

CITY OF VALLEJO PLANNING COMMISSION

Kent Peterman, Chairperson
Gail Manning, Vice-Chair
Norm Turley
Bruce P. Gourley
Suzanne Harrington Cole
Wanda Chihak
Lori Reese-Brown

MONDAY
21 July 2008

7:00 P.M.

City Hall
555 Santa Clara Street
Vallejo, California 94590

Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection on the table in front of Council Chambers during normal business hours. Such documents are also available on the City of Vallejo website at <http://www.ci.vallejo.ca.us> subject to staff's ability to post the documents before the meeting.

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: June 16, 2008.

E. WRITTEN COMMUNICATIONS: None.

F. REPORT OF THE SECRETARY

None.

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 07-0008 is an application to establish a fast-food restaurant with a drive-thru on a vacant pad within the Redwood/Tuolumne Shopping Center. Proposed CEQA Action: Exempt. Staff Planner: Marcus Adams, 648-5392.

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

L. OTHER ITEMS

1. Changing of seats.

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, Legalos, Peterman, McConnell, Turley.

Absent: Manning.

D. APPROVAL OF THE MINUTES.

Commissioner Peterman moved the approval of the minutes of June 2, 2008.

Please vote.

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

NOS: None.

ABSENT: Manning.

It is unanimous motion carries.

E. WRITTEN COMMUNICATIONS

Chairperson Legalos acknowledged that the Commission had received copies of two e-mails that were delivered after the preparation of the packet. One was from Tim Curtin and one was from Carol Treasure. Tim had concerns about parks and open space and Carol asked about a playground area for toddlers and the landscaping around the Mare Island Elementary School. Copies of the e-mails are on the dais for the Commissioners. Michelle Hightower will address these issues in her presentation.

F. REPORT OF THE SECRETARY

None.

G. CITY ATTORNEY REPORT

None.

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

1. Report of the Presiding Officer and members of the Planning Commission. None.
2. Council Liaison to Planning Commission.

Hermie Sunga: Three of the items that you forwarded to the City Council were discussed at the last meeting. Two of those were approved and one has been tabled for the formation of an ad hoc committee that would be consisting of Councilmembers and Planning Commissioners to discuss this issue further. That was the only one that was tabled the other two were approved. Thank you.

3. Planning Commission Liaison to City Council. The bike lane and the tower communications were approved. The one that was not approved and went back to committee was the Landscaping and Fencing Ordinance. Many Councilmembers

had questions about it so it was decided to form a committee of commissioners and councilmembers to explore it.

I. COMMUNITY FORUM

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Chairperson Legalos: I see we have no cards. Is that correct, Ms. Marshall? May we have a motion for approval of the Consent Calendar and the Agenda, please?

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

Chairperson Legalos: Please vote.

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

NOS: Manning.

ABSENT: None.

It is unanimous. Motion carries.

K. PUBLIC HEARINGS

Tentative Map 06-0006 is an application for a residential subdivision in Mare Island Development Area 4B/4C.

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

Don Hazen: I just wanted to state that you have been given, this evening, suggested revised conditions that contain red strikeouts. I wanted to apologize for getting those to you at the last minute. We have been working with Lennar closely up until about an hour ago finalizing these. For the most part you will find that these conditions are for clarification purposes so that we can coordinate the implementation of these conditions as we move forward. City Engineer, David Kleinschmidt, is also here to go through these if you would like but I think we can characterize most of these as edits for clarification. We are certainly able to go through these if you would like. With that I will turn it over to Michelle. Thank you.

Michelle Hightower: *Michelle showed a PowerPoint presentation.* This is a tentative map that is being proposed by Lennar Mare Island, the Master Developer for Mare Island. As the Master Developer they are responsible for subdividing property for future ownership. The project area that is being subdivided is within the Reuse Areas 4B and 4C. That is the Historic Core and the Farragut Plaza area. It contains the historic Captain's Row of mansions and

also the Q-Quarters. They are existing duplexes on the Island. The area is generally developed and landscaped. There are many residential areas to the west and Chapel Park is located to the south. The east side of Alden Park is also located there and you have industrial areas to the west as well. The proposed subdivision provides building footprints for existing buildings as well as future buildings that are proposed for the area. 71 lots are going to be created for the existing and new construction. 71 single-family homes will be available and 4 multi-family units giving a total of 75 units. It is important to note that currently the Historic Mansion Homes that are fronting Walnut Avenue, some of them are being used for mixed use, two are being used as a museum and for special event purposes, and one on the corner of Kansas and Walnut is being used as a Welcome Center for the Lennar homes. The Q-Quarters are located along Azuar Drive. They are duplexes and will be subdivided into 20 parcels. 20 lots will be created ranging from 49,000 to 95,000 square feet. New garages will be allowed to be constructed in the rear of Q-Quarters. Also, as part of the development Q Cottages would be created. The existing 10 Q garages will be demolished and 20 new duplexes will be constructed. 20 new lots would be created ranging from 4,400 to 9,400 square feet. It is important that the design of the new Q Cottages be aligned with the Q-Quarters in the front. Oak Lane is the street that divides the Q-Quarters from the existing mansions on Walnut Avenue. This would be retained as a two-lane street. There would be a private alley with sidewalks on one side only. Two parking lots would be created. Also along Azuar Drive Quarters S, F, and 133 would be retained and three lots would be created to subdivide this area. Also, on the corner of Kansas and Azuar Parcel A would be created. On parcel A currently there is a single-family home. That single-family home would be relocated to the rear of one mansion. There is also a garage on this parcel that would be demolished. In its place one parcel would be created that would be approximately 29,000 square feet. A new four unit mansion townhome would be constructed similar to the one shown here across the street. Along Walnut Avenue are the historic officer's mansions. 15 lots would be created for these buildings that range from 12,000 to 9,500 square feet. Eight garages to the rear of the mansions would be demolished. Nine would be reused. Six new garages would be constructed to accommodate residential activity for the mansions. For Walnut Ave, the goal is to retain the historic sidewalks and also to retain travel lanes and add one parking lane which would be on the west side only. In the rear of the mansions we would create mansion cottages. These would front Oak Lane. 13 lots ranging from 7,000 to 16,000 square feet would be created. This would include one lot where there is an existing small cottage that would be retained. Two homes would be relocated to this area. 10 new lots would be created for new single-family homes.

A couple of issues concerning this issue are that we want to make sure that parking for the Q-Quarters is going to be provided so we do have a condition of approval that states that prior to the final map recordation, the design of the Q-Quarters garages be submitted. Also, we have a change for one of the conditions that the parking for the mansion. Currently the mansions are for mixed-use, commercial, office, and are not being used for residential areas or activity. Should these homes be converted to residential activity we want to make sure that the garages are constructed so that they comply with the zoning. We have a special condition that says that within three years of residential use for the mansions they have to construct a new garage.

Also, as part of the proposal, one of the streets currently carries two-way traffic that would be closed. That would be Eight Street. It would be closed to public traffic and be used for a driveway. Originally we had requested that the applicant, provide a gate to prohibit public access to the street. After further

consideration and discussion with the applicant we decided to make sure that signage is placed on Oak Avenue and Walnut Avenue. That, should the private property owner, which is actually the City of Vallejo, decide to put up a gate we could do so. Lastly there are several clarifications in the conditions for the Public Works Department as well as for the Water Department. Those are just merely clarification; nothing extreme that changes the premise of the condition is listed. David Kleinschmidt is here to answer any questions regarding that issue.

Chairperson Legalos opened the Public Hearing.

Tom Sheaff: I think that one of the key things to emphasize with you this evening is that this completes a neighborhood on Mare Island, actually the Azuar corridor. Many of you know on one side of the street we have developed some residential and we sold that land to builders and they have developed or are in the process of working with both the Success Center and the school in order to complete the landscaping at those locations. We have sold six of the eight historic homes on Azuar and some of those are currently being renovated. If you have seen them at all, those owners have done a great job with those buildings.

