarantee can you give us that the auto mall will be built before the residences?

Gary Mandrich: Over two years ago we developed a plan with the auto dealerships on how to grade the ground and what needed to be done so that construction could begin. The City was involved in this also. Over the last two years I have followed through with commitment to develop the property. If they want to go start today they can go start. The way that this has been presented to everyone is that the economics, the price I gave them, was predicated on half the project. So I gave them a well below the market price. When we did the MOU we went forward with the package. As for timing I went as fast as I could to get the autos there. Everything is ready right now. We walked the site as we were grading it. We staked out where their buildings would go. We are ready for them to go forward.

Alan Wolken: If I could add, the auto dealers as well as the City have been working with Mr. Mandrich to insure that all three party's needs were met. I don't want it implied that only one party was working. The auto dealers as well have been working very diligently to make sure that their needs are met as a part of

this deal. They are taking a substantial risk in going to this new location from their current facilities.

Commissioner Salvadori: Alan, how secure are you that the autos will be being sold before people are living in their houses?

Alan Wolken: We are confident that the auto mall will be done before the final units of the residential component are completed.

Chairperson Engelman: On a personal note I do believe that Mr. Wilson and Mr. Ross said that their deal had been brokered and were satisfied and would probably be moving ahead. I am confident in them.

Commissioner Turley: I have to say that I will have to vote no. I do not believe that we have given the public enough time to voice their opinions and meet with the developers to try to resolve their concerns. I believe this is a great project but I believe we should take a little more time.

Commissioner Richardson: I would offer a motion that the package be accepted as is. Clarification is that we would be voting for no gated community as per the Staff Report.

Adopt the draft resolution recommending to the City Council the adoption of the Mitigated Negative Declaration and approval of the Mitigation Monitoring and Reporting Program (Attachment 1).

AYES: Richardson, Salvadori, Engelman, McConnell, McDowell.
NOS: Turley.
RECUSED: Morris.
Motion passes.

Adopt the draft resolution recommending to the City Council the adoption of General Plan Amendment #02-0002 based on the findings and subject to the text amendment and map amendments outlined in the resolution (Attachment 2).

AYES: Richardson, Salvadori, Engelman, McConnell, McDowell.
NOS: Turley.
RECUSED: Morris.

Adopt the draft resolution recommending to the City Council the adoption of Specific Plan Amendment #87-02K, amending the Northgate Specific Plan based on the findings and subject to the additional text amendments outlined in the resolution (Attachment 3).

AYES: Richardson, Salvadori, Engelman, McConnell, McDowell.
NOS: Turley.
RECUSED: Morris.

Adopt the draft resolution approving, subject to City Council adoption of Specific Plan Amendment #87-02K, Planned Unit Development amendments PD03-0008

and PD03-0009, amending Northeast Quadrant Gateway PUD #575 and PUD #582 based on the findings and subject to the text amendments outlined in the resolution (Attachment 4).

AYES: Richardson, Salvadori, Engelman, McConnell, McDowell.
NOS: Turley.
RECUSED: Morris.

Adopt the draft resolution approving, subject to City Council adoption of Specific Plan Amendment #87-02K, Unit Plan PD02-0015 (Hyde Park residential development) based on the findings and conditions outlined in this resolution (Attachment 5).

AYES: Richardson, Salvadori, Engelman, McConnell, McDowell.
NOS: Turley.
RECUSED: Morris.

4. Planned Development #02-0009 and Tentative Map #02-05. This is an application for a Planned Development to allow the construction of 11 two-story, duet homes, for a total of 22 units, in an established neighborhood. In addition, this is an application for a Tentative Map to subdivide a 2-acre site into 22 individual parcels ranging from 2,705 to 4,532 square feet. Proposed CEQA Action: Mitigated Negative Declaration.

Staff recommends **approval** based on the findings listed in the Staff Report.

Katherine Donovan: This project would provide 22 units of housing as duets, so they would be side by side with yards between the sets. There would be two models, both would have two bedrooms, two baths, and would be two story. They provide two car garages. One of the models is 1700 square feet; the other is almost 1500 square feet. The project is designed so that along Mini Drive the front elevations would face Mini Drive. There is a private road that runs through the development and the garages for both sets of units would face that private road. The houses that face Mini Drive would have yards on both Mini Drive and the private road. The units that are on the private road only would have yards that faced the private road and private backyards.

Commissioner Salvadori: With all the driveway entrances on the private road there would be very little street parking. This is a road with very few residences on it. Are they going to be able to afford to maintain a private road?

Katherine Donovan: Yes its true that on the private road, there would be little street parking. I believe there would be a total of eight spaces. AS to whether the residents can afford the private road, the project is designed to support that. Vallejo Neighborhood Housing has experience with this type of project. I suspect that they would be able to. I think the Vallejo Neighborhood Housing representative could better answer that question.

Commissioner McConnell: There is a public comment from a lady requesting a stop sign installation at the intersection of Mini Drive and Stanford. What is staff's position on the feasibility of requiring that stop sign?

Katherine Donovan: I checked with our City Traffic Engineer and there are specific standards that must be met. The one standard that may apply is that the

of the project, Environmental Science Associates prepared a study. The conclusions of the study have been incorporated in the revised mitigated negative declaration which is before Council this evening.

Mr. Jensen stated that the plan amendments and the unit plan have been reviewed for consistency with the goals and policies of the General Plan. The most notable issue is the conversion of the land use which would change an area that has historically been viewed as an employment center. The recommendation to support this change is largely based on the current employment base land use opportunities at Mare Island which did not exist at the time Northgate was initially planned. One of the major concerns regarding the Hyde Park project and the appeal is the issue of the gated community.

