

CITY OF VALLEJO PLANNING COMMISSION

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

**WEDNESDAY
20 FEBRUARY 2008**

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: January 23, 2008.
- E. WRITTEN COMMUNICATIONS: None.
- F. REPORT OF THE SECRETARY
 - 1. Announcement of City Council liaison appointment.
 - 2. Request for volunteer to serve on Mobile Home Park Conversion Task Force (related to moratorium; work expected to last until October 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. Use Permit 07-0001 application for a catering/banquet hall located at 1922 Broadway. Proposed CEQA Action: Exempt. Staff Planner: Don Hazen, 648-4328. [Consent Calendar]

Staff recommends **approval** based on the findings and conditions.
- 2. Zoning Map Amendment 08-0001 concerning tobacco retailers Citywide. Proposed CEQA Action: Exempt. Staff Planner: Don Hazen, 648-4328.

Staff recommends **continuance** to a date uncertain.
- 3. Site Development 05-0007 is an application for a single-family residence in the View District located at 145 B Street. CEQA: Categorically Exempt. Staff Planner: Don Hazen, 648-4328. *Continued from*

the meeting of December 3, 2007.

Staff recommends **continuance** to a date uncertain.

4. Use Permit 07-0014 is an application for the establishment of a restaurant which will feature a microbrewery and grill located at 939 Marin St. Proposed CEQA Action: Categorically Exempt. Planner: Marcus Adams, 648-5392.

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

5. Use Permit 07-0017 is a request to serve premium beer and wine at Montana Eddie's Sports Pub and Grille in downtown Vallejo. Proposed CEQA Action: Categorically Exempt. Planner Marcus Adams, 648-5392.

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

L. OTHER ITEMS

None.

M. ADJOURNMENT

MINUTES

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

Absent: None.

D. APPROVAL OF THE MINUTES.

Commissioner Peterman: I move that we approve the minutes of December 3, 2007.

Please vote.

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

NOS: None.

ABSENT: None.

It is unanimous. Motion carries.

Chairperson Legalos: May we have a motion for approval of the minutes of the meeting of December 17, 2007.

Commissioner Peterman: I move that we approve the minutes of December 17, 2007.

Chairperson Legalos: Please vote.

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

NOS: None.

ABSENT: None.

The motion is unanimous.

E. WRITTEN COMMUNICATIONS

None.

F. REPORT OF THE SECRETARY

Don Hazen: I'd like to draw your attention to the items on the agenda this evening in preparation for when you get to item J of approving the Consent Calendar and approval of the Agenda. I would like to summarize items that we would recommend be moved up to Consent. First of all, those would be item K-1 which is a Plan Development for Hyde Gate Park Entrance Closure. That is being recommended for consent. The staff recommendation on that is for approval. It was a continued item from November 5. Item K-2 is an item being recommended for consent as well. It is an Administrative Permit for a Temporary Storage Building for Vic's Wheelhouse located on the Front Room parcel along the waterfront, and you will recall that that item was continued for the staff to prepare Conditions of Approval and a Revised Resolution, so we have done that, and that item is also suggested for Consent. Item K-3 is an item that is being recommended for continuance to the meeting of February 20, so we recommend that that be moved up

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to Consent as well. That is a Use Permit for Pint Size Brewery located 939 Marin Street. The staff recommendation is continuance, as I mentioned, to February 20. Also, Item K-4 is another item being recommended to the February 20 meeting. That is a Use Permit for Montana Eddie's Sport Pub located at 301 Georgia Street, and then, finally, Item K-8 is a continuance item being recommended for Consent this evening. It is a Site Development for a single family residence in the View District, located at 145 B Street. I have recommended continuance to the February 20 meeting on that one. All of these continued items are because we still have some loose ends to work through before it is ready for public hearing.

Chairperson Legalos: Are you recommending that all of the continued items be removed to the Consent Calendar?

Don Hazen: That is correct. That concludes my report.

Chairperson Legalos: May we have the City Attorney's report, Ms. Quintana?

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

Commissioner Peterman: I was at the December 18 meeting of the City Council when they considered the El Dorado property that we had approved. The council members, first of all, asked the reason why a Planning Commissioner voted no, and so I explained that. They also commented favorably on the project as a good example of infill. I was very impressed by Mayor Davis as he was very thorough and had read everything, including all of the Minutes. The Council passed everything and it has to go back to them for a second reading of the zone change and that will come as a Consent item to the Council. It was also Katherine Donovan's last day, and some Council members said some very nice things about her, and I was impressed with how swiftly the Council moved through items, and just as an FYI, one member of the Council said: "My goodness, the Planning Commission certainly asks a lot of questions."

Chairperson Legalos: Do we have a liaison yet appointed from the City Council, Mr. Hazen?

Don Hazen: No, we do not.

3. Planning Commission Liaison to City Council – None.

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Chairperson Legalos: None.

J. CONSENT CALENDAR AND APPROVAL OF THE AGENDA

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

Can we have a motion for approval of the Consent Calendar and the Agenda, please?

Commissioner Peterman: I move that we approve the Consent Calendar and the Agenda.

Chairperson Legalos: Please vote.

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

NOS: None.

ABSENT: None.

It is unanimous. Motion carries.

Don Hazen: Mr. Chair, we might want to explain to, I think, a large crowd here that might be here for the Hyde Park Project and since that was just approved for Consent, you might explain to them how that process works.

Chairperson Legalos: Mr. Hazen has requested that we explain that the Hyde Park Project is now on the Consent Calendar which means it is being approved without discussion. So, if you are here for that project, unless you are interested in the other items on this evening's agenda, you don't really need to stay. Thank you.

Don Hazen: I guess, Mr. Chair, I will also add just for the record that if there is anybody opposed to that decision, they can file an Appeal with the Planning Department within ten working days.

Commissioner Manning: I just want to say for the people from Hyde Park, to thank them for all of their hard work and their due diligence and that clearly they put together a very compelling case so that we were able to make a very fast decision, and of course, the staff recommended that decision. So, thank you for doing that.

Chairperson Legalos: Mr. Hazen, who is going to be reading the items tonight – you or Ms. Vasquez?

Don Hazen: I will do that, Chair.

Chairperson Legalos: May we have item K-5 please.

K. PUBLIC HEARINGS

5. Use Permit 07-0018, a request to legally establish a private independent study program for elementary through high school aged students located at First

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Presbyterian Church at 1350 Amador Street. The proposed CEQA action is categorical exemption. Staff Planner: Marcus Adams, will make a brief presentation.

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

Staff Report: Good evening Commissioners. Tonight the first item for the hearing Aspire 2 Achieve is an independent study program that formerly was at a location on Tennessee Street and has now relocated to the First Presbyterian Church at Amador and Nebraska which we can see here identified on the map. I want to start out by saying that when staff advertised this to the public, we were not aware that the school had already been in operation for approximately a year, so, we did inform the community for those who did call and let us know that they had been operating and that that was indeed the case. That is why you may have noticed that there might have been a discrepancy between the Public Notice and then the actual description where we actually corrected that mistake after legalizing an existing use instead of just establishing it.

We are going to start out by showing you the site and the conditions when school is in session, but when the students are in class. In the upper left hand corner we see the church. This is the area of the congregation and where the church services are held, then, we move to the right and the church offices are located right in this section right here. And then, the actual classrooms are located on this wing of the church so it is almost kind of like a u-shaped building. The classrooms are held here. Also, in this wing there is a Meals-On-Wheels program . . . another use there. . . in that wing there. And then, finally, on this bottom right hand corner, you can see here this is Amador Street. Across we have Vallejo Middle School and then Vallejo High School. This was taken when class was in session and you can see that that it is a pretty passive use and area when school is in. Uses that staff looks at not only with this particular project but with any school programs, whether it is public or private, tend to be associated around traffic, student loitering, and parking. Those are the issues that we will look at tonight regarding the Aspire 2 Achieve Program. These are pictures taken now when school was letting out, approximately between the time period of 2:50 and about 3:05 p.m. So, staff was concerned not only with those issues but we did receive some calls from neighbors who were either opposed to the program or had concerns related along those three issues, rather it be loitering, the parking, or the traffic. That is why staff made multiple site visits after school or when school was letting out so that we could see and ascertain if indeed these would be issues, and we could then craft our conditions to address that.

Here we see the students are starting to let out and you can see that as they do let out, and they tend to, when they do let out . . . the guardians come in the parking lot which you can access going north on Amador and then going east on Nebraska. It is a one-way entrance off of Glen Street which lets out onto Amador. You can go right or left on Amador. Here, you can see where the parents and guardians park. They pick up the students who come out, and then they come out this way. Here is the corner, and if you will remember the first picture that we saw, there is nothing going at the corner. Here, you can see there are some students kind of congregating, probably from the high school. Once again, this is the church side with these students here. And, here, is a shot of Amador going north. You can see some of the cars parked along here to pick up students. What I have found is that these cars that are parked here are not picking up students from the Aspire 2 Achieve Program but from either the middle school or the high school. Staff observation was that when the students from Aspire 2 Achieve let out, they all were picked up within this area. I would

see one or two who were picked up along Glen Street but none along Amador Street.

Here is another picture at the most intense time of the activity as far as cars and back up. This was approximately about 3:00 o'clock on the nose and you can see here. . . this is Amador Street, the Aspire 2 Achieve Program. There is the driveway that is back over in here. There is an ice cream truck here and one of the issues that staff and the church, this was made known to staff, was that the ice cream trucks had been parking in the parking lots there for the church in the Aspire 2 Achieve Program. The church officials asked the ice cream trucks to no longer park in the parking lot because we felt that may be some of the problems that the neighbors were concerned about as far as kids being in the parking lot and activity happening there. So they seemed to have worked out the agreement where only one ice cream truck . . . there used to be two ice cream trucks, parked along here, within the lot, parked here on Amador towards the intersection there. . . and that seemed to have alleviated the problem of kids coming in right by the driveway and within the parking lot there. And, of course, that lessens the chance that we are going to have kids from the high school and the private school, intermingling there. So, that seemed to be kind of a working solution that they got. Concerning back up, the major back up that we saw was along this section of Amador. There is the high school there. There seemed to be more intensity here with the cars backing up and along Nebraska Street than along Amador in front of the church and the school program. There are some better shots of the students there. Once again, staff didn't really observe any loitering of students from either the high school, middle school, or the Aspire 2 Achieve Program on the church grounds within the parking lot although, once again, to be fair, some of the neighbors have said that there was concern along the paths . . . there were some kids in that parking lot that we saw – the one-way parking lot, congregating there. Also, I will address that concern.

So, the solutions that are within the Conditions of Approval, I will go ahead and recommend that we address these issues for traffic. That would be that staff would recommend that the operating hours of the school program continue to be monitored. Right now the way it works, and the Administrator for the program is going to speak and she may touch on this issue a little bit more, but because of the fact that the students range from elementary to high school as far as the independent study program, and they don't all let out at one time. They are not all let at 2:50. Some are let out anywhere from 12:00 o'clock noon on. They are let out kind of sporadically so you don't have the influx of cars coming. We would ask that they continue to operate that way. It seems to be an effective way of keeping down the intensity of cars in that parking lot and as far as the students congregating outside, so we would monitor that, improving the signage. One of the issues as far as the traffic engineer was concerned was that one-way driveway because the signage isn't clearly marked as far as it is one-way and you can only enter and exit one way, he has asked that there be improved signage and improved striping of the parking lot. And, that will improve the traffic circulation. Also, that they consider to limit the location and the amount of ice cream trucks. Unfortunately, the City of Vallejo doesn't have an ordinance regarding ice cream trucks and locations within certain distances of schools or residences. The only thing that we do have on the books is regarding the noise of the ice cream trucks. But, I feel they can continue to work out an agreement with the ice cream trucks as far as keeping them located out of the parking lot on private property and on the street there. As far as loitering, we thought if they enforce a no-loitering policy that is handed out at the beginning of the school year to both the students and the parents, that would hopefully address the potential loitering problems. Also, that they have a designated student building

and pick up area and that would be, if you notice, in the parking lot there was kind of that fenced-in area. The students would need to be picked up when they are waiting for their rides either in that location or they stay within the classroom and then the parents and the guardians would come and get them. Obviously these conditions are something that would have to be self-enforced and staff obviously wouldn't have the time to be out there but we would rely on neighbors and community comments as far as whether that was being addressed or not.

Parking would be allowed provided that they submit an annual operating capacity schedule, and what we mean by that is that before the school year starts, they give us their best estimate of what their maximum capacity is going to be, what their expected capacity is, not only for the independent study program but for all the other uses for this assured parking arrangement there. Based on that, staff would be able to tell if they were going to exceed their parking capacity or based on the complaints from the neighbors, indeed if that becomes a problem, then we will ask if they can come up with a parking management plan. It could be something as severe as maybe having some limited enrollment. You noticed on the Staff Report that they did have their maximum that they would ever see the program going to would be 75 students and even at that capacity they would still, from what the parking is there, should have sufficient parking for other uses there. So with that, staff's recommendation is that the project be conditionally approved subject to our recommendations of Conditions of Approval. The Director will speak to more of just the program itself, the type of students that they have there and some of those other things. They did meet with the local neighborhood association there and according to her, the association did not have a problem with the program and they welcomed them. For the most part, once again, that is one of three comments of opposition from the neighbors. I went and spoke to a couple of neighbors who were directly next door to the project and, although they had concerns, they felt when I showed them the conditions that could part of the process, that they would be comfortable with that. With that, I am available for any questions.

Chairperson Legalos: If there are no questions from the Commission, I will open the public hearing and ask if the applicant wishes to address the Commission.

LaDonna Christoffersen: Good evening: This has been a long process for me, and it is a great opportunity for me to be here tonight to give you some personal information of how this began and where we are at so far. I was born in Vallejo. I am the Director and owner of Aspire 2 Achieve. I have a long history of Vallejo connections as I have family who live here and my husband graduated from Vallejo High, my father from Vallejo High, and my two children from Vallejo High. I have been involved in schools since my children entered school, volunteering to the Parent Committees, and I had the opportunity in 1998 to join a group of people who were starting Vallejo's first Charter School, MIT Academy. This was something I always wanted to do as when my children were in school I was looking for what types of alternatives were offered in Vallejo, and I saw alternatives come up in other cities around us but not here and I thought this was something I could do to give back to my community even though my children were too old to participate in their program. Then, I left MIT to start Aspire 2 Achieve. I did that first with a lot of research to try to figure out what other options cities offer children and I feel that the most we can do for our children is offer them options because not one program meets the needs of all children. Having worked at MIT, I saw that it met many needs but still not everyone's needs, and I have found information provided in study programs which can incorporate the ideas of home schooling to give parents support because some parents think about home schooling but are too afraid to do it on their own as

they have to develop curriculum for the state, private school affidavit and keep attendance records, and private independent studies can do this for parents and be able to meet the needs of the flexibility of home schooling which our program promotes and supports. When I stated this process, I was fortunate that I saw an ad in the paper of a man who had seen a building that could be a school or a daycare. I went to him and we made our arrangements and were ready to go, had an open house and I went down to get my business license to start in September and I found out that he was incorrect, and the building he had was not owned by him but owned by the City. So, I was in a catch-22 and had to stay down on open houses, not knowing where I would go, and I already had some students who were interested and I wasn't willing to stop the program. I couldn't advertise much to bring enrollment up to know what size of building I would need, and it made it very hard and I spoke with Steve England for several months because the building was one that I absolutely loved. It was 400 Contra Costa Street, and Steve told me he was in the process of trying to take bids and it was going to take awhile. So, in the meantime with my 12 students, I started on Tennessee Street and I started to grow quickly and needed more space. The church was kind enough to temporarily let us use their building for just a couple of hours a day for a couple of days a week, as one of my student's mother works for the church. It was never my intent to be there permanently. I had the experience of sharing a building when I worked for MIT, and I know how hard that can be when you have to schedule things, and I continued to look throughout the City of Vallejo for options, speaking with different realtors, using a building on Couch Street, some buildings downtown which my attorney told me I had to exclude because there was no elevator due to the ADA requirements, which would cause a huge liability for me. And, as I looked, there seemed to be a problem. Even people who said a school could go in the building, and I would go to the City and that was not the case. So, after waiting for the opportunity to bid on Contra Costa, that came up a year ago, approximately, and several times, Mr. Miller had been in correspondence and even showed me the Chamber building, so I had a diligent search for a building and when I was expressing concerns to the pastor of the church, he said: "Why don't you stay here?" Now, it wasn't really my goal to want to stay and share a building but it had been working out even though it had been only a few days a week. I said "well, we really need to try a full program because maybe your congregation, they hadn't seen all of us, maybe they would be opposed." So, it was about April of last year that we started our full program, the 8:00 to 3:00, four days a week except for Monday it is 2:00 to 3:00, and that seemed to work out fine and we were about to submit the City paperwork when I happened to find out via a friend that there was a school that was possibly going to have space available, and at one point, may want to sell their business. So, that delayed some of our paperwork as I worked with the realtor on that proposal but I found that they did not want to lease space. They wanted to out and out buy out of their business and at that time, I was brand new and not ready with the number of students to make a huge commitment to buy a school. So, the pastor and I met and we decided that we would proceed with our process, and we have only been in the building about six months prior to completing the paperwork for this evening to occur. In our program we have elementary students, middle school students, and high school students. I have a sheet for you that my Assistant Program Manager is going to hand out that gives you a total enrollment. Since we did the letter to the neighbors we have added three more students, so she has got the most current information and also information on our staffing. You can look that over. The one thing that makes such a difference from a traditional program is that not everyone starts or comes at the same time. Students are able to chose a tutoring program if they are in middle school, high school . . . a tutoring program or four-day a week program. For example, on Monday and Wednesday, we do

not have that many students that attend. You look at the numbers there on that sheet that is handed out to you. Our busiest days are Tuesdays and Thursday. That is when middle school and high school attend, but again, it is not all at the same time. The high school program starts at 8:00. The middle school program starts at 10:00. We do have a few students that have middle school students coming with them that come at 8:00. From middle school – there is about three of them. Some of our students leave as soon as class is over for them at 12:00 or 1:00. Some of them stay until 3:00. For example, on a Tuesday we might have a maximum of 45 to 48 students for a couple of hours. By 2:30 we could be down to 20 or 24 because of the schedules they all have. So, at 3:00 when we dismiss, not everybody is leaving. We don't have all 75 kids all leaving at 3:00 o'clock. So, I wanted to answer that question because I think it does help that all of the traffic is not going to be based on the same number of enrollment since they all have different schedules. For example, the elementary students do not even come on Tuesday and Thursday when we have the majority of the kids there so that eliminates that enrollment on those days. On December 4, the pastor and I met with the Neighborhood Association and that was a very positive meeting. He can inform you more about that when he comes up. We felt good about being there and answering the questions that those who attended may have had. We also gave letters to our neighbors on January 7 that outlined more information about the program and then we had an open house on January 19 for any neighbors who had questions so that they could come and talk to us. I know that the concerns that I received . . . I had two calls from neighbors . . . one was littering, and one was traffic . . . they wanted to know how many students drivers we had, and at this time, we had about three to four that drive out of all of the students. We also had our staff inform them that they do not all come at the same time or the same day. The loitering has not been a problem. We get out at 3:00 o'clock and myself and the pastor both on certain days have had to go into the parking lot to ask the students from other schools to move along because there have been problems there. Since the ice cream truck has not been parked in the parking lot, that has greatly reduced. So, I can understand the concerns of neighbors about this because when I was there and saw them out running around and sometimes using language that you wouldn't like, we had to ask them to continue on their way home. I also live in the neighborhood on Fresno Street and one of the decisions to continue at the church was the fact that I live there and that I would not want anything in my neighborhood that was negative and as some of the students will address later, they will let you know about my approach to expectations and consequences. I told parents and neighbors that were at our Neighborhood Association on December 4 that if anyone saw any of our students doing anything, they just need to walk right in and tell me because there is always going to be a consequence if there is a negative behavior that occurs by any of our students. Most of my students are picked up by parents or guardians, and if they are picked up before 3:00, we have to see that parent or guardian. They either have to walk in or from our location at study hall, we can see them beginning to park, and we will dismiss their student. We don't dismiss them if we don't have an adult there who is there to pick them up, except for the three or four that I allow to leave and drive. For students that don't have their ride yet, we need them to see them at 3:00 or to have them wait inside the fenced area where they have lunch, which we will show to you in the pictures. So, again, they will not be loitering and walking up and down the parking lot and that is not going to be an issue with them intermingling with other students as of yet, since we have been there. It has not been a concern that my kids will come in and state that there has been a problem with other students. The only other thing that I have, and Marcus has been very helpful in explaining this to me over and over again. I am a very literal person, and it is probably my lack of understanding because I have never been through this process before, and you

have, so you probably understand everything Marcus is saying, but there are some conditions that say "may or must", but some of them don't say "may or must," and I know there are a couple of things that did not apply to me. I think there was some confusion when the church was asked to submit a plan of how the rooms were used. They put in a nursery because they have a nursery on Sunday for their little guys, and there are some recommendations in there that pertain to a daycare, and I am not a daycare. I think that kind of confused them because the bedroom was labeled with a nursery so there like "must obtain a Social Service's license" which they don't do for private schools; and I think that pertains to daycare. I just thought I needed to bring that up that there might be some things there that won't occur if they were pertaining to daycare or other items.

Chairperson Legalos: Are those things clear to you now or are there still questions?

LaDonna Christoffersen: Well, he answered my question and told me that after we are approved, we will meet with the Fire Department and others that will tell us what actually, of that list, has to be done and some of the things on the list may not have to be done but because I am a literal person and not all of these said "may" or "as needed", I didn't know which had to be done but he explained it.

Chairperson Legalos: There are conditions under the control of the Fire Department, and they would make a decision on that. As far as "must" and "may" and "neither", I would have to defer to our City Attorney for questions regarding the language.

Claudia Quintana: Is there a question whether she has to obtain a license?

LaDonna Christoffersen: No, it was just that some things say "may" or "must" and some things don't indicate either way, so I didn't know if there was like a statement of some kind that would say "conditions were approved if applicable" or something like that, because I am a very literal person. Marcus explained to me they may not apply but it didn't say that here so . . .

Claudia Quintana: I think if you have a specific one, I would be happy to tell you what we think, but I think generally, staff is very helpful in making sure that you understand what you have to do and what may even become expected of you, but sometimes you are right that there are just general conditions and they just put them all together there.

Don Hazen: I might just request that the applicant take the time to go through each of the conditions that she has questions for because, for example, the number 2 condition by fire prevention says "additional fire hydrants may be required", and that is an easy explanation. Because that requires fire flow testing, that usually is done at the time that construction plans are submitted and it is a process that occurs later on past this entitlement process, but if there are other ones that maybe are not even applicable to this project, you know, the applicant may wish to get the peace of mind knowing that she raised those in the public hearing and we could respond to those.

Chairperson Legalos: Are there specific conditions that you would like clarified?

LaDonna Christoffersen: The reason I think there was confusion . . . No 3 under Building Division says "before the current daycare facility", and I am not a

daycare, so I think that is why . . . and I will go to the next one. I think that is why under Standard Conditions we have No. 1 and 2. When you have a daycare, you have to do the staffing ratio that is required by the state which is very small when you are talking of young children when compared to high school and middle school, so I think . . . but I don't know for sure, but I do believe that is spacing and staffing because if you go to daycare, there are square footage requirements by how many kids, how big the room has to be, which is not the same for a private school. That is why you are hearing some private schools may have 1 to 40 in a class. And, then it says: "must be licensed or certified by California Department of Social Services", and that, I think, is due to what looks like a daycare, and again that is because at first when they labeled the map, they put nursery and they didn't put First Presbyterian Sunday Nursery.

Marcus Adams: Let me make it clear. LaDonna's main concern was that if indeed this was approved subject to these conditions, she didn't want to be necessarily on-the-hook for having to comply with all of these conditions even though I tried to explain to her that it is kind of a standard process. Unfortunately, we haven't got it down to a science with the fire and building and sometimes even planning giving the conditions that are specifically appropriate for that. There is a lot of general standard conditions as Don said, and normally what happens is the applicant then meets with each department and the department personnel to let them know which conditions are applicable and which ones can be waived and then we do it then and even then if there is a discrepancy between the conditions that, let's just say, Fire, for instance, says is applicable and let's just say the Director disagrees, there is an opportunity for her to challenge our Commission, she could bring it back to you if she couldn't get satisfaction with the Development Service Department. So, her concern is just that she wanted to get that clear.

LaDonna Christoffersen: Thank you. He explained it well. He has more answers than I do. I am a very literal person and if it is a condition, I just wanted to be clear.

Commissioner Gourley: A comment and a question. The comment is that you give a very good plan here. I applaud you for . . .

Chairperson Legalos: Excuse me, Commissioner Gourley. We need to refrain from making comments like this until after the public hearing is closed.

Chairperson Legalos: I had one question on the letter that you wrote to the neighbors on January 7. The sixth bullet up from the bottom in the list of bullets says: "We are not a school for expelled students." That is clear but then the next one is not clear to me. "If a student were expelled from school within the last year, they can only participate in our program if they agree to do their school work at home and would not attend classes." Does that mean would not attend your classes?

LaDonna Christoffersen: Correct. The concern was, when Marcus called me, that some of the neighbors felt that the students that were coming to the school actually on site were expelled kids which, they assumed, would bring more trouble for the neighborhood. The students that come on site if they have been expelled in the last year, they cannot be there for classes, and once in awhile I got a call from a parent who was searching because once you are expelled, it is hard to find a place for your child and I don't advertise this but I said if your child wants to do our path at home totally with you helping him and not coming to class with teacher support, we made that available and we only have a couple who do

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that. Most don't because they need their child to be somewhere because they work all day.

Chairperson Legalos: So, they would be home schooled with your curriculum.

LaDonna Christoffersen: Right. The parent wouldn't have to bring up their own curriculum or have to sign a private school affidavit. So, it is not something that we are recruiting for or want to do, but we have a soft heart sometimes.

Commissioner Peterman: LaDonna, in cases like that where they are doing their work at home, does anybody from your school go to make sure their work is done? Do you still have interaction with them even though they don't come to you?

LaDonna Christoffersen: We still have interaction. They still get our newsletter and they also have to bring their work to me for me to give to the teachers and they grade it and it gets back to the parents. And, the parents still have feedback from the teacher as to if the quality of work is enough to help them pass the class. In the case of the two students, they are doing an excellent job and the students have been very responsible and it is great to see that they are stepping up to the plate after whatever error they had made.

Commissioner Peterman: If at some point they have proven themselves, can they then attend your school?

LaDonna Christoffersen: Yes, if they have proven themselves, at a certain point they could if they have proven themselves. They have to be with us for several months, showing good grades, A's and B's, and no other problems like getting calls and if a student was at a store causing a problem and they say they were enrolled in your school. It would take several months before they are able to do that but not a full year.

Chairperson Legalos: If there are no further questions, we have several speakers on this item.

Lisa Tagliaboschi: Good evening. I am a resident of Vallejo and have been a resident of Vallejo all my life. I went to all the schools here. We have two children. One is in college down south and the second one is here in Vallejo. We have had a hard time finding the right school for her. Not that she is a bad student but just because the public schools in Vallejo are really hard for our daughter to go to. We don't feel like the public schools in Vallejo really give us any options. We went to MIT for a number of years, and for a number of years, MIT worked very well for us. Then, MIT didn't work any longer for us either. So, we found LaDonna's school. We are very appreciative that we as parents have this option in Vallejo . . . that we can pay someone to help us educate our child, get her to junior college, get her to college, and make her meet her goals and still stay within our city. That was real important to us. We love our community and we want to support the educational opportunities that the school can provide, and that can be available to us in a city like Vallejo. We are real diverse. There are a lot of things that go on in our town but we wanted to make sure that our children had the community with them and being able to stay here in Vallejo was very important to them. So, LaDonna's school has given us another option. It is a private school. We actually pay for her to go there and it actually has been a really, really good improvement for us. Our daughter was in MIT last year and her grades weren't good. They were really bad. She started at LaDonna's school. It is responsible. They have to be responsible. LaDonna is a real hard

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task master but she keeps her kids real on-cue. So, I just wanted to get up and say that I hope you guys really take this into consideration when you are talking about planning for this.

Mike Shreiner: Good evening. I live at 119 Terrybrook Court. My 16-year-old daughter Casey attends the Aspire 2 Achieve school located at the corner of Nebraska and Amador. Casey's education is important to us as parents as well as it is to her. This played a key part in choosing Aspire 2 Achieve. We first met LaDonna Christoffersen, the director of Aspire 2 Achieve, at a local charter school. Ms. Christoffersen was a past faculty member. Our oldest daughter attended the school under the tutelage of Ms. Christoffersen and now attends the University of California at Irvine. We as parents have appreciated Ms. Christoffersen's values towards education and being a responsible student. I have personally witnessed these values and expectations through some of the students who are attending field trips and after school activities. I know there are concerns with the neighbors of A2A that additional students only mean more litter, vandalism, and loitering. As a property owner and a City of Vallejo employee, I understand your concerns and I believe you have a right to voice these. I do believe though, if it was not for this permit process, the majority of the neighborhood would not know that A2A exists at the church. Aspire 2 Achieve has proved that they can be a good neighbor. A2A does not allow behaviors that in any way would be detrimental to its neighbors. I also know that Ms. Christoffersen has an open-door policy and would address any concerns that her neighbors should have now and in the future. Education is the key word her, and as Casey's parents, we are glad that there are alternatives. Thank you.

The Reverend Hampton Deck: Good evening. I am the pastor of the First Presbyterian Church and I wanted to address you and let you know that the church, the congregation, and myself as the pastor, feel like this is a match made in Heaven between Aspire 2 Achieve and our congregation. I, myself, am the product of public education. My dad was a large city school superintendent; my grandfather was a high school principal. Our church is filled with school administrators and teachers. In fact, all of them are in favor of Aspire 2 Achieve being there. Our church has been in existence for the last 146 years and at the current location since 1955, and I am in my thirteenth year as the pastor. I understand the challenges as I have four of my own . . . two in high school, one in middle school, one in elementary, and when I am not helping with homework; I am coaching soccer. We support the school across the street. The lady who is our financial person . . . her son is Phil Saroyan, the principal of Vallejo High School and we have, for the last fourteen years, had the breakfast club which serves a free breakfast to any middle school student from Vallejo Middle School, free of charge. We usually have between 40 and 60 middle school students from across the street, there in the morning, which means over the last fourteen years, we have served over 80,000 free meals to middle school students. So, we do everything we can to support the neighborhood. We support children and we support the City of Vallejo. When LaDonna came to us and she reviewed that herself, we were very open to the idea of having them come and rent space in the building. We have a huge building. It was built in 1955, and we had over 1,100 members. Now, we have less than 100 members, and it is very difficult to keep up with that very large building and maintain it. Last year we put over \$100,000 into the building, and it cost a lot of money, so it is nice to have the building filled with children and some rent coming into the building. We have partnered with them to take their concerns of the neighborhood seriously. LaDonna and I went to the Vallejo Neighborhood Association which I personally was on the Board of when the neighborhood was being terrorized by a lot of kids who were breaking windows and such and we answered all of their concerns.

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We sent out a joint letter . . . a letter from the church and a letter from her. People have come down who have had concerns who have talked to Marcus and I have given them a tour of the building and they have met the students. As far as some of the concerns that came up, it is difficult to maintain some of the challenges of being in the corner across from these two schools. For instance, one of the things was better signage about the one-way nature of our parking lot. Well, we put up a sign about six or seven years ago on a post, and within a day it was bent down to the ground and the post was snapped off so we put the signs up on the fence because we figured you couldn't take the fence down. I personally know the ice cream truck men and it seemed to me that the problem was that kids were crossing the street because they were parking on the street, and I gave them permission to be on the corner of the parking lot, but when it became a concern recently with this application, I went out and spoke to the gentlemen and said they couldn't do that anymore and they totally understood. In addition, the challenges of some of the kids in the neighborhood in the schools who cause problems is that "one bad apple can spoil the whole bunch." Last year we replaced over \$6,000 of broken windows. We constantly paint over graffiti on our building. The kids in Aspire 2 Achieve are not these kind of kids. They come down and help fold the newsletter for the church to send out. They are good citizens. We are glad they are there. We are glad that the people in the neighborhood know they are there and we do all that we can to support the citizens, especially the children. So, I just wanted to let you know we are very much in favor of this and would be happy to partner with Aspire 2 Achieve to take care of any concerns that come up.

Robby Acosta: I am a student from Aspire 2 Achieve. I have known Ms. Christoffersen as a disciplinarian, a teacher, and an organized coordinator for years. She has been known as a strict person who is the law enforcer of her school. I would like to take this time to invite my fellow students to stand behind me, to show their support, and to show that I enjoy speaking on behalf of them. Many of my fellow students at the previous school where I met her and at my current school, have complained repeatedly about her no tolerance for bad behavior and disrespect attitude. Her expectations for her students are quite simple and understandable, yet some students attempt to make them more of something they are not. All she asks for us is to be successful and to graduate high school, or even college, with a diploma. She knows her students and for each of us, she has an individual plan . . . a time for us to reach higher than we think we are capable of. On behalf of my fellow students, I would like to say that we are great students mostly because of what Ms. Christoffersen has provided and taught us. Her requests may seem irritable and bothersome, but we all know that she is doing it for a reason. For example, she constantly reminds us to pick up after ourselves at lunch or study hall, and although some of us complain and grumble, we know she is just trying to help make our school a cleaner and better learning environment. Another example would be when she is always on our backs about finishing work and turning it in on time. We know that she is not doing it to taunt us but to help us get through the many obstacles we face at school. Aspire 2 Achieve is a welcoming and neighborly place. This year will be my first year at the school, and I would recommend the program to anyone. We, the students know, that by causing problems at our school and community, jeopardize our enrollment to a school we enjoy. All of us students and staff know better than to disrupt or disrespect anyone that is part of our community. Thank you for allowing me to have this opportunity to speak.

Chairperson Legalos: There being no further speakers, I will bring this back into the hands of the Commission.

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Commissioner Gourley: The question I was going to ask is answered because I was going to ask if the people in the back of the room were students, and this has been answered. The comment I was going to make is that I think this is a very good program, and the appearance of what is going on is, I think, very positive for the community.

Commissioner Peterman: Marcus, may I say that your report was very fair and very well done, and I also have a question about the breakfast club and Aspire 2 Achieve. Do the kids ever cross paths with each other or interact, or is that totally separate?

Marcus Adams: I believe it is separate but today was my first day of hearing about the breakfast club.

Chairperson Legalos: Okay, we will reopen the public hearing.

LaDonna Christoffersen: The breakfast club meets from 7:00 to 7:45, and it is for Vallejo middle school students, not high school students so they never cross paths because they are on different floors of the building and we have a policy that you can't get out the door with any trash so it has to be kept in the building. So, the breakfast club doesn't contribute to trash either.

Chairperson Legalos: Thank you. I will close the public hearing again and bring the matter back into the hands of the Commission.

Commissioner McConnell: Through the chair to Marcus . . . a couple of questions about some of the conditions that he recommended. On Planning Division, Item No. 5. Your request is to have the property owner provide an annual operating capacity schedule of all uses of property by August 31 of each year. The property owner would either be the local congregation of the Presbyterians. The way this condition reads if attendance at 11:00 o'clock services exceeded parking capacity, they would have to file this plan and also provide a parking management plan, and I am not sure that is necessary as a condition for approval of this particular project. Is there any reason that you can think of why we should include this condition in this approval?

Marcus Adams: Yes, the reason that condition is in there was because of the concerns of the neighbors who called and one who came down and visited and it was his concern that if all of those uses lead to full capacity that there would be a parking problem. They say there was a parking problem already existing. I didn't observe that in my times out there but in order to avoid that happening is the reason that we asked for this operating capacity schedule. If the problem actually happened once the school started, this would be something to that would hopefully ward it off ahead of time.

