

CITY OF VALLEJO PLANNING COMMISSION

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

MONDAY
17 DECEMBER 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: None.
- E. WRITTEN COMMUNICATIONS: None.
- F. REPORT OF THE SECRETARY

No items are scheduled for the upcoming meeting of January 7, 2008.

- 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. Administrative Permit 07-0017 for a temporary storage building for Vic's Wheelhouse located on the Front Room parcel. Proposed CEQA Action: Does not apply to projects that are being denied. Staff Planner: Katherine Donovan, 648-4327.

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

L. OTHER ITEMS

City Attorney Office review of Commissioner's duties regarding conflicts, disclosure and available resources.

M. ADJOURNMENT

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

DATE OF MEETING: December 17, 2007

PREPARED BY: Katherine Donovan

PROJECT NUMBER: AP 07-0017

PROJECT LOCATION: 295 Mare Island Way; APN 0055-170-020

1. PROJECT DESCRIPTION: The application is for an administrative permit to construct a temporary storage facility at 295 Mare Island Way in conjunction with the development of Vic's Wheelhouse, a restaurant proposed in the old Mare Island ferry building adjacent to the Waterfront Promenade. The storage facility would be located on a parcel across the Promenade from the old MI ferry building, on the undeveloped portion of the parcel north of the Front Room restaurant. As proposed, storage would be provided within an 8' by 20' cargo container. An eight foot high fence designed to match the Front Room building is proposed to surround the container as well as the existing garbage and storage shed for the Front Room restaurant.

2. RECOMMENDATION: Deny

3. CEQA: Per Section 15270(a) of Title 14 of the California Code of Regulations, the California Environmental Quality Act does not apply to projects which a public agency rejects or disapproves.

4. PROJECT DATA SUMMARY

Name of Applicant: John Raahauge

General Plan Designation: Open Space/Community Parks

Zoning Designation: Open Space within Mixed Use Planned Development

Site/Surrounding Land Use:

Site: There is currently a restaurant, the Front Room, on the property.

North: Open Space Park

South: Ferry building and ferry terminal

East: Limited time parking

West: Mare Island Strait

5. BACKGROUND SUMMARY

This application was precipitated by the applicant depositing a cargo container and constructing a fence on the unoccupied portion of the property containing the Front Room restaurant, across the Waterfront Promenade from the Mare Island Ferry building, without permits. When staff contacted the applicant about the container, he explained that he needed a place to store the artifacts and other material stored in the Mare Island Ferry building while he was developing Vic's Wheelhouse restaurant, which is to be located within the Mare Island Ferry building. As administrative permits are issued for both accessory structures and temporary uses, after reviewing the situation, staff recommended that the applicant apply for an administrative permit as the only possible method to allow the cargo container to be approved at that location.

Zoning. The property on which the storage facility would be located is within the Vallejo Waterfront Master Plan area and is designated as Parks and Open Space. To approve an administrative permit, the Planning Manager must find that the proposed temporary use would not adversely affect adjacent or nearby uses. In addition, as the property is within the jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC), approval from this agency is required for this project.

The current use of the property by the Front Room restaurant is an existing non-conforming use in the Parks and Open Space designation and may continue indefinitely unless the use ceases operation for a period of twelve consecutive months. Although ordinary repairs and maintenance are encouraged, the structure in which a non-conforming use is located may not be expanded, so the proposed storage facility could not be allowed through the Site Development or Unit Plan process.

Vallejo Waterfront Master Plan. The property is located within the Vallejo Waterfront Master Plan area. The intent of this district is to guide new development while maintaining and enhancing physical and visual access to the waterfront and to "encourage the highest and most creative standards for urban design". The proposed structure is designed to match the existing building, which is not of the highest and most creative standard for urban design. As the Waterfront Plan envisions this building eventually being removed, allowing additional development on the site would not be consistent with the vision of the Plan as well as not being allowed for non-conforming uses.

The Waterfront Design Guidelines indicate that the Festival Green will expand into the area currently occupied by the Front Room restaurant, with a view corridor extending across the Festival Green to the Mare Island Strait and Mare Island. The view corridor aligns with the centerline of upper Georgia Street and extends through the area proposed for the storage facility. Constructing the storage facility at this location would interfere with the view corridor and would have an adverse effect on the view corridor and future development envisioned in the Waterfront Plan.

Accessory Structures. The Zoning Ordinance specifies accessory uses that are allowed in all zoning districts. Structures housing equipment and materials are allowed; however, the equipment and materials must be used exclusively on the premises where the accessory structure is located. As the old Mare Island Ferry building is not on the

same parcel as the storage container, the container would not be allowed as an accessory use on this parcel. Since the parcel on which the Mare Island Ferry building is located is under water, there would be no convenient way to locate the cargo container on the same parcel as the building.

Temporary Uses. The Zoning Ordinance also specifies specific temporary uses that can be approved with an Administrative Permit. There are two types of temporary uses that might apply to this project: a temporary construction office or a mobile unit or structure used for industrial purposes. The construction office is allowed in any zoning district; however, the mobile unit is limited to the Intensive Use, Intensive Use Limited, and Planned Development Industrial districts. As the property is zoned Mixed Use Planned Development, only the construction office use would be allowed at this location.

The intent of a construction office is to provide storage and office facilities that are required on a regular basis during the construction phase of a project. The applicant intends to use the facility to store items that would be removed from the building undergoing construction during the construction period; however, the items would not be used on a regular basis for the construction but would simply be moved off the construction site to clear the area for construction. There would be no need for the items to be stored in close proximity, although it would be convenient for the applicant.

6. ANALYSIS

Staff is sympathetic with the applicant's desire to conveniently store artifacts and other materials currently contained in the Mare Island Ferry building during the renovation of the building for use as a restaurant; however, after thoroughly reviewing the Zoning Ordinance and the Waterfront Master Plan and Design Guidelines, it does not appear that the findings can be made for such a use at the proposed location. The area is highly visible and provides a view corridor from Georgia Street, across Mare Island Way to the Mare Island Strait and Mare Island beyond. Allowing the cargo container to remain, even as a temporary use with a fence screening the structure, would block the view corridor and have a negative impact on the visual character and enjoyability of the area. As the objects to be store could be placed in an offsite storage facility with relatively little inconvenience to the applicant beyond the initial move and eventual replacement of the objects, staff does not believe that the denial of the application would cause undue burden on the applicant that would outweigh the negative visual impacts caused by the structure.

To approve an administrative permit for temporary use, the finding must be made that "the proposed temporary use will not adversely affect adjacent or nearby uses", with "adversely affect" to mean "to impact in a substantial, negative manner the economic value, habitability, or enjoyability of properties in the immediate vicinity." The Zoning Ordinances states "Failure to make this finding shall necessitate denial of the permit application." It is staff's considered opinion that the project would affect the enjoyability of the area by blocking the view corridor and would have a negative impact on the development potential in the vicinity. The City has recently adopted the Waterfront Master Plan to encourage high quality new development in the Waterfront area and

allowing the proposed temporary storage facility in this prominent location is contrary to the policies and guidelines of the Master Plan.

Conclusion. Although locating a storage facility for storage of artifacts and materials currently stored in the old Mare Island Ferry building would be convenient for the applicant, it would not be consistent with the intent of the Vallejo Waterfront Master Plan, the Zoning Ordinance, or the General Plan and would negatively impact the visual amenities of the waterfront.

7. ENVIRONMENTAL DETERMINATION

The project is statutorily exempt from the requirements of CEQA per Section 15270(a), Title 14 of the California Code of Regulations as CEQA does not apply to projects which a public agency rejects or disapproves.

8. CONCLUSION/RECOMMENDATION

Staff has determined that the proposed project, as conditioned, is not 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 **DENY** AP 07-0017 based on the finding following findings.

FINDINGS

1. The project is not consistent with the Vallejo General Plan designation of Parks and Open Space.
2. The project is not consistent with the Zoning Ordinance as it would be the expansion of an existing non-conforming use.
3. The project is not consistent with the Vallejo Waterfront Master Plan and Design Guidelines as the property is designated for Open Space and the Design Guidelines call for high-quality and creative design that enhances physical and visual access to the waterfront.
4. The project would adversely affect nearby uses by blocking the view corridor and providing new development of a quality that would not encourage the highest standards required and envisioned in the Waterfront Master Plan.

The applicant or any party adversely affected by an administrative decision of the Planning Manager rendered under authority conferred by this title may, within ten days after rendition of such decision, appeal in writing to the Planning Commission. Such written appeal shall state the reason or reasons for the appeal and why the appellant believes he or she is adversely affected by the administrative decision. Such appeal shall not be timely filed unless it is actually received by the Development Services Director or designee no later than the close of business on the tenth calendar day after

the rendition of the decision of the Planning Manager. 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 Planning Commission's consideration of the appeal, shall be sent by the Development Services Director to all property owners within two hundred or five hundred feet of the project boundary, whichever was the original notification boundary. For decisions that did not require noticing, the appeal notification boundary shall be two hundred feet.