Mr. Bunch stated that the City and Mandarich Developments have worked together to try to resolve the issues. Nearly all the issues have been resolved with the exception of the issue of a gated community. Mandarich Developments believes that a gated community provides an additional amenity as well as an image of security and exclusiveness. Mr. Bunch stated that it should be noted that this is a marketing approach and Mandarich Developments believe it has a potential for a higher value and faster sales for the project. The proposed gating is not because the area is unsafe.

Mr. Bunch stated that staff understands the developer's perspective. However, the City must concern itself primarily with how the image may affect the rest of the surrounding community. He stated that gates project an image of segregation and exclusion. They separate residents rather than join them together. The Planning Commission has addressed this issue previously and in both projects, the Commission has agreed with staff that the gates are not desirable and that they should be eliminated. Staff supports the over-all design for the Hyde Park project, including the entry features. The developer has been very careful to convey a distinct image of quality for their projects.

Councilmember Rey asked how many other projects in the City are gated. Mr. Bunch stated that there are approximately six projects.

Terry Teeple, Pacific Teal Development, representing the Mandarich Development Group, Applicant, read the following comments into the record:

"In 1998 Mandarich Development began acquiring the Northgate property from Comack Land. The project had been idle for five years. Mandarich has paid \$4,500,000 to Solano County and the City of Vallejo for delinquent taxes and assessments not paid by the previous developer. Along with projects by other home builders in the Northgate Specific Planning area, Mandarich Developments has completed 65 and 21 units respectively, both single family, detached neighborhoods. In addition, a gated, 190 unit luxury townhouse community is in the final stages of completion. In the past two years, Mandarich has completed over six million dollars worth of development in the site work of the 109 acre property, including the preparation for the sites that are intended to be the new homes of Wilson Cornelius Ford, Team Chevrolet, and Vallejo Educational Center for Solano Community College and Sonoma State College; and Columbus Parkway has been constructed between Admiral Callaghan Lane and Ascot Parkway. In an effort to best determine all the appropriate land uses for the balance of the 109 acres of undeveloped land in Northgate, the City as was mentioned in Engated Bay Area Economics to prepare a market overview, specifically in the office market segment of that overview. Beginning on page ii of the Executive Summary their economics

concluded a large number of factors reduced the short-term market feasibility of office development at Northgate. This was the springboard of your efforts on behalf of you staff and ours to come up with what then would be acceptable land uses to all."

"In the fiscal impact analysis dated May of this year, the projections for the existing (that would be the existing now) office park land uses show an absorption of the 109 acres in Northgate to take an excess of 20 years at a projected loss to the City in excess of \$750,000 annually. Incorporating the results of the Northgate Market Overview as commissioned by your staff, the proposed land uses included in the entitlements before you this evening show projected completion in approximately 4-5 years and more importantly generate a fiscally responsible positive outcome for the City of in excess of \$65,000 annually. This fiscal information was very important for your staff as well as our team to understand. Mr. Al da Silva, Economic Development Director, as well as your Finance Director, and your City Manager, have been heavily involved with the Northgate Market Overview and fiscal impact analysis from their inception and agree with their conclusions. These members of your staff as well as members of the Bay Area Economic staff are, as you know, available tonight to answer any questions that you might have."

"Over the past year, Mandarin Developments has dedicated to the City 400 acres of open space on the north side of Columbus Parkway immediately adjacent to the 109 acres that are proposed for mixed use before you this evening. In addition, Mandarin has already paid over \$700,000 to cure back judgments filed prior to the Mandarin ownership and has committed to pay the City within 60 days of the final approval of the land use entitlements \$200,000 for costs that were incurred by the staff in managing the various assessment districts. All of these delinquencies began accruing more than ten years ago."

"I think it is important to emphasize also the public private partnership that we continue to enjoy with the Solano Community College District and more specifically the new President, Dr. Paulette Perfumo. Just as it is very important to your city to provide a new home for Wilson Cornelius Ford and Team Chevrolet, incorporation into the Northgate mixed use proposal of the Vallejo Educational Center will prove to be a tremendous asset to the City of Vallejo community for future generations to come."

"The Northgate community currently enjoys an existing trail system. Proactively we have been working for the past several months with the Greater Vallejo Recreation District to define a neighborhood park that would meet the needs of not only the land uses we propose this evening, but also the adjacent existing neighborhoods. I am very pleased to report that Mandarin Developments will dedicate to the City and improve the proposed park of approximately six acres. The new facilities will include three picnic areas, a tot lot and be connected to the existing trail system. It will be located immediately south of the Vallejo Education Center so as to provide daily enjoyment by the students and the faculty alike. Mr. Hugh Hesterman is here this evening and he represents the Greater Vallejo Recreation District and he is full support of our efforts in that regard. We would also like to thank Mr. Sammy Gonzalez, Administrative Analyst in your landscape maintenance districts for the great help that he provided."

"The proposed shopping center will provide neighborhood serving commercial services and generate additional tax revenue for the city; pedestrian activity between the shopping center and Hyde Park, the proposed luxury single family detached homes has

been provided though the land planning effort. Hyde Park will provide in additional quality housing opportunity in your City. Hyde Park provides the next step up in quality from Tiara. Uniquely configured in what we referred to as a two-lot configuration that we have the garages located near the rear of the lot provides a very pleasant street scene with porch forward architecture on all four floor plans. The site plan includes 133 homes, private streets, open space and as you have heard much about, an elegantly planned gated entry. Typically the quality housing produced to date in the City of Vallejo by Mandarich Developments--this is just another example of that. The two-story, single family detached units range in size from 2,408 to 3,051 square feet and will be located on lots of a minimum size of 3,500 square feet."