Commissioner McConnell: It seems rather onerous to me. I drive that street every day of the week, and I have never observed a traffic problem other than when the schools across the street are immediately assembling and letting out. So, I am not sure if that is a fair requirement to place upon the property owner because of the usage of a tenant in the church. So, I have some reservations about the onus that particular requirement. The second one is No. 6 where the applicant shall establish a recycling program for the entire building. That again seems rather overreaching for a small school to require a recycling plan for the entire congregation. I mean, I am a big supporter of recycling, but I am not sure it is necessary to put it in as a condition to the use permit.

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Marcus Adams: I know that in general, the schools in Vallejo are asked to participate in the recycling program. It may be that because of the size of this school that it is not required. I would have to talk to the recycling coordinator that we have here at the City to see if that could be a condition that could be waived. I would hate to waive it now and find out that that would be a condition that the City would like to have.

Commissioner McConnell: What if we modify that condition to make it a requirement that the applicant shall establish a recycling program for their own activities and not necessarily extend it to the entire congregation. Would that make more sense?

Marcus Adams: I am fine with that. It is probably up to Don to see what he thinks.

Don Hazen: Whatever the desire of the Commission is . . . that is something that you can discuss with your fellow Commissioners and we will do whatever you decide, but I think that was really the intent of it.

Commissioner McConnell: I think that would be better. And, you are in agreement with the applicants where it indicates on Condition No. 3 of the Building Division, we should strike the requirements relating to a daycare facility?

Marcus Adams: I am speaking for Gary West, but I know when he reviewed this, he reviewed the plan that was submitted but still identified the daycare facility, if indeed there was no daycare facility, then that condition obviously is not applicable.

Commissioner McConnell: Thank you very much Marcus. Mr. Chairperson, at this point then I would like to offer the approval of the Use Condition as stated in the packet with the terms and conditions as stated by staff with further modifications that the applicant shall establish a recycling program for the operation of the school facility itself only and that Building Division Condition No. 3 will be stricken.

Chairperson Legalos: So, are you making a motion to approve?

Commissioner McConnell: I am, with those modifications.

Chairperson Legalos: We have a motion to approve, as stated, with the modification of the Condition of Approval regarding recycling.

Don Hazen: And, since we are cleaning up some of the conditions, may I also suggest to take the opportunity to delete Standard Planning Condition No. 2 which talks about the operator on the premises to be licensed or certified by the California Department of Social Services. Since we are doing this clean up, I might just ask if you can add that to your amended motion.

Commissioner McConnell: Yes, I agree.

Commissioner Manning: I just had a further question. About the ice cream trucks and just how that would be administered because the idea is that the ice cream trucks are authorized to park there by the church and you are saying that they are not allowed to park there anymore.

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Marcus Adams: Yes, the pastor of the church and I came to an agreement that as far not allowing the trucks to park in the parking lot as he stated up on the podium and so now they will only be able to park on the public street.

Commissioner Manning: The reason, as we heard the pastor say, is the reason he had them park in the lot was for safety for the children so they weren't crossing the street. So, what was the reason to put this in here. Was this another complaint from the neighbors?

Marcus Adams: Because part of the problems that were occurring in the parking lot was due to the ice cream trucks being parked in that parking lot, so the students congregated in that parking lot which was causing problems with the houses that were adjacent.

Commissioner Manning: Okay. I understand now. I have no further questions.

Chairperson Legalos: Please vote.

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

NOS: None.

ABSENT: None.

It is unanimous. Motion carries.

Chairperson Legalos: Mr. Hazen, may we have Item K-6 please?

6. Use Permit 07-0015, petition for a Type 47 (ABC License) for alcohol at Karaoke at Max's of Manila located at 3555 Sonoma Blvd. Proposed CEQA Action: Exempt. Staff Planner: Marcus Adams, 648-5392.

Staff recommends approval based on the findings and conditions.

Marcus Adams: Max's of Manila has applied to add to the current alcohol license which is beer and wine and distilled spirits addition there. They are located at 3555 Sonoma Blvd, Suite 50 which is located in Vallejo Plaza. You may recall, a few years back, the Commission approved the public convenience and necessity finding to allow them to have their alcohol permit that they currently have. Due to the requests from customers and as well as from the competition point of view, Max's of Manila says that the beer that is served and other alcohol at karaoke will help them with their business which they said needs a jolt. Some of the concerns that staff had on this . . . I think some of you may be familiar, mostly you are probably familiar with Osaka Sushi which was across the street there when they had the alcohol and the karaoke there. You will remember that I was the planner that was on then and all the things that happened there. So we were cognizant of that with this application. We met with the Crime Prevention with the Police Department on this, and we feel that those type of things would not occur at Max's of Manila for multiple reasons. 1) The operators of Max's of Manila have been very aware of who they serve alcohol to. There hasn't been a problem with them serving alcohol to minors. As far as disturbances with fights or anything such as that, that hasn't been a problem. Also, if you look at the Site Plan, the area that they are going to have the karaoke in is a very small area and the hours are going to be consistent with the hours of the dining, so staff felt comfortable with the recommendation of approval for this and that is based on our conversations with the operators of Max's of Manila, site visits, and with the

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Police Department recommendations. With that, I am available for any questions you may have.

Commissioner Peterman: Marcus, you said that the karaoke would be in line with the hours of operation. Does that mean that the karaoke would go on from 7:00 in the morning until 9:00 at night or would the karaoke have a different set of hours?

Marcus Adams: I believe that the karaoke would only go on in the evenings. There was no mention of karaoke in the morning.

Commissioner Peterman: And, will alcohol be served all day?

Marcus Adams: I don't believe so.

Commissioner Peterman: You know, it says that it will be consistent with their hours of operation, and I would hate to have somebody go in for an eye opener at 7:00 o'clock in the morning.

Marcus Adams: We can definitely amend the conditions there on their serving of alcohol but I know that they plan to serve alcohol only on during the dinner hours.

Commissioner McConnell: Marcus, I have a concern about the hours also. The project description does say 7:00 a.m. to 10:00 p.m. and I am assuming he actually means 7:00 p.m., but maybe he does mean 7:00 a.m., I don't know. My concern is with the 10:00 p.m. cutoff. This particular facility is in a shopping center – a large one, and the Fetterly playhouse is also in that center. We have theatrical productions which frequently last past 10:00 o'clock at night, and I know that as an actor that when I finish a production, I want to go somewhere. I can't see a strong justification for cutting this activity off at 10:00 o'clock at night. I mean, I know the Police Department wants us all to be home and in our beds at 10:00 o'clock at night, but it would be nice to have some nightlife in town. So, I would be in favor of, if my fellow Commissioners are of a mind to, at least extend the hours of karaoke performance until 11:00 o'clock, so if we finish a play at 10:15, maybe we will have a cup of coffee for 20 minutes. I think 10:00 o'clock is a little overly restrictive.

Marcus Adams: Those are the current hours of operation. They didn't have any plan on extending the hours. I don't think they are here tonight though I am sure they wouldn't be opposed to that. Would you be saying also that the alcohol be served up to 11:00, or just the karaoke until 11:00.

Commissioner McConnell: I am not concerned about the serving of alcohol at 10:00 or 11:00 o'clock at night. I would just like to see something be permitted to stay open past 10:00 o'clock at night on a weekend. I think it is time that we have that type of activity in this town, and to say that you can't sing past 10:00 o'clock at night in a shopping center, is kind of counter productive, so I would be in favor of extending the hours.

Commissioner Turley: Thank you Mr. Chairperson. I am thinking more in terms of perhaps 11:00 o'clock during the week and midnight on weekends.

Commissioner Peterman: Marcus, this is to clarify they are certainly open at 7:00 a.m. I have had breakfast there at 7:00 o'clock in the morning, so I know that they are open then.

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Commissioner Gourley: I would further amend it to indicate that we are not telling them that they have to stay open until 11:00 or 12:00 o'clock. We are saying if they want to, they can. I would support that and that the food service continue with the service of alcohol. I think that is appropriate. Whether they sing or not, I am not really concerned about. But, if they are having alcohol after 11:00, they are probably singing.

Don Hazen: Mr. Chair, may I suggest that since this is a public hearing item, that we at least attempt to open the public hearing and take input before we start to formulate recommendations on this.

Chairperson Legalos: Sounds like a reasonable suggestion, Mr. Hazen. I have a question for Marcus. Awhile back we had a case where there was a problem with noise interfering with business at the Meyers Jewelry Shop and the optometrist. I realize it is probably not going to be karaoke at 3:00 o'clock in the afternoon, but I don't recall if either one of those buildings is adjacent to Max's. You go around the corner there one more shop . . .

Marcus Adams: They are not adjacent. They may share a common wall. It is almost kind of apples and oranges because the with the banquet it is basically their sound system. They have a sound system that you would have for a nightclub whereas this, they are not going to have anything more than they have now, which is a little stereo setup, so the amplification would be at a whole different level and they are still subject to Vallejo's noise standards.

Chairperson Legalos: If there are no other questions from the Commission, I will open the public hearing and ask if the applicant would like to address the Commission. No?

Marcus Adams: I don't see him. I don't think the applicant is here tonight.

Chairperson Legalos: The applicant is not here. We have no cards on this item so I will close the public hearing and bring this matter back into the hands of the Commission.

Commissioner McConnell: Thank you Mr. Chairperson. At this time I would like to move for the adoption of the Use Permit on the terms and conditions as stated in the packet with the additional condition that they may continue to operate karaoke operations until 11:00 o'clock at night on weekends, or 12:00 o'clock if the Commission is of that mind.

Chairperson Legalos: Are you saying 11:00 o'clock at night during the week and 12:00 o'clock during the weekends?

Commissioner McConnell: Alright.

Commissioner Harrington-Cole: I have concerns about this only because with a type 47 license, I know that 67% of their receipts have to come from food, not hors d'oeuvres, not chips. It has to be served on a platter of food. And, although, Commissioner McConnell, I agree it would be nice to go ahead and have a glass of wine, I am also concerned that there is no real body in this community right now who can audit those receipts. On more than one occasion we have seen this happen. . . Osaki Sushi being only one, where a type 47 license quickly turns into a bar. I know of no one who goes to a karaoke restaurant, and so I am not in favor of this program.

Chairperson Legalos: I believe there were other numerous issues with Osaka Sushi that exacerbated the problem, and I don't think those applied to this situation.

Commissioner Harrington-Cole: But, I can give you eight or ten that do – One Mile House, La Movita, Raphael's, just to name the first three I can think of where this exact scenario has happened. So, I do think it is a concern. Maybe we don't care but remember when you change your 47 license to a bar, you change it from a place children can go so you now have got a bar where underage children are allowed to go on a regular basis, which is exactly what happened to Coconut Grove.

Commissioner Gourley: I tend to agree a little bit with Commissioner Harrington-Cole, however, I also want to agree with Commissioner McConnell in opening it up to 11:00 or 12:00 as they choose, which is tied to food service, if that were part of the proposal.

Commissioner McConnell: I think it would be. I think we are becoming too concerned with being dictated by regulations . . . whether it is a type 47 license and the interplay that causes us to be concerned about what property can be used for. If we strictly interpret class 47 licenses, we will never, ever have any social activities in this town. I know there has been abuse in some of these situations in the past and that abuse is always potentially present, but when we become so overly restrictive that we say you can't do, in this case, singing, past 10:00 o'clock, 11:00 o'clock, 12:00 o'clock at night, I think we are shooting ourselves in our foot. A lot of people will say we are anti-business. I don't see it as necessarily being either pro-business or anti-business position. I see it as being a pro-consumer, a pro-citizen position, where we need to have something to do, and there are people who don't drink but they still want to stay up past 10:00 o'clock at night. So, that is why I am in favor of later hours, and whether it is 11:00 o'clock or 12:00 o'clock, I imagine it is a matter of splitting the hair. I can live with either one. But, I would like to see the potentiality for businesses to stay up and open past 10:00 o'clock at night, particularly if they are in a location such as this shopping center is where that is a feasible potentiality.

Commissioner Peterman: I agree with Commissioner Harrington-Cole in most circumstances, but I think that in this case they have such a firmly established trade for breakfast and lunch as I have eaten both breakfast and lunch there, and it is always jam-packed, and I think they would have no difficulty in getting the 67%, and I see this more as an add-on kind of thing and, Marcus, in your report you mentioned that they had to serve food with liquor in the karaoke part, right? And, could you amend that so that it would be more than chips and hors d'oeuvres but actually, actual food?

Marcus Adams: Yes, we can definitely add that it would be more than just appetizers, but would have to be a full service menu. Yes, we can do that.

Don Hazen: Mr. Chair and members of the Commission, before you take action on that amended motion. Marcus was conferring with me just a minute or so ago, but we also have kind of a larger issue that I just wanted to highlight real quickly. In the recent past you have approved alcohol uses with unrestricted hours such as Baci's and Vic's Wheelhouse, and then later on, when the applicant went to apply at ABC for the actual alcohol license, they referred that request to our Police Department and the Police Department then set their own hours that were more restrictive than what you had granted, so we currently have an internal split between how the Police Department views these applications

and how you, the Commission, views it. We have attempted to meet internally and kind of bridge that gap and I have participated in discussions and so has Claudia, and Susan McCue our Economic Development Manager in kind of trying to tackle that issue and seeing if we could get on the same page. We are making progress right now because I believe the two gentlemen in the Police Department that are really kind of in charge of this alcohol program . . . What we have suggested to the Police Department is that alcohol use is approved with a conditional use permit and if they fall outside of their proper scope of operation, we could certainly pursue revocation of the use permit. So, that is an enforcement tool that we have in the ability to pursue. The Police staff that we have met with in the past indicated that it was really cumbersome waiting for ABC to take enforcement action on a lot of these problem cases that we have had in the past, so, we are making headway on that, and I think Claudia, if you would agree, our last meeting was very productive and it looked like they were kind of on board with us and that they would look to us in the City Attorney's office to prosecute either as lawsuits for nuisance or revocation of the use permit, or both, if we have to. In this particular case, Marcus was mentioning to me that he would suggest that because the Police Department is not here tonight and not able to share their views with the extended hours, you might be doing the right thing in your opinion, but then if the Police Department later on contacts ABC and says "no, no – we are only going to allow 10:00 p.m.", we really haven't done a service to the applicant, and we have been dealing with these restaurant owners within the last six months who have had this similar situation. So, I think the recommendation might be that if you are inclined to extend their hours of serving alcohol, that we continue it for one meeting to allow the Police Department to endorse that because, we just don't want them, in the eleventh hour, telling ABC something differently, so that if you can make the findings for extended hours, that's great. But, I think I would certainly suggest getting the Police Department on board as well.

Commissioner McConnell: I am caught by something. My intent in my motion is not necessarily to automatically extend the serving of alcohol to a specific time, it is to permit them to conduct local activities past the hour of 10:00 o'clock at night, and, if there is a restriction that alcohol services have to stop at 10:00 o'clock at night because that is the desire of the social position or it is the autocratic position of the Police Department, then I think that is a further or separate issue that needs to be debated, in addition to what we are talking about. So, I am always happy to have a continuance because I think a better product is always obtained, but I want to make it clear that what I am trying to do is say: "we need to have later night activities, with or without alcohol, and if alcohol presents a problem, then we need to address conditions as to how to curtail that problem. Simply because they are also serving alcohol doesn't cause me to believe they should shut down by 10:00 o'clock at night.

Commissioner Gourley: If I can make a suggestion that Commissioner McConnell's motion include "if acceptable with the Police Department" and then we don't have to do a continuance. We can do our job tonight. The Police Department can then do their job and we move on.

Claudia Quintana: I have one comment about that. Before this item came before the Commission, Marcus and I had a conversation about making sure that the Commission understood that there are two different entitlements that are occurring here and really two different issues, and I just wanted to clarify that. You are to decide what the appropriate conditions of approval are with regard to the Use Permit, and later on, the Police Department will make their recommendations as to their license but in the discussion that is occurring here,

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it is whether or not we are going to have enough enforcement capabilities should anything go wrong. So, that is yet another issue. My two cents, for whatever they are worth, is that perhaps the Planning Commission should just decide what they believe are the appropriate conditions of approval for this project and not worry about what the Police Department is going to do because they are going to do what they are going to do, and hopefully staff and Don and Marcus and I can talk to them about what might be good for the community and bring a message to them and hopefully work with them and all get on the same page. That is something that will happen at a later time and perhaps there will be enforcement issues at a later time but we will deal with them when we get to them.

Commissioner Turley: Thank you Mr. Chairman. I agree with what Mr. Gourley said. I would hate to see the karaoke continued later than the drinking because to a large extent, they both go together, and I would say they would like to stay open until 11:00 or 12:00 o'clock. Fine, with the Police Department's approval, and that way we wouldn't have to continue the project.

Commissioner McConnell: I think my response to that would be that the hours of operation continue until midnight with the necessitation of alcohol serving being left to the recommendation of the Police Department. I don't necessarily agree that alcohol and singing go hand in hand and you can't have one without the other. But, to tell people they have to go home at 10:00 o'clock at night simply because an establishment is also serving alcohol, I think, is counter productive. There are many after hour places where clubs go until 3:00 and 4:00 and 5:00 in the morning, with alcohol being stopped at 2:00 o'clock, and they are legitimate bars. So, I don't necessarily think you beat the link necessitation of business activities with necessitation of the serving of alcohol. What I would be in favor of, if it is a compromise position, is having them be permitted to stay open on the weekends until midnight with the alcohol necessitation being left to the discretion of the Police Department at 10:00 o'clock, or 11:00 o'clock, as they see fit.

Commissioner Manning: I appreciate all the discussion and comments by my fellow Commissioners, but unfortunately the applicant is not here to ask so I will ask Marcus. It says the hours of operation are until 9:00 at night and 10:00 at night on the weekends. Did they indicate to you that they wanted to stay open later?

Marcus Adams: No. I asked him if they wanted to extend the hours or anything. He was fine with the hours that they have now. He said to me that he didn't want any problems. It is working fine. So, he had the opportunity to extend these hours.

Commissioner Manning: We are having sort of a philosophical conversation really and I don't disagree. We need more things to do in the evening here in our community but the applicant says they are open until 10:00 o'clock at night on the weekends and without them here to discuss this with us, to say that they can stay open until midnight and serve alcohol, it just seems to not be a very fruitful discussion to be having and to be voting on. This is my opinion on this.

Marcus Adams: There is a possibility that if they would like to extend the hours in the future, I would get word back to them and this is something obviously he could amend the permit to extend the hours. This is always a possibility if that is something they would like to do.

Commissioner Manning: May I propose then, following up on Commissioner McConnell's proposal, that we do a continuance on this, find out what the

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applicant wants, find out from the Police Department and come back. That way, if the applicant does indeed want to stay open later and just didn't think he had a chance in hell to get it, that he could come back and amend that because the other thing he would have to do then is to reapply and of course pay for that and the time and everything. So, I would be fine with just continuing this, getting all the facts, coming back and making the decision.

Chairperson Legalos: Maybe I misunderstood, but I didn't understand Commissioner McConnell to be asking for a continuance.

Commissioner McConnell: I hadn't earlier, however, I am certainly willing to withdraw my motion. I will do so at this point and time for the purposes of a motion to continue.

Chairperson Legalos: Are we asking for a continuance so that we can find out if the applicant is interested in extending the hours which is actually not part of the application?

Commissioner McConnell: All I have done is withdraw my motion from the floor, so there is no motion on the floor at this moment.

Commissioner Peterman: I think we need to understand the difference between "must" and "may," and if we approve that, we are saying that he may keep the business open to those hours, we are not saying he must, and, Commissioner Manning said, that if we continued it, which I am against, and he came back, he would have to reapply. This would solve all of his problems. He could stay open if he chose to, he doesn't have to, and I think that would solve that, and I don't think we need to continue it. I think we can make that decision tonight.

Chairperson Legalos: I don't see a need to continue it at this point. I agree with Commissioner Peterman.

Commissioner Gourley: I don't want to continue it. I want us to do our job tonight.

Don Hazen: Chairman Legalos. I think I will recap to help move this through. You are absolutely right. You set the parameters for a Use Permit and you can extend those hours to any hours that you want as far as you can make the findings of capability and Commissioner Peterman is absolutely correct. You are given the benefit of the applicant to open those hours if they want. If they choose not to and they want to close at 7:00 o'clock every night, that is okay. You have given them that blank check and Commissioner McConnell, you have had a previous motion of how you propose dealing with the alcohol license so I would just suggest that if you threw that back out again for discussion, maybe we could avoid a continuance.

Commissioner McConnell: I would be happy to refresh the motion because I think we have covered enough grounds and friendly amendments where it maybe needs to be cleaned up anyway. So, what I would do is move the adoption of the application based upon the terms and conditions as presented in the Staff Report with the additional condition that they may continue hours of operation for karaoke until 12:00 o'clock (midnight) on Friday and Saturday nights – emphasis on the word "may."

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Commissioner Peterman: I would like to add a friendly amendment that they be required to serve food other than chips, etc with the alcohol and the karaoke.

Commissioner McConnell: I accept that friendly amendment.

Don Hazen: If I could get some clarification then on the hours of alcohol service. The way the report is presented now, it would give them the ability to serve alcohol, if I am not mistaken, until 9:00 p.m. on Sunday through Thursday, and 10:00 p.m. on Friday and Saturday, and the earlier motion had just said let's turn that over to the Police Department but we do have Police Department buy in on these hours, so I would just throw that out to see if that is adequate in your opinion. So, that would be 9:00 p.m. Sunday through Thursday for alcohol and 10:00 p.m. on Friday and Saturdays. We do know that the Police Department supports those hours.

Chairperson Legalos: Considered later hours were not proposed by the applicant.

Don Hazen: Right, and that goes to Commissioner McConnell's earlier motion which was "let's just do what the Police Department is comfortable with", so it sounds like those are your two choices.

Chairperson Legalos: Would Commissioner McConnell care to restate the motion one last time.

Commissioner McConnell: Maybe I don't understand the application properly because my understanding of the application property. My understanding of the application was to extend the hours of the operation only. It doesn't address the issues of "Do we get more hours to serve alcohol?" That's the extent of the application. So, the motion is to approve the extension of hours to add karaoke up until midnight on weekends. That is the extent of the motion. I doesn't really address the issue of alcohol because I don't think the application even raises the question of alcohol. Maybe we are battling over semantics and maybe we are too worried about what the Police Department might or might not do.

Don Hazen: There are two parts to this application. One is a Type 47 ABC license for distilled spirits and then to have karaoke as a form of entertainment. The hours of operation that the applicant proposed included both. If you extend the hours of operations for karaoke, I think by default you also have to distinguish, are you carrying over alcohol serving to those hours as well or do you want to put a cap on the alcohol hours because right now the cap is the hours that were submitted by the applicant. My earlier comment was that you can choose to keep those same hours of operation for alcohol and let the karaoke extend or what other variation you might be comfortable with.

Chairperson Legalos: There is the variation of leaving the hours of alcohol up to the Police Department.

Don Hazen: Right now, we know at a minimum that the Police Department will approve 9:00 p.m. on weekdays and 10:00 p.m. on weekends and then there is the possibility they could be comfortable all the way out to the hours that you have extended karaoke, but if there are other Commissioners that might want to comment on whether they would be comfortable, because you are basically turning that over to the Police Department now.

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Marcus Adams: In actuality the karaoke can go on till midnight without your approval if there is no alcohol. Adult uses with no alcohol can go up to midnight. After midnight they would have to come to you for an after hours permit. If alcohol is going to be served along with the karaoke up to midnight then that is when they would need to come to you for approval.

Commissioner McConnell: Let me try to find some common ground here. I am in favor of extending the karaoke, on weekends, to midnight. And, as a compromise I am willing to recommend that the Police Department consider extending the serving of alcohol until 11:00 pm at night. That may be more of a middle road position.

Commissioner Gourley: I think we were given the Police Department, the Planning Department, and the City, two areas to police which I think are problematic. If we are going to let them have the karaoke until midnight, and the alcohol goes along with it in the original proposal, we are back to . . . the applicant didn't ask for it, we are offering it as what we think might be a request in the future, and I think we are doing the right thing. I would like to tie them together with the understanding that the Police Department may come back and say, "No, that's out of the question; we are not going to approve that". And, that is taken out of our hands and we don't have to deal with it. If we just make a blanket approval and say we are going to approve midnight on weekends and 10:00 or 11:00 o'clock during the week . . . whatever your proposal was, I think we have solved the problem and it may not be an issue in the future. If there is an issue, it is not on our heads that we said no. We have done our job. We have said we think we can live with this, and the if the Police Department comes back and says no, we can't, then they solve the problem for us. I think maybe we are putting too much into it.

Chairperson Legalos: I understood Mr. Adams to have said that the applicant doesn't need to ask and we don't need to make a decision about extending the hours. Is that correct?

Marcus Adams: For the karaoke only. For the Police to be able to weigh in on this, Claudia is right. There are two actions that are going to take place. Even with tonight's approval, we will still need to go to the Department of Alcohol and Beverage Control to get what we call a public convenience or necessity finding because it is an over concentrated census tract. I hate to even throw that into the mix here but the Police will not be able to weigh in at that point. After that, with the approval tonight, the Police had their shot and they are going to have to live with whatever happens, however, if it becomes an enforcement problem that would be the only time they could take action. So, for the Police to be able to weigh in on it, that is on the action tonight. The action of ABC, the Police would not have any influence on them. That is just a recommendation.

Commissioner McConnell: Let me try to restate my motion. I move the adoption of the Use Permit with findings and conditions in the Staff Report with the extension of the hours for karaoke and alcohol serving until 11:00 pm on weekends with the requirement that they serve food.

AYES: Gourley, Manning, Legalos, Peterman, McConnell, Turley.

NOS: Harrington-Cole.

ABSENT: None.

Motion carries.

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Commissioner Manning: Concerning Item K-7, I need to recuse myself as I am a property owner in the Downtown.

6. This is a revision to an approved Planned Development Unit Plan 04-0020 which include: adjustments in the property boundaries to incorporate a portion of the contiguous public right-of-way fronting Virginia Street, Sacramento Street and Indian Alley. The application before you includes a request for a bonus to the floor area ratio limits set forth in the Downtown Vallejo Specific Plan for the Triad Building and an amendment that three foot property boundary adjustments as an amendment to the Vesting Map.

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

Don Hazen introduces Paul Jensen who is a Planning Consultant working for the City of Vallejo as well as Steve Noack from DC&E who is the firm that prepared the original EIR for the Triad Project and who analyzed the Environmental Review. These gentlemen will make the presentation.

Paul Jensen: Good evening members of the Planning Commission. About two and a half years have passed since this project was originally approved along with the Downtown Specific Plan so what I would like to do is to run through a little bit of history on the background of this project and what was initially approved and I would like to start with just noting that in September 2005 the City adopted the Downtown Specific Plan and the accompanying Design Guidelines and simultaneously, the Planning Commission approved a PD Unit Plan for development of the Virginia Street site which is a parking lot at Virginia and Sacramento Streets which has been identified as the First Catalyst Site for development in the Downtown Plan. Now, the Specific Plan and the Project were analyzed for environmental impact in a Final Environmental Impact Report that was certified at the same time. This is the boundaries of the Downtown Specific Plan and the Virginia Street site is where the arrow is located. That's again, the First Catalyst Site. The Specific Plan recommends as a program, the formation of a Design Review Board in 2006 following the Planning Commission approval of the Virginia Street project. The Design Review Board was formed by the City Council and it is to serve both the downtown and the waterfront planning areas and the Design Review Board essentially replaced the Planning Commission's role in design approval for new development in these two planning areas. However, the Planning Commission continues to retain authority over land use and subdivision decisions and also, in this case, a request for floor area ratio bonus. The Virginia Street project was originally approved as a 5-7 story mixed use building containing 150 residential condominium units, 8 live-work units, grounds for retail totaling 11,500 square feet, and a multi-level parking garage with 238 parking spaces. The original approval was approved with a floor area ratio bonus. The Downtown Specific Plan establishes a floor area ratio limit of 4.0, meaning that is where every one square foot of land area you are permitted up to 4 square feet of building area. The floor area ratio that was permitted for this project is 4.74 and the Specific Plan allows this bonus provided that a project includes a public benefit, and the public benefit that was proposed and approved by the Planning Commission for the Virginia Street project included the open paseo that is at ground level which would be accessible to the public and also improvements along the contiguous Indian Alley. Some of the other project amenities from the original approval included non-site resident storage facility, fairly large exercise and meeting room, and a roof garden on the east wing. The proposed amendments that were filed with the City last year include the following: First, a request to increase the number of residential units by 24, to increase that total to 174 residential units, and this would be accomplished by

adding one floor to the east wing of the building which was approved for 6 floors. It would go to a 7th floor, and 2 floors to a cantilevered portion of the structure that bridges the paseo, resulting in one consistent 7 story building rather than the varied 5-7 story building that was initially approved.

Also proposed is the elimination of a portion of the bottom level of the parking garage and introducing vertical parking lifts for stacked parking. Some of the other changes that are proposed include downsizing the exercise and meeting room and replacing them with residential units, similarly eliminating the storage on-site and replacing them with residential units, and the project architect will explain the changes as part of their presentation.

I would like to note that in the Staff Report, just for your ease of understanding, Attachment 4 contains a table that explains what was approved and what is currently proposed so you can see a comparison between the two. The request is proposed to increase the floor area ratio to 4.99 which is slightly below the maximum limit allowed under the Specific Plan with a bonus. There are no changes to the Public Benefit that are proposed. The public paseo and Indian Alley improvements are continued to be proposed.

The other application that is included in this package before you this evening is an Amendment to the Vesting Tentative Map. You may recall, if you were on the Planning Commission at the time, there was a map that was approved for a condominium subdivision of this project and the request is to actually adjust the property boundary and to incorporate a 3-foot wide public right-of-way that is contiguous on the three public street frontages of this property and the intent of this request is really to boost the site area to slightly over an acre in order to accommodate the additional floor area ratio that is being proposed.

The approval process is as follows: The Design Review Board is required to approve the PD Unit Amendment, which is essentially the project design, but this is contingent upon the Planning Commission's approval of the floor area ratio bonus. The Planning Commission is required to approve the floor area ratio bonus and the Amendment to the Vesting Tentative Map to adjust the property boundaries which are outlined in the Staff Report and presented to you this evening. However, the City Council would be required to approve an Abandonment of the Public Right-of-Way that this map is proposing to capture along the three street frontages that abut the property. The Redevelopment Agency is also considering approval of an Amendment to the Disposition and Development Agreement which addresses other global issues associated with Triad's involvement in the Downtown. The Design Review Board reviewed this project on January 14 and essentially their review focused on design changes including the additional floors of the building, the parking and the inclusion of the parking lifts, and changes in the project amenities. The Board also reviewed and considered a Final Environmental Impact Report Addendum. You may recall, if you were on the Planning Commission at the time of the original approval, the Final Environmental Impact Report was quite large, two volumes, and essentially what we are required to do is to re-visit that document to see if the proposed changes are adequately covered in that EIR and the Design Review Board did consider what is called an Addendum. Essentially, an Addendum is an initial study which we provided to you in your packet which re-visits all of those topic areas and then identifies whether or not there are new impacts that need to be considered or new mitigation measures that need to be imposed that were not previously considered, and the EIR consultants concluded that "no, there are no new significant impacts or no new additional mitigation measures." However, I would like to note a couple of things that were considered in the initial study.

One obviously was aesthetics and visual due to the addition of the 7th floor, and the second is the stacked parking of the vertical parking concept. The visual simulations that were prepared in the original EIR for the Virginia Street project included one vantage point at the corner of Virginia and Marin Street, and this was the simulation that was prepared for the original project at 6 stories, and then this is how it is depicted under the current design by adding the 7th floor to the east wing. Similarly, there was a visual simulation prepared for the Virginia Street and Sutter Street intersection. In the original EIR this is a depiction of the original project and then as proposed with the current changes. The Design Review Board considered the stacking parking concept which is shown in this slide, and they also considered that it had been applied in a number of other projects in the Bay Area, particularly in Berkeley and in Oakland as part of their review and consideration and has been worked successfully.

The Board concluded that the Final EIR Addendum is adequate to assess the impacts from a design standpoint if the design amendments to the project are generally consistent with the Specific Plan and the Design Guidelines. However, they concluded that the consistent 7 story building was not in conformance with the policies and the Design Guidelines of the Specific Plan in that the plan encourages the variation in building heights and varied roof lines and also what is proposed would reduce what is called "sky space" or air space in the paseo. They did conclude, however, that elimination of some of the originally approved project amenities would not violate the Specific Plan but would reduce the quality of the project. The Board found the stacked parking to be an efficient and appropriate concept for an urban in-fill project. They approved retaining some of the design features of the originally approved project that were proposed to be changed by the applicant. They approved the deletion of the 7th floor of the cantilevered structure bridging the paseo, and this will be shown to you by the project architect in a few moments, in order to retain the variation in building heights so that they can make the findings with consistency of the Specific Plan. Now, by eliminating the 7th floor on this portion of the building, the requested floor ratio bonus is reduced from 4.99. The Staff Report refers to a reduction of 4.93, but that number has since been corrected. It is actually 4.96, and again, this is subject to the approval of the Planning Commission.

The design changes were reviewed and authorized by the Design Review Board, so at this point, there is really no further discretion over design changes, however, the Planning Commission needs to review the floor area ratio bonus to support these changes, and the purpose of this review is to consider the adequacy of the public benefits that support the bonus. The Planning Commission is also being requested to review the Amendment to the Vesting Tentative Map to allow the adjustment in the property boundary and also a request to delete one of the conditions that addresses a requirement to provide 14 of the units on-site for below-market-rate sales. This is a provision that was in the Disposition and Development Agreement with the Redevelopment Agency and it was added as a condition at the time of the original map, so that would be subject to the Redevelopment Agency's approval. As far as a review, Additional Requests for Bonus is not accompanied or supported by additional or enhanced public benefits, so as proposed the 4.99 floor area ratio was not supported by staff. However, with the Design Review Board's support eliminating the 7th floor of a portion of this building and reducing that floor area ratio slightly and also retaining some of the originally approved design elements of the project, the bonus is supported without any additional public benefits.

Regarding the Subdivision Map Amendment, the Amended Property Boundary is necessary in order to accommodate the additional floor area. There are no

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physical changes to the Approved Surface Building Footprint. Public access and maintenance over the area that would be adjusted or abandoned would be retained by public access easements and incorporation of the streets with wide public right-of-way would not be precedent setting because this particular site is unique. It is a catalyst site and it is encouraged for development to promote redevelopment in the Downtown area and then, again, as I mentioned earlier, elimination of the below-market-rate unit would be subject to the approval of the Redevelopment Agency as part of their review of the Disposition and Development Agreement. The recommendation in the report is to adopt the Addendum to the Final Environmental Impact Report, conditionally approve the bonus based on the Design Review Board's recommendations, approve the Vesting Tentative Map Amendments, and I would like to note, there are two Revised Resolutions before you, Attachments 2 and 3 of the Staff Report address, the Floor Area Ratio Bonus Request and then, secondly, the Vesting Tentative Map. There have been some amendments as a result of consultation with the City Attorney's office, but they are not substantive in terms of any changes and conditions. I would be happy to answer any questions. Thank you.

Chairperson Legalos: If there are no questions or comments from the Commission, I will open the public hearing.

Don Hazen: Mr. Chair, may I also recognize in the audience, we have Marti Brown, the Chair of the Design Review Board and also Dragona Munson who is a member of the Design Review Board as well in case there are questions that you might have of the DRB's action.

Chairperson Legalos: Any of the Commissioners have questions? Okay, then I will open the public hearing. We have two speakers. The first speaker is David Fischer.