Also, I so want to address one issue right up front and that is that since I was before you the last time our venture on Mare Island, including its parent, has filed for bankruptcy. I do not want to skirt that issue or sweep it under the rug because it is a serious issue. One thing I can tell you though is that we continue to move forward. This is as a result of negotiations regarding financing that had been underway for a long period of time and unfortunately did not come together. As a result, we elected to file a voluntary petition of bankruptcy one week ago. We have met with the City on a couple of occasions and stressed the fact that we will continue to move forward. I think tonight is evidence of that. We will continue to work on planning and entitlements. We will continue to lease space for new and expanded businesses on Mare Island. Environmental clean-up funds are not impacted by Chapter 11 filing. We still continue to conduct day to day operations on Mare Island. I wanted to make sure that you were aware of that and make sure the City was fully informed as best as I can anyway this evening as far as that particular issue goes.

A couple things that come up in regard to this area. Number one is probably the most intense area when it comes to historic resources and also archeological issues. All of those are being worked through. It is an area that has a medium density to it which is consistent with the Specific Plan that was approved a year or so ago. We plan on making the architecture and scale, certainly consistent with the development that is currently in place. One of the questions that we always get is its just another residential map. For the most part that is true although some of the properties in this area can certainly be used for commercial purposes which is what some of them are currently being used for today. The status of the commercial maps is that we continue to move forward with those also. Many of those, unfortunately, continue to be impacted by the environmental clean-up and the lack of speed with which we are getting the No Further Action letters from DTSC. On May 5, you will recall I made a presentation to you where I highlighted that issue to you and updated you on the ability for LMI and the City to work together with DTSC to keep many of those areas moving forward. Finally as a financial analysis, our financial projections on this area indicate that, with the amount of construction that will come from the approval of this and the amount of infrastructure that will be required, prior to the final construction of these areas, is approximately \$1,000,000,000 in fees to the City of Vallejo along with approximately \$375,000 per year with ongoing taxes, CFD

and other revenue to the City. I am available to answer any questions. Thank you.

Commissioner Turley: I have a couple questions that need to be answered before I can ask the question that is really on my mind. What is the approximate price of the new homes?

Tom Sheaff: We have estimated those, depending on, there are several products in this area, from existing Quarters on Azuar Dr to the Mansion Buildings on Walnut. There is some new construction planned on Oak Avenue. The approximate pricing would be from \$300,000 to \$800,000.

Commissioner Turley: \$300,000 to \$800,000.

Tom Sheaff: Yes. Our financial analysis is based on those numbers.

Commissioner Turley: Could you tell me the approximate value of the mansions?

Tom Sheaff: They would certainly be on the high end. I would estimate those to be closer to \$800,000.

Commissioner Turley: About \$800,000; OK.

Tom Sheaff: If you will allow me to make one clarification. Those mansions are in varying forms of condition. Some are in poor condition. Some have foundation problems. Some are in excellent condition. It will vary across the board.

Commissioner Turley: Approximately how much improvement would it take to bring those mansions up to speed?

Tom Sheaff: Well to bring them up to code to a level where they could be occupied I would guess, based on previous renovations, would be anywhere from tens of thousands to several hundred thousand dollars.

Commissioner Turley: Tens of thousands to several hundred thousand dollars?

Tom Sheaff: Yes, sir.

Commissioner Turley: My third question is to kind of open it up to my fellow Commissioners. The houses would be between \$300,000 and \$800,000. The mansions might be somewhere around a million and a quarter to a million and a half. Now, my question is, do we have any trouble with compatibility? Do we want to mix \$1,500,000 house with \$500,000 houses? That is my only problem; only question.

Don Hazen: Let me try to jump in on this one first. The units in question are required by the Specific Plan to remain. That is not really a discretionary decision on your part this evening. You are really just looking at the criteria for a tentative map. What Michelle has said is that those units are consistent with the Specific Plan and we would obviously encourage financial investment to renovate those structures but regardless of what the cost is to renovate, that is really not the criteria this evening for the map review; just consistency with the Specific Plan is what you are looking for.

Commissioner Turley: Thank you.

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Chairperson Legalos closed the Public Hearing.

Michelle Hightower: I wanted to address the two e-mails. The first one is regarding the acreage on the Island with respect to recreation use. The question is where is the 10 acre area, what is the scope of schedule, and for area 6 where is the open space. I will address these questions individually and provide detailed information to the inquirer. The other inquiry is about a playground area for toddlers and concern for basic recreational services on the Island. They would like to request that Lennar make a substantial contribution towards landscaping and beautifying the area around the school. That is a condition that, you as a Commission, can impose on the developer.

Commissioner Peterman: I actually have two things. First of all in regards to what Commissioner Turley said, there are already some very high-end houses on Mare Island so I do not think they would be incompatible with the mansions. I would also like to ask Mr. Sheaff a question, if I could.

Chairperson Legalos: I will reopen the Public Hearing.

Commissioner Peterman: I know that one of the mansions, Ms. Hightower talked about, is owned by the Historical Society and is for gatherings. I know, I have been to them. Will that remain as part of their mansion or will they have an opportunity to buy or what will happen with that.

Tom Sheaff: I should have clarified that. Pursuant to several agreements that have been put together by the City of Vallejo and LMI over the last 10 years, Quarters A and Quarters B, both, will be transferred to the City of Vallejo, who will then, in this case, most likely, if everything remains the same, sublease or lease that to the Mare Island Park Foundation. That transfer will occur at no cost.

Commissioner McConnell: I want to thank you and Michelle for a quite thorough application. It helped resolve a lot of concerns we had. Just one observation, more than anything else, I realize this is not the unit application that be brought before the Commission at some point when the actual types of structures are going to be considered. But I do have some concerns about the size of the lots. This is a rather grand area of the Island. Some of these lots are relatively small. Since they are going to be small I would urge you and Mare Island to at least not only make the units to be designed compatible but of extremely high standards. This is an area where public comes to, to see something that is spectacular. We need a spectacular area on the Island. The only way we can really have that is if the architecture surpasses what is there already. When you do submit the unit application I am asking that you submit a very grand design. Thank you.

Commissioner Harrington-Cole: When you transfer Quarters A & B to the City, can you tell me, are they on the low end of condition or on the high end of condition? Are they in fairly good condition or are they going to require that the City put some major funding in them?

Tom Sheaff: The good news is that Quarters A & B have been occupied almost continually from the day that the base closed. There was very little down time. Therefore the conditions of those Quarters are pretty good. I do not have the benefit of a formal inspection, I only have the benefit of having a little bit of experience about what happens if there are not any occupants in the buildings. That means that the temperature is either high or low. Moisture problems can

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occur. If there is a leak in the building, sometimes you do not realize it immediately. From that standpoint I think that Quarters A & B are in pretty good shape. I think the Mare Island Historic Park Foundation does a very nice job with the maintenance and repairs. All of these homes are going to be subject, at one time or another, to some capital improvements that will be expensive but as far as I know A & B are in pretty good shape.

Commissioner Harrington-Cole: The little house on the corner of Kansas and Azuar that you are going to move onto Oak; are you doing that so you can keep high density housing in one area or is there another reason for moving that house?

Tom Sheaff: The main reason for moving it was a little bit of consistency in terms of the structure across the street. To be able to get some density that we had lost on other places of the Island. It really is not much more complicated than that.

Commissioner Harrington-Cole: It seems like a lot of work to move it. Is it not a lot of work to move a house?

Tom Sheaff: The first few were a lot of work to move them but we have a team that has gotten a little bit better at it over time.

Commissioner Harrington-Cole: The last thing is a very small thing but on the corner of Azuar and Railroad there is a very nice Magnolia tree. One of the things that you notice as you go through Mare Island is all the new construction is pretty small tree; not a lot of shade; not a lot going on. If there was any way you could save that Magnolia it would be very nice. The rest of them are pretty junky.