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

ATTACHMENTS

1. Resolution
2. Conflict of Interest Map
3. Site Plans and photos
4. Letter submitted by J. Erik Raahauge (applicant)
5. BCDC permit
6. Driving directions to site

CITY OF VALLEJO PLANNING COMMISSION

RESOLUTION NO. PC-07-_____

A RESOLUTION OF THE PLANNING COMMISSION
DENYING AN ADMINISTRATIVE PERMIT

(AP 07-0017)

Storage for Vic's Wheelhouse

295 Mare Island Way

0055-170-020

I. GENERAL FINDINGS

WHEREAS an application was filed by John Raahauge seeking approval for an administrative permit to allow a container for temporary storage for Vic's Wheelhouse, 295A Mare Island Way, APN 0055-170-340, to be located on the property containing the Front Room Restaurant, 295 Mare Island Way, APN 0055-170-020; and

WHEREAS the City of Vallejo Planning Commission conducted a duly noticed public hearing to consider the application for the Administrative Permit on December 17, 2007, at which testimony and evidence, both written and oral, were presented to and considered by the Planning Commission; and

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

II. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS.

Section 1. Per Section 15270(a), Title 14 of the California Code of Regulations, the project is statutorily exempt from the requirements of CEQA as CEQA does not apply to projects which a public agency rejects or disapproves.

III. FINDINGS RELEVANT TO ADMINISTRATIVE PERMIT AND FINDINGS FOR PROJECT DENIAL AND FOR DETERMINATION OF PROJECT INCONSISTENCY WITH APPLICABLE GENERAL PLAN AND SPECIFIC PLAN

Section 2. The Planning Commission finds that applicant submitted an Administrative Permit application for a temporary storage container for Vic's Wheelhouse, which is located at 295A Mare Island Way, APN 0055-170-340, on a parcel other than that on which Vic's Wheelhouse is located.

Section 3. The Planning Commission finds, based on the facts contained in sections 1, 4, 5, and 6 of the staff report, incorporated herein by this reference, and the evidence presented at the public hearing, that:

1. The project is not consistent with the Vallejo General Plan per Sections 5 and 6 of the staff report.
2. The project is not consistent with the Zoning Ordinance per Sections 4, 5, and 6 of the staff report.
3. The project is not consistent with the Vallejo Waterfront Master Plan and Design Guidelines per Sections 4, 5, and 6 of the staff report.

IV. RESOLUTION RECOMMENDING DENIAL OF THE ADMINISTRATIVE PERMIT APPLICATION FOR TO ALLOW A CONTAINER FOR TEMPORARY STORAGE FOR ONE SITE FOR THE USE OF ANOTHER SITE

NOW, THEREFORE, LET IT BE RESOLVED that the Planning Commission hereby DENIES the Administrative Permit application (AP 07-0017) for the temporary storage container for Vic's Wheelhouse, located at 295A Mare Island Way, APN 0055-170-340, on the property of the Front Room Restaurant, 295 Mare Island Way, APN 0055-170-020, based on all the evidence in the record, including all the written correspondence, the findings contained in this resolution, and in the staff report .

V. VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Vallejo, State of California, on the 17th day of December, 2007, by the following vote to-wit:

AYES:

NOES:

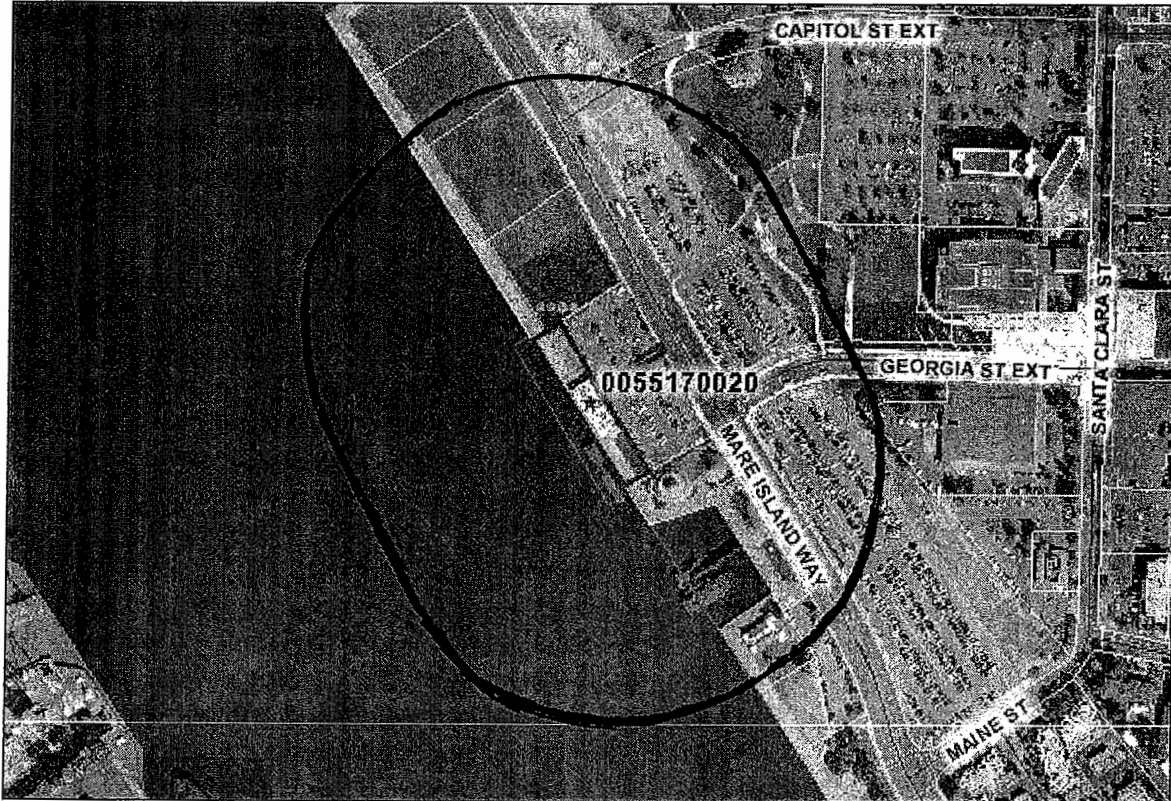
ABSENT:

Charles Legalos, Chairperson
City of Vallejo Planning Commission

Attest:

Don Hazen
Planning Commission Secretary

295 Mare Island Way

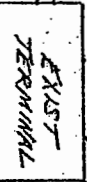
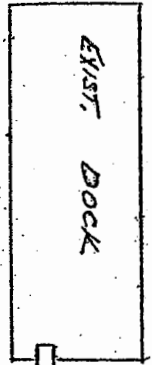


CONFLICT OF INTEREST MAP
(500-foot radius)

Administrative Permit 07-0017
295 Mare Island Way; APN: 0055-170-020

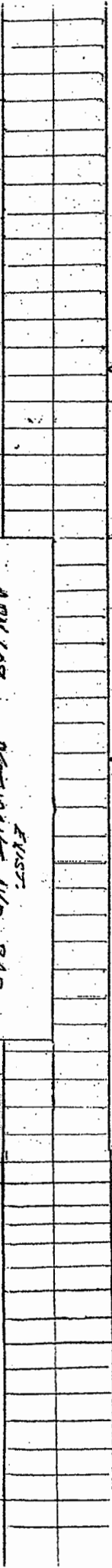
MARE ISLAND STRAITS

Vic's Wheelhouse
295A MARE ISLAND WAY
VALLEJO, CA. 94590



EL. +9'

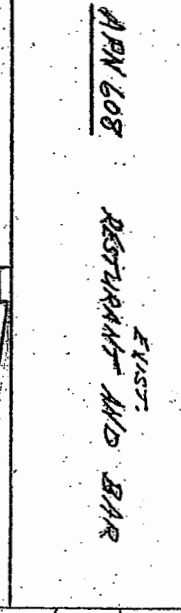
EXIST. SEAWALL



Property line

Property line

LAWN



EXISTING PARKING LOT

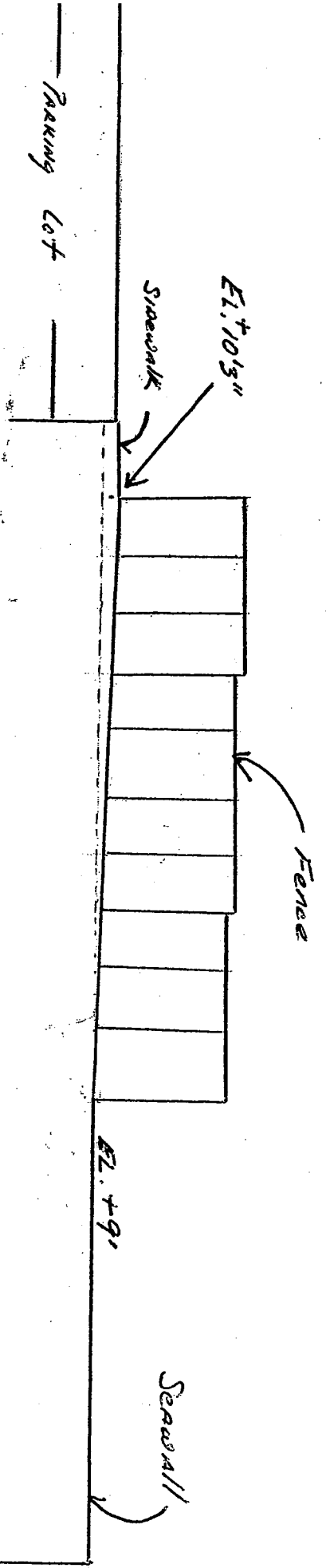
Garbage CONTAINMENT AREA EXIST.