David Fischer: Good evening members of the Commission. I own three buildings on Georgia Street, two of which are directly across Indian Alley from this particular project. I encourage you tonight to grant the applicant's request in all respects except perhaps one minor change that I would recommend. The minor change would be with regard to our request for the Amendment to the Vesting Tentative Map. I personally am opposed to giving the applicant 3 feet of Indian Alley. In particular, the Indian Alley is 20 feet wide. It would go to 17. Then, when the project is done, the applicant will have to grant the City a surface easement to use those three feet, so we will still be able to use it. However, it will set, I believe, a bad precedent in the Downtown in that you will be able to look at a map and the map will show that the Homeowner's Association owns that 3 feet. It will show that the alley has been reduced to 17, and I know that someone is going to see that and they are going to say "well now, I want my alley to be 17," and these alleys are very narrow to begin with, and I don't think we should be messing with them. Now, there are two reasons for having this 3 feet. One of them is so that the applicant can make the floor area ratio and other things. We are doing a little mathematical hocus pocus, which is fine. I want this project to go forward. But, that extra footage can be made up by having the applicant take extra footage on Sacramento Street or Virginia Street and not mess with our alley. There is a second reason why they are getting the 3 feet, and that is because they are going to permanently put a steel structure within that 3 feet. It will be buried 5 feet down, but the City doesn't want to have ownership of that 3 feet because there is going to be a liability associated with that steel structure. Well, I think the City is going to back this whole thing wrong. What should happen is that it should stay public and we should do it with an encroachment permit. We should have an Indemnity Agreement saying that the

property owner indemnifies the City for that structure and then we record that Indemnity Agreement against the title to that project, and this precedent for recording things against the title to your project are in that area. For example, if I rent my building to a real estate agent, I have to execute an agreement with the City under the Georgia Street Corridor rules, saying that I have to cloud my title, agreeing that I am going to kick out that tenant after a certain amount of time. So, here is the structure that creates liability for the City, or maybe the Homeowner's Association. We are going to bury it 5 feet in the ground. No one is going to know it is there 20 years from now when it probably creates some problems, and yet, there is going to be nothing to notify these people, 20 years from now, that the structure is there and that there is liability attached to it. A much better procedure for everyone is to give the applicant extra land on the other streets, keep the 3 feet, record the agreement.

Don Hazen: When Paul was done with his presentation, the applicant would normally have gone next. So, I would suggest that we keep Mr. Fischer's comments on records and now maybe we should switch to the applicant.

Chairperson Legalos: I thought we had begun with the applicant. Would you please go ahead.

Tom from Tagowan Smith. I think Paul did a great job summarizing the changes that have gone through with this building, and those changes are also part of the attachment on the Staff Report. I am available to answer any of those questions if you have any questions on particular items. Also, we brought along with us a board that shows the elevation from Virginia Street. The above image is what was previously approved and that the new image is what we are proposing today and that incorporates the comments that we received from the Design Review Board. The thing I want to talk about is the FAR increase, the FAR bonus that we are seeking and I want to take a little step back and read something from the Specific Plan regarding FAR bonus and one thing it says, in order to qualify for an FAR bonus, a project applicant must demonstrate that one or more of the following public amenities are provided. As you know, this project is in the central Downtown. The FAR is 4.0, however the bonus allows it to be raised to 5.0. So, as some incentive that may qualify for FAR bonus includes public paseo as part of the Development Project, and then another one is public alley improvements such as public lighting, pavement, common trash enclosures. In September of 2005, from 4.0, we received an FAR bonus of 4.74. That is because we provided a paseo as listed in the Specific Plan and as well as improvements to the Indian Alley. At that point, we stopped at 4.74 because that is how the building played out in terms of floors and massing and things of that sort. However, we could have gone to a 5.0 because we have provided some values listed in the Specific Plan. So, today we are asking for 4.96, so that is an increase from 4.74 to 4.96. Some of the justifications . . . as you know the FAR bonus is tied into public benefits and amenities and two of the things that we feel will be a benefit to the public, along with our client Triad, is a grant to write a CCR to maintain the public paseo. The second one is that we have agreed to lower the courtyards in the back alley from third level to the second level, thereby reducing the bulkiness of the building and reducing as well along the alley to make it a more pleasant situation. The most important thing we felt we are adding as far as a public benefit is making this building a LEED certified building. LEED is a sustainable green standard that a lot of public agencies are adopting and the client feels that this building needs to be LEED and needs to set a good precedent for other developments to come later. We feel that that is a tremendous benefit to the public. That summarizes my presentation tonight.

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Chairperson Legalos: So, we will go back to the public hearing and hear from the next person, Marti Brown.

Marti Brown: Chairperson of the Design Review Board. I just wanted to support and encourage your support for the proposed amendments. The Board found unanimously for the staff findings and recommendations which authorize approval of these amendments to be generally consistent with the Downtown Specific Plan and Guidelines and were very supportive of these projects moving forward so hopefully you will approve this amendment this evening. And, I think we also felt that the public benefit of moving the project forward far outweighs the detriment of denying the amendment. I wanted to also, for a minute, take off my hat as the Chair of the Design Review Board and put on my hat as a planner just say that as you probably know, there has been quite a bit of discussion this last couple of weeks and controversy around the Triad Amendment and from a planning perspective, working in Sacramento, I think these amendments are very modest given the down turned housing market and a lot of the changes just around the expense of concrete and copper and steel, the increase in costs of building and construction has gone up considerably, so from my perspective where I am losing lots of my projects in Sacramento, I think these amendments are quite modest actually and really commend Triad for continuing to stick to it and try to make this work in times when most developers are just pulling out altogether, and so I just wanted to add that and hope that you will support this amendment this evening.

Chairperson Legalos: If there are no further speakers, I will close the public hearing and bring the matter back into the hands of the Commission.

Commissioner Gourley: In relation to the previous speaker, I would ask that the applicant respond if he could, for the request that he made about the 3 foot issue.

Chairperson Legalos: You are referring to the easement possible alternative suggestion that the 3 feet be taken on one of the other streets and that there be an encroachment permit with indemnity for the City?

Paul Jensen: Yes. We have David Kleinschmidt here tonight from Public Works that can respond to this because I do know that part of the abandonment issue and the adjustment of the lot line was in part in consultation with the Public Works Department and perhaps he can give you the pros and cons of both options.

Chairperson Legalos: Would you like to come to the podium, Mr. Kleinschmidt?

David Kleinschmidt, City Engineer. In reviewing the project request for the 3 foot abandonment around the 3 sides of the property, we did consider the alternative to using an encroachment permit and, although that is used frequently within the City of Vallejo for encroachments of various natures, whether it be landscaping, fencing, retaining walls, plantings, we feel that a better alternative for the long run is to abandon that portion of the right-of-way so that at no time do we have to become involved in dealing with the liability of having the shoring system which will be permanently installed underground, within our right-of-way. So that is definitely the Public Works Department's strong recommendation to grant the abandonment which is ultimately City Council's decision, but we are supporting that and hoping that that will be supported by the Commission. In response to the 17 foot wide alley showing up on a parcel map, we do agree that that will legally show up as a 17 foot wide alley but there will also be the public access easement over that that would allow that the useful width of the alley will never

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decrease below the 20 feet minimum that is needed for the Fire Department access. So, unless there are specific questions that I could answer from the Commission, we would request that you continue to support our request of the abandonment in the alley and the other two streets.

Commissioner McConnell: Mr. Kleinschmidt, I wanted to make sure that I understood you correctly. You said if we reduce the alley to 17 feet, it will still permit access by our Fire Department engine or did you say it won't permit access?

David Kleinschmidt: On paper, which would show up on an Assessor's Parcel Map or a legal document, it is going to show that the alley is 17 feet wide. In reality, at the same time concurrently with granting the abandonment, the public access easement has to be simultaneously granted over the top of that. So, at no time will the public's ability to go down that alley, ever be reduced from its current 20 foot width. So, the Fire Department will still have its required 20 foot wide clear alley to go down.

Commissioner McConnell: So, they will be able to put a truck down there and put up a hook and ladder if they need to. Is that right?

David Kleinschmidt: They will continue to maintain the 20 foot wide alley that is currently there.

Commissioner McConnell: That is not what I am asking you. I am asking you, "will they be able to put a truck down the alley and use their ladder to go up from that truck to a building? They will, or they won't.

David Kleinschmidt: Their truck can go down the alley. It is out of my area of expertise to be able to answer the question whether they can raise the ladder truck in that alley. It is no narrower than any other alley within the City of Vallejo.

Commissioner McConnell: Well, that sounds like something we should have an answer for.

Don Hazen: I will just jump right on that to say that the Fire Department has been involved in the reading of this from Day One. They were aware of the proposal, and they have no opposition to it, so they have determined they can adequately serve that building with those means of access.

Commissioner Turley: This isn't real clear in my head, and that is why I am going to ask you a couple of questions to try to clear it up. This steel structure in this 3 foot area in the alley. . . What is that structure for?

David Kleinschmidt: In order to allow the parking structure to be excavated out, they have to put in a temporary shoring system, an earth retention system, around the perimeter of the site that will retain the earth along the roadways and the alley and the front side of the property. That is achieved by drilling vertical holes, 8 foot spacings, inserting steel beams vertically down into those holes and concreting them in. As they excavate down, they put boards in between the steel beams, and it allows them to have a shored excavation that they can get to the bottom and then place their concrete and build the structure back up right against the property line. So, the exterior of the footprint of the building as it comes out of the ground will be right along the edge of the property line. To allow them to get that structure in, they have to place the shoring system behind the property line and the request is to be able to install that within the public right-of-way on

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three sides and within the remaining property on the fort. That structure, because it is a 20 foot plus excavation and normally the bottoms of those shoring systems . . .

Commissioner Gourley: 20 feet deep?

David Kleinschmidt: It is a 20 foot excavation down into the ground and the steel beams usually are 8 to 10 feet deeper than that at the very bottom. These beams are 30 feet in the ground and they are not removable. The top 5 feet will be cut off, but the balance will be in the ground every 8 feet around the site into perpetuity, and that is the issue that the City doesn't want to deal with, although we see no conflicts with utilities or anything in the short term that would conflict with that 3 foot. It is just something that we don't want to have responsibility for through an encroachment permit . . . having to deal with it and so, the better option is to grant that abandonment of that right-of-way, allow the applicant to install that system on their property, and then be responsible for it.

Commissioner Gourley: And, after the steel work is in the ground for the purpose that it was put there, will that be paved over so you would never know it was there?

David Kleinschmidt: Yes. As I said, the top 5 feet of that steel beam would be cut off and removed, backfilled with either low-base in the alley section or structural backfill and then whether it be the sidewalk along the two Santa Clara Street and Virginia, or Sacramento and Virginia, or Indian Alley would be asphalt, within a year after the building is completed, probably I am the only one that is going to remember it is in the ground.

Chairperson Legalos: Do we have a motion?

Commissioner Peterman: I move adoption of Resolution No. PC-08-02.

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

NOS: Commissioner Manning recuses herself.

ABSENT: None.

Motion passes.

Commissioner McConnell: I move approval of Resolution No. PC-08-03.

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

NOS: Commissioner Manning recuses herself.

ABSENT: None.

Motion carries.

Commissioner Peterman: I move approval of Resolution No. PC-08-04.

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

NOS: Commissioner Manning recuses herself. Commissioner McConnell.

ABSENT: None.

Motion carries. 5 to 1.

L. OTHER ITEMS

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M. ADJOURNMENT

There being no further business to discuss, this session of the Vallejo Planning Commission is now adjourned at 9:30 p.m.

Respectfully submitted,

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

(for) DON HAZEN, Secretary

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

DATE OF MEETING: February 20, 2008
PREPARED BY: Don Hazen
PROJECT NUMBER: UP 07-0001
PROJECT LOCATION: 1922 Broadway Street; APN 0052-052-240, 250

PROJECT

DESCRIPTION: Application for a Use Permit to establish a private banquet facility in an existing 3,844 sq.ft. building previously occupied as a liquor/grocery/check cashing business. The banquet facility is intended to be rented by reservation only, typically from mid-afternoon to midnight.

RECOMMENDATION: Recommend Approval with Conditions.

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

1. PROJECT DATA SUMMARY

Name of Applicant: Melanie Heck
Name of Owner: Clarence Turner
Date of Completion: December 1, 2007
General Plan Designation: Commercial
Zoning Designation: CL (Linear Commercial)

Site/Surrounding Land Use:

Site: Unoccupied commercial
North: Storage
South: Commercial
East: Single Family Residential
West: Commercial/Residential

Lot Area: 25,497 Sq. Ft.

Total Floor Area: 2,555 sq.ft. banquet room/2,730 Sq. ft. kitchen/office/restroom, etc.

Landscape Area/Coverage: 6.5%

Parking Required/Provided: 51 spaces required/51 spaces provided

2. BACKGROUND SUMMARY

The applicant proposes to redevelop the site by upgrading the interior and exterior buildings; patch-repairing and striping the parking lot; adding landscape planters and modifying existing planters; relocating the two access driveways; and establishing a banquet facility for rent. The applicant requests flexibility in the hours of operation in order to accommodate users needing the facility for receptions, dinners, retirement events, etc., from mid-afternoon to midnight and primarily on weekends.

3. ANALYSIS

The proposed use is classified as "Commercial Use Type, Spectator Sports and Entertainment" and requires a major use permit in the CL zoning district (Code Sec. 16.22.040B,15). The key issues analyzed by staff were consistency with the purpose and intent of the CL zoning district, compatibility with the surrounding land uses, and site/building design.

Consistency with CL zoning district:

Code Section 16.22.010 states that the title and purpose of the Linear Commercial zoning district is to "create and establish regulations for a linear commercial district, in which well-designed, community-level commercial areas are developed along major thoroughfares. The application will fulfill that intent because the site is currently fenced off, is not being maintained, and creates a visual eyesore along the Broadway Street corridor. The application will include renovation of the structures; development of the site to current zoning standards; and will hopefully fill a market need for banquet space.

Land Use Compatibility:

The primary potential land use conflict associated with the proposed use would be noise impacts to the single family residences to the east. Interior noise from music and entertainment should not be a factor because the building does not have any openings along the east side facing the residences. However, staff is concerned about the potential for outdoor nuisance noise emanating from people leaving the facility and/or congregating in the parking lot in the late evening hours.

One condition of approval is to replace the wooden fence along the east property line with a 6 foot-high masonry block wall which will serve to permanently separate the commercial use from the residential uses and to act as a partial noise buffer.

Staff does not support a "blanket" approval to operate until midnight, but recommends that the use permit restrict hours of operation as follows: Sunday through Thursday, 9:00 a.m. to 10:00 p.m.; and Friday and Saturday, 9:00 a.m. to midnight. The applicant has proposed to provide a parking lot attendant on site during use of the facility to provide security and supervision. If proper site supervision is ultimately not provided and complaints are received from neighbors, staff can pursue code enforcement action, including but not limited to revocation hearings of the use permit if necessary. Also, a lighting plan will be required prior to issuance of building permits to ensure that there is no glare cast onto the adjacent residential properties.

Site/Building Design:

Included in the application is a proposal to repair and stripe the parking lot; reconfigure the front landscape planters due to relocating the access driveways; and new exterior façade improvements including windows, stucco, brick veneer, and signage.

The site design will improve onsite circulation/parking and conforms to the zoning ordinance development standards. The site can provide the required number of parking spaces per the zoning ordinance, but staff is concerned that some events may occasionally exceed the parking capacity of the site. The Traffic Engineer has conditioned the project to require a parking lot attendant to be present during all events in order to serve as a valet if parking exceeds the number of striped spaces. The attendant would then have the option of tandem parking vehicles while ensuring key access points are kept clear.

The exterior building modifications include new stucco siding, brick veneer along the base of the façade, new windows and decorative trim and railings. The building upgrades will help improve the visual appearance of the building along a major thoroughfare and eliminate the scrap and debris currently being stored onsite. New signs are proposed which will require a separate sign permit, and new landscape planters are being proposed. The designs are consistent with the objectives of the zoning ordinance and will promote an orderly appearance along a major thoroughfare.

4. ENVIRONMENTAL DETERMINATION

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

5. CONCLUSION/RECOMMENDATION

Staff has determined that the proposed project, as conditioned, is consistent with the City's General Plan and Municipal Code, and all applicable ordinances, standards, guidelines, and policies. Therefore, staff recommends that the Planning Commission approve Use Permit 07-0001 based on the findings and subject to the attached Conditions of Approval.

FINDINGS

1. The project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Title 14 of the California Code of Regulations as it consists of the reuse of an existing private facility involving negligible or no expansion of use beyond that existing at the time of approval.
2. The Planning Commission finds that the applicant submitted a Major Use Permit application, which is required for the establishment of a private banquet facility and associated site improvements in the CL zoning district. Use Permit approval is governed by Chapter 16.82 of City of Vallejo Municipal Code. The Use Permit is required for "Spectator Sports and Entertainment" facilities pursuant to the City of Vallejo Municipal Code section 16.22.040.

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

EXPIRATION

Approval of the use permit shall expire automatically 24 months after its approval unless the use and authorized construction has commenced prior to the expiration date.

APPEAL RIGHTS

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

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

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

ATTACHMENTS

1. Resolution
2. Conflict of Interest Map
3. Vicinity Map
4. Project Exhibits including Site Plan, Floor Plans and Elevations
5. Project Photos
6. Driving Directions
7. Public Correspondence

CITY OF VALLEJO PLANNING COMMISSION

RESOLUTION NO. PC 08-05

**A RESOLUTION OF THE PLANNING COMMISSION
APPROVING A CONDITIONAL USE PERMIT APPLICATION
UP 07-0001**

*Establish a private banquet facility with 2,555 sq.ft. of seating area and
associated site and building improvements
0052-052-240,250*

WHEREAS an application was filed by Melanie Heck seeking approval for a conditional use permit to allow a private banquet facility with 2,555 sq.ft. of seating area within an existing building, and to construct related building and site improvements;

WHEREAS the City of Vallejo Planning Commission conducted a duly noticed public hearing to consider the application for the Conditional Use Permit on February 20, 2008, at which testimony and evidence, both written and oral, were presented to and considered by the Planning Commission;

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

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS.

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

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

Section 1. The Planning Commission finds that applicant submitted a Major Use Permit application, which is required for a private banquet facility. Use Permit approval is governed by Chapter 16.82 of City of Vallejo Municipal Code. The Use Permit is required for "Spectator Sports and Entertainment" in the CL zoning district of the Vallejo Municipal Code section 16.22.040B,15.

Section 2. Planning Commission finds, based on the facts contained in sections 1, 2, 3, 4, and 5 of the staff report incorporated herein by this reference, and given the evidence presented at the public hearing, and subject to the conditions attached to this resolution, that:

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

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

NOW, THEREFORE, LET IT BE RESOLVED that the Planning Commission hereby APPROVES the conditional Use Permit application UP 07-0001 to allow the establishment of a private banquet facility and associated building and site improvements based on the findings contained in this resolution and subject to the Conditions of Approval attached hereto as Exhibit A and incorporated herein by reference.

IV. VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Vallejo, State of California, on the 20th day of February, 2008, by the following vote to-wit:

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

NOES: None.

ABSENT: None.

CHARLES LEGALOS, CHAIRPERSON
City of Vallejo PLANNING COMMISSION
Attest:

Don Hazen
Planning Commission Secretary

CONDITIONS OF APPROVAL
MAJOR USE PERMIT #07-0001
(APN 0052-052-240,250)

A. Planning Division

1. The hours of operation for this use are limited to 9:00 a.m. to 10:00 p.m. Sunday through Thursday, and 9:00 a.m. through midnight Friday and Saturday.
2. All building exits on the north and south sides shall remain closed, but unlocked during the playing of any amplified music.
3. A parking lot attendant shall be on site to provide security, enforcement of these conditions of approval, and to facilitate the orderly dispersal of patrons from the site in accordance with the approved hours of operation during all events held in the building.
4. No unnecessary outdoor congregating or loitering shall occur in the north or south parking lots.
5. Failure to comply with any conditions of approval or operation of the use which are deemed to create a public nuisance may be subject to code enforcement action and/or the initiation of use permit revocation in accordance with the City's due process procedures.
6. The banquet seating area shall be limited to no more than 2,555 sq. ft. unless a revised conditional use permit is approved by the City.

PROJECT REQUIREMENTS:

A. Planning Division

1. All exterior lighting shall be high pressure sodium, or equivalent type, and shall have an illumination intensity of between one and four footcandles. Lights shall be directed and shielded so as not to glare onto adjoining residential properties. Lights shall have a housing to protect against breakage. Broken or burnt out lights shall be replaced within one hundred twenty business hours.
2. No alcohol shall be served unless proper permits are obtained in accordance with the City's zoning regulations and the State Alcohol Beverage Control department.
3. All graffiti shall be removed from the walls, fences, and/or building within one hundred twenty hours of its appearance on the property.

4. No exterior vegetation shall be planted that is susceptible to use as a hiding place for persons on the premises.
6. A copy of the conditions of approval of the conditional use permit must be kept on the premises of the establishment and presented to any police officer or any authorized city official upon request.
7. A six-foot high masonry block wall shall be constructed along the easterly portions of the property line not shielded by the building wall prior to occupancy.
8. A detailed landscape and irrigation plan shall be submitted with construction plans and reviewed and approved to the satisfaction of the Planning Manager prior to issuance of building permits. All required plants and irrigation shall be installed prior to occupancy.
9. All signage shall require approval of a sign permit from the Planning Division and building permits from the Building Division prior to installation.

B. Building Division

1. Property shall be brought into ADA compliance as necessary, including all exit doors and ground level to public way. Exit doors must not open into the direction of travel.
2. Apply for building permits for all construction work to be done, including signage and block walls.
3. Doors within 10 feet of property line must be rated/protected.
4. Digital copy of final design needs to be submitted prior to final approvals of occupancy.

C. Department of Public Works

1. Submit construction plan for review and approval. Construction plan shall show all proposed and existing improvements and utility services. Secure approval of construction plan prior to building permit.
2. Sheet flow over the driveways and sidewalks are not permitted. Install traffic rated trench drain at the back of every driveway approach and connect discharge of each trench drain into new sidewalk cross drain.
3. Install new curb, gutter, sidewalk and driveway fronting the property along Broadway per city standard.

4. Install one street light behind the sidewalk close to southwest corner of the property along Broadway per City Standard.
5. Repair damaged and missing asphalt paving in parking area in such a way to provide positive slope that surface water from parking area terminate into new trench drains. Slurry seal the entire parking area prior to striping.
6. Obtain encroachment permit from Public Works Department for private improvements within City right of way. (i.e. parking, driveway, landscaping, lights, etc.)
7. Prior to building permit combine four parcels into one by any legal means.
8. Provide buffer (preferably a landscape strip between public sidewalk along Broadway and proposed parking stalls next to sidewalk.
9. Enter into a deferred improvement agreement with the City of Vallejo to participate in the cost of under-grounding overhead wires along Broadway fronting the property.
10. Provide parking attendant at entrance and at exit location. (Traffic Engineer)
11. Make sure the appropriate signs are located directing people to the entrance and preventing motorists from entering the exit location. Add "Do Not Enter"(R5-1) signs on both sides at egress facing Broadway. (Traffic Engineer)
12. Add exit pavement arrow on north entrance and relocate driveway to align with the parking aisle. (Traffic Engineer)
13. Install on site pavement arrows with thermoplastic to identify the flow of traffic. (Traffic Engineer)
14. Provide a chart on the construction plan to summarize the available parking, required parking, size of stalls, angle, etc. (Traffic Engineer)

Standard Comments/Requirements:

1. Signing and striping shall be per City of Vallejo standard. (VMC, Section 16.62.140)
2. Install required street tree fronting the property. Street tree shall be selected from City's approved street tree list. (VMC, Section 15.06.190 and Regulations and Standard Specifications Section 3.3.48).

Additional standard comments that may apply are:

PW1. PUBLIC IMPROVEMENT STANDARDS. All public improvements shall be designed to City of Vallejo standards and to accepted engineering design standards. The City Engineer has all such standards on file and the Engineer's decision shall be final regarding the specific standards that shall apply. (COV, Regulations & Standard Specifications,1992).

PW2. IMPROVEMENT PLANS. Prior to building permit submittals, submit three sets of plans to the Department of Public Works for plan check review and approval. (Improvement or civil plans are to be prepared by a licensed civil engineer.) Plans are to include, but may not be limited to, grading and erosion control plans, improvement plans, joint trench utility, street light plans, and landscaping, irrigation and fencing plans and all supporting documentation, calculations and pertinent reports. (COV, Regulations & Standard Specifications,1992 Section 1.1.7-A).

PW3. LINE OF SIGHT CRITERION. In design of grading and landscaping, line of sight distance shall be provided based on Caltrans standards. Installation of fencing, signage, above ground utility boxes, etc. shall not block the line of sight of traffic and must be set back as necessary. (VMC, Section 10.14).

PW4. DUST AND EROSION CONTROL. All dust and erosion control shall be in conformance with City standards and ordinances. (VMC, Sections 12.40.050 & 12.40.070).

PW5. DRIVEWAY STANDARDS. Entrances to any private project must be standard driveway approaches unless deviation is permitted by the City Engineer. (VMC, Section12.04.100).

PW6. STREET EXCAVATION PERMIT. Obtain a street excavation permit from the Department of Public Works prior to performing any work within City streets or rights-of-way, or prior to any cutting and restoration work in existing public streets for utility trenches. All work shall conform to City standards. (VMC, Section 10.08).

PW7. ENCROACHMENT PERMIT. Prior to building permit issuance, obtain an encroachment permit from the Department of Public Works for all work proposed within the public right-of-way. (VMC, Section 10.16).

PW8. TRAFFIC CONTROL PLAN. Prior to start of construction, submit a traffic control plan to the Department of Public Works for review and approval. (Caltrans Traffic Manual).

PW9. COORDINATION OF CONSTRUCTION INSPECTION. Construction inspection shall be coordinated with the Department of Public Works and no construction shall deviate from the approved plans. (COV, Regulation & Standard Specification Sections 1.1.4 & 1.1.5).

PW10. BONDS AND FEES. Prior to approval of construction plans, provide bonds and pay applicable fees. Bonding shall be provided to the City in the form of a "Performance Surety" and a separate "Labor and Materials Surety" in amounts stipulated by City ordinance. (VMC, Section 15.12.090, Resolution Nos. 84-554 N. C. and 02-55 N. C.)

PW16. INSTALL IMPROVEMENTS. Prior to occupancy/final building inspection, install the improvements required by the Department of Public Works including but not limited to streets and utilities. (VMC, Section 12.04.060).

PW19. STREET TREES. Prior to release for occupancy, plant required street trees in accordance with City Municipal Code. The list of approved trees is available in the office of the Public Works Director. The minimum standard shall be at least one tree for each 50 feet of street frontage or fraction thereof, including secondary or side streets. Street tree(s) shall be inspected by Public Works Landscape Inspector prior to release for occupancy. (VMC, Section 15.06.190 and Regulations and Standard Specifications Section 3.3.48).

PW21. SIGNAL INTERCONNECT CABLES. There are fiber optic and /or copper signal inter connect cables located at the edge of the roadway or under the sidewalk. The plans should address either the relocation of these cables or a note should be made of the cable location. A warning should be included on the plans stating that if the cable damaged, the entire length of the cable between the two nearest hubs will be replaced by the contractor unless otherwise authorized by the City Engineer.

D. VSFC D

1. Comply with VSFC D pretreatment requirements for sanitary sewage if applicable.
2. Prior to occupancy/final building inspection, provide a standard VSFC D cleanout at the right of way easement line per District standards and a two-way cleanout at the building per U.P.C.
3. Prior to occupancy/final building inspection, provide a grease trap, sand trap, or interceptor.

E. Water Division

1. All water system improvements shall be consistent with the Vallejo Water System Master Plan, 1985, prepared by Kennedy/Jenks Engineers as updated by Brown & Caldwell, 1996. Prior to building permit issuance, water system improvement plans shall be submitted to the Water Division for review and approval, and shall contain at least:
 - a. Location and size of domestic service connections(s).
 - b. Location and size of irrigation service connection(s).
 - c. Location of fire hydrants.

- d. Location of structures with respect to existing public water system improvements, such as mains, meters, etc.
 - e. Location and size of backflow prevention devices (required on water service connections to irrigation systems, certain commercial water users, and to commercial fire sprinkler systems, per City Ordinance 922 N.C. (2d).
2. Fire flow requirements of the Fire department shall be complied with. Fire flow at no less than 25 psig residual pressure shall be available within 1,000 feet of any structure. One half of the fire flow shall be available within 300 feet of any structure. For single family residential units, the fire flow is 1,500 gpm. For other developments, see the Vallejo Water System master Plan, 1985, prepared by Kennedy Jenks and its latest update by Brown and Caldwell dated April 1996.
 3. Prior to building permit issuance, hydraulic calculations shall be submitted to the Water Superintendent demonstrating that the fire flow requirements are complied with.
 4. Fire hydrant placement and fire sprinkler system installation, if any, shall meet the requirements of the Fire Department. For combined water and fire services, the requirements of both the Fire Department and the Vallejo Water System Master Plan, with latest revisions, shall be satisfied.
 5. Easements shall be granted for all water system improvements installed outside the public right-of-way in the City's Standard Form for Grant of Water Line Easement with the following widths:
 - a. 15 ft. wide (minimum) for water mains.
 - b. 10 ft. wide (minimum) for fire hydrants, water meters, backflow preventers, double detector check valves, etc.
 6. Each unit or structure shall be metered separately.
 7. Water service shall be provided by the City of Vallejo following completion of the required water system improvements and payment of applicable fees. Performance and payment bonds shall be provided to the City of Vallejo prior to construction of water system improvements. Fees include those fees specified in the Vallejo Municipal code including connection and elevated storage fees, etc., and fees for tapping, tie-ins, inspections, disinfection, construction water, and other services provided by the City with respect to the water system improvements. The Water division may be contacted for a description of applicable fees.
 8. Prior to occupancy or final building inspection, install water system improvements as required. Backflow device/s where required shall be installed in areas hidden from public view and/or shall be mitigated by landscaping.

F. Fire Prevention

1. Automatic fire sprinkler extinguishing system is required (2001 CFC Section 1003.1.2 added VMC Section 12.28.190)
2. Prior to building permit issuance, the applicant shall install an approved and tested water supply system capable of supplying the required fire flow as determined by the Fire Chief. Water supply systems for staged construction shall provide required fire flows at all stages. (2001 CFC Section 903, Appendix III-a)
3. Prior to occupancy/final inspection, install a key box as approved by the Fire Prevention Division. Information and applications concerning the purchase of allowed lock boxes are obtained through the Fire Prevention Office.
4. Prior to occupancy/final building inspection, install 3A-40BC portable fire extinguishers as required by the Fire Prevention Division (2001 CFC standard 10-1; NFPA 10)
5. Prior to occupancy/final building inspection, install approved numbers or addresses on all buildings in such a position as to be clearly visible and legible from the street. Residential buildings shall have numerals or letters not less than 3 inches in heights, and approved color that contrasts the background. Commercial occupancies shall have numerals or letters not less than 6 inches in height of contrasting background, and illumination at night. (2001 CFC Section 901.4.4; added VMC Section 12.28.170)
6. Prior to occupancy/final building inspection, install “No Parking Fire Lane” signs along interior access roadways, in location where vehicle parking would encroach on a 20-foot clear width of roadway (CVC Section 22500.1; CalTrans Manual, sign #R26f).
7. Prior to occupancy/final building inspection, all applicable fees shall be paid before a final Fire Prevention inspection shall be conducted. All meeting and inspections require a minimum 24-hour advance request.
8. Development sites shall be maintained weed free during construction. (2001 CFC Section 1103.2.4).
9. Additional fire hydrant(s) are required in the street right-of-way and is required on-site as shown in the Fire Department copy of the plans. Submit a complete set of plans for review and approval. All fire hydrants are to have “blue dot” highway reflectors on the adjacent street of the driveway to clearly identify the fire hydrant locations. (2001 CFC Section 903, Appendix III-B).

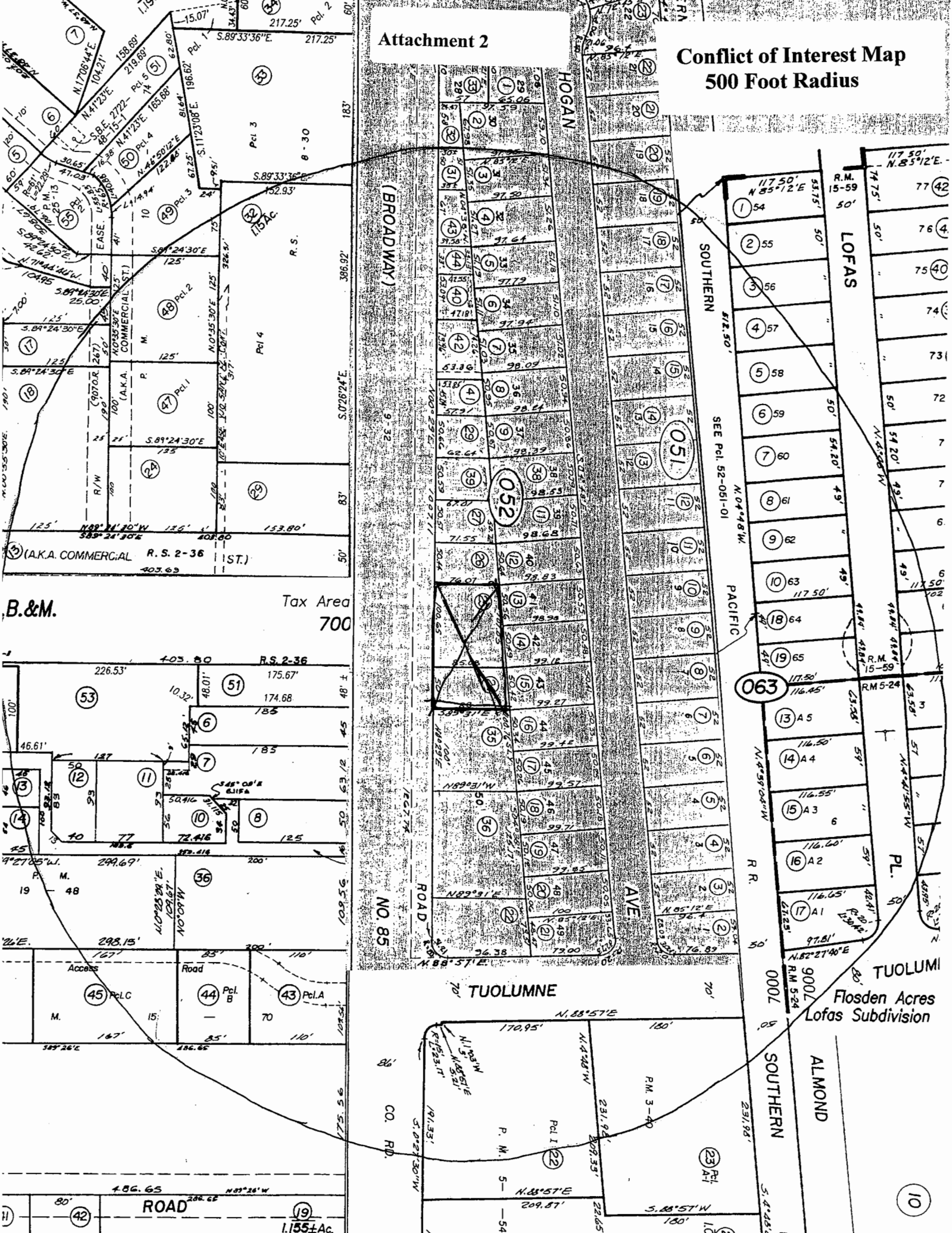
10. An automatic fire extinguishing system is required for the protection of all hood, duct, plenum, and cooking surfaces. (2001 CFC Section 1006).
11. An approved manual, and/or automatic fire alarm system is required for this project in accordance with Section 1006.2 of the CFC.