"After nearly two years of the collaborative planning process, we have but one issue, one condition of approval on which we disagree with your staff and the recommendation that has come to you this evening from the Planning Commission. In Attachment 5, it is the resolution that you have described Mr. Mayor having to do with condition No. 3 and the gated entry. It recommends that Hyde Park be approved as a non-gated community. Hyde Park will continue to raise the bar of quality in your city. A tradition that has been promulgated by Mandarich Developments since their inception of building projects in your city. The proposed gates at Hyde Park exude quality; it is not about exclusivity, rather, like Tiara, the gates are about a life style that is often synonymous with quality and value. While gates provide the perception of additional security, aesthetics remain the real tangible value of a gated community. With an elevational design of English style, Hyde Park anticipates a beginning price point of \$450,000. Like Tiara, Hyde Park will enable the City of Vallejo to continue to attract buyers that would otherwise be shopping for a new luxury home in neighboring Fairfield or American Canyon. We feel strongly about including the gates in the approval of Hyde Park. So much so we have formally appealed the decision of your Planning Commission that is before you tonight."

"The reasons that have been stated in our appeal letter include the gates are perceived as a desired amenity by perspective home buyers, much like tennis courts or pools. Based upon our experience at Tiara, a luxury gated community in Vallejo homeowners stated that this amenity was a primary reason for purchasing their home. Hyde Park include parks that will be owned and maintained by the homeowners association and these parks should not be used by the public at the expense and liability of the Hyde Park Homeowners Association. Hyde Park as approved by the Planning Commission will provide the City of Vallejo with a luxury housing development and such a development is typically associated with a gated community, thus bringing better economy to the City. Providing gates at Hyde Park development will also be competitive with the luxury housing in the region, and finally, the streets within the gated community will be maintained by the homeowner's association providing a savings to your City. We will respectfully request your support for the appeal and thereby allow the entry gates at Hyde Park."

"One year ago tomorrow night, your City Council unanimously approved a Memorandum of Understanding. This four-party agreement between the City, Cornelius Ford, Team Chevrolet and Mandarich Developments was a document that was unprecedented. It took a lot of work to get it done. The MOU as it is referred to was later extended by the City Council on December 17, 2003. Your action in December to extend the MOU provided time for us to complete the land use entitlements that are before Council tonight. It has not been an easy process but I'm pleased to say that we have worked out all but one issue. Mandarich Development steam would be remiss if we would not take

a brief opportunity to thank members of your staff including John Bunch, Brian Dolan, Gary Leach, Tanner Aksu, Sammy Gonzalez and Mr. Da Silva. We would also like to thank Paul Jensen who has done an exemplary job as your contract planner on this project. Your City Manager has provided tremendous leadership in guiding all of us through a very, very tough process over the last nearly two years. The land uses proposed in the Northgate plan are justifiable on the basis of excellent land use planning and capability and they are fiscally responsible. The collaborative process has in fact worked. It has worked well for us. We are ready to implement the plan. We request that you will honor our appeal to allow the Hyde Park project to be a gated community and move the balance of staff's recommendations and again our staff will try to answer any questions you may have. Thank you."

Mr. Bunch responded to the comments by saying that it was noted by Mr. Teeple that gates would provide an aesthetic benefit to the project. He stated that his observation would be that this is going to look like a high end luxury project with or without the gates. The entry features would remain the same without the gates.

Speakers: Jim Heron expressed his concern about the traffic plan and the new entrance to the commercial center located on Turner Parkway directly across from Tiara Drive. He asked that work that is already started at Turner Parkway and Tiara Drive be stopped and make the minor revision to keep the residents safe, maintain the established traffic flow and eliminate the risk to the City of Vallejo.

Debbie Dean, Ascot Highlands, stated that the homeowners want to contribute to the success of this development. She described the impacts the growth has had on their subdivision including trash, shopping carts, graffiti and vandalism to shopping center walls and to the entrance of the subdivision, speeding cars, and abandoned vehicles. She asked that strict guidelines be placed on the developers in the designing and building stage as well as making them accountable for the people who occupy these projects after completion, particularly with respect to shopping cart retention and collection, fines for overflow of garbage and requirements for parking lot upkeep and landscaped areas in a timely manner, and the clean up of the bus areas. She further stated that there must be adequate parking for the gated community so the parking does not overflow into their subdivision. They feel gating the project would give an appearance of being unsafe. Mandarich Developments has been working with them to resolve the issues, but the goal is to make sure the projects as well as future projects are still beautiful after the developer is gone.

Martha Ray, Ascot Highland Homeowner, addressed the safety issue concerning traffic on Turner Parkway and the test driving that will take place due to the auto dealerships that are planned for the area.

Clyde Dean, Ascot Highlands Homeowner, asked that the proposed shopping center not be approved until more stringent restrictions are placed on all new development of shopping centers within Vallejo. They asked that existing homeowner's rights be considered. He discussed the problems such as shopping carts being left on the streets, litter, and parking caused by the residents of Tiara subdivision. They are asking that before they approve the development, they impose restrictions that will protect the surrounding neighbors, the City and those that shop in the area, such as including large trash enclosures, locking mechanisms on shopping carts, no large street/monument signs allowed on a corner wall at Turner and Ascot.

Robert Head questioned the enforcement of ordinances and asked if there was a provision for third party enforcement. He supports comments of his neighbors particularly their concerns about traffic safety.