Tom Sheaff: Azuar and Railroad; I am not sure I know where that tree is exactly. However, let me just say that the trees and the landscaping are probably one of the top features of, not only this neighborhood, but also Mare Island in general. The preservation of trees is very critical. We have lost a few during construction. Unfortunately, several mature trees we have attempted to transplant, many of those have been successful, others have not been successful but if there is a specific tree that anyone would like to see preserved, undamaged, so on and so forth, the very first thing would be to ask us specifically and we would be able to tell you where it is in the plan.

Commissioner Gourley: Just a comment on the report done by staff. I think they deserve a compliment, both staff and the applicant. I just did some quick math, in the conditions asked for by the Planning Department, working with staff and the developer, there were 171 conditions highlighted for us including those from all the other departments and agencies. VSFC had not only issues with sewer but storm drains. I just think it shows a good cooperative effort and I would hope we move on with it.

Chairperson Legalos reclosed the Public Hearing.

Commissioner McConnell: There are four requests put forth in the staff report. Do you want those made a part of the motion?

Michelle Hightower: Yes.

Don Hazen: I wanted to ask David Kleinschmidt if there were a couple conditions that he was going to be asking for some discretion to modify at the staff level.

I was not sure if you had done that.

David Kleinschmidt: I was waiting for the appropriate time to jump in but thank you for the intro. The applicant and staff worked right up to the meeting time going through the 170+ conditions and comments that we had in trying to ensure that both the City and the applicant were comfortable with the exact language. You have some minor clarifications that we have listed and made over the last six or seven hours. We ran into a problem with VSFCO conditions #4 & #5. No one from that department was available that was in a position that could advise us. The sewer and the storm drain system that are within this map area are very complex and old. They are going to require a lot of coordination between VSFCO and the applicant to make it work. VSFCO attempted to make their conditions clear but there are some conditions that are outstanding. What I would like to request is that you would allow staff to make technical clarification to VSFCO conditions once the people we need are available tomorrow or towards the end of the week so that we are clear from a technical standpoint what their expectations are. They are not going to materially change what the end result is. I wanted to make sure we were transparent in asking your permission to make those technical and fine tuning edits.

Don Hazen: I want to ask for follow-up from David on the number of the conditions.

David Kleinschmidt: Conditions #4 and #5 on page 15 and minor changes for clarification on others.

Commissioner McConnell: One of the concerns I have with the request is that this is a Vesting Tentative Map application. This will grant to the applicant seeded rights. You are requesting that we approve this as a vesting map with changes in conditions 4 & 5 on page 15 of Attachment A-1. Condition 4 indicates that, "The existing sanitary sewer and storm drain system that remains for the operation of Mare Island by the US Navy, are both in very poor condition. Most of these remaining systems are at the end of their usable lives. The existing sewer on Mare Island is a large source of infiltration in inflow (I/I) leaking into the VSFCO sewer collection system and will need to be disconnected and abandoned, or rehabilitated, or replace to meet VSFCO standards." Yet if we approve a Vesting Tentative Map, I don't know what rights we are granting to the applicant. It causes it to be a little bit vague. What is it specifically about Condition 4 that you wish to address?

David Kleinschmidt: One of the things that both the applicant and the City has worked very hard on is establishing a Reuse Plan to try to utilize any facility that is in good enough shape to remain in place. Although both of us acknowledge the poor condition, there are opportunities to where we can reuse things and, specifically, Item 4, the last sentence, that the facilities need to be rehabilitated or replaced to meet the VSFCO standards, with no mention to the work and the recommendations for reuse. We sometimes have to take these conditions very literally and want to provide the flexibility that if there is an opportunity that reuse for some of these facilities is possible, that we are not necessarily meeting the rehabilitation and replacement of the facilities per the District's standards. That in particular is where we got caught up so we are trying to acknowledge all of the work that has been done in the past on the previous studies for reuse of facilities and not box us in and ignore all of that work that has been done and make it to be required to be completely rehabilitated for the District standards.

Commissioner McConnell: And, Condition 5, what is your concern on that one?

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There is a suggestion here that a possible solution may be to have the two Q-Quarters served by a private common lateral that runs in an easement between the two downstream units. Common laterals are not normally allowed, so what are we approving if it is a vesting, tentative map with respect to this language?

David Kleinschmidt: The opening sentence, I think, is what we are approving but then reserving the right to comment on the proposed storm drain and sanitary sewer alignments on private property. They go on to say, here's a possible way to do it.

Commissioner McConnell: If we approve a Vesting Tentative Map, it gives the applicant rights as of the moment of approval. You can't later say, well, they get to comment on it and change it later on. That doesn't work that way. My suggestion might be to approve all of the conditions that you are asking for except reserve for further Commission action, comments from VSFCD on Points 4 and 5 so that we don't hold up this whole process.

David Kleinschmidt: That is definitely one option that we can choose. Technical details on the improvement plans do change as we go through the process. I think the rights that the Vesting Map is giving that we are allowing or dictating, are covered more generally in the fact that the system has to meet certain standards. The technical means by which we meet those sometimes gets added into here and we have to be careful on the specific language. We might need to defer to Mr. Hazen or legal counsel to give a recommendation as an alternative.

Claudia Quintana: Thank you. I wanted to say that Commissioner McConnell's point is well taken I believe with regard to whether or not this particular section might be seen as vague, however, I feel that if the applicant can live with it; in many projects we never know exactly what is going to happen, and there is a certain element of not having all of the ducks lined up in a row, and this is perhaps one of those ducks that we might have to single out later. So, if the applicant can live with having Mr. Kleinschmidt tell them later (the VSFCD), what the specific standards are going to be, I think that might be one solution. I don't think it would be a good solution to come back and find the Planning Commission just discuss that one Condition of Approval, because once the Commission decides thumbs up or thumbs down on the Vesting Tentative Map, then it loses jurisdiction. You can't come back at a later point to come up with additional Conditions of Approval. So, I think that the Staff's recommendation is probably well taken. We don't know everything right now. We don't what the standards are going to be right now. If, two days from now, they turn out to be completely outrageous, then I think the applicant can appeal at that point. If they turn out to be reasonable, then we can just go ahead with the project.

Commissioner McConnell: Mr. Sheaff, what do you want to do?

Tom Sheaff: I think if you just take a look at these two conditions, you will see that they are a little bit different than most if not all, the conditions in your package in that they start to recite existing conditions and then sort of move into very specific recommendations, and the struggle that Mr. Kleinschmidt and I had this afternoon is that the two people that were looking at this issue most closely, and this is a very complicated issue. I am not going to go into the details but it required a lot of flexibility on all sides. The two people – the one from VSFCD and the other one an LMI consultant – they were not available this afternoon and so, one of the things that I would say is that at the end of No.4 you see, it says, "or replace to meet VSFCD standards." One of the things that you see in your package that was given to you later today is that many of those conditions were

changed to reflect the Mare Island Specific Plan, and so, if this were to be changed to say, to meet the Mare Island Specific Plan, and I think many of you recall that within the Mare Island Specific Plan, it contains a master infrastructure plan that addresses most of these issues, then I think, as Ms. Quintana says, absent any unknown conditions or big surprises, I think that we could live with that one there, and then I concur with Mr. Kleinschmidt on No. 5 which is that the VSFCDC reserves the right to comment. Again, I have no issue there. It is really the rest of that language that really starts to get into kind of a recital, and this is how we perceive. All we really wanted to do is to touch base with the people who knew the details of this, and it might have been already straightened out by now. This is a very long way of saying that I think that maybe with a couple of comments that I set forth along with whatever Mr. Kleinschmidt would say, I think that we could live with that.

Commissioner McConnell: So, one possible way to correct that would be to add on to Condition E-4, the language as set forth in the Mare Island Specific Plan so we have a specific reference to make our judgment by and then on 5 . . . Mr. Kleinschmidt, do you have any additional comments?

David Kleinschmidt: On No. 5 – it is more about making sure that we understand the recommended details and give respect to the District in not having jurisdiction over them, even adding the sentence in No. 4 about the Specific Plan, I felt that I should give them the courtesy of running that by them before we added it, so again, if it was approved, I would like the flexibility to be able to go through that with them before we make that change and finalize it.