GENERAL REQUIREMENTS:

1. All businesses on the premises and all contractors and subcontractors working on the project shall obtain current City of Vallejo business licenses.
2. The conditions herein contained shall run with the property and shall be binding on the applicant and all heirs, executors, administrators, and successors in interest to the real property that is the subject of this approval.
3. The applicant shall defend, indemnify, and hold harmless the City of Vallejo and its agents, officers, and employees from any claim, action, or proceeding against the City and its agents, officers, and employees to attack, set aside, void, or annul this approval by the City. The City may elect, at its discretion, to participate in the defense of any action.

Attachment 2

Conflict of Interest Map
500 Foot Radius



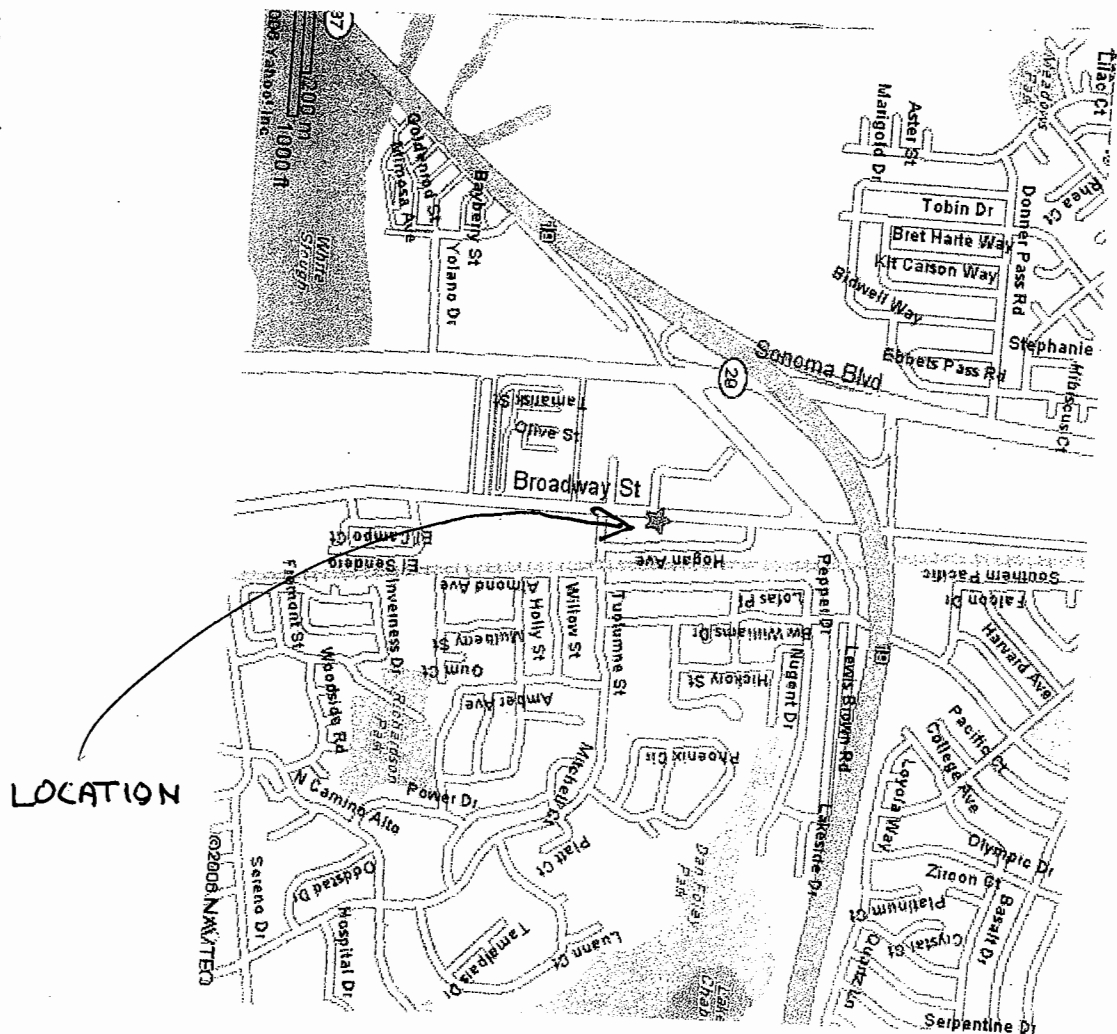
B.&M. Tax Area 700

TUOLUMNE

TUOLUMNE
Floden Acres
Lofas Subdivision

10

VICINITY MAP



5141 hilltop drive
melanie heck
designer
of sohrate, ca
melanieheck@meckape.net 510-758-3425

spatial art

CONSULTANT

WILLEM, CALIFORNIA

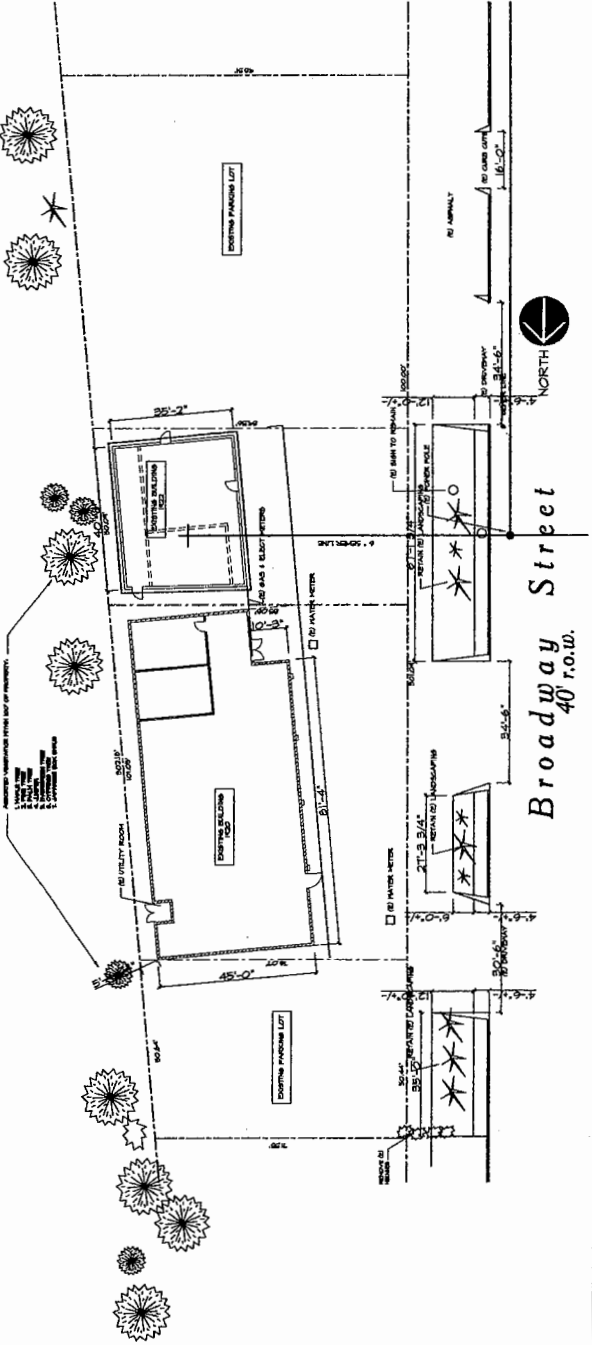
JENAI'S BANQUET ROOM

1822 BROADWAY STREET
GLANCE TRUBER - OWNER

NO SITE PLAN 1-28-07	DATE
REVISIONS	DATE
APPROVAL	DATE
DATE	4/28/03
SHEET TITLE	
(E) SITE PLAN	
(N) SITE PLAN	
CONTRACT NO.	
SHEET NO.	A-0.1

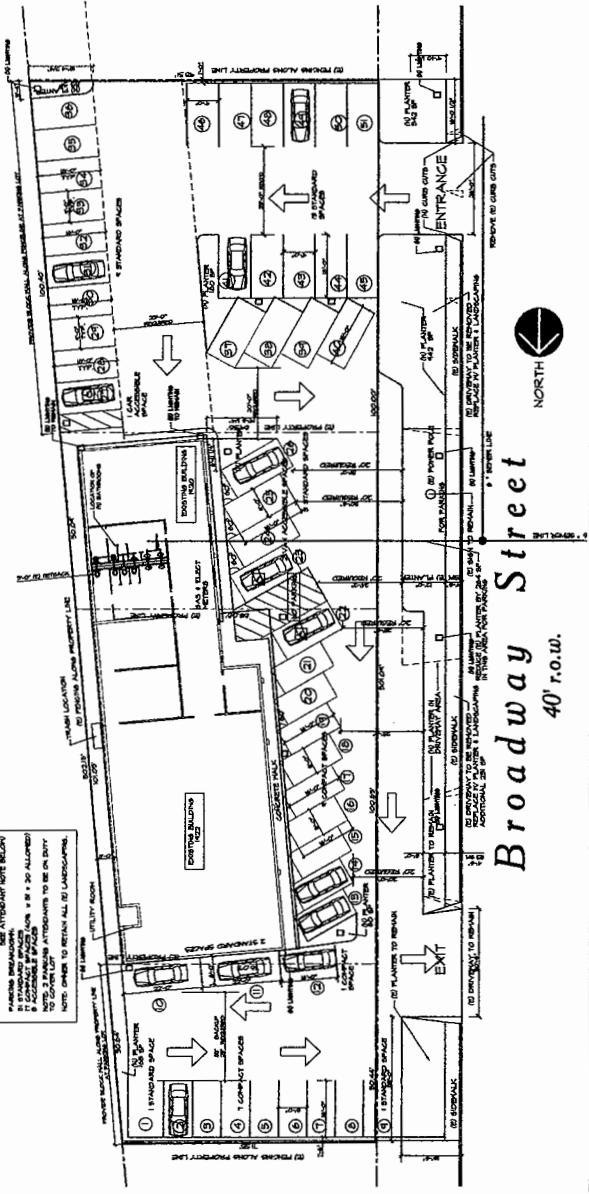
SCALE: 1/8" = 1'-0"

1 (E) SITE PLAN, LANDSCAPING & (E) UTILITY PLAN



SCALE: 1/8" = 1'-0"

2 (N) SITE PLAN



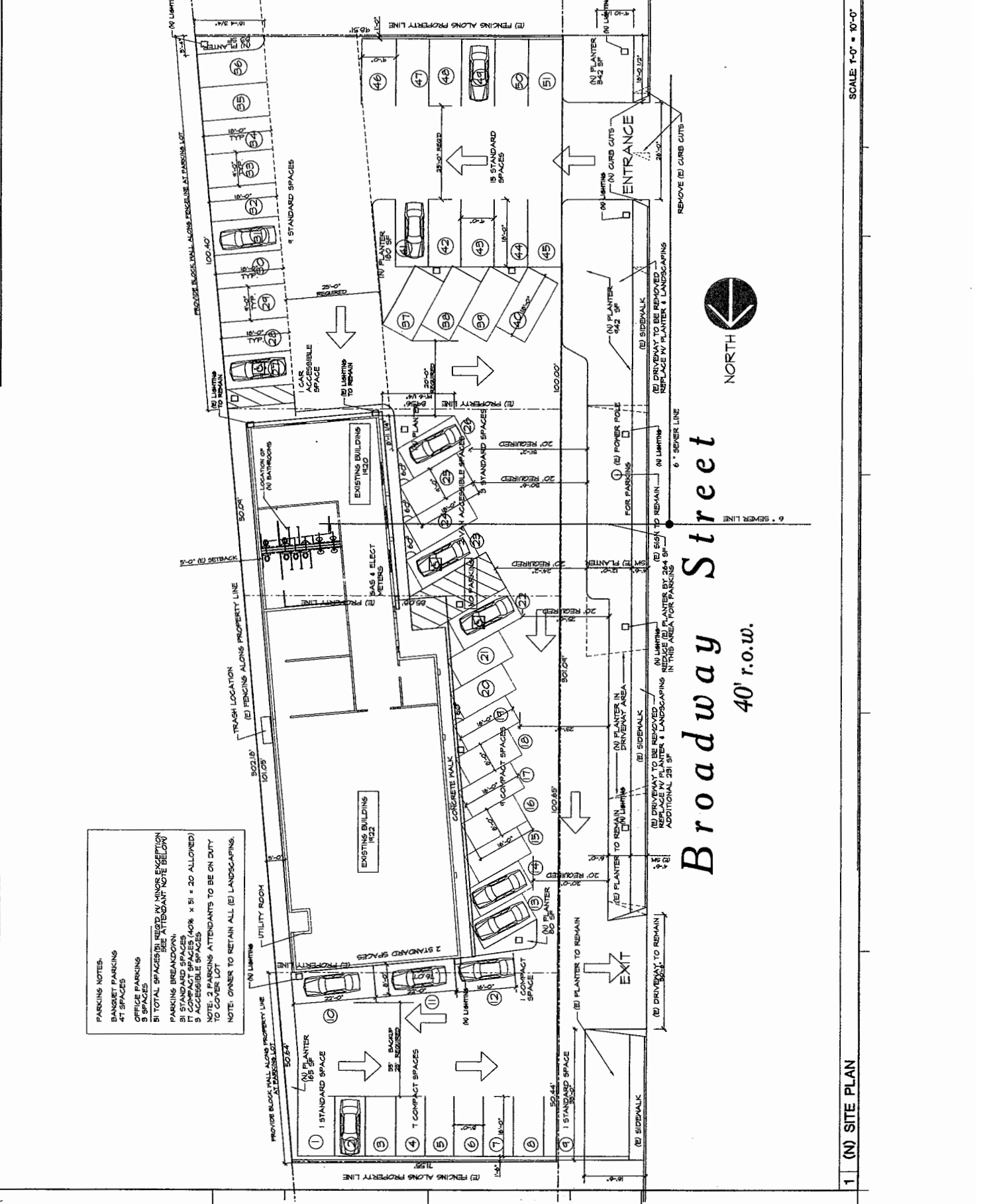
spatial art
 melanie heck designer
 5141 hilltop drive
 el sobrato, ca
 melheck@netcap.net 510-758-3425

JENAI'S BANQUET ROOM
 VALLEJO, CALIFORNIA
 1922 BROADWAY STREET
 CLARENCE TURNER - OWNER

CONTRACT NO. A-0.11
 SHEET NO.
 (N) SITE PLAN
 DATE 4/28/03
 SHEET TITLE
 APPROVAL DATE
 DATE 4/28/03
 SHEET TITLE
 REVISIONS DATE

SCALE: 1"=0' = 10'-0"

PARKING NOTES:
 BANQUET PARKING
 41 SPACES
 OFFICE PARKING
 9 SPACES
 51 TOTAL SPACES (9) REQ'D. (N) VARIATION EXEMPTION
 (N) ATTENDANT NOTE (BELOW)
 PARKING BREAKDOWN:
 9(1) STANDARD SPACES
 1(1) COMPACT SPACES (40% x 51 = 20 ALLOWED)
 5 ACCESSIBLE SPACES
 NOTE: 3 PARKING ATTENDANTS TO BE ON DUTY
 TO COVER LOT
 NOTE: OWNER TO RETAIN ALL (E) LANDSCAPING.

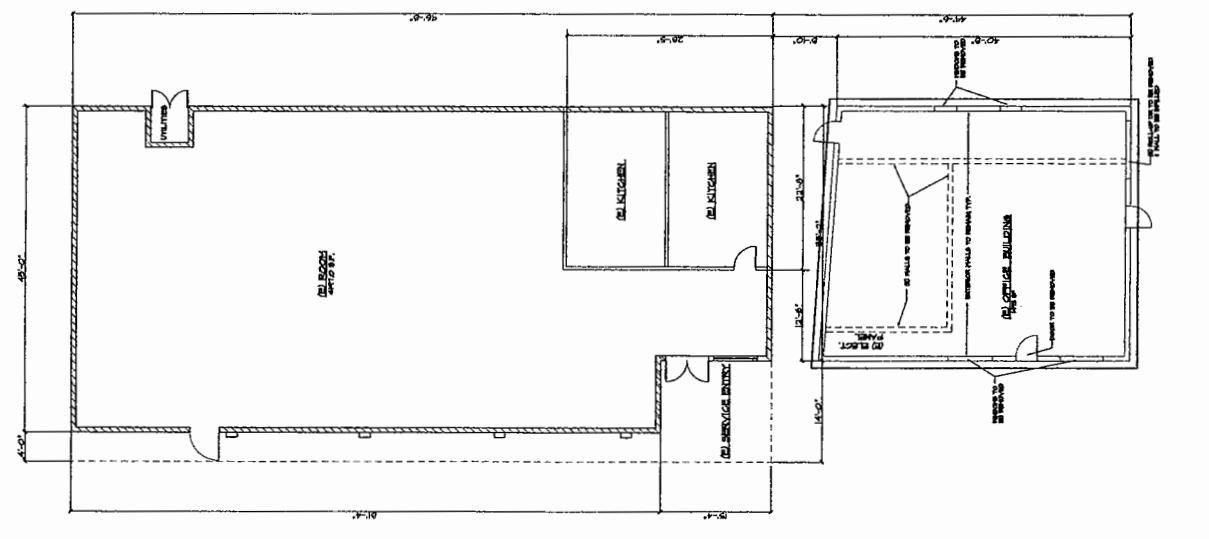


Broadway Street
 40' r.o.w.
 NORTH

1 (N) SITE PLAN

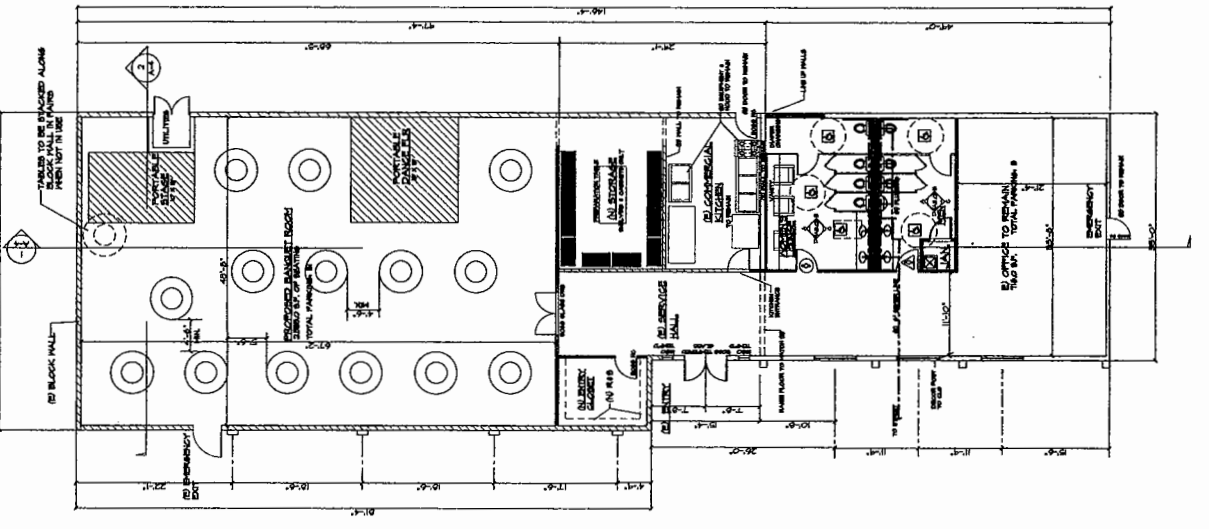
2 EXISTING FLOOR PLAN

1/8" = 1'-0"



1 NEW FLOOR PLAN

1/8" = 1'-0"



SHEET NOTES

- ALL NOTES ARE TYPICAL FOR THIS PROJECT UNLESS SPECIFICALLY REFERENCED.
- REFERENCES
 - U201 U.S. BUILDING CODE - INTERNATIONAL
 - U202 U.S. BUILDING CODE - INTERNATIONAL
 - U203 U.S. BUILDING CODE - INTERNATIONAL
 - U204 U.S. BUILDING CODE - INTERNATIONAL
- WOOD AND ELASTICS
 - U201 ALL EXTERIOR INTERIORS SHALL BE FINISHED TO COMPLY WITH CITY OF SAN FRANCISCO BUILDING CODE.
 - U202 ALL INTERIOR INTERIORS SHALL BE FINISHED TO COMPLY WITH CITY OF SAN FRANCISCO BUILDING CODE.
 - U203 ALL INTERIOR INTERIORS SHALL BE FINISHED TO COMPLY WITH CITY OF SAN FRANCISCO BUILDING CODE.
 - U204 ALL INTERIOR INTERIORS SHALL BE FINISHED TO COMPLY WITH CITY OF SAN FRANCISCO BUILDING CODE.
- U205 1/2" x 1/2" x 1/2" PLYWOOD CEILING ACCESS PANELS
- U206 ALL PLATES TO BE FINISHED TO COMPLY WITH CITY OF SAN FRANCISCO BUILDING CODE.
- U207 THERMAL & MOISTURE PROTECTION
- U208 THERMAL & MOISTURE PROTECTION
- U209 THERMAL & MOISTURE PROTECTION
- U210 U.S. BUILDING CODE - INTERNATIONAL
- U211 U.S. BUILDING CODE - INTERNATIONAL
- U212 U.S. BUILDING CODE - INTERNATIONAL
- U213 U.S. BUILDING CODE - INTERNATIONAL
- U214 U.S. BUILDING CODE - INTERNATIONAL
- U215 U.S. BUILDING CODE - INTERNATIONAL
- U216 U.S. BUILDING CODE - INTERNATIONAL
- U217 U.S. BUILDING CODE - INTERNATIONAL
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- U226 U.S. BUILDING CODE - INTERNATIONAL
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- U230 U.S. BUILDING CODE - INTERNATIONAL
- U231 U.S. BUILDING CODE - INTERNATIONAL
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- U247 U.S. BUILDING CODE - INTERNATIONAL
- U248 U.S. BUILDING CODE - INTERNATIONAL
- U249 U.S. BUILDING CODE - INTERNATIONAL
- U250 U.S. BUILDING CODE - INTERNATIONAL

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JENAI'S BANQUET ROOM
 VALLEJO, CALIFORNIA
 CLARENCE TURNER - OWNER
 1922 BROADWAY STREET
 CONTRACT NO.
 SHEET NO.
 A-1

REVISIONS	DATE

APPROVAL	DATE

DATE
 4/28/03
 SHEET TITLE
 (E) FLOOR PLAN
 (N) FLOOR PLAN

CONTRACT NO.
 SHEET NO.

A-1

CONSULTANT:
 melanie heck - designer
 5141 hilltop drive
 melanieheck@netcast.com 510-758-3425
 el sobrance, ca

spatial ärt

VALLEJO, CALIFORNIA

JENAI'S BANQUET ROOM

1822 BROADWAY STREET
 CLARENCE TURNER - OWNER

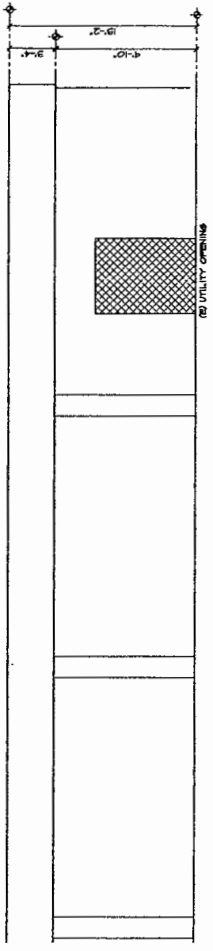
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APPROVAL	DATE

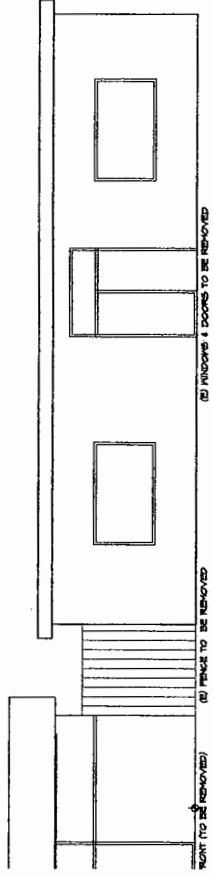
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 DATE: 4/28/03
 SHEET TITLE:

(E) ELEVATIONS
 CONTRACT NO:
 SHEET NO.

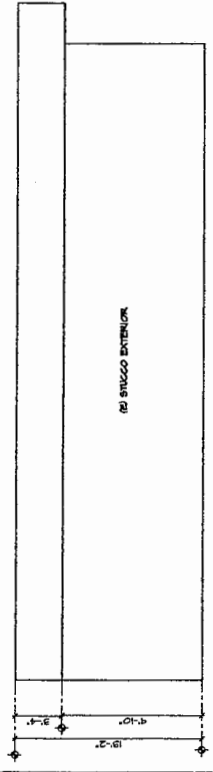
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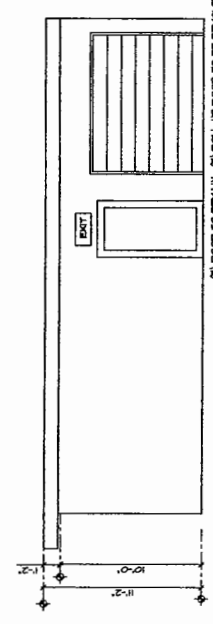
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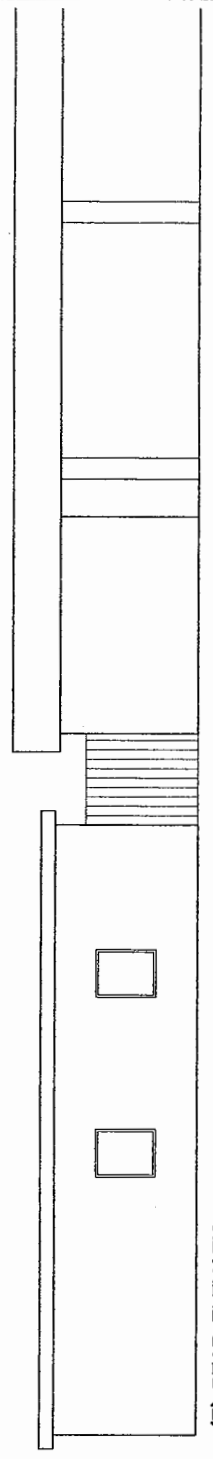
1 EXISTING FRONT & REAR ELEVATIONS



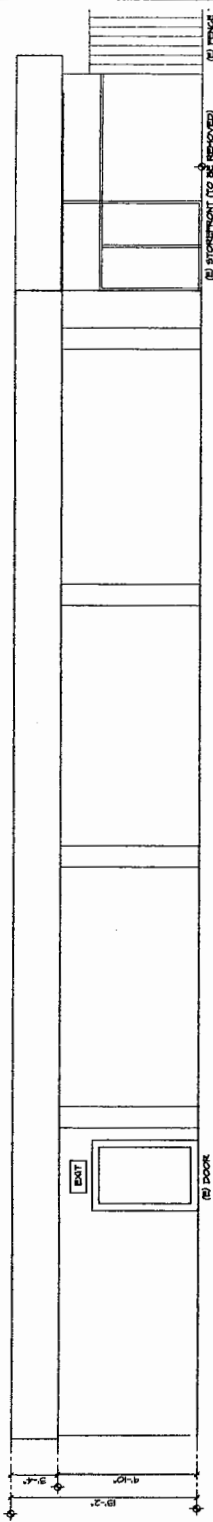
2 (E) LEFT SIDE ELEVATION



2 (E) RIGHT SIDE ELEVATION



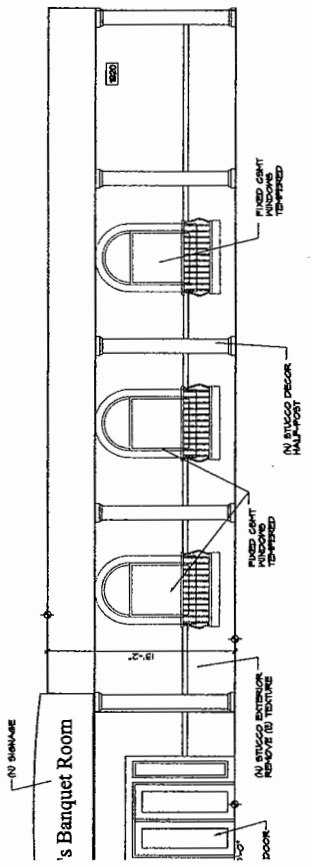
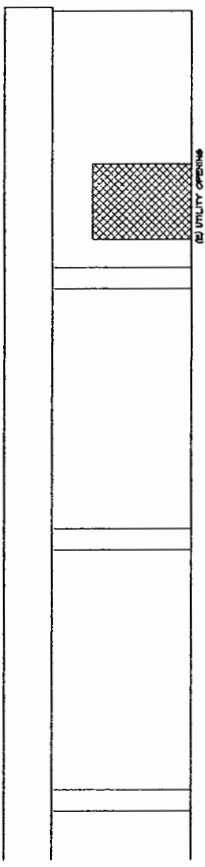
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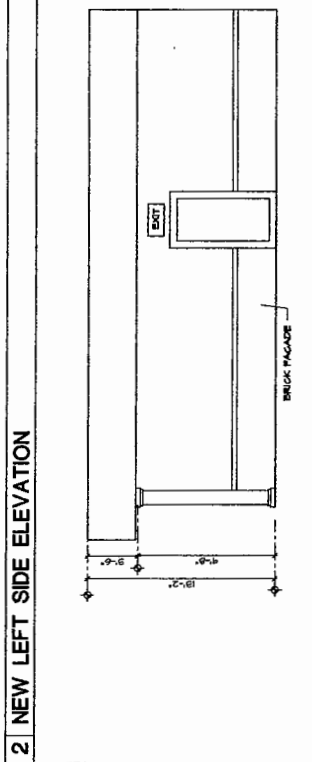
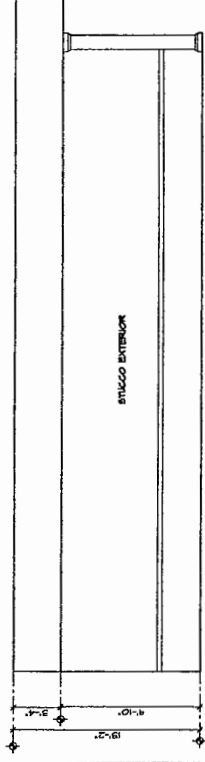
(E) FRONT ELEVATION

3 EXISTING FRONT & REAR ELEVATIONS

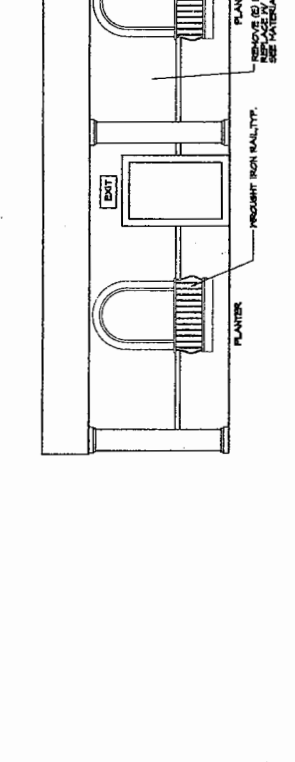
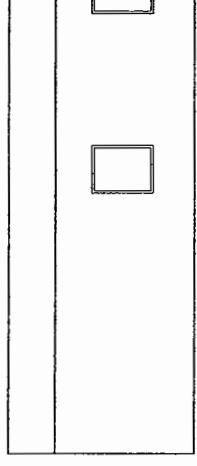
1/8" = 1'-0"



1 NEW FRONT & REAR ELEVATIONS (PROPOSED REMODEL OF EXISTING OFFICE) 1/8" = 1'-0"



2 NEW LEFT SIDE ELEVATION



2 NEW RIGHT SIDE ELEVATION



3 NEW FRONT & REAR ELEVATIONS (EXISTING BLDG) 1/8" = 1'-0"

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 melanieheck@netcape.net 510-758-3425

CONSULTANT

JENAI'S BANQUET ROOM
 VALLEJO, CALIFORNIA
 1922 BRADWAY STREET
 CLARENCE TRINER - OWNER

REVISIONS	DATE

APPROVAL DATE
 DATE 4/28/03
 JOB

(N) ELEVATIONS
 SHEET TITLE

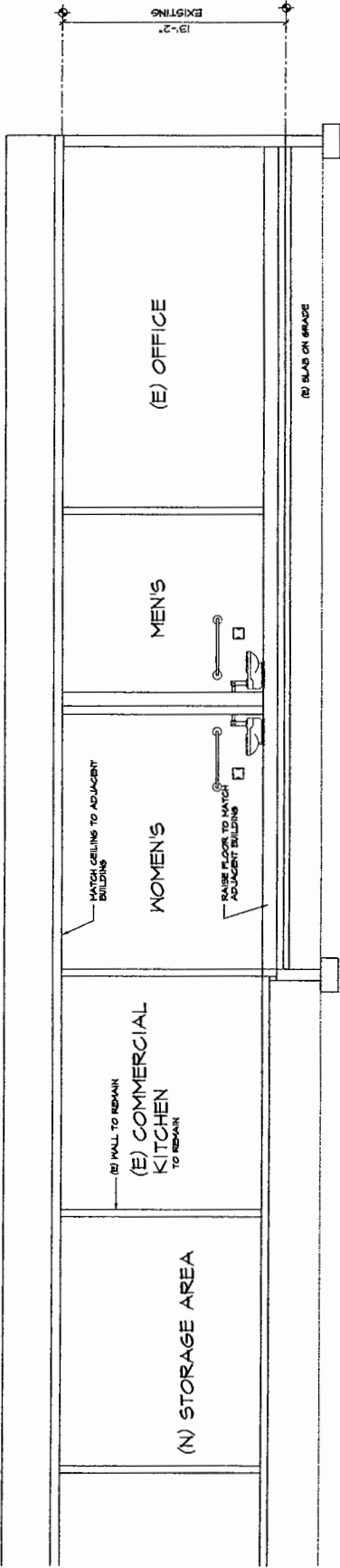
CONTRACT NO.
 SHEET NO. A-3

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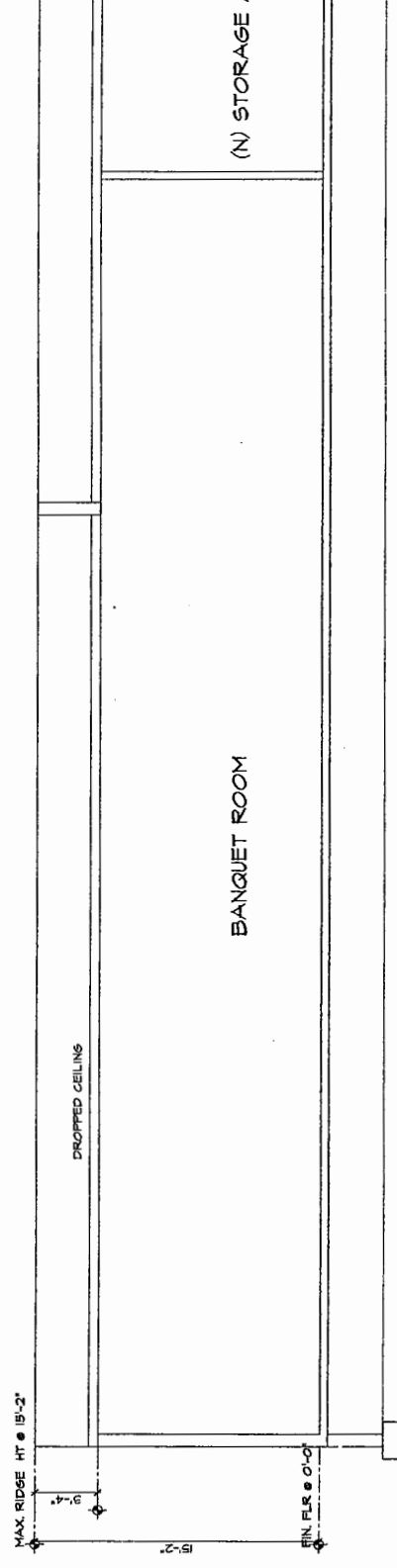
CONSULTANT:

JENAI'S BANQUET ROOM
 VALLEJO, CALIFORNIA
 1922 BROADWAY STREET
 CLARENCE TURNER - OWNER

REVISIONS	DATE
APPROVAL	DATE
JOB	
DATE	4/28/03
SHEET TITLE	
(N) BUILDING SECTIONS	
CONTRACT NO.	
SHEET NO.	A-4



1 SECTION @ (E) OFFICE

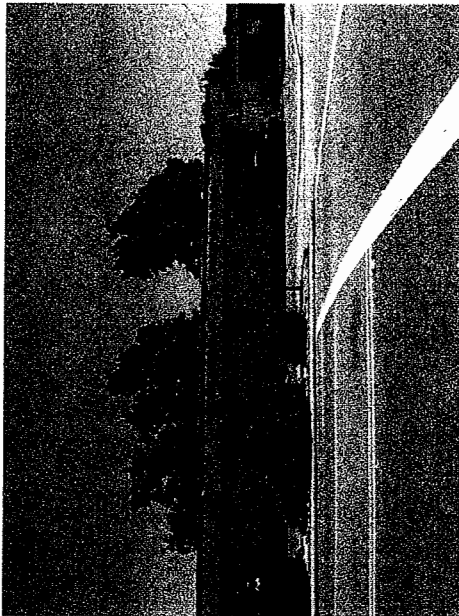
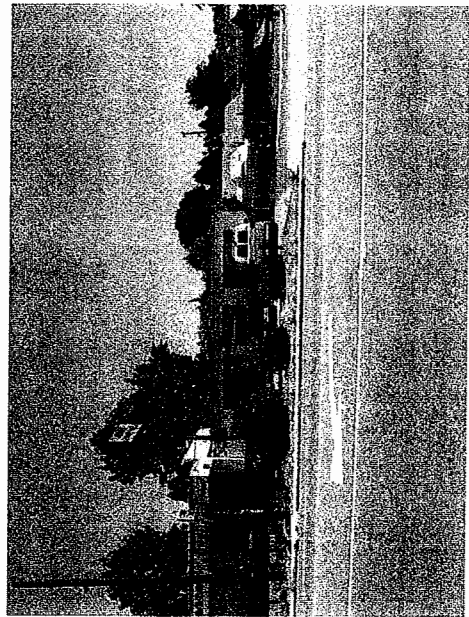
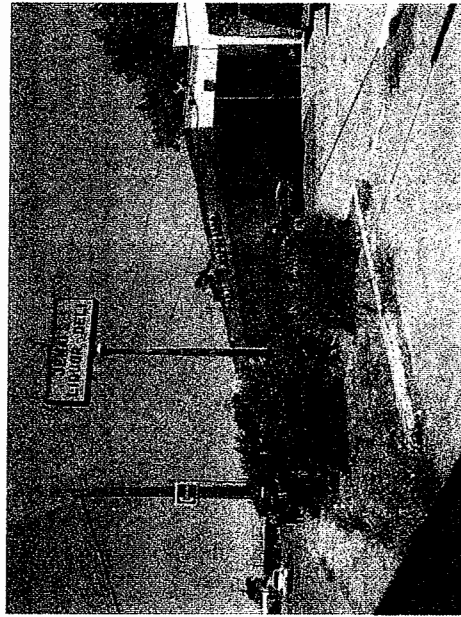


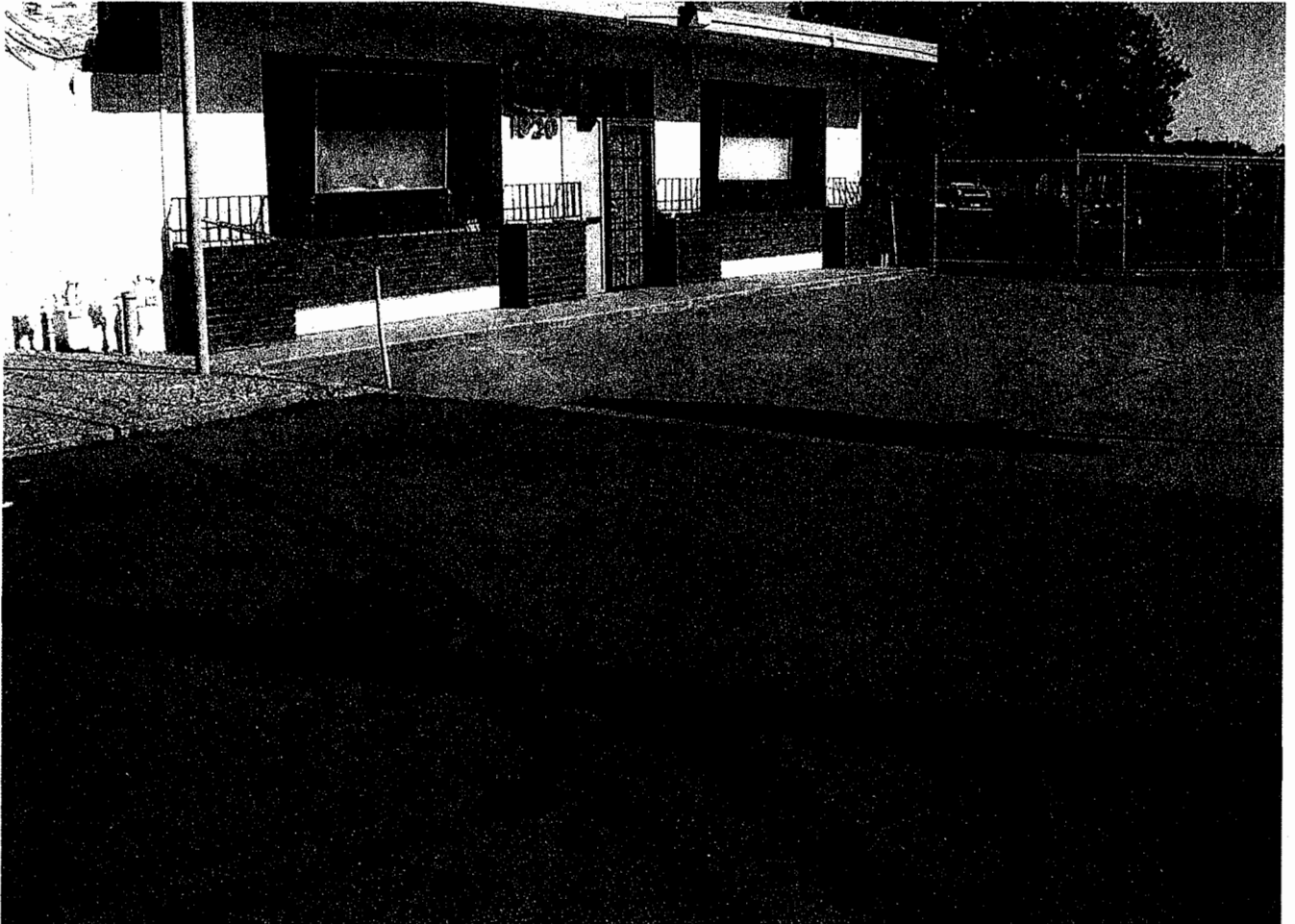
3 SECTION @ (N) LOUNGE AREA

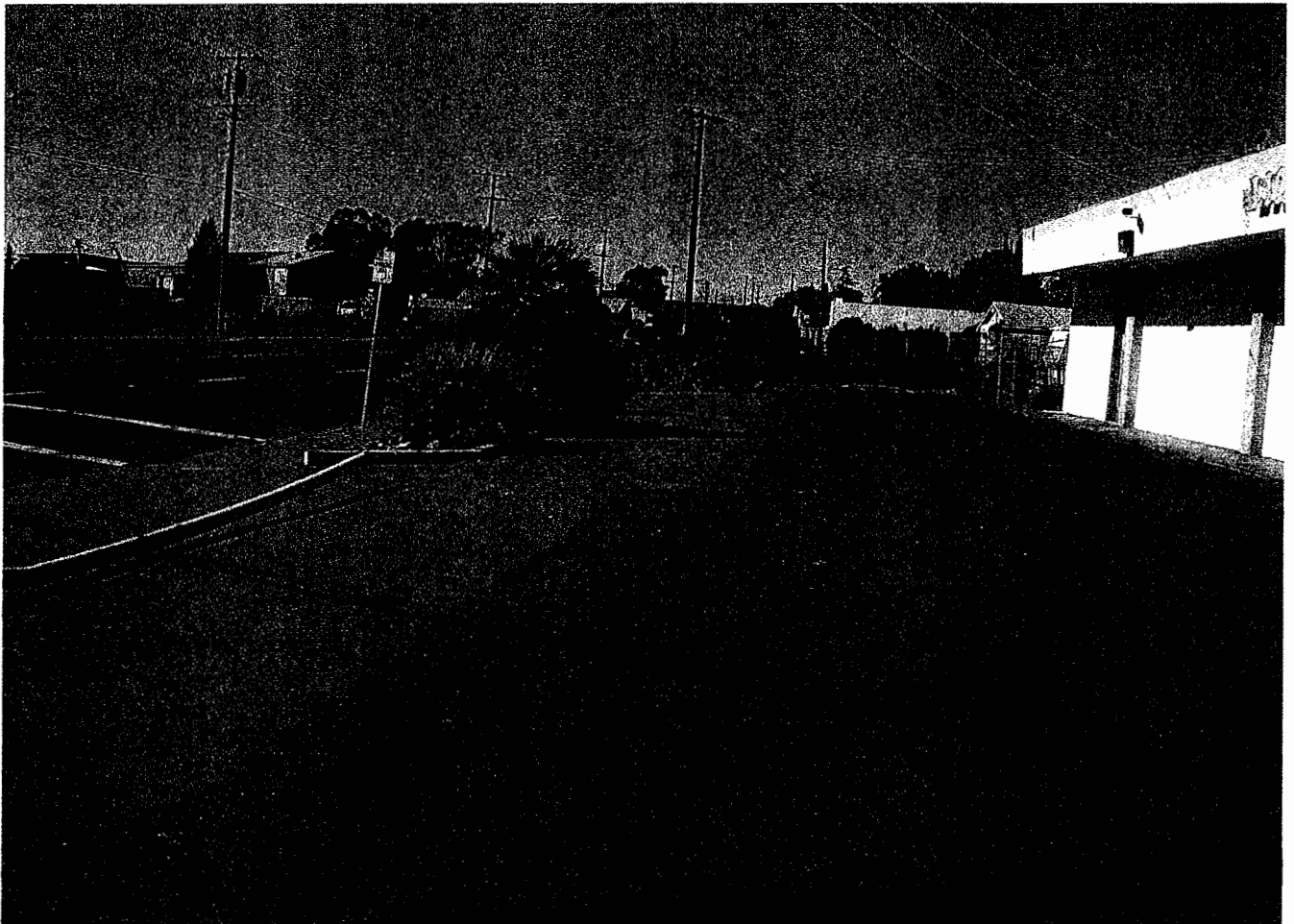
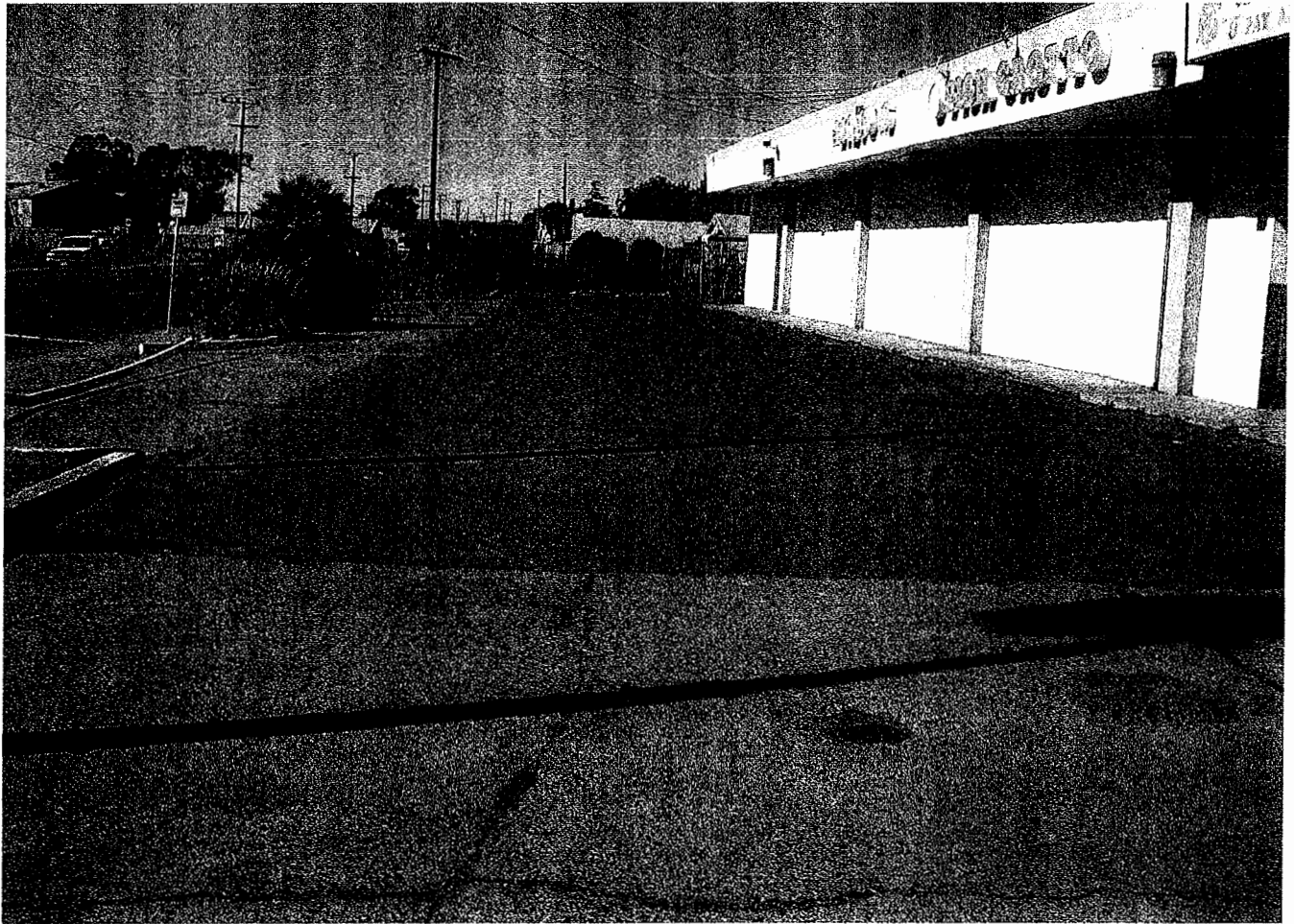
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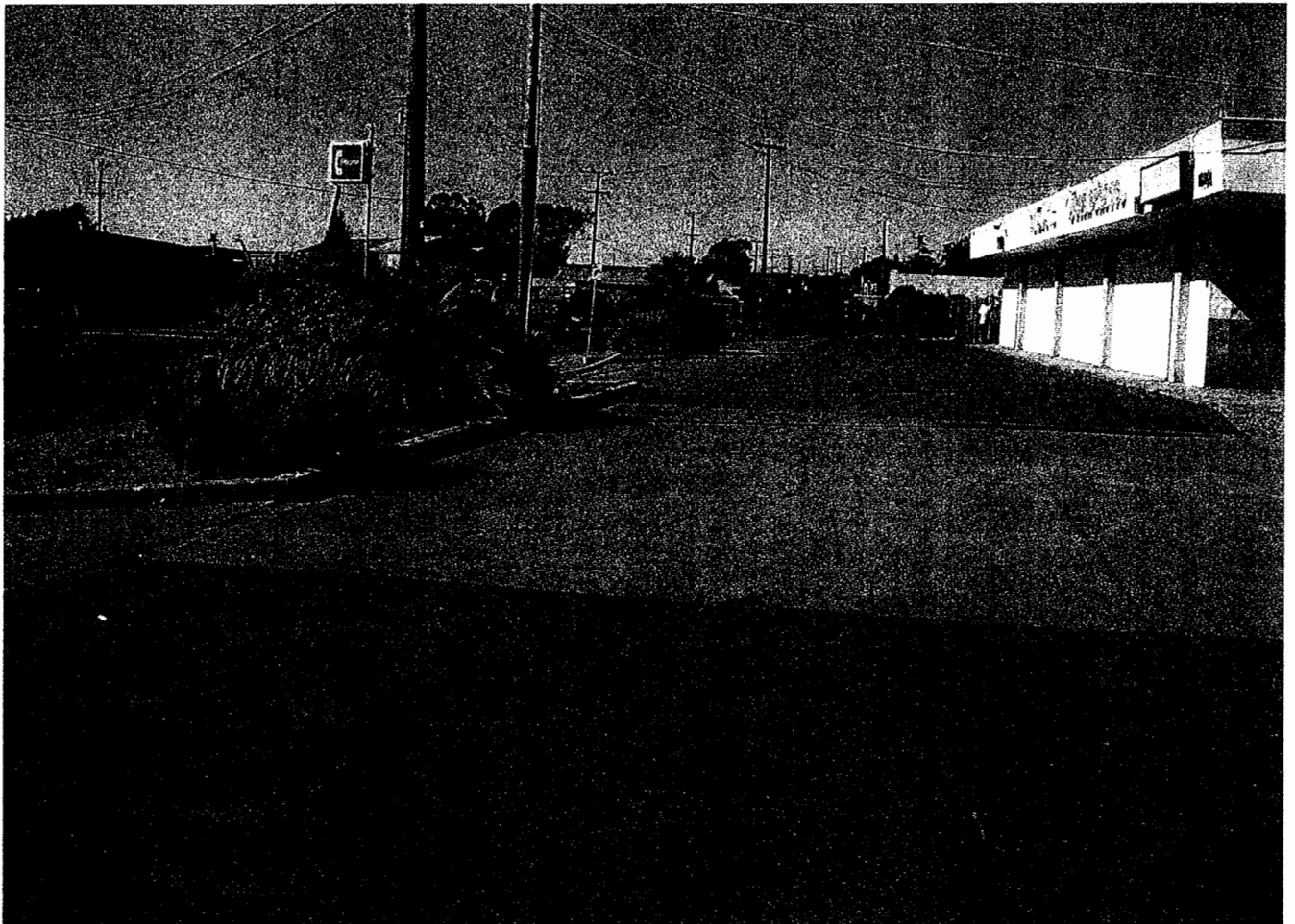
3/8" = 1'-0"

1922 Broadway, UP 07-0001









Attachment 6



Start: 555 Santa Clara St
Vallejo, CA 94590-5922, US

End: 1922 Broadway St
Vallejo, CA 94589-1908, US

Notes:

Driving direction from City Hall to 1922 Broadway Street.

Directions

Distance

Total Est. Time: 8 minutes **Total Est. Distance:** 3.23 miles



1: Start out going NORTH on SANTA CLARA ST toward CAPITOL ST. 0.1 miles



2: Turn RIGHT onto CAROLINA ST. 0.2 miles



3: Turn LEFT onto SONOMA BLVD / CA-29 N. 2.3 miles



4: Turn SLIGHT RIGHT onto MARINE WORLD PKWY. 0.2 miles

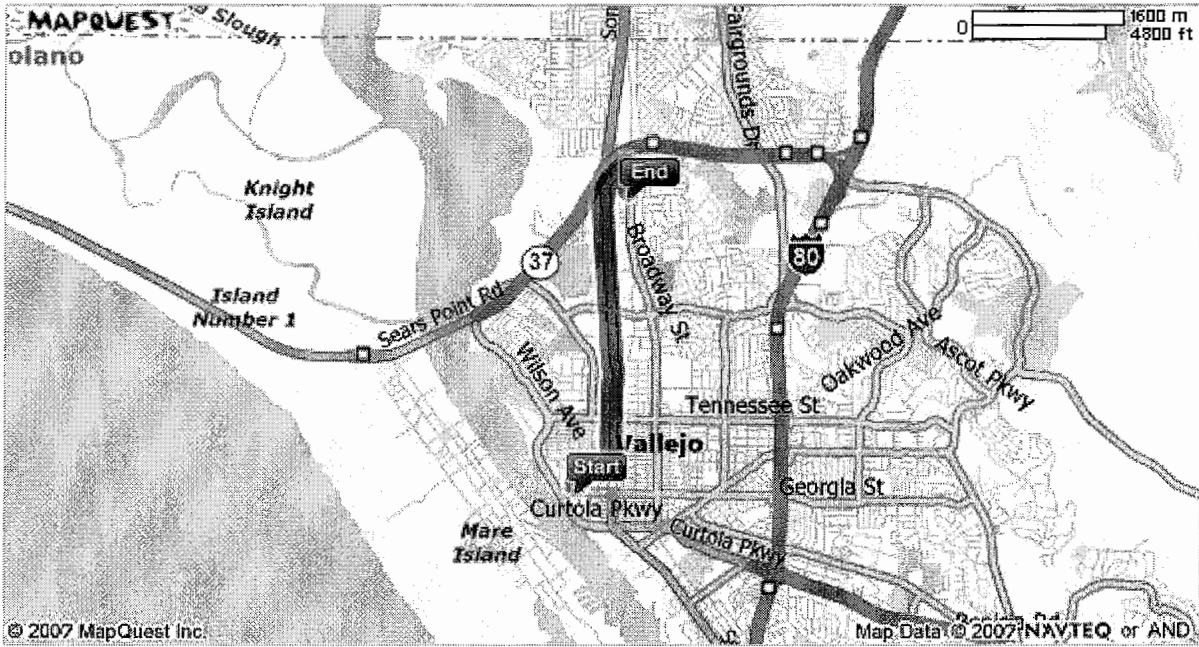


5: Turn SLIGHT RIGHT onto BROADWAY ST. 0.2 miles



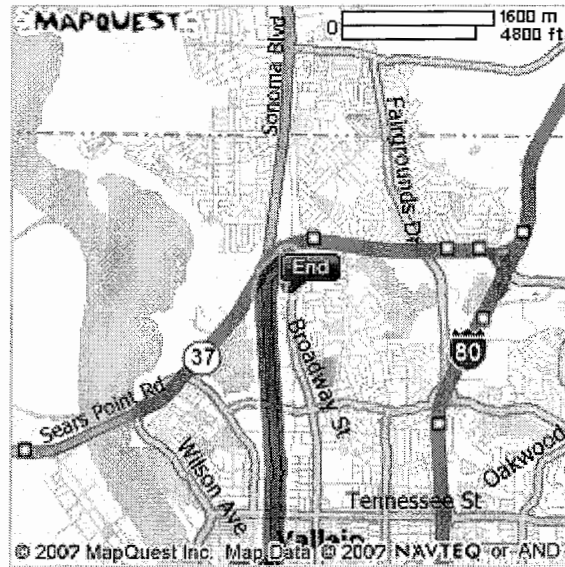
6: End at **1922 Broadway St**
Vallejo, CA 94589-1908, US

Total Est. Time: 8 minutes **Total Est. Distance:** 3.23 miles



Start:
555 Santa Clara St
Vallejo, CA 94590-5922, US

End:
1922 Broadway St
Vallejo, CA 94589-1908, US



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These directions are informational only. No representation is made or warranty given as to their content, road conditions or route usability or expeditiousness. User assumes all risk of use. MapQuest and its suppliers assume no responsibility for any loss or delay resulting from such use.

City of Vallejo, Planning Division
Att: Don Hazen

2-05-2008

This letter is in regards to project application #07-001 at 1922 Broadway Street, Vallejo, Ca. for a banquet facility.

We live directly across street from project. We are concerned about noise this facility will generate and parking. We previously had problems with a facility across street that started as a food & bar and ended up with very loud music and wild parties.

At present there is very few parking spots due to size of parking lot decreased by fenced off areas and people living in trailers.

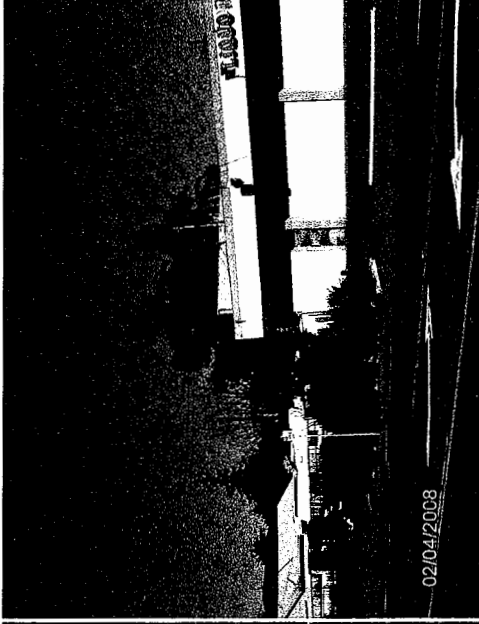
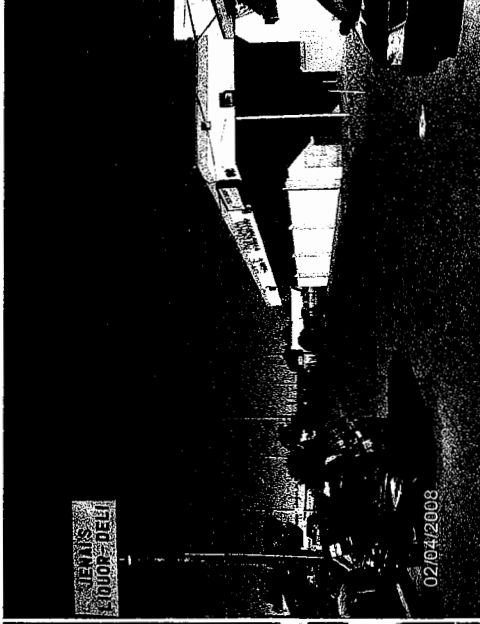
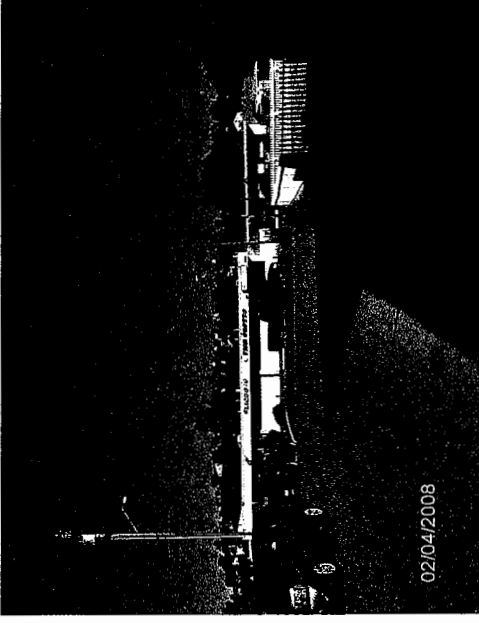
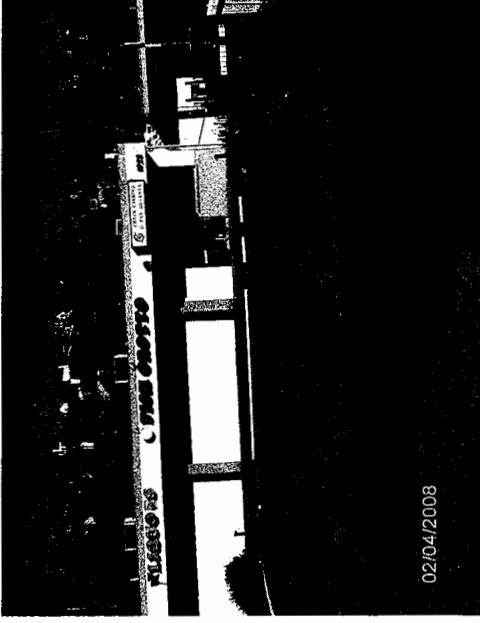
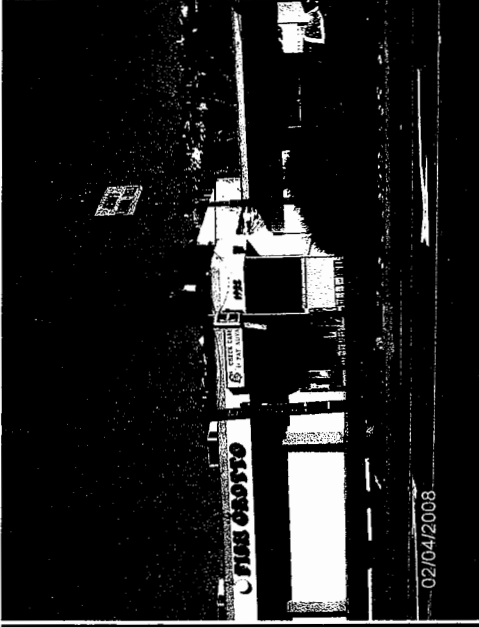
We own the private road ,Commercial St. and do not want it used for overflow parking. We are also concerned about noise this facility will generate.

Sincerely
Orville & Margaret Hoover

1911 Broadway St.
Vallejo, Ca. 94589

Orville Hoover
Margaret M. A. Hoover
707-5527346

02-07-08A11:52 RCVD





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

DATE OF MEETING: February 20, 2008

PREPARED BY: Marcus Adams *M.A.*

PROJECT NUMBER: UP #07-0014

**PROJECT
DESCRIPTION:**

The applicants have applied for a conditional use permit to serve beer and wine as part of their proposal for a microbrewery and grill restaurant at 939 Marin Street. The restaurant would be located on the lower level of an existing building currently under exterior renovation with hours of operation from 11 a.m. to 9:00 p.m. (Tues.-Thurs.) and 11 a.m. to 10 p.m. (Fri.-Sat.). Expected seating capacity would be for 46 patrons. Alcohol would be limited to beer brewed on-site and local wines. No live entertainment is anticipated.

RECOMMENDATION: Approve with Conditions

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

PROJECT DATA SUMMARY

Name of Applicant: Ed & Karin Cummins

Date of Completion: December 5, 2007

General Plan Designation: Downtown-Mixed Use

Zoning Designation: Pedestrian Commercial (CP)

Site/Surrounding Land Use:

Site: 939 Marin St., APN 0056-132-060

North: Mixed Use (art studio/apartments)

South: Commercial

East: Art studios

Lot Area: square feet	6,500
Total Floor Area:	1,691
Landscape Area/Coverage:	Not Applicable
Parking Required/Provided:	15 total spaces (1space: 3 seats [46 seat occupancy]/ <i>pending</i> 15 spaces

BACKGROUND SUMMARY

The applicants are proposing establishment of a small scale microbrewery and grill within a multi-tenant, mixed use (commercial/residential) building located in Vallejo's emerging Arts District at the southwest corner of Florida and Marin Streets. The conditional use permit application is a request by Pint Size Brewery to serve hand crafted ales and a small selection of local wines (see Attachment 2, Executive Summary).

ANALYSIS

On-sale alcohol establishments are allowed within Pedestrian Commercially zoned districts upon conditional use permit approval, per Section 16.82.060(Q) of the Vallejo Zoning Ordinance. Because the alcohol sales would be located within a census tract which is over-concentrated with alcohol serving establishments, a finding of public convenience or necessity will be required to be made by the Department of Alcohol and Beverage Control. The major issues associated with the application are as follows:

Bona Fide Eating Establishment

Following is the definition and standards for bona fide eating establishment qualification:

"Bona fide eating place" means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation which has: 1) suitable kitchen facilities; 2) a primary use of sit down service to patrons; 3) adequate seating arrangements for patrons provided on the premises; 4) alcoholic beverages served for consumption on the premises only when served at tables or counters. A bona fide public eating place, which includes, but is not limited to, any facility which has obtained a State Department of Alcoholic Beverage Central license Type 41, On-Sale Beer and Wine Eating Place or Type 47, On-Sale General Eating Place, does not include any billiard or pool hall, video arcade, bowling alley or adult entertainment business. (Adapted in part from the California ABC Central Act, Business and Professions Code, s 23038); and 5) a minimum of sixty-seven percent of the bona fide eating place's gross receipts shall be from the sale of meals and other non-alcoholic products. The

from the sale of meals and other non-alcoholic products. The owner/operator shall submit at the time of city business license renewal certified evidence of the total meal and other non-alcoholic products sales upon request by city officials, for the purpose of verifying compliance.

Based on conversations with the applicant and a review of his submitted floor plan (see Attachment 2) staff believes the restaurant will meet the first three definitions of a bona fide eating establishment.

Bar Service

Staff did receive a letter in opposition to alcohol sales for the proposed restaurant based on the mixed use (commercial/residential) character of the neighborhood (see Attachment 5).

Though the floor plan does illustrate a bar area, the applicant has stated to staff and to the Vallejo Alcohol Policy Coalition (VAPC) that bar patrons will be required to purchase food at all times and that the bar will not be open when dining service is closed. Staff will rely on Police Department and VAPC monitoring to ensure this condition of approval. Based on the applicant's business plan, the operating hours of the restaurant, and staff's familiarity with microbrewery restaurants, staff believes that proposed establishment will be a welcomed addition to the neighborhood and the City of Vallejo as a whole.

Parking

Staff and the Police Department expressed concerns to the applicants regarding the lack of off-street parking for the restaurant. Staff also received comments from two neighbors expressing their concerns related to parking availability. Based on these concerns, the applicants are in the process of securing a parking agreement with the Knights of Columbus for the use of fifteen parking spaces on their Florida Street parking lot, approximately 150 feet from the restaurant entrance. Staff has conditioned the project based on the applicants obtaining the parking agreement.

Noise

One neighbor who contacted staff expressed concerned about potential noise emanating from Pint Size Brewery patrons. Staff informed the neighbor that the Brewery would function as a sit-down restaurant which would not include live entertainment or a sports pub theme with closing hours no later than 10:00 p.m. Upon this knowledge, the neighbor's concerns were eliminated and she stated to staff that she looked forward to the restaurant's opening.

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. Staff believes the microbrewery will be a welcomed dining option for Vallejo residents and will add to the synergy of the Vallejo Arts District therefore, staff recommends that the Planning Commission approve Conditional Use Permit number UP 07-0014 based on the following 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 subsection 1 above 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/conditions of approval
2. Site/floor plan, applicant letter
3. Pictures of site
4. Conflict of Interest Map
5. Letter of opposition

CITY OF VALLEJO PLANNING COMMISSION

RESOLUTION NO. PC 07-24

**A RESOLUTION OF THE PLANNING COMMISSION
APPROVING A CONDITIONAL USE PERMIT APPLICATION
USE PERMIT #07-0014**

Pint Size Brewery

The proposed restaurant would be located at the southwest corner of Florida and Marin Streets.