Ralph Miller, Ascot Highlands homeowner, addressed the parking and traffic issues both current and future stating that the Tiara subdivision did not provide adequate parking for its residents and consequently the over flow parking has spilled onto the Ascot Highlands' streets. He also addressed the trash and litter problem as well as the "used car" appearance of the area, the increase in traffic that the new development will bring, and the potential for crime. He questioned how much of the revenue the proposed development will bring will be designated to traffic, litter and parking enforcement in this neighborhood.

Helen Miller stated that their dispute is not with Tiara. She addressed the traffic problem including cars doing "doughnuts" in the street and expressed concern about how the city will enforce the laws. She asked Council not to grant the appeal for the gated community.

Mayor Intintoli closed the public hearing.

Mayor Intintoli stated that this community has needed an auto mall for a long time and this is a major step in that direction. Further, we have been waiting for a long time for a Solano College campus which is also contemplated in this development. He stated that he does not support the issue of gating communities. He asked Gary Leach, City Engineer, to address the slip lane.

Mr. Leach referred to exhibits and described the present situation concerning people using the slip lane as an acceleration lane turning out of Tiara onto Turner Parkway. He stated that in his opinion, this is not a safe maneuver. The proposal is to replace the acceleration lane with a left turn lane into the commercial center. Without the left turn, access to the commercial center would be severely limited. The left turn lane is required for access into the commercial center.

Mr. Leach stated that in order to mitigate this, they have added a condition to the Specific Plan requiring the developer to construct and open the traffic from Ascot Parkway to Columbus Parkway prior to implementing the left turn lane. The developer has agreed to wait until Ascot Parkway is opened to Columbus Parkway before continuing to build the left turn lane. Mr. Leach further stated that they have removed vegetation along the frontage of Tiara to increase the site distance for people coming out of Tiara. This meets the site distance design criteria for 45 MPH speed limit.

Mr. Leach stated that in reviewing the traffic projections, the amount of cars turning left out of Tiara during peak hours is significantly less than the amount of traffic that is projected to turn into the commercial center during peak hours. In terms of the overall safety for the general public, staff believes this is a better configuration than keeping it like it is. Further, with the left turn lane, instead of turning left from a three lane it will give those people coming out of Tiara a better indication of what the east bound vehicles are doing. These are the reasons staff believes the left turn configuration as proposed is a better and safer design that what is currently there, assuming that this is going to be developed as a commercial site.

Councilmember Pitts referred to the situation at Redwood and Skyline, noting the number of accidents that have occurred at this intersection asked if any thought had been given to installing stop signs similar to the four-way stop on Admiral Callaghan Lane at Safeway.

Mr. Leach replied that they had not considered this explaining that at the Safeway site, there is significantly more traffic than there would be in this location in terms of the commercial development and the Tiara residents. He does not think it would be a good location for a stop sign.

Councilmember Pitts stated that in the interest of safety she would like to see the stop sign investigated. She went on to say that another potential site that should be considered is at Redwood and Skyline. She stated that a stop sign should be seriously considered because this could open up the door to litigation.

Mr. Leach stated if the stop signs aren't warranted, or the public doesn't observe them as being needed, people have a tendency to run them and the liability for people running stop signs that are not warranted is just as great as not having a stop sign.

Councilmember Pitts referred to the gated community concept and stated that what concerns her about a gated community is the parking that apparently has resulted with Tiara, and the issues raised with the parking on streets outside of Tiara. She would like to know how the developer intends to mitigate those types of problems.

Gary Mandarich, Developer, stated that there are no less than five parking spots per house which is no less than what any other neighborhood would have gated or not gated.

He stated that the issue of overflow parking was brought to his attention, and as a result he met with the Ascot Homeowners and over the past year the Tiara residents formed a parking committee to enforce the CCRs within the Tiara subdivision, and put people on notice that they are only allowed two cars, plus guest parking. There are a few people that have additional cars and are abusing the rules. Early in the process John Bunch asked to have more restrictions on the sales and from that point forward, (over 18 months ago) they asked people to sign a separate document stating that they are completely aware of the parking requirements for Tiara. Since that date, the number of vehicles that are overflowing has not increased. Out of 190 homes in Tiara, of which about 180 are occupied, there are about 8-10 cars that might be overflowing. A few of the people are still not in compliance. They have been to the hearing committee and they will be moving out of the area, thus reducing it further.

Mr. Mandarich stated that they work very closely with the City to reduce the lighting levels on the Mall. They have put a maximum foot candle on the auto mall of 65, and an average of 50. They have spent the last 20 months working with staff to resolve many of the issues.

Councilmember Pitts asked if there was an ordinance against limited parking signs to keep people from parking overnight or for extended periods of time.

Mr. Leach stated that this could be done but it would affect the residents that live in the

area, and enforcement is also an issue.

Councilmember Donahue stated that after looking at the slip lane, he agrees that it needs to remain because it is dangerous particularly if there is going to be a left turn lane going into the shopping center. He supports what Councilmember Pitts recommended—a four-way stop or keep the slip lane. This is a matter of safety. He would like this language included.

Councilmember Schivley asked why a stop signal is not being required at the location? Mr. Leach replied that the traffic volume does not warrant a signal or a stop sign and it would be very close (450 feet) to the other signal. Councilmember Schivley stated that she would like to consider a stop signal at that location. She went on to say that the City is going to an additional expense in the reopening of Georgia Street (where it enters Mare Island Way) to make it a 90-degree entry because of visibility and safety and she agrees with Councilmember Pitts that the issue is safety. Although the traffic volumes now don't warrant it, as that area continues to build, the traffic will increase. She believes the developer is responsible for the cost and, therefore, she would like a signal installed before someone is injured and before it becomes a major safety problem.