NEW FENCED AREA

SITE PLAN

MADE ISLAND FERRY CO.
395 N MADE ISLAND WY.
WALLESO, OR. 94590

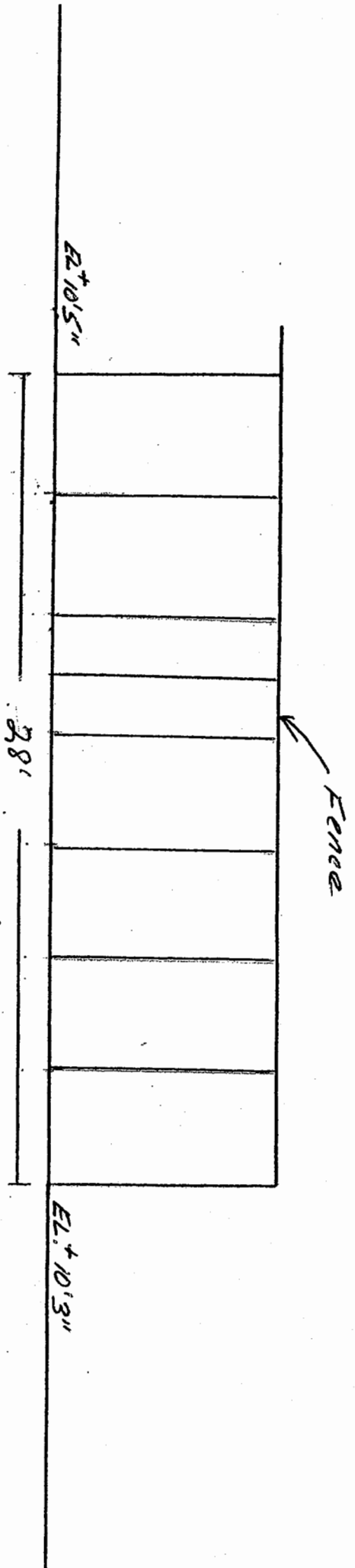
NORTHERN ELEVATION



Scale: 1" = 10'

MADE ISLAND FENCE CO.
295 A MADE ISLAND WAY
VALLEJO, CA. 94590

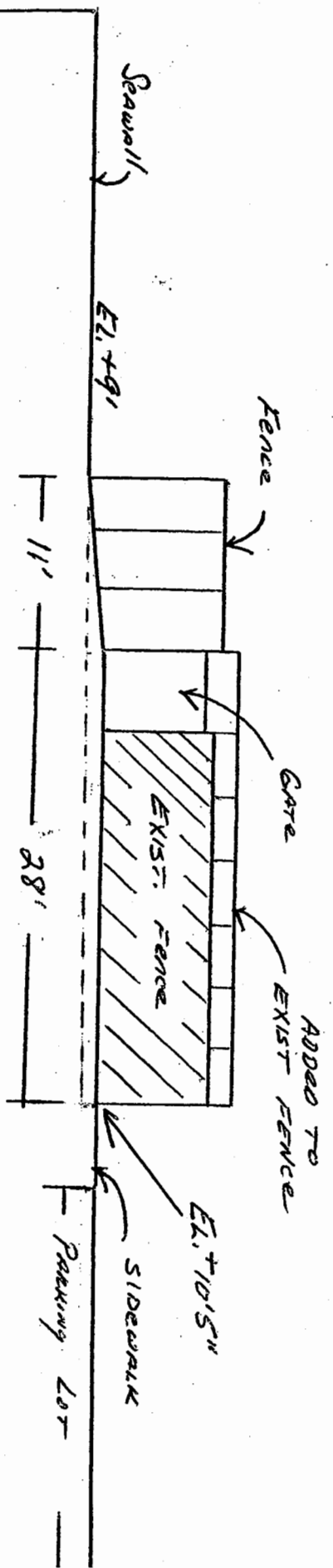
EASTERN ELEVATION



Scale: 2" = 10'