APN# 0056-132-060

I. GENERAL FINDINGS

WHEREAS an application was filed by Ed and Karin Cummins seeking approval for a conditional use permit to serve beer and wine at a bona fide eating establishment; and

WHEREAS the City of Vallejo Planning Commission conducted a duly noticed public hearing to consider the application for the Conditional Use Permit on February 20, 2008 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 1 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 07-0014 for a Type 41 on-sale alcohol license pursuant to the City of Vallejo Municipal Code Chapter 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 AN ON-SALE TYPE 41 ALCOHOL LICENSE LOCATED
AT 939 MARIN STREET**

NOW, THEREFORE, LET IT BE RESOLVED that the Planning Commission hereby APPROVES the Conditional Use Permit application (UP# 07-0014) for an on-sale type 41 alcohol license, 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 20th day of February, 2008, 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 #07-0014
(APN# 0056-132-060)

CONDITIONS OF APPROVAL:

Planning Division

1. The applicant shall provide to the Planning Division confirmation of a recorded parking agreement with the Christopher Hall Association (aka: Knights of Columbus) for property located at APN # 0056-132-050.
2. The applicant shall provide to the Planning Division confirmation of a Public Convenience or Necessity finding from the Department of Alcohol and Beverage Control prior to service of alcohol.
3. The applicant shall provide documentation from the Solano County Department of Resource Management Department (i.e. Solano County Environmental Health) that the restaurant has been approved for operation prior to final occupancy.
4. The bar area shall only be open during the dining area hours of operation.
5. Change of operating hours shall be subject to Planning Division approval.
6. The applicant shall establish a recycling program for the building in coordination with the Planning Division and when established, either participate in the Citywide commercial recycling program or demonstrate to the satisfaction of the Planning Division that the established recycling program is sufficient or is not required.
7. On-sale liquor establishments shall not sell alcohol for off-site consumption.
8. No exterior vegetation shall be planted that is susceptible to use as a hiding place for persons on the premises.
9. All graffiti shall be removed from the walls, fences, and/or buildings within one hundred twenty hours of its appearance on the property. If the property is controlled by a "management company," then the tenant shall, within two days, notify the company by "certified mail," of the graffiti.
10. Establish and maintain a "complaint response/community relations" program which includes the following:
 - a. Coordinate with the local community division of the Vallejo police department regarding appropriate monitoring of community complaints concerning activities associated with the subject facility.

b. A local phone number for the area commander of the local police substation in the geographical area where the establishment is located for the receipt of complaints from the community regarding the subject facility and the main Vallejo police department phone number shall be posted at the entry or at the reception desk.

c. A representative of the subject facility should voluntarily meet with representatives of the neighbors and/or neighborhood association, at their request, to resolve neighborhood complaints regarding the establishment.

11. Sign and Advertising:

a. The following signs shall be prominently posted in English, Spanish, and the predominant language of the facilities' clientele:

(1) A sign shall be prominently posted within any subject establishment, and outside so as to be seen by anyone entering the establishment, stating that "California State Law prohibits the sale of alcoholic beverages to persons under twenty-one years of age." (A notice shall also be placed on all menus.)

(2) "No Loitering or Public Drinking" signs shall be posted in the alcohol beverage display areas in a readily visible manner.

12. A copy of the conditions of approval of the conditional use permit must be kept on the premises of the establishment and presented to any police officer or any authorized city official upon request.

13. All servers shall within ninety days of employment, complete an approved course in "responsible beverage service training". The outlet shall within ten days provide evidence of the employee's completion of this training to the planning division.

14. Whenever any of the situations identified in Section 16.82.140 occurs, a use permit issued for on-site alcohol sales in accordance with this chapter shall become null or void, and a new use permit shall be required prior to resuming the sale of alcoholic products.

Building Division

1. Fire separation required for mixed occupancies.
2. Wall fire rating is required with no openings on corridor side.

Crime Prevention

1. Submit a revised site plan identifying the location of the trash enclosure.
2. Submit an exterior lighting plan for review and approval.

City Engineer

1. Prior to occupancy remove the existing driveway approach fronting the building on Florida Street that will not be used with City standard curb, gutter and sidewalk. Obtain sidewalk permit from Public Works Department to perform this work.

Vallejo Sanitation and Flood Control District

1. Prior to building permit issuance, a VSFCD Connection Permit is required. Pay all applicable review and connection fees.
2. 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.

Please show location of sanitary sewer and cleanout on site utility plan.

3. Add VSFCD signature block enclosed.
4. The use of the existing private sanitary sewer main and/or lateral is conditioned upon passing a standard VSFCD air test.
5. Pay VSFCD Plan Review fee (enclosed). Submit a pre-treatment questionnaire to VSFCD for review and approval to include the calculations for possible sizing of the grease trap.

Fire Prevention

1. Submit a numbered list to the Fire Prevention Division stating how each condition of project approval will be satisfied.
2. The project shall conform to all applicable requirements of Title 19-Public Safety, 2001 CFC and all VMC Amendments.
3. Automatic fire sprinkler extinguishing systems are required for all residential, commercial and industrial occupancies (2001 CFC Section 1003.1.2 added VMC Section 12.28.190)

4. Prior to occupancy/final inspection, install a key box as approved by the Fire Prevention Division. Information and applications concerning the purchase of allowed lock boxes and obtained through the Fire Prevention Office.
5. Prior to occupancy/final building inspection, install 3A-40BC portable fire extinguishers as required by the Fire Prevention Division. (2001 CFC Standard 10-1; NFPA 10)
6. Prior to occupancy/final building inspection, install approved numbers or addresses on all buildings in such a position as to be clearly visible and legible from the street. Residential buildings shall have numerals or letters not less than 3 inches in heights, and approved color that contrasts the background. Commercial occupancies shall have numerals or letters not less than 6 inches in height of contrasting background, and illuminated at night. (2001 CFC Section 901.4.4; added VMC Section 12.28.170)
7. Prior to occupancy/final building inspection, all applicable fees shall be paid before a final Fire Prevention inspection shall be conducted. All meeting and inspections require a minimum 24-hour advance request.
8. Development sites shall be maintained weed free during construction. (2001 CFC Section 1103.2.4)
9. Additional fire hydrant(s) is/are required. _____ is/are required in the street right-of-way and _____ is/are required on-site as shown in the Fire Department copy of the plans. Submit a complete set of plans for review and approval. All fire hydrants are to have “blue dot” highway reflectors installed on the adjacent street of the driveway to clearly identify the fire hydrant locations. (2001 CFC Section 903, Appendix III-B)
10. An automatic fire extinguishing system is required for the protection of all hood, duct, plenum, and cooking surfaces. (2001 CFC Section 1006)
11. An approved manual, and/or automatic fire alarm system is required for this project in accordance with section 1006.2 of the CFC.

STANDARD CONDITIONS

Planning Division

1. The premises shall be subject to fire and health inspection by the city and the use permitted thereon shall be contingent upon compliance with fire and health regulations and requirements (VMC 16.58.040[D][5])
2. Such use shall not adversely affect the neighborhood in which it is located. For the purposes of this subsection, “adversely affect” shall mean to impact in a

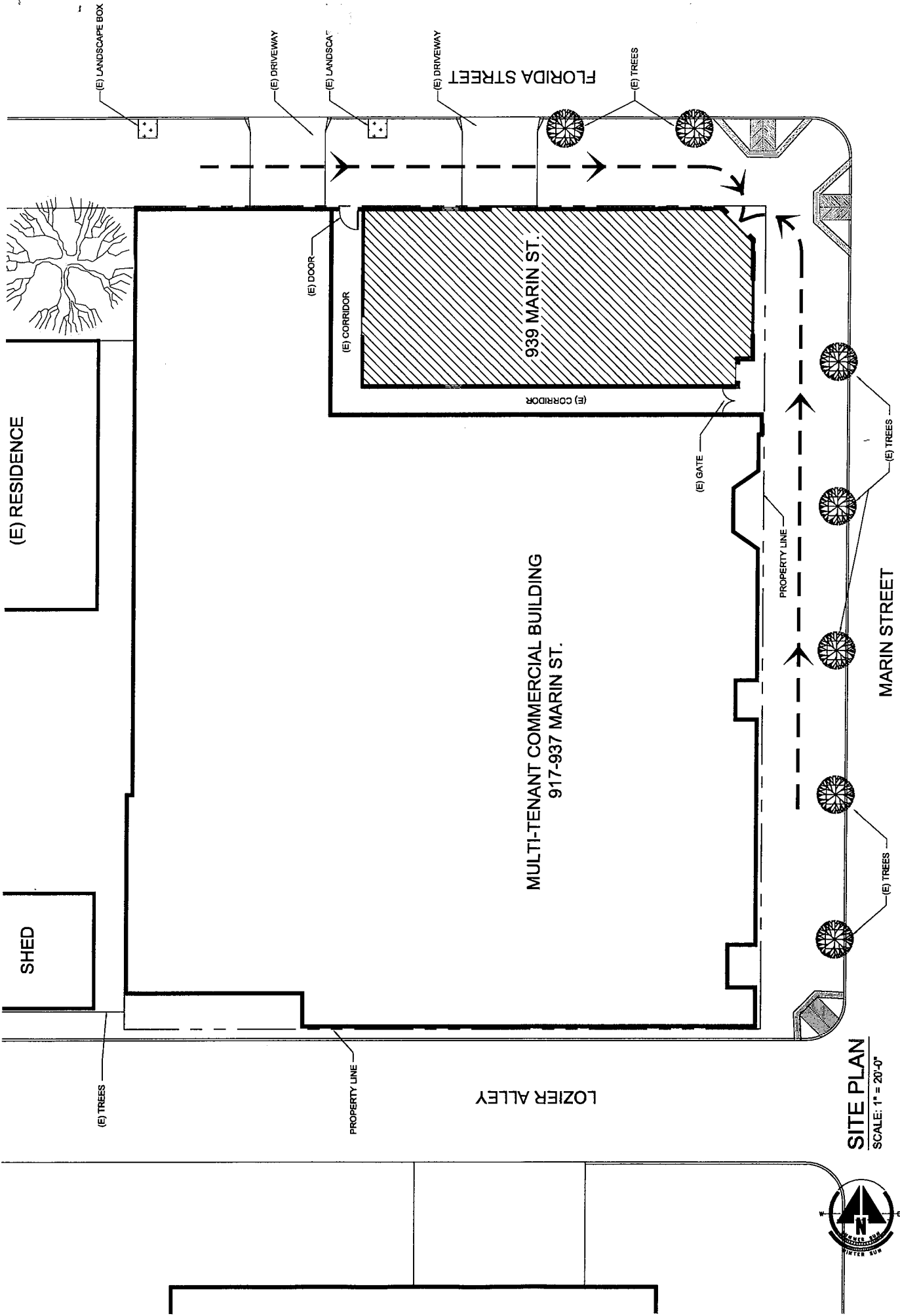
substantial, negative manner the economic value, habitability, or enjoyability of properties in the immediate area (VMC 16.58.040[D][6]).

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.
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.

J/PL/Marcus/2007Permits/UP/Pint size brewery(939marin-0014)-resolution-condtns



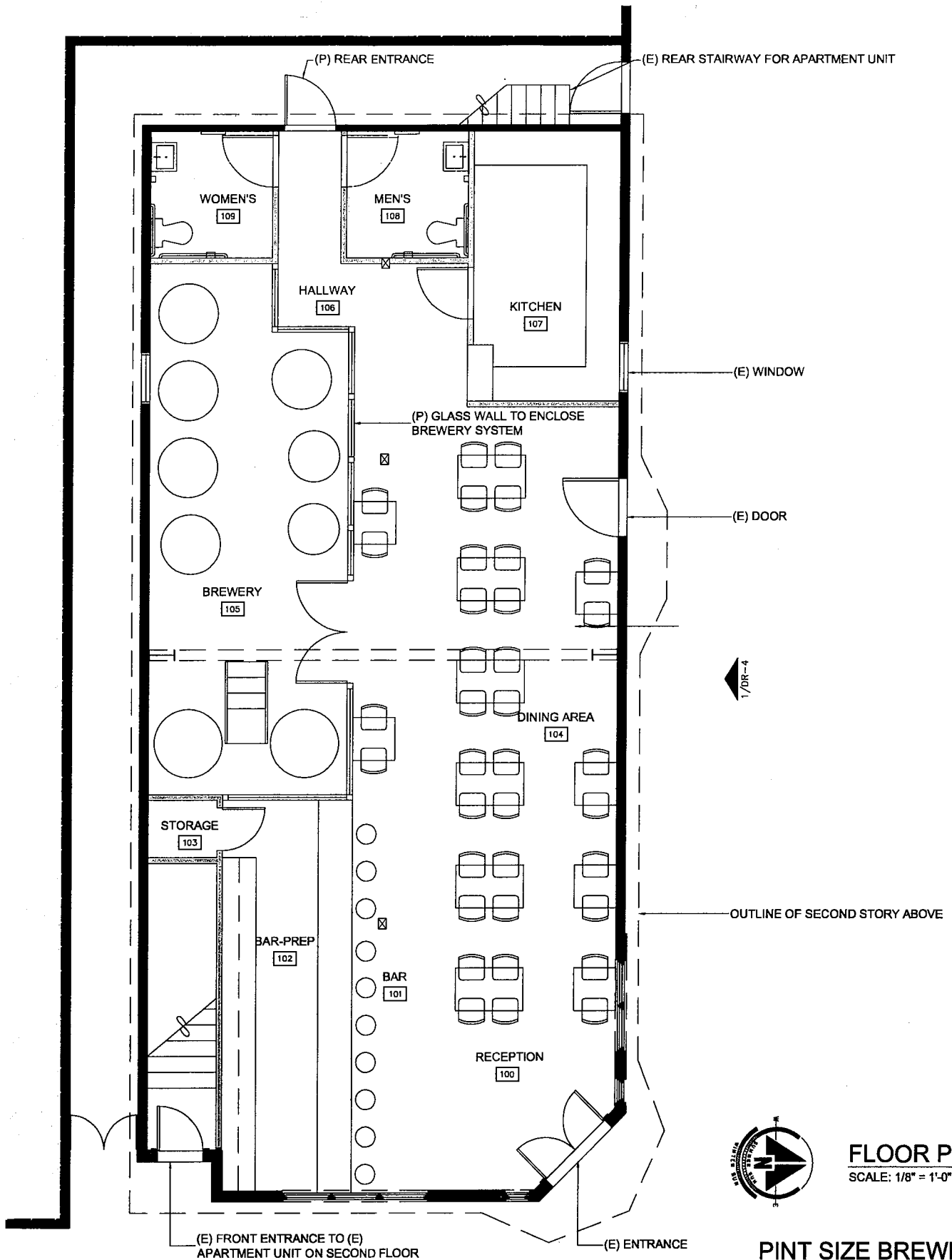
SITE PLAN
SCALE: 1" = 20'-0"

PINT SIZE BREWERY
939 MARIN ST.
VALLEJO, CA 94590

JOB NO: **PSB02**
DWG DATE: **10-16-07**
DWG NO: **DR-2A**

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

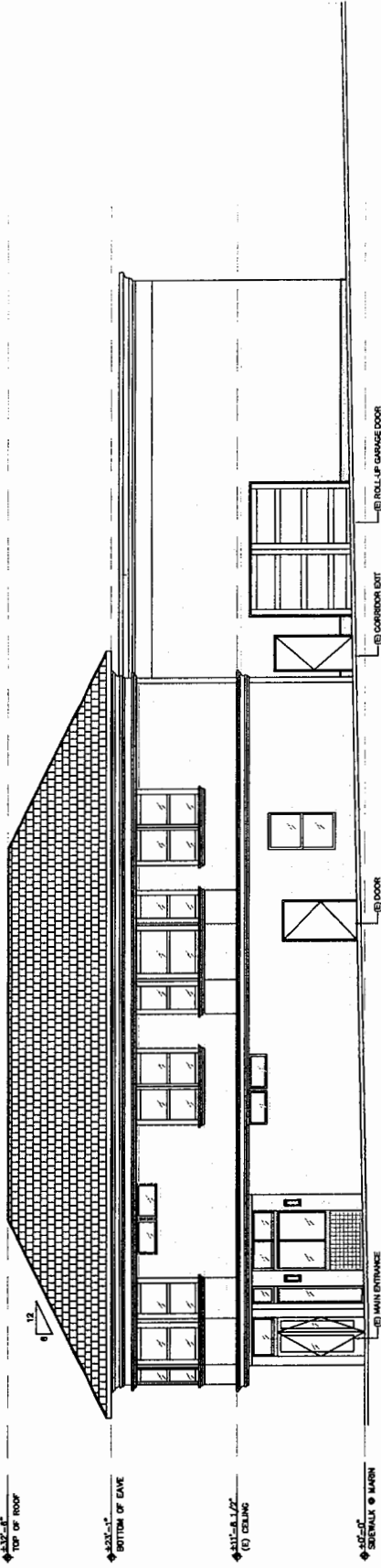
ARC Inc.



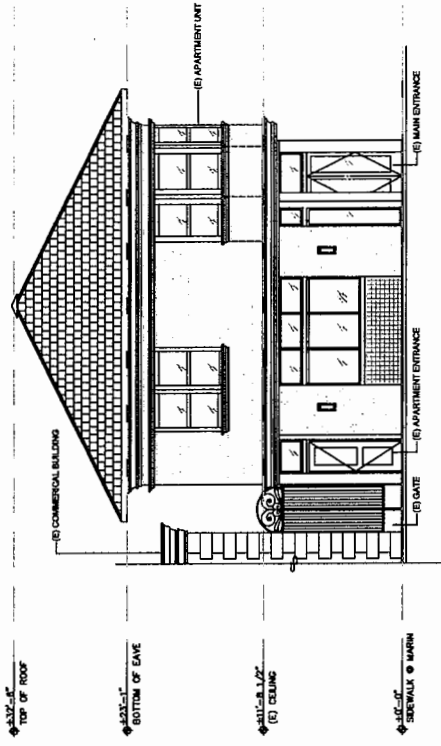
FLOOR PLAN
SCALE: 1/8" = 1'-0"

PINT SIZE BREWERY
939 MARIN ST., VALLEJO, CA

ARC Inc.	560 FIRST STREET, STE. B-201, BENICIA, CA 94510	JOB NO:	DWG DATE:	DWG NO:
	616 MARIN STREET, VALLEJO, CA 94590	PSB02	10-16-07	DR-3A



1 (E) VIEW FROM FLORIDA ST.
SCALE: 1/16" = 1'-0"



2 (E) VIEW FROM MARIN ST.
SCALE: 1/16" = 1'-0"

ARC Inc.	560 FIRST STREET, STE. B-201, BENICIA, CA 94510	JOB NO: PSB02	DWG DATE: 10-16-07	DWG NO: DR-4A
	616 MARIN STREET, VALLEJO, CA 94590			

PINT SIZE BREWERY
939 MARIN ST.
VALLEJO, CA 94590

Executive Summary

Pint Size Brewing Company seeks to establish as an L.L.C. and is defined as a small-scale microbrewery and grill. The establishment will operate as a restaurant, open to families, with a grill operating for lunch and dinner hours. The specialty of Pint Size will be its hand crafted ales. These ales will be brewed on site, which allows our patrons to experience the first operating microbrewery in Vallejo since prohibition. Brewing on site offers an exceptionally fresh product. We do intend to offer local wines for diversity but choose not to serve hard alcohol. We are in the process of securing a location, approximately 1800 square feet, at 939 Marin St., Vallejo. Our seating plan currently accommodates 46 customers.

Ed has completed the Craft Brewer's Apprenticeship Program conducted by the American Brewers Guild and has received his diploma in the year 2005. He is recognized as a certified Craft Brewer. He apprenticed at the Blue Frog in Fairfield Ca. and River City Brewing in Sacramento Ca. He has worked for C&H Sugar for 26 years and currently remains under their employment. He has resided in Vallejo for 16 years.

Karin has been employed with Harley-Davidson/Buell of Vallejo for 17 years and currently manages their General Merchandise Department. She brings extensive skills in personnel and financial management. She has developed her skills in obtaining a higher standard of customer service during her tenure at the Dealership. She has been a Vallejo resident for 39 years.

We have taken the NXLEVEL business course through the small business development center, we've done our research, drawn a business plan and are excited about bringing a fresh new business idea to Vallejo.

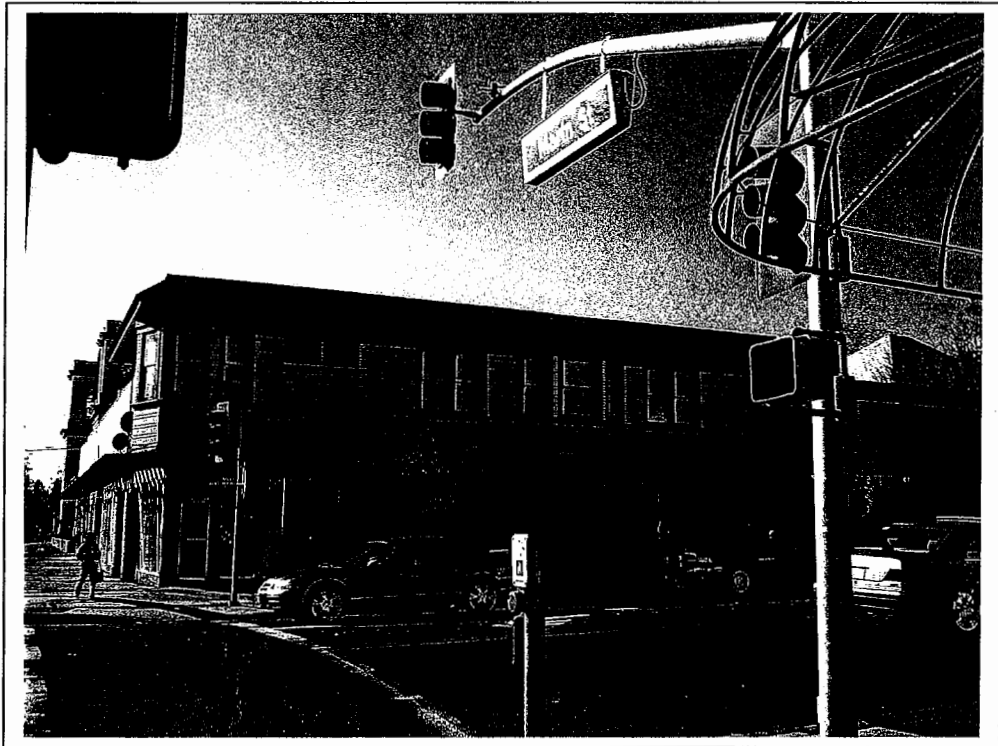
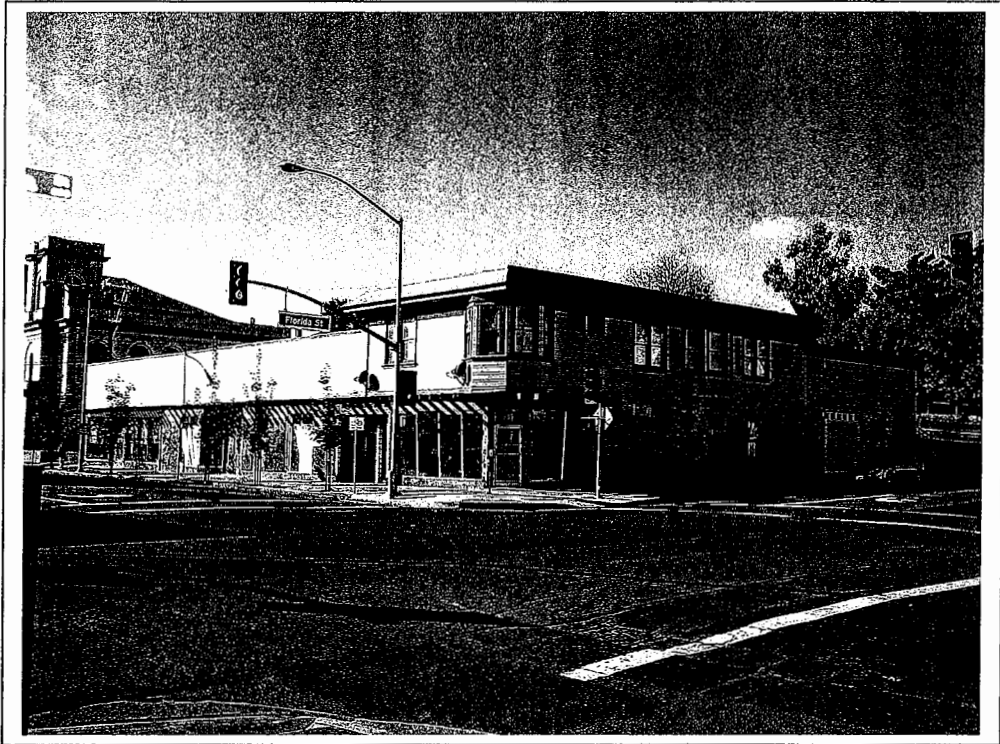
The craft beer industry is strong, sales are increasing and growth patterns are steady. There is a definitive market for hand crafted ales and we are sure that both citizens and visitors are primed for the microbrewery experience right here in our city.

We are planners and goal setters, who believe in our potential and the potential of our business. We have the support of several prominent Vallejo businessmen and women, as well as family and friends.

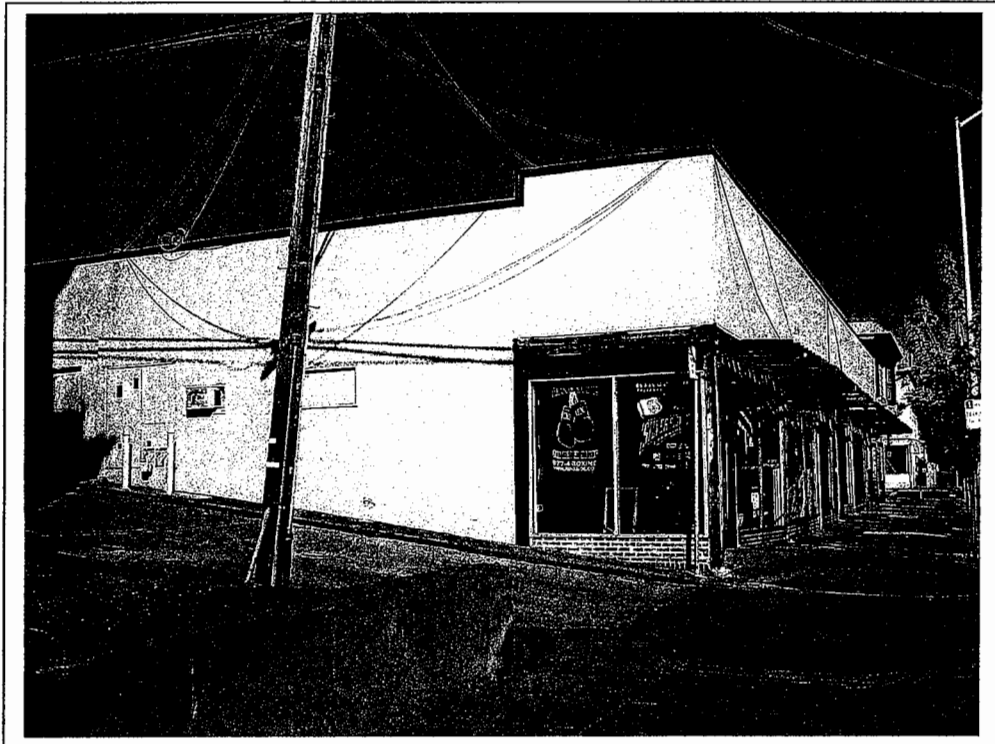
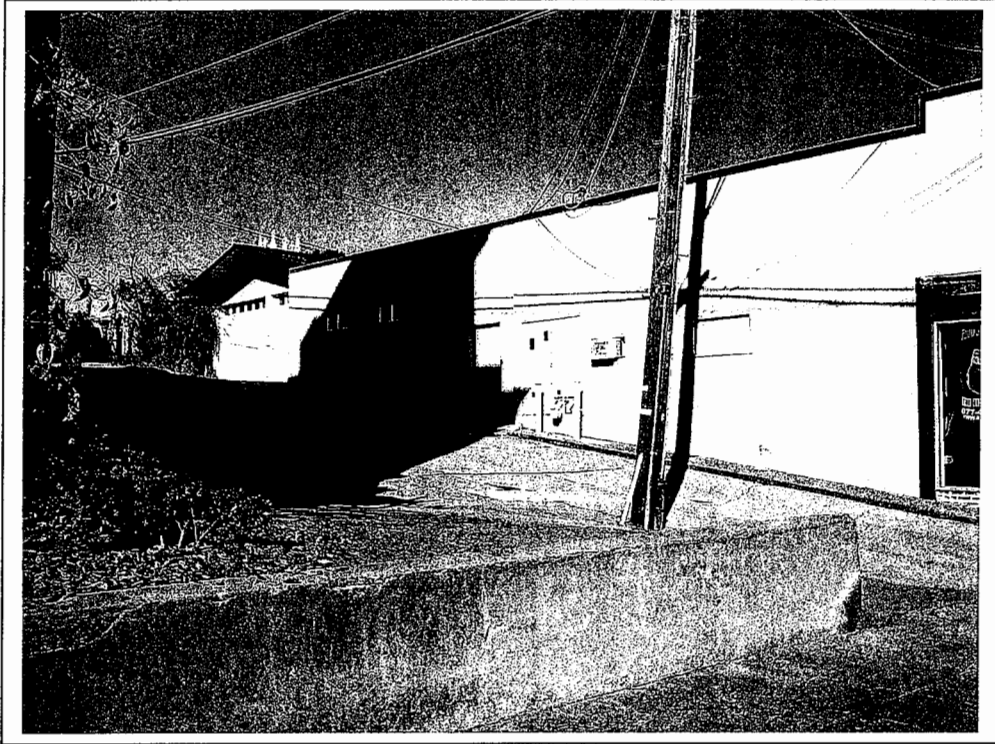
Microbreweries offer a culture of quality, where freshness is key. Not only will we put Vallejo on the map for the true craft-brewing enthusiast, but also our "neighborhood" qualities will offer the people of Vallejo a unique and truly different dining experience.

"Our pints are pleasurable, Our service immeasurable."

Pint Size Brewery
939 Marin St.
Vallejo, CA 94590



Pint Size Brewery
939 Marin St.
Vallejo, CA 94590



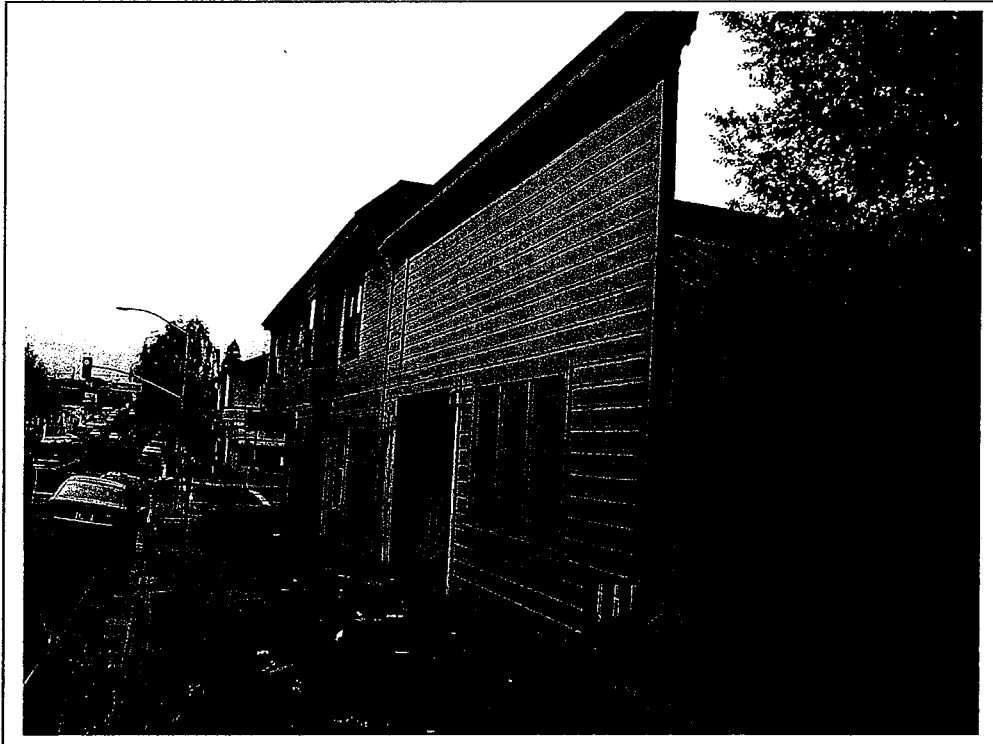
SK008

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Pint Size Brewery
939 Marin St.
Vallejo, CA 94590



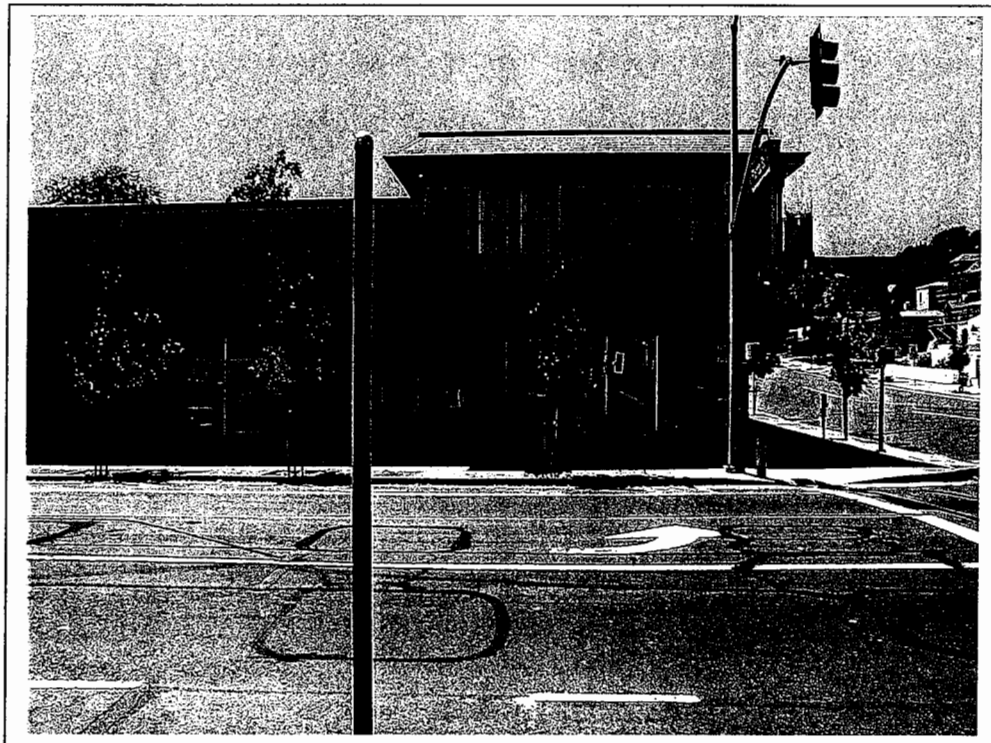
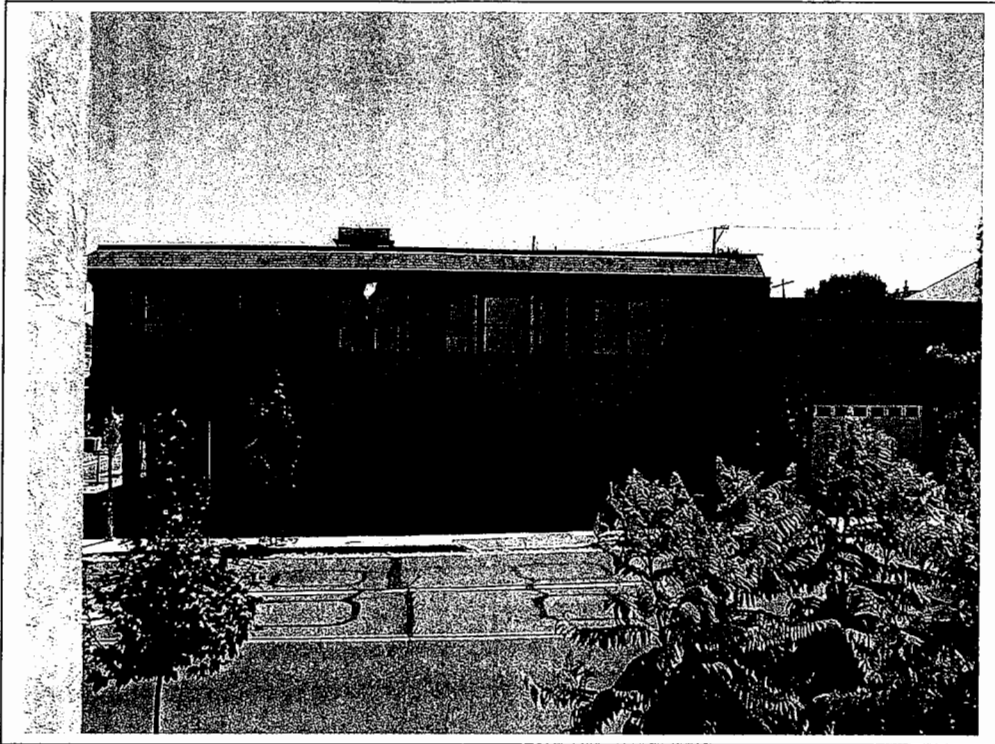
Pint Size Brewery
939 Marin St.
Vallejo, CA 94590



SK008

3/2005-7/2005

Pint Size Brewery
939 Marin St.
Vallejo, CA 94590



Pint Size Brewery
939 Marin St.
Vallejo, CA 94590



SK008

3/2005-7/2005

Attention: Staff Planner at the
Planning Division

January 18, 2000

Subject: 939 Marin Street Project

I am a resident of Vallejo, and have been since 1942. I have seen Vallejo improve, and at the same time I have seen Vallejo decline.