Don Hazen: I also wanted to add that a lot of these conditions are worded more to the benefit of the applicant so that they can understand what some of the possible improvement costs will be so that they can budget for their project. In terms of the findings that you need to make for a vesting map, I'll draw your attention to the first sentence on Condition 5 where it basically is saying that VSFCDC is putting the applicant on notice, saying they reserve the right to comment on the proposed storm drain and sewer alignments. Really, they could have just left it at that, and in terms of the Planning Commission, and what you need to find really, the key finding is that if the map is approved, the City needs to provide infrastructure to each of the lots that are being created and these conditions essentially do that, but then he drifts off into possible methods of doing that but that is really beyond the scope of what you are looking at this evening.

Commissioner McConnell: I would like to make the following motion. I will move to adopt Resolution 08-11, approving tentative map 06006 as governed by Chapter 15.08 of the tentative map of Vallejo Municipal Code, based on the findings, conditions, and recommendations set forth by staff and provided in the resolution as set forth in Attachment A-1, adding to Condition 4-E under VSFCDC with language at the end of the sentence, "as set forth on the Mare Island Specific Plan."

Chairman Legalos: Please vote.

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

NOS: Peterman.

ABSENT: Manning.

Five yes, one no, motion carries.

Vallejo Planning Commission Minutes
June 16, 2008

Don Hazen: Mr. Chair, could I ask for clarification on whether that motion granted staff flexibility to tailor condition 5 to meet those needs as far as the design. It wasn't part of the motion, just for the record.

Commissioner McConnell: I will incorporate that in the motion.

L. OTHER ITEMS

Chairperson Legalos: We will now move on to electing a new chairperson and vice-chairperson. Do we have a motion?

Commissioner Turley: I would like to nominate Gail Manning as vice-chairperson for the next year and chairperson, Ken Peterman.

Chairperson Legalos: Please vote.

1. Election of Chairperson and Vice-Chairperson.

Commissioner Peterman was unanimously elected Chairperson and Commissioner Manning was unanimously elected Vice-Chairperson.

M. ADJOURNMENT

There being no further business to discuss, this session of the Vallejo Planning Commission is now adjourned at 7:52 pm.

Respectfully submitted,



(for) DON HAZEN, Secretary



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

DATE OF MEETING: July 21, 2008

PREPARED BY: Marcus Adams

PROJECT NUMBERS: Use Permit #07-0008
Planned Development (unit plan) 07-0010

PROJECT DESCRIPTION: The use permit/unit plan application is to establish a KFC/A&W fast-food restaurant with drive-thru on a vacant pad within the Redwood/Tuolumne Shopping Center (formerly known as the Flemingtown Shopping Center). The 3,022 square foot building would be located at the southwest section of the Center, with primary access of Redwood Street. Operating hours would be Sunday-Thursday, 10 a.m. to 10 p.m., Friday-Saturday, 10 a.m. to 11 p.m. The proposed stucco wall and columnar parapets are architecturally compatible with the shopping center architecture.

RECOMMENDATION: Approve with Conditions

CEQA: Categorically Exempt (Section 15332) (Class32)

PROJECT DATA SUMMARY

Name of Applicant: Geometra Planning

Date of Completion: June 3, 2008

General Plan Designation: Commercial-Retail

Zoning Designation: Pedestrian Commercial (CP)
Planned Development Commercial (PDC)

Site/Surrounding Land Use:

Site: 2150 Redwood Street
APN 0053-200-820

North: Retail

South: Office/Automotive
East: Restaurant
West: Gas Station

Lot Area: 21,344
square feet

Total Floor Area: 3,022

Landscape Area/Coverage: Not Applicable

Parking Required/Provided: 21 total spaces (1space: 3 seats [62 seat
occupancy])/29 spaces

BACKGROUND SUMMARY

KFC and A&W are proposing establishment of a co-brand fast-food drive-thru restaurant on a currently vacant pad within the Redwood Tuolumne Shopping Center. When the redevelopment of Flemingtown Shopping Center was first approved in 2002, the site was occupied by a building housing a pizza restaurant which was to remain and be modified to match the architecture of the new buildings. Subsequently, it was decided that the building should be demolished and the site graded to facilitate future development of the building pad. The existing KFC located approximately one mile away (991 Redwood Street) will close upon completion of the new restaurant.

USE PERMIT ANALYSIS

Fast-food restaurants which include a drive-through are required to obtain major conditional use permit approval, per Section 16.57.020(K) of the Vallejo Municipal Code (VMC). The two major issues associated with a "drive-through" are hours of operation and traffic circulation.

Hours of Operation

KFC/A&W are proposing operating hours of Sunday-Thursday, 10 a.m. to 10 p.m., and 10 a.m. to 11 p.m. Friday and Saturday. The Police Department has reviewed the application and does not have any issues with the restaurant and drive-through proposed hours of operation. Also, staff did not receive any comments from neighboring property owners in opposition to the proposed hours. Future extension of drive-through hours beyond midnight will require an amendment to the use permit being approved with this application.

Traffic Circulation

Staff received one traffic related comment from a property owner residing on Valle Vista Avenue. The resident was opposed to the project due to the increased amount of traffic that the fast-food restaurant would bring to the

Redwood/Tuolumne intersection and the possibility that more drivers would use Valle Vista as a short-cut to avoid the intersection and access KFC/A&W.

The Traffic Engineer, in reviewing the project, took into consideration the property owner's concerns and had the following determinations:

1. Based on the estimated maximum peak hour trips the fast-food use would generate, the current intersection Level of Service ('B') is not expected to be reduced to an unsatisfactory level ('D' or less).
2. Using Valle Vista to access the new restaurant would not result in any time savings and in fact, would involve a more dangerous left turn maneuver onto Redwood Street than utilizing the signalized intersection.

The Traffic Engineer also conditionally approved the site plan subject to proof of sufficient "line-of-sight" for vehicles exiting the drive-through onto the main driveway off Redwood Street. One drive-through window is proposed with eight stacking spaces illustrated (*eight spaces is the minimal requirement*), which are all located within the subject property (see Attachment 2, Sheet DD1).

Section 16.82.060(J) establishes the following requirements for fast-food restaurants:

-The site shall be located on a major collector or arterial street.

The site is located on Redwood Street, which is an arterial street.

-The proposed location of the fast-food restaurant shall not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, the necessity for turning movements due to the relation of its access to public roads and intersections, or its location in relation to other buildings or proposed buildings on or near the site and the traffic patterns from such buildings; or cause frequent turning movements across sidewalks and pedestrian ways, thereby disrupting pedestrian circulation within a concentration of retail activity.

See "Traffic Circulation" analysis above.

-No fast-food restaurant shall preempt frontage on any highway or public road in such manner so as to substantially reduce the visibility and accessibility of an interior commercial area zoned or proposed for commercial use which is oriented to the same highway or public road.

No frontage of parcels on Redwood Street will experience reduced visibility due to the proposed building location.

-All lighting located on the premises shall be shaded and screened so as to be directed away from all adjoining residentially zoned or developed property.

The photometric plan submitted complies with the City's commercial parking lot light standards and adequately illustrates lighting standards (poles) which screen light from neighboring properties.

- An adequate number of litter and trash receptacles shall be provided on the premises, and the fast-food restaurant shall maintain an off-premises litter collection program within a six-hundred-foot radius of the restaurant to collect packages and containers which have been carried off the premises and improperly discarded by patrons of the restaurant.

Staff will recommend as a condition of approval submittal for review and approval KFC/A&W's litter collection program which shall include, but not be limited to, a map identifying litter pick-up 600' radius area and approximate time(s) of employee pick-up.

-The design of the restaurant structure by its adaptability, absence of trademark architecture, and character shall facilitate its ready conversion to other commercial uses.

The proposed design is consistent with the shopping center architecture and absent the trademark architectural detail of the A&W pylon wall at the east elevation, the design structure could facilitate conversion to other commercial uses.

-The applicant for the conditional use permit agrees to maintain the premises, agrees that if the use of the fast-food restaurant is abandoned and/or becomes a public nuisance, the city may provide for maintenance of the premises and place a lien against the property to cover the cost of maintenance.