MADE ISLAND FERRY CO.
385 A MADE ISLAND WY.
VALLEJO, CA. 94590

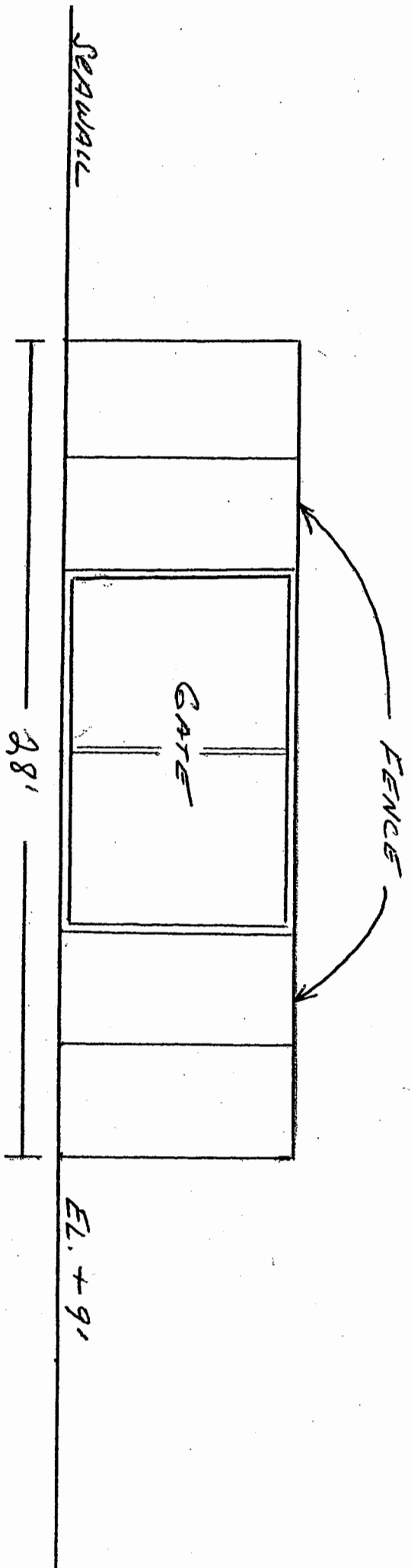
SOUTHERN ELEVATION



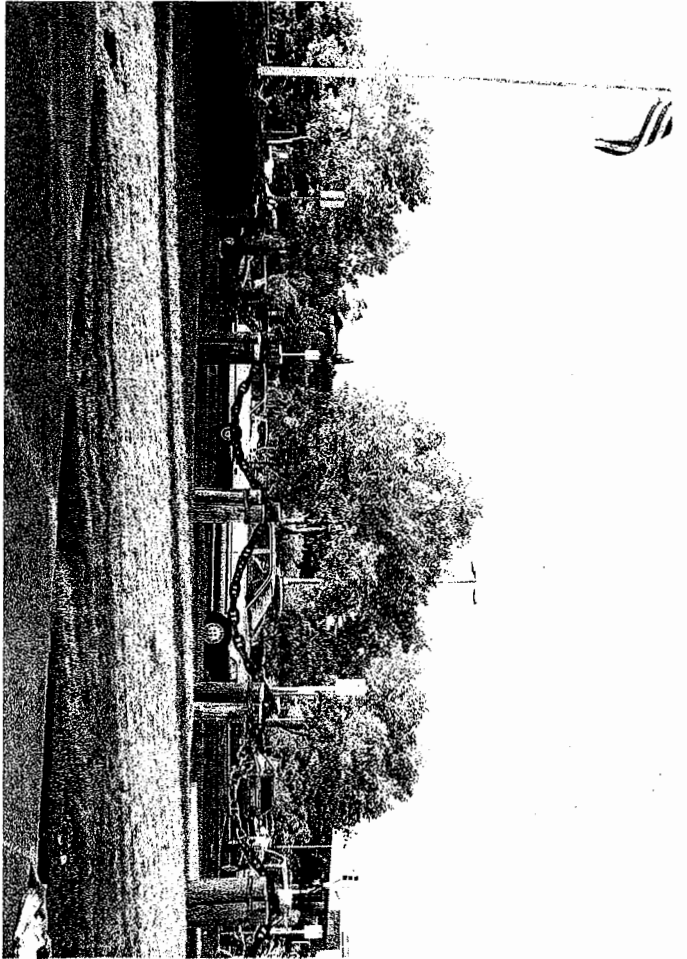
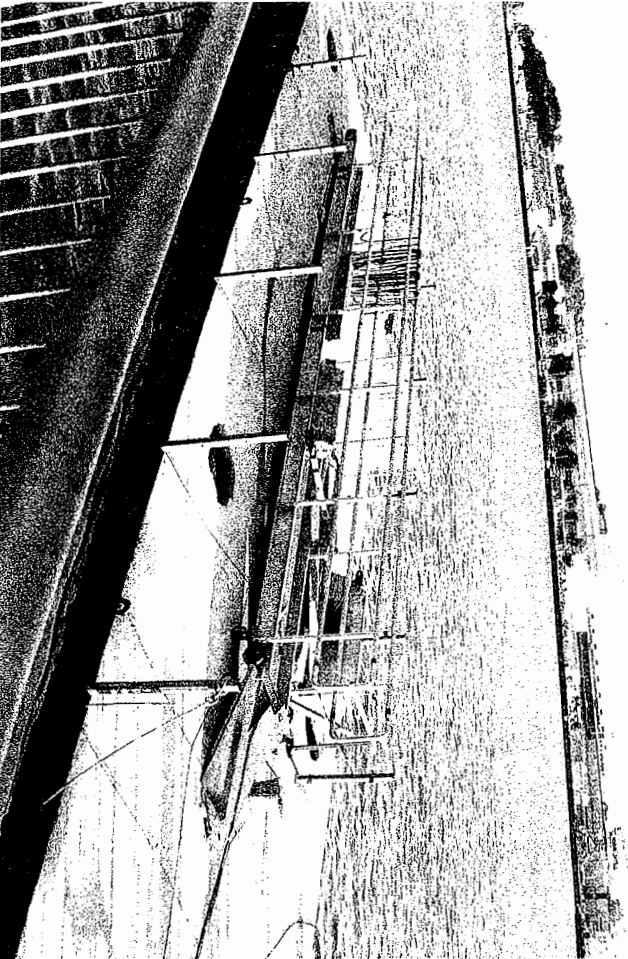
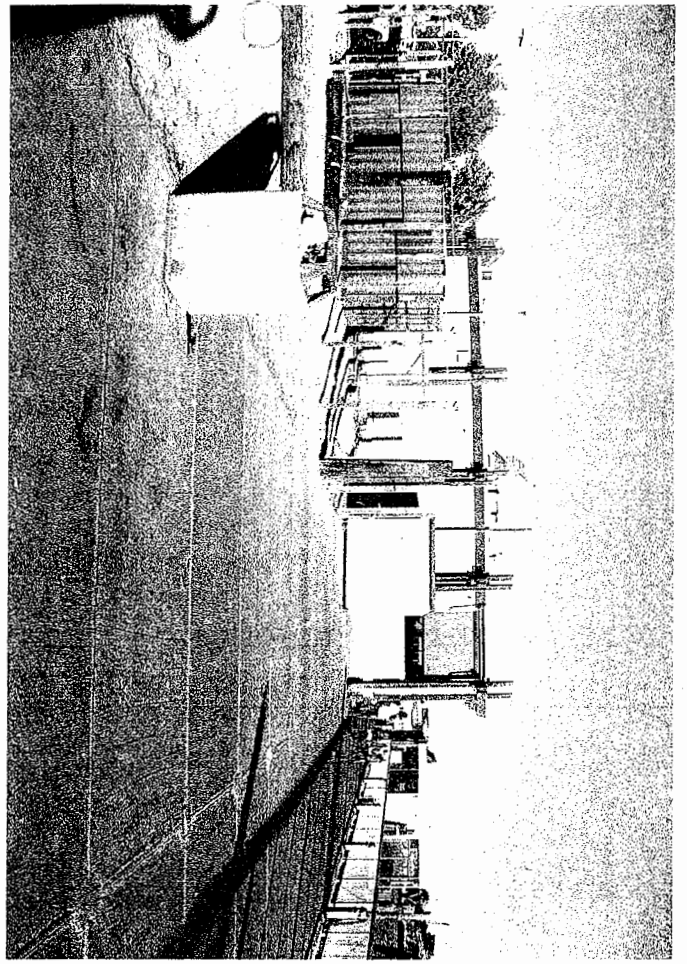
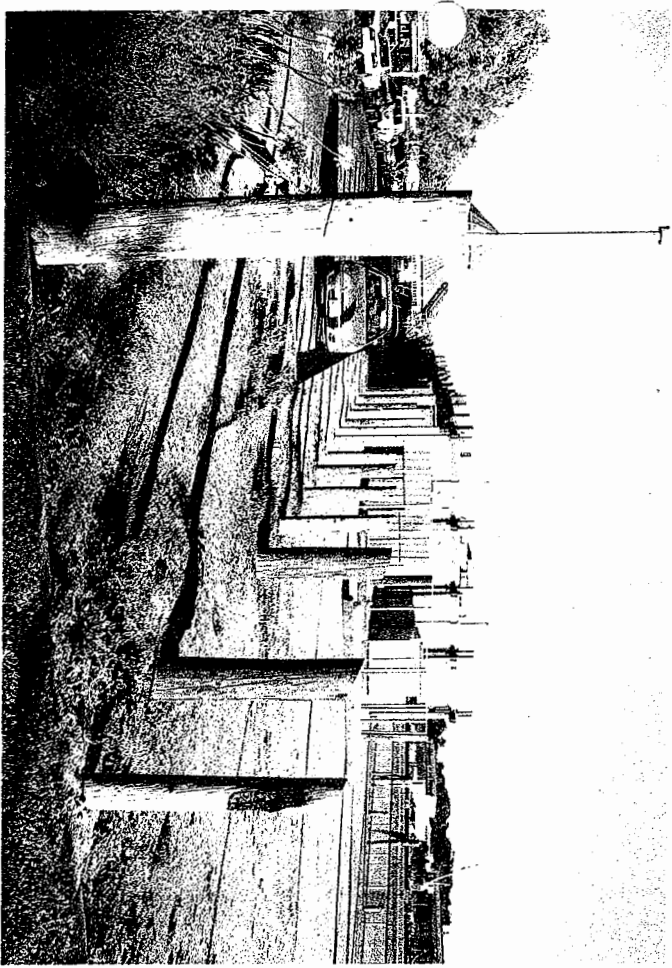
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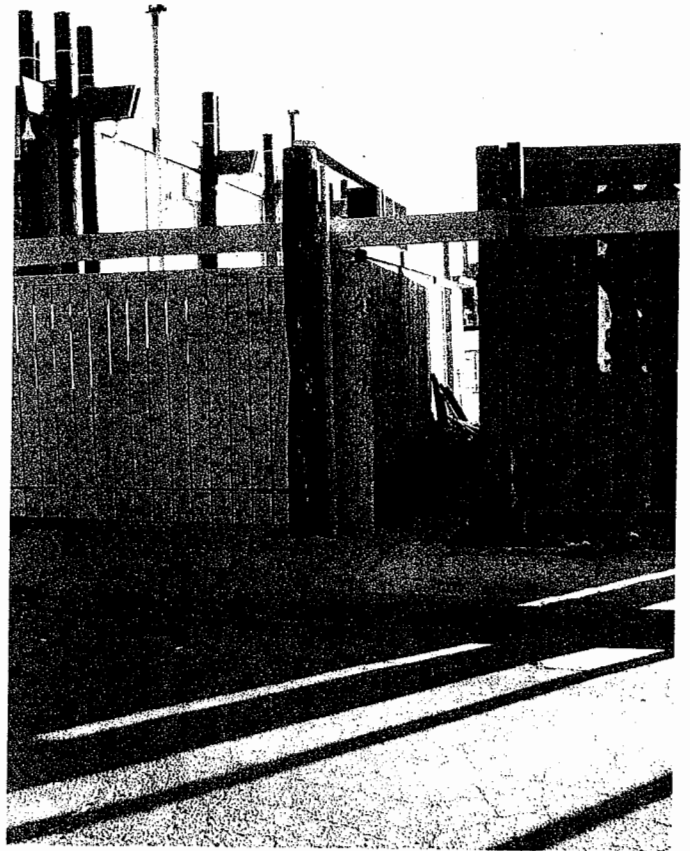
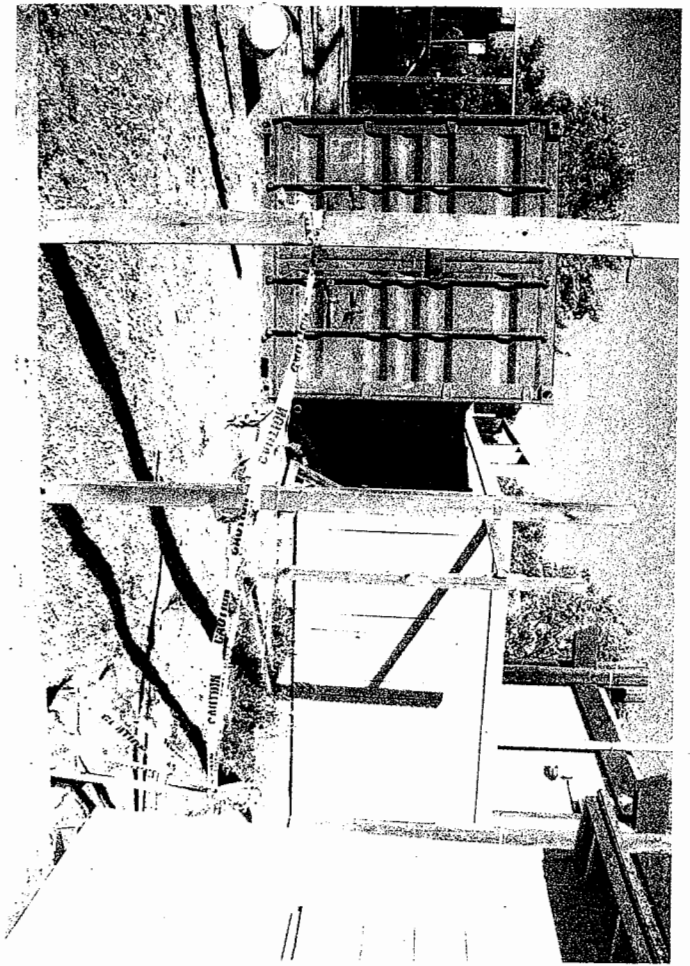
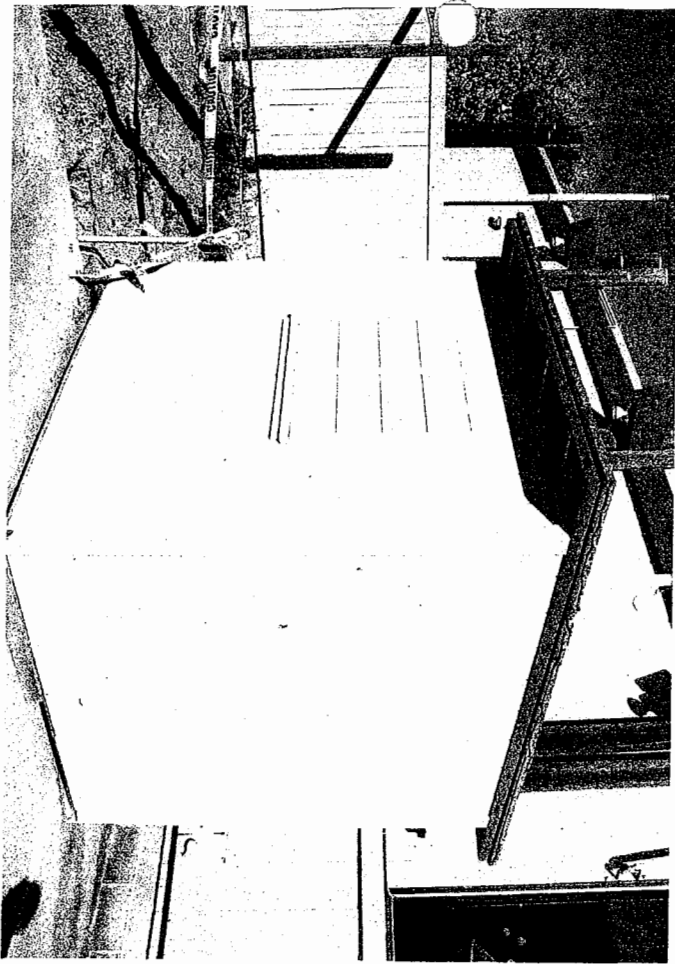
MADE ISLAND FERRY CO.
395 A MADE ISLAND WAY
VALETO, CA. 94590