In regards to the proposal for a micro brewery and grill at 939 Marin Street I would like to state my opinion.

I do not feel we need a restaurant in a mixed zone area, residential and commerce, that serves alcohol. A restaurant not serving alcohol could be tolerated, such as the former "Peter Pan" restaurant which was 2 blocks south from this proposed project. This restaurant served breakfast and lunch, was suitable to the mixed zoned neighborhood and was a nice spot to gather.

Please consider these opinions. We would be very sad if this project was allowed. After all, this is not downtown Manhattan, this is the bedroom community called Vallejo.

Sincerely,

Mr. and Mrs. Michael Lyman
314 Alabama Street
Vallejo, CA 94590

01-22-08A09:33 RCVD

Pint Size Brewery: 500 Conflict of Interest Map



Pint Size Brewery: 500 Conflict of Interest Map



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Image © 2008 TerraMetrics

Pint Size Brewery: 500 Conflict of Interest Map



Pint Size Brewery: 500 Conflict of Interest Map



Pint Size Brewery: 500 Conflict of Interest Map



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Image © 2008 TerraMetrics

Pint Size Brewery: 500 Conflict of Interest Map



Pint Size Brewery: 500 Conflict of Interest Map





STAFF REPORT – PLANNING
CITY OF VALLEJO
PLANNING COMMISSION

DATE OF MEETING: February 20, 2008

PREPARED BY: Marcus Adams *M.A.*

PROJECT NUMBER: UP #07-0017

PROJECT
DESCRIPTION:

The use permit application is a request to serve to premium beer and wine at Montana Eddie’s Family Restaurant in downtown Vallejo, located at 301 Georgia Street. Montana Eddies would feature pizza, pasta and steak in a “fun, sports-themed environment.” Proposed hours of operation would be Monday-Saturday from 11 a.m. to 11 p.m., Sunday (football season, Sept.-Feb.) 9 a.m. to 10 p.m., (March-Aug.) 11 a.m. to 8 p.m. The restaurant would be located on the lower level of the Georgia Street Mall building, in the suite formerly occupied by Banana Q. No live entertainment is anticipated.

RECOMMENDATION: Approve with Conditions

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

PROJECT DATA SUMMARY

Name of Applicant: Gene Lee

Date of Completion: December 17, 2007

General Plan Designation: Downtown-Mixed Use

Zoning Designation: Mixed Use Planned Development (MUPD)

Site/Surrounding Land Use:

Site: 301 Georgia St., APN 0056-192-140

North: Commercial
South: Parking Lot

East: Commercial
West: Commercial

Lot Area: 26,000
square feet

Total Floor Area: 4,338

Landscape Area/Coverage: Not Applicable

Parking Required/Provided: Ground floor building depth up to 60 feet, exempt, > 60 feet, 1 space per 450 gross square feet- 980 gross square feet= **2 required spaces**

82 private spaces shared with other 301 Georgia Street tenants and Shared Downtown Parking Municipal Lots of approximately 700 spaces

BACKGROUND SUMMARY

The applicant is opening a sports pub and grill restaurant in the heart of Downtown Vallejo within a building on Georgia Street commonly referred to as the Georgia Street Mall. The street facing storefront has been vacant for approximately two years and was last occupied by Banana Q; a restaurant specializing in Filipino cuisine. The conditional use permit application is a request to serve beer and wine at the restaurant.

ANALYSIS

On-sale alcohol establishments are allowed within the Downtown Specific Plan Area upon conditional use permit approval, per Section 16.82.060(Q) of the Vallejo Zoning Ordinance. The major issues staff analyzes when reviewing such establishments are whether the restaurant meets the Municipal Code definition of a "bona fide eating establishment" in order to qualify for the 1,000 foot exemption for locating near another on-sale establishment; whether the restaurant will include bar service only; and potential negative impacts to the neighborhood.

Bona Fide Eating Establishment

Following is the definition and standards for bona fide eating establishment qualification:

"Bona fide eating place" means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation which has: 1) suitable kitchen facilities; 2) a primary use of sit

down service to patrons; 3) adequate seating arrangements for patrons provided on the premises; 4) alcoholic beverages served for consumption on the premises only when served at tables or counters. A bona fide public eating place, which includes, but is not limited to, any facility which has obtained a State Department of Alcoholic Beverage Central license Type 41, On-Sale Beer and Wine Eating Place or Type 47, On-Sale General Eating Place, does not include any billiard or pool hall, video arcade, bowling alley or adult entertainment business. (Adapted in part from the California ABC Central Act, Business and Professions Code, s 23038); and 5) a minimum of sixty-seven percent of the bona fide eating place's gross receipts shall be from the sale of meals and other non-alcoholic products. The owner/operator shall submit at the time of city business license renewal certified evidence of the total meal and other non-alcoholic products sales upon request by city officials, for the purpose of verifying compliance.

Based on conversations with the applicant and his submitted floor plan (see Attachment 2) staff believes the restaurant will meet the first three definitions of a bona fide eating establishment.

Bar Service

Though the floor plan does illustrate a bar area, the applicant has stated to staff that the bar will not be open when dining service is closed. Staff will rely on Police Department and VAPC monitoring to ensure this condition of approval. Staff believes that with vigilant monitoring of Montana Eddie's gross receipts to ensure that the restaurant is in compliance with the City's bona fide eating establishment requirements along with responsible management, Montana Eddie's can be a pleasurable dining experience.

Restaurant Impacts

Initially, the surrounding community and the Vallejo Alcohol Policy Coalition had concerns that the proposed restaurant would operate primarily as a sports bar and a restaurant secondarily. This was due to posted window signage advertising the upcoming business and preliminary conversations with the business owner.

Based on these concerns, the applicant revised his floor plan, operating hours, business name and plan to help reflect an emphasis on a family dining establishment and not a "sports bar." Staff believes with these changes; proposed closing hours no later than 11:00 p.m.; and responsible management, that the restaurant will provide a much needed entertainment/dining experience to the downtown area and will meet the following policy and goal of the Downtown Specific Plan:

"Policy 4.4.4: Promote a variety of retail uses that serve the local community and contribute to an active pedestrian environment."

"Establish development standards that promote new development that is pedestrian in design, scale and function." pg. 4.9

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, helps achieve the General Plan Commercial Development policy of “concentrating in downtown specialized facilities that attract people from the entire planning area,” and will help meet the Downtown Specific Plan objective of bringing vitality to Georgia Street.

The proposed project 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 07-0017, 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 subsection 1 above 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/floor plan, applicant letter
3. Pictures of site
4. Conflict of Interest Map

CITY OF VALLEJO PLANNING COMMISSION

RESOLUTION NO. PC 07-24

**A RESOLUTION OF THE PLANNING COMMISSION
APPROVING A CONDITIONAL USE PERMIT APPLICATION
USE PERMIT #07-0017**

Montana Eddie's Family Restaurant

The project is located within the Georgia Street Mall at 301 Georgia Street, Suite 122.

APN# 0056-192-140

I. GENERAL FINDINGS

WHEREAS an application was filed by Gene Lee seeking approval for a conditional use permit to serve beer and wine at a bona fide eating establishment; and

WHEREAS the City of Vallejo Planning Commission conducted a duly noticed public hearing to consider the application for the Conditional Use Permit on February 20, 2008 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 1 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 07-0017 for a Type 41 on-sale alcohol license pursuant to the City of Vallejo Municipal Code Chapter 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 AN ON-SALE TYPE 41 ALCOHOL LICENSE LOCATED
AT 301 GEORGIA STREET, SUITE 122**

NOW, THEREFORE, LET IT BE RESOLVED that the Planning Commission hereby APPROVES the Conditional Use Permit application (UP# 07-0017) for an on-sale type 41 alcohol license, 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 20th day of February, 2008, 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 #07-0017
(APN# 0056-192-140)

CONDITIONS OF APPROVAL:

Planning Division

1. The applicant shall provide to the Planning Division confirmation of Public Convenience or Necessity from the Department of Alcohol and Beverage Control prior to service of alcohol.
2. **Prior to final occupancy**, the applicant shall provide documentation from the Solano County Department of Resource Management Department (i.e. Solano County Environmental Health) that the restaurant has been approved for operation.
3. **Prior to final occupancy**, the applicant shall resurface the private parking lot for the building according to the Downtown Specific Plan standards (pg. 9.8) and accessibility standards. Upon completion, the parking lot shall be inspected by Development Services Division staff.
4. Change of operating hours shall be subject to Planning Division approval.
5. The bar area shall only be open during the dining area hours of operation.
6. The applicant shall establish a recycling program for the building in coordination with the Planning Division and when established, either participate in the Citywide commercial recycling program or demonstrate to the satisfaction of the Planning Division that the established recycling program is sufficient or is not required.
7. On-sale liquor establishments shall not sell alcohol for off-site consumption.
8. No exterior vegetation shall be planted that is susceptible to use as a hiding place for persons on the premises.
9. All graffiti shall be removed from the walls, fences, and/or buildings within one hundred twenty hours of its appearance on the property. If the property is controlled by a "management company," then the tenant shall, within two days, notify the company by "certified mail," of the graffiti.
10. Establish and maintain a "complaint response/community relations" program which includes the following:
 - a. Coordinate with the local community division of the Vallejo police department

regarding appropriate monitoring of community complaints concerning activities associated with the subject facility.

b. A local phone number for the area commander of the local police substation in the geographical area where the establishment is located for the receipt of complaints from the community regarding the subject facility and the main Vallejo police department phone number shall be posted at the entry or at the reception desk.

c. A representative of the subject facility should voluntarily meet with representatives of the neighbors and/or neighborhood association, at their request, to resolve neighborhood complaints regarding the establishment.

11. Sign and Advertising:

a. The following signs shall be prominently posted in English, Spanish, and the predominant language of the facilities' clientele:

(1) A sign shall be prominently posted within any subject establishment, and outside so as to be seen by anyone entering the establishment, stating that "California State Law prohibits the sale of alcoholic beverages to persons under twenty-one years of age." (A notice shall also be placed on all menus.)

(2) "No Loitering or Public Drinking" signs shall be posted in the alcohol beverage display areas in a readily visible manner.

12. A copy of the conditions of approval of the conditional use permit must be kept on the premises of the establishment and presented to any police officer or any authorized city official upon request.

13. All servers shall within ninety days of employment, complete an approved course in "responsible beverage service training". The outlet shall within ten days provide evidence of the employee's completion of this training to the planning division.

14. Whenever any of the situations identified in Section 16.82.140 occurs, a use permit issued for on-site alcohol sales in accordance with this chapter shall become null or void, and a new use permit shall be required prior to resuming the sale of alcoholic products.

Crime Prevention

1. Address painted on the roof in a contrasting color that will be visible to law enforcement aircraft flying at 1500 ft.
2. All roof vents and skylights to be tamper/burglar proofed.

3. Garbage containment area to be placed in an area that will not allow access to the roof. Dumpster enclosure shall be kept locked to prevent subjects from going through the trash.
4. Peephole and intercom on rear doors so employees inside can view and speak to the person outside without opening the door.
5. Rear door at the end of the main hall between the commercial area and restaurant shall be a fire exit and be alarmed to prevent unauthorized entry during business hours.
6. Shall comply with all local, state and federal regulations regarding the sales and distribution of alcoholic beverages.
7. Shall comply with all conditions placed on the establishment by the Vallejo Police Department.
8. Digital video camera for the outside and inside of the building with an additional camera pointed at the cash register with the capacity to store video for 3 days.
9. May have no live entertainment. A single jukebox or stereo can be maintained on the premises but the sound shall not be audible outside the building.
10. All employees must complete the LEAD training provided by ABC or similar training such as the RBS training.

Vallejo Sanitation and Flood Control District

1. Prior to building permit issuance, a VSFCD Connection Permit is required. Pay all applicable review and connection fees.
2. 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.

Please show location of sanitary sewer and cleanout on site utility plan.
3. Comply with VSFCD pretreatment requirements for sanitary sewage.
4. The use of the existing private sanitary sewer main and/or lateral is conditioned upon passing a standard VSFCD air test.

5. Submit a pre-treatment questionnaire to VSFCDD for review and approval.

Fire Prevention

1. Submit a numbered list to the Fire Prevention Division stating how each condition of project approval will be satisfied. (F1)
2. Automatic fire sprinkler extinguishing systems are required for all residential, commercial and industrial occupancies. A reflected ceiling plan may be necessary (2001 CFC Section 1003.1.2 added VMC Section 12.28.190)
3. 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]
4. 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]
5. 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)
6. The project shall conform to all applicable requirements of Title 19-Public Safety, 1998 CFC and all VMC amendments. (F2)
7. An automatic fire extinguishing system is required for the protection of all hood, duct, plenum, and cooking surfaces which must be tied into fire alarm system. (2001 CFC Section 1006)
8. Modification of fire alarm system may be necessary for horn/strobe devices.
9. Panic hardware required for exit doors.

STANDARD CONDITIONS

Planning Division

1. The premises shall be subject to fire and health inspection by the city and the use permitted thereon shall be contingent upon compliance with fire and health regulations and requirements (VMC 16.58.040[D][5])
2. Such use shall not adversely affect the neighborhood in which it is located. For the purposes of this subsection, "adversely affect" shall mean to impact in a

substantial, negative manner the economic value, habitability, or enjoyability of properties in the immediate area (VMC 16.58.040[D][6]).

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.
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.

J/PL/Marcus/2007Permits/UP/montanacddies(301 georgia-0017)-resolution-condtns

MARIN STREET

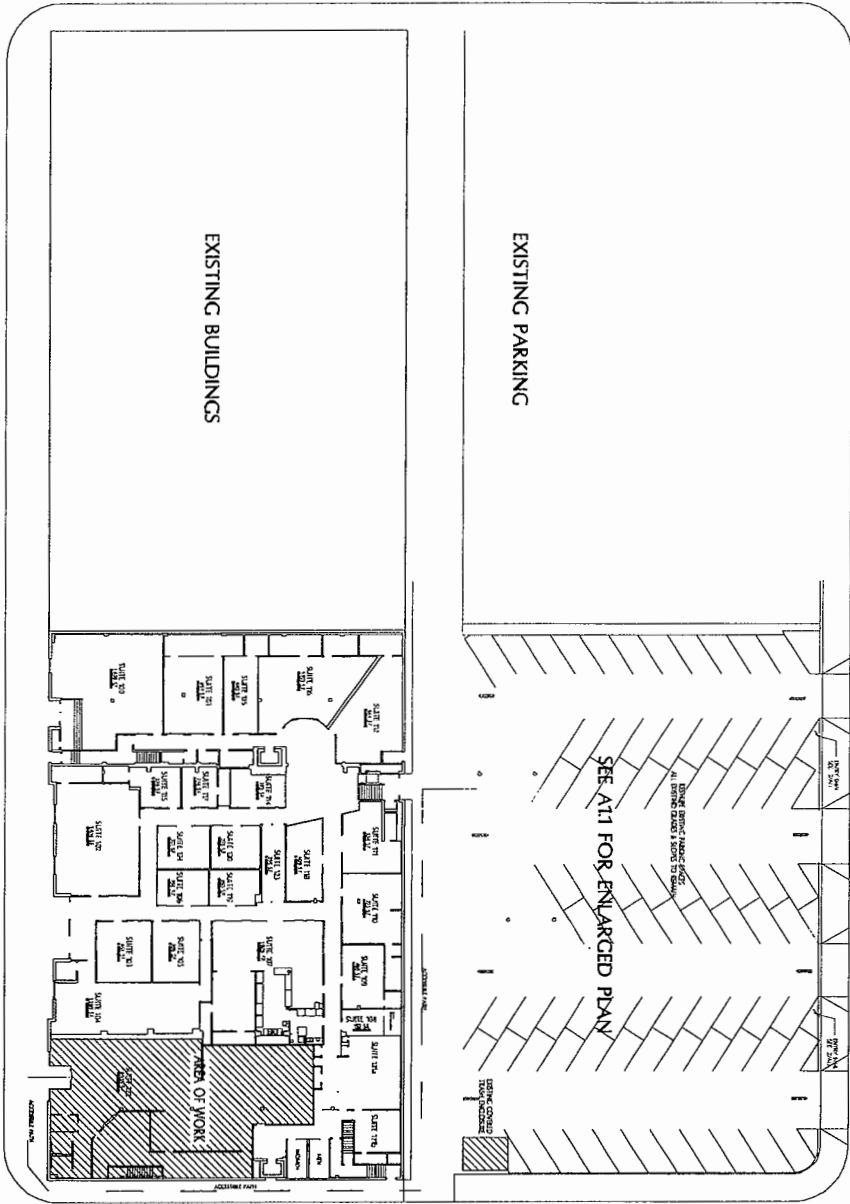
YORK STREET

EXISTING PARKING

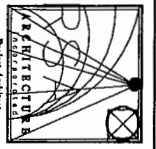
EXISTING BUILDINGS

GEORGIA STREET

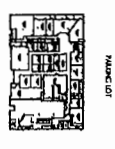
SACRAMENTO STREET



NET NORTH
SITE PLAN
11-112



Project Architect
Robert König-Saier
 Licensed Architect No. 9544
 707 453 0186 • Fax 707 453 1141



NAME LOT
 CORPORATE ST
 NET FLOOR PLAN

SPORTS BAR
 301 GEORGIA STREET
 WALKER, CA

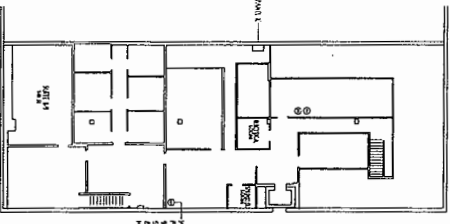
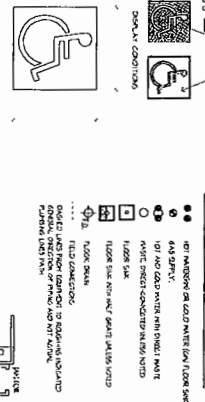
SITE PLAN
 SUITE 122

Sheet No. **A1.0**
 Project No. 11-112
 Date 02/24/10

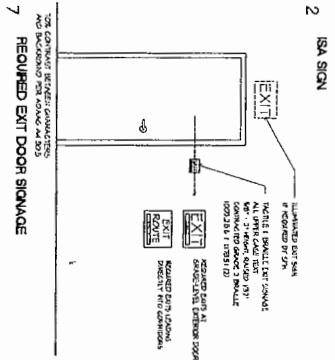
PLUMBING NOTES

- 1. PLUMBING CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING PLUMBING. ALL EXISTING PLUMBING SHALL BE MAINTAINED UNLESS OTHERWISE NOTED ON THE PLANS.
- 2. ALL NEW PLUMBING SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING CODE AND ALL LOCAL ORDINANCES.
- 3. ALL NEW PLUMBING SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING CODE AND ALL LOCAL ORDINANCES.
- 4. ALL NEW PLUMBING SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING CODE AND ALL LOCAL ORDINANCES.
- 5. ALL NEW PLUMBING SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING CODE AND ALL LOCAL ORDINANCES.

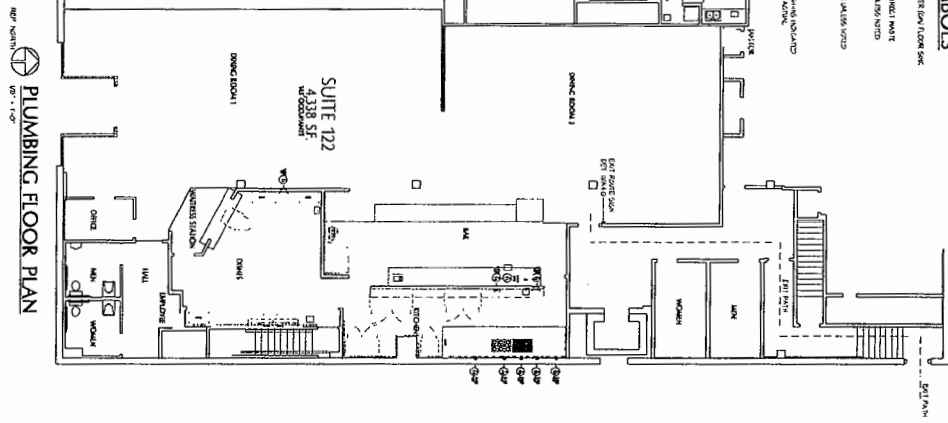
PLUMBING SYMBOLS



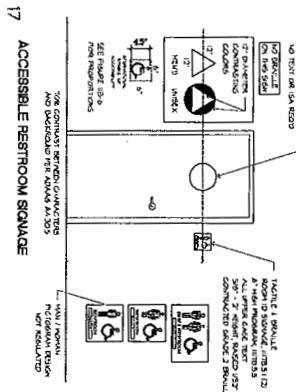
BASEMENT PLAN
NOT TO SCALE



REQUIRED EXIT DOOR STORAGE
ISA SIGN



PLUMBING FLOOR PLAN

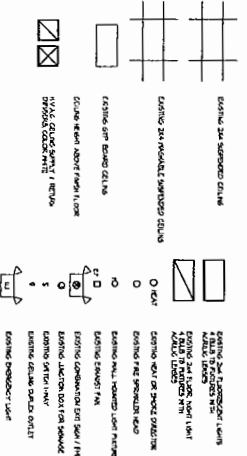


REQUIRED EXIT DOOR STORAGE
ISA SIGN

CEILING NOTES

- 1. CEILING AND LIGHTS SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING CODE AND ALL LOCAL ORDINANCES.
- 2. ALL NEW CEILING SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING CODE AND ALL LOCAL ORDINANCES.
- 3. ALL NEW CEILING SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING CODE AND ALL LOCAL ORDINANCES.

CEILING LEGEND



CEILING PLAN

REFLECTED CEILING PLAN & PLUMBING PLAN

SUITE 122

A3.0

DATE: 02/14/11

PROJECT ADDRESS:
301 GEORGIA STREET
WALLA, WA

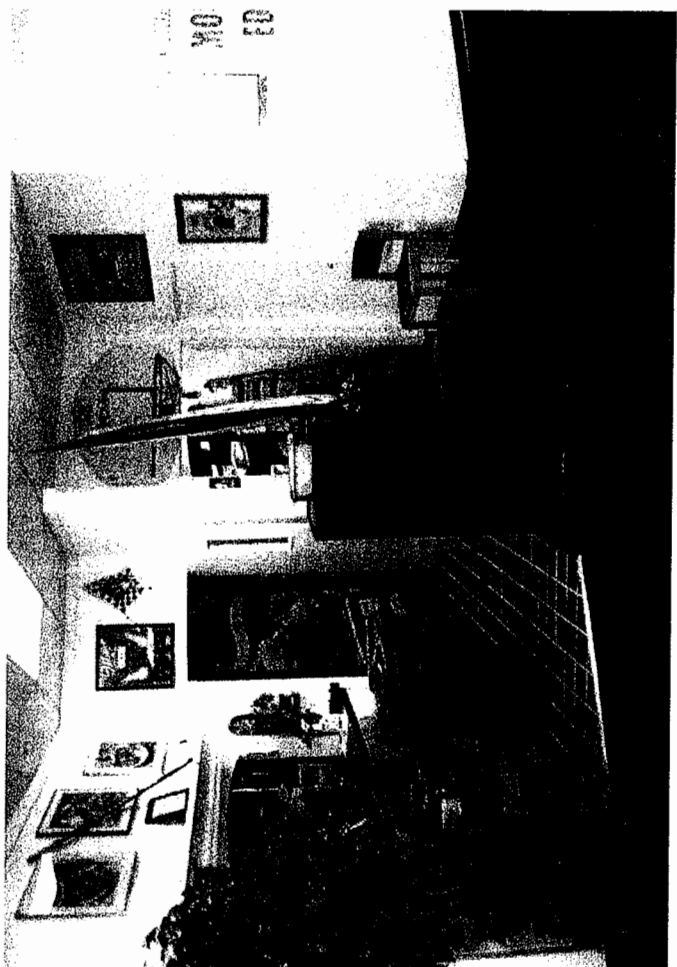
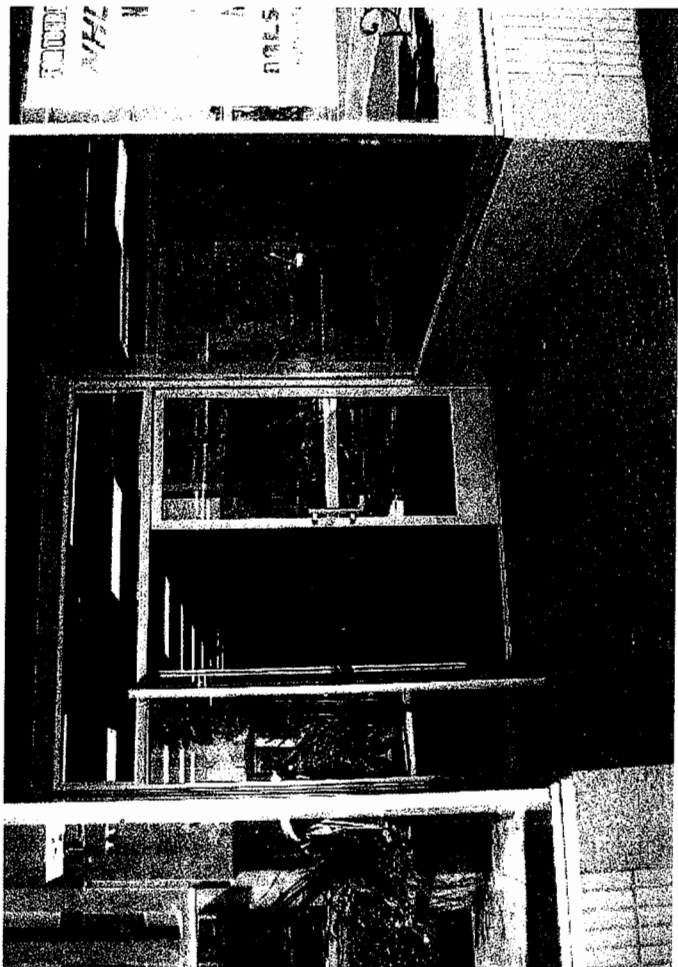
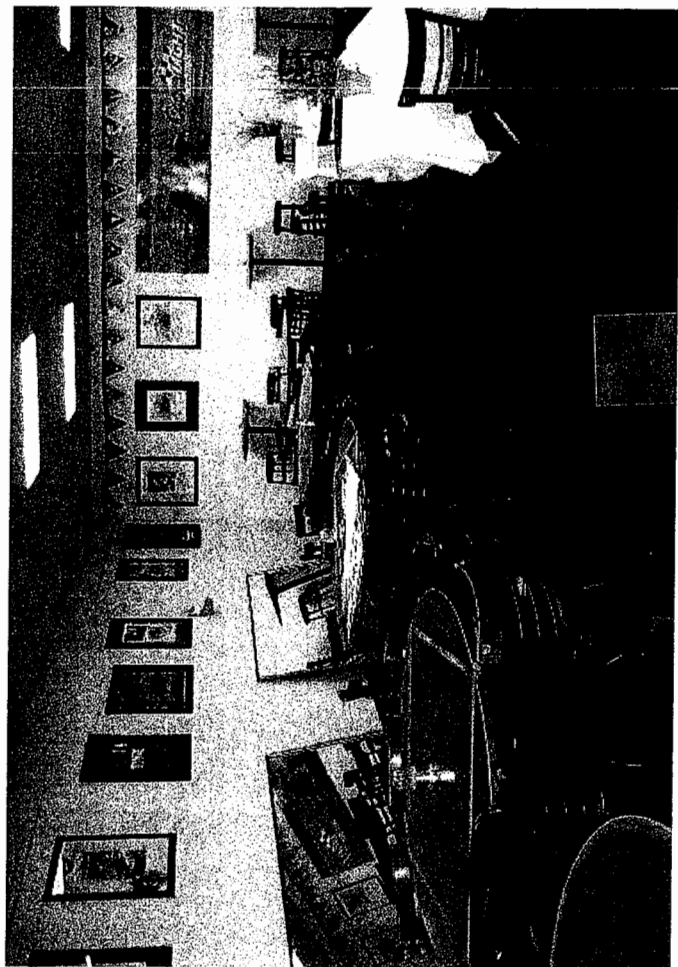
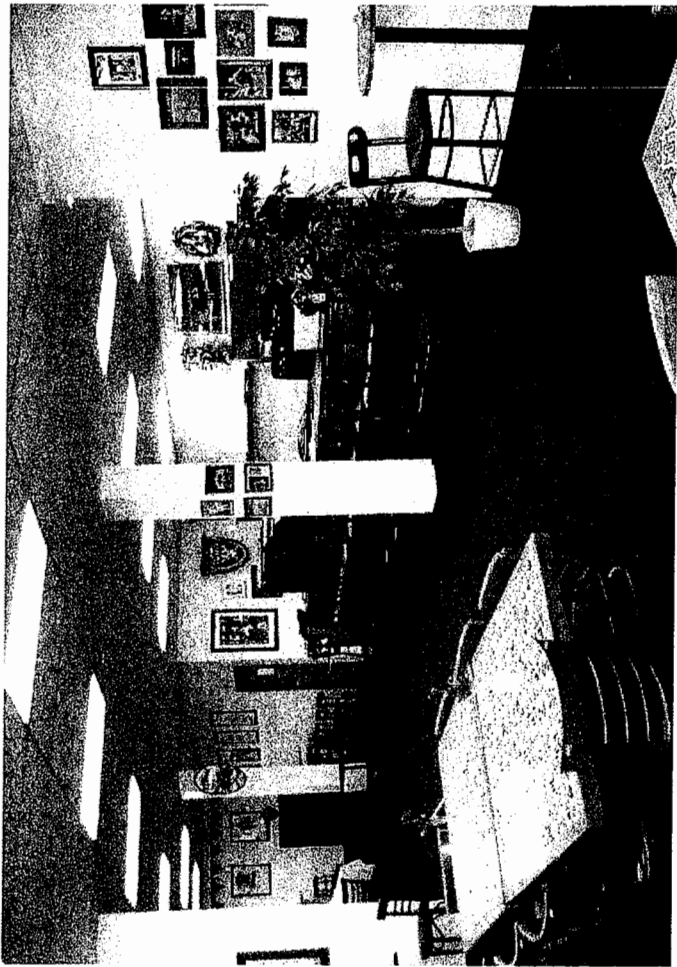
OWNER:
SPORTS BAR

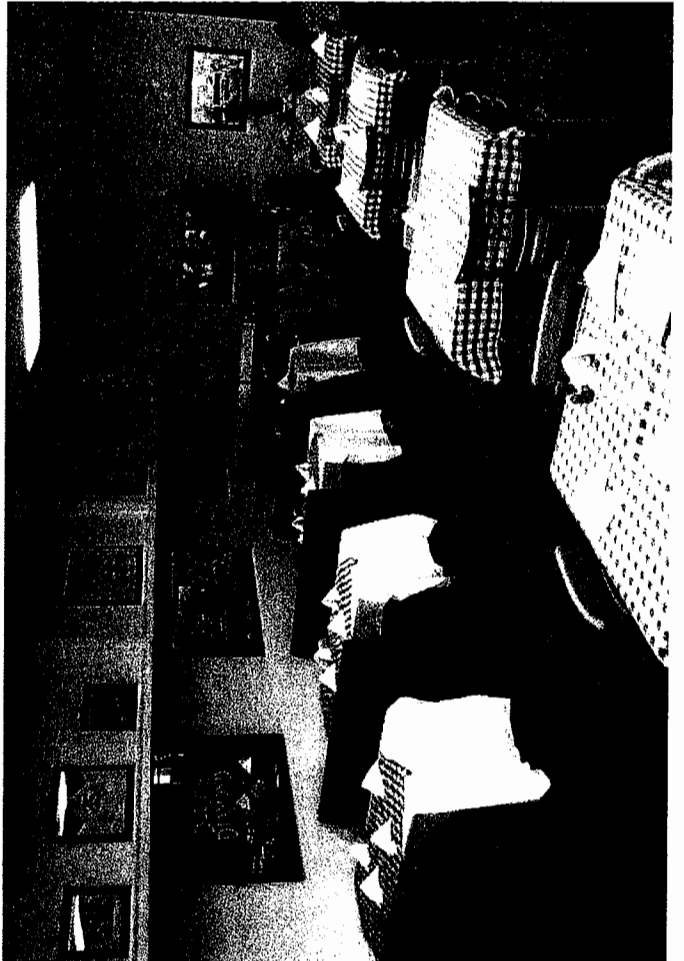
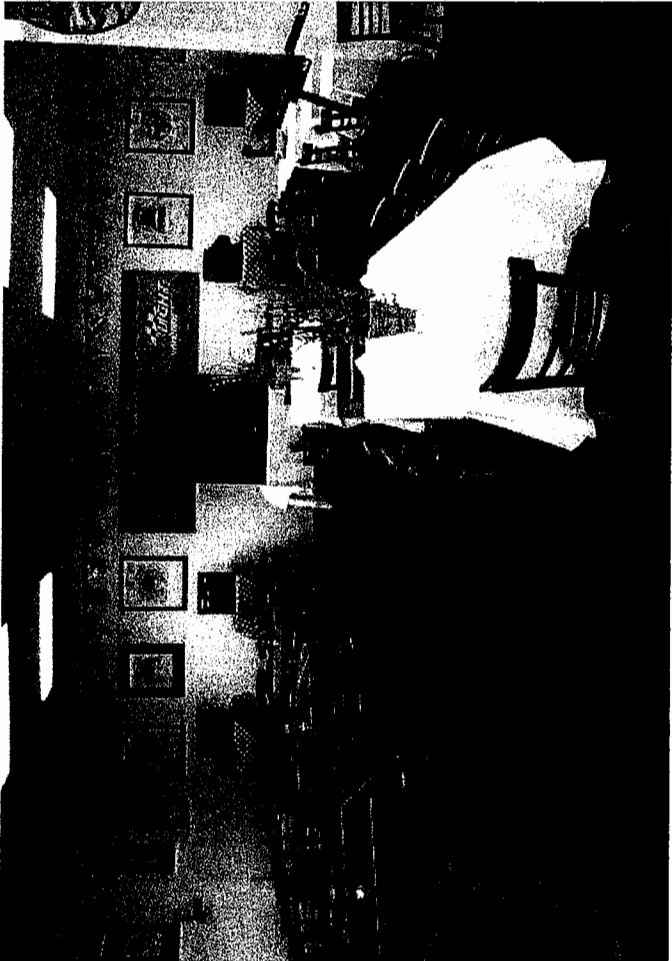
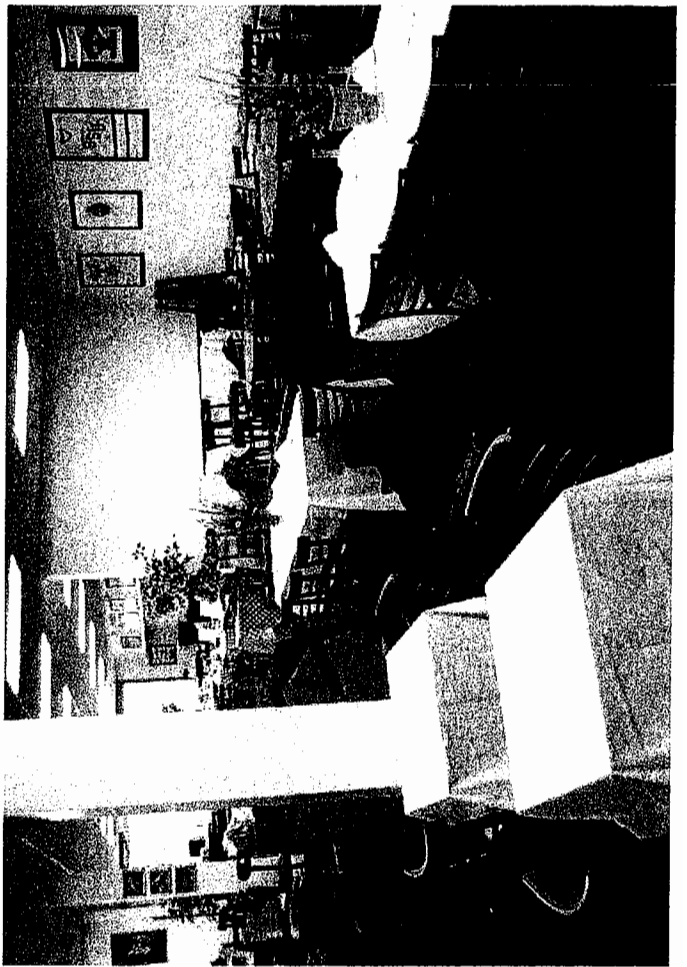
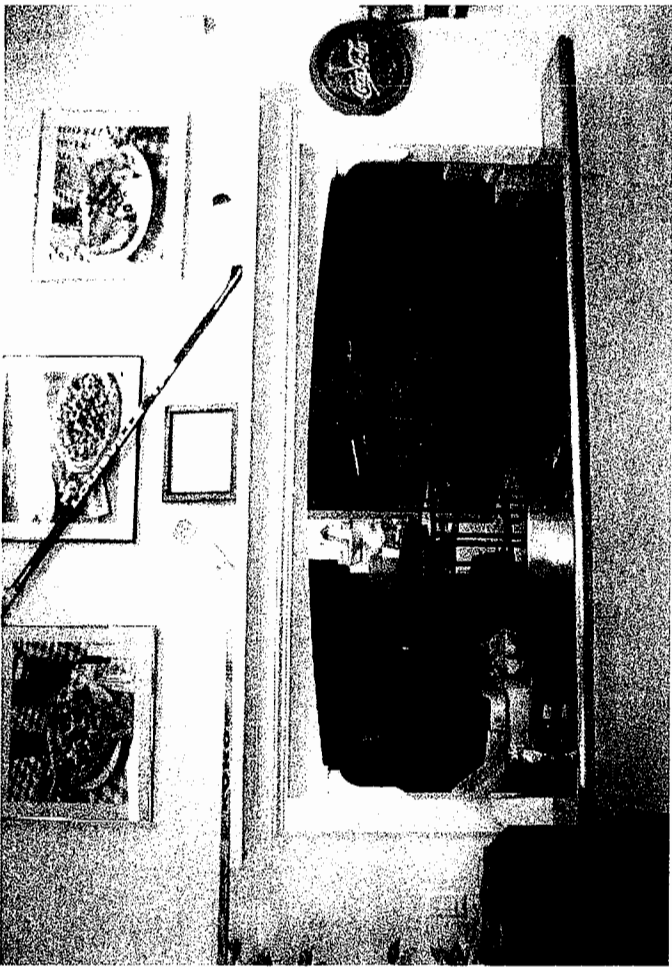
DESIGNER:
R. ROBERTS & ASSOCIATES

DATE:
02/14/11

Montana Eddie's Sports Pub & Grille is dedicated to providing high quality pizza, pasta and steak in a fun, sports-themed environment. At start up we will be open for lunch and dinner from 11 a.m. to 11 p.m. Monday-Saturday, with a Sunday brunch from 9 a.m. to 12 p.m. Our menu will include unique interpretations of classic Italian dishes and authentic pub fare. We will also offer a variety of premium beer and wine selections for our customers' enjoyment, though only when food is being served at the restaurant.