This will be a standard condition.

-No fast food restaurant containing a drive-through service facility shall be permitted on lots less than fifteen thousand square feet.

The lot size is 21,344 square feet.

UNIT PLAN ANALYSIS

Section 16.116.100(C) VMC establishes the following design requirement for unit plans:

- The unit plan serves to achieve groupings of structures which will be well related one to another and which, taken together, will result in a well-composed urban design, with consideration given to site, height, arrangement, texture, material, color and appurtenances, the relation of these factors to other structures in the immediate area, and the relation of

the development to the total setting as seen from key points in the surrounding area”

The proposed restaurant, though on its own building pad, detached from the two in-line store pads in the Center, meets the above cited requirement utilizing the following architectural and design elements:

- Contemporary architectural building with decorative parapet crown moulding matching the existing buildings.
- Stucco building material, wall and trim color matching existing buildings.
- Proposed maximum height of 21' consistent with existing maximum building height of 22'6”.

ENVIRONMENTAL DETERMINATION

The proposed project meets the “In-Fill Development Projects” conditions established in CEQA Section 15332.

CONCLUSION/RECOMMENDATION

Staff believes the development of a currently vacant commercial pad within the neighborhood shopping center will help add vitality to the center and will have minimal negative impacts to the center and surrounding parcels.

Staff has determined that the proposed project, as conditioned, is consistent with the City’s General Plan, Zoning Ordinance, and Redwood/Tuolumne Center CC&R’s therefore, staff recommends that the Planning Commission approve Conditional Use Permit #07-0014 and Planned Development #07-0010 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

Conditional Use Permit

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.

Planned Development (Unit Plan)

1. The unit plan is consistent with the intent, purpose and development standards of the master plan (*The master plan requirement was waived per Section 16.116.010(B)(1) VMC*);
2. The unit plan is consistent with the goals and policies of the Vallejo general plan and any applicable specific plan;
3. The unit plan serves to achieve groupings of structures which will be well related one to another and which, taken together, will result in a well-composed urban design, with consideration given to site, height, arrangement, texture, material, color and appurtenances, the relation of these factors to other structures in the immediate area, and the relation of the development to the total setting as seen from key points in the surrounding area;
4. The unit plan is of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area.

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.

Approval of a unit plan shall expire automatically thirty-six months after approval of the master plan unless authorized construction has commenced prior to the expiration date; however, after this thirty-six month period, if said authorized construction has commenced, the unit plan shall expire upon expiration of the building permits.

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 (use permit)
2. Resolution (unit plan)
3. Conditions of approval
4. Development plan package
5. Pictures of site and shopping center
6. Conflict of Interest Map

CITY OF VALLEJO PLANNING COMMISSION

RESOLUTION NO. PC __-__

**A RESOLUTION OF THE PLANNING COMMISSION
APPROVING A CONDITIONAL USE PERMIT APPLICATION
USE PERMIT #07-0008**

KFC/A&W

*KFC/A&W establishment of a fast-food drive-through restaurant at 2150 Redwood Street
(Redwood/Tuolumne Shopping Center)*

APN# 0053-200-820

I. GENERAL FINDINGS

WHEREAS an application was filed by Harman Management seeking approval for a conditional use permit for a drive-through at a fast-food restaurant; and

WHEREAS the City of Vallejo Planning Commission conducted a duly noticed public hearing to consider the application for the Conditional Use Permit on July 21, 2008 at which time 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

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 15332, Class 32 Categorical Exemption, "In-fill Development" 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 1. The Planning Commission finds that applicant submitted a Major Use Permit application for a fast-food restaurant with drive-through pursuant to the City of Vallejo Municipal Code Chapter 16.82 Conditional Use Permit Procedure.

Section 2. The Planning Commission finds, based on the facts contained in the staff report attached herein and 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 site shall be located on a major collector or arterial street.
2. The proposed location of the fast-food restaurant shall not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, the necessity for turning movements due to the relation of its access to public roads and intersections, or its location in relation to other buildings or proposed buildings on or near the site and the traffic patterns from such buildings; or cause frequent turning movements across sidewalks and pedestrian ways, thereby disrupting pedestrian circulation within a concentration of retail activity.
3. No fast-food restaurant shall preempt frontage on any highway or public road in such manner so as to substantially reduce the visibility and accessibility of an interior commercial area zoned or proposed for commercial use which is oriented to the same highway or public road
4. All lighting located on the premises shall be shaded and screened so as to be directed away from all adjoining residentially zoned or developed property.
5. An adequate number of litter and trash receptacles shall be provided on the premises, and the fast-food restaurant shall maintain an off-premises litter collection program within a six-hundred-foot radius of the restaurant to collect packages and containers which have been carried off the premises and improperly discarded by patrons of the restaurant.
6. The design of the restaurant structure by its adaptability, absence of trademark architecture, and character shall facilitate its ready conversion to other commercial uses.
7. The applicant for the conditional use permit agrees to maintain the premises, agrees that if the use of the fast-food restaurant is abandoned and/or becomes a public nuisance, the city may provide for maintenance of the premises and place a lien against the property to cover the cost of maintenance.
8. No fast food restaurant containing a drive-through service facility shall be permitted on lots less than fifteen thousand square feet.

**IV. RESOLUTION APPROVING THE CONDITIONAL USE PERMIT
APPLICATION FOR KFC/A&W's FAST-FOOD RESTAURANT WITH DRIVE-
THROUGH LOCATED AT 2150 REDWOOD STREET**

NOW, THEREFORE, LET IT BE RESOLVED that the Planning Commission hereby APPROVES the Conditional Use Permit application (UP# 07-0008) for a fast-food restaurant with drive-through, 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 21st day of July, 2008, by the following vote to-wit:

AYES:

NOES:

ABSENT:

Kent Peterman, CHAIRPERSON
City of Vallejo PLANNING COMMISSION

Attest:

Don Hazen
Planning Commission Secretary

CITY OF VALLEJO PLANNING COMMISSION

RESOLUTION NO. PC __-__

**A RESOLUTION OF THE PLANNING COMMISSION
APPROVING A PLANNED DEVELOPMENT (UNIT PLAN) APPLICATION
UNIT PLAN #07-0010**

KFC/A&W

*KFC/A&W establishment of a fast-food drive-through restaurant at 2150 Redwood Street
(Redwood/Tuolumne Shopping Center)*

APN# 0053-200-820

I. GENERAL FINDINGS

WHEREAS an application was filed by Harman Management seeking approval for a unit plan permit for a drive-through at a fast-food restaurant; and

WHEREAS the City of Vallejo Planning Commission conducted a duly noticed public hearing to consider the application for the Conditional Use Permit on July 21, 2008 at which time 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 15332, Class 32 Categorical Exemption, "In-fill Development" 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 1. The Planning Commission finds that applicant submitted a Planned Development (unit plan) application for a fast-food restaurant with drive-through pursuant to the City of Vallejo Municipal Code Chapter 16.116 Planned Development Permit Procedure.

Section 2. The Planning Commission finds, based on the facts contained in the staff report attached herein and 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 unit plan is consistent with the intent, purpose and development standards of the original unit plan (*The master plan requirement was waived per Section 16.116.010(B)(1) VMC*);
2. The unit plan is consistent with the goals and policies of the Vallejo general plan and any applicable specific plan;
3. The unit plan serves to achieve groupings of structures which will be well related one to another and which, taken together, will result in a well-composed urban design, with consideration given to site, height, arrangement, texture, material, color and appurtenances, the relation of these factors to other structures in the immediate area, and the relation of the development to the total setting as seen from key points in the surrounding area;
4. The unit plan is of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area.