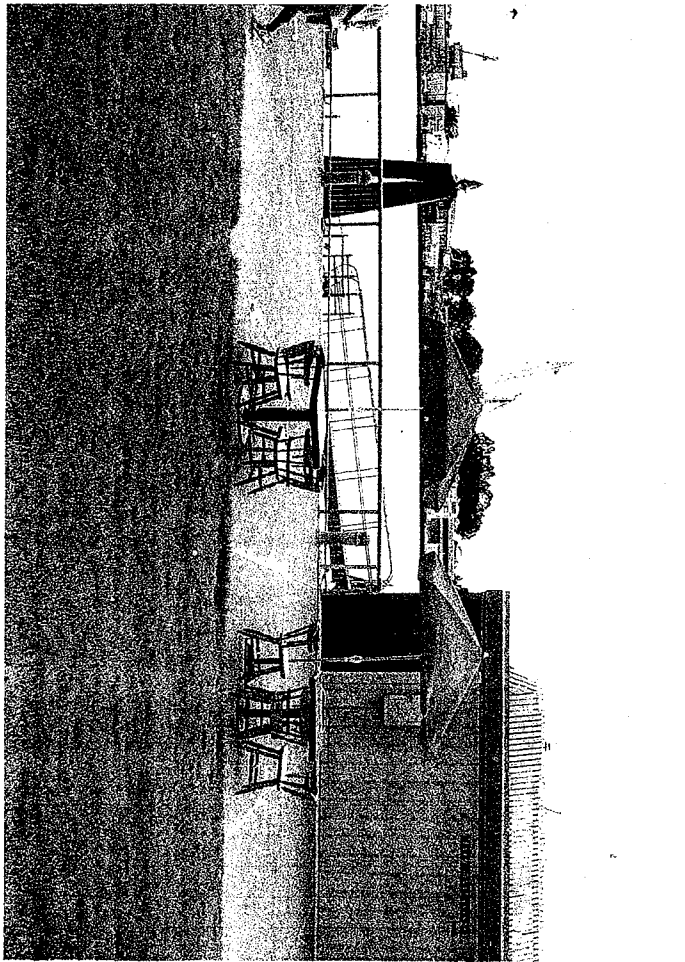
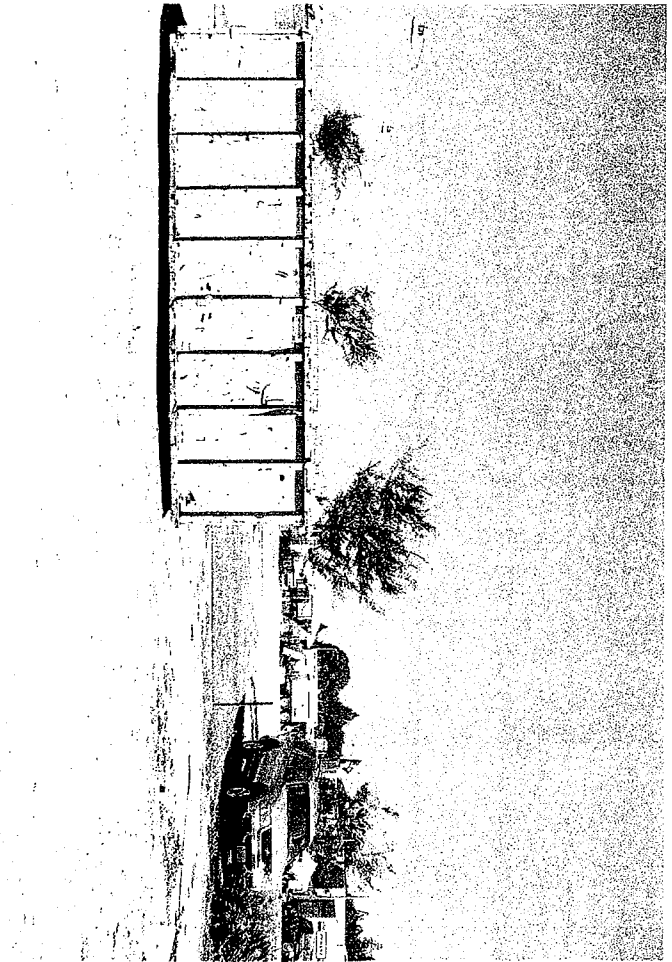
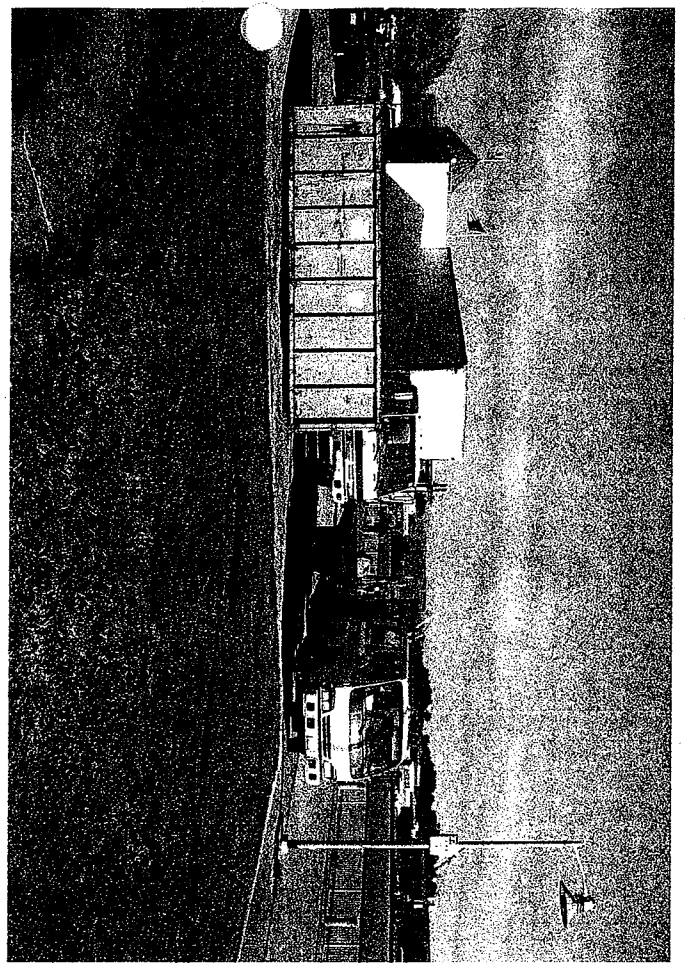
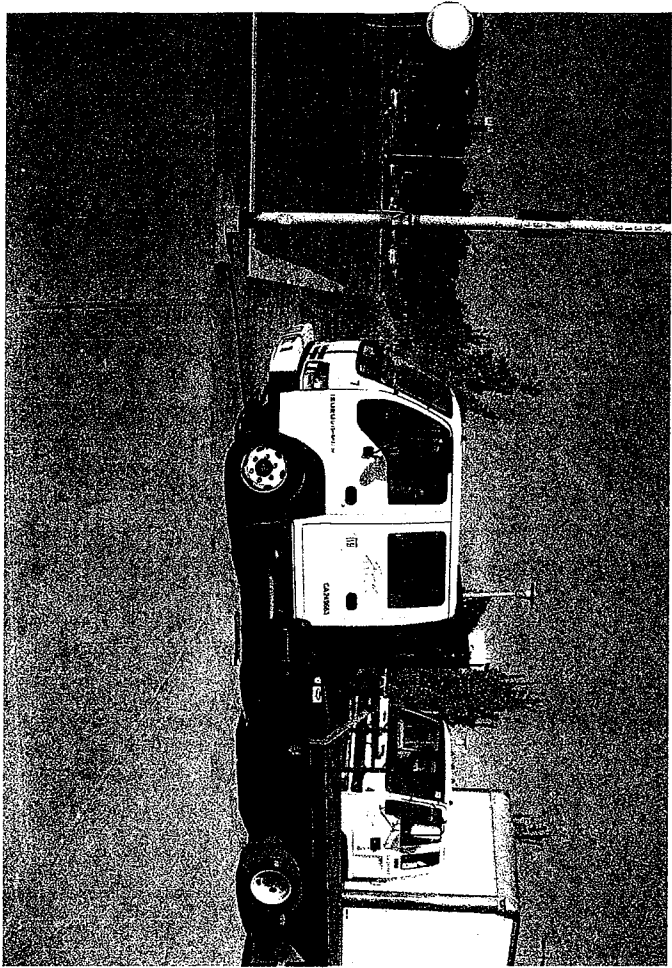
WESTERN ELEVATION