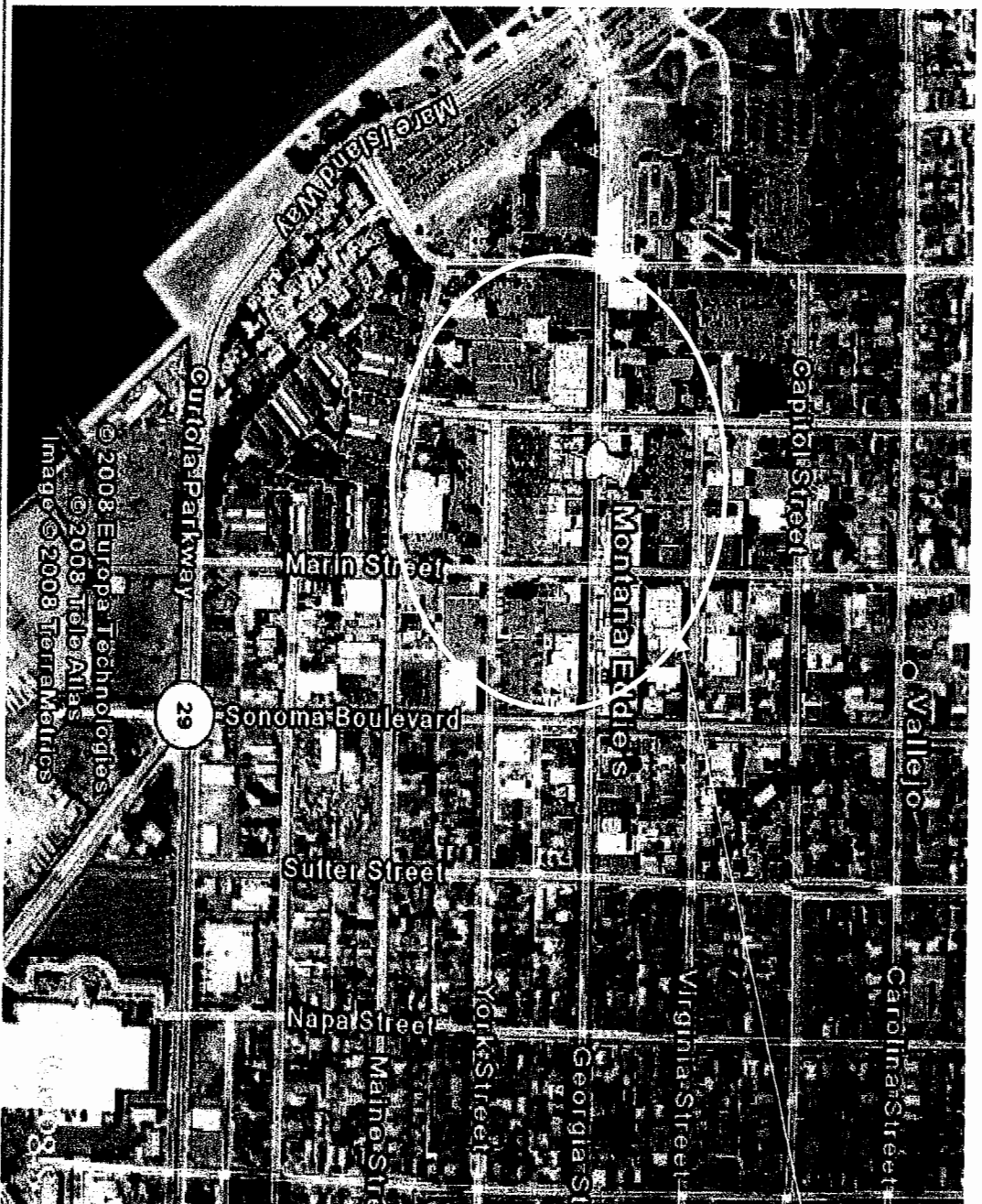
The primary target market for Montana Eddie's is people who desire a comfortable, fun-filled environment for dining in; however, our secondary target market also desires a delivery service or a take-out approach. The restaurant is equipped with suitable facilities to provide both of these services, with its fully-equipped kitchen, spacious and comfortable dining room and conveniently located take-out window.





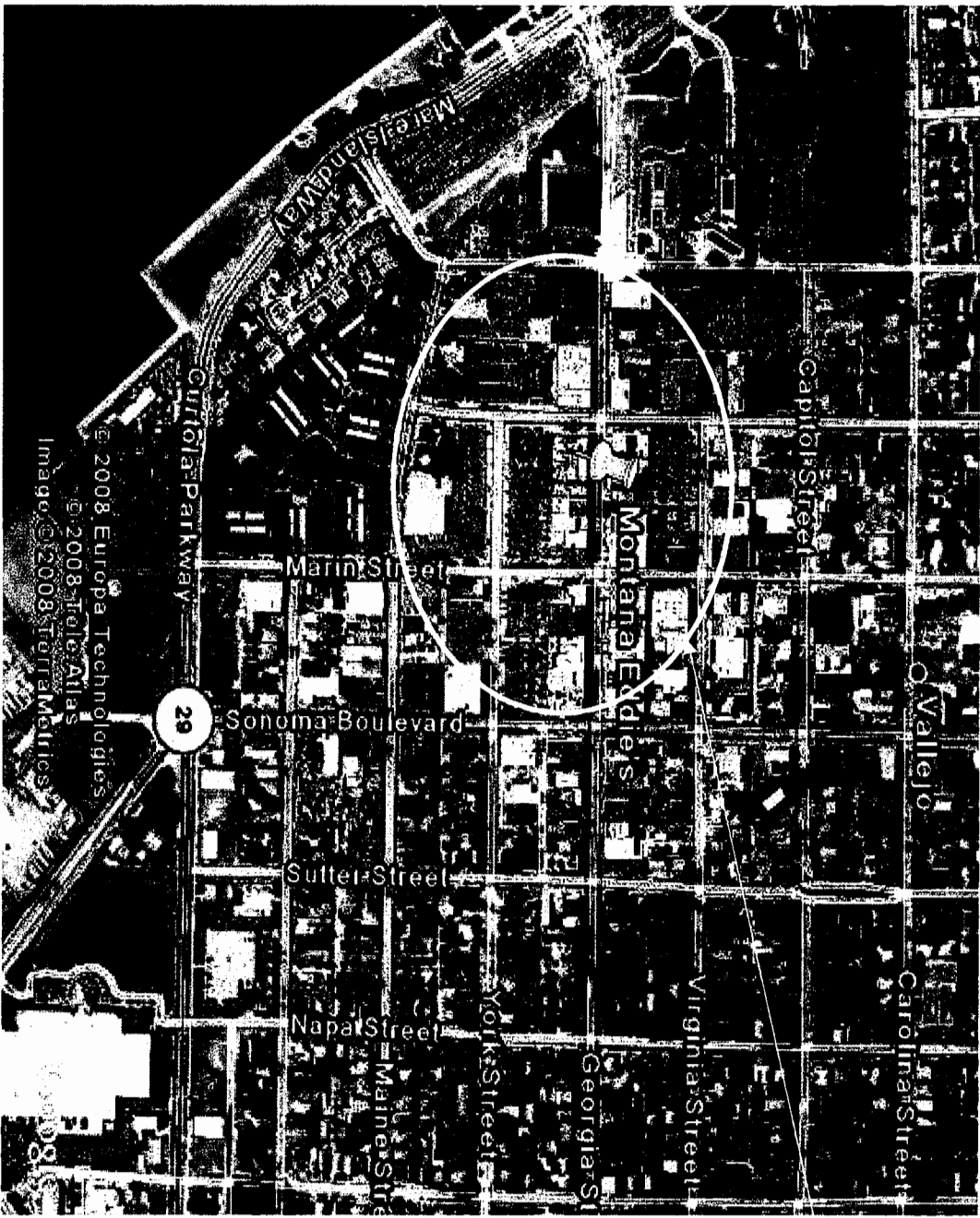
Maneuvers**Distance** **Maps****1:** Start out going NORTH on SANTA CLARA ST toward CAPITOL ST.0.1 miles [Map](#)**2:** Turn RIGHT onto CAROLINA ST.0.1 miles [Map](#)**3:** Turn LEFT onto MARIN ST.<0.1 miles [Map](#)**4:** End at **939 Marin St**
Vallejo, CA 94590-5431, US[Map](#)**Total Est. Time:** 1 minute **Total Est. Distance:** 0.34 miles

Montana Eddie's Family Restaurant



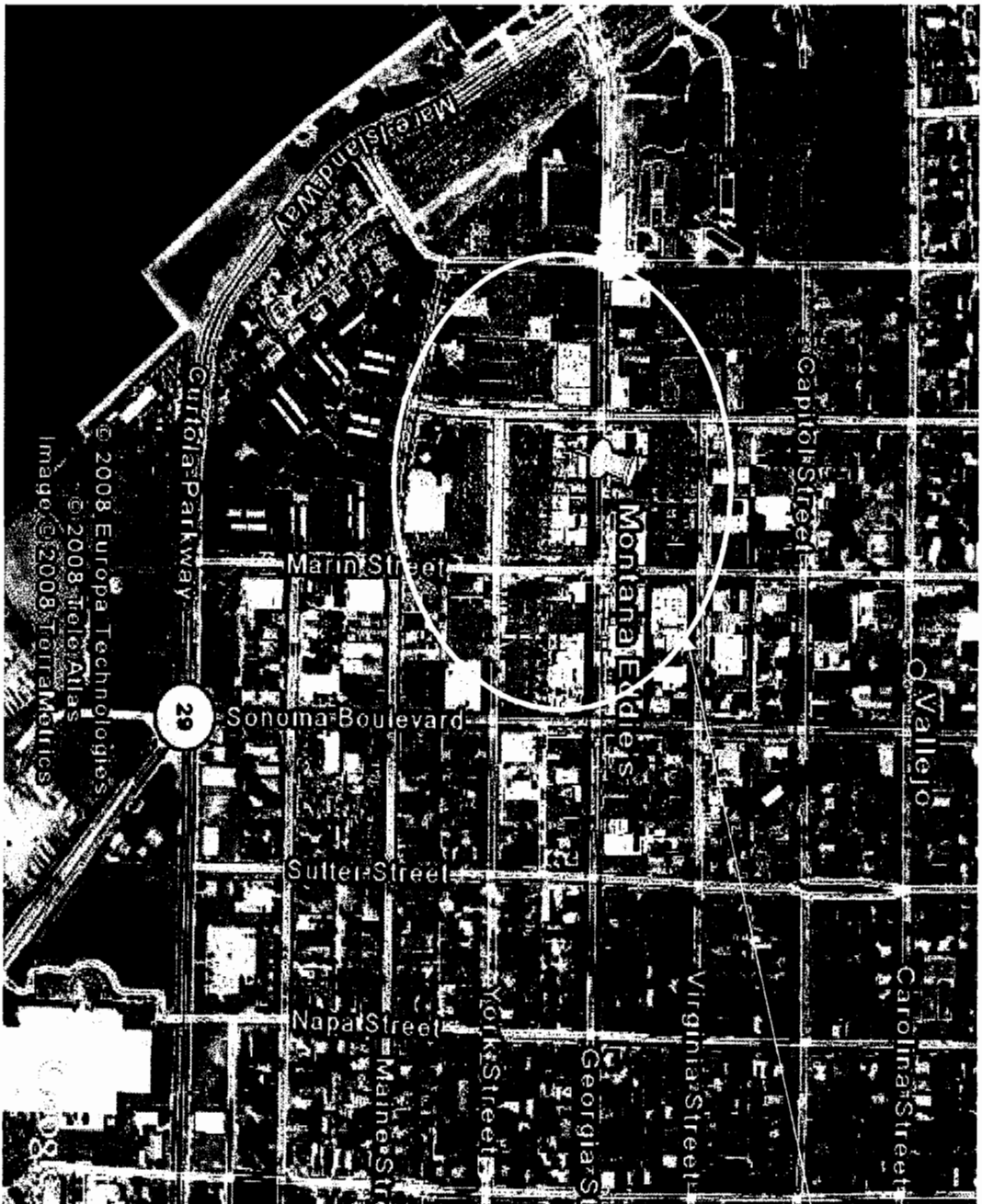
500'
conflict of
interest

Montana Eddie's Family Restaurant



500'
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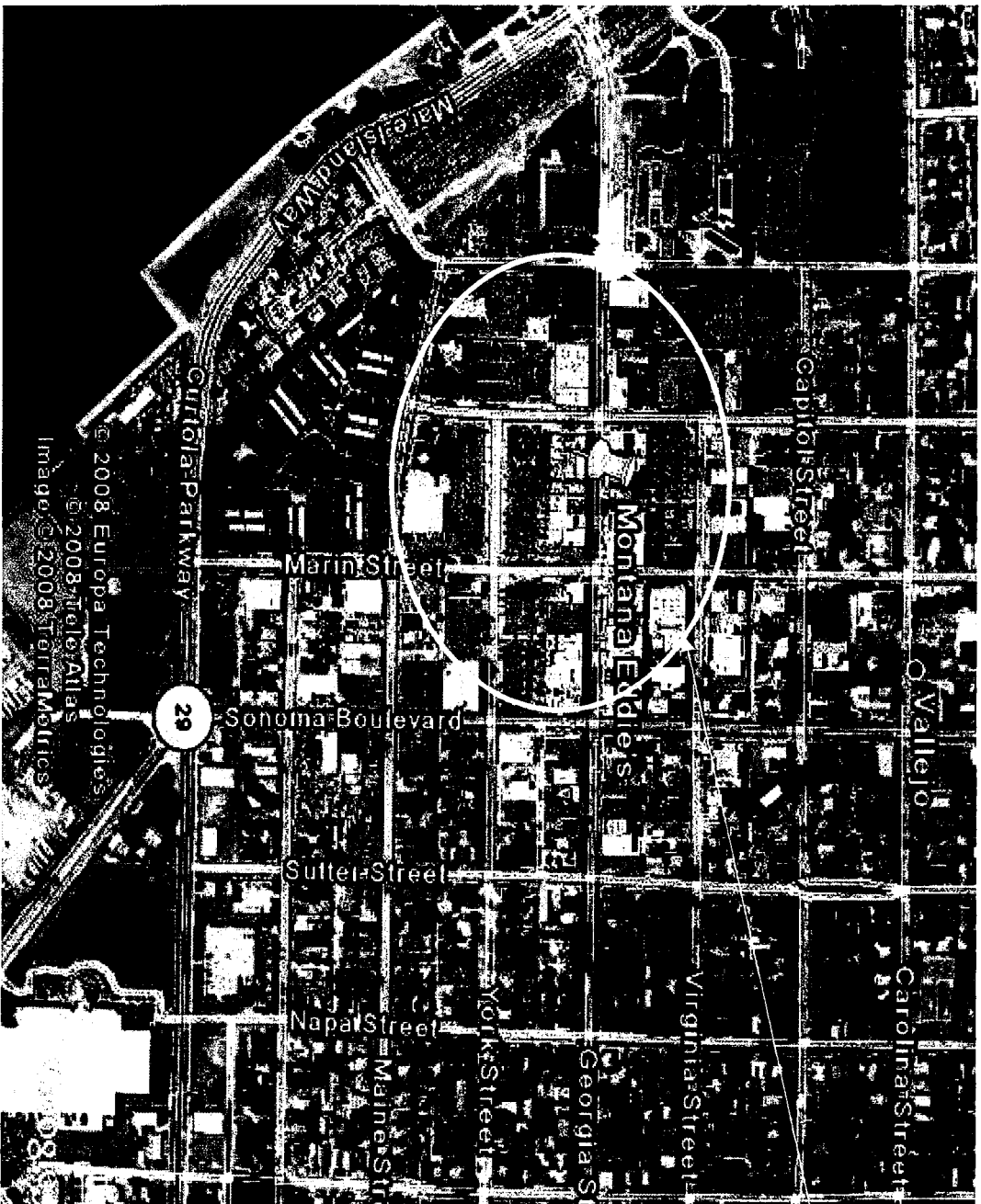
Montana Eddie's Family Restaurant



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Image © 2008 TerraMetrics

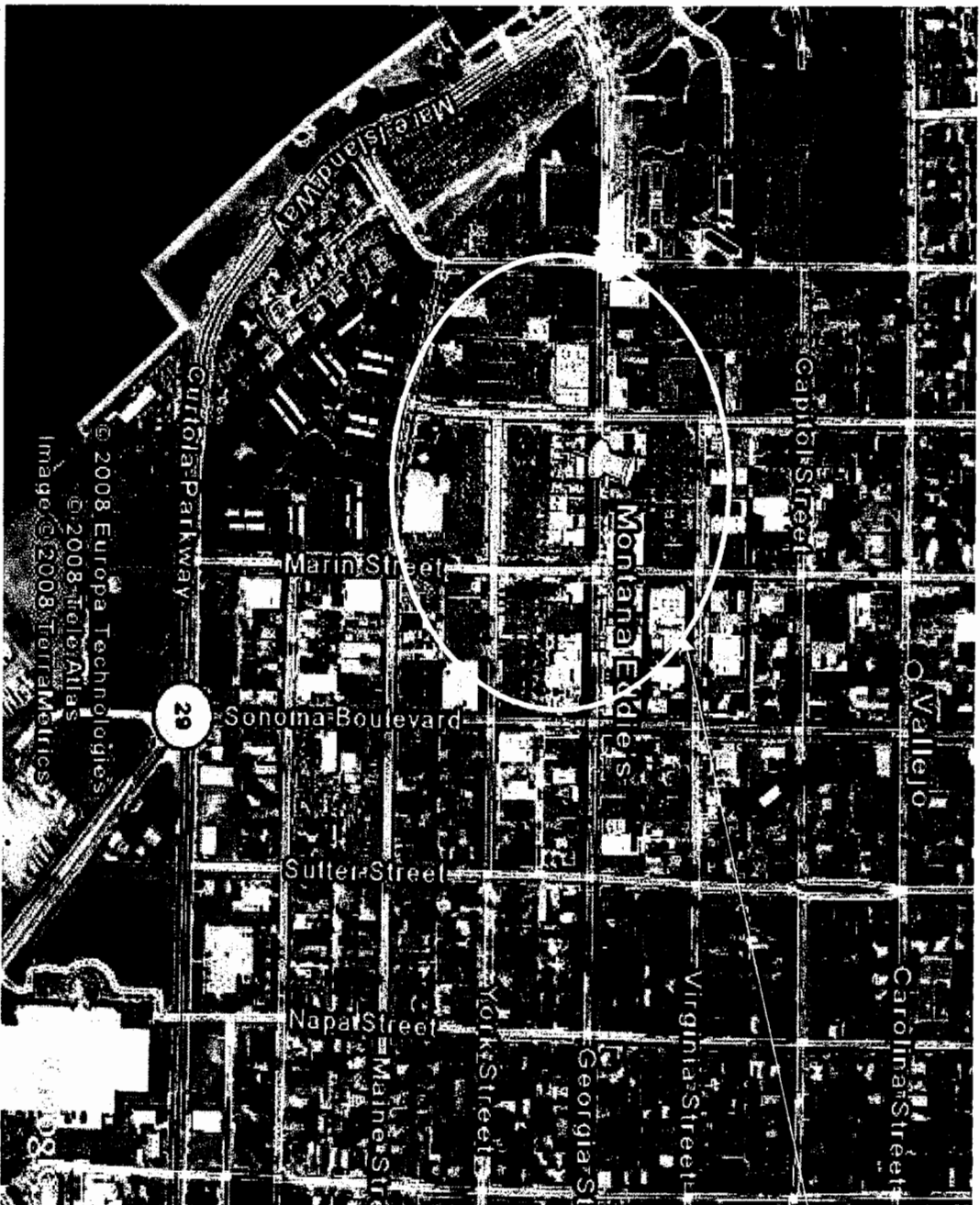
Montana Eddie's Family Restaurant



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conflict of
interest

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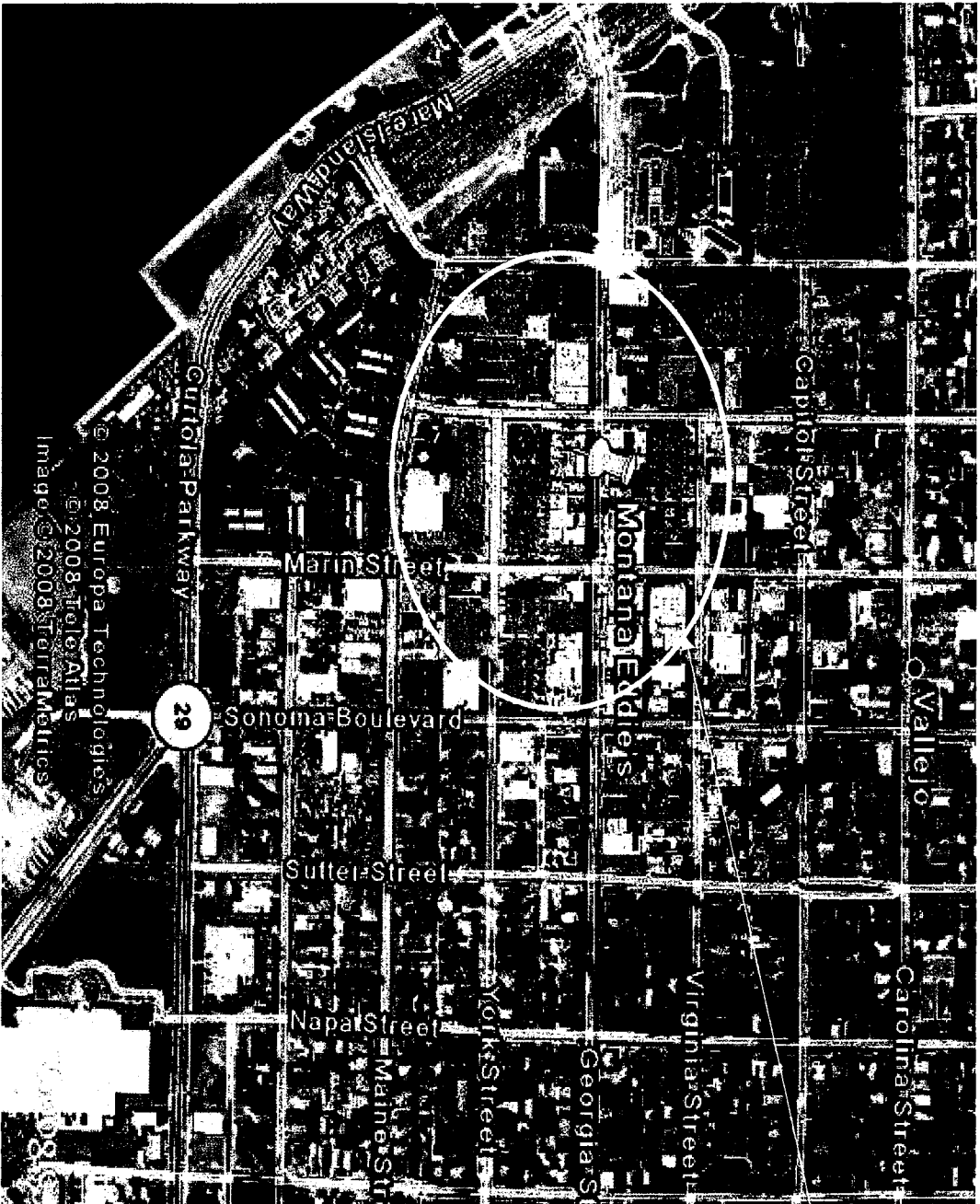
Montana Eddie's Family Restaurant



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interest

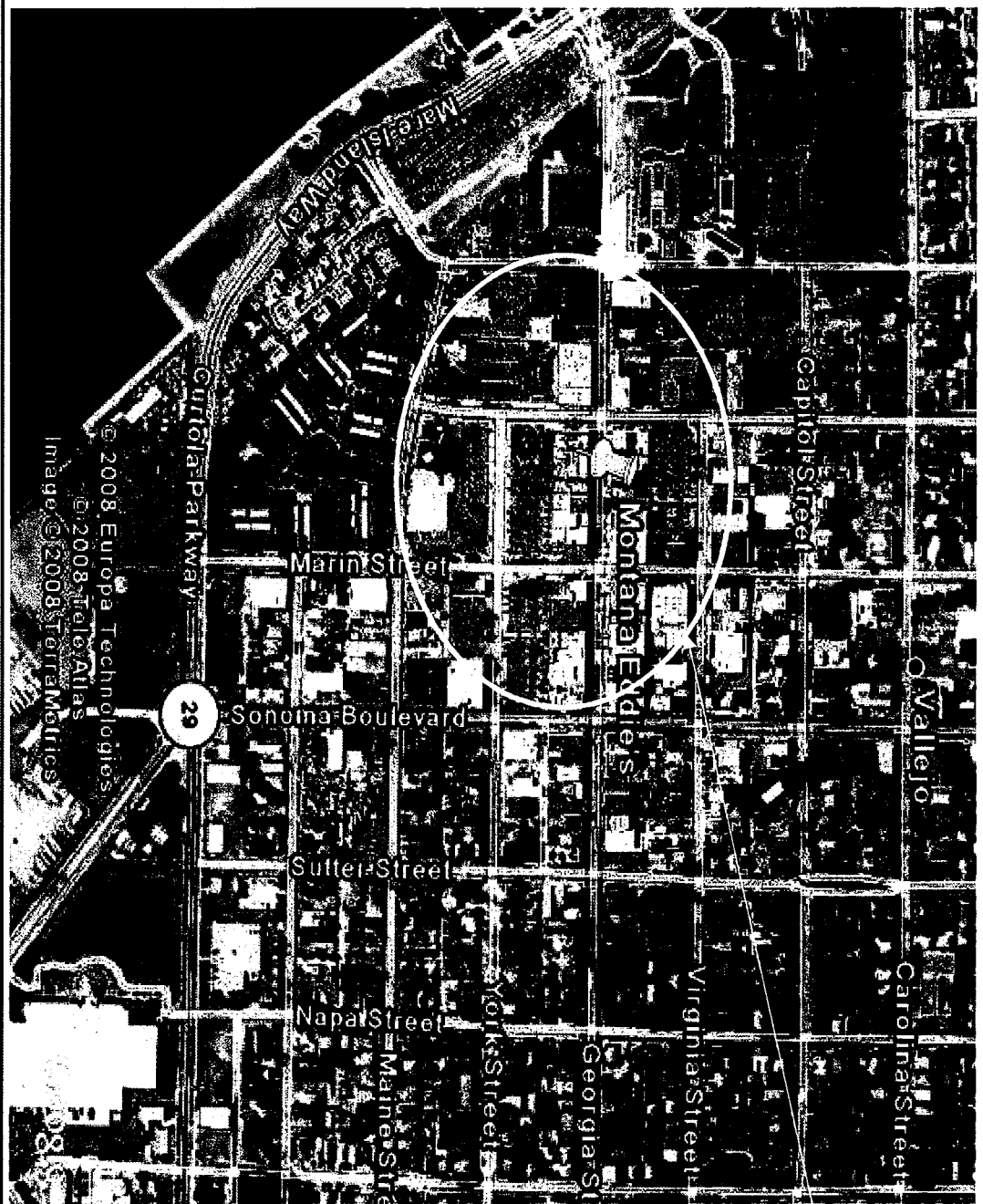
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Montana Eddie's Family Restaurant



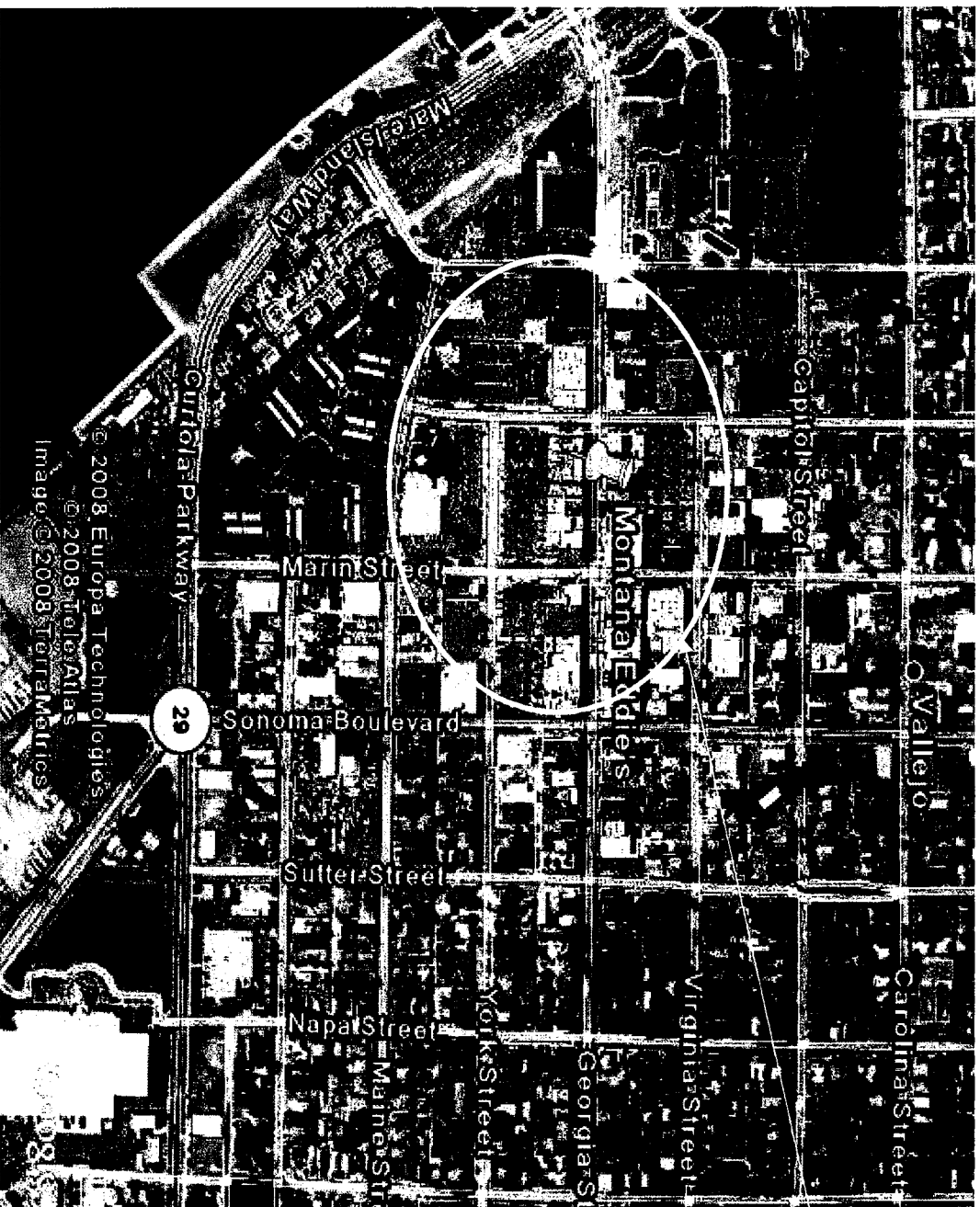
500'
conflict of
interest

Montana Eddie's Family Restaurant



500'
conflict of
interest

Montana Eddie's Family Restaurant



500'
conflict of
interest