IV. RESOLUTION APPROVING THE CONDITIONAL USE PERMIT APPLICATION FOR KFC/A&W's FAST-FOOD RESTAURANT WITH DRIVE-THROUGH LOCATED AT 2150 REDWOOD STREET

NOW, THEREFORE, LET IT BE RESOLVED that the Planning Commission hereby APPROVES Planned Development (unit plan) application (PD# 07-0010) for a fast-food restaurant with drive-through, 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 21st day of July, 2008, by the following vote to-wit:

AYES:

NOES:

ABSENT:

Kent Peterman, CHAIRPERSON
City of Vallejo PLANNING COMMISSION

Attest:

Don Hazen
Planning Commission Secretary

CONDITIONS OF APPROVAL
MAJOR USE PERMIT #07-0008
UNIT PLAN #07-0010
(APN# 0053-200-820)

CONDITIONS OF APPROVAL:

Planning Division

1. Prior to final occupancy, submit for review and approval a litter collection program which shall include a map identifying the boundaries for the 600' radius area and approximate time(s) per day employees will collect litter.
2. Prior to final occupancy, provide documentation that all City and third party agencies conditions of approval have been satisfied.

Fire Prevention

1. Submit a numbered list to the Fire Prevention Division stating how each condition of project approval will be satisfied. F1
2. The project shall conform to all applicable requirements of Title 19-Public Safety, 2001 CFC and all VMC Amendments. F2
3. Automatic fire sprinkler extinguishing systems are required for all residential, commercial and industrial occupancies (2007 CFC Section 1003.1.2 added VMC Section 12.28.190) F3
4. Prior to building permit issuance, building construction plans and plans required fire protection systems (automatic sprinklers, smoke alarms, etc.) shall be submitted to Fire Prevention for review and approval. All applicable plan review and inspection fees shall be paid. F4
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) F8
6. Prior to occupancy/final building inspection, install approved numbers or addresses on all building in such a position as to be clearly visible and legible from the street. Commercial occupancies shall have numeral or letters not less than 6 inches in height of contrasting background, and illuminated at night. (1998 CFC Section 901.4.4; added VMC Section 12.28.170) F9
7. 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 Traffic Manual, sign #R26f). F10

8. 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. F11
9. Development sites shall be maintained weed free during construction. (2001 CFC Section 1103.2.4) F12
10. A fire alarm system is required for this project in accordance with section 1006.2 of the CFC.
11. Additional fire hydrants may be required. Submit a complete set of plans for review and approval. All fire hydrants are to have "blue dot" highway reflectors installed on the adjacent street of the driveway to clearly identify the fire hydrant locations. (1998 CFC Section 903, Appendix III-B)
12. A fire hydrant is required to within 100 feet (FDC) and 250 of structure.

Crime Prevention

1. The street numbers shall be displayed in a prominent location on the street side of the property in such a position that the number is easily visible to approaching emergency vehicles. The numbers shall be no less than four inches in height and shall be of a contrasting color to the background to which they are attached. The numbers shall be illuminated during darkness.
2. The street numbers shall be displayed on the roof so as to be visible to law enforcement aircraft at an altitude of 1500 feet. Numbers to be no less than 48" in height and run parallel to the street.
3. Digital camera system to monitor and record activity inside and outside of the business to minimally include the cash register, entrance door and parking lot area.

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. Area within refuse enclosures shall drain to the sanitary sewer system. The outside perimeter of the trash enclosure shall be graded to prevent stormwater from draining into the sanitary sewer system. The trash enclosure shall be covered with a roof or awning.

3. The project, as submitted, was incomplete. The following information that is needed is in bold lettering:

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.

Distinguish between private SS and SD public facilities.

4. Pretreatment of runoff from parking area is required.
5. Fill out pretreatment questionnaire (enclosed).
6. Need to provide a grease interceptor outside of facility.
7. Add VSFCDD SS and SD notes (enclosed) to Sheet DD1
8. On Sheet DD1, correct information on sanitary sewer and storm drainage to "VSFCDD."
9. Show SS lateral, 2- way, District cleanout.
10. Pay plan review fee (enclosed).
11. Add VSFCDD signature block to cover sheet (example enclosed).

Solano County Environmental Health

1. Plans have yet to be submitted. Prior to final occupancy, submit plans for review and approval.

City Engineer

Specific conditions are as following:

1. Submit grading, improvement, utility and landscaping plans for review and approval. Construction plans shall show all existing and proposed improvements. Secure approval of construction plans prior to building permit.
2. Install standard "DO NOT ENTER" (R5-1) sign at the exit of drive through.
3. Proof that car exiting drive through access into main driveway is free of obstacle to block line of sight.
4. Prior to approval of construction plan record a reciprocal access, parking, drainage and utility easement between several parcels share access and parking if one is not exist.

5. Revise existing shopping center address map to reflect changes due to this project.

STANDARD CONDITIONS

Planning Division

1. 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.
2. All graffiti shall be removed from the walls, fences, and/or buildings within one hundred twenty hours of its appearance on the property.
3. Exterior lighting should 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 hours.
4. Exterior noise emanating from the establishment, i.e., menu board speaker, shall meet the City's noise performance standards and comply with the City's Noise Element.
5. Trash receptacles, sixty gallons or less in size, shall be located at convenient locations outside the establishment, and the operators of the business shall remove all trash on a daily basis.
6. In establishments with glass storefronts, windows shall allow for unobstructed interior viewing of the cash register area from the street.
7. 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.
8. 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]).
9. 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.

Public Works

Additional standard comments that may apply are:

- PW1. **HOW PROJECT CONDITIONS SATISFIED.** Prior to building permit issuance, submit a numbered list to the **Planning Division** stating how each condition of project approval contained in this report will be satisfied. The list should be submitted to the project planner who will coordinate development of the project.
- PW2. **PUBLIC IMPROVEMENT STANDARDS.** All public improvements shall be designed to City of Vallejo standards and to accepted engineering design standards. The **City Engineer** has all such standards on file and the Engineer's decision shall be final regarding the specific standards that shall apply. (COV, Regulations & Standard Specifications, 1992).
- PW3. **IMPROVEMENT PLANS.** Prior to building permit submittals, submit three sets of plans to the **Department of Public Works** for plan check review and approval. (Improvement or civil plans are to be prepared by a licensed civil engineer.) Plans are to include, but may not be limited to, grading and erosion control plans, improvement plans, joint trench utility, street light plans, and landscaping, irrigation and fencing plans and all supporting documentation, calculations and pertinent reports. (COV, Regulations & Standard Specifications, 1992 Section 1.1.7-A).
- PW4. **GRADING** Prior to issuance of grading permit, submit a soils report for review. An independent soils and geological review of the project may be required. The City shall select the soils engineer with the cost of the study to be borne by the developer/project sponsor. Site grading shall comply with City Municipal Code. (VMC, Chapter 12.40).
- PW5. **LINE OF SIGHT CRITERION.** In design of grading and landscaping, line of sight distance shall be provided based on Caltrans standards. Installation of fencing, signage, above ground utility boxes, etc. shall not block the line of sight of traffic and must be set back as necessary. (VMC, Section 10.14).
- PW6. **ON-SITE SOILS ENGINEER.** During grading operations, the project geologist or soils engineer and necessary soils testing equipment must be present on site. In the absence of the soils engineer or his representative on site, the **Department of Public Works** shall shut down the grading operation. (VMC, Section 12.40.080).
- PW7. **DUST AND EROSION CONTROL.** All dust and erosion control shall be in conformance with City standards and ordinances. (VMC, Sections 12.40.050 & 12.40.070).