Councilmember Schivley asked the residents of Ascot Highlands if they would be amendable to permit parking.

A resident stated that she has tried everything, including permit parking, and when it gets down to the issue of Code Enforcement, the City has never had the manpower to enforce it.

Councilmember Schivley stated that it is not Code Enforcement that monitors it, it is the Police Department. The resident replied that she was also told that the Police do not have the time to ticket and enforce this.

Councilmember Schivley asked why there is insufficient parking in the Tiara Subdivision? Mr. Mandarich stated that there is a very small number of people—two houses—that are not in compliance with the regulations. These people have been to a hearing and the Association has fined them. The parking was addressed with the Planning Department and based on the type of units, there were parking restrictions. They also developed a disclosure that each person signed. He believes they have done everything to follow the City's rules for parking for that project.

In response to a question of Councilmember Schivley, Mr. Mandarich stated that the project was approved for 432 units and they built 190. He stated that they have limited the amount of high-park units to be added to 150 of the 240 houses that were initially approved for Northgate. There are no plans for the future to build the remainder of the houses.

Councilmember Schivley stated that she still believes there should be a stop signal at the intersection, because of the increased traffic due to the growth in the area. She further stated that she does not want to see anything happen to the auto mall project. She hopes that the auto dealers who are already interested in it would instruct their personnel to not allow test driving in the residential areas.

Councilmember Schivley stated that shopping carts are all over town and the new

locking mechanism will be a big help in combating this problem. She asked the City Manager to look into requiring all retail outlets to have locking mechanisms on all shopping carts.

She stated that we need to plan for the future and she will be offering a substitute resolution.

Mr. Martinez stated that staff is preparing an ordinance to address the shopping carts and they will include the locking mechanisms.

Vice Mayor Cloutier stated that he is adamantly opposed to gated communities. Building a gate around a community creates the impression that Vallejo is unsafe. He will support the resolution as stated in the packet. He will also support Councilmember Schivley's amendment to the resolution to add a stop light or stop sign. He hopes something can be done about the shopping cart problem.

Councilmember Davis stated that the intersection at Tiara is a dangerous situation. He asked if there was an alternative location to the shopping center considered other than directly across from the entrance to Tiara. Mr. Mandarich explained what was included in the original proposal and the steps taken for approval. He stated that for safety reasons, they proposed another full turning movement at this location and after a traffic study was completed, they eliminated the left turn out. He further stated that a lot of work has been done on the traffic issues so they would have a site that was marketable.

Councilmember Davis asked if there was only one entrance and exit to the shopping center or are there more exits? Mr. Mandarich noted on the display where the exits would be located.

Referring to Mr. Leach's comment about the distance between traffic lights, Councilmember Davis cited an example at Redwood Parkway and Admiral Callaghan Lane and the entrance to the Elks Club. He stated that in terms of safety, he believes the situation in question is similar. He supports some type of traffic control.

Mayor Intintoli stated that although there may be an additional expense for a traffic signal, there has been a significant public partnership in this, noting that several years ago the City requested that the County waive a number of assessments that had been placed on the property against prior developers so that ultimately it could be developed for a college campus, auto mall, etc. The developer has received the benefit of this. Therefore, in this context, the traffic signal, if that turns out to be the best way of approaching it, is within reason for us to request particularly with regard to public safety.

RESOLUTION NO. 03-257 N.C. offered by Vice Mayor Cloutier approving the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. The resolution was adopted by the following vote:

AYES:	Mayor Intintoli, Vice Mayor Cloutier, Councilmembers Davis, Donahue, Pitts, Schivley and Rey
NOES:	None
ABSENT:	None
ABSTENTION:	None

RESOLUTION NO. 03-258 N.C. offered by Mayor Intintoli approving General Plan Amendment #02-0002. The resolution was adopted by the following vote:

AYES: Mayor Intintoli, Vice Mayor Cloutier, Councilmembers Davis, Donahue, Pitts, Schivley and Rey
NOES: None
ABSENT: None
ABSTENTION: None

Councilmember Pitts asked when the Tiara Subdivision was approved. Mr. Bunch replied in 2000 as a gated community.

Councilmember Schivley thanked Mr. Mandarich for donating the land for Solano Community College and thanked him for his work with the City to get us to this point. She stated that she feels very strongly that a signal is needed at the location and she also does not support gating the project.

Councilmember Schivley amended the following resolution as follows: that a four-way signal be provided at Turner Parkway and Tiara Drive.

RESOLUTION NO. 03-259 N.C. offered by Councilmember Schivley approving Specific Plan Amendment #87-02K, and holding on first reading the ordinance approving the amendments to the Master Plan for the Northgate Specific Plan, including a four-way signal to be provided at Turner Parkway and Tiara Drive. The resolution was adopted by the following vote:

AYES: Mayor Intintoli, Vice Mayor Cloutier, Councilmembers Davis, Donahue, Pitts, Schivley and Rey
NOES: None
ABSENT: None
ABSTENTION: None

Councilmember Pitts stated that she is not opposed to gated communities. A precedence in this city has already been set for gated communities. She stated that she will vote against the resolution.

Councilmember Schivley asked if it was possible to gate the parks and have them accessible only to the homeowners. Referring to the map, Mr. Mandarich described the three locations where the parks are planned as well as the trail system and stated that they can be gated individually. He stated that they also planned a park for the entire community to use. The homeowners within this project will be paying for the parks as well as their share for the parks outside this area.