Scale: 2" = 10'







December 6, 2007

Planning Commission
555 Santa Clara Street
Vallejo, Ca. 94590

Dear Commissioners;

The Mare Island Ferry Company submits the following history of the containment area and associated permits obtained for a section of leased property located at 295 Mare Island Way, APN 608.

In the fall of 2006, the commission approved use permit 06-0009 for a museum, restaurant at this address, the former site of the Mare Island Ferry Terminal. The containment area herein requested will facilitate the completion of the new restaurant by providing a practical, secure and aesthetically pleasing on-site staging area during the renovation phase of the project while additionally providing storage of several large items presently located at the property.

In the spring of 2007, a steel container or con box was placed near the north end of the Front Room Restaurant alongside the garbage containment area. The con box is 20 feet long, 8 feet wide and 8 feet high and similar to containers placed at many job sites. A permit was not initially obtained for the containment area, however, after meeting with the planning department, it was determined that an administrative permit would be required along with approval from BCDC. Thereafter, BCDC approved the containment area for a period of one year with a one year extension if needed. Applicable fees were paid to BCDC and the Planning Department of Vallejo for permits to complete the enclosure. Immediately thereafter, however, the Mare Island Ferry Co. was informed by the Planning Dept. that the enclosure should not be completed as it may constitute a violation of a recently enacted open space policy on the waterfront.

The containment area is 25 feet wide, 40 feet long and 8 feet high constructed of wood posts, piles, siding with trim and paint to match the existing restaurant.

Located within the containment area is the following,

1. The steel con box containing building supplies, tools and artifacts for the restaurant and dock patio project
2. A 37 foot steel gangway for future use when additional docks are acquired
3. A 6 foot long, 5 foot wide and 7 foot high shed utilized by the Front Room Restaurant
4. An enlarged garbage area to accommodate additional dumpsters for the new restaurant
5. Storage for additional tables, chairs, umbrellas, area heaters etc. required for outdoor seating along the seawall promenade and dock patio areas
6. Facility maintenance tools and equipment

The integration of a staging, storage and facility maintenance area is part of an ongoing multiphase upgrade of the existing property. The Mare Island Ferry Co. has plans for the acquisition of replacement docks to provide for private and commercial watercraft access to further enhance the maritime ambiance along the waterfront. An unobtrusive shed will be located on one of these docks and the containment area removed. The Mare Island Ferry Co. has worked with both the City and BCDC to provide a historical, diversified and unique atmosphere with the public's best interests in mind while complimenting the general waterfront plan. BCDC has recognized the necessity of the containment area as an integral part of the property upgrade. It is in keeping with this overall objective and in the spirit of co-operation the Mare Island Ferry Co. wishes to complete the temporary containment area to co-inside with the BCDC permit currently awaiting issuance.

Sincerely,
Edith Raehauge, MIF Co.



Making San Francisco Bay Better

BCDC Original

PERMIT NO. M06-25

(Issued on April 6, 2007, As
Amended Through August 1, 2007)

AMENDMENT NO. ONE

John Erik Raahauge
P.O. Box 1167
Vallejo, California 94590

AND

City of Vallejo Redevelopment Agency
555 Santa Clara Street, 3rd Floor
Vallejo, California 94590

ATTENTION: Steven W. England

Ladies and Gentlemen:

I. Authorization

A. Subject to the conditions stated below, the permittees, John Erik Raahauge and the City of Vallejo Redevelopment Agency, are hereby authorized to do the following:

Location: In the 100-foot shoreline band, near and at 295-A Mare Island Way and along the waterfront promenade, in the City of Vallejo, Solano County.

Description: Conduct the following activities: (1) use and maintain a pre-existing 1,200-square-foot, pile-supported, ferry terminal building and a 1,470-square-foot dock as a restaurant, bar and maritime museum; (2) place, use and maintain tables and chairs in a 144-square-foot area across from the ferry terminal building and along the waterfront promenade for outdoor dining; (3) install, use and maintain a 25-square-foot grease interceptor box below the parking lot grade to connect with the restaurant's outgoing sewage pipe; ~~and~~ (4) install, use and maintain ~~and maintain~~ various public access improvements along the waterfront promenade; and (5) install, use and maintain a 1,000-square-foot, temporary storage shed adjacent to the existing Front Room Restaurant and parking lot.

PERMIT NO. M06-25

John Erik Raahauge and City of Vallejo

Redevelopment Agency

(Issued on April 6, 2007, As

Amended Through August 1, 2007)

AMENDMENT NO. ONE

Page 2

B. This authority is generally pursuant to and limited by your application dated August 1, 2006, your letter dated July 24, 2007, requesting Amendment No. One, and all accompanying and subsequently submitted correspondence and exhibits provided by the permittees, and all conditions of this permit.

C. Work authorized herein must commence prior to September 1, 2007, or this permit will lapse and become null and void. Such work must also be diligently pursued to completion and must be completed within two years of commencement, or by September 1, 2009, whichever is earlier, unless an extension of time is granted by amendment of the permit. The work authorized by Amendment No. One to the permit (the temporary storage shed) may remain in place for one year after the completion of its construction, or until December 1, 2008, whichever is earlier, and may be extended for an additional year, if necessary, upon a showing of good cause by the permittees and by further amendment of the amended permit.