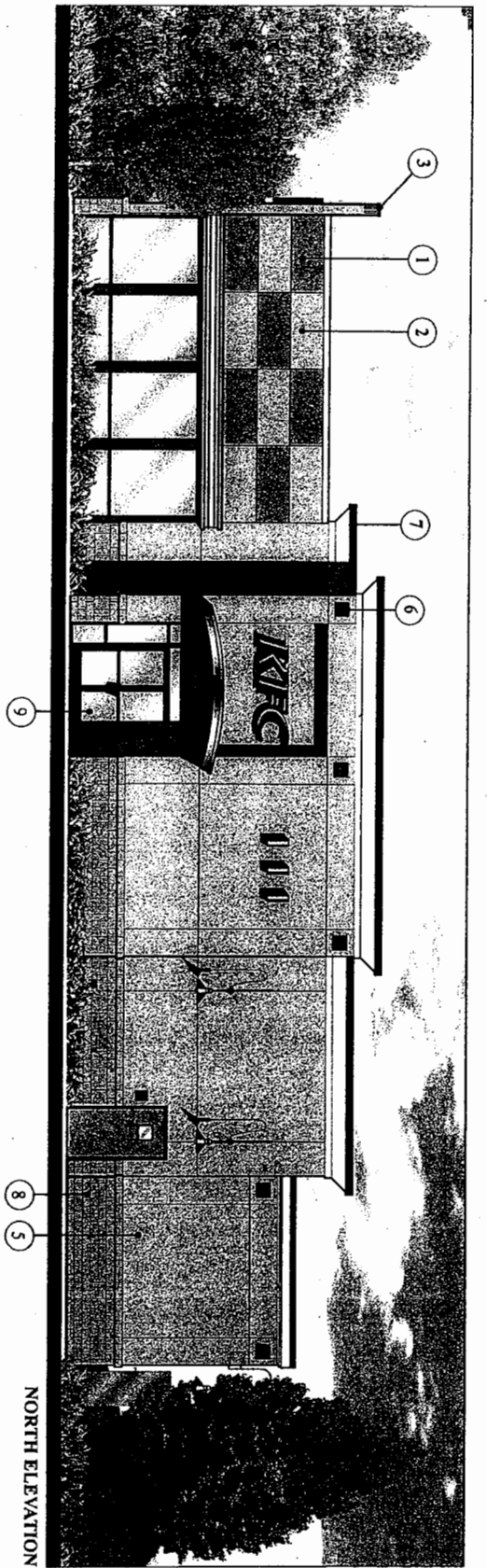
- PW8. **COMPACTION TESTS.** Prior to building permit issuance or acceptance of grading, compaction test results and certification letter from the project soils engineer and civil engineer confirming that the grading is in conformance with the approved plans must be submitted to the **Department of Public Works** for review and approval. Test values must meet minimum relative compaction recommended by the soils engineer (usually at least 90 percent). (VMC, Section 12.40.070-R).
- PW10. **STREET EXCAVATION PERMIT.** Obtain a street excavation permit from the **Department of Public Works** prior to performing any work within City streets or rights-of-way, or prior to any cutting and restoration work in existing public streets for utility trenches. All work shall conform to City standards. (VMC, Section 10.08).
- PW11. **ENCROACHMENT PERMIT.** Prior to building permit issuance, obtain an encroachment permit from the **Department of Public Works** for all work proposed within the public right-of-way. (VMC, Section 10.16).
- PW12. **TRAFFIC CONTROL PLAN.** Prior to start of construction, submit a traffic control plan to the **Department of Public Works** for review and approval. (Caltrans Traffic Manual).
- PW13. **COORDINATION OF CONSTRUCTION INSPECTION.** Construction inspection shall be coordinated with the **Department of Public Works** and no construction shall deviate from the approved plans. (COV, Regulation & Standard Specification Sections 1.1.4 & 1.1.5).
- PW14. **PLAN CHANGES.** The project design engineer shall be responsible for the project plans. If plan deviations are necessary, the project engineer must first prepare a revised plan or details of the proposed change for review by the **Department of Public Works** and, when applicable, by **Vallejo Sanitation and Flood Control District**. Changes shall be made in the field only after approval by the City. At the completion of the project, the design engineer must prepare and sign the "as built" plans. (COV, Regulation & Standard Specification Section 1.1.9).
- PW15. **BONDS AND FEES.** Prior to approval of construction plans, provide bonds and pay applicable fees. Bonding shall be provided to the City in the form of a "Performance Surety" and a separate "Labor and Materials Surety" in amounts stipulated by City ordinance. (VMC, Section 15.12.090, Resolution Nos. 84-554 N. C. and 02-55 N. C.)
- 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).

PW17.SIDEWALK REPAIR. Prior to occupancy/final building inspection, remove and replace any broken curb, gutter, sidewalk or driveway approach as directed in the field by the **City Engineer**. (VMC, Section 10.04).

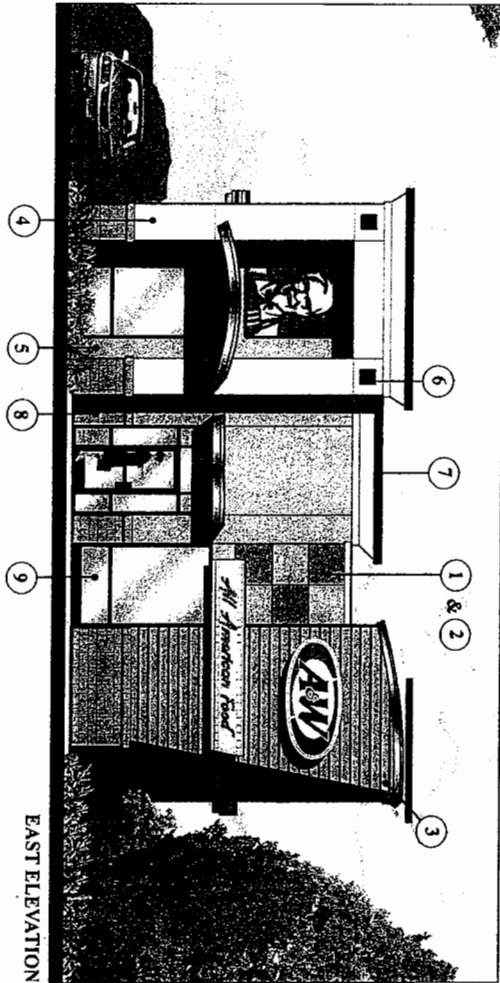
GENERAL CONDITIONS

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.

J/PL/Marcus/2007Permits/UP/KFC(2150redwoodst-0008)cndtns



NORTH ELEVATION



EAST ELEVATION

- 1 SW 200 "SANDERLING" A&W CHECKER BOARD
- 2 SW 2106 "ROW HOUSE TAN" A&W CHECKER BOARD
- 3 SW 1343 "CELLINI GOLD" A&W PYLON
- 4 SW 2123 "KFC WHITE" KFC TOWER WALLS
- 5 BM HC-21 "CONCORD TONY" KFC MAIN WALL COLOR
- 6 BM "HERITAGE RED" DECORATIVE SQUARE ACCENTS
- 7 BM "HERITAGE RED" PLASTER PARAPET BAND ACCENT COLOR
- 8 CMU BLOCK VIZNER D2S BUILDING BASECAP
- 9 CLEAR GLASS ALUMINUM W/ ANODIZED FINISH

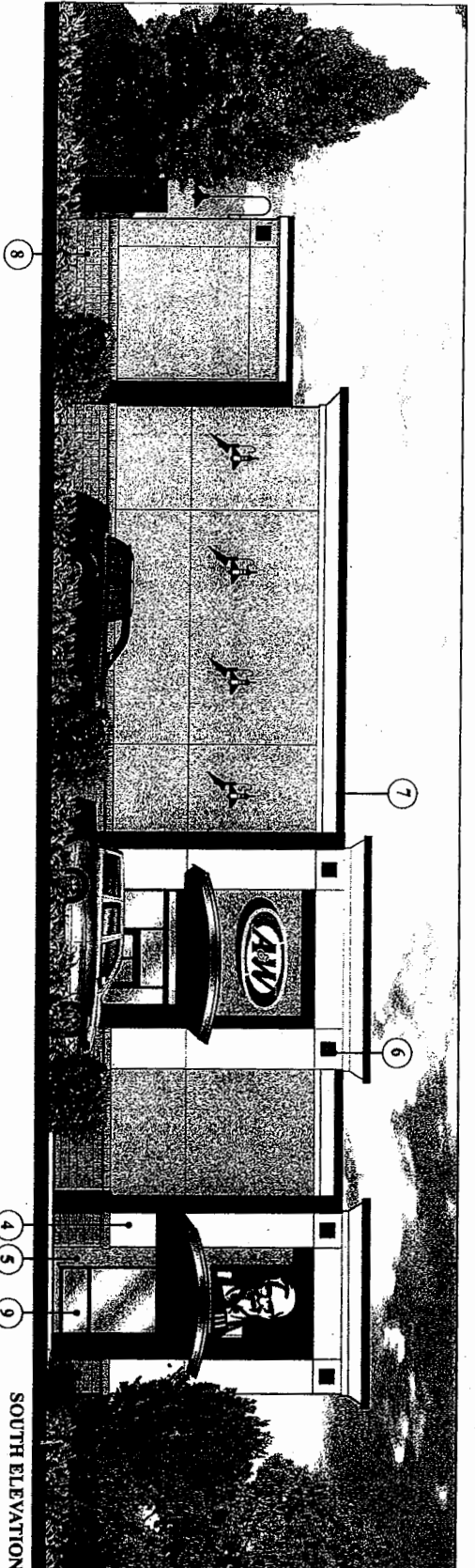
KFC/A&W RESTURANT

DATE 05/21/07

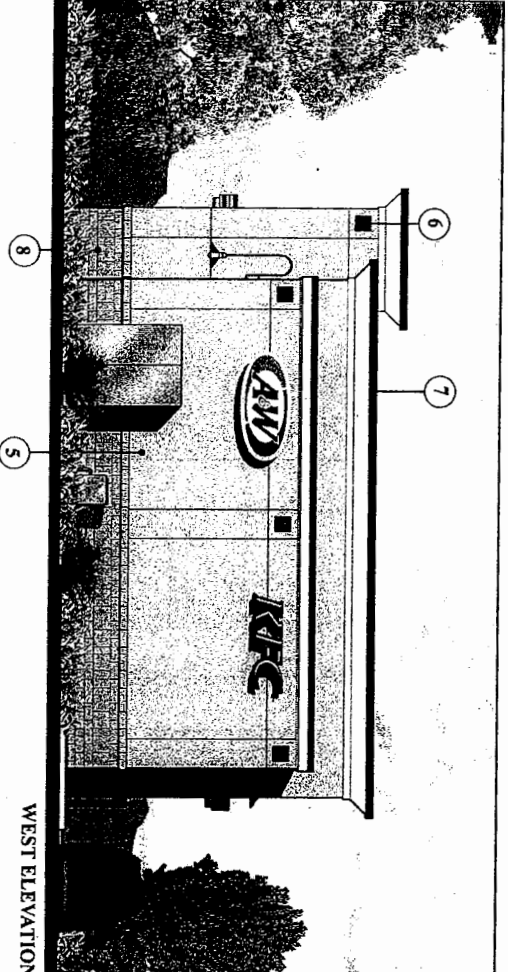
OWNER HARMAN MANAGEMENT, INC.
Los Altos, CA

1740 TUOLOMNE AVENUE
VALLEJO, CA

ARCHITECTS...
VINCENT+MURPHY, INC
SAN RAFAEL, CA



SOUTH ELEVATION



WEST ELEVATION

- 1 SW 2106 "SANDERLING" A&W CHECKER BOARD
- 2 SW 2206 "ROW HOUSE TAN" A&W CHECKER BOARD
- 3 SW 11A3 "CELLINI GOLD" A&W PYLON
- 4 SW 2113 "KFC WHITE" KFC TOWER WALLS
- 5 BM HC-21 "CONCORD IRONY" KFC MAIN WALL COLOR
- 6 BM "HERITAGE RED" DECORATIVE SQUARE ACCENTS
- 7 BM "HERITAGE RED" PLASTER PARAPET BAND ACCENT COLOR
- 8 CMU BLOCK VENEER 0215 BUILDING BASISCAP
- 9 CLEAR GLASS ALUMINUM W/ ANODIZED FINISH

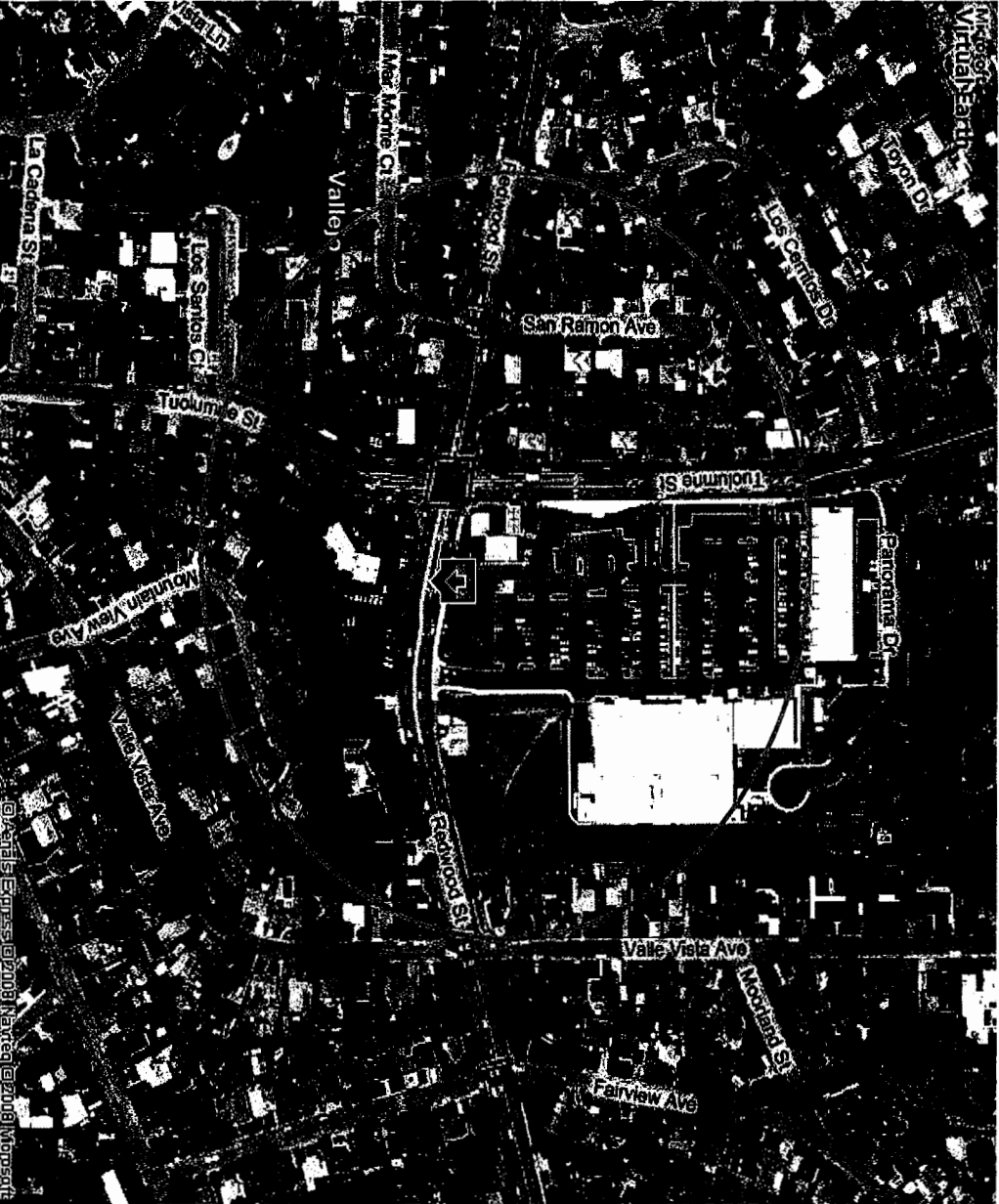
KFC/A&W RESTURANT

DATE 05/21/07
 OWNER HARMAN MANAGEMENT, INC.
 Los Altos, CA

1740 TUOLOMNE AVENUE
 VALLEJO, CA

ARCHITECTS...
 VINCENT+MURPHY, INC
 SAN RAFAEL, CA

KFC/A&W Restaurant (drive-through)



500' conflict of interest map