Councilmember Davis stated that since a precedent has already been set in Vallejo, noting the waterfront Condos as well as the Villages in Hiddenbrooke, he does not view gated communities as exclusionary. It provides a variety of choices as far as the type of homes that people want to buy. The progressive cities have gated communities. The citizens should have the right to have that choice. By having a

gated community, the homeowners association assumes all the maintenance activities of the streets, parks, open space, and landscaping which is a burden the City does not have. There is no problem with access for Police or Fire. Also, according to the Planning Commission report, Mr. Mandarich has agreed to keep the gates open during a certain period of time to accommodate delivery people. He will be voting against the resolution.

Councilmember Schivley asked the Planning Commission representative to provide information on the rationale used by the Planning Commission for its action.

Linda Engleman, Chairman, Planning Commission, stated that there was a motion to allow the gates to be open during the day, but the Commissioners felt that they did not want the gated community, believing that staff had presented a case for an open community and that it did not send the right message. She stated that they had one abstention and one Commissioner who wanted the matter continued but that motion failed.

Commissioner Schivley asked if the Planning Commission had a problem with the fact that there are other gated communities in Vallejo. Ms. Engleman stated that to the best of her knowledge that was not brought up. She stated that she thought the staff report swayed them; however, Mr. Mandarich has been very good.

At the request of Mayor Intintoli, regarding the locations of the gated community and whether or not the decision was based on the possibility of a proliferation of them and the image they project, Mr. Bunch stated that Staff's concern has been just the basic principle not necessarily any distance criteria or proliferation criteria.

Councilmember Donahue stated that in looking at the other gated communities in Vallejo, they are all very successful and very aesthetically appealing. He disagrees that a gated community could give Vallejo a bad image—he believes a gated community gives Vallejo a good image. And, the improvements will be maintained and the costs will go to the homeowner's association. Therefore, he will support Councilmember Pitts resolution.

Councilmember Rey stated that of the existing gated communities he is not aware that there are internal problems. He believes gated communities give prestige to the city. The fact that the City approved at least five other gated communities he does not see any reason to deny this one. It is something we should be looking at with a positive view. He will support the substitute resolution.

Councilmember Davis asked Mr. Bunch if the substitute resolution contained the hours during the day that the gates will remain open and is it agreeable to the developer. Mr. Bunch stated that staff is recommending that the gates be required to be open from 6 a.m. to 8 p.m. in the evening, Condition No. 3 on page 53.

Vice Mayor Cloutier stated that just because something has been done in the past, is not a good reason to continue the practice. Vallejo is changing. The City is becoming much safer and we are sending a very bad message by allowing another

gated community to be built. He hopes that future Councils will not approve these types of developments and he hopes the Planning Commission will continue to hold strong on this issue and not allow gated communities in Vallejo.

Councilmember Pitts stated that she strongly believes that if the city is going to allow one and deny another, the City is better served by adopting an ordinance where it would be standard procedure for everyone and the Council would not be put in the position of allowing one for somebody and denying one for someone else. The City needs to be consistent and fair to the developers as to what to expect when they come to Vallejo in designing their project. She looks at Vallejo as changing and growing up and being more progressive in our views and what we do here and having a variety of options for our citizens is what she would like to see.

Councilmember Rey stated that he supports Councilmember Pitts' statement about consistency. We should be consistent and possibly consider adopting an ordinance to that effect. A gated community, in his opinion, does not imply that the neighborhood is unsafe. He sees it as a positive thing.

Councilmember Schively stated that she agrees that we should do something that provides consistency for the future; however, if we're looking at the fact that we have not been consistent, then we were not consistent with Hiddenbrooke either. She agrees with Vice Mayor Cloutier.

RESOLUTION NO. 03-260 N.C. offered by Councilmember Pitts approving the appeal filed by Mandarich Developments, approving the Hyde Park Unit Plan as a gated community (developed with entrance security gates), subject to the City Council's approval of Specific Plan Amendment #87-02K, amendments to Northgate Specific Plan, and subject to the conditions, including the addition of new conditions addressing mitigation for air quality impacts (Condition Nos. 44 and 64). The resolution was adopted by the following vote:

AYES:	Councilmembers Davis, Donahue, Pitts and Rey
NOES:	Mayor Intintoli, Councilmembers Cloutier and Schively
ABSENT:	None
ABSTENTION:	None

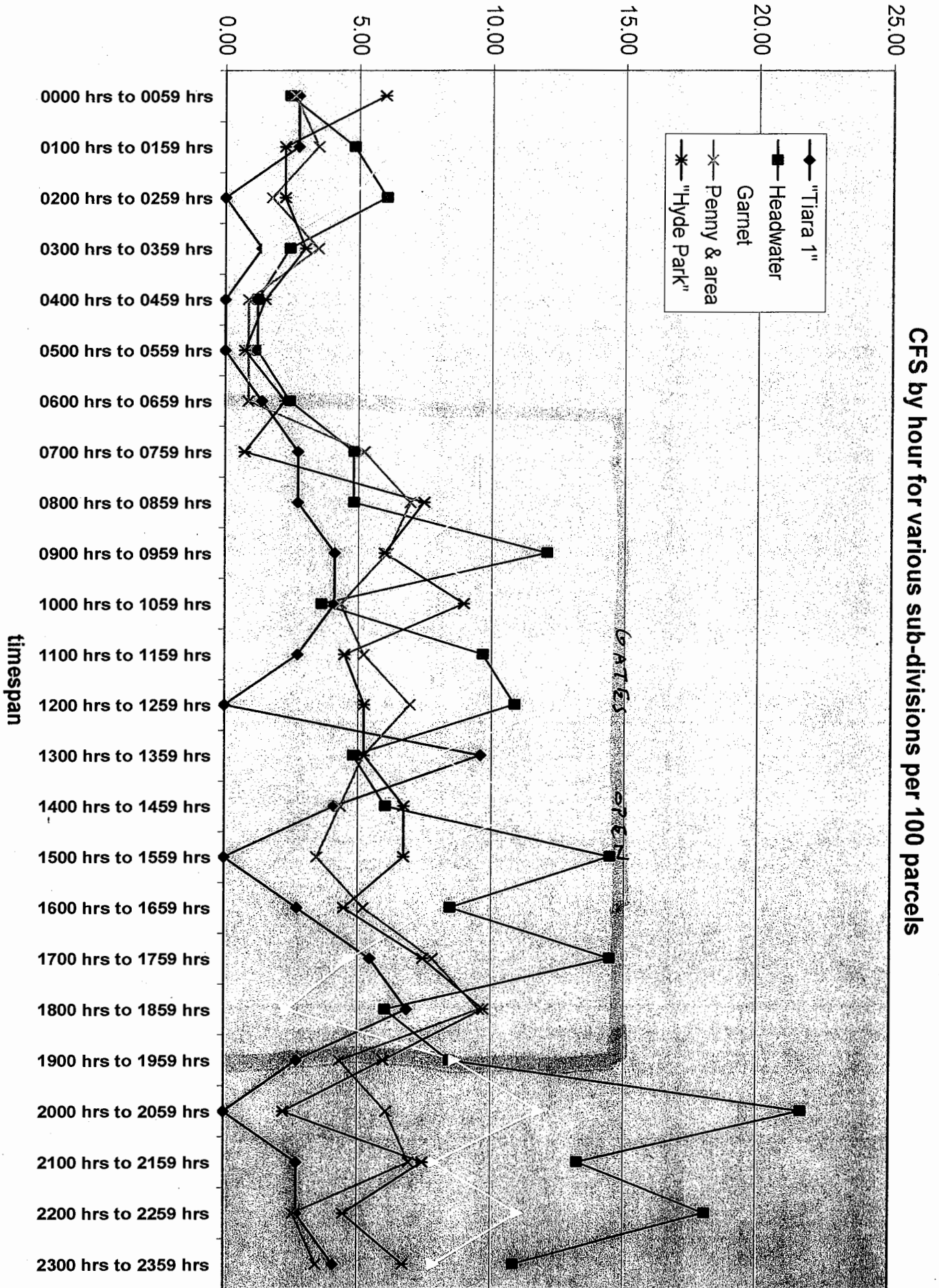
8. **POLICY ITEMS - NONE**

9. **ADMINISTRATIVE ITEMS**

A. **CONSIDERATION OF RESOLUTION ACCEPTING QUARTERLY RIDGECREST REPORT**

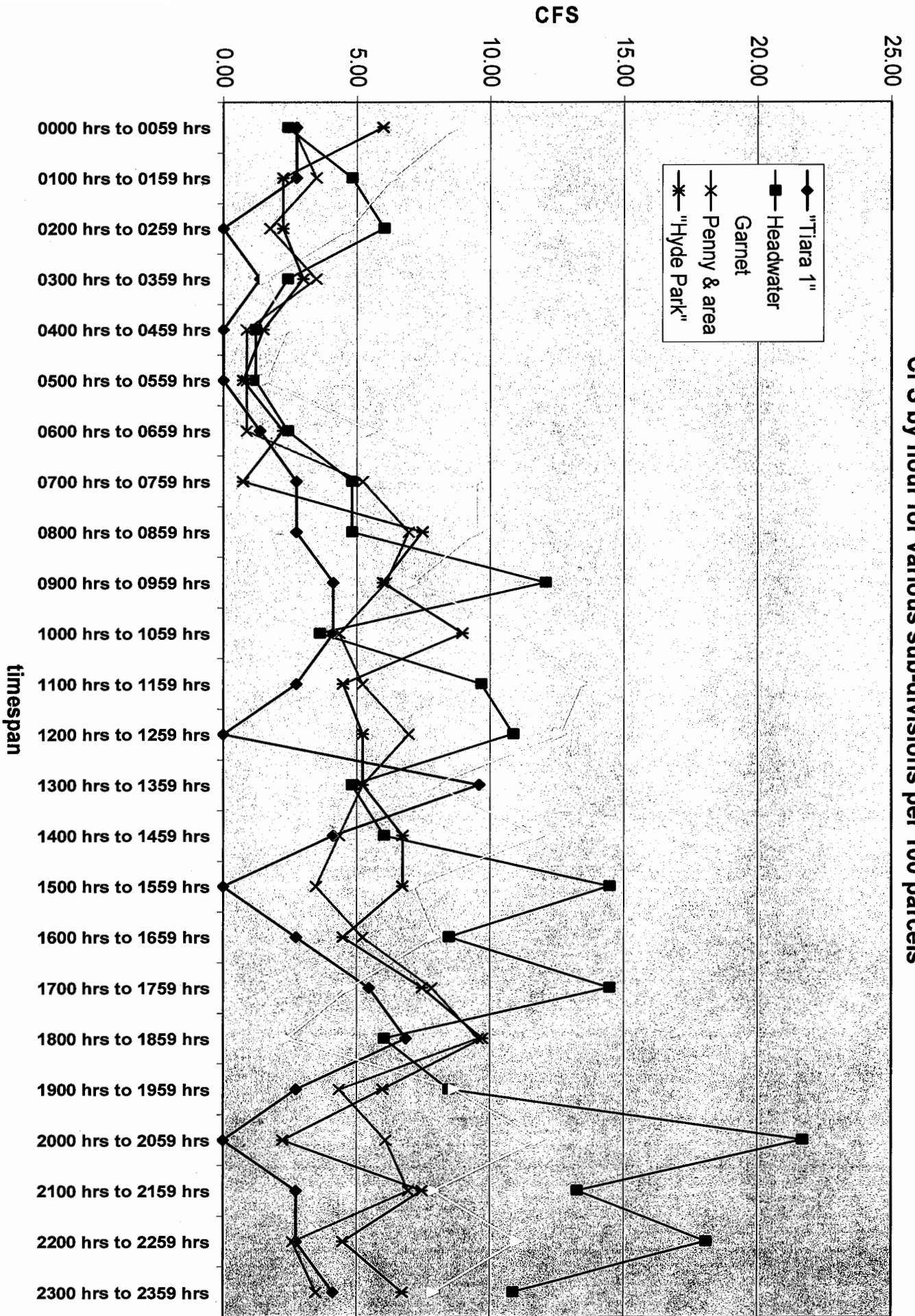
In the matter of Ridgcrest Homeowners Association v. City of Vallejo, it was agreed that on a quarterly basis, the City General Fund would reimburse the Landscape Maintenance District program account (LMD account) for landscape inspection services provided to projects outside official landscape maintenance district areas. The use of General Funds and other appropriate project accounts for this purpose has been