II. Special Conditions

The authorization made herein shall be subject to the following special conditions, in addition to the standard conditions in Part IV:

A. Specific Plans and Plan Review

1. **Plan Review.** No work whatsoever shall be commenced pursuant to this authorization until final precise site, architectural, and landscaping plans and any other relevant criteria, specifications, and plan information for that portion of the work have been submitted to, reviewed, and approved in writing by or on behalf of the Commission. The specific drawings and information required will be determined by the staff. To save time, preliminary drawings should be submitted and approved prior to final drawings.

a. **Site, Architectural and Landscaping Plans.** Site, architectural and landscaping plans shall include and clearly label the shoreline (Mean High Water Line), the line 100 feet inland of the line of the shoreline, property lines and details showing the location, types, dimensions, and materials to be used for all improvements to the existing structures, seating, signs, utilities and other proposed improvements.

Plans submitted shall be accompanied by a letter requesting plan approval, identifying the type of plans submitted, the portion of the project involved, and indicating whether the plans are final or preliminary. Approval or disapproval shall be based upon: (a) completeness and accuracy of the plans in showing the features required above, and any other criteria required by this permit; (b) consistency of the plans with the terms and conditions of this permit; (c) maximizing the amount and quality of the public access to and along the shoreline and in and through the project; (d) minimizing adverse effects on the Bay; and (e) appropriate safety and stability of fill. Plan review shall be completed by or on behalf of the Commission within 45 days after receipt of the plans to be reviewed.

2. **Conformity with Final Approved Plans.** All work, improvements, and uses shall conform to the final approved plans. Prior to any use of the facilities authorized herein, the appropriate design professional(s) of record shall certify in writing that, through personal knowledge, the work covered by the authorization has been

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performed in accordance with the approved design criteria and in substantial conformance with the approved plans. No noticeable changes shall be made thereafter to any final plans or to the exterior of any constructed structure, outside fixture, lighting, landscaping, signage, landscaping, parking area, or shoreline protection work without first obtaining written approval of the change(s) by or on behalf of the Commission.

3. **Discrepancies between Approved Plans and Special Conditions.** In case of any discrepancy between final approved plans and Special Conditions of this authorization or legal instruments approved pursuant to this authorization, the Special Condition or the legal instrument shall prevail. The permittees are responsible for assuring that all plans accurately and fully reflect the Special Conditions of this authorization and any legal instruments submitted pursuant to this authorization.
4. **Appeals of Plan Review Decisions.** Any plan approval, conditional plan approval or plan denial may be appealed by the permittees or any other interested party to the Design Review Board or, if necessary, subsequently to the Commission. Such appeals must be submitted to the Executive Director within 30 days of the plan review action and must include the specific reasons for appeal. The Design Review Board shall hold a public hearing and act on the appeal within 60 days of the receipt of the appeal. If subsequently appealed to the Commission, the Commission shall hold a public hearing and act on the appeal within 90 days of the receipt of the subsequent appeal.

B. Public Access

1. **Public Access Improvements.** Within four months of the opening of the ferry terminal building restaurant or by June 30, 2008, whichever is earliest. ~~By August 31, 2007,~~ the permittees shall install a total of four benches, two planters, and a historic sign, in accordance with final plans approved pursuant to Special Condition II-A, and as generally shown on Exhibit A to this permit.
2. **Maintenance.** The improvements required under this permit shall be permanently maintained by and at the expense of the permittees or their assignees. Such maintenance shall include, but is not limited to, repairs or replacement as needed of any public access amenities such as signs and benches. Within 30 days after notification by staff, the permittees shall correct any maintenance deficiency noted in a staff inspection of the site.
3. **Assignment.** The permittees shall transfer maintenance responsibility to a public agency or another party acceptable to the Commission at such time as the property transfers to a new party in interest but only provided that the transferee agrees in writing, acceptable to counsel for the Commission, to be bound by all terms and conditions of this permit.

C. Outdoor Dining. The permittees may place up to three tables to seat four people each, within an approximately 144-square-foot area (6 feet wide and 24 feet long) along the waterfront promenade for outdoor dining, as generally shown on Exhibit A to this permit.

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D. **Notice to Contractor.** The permittees shall provide a copy of this permit to any contractor or person working in concert with the permittees to carry out the activities authorized herein and shall point out the special conditions contained herein.

E. **Construction Operations.** All construction operations shall be performed to prevent construction materials from falling into the Bay. In the event that such material escapes or is placed in an area subject to tidal action of the Bay, the permittees shall immediately retrieve and remove such material at its expense.

F. **Installation of Grease Interceptor Box.** Following installation of the grease interceptor box, the permittees shall restore the parking lot to its former, pre-excavated condition.

G. **Hold Harmless Agreement.** The permittees agree to indemnify, defend and save harmless the State of California, its agencies, departments, officers, agents and employees from any and all claims, demands, losses or judgments accruing or resulting to any person, firm, corporation or entity who may be injured or damaged by work performed in accordance with the terms and conditions of this permit.

H. **Debris Removal.** All construction debris shall be removed to a location outside the jurisdiction of the Commission. In the event that any such material is placed in any area within the Commission's jurisdiction, the permittees, their assigns, or successors in interest, or the owner of the improvements, shall remove such material, at their expense, within ten days after they have been notified by the Executive Director of such placement.

I. **Notice of Assignment**

1. **Notice to Buyers.** Prior to entering into any agreement to sell or otherwise transfer any property interest to any third party, the permittees, or any assignee of this permit or any part of it, shall provide the party with a copy of this permit and shall call his or her attention especially to the provisions regarding public access, and the need to obtain approval of construction plans prior to any construction.
2. **Partial Assignment of Permit.** Within ten days after executing any agreement to sell or otherwise transfer any interest in the subdivision to a buyer, the transferor(s) shall (a) notify the Commission of the nature of the transfer, the name address and telephone number of the buyer and the date of the transfer, and (b) shall also submit a partial assignment of this permit for the area transferred that has been executed by the buyer indicating that the buyer has read, understood, and agreed to the terms and conditions of this permit.

III. **Findings and Declarations**

On behalf of the Commission, I find and declare that:

A. **Project Description.** The project authorized by ~~this~~ the original permit involves the use of a pre-existing ferry terminal structure as a restaurant, bar and maritime museum, the placement of tables and chairs along the waterfront promenade for outdoor dining, the installation of a grease interceptor box below the parking lot grade, and the installation of various public access improvements along the waterfront promenade.

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B. Minor Repair or Improvement. ~~This~~ The original project constitutes the placement of small amounts of inert inorganic fill and a substantial change in use that does not have a significant adverse effect on the environment or on present or possible future public access as defined in Regulation Section 10601(b)(1). Therefore, the activities authorized by this permit constitute "minor repairs or improvements" for which the Executive Director may issue a permit, pursuant to Government Code Section 66632(f) and Regulation Section 10622(a).

C. Amendment No. One. The work authorized by Amendment No. One involves the installation, use and maintenance of a 1,000-square-foot, temporary wooden storage shed adjacent to the existing Front Room Restaurant and parking lot. The shed will be constructed of eight-foot-high, wooden plywood to match the existing restaurant and will be limited in use to one year after the completion of its construction, or until December 1, 2008, whichever is earliest. An additional one-year time extension may be granted upon a showing of good cause by the permittees. Amendment No. One also grants an extension of time for the completion of the public access improvements to occur after the opening of the ferry terminal building restaurant, but no later than June 1, 2008. The project authorized in Amendment No. One to this permit constitutes the placement of small amounts of inert inorganic fill and a substantial change in use that does not have a significant adverse effect on the environment or on present or possible future public access as defined in Regulation Section 10601(b)(1). Therefore, the activities authorized by Amendment No. One constitute "minor repairs or improvements" for which the Executive Director may issue an amendment to the permit, pursuant to Government Code Section 66632(f) and Regulation Section 10612.

~~C.~~ **D. Consistency with the McAteer-Petris Act and the Bay Plan.** The project authorized by this permit is consistent with the McAteer-Petris Act and with the San Francisco Bay Plan in that it will not adversely affect the Bay nor public access to and enjoyment of the Bay.

~~D.~~ **E. Consistency with the Coastal Zone Management Act of 1972.** The Commission further finds, declares, and certifies that the activity or activities authorized herein are consistent with the Commission's Amended Management Program for San Francisco Bay, as approved by the Department of Commerce under the Federal Coastal Zone Management Act of 1972, as amended.

~~E.~~ **F. Environmental Document.** Pursuant to Regulation Section 11501, the project authorized by ~~this~~ the original permit and Amendment No. One to the permit ~~is~~ are categorically exempt from the requirement to prepare an environmental impact report.

~~F.~~ **G. Listing.** Pursuant to Regulation Section 10620, ~~this~~ the original project was listed with the Commission on April 5, 2007.