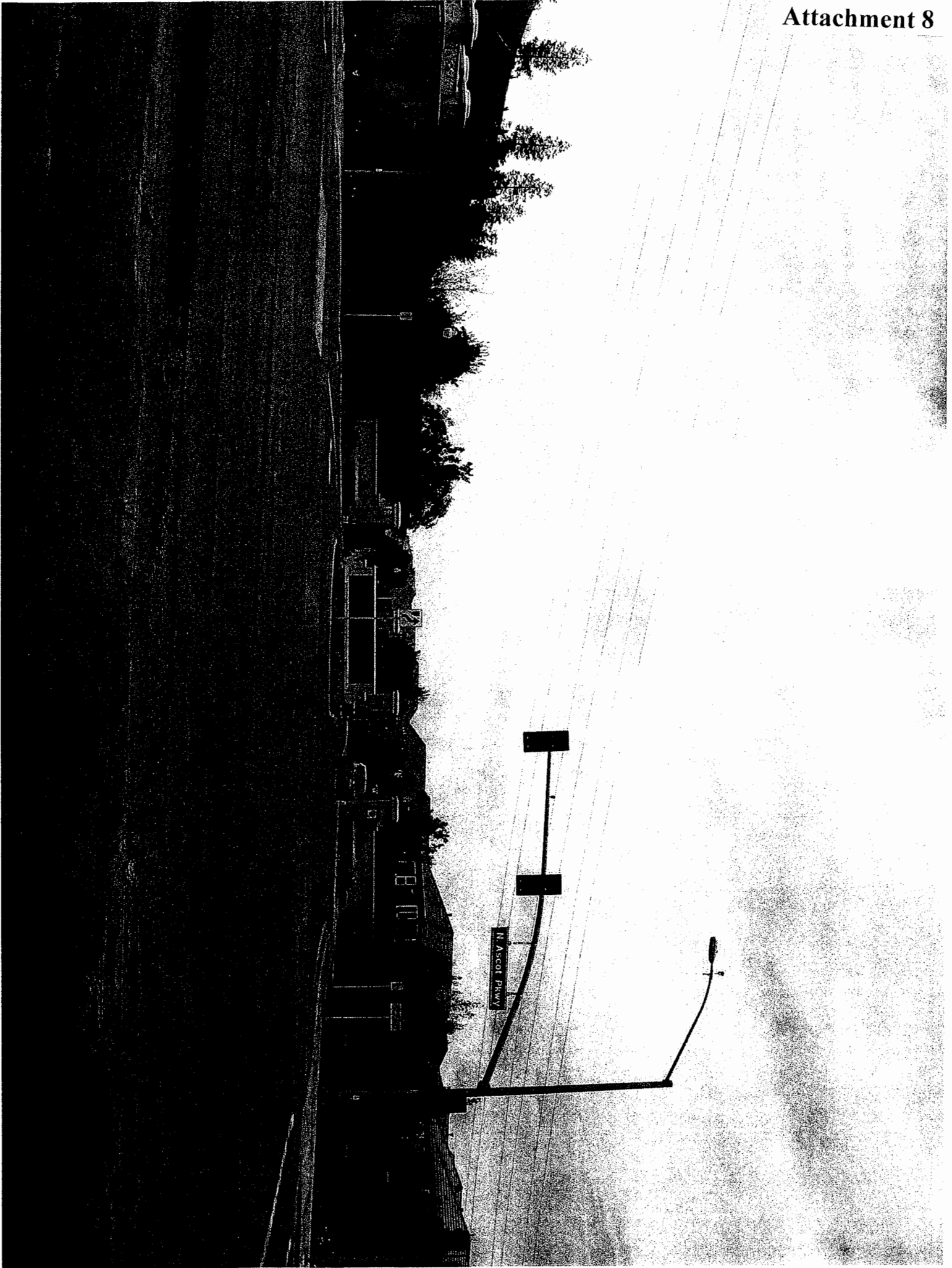
CFS



CFS by hour for various sub-divisions per 100 parcels

CFS by hour for various sub-divisions per 100 parcels





Hyde Park (500' Conflict of Interest/Vicinity Map)