IV. Standard Conditions

A. This amended permit shall not take effect unless the permittees execute the original of this amended permit and return it to the Commission within ten days after the date of the issuance of the amended permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission.

B. The attached Notice of Completion and Declaration of Compliance form shall be returned to the Commission within 30 days following completion of the work.

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C. The rights, duties, and obligations contained in this amended permit are assignable. When the permittees transfer any interest in any property either on which the authorized activity will occur or which is necessary to the full compliance of one or more conditions to this amended permit, the permittees/transferors and the transferees shall execute and submit to the Commission a permit assignment form acceptable to the Executive Director (*call for a copy of the form or download it from our website*). An assignment shall not be effective until the assignees execute and the Executive Director receives an acknowledgment that the assignees have read and understand the amended permit and agree to be bound by the terms and conditions of the amended permit, and the assignees are accepted by the Executive Director as being reasonably capable of complying with the terms and conditions of the amended permit.

D. Unless otherwise provided in this amended permit, the terms and conditions of this amended permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.

E. Unless otherwise provided in this amended permit, any work authorized herein shall be completed within the time limits specified in this amended permit, or, if no time limits are specified in the amended permit, within three years. If the work is not completed by the date specified in the amended permit, or, if no date is specified, within three years from the date of the amended permit, the amended permit shall become null and void. If an amended permit becomes null and void for a failure to comply with these time limitations, any fill placed in reliance on this amended permit shall be removed by the permittees or their assignees upon receiving written notification by or on behalf of the Commission to remove the fill.

F. All required permissions from governmental bodies must be obtained before the commencement of work; these bodies include, but are not limited to, the U. S. Army Corps of Engineers, the State Lands Commission, the Regional Water Quality Control Board, and the city and/or county in which the work is to be performed, whenever any of these may be required. This amended permit does not relieve the permittees of any obligations imposed by State or Federal law, either statutory or otherwise.

G. Work must be performed in the precise manner and at the precise locations indicated in your application, as such may have been modified by the terms of the amended permit and any plans approved in writing by or on behalf of the Commission.

H. Work must be performed in a manner so as to minimize muddying of waters, and if diking is involved, dikes shall be waterproof. If any seepage returns to the Bay, the permittees will be subject to the regulations of the Regional Water Quality Control Board in that region.

I. Unless otherwise provided in this amended permit, all the terms and conditions of this amended permit shall remain effective for so long as the amended permit remains in effect or for so long as any use or construction authorized by this amended permit exists, whichever is longer.

J. Any area subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission under either the McAteer-Petris Act or the Suisun Marsh Preservation Act at the time the amended permit is granted or thereafter shall remain subject to that jurisdiction notwithstanding the placement of any fill or the implementation of any substantial change in use authorized by this amended permit.

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K. Any area not subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission that becomes, as a result of any work or project authorized in this amended permit, subject to tidal action shall become subject to the Commission's "bay" jurisdiction.

L. This amended permit reflects the location of the shoreline of San Francisco Bay when the amended permit was issued. Over time, erosion, avulsion, accretion, subsidence, relative sea level change, and other factors may change the location of the shoreline, which may, in turn, change the extent of the Commission's regulatory jurisdiction. Therefore, the issuance of this amended permit does not guarantee that the Commission's jurisdiction will not change in the future.

M. Except as otherwise noted, violation of any of the terms of this amended permit shall be grounds for revocation. The Commission may revoke any amended permit for such violation after a public hearing held on reasonable notice to the permittees or their assignees if the amended permit has been effectively assigned. If the amended permit is revoked, the Commission may determine, if it deems appropriate, that all or part of any fill or structure placed pursuant to this amended permit shall be removed by the permittees or their assignees if the amended permit has been assigned.

N. Unless the Commission directs otherwise, this amended permit shall become null and void if any term, standard condition, or special condition of this amended permit shall be found illegal or unenforceable through the application of statute, administrative ruling, or court determination. If this amended permit becomes null and void, any fill or structures placed in reliance on this amended permit shall be subject to removal by the permittees or their assignees if the amended permit has been assigned to the extent that the Commission determines that such removal is appropriate. Any uses authorized shall be terminated to the extent that the Commission determines that such uses should be terminated.

Executed at San Francisco, California, on behalf of the San Francisco Bay Conservation and Development Commission on the date first above written.

WILL TRAVIS
Executive Director
San Francisco Bay Conservation and
Development Commission

By:



STEVEN A. McADAM
Deputy Director

SAM/MY/ra

cc: U. S. Army Corps of Engineers, Attn.: Regulatory Functions Branch
San Francisco Bay Regional Water Quality Control Board,
Attn.: Certification Section
Environmental Protection Agency, Attn: Mike Monroe, WTR-8
City of Vallejo Planning Department, Attn: Katherine Donovan

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* * * * *

Receipt acknowledged, contents understood and agreed to:

Executed at _____
Applicant

On _____ By: _____
Title

* * * * *

Receipt acknowledged, contents understood and agreed to:

Executed at _____
Applicant

On _____ By: _____
Title

Directions to Vallejo, CA 94590, United States



Summary and Notes

START **A** 555 Santa Clara St, Vallejo, CA 94590, United States

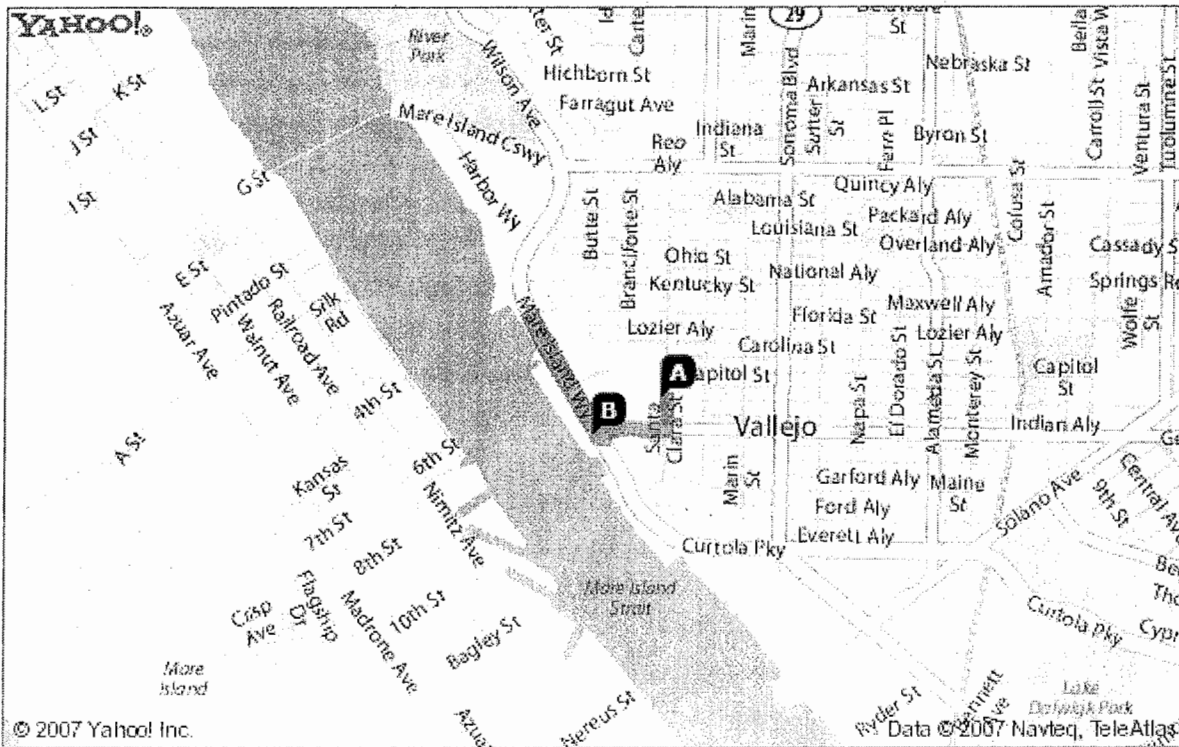
FINISH **B** 295 Mare Island Way, Vallejo, CA 94590, United States

Total Distance: 0.9 miles, Total Time: 3 mins (approx.)

Add your notes here...

- Distance
- A** 555 SANTA CLARA ST, VALLEJO, CA 94590, UNITED STATES
1. Start at 555 SANTA CLARA ST, VALLEJO going toward GEORGIA ST go < 0.1 mi
 2. Turn **R** on GEORGIA ST go 0.2 mi
 3. Turn **R** on MARE ISLAND WAY go 0.3 mi
 4. Make a U-Turn at FLORIDA ST onto MARE ISLAND WAY go 0.3 mi
 5. Arrive at 295 MARE ISLAND WAY, VALLEJO, on the **R**
- B** 295 MARE ISLAND WAY, VALLEJO, CA 94590, UNITED STATES

Distance: 0.9 miles, Time: 3 mins



When using any driving directions or map, it's a good idea to do a reality check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning.